

**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 205

Held at :

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

Thursday, March 6 2008

Tenue à:

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

Jeudi, le 6 mars 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Janie Larocque	Commission Counsel
Mr. John E. Callaghan Mr. Mark Crane Mr. Peter Manderville	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. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action

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1 --- Upon commencing at 9:38 a.m./

2 L'audience débute à 9h38

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.

10 Good morning all.

11 --- **GARRY DEROCHIE, Resumed/Sous le même serment:**

12 --- **EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
13 **ENGELMANN (Cont'd/suite):**

14 **MR. ENGELMANN:** Good morning Mr.
15 Commissioner; good morning Staff Sergeant Derochie.

16 **MR. DEROCHIE:** Good morning Mr. Engelmann.

17 **MR. ENGELMANN:** Sir, when we left off the
18 other day, we were looking at your report to Acting Chief
19 Johnston and it's Exhibit 1286. Do you have that before
20 you?

21 **MR. DEROCHIE:** No.

22 I do now, yes.

23 **MR. ENGELMANN:** All right. We were looking
24 at some of the background facts, sir, that were set out in
25 your report and in particular, page 2 of the report which

1 is Bates page 7175641.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And in the second-to-last
4 paragraph on the page ---

5 THE COMMISSIONER: I'm sorry, what page
6 again?

7 MR. ENGELMANN: I'm sorry sir, it's page 2
8 at the top right, 7175641.

9 THE COMMISSIONER: Yes, thank you.

10 MR. ENGELMANN: And under the 1989-90
11 complaint and police investigation, sir, you have some
12 continuing facts that you've set out.

13 MR. DEROCHIE: Yes.

14 MR. ENGELMANN: Second-last paragraph:
15 "The Executive Director of CAS was
16 informed that the '75/'76 allegations
17 including allegations of sexual abuse
18 had resurfaced. Ms. Antoine was not
19 satisfied with the outcome of this
20 matter."

21 Now, the person that's being referred to
22 there is Tom O'Brien, is that correct, the Executive
23 Director?

24 MR. DEROCHIE: I believe so, yes. I believe
25 it was right at that turnover when Richard Abell ---

1 **MR. ENGELMANN:** Yes, it was just before he
2 left the CAS and Mr. Abell took over the job?

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** And it says in particular,
5 she was not happy with the fact that the main culprit, as
6 far as she was concerned, in the '75/'76 incident, Bryan
7 Keough, was still employed by CAS.

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** You'd understood sir, I
10 believe, that back at the time when this all occurred,
11 there had been a bit of housecleaning at the CAS, at least
12 staff at the Second Street group home?

13 **MR. DEROCHIE:** That's my understanding, yes.

14 **MR. ENGELMANN:** With the exception of Mr.
15 Keough.

16 **MR. DEROCHIE:** Mr. Keough. I understood
17 that the Board of Directors of CAS had determined that
18 corporal punishment would no longer -- that there would no
19 longer be a place for it in CAS dealings with wards and
20 that there was some resistance by the staff member. And
21 Mr. Keough was the only one that bought into the new
22 philosophy so he stayed. The others left in lieu of being
23 ---

24 **MR. ENGELMANN:** All right. And Ms. Antoine
25 was upset that he was allowed to continue his employment

1 because some of the allegations she had made against him?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: All right. And on the next
4 page of your report sir, you refer to the fact, and this
5 would have been on -- this is in the middle of the page, of
6 a meeting with several people about this matter. I'm
7 looking, it says:

8 "The day previous to Malloy/Bells
9 interview with Antoine, September 25th,
10 Mr. O'Brien met with Deputy Chief St-
11 Denis, Inspector Trew and Crown
12 Attorney Don Johnson."

13 MR. DEROCHIE: Correct.

14 MR. ENGELMANN: So there were a number of
15 people who were informed about this matter early on?

16 MR. DEROCHIE: My understanding Mr. O'Brien
17 requested this meeting.

18 MR. ENGELMANN: And it says, at least at
19 that time, in the following paragraph, that nothing dealing
20 with sexual molestation was discussed.

21 MR. DEROCHIE: That's correct. There was
22 discussion about corporal punishment and whether or not it
23 had crossed the line to criminal assault. And that was the
24 ---

25 MR. ENGELMANN: The gist of that meeting?

1 **MR. DEROCHIE:** Correct.

2 **MR. ENGELMANN:** All right. So there were
3 physical abuse issues but there were also some sexual abuse
4 issues, perhaps not discussed at that meeting, but they
5 surfaced.

6 **MR. DEROCHIE:** The surfaced subsequently,
7 yes.

8 **MR. ENGELMANN:** And in fact, sir, again if
9 we look a little further down the page, you talk about a
10 second meeting on September 29th, a few days later?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** Again, we have some of the
13 same people present, Deputy Chief St-Denis, Mr. O'Brien,
14 Staff Sergeant Wells and you say possibly Inspector Trew,
15 you weren't certain about that.

16 **MR. DEROCHIE:** Yeah, he couldn't recall
17 actually being at that meeting.

18 **MR. ENGELMANN:** And apparently, at that
19 meeting, allegations of sexual molestation were brought
20 forward and certain CAS documents were turned over to your
21 service.

22 **MR. DEROCHIE:** That's correct.

23 **MR. ENGELMANN:** As I understand it,
24 Constable Malloy became aware of these allegations during a
25 meeting he'd had with Jeannette Antoine and Gregory Bell

1 while they were investigating something else?

2 **MR. DEROCHIE:** That's correct, yes.

3 **MR. ENGELMANN:** And do you know, sir, if you
4 would have asked her for a statement with respect to her
5 allegations at that time?

6 **MR. DEROCHIE:** It's my understanding that
7 the allegations she made was at the end of this particular
8 investigation and it had been -- it was brought up by Mr.
9 Bell.

10 And Mr. Bell had encouraged Ms. Antoine to
11 relay to Constable Malloy what she had previously relayed
12 to him. And that's with regards to her life story as a
13 ward of CAS.

14 And Constable Malloy, to my understanding,
15 was, at that time, he was unsure what Ms. Antoine wanted
16 with regards to whether or not she wanted him to proceed
17 with an investigation so she informed him that should she
18 wish to discuss this further, he'd be available and that he
19 would require a statement of fact from her.

20 **MR. ENGELMANN:** So after these meetings with
21 the various people that are described on page 3 of your
22 report, is someone in particular assigned to investigate
23 Jeannette Antoine's allegations?

24 **MR. DEROCHIE:** Yes, subsequent to the second
25 meeting, that meeting was held at the -- in the office of

1 the Deputy Chief at the police department. Constable
2 Malloy would have been assigned by his supervisors of the
3 day to do that investigation.

4 **MR. ENGELMANN:** And do you recall why he
5 would have been assigned then, sir?

6 **MR. DEROCHIE:** He was working SACA; it would
7 have been within his mandate. I could never establish
8 whether or not -- well, it's my opinion that the senior
9 officers who were meeting on the 29th were unaware of the
10 disclosure made by Antoine previous to that.

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

12 **MR. DEROCHIE:** So these things were
13 happening virtually at the same time. So he had two
14 sources for this information in summary; he had Ms. Antoine
15 herself plus he was assigned the case.

16 **MR. ENGELMANN:** Now, on the fourth page of
17 the report ---

18 **THE COMMISSIONER:** Sir, can I just stop?
19 There is something that -- we seem to be getting evidence
20 from you that the police officers say "Well, I'm going to
21 wait for the complainant to see if she wants to continue."

22 I mean, I know that with respect to sexual
23 abuse and to complainants that we have this thing about --
24 and a valid thought that we have to wait till they're ready
25 and things like that.

1 **MR. DEROCHIE:** M'hm.

2 **THE COMMISSIONER:** But at some point, I
3 mean, what she has said so far is pretty serious stuff,
4 would you not agree?

5 **MR. DEROCHIE:** Very much so.

6 **THE COMMISSIONER:** So, at some point,
7 wouldn't the police officer say "Wait a minute here, this
8 is so serious that I'm going to do something about it"?

9 **MR. DEROCHIE:** It certainly wouldn't happen
10 today for sure.

11 **THE COMMISSIONER:** Okay. So why would it be
12 happening back then?

13 **MR. DEROCHIE:** I am at a loss for that. I
14 believe I expressed those thoughts in my report.

15 **THE COMMISSIONER:** Okay. Thank you.

16 **MR. ENGELMANN:** Sir, on the fourth page of
17 your report, the second paragraph, you do say -- you make
18 the comment that Constable Malloy was finding Antoine less
19 than cooperative?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** And can you -- did you ask
22 him what he meant by that sir, at that time?

23 **MR. DEROCHIE:** Yes, I did. And he advised
24 me that he had made attempts to contact her, to have her
25 come in and provide a statement to be interviewed and she

1 was not doing that.

2 I should mention at this time that another
3 criticism I had with regards to this particular review was
4 the facts that I couldn't find notes that Malloy had made.

5 By searching the files and CAS and by
6 reviewing those files, I got information from notes that
7 Mr. O'Brien was making that there was evidence that there
8 was some activity on the investigation by Constable Malloy.

9 **MR. ENGELMANN:** So it was difficult for you
10 to confirm what he'd actually done.

11 **MR. DEROCHIE:** Yeah. I believe I eventually
12 found his day planner that he had. It had two notations
13 with regards to Malloy that indicated some level of
14 activity on the file.

15 **MR. ENGELMANN:** And the comment about --
16 your comment here:

17 "It would appear that Malloy adopted an
18 attitude of Antoine was not a
19 cooperative victim. He had plenty of
20 victims who were cooperating. He could
21 not afford to be running after Antoine.
22 She was reporting something which had
23 occurred in '75/'76. He had cases in
24 which victims were in immediate danger
25 and thus justified his inattention to

1 Antoine's complaint."

2 **MR. DEROCHIE:** Yes, that's an observation I
3 made based both on the comments that he made to me and
4 secondly by reviewing what else he was doing at the time.
5 He had a heavy case load at that time, there's no question.

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

7 So he did have notes of some of the current
8 cases he was working?

9 **MR. DEROCHIE:** Oh, yes.

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

11 **MR. DEROCHIE:** And he had some notes with
12 regards to his contact with Antoine but only at the end of
13 that other investigation and then subsequently in the new
14 year when she did in fact come in with a statement he has
15 notes of that -- recording that.

16 **THE COMMISSIONER:** Was there any procedure
17 by which a police officer could come up and say to his
18 supervisor "Look it, I've got too much on my plate.
19 Reassign something"?

20 **MR. DEROCHIE:** Oh, yes, I'm sure there --
21 I'm sure that investigators were free to do that. In my
22 experience I've had that experience with investigators
23 saying "Hey, I'm just overwhelmed here. I need some help."

24 **THE COMMISSIONER:** So was that ever broached
25 with Malloy?

1 **MR. DEROCHIE:** The reality of the situation
2 in CID at that time, Mr. Commissioner, was that everybody
3 was -- had full case loads. And, again, I think I comment
4 on my report to that effect, you had humongous case loads.
5 Not an excuse just an observation.

6 **THE COMMISSIONER:** No, not an excuse. All
7 right.

8 **MR. ENGELMANN:** Who was the supervisor back
9 then of Constable Malloy?

10 **MR. DEROCHIE:** At the time this came to
11 light it would have been -- his direct supervisor would
12 have been Staff Sergeant Wells, and there was a senior
13 officer in charge of the Criminal Investigations Division
14 at that time, Inspector Richard Trew.

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

16 And that would have been in the timeframe
17 1989-90?

18 **MR. DEROCHIE:** Nineteen-ninety (1990). At
19 the end of 1990 we had an unfortunate situation whereby
20 Staff Sergeant Wells was off on extended sick leave because
21 of an injury and he had to have surgery, and at that same
22 time the leadership of the Division was changed from
23 Inspector Trew to Staff Inspector McDonald.

24 **MR. ENGELMANN:** So there was some turnover
25 and there was some illness?

1 **MR. DEROCHIE:** There was some turnover at
2 the very -- in very critical positions within Criminal
3 Investigations Division.

4 **MR. ENGELMANN:** Now, there's a reference
5 then just a little further down the page that the case
6 apparently remained inactive. And I assume you're saying
7 "apparently" because you can't really confirm one way or
8 the other?

9 **MR. DEROCHIE:** I can't -- if I can't find it
10 on paper and unless there's an explanation it's inactive.

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

12 You say:

13 "Apparently remained inactive until
14 February 5th, 1990 when Antoine came
15 into the police station with a
16 handwritten statement."

17 **MR. DEROCHIE:** That's correct.

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

19 So apparently on the 5th of February, on her
20 initiative, she comes in and provides a statement?

21 **MR. DEROCHIE:** That's correct. Well, on her
22 initiative plus the fact that there is evidence that
23 Constable Malloy was making some effort to get her to come
24 in and do this.

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

1 And do you know how long before that would
2 have been, if you can tell us?

3 **MR. DEROCHIE:** I'd have to refer to my
4 notes.

5 **MR. ENGELMANN:** All right.
6 That would be Exhibit 1337, sir.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. DEROCHIE:** If you were to look at Bates
9 page 7175737 I have a notation that there was something in
10 his appointment book for September the 26th and October the
11 30th of 1989.

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

13 So just so we're clear -- and that's page 82
14 of your notes on this?

15 **MR. DEROCHIE:** That's correct.

16 **MR. ENGELMANN:** Those were the notations you
17 were able to find?

18 **MR. DEROCHIE:** Yes. Other notations I found
19 of dates were contained in Mr. O'Brien's notes.

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

21 So just so we're clear though, with respect
22 to Constable Malloy there were no notes, there were just
23 these two notations in his -- what do you call it?

24 **THE COMMISSIONER:** Day planner.

25 **MR. DEROCHIE:** Day planner.

1 **MR. ENGELMANN:** His day planner.

2 **MR. DEROCHIE:** Yeah, there was no notes --
3 to be clear, there were no notes from the time that he had
4 the conversation with Ms. Antoine, which I believe was the
5 25th of September, until the point in February when she came
6 in unannounced with her statement. He hadn't expected her
7 that day.

8 **MR. ENGELMANN:** And, sir, do you know what
9 reference -- there's an asterisk:

10 "Worked on statement requested by
11 Wells."

12 **MR. DEROCHIE:** Oh, that would have been with
13 regards to the ---

14 **MR. ENGELMANN:** That's something else?

15 **MR. DEROCHIE:** The public complaint
16 involving the Silmsler -- the Silmsler case.

17 **MR. ENGELMANN:** Oh, okay. Sorry. I just
18 thought maybe that was a mistake.

19 **MR. DEROCHIE:** No, you may find the odd
20 reference here to something other but normally this --
21 otherwise this is dedicated to the Antoine investigation
22 and companion investigations that were so closely related
23 but I kept notes in the same book.

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

25 Now, on page 4 again of your report you say,

1 "In response to questions..." I'm still in that same
2 paragraph, the middle paragraph:

3 "In response to questions concerning
4 the allegation of sexual abuse, Antoine
5 told Malloy she was really only
6 interested in the physical abuse and in
7 particular the abuse inflicted by
8 Keough."

9 Do you know where you get that information
10 from?

11 **MR. DEROCHIE:** I got that information by
12 interviewing Constable Malloy.

13 **MR. ENGELMANN:** All right.

14 **MR. DEROCHIE:** And also -- well, yeah, that
15 was primarily that information. I subsequently came to the
16 same observations after I spoke to her.

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

18 **MR. DEROCHIE:** But that was the -- that was
19 where I got that originally.

20 **MR. ENGELMANN:** Her statement that she
21 provided on February 5th, 1990 referred to both, did it not?

22 **MR. DEROCHIE:** I believe it had -- it did,
23 yes.

24 **MR. ENGELMANN:** Now, you indicated that --
25 on that same page, same paragraph:

1 "Constable Malloy consulted with the
2 Crown Attorney Don Johnson and they
3 concluded that there was insufficient
4 grounds to lay charges."

5 So there was some form of a meeting; is that
6 your understanding?

7 **MR. DEROCHIE:** There was some sort of a
8 meeting or a telephone conference, something to that
9 effect.

10 **MR. ENGELMANN:** And, again, did you find any
11 notation at all of ---

12 **MR. DEROCHIE:** No.

13 **MR. ENGELMANN:** --- of whether there had
14 been a Crown brief or what had been prepared before
15 Constable Malloy would have consulted with Don Johnson?

16 **MR. DEROCHIE:** The only thing that I know of
17 is that he presented his file, whatever that was at the
18 time, to the Crown Attorney. That would have included the
19 statement from Ms. Antoine.

20 **MR. ENGELMANN:** So was there any -- so the
21 only way -- did you actually speak to Mr. Johnson?

22 **MR. DEROCHIE:** I did, yes.

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

24 And was he able to recall anything from
25 this, to your knowledge?

1 **MR. DEROCHIE:** Oh, he recalls the discussion
2 with Mr. Malloy and he recalled sending a letter and a
3 package to the Regional Director of Crown Attorneys.

4 **MR. ENGELMANN:** And, sir, were you aware
5 whether or not Constable Malloy would have brought all of
6 Ms. Antoine's concerns to Mr. Johnson; in other words, not
7 just the physical but the sexual as well?

8 **MR. DEROCHIE:** It's my understanding he
9 provided the statement that Ms. Antoine ---

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

11 **MR. DEROCHIE:** --- provided him.

12 **MR. ENGELMANN:** And the statement would have
13 had both?

14 **MR. DEROCHIE:** Exactly.

15 **MR. ENGELMANN:** Yeah.

16 **MR. DEROCHIE:** And that's confirmed by the
17 letter that subsequently he sends -- Mr. Johnson sends to
18 the Regional Director of Crowns.

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

20 We'll come to that in just a couple of
21 minutes if we can.

22 There's also something that you write on
23 page 4 about Mr. O'Brien requesting a letter or wanting a
24 letter, essentially to the effect that the police had
25 investigated and the Crown was satisfied that criminal

1 charges were not warranted.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And did ---

4 MR. DEROCHIE: He was looking for closure.

5 They had an open file on this matter, is my understanding,
6 and he wanted closure. He wanted this thing resolved.

7 MR. ENGELMANN: All right.

8 And to your knowledge, did he make several
9 requests of Constable Malloy for a letter to that effect?

10 MR. DEROCHIE: By sending his notes, that's
11 certainly the impression that I got, that he was most
12 anxious to get this thing dealt with.

13 MR. ENGELMANN: All right. And then, sir,
14 you've mentioned that you are aware that Mr. Johnson would
15 have written a letter to the regional Crown?

16 MR. DEROCHIE: Yes, I received a copy of
17 that or I found a copy of that in our files.

18 MR. ENGELMANN: All right. And is that the
19 letter that you replicate then on page 5 ---

20 MR. DEROCHIE: It is.

21 MR. ENGELMANN: -- of your report?

22 MR. DEROCHIE: It is.

23 MR. ENGELMANN: And were you given an
24 explanation as to why Mr. Johnson was going to an outside
25 Crown in this matter?

1 **MR. DEROCHIE:** I guess the -- no, I really
2 don't recall getting an explanation. I could appreciate
3 that this case was out of the norm. It was -- you know, it
4 was a complicated case and I just take it that he wanted an
5 opinion from the Regional Director of Crowns.

6 **MR. ENGELMANN:** All right. There was no
7 conflict issue, no investigating our own or was that an
8 issue?

9 **MR. DEROCHIE:** No, not that I ever
10 uncovered.

11 **MR. ENGELMANN:** All right, but the case was
12 significant?

13 **MR. DEROCHIE:** Oh, yes, I would say it's
14 significant.

15 **MR. ENGELMANN:** And somewhat complex?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** All right. So he is asking
18 for some assistance from the regional Crown?

19 **MR. DEROCHIE:** Some advice on how to deal
20 with this, yes.

21 **MR. ENGELMANN:** And what he sends is -- he
22 apparently sends a copy of the statement?

23 **MR. DEROCHIE:** Yes. Yes, the first
24 paragraph, the first line says:

25 "I enclose a statement made to

1 Constable Malloy of the Cornwall Police
2 Force by one Ms. Jeannette Antoine."

3 **MR. ENGELMANN:** And perhaps some of the
4 explanation for why he's seeking this advice can be found
5 in the second-last paragraph. Do you see that?

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** It says:

8 "...because of the climate with respect
9 to alleged abuse cases from the past
10 which seems to be on the upswing."

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** And this is in April of
13 1990.

14 **MR. DEROCHIE:** April 4th, 1990.

15 **MR. ENGELMANN:** So thinking back, sir, do
16 you recall that being the case that the number of these
17 cases had been increasing at or about that time?

18 **MR. DEROCHIE:** I would think that's very
19 accurate. I think the communities -- society was starting
20 to look at these matters a little bit more closely than
21 they had in the past. People were talking about these
22 things more openly.

23 **MR. ENGELMANN:** All right. Now, Mr. Johnson
24 in his letter asks for a response from the regional Crown?

25 **MR. DEROCHIE:** Yes, he did.

1 **MR. ENGELMANN:** And as I understand it, when
2 you interviewed Mr. Johnson he advised you that he had
3 never seen a response?

4 **MR. DEROCHIE:** That's correct.

5 **MR. ENGELMANN:** It does appear, however, a
6 response was written?

7 **MR. DEROCHIE:** Yes. When I was doing the
8 review, I contacted the current Crown attorney, Mr. Murray
9 MacDonald, and asked him to check their files to see what
10 they had on this whole matter. Because of the age of the
11 file, it had been archived in Toronto so he went to the
12 trouble of calling it out or calling for it to come back in
13 and he as well called the Regional Director of Crowns and
14 learned that there had indeed been a response to that
15 letter.

16 Subsequently, when I received the file from
17 the archive the letter in question, the letter from Mr.
18 Douglas, was not in the file. It did not make up any part
19 of the file.

20 **MR. ENGELMANN:** All right. So the letter
21 that you do obtain ---

22 **MR. DEROCHIE:** I obtained ---

23 **MR. ENGELMANN:** --- you obtained the letter?

24 **MR. DEROCHIE:** I obtained a copy. I'm
25 sorry, sorry to have interrupted you.

1 I'm saying I received a copy of the letter
2 from Mr. Douglas himself. He sent it to me.

3 **MR. ENGELMANN:** All right. So he was still
4 Regional Director in Ottawa?

5 **MR. DEROCHIE:** I'd have to confirm that. I
6 don't know if it was Mr. ---

7 **THE COMMISSIONER:** It's Eastern Region.

8 **MR. DEROCHIE:** Of Eastern Region, but I
9 don't know if he was still there or if it was Mr. Griffiths
10 at the time then.

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

12 **MR. DEROCHIE:** I'm not sure now.

13 **MR. ENGELMANN:** But in any event, you are
14 provided with the letter that he wrote in response?

15 **MR. DEROCHIE:** Yes, from the office of the
16 Regional Director of Crown Attorneys.

17 **MR. ENGELMANN:** And is that the letter
18 that's reproduced on page 6 of your report?

19 **MR. DEROCHIE:** That's correct, the letter of
20 April 10th, 1990.

21 **THE COMMISSIONER:** So we know that it was
22 written. We know that there is not one in the local
23 Crown's file. So we don't know if it was sent. It may
24 been somewhere along -- did you ever find out whether or
25 not Mr. Johnson actually received it?

1 **MR. DEROCHIE:** I asked Mr. Johnson about
2 that. I indeed showed him the letter and he had no
3 recollection and indicated to me that had he received it,
4 it would be in his file.

5 **THE COMMISSIONER:** Okay.

6 **MR. ENGELMANN:** And his letter called for a
7 response?

8 **MR. DEROCHIE:** Yes, that's fair.

9 **MR. ENGELMANN:** And as did Mr. Douglas's
10 letter, did it not?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** Because he is writing:

13 "You are quite correct. We ought to be
14 very careful on these matters and have
15 the police investigate every allegation
16 of abuse. I would like you to make
17 sure the police begin an investigation
18 if they already have not done so.

19 Perhaps Constable Malloy can dig a
20 little deeper to secure specifics."

21 So it would almost suggest, at least by
22 reading that, that he didn't even know an investigation had
23 been done?

24 **MR. DEROCHIE:** That's correct.

25 **MR. ENGELMANN:** And in any event that he

1 certainly wanted Constable Malloy to do more?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: All right. And then you go
4 to Johnson with this and he says, "Well, I never got that
5 letter"?

6 MR. DEROCHIE: That's correct.

7 MR. ENGELMANN: Did you ask him why he
8 didn't follow up on his letter of April 4th?

9 MR. DEROCHIE: I'm sure I asked him what
10 became of it and I don't have a specific recollection, but
11 I assumed that he told me that he had never heard back and
12 I guess everybody's office is very busy. It may just well
13 have, you know, fallen off his desk as well. I have no
14 explanation.

15 MR. ENGELMANN: No, I'm not ---

16 MR. DEROCHIE: Yeah.

17 MR. ENGELMANN: I'm just wondering if either
18 he provided you with an explanation or if you attempted to
19 ask Mr. Douglas if he followed up or why he didn't follow
20 up.

21 MR. DEROCHIE: No, I was asking. If they
22 didn't volunteer I wouldn't have asked the question. I was
23 reviewing our involvement in this thing. If somebody was
24 to question the Crown attorney's office, I didn't think it
25 should be me. I would mention it definitely in my report.

1 **MR. ENGELMANN:** All right, but you do recall
2 asking Johnson if he followed up or why he didn't follow up
3 or words to that effect?

4 **MR. DEROCHIE:** Words to that effect. You
5 know, I would have -- I was looking for answers, what
6 happened to this. Did you send a letter and, yes, I did.

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

8 **MR. DEROCHIE:** You know, that type of ---

9 **MR. ENGELMANN:** But he didn't ---

10 **MR. DEROCHIE:** But I can't recall
11 specifically him responding, "Well, you know, I lost track
12 of it or something like that". He never did respond and I
13 didn't pursue it.

14 **MR. ENGELMANN:** The last paragraph of
15 Johnson's letter to Douglas says:

16 "I've not brought up the matter of
17 laying charges with the Cornwall Police
18 as names and dates are not available.

19 Should you wish to discuss the
20 possibility of laying charges, I would
21 request an interview with Constable
22 Malloy and myself."

23 It would suggest almost, well, before you
24 even suggest that you got to meet with us.

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** Did you ask him why he wrote
2 that?

3 **MR. DEROCHIE:** No, I did not.

4 **MR. ENGELMANN:** All right. So it appears
5 the only one who's really keen on getting a letter and
6 getting something to close this file with by way of a
7 letter is this fellow O'Brien?

8 **MR. DEROCHIE:** Is Mr. O'Brien, yes.

9 **MR. ENGELMANN:** Yes. And does he finally
10 give up on that letter of request?

11 **MR. DEROCHIE:** Yes, he does.

12 **MR. ENGELMANN:** And as I understand it, sir,
13 there's no activity on this case after this letter of April
14 4th is sent?

15 **MR. DEROCHIE:** None that I could find.

16 **MR. ENGELMANN:** Right, and you couldn't even
17 find the response of April 10th until you searched further
18 and went to the Regional Crown's office?

19 **MR. DEROCHIE:** That's correct.

20 **MR. ENGELMANN:** And certainly there was
21 nothing on the Cornwall Police file after that.

22 **MR. DEROCHIE:** No.

23 **MR. ENGELMANN:** Now, as I understand it,
24 sometime quite a bit later, a couple of years later,
25 Constable Sebalj has some involvement with Jeannette

1 Antoine?

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** And, sir, you make reference
4 to that at the bottom of page 7 of your report?

5 **MR. DEROCHIE:** That's correct. She's
6 investigating an allegation made by Ms. Antoine that she
7 was sexually assaulted by a document server and she was
8 conducting that investigation.

9 And, again, Ms. Antoine told her of her
10 history or of her experiences with CAS and mentioned the
11 fact that Constable Malloy had been the investigating
12 officer at the time.

13 **MR. ENGELMANN:** All right. And I'm
14 assuming, and just looking at the paragraphs above that on
15 your report, those were dealings that Ms. Antoine would
16 have had with the CAS that wouldn't have been known to the
17 Cornwall Police Service at that time?

18 **MR. DEROCHIE:** No, those contacts, and
19 there's obviously ongoing activity between Ms. Antoine and
20 CAS. I found that through looking at their files.

21 **MR. ENGELMANN:** All right. So do you know
22 if there was any follow-up at that time, and I'm -- the
23 summer of '92, between Sebalj and Malloy about this matter?

24 **MR. DEROCHIE:** I don't believe so. It --
25 no, I don't believe there was.

1 **MR. ENGELMANN:** And your knowledge of the
2 contact between Sebalj and Antoine, how does that come to
3 your attention, sir?

4 **MR. DEROCHIE:** The July contact?

5 **MR. ENGELMANN:** Yes.

6 **MR. DEROCHIE:** I believe she told me that or

7 ---

8 **MR. ENGELMANN:** That's Constable Sebalj?

9 **MR. DEROCHIE:** Yeah, I believe so.

10 **MR. ENGELMANN:** When you're doing your
11 review?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** All right. And, sir,
14 there's some further contact that Constable Sebalj has with
15 Jeannette Antoine is there not?

16 **MR. DEROCHIE:** There is.

17 **MR. ENGELMANN:** And that, sir, is set out in
18 the second paragraph of page 8 of your report?

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** And it's -- I'm just not
21 sure I understand how this comes back. It says:

22 "Constable Sebalj's interest in
23 Antoine's story resurfaces in November
24 of 1993."

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** "And on her own, Constable
2 Sebalj called Antoine into the police
3 station and interviewed her."

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** So at that point-in-time, is
6 there any active investigation of Antoine going on?

7 **MR. DEROCHIE:** Not that I'm aware of.

8 There's certainly activity. Ms. Antoine is
9 involved in activity and it would appear that CAS are
10 involved in some sort of activity.

11 **MR. ENGELMANN:** All right, fair enough, but
12 with respect to her allegations from the Second Street
13 Group Home, there's nothing that you know of, sir, that
14 occurs after April of 1990?

15 **MR. DEROCHIE:** Not that I'm aware of.

16 **MR. ENGELMANN:** And do you know why it was
17 that Constable Sebalj wants to meet with Jeannette Antoine
18 in November of '93 to go back to deal with those
19 allegations?

20 **MR. DEROCHIE:** I really don't know. I
21 speculate as to what might have happened.

22 I recall suggesting something to the effect
23 that I've outlined here with regards to, you know, what
24 were you doing here with -- why were you involved in this
25 investigation and I ---

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

2 **MR. DEROCHIE:** No, I had a theory but it
3 wasn't confirmed by her.

4 **MR. ENGELMANN:** So let's just look at this
5 for a minute.

6 When you say "on her own", I'm assuming
7 that's on her own initiative?

8 **MR. DEROCHIE:** Yes, on her own initiative.

9 I'm thinking more or less in an unofficial
10 capacity, like there wasn't an active investigation.
11 Certainly, she's free to go out and explore and detect
12 crime on her own; she doesn't have that restriction.

13 **THE COMMISSIONER:** Well, the bottom
14 paragraph of page 7 says that -- explains how she came into
15 contact with Ms. Antoine on an unrelated matter.

16 **MR. ENGELMANN:** Yes.

17 **THE COMMISSIONER:** Antoine gives her the
18 story in July and then in November ---

19 **MR. ENGELMANN:** Of the following year, sir.

20 **THE COMMISSIONER:** --- of the following
21 year, yeah.

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And I'm wondering what
24 rekindles that a year-and-a-half later?

25 **MR. DEROCHIE:** And certainly I asked about

1 that and I asked her, because I got the impression that she
2 just -- she more or less received the information, listened
3 to it, but because she was interested because her partner
4 had been involved -- that would be Constable Malloy -- and
5 just listened to the story and probably was, knowing Heidi,
6 she would have been very sympathetic to Ms. Antoine and
7 just, you know, never thought any more of it until November
8 and I don't know what happened between that time and
9 November to stimulate this activity.

10 **MR. ENGELMANN:** All right, but you're
11 advised or you become aware, sir, through your review that
12 this happens?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** And because you see some
15 documentation or because she tells you when you question
16 her?

17 **MR. DEROCHIE:** Well, when the whole issue
18 becomes a matter of public knowledge in January -- that
19 following January, she explains why Jeannette Antoine
20 called her and advised her that Charlie Greenwell was
21 looking for Jeannette and looking for Sebalj and she
22 speculated that -- well, Heidi speculated that the --
23 Charlie was looking for her but he was actually looking for
24 Kevin Malloy. He wanted to talk to Kevin Malloy. So at
25 that point, she went to Staff Sergeant Brunet with the

1 information.

2 It's my understanding that Annette -- or
3 Jeannette called Heidi the night before, when Charlie
4 Greenwell called her.

5 **MR. ENGELMANN:** But that would have been in
6 -- wasn't that in ---

7 **MR. DEROCHIE:** January ---

8 **MR. ENGELMANN:** --- January of '94?

9 **MR. DEROCHIE:** --- of 1994, yes.

10 **MR. ENGELMANN:** All right, but here we're in
11 November of '93?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** And at least the way you
14 write it, it suggests that it's Sebalj's initiative to have
15 Antoine come into the station?

16 **MR. DEROCHIE:** That was my impression then
17 and that remains my impression ---

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

19 **MR. DEROCHIE:** --- that there was -- I
20 don't know if Sebalj acted alone on that. There's
21 indication that there were CAS workers also involved in
22 that.

23 **MR. ENGELMANN:** Yeah, I wanted to ask you
24 about that.

25 Either she told you or someone else told you

1 that there were two CAS workers also at that interview?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And those workers were a
4 Geraldine Fitzpatrick and a Carleen Cummings?

5 MR. DEROCHIE: Yes.

6 Carleen, I understand, was on a -- was a
7 contract worker with CAS at the time ---

8 MR. ENGELMANN: And ---

9 MR. DEROCHIE: --- and was involved with
10 Antoine.

11 MR. ENGELMANN: And that's the next question
12 I had.

13 With one of them you say she's there in an
14 "unofficial capacity" and the other in an "official
15 capacity". Can you explain why it is you believe that
16 Fitzpatrick is there unofficially and Cummings is there
17 officially?

18 MR. DEROCHIE: Well, I believe Cummings was
19 there for support, just to support Jeannette, that was my
20 impression.

21 MR. ENGELMANN: All right. And Fitzpatrick?

22 MR. DEROCHIE: Fitzpatrick was there as, as
23 far as I know, for the same purpose that Heidi was there
24 for, to look and see if there was something to investigate
25 here.

1 **MR. ENGELMANN:** And we have some square
2 brackets from you in the middle of the page, sir?

3 **MR. DEROCHIE:** We do.

4 **MR. ENGELMANN:** So that's -- you're thinking
5 out loud?

6 **MR. DEROCHIE:** That's my theory and I -- you
7 know, I thought that the Chief should -- the Chief's
8 question would be very much the same ones you have. What's
9 going on here? Why is this happening? And I speculate
10 this is what.

11 **MR. ENGELMANN:** And you say:

12 "The writer..." --

13 that's you,

14 "...believes that Sebalj was playing a
15 bit of tit for tat with CAS. She
16 believed that they had interfered with
17 her investigation of the Silmsner
18 matter. It is believed that she was
19 digging into the Antoine investigation
20 in order to demonstrate the adage about
21 'people who live in glass houses' to
22 Richard Abell of the CAS."

23 **MR. DEROCHIE:** That was my theory, yes.

24 **MR. ENGELMANN:** And part of the reason for
25 that theory was the timing of what she was doing?

1 **MR. DEROCHIE:** Exactly. The CAS were at
2 that same time investigating the -- her investigation of
3 Charlie MacDonald and Silmser.

4 **MR. ENGELMANN:** Right. They were -- they
5 had just started their Project Blue investigation?

6 **MR. DEROCHIE:** That's correct.

7 **MR. ENGELMANN:** And she was aware of that?

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

9 **MR. ENGELMANN:** Now, you say a little bit
10 more about this in your notes and I want to ask you about
11 that and that's at -- sorry, it's Exhibit 1337. It starts
12 on page 9, sir, Bates page 7175664.

13 **MR. DEROCHIE:** On page 9?

14 **MR. ENGELMANN:** Yes, of your notes.

15 **MR. DEROCHIE:** Yes, I'm there.

16 **MR. ENGELMANN:** So just so I'm clear, this
17 is almost right at the beginning of your investigation
18 you're in Day 2, if I can call it. You're assigned this
19 matter on January 11th, '94?

20 **MR. DEROCHIE:** Yes. Yes, I'm sorry.

21 **MR. ENGELMANN:** And one of the first people
22 that you're meeting with is Constable Sebalj?

23 **MR. DEROCHIE:** Yeah, she's the one that
24 brought it to our attention, so ---

25 **MR. ENGELMANN:** Yeah. Now, sir, at this

1 point-in-time is Constable Malloy at work, in January of
2 '94?

3 MR. DEROCHIE: No, he is not.

4 MR. ENGELMANN: Okay. He was off on leave
5 at that time?

6 MR. DEROCHIE: Yes, he was.

7 MR. ENGELMANN: All right. It was
8 health-related?

9 MR. DEROCHIE: Yes. Yes, it was.

10 MR. ENGELMANN: Yeah. And he had been off
11 for some time?

12 MR. DEROCHIE: He had been off since March
13 of the previous year, I believe.

14 MR. ENGELMANN: Yeah. And do you know
15 approximately how long he was off, sir?

16 MR. DEROCHIE: He never came back to
17 policing. It was a number of years.

18 MR. ENGELMANN: Okay.

19 MR. DEROCHIE: He came back in a civilian
20 capacity, but never came back to policing, it's my
21 recollection.

22 MR. ENGELMANN: So on page 9 of your notes,
23 you refer to a discussion you have with Sebalj about her
24 meeting with Antoine in July of '92. Is that fair?

25 MR. DEROCHIE: Yes, that's correct.

1 **MR. ENGELMANN:** And then at page -- the
2 bottom of page 9 and on to page 10, it's your discussion
3 with her about what she's doing in November of '93 with
4 Antoine?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** All right. Now -- and I
7 want to ask you about the square brackets on page 10.

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** And given the square
10 brackets we've seen before, I'm wondering if this is just
11 what you're thinking or what she's telling you, but what --
12 -

13 **MR. DEROCHIE:** What I'm thinking. My
14 interpretation of what I just heard. You know, when I've
15 interviewed her, what I've made out of what she's just told
16 me.

17 **MR. ENGELMANN:** All right. Because what you
18 say is:

19 "On her own, Sebalj was trying to
20 establish a link between Ken Seguin and
21 the CAS ..."

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** "... she could not
24 understand why CAS would not
25 investigate Seguin in the same manner

1 in which they were looking at Father
2 MacDonald and his there conduct in the
3 Silmsier investigation." (As read)

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** All right. So was she
6 expressing some concern to you, sir, about the fact that
7 CAS was only looking at Father MacDonald and not at Ken
8 Seguin?

9 **MR. DEROCHIE:** That's my recollection, yes.

10 **MR. ENGELMANN:** Now, ironically that's what
11 happened with your force as well, is it not?

12 **MR. DEROCHIE:** Exactly, yeah.

13 **MR. ENGELMANN:** And you say -- this is out
14 of the square brackets"

15 "She was looking into whether or not
16 Seguin had something on the CAS, i.e.
17 the Antoine complaint which would make
18 them, CAS, tiptoe around Seguin."

19 And I note you have a square bracket at the
20 end of that one.

21 **MR. DEROCHIE:** Obviously, I expanded that
22 thought.

23 **MR. ENGELMANN:** Oh, I see.

24 **MR. DEROCHIE:** That was certainly the
25 impression I got. As I recall -- or I'm trying to recall,

1 there was some thought about whether or not Jeannette had
2 been, in fact, a probationer of Ken Seguin.

3 I don't -- maybe there was a reason for
4 that, but it just doesn't come. I don't know why I didn't
5 make note of it, but it may well have been that particular
6 link ---

7 **MR. ENGELMANN:** Well, certainly it was
8 something she was thinking about at the time.

9 **MR. DEROCHIE:** Yes, yes.

10 **MR. ENGELMANN:** And according to your notes,
11 and this is not a square bracket now as we go from page 10
12 to page 11, there is a reference to Geraldine Fitzpatrick
13 and Carleen Cummings, a CAS worker and a CAS contract
14 caseworker.

15 There's an indication that these two people
16 were dissatisfied with the CAS handling of the Antoine
17 complaint and that there appeared to be a cover-up?

18 **MR. DEROCHIE:** That's right.

19 **MR. ENGELMANN:** And this you're hearing from
20 Constable Sebalj or you're hearing from these two CAS
21 workers?

22 **MR. DEROCHIE:** I never interviewed them. I
23 was hearing this from Sebalj.

24 **MR. ENGELMANN:** All right. Now, sir, you
25 later met with Ms. Antoine?

1 **MR. DEROCHIE:** Yes, I did.

2 **MR. ENGELMANN:** And I believe that was on
3 January 18th and I'm just trying to find -- it's -- I
4 believe it starts at page 26 of your notes?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And by the way, just before
7 then, you have a reference to meeting Constable Malloy at
8 his home on January 18th?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** And, for example, you say at
11 the bottom of page 24, when you're asking about contacts:

12 "Malloy could not provide any answers.
13 He could not recall being involved with
14 this case between September 26th, '89
15 and February 19th, although he must have
16 been."

17 **MR. DEROCHIE:** Yes. Emotionally, Constable
18 Malloy was in a very bad way ---

19 **MR. ENGELMANN:** At this time?

20 **MR. DEROCHIE:** --- at this time.

21 **MR. ENGELMANN:** All right. Was your meeting
22 with him difficult that day?

23 **MR. DEROCHIE:** It was -- prior, it had been
24 very difficult. He had broken down and, yes, these
25 meetings were very difficult for him.

1 **MR. ENGELMANN:** And you were concerned about
2 -- sorry?

3 **MR. DEROCHIE:** If it might expand. He was
4 on medication. He was on narcotics and he wasn't well.

5 **MR. ENGELMANN:** Were you able to talk to him
6 later when it was easier to do so?

7 **MR. DEROCHIE:** I spoke to him I believe two
8 or three times and he was able to speak with me, but there
9 were limits as to how in-depth I could get ---

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

11 **MR. DEROCHIE:** --- with him.

12 **MR. ENGELMANN:** And you didn't have notes or
13 other documents to make that easier?

14 **MR. DEROCHIE:** No, he couldn't explain. He
15 was racking his brains.

16 This is all coming out in an atmosphere
17 within the community where there's suspicion about cover-
18 ups and all kinds of wrongdoing and misconduct. And he's
19 clearly, you know, feeling the pressure of that as well as
20 coping with what it is he was off on.

21 **MR. ENGELMANN:** All right. And just to set
22 the context, there's been a lot of media about the whole
23 Silmser ---

24 **MR. DEROCHIE:** Oh, yes. And this broke in
25 the same -- with the same clouds over it.

1 **MR. ENGELMANN:** All right. And was he
2 mentioned in some of that media attention?

3 **MR. DEROCHIE:** I don't recall if he was
4 named specifically, but certainly he would know who was
5 being referenced.

6 **MR. ENGELMANN:** Right. That it was about an
7 investigation ---

8 **MR. DEROCHIE:** It was about him, yes.

9 **MR. ENGELMANN:** Yeah.

10 **THE COMMISSIONER:** I take it there's a lot
11 of people that went on leave in the Cornwall Police
12 Service?

13 **MR. DEROCHIE:** Constable Malloy suffered a
14 physical injury.

15 **THE COMMISSIONER:** All right.

16 **MR. DEROCHIE:** And he apparently required
17 back surgery. He was in a considerable amount of pain. He
18 was -- yes, we had a period of time, Mr. Commissioner, when
19 we were -- we lost a lot of people to long-term illness, a
20 lot of stress-related illness.

21 **THE COMMISSIONER:** Did anybody ever do a
22 study of that or ---

23 **MR. DEROCHIE:** Not that I'm aware of.

24 **THE COMMISSIONER:** Okay. Thank you.

25 **MR. ENGELMANN:** All right, sir, so that same

1 day that you saw Constable Malloy, you also met Jeannette
2 Antoine?

3 MR. DEROCHIE: Yes.

4 MR. ENGELMANN: I'm looking at the bottom of
5 page 26 of your notes.

6 MR. DEROCHIE: Yes, at one-thirty in the
7 afternoon.

8 MR. ENGELMANN: Exhibit 1337.

9 MR. DEROCHIE: M'hm.

10 MR. ENGELMANN: And that was at your office?

11 MR. DEROCHIE: It was, yes.

12 MR. ENGELMANN: And she said she was
13 escorted by Constable Sebalj.

14 MR. DEROCHIE: She was.

15 MR. ENGELMANN: And how did that happen?

16 MR. DEROCHIE: I may well have had Heidi
17 contact her and have her come in because I knew she was
18 familiar with her -- comfortable with her.

19 MR. ENGELMANN: Fair enough. And the
20 purpose of that meeting that day, sir?

21 MR. DEROCHIE: Was for her to apprise me of
22 what it was that she wanted us to do, specifically, because
23 there seemed to be some confusion by people as to what she
24 wanted done and I wanted that resolved.

25 MR. ENGELMANN: And so she gave you

1 background information on her allegations and on what
2 people had done with them?

3 MR. DEROCHIE: That's correct.

4 MR. ENGELMANN: And she mentioned another
5 officer who had been involved with Constable Malloy when
6 she had met with him on one occasion?

7 MR. DEROCHIE: Yes, she described Sergeant
8 Robert Trottier.

9 MR. ENGELMANN: All right. And that's what
10 you say at the bottom of page 27 and 28 of your notes? Is
11 that fair?

12 MR. DEROCHIE: Yes, that's fair.

13 MR. ENGELMANN: Did you interview him at any
14 time ---

15 MR. DEROCHIE: I did.

16 MR. ENGELMANN: --- about this?

17 MR. DEROCHIE: I did.

18 MR. ENGELMANN: All right. And if I
19 understand your notes correctly, she actually asked that
20 Constable Sebalj remain for your interview with her?

21 MR. DEROCHIE: Yes, she did. She wanted --
22 yes, she felt comfortable. She felt -- she told me she
23 felt uncomfortable meeting alone with men and that she
24 would want Constable Sebalj to stay there.

25 MR. ENGELMANN: So she indicated a

1 preference for a female officer to be involved?

2 **MR. DEROCHIE:** She expressed -- she wanted
3 Constable Sebalj to do this investigation.

4 **MR. ENGELMANN:** And, sir, at page 29 of your
5 notes, you set out what it was she wants investigated from
6 her statement?

7 **MR. DEROCHIE:** That's correct. She wanted
8 the physical abuse she suffered by staff members of CAS
9 investigated. She wanted sexual abuse by the CAS staff
10 members investigated. And she wanted the sexual abuse by
11 her father investigated.

12 And further, she wanted the sexual abuse of
13 her sister, who was residing in New Jersey at the time, and
14 she wanted that investigated. She -- or she alleged that
15 the sister had been sexually abused by a foster father.

16 **MR. ENGELMANN:** And this and this was a
17 person that you knew personally?

18 **MR. DEROCHIE:** This was a family that I new
19 personally when I was growing up.

20 **MR. ENGELMANN:** And you reference that back
21 to page 31 of your notes.

22 **MR. DEROCHIE:** I told her that -- I told her
23 what my relationship with the family was, in particular
24 with the son who was my age. He had been my best friend in
25 childhood and I was familiar with the family and made sure

1 that she understood that.

2 **MR. ENGELMANN:** How did she react when you
3 told her about that; do you recall?

4 **MR. DEROCHIE:** I don't recall her having a
5 problem with that. I wasn't going to be doing the
6 investigation after all so I don't think she had a problem
7 with that.

8 **MR. ENGELMANN:** And at page 32 right after
9 that discussion you indicate to her that Constable White, a
10 male officer, would be assigned to this investigation?

11 **MR. DEROCHIE:** Yes, Constable Shawn White is
12 in our Criminal Investigation Unit and he is our most
13 experienced and most competent investigator, in my mind.
14 He was -- he doesn't have daily dealings with CAS as did
15 Constable Sebalj and, honestly, I was a little bit
16 concerned about what was driving Constable Sebalj's
17 motivations. I didn't think it was appropriate that she
18 would -- that she should investigate this.

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

20 So you had some concerns about her
21 objectivity as it related to investigating CAS officials.

22 **MR. DEROCHIE:** Exactly, and then the working
23 relationship which she has with CAS, on a daily basis she
24 speaks with the CAS workers. It would make it difficult
25 for her to investigate these kinds of allegations.

1 **MR. ENGELMANN:** All right. But as you note,
2 Antoine wanted Sebalj and, I take it from what you're
3 writing, it appeared Sebalj wanted the case.

4 **MR. DEROCHIE:** Yes, that's right, and we
5 reached a compromise that Ms. Antoine agreed to, was that
6 whenever she had any dealings with Constable White,
7 Constable Sebalj would be present.

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

9 And is that because of what you see at page
10 33, Antoine had expressed a fear or mistrust of men and is
11 obviously comfortable with Sebalj.

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** Do you know if that in fact
14 happened, that when Constable White dealt with Jeannette
15 Antoine if Ms. Sebalj was present?

16 **MR. DEROCHIE:** Yes, I'm satisfied that it
17 did.

18 **MR. ENGELMANN:** Now, just to -- who would
19 have supervised Constable White during the course of his
20 investigation?

21 **MR. DEROCHIE:** Well, he's attached to the
22 CID so in fact it would be Staff Sergeant Brunet and
23 myself. I guess we would have shared that responsibility.

24 **MR. ENGELMANN:** And that's because the
25 investigation is resulting out of your review in effect;

1 that's why you have some involvement?

2 **MR. DEROCHIE:** Yes, well, the only reason I
3 have an involvement is the instructions I got from the
4 Chief was to resolve all outstanding issues on this matter
5 and one of them would be that if we didn't conduct -- if we
6 didn't conduct a proper investigation that that should be
7 done as soon as possible and as completely as possible.

8 **MR. ENGELMANN:** Sorry, I am reminded of
9 something and I think you have already told us this that --
10 yeah, you told us this right at the beginning of talking
11 about Jeannette Antoine, that Staff Sergeant Brunet was on
12 the board of CAS.

13 **MR. DEROCHIE:** He was on the board of CAS
14 and felt that he shouldn't be involved in doing the
15 internal review of this -- what I was doing, and that's how
16 I came to have this matter put to me.

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

18 Is that also why you would have been
19 involved in the further investigation?

20 **MR. DEROCHIE:** Sure, it would have made --
21 it would have -- you know, it would have put him at arms
22 distance that I am equally involved, at least equally
23 involved with him. And I can't remember now offhand if he
24 ever played any role in this. He would have been kept up
25 to date with regards to Shawn White's movements whether --

1 because Shawn White was occupied with this fulltime;
2 everything else was taken away from him.

3 **MR. ENGELMANN:** So I understand that the
4 matters that she wanted investigated that one of them was
5 not within the jurisdiction of your Force.

6 **MR. DEROCHIE:** There were actually two of
7 them not within our jurisdiction.

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

9 **MR. DEROCHIE:** The first was the allegations
10 against her father, her natural father. By way of
11 background, at the age of 16 once the group home on Second
12 Street closed down, Jeannette was transferred to a group
13 home or a facility in Minden, Ontario.

14 At the age of 16 they started exposing her
15 to her natural father and there was an allegation that
16 during that time when she was on these visits with her
17 natural father that she was sexually abused by him. So she
18 wanted that investigated. He resided in Morrisburg. That
19 was in OPP territory.

20 The other family, the foster family, resided
21 in Ingleside.

22 **MR. ENGELMANN:** And again, that would be OPP

23 ---

24 **MR. DEROCHIE:** That would be OPP
25 jurisdiction.

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

2 So you were really only looking at the
3 Second Street?

4 **MR. DEROCHIE:** Yes. The matter of her
5 sister was referred to the -- that was the one at Ingleside
6 so that was one they looked after.

7 **MR. ENGELMANN:** So Constable White's
8 investigation was to look at the physical and sexual abuse
9 allegations that she had arising from the Second Street?

10 **MR. DEROCHIE:** From the group home, yes,
11 correct.

12 **MR. ENGELMANN:** And as you're starting this
13 investigation and at some points throughout, do you have
14 any contact with the then Executive Director of the CAS,
15 Richard Abell.

16 **MR. DEROCHIE:** Yes, I did speak to Richard
17 on a number of occasions.

18 **MR. ENGELMANN:** And you make reference to at
19 least one of those calls on page 34 of your notes?

20 **MR. DEROCHIE:** Yes, I called him and told
21 him that we were going to reinvestigate Ms. Antoine's
22 allegations.

23 **MR. ENGELMANN:** And you would have had some
24 discussions from time to time about this as the
25 investigation went on?

1 **MR. DEROCHIE:** Oh, yes, Richard was -- or
2 Mr. Abell was quite anxious to have this matter resolved as
3 well.

4 **MR. ENGELMANN:** And you made disclosure
5 requests of him?

6 **MR. DEROCHIE:** Yes, I asked for access to
7 their files and he provided full access to his files;
8 again, with that proviso if we were going to take anything
9 out he would like us to do it with a warrant.

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

11 So if I understand what's said on page 35 of
12 your notes, your officers could go and review the files
13 there but if you were actually taking documents he wanted
14 you to get a warrant?

15 **MR. DEROCHIE:** Yes, and we understood that.

16 **MR. ENGELMANN:** And that's because of the
17 personal information of individuals that are contained in
18 those files?

19 **MR. DEROCHIE:** Exactly.

20 **MR. ENGELMANN:** And did you feel like -- at
21 the time that the CAS was being cooperative with respect to
22 your investigation?

23 **MR. DEROCHIE:** Oh, yes. They wanted this --
24 they wanted this done.

25 **MR. ENGELMANN:** And as I understand it, sir,

1 during the course of the investigation there may have been
2 discussions with the local Crown attorney, and I am
3 referring you to page 47.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. ENGELMANN: And perhaps this is more
6 just your review of what happened in the past than what was
7 happening at the time, but is this how you become aware of
8 the letter from the regional Crown?

9 MR. DEROCHIE: Yes, I had called -- I had
10 called Murray MacDonald and asked him to -- as I think I
11 testified just previously -- asked him to look into the
12 files that he would be responsible for retrieving it from
13 archives in Toronto so that I could get an understanding of
14 what exactly we presented to Mr. Johnston.

15 MR. ENGELMANN: You also had some discussion
16 with Mr. MacDonald about the publicity that this case was
17 getting?

18 MR. DEROCHIE: Yes, I understand that he ---
19 there were some -- I don't know if it was at this point but
20 there was some concern that this matter was going to be
21 raised before the legislature.

22 MR. ENGELMANN: And that's because of the
23 involvement of CJOH and matters of that nature.

24 MR. DEROCHIE: M'hm.

25 MR. ENGELMANN: And that was a concern of

1 Mr. MacDonald's?

2 MR. DEROCHIE: Oh, yes, this was very --
3 very much in the media and very much in the talk of the
4 town as it were.

5 MR. ENGELMANN: Now, fairly early on in your
6 review of what had been done in '89/'90 you come to some
7 conclusions. And I would like just to take you to those
8 briefly. I think they start at page 8 of your report.
9 It's Exhibit 1286.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. DEROCHIE: Yes.

12 MR. ENGELMANN: Where you say:

13 "The writer made some observations and
14 came to some conclusions very early in
15 his inquiry into this matter."

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: And the observations or
18 conclusions you came to early they didn't change, did they?

19 MR. DEROCHIE: No.

20 MR. ENGELMANN: I mean you came to them
21 quickly.

22 MR. DEROCHIE: Yeah.

23 MR. ENGELMANN: And they remained?

24 MR. DEROCHIE: They were -- yes, they were
25 obvious right from the get go.

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

2 So for example you noted that the complaint
3 was never registered on OMPPAC.

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** And of course that should
6 have been done at the time.

7 **MR. DEROCHIE:** Yes, quite right.

8 **MR. ENGELMANN:** And you say that no incident
9 was ever created?

10 **MR. DEROCHIE:** That's correct.

11 **MR. ENGELMANN:** And no reports were ever
12 submitted?

13 **MR. DEROCHIE:** That's correct.

14 **MR. ENGELMANN:** And you would have expected
15 that?

16 **MR. DEROCHIE:** I would have expected that.

17 **MR. ENGELMANN:** You also say that the
18 officer involved at the time did not conduct a thorough
19 investigation and had not kept proper notes.

20 **MR. DEROCHIE:** That's correct.

21 **MR. ENGELMANN:** You also have concerns about
22 the chain of command.

23 **MR. DEROCHIE:** I'm sorry, if I might just go
24 back on that? There was no evidence I found that the
25 officer had conducted a proper investigation. Certainly I

1 -- and I could not find notes.

2 MR. ENGELMANN: Right. And you, sir, were
3 concerned about the chain of command?

4 MR. DEROCHIE: I was.

5 MR. ENGELMANN: And that it failed to
6 monitor this investigation's process or progress?

7 MR. DEROCHIE: That was my view.

8 MR. ENGELMANN: And when we're talking about
9 a chain of command, we would be talking about the
10 investigating officer's supervisor and perhaps his or her
11 supervisor as well?

12 MR. DEROCHIE: Yes, we had -- we had the
13 same -- a similar situation that we had with Mr. Silmsen's
14 investigation whereby that there appeared to be an initial
15 recognition that this was a complaint of significance and
16 everyone, including the Chief, knew about it.

17 MR. ENGELMANN: And you would have expected
18 some monitoring right up to the level of the Chief's office
19 then?

20 MR. DEROCHIE: Some form of activity at that
21 level, yes.

22 MR. ENGELMANN: And you say as well that:
23 "No one appeared to have recognized the
24 sensitivity of the subject matter nor
25 the political consequences of an

1 improper investigation..."

2 **MR. DEROCHIE:** I guess the ---

3 **MR. ENGELMANN:** Sorry:

4 "...nor the potential consequences..." --

5 **MR. DEROCHIE:** I guess they ---

6 **MR. ENGELMANN:** "...nor the potential
7 consequences that an improper
8 investigation might mean."

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** All right. Those were
11 observations you made fairly early on?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** And they didn't change?

14 **MR. DEROCHIE:** Well, I sort of -- I got the
15 impression that people initially recognized it as being of
16 some consequence.

17 **MR. ENGELMANN:** The case itself?

18 **MR. DEROCHIE:** The case itself.

19 **MR. ENGELMANN:** But after that it fell
20 through the cracks?

21 **MR. DEROCHIE:** Yeah, it appeared to leave
22 their memories or -- there may have been activity but,
23 again, I just didn't see any evidence of it. When I asked
24 people they couldn't recall.

25 **MR. ENGELMANN:** And the first place you'd

1 normally see the evidence of it would be on OMPPAC ---

2 MR. DEROCHIE: Again ---

3 MR. ENGELMANN: --- because that would be --

4 -

5 MR. DEROCHIE: That's the safeguards that --
6 that's the initial -- that's the ultimate mistake that's
7 made here is that no OMPPAC incident is created.

8 Even had reports not been filed, at least as
9 we had with Silmser, you have the actual physical incident
10 on the system staring you in the eyes, you know. So you
11 would be reminded every time you looked at your assignment
12 list that this thing was going and that might motivate you
13 to go and ask, even if we're going to accept the theory
14 that reports need not be submitted as long as the
15 supervisors are informed.

16 MR. ENGELMANN: But here we don't have that.
17 We don't appear to have any notes that we can find anyway
18 or any notes of supervisors with respect to it either?

19 MR. DEROCHIE: That's correct. And these
20 are all the -- this is all the matters that bothered
21 Constable Malloy because he's normally very careful.

22 THE COMMISSIONER: I'm sorry, I didn't catch
23 that. What worried him?

24 MR. DEROCHIE: The fact that I pointed all
25 these things out to him. Where's your notes; why didn't

1 you create an incident; these things.

2 **THE COMMISSIONER:** Yes.

3 **MR. DEROCHIE:** He had no explanation because
4 normally he would do that. He's very conscious about that.

5 **MR. ENGELMANN:** Is he an officer that you
6 would have supervised previous?

7 **MR. DEROCHIE:** Oh, yes, I knew -- he was an
8 officer under my supervision when he was in Uniform Patrol
9 and he had an excellent reputation within the service of
10 being a very competent investigator.

11 **MR. ENGELMANN:** So that would have surprised
12 you as well that there were no notes or none that you could
13 find?

14 **MR. DEROCHIE:** Yes. In reviewing his notes,
15 I saw that he was very -- as I mentioned before, he was
16 very, very active. He had a lot of cases pending and he
17 had, you know, a lot of investigations on the go.

18 **MR. ENGELMANN:** And his supervisor back then
19 was a Staff Sergeant Wells?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** And you did interview him as
22 well?

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

24 **MR. ENGELMANN:** And there's a reference to
25 this at -- in your notes, Exhibit 1337, page 39, Bates page

1 7175694. Do you have that page, sir?

2 MR. DEROCHIE: I do.

3 MR. ENGELMANN: It's the middle of the page
4 down. And I think he's telling you that he was reporting
5 to Inspector Richard Trew at the time ---

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: --- who then would have
8 reported to the Deputy Chief and the Chief.

9 So that's you're chain of command?

10 MR. DEROCHIE: That's -- I established that
11 chain of command.

12 MR. ENGELMANN: Fair enough.

13 MR. DEROCHIE: And he indicated to you that
14 he had some brief involvement in this matter?

15 MR. ENGELMANN: Yes, he did.

16 MR. DEROCHIE: So he was there at the
17 beginning when -- and this is what you've noted already,
18 that you had very senior people in your force involved
19 right at the beginning?

20 MR. ENGELMANN: Yes.

21 MR. DEROCHIE: And he says, "Yeah, I was
22 there in the Deputy Chief's office being briefed on the
23 file". That he recalls it -- he believes that it was
24 subsequently turned over to Constable Malloy?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** But recalls having no
2 further contact with the investigation?

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** Now, he then says that he
5 went on leave at some point?

6 **MR. DEROCHIE:** Yes, he did. He went on
7 leave and then subsequently on November 17th he had that
8 surgery that I was referring to earlier.

9 **MR. ENGELMANN:** And so this is something
10 that you would have gleaned by looking back at the records?

11 **MR. DEROCHIE:** Yes. Yes, I had to confirm
12 where everybody was at the time.

13 **MR. ENGELMANN:** So he went on leave -- he
14 was on leave during part of October and then from October
15 30th on he was on leave until June 1990?

16 **MR. DEROCHIE:** On one form of leave or
17 another, yes. He was on annual leave for that -- for a
18 couple weeks in November. It looks like three weeks here,
19 two-and-a-half weeks and then onto sick leave.

20 **MR. ENGELMANN:** And you also spoke to
21 Inspector Trew about this?

22 **MR. DEROCHIE:** I did.

23 **MR. ENGELMANN:** And that starts at page 40
24 of your notes?

25 **MR. DEROCHIE:** That's correct.

1 MR. ENGELMANN: And that was that same day?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And he essentially indicated
4 to you that although he remembered the meeting at the
5 beginning, he doesn't really remember any details of this
6 investigation?

7 MR. DEROCHIE: That's right.

8 MR. ENGELMANN: All right. He also was on
9 leave for part of October?

10 MR. DEROCHIE: That's correct.

11 MR. ENGELMANN: And then he was transferred
12 from CIB at some point on or about the 1st of January ---

13 MR. DEROCHIE: Yes, traditionally ---

14 MR. ENGELMANN: --- of 1990?

15 MR. DEROCHIE: --- if there's going to be
16 transfers, traditionally they occur at the start of the new
17 year.

18 MR. ENGELMANN: All right. And then, as I
19 understand it, Inspector Stuart McDonald was transferred
20 into CIB at that time, January of 1990?

21 MR. DEROCHIE: That's correct.

22 MR. ENGELMANN: And he indicated to you that
23 -- you spoke to him?

24 MR. DEROCHIE: I did.

25 MR. ENGELMANN: And he told you that he was

1 never briefed on this matter?

2 **MR. DEROCHIE:** That's correct.

3 **MR. ENGELMANN:** And he didn't know that one
4 of the officers that he was supervising in CIB was involved
5 in this investigation?

6 **MR. DEROCHIE:** That's correct.

7 **MR. ENGELMANN:** And, sir, you make the
8 observation in your report, 1286, at page 14, Bates page
9 7175653, that point about Constable Malloy carrying a
10 considerable case load at that time.

11 Do you see that, the second last paragraph?

12 **MR. DEROCHIE:** Oh, yes.

13 **MR. ENGELMANN:** And you say that:

14 "In hindsight, he should not have been
15 given other assignments until he dealt
16 with Ms. Antoine's complaint."

17 That's an observation you made?

18 **MR. DEROCHIE:** That's an observation I made.

19 Not very practical really when you think of it.

20 Everybody's very, very busy, how could you -- you know, how

21 could you possibly move an investigator off of all of his

22 other cases. There's other victims that are out there

23 waiting for results as well so it's -- you know, in a

24 perfect world, I believe I'd start that paragraph off with

25 "In a perfect world we'd have, you know, an abundance of

1 investigators just waiting for a case to be assigned to
2 them".

3 **MR. ENGELMANN:** It appears that his
4 supervisors, at least for periods of time, didn't know he
5 was on the case?

6 **MR. DEROCHIE:** Well, I have no evidence that
7 -- well, I'd have to go by what Staff Inspector McDonald
8 told me ---

9 **MR. ENGELMANN:** Yes.

10 **MR. DEROCHIE:** --- and he said he didn't
11 know that this investigation was there, and how would he,
12 there was no incident created.

13 **MR. ENGELMANN:** And Inspector Trew didn't
14 remember any details except for the initial meeting?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** And Wells -- you know, you
17 didn't get much from him and of course he went off --

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** --- on leave?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** So it might be difficult for
22 the officer in question to get any direction from
23 supervisors if they don't know what's going on?

24 **MR. DEROCHIE:** That's so.

25 You know, they would be dealing -- in Stuart

1 McDonald's case, he would be dealing with new
2 investigations coming in and then having to find
3 investigators to do those new investigations. So if he
4 didn't know about this one to begin with, he could give
5 little consideration, I would suspect, to ---

6 **MR. ENGELMANN:** And you do say that at the -
7 - I'll just be a moment, sir.

8 On page 11 of your report, paragraph number
9 4, Bates page 7175650, you make the observation, you say:

10 "Constable Malloy's supervisors all the
11 way up the chain of command had
12 knowledge of the investigation, at
13 least initially."

14 You say:

15 "There's no evidence that the case was
16 being managed by the supervisors."

17 **MR. DEROCHIE:** That's correct, that's what I
18 say.

19 **MR. ENGELMANN:** And you say in the following
20 paragraph:

21 "It could be suggested that senior
22 management at the Service showed no
23 interest in the investigation."

24 **MR. DEROCHIE:** That's what I said.

25 **MR. ENGELMANN:** Okay. What did you mean by

1 that, sir?

2 **MR. DEROCHIE:** Well, I didn't mean that they
3 were doing anything intentionally, they weren't doing
4 anything so far as misconduct goes; they just, for whatever
5 reason, you know, stopped showing an interest in this case
6 or that's -- I could find no evidence that would dispute
7 that; that's the conclusion I reached.

8 **MR. ENGELMANN:** And it was your belief, in
9 any event, that they should have recognized the
10 significance of the allegations being made and should have
11 monitored the progress of the inquiry carefully?

12 **MR. DEROCHIE:** You -- you have Ms. Antoine
13 making allegations that go to the very heart of what CAS is
14 all about. Yeah, it's a -- it's an important
15 investigation.

16 **MR. ENGELMANN:** And you say that, at the top
17 of page 13 of your report, the first paragraph; is that
18 fair?

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** And in the next paragraph,
21 you're -- given the high profile nature of the case and
22 given the fact that allegations are being made about CAS
23 officials, you were of the view that -- you were critical
24 of the role that the Chief and Deputy Chief played?

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** And you also make an
2 observation about the Crown, sir; do you not? I'm looking
3 at page 9, para 3.

4 I'm sorry, I may have the wrong paragraph;
5 just one moment.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. ENGELMANN:** Sorry, page 13, paragraph 3.
8 "Someone tampered," you say, "will presume to criticize."
9 I'm not sure ---

10 **MR. DEROCHIE:** Well, I didn't ---

11 **MR. ENGELMANN:** --- that's just careful
12 language but ---

13 **MR. DEROCHIE:** Yeah, I did.

14 I don't have any mandate to talk about the
15 Crown Attorney's Office and I felt uncomfortable doing
16 that.

17 **MR. ENGELMANN:** In a legal term, these are
18 *obiter* comments, if I can use the term? That they're ---

19 **MR. DEROCHIE:** They were for my ---

20 **MR. ENGELMANN:** --- observations you make.

21 **MR. DEROCHIE:** They were for my Chief of
22 Police, yes.

23 **MR. ENGELMANN:** Yes.

24 This is an administrative review you're
25 doing for the then Acting Chief?

1 **MR. DEROCHIE:** And he will take those and do
2 what it is that -- you know, ---

3 **MR. ENGELMANN:** Yeah.

4 **MR. DEROCHIE:** --- if there was some
5 discussion to have with the Crown's office.

6 **MR. ENGELMANN:** All right. And -- and you
7 are of the view that that letter that was written should
8 have been followed up on by the local Crown, essentially?

9 **MR. DEROCHIE:** I presumed to make that a
10 comment, yes, yes.

11 **MR. ENGELMANN:** Similar to the questions I
12 put to you earlier today?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** Yeah. And you set that out
15 at page 13 ---

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** --- paragraph 3?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** And in turn, that the
20 regional Crown should have followed up as well?

21 **MR. DEROCHIE:** Should have, yes.

22 **MR. ENGELMANN:** And you set out similar
23 comments, sir, do you not, at the bottom of page 11, in
24 paragraph 5?

25 And again, I note the comment:

1 "It would appear strange that after
2 indicating that the complainant's story
3 had merit, that the Crown would not
4 instruct Constable Malloy to follow up
5 and gather evidence, why would he, the
6 local Crown, send such a letter and
7 indicate that if the regional Crown
8 thought charges should be laid that
9 they should meet first."

10 **MR. DEROCHIE:** Yes, these comments are being
11 made in the -- in the context of playing the devil's
12 advocate, as I -- as I ---

13 **MR. ENGELMANN:** Yes.

14 **MR. DEROCHIE:** --- started off by saying,
15 "If you want to -- if you wanted to raise the worst
16 possible scenarios, here what they would be. Here's what
17 the circumstances are in this case."

18 **MR. ENGELMANN:** Well, the worst possible
19 scenario would have been an intentional cover-up?

20 **MR. DEROCHIE:** That's -- yes, that's
21 certainly the worst possible and that's what I'm saying, if
22 -- if you wanted to find a -- a conspiracy theory or a
23 cover-up, here are some of the things that would add to
24 that.

25 **MR. ENGELMANN:** And I guess further down the

1 line, it would perhaps just be a sense of apathy or
2 disinterest on the part of getting to the ---

3 MR. DEROCHIE: It -- it would be something
4 other than a conspiracy.

5 MR. ENGELMANN: Right.

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: But also not a good way to
8 deal with allegations of such a serious nature?

9 MR. DEROCHIE: Quite obviously.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. ENGELMANN: Now, you review a number of
12 concerns, sir, on pages 13 and 14 of your report. We've
13 looked at some of them, they include the -- we've gone
14 through some not creating an OMPPAC incident or follow-up -
15 - follow-up reports, failure to keep -- what you think may
16 be a failure to keep accurate notes or any notes by the
17 investigating officer and her supervisors, no supervision,
18 issues about caseload management and perhaps periodic
19 inspection of notebooks; that would be a way to, if you
20 don't have OMPPAC, to see if an officer's following up,
21 correct?

22 MR. DEROCHIE: Yes, but I wouldn't -- I --
23 the primary -- the primary focus of my recommendations are
24 most -- most -- the most unacceptable or inexcusable reason
25 for -- for this having resulted the way it did was the --

1 the lack of the creation of the OMPPAC incident; that is
2 certainly ---

3 **MR. ENGELMANN:** It's a lot easier to follow
4 with OMPPAC than it is to do some kind of periodic
5 inspection of a -- of an officer's case notes?

6 **MR. DEROCHIE:** That's right. It's -- it's a
7 much more efficient way of doing it.

8 **MR. ENGELMANN:** And it flashes at you?

9 **MR. DEROCHIE:** It -- it's right there in
10 your face every day when you open up.

11 Just take a moment to turn off my
12 Blackberry.

13 **MR. ENGELMANN:** Yeah.

14 **MR. DEROCHIE:** I forgot.

15 **MR. ENGELMANN:** And, sir, you -- at the top
16 of page 15 ---

17 **THE COMMISSIONER:** Hang on a second.

18 **MR. DEROCHIE:** Yes.

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

20 **MR. DEROCHIE:** I had forgotten to turn off
21 my Blackberry, I'm sorry, and, of course, it's not
22 cooperating.

23 There we go; sorry.

24 **MR. ENGELMANN:** At the top of page 15, after
25 outlining a number of -- of concerns, and I've -- I've just

1 referenced a few of them, you say:

2 "The writer's not offering the
3 preceding information as an excuse for
4 what occurred in this matter but rather
5 it is put forward to illustrate how
6 critical it is to record all complaints
7 on OMPPAC immediately."

8 And that's the point you were just making,
9 sir?

10 **MR. DEROCHIE:** Exactly.

11 **MR. ENGELMANN:** All right. It would not
12 have mattered what personnel changes were made in CID,
13 because you would have had OMPPAC?

14 **MR. DEROCHIE:** That's right.

15 **MR. ENGELMANN:** So the fact that an
16 officer's off sick or whatever, that wouldn't matter?

17 **MR. DEROCHIE:** Whoever is replacing him
18 would have access to that assignment list.

19 **MR. ENGELMANN:** And so the Antoine complaint
20 and, more importantly, the lack of action on the Antoine
21 complaint would have been identified by checks and balances
22 built into the OMPPAC system?

23 **MR. DEROCHIE:** Correct.

24 **MR. ENGELMANN:** All right. But then you
25 say:

1 "Having said that, the writer cannot
2 ignore the fact that this complaint was
3 not identified by anyone in the
4 organization who knew about it as being
5 especially significant."

6 And, sir, you've told again why -- why this
7 should have been recognized as especially significant and
8 certainly it appeared to be at beginning when people met
9 about it?

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** All right. And you say, "It
12 leaves one to wonder..." and this might have been square
13 brackets, but they're not there but:

14 "It leaves one to wonder if the matter
15 would have been dealt with any
16 differently even had there been an
17 OMPPAC report or Incident created."

18 You make that observation?

19 **MR. DEROCHIE:** I make that observation.

20 **MR. ENGELMANN:** Yeah. But -- but at least
21 if the OMPPAC Incident Report had been created and there
22 had been follow-up on it, perhaps some of this might have
23 been different?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** And -- and I take it from

1 your next paragraph, sir, that you're -- you're sort of
2 saying -- and -- and I'm going to paraphrase, if I can, and
3 if I'm wrong, just let me know.

4 **MR. DEROCHIE:** I will.

5 **MR. ENGELMANN:** You're saying it's not
6 really any individual; it's sort of everything failed with
7 this one. It's a systemic failure, in your -- from your
8 perspective as opposed to any one individual?

9 **MR. DEROCHIE:** Yes, certainly individuals
10 had responsibilities ---

11 **MR. ENGELMANN:** Yes.

12 **MR. DEROCHIE:** --- that weren't met, but
13 when everything -- when everything fails, then it's got to
14 be systemic.

15 **MR. ENGELMANN:** Right. So there are
16 individuals who don't do certain things perhaps that they
17 should have but when no one does things that you should
18 then the whole thing fails?

19 **MR. DEROCHIE:** That something has to be
20 fixed.

21 **MR. ENGELMANN:** Right.

22 **MR. DEROCHIE:** Yes.

23 These aren't easy reports to write, you
24 know, when you are criticizing your peers, criticizing your
25 organization, criticizing your bosses, you know. But the

1 reason you do these things is to find what went wrong, not
2 what went right and that's what I'm doing in this document.

3 **MR. ENGELMANN:** And just about that, not
4 easy to do, because if you're doing a thorough job
5 sometimes you have to be critical of your colleagues.

6 **MR. DEROCHIE:** Yes, you don't get invited to
7 many barbeques, you know, because you are critical. And
8 that's the point of it, you know. Here is what it is.

9 **MR. ENGELMANN:** Are these reports intended
10 to be confidential to the Chief?

11 **MR. DEROCHIE:** They are for his actions.

12 **MR. ENGELMANN:** And certainly they are not
13 intended for perhaps a public forum like this?

14 **MR. DEROCHIE:** Oh, certainly not. No,
15 certainly not.

16 But I guess they show a degree of
17 transparency that we still have and then our producing them
18 to you. So you know they are there to produce. There is
19 some silver lining to that black cloud, I guess.

20 **MR. ENGELMANN:** All right. Just be a
21 moment, sir.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Almost time for the break
24 there, Mr. -- do you want to take a break now?

25 **MR. ENGELMANN:** Yeah, perhaps we should.

1 I'm not going to be much longer on the Antoine
2 investigation but perhaps we should take a break.

3 **THE COMMISSIONER:** All right, thank you.
4 Let's take the morning break.

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

7 The hearing will resume at 11:15.

8 --- Upon recessing at 11:00 a.m. /

9 L'audience est suspendue à 11h00

10 --- Upon resuming at 11:24 a.m. /

11 L'audience est reprise à 1124

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 **GARRY DEROCHIE, Resumed/Sous le même serment:**

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
18 **ENGELMANN, (cont'd/suite):**

19 **MR. ENGELMANN:** Staff Sergeant Derochie, we
20 were still dealing with the Antoine administrative review.

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** It is Exhibit 1286 and I was
23 on the last page of the review, sir.

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** You indicate in the second-

1 last paragraph, you say:

2 "Cornwall Police Services directives
3 should be amended and where necessary
4 created to deal with weaknesses and
5 procedures identified in this case
6 review and others."

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** Specifically Silmsen.

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** You don't refer to a
11 specific directive here; is that fair?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** Were there some you had in
14 mind?

15 **MR. DEROCHIE:** I don't recall at this point
16 but I do know that subsequent to submitting my report I was
17 instructed by the Chief to do a review and to make
18 recommendations and to put in place directives that I
19 thought were required.

20 **MR. ENGELMANN:** Now, would that have been
21 Acting Chief Johnston or would that have been his
22 replacement Chief Repa?

23 **MR. DEROCHIE:** It was Acting Chief Johnston,
24 I'm pretty sure.

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

1 Because often your recommendations are
2 fairly specific and there is often an internal
3 correspondence back that, well, typically says, okay,
4 Garry, go ahead and do it, that type of thing.

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** Do we have that here?

7 **MR. DEROCHIE:** I believe we do, sir. I
8 believe there is a document that comes back that
9 acknowledges receipt of my report.

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

11 And with specific recommendations with
12 respect to which directives to be amended?

13 **MR. DEROCHIE:** I would have to look at it
14 again but there are -- I know that I did create a directive
15 with the whole issue of creating an OMPPAC incident
16 immediately upon receipt of information that could be
17 criminal in nature, whether you were going to investigate
18 it at the time or not. I distinctly remember that one. I
19 know there would have been others I would have ---

20 **MR. ENGELMANN:** All right. I will perhaps
21 take a look at the lunch break for that myself.

22 **MR. DEROCHIE:** Okay, fine.

23 **MR. ENGELMANN:** So at the end of the day,
24 sir, I'm not going to go back and repeat some of your
25 conclusions; they are set out, starting at about pages 8

1 and 9. There is a number of them set out on -- starting at
2 the bottom of page 10 right through the top of page 12 and
3 then, of course, your comments and we have gone through
4 some of them on pages 13 and 14.

5 At the end of the day, aside from some
6 recommendations about OMPPAC and possibly something else,
7 but was anyone counselled or disciplined as a result of
8 what had happened with respect to this matter in 1989-1990?

9 MR. DEROCHIE: Yes, Constable Malloy with
10 regards to note keeping and failing to start an OMPPAC
11 incident.

12 MR. ENGELMANN: And that would have been by
13 way of?

14 MR. DEROCHIE: Counselling, informal
15 counselling.

16 MR. ENGELMANN: Informal?

17 MR. DEROCHIE: Bearing in mind again that he
18 is off on sick leave.

19 MR. ENGELMANN: Right.

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: All right.

22 Might that have been different if he was in
23 active service?

24 MR. DEROCHIE: Yes, it may have been
25 different but that would be at the discretion of the Chief.

1 **MR. ENGELMANN:** That's true. And sir, you
2 did not recommend any counselling of his supervisors at the
3 time?

4 **MR. DEROCHIE:** No, I believe I identified
5 the weaknesses and left that to the Chief to deal with.

6 **MR. ENGELMANN:** All right.
7 And I think you told us that you thought
8 much of this was very widespread in any event.

9 **MR. DEROCHIE:** Yes, I thought there was some
10 inherent difficulties that we had in our organization.

11 **MR. ENGELMANN:** Now, sir, this particular
12 report that is dated April of 1995 ---

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** --- the vast majority of
15 your work on the review was done in early '94.

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And can you explain why the
18 report wasn't submitted until April of '95?

19 **MR. DEROCHIE:** No, I have searched my notes
20 to try to determine why that occurred. I do know that when
21 I first took on this investigation I created a projects
22 file under the OMPPAC system so that I could record,
23 prepare this report. And when I was asked for this report
24 and obviously something occurred in early '95, as you
25 mentioned, that caused this report to be generated I simply

1 just printed off the report I had on OMPACC and gave it to
2 a secretary to type.

3 MR. ENGELMANN: So was this -- was this
4 flashing at you every month saying you've got to get this
5 done?

6 MR. DEROCHIE: This was done. It was filed
7 on OMPPAC. The report was filed with the Chief on OMPPAC
8 and subsequently he -- I can only assume that he must have
9 asked me to submit the report. I don't recall there being
10 -- did it coincide with the end of Shawn White's
11 investigation? Possibly, I'd have to look at that.

12 MR. ENGELMANN: All right.

13 MR. DEROCHIE: It never occurred to me to
14 look at it.

15 MR. ENGELMANN: I thought that maybe that
16 was an explanation ---

17 MR. DEROCHIE: Yeah.

18 MR. ENGELMANN: --- you were waiting until
19 the new investigation was finished but I didn't see a note
20 to that effect.

21 MR. DEROCHIE: Yes, and ---

22 MR. ENGELMANN: I just know the cover of the
23 report says April '95.

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: As I said, most of the work

1 seems to have been done a good year before that.

2 **MR. DEROCHIE:** Oh, yes, you're quite right
3 in that observation.

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

5 So what you're saying is even though the
6 report date is April '95 you had entered it onto OMPPAC, it
7 was available for the Chief.

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** Perhaps a year earlier.

10 **MR. DEROCHIE:** Yes.

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

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** Can I take you to page
14 10, sir, of the report? And the fourth paragraph down, you
15 are talking about whether the charges would be laid and
16 whether they were criminal assaults or assaults causing
17 bodily harm, that kind of thing.

18 **MR. DEROCHIE:** Yes.

19 **THE COMMISSIONER:** All right. It says:

20 "It has been concluded that if they had
21 occurred they would be level one common
22 assaults and the statute of
23 limitation..."

24 Who has -- how did you come about to saying
25 it has been concluded?

1 **MR. DEROCHIE:** There would have been a brief
2 submitted to the Crown attorney, and I believe there is
3 correspondence with regards to that whole issue.

4 **MR. ENGELMANN:** I am going to try and come
5 to some of that in just a few minutes, sir. I don't know
6 if I will get to that point but I'll certainly try.

7 **THE COMMISSIONER:** Okay, good. Thank you.

8 **MR. ENGELMANN:** So it appears that at least
9 a short portion of this review has a reference to the
10 investigation ---

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** --- which would have
13 occurred later in 1994.

14 **MR. DEROCHIE:** Yes.

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

16 So that may have been a reason for holding
17 off on the formal ---

18 **MR. DEROCHIE:** It may well. There might be
19 a correlation between those -- those dates.

20 **MR. ENGELMANN:** My colleague has kindly
21 found something for me. It's in Exhibit 30 which is the
22 Book of Documents of Danny Aikman in the corporate policy
23 presentation.

24 Perhaps we could just take a look there for
25 a moment, dealing with the directive issues, sir, that you

1 mention?

2 MR. DEROCHIE: Oh, yes.

3 MR. ENGELMANN: And I think it deals with at
4 least one issue which you were concerned about and that is
5 the OMPPAC issue?

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: It would be, sir, Volume 1
8 of Exhibit 30 at Tab 5.

9 MR. DEROCHIE: Thank you.

10 MR. ENGELMANN: The Document Number is
11 60019, if that's helpful to bring it up on the screen --
12 600019. Sorry, if I said that wrong.

13 Sir, this appears to be a directive with
14 respect to OMPPAC in ensuring that it's used as an
15 effective tool and that it will enhance the quality of
16 police service delivered to this community?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: And it appears to have been
19 ordered on May the 8th, 1995?

20 MR. DEROCHIE: That's correct, yes.

21 MR. ENGELMANN: So, sir, would it be your
22 understanding that this directive was a direct result of a
23 recommendation that you would have made to the Chief with
24 respect to -- that came out of the Antoine report that you
25 did?

1 **MR. DEROCHIE:** Yes, I'm quite sure it did.

2 **MR. ENGELMANN:** All right. So it would
3 appear at least that this directive resulted from the admin
4 review?

5 **MR. DEROCHIE:** Yes, at least this one, yes.

6 **MR. ENGELMANN:** And why did you think it was
7 important that there be a specific directive about OMPPAC
8 five years or so after it had been introduced at the
9 Cornwall Police Service?

10 **MR. DEROCHIE:** Well, obviously this was
11 becoming identified as a major problem. There was an
12 understanding in -- when we introduced OMPPAC to the
13 organization that there was a best practices, as it were,
14 when we taught the various members and, of course, the very
15 best practice would have been use OMPPAC. When you have an
16 investigation, that is the only way that we're going to
17 document criminal matters or indeed any matters we deal
18 with in the future. We're going from a written format to
19 an electronic format.

20 We hadn't -- I guess we hadn't created
21 policies and procedures at that time to cover those basic
22 understandings of what OMPPAC was all about, but obviously
23 it became apparent to us that we had to have some very
24 specific direction in that matter; that OMPPAC was here and
25 we were to use the functions to do case management.

1 **MR. ENGELMANN:** The difficulties or the lack
2 of proper use of OMPPAC, perhaps, was not just noted by you
3 in the Antoine review, it was noted in your review of the
4 Silmsen matter?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And I think you indicated to
7 us that in the CIB at least in '93-'94, at the time, it
8 wasn't being used as you thought it should be?

9 **MR. DEROCHIE:** Being the father of OMPPAC in
10 Cornwall, quite right. I was quite -- you know, I had a
11 very strong opinion on how OMPPAC should be used, yes.

12 **MR. ENGELMANN:** All right. So this
13 directive isn't simply as a result of findings in Antoine,
14 it's ---

15 **MR. DEROCHIE:** Oh, no. You know, it can
16 happen once. If it happens twice it's a problem so we
17 better get it done -- get it fixed.

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

19 **MR. DEROCHIE:** It was more than an isolated
20 incident.

21 **MR. ENGELMANN:** Yes. Well, that's quite
22 clear.

23 **THE COMMISSIONER:** So other than passing
24 this directive, is there at this point, in any event, any
25 failsafe measure to ensure that people put in what they're

1 supposed to?

2 **MR. DEROCHIE:** I guess there's no absolute
3 failsafe method.

4 You know, people -- if people understand
5 what they're supposed to do, people being people are free
6 to do otherwise, I guess. They take that upon themselves,
7 you know, if they do that, but you can't -- you don't know
8 if an officer's out doing an investigation, if he uncovers
9 other information of a criminal nature unrelated to what
10 he's doing and if it comes into the organization by any way
11 other than through communications, that's very -- that
12 process is very disciplined.

13 In order to get a response from an officer,
14 there has to be an OMPPAC. CAD has to -- the Computer
15 Assist Dispatch function of OMPPAC has to be activated in
16 order to dispatch a car to a scene. So this doesn't happen
17 in the normal ways in which complaints normally come to our
18 attention.

19 **MR. ENGELMANN:** Sir, when matters are put
20 into directive form, that's an order?

21 **MR. DEROCHIE:** That's an order.

22 **MR. ENGELMANN:** And if the order's not
23 followed that can lead to discipline?

24 **MR. DEROCHIE:** Charges under the Police Act
25 ultimately.

1 **MR. ENGELMANN:** All right. Now, you've told
2 us, sir, that you ordered or directed Constable White --
3 and it's Shawn White ---

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** --- to conduct this
6 investigation ---

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** --- into the original
9 complaint that had been made about five years earlier?

10 **MR. DEROCHIE:** That's correct.

11 **MR. ENGELMANN:** And I'd like the witness to
12 be shown -- it's Document Number 739148. This is an
13 internal correspondence, sir, from yourself to Acting Chief
14 Johnston.

15 **THE COMMISSIONER:** Exhibit 1338 is internal
16 correspondence to Acting Chief Johnston from Staff Sergeant
17 Derochie dated November 2nd, 1994.

18 **--- EXHIBIT NO./PIÈCE NO. P-1338:**

19 (739148) Internal Correspondence from Staff
20 Sgt. Garry Derochie to Acting Chief Carl
21 Johnston dated November 2, 1994

22 **MR. ENGELMANN:** I'm sorry, sir, I missed
23 that number, 1339?

24 **THE COMMISSIONER:** Three-eight (38).

25 **MR. ENGELMANN:** Sir, this is an internal

1 memo that you authored with respect to this matter to your
2 Chief at the time?

3 **MR. DEROCHIE:** That's correct.

4 **MR. ENGELMANN:** And a letter had been
5 written to -- sorry, a letter had been received by Peter
6 Griffiths?

7 **MR. DEROCHIE:** That's correct.

8 **MR. ENGELMANN:** And do you know why, sir,
9 your service would have written to the regional Crown and
10 not dealt with the local Crown, Mr. MacDonald, on this
11 matter?

12 **MR. DEROCHIE:** Again, I believe Mr.
13 MacDonald declared that his office might be in conflict,
14 given that Mr. Johnson, Don Johnson, was the consulting
15 Crown on the original complaint and had dealings with the
16 matter that were being reviewed.

17 **MR. ENGELMANN:** All right. And if the
18 witness could be shown Document 739150.

19 **THE COMMISSIONER:** Exhibit Number 1339 is a
20 letter addressed to the Cornwall Police Service, attention
21 PC Shawn White, October 24th, 1994 from Peter Griffiths,
22 Regional Director of Crown Attorneys.

23 **--- EXHIBIT NO./PIÈCE NO. P-1339:**

24 (739150) Letter from Peter Griffiths to PC
25 Shawn White dated October 24, 1994

1 **MR. ENGELMANN:** So it appears in this case,
2 sir, -- I'll just be asking you some questions about both
3 of these documents if I may, but it appears in this case
4 the entire investigation brief had been sent to Mr.
5 Griffiths?

6 **MR. DEROCHIE:** That's correct, yes.

7 **MR. ENGELMANN:** And is that the same as a
8 Crown brief?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** All right. And, sir, he
11 expresses an opinion on the possible laying of criminal
12 charges?

13 **MR. DEROCHIE:** He does.

14 **MR. ENGELMANN:** And, Mr. Commissioner, I
15 think on the issue of the assault that would be on page 2,
16 that first paragraph.

17 **THE COMMISSIONER:** Yes.

18 **MR. ENGELMANN:** And this is where he is
19 essentially saying that the types of assaults that are set
20 out there would have been known as common assaults and
21 therefore the limitation period would have passed for being
22 able to deal with those?

23 **MR. DEROCHIE:** Yes. At the time the
24 allegations were made in 1976, the Code referred to them as
25 -- the Criminal Code referred to them as common assaults.

1 They were now known to us as level 1 assaults.

2 MR. ENGELMANN: And sir, did the Crown
3 attorney also make some -- or give an opinion on the actual
4 laying of any type of sexual offence?

5 MR. DEROCHIE: Yes, in his view there was no
6 reasonable and probable grounds to lay a charge.

7 MR. ENGELMANN: And he refers to that in the
8 second paragraph of that page where he describes the type
9 of alleged sexual assault?

10 MR. DEROCHIE: Yes.

11 MR. ENGELMANN: And there as no one who
12 could corroborate that at the time? Is that essentially
13 what the investigation concluded?

14 MR. DEROCHIE: Yes, Constable White had
15 identified all but one, I believe, of all the children who
16 had been in the group home at the time and who were offered
17 up by Ms. Antoine as being able to corroborate her account
18 of the abuse that occurred.

19 MR. ENGELMANN: And he appears -- sorry.

20 MR. DEROCHIE: And he was unable to find
21 anybody else that had similar knowledge to hers.

22 MR. ENGELMANN: Well, it appears from the
23 bottom of that page that others weren't willing to file a
24 formal complaint.

25 MR. DEROCHIE: Well, those were with

1 relations -- I believe they were relations -- they were
2 with regards to -- and again, probably Detective White
3 would be the best to answer that but they were in relations
4 to collateral issues. As I recall, one of the girls in the
5 group home was very much traumatized by our talking to her
6 about these issues as she had been assaulted by a fellow
7 child or young person.

8 **THE COMMISSIONER:** A ward?

9 **MR. DEROCHIE:** A ward, a fellow ward and
10 there was that kind of allegations made, yes. There were
11 some -- I also believe some people spoke of abuse in foster
12 care. But again, I would refer you to Sergeant White. He
13 has a more complete ---

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

15 I was just -- fair enough and we will be
16 asking you some questions about this, but I am just
17 referring you to the paragraph. I understand none of the
18 victims wished to make a formal complaint to the police
19 about any sexual assaults suffered by them in the '70s
20 notwithstanding they have had every opportunity and
21 encouragement to do so?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And that would have been
24 information that Mr. Griffiths would have had from
25 Constable White's investigative brief?

1 **MR. DEROCHIE:** If I am not mistaken he would
2 have had all of the statements. He would have had
3 everything that we had to make or to base his decision on.

4 **MR. ENGELMANN:** And he describes some of the
5 impediments at the top of page 3 with respect to the
6 passage of time and limited recall?

7 **MR. DEROCHIE:** Yes, that's a continuous
8 problem in historical sexual assaults and we are looking
9 for corroboration.

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

11 And he talks about some of the pain and
12 suffering that can be caused in the next paragraph that
13 says:

14 "...still have to be able to deal with
15 the Code, the rules of admissibility,
16 standards of truth..."

17 Et cetera?

18 **MR. DEROCHIE:** Yes, he did a complete
19 review, obviously.

20 **MR. ENGELMANN:** Now, sir, in your opinion
21 Constable White did a thorough investigation?

22 **MR. DEROCHIE:** Constable White did -- I have
23 no doubts but that he did a thorough investigation. That's
24 his nature.

25 **THE COMMISSIONER:** Well, whether it's his

1 nature or not, that's a good starting point, but did he in
2 this case do a good investigation?

3 **MR. DEROCHIE:** As far as I am concerned he
4 did, yes.

5 **MR. ENGELMANN:** I say that because of what
6 you say at paragraph two of your note to the Chief. That's
7 1338. You say:

8 "Although we have identified major
9 credibility problems very early in this
10 investigation, let me assure you that
11 Constable White did not just go through
12 the motions. He conducted an extensive
13 and very thorough inquiry."

14 **MR. DEROCHIE:** Yes, like I say, he tracked
15 down everyone he could. He travelled to interview these
16 people. It was done thoroughly.

17 **MR. ENGELMANN:** And you were supervising him
18 during the course of that investigation?

19 **MR. DEROCHIE:** That's correct. He was
20 keeping me appraised of what he was doing. We were -- we
21 were communicating.

22 **MR. ENGELMANN:** Again, you make the comment
23 a little later in your note to the Chief:

24 "I do not believe we have heard the
25 last of Ms. Antoine."

1 **MR. DEROCHIE:** Yes.

2 **MR. ENGELMANN:**

3 “She has a civil action underway
4 against CAS. She has also pursued
5 criminal charges against her natural
6 father. OPP investigations -- these
7 allegations has resulted in a criminal
8 prosecution having been commenced.”

9 (As read)

10 Why would that involve you? You said, “I
11 believe” --

12 “I do not believe we have heard the
13 last of Ms. Antoine.”

14 **MR. DEROCHIE:** I anticipated that she would
15 take some action against us whether it would be civil or a
16 complaint against the police, something of that nature; it
17 was possible. It certainly entered my mind.

18 **MR. ENGELMANN:** Well, you understand, sir,
19 sometimes when -- well, victims of crime whether they go
20 through a criminal process -- or alleged victims, whether
21 they go through a criminal process or not they may sue as a
22 result of ---

23 **MR. DEROCHIE:** Absolutely, they may sue.

24 **MR. ENGELMANN:** --- damage that they say is
25 done to them.

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: And that wouldn't involve
3 the Cornwall Police service in the normal course?

4 MR. DEROCHIE: Well, it could. I'm
5 suggesting that she may well have launched a suit against
6 us.

7 MR. ENGELMANN: All right.

8 MR. DEROCHIE: If I established -- for
9 example, if I establish that the investigation originally
10 wasn't done to a standard ---

11 MR. ENGELMANN: Oh, I ---

12 MR. DEROCHIE: --- she may well, you know.

13 MR. ENGELMANN: But this wasn't a situation
14 where an investigation wasn't done to a standard and then
15 after that she is abused. The abuse was related to the mid
16 '70s.

17 MR. DEROCHIE: Yes, yes, yes.

18 MR. ENGELMANN: All right.

19 MR. DEROCHIE: Yes. Everything she reported
20 afterwards I don't think she had a problem with or she
21 never -- at least she never expressed a concern. We had
22 several contacts with her.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: Now, you met with the OPP at
25 some point about this matter did you not? And to help

1 refresh your memory, I believe it was in or around March of
2 1994. You have some notes; we have looked at them. It is
3 Exhibit 1337 and I'm looking at page 108, Bates page
4 7175763.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. DEROCHIE: Yes, I'm there.

7 Yes.

8 MR. ENGELMANN: What you say is:

9 "Constable White and myself met with
10 Inspector Tim Smith and his partner."

11 Do you recall who that was?

12 MR. DEROCHIE: No, I'm sorry, I don't.

13 MR. ENGELMANN: Was that a fellow by the
14 name of Phegan perhaps?

15 MR. DEROCHIE: It may well have been.

16 MR. ENGELMANN: All right.

17 MR. DEROCHIE: It certainly wasn't Pat Hall
18 that I recall.

19 MR. ENGELMANN: No, it was another OPP
20 officer.

21 MR. DEROCHIE: I believe so, yes.

22 MR. ENGELMANN: All right.

23 "And we told him we had uncovered what
24 appears..."

25 And perhaps it's just missing a couple of

1 words "to be" perhaps:

2 "...of children while..."

3 Sorry, "what appears" and then it says:

4 "...widespread instances of sexual
5 abuse of children while in CAS care."

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** Now, are you just referring
8 to Jeannette Antoine's allegations there or are you
9 referring to something else as well?

10 **MR. DEROCHIE:** I'm referring to the other
11 allegations of the children that Shawn White had
12 interviewed during the course of this investigation that
13 they -- some of them reported instances of sexual abuse
14 while in foster care.

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

16 Because you say while in CAS care and you
17 say:

18 "The suspects are CAS staff as well as
19 foster parents."

20 **MR. DEROCHIE:** Yes, okay.

21 **MR. ENGELMANN:** Okay. So it's not just
22 foster parents who are the alleged abusers, correct?

23 **MR. DEROCHIE:** Yeah, I don't -- I don't
24 recall the -- why that reference would be.

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

1 That's a note you make at or about the time.

2 **MR. DEROCHIE:** Yes. Oh, yes. So obviously
3 there was something in my mind whether it was the carryover
4 of the Antoine allegation about her abuse.

5 **MR. ENGELMANN:** All right.

6 And you say that the suspects are -- just
7 after that you say...

8 "...incidents are within Cornwall and
9 surrounding area."

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** Is that why you were meeting
12 with the OPP officers?

13 **MR. DEROCHIE:** Yes, and they were doing a
14 review of the whole Silmsler matter at the same time ---

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

16 **MR. DEROCHIE:** --- where there was multiple
17 jurisdictions.

18 **MR. ENGELMANN:** And were you meeting with
19 them about Silmsler or were you meeting with them about this
20 or ---

21 **MR. DEROCHIE:** I was meeting with ---

22 **MR. ENGELMANN:** --- meeting with them about
23 both?

24 **MR. DEROCHIE:** I'm sorry, I was meeting with
25 them about this.

1 **MR. ENGELMANN:** All right. And you say:
2 "Smith was up front and told us that
3 his mandate would not be expanded
4 beyond the Silmsers investigation."

5 **MR. DEROCHIE:** We were asking him, "Is this
6 something that you should be looking at as well?"

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

8 **MR. DEROCHIE:** Allegations.

9 **MR. ENGELMANN:** So he told you, in effect,
10 that he was only looking at Silmsers?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** All right. He said:
13 "Antoine, in subsequent investigations,
14 were ours."

15 **MR. DEROCHIE:** That's correct.

16 **MR. ENGELMANN:** "And he said we could look
17 at the allegations one at a time and if
18 we found any that occurred in OPP
19 jurisdiction, that they should be
20 passed on to the local CIB unit."

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** And do you know, sir, if
23 that, in fact, happened, if some of the allegations that
24 occurred outside of Cornwall were passed to the local CIB
25 unit by your -- your force?

1 **MR. DEROCHIE:** I -- I don't recall specific
2 ones.

3 **MR. ENGELMANN:** You talked to us earlier
4 about the foster home, that -- that -- where you were
5 familiar with the foster parents?

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** Was that referred to the
8 local OPP?

9 **MR. DEROCHIE:** Yes, yes.

10 **MR. ENGELMANN:** That would be one example?

11 **MR. DEROCHIE:** Well, no, this after the
12 investigation; that -- that happened right at the very
13 start of my involvement with Ms. Antoine.

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

15 **MR. DEROCHIE:** I turned that over to the
16 OPP. Not the -- not with -- not to Smith and what he was
17 doing but to the -- the detachment, the Long Sault
18 detachment.

19 **MR. ENGELMANN:** Fair enough.

20 **MR. DEROCHIE:** These matters that we're
21 talking about are those that I referred to earlier, reports
22 that were told to us by the other people that we were
23 interviewing as a result of Ms. Antoine's complaint, where
24 they said, "No, not at Second Street, but I have some
25 recollection of..." ---

1 **MR. ENGELMANN:** Yes.

2 **MR. DEROCHIE:** --- "... some other event".

3 **MR. ENGELMANN:** So some of the -- I don't
4 know if they were wards, but some of the residents at the
5 Second Street Group Home who were there at the time that
6 Jeannette Antoine was, complained about abuse by others?

7 **MR. DEROCHIE:** Exactly. Either before they
8 got to the group home or subsequently when the group home
9 was closed down.

10 **MR. ENGELMANN:** All right. And I note at
11 page 109 of your notes, Bates page 7175764, you said:

12 "We later spoke to the Chief, briefed
13 him on the results of our meeting.

14 This is not how we hoped this would end
15 up, however, we are seized with this
16 investigation and must do a thorough
17 job."

18 **MR. DEROCHIE:** Yeah.

19 **MR. ENGELMANN:** So would it be fair to say
20 that you were hoping that the OPP would have taken some of
21 these on?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And when you say you're
24 "seized with the investigation", it would appear that
25 Constable White's investigation is ongoing at this time?

1 **MR. DEROCHIE:** Yes, he continued on, yes.

2 And it seems to me that the -- when the
3 Crown was responding -- no, I shouldn't say that; maybe
4 Sergeant White would be the better person to comment on it.
5 It's -- I thought the Crown had covered off all of those
6 instances.

7 **MR. ENGELMANN:** I'll just be a moment, sir.

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

9 **MR. DEROCHIE:** Oh yes, it does here. It
10 says, the last -- or the second last paragraph on page 3 of
11 his letter, "regretfully notwithstanding".

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

13 **MR. ENGELMANN:** One of the difficulties, as
14 I understood it, sir, was that you didn't have a formal
15 complaint from some of these other individuals. There may
16 have been an interview but none of them had actually made
17 the complaint about ---

18 **MR. DEROCHIE:** Yes, some of them did not
19 want -- they gave us the information and did not want to
20 make the complaint.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. ENGELMANN:** Now, sir, again looking at
23 your notes on this matter, Exhibit 1337 at page 67, Bates
24 page 7175722, you make a reference to a letter, towards the
25 bottom of the page, that you received from Staff Sergeant

1 Brunet?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: Who had received it from
4 Constable Malloy?

5 MR. DEROCHIE: That's correct.

6 MR. ENGELMANN: This letter was apparently
7 received on February 26th, 1993?

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: And it was in response to a
10 telephone call that Constable Malloy had received on
11 August 13th, '92?

12 MR. DEROCHIE: That's correct.

13 MR. ENGELMANN: And you're getting this on
14 January 27th, '94?

15 MR. DEROCHIE: That's correct.

16 MR. ENGELMANN: All right. And this is from
17 -- a letter from someone by the name of Suzanne Lapointe?

18 MR. DEROCHIE: Yes, Suzanne Lapointe.

19 MR. ENGELMANN: And who was that, sir?

20 MR. DEROCHIE: Suzanne Lapointe was the
21 sister of Jeannette Antoine. It's my understanding that
22 Ms. Antoine was originally a Lapointe.

23 MR. ENGELMANN: All right. Now, this letter
24 had never been entered onto the OMPPAC system?

25 MR. DEROCHIE: No.

1 **MR. ENGELMANN:** Again, nothing from the
2 original investigation ---

3 **MR. DEROCHIE:** No.

4 **MR. ENGELMANN:** --- had been?

5 **MR. DEROCHIE:** No.

6 **MR. ENGELMANN:** Although this occurred some
7 time later than that original investigation in '89, '90;
8 this is now '93?

9 **MR. DEROCHIE:** Yes. My understanding was
10 that he received the telephone call from Ms. Lapointe
11 outlining abuse while in foster care of the family who she
12 believed the suspect would have been deceased, but, yes.
13 And subsequently followed that up with a letter.

14 The tone of the letter, if I recall, is sort
15 of -- she would have been asked to outline what her
16 complaint was in some format and that this was the letter -
17 - that's what she was doing in this letter. She was
18 telling Constable Malloy about her experience.

19 **MR. ENGELMANN:** And this was about sexual
20 abuse by a foster parent?

21 **MR. DEROCHIE:** By a foster father, yes.

22 **MR. ENGELMANN:** And at the bottom of page 68
23 of your notes, it appears there was no report filed.
24 Constable Malloy was then injured shortly thereafter and
25 the letter simply slipped through the cracks?

1 **MR. DEROCHIE:** That's correct.

2 **MR. ENGELMANN:** All right. So in any event,
3 you created an OMPPAC Incident Report ---

4 **MR. DEROCHIE:** Yes, I did.

5 **MR. ENGELMANN:** --- and you filed the
6 letter?

7 **MR. DEROCHIE:** Yes, I did.

8 **MR. ENGELMANN:** And was there some effort to
9 investigate her concerns, sir?

10 **MR. DEROCHIE:** Yes, I sent her a letter. I
11 tried to call her. There was a telephone number on the
12 letter, as I recall. I tried to call it but that number
13 was no longer in service. I sent her a registered letter
14 and it was returned to me.

15 So I had -- I assigned it to Sergeant White
16 -- well, he was a constable at that time, but Shawn White
17 would do that investigation as -- while he was doing the
18 Antoine review. He was going to be out West anyway.

19 **MR. ENGELMANN:** It's my understanding that
20 this person must have moved between the time she wrote that
21 letter ---

22 **MR. DEROCHIE:** Yes, I couldn't track her
23 down through the conventional ways, you know, checking her
24 on CPIC and ---

25 **MR. ENGELMANN:** Do you know if there was

1 some effort to track her down through Ms. Antoine?

2 MR. DEROCHIE: Again, that may well have
3 been, but Sergeant White would have done that.

4 MR. ENGELMANN: Fair enough. Now, sir,
5 during the course of this review and investigation, you
6 told us you had conversations with Mr. Abell?

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: And you also had some
9 conversations with a Mr. Chiarelli?

10 MR. DEROCHIE: Yes, Bob Chiarelli.

11 MR. ENGELMANN: And a Mr. Guzzo?

12 MR. DEROCHIE: Yes, Mr. Guzzo, yes.

13 MR. ENGELMANN: And how did that come about,
14 sir. Do you recall?

15 And I'm looking at -- there's a reference to
16 this, page 75 and 76 of your notes, starting Bates page
17 7175730.

18 MR. DEROCHIE: Yes. As I recall this, it
19 was a letter from Mr. Chiarelli to Chief Ford of the Ottawa
20 Police Service of the day and he was saying that he had
21 received information from a retired judge who was an
22 acquaintance of his with regards to children being abused
23 in foster care or under the care of CAS in Cornwall and
24 that there was a number of these incidents including
25 children from the Akwesasne Reserve which would have been

1 under their equivalent to CAS protection or wards, whatever
2 the case may be and that the letter indicated that Chief
3 Shaver had attempted to investigate these allegations but
4 had been dissuaded from doing that by someone or -- and
5 that was turned over to us and it was given to me to have a
6 look at; see what I could find about it -- find out about
7 it.

8 **MR. ENGELMANN:** In fact, I think the
9 discussion about this, in fairness to you sir, starts at
10 page 65 of your notes, right at the bottom, 7175720.

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** And you, in fact, called
13 former Chief Shaver about it?

14 **MR. DEROCHIE:** I did, yes.

15 **MR. ENGELMANN:** And what, if anything, did
16 he remember about this?

17 **MR. DEROCHIE:** He had no recollection of
18 this at all. I asked him if he ever recalled meeting Mr.
19 Guzzo and by this time I knew that Mr. Guzzo had been a
20 partner of Mr. Chiarelli. So I assumed that Mr. Guzzo was
21 probably the retired judge Mr. Chiarelli was referring to.
22 However ---

23 **MR. ENGELMANN:** Was that ever confirmed by
24 either ---

25 **MR. DEROCHIE:** I called him ---

1 **MR. ENGELMANN:** --- Mr. Chiarelli or Mr.
2 Guzzo?

3 **MR. DEROCHIE:** No, neither. Mr. Guzzo
4 claimed he was not; Mr. Chiarelli would not identify who
5 that judge was to me.

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

7 **MR. DEROCHIE:** So anyways, he'd recalled
8 only meeting Mr. Guzzo at one particular occasion and had
9 not had any type of a conversation with him so he had no
10 idea what was being referenced.

11 **MR. ENGELMANN:** And just to go back to Mr.
12 Chiarelli, you had a conversation with him. This is Bob
13 Chiarelli, the former mayor of Ottawa?

14 **MR. DEROCHIE:** Yes, he was at the time a
15 sitting Liberal MPP ---

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

17 **MR. DEROCHIE:** --- for Ottawa West I
18 believe, or Ottawa Central, I'm not sure.

19 **MR. ENGELMANN:** And your discussion with Mr.
20 Guzzo is set out at pages 75 and 76 and I think you've
21 referred to it and then we've a reference to meeting Mr.
22 Chiarelli in Ottawa on February 1st.

23 **MR. DEROCHIE:** That's correct.

24 **MR. ENGELMANN:** And your discussion with him
25 is set out at the bottom of page 76 and on to the next

1 page.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: You asked him about this
4 information that he'd spoken to Chief Ford about?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: And he indicated to you that
7 he obtained his information from a number of sources?

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: And that information again
10 was what sir?

11 MR. DEROCHIE: That there were incidences of
12 children in care of CAS being abused in the Cornwall and
13 surrounding area.

14 MR. ENGELMANN: And you thought it was
15 important to look at this in the context of what you were
16 doing with Jeannette Antoine?

17 MR. DEROCHIE: Yes. And it concerned me
18 that it was getting, you know, a lot bigger than I had
19 anticipated.

20 MR. ENGELMANN: Did you get any specific
21 information from Mr. Chiarelli? I'm looking at page 77 of
22 your notes.

23 MR. DEROCHIE: No, I have a clear
24 recollection that he had no details. He was passing on
25 information that he had received; he quoted one of his

1 sources as being Charlie Greenwell.

2 MR. ENGELMANN: Did he also indicate that a
3 source of information for him was the local MPP, a fellow
4 by the name of Cleary?

5 MR. DEROCHIE: Oh yes. John Cleary, yes,
6 quite right.

7 MR. ENGELMANN: Now, this happens
8 immediately or the same day that you have a conversation
9 with Mr. Abell, on February 1st, '94. And in your notes,
10 starting at page 79, Bates page 7175734, you were seeking
11 some clarification from Mr. Abell about their policies?

12 MR. DEROCHIE: Yes, I was again wondering
13 what we should be reporting to him.

14 MR. ENGELMANN: I'm sorry?

15 MR. DEROCHIE: I was wondering what -- under
16 what circumstances we should be reporting to him. But this
17 is with regards to a different investigation that also came
18 along during the one that's identified on page 78. You'll
19 see it in bold.

20 MR. ENGELMANN: All right. Was this related
21 to Antoine in some way?

22 MR. DEROCHIE: Only in that it was similar
23 type information coming in at the same time while I was
24 doing this investigation, whereas her inquiry actually had
25 been made the CAS.

1 She had reported some time previously that -
2 - to us, to the Cornwall Police Service that she had
3 suspected that her son, her six-year old son, had been
4 sexually abused by his paediatrician during the
5 examination. And she wanted to know -- she had called CAS
6 wanting to know if we had, in fact, reported that to them.

7 **MR. ENGELMANN:** All right. But you were
8 seeking some guidance whether it's one or the other on this
9 whole issue about when you need to advise the CAS when
10 you're dealing with historical sexual assault.

11 **MR. DEROCHIE:** Exactly. I had learnt that
12 the investigation had resulted in a classification of
13 unfounded; that means that the officers found absolutely no
14 evidence that that had happened. And I was wondering "Do
15 you want to know about these investigations when we do and
16 complete them, that are unfounded?"

17 **MR. ENGELMANN:** When you say "unfounded,"
18 just -- do you mean -- so there's be some -- found no
19 evidence after a thorough investigation?

20 **MR. DEROCHIE:** Yes, yes, yes. Yes.

21 **MR. ENGELMANN:** All right. What if -- so
22 that's what that word means when you use that term?

23 **MR. DEROCHIE:** Exactly.

24 **MR. ENGELMANN:** That they should have looked
25 at that, an allegation, in a thorough ---

1 **MR. DEROCHIE:** Yeah.

2 **MR. ENGELMANN:** --- manner.

3 **MR. DEROCHIE:** Yes, the allegation was that
4 the assault occurred in the examination room while the
5 mother was present with the doctor, and that subsequent to
6 the examination the child had expressed a degree of being
7 uncomfortable with what had just happened. So that was the
8 context of the investigation. That was the -- what we were
9 looking into.

10 **MR. ENGELMANN:** Yes sir. And I didn't mean
11 to be specific about that, you ---

12 **MR. DEROCHIE:** Oh.

13 **MR. ENGELMANN:** --- just used the term
14 "unfounded" and I was wondering what that meant to you.

15 **MR. DEROCHIE:** Oh, yes.

16 **MR. ENGELMANN:** And if that a term that's
17 used in closing -- sorry.

18 **MR. DEROCHIE:** No, no. You're quite right.

19 **MR. ENGELMANN:** Is that a term that's used
20 when you close files sometimes?

21 **MR. DEROCHIE:** When you close a file and you
22 give an investigation status on it.

23 **MR. ENGELMANN:** So what you're saying at the
24 bottom of page 79 and the top of 80 is you seem to be
25 asking whether they wish to be advised if an investigation

1 that you're doing ends with a result that the sexual
2 assault proves to be unfounded?

3 **MR. DEROCHIE:** That's correct, yes.

4 **MR. ENGELMANN:** Now, just so I'm clear.
5 That doesn't mean that it didn't happen; that just means
6 you didn't find any evidence that it did?

7 **MR. DEROCHIE:** No, if the officers had done
8 an investigation and we didn't find any evidence, it might
9 -- it would classified as "complete, unsolved."

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

11 **MR. DEROCHIE:** It would be classified as
12 "complete, unsolved." That would sort of indicate that
13 there might be merit to the investigation, however, there
14 is no evidence to support that it happened. So it's a
15 complete investigation and it's unsolved. It's unresolved
16 as to whether this happened or not.

17 **MR. ENGELMANN:** Because we've heard, at
18 least from others, that there is a difference between
19 something being unfounded and an allegation being false.

20 **MR. DEROCHIE:** Yes. Yes, there is.

21 **MR. ENGELMANN:** You'd agree with that?

22 **MR. DEROCHIE:** Yes. And a false allegation
23 would also be cleared as "unfounded."

24 **MR. ENGELMANN:** Okay. But there would be
25 other allegations that would clear as "unfounded" that

1 wouldn't be necessarily false allegations?

2 MR. DEROCHIE: I'm sorry, could you ask that
3 question again?

4 MR. ENGELMANN: Sorry. False allegation
5 would be a subset of "unfounded" allegation?

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: Is that fair?

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: There would be some
10 allegations that you would clear as "unfounded" where you
11 wouldn't say they were false allegations?

12 MR. DEROCHIE: Oh, no. No, there would be a
13 reasonable explanation for what had occurred and it wasn't
14 criminal.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. ENGELMANN: I'm just trying to find a
17 reference here, sir.

18 Oh, the bottom of page 79, this is the
19 consult about the historical sexual abuse or sexual
20 assault, 7175734.

21 You say:

22 "His answer to this was pretty vague."

23 And I think it's in quotes:

24 "'If the suspect may represent a risk
25 to youths in community.'"

1 So what's happening there? What's the
2 discussion about? Can you recall?

3 **MR. DEROCHIE:** I would think that I was
4 trying to get a handle again on historical sexual assaults
5 and when they should be reported and he had indicated that
6 well, if there's a child in need of protection or if
7 there's -- the suspect may be a risk. But having said
8 that, that would make every instance reportable to CAS and,
9 subsequently, that was the position we took.

10 **MR. ENGELMANN:** Well, it wouldn't make every
11 incident reportable, would it, sir? It would only be if,
12 for example, if that suspect might be in a caregiver role
13 with youths?

14 **MR. DEROCHIE:** Yes, that could be one
15 explanation but, again, there's that relationship between
16 child adult that may well -- you know, if an adult is out
17 in -- if an adult suspect is out in the community -- and
18 this is all of the discussion we were having at the time in
19 the station. Who isn't, you know, in a position of trust
20 over a child. Every adult.

21 **MR. ENGELMANN:** But a hockey coach, for
22 example, would be in much more perhaps of a caregiver role
23 with children than just an adult on the street?

24 **MR. DEROCHIE:** He'd be in a position of
25 trust certainly. Caregivers, I think CAS identified as

1 someone who is responsible for the wellbeing of a child,
2 example, a parent or a foster parent or something like
3 that. That was my understanding of it.

4 **MR. ENGELMANN:** All right. I guess what I'm
5 saying, sir, is that there is much different levels of risk
6 perhaps with suspects if the suspect is in a position where
7 they're working with children and youth?

8 **MR. DEROCHIE:** Well, certainly, yes, you're
9 right. There would be the opportunity there for anybody in
10 that position, sure, to abuse children.

11 **THE COMMISSIONER:** Yeah, but your question
12 to them -- the first one was:

13 "Under what circumstances does CAS wish
14 to be advised of historical sexual
15 assaults?"

16 **MR. DEROCHIE:** Yes.

17 **THE COMMISSIONER:** "Then I specified
18 giving details of that number which
19 ..."

20 What investigation would that have been,
21 would you know?

22 So what I'm -- what I want you to comment
23 on, this is more general than if it's a person in
24 authority. It's any child that has been abused
25 historically, you're asking whether that should be reported

1 to the Children's Aid Society?

2 **MR. DEROCHIE:** Yes.

3 **THE COMMISSIONER:** Regardless of whether
4 it's a position of authority as long as it's an adult and
5 we're dealing with a child under the age of 16, which would
6 click in the response from the Children's Aid Society?

7 **MR. DEROCHIE:** Yes. I think that's exactly
8 what I was thinking. I can't recall now for sure, but
9 those were the issues we were left puzzling about and quite
10 frankly we just said, "Okay, just to eliminate any
11 possibility, we're going to report all of them".

12 **THE COMMISSIONER:** Okay.

13 **MR. DEROCHIE:** That's where we finally got
14 to. So that there's -- I'm sorry.

15 **MR. ENGELMANN:** No, no.

16 **MR. DEROCHIE:** No, I was just going to say
17 so that there'd be no question. We didn't want to go
18 through this again.

19 **MR. ENGELMANN:** And on the following page,
20 sir, at page 80, when you asked about whether they want to
21 be advised of investigations of sexual assaults which prove
22 to be unfounded you say:

23 "He struggled with this question and
24 said that this subject and the first
25 issue about when to report in

1 historical circumstances should be
2 dealt with by Carriere and Brunet when
3 they meet to review the existing
4 protocol."

5 **MR. DEROCHIE:** Yes, we had established that
6 there had to be some formal meeting between the two of us
7 to iron all of these issues out.

8 **MR. ENGELMANN:** All right. And Bill
9 Carriere was an official of the Children's Aid Society at
10 the time that was known to you?

11 **MR. DEROCHIE:** He's a senior official, yes.

12 **MR. ENGELMANN:** Yes. And Luc Brunet was the
13 Officer in Charge of your Criminal Investigations Bureau at
14 the time?

15 **MR. DEROCHIE:** Which includes SACA, yes.

16 **MR. ENGELMANN:** All right. So let's turn to
17 another investigation that you came to become involved in
18 and it is an investigation involving a gentleman by the
19 name of Keith Ouellette.

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** That name is familiar to
22 you, sir?

23 **MR. DEROCHIE:** Yes, yes.

24 **MR. ENGELMANN:** And to assist you, you have
25 some notes on dealings with Mr. Ouellette and some of his

1 allegations?

2 **MR. DEROCHIE:** I should have, yes.

3 **MR. ENGELMANN:** And if the witness could be
4 shown 738462 and 738465.

5 Mr. Commissioner, 738462 is notes of Staff
6 Sergeant Derochie. Date of first entry 14 April '98. Date
7 of last entry 21 December '99.

8 **THE COMMISSIONER:** Thank you.

9 So Exhibit 1340 will be the earlier notes
10 and 1341 is the later notes. Okay?

11 **--- EXHIBIT NO./PIÈCE NO. P-1340:**

12 (738462) Notes of Staff Sergeant Garry
13 Derochie dated April 14, 1998 to December
14 21, 1999

15 **--- EXHIBIT NO./PIÈCE NO. P-1341:**

16 (738465) Notes of Staff Sergeant Garry
17 Derochie dated December 21, 1999 to May 3,
18 2000

19 **MR. ENGELMANN:** And those notes, sir, date
20 of first entry 21st December '99. Date of last entry, May
21 3rd, 2000.

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** Now, just -- you've done
24 this before, Staff Sergeant Derochie, these sets of notes,
25 how would you describe them?

1 **MR. DEROCHIE:** These are notes that I keep
2 in my daily duty book.

3 **MR. ENGELMANN:** All right. And your daily
4 duties at this time, sir, were you still in the
5 Professional Standards Branch?

6 **MR. DEROCHIE:** I'm sorry.

7 **MR. ENGELMANN:** No problem.

8 When you're keeping these notes in '98-'99
9 and in '99-2000, are you the Professional Standards officer
10 at that time?

11 **MR. DEROCHIE:** Yes, I am.

12 **MR. ENGELMANN:** All right. If we want to
13 take a look at the first set of notes, sir, and I'd like
14 you to turn to -- the first reference to Mr. Ouellette is
15 found -- it's Bates page 7167744, November 1st, '99.

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And would I be correct to
18 say, sir, that you were contacted by a detective constable
19 from the OPP, a member of the Project Truth team, by the
20 name of Joe Dupuis?

21 **MR. DEROCHIE:** That's correct.

22 **MR. ENGELMANN:** And he would have given you
23 a call?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** And what did he inform you

1 at that time?

2 **MR. DEROCHIE:** He informed me that Mr.
3 Ouellette had been a complainant or a victim in the Project
4 Truth investigations.

5 **MR. ENGELMANN:** Sir, if I could just
6 interrupt you for a second. I believe it may have been --
7 I'm just looking at the note. You may have contacted him,
8 sir? I'm just seeing, it says:

9 "Called Constable J. Dupuis, Project
10 Truth, on Friday. The service received
11 a call from Ouellette..." ---

12 **MR. DEROCHIE:** Oh, yes.

13 **MR. ENGELMANN:** "...indicating that he
14 wanted to view pictures, et cetera."

15 **MR. DEROCHIE:** Yes, he wanted to view
16 pictures of our police officers as a regard -- as a result
17 of his investigation. They're investigating complaints
18 made by Mr. Ouellette, yes.

19 **MR. ENGELMANN:** And, as I understand it, Mr.
20 Ouellette had contacted your Service asking to look at some
21 photos and that you then contacted Constable Dupuis to find
22 out about it?

23 **MR. DEROCHIE:** Yeah, what was this about?
24 What was he -- what was he doing?

25 **MR. ENGELMANN:** And would it be fair to say,

1 sir, you wanted to know why Mr. Ouellette wanted to deal
2 with your Service in relation to a Project Truth
3 investigation?

4 **MR. DEROCHIE:** Correct. You know, I would
5 expect that any request would come through them to me.

6 **MR. ENGELMANN:** And did you want to know --
7 did you want to confirm that he was in fact -- they were in
8 fact aware of Mr. Ouellette and who he was?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** And did Constable Dupuis
11 explain to you why Keith Ouellette would have called the
12 service?

13 **MR. DEROCHIE:** Yes. He indicated that he
14 was complaining about the way he had been treated by
15 Cornwall Police Service officers or threatened rather by
16 Cornwall Police Service officers. They were investigating
17 that.

18 **MR. ENGELMANN:** Now, at the bottom of Bates
19 page 7167745 Constable Dupuis informed that during their
20 dealings with him he -- and I assume that's Ouellette --
21 had indicated that he had been threatened by a CPS
22 detective?

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** Named Lemire?

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** When told that no one knew
2 anyone by that name he obviously wanted to follow up by
3 looking at pictures.

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** Message taken by -- I can't
6 see the name there.

7 **MR. DEROCHIE:** I think it was Mrs. Carroll.

8 **MR. ENGELMANN:** Who is that, sir?

9 **MR. DEROCHIE:** She is a clerical support
10 person.

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

12 "He indicates that he..."

13 And I think this is Ouellette:

14 "...had recently seen the officer in
15 question..."

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** "...and realizes that he
18 had given Project Truth the wrong
19 name."

20 **MR. DEROCHIE:** Yes.

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

22 So he wants to come in and see pictures that

23 ---

24 **MR. DEROCHIE:** See pictures, yes.

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

1 And did you follow up this call with Officer
2 Dupuis by calling Mr. Ouellette?

3 **MR. DEROCHIE:** Yes, I called Mr. Ouellette
4 and spoke to him.

5 **MR. ENGELMANN:** We see that set out at Bates
6 page 7167746?

7 **MR. DEROCHIE:** That's correct.

8 **MR. ENGELMANN:** And do you recall what was
9 said in that first telephone conversation between you and
10 Mr. Ouellette?

11 **MR. DEROCHIE:** Yeah, he told me that he had
12 made some complaints to Project Truth that he wasn't
13 prepared to discuss with me and just wanted to view
14 photographs of officers between 1973 and '78 and then
15 1982/'83.

16 **MR. ENGELMANN:** And as I understand it, he
17 indicated or he alleged that an officer of the Cornwall
18 Police Service had threatened him.

19 **MR. DEROCHIE:** Yes, that's correct. That
20 was his allegation.

21 **MR. ENGELMANN:** At the bottom of that page
22 and onto the next page.

23 Now, did you agree to let Mr. Ouellette view
24 photographs?

25 **MR. DEROCHIE:** At that point, no, I did not.

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

2 Did he ever review photographs at all, sir?

3 I didn't see any reference to this.

4 **MR. DEROCHIE:** I believe he did when
5 Sergeant Snyder did the investigation.

6 **MR. ENGELMANN:** Okay.

7 **MR. DEROCHIE:** So he may well have.

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

9 **MR. DEROCHIE:** I don't want to say for sure
10 but I have a recollection that he may well have.

11 **MR. ENGELMANN:** Okay.

12 And sir, as I understand it, after he told
13 you that he had been threatened you told him you would look
14 into this matter and get back to him?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** What action did you then
17 take?

18 **MR. DEROCHIE:** I called Joe Dupuis back and
19 spoke to Constable -- actually Constable Seguin, Steve
20 Seguin. They were aware of him. They told us that -- they
21 filled me in on their dealings with him and they say that
22 he said that they had provided a large amount of documents
23 to him and he was to get back with me if there was a need.

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

25 And that was on that same day, sir, November

1 1st?

2 MR. DEROCHIE: That's correct, yes.

3 MR. ENGELMANN: All right.

4 And your next involvement in this matter is
5 that set out on Bates page 7167748, November 3rd, 1999?

6 MR. DEROCHIE: That's correct. I got a call
7 from Pat Hall and he told me that they had a large quantity
8 of documents that contained several allegations of
9 misconduct on the part of Cornwall Police Services officers
10 going back to 1978 and ---

11 MR. ENGELMANN: Did he suggest to you that
12 most of what they had been given by Mr. Ouellette was not
13 within the mandate of Project Truth?

14 MR. DEROCHIE: That's correct.

15 MR. ENGELMANN: All right.

16 MR. DEROCHIE: I asked him to forward that
17 stuff to me.

18 MR. ENGELMANN: And both you and Officer
19 Hall had some concerns about mental health issues at that
20 time?

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: And how did you follow up
23 from there, sir?

24 MR. DEROCHIE: I believe I subsequently got
25 that material and I read through it, read through it all.

1 **MR. ENGELMANN:** I am looking at -- it's
2 Bates page 7167752 and I'm having trouble making out the
3 date, sir.

4 **MR. DEROCHIE:** Yeah, there is ---

5 **MR. ENGELMANN:** It's on the top -- the date
6 is actually on the top right corner.

7 **MR. DEROCHIE:** Yeah, it's a poor -- poor
8 copy.

9 **MR. ENGELMANN:** Is that perhaps 1st of
10 December, 01 DEC 99?

11 **MR. DEROCHIE:** Yes, I believe you're
12 correct. I believe that is right.

13 **MR. ENGELMANN:** All right.

14 And did you in fact meet with Detective
15 Inspector Hall at that time?

16 **MR. DEROCHIE:** I did. I met with the Chief
17 and Inspector Hall and ---

18 **MR. ENGELMANN:** That would have been your
19 Chief, Chief Repa ---

20 **MR. DEROCHIE:** That's correct.

21 **MR. ENGELMANN:** --- at that time?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And why would he have been
24 involved, sir; do you recall?

25 **MR. DEROCHIE:** I don't recall.

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

2 And what -- what took place at that meeting?

3 **MR. DEROCHIE:** I was -- he turned over a
4 number of documents to me that Mr. Ouellette had submitted.

5 I would suspect that the meeting with the
6 Chief involved the Project Truth matters because I do
7 reference another notebook and if I'm not mistaken that's a
8 notebook that's dedicated to Mr. Dunlop.

9 **MR. ENGELMANN:** Sorry?

10 **MR. DEROCHIE:** I said you asked me why the
11 Chief would have been in on this meeting.

12 **MR. ENGELMANN:** Yes.

13 **MR. DEROCHIE:** And I'm saying I suspect it
14 was because we were discussing Project Truth issues as
15 well. If you will see at the bottom of that note, I also
16 make notes in 2251, notebook 2251.

17 **MR. ENGELMANN:** Yes.

18 **MR. DEROCHIE:** Which is my notebook, I
19 believe dedicated to ---

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

21 So you would have been meeting the Chief and
22 you would have been meeting with Detective Inspector Hall
23 about broader Project Truth issues?

24 **MR. DEROCHIE:** Yes, yes.

25 **MR. ENGELMANN:** And this matter would have

1 come up in that context?

2 **MR. DEROCHIE:** That's correct, yes.

3 **MR. ENGELMANN:** Fair enough.

4 And then there is a reference to your notes
5 on the following page, Bates page 7167753.

6 **MR. DEROCHIE:** On December 3rd, yes.

7 **MR. ENGELMANN:** Yes. And you indicate, sir,
8 that you took almost six hours to review materials provided
9 to you by Mr. Ouellette?

10 **MR. DEROCHIE:** Yeah, it was a considerable
11 amount of documentation he had.

12 **MR. ENGELMANN:** And can you just in a
13 summary form tell us what you were able to glean from
14 reviewing that file?

15 **MR. DEROCHIE:** That he had -- that he had
16 some real serious issues with regards to the custody of his
17 children, the fact that he didn't have access to his
18 children. This was the dominant theme. He obviously loved
19 his children very much and was having difficulty coping
20 with the fact that he wasn't getting access to them.

21 **MR. ENGELMANN:** Sir, in reviewing those
22 documents were you -- as you said, much of it was dealing
23 with access to children.

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** Did you uncover any things

1 that you would identify as concerns or grievances with
2 respect to the Cornwall Police Service?

3 MR. DEROCHIE: Yes.

4 MR. ENGELMANN: And to assist, if you want
5 to look at 7167756 towards the bottom of that page.

6 MR. DEROCHIE: Yes, he had a document with
7 regards to the -- to his grievance with Chief Shaver.

8 MR. ENGELMANN: All right.

9 You say near the bottom of that page you
10 identified three of the documents. You identified three
11 which contained grievances with the CAS. Do you see that?

12 MR. DEROCHIE: Yes; yes, I do.

13 MR. ENGELMANN: And the first one was what,
14 sir?

15 MR. DEROCHIE: A grievance with Shaver, him
16 having gone into see Claude Shaver in 1978 about matters
17 involving abuse.

18 MR. ENGELMANN: And sir, he claims to have
19 gone in about allegations against Seguin's -- this is Ken
20 Seguin and Hickerson -- this is Richard Hickerson ---

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: --- and someone by the name
23 of Lionel Courier and also someone by the name of -- I
24 can't read the last name, Gerry Lalonde, I believe.

25 MR. DEROCHIE: Lalonde.

1 **MR. ENGELMANN:** And Danny boy -- is that
2 right?

3 **MR. DEROCHIE:** Danny boy, Judge Fitzpatrick,
4 yes.

5 **MR. ENGELMANN:** All right.

6 So he has made some allegations or claims he
7 made some allegations to Chief Shaver about being
8 assaulted. Were these sexual assault allegations to your
9 knowledge, sir, or do you know what they were?

10 **MR. DEROCHIE:** I don't know exactly what
11 they were but that was certainly the indication I got.

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

13 Now, you make a note and then he alleges
14 that the Chief did nothing about his complaint.

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** See that?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And then you have a note,
19 "Shaver" ---

20 **MR. DEROCHIE:** Taken on strength, TOS.

21 **MR. ENGELMANN:** TOS.

22 **MR. DEROCHIE:** Which was ---

23 **MR. ENGELMANN:** Date 14 April '83.

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** So clearly, if he went in to

1 see the Chief in 1978 it wouldn't have been Chief Shaver.

2 MR. DEROCHIE: It wouldn't have been Chief
3 Shaver.

4 MR. ENGELMANN: The Chief at that time would
5 have been Earl Landry, Sr.

6 MR. DEROCHIE: That's correct.

7 MR. ENGELMANN: Did you point that out to
8 him that ---

9 MR. DEROCHIE: I was reviewing these
10 documents ---

11 MR. ENGELMANN: At some point ---

12 MR. DEROCHIE: --- independent of him so I --

13 -

14 MR. ENGELMANN: All right. Fair enough.

15 All right. So that was the first concern?

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: And you say the document
18 goes on to say that:

19 "Some years later about 1983 he was
20 arrested on a narcotics charge."

21 MR. DEROCHIE: Yes, by Shawn Martel.

22 MR. ENGELMANN: "... and made comments to
23 OPP officers..." --

24 I'm not sure if I can read this:

25 "... which ..." ---

1 **MR. DEROCHIE:** I don't see where you're
2 seeing "OPP officer"; where ---

3 **MR. ENGELMANN:** Right in the middle of the
4 page, sir, Bates page 7167757.

5 Is it "which view"?

6 **MR. DEROCHIE:** Two CPS officers, two
7 Cornwall Police Service officers. Is that what you're
8 referring?

9 **MR. ENGELMANN:** No, sir, just above that.

10 **MR. DEROCHIE:** This document goes on to say
11 that:

12 "... some years later, in 1983, he was
13 arrested on NCA [*Narcotic Control Act*]
14 charges; made comments to the OPP
15 officers which were viewed as being
16 threatening towards Chief Shaver."

17 Yes.

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

19 **MR. DEROCHIE:** That's not involving ---

20 **MR. ENGELMANN:** And I just want to make sure
21 I understand that. He made comments that were to be viewed
22 as threatening towards the Chief or was it the other way
23 around?

24 **MR. DEROCHIE:** My understanding was when he
25 was arrested, he made comments during the course of being

1 in custody which were interpreted as being threatening
2 towards Chief Shaver.

3 MR. ENGELMANN: And this is something that
4 he wrote in his own documents?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: All right. And then you
7 make a reference to some CPS officers arresting him?

8 MR. DEROCHIE: Yes, his documents states
9 that:

10 "Two CPS officers, one in uniform and
11 one a detective, arrested him at his
12 place of employment."

13 MR. ENGELMANN: He ---

14 MR. DEROCHIE: He was ---

15 MR. ENGELMANN: Sorry.

16 MR. DEROCHIE: He was then taken to the
17 station, roughed up and threatened by two detectives,
18 Detective Lemire, that he would be killed if he didn't shut
19 up.

20 MR. ENGELMANN: All right. So this was
21 something that was written in a document?

22 MR. DEROCHIE: In a document that he
23 presented to me and I believe I -- the document that he
24 provided me, it was titled "July/September '78, Offenders,
25 Police Chief Shaver". That was ---

1 MR. ENGELMANN: All right.

2 MR. DEROCHIE: --- his cover sheet.

3 MR. ENGELMANN: And that was a document
4 within this large file of documents you received?

5 MR. DEROCHIE: Yes, yes.

6 MR. ENGELMANN: And that you read for about
7 six hours?

8 MR. DEROCHIE: Yes, to determine what it was
9 that involved the Cornwall Police.

10 MR. ENGELMANN: And this document would have
11 been in his hand, presumably, sir?

12 MR. DEROCHIE: Presumably, yes.

13 MR. ENGELMANN: All right. And then the ---

14 MR. DEROCHIE: The second document?

15 MR. ENGELMANN: Yes.

16 MR. DEROCHIE: Titled, "Offender, Shawn
17 Martel", and I describe it as a two-page handwritten
18 document.

19 He's complaining that Shawn Martel did not
20 properly investigate an accident that he was involved in in
21 1992.

22 MR. ENGELMANN: And Martel was an officer
23 with the Cornwall Police Service?

24 MR. DEROCHIE: He was, yes.

25 MR. ENGELMANN: All right. So there was no

1 mistake on that name?

2 MR. DEROCHIE: No.

3 MR. ENGELMANN: Presumably?

4 MR. DEROCHIE: No, there was -- there was no
5 mistake.

6 MR. ENGELMANN: All right. And there was a
7 third grievance, sir?

8 MR. DEROCHIE: Yes, and this was contained
9 in a two-page typed document, letter, to then Pro Stands
10 officer, Staff Sergeant Wells.

11 MR. ENGELMANN: And what was that about,
12 sir?

13 MR. DEROCHIE: This was a complaint made
14 against officers and I believe it had to do with them
15 assisting at the Emergency Room at the Cornwall General
16 Hospital when he was being admitted on an -- on a form, and
17 there was some -- some altercation that occurred there.

18 MR. ENGELMANN: You say ---

19 MR. DEROCHIE: Form under of the *Mental*
20 *Health Act*. I'm sorry.

21 MR. ENGELMANN: All right. And they -- they
22 were in attendance there. Is that what he alleged?

23 MR. DEROCHIE: That's my recollection of
24 that ---

25 MR. ENGELMANN: All right.

1 MR. DEROCHIE: --- that particular document.

2 MR. ENGELMANN: And after you had reviewed
3 this and you had -- you spent several hours reviewing his
4 files?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: And you sorted out these
7 three possible grievances or concerns?

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: I'm looking at Bates
10 page 7167759.

11 MR. DEROCHIE: Yes.

12 MR. ENGELMANN: I understand you then
13 attempted to call Mr. Ouellette?

14 MR. DEROCHIE: Yes, I did, yeah.

15 MR. ENGELMANN: And you left a message for
16 him to call you back?

17 MR. DEROCHIE: I did, yes.

18 MR. ENGELMANN: And he did so on
19 December 7th? I'm on that same Bates page.

20 MR. DEROCHIE: Yes, that's correct, yes.

21 MR. ENGELMANN: And what was discussed at
22 that time?

23 MR. DEROCHIE: I told him that I had
24 received his package of documents and that I was going to
25 deal with the matter and that it might take some time, but

1 I would get back to him. I would look in -- or I would
2 have his allegations looked into.

3 **MR. ENGELMANN:** Now, you knew, sir, that he
4 had misidentified an officer earlier and he had indicated
5 that to the OPP as well, this Officer Lemire. Did you say
6 anything to him about how he must have misidentified Claude
7 Shaver?

8 **MR. DEROCHIE:** No, I -- I didn't want to
9 discourage him in any way. I just let him -- you know, I
10 told him we'd look into it and, you know, we would clear up
11 those matters. Maybe it was -- when he was interviewed,
12 maybe it was a matter of him having the wrong date recorded
13 somewhere or something, so it was ---

14 **MR. ENGELMANN:** Sorry.

15 **MR. DEROCHIE:** It was a matter of saying,
16 "We'll look into it. We'll look into it very carefully."

17 **MR. ENGELMANN:** You wouldn't have mentioned
18 that -- you wouldn't have said to him, "Might have it been
19 Chief Landry?" You just let that be for the time?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** All right. And then, sir, I
22 understand the next reference in your notes is a couple of
23 weeks later, on December 21st?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** And at that point-in-time,

1 he's calling you?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And what's happening then,
4 sir?

5 MR. DEROCHIE: Well, he's telling me that
6 he's in a bad way right now; he's going through a very
7 rough time. I spent -- as I note here, I spent 40 minutes
8 on the telephone just talking to him about things.

9 Again, you know, he was so -- he was
10 concerned about his children. He was concerned about
11 allegations he had made with regards to a teacher.

12 And I told him we'll deal with every one of
13 your complaints. We'll deal with everything we possibly
14 can.

15 MR. ENGELMANN: You -- sorry?

16 MR. DEROCHIE: No.

17 MR. ENGELMANN: You tell him again, as you
18 did on December 7th, that you're going to assign an
19 investigator?

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: And that someone will look
22 into his case?

23 MR. DEROCHIE: Yes.

24 MR. ENGELMANN: And he was pleased, again,
25 by that?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: And you note that.

3 MR. DEROCHIE: Yeah, we had a pretty good
4 relationship ---

5 MR. ENGELMANN: But you say that later in
6 the call that something happens?

7 MR. DEROCHIE: Yes. He has a tendency to --
8 you know, to have mood swings. He'll go from -- he wanted
9 his children -- he wanted me to do something about his
10 children and I tried ---

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: --- to explain that, you
13 know, I don't -- there's not much we can do about your
14 children, that's ---

15 MR. ENGELMANN: Was that his principal
16 concern, sir, when he spoke with you?

17 MR. DEROCHIE: There's no question in my
18 mind that he was very much concerned about his children.

19 MR. ENGELMANN: And, sir, on the final page
20 of those notes -- well, at some point, he becomes upset.
21 There's something about access to children for Christmas?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: And you said you couldn't do
24 anything about that?

25 MR. DEROCHIE: No.

1 MR. ENGELMANN: And you say he then became
2 angry?

3 MR. DEROCHIE: Yes.

4 MR. ENGELMANN: And unreasonable?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: And did he hang up at that
7 point or ---

8 MR. DEROCHIE: Yeah, he's -- yes.

9 MR. ENGELMANN: And was there a follow-up
10 call, sir, that's referenced on the next Bates page? Or is
11 that the same?

12 MR. DEROCHIE: The next Bates page, I ---

13 MR. ENGELMANN: Seven-one-six-seven-seven-
14 six-three (7167763).

15 MR. DEROCHIE: Yes, that's part of the same
16 ---

17 MR. ENGELMANN: All right. And at some
18 point you've got:

19 "He does not want an investigation."

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: "He wanted me to take action
22 based on his view of what has
23 occurred."

24 MR. DEROCHIE: Yes. And I -- you know, I
25 pointed out to him, "Well, we'll have to --- we'll have to

1 look into it".

2 MR. ENGELMANN: And how was it left then?

3 MR. DEROCHIE: It was left that I would have
4 somebody look after his concerns -- look into his concerns.

5 MR. ENGELMANN: Now, was there some
6 follow-up with him after that, sir, that you know?

7 MR. DEROCHIE: Oh yes, I assigned Sergeant
8 Snyder to ---

9 MR. ENGELMANN: All right.

10 MR. DEROCHIE: --- look after his concerns.
11 I don't have investigators in Professional Standards, so
12 when I need something like this done, I have to go to CID
13 to get an investigator.

14 MR. ENGELMANN: All right. And so what's
15 the protocol then for that, sir?

16 MR. DEROCHIE: I normally identified a need
17 to the Chief and the Chief arranges with the Divisional
18 Commander of CID to make someone available.

19 And when we're dealing with these issues, we
20 want somebody senior and so I ---

21 MR. ENGELMANN: All right.

22 MR. DEROCHIE: --- believe I asked for
23 Sergeant Snyder.

24 MR. ENGELMANN: Okay. And then when we go
25 to your next notebook, sir, which is Exhibit 1341.

1 **MR. DEROCHIE:** Yes.

2 **MR. ENGELMANN:** You have a reference to
3 receiving a call, I believe, from Detective Inspector Hall
4 on January 25th, 2000?

5 **MR. DEROCHIE:** Yes. Detective Inspector
6 Hall told me that he had had a long conversation with Mr.
7 Ouellette over very much the same issues that we had -- he
8 and I in -- myself and Mr. Ouellette had had in the
9 previous telephone conversation we were just talking about.

10 **MR. ENGELMANN:** All right. And by this
11 point-in-time, Sergeant Snyder had been assigned to
12 investigate apparently. There's a reference to that in
13 your notes?

14 **MR. DEROCHIE:** Yes. I told -- yeah.

15 **MR. ENGELMANN:** Now, sir, did you have any
16 more involvement directly with Mr. Ouellette after this
17 point-in-time?

18 **MR. DEROCHIE:** I don't believe so. I
19 believe it was -- I believe Sergeant Snyder took over and -
20 --

21 **MR. ENGELMANN:** All right. So if we want to
22 know further information about that ongoing involvement
23 between the Cornwall Police Service and Mr. Ouellette,
24 those questions should be put to him?

25 **MR. DEROCHIE:** Correct.

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

2 Sir, perhaps -- I realize I'm a bit over
3 time. Is this an appropriate time to stop for lunch?

4 **THE COMMISSIONER:** Sure.

5 Thank you. We'll come back at 2:15.

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

8 The hearing will resume at 2:15.

9 --- Upon recessing at 12:42 p.m./

10 L'audience est suspendue à 12h42

11 --- Upon resuming at 2:19 p.m./

12 L'audience est reprise à 14h19

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

15 This hearing is now resumed. Please be
16 seated. Veuillez vous asseoir.

17 **GARRY DEROCHIE, Resumed/Sous le même serment:**

18 **THE COMMISSIONER:** Thank you.

19 Good afternoon, Mr. Engelmann.

20 **MR. ENGELMANN:** Good afternoon, Mr.

21 Commissioner. Good afternoon Staff Sergeant Derochie.

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** I apologize for the delay,
24 sir.

25 **THE COMMISSIONER:** No problem.

1 ---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
2 ENGELMANN (Cont'd/Suite):

3 **MR. ENGELMANN:** Mr. Derochie, when we left
4 off this morning we were going to shift to another
5 investigation you were involved in.

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** I understand that in or
8 around the year 2000 you were involved in a Cornwall Police
9 Service investigation relating to allegations of historical
10 sexual abuse made by someone by the name of Shelley Price.

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** And can you give us a sense
13 as to in what capacity you were involved? By that I mean
14 was this something you were investigating, is it something
15 you were supervising the investigation of, or was this a
16 form of administrative review?

17 **MR. DEROCHIE:** I don't believe it was either
18 -- it was a matter where this information had come to us
19 from the OPP Project Truth team and it was being handled by
20 the CIB unit of the day ---

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

22 **MR. DEROCHIE:** --- and they had carriage of
23 it I believe for the first little while that it was active.

24 **MR. ENGELMANN:** You were still in
25 Professional Standards?

1 **MR. DEROCHIE:** Professional Standards, yes.

2 **MR. ENGELMANN:** So how does it come to your
3 attention?

4 **MR. DEROCHIE:** It comes to my attention
5 subsequently -- can you refer me to my notes?

6 **MR. ENGELMANN:** Yes, if you just give me one
7 moment, sir, I'm going to refer you to a couple of
8 documents. So let's first of all find your notes. They
9 are Documents Number 738467 and Document Number 738468.

10 I may have misspoken. One of them is
11 already Exhibit 1331, and that is 738467.

12 **THE COMMISSIONER:** Yes.

13 **MR. ENGELMANN:** And 738468 ---

14 **THE COMMISSIONER:** Is Exhibit 1342, which
15 are Staff Sergeant Derochie's notes. The first entry is
16 dated 18th of August 2000, sorry, and the last -- date of
17 the last entry is the 26th of October 2000.

18 --- **EXHIBIT NO./PIÈCE NO. P-1342:**

19 (738468) Notes of Garry Derochie dated 18
20 Aug 00 to 26 Oct 00

21 **MR. ENGELMANN:** And, sir, just before you
22 get into your notes, my understanding was there was also an
23 investigative chronology prepared. I think that might be
24 of some assistance to you. And that is found at Document
25 Number 735068.

1 **THE COMMISSIONER:** Thank you.

2 So this is called an investigation
3 chronology, Incident Number 170369-5, one of 16 -- 16
4 pages. That will be Exhibit 1343.

5 **--- EXHIBIT NO./PIÈCE NO. P-1343:**

6 (735068) Investigative Chronology

7 **MR. ENGELMANN:** Staff Sergeant Derochie,
8 perhaps it might actually be better to start with the
9 chronology, if you don't mind.

10 **MR. DEROCHIE:** Not at all.

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

12 Can you tell us, do you know who prepared
13 this document, sir?

14 **MR. DEROCHIE:** Yes, Sergeant Carroll
15 prepared this document.

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

17 And was he the investigating officer in this
18 matter?

19 **MR. DEROCHIE:** He was.

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

21 And the matter appears to start in or around
22 1998?

23 **MR. DEROCHIE:** That's correct.

24 **MR. ENGELMANN:** And you get involved in it
25 sometime later?

1 **MR. DEROCHIE:** Yes, I believe in 2000. I
2 recall talk of this investigation during that time period
3 when I wasn't personally involved but I had no role to play
4 in it prior.

5 **MR. ENGELMANN:** All right.

6 So if we want to look at when you had an
7 official role, sir, if you look at Bates page 7137311, and
8 that's in the investigative chronology, Exhibit 1342.

9 Do you see the reference at the bottom of
10 that page, sir?

11 **MR. DEROCHIE:** Yes, I do.

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

13 So what are you able to tell us from this,
14 sir?

15 **MR. DEROCHIE:** We had by this time received
16 further information in addition to what we had originally
17 received from the -- from the Prices, and at this point the
18 information included allegations against Cornwall Police
19 Service's officers.

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

21 So just by way of background then, as I
22 understand it the complainant, Shelley Price, had made
23 allegations of historical sexual abuse against a number of
24 individuals?

25 **MR. DEROCHIE:** I guess a number -- yes, a

1 great number of individuals.

2 MR. ENGELMANN: And at some point in time
3 those numbers were expanded to include a couple of Cornwall
4 Police Service officers?

5 MR. DEROCHIE: I believe that's correct.

6 MR. ENGELMANN: And is that why, sir, the
7 matter was then transferred to you in your role in the
8 Professional Standards Division?

9 MR. DEROCHIE: Yes, I was in Professional
10 Standards. If it was reference to allegations against
11 police officers then I would have some involvement,
12 although as Professional Standards office and the police
13 officers identified, one was deceased, one was long
14 retired, I'd have no jurisdiction over them, but for some
15 reason it ended up on my desk.

16 MR. ENGELMANN: And had -- did you assign
17 Detective Constable Carroll or did you ask that he be
18 assigned?

19 MR. DEROCHIE: Well, I asked for an
20 investigator again and got what was available at CID.
21 Sergeant Carroll was the lead hand in SACA so he would --
22 he'd be the most appropriate person to conduct this
23 investigation.

24 MR. ENGELMANN: All right.

25 And the earlier part of the investigation

1 prior to your involvement, the source of most of that
2 material would have been the OPP Project Truth team?

3 **MR. DEROCHIE:** That's my recollection,
4 that's my knowledge, yes.

5 **MR. ENGELMANN:** All right.

6 And for example, just by way of background,
7 it would appear that a complaint is originally reported to
8 OPP Project Truth by Mr. Price?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** And that's on July 20th of
11 1998. Is that correct?

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

13 **MR. ENGELMANN:** And he reports initially
14 that his wife and sibling had been sexually assaulted by
15 their father?

16 **MR. DEROCHIE:** That's correct.

17 **MR. ENGELMANN:** And as I understand it, some
18 of these assaults were alleged to have taken place in the
19 City of Cornwall?

20 **MR. DEROCHIE:** That's correct. The
21 allegations were beyond that of just the father.

22 **MR. ENGELMANN:** Yes.

23 **MR. DEROCHIE:** It involved a number -- the
24 children being passed around to other people, both in
25 Cornwall and in other areas.

1 **MR. ENGELMANN:** And this is Shelley Price
2 and her sister?

3 **MR. DEROCHIE:** That's correct.

4 **MR. ENGELMANN:** That's how it was related to
5 you?

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** Now, as I understand it,
8 there is some effort during the calendar year 1998 by the
9 Cornwall Police Service to contact Ms. Price?

10 **MR. DEROCHIE:** Yes, when we received the
11 information from the OPP we tried to make contact with the
12 Prices to indicate that it's been passed onto us from the
13 OPP.

14 **MR. ENGELMANN:** Right. And there appear to
15 be a number of attempts to contact the Prices?

16 **MR. DEROCHIE:** There were a number, yes.

17 **MR. ENGELMANN:** And then as I understand it,
18 sir, if we look at the bottom of the second page in, which
19 is Bates page 7137304, a phone call is returned by Mr.
20 Price on December 2nd, 1998?

21 **MR. DEROCHIE:** That's correct.

22 **MR. ENGELMANN:** And what, to your knowledge,
23 was the Cornwall Police Service told at that time?

24 **MR. DEROCHIE:** That Shelley did not wish to
25 proceed with the investigation, but he offered information

1 with regards to assault on other siblings.

2 MR. ENGELMANN: All right. And that report,
3 was that made to Staff Sergeant Brunet to your knowledge or
4 do you know?

5 MR. DEROCHIE: That was, from what I
6 understand, that was the nature of the telephone call that
7 Staff Sergeant Brunet had with Mr. Price.

8 MR. ENGELMANN: Right. That's what I meant;
9 the report by Mr. Price was to him?

10 MR. DEROCHIE: Was to Staff Sergeant Brunet,
11 yes.

12 MR. ENGELMANN: All right. And then there's
13 a reference on the following page that Staff Sergeant
14 Brunet's updating a Detective ---

15 MR. DEROCHIE: Tyo.

16 MR. ENGELMANN: --- Tyo ---

17 MR. DEROCHIE: That's correct.

18 MR. ENGELMANN: --- about their wish not to
19 proceed?

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: Now, there is, however, a
22 contact made with the Children Aids Society at that time?

23 MR. DEROCHIE: That's right, yes.

24 MR. ENGELMANN: And do you recall why that
25 was at that time, sir?

1 **MR. DEROCHIE:** I believe that it was either
2 foster children involved or may have been foster children
3 in the MacDonald home or the siblings themselves were in
4 charge of wards, but I'm not absolutely sure of that.

5 **MR. ENGELMANN:** All right. Staff Sergeant
6 Brunet should know that, sir.

7 **MR. DEROCHIE:** He should, yes, as would
8 Sergeant Carroll.

9 **MR. ENGELMANN:** But there is a report in any
10 event to the CAS?

11 **MR. DEROCHIE:** To the CAS, yes.

12 **MR. ENGELMANN:** All right. And then, on
13 page 4, Bates page 7137306, there is a telephone interview
14 with one of Shelley Price's sisters?

15 **MR. DEROCHIE:** Yes, that's -- Detective Tyo
16 is now on the -- is in the process of tracking down all of
17 the siblings and trying to confirm some information.

18 **MR. ENGELMANN:** And then on page 5, Bates
19 page 7137307, there is another call to another sibling of
20 Ms. Price ---

21 **MR. DEROCHIE:** I believe ---

22 **MR. ENGELMANN:** --- by Detective Tyo?

23 **MR. DEROCHIE:** Is that not the same -- yeah,
24 I think that's the same sister.

25 **MR. ENGELMANN:** Oh, I'm sorry.

1 **MR. DEROCHIE:** And she reported that she
2 could not recall being victimized by her father or anyone
3 else, but she indicated that another sister may have had an
4 experience.

5 **MR. ENGELMANN:** Fair enough. And she
6 provided some contact information for her siblings?

7 **MR. DEROCHIE:** That's correct.

8 **MR. ENGELMANN:** And was there further
9 contact with some of them as set out on page 6 of the
10 chronology?

11 **MR. DEROCHIE:** Quite right. Detective Tyo
12 contacted the sister who was living out west at the time
13 and she did indicate that she had indeed had an experience
14 with her father. It had not been reported to the police,
15 but it was dealt with within the family and within their
16 church I believe.

17 **MR. ENGELMANN:** This was the report by the
18 sibling mentioned for the date February 24th, '99?

19 **MR. DEROCHIE:** That's correct.

20 **MR. ENGELMANN:** All right. And there are
21 other interviews on that same day?

22 **MR. DEROCHIE:** Yes, there are.

23 **MR. ENGELMANN:** And other siblings say they
24 were not abused or can't recall?

25 **MR. DEROCHIE:** They were not abused, yeah.

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

2 **MR. DEROCHIE:** One refused to speak with --
3 one of the brothers, one of the males, refused to speak
4 with us, but one did and the other sister did as well.

5 **MR. ENGELMANN:** Now, there is a reference on
6 the seventh page in, 7137309, to a phone call from a Dick
7 Nadeau?

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** Is this the Dick Nadeau that
10 we know from a website?

11 **MR. DEROCHIE:** That's correct, yes.

12 **MR. ENGELMANN:** All right. And he
13 apparently contacts Sergeant Lefebvre of the Cornwall
14 Police Service on the 20th of June, 1999?

15 **MR. DEROCHIE:** Detective Sergeant Garry
16 Lefebvre would be the direct supervisor of Detective Tyo at
17 the time.

18 **MR. ENGELMANN:** All right. And Detective
19 Lefebvre's summary of that call is set out on this page?

20 **MR. DEROCHIE:** That's right. He is -- Mr.
21 Nadeau's purporting to represent Shelley and is looking for
22 an update on the investigation.

23 **MR. ENGELMANN:** And was any information
24 released to him at that time?

25 **MR. DEROCHIE:** No.

1 **MR. ENGELMANN:** And do you know why that
2 would be, sir?

3 **MR. DEROCHIE:** Well, first of all, we
4 wouldn't release that kind of information to a third party.
5 And, secondly, Shelley had told us that she wasn't
6 interested in pursuing her investigation. We would want
7 something from Shelley not from Dick Nadeau. You know what
8 I'm saying?

9 **MR. ENGELMANN:** So during the earlier part
10 of 1999, you've been told that she doesn't want to pursue
11 it ---

12 **MR. DEROCHIE:** Right.

13 **MR. ENGELMANN:** --- but you've been told her
14 siblings may?

15 **MR. DEROCHIE:** Exactly.

16 **MR. ENGELMANN:** And so a number of contacts
17 are made with those siblings to determine whether or not
18 they can recall abuse and, if so, whether or not they want
19 to proceed?

20 **MR. DEROCHIE:** Quite right.

21 **MR. ENGELMANN:** All right. So what was --
22 aside from not being given information as a third party,
23 was Mr. Nadeau advised to do anything?

24 **MR. DEROCHIE:** Well, Mr. Nadeau told us that
25 Shelley was now ready to proceed with her complaint and we

1 suggested that, you know, that Shelley should be contacting
2 us not Mr. Nadeau.

3 **MR. ENGELMANN:** Now, on the next Bates page,
4 7137310, is there another call received from Mr. Price?

5 **MR. DEROCHIE:** That's correct. Sergeant
6 Lefebvre receives a call from Mr. Price and he indicates
7 that Shelley is now ready to proceed with the complaint.

8 **MR. ENGELMANN:** All right. So that's the
9 same day that the force hears from Mr. Nadeau?

10 **MR. DEROCHIE:** Yes. Yes, and at this point
11 he's also introduced in the fact that there are going to be
12 Cornwall Police Service officers identified.

13 **MR. ENGELMANN:** Is this the first that you
14 know of that there is a mention of that, sir?

15 **MR. DEROCHIE:** This is the first that I know
16 of, yes.

17 **MR. ENGELMANN:** And the suggestion is there
18 may be allegations against retired members of the police
19 force and the fire department?

20 **MR. DEROCHIE:** Yes. And that they want
21 Perry Dunlop to investigate.

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

23 **THE COMMISSIONER:** Well, Perry Dunlop or
24 another outside agency; right?

25 **MR. DEROCHIE:** Yes. We'd already -- yes,

1 quite right.

2 **MR. ENGELMANN:** The note says:

3 "Mr. Price would not elaborate, but
4 stated they would only proceed if then
5 Constable Perry Dunlop or an outside
6 police agency ..."

7 **MR. DEROCHIE:** That's right.

8 **MR. ENGELMANN:** --- " ...would investigate."

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** Now just the timing here.

11 This is just before Mr. Dunlop -- Constable Dunlop stops
12 working with the Cornwall Police Service. Am I right?

13 **MR. DEROCHIE:** A week, a week-and-a-half
14 before he resigned, sir. He submits his letter of ---

15 **MR. ENGELMANN:** All right. And he gives
16 some rationale for why he thinks Constable Dunlop should do
17 this?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** And there's also some
20 discussion about why she might feel uncomfortable about
21 speaking with a member of the Cornwall Police Service?

22 **MR. DEROCHIE:** Yes, and we indicate that she
23 might want to talk to her local police service.

24 **MR. ENGELMANN:** Okay, a police service in
25 British Columbia?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: All right. And, sir, was
3 there some sort of statement provided in early July of
4 2000?

5 MR. DEROCHIE: Yes. We did receive some
6 form of statement from her, yes.

7 MR. ENGELMANN: All right. And -- so that
8 was in written form?

9 MR. DEROCHIE: Yes, my notes would detail
10 what they were when I received the package.

11 MR. ENGELMANN: All right. Well, just the
12 summary that is referenced on page 9 of the chronology,
13 7137311 ---

14 MR. DEROCHIE: M'hm.

15 MR. ENGELMANN: --- describes vague
16 accusations of sexual assault ---

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: --- and satanic rituals, et
19 cetera ---

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: --- at the hands of her
22 parents and others?

23 MR. DEROCHIE: That's correct.

24 MR. ENGELMANN: And the note is:

25 " ...where substantial follow-up

1 appeared to be required."

2 MR. DEROCHIE: Yes, the investigations were
3 rather -- or there were many of them and they were rather
4 bizarre.

5 MR. ENGELMANN: All right. And you became
6 aware of this -- the chronology says you were assigned on
7 July 4th? Am I correct?

8 MR. DEROCHIE: August 4th.

9 MR. ENGELMANN: Sorry, August 4th?

10 MR. DEROCHIE: Yes. I had -- I believe it
11 was around this time, we had sent the package back to the
12 OPP saying, you know, "There's all kinds of allegations
13 here that stretch all over the area and we're now being
14 identified as potential suspects. Could you have a look at
15 it and see if it falls within your mandate?"

16 MR. ENGELMANN: Now, do you start having
17 some notes on this, and I'm particularly interested in
18 looking first at 1331, Document Number 738467?

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: And sir, I believe the
21 portion of the notes which starts on this matter starts on
22 August the 2nd, 2000 and there is a reference you having a
23 meeting on August 2nd, 2000 with the Chief ---

24 MR. DEROCHIE: That's right.

25 MR. ENGELMANN: --- and Staff Sergeant

1 Dupuis?

2 MR. DEROCHIE: Yes, we were at this point
3 discussing several investigations, several issues that were
4 outstanding.

5 MR. ENGELMANN: All right.

6 Yeah, the Bates page is 7167888. You say at
7 the bottom of that page, sir, you're having -- sorry, you
8 were having a meeting with Staff Sergeant Dupuis and Chief
9 Repa. Correct?

10 MR. DEROCHIE: Yes.

11 MR. ENGELMANN: And you are dealing with a
12 number of issues.

13 MR. DEROCHIE: Yes.

14 MR. ENGELMANN: And the public -- is that a
15 public complaint?

16 MR. DEROCHIE: There were a number of public
17 complaints I was investigating at the time and I think what
18 we were trying to do was see where we could get some
19 resources.

20 MR. ENGELMANN: All right.

21 MR. DEROCHIE: So there were many issues on
22 our plate and I just couldn't manage them all.

23 MR. ENGELMANN: All right.

24 And one of the issues was the Landry matter
25 that we'll come to?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: And at the bottom of the
3 page there is a reference to a "Nadeau civil action..."

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: "...anticipated the Price
6 investigation which is somehow
7 connected to Nadeau."

8 MR. DEROCHIE: Well, I think the reference
9 there the Nadeau civil action and I put anticipated. I am
10 speaking of this civil action.

11 MR. ENGELMANN: Okay.

12 MR. DEROCHIE: And then a new sentence or
13 new thought:

14 "The Price investigation, which is
15 somehow connected to Nadeau."

16 MR. ENGELMANN: Fair enough. And you also
17 say, It has..." if we turn over the page, "...involvement
18 by Dunlop."

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: And you weren't sure what if
21 any involvement it had but you had been told that they
22 obviously knew of him.

23 MR. DEROCHIE: They knew of him.

24 MR. ENGELMANN: And wanted him involved?

25 MR. DEROCHIE: Yes.

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

2 Now, there is a reference on the next Bates
3 page 7167889 and I'm looking just under the halfway mark:

4 "Informed by Chief that Alderman..."

5 **MR. DEROCHIE:** Rivette.

6 **MR. ENGELMANN:** "...had just called
7 informing him that Project Truth web
8 page had been shutdown."

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** That was the web page that
11 Mr. Nadeau had been operating?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** All right.

14 Now, there is a reference to:

15 "Called Shaver and told him about
16 website."

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** So this is you calling
19 Claude Shaver?

20 **MR. DEROCHIE:** Claude Shaver, yes.

21 **MR. ENGELMANN:** Okay. So he is still
22 involved in this to some extent, sir?

23 **MR. DEROCHIE:** Well, no, I had called him
24 and when I first discovered that there was a web page and I
25 alerted him to the fact that he was mentioned. I did that

1 to several of our retired members who were mentioned.

2 MR. ENGELMANN: Fair enough; fair enough.

3 And this has to do with the Nadeau Project Truth web page?

4 MR. DEROCHIE: That's correct, yes.

5 MR. ENGELMANN: This has nothing to do with
6 the Price ---

7 MR. DEROCHIE: Oh, no.

8 MR. ENGELMANN: --- allegations?

9 MR. DEROCHIE: No, nothing whatsoever.

10 MR. ENGELMANN: Yeah, I'm sorry.

11 I will just be a moment.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. ENGELMANN: And sir, the next -- there
14 were a number of issues you were dealing with here so I
15 just want to go to the next reference to Shelley Price, and
16 I believe it's on Bates page 7167894, the bottom of the
17 page, August 4th, 2000.

18 MR. DEROCHIE: Oh, yes.

19 MR. ENGELMANN: There is a reference to
20 Price?

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: Can you tell us what happens
23 next? It appears you're meeting with the Chief when this
24 name comes up again?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** Can you give us the context
2 and give us a sense as to what is going on?

3 **MR. DEROCHIE:** I think we're now talking
4 about making plans to get this going, to send some -- send
5 people out west to talk with the Prices.

6 **MR. ENGELMANN:** Now, by this point in time,
7 sir, and you have made reference to this earlier, you say
8 that you attempted to have the OPP look at this?

9 **MR. DEROCHIE:** Yes, when it came back to us
10 mentioning Cornwall Police Service officers and just the
11 whole idea that the allegations involved satanic cultures,
12 rights and all kinds of extraordinary allegations, that it
13 may well fit into their mandate. They may not have
14 appreciated what the allegations were when they first sent
15 it over to us so we are just trying to see now is this --
16 you know, before we go ahead with it is this something that
17 you want to look at.

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

19 Now, is that something you were involved
20 with, sir, trying to see if they would do this or was that
21 before your time?

22 **MR. DEROCHIE:** No, I believe -- I believe I
23 had the conversation with Pat Hall and I gave him the
24 documents. There should be a reference to it in my notes
25 that when I actually turned them over and when I actually

1 got them back and he said, "No, go ahead."

2 **MR. ENGELMANN:** Now, would that have been
3 before August the 4th then?

4 **MR. DEROCHIE:** I think it would be
5 subsequent to August the 4th because on August the 4th I'm
6 still -- it appears to me that I am reviewing the documents
7 and doing sort of like an inventory on them.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. ENGELMANN:** Yes. Sir, if you could look
10 at Exhibit 1342 these are your notes from August 30, 2000,
11 Bates pages 71697924 and 7925. There is a reference to
12 either a meeting or call with Inspector Pat Hall

13 **MR. DEROCHIE:** That's correct. I gave -- I
14 actually gave Pat Hall a copy, a copy that I made of the
15 documents that had been forwarded to us by Shelley Price.

16 **MR. ENGELMANN:** And it indicates on Bates
17 page 7167925:

18 "Told him we were prepared to
19 investigate but because we believed
20 that the allegations may fall within
21 the Project Truth mandate that we
22 wanted him to look at it and decide if
23 they wanted it or not. He will get
24 back to us."

25 **MR. DEROCHIE:** Yes, and he did subsequently

1 on the next day.

2 MR. ENGELMANN: In fact that's at Bates page
3 7167926.

4 MR. DEROCHIE: Correct.

5 MR. ENGELMANN:

6 "Telephone call from Hall. He has
7 reviewed [their] documents and..."

8 MR. DEROCHIE: The three documents.

9 MR. ENGELMANN: Oh, the three documents,
10 sorry.

11 "...the three documents I provided to
12 him yesterday and is content that the
13 investigation remain with us."

14 Now, there doesn't seem to be any indication
15 there, Staff Sergeant Durochie, that you are saying because
16 some of these allegations are against Cornwall police
17 officers or former Cornwall police officers that you
18 thought that they should do it.

19 MR. DEROCHIE: Well, that information was
20 contained in those three documents and I would -- I would
21 have suggested -- I suggested it. We no doubt discussed it
22 but those -- it was evident in the documents that she was -
23 - that we were forwarding to him that we were involved as
24 suspects, or some of our officers were involved as
25 suspects.

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

2 I just didn't see that referenced anywhere.

3 That's why I am ---

4 **MR. DEROCHIE:** No, you're quite right. It's
5 not in my notes.

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

7 **MR. DEROCHIE:** And I don't have an
8 independent recollection of saying specifically look on
9 page so and so; you'll see that they are implicating us,
10 but I suspect that we would have had conversations to that
11 effect because he was already familiar with the case so
12 would be -- you know, would need an explanation as to why I
13 was sort of throwing it back at him as it were.

14 **MR. ENGELMANN:** Yes.

15 **MR. DEROCHIE:** So I assume we had that
16 conversation.

17 **MR. ENGELMANN:** So on August the 4th then,
18 just going back, you're meeting with the Chief and you're
19 deciding on how to go forward.

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** And there is a decision made
22 at least halfway down your notes, 7167895, to keep this
23 confidential and to be disclosed on a need to know basis
24 only?

25 **MR. DEROCHIE:** That's my standard take on

1 these things, yes.

2 MR. ENGELMANN: All right.

3 And there were, as you say, some allegations
4 against former officers. So that would perhaps be another
5 reason as well?

6 MR. DEROCHIE: Yes, there was allegations
7 made against a large number of individuals.

8 MR. ENGELMANN: Yes.

9 THE COMMISSIONER: Were they ever named?

10 MR. DEROCHIE: Some of them were named.

11 MR. DEROCHIE: Some of them were named.

12 MR. ENGELMANN: What are you saying, sir, at
13 the bottom of your notes on page 7167895 when you're
14 meeting with the Chief?

15 MR. DEROCHIE: What was that exhibit number
16 again, I'm sorry?

17 MR. ENGELMANN: I'm sorry, it's Exhibit
18 1331, Bates page 7167895.

19 MR. DEROCHIE: Seven-eight-nine-eight
20 (7898)?

21 MR. ENGELMANN: Eight-nine-five (895).

22 MR. DEROCHIE: "He subsequently met with
23 the Chief and informed him that from
24 what I have been told, although it's
25 possible ..."

1 It looks like:

2 "... it represents highlights only. The
3 allegations are very serious and I fear
4 that the investigation will hindered
5 should it become a media event."

6 **MR. ENGELMANN:** And you say:

7 "I believe that it will regardless of
8 what we do."

9 **MR. DEROCHIE:** Yes, I wanted to ---

10 **MR. ENGELMANN:** Meaning to become a media
11 event?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** All right. And, sir, was
14 this entered into OMPPAC as a projects file?

15 **MR. DEROCHIE:** It was.

16 **MR. ENGELMANN:** And, again, the reason for
17 that was the sensitivity of the matter?

18 **MR. DEROCHIE:** Correct.

19 **MR. ENGELMANN:** And you informed as you say
20 the Chief of your concerns?

21 **MR. DEROCHIE:** I did.

22 **MR. ENGELMANN:** And you say that -- on the
23 next page, 896 -- that:

24 "Constable Carroll turned over copies
25 of these documents to me."

1 Is this when you would have received the
2 Price documents?

3 **MR. DEROCHIE:** Yes, I believe so, yes. And
4 as is my habit, I document what they are.

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

6 **MR. DEROCHIE:** I said as is my habit, I
7 document in my notebook what I've done, what I'm receiving
8 here.

9 **MR. ENGELMANN:** All right. And did you keep
10 copies of these documents, sir?

11 **MR. DEROCHIE:** It seems to me that I kept
12 the originals and made copies and identified the copies I
13 was making.

14 **MR. ENGELMANN:** And did Constable Carroll at
15 that time have copies as well?

16 **MR. DEROCHIE:** I would expect that I gave
17 him a working copy, yes.

18 **MR. ENGELMANN:** All right. And, sir, did
19 you have any contact with the CAS about these allegations
20 and in particular with a Bill Carriere?

21 **MR. DEROCHIE:** I believe I did.

22 **MR. ENGELMANN:** I think there's a reference,
23 sir, -- I'm just going to try to find it for you. It's in
24 your next notes I believe. Yes, it's in 1342, August 29th.
25 If you could take a look at those notes starting on Bates

1 7167919?

2 MR. DEROCHIE: Yes, I met actually with Bill
3 Carriere of CAS and Staff Sergeant Carter.

4 MR. ENGELMANN: In fact, sir, I note that
5 Bates page 7167914, you apparently called Mr. Carriere on
6 the 25th of August?

7 MR. DEROCHIE: I did.

8 MR. ENGELMANN: You left a message asking
9 him to get back to you so you could arrange a meeting ---

10 MR. DEROCHIE: Quite right.

11 MR. ENGELMANN: --- to inform him about
12 these allegations?

13 MR. DEROCHIE: That's right. Yes, I did.

14 MR. ENGELMANN: All right. So the meeting
15 then takes place on the 29th?

16 MR. DEROCHIE: It does.

17 MR. ENGELMANN: And you meet Bill Carriere
18 with a colleague of yours?

19 MR. DEROCHIE: Staff Sergeant Carter, yes.

20 MR. ENGELMANN: And what do you give him at
21 that time?

22 MR. DEROCHIE: It's not clear. Unless it
23 continues over -- yes, it does, it continues over in the
24 other page:

25 "I presented Carriere with copy number

1 two of the Price allegations."

2 As I made copies of these documents, I would
3 always initial them and I would number them in accordance
4 of which -- how many copies I had made. So this is the
5 second copy. I would suspect that there is a note
6 somewhere saying the number one copy went to Carroll.

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

8 **MR. DEROCHIE:** This is the number two copy.

9 **MR. ENGELMANN:** So what was your purpose in
10 meeting with the CAS about these allegations?

11 **MR. DEROCHIE:** Well, there were files
12 apparently the CAS had with regards to Shelley Price ---

13 **MR. ENGELMANN:** All right.

14 **MR. DEROCHIE:** --- and her children while
15 she was in Cornwall.

16 **MR. ENGELMANN:** All right. And were you at
17 all interested in them investigating or do you recall?

18 **MR. DEROCHIE:** I don't believe so. I was
19 just probably putting them on notice that we might be
20 wanting to look at documents -- here are the allegations.
21 There's some concern about the parents still babysitting
22 children.

23 **MR. ENGELMANN:** All right. But there is
24 some issue again that's been brought up about historical
25 sexual abuse and their role. Do you see that on page

1 7167921?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And it seems to be, at least
4 at this point, if I look at 7167922 not as active an
5 involvement as perhaps you'd seen from them in the Silmser
6 matter?

7 MR. DEROCHIE: Yes, there were no children
8 identified; that we couldn't identify any children to them
9 that were in need of protection or maybe in danger. And it
10 seems to me that Detective Tyo had earlier established that
11 fact. He had done some investigations and talked to some
12 people to just determine what the status was.

13 MR. ENGELMANN: All right. So in essence,
14 if I can paraphrase, he's saying that they're not going to
15 be involved but they'll cooperate in your investigation?

16 MR. DEROCHIE: Oh yes. It seems to me they
17 were advised in '98 as well, so he would have been familiar
18 with it and those issues probably would have been ironed
19 out at that time.

20 THE COMMISSIONER: So reading from the
21 policy, what you've written down is:

22 "Policies to the effect that unless
23 there is an indication that the child
24 is in danger now that CAS would not be
25 involved. They would cooperate and

1 provide access to their files should we
2 have need of anything else. We would
3 want to know of any circumstances that
4 you discovered where children could be
5 at risk."

6 **MR. DEROCHIE:** Yes, yes, that was my
7 understanding of our conversation.

8 **MR. ENGELMANN:** And, sir, just with respect
9 to your copies and we looked at this a bit earlier, on
10 Bates page 7167924, that meeting with Pat Hall on August
11 30th, it appears you gave him your first copy?

12 **MR. DEROCHIE:** Oh, there you go, quite
13 right, yes.

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

15 **THE COMMISSIONER:** I'm a little concerned
16 about the comment on page 7926, where you receive the
17 telephone call from Hall and he says that:

18 "He has reviewed the documents that you
19 provided him yesterday and is content
20 that the investigation remain with
21 you."

22 **MR. DEROCHIE:** With us.

23 **THE COMMISSIONER:** Yes, with us. There's
24 still the allegation that your police force -- members of
25 your police force were involved in the sexual assault, is

1 it not?

2 **MR. DEROCHIE:** Yes. There are those
3 allegations there.

4 **MR. ENGELMANN:** And that would have been in
5 the package that he received from you? Presumably, you had
6 received him from him first?

7 **MR. DEROCHIE:** Well, I don't know if those
8 allegations were contained in the package when he first got
9 them.

10 **MR. ENGELMANN:** Fair enough.

11 **MR. DEROCHIE:** These were the documents that
12 we had received from the RCMP out in B.C. ---

13 **MR. ENGELMANN:** All right.

14 **MR. DEROCHIE:** --- which I thought changed
15 the situation with regards to whether or not he would want
16 to take it on.

17 **THE COMMISSIONER:** Right.

18 **MR. DEROCHIE:** And so that's why I asked for
19 him to look at it again.

20 **THE COMMISSIONER:** Right. But I find
21 unusual that they'd say that it would remain with you. I
22 would have thought he would have said, "It's not in our
23 mandate, but given the fact that there are allegations
24 against your police officers, it should go to an outside or
25 to another OPP branch or something".

1 **MR. DEROCHIE:** I understand, and I would
2 expect that we would recognize if it's not in their mandate
3 if we felt that we shouldn't deal with it that it would be
4 incumbent upon us ---

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

6 **MR. DEROCHIE:** --- to send it out to another
7 police force.

8 **THE COMMISSIONER:** Okay.

9 **MR. DEROCHIE:** Possibly the local detachment
10 as opposed to Project Truth which was an entity onto
11 itself.

12 **THE COMMISSIONER:** Right.

13 **MR. ENGELMANN:** Well, was that something
14 that was considered at that time, sir? You know, you've
15 got these allegations, some of them contain allegations
16 against former members of your force, and as you said they
17 contain allegations of a great number of people. The OPP
18 says "No, content that you keep them." Project Truth --
19 the investigation by the OPP is still ongoing at that time,
20 right?

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** They don't make a suggestion
23 that you go to Ottawa or another police force?

24 **MR. DEROCHIE:** They don't make a suggestion
25 and I don't think we ever -- if we may have considered it.

1 The Chief may well have considered it. And, you know, this
2 is an extreme case. This is an unusual investigation.
3 You'd have to really read the allegations to appreciate
4 just how different this matter is.

5 You know, but it's a small force and a small
6 community, if we shipped out everything that had a
7 relationship to one of us or someone else in the community
8 that there could be a perception we'd get very little done.
9 There'd be very little going on as far as investigations
10 go.

11 This is ---

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

13 **MR. DEROCHIE:** --- again, granted and
14 recognized, and this is an extreme where you have actual
15 allegations against police officers, but to fully
16 appreciate it you'd have to read the allegation.

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

18 And Sergeant Carroll is quite familiar with
19 this?

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

21 **MR. ENGELMANN:** But, sir, just the fall
22 before -- and I realize completely different allegations --
23 you were talking to the OPP about them possibly
24 investigating one of your officers, Constable Dunlop, and
25 they didn't -- they said "That's not within our mandate"

1 and then you go to an outside Crown and it's suggested you
2 have an outside force investigate him ---

3 MR. DEROCHIE: Yes.

4 MR. ENGELMANN: --- because there are
5 criminal allegations; it's not just a *Police Service Act*
6 charge.

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: And you get some pretty
9 clear advice about you guys shouldn't investigate this; you
10 should have a third party do that.

11 MR. DEROCHIE: Yes, we just didn't view this
12 allegation as being on the same level as that.

13 MR. ENGELMANN: All right.

14 In the sense that you didn't feel what?

15 MR. DEROCHIE: Well, the allegations
16 themselves, you'd have to thoroughly read the allegations
17 to understand that the allegations were bizarre; bizarre
18 and extreme.

19 THE COMMISSIONER: Some would say that the
20 allegations of Mr. Leroux were bizarre and to the extreme.

21 MR. DEROCHIE: Yes. Yes.

22 MR. ENGELMANN: The OPP clearly looked at
23 them.

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: All right.

1 **MR. DEROCHIE:** But Mr. Leroux's allegations
2 pale with regards to these -- in light of these as well.

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

4 Sir, if you could have a look at -- it's
5 Document Number 701441.

6 Madam Clerk, that's a letter from Detective
7 Inspector Hall to Staff Sergeant Derochie. Sorry, it's
8 actually a letter to the Chief of Police at the Cornwall
9 Police Service but to the attention of Staff Sergeant
10 Derochie.

11 **THE COMMISSIONER:** Thank you.

12 Yes, and it's dated the 31st of August 2000.
13 Exhibit 1344.

14 **--- EXHIBIT NO./PIÈCE NO. P-1344:**

15 (701441) Letter from Pat Hall to Garry
16 Derochie dated 31 Aug 00

17 **MR. ENGELMANN:** Now, in the letter he's
18 indicating that he's reviewed the interview reports
19 provided by Shelley Price.

20 **MR. DEROCHIE:** M'hm. Yes.

21 **MR. ENGELMANN:** And those were provided to
22 the RCMP in B.C.?

23 **MR. DEROCHIE:** That's correct.

24 **MR. ENGELMANN:** He also writes that the
25 matter had first been reported to Project Truth in July of

1 '98.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And subsequently referred to
4 Inspector Trew.

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: And would you have ever
7 discussed this matter with Trew once you got involved, sir,
8 Inspector Trew?

9 MR. DEROCHIE: I can't imagine that I
10 didn't. I would have. My involvement in this again was
11 under the -- it was CID investigator looking into these
12 matters. He was really on a day-to-day basis reporting to
13 CID. It was assigned to my office just -- I really don't
14 know why, given the explanation that it didn't fall within
15 my jurisdiction as a Professional Standards officer.

16 MR. ENGELMANN: But given that it was
17 assigned to your office, you were -- were you then
18 responsible for supervising then Constable Carroll or was
19 he still being supervised through his chain of command?

20 MR. DEROCHIE: Well, he was being supervised
21 by both. He was being supervised by me as well but the
22 chain of command was also supervising him so you know, he
23 was sort of being pulled in a number of directions
24 possibly.

25 MR. ENGELMANN: All right.

1 **MR. DEROCHIE:** It became an issue at one
2 point whereby plans that I had set out were -- had to be
3 abandoned because of manpower or staff availability. So it
4 was a unique situation, I think.

5 **MR. ENGELMANN:** And, sir, just in this
6 letter Detective Inspector Hall confirmed that some of the
7 names that were found in these interview reports, they were
8 already the subject matter of Project Truth investigations?

9 **MR. DEROCHIE:** That's correct.

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

11 And he indicates, for example, in this
12 letter that he believes that at least one of the
13 allegations she makes is a case of mistaken identity?

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** And that deals with the then
16 Bishop ---

17 **MR. DEROCHIE:** Correct.

18 **MR. ENGELMANN:** --- here in Cornwall?

19 **MR. DEROCHIE:** Correct.

20 **MR. ENGELMANN:** And in his concluding
21 paragraph he takes the position that this investigation
22 does not fall within the mandate of Project Truth?

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** But he suggests to you that
25 that may be something he would reassess if further

1 information comes to light?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: All right.

4 Now, throughout this period of time the
5 complainant and her husband lived in the Province of
6 British Columbia?

7 MR. DEROCHIE: Correct.

8 MR. ENGELMANN: But despite that, were you
9 contemplating or was the Cornwall Police Service
10 contemplating sending members to British Columbia to meet
11 with the Prices?

12 MR. DEROCHIE: Oh, yes. At one point we
13 actually had flights booked and arrangements made for
14 interview rooms in B.C. We were on our way.

15 MR. ENGELMANN: And in fact, sir, at Bates
16 page I believe it's 7167931 ---

17 THE COMMISSIONER: That's in Exhibit 1331.

18 MR. ENGELMANN: That's in Exhibit 1342, sir.

19 THE COMMISSIONER: One-three-four-two
20 (1342), sorry. Okay.

21 MR. DEROCHIE: And I'm sorry; the Bates page
22 again?

23 MR. ENGELMANN: It's 7167931. In fact it
24 starts on the previous page, 7167930.

25 You say at the top of the page:

1 "Spoke with Carter."

2 So was Carter the other supervisor, if I can
3 use that term?

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: So Carroll had two people he
6 was reporting to ---

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: --- on this?

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: You and Sergeant Carter?

11 MR. DEROCHIE: That's correct, yes.

12 MR. ENGELMANN: All right.

13 And you say:

14 "Spoke with Carter. Told him that I
15 was going to have Snyder start making
16 arrangements to have investigator fly
17 out to B.C." (As read)

18 MR. DEROCHIE: Yes.

19 MR. ENGELMANN: Now, was Snyder also
20 involved, sir?

21 MR. DEROCHIE: I think ---

22 MR. ENGELMANN: Officer Snyder.

23 MR. DEROCHIE: I think I had Snyder working
24 for me at the time ---

25 MR. ENGELMANN: All right.

1 **MR. DEROCHIE:** --- out of the office on
2 other investigations.

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

4 And you're targeting the last week of
5 September for people to go out?

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** And the Chief is concerned
8 that that's taking too long, that it should be sooner in
9 fact?

10 **MR. DEROCHIE:** Yes, he wanted it dealt with
11 right away, yes.

12 **MR. ENGELMANN:** But there -- all right.

13 **MR. DEROCHIE:** I told him that the soonest
14 that we could get there -- you know, people were on
15 holidays and the soonest we could get people out there was
16 the end of September.

17 **MR. ENGELMANN:** But on the next Bates page,
18 7167931 ---

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** You are -- you're
21 instructing Snyder to contact Price and find a date for the
22 interview which is acceptable?

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** And make the arrangements to
25 go?

1 **MR. DEROCHIE:** Correct.

2 **MR. ENGELMANN:** Do you know if Officer
3 Snyder made those arrangements?

4 **MR. DEROCHIE:** I believe he did or he
5 started to make them, in any event, but it seems to me
6 right after that, that something came up that we ---

7 **MR. ENGELMANN:** I'll just be a moment, sir,
8 maybe I can help.

9 Bates page 7167941, September 14th, you say:
10 "Yesterday, I gave Snyder instructions
11 to make arrangements for two
12 investigators to travel to B.C. to deal
13 with the Shelley Price investigation."

14 Do you see that?

15 **MR. DEROCHIE:** Yes, yes.

16 **MR. ENGELMANN:** And there's some reference
17 to the fact he tells you he's been instructed to hold off
18 until mid-October?

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** Do you know why that was?

21 **MR. DEROCHIE:** Inspector -- Acting Inspector
22 or Staff Sergeant Carter is the one that countermanded that
23 and there was a reason for it. There was no SACA officer
24 that we could find to go out with the investigator.

25 **THE COMMISSIONER:** Well, I thought ---

1 **MR. DEROCHIE:** There should be some -- there
2 should be some -- I'm sorry?

3 **THE COMMISSIONER:** Yeah, in the notes it
4 said that you thought Carroll and ---

5 **MR. DEROCHIE:** Carroll got himself involved
6 in an attempt homicide.

7 **THE COMMISSIONER:** Okay. So it was supposed
8 to be Carter and -- Carter and Carroll. No?

9 **MR. DEROCHIE:** No, I think it was supposed
10 to be Carroll and a female SACA officer.

11 **THE COMMISSIONER:** I just finished reading
12 it.

13 **MR. ENGELMANN:** Well, there's a reference on
14 Bates page 7167931 that Carroll was now involved in an
15 attempt murder investigation.

16 **THE COMMISSIONER:** No, I know that.
17 Anyways.

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

19 **THE COMMISSIONER:** Thank you.

20 **MR. ENGELMANN:** In any event, sir, on
21 September 8th, 2000, I understand there was some further
22 contact with the Prices, at least your being advised of
23 that? Bates page 7167945.

24 **THE COMMISSIONER:** Okay, I'm sorry, it was
25 supposed to be "Snyder and Carroll will be going out".

1 That's at 7931? The bottom of the page.

2 "It would appear..." ---

3 **MR. DEROCHIE:** Yeah.

4 **THE COMMISSIONER:** --- "... now that Snyder
5 and Carroll will be going out."

6 For what it's worth.

7 **MR. ENGELMANN:** All right. So it's put off;
8 it's countermanded by Sergeant Carter?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** And now on September 8th, I
11 believe -- or maybe it's 18th, actually.

12 **MR. DEROCHIE:** Eighteenth (18th), yes.

13 **MR. ENGELMANN:** There's some contact with
14 David Price?

15 **MR. DEROCHIE:** Yes. And he's telling us
16 that October is not good for them.

17 He doesn't -- we don't get this call live;
18 telephone messages were being left. We're communicating
19 that way it seems.

20 **MR. ENGELMANN:** Through voicemail messages?

21 **MR. DEROCHIE:** Exactly, yeah. Carroll will
22 have all this detailed when ---

23 **MR. ENGELMANN:** Fair enough.

24 **MR. DEROCHIE:** --- when the calls came in
25 and everything; time of day.

1 **MR. ENGELMANN:** Now, just before then, sir
2 -- and it's Document Number 731893 -- you prepare an
3 internal correspondence for Chief Repa concerning this
4 matter dated September 14th, 2000. Document Number 731893.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 1345 is internal correspondence to
8 Chief Repa from Staff Sergeant Garry Derochie, dated
9 September 14th, 2000.

10 **--- EXHIBIT NO./PIÈCE NO. P-1345:**

11 (731893) Internal Correspondence from Staff
12 Sergeant Garry Derochie to Chief A. Repa
13 dated September 14, 2000

14 **MR. ENGELMANN:** Now, sir, it's my
15 understanding the Chief requested an update from you ---

16 **MR. DEROCHIE:** That's correct.

17 **MR. ENGELMANN:** --- in one of your meetings?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** And this is what you
20 provided?

21 **MR. DEROCHIE:** Yes, it is.

22 **MR. ENGELMANN:** And can you give us a sense
23 as to what you're telling him at this point-in-time?

24 **MR. DEROCHIE:** I'm explaining to him the --
25 exactly what we've done so far and some of the problems

1 we're running into, but as of this date we're still
2 planning on sending SACA officers out to B.C. but with an
3 experienced investigator.

4 So at this point, we're identifying
5 Constable Carroll and Detective Murphy. She was in our
6 SACA unit, so she would go with Sergeant Carroll now.

7 And then still -- I'm still -- by the time
8 I'm writing this memo, I'm still shooting for the 25th of
9 September.

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

11 **MR. DEROCHIE:** Do I have to mention those
12 names? Is there any precautions that have to be taken for
13 those names that are mentioned?

14 **MR. ENGELMANN:** Sorry, in the ---

15 **MR. DEROCHIE:** On the first page with
16 regards to the officers -- the retired officers and
17 deceased officers who are being identified?

18 **MR. ENGELMANN:** I'm not going to reference
19 people's names.

20 **MR. DEROCHIE:** Okay, thank you.

21 **MR. ENGELMANN:** All right. So there's a
22 discussion -- if I could just have a moment?

23 Yes, there's a reference to the fact about
24 -- and I think you just mentioned this -- who's being
25 assigned. Constable Carroll is going to be assigned to

1 your division, so that this could get done as quickly as
2 possible. I'm looking at the second page of Exhibit 1345;
3 correct?

4 **MR. DEROCHIE:** Yes. Yes, I'm sorry.

5 **MR. ENGELMANN:** All right. Now, if we could
6 just go back to your notes for a minute, sir, and this is
7 Exhibit 1342, and I believe there's further contact with
8 Bill Carriere on this matter?

9 **MR. DEROCHIE:** If you might direct me to a
10 Bates page?

11 **MR. ENGELMANN:** Yes. And I'm a little
12 earlier in time and I apologize. Bates page 7167943.

13 **MR. DEROCHIE:** Yes, telephone call from Bill
14 Carriere.

15 **MR. ENGELMANN:** And he's providing some
16 information and some background about the complainant?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And he's indicating that he
19 has files dealing with Ms. Price and her sister?

20 **MR. DEROCHIE:** Yes. It's my understanding
21 that there was a child -- Ms. Price had a child that was --
22 while she was incapacitated -- while Shelley was
23 incapacitated, the sister was looking after the child.

24 **MR. ENGELMANN:** All right. And to your
25 knowledge, did one of your officers go over to review those

1 files?

2 MR. DEROCHIE: Yes, I believe we assigned
3 Sergeant Snyder to go over and have a look at those.

4 MR. ENGELMANN: There's a reference to the
5 fact that he would most likely go ---

6 MR. DEROCHIE: Yeah.

7 MR. ENGELMANN: --- do you know if that
8 actually happened?

9 MR. DEROCHIE: I don't recall.

10 MR. ENGELMANN: All right. Now, you've told
11 us that Mr. Price called and said October wasn't a good
12 time for them to meet?

13 MR. DEROCHIE: Yes.

14 MR. ENGELMANN: Do you know whether Officer
15 Carroll would have continued to investigate this matter
16 despite not meeting with the Prices in October?

17 MR. DEROCHIE: Yes, I believe he started to
18 talk to the siblings, the rest of the family, to see what
19 he could determine.

20 MR. ENGELMANN: And if we go back to the
21 chronology, for a minute, that might be the best way to
22 look at that; that's Exhibit 1342.

23 MR. DEROCHIE: Yes.

24 MR. ENGELMANN: I'm not sure if it's 42 or
25 43, sir.

1 THE COMMISSIONER: What's that now?

2 MR. ENGELMANN: The exhibit number.

3 THE COMMISSIONER: Forty-three (43).

4 MR. ENGELMANN: Is it 43?

5 THE COMMISSIONER: The investigation
6 chronology is 1343.

7 MR. ENGELMANN: Sir, starting at about Bates
8 page 7137312.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: There's some references to
11 the actions that Detective Sergeant Carroll takes ---

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: --- in the fall of 2000 and
14 references to discussions or messages with ---

15 MR. DEROCHIE: Dave Price.

16 MR. ENGELMANN: David Price?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: And then contacts with some
19 of the siblings?

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: And this is through
22 September and they seem to end on the 26th of September of
23 the year 2000; am I correct?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: If we want more information

1 about what, if anything, happened thereafter, would that be
2 best from Sergeant Carroll?

3 **MR. DEROCHIE:** I believe so. I believe that
4 would be the best source for that information.

5 **MR. ENGELMANN:** Now, do you recall the
6 outcome of this investigation?

7 **MR. DEROCHIE:** Yes, we were frustrated in
8 our attempts to -- to get Shelley and David Price to
9 cooperate with us and subsequently it -- it was just closed
10 off with ---

11 **MR. ENGELMANN:** Was there ever a meeting,
12 sir?

13 **MR. DEROCHIE:** There was never a meeting.
14 There was always the opportunity for them to
15 come us when they were ready to come to us and I believe
16 that was the last communication we would have had.

17 **MR. ENGELMANN:** All right, I'll just be a
18 moment.

19 And did you have any sense as to why she
20 wasn't coming?

21 **THE COMMISSIONER:** Wasn't coming?

22 **MR. ENGELMANN:** To -- or wasn't coming to
23 meet or didn't want to meet with the Cornwall Police
24 Service officers?

25 **MR. DEROCHIE:** No, from what -- from what I

1 understand, she just didn't want to deal with us on it.

2 **MR. ENGELMANN:** All right. Do you know if
3 it was for the same reasons they indicated at the beginning
4 that it was sort of either it was Constable Dunlop or it
5 was another Force?

6 **MR. DEROCHIE:** Yes.

7 And she had difficulties. At one point we
8 had suggested a particular investigator in our -- from our
9 SACA unit and she knew that person as being a member of her
10 church and, you know, she didn't -- she just didn't have
11 any confidence in the Cornwall Police Service to do -- or
12 at least that's what David Price told us.

13 I guess the bottom line is, is that's what
14 David Price -- they subsequently went to start -- they --
15 they started their own webpage where they -- where they
16 downloaded an awful lot of information, which subsequently
17 resulted in them including OPP officers in their
18 allegations, which ultimately ended up in an SIU -- Special
19 Investigations Unit, that's an Ontario oversight body.

20 **MR. ENGELMANN:** For the OPP?

21 **MR. DEROCHIE:** No, it's for all -- all --
22 it's to investigate allegations of criminal misconduct by
23 police officers ---

24 **MR. ENGELMANN:** Yes.

25 **MR. DEROCHIE:** --- within the Province of

1 Ontario.

2 It -- it went to that.

3 I was interviewed by SIU detectives. I know
4 they went out to B.C. and -- and I never heard back what
5 the results of that were, but ---

6 **MR. ENGELMANN:** All right. And at the end
7 of -- do you know if Jeff Carroll would have ever -- ever
8 consulted a Crown prosecutor about this matter at all, to
9 your knowledge?

10 **MR. DEROCHIE:** I don't believe so.

11 **MR. ENGELMANN:** All right. And, sir, if you
12 would look Document Number 735067; it's internal
13 correspondence from Detective Sergeant Carroll to yourself,
14 dated April 16th, 2002.

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

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 1346 is internal
18 correspondence, as indicated by Mr. Engelmann, to Staff
19 Sergeant Derochie, from Detective Sergeant Jeff Carroll,
20 April 16th, 2002.

21 **--- EXHIBIT NO./PIÈCE NO P-1346:**

22 (735067) Internal Correspondence fr Jeff
23 Carroll to Garry Derochie - 16 Apr 02

24 **MR. ENGELMANN:** Sir, I'm cognizant of time,
25 all of a sudden.

1 Can we deal with this -- can we deal with
2 this one matter ---

3 **THE COMMISSIONER:** Yeah, yeah.

4 **MR. ENGELMANN:** --- and take the afternoon
5 break?

6 **THE COMMISSIONER:** Yes.

7 **MR. ENGELMANN:** Sir, this is now much later
8 in 2002?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** Can you give us a sense --
11 and this -- apparently Detective Sergeant Carroll has
12 attached the chronology we've looked at earlier?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** And is he giving you some
15 explanation as to why things are or where they are at this
16 point in time?

17 **MR. DEROCHIE:** Yes, in the memo.

18 This memorandum refreshes my memory with
19 regards to the final disposition.

20 **MR. ENGELMANN:** All right. Can you then
21 tell us what it was?

22 **MR. DEROCHIE:** Well, he had -- he had
23 proposed to put a package together and to send it to the
24 Crown and -- and ask for a referral to the Ontario
25 Provincial Police, which I can't, for the life of me,

1 remember if he did, but it would certainly explain how the
2 SIU investigation started.

3 The other recommendation was with regards to
4 civil liability and -- and I never -- I never considered
5 that, that we should seek legal counsel with regards to --
6 I didn't see any civil liability.

7 **MR. ENGELMANN:** All right. But -- so the
8 recommendation that it be sent to the local Crown
9 requesting it be forwarded to the regional Crown and see
10 if, at that level, a decision could be made to forward this
11 to the OPP for investigation, that may have been done, sir,
12 or are you ---

13 **MR. DEROCHIE:** It may well have been done; I
14 don't recall it. I was ---

15 **MR. ENGELMANN:** Were you satisfied with the
16 investigation that Detective Sergeant Jeff Carroll had
17 done?

18 **MR. DEROCHIE:** Oh yes, Jeff Carroll was --
19 is -- is -- is very -- is very good at -- kept keeping me
20 informed.

21 By this time, I was probably NCID, as the
22 supervisor or CID. I was in CID as the supervisor, so he
23 was working directly for me at that time, so we were in --
24 we would be in daily communication.

25 It seems to me that that's exactly what

1 happened is that -- I said, "Let's bring this to a
2 resolution. Let's get this done." But ---

3 **MR. ENGELMANN:** Did you ever hear back from
4 the Prices after, to your knowledge, about wanting you to
5 do more on this?

6 **MR. DEROCHIE:** I heard nothing until the SIU
7 knocked on my door.

8 **MR. ENGELMANN:** All right. And that was
9 when there were even broader allegations?

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** And you were interviewed in
12 the course of that?

13 **MR. DEROCHIE:** I was.

14 **MR. ENGELMANN:** But you're not sure what, if
15 anything, happened to it?

16 **MR. DEROCHIE:** No, they -- they were looking
17 -- they were actually doing an investigation here because
18 they asked me to locate people for them who were subject to
19 their investigation; it would have been the -- the Price
20 family and other families that were -- that were involved
21 in the church that they were involved in at the time.

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

23 Perhaps we could take the afternoon break,
24 then, sir.

25 **THE COMMISSIONER:** Thank you, Mr. Engelmann.

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

3 This hearing will resume at 3:45.

4 --- Upon recessing at 3:27 p.m./

5 L'audience est suspendue à 15h27

6 --- Upon resuming at 3:49 p.m./

7 L'audience est reprise à 15h49

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

10 The hearing is now resumed. Please be
11 seated. Veuillez vous asseoir.

12 **GARRY DEROCHIE, Resumed/Sous le même serment:**

13 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

14 **PETER ENGELMANN: (Continued/Suite)**

15 **MR. ENGELMANN:** Staff Sergeant Derochie,
16 just one last question on the Price matter, if I can.

17 **MR. DEROCHIE:** Sure.

18 **MR. ENGELMANN:** I should have asked you this
19 before the break.

20 It's Exhibit 1346.

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** This is April of 2002 and
23 the chronology, which we looked at -- and I'm just trying
24 to find my copy ---

25 **MR. DEROCHIE:** It ends in September -- 26th

1 of September of 2000.

2 MR. ENGELMANN: Yeah.

3 MR. DEROCHIE: It remained dormant for that
4 period of time, this investigation.

5 MR. ENGELMANN: Do you know why he wouldn't
6 have given you something sooner? Like it's almost -- it's
7 a good year-and-a-half.

8 MR. DEROCHIE: It is a good year-and-a-half.
9 No, I have no explanation for that, nor did
10 I obviously ask for something sooner.

11 MR. ENGELMANN: All right. Let's go onto
12 another matter if we can.

13 We know from looking at your career profile
14 that you went back into CIB or CID -- I know they're used
15 interchangeably -- in or around sometime in the year 2001?

16 MR. DEROCHIE: November, 2001.

17 MR. ENGELMANN: All right. And while you
18 were there you were -- is it fair to say the Officer in
19 Charge of CIB?

20 MR. DEROCHIE: Yes, I was.

21 MR. ENGELMANN: All right. And you would
22 have supervised a number of officers, sir?

23 MR. DEROCHIE: Directly I supervised three
24 sergeants.

25 MR. ENGELMANN: Three sergeants?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: And was one of them Jeff
3 Carroll?

4 MR. DEROCHIE: That's correct.

5 MR. ENGELMANN: And he was responsible for
6 the SACA Unit of CIB?

7 MR. DEROCHIE: That's correct.

8 MR. ENGELMANN: And he had one, or two, or
9 three officers reporting to him?

10 MR. DEROCHIE: Three or four ---

11 MR. ENGELMANN: Okay.

12 MR. DEROCHIE: --- possibly at this time.
13 One was on maternity leave so he would have had three.

14 MR. ENGELMANN: All right. And do you
15 recall, sir, a complaint or -- a complaint filed with the
16 CPS by a fellow by the name of Marc Latour?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: And would that have been a
19 case where Sergeant Carroll was the investigating officer?

20 MR. DEROCHIE: Yes, he was. He was -- this
21 investigation came in prior to my transfer into CID and
22 when I got into the CID, having learned from the experience
23 of others, I had wanted my sergeants not to carry
24 caseloads, therefore, I told them their primary function
25 was to supervise, make sure that the investigations are

1 done.

2 MR. ENGELMANN: All right.

3 MR. DEROCHIE: And unfortunately this
4 investigation had started sometime prior to my arrival and
5 was in a state of advance at that time and it became known
6 to me in, I believe, April of 2002.

7 MR. ENGELMANN: All right. So just by way
8 of background, I understand that this fellow would have
9 first been interviewed in the summer of 2000 ---

10 MR. DEROCHIE: Yes.

11 MR. ENGELMANN: --- by Sergeant Carroll, but
12 I believe at that point he wasn't prepared to proceed ---

13 MR. DEROCHIE: That's correct.

14 MR. ENGELMANN: --- with a complaint against
15 a former school teacher?

16 MR. DEROCHIE: That's my understanding. He
17 didn't feel he was ready yet to proceed.

18 MR. ENGELMANN: And my understanding is he
19 came back the following March in 2001 and indicated to
20 Sergeant Carroll that he wanted the investigation reopened?

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: Okay. And, again, this is
23 before you're involved?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: And my understanding is that

1 Sergeant Carroll doesn't meet with the alleged suspect or
2 contact with the alleged suspect until or about August of
3 the year 2002?

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: And that the matter
6 concludes in or around February of 2003 with Carroll
7 speaking with the Crown attorney, Murray MacDonald, and
8 they determine that there was no reasonable prospect of
9 conviction?

10 MR. DEROCHIE: That's correct.

11 MR. ENGELMANN: All right. And, sir, do you
12 have a sense after you started supervising the sergeants --
13 who were then supervising their own staff -- but
14 approximately how often you would be reviewing
15 investigations? And maybe I should be more specific,
16 investigations dealing with historical sexual assault or
17 sexual abuse.

18 MR. DEROCHIE: Well, again, at that time,
19 when I went in there in April I was immediately -- almost
20 immediately -- in the early part of 2002 -- involved in a
21 major audit of our property room, including all of the
22 money and all of the drugs that were in our exhibit rooms.

23 MR. ENGELMANN: I'm sorry, sir, I didn't
24 quite hear what you were doing.

25 MR. DEROCHIE: I was involved in an audit.

1 I was physically removed from the office downstairs doing
2 an audit of the property exhibit room and it was an
3 extensive project.

4 **MR. ENGELMANN:** When would this have been?

5 **MR. DEROCHIE:** This would have been in April
6 of 2004. If we can go to my notes, I'm sure you'll -- it
7 should be well documented.

8 **THE COMMISSIONER:** Well, how long would that
9 take you to do an inventory of that?

10 **MR. DEROCHIE:** It took me months upon
11 months.

12 **THE COMMISSIONER:** Months?

13 **MR. DEROCHIE:** Yes, it did.

14 **MR. ENGELMANN:** This was -- sorry, and I
15 just want to make sure I've got the date right. Did you
16 say April. 2004?

17 **MR. DEROCHIE:** Two. I'm sorry, 2002.

18 **MR. ENGELMANN:** That's what I thought, yeah.
19 Okay.

20 And that is something that took up half your
21 time?

22 **MR. DEROCHIE:** Took up all of my time for
23 the first while.

24 **MR. ENGELMANN:** All right. And would that
25 have been for a number of months, sir?

1 **MR. DEROCHIE:** Yes, again my notebook should
2 be full of just that at the time.

3 **MR. ENGELMANN:** All right. Do you know
4 then, sir, when you were occupied with that task, who would
5 have -- would there have been someone acting as the
6 supervisor for CIB?

7 **MR. DEROCHIE:** No, I was still in charge of
8 CID. I had, like I say, three sergeants who were managing
9 their own units, so there shouldn't have been a problem.
10 However, Sergeant Carroll had this whole investigation that
11 I was not live to at that time.

12 **MR. ENGELMANN:** All right. It was on
13 OMPPAC?

14 **MR. DEROCHIE:** Yes, it was.

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

16 **MR. DEROCHIE:** But there was no active tasks
17 on it.

18 **MR. ENGELMANN:** All right. Sir, there was a
19 directive, I think, issued as a result of your work in the
20 Landry matter or right after it?

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** If I remember correctly, and
23 I'm going by memory, that it required follow-up every ---

24 **MR. DEROCHIE:** Thirty (30) days.

25 **MR. ENGELMANN:** --- 30 days?

1 **MR. DEROCHIE:** Yes.

2 **MR. ENGELMANN:** By supervisors with
3 investigating officers?

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** Was that happening in this
6 case?

7 **MR. DEROCHIE:** No, it wasn't.

8 **MR. ENGELMANN:** All right. And is the
9 primary reason because of the duties you had with this
10 audit or was this just not happening generally?

11 **MR. DEROCHIE:** Oh, no, it -- I couldn't say
12 with any degree of certainty that this was -- the policy
13 was being acted upon as it was intended. There were gaps
14 in supplement reports being submitted.

15 To the best of my recollection, when I wrote
16 that standing order, after the Landry investigation I
17 believe it was, originally we had indicated that we wanted
18 sexual assaults supplemented every 7 days, subsequent to
19 that it was every 14 days, and finally we settled on 30
20 days.

21 **MR. ENGELMANN:** That's correct. I recall
22 that.

23 **MR. DEROCHIE:** And we thought that was
24 practical. I thought that was practical.

25 When I got into CID I saw that although it

1 was a worthy goal to try to achieve, it was not always
2 practical.

3 In this particular investigation, it was put
4 in abeyance and nothing else is -- there's no other
5 reports. If there's no report submitted then it's in
6 effect dormant. It's in abeyance until something else
7 develops.

8 **MR. ENGELMANN:** All right. So -- but I --
9 and maybe I misunderstood. I thought earlier that as long
10 as there was an incident report ---

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** --- it would flash at you?

13 **MR. DEROCHIE:** Yes, but if it was active --
14 if it was -- if there had been a task, a task creates a
15 need for someone to respond. So if the final report went
16 in indicating that this thing is in abeyance until such
17 time as the victim feels ready to go, then the incident
18 remains dormant until the victim contacts us again.

19 **MR. ENGELMANN:** Okay. But if the victim
20 came in in March of 2001 ---

21 **MR. DEROCHIE:** There ought to have been a
22 report submitted.

23 **MR. ENGELMANN:** Right. And says I'm ready
24 to go here.

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** There should have been a
2 report submitted at ---

3 **MR. DEROCHIE:** Which would stimulate a task.

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

5 **MR. DEROCHIE:** Once the report is submitted,
6 I would approve the report and a task would be created to
7 continue the investigation.

8 **THE COMMISSIONER:** But, on the other hand,
9 for those files that are remaining dormant, isn't there a
10 supervisor that -- I remember reading for Heidi Sebalj
11 somebody was questioning her, the number of charges she was
12 coming out with per month and that they were lower and that
13 she should speed up her investigations, that kind of thing.

14 **MR. DEROCHIE:** Yes.

15 **THE COMMISSIONER:** So surely to heavens
16 there's got to be a catch base in there some place so that
17 a supervisor can look about and say, "Look it, we've got 30
18 percent of our cases are in abeyance".

19 **MR. DEROCHIE:** Oh, we wouldn't -- yes, I
20 understand what you're saying.

21 **THE COMMISSIONER:** But I'm saying that even
22 one, that somewhere along the line the supervisor looks and
23 says, "This case is in abeyance".

24 **MR. DEROCHIE:** No, there would be no way of
25 capturing that without physically going back for some

1 reason and looking at that incident number. It would be
2 put in abeyance. There should be a brought forward date in
3 the system.

4 I agree that the system doesn't provide --
5 could you create a task for six months into the future?
6 Yes, you could do that. That would bring -- that would
7 activate it again. I don't think that's ever been done.

8 **THE COMMISSIONER:** So what you're telling me
9 today is -- today, somebody comes in and just puts in --
10 for whatever reason, files an abeyance, and it could stay
11 there for years?

12 **MR. DEROCHIE:** There's certainly that
13 potential, yes, for it to happen.

14 **THE COMMISSIONER:** And we've seen that it
15 has happened.

16 **MR. DEROCHIE:** Well, I don't know if those
17 files were put into abeyance though physically -- formally
18 put into abeyance. Putting a complaint into abeyance
19 requires a report saying that.

20 **THE COMMISSIONER:** No, well, this is even
21 worse then. These things are supposed to be active files
22 and they kind of fell through the cracks?

23 **MR. DEROCHIE:** They're in -- they're in
24 abeyance, yes. They're not going to be proceeded with
25 until something stimulates the reactivation of the file.

1 **MR. ENGELMANN:** Okay, so there was no ---

2 **MR. DEROCHIE:** I would -- I would -- I stand
3 corrected: If the Classifier in Records is -- comes across
4 this thing, she'll allow it to go in abeyance for up until
5 the -- whenever it is the reporting deadline is for Stats
6 Canada. I'm wrong on that; there is -- there is a check
7 and balance there that would -- but that would generate a
8 request for a report to explain why this thing is still in
9 abeyance.

10 **THE COMMISSIONER:** Well, I'll let it go, but
11 -- so you're saying that a report for Stats Canada is going
12 to generate the -- no, no, no, I think what you might want
13 to look at is having something there for investigative
14 purposes that you would want an interest in saying that all
15 of the files are kept current.

16 **MR. DEROCHIE:** Exactly.

17 As I say, if I wanted -- if I wanted to do
18 that, I would have to create a -- a "task" and it's not --
19 it's not a difficult thing to do, create a "task" to bring
20 it forward in a six month time or a three months' time;
21 whatever the time period would be.

22 **THE COMMISSIONER:** Okay, so you don't know
23 in any given date what your investigators are doing and if
24 they're working on all the files they're supposed to?

25 **MR. DEROCHIE:** Oh, yes, I can go in -- if

1 they have "active tasks" -- very time -- any time they --
2 they -- they create an action or they do something with
3 regards to an investigation, they submit a report
4 indicating what it is they do.

5 **THE COMMISSIONER:** Right.

6 **MR. DEROCHIE:** That triggers a requirement
7 for me to look at that report and approve that report.

8 **THE COMMISSIONER:** Right.

9 **MR. DEROCHIE:** If there's something more to
10 do on that report, I task it out; I task it back to them.

11 If they're saying, "I'm waiting to talk to
12 Mr. Smith, who's on holidays and he won't be back until
13 mid-February," then I would create a "task" sometime after
14 February for a response, if there's something else to be
15 done before the investigation is completed.

16 **THE COMMISSIONER:** And would the minute one
17 of those things is missed, like if somebody says, "I'm
18 going to wait until Mrs. Price phones me back," it could
19 stay there for years.

20 **MR. DEROCHIE:** It -- it couldn't stay there
21 for years; it could stay there for a considerable length of
22 time.

23 What I'm suggesting is when the Records
24 Clerks -- when the Classifier in Records go to classify
25 that, at the end of the year, for example, let's say it's a

1 sexual assault investigation, which is reportable to Stats
2 Canada, it has -- there's a deadline when those reports
3 have to be in. In order for them -- her to submit the
4 reports, the incident has to be classified; if it's "in
5 abeyance," it's not classified. So she would generate a
6 task to the supervisor to -- to get -- to get a result; how
7 am I going to classify this?

8 And "in abeyance," we talked briefly, Mr.
9 Newman and myself, about the classifications of records.

10 **MR. ENGELMANN:** Yes.

11 **MR. DEROCHIE:** Whether it's "complete
12 solved," "complete unsolved" ---

13 **MR. ENGELMANN:** "Unfounded".

14 **MR. DEROCHIE:** "Unfounded," "continuing;" it
15 has to have one of those classifications to satisfy Stats
16 Canada. "In abeyance" doesn't satisfy it; it would be down
17 -- "in abeyance" would be classified as a "continuing
18 investigation."

19 **MR. ENGELMANN:** Okay, but ---

20 **MR. DEROCHIE:** It wouldn't be on --
21 necessarily, it wouldn't be on the officer's assignment
22 list.

23 If it's not on his assignment list then it's
24 not on my list, either.

25 **MR. ENGELMANN:** But your -- your person that

1 deals with Stats Canada, he or she, if they see "in
2 abeyance," would they simply enter "continuing" or ---

3 **MR. DEROCHIE:** Yes, they would; they would
4 enter "continuing."

5 **MR. ENGELMANN:** So then it's not necessarily
6 a check and balance, unless he or she says to the
7 supervisor in charge, "This is now the second or third year
8 that I'm putting 'in abeyance' and 'continuing,' what's
9 going on?"

10 **MR. DEROCHIE:** Again, I'm not the expert in
11 this area.

12 **MR. ENGELMANN:** Oh, fair enough.

13 **MR. DEROCHIE:** But it's my understanding
14 that they won't accept "continuing," there has to be an
15 investigative status beyond that, unless -- unless it's a
16 -- well, no, that's not true either, I'm sorry.

17 **MR. ENGELMANN:** Okay.

18 **MR. DEROCHIE:** I'm -- I'm not the one to ask
19 about that.

20 **MR. ENGELMANN:** It appears from the exchange
21 you had with the Commissioner that there's no, I think in
22 law firms we call them "tickler systems" or it's a system
23 that automatically generates a "B.F."?

24 **MR. DEROCHIE:** No. No, there isn't.

25 **MR. ENGELMANN:** And do you know if there had

1 -- there is that capacity in OMPPAC and you're just not
2 using it or ---

3 **MR. DEROCHIE:** No, I think the only capacity
4 would be for me, as a supervisor, to recognize that it's in
5 "continuing" and to create a timeline when I want a
6 resolution; either get back to the victim to see what he's
7 doing, and if it's -- if it's indicated ---

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

9 **MR. DEROCHIE:** --- that way, it will -- it
10 will stimulate your response.

11 **MR. ENGELMANN:** All right. I'm going to ask
12 you a general and a specific with respect to this time
13 frame and just help me, if you can, on either: Do you have
14 a sense as to how often you met with your three sergeants
15 to review their caseloads and ongoing investigations?

16 **MR. DEROCHIE:** Well, if it's an ongoing
17 investigation, I would probably be doing it. If it's a --
18 if it's a serious investigation, a homicide or -- or
19 something of that nature, I'd be meeting with them daily.

20 If they're managing a unit, I -- I expect
21 that they will meet with their people. They are the
22 frontline supervisors; they are the ones that are managing
23 their officers' caseloads.

24 **MR. ENGELMANN:** So what about in a sexual
25 assault case, whether it's historical or current, you're

1 supposed to be treating them the same way ---

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** --- if I remember correctly
4 from the Directives?

5 **MR. DEROCHIE:** Yes, yes.

6 **MR. ENGELMANN:** Do you have a sense as to --
7 and they're fairly serious, obviously.

8 **MR. DEROCHIE:** Sure. All sexual assaults
9 are serious; major cases, every one of them.

10 **MR. ENGELMANN:** Yes. So did you, just in a
11 general sense, meet with the sergeants on a fairly regular
12 basis to review historical ---

13 **MR. DEROCHIE:** Oh yes, we would -- we would
14 meet as a management team once a week and -- and if there
15 was any outstanding issues, we would discuss them then,
16 including investigations -- the current status of
17 investigations.

18 **MR. ENGELMANN:** Now, obviously if there's
19 outstanding issues that come up, what about if it's in
20 abeyance and this file apparently was, "this file" being
21 the Latour complaint against the teacher.

22 **MR. DEROCHIE:** Yes.

23 What I understand about Latour was it was in
24 abeyance for a period of time and it was reactivated.

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

1 **MR. DEROCHIE:** And by the time I got there,
2 there were no outstanding tasks for it, until I got a
3 Supplement out of the, you know, the -- and I think the
4 first one is on April the 4th or something?

5 **MR. ENGELMANN:** Okay. Well, I will show you
6 at least a couple of documents, if I can, and I was just
7 trying to find some general notes of yours that might refer
8 to it and we haven't been able to find them that actually
9 refer to this investigation.

10 **MR. DEROCHIE:** I don't -- I don't know that
11 I would have notes referring to this investigation.

12 **MR. ENGELMANN:** All right. Okay. Obviously
13 ---

14 **MR. DEROCHIE:** My notes were -- were
15 referring to what I was doing at that time.

16 **MR. ENGELMANN:** Oh, I see, as in the audit
17 and other ---

18 **MR. DEROCHIE:** Yeah.

19 **MR. ENGELMANN:** --- things that you had on
20 your plate?

21 **MR. DEROCHIE:** Yeah, we had a serious
22 situation there that we had to fix.

23 **MR. ENGELMANN:** All right. And how long
24 were you involved in that audit, sir, approximately?

25 **MR. DEROCHIE:** Months.

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

2 **MR. DEROCHIE:** A couple of months, three
3 months.

4 **MR. ENGELMANN:** All right. And that was in
5 the year 2002?

6 **MR. DEROCHIE:** Two thousand and two (2002).

7 **MR. ENGELMANN:** All right. Now, do you
8 recall meeting with Sergeant Carroll about this matter?

9 **MR. DEROCHIE:** About Marc Latour, yes, I do.

10 **MR. ENGELMANN:** All right. And do you have
11 some sense as to the frequency of those meetings?

12 **MR. DEROCHIE:** I would suspect that I would
13 get some update if not weekly, then every other week, with
14 regards to this. We had a -- it was, again, a school
15 teacher, though he was retired, I believe, at the time; he
16 was, nevertheless a school teacher, so ---

17 **MR. ENGELMANN:** He was retired?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** And was it -- was it your
20 practice to make any notes if you were giving advice in a
21 supervisory capacity?

22 **MR. DEROCHIE:** No, any notes that I would --
23 any direction that I would give, I would give some tasks on
24 -- on the system.

25 **MR. ENGELMANN:** On the OMPPAC system?

1 **MR. DEROCHIE:** On the OMPPAC system.

2 **MR. ENGELMANN:** And certainly the
3 investigating officer would be aware of those?

4 **MR. DEROCHIE:** Oh yes, yes.

5 **MR. ENGELMANN:** Because he or she would have
6 to act upon that?

7 **MR. DEROCHIE:** Yes, that's quite right.

8 **MR. ENGELMANN:** All right. And do you
9 recall, sir, if there were any problems that come to mind
10 that arose during the course of that investigation?

11 **MR. DEROCHIE:** One I did -- the only one
12 that I can recall, it seems he was trying to track down a -
13 - a witness that Mr. Latour had put forward, but I don't
14 recall anything other than that.

15 Again, you know, there were -- he was -- he
16 was responsible for supervising his unit, so ---

17 **MR. ENGELMANN:** Well, what about the sheer
18 length of time it took to conclude that matter?

19 **MR. DEROCHIE:** It was too long. It took too
20 long to conclude that matter.

21 **MR. ENGELMANN:** And do you know if -- if
22 Sergeant Carroll ever gave you an explanation for why it
23 took so long?

24 **MR. DEROCHIE:** Other than just the normal
25 complexities of doing an historical sexual assault, the

1 fact that corroboration was hard to find and Mr. Latour
2 was, at times, very emotional about -- about this
3 investigation by police, so -- but other than that, was
4 there any specific? No, I can't think of anything that
5 would have -- would have been -- would have justified the
6 delay.

7 **MR. ENGELMANN:** Sir, at this time, we heard
8 -- at least when he came in, when he was ready to proceed,
9 that when he gave his statement, Sergeant Carroll brought
10 in a Commissioner for Oaths to actually have him swear an
11 oath when he's just at the beginning of his statement. Was
12 that normal practice then?

13 **MR. DEROCHIE:** It was in some
14 investigations. I'm trying to recall if it would have been
15 for a sexual assault investigation. And I would say
16 probably not.

17 **MR. ENGELMANN:** Do you know why that might
18 have been done in this case?

19 **MR. DEROCHIE:** No, I'm not aware.

20 **MR. ENGELMANN:** Would you have ever
21 discussed that with Sergeant Carroll or were you even aware
22 of that?

23 **MR. DEROCHIE:** I don't believe I was aware
24 of that.

25 **MR. ENGELMANN:** All right. You said that --

1 and I assume you never met with Mr. Latour?

2 MR. DEROCHIE: No, no.

3 MR. ENGELMANN: But Sergeant Carroll would
4 have indicated to you that he was someone emotional?

5 MR. DEROCHIE: At times, yes.

6 MR. ENGELMANN: Yeah.

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: And I -- would it be fair to
9 say, sir, that that might be common of victims or alleged
10 victims of ---

11 MR. DEROCHIE: Oh, yes.

12 MR. ENGELMANN: --- sexual abuse?

13 MR. DEROCHIE: Yes, I would suspect it is
14 quite common.

15 MR. ENGELMANN: Do you know if Sergeant
16 Carroll would have referred Mr. Latour for any form of
17 counselling services?

18 MR. DEROCHIE: It occurs to me that Mr.
19 Latour was having counselling services. It seems to me
20 that we -- that Sergeant Carroll ---

21 MR. ENGELMANN: Advised you of that?

22 MR. DEROCHIE: Or even spoke to the -- I
23 can't recall, to tell you the truth.

24 MR. ENGELMANN: That's fine.

25 MR. DEROCHIE: But it's my sense that he was

1 receiving counselling, but I stand to be corrected on that.

2 **MR. ENGELMANN:** Now, during part of this
3 time, we heard from Mr. Latour that Sergeant Carroll was
4 very busy working on a homicide case. Does that ---

5 **MR. DEROCHIE:** Yes, we're all -- we're all
6 very busy, yes.

7 **MR. ENGELMANN:** Okay. Do you recall if he'd
8 been assigned to investigate a homicide case during this
9 timeframe?

10 **MR. DEROCHIE:** Yes, when a homicide comes in
11 we all work on the homicide case. We front end load
12 homicides. You've got to get them -- you've got to get all
13 the bases covered right away. So we take our people and we
14 frontload the investigation.

15 **MR. ENGELMANN:** All right. What about
16 telling the victim or alleged victim of historical sexual
17 abuse, "I'm busy right now. I've got to deal with a
18 homicide case so you're on hold"?

19 **MR. DEROCHIE:** Well, I guess, Mr. Engelmann,
20 there's no easy way of doing that. There's no easy way of
21 explaining to a victim whose finally, I guess, come forward
22 after this period of time that we're talking about here
23 that, you know, that an investigation that comes into today
24 about a child in danger today takes precedent over
25 something that happened 20, 25 years ago, but that's a

1 reality of our business.

2 Those things come in on a daily basis and
3 you have to deal with them. You have to deal with what's
4 more pressing right at this very moment.

5 And, again, it's not an excuse. It's just a
6 statement of reality of what policing is all about. The
7 assembly line keeps moving and you have to keep up to it.

8 **MR. ENGELMANN:** No, I understand priorities
9 and triage.

10 What about how that's communicated or
11 whether it is?

12 **MR. DEROCHIE:** I'm surprised that there's a
13 communication process because it was my sense that Mr.
14 Latour and Sergeant Carroll were getting along quite well.
15 That was my sense of it.

16 You know, that's something you would ask
17 your investigator is, "How are things going? Is the victim
18 okay with what you're doing?" That type of thing. So I
19 didn't get a sense -- if there was a communication problem,
20 I wasn't aware of it.

21 **MR. ENGELMANN:** I didn't necessarily mean a
22 communication problem. I'm just saying if you're busy on a
23 homicide, do you communicate that to the victim you're
24 dealing with, or alleged victim you're dealing with, and
25 say "Sorry, this is more important. I have to deal with

1 this right now"?

2 **MR. DEROCHIE:** Well, hopefully you wouldn't
3 say it in that term. I would hope that you would take
4 enough time -- he's entitled to some explanation as to why
5 you're not working on his case 24/7, so you have to tell
6 him what you're doing that's preventing you from dealing
7 with his issue. Every -- and we understand that every
8 victim, their issue, their complaint, is the most important
9 complaint in the world. We understand that.

10 **MR. ENGELMANN:** Yeah.

11 **MR. DEROCHIE:** And you try to communicate in
12 a compassionate way. I would hope that -- and I have no
13 reason to believe that Jeff was anything but a
14 compassionate investigator, that he would do that.

15 **MR. ENGELMANN:** Mr. Latour indicated to us
16 that, at least at some point-in-time, that he saw the
17 alleged offender with a group of handicapped children and
18 that he would have reported that to Sergeant Carroll.

19 **MR. DEROCHIE:** Yes, I remember that
20 testimony.

21 **MR. ENGELMANN:** All right. And was that
22 reported back to you at the time?

23 **MR. DEROCHIE:** I don't recall that.

24 **MR. ENGELMANN:** All right. Do you think it
25 should have been?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: Just because of this issue
3 about whether something might be current or not?

4 MR. DEROCHIE: Yes, obviously.

5 MR. ENGELMANN: I think he also told us, if
6 I'm not mistaken, that it was he that initiated the calls
7 to Sergeant Carroll?

8 MR. DEROCHIE: About that issue?

9 MR. ENGELMANN: No, just generally.

10 MR. DEROCHIE: Oh.

11 MR. ENGELMANN: You know, that the follow-
12 up, he was initiating the calls. Do you agree it would be
13 important for the officer to initiate calls from time- to-
14 time, especially if there's a delay in an investigation?

15 MR. DEROCHIE: That would be ideal, yes.
16 Yeah, that would be reasonable to expect the officer to do
17 that.

18 MR. ENGELMANN: All right.

19 MR. DEROCHIE: I don't know that that wasn't
20 done.

21 MR. ENGELMANN: All right. No, that --
22 well, that was just what Mr. Latour indicated to us. And
23 obviously we'll speak to Sergeant Carroll about that.

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: Did you feel -- I mean, you

1 obviously had a great deal to do with that directive coming
2 into place?

3 MR. DEROCHIE: Yes.

4 MR. ENGELMANN: The one that said historical
5 sexual abuse cases should be given the same degree of
6 urgency or sense of urgency as current cases?

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: Did you feel that that
9 happened in this case? That it was given the same degree
10 of urgency as a current case?

11 MR. DEROCHIE: Well, not given the same
12 degree of urgency but the consequence -- the immediateness
13 of getting to it -- and I'm just thinking in -- and I
14 thought often of this, simply because when I got into CID,
15 now you live with the consequences of these orders that are
16 really confining and whether or not they're practical.
17 Once you start dealing with them you just understand, just
18 they're not all that practical.

19 Yes, certainly everybody's complaint,
20 whether it be historical or a fresh complaint, is important
21 and they should be dealt with ideally in the same manner.
22 The reality of the situation is it just doesn't happen that
23 way.

24 MR. ENGELMANN: Well, it didn't happen here,
25 did it?

1 **MR. DEROCHIE:** It didn't happen here and it
2 didn't happen in others that I was aware of. Not to the
3 length -- this was a long one. This was a long delay.

4 **MR. ENGELMANN:** Do you know the reasons for
5 the length of this delay because it's almost two years from
6 start to finish and, mind you, some of that time he had
7 said he wasn't ready?

8 **MR. DEROCHIE:** Yes, yes.

9 **MR. ENGELMANN:** Well, sorry, I guess from
10 the time he says he's ready, which is -- I'll just get the
11 date here -- March of 2001 -- it's wrapped up in -- it's
12 almost two years by the time it's wrapped up in February of
13 2003.

14 **MR. DEROCHIE:** Yes, and I -- and if we
15 review the task, I'm sure you'll see that there's at least
16 one that I recall to say, "Get this done. This has to be
17 done. It's going too long."

18 **MR. ENGELMANN:** All right. But do you ---

19 **MR. DEROCHIE:** And then the next day I'd
20 give him another sexual assault investigation to manage.

21 **MR. ENGELMANN:** So he was busy?

22 **MR. DEROCHIE:** He was busy.

23 **MR. ENGELMANN:** But did he give you a reason
24 at any point as to why this took so long?

25 **MR. DEROCHIE:** He would explain what his

1 caseload was -- what he was on, and when a homicide comes
2 in or when another major event comes in -- and I know why
3 he's not working on it because I've got him working in a
4 project's room out doing -- or out doing interviews of
5 witnesses. So there's -- you know, there's some stuff that
6 he doesn't have to explain. I just know this is not being
7 done because of the circumstances we're in at that
8 particular moment.

9 **THE COMMISSIONER:** So without having
10 necessarily investigators waiting with cards for the next
11 investigation to come in, is there not some happy medium
12 where either you get more staff or there should be an
13 acceptable minimum?

14 **MR. DEROCHIE:** You know, this is a subject,
15 Mr. Commissioner, we talk about all the time and it's not -
16 - this is not unique to policing. The whole criminal
17 justice system is swamped and that's why we have such
18 things as *Askov*.

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

20 **MR. DEROCHIE:** Everybody wants more judges;
21 everybody wants more Crown attorneys; everybody wants more
22 probation officers; everybody wants more police officers.
23 There's only so much money around to buy that service and
24 we just don't have a -- you know, the people of Cornwall
25 pay a big price for their policing and they provide as much

1 as they possibly can, and that's true of the whole
2 province, nobody has enough of anything. In this community
3 now there's been identified that we don't have -- we're
4 down two judges. We should have two judges.

5 So everything gets backed up. And at the
6 end of the day, as long as we -- for as long as we have
7 these investigations -- inevitably the courts have them
8 longer than we do, you know, so there's nothing quick about
9 the criminal justice system. There's no instant justice.

10 **THE COMMISSIONER:** Thank you for that.

11 I'm looking at your department. I'm looking
12 at trying to make recommendations so -- and not one to say,
13 "Give them all the policemen they need..."

14 **MR. DEROCHIE:** No.

15 **THE COMMISSIONER:** "... or want."

16 **MR. DEROCHIE:** No, not reasonable.

17 **THE COMMISSIONER:** No, but -- and so I think
18 there has to be a minimum where, sure, people work long
19 hours; we all work long hours.

20 **MR. DEROCHIE:** M'hm.

21 **THE COMMISSIONER:** But that at least the
22 work gets done.

23 So what do you suggest?

24 **MR. DEROCHIE:** More policemen, certainly.

25 I don't know -- I don't know what the

1 formula is.

2 We -- we have, in Cornwall, as many people
3 or police officers per 100,000 population as the -- as the
4 rest of the -- of the world goes or Ontario, I'll talk
5 about. We have -- we have as many as anybody else has;
6 they are all well-employed doing jobs. There's a constant
7 stream of cases -- new cases to investigate and -- and it's
8 to the point now where property crime almost plays a second
9 seat to crimes against the person and, rightfully, that's
10 probably the -- that's probably the attitude we should take
11 about that, that property crimes maybe can wait a little
12 bit longer than a complaint ask the person -- a -- a crime
13 of violence: Sexual assault certainly being a crime of
14 violence, but again, you have to balance -- you have to
15 balance it out.

16 And it's -- I don't think anybody's come up
17 with a formula, sir. I wish I -- I could guide you on
18 that, except for the word "more."

19 **THE COMMISSIONER:** Well, I think we have to
20 look at least getting a system whereby a supervisor can be
21 aware of cases falling through the cracks.

22 **MR. DEROCHIE:** Yes.

23 And the -- the problem there, with respect,
24 sir, is the fact that sometimes there's so much going on
25 that the supervisor has to roll up his sleeves and -- and

1 get involved, as well, and there -- therein is the inherent
2 danger of losing sight of what you have in front of you
3 that's really what you're supposed to be doing.

4 **MR. ENGELMANN:** I suppose -- just to go back
5 for a moment and I was going to just leave the Latour
6 matter, but I suppose one of the things that could have
7 happened is Sergeant Carroll could have assigned this to
8 one of his investigators?

9 **MR. DEROCHIE:** And that's exactly why I had
10 -- had asked my sergeants not to get hands-on as much as
11 possible; stay focused on -- I had -- I had written the
12 reports that criticized other supervisors for doing exactly
13 what I did in this particular incident. So don't you
14 worry, I was well-aware of -- of the problems we were
15 having and that whole idea of if you're not tending to your
16 own business, it falls through the cracks; it gets damaged.

17 **MR. ENGELMANN:** All right. I want to turn
18 to something completely different but I want to just ask
19 the Commissioner a quick question.

20 **THE COMMISSIONER:** Yes, sir?

21 **MR. ENGELMANN:** I have a matter that will
22 take probably about 15 minutes -- that's dealing with one
23 discrete area -- and then I have matters that will take
24 much longer.

25 **THE COMMISSIONER:** And what kind of time

1 frame are we talking now? Is this Engelmann time or ---

2 (LAUGHETER/RIRES)

3 MR. DEROCHIE: Days.

4 MR. ENGELMANN: I'm not sure if I should
5 answer that question.

6 (LAUGHTER/RIRES)

7 THE COMMISSIONER: Well, go ahead, we heard
8 15 minutes, so we'll ---

9 MR. ENGELMANN: All right. So I'll try and
10 do what I think I can do in that time.

11 THE COMMISSIONER: Oh, no, no, you're going
12 to finish that section.

13 MR. ENGELMANN: Yes, I will.

14 THE COMMISSIONER: Are you okay to go for
15 another 15 minutes?

16 MR. DEROCHIE: Oh, certainly, certainly.

17 MR. ENGELMANN: Staff Sergeant Derochie, you
18 told us that you served -- you've now served for, I think,
19 five Chiefs?

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: And chronologically they
22 were Landry, Shaver, Johnston, Repa and Parkinson?

23 MR. DEROCHIE: That's correct.

24 MR. ENGELMANN: All right. And I want to
25 take you back to a time when you were serving with or for

1 Chief Shaver.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And you've told us already,
4 and it came up in the Silmsler investigation, some of your
5 comments about some of the difficulties and some of the
6 tense relationships between some of the "rank and file," if
7 I can use that term, and the Chief or Deputy Chief?

8 MR. DEROCHIE: Yes, I did.

9 MR. ENGELMANN: All right. And, sir, I
10 understand that this was a significant problem at or around
11 -- well, in the early '90s?

12 MR. DEROCHIE: In the early '90s it -- it
13 was brought to a head, yes.

14 MR. ENGELMANN: And, sir, I understand that
15 in March of 1990, you and the other staff sergeants, at
16 that time -- and those would be Brendan Wells, Darcy
17 Dupuis, Brian Kirkey, Walter Phillips and Stan Willis --
18 presented then Staff Inspector Stuart MacDonald, Inspector
19 Burke and Inspector Trew with a report calling for the
20 Chief's resignation?

21 MR. DEROCHIE: That's correct.

22 MR. ENGELMANN: Or if not, that the Ontario
23 Police Service Branch conduct an inquiry into his
24 management?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** And, sir, that -- if the
2 witness could be shown 740506 and it's a report entitled
3 "Staff Sergeants/Senior Officers Report."

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

5 **THE COMMISSIONER:** Thank you.

6 **MR. ENGELMANN:** If that could be the next
7 exhibit, please.

8 **THE COMMISSIONER:** I'm sorry, yes, 1347 is a
9 Staff Sergeants/Senior Officers Report.

10 **--- EXHIBIT NO./PIÈCE NO P-1347:**

11 (740506) Staff Sergeants/Senior Officers
12 Report Appendix IV

13 **MR. ENGELMANN:** Now, sir, on the cover page
14 it says "Appendix IV;" do you know what it's an appendix
15 to, if you can recall?

16 **MR. DEROCHIE:** I believe this is an appendix
17 to either the McGlashan Strategic Plan. It -- it was --
18 McGlashan was a consultant that we -- were involved with
19 after this report whereby we -- we came together as a
20 management team and -- and prepared a strategic plan. I
21 believe this is either an appendix to that or an appendix
22 to the Policing Services Review immediately after that
23 event.

24 **MR. ENGELMANN:** So I'd just like to put this
25 in chronological order.

1 I think the first part of it is the part
2 that I just referred to, the Staff Sergeants Report; is
3 that what we see at Bates page 7180587 and 0588?

4 MR. DEROCHIE: I think the -- the Staff
5 Sergeants' portion of this report is on 587 and 588, yes.

6 MR. ENGELMANN: Okay. And it's the first of
7 the documents in this package?

8 MR. DEROCHIE: It should be the first -- it
9 should be the first of the documents.

10 MR. ENGELMANN: All right.

11 MR. DEROCHIE: This other one should not
12 precede it.

13 MR. ENGELMANN: All right. And, sir, this
14 was a result -- this report was as a result of two meetings
15 that were held by the staff sergeants?

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: One on March 12th and one on
18 March 21st?

19 MR. DEROCHIE: That's correct.

20 MR. ENGELMANN: And at the top of 710 --
21 sorry, 7180587, you talk about some of the discussion that
22 was held at the first meeting?

23 MR. DEROCHIE: Yes.

24 MR. ENGELMANN: And there were concerns that
25 the force was being seriously mismanaged at the time?

1 MR. DEROCHIE: That's correct.

2 MR. ENGELMANN: And that the Chief was
3 responsible?

4 MR. DEROCHIE: That was our opinion, yes.

5 MR. ENGELMANN: Yes, at that time?

6 MR. DEROCHIE: At that time.

7 MR. ENGELMANN: Yeah. Now, this -- this is
8 -- and we've used the word "unusual" a few times here, I
9 have, or unique. This was unusual?

10 MR. DEROCHIE: This was unusual.

11 MR. ENGELMANN: In fact, you might say this
12 was extraordinary?

13 MR. DEROCHIE: I had never been involved in
14 anything like this before nor have I heard of anything like
15 this before.

16 MR. ENGELMANN: And nor have you been since?

17 MR. DEROCHIE: Nor have I been since.

18 MR. ENGELMANN: All right. And then you had
19 a second meeting, because you wanted the officers to think
20 about this and at the second meeting on March 21st, you --
21 you cite the consensus of opinions at the time?

22 MR. DEROCHIE: That's correct.

23 MR. ENGELMANN: And the first was concern
24 that the Chief's actions have resulted in the Chief of
25 Police losing credibility with the men and women of the

1 force ---

2 MR. DEROCHIE: yes.

3 MR. ENGELMANN: --- the Police Commission
4 and the community?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: There were concerns about
7 the Chief not respecting the opinion or counsel of
8 different levels of the management team?

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: There were concerns about
11 his lack of knowledge of day-to-day operations?

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And little initiative to
14 learn about them?

15 MR. DEROCHIE: Yes.

16 MR. ENGELMANN: There were concerns about
17 absences?

18 MR. DEROCHIE: That's correct.

19 MR. ENGELMANN: And there were concerns
20 about decision-making that was impulsive and without
21 consultation?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: And the bottom line
24 apparently was that the staff sergeants felt that this
25 caused them not to be able to function as effective

1 managers?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And that your authority and
4 credibility was being undermined and I'm assuming being
5 undermined with your subordinates, with your -- the people
6 who are reporting to you?

7 MR. DEROCHIE: Correct.

8 MR. ENGELMANN: And that -- that is a
9 serious concern, if you're trying to run an effective
10 police force?

11 MR. DEROCHIE: We thought so, yes.

12 MR. ENGELMANN: All right. And did you give
13 a sense, sir, as to how long -- and you being part of the
14 staff sergeants -- how long this situation had existed?

15 MR. DEROCHIE: It had existed for some time.
16 We had previously to this -- these two meetings -- met with
17 the Chief and voiced some of the same concerns face-to-face
18 with him at a meeting of all senior managers.

19 This came -- this particular document came
20 on the heels of a particularly damning morale report that
21 the Association had commissioned, so we thought the
22 organization was in crisis.

23 MR. ENGELMANN: All right.

24 MR. DEROCHIE: It may be too dramatic a word
25 but we were having difficulties.

1 **MR. ENGELMANN:** And, sir, the response from
2 the more senior officers is what we see at Bates page
3 7180586?

4 **MR. DEROCHIE:** That's correct.

5 **MR. ENGELMANN:** And they essentially
6 concurred with the position of the staff sergeants ---

7 **MR. DEROCHIE:** They did.

8 **MR. ENGELMANN:** --- with one exception?

9 **MR. DEROCHIE:** No, all three concurred.

10 **MR. ENGELMANN:** All right. No, they all
11 concurred but they recommended one further option.

12 **MR. DEROCHIE:** Oh, yes, they ---

13 **MR. ENGELMANN:** That the matter remain in-
14 house; the Board conduct its own inquiry?

15 **MR. DEROCHIE:** That's correct, yes.

16 **MR. ENGELMANN:** Because the conclusions or
17 recommendations of the staff sergeants, which are on
18 7180588, was either that the Chief resign or that the
19 Police Commission invite the Ontario Police Services Branch
20 in to conduct an investigation?

21 **MR. DEROCHIE:** Yes, we -- there was -- yes,
22 they were extreme positions. We were pushing pretty hard.
23 We didn't want to push a little bit. We wanted to push
24 hard so that we'd get everybody's attention. That was our
25 thought at the time.

1 **MR. ENGELMANN:** And what is it that the
2 senior officers -- oh, there's a -- then a further -- I'm
3 just trying to do this in order.

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** I guess the next document
6 that should be looked at is Bates page 7180590.

7 **MR. DEROCHIE:** That's correct.

8 **MR. ENGELMANN:** And what was the concern of
9 the staff sergeants on that particular communication?

10 **MR. DEROCHIE:** The process we were using to
11 bring this matter to light was a recognized policy that we
12 had in place. It was for an exchange of communications and
13 it was pretty regimented with regards to what should
14 happen.

15 And we thought that the Chief had gone
16 outside of that protocol when he started calling
17 individuals into his office or to try to convince them to
18 take their name off the document.

19 **MR. ENGELMANN:** All right. And the protocol
20 you were following was set out in a document that's known
21 as ADM-12?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** All right. And you note
24 that after receiving the document, the Chief approached two
25 members of the management team?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: As a result of his actions,
3 one member has withdrawn his support and the other member
4 declined the Chief's invitation to remove his endorsement?

5 MR. DEROCHIE: That's correct.

6 MR. ENGELMANN: And the concern amongst the
7 staff sergeants was that was improper?

8 MR. DEROCHIE: That's what our opinion was,
9 yes.

10 MR. ENGELMANN: And I haven't been
11 chronological. On April 4th, 1990 Chief Shaver responded,
12 7180591.

13 MR. DEROCHIE: Yes.

14 MR. ENGELMANN: And on that same day so did
15 the Deputy Chief, 7180592.

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: The Deputy Chief disagreeing
18 with the staff sergeants and senior officers?

19 MR. DEROCHIE: He did, yes.

20 MR. ENGELMANN: And saying that the problems
21 of the force are everybody's problems ---

22 MR. DEROCHIE: Quite right, yes.

23 MR. ENGELMANN: --- and cannot be blamed on
24 one person?

25 MR. DEROCHIE: That's right.

1 **MR. ENGELMANN:** And the Chief then on
2 7180591 says that he's read all of this and states
3 categorically that he has no intention in being pressured
4 into resigning?

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

6 **MR. ENGELMANN:** And he's passed matters onto
7 the Board and awaits their decision?

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** Sir, in addition, the senior
10 officers write a report -- again, it's 7180589.

11 **MR. DEROCHIE:** M'hm. Yes.

12 **MR. ENGELMANN:** Where they concur with your
13 thoughts, the staff sergeants' thoughts, about the
14 procedure the Chief using with the two officers being
15 improper?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And, sir, two more things.
18 On April 6th, there's a reference from four
19 individuals, and it's Bates page 7180593.

20 **MR. DEROCHIE:** That's correct, yes.

21 **MR. ENGELMANN:** Who are those four
22 individuals?

23 **MR. DEROCHIE:** Those are the people who made
24 up the management team or the management -- the executive
25 unit of the organization, and they were secretarial support

1 staff and Sergeant Carter who, at the time, was performing
2 a function. I'm not sure exactly at this time what it was.

3 **MR. ENGELMANN:** All right. And that
4 management team agreed or it came to a consensus that the
5 Chief should not resign?

6 **MR. DEROCHIE:** That's correct. They
7 favoured the in-house review.

8 **MR. ENGELMANN:** All right. And they
9 suggested similarly to Deputy Chief St-Denis that although
10 there are difficulties they cannot be blamed on one person
11 but must be borne by all?

12 **MR. DEROCHIE:** Yes, that's right, yes.

13 **MR. ENGELMANN:** All right. And, sir, what
14 is it we see then at document number -- sorry, Bates page
15 number 7180594?

16 **MR. DEROCHIE:** That's the response from the
17 Police Services Board to our suggestions.

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

19 **MR. DEROCHIE:** They did not concur with our
20 recommendation.

21 **MR. ENGELMANN:** They did, however -- well,
22 not only did they not concur, but they said that they
23 disagreed that the force was being seriously mismanaged?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** But they did say that they

1 felt that all senior officers must assume -- also must
2 assume responsibility and accountability for the management
3 or morale of the force?

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** So similar to what the
6 Deputy Chief had been saying?

7 **MR. DEROCHIE:** Yes.

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

9 **MR. DEROCHIE:** And in retrospect, quite
10 right, yeah.

11 **MR. ENGELMANN:** I'm sorry?

12 **MR. DEROCHIE:** Quite right. We were all
13 part of the problem.

14 **MR. ENGELMANN:** And Chief Shaver was to
15 attend some courses as a result?

16 **MR. DEROCHIE:** Yes, he was.

17 **MR. ENGELMANN:** And there was a strategic
18 planning workshop that had been set up?

19 **MR. DEROCHIE:** Yes, the Chief actually went
20 and did that. He took the initiative there and set up a
21 strategic planning -- got a consultant, set up a planning
22 session which ultimately turned out to be the best thing.

23 **MR. ENGELMANN:** All right. And when did
24 that process take place, sir?

25 **MR. DEROCHIE:** Almost immediately after

1 this.

2 MR. ENGELMANN: All right. Now, sir, at
3 paragraph 6 they talk about the morale report?

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: And they say that there are
6 certain matters that require immediate attention?

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: Do you have some sense as to
9 what those were, sir?

10 MR. DEROCHIE: I'm sorry, I just -- I can't
11 recall them. There was a great number of them. There was
12 concern about lateral transfers. There was concern about
13 courses, training. There was a number of concerns.

14 MR. ENGELMANN: These were concerns from
15 non-commissioned officers?

16 MR. DEROCHIE: Yes. Each individual or
17 individuals as a group had been polled by the Association
18 with regards to what they saw are the problems in the
19 organization and put together a report that outlined all of
20 those concerns. Some of them were at odds with each other.
21 There'd be too much lateral movement or too little lateral
22 movement.

23 MR. ENGELMANN: The strategic ---

24 MR. DEROCHIE: Too many promotions. Not
25 enough promotions.

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

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** The strategic planning
4 workshop and the hiring of this outside consultant you say
5 took place almost immediately?

6 **MR. DEROCHIE:** I forget exactly now, but it
7 was -- it wasn't too long after this.

8 The Chief really showed great leadership by
9 going out and getting this done right away to get this
10 thing back -- to get our organization back on track.

11 **MR. ENGELMANN:** Would it be fair to say that
12 during his tenure there were valleys and peaks, so to speak
13 ---

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** --- when it comes to Chief
16 Shaver's ability to effectively communicate and lead the
17 Cornwall Police Force?

18 **MR. DEROCHIE:** Yes, there were high and low
19 points, yes. This would have been one of the highest in my
20 mind, this going through the consultant and finally getting
21 a business plan or a strategic plan of some sort so we had
22 something to aim at into the future. We seemed to be
23 reacting day-to-day to what was going on around us as
24 opposed to doing any kind of planning.

25 **MR. ENGELMANN:** And the period immediately

1 before, the '89-'90 period, would have been one of the low
2 points?

3 MR. DEROCHIE: Yes, very much so.

4 MR. ENGELMANN: And did you feel, sir, that
5 after the strategic planning that -- I'm just saying you as
6 a staff sergeant, that you were more able to effectively
7 manage after that process ---

8 MR. DEROCHIE: Yes, I thought ---

9 MR. ENGELMANN: --- was undertaken?

10 MR. DEROCHIE: I thought the change was very
11 significant. It certainly got me back focussed personally
12 on what I had to do, what I had to do to make the whole
13 system work. And I think that's true of the majority if
14 not all of the other officers that had originally called
15 for the Chief to resign.

16 MR. ENGELMANN: All right. And, sir, that
17 process would have been completed in a year or so, or do
18 you recall?

19 MR. DEROCHIE: Yes, I -- yes, certainly by
20 the fall we ---

21 MR. ENGELMANN: The fall of 1990?

22 MR. DEROCHIE: Yes, 1990 we were well into
23 the fall. It would have been sometime after that where the
24 process was finally completed.

25 MR. ENGELMANN: All right.

1 **MR. DEROCHIE:** And it was an ongoing
2 process.

3 **MR. ENGELMANN:** I was just going to ask you
4 that. Was there follow-up with the consultant on the
5 strategic plan?

6 **MR. DEROCHIE:** There was for a period of
7 time, yes.

8 **MR. ENGELMANN:** I'll just be a moment, sir.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. ENGELMANN:** Given what I said, I think
11 I'm done for the day.

12 **THE COMMISSIONER:** As for tomorrow, I'm told
13 that Ottawa is supposed to receive the worst storm of the
14 year on Saturday and it may be starting on Friday afternoon
15 or so. So I don't know how folks are getting home
16 tomorrow.

17 Would you prefer going from 9:30 to 1:30 or
18 would you prefer to keep an eye out for the storm? Because
19 if the storm's coming west to east and folks are going into
20 Toronto, you know, I just don't want to -- I want to make
21 sure everybody gets home safe and sound.

22 **MR. ENGELMANN:** Maybe what I can do is just
23 give people a sense of what I have to do yet. I have to
24 cover the administrative review and investigation of some
25 criminal issues dealing with the Earl Landry, Jr. matter.

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

2 **MR. ENGELMANN:** I expect that will take
3 between an hour-and-a-half to two hours. That's my guess.

4 **THE COMMISSIONER:** Okay.

5 **MR. ENGELMANN:** Although I haven't been very
6 good at some guesses in this matter already. So I don't
7 know -- that's probably what I have. I'm not sure.

8 One of the things I did want to mention is -
9 - and I mentioned this to counsel at noon today, is that
10 some of the documents that I will be referring Staff
11 Sergeant Derochie to were documents that I was
12 unfortunately unable to give notice on earlier. I gave
13 notice over the lunch hour today and so I hope that people
14 aren't totally surprised and I hope that doesn't affect
15 people in their cross-examination.

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

17 **MR. ENGELMANN:** But I just wanted to bring
18 that to your attention too, Mr. Commissioner.

19 But I'm expecting about two hours.

20 **THE COMMISSIONER:** All right.

21 So why don't -- oh, Mr. Manderville?

22 **MR. MANDERVILLE:** Briefly, Mr. Commissioner,
23 we had proposed -- and Mr. Engelmann didn't agree or
24 disagree, he just said, "We'll see how it plays out".

25 We had proposed that he finish in-chief

1 tomorrow, which could be 11:30 or noon or so, and in light
2 of the impending weather and the likelihood that Ms. Daley
3 would certainly not finish, that we adjourn following the
4 completion of the examination in-chief.

5 **THE COMMISSIONER:** Well, that might fall
6 into place given the weather predictions and things.

7 Okay, let's see what happens tomorrow but it
8 sounds like a reasonable plan.

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

11 This hearing is adjourned until tomorrow
12 morning at 9:30 a.m.

13 ---Upon adjourning at 4:43 p.m./

14 L'audience est ajournée à 16h43

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM