

**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 221**

**Held at :**

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

Monday, April 28 2008

**Tenue à:**

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

Lundi, le 28 avril 2008



**Appearances/Comparutions**

|                                    |   |
|------------------------------------|---|
| Ms. Julie Gauthier                 | Registrar   |
| Ms. Karen Jones                    | Commission Counsel  |
| Ms. Janie Larocque                 |   |
| Mr. Ian Stauffer                   |   |
| Mr. John E. Callaghan              | Cornwall Community Police   |
| Mr. Mark Crane                     | Service and Cornwall Police   |
| Mr. Peter Manderville              | Service Board   |
| Ms. Reena Lalji                    |   |
| Mr. Neil Kozloff                   | Ontario Provincial Police   |
| Ms. Diane Lahaie                   |   |
| Mr. David Rose                     | Ontario Ministry of Community<br>and Correctional Services and<br>Adult Community Corrections |
| Mr. Christopher Thompson           | Attorney General for Ontario  |
| Mr. Peter Chisholm                 | The Children's Aid Society of<br>the United Counties  |
| Ms. Helen Daley                    | Citizens for Community Renewal  |
| Mr. Dallas Lee                     | Victims Group   |
| Mr. David Sherriff-Scott           | Diocese of Alexandria-Cornwall<br>and Bishop Eugene LaRocque                                  |
| Mr. Michael Neville                | The Estate of Ken Seguin and<br>Doug Seguin and Father Charles<br>MacDonald                   |
| M <sup>e</sup> Danielle Robitaille | Mr. Jacques Leduc   |
| Mr. William Carroll                | Ontario Provincial Police<br>Association  |
| Mr. Frank T. Horn                  | Coalition for Action  |

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1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Courville, good to see you again.

12 Mr. Chisholm.

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

14 **THE COMMISSIONER:** Good morning.

15 **LEO COURVILLE, Resumed/Sous le même serment:**

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

17 **CHISHOLM (Cont'd/Suite):**

18 **MR. CHISHOLM:** Good morning, Mr. Courville.  
19 You know my name?

20 **MR. COURVILLE:** Yes, I do, Mr. Chisholm.

21 **MR. CHISHOLM:** I act for the CAS; just a  
22 couple of questions for you if I can.

23 Last Thursday Ms. Jones suggested to you  
24 that Angelo Towndale came to the Police Services Board from  
25 the Children's Aid Society and you agreed with her. Do you

1 recall giving that evidence?

2 **MR. COURVILLE:** Yes, I would agree with  
3 that, yes. I would agree that Mr. Towndale was from -- was  
4 employed with the Children's Aid Society when he came  
5 onboard, yes.

6 **MR. CHISHOLM:** But that fact had nothing to  
7 do with Mr. Towndale being on the Police Services Board; is  
8 that right?

9 **MR. COURVILLE:** That's absolutely correct,  
10 yes.

11 **MR. CHISHOLM:** He was there as a private  
12 citizen?

13 **MR. COURVILLE:** Yes, he was.

14 **MR. CHISHOLM:** Okay. You spoke of the  
15 February 2, 1994 news release last week and the  
16 Commissioner asked you a question with respect to whether  
17 the other Board members had seen that news release before  
18 it went out. Do you recall your answer? You indicated  
19 that you believed that they had?

20 **MR. COURVILLE:** Yes.

21 **MR. CHISHOLM:** And would I be correct that  
22 you have no independent recollection of the other Board  
23 members seeing that news release? You just have a belief  
24 that they would have seen it?

25 **MR. COURVILLE:** Yes, I believe that's true.

1                   **MR. CHISHOLM:** So you have no recollection  
2 of Mr. Towndale, for instance, seeing that news release  
3 before it was released?

4                   **MR. COURVILLE:** I don't. I can't say I have  
5 a recollection of him seeing it before it was released.

6                   **MR. CHISHOLM:** And if Mr. Towndale were to  
7 take the position that he did not see that news release  
8 before it was released you wouldn't be in a position to  
9 disagree with him?

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

11                  **MR. CHISHOLM:** Okay.

12                  Mr. Commissioner, I'm finished my questions  
13 of Mr. Courville.

14                  Thank you, Mr. Courville.

15                  **MR. COURVILLE:** Thank you.

16                  **MR. CHISHOLM:** There was a document  
17 reference last week of -- that led to a copy of the news  
18 release, it was Document 727834. I don't believe that that  
19 was ever entered as an exhibit. I'm not sure if you want  
20 to put that in on the record.

21                  **THE COMMISSIONER:** Madam Clerk, do you?

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

23                  **THE COMMISSIONER:** Why don't we just put it  
24 as an "A" exhibit to the original one so that way we will  
25 keep them together? So I don't know what ---

1                   **MR. CHISHOLM:** It's 1226?

2                   **THE COMMISSIONER:** We'll track it down in  
3 any event. Great, thank you very much for your assistance.

4                   **MR. CHISHOLM:** Thank you.

5                   **---EXHIBIT NO./PIÈCE No. P-1226A:**

6                                   (727834) News release re: Review of  
7                                   Alleged Sexual Assault by Ottawa  
8                                   Investigative Team dated 02 Feb 95

9                   **THE COMMISSIONER:** All right. So now we're  
10 going to Mr. Callaghan.

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

13                   **THE COMMISSIONER:** Okay.

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

15 **CALLAGHAN:**

16                   **MR. CALLAGHAN:** Mr. Courville, good morning.

17                   **MR. COURVILLE:** Good morning, sir.

18                   **MR. CALLAGHAN:** I just want to just be  
19 clear. You have a Masters in Economics?

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

21                   **MR. CHISHOLM:** And you talked the last day  
22 about the element of public service and your sitting on the  
23 Police Services Board. Could you expand on that a little  
24 bit, please?

25                   **MR. COURVILLE:** Yes. In my family there was

1 a bit of a tradition of public service and it goes back a  
2 number of generations. And basically, I think all of the  
3 individuals in the family were encouraged to contribute to  
4 give something back to the community when they could or  
5 felt they were in a position to do so and I was influenced  
6 by that tradition.

7 And at the time that I went on the Police  
8 Service Board I felt that I was in a position to contribute  
9 something to that endeavour.

10 **MR. CALLAGHAN:** And who asked you to go on  
11 the Board or who suggested you might avail yourself of that  
12 opportunity?

13 **MR. COURVILLE:** Yes. I believe actually I  
14 was approached by my -- firstly by my two fellow Board  
15 members, Mr. Angelo Towndale and Ms. Delores Jensen.

16 **MR. CALLAGHAN:** And did you have any  
17 impression of how they viewed their public service  
18 responsibilities as it related to the Police Service Board?

19 **MR. COURVILLE:** I think very much the same  
20 way that I did. Certainly, Mr. Towndale is known in this  
21 community as being not only a volunteer but very much an  
22 impetus and an individual who, when he sees a need or a gap  
23 in the service structure, has stepped in and very much, and  
24 I would say largely, initiated endeavours that weren't in  
25 existence previously. The one -- the best example I can

1 give of that is the Children's Treatment Centre. I think  
2 Mr. Towndale is generally regarded as the architect of that  
3 structure today.

4 **MR. CALLAGHAN:** And who else is part of that  
5 structure?

6 **MR. COURVILLE:** There are a number of  
7 professional individuals. There is at least -- there's a  
8 Dr. Carole Lapointe who is a psychiatrist. There is a Dr.  
9 ---

10 **THE COMMISSIONER:** Excuse me, what are we  
11 talking about now?

12 **MR. CALLAGHAN:** The Children's Treatment  
13 Centre which obviously plays into a community aspect of it.

14 **THE COMMISSIONER:** Okay. Well, can we just  
15 -- I accept that Mr. Towndale's, through this gentleman's  
16 eyes, is a civic-minded public servant dedicated to the  
17 giving of his time to the public good.

18 **MR. CALLAGHAN:** All right. Do I need to  
19 talk about Delores Jensen?

20 **THE COMMISSIONER:** No, no.

21 **MR. CALLAGHAN:** I think it's important for  
22 the public to understand that these are civic-minded people  
23 trying to do the best they can in respect of acting as  
24 Board members.

25 **THE COMMISSIONER:** I don't think anybody has

1 put that in any doubt.

2 MR. CALLAGHAN: No, I recognize that. I was  
3 talking to the public at large.

4 THE COMMISSIONER: Well, the public at large  
5 should know that people who volunteer and do public service  
6 within the confines of these three people that we are  
7 talking on the Board are fine outstanding citizens.

8 MR. CALLAGHAN: All right.

9 THE COMMISSIONER: Okay.

10 MR. CALLAGHAN: Sir, the Act refers to there  
11 being at least four meetings a year for board members. Can  
12 you tell us how much time you spent as a board member?

13 MR. COURVILLE: I can't tell you precisely  
14 but it would be in the range of hundreds of hours and  
15 certainly in terms of numbers of meetings it would far  
16 exceed four.

17 MR. COURVILLE: Right. And last day we  
18 talked about the 1990 report of the Policing Service  
19 Division and you had indicated that you saw in the latter  
20 part of '92 -- I'm looking at Exhibit 1391.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. COURVILLE: Thank you.

23 Yes, I have it.

24 MR. CALLAGHAN: All right.

25 And am I correct, you saw this at the latter

1 part of 1992?

2 MR. COURVILLE: I believe that's correct,  
3 yes.

4 MR. CALLAGHAN: And can I just direct your  
5 attention to page 2?

6 MR. COURVILLE: Yes.

7 MR. CALLAGHAN: It says in the middle of the  
8 page:

9 "A close examination of the Service  
10 statistics training records excluding  
11 in-service equipment -- excluding in-  
12 service equipment and interviews with  
13 persons involved with the Service at  
14 every level strongly indicated the  
15 Cornwall Police Service is delivering  
16 an excellent level of policing."

17 Do you see that?

18 MR. COURVILLE: Yes, I do.

19 MR. CALLAGHAN: Did you have regard to that  
20 when you read the report?

21 MR. COURVILLE: Yes, I did.

22 MR. CALLAGHAN: And what impression did that  
23 have on you?

24 MR. COURVILLE: I believe it was in accord  
25 with my general sense of the policing standard that was

1           being given to the citizens of Cornwall. I think that I --  
2           as I mentioned I believe earlier, I don't recall receiving  
3           any complaints from any citizen with regard to policing  
4           until the -- well, until the Silmsler situation arose  
5           basically.

6                           **MR. CALLAGHAN:** If I could then take you to  
7           page 4?

8                           **MR. COURVILLE:** Yes.

9                           **MR. CALLAGHAN:** The top of page 4 of that  
10          report:

11                                   "Statistics prepared by Policing  
12                                   Service Division and presented to the  
13                                   Chief Shaver and the Cornwall Board  
14                                   indicate that the Cornwall Police  
15                                   Service compares most favorably with  
16                                   other Ontario police forces of  
17                                   comparative size relative to  
18                                   police/population ratios.

19                           **MR. COURVILLE:** Yes.

20                           **MR. CALLAGHAN:** And then it talks about:

21                                   "The perception persists, however, when  
22                                   the Force that is understaffed."

23                                   Did you -- was that your understanding of  
24          how things presented themselves at -- when you arrived to  
25          the Board?

1                   **MR. COURVILLE:** Yes, certainly. Shortly  
2                   after I arrived at the Board I had the opportunity to  
3                   attend a Regional Zone meeting of the Police Board  
4                   Association of Ontario and from discussions with other  
5                   Board members from other communities and looking at the  
6                   statistics, that was certainly my understanding.

7                   With regards to the perception of being  
8                   understaffed I think that that's -- I've never met a Board  
9                   member from any Police Service that didn't feel that their  
10                  service was understaffed.

11                  **MR. CALLAGHAN:** And did you have those  
12                  discussions with those other Board members at your Regional  
13                  meetings?

14                  **MR. COURVILLE:** Yes.

15                  **MR. CALLAGHAN:** And, they -- you spoke of  
16                  Ms. McGlashan, were you aware of her work in relation to  
17                  morale issues?

18                  **MR. COURVILLE:** Yes I was.

19                  **MR. CALLAGHAN:** And what did you understand  
20                  the effect of Ms. McGlashan's work to be?

21                  **MR. COURVILLE:** I understand that basically  
22                  she did a survey of individuals within the Police Service  
23                  to ascertain their feeling toward morale, toward an  
24                  understanding of a Mission Statement and compliance with  
25                  the goals and objectives of the statement and how

1 individuals felt about their role in attaining that and  
2 some of the frustrations that they had.

3 **MR. CALLAGHAN:** And did you have any  
4 understanding as to whether she had any impact on morale --  
5 her work?

6 **MR. COURVILLE:** Yes, I believe that she did.  
7 I think for a period of time -- it's my understanding that  
8 from the Chief through to the various levels of rank, there  
9 was a commitment to change things around.

10 **MS. JONES:** I'm just wondering if  
11 Mr. Courville can elaborate on where he's getting this  
12 information. I'm not clear from the question, Mr.  
13 Callaghan, where this impact is coming from. Is there a  
14 written document he's referring to, is it a meeting? I  
15 just want a clarification on it.

16 **MR. CALLAGHAN:** Well, I can ask the witness  
17 but in all fairness not all the documents are here.  
18 Perhaps you could tell -- there are documents. I'm not  
19 sure my friend has seen -- we've all seen them in the  
20 course of this but maybe you could elaborate,  
21 Mr. Courville?

22 **MR. COURVILLE:** I can't recall any  
23 particular document. I'm going by my recollection of  
24 discussions with Chief Shaver and discussions with other,  
25 for example, members of the Police Association and so on.

1                   **MR. CALLAGHAN:** Ms. Daley asked you about  
2                   your comment that you'd heard positive things about Chief  
3                   Shaver and if I could take you to page 6? And she took you  
4                   to one report but I -- there were -- as -- you are aware  
5                   there are other reports, other than the ones she took you  
6                   too?

7                   **MR. COURVILLE:** Yes.

8                   **MR. CALLAGHAN:** All right. And do you have  
9                   any recall of those at the moment? Any ---

10                  **MR. COURVILLE:** I don't have any specific  
11                  recall with regard to Chief Shaver. I do recall him being  
12                  mentioned in a number of reports.

13                  **MR. CALLAGHAN:** Well, let me ask you whether  
14                  this was the type of sentiment you recall? The second-last  
15                  paragraph:

16                                 "It would be eminently unfair to  
17                                 conclude this report without noting the  
18                                 positive effect Chief Shaver has had on  
19                                 the Cornwall Police Service during his  
20                                 tenure as Chief of Police. There are  
21                                 few members of the service who do not  
22                                 recognize and compliment his efforts in  
23                                 significantly increasing in the level  
24                                 of training of officers of the Ontario  
25                                 and Canadian Police Colleges. They

1                   also applaud the much needed and force-  
2                   related equipment he has acquired. He  
3                   is fluently bilingual and was raised  
4                   and educated in Cornwall.  
5                   During this inspection he was  
6                   exceptionally co-operative and  
7                   demonstrated a keen and sincere desire  
8                   to successfully resolve the internal  
9                   problems presently existing within the  
10                  Service. He has acknowledge that..."

11                 Well, leaving that part aside the earlier  
12                 comments ---

13                 **MR. COURVILLE:** Yes.

14                 **MR. CALLAGHAN:** Was, that in accord with  
15                 your understanding of documents you might have looked at?

16                 **MR. COURVILLE:** Yes, it does.

17                 **MR. CALLAGHAN:** The -- Ms. Daley also took  
18                 you to Exhibit 138 which is the 1989 report.

19                 **THE COMMISSIONER:** One thirty-eight (138)?

20                 **MR. CALLAGHAN:** One thirty-eight (138) I  
21                 think, if I've --

22                 I'm sorry, 1388, Mr. Commissioner.

23                 **THE COMMISSIONER:** That's right, 1388.

24                 **MR. CALLAGHAN:** And I'll be asking you to  
25                 have handy that report that we just looked at as well.

1                   **MR. COURVILLE:** I have the Exhibit 1388  
2 before me.

3                   **MR. CALLAGHAN:** All right. And if you  
4 could also keep open to page 10, Exhibit 1391.

5                   And you'll recall that she took you to page  
6 9 of Exhibit 1388 regarding additional comments and she  
7 asked you about Management Teams.

8                   **MR. COURVILLE:** Yes.

9                   **MR. CALLAGHAN:** All right. And if you go  
10 to the Recommendations of page 10 of 1388:

11                   "A procedure should be developed in  
12 order to provide better communication  
13 between the Chief Senior Management and  
14 all other members of the Force."

15                   And it says:

16                   "See additional comments."

17                   Do you see that recommendation?

18                   **MR. COURVILLE:** Yes.

19                   **MR. CALLAGHAN:** And you'll see attached as  
20 an appendix -- it comes from, I believe, Halton, perhaps  
21 Peel, an Administrative Order ---

22                   **MR. COURVILLE:** Yes.

23                   **MR. CALLAGHAN:** --- on Management Teams.

24 If I could ask you to direct your attention to Exhibit 1391  
25 under previous recommendation number 10 and this is -- and

1           you are aware that the Policing Service often commented  
2           about where the other recommendations had gotten to ---

3                           **MR. COURVILLE:** Yes.

4                           **MR. CALLAGHAN:** --- from the previous  
5           report?

6                           **MR. COURVILLE:** Yes.

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

8                                   "Development of procedure to provide  
9                                   better communication between the Chief,  
10                                  Senior Management Members of the Force.  
11                                  Action: Complied with. Administrative  
12                                  Directive 0-12, October 24<sup>th</sup>, 1989.  
13                                  Note: That strategic plan is an  
14                                  excellent vehicle to satisfy this  
15                                  recommendation."

16                           **MR. COURVILLE:** Yes, I see that.

17                           **MR. CALLAGHAN:** Would it be my  
18           understanding that this indicates that that recommendation  
19           was acted upon.

20                           **MR. COURVILLE:** Yes.

21                           **MS. JONES:** Mr. Commissioner, I can see a  
22           pattern developing here. Mr. Callaghan, not only leading  
23           this document to a document but actually reading out the  
24           salient sections and merely asking the witness to agree on  
25           this and I would suggest that this is just an inappropriate

1 examination of this witness. I think that if this is going  
2 to be the pattern of behaviour following, I would like to  
3 raise the objection now in light of the fact that I don't -  
4 - I think there has been many questions that Mr. Courville  
5 actually hasn't answered except for yes or no and that is  
6 not appropriate examination.

7 **MR. CALLAGHAN:** Well, with great respect,  
8 this is supposed to be an institutional response where we  
9 don't call the witness, Commission counsel calls the  
10 witness. At the very outset of this Inquiry this issue was  
11 addressed and leading was not excluded. The Rule doesn't  
12 exclude it. I can tell you in *Walkerton* it wasn't  
13 excluded. And, it will either (a) prolong things for a  
14 very long time because I'll have to lead the way one  
15 ordinarily does which is to start from scratch and lead  
16 someone all the way through their evidence which is the way  
17 one would ordinarily prepare a response.

18 We've been through this ground, Mr.  
19 Commissioner, in the past, you've given us the latitude,  
20 you made the ruling at the outset and I don't see anything  
21 I'm doing to be inappropriate.

22 **THE COMMISSIONER:** Well, you're right. So  
23 following my initial ruling I just want to say that -- two  
24 things. First of all, you didn't call the witness but he's  
25 your client. So, there's that grey area there. And so I

1 will permit you the latitude that we've had, but keeping in  
2 mind though, sir, that the more you lead, the less it's  
3 coming out of his mouth.

4 So it's a balancing act, is what I'm trying  
5 to say.

6 **MR. CALLAGHAN:** And I should say, and I  
7 mean, you know -- the penultimate exercise here is that  
8 there be procedural fairness to those who might be subject  
9 to criticism.

10 **THE COMMISSIONER:** Absolutely.

11 **MR. CALLAGHAN:** And the way the process  
12 unfolds -- I think Vinnie called it sort of a moving  
13 caravan but the inquiries I've been involved, this has been  
14 an issue that has been addressed in the fashion that you've  
15 just spoken about. It's not easy from this side, I can  
16 tell you, sir, that when you don't get to call your witness  
17 and you don't get to take them from the start to the  
18 finish, where you have to pop in and out so as not to  
19 exercise people about redoing everything. This is not an  
20 easy exercise.

21 **THE COMMISSIONER:** And that's why I've  
22 given latitude, but I think the idea is just -- let's just  
23 focus on -- and I can see, you know ---

24 **MR. CALLAGHAN:** I mean, this is not -- this  
25 should not be contentious; it's just to get it on the

1 record.

2 **THE COMMISSIONER:** Right. Well ---

3 **MR. CALLAGHAN:** I mean. ---

4 **THE COMMISSIONER:** Right.

5 **MR. CALLAGHAN:** I mean it was suggested  
6 that certain things were suggested to him but wasn't taken  
7 back to these documents. Had they been we wouldn't -- I  
8 wouldn't have to do this exercise.

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

10 **MR. CALLAGHAN:** And I'm not criticizing --  
11 critical. People have their own thought patterns when they  
12 go through this.

13 **THE COMMISSIONER:** Well, you're entitled to  
14 go back. I mean, we have looked at -- and some people have  
15 asked critical questions of this gentleman, of the Board,  
16 and of the Police Force.

17 And so you have a right to go back, and as  
18 you're doing I suppose, say, look -- it's almost like a  
19 child coming home with a report card that says that he's  
20 got a "B" and you say, well, where's the rest of the "A+"  
21 Or you come home with a 70; where's the other 30 percent  
22 rather than looking at the other side. So I can see you're  
23 trying to re-balance that way. I'm just saying we can  
24 temper that a little bit.

25 **MR. CALLAGHAN:** In the same vein, Mr.

1 Courville, it was suggested about Board policies and what  
2 had been done prior to your attendance, and if I could ask  
3 you to look at Recommendation 13.

4 **THE COMMISSIONER:** Where are we now?

5 **MR. CALLAGHAN:** Exhibit 1388.

6 **THE COMMISSIONER:** Yes.

7 **MR. COURVILLE:** Yes, I see that.

8 **MR. CALLAGHAN:** And it refers to:

9 "The present Rules and Regulations By-  
10 law should be revised, along with an  
11 organizational chart indicating the  
12 functions of the Force in past as  
13 amended by-law by the Board of  
14 Commissioners of Police."

15 And if we can go back to page 10 of 1391,  
16 you'll see previous Recommendation number 13:

17 "Revisions of Rules and Regulations and  
18 new organizational chart formulated and  
19 passed as an amended by-law by the  
20 Board of Commissioners of Police.

21 Action: Complied with; Board Resolution  
22 May 7<sup>th</sup>, 1990. Note: A revised  
23 organization chart was presented to the  
24 Board as a result of senior management  
25 committee sessions, December 3, 4 and

1                                   5, 1990 in accordance with strategic  
2                                   plan."

3                                   So I ask you again, how how did these two  
4                                   relate to one another? If that's -- so as not to ask a  
5                                   leading question.

6                                   **MR. COURVILLE:** Well, I believe one is a  
7                                   direct result of the other.

8                                   **MR. CALLAGHAN:** Now, you talked a little  
9                                   bit about Mayor Martelle. Do you recall what his election  
10                                  platform was in respect of crime?

11                                  **MR. COURVILLE:** Yes. Basically, it would  
12                                  be described as one of law and order. He was to be the law  
13                                  and order candidate in that election. He was the man to  
14                                  clean-up the situation.

15                                  **MR. CALLAGHAN:** And the situation obviously  
16                                  is -- just so it's clear -- this is obviously prior to the  
17                                  DS situation we're talking about. What is causing that  
18                                  kind of political reality in Cornwall, that someone should  
19                                  get elected on that platform?

20                                  **MR. COURVILLE:** Well, there were a number  
21                                  of things. There was a lot of smuggling activity, there  
22                                  was -- and related drug activity. There was unrest on the  
23                                  Akwesasne Reserve that was a concern, I think. There were  
24                                  shootings on the water at night, that kind of thing.

25                                  **MR. CALLAGHAN:** And I take it it's fair to

1 say that he came in with definitive ideas with respect to  
2 who was responsible for policing? Can you just elaborate  
3 on that?

4 **MR. COURVILLE:** Well, he took a personal  
5 view, he called himself on quite a number of occasions the  
6 "Chief Magistrate". I recall him referring to himself in  
7 that vein when he was talking directly to the Chief of  
8 Police.

9 I recall -- actually, maybe this sums it  
10 up. I recall his licence plate and on his licence plate  
11 was the word "Wyatt" and that was a direct reference to  
12 Wyatt Earp, the famed Marshall back in the U.S.

13 **THE COMMISSIONER:** Okay. Okay. Easy,  
14 easy. How do you know that?

15 **MR. COURVILLE:** Because I saw it, sir.

16 **THE COMMISSIONER:** You saw the word  
17 "Wyatt"?

18 **MR. COURVILLE:** Yes, I did.

19 **THE COMMISSIONER:** And how do you make the  
20 connection to that?

21 **MR. COURVILLE:** Because the Mayor told me.

22 **THE COMMISSIONER:** Oh, well, that's a  
23 different story.

24 **MR. COURVILLE:** Thank you.

25 **THE COMMISSIONER:** Okay. I thought you

1           were making the jump to Wyatt Earp.

2                       **MR. COURVILLE:** No, I wasn't.

3                       **THE COMMISSIONER:** All right.

4                       **MR. CALLAGHAN:** And you'd indicated -- if I  
5           could take you to -- well, the role -- can you just expand  
6           a little bit about his view with respect to the role of the  
7           Province in municipal policing? You talked a little bit  
8           about it. Can you expand on that a little farther?

9                       **MR. COURVILLE:** Yes. Basically, the model  
10          envisaged under the *Police Services Act* when I was on the  
11          Board was as I've already described, it was one of civilian  
12          oversight. In order for that model to be effective at all,  
13          it relied on extensive advice to be obtained from the  
14          Police Services Division of the Ministry of the Solicitor  
15          General.

16                      That advice was given either directly by  
17          contact over the phone or through directives sent by the  
18          Ministry or through what were referred to as police service  
19          advisors who fed into the regional structure of the  
20          Association of Police Services Boards.

21                      **MR. CALLAGHAN:** And if could take you to  
22          Exhibit 1513? And the date of this is April 6, '94.

23                      **MR. COURVILLE:** Yes.

24                      **MR. CALLAGHAN:** And it says, just on the  
25          third paragraph from the start:

1 "City council has urged the provincial  
2 government to change the *Police*  
3 *Services Act* which currently guarantees  
4 provincial appointees hold the majority  
5 on municipal police boards."

6 And then if you take a look over the last  
7 column, and I'm not going to read the middle part, but it  
8 says, the second last paragraph:

9 "Despite city council's repeated  
10 attempts to convince Queen's Park to  
11 change the rules, Martelle said he  
12 doesn't believe the government is  
13 taking the issue seriously."

14 Do you see that?

15 **MR. COURVILLE:** Yes.

16 **MR. CALLAGHAN:** And was there a political  
17 attempt by the municipality to try to address what the  
18 perceived imbalance was?

19 **MR. COURVILLE:** Yes. I believe that  
20 representations were made by the city council to the  
21 government of the day to in fact change the balance in  
22 favour of the municipality.

23 **MR. CALLAGHAN:** I'm sorry. Madam  
24 Commission counsel said she couldn't hear you. You might  
25 repeat that?

1                   **MR. COURVILLE:** My understanding is that  
2                   there were representations made by the city council to the  
3                   government of the day to have the balance on the Board  
4                   changed in favour of municipalities.

5                   **MR. CALLAGHAN:** So they saw this as a  
6                   political issue. Is that fair to say?

7                   **MR. COURVILLE:** Yes. That's very fair to  
8                   say.

9                   **MR. CALLAGHAN:** Exhibit 1514, which is the  
10                  1995 report?

11                  **MR. COURVILLE:** Yes, I have that.

12                  **MR. CALLAGHAN:** And if we could go to page  
13                  10?

14                                 And just to be clear because I don't think  
15                   it was stated; and, Mr. Commissioner, if you want me to  
16                   direct you to the passage, I will, but, let me try it this  
17                   way. You're aware that the only way to remove a Board  
18                   member is if the conduct complained of amounts to  
19                   misconduct?

20                   **MR. COURVILLE:** Yes, I am.

21                   **MR. CALLAGHAN:** And how did you understand  
22                   that threshold to be?

23                   **MR. COURVILLE:** Well, basically the  
24                   threshold was set, I think, quite high and it was not -- it  
25                   wasn't one that would be activated by what some may regard

1 as obstructive behaviour. The misconduct would have to be  
2 acting in bad faith, that kind of thing.

3 **MR. CALLAGHAN:** All right. And if you go  
4 to page 10.

5 We went through this, I think. Someone  
6 must have if my recollection is correct. It says at the  
7 bottom:

8 "A number of concerns relate to  
9 statements or positions taken by Mayor  
10 Ron Martelle on a variety of issues."

11 And he lists the issues there. And I take  
12 it for example he also had an opposition to the general  
13 thrust of Employment Equity?

14 **MR. COURVILLE:** Yes, he was very much  
15 against it and the Board member that I recall had a great  
16 interest in promoting that, Delores Jensen, was frequently  
17 taken to task by the Mayor for her position.

18 **MR. CALLAGHAN:** But his position though,  
19 was it a -- did you understand him to have what he believed  
20 to be a reasoned view of it?

21 **MR. COURVILLE:** I believe he felt that some  
22 of the physical requirements, for example, of the job were  
23 best conducted by male members of the Service that was one  
24 thing that comes to mind.

25 **MR. CALLAGHAN:** But -- I beg the

1 Commissioner's indulgence one second. And if I might, if I  
2 could ask you to just take a look at Doc 128768?

3 For the record, Mr. Commissioner, this is a  
4 Board minute of February 7th, 1995.

5 **THE COMMISSIONER:** Thank you. Exhibit 1526.

6 ---EXHIBIT NO./PIÈCE No. P-1526:

7 (128768)Cornwall Police Services Board

8 "Open Session" Minutes dated 07 Feb 95

9 **MR. COURVILLE:** Yes, I have it.

10 **MR. CALLAGHAN:** All right. And I just want  
11 to take you to paragraph 7 of the minutes, "Mission  
12 Statement on Employment Equity" and read this to you. And  
13 at the time there was a move to approve the Mission  
14 Statement on Employment Equity.

15 And it says:

16 "Mayor Martell questioned whether the  
17 Board would be held liable for injuries  
18 caused as a result of not hiring the  
19 most qualified person, and wonder what  
20 would happen if no one in target group  
21 is qualified or does not apply for a  
22 job. He noted the words 'set goals'  
23 appear to refer to a quota system and  
24 question whether the most qualified  
25 persons would be hired."

1                   Was that the type of objection he had with  
2                   respect to employment equity that you're referring to?

3                   **MR. COURVILLE:** I think this would be very  
4                   typical of it, yes.

5                   **MR. CALLAGHAN:** All right. But I take it  
6                   just to distinguish between how he articulated himself and  
7                   whether he had a philosophical difference, what was your  
8                   view on that?

9                   **MR. COURVILLE:** I think he did have a  
10                  philosophical difference but he -- the way he articulated  
11                  it was very specifically directed to women usually as  
12                  opposed to -- this sort of -- the wording here would  
13                  underplay that he was really opposed to hiring more women  
14                  as opposed to hiring other individuals who may not, in the  
15                  words that are given here, be the most appropriate or the  
16                  most qualified.

17                  **MR. CALLAGHAN:** Okay. Well then let's just  
18                  take a look. I mean, I won't -- others have gone for these  
19                  other points but I just want to direct your attention,  
20                  then, to page 11.

21                  **THE COMMISSIONER:** Page 11 of what now?

22                  **MR. CALLAGHAN:** Of -- sorry, Mr.  
23                  Commissioner -- back to the 1995 report. My apologies.

24                  **THE COMMISSIONER:** Right. Page 11.

25                  **MR. COURVILLE:** I'm sorry, Mr. Callaghan,

1 can you give me the ---

2 MR. CALLAGHAN: I'm sorry, Exhibit 1514,  
3 sir.

4 MR. COURVILLE: Thank you. Yes, I have  
5 that.

6 MR. CALLAGHAN: So others have gone through  
7 some of the lists here of the documents. And he --  
8 according to the report, they list some of the actions  
9 taken by Mr. Martell.

10 But it says at the -- after that listing, it  
11 says:

12 "The validity of his points of view are  
13 relevant. We do, however, have  
14 concerns about his needless  
15 confrontational approach and the  
16 tension it has generated. It certainly  
17 has been less than helpful."

18 And I take it does that -- how does that  
19 accord with your view of the situation?

20 MR. COURVILLE: I believe that does accord  
21 with it in that he would frequently have a -- some sort of  
22 philosophical basis for what he was saying.

23 MR. CALLAGHAN: And then it goes on:

24 "That being said, none of the incidents  
25 identified to us would constitute

1                    'misconduct' suggests an ongoing non-  
2                    performance of duties or disclose  
3                    'incapacity' within the meaning of the  
4                    *Police Services Act.*"

5                    What did you understand them to be  
6                    discussing in that passage?

7                    **MR. COURVILLE:** I'm sorry, could you refer  
8                    that to me with ---

9                    **MR. CALLAGHAN:** Sorry, it's at page 11.  
10                   There was just a quote after where we finished off. It  
11                   said:

12                   "That being said none of the incidents  
13                   identified to us would constitute  
14                   'misconduct' suggest an ongoing non-  
15                   performance of duties or disclose  
16                   'incapacity' within the meaning of the  
17                   *Police Services Act.*"

18                   I'm just asking you what did you understand  
19                   by that passage?

20                   **MR. COURVILLE:** Well, again I think it  
21                   reflects the standard of acting in bad faith and I think it  
22                   would be very difficult to say at any point that the mayor  
23                   was acting in bad faith and therefore the type of  
24                   misconduct that the *Police Services Act* addresses itself to  
25                   would not be appropriate or not applicable to the mayor in

1 most of those -- well, in all of those situations, I  
2 believe.

3 **MR. CALLAGHAN:** Can I -- if I could, then if  
4 I could take you to paragraph 14 -- or page 14, my  
5 apologies, under "Conclusions and Recommendations."

6 **MR. COURVILLE:** Yes.

7 **MR. CALLAGHAN:** "In summary we are  
8 satisfied that the Cornwall Police  
9 Service Board is performing its  
10 governance function and the delivery  
11 of police service to the community is  
12 not compromised."

13 How does that correspond with your view of  
14 the situation as of 1995?

15 **MR. COURVILLE:** I believe it does correspond  
16 with it very closely. I think that again most -- the  
17 feedback that I was getting from the citizens of Cornwall  
18 was not -- would not suggest that they felt that the  
19 policing -- the level of police services was such that they  
20 had any concern with regard to their safety.

21 **MR. CALLAGHAN:** There, in this report, it  
22 goes on at the next page and talks about the issue of  
23 conflict of interest. And on page 15, the Policing Service  
24 Division investigators are saying:

25 "In 1992 we held a hearing into the

1                                   conduct of a member of the Peel  
2                                   Regional Services Board. In 1994 we  
3                                   initiated an investigation into certain  
4                                   alleged remarks of a member of the  
5                                   Metropolitan Toronto Police Service  
6                                   Boards. In this case -- in these cases  
7                                   we made recommendations calling for the  
8                                   adoption of both rules and guidelines  
9                                   for the conduct of Board members and  
10                                  the effective management of media  
11                                  relations."

12                                 Do you see that?

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

14                                 **MR. CALLAGHAN:** And were you aware of those  
15                                 incidences?

16                                 **MR. COURVILLE:** I was aware of situations in  
17                                 other police services and with respect to other police  
18                                 boards, yes.

19                                 **MR. CALLAGHAN:** And then it goes on at the  
20                                 couple of paragraphs down, it says:

21                                   "Our investigation into the Cornwall  
22                                   Police Service Board has once again  
23                                   reinforced our views on the matter. We  
24                                   strongly urge all these recommendations  
25                                   be given high priority by the Ministry,

1                                   Ontario Association of Police Services  
2                                   Boards and all boards across the  
3                                   province."

4                                   This was touched on a little bit the other  
5                                   day but are you aware of any recommendations or guidelines  
6                                   or policies or procedures that were issued in respect of  
7                                   conflict of interest by the Ministry, the Ontario -- or the  
8                                   Ontario Association of Police Services Boards?

9                                   **MR. COURVILLE:** I understand that there was  
10                                   a directive by the then-Minister -- I believe Minister of  
11                                   the Attorney General of the day with regard to conflict of  
12                                   interest.

13                                   **MR. CALLAGHAN:** Sorry, are you referring to  
14                                   the Roy McMurtry one of September 22<sup>nd</sup> ---

15                                   **MR. COURVILLE:** Yeah.

16                                   **MR. CALLAGHAN:** --- 1978?

17                                   **MR. COURVILLE:** Yes, I am.

18                                   **MR. CALLAGHAN:** But -- okay, just to be  
19                                   clear, I haven't taken you through this whole passage.  
20                                   That is what they rely on. They are talking about the  
21                                   Ministry of Solicitor General, et cetera, who was  
22                                   responsible for the policing services, correct?

23                                   **MR. COURVILLE:** Yes. Yes.

24                                   **MR. CALLAGHAN:** What I'm asking in respect  
25                                   of boards, were you aware of any direction or policy from

1 the Ministry of Solicitor General on the issue?

2 MR. COURVILLE: I was not aware of it at the  
3 time. That's my recollection.

4 MR. CALLAGHAN: All right. What about the  
5 Ontario Association of Police Services Boards?

6 MR. COURVILLE: No, I don't recall any such  
7 directive or policy.

8 MR. CALLAGHAN: And do you recall any  
9 discussion about other boards across the province having  
10 such directives, to your knowledge?

11 MR. COURVILLE: Not to my knowledge, no.

12 MR. CALLAGHAN: And I take it -- can you  
13 just -- the formulation of policies and by-laws, what was  
14 your understanding of the role of the Minister of Solicitor  
15 General?

16 MR. COURVILLE: Well, again mainly advice  
17 directive that would occasionally present itself before our  
18 Board and any other Board. Sometimes we would have to  
19 request that and we would await a determination of whether  
20 or not there was a directive or policy.

21 But mainly the role in -- of the Police  
22 Services Division was a consultative or an advisory role.

23 MR. CALLAGHAN: And I take it that boards on  
24 police services the size of Cornwall did not have  
25 independent resources in that regard?

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

2                   **MR. CALLAGHAN:** It was suggested by  
3 Commission counsel that she asked about whether there were  
4 any policies with respect to historic sexual assaults or  
5 bylaws. Just to be clear, were there any directions or  
6 policies or bylaws suggested to you by the Ministry of the  
7 Solicitor General?

8                   **MR. COURVILLE:** No, there was none.

9                   **MR. CALLAGHAN:** And what about with respect  
10 to issues surrounding conflict of interest as it might  
11 arise in historic sexual assault; were there any directions  
12 from the Ministry?

13                   **MR. COURVILLE:** No, there wasn't.

14                   **MR. CALLAGHAN:** Was there, to your  
15 knowledge, direction from any other source on those two  
16 issues?

17                   **MR. COURVILLE:** No, the only thing that I  
18 recall was what was referred to earlier in terms of the Roy  
19 McMurtry letter.

20                   **MR. CALLAGHAN:** All right.

21                   But if you'll see that, that's on -- that's  
22 September 22<sup>nd</sup>, 1978. It's the back of the ---

23                   **THE COMMISSIONER:** Schedule C.

24                   **MR. CALLAGHAN:** Yes.

25                   **THE COMMISSIONER:** Bates page 7181045.

1                   **MR. CALLAGHAN:** But that doesn't address  
2 historic sexual assaults; correct?

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

4                   **MR. CALLAGHAN:** In terms of your time on the  
5 Board, if I could just break down your time between pre-48  
6 recommendations and post-48 recommendations; is that a fair  
7 ---

8                   **MR. COURVILLE:** Yes, that would be fair.

9                   **MR. CALLAGHAN:** You had indicated -- and I  
10 just want to put some dates around it -- you had indicated  
11 that one of the challenges was the social contract issue,  
12 and I'd ask you to be shown Document 128752.

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

14                   **THE COMMISSIONER:** Exhibit number 1527 are  
15 minutes of -- or negotiation notes taken from the meeting  
16 of December 21<sup>st</sup>, 1992.

17                   **---EXHIBIT NO./PIÈCE No. P-1527:**

18                                   (128752) CPSB negotiation meeting notes  
19                                   dated 21 Dec 92

20                   **MR. CALLAGHAN:** And, Mr. Courville, I don't  
21 intend to take you through the detail of this, but I'm just  
22 trying to put some time parameters around here. Is this  
23 the start of the negotiations of the social contract  
24 issues?

25                   **MR. COURVILLE:** I believe it was. If it

1           wasn't the start, it was close to it.

2                       **MR. CALLAGHAN:** All right.

3                       And it talks about, at the back of it, that  
4           there will be another meeting in January?

5                       **MR. COURVILLE:** Yes.

6                       **MR. CALLAGHAN:** Do you know how long it took  
7           to negotiate a social contract?

8                       **MR. COURVILLE:** I would think several  
9           months.

10                      **MR. CALLAGHAN:** How much would that involve  
11           your time?

12                      **MR. COURVILLE:** Well, I was tasked by the  
13           Board. At the time, Mayor Martelle was the Chair. I  
14           noticed that I'm the Vice-Chair. I recall being tasked by  
15           the Board to head up the Board's subcommittee on the  
16           negotiations, so I necessarily spent more time than other  
17           Board Members.

18                      In view of that, I would think that we would  
19           have had probably at least 10 meetings with the  
20           Association; that is to say the subcommittee. And then  
21           there was time that I spent consulting with our counsel,  
22           who was Mr. Baldwin. So I don't know, maybe 20-25 hours.

23                      **MR. CALLAGHAN:** And did -- and how was --  
24           what was the relationship between the Board, the  
25           Association and senior management during those

1 negotiations?

2 **MR. COURVILLE:** It was very amicable in the  
3 sense that I think all of the parties saw their endeavour  
4 and their efforts as working to a common cause, which was  
5 essentially to maintain as many positions as possible.

6 The objective was to try to avoid any  
7 layoffs basically.

8 **MR. CALLAGHAN:** All right.

9 And we heard from rank and file about  
10 overtime. Can you tell us what happened to overtime in the  
11 social contracts?

12 **MR. COURVILLE:** Basically, as I recall, the  
13 social contract mandated against any overtime and so there  
14 was an effort to be creative in terms of the assignment of  
15 duties to comply with that.

16 **MR. CALLAGHAN:** All right.

17 And you then have the 48 recommendations.  
18 What happened to -- now you go to the middle of the social  
19 contract, this is in November '93. How long does the social  
20 contract run for; do you recall? When, to your mind, do we  
21 start coming out of the problems in '92-'93?

22 **MR. COURVILLE:** I think it ran for probably  
23 about two years.

24 **MR. CALLAGHAN:** And I won't take you to it,  
25 but in the '93 report they talk about a moratorium on

1 selection and hiring?

2 MR. COURVILLE: Yes.

3 MR. CALLAGHAN: And that was a suggestion by  
4 the Policing Servicing Division?

5 MR. COURVILLE: Yes, it was, yes.

6 MR. CALLAGHAN: And you talked earlier about  
7 it. By the end of your tenure, what's happening with  
8 hiring?

9 MR. COURVILLE: I recall actually seeing a  
10 press release that triggered my recollection that in  
11 addition to hiring Mr. Repa as Chief of Police, the Board  
12 had also hired 10 new constables.

13 MR. CALLAGHAN: Mr. Commissioner, just for  
14 completeness, there is an article. I'm going to throw a  
15 dart at the wall and see if notice was given on it. I did  
16 not give notice on it, but there may have -- somebody else  
17 might have -- 723063, which well may be the article he's  
18 referring to. And if not, then I've got the numbers there  
19 in case anybody has to go back to it.

20 No? All right. Well, we put -- the numbers  
21 are on the record.

22 The small point raised by Ms. Daley with  
23 respect to the announcement of the 48 recommendations,  
24 Exhibit 1523, and you'll recall she was talking about some  
25 news overshadowing other news?

1                   **MR. COURVILLE:** Yes.

2                   **MR. CALLAGHAN:** And just a small point, but  
3 can you confirm for me, sir, that this article, "Police  
4 audit aims to rebuild the Force", because of what we see at  
5 the top would appear on the front page of the newspaper  
6 that day, on April 6, 1994?

7                   **MR. COURVILLE:** I believe that's correct,  
8 yes.

9                   **MR. CALLAGHAN:** In terms of Chief Shaver,  
10 did you break the news to him that it was the Board's view  
11 that it was time for a change?

12                   **MR. COURVILLE:** Yes. Well ---

13                   **MR. CALLAGHAN:** Can you elaborate on how  
14 that conversation went and how Mr. Shaver reacted?

15                   **THE COMMISSIONER:** Excuse me. Help me  
16 situate myself now.

17                   **MR. CALLAGHAN:** Sorry, this is the 48  
18 recommendations.

19                   **THE COMMISSIONER:** Yes.

20                   **MR. CALLAGHAN:** One of the recommendations  
21 is they've got to bring in the facilitator.

22                   **THE COMMISSIONER:** Right.

23                   **MR. CALLAGHAN:** And that Mr. Courville has  
24 testified that sometime in June they become aware of the  
25 issue with the -- you know what, Mr. Commissioner, maybe

1 I'll set this up a little better. If you'll give me one  
2 second?

3 **THE COMMISSIONER:** No, it was just that I  
4 was looking at the -- this media ---

5 **MR. CALLAGHAN:** The media ---

6 **THE COMMISSIONER:** --- since 1994 and so now  
7 ---

8 **MR. CALLAGHAN:** And I'm going back, you're  
9 absolutely right.

10 **THE COMMISSIONER:** As long as I understand  
11 where you're going, that's fine.

12 **MR. CALLAGHAN:** That's fair enough. I was  
13 just doing that just to finish off the point, but if I  
14 could, maybe I'll take you to Exhibit 1514, sir? And I  
15 think I referred this -- I referred to this, Mr.  
16 Commissioner, while the evidence was being given as to the  
17 sequence, and I'm at page 12.

18 And it says -- they're talking about 1993  
19 and it's the fourth paragraph from the bottom:

20 "In the spring of that year, 1993,  
21 Mayor Martelle told the city's human  
22 resources manager, who was also at the  
23 time the Board's Secretary, to see what  
24 could be done about removing the  
25 Chief."

1                   And then it goes on and says at the bottom  
2           of the paragraph -- the bottom of the page:

3                    "In early June, this matter came to the  
4                   attention of the Board members and a  
5                   letter was sent to Mayor Martelle  
6                   demanding an explanation. No further  
7                   interviews occurred and on June 29<sup>th</sup> the  
8                   lawyers wrote the Board indicating the  
9                   city council was prepared to formally  
10                  entertain a retirement package for the  
11                  Chief, subject to the Board's approval.  
12                  The Board replied that it was not  
13                  willing to do so at that time and  
14                  indicated that it wished to take no  
15                  action pending the outcome of the  
16                  Ministry inspection."

17                   And that's -- if I could stop there, that's  
18           the inspection we have been referring to?

19                   **MR. COURVILLE:** Yes.

20                   **MR. CALLAGHAN:** The 1993 -- right.

21                    "Subsequently in September, based on  
22                   the preliminary findings of this  
23                   inspection, the Board did decide to  
24                   negotiate an early retirement package  
25                   with the Chief."

1                   Okay? It says essentially in the terms the  
2                   earlier draft -- the agreement were adopted. That's the  
3                   draft by the city. If I could just stop you there.

4                   In September, so is that accurate that in  
5                   June you said we'll wait to see the report of the  
6                   inspection?

7                   **MR. COURVILLE:** Yes, it is accurate.

8                   **MR. CALLAGHAN:** All right.

9                   And you get that and who communicates the  
10                  Board's view to Chief Shaver?

11                  **MR. COURVILLE:** I would think I would. I'm  
12                  quite certain it was me. I do recall that, actually.

13                  **MR. CALLAGHAN:** And what do you recall about  
14                  the discussion with Chief Shaver and how he reacted?

15                  **MR. COURVILLE:** Oh, I think the Chief was,  
16                  if nothing else, very pragmatic and a realist and he felt  
17                  that there were going to be a number of recommendations  
18                  coming forward. He obviously anticipated them and felt  
19                  that he was not in a good position and didn't wish to be in  
20                  the position of attempting to implement them, and he felt  
21                  that it was time for a change and it was time for him to  
22                  move onto other endeavours.

23                  **MR. CALLAGHAN:** And was he resistant to that  
24                  when you spoke to him?

25                  **MR. COURVILLE:** No. I think he -- like I

1 say, he was very realistic and he felt that it would have  
2 been very difficult for him to stay on to implement these.

3 MR. CALLAGHAN: And in comes Chief Johnston  
4 then?

5 MR. COURVILLE: Yes.

6 MR. CALLAGHAN: Acting Chief Johnston?

7 MR. COURVILLE: Yes, he comes in initially  
8 as the facilitator but, in fact, he comes in as an Acting  
9 Chief.

10 MR. CALLAGHAN: And is it fair to say that  
11 he was trying to resolve both the morale issues and the  
12 systemic problems?

13 MR. COURVILLE: Yes, that's fair.

14 MR. CALLAGHAN: And when does the DS  
15 situation break, if I can use that phrase, relative to when  
16 Chief Johnston comes on?

17 MR. COURVILLE: I think he was on the job  
18 perhaps two days or something like that, two-to-three days.

19 THE COMMISSIONER: When did Chief Johnston  
20 come on board?

21 MR. COURVILLE: The specific date isn't  
22 actually in my mind but the press release comes out January  
23 6<sup>th</sup>, so he would have either been on the 3<sup>rd</sup>, the 4<sup>th</sup> or 5<sup>th</sup>.

24 THE COMMISSIONER: Well, that's what I mean.  
25 That's in January of '94?

1                   **MR. COURVILLE:** Right.

2                   **MR. CALLAGHAN:** Yes.

3                   **THE COMMISSIONER:** The Silmser story breaks  
4 in the fall of '93.

5                   **MR. CALLAGHAN:** I think publicly it actually  
6 doesn't break until January. I may be -- what do you  
7 recall?

8                   **THE COMMISSIONER:** Fair enough.

9                   **MR. COURVILLE:** I'm sorry, I didn't mean to  
10 interrupt.

11                   **MR. CALLAGHAN:** By break I meant break in  
12 the media. I'm sorry, Mr. Commissioner.

13                   **THE COMMISSIONER:** Right, okay.

14                   **MR. COURVILLE:** I do recall that officially  
15 Chief Shaver's last day was January the 2<sup>nd</sup> and I know that  
16 Chief Johnston was available right away. So he would have  
17 been starting probably on January the 3<sup>rd</sup> of '94.

18                   **MR. CALLAGHAN:** And you had said that on the  
19 first day that when you reviewed the Skinner report he had  
20 some factual disputes with how Heidi Sebalj was dealt with  
21 in that report?

22                   **MR. COURVILLE:** Yes.

23                   **MR. CALLAGHAN:** Do you recall? Can you  
24 elaborate on that a little more?

25                   **MR. COURVILLE:** I think he did question the

1 sense that she was totally inexperienced. I recall that he  
2 obviously made endeavours to determine her background and  
3 it's my understanding in conversations with him that he  
4 determined that she had been on the Police Service about  
5 seven years and that she had pretty much excelled in every  
6 endeavour that she took up. So from that point of view, he  
7 believed that she was -- she was somebody that someone  
8 could turn to do an investigation of this nature.

9 **MR. CALLAGHAN:** And did you or are you aware  
10 of whether Chief Johnston was aware that Superintendent  
11 Skinner offered Heidi Sebalj a job at the Ottawa Police?

12 **MR. COURVILLE:** I had heard that after,  
13 actually, and I recall it being discussed by the Chief.

14 **MR. CALLAGHAN:** And did you have a  
15 discussion about how the Chief thought she performed on the  
16 investigation itself?

17 **MR. COURVILLE:** My understanding was that  
18 given all of the factors that were out of her control, I  
19 thought the Chief thought that she performed quite well. I  
20 don't think he saw her as the major problem, if I could put  
21 it that way.

22 **MS. JONES:** I just wish a clarification.  
23 When you're saying "Chief" I'm not sure if it means Chief  
24 Shaver or Acting Chief Johnston.

25 **THE COMMISSIONER:** Oh, okay, that's fine.

1 It's Acting Chief Johnston because Chief Shaver was gone.

2 MR. CALLAGHAN: Right, okay.

3 MR. COURVILLE: Yes, yes.

4 MR. CALLAGHAN: And at the time that the  
5 press release was released, are you aware of how many  
6 investigations have been requested by Chief Johnston of the  
7 OPP?

8 MR. COURVILLE: Sorry, that's the?

9 MR. CALLAGHAN: February 2<sup>nd</sup>, 1994 release.

10 As of that time, do you know how many separate  
11 investigations Chief Johnston had asked surrounding the DS  
12 issue for the OPP ---

13 MR. COURVILLE: I believe there were three  
14 that come to mind.

15 MR. CALLAGHAN: Can you elaborate on what  
16 you thought the three were?

17 MR. COURVILLE: Well, one was simply to look  
18 at the -- one was simply to look at the investigation  
19 itself and to actually reinvestigate from scratch the whole  
20 situation.

21 Another was a concern that arose with regard  
22 to the settlement between Mr. Silmsler and the Church and to  
23 investigate whether or not charges should be laid with  
24 regard to obstruction of justice as a result of that  
25 settlement and the clause that -- or the provisions that

1 basically moved it away from taking any further action in a  
2 criminal court.

3 I'm trying to think of the third one,  
4 actually. It escapes me.

5 **MR. CALLAGHAN:** Might I assist; that it was  
6 to investigate the Cornwall Police itself to see whether  
7 there was any ---

8 **MR. COURVILLE:** Yes. Yes, to see if there  
9 was any cover-up. That was a given, I guess, and that's --  
10 yes, that was certainly the most important one.

11 **MR. CALLAGHAN:** And you say it was a given.  
12 It was a given that they would do the investigation or that  
13 ---

14 **MR. COURVILLE:** Well, it was ---

15 **THE COMMISSIONER:** Mr. Kozloff to the  
16 rescue.

17 **MR. KOZLOFF:** Good morning, Mr.  
18 Commissioner.

19 **THE COMMISSIONER:** Good morning, sir.  
20 Microphone.

21 **MR. KOZLOFF:** --- Mr. Commissioner and the  
22 witness, the third was to investigate Mr. Silmsen on an  
23 alleged extortion.

24 **MR. COURVILLE:** Yes.

25 **MR. CALLAGHAN:** We'll hear about that but

1           there are others -- there are letters, Mr. Commissioner,  
2           that have not gone in yet. You will see letters from Chief  
3           Johnston.

4                     All right. But those issues were known to  
5           you and Chief Johnston when the press release was issued?

6                     **MR. COURVILLE:** Yes.

7                     **MR. CALLAGHAN:** The 1994 press release then  
8           being ---

9                     **MR. COURVILLE:** Yes, the February 2<sup>nd</sup>, '94  
10          press release. I believe that's what you're referring to.

11                    **MR. CALLAGHAN:** And did you have a  
12          discussion with Chief Johnston with respect to the impact  
13          of those things on the press release?

14                    **MR. COURVILLE:** Yes.

15                    **MR. CALLAGHAN:** And what was that?

16                    **MR. COURVILLE:** Well, basically the Chief  
17          wanted to -- wanted the OPP to be in a position to feel  
18          free to do a complete investigation in all of those areas  
19          and I think he was not -- he was quite concerned about  
20          releasing any information until the OPP had done that.

21                    **MR. CALLAGHAN:** I'd like to take you to  
22          Exhibit 1525 if I might, and this is an exhibit that Mr.  
23          Horn took you to.

24                    And, Mr. Commissioner, I think this was  
25          identified earlier in communication at some point during

1 the hearing. I think I averted(sic) to this, I think, when  
2 Ms. Daley talked about the press release. This deals with  
3 the appeal of Mr. Silmser.

4 **THE COMMISSIONER:** Yeah, I know. I've got  
5 it here.

6 **MR. CALLAGHAN:** Okay.

7 Did you talk to -- I think you've indicated  
8 already but you did talk to Chief Johnston with respect to  
9 the Police Act charge against Mr. Perry Dunlop; correct?

10 **MR. COURVILLE:** Yes, I did, yes.

11 **MR. CALLAGHAN:** And can you articulate for  
12 us what Chief Johnston's view was with respect to the  
13 charge itself if you have any recollection?

14 **MR. COURVILLE:** I recall that the Chief  
15 viewed the -- because the nature of the charge was one of  
16 releasing information outside of the chain of command, the  
17 Chief -- and because of the way in which the facts came out  
18 as far as the Chief was concerned and because the -- I  
19 believe it was because the information also had been leaked  
20 at some point, Chief Johnston felt compelled that this had  
21 to be dealt with by way of a public inquiry. I know ---

22 **MR. CALLAGHAN:** I'm sorry, to be clear, the  
23 phrase is "Board of Inquiry".

24 **MR. COURVILLE:** I'm sorry, a board ---

25 **MR. CALLAGHAN:** This is a public inquiry.

1                   **MR. COURVILLE:** I'm sorry, I misspoke. A  
2 Board of Inquiry, yes.

3                   And I think he felt very much constrained in  
4 that regard. I do also recall that he was concerned that  
5 when the matter was appealed ---

6                   **MR. CALLAGHAN:** We'll go there in a second.

7                   **MR. COURVILLE:** Okay.

8                   **MR. CALLAGHAN:** I just want to just set this  
9 up in respect to this article which has been put in.

10                  If I could take you to the first paragraph,  
11 just so we know what we're talking about so the public  
12 knows:

13                                 "Ontario's Police Complaints  
14 Commissioner is appealing a January  
15 ruling that cleared a Cornwall police  
16 officer of any wrongdoing in the  
17 handling of a sexual abuse  
18 investigation of an area Catholic  
19 priest. The appeal is being launched  
20 despite a decision by the Cornwall  
21 Police not to take any similar action."

22                   **MR. COURVILLE:** Yes.

23                   **MR. CALLAGHAN:** And does that accord with  
24 your recollection?

25                   **MR. COURVILLE:** Yes, it does.

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

2                   And it goes down and maybe you can help us  
3                   as to whether this accords with what the province through  
4                   the -- or part of the Ontario Police Complaints  
5                   Commissioner was appealing for.

6                   We're at the bottom of the first column:

7                    "In the three-page appeal dated  
8                   March 1<sup>st</sup>, the Commissioner challenges  
9                   six findings in the Board rulings.  
10                  Those include the Board's conclusion  
11                  that the complainant was still covered  
12                  under the *Child and Family Services Act*  
13                  because the alleged sexual misconduct  
14                  happened when the alleged victim was a  
15                  child; the man is now in his thirties.  
16                  The Commissioner also disputes that  
17                  Dunlop learned of the sex abuse  
18                  investigation 'in the course of his  
19                  professional duties'. Furthermore, the  
20                  appeal states the Board erred in  
21                  staying the charges against Dunlop  
22                  without hearing evidence."

23                  Does that accord with your recollection that  
24                  those issues were raised as a matter of appeal by the  
25                  Ontario Public Complaints?

1                   **MR. COURVILLE:** Yes, it does.

2                   **MR. CALLAGHAN:** Police Complaints  
3                   Commission?

4                   **MR. COURVILLE:** Yes.

5                   **MR. CALLAGHAN:** If I can then take you to  
6                   the last two paragraphs:

7                                 "Courville distanced his Board from the  
8                                 appeal Tuesday saying it was 'The  
9                                 result of the initiative of the Police  
10                                Complaints Commissioner's Office'. 'We  
11                                believe the officer concerned probably  
12                                was acting in good faith; there's no  
13                                evidence to suggest otherwise.'"

14                                Is that an accurate statement that you would  
15                   have made at the time?

16                   **MR. COURVILLE:** Yes.

17                   **MR. CALLAGHAN:** All right.

18                                I think you're about to say what Chief  
19                   Johnston's view of the appeal was; perhaps you could.

20                   **MR. COURVILLE:** Well, I think it was very  
21                   much in line with my own. I think we had discussed it and  
22                   we came to the same conclusions.

23                   **MR. CALLAGHAN:** And what were the nature of  
24                   the discussions?

25                   **MR. COURVILLE:** Well, basically with regard

1 to the appeal, we felt that it was time -- that the Board  
2 of Inquiry had made a decision and it was time to live with  
3 that decision and move on, and didn't disagree with the  
4 fact that Constable Dunlop probably was acting in good  
5 faith when he made his move.

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

7 Mr. Commissioner thank you for your  
8 patience. Those are my questions.

9 **THE COMMISSIONER:** Thank you very much.

10 Let's take a short break and then we'll come  
11 back with -- I'm sorry, re-examination please?

12 Ms. Jones, do you have any questions of this  
13 witness, I'm sorry.

14 **MS. JONES:** Yes, I do but I wouldn't mind a  
15 short break if I could.

16 **THE COMMISSIONER:** Fine, let's take the  
17 morning break then.

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

20 This hearing will resume at 10:50.

21 --- Upon recessing at 10:39 a.m./

22 L'audience est suspendue à 10h39

23 --- Upon resuming at 11:06 a.m./

24 L'audience est reprise à 11h06

25 **THE REGISTRAR:** This hearing is now resumed.

1 Please be seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Ms. Jones.

4 **LEO COURVILLE:** Resumed/Sous le même serment:

5 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. JONES:

6 **MS. JONES:** Thank you very much. I just  
7 have a few questions for you.

8 With regards to the 1990 report which I  
9 believe is Exhibit 1391. I've got 1391, Exhibit 1391?

10 **THE COMMISSIONER:** This is a 1990 report?

11 Yes.

12 **MS. JONES:** The 1990 report?

13 **THE COMMISSIONER:** Yes.

14 **MR. COURVILLE:** Yes.

15 **MS. JONES:** I just want to be clear, just  
16 for clarification purposes. Mr. Callaghan had listed a  
17 number of recommendations at the end of the report that had  
18 actually been complied with and adopted but, just to be  
19 clear and for the record, you were not on the Board at that  
20 time, that had been done prior to your attending; Isn't  
21 that correct?

22 **MR. COURVILLE:** That's correct, yes.

23 **MS. JONES:** You had also mentioned when you  
24 were talking about the letter with Roy McMurtry and Mr.  
25 Callaghan had asked you if you had received any sort of

1 directives and you said there were no directives on  
2 historical sexual assaults or conflict of interest with  
3 regards to historical sexual assaults, you also though  
4 never asked for any directives or any direction from the  
5 Solicitor General's office on those two issues, did you?

6 **MR. COURVILLE:** Well, we had inquired  
7 generally about whatever directions there were and ---

8 **MS. JONES:** Inquired with who?

9 **MR. COURVILLE:** Actually I believe it was  
10 with our regional rep and I can't recall if it was -- if at  
11 the time it was Garfield Wysche or if it was Richard St-  
12 Pierre, but we had inquired generally about whatever  
13 directives there were with regard to policies involving  
14 investigations generally.

15 **MS. JONES:** And it would appear that you got  
16 the answer, no, there are no policies?

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

18 **MS. JONES:** But you didn't take that one  
19 step further and actually contact the Ministry yourself to  
20 find out ---

21 **MR. COURVILLE:** No.

22 **MS. JONES:** --- if any policies were in  
23 existence or are any being devised?

24 **MR. COURVILLE:** Well, the role of these  
25 individuals was such as to inform us on the state of

1           affairs and we put faith in their advice.

2                           I did not inquire as to whether there were  
3 policies in those regards in the making, that's true, I did  
4 not do that.

5                   **MS. JONES:** Okay. Now, I'm looking at  
6 Exhibit 1514, that is the 1995 report, and you were asked a  
7 few questions about former Chief Shaver; 1514.

8                   **MR. COURVILLE:** Yes, I have that.

9                   **MS. JONES:** I just want to be sure I have  
10 the right exhibit number here.

11                           **(SHORT PAUSE/COURTE PAUSE)**

12                   **MS. JONES:** Just a moment, I might have the  
13 wrong exhibit number myself.

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

15                   **MS. JONES:** I'm sorry, I think I've written  
16 down the wrong exhibit number; hang on a second.

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

18                   **MS. JONES:** I apologize. There's nothing  
19 like the stony silence of looking for the right exhibit  
20 here. Just a moment, please.

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

22                   **THE COMMISSIONER:** Can we help? Which  
23 report are you looking for?

24                   **MS. JONES:** It was one of the reports that  
25 was referred to by Mr. Callaghan at the beginning of his

1 examination.

2 **THE COMMISSIONER:** Well, the report -- he  
3 looked at the '89 report, I believe, Mr. Callaghan?

4 **MR. CALLAGHAN:** I did it once ---

5 **THE COMMISSIONER:** Yes, '89, '90, '93 and  
6 '95.

7 **MS. JONES:** I think it may be Exhibit 1391.  
8 Just give me a moment, please. That's not it.

9 In any event, I'm afraid I can't find the  
10 reference now. Mr. Callaghan, though, had highlighted a  
11 portion of a report where there were very favourable things  
12 being said about Chief Shaver.

13 And you'd been pointedly asked were you  
14 aware of the good things that Chief Shaver had done for the  
15 police.

16 **MR. COURVILLE:** Yes.

17 **MS. JONES:** But were you also equally aware  
18 of the other side to that, that there were people that had  
19 actually had some negative comments about his conduct as a  
20 Chief as well? That's all I wanted really to highlight,  
21 that you were aware that there were two sides of the story.

22 **MR. COURVILLE:** Yes, clearly in the 1990  
23 Morale Report there are some negative aspects noted.

24 **MS. JONES:** Now you also had made a few  
25 references to both Mr. Silmsler and Constable Sebalj. You

1       made references to it when you were in-chief with myself  
2       and you made references to these two people throughout your  
3       testimony in various little bits. But I just want to  
4       really be clear; you, yourself have never actually spoken  
5       to Mr. Silmsler or discussed the matter with Mr. Silmsler  
6       directly?

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

8                   **MS. JONES:** And you've never spoken directly  
9       with Officer Sebalj?

10                  **MR. COURVILLE:** I've spoken directly with  
11       her but not on this particular matter.

12                  **MS. JONES:** I mean with regards to this  
13       investigation.

14                  **MR. COURVILLE:** Yes, you're correct.

15                  **MS. JONES:** And your information about what  
16       Mr. Silmsler did or did not say during interviews was based  
17       on other people telling you this?

18                  **MR. COURVILLE:** Yes, primarily the Chief of  
19       Police, yes.

20                  **MS. JONES:** And when you say Chief of  
21       Police, do you mean Chief Shaver or Acting Chief Johnston?

22                  **MR. COURVILLE:** Well, both depending on what  
23       time period you're looking at.

24                  **MS. JONES:** All right.

25                         But you never did an actual personal

1 investigation into this ---

2 MR. COURVILLE: No.

3 MS. JONES: --- of any sort? You totally  
4 had to rely on other people telling you about it?

5 MR. COURVILLE: Yes.

6 MS. JONES: And that goes both to what Mr.  
7 Silmsen's allegations were and how Constable Sebalj's  
8 investigation was?

9 MR. COURVILLE: That's correct.

10 MS. JONES: Those are all my questions,  
11 actually.

12 The only other point that I just wish to  
13 clarify, according to my notes there was a bit of an issue  
14 when Mr. Callaghan was asking his questions as to certain  
15 dates.

16 According to my records here, Acting Chief  
17 Johnston started on about the 4<sup>th</sup> of January, 1994?

18 MR. COURVILLE: Yes. As I indicated,  
19 officially, Chief Shaver resigned on January the 2<sup>nd</sup>, '94  
20 and I believe that Chief Johnston was on the job shortly  
21 thereafter.

22 MS. JONES: And I've got the leak to the  
23 media happened on the 6<sup>th</sup> of January, two days after Acting  
24 Chief Johnston started?

25 MR. COURVILLE: I believe that's correct,

1           yes.

2                       **MS. JONES:** Okay. Those are all my  
3 questions. Thank you.

4                       **MR. COURVILLE:** Thank you.

5                       **THE COMMISSIONER:** Thank you very much.

6                       Mr. Courville, I want to thank you for  
7 taking the time out to come and testify here. Your  
8 evidence was very helpful.

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

10                      **THE COMMISSIONER:** And again, I thank you  
11 for moving around your busy schedule.

12                      **MR. COURVILLE:** Thank you, sir.

13                      **THE COMMISSIONER:** Thank you very much. So  
14 you may step down, sir, yes.

15                      **MR. COURVILLE:** Thank you.

16                      **THE COMMISSIONER:** Mr. Stauffer, are we  
17 prepared to proceed with the next witness?

18                      **MR. STAUFFER:** Yes, I am, Mr. Commissioner,  
19 and that will be former Inspector Rick Trew. When you're  
20 free, we'll call him.

21                      **THE COMMISSIONER:** Can we do it now?

22                      **MR. STAUFFER:** Thank you, sir.

23                      **THE COMMISSIONER:** Thank you.

24                      Good morning, Inspector.

25                      **MR. TREW:** Good morning, sir.

1                   **THE COMMISSIONER:** Would you rather be sworn  
2                   or affirmed.

3                   **MR. TREW:** Sworn.

4                   **THE COMMISSIONER:** Thank you.

5                   **THE REGISTRAR:** Your name?

6                   **MR. TREW:** My name is Richard William Trew.

7                   **THE REGISTRAR:** Can you spell your last  
8                   name, please.

9                   **MR. TREW:** T-R-E-W.

10                  **RICHARD WILLIAM TREW, Sworn/Assermenté:**

11                  **THE COMMISSIONER:** Inspector Trew, welcome  
12                  aboard.

13                  **MR. TREW:** Thank you.

14                  **THE COMMISSIONER:** And I just want to note  
15                  for you, you have water, fresh glasses. There's a  
16                  microphone we'd ask you to speak into. There's a speaker  
17                  there if you wish to turn it up or down, that little box  
18                  there so that you can hear properly.

19                                The screen will be there to assist you with  
20                                -- we have exhibits either online or in hardcopy for you.  
21                                Some people prefer one way or the other. If you have any  
22                                questions about what's going on here, I'd like you to stop  
23                                us right away so that we can get things going, but other  
24                                than that, I'd like you to listen to the questions, answer  
25                                the best you can.

1                   If you don't know the answer to something or  
2                   if you don't remember, you can say that as well. All  
3                   right?

4                   **MR. TREW:** Okay, sir.

5                   **THE COMMISSIONER:** Thank you.

6                   **MR. STAUFFER:** Thank you, Mr. Commissioner.

7                   **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHIEF PAR MR.**  
8                   **STAUFFER:**

9                   **MR. STAUFFER:** Inspector Trew, thank you for  
10                  coming today, and I'm going to ask you, sir, a few  
11                  background questions.

12                  **MR. TREW:** Okay.

13                  **MR. STAUFFER:** Before coming today, have you  
14                  read any of the transcripts of prior testimony from this  
15                  Inquiry?

16                  **MR. TREW:** From this Inquiry?

17                  **MR. STAUFFER:** Yes.

18                  **MR. TREW:** I believe I've seen an excerpt of  
19                  a small transcript. I can't recall. Through all the  
20                  preparation I was trying to go through, there might have  
21                  been that one. I don't believe there's any others.

22                  **MR. STAUFFER:** Okay. Do you remember whose  
23                  testimony you were reading?

24                  **MR. TREW:** If my memory serves me correctly,  
25                  it could have been Constable Malloy.

1                   **MR. STAUFFER:** All right.

2                   And with respect to any actual live  
3 testimony, have you seen anybody either coming -- have you  
4 come into the room or seen it on television or through the  
5 web?

6                   **MR. TREW:** I have not paid -- I do not  
7 follow the Inquiry as a person on TV. Occasionally I do  
8 read excerpts from the paper.

9                   **MR. STAUFFER:** All right.

10                  And other than your lawyers, are there any  
11 police officers or other witnesses with whom you have  
12 spoken before today in preparation for today?

13                  **MR. TREW:** I don't quite understand your  
14 answer.

15                  **MR. STAUFFER:** Okay. Before you came here  
16 today, did you speak to any police officers in preparation  
17 for your testimony?

18                  **MR. TREW:** No.

19                  **MR. STAUFFER:** Or any other potential  
20 witnesses or people who have already testified as civilians  
21 or non-police officers?

22                  **MR. TREW:** No. Casual conversation, without  
23 getting into detail, "How are you? Where are you going?",  
24 that thing.

25                  **MR. STAUFFER:** All right.

1                   Now, with respect to your service with the  
2 Cornwall Community Police Service, I understand you were  
3 employed for approximately 28 years; is that correct?

4                   **MR. TREW:** I'd like to clarify that a little  
5 bit.

6                   **MR. STAUFFER:** All right.

7                   **MR. TREW:** Okay. I am still a sworn peace  
8 officer.

9                   **MR. STAUFFER:** Okay.

10                  **MR. TREW:** I did 28 years of duty full-time  
11 with the Cornwall Police Service. From there I was hired  
12 back on a part-time basis in the 2000 -- the year 2000, off  
13 and on through either contractual issues or perhaps people  
14 -- I would spend part-time work with the service basically  
15 right through from 2000 to now, to present.

16                  **MR. STAUFFER:** All right.

17                               What is your current employment then?

18                  **MR. TREW:** My current employment, I'm a  
19 special constable part-time in the courts.

20                  **MR. STAUFFER:** All right.

21                               In terms of your work as an inspector, I  
22 have you at that rank for approximately 14 years?

23                  **MR. TREW:** That would be correct.

24                  **MR. STAUFFER:** That's right.

25                               And there's a period of time, sir, that

1       you're off sick, which I have as from April 6<sup>th</sup>, 1992 until  
2       December 8<sup>th</sup> of 1993. Does that sound right?

3               **MR. TREW:** Yes. May I expand on that?

4               **MR. STAUFFER:** Yes, of course.

5               **MR. TREW:** On return on that date  
6       approximately. And in preparing for this, Mr. Commissioner  
7       and ladies and gentlemen, in preparing for me to come here  
8       I've -- quite with all the dates back and forth, I am going  
9       to try and answer to my honest ability.

10              But example, what we're facing here right  
11       now with me coming back to work in the end of 1993. I came  
12       back to work on a part-time basis. I started with just a  
13       couple of hours a day and I worked my way back up to  
14       approximately four days a week during 1994 and then  
15       somewhere in 1994 I stayed for a full year on four days a  
16       week with one day off a week for a full year.

17              **MR. STAUFFER:** When would you have returned  
18       if ever to fulltime duties? That is, I gather you're  
19       saying five days a week is full time?

20              **MR. TREW:** Sometime in 1995. The month I  
21       would not be able to recall exactly.

22              **MR. STAUFFER:** All right.

23              But am I right, Inspector, five days per  
24       week is a full week then as compared to four days?

25              **MR. TREW:** Normal full week.

1                   **MR. STAUFFER:** Okay. Let me just ask you,  
2                   sir, in terms of a career profile that your counsel has  
3                   kindly provided to us, I'd like to enter that as an  
4                   exhibit, Mr. Commissioner.

5                   **THE COMMISSIONER:** Certainly.

6                   **MR. TREW:** And if Madam Clerk could put that  
7                   to Inspector Trew?

8                   It's a two-sided document in my productions,  
9                   in any event, which deal with the time that Inspector Trew  
10                  came on strength, September 18<sup>th</sup>, 1970, up to July 1<sup>st</sup>, 2006  
11                  and there is also the training courses. Perhaps they can  
12                  all be entered as one exhibit, and that would be a two-  
13                  sided document, the training courses.

14                  **THE COMMISSIONER:** Thank you.

15                  Exhibit Number 1528 is Inspector Richard  
16                  Trew's rank and position within the Cornwall Police  
17                  Service.

18                  --- **EXHIBIT NO./PIÈCE NO. P-1528:**

19                                  (200194) Career Profile

20                  **MR. STAUFFER:** And so, Inspector, if you  
21                  could just look again? I don't want to go into this in any  
22                  detail, but just look at the front page that's on the  
23                  screen now.

24                                  And if you look at the middle portion, I'm  
25                  talking about looking for the date January 5<sup>th</sup>, 1986 and

1           then going up to essentially January 11<sup>th</sup>, 1999. Those are  
2           -- that's the period of time principally I'm going to be  
3           looking at, but could you first tell the Commissioner is  
4           this an accurate reflection then of your career?

5                       **MR. TREW:** Sure. In looking at the dates  
6           and the positions that I have seen per year, I am going to  
7           suggest that it is an accurate reflection of where I was or  
8           what I was titled but where I was, no. I mean, there was a  
9           number of times I was called to do different duties while  
10          being an Inspector.

11                      **MR. STAUFFER:** Well, we'll get into that I'm  
12          sure in a minute.

13                      But in terms at least of the dates that I  
14          was talking about earlier, January 5<sup>th</sup>, 1986 you're an  
15          Acting Inspector and you are in the CIB at that point?

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

17                      **MR. STAUFFER:** Okay. And I gather just  
18          going up the lines then August 1<sup>st</sup>, 1986 you're appointed an  
19          inspector. You go up in rank or you become an Inspector at  
20          that point. You then moved to field operation January 1<sup>st</sup>,  
21          1990. You're in that for a period of time until April 6<sup>th</sup>  
22          of 1992 when you become absent from duty, but you're shown  
23          as being in CIB at that point as an Inspector.

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

25                      **MR. STAUFFER:** Have I got that right?

1                   **MR. TREW:** Yes.

2                   **MR. STAUFFER:** Inspector, have you seen this  
3 document before today?

4                   **MR. TREW:** We have and ---

5                   **MR. STAUFFER:** I'm just not sure what the --  
6 -

7                   **MR. TREW:** We have seen this document and  
8 there has been some difficulty in regards to recall. You  
9 must be aware of the fact that in the 1990 area when it  
10 went back to field operations -- I'll give you an example  
11 to that -- is that even though I went back to "field  
12 operations", that was back into uniform, I would be in  
13 charge depending on who was on retirement or going out to  
14 retire, who was on sick leave. I might have been doing  
15 both duties at the time. In fact, I can recall when I was  
16 the only Inspector present in the Cornwall Police Service  
17 and therefore I was delegated to have all three functions;  
18 Administrative Inspector, Uniform Inspector and CIB  
19 Inspector.

20                   So there is where my hesitation comes from.  
21 I do not want to confuse the Commission or the  
22 Commissionaire(sic).

23                   **MR. STAUFFER:** Okay. Could you just -- or  
24 the Commissioner.

25                   So what -- sir, what is the best date you

1 can tell us when you were holding down the three functions;  
2 that is, when you were the only Inspector in the CPS?

3 MR. TREW: That'll be difficult. I'll give  
4 you an example right from the beginning when I was Field  
5 Operations Acting Inspector. Another inspector at the time  
6 also was promoted to an acting rank as an inspector and ---

7 MR. STAUFFER: Who was that?

8 MR. TREW: Inspector Cecil Runions.

9 MR. STAUFFER: Okay.

10 MR. TREW: Inspector Cecil Runions, because  
11 of sick leave, had to leave his work shortly -- well, I'm  
12 going to say within the year -- therefore I was called upon  
13 to fill in in his position also.

14 Those dates and times, unfortunately, I will  
15 not be able to recall except during the course of 1985 to  
16 the time that I leave out on sick leave, which is in April  
17 of 1992, there's been a number of events that took place in  
18 the Cornwall Police Service where I was called upon to do  
19 other duties.

20 MR. STAUFFER: Okay. Can you help us,  
21 though, at least with when you felt you were the only  
22 Inspector on strength? And by that I mean the only  
23 Inspector in the office.

24 MR. TREW: Mr. Stauffer, I believe that  
25 there was a number of times, not just one time. Again,

1 we've had Inspector Burke who's retired during this period  
2 of time. We've had Inspector Runions who has been retired  
3 during this period of time. Deputy Chief Stuart McDonald  
4 was out on sick leave during this period of time. We've  
5 had the changing of a deputy chief at this time. We've  
6 also had other inspectors. No, I would think that would be  
7 it, Runions, Burke, myself and McDonald. But ---

8 **MR. STAUFFER:** Okay.

9 **MR. TREW:** --- all of them have different  
10 events and at different times and at different places, and  
11 times I was asked to go and fill-in, whether that was for a  
12 small temporary part where someone was only gone on a  
13 course for three weeks to a month or to a more prominent  
14 role of six months.

15 **MR. STAUFFER:** Okay. Let's approach it  
16 another way.

17 When do you believe you were in charge of  
18 CIB? Can you tell us those dates as accurately as you  
19 remember? Refer to this document obviously if it helps  
20 you, but just tell us when you believe you were in charge  
21 of CIB, what dates?

22 **MR. TREW:** From the beginning of 1986 until  
23 the beginning of 1990 it is my belief that I was in charge  
24 of CIB.

25 **MR. STAUFFER:** All right.

1                   And then after January of 1990 Exhibit 1528  
2                   is showing us that you were back in CIB as of December 8<sup>th</sup>,  
3                   1993. Were you in charge of CIB as of that date?

4                   **MR. TREW:** That date which I -- December the  
5                   8<sup>th</sup> which I'm not going to stay on, that's when I first came  
6                   back from sick leave. There would have been a staff  
7                   sergeant in charge and since I was working my way back to  
8                   full-time work, I'm going to suggest that most of the shots  
9                   were called by that staff sergeant.

10                  **MR. STAUFFER:** Okay. Well, we'll get to  
11                  that in a minute.

12                  But just in terms -- and I can refer to the  
13                  organizational chart if you want to, but I have you as of  
14                  the beginning of 1994 as being in charge. You're the head  
15                  officer of CIB. Does that -- is that right?

16                  **MR. TREW:** Sir, out of respect ---

17                  **MR. STAUFFER:** On the chart is it right?

18                  **MR. TREW:** On the chart if I'm an Inspector  
19                  and I'm coming back to CIB, whether that's one day a week  
20                  or five days a week, I would be in charge.

21                  **MR. STAUFFER:** Oh, fair enough.

22                  Is there a concern, Mr. Callaghan, about  
23                  whether the Inspector was in charge at CIB?

24                  **MR. CALLAGHAN:** I think one of the points  
25                  that I make, sir, is that he was there the whole time. He

1 was ---

2 **MR. STAUFFER:** I'm not catching ---

3 Well, we'll get to who is actually calling  
4 the shots, as Inspector Trew put it, in a moment.

5 It's just, Inspector, you're trying to help  
6 us clarify matters and I appreciate I'm the slowest person  
7 in this room but I'm having difficulty knowing what is  
8 right. So the organizational chart tells us that you are  
9 at the top of the ladder at CIB in the beginning of 1994.  
10 Have I got that right?

11 **MR. TREW:** On a part-time basis, you've got  
12 that ---

13 **MR. STAUFFER:** Fair enough. But you're  
14 shown there and it's not shown -- and I can show you the  
15 organization chart, if you want. On the organizational  
16 chart it does not say "Inspector Trew, part-time basis."  
17 Okay, are you with me on that? Have you looked at the  
18 organizational chart?

19 **MR. TREW:** There's many organizational  
20 charts, sir, that I've dealt with over the period of the  
21 last 20 years.

22 **MR. STAUFFER:** Yes.

23 **MR. TREW:** I'm going to suggest to you that  
24 when some people were even out on sick leave the charts  
25 were printed but not with absenteeism. Sometimes they

1        were, sometimes they're not. As far as I'm concerned I  
2        have viewed some charts and when I come back to work it's  
3        like any other place where you work at; They've got you  
4        coming back to work. I don't think they got into detail  
5        stipulating four hours a day, one day a week. And I think  
6        that's where I'm trying to be careful here to make you  
7        understand that I wasn't always available for work.

8                    **MR. STAUFFER:** Right. No, and I appreciate  
9        that. I'm just simply saying that what we have got so far  
10       in our possession is a number of documents. One of them is  
11       an organizational chart from January 17<sup>th</sup>, 1994.

12                   Mr. Commissioner if this hasn't been entered  
13       as an exhibit, I don't assume it has, but I'm in my  
14       friends' hands as to whether it has been. We should  
15       probably enter it so that Inspector Trew can look at it.

16                   I'm sorry to catch every one flatfooted  
17       here. I didn't think we've have this, but this is Document  
18       Number 731954.

19                   Hold on, Mr. Callaghan's wondering if we've  
20       given notice about charts that his office has provided to  
21       us. No, I don't believe we have given notice about this  
22       chart, because I didn't think Inspector Trew would have  
23       that much difficulty in accepting that his name is shown on  
24       the chart, but if there is a concern I'm going to step away  
25       from the microphone.

1                   **MR. CALLAGHAN:** I'm not sure that it's all  
2                   that difficult. Inspector Trew has indicated that, well,  
3                   he might show up on a chart. He was coming back from a  
4                   disability, and he's not coming back every day. So, at any  
5                   given time, Mr. Commissioner he may or may not be in the  
6                   house, so to speak. He's also indicated that at periods of  
7                   time he might have a title, but he might have other duties  
8                   because people are away.

9                                   I'm not sure this is all that  
10                   difficult.

11                   **MR. STAUFFER:** Are there any other of my  
12                   friends who have comments because I'd like to enter this as  
13                   an exhibit.

14                   **THE COMMISSIONER:** Go ahead.

15                   **MR. STAUFFER:** Thank you very much, sir.

16                   **MR. STAUFFER:** So, this is what I have in my  
17                   possession, in any event, a two-page document, double sided  
18                   that to the best of my reading, says, "revised January 17<sup>th</sup>,  
19                   1994." It's Document 731954.

20                   **THE COMMISSIONER:** All right. So, that's  
21                   going to be exhibit number?

22                   **REGISTRAR:** One Five Two Nine (1529).

23                   **THE COMMISSIONER:** One five two nine (1529).  
24                   All right.

25                   **MR. STAUFFER:** Thank you, sir.

1                   **THE COMMISSIONER:** Load that up for us.

2           **---EXHIBIT NO./PIECE NO. 1529:**

3                                   (731954) CPS Administration and Special  
4                                   Services Records revised 17 Jan 94

5                   **MR. STAUFFER:** Inspector Trew if you could  
6           just look at the screen maybe to save time here. And if  
7           you look at the second page, at least in my documents, the  
8           Bates page is a long number, top left-hand corner, 7123868.  
9           And it's being enlarged for those of us who have poor  
10          vision. Thank you very much.

11                                So, Inspector, have you got that on the  
12          screen?

13                   **MR. TREW:** I have the P Team and D Team on  
14          the screen.

15                   **MR. STAUFFER:** So we have E Team. Now just  
16          to be sure that we are all talking the same language. E  
17          Team, I take it, is CIB. Is that right?

18                   **MR. TREW:** That's what it was referred to  
19          during some of the years.

20                   **MR. STAUFFER:** Yes. All right. So we're  
21          talking the same language. And I'm simply trying to show  
22          that under E Team it should Inspector R. Trew. Would you  
23          agree with me that you are the senior officer in that  
24          column under E Team?

25                   **THE COMMISSIONER:** Madam Clerk, can you --

1 are you able ---

2 MR. TREW: As previously stated, sir, I will  
3 agree to that knowingly full well that I wasn't there all  
4 the time and when I'm not there someone else would have to  
5 make the decisions.

6 MR. STAUFFER: Okay.

7 THE COMMISSIONER: Okay. Can we get on with  
8 it?

9 MR. STAUFFER: Yes, oh, yes, Mr. Commission.  
10 Thank you.

11 So, Inspector, back in -- the end of 1993  
12 when you come back on strength and from thereon, who is  
13 calling the shots in CIB?

14 MR. TREW: When I am present and whether  
15 that's two days, three days, or four days a week for a  
16 year, I would be involved with decisions with the CIB along  
17 with -- depending on what issues were whether the staff  
18 sergeant was involved with me in making those decisions but  
19 ultimately it would rest with me. And when I was away that  
20 would most likely rest with the staff sergeant in  
21 conjunction with the Deputy Chief.

22 MR. STAUFFER: When you came back in  
23 December of 1993 who was in charge of CIB at that point?

24 MR. TREW: I can't recall.

25 MR. STAUFFER: You don't remember who you

1           took over from?

2                       **MR. TREW:** Not, in December of '93, sir, no.

3                       **MR. STAUFFER:** Okay. If I suggested to you  
4           that Staff Sergeant Luc Brunet had come into that job it  
5           appears sometime in early January of 1993. Does that help  
6           you at all?

7                       **MR. TREW:** Sir, did you not ask me for the  
8           December '93.

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

10                      **MR. TREW:** And what time did Staff Sergeant  
11           Brunet come in?

12                      **MR. STAUFFER:** Well, my understanding it's  
13           sometime in January of 1993. He takes over again -- this  
14           is my understanding; I hope you could help us with this --  
15           that Staff Inspector Stuart McDonald had handed over the  
16           leadership, if you will, of the CIB to Staff Sergeant  
17           Brunet. And then I assume, but tell me if I'm wrong that  
18           you then -- when you came in, in late 1993 you assumed the  
19           reins from Staff Brunet?

20                      **MR. TREW:** I'll agree with that, Staff  
21           Sergeant Brunet I had with. The dates again, being very  
22           careful here for a reason, I don't want to embarrass myself  
23           or embarrass this hearing.

24                      **MR. STAUFFER:** Okay.

25                      **MR. TREW:** But I have -- as far as talking

1 with the -- taking over, the wording that you used, I  
2 believe that you were talking about an inspector or staff -  
3 - a staff inspector. A staff sergeant I don't take over  
4 from; he was holding down that position, as far as Staff  
5 Sergeant running the CIB. But when I come in I don't take  
6 over his duty. His duty still remains the same.

7 **MR. STAUFFER:** I understand; nice  
8 distinction. I think you've already answered this but I'll  
9 ask you it again. From whom did you then take over of  
10 someone of equivalent rank? When you came in, in December  
11 of 1993, who was the inspector or was perhaps the deputy  
12 chief? Who did you take over from when you came back from  
13 sick leave?

14 **MR. TREW:** I believe the position was vacant  
15 and I didn't take over from anyone. If -- there would had  
16 to have been meetings with the Deputy Chief and the staff  
17 sergeant they would have been doing that all along but as  
18 far as physically being there I don't believe that the  
19 Deputy Chief was physically in CIB.

20 **MR. STAUFFER:** Okay.

21 Did you become the middle person, if I can  
22 put it that way then, between Staff Sergeant Brunet and the  
23 Deputy Chief in December of 1993 when you came back from  
24 sick leave?

25 Is that the chain of command now, Staff

1 Brunet to yourself to Deputy Chief St. Denis?

2 MR. TREW: That's correct. Again, the Staff  
3 Sergeant St. Denis, you reminded me that he was there. I  
4 can't recall fully if it was him or another Staff Sergeant.

5 MR. STAUFFER: Okay, well, I believe the  
6 evidence has been that Staff Brunet was there certainly  
7 when you came back in December of 1993. In any event,  
8 could I ask you, sir, in your earlier time in CIB, okay --  
9 because you've talked about being there January of 1986 to  
10 January of 1990 or thereabouts -- were you involved in the  
11 Father Gilles Deslauriers case?

12 MR. TREW: Yes, I was.

13 MR. STAUFFER: And what was your role in  
14 that investigation?

15 MR. TREW: I was the officer in charge of  
16 CIB and as that case and investigation unfolded through the  
17 media first and then into the Cornwall Police Service, I  
18 would have been involved with the staff sergeant of the  
19 day, along with most likely the deputy chief, in turn,  
20 assigning someone to that case.

21 MR. STAUFFER: Who was the lead investigator  
22 on the Father Deslauriers case?

23 MR. TREW: I believe it was Sergeant Ron  
24 Lefebvre at the time.

25 MR. STAUFFER: All right.

1                   Would he have then been reporting to a staff  
2           sergeant, who would have then been reporting to yourself?

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

4                   **MR. STAUFFER:** All right.

5                   Who was the staff sergeant, as best you can  
6           recollect?

7                   **MR. TREW:** The best I can recollect, it was  
8           Staff Sergeant Phillips.

9                   **MR. STAUFFER:** All right.

10                   Can you help us, sir, in terms of the  
11           outcome of that investigation, I understand Father  
12           Deslauriers was charged and received a sentence. Is that  
13           correct?

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

15                   **MR. STAUFFER:** All right.

16                   And I understand he received a two-year  
17           suspended sentence -- sorry, take that back. He received  
18           two years probation?

19                   **MR. TREW:** I don't recall the penalty that  
20           the gentleman received. I do recall there was a conviction  
21           and the courts made a decision on what he should get.

22                   **MR. STAUFFER:** All right. And I appreciate  
23           that.

24                   What input, if any, did you or any other  
25           senior members of the police force have in making

1 recommendations to the Crown as to what sentence should  
2 have been rendered?

3 MR. TREW: I believe if there was any input,  
4 it would have been through the lead investigator, Sergeant  
5 Lefebvre at the time.

6 MR. STAUFFER: Do you know what he  
7 recommended to the Crown of the day?

8 THE COMMISSIONER: If anything.

9 MR. STAUFFER: Oh yes, that's right, sir, if  
10 anything?

11 MR. TREW: I don't recall the  
12 recommendation.

13 MR. STAUFFER: All right.

14 Do you know, sir, if there was any  
15 discussions as to appealing the sentence?

16 MR. TREW: Well, that would have been up to  
17 the Crown's office, sir.

18 MR. STAUFFER: Yes. Do you remember if your  
19 office was involved in those discussions at all?

20 MR. TREW: I believe at the end of the day,  
21 sir, in regards to the lead investigator again, I'm sure  
22 that he had conversations with the Crown Attorney. You  
23 would have to ask him that question if he is going to  
24 testify. I do believe that we did not make any official  
25 letter request, but obviously there was perhaps concerns

1           there.

2                   **MR. STAUFFER:** All right.

3                   But you have no specific ---

4                   **MR. TREW:** No.

5                   **MR. STAUFFER:** --- recollection of talking  
6           either to Sergeant Lefebvre or to the Crown or any type of  
7           meetings in which you were involved where discussions came  
8           up about appealing the sentence?

9                   **MR. TREW:** Sir, I don't want to sound like a  
10          broken record, but this is -- this is fully 22-23 years  
11          ago.

12                  **MR. STAUFFER:** Twenty-two (22) years ago,  
13          yes.

14                  **MR. TREW:** And I tried to prepare myself the  
15          best I could in receiving your questions. I'm going to  
16          suggest to you that that would have been the norm to try to  
17          have the sergeant talk to the Crown Attorney on an ongoing  
18          basis with issues that concerned either us in passing, or  
19          perhaps serious, but by the same token, the appeal was left  
20          at the hands of the Crown.

21                  **MR. STAUFFER:** All right.

22                  With respect, sir, to your relationship with  
23          Sergeant Lefebvre at that time during the investigation,  
24          can you describe to us whether you fellows had a close  
25          reporting relationship? Was Sergeant Lefebvre more or

1 less doing his own thing? How would you describe it?

2 MR. TREW: No, Sergeant Lefebvre would have  
3 been reporting on a regular basis to Staff Sergeant  
4 Phillips and, in turn, I can recall a number of  
5 conversations that I had with the staff sergeant, and  
6 occasionally the sergeant running with this investigation.

7 MR. STAUFFER: Did -- would you say that any  
8 of the discussions with Sergeant Lefebvre involved him  
9 seeking advice?

10 MR. TREW: From us?

11 MR. STAUFFER: Yes, from you?

12 MR. TREW: Yes, that's correct.

13 MR. STAUFFER: In terms of the other  
14 historical sexual assault cases during that timeframe --  
15 and I'm talking about 1986 through to the end of 1989 or  
16 early 1990 when you were in CIB as the first time around in  
17 charge -- did you have any other historical sexual abuse  
18 cases that you can recollect that involved non-family  
19 matters? And so by non-family matters I mean, just to take  
20 as an example, some son coming forward and saying "My  
21 father had abused me" or a nephew coming forward and saying  
22 "My uncle abused me," that kind of thing?

23 Leaving those aside what, if any, historical  
24 sexual abuse cases can you recollect beyond the Father  
25 Deslauriers case during that time period where you were in

1 charge of CIB?

2 MR. TREW: Unfortunately, I can't narrow it  
3 down to recollect those specifics. I do recall in  
4 generalities that we dealt with a number of sexual assault  
5 cases over the period of that four to five-year period that  
6 I was there. In fact, it was an ongoing situation.  
7 Whether that was unknown people who sexually assaulted  
8 somebody historically back or recent sexual assaults, the  
9 combination of both, I couldn't recall specifics in regards  
10 to who.

11 MR. STAUFFER: No, and I'm not, quite  
12 frankly, asking you for names. I'm asking more, first of  
13 all, whether they existed, but I gather you're saying they  
14 did. That is, there were other historical sexual abuse  
15 cases involving minors coming forward or adults coming  
16 forward saying they were minors at the time and they were  
17 abused. Those existed back in that timeframe?

18 MR. TREW: Father Deslauriers is a case, is  
19 just one example. I know it's a major example, but there  
20 was historical sexual assaults.

21 MR. STAUFFER: Can you give us any idea --  
22 and I appreciate it's over 20 years ago depending on what  
23 date you take -- what kind of numbers are we talking about?

24 MR. TREW: I couldn't go there, sir. I  
25 wouldn't know.

1                   **MR. STAUFFER:** Would it be fair to say that  
2                   the numbers were low in comparison to, say, property  
3                   offences, other matters involving criminal activities,  
4                   break and enters, and so on?

5                   **MR. TREW:** Well, to give the Inquiry some  
6                   perspective on that, sexual assault cases compared to break  
7                   and enters, break and enters are 500 cases a year that we  
8                   might lay charges in, and there might be 1,000 break and  
9                   enters in any given year during that time, where the --  
10                  obviously, the sexual assault cases would be much lower,  
11                  much lower.

12                  **MR. STAUFFER:** Would I be right in saying  
13                  that it was a rare type of offence? Would you classify it  
14                  with that word?

15                  **MR. TREW:** In dealing with historical sexual  
16                  assaults?

17                  **MR. STAUFFER:** Yes.

18                  **MR. TREW:** It wasn't a common event.

19                  **MR. STAUFFER:** Did you have any impression,  
20                  sir, back then, back in '86 through the first tour of duty  
21                  that you had, that people might not be coming forward to  
22                  lay complaints? I know that's a difficult question, but  
23                  did you develop any type of impression from speaking with  
24                  your officers or from personal experience that people might  
25                  not be coming forward to register a complaint of historical

1 sexual assault?

2 MR. TREW: At the time, I'm going to suggest  
3 to you that we were busy handling the immediate cases and  
4 the immediate historical, if any, were involved. I don't  
5 recall ever wondering at that time, saying boy there's got  
6 to be more people out there or more victims out there. I  
7 don't recall that. I mean, now that the benefit of this  
8 amount of years has gone by, perhaps I have thought that in  
9 my mind now.

10 MR. STAUFFER: No, I appreciate we're trying  
11 to isolate your memory back then as compared to what might  
12 have happened over the last 20 years.

13 Sir, in terms of your second tour of duty,  
14 if I can put it that way, with CIB from late 1993 until  
15 around January of 1999, I'm right in thinking that as head  
16 of CIB, the Youth Bureau fell under your jurisdiction?

17 MR. TREW: That's correct.

18 MR. STAUFFER: And do you know when it  
19 became Sexual Abuse and Child Assault, when it became SACA?

20 MR. TREW: It was in the 90s, and I don't  
21 know who coined it or named it the new title.

22 MR. STAUFFER: Do you remember to whom you  
23 passed over the head of CIB when you left on that second  
24 time around?

25 MR. TREW: You mean the first time when I

1 was going back out to Uniform, 1990?

2 **MR. STAUFFER:** The second time you were head  
3 of CIB, when you left -- I'm talking about the end of 1998  
4 or early 1999 -- to whom did you pass over the title of  
5 head of -- Officer in Charge of CIB?

6 **MR. TREW:** In early 1999 there was a  
7 restructuring of the Cornwall Police Service. At that  
8 time, I moved on to an executive branch of the Service, was  
9 re-titled, an --- executive officer, and I believe it was  
10 Staff Sergeant Brunet.

11 **MR. STAUFFER:** So Staff Sergeant Brunet  
12 would have continued on.

13 **MR. TREW:** Correct.

14 **MR. STAUFFER:** At that point staff sergeants  
15 became, if you will, through this reorganisation, the head  
16 of a certain unit like CIB?

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

18 **MR. STAUFFER:** Sir, when you came in, in  
19 late 1993, now we're coming back from sick leave.

20 **MR. CALLAGHAN:** I'm sorry, just for the  
21 record, I think we've already heard that Mr. Brunet was not  
22 there in '99. I'm sure it's somebody else. I just -- so  
23 that we get back to this passage we know.

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

25 **MR. STAUFFER:** No, and I appreciate that.

1 But in any event your recollection, and I appreciate it's a  
2 long time ago, is that some staff sergeant would have taken  
3 over from you, if you will, through this reorganisation as  
4 head of CIB?

5 **MR. TREW:** There was a staff sergeant that  
6 took over CIB.

7 **MR. STAUFFER:** Now getting to your time  
8 coming back from sick leave. Did you receive a briefing  
9 from Staff Sergeant Brunet as to what the status of CIB  
10 was? So this is the man who's been essentially in charge  
11 of the unit for about a year at this point. Did you  
12 receive a briefing from Staff Brunet?

13 **MR. TREW:** Staff Sergeant Brunet was a very  
14 professional person. He was very conscious of other people  
15 around him and as far as working with him, he maintained a  
16 very good communication rapport with me. And although I  
17 can't recall details, I'm sure that he briefed me on things  
18 that I should have known.

19 **MR. STAUFFER:** Okay.

20 Would one of those have been the status of  
21 the Silmsler case?

22 Again, sir, in fairness, do you know what I  
23 mean by the Silmsler case?

24 **MR. TREW:** I believe I was on sick leave at  
25 the time that that occurrence came in.

1                   **MR. STAUFFER:** Right.

2                   **MR. TREW:** I was most likely brought up to  
3 speed on the information of the Silmsler case through --  
4 when I came back, through the Deputy Chief or Chief.

5                   **MR. STAUFFER:** All right. So you have an  
6 impression of those two gentlemen, this would be, I guess  
7 Chief Shaver, am I right? Because he's just about to  
8 leave, and Acting Chief Johnston's coming in, in January of  
9 '94.

10                  **MR. TREW:** Again, sir ---

11                  **MR. STAUFFER:** So which Chief are we talking  
12 about?

13                  **MR. TREW:** I seem to recollect Chief  
14 Johnston at that time more than Chief Shaver. I don't know  
15 if Chief Shaver is still "on the books" but not there, or  
16 there's such a short period of time when I came back in  
17 December of '93 that I was only in there a couple of days a  
18 week. So I'm going to suggest to you that it was the Chief  
19 who replaced Shaver and the Deputy Chief of the day.

20                  **MR. STAUFFER:** Okay. I think that would  
21 still be Deputy Chief St. Denis at that point. But again,  
22 you've said you believe Sergeant -- or Staff Sergeant  
23 Brunet would have given you some briefing.

24                               Do you have any specific recollection of  
25 Staff Brunet speaking to you about the Silmsler case when

1           you came back?

2                       **MR. TREW:** The word is specific? No.

3                       **MR. STAUFFER:** Do you recall any specifics  
4 at all as to what the Deputy Chief or either Chief Shaver  
5 or Chief Johnston would have said to you when you came  
6 back?

7                       **MR. TREW:** The generalities of the  
8 conversation would most likely have centered around the  
9 fact that the Cornwall Police Service was being sued by  
10 David Silmser at the time; 'D.S.' we were to call him that  
11 name instead of David Silmser.

12                       I was most likely brought up to speed that  
13 the Ottawa Police Service had done an investigation  
14 surrounding that case and the findings were given to the  
15 Chief or the Board at the time. Also, there was a further  
16 investigation, I don't know if it started around that time  
17 or shortly thereafter, by the Ontario Provincial Police.

18                       **MR. STAUFFER:** Okay. And we'll get to all  
19 this in a little more detail in a moment, but just bear  
20 with me here.

21                       Did you read any of the case notes? So for  
22 example, Constable Sebalj would have prepared notes, either  
23 in handwritten form or entered them into OMPPAC. Did you  
24 read those notes?

25                       **MR. TREW:** I didn't see any of the officer's

1 notes surrounding David Silmsers file.

2 MR. STAUFFER: Okay. Was there anything at  
3 all that you would have read in the file, if I can put it  
4 that way?

5 MR. TREW: No, I was given the generalities  
6 by a briefing session. Most of it was oral. I perhaps  
7 could have read some bits and parts, pieces that were on  
8 internal memos but as far as the notes of the officers, and  
9 even perhaps the general occurrence, I'm not aware of  
10 reading it.

11 MR. STAUFFER: Okay.

12 Do you recollect reading any letter or  
13 letters from the Crown Attorney, Murray MacDonald,  
14 regarding the Silmsers case?

15 MR. TREW: Is there one in specific that  
16 you're asking me about, sir?

17 MR. STAUFFER: Well we could bring it out,  
18 but let me just put it to you; in September of 1993, Murray  
19 MacDonald had been asked by Staff Brunet to give an opinion  
20 about the Silmsers case and whether the case could be  
21 proceeded with and so on, and Mr. MacDonald replied. I  
22 don't know if that refreshes your memory without getting  
23 out the letters. I just wondered if you have a  
24 recollection of seeing any letters from the Crown regarding  
25 the Silmsers case, or to the Crown?

1                   **MR. TREW:** We must be aware of the fact that  
2                   the Silmsler case continued on and there was many letters  
3                   and there was many media clippings that were involving this  
4                   case ---

5                   **MR. STAUFFER:** Right.

6                   **MR. TREW:** --- along with the fact that  
7                   there was further investigation. Not only there was one  
8                   investigation but it ended up being more than one  
9                   investigation.

10                  **MR. STAUFFER:** M'hm. No, no, in fairness,  
11                  I'm talking about -- the early days.

12                  **MR. TREW:** In fairness, sir. But sir, in  
13                  fairness, I -- I -- I can't be specific on the Crown  
14                  attorney's letter of December 1993.

15                  **MR. STAUFFER:** September.

16                  **MR. TREW:** September 1993.

17                  **MR. STAUFFER:** All right.

18                  The -- did you have occasion to speak with  
19                  Staff Inspector McDonald at all about the Silmsler case?

20                  **MR. TREW:** I don't believe I did.

21                  **MR. STAUFFER:** With respect to the chain of  
22                  command, I just want to be sure of this in my own mind now.  
23                  I appreciate everything you've said, and Mr. Callaghan, in  
24                  terms of being fair as to how much of the day you were  
25                  putting in, and so on. But when you were actually in the

1 office, are you reporting to Deputy Chief St. Denis or you  
2 are reporting directly to the Chief of the day, which would  
3 either have been Chief Shaver or Chief Johnston, or what do  
4 you recollect?

5 **MR. TREW:** With reference to the org chart,  
6 I would be obligated to report to the Deputy Chief of the  
7 day. If the Deputy Chief was away or on holidays, I would  
8 report directly to the Chief. During these periods of  
9 times, the -- Chief Johnston might call a meeting and all  
10 of us would have to go and report to him at the same time.

11 **MR. STAUFFER:** All right.

12 During your time in CIB, either the first  
13 go-around or the second tour, do you recollect the Chief of  
14 the day assigning an officer to a case as compared to  
15 assigning it through CIB?

16 **MR. TREW:** Perhaps the one that I can recall  
17 would have happened -- I haven't got my notes here but I'm  
18 talking about being called in one evening when I was on  
19 being a Duty Inspector. And that would have been back when  
20 I was an acting rank in 1985, I remember being called in on  
21 an incident that there was a sexual assault at the Kinsmen  
22 Park.

23 There, the next day when I met with the --  
24 perhaps I even briefed the Deputy Chief and Chief that day.  
25 The reason why you do that is that he doesn't go into a

1 store or he's in another meeting and he gets embarrassed  
2 over the fact that no one told him that there was a sexual  
3 assault someplace in a public park.

4 But the next morning, I'm going to suggest  
5 that the Chief was concerned about that case, and he  
6 basically asked if certain officers could be on that.

7 **THE COMMISSIONER:** "Certain" as in specific  
8 or in number, generally?

9 **MR. TREW:** The specific officer and the  
10 number I believe was two.

11 **MR. STAUFFER:** So would this have been Chief  
12 Shaver back then in '85?

13 **MR. TREW:** Yes, it was Chief Shaver.

14 **MR. STAUFFER:** Yeah. So he assigned two  
15 officers directly to do this investigation?

16 **MR. TREW:** I'm -- again, in the presence of  
17 myself or that I'm aware of. It's not just -- it's not  
18 just all of a sudden he pushes us aside and says, "I want  
19 two officers and I want these two people." I believe it's  
20 more diplomatic than that, it's more professional than  
21 that. He sits with us, he talks to us about it and then he  
22 basically makes the decision, "I would like to have these  
23 two officers."

24 **MR. STAUFFER:** All right.

25 I appreciate you were not in the office when

1       this occurred. This is the assignment apparently of  
2       Sergeant Lortie, the Intelligence Officer, to the original  
3       Silmser -- to be the original Silmser investigator. But  
4       after your return in December of 1993, did you have  
5       discussions with any officer at all as to how that  
6       assignment had taken place?

7               **MR. TREW:** No, not a discussion of how the  
8       assignment took place. I mean as far as picking somebody.

9               **MR. STAUFFER:** Sorry?

10              **MR. TREW:** As far as the assignment taking  
11       place you're saying that someone who was assigned  
12       something, so you're asking me if I had a conversation if  
13       someone talked to me about you know who they assigned that  
14       case. No, I'm not aware of it.

15              **MR. STAUFFER:** Okay. Is this news to you  
16       now that Sergeant Lortie was assigned by Chief Shaver  
17       originally to do the investigation?

18              **MR. TREW:** That would be news to me.

19              **MR. STAUFFER:** Did you have dealings with  
20       Sergeant Lortie as the Intelligence Officer when you came  
21       back in December 1993?

22              **MR. TREW:** Not in December of 1993.

23              **MR. STAUFFER:** From the time you came back  
24       in December of 1993 onwards, did you have any dealings with  
25       him as the Intelligence Officer?

1                   **MR. TREW:** I'm sure I did.

2                   **MR. STAUFFER:** Okay. Because I gather he's  
3 not part of CIB; is that right? He's outside of that chain  
4 of command?

5                   **MR. TREW:** A little bit of a tightrope walk  
6 here. The Intelligence Bureau was a separate link that the  
7 Chief of Police had, but at the same time it had to be  
8 linked up to a certain group of people and often the  
9 Criminal Intelligence Branch was linked with the CIB  
10 Branch.

11                   **MR. STAUFFER:** All right.

12                   **MR. TREW:** And I'll give you an example of  
13 that. A designated person other than, let's say, the  
14 officer of the day in Intelligence would be a designated  
15 person like myself. I have been -- I have attended  
16 seminars and I have attended annual conferences involving  
17 CISO.

18                   **MR. STAUFFER:** Okay. Did Sergeant Brunet  
19 ever deliver a briefing to you at any time as an  
20 Intelligence Officer? I'm just asking a general question  
21 to start with. Oh, sorry, quite right; Sergeant Lortie,  
22 the Intelligence Officer of the day, when you were in CIB,  
23 did he ever provide any briefing to you that you can  
24 recollect?

25                   **MR. TREW:** Yes.

1                   **MR. STAUFFER:** Did he ever brief you with  
2                   respect to historical sexual assaults?

3                   **MR. TREW:** None that I can recall.

4                   **MR. STAUFFER:** Okay. Did you ever ask him  
5                   as the head of CIB to do something like that; that is, to  
6                   prepare some kind of an assessment of the status of  
7                   historical sexual assault complaints in the Cornwall area  
8                   and bring it to you?

9                   **MR. TREW:** No.

10                  **MR. STAUFFER:** Is there a reason why that  
11                  didn't take place, sir, that you can help us with?

12                  **MR. TREW:** Are you asking the question as a  
13                  function of his job that why didn't he go out and look at  
14                  the status of historical sexual assaults?

15                  **MR. STAUFFER:** Let's start this way. Did  
16                  you see his job as potentially involving that type of work;  
17                  that is, to prepare an assessment of what was happening in  
18                  the Cornwall area in terms of historical sexual assault  
19                  complaints? Was that -- did you see that as one of his  
20                  jobs or one of his roles?

21                  **MR. TREW:** No, I did not see that as one of  
22                  his roles.

23                  **MR. STAUFFER:** What did you see him  
24                  principally involved in?

25                  **MR. TREW:** Historically, your Criminal

1 Intelligence Officer is linked with drugs and drug projects  
2 where he has to go out and pick targets and gather  
3 evidence, preliminary evidence of criminal activity. There  
4 might be other -- a situation I can give you, if there is  
5 multiple thefts of newer cars or a car ring operating in  
6 the area, he goes out and tries to get enough information  
7 together to either bring a project together so we can run  
8 and try to combat these problems. Those would be two  
9 examples.

10 **MR. STAUFFER:** Okay. I think -- and please  
11 correct me if I didn't hear you right -- I think a few  
12 minutes ago you said it was news to you that Sergeant  
13 Lortie had been assigned to do the initial investigation of  
14 Mr. Silmsen's complaint. Have I got that right, that this  
15 is something you hadn't been aware of until today?

16 **MR. TREW:** No.

17 **MR. STAUFFER:** Okay.

18 **MR. TREW:** What you said was -- you asked me  
19 if I was aware of the fact that Sergeant Lortie was  
20 assigned to investigate the Silmsen case through the  
21 Chief's office. I wasn't aware of that. The Chief's  
22 office, I wasn't aware.

23 Later on in prepping for this here ---

24 **MR. STAUFFER:** Okay.

25 **MR. TREW:** --- I became aware of the fact

1           that Sergeant Lortie perhaps was the first officer assigned  
2           to David Silmser.

3                       **MR. STAUFFER:** Okay. No, fair enough.

4                       So the question, I guess, Inspector, is  
5           this. When you did become aware of it, that Sergeant  
6           Lortie -- I think we're all in agreement on this. If my  
7           friends are in disagreement, we're happy to hear from them.  
8           And I think we're in agreement that Sergeant Lortie was the  
9           one who was assigned to do the investigation by Chief  
10          Shaver.

11                      So if you'd accept that as a given, what is  
12          your reaction to that, that essentially the Intelligence  
13          Officer whose essential duties are to collect information  
14          on drugs, smuggling, car rings and so on, is assigned to do  
15          a sexual assault investigation of a historical nature?

16                      **MR. TREW:** Is Sergeant Lortie a sergeant  
17          then or a staff sergeant?

18                      **MR. STAUFFER:** I believe he was a sergeant  
19          at that time. But this, again, would be in December of  
20          1992. And I appreciate you're off sick at that point, but  
21          I'm asking you what your reaction is, knowing that he was  
22          assigned?

23                      **MR. TREW:** Let's try and walk through this.

24                      During -- historically, during the Cornwall  
25          Police Service and especially during my tenure with CIB and

1 coming back again in CIB, the resources, human resources  
2 were always drastically short, short and calling upon  
3 senior investigators experience-wise was even shorter. I  
4 can't speak for the Chief in regards to picking Sergeant  
5 Lortie. I can see his reasoning. The officer has been on  
6 the Service for some time. He has been a proven street  
7 officer. He was a proven sergeant and he was able to get  
8 into the Criminal Intelligence Bureau, and that's not  
9 usually by way of a fluke. You have to pretty well be on  
10 top of things and are aware of things.

11 Therefore, in the crunching of numbers and  
12 the ability to pluck someone away from a job that would not  
13 hurt everyone else and still have a good person, the view  
14 of taking someone from the Criminal Intelligence Office and  
15 letting him start that investigation is not unreasonable to  
16 me.

17 **MR. STAUFFER:** As the head of CIB -- and I'm  
18 thinking in both tours of duty, if you will -- did you ever  
19 ask anyone within CIB to prepare an assessment of whether  
20 there were historical sexual abuse complaints happening;  
21 that is, to actually do some form of assessment to brief  
22 you as a CIB OIC?

23 **MR. TREW:** Up until the DS file, historical  
24 sexual assaults were not coming forward in great numbers,  
25 if I can use that term. Therefore, there was no need to

1 look at that because basically there's two problems or two  
2 hurdles you have to get over.

3 Number one, historical sexual assault and  
4 victims there are often reluctant to come forward. They  
5 try to get on with their lives. They don't want to be  
6 hauled through a court process again. They feel  
7 intimidated. They feel sometimes it's unjustly done. So  
8 they don't come forward and they just say, "I'm going to  
9 pick up the pieces from here and I'm going to go forward."  
10 You can't canvass that. It's very hard to canvass and get  
11 numbers on that.

12 So therefore, even if I thought about it,  
13 which I didn't because before the David Silmsler case, you  
14 must remember that the Cornwall Police Service didn't have  
15 a bunch of historical sexual assault victims reporting to  
16 the Cornwall police station.

17 **MR. STAUFFER:** Okay. Again, in fairness,  
18 sir, I gather that in that time -- that time now is your  
19 first tour of duty in the '80s -- there was the Father  
20 Deslauriers case which we have talked about within the  
21 Cornwall area, but there were also allegations coming out  
22 of certain cases like the Alfred Training School and Mount  
23 Cashel down in Newfoundland and so on. Were you aware of  
24 those back during your first tour of duty as the officer in  
25 charge?

1                   **MR. TREW:** I was aware of different --  
2                   through the media, I was aware of the different types of  
3                   sexual -- historical sexual assault cases.

4                   **MR. STAUFFER:** Okay, but you're saying that  
5                   really, other than back in the '80s again other than the  
6                   Father Deslauriers case, this is essentially the one that  
7                   comes to mind. They're not common and that's ---

8                   **MR. TREW:** With multiple victims, that's  
9                   correct.

10                  **MR. STAUFFER:** With respect to the report  
11                  you talked about briefly or you alluded to it, a report  
12                  from the Ottawa Police Service of January, 1994, when you  
13                  come back in December of 1993, what are you told by either  
14                  Chief Shaver or Chief Johnston as to what is going to be  
15                  done? That is, how does the Ottawa Police Service get  
16                  involved?

17                  **MR. TREW:** I think the Ottawa Police Service  
18                  was already involved before I came back so that knowledge  
19                  I'm not aware of. The report was tabled somewhere around  
20                  January, '94.

21                  **MR. STAUFFER:** January 24<sup>th</sup> is the date of  
22                  the report anyway.

23                  **MR. TREW:** My recollection of sitting with  
24                  Chief Johnston at the time and he -- in a meeting, I  
25                  believe, and we went over some excerpts from the report

1 with me.

2 **MR. STAUFFER:** Okay. So, again, it's your  
3 recollection -- I appreciate again it's 10 years or so ago  
4 -- you're saying that you weren't consulted or involved in  
5 any decision-making process bringing the Ottawa Police  
6 Service into your service to investigate the Silmsler  
7 complaint?

8 **MR. TREW:** No. I was away at the time.

9 **MR. STAUFFER:** All right.

10 So your recollection is the Chief of the  
11 time, Chief Johnston, sharing excerpts of the report with  
12 you? Did I hear you right?

13 **MR. TREW:** Yes. The report wasn't  
14 distributed through the Police Service. I mean, the Chief  
15 had a report, I was aware of it. He sat down and I believe  
16 the reason why he shared the report with me was to get my  
17 opinion and perhaps my reaction on certain things that were  
18 taking place.

19 **MR. STAUFFER:** Okay, so what do you  
20 recollect the Chief bringing up? What excerpts were of  
21 importance to him that were brought up?

22 **MR. TREW:** Well, first let me say that Chief  
23 Carl Johnston was an interim Chief of Police. He was very  
24 concerned. He was a very professional Chief. He was very  
25 concerned over the fact that the report was completed and

1       also is there stuff that we can make things better. Is  
2       there things that we can do to make things better. Or also  
3       I don't know if he was trying to get my reaction also of  
4       the report.

5                   **MR. STAUFFER:** Okay. I appreciate all that  
6       preamble, but can you just tell us what the points were  
7       that the Chief raised? What came out of the report that  
8       you recollect him raising with you?

9                   **MR. TREW:** I'm going to suggest that how can  
10      we make things better, how can we make -- not to have this  
11      mistake happen again. Perhaps those two things were on his  
12      mind.

13                   **MR. STAUFFER:** Okay. So, again, in  
14      fairness, sir, what do you mean by mistake?

15                   **MR. TREW:** Well, sir, I believe we're  
16      narrowing it too much and I'm going to have to suggest to  
17      you that I -- the mistake part, when I say "mistake"  
18      perhaps that's the wrong terminology.

19                   What can we do to make things better? Where  
20      can we go from there? I don't believe he makes mention of  
21      "there is a mistake" as much as he's concerned that there  
22      is a report.

23                   He is relieved. I know that because there  
24      is no suggestion of a cover-up. There is some mention  
25      about perhaps more seasoned officers and I believe he's

1 asking me my opinion on that.

2 MR. STAUFFER: Your opinion as to whether --  
3 I'm sorry, more seasoned ---

4 MR. TREW: Well, I think ---

5 MR. STAUFFER: --- officers could be used?

6 MR. TREW: --- the report states that there  
7 is a -- made mention of perhaps a more senior officer  
8 should have handled that investigation. The report -- and  
9 I think he's asking my opinion on that.

10 MR. STAUFFER: Okay. And so did you give an  
11 opinion on that point as to whether a more senior officer  
12 should have done the investigation?

13 MR. TREW: I was very comfortable with the  
14 fact that the officers doing the investigation at the time.

15 MR. STAUFFER: I'm sorry, maybe my hearing,  
16 did you ---

17 MR. TREW: I was comfortable.

18 MR. STAUFFER: No, no, but did you say  
19 officer or officers?

20 MR. TREW: In an office you have more than  
21 one officer.

22 MR. STAUFFER: Right.

23 MR. TREW: One officer is assigned the case.  
24 It's not uncommon for an officer to look at another person  
25 coming in and saying I need a little help with this or

1 perhaps you can give me your opinion on this.

2 And there's where you catch me on the  
3 "officers".

4 **MR. STAUFFER:** Okay. Who was the principal  
5 investigator in the David Silmsen case?

6 **MR. TREW:** My recall is Special -- Constable  
7 Heidi Sabalj.

8 **MR. STAUFFER:** All right. And who assisted  
9 her?

10 **MR. TREW:** Whoever perhaps was in that  
11 office at the time. I'm away on sick leave.

12 **MR. STAUFFER:** Okay. With respect to the  
13 other points that -- well, sorry, let's just finish off the  
14 first point.

15 So am I right, sir, please correct me if I'm  
16 wrong, Chief Johnston asks -- and I'm just paraphrasing  
17 here -- but essentially Chief Johnston says should we have  
18 used a more senior investigator, and I gather your reply  
19 was I'm satisfied Constable Sabalj was seasoned enough to  
20 do the investigation. Have I got that right?

21 **MR. TREW:** You're asking me what I said to  
22 the Chief of Police which is some 15, 18 years ago. I'm  
23 going to suggest to you and I'm trying to assist the Court  
24 here, assist this Inquiry, that there was a conversation  
25 with myself and the Chief.

1 I know that he was concerned. I know that  
2 he wanted to make things better. I was aware of him also  
3 having to input other recommendations in the Service during  
4 his tenure here.

5 MR. STAUFFER: Okay. And we'll get to those  
6 ---

7 MR. TREW: Okay.

8 MR. STAUFFER: --- Inspector, I promise.

9 MR. TREW: So ---

10 MR. STAUFFER: I just want to understand ---

11 MR. TREW: What ---

12 THE COMMISSIONER: Let him finish the answer  
13 to start off with.

14 MR. STAUFFER: Okay. All right. Thank you,  
15 sir.

16 MR. TREW: So when you ask me about his  
17 concerns and you're trying to tie me down to, did I have  
18 any concerns with Heidi Sabalj, I'm suggesting -- okay, I  
19 am suggesting that the flavour of the conversation back  
20 that period of time, would have concerns about what was in  
21 the report.

22 And one of the things that was in the report  
23 stated that there's perhaps a speculation that a more  
24 senior investigator should have been on the case.

25 I'm sure he would have asked me my opinion.

1                   **MR. STAUFFER:** Okay. And what was your  
2 opinion?

3                   **MR. TREW:** My opinion, if I had given it at  
4 that time and it is the same today, that the young officer  
5 was a talented person who was professional, who was  
6 seasoned as far as being on the Service.

7                   It wasn't initially a new officer coming in  
8 from outside. And that officer was dedicated to her job  
9 and I seen it time and time again during her course of her  
10 years coming up and through and finally going into SACA.

11                   **MR. STAUFFER:** Okay. What other concerns,  
12 if any, did Chief Johnston raise with you coming out of the  
13 Blake Skinner report?

14                   **MR. TREW:** I can't recall, sir.

15                   **MR. STAUFFER:** Right. You talked about  
16 essentially of Chief Johnston wanting to make things  
17 better. What did he do to make things better after  
18 receiving the report?

19                   **MR. TREW:** Well, first and foremost, he was  
20 the major person in regards to making sure that it would --  
21 it looked like it was unbiased and he was concerned with  
22 the event of cover-up or at least the media has said that  
23 there was a cover-up.

24                   He was the instrument, I believe, in getting  
25 the OPP's to come in and further investigate the David

1 Silmser case.

2 MR. STAUFFER: Okay. And other than that --  
3 and I'm not making light of it for a moment -- what other  
4 steps did Chief Johnston take arising from the report?

5 MR. TREW: Arising from the report?

6 MR. STAUFFER: Yeah.

7 MR. TREW: I believe at the time he was also  
8 faced with 52 other recommendations or 51 other  
9 recommendations and part of those recommendations most  
10 likely would have enhanced that report.

11 MR. STAUFFER: Okay. Are you now alluding  
12 to the Solicitor General's involvement in an inspection of  
13 your Service?

14 MR. TREW: That's correct.

15 MR. STAUFFER: Okay, but I'm not -- I  
16 appreciate your answer but I'm not dealing -- just so  
17 you're clear, I'm not dealing with that right now. I'm  
18 just dealing with the Blake Skinner report.

19 So am I right, sir, that other than bringing  
20 in the OPP, that is essentially what came out of the report  
21 from your perspective in terms of what Chief Johnston did?

22 MR. TREW: Chief Johnston brought in the  
23 OPP's but he was also very aware and conscious of the fact  
24 that they needed -- if they needed something, if they  
25 wanted something, if they wanted another meeting with the

1 Chief of Police, he was more than willing to listen to them  
2 and carry that on.

3 **MR. STAUFFER:** Okay. I should have asked  
4 you this earlier and I think I know the answer, but I  
5 should, in fairness, ask you this. I gather you were not  
6 interviewed by the officers from the Ottawa Police Service?

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

8 **MR. STAUFFER:** Should you have been because,  
9 again, I'm not sure if you were in the office when the  
10 police officers came down from Ottawa, but they came down  
11 in January of 1994.

12 Do you remember them being in the building  
13 at all?

14 **MR. TREW:** Again, I just came back in  
15 December or thereabouts of late 1993. I do recall the two  
16 investigators going into the Chief's office, I believe, but  
17 I did not have a conversation with them and I certainly  
18 wasn't interviewed by them.

19 **MR. STAUFFER:** Okay.

20 Again, in fairness, as the head of CIB, did  
21 you feel at the time or do you feel now that you should  
22 have been involved in that process? That is, you know, the  
23 officers are coming down to do an investigation; should you  
24 have been involved just from the fact that you're the head  
25 of CIB?

1                   **MR. TREW:** I realize that I was the head of  
2 CIB, but I was just coming back in to CIB, as I mentioned  
3 earlier, and I took no offence over the fact that when I  
4 was away something took place and it had to be  
5 investigated. And again, I took no offence that the Ottawa  
6 Police Service did not interview me.

7                   **MR. STAUFFER:** All right.

8                   Do you know who else would have received  
9 either a copy of the report or excerpts from the report  
10 other than yourself; that is, within your service,  
11 obviously?

12                   **MR. TREW:** My recollection is that I didn't  
13 get any excerpts from the report. I remember reading the  
14 report and I believe it was available to me to read further  
15 if I asked the Chief. I remember meeting with the Chief of  
16 Police, but as far as other people having that report, I  
17 wouldn't know.

18                   **MR. STAUFFER:** Did any type of protocol  
19 exist back then, and I'm talking about at the time the  
20 report is received? Did any protocol exist within your  
21 Service as to who would be on a distribution list for such  
22 an external review of the Service? You know what I mean,  
23 beside the Chief getting it, should the Deputy Chief have  
24 gotten it, staff inspectors, inspectors? You know what I'm  
25 talking about in terms of a distribution?

1                   **MR. TREW:** We didn't have a policy in place  
2 in regards to distribution of documents of that nature.

3                   **MR. STAUFFER:** Okay. Am I right in saying  
4 that then it's really up to the Chief of the day, in this  
5 case Acting Chief Johnston, to decide who gets to see the  
6 report and what is to be done?

7                   **MR. TREW:** I'm going to say correct.

8                   **MR. STAUFFER:** Do you know, sir -- and I'll  
9 just put a few very quick examples to you coming out of the  
10 report -- do you know if anything was done by Chief  
11 Johnston or by anyone below him to ensure that officers'  
12 supplementary reports were entered into OMPPAC in a more  
13 timely fashion?

14                   **MR. TREW:** I know that that did take place  
15 after. The directive that perhaps you're speaking of, or  
16 perhaps of the Standing Order, I'd have difficulty in the  
17 recall of that, but I do know that there was obviously  
18 something done about that.

19                   **MR. STAUFFER:** Do you know if it happened  
20 within the year, let's say? You know the report is January  
21 of '94. Did it happen within a year of the Chief receiving  
22 the report?

23                   **MR. TREW:** I wouldn't be able to recall.

24                   **MR. STAUFFER:** What about the notion of  
25 having more than one investigator possibly on a file, was

1           that ever -- on a sexual abuse of a historical nature?  
2           Anything become of the notion of having at least someone to  
3           advise an investigator, that there should be some team  
4           approach of an investigation?

5                       **MR. TREW:** I believe there exists somewhat  
6           of a team approach to begin with. You have an  
7           investigator, but you also have a staff sergeant who's  
8           involved with giving that investigation to someone, who is  
9           a person that that investigator can go to. You also have  
10          an inspector most of the time in charge of CIB that you  
11          could call upon.

12                      As far as a team approach, if there was a  
13          question that the investigator had, he had a resource in  
14          CIB, in fact, the whole police service, that he could have  
15          perhaps asked a question of a person who perhaps he thought  
16          had some skill in that area.

17                      **MR. STAUFFER:** All right.

18                      Did you speak to Constable Sebalj when you  
19          returned from sick leave? When you came back in December  
20          of 1993 and thereafter, did you speak to her about the case  
21          at all?

22                      **MR. TREW:** No, not on the specifics of the  
23          case.

24                      **MR. STAUFFER:** Okay. Is there a reason why  
25          you didn't speak to her about it?

1                   **MR. TREW:** The case was already brought  
2 forward into the news media. It was in the public area.  
3 It was being investigated by Ottawa Police Service, first  
4 of all, as far as the investigation and then, the -- the  
5 allegation of sexual abuse was also reinvestigated by  
6 Inspector Smith, OPP, of the day, and that was an ongoing  
7 situation. So I'm not about to cut in and talk about  
8 specifics of the case.

9                   **MR. STAUFFER:** Did she ever come to you and  
10 seek any kind of reassurance as to how she'd done the job  
11 and so on?

12                   **MR. TREW:** I don't recall Constable Sebalj  
13 doing that. I know we've had conversations but, you know,  
14 as a manager you try to keep your people feeling good about  
15 themselves and other than general conversation, or  
16 conversation on other issues and saying, "You're doing a  
17 good job," those things, no, not in specifics.

18                   **MR. STAUFFER:** Did she ever express any  
19 concerns to you that she was not being supported by a  
20 fellow officer?

21                   **MR. TREW:** No.

22                   **MR. STAUFFER:** Am I right in thinking, sir -  
23 - and I appreciate we're getting close to the lunch break  
24 here, Mr. Commissioner, but just in terms of the Youth  
25 Bureau, one more question or two.

1                   Did David Bough, Constable Bough come into  
2                   your Youth Bureau during the time you were in charge of  
3                   CIB?

4                   **MR. TREW:** Yes.

5                   **MR. STAUFFER:** Okay. Am I right in thinking  
6                   that for a period of time only Constable Sebalj was  
7                   designated as the Youth Bureau Officer before he came in,  
8                   and I've got a date of April 1994? But was there a  
9                   period of time when she was the only officer assigned to  
10                  the Youth Bureau?

11                  **MR. TREW:** I wouldn't be able to recall  
12                  that, sir. You're talking again most likely in 1993?

13                  **MR. STAUFFER:** Yes.

14                  **MR. TREW:** Okay.

15                  **MR. STAUFFER:** Were you aware of the other  
16                  officers, and I'll suggest Constable Malloy and Sergeant  
17                  Lefebvre back then in 1993? Were they involved in other  
18                  matters beside sexual assault, historical sexual assault  
19                  investigations?

20                  **MR. TREW:** I can't speak of 1993. I was  
21                  away in 1993, but I can speak of other years, and it wasn't  
22                  "un-normal" if you had two officers in your Youth Bureau,  
23                  which is now SACA, and you got a major crime or a major  
24                  project that was happening or going down, a takedown, it  
25                  could have been a homicide; there could have been a rash of

1 robberies, it wouldn't be uncommon to pull investigators  
2 from that branch to be -- to use as support staff.

3 **MR. TREW:** All right.

4 Mr. Commissioner, I'm in your hands. It's  
5 12:30. For my friend's enlightenment and your own, I  
6 suspect that I will be about another two hours, hopefully  
7 less.

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

9 **THE REGISTRAR:** Order; all rise.

10 À l'ordre; veuillez vous lever.

11 This hearing will resume at 2:00 p.m.

12 --- Upon recessing at 12:31 p.m.

13 L'audience est suspendue à 12h31

14 --- Upon resuming at 2:06 p.m.

15 L'audience est reprise à 14h06.

16 **THE REGISTRAR:** Order; all rise.

17 À l'ordre; veuillez vous lever.

18 This hearing is now resumed. Please be  
19 seated. Veuillez vous asseoir.

20 **THE COMMISSIONER:** Mr. Trew?

21 Good afternoon, sir.

22 **RICHARD WILLIAM TREW, Resumed/Sous le même serment:**

23 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

24 **STAUFFER (cont'd/suite):**

25 **MR. STAUFFER:** Thank you, Mr. Commissioner.

1                   Inspector Trew, I'd like to just go over a  
2                   couple of points from this morning, which I should have  
3                   gone over at that time.

4                   Sir, again, you don't need to refer to your  
5                   profile unless you need to but I'm just going to simply  
6                   read out a few courses which you took, but I understand in  
7                   terms of investigative courses, you took a drug  
8                   investigation course in 1978, you took an advanced training  
9                   course in 1983, major crime investigations techniques in  
10                  1986, intelligence conference in 1988, an organized crime  
11                  conference in 1989; have I got the dates right?

12                  **MR. TREW:** Yes.

13                  **MR. STAUFFER:** Yes? Thank you.

14                  **MR. TREW:** Thank you.

15                  **MR. STAUFFER:** Is it fair to say, sir, that  
16                  by 1985, you had ceased being an active investigator, if  
17                  you will; that is, you'd moved into a supervisory role at  
18                  that point, or is that an unfair statement?

19                  **MR. TREW:** No, I ceased being an  
20                  investigator basically when I went into the rank of Staff  
21                  Sergeant.

22                  **MR. STAUFFER:** Okay.

23                  **MR. TREW:** At the rank of Sergeant, there  
24                  was occasion where I still had to do investigative work.

25                  **MR. STAUFFER:** But is 1985 roughly the

1           timeframe when you ceased being what would be considered a  
2           lead investigator and moved more into a supervisory role?

3                   **MR. TREW:** Correct.

4                   **MR. STAUFFER:** Okay. During the time up to  
5           1985 or thereabouts, had you actually had experience as an  
6           investigator dealing with historical sex assault cases?

7                   **MR. TREW:** That's my recollection.

8                   **MR. STAUFFER:** All right. Now, sir, in  
9           terms of your involvement -- bear with me for one moment  
10          here -- I just want to take you, again, to when you came  
11          back now from sick leave in 1989 or have I got this -- the  
12          dates right here? Hold on.

13                   Sir, just refresh my memory, when did you  
14          come back? It's 1993, that's right, December of '93.

15                   **MR. TREW:** At the -- at the end of '93.

16                   **MR. STAUFFER:** Yeah, thank you.

17                   So when you came back and you were talking  
18          with Acting Chief Johnston at that time, after you had come  
19          back, do you recollect, sir, in your conversations with  
20          him, whether you had any discussions with him regarding the  
21          day that the Silmsler case and specifically what I'm after,  
22          did the Chief express any concerns to you about the civil  
23          settlement that had occurred?

24                   **MR. TREW:** I don't recall him talking to me  
25          about civil settlements. There was knowledge that there

1 was an ongoing civil suit mentioning the name of "D.S."

2 **MR. STAUFFER:** Okay, I think I may be  
3 confusing you, so let's just stop for a second.

4 I know earlier today you'd talked about a  
5 civil suit brought by David Silmsler apparently against  
6 Constable Dunlop, for example, because of a statement that  
7 he apparently released to the CAS. Now you didn't go into  
8 that much detail but I think that's what you were talking  
9 about earlier?

10 **THE COMMISSIONER:** Well, let's be careful  
11 here.

12 **MR. STAUFFER:** Yes.

13 **THE COMMISSIONER:** It's a settlement ---

14 **MR. STAUFFER:** Yeah.

15 **THE COMMISSIONER:** He accuses -- he alleges  
16 that ---

17 **MR. STAUFFER:** Yes.

18 **THE COMMISSIONER:** --- Dunlop released it to  
19 the media.

20 **MR. STAUFFER:** Yes, yes.

21 **MR. TREW:** He -- he sues the Cornwall Police  
22 Service.

23 **MR. STAUFFER:** Yes. No, fair enough.  
24 That's not what I'm talking about. I'm talking about the civil  
25 settlement that Mr. Silmsler had reached with the Diocese?

1                   **MR. TREW:** No.

2                   **MR. STAUFFER:** So just so we've got the  
3 answer -- the question and the answer. When you spoke with  
4 Chief Johnston, did he discuss any civil settlement -- and  
5 I'm talking about the one with the Diocese -- with you?

6                   **MR. TREW:** To the best of my recollection,  
7 no.

8                   **MR. STAUFFER:** All right. With respect to  
9 the impression that you had -- and of course if you have  
10 some facts to help us that would be helpful, but when you  
11 came back from sick leave in late 1993, was the impression  
12 you had that the case was essentially over at that point;  
13 that is, the David Silmsler case? And by that, I mean the  
14 criminal side; I'm not talking about any civil suit that he  
15 might have brought and so on, I'm talking about the  
16 criminal investigation.

17                   **MR. TREW:** Again, sir, there's a lot of  
18 dates that go through my -- my mind, here, when we're  
19 talking about that particular case.

20                   I don't believe it was ever dropped. There  
21 was -- from our investigation in the Cornwall Police  
22 Service to the Ottawa reinvestigating of the Cornwall  
23 investigation to the OPP inspector redoing that case, I  
24 believe it was ongoing.

25                   **MR. STAUFFER:** Okay. But if I can just take

1       you step-by-step, for a moment, the Ottawa Police Service,  
2       that Service's involvement was essentially to see if there  
3       had been some kind of a cover-up; that was the first task,  
4       I think, that Superintendent Skinner and his colleague had  
5       been given; do you know that? That's essentially why Chief  
6       Johnston brought the Ottawa Police ---

7                   **MR. TREW:** I believe -- I believe there was  
8       more than one word "cover-up" I believe it was in -- to  
9       look at the investigation to see if there was any problems  
10      with the investigation.

11                   **MR. STAUFFER:** Okay. With respect to what  
12      the -- that police service is going to do, though, was it  
13      your impression that it was going to continue the work, if  
14      you will, of Constable Sebalj and keep investigating?

15                   **MR. TREW:** I was away at the time ---

16                   **MR. STAUFFER:** Right.

17                   **MR. TREW:** --- but my impression of that  
18      case was that they were reviewing our case that we did on  
19      the David Silmsler matter.

20                   **MR. STAUFFER:** Right. But what I want to  
21      understand, sir, I mean I think I know the answer to this  
22      but I want to understand what your mindset was back in 1993  
23      when you came back to work. Was it your impression that  
24      the Ottawa Police Service was going to do something in  
25      terms of continuing the investigation, if I can put it that

1 way, as compared to investigating what had been done and  
2 commenting on the effectiveness and so on of the Cornwall  
3 Police Service investigation?

4 **MR. TREW:** The officers are police officers;  
5 they were investigating our case from the Ottawa Police  
6 Service. I'm sure if they came across new evidence or  
7 evidence of the contrary, someone would have had to go with  
8 that evidence.

9 Who would have investigated? I'm going to  
10 suggest either Ottawa or perhaps another outside agency  
11 would have come in and investigated.

12 So to have a cut-and-dry statement about  
13 their only duty was to investigate our investigation, I  
14 don't think I can go there.

15 **MR. STAUFFER:** All right. Because, again,  
16 from one of my earlier questions, I understand what you're  
17 saying; the Ottawa Police came into the picture, the  
18 Ontario Provincial Police eventually came into the picture.  
19 But I'm saying when you come back to work in December of  
20 1993, what impression do you have of your own Service? Is  
21 the case over with from your perspective or is there some  
22 thought that more investigation is going to take place into  
23 the Silmsler complaint?

24 **MR. TREW:** I recall -- if my memory recalls  
25 right, I thought that the OPP had already started a case

1           investigating this criminal matter.

2                       **MR. STAUFFER:** All right. As I understand,  
3           that's a little bit later -- assuming you come back on  
4           December 8<sup>th</sup>, assuming the paperwork that, you know, has  
5           been filed is correct, I'm simply saying that the Ontario  
6           Provincial Police came into the picture sometime after you  
7           came back to work.

8                       **MR. CALLAGHAN:** As a matter for the record,  
9           I don't think that's entirely correct, because we had, I  
10          think, it's Wilson's investigation in that -- that  
11          December/January period that we saw.

12                      **THE COMMISSIONER:** The "Wilson  
13          investigation"?

14                      **MR. CALLAGHAN:** Yes. I believe it's OPP  
15          Officer Wilson, did an -- investigated December/January, in  
16          that period and regarding it was referred to by the CAS, I  
17          think you've heard something about that, sir.

18                      **THE COMMISSIONER:** Okay, now it's Monday.  
19          Give me that, again?

20                      **MR. CALLAGHAN:** In -- in the Children's Aid  
21          Society ---

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

23                      **MR. CALLAGHAN:** --- I think it was Mr.  
24          Abell, calls in the OPP to do ---

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

1                   **MR. CALLAGHAN:** --- to see about an  
2                   investigation and I think that's December/January.

3                   The impression's giving it the OPP weren't  
4                   doing anything.

5                   I don't know what this witness knows or  
6                   doesn't know, but there was an interim period when the OPP  
7                   was doing something; it may well have overlapped.

8                   We'll have to wait and hear from them.

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

10                  **MR. STAUFFER:** No, I appreciate that  
11                  clarification.

12                  Inspector, can you help us out as to what  
13                  Mr. Callaghan has just said, do you have any recollection  
14                  of the OPP being involved in December/January, arising from  
15                  any involvement of the Children's Aid Society, at that  
16                  point?

17                  **MR. TREW:** Tying down dates to months, when  
18                  I came back in December of '93, I seem to be able to recall  
19                  that the -- there was some form of investigation or further  
20                  audit going on with the Ontario Provincial Police with our  
21                  Service.

22                  **MR. STAUFFER:** All right. Did Chief  
23                  Johnston -- I want to be very specific here, did Chief  
24                  Johnston speak to you about the notion of any further  
25                  investigation of the Diocese or any priests within the

1 Diocese by the Cornwall Police Service, at the time when  
2 you come back?

3 **MR. TREW:** It's very difficult for me to  
4 answer that question.

5 I want to answer this question.

6 You keep tying me down to December and, as I  
7 said in the past, these days and months flew by as I was  
8 trying to come back to work.

9 **MR. STAUFFER:** I appreciate that.

10 **MR. TREW:** But I will give you an answer  
11 here, that I felt that Chief Johnston, around that period  
12 of time, was concerned so much so that he asked for outside  
13 agency to come in and re-investigate this case.

14 **MR. STAUFFER:** Okay, now I'm not trying to  
15 tie you down to December specifically, so let's just say in  
16 the months following your return.

17 **MR. TREW Okay.**

18 **MR. STAUFFER:** Was there any indication to  
19 you, as the head of CIB, that there was going to be some  
20 further investigation carried out from the Silmser  
21 complaint -- or of the Silmser complaint, by your Service  
22 relating to any members of the Cornwall-Alexandria Diocese?

23 **MR. TREW:** No.

24 **MR. STAUFFER:** Okay. Was there any  
25 indication in the months following your return in 1993 by

1 Chief Johnston that there would be a follow-up with the  
2 Probations office with respect to the Silmsers complaint?

3 **MR. TREW:** I believe everything that  
4 surrounded this Silmsers case, Chief Johnston was wanting to  
5 make sure that there was an appearance of unbiasedness(sic)  
6 with our Service, therefore, anything that continued around  
7 the David Silmsers case he was asking to be investigated by  
8 another Service.

9 **MR. STAUFFER:** All right.

10 Again, from what you understood when you  
11 came back to work, did you have any personal concern that  
12 there might be other victims of either Father MacDonald or  
13 Ken Seguin beyond what Mr. Seguin -- sorry, what Mr.  
14 Silmsers said in his complaint?

15 **MR. TREW:** I thought the matter was being  
16 looked into.

17 **MR. STAUFFER:** By the OPP.

18 Sir, there's been quite a bit of discussion  
19 before your testimony as to a press release or press  
20 releases from the Police Services Board.

21 I don't know if you have seen it and I can  
22 show it to you if we need to but, first of all, do you know  
23 what I'm talking about? I'm talking about A 1994 series of  
24 events that first of all led to a press release regarding  
25 the Skinner/Blake report, this OPS report that we've been

1 talking about?

2 MR. TREW: Only from the conversation I  
3 picked up when I came into the Inquiry, sir.

4 MR. STAUFFER: Okay. Could I ask you  
5 specifically did you personally have any involvement in the  
6 drafting of the press release?

7 MR. TREW: I'm going to say no.

8 MR. STAUFFER: Okay. Do you know who  
9 prepared the press release?

10 MR. TREW: In conjunction with the Chief, I  
11 am going to suggest that his office, along with the help of  
12 other individuals in the Service, most likely would have  
13 drafted that up. The Board Secretary perhaps. That was a  
14 common event if the Board was involved that the Board  
15 Secretary would draft up a release to be viewed by the  
16 Chairman of the Police Commission at the time, and perhaps  
17 with the input of the Chief of Police, depending on whose  
18 press release it was.

19 MR. STAUFFER: All right  
20 So as lawyers like to say, we don't want you  
21 to guess at anything here. Are you basing ---

22 MR. TREW: Sorry, sir?

23 MR. STAUFFER: What's that?

24 MR. TREW: You've been asking me to guess at  
25 things for the last two hours.

1                   **MR. STAUFFER:** Well, I apologize if I have.  
2                   I've been assuming, Inspector, since you've been an officer  
3                   for quite a number of years that you would not guess at  
4                   anything but you would rely on whatever notes you have and  
5                   whatever your memory has. And if there is anything that  
6                   you've said to us ---

7                   **MR. TREW:** There's ---

8                   **MR. STAUFFER:** --- if there's anything  
9                   you've said to us that you want to say is a "guess" you  
10                  should tell us that.

11                  **MR. TREW:** I have been with the best of my  
12                  recollection. And it's not a guess.

13                  **MR. STAUFFER:** And ---

14                  **MR. TREW:** I'm trying to help this Inquiry -  
15                  --

16                  **MR. STAUFFER:** And I appreciate that.

17                  **MR. TREW:** --- and the note that you had to  
18                  me about "don't be guessing", I take that very seriously,  
19                  but at the same time I feel that we've been guessing on a  
20                  lot of dates here and that's why I've been trying to make  
21                  you understand that I'm not sure on those dates.

22                  And I apologize to you, sir, if I offended  
23                  you.

24                  **MR. STAUFFER:** Okay.

25                  Well, it's pretty hard to offend me so you

1 don't have to worry about that.

2 But what I'm -- in seriousness, sir, for  
3 sure if there is something that you're saying, I'm going to  
4 guess here or whatever, is to tell us that and the  
5 Commissioner will decide ---

6 MR. TREW: Okay.

7 MR. STAUFFER: --- your counsel and so on  
8 will get into that, okay?

9 THE COMMISSIONER: Do you have any specific  
10 recollection as to the press release that we're talking  
11 about in January of 1994, as to who would have prepared  
12 that?

13 MR. TREW: Specifics, no. Generalities,  
14 sir.

15 THE COMMISSIONER: Of who generally would  
16 have done those things?

17 MR. TREW: Yes.

18 THE COMMISSIONER: Not interested.

19 MR. TREW: Okay, sir.

20 THE COMMISSIONER: Thank you.

21 MR. STAUFFER: Okay. I gather just to  
22 complete the Commissioner's comment here, what you answered  
23 here a minute ago, Inspector, is, if you will, a custom,  
24 something from your experience. As an Inspector, you've  
25 experienced how press releases are formed from time-to-time

1 that come out of the Police Services Board.

2 Is that fair? But you don't have a specific  
3 recollection of ---

4 **MR. TREW:** No.

5 **MR. STAUFFER:** --- this particular January,  
6 1994 press release dealing with the Ottawa Police Service  
7 report?

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

9 **MR. STAUFFER:** Inspector, had you been  
10 involved in any prior press releases relating to an  
11 external review of your Service by another police force?

12 **MR. TREW:** That was in '93 again, I believe,  
13 or we're talking about the times -- I wouldn't have been  
14 there.

15 **MR. STAUFFER:** No, no, I'm saying at any  
16 other times, have you been involved -- we want to  
17 understand how you come about with your knowledge of how  
18 these things are done.

19 Had you been involved in other press  
20 releases, and I'd specifically asked you if an external  
21 police service had investigated your Service, had you been  
22 involved in something like that before? You don't have to  
23 give us specifics and so on, I just want to know if you've  
24 been involved in that process.

25 **MR. TREW:** I've been involved in press

1 releases as it relates to the Criminal Investigation Branch  
2 and the Cornwall Police Service in my capacity as an  
3 Inspector. A number of different issues, and that could be  
4 anything from special projects that we've terminated to  
5 perhaps outside agencies coming in to investigate a minor  
6 problem to a major problem, I'm going to say that in the  
7 past I would most likely would have had some input with  
8 that.

9 **MR. STAUFFER:** Okay.

10 **THE COMMISSIONER:** You most likely would  
11 have had some inpact.

12 No, no, sir, in your experience as a police  
13 officer at the Cornwall Police Service have you ever been  
14 involved in the preparation of a press release?

15 **MR. TREW:** Yes.

16 **THE COMMISSIONER:** There we go. Okay. Now.

17 **MR. TREW:** Word it that way, yes, sir.

18 **MR. STAUFFER:** Inspector, can you help us  
19 out. When you come back from sick leave, is there a way of  
20 trying to put in perspective what was the focus on the  
21 Silmsers case at that point?

22 And that is, I'll put this to you. Was the  
23 focus that Constable Dunlop should be disciplined in some  
24 fashion because of the release of the Silmsers statement  
25 versus is there anything more that we can do about

1           investigating this matter?

2                               Where is the focus at this point of  
3           management regarding the Silmsers complaint? Has it gone  
4           basically to the discipline stage with regard to Constable  
5           Dunlop?

6                               **MR. TREW:** I wasn't involved with that, sir,  
7           and I can't recall.

8                               **MR. STAUFFER:** All right.

9                               Sir, again, I appreciate you weren't there  
10          but I wondered if you ever heard anything about it  
11          afterwards.

12                               We've heard about a meeting in September of  
13          1993 at which various senior officers were present and the  
14          Silmsers case was discussed. And there were questions  
15          raised as to the status of the investigation and so on. Do  
16          you know what I'm talking about?

17                               **MR. TREW:** No.

18                               **MR. STAUFFER:** All right.

19                               So I gather that when you came in, no  
20          officers ever came to you and said, "We've already had a  
21          meeting about this and we've discussed whether there was a  
22          cover-up and whether the case is over and whether OMPPAC  
23          shows that it's closed and so on.

24                               **MR. TREW:** During this time ---

25                               **MR. STAUFFER:** Right.

1           **MR. TREW:** --- almost daily in the Standard  
2           Freeholder or other media outlets, there was something  
3           brought up about these cases or case. I have knowledge of  
4           that, but as far as direct knowledge of talking with people  
5           in regards to the case and the disciplinary matter of the  
6           initial Dunlop involvement, I have not got any specifics on  
7           that, sir.

8           **THE COMMISSIONER:** So what you're telling me  
9           is that when you were off sick you didn't come in to the  
10          police station at all?

11          **MR. TREW:** No, sir.

12          **THE COMMISSIONER:** Did anybody go and visit  
13          you?

14          **MR. TREW:** Occasionally officers would come  
15          and visit me but we would not talk about policing.

16          **THE COMMISSIONER:** All right.

17          **MR. STAUFFER:** Thank you, sir. That makes  
18          it pretty clear.

19          **MR. TREW:** All right.

20          **MR. STAUFFER:** Mr. -- or sorry, Inspector,  
21          could I ask you, sir, just getting to -- back to Constable  
22          Sabalj for a couple of minutes here.

23                        I think you indicated to us earlier this  
24                        morning that you really had no discussions with her about  
25                        the Silmsler investigation. Is that correct?

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

2                   **MR. STAUFFER:** All right. But what  
3 impression did you form, if any, as to how other officers  
4 were seeing her investigative abilities and so to put it in  
5 straight language, did you hear talk at the station that  
6 she was being blamed for doing a poor job?

7                   **MR. TREW:** I did not.

8                   **MR. STAUFFER:** All right. Did you read -- I  
9 think you told us earlier that you read the Blake Skinner  
10 report. Did you read the words "inept" and "infective" --  
11 and "ineffective" investigation in the report?

12                   **MR. TREW:** Chief Johnston showed me excerpts  
13 or perhaps paragraphs of that report. I don't believe I  
14 read the whole report, sir, on that.

15                   **MR. STAUFFER:** Okay. I'd understood -- I'm  
16 sorry if I got that wrong, I thought you had told us you  
17 read the report.

18                   **THE COMMISSIONER:** No, I think he said I was  
19 given excerpts ---

20                   **MR. STAUFFER:** I heard it -- sorry.

21                   **THE COMMISSIONER:** --- I was given excerpts  
22 and the report was available to me had I wanted to see it.

23                   **MR. TREW:** That's right.

24                   **THE COMMISSIONER:** Is that right?

25                   **MR. TREW:** That's fair enough.

1                   **MR. STAUFFER:** Thank you, sir. So I gather  
2 you heard nothing about officers somehow putting down  
3 Constable Sabalj about her investigations, that's correct,  
4 on the Silmser investigation.

5                   **MR. TREW:** That's ---

6                   **MR. STAUFFER:** And you heard nothing from  
7 Constable Sabalj that she was worried that others were  
8 seeing her as having done a poor job?

9                   **MR. TREW:** That's correct. We didn't talk  
10 about the case, just Constable Sabalj. And as far as poor  
11 case goes, no I didn't hear anything about that.

12                   **MR. STAUFFER:** Is it fair to say that it  
13 would have been Staff Sergeant Brunet then who would have  
14 been managing her, per se? That is if there's anyone that  
15 she's going to be talking to it would be him about either  
16 caseload, how she's being viewed by her fellow officers,  
17 her own view of her abilities, that kind of thing?

18                   **MR. TREW:** Well, definitely the working  
19 operations of the SACA branch would report directly to the  
20 Staff Sergeant CIB. And if there was concerns of how an  
21 investigation was being run or handled, certainly the Staff  
22 Sergeant would be involved with that.

23                   **MR. STAUFFER:** M'hm. Did -- appreciate that  
24 but did Staff Sergeant Brunet ever talk to you, then, about  
25 how Constable Sabalj was viewing herself or her fellow

1 officers regarding this investigation?

2 MR. TREW: I honestly can't recall that.

3 MR. STAUFFER: All right. I'm just going to  
4 move on now to Deputy Chief St. Denis for a couple of  
5 minutes just to be sure I've got your best recollection.  
6 When you came back from sick leave I think you've told us  
7 that you did have some briefings from the Deputy Chief from  
8 time to time, is that correct?

9 MR. TREW: That's correct.

10 MR. STAUFFER: Okay. Did you ever speak to  
11 him about his reassigning of the Silmsler investigation from  
12 Sergeant Lortie to CIB?

13 MR. TREW: No.

14 MR. STAUFFER: Did you know that that had  
15 happened? I guess I should have asked you that, the first  
16 question.

17 Did you know that Deputy Chief St. Denis had  
18 reassigned the file from Mr. -- from Sergeant Lortie to  
19 CIB, specifically Staff Sergeant Brunet who was then going  
20 to assign an investigator? Did you know that?

21 MR. TREW: We talked earlier before the  
22 break in regards to I thought the Chief was -- had assigned  
23 Sergeant Lortie from the Criminal Investigation Branch to  
24 handle that case initially.

25 MR. STAUFFER: Well ---

1                   **MR. TREW:** That's the only thing I've heard  
2                   and I'm aware of.

3                   **MR. STAUFFER:** Okay, let's -- I don't want  
4                   to split hairs here now but I got to be sure. You've just  
5                   told us Sergeant Lortie and the Criminal Investigation  
6                   Branch ---

7                   **MR. TREW:** Sergeant Lortie out of  
8                   Intelligence.

9                   **MR. STAUFFER:** Yeah, okay. And that's what  
10                  we did discuss, the Chief assigned Lortie, the Deputy Chief  
11                  reassigned.

12                  **MR. TREW:** And I'm ---

13                  **MR. STAUFFER:** But you're not aware of that?

14                  **MR. TREW:** No, sir.

15                  **MR. STAUFFER:** All right. Again, Inspector  
16                  you're coming back from a year or so away from the office,  
17                  am I right in that? You're -- you were on extended sick  
18                  leave.

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

20                  **MR. STAUFFER:** Yes. Is it fair to say that  
21                  for the first few months or possibly the first year most of  
22                  the operational matters were being dealt with by Staff  
23                  Sergeant Brunet?

24                  **MR. TREW:** I think that would be correct for  
25                  the first couple of months coming back into -- maybe even

1 to the half year because I was still coming back on a slow  
2 basis.

3 I didn't come quickly back; it was over a  
4 period of time. So I'm going to suggest to you that in my  
5 absence and obviously it was more absence than being there  
6 initially. I'm going to suggest to you that yes, the staff  
7 sergeant would be running with the cases.

8 **MR. STAUFFER:** Okay. When the two of you  
9 are there how do you distinguish between your roles? So if  
10 you're in the office and he's in the office, what are you  
11 doing versus what he's doing?

12 And I know that's a very general question  
13 but can you assist us to what the difference is between  
14 inspector and a staff sergeant.

15 **MR. TREW:** The staff sergeant is the front  
16 line supervisor in CIB. You have other sergeants that come  
17 and go out of CIB but usually they're investigators. The  
18 staff sergeant would make sure that the amount of cases  
19 coming to CIB would be divvied up in a way that would be  
20 beneficial to the Cornwall Police Service. He would also  
21 be in charge of reading the reports, doing further  
22 assignments, taking care of OMPPAC.

23 I was there in regards to an inspector's  
24 role. I would be the overseer of the staff sergeant or  
25 staff sergeants, how many I had. My role there would most

1       likely to be speaking with him on cases that he wanted to  
2       be spoken to.

3                   I would also try and keep my fingers on what  
4       we classified as important cases if -- is a term that we  
5       used. That could be anywhere from civil matters to  
6       criminal matters that -- the term was bush fires. We were  
7       busy sometimes going to and fro. There might be something  
8       that come up that if we didn't try to go to that and put  
9       that out or get that under control as quickly as possible,  
10      it could be embarrassing to the Cornwall Police Service. I  
11      was aware of cases like that.

12                   I'm going to suggest to you also that my  
13      role as inspector was meeting with the Deputy Chief,  
14      informing them. There was other things besides that role  
15      that carried me out of my duty between giving lectures to  
16      doing *Police Act* trials to doing conduct discipline reviews  
17      to doing performance appraisals and congratulating the  
18      officers, the final term of it anyway.

19                   So there was a number of things that the  
20      inspector does.

21                   **MR. STAUFFER:** I appreciate that. Did you  
22      and Staff Sergeant Brunet, were you the only two  
23      individuals during your second tour of duty then, that is  
24      is it just yourself and that particular staff sergeant or  
25      was there another one involved?

1                   **MR. TREW:** On a permanent basis, yes. Maybe  
2 on a project basis, no.

3                   **MR. STAUFFER:** Okay. So did you fellows  
4 have any particular schedule of meetings or was it an  
5 informal relationship?

6                   **MR. TREW:** It was a professional informal  
7 relationship. I had my office just down the hallway which  
8 was only about 20, 30 feet from him. Every morning we  
9 would meet to say good morning and see what came in  
10 overnight or perhaps there's something I should be aware of  
11 or perhaps there's something that we should be addressing  
12 in regards to the budget.

13                   That was another item I forgot to say to you  
14 that preparing a budget was one of my duties along with my  
15 staff giving me input.

16                   **MR. STAUFFER:** M'hm. Okay. But I gather  
17 what you're saying there is no set time or day to meet ---

18                   **MR. TREW:** No.

19                   **MR. STAUFFER:** --- for the two of you?

20                   **MR. TREW:** No. Correct.

21                   **MR. STAUFFER:** Did the two of you attend  
22 meetings on a regular basis, though? We've heard about  
23 Monday morning or sorry, morning meetings. Did you fellows  
24 go to morning meetings when you came back from sick leave  
25 in 1993 and following?

1                   **MR. TREW:** Yes.

2                   **MR. STAUFFER:** Okay. Were they morning  
3 meetings then if you were in the building and he was in the  
4 building, would you go every morning?

5                   **MR. TREW:** Yes, as long as we weren't called  
6 out of the station beforehand.

7                   **MR. STAUFFER:** Okay. And again, without  
8 belabouring this who would typically attend? Could I  
9 suggest to you, would the Chief attend?

10                  **MR. TREW:** Yes.

11                  **MR. STAUFFER:** Deputy Chief?

12                  **MR. TREW:** Yes.

13                  **MR. STAUFFER:** Staff Inspector MacDonald if  
14 he was around?

15                  **MR. TREW:** Yes.

16                  **MR. STAUFFER:** Again this is assuming  
17 obviously the people are around. Yourself and other  
18 inspectors, is that right?

19                  **MR. TREW:** Yes.

20                  **MR. STAUFFER:** And then all the staff  
21 sergeants?

22                  **MR. TREW:** Not all the staff sergeants at  
23 once. You have to appreciate the fact that there was a  
24 team of four uniforms and they each had staff sergeants, so  
25 the staff sergeant of the day running that team would be

1 in.

2 MR. STAUFFER: All right.

3 MR. TREW: And the staff sergeant usually  
4 from CIB unless he was called out to evaluate a case before  
5 a morning meeting.

6 MR. STAUFFER: Okay. Is it fair to say that  
7 no minutes, formal minutes, were kept of these morning  
8 meetings?

9 MR. TREW: Yes.

10 MR. STAUFFER: Okay. So any notes that  
11 might be taken would either be an individual officer  
12 writing in his or her notebook or writing perhaps in a  
13 diary, but there would be no formal minutes kept?

14 MR. TREW: On the morning meetings?

15 MR. STAUFFER: For the morning meetings,  
16 that's what I'm talking about.

17 MR. TREW: Correct.

18 MR. STAUFFER: Okay. Now, sir, moving to  
19 the OPP just for a minute, we talked somewhat about this.  
20 Did you have any involvement then at all in the decision to  
21 bring the OPP in? We're not talking now about the CAS  
22 matter but a little bit later on for the OPP to  
23 reinvestigate the Silmsler complaint? Did you have any  
24 input into that decision?

25 MR. TREW: No, I don't believe so.

1                   **MR. STAUFFER:** Do you remember how it came  
2                   about?

3                   **MR. TREW:** I believe I was on sick leave and  
4                   I really -- I believe I was still on sick leave.

5                   **MR. STAUFFER:** I'm sorry?

6                   **MR. TREW:** I believe I was still on sick  
7                   leave.

8                   **MR. STAUFFER:** Okay. I don't think so, but  
9                   you don't remember. All right.

10                  **MR. TREW:** I ---

11                  **MR. STAUFFER:** No, I think you're back by  
12                  then, but you don't remember.

13                  **MR. TREW:** Okay.

14                  **MR. STAUFFER:** All right. Is that right?

15                  Okay. The other meetings, sir, that you  
16                  would have attended besides the morning meetings, were  
17                  there others that were held in a regular fashion?

18                  **MR. TREW:** During the course of my tenure as  
19                  an inspector we -- depending on who was the chief or the  
20                  deputy chief, we would try to have a monthly meeting, and  
21                  that usually had an agenda with minutes to be taken down.  
22                  These issues would be anything from addressing human  
23                  resource allocation, could be budget deliberations, could  
24                  be budget input, could be a number of other topics on the  
25                  agenda.

1                   **MR. STAUFFER:** Would a particular  
2 investigation come up though?

3                   **MR. TREW:** Not usually, not on that one.

4                   **MR. STAUFFER:** Okay.

5                   **MR. TREW:** No.

6                   **MR. STAUFFER:** I should have asked you with  
7 the Monday or the morning meetings -- I don't know why I  
8 want to keep saying Monday -- the morning meetings, was  
9 there an agenda set for those?

10                  **MR. TREW:** No.

11                  **MR. STAUFFER:** Okay. So who decided what  
12 would be talked about?

13                  **MR. TREW:** It was basically to say hello,  
14 first of all, making sure everyone was okay; was there  
15 anything that had to be addressed immediately; did  
16 something come in overnight that needed to be talked to.  
17 There might be an issue from a past meeting that could be  
18 brought up. There might have been some knowledge shared in  
19 regards to everyday policing issues on the street. There  
20 could have been a bad fire -- example, a bad fire that  
21 night and did we have to send extra personnel out.

22                  **MR. STAUFFER:** Okay. But in terms of  
23 follow-up, you've mentioned that there might be something  
24 that had to be followed up. Who would be keeping a note to  
25 say, "Remember last week we talked about this," or

1 "Yesterday we talked about this." Who was keeping the note  
2 to refresh everybody's memory?

3 **MR. TREW:** I'm going to state that the  
4 deputy chief would likely have kept the note if he wanted  
5 to get back to me in saying, "Did you finish this certain  
6 area that I had concern with?" I'm going to say that he  
7 would have given me, after the morning meeting perhaps, a  
8 memo to remind me that there was a due date on a certain  
9 event that took place.

10 **MR. STAUFFER:** Okay. Do you recollect that  
11 Deputy Chief St. Denis kept a diary on a regular basis? I'm  
12 talking again about during the second tour of duty here  
13 when you're with CIB.

14 **MR. TREW:** I'm having difficulty saying a  
15 diary. He did send memos to me which were copies to. So  
16 he would keep track of those memos, if that's what you're  
17 suggesting, sir.

18 **MR. STAUFFER:** Okay. Sir, what was your  
19 involvement with respect to OMPPAC? So what I mean by that  
20 is what was your role as an inspector in terms of reviewing  
21 files in CIB?

22 **MR. TREW:** Very little, if any.

23 **MR. STAUFFER:** Okay. So this again would be  
24 Staff Sergeant Brunet's function, if you will?

25 **MR. TREW:** Oh, I apologize. Are you talking

1 -- when you mentioned this, I thought you were talking  
2 about administrative duties and the onset of OMPPAC being  
3 introduced into our Service.

4 **MR. STAUFFER:** No, I appreciate that. No,  
5 I'm talking about now it's up and running and I understand  
6 it's up and running by the time you come back in 1993.  
7 What is your involvement in monitoring files that are  
8 entered into the system?

9 **MR. TREW:** Staff sergeant would monitor the  
10 files, bring to my attention anything that perhaps we  
11 should be talking about. If he was on annual leave or  
12 perhaps on a course that took him away from the building  
13 more than a couple of days, I would take over that  
14 monitoring of the OMPPAC files going in from our officers  
15 and perhaps give further dates down the road or perhaps do  
16 the clear other -- clear by way of a charge.

17 **MR. STAUFFER:** Okay. Do you remember, if  
18 you will, one of the general recommendations, for lack of a  
19 better word, coming out of the Skinner/Blake Report that  
20 there should have been a closer monitoring of Constable  
21 Sebalj and her entering of her supplementary reports into  
22 OMPPAC. Do you recollect that comment, if you will, from  
23 the OPS officers?

24 **MR. TREW:** Not directly.

25 **MR. STAUFFER:** I guess I know the answer to

1       this one then, but I'll ask it anyway. Did you -- after  
2       your meeting with Chief Johnston where he reviewed various  
3       excerpts with you, did you have occasion to speak with  
4       Staff Brunet and advise him that he should be monitoring  
5       his investigators more closely in terms of their entering  
6       their supplementary reports in a more timely fashion?

7                   **MR. TREW:** I believe that was an ongoing  
8       conversation that would -- we wouldn't bring this up every  
9       week or maybe even every month, but that was almost an  
10      unwritten thing that we had to keep track of our  
11      investigators and making sure that we were sort of staying  
12      on top of the reports, and if they needed more time, they  
13      would get more time. But I don't think there was a -- I  
14      didn't feel there was a problem, I guess is what I'm trying  
15      to say.

16                   **MR. STAUFFER:** Okay. And I think you've  
17      answered the question, but again, what I'm specifically  
18      driving at is this Ottawa Police Service Report, if that  
19      triggered some conversation between you and Staff Brunet as  
20      to whether he should be monitoring entries into OMPPAC in a  
21      more timely fashion?

22                   **MR. TREW:** No.

23                   **MR. STAUFFER:** All right.

24                   Now, sir, you were quite candid, I thought,  
25      this morning in talking about your perceptions of

1 historical sexual abuse cases, and at least during your  
2 first tour during the 80s, that these were not common  
3 cases. I understood you to say that.

4 But by the time you come back in '93, and  
5 specifically as the next few years go by, do you hear the  
6 expression "ring of pedophiles" or "clan of pedophiles"?  
7 Does that come up from either your reading in the papers,  
8 reports that you received from officers, whatever? Do you  
9 hear those -- that type of an expression?

10 MR. TREW: Yes.

11 MR. STAUFFER: Okay. Can you help us as to  
12 where you would have heard it and, again, I realize you  
13 probably read a lot. So just think about this for a  
14 minute. When you would have first come across that and  
15 what the source would have been?

16 MR. TREW: The media.

17 MR. STAUFFER: I'm sorry?

18 MR. TREW: The media.

19 MR. STAUFFER: The media. Are we talking  
20 the paper essentially or ---

21 MR. TREW: I won't leave it at just that,  
22 but obviously the paper would have been one of them.

23 MR. STAUFFER: Okay. All right.

24 So, sir, when you read that, are you still  
25 in charge of CIB at that point?

1                   **MR. TREW:** No, when I first would have read  
2                   that I would have been off on sick leave.

3                   **MR. STAUFFER:** Okay. Again, we may be  
4                   confusing dates here, I think. You come back in December  
5                   of 1993 on a part-time basis. I don't think -- I certainly  
6                   stand to be corrected, but I don't think that expression  
7                   had come up by that time.

8                   **MR. TREW:** Okay. I apologize. I could be  
9                   confused of those dates. In refreshing my memory, perhaps  
10                  it was later on.

11                  **MR. STAUFFER:** Okay. But I suppose  
12                  regardless of when you exactly heard it, what I'm wondering  
13                  is what steps, if any, first of all, did -- were you  
14                  directed to take? That is, did the Chief or Deputy Chief  
15                  ask you to follow up with regard to this expression "ring  
16                  of pedophiles" or "clan of pedophiles"?

17                  **MR. TREW:** I wasn't asked to follow up on  
18                  pedophiles or a clan of pedophiles.

19                  **MR. STAUFFER:** All right.

20                  Did you think yourself that it was necessary  
21                  to make further inquiries having heard that expression or  
22                  those expressions in the media?

23                  **MR. TREW:** Yes, can I stop here and try to  
24                  explain something?

25                  **MR. STAUFFER:** M'hm.

1                   **MR. TREW:** Because we are a policing  
2 organization, and through the media the media prints  
3 basically what they want to print. In order to address  
4 that problem about that term you just used, we were  
5 instructed as a Police Service that we won't be talking  
6 about any cases that are presently in front of the courts.  
7 We won't be talking about any possible victims that we are  
8 investigating. So therefore it was important to realize  
9 that we weren't going to try to address this and rectify  
10 this problem by doing conversations in the media or other.

11                   **MR. STAUFFER:** Okay, but I don't know if I  
12 was really suggesting to you that you would get into some  
13 kind of a war of words with a newspaper or a television  
14 station. So what I'm wondering is what assessment if any  
15 did you make of the situation at that time when you heard  
16 the expression? Did you do something?

17                   **MR. CALLAGHAN:** Can we get some clarity  
18 around when we're talking about?

19                   I mean, by '97 the OPP is doing their thing  
20 in Project Truth and it seems to me that that all comes out  
21 of the Dunlop stuff in terms of media, but like in fairness  
22 to the witness should we not situate him in terms of time,  
23 what's he doing? It's just out there.

24                   **MR. STAUFFER:** Well, if Inspector Trew could  
25 situate us in terms of time I guess that would be very

1 helpful, but he can't.

2 So, Inspector, are you seriously not  
3 following me here? This has been raised, okay? The  
4 spectre of a clan or a ring of pedophiles has been raised.  
5 All I'm asking you is what did you as a senior manager in  
6 the Service do?

7 **MR. TREW:** That term is basically completely  
8 a media term that you just used "pedophile ring". That's  
9 what it was in the newspaper. That's what everyone read,  
10 was a pedophile ring. That's what the media put out there.

11 **MR. STAUFFER:** Okay.

12 **MR. TREW:** Okay. In talking of cases as  
13 police offices, okay, in order to try and combat that and  
14 put a news media release out, policing services would then  
15 have to mention cases or perhaps victims or perhaps  
16 investigations that are ongoing. We're not about to do  
17 that because it would jeopardize the final outcome in any  
18 court. Therefore, we didn't do battle with that term.  
19 Where it originated from was the media.

20 **MR. STAUFFER:** Okay, no, I appreciate that.

21 **MR. TREW:** Okay.

22 **MR. STAUFFER:** Internally, okay, within your  
23 own Service, what type of an assessment was made of that  
24 type of allegation?

25 **MR. TREW:** We're talking as far as police

1 officers. We didn't believe that at all. We felt that was  
2 erroneous and false and overstated.

3 **MR. STAUFFER:** Why did you think that?

4 **MR. TREW:** We had no evidence. We had no  
5 factual evidence pointing towards any kind of pedophile  
6 clan or ring. We investigated initially sexual assault  
7 cases in the early mid-'80s, such as Father Deslauriers'  
8 case. We never come across evidence at that time that  
9 there was a ring.

10 When the initial case came in of the DS  
11 matter, there was no added information or evidence from  
12 that individual that we can recall that there was a ring of  
13 pedophiles.

14 **MR. STAUFFER:** Okay. Again, I don't want to  
15 start bandying words here with you, but you do remember  
16 that the statement from Mr. Silmsen and, for that matter,  
17 the very initial complaint that came in alleged that there  
18 was a friendship between the two alleged perpetrators,  
19 okay? Do you -- do you know that? That's the allegation.

20 **MR. TREW:** There was lots of things printed  
21 in the paper at the time. I'm aware of some print on  
22 paper. Tying me down to specifics, no.

23 **MR. STAUFFER:** I'm not talking about the  
24 newspaper, okay? I'm talking about your own police  
25 document that Sergeant Nakic prepared and, again, I

1 understand you weren't on the job at that point, okay.  
2 This is December of 1992. All right. Did you ever read  
3 the Silmsler statement?

4 **MR. TREW:** No, sir.

5 **MR. STAUFFER:** All right.

6 So I guess what you're telling us,  
7 Inspector, is this, that -- and please correct me if I'm  
8 wrong -- at no time while you're the head of CIB is there  
9 ever any thought of doing an assessment of whether such a  
10 ring or clan might exist?

11 **MR. TREW:** That process has already been  
12 covered as we get into the further investigations by  
13 Ontario Provincial Police Inspector Tim Smith which  
14 eventually leads to Project Truth.

15 **MR. STAUFFER:** Okay. So what you're saying  
16 to me, I guess, is your Police Service had decided to leave  
17 it to the OPP. Is that right? Because that's what Mr.  
18 Callaghan seems ---

19 **MR. CALLAGHAN:** Leave it to the OPP, yeah.  
20 I think my friend knows the facts. He knows that the OPP  
21 was asked to the John MacDonald case following Charlie  
22 MacDonald. I think my friend also knows that Peter  
23 Griffiths wrote the letter to start Project Truth. It's  
24 all been in the record.

25 **MR. STAUFFER:** All right.

1                   Sir, I'm going to take you to a specific  
2                   investigation.

3                   Have you heard of a gentleman by the name of  
4                   Earl Landry, Jr.?

5                   **MR. TREW:** Yes.

6                   **MR. STAUFFER:** All right.

7                   Now, if I can lead you a little bit here,  
8                   and please stop me if I've got anything wrong, but am I  
9                   right, sir, that you were on the job under Chief Landry at  
10                  some point?

11                  **MR. TREW:** Yes.

12                  **MR. STAUFFER:** All right. So you knew Chief  
13                  Landry.

14                  Were you familiar with Staff Sergeant  
15                  Willis, W-I-L-L-I-S?

16                  **MR. TREW:** Yes.

17                  **MR. STAUFFER:** Yes. Were you aware that  
18                  Chief Landry's family knew Staff Sergeant Willis, and by  
19                  that specifically that Earl Landry, Jr.'s brother knew  
20                  Staff Sergeant Willis?

21                  **MR. TREW:** I'm going to say yes.

22                  **MR. STAUFFER:** Okay. When were you made  
23                  aware -- and I know we're going back a number of years --  
24                  but when were you made aware of allegations against Earl  
25                  Landry, Jr. for the first time?

1                   **MR. TREW:** In preparing for this, there was  
2 a notation placed in one of my logs and I believe it's  
3 sometime in June of 1985. I was called back into the  
4 station and the notation basically surrounds that there was  
5 a sexual assault at Kinsmen's Park -- not Kinsmen's Park,  
6 King George Park.

7                   **MR. STAUFFER:** All right.

8                   **MR. TREW:** And I don't have a name attached  
9 to it but I'm going to suggest that's around that time.

10                   **MR. STAUFFER:** Okay. And, again, because  
11 you just said Kinsmen, this Earl Landry, Jr., this has  
12 nothing to do with your earlier testimony where you were  
13 talking about Kinsmen Park and that other case, all right.

14                   So am I right, sir, Sergeant Lefebvre was  
15 assigned to investigate?

16                   **MR. TREW:** Through Staff Sergeant Willis, I  
17 believe.

18                   **MR. STAUFFER:** Yes. Now, sir, can you  
19 answer this question.

20                   Should the investigation, given the  
21 circumstances that there was an allegation against the  
22 Chief's son, should the investigation have taken place or  
23 should it have been conducted, I should say, by some  
24 officers outside of the Cornwall Police Service?

25                   **MR. TREW:** That was not the way we did

1 things back then. In 1985, we would have gone out and at  
2 least gotten what information we were looking at, compile  
3 some evidence. If there was some concerns that we might  
4 have, we might be talking about that, but I believe we  
5 would have handled that case internally.

6 **MR. STAUFFER:** What supervision if any did  
7 you provide on that investigation, that first investigation  
8 back in 1985?

9 **MR. TREW:** 1985 I was working out of the  
10 office classified as a Duty Inspector. That office and  
11 title was sort of a new position where at any given time  
12 we'd have one inspector on duty, day shift or evening  
13 shift, and I would be in charge of the station and in  
14 charge of what was going on in the three departments at the  
15 time.

16 **MR. STAUFFER:** All right. Do you  
17 specifically recollect supervising Sergeant Lefebvre on the  
18 first complaint?

19 **MR. TREW:** No. No.

20 **MR. STAUFFER:** Was somebody else supervising  
21 him, or ---

22 **MR. TREW:** Staff Sergeant Lewis.

23 **MR. STAUFFER:** I see.

24 Would you not -- you would not consider  
25 yourself to be his supervisor then, Sergeant Lefebvre, back

1 in 1985?

2 MR. TREW: I was a supervisor in the  
3 Cornwall Police Service but directly involved in that case,  
4 other than being initially called in, and perhaps I would -  
5 - calling the Chief and calling the Deputy and making them  
6 aware that we had a sexual assault at the park. I wasn't  
7 directly involved with Sergeant Lefebvre's investigation.

8 THE COMMISSIONER: But would you have been  
9 calling the Deputy Chief and the Chief because of who the  
10 accused is or would you -- is that a normal thing, just to  
11 phone up?

12 MR. TREW: The normal procedure, sir, would  
13 be to call the Deputy Chief and the Chief to make them  
14 aware, so if they're not out in the public and all of a  
15 sudden they run into somebody and saying, example, to not  
16 embarrass my superiors and making them a little  
17 knowledgeable, "Yes, I'm aware of certain facts and certain  
18 information." That could have been a sexual assault at  
19 King George Park or that could have perhaps been a fatality  
20 on one of our highways, or that could have perhaps been a  
21 burning building that a lot of lives were at stake. They  
22 were -- we tried to keep them up to date with that so they  
23 wouldn't be embarrassed if they're coming to work or going  
24 out someplace.

25 MR. STAUFFER: All right.

1                   Sir, moving along in time, we're now into  
2                   January of 1996, when I understand there's another  
3                   complaint made against Mr. Landry, Jr. At that point,  
4                   you're now in charge of CIB. Is that correct?

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

6                   **MR. STAUFFER:** Okay. You're supervising  
7                   Staff Sergeant Brunet, as we've heard. Is that right?

8                   **MR. TREW:** Correct.

9                   **MR. STAUFFER:** What discussions took place  
10                  between you and Staff Brunet as to how that investigation  
11                  was to be handled?

12                  **MR. TREW:** There's obviously been  
13                  conversations with myself and Staff Sergeant Brunet on this  
14                  matter. I would have gone over the fact that who we were -  
15                  - who we assigned the case to. I would have been asked to  
16                  be kept up to date and briefed, and if there was any  
17                  questions that the Staff Sergeant had, that he was more  
18                  than willing to give me a call at any time so we can speak  
19                  on that.

20                  **MR. STAUFFER:** Okay. What would you say to  
21                  this? I'm going to suggest to you that the only reason  
22                  action was taken by the police is because one of the  
23                  complainants, who is known to us by a moniker, and the  
24                  moniker is C-52 -- and I hope your counsel advised you who  
25                  that is -- that it was only through this complainant's, for

1 lack of a better term, threat to go to the media that some  
2 action was taken to investigate?

3 First of all, sir, do you know who I'm  
4 talking about? Because I can't use the person's name.

5 **THE COMMISSIONER:** No. We're going to --  
6 first of all, you're going to give him the name for C-52.

7 **MR. STAUFFER:** Thank you.

8 **MR. TREW:** I have read it -- no recollection  
9 of C-52 in my mind.

10 **MR. STAUFFER:** All right. But -- so more  
11 generally, if I can put this to you, to the suggestion that  
12 some threat to go to the media is involved in starting up  
13 this investigation, do you have any further comment on  
14 that?

15 **MR. TREW:** I don't.

16 **MR. STAUFFER:** Okay. I gather in 1997,  
17 we're now moving along in time to February 1997, where  
18 Sergeant Snyder is investigating this second complaint, if  
19 I can put it that way. Do you have a recollection of that?

20 **MR. TREW:** I have a recollection of Sergeant  
21 Snyder doing the investigation.

22 **MR. STAUFFER:** Okay. Do you recollect that  
23 there was a charge in relatively short order in May of  
24 1997, and I gather the individual confessed? Do you have a  
25 recollection of that?

1           **MR. TREW:** I have a recollection.

2           **MR. STAUFFER:** All right.

3           Sir, can you give us any comments, as a pretty senior  
4           investigator, I should say senior supervisor at that point,  
5           as to whether the second investigation was carried out in a  
6           timely fashion, given that it seems that the complaint came  
7           about in January of 1996 and a confession occurred sometime  
8           in May of 1997?

9           **MR. TREW:** I'm not quite sure of the  
10          dynamics of that case. I do know there was some problems  
11          there in regards to investigating it. I just don't want to  
12          guess.

13          **MR. STAUFFER:** I appreciate that.  
14          But do you have any recollection ---

15          **MR. TREW:** There was ---

16          **MR. STAUFFER:** --- as to what the problems -  
17          --

18          **MR. TREW:** There was definitely ---

19          **MR. STAUFFER:** --- were?

20          **MR. TREW:** Sorry, sir.

21          **MR. STAUFFER:** Sorry, sorry. Do you have  
22          any recollection as to what the problems were, even in a  
23          general fashion? What are you talking about in terms of  
24          problems with the investigation?

25          **MR. TREW:** If we're talking about C-52, I'm

1 drawing a blank, here.

2 MR. STAUFFER: All right. Was there any  
3 follow-up that you can recollect?

4 I believe now we're in the era of Chief  
5 Repa. Do you recollect whether Chief Repa followed up from  
6 this investigation with any directives, standing orders,  
7 whatever, to be sure that investigations were carried out  
8 in a more timely fashion?

9 MR. TREW: Chief Repa made a lot of new  
10 policies and procedures. And I'm going to suggest to you  
11 that because of media releases, ongoing problems with  
12 trying to get certain cases solved in a timely fashion,  
13 that was brought up by the Chief and most likely talked and  
14 discussed about it in Senior Management meetings and  
15 eventually, saying, "This is an issue, this is a problem,  
16 here -- this is a thing that's not going away, let's try  
17 and make more timely fashion."

18 Given the dynamics of the cases, given the  
19 amount of human resources that you have, I don't know if  
20 Inquiry's fully appreciative of the fact that we were  
21 always short-staffed. We were always pulling resources  
22 from one area to another so that we could try and get  
23 things done. I don't know if the Inquiry is aware of that  
24 or not and if they're not, I'd be more than pleased to talk  
25 for a few minutes on that.

1                   **MR. STAUFFER:** Well, we will talk about  
2 resources and the Commissioner will certainly give you  
3 opportunity to make recommendations if you want at the end  
4 of your testimony.

5                   But, Mr. Commissioner. I'm planning to move  
6 on to the Antoine investigation ---

7                   **THE COMMISSIONER:** After the break.

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

9                   **THE COMMISSIONER:** Thank you.

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

12 This hearing will resume at 3:20.

13 ---Upon recessing at 3:05 p.m. /

14 L'audience est suspendue à 15h05

15 --- Upon resuming at 3:21 p.m. /

16 L'audience est reprise à 15h21

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

19                   This hearing is now resumed. Please be  
20 seated. Veuillez vous asseoir.

21                  **THE COMMISSIONER:** Thank you.

22 **RICHARD TREW, Resumed/Sous le même serment:**

23 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

24 **STAUFFER (cont'd/suite):**

25                  **MR. STAUFFER:** Inspector Trew, I'm going to

1 refer you to a document that has already been entered as an  
2 exhibit, it's Exhibit 1286. And just bear with me for a  
3 moment, I'll give you the document number for my friends.  
4 This is Document Number 739110, it's a report to Acting  
5 Chief Carl Johnston by Staff Sergeant Derochie dated 8  
6 April, 1995.

7 Just to try to speed the plough here a bit,  
8 Inspector, you could take a minute or two once the Registrar  
9 has given you the Exhibit.

10 **MR. TREW:** Twelve fifty-five (1255)?

11 **MR. STAUFFER:** The exhibit number is 1286.

12 **MR. TREW:** Okay. All right.

13 So I appreciate, Inspector, this is a fairly  
14 lengthy document. I hope you've had a chance to look at  
15 this before coming today because I certainly don't intend  
16 to go through all the factual background and so on. I  
17 wanted to put a few questions to you but perhaps before  
18 referring exactly to the document I will ask you one or two  
19 preliminary matters.

20 You know Kevin Malloy, I gather, Constable  
21 Kevin Malloy?

22 **MR. TREW:** I know the officer.

23 **MR. STAUFFER:** All right.

24 And at one point he was one of the officers  
25 under your command, if I can put it that way?

1                   **MR. TREW:** That's right.

2                   **MR. STAUFFER:** As a member of the CIB or the  
3 Youth Bureau?

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

5                   **MR. STAUFFER:** All right.

6                   And, sir, this report from Staff Derochie  
7 basically involves complaints from someone called Jeannette  
8 Antoine. Are you familiar generally with this case, that  
9 is, the Antoine complaint?

10                  **MR. TREW:** Yes.

11                  **MR. STAUFFER:** All right.

12                  And Kevin Malloy, I gather, was the officer  
13 assigned to do an investigation -- and just bear with me  
14 for a moment. I think this is in -- just to back-up for a  
15 moment -- some information I have and please tell me if you  
16 have this information or not -- is that Constable Malloy  
17 had spoken with Ms. Antoine in July of 1989.

18                  So, again, I realize this is a long time  
19 ago, but can you cast your mind back and tell us if you  
20 knew that or not, that Constable Malloy had spoken with Ms.  
21 Antoine in July of '89?

22                  **MR. TREW:** My recollection was he had spoken  
23 with Ms. Antoine through another matter ---

24                  **MR. STAUFFER:** Right.

25                  **MR. TREW:** --- in September of 1989.

1                   **MR. STAUFFER:** Okay. And we move forward in  
2 time to this more recent complaint if you will. Can you  
3 help us as to when you came into the picture in the Antoine  
4 case? Perhaps, yes, is it September of 1989?

5                   **MR. TREW:** My involvement initially was also  
6 in September of 1989.

7                   **MR. STAUFFER:** All right.

8                   And were you Constable Malloy's -- going up  
9 the chain, were you his superior -- that there was a  
10 sergeant in between you?

11                   **MR. TREW:** Staff Sergeant, yes.

12                   **MR. STAUFFER:** Staff Sergeant, sorry.

13                   And at that point did Constable Malloy have  
14 any discussions with you as to how he viewed the  
15 credibility of Ms. Antoine?

16                   **MR. TREW:** Yes, he did.

17                   **MR. STAUFFER:** Okay. What can you tell us?

18                   **MR. TREW:** The officer had been given a case  
19 involving Jeannette Antoine and he had tried to speak to  
20 her. In fact, what was a bit ironic, that he was involved  
21 in another case involving her daughter and through that  
22 case met Jeannette Antoine before my office or the office  
23 of the staff sergeant gave him a follow-up case that we had  
24 as a result of a meeting with CAS.

25                   The officer was aware of Jeannette Antoine

1 and the two conversations that I can remember, one in  
2 particular the officer was in my office. He had his  
3 notebook out and he was explaining to me that he was having  
4 some difficulty with the case. The reason being is that,  
5 first of all, every time he talked with Jeannette Antoine  
6 the dynamics of the story had changed or were changing.  
7 Also, there was some difficulty, if my memory serves me  
8 correctly, of having appropriate times to meet each other.

9 **MR. STAUFFER:** All right.

10 What direction, if any, did you give to  
11 Constable Malloy?

12 **MR. TREW:** I encouraged the officer to  
13 continue with the case. I encouraged him to try and speak  
14 with her again and also to try and gain any information he  
15 possibly could later on to perhaps speed things up. I  
16 remember the officer going to the Crown's office and  
17 speaking with the Crown on this matter.

18 **MR. STAUFFER:** All right.

19 And, again, I believe most of this is  
20 fleshed out in Staff Sergeant Derochie's report to Chief  
21 Johnston, but can you give us your own personal  
22 recollection of how the initial investigation, if I can put  
23 it that way, came to an end? What was the outcome of the  
24 first investigation?

25 **MR. TREW:** The outcome of the first

1 investigation? As a result of gathering the information  
2 that he had with Ms. Antoine and her statement which did  
3 not come to the station -- she didn't come to the station  
4 until January, I believe, of the New Year.

5 And at that time the officer sat with the  
6 individual and went over her statement. He asked for some  
7 further guidance, I believe, if my memory serves me right,  
8 on names and addresses of people perhaps that could help  
9 with the case.

10 He then gathered this information together  
11 and went down to the Crown's office and spoke with the  
12 Crown briefly of the day. And the Crown basically said  
13 that he saw that he couldn't go ahead with anything at this  
14 time but he was going to send it off to the Regional Crown  
15 for a further assessment.

16 **MR. STAUFFER:** Okay. Were you kept privy to  
17 the correspondence going back and forth here? Did you know  
18 what was being written either between the two, between the  
19 officer and the Crown or between the two Crowns? Were you  
20 aware of any of this correspondence?

21 **MR. TREW:** I'm aware of the fact that Kevin  
22 had gone down to the Crown's office and was talking with  
23 the Crown. I was privileged to that. I was privy to the  
24 fact that there might have been an initial letter stating  
25 that they had sent this information further off to the

1 Regional Crown, but other than that I don't recall of any  
2 memos or letters other than that one.

3 **MR. STAUFFER:** All right.

4 I'm going to take you, sir, to what's called  
5 page 12 typed on this report. It's Bates page -- the last  
6 three numbers are 651.

7 So, again, this is Staff Sergeant Derochie  
8 writing. I appreciate it's not you writing but this is  
9 part of his conclusion, and I'm looking specifically, sir,  
10 at the last paragraph and even more specifically at the  
11 last few sentences that start with, "Several mistakes were  
12 made". Are you with me as to ---

13 **MR. TREW:** Is that the last paragraph on 12?

14 **MR. STAUFFER:** Yes, sir. So it's page 12  
15 right at the bottom and the sentence that starts with  
16 "Several mistakes were made".

17 **THE COMMISSIONER:** Is that what we have on -  
18 --

19 **MR. STAUFFER:** It is on the screen.

20 **THE COMMISSIONER:** Okay. That's page 13,  
21 sir.

22 **MR. STAUFFER:** Well, it's ---

23 **THE COMMISSIONER:** Oh, page 12 on the top,  
24 page 13 on the bottom.

25 **MR. STAUFFER:** Yes, sir. Just to keep us on

1       our toes here.

2                       So, Inspector, if you could just look at  
3       that last sentence or two? Do you agree or disagree with  
4       Staff Sergeant Derochie's assessment that Constable Malloy  
5       should have created an OMM PAC incident immediately after  
6       having been assigned the investigation?

7                       **MR. TREW:** Can I speak on that?

8                       **MR. STAUFFER:** Yes, I'd like you to either  
9       agree or disagree but if you have something to extrapolate,  
10      go ahead.

11                      **MR. TREW:** Upon my prepping myself to come  
12      here today, I noticed that initially Constable Malloy had  
13      gone down to speak on a matter involving Jeannette  
14      Antoine's daughter. There was allegations of misconduct at  
15      that time. He, at that time, made an occurrence number, an  
16      incident number.

17                      **MR. STAUFFER:** Okay.

18                      **MR. TREW:** Shortly thereafter -- I'm going  
19      to suggest to you within a day unknown to Kevin -- he gets  
20      this other assignment by either my office or the staff  
21      sergeant of the day. It came through the Deputy Chief's  
22      office. Further to that we had a meeting with CAS at the  
23      Crown's office and this concern of Jeannette Antoine's was  
24      being addressed through that way and we gave that to Kevin.

25                      There was an initial incident number

1 relating to her complaint because of the fact she raised  
2 concerns to Kevin at that time about "I have something to  
3 tell you" in that kind of way. And she went on with  
4 details about living in the group home in the mid-'70s and  
5 went on to explain that she felt there was physical and  
6 sexual abuse that took place.

7 She went on to explain to the officer the  
8 group home was eventually broken up and most of the  
9 employees of that group home were released by CAS. He had  
10 that in his information. He had that in his notebook.

11 There is some confusion here today and I do  
12 not want to -- this Inquiry to presume that Kevin wasn't  
13 trying to keep up to date with things.

14 I was just as shocked as you people were  
15 when you read that there was no incident number. Does that  
16 take place often? No, it does not.

17 How the occurrence came through the Chief's  
18 office or the Deputy Chief's office and then to me, I'm  
19 going to say there was some confusion here. And I do not  
20 think it was appropriate for the writing of Staff Sergeant  
21 Derochie, as far as harshness goes, in his report.

22 I believe there's an answer to this  
23 question. It's as simple as he had an incident number,  
24 although it was relating to her daughter. He received that  
25 other information while talking to Jeannette Antoine.

1                   **THE COMMISSIONER:** So just a minute. The  
2 incident number you're talking about is the one where  
3 Jeannette Antoine's daughter is accusing Madame Antoine of  
4 assault?

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

6                   **THE COMMISSIONER:** So you're saying that  
7 that occurrence number would cover not only the assault  
8 investigation but whatever Mrs. Antoine came up with with  
9 respect to sexual abuse and physical abuse at the hands of  
10 persons within the Children's Aid Society?

11                   **MR. TREW:** No, sir, that should have been a  
12 different number.

13                   **THE COMMISSIONER:** Okay. And so you're not  
14 saying that it was a mistake not to have one? You're  
15 trying to give us an explanation about it?

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

17                   **MR. STAUFFER:** All right.

18                   Sir, I'm going on to the next -- do you have  
19 anything further to add because I'm going on to the next  
20 sentence?

21                   **MR. TREW:** Go ahead.

22                   **MR. STAUFFER:** Okay. So Staff Derochie says  
23 he should have kept notes. He's referring to Constable  
24 Malloy. He should have kept notes on his activities  
25 related to the investigation and he should have submitted

1 reports updating the progress of his investigation.

2 Do you agree or disagree with that comment?

3 **MR. TREW:** I disagree.

4 **MR. STAUFFER:** You disagree? So you think  
5 that, from your prior answer, that Kevin Malloy did keep  
6 notes?

7 **MR. TREW:** He initially had notes on Antoine

8 ---

9 **MR. STAUFFER:** Right.

10 **MR. TREW:** --- Jeannette. I believe that  
11 they have been submitted here. I had an opportunity to  
12 view that note where he puts in his notation on the  
13 incident, the first incident number, his concerns that  
14 Jeannette has towards him. And he encourages her to come  
15 in to the station with a statement so he can further  
16 investigate.

17 **MR. STAUFFER:** So this is a hard question,  
18 but I mean how could Staff Derochie have made that mistake  
19 then? He's saying there are no notes. You're saying there  
20 are notes.

21 **MR. TREW:** Well, there is notes.

22 **MR. STAUFFER:** Sorry?

23 **MR. TREW:** There is notes.

24 **MR. STAUFFER:** There are notes?

25 **MR. TREW:** There is notes.

1                   **MR. STAUFFER:** Okay. Well, can you help us  
2 out? I mean, did -- let me step back. Did Staff Sergeant  
3 Derochie speak to you before he wrote this report?

4                   **MR. TREW:** No.

5                   **MR. STAUFFER:** Is that common practice to --  
6 -

7                   **MR. TREW:** Staff Sergeant Derochie was  
8 tasked with a difficult task here. He was tasked by a  
9 Chief or a Deputy Chief to go and investigate this here and  
10 to see what kind of findings he could find.

11                   We all have our opinions and perceptions of  
12 things that took place in the past. Staff Sergeant  
13 Derochie is a fine officer, but I do not agree on all of  
14 his opinions and perceptions.

15                   **MR. STAUFFER:** Okay. But all I'm getting  
16 at, you see, there's a difference here, Inspector, about  
17 opinions and, in this case, facts. And I'm talking about  
18 notes, okay? So I'm just taking it step by step.

19                   Staff Sergeant Derochie did not speak to you  
20 before he prepared this report; is that right?

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

22                   **MR. STAUFFER:** Okay. Should he have spoken  
23 to you? Is that common practise within the Service, or was  
24 it back then in '95?

25                   **MR. TREW:** It would depend on the case.

1                   **MR. STAUFFER:** Okay. But -- so when you  
2 read this ---

3                   **THE COMMISSIONER:** Well, come on now. In  
4 this case, you know the facts here. Have you ever been a -  
5 - in the role as Mr. -- as Officer Derochie in the quality  
6 -- Professional Standards?

7                   **MR. TREW:** Yes.

8                   **THE COMMISSIONER:** Okay. So you have some  
9 experience in that?

10                  **MR. TREW:** Yes.

11                  **THE COMMISSIONER:** You, faced with the  
12 investigation that Officer Derochie would have had to make,  
13 would you have gone to talk to somebody who was in your  
14 position?

15                  **MR. TREW:** I'd say yes.

16                  **THE COMMISSIONER:** There you go.

17                  **MR. STAUFFER:** Okay. Inspector, when did  
18 you first read this report? Again, I realize this report's  
19 over 10 years old, but when did you first read it; when it  
20 first came out or ---

21                  **MR. TREW:** I believe I had the opportunity  
22 to read the report upon my return from sick leave. It was  
23 again Chief Johnston who showed me the report.

24                  **MR. STAUFFER:** Well, again, not to be hard  
25 on you here, but I mean you're back from sick leave, as I

1 understand it, December of 1993. Okay? And this is April  
2 of '95.

3 MR. TREW: Okay. Then ---

4 MR. STAUFFER: You follow ---

5 MR. TREW: --- Chief Johnston -- the first  
6 time I saw this report was through Chief Johnston's office.

7 MR. STAUFFER: Okay. So ---

8 MR. TREW: And I'm still coming back to  
9 work, sir, in 1995.

10 MR. STAUFFER: Okay. Did -- so when you  
11 read this, did you go to Staff Derochie and say -- I  
12 assumed you use first names here -- "Garry, you've made a  
13 mistake about the notes"?

14 MR. TREW: I believe Garry and I had a  
15 general conversation without getting into specifics. I  
16 think we kept it very professional.

17 MR. STAUFFER: Right.

18 MR. TREW: I strongly disagreed with the  
19 report in regards to certain sections in the report. He  
20 had a difficult task. But I am of the opinion that his  
21 perception is wrong in certain areas.

22 THE COMMISSIONER: What other areas do you  
23 say his perception is wrong in?

24 MR. TREW: He becomes very harsh in regards  
25 to the supervision of the officers involved in the case.

1                   **THE COMMISSIONER:** Which would include you?

2                   **MR. TREW:** That would include me.

3                   **THE COMMISSIONER:** Top of page 13 then?

4                   **MR. STAUFFER:** So you just have to turn the  
5 page, sir. It starts with Constable Malloy's immediate  
6 supervisors.

7                   **MR. TREW:** Yeah.

8                   **MR. STAUFFER:** Okay.

9                   **THE COMMISSIONER:** So could you comment on  
10 that? So for the -- so the paragraph reads:

11                               "Constable Malloy's immediate  
12                               supervisor should have recognized the  
13                               significance of the allegations being  
14                               made and should have monitored the  
15                               progress of the inquiry very carefully.  
16                               They should have expected to see  
17                               reports on a regular basis and should  
18                               have noticed that no reports were being  
19                               filed. There was no mechanism in place  
20                               nor is there now, to my knowledge, for  
21                               monitoring CIB officers' notebooks."

22                   All right. So what do you have to say about  
23 that?

24                   **MR. TREW:** Okay. Initially, having a case  
25 that comes in that's difficult, we give the case to

1 someone; we monitor it. As you've heard me just recently  
2 state that I had conversations with the officer, I'm sure  
3 perhaps even the staff sergeant did if he was available.  
4 But I recall distinctly having monitored this case and had  
5 advised him to seek further help, if not within the  
6 indecision of asking him to seek further help in regards to  
7 the Crown Attorney's office.

8 As it went down there, it laid in abeyance  
9 after the fact that the Crown said he would send it forward  
10 to the regional Crown Attorney.

11 Meanwhile, coming through the Criminal  
12 Investigations Branch, continuously other cases are coming  
13 through. The officer puts this in abeyance and continues  
14 along, as well as his supervisors.

15 Shortly thereafter in 1990, I get taken out  
16 of CIB and I get put over to Uniform.

17 There is other issues that I must address at  
18 this time also. It's not like there was only one case to  
19 one person every week or every so often. These officers  
20 often had to carry a caseload and keep going. In fact,  
21 sometimes I would pull them. They would have 10 or 15  
22 caseloads and I'd say, "Drop what you're doing, guys; I  
23 need you today over here in a homicide or a robbery or  
24 there's something we need you immediately for."

25 **MR. STAUFFER:** Okay. Let me stop you there

1 for a second.

2 **THE COMMISSIONER:** Let him go. Let him go.

3 **MR. TREW:** Thank you, sir.

4 **MR. STAUFFER:** All right.

5 **MR. TREW:** From there it's the same as  
6 myself in the -- as far as a supervisor goes. I think I've  
7 tried to tell you here today that many times my job was not  
8 CIB. Many times it was -- at any given time it would have  
9 CIB, Uniform and Admin at times, plus the fact I would have  
10 a number of different jobs given to me by the Chief or the  
11 Deputy Chief.

12 One of those examples would be to do the  
13 Chief's prosecution for criminal -- not *Criminal Code* --  
14 but *Police Services Act* trials.

15 **THE COMMISSIONER:** How many of those would  
16 happen? Like one a year, one a month?

17 **MR. TREW:** One a year, two a year, plus the  
18 fact of conduct and commendation reports would come in all  
19 the time.

20 The bottom line is, Malloy tells the Crown,  
21 the Crown writes a letter and the Crown says, "I never got  
22 a response from the Regional Crown," so whose  
23 responsibility is it, in the end, to say, "We're not  
24 getting back to this"?

25 **MR. TREW:** The problem with not having that

1 Incident number that you talk about ---

2 THE COMMISSIONER: M'hm.

3 MR. TREW: --- in the ---

4 THE COMMISSIONER: It takes on more  
5 significance now.

6 MR. TREW: It does take on more  
7 significance.

8 With the -- the advent of OMPPAC coming in  
9 at this time -- I believe OMPPAC is just starting coming  
10 in, it's in its early stages; we're going from hard copy to  
11 OMPPAC.

12 MR. STAUFFER: It's 1989, I think; am I  
13 right? July, 1989?

14 MR. TREW: There -- this is a new function  
15 with a lot of the officers and it's a new way of doing  
16 things. It's new to everyone. There is some training, but  
17 minimal. Again, our resource factor is always being pulled  
18 and questioned. So ---

19 MR. STAUFFER: Okay. It's about five years  
20 after OMPPAC comes in.

21 MR. TREW: So the way -- the way the -- a  
22 few of these paragraphs are worded, towards the officer,  
23 number one, that's why I have stated what I have stated in  
24 front of this Inquiry today.

25 And number two, as far as the "immediate

1 supervisor," at least this supervisor, I can truly say that  
2 -- that I believe it was hard or harsh.

3 **MR. STAUFFER:** Okay. When you spoke with  
4 Staff Derochie, after you read the report, did you tell him  
5 that you did recognize the significance of the allegations?

6 **MR. TREW:** Could you be more specific on  
7 "significance"?

8 **MR. STAUFFER:** Well, that's his opinion and  
9 that's the paragraph that you've just read or the  
10 Commissioner's read out to you.

11 Did you say to Staff Derochie, "I knew this  
12 was an important problem" or "an important case"?

13 **MR. TREW:** I don't remember what I spoke to  
14 the Staff Sergeant on, other than the fact that I -- you're  
15 asking me today was this important to the Cornwall Police  
16 Service or was it important to the officers involved; yes,  
17 it was.

18 **MR. STAUFFER:** Okay. Did you tell Staff  
19 Derochie that you had received regular reports?

20 Again, I'm just reading from the paragraph,  
21 sir, Staff Derochie's made a finding in his mind that you,  
22 as one of the supervisors, was not getting reports on a  
23 regular basis and you should have noticed that no reports  
24 were being filed. I'm simply asking you, when you follow  
25 up with Staff Derochie and say to him, "I've read your

1 report. Yes, I was reading reports from Kevin Malloy," did  
2 you say something to him like that? I want to understand  
3 what your response was to Staff Derochie, because you see  
4 this as a "harsh" report, okay?

5 MR. TREW: Certain paragraphs I see as a  
6 harsh report.

7 MR. STAUFFER: Sorry?

8 MR. TREW: Certain paragraphs as I see as  
9 harsh.

10 MR. STAUFFER: Sir, I just want to know if  
11 you said anything to Staff Derochie of any significance  
12 here that will help us out in explaining why you think he's  
13 wrong in his assessment? We're just trying to get your  
14 side of the story and I -- I haven't ---

15 MR. TREW: I guess if you directed ---

16 MR. STAUFFER: I just don't understand.

17 MR. TREW: Sir, if you direct it to me, I'm  
18 trying to explain that to you.

19 What I said back to Staff Sergeant Derochie  
20 in 1989, I have a hard time recalling that, other than I  
21 was disappointed, but I didn't get into details, I didn't  
22 go over this report tooth and ---

23 MR. STAUFFER: Okay.

24 MR. TREW: --- line by line with him.

25 MR. STAUFFER: All right. Let me ask you

1       this; you've explained to the Commissioner that you seemed  
2       to be wearing several hats, from time to time. You know,  
3       you weren't just in CIB but you were doing other functions.

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

5               **MR. STAUFFER:** Did you explain that to Staff  
6       Sergeant Derochie?

7               **MR. TREW:** I believe Staff Sergeant Derochie  
8       was aware of that.

9               **MR. STAUFFER:** Okay. Well, if he's aware of  
10       it, why isn't that in his report? That is, why isn't he  
11       saying, "Inspector Trew has just got too many functions,  
12       that's probably why he's not able to keep up with Constable  
13       Malloy and this particular investigation"? I'm just  
14       curious, if there is that kind of overloading of yourself,  
15       which may very well be true, I'm just wondering why it's  
16       not in the report?

17               **MR. TREW:** You'd have to ask that officer.

18               **MR. STAUFFER:** All right.

19               **THE COMMISSIONER:** Sir, will you agree with  
20       me that the case fell between the cracks?

21               **MR. TREW:** With explanation, sir?

22               **THE COMMISSIONER:** No, no -- okay, well  
23       explanation. Did ---

24               **MR. TREW:** Sir, do you want ---

25               **THE COMMISSIONER:** Or did it ---

1           **MR. TREW:** You want an explanation; you're  
2           trying to get some information from me and I appreciate  
3           that, sir, okay?

4                     But it sounds like it fell through the  
5           cracks. First of all, it came in, in September. It ran  
6           all the way until she comes back in, in January.

7                     From January, Kevin goes down to the Crown's  
8           Office. From there, he -- he waits for a reply. Obviously  
9           somewhere along the line, he doesn't get a reply and he  
10          goes on to other things, plus the fact I think the officer  
11          finally goes off on sick leave.

12                    But it's important for this Inquiry to  
13          understand that these officers plus other positions in the  
14          Cornwall Police Service were overloaded because of staff  
15          shortage, not that they were not trying to do a good job.  
16          So when it falls through the cracks, it rings to me, okay -  
17          --

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

19                    **MR. TREW:** --- of "we didn't care" and that  
20          was not the case.

21                    **THE COMMISSIONER:** Well, you're making an  
22          assumption there.

23                    **MR. TREW:** Yeah.

24                    **THE COMMISSIONER:** But the black-and-white  
25          fact, will you agree, that the case fell through the

1 cracks?

2 MR. TREW: Because of the non-Incident  
3 number.

4 THE COMMISSIONER: Regardless of why, did it  
5 or did it not fall through the cracks?

6 MR. TREW: Yes.

7 THE COMMISSIONER: Bon. Okay.

8 And you've told us about the woes and we've  
9 listened to the woes of the Cornwall Police Services for  
10 many days now, all right? So we understand what you've --  
11 what the Cornwall Police position is.

12 Now, you are on the hotseat here because Mr.  
13 -- Staff Sergeant Derochie is saying you should have  
14 supervised a little better. And you say, "No, I did what I  
15 was supposed to do, in the circumstances," and that's it,  
16 okay.

17 Were you ever disciplined, as a result of  
18 this?

19 MR. TREW: No.

20 THE COMMISSIONER: All right.

21 MR. STAUFFER: All right. Mr. Commissioner,  
22 I will not belabour this but I would ask you ---

23 THE COMMISSIONER: But you're going to  
24 anyways.

25 MR. STAUFFER: Well ---

1                   **THE COMMISSIONER:** Every time anybody says,  
2                   "I'm not going to be long, I'm not going to review the  
3                   evidence," they go and review all of the evidence, so,  
4                   okay.

5                   **MR. STAUFFER:** Mr. Commissioner, you've seen  
6                   through me, again.

7                   Page 14 of the report -- I'm almost done  
8                   here on the Antoine matter -- I'm looking at the third  
9                   paragraph, Inspector, where essentially Staff Derochie's  
10                  making two recommendations. He says:

11                               "Closer supervision of officers'  
12                               caseload management and periodic  
13                               inspections of notebooks."

14                  Do you see where I am?

15                  **MR. TREW:** You said three down, three  
16                  paragraphs down?

17                  **MR. STAUFFER:** The Bates page, is that what  
18                  you want?

19                  Can you not see the third paragraph? It  
20                  starts with "other safeguards," sorry.

21                  **MR. TREW:** Yes.

22                  **MR. STAUFFER:** I guess ---

23                  **MR. TREW:** It doesn't view as a third page  
24                  on -- on the monitor.

25                  **MR. STAUFFER:** Oh, okay.

1                   **MR. TREW:** Or the third paragraph.

2                   **MR. STAUFFER:** So the second sentence in  
3                   that paragraph is essentially, "two that spring to mind,"  
4                   and we're talking about recommendations from Staff  
5                   Derochie, "are closer inspection of officers' caseload  
6                   management and periodic inspection of notebooks." So,  
7                   Inspector, were either of those recommendations from Staff  
8                   Derochie followed up?

9                   **MR. TREW:** Because of OMPPAC being new,  
10                  there was -- there was a safeguard and we're dealing with  
11                  thousands of cases a year in the Cornwall Police Service.

12                  **MR. STAUFFER:** Okay.

13                  **MR. TREW:** We get one or maybe a couple, I  
14                  don't have evidence of that, that do not have Occurrence  
15                  numbers.

16                                 This particular case, although it was  
17                  monitored, eventually gets lost in the system.

18                  **MR. STAUFFER:** Okay.

19                  **MR. TREW:** Okay?

20                  **MR. STAUFFER:** All right. I hear you. I  
21                  just want ---

22                  **MR. TREW:** Therefore ---

23                  **MR. STAUFFER:** Okay.

24                  **MR. TREW:** --- it becomes more aware after  
25                  someone makes a report, that "let's try to be careful here"

1 or "let's try to go forward. Let's try to make sure that  
2 this does not happen again."

3 And obviously, those -- that statement that  
4 -- the paragraph that we just read, was concerns that were  
5 addressed and were given to the supervisors.

6 **MR. STAUFFER:** Sorry, I missed that last  
7 critical thing, then.

8 You did write up something for your ---

9 **MR. TREW:** No, no, you're asking me if this  
10 was every addressed and I said it was addressed.

11 **MR. STAUFFER:** Okay. So how can you help us  
12 that it was addressed?

13 **MR. TREW:** Well, first of all, make sure  
14 that there's an Occurrence number every time, that was --  
15 that would have been on a general meeting, perhaps a  
16 monthly meeting that you'd have in your CIB with an agenda  
17 on it, "Occurrence Numbers for Every Incident."

18 **MR. STAUFFER:** Could I stop you there?  
19 Do you remember doing that?

20 **MR. TREW:** I can remember having meetings on  
21 -- on making sure that your files are up to date, making  
22 sure that your occurrence numbers are in, yes, I'll -- I'll  
23 go with that.

24 From this particular one here, it might  
25 have been as a result of this.

1                   **MR. STAUFFER:** What about the periodic  
2                   inspection of notebooks; am I right in thinking Staff  
3                   Derochie is expecting the sergeant or the staff sergeant to  
4                   be reviewing the notebooks or does he mean everybody up the  
5                   chain of command?

6                   **MR. TREW:** I believe after this report is  
7                   written, the officers used to keep their notebooks in their  
8                   own lockers and would have to stay at the station. If need  
9                   be, we could go into the locker and get the notebook. From  
10                  there, somewhere along the line, all the notebooks in  
11                  Uniform are in one place and I believe the notebooks in CIB  
12                  are in another.

13                  Tasking me on that, sir?

14                  **MR. STAUFFER:** Just wondering who you think  
15                  is supposed to be doing these inspections and notebooks?

16                  **MR. TREW:** The staff -- the immediate  
17                  supervisor.

18                  **MR. STAUFFER:** Okay. So whether it's a  
19                  sergeant or a staff sergeant, that's the person. All  
20                  right.

21                  Now, Inspector, I'm going to turn to another  
22                  matter, and this is a complaint that comes in, for lack of  
23                  a better word, from a John MacDonald. Are you familiar  
24                  with John MacDonald?

25                  **MR. TREW:** I'm familiar with the case.

1                   **MR. STAUFFER:** All right.

2                   So this is August 15<sup>th</sup> of 1995, that's my  
3 understanding, when you meet with Father Kevin Maloney?

4                   **MR. TREW:** I do not have my notes in front  
5 of me, but I believe it was the 16<sup>th</sup> of August.

6                   **THE COMMISSIONER:** Will we be referring to  
7 his notes?

8                   **MR. STAUFFER:** Yes, I will, Mr.  
9 Commissioner. It would probably be better. Now bear with  
10 me. Can my friends help me out quickly here as to the ---  
11 Seven-three-three (733) is the Exhibit  
12 Number?

13                   **THE COMMISSIONER:** Is that the portion we  
14 want?

15                   **MR. STAUFFER:** Two-three-eight (238). So,  
16 Mr. Commissioner, my friend has very kindly helped me here.  
17 It's Document 118757. It's the notes apparently of  
18 Inspector Trew from sometime in 1995 to September 30 of  
19 1995. It looks like August 16<sup>th</sup> perhaps is the first entry.

20                   **MS. DALEY:** Madam Reporter, it, I believe,  
21 is Exhibit 238.

22                   **THE COMMISSIONER:** Two-three-eight (238).

23                   **MR. STAUFFER:** Inspector, I really only have  
24 a few questions about this matter.

25                   **THE COMMISSIONER:** Are those your notes,

1 sir?

2 MR. TREW: Yes, they are.

3 MR. STAUFFER: And, Madam Registrar, if I  
4 could just have those put on the screen when you're ready.  
5 Thank you very much.

6 So, Inspector, anyway this is my  
7 understanding of the background here. Father Maloney  
8 contacts you because he has received a letter from a John  
9 MacDonald who has made certain allegations; is that  
10 correct?

11 MR. TREW: That's correct.

12 MR. STAUFFER: And what I understand  
13 happens, and correct me if I'm wrong, is essentially you go  
14 to see Father Maloney. You see the letter. You bring in  
15 Constable Wilson-King -- that's a hyphenated last name --  
16 is that right?

17 MR. TREW: I believe Father Maloney came in  
18 to the station to see me.

19 MR. STAUFFER: All right.

20 But is the next involvement essentially  
21 Constable Wilson-King coming into the picture.

22 (SHORT PAUSE/COURTE PAUSE)

23 MR. STAUFFER: I guess I may be misleading  
24 you, Inspector. There's a Constable Dave Bough that we've  
25 heard about already.

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

2           **MR. STAUFFER:** You assigned or caused the  
3 matter to be assigned to Constable Bough?

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

5           **MR. STAUFFER:** All right.

6                   Did, to the best of your knowledge,  
7 Constable Bough meet with Father Maloney or with John  
8 MacDonald? Do you know what Constable Bough did? Because  
9 I gather you tasked him to do both, make contact with both  
10 of them before he left on holidays. Have I got that right?

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

12           **MR. STAUFFER:** Okay. To the best of your  
13 knowledge, did Constable Bough make contact with both  
14 gentlemen?

15           **MR. TREW:** I'm aware of the alleged victim,  
16 Mr. MacDonald. I'm aware of that and I -- if you give me a  
17 second, I'll look.

18           **MR. STAUFFER:** Okay.

19                   **(SHORT PAUSE/COURTE PAUSE)**

20           **MR. TREW:** Yes, I believe he contacted  
21 Father Maloney also.

22           **MR. STAUFFER:** All right.

23                   And I mentioned Constable Wilson-King's  
24 name. I gather she came into the picture because Father  
25 Maloney was concerned that he was receiving messages on his

1           answering machine and he wanted that stopped, essentially,  
2           and that's why she became involved in the matter?

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

4                   **MR. STAUFFER:** Have I got that right? But  
5           just following along with Constable Bough for a moment,  
6           what I understand happened was eventually the matter was  
7           turned over to the OPP, and I've got a date of October 31<sup>st</sup>  
8           of 1995, and I'd like you to comment as to whether that is  
9           the date or not.

10                   **MR. TREW:** I believe there's other  
11           correspondence to this by way of letterhead to the OPP.

12                   **THE COMMISSIONER:** Well, you've got a note  
13           here at the back saying:

14                           "Case was discussed with the  
15                           Chief and a letter was drafted for the  
16                           Chief's signature asking the OPP to  
17                           take this case as a continuation of a  
18                           sexual assault allegation against  
19                           Father Charles MacDonald. Letter for  
20                           further continuation of allegation  
21                           against Father Charles MacDonald was  
22                           accepted by OPP HQ."

23                           So that's in your notes and the last date  
24           was August 23<sup>rd</sup>, 1985.

25                   **MR. TREW:** That's why I hesitated, sir. He

1 said October.

2 **THE COMMISSIONER:** Oh, I know.

3 **MR. TREW:** Okay.

4 **MR. STAUFFER:** I apologize. I'm trying to  
5 find out why I said October 31<sup>st</sup>. But what is your best  
6 information then, Inspector, as to when the matter went  
7 over to the OPP?

8 **MR. TREW:** August the 23<sup>rd</sup>, '95 when the  
9 letters were drafted to the attention of the OPP.

10 **MR. STAUFFER:** All right.

11 Now, given that the complaint apparently  
12 came in to Father Maloney at least August 15<sup>th</sup> or  
13 thereabouts of '95, have I got it right, you're saying  
14 about eight days passed between that information coming to  
15 Father Maloney and the matter going over to the OPP?

16 **MR. TREW:** Yes.

17 **MR. STAUFFER:** All right.

18 Mr. Commissioner, I'm now turning to another  
19 matter.

20 And that is your involvement with Constable  
21 Dunlop. Sir, I'm going to take you as quickly as I can  
22 through certain matters and I'll be stopped if I'm going  
23 too fast or I'm leading you too much.

24 **THE COMMISSIONER:** Yes, sir. Mr. Sherriff-  
25 Scott.

1                   **MR. SHERRIFF-SCOTT:** Good afternoon, sir.

2                   **THE COMMISSIONER:** Good afternoon, sir.

3                   **MR. SHERRIFF-SCOTT:** I just want to express  
4 a concern about the extent of the evidence-in-chief and the  
5 potential impact it might have on cross-examination.

6                   I raised this with my friend, Mr. Stauffer,  
7 at the luncheon break, and some of my colleagues as well.  
8 And that is before he progresses on in the chronology --  
9 and I don't mean to interrupt his pace here -- the concern  
10 is this, that the first officer Ron Lefebvre was the lead  
11 investigator in the Gilles Deslauriers matter in 1986.

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

13                   **MR. SHERRIFF-SCOTT:** The Commission has  
14 served an extensive AE or Anticipated Summary of Evidence  
15 for him and I've prepared a cross-examination and given a  
16 fairly detailed notice of documents for him.

17                   We have been told only that there is some  
18 issue with him whether or not he's coming and so I might  
19 suggest if, at least before my friend finishes, one of two  
20 things happens from the point of view of potential cross-  
21 examination of this witness.

22                   First, that perhaps we should get an update  
23 on that matter and, secondly, perhaps Mr. Stauffer could  
24 more exhaustively canvass with the witness the full extent  
25 of his involvement with the Deslauriers investigation

1 because there was sort of just a touching on it. I think  
2 that would be helpful because then it will be apparent to  
3 counsel whether or not the witness has any foundation for  
4 cross-examination in that matter or whether that is  
5 exclusively going to fall to Mr. Lefebvre and we're sort of  
6 in the air on that.

7 I apologize for the interruption. I just  
8 wanted to bring that to your attention.

9 **THE COMMISSIONER:** That's fine. Thank you.  
10 We'll take a break and you can consult and  
11 we'll see where we go. Thank you.

12 **MR. STAUFFER:** Thank you.

13 **THE REGISTRAR:** Order; all rise. A l'ordre;  
14 veuillez vous lever.

15 This hearing will resume at 4:15.

16 --- Upon recessing at 4:03 p.m./

17 L'audience est suspendue a 16h03

18 --- Upon resuming at 4:19 p.m./

19 L'audience est reprise a 16h19

20 **THE REGISTRAR:** Order; all rise. A l'ordre;  
21 veuillez vous lever.

22 This hearing is now resumed. Please be  
23 seated. Veuillez vous asseoir.

24 **RICHARD WILLIAM TREW, Resumed/Sous le même serment:**

25 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

1           **STAUFFER :**

2                   **MR. STAUFFER:** Thank you, Mr. Commissioner.

3                   **THE COMMISSIONER:** Have you resolved  
4 everything?

5                   **MR. STAUFFER:** Yes, sir, -- well, we'll see.

6                   **THE COMMISSIONER:** Great.

7                   **MR. STAUFFER:** Inspector Trew, I'm going to  
8 ask you a few more questions concerning the Father Gilles  
9 Deslauriers investigation.

10                           Now, just to refresh my memory and those of  
11 us here, you were the superior officer to Sergeant Ron  
12 Lefebvre who was the investigator on the Father Deslauriers  
13 case. Is that correct?

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

15                   **MR. STAUFFER:** All right.

16                           Did you have occasion to speak with the  
17 Sergeant then from time-to-time during the course of his  
18 investigation?

19                   **MR. TREW:** Yes.

20                   **MR. STAUFFER:** All right.

21                           What concerns, if any, did Sergeant Lefebvre  
22 express to you as to what difficulties he was having with  
23 the investigation?

24                           Take your time, and I realize that it's 20  
25 years ago or more, but take your time and help us out as to

1 what you can recollect.

2 MR. TREW: This was a multiple sexual  
3 assault investigation and I believe a lot of the problems  
4 arise of - hesitation of victims to come forward and to  
5 speak with the officer.

6 It's a life-changing situation for them and  
7 I believe that he had difficulty in the beginning trying to  
8 get the number of victims to come forward.

9 MR. STAUFFER: I appreciate that. With  
10 respect to any of the alleged perpetrators, did the  
11 Sergeant talk to you about any difficulties in dealing with  
12 them?

13 THE COMMISSIONER: First of all, there's  
14 one.

15 MR. STAUFFER: Yes, yes, all right. Well, I  
16 was leaving the door open there but, all right, we'll go on  
17 the basis of that.

18 With respect to the alleged perpetrator, did  
19 Sergeant Lefebvre express any views to you as to how  
20 cooperative or uncooperative that individual was?

21 MR. TREW: I believe there was -- there was  
22 a -- what I recall -- there was an arrogance to the suspect  
23 at the time. A refusal to cooperate with the officer,  
24 whether that being direct answers or whatever. I can  
25 remember a situation where the term "arrogance" came about

1 in talking with the officer.

2 MR. STAUFFER: All right. And finally ---

3 THE COMMISSIONER: Whoa, whoa, was that  
4 directed towards the accused specifically or to the  
5 institution to which he worked for?

6 MR. TREW: The accused.

7 MR. STAUFFER: And then opening that last  
8 area of questioning, Inspector, did the Sergeant express  
9 any views to you as to how cooperative any of the other  
10 members of Diocese were?

11 MR. TREW: If my memory serves me right,  
12 there was a cooperation from members of the Diocese  
13 internally, members that didn't want their names to come  
14 forward but definitely were cooperating with the  
15 investigating officer.

16 MR. STAUFFER: You mean, potential witnesses  
17 didn't want to have their names ---

18 MR. TREW: No, potential witnesses that were  
19 involved with the church, whether directly or indirectly.

20 THE COMMISSIONER: What about the Bishop?

21 MR. TREW: At that time the name of the  
22 Bishop didn't come to the forefront, sir.

23 THE COMMISSIONER: Okay.

24 MR. STAUFFER: All right.

25 And so up until the time of the court action

1 commencing, is there anything further that you can tell us  
2 as to your discussions with Sergeant Lefebvre and his  
3 dealings with this case as to cooperation of any other  
4 individuals?

5 **MR. TREW:** I'd be searching. I'd be  
6 searching -- I wouldn't be for sure.

7 **MR. STAUFFER:** All right.

8 Sir, those are the questions I have in that  
9 point and I'd now like to turn to Mr. Dunlop, and as I  
10 indicated before the break, I'm going to try and lead you  
11 through a bit of this. I hope most of this is uncontested.

12 But, sir, you came to know Constable Dunlop  
13 from the time he came on the Force, until -- or on the  
14 service until he left. Is that correct?

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

16 **MR. STAUFFER:** And in April of 1985, which  
17 would be a few years after he came on the service, you  
18 indicated that you -- in one of your evaluations of him  
19 that you, "Have faith in this officer and I'm expecting  
20 good things from this officer in the future".

21 Again, I can refer you to this if you  
22 Need, but ---

23 **MR. TREW:** No, I recall the -- in prep I  
24 recalled the quote.

25 **MR. STAUFFER:** All right.

1                   Then, sir, I gather, you had some more  
2                   negative interactions with Constable Dunlop, if I can put  
3                   it that way, in that in September of that year there was an  
4                   allegation that Constable Dunlop had reported damage to his  
5                   vehicle in a fashion that turned out not to be correct.

6                   There was also an allegation in 1985 that a  
7                   wallet and some identification belonging to another  
8                   individual had found their way into Constable Dunlop's  
9                   locker, and as a result of both of those matters I gather  
10                  he faced some charge or charges under the *Police Service*  
11                  *Act*?

12                  **MR. TREW:** Correct.

13                  **MR. STAUFFER:** And what was your role in  
14                  that disciplinary hearing or hearings?

15                  **MR. TREW:** Hearings. M'hm, I was the  
16                  Chief's prosecutor at the time.

17                  **MR. STAUFFER:** All right.

18                  And I gather, sir, that there was  
19                  disciplinary action taken. He was found guilty, if you  
20                  will, and there was some disciplinary action taken?

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

22                  **THE COMMISSIONER:** Okay, well, you're sweet  
23                  coating or disguising. I want to know what he -- he  
24                  damages vehicle -- his police vehicle, is that the idea?

25                  **MR. TREW:** Yes, sir. As the incident

1 surrounds -- a call that he has to attend in the City of  
2 Cornwall. After that call he has to go down to the  
3 hospital whether it's for a victim or an accused that's  
4 been injured.

5 During that time, he allegedly comes out and  
6 says that his vehicle has been struck while at the  
7 hospital. He goes back in and phones his sergeant of the  
8 time and says that his vehicle has been struck. He -- an  
9 occurrence number and an accident was made -- motor vehicle  
10 accident form was made out and from there an investigation  
11 and started and through the investigation the officers  
12 found out that he is not telling the truth, and further  
13 investigation reveals that the vehicle was damaged as a  
14 result of the call that he initially went on. There's a  
15 telephone pole near that bar or tavern and he had hit the  
16 vehicle with -- he hit it -- he hit the pole with the  
17 vehicle.

18 **THE COMMISSIONER:** Did he 'fess up at the  
19 end?

20 **MR. TREW:** No, Sir.

21 **THE COMMISSIONER:** Okay.

22 And with respect to the wallet?

23 **MR. TREW:** During the course of our  
24 investigation surrounding the hit -- the supposedly hit-  
25 and-run, we had to go back into his wallet. And there's a

1 procedure of the Cornwall Police Service plus other  
2 services of the day, if we had to go into a person's locker  
3 that was the Cornwall Police Services property and  
4 therefore we could go in there at any given time as long as  
5 we were looking for a particular item.

6 **THE COMMISSIONER:** All right. No, no, I  
7 don't understand ---

8 **MR. TREW:** We were looking for further  
9 evidence of a possible breach of neglect on the part of him  
10 not telling the truth. When we went back into the locker,  
11 there was two identifications. I believe there was one  
12 wallet but two identifications. There could have been two  
13 wallets, both with names of individuals with ID in them.  
14 These wallets, one in particular, was given to him by his  
15 Sergeant stating that, please return this wallet to the  
16 individual.

17 That was given many months beforehand and  
18 never acted upon. Therefore, the other piece of  
19 identification was of similar nature and he was then,  
20 therefore, charged with two neglects of duty.

21 **MR. STAUFFER:** All right. I gather a  
22 considerable amount of time and effort was expended,  
23 especially on the vehicle identification; the RCMP lab was  
24 involved in comparing paint chips and so on and ---

25 **MR. TREW:** I don't know if it was the RCMP

1 lab but it was definitely a lab.

2 MR. STAUFFER: All right. Anyway but the  
3 long and the short of it, I gather Constable Dunlop  
4 received some form of punishment as a result of the  
5 convictions; can you tell us what that was?

6 MR. TREW: After submissions from both  
7 sides, there's a Hearing Officer involved in the case; he  
8 listens to both sides, he has heard all the evidence, he  
9 has made a ruling and finding of guilt. And therefore,  
10 after the ruling and finding of guilt, there's further  
11 submissions on sentencing and, at that time, he takes both  
12 into account and gives his decision.

13 MR. STAUFFER: Who?

14 THE COMMISSIONER: Okay. And what was the  
15 message?

16 MR. TREW: I believe four hours on each  
17 count of neglect, which was the wallets concerned. And  
18 somewhere in the vicinity of three or four days on the  
19 deceit.

20 THE COMMISSIONER: And that means days off  
21 without pay?

22 MR. TREW: I -- I'm sorry, sir?

23 THE COMMISSIONER: Does that mean -- you say  
24 "four hours" that doesn't mean much to me. That means he's  
25 docked four hours for each and three or four days for the -

1 --

2 MR. TREW: That's correct. It's taken away  
3 from his holidays or banked time that he has earned.

4 MR. STAUFFER: There was -- there's also  
5 some note, sir, and I don't know if there's any  
6 significance to this or not, but some note about "costs,"  
7 that he was required to pay a certain amount of money?

8 MR. TREW: That was a result of -- during  
9 the initial start of the *Police Services Act* hearing, he  
10 and his lawyer put an injunction in on our hearing and that  
11 has to go to the Supreme Court of Ontario.

12 MR. STAUFFER: Okay.

13 MR. TREW: Once that is done and the  
14 findings are found of -- unjust and the cost was levied on  
15 the officer, our cost, as far as the Cornwall Police  
16 Services go, therefore, there was a cost levied on him,  
17 also.

18 MR. STAUFFER: All right. And, sir, from  
19 that time on -- so we're now roughly in 1985 or thereabouts  
20 -- from that time onwards did you keep -- did you continue  
21 to know Constable Dunlop? Did he continue to be a member  
22 of the Service and ---

23 MR. TREW: That's correct.

24 MR. STAUFFER: Yeah. And could you describe  
25 -- and I appreciate that you were always in a superior

1 officer position to him, but could you describe what kind  
2 of a relationship the two of you had after the discipline  
3 hearings?

4 **MR. TREW:** It was cordial.

5 I tried to know all the officers in -- in  
6 our Service, including their wives and -- and their  
7 families. I just tried to make sure that someone came  
8 across as a caring person.

9 **MR. STAUFFER:** All right. Would you say,  
10 sir, that you had a relationship of trust with him? That  
11 is, that he trusted you and you trusted him after the  
12 discipline hearings?

13 **MR. TREW:** I can't speak on his behalf.

14 **MR. STAUFFER:** I'm just wondering if there  
15 was any impression that you had at all that he didn't trust  
16 you or you didn't trust him?

17 **THE COMMISSIONER:** Well, that's two  
18 questions.

19 **MR. STAUFFER:** Yes.

20 **THE COMMISSIONER:** What about your  
21 relationship with him; what did you -- how did you ---

22 **MR. TREW:** After -- after the -- I was the  
23 Chief's prosecutor. It was a length trial.

24 After all said and done, after the trial's  
25 over with, after the conviction and the notice is sent, I

1 had him and his lawyer attend my office and I tried to set  
2 things straight and said, "If you're staying in regards to  
3 policing, just let us know that -- let's start this first  
4 day forward all over again and let's go and continue to be  
5 a good officer that I think you can be."

6 **MR. STAUFFER:** All right. Did you have much  
7 of a relationship with him, then, from that time up until  
8 you went off on sick leave?

9 **MR. TREW:** Not on a daily basis. I mean,  
10 once in a while we would hear he's working in a certain  
11 branch or he's in Drugs for a while, that type of thing,  
12 but nothing in detail.

13 **MR. STAUFFER:** All right. Now, if you can  
14 put yourself forward in time to where you come back from  
15 sick leave and now we're in late 1993, at some point after  
16 that return, I gather you were brought in to the picture  
17 again because Constable Dunlop was not disclosing  
18 information in a timely fashion. Now, have I got that  
19 right, Inspector, is that your first involvement with him  
20 in the later years?

21 **MR. TREW:** Can I bring you to the fact that  
22 I got involved with Constable Dunlop through my Chief of  
23 Police assigning me to be the liaison officer with the  
24 Cornwall Police Service towards the Ontario Provincial  
25 Police, who was doing investigations into sexual assaults.

1                   **MR. STAUFFER:** All right. When would that  
2 have been, then, that you would have been given that task?

3                   **MR. TREW:** I have notes on it.  
4 Again, sir I'm going to ---

5                   **MR. STAUFFER:** Well, let me help you out  
6 there, given the hour and so on, I've got notes, which are  
7 Document 728019, so these are fairly long notes.

8                   If those could be entered as an exhibit  
9 after Inspector Trew has identified them?

10                   Well, Ms. Daley is a fount of knowledge  
11 here; she is pointing out that these are Exhibits 733.  
12 Thank you very much.

13                   Inspector, do you have the notes?

14                   **MR. TREW:** I don't have the notes in front  
15 of me.

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

17                   **MR. STAUFFER:** Thank you.

18                   **THE COMMISSIONER:** --- just a second.

19                   Seven three three (733). Thank you. Now,  
20 what page, sir?

21                   **MR. STAUFFER:** Mr. Commissioner, the Bates  
22 page is 7112189. Again, I hope to go through these as  
23 quickly as we can.

24                   **THE COMMISSIONER:** Okay, but first of all -  
25 ---

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

2                   **THE COMMISSIONER:** --- never mind how  
3 quickly we're going to go through it and all the rest.

4                   **MR. STAUFFER:** All right.

5                   **THE COMMISSIONER:** Let's just get to the --  
6 so what -- these pages say from 1 to 62.

7                   **MR. STAUFFER:** Mr. Commissioner, are you  
8 asking me are these pages numbered, other than Bates pages,  
9 because there are no numbers on these pages.

10                  **THE COMMISSIONER:** What exhibit number,  
11 again?

12                  **MR. STAUFFER:** I have it as 733.

13                  **THE COMMISSIONER:** Well, they are Inspector  
14 Trew's notes.

15                  **MR. STAUFFER:** Yes.

16                  **THE COMMISSIONER:** But they are 7053354 and  
17 they're 1 of 62 pages and, yes, they are numbered.

18                                So is this the package of notes you want him  
19 to refer to?

20                  **MR. STAUFFER:** Well, Mr. Commissioner, you  
21 -- if I can see on the screen. Thank you.

22                                All right. Well, my copy does not have  
23 those.

24                  **THE COMMISSIONER:** All right, so let's go  
25 with the Bates pages, then.

1                   So what's the Bate -- well, no, then the  
2                   Bates pages are 705 is here.

3                   **MR. LEE:** Sir, if I can be of some  
4                   assistance? If you look at the bottom right-hand corner of  
5                   the first page of Exhibit 733, you have a handwritten note  
6                   that indicates that the notes were received from Staff  
7                   Sergeant Garry Derochie by Pat Hall?

8                   **THE COMMISSIONER:** Yeah.

9                   **MR. LEE:** I suspect that the "1 of 62" and  
10                  so forth was added at that time. Mr. Stauffer is just  
11                  looking at a different document, so he doesn't have the  
12                  right ---

13                  **THE COMMISSIONER:** No, I understand, that's  
14                  good. That's good.

15                  But the Exhibit 733 has Bates pages as  
16                  7053354. So where do you want to ---

17                  **MR. STAUFFER:** I intend to go by date, Mr.  
18                  Commissioner, is the ---

19                  **THE COMMISSIONER:** Okay. So what date would  
20                  you like to go to?

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

22                  Now, Inspector, you were brought into the  
23                  picture, June 11<sup>th</sup> of 1997; is that correct?

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

25                  **MR. STAUFFER:** Okay. Did you have any

1 briefing, at all, with respect to what you were to be doing  
2 before that date?

3 **MR. TREW:** No, just prior to meeting with  
4 Inspector Tim Smith, I was advised by my Chief that I was  
5 going to attend a meeting that involved Inspectors Tim  
6 Smith, myself and the Chief and there possibly could have  
7 been the Deputy, but I -- I won't go there, I don't think -  
8 - I recall the three of us speaking.

9 **MR. STAUFFER:** All right. Now, I gather  
10 that on June 11<sup>th</sup>, you had this meeting. I'm looking now,  
11 at 1155 hours.

12 **MR. TREW:** Yes.

13 **MR. STAUFFER:** And you -- I'm not sure what  
14 you mean by this expression, it says -- and we'll start  
15 with the prior page:

16 "Any information received by the  
17 Dunlops was to be turned over to  
18 Inspector Smith. If Constable Dunlop  
19 went to any court proceeding related to  
20 these cases, that he was act  
21 accordingly and not to make a scene  
22 against the accused persons."

23 Can you help us out at all as to who's given  
24 you that information, to start with? Like who ---

25 **MR. TREW:** After -- after the initial

1 meeting in the morning at 1125 hours, that day, June the  
2 11<sup>th</sup> ---

3 **MR. STAUFFER:** Yeah.

4 **MR. TREW:** --- on 1155 hours, I have  
5 Constable Dunlop come in to my office to be introduced to  
6 Inspector Smith. Inspector goes and talks with Constable  
7 Dunlop, in my presence in the office and goes over a number  
8 of issues, and basically is concerned with the court  
9 proceeding relating to these cases that he was in and that  
10 he was to act accordingly and not to make a scene against  
11 accused persons, et cetera. That's Inspector Tim Smith's  
12 conversation.

13 **MR. STAUFFER:** Okay.

14 So if I've got you right, before you had  
15 this meeting, you're not made aware that Constable Dunlop  
16 has made scenes in the past with respect to accused  
17 persons? This is Inspector Smith talking at this  
18 particular meeting?

19 **MR. TREW:** This is Inspector Smith talking.

20 **MR. STAUFFER:** Okay. Do you -- did you  
21 speak with Inspector Smith, I mean, do you have any idea  
22 what he's talking about there when he starts saying: "Don't  
23 make a scene against accused persons"?

24 **MR. TREW:** Well, by this time I believe  
25 there is some cases in front of the court, whether that's

1 cases that have -- that are of sexual nature, sexual  
2 assault nature, and I believe that he's not -- he's also  
3 hinting about the Dunlop family in general, not just  
4 Constable Dunlop.

5 **MR. STAUFFER:** I see. All right.

6 I'm going on to August 7<sup>th</sup> ---

7 **THE COMMISSIONER:** Okay, but the question  
8 was ---

9 **MR. TREW:** Yes, sorry.

10 **THE COMMISSIONER:** Sorry, it's getting late.

11 Do you know what he's talking about, making  
12 scenes? Like, do you have any knowledge of what he means  
13 by that?

14 **MR. TREW:** During this period of time, the  
15 media was very vocal on a number of issues, and quotes were  
16 said in the media. I believe that's where Inspector Smith  
17 is coming from, just to pre-warn the officer not to go  
18 there if in fact he hadn't gone there. Does that help the  
19 Inquiry?

20 **THE COMMISSIONER:** No, but, okay.

21 **MR. STAUFFER:** Sir, I'm going to take you to  
22 August the 7<sup>th</sup>, and it is ---

23 **THE COMMISSIONER:** No, no, just before we go  
24 there?

25 **MR. STAUFFER:** No, sorry.

1                   **MR. TREW:** Yes, sir?

2                   **THE COMMISSIONER:** On June 11<sup>th</sup>, you have a  
3 note. Do you remember -- do you have any independent  
4 recollection of this meeting?

5                   **MR. TREW:** Yes.

6                   **THE COMMISSIONER:** Okay. And it says,  
7 "These requests..." Now, first of all:  
8                                 "Inspector Smith advised Constable  
9 Dunlop that he..."

10                   Inspector Smith I take it:

11                                 "...would not be speaking with the  
12 media until there was a conclusion to  
13 their cases and encouraged this  
14 officer..."

15                   Which I would suspect is Officer Dunlop:

16                                 "...to do the same."

17                   **MR. TREW:** Correct.

18                   **THE COMMISSIONER:** All right. So was he  
19 ordered and Inspector Smith would not have any jurisdiction  
20 to order Mr. Dunlop to do anything, would he?

21                   **MR. TREW:** He was not ordered at that time.

22                   **THE COMMISSIONER:** Okay. Then it says:

23                                 "These requests by Inspector Smith  
24 was agreed upon by Constable  
25 Dunlop."

1                   What did he say? What did he do?

2                   **MR. TREW:** He agreed. He said yes, to --  
3                   direct quote I don't have but yes, he agreed with the fact  
4                   that he understood that it would be difficult for -- to  
5                   talk to the media. He also understood that he was a police  
6                   officer and that he should not be making a scene at any  
7                   court proceedings or any place like that.

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

9                   Mr. Stauffer, go ahead.

10                  **MR. STAUFFER:** Yes. Thank you, sir.

11                  So now we're moving along to August the 7<sup>th</sup>.

12                  And I'm looking, sir, further along in August the 7<sup>th</sup>, I  
13                  believe it's page -- all right -- 4 of 62?

14                  **MR. TREW:** Okay.

15                  **MR. STAUFFER:** Yes, thank you.

16                  So just continue along right onto page 5, if  
17                  you will, I want to get to the bottom eventually of that  
18                  page where it says:

19                                 "Constable Dunlop had stated there  
20                                 are victims that won't come  
21                                 forward."

22                  **MR. TREW:** This was a meeting held again in  
23                  my office to introduce Detective Sergeant Pat Hall at the  
24                  time. He would have been the main manager of these cases.  
25                  That was one. The other one was to talk with Constable

1 Dunlop again on a couple of issues.

2 MR. STAUFFER: Okay, but ---

3 MR. TREW: And that one was, again, relating  
4 to the media release:

5 "Constable Dunlop was strongly  
6 advised not to comment on any  
7 criminal cases that Inspector  
8 Smith and his team are working on  
9 because this would -- this could  
10 possibly jeopardise these cases."

11 MR. STAUFFER: Does any gentleman there  
12 raise any suggestion that Constable Dunlop has been talking  
13 to the media or causing problems, to put it generally?

14 MR. TREW: There's a suggestion that the  
15 family, Dunlop family are speaking with the media but  
16 there's no hard fact.

17 THE COMMISSIONER: There's no what?

18 MR. TREW: There's no evidence to that --  
19 there's no direct evidence relate to that. I further go on  
20 and explain to the officer and I later write a memo telling  
21 him not to speak to the media.

22 THE COMMISSIONER: And is a memo -- would  
23 you consider that an order?

24 MR. TREW: I -- I would.

25 THE COMMISSIONER: Was it -- well, I don't

1 know where the memo is. Does it say, "I hereby order you"?

2 **MR. TREW:** No. I believe it's basically  
3 saying that, if we could have that -- that's in our  
4 evidence here.

5 **MR. STAUFFER:** I'm looking at Document  
6 729261, if this will assist everybody.

7 This is apparently a memo from yourself to  
8 Constable Dunlop, August 7<sup>th</sup>, 1997.

9 **THE COMMISSIONER:** Exhibit Number 1530 as an  
10 inter-office memorandum to Constable Perry Dunlop from  
11 Inspector Trew, August 7<sup>th</sup>, 1997.

12 **---EXHIBIT NO./PIÈCE NO. P-1530:**

13 (729261) Interoffice Memorandum from  
14 Richard Trew to Perry Dunlop dated 07  
15 Aug 97

16 **MR. STAUFFER:** Thank you. Inspector, is  
17 that your memo to Constable Dunlop?

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

19 **MR. STAUFFER:** All right.

20 And so this follows the meeting that we've been referring  
21 to in your notes?

22 **MR. TREW:** That's right.

23 **MR. STAUFFER:** And just to re-echo, if there  
24 is such a word here, the Commissioner's comment. Is this  
25 an order, in your mind, to Constable Dunlop?

1                   **MR. TREW:** Reading the last paragraph:  
2                                    "Therefore, unless authorised by  
3                                    the Chief of Police and within the  
4                                    guidelines of Directive Number 59,  
5                                    no members of the Cornwall Police  
6                                    Service will release information  
7                                    to the media."

8                   I -- I, to answer that question, that's an  
9                   order.

10                   **MR. STAUFFER:** All right.  
11                   Now sir, I've got a question or two. We're still now on  
12                   August 7<sup>th</sup>, your notes, where it says:

13                                    "Constable Dunlop had stated."  
14                                    Are you with me, there? "Constable  
15                   Dunlop..."

16                   **MR. TREW:** Yes.

17                   **MR. STAUFFER:** "...had stated there are  
18                   victims that won't come forward unless he is involved with  
19                   their case."

20                                    What I'm wondering is, does he mention any  
21                   numbers at this point? You know two victims or does he  
22                   give you any kind of guidance as to how many people we're  
23                   talking about?

24                   **MR. TREW:** No. No, he doesn't.

25                   **MR. STAUFFER:** Okay.

1                   **MR. TREW:** He's talking -- he's talking to  
2           Inspector Smith at this time.

3                   **MR. STAUFFER:** But you're there?

4                   **MR. TREW:** I am there.

5                   **MR. STAUFFER:** Yeah. But you have no idea  
6           the numbers that Constable Dunlop is talking about?

7                   **MR. TREW:** No.

8                   **MR. STAUFFER:** And obviously he doesn't use  
9           any names or ---

10                  **MR. TREW:** No.

11                  **MR. STAUFFER:** --- monikers or anything like  
12           that?

13                  **MR. TREW:** No.

14                  **MR. STAUFFER:** And so I gather from reading  
15           your note here, Inspector Smith tells Mr. Dunlop if all  
16           else fails to get the victim to come forward, then he would  
17           use Perry as a coach to bring them in with him but not be  
18           actively involved in their cases.

19                                So is that - that's what you recollect  
20           Inspector Smith ---

21                  **MR. TREW:** Yes.

22                  **MR. STAUFFER:** --- saying to Constable  
23           Dunlop in your presence? And I assume this is you writing:

24                                        "I also made it very clear that  
25                                        Constable Dunlop could not be involved

1 with taking statements, et cetera."

2 So just to stop there for a moment; what  
3 reaction does Constable Dunlop have to that, that is that  
4 you're making it clear he couldn't be involved with taking  
5 statements? Does he say anything in response to whoever  
6 says don't do that?

7 **MR. TREW:** No, there's no response. At  
8 least it's not stated here.

9 **MR. STAUFFER:** Okay. And then you give  
10 Constable Dunlop a date. He is to give information to  
11 Inspector Smith before August, and I believe that says  
12 August 15<sup>th</sup>, 1997 or on that date. So that's what you  
13 understood was to be the case?

14 **MR. TREW:** Yes.

15 **MR. STAUFFER:** Do you know what really was  
16 being talked about at that point in terms of how much  
17 documentation, what kind of documentation and so on?

18 **MR. TREW:** No, I wouldn't know the amount of  
19 disclosure.

20 **MR. STAUFFER:** Well, just to back-up a  
21 moment then, from June till this time in August have you  
22 had any kind of even informal discussions with Mr. Dunlop  
23 as to how much material he has or what kind of material he  
24 has?

25 **MR. TREW:** No.

1                   **MR. STAUFFER:** It just strikes me as a bit  
2                   odd but help me out if I've got this wrong.

3                   If you want something from somebody would  
4                   you not want to know what it is that they have? Like how  
5                   will you know if he's complying with your order or not?

6                   **MR. TREW:** When you ask an officer to  
7                   disclose all his information pertaining to sexual assault  
8                   cases that involve the Ontario Provincial Police, that's  
9                   pretty clear. And whether that's 2 pieces of paper or 20  
10                  pieces of paper, the officer should comply with that.

11                  **MR. STAUFFER:** Okay. And, again, without  
12                  belabouring this, does Constable Dunlop give you any  
13                  indication as the amount of material and say, I've got a  
14                  box of it or five boxes of it?

15                  **MR. TREW:** No.

16                  **MR. STAUFFER:** Okay. Do you find out around  
17                  this time, from June to August of '97, do you find out from  
18                  any other source how much material Constable Dunlop might  
19                  have?

20                  **MR. TREW:** From who?

21                  **MR. STAUFFER:** From any other source.

22                  **MR. TREW:** No.

23                  **MR. STAUFFER:** And I mean, I'm being  
24                  specific with you. No other officers in the Cornwall  
25                  Police Service or anybody else saying I've spoken to Perry

1 and he's got three boxes or something like that?

2 MR. TREW: None of the officers were  
3 speaking to me.

4 MR. STAUFFER: Okay. Could I ask why,  
5 Inspector Trew, would you not have had asked other officers  
6 about what's going on? And to be specific here, you know,  
7 why didn't you just say to whoever you understood Constable  
8 Dunlop's confidantes to be, what has Perry got in his  
9 possession? Were you not ---

10 MR. TREW: I really believe that -- first of  
11 all, I'm not going to go to another officer who perhaps  
12 heard something third-hand or fourth-hand or fifth-hand.  
13 That's one.

14 The other situation, I didn't believe any  
15 other officer knew how much Perry had.

16 MR. STAUFFER: Okay.

17 MR. TREW: I didn't believe there was  
18 another officer involved.

19 MR. STAUFFER: Okay. Is it fair to say at  
20 this point, by June of '97, that matters had come to a very  
21 formal position, that is, you're not just going to ask Mike  
22 Quinn or someone who knows Perry well, "Look, talk to this  
23 guy and just get him to turnover the stuff"?

24 MR. TREW: By this time, sir, the Cornwall  
25 Police Service is being charged \$85 million in a lawsuit.

1 I'm one of the few people who are not mentioned on the  
2 report of being sued. Therefore, that's part of the reason  
3 why I became the officer and liaison with the OPPs and the  
4 Cornwall Police Service, plus the fact to deal with Perry -  
5 - Constable Dunlop, I apologize, sir -- to deal with  
6 Constable Dunlop I was one of the few people unaffected at  
7 the executive or upper level.

8 **MR. STAUFFER:** Okay. So I mean matters have  
9 reached the very formal point. You're talking about a  
10 statement of claim having been issued against the Cornwall  
11 Police. I'm just speaking in broad terms here, but there  
12 is a statement of claim that's been issued. So matters  
13 have reached a formality where you don't feel comfortable  
14 just talking to his fellow officers and trying to get him  
15 to come around?

16 **MR. TREW:** I first of all honestly believe  
17 that I don't think they had any knowledge of what he had.  
18 So, therefore, I wouldn't have thought of going to an  
19 officer and talking to them about what type of disclosure  
20 Constable Dunlop had. I'm speaking with the officer. He  
21 is a member of the Cornwall Police Service. He fully  
22 realizes he's a police officer.

23 **MR. STAUFFER:** Well, I understand, and  
24 perhaps it's just with the passage of time these thoughts  
25 come to me as compared to at that time in 1997. But at

1 that time in 1997, you think Constable Dunlop then is the  
2 only one who knows what is in his possession in terms of  
3 any statements or other recordings and so on he's taken?

4 **MR. TREW:** Correct.

5 **MR. STAUFFER:** You don't think any other  
6 officer knows anything? I'm not talking about acting in  
7 concert with him, but they don't know anything at all about  
8 what he's doing?

9 **MR. TREW:** That thought never occurred to me  
10 as far as other officers knowing what he's got. To be  
11 quite honest with you, that's too far out there.

12 **MR. STAUFFER:** All right.

13 So, sir, I think just to confirm here, if  
14 you go down to the bottom of the page of August 7<sup>th</sup>, '97 at  
15 1625 hours, this is confirming that you gave Constable  
16 Dunlop that memo which I understand we have now entered as  
17 Exhibit 1530?

18 **MR. TREW:** Yes.

19 **MR. STAUFFER:** And then we move onto the  
20 September the 23<sup>rd</sup>. So a good deal of time now has passed.  
21 We're about five weeks by my calculation from the deadline  
22 you gave Constable Dunlop to disclose?

23 **THE COMMISSIONER:** So can you explain the  
24 five weeks? You know, if you give somebody an order and it  
25 was supposed to be what August 27<sup>th</sup> or something -- August

1 15<sup>th</sup> -- on August 15<sup>th</sup> at five o'clock or at noon or sometime  
2 during that day, were you in the office? Why didn't you  
3 come up to him and say, "I want this stuff and I want it  
4 now".

5 **MR. TREW:** I was the liaison officer with  
6 the Cornwall Police Service to the OPP during their  
7 investigations.

8 **THE COMMISSIONER:** Yes.

9 **MR. TREW:** Detective Sergeant Pat Hall was  
10 introduced to Perry -- Constable Dunlop -- on this last  
11 meeting.

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

13 **MR. TREW:** He was supposed to turnover those  
14 documents or disclosure to the sergeant. Unless I heard  
15 back from the sergeant otherwise, I presume that disclosure  
16 is taking place.

17 **THE COMMISSIONER:** Okay. So how did you  
18 find out that disclosure hadn't taken place?

19 **MR. TREW:** Received a message on my phone,  
20 "Contact Inspector Smith".

21 **THE COMMISSIONER:** And when was that now?

22 **MR. TREW:** That's on September 23<sup>rd</sup>.

23 **MR. STAUFFER:** So you'll see, Mr.  
24 Commissioner, it looks like at 1320 hours there's a -- you  
25 called Inspector Smith, explained that Constable Dunlop --

1 no, I'm sorry, Inspector Smith explained to you that  
2 Constable Dunlop did not turnover his notes and so on.

3 During that period of time, and I'm talking  
4 about from the last meeting that you'd had with him, August  
5 7<sup>th</sup> to September 23<sup>rd</sup>, do you have any recollection of  
6 running into Constable Dunlop at all and just asking him  
7 what was going on?

8 MR. TREW: No.

9 MR. STAUFFER: Okay, because I know there is  
10 a chance meeting at some point in a locker room or whatever  
11 and you record that. So you don't have any separate  
12 recollection of ever having a meeting with him or, you  
13 know, just a conversation with him during those five weeks  
14 or so?

15 MR. TREW: No, sir.

16 MR. STAUFFER: Okay. Did you have any kind  
17 of a bring-forward system at that point back in '97, you  
18 know, when it says something's to be done by August 15<sup>th</sup>  
19 that you just have a little day timer or whatever?

20 MR. TREW: I think I have to relate back to  
21 the fact that I was in contact with -- off and on or during  
22 this period of time with the Ontario Provincial Police.  
23 The go-to person as far as fail to disclosure and the  
24 person coming back to me just to speak to was either  
25 Detective Sergeant Pat Hall or Inspector Smith.

1 I did not personally touch any of the  
2 disclosure material for reasons of not to continuation of  
3 the evidence. I wanted the officer to disclose directly to  
4 the investigating officers, therefore, there wouldn't be a  
5 continuity situation.

6 **MR. STAUFFER:** Okay. So I gather, sir, that  
7 the next major step that you take -- we go to August -- I'm  
8 sorry. We go to September 23<sup>rd</sup> '97 where you write:

9 "I reviewed my notes and see that  
10 disclosure of this information should  
11 have taken place on August 15<sup>th</sup>. I'll  
12 prepare a written letter ordering  
13 Constable Dunlop to disclose this  
14 information to Inspector Tim Smith."

15 So do you do such a letter?

16 **THE COMMISSIONER:** Yeah, on September 26.

17 **MR. TREW:** Yes.

18 **MR. STAUFFER:** And so, sir, do you have any  
19 follow-up at all that's not recorded in your notes? Does  
20 Constable Dunlop get in touch with you or do you hear  
21 anything else further as to what he was doing?

22 **MR. TREW:** From this time on again he is to  
23 report to Detective Sergeant Pat Hall on any disclosure  
24 issues and matters.

25 **THE COMMISSIONER:** Okay. Well, let's flesh

1 this out a little bit.

2 It's September 26 at 1955. You're in your  
3 office with -- what does that say, Acting Chief ---

4 **MR. TREW:** No, Acting Sergeant Aikman.

5 **THE COMMISSIONER:** Okay, right.

6 So you give Constable Dunlop a written  
7 letter?

8 **MR. TREW:** Yes.

9 **THE COMMISSIONER:** All right.

10 What conversation is there in that time?

11 **MR. TREW:** There's not -- there's not a lot  
12 of conversation. I sit down with him and he reads the  
13 letter and the comment by Constable Dunlop was, after  
14 reading the letter, "That's fine".

15 **THE COMMISSIONER:** And that's it?

16 **MR. TREW:** Officer was excused at that time.

17 **THE COMMISSIONER:** Okay.

18 **MR. STAUFFER:** All right.

19 **THE COMMISSIONER:** Okay. So what does the  
20 letter say?

21 **MR. TREW:** We have the letter someplace  
22 here.

23 **THE COMMISSIONER:** All right. But does it  
24 give a date?

25 **MR. TREW:** Yes.

1                   **THE COMMISSIONER:** And what was the date?

2                   **MR. TREW:** It's -- I believe it's October  
3 the 3<sup>rd</sup>.

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

5                   **MR. STAUFFER:** Thank you. 731 is the  
6 exhibit number, Mr. Commissioner.

7                   **THE COMMISSIONER:** I just want to know the  
8 date. Here we go. So flip down there, Madam Clerk. So  
9 the deadline is Friday, October -- Mr. ---

10                   **MR. HORN:** Yes, there's one area that there  
11 -- it seems that they're ignoring, is the fact that there  
12 was negotiations going on with Dunlop's lawyer regarding  
13 the question of privilege.

14                   And I think that's one area that ---

15                   **THE COMMISSIONER:** Whoa, whoa, whoa, Mr.  
16 Horn, last I heard you have a right to cross-examine.

17                   **MR. HORN:** Yes.

18                   **THE COMMISSIONER:** So you're -- why are you  
19 rising now to ---

20                   **MR. HORN:** No, but I'm just suggesting that  
21 that's one area that should be dealt with.

22                   **THE COMMISSIONER:** Yeah, but I ---

23                   **MR. STAUFFER:** Yes, that's a little bit  
24 later on I think in the proceedings here but I appreciate  
25 my friend's comment.

1                   So, Inspector Trew, you're looking at a  
2                   letter and you've signed that letter and you gave that to  
3                   Constable Dunlop at the meeting on September the 26<sup>th</sup>?

4                   **THE COMMISSIONER:** And the return date is  
5                   Friday, October 3<sup>rd</sup>, 1997. The return date; that's when  
6                   he's got to give the material over.

7                   **MR. STAUFFER:** Yes. No, I'm just -- sorry,  
8                   Mr. Commissioner, I'm just confirming the date of the  
9                   letter, September 25<sup>th</sup>, and that he gave that letter to  
10                  Constable Dunlop on September 26<sup>th</sup>, I gather. That's what's  
11                  referenced in your notes?

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

13                  **MR. STAUFFER:** "I gave Constable Dunlop a  
14                  written letter."

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

16                  **MR. STAUFFER:** And so you would consider  
17                  that letter to be an order?

18                  **MR. TREW:** Yes.

19                  **MR. STAUFFER:** All right. And so yes, just  
20                  as the Commissioner has pointed out there's a deadline and  
21                  I gather that on October 3<sup>rd</sup> of '97, just continuing with  
22                  your notes here at 15:05 hours, it looks like you received  
23                  a call from Constable Dunlop, he said he's in Toronto with  
24                  his lawyer and he was trying to get all the information  
25                  together. So at that point, Inspector, what was your view

1 as to when you would be getting the material from Constable  
2 Dunlop?

3 MR. TREW: This was October the 3<sup>rd</sup>. And as  
4 soon as possible, and I also wanted Inspector Dunlop to  
5 give me an explanation in writing in regards to why the  
6 delay was.

7 That came forth later on through his lawyer  
8 at the time, stating that he was trying to get -- trying to  
9 comply with my order and that they would be turning over  
10 disclosure as soon as possible.

11 MR. STAUFFER: So you accepted Mr.  
12 Bourgeois's letter as the explanation as compared to  
13 something from Constable Dunlop?

14 MR. TREW: That's correct.

15 MR. STAUFFER: All right.

16 MR. TREW: On behalf of Constable Dunlop.

17 MR. STAUFFER: Yeah. And sir, can you help  
18 us out, did you ever identify or did anyone in the service  
19 ever identify solicitor/client documents because that's  
20 what Mr. Bourgeois refers to at one point, that is I'll  
21 make sure Constable Dunlop gets all the material out but  
22 there may be something that's solicitor/client privileged.

23 Did you ever determine what those documents  
24 were, if any?

25 MR. TREW: My opinion on that at the time

1 was basically there was a lawsuit and -- facing the  
2 Cornwall Police Service. The privilege of him talking to  
3 his lawyer on that issue of a civil matter was the  
4 client/lawyer privilege.

5 **MR. STAUFFER:** Let me phrase my question  
6 better; did you ever see a list of any documents that said  
7 we are not going to produce these because they're  
8 solicitor/client privileged?

9 **MR. TREW:** No.

10 **MR. STAUFFER:** All right. Because I'm not  
11 asking for an interpretation of what's going on here but  
12 you never saw a list?

13 **MR. TREW:** No.

14 **MR. STAUFFER:** All right.

15 **THE COMMISSIONER:** Okay, but in August when  
16 he didn't disclose, did you have any -- give any thought or  
17 speak to anyone about calling him on that, that he had  
18 missed the date? Either by disciplining him or anything  
19 like that?

20 **MR. TREW:** I don't know if it's the proper  
21 time to mention this but I'm going to because you've raised  
22 the issue, this was a concern of us -- ours all the way  
23 through.

24 **THE COMMISSIONER:** Who is ours?

25 **MR. TREW:** Myself and the Chief.

1                   **THE COMMISSIONER:** Okay. So in August he  
2 doesn't comply?

3                   **MR. TREW:** He doesn't comply. The reason  
4 why, I believe you're trying to ---

5                   **THE COMMISSIONER:** I'm not trying to do  
6 anything.

7                   **MR. TREW:** Well ---

8                   **THE COMMISSIONER:** I'm just trying to get  
9 the information from you, sir.

10                  **MR. TREW:** Okay, then sir I'll try and give  
11 you some information.

12                   We were very much aware of Constable Dunlop  
13 and if I was to charge him immediately instead of trying to  
14 get this disclosure over to an Ontario Provincial Police  
15 who needed it badly ---

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

17                  **MR. TREW:** --- I thought if we went ahead  
18 and charged him, we could always charge him down -- later  
19 down the road but for now let's try and get this. And as  
20 you can see in some ways there was some compliance to this  
21 disclosure.

22                   Therefore we took it to a state, we're not  
23 charging him at this time and in fact, later on as you'll  
24 see, that the officer -- well, we won't go there yet. But  
25 as you can -- that was the reason why we didn't jump right

1 off the bat and charge this officer.

2 You can see from past experiences with my  
3 dealings with him that we did charge this officer. This  
4 was a different situation. The Cornwall Police Service was  
5 in a very difficult position.

6 **THE COMMISSIONER:** Sir, I don't need to hear  
7 all of that right now. Sir, what I asked you was, after he  
8 missed the August thing, did you give any thought to  
9 disciplining him? Yes or no?

10 **MR. TREW:** Yes.

11 **THE COMMISSIONER:** Right. Did you discuss  
12 that with the Chief?

13 **MR. TREW:** Yes.

14 **THE COMMISSIONER:** Yes or no?

15 **MR. TREW:** Yes.

16 **THE COMMISSIONER:** All right. Thank you.

17 Now, after you gave him the letter in  
18 September, he carried on -- and now you say that you did  
19 get some success in getting the disclosure from him? Is  
20 that what you're telling me?

21 **MR. TREW:** The initial introduction to  
22 Detective Sergeant Pat Hall, he did get a list of names but  
23 that was all. He didn't get statements or anything.

24 Then we go on further in this October the  
25 3<sup>rd</sup>, eventually there is material turned over to the Ontario

1 Provincial Police.

2 THE COMMISSIONER: And when was it turned  
3 over?

4 MR. MANDERVILLE: Mr. Commissioner, there's  
5 reference to it at page 14 of 62.

6 THE COMMISSIONER: M'hm.

7 MR. MANDERVILLE: The remarks attributable  
8 to Mr. Bourgeois.

9 THE COMMISSIONER: Is that where it says:  
10 "There was conversation by Dunlop's  
11 lawyer stating he had already complied  
12 by turning over a brief to the OPP"?  
13 Is that what you're talking about?

14 MR. MANDERVILLE: It was.

15 MR. STAUFFER: Inspector, perhaps to jump to  
16 the end for a moment, then we can come back, at any time  
17 did you see material that Constable Dunlop has said he was  
18 disclosing?

19 MR. TREW: I did not see that material.

20 MR. STAUFFER: Okay. Do you know if anyone  
21 within your service saw the material ---

22 MR. TREW: No.

23 MR. STAUFFER: --- during this timeframe  
24 when disclosure is being ordered?

25 MR. TREW: I'm not aware of that.

1                   **MR. STAUFFER:** There's -- this was somewhat  
2                   garbled but Sergeant Lortie or Staff Sergeant Lortie had  
3                   testified something to the effect that he had been present  
4                   at some point when some materials were turned over to Mr.  
5                   Hall of the OPP and had perhaps signed some piece of paper.

6                   Were you involved in any such meeting or  
7                   turning over of materials that Staff Sergeant Lortie is  
8                   talking about?

9                   **MR. TREW:** No.

10                  **MR. STAUFFER:** So, sir, what is the next  
11                  relevant date in terms of when you believe the OPP has  
12                  received material?

13                  **MR. TREW:** Before October the 10<sup>th</sup>.

14                  **MR. STAUFFER:** So you're saying here, "had  
15                  phone conversation..."

16                  **MR. TREW:** October the 10<sup>th</sup>, '97. I believe  
17                  it's 1140 hours spoke with ---

18                  **MR. STAUFFER:** Yeah, okay. Thank you. Yes:  
19                                 "October 10<sup>th</sup>, spoke with Constable  
20                                 Dunlop and he says he's turned it  
21                                 over."

22                  **THE COMMISSIONER:** Whoa, that he what?

23                  **MR. STAUFFER:** Sorry, sir. I'm garbling  
24                  things here.

25                  **THE COMMISSIONER:** Yes, you are.

1                   **MR. STAUFFER:** On October 10<sup>th</sup>, 1997 it looks  
2                   like 1140 hours.

3                   **Correct me if I'm wrong, Inspector Trew, but**  
4                   **you say:**

5                                   "Spoke with Constable Dunlop and he  
6                                   advised me he had turned over his  
7                                   disclosure to Detective..."

8                   -- I'm not sure if that's Sergeant, but:

9                                   "...Detective Sergeant Hall. He had  
10                                  met him this date at 1100 hours at our  
11                                  police station. Constable Dunlop had a  
12                                  bill relating to a small  
13                                  expenditure..."

14                   And so on.

15                   **MR. TREW:** That's correct. If you look at  
16                   October the 10<sup>th</sup>, '97, 1530 hours:

17                                   "Had phone conversation with Detective  
18                                   Sergeant Pat Hall. He confirmed his  
19                                   meeting with Constable Dunlop and that  
20                                   the officer did disclose more  
21                                   information and material to him."

22                   **MR. STAUFFER:** Okay. So, again, I know it's  
23                   not in your notes, but if you have a separate recollection  
24                   of it, did Detective Sergeant Hall at that time, did he  
25                   give you any impression as to whether he thought he had it

1 all or only some of the material?

2 MR. TREW: I don't recall any conversation  
3 of that.

4 MR. STAUFFER: And then there's quite a gap.  
5 We get into the next year, into 1998. Can you help us out,  
6 sir, as to whether the disclosure issue is still ongoing  
7 into 1998?

8 MR. TREW: It becomes an issue again.

9 MR. STAUFFER: What brings it on, and can  
10 you refer us to the date?

11 MR. TREW: Let's try to go to February 3<sup>rd</sup> as  
12 I'm talking and reading at the same time.

13 MR. STAUFFER: So the gist of this message  
14 seems to be that there may be some other historical sexual  
15 assault cases; am I right?

16 MR. TREW: Yes.

17 MR. STAUFFER: And then on that day, later  
18 on, at 11 o'clock roughly, you speak with Chief Repa and  
19 he's telling you to go through the cases with Inspector  
20 Smith. But if we could just cut through this a little bit,  
21 did the Service take on any cases or were they all referred  
22 over to the OPP?

23 MR. TREW: I believe they were all referred  
24 back to the OPP at this time.

25 MR. STAUFFER: Now, sir, do you have a note

1 -- I'm now looking at February 4<sup>th</sup> of '98, Mr. Commissioner.  
2 It looks like eight o'clock. I don't know if that's 8:00  
3 a.m. or 8:00 p.m. I assume it's 8:00 a.m. Are you wish  
4 me, Inspector?

5 **MR. TREW:** Yes.

6 **MR. STAUFFER:** Okay. So now you're in the  
7 Chief's office. This is Chief Repa, and it says:

8 "I recommend that the CPS does not  
9 take on any of the cases on as ours."

10 So you clearly made that recommendation.  
11 Did the Chief accept that recommendation or suggestion from  
12 you?

13 **MR. TREW:** Yes.

14 **MR. STAUFFER:** Okay. And then we go on to  
15 the next page, still on February 4<sup>th</sup>, where it says:

16 "I was instructed to advise Inspector  
17 T. Smith that the CPS will leave to his  
18 discretion which case should be  
19 referred to the CPS."

20 And so did you indeed do that? Did you  
21 speak to Inspector Smith and pass on that direction from  
22 the Chief?

23 **MR. TREW:** Correct.

24 **MR. STAUFFER:** Okay. I want to move on to  
25 February 12<sup>th</sup>, if I might, for a moment.

1 I gather that there's at least one call, if  
2 not more, that comes into the office from time to time.  
3 They may not all be reported in your notes, but I gather  
4 that people would be phoning in to the station about  
5 allegations of historical sexual assault. Is that fair to  
6 say?

7 **MR. TREW:** There wasn't a lot of people  
8 phoning in, sir, about ---

9 **MR. STAUFFER:** I'm sorry?

10 **MR. TREW:** There wasn't a lot of people  
11 phoning in to the Cornwall Police Service about historical  
12 sexual assaults.

13 **MR. STAUFFER:** Okay.

14 **MR. TREW:** The main direction or drift was  
15 to the Ontario Provincial Police officers involved in  
16 Project Truth.

17 **MR. STAUFFER:** Just out of curiosity, were  
18 any notes ever actually made by someone, you know, as to  
19 how many calls did come in?

20 **MR. TREW:** I don't recall.

21 **MR. STAUFFER:** In 1997 and 1998?

22 **MR. TREW:** Sorry.

23 **MR. STAUFFER:** There wasn't anything set up  
24 like that by the CPS just to record how many -- not  
25 necessarily ---

1                   **MR. TREW:** There's a generality. There's an  
2                   audit at the end of the year where there's a -- you sent  
3                   your case, solvation rate, or a number of cases that are  
4                   *Criminal Codes* related to Stats Canada. I mean other than  
5                   that, no.

6                   **MR. STAUFFER:** No, I just wondered and I  
7                   think you're answering this already, but I gather there was  
8                   no directive from the Chief, you know, whoever is on the  
9                   phone, if someone calls in about a sexual assault, just  
10                  make a note of it, and then is there a direction to that  
11                  effect?

12                  And also -- and this is two-part question --  
13                  whether the people should be referred over to the OPP?

14                  So just to take the first one, was there any  
15                  kind of a directive that there be a log kept, if you will,  
16                  of the number of people calling?

17                  **MR. TREW:** Of particular historical sexual  
18                  assaults involving male individuals, no.

19                  **MR. STAUFFER:** All right.

20                  Was there any directive as to where --  
21                  assuming a call came in, as to whom it should be referred  
22                  or what details was the caller given?

23                  **MR. TREW:** If a call came through on the  
24                  phones coming through, it was always most likely given a  
25                  number and the initial frontline officers would either go

1 out to speak to them. In certain cases it could have went  
2 to the CIB directly, but I'm going to suggest to you that  
3 most calls would come through the Uniform Division first  
4 with the general occurrence by them, with the follow-up  
5 occurrences by the Criminal Investigation Branch.

6 **MR. STAUFFER:** No, I appreciate that some of  
7 this might be logistically difficult. I'm just wondering  
8 if by this time, by 1997, if there had been some decision  
9 made that anyone who calls in, if they have any kind of an  
10 allegation of historical sexual assault, they should be  
11 told x, y, and z, you know, go here, report this in a  
12 timely fashion, whatever? Was there some ---

13 **MR. TREW:** I think we had to gather -- no,  
14 when a case comes in like this or other cases that are not  
15 even sexual assault, you first have to see what you're  
16 dealing with here. I mean, have an officer go down and  
17 speak to the complainant or the person who's reporting it  
18 and then take it from there.

19 **MR. STAUFFER:** I appreciate that.

20 So assuming that that takes place, I  
21 understand that if Officer Smith -- I just take that name  
22 out of the air -- goes to the complainant and determines it  
23 is a historical sexual assault allegation, is that officer  
24 going to give certain information to the person as to where  
25 he or she should go at that point?

1                   **MR. TREW:** I'm going to suggest he's going  
2 to take a report and I don't believe he will give a  
3 suggestion where to go, to or from. They have come to the  
4 police and he will make a report and he will advise his  
5 staff sergeant that this is a report that should go to CIB  
6 or the staff sergeant will read it, know that it will have  
7 to go to the CIB.

8                   And from there, CIB and maybe the  
9 supervisors, or people from there, will make a decision  
10 whether it should be turned over or not.

11                   **MR. STAUFFER:** So I think that's the answer  
12 then. So essentially whoever -- no, whoever is the CIB  
13 supervisor is going to -- is there a directive at this  
14 point in '97 any case that comes in of a sexual assault  
15 nature, of a historical nature, should be referred out?

16                   **MR. TREW:** No.

17                   **MR. STAUFFER:** Okay. So is it within the  
18 discretion of whoever is in CIB to refer out or not?

19                   **MR. TREW:** No, sir, that would be in  
20 conjunction with the Chief of Police at this time. I mean,  
21 there's been a media storm involving historical sexual  
22 assault cases and I'm sure the Chief will be involved in at  
23 least the decision-making of that.

24                   **MR. STAUFFER:** All right.

25                   Sir, I do have a question and I don't want

1 to belabour this one, but I want to turn for a moment, if  
2 you don't mind, to May 22<sup>nd</sup> of 1998. This is a meeting  
3 apparently with Inspector Tim Smith and Detective Sergeant  
4 Pat Hall, and I'm simply reading:

5 "They advised that they were  
6 investigating Jacques Leduc (area  
7 lawyer)..."

8 And I guess you're trying to say:

9 "...and they had received some  
10 information. He might have been  
11 involved with Big Brothers."

12 So am I right, sir, in thinking that later  
13 on, and now we're in May 26<sup>th</sup>, that you actually follow up  
14 with this allegation with a gentleman called Brian Lynch,  
15 who was the Executive Director at that time of Big  
16 Brothers?

17 **MR. TREW:** Yes.

18 **MR. STAUFFER:** Okay. Can you help us out  
19 here? This is just an allegation at this point, I gather?

20 **MR. TREW:** It's not an allegation, sir.

21 It's just wondering if he was a Big Brother. That's not an  
22 allegation.

23 **MR. STAUFFER:** Okay.

24 **MR. TREW:** I guess it's a bit of  
25 information-seeking.

1                   **MR. STAUFFER:** Okay.

2                   **MR. TREW:** You know, was the gentleman ever  
3 involved with Big Brothers ---

4                   **MR. STAUFFER:** Right.

5                   **MR. TREW:** --- or likewise, perhaps, like  
6 the YMCA.

7                   **MR. STAUFFER:** Okay. So -- but then you  
8 take it upon yourself to speak to Mr. Lynch ---

9                   **MR. TREW:** Yes.

10                  **MR. STAUFFER:** --- am I right?

11                  **MR. TREW:** Yeah.

12                  **MR. STAUFFER:** And you asked him, obviously,  
13 to check to see about Mr. Leduc and the Big Brothers  
14 organization?

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

16                  **MR. STAUFFER:** And he did that?

17                  **MR. TREW:** Yes.

18                  **MR. STAUFFER:** Okay. Could I ask you, if  
19 you remember, what did you -- why do you say you were  
20 checking?

21                  **MR. TREW:** No, I just -- I don't believe I  
22 gave him the direct answer. There might be something here  
23 in the notes; just hang on.

24                  **MR. STAUFFER:** Well, it says:

25                                "Explain Leduc's name came up through

1 Project Truth and that Inspector  
2 T. Smith was in charge of this  
3 investigation."

4 MR. TREW: And without detail, that's  
5 basically how I said it.

6 MR. STAUFFER: Okay.

7 MR. TREW: Okay?

8 MR. STAUFFER: Were you concerned, at all,  
9 that if this information got to Mr. Leduc, that the  
10 Cornwall Police Service might be sued for defamation?

11 MR. TREW: Of what?

12 MR. STAUFFER: Sorry?

13 MR. TREW: We were just checking to see if  
14 he had been a member with Big Brothers at one time.

15 MR. STAUFFER: Right, okay.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. STAUFFER: So I'm going to turn in a  
18 minute to the press conference that you held which is  
19 referenced in your notes, Inspector, but it's probably  
20 better just to go to the press please itself.

21 So, Mr. Commissioner, unless you need to  
22 take a break, I'm going to go to that right now.

23 THE COMMISSIONER: Go.

24 MR. STAUFFER: All right.

25 (SHORT PAUSE/COURTE PAUSE)

1                   **MR. STAUFFER:** All right. My apologies, but  
2 I found it.

3                   It is Document Number 730452 and I'd like to  
4 enter that as the next exhibit if Inspector Trew recognizes  
5 it.

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

7                   **THE COMMISSIONER:** So Exhibit 1531 is a news  
8 conference dated September 25<sup>th</sup>, 1997?

9                   **MR. STAUFFER:** Yes, sir.

10                  **--- EXHIBIT NO./PIÈCE NO. P-1531:**

11                                 (730452) News Conference "Project Truth  
12                                 dated 25 Sep 97

13                   **MR. STAUFFER:** Now, Inspector, I see your  
14 name at the bottom underneath two OPP officers' names ---

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

16                   **MR. STAUFFER:** --- on the front page.

17                                 Sir, who actually prepared this document?

18                   **MR. TREW:** A member of the Ontario  
19 Provincial Police.

20                   **MR. STAUFFER:** Okay. What input, if any,  
21 did you have into the wording?

22                   **MR. TREW:** None.

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

24                   **MR. TREW:** None.

25                   **THE COMMISSIONER:** None.

1                   **MR. STAUFFER:** Okay. Did you agree with all  
2                   the content of it? You're saying you had no input into it,  
3                   but do you agree with what's contained in it or did you  
4                   agree with it back then?

5                   **MR. TREW:** I didn't have the opportunity to  
6                   see the document prior to our press release.

7                   I was there as the officer -- liaison  
8                   officer for the Cornwall Police Service to the Ontario  
9                   Provincial Police. If there was any questions that the  
10                  media wanted to ask in the realm of my liaison duties, I  
11                  was going to ask that or -- or try to answer that.

12                  Other than that, sitting there for moral  
13                  support and making the public understand that we were just  
14                  concerned and we wanted things to go forward.

15                  **MR. STAUFFER:** Okay.

16                  **MR. TREW:** As far as reading this release  
17                  goes, I have not seen this release or to my recollection I  
18                  have not seen this release until just recently.

19                  **MR. STAUFFER:** Now, I don't understand.

20                  Do you mean this wouldn't have been handed  
21                  out when you had the press conference or ---

22                  **MR. TREW:** I'm not recalling.

23                  **MR. STAUFFER:** Okay. It's quite a lengthy  
24                  document. I don't really intend to go through this but I'd  
25                  like to just ask you, sir -- oh, Mr. Manderville would like

1 to say something.

2 MR. MANDERVILLE: I'm not sure that -- if  
3 he's never seen it before until quite recently, Mr.  
4 Commissioner, I'm not sure what utility is served by going  
5 through it with him.

6 MR. STAUFFER: Mr. Manderville may be right.

7 THE COMMISSIONER: No, okay, but let's go  
8 through the circumstances.

9 Did you attend a press conference with ---

10 MR. TREW: Superintendent Fougere?

11 THE COMMISSIONER: Yeah.

12 MR. TREW: And ---

13 THE COMMISSIONER: And Mr. Edgar?

14 MR. TREW: Yes.

15 THE COMMISSIONER: Detective Superintendent  
16 Larry Edgar?

17 MR. TREW: Yes.

18 THE COMMISSIONER: All right. Where was  
19 that?

20 MR. TREW: That was at the Long Sault  
21 Detachment, District 11 I believe it was called at the  
22 time.

23 THE COMMISSIONER: Okay. And so were there  
24 reporters there?

25 MR. TREW: Yes.

1                   **THE COMMISSIONER:** Was this document given  
2 out?

3                   **MR. TREW:** That document was given to the  
4 reporters. Obviously it's a press release.

5                   **THE COMMISSIONER:** No, no, well, "obviously"  
6 -- see, you seem to couch your words with "obviously". Do  
7 you remember if this document was given out?

8                   **MR. TREW:** No, I do not remember.

9                   **THE COMMISSIONER:** Well, okay, that's great.  
10 You suspect it was?

11                   **MR. TREW:** Yes.

12                   **THE COMMISSIONER:** Okay. Now, you say you  
13 didn't read this document?

14                   **MR. TREW:** Sir, I can't recall.

15                   **THE COMMISSIONER:** Okay. Do you know did  
16 someone read it out? Did Superintendent -- who is leading  
17 this ---

18                   **MR. TREW:** I believe the document was  
19 available for questions.

20                   **THE COMMISSIONER:** Right.

21                   **MR. TREW:** And the three of us were at the  
22 front of the press release area.

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

24                   **MR. TREW:** And we answered questions from  
25 the press.

1                   **THE COMMISSIONER:** Were you posed any  
2                   questions?

3                   **MR. TREW:** Might have been one and I can't -  
4                   -- it was -- it was not of significance.

5                   **THE COMMISSIONER:** M'hm. Because in the  
6                   overview of the investigation, I'm just looking at the  
7                   document just for the first time, it says "despite" --  
8                   they're talking, "she was not given...", which is Officer  
9                   Sebalj:

10                                    "She was not given all the resources  
11                                    required to conduct the investigation  
12                                    and, as a result, some witnesses were  
13                                    never interviewed."

14                   As Cornwall Police Service, would you not be  
15                   interested in knowing what is being said about your  
16                   Service?

17                   **MR. TREW:** I was advised to attend that  
18                   date, that time.

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

20                   **MR. TREW:** Sat there. The document was not  
21                   read prior to.

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

23                   **MR. TREW:** Do I agree with everything that's  
24                   written by one person; no.

25                   **THE COMMISSIONER:** Well, you haven't -- when

1 did you read this? Have you read it?

2 MR. TREW: Just -- just in preparation.

3 THE COMMISSIONER: Okay.

4 MR. STAUFFER: Well, Inspector, in fairness,  
5 is there anything in here that you disagree with from a  
6 Cornwall Police Service perspective?

7 MR. TREW: Sir, I'd have to read it over  
8 again. That one -- even that statement from the  
9 Commissioner, I would disagree with.

10 MR. STAUFFER: Well, again, I suspect we'll  
11 be reconvening tomorrow at some point with Mr. Trew, but  
12 again Inspector in fairness, you know, there's no ambushes  
13 here, so if you really need to read this through again,  
14 feel free, overnight, but let us know if there's anything  
15 in here that you disagree with because I certainly don't  
16 intend to go through every one of these pages and see if  
17 you agree or disagree.

18 So just do that, If you would, to speed the  
19 file. Thank you very much.

20 Sir, I'm going to ask you just a few more  
21 things here.

22 Perhaps I should have asked this right at  
23 the outset with respect to Project Truth, did I understand  
24 you correctly, your mandate is to liaise with the OPP  
25 officers involved with inspection -- with Project Truth.

1 Is that correct?

2 MR. TREW: Liaison with the managers of the  
3 Project, yes.

4 MR. STAUFFER: Right, okay.

5 Did you have a formal order or some terms of  
6 reference? That may be too formal, but did you have some  
7 kind of piece of paper that gave you what you were supposed  
8 to be doing?

9 MR. TREW: Orally given to me by my Chief

10 ---

11 MR. STAUFFER: Okay.

12 MR. TREW: --- back on that June date.

13 MR. STAUFFER: Yeah, that's what I thought I  
14 heard.

15 So was it your mandate to ensure that  
16 Constable Dunlop turned over all the material in his  
17 possession? Is that what you understood to be some or all  
18 of the tasks that you were given?

19 MR. TREW: That's just some of the tasks  
20 that I was -- I was the liaison officer for the Cornwall  
21 Police Service to the Ontario Provincial Police, that would  
22 be one of the tasks to ensure the stuff was turned over.

23 MR. STAUFFER: Okay. Because we have to go  
24 -- since it's all oral we have to understand what you  
25 understood it to be.

1                   But you understood that you, Inspector Trew,  
2                   were to ensure that whatever materials Constable Dunlop had  
3                   were to be put into the hands of the Project Truth  
4                   management.

5                   **MR. TREW:** Correct.

6                   **MR. STAUFFER:** Is that right? What other  
7                   aspects of your task were there then? To be sure that he  
8                   wasn't to speak to the media?

9                   **MR. TREW:** Through this as it evolves ---

10                  **MR. STAUFFER:** Okay.

11                  **MR. TREW:** --- through this he was tasked by  
12                  me not to speak to the media.

13                  **MR. STAUFFER:** Okay, but at the outset that  
14                  wasn't an issue?

15                  **MR. TREW:** Well there wasn't a one, two,  
16                  three ---

17                  **MR. STAUFFER:** Just one ---

18                  **MR. TREW:** --- four, five things I had to  
19                  do. I mean it came about as time went on.

20                  **MR. STAUFFER:** Okay, it was a work in  
21                  progress. Were there any other tasks that were contained  
22                  in this assignment beyond this -- ensuring disclosure and  
23                  being sure Constable Dunlop didn't speak to the media?

24                  **MR. TREW:** Yes, ensuring that if there's any  
25                  other documents that the Ontario Provincial Police needed

1 from the Cornwall Police Service that they got.

2 If there was anything else that arised out  
3 of the investigations that -- example, there was perhaps  
4 another incident that didn't involve Project Truth we would  
5 take it back and work with it, those such things.

6 **MR. STAUFFER:** Okay.

7 **THE COMMISSIONER:** So, sir at the beginning  
8 here when we're -- you're getting your orders to be the  
9 liaison -- and I know this will probably sound strange --  
10 but was there any thought given to -- given that Mr. Dunlop  
11 was getting all this information about victims and things,  
12 harnessing that and putting them in with Project Truth and  
13 making them part of the group as opposed to ---

14 **MR. TREW:** No, sir.

15 **MR. STAUFFER:** I guess to follow up on that  
16 because, Inspector, you wrote this in your notes and it's  
17 not you, I don't think, who's saying it; it's perhaps  
18 Inspector Smith, but it's this notion from Constable Dunlop  
19 I've got victims and they're only going to deal with me.  
20 Okay? And so it sounds like Inspector Smith is saying  
21 well, we'll use you then as a last resort kind of like a  
22 source or somebody who's going to assist.

23 I'm -- I don't know if this is following up  
24 from the Commissioner's question, but certainly I would  
25 like to know why wasn't that explored? If you had somebody

1       who's essentially a source, perhaps a second-hand source  
2       but you've got a source now who's in the community and has  
3       talked to people who have allegedly been victimized, why  
4       wasn't he used as a source?

5               **MR. TREW:** Well I believe in one of the  
6       meetings initially that the -- Inspector Smith said that if  
7       all else fails as far as the victims coming to Project  
8       Truth or coming to the Ontario Provincial Police that they  
9       would use him as a coach to come in.

10              **MR. STAUFFER:** Right. So why didn't that  
11       happen? As far as you can figure out from the discussions  
12       you had with everybody, why didn't that happen?

13              **MR. TREW:** I don't have an answer for that,  
14       sir. I don't have an answer. I can presume but ---

15              **MR. STAUFFER:** Well, I mean did Constable  
16       Dunlop ever come to you or did you get information through  
17       the grapevine that he just didn't really want to cooperate?

18              **MR. TREW:** Let's go back to the fact that  
19       the Cornwall Police Service was being charged or being sued  
20       by Constable Dunlop for \$85 million; the fact that the  
21       officer had an internal discipline record that was not  
22       reflected upon as good ---

23              **THE COMMISSIONER:** You mean the ---

24              **MR. TREW:** The prior.

25              **THE COMMISSIONER:** --- parking lot and the

1 wallets?

2 MR. TREW: That's right.

3 THE COMMISSIONER: M'hm.

4 MR. TREW: The fact that there was a  
5 difficult situation put into play through courts and  
6 Constable Dunlop going through the court system as far as  
7 the internal discipline again on this issue or surrounding  
8 this issue.

9 There's a lot of factors here plus the fact  
10 that he wasn't, by this time, a trained investigator; that  
11 perhaps needed more higher expertise such as everyone is  
12 saying.

13 THE COMMISSIONER: M'hm.

14 MR. STAUFFER: Who would have been his  
15 supervisor during this timeframe from June, '97 onwards?

16 MR. TREW: Well, I believe that I have  
17 Acting Sergeant Aikman as one of his supervisors but that  
18 would have been in uniform division.

19 MR. STAUFFER: Right. But did you have a  
20 sense that at that point, Acting Sergeant Aikman had a  
21 rapport with Constable Dunlop that he could have finessed  
22 this rather than this more formal ordering process?

23 MR. TREW: Well, we're trying to finesse it,  
24 sir. I mean we are police officers and we work by way of a  
25 procedures and directives. The officer is fully aware of

1 this.

2 All of our officers under the Cornwall  
3 Police Services are complying to that somewhat in regards  
4 to doing their job, coming forward, all that stuff,  
5 disclosing things for court. This officer's no different  
6 than anyone else.

7 **MR. STAUFFER:** But is it fair to say --  
8 please correct me if I'm wrong -- that during all your  
9 years in the Service you've never had this experience where  
10 some officer has decided essentially to conduct his own  
11 private investigations?

12 **MR. TREW:** No.

13 **MR. STAUFFER:** Okay. I didn't phrase my  
14 question well. Have you ever had that experience? Yes,  
15 no?

16 **MR. TREW:** No.

17 **MR. STAUFFER:** All right. So we have a  
18 unique situation here. Was there any kind of a meeting of  
19 management as to how can we, for lack of a better term, use  
20 Constable Dunlop's knowledge here to find out what might be  
21 happening out there versus shuffling it off -- that's my  
22 term -- to the OPP?

23 **MR. TREW:** Well, most of your managers in  
24 the Cornwall Police Service were being sued by Constable  
25 Dunlop. I don't know if a meeting of the managers towards

1 Constable Dunlop to sharing information and going forward  
2 with allowing him -- going into sexual assault cases that  
3 perhaps originated from himself ---

4 **MR. STAUFFER:** Was there any thought ---

5 **MR. TREW:** --- that ---

6 **MR. STAUFFER:** I'm sorry, go ahead.

7 **MR. TREW:** --- they were given credence to  
8 the fact of putting this officer on the case. Plus the  
9 fact is the Ontario Provincial Police were the officers  
10 involved in this case. They're the ones in charge of this  
11 case now. I'm -- you'd have to ask them but I would not  
12 think that they would want Constable Dunlop involved in  
13 their cases.

14 **MR. STAUFFER:** Finally was there any ---

15 **THE COMMISSIONER:** But just -- my question  
16 was, was there ever any consideration given to that? And  
17 you've indicated that there wasn't from your part?

18 **MR. TREW:** Yes.

19 **THE COMMISSIONER:** Okay. All right.

20 **MR. STAUFFER:** So, sir, finally in terms of  
21 this notion of how to use Constable Dunlop, was there any  
22 thought given to a meeting with his lawyer because you've  
23 made a great deal about the lawsuit? And I'm not demeaning  
24 that for a moment.

25 But the lawsuit seems to be something

1 hanging over your heads. Was there any thought given to  
2 involving Mr. Bourgeois at that time in trying to bring an  
3 end to the lawsuit and get as much information from  
4 Constable Dunlop as possible so that the investigations  
5 could go forward in a timely fashion?

6 **MR. TREW:** The lawsuit was in the hands of  
7 our lawyers so therefore it was hands-off to us as far as  
8 solving that. The second part of your question, sir, could  
9 you say it again?

10 **MR. STAUFFER:** You do realize that clients  
11 instruct their lawyers? At least that's what I understand.  
12 Do you know what I mean by that?

13 **MR. TREW:** I don't know where you're going,  
14 sir. I don't -- no, I don't.

15 **MR. STAUFFER:** I'm saying that you as -- or  
16 the Chief has the authority to say to the lawyers this is  
17 what I would like to do. Now the lawyers may disagree but  
18 the client has some say in the case.

19 **MR. MANDERVILLE:** This was a matter  
20 involving liability insurance, Mr. Commissioner.

21 **THE COMMISSIONER:** Well, I think sir,  
22 there's a joint participation in the instructions.

23 **MR. MANDERVILLE:** Yes, that's correct.

24 **MR. STAUFFER:** All right.

25 **THE COMMISSIONER:** How about if we find a

1 spot to close it off for tonight?

2 **MR. STAUFFER:** Thank you. I am at your  
3 command, Mr. Commissioner. Just give me one moment here.  
4 There may be something overnight but ---

5 **THE COMMISSIONER:** Dangerous place to be.  
6 It's a dangerous place to be, Mr. Stauffer.

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

8 **THE COMMISSIONER:** Mr. Sheriff-Scott will --  
9 -

10 **MR. STAUFFER:** Yes. Well, sir I think I  
11 have closed it for the moment. I need in all honesty, to  
12 reflect, I don't suspect that I will be more than -- this  
13 is dangerous to say but no more than 20 minutes to 30  
14 minutes tomorrow.

15 **THE COMMISSIONER:** We'll see you tomorrow  
16 morning at 9:30, sir.

17 **MR. TREW:** Thank you, sir.

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

20 This hearing is adjourned till tomorrow  
21 morning at 9:30 a.m.

22 --- Upon adjourning at 5:38 p.m. /

23 L'audience est ajournée à 17h38

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Dale Waterman, CVR-CM