

**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 214

Held at :

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

Wednesday, April 9 2008

Tenue à:

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

Mercredi, le 9 avril 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Mr. Ian Stauffer	
Mr. Mark Crane	Cornwall Police Service Board
Mr. Peter Manderville	
Ms. Reena Lalji	
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action

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1 --- Upon commencing at 9:36 a.m./

2 L'audience débute à 9h36

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, Mr. Brunet.

11 **MR. BRUNET:** Good morning, Mr. Commissioner.

12 **MR. MANSON:** Mr. Commissioner, I apologize
13 for intervening, but I was reading the transcripts this
14 morning from yesterday and also going through Sergeant
15 Lortie's documents and I made an error in my cross-
16 examination.

17 You'll recall and the witness will recall
18 when we were talking about the morning meeting and the
19 comments that were made by Sergeant Lortie ---

20 **THE COMMISSIONER:** Yes.

21 **MR. MANSON:** --- I didn't go to Sergeant
22 Lortie's notes. I relied on my handwritten notes, and I
23 was wrong about the date. I said they were recorded on
24 September 29th. In fact, they were recorded on September
25 28th.

1 **THE COMMISSIONER:** All right.

2 **MR. MANSON:** So I -- and the error's in the
3 transcript, it's not an errata. It was my error, page 152
4 at line 21 and page 155 at line 13. I certainly put to the
5 witness that Sergeant Lortie's notes were made on the 29th.
6 They were in fact made on September 28th.

7 **THE COMMISSIONER:** All right.

8 **MR. MANSON:** I hope that caused no
9 confusion. I apologize.

10 **THE COMMISSIONER:** Not a problem.

11 All right. So now we're at Mr. Neville.

12 **LUCIEN BRUNET, Resumed/Sous le même serment:**

13 **THE COMMISSIONER:** As little surprise, sir,
14 all your material is up front already.

15 **MR. NEVILLE:** I'm ready to go, sir.

16 **THE COMMISSIONER:** Okay.

17 **MR. NEVILLE:** I'm going to make use of every
18 precious minute.

19 **THE COMMISSIONER:** That's good. All right.

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

21 **NEVILLE:**

22 **MR. NEVILLE:** Good morning, Staff Sergeant.

23 **MR. BRUNET:** Good morning, sir.

24 **MR. NEVILLE:** My name is Michael Neville and
25 I represent Father MacDonald and the estate and family of

1 Ken Seguin.

2 MR. BRUNET: Good morning.

3 MR. NEVILLE: Good morning.

4 Can we start, Staff Sergeant, with Exhibit
5 1421, which is this taped statement with the OPP,
6 Commissioner? Document 728585, 1421.

7 THE COMMISSIONER: I'm sorry; the page
8 number again?

9 MR. NEVILLE: Yes, I'd like to start,
10 Commissioner, if I may use the page numbering in the
11 bottom?

12 THE COMMISSIONER: Yes, sure.

13 MR. NEVILLE: Page 9 of 30.

14 THE COMMISSIONER: Yes.

15 MR. NEVILLE: Just one brief question.

16 THE COMMISSIONER: I'm there.

17 MR. NEVILLE: If you have it, Staff
18 Sergeant?

19 MR. BRUNET: Yes, I do.

20 MR. NEVILLE: You'll see mid-page Inspector
21 Hall asks you about whether Mr. Dunlop turned over
22 documents, notes or anything to you when you had the
23 meeting with him on the 29th of September, right?

24 MR. BRUNET: That's correct.

25 MR. NEVILLE: And you confirmed to him that

1 he turned nothing to -- turned nothing over to you.

2 Did you come to realize that the very next
3 day, having given him an order -- I take it it was in the
4 nature of an order that he turn over to you anything he
5 had?

6 **MR. BRUNET:** Well, I didn't officially
7 precede it with the word "order" but I told him ---

8 **MR. NEVILLE:** Okay.

9 **MR. BRUNET:** --- that if he had anything, he
10 was to give it to me, which is a direction and I have the
11 rank to give him a direction.

12 **MR. NEVILLE:** All right.

13 Well, we'll use the word "direction." And
14 as I know from reading some of your interviews or
15 statements, he never admitted or denied what he had, right?

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

17 **MR. NEVILLE:** Did you come to realize that
18 the very next day is when he takes the statement to the
19 CAS?

20 **MR. BRUNET:** I know it was -- yeah. Well, I
21 know it was immediately after.

22 **MR. NEVILLE:** All right.

23 So you came to learn that in spite of this
24 direction he takes a document that he obviously still had,
25 or a copy of, to the CAS?

1 **MR. BRUNET:** Yes.

2 **MR. NEVILLE:** All right.

3 Now, the other thing I wanted to ask you was
4 you have this meeting and discussion with him about what
5 was going on and the concerns you had and the consequences
6 he could face in terms of his career. You discussed with
7 him, I take it, specifically what Helen, his wife, was
8 doing, and that was your main concern, as I understand it?

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

10 **MR. NEVILLE:** And did he readily agree that
11 it was inappropriate for her to be speaking to a
12 complainant or did he dispute the propriety of that?

13 **MR. BRUNET:** I can't remember the exact
14 words, but my understanding was -- or my recollection of it
15 was -- like, the gist of it was that something had to be
16 done and that's why he -- that's why she was trying to
17 reach him.

18 However, he did agree at the end of the
19 meeting that she would stop.

20 **MR. NEVILLE:** That's what I'm ---

21 **MR. BRUNET:** He would have her stop the
22 attempts.

23 **MR. NEVILLE:** Fair enough. That's what I'm
24 sort of coming to, is that it appears when I read the
25 material that it took a little bit of persuading or

1 discussion before he would make that concession to call her
2 off?

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

4 **MR. NEVILLE:** All right.

5 Now, can we next look for a moment at page
6 20, Commissioner, of 30?

7 At the end of your evidence-in-chief, Staff
8 Sergeant, you were asked by Mr. Dumais whether you had a
9 statement to make and/or recommendations and you made a
10 very moving statement about the impact of certain events on
11 you and your family, right?

12 **MR. BRUNET:** Yes.

13 **MR. NEVILLE:** All right.

14 And if we look together at page 20 of your
15 OPP interview, if you just look, there's a series of
16 questions at the top of the page, starting with "Have you
17 ever been to the residence of," right?

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

19 **MR. NEVILLE:** And if you look down to just
20 about past the middle of the page, Inspector Hall asks you
21 whether you know a person by the name of Ron Leroux?

22 **MR. BRUNET:** Yes.

23 **MR. NEVILLE:** And your answer at that point
24 was as follows:

25 "After I found out civilly, through the

1 civil action, that Mr. Leroux had made
2 allegations that I had gone to some
3 type of gathering..."

4 Now, that answer there and the preceding
5 series of questions about locations, that's what the
6 officers are talking about, aren't they, the various
7 allegations that you have been to Seguin's residence, to
8 Mr. MacDonald's cottage, dinner parties, et cetera?

9 **MR. BRUNET:** That was my understanding under
10 the civil suit, yes.

11 **MR. NEVILLE:** Right. And those were the
12 kinds of falsehoods that had been put out into the
13 community about you?

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

15 **MR. NEVILLE:** And those were the kinds of
16 damaging things that you were referring to, without naming
17 it, when you made your statement at the end yesterday to
18 the Commissioner?

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

20 **MR. NEVILLE:** Now, page 21, Commissioner.

21 I just want to come back to one of your --
22 part of your answer here about, again, this meeting with
23 Officer Dunlop on September 29th. Mr. Hall, near the top of
24 the page, if you follow with me, Staff Sergeant, says:

25 "You have a conversation with Constable

1 Dunlop and you stated the case was
2 over. He should back off. He had a
3 wife and three kids. He didn't want to
4 repeat a..."

5 And then it says:

6 "...1995 occurrence..."

7 I think probably should be 1985. And you're asked to
8 comment, and you say:

9 "It wasn't put in that context
10 whatsoever. When I talked to him about
11 confidentiality under the *Police*
12 *Services Act* I advised him that he had
13 some responsibilities and he could get
14 himself in big problems. I thought I
15 was doing him a favour basically not
16 coming down on him."

17 Right?

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

19 **MR. NEVILLE:** Now, you understand from the
20 subsequent allegations he makes that he accused you,
21 including the civil action, of threatening him?

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

23 **MR. NEVILLE:** If you look further down,
24 dealing with the question of Mrs. Dunlop, about four more
25 lines down:

1 "Like, he told his wife. I looked at
2 it from the point of view...I mean, a
3 lot of police officers have to, you
4 know, discuss some -- some issues, some
5 major issues, and if your spouse can
6 keep a secret, I mean, I didn't see it
7 as a major issue at that point if you
8 discuss something with your wife, as
9 long as your wife can keep it
10 confidential."

11 So you told him things like that?

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

13 **MR. NEVILLE:** And I'm going to suggest that
14 that's the kind of discussion you had with him that
15 ultimately led him to say, "All right. I'll speak to her
16 and get her to stop."

17 **MR. BRUNET:** That's my understanding of it,
18 yes.

19 **MR. NEVILLE:** All right. All right.

20 Now, at the point that you're having this
21 discussion, you know, of course, that there's been the
22 settlement?

23 **MR. BRUNET:** Yes.

24 **MR. NEVILLE:** You've known that for three
25 weeks or thereabouts?

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

2 **MR. NEVILLE:** And you had the opinion in
3 writing from Murray MacDonald that the matter essentially
4 could not go further with an uncooperative complainant?

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

6 **MR. NEVILLE:** And can we just look near the
7 bottom of your response here? Again, I take it as part of
8 your discussion with Mr. Dunlop, five lines from the
9 bottom:

10 "You know, having said that..."

11 Meaning possible *Police Services Act*.

12 "I mean, if we don't -- if we know as
13 a police service, as individuals laying
14 information, if we know that we don't
15 have a case to present to the Court and
16 we do it just for the sake of (a)
17 putting the name into the newspaper,
18 then we're exaggerating our powers and
19 we -- that's abuse of power and you
20 can't do that."

21 Did you explain that to him?

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

23 **MR. NEVILLE:** All right. And one final
24 reference, Commissioner, if we could go back to page 4; do
25 you have that ---

1 MR. BRUNET: Yes, I do.

2 MR. NEVILLE: --- Staff Sergeant? Page 4 of
3 30.

4 MR. BRUNET: Yes.

5 MR. NEVILLE: You're asked in mid-page by
6 Inspector Hall about your awareness that there was more
7 than one, he uses the word "victim," right?

8 MR. BRUNET: Yes.

9 MR. NEVILLE: And -- and you're asked how
10 many you were aware of and you say "three," then you say:

11 "One person I was not clear that he was
12 a victim. It was my understanding that
13 he was of age of consent."

14 That would be C-56?

15 THE COMMISSIONER: Do you want to see the
16 moniker?

17 MR. BRUNET: I've got the -- the moniker.
18 I'm just trying to remember the name that he ---

19 MR. NEVILLE: Well, let me -- let me help
20 you with this.

21 MR. BRUNET: I thought it was C-3 ---

22 MR. NEVILLE: Okay, well ---

23 MR. BRUNET: --- that I was referring to.

24 MR. NEVILLE: --- in fact, sir -- and we've
25 covered this with officer Derochie -- the events described

1 by both gentlemen, the major events described by both
2 gentlemen, happened at the age of 18.

3 MR. BRUNET: Yes.

4 MR. NEVILLE: Okay. So actually then to be
5 accurate, it would be -- he could actually say here that
6 there was an age of consent issue for both.

7 MR. BRUNET: Yes, there was.

8 THE COMMISSIONER: Well, do we have as
9 evidence that they were 18 or ---

10 MR. NEVILLE: Yes.

11 THE COMMISSIONER: --- or about 18?

12 MR. NEVILLE: No, 18, sir. I can show you.
13 If you wish the references, I'd get them for you. C-56
14 specifically says that was the age, sir, and in the case of
15 C-3, Commissioner, the principal event that he alleges at
16 the rectory in Apple Hill off -- Father MacDonald was not
17 there until the summer of 1975 and C-3 would have been 18.

18 THE COMMISSIONER: Well, you see those are
19 conclusions that you're making. Was there any allegation
20 in there that they may have been younger in any of the
21 allegations?

22 MR. NEVILLE: Not that I'm aware of and he
23 of course testified, Commissioner.

24 THE COMMISSIONER: Okay.

25 MR. NEVILLE: Yes.

1 **THE COMMISSIONER:** Fine.

2 **MR. NEVILLE:** So can we just -- having dealt
3 with that point, sir, just go to -- no, we'll leave --
4 we'll leave that and come back to it later.

5 Now, let me ask you this Staff Sergeant; you
6 were asked questions yesterday by Mr. Paul on behalf of the
7 Coalition about discrepancies, what you thought were major
8 discrepancies between the allegations made by Mr. Silmsner -
9 --

10 **MR. BRUNET:** Yes.

11 **MR. NEVILLE:** --- in the oral interview and
12 what showed up in the written document that he delivered
13 some time later.

14 **MR. BRUNET:** Yes.

15 **MR. NEVILLE:** And I take it, at some point,
16 you had to have reviewed the notes of the three officers;
17 Sebalj, Malloy and Lefebvre.

18 **MR. BRUNET:** Well, yes. In preparation for
19 the Commission, yes.

20 **MR. NEVILLE:** Okay and you must have looked
21 through the contents of Mr. Silmsner's written statement.

22 **MR. BRUNET:** Yes.

23 **MR. NEVILLE:** And it was quite apparent, was
24 it not, that there was, in fact, major discrepancies in
25 there?

1 **MR. BRUNET:** Yes, it was.

2 **MR. NEVILLE:** And would you agree with me,
3 without going into great detail, it was on matters that
4 were at the heart of the allegation?

5 **MR. BRUNET:** Yes.

6 **MR. NEVILLE:** And would it be fair to say it
7 was not a discrepancy that as an investigator you would
8 have expected to have seen?

9 **MR. BRUNET:** No.

10 **MR. NEVILLE:** Pardon me?

11 **MR. BRUNET:** No, you wouldn't expect to see.
12 Well, it -- it was considerable. It was ---

13 **MR. NEVILLE:** Yes, it -- it was a night and
14 day difference in the allegation -- in one allegation.

15 **MR. BRUNET:** In one of the allegations that
16 I'm thinking about. In one of the allegations there was a
17 ---

18 **MR. NEVILLE:** And I'm sure we're thinking of
19 the same one.

20 **MR. BRUNET:** Yes.

21 **MR. NEVILLE:** It's the fourth incident.

22 **MR. BRUNET:** The fourth one; yes, that's
23 correct.

24 **MR. NEVILLE:** And the two versions, oral and
25 written, don't match at all.

1 **MR. BRUNET:** I -- I -- I agree with that.

2 **MR. NEVILLE:** All right. And this would be
3 something, of course, that Officer Sebalj would be aware
4 of.

5 **MR. BRUNET:** Yes.

6 **MR. NEVILLE:** And is that the kind of thing
7 -- when she told you over the various consultations you had
8 with her that she was having difficulties and, indeed,
9 never got to the point of personally having reasonable
10 probable grounds, did she mention things like discrepancies
11 and inconsistencies?

12 **MR. BRUNET:** Yes.

13 **MR. NEVILLE:** And it would be fair to assume
14 that that would be an obvious one.

15 **MR. BRUNET:** Yes.

16 **MR. NEVILLE:** It's in her own notes compared
17 to the statement.

18 **MR. BRUNET:** Yes.

19 **MR. NEVILLE:** All right.

20 **MR. BRUNET:** It's -- it's in one of the
21 officer's notes, at -- at least, I -- I believe two
22 officers' notes ---

23 **MR. NEVILLE:** Yes.

24 **MR. BRUNET:** --- what I recall and I, but I
25 can't remember clearly right now which officer's ---

1 **MR. NEVILLE:** Well, I can help you.

2 **MR. BRUNET:** --- it's -- it's in the notes -
3 - if it was in hers or in one of the other officer's, but
4 it was clearly in the officer's notes.

5 **MR. NEVILLE:** I -- I -- I can help you with
6 that; it's in hers and Officer Malloy's.

7 **MR. BRUNET:** Okay, thank you.

8 **MR. NEVILLE:** Now, just on the point of --
9 of where things were at by the time of the settlement,
10 you're aware, and you've confirmed for Mr. Commissioner,
11 that an internal investigation was ordered by the Chief and
12 was conducted by Staff Sergeant Derochie.

13 **MR. BRUNET:** Yes.

14 **MR. NEVILLE:** And were you following his
15 testimony?

16 **MR. BRUNET:** Staff Sergeant Derochie's, yes.

17 **MR. NEVILLE:** Okay. As part of his internal
18 review, did you ever provide him with a statement?

19 **MR. BRUNET:** No, I ---

20 **MR. NEVILLE:** I know you were interviewed by
21 him, but ---

22 **MR. BRUNET:** Yes, I was and no, I didn't.

23 **MR. NEVILLE:** Okay. And can I refer if I
24 could, Commissioner, to Exhibit 1293 which is the dedicated
25 notes of Staff Sergeant Derochie. And I'll use the page

1 numbering of the -- of the officer, if I could,
2 Commissioner; it's page 63. Actually starts at the last
3 line of 62, using his numbers.

4 As part of preparing for these proceedings,
5 Staff Sergeant, did you review these notes among other
6 things?

7 MR. BRUNET: Yes, I did.

8 MR. NEVILLE: Okay and -- and observed, at
9 least in part, his testimony.

10 MR. BRUNET: Yes, the majority of it.

11 MR. NEVILLE: Majority, thank you.

12 MR. BRUNET: Yes.

13 MR. NEVILLE: So if you see at the bottom of
14 62, Staff Sergeant Derochie starts into his interview with
15 Officer Sebalj.

16 MR. BRUNET: Yes.

17 MR. NEVILLE: And if we look on the next
18 page, 63, six lines from the bottom, she describes
19 contacting C-3.

20 MR. BRUNET: Yes.

21 MR. NEVILLE: And she tells the staff
22 sergeant that her assessment of the situation was that the
23 event in Apple Hill appeared to have been consensual.

24 MR. BRUNET: That's correct.

25 MR. NEVILLE: All right. Now, you consulted

1 with her of and on throughout the months that the
2 investigation was outstanding.

3 MR. BRUNET: Yes.

4 MR. NEVILLE: Did you become aware that she
5 had done an interview on, for example, C-3 and C-56?

6 MR. BRUNET: Yes, she had asked -- she had
7 told me what -- the information that she had received over
8 the phone and she asked me permission to attend Ottawa to
9 meet with them.

10 MR. NEVILLE: Oh, okay; very good. Now --
11 and when you eventually spoke with her after those
12 interviews, did she intimate to you as she did to the staff
13 sergeant that the C-3 incident may well have been
14 consensual?

15 MR. BRUNET: Yes, she did

16 MR. NEVILLE: Okay. Which would certainly
17 take it out of any realm of corroboration; wouldn't it?

18 MR. BRUNET: Well, that's -- that's where I
19 wanted to speak to a Crown attorney before we made any
20 other decisions ---

21 MR. NEVILLE: Fair enough.

22 MR. BRUNET: --- because I felt that these
23 issues should be -- I should get or I -- Constable Sebalj
24 should get legal advice.

25 MR. NEVILLE: Fair enough. If we look at

1 page 65 ---

2 THE COMMISSIONER: On the issue of
3 consensual, help me out here; it says that he was over 16
4 years of age.

5 MR. NEVILLE: Yes, you may recall,
6 Commissioner, that when Staff Sergeant Derochie was in the
7 witness box, I had him confirm that, in fact, the age was
8 18. I asked him that specifically in cross-examination.

9 THE COMMISSIONER: Right.

10 MR. NEVILLE: And I can take you to the --
11 to the root documents, if you wish.

12 THE COMMISSIONER: Because the age of
13 consent is 18.

14 MR. NEVILLE: Yes.

15 THE COMMISSIONER: Right, in those years?

16 MR. NEVILLE: Well, he would be an adult.

17 THE COMMISSIONER: Pardon me?

18 MR. NEVILLE: He would be an adult.

19 THE COMMISSIONER: And what do you mean ---

20 MR. NEVILLE: Well, in the eyes of the law,
21 he'd be an adult at 16 in those years; in terms of criminal
22 law. In terms of -- of other things like ---

23 THE COMMISSIONER: What -- what year are we
24 talking about?

25 MR. NEVILLE: Nineteen seventy-five (1975).

1 **THE COMMISSIONER:** Okay, so I thought --
2 when had the laws about homosexuality been repealed?

3 **MR. NEVILLE:** Late '60s.

4 **THE COMMISSIONER:** Okay.

5 **MR. NEVILLE:** Bedrooms of the nation ---

6 **THE COMMISSIONER:** Right.

7 **MR. NEVILLE:** --- Mr. Trudeau.

8 **THE COMMISSIONER:** Right.

9 **MR. NEVILLE:** Right

10 **THE COMMISSIONER:** Okay.

11 **MR. NEVILLE:** Thank you, Commissioner.

12 And if we look -- and you've looked through
13 the interview note materials of Officer Sebalj, and that's
14 our Exhibit 295?

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

16 **MR. NEVILLE:** And if we look as well at --
17 could we look, Commissioner, at Exhibit 1427; it's the
18 interview note for C-56. A series were put in,
19 Commissioner, the other day, I believe about 10 or 12.

20 **THE COMMISSIONER:** Fourteen-twenty-seven
21 (1427), yes, I have it.

22 **MR. NEVILLE:** You have that document, Staff
23 Sergeant?

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

25 **MR. NEVILLE:** And what did you understand

1 this to be?

2 MR. BRUNET: I believe that Constable
3 Sebalj, when she was probably writing her report and trying
4 to get all the witnesses' information that they had
5 provided her, she would have made this with the left-hand
6 column, trying to determine the ---

7 MR. NEVILLE: Years?

8 MR. BRUNET: --- age of the person in a
9 certain year.

10 MR. NEVILLE: Okay, and so you took this to
11 be -- are these interview notes or a summary?

12 MR. BRUNET: No, I believe they would be a
13 summary ---

14 MR. NEVILLE: Like a summary?

15 MR. BRUNET: --- done after her interviews.

16 MR. NEVILLE: Okay. And one of the things
17 she's recorded here at the bottom of this page -- you'll
18 see in the top half she refers to the age of 18 and in the
19 bottom paragraph she has written, "Hand on groin; thought
20 it was an accident".

21 MR. BRUNET: Yes.

22 MR. NEVILLE: Okay. And you took that to be
23 what, a summary of how she perceived this man's allegation?

24 MR. BRUNET: Yes, I -- that's right.

25 THE COMMISSIONER: Well, hold on a minute

1 there. Then he goes on ---

2 **MR. NEVILLE:** Yes, asked if was
3 uncomfortable; said yes.

4 **THE COMMISSIONER:** Yeah.

5 **MR. NEVILLE:** Father C stopped. And I take
6 it the one to one-and-a-half minutes is an estimate of the
7 time. Is that what you took it to be, if you know?

8 **MR. BRUNET:** I don't know.

9 **MR. NEVILLE:** All right, that's fine.

10 And in your -- sorry -- just for your own
11 assistance, Commissioner, it's Exhibit 1249. I'll just
12 refer you to it. It's the confidential instructions to
13 Crown counsel, the OMPPAC printout, Commissioner.

14 **THE COMMISSIONER:** Yes, and where are we
15 looking?

16 **MR. NEVILLE:** Yes, Commissioner, it would be
17 page 18.

18 **THE COMMISSIONER:** Page 18.

19 **MR. NEVILLE:** I'm using her numbers in the
20 top right corner, Commissioner. Bates page 3710.

21 **THE COMMISSIONER:** No, that's fine.

22 **MR. BRUNET:** What's the Bates page number;
23 I'm sorry?

24 **MR. NEVILLE:** The last four numbers 3710.
25 It's a Will Say for C-56.

1 This just on the question of the age,
2 Commissioner, if you were wondering.

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

4 **MR. NEVILLE:** It's the fourth paragraph from
5 the bottom, second sentence.

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

7 **MR. NEVILLE:** Now, can we next look briefly,
8 Staff Sergeant, at Exhibits 300 and 301 and these are the
9 letters, Commissioner, between -- back and forth between
10 Mr. Murray MacDonald and the Staff Sergeant.

11 Do you have those there, Staff Sergeant?

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

13 **MR. NEVILLE:** All right, so Exhibit 300 is
14 your letter and Exhibit 301 is Mr. MacDonald's letter. And
15 your letter to him of September 9th focuses only on the
16 question of an unwilling or uncooperative complainant?

17 **MR. BRUNET:** Yes.

18 **MR. NEVILLE:** But if we look at Mr.
19 MacDonald's letter back to you, Exhibit 301, he addresses
20 that issue and also addresses the issue of reasonable and
21 probable grounds?

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

23 **MR. NEVILLE:** So would it be fair to say
24 that your telephone conversation that you refer to in the
25 first sentence of your letter covered more topics than just

1 the unwilling or uncooperative complainant topic?

2 MR. BRUNET: It's very possible. I don't --
3 I remember asking him about the legality of the agreement.

4 MR. NEVILLE: Right.

5 MR. BRUNET: And I remember asking him what
6 do we do with an uncooperative witness like what -- like
7 what's our chances of continuing a prosecution.

8 Those are the two that I specifically
9 remember. It is very possible that we expanded upon that,
10 about the reasonable and probable grounds issue but I can't
11 testify here with certainty about that.

12 MR. NEVILLE: Okay. Is it possible in fact
13 that you had more than one telephone conference with him
14 between early September and late September about this
15 issue?

16 MR. BRUNET: I do not recall any other
17 telephone conversations ---

18 MR. NEVILLE: Let me see if I can help you.

19 MR. BRUNET: --- during that time period.

20 MR. NEVILLE: Let me see if I can help you.
21 Commissioner, if I could refer the Staff
22 Sergeant, it's Document 727917.

23 (SHORT PAUSE/COURTE PAUSE)

24 THE COMMISSIONER: Exhibit 1471 is Staff
25 Sergeant Brunet's Will Say.

1 --- EXHIBIT NO./PIÈCE NO. P-1471:

2 (727917) Will Say of Lucien Brunet -
3 date unknown

4 **MR. NEVILLE:** One-four-seven-one (1471),
5 Commissioner?

6 **THE COMMISSIONER:** I'm sorry?

7 **MR. NEVILLE:** One-four-seven-one (1471)?

8 **THE COMMISSIONER:** One-four-seven-one
9 (1471), yes.

10 **MR. NEVILLE:** Thank you.

11 Do you have a copy of the document there,
12 Staff Sergeant?

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

14 **MR. NEVILLE:** Can you explain what this
15 document is in -- and let me ask you this, can I just refer
16 you to the third page because it appears to have been not
17 completed.

18 So can you tell us, first of all, what it
19 is?

20 **MR. BRUNET:** I believe I was asked to
21 prepare an affidavit in reference to the Perry Dunlop ---

22 **MR. NEVILLE:** PSA matter?

23 **MR. BRUNET:** Yes, Police Act matters, and
24 this would appear that I -- that that's what I was working
25 on.

1 **MR. NEVILLE:** Is there any question that you
2 prepared this, albeit it doesn't appear to be complete?
3 You would have prepared this yourself?

4 **MR. BRUNET:** No, I would have prepared this.

5 **MR. NEVILLE:** All right. Could I refer you
6 then to page 1.

7 **MR. BRUNET:** Yes.

8 **MR. NEVILLE:** Second-last paragraph on the
9 bottom of the page.

10 **MR. BRUNET:** Yes.

11 **MR. NEVILLE:** In the preceding paragraph you
12 see it talks about a call actually -- initially from Mr.
13 Adams, so your first source of knowledge of a settlement is
14 actually from Mr. Silmser's lawyer; correct?

15 **MR. BRUNET:** Yes.

16 **MR. NEVILLE:** Then the call from Malcolm
17 MacDonald, right?

18 **MR. BRUNET:** Yes.

19 **MR. NEVILLE:** All right. And then you
20 confirm, as you did to us, that you told both lawyers that
21 you were not satisfied and then the next paragraph, I'll
22 read it.

23 "I subsequently had conversation with
24 Crown Attorney M. MacDonald to get
25 legal advice about proceeding without

1 the victim's cooperation. After a few
2 conversations with Mr. MacDonald in the
3 subsequent days ..."

4 **MR. BRUNET:** Yes, I see that.

5 **MR. NEVILLE:** Does that refresh your memory?

6 **MR. BRUNET:** It's ---

7 **MR. NEVILLE:** Would your memory have been
8 better when you wrote this?

9 **MR. BRUNET:** Yes, it would have, obviously,
10 but I really don't remember any more than one phone call.
11 I remember the phone call that we spoke; I believe it was
12 on the 8th that I referred to in my letter.

13 **MR. NEVILLE:** Right.

14 **MR. BRUNET:** And I do not recall any more
15 phone calls but after writing this it's very possible that
16 I did.

17 **THE COMMISSIONER:** When would you have
18 written this?

19 **MR. BRUNET:** Probably in 1994 sometime.

20 **THE COMMISSIONER:** Okay.

21 **MR. NEVILLE:** Okay. So within a few months
22 of these events. Is that fair?

23 **MR. BRUNET:** Yeah, '93, so probably
24 somewhere within a year after.

25 **MR. NEVILLE:** Okay.

1 MR. BRUNET: After the ---

2 MR. NEVILLE: And presumably ---

3 MR. BRUNET: In September.

4 MR. NEVILLE: --- when you wrote this
5 paragraph, in your own -- speaking in the first person, you
6 had some recollection in order to put what we read here?

7 MR. BRUNET: Yes, I agree with that.

8 MR. NEVILLE: Okay.

9 MR. BRUNET: But I just ---

10 MR. NEVILLE: Sorry. Go ahead.

11 MR. BRUNET: I just don't remember any other
12 phone calls, but it is very possible that we had other
13 phone calls on it. I don't remember.

14 MR. NEVILLE: Having written this, as you
15 did, isn't it more likely than not that there were?

16 MR. BRUNET: Yes, I agree with that.

17 MR. NEVILLE: Okay. Now, I don't -- I
18 neglected to put the exhibit number, Commissioner, it's
19 Document 714888 and it's Mr. Murray MacDonald's taped
20 interview statement that has been referred to. I just
21 didn't get the exhibit number -- 1233 I'm advised,
22 Commissioner.

23 THE COMMISSIONER: Yes, what page?

24 MR. NEVILLE: Yes, I'd start, Commissioner,
25 at -- I'll use the numbering at the top, if I might -- page

1 22.

2 Have you reviewed this document, Staff
3 Sergeant?

4 **MR. BRUNET:** Yes, I did read it.

5 **MR. NEVILLE:** All right. And so if we look
6 at the bottom of page 22, Inspector Smith asks Mr.
7 MacDonald whether he was aware or became aware that Malcolm
8 MacDonald was Father Charles's counsel. Do you see that?

9 **MR. BRUNET:** Yes.

10 **MR. NEVILLE:** If we look over on the next
11 page, you can see if we look at that paragraph that he
12 initially learned of Malcolm MacDonald's role as counsel
13 through Officer Sebalj, right?

14 **MR. BRUNET:** Yes.

15 **MR. NEVILLE:** And then mid-paragraph he
16 says:

17 "I got contacted from Mr. MacDon..
18 Malcolm MacDonald myself. He contacted
19 me directly. He contacted me twice.
20 He contacted me the first time I would
21 think (something, something) in the
22 area of perhaps a month or six weeks
23 before the settlement was reached."

24 Now, did you become aware of that?

25 **MR. BRUNET:** I read it. I don't remember if

1 I was told that or not.

2 MR. NEVILLE: Okay.

3 MR. BRUNET: I could have very well have
4 been and I didn't recall -- I don't recall it.

5 MR. NEVILLE: Fair enough.

6 MR. BRUNET: It was ---

7 MR. NEVILLE: That's what I was about to ask
8 you. So that's fine.

9 Let's look at page 28. He's now talking
10 more directly about the issue of the settlement. Page 28,
11 the answer -- third sentence in his answer:

12 "Malcolm MacDonald contacted me I would
13 think about a month before --
14 apparently the settlement had been
15 finalized -- to tell me that he had
16 been -- he was negotiating with this
17 person. The call of conversation is
18 clear in my mind. It was very brief.
19 He called up to say 'Listen, you know
20 that investigation with the Cornwall
21 Police I've undertaken with regards to
22 Father MacDonald?' I said 'Yes,
23 Malcolm, I'm aware of it'. He said 'I
24 just want you to know that it's from
25 our perspective it's unfounded but

1 we're negotiating with this fellow to
2 settle with him'. I think he either
3 called it a nuisance claim or used
4 words to that effect."

5 And then if we go down about six lines:

6 "My only response to him at that point,
7 I did not agree with him that it was
8 weak. I did not comment on the
9 substance of the investigation. I just
10 acknowledged that I knew there was an
11 investigation. And after he made those
12 utterances to me, I told him to please
13 keep the police informed -- 'Malcolm,
14 please keep the police informed of your
15 conduct in terms of dealing with this
16 guy' and he said 'Yes'.

17 You may well have become aware of all that?

18 **MR. BRUNET:** I can't remember it.

19 **MR. NEVILLE:** All right.

20 Now, let's look next at page 33 where he's
21 addressing his dealings with Ms. Sebalj, at the bottom of
22 the page. The inspector asks him whether she -- Officer
23 Sebalj -- brought to Mr. MacDonald's attention that the
24 settlement had been done. It says:

25 "Yes, she contacted me after the call I

1 had from Malcolm MacDonald. She
2 contacted me on it seemed on the eve of
3 the settlement to say that her
4 investigation had come up with some
5 indication that there seemed to have
6 been the target of the investigation,
7 Father MacDonald, had -- may have had,
8 you know, homosexual tendencies, and
9 this was from someone else who was
10 reluctant to assist in the police
11 investigation..."

12 So just stopping there, that would appear to
13 refer to C-3 and C-56?

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

15 **MR. NEVILLE:** All right.

16 "...who was reluctant to assist in the
17 police investigation but did say he had
18 homosexual contact with the priest. So
19 this sort of was the first time in my
20 many contacts I've had with Constable
21 Sebalj where it seemed to be whether
22 there was something in favour of the
23 complainant as opposed to against his
24 credibility. As it turned out, as I
25 asked the police, was this alone

1 sufficient to give them RPG and they
2 didn't feel they did because they
3 didn't feel that they, by that point,
4 still didn't feel they had enough to
5 believe the complainant to the point of
6 reasonable grounds. By that time they
7 had a complainant who was telling them
8 to go away anyway."

9 Now, that would appear to indicate that
10 through Ms. Sebalj he was aware of essentially where she
11 was at and that in spite of C-3 and C-56 she didn't believe
12 she had sufficient, in her mind, to lay a charge and so
13 told him?

14 **MR. BRUNET:** Well, according to his
15 statement, yes, and that's what it says.

16 **MR. NEVILLE:** And that's what he puts in his
17 letter.

18 **MR. BRUNET:** Yes.

19 **MR. NEVILLE:** The essence is in the letter,
20 right?

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

22 **MR. NEVILLE:** All right.

23 Now, you attended with the Chief -- Chief
24 Shaver -- on Archbishop Curis in Ottawa?

25 **MR. BRUNET:** Yes.

1 **MR. NEVILLE:** And on his recommendation, on
2 Bishop Larocque?

3 **MR. BRUNET:** Yes.

4 **MR. NEVILLE:** And the matter in the 1980's,
5 the Deslauriers matter, had you had any direct involvement
6 in that yourself?

7 **MR. BRUNET:** No, I had none.

8 **MR. NEVILLE:** So whether or not he had not
9 been cooperative in that case was something you learned
10 from someone else?

11 **MR. BRUNET:** Yes, it was.

12 **MR. NEVILLE:** But that's not what you
13 experienced in this case. He was cooperative?

14 **MR. BRUNET:** No, he was cooperative, yes.

15 **MR. NEVILLE:** All right. And he eventually
16 reported back, as you learned, to Chief Shaver?

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

18 **MR. NEVILLE:** And can we just look at
19 Exhibit, Commissioner, 1436. It's the Staff Sergeant's
20 notes in September-October '93.

21 **THE COMMISSIONER:** Yes, what page?

22 **MR. NEVILLE:** Yes, Commissioner, using his
23 numbering, page 5 at the bottom.

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

25 **MR. NEVILLE:** There's a date reference,

1 Commissioner, of Friday, October 8th, 9:20.

2 THE COMMISSIONER: I'm sorry; page 5?

3 MR. NEVILLE: I'm using the Staff Sergeant's
4 numbering at the top of the page.

5 THE COMMISSIONER: Again, I must have the
6 wrong -- I'm sorry?

7 THE REGISTRAR: It's 036.

8 THE COMMISSIONER: Okay. Thank you.

9 MR. NEVILLE: It's at the bottom, sir,
10 Friday October 8th.

11 THE COMMISSIONER: M'hm.

12 MR. NEVILLE: These are your notes, Staff
13 Sergeant?

14 MR. BRUNET: Yes, they are.

15 MR. NEVILLE: Recording -- first of all, we
16 notice just above you describe the Bishop as having been
17 very receptive, right.

18 MR. BRUNET: Yes.

19 MR. NEVILLE: And then at the bottom you
20 have a report, to you I take it, from Chief Shaver of what
21 the Bishop had advised him?

22 MR. BRUNET: Yes, that's correct.

23 MR. NEVILLE: And what you have recorded
24 was:

25 "Advised that Father Charles admitted

1 he had a homosexual problem but only
2 with consenting adults."

3 **MR. BRUNET:** That's what I was told, yes.

4 **MR. NEVILLE:** And that's what you recorded?

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

6 **MR. NEVILLE:** And was going to go for
7 treatment?

8 **MR. BRUNET:** Yes.

9 **MR. NEVILLE:** Now, could we look briefly,
10 Commissioner, at -- it's Exhibit 1439. It's the Staff
11 Sergeant's notes for November through to January, '94.

12 **THE COMMISSIONER:** Yes.

13 **MR. NEVILLE:** These notes, Commissioner, I
14 should advise you, I stumbled across it myself at some
15 point, I think were already in as Exhibit 1211 but it went
16 in, for our purposes with this witness, as 1439.

17 **THE COMMISSIONER:** All right.

18 **MR. NEVILLE:** Can we just look at -- it's
19 the notes headed with the date, Commissioner, 5 January
20 '94. It's the telephone conference, a meeting -- sorry,
21 telephone attendance with Mr. Silmser.

22 **THE COMMISSIONER:** Well, okay.

23 **MR. NEVILLE:** It's at the top of the page, 5
24 January '94.

25 **THE COMMISSIONER:** What's the Bates page,

1 094?

2 MR. NEVILLE: Well, the copy I'm working on,
3 Commissioner, I think was my Exhibit 1211, so that's why
4 I'm giving you the date.

5 THE REGISTRAR: Zero-nine-four (094).

6 THE COMMISSIONER: Zero-nine-four (094),
7 yes. Is this the document?

8 MR. NEVILLE: Yes, it is.

9 Now, you returned a call to Mr. Silmsen ---

10 MR. BRUNET: Yes.

11 MR. NEVILLE: --- or he had called and you
12 returned one to him?

13 MR. BRUNET: Yes.

14 MR. NEVILLE: And if I'm correct, this is
15 your first -- is this your first direct communication with
16 him?

17 MR. BRUNET: Yes, it is.

18 MR. NEVILLE: All right. And I ask that
19 because you have in your notes that Officer Sebalj, as it
20 were, introduced you to him, I mean over the phone, but ---

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

22 MR. NEVILLE: Can we look at the second page
23 of those notes?

24 THE COMMISSIONER: Zero-nine-five (095).

25 MR. NEVILLE: About eight lines from the

1 bottom, you write, as part of the conversation that you
2 recorded:

3 "We talked about the investigation and
4 apologized for taking so long."

5 I take it you apologized to him?

6 **MR. BRUNET:** I did.

7 **MR. NEVILLE:** "I explained to him that the
8 Branch was very busy and we experienced
9 some sickness which delayed the
10 investigation."

11 And you've described in some detail for us
12 those issues?

13 **MR. BRUNET:** Yes.

14 **MR. NEVILLE:** What others have called
15 resource issues and the like, right?

16 **MR. BRUNET:** Yes.

17 **MR. NEVILLE:** All right.

18 "He told me at that time that he had no
19 problem with the Cornwall Police
20 investigation, but was not happy with
21 the Crown Attorney for not laying
22 charges sooner."

23 Right?

24 **MR. BRUNET:** Yes.

25 **MR. NEVILLE:** And then you wrote:

26 "I stopped him".

1 And you go on to explain or record in your notes, you
2 explained to him what the separate roles of Crown and
3 Police were?

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

5 **MR. NEVILLE:** But may I suggest this? That
6 what you were also doing was correcting him just by saying,
7 "Now, just a minute, Mr. Silmsler. It wasn't the Crown
8 Attorney who stopped this case, it was you, right?

9 Let's look about 10 lines from the top:

10 "I told him that we had not laid a
11 charge at that point for I got his
12 letter requesting we close the case.
13 He did not comment further on that
14 point."

15 **MR. BRUNET:** Yes.

16 **MR. NEVILLE:** Right. So really, you're not
17 just explaining and to some extent apologizing, you're
18 correcting him?

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

20 **MR. NEVILLE:** Right.

21 **MR. BRUNET:** I'd just like to add, I didn't
22 feel that it was fair to leave him believe that the Crown
23 Attorney had done anything wrong.

24 **MR. NEVILLE:** Well, thank you for saying
25 that. That's the point is that Mr. Silmsler was blaming

1 someone who should not be blamed.

2 MR. BRUNET: Yes.

3 MR. NEVILLE: Right. Now ---

4 THE COMMISSIONER: So take that away then,
5 then he should have been -- his anger should have been
6 focused at the Cornwall Police Service because as far as
7 he's concerned, the matter should have been dealt with
8 sooner.

9 MR. NEVILLE: Yes, Commissioner, and I dealt
10 with that version of his complaints with Staff Sergeant
11 Derochie in December of '93.

12 THE COMMISSIONER: M'hm.

13 MR. NEVILLE: And you may recall I pointed
14 out at that point he was blaming the police and three weeks
15 later, he's blaming the Crown.

16 THE COMMISSIONER: M'hm.

17 MR. NEVILLE: Can we now look briefly, Staff
18 Sergeant, at Exhibits 1444 and 1445?

19 MR. BRUNET: Yes.

20 MR. NEVILLE: These are the documents,
21 Commissioner, dealing with the telephone call from Mr.
22 Silmsers's cousin, Brian Simser.

23 THE COMMISSIONER: Yes.

24 MR. NEVILLE: Now, the essence of what Brian
25 Simser was advising your Force was that he, in the presence

1 of someone else, heard an utterance by his cousin admitting
2 a fabrication?

3 MR. BRUNET: Yes, that's accurate.

4 MR. NEVILLE: Now, at that point, there was
5 no open file. This is the spring of 1995?

6 MR. BRUNET: That's correct.

7 MR. NEVILLE: Now, I take your -- was your
8 Force not involved in dealing with Mr. Silmsen anymore at
9 that point? And I ask you that because you seem to have
10 turned this issue over to the OPP?

11 MR. BRUNET: Yes. In 1994, early 1994,
12 Chief Johnston asked the Ontario Provincial Police to
13 reinvestigate the criminal allegation.

14 MR. NEVILLE: We know that.

15 MR. BRUNET: So I felt that this was
16 directly related to that criminal investigation which the
17 Ontario Provincial Police had done.

18 MR. NEVILLE: Okay. Well, the reason I'm
19 asking and just following up on that is, the Commissioner
20 has heard that by December of '94 there had been a review
21 by Mr. Griffiths, the Regional Senior Crown, an opinion
22 letter to the OPP, and a press release saying that no
23 charges were justified?

24 MR. BRUNET: Yes.

25 MR. NEVILLE: And so by this point, they

1 don't appear to be actively involved, but you receive an
2 allegation of what would be public mischief, right?

3 MR. BRUNET: That's correct.

4 MR. NEVILLE: But you refer that over to the
5 OPP?

6 MR. BRUNET: Yes and ---

7 MR. NEVILLE: Was that just out of an
8 abundance of caution?

9 MR. BRUNET: Well, it's because I felt at
10 that time that just because the investigation has gone in
11 abeyance, it's closed, if you have new information --like,
12 an investigation is never closed forever.

13 MR. NEVILLE: I understand.

14 MR. BRUNET: If you have a criminal
15 investigation and at one point you get to a point where
16 you've got nowhere further to go, you put a report in
17 saying it's closed. However, if new information comes in
18 relating to that occurrence, then you would re-open that
19 investigation at any time. There's nothing that prevents a
20 police officer to re-open an investigation just because he
21 closed it.

22 MR. NEVILLE: But this is a very different
23 allegation than Mr. Silmsers's initial allegation. This is
24 about him not by him?

25 MR. BRUNET: Yes. Yes, I agree, but it's

1 still related to that investigation.

2 MR. NEVILLE: Okay, all right.

3 MR. BRUNET: I felt at that point, and maybe
4 I was wrong, but I felt at that point that the OPP had
5 taken carriage of this investigation and if new information
6 comes in that maybe there's a public mischief issue, that
7 it should be referred back to them.

8 MR. NEVILLE: All right.

9 MR. BRUNET: And to be fair, if there's an
10 issue about jurisdiction and then it would be up to the
11 Chief and the Director of CIB with the Ontario Provincial
12 Police to work out who's going to do the investigation at
13 that point. I felt that it belonged to the OPP; they
14 should be made aware of it.

15 MR. NEVILLE: All right. Two final points,
16 Commissioner. Could we look at Document 120891?

17 THE COMMISSIONER: And that's a document,
18 sir.

19 MR. BRUNET: Oh sorry, I should know by now.

20 MR. NEVILLE: I understand these are notes
21 of the witness, Commissioner.

22 THE COMMISSIONER: Exhibit number 1472 is
23 notes of Staff Sergeant -- dated 23rd of November '05.

24 MR. NEVILLE: I took it, Commissioner, to be
25 July 4th '97?

1 **THE COMMISSIONER:** It was copied in '05.

2 **MR. NEVILLE:** Yes ---

3 **THE COMMISSIONER:** I'm sorry. I'm sorry,
4 yes.

5 So the first entry, just for identification
6 purposes, Staff Sergeant Brunet's initial note starts on
7 Friday, July 4th, 1997.

8 **MR. NEVILLE:** Right.

9 **--- EXHIBIT NO./PIÈCE NO. 1472:**

10 (120891) Notes of Lucien Brunet dated
11 July 4, 1997 to July 8, 1997

12 **MR. NEVILLE:** These are your notes, Staff
13 Sergeant?

14 **MR. BRUNET:** Yes, they are.

15 **MR. NEVILLE:** And they indicate that on the
16 4th day of July 1997 at 1:00 p.m., you were advised by a
17 colleague, Acting Sergeant Lefebvre, is that ---

18 **MR. BRUNET:** Yes, he was a uniform patrol
19 Acting Sergeant.

20 **MR. NEVILLE:** Is that Garry?

21 **MR. BRUNET:** Garry Lefebvre.

22 **MR. NEVILLE:** So it's not Ron, it's Garry?

23 **MR. BRUNET:** No, it's Garry.

24 **MR. NEVILLE:** Okay. That he had been
25 contacted or had an attendance on him by David Silmsler and

1 John MacDonald, right?

2 MR. BRUNET: Yes.

3 MR. NEVILLE: And they wanted a conspiracy
4 to murder David Silmser investigated, right?

5 MR. BRUNET: Yes.

6 MR. NEVILLE: And Silmser was apparently
7 being told by Officer Dunlop that he, Dunlop, had -- and
8 I'll read it:

9 "...solid evidence that Malcolm
10 MacDonald, Ken Seguin, Father Charlie
11 MacDonald, possibly Murray MacDonald
12 and others, had a meeting on Stanley
13 Island, Malcolm's cottage, and they
14 discussed the payment or the fact that
15 they could kill him."

16 Meaning Silmser, right?

17 MR. BRUNET: Yes.

18 MR. NEVILLE: Okay. And you conveyed that
19 allegation to the OPP, right?

20 MR. BRUNET: Yes.

21 MR. NEVILLE: Pardon me?

22 MR. BRUNET: Yes.

23 MR. NEVILLE: And did you ever go and speak
24 to Mr. Dunlop and say, "What's this?"

25 MR. BRUNET: No, I did not. This incident

1 had occurred in the Ontario Provincial Police jurisdiction
2 so it was their investigation.

3 **MR. NEVILLE:** All right.

4 Can we look, in closing, Commissioner,
5 Exhibit 1425?

6 **THE COMMISSIONER:** One-four-two-five (1425),
7 yes.

8 **MR. NEVILLE:** This is your chronology
9 document, Staff Sergeant?

10 **MR. BRUNET:** Yes.

11 **MR. NEVILLE:** And could we just go to the
12 last page, 3773, Commissioner.

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

14 **MR. NEVILLE:** And you've written:

15 "I was aware that Constable Sebalj was
16 interviewing altar boys from that time
17 period and she was getting very
18 contradictory information from these
19 men until she contacted one..."

20 And then we know who they are.

21 **MR. BRUNET:** Yes.

22 **MR. NEVILLE:** This certainly gave some
23 credibility to Mr. Silmsers' allegations. Now, we have
24 discussed that.

25 What I want to ask you is this. You

1 obviously are very familiar with the Charter. You've
2 mentioned it in the context of *Stinchcombe* and other
3 problems, right?

4 MR. BRUNET: Yes.

5 MR. NEVILLE: And you're aware of the
6 presumption of innocence?

7 MR. BRUNET: Yes.

8 MR. NEVILLE: And you were aware that Ms.
9 Sebalj, in spite of her efforts, did not have in her mind
10 reasonable and probable grounds to lay a charge?

11 MR. BRUNET: That's correct.

12 MR. NEVILLE: She did not, in effect, feel
13 she could fully believe the complainant?

14 MR. BRUNET: That's correct.

15 MR. NEVILLE: Now, you then went to the
16 Archbishop and the Bishop about Father MacDonald being in a
17 parish and in the community?

18 MR. BRUNET: Yes.

19 MR. NEVILLE: How do you reconcile the lack
20 of reasonable and probable grounds and the presumption of
21 innocence with doing that?

22 MR. BRUNET: It was our position that the
23 allegations made by these two people were indicating some
24 inappropriate behaviour ---

25 MR. NEVILLE: Right.

1 **MR. BRUNET:** --- by Father Charles.

2 **MR. NEVILLE:** And that should be dealt with?

3 **MR. BRUNET:** Yes.

4 **MR. NEVILLE:** Those are my questions. Thank
5 you.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Chisholm? Good morning, sir.

8 **MR. CHISHOLM:** Good morning, sir.

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

10 **CHISHOLM:**

11 **MR. CHISHOLM:** Good morning, Staff Sergeant.
12 You know who I am and who I act for?

13 **MR. BRUNET:** Good morning. Yes, I do.

14 **MR. CHISHOLM:** If I could take you back to
15 your evidence from yesterday during your cross-examination
16 by Mr. Paul, you indicated that you had become aware
17 through Staff Sergeant Derochie that the CAS was not going
18 to do an investigation with respect to the David Silmsen
19 allegations against Ken Seguin.

20 Do you recall that evidence?

21 **MR. BRUNET:** Yes.

22 **MR. CHISHOLM:** And am I correct that you
23 never formed that opinion yourself, that the CAS was never
24 going to conduct ---

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

1 **MR. CHISHOLM:** Was not going to conduct such
2 an investigation?

3 **MR. BRUNET:** That is accurate.

4 **MR. CHISHOLM:** Okay. I wonder if I could
5 take you, please, to Exhibit 1438?

6 **THE COMMISSIONER:** That's the interview
7 report ---

8 **MR. CHISHOLM:** Of Detective Constable
9 Genier.

10 **THE COMMISSIONER:** In September, 1994. What
11 page, please?

12 **MR. CHISHOLM:** The Bates page 7058185.
13 These are actually the notes of Detective Constable Genier.

14 **THE COMMISSIONER:** Yes, I'm there.

15 **MR. CHISHOLM:** Do you recall, Staff
16 Sergeant, that Mr. Dumais, during his evidence-in-chief or
17 your evidence-in-chief, took you to these notes?

18 **MR. BRUNET:** I'm ---

19 **MR. CHISHOLM:** Are you there, sir?

20 **MR. CHISHOLM:** I'm having a problem with the
21 -- can you give me the Bates page again, please?

22 **THE COMMISSIONER:** One-eight-five (185).
23 The last numbers are 185.

24 **MR. BRUNET:** Okay.

25 **MR. CHISHOLM:** You'll see that on February

1 the 8th, 1994, Detective Constable Genier conducted an
2 interview with Greg Bell of the CAS?

3 **MR. BRUNET:** Okay.

4 **MR. CHISHOLM:** And that was started at 10:15
5 a.m. If I could take you to the bottom of the page you're
6 looking at to the second-last hash mark:

7 "On 2 November '93, Silmsers provided an
8 interview at the CAS, videotaped..."

9 Do you see that?

10 **MR. BRUNET:** Yes.

11 **MR. CHISHOLM:** So I take it you have no
12 reason to dispute -- you know for a fact that Silmsers was
13 interviewed by the CAS, right?

14 **MR. BRUNET:** Oh, yes.

15 **MR. CHISHOLM:** Okay. And if I could take
16 you onto the next page, please, halfway down. There's a
17 hash mark that reads:

18 "Bell contacted Silmsers on November 4,
19 '93."

20 **MR. BRUNET:** Yes.

21 **MR. CHISHOLM:** And just finishing, it reads:

22 "Silmsers stated that there was 'other
23 things going on'. Silmsers stated he
24 would deal with Seguin and the teacher,
25 Lalonde, at a later date."

1 Do you see that?

2 MR. BRUNET: Yes.

3 MR. CHISHOLM: And I take it you have no
4 reason to disagree that that in fact had taken place?

5 MR. BRUNET: No.

6 MR. CHISHOLM: And then two hash marks
7 below, the date is a little hard to read, but I believe it
8 says:

9 "On 09 November '93, Bell contacted
10 Silmser to speak about Seguin further.
11 Bell stated that Silmser..."

12 THE COMMISSIONER: "...thought..."

13 MR. CHISHOLM: "...thought he could not
14 speak to us in case it would jeopardize
15 his agreement with the Diocese and take
16 a chance at losing his money."

17 Do you see that?

18 MR. BRUNET: Yes.

19 MR. CHISHOLM: That's the passage that Mr.
20 Dumais took you to during your evidence-in-chief.

21 MR. BRUNET: Okay.

22 MR. CHISHOLM: But you have no reason to
23 disagree that Bell and Mr. Silmser had spoken about Mr.
24 Seguin further?

25 MR. BRUNET: No, I wasn't aware of that.

1 **MR. CHISHOLM:** And you'll see that, reading
2 on:

3 "They set an appointment for the 16th of
4 November '93."

5 **MR. BRUNET:** Yes.

6 **MR. CHISHOLM:** Then if I could get you to
7 turn the page onto Bates page 7058187, the top hash mark.
8 Do you see where it reads:

9 "Bell repeatedly called Silmsers on 16
10 and 17 November, '93. Silmsers said he
11 didn't show for their meeting."

12 Do you see that?

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

14 **MR. CHISHOLM:** Then a couple lines down:

15 "Silmsers agreed to meet at an
16 undetermined time in the near future."

17 I take it you don't have any evidence to
18 suggest the contrary?

19 **MR. BRUNET:** No, I don't.

20 **MR. CHISHOLM:** And then if I could take you
21 down, you'll see the "12:15 - end of interview"?

22 **MR. BRUNET:** Yes.

23 **MR. CHISHOLM:** And four lines above that it
24 reads -- the sentence reads:

25 "Bell spoke of the abuse received from

1 the teacher and Silmsers agreed to meet
2 at a later date."

3 Right?

4 **MR. BRUNET:** Yes.

5 **MR. CHISHOLM:** And that was with respect to
6 a telephone call that Silmsers called Bell on the 26th of
7 November, '93. I'm reading the first hash mark above that.

8 Again, you have no reason to disagree that
9 that had taken place. Is that right?

10 **MR. BRUNET:** No, I don't.

11 **MR. CHISHOLM:** And would you agree that Mr.
12 Bell's comments to Constable Genier would suggest that in
13 fact the CAS was intent on proceeding with the
14 investigation of the allegations by Mr. Silmsers against
15 both Mr. Seguin and Mr. Lalonde?

16 **MR. BRUNET:** Yes, the notes clearly indicate
17 that.

18 **MR. CHISHOLM:** Now, if I could move on to
19 another exhibit, please? It's Exhibit 1447.

20 And this is an occurrence summary that you
21 prepared. Is that right, Staff Sergeant?

22 **MR. BRUNET:** Yes.

23 **MR. CHISHOLM:** And if I could take you,
24 please, to Bates page 7140927.

25 **MR. BRUNET:** Yes.

1 **MR. CHISHOLM:** And I suppose just before we
2 get there; this deals with the -- this occurrence summary
3 deals with you learning, back in August of '94, that --
4 about the -- about the interview that was conducted by the
5 CAS with Mr. Silmser on November 2 of '93; is that right?

6 **MR. BRUNET:** Yes, that sounds right. Yes.
7 Can you -- can you just repeat that
8 question? I'm not sure that I understood it properly.

9 **MR. CHISHOLM:** I don't blame you; it wasn't
10 a very good question.

11 Let me take you back one further Bates page
12 to -- ending in 926.

13 **MR. BRUNET:** Sorry.

14 **MR. CHISHOLM:** The first paragraph, you see
15 there on August 9, '94, approximate 15h00, Staff Sergeant
16 Brunet received a letter written by Inspector Smith of the
17 OPP?

18 **MR. BRUNET:** Yes.

19 **MR. CHISHOLM:** The letter was addressed to
20 Acting Chief Johnston and it referred to an interview that
21 Mr. Silmser had with Mr. Greg Bell and Mrs. P. DeBellis of
22 the CAS in November 2nd, 1993. During this interview Mr.
23 Silmser alleged being sexually assault by a school teacher
24 while being a student in Bishop MacDonnell School. This
25 school teacher is identified as Mr. Marcel Lalonde.

1 So it's on August the 9th of '94 that you
2 discover that an interview had taken place by the CAS with
3 respect to Mr. Silmser; right?

4 **MR. BRUNET:** Yes, that's correct -- or no,
5 this is Mr. Lalonde.

6 **MR. CHISHOLM:** Yes.

7 **MR. BRUNET:** I guess Mr. Lalonde, I'm sorry,
8 the complainant.

9 **MR. CHISHOLM:** Right, this is Mr. Bell and
10 Ms. DeBellis ---

11 **MR. BRUNET:** Yes, advise ---

12 **MR. CHISHOLM:** Interview Mr. Silmser.

13 **MR. BRUNET:** And it was disclosed that Mr.
14 Lalonde had abused him; that's correct.

15 **MR. CHISHOLM:** Correct.

16 And you told us about how you came to
17 receive a copy of the audio recording and the transcript of
18 that interview, Mr. Abell brought it to the front desk if I
19 understand ---

20 **MR. BRUNET:** Yes, that's accurate. Yes.

21 **MR. CHISHOLM:** --- of the Cornwall Police
22 Service.

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

24 **MR. CHISHOLM:** And you listened to the tape
25 and/or read the transcript?

1 **MR. BRUNET:** Yeah, I think I read the
2 transcript.

3 **MR. CHISHOLM:** Okay. And with respect to
4 the allegation against Mr. Lalonde that was contained in
5 the transcript, was that sufficient enough for you -- or
6 for the Cornwall Police to allow the police to proceed with
7 an investigation?

8 **MR. BRUNET:** No, not without the cooperation
9 of the complainant.

10 **MR. CHISHOLM:** And why was that, sir?

11 **MR. BRUNET:** Because the complainant
12 wouldn't get back to us.

13 **MR. CHISHOLM:** But with respect to what you
14 had in the transcript from the interview, why was that not
15 sufficient?

16 **MR. BRUNET:** Well there was no detail. In
17 my recollection, I haven't read it recently but it was my
18 recollection that is there was no detail of the incident
19 other than he had been sexual molested or sexually
20 assaulted.

21 **MR. CHISHOLM:** And if I can take you to --
22 now to Bates page 927; first paragraph, I'll read it to
23 you:

24 "At this time it is obvious that Mr.
25 Silmser made a general allegation of

1 being sexually assault by Mr. Marcel
2 Lalonde. He did not give any details
3 that would allow our service to pursue
4 the matter any further. Mr. Silmsler
5 has refused to cooperate with CAS and
6 the Cornwall Police Service. He was
7 provided the opportunity to deal with
8 another agency and has failed to pursue
9 that avenue. Staff Sergeant Brunet
10 feels that everything possible has been
11 done to pursue this complaint but
12 without cooperation of the victim no
13 further action can be taken."

14 You wrote those words, sir?

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

16 **MR. CHISHOLM:** And do you still believe that
17 to be the case today? Has your position changed from the
18 time you wrote that until today?

19 **MR. BRUNET:** No, I agree with that.

20 **MR. CHISHOLM:** If I could take you, please,
21 to Exhibit 1449. This is a letter dated September 20,
22 1994, from the Children's Aid Society addressed to you. In
23 the first paragraph, only paragraph reads:

24 "Further to our phone conversation on
25 September 13th, 1994, please find

1 enclosed the copy of the letter you
2 requested in which we suggest Mr.
3 Silmsner could advise your agency of the
4 details concerning the above
5 allegation."

6 That letter is signed by Mr. Gregory Bell,
7 Pina DeBellis, and William Carriere. You spoke of
8 receiving this letter in your evidence on April the 7th; do
9 you recall that, sir?

10 **MR. BRUNET:** Yes, I did. I've got it --
11 I've got my notes on it.

12 **MR. CHISHOLM:** Okay. And then with respect
13 to the letter itself it's clear there's supposed to be an
14 enclosed letter -- copy of a letter in this letter of
15 September the 20th; right?

16 **THE COMMISSIONER:** Presumably a letter sent
17 to Silmsner by the Children's Aid Society.

18 **MR. BRUNET:** Okay, yes, obviously I did
19 receive it.

20 **MR. CHISHOLM:** Okay. I'm sorry, you did
21 not?

22 **MR. BRUNET:** Obviously I did receive it.

23 **MR. CHISHOLM:** Okay.

24 **MR. BRUNET:** If I received the cover letter
25 it makes sense that the other letter was with it.

1 **THE COMMISSIONER:** No, no, no. I mean ---

2 **MR. CHISHOLM:** You told us -- you told Mr.
3 Dumais that you did not recall receiving any other letter.
4 And maybe to be -- the best thing to do is take you to
5 Exhibit 278; Madam Clerk, please.

6 **THE COMMISSIONER:** No, I'm saying that it is
7 -- we do that at our peril if we assume things. I mean
8 sometimes people forget to put in an attachment in an email
9 or the accompanying document.

10 **MR. BRUNET:** Good point.

11 **THE COMMISSIONER:** So what ---

12 **MR. CHISHOLM:** It will be Exhibit 278, Mr.
13 Commissioner.

14 **THE COMMISSIONER:** Okay.

15 **MR. CHISHOLM:** Staff Sergeant, that should
16 be a letter of July 28th, 1994 from the Children's Aid
17 Society addressed to Mr. David Silmser, c/o Mr. Bryce
18 Geoffrey, Mr. Silmser's lawyer.

19 Do you have that in front of you, Staff
20 Sergeant?

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

22 **MR. CHISHOLM:** Mr. Commissioner, you have
23 your copy?

24 **THE COMMISSIONER:** Yes, I do.

25 **MR. CHISHOLM:** Thank you. I'll just wait

1 for it to get up on the screen.

2 And I'll just read the first three
3 paragraphs of the letter:

4 "Further to our letter to you dated 01-
5 03-04 (copy included) we note that we
6 have not received any further
7 information from you regarding your
8 allegations against Marcel Lalonde as
9 requested in the above-mentioned
10 letter."

11 Next paragraph:

12 If you prefer not to communicate with
13 the Society directly we would ask that
14 you communicate the particulars to your
15 lawyer, Mr. Geoffrey, and he could in
16 turn forward them to us."

17 The next paragraph reads:

18 "You could also share your concerns
19 with the Cornwall Police Service and
20 the relevant school board."

21 Now that you've looked at this letter today,
22 Staff Sergeant, does that refresh your memory with respect
23 to you having seen it before?

24 **MR. BRUNET:** I do not recall seeing it.

25 **MR. CHISHOLM:** You don't recall?

1 **MR. BRUNET:** No. I definitely -- the first
2 page, the cover page, I got my -- that's my writing and the
3 date on it and obviously I've received that; I acknowledge
4 receiving that.

5 **MR. CHISHOLM:** Again, we're back in Exhibit
6 1449.

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

8 **MR. CHISHOLM:** The handwriting at the bottom
9 says received 22 September '94, it your handwriting.

10 **MR. BRUNET:** That's my handwriting.

11 **MR. CHISHOLM:** Okay.

12 **MR. BRUNET:** And that confirms that I've
13 received it. I don't have independent recollection of
14 receiving it. However, that shows that I did receive it
15 and ---

16 **MR. CHISHOLM:** And is it fair -- sorry.

17 **MR. BRUNET:** And the other document, 278, I
18 do not have independent recollection of reading it.

19 **MR. CHISHOLM:** Is it fair, sir, that when
20 you received the letter of September 20, '94 and you wrote
21 on it received 22 September '94, you would have read that
22 letter at that time?

23 **MR. BRUNET:** That would be logical.

24 **MR. CHISHOLM:** Yes.

25 **MR. BRUNET:** And that's the best answer that

1 I can give because I do not independently remember reading
2 it.

3 **MR. CHISHOLM:** And can I suggest to you,
4 sir, that had you read that letter when you received it on
5 September 22, and read that single paragraph you would have
6 realized that there was a letter meant to be enclosed with
7 it?

8 **MR. BRUNET:** Yes.

9 **MR. CHISHOLM:** And can I suggest to you,
10 sir, that if the letter -- the enclosure, which I'm going
11 to suggest to you is the July 28th, 1994 letter, if that
12 enclosure was not with the September 20, '94 letter you
13 would have contacted the Children's Aid Society, said,
14 "Look I received your letter of September the 20th, '94. It
15 makes reference to an enclosure but it's not there; can you
16 send it to me"?

17 **MR. BRUNET:** That would be logical also,
18 yes.

19 **MR. CHISHOLM:** You'd agree with me that the
20 whole point of writing the letter of September 20th, '94 is
21 to send to you the Children's Aid Society's previous
22 correspondence to Mr. Silmsler, setting out the options that
23 if you won't speak to the CAS, here are the other people
24 you can speak to about the allegation relating to Marcel
25 Lalonde; is that fair?

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

2 **MR. CHISHOLM:** And in looking at Exhibit
3 278, would you agree that the letter of July the 28th, 1994
4 would fit the bill with respect to the enclosure that one
5 would expect to see if they read the letter of September
6 the 20th, '94?

7 **MR. BRUNET:** Do you mind repeating me that
8 question?

9 **MR. CHISHOLM:** Looking at the letter of July
10 the 28th, '94 ---

11 **MR. BRUNET:** Yes.

12 **MR. CHISHOLM:** --- would you agree that the
13 contents of that letter would fit the bill with respect to
14 the enclosure that's referred to in the letter of September
15 the 20th, '94?

16 **MR. BRUNET:** Yes.

17 **MR. CHISHOLM:** Okay. If I could move on now
18 to another topic, the Earl Landry, Jr. investigation?

19 **MR. BRUNET:** Just a moment, please.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. CHISHOLM:** Staff Sergeant, if I could
22 bring you back to your evidence with respect to the Earl
23 Landry, Jr. investigation, you indicated that back -- I'll
24 bring you back to October of 1993. You indicated that you
25 wanted to be kept advised of developments by the Children's

1 Aid Society. Is that right?

2 MR. BRUNET: Yes.

3 MR. CHISHOLM: With respect to that
4 investigation?

5 MR. BRUNET: Yes.

6 MR. CHISHOLM: And how would you
7 characterize the cooperation between the Cornwall Police
8 Service and the CAS with respect to that investigation?

9 MR. BRUNET: Very good.

10 MR. CHISHOLM: If I suggested to you that
11 back on October the 27th of '93 there was a case conference
12 to discuss the Earl Landry, Jr. case held at the Children's
13 Aid Society and that you had been invited to that, would
14 you disagree with me?

15 MR. BRUNET: I don't have any recollection
16 of that.

17 MR. CHISHOLM: Of being invited to it?

18 MR. BRUNET: Personally invited ---

19 MR. CHISHOLM: Yes.

20 MR. BRUNET: --- or somebody from the
21 Service?

22 MR. CHISHOLM: You personally.

23 MR. BRUNET: I don't recall.

24 MR. CHISHOLM: Have you ever been to a case
25 management conference at the CAS before?

1 **MR. BRUNET:** Not that I can recall, no.

2 **MR. CHISHOLM:** Okay. And are you aware that
3 the Children's Aid Society, Ms. Pina DeBellis, for
4 instance, would have shared information with Staff -- with
5 Sergeant Ron Lefebvre ---

6 **MR. BRUNET:** Yes.

7 **MR. CHISHOLM:** --- in October of that year?

8 **MR. BRUNET:** Yes, her notes clearly indicate
9 the contacts they had.

10 **MR. CHISHOLM:** And you also -- not only
11 Sergeant Lefebvre, but you also had contact with the CAS in
12 and around that time. Is that fair to say?

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

14 **MR. CHISHOLM:** And if I suggested you had
15 phone calls with Ms. DeBellis on October the 22nd, '93,
16 would you disagree with that?

17 **MR. BRUNET:** No, I agree with that.

18 **MR. CHISHOLM:** On October the 26th of '93,
19 Bernie Lamarche would have left a message for you, Bernie
20 Lamarche of the CAS? His name came up yesterday.

21 **MR. BRUNET:** Yes, I recall seeing his note.
22 Well, I recall seeing a note that was identified coming
23 from Bernie Lamarche.

24 **MR. CHISHOLM:** And we don't have to go to
25 it, but that was Exhibit 1459.

1 **MR. BRUNET:** I don't know his handwriting,
2 so -- but I was told that that was his handwriting.

3 **MR. CHISHOLM:** October the 29th, there would
4 have been a telephone conversation between you and Ms.
5 DeBellis and you also would have left a message for Ms.
6 DeBellis on that day. Would you disagree with that?

7 **MR. BRUNET:** Is that the one where I made a
8 contact with the mother of the victim?

9 **MR. CHISHOLM:** It may have been.

10 **MR. BRUNET:** Because without referring to
11 the document, I can't confirm the date. If -- I recall
12 that I had received a call sometime around that time and
13 that I made contact with the victim, the victim from 1985,
14 I believe, his mother.

15 **MR. CHISHOLM:** And I intend to get further
16 into this during the CAS institutional response rather than
17 put it in through you.

18 **MR. BRUNET:** Okay.

19 **MR. CHISHOLM:** But you wouldn't disagree if
20 I suggested that was the case?

21 **MR. BRUNET:** No, no, I do recall doing that.

22 **MR. CHISHOLM:** And finally, on November the
23 1st of '93, you and Ms. DeBellis had a telephone
24 conversation. Would you disagree with that if it was
25 recorded in the CAS ---

1 **MR. BRUNET:** If it's recorded in the CAS, I
2 do not disagree with it.

3 **MR. CHISHOLM:** Thank you.
4 Staff Sergeant, those are my questions for
5 you. Thank you very much for your time.

6 **MR. BRUNET:** Thank you very much.

7 **THE COMMISSIONER:** Thank you.

8 Mr. Neuberger.

9 **MR. NEUBERGER:** Good morning, sir.

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

11 **NEUBERGER:**

12 **MR. NEUBERGER:** Good morning, Staff
13 Sergeant.

14 **MR. BRUNET:** Good morning, sir.

15 **MR. NEUBERGER:** My name is Joseph Neuberger.
16 I am counsel for the Ministry of Community Safety and
17 Correctional Services, Probation Services, for our
18 purposes.

19 **MR. BRUNET:** Yes.

20 **MR. NEUBERGER:** I just have a small area to
21 ask you some questions on.

22 You'll recall being asked by Mr. Dumais
23 about a conversation you had by telephone on December 17th,
24 1993 with a woman by the name of Lenna Bradburn, who was
25 then the manager of the Independent Investigations Unit

1 with the Ministry?

2 MR. BRUNET: Yes.

3 MR. NEUBERGER: And in preparation for your
4 testimony you had reviewed notes of that conversation that
5 were made by Ms. Bradburn?

6 MR. BRUNET: Yes, I did.

7 MR. NEUBERGER: To be fair, do you have an
8 independent recollection of those notes and the
9 conversation or is your memory just restricted to those
10 notes?

11 MR. BRUNET: It's pretty restricted to those
12 notes. I remember receiving a phone call on the issue, but
13 I only remembered it after seeing her notes and I really
14 have very little recollection of what the content of the
15 phone call was.

16 MR. NEUBERGER: Okay. I guess we can just
17 agree on then that she contacted you and it was about David
18 Silmser and any complaint that he had made about a
19 probation officer, Mr. Seguin?

20 MR. BRUNET: Yes, that's my recollection,
21 yes.

22 MR. NEUBERGER: And again, beyond the notes,
23 there's just no other recollection?

24 MR. BRUNET: No.

25 MR. NEUBERGER: Well, my questions are short

1 and sweet then. Thank you very much for coming.

2 MR. BRUNET: Thank you.

3 MR. NEUBERGER: Thank you.

4 THE COMMISSIONER: Thank you.

5 Mr. Scharbach?

6 MR. SCHARBACH: Good morning, Mr.

7 Commissioner.

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

9 SCHARBACH:

10 MR. SCHARBACH: Good morning, Staff Sergeant

11 Brunet.

12 MR. BRUNET: Good morning, sir.

13 MR. SCHARBACH: My name is -- we've met, but
14 my name is Stephen Scharbach. I'm counsel for the Ministry
15 of the Attorney General.

16 MR. BRUNET: Yes, good morning.

17 MR. SCHARBACH: And I have some questions
18 for you concerning the Silmsler investigation.

19 MR. BRUNET: Yes.

20 MR. SCHARBACH: I understand from your
21 evidence that you were the officer in charge of the CIB,
22 and as the officer in charge you would have assigned the
23 Silmsler investigation to Constable Sebalj and you monitored
24 her investigation throughout; is that correct?

25 MR. BRUNET: Yes.

1 **MR. SCHARBACH:** And she kept you up to date
2 on the various steps and her progress in the investigation?

3 **MR. BRUNET:** Yes, she did.

4 **MR. SCHARBACH:** And she did that through
5 informal meetings and formal meetings that she had with
6 you; correct?

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

8 **MR. SCHARBACH:** And you are aware that
9 throughout her investigation, she was in contact with the
10 Crown Attorney Murray MacDonald; correct?

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

12 **MR. SCHARBACH:** And you knew that because
13 she told you about that?

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

15 **MR. SCHARBACH:** And you were aware that
16 there were -- she had several conversations, I take it,
17 with Mr. MacDonald?

18 **MR. BRUNET:** Yes.

19 **MR. SCHARBACH:** Although her notes only
20 indicate -- her notes only note one or two contacts with
21 Mr. MacDonald, but I take it you were aware that she had
22 more than that?

23 **MR. BRUNET:** Yes, my recollection was that
24 there were more contacts than that.

25 **MR. SCHARBACH:** And ---

1 **MR. BRUNET:** Maybe I can explain the issue
2 of the notes. What happens on many times, from my personal
3 experiences, you may be speaking to someone and you don't
4 have your notebook with you on that particular issue, and
5 you -- when you go back to the office, you don't think of
6 putting a note in it that you did speak about the case to
7 someone.

8 **MR. SCHARBACH:** Sir, I think you referred to
9 that a day or two previously. Many of those meetings would
10 be in the nature of informal conversations perhaps in the
11 courthouse hallway?

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

13 **MR. SCHARBACH:** And it wasn't uncommon, I
14 take it, for officers in the CIB to have contact on a
15 regular basis with the Crown Attorney as required; correct?

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

17 **MR. SCHARBACH:** And I would imagine that you
18 probably would have encouraged your officers to take
19 advantage of that resource?

20 **MR. BRUNET:** Yes.

21 **MR. SCHARBACH:** And Mr. MacDonald made
22 himself available around that time to officers of the CIB?

23 **MR. BRUNET:** Yes, he did.

24 **MR. SCHARBACH:** Okay. He had pretty much an
25 open-door policy with respect to Cornwall Police officers

1 at that time?

2 MR. BRUNET: That's a good description of
3 it, yes.

4 MR. SCHARBACH: Now, this wasn't an easy
5 investigation for Constable Sebalj, I take it?

6 MR. BRUNET: No, there were some challenges.

7 MR. SCHARBACH: She had difficulty -- I
8 think you mentioned that she had difficulties managing Mr.
9 Silmsner?

10 MR. BRUNET: Yes.

11 MR. SCHARBACH: And she had difficulty
12 throughout the investigation coming to a conclusion with
13 respect to RPG; correct?

14 MR. BRUNET: Yes, that's accurate.

15 MR. SCHARBACH: And I think we've made -- I
16 think Mr. Neville's questions made it clear that right from
17 the beginning of the investigation to the time that it was
18 terminated in September of 1993, she didn't get to the
19 point where she was convinced that she had reasonable and
20 probable grounds to lay a charge against Father MacDonald.
21 Is that correct?

22 MR. BRUNET: I agree with that.

23 MR. SCHARBACH: And I think you mentioned
24 that she made you aware of her difficulties with respect to
25 RPG at the beginning of the investigation, I think you

1 mentioned a day or two earlier around the end of February
2 or the beginning of March?

3 **MR. BRUNET:** Yes. Yeah. Well, I think it
4 started probably somewhere in the area of the 10th of March
5 -- 10th of February where we had the discussion about the --
6 the lawsuit or the, yeah, the civil -- civil remedy.

7 **MR. SCHARBACH:** Right. One of the things
8 that troubled Constable Sebalj, I take it, were -- without
9 going into detail -- the discrepancies between the oral
10 statement that Mr. Silmsler gave and his written statements;
11 correct?

12 **MR. BRUNET:** That was one issue, yes.

13 **MR. SCHARBACH:** And one other issue was the
14 issue that you just mentioned was the fact that Mr. Silmsler
15 had made her aware that he was negotiating or at least
16 discussing a civil settlement with the Diocese with respect
17 to the alleged sexual activities that took place.

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

19 **MR. SCHARBACH:** And Constable Sebalj -- if I
20 can put it this way, she was alive to the possibility,
21 sensitive to the possibility that Mr. Silmsler may have been
22 using the criminal process as a way of pressuring the
23 Diocese to come to a civil settlement; is that correct?

24 **MR. BRUNET:** Yes, she did have worries about
25 that.

1 **MR. SCHARBACH:** I'm not suggesting that she
2 came to any conclusion in that regard, but she was
3 sensitive to that possibility.

4 **MR. BRUNET:** She was alive to it, yes.

5 **MR. SCHARBACH:** And she expressed those
6 concerns to you on more than one occasion.

7 **MR. BRUNET:** Yes, she did.

8 **MR. SCHARBACH:** And she -- we know that she
9 met with Murray MacDonald on more than one occasion; is it
10 likely that she expressed those concerns as well to Mr.
11 MacDonald?

12 **MR. BRUNET:** All right.

13 **THE COMMISSIONER:** Likely; like how do we
14 know unless you have some knowledge of that? I don't want
15 to know what the likelihood is.

16 **MR. SCHARBACH:** All right. All right; thank
17 you. I'll leave that.

18 Now, you -- you mentioned in your testimony
19 in response to Mr. Dumais' questions that you had a formal
20 meeting with Constable Sebalj to review her investigations
21 on June the 29th of 1993.

22 **MR. BRUNET:** Yes.

23 **MR. SCHARBACH:** And if I may, Madam Clerk,
24 can we call up onto the screen Volume 211 of the
25 transcript, page 58? This is a transcript, Staff Sergeant,

1 of your testimony on April the 4th.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. SCHARBACH: Page 58, please. And if we
4 can go to the second half of that page; the bottom half of
5 that page.

6 You're asked, Staff Sergeant, by Mr. Dumais
7 about the gist of your discussion, that is, the gist of
8 your discussion with Constable Sebalj on June the 29th, 1993
9 and I just call this up to refresh your memory, but it
10 appears that you said -- your response to Mr. Dumais'
11 question that at that time Constable Sebalj was waiting for
12 witnesses to get back to her.

13 MR. BRUNET: That -- that's my recollection
14 of it, yes.

15 MR. SCHARBACH: And I don't believe at that
16 point there was a discussion -- at least you didn't mention
17 it -- about setting up a meeting with the Crown attorney to
18 discuss reasonable and probable grounds.

19 MR. BRUNET: I -- I don't recall that being
20 discussed at that point. I -- I think the -- the
21 information I had was that there were a few witnesses left
22 to be interviewed and to -- I don't think there was
23 anything further discussed about the Crown attorney; I
24 don't recall.

25 MR. SCHARBACH: And the Silmsen

1 investigation was one of only -- was only one of several
2 investigations that you would have gone over with her on
3 that day, I take it.

4 **MR. BRUNET:** That's correct. I had -- I
5 believe this was the first meeting, so there were somewhere
6 in the area of 25 to 30 cases that we had talked about.

7 **MR. SCHARBACH:** Right. And so the Silmsen
8 investigation was one of those, and she was updating you as
9 to the current status; as to the status as of June 29th.

10 **MR. BRUNET:** Exactly.

11 **MR. SCHARBACH:** And she was telling you that
12 the current status was she was waiting for some information
13 to come back from some of the witnesses; correct?

14 **MR. BRUNET:** That's my recollection of it,
15 yes.

16 **MR. SCHARBACH:** Now, I understood you to say
17 from your examination in-chief that shortly afterwards, and
18 I don't think -- I think you weren't clear on the exact
19 date, but shortly afterwards, you had a -- the Silmsen
20 investigation was raised in a morning meeting where Chief
21 Shaver was present.

22 **MR. BRUNET:** Yes, it was after the morning
23 meeting.

24 **MR. SCHARBACH:** Right. And Chief Shaver, I
25 took it, was concerned that that investigation had not yet

1 been completed at that point.

2 **MR. BRUNET:** Yes, he was.

3 **MR. SCHARBACH:** And he ordered you, I think
4 the phrase you used, to get that -- to make sure that that
5 investigation was completed.

6 **MR. BRUNET:** Yes, he did.

7 **MR. SCHARBACH:** And that would have been
8 around the -- I think you said when pressed that that took
9 place around the end of July, beginning of August; you
10 weren't quite sure.

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

12 **MR. SCHARBACH:** And you mentioned that you
13 met with Constable Sebalj right after that meeting; that
14 meeting with Chief Shaver.

15 **MR. BRUNET:** Yes.

16 **MR. SCHARBACH:** And you asked her where the
17 investigation was and what the current status was at that
18 point.

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

20 **MR. SCHARBACH:** And she advised you, at that
21 point, that she still had concerns with respect to RPG and
22 you told her, at that point, to take whatever stuff she
23 needed to set up the meeting with the Crown attorney.

24 **MR. BRUNET:** Yes.

25 **MR. SCHARBACH:** Okay, so that would have

1 been somewhere around the end of July, the beginning of
2 August.

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

4 **MR. SCHARBACH:** So we know at that point the
5 request hadn't been made to the Crown attorney.

6 **MR. BRUNET:** To the best of my knowledge,
7 that's correct.

8 **MR. SCHARBACH:** Okay. Now, did Constable
9 Sebalj go on holidays around that time; do you know?

10 **MR. BRUNET:** I -- I don't know that -- I got
11 -- I had put her holidays down on a piece of paper that I
12 had given to Ottawa police and I did disclose it, but those
13 would give the dates that she was on holidays.

14 **MR. SCHARBACH:** Okay. May I call up on the
15 screen Exhibit 1242, please?

16 You know, I'm not sure if you've seen this
17 before, Staff Sergeant, but it's a note concerning an
18 interview of Heidi Sebalj by OPP Officer, I believe it's
19 McLennahan (sic). It's hard to read the name, but -- I'm
20 advised that the name is M.L. Fagan; as I said ---

21 **MR. BRUNET:** Oh.

22 **MR. SCHARBACH:** --- it was hard to read.

23 **MR. BRUNET:** Okay.

24 **MR. SCHARBACH:** And Constable Sebalj talks,
25 in the first part of that statement, she's reported to have

1 talked about her contacts with the Crown attorney and what
2 I'm interested in is at the bottom of the first page.

3 You can see, she's reporting her discussions
4 with Crown Attorney MacDonald in which Crown Attorney
5 MacDonald mentions that he had a conflict, wanted to be
6 kept up to speed and an outside Crown would eventually have
7 to review the case.

8 **MR. BRUNET:** Yes.

9 **MR. SCHARBACH:** And at the bottom of the
10 page -- and this is what I wanted to ask you about, she
11 says and I'll read what she says. She says:

12 "I recalled receiving a call from Staff
13 Sergeant Brunet while I was on holidays
14 and that a meeting..."

15 **THE COMMISSIONER:** Which page, please, Madam
16 Clerk?

17 **MR. SCHARBACH:** This goes on:

18 "...and that a meeting was set up with
19 Crown Bob Pelletier. He told the staff
20 I was in the middle of moving -- he
21 told the staff he was in the middle of
22 moving and could not attend. I have
23 never spoken to Bob Pelletier about the
24 case."

25 And this is what I wanted to ask you about;

1 with respect to setting up the meeting with the outside
2 Crown attorney, Constable Sebalj seems to be suggesting in
3 this interview with Constable Fagan that you had called her
4 when she was on holidays to let her know that a meeting had
5 been set up. What's your response to that?

6 **MR. BRUNET:** That was brought to my
7 attention earlier, and I do not recall this. I have no
8 recollection of it and I never -- I don't recall ever
9 making comment of it after when I was interviewed by any of
10 the Ottawa Police or the Ontario Provincial Police.

11 Is it possible that it happened and I can't
12 remember? Yes. However, I have no recollection of it.

13 **MR. SCHARBACH:** Well, going by your memory
14 today ---

15 **MR. BRUNET:** Yes.

16 **MR. SCHARBACH:** --- is it your evidence that
17 after your meeting with Constable Sebalj following Chief
18 Shaver's order to get the investigation done, it was left
19 to Constable Sebalj to take the steps necessary to have
20 that review done?

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

22 **MR. SCHARBACH:** Okay. All right.

23 Now, the next formal meeting you have with
24 Constable Sebalj is on August the 24th, 1993?

25 **MR. BRUNET:** Yes.

1 **MR. SCHARBACH:** And that again -- that's the
2 next file review?

3 **MR. BRUNET:** Yes.

4 **MR. SCHARBACH:** That's a general file review
5 in which ---

6 **MR. BRUNET:** General file review, yes.

7 **MR. SCHARBACH:** In which you are reviewing
8 the current status of all of her files, including the
9 Silmsers ---

10 **MR. BRUNET:** Yes.

11 **MR. SCHARBACH:** And perhaps we can call up
12 on the screen Exhibit 1219? And this is the note, Staff
13 Sergeant, that you made concerning that -- the review which
14 took place on August the 29th; correct?

15 **MR. BRUNET:** Yes.

16 **THE COMMISSIONER:** Well, actually, it says
17 August 24th.

18 **MR. SCHARBACH:** I'm sorry, the 24th. Yes,
19 sir, the 24th. Thank you.

20 And if I can refer you, please, to the
21 paragraph that's in the -- more or less in the middle of
22 the page that starts, "We went over her caseload"?

23 **MR. BRUNET:** Yes.

24 **MR. SCHARBACH:** And you say, Staff Sergeant,
25 there that you went ---

1 "We went over her caseload which is
2 significantly shorter than the last
3 time. An improvement was noted in that
4 area, but there still has not been a
5 charge laid since our last
6 conversation. I advised her that this
7 was not normal. I insisted that all
8 the cases she closes off.."

9 **THE COMMISSIONER:** "She insisted.."

10 **MR. SCHARBACH:** Sorry.

11 "She insisted that all the cases she
12 closes off do not have enough evidence
13 to proceed by charge. She denied that
14 there is any grounds for my concerns
15 and she is working very hard on her
16 cases. I suggested that possibly time
17 management may be a problem and she
18 took objection to that saying that
19 since our last interview, she was
20 always at her desk early and stays
21 there. I did not document any extended
22 breaks and therefore withdrew my
23 accusation."

24 Now, I may be extrapolating from the tone
25 here, but it appears that you had concerns. You made what

1 you have termed as an accusation concerning time
2 management, which you withdrew, and she denied that there
3 were grounds for your concerns.

4 It appears that there was a criticism
5 levelled against her concerning her management of her cases
6 at that point?

7 **MR. BRUNET:** Well, it was -- I always felt
8 that my position as a supervisor was to make sure that I
9 get the maximum out of people and, basically, if I find
10 that there's areas that people can improve on, it's my job
11 to bring it to their attention, to try and make suggestions
12 for improvement.

13 At that time, it doesn't necessarily mean
14 there was a problem with it. I would say it was more
15 trying to tell her that maybe time management -- that she
16 could do -- time some interviews so that if she -- because
17 you lose a lot of time if you plan interviews and people
18 don't show up and you don't have anything else lined up.
19 So at least by having other people knowing you're going to
20 be home, "I've got an interview. I may be able to get a
21 hold of your tomorrow or later today and do it today," that
22 type of thing so that you've got things lined up, so that
23 if one thing doesn't happen for whatever reason, at least
24 you've got a backup plan.

25 And this was the area that I felt that maybe

1 should could learn from. I was trying to basically direct
2 her and give her some assistance to improve -- improve in
3 the productivity.

4 **MR. SCHARBACH:** Sure. And I'm not
5 suggesting that there was anything wrong with that, but
6 would it be fair to say that you were -- especially with
7 respect to the Silmsler investigation -- you were
8 disappointed at what apparently looked like a slow pace in
9 this investigation?

10 **MR. BRUNET:** Yes, I was.

11 **MR. SCHARBACH:** Okay. That's fair.

12 **MR. SCHARBACH:** And it was in that context
13 that she advised you that she advised you that she was
14 waiting for an outside Crown to review the case; correct?

15 **MR. BRUNET:** Yes. Well, that's what I
16 believe, yes.

17 **MR. SCHARBACH:** And did you get any
18 verification from anywhere else, for example, that she had
19 contacted Mr. MacDonald concerning a review by an outside
20 Crown. For example, an entry in her notes or verification
21 from Mr. MacDonald?

22 **MR. BRUNET:** No. Through all the notes that
23 I found I wasn't able to confirm that there ever was a
24 meeting scheduled or a request for a meeting scheduled.

25 **MR. SCHARBACH:** All right.

1 Now, going forward a little bit to the
2 beginning of September after the settlement between the
3 Diocese and Mr. Silmsler had been revealed, you had at least
4 one conversation -- I think in response to Mr. Neville you
5 said it's likely -- more likely than not, I think you said,
6 that there was more than one conversation between you and
7 Mr. MacDonald concerning that?

8 **MR. BRUNET:** Yes, after I saw that witness
9 statement that I prepared, it would appear that way.

10 **MR. SCHARBACH:** Right. And I understood you
11 to say that on September the 3rd, you got a call from Sean
12 Adams; you got a call from Malcolm MacDonald?

13 **MR. BRUNET:** Yes.

14 **MR. SCHARBACH:** And, as well, you received a
15 letter letting you -- from Malcolm MacDonald letting you
16 know that a settlement had been reached and containing a
17 direction from Mr. Silmsler?

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

19 **MR. SCHARBACH:** And at that point or shortly
20 after that point, you would have talked to Murray MacDonald
21 about it; correct?

22 **MR. BRUNET:** Yes. This would have been on
23 the Friday. And I don't recall if I had made -- placed a
24 phone call to Mr. MacDonald on the Friday and not able to
25 reach him, type of thing, but it's the long weekend, Labour

1 Day weekend, and I did speak to him on the Tuesday, on the
2 8th.

3 **MR. SCHARBACH:** All right. And Constable
4 Sebalj, by the way, was on vacation. At that point I think
5 she was away?

6 **MR. BRUNET:** Yes, I believe she -- I thought
7 she was moving, but I may be wrong. She was off for the
8 weekend and she was off on the Friday.

9 **MR. SCHARBACH:** Now, when you spoke to
10 Murray MacDonald on September the 8th, I believe it was --
11 -

12 **MR. BRUNET:** Yes.

13 **MR. SCHARBACH:** --- you wanted advice from
14 him as to how to proceed now that you no longer had -- now
15 that Mr. Silmsler was apparently no longer willing to
16 cooperate with the investigation; correct?

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

18 **MR. SCHARBACH:** And you asked Mr. MacDonald
19 whether or not a victim could be forced to testify?

20 **MR. BRUNET:** Yes.

21 **MR. SCHARBACH:** And he gave you, I take it,
22 orally and then later confirmed in his letter the Crown's
23 policy with respect to not forcing victims in sexual
24 assault cases to testify; correct?

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

1 **MR. SCHARBACH:** Did he -- in that
2 conversation, did he also go on to say, "In any event,
3 whether or not you have a willing complainant, in this case
4 you've never had RPG. You don't have reasonable and
5 probable grounds to lay a charge"?

6 **MR. BRUNET:** In the conversation?

7 **MR. SCHARBACH:** Yes.

8 **MR. BRUNET:** I don't remember. I don't
9 remember the -- if he mentioned that in my conversation.
10 It very possibly could have, but I don't have an
11 independent recollection of it.

12 **MR. SCHARBACH:** And in any of the
13 discussions you had with Murray MacDonald, did he say that
14 if you don't have reasonable and probable grounds and you
15 go ahead and lay a charge anyway, you're opening up the
16 police force to an accusation of malicious prosecution, and
17 a criminal charge in those circumstances would be
18 unsuccessful in any event?

19 **MR. BRUNET:** I do not remember if he told me
20 that, but I would have known that. Like, if you don't have
21 reasonable and probable grounds, you can't lay a charge.

22 **MR. SCHARBACH:** Right. And do you remember
23 in any of those conversations where he suggested that the
24 Cornwall Police might want to get in touch now with Mr.
25 Silmsler and determine whether or not he really was

1 unwilling or see if he could be persuaded to cooperate in
2 the investigation again?

3 **MR. BRUNET:** Well, that's very possible. I
4 had already made that determination when I spoke to both
5 Sean Adams and Malcolm MacDonald.

6 **MR. SCHARBACH:** Right.

7 **MR. BRUNET:** So I may have told -- talked
8 about that to him, that that was a direction and he would
9 have agreed. I don't have an independent recollection of
10 discussing that particular issue with him.

11 **MR. SCHARBACH:** Now, you asked Mr. MacDonald
12 to confirm his advice to you in writing?

13 **MR. BRUNET:** Yes, the next morning I briefed
14 the management team at the management team meeting of what
15 had just transpired. And it was Deputy Chief St-Denis
16 asked me if I had the opinion in writing and I said no and
17 he suggested that it would be wise to have it in writing
18 and I asked him -- I don't know if I called him -- I may
19 have called him to tell him that I would be sending him a
20 letter and I would appreciate it to have it in writing or I
21 just wrote the letter. I'm not positive.

22 **MR. SCHARBACH:** And in your letter of
23 September the 9th, you specifically ask -- you ask -- I'm
24 paraphrasing a bit but you ask for confirmation from Mr.
25 MacDonald, it's the Crown's policy not to force reluctant

1 sexual assault victims to testify.

2 MR. BRUNET: That's correct.

3 MR. SCHARBACH: And he provides you with his
4 letter of September the 14th in which he reiterates that
5 advice.

6 MR. BRUNET: Yes.

7 MR. SCHARBACH: But he goes a little but
8 farther, as Mr. Neville has pointed out, and he touches
9 upon the RPG.

10 MR. BRUNET: Yes.

11 MR. SCHARBACH: And he says that in any
12 event it appears that in this case there was no RPG.

13 MR. BRUNET: That's correct.

14 MR. SCHARBACH: And he also mentions that
15 the grounds were further obfuscated, is his term, by the
16 fact that Mr. Silmsler has entered into a civil settlement.

17 MR. BRUNET: Yes.

18 MR. SCHARBACH: And ---

19 THE COMMISSIONER: What page -- what ---

20 MR. SCHARBACH: That's Exhibit 301.

21 THE COMMISSIONER: Right.

22 MR. SCHARBACH: And this is in the second
23 paragraph.

24 And remember, Staff Sergeant Brunet, I asked
25 you whether Constable Sebalj was alive to the -- or

1 sensitive to the possibility, right at the beginning of the
2 investigation, that Mr. Silmsner may have been using the
3 criminal process as a way of pressuring the Diocese to come
4 to a civil settlement.

5 MR. BRUNET: Yes.

6 MR. SCHARBACH: And that was something that
7 she was -- I'm not saying she came to a conclusion with
8 respect to that but she was sensitive to that possibility?

9 MR. BRUNET: She was sensitive to it, yes.

10 MR. SCHARBACH: And that possibility seems
11 to be reflected in Murray MacDonald's letter here, isn't
12 it?

13 MR. BRUNET: Yes.

14 MR. SCHARBACH: This was -- he seems to be --
15 -- and I'm suggesting to you that he's reflecting -- he's
16 reflecting a concern that the investigator had throughout
17 the investigation?

18 MR. BRUNET: Yes, it would appear that he
19 would have had information from her about those issues,
20 yes.

21 MR. SCHARBACH: Those are all my questions.
22 Thank you, Staff Sergeant.

23 MR. BRUNET: Thank you very much.

24 MR. SCHARBACH: Thank you.

25 THE COMMISSIONER: Thank you.

1 We'll take the morning break.

2 **THE REGISTRAR:** Order. All rise. À l'ordre.

3 Veuillez vous lever.

4 This hearing will resume at 11:35.

5 --- Upon recessing at 11:19 a.m./

6 L'audience est suspendue à 11h19

7 --- Upon resuming at 11:38 a.m./

8 L'audience est reprise à 11h38

9 **THE REGISTRAR:** This hearing is now resumed,
10 please be seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** Thank you. Good morning
12 again.

13 So, Mr. Kozloff is on his feet. Good
14 morning, sir.

15 **MR. KOZLOFF:** Good morning.

16 Good morning, Staff Sergeant Brunet.

17 **MR. BRUNET:** Good morning.

18 **MR. KOZLOFF:** Mr. Commissioner, in the
19 interest of economy Mr. Carroll, that's Mr. Wallace's
20 partner, will have some questions.

21 **THE COMMISSIONER:** Yes, all right; thank
22 you.

23 Mr. Carroll, how are you doing today?

24 **MR. CARROLL:** I'm very well. How are you,
25 sir?

1 **THE COMMISSIONER:** Good, thank you.

2 **LUC BRUNET, Resumed/Sous le même serment:**

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

4 **WILLIAM CARROLL:**

5 **MR. CARROLL:** Good morning, sir.

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

7 **MR. CARROLL:** My name is Bill Carroll and
8 I'm counsel for the Ontario Provincial Police Association.
9 I have just a couple of areas that I want to ask you about.

10 If you could pull up 11 -- sorry, 1439,
11 please, which is a section of the officer's notes, sir.

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

13 **MR. CARROLL:** And that's -- the Bates page
14 is 7117091 and 92.

15 Do you get that, sir?

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

17 **MR. CARROLL:** All right. And ---

18 **THE COMMISSIONER:** We're waiting for it to
19 go on the screen.

20 **MR. CARROLL:** This is in relation to the
21 Seguin investigation, these notes generally, sir?

22 **MR. BRUNET:** Yes.

23 **MR. CARROLL:** And you were calling the OPP,
24 towards the bottom of page of 091, at 22h25 hours, you call
25 and leaving a message with the OPP, Kanata, to have someone

1 and then you have in brackets (possibly Constable Millar).
2 That would be Randy Millar?

3 MR. BRUNET: Randy, yes.

4 MR. CARROLL: And from the indication -- and
5 these notes are made at the time or shortly after you've
6 made this effort?

7 MR. BRUNET: Likely the next morning.

8 MR. CARROLL: Well, in any event, the
9 notation would indicate that it may well may been Millar
10 that you left the message for but you're not sure,
11 according to this note at least.

12 MR. BRUNET: Yeah, I remember speaking to
13 someone in the Communications Centre.

14 MR. CARROLL: Right.

15 MR. BRUNET: And that would have been -- I
16 would have asked for -- my recollection of it was that I
17 asked for Constable Millar.

18 MR. CARROLL: Well, the notation is possibly
19 Millar. I guess at the time you made the note you'd think
20 it was Millar but you're not sure?

21 MR. BRUNET: No, I was -- I wrote it more in
22 the "if Millar was available to have him call me back."

23 MR. CARROLL: Really? All right, that's
24 what that means?

25 MR. BRUNET: Yes.

1 **MR. CARROLL:** All right. And by the end of
2 the -- that's at 10:25 in the evening; right?

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

4 **MR. CARROLL:** And you -- I think you go off
5 shift at midnight?

6 **MR. BRUNET:** No, I ---

7 **MR. CARROLL:** Or at least you hadn't
8 received a call back by midnight.

9 **MR. BRUNET:** I didn't receive a call. I was
10 at home when I received that call.

11 **MR. CARROLL:** All right.

12 **MR. BRUNET:** I was at home and I called from
13 home and I stayed up until about midnight and when he
14 didn't call back I went to bed.

15 **MR. CARROLL:** The fact is that early the
16 next morning though you do get a call -- you call the OPP
17 in Lancaster again and ultimately by 8 a.m. you got a call
18 back from Chris McDonald?

19 **MR. BRUNET:** Yes.

20 **MR. CARROLL:** Or McDonell.

21 **MR. BRUNET:** McDonell.

22 **MR. CARROLL:** Right.

23 **MR. BRUNET:** Yes.

24 **MR. CARROLL:** And again, this is concerning
25 the same subject matter that you were calling about; right?

1 MR. BRUNET: That's correct.

2 MR. CARROLL: That is Seguin?

3 MR. BRUNET: That's correct.

4 MR. CARROLL: And by -- he advised you that
5 he would be there to see you shortly after attending the
6 post-mortem; right?

7 MR. BRUNET: That's correct.

8 MR. CARROLL: And that post-mortem of course
9 is in relation to Seguin?

10 MR. BRUNET: Yes.

11 MR. CARROLL: And by 9:40 Randy Millar, the
12 person that you wanted to speak to is in your presence,
13 along with Derochie; right?

14 MR. BRUNET: That's correct.

15 MR. CARROLL: And the briefing carries on?

16 MR. BRUNET: That's correct.

17 MR. CARROLL: All right. There's a
18 notation, again, the next entry in January the 5th, '94 and
19 it's Bates page 7117094.

20 MR. BRUNET: Yes.

21 MR. CARROLL: And this -- you follow-up with
22 David Silmser after he has called Heidi; right?

23 MR. BRUNET: That's correct.

24 MR. CARROLL: And you advise him about the
25 fact that there is this investigation or you confirm the

1 investigation into Seguin's death and there's a discussion
2 with him about that; right?

3 **MR. BRUNET:** Whereabouts? It's because my -
4 - I thought this had to do with the media and I thought
5 that I was confirming that I was telling him that we would
6 have to confirm.

7 If we were asked by the media we would have
8 to confirm that we did an investigation.

9 **MR. CARROLL:** If you just look at the bottom
10 of the page, sir, "I informed him" -- 09 4, "I informed him
11 that we briefed the OPP..."

12 **MR. BRUNET:** Yes.

13 **MR. CARROLL:** "...about our case, about Mr.
14 Seguin's death because of the
15 seriousness of the investigation."

16 Right?

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

18 **MR. CARROLL:** And in that conversation, and
19 the fact that it had been referred to the OPP you have it
20 recorded that -- as follows, "he" being Silmsers:

21 "...acknowledged that he had talked to
22 them..."

23 That would be the OPP; right?

24 **MR. BRUNET:** The OPP, yes.

25 **MR. CARROLL:** "...before and that he was

1 comfortable with them."

2 MR. BRUNET: This is a person, that is
3 Silmsler, that you came to believe was a very difficult
4 victim to deal with; right?

5 MR. BRUNET: Yes.

6 MR. CARROLL: I think -- let's see, just a
7 minute please.

8 (SHORT PAUSE/COURTE PAUSE)

9 In your dealings with various OPP officers,
10 one of the officers that you dealt with is a fellow named
11 Don Genier?

12 MR. BRUNET: Yes.

13 MR. CARROLL: I'm going to be referring to
14 the Document 727726, I'm not certain -- it's Genier's
15 notes.

16 THE COMMISSIONER: Oh, they should be in
17 here.

18 MR. CARROLL: I don't -- I think that's been
19 in but I'm not sure; 727726.

20 THE COMMISSIONER: Oh, maybe not.

21 (SHORT PAUSE/COURTE PAUSE)

22 THE COMMISSIONER: Thank you.

23 Exhibit Number 1473 is excerpts of -- is it
24 Detective Constable?

25 MR. CARROLL: Yes, Don Genier, yes.

1 **THE COMMISSIONER:** Genier and I'm trying to
2 look at a date.

3 **MR. CARROLL:** The notes are actually well
4 written although in very small letters, sir.

5 **THE COMMISSIONER:** Sure. Okay. But the
6 first date is Monday ---

7 **MR. CARROLL:** Twenty-seventh (27th) of
8 January.

9 **THE COMMISSIONER:** Twenty-seventh (27th) of
10 January.

11 **MR. CARROLL:** Ninety-seven ('97).

12 **THE COMMISSIONER:** Ninety-seven ('97),
13 right.

14 **---EXHIBIT NO./PIÈCE NO. P-1473:**

15 (727726) Notes of D. Cst. Genier dated
16 January 27 to January 29, 1997

17 **MR. CARROLL:** Sir, do you have a copy of
18 those in front of you?

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

20 **MR. CARROLL:** All right. And have you had a
21 chance to have a look at these before?

22 **MR. BRUNET:** Probably.

23 **MR. CARROLL:** All right. This is just
24 notations in relation to his communications and meetings
25 with you concerning certain investigations and one in

1 particular being Marcel Lalonde.

2 MR. BRUNET: Yes.

3 MR. CARROLL: And then you do you recall
4 that he was liaison with you for the OPP in connection with
5 that investigation?

6 MR. BRUNET: Yes, I recall that.

7 MR. CARROLL: And, sir, I just want to
8 confirm that as you can see, on the 27th in the notes and
9 following through them ---

10 THE COMMISSIONER: Scroll down, please?

11 MR. CARROLL: I'm sorry?

12 THE COMMISSIONER: I'm asking the Clerk to
13 scroll down.

14 MR. CARROLL: Oh, yes.

15 THE COMMISSIONER: And be careful, there
16 should be stamp on this ---

17 MR. CARROLL: I was about to say that, sir.
18 There are names for which monikers are ---

19 THE COMMISSIONER: M'hm.

20 MR. CARROLL: --- applied there.

21 And if you look at the entry, sir, on the
22 27th for 15:00 hours, which would be 3:00 p.m, I take it.

23 THE COMMISSIONER: That's on the next page?

24 MR. CARROLL: Locate that ---

25 THE COMMISSIONER: It's on the next page

1 then?

2 **MR. CARROLL:** Yes.

3 **THE COMMISSIONER:** No. The page after, no.

4 **MR. CARROLL:** No, it's at Bates 389 ---

5 **THE COMMISSIONER:** All right.

6 **MR. CARROLL:** --- right at the fourth line
7 to the bottom. Do you have that?

8 **THE COMMISSIONER:** Yes -- yes, sorry.

9 **MR. CARROLL:** All right. And you can see
10 there, sir, although as I said the printing is small, you
11 can see that the areas that he's intending to discuss with
12 you?

13 **MR. BRUNET:** Yes.

14 **MR. CARROLL:** Yes. And that according to
15 his notes at least, that meeting or that conversation
16 doesn't take place because he is not able to catch up with
17 you. And if you look through the next page, there's an
18 entry for the 28th; that would be Bates page 390.

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

20 **MR. CARROLL:** And just to assist you perhaps
21 in your memory, he tries to get you on the phone but you
22 are apparently at a funeral, according to his notations
23 anyway?

24 **MR. BRUNET:** Yeah.

25 **MR. CARROLL:** So he ultimately comes to the

1 CPS station.

2 MR. BRUNET: Okay.

3 MR. CARROLL: And reviews with you those
4 points that I mentioned earlier, points 1 through 5.

5 Does that accord with your recollection,
6 sir, of his assistance that he -- and advice that he was
7 offering you with respect to that information?

8 MR. BRUNET: Yes.

9 MR. CARROLL: And I take it, sir, that the
10 information that he provided you was of assistance to you
11 in your investigation and you, indeed, according to the
12 notation he has sent out investigators to pursue these
13 matters?

14 MR. BRUNET: Yes, that's correct. I put the
15 file together and used the 1984 information that I had and
16 this information that I received, and I gave it to Sergeant
17 Snyder to have it investigated. And to my recollection,
18 charges were laid.

19 MR. CARROLL: Thank you, sir.

20 And the one last area that I wanted to deal
21 with you on, sir, concerns your interview in January of
22 2000. I think it's January 21, 2000 and I believe, sir,
23 that that is in as Exhibit 1134, Document 728585.

24 MR. BRUNET: Merci. Quel numéro? I'm
25 sorry, what number?

1 MR. CARROLL: It may also be at 1421.

2 THE COMMISSIONER: Okay. So ---

3 MR. CARROLL: It's the January 21st ---

4 THE COMMISSIONER: Just a second. Let's --
5 Madam Clerk is ---

6 MR. CARROLL: Fourteen-twenty-one (1421).

7 THE COMMISSIONER: Hang on, hang on.

8 Okay, so 1421 is the audio-taped interview
9 report of Staff Sergeant Brunet.

10 MR. CARROLL: Right.

11 THE COMMISSIONER: What page?

12 MR. CARROLL: Well, it's what I asked you,
13 it's at the -- if I may just ask a couple of general
14 questions first, sir.

15 When you went to this -- you recall
16 attending for this interview?

17 MR. BRUNET: Yes, I do.

18 MR. CARROLL: And when you arrived, I
19 understand, sir, that you -- you knew you were going to be
20 interviewed?

21 MR. BRUNET: Yes, I did.

22 MR. CARROLL: But you weren't 100 percent
23 certain about what it was all about. You hadn't been given
24 any details in advance of attending for the interview.
25 Correct in that?

1 **MR. BRUNET:** I'm -- my recollection was I
2 was going to be interviewed in reference to my involvement
3 in the David Silmsen investigation.

4 **MR. CARROLL:** In the -- generally speaking,
5 that was your understanding; correct?

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

7 **MR. CARROLL:** All right. And if we could
8 look at -- I'm sorry, 1134 now, please, which is Document
9 733623 and that's notes of Detective Constable Dupuis.

10 **THE REGISTRAR:** Eleven-thirty-four (1134)?

11 **MR. CARROLL:** That's what I have, yes, 1134,
12 Document 733623.

13 Do you have the hard copy of that, sir?

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

15 **MR. CARROLL:** All right. And -- no, I'm
16 just going to direct him to the hour ---

17 **THE COMMISSIONER:** All right.

18 **MR. CARROLL:** --- which is 18:54 -- or 8:54
19 a.m. See the notation there?

20 **MR. BRUNET:** Yes.

21 **MR. CARROLL:** And that would indicate that
22 Dupuis has it recorded that you arrived in the hotel room
23 where you're being interviewed at 8:54, and at that point
24 it is explained to you why they want to talk to you?

25 **MR. BRUNET:** Yes.

1 MR. CARROLL: Right?

2 MR. BRUNET: Yes.

3 MR. CARROLL: And it's in the notes as well,
4 as Detective Inspector Hall at the outset of the interview,
5 advises on tape that you've been provided with the
6 questions in advance. And ---

7 MR. BRUNET: Just that morning.

8 MR. CARROLL: That's right. And I just want
9 to make sure that's clear on the record because it would
10 seem that you were given the questions shortly after --
11 presumably shortly after you arrived. And you have them
12 for about 22 minutes before the interview actually starts,
13 Bates 854 to 916?

14 MR. BRUNET: That makes sense.

15 MR. CARROLL: Does that accord with your
16 recollection?

17 MR. BRUNET: Yes, it is.

18 MR. CARROLL: And other than having the
19 opportunity to review the various topics for discussion, at
20 that point you had no further advance knowledge of the
21 specifics of the questions?

22 MR. BRUNET: No, I do not.

23 MR. CARROLL: Andi sir, is it fair to say
24 that the interview, Exhibit 1421, was a wide-ranging
25 interview involving many persons and many areas of

1 discussion?

2 MR. BRUNET: Yes.

3 MR. CARROLL: And at the end of that
4 interview it's recorded, sir, that you're given an
5 opportunity to provide any further information that you
6 think may be of assistance and you did take that
7 opportunity and told them everything that you knew?

8 MR. BRUNET: Yes.

9 MR. CARROLL: Thank you, sir. Those are my
10 questions.

11 Thank you Mr. Commissioner.

12 THE COMMISSIONER: Thank you.

13 MR. MANDERVILLE: Good morning, Mr.
14 Commissioner.

15 THE COMMISSIONER: Good morning, sir.

16 MR. MANDERVILLE: Good morning, Staff
17 Sergeant Brunet.

18 MR. BRUNET: Good morning sir.

19 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
20 MANDERVILLE:

21 MR. MANDERVILLE: I have a few discrete
22 areas to cover with you.

23 First off, to follow-up on your discussion
24 with Mr. Chisholm a little earlier and your examination by
25 Mr. Dumais concerning Mr. Silmsers' allegations against

1 Marcel Lalonde, I've got a bit of a housekeeping matter to
2 close the loop, if I can coin that phrase.

3 I'd ask that the witness be shown Document
4 728485.

5 And just to orient you, Staff Sergeant
6 Brunet, you told Mr. Dumais that on September 1, 1994 you
7 wrote to Mr. Silmsers alerting him to the fact that you'd be
8 advised by Tim Smith of his allegations concerning Marcel
9 Lalonde and inviting him to come in and make a complaint.
10 And I'm hoping that 728485 is a copy of that letter.

11 **THE COMMISSIONER:** It is, and it's now
12 Exhibit 1474, which is a letter dated September 1st, 1994
13 from Staff Sergeant Brunet to David Silmsers.

14 --- EXHIBIT NO./PIÈCE NO. P-1474

15 (PREVIOUSLY ENTERED AS P-405):

16 (728485) Letter from Lucien Brunet to
17 David Silmsers - dated September 1, 1994

18 **THE COMMISSIONER:** Is that correct, sir?

19 **MR. BRUNET:** Oh, I'm sorry.

20 **THE COMMISSIONER:** No, no.

21 **MR. BRUNET:** I'm terribly sorry, sir.

22 Yes, that's correct.

23 **MR. MANDERVILLE:** To the best of your
24 recollection, that is a copy of the letter you wrote to Mr.
25 Silmsers?

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

2 **MR. MANDERVILLE:** Secondly, sir, I want to
3 talk briefly about Mr. Dunlop and the duty to report issue.

4 As I understand it, the practice in 1993 and
5 before, and perhaps since, was that if the police felt they
6 had a child in need of protection where a duty to report to
7 CAS was triggered, they would contact the CAS and give them
8 the information; correct?

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

10 **MR. MANDERVILLE:** And the information could
11 be given over the phone and/or the CAS could be invited to
12 come over and examine what information you had?

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

14 **MR. MANDERVILLE:** And Constable Dunlop --
15 the duty to report would be triggered if someone on
16 reasonable grounds felt there was a child in need of
17 protection?

18 **MR. BRUNET:** Yes.

19 **MR. MANDERVILLE:** And I take it, the concern
20 with Constable Dunlop's activity was not so much his sense
21 that he had a child in need of protection situation, it was
22 more that he had taken documents off premises and provided
23 them to the CAS at a clandestine meeting at a bar one
24 night?

25 **MR. BRUNET:** Yes. And my involvement with

1 that issue, I didn't have any involvement with that issue.
2 My understanding is that you're accurate but I didn't --
3 like, the Chief, the Deputy and Staff Sergeant Derochie
4 dealt with the actual release of the statement issue.

5 MR. MANDERVILLE: Yes.

6 MR. BRUNET: But what you said is, in my
7 opinion, correct.

8 MR. MANDERVILLE: I'd ask that Staff
9 Sergeant Brunet be provided with Exhibit 1233, which is the
10 lengthy statement of Murray MacDonald. I say statement;
11 it's an interview report, Mr. MacDonald with the OPP.

12 THE COMMISSIONER: It's 1233.

13 MR. MANDERVILLE: It's Document 714888, Mr.
14 Commissioner.

15 THE COMMISSIONER: That doesn't help me.

16 MR. MANDERVILLE: You don't have that at
17 your fingertips?

18 THE COMMISSIONER: No, but I have the
19 exhibits at my fingertips -- 1223.

20 MR. MANDERVILLE: It's 1233, I believe, sir.

21 THE COMMISSIONER: All right.

22 Yes, that's right. What page now?

23 MR. MANDERVILLE: Page 15 of the interview,
24 which would be Bates 7055849.

25 THE COMMISSIONER: M'hm.

1 **MR. MANDERVILLE:** Do you have that in front
2 of you, Staff Sergeant Brunet?

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

4 **MR. MANDERVILLE:** You'll see towards the
5 bottom of the page, Mr. MacDonald is asked about his
6 meetings with Officer Sebalj and he states there that
7 Officer Sebalj has told him that she was dealing with
8 someone -- being Mr. Silmsler -- who appeared to be
9 occasionally reluctant in terms of when to contact or meet
10 with her, et cetera. But he also notes that he and
11 Constable Sebalj had probably, maybe -- and I'm quoting him
12 now:

13 "...anywhere between 8 and maybe 7 and 10
14 contacts I would say from early -- from
15 mid-winter of '93 until the time that
16 the police determined not to charge in
17 September."

18 Do you see that?

19 **MR. BRUNET:** Yes.

20 **MR. MANDERVILLE:** In your mind, is there any
21 particular difference between what is referred to as a
22 "formal" or "official meeting" and an "unofficial" or
23 "informal" meeting?

24 **MR. BRUNET:** What I perceive to be the
25 difference between the two?

1 **MR. MANDERVILLE:** Yes.

2 **MR. BRUNET:** Or if there's any ---

3 **MR. MANDERVILLE:** Well, what I'm going to
4 suggest to you is, in either case, it's the officer seeking
5 assistance of the Crown, some legal advice or here's what I
6 have, what do you think.

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

8 **MR. MANDERVILLE:** And so I suggest that from
9 Murray MacDonald's perspective on the statement, he meets
10 with Heidi Sebalj 7 to 10 times for that purpose?

11 **MR. BRUNET:** Yes.

12 **MR. MANDERVILLE:** And sitting here today is
13 there any doubt in your mind that Murray MacDonald was,
14 given those meetings, aware of all pertinent details of the
15 investigation and what information Heidi Sebalj had
16 uncovered?

17 **MR. BRUNET:** No, I feel pretty comfortable
18 that he was made aware of the issues as they were being
19 encountered.

20 **MR. MANDERVILLE:** Thank you.

21 I'd ask that you turn to page 47 of that
22 same interview, which is Bates 7055881.

23 And at this point in the interview, Mr.
24 MacDonald is talking about having been advised of the
25 settlement and what transpired at that point. And he

1 indicates he had spoken to Malcolm MacDonald and then he
2 says:

3 "I contact the police and say forget
4 about this letter from the complainant
5 saying lay off. I want you to first
6 talk to his lawyer to see what spin his
7 lawyer will put on the thing and then
8 talk to the complainant personally and
9 tell the complainant that you're still
10 prepared to proceed with the
11 investigation despite any settlement.
12 So that's what the police do."

13 And did Murray MacDonald give you that
14 advice and you followed that advice?

15 **MR. BRUNET:** Like I mentioned this morning,
16 I had already -- when I spoke to the lawyers I made it --
17 when I received the call, I believe it was the 3rd of
18 September, from Mr. Adams and then Mr. Malcolm MacDonald,
19 first of all, they caught me off guard, but I clearly
20 advised them that I was not accepting their letters as
21 direction and that I would be assigning the investigator to
22 speak to Mr. Silmser about it.

23 So if Mr. Murray MacDonald talked to me
24 after about it then that would have just confirmed my
25 actions that I had done, but I had already initiated that.

1 **MR. MANDERVILLE:** And at that time you knew
2 that Mr. Silmsler had legal representation?

3 **MR. BRUNET:** Yes.

4 **MR. MANDERVILLE:** Being Sean Adams?

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

6 **MR. MANDERVILLE:** And you had no reason to
7 question Mr. Adams' competence?

8 **MR. BRUNET:** No, I didn't.

9 **MR. MANDERVILLE:** I'd ask you to turn to the
10 next page of that interview, sir.

11 He's speaking of a conversation with you and
12 mid-way down the page he says:

13 "Luc Brunet felt, well, you know,
14 listen, what do we do with this spin on
15 this direction now from the complainant
16 who is unequivocally saying I don't
17 want to proceed, and I told him that if
18 you have a reluctant complainant, you
19 don't feel you have grounds, and part
20 of the reason you don't feel you have
21 grounds is because you have a reluctant
22 complainant and the other part of the
23 reason why is because of the other
24 earlier problems with the
25 investigation, then the answer is

1 simple, no RPG, no charge."

2 Do you recall receiving that advice from Mr.
3 MacDonald?

4 **MR. BRUNET:** Yes, not verbatim, but that was
5 the general information that I received, that if you didn't
6 have a complainant you weren't able to proceed with a
7 charge.

8 **MR. MANDERVILLE:** Thank you.

9 Now, yesterday when Mr. Paul was questioning
10 you, he took you to a portion of this interview concerning
11 Murray MacDonald's conversations with Claude Shaver, and he
12 took you to some of the latter part of that conversation
13 and I want to -- or Murray's recording of that
14 conversation, and I want to go through this with you. If
15 you'd turn to page 52, Bates 7055886.

16 And Officer Smith is asking Murray MacDonald
17 mid-way down the page:

18 "You wrote a memorandum that you said
19 had some conversation with the Chief of
20 Police who at the time was Chief
21 Shaver?

22 Yes.

23 Can you tell me the concerns that he
24 had and the conversations that you had
25 at that time?

1 Yes, Claude Shaver called me and said,
2 'Listen, I just heard about the civil
3 settlement with the -- reversing the
4 case against Father MacDonald and I
5 think it stinks'. I -- and I remember
6 Claude expressing to me, and he was
7 very sincere and very concerned, about
8 seeing that his Police Service did the
9 right thing here and so I have no --
10 nothing but -- I have no criticism
11 about the *bona fides* of any of the
12 officers involved in this from the
13 constable investigating through the
14 detective sergeant through to the Chief
15 Shaver. He told me that he did not
16 like my opinion or rather he did not
17 like -- the word he got was the Crown
18 is not recommending the prosecution or
19 not recommending a charge so I
20 explained to him why."

21 And I'm going to go on to the next page. In
22 the fourth line down on the next page:

23 "He accepted that explanation and then
24 he said to me that he felt that an end
25 run was made around the Cornwall Police

1 Services by the Church and the
2 complainant and that point he enquired
3 about the possibility of charging the
4 complainant."

5 I take it, at this juncture, both you and
6 Chief Shaver were expressing concerns and frustration about
7 this whole process and casting about for some possible
8 avenue to address them, right?

9 MR. BRUNET: That's correct.

10 MR. MANDERVILLE: I'm going to change gears
11 a little bit; I'll return to that.

12 Are you familiar with Mr. Emile Robert?

13 MR. BRUNET: Yes.

14 MR. MANDERVILLE: And you know him to be the
15 former Director of Probation at this probation office here
16 in Cornwall.

17 MR. BRUNET: Yes.

18 MR. MANDERVILLE: Mr. Robert testified that
19 although he had no notes or statements to support this, he
20 had contacted you by phone in the immediate aftermath of
21 Ken Seguin's death and had given you a bit of a tongue
22 lashing about the Cornwall Police Service not telling
23 probation about Mr. Silmser's allegations against Ken
24 Seguin.

25 Do you recall any such conversation?

1 **MR. BRUNET:** No, I don't.

2 **MR. MANDERVILLE:** Would a phone call from
3 Emile Robert in which he was strongly critical of you or
4 the CPS about something, be something that stood out in
5 your mind?

6 **MR. BRUNET:** I would think so.

7 **MR. MANDERVILLE:** And you have no notes of
8 any such conversation. Would you normally have kept notes
9 of such a conversation?

10 **MR. BRUNET:** Not necessarily. I don't -- I
11 don't know if I would have, but probably not.

12 **MR. MANDERVILLE:** Would you have reported
13 such a conversation where you received this sort of
14 criticism to your superiors?

15 **MR. BRUNET:** Yes, I believe I would have.

16 **MR. MANDERVILLE:** Now, Mr. Brunet, you
17 testified both to Mr. Lee and Mr. Dumais that you
18 understood that Mr. Silmsler had given different versions of
19 events in the statements he had provided concerning Father
20 Charles MacDonald; correct?

21 **MR. BRUNET:** Yes.

22 **MR. MANDERVILLE:** And in your view, the
23 discrepancies in the statement were not trivial were they?

24 **MR. BRUNET:** No, they were not.

25 **MR. MANDERVILLE:** They were material?

1 MR. BRUNET: Yes.

2 MR. MANDERVILLE: And they gave rise to
3 possible credibility problems for Mr. Silmsler didn't they?

4 MR. BRUNET: Yes, they did.

5 MR. MANDERVILLE: And, moreover, by
6 September '93, both you and Chief Shaver had begun to have
7 concerns about his motives in initiating the criminal
8 process hadn't you?

9 MR. BRUNET: Yes.

10 MR. MANDERVILLE: And you and Chief Shaver
11 went to the -- the Papal-Nuncio in Ottawa?

12 MR. BRUNET: Yes.

13 MR. MANDERVILLE: And to Bishop Larocque?

14 MR. BRUNET: Yes.

15 MR. MANDERVILLE: Both on the same day on
16 October 7, '93?

17 MR. BRUNET: Yes.

18 MR. MANDERVILLE: And you went there to
19 voice your concerns and frustration about how this
20 settlement had occurred didn't you?

21 MR. BRUNET: That's correct.

22 MR. MANDERVILLE: You were concerned about
23 its impact on the criminal investigation?

24 MR. BRUNET: Yes.

25 MR. MANDERVILLE: And you wanted to express

1 to church authorities your concerns; that it was possible
2 that an alleged sexual abuser of young people was
3 continuing to be active in the community?

4 MR. BRUNET: That's correct.

5 MR. MANDERVILLE: You and the Chief had both
6 gone to the Crown to ask if something could be done to
7 address the situation?

8 MR. BRUNET: Yes.

9 MR. MANDERVILLE: And you were told by the
10 Crown, no, nothing really can be done?

11 MR. BRUNET: That's correct.

12 MR. MANDERVILLE: And so you go to the
13 Church to see if they can at least take some steps to
14 address a possible problem with Father MacDonald?

15 MR. BRUNET: Yes.

16 MR. MANDERVILLE: Lastly, sir, I want to
17 talk to you about some of the allegations that -- and
18 investigations that Mr. Dumais has taken you through.

19 David Silmser's allegations, you understand,
20 were reinvestigated by the OPP in 1994?

21 MR. BRUNET: Yes.

22 MR. MANDERVILLE: And no charges were laid;
23 correct?

24 MR. BRUNET: That's correct.

25 MR. MANDERVILLE: And they couldn't come up

1 with reasonable and probable grounds to lay them, right?

2 MR. BRUNET: That's correct.

3 THE COMMISSIONER: Are you sure about that?

4 MR. BRUNET: I ---

5 THE COMMISSIONER: Do you know -- do you
6 have knowledge of that?

7 MR. BRUNET: I heard testimony to it.

8 THE COMMISSIONER: No, I understand. Thank
9 you. Come on.

10 MR. MANDERVILLE: There was a public
11 announcement, sir. There was a press release to do with
12 it. We heard from Mr. Guzzo *ad nauseum* about it.

13 THE COMMISSIONER: Right, but no, no, no,
14 oh, I understand that, but was the reason given that there
15 were lack of reasonable and probable grounds?

16 MR. MANDERVILLE: Mr. Brunet, you know that
17 no charges were laid; correct?

18 THE COMMISSIONER: There you go.

19 MR. BRUNET: That's correct.

20 MR. MANDERVILLE: And you're not entirely
21 certain of the reasons why. Is that fair?

22 MR. BRUNET: Other than reading the --
23 through the information that I read here, I don't have any
24 personal knowledge, no.

25 MR. MANDERVILLE: Concerning the Jeannette

1 Antoine allegations, you understand that those allegations
2 were reinvestigated in 1994?

3 MR. BRUNET: Yes.

4 MR. MANDERVILLE: By Officer Shawn White of
5 the Cornwall Police?

6 MR. BRUNET: That's correct.

7 MR. MANDERVILLE: And is it your
8 understanding that an opinion was obtained from the
9 Regional Crown that there were insufficient grounds to lay
10 charges?

11 MR. BRUNET: That's my understanding, yes.

12 MR. MANDERVILLE: Concerning the Earl
13 Landry, Jr. investigation, you understand he was charged
14 and convicted with respect to five complainants?

15 MR. BRUNET: Yes, I am.

16 MR. MANDERVILLE: And he was sentenced to
17 five years imprisonment?

18 MR. BRUNET: Yes.

19 MR. MANDERVILLE: Thank you, Officer Brunet.

20 MR. BRUNET: Thank you.

21 THE COMMISSIONER: Just to clear something
22 up.

23 Silmsers were -- the charges dealing with
24 Silmsers, vis-à-vis Father Charles MacDonald, were
25 eventually processed. Father MacDonald was eventually

1 charged with the Silmsers allegations.

2 MR. MANDERVILLE: Not on the '94
3 investigation. Out of ---

4 THE COMMISSIONER: No, no.

5 MR. MANDERVILLE: --- Project Truth perhaps.

6 THE COMMISSIONER: Pardon me? Through
7 Project Truth. Eventually, Silmsers -- the allegations from
8 Silmsers made it to a charge which went to Court.

9 MR. BRUNET: Yes, because my understanding
10 his other victims came forward.

11 THE COMMISSIONER: Whatever ---

12 MR. BRUNET: Yes, but I was testifying here
13 to the 1994 ---

14 THE COMMISSIONER: Yes.

15 MR. BRUNET: --- investigation.

16 THE COMMISSIONER: That's fine.

17 Yes?

18 MR. KOZLOFF: I think I heard my friend, Mr.
19 Manderville, say Project Truth.

20 THE COMMISSIONER: Yes.

21 MR. KOZLOFF: It wasn't Project Truth. It
22 was between 1994 and Project Truth.

23 THE COMMISSIONER: Thank you.

24 MR. KOZLOFF: It was in fact -- the charges
25 were laid in very early 1996.

1 **THE COMMISSIONER:** Again, I want to remind
2 folks that when we're cross-examining that the volume of
3 material here makes it impossible for me to stay on top of
4 every fact that you folks put to witnesses. and I know we
5 make mistakes from time-to-time, but I want to make sure
6 that I impress upon you the importance of making sure of
7 your comments.

8 I can tell you that if and when I -- if I
9 find that you're not putting questions to the witness, it's
10 fairly, it's only going to hurt your clients. So -- and I
11 don't mean that to you Mr. Manderville ---

12 **MR. MANDERVILLE:** I know that.

13 **THE COMMISSIONER:** Thank you very much.

14 All right, Maitre Dumais.

15 --- **RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. DUMAIS:**

16 **MR. DUMAIS:** Yes, briefly, Commissioner.

17 So the first issue, Luc, I want to take you
18 back to is comments that you would have made with respect
19 to Constable Sebalj waiting for someone or a witness from
20 Germany to either call her back or to meet with her or to
21 come back from Germany. Do you recall that?

22 **MR. BRUNET:** Yes.

23 **MR. DUMAIS:** All right. If I can just take
24 you back to Constable Sebalj's notes and that's Exhibit 295
25 at Bates pages ending 804.

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So just towards the bottom of the page -- the entry is at 10:25 -- it appears to be a telephone call from an individual and there's a phone number there that I would suggest to you would appear to be like a number from overseas and then it's indicated right underneath "Germany" and then there's the date of birth. Advises he was an altar boy at St. Columban's from ages 18 -- 8 to 19, states that there were some priests, however, does not remember Father McDougall (sic) and ---

THE COMMISSIONER: So many priests.

MR. DUMAIS: --- Father Charlie.

THE COMMISSIONER: "There were so many priests," I think.

MR. DUMAIS: "There were so many priests, however does remember Father..."

It appears to be:

"...McDougall and Father Charlie. I don't remember them all. No, nothing inappropriate action."

So it appears to me -- this witness appears to be from Germany. So is that, as far as you know, what you were referring to?

MR. BRUNET: That could be. Maybe I'm mistaken in reference to the time period that I would have

1 been advised about the witness in Germany. I'm not sure.
2 I remember her telling me that there was an issue with
3 someone from Germany trying to get a hold of him and there
4 were some delays there, but this person is definitely the -
5 - I see that it was from Germany. So I could be mistaken
6 in that area.

7 **MR. DUMAIS:** And that telephone call, as far
8 as we can tell, Luc, occurred on March 12th, 1993, and
9 obviously we're relying on Constable Sebalj's entry in her
10 notes.

11 **MR. BRUNET:** Yes, I see that.

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

13 And in as far as you know, there's nothing
14 else that's mentioned in her notes with respect to a
15 follow-up with this individual or someone else from
16 Germany. Is that fair?

17 **MR. BRUNET:** That's correct; there's nothing
18 else in her notes.

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

20 Now, you have -- you were asked in questions
21 during cross-examination this morning, and your response
22 was -- and the question was on her holidays or her
23 availability during the summer months, and do you recall
24 that your response was, "Well, I did prepare a document
25 with the time off" and I believe you indicated that you had

1 done so for the Ottawa Police Services.

2 If I can just take you to Exhibit 1237 very
3 quickly, because I don't believe I took you to this
4 document in-chief.

5 **MR. BRUNET:** That's the one I was referring
6 to.

7 **MR. DUMAIS:** So that -- so your response --
8 you were relying on this document which is a "Time off -
9 Heidi" and then these are the -- whether or not she was on
10 training, on holidays or at work in between May 1993 and
11 August 1993?

12 **MR. BRUNET:** Yes.

13 **MR. DUMAIS:** And you, yourself, prepared
14 that. That's your handwriting?

15 **MR. BRUNET:** That's my handwriting, yes.

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

17 And what are you relying on to prepare this
18 document?

19 **MR. BRUNET:** I would have had the time
20 sheets. We prepare rosters, weekly rosters. I would have
21 also had an annual leave schedule probably still available
22 to me at that time because we have -- we select -- like,
23 when we select annual leave, we have a master sheet that
24 would tell me who is off and who is on at the time. So I
25 would probably use that and, like I said, rosters and the

1 Ontario -- well, the OPC that I would have had
2 documentation in reference to her courses. So I would have
3 probably used a number of those documents to prepare this.

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

5 So then between May 24th and May 28th, she's
6 in training. Between June 7th and the 11th she's in training
7 as well; June 14th and the 18th; June 21st to the 25th she's
8 in training as well. Is that correct?

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

10 **MR. DUMAIS:** And then she would apparently
11 be back at work during the week of June 28th, and we've
12 already discussed about the meeting that you had on June
13 29th, 1993. Is that correct?

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

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

16 And then between July 5th and July 9th, you
17 wrote down "normal." Does that mean she's at work?

18 **MR. BRUNET:** Yes.

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

20 And between July 12th and the 16th and the
21 19th and the 23rd, you indicate "Heidi VAC?"

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

23 **MR. DUMAIS:** With a question mark. Does
24 that -- what does that mean?

25 **MR. BRUNET:** I'm not sure why I would have

1 had the question mark.

2 MR. DUMAIS: All right.

3 But do you believe that during those -- that
4 period of time that she's on holidays?

5 MR. BRUNET: She would have been on
6 holidays, yes.

7 MR. DUMAIS: All right.

8 And then she's back at work. So from July
9 26th to August 27th, she appears to be at work. Is that
10 correct?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: All right.

13 So as far as you can tell, Luc, you have no
14 reason to change -- you think that this is accurate?

15 MR. BRUNET: Yes, to the best of my
16 knowledge, this was prepared with the help of documentation
17 that I would have had at the time.

18 MR. DUMAIS: Now, much has been said this
19 morning as well, Luc, about your -- and you've been taken
20 to Murray MacDonald's statement, and certainly some of the
21 questions -- you're being asked to interpret what Murray
22 MacDonald has said from time to time, or has said in this
23 statement. So you've been asked a number of questions with
24 respect to that. Is that correct?

25 MR. BRUNET: Yes.

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

2 And as far as you can tell, Luc, from your
3 review of the documents, Constable Sebalj would have
4 documented a meeting with Murray MacDonald on March 2nd,
5 1993. Is that correct?

6 **MR. BRUNET:** Yes. Well, I'm taking your
7 word for it, but if it's in her notes, that's right.

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

9 I've already put that question to you. And
10 in that note she does indicate that there was a discussion
11 with respect to RPGs, reasonable and probable grounds;
12 correct?

13 **MR. BRUNET:** Yes.

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

15 And so other than that notation in her
16 notes, we do not find any other indication that she would
17 have met with Murray MacDonald at any point in time to
18 discuss either that, RPGs or anything else. Is that
19 correct?

20 **MR. BRUNET:** There's no documentation of it,
21 that's correct, but I recall her telling me on more than
22 one occasion that she had met with the Crown attorney.

23 **MR. DUMAIS:** Yes. And actually we know that
24 as well because I've taken you to a statement that has
25 indicated that she has met informally a number of times

1 with Murray MacDonald. Do you remember when I took you to
2 that statement?

3 MR. BRUNET: Yes.

4 MR. DUMAIS: And as well, we know from
5 Murray MacDonald's statement that he has indicated that he
6 has had a number of informal meetings with Constable
7 Sebalj?

8 MR. BRUNET: Yes.

9 MR. DUMAIS: All right.

10 And at one point in time you meet with
11 Murray MacDonald or you have a telephone conversation with
12 Murray MacDonald at the beginning of September. Is that
13 correct?

14 MR. BRUNET: Yes.

15 MR. DUMAIS: All right.

16 And you have been asked a number of
17 questions about Exhibit 300 and 301, and that's your letter
18 to him asking him what to do with a complainant that no
19 longer wants to testify and his reply to you?

20 MR. BRUNET: Yes.

21 MR. DUMAIS: And clearly on that date, so
22 the date that you spoke to him and the date that you would
23 have written that letter, you had not reviewed Constable
24 Sebalj's notes?

25 MR. BRUNET: No, I don't believe so.

1 **MR. DUMAIS:** You had not seen any of the
2 statements from the witnesses?

3 **MR. BRUNET:** No.

4 **MR. DUMAIS:** And you had not reviewed any of
5 the -- and I'll call those analysis notes that we put in
6 through you?

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

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

9 And I believe you indicated when I asked you
10 the question a couple of days ago that you had not put your
11 mind to whether or not you had reasonable and probable
12 grounds to lay charges?

13 **MR. BRUNET:** That's accurate. I was
14 basically depending -- like, I was at this point depending
15 on Constable Sebalj's information. The information that I
16 received from her, I had not addressed it personally.

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

18 So then you've indicated to us that you do
19 not remember having that discussion with Murray MacDonald
20 when you called him in September of 1993; is that correct?

21 **MR. BRUNET:** What part is it that you're
22 referring to now?

23 **MR. DUMAIS:** I believe the question was put
24 to you whether or not you had -- you would have discussed
25 the issue of reasonable and probable grounds with Murray

1 MacDonalld?

2 **MR. BRUNET:** Yeah. No, I don't recall
3 specifically discussing that particular part, no.

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

5 But given the fact that you had not reviewed
6 any of the paper file, given the fact that nothing yet had
7 been inputted in OMPPAC, given the fact that the Crown
8 Brief would only be printed on October 6th or the second
9 version on October 6th of that year, and given the fact that
10 you've told us that you had not put your mind as to whether
11 or not you had reasonable and probable grounds with respect
12 to this allegation, is it reasonable to say that you would
13 not have spoken to Murray MacDonalld about RPGs?

14 **MR. BRUNET:** Yes, it's -- well, we may have
15 discussed it just in -- that he had conversations with her
16 and she had shared issues, but it is possible. I have no
17 recollection of it. So it is possible that we didn't. I
18 don't know.

19 **MR. DUMAIS:** Now, I think, Luc, there is
20 just one last issue. No, I think we've covered that.

21 These are all the questions I have. Thank
22 you very much for answering my questions and everyone's
23 questions.

24 **MR. BRUNET:** Thank you, Mr. Dumais.

25 **THE COMMISSIONER:** Thank you.

1 Staff Sergeant Brunet, I want to thank you
2 for taking the days to come and testify. I appreciate the
3 testimony you've given and I certainly will consider it in
4 making my conclusions.

5 **MR. BRUNET:** Thank you very much, Mr.
6 Commissioner. It's my pleasure.

7 **THE COMMISSIONER:** Thank you.

8 All right. So I guess we'll take lunch now
9 and come back at 2:00.

10 **MR. DUMAIS:** Thank you.

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

13 This hearing will resume at 2:00 p.m.

14 --- Upon recessing at 12:26 p.m./

15 L'audience est suspendue à 12h26

16 --- Upon resuming at 2:07 p.m./

17 L'audience est reprise à 14h07

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

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

22 **THE COMMISSIONER:** Good morning -- good
23 afternoon.

24 **MR. DUMAIS:** Just a short matter, if I can,
25 Commissioner.

1 The last document that was entered this
2 morning, which was Document Number 728485, was given
3 Exhibit 1474. It was actually already entered as an
4 exhibit, Exhibit 405, and no one realized it. So any
5 questions that came from that document this morning should
6 ---

7 **THE COMMISSIONER:** Would somebody reading
8 the transcript today -- well, would be looking at a cross-
9 examination saying an exhibit that doesn't exist. So how
10 are we going to -- that still leaves us with a problem,
11 does it not?

12 **MR. DUMAIS:** Unless someone would read
13 further on and see my intervention.

14 **THE COMMISSIONER:** M'hm. I'm sure the
15 people are scrolling to see what you've said, Maître
16 Dumais.

17 **(LAUGHTER/RIRES)**

18 **MR. DUMAIS:** Well, Mr. Manson reads it every
19 morning.

20 Yeah, it can cause some difficulty, but I
21 guess -- it's the lesser of two evils, I guess.

22 **THE COMMISSIONER:** We'll put a note in the
23 cross-examination that this exhibit is now that exhibit and
24 we'll withdraw the one that we filed unnecessarily. How's
25 that?

1 **MR. DUMAIS:** Perfect. Thank you. On that
2 question, thank you.

3 **THE COMMISSIONER:** Take the rest of the day
4 off, Maître Dumais.

5 **MR. MANSON:** Thank you.

6 **THE COMMISSIONER:** Not you, Mr. Manson.

7 **MR. STAUFFER:** Mr. Commissioner, I'm going
8 to now announce that we have Mr. Claude Lortie in the box,
9 and if he could be sworn or affirmed, please?

10 **CLAUDE LORTIE, Sworn/Assermenté:**

11 **MR. STAUFFER:** Mr. Lortie, thank you very
12 much for coming in. I realize you're a retired member of
13 the Cornwall Police Service and the Commissioner may have a
14 few things to say to you here, so I'll turn it over to Mr.
15 Commissioner.

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

17 Thank you for coming. As a witness, you're
18 entitled to water and there's a jug there. There's a
19 microphone that I've asked you to keep at your level. And
20 there's a screen. We'll either show you hardcopies or put
21 things on the screen for you, whichever one you prefer.

22 There's a speaker in front of you, that
23 little box. You can turn down the volume or turn it up if
24 you need to hear.

25 Please answer the questions as best you can.

1 If you don't know the answer, I prefer you to tell me "I
2 don't know the answer to that". And if the lawyers get a
3 little long-winded in their question and you want them to
4 rephrase it, you're able to do that as well.

5 If at any time you feel uncomfortable, you
6 need a break, just tell me and we'll accommodate you.

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

8 **THE COMMISSIONER:** Do you have any
9 questions?

10 **MR. LORTIE:** Yes, I do.

11 I just wanted to make -- express a concern
12 that I have and I discussed it with Mr. Manderville this
13 morning, that being a retired police officer and Mr.
14 Manderville representing the Cornwall Police Force, that I
15 had concerns this morning, but he's reassured me that that
16 won't be a problem.

17 **THE COMMISSIONER:** As in him representing
18 you, you mean?

19 **MR. LORTIE:** Yes.

20 **THE COMMISSIONER:** Okay. That's fine.
21 Great.

22 **MR. STAUFFER:** All right. Thank you, Mr.
23 Commissioner.

24 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
25 **STAUFFER:**

1 **MR. STAUFFER:** So, Mr. Lortie, I'm going to
2 refer to you by your last rank in the CPS. You retired as
3 a staff sergeant, did you?

4 **MR. LORTIE:** Yes, I did.

5 **MR. STAUFFER:** All right. And you retired,
6 I understand, in November of 2006?

7 **MR. LORTIE:** I retired June 30th, 2007.

8 **MR. STAUFFER:** All right. I'm sorry.

9 And so were you last active sometime in 2006
10 then and you just took leave into 2007 or were you working
11 right up until a few months ago?

12 **MR. LORTIE:** I actually did work in the year
13 2007, then took leave after that.

14 **MR. STAUFFER:** Thank you.

15 And I take it you joined in 1976? You
16 joined the CPS at that time?

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

18 **MR. STAUFFER:** All right. So you were about
19 a 30-year or so veteran with the Service when you retired?

20 **MR. LORTIE:** Thirty-one (31) years exactly.

21 **MR. STAUFFER:** Thirty-one (31) years. All
22 right.

23 Now, sir, you're now working in the private
24 sector, if I can put it that way, as a consultant for an
25 auto parts company. Is that right?

1 **MR. LORTIE:** I'm actually working for myself
2 as an investigator/consultant, yes.

3 **MR. STAUFFER:** All right. And sometimes
4 that involves auto parts dealerships or whatever as part of
5 your clientele?

6 **MR. LORTIE:** Yes, it does, sir.

7 **MR. STAUFFER:** Now, you are married, I
8 understand, to Carole Cardinal. Is that correct?

9 **MR. LORTIE:** Yes, I am.

10 **MR. STAUFFER:** And when were you married to
11 her? The questions will get easier at some point.

12 **(LAUGHTER/RIRES)**

13 **MR. LORTIE:** Mid '90s.

14 **MR. STAUFFER:** The mid-'90s?

15 **MR. LORTIE:** The mid-'90s, yes.

16 **MR. STAUFFER:** All right. It must be
17 difficult to celebrate your anniversary in that way, but I
18 appreciate that. All right. Mid-'90s.

19 **THE COMMISSIONER:** Let's just say we hope
20 she's not watching today, but that being aside, you can go
21 on.

22 **MR. STAUFFER:** All right. Thank you, Mr.
23 Commissioner.

24 Now, just a very -- I don't pretend that I'm
25 doing justice to your curriculum vitae here, Staff

1 Sergeant, but I just wanted to touch on a few points in
2 your career.

3 Between sometime in 1982 and 1984, for a
4 roughly two-year period, you served in what was called the
5 Criminal Investigation Bureau of the CPS?

6 MR. LORTIE: Yes, I did.

7 MR. STAUFFER: All right. And you attained
8 the rank of Sergeant sometime in 1984?

9 MR. LORTIE: That's correct.

10 MR. STAUFFER: And then in July of 1990, you
11 returned, if I could put it that way, to CIB for another
12 posting?

13 MR. LORTIE: Yes, I did.

14 MR. STAUFFER: All right. And then in
15 November of 1990, I understand you became the Intelligence
16 Officer of the CPS?

17 MR. LORTIE: Yes, I did.

18 MR. STAUFFER: Okay. Now, were you the
19 first person to hold that designation with the CPS or there
20 had been other officers before you?

21 MR. LORTIE: There was other officers before
22 I was there, yes.

23 MR. STAUFFER: Okay. I had the impression
24 from somebody else that you were the first one. So you
25 were someone in the line of prior intelligence officers?

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

2 **MR. STAUFFER:** Okay. In one of the
3 organization charts -- and I don't think we're going to
4 need to refer you to it -- but there's a designation of
5 Intelligence Drug Officer or Drug Office. Does that make
6 sense? Was there kind of a dual designation back in 1990
7 when you became the Intelligence Officer of Intelligence
8 and Drugs?

9 **MR. LORTIE:** That's what it was. It was a
10 drug Unit that the intelligence work also went through that
11 office.

12 **MR. STAUFFER:** Okay.

13 **MR. LORTIE:** It was a joint force operation
14 at the time.

15 **MR. STAUFFER:** All right. So when you say
16 joint force, you'd be working with the RCMP and the OPP
17 from time-to-time?

18 **MR. LORTIE:** The RCMP and OPP had members
19 assigned to the office.

20 **MR. STAUFFER:** All right. And so from my
21 reading of the organization chart back in 1990, when you
22 became the Intelligence Officer you were being assisted by
23 Constable Forget as well? Do you recollect that?

24 **MR. LORTIE:** No, that's not correct, no.

25 **MR. STAUFFER:** Okay. Who -- were you being

1 assisted by anybody from the CPS in 1990?

2 **MR. LORTIE:** There were two police officers
3 assigned to the Unit. So with myself, there was three and
4 the RCMP and OPP. So we were a total of five people in the
5 Unit.

6 **MR. STAUFFER:** Okay. Now, I'm sorry; I may
7 not be following you here.

8 Was there another Cornwall Police Service
9 officer in the Unit during 1990 besides yourself?

10 **MR. LORTIE:** Two other ones.

11 **MR. STAUFFER:** Two other ones. Okay. Who
12 were they?

13 **MR. LORTIE:** If I recall correctly, Brian
14 Snyder and possibly Tom Racine, but I can't remember for
15 sure who was there when I first got there because there was
16 a change that was done shortly after that.

17 **MR. STAUFFER:** Okay, if I could move you
18 into late 1992, do you recollect if there were any CPS
19 officers in that unit, beside yourself?

20 **MR. LORTIE:** Just to go back to the
21 beginning of 1992 ---

22 **MR. STAUFFER:** Okay.

23 **MR. LORTIE:** --- the Chief had dissolved the
24 drug unit because of resources that were required back on
25 the shifts and that left me alone for the remainder of --

1 for a part of 1992.

2 MR. STAUFFER: All right. If I could take
3 you to December of 1992; were you the only Cornwall Police
4 Service officer in that unit at that point?

5 MR. LORTIE: Yes, I was. Unless there was
6 somebody working light duty; I think there was, I think
7 Martha Forget -- what's the first name you gave me, Forget
8 -- Martha Forget?

9 MR. STAUFFER: I'm sorry, I don't know the
10 first name. Is it -- okay, Mr. Manderville is giving me
11 the nod that that's right.

12 MR. LORTIE: Yeah, well the first name you
13 mentioned was Forget and that's Martha Forget and she was
14 on light duty and she had been appointed to our office.

15 MR. STAUFFER: All right. Now, as the
16 Intelligence Officer can you just help us out when you left
17 that position?

18 MR. LORTIE: Nineteen ninety-six (1996).

19 MR. STAUFFER: Okay. During the timeframe
20 1990 then to 1996 were you working in any other office, if
21 I can put it that way; did you have any other assignment
22 besides being the Intelligence/Drug Officer?

23 MR. LORTIE: I don't think I -- I think I
24 spent the six years in there, yes.

25 MR. STAUFFER: All right. As the

1 Intelligence Officer, to whom were you reporting?

2 MR. LORTIE: The Chief of Police.

3 MR. STAUFFER: And is that set out in some
4 protocol; that's the line of reporting?

5 MR. LORTIE: It's not set out in a protocol
6 but it's practice by smaller police forces.

7 MR. STAUFFER: Okay. And so there's no
8 intermediate person between you and whoever the chief was
9 of the day?

10 MR. LORTIE: No.

11 MR. STAUFFER: All right. As the
12 Intelligence Officer is it fair to say that you had access
13 to all files? And by that I mean either ones that are --
14 public may not be the right word but for general
15 dissemination within the office or any secret or
16 confidential-type files, project-type files?

17 MR. LORTIE: I would have been privy to all
18 reports on OMPPAC and the ones that I created in project
19 files, and the ones that were on the OCIS Terminal in the
20 Intelligence Unit.

21 MR. STAUFFER: All right. Is there, again,
22 just as a general question, would there be any type of file
23 that you would not have had access to then within your
24 office?

25 MR. LORTIE: The only ones that I would not

1 have had access to were the project files that were created
2 by somebody else.

3 **MR. STAUFFER:** Okay. Are you aware during
4 that six-year period, roughly that, you know, when you were
5 the Intelligence Officer of such project files existing?

6 **MR. LORTIE:** Other project files?

7 **MR. STAUFFER:** Yes, ones that you didn't
8 have access to.

9 **MR. LORTIE:** Just through the Inquiry here I
10 found out that Luc had created some -- one or two project
11 files.

12 **MR. STAUFFER:** I'm sorry, who had?

13 **MR. LORTIE:** Luc Brunet.

14 **MR. STAUFFER:** Staff Sergeant Brunet, got
15 it.

16 All right, but do they have any bearing with
17 respect to this Inquiry, in terms of historical sexual
18 abuse of children?

19 **MR. LORTIE:** I have no idea what's in those
20 files.

21 **MR. STAUFFER:** All right. Did you have a
22 job description during those six years? Was there
23 something actually written up as to what your duties were?

24 **MR. LORTIE:** There must have been, Mr.
25 Stauffer, I don't recall.

1 **MR. STAUFFER:** Okay. With respect to -- if
2 can suggest a few things to you and please tell me if I'm
3 wrong or not -- would you be considered the Coordinator of
4 Intelligence?

5 **MR. LORTIE:** Yes.

6 **MR. STAUFFER:** Okay. Would you be
7 considered an analyst?

8 **MR. LORTIE:** Yes.

9 **MR. STAUFFER:** Okay. Would you be the one
10 responsible for receiving intelligence and also
11 disseminating intelligence within your office and possibly
12 outside your office?

13 **MR. LORTIE:** Yes.

14 **MR. STAUFFER:** Okay. Was there a particular
15 guideline or protocol, formal or informal, as to what type
16 of information should be reported to you by fellow police
17 officers; I'll start within your own service?

18 **MR. LORTIE:** Police officers that would come
19 across something suspicious, police officers might stop
20 some vehicles, the drivers are suspicious, being from out
21 of town. Informants was the big -- informants were the big
22 thing in the Intelligence Unit.

23 **MR. STAUFFER:** Just before we get to them
24 though, I'm just trying to limit it to police officers
25 within your service to start with.

1 **MR. LORTIE:** Okay.

2 **MR. STAUFFER:** I'm just wondering if there
3 was any understanding as to what information was supposed
4 to come to you as an Intelligence Officer. And you've
5 helped us out a little bit already, you know, suspicious
6 cars and drivers and so on. But is there anything else,
7 something that an officer must report to you?

8 **MR. LORTIE:** Nothing that they must report
9 to me. But if they come across something that they find I
10 should know, as far as major crime that I should be made
11 aware of, they would report it back to me, yes.

12 **MR. STAUFFER:** Okay. With respect to
13 external sources, you've talked about informants for a
14 moment. These would be civilians, I gather who would
15 either be paid or unpaid by your service?

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

17 **MR. STAUFFER:** And then with respect to
18 other sources of information you'd have other police
19 services that would be in touch with you from time to time?

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

21 **MR. STAUFFER:** And you'd also -- would you
22 be monitoring the various media, like newspapers and
23 television and so on?

24 **MR. LORTIE:** Yes, I would.

25 **MR. STAUFFER:** Okay. Is it essentially

1 yourself who was doing all of this during those six years?
2 I know you were saying you were being assisted to some
3 extent, possibly by Constable Forget, but are you the one
4 who's essentially doing all of this collecting and
5 disseminating of information?

6 **MR. LORTIE:** Yes, I am.

7 **MR. STAUFFER:** Okay. As to who would have
8 the best information within your police service then,
9 during those six years, would it be yourself and the Chief,
10 whoever the Chief was at the time?

11 **MR. LORTIE:** What kind of information are we
12 talking about?

13 **MR. STAUFFER:** Well whatever you would be
14 gathering from internal or external sources.

15 **MR. LORTIE:** I would be -- I would receive
16 probably the cream of criminal activity in the city.

17 **MR. STAUFFER:** Okay. Did I hear you say
18 "cream"?

19 **MR. LORTIE:** Cream of criminal activity in
20 the city.

21 **MR. STAUFFER:** All right. Did you regularly
22 brief the Chief of the day, whoever it might be, during
23 those six years?

24 **MR. LORTIE:** Occasionally.

25 **MR. STAUFFER:** Okay. Was there any set

1 format; that is monthly, weekly, daily meetings, anything
2 like that?

3 **MR. LORTIE:** No. If I thought something was
4 important enough for him to know I would notify him.

5 **MR. STAUFFER:** All right.

6 **MR. LORTIE:** We didn't have scheduled
7 meetings, no.

8 **MR. STAUFFER:** Okay. What other meetings
9 would you normally have attended as an Intelligence
10 Officer?

11 **MR. LORTIE:** I would attend the meetings --
12 the regional intelligence meetings.

13 **MR. STAUFFER:** Okay.

14 **MR. LORTIE:** I would attend the meetings
15 where -- in the U.S. FBI Border Patrol, Canada Customs,
16 RCMP up in Ottawa many times. I've attended meetings in
17 Quebec and Montreal Police, Sûrete du Québec.

18 So we had meetings all over.

19 **MR. STAUFFER:** Okay. Within your own
20 service did you attend meetings besides the ones you told
21 us about where you briefed the Chief?

22 **MR. LORTIE:** Oh I -- occasionally I would
23 attend the morning meetings, yes.

24 **MR. STAUFFER:** How often did the morning
25 meetings occur back in that six-year timeframe?

1 **MR. LORTIE:** Every morning.

2 **MR. STAUFFER:** Every morning, okay.

3 **MR. LORTIE:** Well, unless the Chief was -- I
4 don't -- as far as I can remember, every morning.

5 **MR. STAUFFER:** All right.

6 **MR. LORTIE:** I was going to say and if he
7 wasn't there but I think we still had them if he wasn't
8 there.

9 **MR. STAUFFER:** Okay, so would the Deputy
10 Chief fill in if he was absent or the staff inspector;
11 whoever the next ranking officer was?

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

13 **MR. STAUFFER:** All right. In terms of your
14 other sources, I just want to be sure and again, obviously
15 we're not going to go into any kind of names but did you
16 have a fairly wide base of informants or are we talking one
17 or two? I'm just trying to get some idea.

18 **MR. LORTIE:** We're talking anywhere between
19 50 and 100.

20 **MR. STAUFFER:** All right.

21 **MR. LORTIE:** Probably -- maybe more.

22 **MR. STAUFFER:** Okay. I'm trying to get some
23 understanding, and I'm sure the Commission is as well,
24 Staff Sergeant Lortie, as to what information you would
25 have collected concerning historical sexual child abuse

1 during the six years that you were the Intelligence
2 Officer.

3 Did you have a file for that type of
4 activity?

5 **MR. LORTIE:** No, I didn't.

6 **MR. STAUFFER:** Okay. Was there ever a
7 suggestion by anyone that such a file be opened -- you
8 know, at one of the morning meetings or did the Chief talk
9 to you about that?

10 **MR. LORTIE:** There was never a need to open
11 one up because as you get the information you start files.
12 I never had information on that kind of activity.

13 **MR. STAUFFER:** All right.

14 Well, we'll get into that a little bit more
15 in a moment.

16 Could you give the Commission some idea of
17 what your focus was as the Intelligence Officer during
18 those six years; what type of criminal activity were you
19 really focused on?

20 **MR. LORTIE:** Most of the work that I did
21 during the six years was drug related on what you would
22 consider major drug projects, undercover drug projects, not
23 only in the City of Cornwall but because we were a joint
24 force operation Montreal, Ottawa, Kingston; we did drug
25 investigations. Wherever the bad guy went we went.

1 **MR. STAUFFER:** Okay. Would this also
2 include -- and tell me if I'm wrong, but would your
3 activities also -- or would you be focused on activities
4 such as smuggling, car theft rings?

5 **MR. LORTIE:** Smuggling, when it first became
6 prevalent in the early 1990's the informants were providing
7 us information on smugglers, and at the very beginning we
8 did a few raids on smugglers but that was for a very short
9 period of time. Our focus was basically on drug projects.
10 What was the other one? Oh, theft rings, car theft rings.

11 **MR. STAUFFER:** Yes.

12 **MR. LORTIE:** Car theft rings -- that was
13 something that -- bits and pieces of information were
14 coming in and we built up a file to the point where it
15 became an investigation. I also did the investigations as
16 I was doing the collecting of information. And that became
17 a Canada-wide car theft ring that was operating in Montreal
18 but the financial centre was Cornwall.

19 **MR. STAUFFER:** Okay. So when you say build
20 up a file, because again I'm trying to understand what you
21 would collect, assuming -- okay, this is a hypothetical,
22 but assuming you had opened a file on child abuse or
23 historical child abuse, what would go into the file then?
24 If you can use the car theft ring as an analogy, would
25 names of potential perpetrators go into that?

1 **MR. LORTIE:** If you -- if I had received
2 information ---

3 **MR. STAUFFER:** Right.

4 **MR. LORTIE:** --- that was very, very
5 sketchy, it would have went into a file so that you can --
6 a file -- I'm saying on the computer so that you've got a
7 database so that you can refer to it when more information
8 comes in until you decide you want to look further into it.

9 And that's how that kind of crime that I
10 investigated functioned. We went out looking for the
11 problem instead of being -- receiving a phone call about
12 the problem, type of thing.

13 **MR. STAUFFER:** Okay. So a file would be an
14 electronic file as compared to a file folder of paper?

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

16 **MR. STAUFFER:** Okay. And depending again on
17 the sensitivity of the file, it would either be a generally
18 accessible file on OMPPAC or it would have some kind of a
19 confidential nature attached to it; it would become a
20 project type file. Is that ---

21 **MR. LORTIE:** Well, no, to the beginning of
22 your question. All our files when into projects unless it
23 was something that was -- that had to be redirected to the
24 Criminal Investigation Branch, but those bits and pieces
25 that we collected were all confidential files.

1 **MR. STAUFFER:** Okay. So actually the norm
2 in your work is project files as compared to general
3 accessible files?

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

5 **MR. STAUFFER:** All right.

6 In terms of your own experience as an
7 investigator you've been described by an earlier witness as
8 a superior senior investigator. I don't know if ---

9 **MR. LORTIE:** That was my wife, yeah.

10 **(LAUGHTER/RIRES)**

11 **MR. STAUFFER:** --- you'd agree with that or
12 not.

13 **MR. LORTIE:** Thanks.

14 **MR. STAUFFER:** The one who you're going to
15 remember in terms of your marital date soon.

16 Anyway, sir, in terms of your experience
17 though, had you had occasion, up until -- and again I'll
18 take you to December of 1992. Up until December of 1992
19 had you had any experience investigating sexual assaults?

20 So I'm going to say sexual assaults to start
21 with.

22 **MR. LORTIE:** Yes, I did.

23 **MR. STAUFFER:** Okay. Had you had any
24 experience with respect to historical sexual assaults?

25 **MR. LORTIE:** No, I didn't.

1 **MR. STAUFFER:** Okay. And just so we're on
2 the same page here, what is your understanding -- because I
3 don't think there really is a definition for this. What is
4 your understanding of an historical sexual assault?

5 **MR. LORTIE:** Well, I don't know what the
6 definition of an historical ---

7 **MR. STAUFFER:** No, that's why I'm asking
8 what yours is.

9 **MR. LORTIE:** Well, mine -- I would think
10 that if something was five years old it's starting to be
11 historical.

12 **MR. STAUFFER:** Okay. So if we use that as
13 the benchmark, you'd had no experience with that type of an
14 investigation, up to December of 1992?

15 **MR. LORTIE:** No.

16 **MR. STAUFFER:** All right.

17 In terms of your -- and we're going to get
18 to this shortly, but I just want to do a little bit more
19 background. In terms of your contacts as an Intelligence
20 Officer, did you have established contacts with the various
21 schools or school boards in this area?

22 **MR. LORTIE:** The schools that would call and
23 report that they had problems with drugs I had a contact
24 with, yes.

25 **MR. STAUFFER:** Okay. With respect to the

1 Parole and Probation office, did you have any formal or
2 informal contacts? Again, I appreciate your wife worked
3 there but I'm talking about did you have any kind of
4 liaison with that office?

5 MR. LORTIE: Not in the Intelligence Unit,
6 no.

7 MR. STAUFFER: Okay. With respect to the
8 Children's Aid Society, did you have any particular
9 contacts there?

10 MR. LORTIE: No, I didn't.

11 MR. STAUFFER: All right.

12 And I guess we've gone over this already,
13 but clearly you had contacts with various police forces,
14 including the RCMP and the OPP and I'm sure other municipal
15 forces.

16 Before December of 1992, from your work as
17 an Intelligence Officer, did you have any information at
18 all that there was some form of organized child abuse
19 activity going on in the Cornwall area?

20 MR. LORTIE: Not that I recall, no.

21 MR. STAUFFER: All right.

22 Because we've heard expressions which
23 probably come after December of 1992, expressions like
24 "clan of paedophiles," "ring of paedophiles," but before
25 December 1992 you had no such information that there was

1 that type of organized activity?

2 MR. LORTIE: No.

3 MR. STAUFFER: All right.

4 Again, it's very hard to divorce ourselves
5 from what we know now as compared to back then, but up to
6 December of 1992, had you any real idea of what historical
7 sexual child abuse was about? I know that's a very general
8 question, but had you -- had that come onto your radar,
9 that type of criminal behaviour?

10 MR. LORTIE: Well, I knew about it, yes.

11 MR. STAUFFER: And where did that come from?
12 What is the source of that information?

13 MR. LORTIE: Well, the Father Deslauriers
14 investigation that Ron did back in the mid-'80s, that was
15 my exposure to it.

16 MR. STAUFFER: All right.

17 Is it fair to say -- I think you've
18 basically answered this, but to be as fair as possible,
19 there was no file in your office that came about as a
20 result of the Father Deslauriers case; that is, this had
21 not expanded into a general historical sexual child abuse
22 file?

23 MR. LORTIE: No, there was no files about
24 Father Deslauriers, to my knowledge, in the Intelligence
25 Unit, no.

1 **MR. STAUFFER:** All right.

2 In terms of David Silmser, had you heard of
3 him before December of 1992?

4 **MR. LORTIE:** Never heard of him.

5 **MR. STAUFFER:** He's not somebody who'd come
6 onto your radar as a police officer in some other case or
7 some other officer mentioning him to you or anything like
8 that?

9 **MR. LORTIE:** No.

10 **MR. STAUFFER:** All right.

11 My understanding is that you are given a
12 file assignment on December the 10th of 1992 by Chief
13 Shaver.

14 And if I could, Mr. Commissioner, take you
15 to Document 735617. This is a series of notes.

16 **THE COMMISSIONER:** Have they been made
17 exhibits yet?

18 **MR. STAUFFER:** I don't believe they have,
19 Mr. Commissioner. I stand to be corrected but I think that
20 this is a new ---

21 **THE COMMISSIONER:** That's fine.

22 **MR. STAUFFER:** --- document.

23 **THE COMMISSIONER:** Thank you. Exhibit 1474
24 is a document with the name Lortie, the 10th of December
25 1992.

1 **MR. STAUFFER:** Thank you, Mr. Commissioner.

2 So, Staff Sergeant, please take your time
3 and look at this. I realize some of this is blacked out
4 because I assume other cases are mentioned under the
5 blackout. So it's a bit hard to read, but if we look at
6 the first page, which is Bates page 7138662 -- and please
7 correct me if I got this wrong -- it looks like at 1500
8 hours it says:

9 "Chief delivers complaint submitted re:
10 sexual assault. Complainant David
11 Silmser to be investigated re: Ken
12 Seguin and Father MacDonald, Charles."

13 Have I read that right?

14 **MR. LORTIE:** Yes, you have.

15 **MR. STAUFFER:** All right.

16 And then if we just turn over to the other
17 page, it looks like it says "given Crime Stoppers" and then
18 "to check into". So I'm assuming that that's what happened
19 on that day ---

20 **MR. LORTIE:** On the ---

21 **MR. STAUFFER:** --- which I believe is
22 Thursday, December 10th, 1992.

23 **MR. LORTIE:** The Chief delivers the -- I'm
24 not sure what the date is, but at 1500 hours, whatever date
25 that is.

1 **MR. STAUFFER:** Well, if you just look up
2 between the two blacked out boxes ---

3 **MR. LORTIE:** Oh yes, okay. I'm sorry.

4 **MR. STAUFFER:** No, no, that's all right.
5 That's the way I read it anyway.

6 **MR. LORTIE:** Yeah.

7 **MR. STAUFFER:** That's right?

8 **MR. LORTIE:** That's correct.

9 **MR. STAUFFER:** Okay. So now again, I
10 realize it's a long time ago, so take your time. What did
11 the Chief -- first of all, is it the Chief? I know it says
12 this here, but is it Chief Shaver who's meeting with you?

13 **MR. LORTIE:** The Chief called me to his
14 office, yes.

15 **MR. STAUFFER:** Okay. Is it just the two of
16 you?

17 **MR. LORTIE:** Yes, it is.

18 **MR. STAUFFER:** Okay. And what does he give
19 you?

20 **MR. LORTIE:** Correction on that.

21 **MR. STAUFFER:** Oh, sorry.

22 **MR. LORTIE:** I'm not sure if it's just the
23 two of us.

24 **MR. STAUFFER:** Okay. Well, when my -- we'll
25 get back to that in a moment. I'll go over any other

1 potential people that might be there.

2 So what is given to you? Is some physical
3 piece of paper or papers given to you?

4 **MR. LORTIE:** There was a final folder given
5 to me.

6 **MR. STAUFFER:** Okay.

7 **MR. LORTIE:** I forget what was in it.

8 **MR. STAUFFER:** Okay. Well, I'll try to help
9 you in a minute on that.

10 Again, not to sound too stupid here, but by
11 file folder, do you mean a manila file folder then?

12 **MR. LORTIE:** If I recall correctly, yes.

13 **MR. STAUFFER:** All right.

14 In the file folder, I'm going to suggest to
15 you there'd be a piece of paper.

16 And, Madam Clerk, we're going to look at
17 Exhibit 293. It is Document 714001.

18 So again, take your time, Staff, and look at
19 this document which is entitled "Internal Correspondence."
20 And after you've had a chance to look at it, is this what
21 you received in that file folder from Chief Shaver?

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

23 **MR. STAUFFER:** Okay. Now, again,
24 remembering it's a long time ago, help the Commissioner out
25 as much as you can. On my copy, and I hope it's the same

1 on yours, there is some handwriting. The first handwriting
2 at the bottom seems to be Sergeant Nakic's signature. Do
3 you have that on yours?

4 **MR. LORTIE:** Yes, I do. Yes, sir.

5 **MR. STAUFFER:** And, as well, I see on the
6 screen here it says "Noted: Chief assigned Sergeant Lortie
7 to investigate," then it has DC982-12-09. Do you remember
8 if that handwriting was on the internal correspondence when
9 you got this from Chief Shaver?

10 **MR. LORTIE:** I don't recall.

11 **MR. STAUFFER:** All right.

12 Am I right in saying that this is Deputy
13 Chief Joseph St. Denis' signature or his designation, the
14 DC?

15 **MR. LORTIE:** I don't know.

16 **MR. STAUFFER:** Okay. Do you remember back
17 in those days whether DC stood for deputy chief?

18 **MR. LORTIE:** Yes, it did.

19 **MR. STAUFFER:** Okay. Was there any other
20 deputy chief than Joseph St. Denis back then?

21 **MR. LORTIE:** That's not what I'm getting at,
22 Mr. Stauffer.

23 **MR. STAUFFER:** Okay.

24 **MR. LORTIE:** I don't recognize that
25 signature as the Deputy Chief's writing. That's all I'm

1 saying.

2 MR. STAUFFER: Okay.

3 MR. LORTIE: Yes, it says DC and he wrote
4 the note. That's correct.

5 MR. STAUFFER: All right.

6 Again, there's some other little bits of
7 writing on this which may or may not be of any
8 significance. There's something under "Internal
9 Correspondence" and there's something in the bottom right-
10 hand corner which I suspect is long after the event because
11 they seem to be in the year 2000. I'm not sure.

12 But is there anything that you can
13 recollect, Staff Sergeant, that you received in addition to
14 this internal correspondence then from Chief Shaver?

15 MR. LORTIE: No.

16 MR. STAUFFER: All right.

17 So essentially you're given one piece of
18 paper. Again, my copy has nothing on the back of it. I'm
19 assuming there's nothing on the back of whatever you've
20 got.

21 MR. LORTIE: Well, that's ---

22 MR. STAUFFER: I don't think you'll find
23 anything on the back of yours either, but ---

24 MR. LORTIE: No.

25 MR. STAUFFER: Nothing on the back. All

1 right.

2 MR. LORTIE: No.

3 MR. STAUFFER: So the way I understand it is
4 this is obviously an internal correspondence to Staff
5 Inspector Stuart McDonald. I believe it's actually "Mc"
6 but anyway, they've got it spelled "Mac." And it's from
7 Sergeant Stephen Nakic and basically it's dated December
8 9th, 1992. So there's some information on this, and we'll
9 get to it in a minute.

10 But just to try to refresh your memory, you
11 mentioned you weren't sure there was anyone else in the
12 room when the Chief gave you the assignment. I'll just
13 simply suggest some names and see if it helps.

14 So would Deputy Chief St. Denis have been
15 there as far as you recollect?

16 MR. LORTIE: I don't know.

17 MR. STAUFFER: Okay. Staff Inspector
18 McDonald?

19 MR. LORTIE: I don't know.

20 MR. STAUFFER: And Staff Sergeant Brunet?

21 MR. LORTIE: No.

22 MR. STAUFFER: Okay. With respect to
23 Sergeant Nakic, I assume he wasn't there, but do you have
24 any recollection of him being in the room?

25 MR. LORTIE: No.

1 **MR. STAUFFER:** Okay.

2 **MR. LORTIE:** The reason why I said there may
3 have been somebody else there, maybe the Deputy Chief was
4 there. I'm not sure. I can't remember, but ---

5 **MR. STAUFFER:** All right.

6 **MR. LORTIE:** That's it? All right.

7 **MR. STAUFFER:** Do you remember -- again, a
8 very hard question -- as to what you fellows talked about
9 then? What did the Chief say to you? What did you say to
10 him, as best as you can remember?

11 **MR. LORTIE:** The Chief gave me the file,
12 said there was a sexual assault to investigate. I looked
13 at it. I said thank you, took the file and left.

14 **MR. STAUFFER:** Okay. Could I just ask you a
15 few things, because I don't know how matters operated back
16 then? Was this the first time that the Chief had given you
17 an assignment?

18 **MR. LORTIE:** No.

19 **MR. STAUFFER:** What type of other
20 assignments had you received from him, again just
21 generally? You don't obviously need to say any names, but
22 what type of assignments would you receive from the Chief
23 personally?

24 **MR. LORTIE:** Three months -- two or three
25 months earlier I had received, which I didn't know about --

1 I just happened to read my notes in the last couple of
2 weeks and I had received a sexual assault investigation
3 from Chief Shaver. So last time I spoke to you, sir, I
4 didn't have that information. I just happened to read it
5 since.

6 **MR. STAUFFER:** Okay. Well, maybe you can
7 tell us a little bit about it. Obviously, don't go into
8 the name or names, but is this a historical sexual assault?

9 **MR. LORTIE:** No, it's not, and the name has
10 been brought up many times in this Inquiry, and that's what
11 caught my eye whenever I was reading my notes.

12 **MR. STAUFFER:** Okay.

13 **MR. LORTIE:** And the name has been mentioned
14 numerous times.

15 **THE COMMISSIONER:** So go ahead. What's the
16 name?

17 **MR. LORTIE:** Oh, Antoine.

18 **MR. STAUFFER:** Jeannette Antoine?

19 **MR. LORTIE:** I can't remember if it was
20 Jeannette or Ginette, but it was an Antoine and I confirmed
21 that with Peter, and Peter tells me it was the same lady.

22 **THE COMMISSIONER:** Peter?

23 **MR. STAUFFER:** Mr. Manderville?

24 **MR. LORTIE:** Mr. Manderville, yeah.

25 **MR. STAUFFER:** Because there are a number of

1 Peters. All right.

2 So I'm not aware of this until this moment
3 and I don't if we really can get into it right now. I may
4 have to do this a bit later on.

5 But, Staff Sergeant, just help us out then.
6 What did the Chief ask you to do on that case?

7 **MR. LORTIE:** Well, that case related to a
8 complaint from a lady who said she had been sexually
9 assaulted by an officer. The Chief wanted to -- wanted me
10 to look at it to see if it was an officer.

11 **MR. STAUFFER:** Okay.

12 **MR. LORTIE:** I took the complaint. I left
13 the office with Constable Forget, went over to see the
14 lady, took a statement from her, came back to the station,
15 submitted my report and went home. It was not a police
16 officer. It was a court process server. Mr. Manderville
17 told me after the fact that this person had been found
18 guilty of -- or admitted to it and pled guilty, I guess.

19 **MR. STAUFFER:** Was the fellow who pled
20 guilty an older gentleman?

21 **MR. LORTIE:** Yes, he was.

22 **MR. STAUFFER:** Okay. Well, I think I know
23 who you're talking about. I wasn't aware that you were
24 involved in that.

25 **MR. LORTIE:** And you mention an "older

1 gentleman". All I know is that he was between 50 and 60
2 years old. I don't know if that's old, sir.

3 **MR. STAUFFER:** It's not old.

4 **MR. LORTIE:** Okay.

5 **THE COMMISSIONER:** Well, to some of us it
6 still might be old.

7 **MR. LORTIE:** When I read it, I think in my
8 notes put down "old gentleman" and I look back now and I
9 say I'm that age now, am I an old gentleman?

10 **THE COMMISSIONER:** Well, you certainly are a
11 gentleman.

12 **MR. LORTIE:** Thank you, sir.

13 **MR. STAUFFER:** So, Staff, in terms of -- I
14 can understand I guess why the Chief might involve you in
15 that because it was allegedly a police officer and so on
16 and you're reporting directly to him, so it would be
17 obviously a sensitive matter.

18 Were there any other matters of a sexual
19 assault nature that the Chief had assigned to you besides
20 that one?

21 **MR. LORTIE:** Not that I can recall.

22 **MR. STAUFFER:** What other matters had he
23 assigned to you?

24 **MR. LORTIE:** Assigned -- I don't recall the
25 ones that he assigned to me. They were all -- anything

1 that would have come from him would have been maybe
2 information that he would receive or -- because a lot of
3 people did approach the Chief and provide information to
4 him so he would give me that information.

5 As far as investigations, there might be
6 some and I can't really -- I'm pretty sure -- I'm sure
7 there is one I just can't think of it.

8 **MR. STAUFFER:** Okay. Because, again, to be
9 as frank as possible here, there's a -- yes, fire away, you
10 were going to say something.

11 **MR. LORTIE:** The bombing investigation was
12 the one that -- he called me in and said your Unit will
13 take over the drug -- the bombing investigation, which was
14 unusual to happen.

15 **MR. STAUFFER:** You mean as compared to
16 having it go to CIB or ---

17 **MR. LORTIE:** It went to CIB at first and it
18 was redirected when it became obvious that it was drug-
19 related or it seemed to be drug-related.

20 **MR. STAUFFER:** Okay. But what I'm getting
21 at here is, with no training -- and please take this the
22 right way -- but no training as I understand it and no
23 prior investigative experience with historical sexual
24 assault cases, did you not find it unusual that the Chief
25 would assign you to do this Silmser case?

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

2 **MR. STAUFFER:** Okay.

3 **THE COMMISSIONER:** Why is that?

4 **MR. LORTIE:** Because I -- because, Mr.
5 Commissioner, a one-week or two-week or three-week course
6 at Police College doesn't make one an investigator. You
7 can investigate or you can't investigate; period.

8 **MR. STAUFFER:** Okay. Again, a hard thing
9 I'm having trouble with here. I'm getting the impression
10 that the conversation you had with Chief Shaver might have
11 lasted all of a minute?

12 **MR. LORTIE:** Yeah, about that.

13 **MR. STAUFFER:** Okay.

14 **MR. LORTIE:** It wasn't long; there was no
15 conversation.

16 **MR. STAUFFER:** Well, before you left his
17 office -- okay, so you're in his office, he gives you the
18 file, before you leave it, have you looked at this internal
19 correspondence from Sergeant Nakic?

20 **MR. LORTIE:** Yeah, I did. Yes.

21 **MR. STAUFFER:** Okay.

22 **MR. LORTIE:** That takes a minute.

23 **MR. STAUFFER:** Okay. What was your
24 reaction, if any, when you saw the allegations in this
25 correspondence?

1 **MR. LORTIE:** My -- I didn't have a reaction
2 and it wasn't, Mr. Commissioner, as you stated, "something
3 juicy", it was just another investigation.

4 **THE COMMISSIONER:** I used the word juicy?

5 **MR. LORTIE:** Yes, sir, you used the word
6 "juicy" when you spoke to my wife.

7 **THE COMMISSIONER:** Oh, okay.

8 **MR. STAUFFER:** Okay, but again let's try to
9 keep this on a civil plane here, Staff.

10 You have to understand, okay, the background
11 here, from my understanding, is you've got two -- I won't
12 say prominent, but I'm going to say men in authority.
13 Okay, you've got a probation officer and a priest who are
14 allegedly committing a crime a long time ago.

15 You're telling me or you're telling us that
16 you had no reaction when you saw the names in here?

17 **MR. LORTIE:** Sir, I can only tell you that I
18 don't recall having a reaction to it. I don't think I had
19 a reaction. It's an investigation; it doesn't matter who
20 is mentioned on it. You just take it and you go.

21 **MR. STAUFFER:** All right. When we look
22 through this correspondence from Sergeant Nakic, he gives a
23 fair bit of detail and if I could just -- please read along
24 with me here.

25 He's saying in the first paragraph that

1 Silmsner stated that when he was an alter boy at St.
2 Columban's Church 20 years ago he was sexually assaulted by
3 a priest, Father Charles MacDonald, who he believes is now
4 in Williamstown.

5 So let's stop there for a moment. Did you
6 know where St. Columban's Church was?

7 **MR. LORTIE:** Yes, I did.

8 **MR. STAUFFER:** Okay, it's on 4th Street as I
9 understand it?

10 **MR. LORTIE:** Yes, it is.

11 **MR. STAUFFER:** With respect to Father
12 Charles MacDonald, did you know that name back then when
13 you read this correspondence?

14 **MR. LORTIE:** When I read it, no.

15 **MR. STAUFFER:** Okay. Again, my
16 understanding is Father MacDonald married Perry Dunlop and
17 his wife Helen. Did you know that?

18 **MR. LORTIE:** Yes.

19 **MR. STAUFFER:** Did you not attend the
20 wedding?

21 **MR. LORTIE:** Yes, I did.

22 **MR. STAUFFER:** Okay, but you didn't -- that
23 didn't click that Father MacDonald was the priest who
24 presided over the wedding?

25 **MR. LORTIE:** I don't recall him introducing

1 himself, sir, at the wedding. I certainly didn't know who
2 he was.

3 **MR. STAUFFER:** Okay. Where was or is
4 Williamstown?

5 **MR. LORTIE:** Williamstown is a small village
6 northeast of here, about 20 minutes away.

7 **MR. STAUFFER:** It's under OPP jurisdiction,
8 is it?

9 **MR. LORTIE:** Yes, it is.

10 **MR. STAUFFER:** All right. Going on in Mr. -
11 - Sergeant Nakic's writing here he says:

12 "Silmsner also stated that Probation
13 Officer Ken Seguin, a friend of the
14 priest, also sexually assaulted him."

15 Did you know who Ken Seguin was when you
16 read this internal correspondence?

17 **MR. LORTIE:** Yes, I know -- well,
18 correction. I know Ken Seguin. I don't recall that
19 catching my eye when I read the correspondence.

20 **MR. STAUFFER:** All right. Again, I'll be as
21 fair with you as possible here, sir, you knew Ken Seguin
22 before this correspondence was read I assume. Is that
23 right?

24 **MR. LORTIE:** Yes, I did.

25 **MR. STAUFFER:** Okay. You've known him for a

1 number of years?

2 MR. LORTIE: Yes, I did.

3 MR. STAUFFER: Okay. He worked in the same
4 office as your wife?

5 MR. LORTIE: Yes, he did.

6 MR. STAUFFER: Okay. And I assume -- but
7 please tell me if I'm wrong -- I assume you would have gone
8 to functions with your wife, to probation office parties,
9 if I can put it that way or ---

10 MR. LORTIE: Take the "s" off the "party's".
11 I went to a party where he was present, yes.

12 MR. STAUFFER: Okay, do you know when that
13 was?

14 MR. LORTIE: No, I don't.

15 MR. STAUFFER: Okay, what functions -- what
16 function was that then. Was it a Christmas party?

17 MR. LORTIE: It was a Christmas supper.

18 MR. STAUFFER: All right. So you were aware
19 that he was a probation officer but you're saying to us
20 that when you read through this correspondence in Chief
21 Shaver's office you didn't notice his name?

22 MR. LORTIE: To tell you the truth, I
23 probably read through that so quickly and -- I don't
24 remember it being something that, "Oh, it's Ken Seguin
25 here". No, I don't remember that.

1 **MR. STAUFFER:** Okay. Well again, I've never
2 met Chief Shaver and I don't know how quick he is to give
3 orders and so on but what did he say to you?

4 **MR. LORTIE:** "I've got an investigation for
5 you to do" and he knows full well that I'm going to do it
6 if it's given to me.

7 **MR. STAUFFER:** Okay.

8 **MR. LORTIE:** And there's not -- I don't
9 recall having -- there may have been other words said, but
10 whatever they were they were minimal and I really don't --
11 it's not as if we had a discussion about the priest and the
12 probation officer; we didn't.

13 **MR. STAUFFER:** Okay. I'm just surprised
14 that you wouldn't -- to be frank with you.

15 **MR. LORTIE:** Yeah.

16 **MR. STAUFFER:** And to be further frank with
17 you, I find it almost impossible to believe that the Chief
18 wouldn't have said something to you besides, "Here, take
19 this file and deal with it". Would you not have said to
20 him why isn't this going to CIB?

21 **MR. LORTIE:** No.

22 **MR. STAUFFER:** Would you not -- you did have
23 a Youth Branch at the time, and this is a Youth Branch
24 matter is it not?

25 **MR. LORTIE:** Yes, it is.

1 **MR. STAUFFER:** Okay. Again, you've been in
2 the Service how long at this point?

3 **MR. LORTIE:** Sixteen (16) years.

4 **MR. STAUFFER:** Okay. So, again, you're not
5 a rookie and you're not somebody who is just going to do
6 whatever the Chief says without asking some questions or am
7 I wrong there?

8 **MR. LORTIE:** I'm going to do whatever
9 investigation he gives me.

10 **MR. STAUFFER:** Okay. Well, let's continue
11 on here.

12 What priority did the Chief give to this
13 investigation?

14 **MR. LORTIE:** Again, I don't remember him
15 assigning a priority.

16 **MR. STAUFFER:** Okay. Well, let's step back
17 one step.

18 Were files given priorities? Did you have
19 some kind of a prioritizing system?

20 **MR. LORTIE:** In my -- in my unit, there was
21 no -- we were already engaged, when I received this
22 investigation, in a major undercover drug operation in the
23 city.

24 **MR. STAUFFER:** Okay, did you have such an
25 expression as "high priority"?

1 **MR. LORTIE:** Not in our -- not in our
2 office, no.

3 **MR. STAUFFER:** And by your office, you mean
4 in the Intelligence office.

5 **MR. LORTIE:** Intelligence, Drugs, yes.

6 **MR. STAUFFER:** Okay. Again, I can refer you
7 to this and we may get to this later on, but Constable
8 Dunlop wrote a long statement, at one point, and he
9 described this as a high priority file; would you agree or
10 disagree with that?

11 **MR. LORTIE:** Which one; this one here?

12 **MR. STAUFFER:** Yeah.

13 **MR. LORTIE:** This is a very high priority
14 file. Yes, it is.

15 **MR. STAUFFER:** Why do you say that?

16 **MR. LORTIE:** Well, you've got a priest and
17 probation officer involved.

18 **MR. STAUFFER:** Okay. So you assumed that it
19 was a high priority because that's just from your reading
20 of who's -- who the perpetrators are.

21 **MR. LORTIE:** I -- I'd go one step further.
22 For the Chief to give me that, it would have to be more
23 than trivial given the matters that I'm already
24 investigating.

25 **MR. STAUFFER:** Right. Because I gather you

1 had a fairly heavy workload. I mean, you were basically
2 the only Intelligence Officer from what I gather; you might
3 have had some assistance from Constable Forget, but you
4 were doing all the things that you told us about.

5 **MR. LORTIE:** No, sir. What happened in 1992
6 -- so that we can have a bit of a roadmap here.

7 **MR. STAUFFER:** Right.

8 **MR. LORTIE:** I told you that at the
9 beginning of 1992, the Chief had dissolved the Drug Unit.
10 By mid-'92 or even late spring 1992, we had more
11 information about drug houses and drug information coming
12 in and I did approach the Chief and -- and made him aware
13 that we were having a major problem with drugs in the City
14 of Cornwall and because they were short on resources, the
15 Chief said that he couldn't spare anybody to work with that
16 -- with -- with me on that. And I had already spoken to
17 the OPP on this matter and the OPP were prepared to work
18 with us; that's in 1992.

19 **MR. STAUFFER:** M'hm.

20 **MR. LORTIE:** The Chief asked me to prepare
21 an operations plan for a drug project within the City of
22 Cornwall and he would present it to the Police Board. I
23 prepared the plan; I gave it to him. He went to the Board.
24 He got approval for funding because we have to pay
25 informants and we have to buy drugs in order to complete

1 these projects, and the Board approved it. By the summer
2 of '92, we were totally involved in this undercover drug
3 project.

4 Now, the resources that he told me to get
5 from the Cornwall Police Force -- he said, "Select two
6 people in uniform, ask them if they'll work on their own
7 time." It's not their own time, they're getting paid for
8 it, but I mean away from the shifts -- and use that so --
9 and he said, "Take whoever you want." I thought my best
10 drug investigator is Perry Dunlop. Another of my top drug
11 investigators is Gerry Holiday so I approached those two
12 officers and I asked them if they would consider, on their
13 time off, to come in and work on a joint-force operation,
14 an undercover joint-force operation which is the highest
15 security level you can get because we actually had a police
16 officer that was working undercover.

17 The project started, the police officer was
18 successful at infiltrating the -- the group that we were
19 looking at and the project lasted till the following
20 January or February where we had sold two or three times to
21 21 people that we arrested on a -- on a major takedown in,
22 it's either January or February of '93, so they were well
23 aware -- no, sorry, it was in January, February -- I've got
24 my years wrong, sir. It's '91 and '92 instead of '93
25 because the -- it ended in January or February '92.

1 **MR. STAUFFER:** Right. But, Staff, in terms
2 of your own workload, okay, your own personal workload,
3 when you get this assignment from Chief Shaver in December
4 of 1992, I assume you had a full plate at that time, in
5 terms of all of the operations you've been talking about;
6 drugs, organized crime and so on; am I right on that?

7 **MR. LORTIE:** I -- you're absolutely right.

8 **MR. STAUFFER:** Okay, so I mean, this would
9 not be a welcomed file, or am I wrong on that?

10 **MR. LORTIE:** It's not a welcomed file, but
11 it's -- it's not one where I'm going to sit there and cry
12 about it, no. It's -- he wanted it done, it was going to
13 get done; I'll find the time.

14 **MR. STAUFFER:** All right.

15 **MR. LORTIE:** We had the resources, also, at
16 that point.

17 **MR. STAUFFER:** Okay.

18 **THE COMMISSIONER:** I -- I'm sorry. You --
19 we had the resources ---

20 **MR. LORTIE:** We had other officers in the
21 unit. If I had to take -- or if I couldn't go out at night
22 and -- and work on the drug project, I could come in during
23 the day shift and -- and work on the -- on this file. And
24 we also had -- I hate to say that right now because you're
25 going to think, well, how did you find the time, but we

1 were also working on that cross-Canada car-theft ring which
2 I ended up going to Victoria to interview a suspect. I
3 ended up in Vancouver at that time -- another time and I
4 testified in court in Winnipeg so yeah, we were very, very
5 busy.

6 **MR. STAUFFER:** Right. And we haven't gotten
7 into your extra-curricular activities yet, but I gather you
8 were heavily involved with the Police Association as a
9 member of the executive.

10 **MR. LORTIE:** Yes, I was.

11 **MR. STAUFFER:** All right. But we'll get to
12 that in a little bit. What I'd like to understand though,
13 Staff, is this, before you call Mr. Silmsner -- because I
14 understand you call him a few days later, did you speak to
15 anyone else in the service? So again, did you speak to the
16 Deputy Chief?

17 **MR. LORTIE:** No.

18 **MR. STAUFFER:** Staff Inspector McDonald?

19 **MR. LORTIE:** No.

20 **MR. STAUFFER:** Or anybody else in management
21 or any other officer before you spoke to Mr. Silmsner?

22 **MR. LORTIE:** No.

23 **MR. STAUFFER:** Okay. The Chief when you had
24 that one-minute conversation with him or whatever, did he
25 ever mention the expression "this could be an Alfred-type

1 situation"?

2 MR. LORTIE: No.

3 MR. STAUFFER: Okay. You know where I'm
4 getting that from ---

5 MR. LORTIE: Yes.

6 MR. STAUFFER: --- I'm sure you've heard of
7 this.

8 MR. LORTIE: Deputy Chief said ---

9 MR. STAUFFER: Said ---

10 MR. LORTIE: --- something about that, yeah.

11 MR. STAUFFER: Right. Oh, okay, but the
12 Chief himself, he didn't use that expression.

13 MR. LORTIE: No.

14 MR. STAUFFER: All right. You were aware
15 that prior to the Silmsers complaint, there had been a
16 number of matters arise out of the Alfred training school,
17 which is what we use in the vernacular here; do you know
18 what I'm talking about when I say, "Alfred training
19 school"?

20 MR. LORTIE: I heard about that when I was
21 younger, yeah.

22 MR. STAUFFER: Okay, was it that much before
23 this?

24 MR. LORTIE: I think so. I'm not sure.

25 MR. STAUFFER: Okay. Were you -- were you

1 aware that there were other types of allegations against
2 priest coming from other vicinities such as Mount Cashel
3 down in Newfoundland?

4 **MR. LORTIE:** I read about those.

5 **MR. STAUFFER:** Okay. So you're aware that
6 this is something that's starting to surface; that is,
7 historical allegations have started to come forward in the
8 late '80s and the early '90s.

9 **MR. LORTIE:** I've read about them, yes.

10 **MR. STAUFFER:** And that's all I'm trying to
11 understand. I -- you've already told us you didn't
12 investigate them, but you've heard about them.

13 So in terms of the next step here, when you
14 take the internal correspondence and now you're reading it,
15 you see in it that Sergeant Nakic has written that -- and
16 this is -- I've read it to you before, but just again:

17 "Silmser also stated the probation
18 officer, Ken Seguin, a friend of the
19 priest, also sexually assaulted him."

20 So the way I read that, it has at least two
21 possible meanings; that is, it's a joint venture; that is,
22 they're both in the room or they're both somewhere abusing
23 him on one or more occasions, or they are being done on
24 separate occasions; would you agree with me in terms of
25 those interpretations?

1 **MR. LORTIE:** There's a possibility.

2 **MR. STAUFFER:** Okay. And do you see that
3 when there's more than one person -- again, I know these
4 are all allegations, okay, but do you see it, when there's
5 more than one alleged perpetrator mentioned, as a
6 potentially organized venture?

7 **MR. LORTIE:** No, I -- organized, it's the
8 word you're using. "Organized venture," I don't see that.
9 I -- I ---

10 **MR. STAUFFER:** Okay. What do you think is
11 organized venture because you were talking about organized
12 crime; what does that mean?

13 **MR. LORTIE:** Wait, what I should ask you is,
14 what -- what do you mean by organized venture?

15 **MR. STAUFFER:** They're friends.

16 **MR. LORTIE:** Okay.

17 **MR. STAUFFER:** And they may or may not be
18 doing it in conjunction with each other. They may have
19 some kind of plan or some kind of conspiracy ---

20 **MR. LORTIE:** M'hm.

21 **MR. STAUFFER:** --- to use a heavily value-
22 laden term, but they're together. Do you understand what I
23 mean?

24 **MR. LORTIE:** Yes.

25 **MR. STAUFFER:** That's my impression of ---

1 MR. LORTIE: Yes.

2 MR. STAUFFER: --- organized.

3 MR. LORTIE: What's your question again?

4 MR. STAUFFER: Well, I'm wondering, since
5 you're a specialist, if you will, in organized crime as an
6 intelligence officer whether you saw any concern that this
7 might be an organized-crime activity?

8 MR. LORTIE: At that point, no.

9 MR. STAUFFER: And again why is that?

10 MR. LORTIE: I've got a complaint; I'm going
11 to look into it.

12 MR. STAUFFER: Okay.

13 MR. LORTIE: Then, I'll form -- I'll give
14 you a decision on that.

15 MR. STAUFFER: Okay.

16 Were you aware from your research or from
17 others that told you, from Father Deslauriers or whatever
18 that when there is one victim, there's quite likely going
19 to be more than one victim of one perpetrator?

20 MR. LORTIE: There is a possibility.

21 MR. STAUFFER: Okay. But you were aware of
22 back in 1992 that that was a distinct possibility that if
23 someone saying "I was abused by a fellow" that it's quite
24 possible that that individual had abused more than one
25 victim?

1 **MR. LORTIE:** I would say there's a
2 possibility.

3 **MR. STAUFFER:** All right. When you met with
4 the Chief December 10th, did you tell him that you had
5 planned surgery at that point?

6 **MR. LORTIE:** No.

7 **MR. STAUFFER:** And why is that?

8 **MR. LORTIE:** I don't know.

9 **MR. STAUFFER:** And again, I don't want to
10 get into any of your personal details, but I'm just
11 wondering just in terms of workload and resources and so
12 on; when the Chief has given you something which you see as
13 a priority matter, why you would not tell him that you were
14 going to have an operation in January?

15 **MR. LORTIE:** I don't recall that being -- or
16 entering my mind I guess. I don't know.

17 **MR. STAUFFER:** All right. Did the Chief say
18 anything at all about confidentiality regarding the Silmsen
19 file in that first meeting you had with him?

20 **MR. LORTIE:** No.

21 **MR. STAUFFER:** Okay. And again just -- not
22 to beat you over the head here, but he didn't say "Put it
23 into a confidential file" or "I want it in the project
24 file" anything like that?

25 **MR. LORTIE:** Definitely no.

1 **MR. STAUFFER:** All right. When did the
2 Chief want you to report back to him?

3 **MR. LORTIE:** Never stated.

4 **MR. STAUFFER:** Okay. Was there some
5 understanding that you two fellows had as to when you would
6 next report?

7 **MR. LORTIE:** No.

8 **MR. STAUFFER:** All right. The -- am I right
9 in thinking, and please tell me if you know this or not,
10 but am I right in thinking, by the time you had received
11 the internal correspondence, there had been at least three
12 people involved in looking at the complaint? And I'm
13 talking about this typed document; Sergeant Nakic obviously
14 because he prepared it; Deputy Chief St. Denis and Chief
15 Shaver?

16 **THE COMMISSIONER:** And McDonald.

17 **MR. STAUFFER:** And, yeah, sorry. And Staff
18 Inspector McDonald since it's addressed to him?

19 **MR. LORTIE:** So including myself, four of
20 us.

21 **MR. STAUFFER:** It's four of -- all right.
22 Did you get any impression in your brief conversation with
23 the Chief that he, or any of his officers, saw this as some
24 kind of a bogus complaint; some kind of a crank call or
25 somebody who's making up a story?

1 **MR. LORTIE:** No.

2 **MR. STAUFFER:** All right. So this is
3 Thursday, December the 10th; my understanding is that on
4 December the 11th there is no activity on the file, am I
5 right from your end? I can't see anything but if you have
6 some recollection of doing something on December ---

7 **MR. LORTIE:** I'd have to check my notes.

8 **MR. STAUFFER:** Okay. Well, we just look at
9 the notes again for a moment?

10 **MR. LORTIE:** But I ---

11 **MR. STAUFFER:** You've got them in front of
12 you there, Staff.

13 **MR. LORTIE:** Yes.

14 There is no activity until I call him.

15 **MR. STAUFFER:** All right. Because the next
16 entry that I have, and this is Exhibit 1474, on the second
17 page of the notes, it essentially says, "Monday, 14
18 December '92" and then we'll get into that in a minute.

19 But you don't have any recollection of doing
20 anything on December the 11th?

21 **MR. LORTIE:** With respect to this?

22 **MR. STAUFFER:** Yes.

23 **MR. LORTIE:** No.

24 **MR. STAUFFER:** All right. The weekend goes
25 by. Obviously now, we're at Monday the 14th of December,

1 please help me out if I've got this wrong, it says,
2 "Working on Silmsers case, long C.R." am I correct in saying
3 that's criminal record?

4 **MR. LORTIE:** Yes, it is.

5 **MR. STAUFFER:** Okay. So have you done a
6 CPIC check on Mr. Silmsers?

7 **MR. LORTIE:** Yes, I have.

8 **MR. STAUFFER:** All right. And have you done
9 a CPIC check with respect to the alleged perpetrators?

10 **MR. LORTIE:** No, I haven't.

11 **MR. STAUFFER:** And why is that?

12 **MR. LORTIE:** Because I want to know who I'm
13 working with.

14 **MR. STAUFFER:** I can understand that, you
15 know, from the validity point of view of the complainant.
16 But I am just wondering, is it your practice not to run a
17 CPIC on alleged perpetrators until you've met with the
18 alleged victim?

19 **MR. LORTIE:** Eventually I would have. Once
20 I get into the file. Once I meet with Silmsers and we
21 either get a statement or something, then I'm going to
22 start working on the file. Then I'm going to do a C.R. and
23 I'm going to do a complete background check on them.

24 **MR. STAUFFER:** Okay. It looks like at 2:16
25 in the afternoon, you called David Silmsers re sexual

1 assault. It says:

2 "Requested meeting after holidays. I
3 made appointment for 18th of January
4 '93."

5 Have I got that right, Staff?

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

7 **MR. STAUFFER:** All right. Now I have a few
8 questions about that. When you call him, did you get any
9 information from him at all?

10 **MR. LORTIE:** The information I got from him
11 as I asked him when we could meet and he said he did not
12 want to meet before Christmas. He didn't want to ruin
13 anybody's holidays.

14 **MR. STAUFFER:** All right.

15 **MR. LORTIE:** So I told him, I'm going in for
16 surgery on the 4th of January and I'm going to be off for
17 two weeks. So when do you want to meet? And he -- the 18th
18 must be a Monday.

19 **MR. STAUFFER:** Okay. Can I just ask you --
20 I should have asked you this before in terms of sequence.
21 Before you phone him, in addition to running the CPIC on
22 Mr. Silmsen, did you check with anybody else within your
23 office, somebody in Youth Bureau or any of your fellow
24 officers as to whether they knew this fellow?

25 **MR. LORTIE:** No.

1 **MR. STAUFFER:** That is, Mr. Silmser?

2 **MR. LORTIE:** No.

3 **MR. STAUFFER:** No. Did you ask anybody in
4 the Youth Bureau if they had heard of Mr. Seguin or Father
5 MacDonald in terms of any worries about inappropriate
6 behaviour on those fellows' parts?

7 **MR. LORTIE:** No.

8 **MR. STAUFFER:** Is there a reason why you
9 wouldn't do that in terms of doing a background?

10 **MR. LORTIE:** No. That would have been a
11 good idea, yeah.

12 **MR. STAUFFER:** Okay. So you phoned him.
13 How long did this conversation take, do you think, with Mr.
14 Silmser on the Monday?

15 **MR. LORTIE:** Five minutes.

16 **MR. STAUFFER:** Okay. So where are you going
17 to meet him?

18 **MR. LORTIE:** I don't recall and it's not
19 written there.

20 **MR. STAUFFER:** Okay. Now again, to help you
21 out, it's of my understanding from Sergeant Nakic and we'll
22 get back to his thing in a moment, but Mr. Silmser, at that
23 time, is living in Bourgette.

24 **MR. LORTIE:** Yeah.

25 **MR. STAUFFER:** Okay. It's -- his address

1 and so on is in the internal correspondence. Mr. Silmsner
2 is being told by Sergeant Nakic that an officer will come
3 out to meet him within a week. Did you read that in his
4 internal correspondence?

5 MR. LORTIE: Yeah. Yes.

6 MR. STAUFFER: Okay. So did Mr. Silmsner
7 express some disappointment when he found that you weren't
8 going to meet with him for about another month?

9 MR. LORTIE: No.

10 MR. STAUFFER: Okay. You see again, I
11 appreciate you may not write down every word that comes out
12 of a conversation but there's nothing here, would you agree
13 with me, Staff, about this notion of ruining somebody's
14 holidays?

15 MR. LORTIE: It's not written there, no. I
16 thought I read it somewhere but ---

17 MR. STAUFFER: Oh, it's written later ---

18 MR. LORTIE: Oh, okay.

19 MR. STAUFFER: --- in another document which
20 we will get to. But I just -- I'm saying in
21 contemporaneous notes, it's not there.

22 So in terms of Mr. Silmsner and any other
23 conversation you have with him, I assume you've identified
24 yourself, who you were?

25 MR. LORTIE: Yes, sir.

1 **MR. STAUFFER:** You would have confirmed that
2 he was the David Silmsner who called in.

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

4 **MR. STAUFFER:** Would you have confirmed
5 where he lived in terms of coming out to see him?

6 **MR. LORTIE:** I'm not sure if I confirmed
7 where he lived.

8 **MR. STAUFFER:** Okay. Again, we'll get to it
9 -- get to him in a moment but there are later notes that
10 are written where there is a mention that he had spoken to
11 a bishop; do you remember him telling you that then in this
12 December 14th conversation?

13 **MR. LORTIE:** No.

14 **MR. STAUFFER:** Okay. Where did that
15 information come from then?

16 **MR. LORTIE:** I'm not sure.

17 **MR. STAUFFER:** Okay. Well, we'll get to
18 that in a minute.

19 So am I right, and again I appreciate it's a
20 long time ago, but am I right then, essentially you
21 identified yourself, he identified himself. You said that
22 you were going for an operation. He said "Don't worry, I
23 don't want to ruin anybody's holidays." And then you set
24 up January 18th of the next year to meet with him. And
25 that's the gist of your conversation?

1 **MR. LORTIE:** That's it.

2 **MR. STAUFFER:** Did you suggest to him that
3 he not speak to anybody about the matter until you'd spoken
4 with him?

5 **MR. LORTIE:** No.

6 **MR. STAUFFER:** You know where I'm going on
7 this?

8 **MR. LORTIE:** Oh yeah.

9 **MR. STAUFFER:** Because would you not have
10 some concern as an experienced investigator that if he
11 speaks to someone else and they take a statement or they
12 are, you know, told something by him, that you're setting
13 up the risk of inconsistent statements being developed down
14 the road by some defence counsel?

15 **MR. LORTIE:** That's a possibility, yes.

16 **MR. STAUFFER:** Okay. Did you ask him if he
17 was on probation at that point?

18 **MR. LORTIE:** No.

19 **MR. STAUFFER:** Okay. Why would you not have
20 asked him that?

21 **MR. LORTIE:** There was no reason to ask him
22 that.

23 **MR. STAUFFER:** Okay. But the allegation
24 against one of the gentleman is against a probation
25 officer?

1 **MR. LORTIE:** There was no reason for him --
2 for me to ask him that at that point.

3 **MR. STAUFFER:** Okay.

4 **MR. LORTIE:** I was going to meet the man and
5 start my investigation. I am sure I would have done all of
6 that at that point.

7 **MR. STAUFFER:** All right. Again, would you
8 agree with me that Sergeant Nakic makes no mention in his
9 note that Mr. Silmsner would prefer to wait until after
10 Christmas for a meeting?

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

12 **MR. STAUFFER:** Okay. Because a clear
13 indication is Sergeant Nakic has said somebody is going to
14 come out to your house within a week and the officer will
15 phone before hand to let you know he or she is coming out?

16 **MR. LORTIE:** Yeah.

17 **MR. STAUFFER:** Okay. So the ---

18 **THE COMMISSIONER:** If you're about to change
19 subjects ---

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

21 **THE COMMISSIONER:** --- it's time for the
22 afternoon break.

23 **MR. STAUFFER:** I'm sorry. I'm forgetting
24 the clock.

25 **THE COMMISSIONER:** Thank you.

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

3 This hearing will resume at 3:30.

4 ---Upon recessing at 3:16 p.m./

5 L'audience est suspendue à 15h16

6 ---Upon resuming at 3:37 p.m./

7 L'audience est reprise à 15h37

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

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

12 **CLAUDE LORTIE, Resumed/Sous le même serment:**

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

14 **STAUFFER: (Continued/Suite)**

15 **MR. STAUFFER:** Thank you, Mr. Commissioner.

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

17 **MR. STAUFFER:** Staff Sergeant Lortie, I just
18 want to take you back to your conversation with Mr.
19 Silmser. And am I right in thinking -- just to speed this
20 up -- you had the one and only conversation with him?

21 **MR. LORTIE:** Yes, I did.

22 **MR. STAUFFER:** Okay. So when you have the
23 conversation with him December 14th, did you ask him if
24 Father MacDonald was still his priest?

25 **MR. LORTIE:** No.

1 **MR. STAUFFER:** Did you ask him if there were
2 any other victims that he was aware of, you know, in order
3 for you to start building up the background on the file?

4 **MR. LORTIE:** No.

5 **MR. STAUFFER:** Okay. Did you ask him
6 whether Father MacDonald and Mr. Seguin had allegedly acted
7 in concert -- you know what I mean -- as a pair, if you
8 will, or if the abuse that was alleged had taken place on
9 separate occasions with the two gentlemen acting
10 separately?

11 **MR. LORTIE:** No.

12 **MR. STAUFFER:** All right, Again, I'm just
13 curious as to why you wouldn't have asked these various
14 questions just in terms of background?

15 **MR. LORTIE:** Because I was going to meet him
16 on January the 18th.

17 **MR. STAUFFER:** All right. Because
18 Williamstown, as we determined, is outside the CPS
19 jurisdiction, did you advise Mr. Seguin to contact the OPP
20 in the nearest detachment to Williamstown?

21 **MR. LORTIE:** Mr. Silmser, you mean?

22 **MR. STAUFFER:** I'm sorry; did I say Seguin?

23 **MR. LORTIE:** Yeah.

24 **MR. STAUFFER:** My apologies.

25 No, Mr. Silmser -- David Silmser; did you

1 tell him on the phone to contact the OPP?

2 MR. LORTIE: No.

3 MR. STAUFFER: Again, in hindsight, would
4 that have been the right thing to do since clearly your
5 Service would not have been able to deal with Father
6 MacDonald necessarily if he's residing now in Williamstown?

7 MR. LORTIE: I wanted to meet Mr. Silmsen
8 and make those decisions.

9 MR. STAUFFER: Okay. And did you see this
10 complaint as potentially explosive? And by that I mean
11 because of the names involved and because of the
12 possibility that there would be other victims of these
13 gentlemen.

14 MR. LORTIE: I don't know how you define
15 explosive. I can just say that I thought it was an
16 important investigation.

17 MR. STAUFFER: All right.

18 MR. LORTIE: Explosive, I don't know what
19 you mean by that.

20 MR. STAUFFER: Okay. Well, it would get on
21 the front page of a paper, for example, eventually, that
22 kind of thing.

23 MR. LORTIE: Okay.

24 MR. STAUFFER: So you told Mr. Silmsen that
25 you were going to have your operation on January the 4th I

1 think you said?

2 MR. LORTIE: That's correct.

3 MR. STAUFFER: Okay. And in reality what
4 turned out to be the fact was you were on sick leave from
5 January 4th to January 8th and you returned into the office
6 on January the 11th. Have I got the dates right?

7 MR. LORTIE: That's what I was told when I
8 was interviewed by yourself I think. I thought I was off
9 until the 18th.

10 MR. STAUFFER: Well, I get that information,
11 among other sources of stat, from Inspector Skinner's
12 report, the gentleman who came down with Staff Sergeant
13 Blake from Ottawa.

14 MR. LORTIE: Sir, I'm pretty sure I was back
15 a week earlier, from all the evidence I've heard.

16 MR. STAUFFER: Yes, what do you mean -- I'm
17 sorry, what do you mean by a week earlier? What date are
18 you talking about?

19 MR. LORTIE: Well, it would have been a week
20 before the 18th.

21 MR. STAUFFER: Okay. Well, that's January
22 the 11th.

23 MR. LORTIE: But if you would have asked me
24 four months ago before we met I would have thought I came
25 back on the 18th.

1 **MR. STAUFFER:** Okay. But -- now, having
2 thought about all this, and I'm sure you've been thinking
3 about this a long time, but we're here now today, can we
4 agree that January the 11th was the date you returned to
5 duties because it is important?

6 **MR. LORTIE:** Sir, to agree to something that
7 I'm not sure about would be incorrect.

8 **MR. STAUFFER:** All right.

9 **MR. LORTIE:** All I can say is that I came
10 back -- I was told I came back to work after one week off.
11 I find it very difficult to believe, considering what I had
12 done, but I guess I was back to work a week later. But I
13 can understand that because we were preparing for the
14 takedown in the Drug Unit.

15 **MR. STAUFFER:** Okay.

16 **MR. LORTIE:** So I would have had much
17 paperwork to do.

18 **MR. STAUFFER:** All right.

19 But again, please help me here. You meet --
20 I'm going to jump forward in time for a moment -- you meet
21 with the officers from Ottawa in 1994, as I understand,
22 January 1994, so this is much closer to your surgery than
23 today. If they ferreted out the information that January
24 11th is when you return, is it more likely that's the right
25 date then some other date?

1 **MR. LORTIE:** I would say so.

2 **MR. STAUFFER:** All right.

3 **MR. LORTIE:** Apparently they took the
4 rosters and that's how they found out that I was only off
5 for one week.

6 **MR. STAUFFER:** Right. Okay.

7 **MR. LORTIE:** So that's fair.

8 **MR. STAUFFER:** Okay. Did you feel in the
9 short conversation you had with Mr. Silmser that you
10 developed any kind of rapport with him?

11 **MR. LORTIE:** In the conversation I had with
12 him, no.

13 **MR. STAUFFER:** Okay. You're not sure if you
14 had any?

15 **MR. LORTIE:** Well, I was polite with him.
16 He responded very well. He had concerns about meeting
17 before Christmas. I agreed with him concerns. I told him
18 there was only one problem that I was going to be off for
19 surgery after Christmas. He took that well. We're going
20 to meet on the 18th. Good. That was the end of the
21 conversation.

22 **MR. STAUFFER:** Okay. Were you prepared to
23 meet with him before December 25th?

24 **MR. LORTIE:** Yes, I was.

25 **MR. STAUFFER:** Okay. Had you suggested a

1 date to him?

2 MR. LORTIE: I don't think that we got to
3 that point. I think that it was just discussed as to when
4 can we met and the next words were not before Christmas.
5 And that came from him because I would have been prepared
6 to meet him that day if he had wanted to.

7 MR. STAUFFER: All right. Who would have
8 been present had you met on January the 18th from your end;
9 would it have just been yourself?

10 MR. LORTIE: Probably.

11 MR. STAUFFER: Okay. Would you have taped
12 the interview? Would that have been your practice?

13 MR. LORTIE: It's possible.

14 MR. STAUFFER: Okay. Would you ---

15 MR. LORTIE: It wasn't a practice, but it
16 was possible. I did have a tape recorder.

17 MR. STAUFFER: Okay. Would you have
18 videotaped it because of the fact that this again would be,
19 in my view anyway, a fairly explosive case involving these
20 two fellows? In terms of trying to get the best evidence
21 from him, would you have audio-taped and videotaped it?

22 MR. LORTIE: I would not have videotaped
23 them. We didn't have the ---

24 MR. STAUFFER: Technology back then?

25 MR. LORTIE: --- technology.

1 **MR. STAUFFER:** All right. After your phone
2 call with Mr. Silmsler, did you contact the OPP and advise
3 them of the potential problem with Father MacDonald out in
4 Williamstown?

5 **MR. LORTIE:** No, I didn't.

6 **MR. STAUFFER:** And why is that?

7 **MR. LORTIE:** Because I was going to meet Mr.
8 Silmsler and take a complaint from him on January the 18th
9 and get the facts before I start calling people ---

10 **MR. STAUFFER:** Okay.

11 **MR. LORTIE:** --- not knowing exactly what's
12 going on.

13 **MR. STAUFFER:** Okay.

14 **MR. LORTIE:** And that's the way I operate.
15 Give me the facts, give me a sworn statement or give me a -
16 - just give me a statement, a signed statement, and then
17 we'll move on from there.

18 **MR. STAUFFER:** Okay. Again, though, did you
19 have any information that Father MacDonald had ceased to be
20 an active priest at that point?

21 **MR. LORTIE:** No, I didn't know Father
22 MacDonald.

23 **MR. STAUFFER:** Okay. With respect to the
24 Diocese, did you contact the appropriate Diocese, the
25 Alexandria/Cornwall Diocese to advise them of any concerns

1 about Father MacDonald?

2 **MR. LORTIE:** On what date are we talking
3 about here?

4 **MR. STAUFFER:** After you've spoken with Mr.
5 Silmser. So any time after December 14th.

6 **MR. LORTIE:** That would have all been done
7 after January the 18th.

8 **MR. STAUFFER:** In terms of the probation
9 office in Cornwall, after your discussion with Mr. Silmser
10 on the phone did you contact the area manager of the
11 probation's office here in Cornwall?

12 **MR. LORTIE:** No.

13 **MR. STAUFFER:** And why is that?

14 **MR. LORTIE:** Because it would have been done
15 after January 18th; after I've got a statement.

16 **MR. STAUFFER:** Okay. Again, to try to be as
17 fair as possible, did you know Emile Robert, the Area
18 Manager?

19 **MR. LORTIE:** Yes, I did.

20 **MR. STAUFFER:** Okay, so did you have any
21 particular personal concerns about speaking with him? You
22 fellows were getting along okay?

23 **MR. LORTIE:** Didn't know the guy. I knew he
24 was the manager at the office. I had met him, I think,
25 probably at the same Christmas party. I don't know the man

1 besides that.

2 **MR. STAUFFER:** All right.

3 **THE COMMISSIONER:** Would your wife have
4 spoken to you about him?

5 **MR. LORTIE:** Yeah.

6 **THE COMMISSIONER:** So you know ---

7 **MR. LORTIE:** I know who he is because my
8 wife tells me about him but I did meet him at a Christmas
9 party or it was a gathering of the office, whatever it was.

10 **MR. STAUFFER:** Okay. Now again this is a
11 difficult question to put to you because we don't know what
12 happened, you never met with Mr. Silmser. But assuming
13 you'd met with him, whether it was January the 18th or some
14 other date, would it have been your practice to follow-up
15 with the Diocese and with the probation office?

16 **MR. LORTIE:** Shortly after I would have
17 obtained the statement I can assure you that I would have
18 made arrangements to meet Charlie MacDonald and Ken Seguin.

19 **MR. STAUFFER:** Okay, I didn't ask that but I
20 appreciate that answer; I'm talking about their superiors,
21 if you will, or somebody in authority at the Church and at
22 the probation office.

23 **MR. LORTIE:** So you're telling me a
24 superior, yes. After I have spoken to Ken Seguin I would
25 have contacted the superior. And the reason for meeting

1 Ken Seguin would have been to tell him that I'm doing an
2 investigation and I'm about to go to your supervisor.
3 Okay, as I'm going to need some records here.

4 **MR. STAUFFER:** Okay but we'll get to that
5 more in a few minutes.

6 So, in terms of this notion of Father
7 MacDonald and Ken Seguin being friends, so I get that from,
8 to start with, Sergeant Nakic internal correspondence.

9 Were you aware from any other source that
10 these fellows were friends?

11 **MR. LORTIE:** Where's that sheet of paper
12 again? Does it say "friends" on there?

13 **MR. STAUFFER:** Would I say something that
14 wasn't on the piece of paper?

15 **MR. LORTIE:** No, I'm sorry; you're right.

16 **MR. STAUFFER:** No, no, let's get the piece
17 of paper out. This is Exhibit 293.

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

19 **MR. LORTIE:** Sir, I trust you, you're right.

20 **MR. STAUFFER:** No, no, it says:

21 "Silmser also stated that probation
22 officer Ken Seguin, a friend of the
23 priest, also sexually assaulted him."

24 So besides that allegation -- and again,
25 it's all allegations, okay?

1 **MR. LORTIE:** Yeah.

2 **MR. STAUFFER:** But besides that comment in
3 Sergeant Nakic's internal correspondence were you aware
4 from any other source that those gentlemen, Father
5 MacDonald and Ken Seguin, were believed to be friends?

6 **MR. LORTIE:** No.

7 **MR. STAUFFER:** Okay. Were you aware that
8 your wife saw them as being friends?

9 **MR. LORTIE:** No, I wasn't aware.

10 **MR. STAUFFER:** Okay. Do you know that she
11 testified to that when she was here?

12 **MR. LORTIE:** Okay.

13 **MR. STAUFFER:** Okay. Again, I can take you
14 to the transcript.

15 **MR. LORTIE:** No, no.

16 **MR. STAUFFER:** She described it as being
17 friends.

18 **MR. LORTIE:** That's fine. That's ---

19 **MR. STAUFFER:** In fact she described them as
20 close friends.

21 **MR. LORTIE:** There you go, I didn't even
22 know.

23 **MR. STAUFFER:** But you did not know that
24 back in December of 1992?

25 **MR. LORTIE:** I did not know.

1 **MR. STAUFFER:** When did you become aware of
2 that, if any time before now? Did you ever know that, that
3 they were close friends?

4 **MR. LORTIE:** Oh, probably in the last couple
5 of months.

6 **MR. STAUFFER:** And how did you know that?

7 **MR. LORTIE:** From the Inquiry.

8 **MR. STAUFFER:** Okay. I'm going to turn to
9 the question of note-keeping for a moment, Staff Sergeant.
10 When you were assigned the file by Chief Shaver on December
11 10th, did you make any electronic entry about you now being
12 on the file?

13 **MR. LORTIE:** No.

14 **MR. STAUFFER:** And why is that?

15 **MR. LORTIE:** I was going to start the file
16 on January the 18th.

17 **MR. STAUFFER:** Okay. But help us out here;
18 is the point of entering something electronically so that
19 others in the Service and outside the Service who have
20 access to OMPPAC can look at the information and possibly
21 make some kind of a connection or some kind of a cross-
22 reference?

23 **MR. LORTIE:** So you're talking about the
24 first entry when the complaint comes in?

25 **MR. STAUFFER:** Right.

1 **MR. LORTIE:** Sergeant Nakic should have had
2 an incident -- an incident number created on OMPPAC, yes.

3 **MR. STAUFFER:** Okay. But no, what I'm
4 saying is, when you're assigned the file by Chief Shaver,
5 should you not have entered it into OMPPAC? You're now the
6 officer in charge of the investigation.

7 **MR. LORTIE:** I could have. I assumed that
8 the file was open; as they're always done. Probably 99.9
9 percent of the time, when somebody receives a complaint
10 they'll put the report on the system and after that my --
11 my only note that I would have had to put in would have
12 been that I've set up an appointment for January the 18th.

13 **MR. STAUFFER:** Okay.

14 **MR. LORTIE:** Which normally I would have
15 done.

16 **THE COMMISSIONER:** And is there a reason why
17 you didn't?

18 **MR. LORTIE:** No, I don't remember why I
19 didn't.

20 **THE COMMISSIONER:** And -- okay, did you
21 expect to start -- what do you call those files, a project
22 file?

23 **MR. LORTIE:** No.

24 **THE COMMISSIONER:** Did you expect this to be
25 in the general ---

1 **MR. LORTIE:** No, no, I expected that to be a
2 general file. Right from the beginning it should have
3 already been entered as a general file.

4 **MR. STAUFFER:** Okay. Staff Sergeant, I
5 wanted to take you to some notes, for a moment. These are
6 the notes that apparently you created at some point; we're
7 going to find out when. They're on internal
8 correspondence.

9 Here we are. This is Document 729745. So
10 Madam Clerk, if you could locate that so Mr. -- or Staff
11 Sergeant Lortie can look at that.

12 **THE COMMISSIONER:** What exhibit number,
13 please?

14 **MR. STAUFFER:** There is no exhibit number
15 yet, Mr. Commissioner, not that I'm aware of.

16 **MR. LORTIE:** Thank you.

17 **THE COMMISSIONER:** Exhibit 1475, internal
18 correspondence, the first date on it is Thursday, December
19 10th, 1992.

20 **--- EXHIBIT NO./PIÈCE NO. P-1475:**

21 (729745) Notes of Claude Lortie dated
22 10 Dec 92 to 19 Jan 94

23 **MR. STAUFFER:** Thank you.

24 **THE COMMISSIONER:** Are these your notes,
25 sir?

1 **MR. LORTIE:** Yes, they are, sir.

2 **MR. STAUFFER:** All right. So Staff
3 Sergeant, I'd like to ask you the first question; when were
4 these written, to the best of your knowledge?

5 **MR. LORTIE:** I would think Thursday,
6 December the 10th, 1992.

7 **MR. STAUFFER:** Okay. Do you think that
8 these were then written as the days went by?

9 **MR. LORTIE:** You know what; this is a
10 synopsis of something because they go all the way to
11 December '93.

12 **MR. STAUFFER:** Well they go all the way to
13 January ---

14 **MR. LORTIE:** January '94.

15 **MR. STAUFFER:** --- January 1994.

16 **MR. LORTIE:** So this is a synopsis that
17 would have been done some time in January '94.

18 **MR. STAUFFER:** Right. Again, just take your
19 time because it's important to try to get this down.

20 Am I right in thinking that these were made
21 sometime after 10h40 January 19th, '94?

22 **MR. LORTIE:** Sometime after that date, yes.

23 **MR. STAUFFER:** All right. And again, if you
24 can remember, do you think you wrote all of these out
25 essentially together; that is, you know, like you're saying

1 it's a summary or a synopsis? Did you write all this out
2 over a short period of time?

3 **MR. LORTIE:** No, I would have done this all
4 at the same time. I think it's pretty obvious. And for
5 who, I have no idea.

6 **MR. STAUFFER:** Okay. Because you see, if
7 you look at the first page which is Bates page 7117587 --
8 when I'm referring to that number, sir, it's the small
9 numbers in the top left-hand corner of the page. But
10 anyway, it's the first page of these notes.

11 And if you look at December 14th's entry
12 there's a comment that Mr. Silmsler said:

13 "Silmsler had explained he did not wish
14 to ruin anyone's Christmas."

15 Okay, now, I don't know where that
16 information comes from. Is that coming essentially from
17 your memory when you create this about a year or so after
18 the event?

19 **MR. LORTIE:** Yes, it would.

20 **MR. STAUFFER:** Okay. It then goes on to
21 say:

22 "Silmsler further advised he had already
23 contacted Bishop (no details on their
24 conversation)."

25 So, again, where does that information come

1 from, because it's not in your contemporaneous notes from
2 December the 14th?

3 MR. LORTIE: Where is that, sir?

4 MR. STAUFFER: Sorry. If you look at the
5 middle of the first page ---

6 MR. LORTIE: Yeah.

7 MR. STAUFFER: --- under "Monday, December
8 14th, 1992," after the word X-mas ---

9 MR. LORTIE: Yeah.

10 MR. STAUFFER: --- it says "Silmsen further
11 advised."

12 MR. LORTIE: Okay. What's the question?

13 MR. STAUFFER: So the question is where does
14 that information come from because it's not in your
15 contemporaneous notes, the ones you made at the time, back
16 in December of '92?

17 MR. LORTIE: That's from memory.

18 MR. STAUFFER: Okay. So again, now I'm
19 going to ask you which bishop are we talking about? Do you
20 have any recollection of who he's talking about there?

21 MR. LORTIE: No.

22 MR. STAUFFER: What was your understanding
23 about why he'd contacted the Bishop?

24 MR. LORTIE: We didn't get into any details.

25 MR. STAUFFER: Was there any inkling that he

1 was looking for some civil compensation from the Church
2 when you spoke with him on December the 14th, 1992?

3 **MR. LORTIE:** To tell you that I can remember
4 that for sure, no, but I doubt it because my reaction would
5 have been much different. But I don't recall.

6 **MR. STAUFFER:** Okay. In terms of notes
7 again, am I right, sir, then there were no entries made by
8 you into OMPPAC ---

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

10 **MR. STAUFFER:** --- during the course of your
11 having carriage of the file?

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

13 **MR. STAUFFER:** Okay. Did anyone, either
14 Chief Shaver, Deputy Chief St. Denis or Staff Inspector
15 McDonald, who I guess would all have been your superiors at
16 that point, did any of those gentlemen ask you why there
17 had been no entry into OMPPAC?

18 **MR. LORTIE:** The only person that I reported
19 to was the Chief, unless the Chief was away and the Deputy
20 Chief would ask me a question. I did not report to
21 Inspector McDonald.

22 **MR. STAUFFER:** I appreciate that.

23 **MR. LORTIE:** And none of them asked me if
24 there was anything put on OMPPAC, no.

25 **MR. STAUFFER:** Okay. No, I'm just wondering

1 if any of those gentlemen, because it's a small office, if
2 any of them had asked you if you had put anything into
3 OMPPAC. That's all. And I gather your answer is none of
4 them asked you?

5 **MR. LORTIE:** My answer was no.

6 **MR. STAUFFER:** Okay. At some point you meet
7 with Deputy Chief St. Denis who wants to reassign the file,
8 and we'll get to that in a moment in more detail, but when
9 you met with the Deputy Chief, did he ask you what you had
10 put in to OMPPAC or did he say something to the effect that
11 "I've looked for and I can't find anything except some
12 initial entry"?

13 **MR. LORTIE:** I don't recall, but I sure he
14 didn't.

15 **MR. STAUFFER:** Okay. Did you feel, during
16 the time you had carriage of the file that it was then
17 Chief Shaver who was your supervisor?

18 **MR. LORTIE:** Yes, sir.

19 **MR. STAUFFER:** And did he carry out any type
20 of supervision of you during the time you had the file?

21 **MR. LORTIE:** I had the file for a week, sir,
22 or two weeks.

23 **MR. STAUFFER:** I appreciate that. I'm just
24 wondering if ---

25 **MR. LORTIE:** No.

1 **MR. STAUFFER:** I'll put it to you in more
2 piecemeal terms. Did he ever call you, you know, on the
3 phone or call you into the office and say, you know,
4 "Claude, how's it going? What's happening on the file?"

5 **MR. LORTIE:** No.

6 **MR. STAUFFER:** Did he send you a memo or --
7 I guess emails weren't around back then, but did he send
8 you anything of a written nature?

9 **MR. LORTIE:** No.

10 **MR. STAUFFER:** And there was no meetings --
11 you had talked about going to the -- you know, these Monday
12 or -- sorry; not Monday, morning meetings -- you're going
13 to morning meetings. Did he ask you at any of the morning
14 meetings what was going on with the file?

15 **MR. LORTIE:** I'm not sure we had morning
16 meetings at that time, and no.

17 **MR. STAUFFER:** And when you say "at that
18 time" you mean because of the Christmas season or because -
19 - that year? What do you mean by "that time"?

20 **MR. LORTIE:** There were some meetings. Some
21 mornings we didn't have meetings.

22 **MR. STAUFFER:** Okay.

23 **MR. LORTIE:** So I'm not sure if there were
24 any, but the answer would still be no.

25 **MR. STAUFFER:** Okay.

1 **MR. LORTIE:** We never discussed it, no.

2 **MR. STAUFFER:** But am I right in thinking
3 that typically at a morning meeting, any cases that are
4 ongoing of any kind of profile nature, there'd be some
5 discussion about them by senior management as to the status
6 of a file?

7 **MR. LORTIE:** That's correct, yes.

8 **MR. STAUFFER:** Okay. And this, in your
9 words anyways, a high-priority file, so I'm assuming if you
10 had a morning meeting the Chief would have asked you about
11 it?

12 **MR. LORTIE:** Well, it's possible we had a
13 morning meeting, but I know that it was never discussed.

14 **MR. STAUFFER:** Okay. So you have no
15 recollection of any discussions about the Seguin/MacDonald
16 case, if I can put it that way, during the time you had
17 carriage of it at these morning meetings?

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

19 **MR. STAUFFER:** When you were reassigned --
20 or sorry; that's wrong. When the file was reassigned, can
21 you tell us how that came about?

22 **MR. LORTIE:** It was sometime between
23 Christmas and New Year's. I did not take notes. I got a
24 phone call from the Deputy Chief. He wanted to see me in
25 his office. I went to see him. He asked me if -- how this

1 investigation was going and I told him what had happened,
2 but he did not want to meet before Christmas and that I was
3 off for the next two weeks. And the Deputy Chief said,
4 "Well, it can't wait that long, so just bring the file
5 back." I went and got the file and brought it back to him.

6 **MR. STAUFFER:** What was in the file at that
7 point?

8 **MR. LORTIE:** There would have been the same
9 file that he gave -- that the Chief gave me a week or two
10 or week and a half before.

11 **MR. STAUFFER:** So this would be the one-page
12 internal correspondence signed by Sergeant Nakic?

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

14 **MR. STAUFFER:** Okay.

15 **MR. LORTIE:** Well, it may have been. I may
16 have had a note in there saying that I've got an
17 appointment with him on January the 18th. I don't recall.

18 **MR. STAUFFER:** All right.

19 The -- could I ask; in terms of the Chief,
20 did he ever ask you, even after the file had been
21 reassigned, did he ever ask you about that file, like, "How
22 did that reassignment take place" or what had you learned,
23 anything at all? Did the Chief have discussions with you
24 about it?

25 **MR. LORTIE:** Not a word.

1 **MR. STAUFFER:** Okay. Did you find that odd
2 since he had assigned the file to you that he wouldn't
3 follow up and ask you what had happened?

4 **MR. LORTIE:** I didn't find it odd, no.

5 **MR. STAUFFER:** Did you find it odd that the
6 Deputy Chief had intervened?

7 **MR. LORTIE:** No.

8 **MR. STAUFFER:** Why -- well, again, I
9 appreciate that I'm not as familiar with your organization
10 as you are, but as I understand your description of the
11 chain of command, you're reporting directly to the Chief.
12 Now the Deputy Chief has intervened. You didn't find that
13 odd?

14 **MR. LORTIE:** No. The Chief was not there
15 and the Dep is in charge.

16 **MR. STAUFFER:** Okay. Why was the Chief not
17 there; do you know?

18 **MR. LORTIE:** Oh, I don't know.

19 **MR. STAUFFER:** But he was not in the
20 building? He was on holidays at the time?

21 **MR. LORTIE:** I don't know.

22 **MR. STAUFFER:** Because it's Christmas now or
23 the Christmas season.

24 **MR. LORTIE:** It's Christmastime. A lot of
25 people are off. Possibly he was off. I have no idea.

1 **MR. STAUFFER:** Okay. When the Deputy Chief
2 sees you, does he have this expression, does it come out,
3 "Alfred-type situation"?

4 **MR. LORTIE:** No.

5 **MR. STAUFFER:** What can you remember him
6 saying beyond what you've told us? What was his concern?

7 **MR. LORTIE:** His concern was only that it
8 could not wait until the 18th.

9 **MR. STAUFFER:** All right.
10 Did he know when you would be back in the
11 office?

12 **MR. LORTIE:** He would have known that I was
13 coming back on the 18th.

14 **MR. STAUFFER:** Because that's when you
15 thought you would be coming back at the time?

16 **MR. LORTIE:** That's the time I had booked
17 off for this surgery.

18 **MR. STAUFFER:** Okay. So were you planning
19 to meet with Mr. Silmsler the very day you had come back to
20 the office then?

21 **MR. LORTIE:** Yes, I was.

22 **MR. STAUFFER:** And where was that going to
23 be again?

24 **MR. LORTIE:** Wherever he wanted to meet. I
25 just had to make a phone call and ---

1 **MR. STAUFFER:** Okay. Between the time you
2 spoke with Mr. Silmsers on the 14th and the time the Deputy
3 reassigns the file, which is sometime, I guess, between
4 December 25th and January the 1st -- is that your
5 understanding as to when ---

6 **MR. LORTIE:** Yes.

7 **MR. STAUFFER:** --- you had the meeting with
8 the Chief -- or the Deputy Chief? So sometime between the
9 Silmsers discussion on the 14th of December and sometime
10 before the end of December, do you speak with any other
11 officer then about it other than the Deputy Chief?

12 **MR. LORTIE:** Not a soul.

13 **MR. STAUFFER:** When did Staff Sergeant
14 Brunet first talk to you about the file?

15 **MR. LORTIE:** I heard that Luc thought that
16 he had spoken to me. I don't recall speaking to Luc.

17 **MR. STAUFFER:** Okay.

18 **MR. LORTIE:** And Luc also mentioned that
19 Claude said he wondered why they had taken the file away
20 from me. I knew why the file was taken away from me. I
21 would not have asked that question.

22 So I don't think I ever met Luc -- or I
23 don't recall having met Luc about -- I'll put it that way,
24 I don't recall meeting Luc, but I do know one thing. I
25 knew why they took it away from me.

1 **THE COMMISSIONER:** And which was?

2 **MR. LORTIE:** Because I was having surgery.

3 **THE COMMISSIONER:** Okay.

4 **MR. LORTIE:** And the Deputy Chief, who's an
5 old drug investigator from the RCMP, knew that I was into -
6 - and I don't want to exaggerate this -- but a full-blown
7 drug investigation with an undercover operator, an agent
8 and two different police forces.

9 So he must have thought to himself, and you
10 can ask him when you talk to him, he must have thought to
11 himself, "He's not going to find time to do this". But I
12 was going to do the best I could.

13 **MR. STAUFFER:** M'hm.

14 **MR. LORTIE:** And for that reason, the first
15 day that I was back to work, I was planning on meeting
16 David Silmser and we will get a statement and the
17 investigation to me starts on that date, January the 18th.
18 I took the time to make the phone call so that we had "If
19 you want to meet tomorrow, we can meet tomorrow".

20 **MR. STAUFFER:** Okay. That's you memory
21 because it's not in any notes that you ever made that
22 offer. Would you agree with me on that, Staff?

23 **MR. LORTIE:** I didn't make an offer, no.
24 What? To meet him the next day?

25 **MR. STAUFFER:** Yes, some line like, "I

1 offered to meet with him the next day".

2 **MR. LORTIE:** No, I ---

3 **MR. STAUFFER:** And he said -- hold on -- and
4 he said, "No, let's leave it up 'til January the 18th" or
5 "No, I don't want to spoil somebody's Christmas" or
6 whatever. It just doesn't appear in your actual
7 contemporaneous notes. That's all I'm getting at.

8 **MR. LORTIE:** Well, for the response to come,
9 "Not before Christmas", I must have said to him "When do
10 you want to meet?" And that's the evidence I've already
11 given you. So I said to him, "When do you want to meet?"
12 And he said, "Not before Christmas, I don't want to ruin
13 somebody's Christmas".

14 And that was fine with me because the last
15 thing you want to do is bully a person who is a victim of
16 being bullied in the past. So you try and build up a
17 rapport with the guy so that he becomes your friend ---

18 **MR. STAUFFER:** Right.

19 **MR. LORTIE:** --- I want to work with you.

20 **MR. STAUFFER:** Sure.

21 **MR. LORTIE:** And I'm -- I certainly was not
22 going to say, "No, no, you're going to meet me tomorrow"
23 because then I fall right back into the same thing that
24 he's been through I don't know how many times with
25 different people.

1 So I was perfectly content. You want to
2 meet after Christmas, we'll meet after Christmas. The only
3 problem is after Christmas I've got surgery and I've been -
4 - I can't cancel that.

5 **MR. STAUFFER:** So in terms of building up a
6 rapport, did you speak with Deputy Chief St. Denis about
7 that concern? That is, you've had a contact with Mr.
8 Silmser; he thinks you're going to be the investigator on
9 the file.

10 When the Deputy Chief reassigns the file,
11 did you fellows have a discussion about that? That now
12 there's going to be a new person on the file and that might
13 have some impact on the willingness of Mr. Silmser to talk
14 or have some impact, at least, on the investigation and
15 building up a rapport with him?

16 **MR. LORTIE:** No.

17 **MR. STAUFFER:** Were you aware at all that
18 that is a concern with respect to male complainants, that
19 they've got to have some kind of real rapport as compared
20 to someone reporting a property offence or whatever?

21 **MR. LORTIE:** That's what I just told you,
22 sir, that it's very important to build up a rapport with
23 the person. I had not built up a rapport with the person
24 because I had not met him and I was certainly not going to
25 bully him on the phone.

1 **MR. STAUFFER:** Okay.

2 **MR. LORTIE:** I wanted to be his buddy.

3 "Whatever suits you, that's fine. Let's get it on."

4 **MR. STAUFFER:** Okay. But, again, to follow
5 your line of thought here, you never expressed to the
6 Deputy Chief that this buddy relationship was going to
7 disappear if you were -- if the file was reassigned?

8 **MR. LORTIE:** We didn't have a buddy
9 relationship, sir.

10 **MR. STAUFFER:** Okay. I don't know if we
11 actually did ever did get an answer on this one because I
12 don't know if I ever asked the question.

13 In terms of those notes that are Exhibit
14 1475, the synopsis summary, whatever you want to call it,
15 of your various involvements on the Silmser matter, why
16 were they written? Have you any recollection at all as to
17 why you put these together?

18 **MR. LORTIE:** Sir, there were so many
19 investigations between the end of September, 1993 and to
20 this day or a couple years ago anyway, that I have given my
21 statement to -- let me think here -- one, two, three
22 different police services, Cornwall, Ottawa, OPP, and I
23 think in the OPP matter I may have given it twice.

24 And all I can tell you is that for one of
25 those interviews that somebody wanted to do, I must have

1 made this out so that I would have something -- some
2 reference.

3 **MR. STAUFFER:** Okay. Just give me one
4 moment here.

5 Given what you've told us in terms of how
6 intensive this drug investigation was and so on, am I right
7 in thinking that you didn't press hard to keep the file?
8 That is when the Deputy said to you "Staff Sergeant" or
9 "Claude" or -- you were a Sergeant back then, I guess?

10 **MR. LORTIE:** He called me Lorts.

11 **MR. STAUFFER:** Sorry?

12 **MR. LORTIE:** He always called me Lorts.

13 **MR. STAUFFER:** Lorts?

14 **MR. LORTIE:** Lorts -- L-O-R-T-S.

15 **MR. STAUFFER:** Okay. Anyway, when he talked
16 to you, did you argue with him or put a case to him that
17 you should keep the file or were you more-or-less happy to
18 get back to the regular work that you were doing as a drug
19 investigator?

20 **MR. LORTIE:** I think the Deputy Chief had a
21 very good argument; it could not wait.

22 **MR. STAUFFER:** Were you at all upset about
23 having the file taken away from you?

24 **MR. LORTIE:** No.

25 **MR. STAUFFER:** Am I right in thinking that

1 this would have been a fairly labour-intensive file? That
2 is, you'd have to try to track down people who may have
3 scattered far and wide given the passage of time, had some
4 fairly lengthy meetings with them to try to refresh their
5 memories as to events and so on. This would not be as
6 simple a matter as something that had happened just a short
7 while ago?

8 **MR. LORTIE:** I can agree.

9 **MR. STAUFFER:** Okay.

10 **MR. LORTIE:** But I think your question had
11 two parts to it there, but that's fine. I can agree with
12 your statement.

13 **MR. STAUFFER:** I was just wondering, in
14 terms of the reassignment, you've told us that you can't
15 remember Staff Sergeant Brunet talking to you at any point
16 about the reassigning of the file.

17 Do you have any recollection at all of
18 speaking with Constable Sebalj and briefing her, if you
19 will, as to at least the conversation you'd had with Mr.
20 Silmsers?

21 **MR. LORTIE:** Never spoke to Heidi about this
22 case.

23 **MR. STAUFFER:** And why would that be?

24 **MR. LORTIE:** Because she never came to me.

25 **MR. STAUFFER:** Okay. But, again, take this

1 the right way, as the Intelligence Officer, would it not be
2 part of your job to try to disseminate to her as the
3 investigator, what little you knew of the case or what you
4 told Mr. Silmsler in terms of meeting with him on January
5 the 18th?

6 **MR. LORTIE:** It was all down on the paper.
7 I had nothing to relate. If she wanted to see me, from
8 what I heard, she was directed to see me. And I would have
9 been pleased to help her out. Whatever she needed, she
10 would have gotten.

11 **MR. STAUFFER:** M'hm. Just on a small point.
12 I'm not really sure where this notion that
13 she or anyone else would have known you were going to meet
14 with Mr. Silmsler on January the 18th.

15 I guess you told Deputy Chief St. Denis
16 that, that's why he was reassigning the file, but did you
17 tell anybody else that? Because you see, it's not written
18 down in OMPPAC, it's in your notebook.

19 **MR. LORTIE:** Is it not on the memo that
20 Deputy Chief St. Denis sent to Luc Brunet?

21 **THE COMMISSIONER:** Twelve-ninety-eight
22 (1298).

23 **MR. STAUFFER:** Twelve-ninety-eight (1298).
24 If we could just see that on the screen when
25 you're ready?

1 **THE COMMISSIONER:** Go to B, please; 1298-B.
2 No, the other one.

3 **MR. STAUFFER:** Again, Staff Sergeant, from
4 my reading of ---

5 **THE COMMISSIONER:** If you look ---

6 **MR. STAUFFER:** --- this note ---

7 **THE COMMISSIONER:** Just a second.

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

9 **THE COMMISSIONER:** Sir, if you turn the page
10 you'll be on B.

11 **MR. LORTIE:** Yes.

12 **THE COMMISSIONER:** Oh, you're on B, okay
13 that's a better one. Okay, I'm sorry.

14 **MR. STAUFFER:** The way I read this is
15 Sergeant -- or sorry, Staff Sergeant Brunet is getting
16 information from Deputy Chief St. Denis, that you were
17 going to meet with him and Mr. Silmsen in early January
18 1993.

19 I guess we can quibble over what is meant by
20 early but I wouldn't have thought January the 18th was early
21 in the month.

22 **MR. LORTIE:** No, there is no date written
23 there but it's come out in evidence and throughout the
24 Inquiry that it was on the 18th.

25 **MR. STAUFFER:** No, I have no doubt that you

1 wrote that in your notebook, January 18th you were going to
2 meet with him. I'm just simply saying that the only person
3 who seems to have been told January the 18th is Deputy Chief
4 St. Denis because you have no recollection of talking to
5 Staff Sergeant Brunet; you didn't talk to Constable Sebalj,
6 so I don't know how anyone in the Service would have known
7 that you were going to meet with him, to start with.

8 Okay, do you have any other recollection of
9 speaking to anybody else as ---

10 **MR. LORTIE:** No.

11 **MR. STAUFFER:** --- to that date?

12 **MR. LORTIE:** I did not speak -- I don't
13 recall speaking to Luc, although it's possible. But I do
14 know I didn't speak to Heidi.

15 **MR. STAUFFER:** Okay. Because again, if you
16 just think about this for a moment, Mr. Silmser's
17 expectation now is you are going to meet with him January
18 the 18th. He next gets a call -- unless you have different
19 information, he gets a call from Constable Sebalj around
20 January the 13th, new person, now female. Do you appreciate
21 that no one has communicated the change to him, the January
22 the 18th? You haven't and no one else has, as far as I can
23 see until she calls him up out of the blue.

24 **MR. LORTIE:** The investigation is re-
25 assigned by the Deputy Chief to Luc Brunet, who directed

1 Heidi and apparently gave -- and told her that the Deputy
2 Chief didn't want to wait for this so she made the phone
3 call.

4 **MR. STAUFFER:** All right. When did you
5 realize that Constable Sebalj had the file?

6 **MR. LORTIE:** It would have been -- probably
7 nine months later.

8 **MR. STAUFFER:** So sometime in the fall of
9 1993, you mean?

10 **MR. LORTIE:** I don't want to jump ahead of
11 you but the first week of February when I ran into Ron
12 Lefebvre in the hallway in the Criminal Investigation
13 Branch and Ron Lefebvre had a statement in his hands and
14 showed it to me and said, "Thanks for dumping on me" in a
15 joking manner and he showed me what it was and it was a
16 statement from David Silmser.

17 **MR. STAUFFER:** Right.

18 **MR. LORTIE:** And I'm sure I didn't read
19 about it then. I kept walking -- I'm sure I didn't read
20 the whole statement, I should say.

21 **MR. STAUFFER:** Staff, just bear with me for
22 a second. All I wanted to know was your best recollection
23 of when Constable Sebalj and -- sorry, when you would have
24 known that she was the investigator on the file.

25 **MR. LORTIE:** That's what I'm getting at.

1 It thought Ron Lefebvre was doing the
2 investigation.

3 **MR. STAUFFER:** Okay.

4 **MR. LORTIE:** Because of that encounter in
5 the hallway I thought Ron Lefebvre was.

6 **MR. STAUFFER:** Okay.

7 **MR. LORTIE:** Now, if you want to proceed to
8 September with this conversation that's when it comes out.

9 **MR. STAUFFER:** Okay.

10 **THE COMMISSIONER:** That's when you become
11 aware that Sebalj is on the file?

12 **MR. LORTIE:** September 28th, I think it was.

13 **THE COMMISSIONER:** Nineteen ninety-three
14 (1993).

15 **MR. LORTIE:** Ron Lefebvre has been
16 reassigned to my office. We're doing a bombing
17 investigation and we're sitting -- two desks side-by-side
18 and we're doing our notes on the bombing stuff and all of a
19 sudden I remembered, "Hey Ron, what happened to the Father
20 MacDonald case or the Silmser case" or whatever -- whatever
21 term and he responded to me, "I don't know" and I said to
22 him "I thought you were investigating this" and he said
23 "No, Heidi is." That's when I found out Heidi's doing the
24 investigation.

25 **MR. STAUFFER:** Okay. Because it's our

1 understanding that you're back to work on January the 11th
2 and she doesn't get the file till January the 13th, but you
3 were not aware of that date then, the January 13th date?

4 MR. LORTIE: No.

5 MR. STAUFFER: At any point after the file
6 was reassigned did you ask to have the file come back to
7 you?

8 MR. LORTIE: No.

9 MR. STAUFFER: Is there any reason for that?

10 MR. LORTIE: No.

11 MR. STAUFFER: What -- is your next
12 recollection of the file then IS basically Sergeant
13 Lefebvre in the hall showing you a statement that's been
14 taken from Mr. Silmsner.

15 MR. LORTIE: That's right.

16 MR. STAUFFER: And then the next one is
17 September, when you're dealing with Constable Sebalj in the
18 hallway, when Mr. Silmsner is coming in to sign her
19 notebook?

20 MR. LORTIE: No.

21 MR. STAUFFER: No, fire away then, what's
22 the next one?

23 MR. LORTIE: September 28th, when Ron
24 Lefebvre tells me in my office, when I thought -- whenever
25 I asked him what's happening with that investigation and he

1 responded "I don't know, Heidi is doing the investigation,"
2 That's when I realized Heidi was doing the investigation.

3 **MR. STAUFFER:** Okay. As the intelligence
4 officer, should you be aware of who is handling what files,
5 at least of a high-profile nature like this one?

6 **MR. LORTIE:** No.

7 **MR. STAUFFER:** Why is that?

8 **MR. LORTIE:** Because it's not a practice
9 that -- I might know who is doing the homicide, the Baker
10 homicide that summer, I would know who is doing it because
11 I'm assisting.

12 **MR. STAUFFER:** Sorry, you're what?

13 **MR. LORTIE:** I'm assisting.

14 **MR. STAUFFER:** Assisting, sorry. Yes.

15 **MR. LORTIE:** The -- no, if there was
16 something major going on or somebody needed help they would
17 come to my office and they would say "Claude, I need money
18 for an informant; I need a surveillance team; I need
19 cameras; I need whatever" then I knew what was going on, as
20 far as that investigation is.

21 But I always read the investigations most of
22 the time when they were coming in, when I had time to do
23 it. But you've got to remember, at that point in time,
24 that we were -- and I'm not going to use the same word that
25 everybody uses here, we were taxed. We had a job to do.

1 We were doing a drug investigation. At the same time I was
2 doing the car theft investigation during the day. So we
3 were putting in a lot of hours. And I had Martha Forget
4 assisting me with the inputting the reports. So you just
5 did the best you could with what you had.

6 **MR. STAUFFER:** Am I right that at the
7 morning meetings you've been talking about, the first time
8 that the Silmsner case ever arises is sometime in the latter
9 part of September?

10 **THE COMMISSIONER:** Well, just a minute, I
11 don't know how fair that is, in the sense that he's
12 testified that he doesn't go to every meeting.

13 **MR. LORTIE:** But that's okay, sir.

14 **THE COMMISSIONER:** No, but I still have to
15 understand it and we have to read it later on.

16 **MR. LORTIE:** Okay.

17 **THE COMMISSIONER:** So at the meetings that
18 you were at, was there ever a time when it came up, and
19 we're talking the latter part of September 1993?

20 **MR. LORTIE:** I've been waiting 15 years to
21 tell you this, sir.

22 **THE COMMISSIONER:** Good.

23 **MR. LORTIE:** September 28th, if I'm not
24 mistaken, after Ron Lefebvre and I have our discussion in
25 my office and he tells me Heidi's doing the investigation

1 and he doesn't know what's going on, I think -- I don't
2 recall for sure, but I think I did an OMPPAC check and I
3 think the file was closed. And I can't remember the terms
4 -- and again, this is only sticking to my mind because it
5 affected me. I think it said something -- there are people
6 that are better than I am with OMPPAC, but it was -- the
7 closing notes on the investigation is "complete unsolved"
8 or "complete" -- but anyway, you wouldn't know that from
9 the report.

10 **THE COMMISSIONER:** Complete ---

11 **MR. LORTIE:** But anyway ---

12 **THE COMMISSIONER:** What's the word that they
13 use in OMPPAC, unsubstantiated or ---

14 **MR. LORTIE:** No, I don't think that was the
15 term that was used on that one.

16 **THE COMMISSIONER:** Okay.

17 **MR. STAUFFER:** Well, Mr. Commissioner, I'm
18 going to direct Staff Sergeant Lortie to his note, if I can
19 find it here, where I think he may have used an expression.
20 If I can locate it.

21 **THE COMMISSIONER:** Oh, we've had a
22 discussion about this.

23 **MR. LORTIE:** But I'm getting to the meeting,
24 sir.

25 **THE COMMISSIONER:** I know, but patience.

1 Patience.

2 MR. LORTIE: Okay.

3 MR. STAUFFER: Mr. Commissioner, this is
4 Document 735621

5 THE COMMISSIONER: What exhibit number?

6 MR. STAUFFER: And there's no exhibit yet.

7 THE COMMISSIONER: Oh, it's a new document.

8 Exhibit 1476 is a document called "Lortie" -

9 - I presume are his notes -- from the first date of entry
10 20th of May '93 to date of last entry 12th of October '93.

11 --- EXHIBIT NO./PIÈCE NO. P-1476:

12 (735621) Notes of Claude Lortie dated

13 20 May 20, 1993 to October 12, 1993

14 MR. STAUFFER: And so, Staff Sergeant, if
15 you look on the first page with any handwriting note
16 there's a date, Tuesday 28th, September 1993?

17 MR. LORTIE: Yes.

18 MR. STAUFFER: So it says:

19 "Morning meeting; brought up Silmsen
20 case; advised that something has to be
21 done."

22 Or sorry, "advised" -- yeah, I guess that's right.

23 And then it goes on to the next page:

24 "At morning meeting, I advised the
25 persons present that the David

1 Silmsen/Father MacDonald..." ---
2 THE COMMISSIONER: "Investigation".
3 MR. STAUFFER: "...investigation..." ---
4 THE COMMISSIONER: Which is supposed ---
5 MR. STAUFFER: Why don't you go on.
6 MR. LORTIE: Want me to read it?
7 THE COMMISSIONER: Read your own ---
8 MR. LORTIE: Am I going to read it?
9 MR. STAUFFER: Read your own handwriting.
10 MR. LORTIE: I'm hearing two voices there.
11 MR. STAUFFER: Read your own handwriting.
12 MR. LORTIE: Okay. And besides that, I
13 wanted to go back to what happened before the morning
14 meeting ---
15 MR. STAUFFER: All right.
16 MR. LORTIE: --- so that you understand
17 what's happening here.
18 Ron Lefebvre and I are in my office, but
19 there are three or four other desks in that office. Perry
20 Dunlop is sitting at one of the other desks in the office,
21 which is probably 15 to 20 feet away from us. He's doing
22 his notes from the drug investigation because he's been
23 reassigned, on a part-time basis, in our -- in my office.
24 He's got to keep all this secret because we can't allow the
25 men on the department to know that we're doing an

1 undercover drug operation. We don't want anything to get
2 out.

3 So Perry drops in in the morning and would
4 do his notes in my office. Whenever I mention the David
5 Silmsers thing I must have mentioned Father MacDonald.
6 That's what caught his attention. What about Father
7 MacDonald?

8 **THE COMMISSIONER:** He says that, what about
9 Father MacDonald?

10 **MR. LORTIE:** Yeah, what about Father --
11 well, I forget the exact words.

12 **THE COMMISSIONER:** No, no, no, but ---

13 **MR. LORTIE:** So Ron Lefebvre explains to him
14 that we did -- him and Heidi had taken a statement from
15 David Silmsers. And Ron Lefebvre mentioned to him well,
16 Heidi's got a copy of the statement and out the door Perry
17 goes. So I know he's headed -- he wants to see the
18 statement obviously.

19 And I said to Ron, "I'm going to bring it up
20 at the meeting this morning, at the morning meeting, the
21 manager's meeting this morning. I want to know what's
22 going on with this file." That's how this comes about.
23 And out the door I go to the manager's meeting because it's
24 almost 8:30 at that point.

25 **THE COMMISSIONER:** Yeah, but you've checked

1 OMPPAC before then?

2 MR. LORTIE: Oh, yeah.

3 THE COMMISSIONER: Okay. So now we're going
4 back. We're trying to find the words that you -- that also
5 twigged you ---

6 MR. LORTIE: Okay.

7 THE COMMISSIONER: --- and in your notes you
8 have words that say ---

9 MR. LORTIE: That's what I'm reading.

10 THE COMMISSIONER: Okay.

11 MR. LORTIE: "At morning meeting I advised
12 the persons present that the David
13 Silmsler/Father MacDonald investigation,
14 which supposedly has been completed,
15 cleared, no further action, which is no
16 action..."

17 Those are my words:

18 "...is a shame, and I was advised this is
19 what the Crown has stated. Advised the
20 meeting that should other victims come
21 up in the future..."

22 And I think that's it. I don't have the
23 following page.

24 MR. STAUFFER: It's over two pages we're
25 being told.

1 **MR. LORTIE:** That -- no, it's not over two
2 pages. It's not there. Okay, yes.

3 "That occurred since this investigation
4 that our Force would be responsible and
5 that this whole investigation is a
6 complete shame."

7 And that was after I had asked the question
8 to the Chief at that meeting when -- everybody around the
9 table gets their turn to talk and when my turn came up I
10 said to the Chief, "What's going on with the Father
11 MacDonald investigation?" and he said -- he looked at Luc
12 and he said, "Luc, what's going on with the Father
13 MacDonald investigation?" and Luc responded, "I'm not sure"
14 or something to that effect.

15 And that's why I had that reaction. There's
16 nobody in the room that knows what's going on with this
17 thing and that's why I responded the way I did.

18 That's it, sir.

19 **MR. STAUFFER:** All right.

20 I may as well put this to you now. In
21 Exhibit 579, which is Constable Perry Dunlop's statement of
22 April 7th, 2000, if we could just get that. Thank you very
23 much.

24 **THE COMMISSIONER:** I need one too, Madam
25 Clerk.

1 Okay. What page?

2 **MR. STAUFFER:** Yes, sir. We're at page 2 of
3 110. So it's Bates page 7114903, and I'm looking at
4 paragraphs 2 and 3 to start with.

5 **MR. LORTIE:** Is that number at the top, sir?

6 **MR. STAUFFER:** What's that, sir?

7 **MR. LORTIE:** The number you just mentioned,
8 where do I find that number?

9 **THE COMMISSIONER:** At the bottom right-hand
10 corner, 2 of 110.

11 **MR. LORTIE:** Okay.

12 **THE COMMISSIONER:** All right?

13 **MR. STAUFFER:** Yeah, there's a lot of
14 numbers on these pages. Are you with us?

15 **THE COMMISSIONER:** Keep going. It might be

16 ---

17 **MR. LORTIE:** Okay. Thank you.

18 **THE COMMISSIONER:** Okay.

19 **MR. STAUFFER:** So, Staff, I'm looking at
20 paragraph 2 and there's a date of September 23rd, 1993 which
21 Constable Dunlop is saying he attended essentially in the
22 CIB and so on, and this is where he's gained knowledge of a
23 sexual assault complaint.

24 **THE COMMISSIONER:** So he's saying the 23rd
25 and you're saying the 28th?

1 **MR. LORTIE:** Well, I would go by my notes,
2 and I'm not sure where my notes are, but my notes would be
3 on the date -- they were done on the date that this
4 happened.

5 **MR. STAUFFER:** All right.

6 Well, that's Exhibit 1476.

7 **THE COMMISSIONER:** Exhibit 1476. All right.

8 **MR. LORTIE:** And it's Tuesday the 28th of
9 September I've got.

10 **THE COMMISSIONER:** Okay. Fair enough.

11 **MR. STAUFFER:** Fair enough.

12 And, again, in fairness, I'm going to point
13 you to paragraph 4 -- sorry, paragraph 3, paragraph 3 of
14 Constable Dunlop's Will State.

15 And it's basically saying on September 24th -
16 - so the next day -- he's in the Intelligence Office and
17 you and Sergeant Lefebvre are openly discussing the sexual
18 assault case.

19 In any event, you believe it's the 28th
20 versus either the 23rd or the 24th?

21 **MR. LORTIE:** I guarantee you my notes are
22 correct.

23 **THE COMMISSIONER:** Okay, but in paragraph 3
24 he says, you know, that on the 24th he was in the
25 Intelligence Office and that ---

1 **MR. LORTIE:** Yeah.

2 **THE COMMISSIONER:** And he says that he heard
3 you and Ron Lefebvre talking about it. He says though:

4 "I had already been informed by
5 Sergeant Lortie that the allegations of
6 sexual assault were against Father
7 Charles MacDonald."

8 **MR. LORTIE:** Okay. That had to be the same
9 day.

10 **THE COMMISSIONER:** Okay.

11 **MR. STAUFFER:** There's a final question here
12 on this Will State and that's at paragraph 4, where
13 Constable Dunlop is saying that the initial complaint was
14 dated December of 1992.

15 And the question I have for you, Staff, is:

16 "The incident showed up on our police
17 computer terminal as overdue on January
18 18th, 1993"

19 Would you agree with that or do you know?

20 **MR. LORTIE:** I don't know what he's talking
21 about. I don't even know how he would have been able to
22 see that because it was -- that would have been in a
23 project file.

24 **MR. STAUFFER:** Well, my understanding is
25 that the project file was opened on or about October 3rd --

1 okay, if you ---

2 **MR. LORTIE:** I opened it.

3 **MR. STAUFFER:** We can get through your notes
4 later on about that.

5 **MR. LORTIE:** Yeah.

6 **MR. STAUFFER:** But, anyways, it's October
7 2nd, October 3rd, one of those days.

8 So he would have had access to the OMPPAC, I
9 think, as of September 23rd or the 24th.

10 But, again, this has been established, I
11 think, already, but would you agree with me, there were no
12 actual OMPPAC entries until Constable Sebalj essentially
13 was tasked to enter all of these notes that she'd made into
14 the system by Staff Brunet, and this all took place
15 basically around October the 3rd, I think?

16 **THE COMMISSIONER:** No.

17 **MR. LORTIE:** The ---

18 **THE COMMISSIONER:** Go ahead.

19 **MR. LORTIE:** The project was created in the
20 first week of October, but I can't tell you what he's
21 talking about here because it doesn't seem to make any
22 sense.

23 **THE COMMISSIONER:** The initial complaint, I
24 think what he -- well, it might have been his first phone
25 call to ---

1 **MR. LORTIE:** Yeah, the initial complaint is
2 accurate, December '92. The incident showed up on the
3 police computer terminal as overdue on January 18th.

4 **THE COMMISSIONER:** Yes.

5 **MR. LORTIE:** He probably meant 1992. I'm
6 not sure.

7 **THE COMMISSIONER:** No, no, it couldn't have
8 been. Anyways, I think -- wasn't there an OMPPAC -- Sebalj
9 opened OMPPAC on January 12th or something like that?

10 **MR. STAUFFER:** Well, we have it as January
11 13th ---

12 **THE COMMISSIONER:** The 13th.

13 **MR. STAUFFER:** --- that she opened ---

14 **THE COMMISSIONER:** Yeah. So she opened a
15 general OMPPAC file on January 13th, 1993?

16 **MR. LORTIE:** Yeah, I understand that, but
17 the January 18th, '93, that means it would show up -- it's
18 computer generated "Overdue single" comes up and it says
19 you're overdue. Okay? So I think there is a five-day to
20 submit your report before the overdue button comes up.

21 **THE COMMISSIONER:** Okay.

22 **MR. STAUFFER:** Okay. But in any event, when
23 the Commissioner asked you a few minutes ago if you had
24 looked at OMPPAC before you went to your September 28th
25 meeting in the morning, at that point what was entered?

1 **MR. LORTIE:** I read it, sir. Oh, I don't
2 know what reports were entered. What I was looking for was
3 the closing -- to close -- the tab that we go to to close
4 off an incident.

5 **MR. STAUFFER:** M'hm.

6 **MR. LORTIE:** When you see the words
7 "Complete" ---

8 **MR. STAUFFER:** "Cleared - no further
9 action."

10 **MR. LORTIE:** Is that what it says? I'm --
11 -

12 **MR. STAUFFER:** Well, that's what you wrote
13 in your note of September 28th.

14 **MR. LORTIE:** Yeah. Well, if that's what I
15 wrote, that's what it said, "No further action." And that
16 tells you that the supervisor had shut that down and ---

17 **THE COMMISSIONER:** Sir, you've got to bring
18 it back towards you a little bit. There you go.

19 **MR. LORTIE:** I keep running in to it, sir.

20 **THE COMMISSIONER:** I know. I know.

21 **MR. LORTIE:** So the supervisor would have
22 cleared that, "No ---

23 **MR. STAUFFER:** Right.

24 **MR. LORTIE:** --- further action."

25 **MR. STAUFFER:** But can I get this clear? I

1 know the hour is late, but did you look at the OMPPAC
2 before you went to the September 28th meeting?

3 **MR. LORTIE:** Yes.

4 **MR. STAUFFER:** Okay. Do you recollect what
5 you saw as an entry?

6 **MR. LORTIE:** I don't recollect that
7 whatsoever, sir. The only thing I recollected was that the
8 investigation is closed.

9 **MR. STAUFFER:** Okay.

10 **MR. LORTIE:** When I went in to the meeting,
11 I had no idea about a payout, the Diocese, nothing. I
12 asked Ron what was going on with the investigation. He
13 didn't know. And what I wanted to do is I walked in to
14 that meeting just wondering what's going on with this.

15 **MR. STAUFFER:** Well, this may be for a later
16 time, maybe tomorrow, but my understanding is that Staff
17 Sergeant Brunet learned of the monetary payment sometime
18 around September 3rd of 1993. So now we're about three
19 weeks or more down the road.

20 Are you saying you were not aware of the
21 monetary payment from any of the morning meetings or from
22 any of the discussion at the police station?

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

24 **MR. STAUFFER:** Okay.

25 **THE COMMISSIONER:** We'll go until 5:00.

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

2 So, Staff, the one meeting that we talked
3 about, September 28th, is that the only meeting that you
4 were at then where the Silmsler case is talked about or are
5 there others after September 28th?

6 **MR. LORTIE:** That's the only one that I'm
7 at.

8 **MR. STAUFFER:** All right.

9 The words "cover-up" have come into the
10 written materials we're received through both Staff
11 Sergeant Brunet and through Deputy Chief St. Denis, and I
12 can point you to those in a few moments if we have to.

13 **MR. LORTIE:** No, no, I've seen them.

14 **MR. STAUFFER:** Did you use the expression
15 "cover-up" at the September 28th, 1993 meeting?

16 **MR. LORTIE:** No.

17 **MR. STAUFFER:** All right.

18 Did you use any words to that effect?

19 **MR. LORTIE:** The reason why I'm saying that
20 I never said it is because I walked into that meeting not
21 knowing what's going on. So why would I say "cover-up"? I
22 don't know about a payment. I don't know where the
23 investigation stands and I'm going to use the word "cover-
24 up"? I don't think so.

25 **MR. STAUFFER:** So at the September 28th

1 meeting you do learn there's been a ---

2 MR. LORTIE: No.

3 MR. STAUFFER: You don't learn even at that
4 point?

5 MR. LORTIE: No, no. Luc said he would get
6 back to the Chief.

7 THE COMMISSIONER: Okay. So when's the next
8 time you hear of it?

9 MR. LORTIE: There was a frenzy of activity
10 after the 28th. I heard about the payout in the next four
11 or five days.

12 THE COMMISSIONER: From whom?

13 MR. LORTIE: From the rumour mill, through -
14 - everybody was talking about it. I'm not sure who.

15 THE COMMISSIONER: M'hm.

16 MR. LORTIE: And then whenever Heidi came to
17 see me -- she didn't come and see me. I ran into her in
18 the hallway again and she mentioned -- she said, "Guess
19 who's at the front counter?" And I said, "I don't know.
20 Who?" And she said, "David Silmser." "So what's he here
21 for?" And she told me, "He's here to sign my notebook."
22 So I took it that that was the official signoff for the
23 case, and I responded to her, "I don't agree with what
24 you're doing" and she walked away. There were other people
25 in the drug room at that point. It's in the hallway going

1 to the drug room. I heard about it the next week or so.

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

3 **MR. STAUFFER:** Thank you, Mr. Commissioner.

4 So, Staff Sergeant, what did you do, if
5 anything, after you'd heard about the settlement -- the
6 civil settlement? What other involvement, if any, did you
7 have and discussions with management and discussions with
8 anybody at the station about the Silmsler case?

9 **MR. LORTIE:** I was completely outside the
10 Silmsler discussions at that point.

11 **MR. STAUFFER:** Okay. Up to that point, when
12 you hear about the civil settlement, have you discussed
13 with your wife at all that there's an allegation against
14 Ken Seguin?

15 **MR. LORTIE:** Whenever that came out, it was
16 in the news. And I want you to understand something very
17 clearly, is that my wife and I never discussed this matter,
18 no matter how juicy it was. It was too dangerous for me to
19 be talking about any cases that we were involved in. My
20 wife assumed ---

21 **MR. STAUFFER:** I appreciate that from the
22 drug side, okay? So you don't have to explain that to us.
23 You're not going to tell her about your informants and
24 you're not going to tell her about the drug side of your --
25 -

1 **MR. LORTIE:** I'm not going to tell her about
2 the probation either. I don't want her to go and talk --
3 it's -- we just never talked about our cases. And I know
4 that in her testimony, which you're probably going to bring
5 out, she mentions that she knew about it and she knew about
6 it because she remembered that "Claude had to cancel his
7 appointment with Silmsler because he was having surgery,"
8 which we all know now is wrong. I never cancelled the
9 appointment with Silmsler. I made an appointment the first
10 time I spoke to him and I personally never cancelled that
11 appointment.

12 She also said that, "He was doing a drug
13 investigation in Montreal," which is a year and a half
14 later. So I'm telling you that when all this came out in
15 September, October, November of '93, she started trying to
16 put the puzzle together. And I can tell you from her
17 evidence -- and she is going to be pretty upset with me --
18 that she's still trying to figure it out because in her
19 evidence, she was wrong.

20 **MR. STAUFFER:** Okay.

21 **MR. LORTIE:** Because -- you understand what
22 I'm saying?

23 **MR. STAUFFER:** Not exactly, because your
24 wife -- and I wasn't here, so I have to go from the
25 transcript as well, but it's my reading of the transcript,

1 and we can take you to it in a minute here if you need to,
2 is that you told her that you had information about a
3 priest. She knew about the priest. Now you're saying you
4 never told her about a priest?

5 MR. LORTIE: I never spoke about that case
6 to anybody.

7 MR. STAUFFER: Okay. Because she says --
8 and this is at page 65 for the record here -- she says:

9 "I became aware that he..."

10 And that's yourself, Staff Sergeant:

11 "...had been assigned a file that
12 involved a complaint against a priest."

13 And she says, after Mr. Ruel, the counsel at the time says:

14 "And was that matter discussed between
15 you and your husband?"

16 Your wife says:

17 "It was discussed in the sense that he
18 had to reschedule the initial meeting
19 with his complainant since the surgery
20 had -- that he was going to have to do
21 -- he was going to have to be absent
22 from the office for about three weeks
23 and I remember him saying, 'I'm going
24 to have to reschedule my meeting with
25 this guy."

1 So I have to put it to you again, you never
2 asked your wife anything at all about Ken Seguin during the
3 time -- let's take this piecemeal, during the time you had
4 carriage of the file, you never asked her anything about
5 Mr. Seguin?

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

7 **MR. STAUFFER:** I don't quite understand
8 that. When we talk about making inquiries in an
9 investigation world, would that not that have been the best
10 or one of the best sources to ask ---

11 **MR. LORTIE:** No.

12 **MR. STAUFFER:** --- it's your wife?

13 **MR. LORTIE:** No, it wouldn't have been. I
14 would have started -- and again, just from what you read,
15 Claude had to reschedule the appointment. You know that's
16 wrong. Did I have to reschedule the appointment? No, I
17 didn't. I made one appointment with Silmser; that was it.

18 At the end of 1993 when it comes out, she's
19 trying to put it together. She hears bits and pieces and
20 it becomes -- that's what happened. But, in fact, I did
21 not reschedule the meeting with Silmser.

22 **THE COMMISSIONER:** Sir, but never mind the
23 rescheduling ---

24 **MR. LORTIE:** Yeah.

25 **THE COMMISSIONER:** There is a seed in there

1 in that statement that you told her about an investigation
2 about a priest?

3 **MR. LORTIE:** Yeah, at the end of '93 is when
4 that came out; a year later. And I was doing an
5 investigation a year-and-a-half later in Montreal, so she's
6 got her year wrong. She would tell you that herself if she
7 was here. She just assumed at the end of '93 when she
8 heard the information "Oh, yeah", for that -- the
9 operation.

10 And at that time, at the end of '93, I may
11 have said to her, "Yeah, I had that investigation". So, of
12 course, that's how that would come out.

13 **THE COMMISSIONER:** Okay. But I am surprised
14 then that if you would have told her that in '93, that you
15 didn't tell her at that time as well about Seguin.

16 **MR. LORTIE:** In '93, I may have told her
17 about Seguin and it's over at that point. It's out in the
18 press.

19 **THE COMMISSIONER:** Okay.

20 **MR. LORTIE:** Sir, it's out in the press at
21 the 1993. I think that we're were sitting there watching
22 TV when all this comes out. And from that point on, it's
23 trying to piece the whole thing together. We have never
24 discussed it for 15 years because I insist on not
25 discussing it.

1 **THE COMMISSIONER:** All right.

2 **MR. STAUFFER:** Realizing how difficult it is
3 to get evidence in these types -- would you agree with me
4 it's difficult to get evidence in historical sexual abuse
5 cases?

6 **MR. LORTIE:** Yes, it is.

7 **MR. STAUFFER:** Because of fading memories,
8 people die and so on ---

9 **MR. LORTIE:** Very much.

10 **MR. STAUFFER:** --- it's hard to prove a
11 case.

12 That if you didn't ask your wife, would it
13 not have been prudent to have one of your fellow officers,
14 whether it was Ron Lefebvre or Heidi Sebalj, whoever had
15 expertise in the sexual investigation world, to just have a
16 quiet word with your wife and try to find out from her what
17 she knew about Ken Seguin?

18 **MR. LORTIE:** I was not investigating it,
19 sir. Why would I ask anybody to do anything on something
20 that I have not started investigating?

21 My investigation start date would have been
22 January the 18th. The file is not started. After January
23 the 18th, if nobody had interfered, the investigation would
24 have been started. I would have met with Mr. Silmsler
25 wherever he wanted to meet. I would have taken his

1 statement and I would have moved on from there.

2 MR. STAUFFER: Okay. Were you concerned at
3 all, Staff, in the month or so between your talking with
4 him and the proposed meeting date, that any further abuse
5 might occur because both of these fellows, as far as you
6 know, are still active in the community?

7 MR. LORTIE: There's a possibility, sir.

8 MR. STAUFFER: I'm just wondering as an
9 outsider why you wouldn't have take some step to alert
10 their superiors?

11 MR. LORTIE: Very -- that's a very simple
12 answer, sir.

13 MR. STAUFFER: Yes.

14 MR. LORTIE: I don't have an allegation
15 written down on paper yet. It would be like me showing up
16 at your office before I get the complainants and blame you
17 for something that I don't even have on paper yet.

18 January the 18th would have been the start
19 date.

20 MR. STAUFFER: Okay. Could I ask you this,
21 to flip the card over? Did you ever think of asking the
22 Chief to reassign the case to somebody else when you
23 realized that you weren't going to be able to meet with him
24 until January the 18th?

25 MR. LORTIE: No, I didn't. The date was

1 agreeable to Mr. Silmsner and I thought "That's good".

2 **MR. STAUFFER:** And I understand that, but
3 once a -- help me out here -- once a complainant comes
4 forward, especially in this type of a case, well, let's
5 step back.

6 Would you agree with me that those who have
7 -- who believe they've been sexually abused, it's not easy
8 for them to come forward?

9 **MR. LORTIE:** Oh, very much.

10 **MR. STAUFFER:** Okay. So the person's worked
11 up enough courage or whatever you want to call it to come
12 forward. Is it not now your duty as an officer to really
13 expedite the matter? And by that, I mean, tell him, "I'm
14 coming over to Bourget tomorrow. You know, it's only a 40-
15 minute drive, I'll be there tomorrow."

16 **MR. LORTIE:** You're wrong, sir.

17 **MR. STAUFFER:** Okay.

18 **MR. LORTIE:** You do not bully a person who's
19 been sexually abused by men. You've not going to get
20 anywhere. If anything, you're going to shut him down. If
21 I had said, "No, no, I'm doing it tomorrow there. So I'm
22 coming over tomorrow" or "You come in tomorrow", it's not
23 going anywhere.

24 **MR. STAUFFER:** Okay. I've never used the
25 word "bully". That's your interpretation. I'm not saying

1 you know I'm Staff -- or "I'm Sergeant Lortie and I'm
2 coming over there in the next 10 minutes to take your
3 statement. You better be ready for me."

4 I'm talking about somehow -- because you're
5 an experienced fellow at this point -- convincing him that
6 it's better sooner rather than later to take a statement.
7 That's all.

8 **MR. LORTIE:** Okay, sir.

9 **MR. STAUFFER:** Would you agree with me that
10 it would have been more -- it would have been safeguarding,
11 potentially, the community to have taken the statement
12 sooner rather than later?

13 **MR. LORTIE:** The answer to that specific
14 question is yes.

15 The answer to the previous question is no.

16 For me to have called him and said, "We're
17 going to" -- that's my word "bully" -- "I am going to push
18 you into this right away", he did not want to meet before
19 Christmas. Those aren't my words. I would have met with
20 him anytime. This gentleman did not want to meet before
21 Christmas.

22 I can't help the situation at that point.
23 And I'm not about to lose somebody who's willing to step
24 forward. As we both know, that before you step forward
25 it's a very -- you must go through many, many months of

1 trying to contemplate coming forward. And when he does
2 come forward, the next thing you know, he runs into a cop
3 who's going to push him around. I don't think that's the
4 right way to do it.

5 He didn't want to meet before Christmas and
6 I went with his wishes.

7 **MR. STAUFFER:** Okay. I do have another
8 area, but let me ask one more question before the break
9 here.

10 Staff Sergeant, am I right then in the short
11 time you had the discussion with him, at least, that you
12 believed he was at least a credible enough person to have a
13 meeting with?

14 **MR. LORTIE:** I didn't know him, sir. A man
15 made a complaint. I was going to meet him. I didn't know
16 him. To say he was credible, I don't have any idea. I
17 will find out though after January the 18th.

18 **MR. STAUFFER:** Okay. Mr. Commissioner, I
19 have about another 20 minutes, I'm guessing. So perhaps if
20 we can take a break and come back tomorrow morning?

21 **THE COMMISSIONER:** Come back tomorrow
22 morning at 9:30. Merci.

23 **MR. STAUFFER:** Thank you, sir.

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

1 This hearing is adjourned until tomorrow
2 morning at 9:30 a.m.

3 --- Upon adjourning at 4:54 p.m. /

4 --- L'audience est ajournée à 16h54

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM