

**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 216

Held at :

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

Monday, April 21 2008

Tenue à:

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

Lundi, le 21 avril 2008

ERRATA

Appearance List

Volume 1 to 215

Mr. Michael Neville

The Estate of Ken Seguin and
Scott Seguin and Father Charles
MacDonald

Should have read

Mr. Michael Neville

The Estate of Ken Seguin and
Doug Seguin and Father Charles
MacDonald

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Ian Stauffer	
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Mark Crane	
Mr. Peter Manderville	
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
M ^e Claude Rouleau	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
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police
Mr. Mark Wallace	Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Mr. Claude Lortie	Mr. Claude Lortie
Mr. Michael Quinn	Mr. Michael Quinn

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
Opening Remarks by/Remarques d'ouverture par Mr. Peter Engelmann	1
Submissions by/Représentations par Mr. Peter Manderville	3
Submissions by/Représentationspar Mr. Peter Engelmann	7
Submissions by/Représentations par Ms. Helen Daley	9
CLAUDE LORTIE, Resumed/Sous le même serment	10
Cross-Examination by/Contre-interrogatoire par Mr. Ian Paul (Cont'd/Suite)	10
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	24
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	42
Cross-Examination by/Contre-interrogatoire par Mr. Stephen Scharbach	118
Cross-Examination by/Contre-interrogatoire par Mr. Neil Kozloff	127
Re-Examination by/Ré-interrogatoire par Mr. Ian Stauffer	135
MICHAEL QUINN, Sworn/Assermenté	158
Examination in-Chief by/Interrogatoire en-chef par Mr. Ian Stauffer	159
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	198

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1482	(712368) Claude Lortie Audio Taped Interview Report - Perry Dunlop with OPP P. Hall and J,B. Dupuis dated 23 February 2000	59
P-1483	(723560) Claude Lortie General Meeting dated 27 November '97	88
P-1484	(723556) Claude Lortie - Letter from Charles Bourgeois to Claude Lortie dated 19 Feb 97	92
P-1485	(723480) Claude Lortie - Internal Correspondence from Insp. R.W. Trew to O.I.C. - Field Operations dated 13 Jan 98	107
P-1486	(706101) Claude Lortie - Notes of Claude Lortie dated 24 Jan 01	113
P-1487	(713376) Claude Lortie - Audio Taped Interview Report - Joseph St.Denis w/OPP P. Hall and J.B. Dupuis dated 20 Jan 00	151
P-1488	(200192) Michael Quinn - Career profile	160

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:** Good afternoon, all.

10 Mr. Engelmann?

11 **MR. ENGELMANN:** Good afternoon, Mr.

12 Commissioner. I'm here for a cameo appearance only. I
13 just wanted to speak to one matter that arose during the
14 witness' cross-examination by Mr. Paul.

15 **THE COMMISSIONER:** Yes.

16 **MR. ENGELMANN:** You'll recall that a letter
17 was tendered into evidence. I believe it's Exhibit 1481.
18 It's a letter that the witness authored to the then Chief
19 Anthony Repa.

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

21 **MR. ENGELMANN:** And Mr. Paul was about to, I
22 think, ask Staff Sergeant Lortie a question concerning that
23 letter. There was an objection. You allowed a limited
24 cross-examination. Mr. Manderville then rose and spoke to
25 the possibility of stating a case to the Divisional Court -

1 --

2 **THE COMMISSIONER:** Right.

3 **MR. ENGELMANN:** --- and you, at that point,
4 I think, ended the hearings for the day. This was around
5 four o'clock on the last day we were here.

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

7 **MR. ENGELMANN:** I'm happy to say that since
8 that time, there have been discussions and email exchanges
9 between counsel for the Cornwall Police Service, the
10 Coalition, the Victims Group and the CCR over some issues
11 involving police discipline files and this particular
12 issue.

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

14 **MR. ENGELMANN:** Commission counsel was privy
15 to those discussions and that correspondence. My
16 understanding is that counsel for the Cornwall Police
17 Service has no intention of stating a case over the issue
18 now that he's fully informed as to the circumstances
19 surrounding the letter in question.

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

21 **MR. ENGELMANN:** And as I understand it, he
22 certainly had discussions with me and, I believe, with the
23 other counsel I mentioned.

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

25 **MR. ENGELMANN:** And therefore Mr. Paul would

1 then just continue with his cross-examination of Staff
2 Sergeant Lortie, subject of course to any objections that
3 Mr. Manderville might have with respect to relevance, as
4 the case may be.

5 **THE COMMISSIONER:** Right.

6 **MR. ENGELMANN:** But I'll let my friends
7 speak to it if there's something else to add.

8 **THE COMMISSIONER:** Thank you.
9 Mr. Manderville?

10 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:

11 **MR. MANDERVILLE:** Mr. Commissioner, I'd like
12 to address you briefly. As Mr. Engelmann indicated, cooler
13 heads may have indeed prevailed, and I felt you should be
14 apprised of where the parties are on this issue and what
15 the current situation is, to assist you.

16 As you know, Mr. Commissioner, the issue of
17 production of documents from an individual's personnel file
18 in a proceeding and, in particular, discipline records is a
19 live and contentious issue in the law. Indeed, the Supreme
20 Court of Canada heard argument on that very issue less than
21 a month ago.

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

23 **MR. MANDERVILLE:** And there's a fundamental
24 tension among the parties in this room as to relevance and
25 production, which the parties and Commission counsel

1 resolved through negotiation.

2 Mr. Manson's client, as you know, Mr.
3 Commissioner, joined issue on that matter and brought a
4 motion and discussion was held among counsel for the
5 affected parties and Commission counsel and the issue was
6 resolved so that it wasn't necessary to have the motion
7 argued in front of you and you didn't need to make an order
8 and any possible appeals flowing therefrom were negated as
9 well.

10 And our client's starting point on that
11 issue, Mr. Commissioner, is that no discipline records or
12 discipline evidence is relevant to this Inquiry, and that
13 informed the position I took before you last day.

14 And by way of example, Mr. Lee's clients
15 were not obliged to produce their criminal records to you,
16 to the extent any of them might have one.

17 Similarly, Mr. Paul's client is not obliged
18 to produce evidence of a criminal record if he might have
19 one.

20 And so our client ---

21 **THE COMMISSIONER:** Mr. Paul?

22 **MR. MANDERVILLE:** Mr. Paul's client.

23 **THE COMMISSIONER:** Which is the Coalition
24 for Action.

25 **MR. MANDERVILLE:** Correct, yes. His lead

1 client or representatives of the client were not obliged to
2 produce anything of that nature, presuming for the moment -
3 - and I could be completely wrong -- that anything of that
4 nature exists.

5 So that was our client's starting position,
6 Mr. Commissioner, that these sorts of things are irrelevant
7 to your mandate.

8 Mr. Manson's client and others disagreed
9 with us, so we said, "Fine, if any discipline record is
10 relevant it would be any discipline records arising from
11 the cases the Commission has called in this Inquiry and the
12 evidence that has been heard in this Inquiry and, again,
13 agreement could not be reached on that basis as well.

14 So ultimately, the issue was resolved among
15 the parties to avoid the motion and any possible appeals,
16 and it was agreed among counsel for the affected parties
17 and Commission counsel was kept apprised of the process in
18 each step and voiced no concerns, but given the mandate of
19 this Inquiry, relevant discipline would be findings
20 resulting in the imposition of discipline arising from a
21 sexual assault investigation or where there has been a
22 finding of deceit on the part of an officer, or where
23 discipline is imposed relating to an officer's suitability
24 to participate in a lengthy, complex investigation.

25 After that, our client searched its records

1 to determine if any relevant records existed and swore
2 statutory declarations attesting to what they had looked
3 for and found, and I know you're aware of this. That
4 agreement, Mr. Commissioner, frames what is relevant to
5 this Commission in terms of discipline records and the
6 testimony that can be elicited from the witnesses.

7 So I suggest that for Mr. Paul's purposes
8 and those of examining counsel, it would be our position
9 that Mr. Lortie can certainly be asked if the discipline
10 matter referred to in the document arose from a sexual
11 assault investigation involving one of the officers the
12 Commission intends to call as a witness.

13 Mr. Lortie could also be asked if the
14 discipline matter referred to resulted in a finding of
15 deceit on the part of an officer the Commission intends to
16 call as a witness, and those are relevant questions to ask,
17 Mr. Commissioner. I concede that.

18 But if the answer to those questions is no,
19 then it would be our position that the document and the
20 discipline matter it refers to have no relevance to your
21 mandate, and that would end the questioning on that issue.

22 Those are the points I wish to make with
23 you, sir.

24 **THE COMMISSIONER:** My only concern with
25 that, Mr. Manderville, is that from what I've heard so far

1 is a lot of people were -- in examples of discipline that
2 I've heard so far, people were counseled and that was the
3 end of it.

4 And so by your definition though, counsel
5 does not form part of the discipline record. So there's
6 that whole gap there where your client is taking the view
7 that they don't have to produce that, and I don't know if
8 that's entirely correct, but I guess it's not before me
9 right now.

10 **MR. MANDERVILLE:** It's not before you right
11 now and I'm not sure you've quite accurately captured what
12 our client's view is on that point.

13 **THE COMMISSIONER:** Okay. Well ---

14 **MR. MANDERVILLE:** And that is something I
15 can address with you now or at a later date, as you prefer.

16 **THE COMMISSIONER:** It's not on the carpet
17 now, so that's fine.

18 **MR. MANDERVILLE:** Okay.

19 **THE COMMISSIONER:** Thank you.

20 All right. So can we go back, Mr.

21 Engelmann?

22 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:

23 **MR. ENGELMANN:** Just very briefly, Mr.
24 Manderville went into areas that I didn't know we'd be
25 going back into, and that's the broader issue of the

1 production or disclosure of discipline files, and I know
2 Mr. Manson has some views on that, and he's not here today;
3 Ms. Daley is.

4 But one of the things that he made very
5 clear to me was that the agreement that he made with
6 respect to his motion way back when resolved the CCR
7 production motion and that it was about production. It
8 does not determine what is relevant for the purposes of
9 examining or cross-examining witnesses. Relevance and
10 admissibility are determined by the mandate and the Rules
11 of Evidence to the extent that they apply to public
12 inquiries. Those were his comments to me. He's not here
13 today. I just wanted to make sure that was out there.

14 The issue that's before you today really
15 only involves this officer's letter and I think you can
16 just move forward on that basis.

17 There may be issues that come back before
18 you and I believe there may well be two officers who come
19 back, certainly Staff Sergeant Derochie and a -- I'm not
20 sure of the officer's rank -- Sergeant Brunet, who were
21 involved in the compilation of discipline files that we've
22 talked about earlier.

23 **THE COMMISSIONER:** Good.

24 **MR. ENGELMANN:** But that's not this witness.
25 And so hopefully either those issues will be resolved

1 between the parties I've mentioned or, if not, we'll be
2 back before you.

3 **THE COMMISSIONER:** Very well.

4 **MR. ENGELMANN:** Thank you.

5 **THE COMMISSIONER:** Thank you.

6 Ms. Daley, did you wish to say anything?

7 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. DALEY:**

8 **MS. DALEY:** Very briefly, just to support
9 what Mr. Engelmann told you, I do have the materials with
10 me. We made it very clear to everybody that for the
11 purpose of our production motion, we defined relevant
12 discipline in a specific way, but in doing that, again, we
13 did certainly attempt to make it clear to everybody we're
14 not binding them to our view of relevance and certainly we
15 weren't suggesting that the cross-examination of any
16 witness should be circumscribed in that fashion, so it was
17 helpful that he pointed that out to you.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Paul, are you prepared to continue?

20 So as I understand it, we're going to finish
21 with this witness today and begin another, Officer Quinn, I
22 believe.

23 **MR. PAUL:** Mr. Commissioner, I'd like to go
24 back to the document which I believe was Exhibit 1481.

25 **THE COMMISSIONER:** Yes, Madam Clerk could

1 you give the witness ---

2 **CLAUDE LORTIE, Resume/Sous le même serment:**

3 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

4 **MR. PAUL (cont'd/suite):**

5 **MR. PAUL:** Staff Sergeant Lortie, I believe
6 on the last occasion ---

7 **THE COMMISSIONER:** She doesn't have it.

8 **MR. PAUL:** Oh, I'm sorry.

9 **MR. LORTIE:** Thank you.

10 **THE COMMISSIONER:** Fourteen-eighty-one
11 (1481), now?

12 **MR. PAUL:** Do you have the document, Staff
13 Sergeant?

14 **MR. LORTIE:** Yes, I do, sir.

15 **MR. PAUL:** I believe on the last occasion
16 you had the opportunity to read the whole document, but
17 that was about a week-and-a-half ago. Would you like to
18 read it again?

19 **MR. LORTIE:** I didn't read it completely the
20 last time and I'd like to read it again, yes.

21 **MR. PAUL:** Yes.

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

23 **MR. LORTIE:** Okay.

24 **MR. PAUL:** Good. First of all, the second
25 paragraph I believe makes reference to there having been an

1 incident some three years ago, so I would understand that
2 this letter deals with some form of investigation that was
3 -- occurred three years before the letter was written?

4 **MR. LORTIE:** I couldn't tell you that, I
5 don't know.

6 **MR. PAUL:** Okay. But do you see where it
7 indicates in the second paragraph:

8 "In July of this year, Constable Hume
9 was called in to Inspector Wells'
10 office and advised that an incident
11 that she was involved in some three
12 years ago was being documented and it
13 would be placed on her personnel file."

14 **MR. LORTIE:** Okay.

15 **MR. PAUL:** Was it your understanding that it
16 was about three years before you wrote the letter that the
17 original investigation occurred?

18 **MR. LORTIE:** It would have been, sir.

19 **MR. PAUL:** Okay. So the original case
20 that's the subject of this letter would have dated back to
21 -- if the letter was 15th of September, 1997, perhaps some
22 time in '94?

23 **MR. LORTIE:** Perhaps.

24 **MR. PAUL:** Now, towards the middle of the
25 next paragraph there's a sentence that indicates:

1 "Some time later, a number of officers
2 advised their supervisor that, in fact,
3 the incident had occurred and that they
4 had lied at the time of the internal
5 investigation."

6 So you're indicating in the letter that
7 there was more than one officer that may have lied,
8 acknowledged that they lied about the investigation?

9 **MR. LORTIE:** That's what it says, sir.

10 **MR. PAUL:** Now, towards the end of the
11 letter, the second last short paragraph refers to three
12 officers seeking legal assistance. Is that -- and is one
13 of those -- one of those three officers would be Sergeant
14 Ron Lefebvre?

15 **MR. LORTIE:** And where are you, sir? Sorry.

16 **MR. PAUL:** The second last paragraph in the
17 letter, there's a reference to Sergeant Ron Lefebvre.

18 **MR. LORTIE:** Oh yes, I have it, yes.

19 **MR. PAUL:** Seeking legal assistance from the
20 Association?

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

22 **MR. PAUL:** Now, given that reference to him
23 seeking legal assistance and the other aspects of the
24 letter I've referred to, can you indicate to me what your
25 knowledge is with respect to Sergeant Lefebvre, what his

1 involvement was in this case that you're referring to in
2 the letter?

3 **MR. LORTIE:** I don't remember the exact
4 incident -- I don't remember the incident, actually.

5 I remember the three officers approaching me
6 and asking me for legal representation. They wanted to
7 discuss -- it wasn't representation, actually, they just
8 wanted a lawyer to talk to, to run this case by them.

9 **MR. PAUL:** All right.

10 To your knowledge, is Sergeant Ron Lefebvre,
11 when you make reference to in the first page -- second --
12 I'm sorry, I believe it's the third paragraph, making
13 reference to "a number of officers advising the supervisor
14 that they'd lied about the incident", when you say "a
15 number of officers", are the number of officers you're
16 referring to, are those the officers that are seeking legal
17 assistance, the same ones?

18 **MR. LORTIE:** Sir, I'm not sure about that,
19 but it's -- it probably is.

20 **MR. PAUL:** Okay. It's your understanding
21 that to the best of your knowledge, that Sergeant Ron
22 Lefebvre could have been one of the officers referred to in
23 that third paragraph, as one of the officers making the
24 admission to their supervisor?

25 **MR. LORTIE:** It -- it could have been.

1 **MR. PAUL:** But you're not -- you're saying
2 your not certain at this point?

3 **MR. LORTIE:** No, I'm not sure -- I can't
4 recall the exact way this whole incident developed and I'm
5 not sure if it was the initial officers that were lying or
6 if it was these officers.

7 **MR. PAUL:** Now, do you know if the original
8 investigation, the original case in any way related to a
9 sexual assault?

10 **MR. LORTIE:** It did not relate to a sexual
11 assault, no.

12 **MR. PAUL:** And so I ask you, the letter --
13 this appears to be copy, it's not signed -- to you
14 recollection, did the letter actually go out to -- was
15 there an original that went out to the Chief?

16 **MR. LORTIE:** I couldn't tell you, sir, I
17 don't recall.

18 **MR. PAUL:** Would it be your belief that you
19 would have sent this letter out?

20 **MR. LORTIE:** I would think so. I think that
21 that letter was sent as a result of legal advice.

22 **MR. PAUL:** Now, given that you have some
23 lack of certainty as to who the officers were that were
24 acknowledging that they had lied to their supervisor, can
25 you assist me in terms of who in the Cornwall Police

1 Service might be the best persons who had had knowledge of
2 that? Who would the -- what would your knowledge be --
3 would be the supervisor in question who the admission was
4 made to?

5 **MR. LORTIE:** Well, at the time, the Vice-
6 President of the Association, Kurt Fraser, would have been
7 probably -- and he's mentioned on this letter -- probably
8 the person with the most knowledge of what was going on
9 here.

10 **MR. PAUL:** Now, as far as where the letter
11 indicates:

12 "Officers were interviewed by the
13 supervisor regarding these
14 allegations."

15 This is in the first page.

16 "They advised that the allegations were
17 fabricated."

18 Do you know who that supervisor was? Would
19 that have been Inspector Wells or do you know?

20 **MR. LORTIE:** I couldn't tell you, sir.

21 **MR. PAUL:** Is there any other supervisor
22 referred to -- I believe Inspector Wells is referred to in
23 the letter?

24 **MR. LORTIE:** Inspector Wells is referred to.
25 He's the Professional Standards Officer at that time.

1 **MR. PAUL:** To your understanding, the
2 supervisor would it have been -- do you know what branch
3 that supervisor would have been; would they have been in
4 CIB?

5 **MR. LORTIE:** All the officers mentioned here
6 are from CIB, yes.

7 **MR. PAUL:** In 1994, to your understanding,
8 would Sergeant Lefebvre have been in CIB likely in '94?

9 **MR. LORTIE:** I think he was.

10 **MR. PAUL:** What about '97. Would he likely
11 still be in CIB then?

12 **MR. LORTIE:** I couldn't tell you. I don't
13 think he was, but he may have been. I'm not sure.

14 **MR. PAUL:** In CIB, do you know who the --
15 what the chain of command would have been '94 to '97?

16 **MR. LORTIE:** It would have been probably an
17 inspector, staff sergeant, a sergeant. Possibly a second
18 sergeant, I'm not sure, but that would have been the chain
19 of command in CIB at that time.

20 **MR. PAUL:** And as far as whether the
21 admission by these officers was made to a staff sergeant or
22 an inspector, you're not certain?

23 **MR. LORTIE:** I'm not sure who they made it
24 to, sir.

25 **MR. PAUL:** Given that Sergeant Lefebvre was

1 a sergeant, it would likely have to be somebody above the
2 rank of sergeant if it's to a supervisor?

3 **MR. LORTIE:** It would. It would.

4 **MR. PAUL:** In terms of this particular
5 investigation surrounding the 15th of September, '97 letter,
6 apart from what personnel might have knowledge, do you have
7 any knowledge of what documentation would likely exist
8 within the Cornwall Police Force about that type of
9 incident?

10 **MR. LORTIE:** It all depends if -- if there
11 was actually an investigation that was conducted.

12 **MR. PAUL:** Would it be the type of thing
13 that would normally be recorded in officer notes?

14 **MR. LORTIE:** It may not be because it falls
15 under the Police Act more than anything else.

16 **MR. PAUL:** All right.

17 If there was not any discipline, you're
18 saying that there may not necessarily be any records?

19 **MR. LORTIE:** Well, sir, I don't know if
20 there was an investigation. If there was an investigation,
21 there would be records.

22 **MR. PAUL:** If there was actually a public
23 complaint, would there be some record of that in the
24 Cornwall Police?

25 **MR. LORTIE:** There should be.

1 **MR. PAUL:** And some record of the response
2 to it and how it was dealt with?

3 **MR. LORTIE:** There should be.

4 **MR. PAUL:** And would that be kept in
5 Professional Standards or who would have that?

6 **MR. LORTIE:** When I worked in Professional
7 Standards, the boxes were kept in a storage room near the
8 Chief's office.

9 **MR. PAUL:** Okay, so it would be with
10 Professional Standards or the Chief of Police?

11 **MR. LORTIE:** Well, I would say that's where
12 Professional Standards were keeping their files at the
13 time, but then again things have changed since '97. Now we
14 have two floors that we occupy and the time I'm talking
15 about is whenever we had the two floors that the boxes were
16 kept on the -- near the Professional Standards office which
17 is right near the Chief's office.

18 **MR. PAUL:** A couple of questions on another
19 area.

20 I just want to ask you, when you originally
21 took on this investigation in the sense that you were
22 briefly assigned the Silmser case, I believe in December of
23 1992?

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

25 **MR. PAUL:** And that was by Chief Shaver?

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

2 **MR. PAUL:** And I just wanted to ask you,
3 would Chief Shaver have known that your wife would have
4 been employed at the Probation Office?

5 **MR. LORTIE:** Yes, he would have.

6 **MR. PAUL:** Would he have known that she
7 would be a co-worker with Mr. Seguin?

8 **MR. LORTIE:** Yes. Yes, he would.

9 **MR. PAUL:** But I understand that that wasn't
10 brought up in the conversation. Hhe didn't mention that in
11 the conversation with you when the file was assigned?

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

13 **MR. PAUL:** Another point I want to ask
14 about.

15 Do you have any knowledge of Cornwall police
16 officers ever, back in the late 70s or even early 80s,
17 dropping off Mr. Seguin's clients -- probation clients at
18 his house?

19 **MR. LORTIE:** I did once.

20 **MR. PAUL:** Dropped off a client at Mr.
21 Seguin's house?

22 **MR. LORTIE:** Well, I don't know if he was a
23 client. I dropped off a young man at -- it turned out it
24 was Ken Seguin's home, yes.

25 **MR. PAUL:** That would be his home in

1 Cornwall, when he lived in Cornwall?

2 MR. LORTIE: No, he -- yeah, he lived in
3 Cornwall, yes.

4 MR. PAUL: Okay. And what was the -- do you
5 know what the circumstance or purpose of doing that was?

6 MR. LORTIE: I think that would have been in
7 the late 70s. I'm pretty sure it was a call at the -- at a
8 hotel. The young man was asked to leave. I offered him a
9 ride home because he wasn't -- he had been told to leave
10 and whenever I arrived at the home that he had told me to
11 bring him to, Ken Seguin stepped out onto front verandah or
12 the step.

13 MR. PAUL: So it -- you didn't know it was
14 Ken Seguin's house, but it turned out that that's what it
15 was there?

16 MR. LORTIE: Yes, sir, that's what it was.

17 MR. PAUL: Okay. So I want to understand,
18 you didn't know you were taking him to Ken Seguin's house
19 until he's dropped off?

20 MR. LORTIE: That's correct.

21 MR. PAUL: And did you know whether that
22 person was on probation?

23 MR. LORTIE: No, I don't. I probably -- I
24 probably would have; I don't recall that.

25 MR. PAUL: But you don't know who that

1 person was?

2 MR. LORTIE: I have no idea.

3 MR. PAUL: Approximate age of the person?

4 MR. LORTIE: I don't even remember who it
5 is, but it would have been somebody, I would assume, around
6 20 years old or so.

7 MR. PAUL: Do you know of any other
8 circumstances where other Cornwall Police officers would
9 have dropped people off at the same residence?

10 MR. LORTIE: Never heard that before.

11 MR. PAUL: Just one other area.

12 We've heard that -- in these proceedings
13 that around 1990, I believe, there was a circumstance where
14 the staff sergeants were not comfortable with the
15 leadership of Chief Shaver?

16 MR. LORTIE: I heard that, yes.

17 MR. PAUL: Okay. And they took a position
18 that they wanted Mr. Shaver to cease being the Chief of
19 Police and I understand that at that time -- you weren't
20 President of the Association at that time, I --

21 MR. LORTIE: No, I wasn't.

22 MR. PAUL: Were you on the Executive at that
23 time?

24 MR. LORTIE: I probably was.

25 MR. PAUL: And my understanding -- I'm under

1 the impression -- you can correct me if I'm wrong -- but
2 I'm under the impression that the Association seemed not to
3 take as hard as position with respect to Chief Shaver in
4 terms of removal or resignation?

5 MR. LORTIE: Faint recollection; you're
6 absolutely correct.

7 MR. PAUL: And just wanted to get -- was it
8 your impression that the Association may have had concerns
9 but not concerns so far as to seek such a drastic remedy?

10 MR. LORTIE: I don't recall.

11 MR. PAUL: Okay. So you don't recall the
12 reasons or the Association's position?

13 MR. LORTIE: No.

14 MR. PAUL: I just ask you generally, in
15 terms of the Silmsers case, would understand that --
16 certainly at the morning meeting, you expressed your
17 concerns at the morning meeting in the late September of
18 '93.

19 MR. LORTIE: You asking me that, sir?

20 MR. PAUL: Yes, you expressed concerns about
21 the case then?

22 MR. LORTIE: Yes.

23 MR. PAUL: And I just wanted to ask you
24 generally, in terms of having concerns about the Silmsers
25 case or any other case, I would take it that you were not

1 afraid to stand up and take a position on a matter within
2 the police force if you felt that something wrong or unjust
3 could occur if you didn't take a position?

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

5 **MR. PAUL:** And is that essentially what you
6 were doing? You were trying to take a position and put
7 forth a position that you thought was the right thing to do
8 at the time?

9 **MR. LORTIE:** I actually wasn't putting forth
10 a position. I was asking what was happening with the case.

11 **MR. PAUL:** At the initial point, I take it -
12 - at the morning meeting, you didn't have a lot of details
13 so you were concerned but you didn't know the full picture
14 at that point?

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

16 **MR. PAUL:** But then after the morning
17 meeting as the facts became a bit more apparent to you,
18 maybe at some points you expressed concern a bit more
19 vocally?

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

21 **MR. PAUL:** And, again, that was basically
22 not out of any dislike out of -- dislike of management --
23 that was basically because you felt that that was the right
24 thing to do.

25 **MR. LORTIE:** Sorry, sir, I don't know what

1 your question is there.

2 MR. PAUL: Basically you took a stand at
3 some point in terms of objecting to the lack of
4 investigation of the settlement and you took that stand
5 because of -- you thought it was the right thing to do at
6 the time.

7 MR. LORTIE: I took the stand when I found
8 out when there was a payout that went on.

9 MR. PAUL: And you thought that was the
10 right thing to do at the time?

11 MR. LORTIE: To take the stand?

12 MR. PAUL: Yes.

13 MR. LORTIE: Yes.

14 MR. PAUL: Thank you. Those are my
15 questions.

16 MR. LORTIE: Thank you, sir.

17 MR. COMMISSIONER: Mr. Lee?

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

19 MR. LEE: Staff Sergeant Lortie, my name is
20 Dallas Lee and I'm on for the Victims' Group.

21 MR. LORTIE: Good day, sir.

22 MR. LEE: Good day.

23 I have a few areas I want to ask you about
24 and mostly it's just to clarify it's some of the evidence
25 that you've given that I was a little bit unclear on.

1 Okay?

2 **MR. LORTIE:** Correct. Okay.

3 **MR. LEE:** During your evidence in-chief you
4 were asked about whether or not Chief Shaver had ever
5 assigned you any other sexual assault investigation, other
6 than Silmser, okay? And what you told us is that he had
7 once assigned you an investigation where the complainant
8 was Jeannette Antoine. Is that correct?

9 **MR. LORTIE:** I don't remember the lady's
10 first name, but it was an Antoine, yes.

11 **MR. LEE:** And we dealt with her in the
12 context of this proceeding otherwise; you know that?

13 **MR. LORTIE:** Only because Mr. Manderville
14 told me that that was the same lady.

15 **MR. LEE:** Did I understand your evidence in-
16 chief to be that Chief Shaver assigned that to you at a
17 time when he thought that the accused person may be another
18 Cornwall Police officer?

19 **MR. LORTIE:** Yes.

20 **MR. LEE:** That's your recollection of when
21 it was assigned to you that that's what the Chief
22 understood the allegation to be?

23 **MR. LORTIE:** That's in my notes, sir.

24 **MR. LEE:** And you went out and interviewed
25 Ms. Antoine and as it turned out it was not a Cornwall

1 Police officer at all. It was a process server.

2 MR. LORTIE: That's correct.

3 MR. LEE: And what I wasn't clear on is you
4 told us in-chief that you returned to the station, you
5 filed the report and you went home.

6 MR. LORTIE: That's correct.

7 MR. LEE: And the next thing you told us was
8 that you recently learned during the course of your
9 preparation at the Inquiry that this process server
10 ultimately pled guilty?

11 MR. LORTIE: That's correct.

12 MR. LEE: So can I take it from that that
13 you submitted your report and the case was reassigned?

14 MR. LORTIE: That's correct, sir.

15 MR. LEE: And do you know -- do you know why
16 you were removed from that case?

17 MR. LORTIE: Well, I wasn't removed. I
18 think all he wanted to know was whether or not it was a
19 Cornwall Police officer or not. And then, somebody else
20 does it from the Criminal Investigation Branch.

21 MR. LEE: Somebody else did it from the
22 Criminal Investigation Branch when it was not a Cornwall
23 Police officer. But was there any discussion of what would
24 have happened, had it been a Cornwall Police officer?

25 MR. LORTIE: No, not that I recall.

1 **MR. LEE:** Given your knowledge of what was
2 going on at the CPS at that time, would it likely have been
3 you that would have kept the investigation in that
4 situation?

5 **MR. LORTIE:** I may have, or Professional
6 Standards. I'm not sure.

7 **MR. LEE:** Did Chief Shaver say to you why he
8 gave that investigation to you? Whether he gave you the
9 investigation or asked you to look into it initially, was
10 there any conversation of why you were being given that at
11 that time?

12 **MR. LORTIE:** No, I'm not sure why.

13 **MR. LEE:** Would you agree with me that that
14 is not the sort of allegation that you want churning
15 through the Cornwall Police rumour mill at the outset?

16 **MR. LORTIE:** I would agree, yes.

17 **MR. LEE:** It's a sensitive investigation
18 when a Cornwall Police officer may be involved.

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

20 **MR. LEE:** And is it fair to say that an
21 allegation of that nature would be kept as quiet as
22 possible initially?

23 **MR. LORTIE:** Initially.

24 **MR. LEE:** And ultimately, as we know, it was
25 not a Cornwall Police officer so it went into the -- it was

1 assigned as normal?

2 MR. LORTIE: That's correct. I do know that
3 Professional Standards at that time was extremely busy.

4 MR. LEE: I want -- switching areas I want
5 to talk to you just briefly about the Silmser file being
6 reassigned by Deputy Chief St. Denis. Okay?

7 What you've told us was that Chief Shaver
8 was away at the time that decision was made. Is that
9 correct?

10 MR. LORTIE: That's correct.

11 MR. LEE: You don't know where he was or
12 what he was doing. You just know that he wasn't there.

13 MR. LORTIE: That's correct.

14 MR. LEE: And you've told us that when the
15 Chief was away you would report to the Deputy Chief.

16 MR. LORTIE: Well, report -- he called me
17 in. There wasn't much reporting. I just did my work and I
18 didn't do much reporting to the Deputy Chief or the Chief.

19 MR. LEE: Only on a need-to-know basis, kind
20 of thing?

21 MR. LORTIE: If something that he had to
22 know I would see him, yes.

23 MR. LEE: There was no regular -- there
24 wasn't a weekly meeting with the Chief or anything like
25 that?

1 **MR. LORTIE:** I don't recall that, no.

2 **MR. LEE:** Can you help me out with the
3 meeting itself or the conversation with the Deputy Chief
4 where he advised you that he was going to reassign the
5 file.

6 What you've told us is that the reason for
7 the reassignment was that January 18th was just too far away
8 and he didn't want to wait that long. Is that right?

9 **MR. LORTIE:** That's what I told you, yes.

10 **MR. LEE:** And at the time that you had the
11 discussion with the Deputy Chief, would he have known that
12 the meeting was scheduled for January 18th or would that
13 have all come about in that conversation?

14 **MR. LORTIE:** No, it would have come about in
15 the conversation with him.

16 **MR. LEE:** I guess what I'm asking you is the
17 Deputy -- my understanding of what you said is the Deputy
18 Chief walked up asked for a progress report, not really
19 knowing anything about the case and at that time learned
20 you were scheduled for surgery and learned that January 18th
21 was going to be the first meeting. Is that right?

22 **MR. LORTIE:** That's exactly right.

23 **MR. LEE:** And on that spot he said, "We
24 can't wait until January 18th, I'm going to reassign it."

25 **MR. LORTIE:** That's exactly what happened.

1 **MR. LEE:** And so it's clear based on that
2 that the Deputy Chief and Chief Shaver wouldn't have
3 discussed that situation before the reassignment. He just
4 would have made the decision on the fly. Is that correct?

5 **MR. LORTIE:** Possibly, yes. It would have
6 had to be.

7 **MR. LEE:** It would have had to be, right?

8 **MR. LORTIE:** Yeah.

9 **MR. LEE:** Because he didn't have the
10 information otherwise.

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

12 **MR. LEE:** And you've told us that you have
13 no idea how Chief Shaver reacted to that reassignment
14 because you didn't discuss it with him prior to the
15 reassignment or after the reassignment.

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

17 **MR. LEE:** You've never to this date
18 discussed that with Chief Shaver. Is that right?

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

20 **MR. LEE:** Just to clean up one issue that --
21 that arose last day. You were being cross-examined by Mr.
22 Manson for the Citizens for Community Renewal and there was
23 some issue about the September 28th date. And he told you
24 about timelines and some concerns that he had there and you
25 told us that you would rely on the dates in your notes but

1 you qualified that a little bit and said, "Well, presuming
2 the September 28th date in my note is right and I didn't
3 misprint it. The easiest way to look at that would be to
4 see my notes."

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

6 **MR. LEE:** Have you had an opportunity since
7 then to examine your notes?

8 **MR. LORTIE:** Yes, I have.

9 **MR. LEE:** And what did you find?

10 **MR. LORTIE:** It happened on September 28th.

11 **MR. LEE:** Was there an entry in your notes
12 preceding September 28th of September 27th?

13 **MR. LORTIE:** Yes, there was.

14 **MR. LEE:** And following September 28th was
15 there a September 29th date?

16 **MR. LORTIE:** Everything was in order, sir.

17 **MR. LEE:** So, you are sticking with
18 September 28th; that's the date in your notes.

19 **MR. LORTIE:** Oh yes. And I can go further
20 on that because I think it needs clarification for the
21 Commissioner. On the 23rd, I think, is the date that was
22 brought up. On the 23rd the Drug Unit was involved in court
23 that morning. I reviewed my notes. I have a copy of my
24 notes at home and Gerry Holiday and Tim Miller, both OPP
25 officers -- one of them was with the Cornwall Force back

1 then -- were in my office at 8:30 that morning and we were
2 going to court at 10:00 that morning.

3 We finished court, we went for lunch and
4 after lunch we conducted an investigation into an escort
5 service. I remember the day very clearly because we were
6 trying to persuade the lady from the escort service over
7 the phone to commit to what product she would be giving us
8 and how much it would cost us. And we had two or three
9 officers make various phone calls trying to get that
10 information out of her and it didn't work so we called in
11 an OPP undercover operator and we made a phone call to her
12 telling her that we were having a stag party and that we
13 wanted to see her before we would make any commitment.

14 So we sent in an OPP undercover operator who
15 was going to try and get the information out of her that we
16 needed for a prosecution and we were unsuccessful.

17 The lady left town shortly after that so I'm
18 sure she was on to us because there was a lot of
19 negotiating because she wanted -- I forget if it was a \$100
20 or more than \$100 just to go in and talk to her. And we
21 had to negotiate her down to \$60 just to -- for that
22 conversation. That's in my notes on the 23rd.

23 What's really important in those notes is
24 that Perry Dunlop is the one who found her because we had
25 no idea where this lady was. So that transpired on the

1 23rd. If you were to check the CIU project files, Criminal
2 Intelligence Unit project files, I am sure you would find a
3 report indicating that, so ---

4 **MR. LEE:** So as I understand it you have an
5 independent recollection of the events you've just
6 described?

7 **MR. LORTIE:** Yes, I do.

8 **MR. LEE:** And what triggered your memory on
9 that was examining your notes in the past week and a half
10 or so since the last hearing date?

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

12 **MR. LEE:** And September 23rd, your notes
13 would contain ---

14 **MR. LORTIE:** That's ---

15 **MR. LEE:** --- evidence as to what you've
16 just described to us now?

17 **MR. LORTIE:** That's correct. So I know it
18 wasn't the 23rd. And my notes are ---

19 **MR. LEE:** Sir, let's be clear. You know
20 what was not the 23rd?

21 **MR. LORTIE:** Sorry?

22 **MR. LEE:** You know what was not the 23rd?

23 **MR. LORTIE:** What was ---

24 **MR. LEE:** You just said, "So, I know it was
25 not the 23rd."

1 **MR. LORTIE:** The meeting.

2 **MR. LEE:** The meeting with ---

3 **MR. LORTIE:** The morning the meeting ---

4 **MR. LEE:** --- the discussion with Lefebvre
5 and the morning meeting.

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

7 **MR. LEE:** So your evidence is, on the 28th,
8 you have the morning meeting and Dunlop leaves the room?
9 Okay, I just -- one small note on that. Is that correct?

10 **MR. LORTIE:** Yes, that's correct.

11 **MR. LEE:** And he returns with a copy of the
12 Silmser's statement?

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

14 **MR. LEE:** And he showed you that statement?

15 **MR. LORTIE:** Yes, he did.

16 **MR. LEE:** What you can't tell us, I take it,
17 is where he got that statement from on that date?

18 **MR. LORTIE:** Yes.

19 **MR. LEE:** You don't know if he got it from
20 Sebalj in the interim? You don't know if he went to his
21 locker; you can't tell us that, is that correct?

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

23 I'd like to just point out another fact, Mr.
24 Lee, is the notes we're talking about in my notebook were
25 the only notes that were made at the time, that I've heard

1 through the evidence. Everyone else's recollection of the
2 events are statements that were provided four to six months
3 later when they gave statements to Inspector Wells.

4 And if you review the statements that
5 Inspector Wells took, he refers to a statement that he took
6 from Deputy Chief St. Denis -- and he asks Deputy Chief St.
7 Denis, "Did Claude Lortie say..." what's the word that
8 keeps ---

9 **MR. LEE:** Cover up?

10 **MR. LORTIE:** --- "cover up?" And I think
11 there's the word believe in Deputy Chief St. Denis' -- I
12 only saw a glimpse of it when I was shown last week, and I
13 think I saw that word, "believe" when the Deputy Chief St.
14 Denis is responding.

15 But more importantly here is that Inspector
16 Wells is asking a question when, in fact, he was present at
17 the September 28th meeting.

18 **MR. LEE:** Inspector Wells was?

19 **MR. LORTIE:** Yes.

20 So why would he be asking him if I said that
21 if he's sitting in the meeting?

22 **MR. LEE:** And you began that point by saying
23 that your notes are contemporaneous and were made on that
24 date?

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

1 **MR. LEE:** Okay. Can I -- I'd like to take
2 you to a section of the transcript from last day; I don't
3 think you'll have that in front of you. It's Volume 215.

4 **THE COMMISSIONER:** Thank you.
5 What page, please?

6 **MR. LEE:** Fifty-six (56).

7 **MR. LORTIE:** Thank you.

8 **MR. LEE:** I'm moving to a different area
9 again, Staff Sergeant Lortie. This deals with the brief
10 meeting you had with Murray MacDonald.

11 **MR. LORTIE:** Yes.

12 **MR. LEE:** If you look at page 56, starting
13 at Line 11, Mr. Stauffer's asking you -- he says:

14 "Okay. So you go off to Mr.
15 MacDonald's office."

16 And down at line 17, if I can read that to
17 you as your response, you say:

18 "We had a very short meeting with
19 Murray. From what I can recall Murray
20 could not get involved and to tell you
21 what was discussed in that meeting -- I
22 have no idea was what discussed in the
23 meeting. It went nowhere. We -- I
24 think that Murray realized that we had
25 nothing to do with that matter and did

1 not want to share any information with
2 us. He may have given us some advice
3 but I don't recall what that would be.
4 But Murray was very pleasant, but could
5 not get involved."

6 You see that there, sir?

7 **MR. LORTIE:** Yes I do, sir.

8 **MR. LEE:** So you say a couple of different
9 things, there.

10 First, you say that Murray could not get
11 involved, okay? You then, a little bit down further you
12 say that Murray realized that you had nothing to do with
13 the matter and did not want to share information with you
14 and then at the end of the answer you again say:

15 "He was very pleasant, but he could not
16 get involved."

17 Do you recall clearly what the reason was
18 that Murray MacDonald gave you for declining to share
19 information?

20 **MR. LORTIE:** No, I don't.

21 **MR. LEE:** Do you remember whether a conflict
22 of interest was discussed, at all?

23 **MR. LORTIE:** I don't think so.

24 **MR. LEE:** And whether -- I take it from your
25 answer just now, you don't have a clear recollection of

1 whether it was he could not get involved or he just would
2 not get involved.

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

4 **MR. LEE:** You don't recall, one way or the
5 other?

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

7 **MR. LEE:** But you don't recall a
8 conversation of a conflict of interest?

9 **MR. LORTIE:** No, for -- I don't remember
10 that for sure. No.

11 **MR. LEE:** Do you recall any conversation
12 about Murray MacDonald having participated in some kind of
13 process; trying to develop policies or guidelines for the
14 Diocese in relation to sex abuse? And him feeling that
15 maybe it wasn't his place to involved himself, given that
16 involvement?

17 **MR. LORTIE:** First time I heard that was
18 through the Inquiry.

19 **MR. LEE:** Okay. Sir, I know you haven't
20 followed the Inquiry throughout but I can tell you we've
21 had some evidence at the Inquiry, and we've looked at some
22 documents that suggest that the relationship between the
23 Police Association and management was, at times, difficult
24 I suppose. Okay?

25 Can you tell us what your involvement in the

1 Association was in late '93?

2 MR. LORTIE: Late '93, I was probably the
3 Vice-President of the Association.

4 MR. LEE: Could you have been he President?

5 MR. LORTIE: I could have been, but I think
6 Dan O'Reilly was the President.

7 MR. LEE: You were on the Executive, at
8 least?

9 MR. LORTIE: Yes.

10 MR. LEE: Have you heard it suggested that,
11 at various times, the Association was "out to get
12 management," so to speak?

13 MR. LORTIE: I never heard that, no.

14 MR. LEE: And that wasn't a feeling you had?

15 MR. LORTIE: I'm sorry?

16 MR. LEE: You didn't feel that way? At the
17 time, that wasn't ---

18 MR. LORTIE: Well ---

19 MR. LEE: --- one of your goals, at the
20 time?

21 MR. LORTIE: It may have come across that
22 way; every time you put a grievance in, somebody in
23 management's going to think you're challenging them on
24 something. That's quite possible.

25 And if they read it that way, it's

1 unfortunate, but ---

2 **MR. LEE:** Can I take you to Exhibit 1293
3 please?

4 These are Staff Sergeant's Derochie's notes.
5 I just want to take you to a brief excerpt.

6 **MR. LORTIE:** Thank you.

7 **THE COMMISSIONER:** What page sir?

8 **MR. LEE:** Bates page ending in 403.

9 Staff Sergeant Lortie, if you look on the
10 top left-hand corner of the page, there's a printed number
11 there. If you can go to the one ending in 403, please?

12 Are you there, sir?

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

14 **MR. LEE:** If I can just have one moment, Mr.
15 Commissioner?

16 **THE COMMISSIONER:** Certainly.

17 **MR. LEE:** Sir, do you see around the middle
18 of the page there is a number three?

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

20 **MR. LEE:** And that reads:

21 "There may be hidden agendas at work;
22 Dunlop may be getting at or is being
23 used to get at other people perceived
24 as being vulnerable, i.e. officers
25 involved in the investigation or

1 supervisors of those officers."

2 MR. LORTIE: Yes, I see that.

3 MR. LEE: You see that?

4 MR. LORTIE: Yes.

5 MR. LEE: When Staff Sergeant Derochie was
6 here he testified that he was concerned, at one point, that
7 Executives of the Association may have been using the
8 investigation to their advantage in order to discredit
9 people and weaknesses in the organization. Okay? That
10 was his testimony here.

11 Now we have, a little bit later in these
12 notes a couple of pages on ending at 405 -- or beginning at
13 405 rather, Staff Sergeant Derochie's notes of a meeting
14 with you, and that's the one that ends that:

15 "It may have been a matter or Lortie
16 beating his chest again."

17 And I know you commented on that already.
18 My question for you -- I want to be clear -- was your
19 reaction to the closing of the Silmser investigation in any
20 way related to Association politics or gamesmanship, or
21 anything like that?

22 MR. LORTIE: Certainly not, sir.

23 MR. LEE: Is it fair to say that you had
24 legitimate concerns about the way that investigation had
25 been handled and the way it had been concluded and -- is

1 that fair?

2 **MR. LORTIE:** That's fair.

3 **MR. LEE:** And whether you were a member of
4 the Executive of the Association or not, you would have
5 voiced those concerns?

6 **MR. LORTIE:** Definitely.

7 **MR. LEE:** Staff Sergeant, those are all my
8 questions. Thank you.

9 **MR. LORTIE:** Thank you, sir.

10 **THE COMMISSIONER:** Thank you.

11 Mr. Neville, do you have any questions?

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

13 **NEVILLE:**

14 **MR. NEVILLE:** Good afternoon, Mr.
15 Commissioner.

16 Good afternoon, Staff Sergeant. My name is
17 Michael Neville. I represent Father Charles MacDonald and
18 the estate of Mr. Seguin.

19 **MR. LORTIE:** Good day, Mr. Neville.

20 **MR. NEVILLE:** How are you today, sir?

21 **MR. LORTIE:** Very good, sir.

22 **MR. NEVILLE:** Good.

23 Just one housekeeping matter to start,
24 Commissioner, if I could. And perhaps it will help clarify
25 things for everybody, including the Staff Sergeant.

1 We have, Commissioner, two exhibits.

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

3 **MR. NEVILLE:** One is 1475, identified as --
4 by the Staff Sergeant as in the nature of a summary or
5 synopsis. If he could be provided with that, sir, and
6 Exhibit 1423 which is a statement as part of the -- Staff
7 Sergeant Wells' internal investigation.

8 **THE COMMISSIONER:** Fourteen twenty-three
9 (1423) under the name of Staff Sergeant Lortie.

10 **MR. LORTIE:** Which one is first, sir?

11 **MR. NEVILLE:** Why don't we start with 1475.
12 You'll need, actually, both, in a sense, side by side.
13 There's something I just want to get clarified that I think
14 may be of some ---

15 **MR. LORTIE:** Okay.

16 **MR. NEVILLE:** --- small help.

17 **MR. LORTIE:** The second one is?

18 **MR. NEVILLE:** Fourteen-twenty-three (1423).

19 And it may take the witness a moment,
20 Commissioner, and perhaps yourself, but what I'm going to
21 ask the witness to confirm is that if one looks at the
22 handwritten version, 1475 ---

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

24 **MR. NEVILLE:** --- and compares it to the
25 typed version, 1423, it would appear that the two are

1 identical word for word, right down to the date of February
2 17th, '94, where it starts into a Q & A format.

3 **THE COMMISSIONER:** February 16th?

4 **MR. NEVILLE:** That, sir, you'll find in the
5 typed one, 1423, on page -- what's marked as page 2.

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

7 **MR. NEVILLE:** About an inch and a half from
8 the bottom of the text, you'll see a date.

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

10 **MR. NEVILLE:** February 19th in brackets
11 "Staff Sergeant Wells' office."

12 **THE COMMISSIONER:** February 17th?

13 **MR. NEVILLE:** Did I say something else?

14 **THE COMMISSIONER:** You said 19th.

15 **MR. NEVILLE:** Sorry. Sorry, Commissioner.
16 I meant the 17th.

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

18 **MR. NEVILLE:** So if you could just confirm
19 for me, Staff Sergeant -- I've done the exercise, but I'm
20 not the witness. It would appear that the wording in your
21 handwritten version is identical to the typed one down to
22 the date of February 17th. And what I'm going to suggest is
23 that you prepared 1475 as part of Staff Sergeant Wells'
24 internal investigation. He incorporated it into the typed
25 statement and asked you a series of questions and answers.

1 Do you follow me?

2 MR. LORTIE: Yes, sir.

3 MR. NEVILLE: Am I right?

4 MR. LORTIE: It's quite possible. I'd have
5 to read it completely to get -- to see if it's word for
6 word, but I trust that you've already done that.

7 MR. NEVILLE: Yes.

8 So it would appear then that the staff
9 sergeant; that is, Mr. Wells, had this document and then
10 meets with you on the 17th of February and asks you a series
11 of questions and answers. That's what this appears to
12 show?

13 MR. LORTIE: Yes, sir.

14 MR. NEVILLE: All right. Thank you.

15 Now, can we look on the typed version in the
16 series of Q & A's? The first question he asks you is how
17 you became aware of the investigation, that it was not
18 completed, right?

19 MR. LORTIE: Sorry, sir, go back to the
20 beginning?

21 MR. NEVILLE: Bottom of page 2, the first
22 question you're asked:

23 "How did you become aware of the fact
24 that the sexual investigation was not
25 complete?"

1 Right? And your answer he records is:

2 "Out of curiosity, it was my
3 investigation in the first place and
4 that I was just checking up on its
5 status."

6 And that appears to be a follow-up to the
7 fact that in September you asked Lefebvre, "By the way,
8 whatever came of that Silmsler complaint," right? Are you
9 following this?

10 **MR. LORTIE:** I'm reading the question, yes.

11 **MR. NEVILLE:** Yes. Go ahead.

12 **MR. LORTIE:** No, that's good.

13 **MR. NEVILLE:** Am I okay?

14 **MR. LORTIE:** Yeah.

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

16 Let's look at the next one, top of page 3:

17 "Did Constable Perry Dunlop ever advise
18 you that he had obtained a copy of the
19 victim's statement?"

20 Answer:

21 "I saw Perry with one of the victims'
22 statements. I'm not sure if it was the
23 original or a copy of it."

24 Question:

25 "When would this have been, before or

1 after the morning meeting of September
2 28th?"

3 Answer:

4 "I do not recall."

5 Do you recall those two questions and
6 answers?

7 **MR. LORTIE:** I don't recall the questions,
8 but that's fine.

9 **MR. NEVILLE:** Do you dispute the answers
10 recorded as ---

11 **MR. LORTIE:** No.

12 **MR. NEVILLE:** --- attributed to you?

13 **MR. LORTIE:** No.

14 **MR. NEVILLE:** Well, do you agree with me,
15 Staff Sergeant, that those two questions and answers,
16 particularly the second question and answer, appears to be
17 somewhat at odds with your evidence?

18 **MR. LORTIE:** No, not at all, sir.

19 **MR. NEVILLE:** Well, the second question was:

20 "When would this have been..."

21 That is Dunlop showing you a statement.

22 "...before or after the morning meeting
23 of September 28th?"

24 A. I do not recall."

25 How many times did he ask you to look at a

1 statement?

2 MR. LORTIE: Once.

3 MR. NEVILLE: Right.

4 And you told us it was on the morning of
5 September 28th, shortly after the early-morning nine o'clock
6 meeting.

7 MR. LORTIE: That's correct.

8 MR. NEVILLE: And your answer on the 17th of
9 February '94 was:

10 "I do not recall."

11 MR. LORTIE: I don't recall if it was before
12 or after the meeting.

13 MR. NEVILLE: So you take that as a question
14 simply as to the timing of when you were shown it?

15 MR. LORTIE: I don't recall if it was before
16 or after the meeting.

17 MR. NEVILLE: All right.

18 So that's what you take the question to be
19 about, whether it was before or after the meeting, not the
20 date?

21 THE COMMISSIONER: Well ---

22 MR. LORTIE: Oh definitely, definitely.

23 THE COMMISSIONER: --- "When would this have
24 been, before or after the morning meeting of September
25 28th?"

1 **MR. NEVILLE:** Fine. Fine. I just wanted to
2 give the witness a chance to answer the question because
3 the document is an exhibit.

4 Now, Staff Sergeant, can I just ask you
5 this? You were asked a series of questions by Mr. Manson
6 in particular a week and a half ago, and part of the area
7 you were questioned about both in-chief and by himself had
8 to do with Staff Sergeant Derochie's internal
9 investigation; correct?

10 **MR. LORTIE:** Correct.

11 **MR. NEVILLE:** And you knew he conducted that
12 essentially throughout the fall of 1993?

13 **MR. LORTIE:** Sir, you're not asking me
14 questions. I don't know if you're continuing or ---

15 **MR. NEVILLE:** No, my question was you knew
16 that that investigation took place during the fall of 1993.
17 Is that correct?

18 **MR. LORTIE:** Yes, it is correct.

19 **MR. NEVILLE:** As part of which one step of
20 which included your meeting with him?

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

22 **MR. NEVILLE:** Around mid-October, according
23 to his notes?

24 **MR. LORTIE:** That's correct, but it's not
25 part of his investigation.

1 MR. NEVILLE: What was it?

2 MR. LORTIE: Are you referring to the day
3 when I went in to see Garry and ---

4 MR. NEVILLE: Right.

5 MR. LORTIE: --- questioned him about Perry
6 Dunlop?

7 MR. NEVILLE: Right.

8 MR. LORTIE: I wasn't there because Garry
9 had called me in to do an investigation.

10 MR. NEVILLE: Okay. Fair enough. It was
11 you -- you initiated that?

12 MR. LORTIE: That's correct.

13 MR. NEVILLE: All right. That's fine.
14 But you understood he was interviewing a
15 series of people, right?

16 MR. LORTIE: I did -- no, I did not know he
17 was interviewing a series of people.

18 MR. NEVILLE: Well, let me ask you this,
19 Staff Sergeant. What did you think he was doing?

20 MR. LORTIE: He was doing an investigation.

21 MR. NEVILLE: Of what?

22 MR. LORTIE: Of Perry Dunlop releasing the
23 statement.

24 MR. NEVILLE: Perry Dunlop releasing the
25 statement to whom?

1 MR. LORTIE: CAS.

2 MR. NEVILLE: All right.

3 So you knew all that; is that right?

4 MR. LORTIE: I'm not -- I'm not sure if I
5 knew that at that time, but I knew he was investigating
6 Perry.

7 MR. NEVILLE: Perry was being investigated
8 by him for what?

9 MR. LORTIE: Probably for the statement.
10 I'm just saying I don't recall that, sir, that it was per
11 releasing the statement to CAS, but it must have been.

12 MR. NEVILLE: What else would it have been?

13 MR. LORTIE: I don't know, sir.

14 MR. NEVILLE: Right.

15 There isn't anything else that you can think
16 of today or then, right?

17 MR. LORTIE: I -- sir, we're going back 15
18 years. I don't know exactly what else is going on. But
19 I'll agree with you; it's irrelevant.

20 MR. NEVILLE: I'm sorry?

21 MR. LORTIE: It's irrelevant. What I went
22 in to see Garry Derochie and I wanted to know about why is
23 he investigating Perry Dunlop.

24 MR. NEVILLE: Did you know that he wrote a
25 report for the Chief -- actually, the Acting Chief, to be

1 precise?

2 MR. LORTIE: Garry Derochie?

3 MR. NEVILLE: Yes.

4 MR. LORTIE: I may have heard that during
5 the Inquiry.

6 MR. NEVILLE: Did you become aware of the
7 contents of that report?

8 MR. LORTIE: No, I didn't.

9 MR. NEVILLE: Have you ever read it?

10 MR. LORTIE: I don't think I have.

11 MR. NEVILLE: Could we show Exhibit 1301,
12 Commissioner, to the witness?

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. NEVILLE: It's also Document, I believe,
15 Commissioner, 719992.

16 THE COMMISSIONER: That's what it is.

17 MR. NEVILLE: It may have other numbers as
18 well, but ---

19 THE COMMISSIONER: That's the one that's an
20 exhibit. What page would you like to go to?

21 MR. NEVILLE: Yes, Commissioner, if we could
22 start, please, with -- and I'll use, if I could, the Staff
23 Sergeant's numbering, page 1. There's also at the bottom
24 9895, if that's of any help. They seem to be sequential.

25 MR. LORTIE: Sir, did you say 1301?

1 THE COMMISSIONER: Yeah.

2 MR. NEVILLE: Yes, sir.

3 MR. LORTIE: I don't have that book.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LORTIE: Thank you.

6 MR. NEVILLE: Do you have it now, Staff
7 Sergeant?

8 MR. LORTIE: Yes, sir.

9 MR. NEVILLE: All right.

10 Could you look at page 1 of the text.

11 You'll see there's numbers in the top right corner, 1
12 through to 11. Do you have it?

13 MR. LORTIE: No, sir. Okay.

14 MR. NEVILLE: All right.

15 If you just read to yourself for a moment.
16 Perhaps if you start the second last paragraph.

17 MR. LORTIE: Page 1?

18 MR. NEVILLE: Yes.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. NEVILLE: So the Staff Sergeant refers
21 to Staff Sergeant Brunet's communications with Malcolm
22 MacDonald and Sean Adams, right? And the arrangements with
23 Mr. Adams to have Silmsler attend the station to speak with
24 Sebalj; correct?

25 MR. LORTIE: Yes, sir.

1 **MR. NEVILLE:** All right.

2 Can we look at the top of the next page?

3 Now, the date on the previous page was on or about
4 September 3rd and the top of the next page he writes the
5 following:

6 "Word of the settlement and the
7 termination of the investigation became
8 common knowledge within the police
9 station."

10 Do you agree with that?

11 **MR. LORTIE:** I read it but I don't agree
12 with it.

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

14 So when Staff Sergeant Derochie says "in
15 early 1994", because this was authored on or about January
16 8th or 10th -- January 8th, you don't agree with his saying
17 "word of the settlement became common knowledge within the
18 police station"?

19 **MR. LORTIE:** No, I'm sure it wasn't common
20 knowledge.

21 **MR. NEVILLE:** Well, I take it it wasn't
22 known to you?

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

24 **MR. NEVILLE:** Okay. Then he talks about
25 Constable Dunlop approaching Constable Sebalj to obtain the

1 statement; correct?

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

3 **MR. NEVILLE:** Now, do you understand, Staff
4 Sergeant, that Staff Sergeant Derochie was able to write
5 that next passage because he spoke to Constable Sebalj who
6 confirmed it; that she, in fact, had given it to Dunlop?

7 **MR. LORTIE:** I don't know what your question
8 is, sir.

9 **MR. NEVILLE:** Do you understand, sir, that
10 in order for him to write that statement about Dunlop
11 approaching Sebalj and being given a copy to go off and
12 read in private, that he had to be told that by Sebalj. Do
13 you understand that?

14 **MR. LORTIE:** All I get out of this statement
15 ---

16 **MR. NEVILLE:** Please answer the question.
17 Do you understand that, that he had to speak to Sebalj to
18 be told that?

19 **MR. LORTIE:** I can't answer a question that
20 doesn't make sense to me, sir.

21 **MR. NEVILLE:** Well, let's read on to see if
22 some other things do or do not make sense.

23 Let's look in the middle of the page ---

24 **MR. LORTIE:** Mr. Neville, it says:

25 "Constable Perry Dunlop, who had no

1 involvement with this investigation
2 approached Constable Sebalj and asked
3 her if he could read the statement."

4 I don't know what you're getting at, at that
5 point. That's all I'm saying. Give me a point?

6 **MR. NEVILLE:** Well, let me give you a point,
7 Staff Sergeant.

8 You've told the Commissioner and the public
9 that as far as you know, Constable Dunlop saw the Silmsers
10 statement for the first time on the morning of September
11 28th?

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

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

14 Let's look at the middle paragraph on page
15 2.

16 "On September 25th, 1993, Constable
17 Dunlop discussed the particulars of
18 this investigation with Mr. Richard
19 Abell of the Children's Aid Society. A
20 conversation took place in the parking
21 lot at Quinn's Inn in St. Andrews.
22 Constable Dunlop and Mr. Abell are
23 friends and the discussion was not
24 official. On September 26th, 1993,
25 Constable Dunlop went over to Mr.

1 Abell's residence and brought with him
2 a copy of Mr. Silmser's statement. Mr.
3 Abell read the statement then the
4 incident was discussed."

5 Do you agree with me, sir, that those two
6 passages in that paragraph are inconsistent with what you
7 told the Commission?

8 **MR. LORTIE:** Definitely.

9 **MR. NEVILLE:** Do you understand, sir, that
10 the source of that information is, in fact, Mr. Abell,
11 himself?

12 **MR. LORTIE:** That's -- that's fine.

13 **MR. NEVILLE:** That Mr. Abell is able to look
14 at a statement and read it in his home two days before,
15 according to your testimony, Dunlop saw it for the first
16 time.

17 Can you explain how that could happen?

18 **MR. LORTIE:** All I can say is that the
19 gentleman must have the wrong date.

20 **MR. NEVILLE:** You're right; he's wrong?

21 **MR. LORTIE:** No, I've got it in my notes,
22 sir, and ---

23 **MR. NEVILLE:** Well, we'll come to your
24 notes.

25 **MR. LORTIE:** My notes are chronological,

1 day-by-day for a whole year.

2 **MR. NEVILLE:** We'll come to your notes in a
3 minute.

4 Do you agree with me the two positions are
5 inconsistent?

6 **MR. LORTIE:** They're inconsistent.

7 **MR. NEVILLE:** Fine. Let's look at the
8 bottom of the page.

9 The last full paragraph, it talks about Mr.
10 Dunlop being dissatisfied with the situation.

11 The Staff Sergeant writes the following:

12 "During or about this same time,
13 Constable Dunlop also went to two
14 supervisors of the Cornwall Police
15 Service. He spoke to Sergeant Claude
16 Lortie and Staff Sergeant D'Arcy
17 Dupuis. He expressed concern to both
18 officers and was told by both officers
19 they would look into the matter."

20 I take it you would disagree with that
21 statement?

22 **MR. LORTIE:** It's possible that Perry came
23 and spoke to me, yeah, I ---

24 **MR. NEVILLE:** When?

25 **MR. LORTIE:** It would have been after

1 September 28th, sir.

2 **MR. NEVILLE:** Can I have the witness,
3 Commissioner, look at Document Number 712368?

4 It's not yet an exhibit as far as I know.

5 **THE COMMISSIONER:** Exhibit 1482 is an audio-
6 taped interview report of Perry Dunlop. The date of the
7 interview is the 23rd of February, 2000.

8 **--- EXHIBIT NO./PIÈCE NO. P-1482:**

9 (712368): Claude Lortie audio-taped
10 Interview Report - Perry Dunlop with
11 OPP P. Hall and J.B. Dupuis dated
12 February 23, 2000

13 **MR. NEVILLE:** Just so you understand the
14 context, Staff Sergeant, this is the audio-taped and
15 transcribed interview of Mr. Dunlop by the Ontario
16 Provincial Police, in particular Inspector Hall and
17 Constable Dupuis.

18 And what they are investigating it would
19 appear, according to the text, if you look for me at the
20 first page of it, that also present was his wife, Helen.
21 Do you see that?

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

23 **MR. NEVILLE:** And, in fact, in the first
24 paragraph of the text where the situation introduced by
25 Inspector Hall, he confirms at the top of the page --

1 second page, the presence of Mrs. Dunlop, right?

2 And what they are investigating -- and we'll
3 look at your statement in a minute -- is an allegation --
4 and I'm looking at the top of the second page -- of an
5 alleged conspiracy between the Diocese, the Cornwall Police
6 and the Crown Attorney's office, involving the sex assault
7 allegation against Father MacDonald and the \$32,000
8 payment. So the conspiracy to cover up and/or obstruct
9 justice, right?

10 And you were interviewed on the very same
11 investigation, right?

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

13 **MR. NEVILLE:** Okay. So let's now look at
14 page 3.

15 The question put by Officer Hall is:

16 "How did you first learn of the
17 allegations of sexual abuse by Father
18 Charles MacDonald?

19 DUNLOP: I first heard of them when I
20 heard two sergeants discussing the case
21 openly in the Drug Room.

22 Do you know approximately what date
23 that would be?

24 DUNLOP: Absolutely. On September 24th,
25 1993. Before attending court, I was in

1 the Intelligence Office where Sergeants
2 Ron Lefebvre and Sergeant Claude Lortie
3 were openly discussing the sexual
4 assault case. I had already been
5 informed by Sergeant Lortie that the
6 allegations of sexual assault were
7 against Father Charles MacDonald.

8 HALL: Okay.

9 DUNLOP: Is that clear?"

10 At the bottom of the page, sir, Mr. Hall

11 says:

12 "Sergeant Ron Lefebvre and Sergeant
13 Lortie were discussing the sexual
14 assault in late September, '93. Do you
15 know why, since the complaint was
16 reported in December of '92?"

17 Page 4, at the top:

18 "DUNLOP: Now that's kind of a
19 two-pronged question, but they were
20 discussing it back and forth. They
21 were discussing the length of time, the
22 money payout. It was discussion that
23 was -- I don't know if it was bordering
24 on an argument but that was the sort of
25 thing going on between the two of them.

1 Sergeant Lortie made it clear he felt
2 the investigation should not have been
3 closed.

4 Did he discuss with you any of the
5 reasons why?"

6 That was the next question, as you can follow, with the
7 Inspector.

8 "DUNLOP: He ...",
9 Meaning you.

10 "...didn't discuss with me the reasons
11 why he was discussing with Sergeant
12 Lefebvre. The big reason was one of
13 his..."

14 That's you.

15 "...big reasons that it shouldn't be
16 closed is the fact of the payout. I
17 think that was it. That was one of his
18 concerns."

19 You follow along with that?

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

21 **MR. NEVILLE:** Do you disagree with all of
22 that?

23 **MR. LORTIE:** That could have been after the
24 morning meeting, sir.

25 **MR. NEVILLE:** Do you disagree with the fact

1 he attributes it clearly and unequivocally to the 24th of
2 September?

3 **MR. LORTIE:** I disagree completely.

4 **MR. NEVILLE:** Do you agree with me, sir,
5 that the date of the 24th of September as given by him would
6 make it possible for him to have discussed it with Mr.
7 Abell on the 25th and shown to him the document on the 26th?
8 Do you agree that that's consistent?

9 **MR. LORTIE:** It's -- I'll answer your
10 question. I don't agree, sir, because it didn't happen on
11 the 25th. It happened on the 28th.

12 **MR. NEVILLE:** My question was is it
13 consistent ---

14 **MR. LORTIE:** Well, it ---

15 **MR. NEVILLE:** --- that he would hear about
16 it with you and Lefebvre on the 24th, get the document from
17 Sebalj, be able to speak to Abell at Quinn's Inn on the 25th
18 and go to Abell's house on the 26th and show it to him? All
19 that would fit, would it not, yes or no?

20 **MR. LORTIE:** It's not a yes or no answer.

21 **MR. NEVILLE:** Would that fit?

22 **MR. LORTIE:** Well, it would fit also for the
23 28th, 29th, and 30th.

24 **MR. NEVILLE:** How could it fit the 28th, sir,
25 when according to you, he only sees it for the first time

1 and he's already showed it to Abell on the 26th? How do
2 those two fit?

3 **MR. LORTIE:** Because it doesn't fit, sir.

4 **MR. NEVILLE:** No, exactly.

5 Page 6.

6 **MR. LORTIE:** Is there a number on the page
7 somewhere?

8 **MR. NEVILLE:** I'm looking at the bottom
9 right-hand corner.

10 **THE COMMISSIONER:** Page 6 of 28.

11 **MR. NEVILLE:** Staff Sergeant, you see --
12 it's kind of small, but -- sorry -- you see at the bottom
13 page 6 of 28.

14 **MR. LORTIE:** Oh yes, okay.

15 **MR. NEVILLE:** The first question from the
16 top of the page by Officer Hall:

17 "You had a conversation with Richard
18 Abell on the 25th of September '93. Did
19 you go to see Abell only to discuss the
20 Father MacDonald matter?

21 DUNLOP: That was my...that was the main
22 thrust of our conversation that day."

23 And at the bottom of the page, third entry
24 from the bottom, Inspector Hall says:

25 "In your meetings with Mr. Abell on the

1 25th of September, what did you discuss?
2 DUNLOP: I discussed my concerns about
3 what was going on, the knowledge I had,
4 basically."

5 Again, sir, for him to have these
6 conversations with Mr. Abell on the 25th would be
7 inconsistent with your evidence that he only learns on the
8 28th?

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

10 **MR. NEVILLE:** Now, the meeting on the 28th,
11 in reviewing your evidence from the 10th of April, Volume
12 215, you indicated for us that day that those present, as
13 you could recall, were the Chief, Mr. Shaver, the Deputy
14 Chief. Would that be St. Denis?

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

16 **MR. NEVILLE:** Staff Sergeant Wells ---

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

18 **MR. NEVILLE:** --- whom you described in your
19 evidence last time as being assigned to Professional
20 Standards.

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

22 **MR. NEVILLE:** You named Staff Inspector
23 McDonald?

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

25 **MR. NEVILLE:** That would be Stuart McDonald?

1 MR. LORTIE: Yes, sir.

2 MR. NEVILLE: And what was his function or
3 role within the organization at that time?

4 MR. LORTIE: I am not sure.

5 MR. NEVILLE: Okay. Staff Sergeant Luc
6 Brunet was another one you named.

7 MR. LORTIE: Yes, sir.

8 MR. NEVILLE: And you seemed to be -- and
9 you used the word, in fairness, "guessing" a Sergeant or
10 Staff Sergeant Stan Willis ---

11 MR. LORTIE: Yes, sir.

12 MR. NEVILLE: --- whom you described as on
13 shift. And I just wanted to ask you what was his assigned
14 duty at that time?

15 MR. LORTIE: He would have been in charge of
16 a uniform patrol team.

17 MR. NEVILLE: Okay. And you were at the
18 meeting as well, obviously?

19 MR. LORTIE: Yes, sir.

20 MR. NEVILLE: All right.

21 And you were there in what capacity?

22 MR. LORTIE: As the Drug Intelligence
23 Officer.

24 MR. NEVILLE: Okay. And was this standard
25 for yourself to be at the morning meetings because of the

1 role you had in intelligence?

2 **MR. LORTIE:** When I could go, I went.

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

4 So depending on demands on your time?

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

6 **MR. NEVILLE:** All right.

7 Now, Staff Sergeant Wells, as of the 28th of
8 September, had been, to your recollection, in Professional
9 Standards for how long?

10 **MR. LORTIE:** I have no idea, sir.

11 **MR. NEVILLE:** Okay. So he wasn't a field
12 investigator at that point?

13 **MR. LORTIE:** No, he wasn't.

14 **MR. NEVILLE:** And Staff Inspector McDonald
15 was not a field investigator -- yes, Staff Inspector
16 McDonald was not a field investigator at that point?

17 **MR. LORTIE:** No, he wasn't.

18 **MR. NEVILLE:** And Staff Sergeant Willis was
19 a patrol sergeant?

20 **MR. LORTIE:** No, he was a staff sergeant of
21 a team.

22 **MR. NEVILLE:** Okay. A platoon?

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

24 **MR. NEVILLE:** Okay. And that would be
25 patrol officers on the street?

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

2 **MR. NEVILLE:** As opposed to a detective?

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

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

5 The Chief, of course, was the Chief. The
6 Deputy Chief would have the roles of the Deputy Chief, and
7 that would leave as the senior person in investigations
8 Staff Sergeant Brunet?

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

10 **MR. NEVILLE:** All right.

11 Now, let's look at your notes, please.

12 That's Exhibit 1476.

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

14 **THE COMMISSIONER:** What page?

15 **MR. NEVILLE:** Yes, Commissioner, I'll start
16 with -- is it working from the same copy? I have Bates
17 page 8679, but it may not match yours.

18 **THE COMMISSIONER:** Yeah, that's the one.

19 **MR. NEVILLE:** It's okay?

20 **THE COMMISSIONER:** Yeah.

21 **MR. NEVILLE:** It's actually -- you can see
22 the date at the bottom of September 28th.

23 So the first entry you make is eight o'clock
24 or "8:00 a.m. on duty"?

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

1 **MR. NEVILLE:** Okay. And you have your
2 conversation, the one you recall, your version of it, with
3 Staff -- with Officer Lefebvre -- Sergeant Lefebvre between
4 8:00 and 9:00 a.m.?

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

6 **MR. NEVILLE:** And you have no note of that
7 conversation happening or the content?

8 **MR. LORTIE:** That's correct.

9 **MR. NEVILLE:** You have no note of Constable
10 Dunlop becoming curious and coming over and speaking about
11 the fact it's Father MacDonald?

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

13 **MR. NEVILLE:** But you have a note of going
14 to the meeting at nine o'clock?

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

16 **MR. NEVILLE:** And what you record at that
17 time is as follows:

18 "Morning meeting - brought up Silmsen
19 case - advised that something has to be
20 done."

21 And I presume you mean -- "I" means yourself
22 advised that something has to be done?

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

24 **MR. NEVILLE:** Okay. And I take it the next
25 thing that happens sequentially is at 9:35 you're having a

1 meeting with a federal prosecutor, Ann Alder as she then
2 was, now Madam Justice Alder?

3 MR. LORTIE: Yes, sir.

4 MR. NEVILLE: So the only note -- and you
5 made these notes in sequence, as these events happened?

6 MR. LORTIE: Yes, sir. Well, there's a
7 meeting in between some of the notes, yes.

8 MR. NEVILLE: I'm sorry?

9 MR. LORTIE: There's a meeting in between
10 some of the ---

11 MR. NEVILLE: No, I understand. We're going
12 to come to more notes in a minute.

13 What I'm getting at is you made the entry
14 for nine o'clock before you made the entry for 9:35?

15 MR. LORTIE: Yes, sir.

16 MR. NEVILLE: Okay. But I take it you
17 thought it was of some importance to come back to what had
18 happened at nine o'clock because you do more notes?

19 MR. LORTIE: After 9:35, yes.

20 MR. NEVILLE: Yes, I understand.

21 So let's look at that. That appears to be,
22 Commissioner, 8680.

23 THE COMMISSIONER: M'hm.

24 MR. NEVILLE: Now, am I right, Staff
25 Sergeant, that this is where you come back to put down a

1 bit more of what had gone on at that nine o'clock meeting?

2 MR. LORTIE: That's correct, sir.

3 MR. NEVILLE: And I take it we can infer, as
4 a matter of common sense, that your attendance at the
5 meeting was something in the vicinity of half-an-hour, the
6 9:00 meeting, because you're with Ms. Alder by 9:35?

7 MR. LORTIE: That's correct, sir.

8 MR. NEVILLE: All right.

9 So then at some point you sit down to write
10 in more detail what you felt was important because of what
11 had happened at that meeting?

12 MR. LORTIE: That's correct, sir.

13 MR. NEVILLE: Now, can you look at Bates
14 page 8681? Do you have it?

15 MR. LORTIE: Yes, sir. Yes.

16 MR. NEVILLE: There's an entry -- at the end
17 of your text about the meeting -- and I'm going to come
18 back to that -- you have another time entered and again,
19 and it may be just your writing, it looks like you've
20 entered again the time 9:35?

21 MR. LORTIE: That page is not in the right
22 place, sir.

23 MR. NEVILLE: You're right. No, you're
24 quite right. I made the same mistake everybody else did.
25 That's my fault.

1 I apologize, Commissioner. He's quite
2 right; the pages are out of sequence.

3 All right. Let's just go back to your notes
4 then about what you wrote. Now, what you've told the
5 Commissioner and the public is that because of the
6 conversation with Lefebvre and your curiosity about where
7 that thing all ended up, you go to the meeting and after
8 doing your presentation and whatever else happened, you
9 asked the question, "Where's the Silmsler complaint at?"
10 I'm paraphrasing, but that was the essence of what you
11 asked?

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

13 **MR. NEVILLE:** And the Chief responded, not
14 having apparently any awareness of where it was at? He
15 didn't know.

16 **MR. LORTIE:** That's what he responded.

17 **MR. NEVILLE:** Okay. Do you remember the
18 words he used?

19 **MR. LORTIE:** I may have put them in my
20 notes.

21 **MR. NEVILLE:** Well, I'd like you to show me
22 that. And while you're looking for it, would you look for
23 the response by Staff Sergeant Brunet as well that you've
24 told us about?

25 **MR. LORTIE:** I don't see it here, sir.

1 **MR. NEVILLE:** I see.

2 And have you found Staff Sergeant Brunet's
3 response?

4 **MR. LORTIE:** No, I didn't.

5 **MR. NEVILLE:** And can you tell us why, it
6 being so important to go back and write all this down, you
7 left those parts out?

8 **MR. LORTIE:** I couldn't tell you that, sir.

9 **MR. NEVILLE:** Now, what you have recorded
10 is:

11 "At morning meeting, I..."

12 Meaning yourself.

13 "...advised the persons present that the
14 David Silmser/Father MacDonald
15 investigation..."

16 Is that the word?

17 **THE COMMISSIONER:** Where are you reading
18 from?

19 **MR. NEVILLE:** Sorry, Commissioner, I'm
20 reading from 8680.

21 **THE COMMISSIONER:** Okay.

22 **MR. NEVILLE:** "At morning meeting, I
23 advised the persons present that the
24 David Silmser/Father MacDonald
25 investigation which supposedly has been

1 completed, cleared, no further action,
2 which is no action, is a shame."

3 Now, let's just stop there. Your evidence
4 is that the phrase or the terms "completed, cleared, no
5 further action" appeared somewhere in OMPPAC?

6 MR. LORTIE: That's correct.

7 MR. NEVILLE: When an investigation has been
8 conducted and completed but no charge laid, is it typical
9 or correct to put down "completed, cleared, no further
10 action"?

11 MR. LORTIE: If I recall correctly, yes.

12 MR. NEVILLE: Right.

13 So that entry, "completed, cleared, no
14 further action", would in fact accurately describe where
15 Heidi Sebalj's investigation was from what you've now since
16 learned?

17 MR. LORTIE: That's correct.

18 MR. NEVILLE: So let's look at the next
19 thing you wrote after "is a shame".

20 "I was advised this is what the Crown
21 has stated."

22 Who advised that?

23 MR. LORTIE: Somebody at the meeting.

24 MR. NEVILLE: Well, let's go back. Can we
25 agree it wasn't likely Staff Sergeant Willis?

1 **MR. LORTIE:** No, I -- I don't know.

2 **MR. NEVILLE:** Can we agree it wasn't likely
3 Staff Inspector McDonald?

4 **MR. LORTIE:** Yes.

5 **MR. NEVILLE:** Can we agree it wasn't likely
6 Staff Sergeant Wells from Professional Standards?

7 **MR. LORTIE:** Yes.

8 **MR. NEVILLE:** So that leaves Brunet, the
9 Chief and the Deputy, right?

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

11 **MR. NEVILLE:** So one of those three says, so
12 that you can record the essence in your notes, "This is
13 what the Crown has stated"?

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

15 **MR. NEVILLE:** Now, Staff Sergeant, Mr.
16 Manson, last week, showed you Exhibits 301 and 300. Those
17 are the letters -- Exhibit 300 is the letter written on
18 September 9th by Staff Sergeant Brunet to Murray MacDonald
19 and Exhibit 301 is the letter of September 14th by Murray
20 MacDonald to Staff Sergeant Brunet, at the bottom of which
21 there is a note by the Deputy Chief that on the 16th of
22 September, 12 days before the meeting, he forwarded this
23 letter of Murray MacDonald's to the Chief, right?

24 **MR. LORTIE:** I saw the letter, yes.

25 **MR. NEVILLE:** And the letter talks about the

1 fact -- the two letters together, because you understand
2 from looking at them that one is in response to the other,
3 right?

4 MR. LORTIE: Is there two letters there? I
5 ---

6 MR. NEVILLE: Yes, Mr. Manson showed you two
7 letters. Maybe just so it's clear -- I don't want to cause
8 confusion here -- if the witness could be shown Exhibit 300
9 and 301?

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. NEVILLE: So perhaps we should look in
12 sequence, Staff Sergeant, at 300. Do you see the date of
13 September 9th?

14 MR. LORTIE: Yes, sir.

15 MR. NEVILLE: It's a letter by Staff Brunet
16 to Murray MacDonald?

17 MR. LORTIE: Yes, sir.

18 MR. NEVILLE: And it appears that the two
19 men spoke the day before. Take your time; read it to
20 yourself.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. LORTIE: Okay. Yes.

23 MR. NEVILLE: Okay. So in his letter, the
24 Staff Sergeant confirms that they have spoken on September
25 8th. He advises the Crown about what he had received from

1 Malcolm MacDonald, also a document connected to Sean Adams,
2 counsel -- lawyer to Silmser. And you'll notice in the
3 last line of his letter he says:

4 "Please find attached a copy of the
5 letter and statement..."

6 Referred to in the second paragraph, right?

7 **MR. LORTIE:** That's what it says.

8 **MR. NEVILLE:** Yes, it does.

9 And it says in the sentence just before the
10 last sentence:

11 "I am anxiously awaiting your
12 direction."

13 Right?

14 So now let's look at Exhibit 301. It's a
15 letter. It's actually a signed copy by Mr. MacDonald to
16 Staff Brunet and it starts off:

17 "This is in response to your
18 correspondence of September 9th..."

19 That's Exhibit 300. Do you agree?

20 **MR. LORTIE:** Start over, sir. I'm reading.

21 **MR. NEVILLE:** No. Well, take your time and
22 read it. I want you to read it. It'll move things along a
23 bit. Take your time and read it.

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

25 **MR. LORTIE:** Okay. I've read the first

1 paragraph. Is that where you're referring to?

2 MR. NEVILLE: You might as well read it all.
3 We're going to get there anyway. Go ahead.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LORTIE: Okay, sir.

6 MR. NEVILLE: Now, there's a few things
7 here. First of all, I take it you would agree it appears
8 to be an answer to the previous exhibit?

9 MR. LORTIE: Yes, sir.

10 MR. NEVILLE: All right.

11 Let's look in the second paragraph, sentence
12 or line 2:

13 "The officer was tentative on the issue
14 of R&PG before this so-called
15 'settlement'."

16 That appears to refer to Constable Heidi
17 Sebalj, right?

18 MR. LORTIE: It must be.

19 MR. NEVILLE: Of course.

20 And you knew or learned eventually that that
21 is indeed -- was her state of mind just prior to the
22 settlement. She did not feel she had reasonable and
23 probable grounds. You've learned that?

24 MR. LORTIE: Yes, I have.

25 MR. NEVILLE: All right.

1 So that appears to be an accurate statement
2 of what the situation was in early September, 1993?

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

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

5 Then Mr. MacDonald goes on to talk about how
6 reasonable and probable grounds are further obfuscated by
7 the fact of perhaps a money motive, right? Correct?

8 **MR. LORTIE:** Correct.

9 **MR. NEVILLE:** Okay. Then we get to the
10 second full paragraph.

11 Mr. MacDonald talks about a possible serious
12 breach of trust by the alleged perpetrators in perhaps
13 speaking to the principals and then confirms in the closing
14 paragraph then confirms in the closing paragraph the Crown
15 policy not to use a reluctant complainant with or without
16 the credibility issues of Mr. Silmsler, right?

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

18 **MR. NEVILLE:** So apparently indicating in
19 the mind of the Crown, in writing on the 14th of September,
20 forwarded to the Chief on the 16th of September, this is
21 what the Crown has stated and I'm reading from your notes.

22 I'm suggesting to you, Staff Sergeant, it is
23 abundantly clear that whatever was said by either Shaver,
24 St. Denis or Brunet in your notes of the 28th is the
25 contents of this letter.

1 **MR. LORTIE:** Yeah. Probably.

2 **MR. NEVILLE:** Well, then please explain to
3 me how it is the Chief, who would know all of this
4 knowledge by mid-September as would Brunet who got the
5 letter, would then say in your presence on the 28th:

6 "CHIEF SHAVER: What's going on with
7 that case? I have no idea.

8 STAFF BRUNET: I'll find out and get
9 back to you."

10 How could any of that happen?

11 **MR. LORTIE:** I've already responded, sir,
12 that I am not sure that the Chief knew about it from his
13 reaction.

14 **MR. NEVILLE:** Staff Sergeant, somebody in
15 your presence of the four men -- of the three men -- Chief,
16 Deputy Chief and Staff Sergeant of Criminal Investigation
17 said the words, "I was advised that you" -- this is what
18 the Crown has stated, what Mr. MacDonald had stated is this
19 letter, Exhibit 301?

20 **MR. LORTIE:** I don't know what you're
21 getting at, sir? I don't know about the letters.

22 **MR. NEVILLE:** I'm suggesting, sir, that
23 you're simply mistaken about what happened on the 28th.

24 **MR. LORTIE:** I am going to tell you, sir,
25 that it happened on the 28th, for sure.

1 **MR. NEVILLE:** And you are going to stand by
2 that in spite of what I've shown you from Mr. Dunlop's
3 interview, from Staff Sergeant Derochie's investigation
4 where he spoke to Mr. Abell. In the face of all of those
5 facts and the documents I've just spent the last five
6 minutes reviewing, you are going to stand by your version?

7 **MR. LORTIE:** My notes were the only notes
8 made at the time.

9 **MR. NEVILLE:** My question is, in spite of
10 all that I have reviewed now for about 45 minutes, you are
11 going to stand by your version of what happened on the 28th
12 of September?

13 **MR. LORTIE:** Definitely, sir,

14 **MR. NEVILLE:** M'hm.

15 Excuse me, Commissioner.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. NEVILLE:** Now, one of the answers you
18 gave on the 10th of April, and it's at page 36 just for
19 reference, Commissioner, of the transcript, you were asking
20 ---

21 **MR. COMMISSIONER:** Just a second.

22 **MR. NEVILLE:** Sorry.

23 **MR. COMMISSIONER:** Do you have a copy of the
24 transcript, sir?

25 **MR. LORTIE:** No, sir.

1 **MR. COMMISSIONER:** Madam Clerk, does the
2 witness have a copy of the transcript?

3 **MR. COMMISSIONER:** Two-fifteen (215), Mr.
4 Neville?

5 **MR. NEVILLE:** Yes, Commissioner, April 10th,
6 page -- I'm using the actual numbers at the top of the
7 pages; page 36.

8 **MR. COMMISSIONER:** So my question is does
9 the witness have a copy of the transcript? Yeah, you do.

10 **MR. NEVILLE:** I believe it's ---

11 **MR. COMMISSIONER:** What book would it be in
12 if it wouldn't be ---

13 **MR. NEVILLE:** There goes a good vinyl
14 record.

15 **MR. COMMISSIONER:** Okay, it's the sound
16 person over there your going to have to talk to on the way
17 out.

18 All right. Page 36?

19 **MR. NEVILLE:** Page 36, Commissioner.

20 This is in-Chief with Mr. Stauffer at line
21 8. It's about Mr. Dunlop and what he did or didn't do with
22 the Silmsers statement. He asks you:

23 "When were you advised that the
24 statement had left the office and gone
25 to the CAS?"

1 Your answer was:

2 "I think I either read it in the
3 newspaper or I saw it on television --
4 one or the other."

5 Question:

6 "Do you know when that was as best as
7 you can recollect?

8 I really -- I'd be guessing -- it's in
9 the next -- I don't know -- it seems to
10 me in the next two-to-three months.

11 Mr. STAUFFER: Two-to-three months?

12 MR. LORTIE: I don't know. The proper
13 answer to that, I haven't got a clue."

14 **MR. NEVILLE:** Now, didn't you become aware
15 that the statement had left the Police Department and went
16 to the CAS with Mr. Dunlop and that's why Derochie was
17 investigating?

18 **MR. LORTIE:** That's when I became aware that
19 ---

20 **MR. NEVILLE:** Right.

21 **MR. LORTIE:** --- the statement had gone --
22 well, not -- I became aware through either the newspaper or
23 some other way, press releases or whatever, that's when I
24 became aware of it.

25 **MR. NEVILLE:** Well, you were asked questions

1 about meeting with Mr. Derochie and I understand that that
2 was your initiative not necessarily his investigation.
3 You've told me that today.

4 But you were asked -- again, Commissioner,
5 the same transcript at page 39, commencing, sir, at -- do
6 you have that page, Staff Sergeant?

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

8 **MR. NEVILLE:** Line 17 you confirm that you
9 remember meeting with Garry, right?

10 **MR. LORTIE:** Yes.

11 **MR. NEVILLE:** At the bottom of the page you
12 say:

13 "I went in because I heard that Garry
14 was investigating Perry Dunlop and I
15 wanted to know what was going on with
16 that.

17 **MR. STAUFFER:** Okay.

18 **MR. LORTIE:** I probably came across as
19 being a little upset that Perry Dunlop
20 is being investigated and who else is
21 being investigated here."

22 **MR. NEVILLE:** So you had these concerns.
23 You went in to see Staff Sergeant Derochie. It would
24 appear from his notes that that was on the 15th of October
25 and I presume that's what you asked him -- I hear you are

1 investigating Perry Dunlop, right?

2 **MR. LORTIE:** I must have, sir.

3 **MR. NEVILLE:** Sure. And he must have told
4 you what he was -- that he was investigating him, right?

5 **MR. LORTIE:** He must have, yes.

6 **MR. NEVILLE:** Sure. And you must have
7 logically said what are you investigating him for.

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

9 **MR. NEVILLE:** And logically he probably said
10 to you because he committed a potential breach of trust by
11 taking a confidential document to CAS.

12 **MR. LORTIE:** It may not be in those words.

13 **MR. NEVILLE:** But similar?

14 **MR. LORTIE:** Yeah.

15 **MR. NEVILLE:** Okay. So can we not agree,
16 Staff Sergeant, that on or about the 15th of October you
17 knew what the investigation was about and you had to have
18 had knowledge in some way what Dunlop had done with the
19 statement?

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

21 **MR. NEVILLE:** Good.

22 **MR. COMMISSIONER:** Do you have very long,
23 Mr. ---

24 **MR. NEVILLE:** I think, Commissioner, I'll be
25 perhaps 15 minutes.

1 Do you want to take the break or ---

2 **MR. COMMISSIONER:** No. Let's finish you
3 off.

4 **MR. NEVILLE:** Go ahead?

5 **MR. COMMISSIONER:** Yes.

6 **MR. NEVILLE:** Okay.

7 Now, Staff Sergeant Derochie -- sorry
8 Lortie, I mentioned earlier that -- and we showed you a
9 taped interview statement of Mr. Dunlop and I was going to
10 refer you to your own which is now our Exhibit 1480.

11 I believe, Staff Sergeant, you saw this
12 document when you were last with us, correct, and it would
13 appear that on the 19th of January, 2000, you were
14 interviewed on tape by Inspector Hall and Detective
15 Constable Dupuis just as Mr. Dunlop was and others, right?

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

17 **MR. NEVILLE:** Now, if we just look at the
18 bottom of page 1 through to the top of page 2, you can
19 confirm that what they are questioning you about is an
20 allegation of conspiracy by the Diocese, your police force
21 and the Crown's office in relation to Father MacDonald and
22 the \$32,000 settlement?

23 **MR. LORTIE:** What page are you on, sir?

24 **MR. NEVILLE:** Yes, it starts at the bottom
25 of page 1, Mr. Hall does an introduction ---

1 **MR. LORTIE:** Okay.

2 **MR. NEVILLE:** --- as to what it's about,
3 through to the top of page 2.

4 **MR. LORTIE:** That's correct, sir.

5 **MR. NEVILLE:** All right.

6 So were you also not aware, Staff Sergeant,
7 that this allegation of conspiracy or cover-up or whatever
8 -- corruption to use a general term -- wasn't Officer
9 Dunlop the source of this through his lawsuit?

10 **MR. LORTIE:** I don't know anything about his
11 lawsuit.

12 **MR. NEVILLE:** You don't know anything about
13 his lawsuit?

14 **MR. LORTIE:** No.

15 **MR. NEVILLE:** Nothing.

16 **MR. LORTIE:** There was a lawsuit. That's
17 all I heard.

18 **MR. NEVILLE:** Okay. Who did you understand
19 that he was suing?

20 **MR. LORTIE:** I have no idea.

21 **MR. NEVILLE:** Okay.

22 Can I have the witness, Commissioner, look
23 at Document 723560?

24 **THE COMMISSIONER:** Where is that, sir?

25 **MR. NEVILLE:** It will be provided to you,

1 the document.

2 **THE COMMISSIONER:** Okay.

3 Okay, Exhibit Number 1483.

4 **MR. NEVILLE:** Thank you.

5 **THE COMMISSIONER:** It's a document called
6 General Meeting at Barclay Best Western. Date is Thursday
7 27th of November 1997.

8 **---EXHIBIT NO./PIÈCE NO. P-1483:**

9 (723560) Claude Lortie - General
10 Meeting dated 27 Nov 97

11 **MR. NEVILLE:** Yes, Commissioner.

12 Now, by November 1997, Staff Sergeant, Mr.
13 Dunlop was back and was on modified duties and was under
14 your supervision as his sergeant.

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

16 **MR. NEVILLE:** All right.

17 And if you look at this document, this
18 appears to be minutes of a meeting of the Cornwall Police
19 Association.

20 **MR. LORTIE:** It certainly does.

21 **MR. NEVILLE:** On the 27th of November, 1997.

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

23 **MR. NEVILLE:** And who chaired it?

24 **MR. LORTIE:** Myself, sir.

25 **MR. NEVILLE:** Can we look at -- I'll use the

1 numbers in the bottom right corner, Commissioner -- 8112.

2 **THE COMMISSIONER:** All I've got is one page.

3 **MR. NEVILLE:** Sorry, Commissioner.

4 I wanted the whole document to be presented.
5 It's a collection of minutes. Maybe that's how it printed
6 out.

7 **THE COMMISSIONER:** That's all you have?

8 Okay; well, let's take the morning -- the
9 afternoon break ---

10 **MR. NEVILLE:** Find it?

11 **THE COMMISSIONER:** And we'll find it and
12 come back.

13 **THE REGISTRAR:** Order; all rise. A l'ordre;
14 veuillez vous lever.

15 This hearing will resume at 3:05.

16 --- Upon recessing at 2:49 p.m. /

17 L'audience est suspendue à 14:49

18 --- Upon resuming at 3:09 p.m. /

19 L'audience est reprise à 15h09

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

21 Please be seated. Veuillez vous asseoir.

22 **MR. CLAUDE LORTIE, Resumed/Sous le même serment:**

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

24 **NEVILLE (Contiued/Suite):**

25 **THE COMMISSIONER:** All right.

1 So we're back, and we have a full Exhibit
2 1483?

3 **MR. NEVILLE:** Yes, Commissioner.

4 When I had Staff Sergeant Lortie confirm
5 that he was chair -- of course, I take it you have that
6 page.

7 **THE COMMISSIONER:** Yes.

8 **MR. NEVILLE:** So, if we could turn
9 Commissioner -- and I'm using the numbers if -- I hope you
10 have the same ones.

11 Eight-one-one-two (8112) they're at the
12 bottom. Somebody stamped them, just ---

13 **THE COMMISSIONER:** Yeah.

14 **MR. NEVILLE:** Do you have that one; 8112 in
15 the bottom corner, sir?

16 **THE COMMISSIONER:** Yes, sir.

17 **MR. NEVILLE:** All right. Let's go to the
18 time, 21:32 or 9:32 p.m., as followed. The heading is,
19 "Perry Dunlop addresses the floor."

20 "Brother Dunlop agrees to withdraw
21 claims against all members of the
22 Association. Members named will be
23 taken off when claim is redrafted.
24 Addresses floor; explain circumstances
25 of investigation against him, and..."

1 I take it that's "long-term disability
2 process."

3 "...four years of his life turned
4 upside down. States court was on
5 Monday and has no idea what was being
6 said. Brother Dunlop requests
7 assistance in paying for some of his
8 legal expenses, no set amount is asked
9 for. Brother Lortie addresses floor
10 and recommends we not get into lawsuit
11 and leaves it up to the floor to decide
12 if we should lend money to Brother
13 Dunlop for legal expenses."

14 Does that refresh your memory, Staff
15 Sergeant, that indeed you did know something about the
16 lawsuit?

17 **MR. LORTIE:** I -- yes, obviously.

18 **THE COMMISSIONER:** Well, this is 1997.

19 **MR. NEVILLE:** Yes.

20 **THE COMMISSIONER:** Okay.

21 **MR. NEVILLE:** So you know that he was suing
22 the Cornwall Police Service, right?

23 **MR. LORTIE:** Sir, I don't recall who he was
24 suing.

25 **MR. NEVILLE:** Well ---

1 **MR. LORTIE:** I don't recall that time.

2 **MR. NEVILLE:** Well Staff Sergeant, what did
3 you think he was meaning when he said:

4 "He agrees to withdraw claims against
5 all members of the Association"?

6 **MR. LORTIE:** Sir, what I'm saying in is that
7 I can read this and I know it happened; I don't recall it.

8 **MR. NEVILLE:** Well, can we have the witness,
9 Commissioner, see Document 723556 and Exhibit 673.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit Number 1484 is a letter, Staff
12 Sergeant Claude Lortie from Charles Bourgeois, dated
13 February 19th 1997.

14 **---EXHIBIT NO./PIÈCE NO. P-1484:**

15 (723556) Claude Lortie - Letter from
16 Charles Bourgeois to Claude Lortie
17 dated 19 Feb 97

18 **MR. NEVILLE:** Do you recognize the document,
19 Staff Sergeant? And take your time to look at it.

20 **MR. LORTIE:** I don't but it's -- I probably
21 got it. I don't remember it.

22 **MR. NEVILLE:** So he's writing to you in your
23 capacity as President of the Police Association in February
24 of '97.

25 Many months later, in November, you chair a

1 meeting in which Mr. Dunlop addresses the Association
2 seeking help with legal fees for the same lawsuit. You
3 address the issue.

4 Wasn't it a lawsuit, Staff Sergeant, in
5 which he sued Claude Shaver, Carl Johnston, Joseph St.
6 Denis, Lucien Brunet, Brendon Wells, the Cornwall Police
7 Service Board, Cornwall Police Service, Douglas Seguin, the
8 Roman Catholic Episcopal Corporation of the Diocese of
9 Alexandria Cornwall in Ontario, Malcolm MacDonald.

10 Isn't that the lawsuit?

11 **MR. LORTIE:** Sir, I don't recall ---

12 **MR. NEVILLE:** Could we show the Exhibit to
13 the witness please? Six seventy-three (673)?

14 This has been identified through earlier
15 testimony, Staff Sergeant -- sorry, Commissioner, do you
16 have it?

17 **THE COMMISSIONER:** Yes.

18 **MR. NEVILLE:** As the, I think, third version
19 of a Statement of Claim by Mr. Dunlop. There was one in
20 the summer of '96. There was a much longer version in
21 November of '96 and this one, if you look at the very last
22 page, you'll see there's the date, January 15th, '97. So
23 shortly before the last exhibit, the letter from Mr.
24 Bourgeois. And you will see if you look at the Style of
25 Cause where it ---

1 **THE COMMISSIONER:** The heading.

2 **MR. NEVILLE:** I apologize, Staff Sergeant.

3 The front page of the claim where Perry Dunlop is -- Dunlop
4 is the Plaintiff.

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

6 **MR. NEVILLE:** And you will see the various
7 named Defendants, and I've read them all off. At least
8 two, Brunet and Wells, were members of the Association,
9 were they not?

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

11 **MR. NEVILLE:** Because they appear in the
12 minutes from November '97.

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

14 **MR. NEVILLE:** So when Mr. Dunlop talks about
15 withdrawing claims against all members, based on this
16 document that would include Brunet and Wells as members of
17 the Association, right?

18 **MR. LORTIE:** What's the date of this ---

19 **MR. NEVILLE:** This claim ---

20 **MR. LORTIE:** --- claim?

21 **MR. NEVILLE:** The claim is dated January 15th
22 of '97, about 10, 11 months before the meeting which you
23 chaired.

24 **MR. LORTIE:** Okay.

25 **MR. NEVILLE:** And in the minutes we see,

1 among many others present, Mr. Dunlop, of course, yourself,
2 Brendon Wells is present and Luke Brunet, two of the named
3 Defendants.

4 **MR. LORTIE:** Okay.

5 **MR. NEVILLE:** Now, just for technical
6 purposes, for the record, would I be correct that the Chief
7 or the former Chief, Mr. Shaver, and the Deputy Chief were
8 not members of the Association?

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

10 **MR. NEVILLE:** All right.

11 So when Mr. Dunlop speaks of members of the
12 Association in terms of the style of cause that's on the
13 screen, the named defendants, the term "Members of the
14 Association" would apply to Brunet and Wells?

15 **MR. LORTIE:** Yes.

16 **MR. NEVILLE:** Okay. So you were aware that
17 people were being sued by Mr. Dunlop weren't you, you had
18 to be?

19 **MR. LORTIE:** I would have been aware, yes.

20 **MR. NEVILLE:** Sure. Now, in your evidence
21 the last day -- again, Commissioner, it's Volume 215 on
22 April 10th -- you were asked some questions about Mr. Dunlop
23 returning to duty.

24 **THE COMMISSIONER:** What page, please?

25 **MR. NEVILLE:** Yes, Commissioner, I'll be

1 starting, if you could, at page 82.

2 MR. NEVILLE: Have you found it, Staff
3 Sergeant?

4 MR. LORTIE: Yes, sir.

5 MR. NEVILLE: All right.

6 And you'll see at line 5, Mr. Stauffer asks
7 you:

8 "When you do meet with him..."

9 And "him" is Mr. Bourgeois. You remember you gave evidence
10 last time about a visit at the Police Association by
11 Bourgeois ---

12 MR. LORTIE: Yes.

13 MR. NEVILLE: --- with Dunlop?

14 MR. LORTIE: Yes, sir.

15 MR. NEVILLE: Okay. And that's talked about
16 in the previous two pages -- Stauffer says:

17 "When you do meet with him, what is the
18 state of affairs with Mr. Dunlop and
19 his treatment by fellow officers and by
20 management at that point, from your
21 perspective?"

22 And your answer was:

23 "It was very good, very good."

24 And then you talk about him being assigned
25 to your team and you helping him to work back into it under

1 your supervision. Do you recall telling us all that?

2 MR. LORTIE: Yes, sir.

3 MR. NEVILLE: Okay. And you're asked that
4 at the bottom of that page onto page 83, where you say when
5 you're asked, "What does look after him mean?" -- because
6 that was your phrase, you say, at the top of 83:

7 "Just be good and go easy with him.
8 Bring him back in nice and slow and get
9 him accustomed to doing police work
10 again because he's been off for a
11 little while and it worked out
12 perfect."

13 Right?

14 MR. LORTIE: Yes, sir.

15 MR. NEVILLE: Okay. And then you explain
16 later on on that same page that on January of '99, your
17 transfer into the position of Firearms Officer?

18 MR. LORTIE: Yes, sir.

19 MR. NEVILLE: Did that take you out of the
20 building?

21 MR. LORTIE: It moved me to a different
22 floor.

23 MR. NEVILLE: Okay, but still within the CPS
24 building?

25 MR. LORTIE: Well, most of the work was in

1 the five counties, yes, but I -- my office was in the
2 building, yes.

3 **MR. NEVILLE:** Fair enough. But you're no
4 longer a patrol sergeant or an investigating sergeant,
5 you're occupying quite a different position and then, more
6 importantly, you're not the direct supervisor of Dunlop?

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

8 **MR. NEVILLE:** All right.

9 But you go on in your evidence to indicate
10 that you had certain other awareness because -- if I can
11 refer, Commissioner, to page 84 ---

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

13 **MR. NEVILLE:** --- at the top -- you have
14 that, Staff Sergeant?

15 **MR. LORTIE:** I'm on page 84 at the top.

16 **MR. NEVILLE:** Yes, line 3.

17 "Did you see any evidence -- and I'm
18 not talking about formal evidence, but
19 any types of conversations you had with
20 others where he was being mistreated or
21 being ostracized?"

22 Answer: "Not on my team."

23 He asks about other teams and then you say
24 at line 13:

25 "The contact with other teams would

1 have been limited, but I still didn't
2 see any problems. Now, after I left I
3 don't know what happened, but I can
4 tell you that I certainly did not hear
5 anything and if I did -- if I had, I
6 would have reacted to it because he
7 certainly was doing his job, what he
8 had been asked to do and there was no
9 bitching, he was there."

10 Right?

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

12 **MR. NEVILLE:** Now, were you aware, Staff
13 Sergeant, that when Mr. Dunlop comes back on regular duties
14 in May of 1997, initially under you, and remains under your
15 supervision until January of '99, were you aware of
16 contacts he was having with the Project Truth team?

17 **MR. LORTIE:** I can't say I was.

18 **MR. NEVILLE:** Were you aware that he was
19 getting orders to do or not to do certain things in
20 relation to Project Truth?

21 **MR. LORTIE:** I heard some of it through the
22 Inquiry.

23 **MR. NEVILLE:** Okay. So that's the first you
24 learned even though you were his sergeant?

25 **MR. LORTIE:** In the '97-'98, yes.

1 **MR. NEVILLE:** Okay.

2 **MR. LORTIE:** I didn't -- I wasn't aware that
3 he was helping out the Project Truth team.

4 **MR. NEVILLE:** Well, that's not my question.

5 Let me ask you this. We've reviewed some
6 answers you gave Mr. Stauffer about Mr. Dunlop when he
7 comes back on duty, right? We've just read them back with
8 you.

9 **MR. LORTIE:** Yes.

10 **MR. NEVILLE:** Were you suggesting to the
11 Commissioner that everything was fine with Mr. Dunlop as
12 far as you knew?

13 **MR. LORTIE:** Yes.

14 **MR. NEVILLE:** So you never were aware until
15 I take it the Inquiry or maybe trials, that Mr. Dunlop was
16 having a few problems with the management, with superior
17 officers?

18 **MR. LORTIE:** No.

19 **MR. NEVILLE:** You didn't know that he had
20 had to meet with Project Truth and Inspector Trew to be
21 asked to cooperate and not to speak to the media. You
22 didn't know that?

23 **MR. LORTIE:** I did not know that.

24 **MR. NEVILLE:** You didn't know that Inspector
25 Trew had to give him a direct order about disclosure?

1 **MR. LORTIE:** I did not know that.

2 **MR. NEVILLE:** Even though he was on your
3 platoon as his Sergeant?

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

5 **MR. NEVILLE:** You knew nothing?

6 **MR. LORTIE:** I didn't know about what you
7 just told me.

8 **MR. NEVILLE:** Okay. Well, let's look,
9 Commissioner, if we could, at Exhibit 732.

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

11 **THE COMMISSIONER:** Seven-eighty-two (782)?

12 **MR. NEVILLE:** Seven-three-two (732),
13 Commissioner.

14 **THE COMMISSIONER:** Seven-three-two (732),
15 sorry.

16 Okay, so this is a letter from lawyer
17 Bourgeois to the Cornwall Police Service.

18 **MR. NEVILLE:** Now, you were asked a couple
19 of questions about this on April 10th, Staff Sergeant,
20 including the fact we can see right in the bottom-left
21 corner that you are cc'd on it?

22 **MR. LORTIE:** Okay.

23 **MR. NEVILLE:** Right? You're cc'd on it?

24 **MR. LORTIE:** That's what it shows, cc, yes.

25 **MR. NEVILLE:** But the person to whom it's

1 written is Inspector Trew isn't it?

2 **MR. LORTIE:** Yes, it is.

3 **MR. NEVILLE:** And let's look at what it says
4 by Dunlop's lawyer. Second paragraph:

5 "Pursuant to our telephone conversation
6 of October 6th, we confirm that
7 Constable Dunlop is presently reviewing
8 all material in his possession to
9 comply with your order as set in the
10 said letter. We can advise that my
11 client will forward to the OPP all
12 relevant materials in his possession by
13 4:30 p.m. on October 10th, 1997, except
14 for any materials previously provided
15 to the OPP or any materials that fall
16 under the solicitor-client privilege."

17 That would appear to indicate that your
18 constable under your supervision was the subject of an
19 order to turn over material. You didn't know that?

20 **MR. LORTIE:** Sure.

21 **MR. NEVILLE:** Did you know that?

22 **MR. LORTIE:** It's possible that I read this.

23 I don't recall it, but I can only say that this is just
24 advising that he's been asked to turn over ---

25 **MR. NEVILLE:** Asked or ordered?

1 **MR. LORTIE:** Well, you put it any way you
2 want, sir. This is ---

3 **MR. NEVILLE:** I'll put it the way it is in
4 the letter ---

5 **MR. LORTIE:** It's -- it's ---

6 **MR. NEVILLE:** --- it's an order.

7 **MR. LORTIE:** It says order.

8 **MR. NEVILLE:** That's right, by an inspector
9 to him, your constable on your platoon and you didn't know
10 what was going on. Is that right?

11 **MR. LORTIE:** Well, sir, I must have known.
12 There's a letter cc'd to me.

13 **MR. NEVILLE:** That's right because you
14 suggested to the Commissioner last time that maybe it went
15 to you in your capacity as Association President. I
16 suggest to you if it went to you in that capacity, it also
17 went to your capacity as his Sergeant?

18 **MR. LORTIE:** I don't see a problem with
19 this, sir.

20 **MR. NEVILLE:** Well, your evidence, sir, is
21 that as far as you knew, from 1997 through to 1999 when you
22 became Firearms Officer and thereafter as far as you knew,
23 everything was fine with Mr. Dunlop, there were no
24 problems?

25 **MR. LORTIE:** Yes, it was.

1 **MR. NEVILLE:** Well, I suggest to you, sir,
2 that this letter is the contrary; there is some problem.
3 He's getting an order.

4 **MR. LORTIE:** Well, that's your
5 interpretation, sir.

6 **MR. NEVILLE:** Well, sir, I can only read the
7 English language the way it's written.

8 **MR. LORTIE:** It's your interpretation, sir.

9 **MR. NEVILLE:** You were not aware that he was
10 under an order?

11 **MR. LORTIE:** If I read it, I would have been
12 aware. That is not -- you're making it sound as if he was
13 having trouble with management. That's not ---

14 **MR. NEVILLE:** Staff Sergeant ---

15 **MR. LORTIE:** --- trouble with management.

16 **MR. NEVILLE:** Staff Sergeant, I'm going to
17 show you a couple more documents, but there's a reason I'm
18 asking you these questions. And the reason is, sir, that
19 during the examination in-chief of Mr. Stauffer and at the
20 end when the Commissioner asked you for your comments, you
21 went on at some length and I took it to be that you were
22 suggesting that Mr. Dunlop had somehow been hard done by,
23 that he had been bombarded, that he had been treated in
24 some fashion unfairly, that he had done everything, as far
25 as you knew, he was supposed to do.

1 MR. LORTIE: As far as ---

2 MR. NEVILLE: Is that your position?

3 MR. LORTIE: As far as I knew.

4 MR. NEVILLE: Do you know why he was, to use
5 your words, bombarded at trials?

6 MR. LORTIE: Why?

7 MR. NEVILLE: Yes.

8 MR. LORTIE: Just from what I read in the
9 paper.

10 MR. NEVILLE: Did you attend any of those
11 trials?

12 MR. LORTIE: No, I didn't.

13 MR. NEVILLE: Did you read any of those
14 transcripts?

15 MR. LORTIE: What transcripts?

16 MR. NEVILLE: Of those trials where he was
17 cross-examined?

18 MR. LORTIE: No, I didn't.

19 MR. NEVILLE: Okay. Do you know that in
20 fact he actively misled his own police force and the OPP
21 regularly?

22 MR. LORTIE: No, I didn't.

23 MR. NEVILLE: That he lied?

24 MR. LORTIE: No, I didn't.

25 MR. NEVILLE: When did you find any of that

1 out, at the Inquiry?

2 MR. LORTIE: Yes, sir.

3 MR. NEVILLE: Did you hear the evidence?

4 You told us you read the evidence of Staff Sergeant
5 Derochie. You heard his evidence that after some of the
6 trials, Father MacDonald's in particular, he was
7 recommending, along with Inspector Hall, charges of perjury
8 and/or obstruct justice?

9 MR. LORTIE: All I can tell you, sir, is
10 that ---

11 MR. NEVILLE: Did you hear -- read that
12 evidence?

13 MR. LORTIE: No. I heard it in the Inquiry,
14 yes.

15 MR. NEVILLE: Yes, that's what I said.

16 MR. LORTIE: Okay.

17 MR. NEVILLE: You said you read his evidence
18 that he was recommended to be charged with perjury and/or
19 obstruct justice by Staff Sergeant Derochie and Inspector
20 Hall.

21 Now, does that reconcile with what you
22 thought was happening with Mr. Dunlop?

23 MR. LORTIE: Like I said ---

24 MR. NEVILLE: Does it reconcile with what
25 you thought was happening?

1 **MR. LORTIE:** No.

2 **MR. NEVILLE:** No.

3 Let's look at Exhibit -- sorry, Document
4 723480.

5 **THE COMMISSIONER:** Exhibit Number 1485,
6 Internal Correspondence to OIC Field Operations from
7 Inspector Trew dated January 13th, 1998.

8 **--- EXHIBIT NO./PIÈCE NO. P-1485:**

9 (723480) Claude Lortie - Internal
10 Correspondence from Insp. R.W. Trew to
11 O.I.C. - Field Operations dated 13 Jan
12 98

13 **MR. NEVILLE:** You have the document, Staff
14 Sergeant?

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

16 **MR. NEVILLE:** Bottom left corner, you are
17 one of the recipients; correct?

18 **MR. LORTIE:** Yes, sir.

19 **MR. NEVILLE:** It's authored by Inspector
20 Trew, the same gentleman who received the Bourgeois letter
21 a few months before. This is addressed to Field Operations
22 with copies to yourself and many others, as follows:

23 "All arrangements for contact with the
24 Crown's office will be through S/Sgt.
25 C. Lortie..."

1 That's you.

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

3 **MR. NEVILLE:** "...or Acting Sgt. D. Aikman.
4 Supervisors will further confer with
5 Case Manager Cst. K. Malloy.
6 Consultation arrangements will be made
7 with Senior Assistant Crown Attorney
8 Guy Simard. Constable Dunlop's
9 supervisors..."

10 That would include you?

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

12 **MR. NEVILLE:** "...or Cst. K. Malloy will be
13 present at all such meetings."

14 **MR. LORTIE:** Yes, sir.

15 **MR. NEVILLE:** It sounds like something's not
16 quite right with Mr. Dunlop, doesn't it?

17 **MR. LORTIE:** It sounds that way.

18 **MR. NEVILLE:** What did you think when you
19 got this?

20 **MR. LORTIE:** I have no idea, sir.

21 **MR. NEVILLE:** Did you inquire what's going
22 on here?

23 **MR. LORTIE:** I don't think I did. I don't
24 remember.

25 **MR. NEVILLE:** Staff Sergeant, isn't it a

1 fact, and you know it to be a fact, that one of the things
2 Mr. Dunlop did in particular in the fall of 1996 in his
3 Amended Statement of Claim is he accused Murray MacDonald
4 of being party to a conspiracy to obstruct justice? You
5 knew that?

6 MR. LORTIE: No, I didn't.

7 MR. NEVILLE: You didn't know that?

8 MR. LORTIE: No.

9 MR. NEVILLE: Well, now, so you get this
10 document on or about January 13th. Aren't you scratching
11 your head? You're the one who has to make the
12 arrangements.

13 MR. LORTIE: Yeah.

14 MR. NEVILLE: Did you not say, "My goodness,
15 what's going on here?"

16 MR. LORTIE: Well, he wants us to make the
17 arrangements with ---

18 MR. NEVILLE: To see a Crown.

19 MR. LORTIE: --- the Assistant Crown
20 Attorney Guy Simard.

21 MR. NEVILLE: No, no, no, it's any contact
22 with the Crown's office goes through Mr. Simard.

23 MR. LORTIE: All arrangements ---

24 MR. NEVILLE: And, sir, there has to be
25 people present for the meetings.

1 **MR. LORTIE:** "All arrangements for contact
2 with the Crown's office will be through
3 S/Sgt. Lortie or Acting..."

4 **MR. NEVILLE:** Right.

5 **MR. LORTIE:** "Supervisors will further
6 confer with Case Manager K. Malloy."
7 It's not what you just said, sir.

8 **MR. NEVILLE:** Staff Sergeant, it doesn't say
9 "Arrangements for contact with Murray MacDonald." It says
10 "Crown's office."

11 **MR. LORTIE:** Yeah.

12 **MR. NEVILLE:** And "consultations to be made
13 through the Assistant Crown Attorney."

14 **THE COMMISSIONER:** Well, first of all, the
15 subject matter says "Constable P. Dunlop requesting
16 assistance and consultation with Crown's office."

17 **MR. NEVILLE:** Yes.

18 **THE COMMISSIONER:** Okay. So that's the re:
19 line.

20 **MR. NEVILLE:** Yes.

21 **THE COMMISSIONER:** That's what it's about.

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

23 **THE COMMISSIONER:** All right.

24 So did you arrange any of these?

25 **MR. LORTIE:** I may have. I don't recall. I

1 guess I'm using the wrong word. I don't recall. But all I
2 know from reading this is that make arrangements so that he
3 can meet with Guy Simard whenever he needs to.

4 **MR. NEVILLE:** Staff Sergeant, did you have
5 any other people under your supervision who, if they wanted
6 to see a Crown or speak with a Crown, they had to go
7 through you and the senior assistant?

8 **MR. LORTIE:** That became an order at one
9 point, sir. I don't recall when, but people were not to
10 attend the Crown's office without mentioning it to their
11 supervisor.

12 **MR. NEVILLE:** No, that's fine. This is a
13 little more than that.

14 **MR. LORTIE:** Okay. But there could be a
15 reason.

16 **MR. NEVILLE:** Can you think of any reason
17 for this?

18 **MR. LORTIE:** If we have a major case on the
19 go and ---

20 **MR. NEVILLE:** It says, sir, "Constable
21 Dunlop."

22 **MR. LORTIE:** Sir, you asked me a question
23 and you keep interrupting.

24 **MR. NEVILLE:** I apologize. You're right.

25 **THE COMMISSIONER:** And that's true.

1 **MR. NEVILLE:** You're quite right.

2 **MR. LORTIE:** Okay?

3 **MR. NEVILLE:** And I apologize.

4 **MR. LORTIE:** If this is an Inquiry and you
5 want the facts, I'm going to tell you the facts.

6 **MR. NEVILLE:** Please do.

7 **MR. LORTIE:** Go ahead, sir.

8 **MR. NEVILLE:** No, my question, sir, is does
9 this document refresh your memory? It appears it doesn't
10 refresh your memory about anything.

11 **MR. LORTIE:** It does not refresh my memory.

12 **MR. NEVILLE:** Fine.

13 Let's look at Document 706101.

14 **THE COMMISSIONER:** Exhibit 1486 is a
15 document dated -- is that a 29, Officer Lortie?

16 **MR. NEVILLE:** I took it -- yes.

17 **MR. LORTIE:** It looks like a 24.

18 **THE COMMISSIONER:** January what year?

19 **MR. LORTIE:** Two thousand (2000) from the
20 looks of it.

21 **THE COMMISSIONER:** It could be 2011, but
22 okay. And it's your handwriting? It's your note?

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

24 **MR. NEVILLE:** The exhibit number,
25 Commissioner, was?

1 **THE COMMISSIONER:** One-four-eight-six
2 (1486).

3 **MR. NEVILLE:** Eight-six (86), thank you.

4 **--- EXHIBIT NO./PIÈCE NO. P-1486:**

5 (706101): Claude Lortie - Notes of
6 Claude Lortie dated 24 Jan 01

7 **MR. NEVILLE:** So you've confirmed for us
8 that it's your writing, Staff Sergeant. It says:

9 "In early November 1999, I..."

10 That's yourself.

11 "...was advised by Kurt Fraser..."

12 Just stopping there, at that point he was President?

13 **MR. LORTIE:** He would have been the
14 President, yes.

15 **MR. NEVILLE:** Were you still on the
16 Executive as Past President or in any way?

17 **MR. LORTIE:** I was the Vice-President.

18 **MR. NEVILLE:** Okay.

19 "I was advised by Kurt Fraser that he
20 had been told by Gerry Holiday..."

21 And who is Mr. Holiday?

22 **MR. LORTIE:** He was a constable in the
23 Service.

24 **MR. NEVILLE:** Okay.

25 "...that Perry Dunlop, who had applied

1 for a position in the SACA Unit..."

2 That's Sexual Assault and Child Abuse?

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

4 **MR. NEVILLE:** "...was not going to get the

5 position. Holiday had told Fraser that

6 Rick Carter had advised him that his

7 reason for the decision was that Murray

8 MacDonald, the Crown Attorney, had told

9 him he would not prosecute Dunlop's

10 cases because Dunlop had lied in court

11 on a previous matter. I found this

12 information very damaging in respect of

13 Perry Dunlop's career as a police

14 officer. This was an alleged criminal

15 act that obviously Dunlop had never

16 been made aware of. That same day I

17 met and discussed this allegation with

18 Gerry Holiday, who repeated the same

19 story he had told Fraser. Fraser

20 advised me that as President of the

21 Cornwall Police Association, it was his

22 responsibility to notify Dunlop of the

23 allegation."

24 Did you ever speak to Officer Dunlop about

25 this situation?

1 **MR. LORTIE:** I don't think I did, sir.

2 **MR. NEVILLE:** What was your reaction, if you
3 can recall now, when you saw -- learned this information?

4 **MR. LORTIE:** Notified the President of the
5 Association.

6 **MR. NEVILLE:** Did it not take you by
7 surprise, take you aback?

8 **MR. LORTIE:** It must have. I don't recall
9 it, but it must have.

10 **MR. NEVILLE:** The Senior Crown Attorney was
11 of the belief that Mr. Dunlop would lie under oath.

12 **THE COMMISSIONER:** Ah, Mr. Neville ---

13 **MR. NEVILLE:** Let me put the question
14 differently, Commissioner.

15 Officer, I asked you whether during the time
16 from 1997 to after you were no longer his supervisor and
17 for some time thereafter you were aware of any difficulties
18 or problems with Mr. Dunlop?"

19 And your answer was you were aware of none.

20 Now that you see this document ---

21 **THE COMMISSIONER:** Dated 2000 ---

22 **MR. NEVILLE:** Yes.

23 **THE COMMISSIONER:** --- his questions were --

24 -

25 **MR. NEVILLE:** No, it was after as well.

1 **THE COMMISSIONER:** All right. After as
2 well.

3 **MR. NEVILLE:** And then he went on to say,
4 Commissioner, if he had heard otherwise he would have
5 looked into it.

6 So does this document not indicate to you
7 that in the fall of 1999 -- because that's when the event
8 happened, early November is when you were aware -- does
9 this not indicate that there was a problem?

10 **MR. LORTIE:** It certainly shows that there's
11 a problem, yes.

12 **MR. NEVILLE:** And a problem -- sorry,
13 Commissioner?

14 **THE COMMISSIONER:** Go ahead.

15 **MR. LORTIE:** In the three years that he
16 worked with me, there were no problems that I knew of.

17 **MR. NEVILLE:** And those three years were?

18 **MR. LORTIE:** Would have been when he came
19 back from his sickness until it would have been January,
20 '99.

21 **MR. NEVILLE:** Okay. So that would have been
22 about a year and eight months or so? Just over a year-and-
23 a-half?

24 **MR. LORTIE:** Okay.

25 **MR. NEVILLE:** Not three years; can we agree

1 on that?

2 MR. LORTIE: Okay, yes.

3 MR. NEVILLE: Okay. But in fairness to you,
4 sir, when Mr. Stauffer was questioning you, you went on to
5 say that even after you learned of nothing because had you
6 learned of something, you would have looked into it?

7 MR. LORTIE: That's correct.

8 MR. NEVILLE: Okay. So I take it when you
9 answered those questions, you had forgotten some of these
10 documents that I've showed you?

11 MR. LORTIE: Definitely.

12 MR. NEVILLE: Those are my questions, thank
13 you.

14 THE COMMISSIONER: Thank you.

15 Mr. Chisholm.

16 MR. CHISHOLM: Good afternoon, sir.

17 Sergeant Lortie, my name is Peter Chisholm.

18 I have no questions for you. I'm counsel

19 for the CAS.

20 Thank you.

21 MR. LORTIE: Thank you, Peter.

22 THE COMMISSIONER: Maître Rouleau?

23 MR. ROULEAU: No questions, Commissioner.

24 Thank you.

25 THE COMMISSIONER: Mr. Scharbach?

1 **MR. SCHARBACH:** Good afternoon, Mr.
2 Commissioner.

3 **THE COMMISSIONER:** Good afternoon, sir.

4 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

5 **MR. SCHARBACH:**

6 **MR. SCHARBACH:** Good afternoon, Staff
7 Sergeant. My name is Stephen Scharbach. I'm a lawyer for
8 the Ministry of the Attorney General.

9 **MR. LORTIE:** Good day, sir.

10 **MR. SCHARBACH:** I have a couple of questions
11 of you concerning your contacts with Murray MacDonald.

12 When you were here about a week ago, you
13 testified that you had -- you met with Murray MacDonald
14 along with Perry Dunlop. Do you recall that?

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

16 **MR. SCHARBACH:** And that meeting took place,
17 I think you said, in the fall of 1993, and you weren't
18 aware of the date specifically but it took place in the
19 fall of 1993?

20 **MR. LORTIE:** I think it was, yes.

21 **MR. SCHARBACH:** And you met with Mr.
22 MacDonald in order to discuss with him the Silmser
23 investigation and especially concerns that you had
24 concerning the settlement that had been made?

25 **MR. LORTIE:** Yes.

1 **MR. SCHARBACH:** Okay. Now, Mr. Manson then
2 took you to a couple of documents in which you were asked
3 later on about meetings with Murray MacDonald and I'd like
4 to take you to those meetings so that we can clarify a
5 couple of points if I may?

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

7 **MR. SCHARBACH:** If we could call up on the
8 screen Exhibit 1423?

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

10 **THE COMMISSIONER:** What page, please?

11 **MR. SCHARBACH:** It's a four-page document I
12 think, and 721944.

13 Staff Sergeant, these are the notes that I
14 understand that you made for Brendon Wells. You talked of
15 them earlier this afternoon. Ddo you recall that?

16 **MR. LORTIE:** The -- the notes?

17 **MR. SCHARBACH:** Well, these were your notes
18 and if you look on the last page, you'll see that you
19 signed them on February the 14th, 1994. I believe that's
20 February the 14th, maybe you can let me know.

21 In any case, it was signed in February of
22 1994 by you.

23 **MR. LORTIE:** Okay.

24 **MR. SCHARBACH:** Correct? Those are your
25 notes; you recognize them, I take it?

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. LORTIE: I don't recognize this, sir.
3 Is this supposed to be my report or -- unless I'm on the
4 wrong page here?

5 THE COMMISSIONER: Now, what it is is, this
6 is a typed copy of your -- of a statement you gave but then
7 when you met with Wells, he would have asked -- had some
8 questions and answers at the back.

9 MR. LORTIE: Okay. I'm -- I'm on the wrong
10 ---

11 THE COMMISSIONER: You're looking at 1423?

12 MR. LORTIE: Fourteen-o-three (1403).

13 THE COMMISSIONER: No, 1423.

14 MR. LORTIE: Okay.

15 THE COMMISSIONER: All right.

16 MR. SCHARBACH: Okay. Perhaps we can start
17 on the first page and maybe you can look through them just
18 to familiarize yourself with them.

19 Do you recognize them now, Staff Sergeant?

20 MR. LORTIE: Yes, sir.

21 MR. SCHARBACH: These were notes made by you
22 I take it?

23 MR. LORTIE: Yes, they are.

24 MR. SCHARBACH: Okay. And if we could turn
25 to page 3 ---

1 **THE COMMISSIONER:** This is no longer the
2 statement, 's part of the interview?

3 **MR. SCHARBACH:** Right.

4 I understand that you made some notes and
5 then Brendon Wells asked questions of you -- questions and
6 answers and those questions and answers were added to the
7 typewritten version;okay?

8 **MR. LORTIE:** That's correct, yeah.

9 **MR. SCHARBACH:** And at page 3, around the
10 middle of the page, you'll see the question that apparently
11 was put to you:

12 "Was that Claude?"

13 And I'm quoting here:

14 "Claude, have you or Constable Dunlop
15 ever visited the Crown's office with
16 respect to the David Silmser
17 investigation?"

18 And your answer apparently was:

19 "No, I can't remember that."

20 **MR. LORTIE:** Yeah, that's correct.

21 **MR. SCHARBACH:** Now, Mr. Manson brought this
22 to you the other day but I want to make it -- I wanted to
23 be perfectly clear about what your answer was.

24 This question was given -- was made -- this
25 question was asked of you in February of 1994, a few months

1 after the events that are described in it took place?

2 MR. LORTIE: Yeah, that's correct.

3 MR. SCHARBACH: And at that point, you said
4 you didn't recall it?

5 MR. LORTIE: Well, I -- I don't recall going
6 over, no.

7 And I wondered if this wasn't a mistake
8 because it was -- it was obvious and known that we had gone
9 to the Crown's office.

10 MR. SCHARBACH: Okay. Perhaps we can go to
11 Exhibit 1480.

12 I want to take you now, Staff Sergeant, to
13 the audio-taped interview of you that was made by OPP
14 Officers Hall and Dupuis in January of 2000.

15 THE COMMISSIONER: That would be one of the
16 loose ones, I believe, sir, or maybe not.

17 Madam Clerk, is that in the -- is that
18 something that was entered today or ---

19 THE REGISTRAR: No.

20 THE COMMISSIONER: No, okay.

21 So it's in the smaller binder, the one
22 that's not completely full, sir.

23 MR. SCHARBACH: And if we can go to Bates
24 page 7013084, please.

25 THE COMMISSIONER: Zero-eight-four (084) are

1 the last three numbers. Oh, you don't have them?

2 MR. LORTIE: Thank you.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. SCHARBACH: At the bottom of the page,
5 please.

6 Staff Sergeant, it appears that Hall asked
7 you whether you discussed "any of this" -- and if you want
8 to read above you can -- but "any of this" is the Silmsler
9 investigation and your discussions with Constable Sebalj.

10 It says:

11 "Did you ever discuss any of this with
12 Crown Attorney Murray MacDonald?"

13 And your answer, in January, 2000, was:

14 "I don't know. I don't know if I've
15 ever talked to Murray about this, and I
16 can remember going in to talk to Murray
17 about, I don't know if it was a bombing
18 investigation..."

19 And over to the next page:

20 "...about some other investigation. We
21 may have discussed this matter a little
22 bit. I'm not sure. I don't recall."

23 So it appears that you were asked a similar
24 question in January 2000 about meeting with Murray
25 MacDonald concerning this matter and, again, in the year

1 2000 you came -- it appears that you came up with the same
2 answer as you did in February of 1994, which was that you
3 couldn't remember.

4 **THE COMMISSIONER:** Well, no, no ---

5 **MR. LORTIE:** That's not what it says, sir.

6 **THE COMMISSIONER:** Not quite what it says.

7 **MR. SCHARBACH:** Okay.

8 **THE COMMISSIONER:** Because if you continue
9 on at the bottom, it says:

10 "That may have come up, that subject."

11 **MR. SCHARBACH:** Okay.

12 **MR. LORTIE:** It's quite clear, "this matter,
13 a little bit -- I'm not sure. I don't recall."

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

15 I can tell you, I understand that Mr.
16 MacDonald will testify at the Public Inquiry at some point
17 and I believe he will testify that he recalls speaking to
18 Constable Dunlop about this matter shortly -- or, you know,
19 shortly after the time that he got the statement, the end
20 of September -- the early October, but he doesn't recall a
21 meeting where both you and Mr. Dunlop attended at the same
22 time.

23 **THE COMMISSIONER:** Okay.

24 **MR. SCHARBACH:** Does that assist you at all?

25 **MR. LORTIE:** It surprises me.

1 **MR. SCHARBACH:** Okay.

2 Now, when you went to see Mr. MacDonald, I
3 understand that you wanted to bring to him concerns about
4 essentially the Silmsler investigation but more particularly
5 the settlement that was made with the Diocese. Is that
6 correct?

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

8 **MR. SCHARBACH:** And you were concerned that
9 there may have been some sort -- a criminal -- some sort of
10 criminal activity that took place in connection with that,
11 correct?

12 **MR. LORTIE:** I was concerned about that, but
13 I don't know if that actually came up.

14 **MR. SCHARBACH:** But that's what it was that
15 you wanted to discuss with Mr. MacDonald?

16 **MR. LORTIE:** Yes.

17 **MR. SCHARBACH:** And Crown Attorneys don't
18 investigate crimes and they don't lay charges. What in
19 particular was it that you wanted to -- Mr. MacDonald to do
20 in this case?

21 **MR. LORTIE:** I would think that Mr.
22 MacDonald, in contact with the Chief -- if we expressed our
23 concerns clearly enough, may have been able to get things
24 going.

25 **MR. SCHARBACH:** Wouldn't this be a concern

1 that would have been more appropriately brought to Staff
2 Sergeant Brunet or to the Chief himself directly?

3 MR. LORTIE: You mean Murray to the ---

4 THE COMMISSIONER: No, no.

5 MR. SCHARBACH: --- no, for you.

6 MR. LORTIE: For me?

7 MR. SCHARBACH: For you, you and Mr. -- you
8 and Constable Dunlop.

9 MR. LORTIE: I think there was a definite
10 problem after the September 28th meeting, being President or
11 Vice President of the Association at the time and having
12 brought it up and also looking after the Dunlop matter, I
13 don't think anybody would have wanted to discuss this with
14 me.

15 MR. SCHARBACH: So you -- so is it fair to
16 say that you were taking the issue outside of the police
17 force, taking it outside so that influence could be brought
18 to bear by the Crown Attorney on the Police Chief?

19 MR. LORTIE: Yes.

20 MR. SCHARBACH: Okay. Those are all my
21 questions. Thank you.

22 MR. LORTIE: Thank you, sir.

23 THE COMMISSIONER: Thank you.

24 Mr. Kozloff?

25 MR. KOSLOFF: Good afternoon, Mr.

1 Commissioner.

2 THE COMMISSIONER: Good afternoon, sir.

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

4 KOZLOFF:

5 MR. KOZLOFF: Good afternoon, sir.

6 MR. LORTIE: Good day, sir.

7 MR. KOZLOFF: I'm Neil Kozloff; I'm counsel
8 for the Ontario Provincial Police.

9 MR. LORTIE: Pleased to meet you.

10 MR. KOZLOFF: I have a very narrow focus for
11 you, and that's the 28th of September.

12 If I understand your evidence correctly, you
13 know that the meeting between yourself and Sergeant
14 Lefebvre, at which Mr. Dunlop was present, took place on
15 the morning of the 28th of September; correct?

16 MR. LORTIE: That's correct.

17 MR. KOZLOFF: And the reason you know that
18 is because you made notes which were reasonably
19 contemporaneous with that meeting?

20 MR. LORTIE: Yes, sir.

21 MR. KOZLOFF: And at that meeting you say
22 that you believe that that is when Perry Dunlop learned
23 about this investigation?

24 MR. LORTIE: Yes, sir.

25 MR. KOZLOFF: And what's the basis for your

1 belief that Perry Dunlop learned about the investigation at
2 that meeting?

3 MR. LORTIE: He heard Sergeant Lefebvre and
4 myself talking about it.

5 MR. KOZLOFF: Okay. He's present in the
6 room while you and Ron Lefebvre are discussing an
7 investigation, correct?

8 MR. LORTIE: Yes, sir.

9 MR. KOZLOFF: And this is an investigation
10 which you're clearly aware of, from back in December of
11 1992?

12 MR. LORTIE: Yes, sir.

13 MR. KOZLOFF: And this is an investigation
14 which Ron Lefebvre is clearly aware of no later than the
15 28th of January 1993, correct?

16 MR. LORTIE: That's correct.

17 MR. KOZLOFF: Because that's the day when he
18 interviewed Mr. Silmsner?

19 MR. LORTIE: That's correct.

20 MR. KOZLOFF: Okay.

21 So -- and you recall being shown Mr.
22 Silmsner's statement by Sergeant Lefebvre in February of
23 1993, correct?

24 MR. LORTIE: It seems to me it was February,
25 the first week, yes.

1 **MR. KOZLOFF:** That would have been around
2 the time that Mr. Silmsler brought the statement into the
3 station and gave it to the Cornwall Police, correct?

4 **MR. LORTIE:** It's possible, yes, correct.

5 **MR. KOZLOFF:** All right.

6 So the basis for your belief that Mr. Dunlop
7 learns about that investigation on the 28th of September is
8 the fact that he's present in the room, correct?

9 **MR. LORTIE:** Correct.

10 **MR. KOZLOFF:** While you're having this
11 conversation ---

12 **MR. LORTIE:** Correct.

13 **MR. KOZLOFF:** --- in a position to hear what
14 you are saying?

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

16 **MR. KOZLOFF:** And he engages you and perhaps
17 Ron Lefebvre in conversation about this investigation?

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

19 **MR. KOZLOFF:** And gives you the impression,
20 sir, that this is the first he's heard of it, correct?

21 **MR. LORTIE:** Yes.

22 **MR. KOZLOFF:** For sure, that's how you have
23 formed this belief that he found out about it that day. He
24 led you to believe that, didn't he?

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

1 **MR. KOZLOFF:** All right.

2 So if he had a meeting with Richard Abell on
3 the 25th of September, three days before this about this
4 very investigation, if that is a fact, then he misled you
5 about him -- when he had actually found out about it,
6 didn't he?

7 **MR. LORTIE:** If the meeting with Mr. Abell
8 was actually the 25th, yes, he did.

9 **MR. KOZLOFF:** All right.

10 And you've been shown Mr. Dunlop's will-say
11 in this matter, Exhibit 579?

12 **MR. LORTIE:** Yes, sir, I've seen it.

13 **MR. KOZLOFF:** All right.

14 And if the witness could just be -- do you
15 have that exhibit with you? All right. If you turn to
16 Bates page 7114903, paragraph 2, it says:

17 "On September 23, 1993, while attending
18 to my professional and official duties
19 related to my assignment to the
20 Criminal Investigation Bureau Drug
21 Unit, I gained knowledge of a sexual
22 assault complaint involving allegations
23 of abuse by a Catholic priest, Father
24 Charles MacDonald and a Cornwall
25 probation officer for the Ministry of

1 the Solicitor General and Correctional
2 Services, Ken Seguin. The alleged
3 victim of the abuse was DS."

4 Right?

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

6 **MR. KOZLOFF:** Paragraph 3:

7 "On September 24th, 1993, before
8 attending court, I was in the
9 Intelligence Office where Sergeants Ron
10 Lefebvre and Claude Lortie were openly
11 discussing this sexual assault case."

12 Correct?

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

14 **MR. KOZLOFF:** All right.

15 So just on the basis of these notes alone it
16 suggests that he found out about this investigation the day
17 before the meeting that he says he attended with you;
18 correct?

19 **MR. LORTIE:** Well, it's not the day before -

20 --

21 **MR. KOZLOFF:** No, I understand. No, no.

22 **MR. LORTIE:** Okay. Sorry.

23 **MR. KOZLOFF:** Forget about the 28th for a
24 second. Let's go with his notes for a minute.

25 **MR. LORTIE:** Okay. Yes, you're right.

1 **MR. KOZLOFF:** He's suggesting that he found
2 out about the investigation the day before he was in the
3 Intelligence office with you and Ron Lefebvre, correct?

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

5 **MR. KOZLOFF:** All right.

6 And he says:

7 "I had already been informed by
8 Sergeant Lortie that the allegations of
9 sexual assault were against Father
10 Charles MacDonald."

11 Do you see that?

12 **MR. LORTIE:** Yes, I do, sir.

13 **MR. KOZLOFF:** So what he's saying in his
14 notes is before he overhears this conversation with you and
15 Ron Lefebvre, you and he had some conversation where you
16 told him about this investigation. That's what his notes
17 say, correct?

18 **MR. LORTIE:** That's what it says, yes.

19 **MR. KOZLOFF:** All right.

20 You disagree with that?

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

22 **MR. KOZLOFF:** Your position is the meeting
23 happened on the 28th?

24 **MR. LORTIE:** Yes.

25 **MR. KOZLOFF:** So if -- I'm going to suggest

1 to you, sir, that the meeting that he has with Abell takes
2 place at Quinn's Inn and the reason that the meeting takes
3 place at Quinn's Inn is because Perry Dunlop is playing at
4 Quinn's Inn. He's performing at Quinn's Inn.

5 Do you have any reason to disagree with
6 that?

7 **MR. LORTIE:** No.

8 **MR. KOZLOFF:** All right.

9 Do you know that Mr. Abell and his wife and
10 Mr. Dunlop and his wife were friends?

11 **MR. LORTIE:** I found that out through the
12 Inquiry, yes.

13 **MR. KOZLOFF:** All right.

14 So Mr. Dunlop has a reason to be able to fix
15 the 25th of September and Mr. Abell has a reason to be able
16 to fix the 25th of September as the date when Mr. Dunlop
17 tells Mr. Abell about the Silmsler investigation? Do you
18 appreciate that, because of the fact that Mr. Dunlop was
19 playing at Quinn's Inn and that's where the meeting takes
20 place?

21 **MR. LORTIE:** Has that been confirmed?

22 **MR. KOZLOFF:** Well, it's confirmed insofar
23 as anything can be confirmed by Mr. Dunlop's notes and I've
24 seen documents in Mr. Abell's writing that suggest that it
25 happened on the 25th of September.

1 **MR. LORTIE:** Okay.

2 **MR. KOSLOFF:** All right?

3 So all I'm suggesting to you, sir, is that
4 if you're right about the 28th and you have no reason to
5 doubt that you're right about the 28th; correct?

6 **MR. LORTIE:** I'm sure.

7 **MR. KOSLOFF:** All right.

8 If you're right about the 28th of September,
9 then Mr. Dunlop misled you about when he found out about
10 this investigation, didn't he?

11 **MR. LORTIE:** Sir, I can only go back to my
12 notes, and on the 23rd, I think he says that he finds out
13 about this. We're in court that morning and we're doing an
14 investigation on the escort service in the afternoon.
15 That's documented in my notes and can be confirmed through
16 OMPPAC.

17 **MR. KOZLOFF:** I appreciate that.

18 My question was, sir, if you're right about
19 the 28th, then Mr. Dunlop misled you about when he initially
20 finds out about this investigation; correct?

21 **MR. LORTIE:** I would say that somebody, and
22 probably a few people, got the wrong dates because nobody
23 was keeping notes.

24 **MR. KOZLOFF:** He's got more than the wrong
25 date, sir. He's suggesting a whole series of events.

1 **MR. LORTIE:** Okay.

2 **MR. KOZLOFF:** Right?

3 **MR. LORTIE:** Yes.

4 **MR. KOZLOFF:** Okay. Would you not accept,
5 sir, that it's apparent that Mr. Dunlop misled you with
6 respect to the date -- with respect to the timing that he
7 finds out about this investigation?

8 **MR. LORTIE:** According to these notes, he
9 misled me.

10 **MR. KOZLOFF:** Thank you.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Carroll?

13 **MR. CARROLL:** Nothing, sir.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Manderville?

16 **MR. MANDERVILLE:** Good afternoon, Staff
17 Sergeant Lortie. I have no questions for you, sir.

18 **MR. LORTIE:** Thank you, sir.

19 **THE COMMISSIONER:** Mr. Stauffer.

20 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR **MR. STAUFFER:**

21 **MR. STAUFFER:** Mr. Lortie, I'm back again.
22 I have a few questions in follow-up from some of the
23 matters that arose from my friends' questions, and if you
24 could just focus for a minute here, we'll try to do this as
25 quickly as possible.

1 Mr. Manson had asked you if you had reviewed
2 your wife's transcripts from her evidence before you came
3 to give your evidence. Again, upon -- you answered no, as
4 I recollect, to Mr. Manson. If you'll just reflect for a
5 moment, sir, on what you said to the Commissioner when you
6 were being asked questions by me and you were taking up
7 certain matters that the Commissioner had done or had said
8 when your wife was on the stand, does that refresh your
9 memory that you may have read your wife's transcripts
10 before you came?

11 **MR. LORTIE:** Sir, I'd like to see the exact
12 wording of what was said, but I do know that I read some
13 parts of her transcript and I saw some of her testimony,
14 and I think I said that.

15 **MR. STAUFFER:** All right. That's fine.
16 Okay. All I wanted to clear up is that you did see some of
17 her transcripts and perhaps heard some of her evidence at
18 the Inquiry.

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

20 **MR. STAUFFER:** All right.

21 Some more questions that arose from my
22 friends, with respect to Mr. Dunlop, there's been many
23 questions put to you about your role as his supervisor. I
24 think when you were asked questions by me you said you were
25 aware -- but correct me if I'm wrong, you were aware that

1 he had been conducting some interviews in his off hours of
2 potential victims of sexual abuse? Do you recollect
3 knowing that at that time that he was doing that?

4 **MR. LORTIE:** I recollect that I was aware
5 that people were going over to talk to him.

6 **MR. STAUFFER:** Fair enough.

7 So when you became aware of that, were you
8 under an obligation at all as his superior officer to
9 report that to anyone further up the chain of command at
10 the Police Service?

11 **MR. LORTIE:** I may have, yes.

12 **MR. STAUFFER:** Well, I'm not sure of your
13 answer there. My question was, were you under an
14 obligation to make that kind of a report if you were aware
15 that he was conducting that type of investigation?

16 **MR. LORTIE:** Well, first of all, you're
17 throwing in the word "investigation" and the first time you
18 said "interview."

19 **MR. STAUFFER:** All right.

20 **MR. LORTIE:** I was aware that people were
21 going over to see him to talk to him.

22 **MR. STAUFFER:** Okay.

23 **MR. LORTIE:** Now, whether I'm supposed to
24 report people going over that want to talk to him, I don't
25 know about that.

1 **MR. STAUFFER:** Okay. Am I right that you
2 told me though that this was the only time you had ever
3 become aware of an officer conducting this type of an
4 interview then, if I can put it that way, in his off hours?

5 **MR. LORTIE:** Yes.

6 **MR. STAUFFER:** All right.

7 So this is something unique, from your
8 experience, and you've been a police officer for many years
9 as of the mid-'90s; is that correct?

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

11 **MR. STAUFFER:** Yes. So I'm having some
12 difficulty, and I'd like you to help us out as to who then
13 is supposed to be managing Mr. Dunlop if he is doing this,
14 if he's meeting with people with a view of collecting
15 information for some possible investigation down the road?
16 Who is supposed to be supervising and managing him?

17 **MR. LORTIE:** I have no idea.

18 **MR. STAUFFER:** All right.

19 Well, can you help us out at all? We need
20 your help here because you're in the best -- or you were in
21 the best position back then to understand it. You were his
22 sergeant, were you, during those -- it's hard to say
23 whether it's a year and a half, as Mr. Kozloff or one of
24 the counsel has said, or whether it's three years, but
25 during that timeframe when you're his sergeant, are you his

1 superior officer and his supervisor at that point?

2 MR. LORTIE: I think Perry did most of these
3 interviews, as you said, when he was off sick.

4 MR. STAUFFER: Okay. Well, let's assume
5 that is the case for a moment. Who is supposed to be
6 looking into it at that point in time, assuming he is off
7 sick when he's doing this. Is there any protocol within
8 the Service back then to supervise?

9 MR. LORTIE: I don't think supervise a sick
10 person -- HR would be looking after that, but I don't think
11 that very many people knew that he was actually doing this
12 during that time period.

13 MR. STAUFFER: No, but you knew he was doing
14 it. So, I mean, who was supposed to supervise?

15 MR. LORTIE: No, I did not know at the
16 beginning what he was doing.

17 THE COMMISSIONER: At some point you did
18 know?

19 MR. LORTIE: Yeah, I did find out and I know
20 that it wasn't at the beginning and he was well into this
21 by the time I found out.

22 THE COMMISSIONER: So when he came back to
23 work under your supervision, were you aware that during
24 that period of time people were going over and he was
25 interviewing them?

1 **MR. LORTIE:** I was -- I'm sure I was made
2 aware of it, sir. I don't recall the exact day, time, what
3 was said, but I'm sure I was aware of it at some point.

4 **MR. STAUFFER:** Okay. Why was he doing this
5 outside the channels that we understand at least to be the
6 normal process; that is, an actual investigation, to use
7 your word? Why was he doing this?

8 **MR. LORTIE:** I think because people were
9 going to his home to do this. They were going directly to
10 his home to talk to him.

11 **MR. STAUFFER:** Okay.

12 **MR. LORTIE:** And I would think that that's
13 probably where he started documenting stuff ---

14 **MR. STAUFFER:** All right.

15 **MR. LORTIE:** --- and eventually turned it
16 over to different people.

17 **MR. STAUFFER:** Okay. So when he does this
18 and you become aware of it, do you say something to him
19 like, "Perry, you should be reporting this to somebody in
20 CIB," because I gather that would be the normal
21 investigative body for this type of investigation?

22 **MR. LORTIE:** I don't recall saying that, no.

23 **MR. STAUFFER:** Because again, I'm trying not
24 to put words in your mouth here, Staff Sergeant, but I'm
25 going to suggest to you that for some reason, which I don't

1 understand but perhaps you can help us with, Mr. Dunlop did
2 not seem to trust anybody to do this within the normal
3 channels, within, in this case, CIB?

4 **MR. LORTIE:** It's possible. You'd have to -
5 - I mean, you'd have to find out from him.

6 **MR. STAUFFER:** But did you have any
7 discussions with him at all about this?

8 **MR. LORTIE:** I don't recall that.

9 **MR. STAUFFER:** Because, again, I get the
10 impression, correct me if I'm wrong, that you fellows were
11 fairly close, as much as anyone could be, in terms of age
12 and rank and so on, that you fellows were relatively close
13 as professionals?

14 **MR. LORTIE:** We -- we had a period of time
15 from probably '94, during the hearings, till probably just
16 before he came back or when he came back, where we did very
17 little talking other than -- everything was on a
18 professional level, "I need assistance."

19 I already gave in testimony, I thought that
20 he didn't trust me and didn't want to talk to me, so
21 everything was very by-the-book, he needs representation,
22 we'll get him representation; we'll do that kind of stuff.

23 I couldn't figure out why he adopted that
24 position with myself, because we had worked for a number of
25 years together but, I guess, he felt he couldn't trust

1 anybody, up until Mr. Bourgeois showed up and said he
2 thought I was the only one he could trust.

3 So, no, it's -- I -- I just -- that whole
4 time period is hard to figure out.

5 **MR. STAUFFER:** All right.

6 I just have one last area, Mr. Commissioner,
7 and I'll be finished here.

8 Mr. Neville, I believe, took you through
9 this in some -- or sorry, I apologize, Mr. Lee started it
10 and then Mr. Neville continued, but it's this issue, sir,
11 of the words "cover-up." I just want to be crystal clear
12 on this, because you referred to a document to start with;
13 it seems to have been authored by Deputy Chief St. Denis,
14 so I'd just like to take you to that to start with.

15 So Mr. Commissioner, I'm looking at
16 Exhibit 1435, Document 721989.

17 **THE COMMISSIONER:** One four three five
18 (1435).

19 You would have that, sir.

20 **MR. LORTIE:** Sorry?

21 **THE COMMISSIONER:** Exhibit 1435.

22 **MR. STAUFFER:** One four three five (1435).

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

24 **MR. STAUFFER:** Yeah.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. STAUFFER:** Have you located it, Staff,
2 okay?

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

4 **MR. STAUFFER:** So it's essentially the first
5 paragraph after the initial line that I'd like you to look
6 at where it starts with, "I do recall Sergeant Lortie
7 raising concerns," so if you could just read that to
8 yourself, for a minute.

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

10 **MR. LORTIE:** Do you want me to read the
11 whole thing, sir?

12 **MR. STAUFFER:** Well, just that paragraph,
13 really.

14 **MR. LORTIE:** Okay.

15 **MR. STAUFFER:** I mean, of course, you're ---

16 **MR. LORTIE:** Okay.

17 **MR. STAUFFER:** --- free to read it.

18 But in terms of that paragraph, Staff, you
19 had indicated earlier in your testimony, you used the word
20 "believe" and that, indeed, is the word that's used in that
21 paragraph, apparently by Deputy Chief St. Denis.

22 Again, I guess we can play with words in
23 terms of what is meant by "believe" or "know" and so on,
24 but he has said that, but you would agree with me that he
25 has written down, at least in quotation marks, the words

1 "cover-up," do you see that?

2 MR. LORTIE: Yeah.

3 MR. STAUFFER: Okay. Now, there are two
4 other references, Staff Sergeant, that I'd like to show
5 you.

6 And these, Mr. Commissioner, are -- just
7 bear with me for a moment.

8 MR. LORTIE: You missed the other point
9 there, Mr. Stauffer, is that it's Staff Sergeant Wells who
10 was asking him the question.

11 THE COMMISSIONER: I'm sorry?

12 MR. LORTIE: Staff -- Staff Sergeant Wells.

13 MR. STAUFFER: Is asking questions?

14 MR. LORTIE: Well, it may not be on this one
15 here.

16 MR. STAUFFER: Hold on.

17 Now, you may know this from your custom in
18 the Service, but how do you know he's asking him questions?

19 MR. LORTIE: Well, it may not be on this one
20 here but -- or he did ask him questions.

21 THE COMMISSIONER: Well, what does your
22 Internal of February 2nd, 1994, refers?

23 MR. LORTIE: That's -- that's Professional
24 Standards, Staff Sergeant is asking the Deputy Chief for an
25 explanation.

1 **MR. STAUFFER:** Right, m'hm.

2 **MR. LORTIE:** And from the sound of it, I do
3 recall there had to be a question there.

4 **THE COMMISSIONER:** Which would have been the
5 memo of February 2nd?

6 **MR. STAUFFER:** Do you know what the memo
7 was, Staff Sergeant?

8 **MR. LORTIE:** No.

9 **MR. STAUFFER:** Okay. I'm not sure if we can
10 put our fingers on that right away.

11 **MR. LORTIE:** All I'm saying, sir, is ---

12 **MR. STAUFFER:** Yeah.

13 **MR. LORTIE:** --- is that it's quite clear, I
14 do not recall -- well, there had to be a question before
15 that and ---

16 **THE COMMISSIONER:** And it is "I do recall."

17 **MR. LORTIE:** I do -- I do recall, okay,
18 sorry.

19 I do recall, but it's still an answer.

20 **THE COMMISSIONER:** Oh, no, of course, I
21 understand.

22 **MR. LORTIE:** And Staff Sergeant Wells is
23 privy, he's in the meeting on September 28th, why is he
24 asking him that question? He knows if it was said.

25 **THE COMMISSIONER:** Because there's a

1 citizen's complaint.

2 MR. LORTIE: Yeah, but still he's at the
3 meeting, sir.

4 MR. STAUFFER: Well, I don't know if he --
5 well, we'll -- when we get to his testimony, we'll find
6 out, but he hasn't testified yet.

7 But, Staff, just to cut through all of this,
8 essentially Staff Sergeant Wells, at the time, is tasked
9 with a certain assignment; that is, investigate the
10 citizen's complaint.

11 And so that's what he's doing, he's sending
12 off some memo to all the various people involved as to what
13 they recollect?

14 MR. LORTIE: Just to ask you a question,
15 sir, what does the "cover-up" question have to do with the
16 citizen's complaint?

17 THE COMMISSIONER: Well, we'll leave that.

18 MR. STAUFFER: Well that's for another --
19 that's for another day.

20 Staff, let's just -- bear with me, here.

21 You're -- you really want to tell us that
22 you never said the words "cover-up," don't you?

23 MR. LORTIE: You know I do.

24 MR. STAUFFER: Well, I don't know that, but

25 ---

1 **MR. LORTIE:** Well ---

2 **MR. STAUFFER:** --- you seem to be giving ---

3 **MR. LORTIE:** --- I've never -- I've never
4 said that.

5 **MR. STAUFFER:** All right, that's fine.

6 Well, let's just go to ---

7 **MR. LORTIE:** I know I said it probably after
8 the fact with -- with the -- with respect to the Church,
9 but if I had said that the Cornwall Police Service is
10 involved in a cover-up to the whole Board -- Chief, Deputy
11 Chief -- I'm in serious trouble. I'm making an allegation
12 that the Cornwall Police Service -- it's a *Police Act*
13 allegation in front of all the senior staff in -- in the
14 department, like I'm in big trouble.

15 **MR. STAUFFER:** Why are you in big trouble?

16 **MR. LORTIE:** I just made an allegation that
17 we're involved in a cover-up to the senior staff, if I had
18 said that ---

19 **MR. STAUFFER:** Right.

20 **MR. LORTIE:** --- that would have gotten me
21 in serious trouble under the *Police Act*. You can't make
22 that kind of an allegation without grounds.

23 **MR. STAUFFER:** Well, you had these facts, if
24 I've got it correct -- and please correct me if I'm wrong,
25 okay? As of September 28th -- because we're going to

1 accept that that's the date of these meeting, okay, of the
2 senior staff, September 28th, you know at that point or you
3 ought to have known that there's a settlement. There's a
4 financial settlement; you -- you say you don't know that.

5 MR. LORTIE: No, I don't.

6 MR. STAUFFER: But you're -- would you
7 accept this from me that other members of management did
8 know that?

9 MR. LORTIE: Yes, they did.

10 MR. STAUFFER: Okay. But they just didn't
11 have you in the loop as ---

12 MR. LORTIE: I think ---

13 MR. STAUFFER: As an Intelligence Officer,
14 you don't know that ---

15 MR. LORTIE: Yeah.

16 MR. STAUFFER: --- is that right?

17 MR. LORTIE: The first time you asked me
18 that question, I responded maybe they thought it wasn't any
19 of my business.

20 MR. STAUFFER: Okay. Which is a curious
21 thing to say, since you're the Intelligence Officer, but
22 I'll accept that.

23 So, Staff Sergeant, so they know, others
24 know but you don't, that there's a civil settlement and my
25 friends have taken you through, at some length, these

1 letters between your office or more accurately, Staff
2 Sergeant Brunet's office, and the Crown attorney?

3 And the Crown has said, "There's no point in
4 going ahead." Okay?

5 So as of this September 28th meeting, Staff
6 Sergeant Brunet knows this, Chief Shaver knows this, Deputy
7 Chief St. Denis knows this, from what we can read so far in
8 the letters, right?

9 **MR. LORTIE:** The only one I can confirm are
10 the Deputy Chief and -- and Luc Brunet, yes.

11 **MR. STAUFFER:** Okay. Well, at the bottom of
12 one of the letters it says it's sent to the Chief Shaver.
13 I think it's September 16th, okay? And until we hear from
14 him we'll just have to accept, for the moment, that it was
15 sent to him, all right?

16 So we know that all three of those fellows,
17 it looks like on paper, know what's happened, that is,
18 essentially the case is over at that point. The
19 investigation is over as of September 28th. That's the way
20 I read it, do you agree or disagree with me?

21 **MR. LORTIE:** I -- I agree with you, sir.

22 **MR. STAUFFER:** All right. So is it not
23 fair, sir, that at September 28th, rather than this notion
24 that no one knows what's going on, it's the opposite;
25 everyone knows what's going on, at least the Chief, the

1 Deputy Chief and the head of CIB, Staff Sergeant Brunet,
2 they all know what's going on. You're the one who doesn't
3 know what's going on?

4 **MR. LORTIE:** And ---

5 **MR. STAUFFER:** And you get upset because you
6 don't know what's going on?

7 **MR. LORTIE:** I get upset because it appears
8 that nobody knows what's going on and you could probably
9 ask the other people that were sitting around the table ---

10 **MR. STAUFFER:** Well ---

11 **MR. LORTIE:** --- if they knew about the
12 settlement,

13 **MR. STAUFFER:** Well, we will ask them that.

14 But, sir, I'm not trying to be hard on you
15 here. What I'm trying to get an impression of is whether
16 you're the one who was out of the loop. The other fellows
17 know exactly what's going on and you're upset because
18 you're not being kept informed as the Intelligence Officer.

19 **MR. LORTIE:** Well, that's not the specific
20 reason. I'm just out of the loop. Period. It could be
21 because I'm the President of the Association too, like --
22 or Vice President of the Association.

23 **MR. STAUFFER:** Okay. Again in fairness,
24 sir, and I don't want to belabour this point but, Mr.
25 Commissioner, I know that the hour is late and in terms of

1 this witness, could I just take you to two more documents?

2 This is Document 713376 which is a statement
3 by Deputy Chief St. Denis dated January 20th, 2000.

4 Mr. Commissioner, I don't know, is that an
5 exhibit? I don't think it has been made an exhibit yet.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. COMMISSIONER: Thank you.

8 Exhibit Number 1487 is an audio-taped
9 interview report of Joseph St. Denis, Deputy Chief on 20th
10 of January 2000. Thank you.

11 --- EXHIBIT NO./PIÈCE NO. P-1487:

12 (713376) Claude Lortie - Audio-taped
13 Interview Report - Joseph St. Denis
14 w/OPP P. Hall and J.B. Dupuis dated
15 January 20, 2000

16 MR. STAUFFER: Thank you.

17 Now, again, Staff Sergeant, I realize this
18 is not your statement, but I would like to take you to the
19 third page of this statement; the Bates page, the last
20 three numbers in the top-left is there, 460.

21 Okay, now this is Deputy Chief St. Denis
22 being asked questions by Mr. Hall of the OPP and
23 essentially Mr. Hall says:

24 "Okay, when did you first learn about
25 the complaint of David Silmser?"

1 Do you see where I am, Staff?

2 MR. LORTIE: No.

3 MR. STAUFFER: Okay. I'm on the third page
4 of the statement.

5 MR. LORTIE: Yes.

6 MR. STAUFFER: It's the middle of the page.

7 MR. LORTIE: Okay.

8 MR. STAUFFER: You'll see the word, "Hall".

9 MR. LORTIE: Yes, sir.

10 MR. STAUFFER: And you'll see the word under
11 that "pause".

12 MR. LORTIE: Yes, sir.

13 MR. STAUFFER: Okay. So I've just read that
14 question by Mr. Hall and then Mr. St. Denis says:

15 "I'm trying to think here -- to be
16 exact, I'm not sure of the exact date
17 or time I had -- I had learned of it at
18 a meeting. As that document says a
19 morning meeting when that -- that name
20 came up. And Sergeant Lortie at the
21 time is a Staff Sergeant now, indicated
22 that a cover-up was involved here and
23 that might have been the first time I
24 heard of this particular matter."

25 So that's the Deputy Chief using the words

1 "cover-up", okay. I just want to say that a number of
2 years after this meeting this is what the Deputy Chief has
3 said.

4 Do you agree or disagree having read that,
5 the comment from the Deputy Chief that the words "cover-up"
6 were used by you?

7 **MR. LORTIE:** I disagree.

8 **MR. STAUFFER:** All right.

9 And, sir, I have one last -- thank goodness
10 it's a paperless society -- I'm looking now at -- this
11 would be Document 712122, it's Exhibit 864.

12 **MR. COMMISSIONER:** Is this an exhibit
13 already, Mr. Stauffer?

14 **MR. STAUFFER:** I believe it is, Mr.
15 Commissioner; 864.

16 **MR. COMMISSIONER:** Oh, I'm sorry. Exhibit
17 864, right.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MR. STAUFFER:** All right.

20 Now, this is a long statement, Staff
21 Sergeant. If you could turn please to ---

22 **MR. COMMISSIONER:** No, it's just an excerpt,
23 it's a one pager as far as I have.

24 Madam Clerk, is that right? Is that what
25 you have, sir? Exhibit 864.

1 **MR. STAUFFER:** Well, that's what's written.

2 **MR. COMMISSIONER:** Do you have a one-page
3 document?

4 **MR. LORTIE:** Yes, I do.

5 **MR. STAUFFER:** Oh, I'm sorry, sir.
6 What I have is a much longer document,
7 Document 712122. I'm guessing it's about 20 pages long.

8 **MR. COMMISSIONER:** And in there Brunet says
9 that this witness used the word "cover-up".

10 **MR. STAUFFER:** If I may, to speed the
11 plough, Mr. Commissioner, may I just read it very quickly
12 here

13 **THE COMMISSIONER:** Okay.

14 **MR. STAUFFER:** --- and see if Mr. Lortie
15 agrees or disagrees?

16 Staff, you'll have to trust me on this. I'm
17 going to read out the question from Mr. Hall. Mr. Hall
18 says -- and this is at Bates Page 7045515. Mr. Hall says:

19 "You know why Sergeant Lortie said
20 there was a cover-up, at the staff
21 meeting, referring to the Silmser
22 complaint?"

23 And, again, this is Staff Brunet not
24 yourself. Staff Brunet says:

25 "No, I have no idea why because he's

1 the one that had the case for a month
2 prior."

3 So, again, to be totally fair to you, the
4 words "cover-up" now are being used by Mr. Hall, not by Mr.
5 Brunet, but Mr. Brunet does not say no, the words cover-up
6 were never used or, you know, Claude never said that or
7 anything to that effect. So we have to go on the basis
8 that Mr. Brunet, in this statement, is agreeing that the
9 words "cover-up" were used by you.

10 Would you -- now having heard that would you
11 agree or disagree that you said the words "cover-up" on
12 September 28th, 1993?

13 **MR. LORTIE:** I disagree.

14 **MR. NEVILLE:** All right.

15 Again, Staff Lortie, the concern that I have
16 in closing here, and I'd like you to comment on it is, is
17 it not reasonable to assume that in the heat, because this
18 is a heated discussion apparently, maybe step back for a
19 moment, would you agree that this is a heated discussion?

20 **MR. LORTIE:** Okay.

21 **MR. STAUFFER:** Okay. That the words "cover-
22 up" could come up because of the circumstances that were
23 really in existence at that point.

24 Would you agree or disagree with me that
25 it's possible that the words "cover-up" would come up in a

1 heated discussion, when you have a civil settlement, when
2 the investigation as you've written in your notes is
3 essentially closed, the Crown has said you're not going
4 ahead.

5 In those circumstances would the words
6 "cover-up" not possibly arise?

7 **MR. LORTIE:** You're asking another "is it
8 possible". Anything is possible sir, especially in the
9 heat of the moment. But, I know you pointed out some areas
10 where the Deputy Chief said I said it. On another
11 statement that the Deputy Chief said -- he said "I believe"
12 and that's shortly after the incident, and you've got
13 Inspector Wells, who's conducting the interview, asking the
14 question so I'm sure he didn't hear it.

15 **MR. STAUFFER:** Okay.

16 **MR. LORTIE:** Otherwise he wouldn't have to
17 ask, but that's ---

18 **MR. STAUFFER:** All right.

19 Well, we'll find that out from Inspector
20 Wells when he testifies, but as far as I can understand
21 this is not an interview -- that statement you've just
22 referred to -- this is Deputy Chief St. Denis writing
23 something to Staff Sergeant Wells?

24 **MR. LORTIE:** There had to be a question
25 before that first statement, sir.

1 **MR. STAUFFER:** There may be some written
2 question ---

3 **MR. LORTIE:** Come on.

4 **MR. STAUFFER:** --- in there. I'm just
5 simply saying ---

6 **MR. LORTIE:** Be fair ---

7 **MR. STAUFFER:** --- it's not an interview.

8 **MR. LORTIE:** Let's be fair. That -- you
9 don't start a paragraph with "I do recall".

10 **MR. COMMISSIONER:** Okay, well, that whole
11 issue about whether there are the words "cover-up", I think
12 I've heard enough of ---

13 **MR. STAUFFER:** Thank you, sir.

14 And those are all the questions I have.

15 **MR. COMMISSIONER:** Thank you very much.

16 Officer Lortie, thank you very much for your
17 assistance in this regard. I will certainly consider all
18 of your evidence when I make my report.

19 **MR. LORTIE:** Thank you, sir.

20 **MR. COMMISSIONER:** Thank you.

21 Let's take 10 minutes and then we can gear-
22 up for the next witness then.

23 Thank you.

24 **THE REGISTRAR:** Order; all rise. A l'ordre;
25 veuillez vous lever.

1 This Hearing will resume at 4:35.

2 --- Upon recessing at 4:26 p.m. /

3 L'audience est suspendue à 16h26

4 --- Upon resuming at 4:37 p.m. /

5 L'audience est reprise à 16h37

6 **THE REGISTRAR:** This hearing is now resumed;
7 please be seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Thank you.

9 **MR. STAUFFER:** Thank you Mr. Commissioner; I
10 understand that Michael Quinn is now available.

11 **THE COMMISSIONER:** Thank you.

12 Come forward, please. Good afternoon, sir.

13 **MR. QUINN:** Good afternoon, Commissioner.

14 **MICHAEL QUINN, Sworn/Assermentée:**

15 **THE COMMISSIONER:** Thank you.

16 Good afternoon, sir. Thank you very much
17 for coming in this afternoon.

18 We're going to sit until quarter to six, six
19 o'clock at the latest.

20 There are some fresh water and glasses there
21 to the side. There's a microphone I'd ask you to speak
22 into. There's a speaker which you can adjust the volume.
23 And if there are documents to be put to you, we'll probably
24 put them to you in hard copy, but you also can -- are
25 welcome to look at them on the screen.

1 You're going to be asked a number of
2 questions; please give me you best answer in a loud, clear
3 voice. If you don't know the answer, you can tell me you
4 don't know the answer.

5 **MR. QUINN:** All right.

6 **THE COMMISSIONER:** If there's at any time,
7 there's anything that you feel uncomfortable with or you'd
8 like a break, please let me know.

9 **MR. QUINN:** Okay.

10 **THE COMMISSIONER:** All right? Thank you
11 very much.

12 ---EXAMINATION IN CHIEF/INTERROGATOIRE EN-CHEF BY MR.

13 **STAUFFER:**

14 **MR. STAUFFER:** Thank you Mr. Commissioner
15 and I echo the Commissioner's thanks, Mr. Quinn. Thank you
16 for coming.

17 I understand you are a retired member of the
18 Cornwall Community Police Service.

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

20 **MR. STAUFFER:** All right.

21 And if I could just take you very briefly,
22 through your career, I understand you joined March 27th
23 1977?

24 **MR. QUINN:** Sounds about that right, yeah.

25 **MR. STAUFFER:** Does that sound about right?

1 And you retired in the summer of 2003,
2 August of 2003.

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

4 **MR. STAUFFER:** All right.

5 And during all of those years, and I guess
6 that's roughly 20 plus years ---

7 **MR. QUINN:** Twenty six (26).

8 **MR. STAUFFER:** --- you were on a patrol team
9 at one time or another.

10 **MR. QUINN:** Pretty much all of it, yes.

11 **MR. STAUFFER:** Yeah, fair enough.

12 Because I have you, essentially in field
13 operations and, Mr. Commissioner, I have Constable Quinn's
14 profile. If I may just enter that ---

15 **THE COMMISSIONER:** Thank you.

16 **MR. STAUFFER:** --- as an Exhibit?

17 **THE COMMISSIONER:** Thank you.

18 Exhibit number 1458 (sic) is Constable Mike
19 Quinn's profile.

20 --- **EXHIBIT NO./PIÈCE No. P-1488:**

21 (200192) Michael Quinn - Career profile

22 **MR. STAUFFER:** Thank you, sir.

23 Now, I will call you Constable Quinn, I
24 think it's only fair.

25 So Constable, in terms of your time on the

1 force, I understand you came to know Perry Dunlop?

2 MR. QUINN: That's correct.

3 MR. STAUFFER: He would have joined some
4 time after you came on ---

5 MR. QUINN: That's correct.

6 MR. STAUFFER: All right. And you developed
7 some friendship with him; is that fair to say?

8 MR. QUINN: That's fair to say.

9 MR. STAUFFER: And you and your wife would
10 have socialized with Mr. Dunlop and Helen Dunlop from time
11 to time?

12 MR. QUINN: That's correct.

13 MR. STAUFFER: All right.

14 Can you tell us, as best you can recollect,
15 when you would have last seen them as a couple when --
16 before they left, I gather, left Cornwall.

17 MR. QUINN: The last time my wife and I --
18 like, my former wife and I ---

19 MR. STAUFFER: Yes, I'm sorry. Yes

20 MR. QUINN: --- or my present wife and I?

21 MR. STAUFFER: Yes; well, we'll get that
22 straight right away.

23 You were married to Louise Quinn?

24 MR. QUINN: That's correct.

25 MR. STAUFFER: And Ms. Quinn and yourself

1 separated, I understand, at some point?

2 MR. QUINN: That's correct.

3 MR. STAUFFER: When was that?

4 MR. QUINN: I believe it was around February
5 of '95.

6 MR. STAUFFER: All right.

7 So after that date, the two of you would
8 have separated. Would you have continued to see Mr. and
9 Mrs. Dunlop yourself?

10 MR. QUINN: I'm sorry; could you just ---

11 MR. STAUFFER: Sorry. After you had
12 separated ---

13 MR. QUINN: Yes.

14 MR. STAUFFER: --- from Louise, did you just
15 continue to see Mr. Dunlop and his wife from time to time,
16 on a social basis ---

17 MR. QUINN: Yes.

18 MR. STAUFFER: --- yourself?

19 MR. QUINN: Yes.

20 MR. STAUFFER: All right.

21 When would that have ended?

22 MR. QUINN: Probably when he moved out West.

23 MR. STAUFFER: Okay. So sometime in 2000,
24 is that ---

25 THE COMMISSIONER: Have you kept in contact

1 since then?

2 MR. QUINN: I -- yeah. Yeah, I spoken o him
3 several times, I'm like -- Christmas time, basically, on
4 the phone. Maybe once or twice through the year on the
5 phone. That's ---

6 THE COMMISSIONER: Okay.

7 MR. STAUFFER: Very good.

8 Now, in terms of your relationship with Mr.
9 Dunlop then, did you two fellows work together on any
10 particular teams over the years?

11 MR. QUINN: Yes.

12 MR. STAUFFER: Okay.

13 So you -- is it fair to say you knew him
14 fairly well?

15 MR. QUINN: Yes.

16 MR. STAUFFER: And that you fellows talked
17 from time to time about all sorts of things, both
18 professional and so forth?

19 MR. QUINN: Yes.

20 MR. STAUFFER: Okay.

21 Did you attend -- just out of curiosity, did
22 you attend Mr. Dunlop's wedding?

23 MR. QUINN: Yes.

24 MR. STAUFFER: Okay. And were you aware who
25 was officiating, that it was Father Charles MacDonald?

1 **MR. QUINN:** I might have been told, but
2 that's not something I paid much attention to.

3 **MR. STAUFFER:** Okay.

4 **MR. QUINN:** I really don't know who did it.

5 **MR. STAUFFER:** I'm sorry?

6 **MR. QUINN:** I said it was something I didn't
7 pay much attention to.

8 **MR. STAUFFER:** Yes.

9 **MR. QUINN:** But if you say that's who did
10 it, then I suppose he did.

11 **MR. STAUFFER:** Okay.

12 So that's -- that gentleman really wasn't
13 known to you at that time, or subsequently?

14 **MR. QUINN:** No.

15 **MR. STAUFFER:** Okay.

16 With respect to your involvement with the
17 Police Association, could you give us a little bit of
18 detail, there?

19 When did you become part of what we call the
20 Executive?

21 **MR. QUINN:** When?

22 **MR. STAUFFER:** Yeah.

23 You can ---

24 **MR. QUINN:** I would guess ---

25 **MR. STAUFFER:** --- sorry -- no I do not have

1 the precise dates, I'm sorry, Mr. Commissioner.

2 MR. QUINN: Yeah, on and off, since probably
3 '78 until, I'd say, probably '99 or 2000, somewhere --
4 maybe even -- though probably earlier than that I got out.
5 Probably '95, '96 maybe, I'm guessing. But somewhere in --
6 that was the last I was involved in it.

7 MR. STAUFFER: Again, without getting into
8 all the politics of that, the impression I have, from
9 hearing others is that it's not where you just go up the
10 ladder once and then you retire. You can go back into ---

11 MR. QUINN: Yes.

12 MR. STAUFFER: --- another position.

13 MR. QUINN: Yes.

14 MR. STAUFFER: So you could become
15 President, and then you can become Vice-President again, if
16 you ---

17 MR. QUINN: Yeah, you can be in for a while,
18 out for a while, in for a while at various levels.

19 MR. STAUFFER: No, fair enough.

20 During your time on the Executive, did you
21 deal with Perry at any kind of a professional manner?

22 MR. QUINN: Yeah.

23 MR. STAUFFER: That is, did he come forward
24 with any kind of complaints? Did you have to deal with him
25 as a professional representative of the Association?

1 **MR. QUINN:** Yes.

2 **MR. STAUFFER:** And could you tell the
3 Commissioner about those, or that time?

4 Yeah. Hold on; Mr. Callaghan wants to talk
5 to me.

6 Go ahead, Mr. Quinn, go ahead.

7 **MR. QUINN:** I'm not sure what it is you're
8 looking for; can you be a little more specific on what
9 you're asking me?

10 **MR. STAUFFER:** Okay; well then, let me just
11 ask you specifically.

12 **MR. QUINN:** Okay.

13 **THE COMMISSIONER:** Just a minute ---

14 **MR. STAUFFER:** In terms of the Silmser ---

15 **THE COMMISSIONER:** --- Mr. Callaghan, do you
16 have any comments?

17 **MR. CALLAGHAN:** Well I just -- I mean, I
18 don't know if we need to hear what Mr. Dunlop would have
19 spoken to him about, something outside the scope of this
20 Inquiry. I was hoping to say, if it's Silmser, let's just
21 ask about Silmser.

22 **THE COMMISSIONER:** Let's go.

23 **MR. CALLAGHAN:** Okay, that's right.

24 **MR. STAUFFER:** Mr. Quinn, when did you first
25 become involved with Mr. Dunlop and the Silmser case, if I

1 can put it that way?

2 MR. QUINN: I'm guessing at a date, and I
3 don't have dates or times marked down.

4 It would have been at the start of -- when
5 this all started someplace -- I'm going to guess and say
6 it's somewhere in the latter half of '92, early part of '93
7 somewhere in there.

8 MR. STAUFFER: Okay. If I could suggest
9 this to you, in Staff Sergeant Derochie's notes ---

10 MR. QUINN: Yes.

11 MR. STAUFFER: --- there is mention in
12 October of 1993 ---

13 MR. QUINN: Yes.

14 MR. STAUFFER: --- of you coming to see him,
15 or vice versa and you fellows having a discussion. Does
16 that refresh your memory, at all? Just ---

17 MR. QUINN: I would have talked to Perry
18 probably by that time, yes.

19 MR. STAUFFER: Okay.

20 Again, I can make reference, if you need to,
21 to the notes. But it looks like October 12th of 1993, you
22 fellows had some kind of a discussion about Mr. Dunlop.

23 MR. QUINN: That sounds fair to me, yeah.

24 MR. STAUFFER: Okay. Would there have been
25 any discussions about Mr. Dunlop and the Silmsler matter

1 before that meeting with the Staff Derochie?

2 MR. QUINN: Not that I remember. Not that I
3 have any knowledge of. If you were to bring up a specific
4 item that might jog my memory, maybe, but not that I can
5 recall offhand.

6 MR. STAUFFER: Okay. Again, I appreciate
7 it's years ago, so let's just take this slowly for a
8 moment.

9 MR. QUINN: Sure.

10 MR. STAUFFER: Do you recollect who first
11 speaks to you, is it Perry Dunlop, about the Silmsler case?
12 Is it Staff Derochie, or is it somebody else, in terms of
13 the sequence?

14 MR. QUINN: If I interpret what you're
15 asking me right, did I know about this before that meeting
16 with Staff Sergeant Derochie?

17 MR. STAUFFER: Yes.

18 MR. QUINN: Had Perry come to me with
19 concerns? Yes, he had.

20 MR. STAUFFER: All right.

21 What did Mr. Dunlop come to you with? Did
22 he bring you a statement and show you a statement?

23 MR. QUINN: I saw the statement at some
24 point, but whether I saw it there -- I don't believe so. I
25 don't think I see the statement for sometime later.

1 But the first time I talked to Perry, it was
2 mainly that he was concerned that the Service was going to
3 come after him for something to do with the centre of what
4 we -- of contacting CAS with the Silmsler investigation.

5 **MR. STAUFFER:** Okay.

6 Again, I don't want to put words in your
7 mouth, here, but when you first meet with Mr. Dunlop ---

8 **MR. QUINN:** Yes.

9 **MR. STAUFFER:** --- has he already gone to
10 somebody in the CAS and at least talked to them about the
11 Silmsler statement, or has he shown somebody the Silmsler
12 statement?

13 **MR. QUINN:** I don't know. I'm not
14 absolutely sure at this time. It would appear that he has,
15 but I'm not sure.

16 **MR. STAUFFER:** All right.

17 But you get some information from speaking
18 with him that he's done something about a statement that's
19 been taken by the Service concerning a victim?

20 **MR. QUINN:** Yes.

21 **MR. STAUFFER:** All right.

22 **THE COMMISSIONER:** Where were you when he
23 talked to you about that; do you remember?

24 **MR. QUINN:** The location?

25 **THE COMMISSIONER:** Yeah. Were you at home?

1 Were you in the police station? Were you in a car?

2 **MR. QUINN:** I believe I was at his place.

3 **THE COMMISSIONER:** All right.

4 So had he asked you over?

5 **MR. QUINN:** Yes.

6 **THE COMMISSIONER:** All right.

7 To discuss this?

8 **MR. QUINN:** I would assume, yes.

9 **THE COMMISSIONER:** Yeah. All right.

10 So what did he tell you?

11 **MR. QUINN:** Again, I'm going by memory.

12 None of this is kind of written down or anything, just --
13 he brought up the fact that -- you have to appreciate --
14 okay, I'm not telling you this verbatim ---

15 **THE COMMISSIONER:** No, no, no, no.

16 **MR. QUINN:** As I recall, it was something to
17 do with that there had been an investigation of some type
18 with a priest and a probation officer someplace and it
19 wasn't going anywhere. It wasn't doing anything and he had
20 brought this to the CAS and that the Service was very upset
21 about it.

22 **THE COMMISSIONER:** All right.

23 **MR. STAUFFER:** Now, Mr. Quinn, I appreciate
24 all that.

25 When you say those two classifications,

1 priests and probation officer, did Mr. Dunlop name names?

2 **THE COMMISSIONER:** Did he say Father
3 MacDonald and Ken Seguin?

4 **MR. QUINN:** I honestly can't say for sure.
5 I don't know.

6 **MR. STAUFFER:** Okay.

7 **MR. QUINN:** I don't remember.

8 **MR. STAUFFER:** Did you eventually see the
9 statement that we're talking about?

10 **MR. QUINN:** At some point, yes.

11 **MR. STAUFFER:** Okay. And did you read it?

12 **MR. QUINN:** Yes.

13 **MR. STAUFFER:** Okay. Did you see the names
14 at that point?

15 **MR. QUINN:** Yes.

16 **MR. STAUFFER:** Okay. Again, help us as best
17 you can as to when you would have read this statement.

18 **MR. QUINN:** Again, the best I can recall is
19 sometime after that. I knew about it, but I hadn't seen
20 it. There was word of this statement all over the place.
21 I hadn't seen the thing until sometime after that.

22 **MR. STAUFFER:** Okay. In October of 1993,
23 Staff Sergeant Derochie writes -- and I'm just paraphrasing
24 here -- but essentially that he talks to you and you seem
25 to know more about what's going on than he does.

1 Do you think when you meet with him, with
2 Staff Derochie, that you have read the statement at that
3 point; that is, the statement given by Mr. Silmser?

4 **MR. QUINN:** I don't know. I may have, may
5 not have. I don't know.

6 **MR. STAUFFER:** Okay. Do you recollect that
7 Ken Seguin killed himself? And I understand ---

8 **MR. QUINN:** Yes.

9 **MR. STAUFFER:** --- it's in late November of
10 1993.

11 **MR. QUINN:** It was fall. I couldn't -- I
12 don't remember. November would sound about right.

13 **MR. STAUFFER:** Okay.

14 **THE COMMISSIONER:** Well, we know it was late
15 November.

16 **MR. QUINN:** Okay.

17 **THE COMMISSIONER:** Yes.

18 **MR. STAUFFER:** Before he kills himself, are
19 you aware that Ken Seguin's name is in this statement?

20 **MR. QUINN:** I'm aware that his name is
21 involved in the investigation. As to whether or not it's
22 in the statement or not, I don't know.

23 **MR. STAUFFER:** Okay. So we understand your
24 former wife worked for Probation in Cornwall ---

25 **MR. QUINN:** Yes.

1 **MR. STAUFFER:** --- at that time and I'm
2 talking about before Mr. Seguin kills himself.

3 **MR. QUINN:** Yes.

4 **MR. STAUFFER:** Okay. I gather she's up in
5 Ottawa now? That's my understanding.

6 But back then in '93, she's working in
7 Cornwall?

8 **MR. QUINN:** Yes.

9 **MR. STAUFFER:** When do you tell her that Mr.
10 Seguin is named in a statement?

11 **MR. QUINN:** Never.

12 **MR. STAUFFER:** Why is that?

13 **MR. QUINN:** I don't know why it would be,
14 but it didn't happen.

15 **MR. STAUFFER:** Sorry?

16 **MR. QUINN:** I said I don't know why it would
17 be that I hadn't. It never came up.

18 **MR. STAUFFER:** All right.

19 Again, you knew who Mr. Seguin was from your
20 work as a police officer, I gather?

21 **MR. QUINN:** Pardon me?

22 **MR. STAUFFER:** You were engaged in
23 professional duties from time to time with probation
24 officers, I gather?

25 **MR. QUINN:** Yes.

1 **MR. STAUFFER:** Right.

2 And you knew Mr. Seguin as a probation
3 officer?

4 **MR. QUINN:** I knew he was a probation
5 officer, yes.

6 **MR. STAUFFER:** Okay. Had you had any cases
7 with him where you actually talked to him or the two of you
8 had exchanged paperwork?

9 **MR. QUINN:** Not that I recall.

10 **MR. STAUFFER:** Okay. Did you know that your
11 wife was working in the same office as him?

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

13 **MR. STAUFFER:** Okay. So again, I'm just
14 trying to get some sense of who knew what. Are you saying
15 that you never mentioned to your wife during any of the
16 time up to the death of Mr. Seguin that his name was in a
17 complaint?

18 **MR. QUINN:** I didn't say that.

19 **MR. STAUFFER:** Okay.

20 **MR. QUINN:** You asked me what time it
21 happened. I said it didn't come up prior to that and once
22 that death comes up, I think she knows about it by then.
23 Whether she knows about it from me or from people she works
24 with or general conversation, I don't know.

25 **MR. STAUFFER:** M'hm.

1 **MR. QUINN:** I don't know just how she learns
2 about his name being involved in that. I don't know.

3 **MR. STAUFFER:** Okay. Are we clear then you
4 never talked to her before Mr. Seguin died, that Mr.
5 Seguin's name appeared in a complaint?

6 **MR. QUINN:** I knew very little about that
7 complaint. I wasn't involved in it other than what Perry's
8 involvement in it, as far as my representing him or advice
9 from the Association level as part of disciplinary matters
10 really. That's the only involvement I really have in it.

11 **THE COMMISSIONER:** Sir, the question is
12 this. At some point, Perry tells you ---

13 **MR. QUINN:** Yeah.

14 **THE COMMISSIONER:** --- that there's a
15 probation officer and a priest ---

16 **MR. QUINN:** M'hm.

17 **THE COMMISSIONER:** --- and he's given the
18 thing to the Children's Aid Society.

19 **MR. QUINN:** Yeah.

20 **THE COMMISSIONER:** Okay. At some point, do
21 you not go over and talk to your wife and say, "Guess what;
22 Seguin's name is in a complaint. Do you know anything
23 about it or anything like that at all?"

24 **MR. QUINN:** My recollection, no.

25 **THE COMMISSIONER:** Your wife was friends

1 with the Dunlops?

2 MR. QUINN: Yes.

3 THE COMMISSIONER: All right.

4 So would you have come up to her at some
5 point and said, "You know what? Perry might be getting in
6 trouble because he's given this complaint." Did you ever
7 talk to her about the complaint at all, generally speaking?

8 MR. QUINN: That may have been, yes. Not
9 that I recall, but it may have happened. It may have
10 happened some time. There may have been conversations
11 where Perry may have been at my house and my wife would
12 have been there, that type of conversation with her. She
13 would have been able to overhear that. There may have been
14 times when -- like I said, but that time, if I'm recalling
15 the proper timeframe here, it would be pretty much common
16 knowledge.

17 THE COMMISSIONER: No, no, before the ---

18 MR. STAUFFER: Common knowledge.

19 MR. QUINN: Before the common knowledge, I
20 wouldn't have known about it.

21 THE COMMISSIONER: Well, yeah, Dunlop told
22 you about it.

23 MR. QUINN: M'hm. By that time, it's pretty
24 much open. There's a lot of conversation going around.

25 THE COMMISSIONER: Okay. Go ahead.

1 **MR. STAUFFER:** Constable, were you aware
2 that Mr. Seguin and Father MacDonald were friends?

3 **MR. QUINN:** No, I don't know who was friends
4 with who in them days. I don't know those people really --
5 -

6 **MR. STAUFFER:** Okay.

7 **MR. QUINN:** --- other than just know their
8 names.

9 **MR. STAUFFER:** Okay. Again, to be fair to
10 you, I'm getting this information from certain sources, but
11 one of them is your former wife ---

12 **MR. QUINN:** M'hm.

13 **MR. STAUFFER:** --- who testified that they
14 were friends, that she knew them to go out together for
15 lunch and so on.

16 **MR. QUINN:** That may be.

17 **MR. STAUFFER:** Okay. Did she ever talk to
18 you about that at all?

19 **MR. QUINN:** If she did, some of these
20 conversations are things I paid little to no attention to
21 at all other than -- I don't know, did you talk to your
22 wife last week about what she bought for groceries? Can
23 you tell me what it was? It's the same idea.

24 **MR. STAUFFER:** Well, since we're on public
25 television here, I don't know what to say about that one.

1 (LAUGHTER/RIRES)

2 MR. STAUFFER: What I'm going to suggest to
3 you in all seriousness, Constable, is that it's a small
4 town. Your wife's worked at this probation office for a
5 long time.

6 MR. QUINN: Yes.

7 MR. STAUFFER: Did you not have any sense
8 when you saw the two names together in the Silmsen
9 complaint that there might be some link at all to MacDonald
10 and Seguin from any discussions you'd ever had with your
11 wife from her times in the office?

12 MR. QUINN: A link?

13 MR. STAUFFER: Yeah. Did something come
14 together in your mind when you saw Seguin and MacDonald in
15 the statement that possibly something should be talked
16 about with your wife or something should be gleaned from
17 her as to what she knew as to what's going on? I mean, I
18 appreciate you're not the investigating officer, but you're
19 a police officer.

20 MR. QUINN: Yes.

21 MR. STAUFFER: Did you not feel any
22 obligation when you saw this and you knew that this is a
23 probation officer who's named -- it's an allegation ---

24 MR. QUINN: Yes.

25 MR. STAUFFER: Did you not feel any

1 obligation to talk to her and ask her any questions about
2 what she knew about Mr. Seguin or Father MacDonald?

3 MR. QUINN: Well, as I say, I'm not involved
4 in it. There may have been discussion back and forth as
5 you would have with your wife or your brother, whatever,
6 back and forth. It's not something I paid a whole lot of
7 attention to or made special note to back -- back at that
8 time. So if you're asking me for something that was
9 specifically gleaned from her, there's nothing that jogs
10 any memory to me of anything special back and forth. Like
11 any conversations that would have taken place are just
12 conversations in general like anybody would have in their
13 home with their family or their wife or their spouse ---

14 MR. STAUFFER: M'hm. I appreciate that.

15 MR. QUINN: I never paid attention to it.

16 MR. STAUFFER: But do you agree or disagree
17 with me you're in a different category than many of us?

18 MR. QUINN: Would you like me to say yes?
19 Would that make it easier for me to say yes?

20 MR. STAUFFER: You were, at that time, a
21 police officer ---

22 MR. QUINN: Yes.

23 MR. STAUFFER: --- and I'm wondering if you
24 had any different obligation on you -- did you feel you had
25 a different obligation ---

1 MR. QUINN: No.

2 MR. STAUFFER: --- than anyone else?

3 MR. QUINN: No.

4 MR. STAUFFER: You had no different ---

5 MR. QUINN: No.

6 MR. STAUFFER: Back in 1994 now -- this is a
7 few months after the Silmsier investigation is concluded --
8 there's a report prepared by the Ottawa Police Service ---

9 MR. QUINN: Yes.

10 MR. STAUFFER: --- by two fellows who came
11 down here, Superintendent Blake and Staff Sergeant Skinner.
12 Sorry? Staff Sergeant Skinner. Anyway, the Blake and
13 Skinner Report, and these fellows prepared a report.

14 Did you ever see that report?

15 MR. QUINN: No.

16 MR. STAUFFER: Is there any reason why the
17 Association Executive should have seen the report?

18 MR. QUINN: They would -- to my
19 understanding, how it worked, they would not bring the
20 report to us. It wasn't requested by us. The only way we
21 would, as the Association Executive and maybe not all the
22 Executive, maybe certain members of the Executive, if there
23 was someone being investigated for some wrongdoing that
24 possibly Police Act charges were going to be laid somewhere
25 along the line against someone, at that point we might get

1 privilege to see the report, but other than that, I don't
2 see any reason why we'd be seeing it or involved in it one
3 way or another.

4 **MR. STAUFFER:** Because you -- have you ever
5 seen the report? Again ---

6 **MR. QUINN:** No.

7 **MR. STAUFFER:** Okay. Because it's in
8 documents that we gave to your counsel, but you haven't
9 seen it?

10 **MR. QUINN:** No.

11 **MR. STAUFFER:** There's criticisms of
12 different people and so on in it, and some are members of
13 the Association. You just have to accept that for a
14 moment.

15 Is there any reason that the Association
16 should see it if members of the Association are criticized
17 in the report?

18 **MR. QUINN:** I would think not unless there's
19 some kind of action being taken against them.

20 **MR. STAUFFER:** All right.

21 Do you agree -- and I think I should put you
22 to this document -- or put this document to you. This is
23 Exhibit 1305. It's Document 728336. It's a statement of
24 Staff Sergeant Derochie. Now, I'm just going to refer you
25 to part of this statement.

1 Again, if you feel you need to read the
2 whole thing, of course you're entitled to do that,
3 Constable, but I just wanted to turn to the third page,
4 which is -- it has a handwritten "104" on it if that helps
5 you, in the upper right-hand corner.

6 And I'm going down to the bottom third where
7 Staff Derochie is writing:

8 "I was instructed to have this
9 counselling session with Constable
10 Dunlop..."

11 Do you see that?

12 **MR. QUINN:** Yeah.

13 **MR. STAUFFER:** Okay. I just want to go down
14 a little bit further, and we may as well read the whole
15 thing.

16 "I had concerns about dealing with
17 Constable Dunlop so quickly. I had
18 only just begun to look into this
19 matter and really did not have a
20 complete picture. I also did not like
21 how finding fault with Constable Dunlop
22 so soon would be perceived."

23 So this is the part I'd like to ask you
24 about:

25 "The rumour mill was abuzz with

1 innuendo that others (some of high
2 rank) were far more responsible for
3 mishandling this entire investigation."

4 So is there anything that you can give us as
5 your perspective, because here I guess at this point in
6 time -- this report is dated -- when is this report dated?
7 Sometime in '93, I would think. In any event, this
8 statement of Staff Derochie, you've been on the job for a
9 number of years at this point, so you're a fairly senior
10 constable.

11 Can you give us your perspective as to his
12 comment that this entire investigation had been mishandled?
13 Did you have any perception yourself that the Silmsler
14 investigation had been mishandled?

15 **MR. QUINN:** My perception at the time and,
16 again, it would be a perception and not being privileged to
17 all of what was done or not done, on the surface it did not
18 appear to me as being handled well.

19 **MR. STAUFFER:** And, again, I appreciate what
20 you're saying. You're not the investigating officer.
21 You're not the Chief of Police and so on.

22 **MR. QUINN:** M'hm.

23 **MR. STAUFFER:** But from your perspective,
24 what seemed not to have been done right? What was your
25 perception at the time of what was going on?

1 **MR. QUINN:** Well, again, my perception would
2 be based on rumours and not having privilege to the full
3 fact of it. So it's kind of a jaded perception and I don't
4 know that it would account for very much.

5 **MR. STAUFFER:** Well, it accounts for enough
6 that Staff Sergeant Derochie writes about it; okay?

7 **THE COMMISSIONER:** What was the rumour mill,
8 as far as you're concerned, back then?

9 **MR. QUINN:** The rumour mill concern back
10 then was, depending on who you were listening to and where,
11 some were like everything is being done that could possibly
12 be done up to and including that it was being orchestrated
13 to make sure it went away. So pick anywheres in between
14 those things and that would be in the rumour mill.

15 **THE COMMISSIONER:** What about at the police
16 station?

17 **MR. QUINN:** That very thing like I've just
18 told you.

19 **THE COMMISSIONER:** Okay.

20 **MR. QUINN:** Depending on who you talked to,
21 you would get anything from "Oh, everything is completely
22 aboveboard" to "Everything is being orchestrated so that it
23 doesn't fly". So like I said, depending on who you talk to
24 at any given time.

25 **THE COMMISSIONER:** All right.

1 **MR. STAUFFER:** Did the Association have any
2 role or should it have had any role in sorting out what the
3 truth was?

4 **MR. QUINN:** That would be at management
5 level, and I don't think the Association's job is to source
6 -- to sort out how an investigation is handled or who is
7 assigned to it. I don't think that's the Association's
8 mandate or their job at all.

9 **MR. STAUFFER:** Would you agree with me that
10 back then, in the early '90s, the perception by some -- and
11 I can refer you to some documents in a moment here -- but
12 the perception of some was that the Association was a very
13 powerful force within the Service?

14 **MR. QUINN:** Yes.

15 **MR. STAUFFER:** All right.
16 So you'd agree with that?

17 **MR. QUINN:** Yes.

18 **MR. STAUFFER:** Would you agree with me that
19 the Chief of the time, Chief Shaver, saw the Police
20 Association as a force out to get him?

21 **MR. QUINN:** I don't -- I believe he would
22 have saw the Association as an adversary type force. As to
23 say the Association was out to get him, I don't believe so.
24 I might be wrong, but I don't think so.

25 **MR. STAUFFER:** I'd like to ask you finally

1 about an area as to how effective the Police Service was
2 working back in the early '90s. There's a document which
3 is entitled "The Morale Report" which has been entered as
4 an exhibit, and it's Exhibit 1389, Document 739890.

5 Constable, I'd like to simply refer you to
6 the first page after the cover page. If you just turn it
7 over, it's Bates page 7178244.

8 MR. QUINN: All right.

9 MR. STAUFFER: And, again, this is rather
10 lengthy, but first of all, I understand this was written by
11 a fellow called Constable Shawn White. Do you know that or
12 have you heard that?

13 MR. QUINN: I heard that.

14 MR. STAUFFER: All right.

15 What involvement, if any, did you personally
16 have with this document?

17 MR. QUINN: None.

18 MR. STAUFFER: Did this document find its
19 way to anybody in the Executive for approval purposes
20 before it became an appendix to an inspection report?

21 MR. QUINN: I would assume it did, but I
22 can't say for sure.

23 MR. STAUFFER: Do you know or can you
24 remember back then in 1990 who would have been on the
25 Executive or who would have been the President at least?

1 **MR. QUINN:** No, I really don't know.

2 **MR. STAUFFER:** All right.

3 Anyway, just take your time for a moment.

4 I'd just like you to comment on a couple of things on this
5 first page. If you could just read through it for a moment
6 to yourself?

7 **THE COMMISSIONER:** The first page?

8 **MR. STAUFFER:** Sorry?

9 **THE COMMISSIONER:** The first page, you said?

10 **MR. STAUFFER:** Well, it's the -- there's a
11 cover page.

12 **THE COMMISSIONER:** Yeah.

13 **MR. STAUFFER:** And I've given you the Bates
14 page. The last three numbers are 244.

15 **THE COMMISSIONER:** Yeah, okay. So:

16 "There currently exists a tremendous
17 morale problem..."

18 **MR. QUINN:** Okay.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. STAUFFER:** So, Constable, if I can just
21 stop you at the first paragraph when ---

22 **MR. QUINN:** Sure.

23 **MR. STAUFFER:** --- you've read it. Let me
24 know when you have. Okay.

25 Do you agree or disagree with this comment

1 by the author that the performance -- so I'm looking at the
2 third sentence, basically, of the first paragraph:

3 "The performance of the worker has
4 suffered greatly as he has become
5 frustrated in his work environment."

6 Again, if you can cast your mind back 18
7 years ago, can you comment on that statement?

8 **MR. QUINN:** I'm going to assume here by your
9 question you're asking me the performance level of the
10 people on the road and how they answered or responded to
11 calls and complaints. Is that what you're -- am I correct?

12 **MR. STAUFFER:** That's accurate. I gather
13 that's your experience? You were a patrol officer?

14 **MR. QUINN:** I'm just -- is that correct? Is
15 that what you want to know?

16 **MR. STAUFFER:** Yeah.

17 **MR. QUINN:** Okay. In my opinion of the
18 people that I responded to and the calls that I responded
19 to, I never seen anyone not do the best they could do of
20 all they'd done. They -- you called for a policeman; you
21 got good response and you got good service.

22 **MR. STAUFFER:** I appreciate that.

23 Have you any idea why this document then
24 would be written the way it is?

25 **MR. QUINN:** I believe this document refers a

1 lot to an internal mechanism, internal personalities. I
2 believe there was a lot of people who thought they had
3 ideas of better ways things could be done, ideas of places
4 they should maybe be advanced to, ideas of where --
5 concerns about how things -- policies and how they were
6 treated by superiors in and out. I believe that this
7 document was probably centred around that type of thing.

8 But as far as to the first-line response
9 people going to calls, my opinion is I don't think you
10 would have gotten any better anywhere.

11 **MR. STAUFFER:** I just want to refer you in
12 my last area here to the second paragraph, and essentially
13 it's really the first couple of para -- the first couple of
14 sentences:

15 "The frustration that now exists has
16 also eroded the harmony between
17 coworkers. The adhesion that held this
18 Force together and made it strong is
19 being dissolved."

20 Again, if you can cast your mind back,
21 what's your comment on that view as expressed in this
22 report?

23 **MR. QUINN:** As I said before, that comment,
24 I think the people having -- a variety of different people
25 thinking maybe they were ill done by and that they thought

1 maybe they should have had a certain job and somebody else
2 got it. They may have thought there was favouritism
3 involved over somebody being picked for a certain position.
4 Rather than Joe A, Joe B got it instead, and that's because
5 he was good friends with somebody else and it wasn't --
6 things weren't done totally on merit. It was internal
7 stuff in that form.

8 **MR. STAUFFER:** M'hm.

9 **MR. QUINN:** As far as face value, as far as
10 people on the street would see, you would see just what you
11 expected to see coming from a police department. You
12 wouldn't see any of the internal bickering or fighting.

13 **MR. STAUFFER:** Just bear with me for one
14 moment.

15 **THE COMMISSIONER:** Were you aware that this
16 report was prepared?

17 **MR. QUINN:** I was aware it was done, yeah.

18 **THE COMMISSIONER:** All right.

19 And were you on -- you were in the union.
20 Were you in the Executive at that time during 1990?

21 **MR. QUINN:** Mr. Commissioner, to be quite
22 honest with you, I'm not sure.

23 **THE COMMISSIONER:** Okay.

24 **MR. QUINN:** I may have been. I may not have
25 been. Like I said, I was in and out at different times, so

1 I may or may not have been.

2 **THE COMMISSIONER:** So from your point of
3 view, how did this document come about?

4 **MR. QUINN:** This document came about -- in
5 my point of view, how this happened was that there were
6 concerns people had that they were -- kept addressing to
7 the Chief along the line of favouritism, some people who
8 they may have thought were acting in a tyrannical type
9 behaviour, some people who were nitpicking at different
10 stuff and some people didn't think that -- as they
11 addressed the Chief with this, nothing was being done about
12 it. I believe that people believed that they would prepare
13 this and it was to be presented to the local Police
14 Commission so that they believed the local Commission would
15 know about this and then force the Chief to do something to
16 rectify this problem.

17 **THE COMMISSIONER:** Oh.

18 **MR. QUINN:** That's what I believe that this
19 was.

20 **MR. STAUFFER:** Thank you, Mr. Commissioner.
21 My final document, Mr. Commissioner, I don't
22 think this has been entered as an -- oh, it has and it's
23 Exhibit 1392, Document 740524.

24 **THE COMMISSIONER:** If you could go to
25 Exhibit 1392 in your book?

1 MR. QUINN: I'm sorry?

2 THE COMMISSIONER: One-three-nine-two
3 (1392).

4 MR. QUINN: One-three-nine-two (1392).
5 Okay.

6 MR. STAUFFER: And, Constable, I'm looking
7 at the fifth page.

8 THE COMMISSIONER: Okay. But first of all -
9 --

10 MR. STAUFFER: Yes, sir.

11 THE COMMISSIONER: --- this is a document
12 that Chief Shaver sent to the Policing Services Division.
13 All right? So I don't think you've seen this before.

14 So what page?

15 MR. STAUFFER: Yes. No, and I appreciate
16 that, Mr. Commissioner. I'm rushing a little here.

17 THE COMMISSIONER: Don't ---

18 MR. STAUFFER: Yes, Mr. Quinn, this is, as
19 the Commissioner says, it's essentially a letter from the
20 Chief to the government, if you will, the Policing
21 Services, and I'm looking at page 5. Specifically, there's
22 a numbered paragraph 6.

23 MR. QUINN: Yeah.

24 MR. STAUFFER: It's starts with "The
25 Cornwall Police Association Executive." So again, just

1 read to yourself for a moment through that one paragraph.
2 That's all I'm going to refer you to.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. QUINN: Yes.

5 THE COMMISSIONER: This is the Chief writing
6 in July of 1993.

7 MR. QUINN: Yes.

8 THE COMMISSIONER: All right?

9 MR. QUINN: Yes.

10 MR. STAUFFER: Yes, that's right. So just
11 to put it in context here, so this -- did you -- as a bit
12 of background, did you ever meet with the Chief on
13 Association business, if I can put it that way?

14 MR. QUINN: I'm sorry; what's that question?

15 MR. STAUFFER: Did you personally either
16 individually or with a group from the Association, did you
17 deal with the Chief ---

18 MR. QUINN: Yes.

19 MR. STAUFFER: --- on Association matters,
20 if I can put it that way?

21 MR. QUINN: Yes.

22 MR. STAUFFER: All right.

23 So were you aware from your meetings with
24 him as to this kind of sentiment that he held? Because
25 it's quite strong. I mean, he's put it in very strong

1 language, at least from my perspective.

2 MR. QUINN: It would not surprise me. I
3 have no direct knowledge of him having -- saying that the
4 Association was trying to -- give me a second here --
5 "dictate by threats, rumour or overt actions." I don't
6 recall the Association Executive ever having to do any of
7 that sort of thing ever.

8 THE COMMISSIONER: That's not the question
9 though. The question is this is the Chief, and did you
10 ever sense that this is what he thought of your
11 Association?

12 MR. QUINN: It wouldn't surprise me. I know
13 he didn't like us too much.

14 THE COMMISSIONER: Okay. All right. Well,
15 we're there. Go ahead.

16 MR. STAUFFER: Okay. Well, did you fellows
17 or women, whoever were on the Executive at the time, when
18 you're meeting with the Chief ---

19 MR. QUINN: Yes.

20 MR. STAUFFER: --- did you have discussions
21 with him as to resources and whether there were sufficient
22 resources from your perspective to police the community?

23 MR. QUINN: All the time.

24 MR. STAUFFER: Okay. So that's a fairly
25 common topic?

1 **MR. QUINN:** Yes.

2 **MR. STAUFFER:** How did the Chief respond?
3 What kind of comments did he make or what kind of offers or
4 suggestions did he make to you in terms of resources?

5 **MR. QUINN:** One that always comes to mind is
6 the fact that he believed people should come in on their
7 days off to do training and work extra for free, that sort
8 of thing, which really didn't fly very well with the
9 membership or anyone.

10 Our basic function as the Association is
11 always to kind of like increase personnel, get better --
12 look out for the welfare of everyone, the body -- the
13 bargaining body. So if we can negotiate something
14 somewhere along the line that makes life somewhat easier or
15 somewhat better for everyone that works at that level or
16 works on the street level or from -- basically from the
17 Chief down, not the Chief himself but anyone below that,
18 that was our function. So yeah, whenever we could put in a
19 plug to try to get like more persons or more time off or
20 more money or whatever, that's what we did. That was our
21 job.

22 **MR. STAUFFER:** I appreciate you were
23 frontline officers, I think you've described it.

24 **MR. QUINN:** Yeah.

25 **MR. STAUFFER:** But how, if any, in any way

1 did the CIB Section of your unit come forward asking for
2 more resources, did they come through you? Was there some
3 request being put forward at any time in the early '90s by
4 the CIB per se that somehow came through your Association;
5 you, in turn, then went to the Chief?

6 MR. QUINN: You would get it -- we would get
7 it as the Executive at that time. You would get it through
8 rank and file, people saying how busy they were, they
9 couldn't get time off, they were overrun with stuff, they
10 had way too many hours and people were after them to sort
11 of -- wanting to cut back on overtime, the fact that they
12 had too much overtime banked and yet they still had jobs to
13 do. So it was kind of a tug-and-pull.

14 They would have gone through basically the
15 Association Executive. They would have made the
16 Association Executive aware of this.

17 We would have brought it up at any kind of
18 meetings or any chance we got to the Chief saying, "Okay,
19 you're running your people pretty hard here, you know.
20 We've got concerns."

21 They would have also or should have also and
22 probably would have also brought it up to their supervisors
23 who, in turn, I would assume, should have brought it up to
24 their supervisor, eventually to the Chief, saying, "We're
25 overworked. We don't have enough manpower."

1 In that era, things were very, very busy.
2 We had an awful lot of calls.

3 **MR. STAUFFER:** Do you have -- my last thing
4 here, Constable -- in your time in the early '90s, do you
5 have a recollection of any specific requests being made by
6 CIB for more people, to put it that way? Do you have any
7 recollection of that being done through your Association
8 and then, in turn, making representations to the Chief?

9 **MR. QUINN:** Well, as I said, it would have
10 been every chance we got to ask for more people. We would
11 -- we would do that.

12 The -- you would do that knowing, at the
13 same time, in the back of your head, that the chances of
14 that happening are about the same as a snowstorm in Haiti,
15 but it isn't going to happen, but you still do it. You --
16 you're still going. You make the pitch going every time
17 hoping to get more personnel, hoping to alleviate the
18 workload for everybody across the board. That was part and
19 parcel of what we did.

20 You would hope that coming from both levels
21 or both sides of the Police Service going to the Chief,
22 that he would then relay that to the Commission, who would,
23 in turn, relay that to City Hall, who hopefully would
24 somehow find the funds to increase staff.

25 Did it happen? I don't know. Maybe it did

1 once in a while, not often.

2 MR. STAUFFER: I appreciate all that answer.

3 All I was trying to specifically isolate was
4 CIB, if you have any recollection of any ---

5 MR. QUINN: Specifically ---

6 MR. STAUFFER: --- request ---.

7 MR. QUINN: --- CIB, no.

8 MR. STAUFFER: Okay.

9 Mr. Commissioner, I believe those are my
10 questions.

11 Thank you very much.

12 THE COMMISSIONER: Thank you.

13 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

14 MS. DALEY:

15 MS. DALEY: Hello, Officer Quinn. My name
16 is Helen Daley. I'm counsel to a group called the Citizens
17 for Community Renewal and that's a local group interested
18 in improvements in the local institutions here.

19 I want to take you back to your relationship
20 with Officer Dunlop.

21 MR. QUINN: Sure.

22 MS. DALEY: And I have some specific
23 questions for you about the events that were unfolding in
24 September of 1993.

25 And I thought maybe it would help your

1 memory a little bit if I gave you some details, some facts
2 that we know have occurred and just see whether you were
3 aware of them through your relationship with Officer Dunlop
4 at the time. Is that all right?

5 MR. QUINN: Well, sure.

6 MS. DALEY: Okay. So I'm wondering whether
7 -- and let me just take another step back and give you a
8 frame of reference.

9 The meeting that my friend spoke to you
10 about in which Officer Derochie first raised the issue with
11 you, just to help you with that, we understand that
12 occurred October 12th, 1993 and the circumstance was a
13 meeting at the Police Officers' Association or their club.

14 And Mr. Derochie told us and his notes
15 reflect that on October 12th, Perry Dunlop had attended very
16 briefly at that occurrence and that he had left, didn't
17 stay, and that Officer Derochie spoke to yourself and
18 Officer O'Reilly about Dunlop at that time.

19 Does that recitation ring bells with you?
20 Do you remember that event?

21 MR. QUINN: The only time I remember
22 speaking with Staff Sergeant Derochie was in his office
23 with Dan O'Reilly. That's not to say that there was not a
24 conversation with Staff Sergeant Derochie and Constable
25 O'Reilly and myself at the Association, but it -- I don't

1 recall it being at the Association building.

2 So to say it didn't take place, I can't say
3 it didn't, but I don't recall it.

4 **MS. DALEY:** Does the timeframe of your first
5 conversation with Staff Sergeant Derochie about Dunlop, if
6 we fix that at October 12th, '93, does that seem right to
7 you, as best you can recall it?

8 **MR. QUINN:** It doesn't seem out of context,
9 so I'm going to say yes.

10 **MS. DALEY:** All right.

11 So what I want to help you with is just to
12 determine what details you knew about the Silmsler situation
13 and Perry Dunlop's involvement in it prior to that time.
14 And I'll give you some details; you let me know if you're
15 aware of them or not.

16 Did you become aware that Constable Dunlop
17 had obtained a copy of Silmsler's statement from Heidi
18 Sebalj?

19 **MR. QUINN:** Before talking to -- yes.

20 **MS. DALEY:** Yes, okay. So that fact that
21 you had -- and I assume you knew that Constable Sebalj was
22 the investigating officer of the Silmsler complaint?

23 **MR. QUINN:** I'm not positive, but I would
24 say yes. I'm not sure if I knew at that time who -- who
25 the actual person was who would have handled it, but it's a

1 strong possibility, so I would say yes.

2 MS. DALEY: You did understand that
3 Constable Dunlop wasn't directly involved in this ---

4 MR. QUINN: That's correct, I did understand
5 that.

6 MS. DALEY: Okay. So he had obtained a copy
7 of the victim's statement from another officer and that you
8 knew about?

9 MR. QUINN: He had obtained it somewhere,
10 but I don't know where.

11 MS. DALEY: All right.
12 Did you know that Perry was friends with
13 Richard Abell, who -- the Executive Director of the CAS?

14 MR. QUINN: I knew that he knew him, yes.

15 MS. DALEY: And did you know that Perry
16 Dunlop had shown a copy of Mr. Silmser's statement to Mr.
17 Abell?

18 MR. QUINN: I believe Perry told me that.

19 MS. DALEY: All right.
20 And did you know that Perry eventually gave
21 a copy of that statement to Mr. Abell?

22 MR. QUINN: I knew that he had showed it to
23 him. I didn't know anything about giving it to him.

24 Now, he may have said that he had, and it
25 was one of those things like once you showed it to him or

1 gave it to him, it's one and the same thing, pretty much.
2 So that may be. I may have known, I may not have known. I
3 don't recall specifically knowing that he gave it to him at
4 that time.

5 **MS. DALEY:** All right. All right.

6 Did Perry let you know that he'd talked to
7 Staff Sergeant Brunet on about September 29th and had been
8 told to give the statement back? Did you know about that
9 occurrence?

10 **MR. QUINN:** I -- he told me about talking to
11 Staff Sergeant Brunet. I don't know about giving the
12 statement back. I know he had talked to him about being
13 told to stay out of it and mind his own business, that sort
14 of thing.

15 **MS. DALEY:** So ---

16 **MR. QUINN:** If that's the same conversation,
17 then yes.

18 **MS. DALEY:** So just so I understand, Perry
19 Dunlop reflected to you that Officer Burnet had told him,
20 Dunlop, to stay away from the situation?

21 **MR. QUINN:** In so many words, yes.

22 **MS. DALEY:** All right.

23 And did you -- obviously you knew Helen
24 Dunlop as a social friend as well, I take it, correct?

25 **MR. QUINN:** Yes.

1 **MS. DALEY:** Did you know that Helen Dunlop
2 had started to pursue Mr. Silmsler and seek a meeting with
3 him?

4 **MR. QUINN:** Not until after all that was
5 done.

6 **MS. DALEY:** Okay. When did you first become
7 aware of that?

8 **MR. QUINN:** Oh, God, I really don't know.
9 Just when that happened, I know it had -- I
10 had heard much later -- it had all taken place after --
11 before I heard about it, so it was after it had actually
12 been done before I had heard that -- that she had done
13 that.

14 **MS. DALEY:** Was that a piece of information
15 you think you knew about prior to your first conversation
16 with Staff Sergeant Derochie?

17 **MR. QUINN:** I don't know. To be quite
18 honest with you, I don't know.

19 **MS. DALEY:** All right.

20 And did Mr. Dunlop -- Officer Dunlop let you
21 know that he'd also contacted Staff Sergeant -- I guess
22 perhaps Sergeant at the time -- Lortie and Dupuis to raise
23 his concerns about this issue? Did he tell you he'd gone
24 to them as well?

25 **MR. QUINN:** No.

1 **MS. DALEY:** And my impression from your
2 testimony was the idea that this whole circumstance had
3 become common knowledge at a certain point in time. I want
4 to explore that with you a little bit.

5 Would it have been common knowledge in the
6 police force by the time you first speak with Officer
7 Derochie?

8 **MR. QUINN:** By the time I first spoke to --
9 and I'm assuming you mean by this time it's the October 12th
10 meeting either in his office or whatever?

11 **MS. DALEY:** It's in that timeframe.

12 **MR. QUINN:** I would suggest to you at that
13 time there's quite a few people that know about it or have
14 heard parts and pieces of it, yes.

15 **MS. DALEY:** All right.

16 And was it also -- had it become common
17 knowledge in parts of the community as well outside of the
18 Police Service by that point?

19 **MR. QUINN:** That, I don't know for sure.

20 **MS. DALEY:** All right.

21 I understood from your evidence in-chief
22 that Dunlop had sought you out; he had come to your home
23 and he'd talked to you about the events and circumstances
24 that you and I have just reviewed?

25 **MR. QUINN:** He would talk to me about many

1 things.

2 Perry and I were -- were fairly close
3 friends.

4 **MS. DALEY:** Right.

5 **MR. QUINN:** We talked about many things and
6 if there was things like -- like the time this came, he
7 would be coming more as a thing of asking for: "This is
8 what they're going to do, what should I do? I'm concerned
9 something, what can you do or what should I do".

10 And my capacity as the association rep was
11 to advise him.

12 **MS. DALEY:** That's -- I figured it was a
13 two-way conversation; gave Dunlop gave you information but
14 no doubt you made comment to him, as well, about what he
15 was telling you?

16 **MR. QUINN:** Well, if you're -- if you're
17 asking me if I gave him advice for -- as to what he should
18 or shouldn't do, yes.

19 **MS. DALEY:** And were you giving him advice
20 with your association rep hat on or also with your
21 friendship hat on?

22 **MR. QUINN:** With both of them.

23 **MS. DALEY:** With both?

24 What type -- what -- do you recall the
25 advice you gave him?

1 **MR. QUINN:** As to what question?

2 **MS. DALEY:** Well, about his involvement with
3 the Silmsler investigation, the Silmsler statement and his
4 having given it to the CAS. Did you give him any advice
5 about that?

6 **MR. QUINN:** The only advice ---

7 **MS. DALEY:** Sorry, do you recall any advice
8 you gave him about those, when you learned that
9 information?

10 **MR. QUINN:** The only advice I would be
11 giving him is to be very careful what he does with any of
12 that stuff. That once the ball is going there's not going
13 to be no stopping it.

14 If that's what you're asking; I don't know,
15 you're pretty general in your ---

16 **MS. DALEY:** I -- I'm not trying to be
17 mysterious; I'm just trying to understand your part of the
18 conversation.

19 So when Mr. Dunlop is giving you this
20 information, what do you say to him about it?

21 **MR. QUINN:** Again, you're being pretty --
22 pretty vague in there, that's there's -- there's a lot of
23 conversation that's being talked back and forth here.

24 You're asking me what was my advice on
25 everything he's ever done.

1 **MS. DALEY:** No, no, no, I don't care about
2 everything he's ever done. Sorry, if I'm not being clear.

3 Let's go back to September of '93, when
4 you're learning from Officer Dunlop -- he's come to your
5 home and he's told you, as I've understood you, about the
6 investigation and the fact that he's brought it to the
7 Children's Aid Society and he thinks that his police
8 service is upset with him. Is that the first conversation
9 you had with him about this subject; the first one that you
10 can recall?

11 **MR. QUINN:** As I recall, that's the first
12 type of -- there's any kind of like serious conversation
13 about Silmser or about this -- this affair, yes.

14 **THE COMMISSIONER:** Was that at your home or
15 at his home?

16 **MR. QUINN:** I'm sorry?

17 **THE COMMISSIONER:** Was that at your home or
18 at his home?

19 **MR. QUINN:** I believe that's at his home.

20 **MS. DALEY:** Okay. So you -- you came --
21 you're quite right, you came to his place.

22 **MR. QUINN:** Yes.

23 **MS. DALEY:** And he invited you over to talk
24 about it?

25 **MR. QUINN:** Yes.

1 **MS. DALEY:** Do you remember any advice you
2 gave him on that occasion?

3 **MR. QUINN:** It's pretty much like I just
4 told you a while ago, that -- to find -- we were going to
5 find out -- have to find out what it was they were upset,
6 what the Service was after, what had taken place, what they
7 would be looking for.

8 And basically from that point on not to
9 agree to anything, don't sign anything, don't speak to
10 anybody about it, don't do anything now until we get legal
11 advice as to -- and know what they're doing and get legal
12 advice of what to do afterwards.

13 **MS. DALEY:** All right.

14 **MR. QUINN:** Is that what you're looking for?

15 **MS. DALEY:** Yeah, I just wondered what your
16 input was and if that was it, that -- that satisfies me.

17 I take it you had -- my impression from what
18 you've told me is you talked to him about this many times
19 as matters unfolded?

20 **MR. QUINN:** Yes.

21 **MS. DALEY:** And as matters unfolded, did he
22 make you aware of -- of other events? Like for example,
23 did he make you aware that his wife had sought contact with
24 Mr. Silmsen?

25 **MR. QUINN:** No, I heard that through, again,

1 the rumour mill at the station.

2 MS. DALEY: Did you learn that his wife had
3 gone to Chief Shaver's home on the evening of October 14th
4 and essentially confronted him about ---

5 MR. QUINN: Through the same rumour mill.

6 MS. DALEY: --- her husband's situation?

7 MR. QUINN: Through the same rumour mill.

8 MS. DALEY: And were these matters being
9 spoken about in the office?

10 MR. QUINN: If you're -- are you saying were
11 they being spoken about with -- between police officers --
12 the police officer around when they were talking back and
13 forth and stuff? There's no place better than a police
14 station for rumours and people wanting to talk to somebody
15 about stuff going on, yeah, it was.

16 MS. DALEY: So that being the case, these
17 events were discussed around the water cooler, so to speak
18 with ---

19 MR. QUINN: Yeah.

20 MS. DALEY: --- your -- your coworkers?

21 MR. QUINN: Yeah, yeah.

22 MS. DALEY: All right.

23 THE COMMISSIONER: So when Perry first came
24 as -- when Perry first came and saw you ---

25 MR. QUINN: Yes.

1 **THE COMMISSIONER:** --- did he tell you that
2 the investigation was over and did he talk to you about
3 having misgivings about the police involvement and that
4 kind of thing?

5 **MR. QUINN:** He -- he explained to me what
6 had happened. He explained that he had come across this
7 thing and heard about what had taken place.

8 And -- and as I've said before, there was a
9 lot of rumour at that point; it had leaked out to a variety
10 of people and truths and half-truths and part stories and
11 pieces of the thing.

12 Nobody who'd actually -- that I had ever
13 talked to prior to that, had actually had a kind of a real
14 grip as to what had taken place and what the allegations
15 were until the time I'd -- I'd speak to Perry when he's
16 being told, "Leave things be".

17 He explained to me what he had found and
18 what he had -- what he had learned and he -- he had
19 concerns.

20 He had concerns. He had concerns. He had
21 concerns; one concern at the time was one that it wasn't
22 done satisfactorily. He had concerns that more could have
23 been done.

24 **THE COMMISSIONER:** In the investigation, you
25 mean?

1 **MR. QUINN:** In the investigation.

2 And -- but his biggest concern was that if
3 there was any truth to these allegations that these people
4 were still active within the community and still would have
5 contact with what could be conceived as future victims;
6 that was his biggest concern, not things that -- not so
7 much what had taken place but what could be prevented from
8 taking place.

9 And his concern, at that time, was somebody
10 has got to tell the CAS because these people are in contact
11 through CAS, the -- knowing that and that was his concern.

12 **THE COMMISSIONER:** Okay, good. Now I
13 understand that.

14 Was he talking to you at the very beginning,
15 when you went over to his place, was he talking about the
16 church and the police covering this up, was there any
17 mention of that on that first meeting?

18 **MR. QUINN:** I -- I don't recall it.

19 He did not believe it was right.

20 In all fairness, I would have to say I would
21 have to agree with him; I don't believe it was right.

22 He did not believe it was right that a
23 criminal offence like that could take place and be settled
24 civilly.

25 In our view as policemen going -- never does

1 a civil settlement have anything to do with the outcome of
2 a criminal matter.

3 So whether or not -- whether or not the
4 person agreed to say, "Okay, it never happened anymore
5 because I got paid some money", that does not negate the
6 fact that there's a criminal offence had taken place and
7 something should be done.

8 **THE COMMISSIONER:** Sure. No, I understand
9 that.

10 I just want to know, on the initial meeting
11 you're saying that his prime concern was to make sure that
12 no other children be hurt by the two ---

13 **MR. QUINN:** My impression of speaking the
14 first time, that was my impression the first time that his
15 biggest concern at that point was was these people, if
16 there was -- if there was substance to these allegations,
17 that these people were still active within a community and
18 that it would be the police department's and CAS'
19 responsibility to make sure that no other people would
20 become victimized.

21 **MS. DALEY:** All right. I'm assuming that
22 you spoke to him on many occasions ---

23 **MR. QUINN:** Yes.

24 **MS. DALEY:** --- as matters develop. Did
25 that remain his fundamental concern or did it change over

1 time?

2 MR. QUINN: I think at the base of
3 everything that's the biggest concern is that -- and -- and
4 often he -- he had said to me often many times of like,
5 "What would you feel like if somebody comes to you in five
6 years or 10 years from now and says, 'My child was
7 assaulted by that person and you people knew about it 10
8 years ago and did nothing'"; that was his concern.

9 MS. DALEY: A concern which applied equally
10 to the probation officer, as it did to the priest, as he
11 expressed it to you?

12 MR. QUINN: Yes, everyone. Anyone who knew
13 would be committing this type of offence, if you knew about
14 it and you did nothing ---

15 THE COMMISSIONER: No, but I guess the
16 question was there was Father MacDonald and this guy by the
17 name of Ken Seguin.

18 MR. QUINN: Yes.

19 THE COMMISSIONER: Was he using that concern
20 equally on both?

21 MR. QUINN: Yes.

22 THE COMMISSIONER: Okay.

23 MS. DALEY: All right. The fact that Mr.
24 Silmser's statement in fact was provided to the CAS, so the
25 CAS gained knowledge ---

1 **MR. QUINN:** Yes.

2 **MS. DALEY:** --- of the allegations against
3 these two individuals. That didn't alleviate Dunlop's
4 focus on that point, or did it?

5 **MR. QUINN:** I think from that point on --
6 like once they became aware of it, the problem escalated
7 into -- the impression was that the Service now was very
8 upset that he went outside and did this over and above the
9 heads of senior officers someplace and the impression he
10 would have and some others would have is they wanted
11 retaliation for this. So the problem now shifts gears into
12 a -- pretty much a different arena.

13 **MS. DALEY:** So when that shift happened,
14 would it be correct to say that Constable Dunlop's concern
15 became more whether he was the target of some sort of
16 vendetta for having gone outside the agency.

17 **MR. QUINN:** I think his concern at that time
18 was probably faceted into several different directions.
19 One is that still the concern being that somebody has to
20 make the Society aware that the -- community aware that
21 this problem is here and secondly the concern being that he
22 is being targeted for not leaving this go.

23 **MS. DALEY:** Okay. And was he equally
24 concerned about both?

25 **MR. QUINN:** Pardon me?

1 **MS. DALEY:** Was he equally concerned about
2 both?

3 **MR. QUINN:** I can't say for sure but I would
4 say probably.

5 **MS. DALEY:** Right.

6 So the notion that he was targeted -- I want
7 to talk to you about that for a moment. Did you have an
8 opportunity to hear a review of Staff Sergeant Derochie's
9 evidence at the Inquiry?

10 **MR. QUINN:** No.

11 **MS. DALEY:** Staff Sergeant Derochie
12 indicated that when he met with yourself and O'Reilly he
13 gave you a clear message and the message he gave you was
14 that Officer Dunlop was not going to be exposed to any
15 serious discipline consequence, and Officer Derochie's
16 testimony was that he wanted you or O'Reilly to reflect
17 that back to Dunlop. Do you remember that?

18 **MR. QUINN:** Yes.

19 **MS. DALEY:** And did you do that? Did you go
20 back to Perry and say, "Staff Sergeant Derochie is telling
21 me this is not going to have serious discipline
22 consequences for you"?

23 **MR. QUINN:** I probably would have told him
24 that but that that's what he was would told -- but I also
25 would have told him at the same time you still don't sign

1 anything or agree to anything until you have it in formal
2 documentation. Although Staff Sergeant Derochie had the
3 greatest respect for him, it would not have had final say.

4 So until the final say is down there on
5 paper in front of you, personally, I would not advise one
6 of our members to agree to anything until you see it
7 written down there on the last say.

8 **MS. DALEY:** Well, let me back up. Was --
9 did Staff Sergeant Derochie suggest to you that Perry
10 Dunlop should be agreeing to something, in the conversation
11 that you had with him?

12 **MR. QUINN:** Is he suggesting that he would
13 agree to that?

14 **MS. DALEY:** Right. Right.

15 **MR. QUINN:** Well, my understanding would be
16 that this is what we are proposing as a settlement to this,
17 okay, this is what we -- and they are going to tell you
18 that they think that's a pretty good deal and if on the
19 surface it does look like that but unless you've got
20 something in writing someplace or something concrete I
21 would not propose that and again even at that if you have
22 done nothing wrong, or if you do not believe you've done
23 anything wrong would you agree to some form of discipline
24 if you had not -- done nothing wrong?

25 **MS. DALEY:** Is this what you put to Officer

1 Dunlop?

2 MR. QUINN: What's that?

3 MS. DALEY: The notion that you just put to
4 me that maybe he's done nothing wrong?

5 MR. QUINN: No, he put that one to me.

6 MS. DALEY: Well, I'm not -- no one's
7 interested in me. We're interested in Officer Dunlop. So
8 let me step back for a second. And I should have asked you
9 this question. If, when -- in your dialogue with Staff
10 Sergeant Derochie ---

11 MR. QUINN: Yes.

12 MS. DALEY: --- what did you think he was
13 telling you about the discipline outcome. What was he
14 suggesting would be the approach?

15 MR. QUINN: On the surface it would appear
16 that this would be an informal matter with some form of
17 counseling and that would be the end of the story. That
18 would be what it appeared to be on the surface.

19 MS. DALEY: At least that's, as best you
20 recall, what he told you his thinking was?

21 MR. QUINN: That's right.

22 MS. DALEY: And do I understand that you
23 told that to Mr. Dunlop? You said, this is what Gary
24 Derochie says, "Informal discipline with counseling"?

25 Did you reflect that to Dunlop?

1 MR. QUINN: Yes.

2 MS. DALEY: What was his response to that,
3 if you can recall it?

4 MR. QUINN: Just what I told you awhile ago.
5 He believed that he'd done nothing wrong and he didn't
6 believe that he should be disciplined in any form for not
7 having done anything wrong. He hadn't done anything wrong.

8 MS. DALEY: And that would extend to
9 counseling?

10 MR. QUINN: Correct.

11 MS. DALEY: And you can help us with this as
12 an Association Executive. Would he had to have agreed to
13 that counseling?

14 MR. QUINN: Yes.

15 MS. DALEY: So the counseling couldn't occur
16 if he didn't agree?

17 MR. QUINN: No.

18 MS. DALEY: And in part is that why you were
19 saying to him, "Don't agree to anything yet until you have
20 advice"?

21 MR. QUINN: No.

22 MS. DALEY: There was another reason?

23 MR. QUINN: Like I said, nothing would
24 happen until such time -- this is a proposal. If you agree
25 to the proposal we would go back to Staff Sergeant Derochie

1 and say, "All right, give it to us in writing and show us
2 that for sure and we'll take it as fact." Basically what
3 we're telling him at that point is that "okay, we've agreed
4 -- everybody's agreed to that" without actually admitting
5 to anything.

6 **MS. DALEY:** Well, was it your impression
7 that if it had been a formalized proposal for informal
8 counseling and -- sorry, informal discipline and counseling
9 that would have gone to the Association, is it your belief
10 Dunlop would accepted that?

11 **MR. QUINN:** No.

12 **MS. DALEY:** All right. So, if I've
13 understood it, the first time you take that message back to
14 Officer Dunlop, right after speaking with Derochie, is his
15 mind firm that he should not accept any discipline of any
16 sort?

17 **MR. QUINN:** In my opinion, my impression was
18 that he did not believe that he'd done anything wrong and
19 that he should not be disciplined for anything.

20 **MS. DALEY:** All right.

21 **MR. QUINN:** So if that's the answer to your
22 question, then yes.

23 **MS. DALEY:** That's the impression he gave
24 you ---

25 **MR. QUINN:** Yes.

1 **MS. DALEY:** --- from the outset?

2 **MR. QUINN:** Yes.

3 **MS. DALEY:** And I take it that never
4 changed?

5 **MR. QUINN:** Never changed.

6 **MS. DALEY:** All right.

7 And just trying to put facts together in a
8 chronological sequence, it appears to us that Helen Dunlop
9 goes to visit Chief Shaver two days after your October 12th
10 meeting with Derochie.

11 **MR. QUINN:** I do not know that. I do not
12 know when she went. Like I said, I learned that story
13 through the rumour mill so I have no idea of dates, times -
14 --

15 **MS. DALEY:** Did you ever talk to Perry about
16 why that had happened?

17 **MR. QUINN:** No.

18 **MS. DALEY:** All right.

19 Did you ever talk to Perry about why she had
20 been seeking out Mr. Silmsen?

21 **MR. QUINN:** There was general conversation.
22 The only thing that I can recall is that she believed --
23 she wanted to know why he was rescinding this allegation
24 and she didn't think it was right either. That's the best
25 I can tell you.

1 **MR. COMMISSIONER:** That he was rescinding
2 this allegation. What do you mean by that?

3 **MR. QUINN:** Well, my understanding that he
4 has withdrawn the allegation or is not proceeding with it.

5 **MR. COMMISSIONER:** Oh, that Silmser was ---

6 **MR. QUINN:** Silmser, yes.

7 **MR. COMMISSIONER:** Oh, okay, okay.

8 **MR. QUINN:** I'm sorry. Yes. David Silmser
9 was. Or D.S. known at the time.

10 **MS. DALEY:** Did you as a police officer see
11 a prospect for harm in the actions of Mrs. Dunlop in going
12 after Mr. Silmser?

13 **MR. COMMISSIONER:** Wanting to talk to Mr.
14 Silmser -- going after him is ---

15 **MS. DALEY:** Wanting to talk to Mr. --
16 seeking him out.

17 **MR. QUINN:** Did I see a harm in it?

18 **MS. DALEY:** Did you see a prospect for harm
19 in that type of conduct?

20 **MR. QUINN:** If you define harm, if you say
21 is it going to harm -- and again I'm not sure what kind of
22 harm you're referring to?

23 **MR. COMMISSIONER:** Was it a good idea -- did
24 you think it was a good idea for Mrs. Dunlop to go and try
25 and find Mr. Silmser?

1 **MR. QUINN:** Well, I think that, Mr.
2 Commissioner, comes in depending on the person themselves.
3 If some people believe that something has to be done and
4 they thing they have to go to settle their own mind to find
5 that out, then that's what you have to do.

6 And if Helen believed that none -- nothing
7 that she'd heard -- until she hears from this person
8 himself as to why, that nobody influenced him, that nobody
9 pressured him to quit and if she would have went to him and
10 he said, "No, I'm happy with this, the world's a happy
11 place now," that would have been maybe fine -- I don't --
12 maybe that's all she would have needed. Then again, things
13 could have turned ugly there and maybe he would have come
14 violent so in that -- could harm have happened, it might
15 have.

16 **MR. COMMISSIONER:** I -- okay, we've got that
17 part. Let's put it in the context of a police officer's
18 wife ---

19 **MR. QUINN:** Yes.

20 **MR. COMMISSIONER:** --- who has learned from
21 her husband, who has sworn an oath of secrecy -- but anyway
22 -- so, he -- she learns from him about this and goes out
23 and seeks him out.

24 Is that a good idea for a police officer's
25 spouse to go and do that?

1 **MR. QUINN:** I can't say that I think it was
2 a good idea but ---

3 **MR. COMMISSIONER:** Okay.

4 **MR. QUINN:** --- again, people have to do
5 what they got to do.

6 **MR. COMMISSIONER:** No, no, no, I understand.

7 **MS. DALEY:** Well, the thought that I had in
8 mind when I used the word harm is this, and you are an
9 officer and I'm sure you'll agree with this.

10 The statement that that victim gave was a
11 confidential statement. Correct?

12 **MR. QUINN:** Yes.

13 **MS. DALEY:** And he expected it to be treated
14 that way. Correct?

15 **MR. QUINN:** Yes.

16 **MS. DALEY:** He did not expect that statement
17 to leave the police office in any manner, did he?

18 **MR. QUINN:** Well, I'd assume -- well, again
19 you're asking me to answer for him but I would assume, yes.

20 **MS. DALEY:** Isn't that how you proceed? I
21 mean, surely you offer confidentiality to crime victims
22 when they're giving you a statement ---

23 **MR. QUINN:** Yes.

24 **MS. DALEY:** --- correct?

25 So for a police officer's wife to have

1 knowledge and to be seeking him out to speak with him,
2 would that not create an appearance that the Force cannot
3 maintain confidentiality of victim statements?

4 **MR. QUINN:** I don't know if one incident
5 shows you that they cannot maintain confidentiality of
6 victim statements.

7 I think this particular incident is unique
8 in that at that time his wife would become involved because
9 what's happening to him, if it's in fact looking that if he
10 believes that his job is being threatened, that it then
11 involves her in that she's being threatened.

12 If through their conversation in husband and
13 wife, which I'm sure many have had, revolves around that,
14 she is probably going to learn parts of this information,
15 and that does affect her and it may upset her and she may
16 become more and more -- as more conversation gets involved.

17 As far as to how she saw the statement or
18 what, I have no knowledge of that and I can't really
19 comment to it.

20 **MS. DALEY:** Well, was it your impression
21 that Perry Dunlop felt his job was threatened by September
22 29th, roughly ---

23 **MR. QUINN:** That's my impression, yeah.

24 **MS. DALEY:** --- two weeks before the
25 conversation with ---

1 MR. QUINN: Yes.

2 MS. DALEY: --- Derochie?

3 MR. QUINN: Yes.

4 MS. DALEY: Are you -- did he tell you what
5 occurrences or events had given him that impression as of
6 September 29th?

7 MR. QUINN: Yes, he did.

8 MS. DALEY: Do you recall what they were?

9 MR. QUINN: Yes.

10 MS. DALEY: Can you share that with us?

11 MR. QUINN: I can. He advised me that he
12 had been -- now, I'm not absolutely positive on the dates
13 and somebody might have a record of it someplace. I don't
14 know; if they bring it up and want to tell me that ain't
15 right, I don't have a problem with that either.

16 But as I recall it, he had been brought in
17 by Staff Sergeant Brunet and he was advised to stay away
18 from this case, to stay out of it, and that his actions
19 weren't proper and to remember that he'd been in trouble
20 before and that he had a job to look out for and that he
21 had a family to be careful for and that he should start
22 paying attention.

23 MS. DALEY: And to the best of your belief,
24 Office Dunlop felt his job was threatened by that
25 conversation?

1 **MR. QUINN:** Yes.

2 **MS. DALEY:** Were there any other things that
3 had occurred up to the end of September that he interpreted
4 as being threatening to his job, as best you recall?

5 **MR. QUINN:** Not that I'm aware of.

6 **MS. DALEY:** All right. Did you give him any
7 advice or input or just friendly feedback about the Brunet
8 meeting, when you heard about it from him? Did you, for
9 instance, say, "Perry, maybe you should calm down a little
10 bit about this."

11 **MR. QUINN:** No.

12 **MS. DALEY:** "Maybe Brunet's intent isn't to
13 threaten your job."

14 **MR. QUINN:** No.

15 **MS. DALEY:** Do you remember anything you did
16 say to him about the Brunet meeting?

17 **MR. QUINN:** If I would have said anything to
18 him, and again, it would have been that if Staff Sergeant
19 Brunet did do this, that his approach to Constable Dunlop
20 would not have been proper and that would be grounds for a
21 complaint should Perry wish to pursue that.

22 **MS. DALEY:** So you thought, based on the
23 information Dunlop gave you about that meeting, that it
24 could form a grievance?

25 **MR. QUINN:** Yes.

1 **MS. DALEY:** Did you suggest that Dunlop
2 bring a grievance?

3 **MR. QUINN:** He didn't want to go that route.

4 **MS. DALEY:** Did he give reasons why?

5 **MR. QUINN:** No. I would assume that it
6 would just aggravate the situation. In his mind, it
7 probably aggravates the situation more than it already was.

8 **MS. DALEY:** In describing the Brunet meeting
9 to you, did Officer Dunlop tell you that Brunet had asked
10 for the statement back?

11 **MR. QUINN:** I don't recall that specifically
12 being said.

13 **MS. DALEY:** Okay. I'm really intent upon
14 understanding what you have to tell us about this subject,
15 sir, and see if I've got it right.

16 When you go back to Dunlop and you tell him
17 of Derochie's proposal, informal discipline counselling,
18 the response you get back from Perry Dunlop is "That's just
19 not acceptable to me in any fashion because I've done
20 nothing wrong". Is that the gist of it?

21 **MR. QUINN:** That's the gist of it.

22 **MS. DALEY:** And as -- again, whether in your
23 capacity as his friend or fellow officer, did you respond
24 to that? Did you say, "Perry, perhaps that's not exactly a
25 sound way to see this" or did you give him any response?

1 **MR. QUINN:** The exact response I gave him, I
2 can't recall, but my own personal belief would be that if
3 you've done nothing wrong and you don't believe you've done
4 anything wrong, then I agree you shouldn't accept it.

5 **MS. DALEY:** So your own personal thought was
6 to agree with his position on that?

7 **MR. QUINN:** Yes.

8 **MS. DALEY:** Sir, did you believe that Perry
9 Dunlop would be scapegoated in some fashion by the Service?

10 **MR. QUINN:** Did I believe he would be?

11 **MS. DALEY:** Yes.

12 **MR. QUINN:** Yes.

13 **MS. DALEY:** And can you explain to us why
14 you believe that? Like, what were the circumstances that
15 led you to that belief?

16 **MR. QUINN:** It would be, I guess, the way
17 Perry tells me that he had been treated, and the general
18 concern seemed to be more and more so that he be made to
19 let this go and that if he were to let this go, it would go
20 away. So that in my opinion, that's what it would appear
21 to me to be.

22 **MS. DALEY:** Who is it that in your view of
23 the situation was doing the scapegoating of Officer Dunlop?

24 **MR. QUINN:** Oh, I don't know.

25 **MS. DALEY:** Did ---

1 **MR. QUINN:** It would come from -- my opinion
2 would be from higher-ups, so from basically the management
3 of the Police Service, whoever that would be.

4 **MS. DALEY:** Did you think, for example, that
5 Luc Brunet was part of scapegoating?

6 **MR. QUINN:** I believe Luc Brunet would do as
7 he's told.

8 **MS. DALEY:** You believe his senior officers
9 would dictate to him how he dealt with Perry?

10 **MR. QUINN:** May.

11 **MS. DALEY:** Okay. Were you -- did you
12 become aware that Staff Sergeant Derochie wished to sit
13 with Perry and conduct the counselling on October 15th?

14 **MR. QUINN:** Sorry?

15 **MS. DALEY:** Did you become aware that Staff
16 Sergeant Derochie wished to sit down with Officer Dunlop
17 and have the counselling session on October 15th, '93?

18 **MR. QUINN:** I'm not aware of that. It may
19 have been. It's just not anything that I recollect it
20 being a date or not.

21 **MS. DALEY:** Are you aware that Officer
22 Dunlop then went off on sick leave that day and for the
23 ensuing several days of his shift.

24 **MR. QUINN:** I know he went off on sick leave
25 at some point. I believe I may have been the person that

1 brought the note in. Just what date that was, if you say
2 it's the 15th, I have no question with that.

3 **MS. DALEY:** Was his sick leave connected to
4 the situation he was facing involving Silmser and the
5 Police Services' wish to give him informal discipline?

6 **MR. QUINN:** I don't know, Ma'am. I don't
7 know what his sick leave is connected with.

8 **MS. DALEY:** Did you speak to Staff Sergeant
9 Derochie about that at all?

10 **MR. QUINN:** About?

11 **MS. DALEY:** About why Officer Dunlop was on
12 sick leave ---

13 **MR. QUINN:** I don't recall if I did or not.

14 **MS. DALEY:** --- at this time? Okay.

15 **THE COMMISSIONER:** Ms. Daley, I don't want
16 to cut you short ---

17 **MS. DALEY:** I think now is a good time. I
18 don't think I can finish in five.

19 **THE COMMISSIONER:** I know.

20 All right. So we'll see you tomorrow
21 morning at 9:30, sir.

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

23 **THE COMMISSIONER:** Thank you.

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 5:56 p.m./

4 L'audience est ajournée à 17h56

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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