

**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 210**

**Held at :**

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

Thursday, April 3 2008

**Tenue à:**

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

Jeudi, le 3 avril 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M <sup>e</sup> Pierre R. Dumais	Commission Counsel
Ms. Mary Simms	
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Mark Crane	
Mr. Peter Manderville	
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
Mr. Allan Manson	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	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action

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1 --- Upon commencing at 9:37 a.m./

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 **MR. CALLAGHAN:** Good morning, Mr.  
12 Commissioner.

13 What I'd like to do is I was reviewing my  
14 notes and the material. I think it would be prudent just  
15 to put in those few documents which I thought that -- I  
16 talked about but didn't put in.

17 I would ask Mr. Crane -- the first document  
18 is Doc 734788, and I'll ask him to give all the documents  
19 to the Clerk.

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

21 **MR. CALLAGHAN:** I may well deal with them.  
22 Seven-three-four-seven-eight-eight (734788). For those  
23 listening, that's the OMPPAC statement by Mr. Dunlop we  
24 talked about yesterday.

25 The next is the letter from Ms. Ptak,

1 Document 101606.

2 And the third is the Will Say of C-8,  
3 734680, and I would suggest they all should be stamped.

4 **THE COMMISSIONER:** Thank you.

5 **MR. ENGELMANN:** Just by way of a  
6 housekeeping matter, Mr. Commissioner, I should be making  
7 this clear.

8 We are getting a lot of late notice from  
9 counsel, and what I mean by late notice is there's a 48-  
10 hour rule on the section 38 notices on cross documents, and  
11 that rule is in place for a number of reasons. One is  
12 fairness to the witness because there may be documents the  
13 witness has never seen. It's also obviously Commission  
14 staff having to put things together and make sure things  
15 are available for you and others.

16 So those counsel who are providing late  
17 notice, and I just -- this has come up -- they not only  
18 have to provide the six copies to the Commission Registry,  
19 so in other words have them with them; they have to have  
20 copies for all other counsel as well.

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

22 **MR. ENGELMANN:** Because that has to be done.  
23 And I just wanted to make that clear because there's been  
24 an inconsistent practice here. You know, otherwise,  
25 counsel are trying to follow the Clerk on the screen. It's

1 very difficult for counsel, and if they don't have a laptop  
2 with them that has all of their documents they're able to  
3 retrieve it.

4 So it's very important that if counsel is  
5 going to give late notice, particularly the night before,  
6 which is happening more and more often now, they have to  
7 come with six copies for the Inquiry and they have to come  
8 with copies for all other counsel. I just want to make  
9 sure that's clear.

10 **THE COMMISSIONER:** All right.

11 **MR. CALLAGHAN:** For my part, Mr.  
12 Commissioner, we'll endeavour to do so. I think we'll have  
13 to recognize somewhat that when you're the institution and  
14 you're responding to all these other people, it may be that  
15 there are going to be times, but we will abide, and as you  
16 can see, we've abided by this at this time, as Mr. Crane is  
17 handing out the documents.

18 Mr. Commissioner, if we could ---

19 **THE COMMISSIONER:** Just a minute. Before  
20 you say anything, I'd like to say that at this point we are  
21 in the institutional response and I can understand that  
22 there will be some late notices, and I certainly want to  
23 take a more -- well, to continue the collaborative way that  
24 we've been working.

25 And to underline that, with respect to the

1 staff, they are working very hard because now we're going  
2 into the stretch run, and so we're already taxed to the  
3 maximum, and I understand that everybody else is going to  
4 be taxed to the maximum. So it's a time for everyone to  
5 roll up their sleeves and help in that regard so that it  
6 doesn't become a source of friction.

7 I can say that until now it's been great and  
8 I appreciate everyone's help, but I think we have to  
9 concentrate on being helpful and -- more helpful, and I  
10 think then things will work out.

11 So I think Mr. Engelmann's comments about  
12 how many copies have to be there, and I think we're going  
13 to look at it in a collaborative way than adversarial.

14 **MR. CALLAGHAN:** And I might add Mr.  
15 Engelmann was nice enough to say *sotto voce* it's not us.  
16 So I agree with all these people back here.

17 (LAUGHTER/RIRES)

18 **MR. ENGELMANN:** Not this time, sir.

19 **MR. CALLAGHAN:** Fair comment.

20 **MR. ENGELMANN:** I do want to say though, you  
21 know, the one other disadvantage -- and I know no one is  
22 doing this intentionally -- it can be very difficult for  
23 the witness.

24 **THE COMMISSIONER:** Absolutely.

25 **MR. ENGELMANN:** Because the witness may be

1 seeing a document for the first time. It requires more  
2 inquiry time, which leads to delay, and out of fairness to  
3 the witness, we want to make sure the witness has an  
4 opportunity to read the document ---

5 **THE COMMISSIONER:** Yes.

6 **MR. ENGELMANN:** --- before being forced to  
7 answer a question about it.

8 **MR. CALLAGHAN:** If I then may, Mr.  
9 Commissioner, if we could just show the witness to have  
10 them identified and put them in context so that you know  
11 what they are?

12 **THE COMMISSIONER:** Yes.

13 **MR. CALLAGHAN:** The first one, Mr.  
14 Commissioner, is 734788. It is a -- it's entitled "Witness  
15 Statement", dated April 16<sup>th</sup>, 1997, and the witness is Perry  
16 Douglas Dunlop.

17 **THE COMMISSIONER:** And that is Exhibit 1408.

18 --- **EXHIBIT NO./PIÈCE NO. P-1408:**

19 (734788) Witness Statement of Perry  
20 Dunlop - April 16, 1997

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

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

23 **CALLAGHAN (continued/suite):**

24 **MR. CALLAGHAN:** All right.

25 Staff Sergeant Derochie -- and, sir, as I

1       said, these should be stamped.

2                       I just read this and I just want you to  
3       confirm that this is the statement that you referred to as  
4       the statement given to Mr. Derochie -- Constable Desrosiers  
5       by Perry Dunlop and which form part of that first review  
6       that was reviewed by Mr. Garson and sent out to the Ottawa  
7       Police? And it says:

8                       "C-8 contacted me in June, 1996. At  
9                       that time he indicated that he was a  
10                      victim of sexual assault when he was a  
11                      minor. He did not provide details of  
12                      the assault. In January of '97, C-8  
13                      attended my residence. It was at this  
14                      time that he gave disclosure that he  
15                      was sexually assaulted by Father  
16                      Charles MacDonald, as well as Marcel  
17                      Lalonde. The statement was taken at my  
18                      neighbour's house. C-8 and I worked  
19                      from rough notes that he had made upon  
20                      completion of the statement. He went  
21                      directly to the OPP station in  
22                      Lancaster."

23                      That's -- is that the OMPPAC witness  
24       statement we were referring to yesterday?

25                      **MR. DEROCHIE:** It is.

1                   **MR. CALLAGHAN:** All right. If we could then  
2 take you to the next document that we referred to  
3 yesterday, and it's Document 101606, Mr. Commissioner, and  
4 this is a letter ---

5                   **THE COMMISSIONER:** Can I stop you there for  
6 a second?

7                   This witness statement on OMPPAC, you're  
8 saying that Desrosiers took this statement from Dunlop?

9                   **MR. DEROCHIE:** I don't know that he would  
10 have had a face-to-face interview of Dunlop, but he would  
11 have asked Dunlop to submit a Will Say statement and that  
12 was done on the 16<sup>th</sup> of April, 1997.

13                   **THE COMMISSIONER:** Okay. So all I'm saying  
14 is that this -- it says "Witness Statement" on the top.

15                   **MR. DEROCHIE:** Yes, it does.

16                   **THE COMMISSIONER:** This was inputted into  
17 OMPPAC by Desrosiers?

18                   **MR. CALLAGHAN:** I think -- well ---

19                   **MR. DEROCHIE:** It doesn't indicate who  
20 entered it. I would say likely not. It would have been  
21 put in by a data entry clerk.

22                   **THE COMMISSIONER:** Okay. But the statement  
23 taker ---

24                   **MR. DEROCHIE:** For the purpose of the brief,  
25 the statement taker is Constable Desrosiers. He requested

1 the statement of Dunlop.

2 THE COMMISSIONER: Okay.

3 MR. DEROCHIE: The system recognizes this as  
4 a report under -- as a witness statement.

5 MR. CALLAGHAN: Mr. Engelmann advises me  
6 obviously we'll hear from Constable Desrosiers, Mr.  
7 Commissioner. So ---

8 THE COMMISSIONER: Okay.

9 MR. CALLAGHAN: --- there will be someone  
10 else to talk to some of those issues.

11 THE COMMISSIONER: Okay. Thank you.

12 MR. CALLAGHAN: I was just setting it up in  
13 the context of what we did yesterday.

14 THE COMMISSIONER: Yes.

15 MR. CALLAGHAN: The second letter, I think -  
16 - the second document was Document 101606. It's a letter  
17 on the letterhead of Markle May Phibbs by Donna Ptak to  
18 Claudette Wilhelm and it's dated September 29<sup>th</sup>, 1999, and  
19 this too should be stamped.

20 THE COMMISSIONER: One-four-zero-nine  
21 (1409).

22 --- EXHIBIT NO./PIÈCE NO. P-1409:

23 (101606) Letter from Donna Ptak to  
24 Claudette Wilhelm - September 29, 1999

25 MR. CALLAGHAN: Do you have that in front of

1           you?

2                           **MR. DEROCHIE:** I do, yes.

3                           **MR. CALLAGHAN:** All right. And this is the  
4 letter that prompted people to inquire again as to whether  
5 there were additional documents?

6                           **MR. DEROCHIE:** Yes, and it identifies the  
7 dilemma that I found myself in when I received the  
8 disclosure. The documents I had were for September 11<sup>th</sup> and  
9 November 19<sup>th</sup>, I believe, where this one specifically  
10 requests for a December 12<sup>th</sup>.

11                           **MR. CALLAGHAN:** All right.

12                           **MR. DEROCHIE:** So that's why after I  
13 received that documentation, as I testified yesterday, I  
14 was a little bit still concerned that we don't have  
15 everything yet.

16                           **MR. CALLAGHAN:** Mr. Commissioner, I must  
17 confess, I think I might have misstated the contents of the  
18 letter to say a different date than December 12<sup>th</sup>. So if  
19 the record could show that it is what it is. So we'll just  
20 read the letter in.

21   "Further to my letter of September 27<sup>th</sup>,  
22 1999, we now understand that there are  
23 notes of Perry Dunlop regarding C-8  
24 dated September 11<sup>th</sup>, '96 and December  
25 12<sup>th</sup>, '96. We request a copy of those

1 notes."

2 Now, we entered yesterday two sets of notes  
3 and I think what you're articulating, Staff Sergeant, is  
4 that there weren't any notes of December 12<sup>th</sup>, but there  
5 were notes of September 11<sup>th</sup> and November 19<sup>th</sup>; correct?

6 **MR. DEROCHIE:** Yes. Subsequently we found -  
7 - subsequently we located or Mr. Dunlop located the  
8 December 12<sup>th</sup> notes.

9 **MR. CALLAGHAN:** All right.

10 And these documents are coming in after the  
11 preliminary inquiry of Marcel Lalonde which contained  
12 excerpts that he'd already produced everything and had no  
13 contact between June and January with C-8?

14 **MR. DEROCHIE:** Exactly.

15 **MR. CALLAGHAN:** Right.

16 And as we talked about yesterday with  
17 Commission counsel, that transcript will be submitted and  
18 there are the page references in the letter from Mr. Garson  
19 and also your memo to Chief Repa; correct?

20 **MR. DEROCHIE:** Correct.

21 **MR. CALLAGHAN:** All right.

22 So if we could then go to the next document  
23 which is Document 734680.

24 **THE COMMISSIONER:** Exhibit 1410.

25 **---EXHIBIT NO./PIÈCE NO P-1410:**

1 (734680) Witness Statement by C-8 - 12  
2 Dec, 96

3 **MR. CALLAGHAN:** And this again should be a  
4 stamped document.

5 **MR. ENGELMANN:** I've just -- sorry to  
6 interrupt but I believe this is already in evidence.

7 **THE COMMISSIONER:** It should be, yes.

8 **MR. ENGELMANN:** And I think the transcript  
9 may already be in evidence as well. I think they went in  
10 through the evidence of C-8.

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

12 **MR. ENGELMANN:** I think this document's  
13 already in it. It may be a different document number?

14 **THE COMMISSIONER:** Yeah.

15 **MR. CALLAGHAN:** It's a different document  
16 number and the importance is, to be clear, as to when the  
17 CPS got it and you can see the note.

18 If I could ask you, Staff Sergeant Derochie,  
19 there is handwriting on the top and it says in part  
20 "Received from Dunlop February 9/00" and it's got initials.  
21 Is that your handwriting?

22 **MR. DEROCHIE:** It is.

23 **MR. CALLAGHAN:** And is that the first time,  
24 to your knowledge, that CPS received this statement?

25 **MR. DEROCHIE:** It is.

1                   **MR. CALLAGHAN:** All right.

2                   And this statement is a statement provided  
3                   by Mr. Dunlop of C-8, and at the back you'll see it's dated  
4                   December 12<sup>th</sup>, 1996.

5                   **MR. DEROCHIE:** Correct.

6                   **MR. CALLAGHAN:** All right.

7                   And so this was also one of those documents  
8                   that you were concerned about and this is what the Ottawa  
9                   police looked into?

10                  **MR. DEROCHIE:** This is the document that I  
11                  would believe was being referenced by Ms. Ptak in her  
12                  letter with regards to "We know there is something on  
13                  December 12<sup>th</sup>."

14                  **MR. CALLAGHAN:** All right.

15                  But just to follow up my question, I take it  
16                  that this is part of what the Ottawa Police looked into  
17                  regarding Mr. Dunlop's testimony at the Lalonde prelim?

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

19                  **MR. CALLAGHAN:** All right.

20                  I just wanted to make it clear.

21                  Thank you, Mr. Commissioner, for that. I  
22                  will move on.

23                  **THE COMMISSIONER:** Thank you.

24                  **MR. CALLAGHAN:** Where we were yesterday, we  
25                  had talked -- just to situate ourselves, we hadn't gone

1 into it too much because it's already in, the issue  
2 regarding the C-8 recantation at the Marcel Lalonde matter  
3 and then -- which was dealt with, and then we were moving  
4 into the complaints that had been coming from Pat Hall;  
5 okay?

6 **MR. DEROCHIE:** Yes.

7 **MR. CALLAGHAN:** So we're in that perhaps  
8 third tranche, if I could put it that way. And I was at --  
9 I just wanted to refer you to Exhibit 1379 and I just  
10 wanted to situate ourselves this morning.

11 I think this is where we were at, if my  
12 recollection serves, and I am at Bates ending 132 which is  
13 what would appear to be the eleventh page of the document  
14 that was not paginated.

15 **THE COMMISSIONER:** Okay. So we are on a  
16 note about Ms. Dupuis returning the binders.

17 **MR. CALLAGHAN:** Right.

18 And I could, this is -- just to situate  
19 ourselves, this is Pat Hall. It says at the bottom:

20 "Also received a telephone call from  
21 Pat Hall. He will send me list of  
22 issues surrounding Dunlop which should  
23 be investigated."

24 So in the summer of 2002, you're still  
25 waiting for that list; is that correct?

1                   **MR. DEROCHIE:** Yes, that's correct.

2                   **MR. CALLAGHAN:** And if we could then -- just  
3 one minute, Mr. Commissioner.

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

5                               **(SHORT PAUSE/COURTE PAUSE)**

6                   **MR. CALLAGHAN:** All right.

7                               And if I could then ask the witness to be  
8 shown Document 731860? It's a Commission document, I  
9 think.

10                   **THE COMMISSIONER:** Thank you. Exhibit 1411  
11 is an email from Staff Sergeant Derochie to Anthony Repa  
12 dated July 24<sup>th</sup>, 2002.

13                   **---EXHIBIT NO./PIÈCE NO P-1411:**

14                                       (731860) E-mail from Garry Derochie to  
15                                       Anthony Repa - July, 24, 2002

16                   **MR. CALLAGHAN:** Now, I just want to  
17 highlight that in this email you're advising Chief Repa of  
18 the situation that you're awaiting a list from Pat Hall of  
19 incidents that might require investigation.

20                   **MR. DEROCHIE:** Yes, that's correct.

21                   **MR. CALLAGHAN:** And if I could -- and you  
22 had indicated that during this process, there were certain  
23 delays associated with it because of the concerns over the  
24 appeals and the finishing of the Leduc trial?

25                   **MR. DEROCHIE:** Yes.

1 MR. CALLAGHAN: Have I got that right?

2 MR. DEROCHIE: Yes.

3 MR. CALLAGHAN: All right.

4 And we had looked at yesterday Exhibit 1382.

5 And if I could -- between these dates, I take it there are  
6 ongoing discussions with Mr. Pat Hall regarding getting the  
7 list and the issue about the various delays?

8 MR. DEROCHIE: Yes, yes, there is.

9 MR. CALLAGHAN: All right.

10 So with that, we could find those in your  
11 notes then; correct?

12 MR. DEROCHIE: They would be there, yes.

13 MR. CALLAGHAN: All right.

14 MR. DEROCHIE: We've gone to them.

15 MR. CALLAGHAN: I think most of them we got  
16 to. I just want to confirm that there are notes.

17 And if I could, in the first paragraph, it  
18 says:

19 "For considerable time now we have been  
20 waiting for direction from the Crown  
21 concerning Mr. Dunlop's activities."

22 Do you see that?

23 MR. DEROCHIE: I do.

24 MR. CALLAGHAN: "Recently, I spoke to OPP  
25 Inspector Pat Hall and asked him about

1 his complaint concerning C-8. You may  
2 recall that we had received information  
3 from the Inspector that he had made a  
4 complaint about C-8 which he believed  
5 would eventually lead to a similar  
6 complaint against Mr. Dunlop.  
7 Inspector Hall informed me that he  
8 submitted his report to Crown attorney  
9 Mr. Lorne McConnery in July of last  
10 year. In spite of making inquiries of  
11 Mr. McConnery since that time, he has  
12 heard nothing back."

13 Do you see that?

14 **MR. DEROCHIE:** I do, yes.

15 **MR. CALLAGHAN:** All right.

16 Were you privy to the report and  
17 communication between Pat Hall and Mr. McConnery?

18 **MR. DEROCHIE:** No.

19 **MR. CALLAGHAN:** So you've never seen that  
20 report?

21 **MR. DEROCHIE:** No, sir, I haven't.

22 **MR. CALLAGHAN:** Nor any reply that might  
23 have been associated with that?

24 **MR. DEROCHIE:** No.

25 **MR. CALLAGHAN:** Okay. If I could ask, Mr.

1 Commissioner, for Document 727929?

2 **THE COMMISSIONER:** Thank you. Exhibit  
3 number 1412 is a letter to Murray MacDonald from Chief Repa  
4 dated June 3<sup>rd</sup>, 2003.

5 **---EXHIBIT NO./PIÈCE NO P-1412:**

6 (727929) Letter from Anthony Repa to  
7 Murray MacDonald - June 3, 2003

8 **MR. CALLAGHAN:** And Mr. -- or Staff  
9 Sergeant, we looked earlier, and I won't take you to it,  
10 but that you were going to prepare a letter to the Crown.  
11 Was this -- I don't know; I'm not suggesting this is the  
12 exact letter, but this is the result of your work and  
13 whatever Chief Repa and others did; correct?

14 **MR. DEROCHIE:** I believe so, yes.

15 **MR. CALLAGHAN:** All right. And I just want  
16 to be clear, we also saw yesterday that it had been decided  
17 that having not heard back, that you would put the ball in  
18 the Crown's court and see what they wanted to do with it?

19 **MR. DEROCHIE:** Yes.

20 **MR. CALLAGHAN:** And yesterday we saw that  
21 that was actually a suggestion, at one point, by McConnery,  
22 that that ---

23 **MR. DEROCHIE:** Yes.

24 **MR. CALLAGHAN:** And throughout this piece,  
25 you've been told that the Crowns would deal with this issue

1 of what should -- what should be done; correct?

2 **MR. DEROCHIE:** Correct, that's our  
3 understanding.

4 **MR. CALLAGHAN:** And now I just want to  
5 direct you to the second paragraph:

6 "As a result of the Project Truth  
7 criminal trials, staff of the Ontario  
8 Provincial Police reported to members  
9 of our Service that incidents involving  
10 Mr. Perry Dunlop had occurred within  
11 our jurisdiction which they allege  
12 could be criminal in nature. We were  
13 further informed that the concerns  
14 relative to Mr. Dunlop's actions were  
15 also shared by various Crown Attorneys  
16 assigned to the Project Truth  
17 prosecutions."

18 Do you see that?

19 **MR. DEROCHIE:** Yes, I do.

20 **MR. CALLAGHAN:** And the Ontario Police --  
21 Provincial Police, that would include Pat Hall, his  
22 comments?

23 **MR. DEROCHIE:** Yes.

24 **MR. CALLAGHAN:** All right. And I take it  
25 the vagueness about what these incidents are is because you

1 haven't got that report as to what the issues are?

2 **MR. DEROCHIE:** Yes, it had always been  
3 suggested to us that there was something out there but we  
4 -- we never had details.

5 **MR. CALLAGHAN:** And that it had been also  
6 suggested that it's not just the OPP that had these  
7 concerns, it was also the Crown attorneys who were dealing  
8 with Project Truth?

9 **MR. DEROCHIE:** That was my understanding.

10 **MR. CALLAGHAN:** And if I could take you to  
11 the next paragraph:

12 "And these concerns of allegations  
13 about Mr. Dunlop pertain to his  
14 apparent continuous contacts with  
15 witnesses -- of potential witnesses,  
16 withholding of evidence and counselling  
17 perjury. Mr. Dunlop was a police  
18 officer in the Province of Ontario for  
19 a portion of the timeframe of these  
20 allegations. These allegations have  
21 not been forwarded to us in a formal  
22 manner but rather we have been put on  
23 notice that allegations have been made.  
24 We are now waiting the decisions and  
25 guidance of the Crown Attorneys

1                   involved in the criminal proceedings."  
2                   And that was the situation as of that time -

3                   ---

4                   **MR. DEROCHIE:** Yes.

5                   **MR. CALLAGHAN:** --- as far as you're aware?

6                   **MR. DEROCHIE:** Yes.

7                   **MR. CALLAGHAN:** Now, if I could then ask you  
8                   to -- for Document 731871, and what we're looking at is a  
9                   letter from -- thank you -- the Director of the Crown  
10                  Attorneys, James Stewart, Q.C., to Chief Repa, dated June  
11                  19<sup>th</sup>, 2003.

12                  **THE COMMISSIONER:** Exhibit 1413.

13                  **MR. CALLAGHAN:** Sorry, was it 1-2, Mr.  
14                  Commissioner?

15                  **THE COMMISSIONER:** One three (1-3) is what's  
16                  marked.

17                  **MR. CALLAGHAN:** Okay.

18                  **THE COMMISSIONER:** Yeah, it is 1-3.

19                  **--- EXHIBIT NO./PIÈCE NO. P-1413:**

20                                 (731871) Letter from James Stewart,  
21                                 Q.C. to Chief Anthony Repa - June 19,  
22                                 2003

23                  **MR. CALLAGHAN:** Then, then that was -- now  
24                  this letter, you're obviously familiar with this letter?

25                  **MR. DEROCHIE:** I am, yes.

1                   **MR. CALLAGHAN:** All right. And without  
2 reading it entirely into the record, the first paragraph  
3 basically says have regard to what the earlier opinion by -  
4 - by Mr. Garson was; correct?

5                   **MR. DEROCHIE:** Correct.

6                   **MR. CALLAGHAN:** And you understood, I take  
7 it, that to be -- that the Cornwall Police is in a conflict  
8 position and ought not to be investigating?

9                   **MR. DEROCHIE:** That was our -- our opinion,  
10 yes.

11                   **MR. CALLAGHAN:** And that had been the  
12 discussion throughout?

13                   **MR. DEROCHIE:** Throughout.

14                   **MR. CALLAGHAN:** And then it goes on, the  
15 second part, to talk about wanting a Crown brief and then  
16 refers you back and in the last sentence:

17                                "If you are of the view that this  
18                                matter should be further investigated,  
19                                you may wish to discuss this with the  
20                                OPP."

21                   Do you see that?

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

23                   **MR. CALLAGHAN:** All right. So effectively  
24 he's sending you back to speak to the OPP about it?

25                   **MR. DEROCHIE:** Yes.

1                   **MR. CALLAGHAN:** Fair?

2                   **MR. DEROCHIE:** And we didn't think that that  
3 was an option. The OPP had already indicated they would --  
4 they didn't believe they would -- they would be in the same  
5 position that we would be in with regards to that.

6                   **MR. CALLAGHAN:** But I take it that it's the  
7 OPP had the information, that would be the foundation of  
8 anything?

9                   **MR. DEROCHIE:** Correct.

10                  **MR. CALLAGHAN:** All right. And I take it  
11 you do go back to speak to Pat Hall and Exhibit 1404 --  
12 actually if I could, before we go to that, you also --  
13 there were a couple of communications; there's Exhibit  
14 1383?

15                  **MR. DEROCHIE:** Yes.

16                  **MR. CALLAGHAN:** All right. And Exhibit 1383  
17 is a note from you to the deputy chief of the day, of  
18 September 8<sup>th</sup>, 2003; correct?

19                  **MR. CALLAGHAN:** All right. And it says --  
20 and it's referenced to a discussion that you had with Pat  
21 Hall; correct?

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

23                  **MR. CALLAGHAN:** And he advises that they're  
24 still determining what's going to happen with the Leduc  
25 matter?

1                   **MR. DEROCHIE:** Correct.

2                   **MR. CALLAGHAN:** And he says -- you report  
3                   that your discussion as follows:

4                                 "Inspector Hall went on to explain that  
5                                 the defence had 60 days to appeal to  
6                                 the Supreme Court the decision by the  
7                                 Ontario Court of Appeal to send the  
8                                 matter back to trial. There was a  
9                                 suggestion by the defence that they  
10                                would be launching an appeal in the  
11                                Supreme Court of Canada. Hall is  
12                                reluctant to start anything with the  
13                                Dunlop question until the matter has  
14                                been resolved. Dunlop will most likely  
15                                be called to testify by the defence."

16                   Do you see that?

17                   **MR. DEROCHIE:** I do.

18                   **MR. CALLAGHAN:** All right. So there's -- so  
19                   you're being advised on September 8<sup>th</sup> of the concern, again,  
20                   that they didn't want to proceed until the Leduc matter was  
21                   done?

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

23                   **MR. CALLAGHAN:** And if you go to 1404?

24                   **MR. DEROCHIE:** Yes.

25                   **MR. CALLAGHAN:** This is the document we

1 looked at the other day and it basically says, if I could  
2 paraphrase, in the second paragraph, that Pat Hall was in a  
3 position -- not in a position to give you that information  
4 while Leduc was outstanding and that he had -- because he  
5 hadn't had the consent of the Crown?

6 **MR. DEROCHIE:** Correct.

7 **MR. CALLAGHAN:** If I might, for  
8 completeness, first, if we could put in Document 738475?

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **THE COMMISSIONER:** Thank you.

11 Exhibit Number 1414 is notes from Staff  
12 Sergeant Garry Derochie covering the period 28<sup>th</sup> of July,  
13 2003, to the 21<sup>st</sup> of May, 2004; and again 1414.

14 **--- EXHIBIT NO./PIÈCE NO. P-1414:**

15 (738475) Notes of Garry Derochie - May  
16 21, 2004

17 **MR. CALLAGHAN:** And I won't read it into the  
18 record, sir, but these are your notes of conversations  
19 that we referred to and the memos. There's the one, if you  
20 turn to the second page, it's September 8<sup>th</sup>, 2003 and the  
21 one of 15<sup>th</sup> of October, 2003 and onwards; correct?

22 **MR. DEROCHIE:** Correct.

23 **MR. CALLAGHAN:** All right. And I take it  
24 there is a fourth issue that arises and that is at the  
25 retrial of Jacques Leduc, there were concerns raised about

1 Mr. Dunlop's testimony again?

2 MR. DEROCHIE: There are.

3 MR. CALLAGHAN: And, again, on this  
4 occasion, you again write -- or the Service again writes  
5 the Crown to advise him of this concern as well, and  
6 seeking directions; correct?

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. CALLAGHAN: I just wanted to refer to  
9 two passages.

10 THE COMMISSIONER: This is ---

11 MR. CALLAGHAN: Oh, I'm sorry, Mr.  
12 Commissioner, I haven't ---

13 THE COMMISSIONER: Identified it. So it's a  
14 letter from Chief of Police Parkinson to Lidia Narozniak  
15 dated September 10<sup>th</sup>, 2004, and that's Exhibit 1415.

16 --- EXHIBIT NO./PIÈCE NO. P-1415:

17 (731913) Letter from Deputy Chief Danny  
18 Aikman to Lidia Narozniak - September  
19 10, 2004

20 MR. DEROCHIE: I believe it's Deputy Chief  
21 Aikman, Mr. Commissioner.

22 THE COMMISSIONER: Oh, sorry, I was looking  
23 at -- you're right. It is Deputy Chief Aikman.

24 MR. CALLAGHAN: Just so I am clear, Lidia  
25 Narozniak was the Crown Attorney handling the Leduc matter

1 after -- on the retrial, if I can put it that way, the 11  
2 (b) in the proposed re-trial?

3 **MR. DEROCHIE:** Correct.

4 **MR. CALLAGHAN:** All right. And I take it  
5 you know that because you were summoned as a witness but  
6 never testified?

7 **MR. DEROCHIE:** Correct.

8 **MR. CALLAGHAN:** And if I could just direct  
9 you to the third paragraph, and it says:

10 "Mr. Dunlop originally testified at a  
11 Charter of Rights motions hearing  
12 conducted before His Honour Platana  
13 relevant to *R. v. Jacques Leduc*. Mr.  
14 Leduc's defence counsel elicited  
15 testimony from Dunlop as to his role in  
16 the Leduc investigation as well his  
17 involvement in another Project Truth  
18 matter, *R. v. Father Charles MacDonald*.  
19 During the course of his testimony,  
20 Dunlop made statements that were  
21 inconsistent with sworn testimony  
22 previously made in the Father Charles  
23 MacDonald matter."

24 Do you see that?

25 **MR. DEROCHIE:** Yes.

1                   **MR. CALLAGHAN:** All right. And I take it t  
2 that time, Professional Standards Officer was Sergeant  
3 Brian Snyder who was responsible for this?

4                   **MR. DEROCHIE:** Correct.

5                   **MR. CALLAGHAN:** We'll hear from him later.

6                   I just want to put this in context, we have  
7 it all. It says at the bottom:

8                   "I am respectfully requesting direction  
9 from the Attorney General as to how an  
10 investigation into possible criminal  
11 misconduct of Perry Dunlop should be  
12 undertaken."

13                   And you're waiting, at least the Cornwall  
14 Police is waiting for some direction, given that they are  
15 not to do the investigation according to the earlier  
16 communication with the Crown?

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

18                   **MR. CALLAGHAN:** All right. Was there ever a  
19 response to this letter?

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

21                   **MR. CALLAGHAN:** All right. And I take it  
22 you are aware that in about this time, that is the fall of  
23 2004, Attorney General Michael Bryant was in Cornwall and  
24 announced that there would be a public inquiry?

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

1                   **MR. CALLAGHAN:** And it was understood, I  
2                   take it by you, that it would obviously be one of the  
3                   issues for this public inquiry to examine?

4                   **MR. DEROCHIE:** Exactly. We discussed that  
5                   issue and it was -- the resolution or the determination  
6                   would be that we would wait, let the Inquiry deal with  
7                   these issues.

8                   **MR. CALLAGHAN:** All right. And if I could  
9                   then move on to another topic.

10                   Mr. Lee took you to the reference regarding  
11                   the Dunlop settlement of \$40,000 and you referenced it as a  
12                   nuisance settlement; correct?

13                   **MR. DEROCHIE:** I may have been incorrect in  
14                   determining it or calling it that, but that's what I  
15                   believed it to be.

16                   **MR. CALLAGHAN:** All right. And I'm just  
17                   trying to clarify. You're saying that because it was  
18                   directed by the insurance company; correct?

19                   **MR. DEROCHIE:** That's correct. That was my  
20                   understanding.

21                   **MR. CALLAGHAN:** And you told us the feelings  
22                   at the Force?

23                   **MR. DEROCHIE:** Yes.

24                   **MR. CALLAGHAN:** All right. And if I could  
25                   then move on to yet another topic.

1 I would like to discuss the Antoine matter  
2 with you. If I could ask you to refer to Exhibit 1337.

3 **MR. DEROCHIE:** I'll need a binder.

4 **MR. CALLAGHAN:** And I'm at -- well, I'll  
5 wait.

6 **THE COMMISSIONER:** Tell me the page.

7 **MR. CALLAGHAN:** Oh, sorry. Page 51 on the  
8 handwritten; it might be easier for you to find.

9 **THE COMMISSIONER:** Yes.

10 **MR. CALLAGHAN:** Bates page 706.

11 **MR. DEROCHIE:** I'm sorry, I didn't get the  
12 Bates page number.

13 **MR. CALLAGHAN:** It's 706, page 51 of the  
14 handwritten.

15 **MR. DEROCHIE:** Yes.

16 **MR. CALLAGHAN:** All right. I just wanted to  
17 clarify this. You will see in your notes it says:

18 "Spoke to Staff Sergeant Brunet..."

19 Last paragraph?

20 **MR. DEROCHIE:** Yes.

21 **MR. CALLAGHAN:** "...to find out how  
22 this matter came to our attention. He  
23 advised me that Sebalj had gone to him  
24 on January 10<sup>th</sup> and told him about her  
25 involvement with this case in

1 November."

2 MR. DEROCHIE: Yes.

3 MR. CALLAGHAN: So it was -- it comes to  
4 your attention, to the Force, to Brunet's attention January  
5 10<sup>th</sup>, and your attention thereafter as a result of Constable  
6 Sebalj bringing it up?

7 MR. DEROCHIE: Yes.

8 MR. CALLAGHAN: All right. Your role  
9 initially was to do an internal review, which we talked  
10 about; correct?

11 MR. DEROCHIE: Correct.

12 MR. CALLAGHAN: And I take it that one of  
13 the predominant problems you saw, or two predominant  
14 problems you saw, were the lack of an incident being  
15 created?

16 MR. DEROCHIE: Correct.

17 MR. CALLAGHAN: And the use of OMPPAC in  
18 that regard?

19 MR. DEROCHIE: Correct.

20 MR. CALLAGHAN: And the fact that there was  
21 a -- there didn't seem to be a sufficient amount of notes.  
22 There seemed to be gaps in the notes?

23 MR. DEROCHIE: Correct.

24 MR. CALLAGHAN: And this is the time when  
25 they are using the loose-leaf notes?

1                   **MR. DEROCHIE:** Correct.

2                   **MR. CALLAGHAN:** All right. And I take it  
3 when you interviewed Constable Malloy, he was of the belief  
4 that he had done more work and that there ought to have  
5 been more notes?

6                   **MR. DEROCHIE:** Correct.

7                   **MR. CALLAGHAN:** That was his belief?

8                   **MR. DEROCHIE:** My observations were that he  
9 was taken aback by the fact that I was challenging his  
10 notes and that I couldn't find his notes.

11                  **MR. CALLAGHAN:** And you made comments in  
12 your report in here that it didn't seem consistent with  
13 what you knew of Constable Malloy?

14                  **MR. DEROCHIE:** Correct.

15                  **MR. CALLAGHAN:** But you had done further  
16 work and had concluded that there had been communications  
17 with others, for example, the Children's Aid Society?

18                  **MR. DEROCHIE:** Yes, I found other evidence  
19 from other sources that there was activity.

20                  **MR. CALLAGHAN:** And you were also aware that  
21 after he got Ms. Antoine's statement, that he went to the  
22 Crown Attorney, Mr. Johnson?

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

24                  **MR. CALLAGHAN:** And had a discussion with  
25 him?

1                   **MR. DEROCHIE:** Correct.

2                   **MR. CALLAGHAN:** All right. In your notes,  
3 you interviewed Crown Attorney Johnson?

4                   **MR. DEROCHIE:** I did.

5                   **MR. CALLAGHAN:** And we see -- and I won't go  
6 to the letters unless you need to -- but there was a letter  
7 from Crown Attorney Johnson to the Senior Crown Attorney?

8                   **MR. DEROCHIE:** Correct.

9                   **MR. CALLAGHAN:** All right. And that  
10 document was located in the Cornwall Police file? You were  
11 able to locate that ---

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

13                   **MR. CALLAGHAN:** And when you spoke to  
14 Constable Malloy, he was under the impression after his  
15 discussions that if there was further work to be done, he  
16 would hear back from Crown Attorney Johnson?

17                   **MR. DEROCHIE:** Yes, he was waiting to hear  
18 something back from Mr. Johnson.

19                   **MR. CALLAGHAN:** Right, and he had also  
20 advised you that he had actually called Johnson on occasion  
21 to see or do you recall that?

22                   **MR. DEROCHIE:** I don't have an independent  
23 recollection, but he may have.

24                   **MR. CALLAGHAN:** And you're are aware that he  
25 did communicate with Ms. Antoine and with the CAS as to the

1 first instalment, at least the first letter aside from  
2 Johnson, to the Senior Crown?

3 **MR. DEROCHIE:** Yes, there was  
4 communications.

5 **MR. CALLAGHAN:** I just want to direct your  
6 attention, that was all to set up this, which is to direct  
7 your attention to page 87 of your notes, and that's Bates  
8 page 742, Mr. Commissioner.

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

10 **MR. CALLAGHAN:** And it says:

11 "I spoke with Johnson and asked him  
12 about Douglas's letter."

13 And Douglas was the Senior Crown's letter  
14 that we saw?

15 **MR. DEROCHIE:** Correct.

16 **MR. CALLAGHAN:** Okay.

17 "I read the letter to him over the  
18 telephone. He told me that he does not  
19 recall any such letter. He assured me  
20 that had the letter been received by  
21 his office, his secretary would have  
22 filed it along with his."

23 **MR. DEROCHIE:** Yes.

24 **MR. CALLAGHAN:** And I take it, in order to  
25 get that letter, they couldn't find it at the local Crown's

1 office?

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

3 **MR. CALLAGHAN:** They had to go to the  
4 archives and get it from the Toronto office?

5 **MR. DEROCHIE:** Yes. They did search  
6 archives, but I don't believe they had anything in archives  
7 as well. I think I got a copy of the letter from Mr.  
8 Douglas's ---

9 **MR. CALLAGHAN:** All right. I just want to  
10 be clear that you were satisfied at the end of the day that  
11 whether the letter from Mr. Douglas ever went to Mr.  
12 Johnson, you concluded that it never went to Constable  
13 Malloy. That was your conclusion?

14 **MR. DEROCHIE:** Yes. I had not uncovered  
15 anything to indicate that it should have been in the  
16 archive file. It was not, so there was nothing to assure  
17 me that it had been received by Mr. Johnson. But had it  
18 been received by Mr. Johnson, there was absolutely no  
19 evidence that it had been turned over to Constable Malloy.

20 **MR. CALLAGHAN:** And I take it that Crown  
21 Attorney Johnson never had even seen the letter, didn't  
22 recall it?

23 **MR. DEROCHIE:** He actually -- I showed him  
24 the letter. He read the letter and he assured me that he  
25 had never seen it. I had no reason to doubt that

1           whatsoever.

2                   **MR. CALLAGHAN:** All right. And if I could  
3 then, you had a -- you made some recommendation and I just  
4 want to be clear.

5                   I know Commission counsel went over this a  
6 little bit, but one of the recommendations was dealing with  
7 the issue of OMPPAC and how it's to be used, and how all  
8 incidents are to be reported. You had recommended changes  
9 and there was a new directive, Directive 94, that was  
10 issued May, 1995?

11                  **MR. DEROCHIE:** Correct.

12                  **MR. CALLAGHAN:** Now, Mr. Commissioner, this  
13 is at Exhibit 30, Tab 5. I'm not proposing we go to it. I  
14 just want to confirm that for the record so that we all  
15 know it.

16                  **THE COMMISSIONER:** All right.

17                  **MR. CALLAGHAN:** And that was under the  
18 direction of Acting Chief Johnston, to accept your  
19 recommendation as to go and make some changes?

20                  **MR. DEROCHIE:** Yes.

21                  **MR. CALLAGHAN:** All right. And then came  
22 forward the issue of the notes ---

23                  **MR. DEROCHIE:** Yes.

24                  **MR. CALLAGHAN:** --- the loose-leaf notes,

1 and I want to be clear on this. There was somewhat of a  
2 discussion at the CPS as to whether to have loose-leaf  
3 notes or bound notes; correct?

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

5 **MR. CALLAGHAN:** And through those  
6 discussions, you became aware that Staff Sergeant Brunet  
7 had already been looking at this issue?

8 **MR. DEROCHIE:** Yes.

9 **MR. CALLAGHAN:** And that he had consulted  
10 with the Crown Attorney, with the Ontario Police College  
11 and with other police forces?

12 **MR. DEROCHIE:** That's correct. And as I  
13 recall, it was independent of this investigation. It was  
14 for ---

15 **MR. CALLAGHAN:** But it was a direction of  
16 Acting Chief Johnson that this issue be canvassed?

17 **MR. DEROCHIE:** Discussed, yes.

18 **MR. CALLAGHAN:** And as a result of the work  
19 and the discussions, it was decided to stay with the loose-  
20 leaf notes?

21 **MR. DEROCHIE:** Yes.

22 **MR. CALLAGHAN:** Right. Just to be clear,  
23 when -- you were advised that when Staff Sergeant Brunet  
24 had got that information together, that the OPC, the Crown  
25 and other police forces all recommended the loose-leaf

1 notes at that time?

2 MR. DEROCHIE: Yes.

3 MR. CALLAGHAN: And it later became, as you  
4 indicated, later -- perhaps you recall the date -- that the  
5 Province mandated that you all go down to bound notebooks?

6 MR. DEROCHIE: It would have been sometime  
7 around the year 2000.

8 MR. CALLAGHAN: Right. And -- so that was  
9 addressed as well?

10 MR. DEROCHIE: It was, yes.

11 MR. CALLAGHAN: You -- and I'm not going to  
12 go into this and take you to the letter -- but as was  
13 discussed with Mr. Chisholm, Constable White, or Sergeant  
14 White I can't recall which at the time, was tasked with  
15 doing the re-investigation of Ms. Antoine's complaint?

16 MR. DEROCHIE: Detective Sergeant Sean  
17 White, yes. He may not have been a sergeant at the time.

18 MR. CALLAGHAN: And we looked yesterday at  
19 the letter, Exhibit 1339, and I just want to clarify the  
20 record because I'm not sure it was clear yesterday, that  
21 Staff Sergeant, pardon me, Detective Sergeant White was  
22 tasked with doing a review of Ms. Antoine's complaint, and  
23 you were satisfied that it was thoroughly done. You  
24 testified that yesterday?

25 MR. DEROCHIE: That's correct.

1                   **MR. CALLAGHAN:** And I take it there were  
2                   three elements.

3                   There was physical abuse, sexual abuse and  
4                   then there were her complaints about others being abused;  
5                   correct?

6                   **MR. DEROCHIE:** Correct.

7                   **MR. CALLAGHAN:** Right. And there was  
8                   another matter that dealt with her father that was referred  
9                   to another police force?

10                  **MR. DEROCHIE:** Correct.

11                  **MR. CALLAGHAN:** And I take it that the, the  
12                  review was sent up to the Regional Director of Crown  
13                  Attorneys, Peter Griffiths, and he reviews each of those  
14                  elements?

15                  **MR. DEROCHIE:** Yes.

16                  **MR. CALLAGHAN:** And in the first issue,  
17                  regarding the assaults issues, he concluded that Officer  
18                  White did not have reasonable and probable grounds to lay  
19                  charges of physical abuse or assault arising out of the  
20                  allegations of Ms. Antoine?

21                  **MR. DEROCHIE:** Correct.

22                  **MR. CALLAGHAN:** Right. And then they go to  
23                  the alleged sexual impropriety, and I don't propose to read  
24                  that into the record, but it says:

25                                 "Given the nature of this allegation,

1                   the age of the complaint and the lack  
2                   of confirmatory evidence, it is my  
3                   opinion that you do not have reasonable  
4                   and probable grounds for the laying of  
5                   any charges arising out of this  
6                   complaint."

7                   **MR. DEROCHIE:** Correct.

8                   **MR. CALLAGHAN:** And then he reviews the  
9                   allegations of others?

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

11                  **MR. CALLAGHAN:** And he notes that the others  
12                  wouldn't come forward and that there would be an issue with  
13                  memories, and he again concludes that there would be no  
14                  reasonable and probable grounds.

15                  And in the last paragraph, if I could, he  
16                  says:

17                               "Rightfully, notwithstanding the most  
18                               thorough investigation, I am of the  
19                               opinion that there are no reasonable  
20                               and probable grounds to warrant the  
21                               laying of criminal charges with respect  
22                               to any of the allegations contained in  
23                               the investigation brief. If I am wrong  
24                               on this, I'm also of the opinion that  
25                               were charges laid, there would be no

1 reasonable prospect of conviction."

2 Okay?

3 **MR. DEROCHIE:** Yes, yeah.

4 **MR. CALLAGHAN:** Now, yesterday Mr. Kloeze  
5 talked about the difference between who's responsibility if  
6 RPG, reasonable and probable grounds, and this newer  
7 concept of no prospect of conviction. And I might have  
8 misunderstood him, but I take it your understanding that  
9 the Crowns would give you advice as to whether you had RPG?

10 **MR. DEROCHIE:** Oh yes, yes, they would.

11 **MR. CALLAGHAN:** And this isn't -- I may have  
12 misheard Mr. Kloeze. I thought the idea was -- but you  
13 were getting advice and this wouldn't be the only case  
14 where you would have got advice ---

15 **MR. DEROCHIE:** Oh, no.

16 **MR. CALLAGHAN:** --- on reasonable and  
17 probable grounds?

18 **MR. DEROCHIE:** No. There have been other  
19 occasions, as we discussed yesterday, with regards to the  
20 wisdom of going against that advice, in the context of  
21 that.

22 **MR. CALLAGHAN:** And you understood that  
23 Constable Malloy had that type of discussion with Acting  
24 Chief Johnston, pardon me, Crown Attorney Johnson? Too  
25 many names.

1                   **MR. DEROCHIE:** Yes. That was certainly  
2                   discussed between them.

3                   **MR. CALLAGHAN:** If I could then move on to  
4                   the Landry matter.

5                   Now, again, you were first, as was discussed  
6                   yesterday, tasked with doing an administrative review;  
7                   correct?

8                   **MR. DEROCHIE:** Correct.

9                   **MR. CALLAGHAN:** All right. And I take it  
10                  that what you were able to conclude was that the nature of  
11                  the allegation was an assault on a young boy at King George  
12                  Park; correct?

13                  **MR. DEROCHIE:** Yes.

14                  **MR. CALLAGHAN:** And that you would conclude  
15                  from your review of it that there weren't any witnesses to  
16                  the actual assault?

17                  **MR. DEROCHIE:** Yes.

18                  **MR. CALLAGHAN:** I take it that there needed  
19                  to be -- they were looking for a picture of the suspect,  
20                  Earl Landry, Jr.?

21                  **MR. DEROCHIE:** Correct.

22                  **MR. CALLAGHAN:** And I just want to take you  
23                  to a document, 739987. I think another similar-type  
24                  document was put in involving another person, but I'd like  
25                  you to see this document.

1 (SHORT PAUSE / COURTE PAUSE)

2 MR. CALLAGHAN: Mr. Commissioner, I don't  
3 know if you have the document?

4 THE COMMISSIONER: Yes.

5 MR. CALLAGHAN: Okay.

6 THE COMMISSIONER: Exhibit Number 1416.

7 MR. DEROCHIE: Thank you.

8 THE COMMISSIONER: A document by Sergeant  
9 Pierre Lalonde to Staff Sergeant Derochie. We have trouble  
10 with dates, eh?

11 MR. DEROCHIE: Yeah, it's not dated.

12 THE COMMISSIONER: Undated. Occurrence  
13 Number 4571-85.

14 --- EXHIBIT NO./PIÈCE NO. P-1416:

15 (739987) Note from Pierre Lalonde to  
16 Garry Derochie, undated.

17 MR. CALLAGHAN: All right.

18 And who is Sergeant Pierre Lalonde?

19 MR. DEROCHIE: Sergeant Pierre Lalonde, at  
20 the time of this investigation, was in forensic  
21 identification.

22 MR. CALLAGHAN: All right.

23 MR. DEROCHIE: And at the relevant -- or at  
24 the time, in 1985, he would have been a constable in  
25 forensic identification.

1                   **MR. CALLAGHAN:** And if I could just -- he  
2                   was tasked with going to the King George Park and seeing if  
3                   he could solicit a photograph of Earl Landry, Jr. to use in  
4                   a photo lineup, right?

5                   **MR. DEROCHIE:** Yes.

6                   **MR. CALLAGHAN:** And it says in the middle of  
7                   the document:

8                                   "Landry, at the time, was reportedly  
9                                   employed by the City of Cornwall and  
10                                  working at the park. I do not recall  
11                                  who specifically made this request. I  
12                                  was to attend the park in plain  
13                                  clothing with a camera and identify  
14                                  myself to Earl Landry, Jr. as a college  
15                                  student working on a school project  
16                                  involving the parks. My identity as a  
17                                  police officer was to remain  
18                                  confidential. As requested, I attended  
19                                  the park in civilian clothing while on  
20                                  duty, identified myself to Landry as a  
21                                  student and took consent photographs of  
22                                  him."

23                   Do you see that?

24                   **MR. DEROCHIE:** Yes.

25                   **MR. CALLAGHAN:** All right. So that was part

1 of the investigative technique they used to obtain a  
2 photograph?

3 **MR. DEROCHIE:** Yes.

4 **MR. CALLAGHAN:** And there was another  
5 document put in, so I felt that that ought to go in at the  
6 time, and we deal with the interview of Earl Landry, and  
7 you had indicated that Stan Willis was asked to participate  
8 in that interview; correct?

9 **MR. DEROCHIE:** Correct.

10 **MR. CALLAGHAN:** And I ---

11 **MR. DEROCHIE:** Well, I don't know if he  
12 participated in the interview. He may have.

13 **MR. CALLAGHAN:** All right. Well, maybe  
14 we'll get the details from Lefebvre when he testifies, but  
15 what I'm more interested in is the concept of involving a  
16 person known to the suspect as Willis was known to the  
17 brother and had some knowledge of Landry, Jr., right?

18 **MR. DEROCHIE:** Yes, correct. I think I do -  
19 - it's -- I believe that was the purpose of involving him.  
20 It just caught me off guard. I do believe he was involved  
21 in the interview. That was the whole purpose of involving  
22 Willis.

23 **MR. CALLAGHAN:** And is that a practice used  
24 in policing to build that bridge that I think  
25 Superintendent Skinner talked about with people being

1 interviewed, and particularly suspects?

2 **MR. DEROCHIE:** Oh yes, I've seen that happen  
3 before, yes.

4 **MR. CALLAGHAN:** There was a comment  
5 regarding the time it took -- I think it was 45 hours, and  
6 whether that's correct or not is not the issue, but you've  
7 talked about the time it takes with historic sexual  
8 assaults. Is it uncommon to frontload, as it were, an  
9 investigation with a current -- where there's a victim who  
10 is of a fresh assault, so to speak?

11 **MR. DEROCHIE:** Yes, you have a tendency to  
12 treat it with a greater sense of urgency because there's  
13 things that have to be done right away for fear of losing  
14 evidence.

15 **MR. CALLAGHAN:** Right. And we looked at the  
16 letter from Mr. Park, and I recognize there's an issue as  
17 to which letter you saw, but by the time Mr. Park writes  
18 the letter and had met with the victim, it was known -- and  
19 this is, I believe, in July, the investigation was in June  
20 -- it was known that the potential suspect's name was Earl  
21 Landry, Jr.?

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

23 **MR. CALLAGHAN:** And I take it that even in  
24 the letter you did see this, the one that refers to police  
25 follow-up, there wasn't any new evidence in that regarding

1 the actual assault on the victim?

2 **MR. DEROCHIE:** No. No. And I've reflected  
3 on that and, you know, I'm satisfied with -- that there was  
4 that letter and I may well have made a mistake in recording  
5 the ---

6 **MR. CALLAGHAN:** Well, and if -- certainly,  
7 we'll certainly let our friends know if we find that  
8 letter, just so it's clear, Mr. Commissioner.

9 **MR. DEROCHIE:** I don't ever -- I don't  
10 recall ever having that physical letter, just having viewed  
11 it.

12 **MR. CALLAGHAN:** All right. And in your  
13 administrative review, you were dealing with a 1985  
14 incident and you were reviewing it in the late 1990s;  
15 correct?

16 **MR. DEROCHIE:** Correct.

17 **MR. CALLAGHAN:** And I take it that it was of  
18 no -- it wasn't anything of concern to you that there were  
19 no documents of that time because there was a document  
20 destruction policy?

21 **MR. DEROCHIE:** The fact that there were no  
22 documents was not of concern to me, obviously.

23 **MR. CALLAGHAN:** And you're aware, because  
24 you assisted in obtaining the documents for this Inquiry,  
25 that in the Deslauriers case, which we'll hear about, which

1 was also in about this time, in 1985, those documents  
2 weren't available either; correct?

3 **MR. DEROCHIE:** To a large extent they  
4 weren't. There were some remnants of them, but very few.

5 **MR. CALLAGHAN:** In the subsequent matter  
6 when we're dealing with the Statement of Claim -- you don't  
7 have to pull it up, but I'll identify it, Exhibit 1359 --  
8 there was an assertion there of impropriety on behalf of  
9 Chief Landry; correct?

10 **MR. DEROCHIE:** Yes.

11 **MR. CALLAGHAN:** And it was, if you recall, a  
12 bald assertion in the sense that there weren't any facts?  
13 And if you'd like to put it on the screen, I think it's  
14 paragraph 11(f), the one that was referred to yesterday. I  
15 think it's 11(f), you'll see at the bottom.

16 Madam Clerk, if you could just scroll up a  
17 little bit to the next page?

18 And the allegation is regarding not taking  
19 the polygraph essentially; correct?

20 **MR. DEROCHIE:** Correct.

21 **MR. CALLAGHAN:** The factual point. There  
22 was the larger allegation, but the facts that he puts  
23 forward is the polygraph; correct?

24 **MR. DEROCHIE:** Correct.

25 **MR. CALLAGHAN:** And we talked about

1           yesterday the -- or the other day about the insurance  
2           issue. And that's Exhibit -- I would look at Exhibit 1361,  
3           Bates page 340.

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

5                   **MR. CALLAGHAN:** And it says:

6                           "I explained that in my opinion, CGU is  
7                           accepting the claimant's position that  
8                           Landry, Sr. did something wrong. I  
9                           also told her that I believe that she  
10                           is also of that opinion. She assured  
11                           me that she did not believe that at  
12                           all."

13                   Do you see that?

14                   **MR. DEROCHIE:** Yes.

15                   **MR. CALLAGHAN:** All right. And you've  
16                   explained yesterday that your concern was they were just  
17                   making a rush to judgment, so to speak?

18                   **MR. DEROCHIE:** Yeah, my concern was they  
19                   were trying to get out of ---

20                   **MR. CALLAGHAN:** All right. And I just want  
21                   to -- just to frame the conversation. You're not familiar  
22                   with insurance law, are you?

23                   **MR. DEROCHIE:** No.

24                   **MR. CALLAGHAN:** All right. And so you  
25                   wouldn't be familiar that an insurance company, according

1 to the Supreme Court of Canada, may deny on the basis of  
2 what is alleged in a pleading as opposed to what facts are  
3 proven?

4 **MR. DEROCHIE:** No, I'm not aware of that.

5 **MR. CALLAGHAN:** Right.

6 And I take it that when she was trying to  
7 tell you that that wasn't what she was talking about, this  
8 point never came up in the discussion that, "Sorry, we just  
9 go on the pleadings. We don't care what the facts are."

10 **MR. DEROCHIE:** No, and the discussion I'm  
11 having here is with -- not with the insurance rep but with  
12 our city clerk.

13 **MR. CALLAGHAN:** Oh, was that a city clerk?

14 **MR. DEROCHIE:** Yes.

15 **THE COMMISSIONER:** Yes.

16 **MR. CALLAGHAN:** But was that a similar  
17 discussion -- was there similar discussions with CGU about  
18 that, where they were saying, "No, no, we're dealing with  
19 the pleadings" or was that something that you understood  
20 them to be talking about?

21 **MR. DEROCHIE:** No, I don't recall a  
22 conversation to that ---

23 **MR. CALLAGHAN:** All right.

24 **MR. DEROCHIE:** --- to that extent. My  
25 conversations with them were very brief.

1                   **MR. CALLAGHAN:** All right.

2                   **MR. DEROCHIE:** I wanted to deal with a  
3 lawyer.

4                   **MR. CALLAGHAN:** And it was always understood  
5 -- sorry, Mr. Commissioner.

6                   **THE COMMISSIONER:** Isn't this just an issue  
7 of coverage?

8                   **MR. CALLAGHAN:** Yeah. But what I'm trying  
9 to -- I'm just trying to put the conversation in context.  
10 I'm sensing that the witness was concerned that, as he  
11 said, that they were rushing to judgment. There wasn't any  
12 -- they hadn't actually looked at it, and there's this  
13 conversation going back and forth and it's because they're  
14 talking at two different levels.

15                   **THE COMMISSIONER:** Right. So ---

16                   **MR. CALLAGHAN:** I'm just making that point,  
17 and I'll move on from there.

18                   **THE COMMISSIONER:** Okay. So there's a  
19 difference between whether or not they're going to afford  
20 Earl Landry, Sr. a lawyer and his defence if it's within  
21 the policy or not, and that depends on the pleadings, and  
22 that's a separate consideration as to the merits of the  
23 case?

24                   **MR. CALLAGHAN:** Right.

25                   **THE COMMISSIONER:** Okay.

1                   **MR. CALLAGHAN:** So we've got that point.

2                   And that was a point you didn't appreciate  
3 during those periods of time?

4                   **MR. DEROCHIE:** I did not appreciate that,  
5 no.

6                   **MR. CALLAGHAN:** All right.

7                   And it was always, I take it, understood  
8 that Landry Sr. would have his own counsel, as far as  
9 you're aware? That wasn't the issue?

10                  **MR. DEROCHIE:** No, that wasn't the issue.

11                  **MR. CALLAGHAN:** And there was talk about  
12 your interview techniques with Lefebvre and Willis. I take  
13 it, as you've indicated, that you've got 38 years of  
14 experience, a lot of it in the supervision of  
15 investigators; correct?

16                  **MR. DEROCHIE:** Yes.

17                  **MR. CALLAGHAN:** And I take it Sergeant  
18 Snyder has some expertise in interviewing witnesses?

19                  **MR. DEROCHIE:** Yes, he has training in that  
20 area. He was our polygraph tech. So he has extensive  
21 training in that area.

22                  **MR. CALLAGHAN:** All right.

23                  And I take it that deferential is not the  
24 right word because you as a superior, but you recognized  
25 that he had that skill?

1                   **MR. DEROCHIE:** Oh yes, above mine. I would  
2 defer to him with regards to those issues.

3                   **MR. CALLAGHAN:** Okay.

4                   **MR. DEROCHIE:** Or to any other investigator  
5 that had special training above mine.

6                   **MR. CALLAGHAN:** And the practice, as far as  
7 you're aware, of formulating your questions and doing  
8 whatever other questions you want to do in the hearing room  
9 or in the interview room, that's accepted practice?

10                  **MR. DEROCHIE:** Yes.

11                  **MR. CALLAGHAN:** All right.

12                                Could I have a minute, Mr. Commissioner?

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

14                  **MR. CALLAGHAN:** I think I'm pretty close.

15                  **THE COMMISSIONER:** Are you done?

16                  **MR. CALLAGHAN:** I think I'm done.

17                  **THE COMMISSIONER:** Oh great. Thank you.

18                  **MR. CALLAGHAN:** Thank you, Staff Sergeant  
19 Derochie.

20                  **MR. DEROCHIE:** Thank you, Mr. Callaghan.

21                  **THE COMMISSIONER:** Pretty close -- well, I  
22 don't know if I'd say pretty close, but ---

23                  **MR. CALLAGHAN:** I actually watched the clock  
24 because we were creeping up as we had that discussion in  
25 the middle.

1                   **THE COMMISSIONER:** Yes.

2                   **MR. CALLAGHAN:** So I think I was ---

3                   **THE COMMISSIONER:** Okay. Always the lawyer.

4                   Very well, Mr. Callaghan. Thank you.

5                   Now, Mr. Engelmann.

6                   **MR. ENGELMANN:** You know what they say about  
7 "close", horseshoes and hand grenades.

8                                   **( LAUGHTER/RIRES )**

9                   **MR. ENGELMANN:** I'll try and be closer than  
10 my friend.

11                   **THE COMMISSIONER:** Under would be good.

12                   --- **RE-EXAMINATION BY-/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:**

13                   **MR. ENGELMANN:** Let's start where Mr.  
14 Callaghan left off on the Earl Landry, Jr. if we can for  
15 just a moment. You had some cross-examination from Mr.  
16 Chisholm on that and then again from your counsel, Mr.  
17 Callaghan dealing with the letter.

18                   Can we just turn it up one more time? It's  
19 C-1353. Do you have it handy, sir?

20                   **MR. DEROCHIE:** I do.

21                   **MR. ENGELMANN:** All right.

22                   You would agree with me, would you not, that  
23 your review of a medical letter would have been when you  
24 were at the CAS office?

25                   **MR. DEROCHIE:** Correct.

1                   **MR. ENGELMANN:** So what you would have seen,  
2                   you would have seen because it was in their case notes or  
3                   in their file?

4                   **MR. DEROCHIE:** They gave me a file folder  
5                   and I went through it, yes.

6                   **MR. ENGELMANN:** All right. And you would  
7                   agree, sir, that this letter has no reference to Dr. Park  
8                   writing a previous letter?

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

10                  **MR. ENGELMANN:** And, sir, you said, I think,  
11                  just in answer to my friend a minute ago, it contains no  
12                  new evidence; correct?

13                  **MR. DEROCHIE:** Correct.

14                  **MR. ENGELMANN:** It does, however, say that  
15                  when they spoke to him -- you see the physical examination  
16                  reference on the first page, bottom paragraph?

17                  **MR. DEROCHIE:** Yes.

18                  **MR. ENGELMANN:** He says:

19                                 "Although the physical examination  
20                                 revealed no abnormalities, when they  
21                                 were doing the rectal examination, he  
22                                 stated something to them."

23                  **MR. DEROCHIE:** Yes.

24                  **MR. ENGELMANN:** That "It hurts like when  
25                  Earl did it."

1                   **MR. DEROCHIE:** Yes.

2                   **MR. ENGELMANN:** And certainly the team was  
3 of the view that something had happened here?

4                   **MR. DEROCHIE:** Yes.

5                   **MR. ENGELMANN:** So I don't know; are you  
6 saying by that that there was no new evidence, sir? That  
7 was something that was not known to the Cornwall Police  
8 before; correct?

9                   **MR. DEROCHIE:** It's obvious that that should  
10 have jumped out at me. Had I seen this letter, I would  
11 have made reference to it in my notes.

12                   **MR. ENGELMANN:** Right.

13                   **MR. DEROCHIE:** That I remain confused about  
14 ---

15                   **MR. ENGELMANN:** All right. Fair enough.  
16 I'm just looking for an exhibit, sir.

17                   With respect to the second investigation on  
18 Earl Landry, Jr. which was based on the Statement of Claim,  
19 you were aware, because of your work on the administrative  
20 review, that the Statement of Claim, when it alleged that  
21 the first allegation, the fresh allegation in '85 -- and I  
22 don't want to mention names ---

23                   **MR. DEROCHIE:** Yes.

24                   **MR. ENGELMANN:** --- but you were aware the  
25 Statement of Claim was just wrong on its face when it

1           alleged that happened in 1983?

2                   **MR. DEROCHIE:** I'm sorry; could you repeat  
3           that, please?

4                   **MR. ENGELMANN:** Sure. Well, let's look at  
5           the document. Maybe that's easier.

6                   **MR. DEROCHIE:** Yeah.

7                   **MR. ENGELMANN:** It's Exhibit 1359, paragraph  
8           11(b) where the plaintiff states that:

9                                    "In or about 1983 ..."

10                   **MR. DEROCHIE:** Yes.

11                   **MR. ENGELMANN:** You were aware that that was  
12           just wrong on its face by the time you were involved in the  
13           second investigation? You had done the admin review. You  
14           knew that ---

15                   **MR. DEROCHIE:** Yes.

16                   **MR. ENGELMANN:** --- it was in 1985?

17                   **MR. DEROCHIE:** Yes, but we recognized the  
18           importance of the date and in making sure that we could say  
19           without a doubt that it was 1985. So we went to  
20           considerable lengths to ---

21                   **MR. ENGELMANN:** I know there was some extra  
22           work to confirm that.

23                   **MR. DEROCHIE:** Yeah.

24                   **MR. ENGELMANN:** Well, you certainly had a  
25           strong suspicion?

1 MR. DEROCHIE: Yes.

2 MR. ENGELMANN: And you knew that Earl  
3 Landry, Sr. ---

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: --- was not the Police Chief  
6 when -- it wasn't the current Chief at the time ---

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: --- that complaint came in?

9 MR. DEROCHIE: Yes, but I had to consider  
10 whether or not there had been a previous complaint made.

11 MR. ENGELMANN: Fair enough. Fair enough.

12 And Exhibit 1370, Mr. Horn took you there  
13 and I just want to go there for a moment, if I can. This  
14 is the written answers you received from former Chief  
15 Shaver?

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: And I'm particularly  
18 concerned about the comments -- the answers to Question  
19 Number 4, "What conversation did I have with Earl Landry,  
20 Sr., the former Chief of Police?"

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: And this would have been  
23 received in February of 2001, if I'm looking at the end  
24 date when it was signed off by Chief Shaver?

25 MR. DEROCHIE: Yes.

1                   **MR. ENGELMANN:** And I just want to confirm  
2 something. When he talks about:

3                   "I may have spent several hours with  
4 the Chief, but this was only to console  
5 him, as he was very distraught over the  
6 complaint...",

7 et cetera, neither you nor Sergeant Snyder actually  
8 followed up with Claude Shaver to ask him about his  
9 conversations. Isn't that correct?

10                  **MR. DEROCHIE:** The content of the  
11 conversation after ---

12                  **MR. ENGELMANN:** Yes.

13                  **MR. DEROCHIE:** --- we received this?

14                  **MR. ENGELMANN:** Yes.

15                  **MR. DEROCHIE:** I didn't and ---

16                  **MR. ENGELMANN:** No.

17                  **MR. DEROCHIE:** --- nor I don't believe  
18 Sergeant Snyder did.

19                  **MR. ENGELMANN:** Well, we'll ask him.

20                  **MR. DEROCHIE:** Yeah, he had the interview  
21 with Mr. Shaver.

22                  **MR. ENGELMANN:** Yeah. Now it's my  
23 understanding there was no follow-up after this written  
24 answer about what might have been said over those hours,  
25 when those hours were, whether they were all on June 26<sup>th</sup>.

1                   **MR. DEROCHIE:** Yeah. It's fair to say that  
2 I didn't, and I don't know that it was done. So it wasn't  
3 done.

4                   **MR. ENGELMANN:** You happen to have crossed a  
5 lot of things off.

6                   All right. Mr. Neville cross-examined you  
7 for a long time, and I just want to ask you about one  
8 thing.

9                   One of the things he touched upon with you  
10 was the suggestion that it may not be a bad thing after all  
11 to have contact between a defence counsel and an  
12 investigating officer. Do you recall you had a bit of a  
13 discussion with him about that?

14                   **MR. DEROCHIE:** Yes, I recall the  
15 conversation.

16                   **MR. ENGELMANN:** All right. And he actually  
17 suggested to you that Malcolm MacDonald was helpful because  
18 he provided a date to Heidi Sebalj about a retreat?

19                   **MR. DEROCHIE:** Yes.

20                   **MR. ENGELMANN:** Do you recall that?

21                   **MR. DEROCHIE:** I recall that.

22                   **MR. ENGELMANN:** Yeah. Now, would you agree  
23 with me, sir, that an investigating officer should get  
24 information like that from a more independent source?

25                   **MR. DEROCHIE:** Yes.

1                   **MR. ENGELMANN:** For example, if that  
2 information could be obtained from Church officials?

3                   **MR. DEROCHIE:** Correct.

4                   **MR. ENGELMANN:** That might have been a more  
5 appropriate place for her to get that information?

6                   **MR. DEROCHIE:** Correct.

7                   **MR. ENGELMANN:** And you may recall sir, in  
8 this case, information about the age of altar boys or when  
9 they were altar boys; where Father MacDonald was working;  
10 information of that nature would be more appropriate to  
11 obtain from a Church official, would it not, than from  
12 defence counsel?

13                   **MR. DEROCHIE:** Yes.

14                   **MR. ENGELMANN:** And that's because a defence  
15 counsel -- if defence counsel is providing information to a  
16 police officer, presumably the information the defence  
17 counsel would be providing would be information that would  
18 assist his or her client?

19                   **MR. DEROCHIE:** Yes.

20                   **MR. ENGELMANN:** They're not going to provide  
21 you information that would not assist their client?

22                   **MR. DEROCHIE:** That's reasonable, yes.

23                   **MR. ENGELMANN:** And you might want to be  
24 particularly careful about dealing with a defence counsel  
25 if that is a senior defence counsel. Is that fair?

1                   **MR. DEROCHIE:** Yes, with his experience as a  
2 Crown Attorney, the law, yes.

3                   **MR. ENGELMANN:** Exactly. With Malcolm  
4 MacDonald, he'd been a former Crown Attorney, correct?

5                   **MR. DEROCHIE:** Correct.

6                   **MR. ENGELMANN:** He'd also been an agent for  
7 the federal Crown?

8                   **MR. DEROCHIE:** Yes.

9                   **MR. ENGELMANN:** Perhaps still was at that  
10 time?

11                   **MR. DEROCHIE:** Yes.

12                   **MR. ENGELMANN:** He was a senior member of  
13 the Bar?

14                   **MR. DEROCHIE:** Yes.

15                   **MR. ENGELMANN:** No doubt well respected, at  
16 least at that time in the community?

17                   **MR. DEROCHIE:** He was QC, yes.

18                   **MR. ENGELMANN:** Yeah. And she was a  
19 relatively junior officer?

20                   **MR. DEROCHIE:** She was.

21                   **MR. ENGELMANN:** Yeah. So you'd want to be  
22 even more concerned perhaps about that contact; wouldn't  
23 you?

24                   **MR. DEROCHIE:** Yeah, I think there would be  
25 a fair amount of scepticism in any police officer if he was

1 getting too much cooperation from a defence lawyer.

2 MR. ENGELMANN: I don't mean at all to say  
3 anything negative ---

4 MR. DEROCHIE: No.

5 MR. ENGELMANN: --- about defence counsel,  
6 there are several in the room.

7 MR. DEROCHIE: Oh, no, no, no. All fine  
8 gentlemen.

9 MR. ENGELMANN: Fair enough.

10 MR. DEROCHIE: And ladies.

11 THE COMMISSIONER: Mr. Carroll, you may have  
12 missed, but we were just discussing that you have to be  
13 very weary of experienced defence counsel offering too much  
14 assistance to police officers.

15 MR. CARROLL: He's a wise witness, sir.

16 (LAUGHTER/RIRES)

17 UNIDENTIFIED SPEAKER: That doesn't apply to  
18 you.

19 (LAUGHTER/RIRES)

20 THE COMMISSIONER: Okay.

21 MR. ENGELMANN: Nor Mr. Neville, nor many of  
22 the other senior defence counsel in the room would never  
23 want to; anyway.

24 Sir, I want to ask you a little bit about  
25 the issues involving your concerns that Mr. Dunlop may have

1           been engaged in some criminal activity.

2                       **MR. DEROCHIE:** Yes.

3                       **MR. ENGELMANN:** All right. And you were  
4 asked some questions about this by me, by Mr. Neville, by  
5 Ms. Robitaille, by Mr. Callaghan, I may have missed some  
6 but, in any event, went through a number of times some of  
7 the concerns that were raised about Mr. Dunlop's conduct.

8                       **MR. DEROCHIE:** Yes.

9                       **MR. ENGELMANN:** And the first set, if I can  
10 call it that, arose as a result of the Lalonde  
11 investigation and prosecution.

12                      **MR. DEROCHIE:** Correct.

13                      **MR. ENGELMANN:** And those, in fact, were  
14 referred to the Ottawa Police Service and investigated?

15                      **MR. DEROCHIE:** Yes.

16                      **MR. ENGELMANN:** So by the time 2002 rolls  
17 around, and we have the 11 (b) in the Father Charles  
18 MacDonald case, those matters, there's already been a  
19 determination that they're not going to be investigated and  
20 prosecuted.

21                      **MR. DEROCHIE:** That's true, but in fairness,  
22 Mr. Engelmann, there was also a memo I sent to the Chief  
23 that said, "In light of these new developments that we're  
24 now seeing, we should revisit that whole area."

25                      **MR. ENGELMANN:** No, no, fair enough. And

1 the new developments we're now seeing were developments  
2 that arose because of the 11 (b) in Father Charles  
3 MacDonald.

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** And in that matter, you had  
6 Mr. C-8 recanting allegations saying that the specific  
7 allegations he made were not true.

8 **MR. DEROCHIE:** Yeah, I believe I also had  
9 corroboration now for the perjury because of Mr. Dunlop's  
10 testimony.

11 **MR. ENGELMANN:** And so the concerns that  
12 were -- the concerns that he may have engaged in criminal  
13 activity that are active in your mind, in 2002 and 2003,  
14 those concerns are with respect to matters arising from the  
15 Father Charles MacDonald investigation and/or prosecution?

16 We dealt with the Lalonde one and now you're  
17 concerned about matters arising out of Father Charles  
18 MacDonald?

19 **MR. DEROCHIE:** Yes, but I think what I was  
20 trying to say is that I hadn't, in light of what happened  
21 there, I thought that this could be all -- this could all  
22 be revisited, all of that.

23 **MR. ENGELMANN:** Okay.

24 **MR. DEROCHIE:** And it may have been a  
25 different count on an indictment, but it should be looked

1 at.

2 MR. ENGELMANN: All right, but the concerns  
3 weren't about alleged criminal activity dealing with the  
4 Leduc investigation or that prosecution. They were with  
5 respect to the Father Charles MacDonald one?

6 MR. DEROCHIE: Yes, okay. Yes, yes.

7 MR. ENGELMANN: Fine. I just want to make  
8 sure.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: And then we have  
11 correspondence going back and although the letters are from  
12 Chief Repa, in many cases, it would have been your input or  
13 really your words that were in those letters back and  
14 forth?

15 MR. DEROCHIE: Yes, yes. My ideas, my  
16 thoughts on it.

17 MR. ENGELMANN: All right. And you never  
18 get your list from Inspector Pat Hall?

19 MR. DEROCHIE: No.

20 MR. ENGELMANN: We talked about that, about  
21 concerns that he's expressed to you, at least informally?

22 MR. DEROCHIE: No.

23 MR. ENGELMANN: And when he expressed those  
24 concerns, as I understand it, they were often vague? They  
25 weren't specific.

1                   **MR. DEROCHIE:** Yes, there were some  
2 incidents he described a little bit more fully, we  
3 discussed those; the night in the bar with ---

4                   **MR. ENGELMANN:** All right. He never gave  
5 you anything in writing?

6                   **MR. DEROCHIE:** No.

7                   **MR. ENGELMANN:** And by the time 2003 is  
8 rolling around and you're still having some correspondence  
9 on this, you, and perhaps I should say you more generally,  
10 the Cornwall Police Service, are aware that there is likely  
11 to be a public inquiry?

12                   **MR. DEROCHIE:** Yes.

13                   **MR. ENGELMANN:** And, in fact, by the fall of  
14 2003 with the election of the new government, you know  
15 that's going to happen?

16                   **MR. DEROCHIE:** Yes, very shortly, yes.

17                   **MR. ENGELMANN:** Right. So by the time  
18 Exhibit 1415 rolls around, and that's a letter that Mr.  
19 Callaghan just showed you, the letter dated September 10<sup>th</sup>,  
20 2004; do you have that? That's the letter from Deputy  
21 Chief Aikman ---

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

23                   **MR. ENGELMANN:** --- to Lidia Narozniak.

24                   **MR. DEROCHIE:** Yes.

25                   **MR. ENGELMANN:** And Mr. Callaghan had you

1 confirm that the Force never received a response.

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

3 **MR. ENGELMANN:** Yeah. And was the Cornwall  
4 Police Service actually expecting response, sir, to this  
5 letter, given that the Inquiry was imminent?

6 **MR. CALLAGHAN:** As the record flows, I'm not  
7 sure you can say the Inquiry's is imminent. There was -- I  
8 think what you're referring to is an election rhetoric by  
9 the Premier, but the statement by the Attorney General that  
10 there would be one was later.

11 In fairness, I don't think ---

12 **MR. ENGELMANN:** But the statement was in the  
13 fall of 2006.

14 **THE COMMISSIONER:** Okay. So let's just make  
15 it clear, I think in fairness, so those can assess what --  
16 it was election promise? The government -- was it not?

17 **MR. CALLAGHAN:** I'm a little sceptical of  
18 what a government promise is and whether they actually do  
19 it.

20 I think although when the Attorney General  
21 stands up and says, "I'm the elected official now, I will  
22 do it."

23 **THE COMMISSIONER:** Right. But I'm not -- we  
24 can leave the conclusions to later on.

25 What I'm saying is that what we have before

1 us is: There was an election promise.

2 That person who gave the promise was elected  
3 into the government, so there's that.

4 And then finally, the Attorney General comes  
5 up at a later date and makes an announcement.

6 So whatever there was, those are the facts.

7 Now, I take it, you took it that with the  
8 election, you thought that?

9 **MR. DEROCHIE:** Well, I thought with the  
10 amount of attention, this who issue had been paid.

11 And -- and I must say that at this time I  
12 wasn't involved in hands-on, in this particular case --  
13 this was Sergeant Snyder -- and I was occupied in CID as  
14 the supervisor there, but I had in my mind, I thought it  
15 was inevitable that we would be here today.

16 **MR. CALLAGHAN:** Right. And that's in the  
17 fall of 2004?

18 **MR. DEROCHIE:** I don't know exactly when I  
19 came to that conclusion but there -- I came to that -- that  
20 thought but ---

21 **MR. CALLAGHAN:** But ---

22 **MR. DEROCHIE:** --- it would have been before  
23 there was an announcement, in any event.

24 **MR. CALLAGHAN:** Sir, and maybe you can -- I  
25 don't know if you can answer the question or not, but it

1           wasn't really surprising to you that this letter wasn't  
2           responded to; was it?

3                   **MR. DEROCHIE:** No, I wouldn't have -- I  
4           could understand the rationale.

5                   **MR. CALLAGHAN:** Yeah.

6                   I'll just be a moment, sir.

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

8                   **MR. CALLAGHAN:** I may be done; I'll just be  
9           a moment.

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

11                   **MR. CALLAGHAN:** Staff Sergeant Derochie,  
12           thank you very much for answering my questions, questions  
13           of all counsel and being here and putting the effort you  
14           have into the evidence you've given us.

15                   **MR. DEROCHIE:** Thank you.

16                   **MR. CALLAGHAN:** It's very much appreciated.

17                   **MR. DEROCHIE:** Thank you.

18                   **THE COMMISSIONER:** Thank you, Staff  
19           Sergeant.

20                   I add and echo my thanks for your patience  
21           and your ability to answer questions covering years and  
22           years of evidence; I think that was very helpful.

23                   **MR. DEROCHIE:** Well, thank you, Mr.  
24           Commissioner.

25                   I would like to thank you, as well, for the

1 opportunity, for you taking on this job and -- and for the  
2 fairness in which I've been treated by everyone in this  
3 room, I thank you for that.

4 **THE COMMISSIONER:** Thank you.

5 Let's take the morning break.

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

8 This hearing will resume at 11:15.

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

10 L'audience est suspendue à 11h

11 --- Upon resuming at 11:25 a.m./

12 L'audience est reprise à 11h25

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

15 **MR. DUMAIS:** Good morning, Mr. Commissioner.

16 **THE COMMISSIONER:** Mr. Engelmann, you look  
17 younger.

18 **MR. DUMAIS:** Mr. Dumais.

19 I'm making a cameo appearance today.

20 Commissioner, we're prepared to call our  
21 next witness from the Cornwall Police Services: Staff  
22 Sergeant Lucien Brunet.

23 **THE COMMISSIONER:** Thank you.

24 Good morning, sir.

25 Madam Clerk.

1 Do you wish to be sworn or affirmed?

2 **MR. BRUNET:** Sworn, please.

3 **THE COMMISSIONER:** Thank you.

4 **LUCIEN LEO BRUNET:** Sworn/Assermenté

5 **THE COMMISSIONER:** Thank you.

6 Have a seat sir.

7 Good morning.

8 **MR. BRUNET:** Good morning.

9 **THE COMMISSIONER:** I'm sure you're familiar  
10 with the area and the scene.

11 I just want to remind you that if at any  
12 time you want a break, let me know. If there's anything  
13 that you're uncomfortable with, let me know, as well.

14 I take it you'll be on the stand for more  
15 than one day and so I want to caution you that you're not  
16 to discuss your testimony with anyone.

17 There's a speaker, a little box right there.

18 **MR. BRUNET:** Yes.

19 **THE COMMISSIONER:** So if you need to either  
20 turn it up or turn it down.

21 You will be given documents and so you'll  
22 have a hard copy and it will be on the screen, as well, so  
23 use whichever one you feel more comfortable with. Give me  
24 your best answer. If you don't understand the question,  
25 just ask them to repeat it.

1                   And I guess that's it.

2                   **MR. BRUNET:** Thank you, Mr. Glaude.

3                   **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF**

4                   **PAR MR. DUMAIS:**

5                   **MR. DUMAIS:** Good morning, Staff Sergeant.

6                   **MR. BRUNET:** Good morning.

7                   **MR. DUMAIS:** So before we start, we had the  
8 discussion that, early on while we were preparing as to  
9 whether or not you preferred to be referred to as a Staff  
10 Sergeant or whether or not people could refer to you as  
11 "Lucien" or as "Luc", as you're commonly known and you  
12 indicated that you had no difficulty with that and  
13 certainly no sign of disrespect, so I'm going to use your -  
14 - the name "Luc", if you don't mind and that's fine by you?

15                   **MR. BRUNET:** That's perfect.

16                   **MR. DUMAIS:** All right. Now, Luc, I  
17 understand that not only are you a long-time employee of  
18 the Cornwall Police Services, but you were also born and  
19 raised in the Cornwall area; is that correct?

20                   **MR. BRUNET:** Yes, I was born in Lancaster,  
21 Ontario, and raised there.

22                   **MR. DUMAIS:** All right. And my  
23 understanding is that you started working for Cornwall  
24 Police Services a number of years ago?

25                   **MR. BRUNET:** Yes.

1                   **MR. DUMAIS:** Could you just take us back and  
2                   give us an idea when you started and what position or what  
3                   job you had back then and take us to where you are now?

4                   **MR. BRUNET:** Okay. I started with the  
5                   Cornwall Community Police Service on the 18<sup>th</sup> of March 1977,  
6                   as a dispatcher. And I came on -- I was sworn as a police  
7                   constable in June of 1979 and then I went through the ranks  
8                   to first class constable and I was promoted to the rank of  
9                   sergeant in 1986. And then I worked in Criminal  
10                  Investigation in 1990 and I was promoted in June -- July of  
11                  1990 to the rank of staff sergeant, which my duties, I went  
12                  back to the Uniform Patrol Division.

13                  Then in 1993, I started as the Officer in  
14                  Charge of the Criminal Investigation Bureau. And I was  
15                  there until January of 1999, where I was transferred to the  
16                  Community Patrol Division or the Uniform Patrol Division  
17                  where I was -- that's where the years I was back and forth  
18                  there a few times between Uniform Patrol Division, I went  
19                  to Administration and Support Services back to Uniform  
20                  Division and then Support Services.

21                  And I'm presently in the position of Officer  
22                  in Charge of Support Services.

23                  **MR. DUMAIS:** All right. And you still hold  
24                  the rank of staff sergeant and have been since 1990,  
25                  correct?

1                   **MR. BRUNET:** That's correct.

2                   **MR. DUMAIS:** All right. I understand in  
3 preparation for your evidence, Luc, that your counsel or  
4 perhaps someone from Cornwall Police Services assisted us  
5 by preparing a summary of what -- some of the evidence you  
6 just gave us and if I can just have you identify that, that  
7 would Doc. Number 200189.

8                   And I'm not sure, Commissioner, they have  
9 not been filed. These are the rank and position documents  
10 and the training documents; they've not been filed as an  
11 entire document for all the witnesses; right?

12                   **THE COMMISSIONER:** I don't think so.

13                   Thank you.

14                   No, I don't think so. I think we've done  
15 them individually.

16                   **MR. DUMAIS:** All right.

17                   **THE COMMISSIONER:** One four one seven  
18 (1417).

19                   **--- EXHIBIT NO./PIÈCE NO P-1417:**

20                                   (200189) Career Profile/Summary for  
21                                   Lucien Brunet

22                   **MR. DUMAIS:** If you can just have a glance,  
23 the first two pages are your rank and position chronology  
24 and starting at the third page, and that's in -- it's in  
25 reverse chronological order is your training courses.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. BRUNET: Yes, I -- I had gone through  
3 the document prior to and this appears to be correct.

4 MR. DUMAIS: The document is accurate then.  
5 If we could file it, Commissioner, as the next exhibit?

6 THE COMMISSIONER: Yes, 1417.

7 MR. DUMAIS: Oh, sorry.

8 Now, if we could just have a look a bit at  
9 your training summary, starting back with when you first  
10 started with the Cornwall Police Services, so back in June  
11 5<sup>th</sup>, 1978. You took a CPIC operator's course; is that  
12 correct?

13 MR. BRUNET: That's correct.

14 MR. DUMAIS: And then you completed your  
15 Probationary Constable courses as everyone needs to do?

16 MR. BRUNET: That's correct.

17 MR. DUMAIS: Then you completed a Police  
18 Management Training course from February 18<sup>th</sup>, 1985 to March  
19 22<sup>nd</sup>. Can you just give us briefly a description of what  
20 that was about?

21 MR. BRUNET: It was a five-week course  
22 provided at the Ontario Police College. It was to help --  
23 at the time, I was still a Constable, but I would think  
24 probably being looked at for promotion, and they had sent  
25 me on the course to give me some supervisory training on

1           how to deal with issues and proper management styles and  
2           communications and that type of management training.

3                   **MR. DUMAIS:** All right. So does it deal  
4           principally with management issues and nothing specific to  
5           police work and by that I mean investigations?

6                   **MR. BRUNET:** Actually, the first week dealt  
7           with law, mostly criminal law and Provincial Statutes. And  
8           then you had what they referred to as an entry test where  
9           you had to get so much to be able to qualify to stay for  
10          the rest of the course. Once you've qualified, then the  
11          rest was mostly management.

12                   **MR. DUMAIS:** Now, I understand that for the  
13          next little while, you were employed on uniform patrol and  
14          it appears that you completed a number of courses that had  
15          to do with traffic, and traffic offences and traffic  
16          supervision?

17                   **MR. BRUNET:** That's correct. The courses,  
18          the first one was a traffic investigator's course. It was  
19          what they referred to as the Level Two for traffic  
20          collision investigations and dealt a lot with traffic law,  
21          the *Highway Traffic Act* and so on.

22                           And the traffic supervisor's course was more  
23          as a management course dealing with traffic issues; how to  
24          properly assess traffic problems in the community, try to  
25          reduce accidents; strategies to reduce accidents, that type

1 of course.

2 **MR. DUMAIS:** I understand you became  
3 somewhat of an expert in traffic offences and, at one point  
4 in time, you became a coach officer as well for fellow  
5 officers?

6 **MR. BRUNET:** Yes. Even prior to that, I was  
7 a coach officer in the early 1980s.

8 **MR. DUMAIS:** All right. Now, in 1991, you  
9 complete again a CPIC designation course and then,  
10 following that, in '93-'94, two emergency site-type  
11 courses; and then in 1994, a homicide seminar?

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

13 **MR. DUMAIS:** And then in 1995, again an  
14 incident stress debriefing course. I understand that was a  
15 two-day course, and then a biker's workshop in 1995. And  
16 finally, on February 29<sup>th</sup>, 1996, you completed your first  
17 major case management course, and my understanding is you  
18 completed that one in '96 at the Canadian Police College?

19 **MR. BRUNET:** Canadian Police College; that's  
20 correct.

21 **MR. DUMAIS:** All right. And then in 1997,  
22 you completed an interviewing seminar?

23 **MR. BRUNET:** That's correct.

24 **MR. DUMAIS:** Can you give us an idea of what  
25 that course was about Luc?

1                   **MR. BRUNET:** Yes, we -- it was very, very  
2                   difficult to get our people to the Ontario Police College  
3                   because of many financial restrictions at the provincial  
4                   level.

5                   So we made a request to the Ontario Police  
6                   College if they could send an instructor and provide some  
7                   training, in-house training to our Service. So what we did  
8                   is we were able to get I believe somewhere in the area of  
9                   16 people from our Service trained. So all the criminal  
10                  investigations officers, and I believe we had two officers  
11                  for each uniform team to come in and take the course, and  
12                  we had also invited the OPP to join us. So we ended up  
13                  with a class of 24 people that was provided over a two-day  
14                  period by one of the interviewing teachers at the Police  
15                  College.

16                  **MR. DUMAIS:** All right.

17                  **MR. BRUNET:** So it was basically how to  
18                  interview victims, how to interview suspects, how would you  
19                  conduct an interview.

20                  **MR. DUMAIS:** So general interviewing  
21                  techniques I guess?

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

23                  **MR. DUMAIS:** All right. So I'm just looking  
24                  at this chronology, and this seems to indicate that this  
25                  course was completed or the location of the course was at

1 the OPC. So am I ---

2 MR. BRUNET: We -- our certificate was  
3 provided by the Ontario Police College.

4 MR. DUMAIS: I see.

5 MR. BRUNET: However, it was provided here  
6 in Cornwall at -- I don't remember the name of the place  
7 there on Vincent Massey Drive. We had rented a hall there  
8 to have the course.

9 MR. DUMAIS: So it's an OPC sanctioned  
10 course?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: All right. Now you are  
13 involved as well in a conference at the Ontario Police  
14 College in 1997 which is a conference on sexual  
15 exploitation of children?

16 MR. BRUNET: That's correct. The Ontario  
17 Police College had put on this conference. Chief Fantino  
18 from the London Police was the guest speaker, and the  
19 conference was about informing, educating the police  
20 community about the type of investigations that would be --  
21 that we are dealing with and the perspective from victims  
22 and so on.

23 MR. DUMAIS: All right. Now, in '98 and  
24 '99, you completed a homicide course and then a commander's  
25 hostage course; is that correct?

1                   **MR. BRUNET:** That's correct.

2                   **MR. DUMAIS:** All right. And January 11<sup>th</sup>,  
3                   1999, the start date of that course, is actually -- was  
4                   your last date as officer in charge of the Criminal  
5                   Investigating Bureau here; right?

6                   **MR. BRUNET:** That's correct. I was starting  
7                   my new duties as the officer in charge of Uniform Patrol.

8                   **MR. DUMAIS:** All right. I am going to ask  
9                   you a number of questions, Luc, about your involvement as  
10                  the officer in charge of the CIB, and most of the questions  
11                  will be dealing with the period of time when you first  
12                  started or shortly after; so the 11<sup>th</sup> day of January 1993  
13                  until the 11<sup>th</sup> day of January 1999.

14                  **MR. BRUNET:** Okay.

15                  **MR. DUMAIS:** We are going to spin off a bit  
16                  past 1999 a bit. So I am not going to go through the other  
17                  courses that you completed afterwards. Certainly, it  
18                  appears that you did a number of courses, but for the  
19                  purposes of the Inquiry, I think that's what I wanted to  
20                  touch with you. Okay?

21                  **MR. BRUNET:** All right.

22                  **MR. DUMAIS:** Now, you became the officer in  
23                  charge of the Criminal Investigations Bureau in 1993. Is  
24                  that correct?

25                  **MR. BRUNET:** That's correct. I believe it's

1 the 11<sup>th</sup> of January.

2 **MR. DUMAIS:** Did you apply for that job?  
3 Give us an idea of what happened before you were assigned  
4 to that posting.

5 **MR. BRUNET:** Yes, I don't remember the exact  
6 wording, but the chief of police put out what he referred  
7 to as Daily Orders, and it was our duty to read those  
8 orders, and there was all types of different information on  
9 them.

10 And in the fall, I believe about October of  
11 1992, he had posted interest for a Staff Sergeant's  
12 position in CID, and I was at a time in my career where I  
13 felt that I could certainly gain the experience from that  
14 area. I wanted to broaden my experience, and I applied for  
15 the position.

16 **MR. DUMAIS:** As far as you know, you are the  
17 only person that applied for that job?

18 **MR. BRUNET:** I believe so, yes.

19 **MR. DUMAIS:** All right. And as a result  
20 thereof, you are assigned to that job; correct?

21 **MR. BRUNET:** That's correct.

22 **MR. DUMAIS:** And clearly, we just went  
23 through some of your training courses, at that time, you  
24 had not completed a General Investigation Training course  
25 or something which is equivalent to that?

1                   **MR. BRUNET:** No. I was going to be going to  
2 a general investigative course back in 1990 when I did my -  
3 - while I had started to do a -- it was supposed to be a  
4 two-year placement, but because I was promoted, I was  
5 promoted out of the branch.

6                   **MR. DUMAIS:** And clearly in 1993 or as a  
7 matter of fact, to this date, you have not completed any  
8 courses specific to the investigation of sexual assaults or  
9 sexually-related offences. Is that fair?

10                   **MR. BRUNET:** Not specifically to sexual  
11 assaults, but I did have criminal investigation courses  
12 such as the Major Case Management Course, the Interviewing  
13 Course. They're all relevant criminal investigation  
14 courses.

15                   **MR. DUMAIS:** Right. So Major Case  
16 Management was completed in '96 and then your interview  
17 seminar in 1997?

18                   **MR. BRUNET:** That's correct.

19                   **MR. DUMAIS:** Now, were you concerned at all  
20 when you took on that position with respect to the training  
21 you had, given that you were taking the job of Officer in  
22 Charge of the Criminal Investigations Bureau?

23                   **MR. BRUNET:** No. I felt that my position  
24 was mostly a management position. The -- I had some  
25 experienced people working in the branch at the time that

1 if I needed to get information that I wasn't aware of, the  
2 Crown Attorney has always been more than helpful to help us  
3 when there's issues.

4 I did have some, although limited, but I did  
5 have some experience in criminal investigations and at the  
6 time, I had 14 years of police experience, and I felt quite  
7 comfortable with the training that I had received in  
8 investigations, although traffic investigations maybe, but  
9 it was still investigative work. I had been involved in a  
10 number of investigations that were considered major  
11 investigations, and -- no, I was quite comfortable with  
12 that position.

13 **MR. DUMAIS:** All right.

14 Now, you indicated that you had completed --  
15 that you had been assigned to the Criminal Investigative  
16 Bureau prior to 1993.

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

18 **MR. DUMAIS:** So that was back in 1990;  
19 correct?

20 **MR. BRUNET:** In 1990. From January to July  
21 1990.

22 **MR. DUMAIS:** All right.

23 So you indicated that you initially had been  
24 posted there or assigned there for a period of two years?

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

1                   **MR. DUMAIS:** Right. And what happened with  
2                   that?

3                   **MR. BRUNET:** Well ---

4                   **MR. DUMAIS:** You only completed six months?

5                   **MR. BRUNET:** Yes. What happened is a  
6                   competition for the position of staff sergeant became --  
7                   was posted in -- I believe in the spring of 1990, and I  
8                   applied for the position, went through the competition and  
9                   I was the successful applicant. So I -- the position was  
10                  not in CIB at the time. It would have been in charge of a  
11                  patrol team which, when I got the promotion, I was  
12                  reassigned to that patrol team.

13                  **MR. DUMAIS:** All right.

14                  So that's at that time that you became a  
15                  staff sergeant?

16                  **MR. BRUNET:** That's correct.

17                  **MR. DUMAIS:** All right.

18                  So during that six-month period of time at  
19                  the CIB, did you conduct any investigation?

20                  **MR. BRUNET:** Yes, I did.

21                  **MR. DUMAIS:** All right.

22                  Do you recall what type of investigations  
23                  you were involved with?

24                  **MR. BRUNET:** I've done robbery  
25                  investigations, aggravated assaults, kidnapping, break and

1 enters. There was a -- we had some crimes -- there was a -  
2 - I'm not sure of the proper terminology -- gay bashings,  
3 and it turned out to be a major investigation I was  
4 involved in. I was the lead investigator on it.

5 **MR. DUMAIS:** So you were involved in a  
6 number of investigations. Anything related to sexual  
7 offences or something related to sexual offences?

8 **MR. BRUNET:** No, I didn't do any sexual  
9 assault investigations.

10 **MR. DUMAIS:** And at that time in CIB, was  
11 there a Youth Bureau or was there a SACA Unit or something  
12 similar to that?

13 **MR. BRUNET:** In 1990?

14 **MR. DUMAIS:** Yes.

15 **MR. BRUNET:** Yes, there was.

16 **MR. DUMAIS:** All right.

17 And were -- so you're saying that you were  
18 with the CIB. What unit were you part of?

19 **MR. BRUNET:** Well, there's -- the Criminal  
20 Investigation Branch at that time was divided in two --  
21 well, actually, there was three units. There was the  
22 General Investigation Branch ---

23 **MR. DUMAIS:** Yes.

24 **MR. BRUNET:** --- which would have been the  
25 unit I was in. Then you had the Youth Bureau where there

1 was two officers. I believe it was Constable Malloy and  
2 Sergeant Trottier at the time, and there was also the Drug  
3 Unit, which were mostly involved in drug investigations.

4 **MR. DUMAIS:** Now, when you took over the OIC  
5 job in 1993, who were you replacing?

6 **MR. BRUNET:** Staff Inspector Stuart  
7 McDonald.

8 **MR. DUMAIS:** All right.

9 And between the time that you took over the  
10 job and the time he -- I'm assuming he stayed with the  
11 Police Service but took on other responsibilities?

12 **MR. BRUNET:** Yes.

13 **MR. DUMAIS:** Was there any type of a  
14 training session? Did you have any type of discussion?

15 **MR. BRUNET:** Well, we would have had some  
16 discussions but not a training session per se. There would  
17 have been -- we would have communicated -- I believe it  
18 would have been like my last shift in uniform; I would have  
19 probably dropped by and talked to him, but I don't really  
20 specifically remember the exact times and what issues we  
21 would have talked about, but I know there was like some  
22 conversations with him, but it was limited to that. There  
23 wasn't any ---

24 **MR. DUMAIS:** Formal ---

25 **MR. BRUNET:** --- transition where I would

1 sit with him in the office for a week or something like  
2 that. There wasn't anything like that.

3 **MR. DUMAIS:** All right.

4 So no discussion either about what's going  
5 on in the CIB, what type of cases are ongoing, whether or  
6 not there are any problems, difficulties? There's nothing  
7 -- no discussions related to that either?

8 **MR. BRUNET:** Well, we did have some  
9 discussion about the amount of cases that were being  
10 referred to the Branch and the amount of people we had to  
11 handle the cases. It was very difficult times.

12 **MR. DUMAIS:** All right.

13 **MR. BRUNET:** So we did have discussions  
14 about that.

15 **MR. DUMAIS:** Okay. So there were, if I can  
16 put it that way, overworking problems with the CIB when you  
17 first started?

18 **MR. BRUNET:** Yes, definitely. The -- there  
19 was a lot of changes that had occurred in the -- in  
20 policing in the last two or three years, like from 1990, I  
21 would say, to 1993. There was a lot of things that were  
22 happening that were causing some pretty big challenges.  
23 One of them was the *Stinchcombe* decision, which changed the  
24 way we did -- like, it was a drastic change in policing, a  
25 lot more time consuming in reference to disclosure.

1           The Askov decision came, I believe, in '91,  
2           which was -- also had an impact on the police. We were --  
3           the Province was in very, very difficult times at that time  
4           in reference to money, and we were -- the finances for the  
5           City were very, very pinched or difficult also. These were  
6           all contributing factors, because like the amount of people  
7           that were in criminal investigations at that time versus  
8           what -- the amount that would have been there in 1990, I  
9           believe I had three bodies less to -- three investigators  
10          less assigned to the unit between the Youth Branch and the  
11          Criminal Investigations Division.

12                 So there were some -- yes, there were some  
13          challenges at that time.

14                 **MR. DUMAIS:** All right.

15                 And you don't think then that the CIB was  
16          adjusting or had been adjusting to the changes, and you  
17          made reference to *Stinchcombe* and *Askov*.

18                 **MR. BRUNET:** Yeah, K.G.B. was also -- in  
19          '93, was also a big, big impact because it dealt with video  
20          statement and that, and we were not ready for that yet.

21                 **MR. DUMAIS:** All right.

22                 So essentially there was more work for the  
23          investigating officers that were part of the CIB and not  
24          necessarily more resources allocated. Is that fair?

25                 **MR. BRUNET:** That's fair.

1                   **MR. DUMAIS:** All right.

2                   Now, as an officer in charge of the CIB  
3 Unit, who do you report to?

4                   **MR. BRUNET:** At that time, I was reporting  
5 to the Deputy Chief, Jos St. Denis.

6                   **MR. DUMAIS:** You're saying at that time.  
7 Did that change over time?

8                   **MR. BRUNET:** Yes, because Inspector Trew was  
9 away at the time, but when he came back to duty on --  
10 started with modified duties and came back to regular  
11 duties, then he was assigned as the Inspector in charge of  
12 Criminal Investigations, and then I reported to him.

13                   **MR. DUMAIS:** Sorry, I missed that. So you  
14 initially reported to the Deputy Chief?

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

16                   **MR. DUMAIS:** And then at one point in time  
17 you're reporting to the Superintendent?

18                   **MR. BRUNET:** Inspector Rick Trew.

19                   **MR. DUMAIS:** Okay. And do you recall when  
20 the change occurred?

21                   **MR. BRUNET:** I believe it's in 1994  
22 sometime, but I'm not -- I'm not aware of the exact date or  
23 time.

24                   **MR. DUMAIS:** And what about -- do you report  
25 to the Chief? Is there any link there between you and the

1 Chief?

2 **MR. BRUNET:** Well, I mean, a department our  
3 size, the Chief will take a walk around and will stop in to  
4 your office and talk about something. I mean, that's not  
5 uncommon to happen. But mostly I would say, no, the  
6 contact should be with the Deputy Chief. And if there's an  
7 issue with the Chief, we would go through the Deputy Chief  
8 and we'd meet together. However, we did have morning  
9 meetings at that time. That was an ongoing thing.

10 Every morning we would meet and we would  
11 discuss what happened in the last 24 hours, if there were  
12 any major investigations or any -- sometimes it was  
13 administrative issues that were discussed, and it was just  
14 to keep communications going in all directions.

15 **MR. DUMAIS:** All right.

16 And similarly, if the Chief wants you to do  
17 something, he would tell the Deputy Chief and he would tell  
18 you, is that normally ---

19 **MR. BRUNET:** That's the normal practice,  
20 yes.

21 **MR. DUMAIS:** All right.

22 Now, I'd like to ask you just a couple of  
23 questions on the unit, the CIB Unit, and how it was  
24 organized in 1993. And I want to get from you as well an  
25 idea of who was there, what officers were there, what

1 investigators you had. Can you just give us a general idea  
2 of how the unit functioned at that time?

3 **MR. BRUNET:** Yes. I was the officer in  
4 charge, and at the same time as my transfer, Sergeant Steve  
5 Nakic was transferred to -- he was going to be doing all  
6 the fraud investigations because frauds was considered  
7 somewhat of a needed expertise and it was a training  
8 opportunity for him. So he was transferred and he was  
9 going to be taking over the frauds.

10 I had Constable George Tyo who was doing  
11 general investigations. Constable Shawn White was doing  
12 general investigations. Constable or Sergeant Ron Lefebvre  
13 was doing general investigations.

14 In the Youth Bureau, I had Constable Sebalj.  
15 She had just transferred to the Youth Bureau from Criminal  
16 Investigations. She had been assigned to Criminal  
17 Investigations a year prior, the previous January, and now  
18 she was being assigned to the Youth Bureau as an  
19 investigator for sexual assaults and child abuse. And  
20 Constable Kevin Malloy was there also.

21 **MR. DUMAIS:** And what are the  
22 responsibilities, or what type of investigation does the  
23 Youth Bureau ---

24 **MR. BRUNET:** The large majority of the  
25 investigations are both the sexual assaults and child abuse

1 cases. Sometimes they were asked to work -- to help out in  
2 another investigations because, like, a unit that size,  
3 when you have priorities happen, you have to -- everybody  
4 has to help each other and you have to pull them from what  
5 they're doing, and what we refer to now under Major Case  
6 Management as "frontload the investigation". So you get  
7 all your resources together and you get as much of your  
8 statements and your physical evidence and so on as fast as  
9 possible so that you will get some help to help out.

10 But their major cases were sexual assaults  
11 and child abuse.

12 **MR. DUMAIS:** All right.

13 And you indicated just earlier on that your  
14 service and the municipality were facing budget  
15 restrictions. Is that one of your responsibilities as the  
16 officer in charge? Do you make any budget recommendations  
17 for your unit?

18 **MR. BRUNET:** Yes, that was part of my  
19 responsibilities is to budget and usually the budget is  
20 prepared, probably anywhere between, depending on which  
21 Chief you're working for, but I would say anywhere between  
22 July and September of the previous year. So at that time,  
23 I -- my budget had already been set. I didn't really have  
24 any input in budgeting more than to just monitor it and see  
25 where the spending is.

1                   **MR. DUMAIS:** All right.

2                   So, I mean, do you recall whether or not --  
3                   and by -- do you recall whether or not in 1993, whether you  
4                   thought you had enough money budgeted for training, for  
5                   example? Do you have that specific recollection?

6                   **MR. BRUNET:** Well, the -- I recall that I  
7                   thought it was fairly decent. Constable Sebalj had been  
8                   booked and budgeted for a course at the Ontario Police  
9                   College in -- there was, I believe, a Sexual Assault course  
10                  that was coming up in May, and also her General  
11                  Investigative Techniques course was in May.

12                  Sergeant Nakic, who was coming to do frauds,  
13                  was scheduled to take the Fraud course sometime during that  
14                  year. I don't remember his time. And I believe Sergeant  
15                  Ron Lefebvre was scheduled to take the Major Case course at  
16                  the Canadian Police College in September of 1993.

17                  So to the best of my recollection there may  
18                  have been other courses too, but those are the ones that  
19                  I'm aware of right now, that I can think of right now that  
20                  were booked.

21                  **MR. DUMAIS:** All right.

22                  **MR. BRUNET:** So yes, I think the people that  
23                  were coming in, it had been predicted the year before --  
24                  well, predicted ---

1                   **THE COMMISSIONER:** Forecast.

2                   **MR. BRUNET:** Forecasted. Yes, it was  
3 forecasted that they would be coming in and those courses  
4 would be needed. So they had requested it and budgeted it.

5                   **MR. DUMAIS:** All right.

6                   So is it fair to say that it did not appear  
7 to have any specific budget issues with respect to  
8 training? It was not ---

9                   **MR. BRUNET:** I think it was reasonable under  
10 the circumstances.

11                   **MR. DUMAIS:** All right.

12                   So then as Officer in charge, you  
13 participated in making recommendations for budget  
14 allocations on a yearly basis?

15                   **MR. BRUNET:** Yes.

16                   **MR. DUMAIS:** Then you submit your part of  
17 the budget. I'm assuming that forms part of a bigger  
18 budget recommendation?

19                   **MR. BRUNET:** That's correct. Each officer  
20 in charge would have their recommendations. They would --  
21 the way that I would do it -- I'll speak for myself -- the  
22 way that I would do it is I would meet with our officers  
23 and discuss what they felt was needed in the Branch,  
24 knowing full well that you can't get everything, but let's  
25 determine what the priorities are. And then I would

1       prepare, like, I would maybe assign someone or I would look  
2       after it myself, depending on what the need was, but I  
3       would get costings. And then from there I would submit it  
4       as a budgetary request. Then that would go to the Chief's  
5       office, maybe through the Deputy Chief, but it would go to  
6       the Chief's office and with our Financial Services Officer,  
7       they would actually prepare the budget.

8               **MR. DUMAIS:** And then who has the final say?  
9       That's presented to the ---

10              **MR. BRUNET:** Well, the final say at that  
11       time was the Police Services Board. The law has changed.  
12       The *Police Act* has changed insofar as that goes. It might  
13       be under the *Municipal Act* now. I'm not quite positive,  
14       but now the City Council has the final say on the budget,  
15       although the Police Services Board can appeal it to the  
16       Province.

17              However, at that time I believe the Police  
18       Services Board had the final say on the budget.

19              **MR. DUMAIS:** All right.

20              So do you recall whether or not that was an  
21       issue, that you were submitting a budget and things were  
22       cut off out of your budget with respect to training or  
23       resources?

24              **MR. BRUNET:** Well, the resources issue, it  
25       was, like I said, that was always a challenge because it

1 was -- at one point, within a month from me being there and  
2 seeing what was happening, I had written a memo to my  
3 Deputy Chief asking for any body. I didn't feel that with  
4 all the cases we had going on at the time, I just didn't  
5 feel that we were able to meet the demand. We didn't have  
6 enough people to meet the demand, so I had put in a request  
7 to have another body.

8 **MR. DUMAIS:** All right.

9 And, I mean, we'll look at that memo  
10 shortly, Luc.

11 **MR. BRUNET:** Okay.

12 **MR. DUMAIS:** I'm just asking whether or not  
13 you're submitting a budget and asking for certain amounts  
14 of monies, or training, or resources and whether or not  
15 they're coming back to you and saying, "Well, no, listen,  
16 you can't have that"?

17 **MR. BRUNET:** Well ---

18 **THE COMMISSIONER:** And we're talking now, I  
19 guess, of the first one which would have been in the summer  
20 of '93 is when you would have caught up to your yearly  
21 cycle of preparing the budget?

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

23 **THE COMMISSIONER:** So that summer, what did  
24 you -- I don't know how much detail you want to get into,  
25 but did you ask for things and did you get it?

1                   **MR. BRUNET:** Yes. We asked for things and  
2                   there were really two issues that we were looking for were  
3                   cruisers -- our cruisers were in pretty bad shape -- and  
4                   also video equipment. We were in need of video equipment  
5                   and I believe later on through the budget process, after  
6                   our submissions, we were advised that the Crown Attorney's  
7                   Office would be paying for the equipment itself. And then  
8                   the -- we wanted to have a witness room, and we went to the  
9                   community for assistance, for donations basically, to buy  
10                  some couches and so on, to do that. So I guess I got  
11                  mostly of what my priorities were for that year, because  
12                  you can only ask for so much. But the rest of the other  
13                  issues, I think what was identified as urgent was provided  
14                  to ---

15                  **THE COMMISSIONER:** Just a second now. A  
16                  week after or a month after you're in the position in early  
17                  '93, you ask for another body. Did you get that body?

18                  **MR. BRUNET:** Yes, we got the body in May,  
19                  but other people went off sick, so it didn't -- I'll  
20                  explain that in a minute.

21                  **MR. DUMAIS:** All right.

22                  So then one of your other duties or  
23                  responsibilities as the officer in charge is file  
24                  assignment. Is that correct?

25                  **THE COMMISSIONER:** I'm sorry, is what?

1           **MR. DUMAIS:** File assignment.

2           **THE COMMISSIONER:** Right.

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

4           **MR. DUMAIS:** Right.

5                   So cases are coming in and does everything  
6 flow through you, everything that comes to the unit?

7           **MR. BRUNET:** Yes.

8           **MR. DUMAIS:** All right.

9                   And then you're making decisions as to  
10 whether this case goes to this officer or to this officer  
11 or to this unit; right?

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

13           **MR. DUMAIS:** And I'm assuming that you -- in  
14 making that determination, you look at a number of things.  
15 You look at expertise; you look at training; you look at  
16 experience and whether or not -- which is the best officer  
17 or the best unit to handle this?

18           **MR. BRUNET:** The one that I would suggest  
19 also is availability.

20           **MR. DUMAIS:** Availability. All right.

21                   So that's a consideration for you as well.  
22 You look at how busy the officer is?

23           **MR. BRUNET:** That's correct.

24           **MR. DUMAIS:** And how do you make that  
25 determination?

1                   **MR. BRUNET:** Well, the -- initially, when I  
2 first arrived I went through all the officers' assignment  
3 lists and I met with the officers and found out what was  
4 going on in their case assignments.

5                   **MR. DUMAIS:** M'hm.

6                   **MR. BRUNET:** And that's how I would have  
7 determined it.

8                   **MR. DUMAIS:** All right.

9                   And is that an exercise that you do on a  
10 daily basis? You look at what everyone's doing, where  
11 they're at, or on a weekly basis, or is there any specific  
12 ---

13                   **MR. BRUNET:** Well, it depends what is coming  
14 in and how much is coming in and what I'm dealing with at  
15 the time too. I would say ideally the objective is to sit  
16 down with them at least every month to see where they're at  
17 with their cases.

18                   However, all of them -- because of the size  
19 of the unit, all of them were basically quite comfortable  
20 in briefing me on anything new that was assigned to them  
21 that had been assigned a priority. They would brief me  
22 probably if not on a daily basis, definitely on a weekly  
23 basis. So there was a combination of sitting down with  
24 them or being briefed, what I would refer to as informally  
25 being briefed.

1                   **MR. DUMAIS:** All right.

2                   Now, all of the investigators that form part  
3 of your unit, do they all report to you?

4                   **MR. BRUNET:** Yes.

5                   **MR. DUMAIS:** And is there any in between  
6 chain of command within the unit?

7                   **MR. BRUNET:** No. I had a -- Sergeant  
8 Lefebvre was the -- my replacement if I would be off duty.  
9 He would have been the one that would replace me.

10                   However, he had a huge caseload and unless  
11 there was really a need to replace me that day which I was  
12 off, for him to take the supervisory role was impractical.  
13 It was impossible, I would say.

14                   **MR. DUMAIS:** All right.

15                   **MR. BRUNET:** Because of his caseload.

16                   **MR. DUMAIS:** Okay. So essentially everyone  
17 reports to you?

18                   **MR. BRUNET:** That's correct.

19                   **MR. DUMAIS:** All right.

20                   Now, is one of your duties to evaluate your  
21 officers as well?

22                   **MR. BRUNET:** Yes.

23                   **MR. DUMAIS:** All right.

24                   And is that done periodically or is there a  
25 set time for that?

1                   **MR. BRUNET:** The objective is to do it on a  
2                   yearly basis, on their anniversary date that they join the  
3                   service. That's the objective. The -- when I would do  
4                   reviews or if I dealt with any issue, something that they'd  
5                   done in a positive way or something that there seems to be  
6                   an issue, a discipline issue but to be dealt at my level,  
7                   what I would do is I would document it and put it in what I  
8                   referred to as their appraisal file. So every officer had  
9                   an appraisal file, so I would just put it in the appraisal  
10                  file.

11                  **MR. DUMAIS:** All right.

12                  So you try and do this on a yearly basis and  
13                  you're putting -- you're filling out these reports and it's  
14                  part of their file?

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

16                  **MR. DUMAIS:** All right.

17                  **MR. BRUNET:** Well, it's because what it does  
18                  is it refreshes your memory when you sit down a year down  
19                  the road about what did this person do, like what are the  
20                  positive things? Are there any issues that are  
21                  reoccurring, that kind of thing. So it gives you -- it  
22                  refreshes your memory to prepare for your annual appraisal.

23                  **MR. DUMAIS:** All right.

24                  And if there are -- if there are problems or  
25                  things to work on, that's part of this evaluation as well?

1                   **MR. BRUNET:** That's correct.

2                   **MR. DUMAIS:** All right.

3                   Now, you, a little earlier on, made  
4                   reference to a memo, and if I can take you, Luc, to Tab 82,  
5                   Document Number 728555?

6                   **THE COMMISSIONER:** So that's an exhibit  
7                   number?

8                   **MR. DUMAIS:** I don't believe it is,  
9                   Commissioner.

10                  **THE COMMISSIONER:** You said Tab 82.

11                  **(SHORT PAUSE/COURTE PAUSE)**

12                  **MR. DUMAIS:** You'll see, Luc, as we're  
13                  putting exhibits in, you can look at them either in paper  
14                  form, and the Clerk will bring you a copy, or you can --  
15                  you will be shown an electronic copy on your screen as  
16                  well.

17                  **THE COMMISSIONER:** All right. So Exhibit  
18                  1418 is an internal correspondence to Deputy Chief St.  
19                  Denis from Staff Sergeant Brunet dated 15<sup>th</sup> of February  
20                  1993.

21                  **--- EXHIBIT NO./PIÈCE NO. P-1418:**

22                                   (728555) Internal Correspondence from  
23                                   Lucien Brunet to D. Chief St. Denis -  
24                                   February 15, 1993

25                  **MR. DUMAIS:** All right.

1                   So is that the memo that you're alluding to,  
2           Luc?

3                   **MR. BRUNET:** Yes, it is.

4                   **MR. DUMAIS:** All right.

5                   So that's a memo addressed to Deputy Chief  
6           St. Denis. It's dated February 15<sup>th</sup>, '93. And I understand  
7           that you had a conversation with him and this memo  
8           summarizes your conversation. Is that right?

9                   **MR. BRUNET:** That's correct.

10                  **MR. DUMAIS:** And you go through -- and  
11           you're requesting that a specific officer be transferred or  
12           assigned to your unit?

13                  **MR. BRUNET:** Yes, Constable Zulinski had  
14           already been selected as the person that would be coming to  
15           the unit, and what this memo is is to make sure that they  
16           follow through with that and earlier -- sooner than later  
17           because of the requirements of the Branch.

18                  **MR. DUMAIS:** All right.

19                  **THE COMMISSIONER:** You don't have -- was  
20           Constable Sebalj part of your group at that time?

21                  **MR. BRUNET:** Yes, she was. This was --  
22           because he was going to the Criminal Investigation Branch,  
23           like the general investigative -- I had done the statistics  
24           for that unit.

25                  **MR. DUMAIS:** All right.

1                   And you had looked at your stats and it  
2                   appears that more charges had been laid or you were  
3                   handling, or your unit was handling more charges at that  
4                   time?

5                   **MR. BRUNET:** Yes, definitely. The charges -  
6                   - there were a lot of charges being laid, and just the  
7                   criminal charges that I was referring to were not just for  
8                   my unit, were for the entire service. It was an escalation  
9                   from 2,200 to 2,700, almost 2,800 charges being laid. So  
10                  that wasn't just for those three or four officers. That  
11                  was for the entire service.

12                  **MR. DUMAIS:** All right. And I'll just ask  
13                  you to look at the second page of that document for a  
14                  second. I'm looking at the last paragraph which starts "At  
15                  this point". So here's how it reads:

16                                "At this point I want to mention that  
17                                these members are true professionals.  
18                                They are dedicated and caring police  
19                                officers who have suffered the lack of  
20                                manpower for the last two years. They  
21                                face the stress of knowing who  
22                                committed certain offences and don't  
23                                have time to arrest them."

24                  So Luc was that an observation that you had  
25                  made in examining your unit at that time?

1                   **MR. BRUNET:** Yes, it was.

2                   **MR. DUMAIS:** All right.

3                   So you felt then that you did not have  
4 enough manpower to investigate all occurrences or all  
5 offences?

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

7                   **MR. DUMAIS:** All right.

8                   And ---

9                   **MR. BRUNET:** Well, I'd like to rephrase  
10 that. I'm not going to say that we didn't get to do it,  
11 but sometimes they were outstanding for some time prior to  
12 being able to get to it.

13                   **MR. DUMAIS:** All right.

14                   So they were causing delays?

15                   **MR. BRUNET:** Delays.

16                   **MR. DUMAIS:** All right.

17                   **MR. BRUNET:** I believe that's a better word.

18                   **MR. DUMAIS:** And, Luc, do you think at that  
19 time, because of the number of occurrences and perhaps  
20 because of lack of resources that sometimes choices were  
21 being made, and by that I mean to prioritize certain  
22 offences dealing with this specific offence and not this  
23 one?

24                   **MR. BRUNET:** Oh, definitely.

25                   **MR. DUMAIS:** All right.

1                   **MR. BRUNET:** You had to prioritize. There  
2 was no way around it, and I believe that's not unique to  
3 them; I think we would still see that today. You have to  
4 prioritize.

5                   **MR. DUMAIS:** All right. And was there set  
6 priorities back then? Was there -- was it understood that  
7 certain type of offences were more -- were priority and  
8 others not; others should be set aside?

9                   **MR. BRUNET:** Well, we had some discussion at  
10 a following meeting after this memo about break and enters.  
11 We had a serious issue with break and enters at the time;  
12 they were very, very high. The numbers were very, very  
13 high and it was really bogging down the investigators and  
14 it was decided at a following meeting that we would -- the  
15 patrol officers would do their own follow-ups on break and  
16 enters unless there were someone or a group that we were  
17 working on in Criminal Investigation at the time that would  
18 connect to that and then they would reassign it to the  
19 investigation, but that was -- that was one area where we  
20 identified a crime that we had to deal in a different way  
21 because we just couldn't keep up with the numbers.

22                   **MR. DUMAIS:** All right. And I think the  
23 Commissioner asked you the question earlier, "Was this  
24 officer ever transferred to you unit?", and the answer is  
25 "no"?

1                   **MR. BRUNET:** Yeah, the answer, Constable  
2                   Zulinski, yes, he was.

3                   **MR. DUMAIS:** Oh, he was?

4                   **MR. BRUNET:** Yes, he was, in May.

5                   **MR. DUMAIS:** In May of ---

6                   **MR. BRUNET:** Nineteen ninety-three (1993),  
7                   that's correct.

8                   **MR. DUMAIS:** And this problem or difficulty  
9                   with the CIB unit had been an ongoing problem for a number  
10                  of years. You refer to two years now?

11                  **MR. BRUNET:** Two years, yes.

12                  **MR. DUMAIS:** Now, I understand that you  
13                  received an official response to your memo. Is that  
14                  correct?

15                  **MR. BRUNET:** Yes, that's correct.

16                  **MR. DUMAIS:** All right. If you can turn  
17                  then to Document Number 728554.

18                                   **(SHORT PAUSE/COURTE PAUSE)**

19                   **THE COMMISSIONER:** Thank you.

20                                   Exhibit Number 1419 is internal  
21                   correspondence to Staff Sergeant Brunet from Deputy Chief  
22                   St-Denis, dated February 19<sup>th</sup>, 1993.

23                   **--- EXHIBIT NO./PIECE NO. P-1419:**

24                                   (728554) Internal Correspondence from  
25                   Deputy Chief St. Denis to St. Sgt.

1 Lucien Brunet - February 19, 1993

2 MR. DUMAIS: So it appears to refer to your  
3 internal correspondence dated February 15<sup>th</sup> that same year,  
4 so the second -- I'd just like to take you to the second  
5 paragraph. I'll read it out loud for you:

6 "A short time ago, I indicated to field  
7 operations that there are no additional  
8 persons being hired in '93, '94, '95;  
9 that our overtime will be controlled  
10 even more stringently in '93', '94 and  
11 '95; and that we'll be asking more and  
12 more with less."

13 Was that your understanding at that time  
14 that there would be no new hires?

15 MR. BRUNET: That's correct.

16 MR. DUMAIS: And what is the overtime issue?  
17 Was there an issue with overtime?

18 MR. BRUNET: Yes, basically unless it was  
19 extremely urgent, there was no overtime granted.

20 MR. DUMAIS: All right. Do you know if it  
21 was the actually case, so did -- were there no new hires  
22 for '93, '94, '95 and was overtime -- the policy on  
23 overtime ---

24 MR. BRUNET: Well, the policy on overtime  
25 definitely became -- came to a fruition when the Social

1 Contract came out I believe in the summer of '93, there was  
2 no overtime that was going to be paid at all. Any overtime  
3 incurred had to be given back to the officer in time, which  
4 obviously compounded the problem because you don't have  
5 time to do it but then you're going to give them back time-  
6 and-a-half time off type of thing. It didn't -- it wasn't  
7 very fruitful for the branch; it didn't really help too  
8 much. That's the overtime issue.

9 As far as the officers, I can't answer the  
10 question. I really don't remember if we had hired anybody  
11 or not.

12 **MR. DUMAIS:** All right. So if someone from  
13 your unit had an ongoing case or ongoing cases and required  
14 overtime to complete some of these investigations, they  
15 would go to you and would you have the authority to  
16 authorize the overtime?

17 **MR. BRUNET:** Yes, if it was a case where  
18 somebody made an arrest and they had to get the information  
19 ready for the bail hearing, obviously I had to -- we had to  
20 authorize it; we had to get it done.

21 But for discretion to, "Well, I'd like to go  
22 out tonight and see what's happening in this case here",  
23 or, you know, if you do a surveillance or whatever, unless  
24 it was something that was urgent, there was no overtime  
25 authorized.

1                   **MR. DUMAIS:** All right. Now, the second  
2 page of that memo refers to a senior managers' meeting or  
3 the Deputy Chief appears to be suggesting that there should  
4 be such a meeting which would involve the Chief, the Deputy  
5 Chief, senior officers and all staff. Do you know if that  
6 meeting ever occurred?

7                   **MR. BRUNET:** I believe that's the one where  
8 the decision about the break and enters was made.

9                   **MR. DUMAIS:** Okay. Yes, I think you're  
10 right.

11                   **MR. BRUNET:** Yes, there was one, a  
12 follow-up. I believe there's going to be a follow-up memo  
13 where the Deputy Chief addresses that.

14                   **MR. DUMAIS:** And just so that I'm clear with  
15 respect to those break and enter offences, they were never  
16 investigated by the Youth Bureau. Is that correct?

17                   **MR. BRUNET:** No.

18                   **MR. DUMAIS:** All right.

19                   **MR. BRUNET:** No, not unless there was a  
20 sexual connotation to it.

21                   **MR. DUMAIS:** Right. Okay. So that decision  
22 would not necessarily affect their workload, the Youth  
23 Bureau's workload, right?

24                   **MR. BRUNET:** No, not -- not really.

25                   **MR. DUMAIS:** All right.

1                   **THE COMMISSIONER:** Who handled domestic  
2 violence then, in nineteen ---

3                   **MR. BRUNET:** Domestic violence was handled  
4 by the patrol officers, the Community Patrol Division.

5                   And if it was a more serious case where  
6 there was an aggravated assault or a sexual assault to it,  
7 then would be the Criminal Investigations that would.

8                   **THE COMMISSIONER:** Okay, thank you.

9                   **MR. DUMAIS:** And I believe this memo was  
10 forwarded to both the Chief and Staff Inspector McDonald.  
11 Is that correct?

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

13                   **MR. DUMAIS:** All right. And would this memo  
14 be forwarded to him because he would now -- or his officers  
15 would have -- be responsible for the break and enters or  
16 did he have some sort of a supervisory role as a staff  
17 inspector?

18                   **MR. BRUNET:** Well, I believe it's -- it's to  
19 -- it's a communication issue that ---

20                   **MR. DUMAIS:** Okay.

21                   **MR. BRUNET:** --- this -- he's -- he's  
22 requesting this meeting and there's a lot of issues to  
23 address here and he's making the senior managers aware of  
24 the problem and he wants to make them aware that there  
25 should be a meeting coming up and to deal with it.

1                   **MR. DUMAIS:** All right. If I can just take  
2 you to a further memo, Luc, and that's Document  
3 Number 740605.

4                   My friends are advising me that this was not  
5 a document that was on the list.

6                   It's correct, Commissioner, these are -- I  
7 think there were three or four new documents, Cornwall  
8 Police Services, located in the last couple of weeks or  
9 last week that was forwarded to us and my friends will  
10 recall that we sent a supplemental last Monday and they  
11 included these documents and I thought I had added these  
12 documents to my new list of documents circulated last week,  
13 but I may be mistaken about that.

14                   **THE COMMISSIONER:** All right.

15                   **MR. DUMAIS:** Essentially, they're new  
16 documents that were found to be relevant, Commissioner.

17                   **THE COMMISSIONER:** Thank you.

18                   So Exhibit 1420 is a Memorandum to Deputy  
19 Chief St. Denis from Staff Sergeant Brunet, dated the 1<sup>st</sup> of  
20 November, 1993.

21                   **--- EXHIBIT NO./PIÈCE NO. P-1420:**

22                                   (740605) Memorandum from Staff Sgt.  
23                                   Lucien Brunet to Deputy Chief St. Denis  
24                                   - November 1, 1993

25                   **MR. DUMAIS:** Perhaps, Commissioner, what I

1           could do as well, over the lunch break, I'll inquire as to  
2           whether or not my friends need a ---

3                         **THE COMMISSIONER:** Yes.

4                         **MR. DUMAIS:** --- a paper copy of that  
5           document.

6                         **THE COMMISSIONER:** Certainly.

7                         **MR. DUMAIS:** Now, this is a memorandum, Luc,  
8           dated November 1<sup>st</sup>, 1993. So again, in that same first year  
9           -- and, Commissioner, the only -- there's only -- if we  
10          could just take the document off the screen for a second?

11                        There is perhaps one issue involving  
12          publication bans. You'll note that the memo makes  
13          reference to two or three investigations naming either  
14          perpetrators or victims or people involved in this  
15          investigation, and certainly this has nothing to do -- they  
16          are not matters which are relevant to the Inquiry, those  
17          specific investigations.

18                        So I'm suggesting that -- I'm not exactly  
19          sure what happened with those investigations. They may be  
20          outstanding ---

21                        **THE COMMISSIONER:** Outstanding? I don't  
22          know ---

23                        **MR. DUMAIS:** There may be outstanding  
24          publication bans if the matter proceeded. I'm just saying  
25          I don't know. And, I mean, clearly they're not relevant to

1 the Inquiry. My suggestion would be to place a ban on that  
2 document so that those names are not identified.

3 **THE COMMISSIONER:** Well, there's a standard  
4 for doing that and the folks in the -- the parties have not  
5 had a copy. So I don't know if they're going to be able to  
6 comment on it. So I don't know if we can -- let's just do  
7 an interim publication ban, and once people get the  
8 documents, everybody rule -- agrees that they're not  
9 relevant, then maybe we can deal with it.

10 **MR. DUMAIS:** I'll canvass that with the  
11 parties over the break, Commissioner.

12 **THE COMMISSIONER:** Thank you.

13 **MR. DUMAIS:** All right.

14 Now, if we can have a look at the document,  
15 Luc, for a second, it's entitled "Manpower in the Youth  
16 Branch". So it's authored by you.

17 **MR. BRUNET:** Yes.

18 **MR. DUMAIS:** So can you just explain to us  
19 what the purpose of your memo was?

20 **MR. BRUNET:** Well, what happened is after my  
21 February memo to the Deputy Chief, Constable Malloy in the  
22 Youth Branch injured himself. Initially, it appeared it  
23 was going to be a short-term injury. However, it started  
24 to drag on. So as soon as I got Constable Zulinski, I  
25 transferred Sergeant Ron Lefebvre to the Youth Branch to

1 start working on sexual assaults.

2 And what happened is he started to work on  
3 some of them, but in the middle of May, we got a homicide,  
4 and being one of my senior investigators, I had to reassign  
5 him to the homicide as the secondary. I put Constable  
6 Shawn White as the lead on it, but he had to become my  
7 secondary, and I got a few bodies from the Uniform Patrol  
8 Division to come in and help out.

9 Then the summer went along, and then in the  
10 fall, it got extremely busy with Major Crimes, and those  
11 are the type of crimes that I'm referring to here. We had  
12 an attempt murder. We had a bombing. We had ---

13 **THE COMMISSIONER:** Some bank robberies.

14 **MR. BRUNET:** --- bank robberies, where  
15 Sergeant Lefebvre had to become involved again,  
16 prioritizing on a daily basis, I guess it would be at that  
17 point. The sexual assaults, the situation in the Youth  
18 Branch is not -- like, the cases are backing up. We're  
19 getting a lot of new cases, and we just don't have the  
20 bodies to do it.

21 So this is to request some assistance.

22 **MR. DUMAIS:** All right.

23 But again with these major crimes, Luc,  
24 these were not crimes that would be investigated by the  
25 Youth Bureau; is that correct?

1                   **MR. BRUNET:** Well, no, not normally, but  
2                   because Sergeant Lefebvre -- I had transferred him.  
3                   Because of Constable Malloy's absence, I had transferred  
4                   Sergeant Lefebvre in the Youth Bureau to deal with sexual  
5                   crimes, and now I was -- I had to use him for other very  
6                   serious crimes that were happening, and Constable Sebalj  
7                   was left by herself and she just couldn't keep up.

8                   **MR. DUMAIS:** All right.

9                   So that brings me back to my earlier  
10                  question, Luc. So you then -- Luc was transferred to your  
11                  unit ---

12                  **THE COMMISSIONER:** Who was?

13                  **MR. DUMAIS:** --- to help out with the Youth  
14                  Bureau. Sergeant Brunet, sorry.

15                  **THE COMMISSIONER:** All right. You were --

16                  -

17                  **MR. DUMAIS:** No, sorry, let me rephrase  
18                  that. Sergeant Lefebvre was transferred to your unit ---

19                  **MR. BRUNET:** Sergeant Lefebvre was working  
20                  the General Investigative side in the earlier part of '93.  
21                  He was transferred to the Youth Bureau in May of 1993, but  
22                  within two weeks of him being transferred and starting to  
23                  work on sexual assaults, we had a homicide. So I had to  
24                  assign him as a secondary to the homicide, like I said  
25                  before, because of his experience.

1           What happened then is Heidi is left alone in  
2           the branch -- or Constable Sebalj, I apologize. She's left  
3           alone in the branch. So the summer comes and there's all  
4           kinds of issues. I ended up doing a sexual assault that  
5           summer also.

6           Then in the fall, Sergeant Lefebvre is just  
7           about ready to start back with sexual assaults. The  
8           homicide is done. He's replaced me with the holidays, and  
9           then we get a number of major crimes, which are listed in  
10          this memo. So he ends up spending more time on these major  
11          crimes than he is on the sexual assaults, which -- that  
12          have been reassigned to him.

13          So I had already reassigned some of them to  
14          our general investigators, some sexual assaults to our  
15          general investigators to get some, but it was obviously --  
16          there was a backlog happening and I'm addressing it to my  
17          Deputy Chief that I need more resources.

18                   **MR. DUMAIS:** All right.

19          Now, these are some of the issues that were  
20          documented to attempt to alleviate, I guess, the problem --  
21          the manpower problem of the backlog of files within the CIB  
22          in 1993.

23                   Is there anything else that you were doing  
24          other than what we've discussed in these three memos?

25                   **MR. BRUNET:** Well, what I did is during our

1 meetings with the officers, one of the issues that we were  
2 having is the report writing.

3 The report writing, the way that OMPPAC was  
4 structured, there was a lot of repetition of information  
5 and it was very time consuming for officers to do reports.  
6 So I had some meetings with our court people and our  
7 records people to try and come up with a system to  
8 alleviate that, which I did, and it's still being used  
9 today. They call it a multi-incident report where you can  
10 refer -- when you're dealing with the same person, you can  
11 refer to -- let's say you had 15 arrests or 15 cases on one  
12 arrest, then you could refer them all together.

13 So I was trying to alleviate some of the  
14 paperwork in reference to that. I was trying to help out  
15 with investigations whenever urgent things would happen.

16 Like I said, in the summer I investigated a  
17 sexual assault. I investigated a suspicious fire because I  
18 just didn't have bodies to give it to.

19 **MR. DUMAIS:** All right.

20 So did you provide any other directions with  
21 respect to OMPPAC and the entering of information in  
22 OMPPAC?

23 **MR. BRUNET:** Well, I didn't give out  
24 directions to OMPPAC. What happened is when I arrived in  
25 the unit; I had gone through all the officers' assignments.

1 And when an officer is given an assignment, it goes --  
2 like, under his name, the assignment shows up. So as the  
3 supervisor, I can punch his name and basically get his list  
4 of assignments.

5 So what I did is when I reviewed it, like,  
6 it varied between -- anywhere between 40 and probably 75-80  
7 cases, depending on which officer it was, that were  
8 outstanding. And I met with all the officers and asked  
9 them to try and close the ones that -- if there was no  
10 further evidence to follow up, then to close them so that  
11 we can reduce the lists.

12 The process should have been that they would  
13 have supplemented each occurrence, each incident on a  
14 monthly basis.

15 With the amount of investigations going on,  
16 I didn't insist on them doing that. I didn't issue any  
17 directives, but I was tolerant with the fact that they were  
18 not submitting monthly reports on each incident.

19 **MR. DUMAIS:** All right.

20 And do you know if that was always a  
21 practice with the CIB or is that something that was new?

22 **MR. BRUNET:** No, it was obviously the  
23 practice before I arrived because that would explain the 50  
24 and 60 and 70 cases on some officers that were outstanding.

25 However, prior to that, my experience in

1 1990 was that we tried to supplement on a monthly basis.

2 Not saying that we would not have extended a  
3 little bit depending on what was happening at the time, but  
4 the practice was that we would.

5 MR. DUMAIS: And clearly -- and we'll speak  
6 about OMPPAC a little later on as well, Luc, but I mean ---

7 MR. BRUNET: Right.

8 MR. DUMAIS: --- clearly if your  
9 investigators are not inputting the information in  
10 supplementary reports, that means that you can't review it  
11 on the system?

12 MR. BRUNET: I can't review it on the  
13 system. I have to meet with them personally to do it.

14 MR. DUMAIS: All right. So then the only  
15 way for you to find out what's going on with these  
16 investigations is actually to meet with the officers?

17 MR. BRUNET: That's correct.

18 MR. DUMAIS: And review their files, if  
19 that's being done. All right.

20 THE COMMISSIONER: Mr. Dumais, can you pick  
21 a time for lunch?

22 MR. DUMAIS: Yes.

23 THE COMMISSIONER: Whenever you want.

24 MR. DUMAIS: That's not a bad spot actually.

25 THE COMMISSIONER: All right.

1                   **MR. BRUNET:** Thank you very much, sir.

2                   **THE COMMISSIONER:** Thank you.

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

5                   This hearing will resume at 2:00 p.m.

6                   --- Upon recessing at 12:32 p.m. /

7                   L'audience est suspendue à 12h32

8                   --- Upon resuming at 2:10 p.m. /

9                   L'audience est reprise à 14h10

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

11                  Please be seated. Veuillez vous asseoir.

12                  **LUCIEN BRUNET:** Resumed/Sous le même serment

13                  --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**  
14                  **DUMAIS (Continued/Suite):**

15                               **THE COMMISSIONER:** Thank you. Good  
16                               afternoon, Mr. Dumais.

17                               **MR. DUMAIS:** Good afternoon, Commissioner.

18                               If we can start with a housekeeping issue.  
19                               So it was my mistake, Commissioner, the four new documents  
20                               that were provided to us by Cornwall Police Services were  
21                               given a doc number last week, circulated to all the  
22                               parties. I just didn't -- I forgot to provide notice to  
23                               everyone indicating I wanted to use them, but they now have  
24                               -- I produced paper copies. Everyone has a copy. So  
25                               that's the first issue.

1                   The second issue is with respect to the  
2                   matter I raised with Document Number 740605 with possible  
3                   publication ban issues.

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

5                   **MR. DUMAIS:** And my suggestion with that  
6                   document, Commissioner, is we're dealing with the  
7                   disclosure of investigations that -- perhaps we can just  
8                   take it off the screen until we -- all right, thank you.

9                   That issue is we are dealing with  
10                  investigations that are completely irrelevant to matters  
11                  before the Inquiry and as we have done with all other  
12                  documents produced to everyone, that information has just  
13                  been redacted. It's one of the irrelevant information  
14                  that's simply redacted.

15                  So my suggestion is simply I'll produce a  
16                  redacted copy, which we will file as an exhibit.

17                  **THE COMMISSIONER:** You will replace that  
18                  exhibit with the redacted copy?

19                  **MR. DUMAIS:** Correct. I will just take the  
20                  names out.

21                  **THE COMMISSIONER:** Right.

22                  **MR. DUMAIS:** Unless anyone has any ---

23                  **THE COMMISSIONER:** No, I don't see anyone.

24                  **MR. DUMAIS:** All right.

25                  So then (sic) we left off this morning, we

1 were having a discussion on your supervision. Sometimes  
2 you meet with some of your investigators to review your  
3 investigations and that followed our short discussion on  
4 OMPPAC, and the supplementary occurrence reports not being  
5 inputted into the system.

6 So when this happens and you have a meeting  
7 with one of your investigators, you review one of their  
8 files, are there any notes that you keep of those meetings?

9 **MR. BRUNET:** What I would usually do is  
10 print out a copy of their assignment list.

11 **MR. DUMAIS:** Okay.

12 **MR. BRUNET:** And we would go through the  
13 assignment list with them, and I would make notes on the  
14 assignment list of what case this was referring to. Most  
15 of the cases, probably not initially; the initial one would  
16 have been longer because I wouldn't have been aware but, as  
17 time went on, I became more and more aware of the  
18 investigations because they would have come through my time  
19 that I was serving in the Branch. So I would have had the  
20 background on them. So all I needed really was an update  
21 and I would just make notes of the update that I would be  
22 given, if there was anything new to add to it or any issues  
23 or any directions that I would give in reference to it.

24 **MR. DUMAIS:** And these, of course, were  
25 informal meetings in the sense that this is not a set time

1 or a specific process. You are just ---

2 MR. BRUNET: No.

3 MR. DUMAIS: --- from time-to-time, as  
4 required, you will meet with an officer and review one or  
5 many more files?

6 MR. BRUNET: That's correct. And what would  
7 happen is I would do it according to my availability and  
8 the officer's availability.

9 MR. DUMAIS: All right. And we will review  
10 some of these assigned lists that you printed a little  
11 later on this afternoon.

12 My understanding is that in 1996, Sergeant  
13 Brian Snyder was transferred to CIB?

14 MR. BRUNET: That's correct.

15 MR. DUMAIS: All right. So what was the  
16 purpose of his transfer and what was his role in CIB?

17 MR. BRUNET: Well, there had been some  
18 internal reviews that had been done. We've heard from  
19 Staff Sergeant Derochie about his internal reviews, and it  
20 was very obvious that we needed some more supervision,  
21 closer supervision in the sense of managing the files.

22 The workload that I had by myself, working  
23 as the only supervisor, was very, very difficult. I guess  
24 that's the only way I can really describe it. It was very,  
25 very difficult to try and keep up with all the requirements

1 of my job and so I had been requesting some assistance for  
2 probably since -- probably '93 to get somebody else to help  
3 me, but a sergeant that would actually do mostly management  
4 and file management.

5 So that was the reason why I got the  
6 assistance of Sergeant Snyder.

7 **MR. DUMAIS:** All right. So he is  
8 essentially doing file management. He is still reporting  
9 to you?

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

11 **MR. DUMAIS:** All right. And one of the  
12 changes that Sergeant Snyder brought about was he re-  
13 implemented the OMPAC system or the filing of  
14 Supplementary Occurrence Reports on a monthly basis. Is  
15 that correct?

16 **MR. BRUNET:** That's correct. Well, when he  
17 arrived, there was some issues that he had to deal with  
18 immediately, but part of his task was to do that and that's  
19 right, he did implement that.

20 **MR. DUMAIS:** All right.

21 Now, I would like to refer you to a  
22 document, Luc, and that's at Tab 167. That would be Doc  
23 Number 728585.

24 **THE COMMISSIONER:** I'm sorry, when you say  
25 Tab 167?

1                   **MR. DUMAIS:** Sorry, I'm just -- my binder's  
2 organized by tab number, Mr. Commissioner. It's just to  
3 assist me really.

4                   **THE COMMISSIONER:** Okay, so but it's a new  
5 document?

6                   **MR. DUMAIS:** It's a new document, yes.

7                   **THE COMMISSIONER:** Okay.

8                   **MR. DUMAIS:** It's 728585.

9                   **THE COMMISSIONER:** Exhibit 1421 is an audio-  
10 taped interview report of who -- is this your statement?

11                   **MR. BRUNET:** This is mine, sir.

12                   **THE COMMISSIONER:** Okay, and it's dated the  
13 21<sup>st</sup> of January, 2000.

14                   **--- EXHIBIT NO./PIÈCE NO. P-1421:**

15   (728585) Interview Report of Lucien  
16   Brunet - January 21, 2000

17                   **MR. DUMAIS:** If you could just have a look  
18 at this statement. I believe it's a statement that you  
19 would have given on January 21<sup>st</sup>, 2000, to two officers from  
20 the OPP division, so Detective Inspector Hall and Detective  
21 Constable Dupuis in the course of their Project Truth  
22 investigation?

23                   **MR. BRUNET:** That's correct.

24                   **MR. DUMAIS:** All right. If I could just  
25 take you then to Bates page 7113862.

1                   **MR. BRUNET:** Yes.

2                   **MR. DUMAIS:** And you're discussing with them  
3 the structure of the CIB and you've gone through some of  
4 the issues that we've dealt with this morning, namely, the  
5 manpower issue, the human resources issue, the increased  
6 number of offences. And then in the last paragraph of that  
7 Bates page, and I'll read it out for you:

8                                 "The structure in the criminal  
9 investigation was not built to be able  
10 to handle major investigations like  
11 that. As a result of..."

12 Like, I look at -- and then you're starting to say  
13 Constable Sebalj was totally alone at the Branch.

14                                 So my question to you is, what did you mean  
15 by that, that the CIB was not structured to handle major  
16 investigations?

17                   **MR. BRUNET:** Well, maybe it's not exactly  
18 the way that -- when I say "structured" I meant more like  
19 we didn't have enough people. In my opinion, at the time,  
20 we didn't have enough people to do the amount of work that  
21 was being assigned to us with the changes that I had talked  
22 about this morning that were being imposed on us,  
23 basically.

24                   **MR. DUMAIS:** All right.

25                                 So you're referring to the human resource

1 issue?

2 MR. BRUNET: Yes.

3 MR. DUMAIS: Now, you've indicated -- if we  
4 can look specifically now at the Youth Bureau, you've  
5 indicated earlier on that Constable Malloy and Constable  
6 Sebalj had been assigned to the Youth Bureau. Is that  
7 correct?

8 MR. BRUNET: That's correct.

9 MR. DUMAIS: And you've indicated that when  
10 Constable Sebalj was assigned, she was a relatively new  
11 constable and that training had been set-up for her later  
12 in that year?

13 MR. BRUNET: That's correct.

14 MR. DUMAIS: All right.

15 What about Constable Malloy? What was his  
16 experience and his level of training at that time? And by  
17 that time I mean in January of 1993.

18 MR. BRUNET: I haven't reviewed his training  
19 file, so I can't really comment on that -- on his training.

20 As far as his experience, I would say that  
21 he had probably been in the Branch for about four, maybe  
22 five years by that point and he was -- he had been utilized  
23 in major investigations such as homicide. He had  
24 investigated numerous sexual assault investigations, and I  
25 would consider him as one of the most experienced officers

1 in the Branch.

2 MR. DUMAIS: All right. So he had quite a  
3 bit of experience?

4 MR. BRUNET: Yes.

5 MR. DUMAIS: But something happened in 1993  
6 where he was off work for a certain period of time?

7 MR. BRUNET: That's correct, in March of  
8 '93.

9 MR. DUMAIS: All right. And he was off work  
10 for an extended period of time?

11 MR. BRUNET: Yes, years.

12 MR. DUMAIS: All right. Now, just in terms  
13 of supervision of your unit, Luc, did you have formal or  
14 informal meetings?

15 MR. BRUNET: Yes, I did.

16 MR. DUMAIS: All right. And are these  
17 something different than the senior management meeting or  
18 the morning meetings that you referred to earlier on?

19 MR. BRUNET: Yes, yes, they were.

20 MR. DUMAIS: Okay.

21 MR. BRUNET: The ---

22 MR. DUMAIS: Go ahead. I just want to know  
23 what the distinction is.

24 MR. BRUNET: The management meetings were  
25 every morning. The senior officers of the Department from

1 the different branches would meet with the Chief and the  
2 Deputy on their availability, and we would discuss  
3 investigations, management issues, human resources issues,  
4 whatever would come up. It was a communication system  
5 within the Department for the different branches, for the  
6 leaders of the different branches to communicate with each  
7 other.

8 The meetings that I held with my team was a  
9 monthly meeting where we would try and get everybody  
10 together. There was a set time and we would just discuss  
11 the issues of the day and make the recommendations, any  
12 recommendations, and that's what I used as a base to  
13 communicate with them about the general issues going on at  
14 the time.

15 **MR. DUMAIS:** All right. And were these  
16 meetings formal enough that you would take down notes or  
17 someone was a scribe and you were keeping up with the  
18 issues or with task lists or assignment lists?

19 **MR. BRUNET:** Yes, it seems to me that there  
20 was minutes being kept of it, and obviously I would follow  
21 up on the recommendations -- like, the issues being  
22 discussed and then report back usually, whether it was by  
23 internal mail or if it's something that was to be discussed  
24 at the next meeting, I'd report it back at the next meeting  
25 -- at the next monthly meeting.

1                   **MR. DUMAIS:** All right.

2                   So the next thing I want to talk to you  
3                   about is the OMPPAC system. So the Ontario Municipal and  
4                   Provincial Police Automated Cooperative went online, as I  
5                   understand it, on July 11<sup>th</sup>, 1989?

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

7                   **MR. DUMAIS:** And if you can just briefly,  
8                   Luc, explain to us what the OMPPAC system does and what  
9                   it's designed to do and what the purpose of the OMPPAC  
10                  system is?

11                  **MR. BRUNET:** Well, it's an automated records  
12                  management system which includes the computer-assisted  
13                  dispatch part and the records management system. They're  
14                  integrated.

15                  The purpose of it is better retrieval of  
16                  information, automated retrieval of information. It's also  
17                  easier for us to prepare Crown briefs because the system  
18                  would prepare Crown briefs after all the information, the  
19                  data, was entered into the system. It would be much easier  
20                  to produce the briefs because prior to that, there was a  
21                  lot of time spent on brief preparation.

22                  Basically, that's what it is. It's -- you  
23                  put all the information in there. It's faster retrieval.

24                  **MR. DUMAIS:** All right. If we can just look  
25                  at one example, Luc. So say you have an occurrence that

1 happens, what is supposed to happen with the system?  
2 What's the first step?

3 **MR. BRUNET:** Well, normally, if you get a  
4 complaint and somebody calls in our Dispatch Centre, that's  
5 where the Computer-Assisted Dispatch part, the CAD part of  
6 the program, they would put the name of the complainant,  
7 address, telephone number, the type of complaint, and when  
8 they would enter that information the system would generate  
9 an incident number or an occurrence number.

10 Then when they would dispatch the vehicle,  
11 the system had the ability of recording the time the call  
12 was received and then the time the car was sent to it, the  
13 time of arrival of the vehicle. When the vehicle or the  
14 officer booked back on from the call, he would say if it's  
15 a reportable incident or if it was non-reportable.

16 If it's non-reportable, it would be  
17 classified as a non-reportable incident. If it was a  
18 reportable, then the CAD section, the dispatcher would have  
19 the ability to add the officer's number, which would create  
20 him an assignment.

21 Basically, it would tell the officer that --  
22 on his assignment list, it would come out as "Initial  
23 Assignment" and that meant that he had to submit a report  
24 to that occurrence.

25 **MR. DUMAIS:** All right. So this incident

1 number that's created, it's created automatically by the  
2 system?

3 MR. BRUNET: That's correct.

4 MR. DUMAIS: All right. And who has access  
5 for inputting this information into the system?

6 MR. BRUNET: By 1993 we had some data entry  
7 people, some clerks within our records department that did  
8 this on a -- that's their full-time job is they enter the  
9 reports from officers. There were also some officers that  
10 were trained initially because initially we didn't have  
11 data entry people. So there were some people that were  
12 trained to do data entry. So they had the ability to enter  
13 their own reports and the names and vehicles and so on.

14 MR. DUMAIS: All right. So a combination of  
15 both?

16 MR. BRUNET: Both. That's right.

17 MR. DUMAIS: So let's say I'm -- I take a  
18 call for an occurrence; I want to enter something into the  
19 system. If I'm not trained, I have to go to one of these  
20 dispatch persons, give that person the information and they  
21 enter everything into the system?

22 MR. BRUNET: Just to clarify, data entry  
23 person, not a dispatch person. They are two different  
24 groups.

25 MR. DUMAIS: Yes. Fair enough.

1                   **MR. BRUNET:** But you would give it to the  
2                   data entry person and they would enter the information for  
3                   you. You could do it in person or you could do it by  
4                   phone, and they had a recording system.

5                   **MR. DUMAIS:** All right. So then if one of  
6                   these occurrences becomes an investigation, you would then  
7                   create a general occurrence report?

8                   **MR. BRUNET:** That's correct.

9                   **MR. DUMAIS:** And every time something new  
10                  happens within the investigation, you would file  
11                  supplementary occurrence reports?

12                  **MR. BRUNET:** That's correct. Normally what  
13                  would happen is the supervisor would read your initial  
14                  report and would make a decision if you, the patrol  
15                  officer, would continue with that investigation, would --  
16                  needed a follow-up, and if it was the officer on patrol  
17                  that would need it, then the officer in charge would assign  
18                  it as an assignment to that officer that he had to follow  
19                  up that occurrence.

20                  If the supervisor felt that it was a  
21                  criminal investigation type of investigation, then he would  
22                  reassign it to me so that I would be able to reassign it to  
23                  a criminal investigator through the system.

24                  **MR. DUMAIS:** All right.

25                  And my understanding is that the system as

1 well is set up to track some of these events, so ---

2 MR. BRUNET: That's correct. There's a log  
3 of all these events.

4 MR. DUMAIS: All right.

5 And what does it track or is -- do you get  
6 some sort of a flag if something is not done within seven  
7 days or 14 days or ---

8 MR. BRUNET: Yes, the -- well, it would go  
9 on your assignment list where the initial assignment, the  
10 flag, it would be bold -- in bold, would be overdue. It  
11 would say OVD and that would be in bold, and that was three  
12 days for an initial assignment and if it's a regular  
13 follow-up it would identify it as overdue after 30 days.

14 MR. DUMAIS: All right.

15 And the system would automatically give you  
16 a warning or advise you of that, send a message ---

17 MR. BRUNET: Well, it's when you went to  
18 your assignment list that you would see this.

19 MR. DUMAIS: All right.

20 MR. BRUNET: Or your supervisor went to your  
21 assignment list.

22 MR. DUMAIS: Okay. And if you're not going  
23 to your assignment list ---

24 MR. BRUNET: No, you have to go to -- well,  
25 yes, it's been a while we've been off OMPPAC, but I'm quite

1 certain that you had to go to the assignment list to know  
2 what was the status of your investigations.

3 MR. DUMAIS: Right.

4 MR. BRUNET: Either the supervisor or the  
5 officer.

6 MR. DUMAIS: Okay. So then when you're  
7 receiving a statement in a particular file, that statement  
8 would be added onto OMPPAC as well, right?

9 MR. BRUNET: That's correct.

10 MR. DUMAIS: And at the end of the day, if  
11 these matters proceed to court, the system permits you to  
12 create a Crown Brief?

13 MR. BRUNET: That's correct.

14 MR. DUMAIS: All right.

15 Now, I just want to go back just a bit with  
16 the notes that we've discussed previously. So any --  
17 let's assume for a second that we're not using the OMPPAC  
18 system and the officers have notes or are keeping notes,  
19 whether or not it's the notebook that they keep with them  
20 or whether or not they're creating other types of notes, is  
21 there a filing system that's set up at ---

22 MR. BRUNET: Well, each investigator had a  
23 filing cabinet in their -- behind their desks or in the  
24 office in the Youth Branch, there were a few filing  
25 cabinets and the officers had their own filing cabinet,

1 and what they would do is they had their notebook as  
2 mentioned earlier.

3 We had loose-leaf notes at the time ---

4 **MR. DUMAIS:** Yes.

5 **MR. BRUNET:** --- and we had a little  
6 notebook, a three-ring binder that we would use to take our  
7 notes and that. And then we had also an investigative  
8 file.

9 So if the officer would go and get a  
10 statement, he would put his statement in the investigative  
11 file. If he would get notes from another officer for  
12 disclosure purposes, he would put it in an investigative  
13 file. So you had files of your investigations in your  
14 office.

15 **MR. DUMAIS:** All right.

16 So there was always a hardcopy file?

17 **MR. BRUNET:** Yes. I would say in all --  
18 yeah, you'd always have hard copies because you'll have  
19 notes. So there will always be some hard copies.

20 Some files are a lot more intense than  
21 others, but generally speaking, yeah, you would have a hard  
22 copy file on everything.

23 **MR. DUMAIS:** And as the investigation  
24 progresses, the notes you're taking or the statements  
25 you're producing or taking are added into this file?

1                   **MR. BRUNET:** That's correct.

2                   **MR. DUMAIS:** All right.

3                   Now, what about notes with respect to  
4 supervision, so your supervisory notes. Where -- is there  
5 a filing system for that?

6                   **MR. BRUNET:** Well, at that time, the  
7 supervisors kept very little notes as far as investigative  
8 notes. Like I had mentioned earlier in reference to  
9 dealing with the officer on a supervisory level, I had a  
10 file for each officer.

11                   And when I would meet with them and have a  
12 discussion with them, whether it's a commendation or a  
13 discipline issue or just talking about their assignment  
14 list, I would print it out and put it in their appraisal  
15 file.

16                   So I would -- from the supervision point of  
17 view, I would have an appraisal file.

18                   **MR. DUMAIS:** All right.

19                   But we know, and we'll get to this shortly,  
20 Luc, that you took some notes in some of the investigations  
21 that we will be looking at. Where would those notes be  
22 filed?

23                   **MR. BRUNET:** I had a filing cabinet in my  
24 office and I would have a file that I kept my notes in.

25                   **MR. DUMAIS:** All right.

1                   And are these notes organized in any formal  
2 fashion? I guess more specifically, are they organized by  
3 investigation, by officer, by ---

4                   **MR. BRUNET:** I personally kept them by  
5 incident number.

6                   **MR. DUMAIS:** Okay.

7                   **MR. BRUNET:** So if I dealt with something  
8 today and this incident number, that's where the file would  
9 -- my notes would have been located in.

10                  **MR. DUMAIS:** All right.

11                  Because your -- I guess your incident number  
12 or the system creates an incident number and creates a new  
13 number for every new occurrence?

14                  **MR. BRUNET:** That's correct. These -- now  
15 we're talking about criminal investigation files.

16                  **MR. DUMAIS:** Right.

17                  **MR. BRUNET:** Yes.

18                  **MR. DUMAIS:** All right.

19                  So what about some of -- other notes that  
20 you would keep? You indicated that you would keep some  
21 notes of meetings. Where would those be filed?

22                  **MR. BRUNET:** They would have been kept -- I  
23 would have kept another file in the -- in my filing  
24 cabinet, would have been minutes of meetings. Minute of  
25 meetings, type of thing, and that's where I would have kept

1           them.

2                           **MR. DUMAIS:** All right.

3                           Meetings with investigators to review their  
4 files, where are these notes kept?

5                           **MR. BRUNET:** Well, those would go in the  
6 appraisal file of the officer.

7                           **MR. DUMAIS:** All right. Okay.

8                           Well, since we're dealing with notes,  
9 perhaps we can deal with this issue right away, Luc. I'd  
10 like to refer you to -- and these -- it's one of these new  
11 documents that I provided to my friend.

12                           So it's the one, Doc Number 740604.

13                           **THE COMMISSIONER:** Exhibit Number 1422 is  
14 the letter from Staff Sergeant Brunet to Mr. Murray  
15 MacDonald dated the 28<sup>th</sup> of November, 1992.

16           **--- EXHIBIT NO./PIECE NO. P-1422:**

17   (740604) Letter from Staff Sergeant  
18   Brunet To Mr. Murray MacDonald dated  
19   the 28<sup>th</sup> of November, 1992

20                           **MR. DUMAIS:** Now, Luc, my understanding is  
21 that on November 17<sup>th</sup>, 1994 that you would have had a  
22 meeting with the Crown Attorney, Mr. Murray MacDonald, and  
23 my understanding is that the discussion was with respect to  
24 the use of notes and types of notes that were being used by  
25 your investigators.

1                   Can you just start before that meeting?  
2           What led to this meeting? Is there something that  
3           happened?

4                   **MR. BRUNET:** Yes, some officers had brought  
5           to my attention that a judge in the General Division Court  
6           of Justice in the General Division Court had brought to  
7           their attention that loose-leaf notebooks weren't a proper  
8           way of keeping notes.

9                   And the officers had some issues with that  
10          in the sense that after the disclosure came about, they  
11          found it a lot easier to keep loose-leaf notebooks because  
12          of disclosure issues.

13                   In other words, when you worked on a case,  
14          you would log your case in a sequential order so you don't  
15          miss anything for disclosure versus the bound notebook.  
16          You'd have to go over your notebook, especially when you're  
17          dealing with lengthy investigations.

18                   So that was the point that the officers had  
19          brought to my attention. I had spoken to the Crown about  
20          it and he was pretty well acceptable both ways. He didn't  
21          really have an issue, that I can recall, either way.

22                   I think what he had recommended I do is do  
23          some research on it and let him know what the others are  
24          doing and to make a decision after.

25                   So what I did is I called a number of police

1 services and the Ontario Police College and I found out  
2 that it was probably a 50/50 split between officers that  
3 were using loose-leaf versus officers that were using the  
4 bound notebook.

5 The Ontario Police College, they had  
6 recommended obviously the small notebooks for patrol  
7 officers, but they had recognized the practicality of using  
8 loose-leaf because of the points that we had done and they  
9 recommended that we use them.

10 So with the -- and I knew that the Ontario  
11 Provincial Police were using them at the time, and some  
12 services, I believe, in the Ottawa area, and I think  
13 Sudbury also -- either Sudbury or North Bay. I don't  
14 remember if I've got it in my memo here, but my research  
15 had shown me that it was pretty well a split between which  
16 ones were using which and the officers were pretty adamant  
17 that they preferred the loose-leaf because of the  
18 practicality of disclosure, and this led to this letter to  
19 the Crown Attorney to get his support and approval.

20 **MR. DUMAIS:** All right. So is it fair to  
21 say that the preference for the loose-leaf came from your  
22 investigators?

23 **MR. BRUNET:** That's correct.

24 **MR. DUMAIS:** All right. And they were  
25 asking you to make sure that practice continued?

1                   **MR. BRUNET:** That's correct.

2                   **MR. DUMAIS:** All right. And as you've  
3 indicated, the issue came up again later on and this -- the  
4 loose-leaf binders were discontinued or the loose-leaf  
5 notebooks were discontinued and you went to bound versions.  
6 Is that correct?

7                   **MR. BRUNET:** That's correct. I believe that  
8 was as a result of the Police Adequacy Standards that it  
9 became a requirement that they be bound notebooks.

10                   **MR. DUMAIS:** Right.

11                   **MR. BRUNET:** So there had obviously been a  
12 change in philosophy at the provincial level.

13                   **MR. DUMAIS:** All right.

14                   Now, I think -- if we can look now -- I'm  
15 going to ask you questions about a specific investigation,  
16 and that's the David Silmser investigation and what your  
17 involvement with that investigation was.

18                   So if we can start firstly -- if I can take  
19 you to Exhibit 293? So I believe, Luc, this is the start  
20 of the investigation, and I know that this is a call that  
21 Sergeant Nakic took on December 9<sup>th</sup>, 1992 and that you only  
22 became the OIC or the CIB the following January, but  
23 perhaps we can start with that.

24                   **MR. BRUNET:** Sure.

25                   **MR. DUMAIS:** All right. So this is an

1 internal correspondence. It appears to be drafted by  
2 Sergeant Nakic. It is dated December 9<sup>th</sup>, 1992, and my  
3 understanding is that Sergeant Nakic, at the time, was the  
4 Officer in Charge of the police station?

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

6 **MR. DUMAIS:** So if we could just start with  
7 that terminology, Luc, what does that mean, Officer in  
8 Charge of the police station?

9 **MR. BRUNET:** Well, there's always a person  
10 by at least the rank of sergeant. It was normally a staff  
11 sergeant, but if the staff sergeant was called away or was  
12 on a day off, the sergeant would fill in for him, would act  
13 in his position.

14 This person is the person in charge as  
15 designated under the *Criminal Code* for release purposes and  
16 so on. He also supervises the Communications Centre and  
17 his patrol team that is working that day deals with any  
18 issues that surface, people coming in looking for  
19 information that may have happened prior to.

20 He's basically the person in charge of the  
21 police station for the day.

22 **MR. DUMAIS:** All right. So then he receives  
23 this information on December 9<sup>th</sup>, 1992. And I'm assuming,  
24 Luc, that you've seen this document before?

25 **MR. BRUNET:** Yes, I have.

1                   **MR. DUMAIS:** All right. And, actually, you  
2                   were -- well, perhaps let me just ask you. Were you  
3                   provided with a copy of this internal correspondence  
4                   together with the transmittal slip that you received from  
5                   Deputy Chief St. Denis in January?

6                   **MR. BRUNET:** I'm quite positive I was.

7                   **MR. DUMAIS:** All right. Now, so he receives  
8                   this call on December 9<sup>th</sup>, 1992. I'm looking at this  
9                   document and I don't see an incident number.

10                  **MR. BRUNET:** No, obviously there was none  
11                  issued at that time.

12                  **MR. DUMAIS:** All right. And just so that  
13                  we're clear, Luc, an incident number, occurrence number,  
14                  that means the same thing?

15                  **MR. BRUNET:** I'm talking about the same  
16                  thing, yes.

17                  **MR. DUMAIS:** Okay. And we know, and we'll  
18                  talk about this in just a few minutes, that you queried the  
19                  OMPPAC in January, 1993 to see whether or not an incident  
20                  number had been created. Is that correct?

21                  **MR. BRUNET:** I believe that my recollection  
22                  of it was that when I assigned Constable Sebalj, I met with  
23                  her and I gave her the documentation, that I told her to  
24                  create an incident number. I do not recall if I had  
25                  actually queried it or if I actually noticed there was none

1 on. I'm not sure how I came to know that there was no  
2 incident. However, I did instruct her to put one on.

3 **MR. DUMAIS:** All right. But certainly by  
4 looking at this, it appears that there isn't an incident  
5 number?

6 **MR. BRUNET:** There isn't one. That's  
7 correct.

8 **MR. DUMAIS:** Now, apparently Sergeant Nacik,  
9 on that date, took down information from a David Silmser  
10 that indicates that 20 years ago he would have been  
11 sexually assaulted by a priest, Father Charles MacDonald,  
12 and then indicates his location, believes he's in  
13 Williamstown and as well by a probation officer. He  
14 further indicates that Ken Seguin is a friend of the priest  
15 and he also sexually assaulted him.

16 Now, Sergeant Nakic indicates that he would  
17 have had a discussion with Staff Inspector McDonald, and on  
18 his instructions, he writes back to David Silmser and tells  
19 him that an officer will see him about this within seven  
20 days?

21 **MR. BRUNET:** That's correct.

22 **THE COMMISSIONER:** I don't think he wrote to  
23 him. Did he write to Silmser?

24 **MR. BRUNET:** No, he called.

25 **MR. DUMAIS:** No, I think he called him on

1 that.

2 **THE COMMISSIONER:** I thought you said  
3 "write". All right.

4 **MR. DUMAIS:** So the fact that an internal  
5 correspondence is prepared upon receiving such a call, is  
6 that usual?

7 **MR. BRUNET:** No, it's not usual. I -- what  
8 would normally happen, I'm sure if the complainant would  
9 have been in the City of Cornwall and would have agreed to  
10 meet with an officer that day, the incident would have been  
11 created at that time.

12 However, I'm assuming that the fact that the  
13 officer -- that the subject was not in the City of Cornwall  
14 and we couldn't send a car to him, that's why it was not  
15 created through CAD.

16 **MR. DUMAIS:** All right.

17 **MR. BRUNET:** Through the Computer-Assisted  
18 Dispatch.

19 **MR. DUMAIS:** Well, I mean, that would  
20 explain why someone would not be dispatched immediately,  
21 but certainly that would not explain why you would request  
22 an incident number to be created?

23 **MR. BRUNET:** Well, it's not normal. That's  
24 all I can answer to that. I don't know any more than that.

25 **THE COMMISSIONER:** Well, just a minute.

1 Let's assume somebody phones up just outside of the City of  
2 Cornwall and says, "I was just raped". You'd send a car  
3 out there?

4 **MR. BRUNET:** Well, if it was close by and  
5 the person agreed to -- yes, if it was close by to the  
6 city, but normally we would call the police of jurisdiction  
7 and dispatch the call.

8 **THE COMMISSIONER:** But it's your  
9 jurisdiction because the rape occurred in Cornwall?

10 **MR. BRUNET:** Oh, if it's in our  
11 jurisdiction, of course we'll send someone out.

12 **THE COMMISSIONER:** Okay. So if Silmsler is  
13 out of town someplace ---

14 **MR. BRUNET:** Yes.

15 **THE COMMISSIONER:** --- he says, "I was  
16 sexually abused in Cornwall".

17 **MR. BRUNET:** Yes.

18 **THE COMMISSIONER:** Then why wouldn't you  
19 send a car?

20 **MR. BRUNET:** Well, we only have so many cars  
21 to police the city, and Bourget is like 45-50 minutes away.

22 **THE COMMISSIONER:** Right.

23 **MR. BRUNET:** We would be depleting the City  
24 of Cornwall.

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

1                   **MR. BRUNET:** So arrangements would be made  
2 to meet with him at the time. Like, if we had a complaint  
3 and the person -- it's not something that just happened,  
4 that there's an immediate danger to him or to anyone else,  
5 then we would make arrangements to meet with him.

6                   **THE COMMISSIONER:** Whether they're within  
7 the city or not?

8                   **MR. BRUNET:** That's correct.

9                   **THE COMMISSIONER:** Okay.

10                  **MR. BRUNET:** But not necessarily send the  
11 car out to -- like, to Ottawa, let's say, because Bourget  
12 is somewhere in between here and Ottawa.

13                  **THE COMMISSIONER:** So what you're telling me  
14 is whether you send that car out within Cornwall or not  
15 depends on whether or not there's immediate danger or ---

16                  **MR. BRUNET:** That's correct.

17                  **MR. DUMAIS:** All right. Now, Luc, would the  
18 preferred course of action have been, at this point, to  
19 create an incident number in OMPPAC?

20                  **MR. BRUNET:** Yes.

21                  **MR. DUMAIS:** All right. And part of the  
22 rationale behind that is that if ever anything happens to  
23 this piece of paper, well at least there's a trail in  
24 OMPPAC that would track this incident; correct?

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

1                   **MR. DUMAIS:** All right. A piece of  
2                   correspondence like this, the internal correspondence,  
3                   where would that go at this point-in-time?

4                   **MR. BRUNET:** Well, it's addressed to Staff  
5                   Inspector McDonald, so it would go to the Staff Inspector.

6                   **MR. DUMAIS:** All right. But is this --  
7                   these internal correspondences, do you know, are they copy?  
8                   Like would Sergeant Nakic retain a copy of this document?

9                   **MR. BRUNET:** I don't know what he did.  
10                  Normally when I would send one, I would make a copy of it.

11                  **THE COMMISSIONER:** I think the question  
12                  should be, is there procedure whereby when someone sends an  
13                  internal correspondence, is there a procedure that calls  
14                  for a copy being kept someplace?

15                  **MR. BRUNET:** No, sir, there isn't, no.  
16                  My practice is when I send one I usually  
17                  keep a copy of it for referral.

18                  **(SHORT PAUSE/COURTE PAUSE)**

19                  **MR. DUMAIS:** And Staff Inspector McDonald  
20                  was, at the time, the OIC of the CIB. Is that correct?

21                  **MR. BRUNET:** That's correct.

22                  **MR. DUMAIS:** All right. So you -- because  
23                  you only started as the OIC on January 11<sup>th</sup> ---

24                  **MR. BRUNET:** Eleventh (11<sup>th</sup>) of '93, that's  
25                  correct. **sacristy**

1                   **MR. DUMAIS:** All right. Now, when you  
2 started as the Officer in Charge on January 11<sup>th</sup>, did you  
3 have a discussion with Staff Inspector McDonald about this  
4 internal correspondence?

5                   **MR. BRUNET:** No, I didn't.

6                   **MR. DUMAIS:** All right. And did you speak  
7 to Sergeant Nakic about this?

8                   **MR. BRUNET:** No, I didn't.

9                   **MR. DUMAIS:** All right. So if I have my  
10 dates correctly, Luc, this -- you would have started work  
11 on Monday, January 11<sup>th</sup>, 1993. Is that correct?

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

13                   **MR. DUMAIS:** All right. And on the  
14 following day, you received a transmittal slip from Deputy  
15 Chief St. Denis and if you could just have a look at  
16 Exhibit 1298, for a second.

17                   **THE COMMISSIONER:** One-two-nine-eight  
18 (1298)? I don't think that's in ---

19                   **(SHORT PAUSE/COURTE PAUSE)**

20                   **MR. DUMAIS:** And Madam Clerk, I'm just  
21 looking at this particular document, which appears to be a  
22 little fuzzy and there exists a better copy of this  
23 document which would be Document Number 728553.

24                   **(SHORT PAUSE/COURTE PAUSE)**

25                   **MR. DUMAIS:** And my suggestion would be,

1 Commissioner, to file it as Exhibit 1298A -- "A" or "B",  
2 whichever practice we've been using.

3 **THE COMMISSIONER:** We'll defer to Madam  
4 Clerk who ---

5 **MR. DUMAIS:** Thank you.

6 **THE COMMISSIONER:** --- has named it "1298B".

7 **MR. DUMAIS:** Thank you.

8 **THE COMMISSIONER:** And 1298B is the top  
9 portion. I don't know where -- how the other bottom part  
10 fits in, but anyways it's the top part of 1298.

11 --- **EXHIBIT NO./PIÈCE NO. P-1298B:**

12 (728553) Transmittal Slip - top portion  
13 of Exhibit 1298

14 **MR. DUMAIS:** I'm assuming, Commissioner, it  
15 was explained when the document was made an exhibit, but  
16 1298 appears to be -- that that appears to be a  
17 transcription of what's written. Because of the grey area,  
18 I was not ---

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

20 **MR. DUMAIS:** All right. So then, Luc, you  
21 would have received this transmittal slip from the Deputy  
22 Chief -- well, perhaps let me ask you this. When would you  
23 have received this transmittal slip from the Deputy Chief?

24 **MR. BRUNET:** I believe you're right; I  
25 believe that it's on the 12<sup>th</sup> of January.

1                   **MR. DUMAIS:** All right. So you start work  
2 on the 11<sup>th</sup>, which is the Monday; you receive this document  
3 from the Deputy Chief on the following day?

4                   **MR. BRUNET:** Yes, it might have been in my  
5 in-box but I just didn't get to it on the first day because  
6 of my first day at -- at the position. I might not have  
7 gone through all my in-box that day; I'm not sure.

8                   **MR. DUMAIS:** All right. So this is not  
9 handed to you by the Deputy Chief himself?

10                   **MR. BRUNET:** No, my recollection, it came in  
11 through interoffice mail.

12                   **MR. DUMAIS:** All right. So take a look at  
13 this document and tell me what this tells you or what this  
14 told you back then?

15                   **MR. BRUNET:** Well, this was assigned to  
16 Sergeant Lortie, who is now away on sick leave.

17                   Sergeant Lortie indicated that he was to  
18 meet with Silmsen in early January, 1993, and that he  
19 recognized the heavy workload in CIB but he asked me if I  
20 could possibly turn -- it could possibly turn into an  
21 Alfred-type situation, therefore, please assign this as  
22 soon as possible. The new investigator should see and  
23 discuss this with Sergeant Lortie.

24                   **MR. DUMAIS:** All right. And do you believe,  
25 Luc, that the other internal correspondence from Nakic is

1 attached to this?

2 MR. BRUNET: I believe it was.

3 MR. DUMAIS: And, again, when you look at  
4 the transmittal slip, there is still not an incident or  
5 occurrence number?

6 MR. BRUNET: That's correct.

7 MR. DUMAIS: And actually the transmittal  
8 slip does not identify any of the alleged perpetrators  
9 either. Is that correct?

10 MR. BRUNET: That's correct.

11 MR. DUMAIS: All right. Now, this note from  
12 the Deputy Chief is dated the 8<sup>th</sup> day of January, 1993, and  
13 if you look at the bottom of that note it says "N.B.", so  
14 "notez bien"; one month already went by on this?

15 MR. BRUNET: That's correct.

16 MR. DUMAIS: All right. So certainly do you  
17 take it from this note that the matter is of some urgency?

18 MR. BRUNET: Yes, I do.

19 MR. DUMAIS: All right.

20 THE COMMISSIONER: So do you remember when  
21 you read this, did you, "Oh, my God," or what was your  
22 reaction to this when you read this. Do you recall?

23 MR. BRUNET: I -- I don't really recall,  
24 sir.

25 THE COMMISSIONER: Okay.

1                   **MR. DUMAIS:** And if you look at the Nakic  
2 internal correspondence, certainly that tells you that it  
3 had been initially assigned on the 9<sup>th</sup> day of December,  
4 1992, to Sergeant Lortie?

5                   **MR. BRUNET:** I'm sorry, I ---

6                   **MR. DUMAIS:** I'm sorry, that would be  
7 Exhibit 293.

8                   **MR. BRUNET:** Yes.

9                   **MR. DUMAIS:** At the bottom left of that  
10 internal correspondence.

11                   **MR. BRUNET:** Well, the internal  
12 correspondence, unless I'm missing something here, but it  
13 says that an officer will be assigned. It didn't tell me  
14 that Sergeant Lortie had been assigned to that part of it,  
15 but -- at that point, but it says that an officer will be  
16 assigned and will be in touch with him within the week.

17                   **MR. DUMAIS:** I'm just looking at -- if you  
18 go down to the bottom-left corner, Luc ---

19                   **MR. BRUNET:** Oh, the notes, okay.

20                   **MR. DUMAIS:** Yes.

21                   **MR. BRUNET:** Yes.

22                   **MR. DUMAIS:** And I'll just read out for you:

23                               "Noted: Chief assigned Sergeant Lortie  
24                               to investigate..."

25 And it appears to be the initials "D.C."

1                   **MR. BRUNET:** Sorry, yes.

2                   **MR. DUMAIS:** And then there's the date,  
3                   which is the same date of the ---

4                   **MR. BRUNET:** Yes, you are right. Sorry, I  
5                   wasn't reading the notes. I apologize.

6                   **MR. DUMAIS:** And of course, Staff Inspector  
7                   McDonald told Sergeant Nakic in his internal correspondence  
8                   that someone would see him within seven days?

9                   **MR. BRUNET:** That's correct.

10                  **MR. DUMAIS:** So certainly a lot of time has  
11                  expired since this initial call was made.

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

13                  **MR. DUMAIS:** All right.

14                  So at this point in time, do you attempt to  
15                  locate Sergeant Lortie?

16                  **MR. BRUNET:** Yes, I do.

17                  **MR. DUMAIS:** All right.

18                  And where is Sergeant Lortie?

19                  **MR. BRUNET:** He was at work. I wasn't aware  
20                  that he was supposed to have been off sick. I understand  
21                  it had been a surgery or something that had happened  
22                  earlier between the 1<sup>st</sup> of May and the 12<sup>th</sup>. That would have  
23                  been the 12<sup>th</sup>. So he was back at work.

24                  **MR. DUMAIS:** All right.

25                  And is that the first thing you do after you

1 receive this transmittal slip?

2 MR. BRUNET: Yes.

3 MR. DUMAIS: All right.

4 So you have a conversation with Sergeant  
5 Lortie. Can you tell me what was said?

6 MR. BRUNET: Yes. Basically I asked him  
7 what was the story on this investigation, what had he done,  
8 what was happening. And he told me that he had been in  
9 touch with the victim, and the victim advised him that the  
10 -- he didn't want to deal with this during the Christmas  
11 holidays; that he would meet with him later on in January.

12 And my understanding is they had already set  
13 a date for an interview, which was sometime in the middle  
14 of the month, but I'm not positive of the date.

15 MR. DUMAIS: All right.

16 So is anything else discussed?

17 MR. BRUNET: Well, I recall him asking --  
18 well, we kind of looked at each other, "Okay, why are you  
19 not continuing with it? Like, why is it being sent to me?"  
20 I don't know if he brought it up or I brought it up, but  
21 there was a little bit of a discussion about that.

22 But obviously the transmittal or the  
23 instructions from my Deputy Chief were quite clear. So I  
24 went back to my office and started to determine who was  
25 going to get the investigation.

1                   **MR. DUMAIS:** All right.

2                   Because obviously delay appeared to be an  
3 issue for the Deputy Chief?

4                   **MR. BRUNET:** Yes.

5                   **MR. DUMAIS:** He is concerned that someone  
6 get to this as soon as possible.

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

8                   **MR. DUMAIS:** But certainly the fact that  
9 he's given as an explanation that Sergeant Lortie is not in  
10 -- or is no longer on sick leave is obviously not accurate  
11 since he was there?

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

13                   **MR. DUMAIS:** And at this point in time, do  
14 you go and see the Deputy Chief and say, "Well, listen,  
15 Lortie is here. He still has the file. Something has been  
16 set up -- a date has been set up for an interview. Why  
17 don't we just leave it with him?"

18                   **MR. BRUNET:** No, I didn't do that.

19                   **MR. DUMAIS:** All right.

20                   **MR. BRUNET:** I felt that the instructions  
21 were pretty clear that he wanted the Criminal Investigation  
22 Branch to do it, and I started to look at who would be the  
23 person that could get at it the fastest.

24                   **MR. DUMAIS:** All right.

25                   So then what is Sergeant Lortie's role at

1 the Cornwall Police Services at that time?

2 MR. BRUNET: He is an Intelligence Officer.

3 MR. DUMAIS: And can you just give us a  
4 brief description of what that is?

5 MR. BRUNET: Yes, an Intelligence Officer is  
6 -- he gathers information of criminal activity within the  
7 city, basically mostly to do with organized crime.

8 He meets with the other departments, sees  
9 who they arrested. If there is a major investigation, he  
10 is going to do some background checks on the people that  
11 are involved to share information with the other  
12 departments, with the RCMP, with the OPP, Ottawa Police,  
13 Kingston, Brockville, mostly the police services within our  
14 region and at the provincial level also.

15 So an Intelligence Officer basically gathers  
16 information by meeting with people, meeting with officers  
17 and shares it with other police departments and, of course,  
18 within our service too.

19 MR. DUMAIS: And the Intelligence Officer,  
20 would he -- does he report to you?

21 MR. BRUNET: No, he doesn't.

22 MR. DUMAIS: Who does the Intelligence  
23 Officer report to?

24 MR. BRUNET: Normally reports to the Chief  
25 of Police, and I believe Sergeant Lortie was reporting to

1 Chief Shaver at the time.

2 MR. DUMAIS: Okay. So he'd report directly  
3 to him?

4 MR. BRUNET: That's correct.

5 MR. DUMAIS: Now, the Deputy Chief as well  
6 indicates in this memo -- sorry, this transmittal slip:

7 "This could possibly turn into an  
8 Alfred-type situation."

9 So what was that telling you? What were you  
10 understanding of that?

11 MR. BRUNET: Well, Alfred -- there was a  
12 training school that had been operated by a religious  
13 group. I believe they were brothers -- I'm not sure of  
14 which denomination -- in Alfred, Ontario, which is about an  
15 hour away from here.

16 And there was numerous allegations of sexual  
17 assault by many, many of the students that went there or  
18 the -- I'm not sure; I think they were serving sentences  
19 there. So they had been abused by the brothers that were  
20 running the training school.

21 MR. DUMAIS: So certainly, Luc, denoting  
22 some sort of concern on the part of the Deputy Chief?

23 MR. BRUNET: Yes.

24 MR. DUMAIS: If he's using this language?

25 MR. BRUNET: Yes.

1                   **MR. DUMAIS:** All right.

2                   And when do you recall was the first time  
3                   that you actually spoke to the Deputy Chief about this  
4                   matter?

5                   **MR. BRUNET:** I don't recall. I would  
6                   imagine it would have been soon after I'd assigned  
7                   Constable Sebalj, but I'm -- I can't remember.

8                   **MR. DUMAIS:** All right.

9                   And Sergeant Lortie, did he have an opinion  
10                  or concerns about having this investigation reassigned away  
11                  from him?

12                  **MR. BRUNET:** The only comment that he asked  
13                  me, he said, "Why are they taking it away from me?" a  
14                  question somewhere to that effect, and I basically knew  
15                  nothing about him being assigned to it in the first place.  
16                  So I couldn't give him an answer.

17                  **MR. DUMAIS:** All right.

18                  And perhaps if you can -- if I can take you  
19                  to Document 721944?

20                  **THE COMMISSIONER:** Thank you. Exhibit 1423  
21                  is the statement from Sergeant Lortie dated Thursday,  
22                  December 10<sup>th</sup>, 1992? No, hold on a second; February 11<sup>th</sup>,  
23                  15<sup>th</sup> or 18<sup>th</sup>, of 1994.

24                  --- **EXHIBIT NO./PIÈCE No P-1423:**

25                  (721944) Statement of Sgt. Lortie - February

1 11, 1994

2 **MR. DUMAIS:** So this is a statement of  
3 Sergeant Lortie in the David Silmsler matter as a complaint  
4 investigation, file number 9401, and Sergeant Lortie, in  
5 his statement, appears to say -- and if you could just look  
6 at the second paragraph of the first page -- notes on the  
7 following:

8 "Between Christmas and New Year's 1992,  
9 Deputy Chief contacts me requesting an  
10 update. I notify him on December 14<sup>th</sup>,  
11 1992. Conversation: Deputy Chief  
12 advises this can't wait until January  
13 18<sup>th</sup>, 1993, as it is too important. He  
14 advises he will reassign."

15 So did Sergeant Lortie tell you at that time  
16 that he'd had this conversation with the Deputy Chief over  
17 the Christmas holidays?

18 **MR. BRUNET:** I don't recall it.

19 **MR. DUMAIS:** All right. Do you recall  
20 Sergeant Lortie advising you that there had already been a  
21 date set for an interview?

22 **MR. BRUNET:** I believe so, yes. That I do  
23 believe he did. I wouldn't be able to remember what date  
24 he told me, which was obviously the 18<sup>th</sup>, but he may have  
25 told me that, yes.

1                   **MR. DUMAIS:** All right. So, I understand  
2 then that you assigned the investigation to Constable Heidi  
3 Sebalj on the following day, on January 13<sup>th</sup>, 1992. Is that  
4 correct?

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

6                   **MR. DUMAIS:** And how did that decision come  
7 about or how did you make the decision as to who would be  
8 tasked with this investigation?

9                   **MR. BRUNET:** Well, obviously the -- I had to  
10 look for somebody that would be available to start working  
11 on it right away. At the time of this investigation, of  
12 this report, both the two senior officers that would have  
13 had experience -- more experience in the sexual assault  
14 area were Sergeant Ron Lefebvre and Constable Kevin Malloy.

15                   Both of them had been very implicated, very  
16 involved in a -- they were preparing for a preliminary  
17 hearing for the homicide of a little girl, and it was  
18 taking its toll on them. They were extremely busy and I  
19 could see that it was very taxing on them, and I didn't  
20 feel that they would have been able to get to it in a  
21 timely fashion.

22                   Then I -- Constable Sebalj was -- she had a  
23 year of experience in the Investigation Branch. She had  
24 worked for me before. I knew she was very keen on getting  
25 experience in sexual assaults. Like, she had done some

1 already but she was very keen. She wanted to improve her  
2 skills and she was -- she was a very talented young lady.  
3 She was very intelligent and I felt that she had the  
4 ability to do this type of investigation with the  
5 assistance of Sergeant Lefebvre, Constable Malloy and  
6 myself. I felt that we had the experience to help her to  
7 be able to do this type of investigation.

8 **MR. DUMAIS:** All right. Part of the  
9 difficulty, there was no one else. Is that fair?

10 **MR. BRUNET:** It was very, very busy, yes,  
11 very taxing.

12 **MR. DUMAIS:** Because presumably, this is an  
13 occurrence that should go to the Youth Bureau, that should  
14 be investigated by the Youth Bureau. Is that correct?

15 **MR. BRUNET:** That's correct. My  
16 understanding from the Deputy Chief is that he wanted  
17 somebody to do it now, and it should go to -- it's a sexual  
18 assault and that's what they're specialising in. In my  
19 opinion, that's where it should have gone.

20 **MR. DUMAIS:** All right. I'd just like to  
21 take you back a bit, and that's to Exhibit 1421, and that  
22 again is the statement that you gave to Project Truth on  
23 January 21<sup>st</sup>, 2000 ---

24 **MR. BRUNET:** That one would be a loose one,  
25 I think?

1                   **MR. DUMAIS:** Okay. If I can take you then  
2 to Bates page 7113846. Just towards the end of that second  
3 paragraph, and that's -- to sort of paraphrase that but  
4 I'll just read it out for you:

5                                 "She had worked a year in Criminal  
6                                 Investigations ..."

7                   And you talked about Heidi Sebalj here prior to  
8                   that:

9                                 "... so there was limited amount of  
10                                experience there, and I was hoping  
11                                that Constable Malloy would be able to  
12                                guide her and to assist her in the  
13                                investigation too, you know. If she  
14                                had any questions, that he'd be able  
15                                to answer them because he had a  
16                                considerable amount of experience  
17                                compared to".

18                   And then a question from the detective:

19                                "What involvement did Sergeant  
20                                Lefebvre have in this Silmsen matter?"

21                                "He assisted with the interview, again  
22                                some type of guidance. He had a  
23                                considerable amount of experience as  
24                                well."

25                   All right. So the assistance that you were

1 hoping that Malloy and Lefebvre could provide, I mean, how  
2 did you set that up? Did you do anything or just hoping  
3 that ---

4 **MR. BRUNET:** No, no, I definitely met --  
5 well, first of all I advised Heidi when I gave her the  
6 incident. When I assigned it to her, I met with her  
7 personally and I showed her the documents that we had. And  
8 that's when I told her that I would like her to do the  
9 investigation and she had resources to go to to do it.

10 And Constable Malloy sat in the same office  
11 with her, very experienced. He had done numerous sexual  
12 assaults, been involved in homicide investigations. I had  
13 very high respect for his knowledge and abilities. And  
14 also Sergeant Lefebvre, being in the Criminal Investigation  
15 Branch, but we were all in the same -- we were in two  
16 different offices but we're all the same group. And also  
17 Ron had -- I was aware that he had done the Father  
18 Deslauriers investigation a few years earlier and he had  
19 done numerous sexual assaults, done homicides and so on.

20 So the -- I advised her that between all the  
21 members in the Branch that we could help her and we would  
22 help her for whatever she needed, and we did. All these  
23 people contributed to the investigation.

24 **MR. DUMAIS:** All right.

25 **MR. BRUNET:** Up to the point where Kevin

1 left -- got injured.

2 **MR. DUMAIS:** All right. So I'm not sure if  
3 there's a distinction, but I mean, did you ask Constable  
4 Sebalj, or tell Constable Sebalj, that she could look at  
5 either of you, and by that I mean you, Constable Malloy and  
6 Sergeant Lefebvre for direction on this, or did you  
7 specifically tell Constable Malloy or Sergeant Lefebvre  
8 that they were to supervise her?

9 **MR. BRUNET:** Well, initially, the initial  
10 meeting that I had with Constable Sebalj, I advised her  
11 that the others could help.

12 Shortly after, I had a meeting with Heidi  
13 And I remember Kevin Malloy being there, and we discussed  
14 strategies in the investigation and it was very clear that  
15 Kevin was there to assist her and they were both there. So  
16 I don't think there's going to be any issue that -- it was  
17 clear that she had assistance to help her, whatever she  
18 needed for help.

19 **MR. DUMAIS:** Is it a fair comment that these  
20 two other officers were so taxed with their workload that  
21 it would have proven difficult for them to provide any sort  
22 of meaningful assistance?

23 **MR. BRUNET:** I don't necessarily agree with  
24 that statement because that's the way we helped each other  
25 in that unit.

1           You always had some mentors when you started  
2 something, you always had some mentors that would help you  
3 with investigations, give you, teach you. If you needed to  
4 go out to arrest somebody, you needed help for an  
5 interview, you needed help just to bounce things off  
6 somebody, you always had somebody with you that you'd give  
7 the time. It didn't matter really how busy you were, you  
8 would take the time to speak to the other officer and help  
9 them. So I don't think that's unreasonable and I don't see  
10 a problem with that.

11           **MR. DUMAIS:** Okay. Now. just getting back  
12 to the transmittal slip of the Deputy Chief. He does  
13 indicate in the bottom, there's different boxes that can be  
14 accessed. One of them is "Take Appropriate Action". The  
15 other one is "Investigate and Report" and the next one then  
16 "Please Handle and Advise".

17           So I'm just wondering, after the matter was  
18 reassigned, whether or not you reported back to the Deputy  
19 Chief at this point-in-time?

20           **MR. BRUNET:** Well, like I mentioned earlier,  
21 I don't actually remember doing it but I know I would have  
22 told him who I've assigned to it.

23           **MR. DUMAIS:** And, I mean, just the reporting  
24 back to the Deputy Chief on a specific file. Was that  
25 usual as well or is something out of the ordinary?

1                   **MR. BRUNET:** No. Any major investigations  
2 back then, or today, it's still the same. You always brief  
3 the senior managers of major investigations. That's  
4 normal.

5                   **THE COMMISSIONER:** How about a break, Mr.  
6 Dumais?

7                   **MR. DUMAIS:** We can do that, Commissioner.

8                   **THE REGISTRAR:** Order; all rise. Veuillez  
9 vous lever.

10                   This hearing will resume at 3:30.

11 --- Upon recessing at 3:19 p.m. /

12                   L'audience est suspendue à 15h19

13 --- Upon resuming at 3:37 p.m./

14                   L'audience est reprise à 15h37

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

17 **LUCIEN BRUNET: Resumed/Sous le même serment**

18 ---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR Me  
19 **DUMAIS (Cont'd/Suite):**

20                   **MR. MANSON:** Mr. Commissioner, could I take  
21 a brief moment to address you about a scheduling matter?

22                   **THE COMMISSIONER:** Sure.

23                   **MR. MANSON:** While we were in the hearing  
24 room, we just received some new lists of documents and some  
25 new -- this has nothing -- I'll explain it very quickly --

1 about future witnesses.

2 THE COMMISSIONER: Right.

3 MR. MANSON: And deadlines for Rule 48  
4 notices.

5 THE COMMISSIONER: M'hm.

6 MR. MANSON: Rule -- the 48-hour rule 38  
7 notices. I apologize.

8 THE COMMISSIONER: Yeah.

9 MR. MANSON: One is -- one deadline is  
10 Monday morning, nine-thirty. The other deadline is Tuesday  
11 morning, and I've just been talking with Mr. Dumais and  
12 other counsel.

13 The witness for whom there is a Monday  
14 morning deadline will likely not be called any earlier than  
15 Thursday morning. It would be a huge assistance to counsel  
16 if we could bump those deadlines ahead 24 hours each.

17 THE COMMISSIONER: Monsieur Dumais, any  
18 problems with that?

19 MR. DUMAIS: I think part of the rationale,  
20 I guess, for providing the notices is always based on the  
21 schedule, and it was anticipated that we may start Staff  
22 Sergeant Brunet as early as yesterday and so there's some  
23 delay again this morning.

24 So certainly, it does appear that we will be  
25 calling the other witnesses a little further on in the week

1 next week.

2 **THE COMMISSIONER:** So just be magnanimous  
3 and say yes.

4 **MR. DUMAIS:** All right. So yes it is then.

5 **THE COMMISSIONER:** So there you go.

6 **MR. MANSON:** Thank you, Mr. Dumais. Thank  
7 you, Mr. Commissioner.

8 **MR. LEE:** Thank you, Mr. Manson.

9 **MR. DUMAIS:** All right. So Luc, we were  
10 just talking about the assignment of the file to Constable  
11 Sebalj and so, other than what was discussed with respect  
12 to the fact that she was being assigned the file, what  
13 other things did you discuss?

14 Did you discuss any strategy at this point  
15 in time or what she was to do? Or set out a plan of  
16 action?

17 **MR. BRUNET:** Well, the -- obviously the  
18 first thing that you've got to do is to meet with the  
19 victim.

20 **MR. DUMAIS:** Yes.

21 **MR. BRUNET:** And to get a statement, and  
22 that's usually your starting point in the investigation.  
23 So that was the -- when I assigned it to her.

24 Oh, the other thing that I did is I  
25 instructed her to put an incident number on the system and

1 to re-assign it. She had done a lot of data entry earlier  
2 when she was in uniform. So she was very capable with the  
3 system, so she created the incident and made it reportable  
4 to herself.

5 And then I assigned it to her.

6 **THE COMMISSIONER:** Was there any comments  
7 about who the alleged perpetrators were?

8 **MR. BRUNET:** Well, I'm sure that we  
9 discussed the content of the memo. Like, we would have  
10 gone through the memo and yes, I'm -- I can't remember  
11 specifically, sir. I just -- obviously, when I gave her  
12 the case, we would have discussed what the case was about.

13 **THE COMMISSIONER:** No, I know, but I mean  
14 didn't anybody say, "Oh, this is a priest, and this is the  
15 Probation Officer? And didn't anybody discuss, Well, you  
16 know ---

17 **MR. BRUNET:** Not -- not that I can recall.

18 **THE COMMISSIONER:** All right.

19 **MR. BRUNET:** Nothing was highlighted as far  
20 as I can recall.

21 **THE COMMISSIONER:** Okay, fine.

22 **MR. DUMAIS:** So then you knew from your  
23 conversation with Sergeant Lortie that there was a pre-set  
24 interview for January 18<sup>th</sup>. Do you know if that date was  
25 discussed with Constable Sebalj that she should keep that

1 day?

2 MR. BRUNET: I remember there was a  
3 discussion about setting an appointment with him. My -- if  
4 my memory serves me correctly, I believe we would have  
5 talked about trying to get him in earlier because the --  
6 obviously the memo was to try and get this done. It wasn't  
7 acceptable to wait until the 18<sup>th</sup>, so to try and get him in  
8 earlier, but we're already on the 14<sup>th</sup> -- 13<sup>th</sup>.

9 MR. DUMAIS: Thirteenth on that day.

10 MR. BRUNET: Thirteenth on that day, but try  
11 to get him in as soon as possible. Basically that's what  
12 the instructions would have been.

13 MR. DUMAIS: All right. So if we can just  
14 have a look at Exhibit 295.

15 MR. BRUNET: Which one is it?

16 MR. DUMAIS: Sorry, do you have ---

17 THE COMMISSIONER: It's in a binder.

18 MR. BRUNET: Yes.

19 MR. DUMAIS: So do you recognize what these  
20 are, Luc?

21 MR. BRUNET: Yes. They're Heidi Sebalj's  
22 notes.

23 MR. DUMAIS: All right. And you have  
24 revised these notes, correct?

25 MR. BRUNET: Yes, I have.

1                   **MR. DUMAIS:** And you did not revise the  
2 notes as they were being made in 1993, but you have looked  
3 at them since then. Is that fair?

4                   **MR. BRUNET:** That's fair.

5                   **THE COMMISSIONER:** What's meant by revised?

6                   **MR. DUMAIS:** Revised, reviewed.

7                   **THE COMMISSIONER:** Reviewed.

8                   **MR. DUMAIS:** So the same answer, Luc?

9                   **MR. BRUNET:** Yes.

10                  **MR. DUMAIS:** All right. I reviewed them.

11                  **MR. BRUNET:** I reviewed them. I did not  
12 revise them.

13                  **THE COMMISSIONER:** I think the francophones  
14 understood what you were saying.

15                  **MR. BRUNET:** Yes.

16                  **THE COMMISSIONER:** But in English, Mr. Lee  
17 was jumping out of his seat there.

18   **(LAUGHTER/RIRES)**

19                  **MR. DUMAIS:** Now, and if I can just ask you  
20 about these notes. I mean, these appear to be certainly  
21 dedicated notes, and by that, I mean they are the notes  
22 that she produced in her investigation and contained no  
23 notes about any other related matters?

24                  **MR. BRUNET:** No, that's correct. It's  
25 consistent with our note taking on loose-leaf notes.

1                   **MR. DUMAIS:** All right. In that you have a  
2 dedicated binder to a specific investigation?

3                   **MR. BRUNET:** Well, you may have a number of  
4 investigations in the same binder, but you would -- we  
5 usually put a separator in, and one dealt with this one.  
6 If there was another -- with another matter was the next  
7 one, but you'd usually work with one binder ---

8                   **MR. DUMAIS:** Right.

9                   **MR. BRUNET:** --- but the different files in  
10 it, but you'd always make it sequential according to the  
11 case you were working on.

12                               So if today, I'm working on the David  
13 Silmsler investigation, I would make my notes under this --  
14 under -- following under this investigation.

15                               If tomorrow, I do an interview on another  
16 case, I'd bring my file to the case I'm working on. I  
17 would put the date and time and do my notes accordingly.

18                   **MR. DUMAIS:** All right. But these notes  
19 seem to follow each other. There does not appear to be any  
20 breaks in them.

21                   **MR. BRUNET:** Well, I don't know what you  
22 mean by no breaks because there's some dates that -- when I  
23 was reviewing them, there's some dates that there's nothing  
24 that happens.

25                   **MR. DUMAIS:** Okay. So then if she's in her

1 binder, and she's working in another file, the only thing  
2 she would do is she would put down the date and put her  
3 notes on that file. So it might follow each other. They  
4 may follow each other, but certainly it permits you to  
5 remove them when you're producing for disclosure purposes,  
6 I guess.

7 **MR. BRUNET:** Yes.

8 **THE COMMISSIONER:** But I think what the  
9 witness is saying is she had had dividers like that.

10 **THE COMMISSIONER:** So if she's working on  
11 Silmsner, she goes to that portion of the dividers ---

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

13 **THE COMMISSIONER:** --- and continues on.  
14 And if there's somebody else she'll flip to the next  
15 binder.

16 **MR. BRUNET:** Flip to the next binder and  
17 then you'll note the date and time that you're doing if  
18 you're doing an interview. If you're collecting evidence  
19 you would put your information under that incident number,  
20 but it's all sequential.

21 **MR. DUMAIS:** All right. Fair enough.

22 And do you know, and I don't know if you  
23 know this, whether or not these are the original notes she  
24 took or whether or not they're a re-transcription of the  
25 notes?

1                   **MR. BRUNET:** No, I would say they're her  
2 original notes.

3                   **MR. DUMAIS:** All right. Do you know that  
4 for a fact?

5                   **MR. BRUNET:** Not positive, no, but it would  
6 -- like, when I'm reading them, I -- it's -- they're  
7 sequential.

8                   **MR. DUMAIS:** All right.

9                   **MR. BRUNET:** And it appears to me like  
10 they're -- because a lot of these things that she marks in  
11 her notes, I remember happening.

12                   **MR. DUMAIS:** Okay.

13                   **MR. BRUNET:** So it's ---

14                   **MR. DUMAIS:** All right. So then if you  
15 could just have a look at the first page. So that would be  
16 the Bates page 7063727. So the entry on January 13<sup>th</sup>, 1992  
17 where she appears to contact -- well, she indicates that  
18 she received the file from you.

19                   So then at about mid-page there's an entry  
20 "CPIC work by Sgt. C. Lortie, FPS" and then there are a  
21 number of numbers, "CRM ---

22                   **MR. MANSON:** I believe Mr. Dumais said 1992,  
23 and although it's a little difficult to read, it's 1993.

24                   **THE COMMISSIONER:** Yes.

25                   **MR. DUMAIS:** Yes, it's obviously 1993. Thank

1 you, Mr. Manson.

2 And then it makes reference to CPIC work.  
3 So do you recall -- and it appears to have been done by  
4 Sergeant Lortie. So do you recall having seen that search?

5 **MR. BRUNET:** No, I believe that I had asked  
6 Heidi -- well, I had asked Heidi to meet with Claude and  
7 get the information from him that he had to offer.

8 **MR. DUMAIS:** All right.

9 So were you aware that he had done a CPIC  
10 search?

11 **MR. BRUNET:** I don't remember.

12 **MR. DUMAIS:** Well, can you tell me what that  
13 says or ---

14 **MR. BRUNET:** "CPIC work by Sgt. Lortie," the  
15 FPS number.

16 **THE COMMISSIONER:** What does FPS mean?

17 **MR. BRUNET:** FPS, I'm not sure what the  
18 acronym stands for, but it's your fingerprint number that  
19 you're assigned by the RCMP. When you file fingerprints  
20 with the RCMP, they assign a number and that's the number  
21 that ---

22 **THE COMMISSIONER:** That would be Silmsers's  
23 fingerprint number?

24 **MR. BRUNET:** That's what I'm assuming, yes.

25 **THE COMMISSIONER:** Okay. Continue on that

1 line, "CRM on file." Criminal record on file, is that what  
2 it is?

3 MR. BRUNET: That's correct.

4 THE COMMISSIONER: And extensive means he's  
5 got more than one conviction?

6 MR. BRUNET: It's long, yes.

7 MR. DUMAIS: "Release on the PTA, charged  
8 with impaired..." And?

9 MR. BRUNET: "Over .08."

10 MR. DUMAIS: --- "over .08." I'm assuming  
11 that means that there's an outstanding charge. Is that  
12 correct?

13 MR. BRUNET: That's correct.

14 MR. DUMAIS: And he was released on a  
15 promise to appear?

16 MR. BRUNET: On a promise to appear.

17 MR. DUMAIS: And this is a CPIC check on the  
18 complainant; is that correct?

19 MR. BRUNET: That's correct.

20 MR. DUMAIS: And there does not appear to  
21 have been any CPIC work done on any of the alleged  
22 perpetrators?

23 MR. BRUNET: Not at this time, no.

24 MR. DUMAIS: All right.

25 I mean, is that usual? A victim calls in

1 with a complaint; you do a CPIC check on that person rather  
2 than on the alleged perpetrators?

3 **MR. BRUNET:** It's very normal to do one on  
4 the complainant at the beginning. Normally, through the  
5 investigation you should do one of the suspects also, but I  
6 believe the -- well, the reason why we check initially is  
7 to know the person we're dealing with, get a background  
8 information on the person that we're going to be  
9 interviewing.

10 **MR. DUMAIS:** All right.

11 So you had indicated that -- you had  
12 requested that she enter the incident on OMPPAC. Is that  
13 correct?

14 **MR. BRUNET:** That's correct.

15 **MR. DUMAIS:** And as a matter of fact, that  
16 was completed. Is that correct?

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

18 **MR. DUMAIS:** All right.

19 And any discussion -- any specific  
20 discussion with Constable Sebalj at this point in time  
21 whether or not she would need to use the OMPPAC system or  
22 update the OMPPAC system with this file?

23 **MR. BRUNET:** No.

24 **MR. DUMAIS:** So there's no discussion?

25 **MR. BRUNET:** There's no discussion about

1 OMPPAC.

2 MR. DUMAIS: All right.

3 Now, if I can just take you then to Document  
4 Number 721761?

5 THE COMMISSIONER: Exhibit 1424. What would  
6 we call this, an occurrence report list?

7 MR. DUMAIS: It appears to be an occurrence  
8 report list.

9 THE COMMISSIONER: All right.

10 --- EXHIBIT NO./PIÈCE NO. P-1424:

11 (721761) Occurrence Report List -  
12 September 28, 1993

13 MR. DUMAIS: And if we can ---

14 THE COMMISSIONER: I'm sorry?

15 MR. DUMAIS: If we can file it as the next  
16 exhibit?

17 THE COMMISSIONER: One-four-two-four (1424),  
18 yes.

19 MR. DUMAIS: Now, if you can just take a  
20 second then and have a look at this document and then just  
21 explain to us what we're looking at here?

22 MR. BRUNET: This is the Computer-Assisted  
23 Dispatch entry, the CAD entry, which basically has the name  
24 of the complainant, address, the location of the incident,  
25 where it's alleged to have occurred and the "Incident

1       Remarks" is the type of complaint that was being made. The  
2       zone is the -- the City is broken down in zones. So that's  
3       the location where it happens. The complaint wasn't an  
4       assault. The priority -- the priority is -- not  
5       necessarily the priority of the investigation. However,  
6       it's the priority of the call when we dispatch cars.

7               Like, normally, when we would dispatch it --

8       -

9               **THE COMMISSIONER:** Where are you now?

10              **MR. BRUNET:** Oh, I'm sorry.

11              **THE COMMISSIONER:** You're on page 2?

12              **MR. BRUNET:** I'm on page 2, yes, Document  
13       260.

14              **THE COMMISSIONER:** I see. Yes, yes, yes.

15              **MR. BRUNET:** When you see the priority, the  
16       Priority 3, which is low, isn't the priority of the  
17       investigation. That's the category. Being this is the  
18       Computer-Assisted Dispatch part, this would be if you would  
19       send a car and the car -- there is an urgency to it; it's  
20       Priority 1, 2 or 3. So in this case here we weren't  
21       sending a car. The computer didn't apply. It came in by  
22       telephone initially and the call taker, she put it down as  
23       her number. That was Constable Sebalj's number. And the  
24       date that it was reported to us was on the 9<sup>th</sup> of December  
25       at 11:55 a.m.

1                   **MR. DUMAIS:** All right.

2                   Now, is this the screens that you would see  
3 if you go into OMPPAC and create an incident?

4                   **MR. BRUNET:** To create an incident, yes,  
5 that's ---

6                   **MR. DUMAIS:** That's exactly what we would  
7 see, right?

8                   **MR. BRUNET:** That's what you would see.  
9 That's correct.

10                  **MR. DUMAIS:** All right.

11                  **THE COMMISSIONER:** I see on the first page  
12 they have "David Silmsler, female, (complainant)", in the  
13 middle of the page.

14                  **MR. BRUNET:** Yes.

15                  **THE COMMISSIONER:** Is that just a ---

16                  **MR. BRUNET:** Yes, obviously that's a  
17 mistake.

18                  **MR. DUMAIS:** All right.

19                  So if we can just take -- I'll take you  
20 through the document a little more slowly, Luc. So I'm  
21 just looking at the first page. So I'm looking at Bates  
22 pages that end with 259, and then we have a date on top  
23 there, 28<sup>th</sup> of September 1993.

24                  **MR. BRUNET:** Yes.

25                  **MR. DUMAIS:** What is that date and where

1 does it come from? Is that a print date?

2 MR. BRUNET: I would assume, yes.

3 MR. DUMAIS: So if I print out this  
4 occurrence list, the computer gives it a date, the 28<sup>th</sup> of  
5 September. Is that fair?

6 MR. BRUNET: From my recollection of the  
7 system, yes, that's correct.

8 MR. DUMAIS: All right.

9 And now, if I'm looking at the entries --  
10 top entries to the left, they're right under "Originating  
11 Force." And there are a number of numbers there, 00065865-  
12 8. That's the incident number, right?

13 MR. BRUNET: That's the incident number that  
14 you will find at the beginning of her notes.

15 MR. DUMAIS: All right.

16 So is there any significance to the number  
17 or is it just ---

18 MR. BRUNET: No, the numbers are kicked out.

19 MR. DUMAIS: --- sequential?

20 MR. BRUNET: They're all sequential and it's  
21 the computer that kicks it out.

22 MR. DUMAIS: All right.

23 MR. BRUNET: So it's -- the numbers would  
24 keep going up as the Force would get more calls, but the  
25 actual number itself doesn't have any meaning other than

1 that's going to be your incident number, and when you refer  
2 to the system, you always go back to that incident number  
3 to get access to the file.

4 **MR. DUMAIS:** Okay. Does the "-8" mean  
5 anything to you?

6 **MR. BRUNET:** No.

7 **MR. DUMAIS:** All right.

8 So that's -- all occurrences have a "-8"  
9 number?

10 **MR. BRUNET:** Well, they have a dash and a  
11 different number, and I'm not sure -- like, I don't  
12 understand -- well, I'm not familiar enough with OMPPAC to  
13 be able to tell you what the numbers -- how the sequence  
14 works with the dash or whatever. All the numbers have a  
15 dash and a number.

16 **MR. DUMAIS:** Okay.

17 **MR. BRUNET:** But they're not all 8.

18 **MR. DUMAIS:** All right.

19 **MR. BRUNET:** It could be -3, -7.

20 **MR. DUMAIS:** And these different numbers  
21 wouldn't, for example, be different depending on the  
22 offence?

23 **MR. BRUNET:** No.

24 **MR. DUMAIS:** All right.

25 So right beside that, we have "Sexual

1 assault on 9<sup>th</sup> of December 1992," but that's actually when  
2 the call was made, correct?

3 **MR. BRUNET:** That's correct. That's the  
4 time we received the complaint.

5 **MR. DUMAIS:** And then -- well, the  
6 Commissioner has already noted "David Silmser, female" in  
7 the middle of the page and again at the bottom. So that's  
8 just a mistake?

9 **MR. BRUNET:** That's a mistake. I'm not sure  
10 if that would have been done by Heidi when she entered it  
11 or if it would have been done by our records when the --  
12 when they go through the incidents they do -- I'm not sure;  
13 I can't remember the proper word now, but they usually  
14 confirm the data, like the names and that, and they might  
15 have missed -- I -- I'm not sure at what level the error  
16 was done, but that's obviously a mistake.

17 **MR. DUMAIS:** When an incident is created  
18 like this, any possibility of changing it afterwards?

19 **MR. BRUNET:** No.

20 **MR. DUMAIS:** I mean, you can add to it but  
21 you can't change it?

22 **MR. BRUNET:** You can't change it, no.

23 **MR. DUMAIS:** All right.

24 **MR. BRUNET:** Well, change the information,  
25 you mean, or change the dates and that?

1                   The dates are time-stamped. Your  
2                   information is time-stamped, so it's -- there's not like --  
3                   you could add other reports to it and so on but you can't  
4                   change the data here that's being printed.

5                   **MR. DUMAIS:** Now, I'm looking at the second  
6                   page of that document, so Bates page ending by 260 and  
7                   you've already mentioned this. So a call-taker and the  
8                   I.D. number of the officer is "155", but of course we know  
9                   that that's Constable Sebalj ---

10                  **MR. BRUNET:** Sebalj's number, yes.

11                  **MR. DUMAIS:** Would it not have been more  
12                  appropriate to put down Sergeant Nakic's ---

13                  **MR. BRUNET:** Yes, it would have.

14                  **MR. DUMAIS:** All right.

15                  Because, I mean, if you look at this and the  
16                  idea with OMPPAC is that it provides information to other  
17                  officers, other police forces, you wouldn't necessarily  
18                  even know that Sergeant Nakic had been involved and took  
19                  the initial information?

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

21                  **MR. DUMAIS:** All right.

22                  And then if you can just have a look at the  
23                  last page, so it's Bates pages ending 261, there are no  
24                  will-say statements to be displayed?

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

1                   **MR. DUMAIS:** All right.

2                   And what does that mean then?

3                   **MR. BRUNET:** Well, when -- when Heidi  
4                   obtained statements, she just kept it in her hardcopy file  
5                   and she never entered the data into the system.

6                   **MR. DUMAIS:** All right. All right.

7                   So once the information is entered into  
8                   OMPPAC, it can be viewed by other officers within Cornwall  
9                   Police Services?

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

11                  **MR. DUMAIS:** By other police services that  
12                  are part of OMPPAC?

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

14                  **MR. DUMAIS:** All right.

15                  The system as well permits different  
16                  searches to be conducted? You can do searches by incident  
17                  number?

18                  **MR. BRUNET:** Yes.

19                  **MR. DUMAIS:** By victim name?

20                  **MR. BRUNET:** Yes.

21                  **MR. DUMAIS:** By perpetrator name?

22                  **MR. BRUNET:** Yes.

23                  **MR. DUMAIS:** All right.

24                  And then you can create assignment lists as  
25                  well or once it's entered and it's tagged to a specific

1 officer ---

2 MR. BRUNET: Yes.

3 MR. DUMAIS: --- the system will move it to  
4 that officer's assignment list?

5 MR. BRUNET: Well, when you put a report in,  
6 the supervisor approves it and then can reassign it to an  
7 officer ---

8 MR. DUMAIS: I see.

9 MR. BRUNET: --- if he needs to.

10 MR. DUMAIS: But, I mean, initially once  
11 this would have been entered, let's assume on the 13<sup>th</sup> of  
12 January, does it go right away to Constable Sebalj's  
13 assignment list or does it go to you?

14 MR. BRUNET: I -- I believe that for the CAD  
15 component of it, when she made it -- she would have made it  
16 reportable to herself, so it would have went automatically  
17 to her assignment list with a note -- I was talking earlier  
18 about initial assignments and the follow-up, which is 30  
19 days and the initial assignment is three days -- it would  
20 have gone to her assignment list with three days to comply  
21 with the General Occurrence Report.

22 MR. DUMAIS: All right.

23 So, I mean, the fact that this Occurrence  
24 Report list indicates that's there's no will-say statements  
25 to be displayed, does that essentially confirm to us that

1 nothing's been -- as of the 28<sup>th</sup> day of September 1993,  
2 nothing other than this has been inputted in this file?

3 **MR. BRUNET:** Yes, I -- I can confirm that,  
4 that there was no ---

5 **MR. DUMAIS:** Okay.

6 **MR. BRUNET:** --- reports entered.

7 **MR. DUMAIS:** Okay. All right.

8 And you've indicated that Constable Sebalj  
9 was keeping a paper file on this with the different states  
10 with her notes and other documents that she would be  
11 producing in her investigation?

12 **MR. BRUNET:** That's right.

13 **MR. DUMAIS:** And when was the first time  
14 that you reviewed the paper file, the hardcopy file?

15 **MR. BRUNET:** When she submitted her report  
16 in October.

17 **MR. DUMAIS:** All right.

18 So the October 6<sup>th</sup>, I believe it is?

19 **MR. BRUNET:** Yes, it was on the weekend of  
20 October -- the first weekend of October.

21 **MR. DUMAIS:** Okay. She had been asked to  
22 input everything into OMPPAC. It was delivered to you?

23 **MR. BRUNET:** That's correct.

24 **MR. DUMAIS:** All right.

25 And the document that you received or the

1 documents that you received, were they a document printed  
2 from OMPPAC or was it actually the original -- the original  
3 paper file, or do you recall?

4 **MR. BRUNET:** I -- I believe it was a  
5 printout. She had entered it into OMPPAC and then printed  
6 it out, so it would have been like OMPPAC documents.

7 **MR. DUMAIS:** Okay. Similar to a Crown  
8 Brief, but in any event ---

9 **MR. BRUNET:** Very similar.  
10 Yes, she would have printed out the  
11 Occurrence Reports that she would have submitted, the  
12 statements and so on, and I would have got the hardcopy as  
13 it was entered in OMPPAC.

14 **MR. DUMAIS:** All right.  
15 Perhaps I'm getting ahead of myself. This  
16 is in the fall, so I'll -- we'll get back to that at that  
17 time.

18 All right. So the -- so the interview with  
19 Mr. Silmsler had been -- remained on January 18<sup>th</sup>, 1993, so  
20 on the same date that had been initially set by Sergeant  
21 Lortie. Were you aware -- were you made aware that the  
22 interview date was the same?

23 **MR. BRUNET:** Yes, she -- she followed up by  
24 ---

25 **MR. DUMAIS:** All right.

1                   **MR. BRUNET:** I remember her coming by the  
2 office and I believe I'm the one that asked her if she had  
3 an appointment yet, and she had told me that that's the  
4 date that she had.

5                   **MR. DUMAIS:** Okay. And I understand that  
6 Mr. Silmsers was not there for the initial interview day or  
7 he didn't show up on the 18<sup>th</sup>; is that correct?

8                   **MR. BRUNET:** That's correct.

9                   **MR. DUMAIS:** All right.

10                   And my understanding is that he had car  
11 problems on that day?

12                   **MR. BRUNET:** Yes, I believe so, that's --  
13 that was the first reason, yes.

14                   **MR. DUMAIS:** All right.

15                   Now, my understanding from the internal  
16 correspondence that Nakic prepared on December 9<sup>th</sup>, 1992,  
17 was that he had advised Mr. Silmsers that someone would  
18 attend in Bourget to interview him?

19                   **MR. BRUNET:** Yes, that's -- that's what he'd  
20 said.

21                   **MR. DUMAIS:** Now, clearly on January 18<sup>th</sup>,  
22 1993, it appears that arrangements had been made for Mr.  
23 Silmsers to travel to the office in Cornwall?

24                   **MR. BRUNET:** Yes.

25                   **MR. DUMAIS:** So were you aware of that at

1 all or was that discussed or why ---

2 **MR. BRUNET:** It wasn't discussed, but  
3 usually this type of interview, you -- you like to have the  
4 victim in an environment where you're not going to get  
5 phone calls and get people coming to the door, and my  
6 understanding -- and I'm not sure if the officer knew that  
7 at that time, but my understanding is that he had a few  
8 children at home and so on. So you try and schedule an  
9 appointment somewhere where you're going to have some  
10 privacy and a calm environment ---

11 **MR. DUMAIS:** M'hm.

12 **MR. BRUNET:** --- to do the interview and a  
13 controlled environment, I should say, to do the interview.  
14 So I would certainly support them doing the  
15 interview at our officer versus the -- versus at a  
16 residence, somebody -- a victim's residence.

17 Sometimes -- I mean if -- if -- there's  
18 circumstances sometimes that you have to and if you have  
19 to, you have to, but if the victim is willing to come in,  
20 it's preferred.

21 **MR. DUMAIS:** I guess the only reason why I'm  
22 saying that is that he had been initially advised that  
23 someone would be travelling there to -- to meet with him?

24 **MR. BRUNET:** Yes.

25 **MR. DUMAIS:** And this appears to have been

1 the different arrangements ---

2 **MR. BRUNET:** But I would think that the --  
3 well, what could have been meant, and I'm not sure what the  
4 Staff Inspector's idea was, but what could have been meant  
5 is that somebody will be getting in touch with you within  
6 the next week to set an appointment type of thing. So  
7 that's -- that could be what was arranged, but I don't know  
8 that. So it's unfair for me to comment.

9 **MR. DUMAIS:** And that initial internal  
10 correspondence indicates that someone would get back to him  
11 within seven days. Is that an arbitrary amount of time or  
12 is there something in your policies that sets out how much  
13 time you should take?

14 **MR. BRUNET:** No, I think -- well, actually,  
15 I believe it said a week, and I think the idea is that when  
16 you received a call and something like this here, you want  
17 to try and find who you've got available and who you are  
18 going to assign to and so on, and we'll be getting in touch  
19 with him in the next -- within the week, which I believe  
20 Sergeant Lortie did get in touch with him.

21 **MR. DUMAIS:** All right.

22 **THE COMMISSIONER:** But that's not the answer  
23 to the question.

24 **MR. BRUNET:** I'm sorry ---

25 **THE COMMISSIONER:** There are seven days. Is

1           there something in your policy that says, at that time,  
2           that said that you shall respond to someone, an alleged  
3           victim, within seven days?

4                       **MR. BRUNET:** No. No, there's no policy.  
5           Sorry. I misunderstood the question.

6                       **THE COMMISSIONER:** No, no. That's fine.  
7           That's fine.

8                       **MR. DUMAIS:** So it's an arbitrary date, I  
9           guess. All right.

10                      If I can just then take you to Document  
11           Number 728566.

12                      **MR. BRUNET:** Have I got that document?

13                      **THE COMMISSIONER:** No. No. When he says a  
14           document, it's coming. If he says an exhibit, then you  
15           might have it.

16                      **MR. BRUNET:** Okay, thank you, sir.

17                      **THE COMMISSIONER:** Unless of course he says  
18           "tab".

19   **( LAUGHTER/RIRES )**

20                      **MR. DUMAIS:** If you notice, Commissioner, I  
21           have not repeated that since.

22                      **THE COMMISSIONER:** All right. Thank you.

23                      Exhibit Number 1425 is the document titled  
24           "Chronological Order of Invest." and there's no date. The  
25           first date on it is December 9<sup>th</sup>, 1992.

1           --- EXHIBIT NO./PIÈCE NO. P-1425:

2   (728566) Chronological Order of  
3   Investigation

4           **MR. DUMAIS:** All right. So do you recognize  
5 this document, Luc?

6           **MR. BRUNET:** Yes. This is a document that I  
7 prepared I believe in January, 1994, when the entire file  
8 went public and there was a lot of people asking questions  
9 in reference to media releases, and the Chief wanted a  
10 briefing. And I went through my things and I prepared a  
11 chronological order of the -- what I could determine -- of  
12 the investigation.

13           **MR. DUMAIS:** All right. Now, items on the  
14 first page, I think we've mostly dealt with. If I can just  
15 -- the purpose of this document just perhaps to assist you.

16   So then I'm looking at the second page,  
17 Bates pages 711 through 772, the second page of your note,  
18 and it does indicate there that you are away on holidays.  
19 Is that correct?

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

21           **MR. DUMAIS:** And when you return from  
22 holidays, it indicates that Mr. Silmsner would have called  
23 Chief Shaver and he was upset that a female officer was  
24 assigned the case?

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

1                   **MR. DUMAIS:** And you also -- perhaps I will  
2                   just read it all. So I'm starting at the new paragraph  
3                   there:

4                                    "I also found out that Chief Shaver had  
5                                   a meeting to discuss this with Sergeant  
6                                   Lefebvre, acting OIC of the CIB, and  
7                                   Constable Sebalj. It was then agreed  
8                                   that they would meet on January 29<sup>th</sup>,  
9                                   1993, and Sergeant Lefebvre and  
10                                  Constable Malloy would do the interview  
11                                  with Constable Sebalj in an observation  
12                                  role in the room. The interview was  
13                                  completed the first week of February.  
14                                  I was briefed on the case."

15                                 So do you recall coming back from holidays  
16                                 and being briefed on this?

17                                 **MR. BRUNET:** Yes, I do.

18                                 **MR. DUMAIS:** All right. So do you recall  
19                                 who was the person who briefed you?

20                                 **MR. BRUNET:** Sergeant Lefebvre.

21                                 **MR. DUMAIS:** And what would he have told you  
22                                 then?

23                                 **MR. BRUNET:** Well, pretty well what I've  
24                                 just noted here; that Mr. Silmsler would have called the  
25                                 Chief, upset that he was dealing with a female officer and

1 wanted to disclose to -- wanted to have a male officer  
2 assigned to the case. And that they had a discussion about  
3 it and that Chief Shaver had agreed that Sergeant Lefebvre  
4 and Constable Malloy would be the lead to do the interview,  
5 and that Constable Sebalj would be in an observation role  
6 at that point and then she would be doing -- continuing  
7 with the investigation, doing the legwork on the  
8 investigation.

9 **MR. DUMAIS:** All right. And was it the  
10 first time that you had heard that Mr. Silmsner preferred  
11 not to deal with a female officer?

12 **MR. BRUNET:** I'm not sure. I believe that  
13 Heidi may have told me that prior and that she would have  
14 offered that Constable Malloy be present during their  
15 interview, and that Constable -- that he had agreed to  
16 that.

17 So I didn't -- when it was -- I'm not, like,  
18 it's kind of just -- it's hard to remember exactly, but  
19 that's -- my recollection is that she had told me, during  
20 one of the phone calls to him that he had showed a certain  
21 reluctance. And she had made a suggestion to him to use  
22 Constable Malloy to do the interview and then she would  
23 continue with the investigation, and he had been satisfied  
24 with that.

25 And it wasn't really a problem more than

1 that until I found out after that he had called the Chief  
2 later on.

3 **MR. DUMAIS:** All right. And I'm just --  
4 perhaps this might assist you, so I am looking back now at  
5 Exhibit 295, Heidi's notes, first page of her notes, the  
6 entry at 1315. So I will just read out:

7 "Telephone call to..."

8 **MR. BRUNET:** Sorry.

9 **MR. DUMAIS:** "Telephone call to victim.  
10 Reluctant to speak with female.  
11 Advised him Constable Malloy will sit  
12 in on the interview."

13 That's a note that she takes presumably on  
14 January 13<sup>th</sup>, 1992 when she calls him to set out the  
15 interview.

16 So then do you think that Constable Sebalj  
17 would have mentioned this to you, that it happened?

18 **MR. BRUNET:** That makes sense.

19 **MR. DUMAIS:** All right.

20 **THE COMMISSIONER:** And continue on. It  
21 says:

22 "He sounded satisfied."

23 **MR. DUMAIS:** "Sounded satisfied", yes.

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

25 **MR. BRUNET:** And that's the information that

1 I would have been given. That's why I had that.

2 MR. DUMAIS: All right. So now, if we turn  
3 the page, and if you could look at the entry of February  
4 26<sup>th</sup>, 1993?

5 THE COMMISSIONER: Two pages over, 729, is  
6 that what you want, Mr. Dumais?

7 MR. DUMAIS: It's 2-9-5, Exhibit 295.

8 THE COMMISSIONER: Yes.

9 MR. DUMAIS: Page -- Bates page ending 730.

10 THE COMMISSIONER: Oh, 730. So it's more  
11 than one page we're turning. Okay, so what date --  
12 February 18<sup>th</sup>?

13 MR. DUMAIS: I am looking at the February  
14 26<sup>th</sup>, 1993.

15 THE COMMISSIONER: Okay.

16 MR. BRUNET: Isn't that January?

17 THE COMMISSIONER: No, keep going down  
18 though.

19 MR. DUMAIS: Sorry, 26<sup>th</sup> of January 1993.  
20 That's correct.

21 THE COMMISSIONER: January. So "No show by  
22 V"?

23 MR. DUMAIS: All right. So this appears to  
24 say at 10:05:

25 "10:05 - No show by victim. I



1       you've indicated in your chronology, is made for the  
2       interview?

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

4                   **MR. DUMAIS:** So if you can then look at the  
5       entry on January 28<sup>th</sup> at pages -- at Bates page 7063732?

6                   **MR. BRUNET:** Yes.

7                   **MR. DUMAIS:** So top of the page:

8                                "Silmsers requested that interview be  
9                                conducted without me in the room. I  
10                              pleaded my case, advised him that I  
11                              would be better help with him if I  
12                              was..."

13                   **THE COMMISSIONER:** Privy.

14                   **MR. DUMAIS:** "...privy to the interview."

15                                This is the fourth time that Mr. Silmsers had  
16       requested that a female not be present during the -- a  
17       female officer not be present during the taking of his  
18       statement.

19                                Did Constable Sebalj advise you that he had  
20       again reiterated his concern with the presence of a female  
21       officer during the interview or shortly before the  
22       interview?

23                   **MR. BRUNET:** No, I don't recall that. I  
24       remember Sergeant Lefebvre telling me about the call to the  
25       Chief and the meeting with the Chief, but I don't recall

1           that during the interview he had brought it up again.

2                       **MR. DUMAIS:** Any consideration given at any  
3 point in time after it was a sign to Constable Sebalj to  
4 take it away from her and assign it to a male officer?

5                       **MR. BRUNET:** Well, I didn't realize that it  
6 was still an issue with him. I thought that after his  
7 meeting -- the meeting with the Chief and that he had  
8 agreed to this, and I thought that the issue had been  
9 resolved, to be frank with you.

10                      Now, the issue that I had was to try and get  
11 it done in a timely fashion, try to get the investigation  
12 done in a timely fashion because there wasn't really --  
13 like I mentioned earlier this morning, there wasn't anybody  
14 else to give it to. So if I give it to a male officer, the  
15 chances of delays were even long -- were even worse than  
16 what this was happening, so ---

17                      **MR. DUMAIS:** All right.

18                      So no consideration was ever given by you to  
19 reassign this to a male officer. Is that correct?

20                      **MR. BRUNET:** Not really.

21                      **MR. DUMAIS:** Now, the fact that the Chief  
22 became involved in this process or solving this issue with  
23 David Silmser not wanting -- not wanting a female constable  
24 to be present, is that usual for the Chief to be involved  
25 in such discussions or decisions?

1                   **MR. BRUNET:** Because he got the phone call,  
2 I would think that's why he got involved. He called a  
3 meeting with the acting OIC, which was Sergeant Lefebvre  
4 and the investigator, and they had a discussion about it.  
5 That's why he would have got involved, because he got the  
6 call.

7                   **MR. DUMAIS:** All right.  
8 Now, were you briefed on this interview  
9 after you came back from holidays?

10                   **MR. BRUNET:** Yes. Sergeant Lefebvre briefed  
11 me on it.

12                   **MR. DUMAIS:** All right.  
13 And you were made aware that Sergeant  
14 Lefebvre had the lead on this interview?

15                   **MR. BRUNET:** Yes.

16                   **MR. DUMAIS:** And that -- but that Constable  
17 Malloy and Constable Sebalj were both present during the  
18 interview?

19                   **MR. BRUNET:** Yes, I was aware the three of  
20 them did it.

21                   **MR. DUMAIS:** All right.  
22 Do you know if this -- if the interview was  
23 taped?

24                   **MR. BRUNET:** No, it wouldn't have been.

25                   **MR. DUMAIS:** All right.

1                   And you're saying that because ---

2                   **MR. BRUNET:** Well, at that time we didn't  
3                   have -- we would only tape children when they -- the  
4                   practice -- the common practice of taping interviews and  
5                   taping suspect interviews was not in place yet with the  
6                   Cornwall Police. I believe it was just starting to take  
7                   place in the Province, and the only ones that I can recall  
8                   them taping were with children.

9                   **MR. DUMAIS:** All right.

10                   Now -- and perhaps -- scratch that.

11                   When they met with Mr. Silmser on January  
12                   28<sup>th</sup>, all three officers were taking notes of his statement?

13                   **MR. BRUNET:** I've seen the notes, yes.

14                   **MR. DUMAIS:** You've seen that and you've  
15                   seen the notes.

16                   Is that a good investigative practice?

17                   **MR. BRUNET:** That?

18                   **MR. DUMAIS:** To have three separate officers  
19                   taking notes at the same interview?

20                   **MR. BRUNET:** Well, it's -- I would say  
21                   personally I don't recommend it. I would recommend one  
22                   person does the note taking and the other person does the  
23                   interview. It helps you to concentrate on the interview.  
24                   The person doing the interview, it helps him -- it's easier  
25                   to concentrate when you're not actually taking notes. The

1 other person takes the notes.

2 In this case here I would presume that  
3 Constable Sebalj was taking notes because she was going to  
4 have carriage of the follow-up of the investigation, so she  
5 wanted to get the details for herself.

6 But I wouldn't say that it's common  
7 practice. Usually our interviews were one note taker and  
8 one interviewer.

9 **MR. DUMAIS:** Because part of the difficulty  
10 is you then get three different versions of the interview.

11 **MR. BRUNET:** Well, it should be all the same  
12 version because everybody's hearing the same story, but  
13 sometimes one person may accentuate on one point while  
14 somebody else accentuates on something else.

15 **MR. DUMAIS:** Exactly.

16 Is this something that you were made aware  
17 of at that time?

18 **MR. BRUNET:** That the three made notes?

19 **MR. DUMAIS:** Yes.

20 **MR. BRUNET:** No.

21 **MR. DUMAIS:** So it's not something that  
22 would have been addressed. It's just an observation that  
23 you made afterwards?

24 **MR. BRUNET:** Yeah.

25 **MR. DUMAIS:** All right.

1 And ---

2 **MR. BRUNET:** What -- I'm sorry?

3 **MR. DUMAIS:** It's an observation that you  
4 made afterwards?

5 **MR. BRUNET:** That the three made notes?  
6 It's during the review of this Inquiry.

7 **MR. DUMAIS:** All right.

8 **THE COMMISSIONER:** What about the fact that  
9 there were three officers; is that usual?

10 **MR. BRUNET:** That was unusual, and like I  
11 said, the reason that there was a third person in is  
12 because Constable Sebalj was going to have carriage of  
13 doing the legwork on the investigation and being that he  
14 wanted male officers to interview him, that's why they went  
15 with two.

16 **THE COMMISSIONER:** Well, I can understand  
17 why one would be in, but why two?

18 **MR. BRUNET:** I don't -- I've never asked the  
19 question and I really don't know why they went with the two  
20 investigators and then Heidi.

21 **MR. DUMAIS:** All right.

22 And at the end of this interview, Mr.  
23 Silmser is given a blank statement form so that he can  
24 leave and prepare his statement on his own, and he's asked  
25 to bring it back afterwards?

1                   **MR. BRUNET:** That's correct.

2                   **MR. DUMAIS:** What about that; is that a good  
3                   investigative practice?

4                   **MR. BRUNET:** Well, it's not unheard of. It  
5                   happens that you will give the person the opportunity to  
6                   fill out their own statement. There's -- my understanding  
7                   in this case here, what happened is Mr. Silmsler, after the  
8                   interview -- the interview had gone longer than what he  
9                   expected and he had made arrangements to pick up his spouse  
10                  in Ottawa, so he had to leave. So when they broke out  
11                  after the interview that they were ready to sit down with  
12                  him and take his statement, he advised them that he  
13                  couldn't stay; he had to leave.

14                  **MR. DUMAIS:** M'hm.

15                  **MR. BRUNET:** So they -- I guess I recall the  
16                  sergeant briefing me. My understanding was that they had  
17                  talked about it and they agreed that they'll give him his  
18                  statement; let him fill it out in his own time and in his  
19                  own writing and that they would -- he would bring it back  
20                  in.

21                  **MR. DUMAIS:** All right.

22                                 And so you're saying it's Sergeant Brunet  
23                                 that briefed you on that ---

24                  **MR. BRUNET:** Sergeant Lefebvre.

25                  **MR. DUMAIS:** Sergeant Lefebvre, sorry. All

1 right.

2 **MR. DUMAIS:** Now, my understanding is that a  
3 written version of the statement was eventually prepared,  
4 it was dropped off at the police station in the hands of  
5 Constable Sebalj; did you, at that time, see that  
6 statement?

7 **MR. BRUNET:** No, I did not.

8 **MR. DUMAIS:** All right. Now the next entry  
9 in your notes and I've not put down what the exhibit number  
10 is, but it's Document 728566, which I've just filed.

11 Fourteen twenty-five (1425)?

12 Thank you.

13 **THE COMMISSIONER:** Okay. So that would be a  
14 loose document, Mr. Dumais?

15 **MR. DUMAIS:** Yes, it is.

16 **THE COMMISSIONER:** Do you have it, sir?  
17 Officer Brunet?

18 **MR. BRUNET:** I'm -- I'm sorry?

19 **THE COMMISSIONER:** Do you have Exhibit 1425  
20 before you?

21 **MR. BRUNET:** Yes, I do.

22 **THE COMMISSIONER:** All right.

23 **MR. BRUNET:** Sorry.

24 **THE COMMISSIONER:** That's okay.

25 **MR. DUMAIS:** So the next entry is -- and I'm

1 looking at about -- I'm at the same page we left off  
2 earlier on, so it's at Bates page ending by 772.

3 Just further down the mid-page:

4 "I agreed that the investigation had to  
5 be done and interview everyone  
6 involved. I was briefed quite  
7 regularly."

8 So that "the investigation had to be done  
9 and interview everyone involved" do you recall what that  
10 meant or what you ---

11 **MR. BRUNET:** Yes, I went to -- early one --  
12 early morning, shortly after the interview I went to the  
13 Youth Office and I spoke to Constable Malloy and Constable  
14 Sebalj and we had a little bit of a strategy meeting in  
15 reference to what should be done, who we have to interview  
16 and so on and I remember Constable Malloy talking about  
17 there was an issue that he had faced in court on a sexual  
18 assault case where the -- to be careful in reference to  
19 soliciting complaints, but basically the gist of it was,  
20 no, in this case here what you -- what we have to do, is we  
21 have to contact other altar boys that were serving about  
22 the same time and start those interviews and to try and  
23 find out if there's any corroborating information.

24 So that's -- that's basically what this  
25 meeting was about and the strategy that we were going to do

1 is she was going to do that.

2 MR. DUMAIS: All right. Well, by  
3 "corroborating information," do you mean to find out  
4 whether or not there were other victims?

5 MR. BRUNET: That's correct.

6 MR. DUMAIS: All right.

7 MR. BRUNET: That's -- that's part of it.

8 The others were some of the -- the things  
9 that it said that had occurred: Was there any other people  
10 that could substantiate any of the things that were said?

11 MR. DUMAIS: Yes. I mean, because Mr.  
12 Silmsler never indicated that he knew or was aware of any  
13 other victims; is that correct?

14 MR. BRUNET: No, that's correct, but he had  
15 made some -- some disclosure about a -- a retreat that had  
16 happened ---

17 MR. DUMAIS: Yeah.

18 MR. BRUNET: --- where there were other  
19 people involved in, so that -- that would be part of it,  
20 too.

21 MR. DUMAIS: No, fair enough. And I mean so  
22 -- and I'm just trying to understand what you meant by  
23 that.

24 So he indicated that one of the -- or in one  
25 of the allegations he had indicated that it had occurred at

1 a retreat, correct?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: I mean certainly he had not  
4 indicated to anyone that there was any other victim than  
5 himself, correct?

6 MR. BRUNET: No, that's correct.

7 MR. DUMAIS: All right. So the idea to  
8 contact other people that may have been at the retreat was  
9 essentially to corroborate the fact that there had been a  
10 retreat, correct?

11 MR. BRUNET: Well, and the behaviour that  
12 was explained in the disclosure.

13 MR. DUMAIS: Right, all right. I mean --  
14 and whether or not and if other victims were uncovered,  
15 fair enough, but I mean at this point in time in your  
16 strategy, certainly you had no indication that there were  
17 any other victims?

18 MR. BRUNET: No, there wasn't.

19 MR. DUMAIS: All right. Now, the fact that  
20 there had been more than one allegation and more than one  
21 in more than one jurisdiction, was that part of that  
22 strategy or that discussion or that plan?

23 MR. BRUNET: My recollection of that -- and  
24 I'm not sure I -- there was another investigation that came  
25 at a later date that involved the -- like cases that were

1 in both jurisdictions and I don't recall if it had to do  
2 with this one here or if it had to do with the other one.

3 I know there's -- there's one instance where  
4 she had -- Heidi had some discussion with the Crown  
5 attorney to discuss jurisdiction and the Crown attorney had  
6 said, "Well, you can go ahead and do the investigation; he  
7 complained to you. It happened in the City of Cornwall --  
8 some of it happened in the City of Cornwall; go ahead and  
9 do the investigation."

10 So -- but I -- I can't be positive that it's  
11 in this case here or if it's one that will come down, that  
12 we'll -- that we'll be looking at later.

13 **MR. DUMAIS:** Well, let me ask you this,  
14 then; were you aware that there were more than one  
15 allegation that had been made by Mr. Silmser?

16 **MR. BRUNET:** More than one ---

17 **MR. DUMAIS:** As against Father Charlie?

18 **MR. BRUNET:** Yes, I was.

19 **MR. DUMAIS:** All right. And was there any  
20 discussion as to whether or not you would -- or Constable  
21 Sebalj would investigate simply one of those allegations or  
22 all of these allegations or just some of these allegations?

23 **MR. BRUNET:** She -- she was to investigate  
24 all the allegations.

25 **MR. DUMAIS:** Okay, all right.

1                   **THE COMMISSIONER:** So, Maître, maybe you can  
2 pick a convenient place to end; I think we'll end for the  
3 day.

4                   **MR. DUMAIS:** And you would agree with me,  
5 Luc, that most of Constable Sebalj's investigation was  
6 focused on the St. Andrew's retreat; is that correct?

7                   **MR. BRUNET:** No, I -- I believe the -- it  
8 was involving the St. Columban's

9                   **MR. DUMAIS:** All right.

10                   **MR. BRUNET:** And -- well, I would say that  
11 the majority of it was at St. Columban's and the -- and the  
12 retreat ---

13                   **MR. DUMAIS:** Okay.

14                   **MR. BRUNET:** --- where there could be some  
15 corroboration to it.

16                   **MR. DUMAIS:** All right. So then, would both  
17 the St. Andrew's West retreat and the St. Columban's  
18 Sacristy be within the jurisdiction of the Cornwall Police?

19                   **MR. BRUNET:** No, one would be in ours, the  
20 other one was in the OPP.

21                   **MR. DUMAIS:** Okay. So any consideration  
22 given at that time to assign or transfer the one that was  
23 not within your jurisdiction to the OPP?

24                   **MR. BRUNET:** Well, that's what I'm saying,  
25 I'm not clear on it and I -- I can't be positive.

1                   So I -- I -- I guess my answer is I can't  
2                   remember clearly.

3                   **MR. DUMAIS:** Okay.

4                   **MR. BRUNET:** I can't remember.

5                   **MR. DUMAIS:** Fair enough.

6                   And this would be an appropriate time,  
7                   Commissioner.

8                   **THE COMMISSIONER:** Okay. A reminder for  
9                   tomorrow that we'll start at 9:30 but we'll run right  
10                  through to 1:30, taking some breaks if everyone wanted to  
11                  bring a piece of fruit or something. We'll be going on  
12                  that schedule.

13                  **MR. DUMAIS:** All right, thank you.

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

16                  This hearing is adjourned until tomorrow  
17                  morning at 9:30 a.m.

18                  --- Upon adjourning at 4:35 p.m./

19                  L'audience est ajournée à 16h35

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C E R T I F I C A T I O N

I, Marc Demers 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, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Marc Demers, CVR-CM