

**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 223

Held at :

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

Wednesday, April 30 2008

Tenue à:

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

Mercredi, le 30 avril 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Janie Larocque	
Ms. Mary Simms	
Mr. Ian Stauffer	
Ms. Karen Jones	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police
Mr. Peter Manderville	Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Kisha Chatterjee	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko	Upper Canada District School Board
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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

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

8 Please be seated. Veuillez vous asseoir.

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

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

12 **MR. STAUFFER:** Mr. Commissioner, just a
13 matter -- we have a new counsel this morning from the
14 Ministry of the Attorney General, Kisha Chaterjee (C-h-a-t-
15 e-r-g-e-e); perhaps two "t"s? Anyway, Ms. Chatterjee is
16 with us this morning.

17 **THE COMMISSIONER:** Thank you. Good morning,
18 welcome aboard.

19 Now we were with Mr. Paul.

20 Good morning, sir.

21 **RICHARD WILLIAM TREW:** Resumed/Sous le même serment

22 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL
23 (Cont'd./suite):

24 **MR. PAUL:** Good morning, Mr. Commissioner.

25 Good morning, Inspector Trew.

1 **MR. TREW:** Good morning, Mr. Paul.

2 **MR. PAUL:** One portion I had been just about
3 to show you when we broke was some documentation in
4 relation to Perry Dunlop in a -- be some form of award
5 ceremony. I believe it's Document 722609.

6 **THE COMMISSIONER:** It's coming, yes. Thank
7 you.

8 Exhibit Number 1536, internal correspondence
9 from Chief Shaver to Staff Inspector McDonald, June 22nd,
10 1987.

11 **---EXHIBIT NO./PIÈCE NO. P-1536:**

12 (722609) Internal Correspondence from C.
13 Shaver to S. McDonald dated June 22, 1987

14 **MR. PAUL:** You have 722609?

15 **THE COMMISSIONER:** Yeah. That's the letter
16 of commendations.

17 **MR. PAUL:** And I understood there's a list
18 of individuals who received some form of commendation but
19 I'm not sure. Can you tell us, since you appear to be one
20 of the recipients, what type of commendations they're
21 talking about there?

22 **MR. TREW:** I can't -- sir, I can't you
23 detail other than the fact that the -- it was common, at
24 least once a year, to be awarded or at least been
25 congratulated on certain things that the individual officer

1 did.

2 This may not be a combination of all these
3 officers. It might have been a number of different things
4 these officers did and they were brought in and either
5 congratulated or a handshake and openly stated "Thank you".

6 MR. PAUL: All right.

7 So this would be for some form of good
8 conduct perhaps in the range of '86 to '87?

9 MR. TREW: Yes.

10 MR. PAUL: And did you yourself ever present
11 any awards to Constable Dunlop?

12 MR. TREW: I can't recall that. I do
13 remember going over performance appraisals with the
14 officer.

15 MR. PAUL: I want to ask you, obviously you
16 already indicated that you've known Constable Dunlop since
17 his entry in the Police Force. Did you know him before he
18 was on the Police Force?

19 MR. TREW: I did not know him before he was
20 on the Police Force.

21 MR. PAUL: You knew his -- did you know some
22 of his family?

23 MR. TREW: Yes.

24 MR. PAUL: Is that his mother; you knew his
25 mother from work I think? You worked before you were on

1 the Police Force?

2 MR. TREW: That's correct.

3 MR. PAUL: But you didn't know Perry Dunlop
4 himself?

5 MR. TREW: No.

6 MR. PAUL: Did you ever from the time you
7 got on the Force, did you ever socialize with Perry Dunlop?

8 MR. TREW: Yes.

9 MR. PAUL: Would that be fishing and hunting
10 or things like that?

11 MR. TREW: One of my close friends is
12 another officer on the Service. Through that officer, we
13 got together on occasions to do fishing and hunting, but I
14 believe it was hunting.

15 MR. PAUL: And can you help me with the
16 timeframe of roughly what years that would be?

17 MR. TREW: No, I can't, sir.

18 MR. PAUL: Can you say whether it's '80s or
19 '90s?

20 MR. TREW: Eighties ('80s).

21 MR. PAUL: Eighties ('80s). Would it have
22 continued after the 1985 discipline hearing or would it
23 basically have sort of ended that?

24 MR. TREW: I believe that ended that.

25 MR. PAUL: Now, you indicated that you were

1 selected I believe as sort of someone who had some
2 oversight over Constable Dunlop much later. You were a
3 liaison officer with the OPP?

4 MR. TREW: Yes.

5 MR. PAUL: And one of the reasons I think
6 you indicated is you were one of the few officers who
7 wasn't named in the lawsuit?

8 MR. TREW: Correct.

9 MR. PAUL: I'm just wondering.
10 Notwithstanding the fact you weren't named in the lawsuit,
11 did you still have perhaps some animosity or anger over the
12 fact that Perry Dunlop had sued fellow police officers?

13 MR. TREW: No, sir.

14 MR. PAUL: I just wanted to ask you as far
15 as some of the individuals or key persons involved in the
16 proceedings whether you socialized with the people. I want
17 to ask you first of all, Malcolm MacDonald? He's someone
18 you know -- who Malcolm MacDonald was obviously?

19 MR. TREW: Correct.

20 MR. PAUL: But apart from his official
21 functions as a lawyer, did you ever socialize with him?

22 MR. TREW: No, sir.

23 MR. PAUL: And what about Probation Officer
24 Ken Seguin? Can you ---

25 MR. TREW: No, sir.

1 **MR. PAUL:** And Father Charles MacDonald?
2 Not somebody you would socialize with?

3 **MR. TREW:** No, sir.

4 **MR. PAUL:** Do you have any association with
5 the Catholic Church?

6 **MR. TREW:** No, I do not. I'm Protestant.

7 **MR. PAUL:** All right.

8 And I wanted to ask you, those same people I
9 referred to, Charles MacDonald, Ken Seguin and Malcolm
10 MacDonald, do you have any knowledge whether Chief Shaver
11 socialized -- outside of work-related matters -- socialized
12 with those people?

13 **MR. TREW:** I have no knowledge of that.

14 **MR. PAUL:** All right.

15 I had a few questions for you on that 1985
16 discipline hearing that I just referred to.

17 The first question that I had was, I
18 understand that at some point a lawyer by the name of Tom
19 Swabey was involved assisting Mr. Dunlop at some point. Do
20 you recall that?

21 **MR. TREW:** Yes.

22 **MR. PAUL:** And in some of the
23 documentations, there's some suggestion that when you
24 initially were meeting Perry Dunlop about this matter to
25 speak to him, that he wanted Tom Swabey present and

1 possibly Association representative, Constable Parisien.
2 And your position was you had to meet with Constable Dunlop
3 alone?

4 MR. TREW: Correct.

5 MR. PAUL: Is that your recollection?

6 MR. TREW: Yes.

7 MR. PAUL: And is there a reason why the
8 Association representative couldn't attend to assist?

9 MR. TREW: Yes. We're a paramilitary
10 organization. I asked the officer to come in to speak to
11 me. The officer was not charged with anything at that
12 time.

13 Therefore, a matter of speaking with the
14 officer is my privilege to speak to him whether alone or in
15 the company of others. If the officer was charged with an
16 offence, then he had the right to have an agent or counsel.

17 MR. PAUL: All right.

18 And those persons couldn't be present just
19 to observe as opposed to participate or say anything?

20 MR. TREW: The officer wanted an answer from
21 me and I gave that officer the answer. He initially came
22 to me in private, therefore, I kept it in private.

23 MR. PAUL: I want to ask you some questions
24 about another one of the documents related to that
25 proceeding. I believe it's Document 731182.

1 Do you have that document?

2 **MR. TREW:** No, I don't sir.

3 **THE COMMISSIONER:** Hold on.

4 **MR. PAUL:** Oh, sorry.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit 1537 appears to be a notice of
7 application or an amended notice of application dated
8 December 3rd, 1985.

9 **---EXHIBIT NO./PIÈCE NO. P-1537:**

10 (731182) Amended Notice of Application
11 between Perry Dunlop and The Chief of the
12 Cornwall Police Force dated December 3, 1985

13 **MR. PAUL:** And the portion I was going to
14 refer the witness to would be page number -- it's a
15 handwritten exhibit "A" -- Document Number 7122361.

16 Do you have that document?

17 **MR. TREW:** September 8th, 1985, Mr. Paul?

18 **MR. PAUL:** Yes.

19 **MR. TREW:** Okay.

20 **MR. PAUL:** And I believe this is some form
21 of appeal document from Perry Dunlop, but I wanted to refer
22 you to the second sentence where, I believe, this would be
23 Perry Dunlop indicating:

24 "I responded to a call at the Body Shop
25 on Second Street West as officers

1 needed assistance."

2 And about that portion, I wanted to ask you
3 is it -- first, is it your understanding that the incident
4 involving the mirror damage happened at a place called the
5 Body Shop?

6 **MR. TREW:** Correct.

7 **MR. PAUL:** There was some issue whether it
8 was at the Body Shop or a hospital, but certainly the Body
9 Shop was the original call-out location; is that correct?

10 **MR. TREW:** The initial what location, sir?

11 **MR. PAUL:** Where Perry Dunlop was called out
12 to a ---

13 **MR. TREW:** Yes.

14 **MR. PAUL:** --- call.

15 **MR. TREW:** Yes.

16 **MR. PAUL:** And now the Body Shop is a tavern
17 or bar in Cornwall, is that correct?

18 **MR. TREW:** Correct.

19 **MR. PAUL:** And was it your understanding
20 that that portion of the statement is correct; he was
21 called out because officers needed his assistance?

22 **MR. TREW:** Correct.

23 **MR. PAUL:** I want to ask you -- and first of
24 all, in terms of the damage to the mirror, the mirror is
25 knocked off, I understand. Is it still intact, but

1 damaged, is that your understanding, or is it knocked right
2 off?

3 MR. TREW: I recall damage, Mr. Paul, but to
4 the extent -- it was to the door and to the mirror, there
5 was damage.

6 MR. PAUL: All right. And I want to ask
7 you, in terms of the circumstances of this call-out, when
8 Constable Dunlop is called out to assist other officers, is
9 it your understanding that this would be at night?

10 MR. TREW: Yes.

11 MR. PAUL: And when Officer Dunlop is called
12 out to assist other officers; do you have knowledge whether
13 his sirens would have been on at the time?

14 MR. TREW: I don't have that knowledge.

15 MR. PAUL: Okay. When Constable Dunlop is
16 called out to assist other officers, would it be your
17 understanding that there might be some urgency to this in
18 the sense he's coming to assist other officers?

19 MR. TREW: Correct.

20 MR. PAUL: So it's not like a situation of
21 parking his vehicle at the police station or the
22 courthouse; he's probably rushing to get there.

23 MR. TREW: I'll agree with that.

24 MR. PAUL: Just another portion of this
25 document, I believe it's the next page; towards the bottom

1 there's a part of a statement that indicates, in part:

2 "I was then asked if I distinctly
3 remember hitting the pole. I answered
4 no, in all honesty. I may have hit the
5 pole, but at the time felt no
6 noticeable impact. I agree that the
7 pole in question could easily be
8 matched to the damage on the cruiser.
9 I never lied to my superiors, in fact,
10 led them to said pole."

11 I just want to ask you, as far as the
12 position that Perry Dunlop took; is that the position, as
13 you understand, that he took in the proceedings?

14 **MR. TREW:** Mr. Paul, the position that
15 Constable Dunlop took was he phoned his supervisor from the
16 hospital and stated that his vehicle had been damaged and
17 he presumed it was a hit and run.

18 **MR. PAUL:** Okay, but his -- in the sense of
19 not appreciating when the damage occurred; is that the
20 position he took that he didn't notice any damage himself,
21 he didn't appreciate any collision? He always denied that
22 he was in a collision or appreciated a collision.

23 **MR. TREW:** I'm not quite sure if I'm
24 understanding your question, Mr. Paul. Could you please
25 say it again?

1 **MR. PAUL:** Well, he never -- my recollection
2 from your evidence yesterday, I thought you were saying
3 that he always took the position that he had not lied about
4 the matter; that was always his position.

5 **MR. TREW:** He had -- he had taken the
6 position that he did not lie about reporting the -- the
7 vehicle being damaged and he came across as stating that
8 the -- the damage took place at the Cornwall General
9 Hospital, not at the tavern.

10 **MR. PAUL:** All right, and ---

11 **MR. STAUFFER:** Mr. Commissioner, could I
12 just have a moment with my friend?

13 **THE COMMISSIONER:** Thank you.

14 **MR. PAUL:** Now, as far as the hearing that
15 held against him, I saw some documentation indicating on
16 the neglect proceedings that Stuart McDonald was involved.
17 I want to ask you; do you know who the decision maker was
18 in the proceedings on the deceit?

19 **MR. TREW:** I believe it was Staff Inspector
20 McDonald, Stuart McDonald.

21 **MR. PAUL:** Yes, so he made all the
22 decisions. He made all of the ---

23 **MR. TREW:** He was -- he was the Hearing
24 Officer. He was the person who had to decide if the
25 officer was to be found -- found guilty or not.

1 **MR. PAUL:** All right.

2 The last series of questions I have is that
3 I want to clarify a few points about the Shelley Price
4 matter and refer you to your notes which I believe are
5 Exhibit 733, I believe.

6 **THE COMMISSIONER:** So Stuart McClean --- is
7 it Stuart McClean?

8 **MR. TREW:** No, Stuart McDonald.

9 **THE COMMISSIONER:** McDonald, right; I'm
10 sorry. That's on the *Vinyl Café*.

11 **(LAUGHTER/RIRES)**

12 **THE COMMISSIONER:** But isn't he Mr. Dunlop's
13 brother-in-law?

14 **MR. TREW:** Not at that time, I recall.

15 **THE COMMISSIONER:** Not at that time, okay.
16 Okay.

17 **MR. TREW:** I believe the officer is single
18 at 1985.

19 **THE COMMISSIONER:** I don't know, okay.
20 Okay.

21 **MR. CALLAGHAN:** Mr. Commissioner, just --
22 you may recall that Mrs. Dunlop talked about the whirlwind
23 romance that preceded their marriage in, I think, '87 or --
24 -

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

1 **MR. CALLAGHAN:** --- in abouts there. Just -
2 --

3 **THE COMMISSIONER:** Okay.

4 **MR. CALLAGHAN:** --- there was a bit of
5 testimony from Mrs. Dunlop.

6 **THE COMMISSIONER:** No, no. Okay, okay, it's
7 fine. Thank you very much. All right.

8 **MR. PAUL:** Do you ---

9 **THE COMMISSIONER:** So what are we referring
10 to now?

11 **MR. PAUL:** The last series of questions I
12 have would be on his notes in relation to Shelley Price, I
13 believe.

14 **THE COMMISSIONER:** Yes.

15 **MR. PAUL:** Exhibit ---

16 **THE COMMISSIONER:** And what exhibit?

17 **MR. PAUL:** Seven thirty-three (733).

18 **THE COMMISSIONER:** Yes.

19 **MR. PAUL:** And the references I was going to
20 ask about start at page 40.

21 **THE COMMISSIONER:** On page 40?

22 **MR. PAUL:** Yes, page 40.

23 Inspector Trew, I believe the Shelley Price
24 case is referred to at the bottom of page 40.

25 **MR. TREW:** Yes.

1 **MR. PAUL:** And I believe it indicates that
2 Detective Inspector Hall advised that Constable Tyo
3 contacted Dave Price in British Columbia, and that's
4 indicating Mr. Price was upset about hearing about the
5 involvement of Cornwall Police.

6 **MR. TREW:** Yes.

7 **MR. PAUL:** And left a message not to give
8 Cornwall Police any more information.

9 **MR. TREW:** Correct.

10 **MR. PAUL:** I believe the next reference to
11 the Price matter is at page 42. I believe that that
12 reference calls received by you from -- is that Sergeant
13 Hall?

14 **MR. TREW:** It is Detective Sergeant Hall at
15 the time.

16 **MR. PAUL:** Detective. And he advises that
17 Mr. Price is contacted and he's explaining why the Project
18 Truth can't deal with the matter and Mr. Price indicates he
19 does not want Cornwall Police to investigate the matter.
20 And it refers to past involvement of police officers who
21 used to work with the Cornwall Police Service; correct?

22 **MR. TREW:** There might be past, yes sir.

23 **MR. PAUL:** So do I understand your
24 understanding would be that the Prices had some objection
25 to the Cornwall Police based on the fact that some of their

1 allegations involved former Cornwall police officers,
2 correct?

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

4 **MR. PAUL:** I'm taking you to page 43,
5 towards the bottom; I believe you're referring to a letter
6 -- you're referring to a letter, I believe, which would be
7 from Project Truth people indicating that it's not in their
8 mandate and they will not take the case, is that correct?

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

10 **MR. PAUL:** And they suggest that Major Cases
11 in Orillia could be contacted.

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

13 **MR. PAUL:** Do you know if Orillia was
14 contacted?

15 **MR. TREW:** My best recollection, there was a
16 number of correspondence back and forth to the Price
17 family. There was interviews that took place out in
18 Vancouver by RCMP officers that relate back to a memo sent
19 to our Service by Inspector Hall. And I believe there was
20 continuing efforts to carry on with this investigation by
21 us ---

22 **MR. PAUL:** All right.

23 **MR. TREW:** --- at least to find the
24 parameters of it.

25 **MR. PAUL:** The next reference, I believe, is

1 page 54, January 22nd, 1999, and there's a reference to a
2 Chief advising that there was phone messages from Dave
3 Price and there's a reference to a meeting with Chief,
4 Staff Sergeant Brunet, Staff Sergeant Carter and yourself,
5 I just wanted to ask you, is that meeting -- there's no
6 notes, clear notes on what the meeting is about; is that
7 meeting about the Price matter?

8 MR. TREW: Correct.

9 MR. PAUL: And do you know what was
10 discussed at the meeting, what purpose of the meeting was?

11 MR. TREW: I believe efforts were -- were
12 still there to try and get this family to understand that
13 we would like to take this investigation and go with it and
14 try to put a completion to it.

15 MR. PAUL: The next portion of your notes I
16 want to refer you to is page 55, and in that notation
17 there's some reference to a possibility of OPP officers
18 being sent to take statements and it indicates:

19 "This will at least get further
20 information so that a police agency can
21 carry on its investigation and address
22 the allegations."

23 I want to ask you, what is meant by this?
24 Is this a discussion about possibility of using other
25 police forces to assist the Cornwall Police or other police

1 forces to take over the matter?

2 MR. TREW: Because of the reluctance of the
3 Price family to talk with the Cornwall Police Service, I
4 believe this is in result to get the Ontario Provincial
5 Police and in the end, I believe the RCMP from that local
6 area went and did the -- and did the -- the interview with
7 the Price family.

8 MR. PAUL: Is that the RCMP in lieu of this
9 -- instead of this suggestion of OPP?

10 MR. TREW: I believe, in the end, that's
11 what took place.

12 MR. PAUL: The next reference I have is page
13 57, there's a reference to meeting with Chief Repa and
14 Staff Sergeant Carter. I believe there's a discussion of
15 sending correspondence to the Prices?

16 MR. TREW: Correct.

17 MR. PAUL: And at that point, there is talk
18 of sending correspondence to have the Prices understand
19 that the Cornwall Police Service will thoroughly
20 investigate the historical complaint?

21 MR. TREW: Correct.

22 MR. PAUL: So at that point, is the decision
23 that the Cornwall Police will handle the matter, not
24 another police force?

25 MR. TREW: We are still trying, at this

1 time, to get the Price family to accept the Cornwall Police
2 Service as the investigators.

3 MR. PAUL: The reference to a "thorough
4 investigation," what do you mean by that?

5 MR. TREW: I believe the Chief wanted --
6 wanted to write this letter and, first of all, it's a
7 letter to the Price family and it's in -- would become a
8 document basically that we were sincere and we -- we were
9 interested and we were genuinely concerned of their -- of
10 their allegations and we wanted to investigate further.

11 Especially you must understand that Project
12 Truth had certain parameters, they had certain cases that
13 they would investigate; in other cases, that was not their
14 mandate.

15 MR. PAUL: So I just want to ask, though, at
16 this point, has a decision been made at this point that
17 despite their objections to the Cornwall Police, the
18 Cornwall Police will investigate the matter and not send it
19 to another police force?

20 MR. TREW: Mr. Paul, I'm drawing a blank in
21 regards to the final outcome of the Price investigation.

22 I can recall up to here and I remember the -
23 - the Service genuinely trying to get the Price family on
24 board.

25 The end result, I -- I don't have that

1 knowledge or, at least, it's not coming back to me.

2 MR. PAUL: All right. And in terms of who
3 made the finals decisions with respect to whether it's
4 transferred, is that Chief Repa?

5 MR. TREW: Correct.

6 MR. PAUL: And I just want to ask you, do
7 you recall your advice at the time? Was your advice to
8 keep the matter or to attempt to transfer it to another
9 police agency?

10 MR. TREW: I felt that we should try to
11 investigate it.

12 We were trying to -- you -- you must
13 understand, though, a policing service in the community, we
14 don't want to lose any more credibility than perhaps what
15 was viewed and we were trying to get on and -- and this
16 would have been a normal day, a typical case involving the
17 Cornwall Police Service, but this was not typical times
18 and, therefore, we were still trying to go ahead with the
19 cases that we should be investigating.

20 MR. PAUL: Well, I appreciate that the
21 officers who may have been referred to in the Prices'
22 complaint no longer were with the Cornwall Police, but
23 would there have been still active Cornwall Police members
24 in the Force in the late '90s who would have been fellow
25 officers of these two people who were the subject of the

1 complaint?

2 MR. TREW: That was mentioned by Mr. Price,
3 I believe, in one of his letters or correspondence to the -
4 - either the OPP or the Cornwall Police Service.

5 To the best of my recollection, I'm one of
6 the older ones; 1970 there on.

7 MR. PAUL: Right.

8 MR. TREW: So there would have been very few
9 people, very, very few.

10 MR. PAUL: But there would have been some?

11 MR. TREW: There would have been me, I know
12 that.

13 MR. PAUL: Okay, thank you, those are my
14 questions.

15 MR. TREW: Okay.

16 THE COMMISSIONER: Thank you.

17 Mr. Lee.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. LEE: Good morning, Mr. Commissioner.

20 THE COMMISSIONER: Good morning, sir.

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

22 MR. LEE:

23 MR. LEE: Inspector Trew, my name is Dallas
24 Lee; I'm counsel for the victims group.

25 MR. TREW: Good morning, sir.

1 **MR. LEE:** Good morning.

2 I have a few areas I'd like to ask you
3 about.

4 Do you recall being asked in-chief on your
5 first day here about the Gilles Deslauriers investigation?

6 **MR. TREW:** There's been a number of
7 questions about the -- the Deslauriers case, but go ahead,
8 sir.

9 **MR. LEE:** Specifically, Mr. Stauffer asked
10 you about whether or not Ron Lefebvre had brought any
11 concerns about the investigation to your attention?

12 **MR. TREW:** Go -- go ahead, sir.

13 **MR. LEE:** And you were specifically asked
14 about Bishop Larocque and you've told us that his name
15 didn't come to the forefront at that time; do you recall
16 that answer?

17 **MR. TREW:** Yes.

18 **MR. LEE:** I want to give you another chance,
19 here, sir; do you recall any discussion whatsoever with Ron
20 Lefebvre about Bishop Larocque during the course of the
21 Gilles Deslauriers investigation?

22 **MR. TREW:** Mr. Lee, that's -- the case took
23 place in 1985 or '86, to the best of my recollection the
24 initial investigation -- are we talking about initially?

25 **MR. LEE:** Yes.

1 **MR. TREW:** The initial investigation, I
2 can't recall any mention of Bishop Larocque.

3 **MR. LEE:** And am I right that there was
4 another investigator on that case named Herb Lefebvre?

5 **MR. TREW:** Yes.

6 **MR. LEE:** Would you have supervised Herb
7 Lefebvre, as well?

8 **MR. TREW:** Yes.

9 **MR. LEE:** Do you recall him discussing
10 Bishop Larocque with you at any point?

11 **MR. TREW:** No, I can't, sir.

12 **MR. LEE:** I'm going to try to refresh your
13 memory a little bit, sir.

14 Is it possible that Ron Lefebvre would have
15 told you that he went to see Bishop Larocque on two
16 occasions requesting information and that Bishop Larocque
17 refused both times to assist the investigation?

18 **MR. TREW:** Sir, I -- I recall the officer
19 going to speak to a number of people in the clergy;
20 unfortunately, I -- I can't recall Bishop Larocque's
21 specifics in regards to that.

22 You're asking me, obviously, sir, that do I
23 recall and I'm trying to -- I'm trying to recall, but I
24 can't.

25 **MR. LEE:** That is all I'm asking you ---

1 **MR. TREW:** Okay.

2 **MR. LEE:** --- is whether or not you recall
3 and I'm trying to give you a little bit of information of
4 things that I -- I'm hoping might jog your memory.

5 Do you recall, does the name Lise Brisson
6 mean anything to you?

7 And let me help you out, one of the
8 complainants, the original complainant against Deslauriers
9 was a gentleman named Benoit Brisson, who I represent and
10 Lise Brisson is his mother, okay?

11 **MR. TREW:** Yes.

12 **MR. LEE:** And were you aware at the time of
13 that investigation that Ron Lefebvre had obtained a warrant
14 to permit Lise Brisson to record a meeting that she was
15 going to have with the Bishop?

16 **MR. TREW:** Yes, sir.

17 **MR. LEE:** You do recall that?

18 **MR. TREW:** Yes.

19 I did not recall that and I think there's
20 some confusion, if I may have a moment, sir?

21 **MR. LEE:** Certainly.

22 **MR. TREW:** The initial investigation, I
23 don't believe -- that was not the -- the parameters of
24 getting a wire or getting -- getting a search warrant for
25 Bishop Larocque. Therefore there is some confusion here

1 when you state to me about Larocque's name coming up in the
2 investigation.

3 MR. LEE: What do you mean by the initial
4 investigation?

5 MR. TREW: Well, I believe -- I believe the
6 Inquiry has heard that the investigation again came through
7 the media first and then the Cornwall Police Service got
8 involved as a result of someone coming in and laying a
9 complaint.

10 MR. LEE: I ---

11 MR. TREW: So within the first -- within
12 that parameter of looking at Father Deslauriers and
13 possible victims, I don't believe Father -- or Bishop
14 Larocque's name came up then.

15 MR. LEE: I'm going to ask you a little bit
16 about how exactly came -- the Cornwall Police came to have
17 this case. But what you're referring to, I think we can
18 all agree, is we've had some evidence here from Benoit
19 Brisson and from Lise Brisson early on in the Inquiry.

20 MR. TREW: Okay.

21 MR. LEE: And I believe the media report you
22 were speaking of concerned Benoit Brisson and the CPS
23 investigation followed that.

24 MR. TREW: Correct.

25 MR. LEE: So I think we're talking about the

1 same thing here and the investigation that was flowing from
2 that.

3 You're not aware of two separate
4 investigations into Gilles Deslauriers?

5 **MR. TREW:** No.

6 **MR. LEE:** Perhaps just different stages of
7 the same investigation?

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

9 **MR. LEE:** Okay.

10 So you were aware that -- of the warrant issue with Lise
11 Brisson. Is that right?

12 **MR. TREW:** Later on, yes.

13 **MR. LEE:** And, can you help me understand
14 what you understood to be -- why that was necessary?

15 **MR. LEE:** In preparing for this, I went over
16 some information pertaining to that and it jogged my
17 memory. It was -- it was about -- Ms. Brizon?

18 **MR. LEE:** Ms. Brisson.

19 **MR. TREW:** Brisson, thank you. Ms. Brisson
20 having concerns that the Bishop possibly would -- was
21 interfering, if not interfering, not being cooperative. I
22 believe it was interfering because we eventually went and
23 got a search warrant and we'd have to have grounds for
24 that.

25 **MR. LEE:** It took -- I mean certainly at the

1 time that the warrant was obtained for Ms. Brisson to wear
2 the concealed listening device, it would have been more
3 than her having concerns; clearly your officers must have
4 had some concerns. Is that right?

5 MR. TREW: I agree.

6 MR. LEE: So you at the very least had some
7 idea at the time that there was some issue with the Bishop,
8 is that right?

9 MR. TREW: Yes.

10 MR. LEE: That refreshes your memory now?

11 MR. TREW: Yes.

12 MR. LEE: You can think back to that?

13 And you were the direct supervisor in that
14 investigation, so that makes sense that you would
15 be aware of these issues?

16 MR. TREW: I wasn't a direct supervisor.

17 MR. LEE: Were you one removed?

18 MR. TREW: Yes.

19 MR. LEE: Okay. Sorry about that.

20 As I told you a moment ago, Mr. Brisson
21 testified here earlier at this Inquiry. Did you watch his
22 testimony at all?

23 MR. TREW: No.

24 MR. LEE: Have you read the transcripts to
25 that testimony?

1 **MR. TREW:** I've read information. I don't
2 believe I've read the trans -- no. His transcripts for
3 here? No.

4 **MR. LEE:** Right.

5 And what about his mother or his ex-wife who
6 also testified?

7 **MR. TREW:** No.

8 **MR. LEE:** Have not read those transcripts?

9 **MR. TREW:** No.

10 **MR. LEE:** Yesterday during your cross-
11 examination by Miss Daley here, you told her that Silmsen
12 had told the Cornwall Police not to act on his allegations
13 until he dealt with the Church. Do you recall that?

14 **MR. TREW:** Yes.

15 **MR. LEE:** And Mr. Commissioner followed up
16 with you on that, but I wasn't exactly clear about what
17 your evidence is on that point.

18 You were on sick leave at the time ---

19 **MR. TREW:** That's right.

20 **MR. LEE:** --- at the time the Silmsen
21 investigation ---

22 **MR. TREW:** This is -- this is my hearsay.
23 This is my belief. This is my perception.

24 **MR. LEE:** Do you recall who told you that?

25 **MR. TREW:** No, I can't.

1 **MR. LEE:** Okay. Do you remember when you
2 may have come to have that understanding?

3 **MR. TREW:** Perhaps -- perhaps once I came
4 back to work.

5 **MR. LEE:** Okay. No clear recollection.

6 **MR. TREW:** You know, a rumour -- a rumour
7 mill.

8 **MR. LEE:** No clear recollection on that
9 point?

10 **MR. TREW:** No.

11 **MR. LEE:** And do you understand through at
12 least the process of preparing for this Inquiry, that that
13 is not the evidence we have here in relation to the Silmser
14 investigation?

15 **MR. TREW:** I'm not quite sure what evidence
16 you have, sir.

17 **MR. LEE:** Okay. And the reason that really
18 caught my attention is, right after making that initial
19 comment about the D.S. statement yesterday, you said that a
20 victim of Deslauriers was like D.S. in that he wanted to
21 talk to the Church first too. Do you recall saying that?

22 **MR. TREW:** Deslauriers?

23 **MR. LEE:** Yes?

24 **MR. TREW:** In the Deslauriers case? Yes.

25 **MR. LEE:** And do you know which of the

1 Deslauriers complainants you're referring to there?

2 MR. TREW: The initial one.

3 MR. LEE: Benoit Brisson?

4 MR. TREW: Yes.

5 MR. LEE: And do you know what your source
6 of information is on that?

7 MR. TREW: I'm going to suggest to you that
8 would have been Detective Sergeant Lefebvre.

9 MR. LEE: Ron ---

10 MR. TREW: M'hm.

11 MR. LEE: Lefebvre?

12 The evidence we've heard here from Mr.
13 Brisson and his mother is that they dealt with the Church
14 before dealing with the Cornwall Police.

15 MR. TREW: That's correct.

16 MR. LEE: Right. And that they contacted
17 the Cornwall Police only after becoming dissatisfied with
18 the response of the Diocese.

19 MR. TREW: That's correct.

20 MR. LEE: Okay. And most importantly for
21 present purposes, we have no evidence through them that
22 once they contacted the Cornwall Police, they were anything
23 less than fully committed to the criminal process. Do you
24 understand what I'm saying there? Our evidence here is,
25 once they went to the police, it was full steam ahead with

1 no hesitation from them.

2 MR. TREW: That's correct.

3 MR. LEE: That's correct? Okay. So you
4 didn't mean to suggest otherwise if ---

5 MR. TREW: If I did, I apologize. I didn't
6 mean to mislead.

7 MR. LEE: Thank you.

8 Again with Mr. Brisson, during his testimony
9 one of the things he told us about here was his family's
10 initial contact with the Cornwall Police.

11 MR. TREW: Yes.

12 MR. LEE: Okay. And if I can summarise his
13 evidence a little bit for you, and then I want to ask you
14 what knowledge you have of this.

15 He told us, as I told you, that the family
16 dealt first with the Diocese.

17 MR. TREW: Yes.

18 MR. LEE: Okay? They became dissatisfied
19 with that response and they decided to phone the police.
20 This is the evidence of Mr. Brisson that I'm summarizing
21 here. Okay?

22 MR. TREW: Okay.

23 MR. LEE: He told us that in his presence,
24 his mother phoned the Cornwall Police Service and she was
25 told that the police could not do anything, okay? That's

1 what he told us. And so at that point, they decided to go
2 to the media.

3 And he then told us once the story aired on
4 the media, the Cornwall Police contacted the Brissons to
5 see if they would be interested in coming in to talk to
6 them. And Mr. Brisson was cross-examined at some length by
7 counsel for the Cornwall Police, Mr. Manderville, on that
8 day about that, and he remained quite insistent that that
9 was the order of things: A call to the Cornwall Police,
10 being told they couldn't do anything, going to the media,
11 and then the Cornwall Police following up with them.

12 **MR. TREW:** No.

13 **MR. LEE:** And so what I want to ask you is
14 whether you have any information about that at all?

15 I said that, yeah.

16 No -- my -- the way I put it to him was
17 that, in Benoit's presence, Lise Brisson made the telephone
18 call.

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

20 **MR. LEE:** Yes, and that was it.

21 **MR. TREW:** And that was only after, okay,
22 the news media published a report stating that there was
23 dissatisfaction with an individual against the Church
24 because an alleged priest was not removed from the pulpit
25 or preaching.

1 In that news release, there is another
2 statement about asking, I believe, the Cornwall's
3 involvement and if I'm -- if my memory serves me correct,
4 the Cornwall's reply is that we have not yet had a
5 complainant come forward. When we do, we will investigate.

6 Shortly thereafter, there was someone who
7 phoned the Cornwall Police and was encouraged to come back
8 because the mother in -- in that time, the mother couldn't
9 lay a complaint. We had to speak to the complainant or the
10 alleged victim in order to go ahead with the complaint.

11 **MR. LEE:** And it's out of a sense of
12 fairness that I'm putting these questions to you, because
13 it was rather clear from the cross-examination by Cornwall
14 Police that their theory directly contradicts what Mr.
15 Brisson recalls and what he testified to.

16 So my question for you is that I take it the
17 evidence you can give us is that you did not receive a call
18 from Benoit -- or from Lise Brisson, rather ---

19 **MR. TREW:** No.

20 **MR. LEE:** --- prior to the media report?

21 **MR. TREW:** I did not receive a call prior.

22 **MR. LEE:** And you have never been advised by
23 anybody in the Cornwall Police that they received such a
24 call?

25 **MR. TREW:** Prior to the news release?

1 **MR. LEE:** Yes, prior to the media release.

2 **MR. TREW:** No.

3 **MR. LEE:** And I take it you would agree
4 with me you can't go any further than that and tell us that
5 that definitely did not happen. Is that correct?

6 **MR. TREW:** Correct.

7 **MR. LEE:** Can you turn up Exhibit -- moving
8 to a different area. Can you turn up Exhibit 1532, please?

9 And this is the bundle that includes the
10 Diocesan guideline from June of 1995.

11 **MR. TREW:** Was that one five ---

12 **MR. LEE:** One five three two (1532).

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

14 Go ahead, sir.

15 **MR. LEE:** Are you there, sir?

16 **MR. TREW:** Yes, I am.

17 **MR. LEE:** So if we look at the first page of
18 this document that you see on the screen now, this is the
19 proto -- the guidelines that were put in place and signed
20 by Bishop Larocque on June 21, '95. Do you see that, sir?

21 **MR. TREW:** Yes.

22 **MR. LEE:** And you told us yesterday about
23 having some role in the creation of this document. Is that
24 correct?

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

1 **MR. LEE:** What I want to understand from you
2 is your understanding of the protocol and the process of
3 its creation, okay? I'm not going to purport to question
4 you on -- as a definitive source on what this document
5 means but I want to get your understanding of what it was.
6 Okay?

7 Now am I right that -- I believe you
8 testified that you were invited by, or the Cornwall Police
9 at very least, was invited by the Children's Aid Society to
10 participate in this process?

11 **MR. TREW:** That's my belief.

12 **MR. LEE:** And was it your understanding at
13 the time the Diocese would be bound by whatever
14 recommendations float from those meetings or that it was
15 simply a consultation process?

16 **MR. TREW:** Initially, it was a draft to be
17 made as a protocol for the churches in our area, not just
18 the Catholic Church but churches in our area.

19 **MR. LEE:** That was the initial intention?

20 **MR. TREW:** Yes.

21 **MR. LEE:** And flowing from that, I take it
22 the Diocese of Alexandria-Cornwall specifically developed
23 this protocol -- or this guideline, rather.

24 **MR. TREW:** Well, there was involvement with
25 the Diocese of Alexandria through representation in the

1 meeting.

2 MR. LEE: Am I right that your understanding
3 was that the Bishop would have the final say on what the
4 Diocese enacted or did not enact?

5 MR. TREW: I can only guess yes.

6 MR. LEE: Can we look at Phase One,
7 receiving a complaint, please? And reads:

8 "The first person receiving a complaint
9 has to report it immediately to the
10 Children's Aid Society if the victim is
11 under 16 years of age at the time of
12 the offence or to the police".

13 You see that?

14 MR. TREW: Yes.

15 MR. LEE: I'm not totally clear on the
16 wording there. What was your understanding of what happens
17 when the victim of abuse, as an example, is a 30- year old
18 man reporting abuse when he was 14; that occurred when he
19 was 14.

20 MR. TREW: The wording there to me was both.
21 You can report it to the Children's Aid Society or the
22 Cornwall Police. I think the option was there to get -- as
23 long as authority -- the authorities were advised. CAS
24 would advise Cornwall obviously, the Cornwall Police
25 Service, as soon as they heard this information. We in

1 turn were supposed to advise CAS.

2 MR. LEE: Let me break it down this way.

3 If the complaint was made by a 13-year old
4 boy who said, "I was abused yesterday", the CAS must be
5 notified under this guideline. Is that correct?

6 MR. TREW: No, I took it as -- we have to be
7 notified then -- option -- there could be one or both, but
8 one of them had to be done.

9 MR. LEE: Okay. One of them had to be done
10 and it was a mandatory report?

11 MR. TREW: That's right.

12 MR. LEE: Okay. And does the same apply for
13 an adult reporting abuse that occurred when he was under 16
14 years of age?

15 MR. TREW: It is my belief, yes.

16 MR. LEE: Mandatory reporting again?

17 MR. TREW: The protocol ---

18 MR. LEE: One of the two?

19 MR. TREW: Yes.

20 MR. LEE: Under the guidelines?

21 MR. TREW: Yes.

22 MR. LEE: Under the guidelines, okay.

23 Now, if we take Phases Two and Three
24 together we have Phase Two being where the Bishop is being
25 informed and then Phase Three says "Investigation by the

1 Proper Authorities". So this phase is the responsibility
2 of the CAS and the police in regards to any charges.

3 Did you understand those as imposing a
4 positive duty on the Bishop to call the police or the CAS
5 every single time a complaint is received?

6 **MR. TREW:** Not the duty of the Bishop as
7 much as it was the duty of the Church.

8 **MR. LEE:** The Diocese?

9 **MR. TREW:** The Diocese.

10 **MR. LEE:** Somebody at the Diocese had to let
11 the the police or the CAS know. Is that right?

12 **MR. TREW:** Yes.

13 **MR. LEE:** And in Phase One of this we have
14 the age limit, 16 years of age. Did you understand that
15 there was some reporting required when it was not a child
16 involved as well?

17 **MR. TREW:** Yes.

18 **MR. LEE:** A 17-year old, a young person 17
19 or 18-year old for example?

20 **MR. TREW:** Yes.

21 **MR. LEE:** There would still be reporting;
22 that was your understanding?

23 **MR. TREW:** Yes.

24 **MR. LEE:** Was there any discussion during
25 your consultations of what would happen if the complainant

1 advised the Bishop or whoever it was at the Diocese that
2 received the complaint that he did not want this referred
3 outside?

4 **MR. TREW:** My thought at the time when we
5 were making this up -- if some one reported to a member of
6 the Church, then it was his responsibility to forward that
7 on if there was an accusation of an assault.

8 **MR. LEE:** No discretion there at all, you
9 forward it on?

10 **MR. TREW:** No, we used to make notes,
11 therefore, ---

12 **MR. LEE:** If we look at Phase Four we have a
13 decision of the Bishop and it reads:

14 "If the situation warrants it, the
15 Bishop removes the suspected aggressor
16 from church duties."

17 Do you see that?

18 **MR. TREW:** Yes.

19 **MR. LEE:** Do you recall any discussion
20 during your meetings of having that be an automatic removal
21 from duties when a complaint is received?

22 **MR. TREW:** I believe the topic came up in
23 regards -- there's different situations and different
24 things. This could be anything from a common assault mind
25 you, okay, where there might have been a push instead of

1 something else.

2 There is -- everyone was to be viewed and it
3 was quite evident after you look at it that there wasn't
4 too much room for error here. If the person perhaps was
5 going to -- if there was fear there, if there was possible
6 re-occurrences there, there was possible whatever and
7 whatever, that person was supposed to be removed. That was
8 my interpretation of it.

9 **MR. LEE:** Two points.

10 At the top of this protocol we have "The
11 Diocesan Guidelines on Sexual Abuse". So this document at
12 least doesn't deal with a push. This deals with sexual
13 abuse; correct?

14 **MR. TREW:** Correct.

15 **MR. LEE:** Are you suggesting that during
16 your discussions, the discussions at times were broader
17 than just sexual abuse?

18 **MR. TREW:** That's my memory.

19 **MR. LEE:** Okay. And the other point is, one
20 of the reasons that I'm asking you these questions and why
21 I'm curious about your last answer is that on it's face,
22 this document does not close every door and close every
23 window. There's some discretion. There is some wiggle
24 room here it could be argued. Do you agree with me on
25 that?

1 **MR. TREW:** No, sir.

2 **MR. LEE:** No. Okay.

3 So again to get back to my original
4 question. You would agree with me that in Phase Four there
5 was some discretion vested in the Bishop to decide whether
6 or not to remove the aggressor?

7 **MR. TREW:** Correct.

8 **MR. LEE:** And you were okay with that?

9 **MR. TREW:** Yes.

10 **MR. LEE:** This is in 1995. By this time we
11 would have had -- you would have had some knowledge of the
12 Gilles Deslauriers investigation in 1985, and you told me
13 today that you knew a little bit about some obstruction by
14 the Bishop?

15 **MR. TREW:** Yes.

16 **MR. LEE:** And this would have been two years
17 post-Silmser. Did those not influence your attitudes
18 towards your faith in the Church cooperating, I suppose?

19 **MR. TREW:** No, that did not influence me,
20 but CAS asked the cooperation of the Cornwall Police and
21 other police agencies in the surrounding area, and I
22 believed that it was an honest attempt to try and get a
23 protocol in place for the Church and all its members.

24 I appreciate the fact that there's a name at
25 the bottom of the list and the signature, but that was not

1 my view.

2 MR. LEE: Okay. And if you look finally at
3 Phase Five offering to help, talks about help and support
4 being offered to the alleged victim and his family, but all
5 that is prefaced on depending on the circumstances. Can
6 you help me out with what that meant to you?

7 MR. TREW: I believe the way that it was
8 worded was that the Church is an organization that is to
9 help people. It's God's work. It's open hands. We were -
10 - I think it was a part there to try and continue to do
11 that help. It wasn't intentioned any other way.

12 If help was needed to a family and the
13 family reached out for that help, hopefully they could be
14 helped a bit by the Church.

15 MR. LEE: This isn't suggesting that some
16 victims would be helped and others won't?

17 MR. TREW: That's not a suggestion, no.

18 MR. LEE: That wasn't your understanding?

19 MR. TREW: No, that wasn't my understanding.

20 MR. LEE: If you can turn over a few pages
21 to the Bates page ending in 269, please. It's a title
22 page.

23 THE COMMISSIONER: Going backwards.

24 MR. LEE: On the screen here. It reads:

25 "The Diocese of Calgary Case Management

1 Protocol-Sexual Assault Advisory
2 Committee."

3 And if you flip through the -- I don't need
4 to read -- you to read in tremendous detail, but if you
5 flip through the next few pages there's sort of a flow
6 chart of how things worked in Calgary and what they did.

7 And my question for you is whether or not
8 you saw this at the time of your consultations on the
9 Diocese of Alexandria-Cornwall.

10 **MR. TREW:** No.

11 **MR. LEE:** You didn't see this at all?

12 And the reason that I ask is that we have a
13 letter from John MacDonald, somebody in Calgary, to Richard
14 Abell dated October 1991 in which this protocol is
15 enclosed. And I was wondering whether or not you had
16 access to this during ---

17 **MR. TREW:** No.

18 **MR. LEE:** Okay. You can put that document
19 away, sir.

20 **MR. TREW:** Okay.

21 **MR. LEE:** You told us early on in your
22 examination in-chief with Mr. Stauffer that you had not
23 discussed -- you had not spoken to any CPS officers in
24 preparation for your testimony. Is that right?

25 **MR. TREW:** Spoken to any police officers?

1 **MR. LEE:** Yes. In preparation for your
2 testimony. I believe you told us that you had spoken to
3 some casually to say hello and things like that, but not
4 about your testimony. Is that right?

5 **MR. TREW:** I still work for the Cornwall
6 Police Service, sir.

7 **MR. LEE:** Yes.

8 **MR. TREW:** So in casual conversation, the
9 terms about are you going to testify, that nature, but
10 specifics, no, I never ---

11 **MR. LEE:** Not the substance of your
12 testimony?

13 **MR. TREW:** No.

14 **MR. LEE:** And another thing you told us. As
15 you said, you're still a sworn peace officer and I think
16 you told us you were a special constable part-time in the
17 courts. Is that right?

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

19 **MR. LEE:** I don't know what that means. Can
20 you explain that?

21 **MR. TREW:** Sure. During the evolution of
22 the Cornwall Police Service, we used to use full-time
23 police officers to do the duties of the courts. Because of
24 the nature and the demand on the courts and the evolution
25 of getting bigger and bigger, the Cornwall Police Service

1 went from regular police officers to sworn special
2 constables. These constables are sworn as Peace Officers
3 and they represent the Cornwall Police Service in the
4 courts.

5 **MR. LEE:** Do you work with Kevin Malloy in
6 that position?

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

8 **MR. LEE:** And you're aware that Mr. Malloy
9 testified here last week?

10 **MR. TREW:** Yes.

11 **MR. LEE:** Did you discuss with him what his
12 testimony would be, before he testified?

13 **MR. TREW:** No.

14 **MR. LEE:** Okay. What about after his
15 testimony. Did you discuss it with him, at all?

16 **MR. TREW:** I phoned Constable Malloy and I
17 congratulated him on a hard job. I didn't get to see any
18 of his -- or very little of his testimony on TV. And I
19 just congratulated him as a fellow officer and I just said,
20 "Congratulations, Kevin."

21 **MR. LEE:** What about Ron Lefebvre? He used
22 to work as a special constable in the courts as well,
23 didn't he?

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

25 **MR. LEE:** Is he still doing that?

1 **MR. TREW:** He's with the Ontario Provincial
2 Police.

3 **MR. LEE:** As a special constable?

4 **MR. TREW:** Yes.

5 **MR. LEE:** In the Cornwall courts?

6 **MR. TREW:** Yes.

7 **MR. LEE:** Is he still doing that work?

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

9 **MR. LEE:** When was the last time you worked
10 with him, sir?

11 **MR. TREW:** We work as not straight partners,
12 but we work, in passing, in the courts on a regular basis.

13 **MR. LEE:** And do you recall when the last
14 time would have been?

15 **MR. CALLAGHAN:** I'm sorry; I'm not sure what
16 the relevance of this is.

17 If it becomes relevant then I suppose you
18 can ask. But I'm not sure what the relevance for an
19 Inquiry that's looking at matters of historic nature where
20 they're working.

21 **MR. LEE:** As -- I don't think it's ever been
22 fully explained to you, Mr. Commissioner but some issue --
23 Ron Lefebvre is -- has for some time been scheduled to be a
24 witness here. There have been some indications with no
25 specifics whatsoever that that now may not happen.

1 This witness may have suggested as much
2 during his testimony. I'm going to bring him there, and
3 what I want to know is whether he works with him; whether
4 he's worked with him recently; and what he meant by a
5 comment that I will take him to in the transcripts.

6 **MR. TREW:** I'm sorry; what the comment was?

7 **MR. LEE:** I will take you there in a moment.

8 **MR. TREW:** Okay.

9 **MR. LEE:** What I want to know first is
10 when's the last time you would have worked with Ron
11 Lefebvre?

12 **THE COMMISSIONER:** I'll allow that question.

13 **MR. LEE:** Thank you.

14 **MR. TREW:** Okay.

15 The last time we worked as a police Officer
16 in a Cornwall uniform was years ago.

17 **MR. LEE:** No, no, as a special constable.

18 **MR. TREW:** As a special constable in
19 passing?

20 **MR. LEE:** Yes.

21 **MR. TREW:** He works as the Ontario
22 Provincial Police special constable, and I, as a Cornwall
23 Police officer.

24 I'm going to suggest three weeks ago.

25 **MR. LEE:** Three weeks ago?

1 **MR. TREW:** Yes.

2 **MR. LEE:** Okay, thank you.

3 **MR. TREW:** And are aware -- were you aware,
4 before coming here, that he was scheduled to testify at the
5 Inquiry?

6 **MR. TREW:** I was aware of that.

7 **MR. LEE:** Have you discussed with him the
8 likelihood that he will appear at this Inquiry?

9 **MR. CALLAGHAN:** Mr. Commissioner, you know,
10 we have a process in place, when somebody may not testify
11 and it's done in camera for reasons. And I don't know
12 where this is going; there will be an opportunity, if the
13 issue comes up. But I'm a little concerned that we're
14 getting into issues that are probably in camera type
15 issues.

16 **MR. LEE:** Mr. Commissioner, I have no
17 intention of getting into details of anything, I have
18 absolutely no idea what issue has arisen.

19 I want to know whether or not this man has
20 discussed it and specifically, let me show you an excerpt
21 in the transcript, Mr. Commissioner, that brings this up
22 and you can decide whether or not I can proceed from that,
23 perhaps.

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

25 **MR. LEE:** If we can look at his first -- the

1 testimony at Volume 221; that's the first day of Inspector
2 Trew's testimony.

3 **THE COMMISSIONER:** Thank you. What page,
4 again?

5 **MR. LEE:** Eighty-one (81), please.

6 **MR. TREW:** Just 81?

7 **MR. LEE:** Yes, 81.

8 **THE COMMISSIONER:** Well, I don't know that
9 this ---

10 **MR. LEE:** Well ---

11 **THE COMMISSIONER:** I don't know that he has
12 to refer to it, but it'll go in.

13 **MR. LEE:** Sure. At the bottom of the page,
14 Mr. Stauffer had been questioning Mr. Trew about some of
15 the -- I believe it was the Deslauriers investigation at
16 the time; yeah, the Deslauriers case, at the time. And at
17 line 18, Mr. Stauffer asked:

18 "Do you remember if your office was
19 involved in those discussions at all?"

20 Meaning the -- whether or not to appeal the
21 Deslauriers sentence, I believe.

22 Mr. Trew said:

23 "I believe at the end of the day, sir,
24 in regards to the lead investigator..."

25 Again, that would be Ron Lefebvre, sir:

1 "...I'm sure that he had a conversation
2 with the Crown attorney. You would
3 have to ask him that question if he is
4 going to testify."

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

6 **MR. LEE:** And my ears perked up a little,
7 there, given some of the discussions we've had recently.
8 And the question that I would like to put to Inspector Trew
9 is whether he has any information for us about the
10 likelihood of Ron Lefebvre testifying, and what he's been
11 told about that.

12 **THE COMMISSIONER:** Go ahead.

13 **MR. LEE:** Did you follow along with me
14 there, in the transcript, sir?

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

16 **MR. LEE:** Do you have -- have you had any
17 discussions with Ron Lefebvre about the likelihood of him
18 testifying at this Inquiry?

19 **MR. TREW:** I have had discussions, in
20 regards to Constable Lefebvre of -- he has stated to me
21 that he didn't know if he was going to go ahead with
22 testifying. He was speaking to, I believe -- this is not
23 detailed, here.

24 **MR. LEE:** Okay.

25 **MR. TREW:** This is a friend, talking to a

1 friend.

2 **MR. CALLAGHAN:** Mr. Commissioner, your
3 Commission counsel is well aware of the situation. I just
4 have concerns --- I don't know what this witness is going
5 to say. We have a protocol for when -- I think you're
6 getting my drift is, there maybe issues of a private nature
7 that ought not to be in a public forum, and we've been very
8 respectful of everybody ---

9 **THE COMMISSIONER:** Sure.

10 **MR. CALLAGHAN:** --- who's in that position.
11 That's -- I don't know what this witness is
12 going to say, I just think there's a fairness issue here,
13 and your Commission counsel is briefed on the situation as
14 I know it.

15 **MR. STAUFFER:** (Off mic) ...I have no idea -
16 --

17 **MR. CALLAGHAN:** Well, Mr. Engelmann's
18 briefed, sir.

19 **MR. STAUFFER:** (Off mic) Oh, I see.

20 **MR. CALLAGHAN:** So ---

21 **THE COMMISSIONER:** Well, there's a line
22 there, but I think we're well on the side of safety. I
23 don't want you to tell me anything personal ---

24 **MR. TREW:** That's the difficulty sir, I
25 believe. The gentleman is also a friend of mine. In

1 passing, out of concern, I was -- asked "Hi, how are you?"
2 You know, in those -- you asked me about details of the
3 investigation, I said no. But in talking to people, in
4 casual conversation about, "Are you going to testify?"
5 "Well, I'm supposed to be up next week."

6 If that's the term that you're looking at,
7 sir, I can give that to you.

8 **THE COMMISSIONER:** Go ahead.

9 **MR. LEE:** I -- again, I think you appreciate
10 where Mr. Callaghan's coming from ---

11 **MR. TREW:** Yes, I do.

12 **MR. LEE:** --- that he has concerns about
13 privacy, here.

14 **MR. TREW:** Yes.

15 **MR. LEE:** So please give me the information
16 you can give me, without intruding on Ron Lefebvre's
17 privacy. I mean, does that make sense? There's a bit of a
18 line to be walked, here, but ---

19 **MR. TREW:** There is a line to be walked sir,
20 to be quite honest with you.

21 I've had a conversation with the officer,
22 and ---

23 **MR. LEE:** Do you feel that you can safely
24 tell us anything more than you have had some discussions
25 about the likelihood of him testifying?

1 **MR. TREW:** Without getting into an area of
2 privacy, sir, that would be about the line.

3 **MR. LEE:** I think for now I'm content to
4 leave it there. This may end up being a non-issue in the
5 end, if Mr. Lefebvre appears here. And if not, we know
6 that Mr. Trew has some information; we can deal with it at
7 that point.

8 **THE COMMISSIONER:** Fine. Thanks you.

9 **MR. LEE:** Can you turn up Exhibit 1533,
10 please, sir?

11 **MR. TREW:** Yes.

12 **MR. LEE:** And, these are one page of your
13 handwritten notes. Is that correct?

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

15 **MR. LEE:** And Ms. Daley took you to the
16 bottom entry, June 24th in the evening that reads:

17 "Called back into the station, re:
18 investigation child sexual abuse. King
19 George Park, one hour at H.Q."

20 Do you see that?

21 **MR. TREW:** Yes.

22 **MR. LEE:** And you told us yesterday that you
23 were briefed by a staff sergeant on the assault at King
24 George Park when you went in that night. Is that right?

25 **MR. TREW:** That's my recall.

1 **MR. LEE:** I think you told us the staff
2 sergeant in charge of the station was the term you used?

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

4 **MR. LEE:** Do you recall which staff sergeant
5 that was?

6 **MR. TREW:** No, I don't.

7 **MR. LEE:** Okay.

8 And you did tell us that you would have -- I
9 believe your wording was that you would have had to say
10 that the name of the suspect was given to you that night,
11 as Earl Landry, Jr., is that right?

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

13 **MR. LEE:** And you also spoke to us about
14 updating the Chief or the Deputy Chief, but I wasn't
15 exactly clear on whether you were saying that you had
16 updated the Chief or the Deputy Chief that very night.

17 **MR. TREW:** I would have. I would have made
18 a phone call to them after I had my own briefing, because I
19 did not want them to be caught off guard, whether they were
20 out that evening or in the morning in regards to a sexual
21 assault that took place in a public park.

22 **MR. LEE:** Do you have a specific
23 recollection of talking to Claude Shaver that night?

24 **MR. TREW:** Specifics? No.

25 **MR. LEE:** Is it ---

1 **THE COMMISSIONER:** Not of the specifics, but
2 do you recall ---

3 **MR. LEE:** Right.

4 **THE COMMISSIONER:** --- phoning him that
5 night?

6 **MR. TREW:** I'm going to say yes.

7 **MR. LEE:** Is it possible that you were
8 called into the station by Chief Shaver?

9 I need a verbal answer.

10 **MR. TREW:** No, sir.

11 **MR. LEE:** Do you recall that Staff Sergeant
12 Derochie did a review of the Landry, Jr. investigation in
13 or around the fall of 2000?

14 **MR. TREW:** Yes.

15 **MR. LEE:** Can I ask you to turn up Exhibit
16 1361, please?

17 **THE COMMISSIONER:** We don't have it.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** What page, please?

20 **MR. LEE:** We'll begin at Bates ending 333
21 and that page will just give you the date, Mr.
22 Commissioner.

23 **MR. TREW:** Again, Mr. Lee?

24 **MR. LEE:** Exhibit 1361.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. LEE:** And I'd like the Bates page that
2 ends in 333, Inspector Trew.

3 **MR. TREW:** Okay.

4 **MR. LEE:** I'm bringing you to that page just
5 so you can see the date of the note that I want to bring
6 you to.

7 At the very top of page 333, you'll see "26
8 September 2000", a Tuesday. do you see that?

9 **THE COMMISSIONER:** Right on top, sir.

10 **MR. TREW:** Yes.

11 **MR. LEE:** And if you turn over two pages,
12 please, to the Bates page ending in 35, two-thirds of the
13 way down the page we have a time entry of 1410. Do you see
14 that?

15 **MR. TREW:** Yes.

16 **MR. LEE:** It reads:

17 "Interviewed Rick Trew and recalls
18 being involved with a meeting with the
19 Chief and possibly with the DC present.
20 Recalls the discussion being to the
21 effect that this could be high profile
22 so it had to be done properly. Recalls
23 that no charges could be laid because
24 of the victim being unable to testify."

25 Do you see all that?

1 **MR. TREW:** Yes.

2 **MR. LEE:** And the next bullet that Staff
3 Sergeant Derochie records is:

4 "Does not recall how we became aware of
5 complaint. Does not recall going back
6 into the office on the 24th. He will
7 supply a statement"

8 Do you see that?

9 **MR. TREW:** Yes.

10 **MR. LEE:** Can you explain why you have some
11 memory of that night now but had no such memory in 2000?

12 **MR. TREW:** I believe at the time I didn't
13 have my notes with me with Staff Sergeant Derochie. I can
14 only state that that's my recall to that. It's 1985,
15 again. It's 23 plus years ago.

16 The significance of who called me, I don't
17 quite understand where you're going there, sir.

18 **MR. LEE:** I'm not sure that you need to
19 understand where I'm going, sir.

20 The note that you're referring to is the one
21 I took you to; I take it at 1533, the very brief note
22 saying you were called back into the station?

23 **MR. TREW:** Yes.

24 **MR. LEE:** And you would agree that for Staff
25 Sergeant Derochie to have written that "Does not recall" --

1 or "Does not recall going back into the office on the 24th",
2 Staff Sergeant Derochie must have had access to this note?

3 **MR. TREW:** I'm going to say yes.

4 **MR. LEE:** And he must have put to you the
5 gist of that note and what it said in order for you to be
6 able to tell him you don't recall anything about it?

7 **MR. TREW:** Well, here we're entering a grey
8 area again. I don't even -- barely recall our interview
9 with Staff Sergeant Derochie.

10 **MR. TREW:** Okay. Is it possible that Claude
11 Shaver called you into the office on the night of the 24th,
12 sir?

13 **MR. TREW:** I'm going to suggest to you, sir,
14 that the way that -- the way the procedure was, was that I
15 would be called by Dispatch, usually through the Staff
16 Sergeant's office or the Sergeant's office of the day, but
17 it was normally a Staff Sergeant and I came through.
18 Whether the Chief was there, I don't recall that, but I do
19 recall being called at home and it wasn't by the Chief.

20 **MR. LEE:** You have a specific recollection
21 of that?

22 **MR. TREW:** Now that we're bringing it up,
23 sir, I have to go there. I have to try to be clear enough,
24 I -- that's my recollection.

25 **MR. LEE:** Turning to another area.

1 You've been asked a couple of times briefly
2 about a conversation you had with a Mr. Lynch from Big
3 Brothers about Jacques Leduc. Do you recall that?

4 **MR. TREW:** Yes.

5 **MR. LEE:** And if we can look at your note
6 again, it is ---

7 **THE COMMISSIONER:** What exhibit?

8 **MR. LEE:** It's 733.

9 **THE COMMISSIONER:** Great. What page?

10 **MR. LEE:** Bates ending in 385, please.

11 **THE COMMISSIONER:** Yes.

12 **MR. LEE:** Are you there, Inspector Trew?

13 **MR. TREW:** Are you looking at my notes?

14 **MR. LEE:** Yes, the May 26th, '98 entry. It's
15 on the screen, now, sir. It's at Bates page ending 385 if
16 you'd like to see the hard copy.

17 **MR. TREW:** If you'd give me a second,
18 please.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. TREW:** May 26th, '98.

21 **MR. LEE:** Yes, are you there?

22 **MR. TREW:** Yes.

23 **MR. LEE:** And so the notes say you met with
24 Brian Lynch, the Executive Director of Big Brothers, a
25 little bit through that first paragraph:

1 "Explained Leduc's name came up through
2 Project Truth and that Inspector T.
3 Smith was in charge of this
4 investigation."

5 Do you see that?

6 **MR. TREW:** Yes.

7 **MR. LEE:** Would you agree with me that you
8 would have known at the point you had that meeting that Mr.
9 Leduc had not been charged with any crime?

10 **MR. TREW:** I'm going to suggest to you it
11 was investigated -- being investigated.

12 **MR. LEE:** Right.

13 **MR. TREW:** Yes.

14 **MR. LEE:** But he had not been charged. You
15 would have known that? I can tell you, he had not been
16 charged by that point, but ---

17 **MR. TREW:** Thank you.

18 **MR. LEE:** --- if you'll take my word on it.

19 And you knew that his name had not been in
20 the media in relation to the allegations at that point
21 because there had been no charges?

22 **MR. TREW:** Okay.

23 **MR. LEE:** And would you have known at this
24 point-in-time who Jacques Leduc was?

25 **MR. TREW:** Yes.

1 **MR. LEE:** You would have known he was a
2 lawyer in town?

3 **MR. TREW:** Yes.

4 **MR. LEE:** A fairly prominent member of the
5 community?

6 **MR. TREW:** Yes.

7 **MR. LEE:** And yet you told Mr. Lynch here,
8 another member of the community, that his name had come up
9 in Project Truth. Am I right that you did not give Mr.
10 Lynch the full details about what that investigation
11 entailed?

12 **MR. TREW:** That's right.

13 **MR. LEE:** This is what you told him?

14 **MR. TREW:** Basically what I have, to my
15 memory here, that I tried to keep it as private as possible
16 in regards to the Project investigators, that they asked me
17 to make a contact with Big Brothers to see if the name
18 popped up there and, therefore, I made a contact to see if
19 the name popped up.

20 **MR. LEE:** And can I presume that you had to
21 give them this basic amount of information just to justify
22 the request?

23 **MR. TREW:** Yes.

24 **MR. LEE:** Would you agree with me that even
25 by giving that much information, you were providing

1 something that could be potentially embarrassing to Mr.
2 Leduc?

3 MR. TREW: I don't believe I mentioned
4 anything about sexual assaults.

5 MR. LEE: It was Project Truth, sir.

6 MR. TREW: That's right.

7 MR. LEE: This community knew what Project
8 Truth was by that time, did they not?

9 MR. TREW: There was literally hundreds of -
10 - and thousands of names in Project Truth.

11 MR. LEE: Am I right in saying that you --
12 sorry, sir.

13 THE COMMISSIONER: "Hundreds and thousands"
14 and not "hundred thousands"?

15 MR. TREW: Hundreds of names brought up
16 through Project Truth and not all were victims or accused.

17 MR. LEE: I take it you would have to agree
18 with me though, sir, that calling Big Brothers and asking
19 about an adult male in the context of Project Truth is
20 going to draw certain inferences in the person receiving
21 that information, is it not?

22 MR. TREW: I can't speak for that person.

23 THE COMMISSIONER: Well, let -- I know, but
24 look at your notes further down.

25 "Mr. Lynch explained that he would look

1 back into old files during the off
2 hours as not to raise suspicions to
3 fellow workers."

4 MR. TREW: Yes.

5 THE COMMISSIONER: So I guess he certainly
6 understood that there was a cachet -- something to it; a
7 need to be private?

8 MR. TREW: A need to be private.

9 THE COMMISSIONER: And not to arouse
10 suspicion?

11 MR. TREW: That's correct.

12 THE COMMISSIONER: Okay.

13 MR. LEE: Is it fair for me to suggest, sir,
14 that you were not out to ruin Mr. Leduc's reputation here
15 by making this call ---

16 MR. TREW: That's ---

17 MR. LEE: --- or having this meeting?

18 MR. TREW: That's correct.

19 MR. LEE: You trusted that Mr. Lynch would
20 behave professionally?

21 MR. TREW: Yes.

22 MR. LEE: You trusted that he would be
23 discreet?

24 MR. TREW: Yes.

25 MR. LEE: And based on the entry that Mr.

1 Commissioner just took you to, he was discreet?

2 MR. TREW: That was my belief.

3 MR. LEE: And Mr. Stauffer asked you during
4 chief whether or not you were concerned by a defamation
5 action, and it looked to me like you were a little bit
6 taken back by that question. Am I right that that wasn't
7 something that concerned you at that time?

8 MR. TREW: No.

9 MR. LEE: Is it fair to say that you needed
10 to do your job even if there was some small risk that a
11 rumour might get started?

12 MR. TREW: Sir, I'm a police officer. I was
13 asked by another agency to make a contact to another
14 agency, and if there was information there, they would have
15 most likely been introduced to that agency and further
16 information would have been gleaned from them. I wasn't
17 concerned with that.

18 MR. LEE: And that's an interesting point
19 because this was an OPP Project Truth investigation at the
20 time. Is that right?

21 MR. TREW: That's correct.

22 MR. LEE: The CPS did not investigate
23 Jacques Leduc at any point?

24 MR. TREW: That's correct.

25 MR. LEE: You were not an investigating

1 officer at this time?

2 MR. TREW: No.

3 MR. LEE: You had -- the CPS had no
4 complainant that was being led toward charges at this time?

5 MR. TREW: Not that I can recall.

6 MR. LEE: And you were comfortable making
7 this inquiry nonetheless?

8 MR. TREW: I was.

9 MR. LEE: Sir, I want to bring you to an
10 area that you haven't discussed at all thus far, and it
11 relates to a public complaint that the Cornwall Police
12 received from Helen Dunlop in 1996.

13 Do you have some recollection of what I'm
14 talking about? It concerned a matter that arose in
15 relation to Laurie Rupert?

16 MR. TREW: Yes.

17 MR. LEE: And am I right that you dealt with
18 Mrs. Dunlop on this matter?

19 MR. TREW: There was correspondence to Mrs.
20 Dunlop by my -- by me.

21 MR. LEE: Let me take you to a document,
22 sir. It is -- it's a new document, it won't be in your
23 binder. It's Document Number 718134.

24 Mr. Commissioner, I may have 15 to 20
25 minutes left; I don't know where you're at with the break.

1 **THE COMMISSIONER:** Fifteen (15) or 20 twenty
2 minutes.

3 **MR. LEE:** Okay.

4 **THE COMMISSIONER:** Thank you. Exhibit
5 Number 1538 is a letter to Mrs. Dunlop dated October 20th,
6 1996, from Inspector Trew.

7 **--- EXHIBIT NO./PIÈCE NO. P-1538:**

8 (718134) Letter from Richard Trew to Helen
9 Dunlop dated 28 Oct 96

10 **MR. LEE:** Just take a moment to review that,
11 Mr. Trew.

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

13 **MR. LEE:** So this is simply a cover letter
14 that you sent to Mrs. Dunlop enclosing a final report, is
15 that correct?

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

17 **MR. LEE:** And I want to look at the final
18 report, please. It's Exhibit -- it's been entered in
19 evidence already, it's Exhibit 657. I don't believe you'll
20 have that in front of you yet, sir.

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

22 **MR. LEE:** Do you have that, Inspector Trew?

23 **MR. TREW:** Yes.

24 **MR. LEE:** So on the first page, we have the
25 complainant listed as Helen Dunlop and the investigator

1 being Staff Sergeant D'Arcy Dupuis; is that right?

2 **MR. TREW:** Correct.

3 **MR. LEE:** Can I presume that D'Arcy Dupuis
4 was the person investigating the complaint?

5 **MR. TREW:** Yes.

6 **MR. LEE:** And if we look at the last page of
7 this document just quickly; is that your signature, sir?

8 **MR. TREW:** Yes.

9 **MR. LEE:** What role did you play in this
10 process?

11 **MR. TREW:** Among other duties, I believe at
12 the time, I was in charge of the Internal Complaints
13 Department within the Cornwall Police Service.

14 **MR. LEE:** Internal Complaints would
15 encompass public complaints as well?

16 **MR. TREW:** Public complaints, I -- I
17 apologize for the wrong ---

18 **MR. LEE:** And ---

19 **MR. TREW:** --- terminology.

20 **MR. LEE:** I'm not exactly clear on -- does
21 your signature at the end of this indicate that you're
22 signing off on the report, essentially? I mean we have --
23 it reads:

24 "I certify that all information
25 gathered during this investigation and

1 forwarded to the Chief of Police to be
2 considered in the decision is included
3 in this final report."

4 So can I presume from that that you would
5 have reviewed this final report and been satisfied with its
6 contents?

7 **MR. TREW:** Yes.

8 **MR. LEE:** Now, if we look back at the first
9 page, please, there are nine bullets listed and at number
10 nine we have a brief -- down at the bottom of the page we
11 have a brief statement setting out what the issue is and it
12 reads:

13 "List of allegations and misconduct
14 under investigation."

15 Number one is:

16 "Complaint of not being made aware of
17 release of Laurie Rupert from custody."

18 Number two is, "Complaint of not being
19 made..." Sorry:

20 "Complaint of not being made aware of
21 court dates, plea, or anything dealing
22 with the case."

23 Do you see that?

24 **MR. TREW:** Yes.

25 **MR. LEE:** And does that accurately set out

1 what you understood Mrs. Dunlop's complaint to be?

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

3 **MR. LEE:** And if you turn to Bates pages 484
4 and 485, the second- and third-last page of the document,
5 we have a statement of Mrs. Helen Dunlop and it appears
6 that she's been asked by Staff Sergeant D'Arcy Dupuis to
7 set out for him what her concerns are; do you see that?

8 **MR. TREW:** I -- I do see the Helen Dunlop,
9 yes.

10 **MR. LEE:** If you turn over to page 485, we
11 have a little bit more meat on the bones of what the
12 complaint is. If you look at the third paragraph, it
13 writes:

14 "My husband and I wanted to attend
15 Court in order to voice our concerns to
16 the prosecutor and the judge. We
17 wanted to witness firsthand the
18 demeanour of the accused, her family,
19 the defence, the prosecutor and the
20 judge."

21 Do you see that, sir?

22 **MR. TREW:** This is on 485?

23 **MR. LEE:** Four eight five (485), the third
24 paragraph, yes.

25 **MR. TREW:** Yes.

1 **MR. LEE:** And if you go down a couple of
2 paragraphs:

3 "I wanted the judge to be aware that
4 the accused was within easy walking
5 distance of Sacred Heart School where
6 my daughter attends. I also wanted her
7 picture made available to the staff at
8 the school. Also of great concern was
9 the accused's mother's ability to
10 control her daughter and be responsible
11 for her. Her mother was with her the
12 evening she broke her first release
13 conditions."

14 Do you see that?

15 **MR. TREW:** Yes.

16 **MR. LEE:** And again, does that fairly
17 summarize what you understood the concerns to be at the
18 time?

19 **MR. TREW:** In reading -- in reading it in
20 recent preparation, yes.

21 **MR. LEE:** And Mrs. Dunlop takes it a step
22 further and throws some law at you in the next paragraph:

23 "Under the *Police Services Act*, it is a
24 police officer's duty to assist the
25 victims of crime."

1 And she's correct there, isn't she, at this
2 period in time?

3 **MR. TREW:** I'll agree with that statement.

4 **MR. LEE:** Would you agree with me that these
5 are legitimate concerns for a victim of crime to have had?

6 **MR. TREW:** These are legitimate concerns.

7 **MR. LEE:** And did you agree with Mrs. Dunlop
8 that she should have been advised of this information at
9 the time?

10 **MR. TREW:** I didn't agree. I don't believe
11 what Mrs. Dunlop -- I left -- the way the process is, is I
12 left it up to the final decision with the Chief of Police.
13 There's a process here that I -- our -- our investigator
14 went through. I compiled, I reviewed, and I sent it
15 forward to the Chief of Police.

16 **MR. LEE:** Well, let's talk general
17 principles. In the mid-'90s, was it the case that the
18 Cornwall Police should have been advising victims of abuse
19 of court dates so as to permit them to attend if they
20 wished?

21 **MR. TREW:** Say that again.

22 **MR. LEE:** We're dealing with the mid-'90s
23 here.

24 **MR. TREW:** Yes.

25 **MR. LEE:** We have a victim of crime making a

1 complaint saying that, "I wanted to attend Court dates, I
2 wanted to see the accused and her demeanour, I wanted to
3 talk to the judge." In the mid-'90s, was it the
4 responsibility of the Cornwall Police to advise victim of
5 crimes of court dates and to keep them in the loop?

6 **MR. TREW:** Yes, it -- it was our duty. We
7 struggled with this duty because of human resources. We
8 often -- we started giving it to our officers and then we
9 went from our officers to a certain department and
10 eventually, as of today, we have a singular department
11 doing this function.

12 **MR. LEE:** And if you can turn back to page
13 479 of this report, we have another statement; this one
14 from Danny Aikman who was a constable at the time. Do you
15 see that, sir?

16 **MR. TREW:** I'm at 479.

17 **MR. LEE:** Four seven nine (479) and we have
18 a statement of Constable D. Aikman.

19 **MR. TREW:** Yes.

20 **MR. LEE:** That would be Danny Aikman, the
21 current Deputy Chief, is that right?

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

23 **MR. LEE:** And he tells us that on January 1,
24 '93, he was assigned to the Training Community Services
25 Branch of the CPS and that:

1 "Upon the assumption of my new duties,
2 I was advised by Chief Shaver that part
3 of my duties included being the
4 Victims' Assistant Coordinator."

5 Do you see that?

6 **MR. TREW:** Yes.

7 **MR. LEE:** And in the second paragraph he
8 tells us that he was to look into the possibility of
9 obtaining funds, but he was advised by the province that
10 funding for such efforts had been cancelled, do you see
11 that?

12 **MR. TREW:** Yes.

13 **MR. LEE:** And he speaks -- he goes on and he
14 speaks about some directives that -- in the third paragraph
15 he speaks of a standard on police response to wife assault
16 and he speaks of Directive Number 61 in the next paragraph
17 and it goes on. And one of the things he tells us in the
18 fourth paragraph is that:

19 "I was advised by Deputy Chief St.
20 Denis that because most of our
21 personnel were working at or above
22 capacity, the directives should not
23 include additional responsibilities to
24 personnel. I advised the Deputy Chief
25 of the requirement by the standard to

1 appoint a person coordinator to contact
2 victims of wife abuse to keep them
3 updated on their cases."

4 And he goes on and says that a couple of
5 constables, Reid and Moquin, it looks like, were approached
6 and both declined stating that they were too busy, and it
7 goes on from there.

8 And then we have at Bates 482, if you can
9 turn there just briefly, we have a statement of Deputy
10 Chief Joe St. Denis. Let me know when you are there
11 please, sir.

12 **MR. TREW:** Okay.

13 **MR. LEE:** And he writes beginning in the
14 second paragraph:

15 "As requested and to the best of my
16 recollection the Victim Assistance
17 Programme was discussed at Senior
18 Management meetings then held by Acting
19 Chief Johnston in concert with the
20 Cornwall Police Association. These
21 discussions were then translated into
22 Cornwall Police Service Directive
23 Number 98 as ordered by Chief Johnston
24 on July 6th, '95. The directive clearly
25 indicates that the Victim's Assistance

1 Programme will be administered by a
2 Victim Assistance Coordinator namely
3 the Training and/or Community Services
4 Officer. The Coordinator reports
5 directly to the officer in charge of
6 Administration and Support Services."

7 That's consistent with what Constable Aikman
8 said in his statement, isn't it?

9 **MR. TREW:** M'hm.

10 **MR. LEE:** And he continues:

11 "It may be that due to the lack of
12 inspectors, supervisors, and employee
13 illness, the Victim Assistance
14 Programme was not monitored closely by
15 management."

16 Do you see that?

17 **MR. TREW:** Yes.

18 **MR. LEE:** And can you agree with me, based
19 on what we have in this report, that it seems clear that
20 whatever directives or protocols were in place, they
21 weren't being adhered to at this time. Is that correct?

22 **MR. TREW:** No, I won't go that far, sir.
23 The Service was trying to do its very best here to advise
24 victims of crime. These procedures were in place and we
25 were trying to accommodate under difficult situations.

1 **MR. LEE:** So is it your evidence that the
2 Cornwall Police had some kind of victim's assistance
3 programme in place that was in some way effective during
4 that period?

5 **MR. TREW:** We were trying to place an
6 effective directive and an effective procedure. I know
7 that we struggled with it during this time.

8 **MR. LEE:** And would you agree with me that
9 this report, sir, it being this entire package that was
10 sent to Mrs. Dunlop, doesn't seem to set out how the
11 Cornwall Police intends to remedy the situation?

12 **MR. TREW:** I believe that's further on, if
13 I'm not mistaken, in somebody else's ---

14 **MR. LEE:** I'm speaking only of this report
15 here.

16 **MR. TREW:** In viewing it -- I haven't had
17 the opportunity to view it all right now, but if you're
18 saying there's no recommendations in here?

19 **MR. LEE:** Take a look and flip through it,
20 please. And the question I had, would you agree with me --
21 and Mrs. Dunlop writes back and expresses some
22 dissatisfaction, and I'll take you there. But I want to
23 get out of you on this document that it doesn't talk about
24 recommendations, it doesn't talk about conclusions, and it
25 doesn't talk about where you are going from here; in this

1 document.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. TREW: What I can quickly view, sir, I
4 don't see the recommendations here.

5 MR. LEE: Okay. If we can -- if I can take
6 you then to a new document again, 722576?

7 THE COMMISSIONER: Thank you.

8 Exhibit 5 -- I'm sorry, 1539 is a letter
9 from Helen Dunlop to Inspector Trew, dated November 4,
10 1996.

11 --- EXHIBIT NO./PIECE NO. P-1539:

12 (722576) Handwritten letter from Helen
13 Dunlop to Richard Trew dated 04 Nov 96

14 MR. LEE: Inspector Trew I'm trying to move
15 through this as quickly as I can. I don't want to belabour
16 the point and I want to get to your follow up letter on
17 this. But the gist of Mrs. Dunlop's letter is the last two
18 full paragraphs where she says that she's totally
19 unsatisfied with the investigation and report and in the
20 last report she says:

21 "Your report mentions some of who isn't
22 responsible and what wasn't done, but
23 nowhere does it mention any solutions,
24 suggestions, or directives."

25 Do you see that?

1 **MR. TREW:** Yes.

2 **MR. LEE:** And am I right that you respond
3 back to her?

4 **MR. TREW:** Yes.

5 **MR. LEE:** Let's take a quick look at that
6 then, please. It is Document 722573.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 1540 is a letter to Mrs. Helen
9 Dunlop from Inspector Trew, dated November 18, 1996.

10 **--- EXHIBIT NO./PIECE NO. P-1540:**

11 (722573) Letter from Richard Trew to
12 Helen Dunlop dated 18 Nov 96

13 **MR. LEE:** And sir, would you -- take a
14 moment to read that, but would you agree with me that the
15 gist of your letter is that the final report that she was
16 sent was not the final step in the process and that there
17 were other things to come?

18 **MR. TREW:** Yes.

19 **MR. LEE:** And that's what you are telling
20 her is essentially, "be patient, we're not done here."

21 **MR. TREW:** Yes.

22 **MR. LEE:** Is that correct?

23 And am I right that Chief Repa then directed
24 you to review the directive and place and prepare
25 recommendations for him to implement?

1 MR. TREW: Yes.

2 MR. LEE: He took this seriously?

3 MR. TREW: Yes he did.

4 MR. LEE: And you took this seriously?

5 MR. TREW: Yes, I did.

6 MR. LEE: And did Chief Repa ultimately made
7 changes to the policies?

8 MR. TREW: Yes.

9 MR. LEE: And the last letter that I want to
10 take you to on this is Document 122080.

11 THE COMMISSIONER: Exhibit 1541 is a letter
12 to Mrs. Helen Dunlop from Chief of Police Repa dated May
13 27, 1997.

14 --- EXHIBIT NO./PIECE NO. P-1541:

15 (122080) Letter from Anthony Repa to Helen
16 Dunlop dated 27 May 97

17 MR. LEE: Have you ever seen this letter,
18 sir?

19 MR. TREW: Sir, there's another -- I think I
20 have the front page; I believe there's another copy of the
21 letter.

22 MR. LEE: Turn it over.

23 MR. TREW: Oh, okay.

24 MR. LEE: And he starts by saying that he's
25 following up on an earlier conversation wherein he said

1 that:

2 "Our Directive would be reviewed with
3 the purpose of a more timely
4 notification of victims."

5 And the last paragraph on the first page
6 reads:

7 "Our Victim Assistance Directive is
8 under review and will be modeled to
9 comply with the soon to be released
10 Victim's Assistance Directive under the
11 Provincial Adequacy and Effectiveness
12 Standards for the Delivery of Police
13 Services."

14 Do you see that?

15 **MR. TREW:** Yes.

16 **MR. LEE:** And is Chief Repa right there,
17 that the Victim Assistance Directive was under review?

18 **MR. TREW:** Yes.

19 **MR. LEE:** And ultimately that Directive was
20 revised, I take it?

21 **MR. TREW:** Yes.

22 **MR. LEE:** And would Chief Repa be the best
23 person to ask about that process when he arrives here?

24 **MR. TREW:** I'm sure that he would give you
25 insight in that.

1 **MR. LEE:** Sir, can we take from all of this
2 that the Cornwall Police did not have an effective Victim's
3 Assistance plan in place until at least sometime in 1997?

4 **MR. TREW:** The plan was in place. The
5 effectiveness of running that plan, we were finding
6 difficult -- difficulty with it.

7 **MR. LEE:** And again, another resource issue?

8 **MR. TREW:** Yes.

9 **MR. LEE:** And we have -- in that final
10 report, we have some indication that one of the major
11 problems was that nobody had the time?

12 **MR. TREW:** Everyone was over tasked with
13 different -- numerous tasks, yes.

14 **MR. LEE:** And I take it following Mrs.
15 Dunlop's complaint, the Chief made sure that people had the
16 time.

17 **MR. TREW:** It was a long process. It didn't
18 happen overnight but yes, he ensured that.

19 **MR. LEE:** And it became a priority, I take
20 it.

21 **MR. TREW:** Yes.

22 **MR. LEE:** And it's a priority today, I hope?

23 **MR. TREW:** Yes.

24 **MR. LEE:** I have one very short area, sir,
25 and I'll be done.

1 **THE COMMISSIONER:** Okay.

2 **MR. LEE:** You said during your evidence in-
3 chief that the Cornwall Police did not come across any
4 evidence of a ring or a clan of paedophiles while it was
5 investigating Gilles Deslauriers? Do you recall that?

6 **MR. TREW:** Yes.

7 **MR. LEE:** You were being asked by Mr.
8 Stauffer about the term or the phrases, "ring of
9 paedophiles" or "clan of paedophiles"?

10 **MR. TREW:** Yes.

11 **MR. LEE:** And you made reference back to the
12 Deslauriers investigation. Would you agree with me, sir,
13 that was not a focus of the Deslauriers investigation?

14 **MR. TREW:** I'll agree with that.

15 **MR. LEE:** Deslauriers was the focus of the
16 Deslauriers investigation. Is that right?

17 **MR. TREW:** That's right, singular.

18 **MR. LEE:** It wasn't an investigation of the
19 Diocese as a whole?

20 **MR. TREW:** No.

21 **MR. LEE:** Or of his fellow priests?

22 **MR. TREW:** No.

23 **MR. LEE:** Or the bishops -- or the Bishop
24 rather?

25 **MR. TREW:** No.

1 **MR. LEE:** Or Deslauriers' friends?

2 **MR. TREW:** Well, let the chips fall where
3 they are. We were investigating a crime with multiple
4 victims and if more accused people came to light obviously
5 we would investigate that, but that was not our focus; our
6 focus was singular.

7 **MR. LEE:** And there was no investigation, as
8 an example, of the laypersons affiliated with the Church?

9 **MR. TREW:** No.

10 **MR. LEE:** And you can't tell us of any other
11 investigation up to the time of DS investigation that
12 focussed on any of those issues either can you?

13 **MR. TREW:** No, sir.

14 **MR. LEE:** And the DS allegation, to the
15 extent it was investigated by the Cornwall Police, just
16 dealt with Father Charles MacDonald. Is that right?

17 **MR. TREW:** Could you say that again?

18 **MR. LEE:** When DS comes along and the
19 Cornwall Police investigates the allegation against Charlie
20 MacDonald, it again is not a full investigation of the
21 Diocese?

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

23 **MR. LEE:** And it's -- or of Charles
24 MacDonald's friends for that matter?

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

1 **MR. LEE:** Or his acquaintances?

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

3 **MR. LEE:** And even his friend and
4 acquaintance that is actually named as a perpetrator by
5 David Silmsler is not investigated by the Cornwall Police;
6 being Ken Seguin?

7 **MR. TREW:** His friend the -- can you say ---

8 **MR. LEE:** You were -- during chief it was
9 brought to your attention that Mr. Silmsler made allegations
10 against Father Charles MacDonald?

11 **MR. TREW:** Yes.

12 **MR. LEE:** And he also made allegations
13 against Ken Seguin?

14 **MR. TREW:** Yes.

15 **MR. LEE:** And he tied them together as being
16 friends?

17 **MR. TREW:** I don't know if I was aware. I
18 do know that he made allegations against two individuals.
19 I don't recall reading or seeing that they were friends.

20 **MR. LEE:** It is your understanding now
21 sitting here today that that angle was not investigated
22 during that Silmsler investigation by the Cornwall Police?

23 **MR. TREW:** We were in abeyance, I agree.

24 **MR. LEE:** And similarly, as an example,
25 Malcolm MacDonald was not investigated as part of that?

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

2 **MR. LEE:** None of their other mutual friends
3 were investigated as far as you knew by the Cornwall
4 Police?

5 **MR. TREW:** I don't know of their mutual
6 friends, sir. I don't -- I can't -- I don't want to say
7 that.

8 **MR. LEE:** That's fine. My question is, do
9 you know whether or not -- is it your understanding -- I
10 mean, I believe it's the evidence we have here, is it your
11 understanding and will you agree with me that the DS
12 allegation where the CPS investigated, they investigated
13 Charles MacDonald?

14 **MR. TREW:** Yes.

15 **MR. LEE:** They didn't go off into these
16 other areas on the side. Would you agree with me?

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

18 **MR. LEE:** And so when you told us here that
19 the term "ring of pedophiles" was, and I quote, "erroneous,
20 false and overstated", don't you think that that was a
21 little bit overstated on your part?

22 **MR. TREW:** I believe at the moment and
23 during the questioning of -- came by, the words "erroneous"
24 and "overstated", they're pretty harsh words, sir, but
25 let's make it quite clear it was my belief that there was

1 no group of people operating in conjunction with each
2 other, okay, and therefore I found the statement erroneous.

3 **MR. LEE:** And that was your belief back at
4 the time that the terms "ring of pedophile" and "clan of
5 pedophile" were being used in the media?

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

7 **MR. LEE:** And that was your belief, despite
8 the fact that the Cornwall Police had not actually
9 investigated whether or not there was any merit to those
10 claims?

11 **MR. TREW:** Well, there was no factual
12 evidence at the time, that's why I took that stand.

13 **MR. LEE:** And the Cornwall Police had not
14 investigated whether or not there was any factual basis to
15 those claims. Is that correct?

16 **MR. TREW:** Well, initially the Cornwall
17 Police did start the investigation, sir, and there was no
18 mention to us at the time, therefore, that's where I take
19 my stand on it.

20 **THE COMMISSIONER:** Well, there was a mention
21 in the DS statement that Father MacDonald and Mr. Seguin
22 were friends.

23 **MR. TREW:** That's a stretch for a "clan" and
24 a "ring".

25 **THE COMMISSIONER:** No, no, how we interpret

1 that is -- I'm just putting to you that you say, well, you
2 didn't now that they were friends and all I'm saying is
3 that it was in the statement that they were friends.

4 **MR. TREW:** Thank you, sir.

5 **MR. LEE:** I guess the point I'm trying to
6 make, Inspector Trew, is that it sounds to me like what
7 you're telling us that you dismiss the idea of a "ring" or
8 a "clan of pedophiles" right off the bat ---

9 **MR. TREW:** No.

10 **MR. LEE:** --- and the justification now is,
11 well, we had no evidence of it?

12 **MR. TREW:** No.

13 **MR. LEE:** That's not what happened?

14 **MR. TREW:** No.

15 **MR. LEE:** Okay.

16 **MR. TREW:** If we remember correctly, it came
17 out in the media first.

18 You asked me the question, or in-chief the
19 question was asked to me about this "ring" and a "clan" and
20 I responded to that at that time.

21 **MR. LEE:** Okay. Thank very much those are
22 my questions.

23 **MR. TREW:** Okay.

24 **THE COMMISSIONER:** Thank you.

25 Let's take the morning break.

1 **THE REGISTRAR:** Order, all rise. À l'ordre
2 veuillez vous lever.

3 This hearing will resume at 11:25.

4 --- Upon recessing at 11:08 a.m./

5 L'audience est suspendue à 11h08

6 --- Upon resuming at 11:31 a.m./

7 L'audience est reprise à 11h31

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

10 This hearing is now resumed. Please be
11 seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Neville.

14 **MR. NEVILLE:** Good morning, Commissioner.

15 **THE COMMISSIONER:** Good morning.

16 **RICHARD WILLIAM TREW:** Resumed/Sous le même serment

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

18 **MR. NEVILLE:**

19 **MR. NEVILLE:** Good morning, Inspector, my
20 name is Michael Neville.

21 We've met. I think it was officially six
22 years ago today actually on April 30th 2002 in the Charles
23 MacDonald matter.

24 **MR. TREW:** Good morning, Mr. Neville.

25 **MR. NEVILLE:** I represent him here at this

1 Inquiry and the Estate of Ken Seguin and his family.

2 MR. TREW: Okay.

3 MR. NEVILLE: Just a few background things
4 to sort of set a context if I could, Inspector.

5 We know from your evidence in-chief that you
6 were on sick leave until, as you best recall it, late 1993,
7 perhaps early '94, and then came back on limited duties?

8 MR. TREW: That's correct.

9 MR. NEVILLE: Now, by the time you're back,
10 let's push it into the first part of '94, a number of
11 things have already happened some of it in the public
12 domain involving Mr. Dunlop. We know there have been press
13 conferences with the Diocese, that Mr. Silmsers's statement
14 has appeared on television. There's been a fair amount of
15 media coverage and let's call it "controversy" of sorts. I
16 take it you were aware of some of that?

17 MR. TREW: Yes.

18 MR. NEVILLE: All right.

19 And were you aware that there was an
20 "issue", and I'm using a neutral term, an issue about Mr.
21 Dunlop or Constable Dunlop and what he had done vis-à-vis
22 the Silmsers statement and giving it to CAS?

23 MR. TREW: Yes.

24 MR. NEVILLE: All right.

25 And were you aware that an internal

1 investigation had been conducted by Staff Sergeant
2 Derochie?

3 MR. TREW: I'm aware of perhaps an internal
4 investigation started, but the person, I would suggest I
5 didn't remember that.

6 MR. NEVILLE: Fair enough. Well, let me
7 just leave it at this then.

8 Were you aware that an internal had happened
9 about the Silmsler matter, and I'm using it in the general
10 sense?

11 MR. TREW: Yes.

12 MR. NEVILLE: All right. And the
13 Commissioner knows because he has it as an exhibit that the
14 Staff Sergeant provided a report to Acting Chief Johnston.
15 Were you aware of that?

16 THE COMMISSIONER: At when? When he came
17 back?

18 MR. NEVILLE: I'm sorry, Commissioner? It
19 was in early January, '94.

20 THE COMMISSIONER: No, I understand that.
21 You're having some difficulty. Is it
22 because of the date?

23 MR. TREW: Yes, it's because of the date,
24 sir.

25 MR. NEVILLE: I'm not trying to hold you to

1 a day in January, for example, I'm just saying did you
2 become aware of a report done by Staff Sergeant Derochie to
3 the Acting Chief? If you don't recall, that's fine.

4 MR. TREW: I don't recall the report. I
5 recall the report to the Chief Carl Johnston in regards to
6 him viewing a report, but the -- I guess I'm a little
7 hesitant here because my recall is not good there.

8 MR. NEVILLE: Are you perhaps thinking more
9 likely of the Ottawa Police Department report?

10 MR. TREW: That could be.

11 MR. NEVILLE: Okay.

12 MR. TREW: Along with the fact that ---

13 MR. NEVILLE: Well, let me just deal with
14 that.

15 MR. TREW: Okay.

16 MR. NEVILLE: I take it you did become
17 aware, one way or another, either internally at the station
18 or media or both, that the OPS, the Ottawa Police Service,
19 had come in and done an investigation?

20 MR. TREW: That's correct.

21 MR. NEVILLE: Or a review I guess we should
22 call it?

23 MR. TREW: That's right.

24 MR. NEVILLE: So you're aware of that?

25 MR. TREW: Yes.

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

2 Now, I understand that by -- am I fair to
3 say that by -- let's say mid-1995 you are on full-time
4 duties now at the Force?

5 **MR. TREW:** It was sometime in 1994 that I
6 came back to four days a week and from those four days a
7 week I went a complete year. I can only surmise that it
8 was around that time that I came back to full-time duties.

9 **MR. NEVILLE:** Okay.

10 **THE COMMISSIONER:** But leading up to that,
11 leading up ---

12 **MR. TREW:** Yes.

13 **THE COMMISSIONER:** --- you were there four
14 days a week?

15 **MR. TREW:** That's right.

16 **MR. NEVILLE:** Fair enough.

17 Commissioner, just for your benefit, I don't
18 know whether you want me to make it an exhibit, probably
19 have enough paper as it is, but one of the documents on the
20 Commissioner's list is the transcript of Inspector Trew's
21 testimony and I'll refer to it if I may ---

22 **THE COMMISSIONER:** Well ---

23 **MR. NEVILLE:** --- just to assist him in any
24 event, but I don't know whether you want to make it an
25 exhibit.

1 **THE COMMISSIONER:** Yes.

2 **MR. NEVILLE:** It's 120897. It's
3 approximately 57 pages.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **THE COMMISSIONER:** Thank you.
6 Exhibit 1542 is a transcript -- do we have a
7 date on here or something? No, second page.

8 **MR. NEVILLE:** It's the testimony on April
9 30th, 2002 before Justice Chilcott ---

10 **THE COMMISSIONER:** Thank you, thank you.
11 Right -- it's right in front of me.

12 --- **EXHIBIT NO./PIÈCE NO. P-1542:**

13 (120897) Transcript of *Her Majesty the Queen*
14 *against Charles MacDonald* dated April 30,
15 2002

16 **MR. NEVILLE:** And it includes of course
17 Inspector Trew.

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

19 **MR. NEVILLE:** If I could just refer you
20 quickly -- did they give you a copy?

21 **MR. TREW:** Yes, they did.

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

23 If I could just refer you quickly to page
24 264. I'm using the numbers at the top, Commissioner.

25 **THE COMMISSIONER:** Yes.

1 MR. TREW: Okay, 264, yes, sir.

2 MR. NEVILLE: At the bottom of the page,
3 Inspector, you see you're being asked questions by myself
4 in cross-examination. It starts about line 25-26.

5 MR. TREW: Yes.

6 MR. NEVILLE: You mention the summer of '94
7 and part-time duties and then I ask you at line 29:

8 "So by summer '95 you're full-time?

9 Answer: "Yes, sir."

10 Does that help you?

11 MR. TREW: Yes, sir.

12 MR. NEVILLE: Okay. So now by the summer of
13 '95 quite a great deal is going on involving Mr. Dunlop and
14 issues surrounding him; correct? By that point.

15 MR. TREW: That's correct.

16 MR. NEVILLE: And, for example, we've got
17 *Police Services Act* charges issue with Mr. Dunlop ---

18 MR. TREW: Yes.

19 MR. NEVILLE: --- which was highly
20 publicized at one point or another?

21 MR. TREW: Yes.

22 MR. NEVILLE: Okay. We've got -- the OPP
23 have come in through a good part of '94 and reinvestigated
24 essentially the Silmsler matter; right?

25 MR. TREW: Yes.

1 **MR. NEVILLE:** And made a press release
2 having consulted the Crown?

3 **MR. TREW:** Yes.

4 **MR. NEVILLE:** Right? And you're aware of
5 all of those developments obviously?

6 **MR. TREW:** Yes.

7 **MR. NEVILLE:** All right.

8 Now, the Commissioner has also heard and
9 it's been touched on, that from early '94 through to May of
10 '97 Mr. Dunlop was on stress leave?

11 **MR. TREW:** Yes.

12 **MR. NEVILLE:** Right? Now, we also know
13 through evidence, the Commissioner knows that through a
14 great part of 1996 and the first part of 1997 up to the
15 point where you become liaison with the OPP, he was
16 actually from time-to-time conducting a parallel/personal
17 investigation. You came to know that?

18 **MR. TREW:** Later.

19 **MR. NEVILLE:** Right. Would you agree with
20 me that that conduct was not consistent with someone being
21 on conventional stress leave?

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

23 **MR. NEVILLE:** Now, you also became aware of
24 the lawsuit that Mr. Dunlop filed?

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

1 **MR. NEVILLE:** It was publicized in the
2 media. The Commissioner has evidence of that in the papers
3 in the summer of '96 locally and then there was a much more
4 extended version of his claim that surfaced in November of
5 1996; quite lengthy. And I take it you became aware of
6 that action and the claim?

7 **MR. TREW:** Yes.

8 **MR. NEVILLE:** And you became aware of the --
9 many of the contents of his allegations?

10 **MR. TREW:** Don't believe I had the
11 opportunity to read the whole accusations or contents. I
12 do believe that there was excerpts either viewed or orally
13 spoken of in the office of the Chief of Police.

14 **MR. NEVILLE:** Yes. And you can confirm,
15 sir, that -- and you've touched on it in some of your
16 testimony -- that a number of senior officers that were
17 currently still serving and were above Dunlop in the chain
18 of command, were defendants?

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

20 **MR. NEVILLE:** It included the then-Deputy
21 Chief?

22 **MR. TREW:** Yes.

23 **MR. NEVILLE:** Staff Sergeant Brunet?

24 **MR. TREW:** Yes.

25 **MR. NEVILLE:** And Staff Sergeant Wells?

1 **MR. TREW:** Yes.

2 **MR. NEVILLE:** And do you agree, sir, that
3 many of the allegations made against these men by Constable
4 Dunlop were extremely serious?

5 **MR. TREW:** Yes.

6 **MR. NEVILLE:** They're of the nature of
7 corruption?

8 **MR. TREW:** I'll go with that. Yes.

9 **MR. NEVILLE:** Yeah. And he also put into
10 the mix, with allegations of corruption, even the local
11 Crown Attorney; right?

12 **MR. TREW:** I can't recall the Crown being
13 mentioned in there.

14 **MR. NEVILLE:** Okay. Well, we're going to
15 come back to Mr. MacDonald in particular because I think
16 you had some direct involvement, and we'll come to the
17 documents on that.

18 **MR. TREW:** Okay.

19 **MR. NEVILLE:** Now, can I just touch on
20 briefly these discipline matters of Mr. Dunlop's in the
21 mid-1980s.

22 Could I have the witness, Commissioner, look
23 at Document 731369?

24 **THE COMMISSIONER:** Mr. Neville, just to get
25 an idea of my day, how long do you think you're going to be

1 on ---

2 **MR. NEVILLE:** How long I will be personally,
3 sir?

4 **THE COMMISSIONER:** Yeah.

5 **MR. NEVILLE:** I would think I'll be done by
6 lunch at the latest.

7 **THE COMMISSIONER:** Good. Thank you.

8 Thank you. Exhibit number 1543 is internal
9 correspondence from Sergeant ---

10 **MR. NEVILLE:** I think it's Moquin.

11 **THE COMMISSIONER:** Moquin, M-O-Q-U-I-N, to
12 Inspector Trew dated September 8th, '85.

13 --- **EXHIBIT NO./PIÈCE NO. P-1543:**

14 (731369) Internal Correspondence from D.J.
15 Moquin to Richard Trew dated September 8,
16 1985

17 **MR. NEVILLE:** You recognize the document,
18 Inspector?

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

20 **MR. NEVILLE:** And this is you're being
21 advised of the nature of the initial story?

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

23 **MR. NEVILLE:** Right? And it says, in
24 effect, Sergeant Moquin is advising you, because I take it
25 at that point you're in charge of what is known as Field

1 Operations. Is that why it's going to you?

2 MR. TREW: I have to be careful here. I
3 believe Inspector Burke was in charge of uniform and I was
4 in charge of CIB at the time.

5 MR. NEVILLE: Fair enough. So by this point
6 on the 8th of September it has an occurrence number that's
7 been assigned to it and he advises you that, "Car 17 was
8 involved in an H&R".

9 That stands for "hit and run"?

10 MR. TREW: Correct.

11 MR. NEVILLE: Ten-fifty (1050) is code for
12 accident?

13 MR. TREW: Correct.

14 MR. NEVILLE: "Non-reportable" meaning the
15 property damage was below a certain level ---

16 MR. TREW: Value.

17 MR. NEVILLE: --- right.

18 "...at number 510 2nd Street East
19 (parking lot). Damage estimated at
20 \$150 to right-centre door. Suspect
21 vehicle left the scene. Please see
22 accident report."

23 So "suspect vehicle" meaning the vehicle
24 that hit the cruiser?

25 MR. TREW: Correct.

1 MR. NEVILLE: Later learned all to be false?

2 MR. TREW: That's correct.

3 MR. NEVILLE: This is the basis of the
4 deceit?

5 MR. TREW: That's correct.

6 MR. NEVILLE: Could this be an exhibit,
7 Commissioner?

8 THE COMMISSIONER: It is; 1543.

9 MR. NEVILLE: Sorry, I didn't hear you.

10 THE COMMISSIONER: That's okay.

11 MR. NEVILLE: Thank you.

12 Just so it's -- not to take a whole lot of
13 time on it, but the neglect of duty charge, as I understand
14 it, involved the officer having items of property in his
15 locker on which there is -- in relation to which there's a
16 duty to seek out the lawful owner and return them?

17 MR. TREW: That's correct.

18 MR. NEVILLE: And not doing it in a
19 sufficiently expeditious fashion?

20 MR. TREW: In a reasonable amount of time,
21 that's correct.

22 MR. NEVILLE: That's what the neglect was?

23 MR. TREW: Yes.

24 MR. NEVILLE: All right.

25 Now, just out of curiosity if I can ask you

1 this -- there was deceit that was found to be so -- what
2 benefit, or to put it from the other side, what detriment
3 would Officer Dunlop have avoided by being deceitful? What
4 did it benefit?

5 **MR. TREW:** None.

6 **MR. NEVILLE:** None. What I'm getting at is,
7 for example, if he simply said, "Look, I was doing this
8 call; there's a disturbance at a bar; I had to take a
9 suspect to the hospital and I accidentally hit a post",
10 would anything be made of it?

11 **MR. TREW:** There would have been an initial
12 report made.

13 **MR. NEVILLE:** Yes -- no, I understand that.

14 **MR. TREW:** But most likely the officer would
15 be cleared of any wrongdoing in the situation.

16 **MR. NEVILLE:** Right. So in other words,
17 just so I understand it, he would not be penalized in some
18 fashion financially or otherwise simply because he touched
19 a pole with the cruiser in those circumstances?

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

21 **MR. NEVILLE:** Okay.

22 **THE COMMISSIONER:** What's the worst that
23 could have happened to him?

24 **MR. TREW:** He could have received a conduct
25 sheet advising him that -- to be careful; we are police

1 officers; we're professionals; and to rush to a scene to
2 help someone you might very well hurt someone, therefore,
3 your damage reflects that.

4 **THE COMMISSIONER:** All right.

5 Not normally the thing to do on a \$150
6 repair if that's what it was?

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

8 **THE COMMISSIONER:** All right. Thank you.

9 **MR. NEVILLE:** Right. Thank you,
10 Commissioner.

11 Now, I just want to deal with some aspects,
12 Inspector, of your role as liaison with the OPP for Project
13 Truth and your dealings with Mr. Dunlop and Inspectors Hall
14 and Smith. All right?

15 **MR. TREW:** Okay.

16 **MR. NEVILLE:** And you'll need Exhibit 733,
17 Commissioner, his notes.

18 **MR. TREW:** I do have it.

19 **MR. NEVILLE:** And I'd also like if he could
20 be provided, Commissioner, with two other documents. These
21 are notes of Inspector Smith and then Staff Sergeant --
22 Detective Sergeant Hall, later Inspector Hall, and for
23 Officer Smith, it's Exhibit 749.

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

25 **MR. NEVILLE:** And for Mr. Hall, it's the

1 Document Number -- I don't think it's an exhibit -- is
2 111130.

3 **THE COMMISSIONER:** Do you have Exhibit 733,
4 sir?

5 **MR. TREW:** Yes, I do.

6 **THE COMMISSIONER:** Okay. And you've got
7 your finger over to 749?

8 **MR. TREW:** I will, thank you. Okay.

9 **THE COMMISSIONER:** And we're going to get
10 you the new exhibit.

11 **MR. NEVILLE:** And what I'd like to do,
12 Commissioner, is simply see if we can supplement what he
13 has recorded and given you using the other notes to assist
14 his memory. So I'd like to -- sorry, if I ---

15 **THE COMMISSIONER:** Let's get the exhibit
16 first.

17 It's an excerpt of -- whose notes are these?
18 The 111130, can you help me on this matter?

19 **MR. NEVILLE:** Yes, 111130 is Detective
20 Constable Hall, sir.

21 **THE COMMISSIONER:** Okay, those -- so it's
22 1544 is an excerpt of Constable Hall's notes and the ---

23 --- **EXHIBIT NO./PIÈCE NO. P-1544:**

24 (111130) Notes of Pat Hall dated 21 Mar 97
25 to 03 Apr 00

1 **MR. NEVILLE:** The title on it, sir, I've got
2 is "The following are the contacts with Helen and Perry
3 Dunlop re Project Truth".

4 **THE COMMISSIONER:** I don't ---

5 **MR. NEVILLE:** My version that I printed out
6 is 19 pages, from the database.

7 **THE REGISTRAR:** There's only one page
8 requested.

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

10 **THE REGISTRAR:** There's only one page that
11 you requested.

12 **MR. NEVILLE:** Oh, okay.

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

14 **MR. NEVILLE:** What I can do, Commissioner,
15 why don't we start with Officer Smith's, the parts from
16 Officer Hall are fairly limited and there may be a way
17 around the problem; maybe just using the screen with
18 supplement later, if that's okay?

19 **THE COMMISSIONER:** Yes.

20 **MR. NEVILLE:** So, Inspector Trew, let's
21 start with your first major dealing which is Wednesday,
22 June 11th, 1997 ---

23 **THE COMMISSIONER:** Sorry, what exhibit ---

24 **MR. NEVILLE:** Sorry, Commissioner, yes; 733,
25 his notes.

1 **THE COMMISSIONER:** Yes, okay. What page?

2 **MR. NEVILLE:** I'm using the numbers that
3 have been written on, if that's all right?

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

5 **MR. NEVILLE:** It's 2 of 62.

6 **THE COMMISSIONER:** Okay.

7 **MR. NEVILLE:** You have that in front of you,
8 sir?

9 **MR. TREW:** Sure.

10 **MR. NEVILLE:** All right. So the event of
11 that day starts actually with a briefing by Inspector
12 Smith, not just of yourself but also of Chief Repa?

13 **MR. TREW:** Correct.

14 **MR. NEVILLE:** And indicating they -- I
15 presume it's a matter or protocol asking for permission to
16 interview or meet with Mr. Dunlop?

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

18 **MR. NEVILLE:** And it says in your notes:

19 "Related to a brief Dunlop and White
20 submitted to another policy agency."

21 Right?

22 **MR. TREW:** Correct.

23 **MR. NEVILLE:** Now, did you understand then,
24 or shortly, that to mean what we have called the "Fantino
25 Brief"?

1 **MR. TREW:** Yes.

2 **MR. NEVILLE:** All right. So it appears that
3 Inspector Smith is operating with some version of something
4 known as the Fantino Brief?

5 **MR. TREW:** I believe, if my memory serves me
6 correctly, he had one binder which he believed was the
7 completeness ---

8 **MR. NEVILLE:** Right ---

9 **MR. TREW:** --- of that brief.

10 **MR. NEVILLE:** --- and we come to something
11 about that later. It turns out there may have been others,
12 right, but we'll come to that.

13 **MR. TREW:** Yes.

14 **MR. NEVILLE:** Okay. So then you record in
15 your notes, and the Commissioner has those for his own
16 reading and it's been touched on in-chief, the meeting
17 starts at 11:55 and goes on to the next page and the
18 requests that are made of Mr. Dunlop in terms of the -- his
19 role not to do investigations and the media and also to
20 conduct himself professionally at court and he agrees to
21 all of that.

22 Now, could we just look briefly at a couple
23 of things in addition in Officer Smith's notes?
24 Commissioner, that's Exhibit 749.

25 **THE COMMISSIONER:** Yes.

1 **MR. NEVILLE:** The Bates page I have, sir, is
2 -- the last four numbers are 4335 Front and the date is the
3 same, of course. It's about seven or eight pages in, sir -
4 --

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

6 **MR. NEVILLE:** --- the 11th of June.

7 **THE COMMISSIONER:** Four-thirty (430) -- 749
8 or ---

9 **MR. NEVILLE:** I have it as 749.

10 **THE COMMISSIONER:** Yes, we only have two
11 pages. These are Tim smith's notes?

12 **MR. NEVILLE:** Yes.

13 **THE COMMISSIONER:** And all I have is 4328
14 Front ---

15 **MR. NEVILLE:** Hmm.

16 **THE COMMISSIONER:** --- and a 4329 Front.

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

18 **MR. NEVILLE:** I think the fault is mine,
19 sir. I saw the notice and didn't put it on my notice
20 because other counsel had, and I just see now that I've
21 used specific Bates page references and I've got other
22 pages.

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

24 **MR. NEVILLE:** So I don't know how you want
25 to deal with that. I could either sit down and let others

1 take over and get the copies or ---

2 THE COMMISSIONER: Any suggestions?

3 THE REGISTRAR: Which pages?

4 MR. NEVILLE: Well, the first ---

5 THE COMMISSIONER: I'm sorry, we could
6 probably do it on the screen, Madam Clerk?

7 MR. NEVILLE: And supplement ---

8 THE COMMISSIONER: And file it in this
9 exhibit or as number ---

10 MR. NEVILLE: Yes, that'd be fine.

11 THE COMMISSIONER: Okay.

12 MR. NEVILLE: Fine, sir.

13 So the page for Madam Clerk is 1054335.

14 THE COMMISSIONER: Now, is that the Document
15 Number?

16 MR. NEVILLE: No, that's the Bates page
17 number ---

18 THE COMMISSIONER: Okay.

19 MR. NEVILLE: --- for June 11th.

20 THE REGISTRAR: Is that the only one?

21 MR. NEVILLE: Oh, no, there'll be others.

22 THE COMMISSIONER: That's what I'm saying,
23 so ---

24 MR. NEVILLE: We'll be going on through
25 several pages.

1 **THE COMMISSIONER:** So we would need the
2 whole thing.

3 **MR. NEVILLE:** Eventually.

4 **THE COMMISSIONER:** So how do we identify
5 that document?

6 **MR. NEVILLE:** It is the handwritten --- on
7 the front, sir, it's described as the duty book or
8 handwritten notes of Detective Inspector Smith and it's
9 already -- I thought in its entirety as Exhibit 749.

10 **THE COMMISSIONER:** It's not. So, Madam
11 Clerk, do you have it on the screen?

12 **THE REGISTRAR:** Yes, but I'm going to need
13 Bates pages to Bates pages.

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

15 So, sir, we're going to need Bates pages to
16 Bates pages, so that we can encompass what the exhibit will
17 be.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MR. STAUFFER:** Mr. Commissioner, I always
20 hesitate with documents, but I will give it my best shot.
21 I think the starting Bates page number is 1054328 and it
22 continues on through 1054362.

23 **MR. NEVILLE:** The document, Commissioner, of
24 course is in the database in its entirety, it's where I
25 found it. So we would be able to use the screen and

1 substitute documents later just to keep the show on the
2 road.

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

4 **THE REGISTRAR:** One-five-four-five (1545).

5 **THE COMMISSIONER:** One-five-four-five (1545)

6 is the next exhibit which comprises notes of Inspector
7 Smith.

8 **MR. NEVILLE:** Yes.

9 **THE COMMISSIONER:** All right.

10 **--- EXHIBIT NO./PIÈCE NO. P-1545:**

11 (111111: 1054328-62) Notes of Tim Smith
12 dated March 18, 1997 to March 23, 1999

13 **MR. NEVILLE:** So the first reference,
14 Commissioner, is the Bates page I gave of 4335, June 11th,
15 '97, at 11:55. That's it. Can you see it on the screen
16 all right, Inspector?

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

18 **MR. NEVILLE:** All right. With a little
19 practice, I think I can do the reading; people can follow,
20 Commissioner.

21 So it starts off, more or less, the same as
22 yourself. If we look down about eight lines from the entry
23 of 11th of June, Inspector Smith has this:

24 "Advised Dunlop as a police officer to
25 police officer, should he have any info

1 or any victims come forward pertaining
2 to this investigation [it's actually I-
3 N-V-E-S-T] that they be referred to our
4 investigation team and not interviewed
5 by his lawyer, by he, his lawyer or Mr.
6 Chisholm."

7 Now, do you recall that being said? In
8 other words, not just he but his lawyer and his brother-in-
9 law?

10 **MR. TREW:** The Mr. Chisholm part I don't
11 recall. I do recall that conversation, but the three names
12 -- that's why it's not reflected in my notes, sir. I don't
13 recall the complete three names.

14 **MR. NEVILLE:** Okay, but you recall more than
15 -- you recall the lawyer, as well as, he, Dunlop or is it -
16 - which two ---

17 **MR. TREW:** I hesitate. I remembered the
18 Dunlop to -- to ---

19 **MR. NEVILLE:** Okay. So you don't remember
20 Chisholm or a lawyer, or do you remember two of them?

21 **MR. TREW:** I'm going to stay with Dunlop,
22 sir.

23 **MR. NEVILLE:** Okay, fine. Then he says:
24 "Requested his cooperation in allowing
25 us to investigate. Advised him I

1 expected him to conduct himself in a
2 professional manner when he goes or if
3 he goes to court. No snide remarks, et
4 cetera."

5 That's similar to what you have about being
6 professional at court?

7 **MR. TREW:** Correct.

8 **MR. NEVILLE:** Did you understand what that
9 was about; that he had perhaps done less than that at some
10 court appearances?

11 **MR. TREW:** There seems to be an incident or
12 an issue at hand of either a family member or himself --

13 **MR. NEVILLE:** Right. Weren't there
14 incidents at the Father MacDonald preliminary inquiry in
15 Ottawa?

16 **MR. TREW:** I can't help you there, sir.

17 **MR. NEVILLE:** But something's in your mind?

18 **MR. TREW:** Yes.

19 **MR. NEVILLE:** All right. Then he says:

20 "Advised him any info he has as a
21 police officer re: our investigation,
22 to not disclose to press, as it is our
23 policy not to discuss same with press
24 when an investigation is ongoing."

25 I'm now on the top of the next page,

1 Commissioner.

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

3 **MR. NEVILLE:** And then he has recorded the
4 following:

5 "Dunlop advises he will cooperate 100
6 percent with us and do as requested."

7 Do you recall Mr. Dunlop saying that?

8 **MR. TREW:** I recall Mr. Dunlop saying that
9 he would comply with the request, yes, he would cooperate.

10 **MR. NEVILLE:** Do you recall him saying the
11 phrase, "he will cooperate 100 percent"?

12 **MR. TREW:** The 100 percent I don't recall.

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

14 The next Bates page reference, Commissioner,
15 would be in the same set of notes, 4339.

16 The reference in the Inspector's notes,
17 Commissioner, Exhibit 733 is page 4, using the 4
18 of 62.

19 **THE COMMISSIONER:** Okay, well ---

20 **MR. NEVILLE:** August 7th, '97, 10:15. And
21 the Bates page reference is for Inspector Smith
22 on the same date.

23 **THE COMMISSIONER:** Okay. I'm sorry; what
24 Exhibit?

25 **MR. NEVILLE:** His notes, Inspector Trew's

1 notes, are 733

2 **THE COMMISSIONER:** Yeah, okay. Thank you.

3 And what page?

4 **MR. NEVILLE:** Page 4 of 62.

5 **THE COMMISSIONER:** Right.

6 **MR. NEVILLE:** And the Bates page that --

7 Madam Clerk has our correct page on the screen.

8 **THE COMMISSIONER:** Okay.

9 **MR. NEVILLE:** If she can just enlarge for us
10 at the bottom, August 7th.

11 Now again, the Commissioner has heard your
12 evidence in part on August 7th and we have the notes as
13 you've recorded them. There's a few matters I want to deal
14 with, though.

15 We start with Inspector Smith's notes as
16 follows, sir. There's a reference to the interview:

17 "Advise him..."

18 That is Smith advising Dunlop:

19 "...of press and media attention
20 investigation has received. And, fact,
21 he assured us he would not speak to
22 same. He has done so. It does not
23 please me and can hinder investigation.
24 Advised him it could spook suspects and
25 if they had photos, et cetera, they

1 would destroy or dispose of same.
2 Dunlop agrees and says he would not
3 speak to press, said they caught him
4 off-guard."

5 Do you recall that discussion with Officer
6 Dunlop and his claiming that whatever he had done with the
7 media, they had caught him off-guard?

8 **MR. TREW:** I remember the discussion about
9 the media, because there's a -- there's a letter that flows
10 from this ---

11 **MR. NEVILLE:** Yes.

12 **MR. TREW:** --- this meeting.

13 **MR. NEVILLE:** Yes, in fact, that -- we have
14 that as it's a -- that is your letter or memo to Dunlop,
15 which is our Exhibit 1530, in which you cite and you
16 interpreted for the Commissioner that you took it as in the
17 nature of an order because you remind him specifically of
18 Directive Number 59.

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

20 **MR. NEVILLE:** All right.

21 So do you recall Dunlop claiming -- clearly when we look at
22 these notes, Inspector Smith is aware of media
23 participation by Dunlop, because he's effectively
24 confronting him with it.

25 **MR. TREW:** Yes.

1 **MR. NEVILLE:** And Dunlop's explanation is,
2 they caught him off-guard.

3 Do you recall him claiming they caught him
4 off-guard?

5 **MR. TREW:** Somewhat, sir, yes.

6 **MR. NEVILLE:** Okay. Now, let's just go on.
7 If we can just look at your notes for a moment.

8 Page 5, Commissioner, of Exhibit 733.

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

10 **MR. NEVILLE:** We see at the top of the page
11 your reference to sending a memo, and that we have as our
12 exhibit that I just mentioned. Then in about seven lines
13 from the top, it says:

14 "Detective Sergeant Hall along with
15 Inspector Smith, also brought up the
16 subject of death threats placed on D.S.
17 and that D.S. had heard it from
18 Constable Dunlop on two or three
19 different occasions. Constable Dunlop
20 denied he had said that to D.S.
21 Inspector Smith asked Perry if he could
22 get -- it he could phone D.S. and get
23 this misunderstanding straightened
24 out."

25 And just before I turn to the other notes,

1 Commissioner, for context for you -- you may recall, sir,
2 that during the evidence of Staff Sergeant Brunet. I
3 referred him to notes wherein the summer of this year, Mr.
4 Silmser and John MacDonald had come in claiming -- wanting
5 to file a complaint about a conspiracy to kill David
6 Silmser and that the source of their knowledge was Mr.
7 Dunlop. So that's the context for that. And the reference
8 for that testimony, Commissioner, is April 9th, Volume 214
9 at pages 44 to 46, and it's Exhibit 1472 which is the notes
10 of Staff Sergeant Brunet on that topic.

11 Now can we just come to Officer Smith and
12 perhaps Officer Hall, because they address it as well? At
13 the bottom of the page that's on the screen:

14 "Addressed issue of death threats and
15 Silmser's complaint came from him. We
16 have statement re: same. Pat Hall
17 addressed this. Dunlop says it was
18 threat he told Cornwall day before Ken
19 Seguin's suicide. Had stated this was
20 not what Silmser stated. Dunlop hedged
21 around topic. I ordered him -- I
22 advised him [I should say] to call
23 Silmser and straighten this out and we
24 would see if Silmser was satisfied."

25 Do you recall that happening? You seem to

1 have some reference in your notes.

2 MR. TREW: Yes, I do have a reference in
3 regard to that conversation.

4 MR. NEVILLE: All right. Now, let me -- and
5 this is where there may be a slight problem again with
6 documents, Commissioner, because this same topic is
7 discussed by Mr. Hall and that's the Exhibit 111130, Bates
8 page ---

9 THE COMMISSIONER: How does this affect your
10 interest, I guess I should ask?

11 MR. NEVILLE: Well it's my client that
12 they're directly investigating, sir.

13 THE COMMISSIONER: M'hm.

14 MR. NEVILLE: It's all about Father
15 MacDonald. In fact, I think the Commissioner -- the
16 Inspector will confirm that that's what he was told the
17 investigation was about, was my client.

18 THE COMMISSIONER: Okay.

19 MR. NEVILLE: Correct, Inspector? That's
20 what Inspector Smith told you, he was investigating Father
21 MacDonald?

22 MR. TREW: That's initial, yes. The initial
23 investigation, sir.

24 MR. NEVILLE: I can leave this when Mr. Hall
25 comes, Commissioner, rather than take up time.

1 **THE COMMISSIONER:** Yeah.

2 **MR. NEVILLE:** It's dealt with in his notes
3 and I'm sure we're going to get there anyway.

4 **THE COMMISSIONER:** Terrific. Thank you.

5 **MR. NEVILLE:** All right.

6 Now -- so flowing from that session, and
7 this is the same session where Mr. Dunlop is told he might
8 even be given a role as a coach. April 7th, right?

9 **THE COMMISSIONER:** Yeah.

10 **MR. TREW:** Yes.

11 **THE COMMISSIONER:** August 7th, sir.

12 **MR. NEVILLE:** Sorry. August 7th. I'm sorry;
13 August 7th.

14 Now, the next event in your notes is page 7
15 of 62, and the date is September 23rd, 1997. Do you have
16 that, Inspector?

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

18 **MR. NEVILLE:** So you're contacted by
19 Inspector Smith who indicates that there has not been
20 compliance by Officer Dunlop, right?

21 And near the bottom of the page, you record:

22 " Dunlop advised Hall if he wanted his
23 notes, he would have to go through his
24 lawyer."

25 Now is that first you'd heard that there was

1 some role to be played by a lawyer?

2 **MR. TREW:** Correct.

3 **MR. NEVILLE:** Okay. And I take it that took
4 you somewhat aback, that a police officer being ordered to
5 make disclosure was saying it had to be filtered in some
6 fashion through a lawyer?

7 **MR. TREW:** There was an issue here already
8 on board in regards to civil matters.

9 **MR. NEVILLE:** I understand.

10 **MR. TREW:** And I took it in -- I took it to
11 be that he had perhaps some concerns in both areas, but
12 mainly in his civil area.

13 **MR. NEVILLE:** Right. In any event, you
14 weren't, I suggest to you, sir, about to accept that ---

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

16 **MR. NEVILLE:** --- right? Because if we look
17 at page 9 of your notes, you then have him in and that's
18 when you issue him the next order.

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

20 **MR. NEVILLE:** All right. Now, you then
21 eventually -- and I'll just touch on this briefly -- end up
22 in a telephone discussion with Dunlop himself and with Mr.
23 Bourgeois, his then lawyer?

24 **MR. TREW:** Yes.

25 **MR. NEVILLE:** And this is the first time, as

1 far as I can tell -- and confirm for me if I'm right --
2 that the notion of documents being not turned over on the
3 claim of privilege surfaces?

4 MR. TREW: Correct.

5 MR. NEVILLE: And do you agree with me, sir,
6 that in your mind you felt that what was happening here was
7 a word game?

8 MR. TREW: Yes.

9 MR. NEVILLE: And, indeed, I can give you
10 the reference; that was your evidence in the transcript
11 from six years ago.

12 MR. TREW: Thank you, sir.

13 MR. NEVILLE: Right?

14 MR. TREW: Yes.

15 MR. NEVILLE: That you thought either Dunlop
16 and/or Mr. Bourgeois were now starting to play a word game.

17 MR. TREW: Correct.

18 MR. NEVILLE: And the word game was this
19 business of privilege?

20 MR. TREW: Correct.

21 MR. NEVILLE: Now -- and, indeed -- and we
22 have it as an exhibit -- you make it very clear to Mr.
23 Bourgeois, this is a police officer, if he's done anything
24 by way of an investigation that police officers do, it's
25 disclosable material, full stop?

1 MR. TREW: That's correct.

2 MR. NEVILLE: But he sends you a letter in
3 which he reasserts the claim of privilege?

4 MR. TREW: Correct.

5 MR. NEVILLE: Now this was supposed to be
6 the letter where he was indicating that Dunlop would be
7 complying.

8 MR. TREW: Correct.

9 MR. NEVILLE: You took it to mean, complying
10 with your order, "provide everything as requested"?

11 MR. TREW: That's correct.

12 MR. NEVILLE: He reasserts the notion of
13 privilege?

14 MR. TREW: That's correct.

15 MR. NEVILLE: Now, can I refer you to
16 page 18 of 62, this is after you've had your conference --
17 your telephone conferences with Dunlop and Bourgeois. It's
18 at the top of the page, you have a telephone attendance
19 with Sergeant Hall, who confirms that on the 10th, and you
20 have written:

21 "... Dunlop would turn over his
22 material that he had concerning these
23 sexual assaults."

24 I take it, you took that to mean, from Hall,
25 that Hall expected he would now be getting the "everything"

1 that you had ordered; that they had sought and that you had
2 ordered?

3 MR. TREW: Yes.

4 MR. NEVILLE: You then are advised, on the
5 10th, the purported turnover day, by Dunlop himself, and
6 you've recorded the following:

7 "He had turned over his disclosure to
8 Detective Sergeant Hall."

9 Right?

10 MR. TREW: Yes.

11 MR. NEVILLE: Now, I take it you assumed, in
12 your mind, not having heard otherwise at that point, that
13 he had fully complied, as ordered?

14 MR. TREW: Yes.

15 MR. NEVILLE: You eventually learn it was
16 far from it, right?

17 MR. TREW: Correct.

18 MR. NEVILLE: In fact, if we look at
19 page 19, there's somewhat of a hint of that, Officer Hall
20 seems to be staying in touch back and forth with you and
21 what you've recorded Officer Hall telling you is -- do you
22 have that page, it's the top of the page?

23 MR. TREW: Yes.

24 MR. NEVILLE: "The officer ..."

25 Meaning Dunlop:

1 "... did disclose more information and
2 material to him."

3 Right?

4 **MR. TREW:** Yes.

5 **MR. NEVILLE:** Not all, "more."

6 **MR. TREW:** I'd have to be careful here, Mr.
7 Neville.

8 **MR. NEVILLE:** Yes.

9 **MR. TREW:** I'm going to suggest to you that
10 I wasn't hinting; I was -- I was -- if I was -- anything at
11 all, I was hoping. Not hinting. I mean, I felt that "did
12 disclose more information and material to him."

13 **MR. NEVILLE:** No, I'm not suggesting, sir,
14 that you're hinting anything.

15 **MR. TREW:** Oh, okay.

16 **MR. NEVILLE:** I'm just saying that the
17 response you get from Officer Hall is not one of, "we now
18 feel we have everything."

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

20 **MR. NEVILLE:** What he's telling you is he
21 received more.

22 **MR. TREW:** Correct.

23 **MR. NEVILLE:** Whatever that means.

24 **THE COMMISSIONER:** Well, was that his word
25 or yours?

1 **MR. TREW:** That's -- that was his word.

2 **THE COMMISSIONER:** Okay.

3 **MR. NEVILLE:** That's what I was going to
4 ask, thank you, Commissioner.

5 All right. Now, let's -- let's move to
6 page -- because there's other topics I want to come back to
7 dealing with the media -- can we look at page -- I'm using,
8 again, the numbers at the top, Commissioner, 36 of 62.

9 For your reference, Inspector, the July 23rd,
10 '98 ---

11 **MR. TREW:** Okay.

12 **MR. NEVILLE:** --- 1500 hours.

13 **MR. TREW:** Yes.

14 **MR. NEVILLE:** And there will be a Bates page
15 reference, Commissioner, in Exhibit 749, Inspector Smith's
16 notes.

17 Perhaps I could give that -- we'll start
18 with these and I'll give Madam Clerk the reference in
19 document -- Exhibit 749, the Bates pages would be 4357,
20 front.

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

22 **MR. NEVILLE:** Now, we have the events that
23 you've recorded; it deals with the issue of disclosure and
24 apparently media comments by Mrs. Dunlop, correct?

25 **MR. TREW:** Correct.

1 **MR. NEVILLE:** And the most important
2 development, though, appears to be that Mrs. Dunlop has
3 made reference to more than one Affidavit -- "many" is the
4 phrase in your notes -- that the OPP do not feel they have.

5 **MR. TREW:** Correct.

6 **MR. NEVILLE:** All right. And if we now --
7 Madam Clerk, if you can get us Inspector Smith's notes, at
8 Bates page 4358.

9 It's in the middle of the page,
10 Commissioner. The reference is 1430, 2:30 p.m.
11 Now, what Inspector Smith has recorded is
12 this:

13 "Speak with Perry Dunlop. Present.
14 Meeting present self ..."

15 Himself:

16 "... Rick Trew, Pat Hall. Discuss all
17 material he gave us. Asked if this was
18 everything, notes, tapes, videos, et
19 cetera. He advises yes. Advised we
20 need same for disclosure."

21 So do you recall that at this point, Mr.
22 Dunlop is apparently asserting that he has provided
23 everything?

24 **MR. TREW:** Yes, there's further conversation
25 on that.

1 **MR. NEVILLE:** Absolutely.

2 Then he goes on to say:

3 "During conversation, find ..."

4 Meaning find out I presume:

5 "... we only had one volume (binder).

6 Dunlop states, 'Gave Solicitor General

7 and Attorney General's office books.'"

8 I can't read the next word.

9 **THE COMMISSIONER:** "Banker's boxes..."

10 **MR. NEVILLE:** Yes, thank you, Commissioner,

11 you're right.

12 **THE COMMISSIONER:** "...containing..."

13 **MR. NEVILLE:** "Banker's boxes containing

14 four volumes."

15 Right, right:

16 "I did not get them nor was I aware

17 there were more. Only got what he gave

18 Julian Fantino."

19 And then there's a discussion about the

20 additional volumes. Then it says, dealing with the media

21 issue:

22 "Spoke to Dunlop re adverse press our

23 investigation..."

24 **THE COMMISSIONER:** Can you screen down,

25 Madam Clerk?

1 **MR. NEVILLE:** I'm sorry, thank you,

2 Commissioner:

3 "Spoke to Dunlop re adverse
4 press our investigation is getting as a
5 result of comments his wife makes to
6 press. Advised him this affects our
7 investigation and potential victims may
8 be reluctant to report if they feel
9 investigation is suspect. Asked him to
10 discontinue or request his wife to
11 stop. When investigation is complete
12 if she is dissatisfied, then criticize.
13 Asked him to at least give us a chance,
14 he said he would speak to wife but she
15 does what she wants."

16 Some of us can relate to that I suppose.
17 Was that the tenor of what was said?

18 **MR. TREW:** Yes.

19 **MR. NEVILLE:** Now, I had asked you about the
20 lawsuit and -- I'll come back to your notes on other topics
21 in a minute, and its impact on various people including the
22 Crown attorney. And if I could have the witness,
23 Commissioner, shown three documents please? They are
24 728106, 728108 and 723480 which is also Exhibit 1485.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. NEVILLE:** Just while that's being pulled
2 together, Commissioner, for the record and for your
3 assistance, I've referred to other documents on the
4 disclosure topic of Mr. Bourgeois and just so you have it,
5 the reference is -- the exhibit references are 732, is the
6 Bourgeois letter to Inspector Trew.

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

8 **MR. NEVILLE:** And 731 is the September 25th
9 letter of order.

10 **THE COMMISSIONER:** Thank you.

11 Okay, so we have two exhibits here. The
12 first one, 1546, is a letter to Chief Repa from Murray
13 MacDonald dated January 7th, 1998, and 1547 is a letter to
14 Mr. Murray MacDonald, Crown attorney, from Inspector Trew
15 dated January 14th, 1998.

16 **---EXHIBIT NO./PIÈCE NO P-1546:**

17 (728106) Letter from Murray MacDonald to
18 Tony Repa dated 07 Jan 98

19 **---EXHIBIT NO./PIÈCE NO P-1547:**

20 (728108) Letter from Richard Trew to Murray
21 MacDonald dated 14 Jan 98

22 **MR. NEVILLE:** And he should have a third one
23 Commissioner, Exhibit 1485.

24 **THE COMMISSIONER:** Exhibit 1485?

25 **MR. NEVILLE:** Yes, sir, 1485, which is a

1 memo issued by the Inspector.

2 MR. TREW: Mr. Neville, what was the last
3 number you'd like me to refer to?

4 MR. NEVILLE: You should have three
5 correspondence pieces, sir. One is now our Exhibit 1546,
6 but it came to you loose, I believe.

7 MR. TREW: Yes.

8 THE COMMISSIONER: But the one ---

9 MR. NEVILLE: It's a letter -- sorry,
10 Commissioner.

11 THE COMMISSIONER: The one in the book is
12 what you're looking for, is 1485?

13 MR. TREW: Yes.

14 THE COMMISSIONER: Thank you.

15 MR. NEVILLE: Yes.

16 MR. TREW: Thank you.

17 MR. NEVILLE: In sequence, they are 1546,
18 1547, the chronological sequence and then the 1485. So do
19 you have them now, Inspector?

20 MR. TREW: Yes.

21 MR. NEVILLE: All right. So when we put
22 1546 and 1547 together, it's obvious that you received
23 through the Chief, the addressee Murray MacDonald's letter
24 because you make direct reference to it.

25 MR. TREW: Yes.

1 **MR. NEVILLE:** All right. So if we look at
2 Mr. MacDonald's letter to Chief Repa, it's in reference to
3 Officer Dunlop and Mr. MacDonald says:

4 "I have been given to understand that
5 the above-noted individual has returned
6 to regular squad duty at the Cornwall
7 Police Service. As you are doubtless
8 aware, the individual has recently made
9 vigorous and wide-ranging attacks on my
10 personal and professional integrity."

11 Now, just stopping there; that's the
12 lawsuit.

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

14 **MR. NEVILLE:** He goes on:

15 "Upon consultation with the officer,
16 the Regional Director of Crown
17 Operations, as well as my own
18 solicitors, it is recommended that in
19 the event Mr. Dunlop requires
20 consultation with Crown counsel, the
21 individual with whom he shall be
22 designated to confer is Senior
23 Assistant Crown Attorney, Guy Simard.
24 I asked that all arrangements for
25 contact with Mr. Simard be via Officer

1 Malloy of the Case Management Office.
2 Likewise it is recommended that Mr.
3 Dunlop's supervisor or Officer Malloy
4 be present at all such meetings.
5 Please direct the individual
6 accordingly."

7 This has obviously been passed on to you.
8 You respond to him on the 14th of January with Exhibit 1547;
9 right?

10 MR. TREW: Yes.

11 MR. NEVILLE: And it closes in the second-
12 last sentence with:

13 "See attached memorandum."

14 Which I take to be now what is our Exhibit
15 1485. Do you see that?

16 MR. TREW: Yes.

17 MR. NEVILLE: "See attached memorandum"?

18 MR. TREW: Yes.

19 MR. NEVILLE: Would that not be Exhibit 1485
20 where you're carrying out?

21 MR. TREW: Yes.

22 MR. NEVILLE: All right. Now did you know,
23 for example, why it was the recommendation was made by the
24 Crown and obviously adopted by your force that there be a
25 witness present when Mr. Dunlop met with the Crown?

1 **MR. TREW:** Because of the contentious issues
2 surrounding these -- this officer. We wanted to make sure
3 that there was a person who could relate, not one side of
4 the story or the other side of the story, for the
5 perception if there was a difficulty in conversation or
6 perhaps a difficulty arose.

7 **MR. NEVILLE:** Right. So for whose
8 protection was the witness, Mr. Dunlop's or the Crown
9 prosecutor or both?

10 **MR. TREW:** I believe both.

11 **MR. NEVILLE:** All right. So the idea was to
12 have a neutral person so nobody, to use a neutral term,
13 could put a version of what happened ---

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

15 **MR. NEVILLE:** --- maybe have it show up
16 somewhere like an affidavit or a lawsuit?

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

18 **MR. NEVILLE:** Now, one of the ongoing issues
19 that goes right back to June of 1997 -- we've heard your
20 evidence through the summer of '97 and the orders you've
21 issued -- was the question of the media.

22 So could I have the witness, Commissioner,
23 look at Document 728039?

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

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

1 Number 1548 is an interoffice memorandum to Constable
2 Dunlop from Inspector Trew dated May 26th, 1998.

3 ---EXHIBIT NO./PIÈCE NO P-1548:

4 (728039) Letter from Richard Trew to Perry
5 Dunlop dated 26 May 98

6 MR. NEVILLE: Now if I could just refer, in
7 the context of that document, Commissioner, Inspector Trew
8 and yourself, to his notes, Exhibit 733 at page 30 of 62.
9 Have you found the page in your notes?

10 MR. TREW: Yes.

11 MR. NEVILLE: So at the bottom half of the
12 page is an entry for 1:00 p.m. or 1300 hours, it's -- I
13 presume it's meaning yourself:

14 "Received information that Constable
15 Perry Dunlop will be attending a
16 Justice Committee meeting."

17 You then describe what the purpose of that
18 committee is about assisting victims of assault:

19 "Constable Dunlop has asked Shirley ..."
20 Maybe I shouldn't give the name, has asked
21 an individual:

22 "...to speak to their committee regarding
23 community support on the paedophile
24 files. I am concerned about this
25 because Constable Dunlop was warned by

1 Detective Inspector T. Smith not to
2 talk to anyone about the Project Truth
3 investigations."

4 Then you talk about the written warning that
5 you issued more one than once actually.

6 In the middle of the page you say:

7 "Although this is not a media group,
8 information could indirectly go to the
9 media breaching the standing order.
10 Constable Dunlop is aware of the
11 complication of talking to the public
12 while a criminal investigation is still
13 ongoing. I will be speaking with
14 Constable Dunlop."

15 And I gather -- and it's in your notes of --
16 the Commissioner has those notes for his own reference --
17 that's what you do and ultimately issue this Document
18 728039.

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

20 **MR. NEVILLE:** And it talks about somebody
21 believing that the OPP investigation is actually known as
22 Project Honest as opposed to Project Truth but there's no
23 question I take it what we're all talking about here.

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

25 **MR. NEVILLE:** All right.

1 Commissioner, was that given an Exhibit
2 number yet?

3 **THE COMMISSIONER:** One five four eight
4 (1548).

5 **MR. NEVILLE:** Thank you.

6 Now, you were also directly involved
7 Inspector, a year later, in the events surrounding Mr.
8 Dunlop's participation in the whistleblower's programme on
9 CBC.

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

11 **MR. NEVILLE:** An additional CBC broadcast
12 and a magazine article.

13 **MR. TREW:** I don't know about the -- I'm not
14 clear on the three Mr. Neville. I obviously will start
15 with the whistleblower programme.

16 **MR. NEVILLE:** Okay. Fair enough.

17 Could I just refer the witness, if I could,
18 Commissioner, to Exhibit 1319? And you heard,
19 Commissioner, fairly extensive evidence on this topic
20 through Staff Sergeant Derochie who was tasked with part of
21 this issue.

22 **MR. TREW:** Tab?

23 **THE COMMISSIONER:** One three one nine (1319)

24 **MR. NEVILLE:** The exhibit number is 1319.

25 There are related documents, Commissioner, that perhaps

1 complete the picture we should bring up as well and provide
2 to the witness.

3 **THE COMMISSIONER:** You know, I have one
4 thought though.

5 **MR. NEVILLE:** Yes?

6 **THE COMMISSIONER:** And -- amongst many, but
7 what jurisdiction would the Cornwall Police Service have to
8 stop Mr. Dunlop from speaking about Project Truth which is
9 an OPP Investigation?

10 **MR. NEVILLE:** I -- if you are asking me as a
11 question, sir ---

12 **THE COMMISSIONER:** I'm just throwing it ---

13 **MR. NEVILLE:** --- I'm asking out loud. I
14 think the answer sir, is that he was instructed as a police
15 officer not to comment on the investigation at all, simply
16 because of the possibility of prejudice to it as, Officer
17 Smith says in his notes.

18 **THE COMMISSIONER:** Okay, but what
19 jurisdiction does the Cornwall Police Service have to order
20 one of their officers to silence him with respect to an
21 investigation done by the OPP?

22 **MR. NEVILLE:** Well ---

23 **MR. TREW:** If I may ask -- may comment,
24 please?

25 **THE COMMISSIONER:** Yes.

1 **MR. TREW:** The officer is a police officer
2 in the Cornwall Police Service. He's under -- he's under
3 an oath that he's a police officer and he takes directions
4 from a superior on certain issues; those issues surrounding
5 police involvement. He was going there as a police
6 officer.

7 **THE COMMISSIONER:** Going where?

8 **MR. TREW:** Going to this meeting. The
9 people who asked him to come to the meeting ---

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

11 **MR. TREW:** --- were fully aware that he was
12 a police officer in the Cornwall Police Service and asked
13 him to comment, as a police officer, on this Project, for
14 lack of better words, stated "honest."

15 **THE COMMISSIONER:** M'hm. So, let me give
16 you an example.

17 **MR. TREW:** Okay.

18 **THE COMMISSIONER:** Let's assume that we're
19 talking about a murder out in B.C. Okay?

20 **MR. TREW:** Okay.

21 **THE COMMISSIONER:** And he gets up at a
22 Standing Committee here in Cornwall, and says, "you know
23 that investigation over there? It's terrible. And I know
24 that because I'm a police officer and I think that this
25 whole thing's a cover up."

1 Now, would you have authority -- do you say
2 that the Cornwall Police Service has authority and
3 jurisdiction over him to stop him from speaking about those
4 things?

5 **MR. TREW:** The officer is a police officer.
6 He's a sworn police officer. Whether he's on duty or off
7 duty, if he does an act to hurt a policing service or
8 embarrass a policing service he therefore can fall under
9 the Rules and Regulations of the *Police Services Act*.

10 **THE COMMISSIONER:** Okay. That's your
11 position?

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

13 **THE COMMISSIONER:** Good. Okay.

14 Mr. Neville, I've cut into your time. Do
15 you have much longer, or ---

16 **MR. NEVILLE:** Not much left.

17 **THE COMMISSIONER:** Okay. Go ahead and we'll
18 take lunch after.

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

20 So you have Exhibit 1319 there, Inspector?

21 **MR. TREW:** Yes.

22 **MR. NEVILLE:** All right. And the other
23 documents that are relevant to the topic, Commissioner, are
24 -- I just misplaced them.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 It's like the cat ate my homework; I don't
2 know where I put them.

3 Well, let's start with one.

4 **THE COMMISSIONER:** It used to be the dog in
5 my days.

6 **MR. NEVILLE:** It used to be the dog, you're
7 right. We have cats in our house.

8 One document, Commissioner, is 729940. But
9 I had others here. Oh, I think I found them. Yes, I have
10 them, sir.

11 So that was one, 729940, 723490, and 729941.

12 **THE COMMISSIONER:** Exhibit 1549 is a letter
13 to Inspector Trew from Constable Dunlop dated April 14,
14 1999.

15 **--- EXHIBIT NO./PIECE NO. P-1549:**

16 (729940) Letter from Perry Dunlop to
17 Richard Trew dated 14 Apr 99

18 **MR. NEVILLE:** Now I think to put it in
19 proper sequence, Commissioner, we should look first at --
20 if the witness could look at Exhibit 1319, Inspector?

21 **MR. TREW:** Yes.

22 **MR. NEVILLE:** We know from other evidence of
23 Staff Sergeant Derochie that as a result of an
24 investigation that you, indeed, or the Chief, may have
25 tasked them to do into this issue, you then have to deal

1 with it as the Inspector and I gather you issued this
2 document, Exhibit 1319, to Mr. Dunlop?

3 MR. TREW: Correct.

4 MR. NEVILLE: And requesting in effect that
5 he come and explain himself -- I'm just putting it in
6 layman's terms -- for his conduct in dealing with the
7 media?

8 MR. TREW: Correct.

9 MR. NEVILLE: And you then received from him
10 -- and you'll notice at the second paragraph from the
11 bottom, which starts with the phrase, "this issue of
12 officer safety," the final sentence of it is:

13 "This issue affects not only yourself
14 but all members of the service and the
15 public as well."

16 So just keeping that sentence in mind, if
17 you'd then look at Document 729940 which is Mr. Dunlop's
18 letter to you of April 14th.

19 THE COMMISSIONER: Exhibit 1549.

20 MR. TREW: Yes.

21 MR. NEVILLE: Four nine (49), Commissioner?
22 Thank you.

23 He references in his text that sentence that
24 I just read out. And his response to you is:

25 "He wants transcripts of the very media

1 broadcasts that he participated in."

2 MR. TREW: That's correct.

3 MR. NEVILLE: Okay.

4 The next document in the sequence --actually
5 this one probably should have gone in lockstep with Exhibit
6 1319, Commissioner. And that's Document 723490.

7 THE COMMISSIONER: Is this something --
8 Okay, just a second.

9 MR. NEVILLE: They all go together.

10 THE COMMISSIONER: Well, I know, but --
11 Exhibit 1550 is internal correspondence to ---

12 MR. NEVILLE: Yes.

13 THE COMMISSIONER: --- Constable Dunlop from
14 Inspector Trew on April 8, 1999.

15 --- EXHIBIT NO./PIECE NO. P-1550:

16 (723490) Internal Correspondence from
17 Richard Trew to Perry Dunlop dated 08 Apr 99

18 MR. NEVILLE: Yes. And it's a companion,
19 sir, to 1319.

20 THE COMMISSIONER: And Exhibit 1551 is a
21 letter dated April 19th, 1999 to Inspector Trew from
22 Constable Dunlop.

23 --- EXHIBIT NO./PIECE NO. P-1551:

24 (729941) Letter from Perry Dunlop to Richard
25 Trew dated 19 Apr 99

1 **MR. NEVILLE:** Yes, sir. So it would appear,
2 Inspector, that in addition to your memo of April 7th that
3 we've touched on, you memoed Officer Dunlop on the 8th as
4 well?

5 **MR. TREW:** Correct.

6 **MR. NEVILLE:** Okay. You then received the
7 response that is now our Exhibit 1549, where he references
8 that one phrase from your first memo.

9 **MR. TREW:** Yes.

10 **MR. NEVILLE:** And then you ultimately
11 received back from him on April 19th, the letter of that
12 date and it appears that he was in some fashion provided a
13 transcript that someone highlighted?

14 **MR. TREW:** Correct.

15 **MR. NEVILLE:** And he takes the position that
16 he said nothing improper.

17 Now, do you know what, if anything, came of
18 all of this?

19 **MR. TREW:** At that time I was asked by my
20 Chief and Staff Sergeant Derochie, who was heading an
21 investigation, to go back and speak with the officer since
22 I had been the officer speaking with this person all along.

23 There had been an investigation that was
24 completed by Staff Sergeant Derochie and it had
25 been sent off for a further consultation, and I

1 believe the outcome of it was that we were not
2 going to proceed with any internal discipline at
3 that time.

4 **MR. NEVILLE:** All right. And one final
5 point, Commissioner, to complete.

6 I just want to come back again to your
7 notes, Exhibit 733, and just tidy up one remaining issue of
8 the disclosure topic, and the reference, Commissioner, it
9 would be page 44 of 62.

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

11 **MR. NEVILLE:** Now, you will recall, am I
12 correct, Inspector, that as part of the meeting in July
13 that we reviewed in some detail from your notes and
14 Inspector Smith's, the media issue with Mrs. Dunlop and the
15 like, one of the requests made of Dunlop by the OPP was
16 that he sign a document stating unequivocally that he had
17 provided all requested material?

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

19 **MR. NEVILLE:** Initially, it was he to
20 prepare it. He took the position he wouldn't but if they
21 prepared, he would sign such a document?

22 **MR. TREW:** Initially, that's what he said.

23 **MR. NEVILLE::** All right.

24 So let's look at your notes of September
25 23rd, page 44 of 62.

1 You're advised on that date, on the bottom
2 10 lines or so, Commissioner, by Mr. Hall that Dunlop --
3 I'm just reading:

4 "...has yet to give back letter that
5 would be signed by him stating
6 basically he's given all information of
7 disclosure to Project Truth officers.
8 Hall will attempt one more time to get
9 this letter from Dunlop."

10 We turn to the next date, on the next page,
11 of the 25th. It appears that you meet with Officer Dunlop
12 on this topic; right? Not directly. It comes up. What
13 I'm getting -- what actually happens is he comes in with a
14 tape that he wants to have copied to give to Hall and we
15 know later in your notes that it turns out it's a taped
16 interview of a Mr. Leroux?

17 **MR. TREW:** Correct.

18 **MR. NEVILLE:** That he's just now in the
19 process of disclosing; right?

20 **MR. TREW:** Correct. Correct.

21 **MR. NEVILLE:** Okay. Six lines or so from
22 the top:

23 "I questioned Constable Dunlop about
24 signing the letter of disclosure for
25 Detective Sergeant Hall. He mentioned

1 that he has to run it by a few people
2 before signing."

3 What did you understand that to mean? We
4 knew he had a lawyer in play here. What did you understand
5 by "a few people"?

6 **MR. TREW:** I didn't dwell on it, sir. I
7 felt perhaps his wife and his lawyer -- that's what I took
8 it as.

9 **MR. NEVILLE:** Okay. You go on:

10 "I further mentioned that Detective
11 Sergeant Hall is waiting for same,
12 A.S.A.P."

13 **MR. TREW:** Yes.

14 **MR. NEVILLE:** Constable Dunlop acknowledged
15 this and said he would be talking with Detective Sergeant
16 Pat Hall.

17 And we turn to page 47 of 62, October 2nd
18 1998. This is a telephone conversation between yourself
19 and Detective Sergeant Hall. Confirms he now has that
20 copied tape of Leroux and indicates in the latter seven
21 lines at the bottom of your notes, that he had not provided
22 the signed document and you record the following from Mr.
23 Hall:

24 "Dunlop said he would not sign due to
25 the advice of his lawyer."

1 Right?

2 MR. TREW: Correct.

3 MR. NEVILLE: Now, did you take that up at
4 all with him, that is with Dunlop?

5 MR. TREW: I believe from here on in, I did
6 not take that up with him.

7 MR. NEVILLE: Now, if we can just look on
8 page 48 of 62, which is November 16th, '98, you're again in
9 conversation with Officer Hall; right?

10 MR. TREW: Yes.

11 MR. NEVILLE: And what he advises you now is
12 -- just in the upper half of that note -- that they've now
13 looked at the Leroux tape and he advises you of the
14 following:

15 "When viewing the last tape Constable
16 Dunlop submitted to Project Truth, it
17 is apparent that photocopies of
18 possible suspects are being shown by
19 Constable Dunlop in the interview.
20 There is a possibility that notes were
21 also taken. Detective Sergeant Hall
22 states they do not have any of this
23 information as disclosure. When
24 talking with Constable Dunlop this
25 date, Detective Sergeant Hall cannot

1 get this further disclosure. He is
2 told by Dunlop to contact Perry's
3 lawyer (name given) and Detective Hall
4 is going to take this up through the
5 Crown."

6 **MR. TREW:** Correct.

7 **MR. NEVILLE:** Right. Now, as a result of
8 that, do you recall what if anything you may have done vis-
9 à-vis Dunlop when you learned this?

10 **MR. TREW:** Well, at this stage with the
11 Crown involved, I wanted the -- that process to go through,
12 Crown contacting lawyer, and still liaison with the Ontario
13 Provincial Police.

14 **MR. NEVILLE:** Okay. Now, just to tidy up
15 one final point, your role as the liaison continued into
16 the spring of 1999 -- I think if we look at your notes 'til
17 late April -- and then you passed the torch, so to speak,
18 to Staff Sergeant Derochie?

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

20 **MR. NEVILLE:** Commissioner, those are my
21 questions.

22 **THE COMMISSIONER:** Thank you.

23 We'll take lunch, come back at 2:15.

24 **THE REGISTRAR:** Order; all rise.

25 À l'ordre; veuillez vous lever.

1 The hearing will resume at 2:15.

2 --- Upon recessing at 12:42 p.m.

3 L'audience est suspendue à 12h42

4 --- Upon resuming at 2:18 p.m.

5 L'audience est reprise à 14h18

6 **THE REGISTRAR:** Order; all rise.

7 À l'ordre: veuillez vous lever.

8 This hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **RICHARD WILLIAM TREW:** Resumed/Sous le même serment

11 **THE COMMISSIONER:** Mr. Chisholm?

12 **MR. CHISHOLM:** Afternoon, sir?

13 **THE COMMISSIONER:** What brings you here this
14 afternoon?

15 **MR. CHISHOLM:** Pardon me?

16 **THE COMMISSIONER:** What brings you here this
17 afternoon?

18 **MR. CHISHOLM:** Just to let you know I have
19 no questions.

20 Inspector Trew, nice to see you again.

21 **MR. TREW:** Nice to see you, Mr. Chisholm.

22 **THE COMMISSIONER:** Mr. Rose?

23 **MR. ROSE:** Good afternoon, Inspector Trew.

24 We met outside.

25 My name is David Rose. I represent the

1 Ministry of Community Safety and Correctional Services and
2 I have no questions for you.

3 Thank you for coming.

4 **MR. TREW:** Good afternoon, sir.

5 **THE COMMISSIONER:** Thank you.

6 Miss - is it Chatterjee?

7 **MS. CHATTERJEE:** That's right.

8 **THE COMMISSIONER:** Well pronounced? All
9 right.

10 **MS. CHATTERJEE:** Good afternoon. I have no
11 questions of this witness.

12 **THE COMMISSIONER:** Thank you.

13 **MR. TREW:** Good afternoon, ma'am.

14 **THE COMMISSIONER:** Ms. Robitaille?

15 **MS. ROBITAILLE:** Good afternoon, Mr.

16 Commissioner. Good afternoon, Inspector Trew.

17 I have just a few questions that won't take
18 long.

19 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

20 **ROBITAILLE :**

21 **MS. ROBITAILLE:** Yesterday and today, you
22 spoke a bit about a request from Project Truth to collect
23 some information from Big Brothers concerning Jacques
24 Leduc. Do you recall that?

25 **MR. TREW:** Yes, ma'am.

1 **MS. ROBITAILLE:** And, ultimately, Mr. Lynch
2 checked his records to see if Mr. Leduc has any involvement
3 with Big Brothers and the records reveal that the only
4 involvement he has had is a \$50 donation; right?

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

6 **MS. ROBITAILLE:** And a reference that he
7 provided to a colleague for her to become a Big Sister. Do
8 you recall that?

9 **THE COMMISSIONER:** Yes.

10 **MR. TREW:** Yes.

11 **THE COMMISSIONER:** Yes.

12 **MS. ROBITAILLE:** Now, Mr. Neville took you
13 to your notes concerning a meeting that occurred shortly
14 after Mr. Leduc was arrested on July 23rd, 1998, that's the
15 date of the meeting. And the meeting was between yourself,
16 Inspector Hall, Inspector Smith and Mr. Dunlop?

17 **MR. TREW:** I haven't got those notes in
18 front of me, ma'am.

19 **MS. ROBITAILLE:** Okay. It's Exhibit 733, page
20 36.

21 **MR. TREW:** Thank you.

22 **MS. ROBITAILLE:** You'll recall, Inspector
23 Trew, that this is the meeting where the issue of how many
24 -- exactly how many affidavits the Dunlops had, that that
25 issue arose. You recall?

1 **MR. TREW:** Yes.

2 Now, Inspector Hall testified at the Leduc
3 stay application in 2001 that during this meeting, Mr.
4 Dunlop was specifically instructed to stop communicating
5 with one of the Leduc complainants' mothers.

6 And that's C-16's mother, and I think you
7 have a moniker list there.

8 Do you recall that?

9 **THE COMMISSIONER:** I think he doesn't have a
10 moniker list.

11 Madam Clerk, could you show him who C-16 is?
12 Oh, he does? I'm sorry.

13 **MR. TREW:** I've been informed of it, Mr.
14 Commissioner.

15 **THE COMMISSIONER:** Thank you.

16 **MR. TREW:** I don't recall the C-16's
17 mother's name being mentioned.

18 **MS. ROBITAILLE:** Do you recall he being
19 specifically informed that he's not to speak to potential
20 witnesses in criminal investigation relating to Project
21 Truth?

22 **MR. TREW:** He was already -- this has
23 already been gone through.

24 **MS. ROBITAILLE:** Yes.

25 **MR. TREW:** This is an ongoing -- may I

1 suggest that was an ongoing topic, and if it wasn't
2 specifically this date, it was definitely specifically
3 another date.

4 **MS. ROBITAILLE:** Were you aware that on July
5 15th, '98 Constable Dupuis went to C-16's mother's house,
6 and that C-16's mother advised that Mr. Dunlop had called
7 her to see how the investigation was going? Were you aware
8 of that?

9 **MR. TREW:** No, I wasn't aware of that.

10 **MS. ROBITAILLE:** The next portion of your
11 notes I'd to take you to is page 45, that same Exhibit.

12 **MR. TREW:** Okay.

13 **THE COMMISSIONER:** Sorry, page 45?

14 **MR. TREW:** Yes.

15 **MS. ROBITAILLE:** So September 25th '98. On
16 this date, after at least four requests or orders to
17 disclose, Mr. Dunlop finally provides you with the Leroux
18 videotape interviews. Is that right?

19 **MR. TREW:** He came into my office and asking
20 for a tape to be copied at that time. I definitely
21 requested that it take place.

22 **MS. ROBITAILLE:** And a little later in your
23 notes you'll see that Inspector Hall advised you that the
24 interview that was on that tape was recorded over two years
25 previously on December 1st, '96.

1 That's on page 47 if you're looking for the
2 reference.

3 **MR. TREW:** Correct.

4 **MS. ROBITAILLE:** And you told Mr. Neville
5 that Mr. Dunlop was first ordered or requested to disclose
6 all of his material pertaining to his sexual assault
7 investigation on June 11th, '97. Do you recall that?

8 **MR. TREW:** Yes.

9 **MS. ROBITAILLE:** And so, do you have any
10 explanation why it took Mr. Dunlop over a year and three
11 months to disclose this Leroux videotape interview?

12 **MR. TREW:** I do not have an explanation for
13 that.

14 **MS. ROBITAILLE:** Do you have any explanation
15 why suddenly, over two years after the tape was made, over
16 a year after it was ordered to be disclosed but within two
17 short months of Mr. Leduc's arrest, Mr. Dunlop sees fit to
18 finally disclose the tape?

19 **MR. TREW:** I haven't got an answer for you,
20 ma'am.

21 **MS. ROBITAILLE:** Those are my questions.
22 Thank you.

23 **MR. TREW:** Thank you.

24 **THE COMMISSIONER:** Mr. Sherriff-Scott? Good
25 afternoon, sir.

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

2 SHERRIFF-SCOTT:

3 MR. SHERRIFF-SCOTT: Good afternoon.

4 Good afternoon, Inspector.

5 MR. TREW: Good afternoon, Mr. Scott.

6 MR. SHERRIFF-SCOTT: We've met outside.

7 MR. TREW: Yes.

8 MR. SHERRIFF-SCOTT: I'm David Sherriff-
9 Scott, I act for the Diocese in Cornwall.

10 MR. TREW: Good afternoon.

11 MR. SHERRIFF-SCOTT: Now, I just want to
12 march through a few points which I hope won't take more
13 than five or 10 minutes.

14 And if I might just start, bringing you back
15 to the questions that you got about the Deslauriers matter,
16 and in particular, with respect to the Bishop -- the former
17 Bishop, Bishop Larocque.

18 Now, I just want to make a few suggestions
19 to you, see if you can adopt or agree with them. First, I
20 would suggest that you don't have, at this time, a memory
21 of specific concerns about the Bishop.

22 In other words, your memory at this point is
23 not specific about what concerns there were, if any, in the
24 context of that investigation.

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

1 **MR. SHERRIFF-SCOTT:** And certainly, you
2 wouldn't have any memory at this time which would justify
3 the use of the word "obstruction"?

4 **MR. TREW:** I have to be careful here, sir.
5 I mean, I realize there was a search warrant that went on -
6 --

7 **MR. SHERRIFF-SCOTT:** I'll come to that.

8 **MR. TREW:** Okay.
9 I think there was concerns.

10 **MR. SHERRIFF-SCOTT:** Okay, and the search
11 warrant or the listening device issue, to your
12 recollection, did not yield any additional information that
13 was of concern to the CPS, did it?

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

15 **MR. SHERRIFF-SCOTT:** Okay.

16 Now then, if we can just come back, I want
17 to briefly talk to you about your involvement again in the
18 development of the Diocesan Protocol of 1995 that you have
19 seen here.

20 And first, just some obvious generalities.
21 You remember, I take it, that a number of institutions came
22 together and provided assistance to help the Diocese
23 prepare a protocol to deal with handling and reporting of
24 allegations of abuse.

25 **MR. TREW:** Yes.

1 **MR. SHERRIFF-SCOTT:** Correct?

2 And you were appointed by the CPS to attend
3 and sit on that committee?

4 **MR. TREW:** Yes.

5 **MR. SHERRIFF-SCOTT:** The other organizations
6 were the CAS, the OPP, the Diocese and the First Baptist
7 Church?

8 **MR. TREW:** Yes.

9 **MR. SHERRIFF-SCOTT:** Okay.

10 And if I can call your attention to a
11 document -- and I think I recollect your evidence was that
12 you went to at least two meetings; you said that yesterday?

13 **MR. TREW:** Yes.

14 **MR. SHERRIFF-SCOTT:** If we could have
15 Document Number 104374, which is a March 3rd 1995 memo?
16 They'll hand that out to you.

17 **THE COMMISSIONER:** Exhibit 1552 is a letter
18 dated March 3rd 1995 by -- signed by the Bishop Eugene
19 Larocque to the Ontario -- to the OPP, Cornwall City Police
20 and various clergy.

21 --- **EXHIBIT NO./PIÈCE No. P-1552:**

22 (104374) Memo from Bishop Eugene Larocque
23 and Richard Abell to OPP-CPS-Various Clergy
24 dated 03 Mar 95

25 **MR. SHERRIFF-SCOTT:** Just take a moment and

1 look at that, Inspector.

2 Now, when you're ready ---

3 **MR. TREW:** Yes.

4 **MR. SHERRIFF-SCOTT:** --- I'd suggest that
5 this was sent out at least by someone, perhaps Mr. Abell or
6 the Bishop, and that you and your service would have got
7 this, which set out some agenda items at least for at least
8 one of the meetings.

9 **MR. TREW:** Yes.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 And the agenda involved, at least in the
12 preliminary stages, identifying what your objectives as a
13 group were, correct?

14 **MR. TREW:** Yes.

15 **MR. SHERRIFF-SCOTT:** And one of the things
16 you were going to do was review what the Diocese had in
17 place and see how that could change, I suggest.

18 **MR. TREW:** Yes.

19 **MR. SHERRIFF-SCOTT:** To meet the interests
20 of the institutions that were present and satisfy them.

21 **MR. TREW:** Yes.

22 **MR. SHERRIFF-SCOTT:** Okay.

23 And if we can go, then, to the handwritten
24 memo, which is 733853. And I'm not sure whether this was
25 made part of a package exhibit, Commissioner, but I have

1 "/11" in terms of page numbers for that document. And I
2 did give notice of this. It's dated March 29th 1995

3 Madam Clerk, it looks like this.

4 **THE COMMISSIONER:** The page?

5 **MR. SHERRIFF-SCOTT:** It's 733853 and it has
6 "/11."

7 **THE REGISTRAR:** I think we did it.

8 **MR. SHERRIFF-SCOTT:** It's already marked?

9 It may already be marked as part of a package; I'm not
10 sure. That's it, yeah.

11 Maybe 15 -- part of 1532?

12 **THE COMMISSIONER:** Sorry; 1532?

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

14 **MR. TREW:** Yes, sir.

15 **MR. SHERRIFF-SCOTT:** Do you have that, sir?
16 I really just want to have these identified,
17 for the record.

18 You're indicated here, on this document
19 under March 29th as a participant at this meeting, at least
20 on this day.

21 **MR. TREW:** Yes.

22 **MR. SHERRIFF-SCOTT:** Correct? And these
23 meetings gave rise to the policy that was identified by you
24 and marked as an Exhibit earlier in your evidence.

25 **MR. TREW:** Yes.

1 **MR. SHERRIFF-SCOTT:** Okay.

2 And I take it that, from the same Exhibit,
3 but at page 12, a July 18th 1995 letter from Mr. Carriere to
4 you ---

5 **MR. TREW:** Yes.

6 **MR. SHERRIFF-SCOTT:** Do you have that?

7 **MR. TREW:** Yes.

8 **MR. SHERRIFF-SCOTT:** That your Service,
9 through you, would have got a copy of the final iteration
10 of the document we identified as the Protocol.

11 **MR. TREW:** Yes.

12 **MR. SHERRIFF-SCOTT:** Okay.

13 And you would have passed that on to your
14 Service, obviously?

15 **MR. TREW:** Yes.

16 **MR. SHERRIFF-SCOTT:** And the CPS was
17 satisfied with that document in its final form?

18 **MR. TREW:** Yes.

19 **MR. SHERRIFF-SCOTT:** Okay. As were the
20 other members of the committee, to your recollection?

21 **MR. TREW:** Yes.

22 **MR. SHERRIFF-SCOTT:** Okay.

23 And finally, at the same Exhibit but "/9" --
24 page 9, there is a newspaper publication which published
25 the guideline in the Freeholder of November 1st 1995.

1 Do you see that?

2 MR. TREW: Yes, November '95.

3 MR. SHERRIFF-SCOTT: And does that assist
4 your recollection that ultimately it was published in the
5 paper?

6 MR. TREW: Yes.

7 MR. SHERRIFF-SCOTT: Thank you.

8 Now, one of the things that was addressed in
9 the policy was, if I might suggest, perhaps the expression
10 of a concern that there ought to be minimal contacts
11 between the church and the complainant. So after the
12 initial receipt of information, investigation and further
13 contacts are the domain of the CAS and/or the police or
14 both?

15 MR. TREW: Correct.

16 MR. SHERRIFF-SCOTT: Okay. Then on August
17 15th of the same year, you met with Kevin Maloney, Father
18 Kevin Maloney?

19 MR. TREW: Yes.

20 MR. SHERRIFF-SCOTT: And he gave you a
21 document, sir. We can call it up, 116264, and it's -202.

22 THE COMMISSIONER: It's a new document, sir.

23 MR. SHERRIFF-SCOTT: It's another document.
24 Well, I gave notice of it. It should be there.

25 One one six two six four (116264); it's a

1 large group of documents but the pages are 202 to 205 or
2 206. It's the letter that Father Kevin Maloney received
3 from John MacDonald.

4 **THE COMMISSIONER:** How ---

5 **MR. SHERRIFF-SCOTT:** It is marked,
6 Commissioner, but this version has the Inspector's initials
7 on it.

8 **THE COMMISSIONER:** There you go.
9 Yes, let's put it up on the screen.

10 **MR. SHERRIFF-SCOTT:** Might be part of
11 Exhibit 202 but I don't think it has the police officer's
12 initials on it.

13 **THE REGISTRAR:** Do you have the Bates page
14 numbers?

15 **MR. SHERRIFF-SCOTT:** I have the Bates pages.
16 Would that help you?

17 **THE REGISTRAR:** Yes.

18 **MR. SHERRIFF-SCOTT:** I'm starting to need
19 glasses for close-up things now instead of just far away.
20 Yeah, thank you.

21 **THE COMMISSIONER:** It happens when you turn
22 40.

23 (LAUGHTER/RIRES)

24 **MR. SHERRIFF-SCOTT:** I'm 45 unfortunately.
25 It is 1098294. My friend's hissing at me

1 over here.

2 THE COMMISSIONER: I'm sorry; I can't see
3 that far away.

4 (LAUGHTER/RIRES)

5 THE COMMISSIONER: Which reminds me, where
6 are my glasses?

7 MR. SHERRIFF-SCOTT: Okay. Thank you. And
8 it follows through five pages or six pages. Do we have
9 that? I did give notice of this specifically.

10 THE COMMISSIONER: That's okay.

11 THE REGISTRAR: It's Exhibit 202.

12 MR. SHERRIFF-SCOTT: It may be the same
13 document but -- okay, it might be the same Bates pages my
14 friends are saying.

15 THE COMMISSIONER: Excuse, 202, I've got it
16 here. I'm sorry, Exhibit 202 you said.

17 MR. SHERRIFF-SCOTT: We could check that.
18 Thank you, Mr. Callaghan, I appreciate that.

19 THE COMMISSIONER: There is a private and
20 confidential. Okay. So do you have Exhibit 202? All
21 right.

22 MR. SHERRIFF-SCOTT: That's the one.

23 MR. TREW: Yes.

24 MR. SHERRIFF-SCOTT: Now, sorry this is
25 taking too long; we should be finished already. But it

1 looks like there are August 15th, '95, 14:00, and I suspect
2 those are your initials?

3 MR. TREW: That's correct. One of the sets
4 are.

5 MR. SHERRIFF-SCOTT: And the other is
6 Constable Bough to whom you gave this document the next
7 day?

8 MR. TREW: I can't seem to read the initials
9 but I'm going to suggest that it is.

10 MR. SHERRIFF-SCOTT: That would be
11 consistent with your recollection of putting it in his
12 hands?

13 MR. TREW: That's correct.

14 MR. SHERRIFF-SCOTT: Okay. Now, so this is
15 the document you got from Father Kevin Maloney on 15 August
16 '95?

17 MR. TREW: That's correct.

18 MR. SHERRIFF-SCOTT: Okay. And if we can
19 just turn up a couple more documents quickly. The first is
20 an occurrence report and it is Document 735604.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. SHERRIFF-SCOTT: Do you have that sir?

23 MR. TREW: No, I don't.

24 MR. SHERRIFF-SCOTT: Okay.

25 THE COMMISSIONER: We'll notice that Madam

1 Registrar is with child and so ---

2 **MR. SHERRIFF-SCOTT:** No, I wasn't
3 encouraging her to rush. I was looking down, reading
4 something and I didn't know whether the witness had the
5 document.

6 **THE COMMISSIONER:** --- I think we just
7 should be careful there.

8 So Exhibit -- oh, thank you -- 1553 is a
9 general occurrence report and the report time is 15/08/95.

10 --- **EXHIBIT NO./PIÈCE No. P-1553:**

11 (735604) General Occurrence Report dated 15
12 Aug 95

13 **MR. SHERRIFF-SCOTT:** Just take a moment and
14 scan that, sir.

15 **MR. TREW:** Yes.

16 **MR. SHERRIFF-SCOTT:** I suggest this is the
17 occurrence report you created in connection with the
18 meeting of Kevin -- Father Kevin Maloney on the 15th?

19 **MR. TREW:** Yes.

20 **MR. SHERRIFF-SCOTT:** Okay. Now, I just want
21 to refer to your notes and walk through a few points on
22 that, and we'll come to the end of this issue. That's
23 Exhibit 238.

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

25 **MR. SHERRIFF-SCOTT:** I just want to mark

1 this document for the record, sir.

2 THE COMMISSIONER: Which one?

3 MR. SHERRIFF-SCOTT: The occurrence report.

4 THE COMMISSIONER: One five five three
5 (1553).

6 MR. SHERRIFF-SCOTT: One five five three
7 (1553), thank you.

8 THE COMMISSIONER: Now you want to go to
9 Exhibit?

10 MR. SHERRIFF-SCOTT: It's 238 which are his
11 notes of August 15th and 16th.

12 THE COMMISSIONER: Exhibit 238; what page
13 please?

14 MR. SHERRIFF-SCOTT: Bates page 7172516.

15 THE COMMISSIONER: Thank you.

16 MR. SHERRIFF-SCOTT: This is the officer's
17 duty book I think.

18 MR. TREW: Okay, sir.

19 MR. SHERRIFF-SCOTT: Now, Inspector, you'll
20 see sort of about a third of the way down the page, it
21 says:

22 "Father Maloney came to the police
23 station on August 15th, 1995."

24 Do you see that?

25 MR. TREW: Yes.

1 MR. SHERRIFF-SCOTT: These are your notes?

2 MR. TREW: Yes.

3 MR. SHERRIFF-SCOTT: And it says here to
4 turn over the letter to the police and to follow the proper
5 protocol procedures and something of suspected abuse. What
6 is that word on the far right? Reporting?

7 MR. TREW: Reporting ---

8 MR. SHERRIFF-SCOTT: Okay.

9 MR. TREW: --- suspected abuse.

10 MR. SHERRIFF-SCOTT: All right. So you had
11 a discussion when he came in about him giving you this
12 document pursuant to the protocol which you were then
13 familiar with having just being created?

14 MR. TREW: Yes.

15 MR. SHERRIFF-SCOTT: Okay. You were
16 satisfied he was doing that?

17 MR. TREW: Yes.

18 MR. SHERRIFF-SCOTT: Okay. Then you refer
19 to the date of the letter and it is the letter we just
20 identified earlier.

21 MR. TREW: Correct.

22 MR. SHERRIFF-SCOTT: Okay. He told you that
23 he had replied to the individual?

24 MR. TREW: Yes.

25 MR. SHERRIFF-SCOTT: And that he told the

1 individual that he was following the protocol in giving the
2 material to you immediately? I'm looking at your notes ---

3 MR. TREW: Yes.

4 MR. SHERRIFF-SCOTT: --- if that helps
5 refresh you memory.

6 MR. TREW: Yes.

7 THE COMMISSIONER: I'm sorry, what Bates
8 page? It's not on the screen anymore.

9 MR. SHERRIFF-SCOTT: Oh, I'm sorry; 7172516,
10 same page, sir, just at the bottom of the page.

11 THE COMMISSIONER: Okay.

12 MR. SHERRIFF-SCOTT: It says:

13 "Mr. Maloney replied to letter August
14 15th stating that due to proper
15 protocol, he was turning the letter
16 over to the Cornwall police."

17 And you reviewed the letter with Kevin
18 Maloney?

19 MR. TREW: Yes.

20 MR. SHERRIFF-SCOTT: And notwithstanding the
21 fact that the letter if you -- I don't know if you can
22 recall; perhaps you do recall. The letter suggested that
23 the individual in question, the complainant didn't want the
24 matter identified for the police or the CAS, but
25 notwithstanding that, Father Maloney was there in any

1 event.

2 MR. TREW: That's correct.

3 MR. SHERRIFF-SCOTT: Okay. And then you
4 mention here that he had the original -- on the next page
5 that he had the original front page and eventually you sent
6 Officer Bough around to collect that from him, which he
7 gave to you?

8 MR. TREW: Yes.

9 MR. SHERRIFF-SCOTT: And then if we go to
10 the next entry, I think you also told him that you were
11 going to report this matter promptly to the CAS; did you
12 not?

13 MR. TREW: That's correct.

14 MR. SHERRIFF-SCOTT: And you did do so?

15 MR. TREW: Yes.

16 MR. SHERRIFF-SCOTT: So you told him that
17 you would report the matter to the CAS?

18 MR. TREW: That's right.

19 MR. SHERRIFF-SCOTT: You were satisfied with
20 his handling of the matter.

21 MR. TREW: Yes.

22 MR. SHERRIFF-SCOTT: And ultimately then, as
23 you're aware, I think, he was being contacted by telephone
24 message from Mr. MacDonald and Mr. Silmser following his
25 delivery of this letter to you.

1 MR. TREW: I was made aware of that ---

2 MR. SHERRIFF-SCOTT: Yes.

3 MR. TREW: --- in the next while.

4 MR. SHERRIFF-SCOTT: And you're aware that
5 Father Maloney asked the police to intervene to request
6 that the individual cease contacting him pending the
7 investigation outcome?

8 MR. TREW: That's correct.

9 MR. SHERRIFF-SCOTT: And that was something,
10 from your point of view, which was desirable, wasn't it?

11 MR. TREW: Yes.

12 MR. SHERRIFF-SCOTT: Okay.

13 Those are my questions. Thank you, sir.

14 MR. TREW: Thank you. Have a good day.

15 THE COMMISSIONER: Thank you.

16 Ms. Lahaie? Thank you.

17 Mr. Carroll ---

18 UNIDENTIFIED SPEAKER: I don't think he's
19 here.

20 THE COMMISSIONER: Can I see the scoreboard
21 here?

22 Ms. Tymochenko are you -- thank you.

23 Mr. Callaghan?

24 MR. CALLAGHAN: Yes, thank you.

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

1 **CALLAGHAN:**

2 **MR. CALLAGHAN:** I shan't be very long, but I
3 want to start Inspector Trew with -- just to take a look
4 again at your career profile, Exhibit 1528.

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

6 **MR. TREW:** Yes, sir.

7 **MR. CALLAGHAN:** If we start at the entry
8 under February 11th, 1985, you're Field Operations Acting
9 Inspector; correct?

10 **MR. TREW:** Correct.

11 **MR. CALLAGHAN:** All right. And it's under
12 that capacity that you received the call regarding the
13 event in the park on June 24th, 1985.

14 **MR. TREW:** Yes.

15 **MR. CALLAGHAN:** All right. And I take it
16 thereafter, you're not charged with the -- with addressing
17 that investigation, the Landry investigation.

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

19 **MR. CALLAGHAN:** All right. And I take it
20 that you're only in CIB during this period between 1986 and
21 1990 and that's January 1st, 1990; correct?

22 **MR. TREW:** Correct.

23 **MR. CALLAGHAN:** And then again, you're back
24 in after your absence in December 8th, 1993 and you've
25 already discussed coming back. All right.

1 **MR. TREW:** Yes.

2 **MR. CALLAGHAN:** All right, okay. We had
3 discussion regarding Mr. Dunlop's discipline and documents
4 were put to you regarding -- there was an Affidavit and
5 application, if I could just direct your attention to the
6 application before the Supreme Court at Exhibit 1537.

7 **THE COMMISSIONER:** It's in the smaller book,
8 not that one.

9 **MR. TREW:** Okay.

10 **THE COMMISSIONER:** So 1537.

11 **MR. TREW:** Thank you. Yes, sir.

12 **MR. CALLAGHAN:** If you -- Exhibit 1537,
13 you'll see that it's the application and it's Court File
14 Number 2475/85; do you see that at the top right?

15 **MR. TREW:** Yes.

16 **MR. CALLAGHAN:** All right. If I could then
17 ask you to take a look at 1534 which is another document
18 that you were asked about and it's under the same Style of
19 Cause, *Perry Dunlop and the Chief of the Cornwall Police*
20 *Force*; it's an Affidavit.

21 **MR. TREW:** Yeah.

22 **MR. CALLAGHAN:** You'll agree with me, it's
23 got the same file number.

24 **MR. TREW:** Yes.

25 **MR. CALLAGHAN:** Just to be clear, is this --

1 you referred to an application which was brought by Mr.
2 Dunlop in which the application was dismissed and costs
3 were awarded; is this that application?

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

5 **MR. CALLAGHAN:** All right. I want to then
6 move on to the -- there was discussion about Mr. Lynch, and
7 if I could ask you to turn up Exhibit 733.

8 **MR. TREW:** Go ahead.

9 **MR. CALLAGHAN:** We -- you reviewed page 32,
10 I believe it was with Mr. Neville, at least, and perhaps
11 others.

12 **MR. TREW:** Yes.

13 **MR. CALLAGHAN:** All right. So I just want
14 to set up how you come to talk to Mr. Lynch. If we could
15 go back in the notes to page 30 of May 22nd, 1998?

16 **MR. TREW:** Okay.

17 **MR. CALLAGHAN:** It says:

18 "Met with Inspector Tim Smith and
19 Detective Sergeant Pat Hall. They
20 advised they were investigating Jacques
21 Leduc, area lawyer..."

22 **MR. TREW:** Correct.

23 **MR. CALLAGHAN:** Let me pause there; that's a
24 criminal investigation?

25 **MR. TREW:** Yes.

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

2 "...and that they had received some
3 information he might had been involved
4 with Big Brothers. Inspector Smith did
5 not know anyone with B.B...."

6 That's Big Brothers?

7 **MR. TREW:** Yes.

8 **MR. CALLAGHAN:** "...and asked if I could
9 contact someone who could possibly give
10 this information. I explained that I
11 could possibly talk with Mr. B. Lynch."

12 **MR. TREW:** Correct.

13 **MR. CALLAGHAN:** And is it fair to say that
14 you were assisting the OPP's criminal investigation in
15 contacting Mr. Lynch?

16 **MR. TREW:** Correct.

17 **MR. CALLAGHAN:** We could -- there was
18 discussion about -- again, I think this was Mr. Neville
19 about the allegation of a lack of back-up, and it's Exhibit
20 1551 and in this memo, just to set it up, I think Mr.
21 Neville pointed out that you're referencing a CIBC -- CBC -
22 - I'm sorry, I've given the wrong number.

23 One second, I have the April 8 press release
24 as 1551; if I could just consult. I'm told it's 1550 was
25 the one I'm looking for.

1 (SHORT PAUSE/COURTE PAUSE)

2 I'm sorry, that's not the right one either.
3 There may be some confusion. I thought this was entered,
4 but I wonder if -- Madam Clerk, if you could advise whether
5 Doc 729938 -- I thought that had been entered.

6 THE COMMISSIONER: And what is it, again?

7 MR. CALLAGHAN: Seventy-two ninety-nine
8 thirty-eight (729938); it's the one that describes the
9 issue of back-up. Mr. Neville ---

10 THE COMMISSIONER: Hmm.

11 MR. CALLAGHAN: --- put both of them to him.
12 I must have mis-transcribed the numbers on my copy. No, he
13 didn't?

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. CALLAGHAN: All right, it hasn't been.
16 Well then, good thing.

17 THE COMMISSIONER: Thank you. Exhibit 1553
18 is internal correspondence to Constable Perry Dunlop from
19 Inspector Trew dated April 8th, 1999.

20 MR. CALLAGHAN: All right. I mean, if I
21 could just check with Mr. Neville ---

22 THE COMMISSIONER: No, this has been -- I've
23 seen this before.

24 MR. CALLAGHAN: Okay, so let me check with
25 Mr. Neville. There's another one of April 13th where it's

1 reiterated again in a separate memo; maybe that's one. Let
2 me just speak to Mr. Neville just so that we can -- sure,
3 that's been in, that's the one.

4 **THE COMMISSIONER:** I can help you here.
5 Madam Clerk, let's cancel this; Exhibit 1553 is really
6 Exhibit 1548.

7 **MR. CALLAGHAN:** One five four eight (1548);
8 my apologies. All right.

9 **THE COMMISSIONER:** No, no, no, no, I'm
10 sorry. Hold on now. It might not be quite that. No, I
11 may be wrong, but I ---

12 **MR. CALLAGHAN:** So we'll call it 1553, Mr.
13 Commissioner?

14 **THE COMMISSIONER:** Just a second. Just a
15 second.

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

17 **THE COMMISSIONER:** But I've read this
18 before. Hmm, oh well, I guess I'm wrong.

19 **MR. CALLAGHAN:** Okay, if I could then ---

20 **THE COMMISSIONER:** One five five three
21 (1553); carry on.

22 **MR. CALLAGHAN:** So this memo is -- do you
23 have it Mr. -- Inspector Trew?

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

25 **MR. CALLAGHAN:** Now, just to set it up, this

1 is a discussion relating to a CBC radio and television show
2 in which it's alleged that he wasn't being backed up by his
3 fellow officer.

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

5 **MR. CALLAGHAN:** Okay. And you say in the
6 memo to Mr. Dunlop in the second-last paragraph:

7 "This issue of officer safety and the
8 lack thereof is a serious allegation
9 which must be assessed at the
10 organizational level. I would ask that
11 you document in detail the reasons for
12 the concerns you have identified to the
13 media.

14 I am open to any suggestion that you
15 may have by which the Service may
16 assist you in performing your duties
17 more confidently. This issue affects
18 not only yourself but all members of
19 the Service and the public as well."

20 And if can then take you to Exhibit 1549.

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

22 **MR. CALLAGHAN:** Which is the letter from Mr.
23 Dunlop.

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

25 **MR. TREW:** Okay.

1 **MR. CALLAGHAN:** And Mr. Neville took you to
2 this briefly. It says:

3 "In response to your letter, dated
4 April 8th, I will require all the
5 transcripts from the media to which you
6 are referring. Once I have received
7 this information, I will contact my
8 Association for the guidance and
9 assistance.

10 As you stated in the closure of your
11 correspondence, 'this issue affects not
12 only yourself but all members of the
13 Service and the public as well'."

14 What I would like to know is did Mr. Dunlop
15 ever ask you -- or tell you, I should say, why he needed
16 the transcripts to describe to you his concern that he
17 didn't get back-up safety?

18 **MR. TREW:** No, he did not.

19 **MR. CALLAGHAN:** All right. And we've heard
20 evidence from Staff Sergeant Derochie that he was tasked to
21 speak to Mr. Dunlop about that issue and he's given his
22 evidence, but did Mr. Dunlop ever speak to you or give you
23 any particulars regarding his alleged concern?

24 **MR. TREW:** No.

25 **THE COMMISSIONER:** We made a slight mistake.

1 That exhibit which is internal correspondence to Constable
2 Dunlop from Inspector Trew, dated April 8th, 1999, should be
3 Exhibit 1554.

4 --- EXHIBIT NO./PIÈCE NO P-1554:

5 (729938) Internal Correspondence from
6 Richard Trew to Perry Dunlop dated
7 08 Apr 99

8 MR. CALLAGHAN: Thank you, Mr. Commissioner.

9 THE COMMISSIONER: Okay.

10 MR. CALLAGHAN: If I could just briefly,
11 then, discuss with you your liaison role with the OPP. Did
12 you --- aside from the tape which you passed on, did you
13 take physical control of any documents from Mr. Dunlop?

14 MR. TREW: No.

15 MR. CALLAGHAN: And ---

16 MR. TREW: I didn't even pass on the tape.
17 The tape was passed on by Constable Dunlop.

18 MR. CALLAGHAN: All right. And so when Mr.
19 Neville talked about more information, there was an
20 exchange -- do you remember the exchange regarding your
21 note on October 10th about more information being passed on
22 by Mr. Dunlop?

23 MR. TREW: Yes.

24 MR. CALLAGHAN: I take it you had no
25 appreciation as to whether there was additional information

1 by Mr. Dunlop to be had?

2 MR. TREW: That's correct.

3 MR. CALLAGHAN: All right. And you talked
4 in-chief, and maybe you could just elaborate a little bit,
5 that you were concerned about continuity issues in the
6 process.

7 Can you just explain what you meant by that?

8 MR. TREW: Sure. Because of the amount of
9 information that was coming from the Cornwall Police
10 Services and their officers, every time you pass
11 information that could be entered in evidence, there's a
12 continuity issue.

13 The issue is that how many people touched
14 it, where did it go, where was it stored?

15 Therefore, I felt necessarily to stay out of
16 that continuity and to allow the working officers or,
17 should I say, people who could pull it and direct it to
18 Project Truth; therefore, I wouldn't become part of the
19 continuity.

20 MR. CALLAGHAN: And at this time, you're
21 aware that the OPP Project Truth was charged with
22 investigating the Cornwall Police Services' conduct?

23 MR. TREW: Yes.

24 MR. CALLAGHAN: And did that have any role
25 in your decision not to involve yourself with the

1 documents?

2 MR. TREW: Yes.

3 MR. CALLAGHAN: And can you explain that?

4 MR. TREW: Well, there was a perception
5 problem.

6 Obviously, the media surrounding these
7 investigations, we wanted to ensure that everything looked
8 and was above-board and not only appeared to be but,
9 therefore, when we don't touch possible evidence, then
10 there's -- there's no way that I can possibly tamper with
11 it. And, therefore, there would be a "cleaner slate", if I
12 can say that.

13 MR. CALLAGHAN: Okay. Thank you. Those are
14 all my questions, Mr. Commissioner.

15 THE COMMISSIONER: Thank you.

16 Ms. Jones, do you have any re-examination?

17 (SHORT PAUSE/COURTE PAUSE)

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

19 MS. JONES: Good afternoon, Inspector Trew.

20 MR. TREW: Good afternoon.

21 MS. JONES: I'm Karen Jones. I'm another
22 Commission counsel. Mr. Stauffer had to go to a
23 prearranged meeting that he was unable to get out of today.
24 So I'm going to be just asking you a couple of questions in
25 re-examination.

1 One of the aspects had to do with testimony
2 that you gave this morning and that regards the ability or
3 perhaps the inability of yourself or your Chief to control
4 or prevent Mr. Dunlop from speaking to the media.

5 Do you recall giving that evidence earlier
6 to counsel?

7 **MR. TREW:** I recall talking about it.

8 **MS. JONES:** And I just want to be clear on
9 this point. According to you, it was part of his duty as a
10 police officer to listen to his supervising officers and
11 get direction on that point, whether he should be talking
12 to the media or not. Is that correct?

13 **MR. TREW:** My take on that, ma'am, is that
14 the officer was fully aware of his duties, because we had a
15 directive in place and not only that, I had already had
16 conversation with him not to talk to the media.

17 **MS. JONES:** Okay. And it's your
18 understanding, just to be clear, though, that you had the
19 authority to make such a request?

20 **MR. TREW:** Yes.

21 **MS. JONES:** And is it fair to say, though,
22 that -- Mr. Dunlop obviously did talk to the media. So is
23 it fair to say that you didn't have any real control over
24 him, that the directive clearly was not enough?

25 **MR. TREW:** I think I mentioned in my

1 evidence or in this morning talking about that.

2 The Cornwall Police Services was in a very
3 difficult situation. We were trying to comply to another
4 police agency and give as much disclosure as possible to
5 them.

6 We felt, even though he wasn't complying to
7 an order, that possible charges later on could be laid upon
8 this individual. Therefore, we felt it more important to
9 go ahead and try and get as much information as possible,
10 because we felt if we charged the officer then, there would
11 -- there would no longer be any disclosure coming.

12 **MS. JONES:** I understand that, but the point
13 -- the point I was trying to make, though, isn't it true
14 that you really didn't have a real control over Mr. Dunlop
15 with regards to him speaking to the media? You wanted to,
16 but you actually didn't?

17 **MR. TREW:** As far as physically stopping
18 him, you see what we're trying to -- I'm trying to
19 understand your question a little more.

20 Real control, someone can leave the Cornwall
21 Police Services and do something that is criminally wrong.
22 I don't have control over that, but I do have control over
23 the officer when he's working or we try to have control
24 over the officer when he's working.

25 **MS. JONES:** Thank you for that.

1 **MR. TREW:** Okay.

2 **MS. JONES:** Now, the only other area that I
3 really wanted to touch on had to do with evidence you gave
4 yesterday. Now, I wasn't here yesterday, not in person. I
5 was watching in the comfort of my rather small office.

6 **(LAUGHTER/RIRES)**

7 **MS. JONES:** Hint.

8 **THE COMMISSIONER:** Trying to keep costs.

9 **(LAUGHTER/RIRES)**

10 **MS. JONES:** I was wondering if we could
11 bring up yesterday's transcript, please.

12 I'm looking specifically at page 2, as it
13 goes into page 3. It's right at the bottom of page 2, at
14 line 25, going into line 1 of page 3.

15 **THE COMMISSIONER:** Page 2.

16 So can you help us? What are you talking
17 about?

18 **MS. JONES:** Yes, I don't have a copy here.
19 Am I able to get a copy?

20 Oh, thank you very much.

21 Right at the bottom of page 2, at line 25,
22 you start a sentence; it continues on page 3. So if you
23 can just bring up page 2 into page 3; I don't know if you
24 can do that or not.

25 **MR. TREW:** I see it, ma'am.

1 **MS. JONES:** Pardon me?

2 **MR. TREW:** I do see it. I have the
3 document.

4 **MS. JONES:** Okay. Just if you go back to
5 page 2, please, Madam Clerk? I just want to read the
6 bottom line so I have the full sentence.

7 Mr. Stauffer, just to give you context, he
8 is referring you to Exhibit 1531, which is the news release
9 document that you spent some time at. We called it the
10 "News Release on Project Truth"; I think that's what it was
11 called.

12 **MR. TREW:** Yes.

13 **MS. JONES:** Okay. And this was what Mr.
14 Stauffer was referring to, on page 2, at lines 18 and 19
15 and he is asking you:

16 "And am I right that you said yesterday
17 that you did not see this document before the press
18 conference or have I got that wrong?"

19 Your answer: "That's correct."

20 "MR. STAUFFER: You didn't see it,
21 okay.

22 Did you read it, at least, while the
23 press conference was going on?"

24 And your answer was:

25 "I did not see this document until

1 recently in preparing for this
2 Inquiry."

3 **MR. TREW:** Correct.

4 **MS. JONES:** Do you recall giving that
5 evidence?

6 **MR. CALLAGHAN:** I'm not sure. Is this re-
7 examination to go over the examination in-chief?

8 **THE COMMISSIONER:** No, no -- well ---

9 **MR. CALLAGHAN:** And I can tell you I've
10 spoken to the OPP. They're not certain that this document
11 was part of the press release. We'll have to get that
12 sorted out, but I'm a little concerned we're talking about
13 Mr. Stauffer and now we're back in a re-examination
14 regarding Mr. Stauffer's questions.

15 **THE COMMISSIONER:** Well.

16 **MS. JONES:** I can say all will become clear
17 in a moment if I can just get a few minutes please, Mr.
18 Commissioner.

19 **THE COMMISSIONER:** Okay.

20 **MS. JONES:** Thank you.

21 Again, just clarifying because I wasn't here
22 yesterday, could you also -- just to confirm yet again, I'm
23 looking at page 26, lines 8 to 10, page 26.

24 **MR. TREW:** Yes.

25 **MS. JONES:** Madam Clerk, 26. I'm sorry, I'm

1 looking at the bottom number there, lines 8 to 10.

2 Again, this is again about the same news
3 conference, again just to put it in context, and Mr.
4 Stauffer was asking -- asking yet again did you have this
5 document.

6 Mr. Trew at line 9:

7 "You're asking me at the time of the
8 news conference. No, again, I did not
9 have this document in front of me."

10 Do you recall that?

11 **MR. TREW:** Yes.

12 **MS. JONES:** Now, when I was going over this
13 particular section just at the lunch period, do you have
14 Exhibit 1531 in front of you? That's actually the news
15 release or the news conference I should say of Project
16 Truth.

17 **MR. TREW:** I don't ---

18 **MS. JONES:** Exhibit 1531.

19 **MR. TREW:** Excuse me. Yes.

20 **MS. JONES:** Okay. I was wondering if you
21 could just keep that in front of you just for your
22 reference because what sometimes has happened in this
23 Inquiry we have multiple copies of the same document. I
24 believe that just happened as early as this afternoon with
25 Mr. Sherriff-Scott.

1 But there's actually another version of this
2 particular document that has already been exhibited in the
3 Inquiry and I would ask Madam Clerk to reference Exhibit
4 1150, one-one-five-zero. If that could be brought up on
5 the screen, please?

6 **THE COMMISSIONER:** Okay. Do you need a
7 copy?

8 **MS. JONES:** Now, this seems to be another --
9 -

10 **THE COMMISSIONER:** Hold it, hold it, hold on
11 a second.

12 **MS. JONES:** Sorry, sir.

13 **MR. TREW:** What's the number that you'd like
14 me to refer to, ma'am?

15 **MS. JONES:** Pardon me? Just hang on a
16 second, sir.

17 **THE COMMISSIONER:** Oh, now I've got it; 11 -
18 --

19 **MS. JONES:** It's 1150.

20 Now, when you're at this news conference and
21 you said you were there with other people as well ---

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

23 **MS. JONES:** --- at the news conference, I
24 assume the people that are actually listed on the front
25 here of the sheet. Were you the person that was in charge

1 of introducing the conference?

2 MR. TREW: No.

3 MS. JONES: Or did you have anything
4 specifically to say?

5 MR. TREW: No, I was there in support.

6 MS. JONES: Okay. Now, would you agree with
7 me that certainly this cover sheet, it seems to be a
8 different font, quite frankly, to Exhibit 1531?

9 There's actually even a typographical error
10 in the 1150 cover. They spelt Canada wrong on the second
11 line. That typo was not actually on the page. So seems
12 that somebody's retyped something there on that particular
13 page, but other than that it appears that they are the same
14 words; same sort of set up.

15 Your name again is at the bottom. The same
16 sort of description. You'll agree with me on that?

17 MR. TREW: Yes.

18 MS. JONES: If you compare the two.

19 Now, if you turn to the next page -- could I
20 get the second page of Exhibit 1150, please?

21 Now, if you look at the second page of 1150,
22 it's actually Bates page 7119388. Do you see that, sir?

23 MR. TREW: Yes.

24 MS. JONES: Now, I'm looking specifically at
25 the words there. Will you agree with me that the typed

1 version or the typed words on what is Bates page 7119388 is
2 identical to the Bates page 7119377 of Exhibit 1531? In
3 other words, the first page looks different because the
4 font is different but the next page, just marked as page 1,
5 seems to be identical.

6 **THE COMMISSIONER:** Well, except that there's
7 some handwriting ---

8 **MS. JONES:** No, the typewritten part of it
9 only.

10 **THE COMMISSIONER:** Well, if you look at
11 Exhibit 1531 there's a contact. Detective Inspector ---

12 **MS. JONES:** Yes, I'm sorry.

13 **THE COMMISSIONER:** --- and so that's there
14 in that one but it's not there ---

15 **MS. JONES:** That's different ---

16 **THE COMMISSIONER:** --- on 1150.

17 **MS. JONES:** Yes, I'm sorry. The boldly
18 typed portion of it, in other words ---

19 **MR. TREW:** Yes.

20 **MS. JONES:** The same font up at the top.
21 The font changes in Exhibit 1531 at the bottom and there is
22 a different font that says:

23 "Contact Detective Inspector Klancy
24 Grasman, Criminal Investigation Bureau,
25 Major Cases, Orillia, Ontario".

1 -- with a phone number.

2 That's not actually on Exhibit 1150 is it?
3 That bottom typed version on Exhibit 1531. Do you see
4 where I am, sir?

5 MR. TREW: Yes, I guess I missed your
6 question, ma'am.

7 MS. JONES: I'm looking at -- in Exhibit
8 1531 there are two different types of typing on there; two
9 different fonts?

10 MR. TREW: Yes.

11 MS. JONES: And there's just a small portion
12 at the bottom that starts with the word "Contact"?

13 MR. TREW: Yes.

14 MS. JONES: Okay. I'm not referring to
15 that.

16 MR. TREW: Okay.

17 MS. JONES: But all the typewritten portion
18 above that is the same as the typewritten version on
19 Exhibit 1150; correct?

20 MR. TREW: Correct.

21 MS. JONES: Okay. Now, the other difference
22 between the two documents is quite clearly on Exhibit 1150
23 -- right at the bottom, Madam Clerk -- there is handwriting
24 there?

25 MR. TREW: That's correct.

1 **MS. JONES:** And we've seen quite a bit of
2 your handwriting over the last little while. Would you
3 agree with me that that seems to be your handwriting?

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

5 **MS. JONES:** Okay. And it would appear that
6 the way that it's written there -- and I'll just read out
7 the words that are not crossed out:

8 "We are here today to support the
9 Ontario Provincial Police in their
10 investigations into Project Truth."

11 Do you see that?

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

13 **MS. JONES:** And there's words that have been
14 crossed out; it's been edited. In other words, there have
15 been words inserted, words edited, crossed out and changed?

16 **MR. TREW:** Yes.

17 **MS. JONES:** Okay. Now, it would appear
18 would it not that if you're writing on the face of that
19 document then, on Bates page 7119388, that you likely did
20 actually have this document in front of you during the news
21 conference?

22 **MR. TREW:** I'm going to suggest I did have
23 this first page of the document on the press release,
24 ma'am. After I viewed this, I obviously -- jogged my
25 memory, but I still don't remember that brief history of

1 what took place in regards to Project Truth being
2 established.

3 **MS. JONES:** Well, I'm not sure that that's
4 actually relevant. I just want to clarify -- unless you
5 can point to the relevancy of whether you saw this document
6 or not on the date of the news conference?

7 **MR. CALLAGHAN:** I know my friend wasn't
8 here. but it was a matter of some discussion. He clearly
9 said the overview of the investigation he hadn't seen.

10 **THE COMMISSIONER:** No, no, no, just a
11 minute. Just a minute. The way that I understood it is he
12 hadn't seen any ---

13 **MR. CALLAGHAN:** Okay.

14 **THE COMMISSIONER:** --- he hadn't seen
15 Exhibit Number 1531.

16 **MR. CALLAGHAN:** Right.

17 **THE COMMISSIONER:** Okay. So now, we come --
18 and from what I can understand is Ms. Jones is saying,
19 okay, well, look it, there's something else here that might
20 help you refresh your memory.

21 **MR. CALLAGHAN:** Right.

22 **THE COMMISSIONER:** So he says this is his
23 handwriting, so -- and he agrees that at least he had 1150.

24 **MR. CALLAGHAN:** I agree with that. My point
25 is it is relevant in the sense that -- that was the issue

1 as to what he had seen ---

2 THE COMMISSIONER: Right.

3 MR. CALLAGHAN: --- and there is some doubt
4 as to whether this all goes together or not. but we'll hear
5 from the OPP about that ---

6 THE COMMISSIONER: M'hm.

7 MR. CALLAGHAN: --- but I just think that
8 it's relevant. To say that it's not relevant ---

9 THE COMMISSIONER: Oh, okay, no, no, okay.

10 MS. JONES: In any event, are you conceding
11 at least now that you certainly saw page 1 of that
12 document?

13 MR. TREW: That's correct.

14 MS. JONES: Is it conceivable that you
15 actually saw the rest of the document as it presented
16 itself that day in the new conference? Now that you've
17 seen this?

18 MR. TREW: Ma'am, to the best of my
19 recollection, I don't recall seeing the rest of the
20 document, but in putting this in front of me I now have a
21 doubt.

22 MS. JONES: M'hm, okay.

23 And also too you had said just a moment ago
24 that you hadn't made any sort of introductory words because
25 it was not your news conference. But would you agree with

1 me that the words that you've actually written down here
2 seem to be introductory in their nature?

3 MR. TREW: That's if I was called upon I
4 would think. I don't believe I said -- I made any ---
5 introducing -- introducing myself as the lead agency in
6 this press conference or whatever.

7 MS. JONES: I'm sorry, I didn't understand -
8 --

9 MR. TREW: It was a question that was put to
10 me. I believe that was one of the questions that was put
11 to me. And I prepared myself in regards to going there
12 that day, knowing full well that we were going to be the
13 liaison agency with the Cornwall Police Service.

14 MS. JONES: M'hm. And so you think this
15 might have been your prepared answer to a possible question
16 as to what your role was?

17 MR. TREW: I believe that that would have
18 been my writing before the press release took place in case
19 there was an answer such as that.

20 THE COMMISSIONER: So do you recall when you
21 did this? Was it when you were there or before?

22 MR. TREW: I can't recall.

23 THE COMMISSIONER: Okay.

24 MS. JONES: I also wanted to draw your
25 attention to Exhibit 733.

1 THE COMMISSIONER: Yes. What page?

2 MS. JONES: Do believe I've done it again.

3 Just a moment, please.

4 (SHORT PAUSE/COURTE PAUSE)

5 MS. JONES: Yes, Bates page 7112195.

6 THE COMMISSIONER: That doesn't match

7 Exhibit 733.

8 MS. JONES: That's not 733?

9 THE COMMISSIONER: Well, what do you think
10 is 733?

11 MS. JONES: I've got Notes of Inspector
12 Trew.

13 THE COMMISSIONER: M'hm.

14 MS. JONES: Yes, that's right.

15 THE COMMISSIONER: Okay. So what page?

16 MS. JONES: It's 7112195.

17 THE COMMISSIONER: Well, there's ---

18 MS. JONES: It's a few pages in there.

19 THE COMMISSIONER: There's 62 pages. Can
20 you help me with the ---

21 MS. JONES: Yeah, I'll try. Just a moment,
22 please? Seven; seventh page. Try the next page, Madam
23 Clerk? That's right. I actually don't have those
24 handwritten notes up at the top.

25 Specifically looking at the entry, September

1 25th 1997, 11:00 o'clock. Do you see that?

2 **THE COMMISSIONER:** It's 8 of 62?

3 **MR. TREW:** Yes.

4 **MS. JONES:** Yes, at the bottom, September
5 25th, 1997.

6 **MR. TREW:** Yes.

7 **MS. JONES:** Eleven o'clock:

8 "Attended a press conference at Long
9 Sault OPP Detachment. Detective
10 Superintendent Larry Edgar,
11 Superintendent C. Fougere and myself
12 gave a news release."

13 Do you see that?

14 **MR. TREW:** Yes.

15 **MS. JONES:** Again, the phrase "gave a news
16 release" would -- could be interpreted that the three of
17 you were there to give and present this news release in
18 that document. Do you agree?

19 **MR. TREW:** Ma'am, you're playing on my notes
20 in regard to "gave a news release". I was a -- I was part
21 of that news release if that's what you're asking me. I
22 was there for support of the Ontario Provincial Police. If
23 asked what my role was as far as the Cornwall Police
24 Service, I was going to give that. I don't know if I can
25 help you any more than that.

1 **MS. JONES:** Just trying to help you refresh
2 your memory as to your participation in that event, sir.

3 No further questions. Thank you.

4 **THE COMMISSIONER:** Thank you.

5 We'll take the afternoon break.

6 Oh, oh, I'm sorry, pardon?

7 **MS. LAHAIE:** My friend has raised new issues
8 with respect to the news conference memo being filed as an
9 earlier exhibit and I would just have ---

10 **THE COMMISSIONER:** Go ahead.

11 **MS. LAHAIE:** Thank you very much.

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

13 **LAHAIE:**

14 **MR. TREW:** Good afternoon.

15 **MS. LAHAIE:** Good afternoon, Inspector Trew.
16 Diane Lahaie and you and I know each other well from the
17 courts.

18 If I may return to Exhibit Number 1541, the
19 one that was entered of this document entitled "News
20 Conference, Project Truth", the one that was entered today?
21 It's Exhibit 1541, I believe, or Exhibit 1531?

22 **THE COMMISSIONER:** Fifteen-thirty-one
23 (1531). Okay.

24 **MR. TREW:** Yes, ma'am?

25 **MS. LAHAIE:** You indicated. Inspector Trew,

1 that you do not recall seeing the document, and my friend,
2 Ms. Jones, put to you, that is it conceivable that given
3 the other copy that was shown to you today with your
4 handwriting on it, is it conceivable that you would have
5 seen the entire document?

6 I want to point to this document. If we can
7 move to the following page, on the one that's on the screen
8 at this time, Exhibit 1531.

9 **THE COMMISSIONER:** You mean page 2?

10 **MS. LAHAIE:** It actually has, Mr.
11 Commissioner, on it page 1 at the top, and I think it's
12 noteworthy, that particular point.

13 Madam Clerk, if you could just move that
14 document up a bit?

15 The numbering is in the centre at the top,
16 number 1. You notice that, Inspector?

17 **MR. TREW:** Yes.

18 **MS. LAHAIE:** Yes. And if you look at the
19 bottom, this is the portion which appears on this document.
20 You'll see that there's a different font "Contact Detective
21 Inspector Klancy Grassman".

22 That was not, you'll agree with me, on
23 Exhibit 1150. That's the part that's different; correct?

24 **MR. TREW:** Correct.

25 **MS. LAHAIE:** Is it conceivable, sir, that

1 your addition in the handwriting on the Document 1150 was
2 at the end of the one page document which was presented at
3 that news conference?

4 **THE COMMISSIONER:** Correct.

5 **MS. LAHAIE:** And that if we turn to page 2
6 of the document which is on the screen, Exhibit 1531,
7 you'll note that the font again is different, and that the
8 numbering system at the top is now numbered "page 2" but in
9 the far right corner in a different font?

10 **MR. TREW:** Correct.

11 **MS. LAHAIE:** Is it conceivable, sir, that
12 pages 2 through 9 were not present at that news conference?

13 **MR. TREW:** Correct.

14 **THE COMMISSIONER:** Mrs. Jones?

15 **MS. LAHAIE:** Thank you.

16 **MS. JONES:** I'm just objecting because this
17 is outside the realm of this witness's knowledge in the
18 preparation of fonts and running copies off of various
19 documents, and I don't think that that's actually an
20 appropriate question for this particular witness.

21 **THE COMMISSIONER:** I'll take care of it this
22 way. It's in now and I think it should have stayed with
23 the OPP presentation later on down the road.

24 **MS. JONES:** Thank you.

25 **MS. LAHAIE:** If I can just explain, Mr.

1 Commissioner, I just didn't want you to be left with the
2 erroneous impression that necessarily the document that
3 went in today was the document that was present at that
4 day. I just ---

5 **THE COMMISSIONER:** Ah!

6 **MS. LAHAIE:** I just wanted to clear that up.

7 **THE COMMISSIONER:** But you should understand
8 that I -- like I've asked the majority, the silent majority
9 of the people of Ontario and Cornwall, to wait until all of
10 the evidence is in to comment about the Inquiry, the time,
11 the money and the contents. So, no, I won't be under any
12 impression until then.

13 Thank you.

14 Mr. Callaghan?

15 **MR. CALLAGHAN:** One last point on all this.
16 It should be noted for the record that Exhibit 1531 is a
17 production of the OPP. Just so long as you don't
18 misconstrue that it's a Cornwall Police production. It's a
19 production coming out of the OPP files.

20 **THE COMMISSIONER:** Fifteen-thirty-one
21 (1531)?

22 **MR. CALLAGHAN:** Fifteen-thirty-one (1531).

23 **THE COMMISSIONER:** Yeah. And 1150?

24 **MR. CALLAGHAN:** Eleven-fifty (1150), we're
25 going to check, but I believe that might have been a CPS

1 file. I mean, that would be an important distinction at
2 the end of the day but ---

3 **THE COMMISSIONER:** Of course.

4 **MR. CALLAGHAN:** But it isn't in the record.
5 Thank you.

6 **MS. JONES:** Just to comment on that, that's
7 my -- I actually have to agree with Mr. Callaghan on the
8 point.

9 **THE COMMISSIONER:** But don't -- that's not
10 so difficult.

11 (LAUGHTER/RIRES)

12 **THE COMMISSIONER:** It happens on occasion
13 that people can agree with him.

14 **MS. JONES:** Yeah? Goes against my nature,
15 perhaps, but -- it's my understanding that Mr. Callaghan is
16 exactly correct though, 1150 seemed to have come through
17 CPS and the 1531 came from OPP. Thank you.

18 **THE COMMISSIONER:** Thank you.
19 All's well that ends well.

20 So Mr. -- who was supposed to take five
21 minutes or something? Well, we're going to take the
22 afternoon break if you don't mind, Mr. Callaghan?

23 **MR. CALLAGHAN:** Sorry, I ---

24 **THE COMMISSIONER:** No, no, no. Somebody
25 told me they wouldn't be very long.

1 **MR. TREW:** Mr. Commissioner?

2 **THE COMMISSIONER:** Yes, sir?

3 **MR. TREW:** I would like to thank you for the
4 comments yesterday.

5 **THE COMMISSIONER:** You're welcome.

6 **MR. TREW:** You have a hard task in front of
7 you. I wish you well.

8 **THE COMMISSIONER:** Well, thank you very
9 much.

10 And I want to thank you for taking the time
11 to come back over the last few days, and I found your
12 evidence very interesting.

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

14 **THE COMMISSIONER:** Thank you.

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

17 This hearing will resume at 3:40.

18 --- Upon recessing at 3:21 p.m./

19 L'audience est suspendue à 15h21

20 --- Upon resuming at 3:40 p.m./

21 L'audience est reprise a 15h40

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

24 This hearing is now resumed. Please be
25 seated. Veuillez vous asseoir.

1 **MS. JONES:** Good afternoon, Mr.
2 Commissioner.

3 Just to clarify the last point that was
4 being addressed with Inspector Trew, I've spoken with CPS
5 counsel to confirm this, I guess it was too good to be true
6 to agree with Mr. Callaghan, but it turns out that both of
7 us were mistaken about where the Exhibit 1531, which is the
8 longer version ---

9 **THE COMMISSIONER:** Yes.

10 **MS. JONES:** --- came from. It actually was
11 a CPS release document; it was not OPP. So I wanted to
12 clarify that for the record.

13 **THE COMMISSIONER:** Thank you, very much.

14 **MS. JONES:** Thank you.

15 **MS. SIMMS:** Good afternoon, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Good afternoon.

18 **MS. SIMMS:** The next witness that we're
19 going to call is Mr. Payment; he's a retired constable from
20 the CPS.

21 **THE COMMISSIONER:** Thank you.

22 **MS. SIMMS:** And he's coming now.

23 **THE COMMISSIONER:** Good afternoon, sir.

24 **MS. SIMMS:** If he could be sworn in?

25 **THE COMMISSIONER:** Thank you. Proceed.

1 **--- BRIAN PAYMENT, Sworn/Assermenté:**

2 **THE COMMISSIONER:** Thank you.

3 Good afternoon, sir.

4 **MR. PAYMENT:** Good afternoon.

5 **THE COMMISSIONER:** Thank you for coming.

6 Yes, bring that microphone right down.

7 There's water there with some fresh glasses. There's a
8 computer monitor. There's also a little box in front of
9 you and that's a speaker, so if you wish to increase or
10 decrease the volume, you can do that.

11 I'm going to ask you to be patient with us
12 because we'll probably be showing you some documents and so
13 we'll show you the binders and give you time -- it will
14 also be on the screen, as well, if you prefer that.

15 The bottom line is, sir, if you answer your
16 question -- the questions as best you can. If you don't
17 understand them, just ask them to repeat. If that doesn't
18 work, we'll try to reword them. And if you don't know,
19 it's okay to say that you don't know.

20 But what's important is if at any time you
21 feel uncomfortable, you want a break or there's something
22 that you feel uncomfortable with, please tell me and we'll
23 deal with it.

24 **MR. PAYMENT:** Thank you.

25 **THE COMMISSIONER:** All right?

1 **MR. PAYMENT:** Thank you.

2 **THE COMMISSIONER:** There you go.

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

4 **MS. SIMMS:**

5 **MS. SIMMS:** I thank you for your patience
6 already. I know you've been waiting for awhile this
7 afternoon.

8 I'm just going to start off by asking you
9 some questions about your background, Mr. Payment.

10 **MR. PAYMENT:** Okay.

11 **MS. SIMMS:** You were born and raised in
12 Cornwall?

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

14 **MS. SIMMS:** And have you lived in this area
15 all your life?

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

17 **MS. SIMMS:** Okay. So you went through the
18 school system here in Cornwall?

19 **MR. PAYMENT:** Yes.

20 **MS. SIMMS:** And graduated from which high
21 school?

22 **MR. PAYMENT:** Cornwall Collegiate and
23 Vocational School.

24 **MS. SIMMS:** And what did you do following
25 that graduation?

1 **MR. PAYMENT:** I started work at the Toronto-
2 Dominion Bank.

3 **MS. SIMMS:** And how long did you do that
4 for?

5 **MR. PAYMENT:** Just a little over a year.

6 **MS. SIMMS:** And following that, is that when
7 you joined the Cornwall Police Service?

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

9 **MS. SIMMS:** So you joined the Cornwall
10 Police Service in September of 1970; is that correct?

11 **MR. PAYMENT:** Yes.

12 **MS. SIMMS:** And you retired in 1999?

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

14 **MS. SIMMS:** Mr. Payment, I'm just going to
15 ask you to look at a document; it's Document Number 200195.

16 And while Madam Clerk is getting that for
17 you, this document is a summary that was prepared by your
18 counsel of ranks and positions held and also of training
19 while you were on the Force.

20 **THE COMMISSIONER:** Thank you.

21 Good introduction to the document.

22 **MR. PAYMENT:** Thank you.

23 **THE COMMISSIONER:** Which will be Exhibit
24 1555, Constable Brian Payment, Badge Number 80.

25 --- **EXHIBIT NO./PIÈCE NO P-1555:**

1 (200195) Career profile of Brian Payment

2 MS. SIMMS: Mr. Payment, you've reviewed
3 this document before?

4 MR. PAYMENT: Yes.

5 MS. SIMMS: And the summary of the ranks and
6 positions held that's on the first page, is that correct?

7 MR. PAYMENT: Yes, it is.

8 MS. SIMMS: Okay. And so you joined in
9 September, 1970, and you moved through the ranks, up to
10 First Class Constable, is that right?

11 MR. PAYMENT: That's correct.

12 MS. SIMMS: And when you joined, I assume
13 you took -- well, you can tell us, you took the regular
14 courses that recruits take?

15 MR. PAYMENT: Yes, I did.

16 MS. SIMMS: Some probationary constable
17 courses?

18 MR. PAYMENT: Yes.

19 MS. SIMMS: And what was your assignment as
20 a constable when you initially joined? Were you in
21 uniform?

22 MR. PAYMENT: I was in uniform patrol and
23 basically beat patrol.

24 MS. SIMMS: And I see that in October, 1984,
25 you were assigned to the Criminal Investigations Bureau?

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

2 **MS. SIMMS:** That's correct?

3 And if you'd look at the second page of the
4 exhibit that's before you, this is a summary of training
5 courses and these are courses that you took while you were
6 on the Force, is that right?

7 **MR. PAYMENT:** Yes, they are.

8 **MS. SIMMS:** Okay. And there is a criminal
9 investigations course, listed start date, September 4th,
10 1984, and end date, October 12th, 1984.

11 **MR. PAYMENT:** That is correct.

12 **MS. SIMMS:** So this is a course you took
13 prior to starting with the Criminal Investigation Bureau?

14 **MR. PAYMENT:** Yes, it is.

15 **MS. SIMMS:** Was -- at that time, was it
16 common for officers to receive this course prior to their
17 assignment?

18 **MR. PAYMENT:** No.

19 **MS. SIMMS:** So how did it happen that you
20 were able to do that?

21 **MR. PAYMENT:** I requested it and they
22 checked into it. There was an opening, so they sent me
23 first.

24 **MS. SIMMS:** So it was based on your request?

25 **MR. PAYMENT:** Yes.

1 **MS. SIMMS:** And you were assigned to the
2 Youth Bureau, which I understand is a division of the
3 Criminal Investigation Bureau; is that right?

4 **MR. PAYMENT:** Yes, it is.

5 **MS. SIMMS:** On November 4th, 1985?

6 **MR. PAYMENT:** Yes.

7 **MS. SIMMS:** Thank you.

8 And you continued there until 1989? January
9 1st, 1989?

10 **MR. PAYMENT:** Yes.

11 **MS. SIMMS:** And just back to the courses you
12 took, there are some courses listed in your career profile.
13 There's a Youth Officer's course and a Youth's Officer's
14 Seminar; do you see that?

15 **MR. PAYMENT:** Yes.

16 **MS. SIMMS:** Those were courses you took
17 while you were assigned to the Youth Bureau?

18 **MR. PAYMENT:** That is correct.

19 **MS. SIMMS:** Were those courses that were
20 regularly offered to Youth Bureau officers?

21 **MR. PAYMENT:** Yes, they were available, yes.

22 **MS. SIMMS:** Was this something you
23 requested, as well, or ---

24 **MR. PAYMENT:** No, actually, I didn't.

25 **MS. SIMMS:** I just quickly want to refer you

1 to another document; I believe it is Exhibit 1260.

2 THE COMMISSIONER: Is it an exhibit already?

3 MS. SIMMS: I believe so.

4 THE COMMISSIONER: Okay, so 1260.

5 (SHORT PAUSE/COURTE PAUSE)

6 THE COMMISSIONER: I don't have it.

7 One two six nine (1269) or 60, I don't think
8 so. No.

9 MS. SIMMS: It's Document Number 732072, if
10 that's of assistance.

11 THE COMMISSIONER: Thank you.

12 Okay, I'm sorry; what exhibit, again? What
13 exhibit, again?

14 MS. SIMMS: Sorry, it's exhibit ---

15 THE COMMISSIONER: One two (12).

16 MS. SIMMS: One two six zero (1260).

17 THE COMMISSIONER: All right. What page?

18 MS. SIMMS: Bates pages ending 111, the
19 second page of the document.

20 THE COMMISSIONER: Thank you.

21 MS. SIMMS: Just a small addition.

22 Do you have that document, Mr. Payment?

23 MR. PAYMENT: Yes, I do.

24 MS. SIMMS: And do you see on the second
25 page, Bates page 111 at the end?

1 **MR. PAYMENT:** Yes.

2 **MS. SIMMS:** There's -- your name is right at
3 the top there?

4 **MR. PAYMENT:** M'hm.

5 **MS. SIMMS:** And there's just another couple
6 of courses listed. You've already talked about the Youth
7 Officer's Seminar, the Youth Officer course, the Criminal
8 Investigation course and there's a mention of a Child Abuse
9 Prevention course, perhaps, and a *Child and Family Services*
10 *Act*; do you -- do you recall those?

11 **MR. PAYMENT:** Vaguely.

12 I believe they were only one-day lectures
13 more than anything.

14 **MS. SIMMS:** Okay, so those -- but those
15 would also be courses you took ---

16 **MR. PAYMENT:** Yes.

17 **MS. SIMMS:** --- relating to your work at the
18 Youth Bureau?

19 **MR. PAYMENT:** Yes.

20 **MS. SIMMS:** Okay. And was there other
21 training that I'm missing or is this a complete list of the
22 training that you participated in with respect to Youth?

23 **MR. PAYMENT:** I believe that's all there was
24 for the Youth section.

25 **MS. SIMMS:** Okay. Did any of these courses

1 that we've just gone through, relate to investigations of
2 sexual assault of young people?

3 **MR. PAYMENT:** Not specifically sexual
4 assaults. The abuse was just to teach us how to, maybe,
5 interview victims, young victims. And it was under an
6 abuse category. There was discussion about sexual
7 assaults.

8 **MS. SIMMS:** Are you referring to that one-
9 day course on child abuse prevention?

10 **MR. PAYMENT:** Yes.

11 **MS. SIMMS:** And was there any specific
12 training with respect to historical sexual assault
13 investigations?

14 **MR. PAYMENT:** I didn't have any.

15 **MS. SIMMS:** Okay. So following your
16 assignment to the Youth Bureau, you returned to uniform.
17 Is that correct?

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

19 **MS. SIMMS:** And that's where you spent the
20 remaining 10 years of your career with the CPS?

21 **MR. PAYMENT:** Yes.

22 **MS. SIMMS:** So I'm just going to ask you a
23 couple more questions about your experience at the Youth
24 Bureau.

25 **MR. PAYMENT:** M'hm.

1 **MS. SIMMS:** And organize your documents
2 there.

3 **MR. PAYMENT:** It fell apart. I'm just
4 trying to ---

5 **THE COMMISSIONER:** Madam Clerk -- can you go
6 and help him?

7 **MR. PAYMENT:** No, it's okay. I'll just do
8 it.

9 **THE COMMISSIONER:** No, no. If you don't
10 mind -- Madam Clerk, could you just go and set that up?
11 Just take it away, and she'll take care of that, and we can
12 continue ---

13 **MR. PAYMENT:** The note's here, and then this
14 is the next. Okay. Thanks.

15 **THE COMMISSIONER:** All right.

16 **MS. SIMMS:** Okay. So, when you were
17 assigned to the Youth Bureau in 1985, there was one other
18 officer assigned with you?

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

20 **MS. SIMMS:** And do you recall who that was?

21 **MR. PAYMENT:** Sergeant Trottier.

22 **MS. SIMMS:** Okay. And the complement at the
23 Youth Bureau remained two officers the entire time you were
24 there?

25 **MR. PAYMENT:** Yes.

1 **MS. SIMMS:** Was it always a sergeant and a
2 constable assigned?

3 **MR. PAYMENT:** Yes, it was.

4 **MS. SIMMS:** Was the sergeant tasked with
5 supervising you in the Youth Bureau?

6 **MR. PAYMENT:** He didn't supervise my
7 investigations. His main job was -- the staff sergeant in
8 charge of the Criminal Investigation Branch would get the
9 reports, assign them to our office and then he would assign
10 them between him and I.

11 **MS. SIMMS:** So he would be responsible for
12 the assignment of the investigations within the Youth
13 Bureau?

14 **MR. PAYMENT:** Yes.

15 **MS. SIMMS:** Who would be tracking your files
16 and following up; that kind of supervision?

17 **MR. PAYMENT:** The officer in charge of CIB.

18 **MS. SIMMS:** Thank you. And who was the
19 officer in charge when you joined the Youth Bureau?

20 **MR. PAYMENT:** Staff Sergeant Phillips.

21 **MS. SIMMS:** Did it remain Staff Sergeant
22 Phillips during your time there or ---

23 **MR. PAYMENT:** No, there was some movement.
24 I don't know the exact dates, but I believe there was two
25 others that came in through my time there.

1 **MS. SIMMS:** And that would be ---

2 **MR. PAYMENT:** Staff Sergeant Willis and I
3 believe Staff Sergeant Derochie was there for a short
4 period.

5 **MS. SIMMS:** So aside from the Sergeant's
6 role in assigning the files, were you both doing similar
7 types of investigations?

8 **MR. PAYMENT:** Yes.

9 **MS. SIMMS:** Okay. So as I understand it in
10 1985, OMPPAC -- you're familiar with OMPPAC?

11 **MR. PAYMENT:** Yes.

12 **MS. SIMMS:** It wasn't being used at that
13 time as a file-tracking system?

14 **MR. PAYMENT:** No. It was only used as a
15 dispatcher's back-up.

16 **MS. SIMMS:** So we've heard that later on
17 OMPPAC was used to communicate between supervisors and
18 investigators and to keep a record of file. That wasn't
19 the case when you were there?

20 **MR. PAYMENT:** No, that was after I left.

21 **MS. SIMMS:** So you kept paper files in your
22 investigations?

23 **MR. PAYMENT:** Yes.

24 **MS. SIMMS:** How was the progress of your
25 files reported to your supervisor?

1 **MR. PAYMENT:** Whenever they got them and
2 then assigned them to our office they kept a log and they
3 would have it marked whether it was "cleared", "un-
4 cleared", "charged" or whatever. And if something was
5 backdated, they would contact you and ask you how it was
6 coming, if you were proceeding with it.

7 **MS. SIMMS:** So were there formal, regular
8 meetings with the officer in charge or was it more ad hoc?

9 **MR. PAYMENT:** No, yeah, more ad hoc. Just
10 whenever he felt that something had to be said.

11 **MS. SIMMS:** Okay. Was there paper reporting
12 to your supervisor? We've seen in OMPPAC that there were
13 supplementary occurrence reports added ---

14 **MR. PAYMENT:** Yes.

15 **MS. SIMMS:** --- to the system.

16 Did you do that in a paper format?

17 **MR. PAYMENT:** Yes.

18 **MS. SIMMS:** So it would be the same type of
19 communication where you would write down the progress of
20 your file and submit it to your supervisor?

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

22 **MS. SIMMS:** Was that done on a regular
23 basis?

24 **MR. PAYMENT:** I tried to.

25 **MS. SIMMS:** Was there a protocol on how

1 often it was supposed to be done?

2 MR. PAYMENT: Well, it depended on who the
3 supervisor was. I know, like, Staff Sergeant Phillips he
4 would like something within 30 days.

5 MS. SIMMS: Okay. And you tried to do that
6 the best you could?

7 MR. PAYMENT: Yes.

8 MS. SIMMS: Okay.

9 THE COMMISSIONER: Were you successful?

10 MR. PAYMENT: Not normally.

11 THE COMMISSIONER: And why was that?

12 MR. PAYMENT: Caseload.

13 THE COMMISSIONER: M'hm.

14 MS. SIMMS: Would there be cases where it
15 would go months without any reporting or years without any
16 reporting?

17 MR. PAYMENT: Oh, not years. Yeah, there
18 would be some that would go months.

19 MS. SIMMS: I also understand that OMPPAC,
20 when it was fully in place, could be used to retrieve files
21 so you could enter a name and search OMPPAC to see if a
22 person's name had previously been listed as a victim or a
23 perpetrator?

24 MR. PAYMENT: That's correct.

25 MS. SIMMS: What was the system you used

1 prior to OMPPAC?

2 MR. PAYMENT: A lot of it was just word-of-
3 mouth, checking with records bureau to see if they had
4 anything in their contact files.

5 MS. SIMMS: And so is that contact file what
6 I've heard referred to as "contact cards"?

7 MR. PAYMENT: Yes.

8 MS. SIMMS: It's the same thing. What would
9 be on a contact card? Were they per individual?

10 MR. PAYMENT: It would be listed under the
11 person's name, their involvement, if they were a suspect, a
12 victim, case numbers, dates.

13 MS. SIMMS: So as an investigator, would you
14 provide that information to the records department say when
15 you opened a file? Who the names were of the victim and --
16 or the alleged victim, the alleged perpetrator?

17 MR. PAYMENT: No. I believe that
18 information to records would have been given through the
19 hard-copied reports because they were split up when handed
20 out. And one copy would go to records so they would then
21 input the contact information.

22 MS. SIMMS: Are those hard copy reports that
23 would be prepared at the end of an investigation?

24 MR. PAYMENT: There are some. The general
25 occurrence, which comes first, is divided up and assigned.

1 The investigating officer will then submit supplementary
2 reports as he progresses through the investigation and if
3 it concludes with an arrest there's an arrest report that's
4 made also.

5 MS. SIMMS: And so the information was taken
6 from those reports?

7 MR. PAYMENT: Yes.

8 MS. SIMMS: So it sounds to me like it's the
9 same reports that were being made pre-OMPPAC as post-
10 OMPPAC, just you were making them initially on paper and
11 then later on the computer. Is that right?

12 MR. PAYMENT: They were basically the same
13 reports; it was just a different system.

14 MS. SIMMS: And so we've already heard that
15 the Youth Bureau dealt with sexual assault matters of all
16 kinds?

17 MR. PAYMENT: Yes.

18 MS. SIMMS: And also with matters involving
19 youths who were either alleged victims or suspects. Is
20 that right?

21 MR. PAYMENT: That's correct.

22 MS. SIMMS: Is there anything else that
23 would have been transferred to the Youth Bureau as a matter
24 of course?

25 MR. PAYMENT: Well, during my time in there,

1 we also had to do and handle the youth courts as the Court
2 Cfficer.

3 MS. SIMMS: Did that change subsequently?

4 MR. PAYMENT: Yes.

5 MS. SIMMS: But that was after you'd left?

6 MR. PAYMENT: Unfortunately, yes.

7 MS. SIMMS: What about other kinds of cases?

8 Were there cases where there were youth who were witnesses
9 or would those be handled by your ---

10 MR. PAYMENT: We would often get just youth
11 witnesses and it was dealing with adults. It depended,
12 like I said, it depended on the officer in charge.

13 MS. SIMMS: Okay. Can you give us an
14 estimate of what your average caseload was during the three
15 years you were there? I know it was a long time ago.

16 MR. PAYMENT: You mean at one time?

17 MS. SIMMS: Yes.

18 MR. PAYMENT: That I would have active?

19 MS. SIMMS: That's right.

20 MR. PAYMENT: Anywhere from 25 to 50.

21 MS. SIMMS: Okay. I take it at any given
22 time some would be more active than others?

23 MR. PAYMENT: Yes, they ---

24 MS. SIMMS: Your ---

25 MR. PAYMENT: --- I would have to

1 prioritize.

2 **MS. SIMMS:** And, again, just to the best of
3 your ability, can you estimate how many cases of historical
4 sexual assaults you dealt with?

5 **MR. PAYMENT:** Historical?

6 **MS. SIMMS:** Historical.

7 **MR. PAYMENT:** I did a lot of sexual --
8 actual historical, maybe 50?

9 **THE COMMISSIONER:** Five-0?

10 **MR. PAYMENT:** Yes.

11 **THE COMMISSIONER:** Thank you.

12 **MS. SIMMS:** And a lot of sexual assaults
13 involving children, did you?

14 **MR. PAYMENT:** Yes.

15 **MS. SIMMS:** You did. Do you have any
16 estimate for that?

17 **MR. PAYMENT:** I think, overall, maybe around
18 100.

19 **MR. MANDERVILLE:** Mr. Commissioner, just for
20 clarity, I wonder if Officer Payment might be asked what he
21 characterizes as an "historical".

22 **THE COMMISSIONER:** Okay. What's the
23 difference? So what do you characterize as an
24 "historical"?

25 **MR. PAYMENT:** Well, if the victim came to me

1 and said that this happened two weeks ago at Uncle Johnny's
2 place, that, to me, wasn't historical. It would usually be
3 somebody a little older saying that they were assaulted
4 when they were younger.

5 **THE COMMISSIONER:** So would that -- would
6 you mean that someone who is coming is over 18 and is
7 relaying back something that happened when they were a
8 child?

9 **MR. PAYMENT:** No, because we would have them
10 coming in at 14 saying it happened when they were six or
11 seven. So ---

12 **THE COMMISSIONER:** Okay. Good point.

13 **MR. PAYMENT:** --- something within maybe
14 over five years old.

15 **THE COMMISSIONER:** Okay. Thank you.

16 **MS. SIMMS:** So you just mentioned the Youth
17 Court duties and how they were, unfortunately, still part
18 of your workload when you were at the Youth Bureau.

19 Did you feel you had a heavy workload during
20 those three years?

21 **MR. PAYMENT:** Definitely.

22 **MS. SIMMS:** And was there -- do you recall
23 asking for assistance or taking any steps to try and
24 address that with your superiors?

25 **MR. PAYMENT:** I approached my Staff Sergeant

1 and he came with me and we approached the administration
2 with regards to maybe giving the Youth Court to the Court
3 officers of the time, the ones that handled the adult
4 criminal courts if they could do the other one because they
5 didn't sit at that same time, and that was turned down.

6 **MS. SIMMS:** Was that Staff Sergeant Phillips
7 that ---

8 **MR. PAYMENT:** I believe it was, yes.

9 **MS. SIMMS:** And you approached the
10 administration. Did you meet with senior management; do
11 you recall?

12 **MR. PAYMENT:** Yeah, I -- I'm not positive.
13 I believe we met with Deputy Chief O'Neill.

14 **MS. SIMMS:** Do you have any other
15 recollection of bringing these concerns to the senior
16 management?

17 **MR. PAYMENT:** Well, I spoke to Staff
18 Sergeant Phillips about it on a regular basis because he
19 would call me in with assignments that were overdue. So we
20 would discuss it again and he said, "Well, it's not going
21 to happen. So we'll just have to move on."

22 **MS. SIMMS:** Okay. Did you feel this
23 workload affected your ability to conduct thorough
24 investigations?

25 **MR. PAYMENT:** Definitely.

1 **MS. SIMMS:** So I understand in addition to
2 your work as an investigator, you were also a member of the
3 CPA Executive, the Cornwall Police Association Executive.

4 **MR. PAYMENT:** Yes, I was.

5 **MS. SIMMS:** Do you recall when you joined?

6 **MR. PAYMENT:** The executive?

7 **MS. SIMMS:** Yes.

8 **MR. PAYMENT:** I believe '86 or early '87.

9 **MS. SIMMS:** And what position did you hold
10 with the executive?

11 **MR. PAYMENT:** Treasurer.

12 **MS. SIMMS:** And when did you leave that
13 position?

14 **MR. PAYMENT:** Nineteen ninety (1990).

15 **MS. SIMMS:** Nineteen ninety (1990)?

16 **MR. PAYMENT:** Yes.

17 **MS. SIMMS:** So during your time on the
18 executive, it was Chief Shaver who was the Chief of Police?

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

20 **MS. SIMMS:** What was your view of the
21 relationship between the Association Executive and the
22 management during that period of time?

23 **MR. PAYMENT:** There was a lot of caution
24 when dealing with each other in negotiations or in
25 discussions of *Police Act* hearings that were coming up.

1 They would make comments that we'd find out later were
2 either incorrect or inaccurate and probably vice versa, and
3 as a result, there was a doubt whenever we sat down to the
4 table to talk to each other.

5 **MS. SIMMS:** So there's a lack of trust
6 there?

7 **MR. PAYMENT:** I guess that would be a good
8 summation.

9 **MS. SIMMS:** Was there -- was there an impact
10 on the morale of the Force regarding tensions with the
11 Association and the management?

12 **MR. PAYMENT:** To contribute to the morale,
13 the conflict between the two bodies, you mean?

14 **MS. SIMMS:** Yes.

15 **MR. PAYMENT:** No, I don't think so. I don't
16 think that was a morale issue.

17 **MS. SIMMS:** No. On the Association, were
18 there any concerns with respect to morale of the Force from
19 '86 to '90 when you were there?

20 **MR. PAYMENT:** There was -- while I was on
21 the executive, there were morale problems, but there were
22 morale problems the 29 years I was there.

23 **MS. SIMMS:** So you didn't notice a
24 difference over time from your -- in your 29 career ---

25 **MR. PAYMENT:** No, because ---

1 **MS. SIMMS:** --- 29-year career?

2 **MR. PAYMENT:** --- different issues would
3 come up that would create concerns for members and that
4 would cause morale problems. Somebody would perceive
5 something one way and they didn't like it. So suddenly
6 they were upset and so it created morale problems.

7 Sometimes it was through the promotional
8 system. They felt they weren't treated fairly or whatever,
9 but I think when you're dealing with 120 people, there's
10 always going to be some morale issues.

11 **MS. SIMMS:** So do you recall any specific
12 issues that were -- with respect to the morale of the whole
13 Force that were addressed with management during those
14 three years?

15 **MR. PAYMENT:** The biggest morale issue while
16 I was there was manpower and equipment.

17 **MS. SIMMS:** And I take it that would be lack
18 thereof.

19 **MR. PAYMENT:** Yes.

20 **MS. SIMMS:** And that was a subject of some
21 discussion between the Association and management.

22 **MR. PAYMENT:** Yes, it was.

23 **MS. SIMMS:** Were those discussions fruitful?

24 **MR. PAYMENT:** No, they weren't.

25 **THE COMMISSIONER:** Were you involved in the

1 -- I believe it was in 1990 that the Association wrote up a
2 morale report; I believe Officer White. Were you around
3 when ---

4 **MR. PAYMENT:** Yes, Sergeant -- Sergeant
5 White wrote that up but I was still working there but I
6 wasn't involved in doing the actual report.

7 **THE COMMISSIONER:** Right. Can you talk
8 about the morale at that time or...?

9 **MR. PAYMENT:** I guess it would be in the
10 eyes of who's doing it.

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

12 **MR. PAYMENT:** I found morale was always a
13 question almost from day one because of issues that would
14 come up, but to say that there was a real major morale
15 problem, there was a lot of locker room gossip that could
16 have been interpreted as a morale problem. But I learned
17 very young to just take the locker room gossip and filter
18 it and put it aside.

19 **THE COMMISSIONER:** Well, let's put it this
20 way. Did you read the White Report or the Morale Report?

21 **MR. PAYMENT:** I remember reading it when it
22 came out.

23 **THE COMMISSIONER:** Okay. And what were your
24 views of it? Did you agree with it, disagree with it
25 or...?

1 **MR. PAYMENT:** I agreed with parts of it. I
2 found some of it was a little harsh like they were too
3 strong on some of their comments ---

4 **THE COMMISSIONER:** Hmm.

5 **MR. PAYMENT:** --- and like it's been -- it's
6 been quite a few years since I read it, but overall it was
7 -- it was a good report like and it showed that there are
8 things that have to be dealt with ---

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

10 **MR. PAYMENT:** --- but, no, I didn't agree
11 with the whole thing.

12 **THE COMMISSIONER:** All right. Thank you.
13 Ms. Simms?

14 **MS. SIMMS:** Did you know what the impetus
15 was for submitting that morale report?

16 **MR. PAYMENT:** I think a lot of it had to do
17 with feedback that the executive was getting about well,
18 this issue here or this issue there and, you know, I'm
19 upset with what happened and everything else and --and it
20 became -- as I said, it became major locker room gossip.
21 So they decided well, let's do a morale report; let's
22 interview people in different branches ---

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

24 **MR. PAYMENT:** --- and determine exactly what
25 is going on. And to be honest with you, I don't even

1 remember what the conclusion was on his report.

2 MS. SIMMS: I'm not sure it was structured
3 with a conclusion, but -- and were you aware of any
4 ramifications from that report being prepared and submitted
5 or...?

6 MR. PAYMENT: No, at that time when that
7 report came out, I was kind of disassociating myself with
8 everything because of personal problems.

9 MS. SIMMS: Okay. So I'd like to ask you
10 some questions about a particular investigation ---

11 MR. PAYMENT: M'hm.

12 MS. SIMMS: --- and it's an investigation
13 that was conducted when you were in the Criminal
14 Investigation Bureau before you moved to the Youth Bureau
15 and it involved allegations made by a number of students
16 against a principal.

17 So I'm going to ask you to look at your
18 notes from that investigation and they are Document Number
19 740557. Seven four zero five five seven (740557).

20 Mr. Commissioner, there's a publication ban
21 issue with this document. While Madam Clerk is locating
22 it, this was an investigation where the principal was
23 charged. The matter went to trial; he was acquitted.
24 There were a number of appeals. We have -- from the
25 Cornwall Police Service, we only have Mr. Payment's notes

1 on this matter.

2 THE COMMISSIONER: M'hm.

3 MS. SIMMS: We've requested the file from
4 the Ministry of the Attorney General and they have not been
5 able to locate it.

6 THE COMMISSIONER: M'hm.

7 MS. SIMMS: I have reviewed some press
8 reports and the press reports make clear that at the time
9 of trial, criminal publication bans were issued on the
10 identify of the accused.

11 THE COMMISSIONER: M'hm.

12 MS. SIMMS: The identity ---

13 THE COMMISSIONER: The identity of the
14 accused?

15 MS. SIMMS: Of the accused.

16 THE COMMISSIONER: Okay.

17 MS. SIMMS: The identity of the students and
18 the testimony of the students.

19 THE COMMISSIONER: Fine, so we'll put a
20 publication ban stamp on the document and that way the
21 press will be forewarned. Okay.

22 MS. SIMMS: So if this could be entered as
23 the next exhibit?

24 THE COMMISSIONER: I'm sorry, yes, Exhibit
25 1556 are notes of Constable Brian Payment, date of the

1 first entry, January 25th, '85.

2 ---EXHIBIT NO./PIÈCE NO P-1556:

3 PUBLICATION BAN (740557) Notes of Brian

4 Payment dated 25 Jan 85 to 09 Apr 85

5 MS. SIMMS: Just to start off with, Mr.

6 Payment, these notes appear to be recorded in a duty book.

7 MR. PAYMENT: That's correct.

8 MS. SIMMS: Yeah, and by that we mean a
9 bound notebook, right?

10 MR. PAYMENT: Yes.

11 MS. SIMMS: And we've heard that some
12 investigators at the Criminal Investigation Bureau used
13 loose-leaf notes?

14 MR. PAYMENT: Yes.

15 MS. SIMMS: So was there a standard practice
16 at the Criminal Investigation Bureau?

17 MR. PAYMENT: It was up to the officer and
18 depending on what mood he was in that day.

19 MS. SIMMS: So did you sometimes use loose-
20 leaf and sometimes ---

21 MR. PAYMENT: I have used both.

22 MS. SIMMS: Okay. But these were recorded
23 in a bound duty book?

24 MR. PAYMENT: These are, yes.

25 MS. SIMMS: And if you can tell us something

1 about this, do you know if the duty books were stored by
2 officer at the Cornwall Police Service?

3 **MR. PAYMENT:** Yes, you kept your own
4 notebooks. You numbered them as you used them. And then
5 you kept them in your own locker. And then, at the end,
6 when you retired or left for any reason, you had to hand
7 them all in.

8 **MS. SIMMS:** And if notes were kept on loose-
9 leaf, they would be kept with the investigative file; is
10 that right?

11 **MR. PAYMENT:** No.

12 **MS. SIMMS:** No?

13 **MR. PAYMENT:** Well, mine weren't. I don't
14 know what the overall department was. Mine were kept in my
15 locker and all put in a box with my notebooks when I
16 retired.

17 **MS. SIMMS:** Okay. So all your notes you
18 have -- would have been retained through you whole career?

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

20 **MS. SIMMS:** Okay. So, your notes start off
21 on -- it's at Bates page ending 217. They start off with a
22 meeting with Staff Sergeant Willis and Sergeant Lefebvre on
23 March 27th, 1985.

24 **MR. PAYMENT:** Yes.

25 **MS. SIMMS:** Was the investigation already

1 ongoing at this point?

2 MR. PAYMENT: Yes, it was.

3 MS. SIMMS: Had you heard of the
4 investigation prior to this meeting?

5 MR. PAYMENT: No.

6 MS. SIMMS: Okay. So from reading your
7 notes, it appears that Sergeant Lefebvre was the lead
8 investigator on this?

9 MR. PAYMENT: It started out that way, yes.

10 MS. SIMMS: And did you eventually take over
11 the investigation?

12 MR. PAYMENT: Yes.

13 MS. SIMMS: Okay. And for a while, you
14 worked together with Sergeant Lefebvre?

15 MR. PAYMENT: Yes, I did.

16 MS. SIMMS: Okay. I'm just going to ask you
17 a couple of questions. I'm not getting into details about
18 the investigation.

19 THE COMMISSIONER: Whoa, whoa, just a
20 minute, Mr. Carroll is ---

21 MR. CARROLL: If I could just have a word
22 with counsel for a moment.

23 (SHORT PAUSE/COURTE PAUSE)

24 MS. SIMMS: Can you take the document from
25 the public screen for a minute?

1 **THE COMMISSIONER:** Yes. Okay.

2 **MS. SIMMS:** There is just a concern raised
3 that the document refers to the school in question and
4 might identify the accused.

5 **THE COMMISSIONER:** Well, there is a
6 publication ban on a ban to publish it. I don't know that
7 it would -- if it's a 486(4), it's basically just a ban on
8 publication. So I don't know that that will pre-empt it
9 from -- but I appreciate the concern and I think we should
10 re-think -- re-visit things every once in a while.

11 Does anybody have any comments? If it's a
12 486(4), I think the idea is that we can't broadcast or
13 publish it in any way which means that we can't name the
14 people only because we've got the webcast on.

15 But the people in the public -- people at
16 the trial -- at the trial of the -- of this gentleman,
17 people were not excluded, so ---

18 **MS. SIMMS:** And I don't have knowledge of
19 what occurred at the trial of the individual, but if
20 there's no further objections from the other parties?

21 **THE COMMISSIONER:** I appreciate the concern
22 but -- and I think we won't mention any names because of
23 the webcast but I think we're free to put it up on the --
24 and frankly I think the people that are here have signed
25 undertakings, in any event, for the vast majority of them.

1 **MS. SIMMS:** And maybe just a reminder that -
2 --

3 **THE COMMISSIONER:** Mr. Lee?

4 **MR. LEE:** I just want to seek some
5 clarification because I'm going to cross-examine on this
6 eventually. My understanding is that the ban will relate
7 to the names ---

8 **THE COMMISSIONER:** Yes.

9 **MR. LEE:** --- and any very obvious
10 identifiers.

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

12 **MR. LEE:** Do you consider the school to be
13 such an identifier? If we could get some direction ---

14 **THE COMMISSIONER:** Well, obviously ---

15 **MR. LEE:** --- I mean, I don't know how far
16 we need to be limited here. We need to be able to ask this
17 gentleman a question in a meaningful way.

18 **MR. PAYMENT:** If I ---

19 **MR. LEE:** So I don't know how far we can go.

20 **MR. PAYMENT:** If I may? The school's name
21 was given to the press before the publication ban so it was
22 common knowledge in the city.

23 **MS. SIMMS:** I don't expect that it would be
24 necessary to name the school, in any event.

25 **THE COMMISSIONER:** If it does, we'll deal

1 with it then. But I think -- well, hang on a second.

2 (SHORT PAUSE/COURTE PAUSE)

3 THE COMMISSIONER: So -- I don't know.
4 There is a conversation going in the back. Do you wish to
5 make any further comments?

6 MR. CARROLL: The difficulty as I perceive
7 it, sir, is naming the school and the year and the role of
8 the individual is -- I don't know how you can do much more
9 to identify without using the name. In this community, I
10 would suspect that, in particular.

11 THE COMMISSIONER: Okay. Well ---

12 MR. CARROLL: I just bring it to your
13 attention there.

14 THE COMMISSIONER: No, no. I appreciate it.
15 No, no, no. no. So -- but you know, it's a public inquiry.

16 MR. CARROLL: Right.

17 THE COMMISSIONER: And I've got to deal with
18 balancing those interests.

19 MR. CARROLL: Yeah.

20 THE COMMISSIONER: So I think what we'll do
21 is we'll proceed in the public and knowing that the names
22 aren't to be mentioned and the school should be avoided.
23 And if we get to that point where we want to get to some
24 details, we may well go in camera. All right?

25 Thank you.

1 **MS. SIMMS:** Thank you, Mr. Commissioner.

2 So what was your -- do you recall anything
3 of your initial meeting regarding this case, in terms of
4 what you were assigned to do?

5 **MR. PAYMENT:** Basically, we were to speak to
6 the Vice at the school and get some more information and
7 apparently -- I was led to believe that she had names of
8 some possible victims.

9 **MS. SIMMS:** So you hadn't been previously
10 aware that this investigation was going on, is that
11 correct?

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

13 **MS. SIMMS:** Did it become a high profile
14 case as time went on?

15 **MR. PAYMENT:** As time went on, yes.

16 **MS. SIMMS:** Did you -- I just wanted to ask
17 you, I guess, some questions about your interactions with
18 the school during this investigation. So your initial
19 instruction was to speak to the Vice-Principal, did you
20 say?

21 **MR. PAYMENT:** Yes.

22 **MS. SIMMS:** And to conduct interviews of
23 some of the students and teachers, is that correct?

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

25 **MS. SIMMS:** And did you do that?

1 **MR. PAYMENT:** Yes, we met with her and I
2 believe there was some names given to us or a name and we
3 proceeded to interview the first victim. And then from
4 there, there was other names given to us and it just -- it
5 mushroomed.

6 **MS. SIMMS:** And also, I'm looking at your
7 notes again, where we were on Bates page 217, and the top -
8 - on the top of the second page of your notes ---

9 **MR. PAYMENT:** Yes.

10 **MS. SIMMS:** --- there is a mention of
11 meeting with Mr. George Cuerrier.

12 **THE COMMISSIONER:** Right on the top there,
13 sir.

14 **MR. PAYMENT:** Yes, I see it.

15 **MS. SIMMS:** And he's listed -- just on the
16 page before that, he's identified as a Superintendent of
17 Education.

18 **MR. PAYMENT:** Yes.

19 **MS. SIMMS:** Do you recall sitting down and
20 meeting with him?

21 **MR. PAYMENT:** I recall making the notes. I
22 don't recall the meeting.

23 **MS. SIMMS:** Okay. But in these contacts,
24 these initial contacts you had with the school, did you
25 encounter any difficulties in getting access to the school

1 or getting information from the school?

2 MR. PAYMENT: On this case specifically?

3 MS. SIMMS: On this case specifically.

4 MR. PAYMENT: No.

5 MS. SIMMS: Had you dealt with the schools
6 before in prior investigations?

7 MR. PAYMENT: When in uniformed patrol
8 before I moved into that Branch, oh, yes, we dealt with
9 schools all the time.

10 MS. SIMMS: Did you experience any
11 particular issues in dealing with schools, as a uniformed
12 officer?

13 MR. PAYMENT: They weren't favourable to us
14 being there without parents available, talking to the kids
15 without the parents or -- and some of them didn't even like
16 the fact that there was a cruiser out front and the
17 uniforms coming in.

18 MS. SIMMS: And did that -- the reaction
19 depend on which school, to some extent?

20 MR. PAYMENT: Yeah, it -- it was different
21 throughout the Board.

22 MS. SIMMS: Let's get back to this case.

23 You have a number of contacts in this case
24 with other members related to the school and I can take you
25 through them.

1 Is it fair to say that as you were
2 investigating, you were communicating with school officials
3 throughout the investigations?

4 **MR. PAYMENT:** Yes, off and on, yes.

5 **MS. SIMMS:** And they were providing you with
6 information, I take it?

7 **MR. PAYMENT:** Yes.

8 **MS. SIMMS:** And were you providing them with
9 information about the progress of your investigation?

10 **MR. PAYMENT:** I don't ---

11 **MS. SIMMS:** Well, let me just take you
12 through some -- some of the notes, and if you can look at
13 the Bates page number that ends 230.

14 **THE COMMISSIONER:** It's in the top left
15 corner, sir.

16 **MR. PAYMENT:** Yes.

17 **MS. SIMMS:** So there's a note on that page
18 from April 18th, 1985.

19 "Received a call from Mr. Métivier of
20 the School Board and advised him that
21 the investigation was winding down and
22 that we would be meeting with the Crown
23 attorney and advising him as a decision
24 is made."

25 Is that how ---

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

2 **MS. SIMMS:** That's how that note reads?

3 **MR. PAYMENT:** Yes.

4 **MS. SIMMS:** So you had a discussion with Mr.
5 Métivier that day about where your investigation was at?

6 **MR. PAYMENT:** Only that it was winding down;
7 we didn't give him any specifics.

8 **MS. SIMMS:** Okay. And do you recall having
9 previous conversations with Mr. Métivier? I mean he's
10 calling you.

11 **MR. PAYMENT:** Yeah, he called me quite
12 often, wanting to know what was happening, where were we?
13 Were charges going to be laid?

14 And most of the time, I just -- I couldn't
15 give him anything because it was still ongoing.

16 **MS. SIMMS:** Okay. If you could just flip to
17 the next page; it's 231. It's the end of the Bates page.

18 **MR. PAYMENT:** M'hm.

19 **MS. SIMMS:** This is marked April 22nd, 1985,
20 and there's a note about a meeting with the Crown attorney,
21 Alan Ain. Do you see that?

22 **MR. PAYMENT:** Yes.

23 **MS. SIMMS:** Okay. And it's regarding this
24 case and he advised you to -- I think it says:

25 "...to meet with Mr. Tom Swabey, Board

1 lawyer, and let him go over the case
2 involved."

3 **MR. PAYMENT:** Yes.

4 **MS. SIMMS:** So -- and there's a note further
5 down that you're at Mr. Swabey's office. Do you see that?

6 **MR. PAYMENT:** Yes.

7 **MS. SIMMS:** So do you have a recollection of
8 going to speak to the Board's lawyer to provide him with
9 some information about the case?

10 **MR. PAYMENT:** I recall going to his office
11 and I recall a brief discussion.

12 And I think basically what it involved was
13 just the number of possible victims we had and what was
14 going to happen or possibly happen next.

15 **MS. SIMMS:** Okay. There's a further note,
16 Bates page ending 237, and the date there is May 3rd and
17 there's a note of a meeting with Chief Shaver and Alan Ain
18 in Chief's office and also present was Inspector Burke.

19 Do you recall that meeting?

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

21 **MS. SIMMS:** Okay. Well, your note says, and
22 maybe it will refresh your memory and maybe it won't.

23 Your note says:

24 "It was discussed that different
25 information being belayed by Mr.

1 Métivier of the Board and Mr. Swabey,
2 lawyer for the Board."

3 Do you recollect anything about that?

4 **MR. PAYMENT:** No, I don't.

5 **MS. SIMMS:** Why would Chief Shaver have been
6 at a meeting about this investigation?

7 **MR. PAYMENT:** He wanted to be kept abreast
8 of this almost right from the start.

9 Sometimes he would come into -- into the CIB
10 office before we even started shift and we're just having
11 coffee and he would ask me how it was going.

12 I don't know if there was a personal
13 interest; he never indicated to me.

14 **MS. SIMMS:** So when you say "sometimes", was
15 that regularly, like weekly or...?

16 **MR. PAYMENT:** Well, sometimes two, three
17 times a week.

18 **MS. SIMMS:** Okay. So he was showing a
19 special interest in this particular case?

20 **MR. PAYMENT:** Based on what he did with
21 others, I would say yes.

22 **MS. SIMMS:** Did he, in those discussions,
23 give you any instructions or any suggestions about how to
24 conduct the investigation?

25 **MR. PAYMENT:** Basically, the only advice he

1 gave us was that this would have to be a marathon, that he
2 -- he didn't want us just doing an eight-hour shift. He
3 wanted us to get to the kids. He wanted us to do the
4 statements. He wanted us to complete all the interviews we
5 could and to do it as long as we could stay awake.

6 **MS. SIMMS:** So it was clear to you that this
7 was a high priority case?

8 **MR. PAYMENT:** Yes.

9 **MS. SIMMS:** Just another note about
10 interactions with the school; if you can look at Bates page
11 ending 240.

12 **MR. PAYMENT:** Yes.

13 **MS. SIMMS:** And right at the top of that
14 page, it states:

15 "At the request of Alan Ain,
16 authorization be obtained from parents
17 of victims of case. Authorization is
18 to release statements to School Board."

19 **MR. PAYMENT:** Yes.

20 **MS. SIMMS:** Yeah. Do you recall obtaining
21 authorization at Crown Ain's instruction?

22 **MR. PAYMENT:** Yes.

23 **MS. SIMMS:** And did you provide those
24 statements to the School Board or the School Board's
25 lawyer?

1 There's a note further down that page, Mr.
2 Payment, that says simply "Tom Swabey's office", if that's
3 of any assistance.

4 **MR. PAYMENT:** Well, judging by my notes, it
5 looks like that was an all-day thing. So I probably got
6 all the authorizations and then I did proceed to -- I don't
7 remember going to Mr. Swabey's office but, by my notes, I
8 would say that I probably did and delivered them then.

9 **MS. SIMMS:** Okay. And this is all prior to
10 any charges being laid; is that correct?

11 **MR. PAYMENT:** I believe so, yes.

12 **MS. SIMMS:** Did you have any knowledge of
13 what the purpose of releasing these statements was?

14 **MR. PAYMENT:** The only thing I had been told
15 was from Mr. Ain is that the School Board was looking at
16 their own disciplinary action.

17 **MS. SIMMS:** So this instruction, as you
18 understand it, came from discussions between Mr. Ain and
19 the School Board?

20 **MR. PAYMENT:** I would say yes.

21 **MS. SIMMS:** In terms of information you
22 received from the School Board, were you or was the Force
23 advised whether the principal was continuing in his role as
24 principal during the course of this investigation?

25 **MR. PAYMENT:** I believe he was -- he was

1 suspended once it became knowledge of what we were doing.

2 The Board never notified me of any further
3 action; actually, I received it from [REDACTED]

4 **THE COMMISSIONER:** Oh, just ---

5 **MR. PAYMENT:** Oh, sorry.

6 **THE COMMISSIONER:** It's okay. We'll change
7 the transcript.

8 Mr. Lee has a ---

9 **MR. LEE:** Sorry, sir, I had completely
10 forgotten about this and have now refreshed my memory on my
11 computer.

12 One of my colleagues, prior to preparing for
13 this, had tracked down an article written in the Ottawa
14 Citizen in 1988, stating that the Citizen had successfully
15 appealed the trial judge publication ban on the name of the
16 accused.

17 So I believe that is -- I read it for the
18 first time at about midnight last night and I believe that
19 is the latest document we have.

20 I don't know what you do with that. We
21 don't have court documents, but ---

22 **THE COMMISSIONER:** Well, ---

23 **MR. LEE:** And Mr. Manderville is quite right
24 that, at this point, we don't even have this document. I
25 have yet to produce it. It slipped my mind this morning

1 and I'll get it to the Commission tonight.

2 **THE COMMISSIONER:** Fine.

3 **MR. LEE:** But as far as I know, that's the
4 latest document we have, saying the appeal of the ban on
5 the suspect's name ---

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

7 **MR. LEE:** --- was successful.

8 And it specifically says, in the article,
9 that the ban on the alleged victims' names remained intact.

10 **THE COMMISSIONER:** And in the article, did
11 they name the accused?

12 **MR. LEE:** Yes.

13 **THE COMMISSIONER:** Well, dig it up and we'll
14 talk about it.

15 Thank you.

16 **MS. SIMMS:** We'll just proceed, not using
17 his name and we'll adjust this later.

18 **THE COMMISSIONER:** Well, yes, for now we'll
19 try that. That's fine. Thank you.

20 So could we go another 15 minutes and then
21 we'll call it a day or wherever a good spot for you to
22 stop?

23 **MS. SIMMS:** Sure.

24 **THE COMMISSIONER:** Thank you.

25 **MS. SIMMS:** Okay. So we were just

1 discussing the information that was flowing between the
2 police and the School Board during this investigation and
3 you were -- just so I can clarify what you were last
4 saying, Mr. Payment, you were aware that there were some
5 employment proceedings between the principal and the School
6 Board. Is that correct?

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

8 **MS. SIMMS:** Okay. Were you involved
9 directly as a witness or in those proceedings?

10 **MR. PAYMENT:** No.

11 **MS. SIMMS:** Okay. So were you advised of
12 all the steps of those proceedings or whether there was a
13 hearing?

14 **MR. PAYMENT:** I wasn't personally, no.

15 **MS. SIMMS:** Okay. So just in terms of what
16 you can tell us, based on your personal knowledge, you knew
17 the principal was not acting in his role as principal
18 during the course of the investigation?

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

20 **MS. SIMMS:** Okay. And do you know if he
21 ever resumed his role as principal?

22 **MR. PAYMENT:** I don't believe he did.

23 **MS. SIMMS:** Okay. But you can't say why he
24 did or didn't; you weren't privy to all the information
25 about the employment relationship?

1 **MR. PAYMENT:** Nothing from the Board.

2 Like I say, he spoke to me, himself, and I'm
3 not sure when it was but I remember him telling me that he
4 had been just dismissed by the Board.

5 **MS. SIMMS:** Well, I can maybe help you with
6 that, if you want to look at Bates page 242.

7 **MR. PAYMENT:** Yes.

8 **MS. SIMMS:** And this is your notes from
9 June 26th and that's, I take it, the day you arrested the
10 principal?

11 **MR. PAYMENT:** I believe it was.

12 **MS. SIMMS:** Yeah. So if you look halfway
13 down that page, you say that -- you have a note that he
14 advised that he's just been fired by the Board and was
15 meeting with the Association tomorrow.

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

17 **MS. SIMMS:** Is that what you're thinking of
18 in terms of ---

19 **MR. PAYMENT:** That is -- that is when I
20 first found out what was happening at their end.

21 **MS. SIMMS:** So following your investigation
22 and when you laid the charges, did you have continuing
23 contact with the School Board or school officials?

24 **MR. PAYMENT:** No.

25 **MS. SIMMS:** Okay. And I'm going to ask you

1 a question about another contact that's in your notes and
2 it's at the BP ending 225.

3 **THE COMMISSIONER:** Two two ---

4 **MS. SIMMS:** So it's going back in time a
5 little bit.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MS. SIMMS:** Do you have that page, Mr.
8 Payment, ---

9 **MR. PAYMENT:** Yes.

10 **MS. SIMMS:** --- 225?

11 These are a little difficult to read, but
12 I'm referring to the second column.

13 **THE COMMISSIONER:** And that's where, if you
14 look at the screen when we blow it up, it might be a little
15 -- well, this is your handwriting.

16 **MR. PAYMENT:** I know.

17 **THE COMMISSIONER:** So you should know it by
18 heart.

19 **MR. PAYMENT:** I'll blame the photocopier.

20 **THE COMMISSIONER:** Yeah, okay.

21 But for me, I prefer, Madam Clerk, if you
22 can blow it up. It's the second column; what part of the
23 second column?

24 **MS. SIMMS:** There's a heading that says
25 "Friday, March 29th", right near the top?

1 **THE COMMISSIONER:** Okay.

2 **MS. SIMMS:** And just continuing after that.

3 **THE COMMISSIONER:** Here we go.

4 **MS. SIMMS:** That is much better on the
5 screen.

6 So, Mr. Payment, this note says:

7 "Spoke to Mr. Bill Carriere who
8 requested information on our
9 investigation..."

10 I won't say where.

11 "... and advised him that nothing more
12 would be relayed or could be relayed to
13 him without consultation with the
14 Chief."

15 So is this a phone call that you had with
16 Bill Carriere?

17 **MR. PAYMENT:** I believe it was by phone.

18 **MS. SIMMS:** It was a conversation you had
19 with Bill Carriere?

20 **MR. PAYMENT:** Yes.

21 **MS. SIMMS:** Did you know Bill Carriere to be
22 from the Children's Aid Society?

23 **MR. PAYMENT:** Yes, I did.

24 **MS. SIMMS:** Had you dealt with him
25 personally prior to this?

1 **MR. PAYMENT:** Yes.

2 **MS. SIMMS:** On investigations?

3 **MR. PAYMENT:** I believe this might have been
4 my first contact with him on any type of investigation like
5 this and in his capacity at CAS.

6 **MS. SIMMS:** You knew him personally,
7 previously?

8 **MR. PAYMENT:** Since high school.

9 **MS. SIMMS:** Okay. So in your note,
10 obviously -- well, he was requesting information on behalf
11 of the Children's Aid Society; is that right?

12 **MR. PAYMENT:** I believe so, yes.

13 **MS. SIMMS:** Okay. And did you have an
14 understanding of what the policy was about providing
15 information to the Children's Aid Society, at that time?

16 **MR. PAYMENT:** I don't know if there was a
17 set policy at that time.

18 Eventually there came a protocol that was
19 set up by the agencies, but I believe that was after this.

20 **MS. SIMMS:** But at the time, you hadn't had
21 previous experience as an investigator in dealing with the
22 Children's Aid Society?

23 **MR. PAYMENT:** No, I hadn't.

24 **MS. SIMMS:** Okay. So can I ask you why, in
25 your note, it appears that you advised him that you need to

1 consult with Chief Shaver on the matter?

2 **MR. PAYMENT:** Because I wasn't sure what I
3 could release and what I couldn't release and because of
4 the Chief's involvement from the start, I figured if I'm
5 going to ask for advice on what to do in this matter, I
6 might as well go to the top.

7 **MS. SIMMS:** It just seemed a little
8 surprising that you wouldn't be speaking to a -- maybe a
9 more experienced Youth Bureau investigator or your
10 supervisor? Did you speak to anyone in those roles?

11 **MR. PAYMENT:** Well, the supervisor that I
12 had, we would -- we would talk about this on a regular
13 basis.

14 **MS. SIMMS:** But you advised Bill Carriere,
15 right away, that you would be talking to the Chief about --
16 about this particular case?

17 **MR. PAYMENT:** Yes, simply because I -- I
18 wasn't sure what I could and couldn't release.

19 **MS. SIMMS:** But that's a question you could
20 have asked a supervisor as well?

21 **MR. PAYMENT:** If he was there.

22 **MS. SIMMS:** So Chief Shaver was involved
23 enough in this investigation that you felt you could go
24 directly to him?

25 **MR. PAYMENT:** Because of the updates, I

1 figured he knew everything that was going on and he could
2 answer the question. He indicated that he would contact
3 Mr. Carriere.

4 **MS. SIMMS:** And I see that, if you can just
5 continue with your note.

6 The next note is:

7 "Chief Shaver was advised and he
8 contacted Mr. Carriere..."

9 **MR. PAYMENT:** Yes.

10 **MS. SIMMS:** And it continues:

11 "...advising him that the investigation
12 was ongoing and nothing to be released
13 at this time."

14 **THE COMMISSIONER:** So how do you know that
15 Chief Shaver did that and said that? Were you there when
16 he phoned?

17 **MR. PAYMENT:** Not when he phoned, but the
18 Chief came back to me and said that this is what he had
19 instructed him.

20 **THE COMMISSIONER:** So just to go back for a
21 minute, Chief Shaver's involvement in this, what was your
22 view of his involvement, in the sense was he encouraging
23 you to do a complete investigation and go full-bore or was
24 -- what was your impression of ---

25 **MR. PAYMENT:** Well, he was encouraging me to

1 do a full investigation, but I must admit that after 15
2 years and a suspicious mind, I was wondering why he was
3 taking such an involvement.

4 **THE COMMISSIONER:** M'hm. Okay. Thank you.

5 **MS. SIMMS:** Just with respect to this issue
6 of releasing the information to the CAS, did you have any
7 discussions with Chief Shaver when you advised him of the
8 call? Did the two of you discuss though ---

9 **MR. PAYMENT:** No, but ---

10 **MS. SIMMS:** --- if you should or shouldn't
11 release information?

12 **MR. PAYMENT:** No, but I recall having a
13 conversation with my Staff Sergeant later, saying that I
14 didn't think that that was probably correct, because there
15 was young children involved and that something should be
16 done to maybe get some form of release in communication
17 between the different agencies together.

18 **MS. SIMMS:** So when you say "later", do you
19 mean after this investigation was over or later that same
20 day or...?

21 **MR. PAYMENT:** I believe that -- no, I
22 believe that the talk and the idea of the protocol didn't
23 come up for maybe a year or two after this investigation
24 and it was set up through my immediate supervisor in the
25 Youth Bureau.

1 It was Sergeant Trottier who started making
2 contact and I believe he and Bill Carriere and a few other
3 people got together and started setting up some kind of
4 protocol.

5 **MS. SIMMS:** I am going to come back to that.
6 I'm just going to ask you to look at one
7 more note and it's related to this issue.

8 So if you can go to Bates page 226.

9 **MR. PAYMENT:** Okay.

10 **MS. SIMMS:** And again, on the second column,
11 and this time near the end; it's -- the time entry is 1315.

12 There's a note there about a "meeting with
13 Bill Carriere, at the Children's Aid Society, re working
14 together on child abuse cases".

15 Do you see that?

16 **MR. PAYMENT:** yes.

17 **MS. SIMMS:** Was that meeting a spinoff of
18 the call he had made to you a few days previously?

19 **MR. PAYMENT:** I recall the meeting.

20 I don't really recall who set it up or we
21 talked about it, but whenever I had that indecision and
22 ended up contacting the Chief, the response I got, I guess
23 I wasn't in favour of it and I thought maybe there's
24 something else that could be done.

25 **MS. SIMMS:** M'hm.

1 **MR. PAYMENT:** And I don't know -- I don't
2 know if Mr. Carriere was there for another matter and we
3 just decided to talk about it or if he came in to
4 specifically talk about it.

5 **MS. SIMMS:** Okay. Because at this point,
6 you're not in the Youth Bureau, right? You're in ---

7 **MR. PAYMENT:** No, I'm not.

8 **MS. SIMMS:** So to sit down and have a
9 meeting with Bill Carriere regarding working together on
10 child abuse cases, does it make sense to you that it came
11 from ---

12 **MR. PAYMENT:** Yeah, ---

13 **MS. SIMMS:** --- from this?

14 **MR. PAYMENT:** --- and I -- I don't recall it
15 very well but I could see myself wanting to know more from
16 his point of view with regards to dealing with -- with
17 young victims and -- and I was a little upset with the
18 sharing of information. I felt that it should have been
19 changed.

20 **THE COMMISSIONER:** Or the lack thereof.

21 **MR. PAYMENT:** The lack thereof, sorry.

22 **MS. SIMMS:** Was that something you discussed
23 with the Chief later or with the supervisor later? Or,
24 sorry ---

25 **MR. PAYMENT:** I did with my supervisor.

1 **MS. SIMMS:** You mentioned your supervisor.

2 **MR. PAYMENT:** Yeah.

3 **MS. SIMMS:** Was it something you discussed
4 with the Chief later?

5 **MR. PAYMENT:** No.

6 **MS. SIMMS:** So just previous to this, you
7 started talking about the setting up of joint protocols and
8 interactions with the CAS.

9 In your view -- just let me see if I have
10 what you're saying right -- in your view, was that process
11 sparked somewhat by this case and your concerns and your
12 discussions with Bill Carriere?

13 **MR. PAYMENT:** It was a spark, but whenever I
14 started discussing it with my Staff Sergeant, it was an
15 issue that he agreed with. And then whenever I got
16 transferred to the Youth Bureau, it became a discussion
17 between my partner and I and that's where they got the ball
18 rolling.

19 **MS. SIMMS:** And the ball rolling meant
20 working on setting up ---

21 **MR. PAYMENT:** Setting up the protocol.

22 **MS. SIMMS:** --- a protocol.

23 **MR. PAYMENT:** Yes.

24 **MS. SIMMS:** Was there -- were there other
25 aspects too where -- now, you weren't doing this directly,

1 but was your partner working on setting up joint training
2 or other initiatives with the CAS?

3 **MR. PAYMENT:** Well, I don't know if my
4 partner had anything to do with it and I don't know if it
5 was CAS, but I can remember where we would have group day
6 sessions and there would be guest speakers and we would
7 even do some role playing where the policeman played the
8 policeman and somebody else played the victim and just do
9 some basic role playing to kind of do a critique on it
10 after as to how we approached the child, how we interviewed
11 the child and stuff like that.

12 **MS. SIMMS:** So back in '85, when you said --
13 you just said you had some concerns about the lack of
14 information sharing, what was your impression of the level
15 of cooperation, generally, between the police service and
16 the Children's Aid Society?

17 **MR. PAYMENT:** Are you talking between the
18 individuals or between the agencies? Like I could sit down
19 and I could talk to Mr. Carriere with no trouble at all ---

20 **MS. SIMMS:** M'hm.

21 **MR. PAYMENT:** --- because I've -- I had
22 known him for 20 years at that time, but to me, I felt that
23 there was -- there was a lack of communication between the
24 police service and CAS itself.

25 **MS. SIMMS:** Okay. And did you notice --

1 well, I'll leave it at that.

2 So following this one call relating to this
3 case and the meeting, did you have any further interactions
4 with Bill Carriere or other Children's Aid Society workers
5 with respect to this investigation?

6 **MR. PAYMENT:** I can't recall. I can't
7 believe that I didn't because it was -- it was such high
8 profile at one point. I believe there was -- there was
9 others involved, but I -- I can't remember their names. I
10 can't remember who it was.

11 **MS. SIMMS:** Well, Mr. Payment, if the Chief
12 has told Mr. Carriere that no information is going to be
13 released while the investigation is ongoing, are you saying
14 you did speak to individuals about it following that
15 occurrence?

16 **MR. PAYMENT:** It would have been sometime
17 well after.

18 **MS. SIMMS:** Okay.

19 **MR. PAYMENT:** Like it wasn't during the
20 investigation.

21 **MS. SIMMS:** Okay.

22 **MR. PAYMENT:** It would have been after
23 charges and ---

24 **MS. SIMMS:** So while the investigation is
25 ongoing, you didn't have any further communications with

1 the Children's Aid Society.

2 **MR. PAYMENT:** No, I don't believe so.

3 **MS. SIMMS:** Okay. There is some indication
4 that your partner on this case, Ron Lefebvre, may have
5 contacted the Children's Aid Society after the
6 investigation was over.

7 **MR. PAYMENT:** He may have.

8 **MS. SIMMS:** Do you know anything about that?

9 **MR. PAYMENT:** No.

10 **MS. SIMMS:** Okay.

11 **THE COMMISSIONER:** It might be a good time
12 to stop?

13 **MS. SIMMS:** Yes.

14 **THE COMMISSIONER:** Thank you. Sir, if you
15 could come back tomorrow morning at 9:30?

16 **MR. PAYMENT:** Yeah.

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

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

20 This hearing is adjourned until tomorrow
21 morning at 9:30 a.m.

22 --- Upon adjourning at 4:45 p.m. /

23 L'audience est ajournée à 16h45

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM