

**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 211

Held at :

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

Friday, April 4 2008

Tenue à:

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

Vendredi, le 4 avril 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Mary Simms	
Mr. Mark Crane	Cornwall Police Service Board
Mr. Peter Manderville	
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Jeremy Glick	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. Mark Wallace	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action

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1 --- Upon commencing at 9:40 a.m. /

2 L'audience débute à 9h40

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. Good morning, sir.

11 **MR. DUMAIS:** Good morning, Commissioner.

12 **THE COMMISSIONER:** Good morning. We have a
13 new addition?

14 **MR. DUMAIS:** Pardon me?

15 **THE COMMISSIONER:** I don't know counsel for
16 the Attorney General. Have we met before? Mr. Glick?

17 **MR. GLICK:** (off mic), articling student
18 from the Crown law office.

19 **THE COMMISSIONER:** Welcome aboard.

20 **MR. DUMAIS:** My understanding is he made one
21 appearance at one point in time, Commissioner.

22 **THE COMMISSIONER:** Oh, okay, did you? I'm
23 sorry.

24 Well, hello again.

25 **LUCIEN BRUNET, Resumed/sous le même serment:**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR Me
2 DUMAIS (Cont'd/Suite):

3 MR. DUMAIS: Good morning, Luc.

4 MR. BRUNET: Good morning, sir.

5 MR. DUMAIS: All right. So just to put you
6 back where we left off yesterday. We had just finished
7 looking at the four different allegations that had been
8 made against Father MacDonald.

9 If we can then look at the allegation that
10 had been made by Mr. Silmsers regarding Ken Seguin? And if
11 I can take you firstly to Tab 80 -- sorry, the doc number
12 728566, which is Exhibit 1425 that was put to you
13 yesterday.

14 So I'm just looking towards the bottom
15 there, your entry at February 10th, 1993.

16 MR. BRUNET: Yes.

17 MR. DUMAIS: All right. So I will just read
18 it to you:

19 "David Silmsers called Constable Sebalj
20 and advised her he had contacted Ken
21 Seguin. He was running scared. He
22 said he did not want to lay charges
23 against Seguin at the time. He asked
24 to concentrate on Father MacDonald at
25 this time."

1 Now if we can then -- so is that what
2 Constable Sebalj was telling you at the time, Luc?

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

4 **MR. DUMAIS:** All right. If we can just look
5 at her different entries in her notes, and the first entry
6 would be on February 16th, 1993. So this is Exhibit 295,
7 and the Bates page would be 7066375.

8 **THE COMMISSIONER:** Okay, so Exhibit 295, the
9 last three numbers of the Bates page please?

10 **MR. DUMAIS:** It's 735.

11 **THE COMMISSIONER:** Thank you.

12 **MR. BRUNET:** Seven three five (735)?

13 **THE COMMISSIONER:** That's right.

14 **MR. DUMAIS:** All right. So at 10:39, she
15 appears to receive a telephone call from victim:

16 "Advised he called Seguin who is
17 running scared. Advised him he's..."

18 And then the word is cut off. So it could
19 be "only."

20 "...laying charges on MacDonald.

21 Stated he's getting very mad."

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

23 **MR. DUMAIS:** All right. And then her next
24 entry on this matter is ---

25 **MR. BRUNET:** Can I just make a correction

1 here?

2 MR. DUMAIS: Yes, you may.

3 MR. BRUNET: These notes here, that's a
4 chronological order that I prepared after. So the notes
5 were not made at the time that Constable Sebalj would have
6 advised me of that. This is a chronology that I prepared
7 probably based on some notes or questions to her at the
8 time that I prepared the chronology.

9 MR. DUMAIS: All right.

10 MR. BRUNET: So I just -- they wouldn't have
11 been made in February. They would have been made probably
12 in January of 1994.

13 MR. DUMAIS: All right. So you are
14 essentially indicating when you made this statement, you're
15 taking into account what was said here in her notes and you
16 took yourself elsewhere ---

17 MR. BRUNET: And probably interviewing her.
18 I'm probably interviewing her at the same time; trying to
19 establish the dates and the facts.

20 MR. DUMAIS: Fair enough. Okay. All right.
21 So then her next entry is on February 16th,
22 just right underneath the February 10th entry.

23 MR. BRUNET: Yes.

24 MR. DUMAIS: So at 9:55:

25 "Unscheduled visit from V., provided

1 statement. States Father McDougald
2 called at night on February 15th.
3 Wanted to discuss settlement. Did not
4 entertain conversation. I advised him
5 I would be interviewing family. Victim
6 satisfied. I requested school
7 records."

8 So that's obviously the date where Mr.
9 Silmsler has completed his statement and drops it in to
10 Constable Sebalj; correct?

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

12 **MR. DUMAIS:** All right. And clearly, we
13 know from the statement that he prepared that he not only
14 had made allegations against Father MacDonald but the
15 statement also provided allegations with respect to Mr. Ken
16 Seguin. Is that correct?

17 **MR. BRUNET:** The statement did -- yes, it
18 did make an allegation, although not in detail.

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

20 And on the issue of details, did Constable
21 Sebalj and Sergeant Lefebvre go back on March 10th of 1993
22 with the intent of getting more details on the allegations
23 versus Father MacDonald?

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

25 **MR. DUMAIS:** And at this time, it was Mr.

1 Silmsers position, and I will just take you to that
2 reference, same exhibit, Bates page 7063802.

3 MR. BRUNET: Eight zero two (802) would be
4 the last three numbers?

5 MR. DUMAIS: Correct. And that is at the
6 end of their interview, and we know from looking at the
7 notes that that interview would have begun at 10:56, and
8 the start date of that interview is at Bates page 798 and
9 goes on to 14:35, which is -- well, the second-last entry,
10 1400 hrs ---

11 MR. BRUNET: Yes.

12 MR. DUMAIS: And he indicates at that time:

13 "I don't think I can deal with..."

14 I presume the word is "that."

15 "...with that too right now re Seguin."

16 MR. BRUNET: That's correct.

17 THE COMMISSIONER: Can I just situate myself
18 in all this?

19 We know in the statement that he gave, that
20 he handed back that ---

21 MR. BRUNET: Yes.

22 THE COMMISSIONER: --- there was very little
23 about Seguin.

24 MR. BRUNET: That's correct.

25 THE COMMISSIONER: Am I correct though in

1 that in the first interview when Sergeant Lefebvre,
2 Detective Constable Malloy ---

3 **MR. BRUNET:** Yes.

4 **THE COMMISSIONER:** --- and Constable Sebalj,
5 when they were all three in there, he did give some details
6 about the allegations against Seguin; did he not?

7 **MR. BRUNET:** Yes, a lot more than he did in
8 his statement.

9 **THE COMMISSIONER:** Right. So it's not as if
10 the police were just saying, well, he's making an
11 allegation against Seguin. They did have a general idea of
12 what the allegations were in that very first meeting?

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

14 **THE COMMISSIONER:** Okay.

15 **MR. BRUNET:** During the oral interview.

16 **THE COMMISSIONER:** The oral -- okay, we'll
17 call it the oral interview. Okay, fine.

18 **MR. DUMAIS:** So then certainly in his last
19 statement on March 10th, 1993, it is not an indication that
20 he does not want to proceed against Mr. Seguin, simply that
21 he's not prepared to do so right now; correct?

22 **MR. BRUNET:** That's correct. The
23 understanding that I had from the 10th of February and later
24 on during this interview was that he wanted to deal with
25 the issues one at a time. Like if we knew that our

1 relationship with Mr. Silmsler was somewhat not very good,
2 like in the sense that, you know, there was telephone calls
3 and one minute he's irate, the other one he's very
4 friendly; he doesn't show up for meetings and so on, so we
5 didn't feel that pressuring him into, you know, telling him
6 that he's doing the wrong thing and -- and to contradict
7 him at this point would have been a good idea in reference
8 to pursuing both investigations. Like we wanted to try and
9 build some rapport with him, we wanted to try and make him
10 feel comfortable that we would work with him so that's --
11 we agreed at that -- well, we had agreed earlier that we
12 would take it one step at a time and if he was ready to
13 deal with Father Charlie, we would start with that
14 investigation and -- and take it one step at a time.

15 **MR. DUMAIS:** All right and clearly on March
16 10th, you -- or Constable Sebalj and Sergeant Lefebvre
17 received these instructions after a lengthy interview.

18 **MR. BRUNET:** Yes.

19 **MR. DUMAIS:** All right. And is it -- and my
20 understanding is at that point you had a discussion with
21 Sergeant Lefebvre.

22 **MR. BRUNET:** It was before that. I believe
23 it was right after February 10th or somewhere around
24 February 10th that I would have had the discussion with
25 Sergeant Lefebvre and this was in reference to how to deal

1 with Mr. Seguin. Is that what you're referring to?

2 **MR. DUMAIS:** Yes.

3 **MR. BRUNET:** Yes, correct. Yes, Sergeant
4 Lefebvre and I met in his -- in my office and I'm not sure
5 if he came in or if I asked him to come in, but we started
6 to discuss what we would do and that's where the discussion
7 came that we didn't feel that it would be helpful to push
8 Mr. Silmsler at this point, but that we would work with him
9 and deal with things that he was comfortable with dealing
10 with at the same time and then the -- I believe Sergeant
11 Lefebvre brought up the issue of what do we do as far as
12 Ken Seguin, as far as his employment and we had a lengthy
13 discussions of the pros and cons; if we had the authority
14 to do it and at the end, we both agreed that with the
15 allegations being made, but no investigation and him not
16 being ready to -- to deal with an investigation at this
17 point; we didn't feel that we had the authority to advise
18 his employer and tell him that we got a complaint but we
19 don't have any -- we're not doing an investigation; the
20 complainant's not ready to proceed with an investigation.
21 We felt that we didn't have the authority to -- to do so.

22 **MR. DUMAIS:** All right and you believe, Luc,
23 that you would have had that conversation with Sergeant
24 Lefebvre around the 10th day of February, 1992 ---

25 **MR. BRUNET:** Yes.

1 **MR. DUMAIS:** --- or shortly afterwards.

2 **MR. BRUNET:** Yes, it would have been around
3 that time because I remember we had discussed the oral
4 interview at the same time so he had kind of given me some
5 -- some details about the interview and what we were
6 dealing with and the fact that he didn't want to -- to
7 cooperate because what we felt is that when we would
8 approach Probation -- as you're doing an investigation you
9 would approach Probation and request documents and -- and
10 that would alert them to -- to the fact that we're doing an
11 investigation without, you know, you've got a bona fide --
12 if we have a bona fide investigation, we would be entitled
13 to do that; the police is entitled to -- to ask questions.
14 But if you don't have a bona fide investigation, that's
15 where the problem was coming in and -- and at that time,
16 that's the discussion we had.

17 **MR. DUMAIS:** All right. So that your view
18 then that when -- when Mr. Silmsler had made the initial
19 statement on January 28th and then completed his formal
20 written statement on -- which was delivered on February
21 16th, that that was not sufficient for you to act on.

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

23 **MR. DUMAIS:** All right and after this March
24 10th indication by Mr. Silmsler that was actually the last
25 time that the allegation versus Mr. Ken Seguin was ever

1 discussed until the fall of 1993.

2 MR. BRUNET: That's correct. To the best of
3 my knowledge that's correct. It -- it -- I'd like to
4 qualify that, that the investigators may have talked to him
5 about it but I didn't see anything in the officer's notes
6 and I'm not aware of any discussion being done until
7 September.

8 THE COMMISSIONER: The investigators might
9 have spoken to whom?

10 MR. BRUNET: To Mr. Silmser about it.

11 THE COMMISSIONER: Okay, right.

12 MR. DUMAIS: Yes, and I mean -- and clearly
13 there does not appear to be any entry in Constable Sebalj's
14 ---

15 MR. BRUNET: That -- that's correct.

16 MR. DUMAIS: All right and -- and when
17 you're saying you have no knowledge of that so that would
18 not have been a point of discussion in any of your meetings
19 with, say, Constable Sebalj during that period of time.

20 MR. BRUNET: That's correct.

21 THE COMMISSIONER: Can we go back, sir, and
22 I'm sorry ---

23 MR. DUMAIS: Yes.

24 THE COMMISSIONER: --- to page 735 of the
25 notes and the last three numbers of the -- it says there at

1 the entry for 1039, it says:

2 "Telephone call from victim, advises he
3 called Seguin and he's running scared.

4 Advised him he's only..."

5 I guess if that is only:

6 "...laying charges on MacDonald."

7 And then here's my question, "stated he's getting really
8 mad," so who's get -- stated what, that Silmsers himself was
9 getting very mad or Seguin is getting very mad?

10 **MR. BRUNET:** My recollection, Mr.
11 Commissioner, is that Mr. Silmsers was getting very upset.

12 **THE COMMISSIONER:** Okay. Okay.

13 **MR. DUMAIS:** All right. If we can then just
14 move on to the next matter, Luc, and that's -- I'd like to
15 take you to Document Number 728585, but I may have filed
16 that yesterday; just a minute. It would be Exhibit 1421.

17 **THE COMMISSIONER:** I'm sorry, 1421?

18 **MR. DUMAIS:** Fourteen twenty-one (1421) and
19 I'll be referring you to Bates pages 7113849.

20 **THE COMMISSIONER:** Three eight four nine
21 (3849). So Madam Clerk ---

22 **MR. BRUNET:** Do I have this one?

23 **THE COMMISSIONER:** How many binders do you
24 have there?

25 **MR. BRUNET:** I've got two.

1 **THE COMMISSIONER:** Okay. Yes, look at the
2 second one.

3 **MR. BRUNET:** Okay.

4 **THE COMMISSIONER:** No, in the tabs, 1421.

5 **MR. BRUNET:** No, I start at 200 and ---

6 **THE COMMISSIONER:** Yes, that's the other
7 binder. Look at the other one.

8 **MR. BRUNET:** Sorry.

9 **THE COMMISSIONER:** No, no, that's fine.

10 **MR. BRUNET:** One four ---

11 **THE COMMISSIONER:** It's at the end.

12 **MR. BRUNET:** Okay, what's the number; I'm
13 sorry?

14 **THE COMMISSIONER:** One four two one (1421).

15 **MR. BRUNET:** Okay.

16 **THE COMMISSIONER:** And he wants you to go to
17 Bates pages 849, the last three numbers would be 849.

18 **MR. BRUNET:** Yes.

19 **MR. DUMAIS:** All right so the question being
20 put to you by Detective Hall -- and that's the second
21 paragraph -- I think I may -- the questions may have misled
22 you somewhat. What I was looking for is, did you ever have
23 any discussions with the Crown Attorney, Murray MacDonald,
24 as the investigation proceeded before any settlement was
25 ever reached and your answer:

1 "If I did, I was just in passing while
2 discussing something else. I remember
3 -- and I can't remember if it's before
4 or right after the settlement, but I
5 remember talking to Murray, and Heidi
6 had mentioned to him that she was
7 having a real hard time with
8 credibility of the witness like the --
9 of the victim."

10 Now, did you ever have -- do you recall
11 having a discussion with Constable Sebalj with respect to
12 the fact that Mr. Silmsler was pursuing some sort of a
13 negotiation or a civil settlement with the Diocese?

14 **MR. BRUNET:** Yes, Constable Sebalj had
15 approached me. She was briefing me quite regularly on --
16 on the issues as they were happening, like the next morning
17 she would brief me and she -- she advised me at one point
18 that she -- she was having some serious concerns about his
19 motives and she explained to me that he had talked to her
20 about meeting with the Church and he was talking about a
21 civil settlement with them.

22 And at that point, I had -- I also had some
23 concerns about that, but I felt it was very dangerous
24 territory for the police to give any instructions
25 whatsoever in reference to civil settlements.

1 I didn't feel that it was our position to
2 give them advice that "you should/you shouldn't" see them,
3 you shouldn't meet with them or -- I really didn't feel
4 that it was proper for us to advise.

5 So what I told Heidi at the time is advise
6 him that whatever he does civilly is totally his business.
7 However, you have to concentrate on the criminal
8 allegations and you have to continue the investigation that
9 way, so don't get involved in the civil settlement or any
10 civil negotiations or anything like that and don't advise
11 them on that.

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

13 **MR. BRUNET:** That was my advice to her.

14 **MR. DUMAIS:** Well, all right. If I can just
15 take you then to discussions that Constable Sebalj would
16 have noted in her notes with respect to anything related to
17 a civil settlement.

18 So the first entry -- and again, that's at
19 Exhibit 295.

20 **THE COMMISSIONER:** Sir, it's in the other
21 binder. Yes.

22 **MR. DUMAIS:** And that's at Bates pages
23 7063802.

24 **MR. BRUNET:** Okay.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. DUMAIS:** Sorry, that would be 733.

2 **MR. BRUNET:** Okay.

3 **MR. DUMAIS:** I gave you the wrong reference,
4 the same exhibit though, and it's the entry on February 3rd;
5 it's at the end of the page.

6 So the relevant portion is:

7 "Victim advised that he had been
8 contacted by the Diocese. They want to
9 have a meeting with the victim. Victim
10 stated he wasn't sure if he was going,
11 thought that they should know the way
12 it's..." --

13 I'm not sure what that is --

14 "Stated he wanted to see what they do."

15 So that's on February 3rd, 1993.

16 **THE COMMISSIONER:** But before that, Mr.
17 Dumais, on the first page of the notes, I think what I'm
18 looking at is your interview, sir, where you say:

19 "It was very clear to her right from
20 the beginning that he was going after
21 money."

22 I look at the first page here and it says,
23 on page 727, at the bottom:

24 "The victim is angry..." --

25 I guess --

1 "... with priest. Wanted only an
2 apology for his acts but was told to
3 file complaint with police if need be."

4 So I think we should start from there; that
5 the first note was he only wanted an apology.

6 **MR. BRUNET:** An apology.

7 **THE COMMISSIONER:** And that it seemed
8 somebody told him if you go to complain if needs be, and
9 then we go to February where it seems that -- what did they
10 say -- that's where we are with you, Mr. Dumais, where he
11 says something about talking to the Church.

12 **MR. DUMAIS:** Well, that's the February 3rd
13 entry.

14 **THE COMMISSIONER:** Yes.

15 **MR. DUMAIS:** And there's a further entry on
16 February 9th, so at Bates pages ending by 734.

17 **MR. DUMAIS:** Yes.

18 **THE COMMISSIONER:** So on February 9th, it
19 says:

20 "He was offered psychological help.
21 Advised that the meeting lasted ..."
22 -- I don't know what.

23 "Suggested he may go civilly after
24 criminal process is completed."

25 Right?

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

2 **THE COMMISSIONER:** Okay.

3 **MR. DUMAIS:** All right. And then on
4 February 16th -- and we've looked at that entry already --
5 this is where he states that:

6 "Father McDougald called last night, 15
7 February. Wanted to discuss a
8 settlement and victim did not entertain
9 conversation."

10 And then on -- and then the next entry is on

11 ---

12 **MR. BRUNET:** The 17th?

13 **MR. DUMAIS:** Pardon me?

14 **MR. BRUNET:** I'm sorry, I'm not following
15 your question.

16 **THE COMMISSIONER:** No, he's going ---

17 **MR. DUMAIS:** I'm just pointing the different
18 notes that Constable Sebalj has made with respect to the
19 civil settlement.

20 **MR. BRUNET:** Yes.

21 **MR. DUMAIS:** So then there's a further entry
22 on February 18th and that's at Bates pages 7063742.

23 **MR. BRUNET:** Yes.

24 **MR. DUMAIS:** And I'll read that, the
25 relevant passage:

1 "Advised he has retained a lawyer. Got
2 drunk, met Don Johnson at a bar.
3 Stated he's known him for some time.
4 Told him story; he never questioned it.
5 Didn't ask for any money. Said, 'I'll
6 take the case'. V advises he wants Don
7 to go the Diocese and go through their
8 lawyers re settlements. Wants to know
9 what they're offering. Not taking
10 settlement. Will pursue it after all
11 criminal charges are done. Wants Don
12 to know what's going on. Then stated,
13 'Want to take them to the cleaners.
14 Going for the full amount strong and
15 hard'."

16 And then the last entry that I could find
17 with respect to a civil settlement is on February 22nd,
18 1993, at Bates pages ending 743, and the passage reads as
19 follows:

20 "Advised he fired Don Johnson on
21 Friday. Says he was doing things
22 without his approval. States he'll get
23 a lawyer when criminal work is done."

24 **THE COMMISSIONER:** I'm sorry, where are you
25 there? This is 743?

1 **MR. DUMAIS:** Yes.

2 **THE COMMISSIONER:** Where on 743?

3 **MR. DUMAIS:** Actually, it begins at the
4 bottom of 742, Commissioner. I'm sorry, February 22nd.

5 **THE COMMISSIONER:** Okay. So you're at 744.
6 You mean after the addresses? It says:

7 "Further advised ..." ---

8 **MR. DUMAIS:** Correct.

9 **THE COMMISSIONER:** --- "... advised he fired
10 Don Johnson on Friday."

11 He says he's doing things without his
12 approval.

13 **MR. DUMAIS:** Yes.

14 **THE COMMISSIONER:** So that's at 744.

15 **MR. DUMAIS:** Correct. Correct,
16 Commissioner.

17 "States he's doing things without his
18 approval. States he'll get a lawyer
19 when the criminal work is done and will
20 retain an Ottawa lawyer."

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

22 **MR. DUMAIS:** And as far as we could see,
23 that's the last note that Constable Sebalj has taken down.
24 So on February 22nd, he's indicated again that he's -- he's
25 gotten rid -- or fired his lawyer, Don Johnson, and that

1 he'll deal with it when the criminal work is done.

2 Now, was it a concern for Constable Sebalj
3 that this -- there was this ongoing negotiation or civil
4 settlement or reference to a negotiation while she was
5 doing her criminal investigation?

6 **MR. BRUNET:** Yes, I believe that's -- she
7 states that in one of the statements that we read a little
8 earlier, I can't remember what page number, but she says
9 she suggested to him that he should wait 'til after the
10 criminal investigation. I think it was the word
11 "suggested" or "recommended" or something to that effect.

12 **MR. DUMAIS:** Sorry. Can you say that again?

13 **MR. BRUNET:** Well, one of the areas that you
14 just took me through in the ---

15 **MR. DUMAIS:** Yes.

16 **MR. BRUNET:** --- last few statements, there
17 is one where she -- at the end, she -- there's a note there
18 that she recommended that he wait 'til after the criminal
19 investigation. I believe the word she used is "suggested".

20 **MR. DUMAIS:** All right. If I can take you
21 to one of your documents, Luc, and that's Document 728566;
22 Exhibit 1425. Thank you.

23 And, again, that's your chronology, Luc.

24 **MR. BRUNET:** Okay. Yes.

25 **MR. DUMAIS:** The last page:

1 "I recall discussing this with
2 Constable Sebalj..."

3 And you're making reference to the church about a financial
4 settlement.

5 "I recall discussing this with
6 Constable Sebalj and telling her that
7 this had nothing to do with us.
8 Continue with the investigation."

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

10 **MR. DUMAIS:** So, clearly, your instructions
11 to Constable Sebalj at that time was that this had nothing
12 to do with your criminal investigation?

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

14 **MR. DUMAIS:** All right. And after February
15 22nd, there is no further mention of this civil settlement
16 by Mr. Silmsler until such time as September, '93 rolls
17 around.

18 **MR. BRUNET:** Okay.

19 **MR. DUMAIS:** And would you agree, Luc, that
20 the fact that any type of financial settlement separate
21 from the criminal investigation is ongoing should not
22 impact credibility of a victim?

23 **MR. BRUNET:** Well ---

24 **MR. MANDERVILLE:** Mr. Commissioner, I'm not
25 sure how on earth Mr. Brunet can give that sort of an

1 answer. It's in the nature of a legal question to a
2 degree.

3 **THE COMMISSIONER:** Well, no, just a second
4 now.

5 In the notes, she says, you know, he's not
6 credible because he's up and down. He's aggressive and
7 he's only in it for the money.

8 So it's a determination that someone has
9 made about that. So I think that maybe the question isn't
10 worded properly.

11 **MR. MANDERVILLE:** I can see that part. I
12 would ask my friend ---

13 **THE COMMISSIONER:** Sure, let's try from
14 another angle.

15 **MR. DUMAIS:** And, actually, I think to a
16 certain extent, Luc has partly answered the question.

17 Was Constable Sebalj telling you that the
18 fact that Mr. Silmsen was negotiating some type of a civil
19 settlement impact on his credibility?

20 **MR. BRUNET:** Not the fact that he's
21 negotiating a civil settlement. I wouldn't say that that
22 particular fact has any bearing on his credibility.

23 I would say that the conduct in which he's
24 communicating with Constable Sebalj would certainly raise
25 some concerns about motives for bringing an allegation.

1 **MR. DUMAIS:** It was a concern that she had?

2 **MR. BRUNET:** It was a concern that she had
3 and she very clearly stated to me that she had some
4 concerns about that.

5 **MR. DUMAIS:** And clearly your instructions
6 to her was that it should not be a concern; correct?

7 **MR. BRUNET:** Well, my instructions to her
8 was not to become involved in the civil aspect of the -- of
9 his dealing with the Church or anyone else for that matter
10 on the civil side. My instructions were, there's an
11 allegation and our responsibility is to investigate the
12 allegation and concentrate on the allegation, the criminal
13 investigation aspect of it, and do not become involved in
14 the civil side of it.

15 So to some extent, there's a little
16 difference there.

17 **MR. DUMAIS:** But certainly your instructions
18 at that time was to continue the investigation?

19 **MR. BRUNET:** For sure.

20 **MR. DUMAIS:** All right. And the only other
21 entry that I could find with respect to a settlement in her
22 notes was on February 25th and that was a comment that had
23 been made by Malcolm MacDonald.

24 Now, Luc, you were aware that Malcolm
25 MacDonald was involved to a certain extent in both the

1 criminal investigation and the civil negotiations with the
2 Diocese?

3 MR. BRUNET: Well, I didn't know that he was
4 involved in the negotiations or what involvement he had in
5 the negotiations, but I knew he represented Father Charles.

6 MR. DUMAIS: All right. And you knew that
7 Constable Sebalj, at different points in time in her
8 investigation, had discussions with him?

9 MR. BRUNET: Yes.

10 MR. DUMAIS: And some of these discussions
11 she related to you?

12 MR. BRUNET: Yes.

13 MR. DUMAIS: All right. And one of -- one
14 particular instance was that Father MacDonald had offered
15 at one point-in-time that Father MacDonald would be
16 prepared to take a polygraph?

17 MR. BRUNET: That's correct.

18 MR. DUMAIS: And my understanding is
19 Constable Sebalj brought this to you and had a discussion
20 with you on this?

21 MR. BRUNET: That's correct.

22 MR. DUMAIS: All right. And so what was --
23 what did she tell you and what was the conversation?

24 MR. BRUNET: Well, the recollection that I
25 have of it is that she had told me that she had spoken to -

1 - Malcolm MacDonald had called her for an update and he had
2 offered his assistance and he claimed that Father Charles
3 was totally innocent and that he'd be willing to provide a
4 polygraph if necessary.

5 **MR. DUMAIS:** All right. And did you make
6 any suggestions or provide any directions to Constable
7 Sebalj with respect to this?

8 **MR. BRUNET:** Yes. Yes, I advised her that
9 in my opinion it was premature to consider giving him a
10 polygraph. My experience with the polygraph was that it's
11 an investigative tool and that the objective of it
12 obviously is to try and get the person to give a
13 confession.

14 So your best avenue with using the polygraph
15 is after you have done your investigation and you've got
16 some information that you can put to him and ask him direct
17 questions, the polygraph operator can ask him direct
18 questions, that's when you find out if he's truthful or not
19 and obviously he'll use that to be able to get a
20 confession.

21 So my opinion on it, and still today I'm
22 still convinced of that, is that the proper procedure to
23 use the polygraph is you do your investigation first. If
24 you have the grounds to arrest the person, you arrest him
25 and then you offer him the polygraph and you make sure that

1 you have your polygraph operator ready to go so that there
2 is no time for consideration. Like everything's in place
3 and you just turn him right over to the polygraph operator.

4 If you don't have the reasonable and
5 probable grounds at the end of your investigation and you
6 feel that you've done everything you could do for the
7 investigation, at that point you would bring the subject in
8 for an interview and to see if he'll confess, and you would
9 have your polygraph operator ready to go, same type of
10 procedure. And if he agrees to the polygraph at that
11 point, you turn him over to your polygraph operator and
12 hopefully get a confession.

13 **MR. DUMAIS:** All right. But clearly by that
14 date, so February 25th, 1993, Constable Sebalj had conducted
15 an interview with Mr. Silmser?

16 **MR. BRUNET:** Yes.

17 **MR. DUMAIS:** And she had received his
18 statement on February 16th, 1993.

19 Could the polygraph examination not have
20 been used as an investigative tool? I mean -- and if he's
21 prepared and willing to do it at that point-in-time, just
22 to make a determination as to whether or not he was being
23 truthful?

24 **MR. BRUNET:** We're talking about Father
25 Charlie?

1 MR. DUMAIS: Correct.

2 MR. BRUNET: Well, I have just explained my
3 position with it.

4 MR. DUMAIS: All right. Fair enough.

5 MR. BRUNET: I'm sure there -- I'm sure
6 there's other investigators who may have a different
7 philosophy on it. My experience with it, like the
8 investigations that I have been involved with over the six-
9 and-a-half years that I've got experience in the criminal
10 investigation, we've always used it when we're ready to do
11 an interrogation and you always try to get as much
12 information as you can for your interrogation.

13 So she had -- at this point, she had just
14 started the investigation. She was far from having
15 interviewed everybody and it's a lot better -- and in this
16 case here, we found some other information that would have
17 been very, very helpful to try and interview him and
18 interrogate him on, so I strongly believe in my position.
19 I think that's still -- if you would ask me how I would do
20 it today, 15 years later with 15 years more experience, I
21 would still believe the same thing.

22 Now, I'm sure there's other philosophies out
23 there and I respect other people's -- there -- you have to
24 accept that there is more than one way of doing things.
25 Like when you run an investigation, you run it to the best

1 of your ability, to the best of your knowledge, and what
2 has worked for you in the past.

3 So that's my answer to that.

4 **MR. DUMAIS:** All right.

5 **THE COMMISSIONER:** So how many polygraphs
6 had you been involved in in the past?

7 **MR. BRUNET:** At that time, I would say
8 probably about half-a-dozen.

9 **THE COMMISSIONER:** All right. And you've
10 indicated that one scenario is you don't do it at the
11 beginning because you want to get some information?

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

13 **THE COMMISSIONER:** But I thought I heard
14 that, at the end, if things are falling down a little bit
15 and you don't have RPG, then you would bring him in and, I
16 guess, as a last ditch effort you would do that?

17 **MR. BRUNET:** That's exactly what I said.

18 **THE COMMISSIONER:** All right. So was that
19 ever done as a last ditch effort?

20 **MR. BRUNET:** No, because the investigation
21 wasn't done when we got the letter requesting that he will
22 not participate in any further criminal investigation.

23 **THE COMMISSIONER:** Why would that stop you
24 from getting Father Charles MacDonald in and sitting him
25 down, I mean, if you get a confession?

1 **MR. BRUNET:** Well, we no longer -- first of
2 all, we no longer have an active investigation because we
3 know our complainant won't testify.

4 Second, we know that Father Charles has
5 settled civilly with him and he's not cooperating. So our
6 chances at that point of him coming in voluntarily for an
7 interview are, I would say, nil.

8 **THE COMMISSIONER:** Did you ask him?

9 **MR. BRUNET:** No, we did not ask him, sir.

10 **THE COMMISSIONER:** Okay.

11 **MR. DUMAIS:** All right. So, Luc, if I could
12 just take you back to the polygraph a bit and ask you the
13 following question, and I think you are correct in that on
14 February 25th, 1993, that Constable Sebalj had not conducted
15 any of her interviews.

16 So I think the intent at that time was that
17 she would conduct a number of interviews of either former
18 altar boys or people that had been at the retreat?

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

20 **MR. DUMAIS:** And that was your understanding
21 that this needed to be done?

22 **MR. BRUNET:** Yes.

23 **MR. DUMAIS:** All right. And your thoughts
24 at the time was that she should wait until those interviews
25 be conducted to gather more information before a polygraph

1 examination is made; correct?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: All right, but is there not a
4 distinction in your mind because at that time certainly
5 there is no indication that anyone had been a witness to
6 any of the allegations. Is that correct?

7 MR. BRUNET: At this time, that's correct.

8 MR. DUMAIS: And essentially, at that point-
9 in-time, it was the word of the complainant versus a word
10 of an alleged perpetrator; correct?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: So I mean is there not a
13 distinction in your mind if there's -- if it's only a
14 scenario where it's the word of one person against another,
15 and there's no indication that there are any witnesses to
16 the allegations, that you could proceed at that point-in-
17 time with a polygraph examination?

18 MR. BRUNET: Well, you could proceed any
19 time, but like I felt at this point is that she was just
20 starting the investigation. She was just starting to
21 contact the possible witnesses, possible -- well, the
22 former altar boys and the people from the retreat.

23 So I was not satisfied at that point that
24 the investigation was anywhere near its end; that we would
25 not get other information that would help us.

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

2 **MR. BRUNET:** Which turned out happening
3 later on in the month of March, late March, early April.

4 **MR. DUMAIS:** Right. Because she conducted
5 most of her interviews in March and April of that year?

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

7 **MR. DUMAIS:** As a matter of fact, we know
8 that the last interview that -- or the last step of her
9 investigation was on April 29th, 1993?

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

11 **MR. DUMAIS:** And clearly, as you indicated
12 to the Commissioner, there's no further attempts or no
13 further requests that had been made to Malcolm MacDonald?

14 **MR. BRUNET:** Not at that point, no. Well,
15 it never happened, but it's because the investigation had
16 not been active.

17 **MR. DUMAIS:** And, again, her last interview
18 had been completed by April 29th; correct?

19 **MR. BRUNET:** Yes, exactly.

20 **MR. DUMAIS:** Now, were you aware as well
21 that Constable Sebalj was having discussions with Malcolm
22 MacDonald on some of the -- to confirm some of the details
23 of the allegations?

24 **MR. BRUNET:** I don't recall actually
25 discussing that with her. I may have been, but I can't say

1 for sure. That particular part, I don't really remember.

2 MR. DUMAIS: Okay. So you don't remember
3 whether -- you know that, but you don't know if it was from
4 what you remember back then or what you've read?

5 MR. BRUNET: Yeah, exactly. Now, with the
6 notes, I know.

7 MR. DUMAIS: But, certainly, you would agree
8 that any attempts to obtain information to corroborate an
9 allegation from a defence lawyer is not a proper
10 investigative step?

11 MR. BRUNET: Yes, I do agree to that, but I
12 believe that the circumstances there, the reason why she
13 did it that way, there were reasons for it. And the
14 reasons were that we had been -- when I say "we" Constable
15 Sebalj and I had been advised by Sergeant Lefebvre early in
16 the investigation that -- not to expect any cooperation
17 from the Diocese because of his experience that he had
18 received in an earlier investigation in 1988, I believe,
19 with the Father Deslauriers case, that he felt that his
20 investigation was somewhat -- I don't know if the word
21 "obstructed" is proper, but ---

22 MR. DUMAIS: They're not cooperating?

23 MR. BRUNET: That they were not cooperating
24 at the time. I believe that's -- I agree with that word,
25 and so I believe that is why Constable Sebalj used the

1 opportunity that they offered documents to get them. At
2 least, this way she got them.

3 MR. DUMAIS: All right. Do you know if any
4 attempts were ever made by Constable Sebalj to attend at
5 the Diocese and get the information?

6 MR. BRUNET: No, I don't think she did.

7 MR. DUMAIS: And I believe at one point in
8 her investigation there is some indication that Mr. Silmser
9 might have attempted to. Is that correct?

10 MR. BRUNET: Yes, I saw that in her notes.

11 MR. DUMAIS: Yes, and he was not successful
12 in doing that.

13 MR. MANSON: Did ---

14 MR. BRUNET: To the best of my knowledge,
15 that's correct.

16 THE COMMISSIONER: I didn't catch that
17 question.

18 MR. DUMAIS: He was not successful in doing
19 that and I ---

20 MR. MANSON: There was a question and then
21 there wasn't an answer. That was my ---

22 MR. DUMAIS: All right then. If I can take
23 you back then to your chronology, and I think that's the
24 last point on your chronology, and that's again Exhibit
25 1425.

1 **MR. BRUNET:** Yes.

2 **MR. DUMAIS:** So starting a little higher
3 than mid-page in that paragraph.

4 "I was aware that Constable Sebalj was
5 interviewing alter boys from that time
6 period and that she was getting very
7 contradictory information from these
8 men until she contacted one Mr...."

9 And that's blocked off:

10 "...and a Mr...."

11 And that's blocked off as well. I think one
12 of these two names we can refer to as C-3 and I don't know
13 if you have a list and perhaps that's the first question I
14 should put to you.

15 **MR. BRUNET:** No. I don't have a list

16 **MR. DUMAIS:** We have a list for the witness?

17 **THE COMMISSIONER:** M'hm. C-3 Madam Clerk.

18 So one of those names is the one that you
19 see there which is known as C-3 so, do you understand that
20 or do you agree that if one of those names hadn't been
21 blocked out would be C-3?

22 **MR. DUMAIS:** Yes, I do, sir.

23 **THE COMMISSIONER:** All right then.

24 **MR. DUMAIS:** And Commissioner on the other
25 name, I know that there is a interim publication ban but I

1 don't believe that that person has ever been given a
2 moniker and principally I think because there was no need
3 to mention his name in the hearings room, but for the next
4 part of the discussion I think it might be useful. So I
5 know that an interim publication ban ---

6 **THE COMMISSIONER:** I don't know who the
7 second name is.

8 **MR. DUMAIS:** Yes, and that's part of the
9 difficulty and the name is blocked off here.

10 **THE COMMISSIONER:** You have a list of
11 monikers right in front of you, Mr. Dumais.

12 **MR. DUMAIS:** Yes, and he's -- he does not
13 have a moniker and I am trying to find a reference to his
14 name.

15 I'm trying to do this without having to go
16 into an in-camera session, Commissioner.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. DUMAIS:** Now Mr. Manderville has
19 provided some assistance and pointed out a document and the
20 only difficulty is -- I don't think that that document is
21 in evidence as of yet so perhaps I can start by doing that.

22 **THE COMMISSIONER:** Would you like a break,
23 Mr. Dumais?

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. DUMAIS:** I think we found it but -- if

1 we can go ---

2 **THE COMMISSIONER:** Yes.

3 **MR. DUMAIS:** If we can go to Exhibit 295
4 first and just -- so we can identify the name. Bates pages
5 7063824.

6 **THE COMMISSIONER:** Three eight two four
7 (3824).

8 **MR. BRUNET:** At the top of the page.

9 **MR. DUMAIS:** Top of the page second line is
10 that the second name that you've block off --

11 **MR. BRUNET:** It's certainly the last name --
12 the first name to the best of my recollection it is, yes.

13 **THE COMMISSIONER:** All right.

14 **MR. DUMAIS:** So then, Commissioner, if we
15 can give that name moniker -- I believe we are at C-56.

16 **THE COMMISSIONER:** We will for now. I'm a
17 tad concerned that we keep putting all of these things into
18 a basket and we never do go on the record to complete it so
19 I'm going to ask that that -- we take some time and we get
20 that done.

21 **MR. DUMAIS:** Yes, Commissioner and as a
22 matter of fact we have addressed or compiled all those
23 issues. And we are prepared to address all these issues;
24 we are just simply setting it out in a -- some
25 correspondence to the parties to see whether or not if

1 everyone agrees with our position. So we'll be able to do
2 that shortly.

3 **THE COMMISSIONER:** Thank you.

4 **MR. DUMAIS:** Thank you.

5 All right. So let me start over. So the
6 last entry in your notes, I'll read that again.

7 "So I was aware that Constable Sebalj
8 was interviewing altar boys from the
9 time period and she was getting very
10 contradictory information from these
11 men until she contacted one Mr. C-56
12 and one Mr. C-3. This certainly gave
13 some credibility to Mr. Silmsers
14 allegations."

15 **MR. BRUNET:** Yes, that's correct.

16 **MR. DUMAIS:** Now, in an interview that you
17 gave, or a statement that you gave to the OPP and that's
18 Exhibit 1332 ---

19 **THE COMMISSIONER:** Je pense pas que je l'ai
20 celui la ---

21 Merci.

22 One, oh I'm sorry. Three three two (332)?
23 Exhibit ---

24 **MR. DUMAIS:** I believe it's -- Exhibit 1421.
25 Sorry, Exhibit 1421.

1 **THE COMMISSIONER:** And that -- 1421 is his
2 statement -- is Sergeant Brunet's statement?

3 **MR. DUMAIS:** Your January 21st statement to
4 the OPP.

5 And when you are asked a question on this
6 issue and it's about -- your response starts at about the
7 fourth line of that ---

8 **THE COMMISSIONER:** Of what page, sir?

9 **MR. BRUNET:** On what page?

10 **MR. DUMAIS:** Oh, sorry.

11 **MR. BRUNET:** I don't have a page.

12 **MR. DUMAIS:** Eight five zero (850). It's
13 the line that starts with "Because," do you have that?

14 **THE COMMISSIONER:** No.

15 **MR. BRUNET:** Whereabouts?

16 **MR. DUMAIS:** Your second response, fourth
17 line. The page is 7113850.

18 **MR. BRUNET:** Seven one one three eight five
19 zero (7113850), es.

20 **THE COMMISSIONER:** Madam Clerk, could you
21 just use your scroller and show where the "Because" is.

22 **MR. DUMAIS:** That's correct Commissioner,
23 she ---

24 **THE COMMISSIONER:** Right there.

25 See it?

1 **MR. BRUNET:** Okay, yes.

2 **MR. DUMAIS:** So -- because when the person
3 has talked to her, they didn't want to get involved in this
4 but she -- and this was:

5 "She's been telling me because I've
6 never met the other two. From the
7 information I had at that time was that
8 when she met with them, they had --
9 they wanted nothing to do with the
10 investigation but, you know, after
11 discussing the possibility of other
12 people being abused and so they did
13 agree to talk to her but they wouldn't
14 talk to anybody else."

15 And you're referring to both C-3 and C-56
16 when you're giving that ---

17 **MR. BRUNET:** Yes, that was my understanding
18 that they didn't -- didn't want to get involved.

19 **MR. DUMAIS:** All right. So then if we -- if
20 we can have a look at Constable Sebalj's note, and that's
21 Exhibit 295.

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

23 **MR. DUMAIS:** And at Bates pages 7063802.

24 **MR. BRUNET:** Three eight zero two (3802)?

25 **MR. DUMAIS:** Sorry, 3828.

1 **MR. BRUNET:** All right, okay.

2 **MR. DUMAIS:** And that's the -- and I'm
3 looking at -- and just so that you're situated, this is the
4 note she has taken on the interview of C-56, and I'm
5 looking at the eighth line from the bottom, so this is what
6 he indicates at the end of the interview, "I don't know..."
7 It starts with "I don't..."

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** "So I don't know if I'm a vic
10 or not. I consider myself a witness,
11 in my mind. I haven't been adversely
12 affected by it. I have no problem
13 doing whatever is needed."

14 And then he's given this statement form and
15 asked for him to put it on paper.

16 **MR. BRUNET:** Okay.

17 **THE COMMISSIONER:** Which witness is this
18 now; C-what?

19 **MR. DUMAIS:** C-56.

20 **THE COMMISSIONER:** Thank you.

21 **MR. DUMAIS:** And then at Bates
22 pages 7063830, and I guess perhaps the first line is on the
23 previous page, at the bottom, "Was advised that..." and
24 that's at the end of the C-3 statement:

25 "Was advised that I had to make a

1 complete disclosure. He mentioned
2 being a hostile witness or that he
3 would deny it. I explained my
4 investigation and that his statement
5 would be very helpful. Left him with a
6 blank statement form, which he
7 accepted.

8 P.S.: Male very torn as to proper
9 thing to do. Asked me to keep in touch
10 and let him know if I located any
11 further victims."

12 And we know that Constable Sebalj, as a
13 matter of fact, was never -- never obtained a statement
14 from C-3; is that correct?

15 **MR. BRUNET:** That's to the best of my
16 knowledge, yes.

17 **MR. DUMAIS:** And to the best of your
18 knowledge, that was the last contact that she had with him,
19 correct?

20 **MR. BRUNET:** Yes.

21 I -- I didn't check the rest of the notes
22 there, but I accept that, yes.

23 **MR. DUMAIS:** And when you're indicating, in
24 your last paragraph of your chronology, that this certainly
25 gave some credibility to Mr. Silmsers' allegations, is that

1 -- was that your view or was that coming from Constable
2 Sebalj?

3 MR. BRUNET: That was my view.

4 MR. DUMAIS: All right. And then April 29th,
5 1993, there was no further investigative steps, no further
6 interviews, no further contacts at least that would be
7 documented in Constable Sebalj's notes ---

8 MR. BRUNET: That's correct.

9 MR. DUMAIS: --- until the end of August ---

10 MR. BRUNET: That's ---

11 MR. DUMAIS: --- 1993; is that correct?

12 MR. BRUNET: That's correct.

13 MR. DUMAIS: If I can take you then to
14 Exhibit 1244.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. DUMAIS: And that has -- that's already
17 an exhibit, Luc, and it appears to be a statement that
18 Constable Sebalj made -- unfortunately there's no date on
19 the statement, but I just wanted to take you to part of the
20 statement where she's being asked essentially who had seen
21 or taken possession of Mr. Silmsers statement that -- in
22 any point in time in her investigation and she does
23 indicate -- and I'm looking at the fourth paragraph, the
24 second line -- and I'll just read the portion and then I'll
25 ask you the question:

1 "A number of officers had the option to
2 review the victim's statement,
3 including Sergeant Lefebvre, Constable
4 Malloy, Constable Snyder and Constable
5 Dunlop.

6 Constable Snyder had the statement in
7 his possession for the purpose of
8 statement analysis. The same was
9 turned over to him on March 4th, 1993."

10 Were you aware that -- what Constable Sebalj
11 was doing there or what she had done?

12 **MR. BRUNET:** No, I do not recall that.

13 **MR. DUMAIS:** All right. Perhaps,
14 Commissioner, I'm ---

15 **MR. BRUNET:** May -- maybe just to -- to
16 expand on that question, I know that Sergeant Snyder was
17 our polygraph -- well, Constable Snyder, at the time, was
18 our polygraph operator. Although we didn't fully ran the
19 polygraph any further, but he did have specialty training
20 in statement-taking and statement analysis, so that would
21 have been the -- I would imagine that would have been the
22 reason for it.

23 **MR. DUMAIS:** All right. But you don't
24 recall ---

25 **MR. BRUNET:** I don't recall her advising me

1 that she had asked Brian to look at it, so ---

2 **MR. DUMAIS:** All right, fair enough.

3 Commissioner, I'm not sure how -- if you
4 want to break this morning or not, but if you would, this
5 would be an appropriate time to break.

6 **THE COMMISSIONER:** Thank you, we'll take the
7 morning break.

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

10 This hearing will resume at 11:00 a.m.

11 --- Upon recessing at 10:49 a.m. / L'audience est suspendue
12 à 10:49

13 --- Upon resuming at 11:12 a.m. / L'audience est reprise à
14 11h12

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

17 **THE COMMISSIONER:** Yes, I apologize for the
18 long break. When you get close to an office, everything
19 happens.

20 All right, so here we go.

21 **LUCIEN BRUNET, Resumed/sous le même serment:**

22 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
23 **DUMAIS (Cont'd/Suite):**

24 **MR. DUMAIS:** All right, Luc, you -- I asked
25 you the question yesterday with respect to supervision and

1 -- and you -- and how often you would speak to Constable
2 Sebalj and I believe you indicated that she was going back
3 to you periodically or from time to time or when the issues
4 arose and she would speak to you. Now -- and we know --
5 and I'm just about to go to two more formal meetings, I
6 guess, that you had with her with respect to going through
7 assignment lists.

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** Other than those two review of
10 assignment list meetings with her, do you recall any other
11 specific discussion on this case; more formal discussion?

12 **MR. BRUNET:** Well, like I mentioned in my
13 testimony yesterday, at one point I remember sitting in her
14 office and -- well, in her presence and Constable Malloy
15 and that was at the initial stages so that would have been
16 one of the -- what I would consider a formal -- although I
17 didn't document it -- but it was a formal meeting with them
18 that we -- it was actually to discuss the case. Then my --
19 she would come by my office -- I mean we'd see each other
20 on a daily basis; part of the routine in the morning was
21 that the roster was on my door so when the officers would
22 come in and sign in that's -- many times we'd have
23 discussions about the ongoing cases so I'd like to note
24 that this was not the only case that she had assigned to
25 her at that time so ---

1 **MR. DUMAIS:** Yes.

2 **MR. BRUNET:** --- there was numerous other
3 cases that we were discussing with her and that I was --
4 would have been discussing with all the other investigators
5 also so it was a -- it's impossible for me to remember
6 every time we had our discussion. I think when we're
7 addressing issues, like I recall that we did have a
8 discussion on those issues, but for me to -- to be able to
9 tell you on such and such a date or such and such a date
10 and this is exactly what we discussed; no, I don't have a
11 recollection.

12 **MR. DUMAIS:** All right. And just before we
13 go to those -- the two meetings that you had with her that
14 summer, there's a number of documents that I'd like to put
15 to you and these are documents which are not exhibits and
16 they are Documents 10 -- 101576.

17 And I'm going to put a number of them in
18 right now, Commissioner. There are 10 of them and it's
19 101576 through 101584. I just have a brief question for
20 Mr. Brunet on those documents.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **THE COMMISSIONER:** So Exhibit 1426 is
23 Document 101576 and how am I going to identify this? What
24 is it?

25 **MR. DUMAIS:** Well, perhaps we can ask Mr.

1 Brunet whether or not he recognizes this document.

2 MR. BRUNET: Well, they're -- they're notes
3 made by Constable Sebalj and I -- I'm not totally familiar
4 with -- with what they are exactly. I can comment that
5 they appear to be a synopsis of the witnesses; basically,
6 what they had to say and the -- the years on the left
7 margin -- left of the margin would indicate the -- the year
8 or how old they would have been at the time.

9 THE COMMISSIONER: All right.

10 MR. DUMAIS: Clearly, you recognize those as
11 being Constable Sebalj's ---

12 MR. BRUNET: That's Constable ---

13 MR. DUMAIS: --- notes.

14 MR. BRUNET: --- Sebalj's writing; that's
15 correct.

16 THE COMMISSIONER: Okay, so that's 1426.

17 --- EXHIBIT NO./PIÈCE NO. P-1426:

18 (101576) Notes of Constable Sebalj on
19 Sampson

20 THE COMMISSIONER: One four two seven (1427)
21 again is a -- notes from Constable Sebalj.

22 --- EXHIBIT NO./PIÈCE NO. P-1427:

23 (101577) Notes of Constable Sebalj on C-56

24 MR. DUMAIS: And that's Document 101577,
25 Commissioner.

1 **THE COMMISSIONER:** Yes, it is.

2 **MR. DUMAIS:** And this would be a document
3 that would be subject to an interim publication ban.

4 **THE COMMISSIONER:** Yes.

5 **MR. DUMAIS:** Thank you.

6 **THE COMMISSIONER:** Exhibit 1428 is document
7 101578 which again appears to be notes of Constable Sebalj.

8 **--- EXHIBIT NO./PIÈCE NO. P-1428:**

9 (101578) Notes of Constable Sebalj on
10 Meilleur

11 **THE COMMISSIONER:** Exhibit 1429 is document
12 Number 101579 and again appears to be notes of Constable
13 Sebalj.

14 **--- EXHIBIT NO./PIÈCE NO. P-1429:**

15 (101579) Notes of Constable Sebalj on Wood

16 **THE COMMISSIONER:** Exhibit 1430 is Doc.
17 Number 101580. Again appears to be notes from Constable
18 Sebalj.

19 **--- EXHIBIT NO./PIÈCE NO. P-1430:**

20 (101580) Notes of Constable Sebalj on
21 Lalonde

22 **THE COMMISSIONER:** New Exhibit 1431 is
23 Document 101581 which is -- which are notes of Constable
24 Sebalj.

25 **--- EXHIBIT NO./PIÈCE NO. P-1431:**

1 (101581) Notes of Constable Sebalj on Sauve

2 **THE COMMISSIONER:** Thank you. Exhibit

3 Number 1432 is Doc. Number 101582; notes of Constable

4 Sebalj.

5 --- **EXHIBIT NO./PIÈCE NO. P-1432:**

6 (101582) Notes of Constable Sebalj on London

7 **THE COMMISSIONER:** Thank you. Exhibit 1433

8 is Doc. Number 101583; notes of Constable Sebalj.

9 --- **EXHIBIT NO./PIÈCE NO P-1433:**

10 (101583) Notes of Constable Sebalj on

11 Lalonde

12 **THE COMMISSIONER:** Thank you. Exhibit

13 Number 1434 is Doc. Number 101584; notes of Constable

14 Sebalj.

15 --- **EXHIBIT NO./PIÈCE NO. P-1434:**

16 (101584) Notes of Constable Sebalj on Brand

17 **THE COMMISSIONER:** Is that it?

18 **MR. DUMAIS:** That's it, Commissioner.

19 **THE COMMISSIONER:** Thank you.

20 **MR. DUMAIS:** All right so these are -- are

21 notes that appear to have been made by Constable Sebalj and

22 so these are not notes that you would have seen throughout

23 the course of her investigation; is that correct?

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

25 **MR. DUMAIS:** All right. And the first time

1 that you would have seen those notes was when?

2 MR. BRUNET: I believe when I was provided
3 documents by the Commission to review.

4 MR. DUMAIS: All right. It's just for the -
5 - in preparation here for the Inquiry.

6 MR. BRUNET: That's correct.

7 MR. DUMAIS: And I mean typically, these
8 notes would have -- are the type of documents that would
9 have formed part of her paper files, if I can put it that
10 way.

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: All right. Now, I understand
13 as a method of supervision that -- and you've indicated
14 this to us yesterday that you'd, from time to time, print
15 out officer's assignment list to review it with them; is
16 that correct?

17 MR. BRUNET: That's correct.

18 MR. DUMAIS: And perhaps, if I can take you
19 to Exhibit 1219.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. BRUNET: Yes.

22 MR. DUMAIS: Now there are a number of pages
23 to that Exhibit. If you can go firstly to Bates pages
24 1025731.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. DUMAIS:** And so my understanding is that
2 this is an assignment list for Constable Sebalj, and we see
3 her name at the top of the left-hand corner. Is that
4 correct?

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

6 **MR. DUMAIS:** And this assignment list would
7 have been printed initially on April 22nd, 1993 and we see
8 that at the top right-hand corner of that page.

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

10 **MR. DUMAIS:** And who would have printed that
11 assignment list?

12 **MR. BRUNET:** I would have. I would have off
13 of my computer.

14 **MR. DUMAIS:** All right. So -- and to obtain
15 this document you would punch in somehow the badge number
16 or the name of the officer and all assignments that are
17 given to her comes out in this printed format.

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

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

20 And perhaps you can explain to us by just
21 taking -- what the different columns are.

22 **MR. BRUNET:** Well, mine -- they're redacted
23 there but the ---

24 **MR. DUMAIS:** Yes.

25 **MR. BRUNET:** --- the first part -- that's

1 the -- under number one -- just under select number one you
2 would find the incident number ---

3 **MR. DUMAIS:** Yes.

4 **MR. BRUNET:** --- that's been assigned; the
5 type of investigation. The -- I can't see what the -- what
6 the other part would be there. I don't know what it is.

7 **MR. DUMAIS:** Location? Location of the
8 offence, is that ---

9 **MR. BRUNET:** Well, look at -- where it says
10 "at" that would be the location of the offence.

11 **MR. DUMAIS:** Yes.

12 **MR. BRUNET:** And the type of complaint again
13 and the -- the name underneath, "MacDonald S." that would
14 be the Staff Inspector whatever he assigned it to her. And
15 on the right-hand side "OVD" meant Overdue, that would have
16 passed the 30 day time period for the report to be
17 submitted and it says overdue as of the 3rd of August '92.

18 **MR. DUMAIS:** All right.

19 So then, with my first question, Luc, is you
20 printed the assignment list on April 22nd, 1993.

21 **MR. BRUNET:** Yes.

22 **MR. DUMAIS:** The different marking that are
23 on this assignment list, they were made by you; is that
24 correct?

25 **MR. BRUNET:** Yes, the handwriting, that's

1 mine. Yes.

2 MR. DUMAIS: All right.

3 And your -- there appear to be notes on the
4 different type of files, things to do. Are these markings
5 being made prior to you meeting with Constable Sebalj?

6 MR. BRUNET: No.

7 MR. DUMAIS: Or during the meeting?

8 MR. BRUNET: It's during the meeting as she
9 is briefing me on each case. I'm making notes of the
10 status of the investigation, what's going to be happening
11 with the investigation.

12 MR. DUMAIS: Okay. So the -- you print this
13 assignment list on April 22nd, 1993. Was the intent to have
14 a meeting with her shortly after?

15 MR. BRUNET: Yes, it was.

16 MR. DUMAIS: Do you know what happened with
17 that meeting?

18 MR. BRUNET: Well, no, not really
19 immediately after. I know in May, somewhere around the --
20 I believe it was around the 10th to the 15th of May we had a
21 homicide and I became the -- well, I had to manage the
22 homicide and that really took me into June and Constable
23 Sebalj ended up going on course also somewhere around the
24 25th of May to -- she came back for a week and then she was
25 away again for three weeks in June, so, there was obviously

1 -- I would say between her and I, we got busy and I wasn't
2 able to have the interview with her before the month of
3 June.

4 **MR. DUMAIS:** All right. But certainly the
5 intent was to meet with her some time after April 22nd or
6 shortly afterwards.

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

8 **MR. DUMAIS:** And actually the -- the actual
9 date that you met with her was on June 29th, 1993. Is that
10 correct?

11 **MR. BRUNET:** I've got some notes that I had
12 written but they are not on this document ---

13 **MR. DUMAIS:** Right.

14 **MR. BRUNET:** --- so I ---

15 **MR. DUMAIS:** Well, if you are not sure about
16 the date ---

17 **MR. BRUNET:** It was somewhere around that
18 time. Yes.

19 **MR. DUMAIS:** Okay. All right. Well, let me
20 just take you to it.

21 **MR. BRUNET:** I'll accept the 29th.

22 **MR. DUMAIS:** I'll just take you to it. So -
23 - and it's the same document but Bates pages that end 728.
24 Top of the page. So this is obviously a note of August 24th
25 but it appears to say in the first paragraph:

1 "On this date at a follow-up interview
2 with Constable Sebalj to the interview
3 of June 29th, 1993."

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

5 **MR. DUMAIS:** All right. So does that make
6 sense that the first one would have been on
7 June 29th, 1993.

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** All right. And in terms of
10 review of assignment list, this would have been the first
11 time that you went through the exercise of going through
12 her different files?

13 **MR. BRUNET:** No, I would have done it in
14 January of that year.

15 **MR. DUMAIS:** Right.

16 **MR. BRUNET:** However, I don't recall if I
17 would have print -- if I would have put a record of it in
18 an appraisal file. I might -- I may have only started that
19 practice later on that year.

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

21 So then as you are having this meeting with
22 Constable Sebalj and you are going through these different
23 files, she's providing you with updates. Is that right?

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

25 **MR. DUMAIS:** And what were your general

1 comments to her on her files? What do you recall?

2 **MR. BRUNET:** Well, the -- there were some
3 files that required to be closed, like either by submitting
4 a report -- I noticed that there was a number of them that
5 there was no further leads to follow-up but they were --
6 the reports had not been submitted so basically I had
7 instructed her to -- to finish them off; to complete the
8 reports and close the file. If there was no further leads
9 to follow, then do the report and close them off.

10 **MR. DUMAIS:** All right.

11 And clearly there were many of these files
12 that -- most of these files are marked as being over due.
13 Is that correct?

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

15 **MR. DUMAIS:** And what does the -- what does
16 overdue tell us?

17 **MR. BRUNET:** It's gone over 30 days. Like I
18 explained yesterday the -- when you submitted a -- when you
19 assigned a follow-up, the system would default after 30
20 days to make it overdue and it would highlight OVD, that
21 meant overdue, and that's the date it was overdue of.

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

23 **MR. BRUNET:** So it was due that date to
24 submit a report.

25 **MR. DUMAIS:** All right.

1 So when you look at this it tells you that -
2 - for a reason or another there has not been a whole lot of
3 progress on many of these investigations?

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

5 **MR. DUMAIS:** And I mean -- and there are
6 different reasons with different files for that.

7 **MR. BRUNET:** That is correct.

8 **MR. DUMAIS:** All right. And do you recall
9 on June 29th whether or not you had a specific discussion
10 with respect to the Silmsers file?

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

12 **MR. DUMAIS:** And what was the gist of your
13 discussion?

14 **MR. BRUNET:** Well, the -- I was told at that
15 point that she was waiting for a few witnesses to get back
16 to her. That she had made attempts to contact people and I
17 believe that she had mentioned there was one of them in
18 Germany at the time. And that's seems to be the -- my
19 recollection of it. That there was -- that she -- there
20 was a witness that was in Germany and I'm not sure if she
21 had a phone call placed to him that she was waiting a phone
22 call back or if she -- if she couldn't reach him and she
23 was waiting for him to come back. He had a due date coming
24 back. It's not clear to me but there was something about a
25 person that was presently in Germany.

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

2 Any indication at that time from Constable
3 Sebalj that the last step that she had taken in this
4 investigation appears to have been on April 29th?

5 **MR. BRUNET:** I ---

6 **MR. DUMAIS:** Certainly, her notes don't
7 indicate ---

8 **MR. BRUNET:** I don't believe she did,
9 however, the conversation itself, I don't remember talking
10 about the last interview she had.

11 **MR. DUMAIS:** All right. And when she's --
12 you are conducting this review with her, certainly, she is
13 not coming in to your office with all of these files, all
14 of these paper files. Is that correct?

15 **MR. BRUNET:** No, it's -- we sit down and
16 it's a verbal update.

17 **MR. DUMAIS:** All right. Now, did you also
18 on that date have a discussion with respect to her being
19 the liaison officer with the Children's Aid Society?

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

21 **MR. DUMAIS:** Okay. Can you tell us what
22 that conversation was about?

23 **MR. BRUNET:** Yes. Previously, the Youth
24 Office was the liaison with the Children's Aid Society
25 because a lot of the cases that Children's Aid would refer

1 to the Cornwall Police or that they would have discussion
2 with the Cornwall Police had a direct link with Youth.

3 **MR. DUMAIS:** Yes?

4 **MR. BRUNET:** And when I addressed the issue
5 that there were a lot of cases outstanding, that we had to
6 actively close them and work on them, she advised me that
7 there was a lot of her time being spent liaising with
8 Children's Aid, whether it was Children's Aid calling to
9 ask information on files, she had to do the research on the
10 file, provide them the information. So there was a lot of
11 time spent on the telephone and liaising.

12 So, at that point, in order to assist her, I
13 told her that I would be taking over that responsibility
14 personally.

15 **MR. DUMAIS:** All right. And you actually
16 did take that over?

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

18 **MR. DUMAIS:** All right, and you had that
19 responsibility for a certain period of time. Is that
20 correct?

21 **MR. BRUNET:** To the best of my knowledge, I
22 had it right till the end, right until I left Criminal
23 Investigation in 1999.

24 **MR. DUMAIS:** All right. And any indication
25 at that time by Constable Sebalj that she was not getting

1 to these investigations; that she required help or
2 reassignments other than the liaison issue with the CAS?

3 **THE COMMISSIONER:** This is in April still?

4 **MR. DUMAIS:** Still in June -- on June 29th.

5 **MR. BRUNET:** In June.

6 **THE COMMISSIONER:** June, sorry.

7 **MR. BRUNET:** June. I'm sorry, I'm not clear
8 on your question. Would you mind repeating it please?

9 **MR. DUMAIS:** Is Constable Sebalj -- perhaps
10 I'll rephrase it.

11 Is Constable Sebalj advising you at this
12 time that she feels that everything is under control and
13 that she's on top of these files or do you -- is she
14 indicating that she needs help and that she's just not
15 getting to them?

16 **MR. BRUNET:** Oh, she's indicating that it's
17 very busy and it was. Like, I mean, I had reassigned
18 somewhere in the area of 15 to 20 new files to her by this
19 time period since January. So, obviously, she felt very,
20 very taxed.

21 **MR. DUMAIS:** And do you recall on June 29th,
22 1993 whether or not you had reassigned some of these files
23 away from her?

24 **MR. BRUNET:** No, I didn't because I had
25 Kevin Malloy's files to deal with; that I had to reassign

1 his files because he had been injured since the month of
2 March, and he had a lot of ongoing files that I had to get
3 other people to work on. So I didn't have the availability
4 of resources to give some of her files to other people.

5 **MR. DUMAIS:** All right. Now, shortly after
6 this meeting, so after June 29th, 1993, you would have
7 raised this issue at a morning meeting; the issue of
8 shortage of resources. Do you recall that?

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

10 **MR. DUMAIS:** And that was a meeting where
11 Chief Shaver was present. Is that correct?

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

13 **MR. DUMAIS:** And if I can just take you
14 firstly to what you said about that meeting, that morning
15 meeting. So that's Exhibit 1421.

16 **THE COMMISSIONER:** You would have that, sir.
17 It's in ---

18 **MR. BRUNET:** Yes, it's right here. Thank
19 you.

20 **THE COMMISSIONER:** Okay.

21 **MR. DUMAIS:** Bates pages 7113864.

22 **MR. BRUNET:** Yes.

23 **MR. DUMAIS:** All right. So the third line
24 from the top:

25 "I would also like to add that in July

1 that year, at one of those morning
2 meetings -- we'd meet every morning to
3 discuss what was going on, and so on.
4 I had brought up the issue of resources
5 and that Heidi was falling so far
6 behind that it was almost impossible.
7 Well, it was impossible for her to stay
8 -- keep her head above water and when I
9 mentioned this investigation, that that
10 one was still -- one that wasn't
11 completed..."

12 And I believe you are referring to the
13 Silmser investigation.

14 "...Chief Shaver got very upset and
15 directed me -- ordered me actually --
16 to get that investigation done."

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

18 **MR. DUMAIS:** So you recall that meeting?

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

20 **MR. DUMAIS:** All right. So the Chief was
21 quite upset with that investigation not having been
22 completed at this point in time yet?

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

24 **THE COMMISSIONER:** I'm sorry. Do we have
25 some kind of timeframe for that meeting?

1 **MR. BRUNET:** It would have been either July
2 or early August. I know it was in the summertime, but I
3 can't pin it down to a specific date.

4 **THE COMMISSIONER:** Fine.

5 **MR. DUMAIS:** Now, was this the first time
6 that the Chief had been updated about this investigation?

7 **MR. BRUNET:** By me, yes.

8 **MR. DUMAIS:** By you? All right.

9 **MR. BRUNET:** Yes.

10 **MR. DUMAIS:** And fair to say that he was
11 quite surprised about the progress or non-progress of the
12 investigation?

13 **MR. BRUNET:** Yes, that's correct.

14 **MR. DUMAIS:** All right. And my
15 understanding is after that morning meeting that you had a
16 conversation with Constable Sebalj. Is that correct?

17 **MR. BRUNET:** Yes.

18 **MR. DUMAIS:** And do you recall when that
19 conversation was?

20 **MR. BRUNET:** I'm not sure if it's the -- I
21 believe it was before the August 24th meeting that I went to
22 see her and advised her that we had to make sure that this
23 investigation -- well, basically, I had asked her if there
24 was any new developments on it, and she advised that, no,
25 she still had issues about reasonable, probable grounds and

1 the -- at that point, I asked her if she had -- to make the
2 steps to meet a Crown Attorney to discuss where we were
3 going to go with it.

4 **MR. DUMAIS:** All right. And just before we
5 get into that, if I can just close off here on these
6 assignments review,

7 My understanding after that, that you
8 conducted a -- you had a further meeting with Constable
9 Sebalj and that would have been on August 24th, 1993. Is
10 that correct?

11 **MR. BRUNET:** Yes.

12 **MR. DUMAIS:** So you printed her assignment
13 list actually on the same day that you met with her?

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

15 **MR. DUMAIS:** So were there any changes with
16 respect to her assignment list at that time?

17 **MR. BRUNET:** Yes. I had noticed that she
18 had closed off a number of the cases that we had previously
19 discussed in the earlier meeting.

20 **MR. DUMAIS:** All right. And so cases that
21 were either finished or not proceeding or -- so, I mean,
22 her assignment list appears to be significantly less than
23 it was ---

24 **MR. BRUNET:** Than the previous one, that's
25 right.

1 **MR. DUMAIS:** --- in April. Is that fair?

2 **MR. BRUNET:** Yes.

3 **MR. DUMAIS:** Okay. And I understand that
4 following that meeting that you prepared some sort of a
5 report that you typed out, and that would be at Bates pages
6 -- same exhibit -- 1025728.

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

8 **MR. DUMAIS:** And can you just explain to me
9 where you're typing this?

10 **MR. BRUNET:** The OMPPAC system had a section
11 where you could send emails, well, internal mail. It
12 wouldn't have been emails for outside as we know it today,
13 but it would have been like internal mail. And I used --
14 like I am a fairly fast typist compared to handwriting.

15 So I would use that often to make notes.
16 And in this case here I made notes of the meeting and for
17 her appraisal file.

18 So basically it was whatever we had
19 discussed and the assignment list and when I copied it, I
20 put it in her appraisal file.

21 **MR. DUMAIS:** And does this also stay in the
22 OMPPAC file? Is that correct?

23 **MR. BRUNET:** No. No. I just use the
24 technology to type the report.

25 **MR. DUMAIS:** I see.

1 **MR. BRUNET:** But I don't send it to anybody.
2 I just print it and then delete it from the system and --
3 but I kept the copy to put in her appraisal file.

4 It's -- at that time, OMPPAC didn't have a
5 lot of developments or technology. It was basically just
6 an internal mailing system. That's all that was available
7 with the system.

8 **MR. DUMAIS:** All right. But was there --
9 would there have been the possibility to file that?

10 **MR. BRUNET:** No, the system didn't have any
11 administrative files like you would do on a normal PC
12 nowadays.

13 **MR. DUMAIS:** All right. Now, in one of your
14 notes, just a few items. First one, you appear to indicate
15 that she was evaluated by Staff Inspector McDonald. Is
16 that correct?

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

18 **MR. DUMAIS:** And would that not usually be
19 your responsibilities?

20 **MR. BRUNET:** Yes. This was an evaluation
21 that was done for a previous year and, to be quite frank
22 with you, I don't remember when the Staff Inspector had
23 done it, but he had given it to her for her to review and
24 she had not returned it to him. So he had asked me to get
25 her to submit it or return it to him with her comments.

1 **MR. DUMAIS:** All right. And the second
2 thing you note in the second ---

3 **THE COMMISSIONER:** Well, just a second,
4 before we go there, was there anything in that evaluation
5 that was negative or relevant to what you were going to
6 talk about now?

7 **MR. BRUNET:** I don't believe so. I believe,
8 Mr. Commissioner, that Staff Inspector McDonald had been
9 her supervisor up to January and may have been a little
10 late in doing the evaluation, so he had done the evaluation
11 and given it -- well, he probably had a discussion, I would
12 imagine, gave it to her and she was reviewing the content
13 but she had not returned it to him.

14 **THE COMMISSIONER:** All right. So just an
15 administrative thing that's ---

16 **MR. BRUNET:** Exactly. Exactly.

17 **THE COMMISSIONER:** Okay.

18 **MR. DUMAIS:** All right. And, again, you
19 appear to ask her about the progress of the Silmsler
20 investigation?

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

22 **MR. DUMAIS:** And she knows that she's
23 waiting for Crown Attorney's office to get back to her
24 which you've just indicated to us.

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

1 **MR. DUMAIS:** Now, the third paragraph is
2 about her caseload, and certainly you note that her
3 caseload is significantly shorter, but the second line of
4 this paragraph says:

5 "But there still has not been a charge
6 laid since our last conversation."

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

8 **MR. DUMAIS:** "I advised her that this was
9 not normal."

10 **MR. BRUNET:** Yes.

11 **MR. DUMAIS:** So can you tell us what your
12 comments reflect?

13 **MR. BRUNET:** Well, I just -- for the amount
14 of investigations -- and it does sometimes -- like after I
15 was there longer, I realized that it seems like sometimes
16 you'll get a number of investigations and it's just for
17 different reasons you just never get to the point of laying
18 charges.

19 Some of them are parents that don't want
20 their children to testify. Others may be that you just
21 don't have grounds. Others may be totally unfounded in the
22 first place. So there's a number of reasons that
23 contribute to why you would not lay charges, but I just
24 found it odd that at that point she -- between the month of
25 June and then that there had been no charges laid.

1 **MR. DUMAIS:** All right. And you're
2 concerned enough to note it?

3 **MR. BRUNET:** Yes.

4 **MR. DUMAIS:** And do you recall whether or
5 not you had looked at how many charges had been laid from
6 the time you started until June 29th?

7 **MR. BRUNET:** I'm not sure I heard the
8 question ---

9 **MR. DUMAIS:** Because I thought what you told
10 us was that you had looked at what happened between June
11 29th and August 24th, 1993, and you noted that no charges or
12 no new charges had been laid.

13 **MR. BRUNET:** Correct.

14 **MR. DUMAIS:** So my question was whether or
15 not on June 29th, when you had this similar type of a
16 meeting, whether or not you had looked at how many charges
17 she had laid for the first six months when you were the
18 Officer in Charge of the CIB?

19 **MR. BRUNET:** I know there were charges laid,
20 but I can't remember how many and I can't remember if I
21 actually looked at it.

22 But I would have been aware of it because
23 when the charge was laid the Crown pouch that is prepared
24 to send to the Crown was -- like I had approved some so --
25 and like I approve her reports, so I would have approved

1 the arrest reports so I know there were some, but to tell
2 you how many there were I don't know.

3 And I don't know if I addressed it at that
4 meeting. I don't think I did.

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

6 **MR. BRUNET:** Because at that time I had not
7 recognized any problems.

8 **MR. DUMAIS:** Now, you mention in this
9 evaluation that she appears to be waiting for the Crown's
10 office to get back to her and you had heard that from her
11 before that she was waiting to speak to the Crown or to
12 meet with the Crown. Is that correct?

13 **MR. BRUNET:** Yes.

14 **MR. DUMAIS:** And do you know specifically
15 what she wanted to speak to the Crown about? Did you have
16 that discussion?

17 **MR. BRUNET:** Yes. What we -- well I say we
18 -- she had shared with me, and I was in full agreement, is
19 that I felt that there was a need at this point to prepare
20 a meeting with the Crown; sit down with a meeting with the
21 Crown to discuss how the -- well, there were issues about -
22 - that were discrepancies between the initial interview,
23 the oral interview and the written statement.

24 There were some pretty significant issues,
25 differences in the two. That was one issue that was

1 causing her, and obviously myself, when she explained that
2 to me that -- causing some issues.

3 There was also the issue of the two new
4 people that we had received information on; the fact that
5 one of them was -- or actually I thought it was both of
6 them at the time -- that were not willing to come forward
7 but had given her information. And I was very interested
8 in sitting down with a Crown Attorney, her sitting down
9 with the Crown Attorney, and discussing that and discussing
10 the facts that were relayed to her if that would help her
11 for -- to develop her reasonable and probable grounds.

12 So we were at a point where we needed legal
13 advice to help us to the next stage of the investigation.

14 **MR. DUMAIS:** But certainly, Luc, at that
15 time you're not looking at the -- at her notes. You're not
16 looking at witness statements. You're not doing any sort
17 of comparative analysis?

18 **MR. BRUNET:** No.

19 **MR. DUMAIS:** And, I mean, anything that
20 she's -- you're relying on anything that she's telling you,
21 right?

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

23 **THE COMMISSIONER:** And the reason why you're
24 doing that is because she hasn't put anything on OMPPAC?

25 **MR. BRUNET:** Yes, that's correct.

1 **MR. DUMAIS:** Now, were you involved at all
2 with speaking to the Crown Attorney's office or making a
3 contact with them?

4 **MR. BRUNET:** I didn't initiate the contact,
5 I had asked her to do that. I had -- I'm quite sure I had
6 a conversation with Murray MacDonald. I believe we were
7 talking on another issue and he had asked me if I had an
8 update on this investigation just because Heidi had been
9 talking to him and he was just asking for an update.

10 So there was a little conversation prior to,
11 but I believe it would have been in the summer sometime,
12 but I don't believe it was close to this time in August.
13 It would have been probably somewhere in July, I would
14 think. Maybe somewhere in -- a month to two months before
15 that I would have had a conversation with him.

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

17 **MR. BRUNET:** That's the only one that I can
18 recall.

19 **MR. DUMAIS:** But certainly you did not have
20 any type of conversation where you would have set up a
21 meeting either with this Crown or with an outside Crown?

22 **MR. BRUNET:** No, I did not.

23 **MR. DUMAIS:** All right.

24 And if you can just turn to Exhibit 1242 ---

25 **THE COMMISSIONER:** Sorry, are we finished

1 with this note? If you are, I have a couple questions. If
2 you're not ---

3 **MR. DUMAIS:** I believe I am, Mr. ---

4 **THE COMMISSIONER:** Sir, the way I see it, in
5 the last paragraph you say you withdrew your accusation.
6 What were you accusing her of?

7 **MR. BRUNET:** Well, basically the fact that
8 there was no charges laid; that I was telling her that I
9 had said that that wasn't normal and after she gave me an
10 explanation, I withdrew my accusation.

11 **THE COMMISSIONER:** Okay, so ---

12 **MR. BRUNET:** I accepted her explanation of
13 what the -- of why there was no charges laid.

14 **THE COMMISSIONER:** Okay, so ---

15 **MR. BRUNET:** I accepted her -- her
16 explanation of -- of what the -- of why there was no
17 charges laid.

18 **THE COMMISSIONER:** Okay. So I'm just trying
19 to get a feel for this.

20 So you're lacking personnel?

21 **MR. BRUNET:** Yes.

22 **THE COMMISSIONER:** People are overworked?

23 **MR. BRUNET:** Yes.

24 **THE COMMISSIONER:** You have a meeting with
25 the Chief.

1 The Chief gives you an order, which is
2 unusual, in that circumstance, I guess.

3 So you've got the pressure of "the Chief
4 wants us to get this thing done"?

5 **MR. BRUNET:** Exactly.

6 **THE COMMISSIONER:** You, as an administrator,
7 go in to see Ms. Sebalj?

8 **MR. BRUNET:** Yes.

9 **THE COMMISSIONER:** You've got some concerns.
10 You're saying, "Look it, you're not charging people,
11 there's less things here; either lay charges or get them
12 done."

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

14 **THE COMMISSIONER:** Okay. And she's
15 back-peddling a little bit, in the sense of saying, "Wait a
16 minute, here, it's not my fault. I'm doing what I'm
17 supposed to do and this is what I'm doing."

18 **MR. BRUNET:** That -- that's exactly what it
19 is, yeah.

20 **THE COMMISSIONER:** Okay. So ---

21 **MR. BRUNET:** I -- I don't know that I would
22 use the word "back-peddling;" I think it's more she's
23 defending her actions, she's defending what her
24 investigations and what she's doing.

25 **THE COMMISSIONER:** Okay. And so how it was

1 it left?

2 **MR. BRUNET:** Well, basically I ask her to --
3 at the end, I asked her to try to coordinate her
4 interviews, because what she was telling me is that if
5 somebody misses an interview, let's say somebody -- she
6 arranges a meeting with the Children's Aid Society in the
7 morning and they get tied up with something else and they
8 can't show up, that causes some delays.

9 And I -- I understood that and what I'm
10 asking her is, "Well, maybe you have to organize your
11 interviews in such a way that you can bring somebody else
12 in, you know, if somebody cancels and -- and try to manage
13 your time a little more effectively."

14 And that's -- that's how I left it.

15 **THE COMMISSIONER:** Okay.

16 **MR. BRUNET:** And I'm going to be monitoring,
17 obviously, this is -- we're at a point where I'm starting
18 to monitor more closely.

19 **THE COMMISSIONER:** So I don't know, if I was
20 her, I would feel like -- and I'm asking you whether that
21 the pressure's on for her now?

22 **MR. BRUNET:** I -- I think my recollection of
23 it, yes, she -- she may have felt that way.

24 **THE COMMISSIONER:** Thank you.

25 **MR. DUMAIS:** All right. Sorry, do you have

1 Exhibit 1242?

2 And just to finish off on that and certainly
3 by that August meeting, she certainly has not advised you
4 that she has not really done anything on this case since
5 April of that year?

6 **MR. BRUNET:** No, I -- I don't believe so.

7 **MR. DUMAIS:** All right.

8 **MR. BRUNET:** To her -- to explain, though,
9 at the time is that this was not the only investigation she
10 was working on, like I had reassigned her investigations on
11 an ongoing basis; other investigations, other sexual
12 assaults and sexual assaults on children and child abuse
13 cases and so there were other incidents, too, that were
14 reassigned to her in the meantime.

15 **MR. DUMAIS:** Fair enough. But ---

16 **THE COMMISSIONER:** No, but ---

17 **MR. DUMAIS:** But clearly she's not telling
18 you -- she hasn't told you, at that time, "Well, listen, I
19 did all of my interviews in March and April and I'm done
20 with those interviews and I have no other interviews
21 scheduled and I'm done with my investigation," she doesn't
22 tell you that, right?

23 **MR. BRUNET:** She didn't tell me that she was
24 done with the investigation, no.

25 We -- like I explained earlier, my -- my

1 recollection of -- of it was that she -- she needed some
2 guidance, at this point, from -- from a legal perspective;
3 she needed to meet with a Crown attorney to get some
4 advice.

5 **THE COMMISSIONER:** Okay, given that, you
6 know, what I've said, the scenario that she going to you, I
7 don't know, but human nature might be that she wasn't about
8 to admit that she hasn't done anything since April?

9 **MR. BRUNET:** No, she -- well, there would --
10 it didn't come out in the conversation; it didn't come up.

11 What she told me is that she had issues and
12 she wanted to discuss it with a Crown attorney.

13 And I knew of the issues and I -- I agreed
14 with that and I told her to -- to arrange it, let's --
15 let's get it done.

16 **THE COMMISSIONER:** Okay.

17 **MR. DUMAIS:** Now if I can then just take you
18 to Exhibit 1242.

19 **MR. BRUNET:** Yes, I've got it.

20 **MR. DUMAIS:** And that's a statement that
21 appears to have been given by Constable Sebalj on the 14th
22 day of June, 1994, to the OPP.

23 **MR. BRUNET:** Yes.

24 **MR. DUMAIS:** And I don't know if I'm going
25 to try to read that name of the officer; can you read that?

1 Do you know what officer that is?

2 Let's just leave it at that; you would be
3 guessing, anyway.

4 Anyway, she gives this statement and I'm
5 just looking at the bottom part of her statement and she's
6 indicating:

7 "I recall receiving a call from Staff
8 Sergeant Brunet while I was on holidays and
9 that a meeting was set up with Crown Bob
10 Pelletier. I told the staff I was in the
11 middle of moving and could not attend. I
12 have never spoken to Bob Pelletier about
13 this case."

14 She appears to be indicating that some sort
15 of interview had been set up with Bob Pelletier; and do you
16 know who Bob Pelletier is?

17 **MR. BRUNET:** Yes, I know. He's a Crown
18 attorney for L'Original.

19 **MR. DUMAIS:** All right. So do you recall
20 either making arrangements for her to see Bob Pelletier or
21 calling her to advise her that something had been set up?

22 **MR. BRUNET:** No, I don't recall this at all.

23 **MR. DUMAIS:** And the local Crown at the time
24 was Murray MacDonald; is that correct?

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

1 **MR. DUMAIS:** All right. And were you aware
2 during those summer months, or were you made aware at any
3 point in time that Murray MacDonald had indicated to
4 Constable Sebalj that he had a conflict of interest in
5 dealing with this matter?

6 **MR. BRUNET:** Yes, I -- I seem to recall
7 Heidi telling me of a conflict of interest, that's why we -
8 - we were looking for an outside Crown. She had told me
9 that they were looking for an outside Crown, so ---

10 **MR. DUMAIS:** All right. Do you recall when
11 Constable Sebalj would have told you that?

12 **MR. BRUNET:** No, not really.

13 **MR. DUMAIS:** All right. Do you recall
14 whether or not she had stated to you or indicated what the
15 conflict was about?

16 **MR. BRUNET:** No, I don't believe she did.

17 **MR. DUMAIS:** All right. So the only thing
18 you knew that there was ---

19 **MR. BRUNET:** There -- there was a conflict
20 and he would have to get an outside Crown to help her.

21 And I believe that's the -- was the delay in
22 -- in making arrangements, or in meeting.

23 **MR. DUMAIS:** Did you have any knowledge that
24 she was meeting with the Crown attorney, Murray MacDonald,
25 throughout this investigation?

1 **MR. BRUNET:** Yes.

2 **MR. DUMAIS:** All right. And you know that
3 because she was ---

4 **MR. BRUNET:** She -- she would tell me that
5 she spoke to -- to the Crown.

6 And like I mentioned, I -- I believe there
7 was a conversation with -- between me and the Crown during
8 the summer months and that he would have asked me how the
9 investigation was going, so it was pretty clear that Heidi
10 had been talking to him, which is not uncommon for us to --
11 for an investigator, especially an investigator in the
12 Criminal Investigation Branch, to -- to speak to the Crown
13 on an investigation. It's not uncommon and ---

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

15 **THE COMMISSIONER:** Is it an habit of Murray
16 MacDonald to come down to the police station and be in the
17 CIB office?

18 **MR. BRUNET:** It would happen, yes.

19 **THE COMMISSIONER:** That's not unusual?

20 **MR. BRUNET:** Not -- not unusual.

21 **MR. DUMAIS:** If we can just have a look at
22 Constable Sebalj's notes and, again, that's Exhibit 295.

23 And I've reviewed her notes and the only
24 indication that I have that she spoke to the Crown Attorney
25 or had a meeting with the Crown Attorney about this is on

1 March 2nd, 1993.

2 **THE COMMISSIONER:** What's the Bates page,
3 please?

4 **MR. DUMAIS:** That's Bates pages 7063760.

5 So that's, of course, at the beginning of
6 her investigation and the only entry that I found is at the
7 time 15:35 or 55:

8 "Meet the Crown MacDonald in CIB.
9 Asked how the investigation was going.
10 Advise re ..."

11 -- and I think some of these names have a ban.

12 "... denial and makes reference to
13 three separate interviews that she
14 would have done. Not being
15 present became concerned about my
16 grounds. Suggested a meeting with
17 the ... advise scheduling
18 difficulties."

19 So were you aware that Murray MacDonald had
20 attended at the CIB and had a meeting with her?

21 **MR. BRUNET:** I really don't recall. I may
22 have. I've -- it's not something that would have got my
23 attention and ---

24 **MR. DUMAIS:** All right.

25 **MR. BRUNET:** --- I don't remember.

1 **MR. DUMAIS:** Now, were you advised by
2 Constable Sebalj shortly afterwards -- so shortly after
3 March 2nd -- that the Crown had concerns about her grounds?

4 **MR. BRUNET:** Well, I don't know that
5 specifically, that the Crown had concerns about her
6 grounds.

7 **MR. DUMAIS:** All right.

8 **MR. BRUNET:** I don't remember that. I know
9 that she's had concerns about her grounds pretty well
10 throughout the investigation.

11 **MR. DUMAIS:** Okay. So all right. I see
12 what you are saying.

13 So you're saying that "became concerned
14 about my grounds" does not necessarily mean that Murray had
15 concerns -- well, she could be referring to herself, right?

16 **MR. BRUNET:** Well, I think those notes,
17 she's saying that Murray had concerns about her grounds but
18 if she -- you -- but I believe your question was if she
19 told me that Murray had questions about her grounds, and I
20 don't know specifically that she would have told me that.

21 **MR. DUMAIS:** All right. Fair enough. Fair
22 enough.

23 So the only other indication that I have
24 been able to find about meetings that she would have had
25 with the Crown Attorney and I'm going back to Exhibit

1 1242,so the statement that she gave to the OPP.

2 MR. BRUNET: Okay.

3 MR. DUMAIS: So I'll just -- I'll read from
4 the top, the first nine or ten lines:

5 "During a sexual assault investigation
6 involving David Silmser, you spoke with
7 Crown Attorney, Murray MacDonald?
8 Yes, yes, a Crown Attorney with
9 Cornwall, that's the answer, and I kept
10 him up to speed on the investigation.
11 I never had any formal meeting but we
12 would talk in the hallway at the
13 Court."

14 MR. BRUNET: Okay.

15 MR. DUMAIS: So is that consistent with your
16 understanding of her meetings with the Crown; that she was
17 having formal meetings with him?

18 MR. BRUNET: Informal. Yes.

19 MR. DUMAIS: Yeah, all right.

20 MR. BRUNET: She -- like I -- I don't recall
21 having a conversation with her in reference to where the
22 location they would have talked. Like she would have
23 mentioned -- like I said, we would have contact on a daily
24 basis and she -- when there were issues that came up with
25 this particular investigation, she would tell me what had

1 happened and at that time like she told me that she would
2 have had conversation with Murray MacDonald at the time --
3 like at the time, I wouldn't have asked her, well, is this
4 an official meeting, and like she was just updating me and
5 I didn't make note of that.

6 **MR. DUMAIS:** Okay.

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

8 **THE COMMISSIONER:** But somebody reading
9 these notes, might come and say, m'hm, that she becomes
10 concerned about her grounds when she's speaking to Murray
11 MacDonald. And it wasn't that she sought him out, he came
12 into the CIB office and so if he's got a conflict, right,
13 and he continues to come in and talk to her about it and
14 may have laid the seed in her mind that she has some
15 concerns about her grounds.

16 **MR. BRUNET:** Well, just from what I know
17 about the case and the issues, her concerns about her
18 grounds started way before March 2nd. She was sharing
19 concerns about her grounds to me in February, in early
20 February.

21 **THE COMMISSIONER:** Well, I've got -- I know,
22 but what I'm stuck with is her notes.

23 **MR. BRUNET:** Yes.

24 **THE COMMISSIONER:** It says, "Become
25 concerned about my grounds".

1 **MR. BRUNET:** The way she wrote it.

2 **THE COMMISSIONER:** Well, yeah. But words
3 are words.

4 **MR. BRUNET:** Yes.

5 **MR. DUMAIS:** Right just to close off this
6 issue, if we can take you to Exhibit 1421 again, we'll ---

7 **THE COMMISSIONER:** Fourteen twenty-one
8 (1421), right?

9 **MR. DUMAIS:** And, again, that's your
10 interview ---

11 **MR. BRUNET:** My statement ---

12 **MR. DUMAIS:** --- that you gave to the OPP on
13 January 21st, 2000 and reference is that Bates pages 7113850.

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

15 **MR. DUMAIS:** I don't think I have the right
16 Bates pages; court's indulgence.

17 Well, I have the reference here, so what I
18 can do is just read you the reference and then I'll give
19 you the -- so it's at -- it's in this interview and we'll
20 just find the Bates page, so here's what your saying:

21 "As soon as Heidi came (from holiday),
22 he met with her and asked where it was
23 at. She said she wanted to see a
24 Crown. She said she had some
25 credibility issues and that she would

1 like to get some direction in the
2 investigation. Brunet okayed her to go
3 and see Murray and he made arrangements
4 for her to see Pelletier."

5 Do you recall that?

6 **MR. BRUNET:** Yeah, that's my recollection.

7 **MR. DUMAIS:** So that's your recollection?

8 **MR. BRUNET:** That's my recollection is that
9 Heidi had asked, well, during one of our meetings we -- she
10 had shared that -- she wanted to -- well, she was at a
11 point where we needed to make some decisions on -- on her
12 grounds and that it was time for her to see a Crown, and I
13 authorized her to get in touch with Murray and get it
14 going.

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

16 **MR. BRUNET:** Get the meeting and that's my
17 recollection of it.

18 **MR. DUMAIS:** All right. And certainly your
19 recollection is not that you had anything to do with
20 setting up that meeting?

21 **MR. BRUNET:** I don't remember. I don't
22 believe so.

23 **MR. DUMAIS:** All right.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. DUMAIS:** So the reference appears to be

1 the last digits 3850.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. DUMAIS: Eight six four (864), the last
4 three digits would be pages 864.

5 That's correct, Commissioner, about mid-
6 page:

7 "So I okayed her to go see Murray, and
8 he made arrangements for her to see, I
9 believe, Mr. Pelletier."

10 And as far as you know, Luc, that meeting or
11 that interview with Mr. Pelletier never occurred. Is that
12 correct?

13 MR. BRUNET: That's correct.

14 MR. DUMAIS: And I think the last thing that
15 happened chronologically before September -- and if you
16 could just have a look at Exhibit 295, and that's Constable
17 Sebalj's notes -- so there's two further entries in August?

18 THE COMMISSIONER: Where?

19 MR. DUMAIS: Sorry, at Bates pages 835 on
20 August 23rd, 1993.

21 Both these entries actually mention the
22 issue with the Crown. So the first one:

23 "0930 - t/c from Malcolm MacDonald.

24 States his file is diarized for this

25 date. Looking for an update - advised

1 I was waiting to meet with the Crown
2 and asked that his client be summonsed
3 and would be escorted as opposed to
4 being handcuffed, etc. Suggested I
5 would try to accommodate".

6 So certainly that passage appears to
7 indicate that Mr. Malcolm MacDonald is expecting his client
8 to be placed under arrest shortly. You agree?

9 **MR. BRUNET:** Yes, I agree.

10 **MR. DUMAIS:** All right. And so the entry on
11 the next date, so August 24th, 1993, and that is:

12 "Returned telephone call to Dave
13 Silmsen requesting progress report -
14 advised simply awaiting meeting with
15 out-of-town Crown to review - I asked
16 him if he had pursued counselling.
17 Stated no money. Church won't help.
18 The Royal Ottawa is a bunch of idiots."

19 Again, she appears to confirm certainly that
20 she is waiting to speak to an out-of-town Crown?

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

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

23 **MR. DUMAIS:** Now, this telephone
24 conversation, so on August 24th, 1993, appears to be the
25 only recorded contact that Constable Sebalj would have had

1 with Mr. Silmser since March 11th, 1993. Is that your
2 understanding as well?

3 **MR. BRUNET:** According to her notes, that's
4 correct. If there was any, it wasn't recorded obviously.

5 **MR. DUMAIS:** All right. And just at the end
6 of that entry, so on August 24th, 1993:

7 "Asked for his school marks - again
8 stated he would check on the progress.
9 Silmser very good mood. Advised he was
10 not in a hurry. Don't care if it took
11 another four months. Advised."

12 So just with respect to the school marks,
13 Constable Sebalj had requested school records or school
14 marks or report cards from Mr. Silmser. Is that correct?

15 **MR. BRUNET:** Yes, agree.

16 **MR. DUMAIS:** And did she have any
17 discussions with you with respect to that?

18 **MR. BRUNET:** She may have told me that she
19 had requested it, but I didn't really ---

20 **MR. DUMAIS:** So this is not an issue that
21 you would have discussed; she had difficulty in getting
22 those records?

23 **MR. BRUNET:** She -- it sounds familiar, but
24 it's vague. I can't be sure.

25 **MR. DUMAIS:** But certainly, no indication in

1 her investigation either that she attempted to get the
2 school records other than from Mr. Silmser?

3 **MR. BRUNET:** No.

4 **MR. DUMAIS:** Clearly, those school records
5 could have been obtained from the school with a consent?

6 **MR. BRUNET:** Yes, we would have needed his
7 consent.

8 **MR. DUMAIS:** All right, Luc, then on
9 September 3rd, 1993, I understand that you received a call
10 from a Mr. Sean Adams. Is that correct?

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

12 **MR. DUMAIS:** And can you tell me what you
13 recall, your discussion with Mr. Adams?

14 **MR. BRUNET:** My recollection was that he was
15 representing Mr. Silmser, and that he had just reached a
16 civil settlement with the Church, and I don't recall if he
17 said the Church and Mr. MacDonald. I think he said the
18 Church and that Mr. Silmser no longer wanted to pursue his
19 criminal investigation with us.

20 **MR. DUMAIS:** And my understanding is that
21 you would also have received a call from Malcolm MacDonald.
22 Is that correct?

23 **MR. BRUNET:** Yes. First, when I received
24 the call from Mr. Adams, I advised him that I would not be
25 accepting his direction as stated; that I would instruct

1 the investigating officer to meet with Mr. Silmsers to
2 discuss why he wished to withdraw his complaint.

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

4 **MR. BRUNET:** And then I later received a
5 call from Mr. MacDonald, to answer your question.

6 **MR. DUMAIS:** All right. But if I can just
7 take you perhaps through -- let's take it step by step.

8 **MR. BRUNET:** Sure.

9 **MR. DUMAIS:** So the first exhibit that I
10 want you to look at is Exhibit 299.

11 So is this the correspondence that you
12 received from Malcolm MacDonald?

13 **MR. BRUNET:** Yes, it is.

14 **MR. DUMAIS:** All right. So it appears to
15 confirm a telephone conversation which happened on
16 September 3rd, 1993. So you would have received then a call
17 from Sean Adams and a call from Malcolm MacDonald, and you
18 would have received a piece of correspondence. There is no
19 stamp date, but I'm assuming shortly after September 3rd.
20 Is that correct?

21 **MR. BRUNET:** Yes, that's correct.

22 **MR. DUMAIS:** All right. And the letter
23 appears to confirm what you have just told us:

24 "David Silmsers indicated that Mr. Adams
25 that he would be available anytime she

1 wants to see him."

2 Is that correct?

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

4 **MR. DUMAIS:** So you were concerned enough
5 that you wanted Constable Sebalj to meet with Mr. Silmser
6 and get it from him. Is that correct?

7 **MR. BRUNET:** Well, yes, and find out how he
8 changed his mind from -- my understanding was that the
9 civil settlement would be not affecting the criminal
10 investigation, and all of a sudden he wants to withdraw his
11 criminal investigation. So I -- yeah, I had concerns about
12 that.

13 **MR. DUMAIS:** All right. So you had
14 indicated that to both counsels, so both to Mr. Adams and
15 Mr. MacDonald as well. Is that correct?

16 **MR. BRUNET:** That is correct.

17 **MR. DUMAIS:** And at that time I think you
18 were not aware that part of the settlement -- as one of the
19 conditions for the settlement was that the criminal
20 complaint would be withdrawn. Is that correct?

21 **MR. BRUNET:** No, I was not aware.

22 **MR. DUMAIS:** All right. So no one advised
23 you of that ---

24 **MR. BRUNET:** No.

25 **MR. DUMAIS:** --- and no one provided you

1 with the settlement documents. Is that correct?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: All right. And Mr. Silmser did
4 not indicate that either. Is that correct?

5 MR. BRUNET: That's correct.

6 MR. DUMAIS: All right. And you did not
7 instruct Constable Sebalj to obtain any of those settlement
8 documents. Is that correct?

9 MR. BRUNET: I didn't even know they
10 existed.

11 MR. DUMAIS: All right. Now, my
12 understanding is that shortly after you receive this news
13 that you contacted Murray MacDonald to get advice about
14 this. Is that correct?

15 MR. BRUNET: That's correct.

16 MR. DUMAIS: And so the contact would have
17 been made on September 8th, 1993?

18 MR. BRUNET: That's when I spoke to him. I
19 believe I called him the same day but we may have not made
20 contact, so I did talk to him on the -- I think it's the
21 8th.

22 MR. DUMAIS: All right.

23 MR. BRUNET: Excuse me.

24 MR. DUMAIS: And this would have been then
25 the second time that you would have had a conversation with

1 Mr. MacDonald with respect to this case?

2 MR. BRUNET: I believe so, yes.

3 MR. DUMAIS: All right. So you spoke
4 earlier on of a conversation sometime during the summer?

5 MR. BRUNET: I think so, yes.

6 MR. DUMAIS: All right. And before you
7 called Murray MacDonald, did you stop and think that -- or
8 did you remember that he had a conflict of interest with
9 this file or had -- that he had indicated that he had a
10 conflict of interest?

11 MR. BRUNET: No, unfortunately, it didn't
12 even occur to me.

13 MR. DUMAIS: All right. And was Constable
14 Sebalj involved with that call ---

15 MR. BRUNET: No, she ---

16 MR. DUMAIS: --- with the Crown?

17 MR. BRUNET: --- I believe she was off that
18 weekend. She had taken -- it was a long weekend and,
19 actually, I thought maybe she was moving that weekend.
20 That's the weekend she was moving.

21 MR. DUMAIS: Okay.

22 MR. BRUNET: I think she had requested a day
23 off on that Friday.

24 MR. DUMAIS: All right. And do you recall
25 what information you provided to Murray MacDonald during

1 that call?

2 **MR. BRUNET:** Well, not word-for-word, but
3 basically there was two issues that I was curious about,
4 that I wanted to get information about.

5 The first one was, can they legally do that
6 and, second of all, the issue of what do we do if we don't
7 have a willing complainant in a sexual assault
8 investigation.

9 **MR. DUMAIS:** And during that telephone call,
10 you did not get into any of the merits or difficulties with
11 the case. Is that fair?

12 **MR. BRUNET:** I don't recall that.

13 **MR. DUMAIS:** All right. And you don't
14 recall either discussing any of the specific evidence or
15 specific statements that ---

16 **MR. BRUNET:** No, I don't ---

17 **MR. DUMAIS:** --- were part of the
18 investigation.

19 **MR. BRUNET:** I -- I -- don't think we would
20 have discussed specific parts of a statement or anything
21 like that, no.

22 **MR. DUMAIS:** Matters were pressing. You had
23 been advised that the matter was settled. You were
24 concerned about that and you wanted advice about what to do
25 when the complainant did not want to proceed. Is that

1 fair?

2 MR. BRUNET: That's fair.

3 MR. DUMAIS: All right. And did he provide
4 you with an opinion during that call?

5 MR. BRUNET: Yes, he did.

6 MR. DUMAIS: Do you recall what he told you?

7 MR. BRUNET: Well, again, not verbatim, but
8 basically that unless we had a complainant it was -- there
9 was nothing further we could do as far as a prosecution.

10 MR. DUMAIS: All right. Do you recall
11 whether or not -- how long that telephone conversation was?
12 I mean ---

13 MR. BRUNET: I -- I don't really recall.

14 MR. DUMAIS: Let me rephrase that perhaps.
15 It was a short conversation or was it ---

16 MR. BRUNET: Well, I'd say probably in the
17 area of five minutes, but that's what I would think about,
18 but I don't have a specific recollection of the time.

19 MR. DUMAIS: Now, if I can just take you for
20 a second to Exhibit 1293 and ---

21 THE COMMISSIONER: What page, please?

22 MR. DUMAIS: Bates pages 426.

23 Just so that you know what you're looking at
24 Luc, sorry, these are Staff Sergeant Derochie's notes of
25 November 4th of that year and it appears to be a note that

1 he takes after speaking to the Chief, and so the second
2 paragraph or mid-page:

3 "The Chief again informed me that the
4 Crown, Murray MacDonald, had not been
5 fully informed when he gave an opinion
6 to Sebalj on proceeding with the
7 charges, against the wishes of the
8 victim. He did not know that another
9 victim of Father MacDonald had been
10 located. The Chief had since confirmed
11 that the Crown's advice may have been
12 different if he had possessed all of
13 the information."

14 Did you ever have any discussion, I guess,
15 firstly with the Chief with respect to what the Crown knew
16 or what you told the Crown or what was the advice that the
17 Crown was giving to you?

18 **MR. BRUNET:** Yes, I -- I briefed the Chief
19 and the Deputy Chief and whoever was at the Chief's
20 management team meeting. The ---

21 **THE COMMISSIONER:** When was this now?

22 **MR. BRUNET:** This would have been probably
23 the day after. Like if I've spoke to the Crown on the 8th,
24 probably on the 9th.

25 **THE COMMISSIONER:** Of September?

1 **MR. BRUNET:** Of September. The next
2 morning, like we had morning meetings. We had morning
3 meetings and I would have briefed him at that point of what
4 was happening.

5 **MR. DUMAIS:** And are you aware of the Chief
6 having any conversation with the Crown Attorney at about
7 that period of time?

8 **MR. BRUNET:** No, I was -- I'm not aware of
9 that. I believe the Chief and the Crown -- my recollection
10 was they had spoke later on that month, but I could be
11 wrong here. I'm not sure.

12 **MR. DUMAIS:** All right. So after your
13 telephone conversation with Murray MacDonald, you did call
14 back and request a written opinion. Is that correct?

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

16 **MR. DUMAIS:** And my understanding is that
17 you wrote a letter on September 9th, 1993, and if you can
18 just have a quick look at Exhibit 300. Is that the letter
19 that you sent to the Crown's office?

20 **MR. BRUNET:** Yes.

21 **MR. DUMAIS:** September 9th. It would be
22 Document Number 101559.

23 Now, you indicate in that correspondence --
24 and I'll just start reading from the second paragraph:

25 "Please be advised that on September

1 3rd, '93, I received a letter from a Mr.
2 Angus Malcolm MacDonald, barrister and
3 solicitor. Attached to this letter was
4 a statement from Mr. David Silmser,
5 saying that he received a civil
6 settlement to his satisfaction and
7 received independent legal advice
8 before accepting it. He advised that
9 no longer wished to proceed further
10 with criminal charges. He requests
11 that we close our file and stop further
12 proceedings, as far as he is
13 concerned."

14 His statement was signed by himself and
15 witnessed by Mr. Sean Adams.

16 It's my understanding, after our
17 conversation that your office does not prosecute without
18 the full cooperation of the victim. I am anxiously
19 awaiting for your direction.

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

21 **MR. DUMAIS:** All right. So -- and is that
22 the gist of your conversation with just Murray MacDonald?
23 Does that fairly summarize what ---

24 **MR. BRUNET:** Yes.

25 **MR. DUMAIS:** --- you discussed? And you had

1 been requested to obtain his opinion in writing following
2 the -- your meeting with the Chief and the Deputy Chief, is
3 that ---

4 **MR. BRUNET:** Yes.

5 **MR. DUMAIS:** --- right?

6 **MR. BRUNET:** I -- when I briefed the
7 management team meeting in the morning, my Deputy Chief
8 asked me if I had that in writing and I said no.

9 We just -- we had a conversation about it.
10 "Well," he says, "I think you should get it in writing."
11 So I went back to my office and I wrote the memo.

12 **MR. DUMAIS:** And clearly, at that point in
13 time your letter does not make reference to reasonable,
14 probable -- or probable grounds, that either you or
15 Constable Sebalj would have had or lack thereof?

16 **MR. BRUNET:** No.

17 **MR. DUMAIS:** I understand that following
18 your correspondence, you received a reply from the Crown
19 Attorney's office dated September 14th 1993. That would be
20 Exhibit 301.

21 **MR. BRUNET:** I've got it.

22 **THE COMMISSIONER:** Yeah; we all have it.

23 **MR. BRUNET:** I got it.

24 **MR. DUMAIS:** The -- so you've -- can you
25 tell me -- do you recall receiving this correspondence?

1 **MR. BRUNET:** Yes, I do.

2 **MR. DUMAIS:** All right.

3 Can you just tell me what you thought --
4 what your thought was when you received this?

5 **MR. BRUNET:** Well, basically at this point
6 this is information, but I'm kind of still hoping that when
7 we meet with Mr. Silmsler, that we can -- that he can change
8 his mind, yet. That just because he received a civil
9 settlement, I mean, it's an issue. It's definitely an
10 issue.

11 But I'm hoping that Constable Sebalj can
12 talk to him and that we can still proceed.

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

14 You're still thinking about proceeding, at
15 this point in time?

16 **MR. BRUNET:** Yes, I am.

17 **MR. DUMAIS:** So -- all right.

18 So let's take it sentence by sentence. So
19 the first paragraph indicates -- it's very similar to what
20 you have in your correspondence:

21 "It is our policy not to compel victims
22 of sexual crimes to proceed against
23 their wishes."

24 I mean the first sentence, "...against their
25 wishes." So that appears to be what you indicated in your

1 correspondence as well.

2 **MR. BRUNET:** That -- the conversation we
3 had, yes.

4 **MR. DUMAIS:** And then, Mr. MacDonald appears
5 to comment on the RPGs and I'll just read it out to you:

6 "Also, the officer was tentative on the
7 issue of RNPG before this so-called
8 settlement. Grounds are now even
9 further obfuscated by the fact that he
10 has evidently used his threat of
11 criminal prosecution as a means of
12 furthering his efforts to gain monetary
13 settlement."

14 So in your conversation with Murray
15 MacDonald did you have any conversation with respect to
16 either RPGs or the advents of the strength or weakness, of
17 the case?

18 **MR. BRUNET:** I don't recall having a
19 conversation about that.

20 **MR. DUMAIS:** All right. Now, the fact that
21 Mr. MacDonald appears to indicate that he -- that Mr.
22 Silmser was abused, his threat of a criminal prosecution as
23 a means of furthering his efforts to gain a monetary
24 settlement; did that cause you any concerns? Because
25 obviously ---

1 **MR. BRUNET:** Yes.

2 **MR. DUMAIS:** --- he appears to be indicating
3 in this correspondence that Mr. Silmser may have been part
4 of a criminal offence, at this ---

5 **MR. BRUNET:** I didn't pick up on that.
6 I don't know.

7 **THE COMMISSIONER:** No, well -- okay, you
8 didn't pick up on it.

9 But do you now, looking at it, do you see
10 where, if someone says to somebody else, "I'm going to lay
11 criminal charges against you unless you pay me something,"
12 that that could be ---

13 **MR. BRUNET:** Yes.

14 **THE COMMISSIONER:** --- looked at either
15 blackmail or extortion, or something ---

16 **MR. BRUNET:** Yes; definitely.

17 I -- today, looking at it, looking back at
18 it and the experience that I've got, but when received the
19 letter I didn't pick up on that.

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

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

22 Then there's -- I'm just looking at the
23 second paragraph, second sentence:

24 "These concerns can, of course, be put
25 to the suspect's principal, if you deem

1 it appropriate."

2 Was any part of your conversation with Mr.
3 MacDonald whether or not you could or should speak to the
4 diocese? Is that -- did you have any discussion with
5 respect to speaking to Father MacDonald's principal?

6 **MR. BRUNET:** I don't recall; I don't recall
7 discussing that with him. It was obvious through the
8 investigation that they already knew about it, but --about
9 the allegations. But, I don't recall discussing that with
10 Murray. But it might not just -- it might be just that I
11 don't recall.

12 **MR. DUMAIS:** And certainly, at this point in
13 time, at that date, you would have had any -- you would
14 have very little discussion with the Crown Attorney about
15 the merits of this case. Is that fair?

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

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

18 And you don't know what Constable Sebalj
19 told him, or what discussion there was between him and
20 Constable Sebalj, but certainly, her notes appear to
21 indicate that the only meeting she noted is on March 2nd,
22 1993 and she indicates in her statement to the OPP that any
23 discussion or meeting she had with the Crown was on an
24 informal basis.

25 Is that ---

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

2 **MR. DUMAIS:** All right.

3 **MR. BRUNET:** And that would explain why
4 there wouldn't be any notes; because if you meet him in
5 court on another case, you might not have your notebook
6 with you, at the time ---

7 **MR. DUMAIS:** Of course.

8 **MR. BRUNET:** --- and you wouldn't make a
9 note of it.

10 **MR. DUMAIS:** All right.

11 **THE COMMISSIONER:** Mr. -- I would need a
12 health break ---

13 **MR. DUMAIS:** Yes.

14 **THE COMMISSIONER:** --- for 10 minutes. Can
15 we -- do you want to finish off something, or -- I'm sorry
16 to interrupt you.

17 **MR. DUMAIS:** Actually, I'm -- that's good
18 time. That's fine.

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

20 **MR. DUMAIS:** Thank you.

21 **THE COMMISSIONER:** Let's take 10 minutes,
22 please?

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

25 This hearing will resume at 12:50.

1 --- Upon recessing at 12:40 p.m. /

2 L'audience est suspendue à 12h40

3 --- Upon resuming at 12:53 p.m. /

4 L'audience est reprise à 12h53

5 **THE REGISTRAR:** This hearing is now resumed;
6 please be seated. Veuillez vous assoir.

7 **THE COMMISSIONER:** Thank you very much,
8 gentlemen and ladies.

9 **LUCIEN BRUNET, Resumed/sous le même serment:**

10 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
11 **DUMAIS (Cont'd/Suite):**

12 **MR. DUMAIS:** I will -- just to finish off on
13 this last topic of your discussions with the Crown.

14 I'd just like for you to have a look at
15 Exhibit 1233.

16 Bates pages --

17 **THE COMMISSIONER:** Twelve thirty-three
18 (1233). It's a statement from Murray MacDonald.

19 **MR. DUMAIS:** Statement of Murray MacDonald
20 to Detective Inspector Tim Smith.

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

22 **MR. DUMAIS:** Given on July 14th, 1994.

23 If you can just turn to Bates pages ending
24 861.

25 And I just -- if you can go, starting on the

1 fifth line, and this is the Crown attorney, answering the
2 question:

3 "Ah, but it never got in her mind..."
4 He's speaking about Constable Sebalj:
5 "...or in the mind of her Staff
6 Sergeant, her Detective Sergeant,
7 Sergeant Brunet when he later got on
8 board, that was never in their mind,
9 ah, conclusions of the RPG. They had -
10 - they had a reasonable belief, ah,
11 sufficient -- sufficient to lay a
12 charge." (As read)

13 Certainly looked as -- that does not change
14 your position that you had not put your minds to that or
15 had -- and you had not had that discussion with Murray
16 MacDonald, whether or not you had any RPGs?

17 **MR. BRUNET:** No, I -- I never -- like I
18 never had the statement in my hands to go over it. I never
19 had enough documentation to be able to analyze it to that
20 point.

21 Like I said earlier in my testimony, my -- I
22 was relying on what I was being told by Constable Sebalj;
23 she was sharing some concerns with R. and P.G. very early
24 on in the investigation and to the best of my knowledge
25 that never changed.

1 There were certainly some -- some -- an
2 elevation of belief, in my mind, when I found out about the
3 other two individuals that -- that she had spoken to.

4 And -- but like I said, at this point, I
5 felt that it was time to sit down with a Crown attorney
6 with the notes on -- on those statements, for her to share
7 everything that had gone on up to this point and what
8 exactly the -- the evidence that she had found out through
9 these people, how could that be used in a proceeding -- in
10 a court proceeding, and that's the stage that I was at.

11 To -- to say that I had reasonable and
12 probably grounds, I don't think is fair.

13 **MR. DUMAIS:** Okay.

14 **MR. BRUNET:** I don't agree with that.

15 **THE COMMISSIONER:** I'm sorry, what did you
16 just say?

17 **MR. BRUNET:** To say that I had reasonable
18 and probably grounds, I do not agree with that.

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

20 **MR. DUMAIS:** But I think he's saying that he
21 didn't but, I mean, I think what ---

22 **THE COMMISSIONER:** I'm sorry, he "did" or
23 "did not"?

24 **MR. DUMAIS:** That you did not.

25 But I think what you're also saying, okay,

1 is that you had never turned your mind to that; is that
2 fair?

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

4 **MR. DUMAIS:** All right.

5 **THE COMMISSIONER:** Okay. But just to read
6 this, if you read the transcript on page 27, when he got on
7 board:

8 "There was never in their mind a
9 conclusion of the RPG. That had --
10 they had a reasonable belief sufficient
11 to lay the charge." (As read)

12 So what are you saying this means, that he's
13 saying there "was" or there "wasn't"?

14 Because a literal reading -- and maybe it's
15 because I -- would mean that -- I would read that to say
16 they "had reasonable."

17 **MR. MANSON:** Mr. Commissioner?

18 **THE COMMISSIONER:** M'hm?

19 **MR. MANSON:** I know -- if I could just -- I
20 know exactly what you're thinking.

21 What I ---

22 **THE COMMISSIONER:** That's a dangerous thing

23 ---

24 **MR. MANSON:** Well, on this point, if you put
25 commas in, instead of periods ---

1 **THE COMMISSIONER:** Right.

2 **MR. MANSON:** "There was never in their mind
3 a conclusion of the RPG, they had --
4 they had a reason..."

5 So it was -- it was never in their ---

6 **THE COMMISSIONER:** Yes.

7 **MR. MANSON:** That's one reading, if there
8 were commas ---

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

10 **MR. MANSON:** --- instead of periods.

11 **THE COMMISSIONER:** So is there a consensus
12 around here as to what that means?

13 Because, you know, obviously we're going to
14 this paragraph, you know, I'm sure if we read the page
15 before and the page after, but is there a consensus there?

16 **MR. MANDERVILLE:** Within that statement,
17 which is a lengthy one, this topic is returned to, time and
18 again, and Mr. MacDonald, in my submission, is quite clear
19 at various points in the statement of saying they never did
20 reach a conclusion as to whether or not that RPG, one.

21 Two, I would observe that I expect Mr.
22 MacDonald will be here, at some point, to explain ---

23 **THE COMMISSIONER:** No, but for purposes of
24 today, that's what I want to get at.

25 So is the general consensus that that should

1 read that they never put their mind and come to a final
2 conclusion of RPG?

3 **MR. MANDERVILLE:** I can't speak for Mr. Lee,
4 but I believe there should be.

5 **THE COMMISSIONER:** I'm not making it as a
6 conclusion; I just want to see where we're going with this.
7 Mr. Dumais, what do you say?

8 **MR. DUMAIS:** Well, I mean, I don't know that
9 it makes a whole lot of a difference.

10 I think we'll be asking Murray MacDonald,
11 obviously, but what I think he's -- what Mr. MacDonald is
12 saying -- what Murray MacDonald is saying, that he believed
13 that Staff Sergeant Brunet had put his mind to that.

14 And whether or not he had reasonable and
15 probable grounds or did not have them, what Mr. Brunet is
16 saying is, well, he never put his mind to that.

17 **THE COMMISSIONER:** Okay.

18 **MR. DUMAIS:** And clearly, I think his
19 evidence is that he didn't. I mean he didn't do the
20 exercises.

21 **MR. BRUNET:** No, I didn't.

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

23 **THE COMMISSIONER:** Okay.

24 **MR. DUMAIS:** But clearly, Luc, after you
25 received this -- this opinion or this advice from the Crown

1 Attorney's office, you felt that from them on -- from them,
2 on, the Cornwall Police Services could not proceed with the
3 investigation; is that correct?

4 MR. BRUNET: That's accurate.

5 MR. DUMAIS: All right. Fair to say that --
6 is it a fair statement that you were reluctant not to take
7 any further steps, as well?

8 MR. BRUNET: Yes, that's very fair.

9 MR. DUMAIS: All right. Now, my
10 understanding of the advances after you receive this
11 correspondence from Murray MacDonald's office, that you
12 briefed or advise the senior officers of this situation; is
13 that right?

14 MR. BRUNET: That's correct.

15 MR. DUMAIS: And you would have advised the
16 senior staff at one of those morning meetings; is that
17 correct?

18 MR. BRUNET: That's correct.

19 MR. DUMAIS: All right. And do you recall
20 during that meeting, after you had advised them what the
21 opinion was and what you guys were doing, of an
22 intervention by Sergeant Lortie?

23 MR. BRUNET: Yes, I do recall.

24 MR. DUMAIS: All right. So can you just
25 tell us a bit about that?

1 **MR. BRUNET:** Well, Sergeant Lortie was --
2 was at a following meeting.

3 I don't recall when I -- when I said it, if
4 it there was a -- if that's the day that -- that he made
5 some comments, but I -- I remember him later on speaking
6 against the settlement, speaking against the -- the idea
7 that the Church would have -- would have agreed to settle
8 this, that he felt that it was a cover-up by the Church.

9 **MR. DUMAIS:** All right. And you recall him
10 using the words "cover-up"?

11 **MR. BRUNET:** Yes, I do.

12 **MR. DUMAIS:** And did that cause you any
13 concerns?

14 **MR. BRUNET:** Well, I mean, the -- I think
15 what caused me concerns is that his -- his belief that we
16 -- irregardless if we had the -- the victim's cooperation,
17 that we just continue with the investigation, that was
18 basically his view.

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

20 **MR. BRUNET:** And I, having spoken to the
21 Crown and having the advice from the Crown, I did not
22 believe that we were able to do that.

23 **MR. DUMAIS:** All right.

24 **THE COMMISSIONER:** Why wouldn't you -- why
25 wouldn't you be able to do that?

1 **MR. BRUNET:** Because the Crown attorney had
2 clearly advised me -- the Crown attorney had clearly
3 advised me that we wouldn't be able to continue the
4 investigation, that we wouldn't have any -- any prospect of
5 conviction -- or actually, his advice is that he would not
6 compel the victim to court.

7 So in order for us to continue the
8 investigation, obviously our objective is to bring them to
9 court, to bring the accused to court if we establish
10 reasonable and probable grounds.

11 **THE COMMISSIONER:** Okay.

12 **MR. DUMAIS:** Now, I'd like to put a further
13 document to you and that's -- I don't believe this is an
14 exhibit, so Document Number 721989.

15 **(SHORT PAUSE/COURT PAUSE)**

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 1435 is an internal
18 correspondence from Deputy Chief St-Denis to Staff Sergeant
19 B. F. Wells, dated February 8th, 1994.

20 **--- EXHIBIT NO./PIÈCE NO P-1435:**

21 (721989) Internal Correspondence from Deputy
22 Chief St. Denis to Staff Sergeant B.F. Wells
23 - 08 Feb, 94

24 **MR. DUMAIS:** So this appears to be an
25 internal correspondence that was prepared by the Deputy

1 Chief that addresses that morning meeting issue.

2 So I'm just looking at the first paragraph,
3 second sentence:

4 "I believe Sergeant Lortie used the
5 phrase 'cover-up' and he was very upset
6 and agitated about the way the case was
7 handled. The comments made at the
8 meeting by Sergeant Lortie were such
9 that they bothered Staff Sergeant
10 Brunet, who discussed Sergeant Lortie's
11 comments with me after this morning
12 meeting. Unfortunately I do not have
13 an entry in my diary book as to the
14 exact date of that particular morning
15 meeting."

16 So do you recall having a discussion with
17 the Deputy Chief after this meeting?

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

19 **MR. DUMAIS:** All right. So essentially does
20 this -- does the paragraph summarize your discussion? Was
21 there anything further?

22 **MR. BRUNET:** No, that's fair. That's -- I
23 remember there was -- the way that Sergeant Lortie was
24 presenting the argument, I didn't -- I felt it was
25 improper.

1 **MR. DUMAIS:** All right. And so was this
2 just a short intervention in the meeting or was there a
3 discussion with respect to the way that the case was
4 handled, as the Deputy Chief puts it?

5 **MR. BRUNET:** I don't believe there was a
6 very long conversation. I believe he made a statement and
7 -- to the ---

8 **THE COMMISSIONER:** What was improper about
9 his statement?

10 **MR. BRUNET:** Just the way that he was
11 insinuating that the investigation wasn't done properly. I
12 don't know that he had any information to make that
13 judgement.

14 **MR. DUMAIS:** And to the best of your
15 recollection, Luc, how soon after you received the opinion
16 from the Crown Attorney's office did you have that morning
17 meeting briefing?

18 **MR. BRUNET:** Well, the first morning meeting
19 was on the 8th of --probably the 9th of September. But this
20 conversation here would have been after that but I don't
21 recall, like, if it would have been like within the week,
22 within two weeks. I don't know.

23 **MR. DUMAIS:** Shortly afterwards?

24 **MR. BRUNET:** Shortly afterwards, that's
25 right.

1 **MR. DUMAIS:** Now there's just one further
2 passage I'd like to put to you in this -- in Document 1435
3 and that's the second-last paragraph of the first page.

4 The Chief saying to -- the Deputy Chief St-
5 Denis says:

6 "At this point it was obvious to me
7 that Chief Shaver was bypassing the
8 chain of command as I had little or
9 no input or was not involved in most
10 discussion between the Chief's office
11 and the CIB Youth Bureau."

12 Do you recall whether or not or did you have
13 any conversation with respect to Chief St-Denis' views on
14 this, that the Chief was bypassing the chain of command?

15 **MR. BRUNET:** Well, the -- my understanding
16 of the chain of events was that the Chief received a call
17 from Mr. Abell and -- in reference to the statement.

18 And obviously at that point the Chief did
19 become involved and -- but I do recall on the first of
20 October when he called me into his office to tell me about
21 the statement had been released, the Deputy Chief was
22 present with me, and through the discussion he was there.

23 After that I went to Ottawa with Chief
24 Shaver and I then went to the Bishop's office with Chief
25 Shaver and the Childrens Aid Society. So the Deputy Chief

1 wasn't present for those meetings. So that might have been
2 what he was referring to. I would think that's what he was
3 referring to by -- there was contact between the CIB and
4 myself -- or between CIB and him.

5 **MR. DUMAIS:** As you recall the unfolding of
6 the events that followed do you remember keeping the Deputy
7 Chief informed or going through the Deputy Chief? Or did
8 that change at one point in time?

9 **MR. BRUNET:** No, I believe the Deputy Chief
10 was -- like he may not have gone to the meetings but he was
11 aware there were meetings and when I had any issues or any
12 information I would always go through the Deputy Chief; I
13 would not jump his command.

14 So of course, I mean, I'm not saying that it
15 didn't happen once. Sometimes due to availability if you
16 have a question or you have to deal with something you may
17 contact the Chief directly. But I would say for the vast
18 majority of the communication that I had was through the
19 Deputy Chief or he would have -- if I was speaking to the
20 Chief he would have been present.

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

22 **THE COMMISSIONER:** I don't know that the
23 comment is about you bypassing the Deputy Chief. I think
24 the comment is that the Deputy Chief feels Chief Shaver was
25 bypassing him.

1 **MR. BRUNET:** Okay. But I see it in a very
2 similar way because, like I said, the 1st of October when we
3 were advised that I know for a fact, I've got it in my
4 notes, that the Deputy Chief was present for that meeting -
5 --

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

7 **MR. BRUNET:** --- where things were
8 discussed. He didn't -- the Deputy Chief knew that I was
9 going to Ottawa with the Chief. He was aware -- he may not
10 have participated with each meeting but he was aware of it.

11 Now did he have any input in those
12 decisions? That -- I wouldn't be able to answer that.

13 **MR. DUMAIS:** Now, I understand, Luc, that
14 you had given instructions to Constable Sebalj to obtain --
15 to meet with David Silmser and ascertain whether or not he
16 really did not want to proceed with those charges. Is that
17 correct?

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

19 **MR. DUMAIS:** And I understand that that
20 meeting had been set up for September 29th, 1993.

21 **MR. BRUNET:** Yes, I realize there were
22 numerous attempts to get a hold of him but he did come in
23 on that date.

24 **MR. DUMAIS:** And if I can just refer you to
25 Doc. Number 727920. I believe these are your handwritten

1 notes.

2 THE COMMISSIONER: Exhibit 1436 are -- are
3 these your notes you say?

4 MR. BRUNET: Yes, they are.

5 THE COMMISSIONER: Staff Sergeant Brunet's
6 notes dated September 29th, 1993.

7 --- EXHIBIT NO./PIECE NO. P-1436:

8 (727920) Sergeant Brunet's notes
9 29 Sept, 1993

10 MR. DUMAIS: And are these your notes, Luc?

11 MR. BRUNET: Yes, they are.

12 MR. DUMAIS: And are these -- were these
13 notes made at the time of or were they made at a later
14 date?

15 MR. BRUNET: Immediately after the meeting.

16 MR. DUMAIS: So then you indicate that at
17 approximately 10:00 a.m., Constable Sebalj approached you
18 and indicated that she had just met with David Silmser. Is
19 that correct?

20 MR. BRUNET: That's correct.

21 MR. DUMAIS: And what did she advise you
22 about that conversation?

23 MR. BRUNET: Well, basically that he stood
24 by his letter. That he had a lawyer and he was satisfied
25 with his lawyer's advice and he no longer wanted to pursue

1 the criminal investigation against Father Charlie
2 MacDonald.

3 MR. DUMAIS: All right. And did Constable
4 Sebalj obtain that confirmation in writing?

5 MR. BRUNET: Yes, she did.

6 MR. DUMAIS: And did she show you what she
7 obtained or the ---

8 MR. BRUNET: I don't think she showed me the
9 release at that time no.

10 MR. DUMAIS: Well, perhaps just quick I can
11 just show you what I think she obtained and you can tell me
12 whether or not you saw it.

13 So that would be Exhibit 269.

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. BRUNET: Yes, that -- I don't believe
16 she had showed it to me that day but that's basically the
17 direction that she had given me or the information that she
18 gave me that day.

19 MR. DUMAIS: All right. So you don't
20 remember seeing it that day or ---

21 MR. BRUNET: I don't think so. I don't
22 think she showed it to me.

23 MR. DUMAIS: All right. There's another
24 issue that came up during that meeting of September 29th,
25 1993, and that is that someone was attempting to contact

1 David Silmser. Is that correct?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: All right. So what do you
4 recall about that?

5 MR. BRUNET: Well, she advised me that David
6 Silmser was very agitated about a phone call he had
7 received. I'm not sure how long prior to. I didn't -- I
8 would have to check if I got it in my notes here -- but
9 this lady wanted to talk to him about this incident, and he
10 -- the officer -- Constable Sebalj asked him, "Well, who is
11 it that's trying to call you"?

12 And he pulled a piece of paper out of his
13 wallet and showed a piece of paper with the name Helen
14 Dunlop and a phone number with it.

15 And Constable Sebalj was familiar with
16 Constable Dunlop's number. Like they were -- she knew him
17 and when she saw the phone number and her name, she got
18 extremely concerned about it and she -- when she realized
19 what was happening, she realized that Constable Dunlop had
20 asked her sometime prior for her to view the statement of
21 Mr. Silmser, and she had let him have it.

22 And this -- she is telling me this at this
23 point. So I advised her that I'd go and see the Deputy
24 Chief and advise him about it and see what do we do from
25 there.

1 **MR. DUMAIS:** All right. So you advised the
2 Deputy Chief on that same day?

3 **MR. BRUNET:** Yes, immediately. I went right
4 to his office.

5 **MR. DUMAIS:** And what was his response or
6 what did he advise you to do?

7 **MR. BRUNET:** Well, he asked me, he says well
8 what -- you know, he asked me my opinion, and I said, well,
9 obviously I should talk to Constable Dunlop and obviously
10 we can't have his wife contacting the victim.

11 So he told me to take care of it and make
12 sure I document it.

13 **MR. DUMAIS:** And that was your first
14 indication that Perry Dunlop had any involvement in this
15 case?

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

17 **MR. DUMAIS:** All right. So following your
18 meeting with the Deputy Chief, what happened afterwards?

19 **MR. BRUNET:** Well, as I was walking back to
20 my office, I saw Constable Dunlop was sitting at a desk in
21 the Criminal Investigation Bureau. Like it's what we refer
22 to as a bullpen. There are some desks, but it's all open.
23 He was sitting at one of the desks. So I asked him to come
24 into my office. So he did, and I told him of the
25 information that I had just received.

1 He shared his concern with me that -- he
2 felt that this investigation wasn't done properly. He said
3 he was very concerned. He said he had family living in the
4 St. Andrews area and that he certainly had very serious
5 concerns for his nephew and nieces that were walking around
6 that community, that were attending that community.

7 He also voiced some concerns about the
8 probation officer, and he mentioned to me that the incident
9 about the homicide in Summerstown, that the probationer
10 would have appeared to be drinking at his house, at Ken
11 Seguin's house.

12 And I was aware that the OPP had done a
13 homicide investigation in Summerstown and I wasn't aware of
14 the details of the case, but I was aware that there was an
15 investigation done by the OPP. So, you know, I said okay,
16 but I advised him that he was compromising his confidence
17 as a police officer, his oath of office -- I should say his
18 oath of secrecy and his oath of office -- in reference to
19 giving information to his wife. Like you can't have your
20 wife going back and getting in touch with the victim.

21 That didn't make any sense to me and
22 basically what I was trying to do is I was trying to tell
23 him that, listen, I don't want to make a big police or
24 conduct a big Police Act investigation here. I think that
25 you're breaching the Police Act. I had had good relations

1 with Perry up to that point. I certainly had no reason to
2 believe that he was, you know, that this was malicious or
3 anything. I think he had concerns, and I was trying to
4 tell him that what's happening right now, your wife trying
5 to reach him, is not a good idea. You can't -- we can't do
6 that.

7 And so we had some discussion, further
8 discussion on it, and he suggested at one point that we
9 should talk to the Bishop and Father MacDonald shouldn't be
10 left in the parish. I told him that I agreed with that.
11 That wasn't -- certainly wasn't something that I disagreed
12 with and that I would be speaking to the Deputy Chief and
13 the Chief about that.

14 I asked him at that point if he had any
15 statements, if he had a copy of the statement. I strongly
16 suspected that he did, but nobody saw him make it. So I
17 couldn't accuse him of it, but I told him, "If you have any
18 documents right now relating to this case, I want them
19 turned over to me immediately".

20 And then he agreed, at that point, that he
21 would call his wife and tell her to back-off from
22 contacting the victim.

23 **THE COMMISSIONER:** Did he make any comment
24 as to whether or not he did have some documents?

25 **MR. BRUNET:** My recollection that he didn't

1 acknowledge it or deny it. He just looked at me and he
2 didn't -- there was no acknowledgement.

3 **MR. DUMAIS:** Luc, was the *Police Services*
4 *Act* and a possibility of charges being laid under the
5 *Police Services Act* mentioned to him?

6 **MR. BRUNET:** Well, I told him that he was
7 definitely in breach of the *Police Services Act* by
8 disclosing confidential information. I told him that -- I
9 did have a conversation with him that he had been through
10 this before and not the same type of case, but he had been
11 through that experience before, and it couldn't be a very
12 pleasant experience to go through. And, you know, don't
13 compromise your career.

14 **MR. DUMAIS:** Right. So when you are saying
15 he had been through this before, meaning he had been
16 charged under the *Police Services Act*; correct?

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

18 **MR. DUMAIS:** All right. And you did not
19 know at that time whether or not he still had a copy of the
20 statement or any other documents. You ---

21 **MR. BRUNET:** I couldn't prove that he had
22 one. He had asked Heidi -- Heidi had just told me a few
23 minutes prior that she had shared it with him, and she had
24 told me that she had let him go away with it for -- as
25 reading material. So she briefed me on that. So I was

1 aware of that.

2 I wasn't -- I couldn't -- nobody saw him
3 make a copy of it so I couldn't openly accuse him that he -
4 - that I knew he had one, but I told him, "I believe you
5 have one. If you do have one, I want you to turn it back
6 to me immediately".

7 **MR. DUMAIS:** All right. And, I mean, was
8 that -- in your mind, was that an order, a direct order?

9 **MR. BRUNET:** Yes.

10 **MR. DUMAIS:** Right.

11 **MR. BRUNET:** It wasn't -- it might not have
12 been directed to him as an order, like, I didn't preface it
13 by saying "this is an order". However, my direction was
14 very clear that if you have a copy of it, I want you to
15 return it to me immediately.

16 **MR. DUMAIS:** All right. And certainly there
17 is no admission that he did at that time?

18 **MR. BRUNET:** No, there's no admission,
19 right.

20 **MR. DUMAIS:** All right. And this is a --
21 this was not a short conversation. Is that right?

22 **MR. BRUNET:** No, probably I have the times
23 noted here. It started at 10:00 a.m. -- oh, I'm sorry --
24 it started at about 10:30 a.m.

25 **THE COMMISSIONER:** I don't think there's an

1 end.

2 MR. BRUNET: There is not an end to it, no.
3 I would guess probably anywhere between 20 minutes and
4 half-an-hour.

5 MR. DUMAIS: All right.

6 MR. BRUNET: There's -- like he's sharing
7 some concerns with me and I'm listening, and I'm -- I'm not
8 disagreeing with him, but I'm not disagreeing with him with
9 the concerns that he have. I am certainly disagreeing with
10 what's happening, with the fact that he shared information
11 with his wife, and she is actually taking action to contact
12 the victim.

13 MR. DUMAIS: All right. And did he ever
14 turn back -- give you any documents?

15 MR. BRUNET: No, he did not.

16 MR. DUMAIS: All right.

17 If I can just turn you over to Exhibit 579,
18 Luc.

19 MR. BRUNET: Five-seven-nine (579).

20 MR. DUMAIS: Yes?

21 THE COMMISSIONER: He won't have that I
22 don't think.

23 Maître Dumais, I am advised that my flight
24 leaves 15 minutes earlier than usual.

25 So if you can make sure we finish at 1.30?

1 What's the exhibit number?

2 **MR. DUMAIS:** Exhibit Number 579 and it's
3 Bates pages 7114911.

4 **THE COMMISSIONER:** Yeah.

5 **MR. DUMAIS:** And this is, Luc, just so you
6 know what you're looking at, these are the Will Say
7 statement that was prepared by Constable Perry Dunlop and
8 this is his take or his reference on that meeting that you
9 had with him.

10 So I just want to -- I'm going to point you
11 to different sections of those two or three pages and I'm
12 going to ask you your opinions on some of his statements.

13 **MR. BRUNET:** Okay.

14 **MR. DUMAIS:** So the first one is about the
15 fourth paragraph, the first page, 911.

16 I'll just read it out to you:

17 "The Crown Attorney informed me that he
18 was aware of the Father Charles
19 MacDonald allegation ..."

20 So I guess the first question is, were you
21 aware that Perry Dunlop, immediately prior to your meeting,
22 had met with Murray MacDonald?

23 **MR. BRUNET:** No, I was not.

24 **MR. DUMAIS:** All right. So he never advised
25 you of that and never spoke about that?

1 **MR. BRUNET:** Not -- not that I can recall,
2 no.

3 **MR. DUMAIS:** All right. Did you find that
4 out afterwards?

5 **MR. BRUNET:** Yes, I did and I'm not sure
6 how, but I did find out that he had met with Murray, but I
7 -- it took some time before I found out that it was just
8 prior to our meeting.

9 **MR. DUMAIS:** All right. So then -- perhaps
10 you've answered the rest of the question already:

11 "... but was not aware of the
12 allegation of sexual abuse against Ken
13 Seguin."

14 So he didn't talk to you about the meeting
15 obviously. He would have told you that or you don't
16 remember him telling you that, right?

17 **MR. BRUNET:** That -- I'm sorry, I -- I'm not
18 understanding ---

19 **MR. DUMAIS:** Rephrase the question?

20 **MR. BRUNET:** Yes, please.

21 **MR. DUMAIS:** Did he tell you, during your
22 meeting, that the Crown, Murray MacDonald, was not aware of
23 the allegations of sexual abuse against Ken Seguin?

24 **MR. BRUNET:** I -- I don't recall it, so I
25 would say, no, but I -- I don't think he told me that. I

1 don't ---

2 **MR. DUMAIS:** All right.

3 **MR. BRUNET:** If -- if he didn't me that he
4 had just met with the Crown, it wouldn't make sense that he
5 would have told me, so I would deduct that, no, he didn't
6 tell me.

7 **MR. DUMAIS:** All right. Now, the next page,
8 so 912, the fourth paragraph:

9 "I say it to Staff Sergeant Brunet that
10 Constable Sebalj told me that there
11 were other victims in this case and I
12 asked did we ever interview Father
13 Charlie or Ken Seguin during the course
14 of the investigation?"

15 Do you recall him asking you that?

16 **MR. BRUNET:** That -- that's possible.

17 **MR. DUMAIS:** All right. His comment about
18 whether or not he had conducted any surveillance on them or
19 him asking you that?

20 **MR. BRUNET:** Yes, I believe so. I believe
21 the surveillance issue did come up.

22 **MR. DUMAIS:** Now, his statement -- and he's
23 quoting here on what you would have told him -- and I'll
24 just read it out and that's the second paragraph from the
25 bottom as follows:

1 "Brunet then stated: 'You realize you
2 can be charged for breach of trust
3 under the *Police Act*? I would really
4 hate to lose you, Perry. You've been
5 through this before but you were single
6 at that time'."

7 So does he put it the way you put it on that
8 day. Is that how you recall it?

9 **MR. BRUNET:** I remember telling him that he
10 could be facing Police Act charges and I remember telling
11 him that the -- I remember talking about, like, "You've got
12 a family now", so maybe it would have been worded that way.

13 As far as losing his job, I don't think I
14 would have used those words, but -- like certainly if you
15 would be facing that -- those types of charges, there --
16 that could possibly be a result. You could possibly end up
17 losing your job.

18 So I -- I may have said it that way. I
19 really can't remember the verbatim. Personally, I can't
20 remember verbatim what I told him, but it is possible that
21 I -- that I would -- would have worded it that way.

22 However, it's -- certainly the way it's
23 worded here, that's not the way that I meant it. Like, I
24 was trying to avoid a Police Act issue here. I was trying
25 to resolve this without the Police Act.

1 So I certainly wasn't doing this in a
2 threatening fashion, that's for sure.

3 **MR. DUMAIS:** Perry stated that your concern
4 -- you had personal concerns or individual concerns for
5 Perry Dunlop but you also had concern for the Service, for
6 having one of his officers speak to his spouse who then
7 spoke to -- would speak to a victim. Is that ---

8 **MR. BRUNET:** That -- definitely. I mean,
9 the -- what I felt here at this point is that if I spoke to
10 him -- and you don't give up your rank as a Staff Sergeant
11 -- but if you -- if you speak to him as a leader in the
12 organization and say, "Listen, I think you're doing a big
13 mistake here; there's a lot at stake. You don't want to
14 put yourself and your family in that position. What are
15 you doing having your wife contact a victim? It doesn't
16 make any sense." And that's basically the gist of how I
17 presented it.

18 The wording -- I mean, I don't remember
19 verbatim the way I said it, but that was my -- what I was
20 trying to accomplish is to make him realize that he was
21 doing some -- a big mistake and we had -- like, it was
22 terribly unfair to the victim, to put the victim through
23 that.

24 **MR. DUMAIS:** All right. And after your
25 conversation, is it correct that he had agreed to contact

1 his wife and advise her not to speak with Mr. Silmser?

2 MR. BRUNET: That's correct, he did agree to
3 that and I'm assuming that that's because of the
4 conversation I had with him, that I had gotten through with
5 him.

6 MR. DUMAIS: All right.

7 I have one last question on the Will Say
8 statement, Commissioner. It's going to take ---

9 THE COMMISSIONER: We should go. I'm sorry,
10 I have to leave.

11 MR. BRUNET: All right.

12 THE COMMISSIONER: So we'll come back Monday
13 at 9:30.

14 MR. DUMAIS: Thank you.

15 THE REGISTRAR: Order; all rise. À l'ordre;
16 veuillez vous lever.

17 This hearing is adjourned until April 7th, at
18 9:30 a.m.

19 --- Upon adjourning at 1:33 p.m./

20 --- L'audience est ajournée à 13h33

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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.



Marc Demers, CVR-CM