

**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 237**

**Held at :**

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

Wednesday, June 4 2008

**Tenue à:**

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

Mercredi, le 4 juin 2008

**Appearances/Comparutions**

Ms. Julie Gauthier	Registrar
Ms. Karen Jones	Commission Counsel
Mr. George MacPherson	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Insp. Brendon Wells	Insp. Brendon Wells

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning, Inspector Wells.

11 **MR. WELLS:** Good morning. How are you?

12 **THE COMMISSIONER:** Good. Yourself?

13 **MR. WELLS:** Good, thanks.

14 **THE COMMISSIONER:** Good morning, Ms. Jones.

15 **MS. JONES:** Good morning, Mr. Commissioner.

16 **INSP. BRENDON WELLS, Resumed/Sous le même serment:**

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**  
18 **JONES (cont'd/suite):**

19 **MS. JONES:** When we left yesterday,  
20 Inspector Wells, we were talking about the Antoine  
21 investigation, and I want to refer to the document we were  
22 at before we left at the end of the day, which is Exhibit  
23 1286, please.

24 **THE COMMISSIONER:** Twelve-eighty-six (1286).

25 All right. Okay.

1                   So we're looking at the report from Staff  
2                   Sergeant Derochie of April 1995.

3                   **MS. JONES:** Thank you.

4                   If you could please turn to Bates page 5653,  
5                   which is typewritten as page 14, just to give you some  
6                   reference? As you may recall, this is where we left off  
7                   yesterday, I believe. Is that correct? Do you recall  
8                   that?

9                   **MR. WELLS:** Yes.

10                  **MS. JONES:** Yes? Okay.

11                  Now, one of the questions that was arising  
12                  as a result of looking through this report is or has to do  
13                  with, for instance, file storage and where things are  
14                  actually kept. When an officer is investigating a file and  
15                  a file is opened, as you described earlier, an occurrence  
16                  number is attributed an individual file, where physically  
17                  is the file kept?

18                  **MR. WELLS:** I believe the file was kept in  
19                  the officer's storage cabinet in a cardboard container, for  
20                  lack of a better description. The various files would be  
21                  placed in that particular cabinet.

22                  **MS. JONES:** Are these metal typical ---

23                  **MR. WELLS:** Cabinets?

24                  **MS. JONES:** --- cabinets, filing cabinets?

25                  **MR. WELLS:** Yes.

1                   **MS. JONES:** And are they organized in a  
2 fashion so anyone can go to that filing cabinet and  
3 retrieve whatever file they want with that particular  
4 officer?

5                   **MR. WELLS:** If you couldn't have access to  
6 it, you certainly would approach the officer and he would  
7 unlock it, but they were filing cabinets that were kept  
8 pretty private, but through the day they'd be open.

9                   **MS. JONES:** But let's pretend the officer  
10 wasn't available, if you wanted to just have access to the  
11 file, were you able to do that relatively easily?

12                   **MR. WELLS:** Yes, yes.

13                   **MS. JONES:** Okay. So there was a filing  
14 system in place? First, was it done alphabetically? Was  
15 it done by date? Was it done by occurrence number?

16                   **MR. WELLS:** I believe it was done by  
17 occurrence number.

18                   **MS. JONES:** Okay. And what would happen if  
19 a file belonged to an officer who either went off ill for  
20 some period of time or had an accident or even just moved  
21 departments? What would happen to the physical file,  
22 because presumably it would stay in the same department?

23                   **MR. WELLS:** Yes, it would.

24                   **MS. JONES:** So what would happen to that  
25 physical file of that police officer?

1                   **MR. WELLS:** If it was an active file, then  
2                   it would be given to another investigator to continue on  
3                   with.

4                   **MS. JONES:** And the physical file would be  
5                   given to that officer?

6                   **MR. WELLS:** Yes.

7                   **MS. JONES:** And what about files that were  
8                   called in abeyance; what would happen to those?

9                   **MR. WELLS:** Those files would basically be  
10                  stored for later, so that a person could check on it later  
11                  if something came in, if information came in or if other  
12                  facts were uncovered.

13                  **MS. JONES:** So when you say stored, what do  
14                  you mean by that? Just describe that, please.

15                  **MR. WELLS:** Basically placed in the  
16                  cardboard container that I was talking to you about, and it  
17                  would be left in the file, and if other facts came in  
18                  pertinent to that investigation, then people would have  
19                  access or the person who would have access to it would pull  
20                  out the file and then they would have the file in front of  
21                  them.

22                  **MS. JONES:** So they would be taken out of  
23                  the traditional files ---

24                  **MR. WELLS:** The folder that they were stored  
25                  in.

1                   **MS. JONES:** Sorry, if I could just finish --  
2                   -

3                   **MR. WELLS:** I'm sorry.

4                   **MS. JONES:** Would they be taken out of the  
5                   filing system that was being used by that officer for  
6                   active files and put in a different sort of a storage  
7                   container?

8                   **MR. WELLS:** If an investigation was held in  
9                   abeyance or placed in abeyance, the officer responsible for  
10                  that file would keep the file, maintain the file.

11                  Now, you're asking if that person was  
12                  transferred out of that unit and another person was brought  
13                  in and if information came in concerning that particular  
14                  incident or occurrence, then that person would -- the new  
15                  member would be able to go to that file and extract that  
16                  particular file or the file folder or the box containing  
17                  those various occurrences, and he would extract that  
18                  particular file for the purpose of working on the file.

19                  **MS. JONES:** And if an officer -- say he  
20                  wasn't transferred, say he just suddenly was injured on  
21                  duty and was supposed to report for work the next day but  
22                  didn't and was off for three months because they got an  
23                  injury of some sort, so it was a sudden sort of an event --  
24                  -

25                  **MR. WELLS:** Yes.

1                   **MS. JONES:** --- files in abeyance under that  
2 police officer's name then, what would happen to those  
3 files while he was gone?

4                   **MR. WELLS:** If there was a high-profile  
5 occurrence, it would basically be handed over to another  
6 investigator.

7                   **MS. JONES:** Who would do that handing over?

8                   **MR. WELLS:** The supervisors.

9                   **MS. JONES:** Okay. So I'm specifically  
10 referring to CIB in the years that you're a supervisor  
11 there and I'm specifically referring to historical sexual  
12 assaults.

13                   **MR. WELLS:** M'hm.

14                   **MS. JONES:** So if we had an officer then  
15 that went off on sick leave rather suddenly ---

16                   **MR. WELLS:** Yes.

17                   **MS. JONES:** --- and was gone for some period  
18 of time, then you'll agree that part of your role as a  
19 supervisor would be to make sure his files are being looked  
20 after by someone?

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

22                   **MS. JONES:** And so presumably there would  
23 have been a list of active files and files in abeyance?

24                   **MR. WELLS:** Now, are we talking, Ms. Jones,  
25 to clarify, the pre-OMPPAC or post-OMPPAC or ---

1                   **MS. JONES:** Let's talk about pre-OMPPAC.

2                   **MR. WELLS:** And your question again is; I'm  
3                   sorry?

4                   **MS. JONES:** If that officer left suddenly  
5                   and you, as supervisor, now had to see what was happening,  
6                   am I correct in assuming that you would go to that police  
7                   officer's active files and files in abeyance, see what's  
8                   happening on them ---

9                   **MR. WELLS:** Yes.

10                  **MS. JONES:** --- if something needed to be  
11                  done; these need to be assigned, et cetera?

12                  **MR. WELLS:** M'hm. That's correct.

13                  **MS. JONES:** Is that what you would do?

14                  **MR. WELLS:** Yes.

15                  **MS. JONES:** And files that were held in  
16                  abeyance ---

17                  **MR. WELLS:** M'hm.

18                  **MS. JONES:** --- that were not active at the  
19                  time, if they were not being actively investigated at that  
20                  moment, you said that they were stored in a different  
21                  place?

22                  **MR. WELLS:** They were stored within the same  
23                  cabinet, and at that time our practice was if they were in  
24                  abeyance, they were placed in abeyance and until something  
25                  came in to be added or dealt with with that perspective

1 file, that's where they would be left.

2 **MS. JONES:** And I presume too that when an  
3 officer is away from his desk, as I say, on sick leave or  
4 something like that for an extended period of time, you  
5 certainly would not be authorizing that his abeyance files  
6 be destroyed in any way?

7 **MR. WELLS:** No.

8 **MS. JONES:** Okay. So they would remain  
9 intact, the way the officer left them, in other words, and  
10 just be put in another storage facility or area, and there  
11 would be some sort of a log kept as to where this file was?

12 **MR. WELLS:** Yes. I would say generally,  
13 yes.

14 **THE COMMISSIONER:** I'm sorry; you would say  
15 generally?

16 **MR. WELLS:** Yes. My answer would be yes.

17 **MS. JONES:** So if we look at these two  
18 particular investigations that we've looked at in some  
19 detail, the Lalonde investigation and the Antoine  
20 investigation, in both of those investigations we did have  
21 a situation where they were both placed in abeyance, and at  
22 some point Officer Malloy went on sick leave and eventually  
23 he left that department completely. So we did have two  
24 files held in abeyance that were still in that status when  
25 he actually left either on sick leave or just was

1 transferred out of CIB.

2 At that particular point, was it not the  
3 responsibility of the supervisor, i.e. yourself, to see  
4 what was happening with Officer Malloy's files when he was  
5 now gone on sick leave or now transferred out of CIB?

6 **MR. WELLS:** Yes.

7 **MS. JONES:** Okay. But you did not look at  
8 these two particular files then when Officer Malloy left  
9 the office?

10 **MR. WELLS:** As stated yesterday, Ms. Jones,  
11 I don't recall those incidents. I had very limited  
12 involvement with the Jeannette Antoine case and simply  
13 don't recall the other occurrence that you've been  
14 mentioning. So I can't speak to ---

15 **MS. JONES:** That's actually not my question  
16 though. I understand that you don't recall that but my  
17 question is, that would have been your responsibility, as  
18 Officer Malloy's supervisor, to look at those two  
19 particular files that were now in abeyance when he left  
20 that department or went off on some extended sick leave?

21 **MR. WELLS:** If the files were in abeyance  
22 and in a state of closure, whether the officer had gone to  
23 see the Crown, made a decision or decisions that there was  
24 no further follow-up required at this time for lack of  
25 evidence or that he'd been instructed, for whatever reason,

1           that we couldn't -- there was no chance of a successful  
2           prosecution, whatever, I wouldn't be going over that  
3           particular file.

4                       **THE COMMISSIONER:** But that file would be  
5           noted as closed?

6                       **MR. WELLS:** It would be in abeyance, Mr.  
7           Commissioner.

8                       **THE COMMISSIONER:** In abeyance why?

9                       **MR. WELLS:** It would be in abeyance, Mr.  
10          Commissioner, because we never knew if all of a sudden  
11          something came up that would lend further evidence that  
12          would enhance the chance of a successful prosecution. So  
13          it wouldn't be closed but it would be in abeyance, in a  
14          state of rest, for lack of a better word I guess.

15                      **MS. JONES:** So, again, though, as your role  
16          as supervisor, at least you would still be able -- it would  
17          be part of your job to be aware of what files were in  
18          abeyance, which ones were still active with Officer Malloy  
19          if he went on extended sick leave or had left the  
20          department?

21                      **MR. WELLS:** Yes. Yes.

22                      **MS. JONES:** Thank you.

23                      I have a note here that as of 2000 you were  
24          a member of the Knights of Columbus at the St. Columban's  
25          Parish. Is that correct?

1                   **MR. WELLS:** In around that time, yes. I  
2                   don't recall the year that I joined.

3                   **MS. JONES:** Did you by any chance know  
4                   Officer Malloy from your affiliation with the Knights of  
5                   Columbus?

6                   **MR. WELLS:** I don't know when Constable  
7                   Malloy became a member. I believe my council was number  
8                   755, I believe. Constable Malloy was a member of St.  
9                   Columban's Council -- or was it St. Columban's or St.  
10                  Francis? I'm not sure what council he was a member of so I  
11                  don't really -- I can't really speak to that. I don't know  
12                  who was a member.

13                  **MR. CALLAGHAN:** Is this really relevant as  
14                  to the Knights of Columbus? Maybe I'm missing something.

15                  **THE COMMISSIONER:** Well, I think, for  
16                  linkage purposes, yes.

17                  **MR. CALLAGHAN:** All right. Thank you. I'm  
18                  just a little confused as to why we're into this.

19                  **MS. JONES:** So is the answer, yes, you knew  
20                  Mr. Malloy ---

21                  **MR. WELLS:** I knew Mr. Malloy.

22                  **MS. JONES:** --- as well from Knights of  
23                  Columbus?

24                  **MR. WELLS:** No, my answer is I know  
25                  Constable Malloy but I didn't recognize him as an active

1 member of the Knights of Columbus.

2 MS. JONES: Did you know Malcolm MacDonald  
3 from the Knights of Columbus?

4 MR. WELLS: I had recognized Malcolm  
5 MacDonald as a high officiating member of the Knights of  
6 Columbus, yes.

7 MS. JONES: Did you know him from that  
8 affiliation? Did you personally know him?

9 MR. WELLS: No.

10 MS. JONES: No?

11 Okay, we're going to be moving now to an  
12 investigation involving Keith Ouellette. And, again, just  
13 to try to save time here I'll summarize, but essentially  
14 you received a letter from him sometime in May, 1994 or  
15 June, 1994. It's actually undated unfortunately. But  
16 there was a complaint made by Mr. Ouellette about the  
17 Cornwall Police and hospital staff, and there's a whole  
18 bunch of things that he complained about in this and this  
19 matter was actually investigated by Professional Standards.  
20 Are you aware of that?

21 MR. WELLS: No, ma'am.

22 MS. JONES: When you received the letter --  
23 I guess I'll refer you to the document then. It's Document  
24 736873.

25 THE REGISTRAR: That would be Exhibit 597.

1                   **MS. JONES:** Sorry, Exhibit 597. That's  
2                   correct.

3                   **THE COMMISSIONER:** Another three-ring  
4                   binder. Just put that one aside, we might go back to it.  
5                   Okay?

6                   **MR. WELLS:** Okay.

7                   **THE COMMISSIONER:** Five -- sorry, Ms. Jones?

8                   **MS. JONES:** Exhibit 597.

9                   **THE COMMISSIONER:** Wrong book, Madam Clerk.  
10                  Five-nine-seven (597) you said?

11                  **MS. JONES:** That's correct.

12                  **THE COMMISSIONER:** Wrong book.

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

14                  **THE COMMISSIONER:** Okay.

15                  **MS. JONES:** This is the last kind of  
16                  investigation type of question I'm going to ask you that's  
17                  why I'm asking you about it now. It's a little bit out of  
18                  order with regards to timing, but do you recall receiving  
19                  this letter, Inspector Wells?

20                  **MR. WELLS:** Yes.

21                  **MS. JONES:** And at that particular time what  
22                  would your position have been with Cornwall Police?

23                  **MR. WELLS:** I was in Professional Standards.

24                  **MS. JONES:** So I understand that there was  
25                  an investigation done by yourself on this in any event?

1                   **MR. WELLS:** No, ma'am.

2                   **MS. JONES:** It wasn't? Did you assign that  
3 investigation to someone else?

4                   **MR. WELLS:** No, ma'am.

5                   **MS. JONES:** Did you -- were you asked in any  
6 way to look at the situation that Mr. Ouellette was  
7 bringing up?

8                   **MR. WELLS:** No, ma'am.

9                   **MS. JONES:** No? So what was done with this  
10 letter then and the contents of it, as far as you were  
11 concerned?

12                   **MR. WELLS:** I received it -- and I don't  
13 recall if it was through the mail or personally delivered  
14 by Mr. Ouellette. I recall Mr. Ouellette attending my  
15 office. We discussed the contents of it and, as usual,  
16 anyone coming into the office I would ask them if -- or  
17 advise them if they were not -- if they were concerned  
18 about the actions of any one of my officers or any member  
19 of the Service or the policies of that Service, that they  
20 had a right to complain and it surely would be  
21 investigated.

22                   Mr. Ouellette at that time, to the best of  
23 my recollection, had stated that he didn't want any  
24 investigation done at this time that, "I just want to  
25 inform you of what took place". And that's how it was

1 handled.

2 MS. JONES: Okay.

3 MR. WELLS: He was -- I'm sorry.

4 MS. JONES: Did you take any notes of this  
5 conversation?

6 MR. WELLS: Through my tenure in  
7 Professional Standards, I would have taken notes with  
8 respect to investigations. To recall if I took notes in  
9 this particular instance because we were dealing with  
10 written correspondence from Mr. Ouellette, I can't recall  
11 if I took notes or not.

12 MS. JONES: So it was not typical of you to  
13 take notes meeting a member of the public that's making a  
14 complaint -- a possible complaint?

15 MR. WELLS: Not all of the time, no.

16 MS. JONES: Okay. Thank you for that.

17 Now, just to get you back then in time to  
18 where we had left off earlier, in 1988 you went to CIB and  
19 remained in CIB as a staff sergeant until 1992?

20 MR. WELLS: The first part of '92, yes.

21 MS. JONES: Okay. Now, in March, 1990 you  
22 and various other staff sergeants wrote a particular  
23 report, and that's Exhibit 1347.

24 THE COMMISSIONER: All right. So the 1347  
25 is the staff sergeant senior officers report.

1                   **MS. JONES:** Now, essentially this is a  
2 report that was compiled from the various staff sergeants,  
3 of which you were one of them. Is that correct, sir?

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

5                   **MS. JONES:** Have you reviewed this document  
6 lately or did you want a moment just to review it?

7                   **MR. WELLS:** May I have a moment?

8                   **MS. JONES:** Sure.

9                   **MR. WELLS:** Thank you.

10                   **(SHORT PAUSE/COURTE PAUSE)**

11                   **MR. WELLS:** All right, thank you.

12                   **MS. JONES:** Okay. We're going to be  
13 referring specifically to Bates page 7180587 and on that  
14 particular situation, just to summarize what it says at the  
15 beginning, apparently, it would appear that you, staff  
16 sergeants, met on March 12<sup>th</sup>, 1990 to discuss the situation  
17 as it existed within the Force, to identify concerns and  
18 you, as a group, collectively determined that the Force was  
19 being mismanaged and that Chief Shaver was responsible for  
20 this.

21                   There was a second meeting on March 21<sup>st</sup> and  
22 the group of you arrived at the following consensus of  
23 opinions and these opinions are listed there and I'll just  
24 read them out for the record.

25                   `                   "The Chief's actions have resulted in

1 the Office of the Chief of Police  
2 losing all credibility with the men and  
3 women of the Force, the Police  
4 Commission and the community. The  
5 Chief's decision-making is impulsive  
6 and made without consultation. The  
7 Chief does not respect the opinion or  
8 counsel of any level of his management  
9 team. The Chief has an alarming lack  
10 of knowledge concerning the day-to-day  
11 operation of the Force. The Chief  
12 seeks every opportunity to be absent,  
13 particularly during critical times.  
14 The staff sergeants can no longer  
15 function as effective managers because  
16 of the irresponsible decisions and  
17 actions of the Chief. Their authority  
18 and credibility are continuously being  
19 undermined."

20 And you conclude that the staff sergeants,  
21 with since regret, recommend that the Chief tender his  
22 resignation.

23 **MR. CALLAGHAN:** Read the whole thing. It  
24 says, "Or have", there's the "or" part there:

25 "...or failing this, that the Cornwall



1 opinion, Chief Shaver made decisions impulsively. For  
2 example, putting out bush fires from here to there, one day  
3 it would be one item of importance, another one would arise  
4 and the next one would be more important or as important  
5 and that would be looked after.

6 I recall, that in my opinion, as one person  
7 that signed this report, that Chief Shaver paid more lip  
8 service to the Association of the day, gave them a little  
9 bit more credibility than he did his upper management  
10 level.

11 We may identify an area which would require  
12 attention to allow, in our opinion, the Service to run in a  
13 more efficient or effective manner and if, for example,  
14 that same item, i.e., if I can recall, I believe at that  
15 time the records department, we felt that a relocation of  
16 the staff within that department would best suit the  
17 members of the community coming into the station; would  
18 make things a little bit more efficient.

19 We felt that the staff or the Service and  
20 the community would be best served by possibly changing  
21 their shift, the hours of service, so that we could  
22 accommodate the needs of the public in a more efficient  
23 manner.

24 And if I recall correctly, those members  
25 would have -- went to their Association because they felt,

1 for whatever reason, this wasn't appropriate. And after  
2 all of the planning, which I believe Chief Shaver had  
3 sanctioned, he elected to go with the Association's opinion  
4 and nothing ever became of it.

5 It was those types of things consistently  
6 taking place.

7 I apologize for not being able to give you  
8 more specifics but like I said, it was an area of concern  
9 identified by myself and other members of the team and we  
10 felt by addressing it in this way that it would receive the  
11 much needed attention so that we could resolve the issue.

12 **MS. JONES:** How long have you been a police  
13 officer, Inspector Trew -- Inspector Wells, sorry.

14 **MR. WELLS:** Thirty-nine (39) years.

15 **MS. JONES:** Had you ever compiled such a  
16 document as this one in your many years of service to the  
17 police?

18 **MR. WELLS:** No, ma'am, and it wasn't with  
19 pleasure we had to do it this time either.

20 **MS. JONES:** So considering that it's rather  
21 exceptional circumstances, would it be fair to say that  
22 when this was all happening, it had happened some time  
23 prior to April, 1990, which is the date of this report. In  
24 other words, things had been happening for some time  
25 leading up to this report; it wasn't something that was

1 taken lightly and compiled in a week?

2 MR. WELLS: No, absolutely.

3 MS. JONES: And would you also agree with me  
4 too, speaking as a manager yourself ---

5 MR. WELLS: Yes.

6 MS. JONES: And I can relate to this as  
7 well, if you have say an employee that is causing some  
8 problems or maybe you're looking, perhaps this person  
9 should be leaving the Service as a manager, would you agree  
10 with me that the most prudent thing to do is to take very  
11 detailed notes about that person's performance, so that if  
12 it comes to an arbitration or a mediation or even a firing,  
13 that you would be able to rely on specific notes, made  
14 contemporaneously with facts to back up what your position  
15 would be?

16 MR. WELLS: Certainly.

17 MS. JONES: So would you agree with me that  
18 if the conduct of Chief Shaver has been happening for some  
19 time prior to the compilation of this particular report,  
20 that it would have been critical for yourself and for the  
21 other staff sergeants that signed this very significant  
22 document, to make very detailed notes of specific  
23 occurrences on specific dates of things that Chief Shaver  
24 was doing that would lead to this report? Would you agree  
25 that that was likely the best way to compile this evidence?

1                   **MR. WELLS:** Not necessarily, Ms. Jones. We  
2                   didn't go into work each day and begin each day intending  
3                   to note or make note of every little deficiency that we  
4                   recognized with the possibility of addressing it down the  
5                   road, six months, a year, a year-and-a-half or two years.

6                   To me, that just wasn't an appropriate thing  
7                   to do. We had work to do and I can speak for myself, went  
8                   in each day looking forward to completing the daily tasks,  
9                   and it is certainly not a pleasant task to do something  
10                  like this. And to expect that we would go each day and  
11                  every time someone would make a mistake we would make a  
12                  note, that's just not the way I did business, I'm sorry.

13                  **MS. JONES:** We're not even looking for two  
14                  years prior, maybe even just two months prior, when things  
15                  were obviously going quite critical to require such a  
16                  dramatic document such as this.

17                  Are you testifying that you did not make  
18                  notes of times that Chief Shaver acted in such a way that  
19                  he was impulsive or acting in such a way that he did not  
20                  respect your opinion as a manager? That you did not make  
21                  note of his alarming lack of knowledge of the day-to-day  
22                  operations of the Police Service? You made no specific  
23                  notes of those specific criteria?

24                  **MR. WELLS:** I'm advising you that I did not  
25                  make notes with respect to those issues.

1                   **MS. JONES:** Did you see any of the other  
2                   staff sergeants coming to your meetings with notes prepared  
3                   or any sort of documents about Chief Shaver's behaviour?

4                   **MR. WELLS:** I don't remember them making  
5                   notes or coming to those meetings.

6                   I was -- again for that period of time, I  
7                   was off on surgery or as the result of a surgery and they  
8                   called me at my residence and asked me to attend the  
9                   meeting because we were going to discuss something and I  
10                  attended and we discussed this issue.

11                  **MS. JONES:** And the other document, too,  
12                  that we've had in evidence as well is Exhibit 1389.

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

14                  **MS. JONES:** Now, this is called the "Morale  
15                  Report" and this was also put together in 1990. So these  
16                  two things were happening fairly close to each other, in  
17                  any event, and I would assume that you read over the Morale  
18                  Report as well, at the time, in 1990?

19                  **MR. WELLS:** No, Ma'am.

20                  **MS. JONES:** You never read it over?

21                  **MR. WELLS:** No, Ma'am.

22                  **MS. JONES:** You never heard of it?

23                  **MR. WELLS:** I never -- I've never seen this  
24                  document prior to preparing for this particular Inquiry.

25                  **MS. JONES:** Would you agree that ---

1                   **MR. WELLS:** Or maybe it would be more  
2 accurate to say -- excuse me -- that I do not recall seeing  
3 this document, but I -- the first time, in my mind, I've  
4 ever seen this document is preparing for this Inquiry.

5                   **MS. JONES:** And did you read it over then?

6                   **MR. WELLS:** Yes.

7                   **MS. JONES:** Would you agree with me that it  
8 doesn't look very good with regards to what is happening in  
9 Cornwall Police at that time. It's a comment on the poor  
10 morale within Cornwall Police at that time?

11                   **MR. WELLS:** I would agree with you that  
12 those are comments made by individuals regarding their  
13 opinions of what was going on inside the Service at that  
14 time.

15                   **MS. JONES:** So if we are correct in saying  
16 that this seems to be coming from the -- the ranking  
17 officers, as we say, on the Morale Report, we've also got  
18 your report from staff sergeants talking about poor morale,  
19 is it fair to say at that particular time it was not very  
20 good morale of Cornwall Police during the 1990s?

21                   **MR. CALLAGHAN:** A clarification; I mean, I  
22 think when -- I don't know what she means by "ranking  
23 officers". We've heard from Mr. Quinn -- or, sorry,  
24 Constable Quinn, who was on the Association, doesn't recall  
25 it.

1 I mean, the extent to which this represents  
2 a wide view or a view, I mean, she can put that there's a  
3 view out there contained in the Morale Report. The scope  
4 of it, I think, you'll have to determine, at the end of the  
5 day, based on the evidence.

6 **THE COMMISSIONER:** Right. But he was given  
7 -- I mean, it had a life. It went to the Police Services  
8 Board.

9 **MR. CALLAGHAN:** It had a life. There's no  
10 question it had a life. And you've heard the evidence. I  
11 don't think we need to debate the evidence here. You'll  
12 make your determination at the end of the day.

13 **THE COMMISSIONER:** Were you aware of this  
14 report? You say you didn't see it or you don't remember  
15 seeing it. Were you aware, at that time, that the union  
16 had or the Association had prepared ---

17 **MR. WELLS:** And again, Mr. Commissioner, I'm  
18 not -- I don't know exactly when this report was ---

19 **THE COMMISSIONER:** Nineteen ninety (1990).

20 **MR. WELLS:** Was it early '90, sir? Because  
21 ---

22 **MS. JONES:** It's 1990.

23 **MR. WELLS:** All I'm going to suggest is if  
24 it was pre my return to work in June, then this action  
25 would have been committed in my absence and maybe that's

1           why I never became aware of it.

2                           **THE COMMISSIONER:** Okay. Fair enough.

3           We'll move on.

4                           **MS. JONES:** In your time in looking at these  
5           issues surrounding Chief Shaver, at this time in 1990 and  
6           the months preceding or perhaps even afterwards, not when  
7           you were off duty, did you notice or have any comments  
8           about the relationship between Chief Shaver and Deputy  
9           Chief St. Denis?

10                           **MR. WELLS:** No. The Chief went about his  
11           duty and the Deputy went about his duty. I wasn't really  
12           involved in their -- on their day-to-day tasks.

13                           **MS. JONES:** Did you notice any conflict  
14           between the two?

15                           **MR. WELLS:** No, I can't -- not to speak to,  
16           no, I can't recall.

17                           **MS. JONES:** No? All right.

18                           We're going to move on now to issues  
19           surrounding Perry Dunlop, and the first area that I'm going  
20           to be canvassing with you I would call the "early years"  
21           with Mr. Dunlop and, again, I'll just read in a few facts  
22           to get us up to speed.

23                           On November 28<sup>th</sup>, 1988, you returned to CIB -  
24           - I'm sorry, I already did that one.

25                           In October, '86, you were one of the people,

1 I understand, that was supervising Officer Dunlop?

2 MR. WELLS: Sorry, I can't -- I can't recall  
3 that, but if the file says that I was, I'll trust the file  
4 on that. I ---

5 MS. JONES: Well ---

6 MR. WELLS: I recall submitting  
7 commendations, et cetera, on Constable Dunlop. That would  
8 put me in as his supervisor, so I'll concede that, yes,  
9 that I was his supervisor during that period of time.

10 MS. JONES: So the various commendations,  
11 for example, you wrote, in 1986, that Mr. Dunlop was  
12 self-motivated, that he had -- if I get the exact words,  
13 "displayed professionalism in very difficult and emotional  
14 setting", that was the time where he helped someone that  
15 was having a heart attack and he came and helped them at  
16 the side of the road. Do you recall that, sir?

17 MR. WELLS: Not that specific item, but --  
18 -

19 MS. JONES: I'll refer you to  
20 Document 718177.

21 (SHORT PAUSE/COURTE PAUSE)

22 THE COMMISSIONER: Exhibit 1739 is internal  
23 correspondence to Staff Sergeant Wells from Constable De  
24 Gray.

25 --- EXHIBIT NO./PIÈCE NO P-1739:

1 (718177) - Internal Correspondence from  
2 D. De Gray to Brendon Wells dated 11 Jan 87

3 **MS. JONES:** Does this refresh your memory,  
4 that you wrote a memo on that date on ---

5 **MR. WELLS:** Me ---

6 **MS. JONES:** --- I'm sorry, it was given to  
7 you on January 11<sup>th</sup>, 1987?

8 **MR. WELLS:** May I just quickly review the  
9 document?

10 **MS. JONES:** Certainly.

11 **MR. WELLS:** Thank you.

12 (SHORT PAUSE/COURTE PAUSE)

13 **MR. WELLS:** Yes, go ahead. Thank you.

14 **MS. JONES:** Okay. Do you recall that? Do  
15 you recall receiving this?

16 **MR. WELLS:** I don't recall receiving it, but  
17 I would have received it.

18 **MS. JONES:** All right.

19 And you'll see at that particular point  
20 there was quite a positive comment from, I presume, his  
21 supervisor, Officer De Gray, as to his conduct in this  
22 particular situation?

23 **MR. WELLS:** Yes, Constable De Gray, I  
24 believe, was his Acting Patrol Sergeant.

25 **MS. JONES:** And do you recall reading over

1 any sort of evaluations of Officer Dunlop in 1996 or '97,  
2 those sorts of years?

3 MR. WELLS: In -- again, in preparing for  
4 this Inquiry, I have read over documents that were  
5 submitted by myself and signed by myself relevant to  
6 Constable De Gray.

7 MS. JONES: So you have ---

8 MR. WELLS: So I would say yes.

9 MS. JONES: Okay. You have compiled  
10 documents and written documents yourself giving positive  
11 evaluations to Mr. Dunlop?

12 MR. WELLS: Yes.

13 MS. JONES: Okay. And again, to go back to  
14 1986, there was one in particular that you wrote,  
15 Document 731045.

16 (SHORT PAUSE/COURTE PAUSE)

17 THE COMMISSIONER: Thank you. Exhibit  
18 Number 1740 is an Officer Development Schedule of Officer  
19 Dunlop, and the evaluation date was July 7<sup>th</sup>, 1986.

20 --- EXHIBIT NO./PIÈCE NO. P-1740:

21 (731045) Officer Development Schedule Part  
22 II to IX dated 7 Jul 86.

23 MS. JONES: I'll just take you directly  
24 towards the end part, which is Bates page 2135. And your  
25 signature appears on that because you wrote a bit of that

1 evaluation there in saying that he was well mannered,  
2 polite and that sort of thing, and then the inspector, at  
3 the bottom, I take it, stated in the last sentence:

4 "Cst. Dunlop has received a highly-  
5 rated evaluation."

6 So there were very positive things that were  
7 said about him on that.

8 So the fact that you signed this document,  
9 am I correct in assuming that you were a supervisor then of  
10 Officer Dunlop at that time?

11 **MR. WELLS:** Yes, that's correct.

12 **MS. JONES:** Okay. And do you also recall in  
13 1990 that you submitted a report to the Chief and Deputy  
14 Chief commending Dunlop for a high degree of quality of  
15 courage and professionalism in the execution of his duties,  
16 as I say, approximately 1990?

17 **MR. WELLS:** May I see the document?

18 **MS. JONES:** Certainly. Document 718193.

19 **THE COMMISSIONER:** Thank you. Exhibit  
20 Number 1741 is what, a Commendation Report for Perry Dunlop  
21 and it's dated August 10<sup>th</sup>, 1990. Actually, it was prepared  
22 on the 30<sup>th</sup> of July 1990.

23 **--- EXHIBIT NO./PIÈCE NO. P-1741:**

24 (731045) CPS Commendation Report prepared on  
25 30 Jul 90

1                   **MR. WELLS:** Yes. Thank you.

2                   **MS. JONES:** Do you see that?

3                   **MR. WELLS:** Yes.

4                   **MS. JONES:** And also too at some point you  
5 had recommended that Mr. Dunlop be nominated for citizen of  
6 the year. Do you recall that as well?

7                   **MR. WELLS:** Yes.

8                   **MS. JONES:** Now, in 1992, you are assigned  
9 to the Professional Standards Bureau. I'm trying to get  
10 things chronologically here. So you would no longer be  
11 Officer Dunlop's manager at that point?

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

13                   **MS. JONES:** And on October 7<sup>th</sup>, 1993, Staff  
14 Sergeant Derochie was assigned to investigate Mr. Dunlop's  
15 involvement in providing the CAS with a copy of the Silmser  
16 statement. You're aware of that report?

17                   **MR. WELLS:** Yes.

18                   **MS. JONES:** Okay. If I could please go to  
19 Exhibit 1292?

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

21                   **THE COMMISSIONER:** So Exhibit 1292. All  
22 right.

23                   **MS. JONES:** I apologize for that; that's not  
24 the document I was looking for. Just a moment, please.

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

1                   **MS. JONES:** In any event, at that particular  
2 point, Officer Derochie, as I say, is assigned to look into  
3 Constable Dunlop's statement released to the CAS and  
4 Officer Derochie spoke to various people about that and had  
5 discussed with Chief Shaver what should happen and what the  
6 results of his investigation was. Are you aware of that  
7 and what the report entailed?

8                   **MR. WELLS:** As a result of -- yes.

9                   **MS. JONES:** And as a result of the  
10 investigation, it was concluded that he would be  
11 counselled, that that was going to be the reprimand or the  
12 punishment, or whatever you want to call it, for releasing  
13 the statement to CAS. Are you aware of that as well?

14                   **MR. WELLS:** Yes.

15                   **MS. JONES:** Now, on October 15<sup>th</sup>, before  
16 Officer Derochie had an opportunity to do this, Officer  
17 Dunlop went on sick leave, and so he wasn't able to do it  
18 right away, but there was actually a concern raised at a  
19 morning meeting, and I just want to refer you, please, to  
20 Tab -- I'm sorry, to Document 703943.

21                   **THE COMMISSIONER:** Exhibit 1742 is the  
22 audio-taped interview report of Inspector Brendan Wells on  
23 the 20<sup>th</sup> of January 2000.

24                   **--- EXHIBIT NO./PIÈCE NO. P-1742:**

25                                   (703943) Audio-Taped Interview Report of

1 Inspector Brendan Wells w/OPP P. Hall and  
2 J.B. Dupuis dated 20 Jan 00

3 **MS. JONES:** Now, if I could just turn you to  
4 the third page in, which is Bates page 3517, this is the  
5 interview you gave the OPP officer Pat Hall in the year  
6 2000. So you're talking historically about what happened  
7 back in 1994 -- 1993, sorry, and going into 1994; correct?

8 **MR. WELLS:** Yes.

9 **MS. JONES:** Okay. And the morning meeting  
10 that you're talking about there, we'll call that the  
11 Silmsler meeting, I suppose, that you had in the morning  
12 with the various officers. Do you recall that meeting?

13 **MR. WELLS:** The latter part of September,  
14 yes.

15 **MS. JONES:** The latter part of September, is  
16 that your recollection of that?

17 **MR. WELLS:** Yes.

18 **MS. JONES:** And according to what you told  
19 the OPP in the year 2000, you said that you recalled senior  
20 officers meeting and the people there were Chief Shaver,  
21 Deputy Chief St. Denis, Inspector Trew and Luc Brunet and  
22 you believe Claude Lortie as well.

23 **MR. WELLS:** Yes, I stated I believed  
24 Inspector Trew was there and Luc Brunet.

25 **MS. JONES:** And could you please just

1 summarize for us what the substance of that meeting was?

2 **MR. WELLS:** I can't recall all the issues  
3 that were discussed at that meeting. However, near the end  
4 of the meeting, from what I recollect, Staff Sergeant  
5 Lortie brought up the issue of an investigation concerning  
6 a priest and he wanted to know what was happening with that  
7 investigation.

8 **MS. JONES:** M'hm. And that's it?

9 **MR. WELLS:** Yes.

10 **MS. JONES:** Now, it's my understanding this  
11 was the first time that you maybe heard about the Silmsers  
12 situation becoming quite a dramatic sort of a situation.  
13 It was a large problem that was now happening, that all of  
14 you were meeting as senior officers to see what was going  
15 on at that time.

16 **MR. CALLAGHAN:** Well, I think the evidence  
17 has been there are morning meetings and this was raised at  
18 a morning meeting. I don't think to characterize it more  
19 than that is fair.

20 **MS. JONES:** Well, let me refer you to your  
21 own words about halfway down the paragraph. It would seem  
22 that Officer Lortie brought up the issue about Mr. Silmsers,  
23 and in your words it said:

24 "It surprised me because I had no prior  
25 knowledge, and to the best of my

1                                   recollection now, because I've been  
2                                   involved with it..."

3                                   It seemed as if you didn't realize until  
4                                   that morning meeting that there was an issue or problems  
5                                   surrounding the David Silmser situation. This was your  
6                                   first knowledge of that.

7                                   **MR. WELLS:** And to the best of my  
8                                   recollection, Ms. Jones, that was the first time that I was  
9                                   ever made aware that the investigation was on board.

10                                  **MS. JONES:** Okay. So if I refer to the  
11                                  morning meeting, this is the one I'm referring to.

12                                  **MR. WELLS:** Yes.

13                                  **MS. JONES:** Because I know that there's more  
14                                  meetings that go on, but when I say the morning meeting,  
15                                  this is the meeting ---

16                                  **MR. WELLS:** Yes.

17                                  **MS. JONES:** --- I'm looking at.

18                                  **MR. WELLS:** Yes, ma'am.

19                                  **MS. JONES:** So from that time onwards then,  
20                                  you were aware that there was a situation involving  
21                                  Silmser. Did you make any notes, either of that meeting or  
22                                  anything involving that particular topic, from that date  
23                                  onwards?

24                                  **MR. WELLS:** No, I would not have made notes.

25                                  **THE COMMISSIONER:** Do you recall any -- what

1 the response was to Sergeant Lortie's questions?

2 **MR. WELLS:** Mr. Commissioner, I've read  
3 there is documents concerning that meeting so I guess it's  
4 in my mind of what other people -- I can testify that I was  
5 sort of -- it sort of caught me off guard. Staff Sergeant  
6 Lortie's -- the way he posed the question.

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

8 **MR. WELLS:** I recall that he was upset.

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

10 **MR. WELLS:** I recall that morning thinking,  
11 "Oh boy, what's he speaking about and what's causing him to  
12 be so upset," that's my recollection of that.

13 **THE COMMISSIONER:** So you don't recall if  
14 Chief Shaver said anything; how it was resolved or how he  
15 was answered?

16 **MR. WELLS:** No, I don't recall, but again, I  
17 have knowledge of how he was answered. Sorry.

18 **THE COMMISSIONER:** Okay.

19 **MS. JONES:** Okay. And just to confirm your  
20 -- the note taken, I want to refer you to the same exhibit  
21 you have there, Bates page 3525, and at the very top of the  
22 page.

23 **MR. WELLS:** Yes.

24 **MS. JONES:** Officer Hall is asking you:

25 "You attended meetings with senior

1 management to discuss the  
2 investigation, were there -- were there  
3 notes kept of these meetings?"

4 Your answer:

5 "Oh, that's the meeting I'm talking  
6 about, Pat, and um, I remember that  
7 morning. Um, I -- I can't honestly  
8 say, um, I can honestly say that I  
9 didn't make any notes. I don't  
10 remember if anybody else was making  
11 notes at that time. It -- it was sort  
12 of like a heated issue and, um, some."

13 And then the next question is:

14 "Would you have any notes on -- on  
15 this Silmsen matter?"

16 Your answer is:

17 "No."

18 So that confirms that you didn't take any  
19 notes.

20 **MR. WELLS:** That's correct.

21 **MS. JONES:** Okay. So to the best of your  
22 recollection then, what was the date of that morning  
23 meeting? You said it earlier, I just didn't make a note of  
24 it.

25 **MR. WELLS:** I didn't say the date, I said

1 around the end of September but I don't know why the 28<sup>th</sup> of  
2 September sticks out in my mind.

3 **MS. JONES:** And that's 1993?

4 **MR. WELLS:** Yeah.

5 **MS. JONES:** Your counsel is agreeing, it's  
6 1993?

7 **MR. WELLS:** Then it's 1993.

8 **MS. JONES:** So we're into September/October  
9 then, 1993. So we'll move on now to January 1994 and I'm  
10 wondering if we could please go to Exhibit 1439. I'm  
11 sorry; I apologize, could we go please to Document 730071.

12 **THE COMMISSIONER:** Exhibit Number 1743 is a  
13 news release from Detective Chief St. Denis and dated  
14 January 5<sup>th</sup>, 1994.

15 **--- EXHIBIT NO./PIÈCE No. P-1743:**

16 (730071) - News Release from CPS dated 05  
17 Jan 94

18 **MS. JONES:** Now, looking at Exhibit 1743,  
19 this news release here is obviously issued by Cornwall  
20 Police; it has the originator as Deputy Chief St. Denis and  
21 you are the contact person. Do you see that, sir?

22 **MR. WELLS:** Yes, I do.

23 **MS. JONES:** So a few months after the  
24 morning meeting, which is September/October '93, this press  
25 release is issued and in the press release it says:

1 "In December 1992 a male reported  
2 sexual improprieties which were alleged  
3 to have been committed upon himself by  
4 a local member of the clergy,  
5 approximately 20 years ago. Cornwall  
6 Police Service began an investigation  
7 and prior to its completion the  
8 complainant withdrew his complaint and  
9 as a result the Service was unable to  
10 continue the investigation."

11 Now, presumably you would have been one of  
12 the people involved in drafting and preparing this news  
13 release as you're the contact person someone is supposed to  
14 go to. Who else was involved in writing this news release?

15 **MR. WELLS:** First thing I say, to assume  
16 that I was part of the preparation of this press release  
17 wouldn't necessarily be accurate. There's a good chance  
18 that I would have been because I was the press release  
19 officer. However, Deputy Chief Joe St. Denis -- and it  
20 wasn't uncommon at that time for press releases to prepared  
21 by the Chief or the Deputy, with me as the contact person  
22 and that they would make me aware of the press release,  
23 should any other questions from the public arise, then they  
24 would -- those calls would be directed to my office.

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

1                   **MS. JONES:** But surely you were involved in,  
2                   at the very least, being told what's the contents of the  
3                   press release and it's going to be issued and what it's  
4                   going to say?

5                   **MR. WELLS:** Yes, like I just explained, yes,  
6                   they would apprise me of -- or give me a copy to make me  
7                   aware of the ingredients of the press release so that I  
8                   would be aware of what's going on.

9                   **MS. JONES:** So do you know why the press  
10                  release was issued?

11                  **MR. WELLS:** I can't recall what prompted the  
12                  press release to be issued. It was January the 5<sup>th</sup>, 1994,  
13                  was that in around the time that the media release?

14                  **MS. JONES:** We are doing this in order.  
15                  Yes, the media release is January 6<sup>th</sup>.

16                  **MR. WELLS:** Okay then. I don't recall what  
17                  prompted this press release to be prepared.

18                  **MS. JONES:** Is it safe to assume anyway  
19                  there were meetings involved to discuss whether or not a  
20                  press release would be made?

21                  **MR. WELLS:** By someone, yes.

22                  **MS. JONES:** Do you recall if you were part  
23                  of that?

24                  **MR. WELLS:** I can't recall if I was part of  
25                  those meetings.

1                   **MS. JONES:** And do you ---

2                   **MR. WELLS:** But I would -- excuse me -- I  
3 would add that more than likely I was part of those  
4 meetings.

5                   **MS. JONES:** If I could please refer to  
6 Exhibit 1439 now.

7                   **THE COMMISSIONER:** Okay, so these are notes  
8 -- whose notes are these?

9                   **MS. JONES:** These are Brunet's notes.

10                   **THE COMMISSIONER:** Mr. Brunet, right. Okay.  
11 What page you want to go?

12                   **MS. JONES:** If I could please go to Bates  
13 page 7094, just briefly, because this is where the date  
14 happens and I actually want to refer you to another page.  
15 But you'll see at the top of that particular page, it's  
16 7094, the date of these notes is the 5<sup>th</sup> of January 1994 at  
17 855 hours; do you see that, sir?

18                   **MR. WELLS:** Yes, I do.

19                   **MS. JONES:** Okay. And obviously Brunet does  
20 something and he continues on and then I'd like to actually  
21 refer you to Bates page 7097 and at the very top there's a  
22 reference by Brunet at time 9:05 which I presume is still  
23 the 5<sup>th</sup> of January because the 6<sup>th</sup> of January starts just  
24 below that; that's why I want to refer you to the date.

25                   **MR. WELLS:** M'hm.

1                   **MS. JONES:** And according to Officer Brunet  
2                   at 905 hours attended meeting and brief to senior officers  
3                   and Staff Sergeant Wells on the phone call. And the phone  
4                   call is described previously about -- about Silmsers and  
5                   such and that's what the notes all describe, but we've seen  
6                   that before.

7                   So it would seem that you were involved,  
8                   certainly in a meeting, to discuss and learn about what had  
9                   just transpired, according to Officer Brunet, in any event?

10                   **MR. WELLS:** Yes.

11                   **MS. JONES:** You would have learned about the  
12                   facts of what had just happened.

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

14                   **MR. CALLAGHAN:** Mr. Commissioner, to situate  
15                   you and the public, what the notes say is that -- is that  
16                   Mr. Silmsers gets a call from a member of the press and he's  
17                   calling to Staff Sergeant Brunet and there's discussion  
18                   about the -- that the press is now, to use the vernacular,  
19                   on -- on the situation. So that -- those are the notes  
20                   which my friend took it to him. I think you should -- it's  
21                   fair for you and the public to know that's the context in  
22                   which Staff Sergeant Brunet is writing about.

23                   **THE COMMISSIONER:** M'hm

24                   **MS. JONES:** So in event -- in any event, it  
25                   was exactly as Mr. Callaghan has stated there, that this

1 significant phone call, one of the elements was that Mr.  
2 Silmsers had been contacted by the media.

3 And at 9:05 it would appear that you were  
4 present at a meeting with the other senior officers to  
5 discuss this phone call.

6 **MR. WELLS:** Yes, that's correct.

7 **THE COMMISSIONER:** So do you recall that,  
8 sir? Do you recall being in a meeting where Sergeant  
9 Brunet comes in and says, "Look it, Silmsers just phoned and  
10 he's not very happy and the media is after him". Do you  
11 remember that?

12 **MR. WELLS:** No, sir.

13 **THE COMMISSIONER:** Thank you.

14 **MS. JONES:** Now, it would appear that  
15 Officer Brunet -- I'm sorry, it would appear that the news  
16 release is very specific that the impropriety only happened  
17 to Mr. Silmsers by a member of the local clergy. There's  
18 actually no mention of a probation officer at that point.  
19 Do you have any indication as to why that was the case?

20 **MR. WELLS:** No, ma'am.

21 **MS. JONES:** I would like to have you go  
22 back, please ---

23 **MR. WELLS:** That question you just asked,  
24 Ms. Jones, was relevant to that time -- at that time?

25 **THE COMMISSIONER:** Yes.

1                   **MS. JONES:** Yes.

2                   **THE COMMISSIONER:** Okay, so you answered  
3 that you don't know why the allegations against Mr. Seguin  
4 weren't in that press release and you say you don't know at  
5 that time. Have you gained more knowledge now?

6                   **MR. WELLS:** Well, because of documents that  
7 I've read ---

8                   **THE COMMISSIONER:** Yes.

9                   **MR. WELLS:** --- I now have a little more  
10 knowledge with respect to why possibly Mr. Seguin's name  
11 wouldn't have been mentioned in the press release.

12                   **THE COMMISSIONER:** And why is that?

13                   **MR. WELLS:** I believe through documents that  
14 I read that it was the wishes of Mr. Silmsler that we would  
15 proceed with regards to Father Charlie first.

16                   **THE COMMISSIONER:** Okay.

17                   **MS. JONES:** Okay.

18                   Now, if we go back, please, to Exhibit 1742.

19                   **THE COMMISSIONER:** That would be in the  
20 loose ones?

21                   **MS. JONES:** Which is the OPP notes, the  
22 transcript.

23                   **THE COMMISSIONER:** Right, the interview.

24                   **MS. JONES:** And if we could, please, go to  
25 Bates page 3528. And I'm going to direct you to the last

1 entry by Mr. Hall:

2 "Do you know why Ken Seguin was never  
3 investigated?"

4 Yes, that's right. I just want to read in  
5 what your answers were on this particular issue as to Mr.  
6 Seguin, and we'll do this as a bit of a play I guess. I'll  
7 play Mr. Hall and you can be yourself in the transcript if  
8 that would assist, in any event, rather than having to read  
9 the whole thing.

10 So Mr. Hall says:

11 "Do you know why Ken Seguin was never  
12 investigated?"

13 **MR. WELLS:** And I responded:

14 "God, as a human being I figured the  
15 man was dead, he couldn't be  
16 investigated."

17 **MS. JONES:** "I think ---"

18 **MR. WELLS:** "As far as ---"

19 **MS. JONES:** "I think I'll clarify that  
20 question. That question is being asked  
21 in relation to when David Silmser made  
22 his allegations against Father Charles  
23 MacDonald, who also has allegations  
24 made at the same time against Ken  
25 Seguin and those came in in December of

1                   '92. Ken Seguin didn't commit suicide  
2                   until November of '93."

3                   **MR. WELLS:** "All right. I remember. Was  
4                   it three paper reports that I had read  
5                   statements that said that David Silmser  
6                   had some -- had said something to the  
7                   effect -- in other words, leave it  
8                   alone that -- but then that's only from  
9                   what I read. Like I don't have any  
10                  knowledge other than that."

11                  **MS. JONES:** "And did you have a conflict  
12                  of interest by personally knowing  
13                  Malcolm MacDonald, Ken Seguin or Father  
14                  Charles MacDonald?"

15                  **MR. WELLS:** "I had no conflict of  
16                  interest. There was no conflict of  
17                  interest."

18                  **MS. JONES:** Okay. We'll just stop there.  
19                  With regards to the whole Seguin ---

20                  **MR. CALLAGHAN:** Can I ask Madam Reporter to  
21                  reflect that this is Wells' -- it's just going to be very  
22                  confusing when we come back to this part of the transcript  
23                  to have done it that way. But if we could have it as it's  
24                  written in the report at 1792. I just -- sorry, 1742.

25                  **THE COMMISSIONER:** Yes.

1                   **MR. CALLAGHAN:** Thank you.

2                   **MS. JONES:** I actually thought it would be  
3 easier if I was Hall each time and then you -- rather than  
4 going Hall said this and Wells said that.

5                   I think what you're saying here is that even  
6 in 2000 you did not have really an indication as to why Mr.  
7 Seguin was not being investigated or why he was not part of  
8 that press release. Is that how I am to interpret your  
9 words there?

10                   If not, please help me in interpreting what  
11 you're saying there with regards to your position on Ken  
12 Seguin.

13                   **MR. WELLS:** Give me that question one more  
14 time, Ms. Jones.

15                   **MS. JONES:** What are you trying to say here  
16 in the interview because I frankly didn't understand it?  
17 Are you saying that you didn't have any involvement or you  
18 didn't have any knowledge about the investigation with Ken  
19 Seguin or does this pertain to the press release? What  
20 does that actually say, that excerpt?

21                   **MR. CALLAGHAN:** Sorry, this is consistent  
22 with the testimony he just read. He said that he read  
23 somewhere that Ken -- wanted to say leave it alone. David  
24 Silmsler wanted to leave the Ken Seguin alone. I don't know  
25 -- I think it's unfair to put to him that it's not what he

1 just said.

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

3 **MR. CALLAGHAN:** It's exactly what the  
4 witness just said ---

5 **THE COMMISSIONER:** Yes.

6 **MR. CALLAGHAN:** --- in his testimony. Now,  
7 we're reading and saying well -- as if we're saying  
8 something different. He says exactly the same thing in  
9 2000 as he just testified to in 2008.

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

11 Your question again was? Let me just hear  
12 that again.

13 **MS. JONES:** I don't think that the answer is  
14 that clear. I know that Mr. Callaghan has now provided a  
15 good answer to the question. However, my question to this  
16 witness was, what was he trying to say during that 2000  
17 interview because I'm just not clear about it.

18 **MR. WELLS:** Basically, that I had no  
19 knowledge of it, no clear understanding as to why it was  
20 the way it was.

21 **MS. JONES:** All right.

22 Did you ever receive any feedback about the  
23 news release?

24 **THE COMMISSIONER:** Were you ever contacted?

25 **MR. WELLS:** I don't recall receiving any

1 feedback with respect to the news release.

2 MS. JONES: Is it possible you did?

3 MR. WELLS: There is a possibility that I  
4 would have, yes.

5 MS. JONES: Okay. And, of course, we don't  
6 have any notes about that ---

7 MR. WELLS: No, Ms. Jones.

8 MS. JONES: --- whether you did or didn't?

9 MR. WELLS: No, I don't have any notes to  
10 indicate whether I did or didn't.

11 MS. JONES: And if I could, please, refer  
12 you to -- I just want to be sure I have the right tab here  
13 -- Bates page 3526, about halfway down.

14 THE COMMISSIONER: I'm sorry, what exhibit  
15 are we looking at now?

16 MS. JONES: The same exhibit.

17 THE COMMISSIONER: Seventeen-forty-two  
18 (1742)?

19 MS. JONES: Seventeen-forty-two (1742).

20 THE COMMISSIONER: Okay. And five ---

21 MS. JONES: Bates page 3526.

22 THE COMMISSIONER: Yes, okay. Sorry. Okay,  
23 I'm there.

24 MS. JONES: About halfway down, Officer Hall  
25 is asking if you had a conversation with Richard Abell

1 concerning the allegations. Do you see that?

2 MR. WELLS: Yes.

3 MS. JONES: And you said, "No, sir"?

4 MR. WELLS: Yes.

5 MS. JONES: Do you see that, sir? So at no  
6 time -- we're all talking about the same timeframe. I know  
7 this interview is the year 2000 but we're talking about the  
8 timeframe of the news release and the days slightly before,  
9 the days slightly after, around that early January, 1994.

10 Is it still your evidence that you didn't  
11 have any contact with Mr. Abell around that time?

12 MR. WELLS: Not that I recollect, no.

13 MS. JONES: If I could, please, refer you to  
14 Document 711964?

15 THE COMMISSIONER: Exhibit Number 1744 is  
16 notes ---

17 MS. JONES: I can identify that, Mr.  
18 Commissioner. They're Mr. Abell's notes.

19 THE COMMISSIONER: Right.

20 MS. JONES: And I've had discussions with my  
21 colleague from CAS and these are dated actually January 6<sup>th</sup>,  
22 1994 ---

23 THE COMMISSIONER: Okay.

24 MS. JONES: --- in another version.

25 THE COMMISSIONER: All right.

1                   **MS. JONES:** I'm just getting the nod from  
2                   the CAS counsel on that.

3                   **MR. CHISHOLM:** That's correct, sir.

4                   **THE COMMISSIONER:** Thank you.

5                   **--- EXHIBIT NO./PIÈCE NO. P-1744:**

6                                   (711964) - Notes of Richard Abell dated  
7                                   January 6, 1994

8                   **MS. JONES:** Now, at the very top, it would  
9                   appear that Mr. Abell made notes, and you're the first  
10                   entry on that, and it says:

11                                   "Brendon Wells, he's had call from  
12                                   Charlie Greenwell. Claims CAS has five  
13                                   independent victims of Father  
14                                   MacDonald."

15                   **THE COMMISSIONER:** I'm sorry, it's four.

16                   **MS. JONES:** Sorry.

17                                   "...four independent victims of Father  
18                                   MacDonald have come forward. Said I'd  
19                                   check and get back to him. Lisa, no.  
20                                   Fran, no."

21                   It would appear that Mr. Abell has made a  
22                   note of what appears to be either a conversation or a  
23                   meeting with you.

24                   **MR. WELLS:** Yes.

25                   **MS. JONES:** Would you agree?

1                   **MR. WELLS:** Yes.

2                   **MS. JONES:** Do you recall at any time, now  
3 that you've seen those notes, discussing this matter with  
4 Mr. Abell?

5                   **MR. WELLS:** I don't recall discussing it  
6 with him, but if he said I discussed with him, I'm  
7 satisfied I did.

8                   **MS. JONES:** You have no notes of any  
9 conversation anyway ---

10                  **MR. WELLS:** No, ma'am.

11                  **MS. JONES:** --- that's referred to?

12                                If we could then go to Document 710459?

13                  **THE COMMISSIONER:** Exhibit 1745 is notes  
14 which appear to be again from Mr. Abell of the Children's  
15 Aid Society. Do we have a date for that?

16                  **MS. JONES:** I do have a date. I just  
17 confirmed with CAS counsel, these are also dated January 6,  
18 1994.

19                  **THE COMMISSIONER:** Okay.

20                  **--- EXHIBIT NO./PIÈCE NO. P-1745:**

21                                (710459) Notes of Richard Abell dated  
22                                January 6, 1994

23                  **MS. JONES:** And it would appear that your  
24 name is on there again, Inspector Wells. It says:

25                                        "Brendan Wells, in absolute confidence,

1                                   no calls today. He's to say nothing to  
2                                   Charlie Greenwell. He agreed."

3                                   Frankly, I don't really understand that.  
4                                   Maybe I should be asking this to Mr. Abell, but do you know  
5                                   what that possibly is about, if this is used to refresh  
6                                   your memory?

7                                   **MR. WELLS:** If that is in the order that you  
8                                   suggested it in, Ms. Jones, it would indicate that I called  
9                                   Mr. Abell inquiring or advising him that I received a call  
10                                   from Charlie Greenwell, who stated that the CAS had  
11                                   received calls from four victims of sexual assault and I  
12                                   inquired if he had and that we would have contact; would he  
13                                   check and get back. That's where the "No calls today" ---

14                                   **MS. JONES:** Did you give advice to Mr. Abell  
15                                   to say nothing to Charlie Greenwell? Is that ---

16                                   **MR. WELLS:** No.

17                                   **MS. JONES:** I don't know if that's ---

18                                   **MR. WELLS:** No.

19                                   **MS. JONES:** --- you saying there are not --  
20                                   -

21                                   **MR. WELLS:** I believe it may have been Mr.  
22                                   Abell that identified that this is in absolute confidence,  
23                                   that they did not receive any calls with regards to that  
24                                   sexual assault.

25                                   **THE COMMISSIONER:** Do you have any memory of

1 this?

2 MR. WELLS: No, sir.

3 THE COMMISSIONER: Okay. So we'll ask Mr.  
4 Abell what he meant.

5 MS. JONES: Thank you.

6 On January 6, 1994, that's when the  
7 Greenwell story was aired on CJOH?

8 MR. WELLS: What date was that?

9 MS. JONES: On January 6<sup>th</sup>, the same date  
10 we're talking about here.

11 MR. WELLS: Okay.

12 MS. JONES: And the allegations were made.  
13 When did you become aware of that story and that broadcast?  
14 Do you recall ---

15 MR. WELLS: I can't recall the date that I  
16 became aware of it, Ms. Jones.

17 MS. JONES: Was it around the same date  
18 though?

19 MR. WELLS: Yes, it would have been around  
20 the same date.

21 MS. JONES: And on January 7<sup>th</sup>, 1994, Acting  
22 Chief Johnston asked Officer Derochie to submit his final  
23 report on the discipline on Dunlop concerning the CAS  
24 statement release. That happened on January 7<sup>th</sup>, 1994.

25 And also on January 7<sup>th</sup>, I would like to

1 refer you, please, back to Exhibit 1439 which are Officer  
2 Brunet's notes.

3 **THE COMMISSIONER:** Fourteen-thirty-nine  
4 (1439).

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

6 **THE COMMISSIONER:** Okay. What page?

7 **MS. JONES:** Thank you. Bates page 601.

8 **THE COMMISSIONER:** Six-zero-one (601)? No,  
9 no, that's a doc number.

10 **MS. JONES:** You're right, it is. Just a  
11 moment, please. I'm sorry, Bates page 7097.

12 Now, I'm looking at the entry under  
13 Thursday, January 6<sup>th</sup>, and the very first paragraph of  
14 Officer Brunet's notes:

15 "Made some inquiries with Constable  
16 Sebalj on dates, etc., to clarify with  
17 Staff Sergeant Wells re: press  
18 release."

19 Do you see that?

20 **MR. WELLS:** Yes, I do.

21 **MS. JONES:** I just want to know, at this  
22 particular point now, we have, as I say, the Greenwell  
23 story is on January 6<sup>th</sup>. Your press release -- yours being  
24 CPS's press release was January 5<sup>th</sup>; Greenwell's was the 6<sup>th</sup>.  
25 Now we have Brunet stating that he had met with you to

1 clarify issues about the press release on that particular  
2 date, on January 6<sup>th</sup>. It doesn't have a time,  
3 unfortunately.

4 Do you recall at that particular stage that  
5 you were consulted specifically about the press release?

6 **MR. WELLS:** No, I don't specifically recall  
7 that I was, but again, if Staff Sergeant Brunet indicated  
8 that I was there, then I trust that his notes are accurate.

9 **MS. JONES:** So if we go down to Friday now,  
10 January 7<sup>th</sup>, '94, it's the same page at the bottom. Officer  
11 Brunet wrote:

12 "I had other meetings with Constable  
13 Sebalj and Staff Sergeant Wells re:  
14 facts for press releases."

15 It's at the very bottom of Bates page 7097.

16 **MR. WELLS:** Yes, I see it. Thank you.

17 **MS. JONES:** Is it fair to say it would  
18 appear certainly from these notes that you were quite  
19 involved, actually, in getting material for the press  
20 releases for CPS at that germane period of time?

21 **MR. WELLS:** Not necessarily.

22 **MS. JONES:** Would you agree with me that  
23 Brunet's notes seem to include you in some of the  
24 preparation or drafting of these news releases?

25 **MR. WELLS:** Yes.

1                   **MS. JONES:** And are you able to say if you  
2                   provided facts to Officer Brunet with regards to what  
3                   perhaps the news releases contained? Is it possible you  
4                   provided facts to him?

5                   **MR. WELLS:** How to construct a press release  
6                   or what to include in a press release, something along  
7                   those lines, yes.

8                   **MS. JONES:** Okay. So the general  
9                   guidelines, but what about the actual facts of what would  
10                  be contained in that press release? Is it possible you  
11                  were involved in providing those facts to Officer Brunet?

12                  **MR. WELLS:** I don't recall having a whole  
13                  lot of knowledge with regards to the investigation. I had  
14                  experience with regards to creating press releases. So  
15                  Staff Sergeant Brunet may have contacted me with regards to  
16                  that aspect of the press release ---

17                  **MS. JONES:** So ---

18                  **MR. WELLS:** --- more than ---

19                  **MS. JONES:** Sorry.

20                  **MR. WELLS:** I'm sorry.

21                  **MS. JONES:** I'm sorry, I didn't mean to  
22                  interrupt you. I thought you were finished.

23                  **MR. WELLS:** More than the facts surrounding  
24                  the investigation.

25                  **MS. JONES:** So was Brunet then perhaps

1 giving you facts about the situation rather than you giving  
2 him facts? Was he more the source of facts?

3 **MR. WELLS:** He'd be more with regards to the  
4 source of facts. I would probably be there for the purpose  
5 of what type of information can we release and can't we  
6 release.

7 **MS. JONES:** Okay. So you're giving advice  
8 on the facts, not the actual facts themselves?

9 **MR. WELLS:** That's right.

10 **MS. JONES:** Okay. Good. I understand that.  
11 Could we go to Document Number 122658,  
12 please?

13 **THE COMMISSIONER:** Thank you.  
14 Exhibit 1746 is a newspaper article. I  
15 don't have the date for that.

16 **MS. JONES:** The date is January 8<sup>th</sup>, 1994.  
17 It's up at the top, underneath the headline.

18 **THE COMMISSIONER:** Right. Thank you. And  
19 it's the Citizen -- the Ottawa Citizen.

20 --- **EXHIBIT NO./PIÈCE NO. P-1746:**

21 (122658) Ottawa Citizen news clipping  
22 "Cornwall Police deny privacy violation"  
23 dated January 8, 1994

24 **MS. JONES:** Have you got that in front of  
25 you, sir?

1                   MR. WELLS: Yes, I do, Ms. Jones.

2                   MS. JONES: Okay. So, again, just to recap  
3 the dates, January 5<sup>th</sup>, you've got the first news release  
4 coming from CPS. January 6<sup>th</sup>, we've got Charlie Greenwell's  
5 situation. January 7<sup>th</sup>, we have Brunet's notes that state  
6 that you had met with him and Officer Sebalj about the  
7 press releases. Then January 8<sup>th</sup>, 1994, there's this rather  
8 lengthy press release then to the -- or article, I should  
9 say, about what's happening in the Cornwall Police. So  
10 that's the next day after January 7<sup>th</sup>.

11                   Now, the headline here is "Cornwall Police  
12 deny privacy violation" and in the opening paragraph, just  
13 to give a context of what this article is about, it says:

14                   "An Ottawa Valley man says Cornwall  
15 Police violated his privacy and  
16 victimized him a second time by  
17 releasing his witness statement about  
18 being sexually abused. Details of the  
19 statement were publicized this week  
20 through an Ottawa television station  
21 and newspaper. The man said that his  
22 signature was noticeable in a  
23 television report that used pictures of  
24 the statement."

25                   And then there's a quote there, I presume,

1 from Mr. Silmser.

2 Now, your input comes further down on the  
3 second column, as Madam Clerk is showing there:

4 "Staff Sergeant Brendan Wells, a  
5 Cornwall Police spokesman, said, 'I'm  
6 satisfied no member of the Cornwall  
7 Police Service gave any statement to  
8 any news media', but Wells could not  
9 explain how the statement became  
10 public, adding, 'Cornwall Police are  
11 investigating the matter and will  
12 question involved media agencies as to  
13 how they received its statement'."

14 So just a couple of questions about that.  
15 The very first comment you made was -- and it seems to be a  
16 quote, although I know that the media, as good as they are,  
17 may not get it exactly right, with the greatest of respect  
18 to them but the words attributed to you in any event are:

19 "I'm satisfied no member of the  
20 Cornwall Police Service gave any  
21 statement to any news media."

22 I'm wondering where did you get that  
23 conclusion from, what were you relying on to be able to  
24 tell the press that particular fact?

25 **MR. WELLS:** I'm not so sure that that quote

1       you used by the member of the media was accurate. I  
2       wouldn't make such a statement out of thin air without  
3       being able to prove it.

4               I have not investigated any incident  
5       regarding to that date, regarding who had maybe released it  
6       to the media or any member of the Service. So I can't see  
7       myself making that statement.

8               **MS. JONES:** Do you recall meeting with the  
9       press to discuss this issue and discuss this article?

10              **MR. WELLS:** Again, Ms. Jones, I don't recall  
11       specifically meeting with the press with this but I have  
12       read this particular item and am prepared to discuss it.

13              **MS. JONES:** They used the word "spokesmen",  
14       were you a person that often dealt with high-profile issues  
15       in the paper or was this a one-off?

16              **MR. WELLS:** Yes, I was the media relations  
17       person designated at that time for the Service.

18              **MS. JONES:** So then as the media relations  
19       person, what would have been the typical way that they  
20       would have gotten some sort of a statement from you? Do  
21       they do it over the phone? Do they meet with you in  
22       person?

23              **MR. WELLS:** This is from The Citizen?

24              **MS. JONES:** Yes.

25              **MR. WELLS:** Okay, it would be over the

1 phone.

2 MS. JONES: And you didn't use a tape  
3 recorder, whatever, just to be sure that your words would  
4 not be misconstrued or misstated?

5 MR. WELLS: No, Ma'am.

6 MS. JONES: Or have somebody listen to your  
7 end of the phone conversation to be sure that you weren't  
8 misquoted or misstated?

9 MR. WELLS: No, Ma'am.

10 MS. JONES: And you didn't take any notes --

11 -

12 MR. WELLS: No, Ma'am.

13 MS. JONES: --- of the phone call  
14 conversation so you wouldn't be misquoted or misstated?

15 MR. WELLS: No, Ma'am.

16 MS. JONES: Did you write a letter to The  
17 Ottawa Citizen or did CPS write a letter to The Ottawa  
18 Citizen to state that that was inaccurate, that that is not  
19 actually what you said?

20 MR. WELLS: No, I did not.

21 MS. JONES: The other comment that you have  
22 there attributed to you was that you couldn't explain how  
23 the statement became public and that the Cornwall police  
24 are investigating the matter.

25 Was that actually true at that time, on

1 January 8<sup>th</sup>, 1994?

2 **THE COMMISSIONER:** What, that he couldn't  
3 explain it?

4 **MS. JONES:** With regards to Cornwall police  
5 investigating how this statement got released to the media.

6 **THE COMMISSIONER:** Well, continue on though.  
7 "The police are investigating the  
8 matter and will question involved media  
9 agencies as to how they received the  
10 statement."

11 **MS. JONES:** Correct.

12 **THE COMMISSIONER:** Okay.

13 **MS. JONES:** But I'm just asking, on January  
14 8<sup>th</sup>, 1994, was that actually true, was there actually an  
15 investigation going on to find out how this statement was  
16 released to the media?

17 **MR. WELLS:** Going by what this -- the  
18 employee of the news media reported, no, it's not true, to  
19 the best of my recollection.

20 If he or she accurately -- I believe it was  
21 Carol Abraham, anyway, I could see myself saying something  
22 to the effect that "if such a complaint comes in, we will  
23 investigate to determine". But to say that we are  
24 investigating, I don't recall if we had a specific  
25 complaint at that time regarding -- or the media did.

1                   **MS. JONES:** It would appear from the  
2 documents you didn't, not at that time, on January 8<sup>th</sup>,  
3 1994, it would come later.

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** But at that date you didn't have  
6 a complaint ---

7                   **MR. WELLS:** No.

8                   **MS. JONES:** --- about that at the time.

9                   **MR. WELLS:** No.

10                  **MS. JONES:** So are you saying then that this  
11 paragraph is inaccurate as well, that you didn't actually  
12 say that to the press?

13                  **MR. WELLS:** I wouldn't say that we were  
14 doing an investigation.

15                   In other words, Ms. Jones, I would not lie  
16 to the media. I would not misguide them.

17                  **MS. JONES:** Did you write any sort of  
18 correspondence to The Ottawa Citizen to clarify this?

19                  **MR. WELLS:** I thought I just answered that;  
20 no, I did not.

21                  **MS. JONES:** No, you answered on the first  
22 point, I'm asking now about this second point because  
23 they're two distinct issues here.

24                  **MR. WELLS:** No, I did not.

25                  **MS. JONES:** So when this particular false

1 comment, the second false comment was attributed to you,  
2 you did nothing about that?

3 **MR. WELLS:** No, I did not.

4 **THE COMMISSIONER:** Time for a break?

5 **MS. JONES:** I think it's a good time. Thank  
6 you.

7 **THE COMMISSIONER:** Thank you. We'll take  
8 the morning break.

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

11 This hearing will resume at 11:15.

12 --- Upon recessing at 10:59 a.m./

13 L'audience est suspendue à 10h59

14 --- Upon resuming at 11:17 a.m./

15 L'audience est reprise à 11h17

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

18 This hearing is now resumed please be  
19 seated. Veuillez vous asseoir.

20 **BRENDON WELLS: Resumed/Sous le même serment:**

21 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**  
22 **JONES (Continued/Suite):**

23 **MS. JONES:** Thank you.

24 Inspector Wells, we were just looking at the  
25 article that appeared in The Citizen on January 8<sup>th</sup>, 1994.

1           When you read that article and saw that these statements  
2           had been attributed to you; do you remember how you felt  
3           about that? Do you remember if you told anybody your  
4           concerns?

5                           **MR. WELLS:** No.

6                           **MS. JONES:** Would it be fair to say that you  
7           likely would have not been very happy, at the very least?

8                           **MR. WELLS:** If I would have seen the  
9           document and read the areas published by that newspaper, it  
10          would have concerned me.

11                          **MS. JONES:** Right. I mean especially given  
12          that you're the media relations guy.

13                          **MR. WELLS:** M'hm.

14                          **MS. JONES:** Right? And I would assume being  
15          the media relations person for Cornwall police, one of your  
16          duties, clearly, would be to read the media releases  
17          concerning Cornwall police.

18                          **MR. WELLS:** Yes.

19                          **MS. JONES:** So, we'll assume that you read  
20          this article. I know you don't have any notes to that or  
21          independent recollection even perhaps. But it would appear  
22          that two very clear statements were attributed to you and  
23          you're very clear in your testimony here today that really  
24          you didn't say either of those statements; but they're both  
25          false and you did not say that?

1                   **MR. WELLS:** Or maybe written in another  
2                   context. I would not mislead the press and say that an  
3                   investigation was being conducted, if I didn't have  
4                   knowledge that one was being conducted.

5                   **MS. JONES:** Right. And we've heard from you  
6                   that that was false.

7                   **MR. WELLS:** Yes.

8                   **MS. JONES:** About the investigation thing.  
9                   And the previous statement, if I could just have that up on  
10                  the screen again, sorry.

11                  The previous statement where it said "I'm  
12                  satisfied no member of the Cornwall Police Service gave any  
13                  statement to any news media," you're saying today that that  
14                  is false; that you did not say that?

15                  **MR. WELLS:** I'm saying that there may have  
16                  been another part or portion of -- it's possible that there  
17                  was another part. I have no evidence. For example, I have  
18                  no evidence to indicate that the Cornwall -- any member of  
19                  the Cornwall police released any information to the media,  
20                  so therefore, I'm satisfied at this time that there is --  
21                  there was no -- something to that effect.

22                  **MS. JONES:** So are you saying ---

23                  **MR. WELLS:** If they would have cut and  
24                  pasted or just put in to cover the facts that they wanted  
25                  to cover. And they've been -- with all due respect to the

1 media, sometimes they may slide towards that side.

2 And just to clarify a point, Ms. Jones.

3 When I say "I have no notes regarding this," it doesn't  
4 necessarily mean that I didn't make any notes, I just don't  
5 have any notes before me, at this time, to -- in other  
6 words, periodically you ask me "Did you make notes or do I  
7 have notes", I don't have notes concerning the ---

8 **MS. JONES:** So are you now -- excuse me.

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

10 **MS. JONES:** The -- so you're saying now that  
11 there's a possibility you did make notes but you just don't  
12 have them?

13 **MR. WELLS:** No, I'm not saying now. What I  
14 want to clarify is that throughout my period of time that I  
15 -- in my office, certainly I made notes, police officers  
16 make notes, I just -- I haven't been able to provide those  
17 notes to the Inquiry.

18 So I don't have those notes. I just wanted  
19 to clarify that point.

20 **MS. JONES:** We have some notes but we  
21 certainly don't have any notes ---

22 **MR. WELLS:** Yes.

23 **MS. JONES:** --- about these.

24 **MR. WELLS:** M'hm.

25 **MS. JONES:** Right. Do you have an

1 explanation for that?

2 MR. WELLS: No, Ma'am.

3 MS. JONES: If in fact there were notes  
4 made, you don't know that though, do you?

5 MR. WELLS: May I say that not necessarily  
6 in this date but down the road, I was off for another  
7 lengthy period of time with various operations and my  
8 office was moved and the contents of that office was moved  
9 and so I have not been able to find the notes -- my notes  
10 relevant to a period of time in my employment at the  
11 Cornwall Community Police Service.

12 MS. JONES: Now, with respect to those two  
13 statements that are attributed to you, your evidence, I  
14 believe, is that the one statement is false and certainly  
15 the other one seems to be misleading at best?

16 MR. WELLS: Yes.

17 MS. JONES: The first statement seems to be  
18 at least misleading ---

19 MR. WELLS: Yes.

20 MS. JONES: --- if not false.

21 As a media relations person, again, it must  
22 have been a concern to you because you're going to have to  
23 deal with the media as the media spokesperson for Cornwall  
24 Police from time to time in the future as well.

25 MR. WELLS: At that time, it wouldn't -- it

1           wouldn't mean that I would collect all areas or all  
2           newspaper articles relevant to this particular item myself  
3           personally. So there was a possibility that -- there was a  
4           real possibility that I wouldn't have read that particular  
5           item. I don't recall reading that particular item.

6                       **MS. JONES:** So as the media spokesperson,  
7           your evidence is you may not even have read the Ottawa  
8           Citizen article?

9                       **MR. WELLS:** There's a possibility I did not  
10          read ---

11                      **MS. JONES:** I just want to refer you to  
12          Brunet's notes again. That's Exhibit 1429, Bates page  
13          7098.

14                      **MR. WELLS:** Fourteen-twenty-nine (1429)?

15                      **MS. JONES:** Exhibit 1429.

16                      **MR. WELLS:** Yes.

17                      **MS. JONES:** Those are Officer Brunet's  
18          notes.

19                      **MR. WELLS:** Fourteen-twenty-nine (1429)?

20                      **MS. JONES:** I'm sorry.

21                      **MR. WELLS:** No.

22                      **MS. JONES:** Fourteen-thirty-nine (1439).

23          Thank you.

24                      And I just want to refer you to the Bates  
25          page 7098 because those are Staff Sergeant Brunet's notes

1 from January 8<sup>th</sup> and they actually end January 11<sup>th</sup>. But on  
2 January 8<sup>th</sup> -- do you have that in front of you, sir?

3 MR. WELLS: Yes, I do.

4 MS. JONES: You'll see actually on January  
5 8<sup>th</sup>, 1994 the entry at 11:21 hours, it would appear that  
6 there was contact with various members of the media, as you  
7 can see down below there?

8 MR. WELLS: Yes.

9 MS. JONES: Can you see that, sir?

10 MR. WELLS: Yes.

11 MS. JONES: Okay. And if you read through  
12 the notes, Officer Brunet calls CJOH. He calls the  
13 Citizen. He calls The Sun. He calls the Standard  
14 Freeholder and in those notes, would you agree with me,  
15 nowhere in there is there any comment about the inaccuracy  
16 of the January 8<sup>th</sup> article that would have appeared that  
17 morning? The Ottawa Citizen is a morning paper, so it  
18 would have appeared in the morning of the times of these  
19 contacts or sometime after 11:21 in the morning. But would  
20 you agree with me that nowhere in there is there any sort  
21 of comment about the inaccuracies, the falsehoods or the  
22 misleading article in the comments attributed to you in the  
23 January 8<sup>th</sup> article?

24 MR. WELLS: I don't see any.

25 MS. JONES: And you'll agree with me it was

1           Officer Brunet and yourself that had been discussing, the  
2           couple of days leading up to January 8<sup>th</sup>, the press  
3           releases?

4                   **MR. WELLS:** With Constable Sebalj, yes.

5                   **MS. JONES:** With Constable Sebalj?

6                   **MR. WELLS:** Yes.

7                   **MS. JONES:** And you'll agree with me nowhere  
8           in the notes between January 8<sup>th</sup> and January 11<sup>th</sup> is there  
9           one entry of you perhaps going to Staff Sergeant Brunet  
10          saying "I can't believe this has happened. These are false  
11          things in the Citizen attributed. This is terrible"? Do  
12          you agree there's no sort of bringing him to the attention  
13          that these things have been printed in an inaccurate  
14          fashion?

15                   **MR. WELLS:** You're asking me if that's  
16          accurate because of what's being said here in these notes?

17                   **MS. JONES:** Well, if we are to accept that  
18          these are Officer Brunet's notes of what happened ---

19                   **MR. WELLS:** Yes.

20                   **MS. JONES:** --- on January 8<sup>th</sup> vis-à-vis the  
21          media ---

22                   **MR. WELLS:** Yes.

23                   **MS. JONES:** --- would you agree with me  
24          there's no entry here that shows you talking to him about  
25          the January 8<sup>th</sup> article which we've just discussed a moment

1 ago?

2 MR. WELLS: That's correct.

3 MS. JONES: And there's no entry here where  
4 he's actually contacted the Citizen stating that he's  
5 dismayed by the inaccuracies in the article that had  
6 appeared that very morning? There's nothing to that effect  
7 there?

8 MR. WELLS: That's correct.

9 MR. CALLAGHAN: I think it would also be  
10 fair to point out that in these notes Staff Sergeant Brunet  
11 is asking certain media outlets how they got the document,  
12 apropos the comment about whether or not there was  
13 inquiries made about how the document got to the media.  
14 That's also in these notes.

15 Well, we just asked a lot of questions about  
16 whether there were any inquiries about how the media got  
17 the document.

18 THE COMMISSIONER: No, no ---

19 MR. CALLAGHAN: You've got this witness'.

20 THE COMMISSIONER: M'hm.

21 MR. CALLAGHAN: And then we go into here  
22 saying -- asking about all the other issues that come up  
23 with the media, but there are obviously comments in there  
24 where he's asking -- you know, in one of them it says it  
25 came unsolicited to one of the media outlets. But anyway,

1           it's ---

2                           **THE COMMISSIONER:** I thought the question --

3           -

4                           **MR. CALLAGHAN:** --- just a matter of fair  
5 representation of the notes, that's all.

6                           **THE COMMISSIONER:** Well, no, no. First of  
7 all, those notes are Sergeant Brunet's notes.

8                           **MR. CALLAGHAN:** I agree.

9                           **THE COMMISSIONER:** Okay. So the  
10 representation is there.

11                           **MR. CALLAGHAN:** Right.

12                           **THE COMMISSIONER:** I thought counsel was  
13 asking questions about whether or not there was any  
14 comments in the notes about rebutting the errors that were  
15 printed in that article on June 6<sup>th</sup> -- January.

16                           **MR. CALLAGHAN:** All right. Maybe I  
17 misunderstood. I thought it was a contact with the media.

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

19                           **MS. JONES:** Now, we have documents to verify  
20 this but, again, I'm going to go through a bit of a  
21 chronology. If you need the documents, I'll give them to  
22 you, but it might be just helpful if I could quickly go  
23 through a bit of chronology to get you up to speed on  
24 what's happening next then.

25                                   So we have this article on January 8<sup>th</sup> that

1 we've talked about. On January 10<sup>th</sup>, 1994 Officers Blake  
2 and Skinner from the Ottawa Police are starting their  
3 investigation into the alleged conspiracy theories at  
4 Cornwall Police. We would believe they would have been  
5 asked earlier than January 10<sup>th</sup>, but on January 10<sup>th</sup> is the  
6 date that they start that and we have a document to verify  
7 that. Okay?

8 **MR. WELLS:** M'hm.

9 **MS. JONES:** Then on January 11<sup>th</sup>, 1994 there  
10 is a letter from Mr. Silmser's lawyer, Bryce Geoffrey -- if  
11 I'm pronouncing that correctly -- to the Cornwall Police  
12 complaining that someone at CPS had released his victim  
13 statement to the media without his authority. And in that  
14 particular complaint Officer Sebalj is actually named as  
15 the police officer that the complaint is being made about.  
16 Now, that's on January 11<sup>th</sup>, which is obviously after. So  
17 this investigation that may have been alluded to in the  
18 January 8<sup>th</sup> article actually -- there's a letter dated  
19 January 11<sup>th</sup> that may start this ball rolling. And I  
20 believe you've seen this letter?

21 **MR. WELLS:** Yes.

22 **MS. JONES:** Is that right?

23 **MR. WELLS:** Now, on January 11<sup>th</sup>, the same  
24 date as the letter -- although we don't have that you  
25 received it on January 11<sup>th</sup>, so I don't want to mislead you

1 on that -- but on January 11<sup>th</sup>, 1994 the Cornwall Police  
2 Services Board then issued a news release.

3 And I'm wondering if that could please be  
4 brought up, Exhibit 1224.

5 (SHORT PAUSE/COURTE PAUSE)

6 THE COMMISSIONER: Do you recognize this  
7 document, sir?

8 MR. WELLS: I've seen this document in  
9 preparation for the Inquiry here today.

10 THE COMMISSIONER: Did you have any  
11 involvement in preparing it, to your knowledge?

12 MR. WELLS: No. No, sir.

13 MS. JONES: Were you still the media  
14 relations spokesperson though for Cornwall Police at the  
15 time that the January 11<sup>th</sup> release was made?

16 MR. WELLS: Yes, I was.

17 MS. JONES: So would you possibly have had  
18 involvement with regards to not the facts that go in but  
19 the structure in which it said the type of wording, that  
20 sort of thing?

21 MR. WELLS: Possibly in the structure, yes.

22 MS. JONES: And so ---

23 THE COMMISSIONER: Just let me stop here.  
24 Just a minute. This is a news release from the Police  
25 Services Board.

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

2                   **THE COMMISSIONER:** Would -- did you  
3 participate in preparation of press releases that are  
4 titled the Police Services Board in the course of your  
5 duties?

6                   **MR. WELLS:** There may have been times when I  
7 would, Mr. Commissioner.

8                   **THE COMMISSIONER:** Yes.

9                   **MR. WELLS:** Mr. Brunet -- Staff Sergeant  
10 Brunet may have come over to my office and inquired as to  
11 how to structure it because ---

12                   **THE COMMISSIONER:** Okay. But Brunet is  
13 still a police officer.

14                   **MR. WELLS:** Yes.

15                   **THE COMMISSIONER:** The originator of this  
16 thing is Leo Courville, the Chairman of the Cornwall Police  
17 Services Board.

18                   **MR. WELLS:** Yes.

19                   **THE COMMISSIONER:** And I know that sometimes  
20 people who are head of something have other people prepare  
21 it, and so if, for example, Carl Johnston -- Chief Johnston  
22 had something to do, it might have been his outfit, so to  
23 speak, that would have done that.

24                   **MR. WELLS:** Yes.

25                   **THE COMMISSIONER:** Is that -- am I reading

1           that correctly?

2                         **MR. WELLS:** Yes, sir.

3                         **THE COMMISSIONER:** Okay.

4                         **MS. JONES:** All right.

5                         If we look at the last portion of that  
6           particular news release, towards the end of the news  
7           release ---

8                         **THE COMMISSIONER:** Yes, we're there.

9                         **MS. JONES:** I'm sorry. I just wanted to get  
10          -- at the very end of the news release or towards the end  
11          of the news release they basically -- the press release is  
12          inviting Silmsler to lodge a complaint or suggesting  
13          possibly that this might be an appropriate method to pursue  
14          if in fact there was a complaint to be made, and can you  
15          see that the details are provided for that person to do  
16          that.

17                         Do you see that, sir?

18                         **MR. WELLS:** Yes.

19                         **MS. JONES:** Okay. So as the media  
20          spokesperson for CPS, you certainly would have been aware  
21          of this news release going out and being generated at that  
22          particular time?

23                         **MR. WELLS:** Possibly.

24                         **MS. JONES:** Now, what happens shortly  
25          thereafter, of course, is that there is actually a

1 complaint that is made ---

2 MR. WELLS: That's correct.

3 MS. JONES: --- as it talked about the Bryce  
4 Geoffrey situation. So we're going to talk about that and  
5 what I call the Silmsier investigation.

6 Now, do you recall the morning meeting that  
7 we talked about earlier, just to put it into context again,  
8 that that's where you met, and you recall that Shaver and  
9 St. Denis were at the meeting. You think that Trew, Brunet  
10 and Lortie were also there?

11 MR. WELLS: Yes.

12 MS. JONES: Okay. And that was your first  
13 dealings with the Silmsier matter.

14 Now, if I could please refer you back to  
15 your OPP interview, which is at Exhibit Number 1742. I  
16 probably didn't need to take you to the document, but you  
17 recall that earlier in the document you did say that you  
18 hadn't taken any notes on the Silmsier investigation that  
19 we're talking about now, but you actually had taken some  
20 notes, did you not, when you were interviewing people and  
21 such?

22 MR. WELLS: Yes.

23 MS. JONES: Okay.

24 MR. WELLS: That's correct.

25 MS. JONES: So when there's a reference in

1 here to no notes in the OPP interview, you're not actually  
2 referring to the notes you prepared at the section we're  
3 now involved in, which is the Silmsler investigation?

4 MR. WELLS: No.

5 MS. JONES: I just want to differentiate  
6 between that.

7 MR. WELLS: I believe Mr. Hall was referring  
8 to the notes made at that particular meeting. That was my  
9 understanding.

10 MS. JONES: Right. Okay. So that's what I  
11 just want to be clear about.

12 MR. WELLS: Yes.

13 MS. JONES: So when I ask about those notes,  
14 I'm not talking about the notes you would have used when  
15 you did your investigation.

16 MR. WELLS: Okay.

17 MS. JONES: Just to be clear and just so  
18 that we're both clear about that, because I know that you  
19 did do notes of the investigation.

20 MR. WELLS: Yes.

21 MS. JONES: Okay.

22 MR. WELLS: All right.

23 MS. JONES: So are you able to tell us --  
24 did you have any sort of a mindset then when you're being  
25 tasked now with having an investigation put on you because

1           apparently on January 21<sup>st</sup>, the actual complaint was made --  
2           -

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

4                       **MS. JONES:** --- and you met with Mr.  
5           Geoffrey and you met with Mr. Silmsler as well, and the  
6           public complaint Form 1 was filled out.

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

8                       **MS. JONES:** Do you recall that?

9                               Now, you already had some knowledge going  
10           into this. Do you remember what sort of mindset you would  
11           have had when you were meeting initially with Mr. Geoffrey  
12           and Mr. Silmsler?

13                       **MR. WELLS:** I don't understand your  
14           question, Ms. Jones.

15                       **MS. JONES:** Did you have any preconceived  
16           notions about what was happening?

17                       **MR. WELLS:** I try not to have any  
18           preconceived notions prior to completing an investigation.  
19           I basically let the investigation unfold as it's going to  
20           and then make my judgments or recommendations based on  
21           those facts.

22                       **MS. JONES:** Okay.

23                               Now, I'm going to be referring to Exhibit  
24           643.

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

1                   **MS. JONES:** Mr. Commissioner, I'm wondering  
2 if we could just address Exhibit 643 for just a moment.  
3 Six-forty-three (643) is the *Public Service Act* complaint.  
4 It's the final report essentially written by Inspector  
5 Wells and the complainant is Mr. Silmser and the OPCC file  
6 is 30019/94.

7                   **THE COMMISSIONER:** Yes. It's already an  
8 exhibit.

9                   **MS. JONES:** Yes, but I have to just add --  
10 put in quotation marks, add something to it. There's  
11 actually -- to make this exhibit complete, there's actually  
12 an addendum that was not made part of the original Exhibit  
13 643, and I would be asking that the addendum, which I  
14 believe all the parties have copies of now, for the sake of  
15 completeness, just adding the addendum on as Exhibit 643A.

16                   **THE COMMISSIONER:** All right.

17 Any problems with that? No? All right.

18                   **MS. JONES:** The Document Number is 116245.

19                   **THE COMMISSIONER:** But there's a whole bunch  
20 of notes here. Oh, that's what it is. You're attaching to  
21 the ---

22                   **MS. JONES:** That's right.

23                   **THE COMMISSIONER:** --- hearing the notes  
24 that were filed and used in that hearing?

25                   **MS. JONES:** That's correct.

1                   **THE COMMISSIONER:** Okay.

2                   **MS. JONES:** And it literally goes on the  
3 back of Exhibit 643. So we wanted to have a full version  
4 of this available.

5                   **MR. CALLAGHAN:** Just to be clear, sir, this  
6 isn't the final report but, rather, this is the disclosure  
7 that's created from the public -- the Police Complaints --  
8 they did disclosure on this. This is the disclosure that  
9 would have gone to all the parties.

10                  **THE COMMISSIONER:** Okay. Thank you.

11                  **MR. WELLS:** Mr. Commissioner?

12                  **THE COMMISSIONER:** Yes.

13                  **MS. JONES:** Just a moment, please.

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

15                  **MR. WELLS:** Do you want me to add this to --

16                  -

17                  **THE COMMISSIONER:** No, no, you can leave it  
18 there.

19                  **MS. JONES:** Just a moment, please.

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

21                  **--- EXHIBIT NO/PIÈCE NO. P-643A:**

22                               (116245) *Police Services Act*, 1990, Part 2 -  
23 File History - Complainant David Silmser  
24 against CPS

25                  **MS. JONES:** I'm sorry, it was right in front

1 of me here.

2 So I just want to go to the initial  
3 complaint, Form 1, which is in Exhibit 643, Bates page  
4 1134454. It's about four pages in.

5 **THE COMMISSIONER:** I'm sorry; say again?

6 **MS. JONES:** Am I correct on that?

7 **THE COMMISSIONER:** I don't know.

8 **MS. JONES:** No, I may not be. I think I'm  
9 using the old document number, actually.

10 **THE COMMISSIONER:** Okay. No, it's all  
11 right, 2661.

12 **MR. WELLS:** Thank you.

13 **THE COMMISSIONER:** The witness was there  
14 before all of us.

15 **MS. JONES:** Thank you, 2661. I apologize,  
16 I'm using another version.

17 So just for clarification then, on Bates  
18 page 2661, that is actually the Form 1 that would have been  
19 filled out with you, the lawyer and Mr. Silmsen?

20 **MR. WELLS:** That's correct.

21 **MS. JONES:** And just for clarification  
22 purposes, the complaint is made up of Appendix A and the  
23 lawyer's letter essentially that he had sent on January  
24 11<sup>th</sup>. Is that right?

25 **MR. WELLS:** The complaint was made up of

1 Appendix A, which is this letter; right?

2 MS. JONES: Correct.

3 MR. WELLS: And the specific allegations of  
4 misconduct underneath?

5 MS. JONES: Correct.

6 But there was also attached the original  
7 Form 1, the letter. It also says it here too:

8 "Please see January 11<sup>th</sup> letter from  
9 Bryce Geoffrey."

10 MR. WELLS: Yes.

11 MS. JONES: So the initial -- as I say, this  
12 is a different sort of a document. It's not just the Form  
13 1 and the letter; it's the whole package.

14 MR. WELLS: M'hm.

15 MS. JONES: So just for explanation sake, at  
16 that particular time, what you have is Form 1 and you have  
17 the lawyer's letter ---

18 MR. WELLS: Yes.

19 MS. JONES: --- attached to it.

20 MR. WELLS: Yeah.

21 MS. JONES: And in the lawyer's letter and  
22 on the Form 1, the only officer noted here is Officer  
23 Sebalj.

24 MR. WELLS: Yes, correct.

25 MS. JONES: And it'd be fair to say that the

1 lawyer's letter was the concern, because of the date it was  
2 written, it was concerned with the release to the media.

3 MR. WELLS: M'hm.

4 MS. JONES: Because they'd seen the  
5 statement on CJOH and that was the content, that was the  
6 main thrust of the letter; they were upset that this  
7 statement had been released to the media.

8 MR. WELLS: Correct.

9 MS. JONES: And there was no mention at that  
10 time about any release of the document to CAS.

11 MR. WELLS: That's correct.

12 MS. JONES: And the release of the -- of  
13 anything, or the statement to the CAS arose as a result of  
14 seeing the press release in which it was mentioned, that I  
15 had mentioned earlier, the Police Board press release. Is  
16 that right?

17 MR. WELLS: I don't understand.

18 MS. JONES: Well they -- where did the  
19 information come from then concerning the CAS? Because on  
20 Appendix A it mentions CAS

21 MR. WELLS: And you're wondering where that  
22 information came from?

23 MS. JONES: Yes, at that particular time now  
24 it's known that ---

25 MR. WELLS: Yes.

1                   **MS. JONES:** --- Mr. Dunlop had released the  
2 statement to CAS, it wasn't known when the lawyer wrote the  
3 letter but ---

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** --- when you met on January 21<sup>st</sup>  
6 ---

7                   **MR. WELLS:** Yes.

8                   **MS. JONES:** --- it was known at that time?

9                   **MR. WELLS:** Yes.

10                  **MS. JONES:** So that's why on Appendix A, the  
11 last two paragraphs actually mention the release of the  
12 statement to CAS, in addition to the leak to the media.

13                  **MR. WELLS:** Yes.

14                  **MS. JONES:** They're two separate things in  
15 other words.

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

17                  **MS. JONES:** Okay. So even though it says  
18 Officer Sebalj on the front of Form 1, the way the letter  
19 writes and the way Appendix A reads, it actually also  
20 involves any other involved officers that may be involved,  
21 that you may discover through your investigation; an  
22 unknown officer at the time of the making of the complaint,  
23 leaking to the media and releasing the statement to CAS.

24                                 Sort of an all encompassing, even though it  
25 only mentions Officer Sebalj.

1                   **MR. WELLS:** Correct.

2                   **MS. JONES:** Okay. Now, do you recall the  
3 conversation with the lawyer and Mr. Silmser, was it a long  
4 meeting, was it a short brief meeting, do you recall that  
5 or is it just filling out the form and going or ---

6                   **MR. WELLS:** To the best of my recollection  
7 it wouldn't have been a short brief meeting, it would have  
8 been, I believe, for a substantial period of time so as to  
9 allow the Form 1, everything, sharing of information.

10                  **MS. JONES:** Now, the next thing that happens  
11 -- this is January 21<sup>st</sup>, 1994. On January 26<sup>th</sup>, 1994 it  
12 would appear that you discussed the matter leading up to  
13 January 26<sup>th</sup>, '94. It would appear you discussed the matter  
14 with Acting Chief Johnston and you had signed a Form 6,  
15 which is the request for classification of the complaint as  
16 an inquiry so that you could reclassify the complaint Mr.  
17 Silmser and his lawyer made as a public complaint, as an  
18 inquiry. Do you recall that?

19                  **MR. WELLS:** Yes.

20                  **MS. JONES:** I could take you to the Document  
21 721796.

22                  **MR. WELLS:** Yes, please.

23                  **THE COMMISSIONER:** Okay, Exhibit Number 1747  
24 is a Police Complaints Form 6, dated -- oh no, the date of  
25 the complaint is -- but it's signed by Officer -- Staff

1 Sergeant Wells on January 26<sup>th</sup>, 1994.

2 --- EXHIBIT NO./PIÈCE No. P-1747:

3 (721796) - Public Complaint - Form 6 -  
4 Request for Classification of Complaint as  
5 an Inquiry dated 26 Jan. 94

6 MS. JONES: And on the next page, Bates page  
7 3639 you just listed the reasons why you felt this internal  
8 -- currently internal complaint should be actually an  
9 inquiry, more of a -- more of a ---

10 MR. CALLAGHAN: This is a statutory scheme;  
11 there is Part 5 which is an internal complaint and Part 6  
12 which is a public complaint. This was a public complaint  
13 and this document is asking the Public Complaints  
14 Commissioner to do the investigation, rather than the  
15 Force.

16 I think we have to be very clear because  
17 obviously at the end of the day people are going to refer  
18 you back to the legislation.

19 MS. JONES: So you proposed to reclassify  
20 Silmsers's public complaint as an inquiry?

21 MR. WELLS: That's correct.

22 MS. JONES: Thank you.

23 And the reasons for the reclassification or  
24 the reasons why you wanted this were listed in the back:

25 "A very high profile incident; a need

1 for public perception that independent  
2 investigation be carried out; the  
3 gravity of the allegations, the civil  
4 ramifications; to re-establish the  
5 integrity of CPS, and the entire  
6 incident has already been investigated  
7 internally prior to the lodging of the  
8 most recent complaint and prior to the  
9 imposition of any corrective process."

10 And again, just for clarification, these are  
11 the reasons you gave, why you thought it shouldn't be done  
12 internally, why someone externally should be reviewing  
13 this?

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

15 **MS. JONES:** Okay. And I just want to ask  
16 you about the very last issue because there's two issues  
17 being investigated here; one is the release of the  
18 statement to CAS, the other is the leak to the media;  
19 correct?

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

21 **MS. JONES:** And your very last sentence is  
22 interesting because it said:

23 "The entire incident has been  
24 investigated internally prior to the  
25 lodging of this current complaint."

1                   Now, we know that Staff Sergeant Derochie  
2                   investigated the CAS and Perry Dunlop and the statement  
3                   situation, we know that that had been done already.

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** And he was sanctioned by  
6                   counsel; that was done -- though the sanction wasn't  
7                   completed that was the sanction that was determined.

8                   **MR. WELLS:** I'm sorry; could you repeat what  
9                   you just said?

10                  **MS. JONES:** Derochie had done the  
11                  investigation and it was decided that counselling would be  
12                  the best way of dealing with Officer Dunlop, in releasing  
13                  the statement to the CAS.

14                  **MR. WELLS:** And your question is?

15                  **MS. JONES:** Okay, I haven't gotten to my  
16                  question yet. I'm just saying, that's the CAS part, that's  
17                  been investigated internally with Staff Sergeant Derochie.

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

19                  **MS. JONES:** But the second part of the  
20                  complaint has to do with leak to the media.

21                  **MR. WELLS:** Yes, correct.

22                  **MS. JONES:** Now, in the news release the  
23                  words attributed to you said that "I am confident that  
24                  nobody in CPS had released this", in other words, it  
25                  sounded like it had already been investigated.

1                   In here it says the entire incident has been  
2                   investigated internally. So had there been an additional  
3                   investigation into the leak to the media before January  
4                   22<sup>nd</sup>?

5                   **MR. WELLS:** No, I don't believe so. No.  
6                   No, I'm sorry, don't believe so. Not to the best of my  
7                   knowledge. No, there was an internal investigation insofar  
8                   as -- or regarding the document being released to CAS.

9                   **MS. JONES:** Right, that was done,  
10                  absolutely.

11                  **MR. WELLS:** Yes.

12                  **MS. JONES:** But now we're looking at the  
13                  leak to the media.

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

15                  **MS. JONES:** Because you said -- because  
16                  that's what it said in the Ottawa Citizen article which  
17                  you've said here today just isn't true and here it says --  
18                  and you wrote this, "The entire incident has been  
19                  investigated internally". Was that just an error there?

20                  **MR. WELLS:** The entire incident relevant to  
21                  the release of documents to CAS.

22                  **MS. JONES:** Okay but it doesn't say that  
23                  there. It says "The entire incident has been investigated  
24                  internally", meaning CAS and the leak to the media.

25                  **MR. WELLS:** No, meaning CAS.

1                   **MS. JONES:** Okay. But you agree with me, it  
2 doesn't say just CAS there?

3                   **MR. WELLS:** I agree, it doesn't say that.

4                   **MS. JONES:** So that's an error? I just want  
5 to be clear about that because that's ---

6                   **MR. WELLS:** That's an error.

7                   **MS. JONES:** Okay. Thank you.

8                   So for all of these reasons then you felt it  
9 was very important to go outside the Force. And would it  
10 also be possible that -- you don't list it here but did you  
11 feel that possibly there was a conflict of interest on your  
12 part? And I'll outline what I mean by that.

13                   First of all, you did have knowledge of some  
14 of the parties, we've already mentioned the OPP interview,  
15 you said that you had met some of the parties that were  
16 involved in the Silmser complaint, although I know that's  
17 not being investigated.

18                   But you had had some input into the news  
19 releases that had been made by the CPS and by the Police  
20 Board. You did have meetings with senior officers about  
21 what was happening in the Silmser situation, so you already  
22 perhaps knew what their position was about the Silmser  
23 complaint.

24                   Did you feel that you still had the  
25 necessary independence and not a conflict of interest, now

1 asked to investigate this Silmsers situation?

2 MR. CALLAGHAN: My friend started off saying  
3 they knew people in the Silmsers complaint; I don't recall  
4 any evidence to that regard.

5 MS. JONES: In the OPP transcript that I  
6 read to you, the portion, Officer Hall asked you, did you  
7 know Father Charlie, did you know Ken Seguin, did you know  
8 Malcolm MacDonald, you said that you had known these  
9 people.

10 MR. WELLS: I said that I knew all of those  
11 people?

12 MS. JONES: That there was no conflict of  
13 interest. That's what it said in the OPP ---

14 MR. WELLS: That's right, there was no  
15 conflict ---

16 MS. JONES: I'll refer you to it again.

17 MR. WELLS: There was no conflict of  
18 interest.

19 You asked me about conflict of interest.

20 MS. JONES: Yes.

21 MR. WELLS: I don't recall you asking me did  
22 I know all of those three people.

23 MS. JONES: Oh, okay.

24 MR. WELLS: Sorry.

25 MS. JONES: So we'll leave that anyway

1 because it's part of the other investigation.

2 **THE COMMISSIONER:** Well, no, no. Did you  
3 know Father MacDonald?

4 **MR. WELLS:** Yes, I knew of Father MacDonald.

5 **THE COMMISSIONER:** If you saw him on the  
6 street, would you stop, shake hands and, "Hey, how are you  
7 doing?" That kind of stuff? Or just, "Hi," and pass by?

8 **MR. WELLS:** If I saw Father MacDonald on the  
9 street and he was to say to me, "Hi," I'd say, "Hello,"  
10 shake hands.

11 No, I didn't know Father MacDonald  
12 personally.

13 **THE COMMISSIONER:** All right, you didn't  
14 know him personally, okay.

15 What about Ken Seguin?

16 **MR. WELLS:** I knew of Ken Seguin because of  
17 his involvement in Probations and I was a police officer.

18 **THE COMMISSIONER:** Have you ever had any  
19 interactions with him outside the police office?

20 **MR. WELLS:** No, sir.

21 **THE COMMISSIONER:** Who was the other person?

22 **MS. JONES:** Malcolm MacDonald.

23 **THE COMMISSIONER:** Malcolm MacDonald?

24 **MR. WELLS:** I knew of Malcolm -- Mr. Malcolm  
25 MacDonald because he was a member of the Knights of

1 Columbus, high up in the ---

2 **THE COMMISSIONER:** And what about as a Crown  
3 attorney, was he Crown attorney when you ---

4 **MR. WELLS:** I knew that he was a Crown  
5 attorney.

6 **THE COMMISSIONER:** But you didn't interact  
7 with him?

8 **MR. WELLS:** No. No, sir, I didn't.

9 **THE COMMISSIONER:** All right, thank you.

10 **MR. WELLS:** You're welcome.

11 **MS. JONES:** I just want to refer you to the  
12 transcript so there's no misunderstanding here and on the  
13 page which I already read in earlier, Officer Hall asked  
14 you:

15 "Did you have a conflict of interest by  
16 personally knowing Malcolm MacDonald,  
17 Ken Seguin or Father Charles  
18 MacDonald?"

19 And your answer was:

20 "I had no conflict of interest. There  
21 was no conflict of interest."

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

23 **MS. JONES:** Okay. But with regards to the  
24 fact that you had input in the press releases and a new CPS  
25 press release, the Board press release, you had been to at

1 least one major morning meeting with the senior police  
2 officers, what we're calling the morning meeting.

3 **MR. CALLAGHAN:** It's a mischaracterization.

4 You've heard there's morning meetings and at  
5 the end of it Sergeant Lortie said something at the end of  
6 a daily morning meeting or a weekly, whatever -- wherever  
7 they were conducted, we've heard the evidence, it wasn't a  
8 major meeting about this case. It arose ---

9 **THE COMMISSIONER:** Is there any -- what was  
10 the question?

11 **MR. CALLAGHAN:** She said "there's a major  
12 morning meeting" about this issue; that's not what's going  
13 on.

14 **THE COMMISSIONER:** Okay.

15 **MS. JONES:** I disagree with Mr. Callaghan's  
16 characterization but ---

17 **THE COMMISSIONER:** Whoa, whoa, whoa.

18 The last I heard, I make the final decision.

19 **MS. JONES:** Oh, I'm sorry.

20 **THE COMMISSIONER:** I don't know that the  
21 word "major" should fall in there.

22 **MS. JONES:** Fine.

23 **THE COMMISSIONER:** All right.

24 **MS. JONES:** The significant morning meeting

25 ---

1                   **THE COMMISSIONER:** Well, no, no, no, no,  
2                   that -- no, no. No, no, no.

3                   The meeting ---

4                   **MS. JONES:** Okay.

5                   **THE COMMISSIONER:** --- at the end of  
6                   September, where Sergeant Lortie asked about the Silmsen  
7                   matter.

8                   **MS. JONES:** No, that's fine.

9                   I wasn't trying to ---

10                  **THE COMMISSIONER:** So "the morning meeting."

11                  **MS. JONES:** The morning meeting.

12                  **THE COMMISSIONER:** Capital T, that's it.

13                  **MS. JONES:** Okay.

14                  So you had -- you had knowledge of the  
15                  senior officers' discussion, because you were at the  
16                  morning meeting that we talked about earlier, correct?

17                  **MR. WELLS:** There was no -- how do you  
18                  characterize a discussion -- Sergeant Lortie, to the best  
19                  of my recollection, asked what was happening with an  
20                  investigation where allegations of sexual assault were  
21                  pointed at a priest.

22                  I -- I didn't partake in any -- any  
23                  discussion.

24                  That was all I recall of being asked at that  
25                  particular meeting.

1                   **MS. JONES:** Okay. I -- I didn't say that  
2                   you had contributed anything, but you were present at the  
3                   morning meeting ---

4                   **MR. WELLS:** Well you said I participated.

5                   **MS. JONES:** Okay, attended the morning  
6                   meeting?

7                   **THE COMMISSIONER:** You were present when  
8                   Sergeant Lortie asked questions about the Silmsier  
9                   investigation?

10                  **MR. WELLS:** Yes.

11                  **THE COMMISSIONER:** Okay.

12                  **MS. JONES:** So you were involved in those  
13                  discussions before any complaint was made that morning, at  
14                  the morning meeting. You observed the discussions?

15                  **MR. WELLS:** Yeah, but -- does my presence  
16                  constitute "involved in discussions"?

17                  **THE COMMISSIONER:** For the sake of this  
18                  thing, yes.

19                  Just -- we understand you were present and  
20                  you don't recall having any participation whatsoever.

21                  You attended the meeting and you heard this?

22                  **MR. WELLS:** That's correct, Mr.  
23                  Commissioner.

24                  **THE COMMISSIONER:** Sir, you heard Sergeant  
25                  Lortie voice some concerns; do you have any recollection --

1 I think I've asked you this already -- do you have any  
2 recollection of anybody else -- of what anybody else would  
3 have said?

4 MR. WELLS: No, sir.

5 THE COMMISSIONER: Okay, that's it. That's  
6 all.

7 MS. JONES: Okay. And you also had, it  
8 would appear from Staff Sergeant Brunet's notes,  
9 discussions with him and Officer Sebalj about the incident?

10 MR. WELLS: Regarding this, possibly the  
11 structure of how to prepare. Not the facts; how to prepare  
12 or structure a press release.

13 MS. JONES: But you were aware of the facts  
14 of the press release? You were the contact person for one  
15 of them.

16 I'm not saying you contributed to the facts;  
17 I'm just saying you were aware of the facts.

18 MR. WELLS: The -- the press release that  
19 was released by Mr. Courville, is that the press release  
20 ---

21 MS. JONES: No.

22 MR. WELLS: --- you're talking about?

23 MS. JONES: No.

24 MR. WELLS: Okay.

25 MS. JONES: The first press release,

1 January 5<sup>th</sup>, the short one.

2 MR. WELLS: Okay, yeah.

3 MS. JONES: That you were aware of those  
4 facts, even if you didn't contribute to the facts, you were  
5 aware of them; you were the contact person for them?

6 MR. WELLS: I'll concede that, yes.

7 MS. JONES: And the later press release, you  
8 say you may have had some input into the structure of it  
9 but at least you were aware of the facts of it, in order  
10 for you to comment on the structure of it?

11 MR. WELLS: Not necessarily.

12 MS. JONES: Okay. But do you think that  
13 having this involvement or prior knowledge in any way would  
14 have affected the choice made to put you in charge of the  
15 investigation, do you think that there's a potential for a  
16 conflict of interest there?

17 MR. WELLS: No, I don't believe so. No, I  
18 don't think there is.

19 MS. JONES: So I understand that you spoke,  
20 at some point, to Michael Pearson of the office of the  
21 Police Complaints Commission, and as a result of that  
22 conversation, you quashed the Form 6, which is what we just  
23 looked at there, at Exhibit 1747, and you then embarked on  
24 the investigation of the Silmser complaint in your capacity  
25 as a Professional Standards Officer?

1                   MR. WELLS: That's correct.

2                   MS. JONES: And you have no choice in that,  
3                   you asked for an external investigation to be done by them;  
4                   they said no.

5                   MR. WELLS: That's correct.

6                   MS. JONES: We don't have a document on that  
7                   but was that a telephone conversation or ---

8                   MR. WELLS: That's correct.

9                   MS. JONES: --- a personal meeting?

10                  THE COMMISSIONER: So it was a telephone  
11                  conversation; you recall that?

12                  MR. WELLS: Yes, I do, sir.

13                  THE COMMISSIONER: Okay.

14                  MS. JONES: So, unfortunately, we don't have  
15                  any notes of that conversation?

16                  MR. WELLS: I don't have any notes, but ---

17                  MS. JONES: So the Form 6 that we just  
18                  looked at, Exhibit 1747, even though it was signed and  
19                  dated, it was actually never filed ---

20                  MR. WELLS: That's correct.

21                  MS. JONES: --- is that right?

22                                 So then on February 2<sup>nd</sup>, 1994, you sent an  
23                                 internal correspondence to all relevant police officer  
24                                 witnesses, that you thought were relevant in any event, and  
25                                 requested that they provide you with a statement of facts

1 concerning their observations and actions, as well as their  
2 original notebook and any notes or evidence they may have  
3 regarding the incidents; do you recall that, February 2<sup>nd</sup>?

4 MR. WELLS: What -- may I ask ---

5 MS. JONES: It was just a general letter ---

6 MR. WELLS: --- what correspondence you're  
7 looking at so that I can read the same dates that you're  
8 reading? Just so that I'll be -- we'll be accurate. I  
9 mean ---

10 MS. JONES: Well, I don't -- sure, I don't  
11 have any issue with it. You can actually look at the  
12 second page of Exhibit 643.

13 MR. WELLS: Thank you.

14 MS. JONES: And you have a list of what was  
15 done and your activities?

16 MR. WELLS: That's correct.

17 MS. JONES: And you can see February 2<sup>nd</sup>, you  
18 have letters to a variety of police officers and it's a  
19 pretty standard letter asking them for a statement and  
20 input?

21 MR. WELLS: yes.

22 MS. JONES: I mean, I can go -- you can go  
23 to the letters, but that's basically what they do, is a  
24 summary?

25 MR. WELLS: Yes.

1                   **MS. JONES:** Okay. And you then proceeded to  
2 interview a number of the CPS officers and other members of  
3 the public. And I'd like to direct you, please, to the  
4 statement you received approximately February 8<sup>th</sup>, 1994 from  
5 Deputy Chief St. Denis, and that is at Bates page 2721.

6                   **(SHORT PAUSE/COURTE PAUSE)**

7                   **MR. WELLS:** Yes.

8                   **MS. JONES:** Okay?

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

10                  **MS. JONES:** Just for the record, as well,  
11 Mr. Commissioner, and for this witness, these are all just  
12 retyped statements; are they not, Inspector? That -- I've  
13 looked at the original statement and I've looked at this  
14 and they're the same; they've just been lifted, basically,  
15 and put as part of this report?

16                  **MR. WELLS:** I believe so, yes.

17                  **MS. JONES:** Okay. So when you received the  
18 statement from Deputy Chief St. Denis, it wasn't modified  
19 in any way to be put in as part of your report; you just  
20 took the document as it was stated and put it directly here  
21 and this is what we're reading right now?

22                  **MR. WELLS:** I believe so, yes.

23                  **MS. JONES:** I can refer you to the original,  
24 if you wish, but it would appear to be the same document.  
25 Okay.

1                   Now, the meeting that he talks about, at the  
2 top, "the morning meeting", he actually refers to, as well,  
3 and like yourself, his memory of it is the end of September  
4 or early October, 1993 so that's absolutely consistent with  
5 what you said -- but he also says that -- he also is  
6 consistent with you in saying it seemed to be Sergeant  
7 Lortie, at the time, that was upset about things and was --  
8 was the main focus, shall we say, of the meeting, of what  
9 he was saying; he was the one leading the discussion?

10                   **THE COMMISSIONER:** He's the one who brought  
11 up the subject?

12                   **MS. JONES:** Brought up the subject?

13                   **MR. WELLS:** At the end of the meeting, yes.

14                   **MS. JONES:** Yes, okay.

15                   And St. Denis goes on to report that he had  
16 a meeting with Chief Shaver, on -- in early October, 1993,  
17 and in the second paragraph he says:

18                   "I remember Chief Shaver saying  
19 something very important and urgent  
20 came up and that he had to meet with  
21 Mr. Richard Abell of the Children's Aid  
22 Society.

23                   Later I learned from the Chief, that  
24 Constable Dunlop had handed over  
25 confidential documents about Mr.

1 Silmser to Mr. R. Abell."

2 Now, the paragraph that -- not the next  
3 paragraph but the paragraph after that starts with "at this  
4 point":

5 "At this point, it was obvious to me  
6 that Chief Shaver was bypassing the  
7 chain of command as I had little or no  
8 input or was not involved in most  
9 discussions between the Chief's office  
10 and CIB Youth Bureau."

11 Do you see that?

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

13 **MS. JONES:** Now, I know that this complaint  
14 is entirely about a leak to the media and the release of a  
15 statement to CAS. I understand that, but when you hear a  
16 statement like that being said by the Deputy Chief, is it  
17 fair to say, as a Professional Standards officer, that that  
18 might have raised a bit of concern, maybe not about this  
19 particular complaint, but just as a Professional Standards  
20 officer when you have Chief Shaver, according to the Deputy  
21 Chief, as bypassing a particular chain of command? Is that  
22 not of some concern to you as a Professional Standards  
23 officer?

24 **MR. WELLS:** The fact that it was the Deputy  
25 Chief's opinion that the Chief wasn't following the chain

1 of command?

2 MS. JONES: Yes.

3 MR. WELLS: Would that concern me? It would  
4 cause me to consider what kind of relationship they may  
5 have. Obviously, from reading that, the Deputy Chief -- it  
6 would indicate that the Deputy Chief is not satisfied or  
7 happy with that particular item, but as Professional  
8 Standards, how that's going to affect my investigation, no,  
9 I don't see any concern that I had with regards to that.

10 MS. JONES: I'm not thinking it would affect  
11 this investigation.

12 MR. WELLS: All right.

13 MS. JONES: I just want to be clear about  
14 that.

15 MR. WELLS: All right.

16 MS. JONES: But putting on another hat as a  
17 Professional Standards officer, if -- it's like doing a  
18 police investigation on one crime, and then they say, "Oh,  
19 and by the way, there's drugs over there." I mean, you  
20 have different hats that you may wear. It may not be  
21 exactly for that investigation, but you hear something  
22 curious about something else. Would you not, as the  
23 Professional Standards officer, at least be alerted that  
24 this sounds a bit unusual?

25 MR. WELLS: No.

1                   **MS. JONES:** And two paragraphs down it  
2                   states:

3                                    "On November 2<sup>nd</sup>, 1993, Chief Shaver  
4                                   announced his retirement, that he was  
5                                   still firmly in control of decisions  
6                                   with respect to Cst. Dunlop's  
7                                   [decision] discipline."

8                   I'm sorry; I'll just read that again because  
9                   I mispronounced the last word:

10                                   "...he was still firmly in control of  
11                                   decisions with respect to Cst. Dunlop's  
12                                   discipline."

13                   So again, I know that it has nothing to do  
14                   with the leak to the media or leak to CAS or whatever. I  
15                   know that, and that's your investigation, but hearing or  
16                   reading that, again, as a Professional Standards officer,  
17                   does that cause you some concern that maybe there's  
18                   something else that you should look into or explore when  
19                   you hear that from Deputy Chief St. Denis?

20                   **MR. CALLAGHAN:** I'm sorry; can we be a  
21                   little more specific? I mean, this is after the  
22                   announcement. We know that Chief Shaver did not leave his  
23                   post officially until January. He was still Chief until  
24                   January. Whether he was -- whatever he was doing, I just  
25                   don't know the import of the question as to what we're

1       supposed to be looking into, and I should point out that  
2       the *Police Services Act* said it's the Board's  
3       responsibility, not the Professional Standards officer to  
4       deal with the Chief.

5                   **THE COMMISSIONER:** So the question again is?

6                   **MS. JONES:** Was this a comment that may have  
7       warranted you possibly to think this is something in  
8       another investigation or another sort of hat that I'm  
9       wearing as a Professional Standards officer that would  
10      warrant some sort of exploration on another day?

11                  **MR. WELLS:** I just considered it the Deputy  
12      Chief's opinion of what was going on.

13                  **MS. JONES:** What about -- and I'm talking  
14      about both of those comments made by St. Denis; what about  
15      telling the OPP about it when they were doing their  
16      investigation the following year, when you -- they will  
17      later on do an investigation? Did it occur to you to alert  
18      them to that -- those comments or to bring that up when  
19      you're being interviewed?

20                  **MR. WELLS:** I, through the interview,  
21      answered the questions, to the best of my ability, posed to  
22      me by Mr. Hall and Mr. Dupuis. I don't recall that being  
23      brought up, and so in answer to your question, did I think  
24      of mentioning those two opinions of Deputy Chief St. Denis  
25      to them, no, I did not.

1                   **MS. JONES:** Okay. Now, on February 9<sup>th</sup>,  
2                   1994, apparently you met with Colin McKinnon, who used to  
3                   be a lawyer in Ottawa, to get legal advice on the matter,  
4                   and you were specifically concerned with the issue of  
5                   double jeopardy under the *Police Services Act* because, in  
6                   effect, Mr. Dunlop had been disciplined or was to be  
7                   disciplined already on the CAS release, i.e. counselling,  
8                   and there was a concern; is there a problem with a double  
9                   discipline over the same incident. Do you recall that?

10                   **MR. WELLS:** You said was to be disciplined  
11                   already?

12                   **MS. JONES:** Well, there was a decision made  
13                   already that he was to be disciplined by way of  
14                   counselling.

15                   **MR. WELLS:** Yes.

16                   **MS. JONES:** So you, I understand, sought  
17                   legal advice as to if he was -- if you were able to effect  
18                   any more discipline because he had already been disciplined  
19                   ---

20                   **MR. WELLS:** Yes, the Chief and I ---

21                   **MS. JONES:** --- in that investigation.

22                   **MR. WELLS:** I'm sorry; the Chief and I would  
23                   have met, as we usually did, to discuss various public  
24                   complaints. He was my supervisor, immediate supervisor,  
25                   and I always kept the Chief apprised of information as I

1           went through an investigation.

2                           And so as a result, we obviously discussed  
3           the fact that an internal investigation had been done and  
4           that now we're dealing with a public complaint and  
5           considered much more serious, shall we say, and as a  
6           result, the Chief advised me to go and see -- seek legal  
7           advice with respect to the double jeopardy.

8                           **MS. JONES:** Okay. And I just have a note  
9           here on February 10<sup>th</sup> you attempted to contact Mr. Abell but  
10          he wished not to be interviewed on the advice of legal  
11          counsel. I'm just trying to get the sequence here.

12                           On February 11<sup>th</sup>, you interviewed Officer  
13          Sebalj. Now, if I could please refer you to her statement?  
14          It starts at Bates page 2698.

15                           **MR. WELLS:** Yes.

16                           **MS. JONES:** Now, my first question is there  
17          seems to be two statements here. One is -- looks like a  
18          written statement which is on Bates page 2698, and even  
19          though it says "continued" at the bottom, on Bates page  
20          2699 and 2700 it looks like a question/answer situation,  
21          and you've got it dated Friday, February 11<sup>th</sup>, 1994 at 13:11  
22          in your office.

23                           **MR. WELLS:** I see that.

24                           **MS. JONES:** Am I correct? Am I correct in  
25          that, that the one statement 2698 is a separate written

1 statement that the officer provided you maybe in response  
2 to your letter, and then you interviewed her?

3 MR. WELLS: It would indicate that in the  
4 first portion of that particular portion of the statement,  
5 "Further to your statement."

6 MS. JONES: Okay. So there were two  
7 statements, that's what I just want to clarify was going  
8 on.

9 MR. WELLS: Two portions of the same  
10 statement.

11 MS. JONES: Two portions.

12 MR. WELLS: In other words, one's a  
13 statement and I may, at various times, ask to clarify  
14 points to help me through the investigation. So ---

15 MS. JONES: Okay. But if I could refer to -  
16 - it appears to be a written statement. Is that the format  
17 that she provided it to you, in letter format?

18 MR. WELLS: Are you talking about the  
19 statements before us?

20 MS. JONES: Two-six-nine-eight (2698).

21 MR. WELLS: Because they're both typed  
22 statements.

23 MS. JONES: Right. But this appears to be a  
24 written statement versus a question/answer statement.

25 MR. WELLS: Oh, yes, that's correct. I'm

1           sorry.

2                   **MS. JONES:** Okay. So the statement on 2698  
3 looks like it was done, just written out and handed to you;  
4 correct?

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

6                   **MS. JONES:** And then there seems to be a  
7 separate statement -- I'll call it Statement Number 2 --  
8 where it's a question/answer format?

9                   **MR. WELLS:** Yes.

10                  **MS. JONES:** Okay. So just for the sake of  
11 clarification, Statement 1 and Statement 2 I'm going to  
12 refer to them.

13                  **MR. WELLS:** Okay.

14                  **MS. JONES:** You understand what I mean by  
15 that?

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

17                  **MS. JONES:** Now, your overall conclusion is  
18 that Officer Sebalj did no wrong in any of her conduct.  
19 She was not responsible for any leak to the media or any of  
20 that nature. That was your overall final conclusion of  
21 this. And I believe your exact quote:

22                                "There was no evidence to prove that  
23 she allowed the victim statement to be  
24 copied and/or authorized the statement  
25 to be given to any other agency person

1                                   other than to the officers of Cornwall  
2                                   Police Service."

3                                   That was your final conclusion?

4                                   **MR. WELLS:** May I see that document?

5                                   **MS. JONES:** I've got it as Document 721794,  
6 but it may very well be in this new exhibit. No, actually,  
7 it's not. Yeah, 721794, please.

8                                   **THE COMMISSIONER:** Thank you. Exhibit 1748  
9 is internal correspondence to Acting Chief Johnston from  
10 Staff Sergeant Wells dated April 27<sup>th</sup>, 1994.

11                                   **--- EXHIBIT NO./PIÈCE NO. P-1748:**

12                                   (721794) Letter to Acting Chief Johnston  
13                                   from S/Sgt. Wells dated 27 Apr 94

14                                   **MS. JONES:** So if you go to the second page  
15 of that you can see, just for the record, this is written  
16 by you to Acting Chief Johnston?

17                                   **MR. WELLS:** The letter was prepared by me,  
18 yes.

19                                   **MS. JONES:** Okay. It's your signature at  
20 the bottom anyway.

21                                   **MR. WELLS:** Yes.

22                                   **MS. JONES:** But on page 2, this is the quote  
23 that I just read:

24    "Please be aware that although the  
25    complaint is lodged against Constable

1 H. Sebalj, there was no evidence to  
2 prove that she allowed the victim's  
3 statement to be copied and/or  
4 authorized a statement to be given to  
5 any other agency/person other than to  
6 officers of the Cornwall Police  
7 Service."

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

9 **MS. JONES:** Okay. So that's your  
10 conclusion?

11 **MR. WELLS:** Yes, ma'am.

12 **MS. JONES:** Now, when we go back to Exhibit  
13 643 -- and I want to have the two statements of Officer  
14 Sebalj there in front of you.

15 **THE COMMISSIONER:** Okay.

16 **MS. JONES:** Do you have those in front of  
17 you, sir?

18 **MR. WELLS:** Yes, I do.

19 **MS. JONES:** If we could please go to the  
20 second statement, and your second question is:

21 "Constable Sebalj, who did you allow to  
22 view the victim's statement?"

23 And she answers:

24 "Constable Kevin Malloy, Sergeant Ron  
25 Lefebvre, Constable Brian Snyder,

1 Constable Perry Dunlop and Staff  
2 Sergeant Garry Derochie to view the  
3 victim's statement."

4 Do you see that?

5 **MR. WELLS:** Yes, I do.

6 **MS. JONES:** Now, it's clear that there were  
7 other officers that actually saw the statement, one of  
8 which is Officer Lortie. He says that Officer Lefebvre  
9 actually showed him and Officer Lortie says that in his  
10 statement. She doesn't mention that, but you're aware that  
11 Lortie did see the statement because Officer Lefebvre  
12 showed it to him.

13 Is it fair ---

14 **THE COMMISSIONER:** The question, in fairness  
15 to Constable Sebalj, is, "Who did you allow the victim's  
16 statement?" Okay?

17 **MS. JONES:** Right.

18 **THE COMMISSIONER:** And Lortie says and  
19 Lefebvre says that Lefebvre showed it to Lortie.

20 **MS. JONES:** Right.

21 **THE COMMISSIONER:** So we're all right in the  
22 sense so long as we understand that you're aware that  
23 Lortie saw it.

24 **MR. WELLS:** M'hm.

25 **THE COMMISSIONER:** Are you aware that Lortie

1 had seen it?

2 MR. WELLS: I believe I read documentation  
3 to that effect, yes, Mr. Commissioner.

4 MS. JONES: Okay. So she allowed these five  
5 people to see the statement. Now, we hear from Officer  
6 Lortie that he saw the statement because Officer Lefebvre  
7 showed him. So I'm not saying Officer Sebalj had anything  
8 to do with that.

9 But there is one person that you talked to -  
10 - because you took the statement from Lortie where he said  
11 that -- but there's one person who saw the statement, at  
12 least, that Officer Sebalj was not presumably aware of or  
13 did not give permission to see; correct?

14 MR. WELLS: That would be Sergeant Lortie.

15 MS. JONES: Correct.

16 MR. WELLS: That's correct.

17 MS. JONES: So would it be fair to say that  
18 knowing that, it's clear that there were opportunities,  
19 obviously, for this statement to be viewed by other people  
20 that Officer Sebalj would not be aware of? She can only  
21 talk about the people she showed the statement to.

22 MR. WELLS: That's correct.

23 MS. JONES: But if you look at the interview  
24 that you had with her, would you agree with me, you didn't  
25 ask her any questions about storage of the statement, where

1 she kept the statement; correct?

2 MR. WELLS: Correct.

3 MS. JONES: Or what efforts she made to  
4 maintain the confidentiality of the complainant?

5 MR. WELLS: Correct.

6 THE COMMISSIONER: Well, is there any -- is  
7 there really any issue of privacy within the police force  
8 of a complainant? My understanding is if this was put on  
9 OMPPAC, for example, that every officer, including any  
10 officer in other detachments, could see the document. So I  
11 don't know how relevant it is that Constable Sebalj would  
12 try to protect the identity of a complainant within her  
13 same police force.

14 MS. JONES: Okay. That's fine.

15 On the second page of her answer/question  
16 statement, the second one, Bates page 2700 ---

17 THE COMMISSIONER: M'hm.

18 MS. JONES: --- her first statement to your  
19 question about:

20 "Who did you allow to take this  
21 statement away from your physical  
22 control?"

23 She said:

24 "I allowed Constable Snyder to take the  
25 statement away on March 4<sup>th</sup>, 1993 for a

1 matter of days..."

2 Do you see that?

3 **MR. WELLS:** "For a matter of days for the  
4 purpose of statement analysis", yes.

5 **MS. JONES:** Correct.

6 Now, we've heard from Officer Snyder that it  
7 may have been up to a week. He's not clear about how many  
8 days either, but it may have been up to a week. But you'll  
9 agree with me, even though she has the date that she gave  
10 it away, she doesn't have a date clearly of when it came  
11 back to her?

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

13 **MS. JONES:** And on the next statement, he  
14 said -- she said:

15 "I allowed Constable Perry Dunlop to  
16 take the statement away at his  
17 request... --"

18 I'm sorry, could I please go back to  
19 Constable Snyder? There's another point there.

20 It said:

21 "I allowed Constable Snyder..." --

22 No, I'm sorry, I was correct on Constable  
23 Dunlop. I'll go back to Constable Dunlop:

24 "I allowed Constable Perry Dunlop to  
25 take the statement away at his request

1                                   on September 24<sup>th</sup>, 1993 for a period  
2                                   that did not exceed one hour for the  
3                                   purpose of reading material."

4                                   Do you see that?

5                                   **MR. WELLS:** Yes, I do.

6                                   **MS. JONES:** Now, if you look at her written  
7                                   statement, what I'm calling statement number one, on Bates  
8                                   page 2698, in the first part of that sentence she stated on  
9                                   the second statement:

10                                   "I allowed Constable Perry Dunlop to  
11                                   take the statement away at his  
12                                   request..."

13                                   And in the first statement, she writes:

14                                   "I obtained the original statement and  
15                                   handed it over to Constable Dunlop."

16                                   **MR. WELLS:** I'm sorry, Ms. Jones, where are  
17                                   you?

18                                   **MS. JONES:** I'm on the fourth paragraph of  
19                                   the first statement ---

20                                   **MR. WELLS:** All right.

21                                   **MS. JONES:** --- midway through. "I  
22                                   obtained..."

23                                   **MR. WELLS:** Yes, all right. Thank you.

24                                   **MS. JONES:** "I obtained..." -- I'm sorry for  
25                                   not directing you there.



1                   **MS. JONES:** Which could have been an hour,  
2                   it's true.

3                   **MR. WELLS:** M'hm.

4                   **MS. JONES:** But, again, there seems to be a  
5                   bit of vagueness about whether or not how this all  
6                   transpired. Did you feel that there was a necessity to  
7                   explore that any further?

8                   **MR. WELLS:** No, I was satisfied with the  
9                   statement.

10                  **MS. JONES:** Okay.

11                  Now, on February 15<sup>th</sup>, 1994, according to  
12                  your notes, you attended at the former Chief Shaver's  
13                  residence to obtain a statement from him. And I'll refer  
14                  you to Bates page 92708.

15                  **MR. WELLS:** Yes.

16                  **MS. JONES:** Now, in your notes it says you  
17                  attended his residence on February 15<sup>th</sup>, 1994. It says that  
18                  in your notes, in your summary?

19                  **MR. WELLS:** Yes.

20                  **MS. JONES:** And it appears to me to be the  
21                  only entry with respect to Chief Shaver. So was that -- do  
22                  you recall, was that the only time you would have spoken to  
23                  him about this matter directly?

24                  **MR. WELLS:** That I recall, yes.

25                  **MS. JONES:** Okay. Because you took actually

1 quite detailed notes about this ---

2 MR. WELLS: Okay.

3 MS. JONES: --- and you were able to say  
4 what times you met people and times you got phone calls and  
5 such.

6 MR. WELLS: Thank you.

7 MS. JONES: Could you please describe, how  
8 was this statement actually taken? It looks like it might  
9 be a tape-recorded statement that was later transcribed.  
10 Is that how it happened?

11 MR. WELLS: I can't recall how I took the  
12 statement, Ms. Jones, whether it was asking questions and  
13 writing down the reply that Chief Shaver gave me relevant  
14 to those questions or whether it was taped.

15 MS. JONES: Is it possible that you had a  
16 pre -- a list of pre-prepared questions, that when you went  
17 to Chief Shaver's residence you just left him with the  
18 questions and he mailed the answers to you?

19 MR. WELLS: No.

20 MS. JONES: Is that possible? No?

21 MR. WELLS: No, it isn't possible.

22 MS. JONES: How do you know that so  
23 definitively?

24 MR. WELLS: Because I remember it's not  
25 everyday that you drop in and see the Chief at his

1 residence and ask him questions relevant to an  
2 investigation.

3 MS. JONES: That's a good thing.

4 MR. WELLS: Yes, ma'am.

5 MS. JONES: So this was either done then by  
6 note-taking or tape recording is what you're saying?

7 MR. WELLS: Yes.

8 MS. JONES: Now, I note that you did not ask  
9 him about the two points I had asked you about earlier with  
10 regards to Deputy Chief St. Denis.

11 In other words, the bypassing of chain of  
12 command and taking an interest in Perry Dunlop's discipline  
13 after he'd announced his retirement. You did not explore  
14 that with Chief Shaver at that time, I see by your  
15 interview here; is that correct?

16 MR. WELLS: That's correct.

17 MS. JONES: On February 16<sup>th</sup>, 1994 you had  
18 asked Helen Dunlop for a meeting but she declined, and on  
19 February 21<sup>st</sup> we have that you forwarded an interim report  
20 to Mr. Silmsler and on March 1<sup>st</sup>, 1994 you also telephoned  
21 Charlie Greenwell, the reporter with CJOH, asking about the  
22 Silmsler statement. And you completed your final report on  
23 the matter on March 21<sup>st</sup>, 1994.

24 You then wrote a letter to Mr. Silmsler on  
25 March 25<sup>th</sup>, 1994, saying that a final report will be

1 forwarded to him upon completion of the same.

2 I know that he -- he didn't actually receive  
3 it till about three weeks after but I understand that you  
4 would have had to show the Chief and have a discussion  
5 about it and just sort of purely administrative matters?

6 **MR. WELLS:** Yes.

7 **MS. JONES:** Now, your conclusion that -- I  
8 referred to it in an earlier exhibit, was that there was no  
9 evidence to prove that Sebalj had allowed Mr. Silmser's  
10 statement to be copied but you did find that Mr. Dunlop had  
11 committed a serious breach of discipline when he turned the  
12 statement over to CAS?

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

14 **MS. JONES:** Would you agree with me that in  
15 Staff Sergeant Derochie's earlier report, both Officer  
16 Derochie and certainly Chief Shaver had agreed just months  
17 earlier that Dunlop's sharing of the statement with CAS was  
18 a minor infraction, in that it warranted counselling as  
19 discipline?

20 **MR. WELLS:** That's correct.

21 **MS. JONES:** What was it about your  
22 investigation that caused you to come to a very different  
23 conclusion?

24 **MR. WELLS:** The fact ---

25 **MS. JONES:** About the discipline, just in

1 case Mr. Callaghan gets to his feet.

2 MR. WELLS: The fact that it was now in the  
3 form of a public complaint and the fact that the statement  
4 now has made its way to the press. And as -- upon visiting  
5 Mr. McKinnon, agreed that it was a brand new ballgame, for  
6 lack of a better word, that it was much more serious, a  
7 much more serious breach.

8 MS. JONES: So the fact that the statement  
9 had been leaked to the media had, in your mind, a direct  
10 relationship to Mr. Dunlop's sharing the statement with the  
11 CAS? You saw those two as linked?

12 MR. WELLS: It could have been attributed to  
13 the fact that the statement that was given to CAS was  
14 outside now of the police -- the confines of the police  
15 building -- I'm sorry -- outside the confines of the police  
16 building and now the police had no more control of it and  
17 it could be linked to that, yes.

18 MS. JONES: In this relevant time period  
19 here, how was the relationship between CPS and CAS?

20 MR. WELLS: I'm sorry, I wouldn't be able to  
21 speak to that because I was in Professional Standards.

22 MS. JONES: How about when you were at CIB?

23 MR. WELLS: I wouldn't -- I'm sorry, ma'am?

24 MS. JONES: I'm sorry. How about when you  
25 were at CIB then, in the '80s, how was the relationship

1           then?

2                       **MR. WELLS:** A professional one. A  
3 professional relationship. We inter-reacted, if we  
4 requested their assistance or if they requested ours, it  
5 was two agencies working for the betterment of the  
6 community.

7                       **MS. JONES:** Did you find that CAS was  
8 forthcoming and cooperative whenever you requested things?

9                       **MR. WELLS:** There were occasions when I --  
10 are you asking that question with respect to when I was in  
11 charge of CIB or when I was in Youth, like what period?

12                      **MS. JONES:** Both. Both.

13                      **MR. WELLS:** There were times when I was in  
14 the Youth Department that I felt that they were not as  
15 forthcoming as they could have been.

16                      But eventually over the years that  
17 relationship grew more professional and improved  
18 significantly.

19                      **MS. JONES:** And what about when you  
20 requested CAS to provide files, for example, was that an  
21 easy thing or did you have to get warrants?

22                      **MR. WELLS:** Generally speaking, it was --  
23 yes, I recall one particular instance when I would have had  
24 to seize the file on a warrant.

25                      **MS. JONES:** And what about when you were

1 with CIB, I mean, what was the relationship like with CPS  
2 and the School Board?

3 **MR. WELLS:** I recall, while I was in CIB, I  
4 believe at that point in time I was part of a committee  
5 that was developing an interagency committee, so to bring  
6 all agencies within the community together; that if one  
7 agency had a problem and they required information or  
8 assistance from another agency that we would collectively  
9 get together for the betterment of the people within the  
10 community to make sure that all -- the needs of the victims  
11 were better protected and dealt with.

12 Does that answer ---

13 **MS. JONES:** Yes, that's fine.

14 **MR. WELLS:** Okay.

15 **MS. JONES:** And the other agency, the last  
16 one here is your relationship with the Corrections or  
17 Probation Office, how was, in your opinion, the  
18 relationship with that?

19 **MR. WELLS:** Professional.

20 **MS. JONES:** Okay. Now, it appears that  
21 after the decision is made by you, Mr. Silmsler is not  
22 satisfied with the outcome of your investigation and so he  
23 complained to the PCC and then they took it on from there.

24 **MR. WELLS:** No. No.

25 **MR. CALLAGHAN:** Let's be clear. I mean

1 obviously one went off to a Board of Inquiry, subsequently.  
2 Be clear, we're talking about the one regarding Constable  
3 Sebalj?

4 Okay, well it's a little unclear to me which  
5 investigation -- what part of the investigation Mr. Silmser  
6 would have been unhappy with.

7 **MS. JONES:** I'll refer you to Document  
8 729385, please.

9 **MR. WELLS:** Seven two nine three eight five  
10 (729385).

11 **THE COMMISSIONER:** No, that's a document,  
12 it's a new one.

13 **MR. WELLS:** I'm sorry. Thank you.

14 **THE COMMISSIONER:** Exhibit 1749 is a letter  
15 to Constable Perry Dunlop dated September 9<sup>th</sup>, 1994 from  
16 Cathy Cannon, intake officer administrator for the Office  
17 of the Police Complaints Commission.

18 **--- EXHIBIT NO./PIÈCE No. P-1749:**

19 (729385) - Letter from Cathy Cannon to Perry  
20 Dunlop dated 09 Sep 94

21 **MS. JONES:** So this is what I'm referring  
22 to, Mr. Silmser is saying he's dissatisfied with the  
23 decision of Chief Johnston which is your finding:

24 "That no further action is necessary  
25 regarding the allegation of the member

1 or members of the Cornwall Police  
2 Service released information without  
3 authorization to the media. The  
4 complainant has requested this office  
5 to review the matter."

6 So as I say, just to get a timeframe of what  
7 was going on, this is what Mr. Silmsler was dissatisfied  
8 with ---

9 **MR. WELLS:** Yes.

10 **MS. JONES:** --- with regards to your  
11 outcome.

12 And you also are aware that Chief Johnston  
13 then referred the matter to a Board of Inquiry, pursuant to  
14 provisions of section 90 of the *Police Services Act*?

15 **MR. WELLS:** I am.

16 **MS. JONES:** And just to wrap up things up on  
17 that front, this is the Inquiry that the PCC found no fault  
18 in Mr. Dunlop's action of disclosing the statement to the  
19 CAS. Are you aware of that?

20 **MR. WELLS:** I'm sorry?

21 **MS. JONES:** That the Police Complaints  
22 Commission found no fault in Mr. Dunlop's release of the  
23 information to the CAS.

24 **MR. WELLS:** I -- I can't -- I can't relate  
25 to that what you're saying, I'm sorry.

1                   **MS. JONES:** No. It's just the finding. As  
2 a result of this ---

3                   **MR. WELLS:** Yes.

4                   **MS. JONES:** --- they made a decision that  
5 actually Officer Dunlop was not at fault.

6                   **MR. WELLS:** Yes, with regards to the media.

7                   **MS. JONES:** With regards to the media.

8                   **MR. WELLS:** Media, yes.

9                   **MS. JONES:** Yes.

10                  **Mr. CALLAGHAN:** I'm sorry to interrupt. The  
11 Board of Inquiry didn't really relate to this; the Board of  
12 Inquiry related to the release to the Children's Aid. This  
13 officer found that they could not blame Mr. Dunlop for the  
14 release to the media, there's an appeal.

15                   There's a whole other issue released to the  
16 Children's Aid.

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

18                  **MS. JONES:** And the PCC also found no fault  
19 in Dunlop's action of disclosing the statement to the CAS.

20                   If you're not aware of this that's fine, I  
21 was just trying to clarify.

22                  **MR. WELLS:** Well, it's not that I'm not  
23 aware of; I just can't get my mind around it.

24                  **MS. JONES:** Okay.

25                  **MR. WELLS:** You're saying that they found no

1 fault, the results of his appeal, period? Found that  
2 Constable -- there was no fault with regards to -- in other  
3 words it was never determined that a member of the Service,  
4 including Constable Dunlop, released the statement to the  
5 media?

6 **MS. JONES:** M'hm.

7 **THE COMMISSIONER:** That's one.

8 **MR. WELLS:** That's one.

9 **MS. JONES:** Yes.

10 **MR. WELLS:** And you're saying that -- you're  
11 suggesting or asking me that am I aware that the Commission  
12 basically found that there was no wrong ---

13 **MS. JONES:** The Inquiry, yeah.

14 **MR. WELLS:** --- that there was no wrongdoing  
15 with regards to Constable Dunlop releasing it to the CAS.

16 **MS. JONES:** Correct.

17 **MR. WELLS:** I'm -- I thought that they had  
18 determined or it was determined that there was wrongdoing.  
19 Maybe I'm not understanding.

20 **THE COMMISSIONER:** No ---

21 **MR. CALLAGHAN:** The Commission took the case  
22 and ran it in front of the Board of Inquiry. The Board of  
23 Inquiry made its decision. The Commission then appealed.  
24 We've got to be clear in our terminology. I think the  
25 officer is aware of what the result of the Board of Inquiry

1 was regarding the CAS and you can ask him the question, but  
2 the Commission is different than the Board of Inquiry.

3 **THE COMMISSIONER:** Of course.

4 **MR. CALLAGHAN:** The Board of Inquiry is the  
5 judge.

6 **THE COMMISSIONER:** Yes. And so ---

7 **MS. JONES:** That's likely my fault. I think  
8 I mixed up TCC and Inquiry. That's my fault.

9 **THE COMMISSIONER:** And I don't know how  
10 relevant it is to canvass this gentleman.

11 **MR. CALLAGHAN:** And it's in the record, sir.

12 **THE COMMISSIONER:** Yes.

13 **MS. JONES:** Actually, it was just to wrap it  
14 up, actually, just for the sake of completion. That's  
15 fine.

16 **THE COMMISSIONER:** I can do that too. I'll  
17 wrap it up for lunch.

18 **MS. JONES:** Thank you.

19 **THE COMMISSIONER:** Thank you.

20 We'll see you at two o'clock, sir.

21 **MR. WELLS:** Thank you, sir.

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

24 This hearing will resume at 2:00 p.m.

25 --- Upon recessing at 12:33 p.m./

1 L'audience est suspendue à 12h33

2 --- Upon resuming at 2:03 p.m./

3 L'audience est reprise à 14h03

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

6 This hearing is now resumed. Please be  
7 seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Good afternoon, sir.

9 **MR. WELLS:** Thank you.

10 **THE COMMISSIONER:** How was lunch?

11 **MR. WELLS:** Excellent, sir.

12 **THE COMMISSIONER:** Good.

13 **MR. WELLS:** Thank you.

14 **THE COMMISSIONER:** Did anybody pay you  
15 lunch?

16 **MR. WELLS:** No, sir.

17 **THE COMMISSIONER:** Terrible.

18 **INSP. BRENDON WELLS, Resumed/Sous le même serment:**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

20 **JONES (cont'd/suite):**

21 **MS. JONES:** Good afternoon, Inspector Wells.

22 **MR. WELLS:** Good afternoon.

23 **MS. JONES:** Could we please start with  
24 looking at Document 729477, please?

25 **THE COMMISSIONER:** When she says "document"

1 it's something new that's coming up.

2 MR. WELLS: Okay. Thanks.

3 THE COMMISSIONER: Usually by the time you  
4 get used to the system, it's time to go.

5 (LAUGHTER/RIRES)

6 MR. WELLS: Thanks, Mr. Commissioner.

7 THE COMMISSIONER: Okay. So here's an  
8 internal correspondence which will be Exhibit 1750. It's  
9 to Staff Sergeant Wells from Madeline Villeneuve. It's  
10 dated September 5<sup>th</sup>, 1995.

11 --- EXHIBIT NO./PIÈCE NO. P-1750:

12 (729477) Internal Correspondence from  
13 Madeline Villeneuve to Staff Sergeant  
14 Brendon Wells dated September 5, 1995

15 MS. JONES: Now, Inspector Wells,  
16 essentially what this seems to be is a transcript of a  
17 telephone call received on another phone, but obviously the  
18 memo about it was sent to you, and it appears that the  
19 message was left by David Silmsler on August 23<sup>rd</sup>, 1995 at  
20 12:17 p.m. and it appears that he stated the following on  
21 the message:

22 "The Chief of Police or detective, she  
23 was supposed to get hold of me  
24 yesterday and still nobody got hold of  
25 me. Everything is happening. I'm

1 recording this and making sure that I  
2 am being left out in the cold again and  
3 I'll make sure the courts find out  
4 about everything."

5 Now, do you recall, when you received this,  
6 if you did any sort of specific follow-up on this phone  
7 call?

8 **MR. WELLS:** First of all, the first time  
9 that I received -- I recall seeing this document was in  
10 preparation for this Inquiry, and I believe it came in the  
11 form of a memo received by the Chief's executive secretary.

12 **MS. JONES:** M'hm.

13 **MR. WELLS:** And that's what I remember  
14 seeing when preparing for this Inquiry.

15 **THE COMMISSIONER:** Well, let's step back  
16 then. Do you recall seeing this in 1995?

17 **MR. WELLS:** No, sir, I do not.

18 **MS. JONES:** Do you recall if you made any  
19 follow-up with Mr. Silmser on this?

20 **MR. WELLS:** No, I don't recall that.

21 **MS. JONES:** Do you recall if you asked  
22 anyone else to follow up?

23 **MR. WELLS:** I don't recall -- as I said, Ms.  
24 Jones, I don't recall the internal correspondence. I don't  
25 recall the memo.

1                   **MS. JONES:** Do you recall around that period  
2 of time that Mr. Silmsner was calling the station, maybe not  
3 particularly on August 23<sup>rd</sup>, 1995, but in the time  
4 surrounding that time period at all?

5                   **MR. WELLS:** No.

6                   **MS. JONES:** No?

7                   **MR. WELLS:** No, ma'am.

8                   **MS. JONES:** You don't recall or no, he  
9 wasn't?

10                  **MR. WELLS:** I don't recall.

11                  **MS. JONES:** Now, there's one other -- just  
12 one other document for you to go to before we finish on  
13 this area.

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

15                  **MS. JONES:** It's Exhibit 316, but there's  
16 just one page of Exhibit 316 that we need to go to. This  
17 is a fairly lengthy document. And that's Bates page 4955.

18                  **THE COMMISSIONER:** Whoa. Okay, 316, we'll  
19 have to get that there.

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

21                  **THE COMMISSIONER:** I'm sorry, the Bates page  
22 again?

23                  **MS. JONES:** Bates page 4955.

24                  **MR. WELLS:** Ms. Jones, what was the number  
25 again, please?

1                   **MS. JONES:** Four-nine-five-five (4955).

2                   **THE COMMISSIONER:** Well, the Exhibit is 316.

3                   **MR. WELLS:** Thank you.

4                   **MS. JONES:** Do you have that in front of you  
5 now, Inspector?

6                   **MR. WELLS:** Yes, I do, Ms. Jones.

7                   **MS. JONES:** Okay. This is a very large  
8 document. I'm only referring to this one paragraph of this  
9 one page, so don't be too concerned.

10                               But by way of background, this is a  
11 transcript of an examination for discovery and Mr. Geoffrey  
12 is the lawyer Bryce Geoffrey, who is Mr. Silmser's lawyer.

13                   **MR. WELLS:** Okay.

14                   **MS. JONES:** You referred to earlier or we  
15 referred to earlier.

16                               And this transcript is prepared as the  
17 result of an examination on December 14<sup>th</sup>, 1995. So the  
18 telephone call is August, 1995. This is a transcript of  
19 December, 1995.

20                   **MR. WELLS:** Thank you.

21                   **MS. JONES:** And essentially what Mr.  
22 Geoffrey is saying in the second-last paragraph -- I  
23 believe what he's saying, in any event -- it starts off:

24                                        "And as I..."

25                   If you see where I start there, midway through?

1                   **MR. WELLS:** Yes.

2                   **MS. JONES:** That's correct, Madam Clerk.

3                                 "And as I -- because I spoke with Staff  
4                                 Sergeant Wells of the Cornwall Police  
5                                 Services, and that's the impression. I  
6                                 can't recall the exact words, but as  
7                                 far as he was concerned, once I was  
8                                 acting on behalf of Dave, they didn't  
9                                 want to talk to Dave anymore because  
10                                Dave was always bothering them about  
11                                getting going in the investigation."

12                                Do you see that?

13                   **MR. WELLS:** Yes, I see that.

14                   **MS. JONES:** Now, again, without going into a  
15                                huge ordeal about the initial investigation where Mr.  
16                                Geoffrey was involved in the complaint, et cetera, it would  
17                                appear that -- certainly the impression Mr. Geoffrey was  
18                                conveying that he had had a conversation with you and that  
19                                one of the areas of discussion was that Mr. Silmsen was  
20                                feeling -- that he was contacting the police station and  
21                                the impression Mr. Geoffrey was getting from you, if I read  
22                                this correctly, was that the CPS didn't want to talk to Mr.  
23                                Silmsen anymore because he was bothering them about the  
24                                investigation. That seems to be what he's saying you said  
25                                in that conversation.

1                   Of course, my first question is do you  
2                   remember having any sort of a conversation like that with  
3                   Mr. Geoffrey?

4                   **MR. CALLAGHAN:** The transcript, in the  
5                   earlier pages, refers to discussions that appear to be  
6                   happening much earlier in 1993 because they're talking  
7                   about the investigation of Heidi Sebalj on the 24<sup>th</sup>. I  
8                   don't think this is -- if the idea is it's relating to the  
9                   conversation we just spoke about and the communication that  
10                  was made with the Chief's secretary and the memo, that's  
11                  not what this is about. This ---

12                  **MS. JONES:** I didn't say it was.

13                  **MR. CALLAGHAN:** Okay. Well, I'm just trying  
14                  to -- when you ask him a question, I would have thought  
15                  we'd locate him at the time and space as to what's going on  
16                  in the transcript. They're talking, I believe, about 1993.

17                  **THE COMMISSIONER:** Well ---

18                  **MS. JONES:** Well, I ---

19                  **THE COMMISSIONER:** Just a second. Just a  
20                  second.

21                  When does Geoffrey get onto the file? In  
22                  early 1994.

23                  **MR. CALLAGHAN:** Early '94, but if I'm  
24                  reading it correctly -- and maybe I'm not because I'm just  
25                  quickly looking at it as we go -- they seem to be talking

1 about the Crown Attorney and about the communications  
2 earlier with Ms. Sebalj -- Constable Sebalj, and then they  
3 go on to this. It's hard to follow as to exactly what ---

4 **THE COMMISSIONER:** Okay.

5 **MS. JONES:** If I could just comment, the way  
6 that I read this was that it was not to do with the August,  
7 1995 phone call; it's to do with the time when the Silmsers  
8 investigation was initially started, before Mr. Geoffrey  
9 got on board, and that the way that he's talking here, he  
10 says:

11 "Once I was acting of behalf of Dave,  
12 they didn't want to talk to Dave any  
13 more because Dave was always bothering  
14 them about the investigation."

15 So it's in the events leading up to the time  
16 Mr. Geoffrey is retained.

17 **THE COMMISSIONER:** Mr. Kozloff?

18 **MR. KOZLOFF:** Good afternoon, sir.

19 **THE COMMISSIONER:** Good afternoon.

20 **MR. KOZLOFF:** I've two reasons for rising.

21 First of all, I wanted the website to see my tie.

22 **THE COMMISSIONER:** All right, that's done.

23 **MR. KOZLOFF:** My sense is that Mr. Geoffrey  
24 may have misspoken himself. And the reason I say that is  
25 because by the end of 1993, Mr. Silmsers is not speaking to

1 the Cornwall Police anymore because in early 1994 Mr.  
2 Silmsler is dealing with the Ontario Provincial Police.

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

4 **MR. KOZLOFF:** You'll recall evidence some  
5 months ago that within a week of his interview by Inspector  
6 Smith in February of 1994, there was a series of phone  
7 calls in early March of 1994, following which Inspector  
8 Smith spoke directly to Mr. Geoffrey and suggested that it  
9 might be a good idea for Mr. Silmsler to communicate with  
10 the Ontario Provincial Police who were then conducting the  
11 investigation through Mr. Geoffrey.

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

13 **MR. KOZLOFF:** That continued to be the case  
14 through to the end of 1994 when Inspector Smith advised Mr.  
15 Silmsler that there wouldn't be any charges but that they  
16 would keep the file open.

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

18 **MR. KOZLOFF:** Nothing further happens until  
19 August of 1995, which is the time period we're referring to  
20 now, and you'll recall in mid-August of 1995, Mr. MacDonald  
21 came out of the woodwork, so to speak, communicated with  
22 Father Maloney ---

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

24 **MR. KOZLOFF:** --- spoke to the Cornwall  
25 Police and, eventually, that investigation was turned over

1 to the Ontario Provincial Police.

2 **THE COMMISSIONER:** Yeah.

3 **MR. KOZLOFF:** And that's the period we're  
4 talking about.

5 So he may have misspoken himself when he  
6 referred to Inspector Wells. It would appear, from my  
7 point-of-view, he may well have been referring to Inspector  
8 Smith.

9 **THE COMMISSIONER:** Right.

10 **MR. KOZLOFF:** I just say that for the  
11 assistance of ---

12 **THE COMMISSIONER:** I appreciate that, thank  
13 you.

14 Sir, do you recall ever speaking to Mr.  
15 Geoffrey?

16 **MR. WELLS:** Originally, when the original  
17 complaint came in.

18 **THE COMMISSIONER:** Right. Okay, you took  
19 the complaint from him and his client?

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

21 **THE COMMISSIONER:** Okay. And did you  
22 receive any further phone calls. Do you have any ---

23 **MR. WELLS:** I may have, Mr. Commissioner.

24 **THE COMMISSIONER:** Okay.

25 **MR. WELLS:** I don't specifically recall.

1                   **THE COMMISSIONER:** Okay. Well would you  
2                   have indicated to Mr. Geoffrey that you don't want Silmsers  
3                   calling you any more and you want him to go through his  
4                   lawyer?

5                   **MR. WELLS:** No, sir, I would never leave  
6                   that impression with anyone.

7                   **THE COMMISSIONER:** Okay.

8                   **MS. JONES:** This actually just leads me to  
9                   the next, hopefully, the last question.

10                   Were you aware that one of the issues about  
11                   Mr. Silmsers that Mr. Silmsers was complaining about was that  
12                   he was leaving a message and people weren't getting back to  
13                   him? Were you aware of that before August -- or September  
14                   5<sup>th</sup>, 1995 when you got the message? Were you aware that  
15                   this was ever any issue?

16                   **MR. WELLS:** No, ma'am.

17                   **MS. JONES:** Okay. So on September 5<sup>th</sup>, 1995,  
18                   when you got this message, you did not have any prior  
19                   knowledge that this would have been or could have been an  
20                   issue, you just had this memo and that's all you knew about  
21                   it?

22                   **MR. WELLS:** I don't recall receiving that  
23                   memo. However, Madeline Villeneuve is a pretty  
24                   professional lady and if she has it listed she sent it to  
25                   me, the chances are I did receive it. I just don't recall

1 receiving it.

2 MS. JONES: Okay. All right then.

3 Is there a reason why, if we do assume that  
4 Mrs. Villeneuve did send it to you, I notice, as I say,  
5 it's addressed to you because of your position in  
6 Professional Standards?

7 MR. WELLS: Yes.

8 MS. JONES: This is actually my real  
9 question. Why would that query be directed to you?

10 MR. WELLS: I've no idea. And may I -- can  
11 -- we have the original -- I remember seeing the original  
12 memo.

13 THE COMMISSIONER: Telephone ---

14 MS. JONES: Yes, ma'am.

15 THE COMMISSIONER: --- little pink thing?

16 MR. WELLS: Sorry, yes, Mr. Commissioner.

17 Do we have that available? Did it say my  
18 name on it? I don't know why it was addressed to me. I've  
19 no idea.

20 MS. JONES: Okay.

21 THE COMMISSIONER: Well, if you don't know,  
22 you don't know.

23 MS. JONES: That was actually my main  
24 question in all of this exercise here.

25 Okay, thank you very much.

1                   **MR. WELLS:** You're welcome.

2                   **MS. JONES:** We're going to move now to the  
3                   Freeholder interview that Mr. Dunlop gave on September 24<sup>th</sup>,  
4                   1994. And I'll refer you to that article which is Document  
5                   115559.

6                   **THE REGISTRAR:** Which is Exhibit 644.

7                   **MS. JONES:** I'm sorry, what's the exhibit?

8                   **THE REGISTRAR:** Exhibit 644.

9                   **THE COMMISSIONER:** You might have that in  
10                  front of you -- no, you don't.

11                  Moi, je l'ai.

12                  **MS. JONES:** Now, I think I need my glasses  
13                  for this one. The article ---

14                  **THE COMMISSIONER:** We'll put it on the  
15                  screen there, it will probably be larger.

16                  **MS. JONES:** Thank you.

17                  **THE COMMISSIONER:** Because we do accommodate  
18                  ---

19                  **MS. JONES:** Visually impaired?

20                  **THE COMMISSIONER:** Exactly.

21                  **MS. JONES:** Thank you.

22                  The title of this article, which is dated  
23                  September 24<sup>th</sup>, '94, is "I did it to save the kids. City  
24                  cop tells hearing he did nothing wrong." And this is from  
25                  the Standard Freeholder, the reporter is Karina Byrne.

1                   Now, again, in your role with Professional  
2                   Standards, are you also at this time -- still in 1994 --  
3                   the media spokesperson? I know you're with Professional  
4                   Standards but is that also another hat you're wearing?

5                   **MR. WELLS:** Yes.

6                   **MS. JONES:** Okay. So was it part of your  
7                   job then -- I think I've asked this question before -- but  
8                   was it part of your job to screen the media or scan the  
9                   media for comments that involved CPS, quotes from police  
10                  officers, et cetera?

11                  **MR. WELLS:** I recall a number of media  
12                  topics that would be forwarded to my office. Whether or  
13                  not it was my responsibility, I can't recall, but I know  
14                  that at that time all media relations or media topics  
15                  relevant to the investigation and the Silmser world were  
16                  ending in my office. So I don't know if it was -- I don't  
17                  know how to answer your question.

18                  They were being scanned but I don't recall  
19                  by whom. If I would have seen articles that were relevant,  
20                  I would cut them out, but so were other members of the  
21                  administration.

22                  **MS. JONES:** Okay, but it's -- you told us  
23                  already there's only one person in Professional Standards  
24                  so it would be your job to pursue any media issues, shall  
25                  we say?

1                   **MR. WELLS:** There was only one person in  
2 Professional Standards?

3                   **MS. JONES:** Yes.

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** And is there only you doing the  
6 media spokesperson stuff as well?

7                   **MR. WELLS:** Yes. I believe Staff Sergeant  
8 Derochie was also responsible for gathering media.

9                   **MS. JONES:** I'm not saying "gathering"  
10 media. I'm saying responding to or ---

11                   **MR. WELLS:** Oh, I'm sorry.

12                   **MS. JONES:** --- in charge of looking after  
13 what's being reported in the media, that sort of thing.

14                   **MR. WELLS:** Well, there we go. You're  
15 saying two -- you're picking out two items here.

16                   I was responsible for generally preparing  
17 news media releases unless the Board, Deputy Chief or the  
18 Chief would want to prepare one. That was my primary  
19 responsibility, generally speaking.

20                   However, the second part of your question  
21 is, so I was also responsible for scanning all. And I'm  
22 saying that I did, but I believe Staff Sergeant Derochie  
23 was also responsible or was gathering news media articles  
24 relevant to the case. Then we'd forward them over to the  
25 file or build the file.

1                   **MS. JONES:** Were you specifically tasked  
2 with anything to do with Perry Dunlop or the Silmsers  
3 investigation or was that something that either you or  
4 Staff Sergeant Derochie ---

5                   **MR. WELLS:** No, I was basically -- no, I was  
6 the investigating officer for the complaint.

7                   **MS. JONES:** No, nom but as far as media  
8 goes, was just one of you tasked with anything to do with  
9 Perry Dunlop or anything to do with Silmsers specifically or  
10 was that just either of you?

11                   **MR. WELLS:** A number of people were  
12 addressing that particular issue.

13                   **MS. JONES:** I'm just talking about the  
14 media.

15                   **MR. WELLS:** Yes.

16                   **MS. JONES:** Okay.

17                   If we could please go to Document 723592.

18                   **THE COMMISSIONER:** Exhibit 1751 is internal  
19 correspondence for Acting Chief Johnston from Staff  
20 Sergeant Wells, dated September 29<sup>th</sup>, 1994.

21                   **--- EXHIBIT NO./PIÈCE No. P-1751:**

22                   (723592) - Internal Correspondence from  
23 Brendon Wells to C. Johnston dated 29 Sep 94

24                   **THE COMMISSIONER:** Okay.

25                   **MS. JONES:** Okay?

1                   **MR. WELLS:** Thank you.

2                   **MS. JONES:** All right, do you recall writing  
3 this memo?

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** Okay. And it would appear that  
6 you'd read the article September 24<sup>th</sup> and you were raising  
7 concerns that Constable Dunlop was quoted a number of time  
8 in the articles and it said:

9                                    "In my opinion, that if in fact this  
10                                   officer has released this information  
11                                   then he committed offences contravening  
12                                   the *Police Service Act* of Ontario,  
13                                   namely, one was a breach of confidence;  
14                                   two was discreditable conduct."

15                   And then you signed that and you attached a  
16 copy of the newspaper article.

17                   So that was your first impression when you  
18 read this article, that Officer Dunlop had overstepped the  
19 boundaries of what a police officer should have done in  
20 that particular situation?

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

22                   **MS. JONES:** I'm just interested to know, in  
23 between September 24<sup>th</sup> and September 29<sup>th</sup> when you wrote the  
24 memo had you contacted Officer Dunlop to see if in fact he  
25 had said those things?

1                   **MR. WELLS:** I don't recall contacting him,  
2                   no.

3                   **MS. JONES:** Because you yourself have  
4                   claimed here today that the press might misquote, mislead  
5                   or even print something that's not actually attributable to  
6                   the person and would that not have perhaps been something  
7                   that you could have done to see if in fact that was an  
8                   issue; maybe it was misquoted?

9                   **MR. WELLS:** Possibly.

10                  **MS. JONES:** And you then commenced another  
11                  internal investigation on this issue?

12                  **MR. WELLS:** I brought this to the attention  
13                  of Chief Johnston and an investigation was conducted.

14                  **MS. JONES:** Now, did Acting Chief Johnston  
15                  order you to do that investigation?

16                  **MR. WELLS:** He would have instructed me to  
17                  follow an investigation, yes, or complete investigation.

18                  **MS. JONES:** Now, I don't see any other  
19                  correspondence on this investigation but are you obliged to  
20                  inform a police officer that you're doing an internal  
21                  investigation on him or her, when you're conducting that?

22                  **MR. WELLS:** We're obliged to, under  
23                  legislation, for a public complaint; I'm uncertain if we  
24                  were obliged to advise the officer on an internal matter.

25                                 There certainly would be times, possibly,

1 that you would not wish to advise the officer, when it  
2 would jeopardize the outcome of the case or jeopardize  
3 quality or quantity of evidence that you were going to be  
4 gathering.

5 Through legislation I'm unaware if we are  
6 obliged to advise the subject officer of an internal  
7 investigation.

8 **MS. JONES:** Did the -- the situation that  
9 you've just described there arise here? Did you advise  
10 Constable Dunlop or did you think that would have  
11 jeopardized the investigation?

12 **MR. WELLS:** I don't recall advising  
13 Constable Dunlop that I would be conducting an internal  
14 investigation into this.

15 **MS. JONES:** Is there a reason why you did  
16 not?

17 **MR. WELLS:** No particular reason why, no.

18 **MS. JONES:** It wouldn't have jeopardized the  
19 investigation?

20 **MR. WELLS:** I don't believe so.

21 **MS. JONES:** Or lost any evidence as a  
22 result?

23 **MR. WELLS:** I don't believe so.

24 **MS. JONES:** Okay.

25 **MR. CALLAGHAN:** The document isn't in the

1 bundle that's been provided but you'll recall, Mr.  
2 Commissioner, there's a letter from -- I think it's October  
3 5<sup>th</sup>, like very soon after this, from Allan O'Brien about  
4 this very issue.

5 You saw it on two other occasions but in  
6 fairness to the witness, I don't know whether there was  
7 notice or not given, I don't know if all the documents are  
8 here.

9 **THE COMMISSIONER:** October 5<sup>th</sup>?

10 **MR. CALLAGHAN:** This is September 4<sup>th</sup> -- I'm  
11 thinking it's October, don't quote me, Mr. Commissioner.  
12 You may recall there's a letter wherein Allan O'Brien talks  
13 about what happened at the Board of Inquiry, et cetera.

14 **THE COMMISSIONER:** Yes, that's the October  
15 5<sup>th</sup>.

16 **MR. CALLAGHAN:** And that's in response to  
17 this issue.

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

19 **MR. CALLAGHAN:** So I believe it's October  
20 5<sup>th</sup>. Not a big deal other than obviously all the documents  
21 aren't here and this witness is being asked to recall.

22 **THE COMMISSIONER:** Well, he's asking -- he's  
23 being asked what he remembers.

24 **MR. CALLAGHAN:** I understand that but  
25 without benefit of saying, "Well here's the letter, as I

1 recall," anyway.

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

3 **MS. JONES:** In any event, you did interview  
4 Karina Byrne, I understand, on September 30<sup>th</sup>, '94?

5 **MR. WELLS:** Yes, that's correct.

6 **MS. JONES:** And the result of that is that  
7 you did ask her if the comments in the paper with the  
8 quotation marks about it were attributable to Mr. Dunlop?

9 **MR. WELLS:** I have. I believe I -- in our  
10 interview I believe there is a document indicating the  
11 nature of the information, the questions, answers that I  
12 obtained from Karina Byrne.

13 **MS. JONES:** Yeah, I can direct you to that,  
14 728609.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** Exhibit 1752 is an  
17 interview with Karina Byrne, Friday September 30<sup>th</sup>, 1994.

18 **--- EXHIBIT NO./PIÈCE No. P-1752:**

19 (728609) - Statement by Karina Byrne w/  
20 Brendon Well dated 30 Sep 94

21 **MS. JONES:** It's just to confirm what I had  
22 said and what you had ---

23 **MR. WELLS:** M'hm.

24 **MS. JONES:** --- recalled as well, that the  
25 quotes were attributable to Mr. Dunlop and she said they

1           were direct quotes.

2                       **MR. WELLS:** Yes.

3                       **MS. JONES:** Okay.

4                       Now, the next area that I'm going to be  
5           looking at is the Doug Seguin complaint and this all  
6           started when Doug Seguin, who is Ken Seguin's brother,  
7           wrote to you on October 24<sup>th</sup>, 1994.

8                       And that document is 124194.

9                       **(SHORT PAUSE/COURTE PAUSE)**

10                      **THE COMMISSIONER:** Exhibit 1753 is the  
11           document dated October 24<sup>th</sup>, 1994 to Staff Sergeant Brendon  
12           Wells, Cornwall Police Services, from Doug Seguin.

13                      **--- EXHIBIT NO./PIÈCE No. P-1753:**

14                      (124194) - Letter from Doug Seguin to  
15           Brendon Wells dated 24 Oct 94

16                      **MS. JONES:** Do you recall having a  
17           conversation with Mr. Seguin about this letter when you  
18           received it?

19                      **MR. WELLS:** I would have a conversation with  
20           Mr. Seguin if he mailed this into the station and he was  
21           laying a complaint, I would be meeting with him to discuss  
22           it, yes.

23                      **MS. JONES:** You don't have any notes of that  
24           discussion?

25                      **MR. WELLS:** I don't have any notes before me

1 on that, no.

2 **MS. JONES:** It turns out Mr. Seguin did file  
3 a public complaint Form No. 1 on November 16<sup>th</sup>, 1994,  
4 against Perry Dunlop and you received this complaint from  
5 the Office of the Police Complaints Commissioner on  
6 December 2<sup>nd</sup>, 1994.

7 Now, you then wrote to Acting Chief Johnston  
8 on December 5<sup>th</sup>, 1994 suggesting that it may be more  
9 appropriate if the investigation into the Seguin complaint  
10 was done by the PCC. This has a familiar ring to it,  
11 doesn't it?

12 If you could please go to Document 728622.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit Number 1754 is internal  
15 correspondence to Acting Chief Johnston from Staff Sergeant  
16 Wells, dated December 5<sup>th</sup>, 1994.

17 **--- EXHIBIT NO./PIÈCE No. P-1754:**

18 (728622) - Internal Correspondence from  
19 Brendon Wells to C. Johnston dated 05 Dec.  
20 94

21 **MS. JONES:** And I say this has a familiar  
22 ring because -- it's familiar because a similar thing  
23 happened in the Silmsler matter, you felt, obviously, that  
24 this should be done externally rather than internally. Is  
25 that fair to say?

1                   **MR. WELLS:** Yes.

2                   **MS. JONES:** And I understand Chief Johnston  
3 agreed with you on that?

4                   **MR. WELLS:** Yes, correct.

5                   **MS. JONES:** And it turned out that yet again  
6 the PCC, as in the Silmsler matter, said that it was your  
7 responsibility to do that?

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

9                   **MS. JONES:** Okay. So you were assigned,  
10 again, to do the internal investigation on this matter?

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

12                   **MS. JONES:** Now, when you investigated the  
13 complaint, you completed your final report on March 30<sup>th</sup>,  
14 1995, and you concluded that there was no evidence that Mr.  
15 Dunlop had ever made any comments to the news media that  
16 implied that Ken Seguin had sexually molested any children.  
17 Do you recall that?

18                   I've got the document here, 122235.

19                   **THE REGISTRAR:** Exhibit 1039.

20                   **MS. JONES:** Exhibit 1039.

21                   **THE COMMISSIONER:** One-zero-three-nine  
22 (1039)?

23                   **(SHORT PAUSE/COURTE PAUSE)**

24                   **MS. JONES:** Okay. Just to verify that that  
25 was your report and that was your finding on that report,

1 Inspector Wells?

2 MR. WELLS: And that's 12235?

3 MS. JONES: Yes, Exhibit 1039. It's typed  
4 in the little bar right beside the document number, but it  
5 is Document 122235.

6 MR. WELLS: All right.

7 MS. JONES: Yes? Okay.

8 MR. WELLS: Yes, thank you.

9 MS. JONES: So this is your final report  
10 then on the Seguin matter?

11 MR. WELLS: Yes.

12 MS. JONES: And I understand on April 11<sup>th</sup>,  
13 1995, Mr. Seguin wrote to you saying basically he wasn't  
14 very happy with the report, that he wanted more done with  
15 it and on April 13<sup>th</sup>, 1995, Acting Chief Johnston wrote back  
16 to Doug Seguin stating that no further action would be  
17 taken by CPS at this point, that this was now considered  
18 completed. Do you recall that, just the progress of  
19 events?

20 MR. WELLS: Although I don't see the  
21 document before me or the Chief's response, does that form  
22 part ---

23 MS. JONES: I have that, but I'm just trying  
24 to summarize it without having to file all the documents on  
25 it.

1                   **MR. WELLS:** Okay, I'll ---

2                   **MS. JONES:** Okay?

3                   **MR. WELLS:** That's fine.

4                   **MS. JONES:** Okay.

5                   Then we have a letter that is sent to Mr.  
6                   Seguin. This is Exhibit 1040.

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

8                   **MS. JONES:** And just to put your mind at  
9                   ease, this is the letter from Chief Johnston to Mr. Seguin  
10                  on April 13<sup>th</sup>, '95 which I referred to just a moment ago,  
11                  just verifying that there's going to be no further action  
12                  taken, you're satisfied there's no evidence that Constable  
13                  Dunlop ever had any comments to the news media about this,  
14                  about his brother, and that was the end of it. He also  
15                  gave the information of if he wanted to complain, this is  
16                  the details.

17                  So Mr. Seguin did take it to the PCC ---

18                  **MR. WELLS:** M'hm.

19                  **MS. JONES:** --- and they did do an  
20                  investigation and, again, no further action was taken on  
21                  that. So that -- that's how that basically ends.

22                  So had you at any time ever met with Nancy  
23                  Seguin, who would be Doug Seguin's wife?

24                  **MR. WELLS:** Yes, ma'am.

25                  **MS. JONES:** Is it fair to say that she came

1 to speak to you because she wasn't happy with the way the  
2 complaint was being handled by CPS?

3 MR. WELLS: I don't recall why she came to  
4 see me, however, I do recall I believe on at least two  
5 different occasions speaking with Mr. Seguin, Doug Seguin,  
6 and his wife, Nancy.

7 MS. JONES: All right.

8 I just want to refer you, please, to your  
9 OPP interview. It's Exhibit 1742.

10 MR. WELLS: Thank you.

11 THE COMMISSIONER: I'm sorry, what exhibit?

12 THE REGISTRAR: One-seven-four-two (1742).

13 MR. WELLS: Yes.

14 MS. JONES: Just Bates page 3528.

15 THE COMMISSIONER: Sorry, page number again?

16 MS. JONES: Three-five-two-eight (3528).

17 THE COMMISSIONER: Three-five-two-eight  
18 (3528).

19 MS. JONES: And halfway down, you were  
20 answering the question, because Officer Hall was asking  
21 about Doug Seguin was concerned about the press releases  
22 and then you -- you brought up the topic of his wife.

23 Do you see that part halfway down?

24 MR. WELLS: Where it's "Wells"?

25 MS. JONES: Yes.

1                   MR. WELLS: "Doug"?

2                   MS. JONES: "Doug", yeah, that's right.

3                   MR. WELLS: Yes, m'hm?

4                   MS. JONES: And then you say:

5                             "Nancy Seguin, she -- she kept coming

6                             in the office ..." ---

7                   MR. WELLS: M'hm.

8                   MS. JONES: --- "... into the office. I'm

9                             not a psychologist or a psychiatrist,

10                            but the lady seems troubled."

11                  MR. WELLS: M'hm.

12                  MS. JONES: So she was upset with the way

13                   you were handling at that time, the handling the complaint?

14                   Was that around the same time that you're talking about

15                   here?

16                  MR. WELLS: Are you telling me that that's

17                   why she was upset?

18                  MS. JONES: No, no, I'm asking you. That's

19                   what I'm asking you.

20                  THE COMMISSIONER: No, no, well, okay, she

21                   seemed troubled.

22                  MR. WELLS: Yes.

23                  THE COMMISSIONER: Do you recall, in your

24                   mind, seeing her come in?

25                  MR. WELLS: Yes, sir.

1                   **THE COMMISSIONER:** What did you mean by "she  
2                   seemed troubled"?

3                   **MR. WELLS:** The lady displayed that she was  
4                   having troubles accepting this whole ---

5                   **THE COMMISSIONER:** Okay.

6                   **MR. WELLS:** --- issue surrounding Ken Seguin  
7                   or her husband's -- like, she -- the family was having  
8                   problems with it and she -- she ---

9                   **THE COMMISSIONER:** But it was related to  
10                  this? It's not ---

11                  **MR. WELLS:** Yes.

12                  **THE COMMISSIONER:** --- like she was  
13                  imagining people walking in the sky ---

14                  **MR. WELLS:** No, no, certainly not.

15                  **THE COMMISSIONER:** Okay. So she was  
16                  troubled about this incident?

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

18                  **THE COMMISSIONER:** All right. Okay.

19                  **MS. JONES:** Thanks very much.

20                                 Now, I'm going to move on to just a little  
21                   bit of an area about OPP and Project Truth, very, very  
22                   briefly, just a couple of questions.

23                                 How would you say the relationship was  
24                   between CPS and OPP prior to Project Truth?

25                   **MR. WELLS:** We've always had a professional

1 relationship with the Ontario Provincial Police.

2 MS. JONES: Is that a good thing? Is it a  
3 good professional relationship?

4 MR. WELLS: Yes, yes.

5 MS. JONES: And once Project Truth got  
6 organized, are you aware of what the mandate was? How did  
7 files get referred from CPS to Project Truth?

8 MR. WELLS: I'm not aware of that. I had  
9 very little involvement with Project Truth.

10 MS. JONES: So you wouldn't be able to  
11 comment on how the mandate of Project Truth was  
12 communicated to CPS officers?

13 MR. WELLS: No, ma'am.

14 MS. JONES: So the next topic we have, the  
15 last topic we have, is back to Perry Dunlop, which I call  
16 the "later years". And to bring you up to speed, in  
17 January of 1994, Mr. Dunlop got a note from his family  
18 physician saying he would be off work for medical reasons  
19 until further notice.

20 Mr. Dunlop remained off work until May 19<sup>th</sup>,  
21 1997 and when he came back to work, I understand you were  
22 involved in his return-to-work program?

23 MR. WELLS: I was the Inspector in charge of  
24 Field Operations at the time.

25 MS. JONES: All right. You're now an

1 Inspector, by the way, too? You've been ---

2 MR. WELLS: That -- that's correct.

3 MS. JONES: Okay. And if I could just  
4 briefly go through, I think that you've reviewed these  
5 documents. If not, I will put them to you, but I'll just  
6 briefly summarize a few of the documents.

7 It would appear that, as the Inspector, you  
8 were just having messages conveyed to you? You're just  
9 being kept up-to-date in other words?

10 MR. WELLS: Yes.

11 MS. JONES: So there's one memo from Danny  
12 Aikman, on June 16<sup>th</sup>, 1997, saying that Mr. Dunlop wants to  
13 resume full duties as a police officer. He requested some  
14 training courses and he asked you to forward this  
15 information to D'Arcy Dupuis, who is the Modified Work  
16 Program Coordinator, and you did so?

17 MR. WELLS: That's correct.

18 MS. JONES: Okay.

19 And you also got a memo from Claude  
20 Lortie dated June 26<sup>th</sup>, 1997, requesting a consent on his  
21 part to begin Mr. Dunlop's training as requested in Mr.  
22 Aikman's memo and, again, you agreed to that and said:

23 "Kindly see Staff Sergeant Dupuis and  
24 make the necessary arrangements."

25 MR. WELLS: That's correct.

1                   **MS. JONES:** And you got another memo from  
2                   D'Arcy Dupuis, October 19<sup>th</sup>, 1997 saying that Mr. Dunlop was  
3                   now ready to return to full-time, regular constable duties  
4                   as of November 19<sup>th</sup>, 1997 and Officer Dupuis identified  
5                   certain steps to facilitate Dunlop's transition back to  
6                   work and it was proposed that a follow-up with Mr. Dunlop  
7                   be done at the end of December; okay?

8                   **MR. WELLS:** M'hm.

9                   **MS. JONES:** And you got a memo from Officer  
10                  Aikman dated December 7<sup>th</sup>, 1997, saying that Mr. Dunlop had  
11                  successfully completed use of force training and pistol  
12                  transition training and Officer Aikman believed the next  
13                  step was for a coach officer or mentorship situation to be  
14                  facilitated with Officer Dunlop.

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

16                  **MS. JONES:** And you agreed to this. And  
17                  there was a final sort of a memo from Officer Lortie saying  
18                  that Dunlop had done well in the officer training or the  
19                  coach mentorship program.

20                  So in order to get a fuller picture of what  
21                  was happening when Officer Dunlop returned to work, did you  
22                  make any inquiries as to his personal interactions with  
23                  fellow colleagues?

24                  **MR. WELLS:** I would have spoken to the  
25                  supervisors to see how things were going with Perry.

1                   **MS. JONES:** And were you aware of -- or did  
2 you observe yourself how he interacted with others?

3                   **MR. WELLS:** Everything seemed to be going  
4 along just fine. He was welcomed back very professionally,  
5 personally. I personally welcomed him back and invited him  
6 to if he had any difficulty at all please drop in and see  
7 me, open door policy, and I was glad to see him back and so  
8 were the rest of the Service.

9                   **MS. JONES:** Did you ever see him interact  
10 with the others before he had gone on the extended leave,  
11 and was there any difference?

12                   **MR. WELLS:** I didn't notice any difference.

13                   **MS. JONES:** And were you aware that -- even  
14 some of the officers have testified here in the Inquiry,  
15 that there were some officers that were treating Mr. Dunlop  
16 in a negative fashion when he had returned back to work?  
17 Were you made aware of that at all?

18                   **MR. WELLS:** No, I was not aware of that.

19                   **MS. JONES:** So you didn't personally observe  
20 it and you were not made aware of that?

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

22                   **MS. JONES:** Okay. Thank you very much.

23                   **MR. WELLS:** You're welcome.

24                   **THE COMMISSIONER:** There's some questions  
25 about recommendations.

1                   **MS. JONES:** Those are all the questions I  
2                   have for you about the substance of the Inquiry. And  
3                   there's just a couple of more questions that is asked of  
4                   every witness that testifies.

5                   And the first question is do you have any  
6                   recommendations for Mr. Commissioner to consider when he is  
7                   going to be making his final report to do with anything to  
8                   do with the Inquiry, to do with anything in CPS, just any  
9                   sort of recommendations that you would like the  
10                  Commissioner to consider?

11                  **MR. WELLS:** Mr. Commissioner, I prepared a  
12                  little document. With your permission I'd like to read it  
13                  out.

14                  **THE COMMISSIONER:** Certainly.

15                  --- **STATEMENT BY/DÉCLARATION PAR INSP. WELLS:**

16                  **MR. WELLS:** Forgive me if I get a little  
17                  sensitive, I'm that type of person.

18                  On March the 2<sup>nd</sup>, 1970 I was sworn in as a  
19                  constable with the Cornwall Community Police Service and I  
20                  had fulfilled a dream and that was becoming a police  
21                  officer. It was an extremely proud moment for both myself  
22                  and my family and after 39 years as a dedicated and  
23                  committed member of this Service I'm still extremely proud  
24                  to serve this community and the people in it.

25                  Over the past number of years it has been

1 suggested that there is only one person who has truly cared  
2 for the children in this community and now I am able to  
3 publicly state for the record that that suggestion is  
4 untrue. Those views were made up by people who, in my  
5 opinion, were either misguided or by persons with a  
6 perverted personal agenda.

7 Mr. Commissioner, as you are probably aware,  
8 I was sued by Perry Dunlop who alleged that I was part of a  
9 conspiracy to derail the investigation involving Charles  
10 MacDonald and Ken Seguin. Those allegations are lies and  
11 are slanderous of my professional reputation as a police  
12 officer, along with my personal reputation as a member of  
13 this community. Those false allegations not only hurt me  
14 but more importantly than me, my family.

15 I'm extremely disappointed that Mr. Dunlop  
16 will not come forward and explain to my family and I why he  
17 felt it necessary, in pursuit of this multi-million dollar  
18 claim, to spread such untruths.

19 I want to at this time thank you, Mr.  
20 Commissioner, for the opportunity to be able to say  
21 publicly that Mr. Dunlop's allegations are untrue.

22 Over the last 15 years, because of ongoing  
23 criminal cases, we, as police officers, did not seek out  
24 the press and make comments unlike Mr. Dunlop who used the  
25 press to cast these aspersions.

1                   Sir, as for the recommendations, I've been a  
2                   police officer for approximately 40 years and I can tell  
3                   you that policing has certainly changed a great deal over  
4                   that period of time.

5                   And during my time as a senior officer we  
6                   have endeavoured to ensure that our members are properly  
7                   trained; however, as policing develops, more education and  
8                   practical training is required, and accordingly, my only  
9                   recommendation to you, sir, is any deficiencies that you  
10                  might identify or comment on, I would recommend that there  
11                  be a suggested education plan put into place, for not only  
12                  our officers but police officers throughout the province,  
13                  in order to address your concerns and recommendations.

14                  In saying this, it's not just classroom  
15                  training but also practical training that is required so  
16                  members can become more efficient and effective in carrying  
17                  out their job functions as police officers.

18                  Finally, sir, out of respect for the real  
19                  victims of the sexual assault in this community, I hope  
20                  that this process will give them people some real benefit  
21                  and peace of mind, because the men and women of the  
22                  Cornwall Community Police Service do really care.

23                  Thank you.

24                  **THE COMMISSIONER:** Thank you.

25                  All right. We'll take the afternoon break.

1 Thank you.

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

4 This hearing will resume at 3:00 p.m.

5 --- Upon recessing at 2:48 p.m./

6 L'audience est suspendue à 14h48

7 --- Upon resuming at 3:04 p.m./

8 L'audience est reprise à 15h04

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

11 **BRENDON WELLS, Resumed/Sous le même serment:**

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

13 **DALEY:**

14 **MS. DALEY:** Inspector Wells, how are you?

15 **MR. WELLS:** Good, thank you.

16 **MS. DALEY:** My name is Helen Daley. I am  
17 counsel to a citizens group called Citizens for Community  
18 Renewal, who are Cornwall folk interested in the  
19 improvements of our institutions in this town and I have  
20 some questions for you.

21 First of all, the first subject area I want  
22 to talk to you about has to do with the Antoine matter that  
23 Malloy -- Constable Malloy worked on in 1989. And I quite  
24 appreciate that the thrust of what you've said here is that  
25 you have very, very little, if any, recollection about that

1 matter. But you do recall, or at least I thought what you  
2 said was that you did have a recollection of a meeting  
3 involving Tom O'Brien and Deputy Chief St. Denis.

4 **MR. WELLS:** Yes, ma'am.

5 **MS. DALEY:** You remember that meeting?

6 **MR. WELLS:** I do.

7 **MS. DALEY:** And you remember that Mr.  
8 O'Brien was the former executive director of the Children's  
9 Aid Society?

10 **MR. WELLS:** Yes.

11 **MS. DALEY:** And I take it, sir, you have  
12 always had a memory of that meeting? In other words,  
13 that's something that you've recalled from the time it  
14 happened to now but you just don't remember anything else  
15 about what occurred because you were absent from work?

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

17 **MS. DALEY:** All right.

18 Now, there's a document that we have looked  
19 at here that pertains to that meeting and I just wanted to  
20 direct you to it. It's within -- it's in Exhibit 1505. So  
21 if you have that volume handy I'll direct you to a specific  
22 portion of it.

23 And, sir, while Madam Clerk is finding that  
24 brief, this exhibit was -- we have this exhibit from the  
25 Children's Aid Society and these are some notes that Mr.

1 O'Brien recorded of events, including that meeting.

2 MR. WELLS: M'hm.

3 MS. DALEY: So if you find 1505, and then  
4 please look at his page numbered 4.

5 MR. WELLS: Yes.

6 MS. DALEY: And just to help you out a wee  
7 bit, if you go back -- turn back and look at the very  
8 bottom of the prior page he's got a date there, a date of  
9 October 2<sup>nd</sup> ---

10 MR. WELLS: M'hm.

11 MS. DALEY: --- and he's talking about  
12 certain other things he does in the morning. And then on  
13 page 4, the second and third paragraphs of the page he  
14 talks about "the meeting." And let me give you a few  
15 moments to digest that. Have you looked at that recently?

16 MR. WELLS: Yes, I have.

17 MS. DALEY: Okay. Is this portion of the  
18 exhibit in reference to the meeting that you remember?

19 MR. WELLS: Yes.

20 MS. DALEY: And having had a chance to look  
21 at it, do you recall the aspects of the meeting that Mr.  
22 O'Brien is noting here?

23 MR. WELLS: Yes.

24 MS. DALEY: So it follows that you do  
25 remember he gave some written documentation that the CAS

1 had pertaining to Ms. Antoine. You indicated that you  
2 would read it, discuss it with the Deputy Chief and, if it  
3 was to be investigated, it would probably be given to  
4 Malloy. So presumably that's something that you said at  
5 this meeting involving your Deputy Chief and Mr. O'Brien?

6 **MR. WELLS:** I don't recall what I said.  
7 I've read that he's stating that he gave us some written  
8 documents.

9 **MS. DALEY:** Yes.

10 **MR. WELLS:** I don't recall receiving those  
11 documents into our possession.

12 **MS. DALEY:** All right. Okay.

13 If you look at the next paragraph, to  
14 paraphrase, what he seems to be saying is that he's telling  
15 you and the Deputy Chief that they're concerned about  
16 possibly inappropriate sexual behaviour and their concern  
17 comes from some comments in the worker's case notes.

18 Did you see that part of the exhibit, sir?

19 **MR. WELLS:** Is this the paragraph where it  
20 starts "The Deputy Chief"?

21 **MS. DALEY:** Yes, that's it.

22 **MR. WELLS:** May I just quickly review that?

23 **MS. DALEY:** Yes, please, take a look at  
24 that.

25 **MR. WELLS:** Thank you.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. WELLS: Yes. Thank you.

3 MS. DALEY: Do you remember him commenting  
4 on inappropriate sexual behaviour at this meeting?

5 MR. WELLS: I can't recall that, no. I'm  
6 sorry.

7 MS. DALEY: All right.

8 And putting that together with the very next  
9 and last sentence here, he's referring to Mr. Keough, and  
10 you did understand at this meeting that the potential  
11 suspect or wrongdoer here was a Mr. Keough who was a CAS  
12 employee?

13 MR. WELLS: The only time since that meeting  
14 that I've become aware of Jeannette Antoine and names like  
15 Mr. Keough, et cetera, were reviewing the documents in  
16 preparing for this Inquiry.

17 MS. DALEY: All right.

18 So you carried with you from this meeting no  
19 memory that there was a concern about a Mr. Keough or  
20 perhaps a concern about sexual misconduct involving group  
21 home residents?

22 MR. WELLS: I recall sexual improprieties,  
23 et cetera, from the group home, something to do with that,  
24 but I -- as far as names or suspects, no, I don't have a  
25 specific recollection of the names.

1                   **MS. DALEY:** Okay. Did you at least  
2                   recollect that in terms of the sexual improprieties, the  
3                   suspects were the CAS workers who were responsible for the  
4                   home where the children were living?

5                   **MR. WELLS:** I'd believe, yes, I recall  
6                   something.

7                   **MS. DALEY:** And obviously that's why it  
8                   would be of such concern to Mr. O'Brien; correct?

9                   **MR. WELLS:** Yes.

10                  **MS. DALEY:** Is there any -- having had the  
11                  benefit of just looking at these notes, is there anything  
12                  else about the meeting that, looking at the notes, triggers  
13                  in your memory?

14                  **MR. WELLS:** No, ma'am.

15                  **MS. DALEY:** We were calling -- you were  
16                  calling this, I think, the second meeting with the CAS the  
17                  other day, and I just wondered if you could recall an  
18                  earlier meeting?

19                  **MR. WELLS:** The only reason why I referred  
20                  to it as the second meeting was because upon reading  
21                  documentation, I was aware that there was a meeting a few  
22                  days before that one.

23                  **MS. DALEY:** Yes.

24                  **MR. WELLS:** That's the only reason why. And  
25                  I don't know if I was the one that said the second meeting.

1 It may have been posed to me as a second meeting. I don't  
2 recall naming it as the second meeting unless someone  
3 possibly -- Ms. Jones was saying "Is it the second  
4 meeting?" I don't recall me ---

5 MS. DALEY: Well, let's see if I can help  
6 you with that.

7 MR. WELLS: Okay.

8 MS. DALEY: There were not two meetings that  
9 you were present at that you can remember, I take it?

10 MR. WELLS: That's correct.

11 MS. DALEY: There was only the one?

12 MR. WELLS: Yes, ma'am.

13 MS. DALEY: Okay. Thank you.

14 Now, I just -- I don't know if you can  
15 recall this. If not, that's fine. But you gave some  
16 testimony to my friend about Constable Malloy consulting  
17 with Crown Johnson in relation to Antoine. Do you remember  
18 -- you seemed to know something about that, or do you?

19 MR. WELLS: I don't recall ---

20 MS. DALEY: Sorry?

21 MR. WELLS: I'm sorry; I don't recall.  
22 You're saying in my testimony with Ms. Jones?

23 MS. DALEY: Yes. I thought you referred to  
24 that in your testimony.

25 MR. WELLS: I may have mentioned something

1 to do with visiting with the Crown as part of my  
2 explanation. I don't know if Constable Malloy would have  
3 met with the Crown in that context. I certainly don't  
4 remember making that comment that I was aware that he had  
5 went to the Crown with him to talk about ---

6 **MS. DALEY:** I take it, sir, you have no  
7 knowledge about Constable Malloy's interactions with Crown  
8 Johnson pertaining to Antoine? You just can't help us with  
9 that?

10 **MR. WELLS:** No, I'm sorry.

11 **MS. DALEY:** All right.

12 Moving to another topic, I want to now talk  
13 about Constable Dunlop and the events that occurred with  
14 the Silmsler investigation and with the Silmsler statement.  
15 And I know you investigated on more than one occasion  
16 matters arising from that.

17 Were you aware, sir -- I take it that you  
18 would have been, but were you aware that Dunlop shared  
19 information about Silmsler's criminal complaint with his  
20 wife Helen?

21 **MR. WELLS:** Was I aware?

22 **MS. DALEY:** Yes.

23 **MR. WELLS:** Through my investigation ---

24 **MS. DALEY:** Yes.

25 **MR. WELLS:** --- I became aware that she was

1 actively involved in part of the -- of his -- she was out  
2 asking questions. So I just assumed that he had shared  
3 that with his wife, yes.

4 **MS. DALEY:** You became aware, I think,  
5 through discussions with Officer Sebalj that Helen Dunlop  
6 had in fact contacted Mr. Silmsers in the latter part of  
7 September 1993?

8 **MR. WELLS:** I'm sorry?

9 **MS. DALEY:** I can take you to that.

10 **MR. WELLS:** No, I'm just ---

11 **THE COMMISSIONER:** Just repeat the question.

12 **MS. DALEY:** Sorry.

13 **MR. WELLS:** I'm sorry.

14 **MS. DALEY:** Were you aware in your interview  
15 of Constable Sebalj that Helen Dunlop had in fact contacted  
16 David Silmsers on or about September 25, '93?

17 **MR. WELLS:** I was aware through viewing the  
18 notes of Staff Sergeant Luc Brunet that Constable Sebalj  
19 had shared with him ---

20 **MS. DALEY:** Yes.

21 **MR. WELLS:** --- that she became aware of the  
22 fact because Mr. -- I believe Mr. Silmsers had reported to  
23 her some -- I think he used the word "Crazy Lady is out and  
24 the county is checking on him." Does that answer your ---

25 **MS. DALEY:** That's, in fact, what she noted,

1 and that the woman who had contacted Silmsers gave the name  
2 Helen Dunlop and a telephone number to Mr. Silmsers.

3 MR. WELLS: M'hm.

4 MS. DALEY: Do you recall learning about  
5 that?

6 MR. WELLS: Yes.

7 MS. DALEY: So just stopping there for a  
8 moment, as at September 25<sup>th</sup>, there had been some leakage  
9 outside your Service to the extent that the wife of an  
10 officer has been informed about an investigation and has  
11 involved herself with the potential victim?

12 MR. WELLS: Correct.

13 MS. DALEY: Now, obviously the name Helen  
14 Dunlop was not meaningful to Mr. Silmsers. He didn't know  
15 that she was the wife of a Cornwall Police officer, did he?

16 MR. WELLS: I don't believe so.

17 MS. DALEY: Right.

18 And I gather what he did was he showed  
19 Constable Sebalj the name and the phone number and  
20 Constable Sebalj recognized that this was Perry Dunlop's  
21 wife, and she reported that to her superior?

22 MR. WELLS: Staff Sergeant Brunet.

23 MS. DALEY: Correct.

24 MR. WELLS: Yes.

25 MS. DALEY: However, she didn't tell Mr.

1 Silmsner that the woman who had contacted him was a police  
2 officer's wife?

3 **MR. WELLS:** I don't know that.

4 **MS. DALEY:** I take it that you've no reason  
5 to think that as of September '93, Mr. Silmsner was aware  
6 that the person who had been trying to reach him, this so-  
7 called "crazy lady" to use his words, was another police  
8 officer's wife? He didn't know that, as far as you're  
9 aware?

10 **MR. WELLS:** Not that I was aware.

11 **MS. DALEY:** Okay. Thank you.

12 And just stopping there for a second, and if  
13 I could ask you to reflect on that circumstance where you  
14 have the spouse of an uninvolved officer who's contacting a  
15 victim and, as a result, of information being shared with  
16 her. Was that, in your view, an unusual occurrence?

17 **MR. WELLS:** Yes, it was.

18 **MS. DALEY:** And you obviously have a lengthy  
19 policing career. Does it stand out as unprecedented in  
20 your experience for that type of thing to happen?

21 **MR. WELLS:** Never have experienced something  
22 like that before in my career.

23 **MS. DALEY:** All right.

24 Is that the kind of circumstance that might,  
25 within the Service, have rung an alarm bell concerning

1           Officer Dunlop and the role he seemed to be prepared to  
2           take on?

3                       **MR. WELLS:** Yes.

4                       **MS. DALEY:** And, sir, did it ring an alarm  
5           bell with you when you became aware of it?

6                       **MR. WELLS:** Personally, yes. Yes, it would  
7           have.

8                       **MS. DALEY:** Is it something that you  
9           discussed with your superior, the Deputy Chief, or whomever  
10          you were reporting to at the time?

11                      **MR. WELLS:** I'm not sure exactly when I  
12          would have become aware of it. I had very limited  
13          knowledge of the David Silmsen criminal investigation.

14                      **MS. DALEY:** I think in fairness to you, sir,  
15          if I could help you? I think we can take it you became  
16          aware of it sometime in February of '94 when you started to  
17          investigate Mr. Silmsen's complaint?

18                      **MR. WELLS:** Possibly.

19                      **MS. DALEY:** Did you not? All right.

20                      So if we put it roughly in that timeframe,  
21          February of '94, do you remember any discussions within the  
22          Service, at a senior level, about this circumstance and  
23          what can be done to address it?

24                      **MR. WELLS:** I don't recall sitting down  
25          having a discussion with regards to a senior

1 administration, relevant to that point.

2 MS. DALEY: All right. Do you remember any  
3 dialogue you might have had with your fellow officers or  
4 senior managers about this unusual occurrence?

5 MR. WELLS: I would have kept Chief Johnston  
6 apprised of the investigation and the steps that I was  
7 taking and the ongoing ---

8 MS. DALEY: Yes.

9 MR. WELLS: --- parts of evidence that I  
10 would have been privy to. But to say that I recall a  
11 specific date or sitting down talking to him on that  
12 specific subject matter, I'm unable to ---

13 MS. DALEY: That's fair. Let me present it  
14 to you this way.

15 I suppose that at this point you have two  
16 possible problems to deal with. The first problem would be  
17 to look backwards at what's happened and to investigate it  
18 and to determine whether there should be discipline or  
19 really how Mr. Silmsen's complaint should be resolved,  
20 based on the facts that have occurred to date; correct?

21 MR. WELLS: Yes.

22 MS. DALEY: But that was your problem,  
23 primarily, I take it?

24 MR. WELLS: Yes.

25 MS. DALEY: Would you agree that another

1 aspect of the problem would be to take stock of the  
2 situation involving Dunlop and his wife and try to  
3 determine a future course of action to control or to  
4 minimize the problems that might be caused by that?

5 **MR. WELLS:** The problem of the day for me,  
6 as a Professional Standards, would be to investigate  
7 thoroughly the complaint of David Silmsler regarding the  
8 release of information to CAS and the media.

9 **MS. DALEY:** Yes.

10 **MR. WELLS:** And upon completion of that,  
11 it's possible that then you would address independent  
12 issues as uncovered through the course of the  
13 investigation.

14 **MS. DALEY:** Right. Did that happen?

15 After you investigation was completed, do  
16 you recall any time when senior people at the Force got  
17 together and said, "Listen, we have a potential future  
18 problem with Officer Dunlop as well. He's done this  
19 before; we need to do something more. And I'm not  
20 suggesting it need be discipline, but we need to do  
21 something more to try and manage Officer Dunlop and this  
22 situation."

23 **MR. WELLS:** I don't mean to answer your  
24 question with a question; I'm not so sure that wasn't being  
25 done with Project Truth, their investigation. I'm not

1 familiar with -- I've heard testimony and read documents, I  
2 guess -- no, to be more truthful, I've heard testimony  
3 where Inspector Trew was dealing with officers from Project  
4 Truth trying to have Constable Dunlop return documents ---

5 MS. DALEY: Yes.

6 MR. WELLS: --- cease any involvement, et  
7 cetera.

8 MS. DALEY: Yes.

9 MR. WELLS: I've strayed away from your  
10 question and I apologize.

11 MS. DALEY: No, no, that's fine.

12 Project Truth is something that is occurring  
13 in 1997, 1998 and you're right, they did have to deal with  
14 some Dunlop issues.

15 I guess all I'm wondering is whether in the  
16 years before 1997, before it got to that point, if you  
17 remember any discussions at the Service directed to  
18 managing Officer Dunlop so that the problem, some of which  
19 you spoke about in your last statement, wouldn't have  
20 occurred? In other words, managing his role in the media,  
21 managing his role with victims; just stepping in to stop  
22 things before they got too far out of control?

23 MR. WELLS: I personally would not have.  
24 I'm aware that Staff Sergeant Brunet had talked to him  
25 relevant to this ---

1 MS. DALEY: Yes.

2 MR. WELLS: --- investigation and basically  
3 instructed him to return all documents.

4 MS. DALEY: Yes.

5 MR. WELLS: But that's primarily the only  
6 time that I would recollect something of that nature being  
7 done.

8 MS. DALEY: All right, that's fine.

9 So if you -- if we move forward then into  
10 September of '93, we have the first circumstance,  
11 disclosure to Mrs. Dunlop and her involvement with the  
12 victim, and the second circumstance of course is Officer  
13 Dunlop's disclosure of the physical statement to Mr. Abell  
14 of the CAS, which we believe happens on or about September  
15 29<sup>th</sup>. And you remember, that was the next occurrence;  
16 correct?

17 MR. WELLS: Yes.

18 MS. DALEY: And from your review of that  
19 situation, I take it Constable Dunlop always freely  
20 admitted that he had in fact given the statement to Mr.  
21 Abell; correct?

22 MR. WELLS: That's correct.

23 MS. DALEY: And in fact we looked at a press  
24 report at a later time in which not only did he admit it  
25 but he said he was -- he did the right thing. He was

1 somewhat proud about that act. So he never concealed the  
2 fact he'd given the statement to Mr. Abell; correct?

3 MR. WELLS: That's correct.

4 MS. DALEY: Now, if I could stop there. Is  
5 that occurrence unusual in your experience as a police  
6 officer? The fact that Officer Dunlop physically handed  
7 the statement to Mr. Abell?

8 MR. WELLS: Unusual?

9 MS. DALEY: Yes.

10 MR. WELLS: Yes, it is.

11 MS. DALEY: And ---

12 MR. WELLS: Or was.

13 MS. DALEY: Was at the time.

14 And, again, drawing on your experience, was  
15 it unparalleled, in your experience, that an officer would  
16 do such a thing?

17 MR. WELLS: To the best of my recollection,  
18 yes.

19 MS. DALEY: All right. So, again, would  
20 that be, in your mind at least, a second red flag about  
21 this person and the steps he's prepared to take?

22 MR. WELLS: Yes.

23 MS. DALEY: And then the third thing that  
24 occurs or the next event and point-of-time concerning Mr.  
25 Silmsen's statement is the media pieces on January 5<sup>th</sup>, '94,

1 in which his physical handwritten statement is shown;  
2 correct?

3 MR. WELLS: Could you go over that just one  
4 more time for me, I'm sorry?

5 MS. DALEY: Yes, sorry. That wasn't a very  
6 good question.

7 Moving forward from the disclosure to the  
8 CAS, the next disclosure concerning his statement is on or  
9 about January 5<sup>th</sup>, '94, when his statement is actually  
10 featured in media pieces?

11 MR. WELLS: Yes, that's correct.

12 MS. DALEY: And, sir, I don't know if you  
13 were ever aware of this or not because I appreciate you  
14 weren't involved in that investigation, but did you come to  
15 learn through Officer Sebalj or her notes that Silmsler was  
16 sensitive about discussing his abuse and didn't want to  
17 disclose it to a female officer. Did you know that?

18 MR. WELLS: I became aware of that later.

19 MS. DALEY: All right. So here he is now  
20 being presented in the media as a male victim of sexual  
21 abuse. You appreciate that would have been extraordinarily  
22 concerning for Mr. Silmsler?

23 MR. WELLS: Yes, ma'am.

24 MS. DALEY: All right. And apart from Mr.  
25 Silmsler's reaction, would you agree with the thought that

1 the unauthorized release of a sex abuse victim's statement  
2 to the media might be expected to deter other victims from  
3 coming forward to the police?

4 MR. WELLS: Yes, ma'am.

5 MS. DALEY: All right. And, again, I take  
6 it, sir, you would agree that the media disclosure of a  
7 statement was an extraordinary occurrence?

8 MR. WELLS: Yes, ma'am.

9 MS. DALEY: And, again, an unprecedented  
10 situation in all your years of policing, that a statement  
11 would find its way into the press?

12 MR. WELLS: That's correct.

13 MS. DALEY: Did you -- did you consider that  
14 the situation perhaps called for some work, some effort, to  
15 restore public confidence in the ability of your Force to  
16 manage investigations and to manage the confidentiality of  
17 statements?

18 MR. WELLS: I'm going to ask you to repeat  
19 your question.

20 MS. DALEY: Yes. Did you ever turn your  
21 mind to the fact that this was a situation that called for  
22 some extraordinary measures on the part of the Police  
23 Service to re-instil public confidence?

24 MR. WELLS: Yes.

25 MS. DALEY: All right.

1                   And were you the media person at this time?  
2                   This obviously is the early months of 1994. Were you in  
3                   your media relations role at Professional Standards at that  
4                   point?

5                   **MR. WELLS:** Yes, ma'am.

6                   **MS. DALEY:** Did it ever -- did you ever  
7                   consider that the circumstance -- the need to restore  
8                   public confidence might require some public outreach by the  
9                   Force?

10                  **MR. WELLS:** Did I ever consider it?

11                  **MS. DALEY:** Yes.

12                  **MR. WELLS:** I personally -- no, I can say  
13                  that I didn't personally consider it.

14                  **MS. DALEY:** Did you -- do you know if any  
15                  other officers at the Force who were in a position to do  
16                  something about it gave thought to that as a possible thing  
17                  to be done?

18                  **MR. WELLS:** I'm not aware of anyone that  
19                  gave particular thought to that.

20                  **MS. DALEY:** Okay.

21                  **MR. WELLS:** Not saying it didn't -- they  
22                  didn't, I'm just saying I'm not aware of anyone.

23                  **MS. DALEY:** All right.

24                  Is this a situation that with the benefit of  
25                  hindsight called for something more than a business-as-

1 usual type of response from the Service?

2 MR. WELLS: Possibly.

3 MS. DALEY: All right.

4 I guess what I'm wondering is -- you said in  
5 your testimony in-chief that there was nothing to be done  
6 until someone complained about it but I'm just wondering,  
7 why would the Force not immediately designate someone to  
8 investigate the media release of a victim's statement  
9 rather than waiting to see if the victim complained?

10 MR. CALLAGHAN: I'm not sure that's a fair  
11 statement on the evidence we've heard because we did hear  
12 that Ottawa was brought in, and I think in their report  
13 they address that issue as well, and that was brought in --  
14 Ms. Jones mentioned the date, the 7<sup>th</sup> or 10<sup>th</sup>, somewhere in  
15 that range, of January.

16 THE COMMISSIONER: That the Ottawa Police  
17 were ---

18 MR. CALLAGHAN: The Ottawa Police were  
19 brought in.

20 THE COMMISSIONER: Yeah.

21 MR. CALLAGHAN: In their report, you will  
22 recall they do discuss the media release.

23 THE COMMISSIONER: Yes.

24 MR. CALLAGHAN: And it would be unfair to  
25 say nothing was done because obviously Ottawa was brought

1 in by Chief Johnston.

2 **THE COMMISSIONER:** Okay.

3 **MS. DALEY:** Let me tell you what I was  
4 referring to from your evidence in-chief. You can help me  
5 if I've got this wrong. But I thought -- one second.  
6 You gave this testimony, sir, in connection with the news  
7 article. Do you recall Exhibit 1746 that Ms. Jones took  
8 you to? That was the news article in which you say you  
9 were misquoted. You had indicated that you were satisfied  
10 no member of the Cornwall Police had given the statement  
11 and you referred to an investigation.

12 And in that context, you said here that in  
13 fact those statements weren't correct. There was no  
14 investigation as of Jan. 8<sup>th</sup>, '94 and you said it was not  
15 true that the CPS was investigating at this time how the  
16 statement went to the media because there was no specific  
17 complaint at that time. There was no investigation as  
18 early as Jan. 8<sup>th</sup>, '94 because there was no complaint to be  
19 the foundation for it.

20 Do you recall that?

21 **MR. WELLS:** I basically -- I believe, if I  
22 recollect properly, I -- or accurately, I stated to Ms.  
23 Jones that I would not have misled the press. I would not  
24 have lied to them and said, "Listen, we are doing an  
25 investigation" if we were not doing an investigation.

1                   **MS. DALEY:** Correct. Right.

2                   **MR. WELLS:** And I wasn't aware that we were  
3 doing an investigation.

4                   **MS. DALEY:** As of January 8<sup>th</sup>, 1994?

5                   **MR. WELLS:** Yes.

6                   **MS. DALEY:** Correct.

7                   And I thought that elaborating on that point  
8 with Ms. Jones you said, "Well, there was no complaint at  
9 that point. There was no specific complaint. There was  
10 nothing to ---

11                   **MR. WELLS:** Did I say that?

12                   **MS. DALEY:** --- investigate." Yes.

13                   So do you accept that that was your  
14 thinking, that as of this day, there's no specific  
15 complaint. You're not investigating, and the reason you're  
16 not is there's no complaint. Is that correct?

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

18                   **MS. DALEY:** Okay. So the question I had was  
19 given the extraordinary nature of what's happened, was any  
20 thought given at the Force, prior to Mr. Silmsers  
21 complaint coming in, to just initiate their own  
22 investigation and try to determine how it is that this  
23 man's statement found its way into the press?

24                   **MR. CALLAGHAN:** If I could -- well, if I  
25 might, the -- I mentioned the one that was happening at

1 about this time and obviously we saw in Staff Sergeant  
2 Brunet's notes that he was told to contact and find out  
3 what the media was doing. It's not fair to say nobody was  
4 dealing with it. Whether this office contests what he was  
5 doing is fine, but to put the statement out that nobody was  
6 doing it when it's clear from Staff Sergeant Brunet's notes  
7 he's talked to Acting Chief Johnston and he's told to  
8 contact the media and address the allegations, finding out  
9 what's going on and the issue of Ottawa. It's not fair to  
10 say nothing was happening.

11 What this officer knows is a different  
12 issue.

13 **MS. DALEY:** Did you know of any steps that  
14 your -- as of Jan. 8<sup>th</sup> when you made the statement that you  
15 say is erroneous, did you know of any investigation steps  
16 that were occurring at your Force?

17 **MR. WELLS:** No, ma'am.

18 **MS. DALEY:** All right.

19 Was any thought given at this point to  
20 reaching out to Mr. Silmsler to contacting him and to say,  
21 "We're sorry about this and indeed we will look into it"?

22 **MR. WELLS:** What steps? I believe that  
23 there was a lengthy press release by Mr. Courville that at  
24 the bottom -- and Ms. Jones, that was one of her exhibits  
25 or part of my testimony where the press release invited the

1 complainant to come forward.

2 MS. DALEY: Right.

3 MR. WELLS: I'm aware of that. Any other --  
4 I'm not aware of any other steps that may have been taken  
5 at that time.

6 MS. DALEY: All right.  
7 I'm just -- again, these are hindsight type  
8 of questions.

9 MR. WELLS: M'hm.

10 MS. DALEY: These aren't meant to be  
11 critical.

12 MR. WELLS: No.

13 MS. DALEY: But I take it it didn't occur to  
14 anybody, apart from a press release, just to pick up the  
15 phone and speak to him and say, "We understand you must be  
16 bothered by this. We're very sorry and we'll look into  
17 it"?

18 MR. WELLS: The fact that I'm not aware, I'm  
19 not stating that in fact it wasn't a thought process ---

20 MS. DALEY: Yes.

21 MR. WELLS: --- with other members of the  
22 administration, but as far as I was concerned, it wasn't  
23 with me and I'm not aware of it being in the thought  
24 process of another member.

25 MS. DALEY: That's fine.

1                   Instead, actually, what occurs in this  
2 window of time is the very news article that we've looked  
3 at, Exhibit 1746, which unfortunately is inaccurate  
4 according to you and in which you're stating that you're  
5 satisfied no member of the Service did anything wrong in  
6 terms of releasing the statement.

7                   **MR. WELLS:** I wouldn't -- and like I had  
8 mentioned previously, I didn't make it a habit of  
9 misleading the press. In other words, it was fact that if  
10 it was a yes, it was a yes; if it was a no, it was a no. I  
11 wouldn't say something that wasn't true to them. If they  
12 made a quote in the paper surrounding a comment I made and  
13 misconstrued it or quoted it in such a way that it comes  
14 out in this form, that was basically their problem, their  
15 fault. I don't -- those aren't my words. That's all I can  
16 speak to.

17                   **MS. DALEY:** Fair enough, sir.

18                   But if you're Mr. Silmser and you're reading  
19 the paper, he's going to read that a responsible person is  
20 saying nobody at the Cornwall Police Service did this;  
21 correct?

22                   **MR. WELLS:** Yes.

23                   **MS. DALEY:** That's what he's going to read  
24 and that's what my clients or any other citizen would read  
25 who was following this; right?

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

2                   **MS. DALEY:** Now, Ms. Jones spent some time  
3 with you talking about the fact that you didn't -- that no  
4 effort seemed to be made to correct this statement on the  
5 public record, whether it be a letter to the editor or a  
6 request for a retraction or anything of that sort.

7                   It's occurred to me -- and you tell me if  
8 I'm wrong, but it's occurred to me that if you had  
9 retracted or corrected that statement, it wouldn't sound  
10 very good, would it, because it would involve you saying,  
11 "Well, no, I can't say I'm satisfied that no member of the  
12 Force has disclosed your statement"?

13                   **MR. WELLS:** It's possible that I never  
14 viewed that press release.

15                   **MS. DALEY:** Yes.

16                   **MR. WELLS:** And so therefore, if I never  
17 reviewed the press release or I never viewed it, then there  
18 wouldn't be any reason for me to contact them and say,  
19 "Listen, I want this straightened out. Your reporter has  
20 either misinterpreted or put in some words in that press  
21 release that are inaccurate."

22                   **MS. DALEY:** Sir, whether or not you reviewed  
23 this press article or not, I appreciate you can't remember.  
24 I've got to think someone at the Force would be aware that  
25 this article was published; correct?

1                   **MR. WELLS:** I would think.

2                   **MS. DALEY:** Someone at your level or senior  
3 to you; correct?

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

5                   **MS. DALEY:** And just looking at the  
6 statement as it sits now, to my way of thinking, if one was  
7 to correct that statement, the correction wouldn't sound  
8 good because it would in fact be a statement to the effect  
9 that "We can't say we're satisfied that no member of our  
10 Service did this."

11                   Do you understand my point there?

12                   **MR. WELLS:** I'm getting a small flavour for  
13 it.

14                   **MS. DALEY:** Okay. In other words, the  
15 statement that you made was a positive statement that the  
16 public would take comfort from. To correct that would  
17 require putting out some negative information that the  
18 public might not take such comfort from?

19                   **MR. WELLS:** I'm not following you.

20                   **THE COMMISSIONER:** What she's saying is  
21 let's assume you decided to write or publish something in a  
22 newspaper ---

23                   **MR. WELLS:** Yes.

24                   **THE COMMISSIONER:** --- and it would read  
25 something like "Cornwall Police Service wants to note that

1 where the Freeholder reported that we were satisfied that  
2 it wasn't a police officer and that there was an  
3 investigation going on," you'd have to say "We have not  
4 determined yet who is responsible for this, and  
5 accordingly, we're going to keep an open mind open until we  
6 determine what's going on." But then, you know, you'd say,  
7 "And as a police force, we're intent on getting to the  
8 bottom of this and finding out who the culprit is." Let's  
9 assume something like that happened.

10 **MR. WELLS:** Yes.

11 **THE COMMISSIONER:** It wouldn't be so bad.

12 **MS. DALEY:** No, it could be cast in a  
13 positive light too, if indeed the Force was intending to  
14 investigate the disclosure of the statement; correct?

15 **MR. WELLS:** M'hm.

16 **MS. DALEY:** Sir, just help me with  
17 something. Is it your belief that the Force can really  
18 only investigate a matter of this nature in response to a  
19 complaint?

20 **MR. WELLS:** No.

21 **MS. DALEY:** All right. It just so happens  
22 in this case, there was a complaint so that was the  
23 platform for the investigation?

24 **MR. WELLS:** Correct.

25 **MS. DALEY:** All right. So I just want to

1 ask you some questions about the complaint and how it was  
2 treated.

3 And you gave evidence to my friend about the  
4 fact that, initially, it was your wish that the complaint  
5 be treated as an inquiry and not dealt with by your own  
6 Service; do you recall that?

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

8 **MS. DALEY:** And I had the impression from  
9 your testimony that you were just shot out of the water, so  
10 to speak, on that request that the authority told you that  
11 there was no way it could happen that way.

12 **MR. WELLS:** After a discussion with Mr.  
13 Pearson, basically his response was it would be best if he  
14 directed us to do the investigation.

15 **MS. DALEY:** Do you recall the reasons that  
16 he gave for that?

17 **MR. WELLS:** No, I don't. But certainly the  
18 reasons that I gave for requesting it be done weren't  
19 accepted by him or his bureau.

20 **MS. DALEY:** All right. Looking at the  
21 reasons that you gave, and this, sir, is within Exhibit  
22 1747, you might just refer to that if you wish. But it  
23 struck me that the reasons that you advanced -- sir, 1747  
24 is the exhibit.

25 **MR. WELLS:** Thank you.

1                   **MS. DALEY:** And your reasons are on the  
2 second page.

3                   **MR. WELLS:** That's correct. Thank you.

4                   **MS. DALEY:** It struck me that those were  
5 fairly compelling reasons why this matter should be dealt  
6 with by a body who seemed to be independent of the Cornwall  
7 Police Service. Was that your feeling as well?

8                   **MR. WELLS:** We certainly felt that, yes.

9                   **MS. DALEY:** All right. And in advancing  
10 these reasons in making this request, I take it what you  
11 were trying to achieve would be a process that would be  
12 more credible in the public eye, whatever the outcome?

13                   **MR. WELLS:** Yes, inside and outside.

14                   **MS. DALEY:** Inside and outside. And as a  
15 companion to that, it would a process that would be more  
16 credible to Mr. Silmsler perhaps, the person who was  
17 aggrieved by the situation, to know that an independent  
18 body had adjudicated it?

19                   **MR. WELLS:** Possibly.

20                   **MS. DALEY:** All right. Do you remember the  
21 reasons given to you by Mr. Raymond for why it wouldn't  
22 happen that way?

23                   **MR. WELLS:** Mr. Raymond?

24                   **MS. DALEY:** Sorry, was it Daniel Raymond of

25 ---

1                   **MR. WELLS:** He was an investigator for the  
2                   Complaints Commission.

3                   **MS. DALEY:** Yes.

4                   **THE COMMISSIONER:** But he's already  
5                   answered. He doesn't know ---

6                   **MS. DALEY:** I'm sorry, it's Mr. Pearson.

7                   **THE COMMISSIONER:** Yeah. He does -- and he  
8                   answered. I think you've asked him that question already -  
9                   --

10                  **MS. DALEY:** All right. Sorry.

11                  **THE COMMISSIONER:** --- and he said, no he  
12                  doesn't remember.

13                  **MS. DALEY:** All right. I take it when the  
14                  Force received Pearson's answer, that was the final answer;  
15                  there was nothing further that you could do about it?

16                  **MR. WELLS:** That's right.

17                  **MS. DALEY:** All right. And frankly -- and  
18                  essentially the same process occurred in relation to the  
19                  public complaint by Doug Seguin?

20                  **MR. WELLS:** That's correct.

21                  **MS. DALEY:** All right. If you'd be kind  
22                  enough to look at Exhibit 643 for a moment with me? I want  
23                  to talk to you about the January 21, 1994 complaint form  
24                  that you assisted Mr. Silmsler and his counsel in filling  
25                  out.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. DALEY: I just wanted to take you to the  
3 form itself. Give me a second. It's Bates page ending in  
4 the letters 661.

5 MR. WELLS: Excuse me, what was the tab  
6 number again, ma'am?

7 MS. DALEY: It should be 643, sir.

8 MR. WELLS: Thank you. And the Bates page?

9 MS. DALEY: I'm on the third piece of paper  
10 in, it ends 661.

11 MR. WELLS: Yes.

12 MS. DALEY: And on the reverse side of that  
13 page, sir, is Appendix A. Do you see that?

14 MR. WELLS: Yes.

15 MS. DALEY: Now Appendix A as I read it, in  
16 particular points four, five and six, those relate to the  
17 disclosure or the means by which Officer Dunlop disclosed  
18 Mr. Silmsers's statement to the CAS; correct?

19 MR. WELLS: That's correct.

20 MS. DALEY: Now, when Silmsers -- when  
21 Silmsers's lawyer first writes to you on January 11<sup>th</sup>, the  
22 substance of his complaint has to do with the media  
23 disclosure; you recall that?

24 MR. WELLS: Yes.

25 MS. DALEY: All right. So sometime between

1 January 11<sup>th</sup> and January 21<sup>st</sup> when you're sitting down with  
2 Silmsler and his lawyer, the subject of the CAS disclosure  
3 has now been introduced; correct?

4 **MR. WELLS:** Yes.

5 **MS. DALEY:** What I'm wondering is this. Can  
6 you help me at all with how it came to be that the CAS  
7 disclosure was incorporated into Mr. Silmsler's complaint?  
8 In other words, did you talk to him about it? Did he talk  
9 to you about it? How did it -- how did the subject arise?

10 **MR. WELLS:** The back -- you're talking about  
11 the summary of incident on the back, Appendix A?

12 **MS. DALEY:** Appendix A, yeah. Because  
13 Appendix A, as I said, is speaking to the disclosure by  
14 Officer Dunlop to the CAS; correct?

15 **MR. WELLS:** Yes.

16 **MS. DALEY:** So I'm just curious. How does  
17 that subject come up between yourself and Silmsler? Because  
18 Silmsler's initial concern was with the media release.

19 **MR. WELLS:** Possibly because of the news  
20 release ---

21 **MS. DALEY:** All right.

22 **MR. WELLS:** --- involving -- that lengthy  
23 news release by Mr. Courville, I believe.

24 **MS. DALEY:** Yes.

25 **MR. WELLS:** That had bullet forms, I think

1           there were three pages.

2                       **MS. DALEY:** All right. So this information  
3 came from the Courville media release?

4                       **MR. WELLS:** I believe so.

5                       **MS. DALEY:** All right. Do you remember  
6 discussing this information with Mr. Silmsler and his lawyer  
7 when you sat down with him and helped him prepare this  
8 form?

9                       **MR. WELLS:** I don't recall discussing it  
10 with him. Certainly it probably would have formed part of  
11 the discussion because it's a Form One.

12                       **MS. DALEY:** Yes.

13                       **MR. WELLS:** And I would always sit down with  
14 the complainant in those cases and go through the facts in  
15 issue, what was their concerns, the name of the suspect  
16 officer, what were their allegations of misconduct, if  
17 there was any, et cetera.

18                       **MS. DALEY:** Yes. You appreciate in your  
19 capacity as a Professional Standards person; you deal with  
20 this all the time. It's important that the person who's  
21 aggrieved knows the identity of the officer that he is  
22 complaining about; correct?

23                       **MR. WELLS:** Yes, I would ask "Do we have a  
24 name? Do you have a name of an officer who you feel has  
25 wronged you or has acted inappropriately?"

1                   **MS. DALEY:** Yes, precisely. Now, in this  
2 instance, I take it certainly by this point in time, you  
3 knew that the officer who'd given the statement to the CAS  
4 was in fact Perry Dunlop?

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

6                   **MS. DALEY:** But Appendix A doesn't refer to  
7 him by name; it refers to an uninvolved officer.

8                   **MR. WELLS:** Yes.

9                   **MS. DALEY:** Now, since you know the name and  
10 obviously Mr. Silmsler doesn't because no one has ever  
11 disclosed it to him, why would you not inform him and his  
12 lawyer that the person who made this disclosure to the CAS  
13 is Mr. Dunlop?

14                   **MR. WELLS:** Because the process, ma'am, does  
15 not allow me to do that. I take the complaint purely on  
16 the facts stated to me and reported to me by the  
17 complainant.

18                   It's not my purpose to say "Well, listen, if  
19 it's -- you're saying it's Constable Sebalj, well, it could  
20 have been Constable Wells." That's not -- I fill in the  
21 form with the information that he's providing or she's  
22 providing to me and then conduct my investigation. If  
23 through the process of the investigation it's determined  
24 that other subject officers are involved then that will be  
25 a determination at the end of the investigation and

1 recommendations and actions will be taken.

2 **MS. DALEY:** All right.

3 **THE COMMISSIONER:** I know but -- maybe the  
4 point is, in Appendix A we're only talking about the  
5 disclosure of the statement to the CAS whereas I thought  
6 the gist of the complaint, when Silmsler came in was "I'm  
7 not happy that it got to the media"?

8 **MR. WELLS:** Yes.

9 **THE COMMISSIONER:** So -- so why wouldn't you  
10 put in there that it appeared in the media and that was  
11 really the essence of the complaint?

12 **MR. WELLS:** M'hm. As I said, Mr.  
13 Commissioner, when I'm completing the Form 1 I go through  
14 it step-by-step with the complainant and part of the  
15 process in taking the initial complaint is not to make any  
16 suggestions or lead the complainant in a certain direction.

17 However, the investigation definitely we'll  
18 take in this case took us there

19 **THE COMMISSIONER:** Okay.

20 **MS. DALEY:** I take it the way things  
21 unfolded in this, I appreciate that you have a framework  
22 within which you have to work here but unfortunately what  
23 occurred here is that Silmsler names Heidi Sebalj, who is  
24 innocent of any wrongdoing, he names her -- well all right,  
25 fine.

1                   But he names the only person he dealt with  
2                   or he can remember dealing with and that was her; right

3                   **MR. WELLS:** Yes, Ma'am.

4                   **MS. DALEY:** He doesn't know the identity of  
5                   the person who actually released the statement but by this  
6                   point in time you do?

7                   **MR. WELLS:** Yes.

8                   **MS. DALEY:** But you're not able to tell him  
9                   that name for the purpose of his complaint?

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

11                  **MS. DALEY:** All right.

12                  **MR. WELLS:** Nor suggest -- if the person  
13                  stipulated in his opinion there were a couple of areas of  
14                  misconduct and it was obvious to me, through the initial  
15                  contact with the complainant that there may be a third, I  
16                  wouldn't suggest that to him. I would complete the Form 1,  
17                  as instructed by him, fill in the necessary areas as  
18                  indicated to him or the information that's indicated to me  
19                  by that person and then carry out my investigation.

20                  In the long run it's going to come out.

21                  **MS. DALEY:** All right. I understand.

22                  Do you see that as a bit of a handicap, in  
23                  the sense that it makes it difficult for a citizen in Mr.  
24                  Silmser's shoes to know how to redress the wrongs since he  
25                  -- since he's lacking information that you have?

1                   **MR. WELLS:** I can see where it might appear  
2                   that way.

3                   **MS. DALEY:** Yes.

4                   **MR. WELLS:** However, having faith in  
5                   yourself that you're going to do an honest investigation,  
6                   the end result is going to uncover who, and in fact, if  
7                   there was more than -- in this particular case if there was  
8                   more than Constable Sebalj involved, my investigation would  
9                   determine that and the complainant would be made aware of  
10                  that.

11                  **MS. DALEY:** All right. So that helps me  
12                  with another question which is why -- why it would be that  
13                  -- I don't know if you have Exhibit 1748 handy, is that in  
14                  the book that you have?

15                  **THE COMMISSIONER:** Seventeen forty (1740)?

16                  **MS. DALEY:** Forty-eight (48).

17                  **THE COMMISSIONER:** Forty-eight (48). Thank  
18                  you.

19                  **MS. DALEY:** This was your ultimate finding  
20                  that you presented to Chief Johnston, if you recall, sir,  
21                  with relation to this -- at least a portion of the  
22                  citizen's complaint of Mr. Silmsler that you've been dealing  
23                  with.

24                  **MR. WELLS:** M'hm

25                  **MS. DALEY:** And in this document, sir, you

1 tell Chief Johnston that -- on the second page -- that  
2 there's no evidence to suggest that Officer Sebalj has  
3 allowed the statement to be copied or to be given to  
4 anybody else; correct?

5 MR. WELLS: That's correct.

6 MS. DALEY: All right. And that was a bit  
7 of a foregone conclusion because we know and you knew that  
8 it was Dunlop who handed the statement to the Children's  
9 Aid Society but you had to formally find that because of  
10 the nature of the complaint?

11 MR. WELLS: That's correct.

12 MS. DALEY: And you communicated that to Mr.  
13 Silmsler in your June 2<sup>nd</sup>, 1994 letter and that's also part  
14 of Exhibit 643.

15 Let me find that for you.

16 Just bear with me, my problem is I've been  
17 working with a different copy of this document so it's  
18 going to take me a minute to find it.

19 (SHORT PAUSE/COURTE PAUSE)

20 MS. DALEY: Let me save time. Madam Clerk,  
21 if we could have a look at Document 728362?

22 THE REGISTRAR: That's Exhibit 1245.

23 MS. DALEY: Thank you.

24 THE COMMISSIONER: I'm sorry?

25 THE REGISTRAR: Twelve forty-five (1245).

1                   **THE COMMISSIONER:** Twelve forty-five (1245).

2                   **(SHORT PAUSE/COURTE PAUSE)**

3                   **MS. DALEY:** Do you see that, sir? Do you  
4 have Exhibit 1245 handy?

5                   **MR. WELLS:** Yes, I do.

6                   **MS. DALEY:** So that's your June 4<sup>th</sup> letter to  
7 Mr. Silmsen, advising him that ---

8                   **MR. WELLS:** June 4<sup>th</sup>?

9                   **MS. DALEY:** Yes.

10                  **MR. WELLS:** I have a June 2<sup>nd</sup>.

11                  **MS. DALEY:** June 2<sup>nd</sup>, '94?

12                  **MR. WELLS:** Yes.

13                  **MS. DALEY:** Sorry, I misspoke.

14                  **MR. WELLS:** Okay.

15                  **MS. DALEY:** What you're communicating to him  
16 of substance here is in the second paragraph which is;

17                                "That as a result of the evidence  
18                                obtained, Constable Sebalj has been  
19                                exonerated from any wrongdoing  
20                                regarding this complaint."

21                                And of course then you tell him that if he's  
22 not satisfied he has further recourse; correct?

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

24                  **MS. DALEY:** Now, sir, I guess just standing  
25 back from this I'm somewhat puzzled because of course it's

1           technically correct that Constable Sebalj was not involved  
2           in the dissemination of his statement but another officer  
3           in the Service was, at least to the Children's Aid Society  
4           ---

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

6                       **MS. DALEY:** --- and he's not being informed  
7           of that.

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

9                       **MS. DALEY:** Is there a reason for that?

10                      **MR. WELLS:** Not that I'm aware of.

11                      **MR. CALLAGHAN:** I think the document -- in  
12           fairness, I think the documents indicate that the  
13           complainant was kept apprised of the interim report and of  
14           the charges of Mr. Dunlop.

15                      I think maybe even the document out here  
16           you'll see he's copied on that material.

17                      **MS. DALEY:** Your counsel is showing me other  
18           material. I'm aware that you communicated with Silmser on  
19           an interim basis as you were doing your report.

20                      I guess just looking at the final letter  
21           that he receives from you and the final conclusion,  
22           although it's not incorrect, it's true, but what he's not  
23           being told is that you've concluded that another officer,  
24           in fact, was involved in disseminating his statement.

25                      **MR. CALLAGHAN:** It's not a fair statement in

1 light of the document, one dated May 21<sup>st</sup>, 1994, two days  
2 before where he's copied on the charges.

3 **THE COMMISSIONER:** Where's that?

4 **MR. CALLAGHAN:** It's Document 728387.

5 So, in fairness, Mr. Silmsen is kept  
6 apprised of who is and is not being charged and for what.

7 **THE COMMISSIONER:** Let's see the letter.

8 **MR. CALLAGHAN:** It would be helpful to put  
9 that in so we have a clear record.

10 **THE COMMISSIONER:** That's what we're doing.

11 **MR. CALLAGHAN:** Thank you.

12 **THE COMMISSIONER:** Give me a moment, please.

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

14 **THE COMMISSIONER:** So Exhibit 1755 is Public  
15 Complaint Form 19, statement of alleged misconduct, date of  
16 complaint is January 21<sup>st</sup>, 1994, and the police officer is  
17 Perry Dunlop.

18 **--- EXHIBIT NO./PIÈCE NO. P-1755:**

19 (728387) - Public Complaint - Form 19 -  
20 Statement of Alleged Misconduct dated 21 Jan  
21 94

22 **MS. DALEY:** Do you have that handy, sir?

23 **MR. WELLS:** Yes, I do.

24 **MS. DALEY:** All right.

25 **THE COMMISSIONER:** Just a -- okay. That has

1 nothing to do with the allegation that somebody gave the  
2 document to the media.

3 **MR. CALLAGHAN:** No. There is yet another  
4 document advising him that Mr. Dunlop is not charged. In  
5 fact he appeals that to the -- I thought we saw that  
6 earlier -- Public Complaints Commissioner, that. So he's  
7 advised of that.

8 As you point out, there are three things.  
9 He's advised of the charge, released to the Children's Aid.  
10 He's advised that Constable Sebalj will not be charged and  
11 he's advised that Mr. Dunlop will not be charged and he  
12 appeals. He writes the Public Complaints Commissioner on  
13 the latter two.

14 **THE COMMISSIONER:** Okay.

15 **MS. DALEY:** Sir, were you personally in  
16 touch with Mr. Silmsler or his lawyer in connection with  
17 your final reports and in connection with the steps that  
18 were being taken?

19 **MR. WELLS:** They would have been sent to him  
20 through correspondence.

21 **MS. DALEY:** All right.

22 Did you have any personal communication with  
23 him that you can remember about that?

24 **MR. WELLS:** Not that I can't remember.

25 **MS. DALEY:** All right.

1 Do you remember the ultimate disposition of  
2 his appeals?

3 MR. WELLS: Of?

4 MS. DALEY: I'm calling them appeals, but as  
5 your counsel mentioned, obviously Mr. Silmsner goes further  
6 with the matter and he goes to the Police Complaints  
7 Commission. Do you remember the outcome of that?

8 MR. WELLS: This is with respect to  
9 Constable Sebalj and Constable Dunlop?

10 MS. DALEY: Yes.

11 MR. WELLS: Both of them?

12 MS. DALEY: Yes, and the media.

13 MR. WELLS: Well, there was a statement of  
14 alleged misconduct on Constable Dunlop.

15 MS. DALEY: In relation to the Children's  
16 Aid Society?

17 MR. WELLS: Yes.

18 MS. DALEY: All right.

19 MR. WELLS: And you're -- I'm sorry ---

20 MS. DALEY: Sorry, but Mr. Silmsner was  
21 unhappy with your finding that there was no evidence that  
22 anyone at the Force had disclosed to the media.

23 MR. WELLS: M'hm.

24 MS. DALEY: So focusing on that aspect of  
25 things, do you know the ultimate result?

1                   **MR. WELLS:** I believe that they would have  
2 reviewed -- the Commission would have reviewed the  
3 information ---

4                   **MS. DALEY:** Yes.

5                   **MR. WELLS:** --- and upheld ---

6                   **MR. CALLAGHAN:** Can the witness be shown  
7 Exhibit 1247, which is the document that is at least the  
8 one regarding Constable Sebalj which was put in earlier?

9                   **(SHORT PAUSE/COURTE PAUSE)**

10                   **THE COMMISSIONER:** It basically concludes  
11 that former Acting Chief Johnston's decision could not be  
12 seen as unreasonable and therefore under the Act he can  
13 only go further if -- decide that no further action is  
14 warranted or to order an inquiry so he decides there's no  
15 inquiry.

16                   **MS. DALEY:** Right. So that was the end of  
17 the media complaint. Did you know that, sir?

18                   **MR. WELLS:** Yes.

19                   **MS. DALEY:** In terms of the media complaint,  
20 do you have a recollection of the investigative steps that  
21 you took?

22                   **MR. WELLS:** I believe there's a completed  
23 form as to my investigate steps that I would have taken.

24                   **MS. DALEY:** And the people you interviewed?

25                   **MR. WELLS:** Yes.

1                   **MS. DALEY:** And I can show you this, it's  
2                   within Exhibit 647, but do you recall interviewing Mr.  
3                   Greenwell, for example?

4                   **MR. WELLS:** I spoke to Mr. Greenwell.

5                   **MS. DALEY:** And do you recall what he told  
6                   you or shall I try and find -- let me find the statement.

7                   **MR. WELLS:** Thank you.

8                   **MS. DALEY:** It's going to take me a second  
9                   but I'll do my best.

10                  **THE COMMISSIONER:** In 647 did you say?

11                  **MS. DALEY:** Yes, it should be inside 643.  
12                  I'm going to find you the Bates page, sir, of the Greenwell  
13                  matter, or try to. And, again, my apologies, I'm not --  
14                  I'm working in a document that I'm not, unfortunately,  
15                  familiar enough with.

16                  **MR. WELLS:** May I be of assistance?

17                  **MS. DALEY:** Yeah, did you find it?

18                  **MR. WELLS:** I believe it's 2791. Is that  
19                  the document that you're looking for, the statement of Mr.  
20                  Charles Greenwell?

21                  **MS. DALEY:** If it's Greenwell's statement,  
22                  that's the one. Thank you.

23                  **MR. WELLS:** You're welcome.

24                  **MS. DALEY:** So you heard his explanation for  
25                  how he'd received the statement?

1                   MR. WELLS: Yes, ma'am.

2                   MS. DALEY: But you'd also interviewed Doug  
3                   Seguin and Nancy Seguin as well on the same topic; correct?

4                   MR. WELLS: Yes, ma'am.

5                   MS. DALEY: And do you recollect that they  
6                   claimed that they'd been told by Greenwell that he received  
7                   it from the Cornwall Police Service?

8                   MR. WELLS: I'd have to refer myself to that  
9                   document.

10                  MS. DALEY: Okay. The Seguin statements are  
11                  the following statements -- the statements on the following  
12                  pages.

13                  MR. WELLS: Yes.

14                  MS. DALEY: And at Bates page 2730 ---

15                  MR. WELLS: Two-seven-three-zero (2730)?

16                  MS. DALEY: Sorry, one moment, sir. I'm  
17                  going to try to direct you. Yes -- I'm sorry, sir, Bates  
18                  2792 I think is the first place where Mr. Seguin makes that  
19                  statement under his name.

20                  MR. WELLS: A third of the way down?

21                  MS. DALEY: Yes.

22                  MR. WELLS: "Since there was a police  
23                  officer involved..."?

24                  MS. DALEY: It says:

25                                 "Charlie Greenwell said -- told me on

1 the telephone, and my wife Nancy was  
2 listening, that he received information  
3 from a Cornwall Police officer and said  
4 that he was going to obtain a copy of  
5 the allegations."

6 **MR. WELLS:** Yes.

7 **MS. DALEY:** Do you remember that?

8 **MR. WELLS:** Yes.

9 **MS. DALEY:** And at -- I don't want to take  
10 too much time on this, but he returned to that topic a time  
11 or two when you were interviewing himself and his wife that  
12 Greenwell had said this came from the police, this  
13 information, and that Greenwell was awaiting a statement,  
14 which he ultimately received and published. And that's  
15 certainly what the Seguins believed because they say that's  
16 what Greenwell told them.

17 **MR. WELLS:** M'hm.

18 **MS. DALEY:** Correct? You were aware of all  
19 that?

20 **MR. WELLS:** That's correct.

21 **MS. DALEY:** Sir, just out of curiosity, did  
22 you ever obtain a copy of the statement that Greenwell had  
23 in his possession so that you could identify, for example,  
24 whether it had fax imprints on it or any other markings  
25 that would verify or otherwise his story?

1                   **MR. WELLS:** No, I did not.

2                   **MS. DALEY:** Did you conclude that the  
3                   Seguins were just wrong and Greenwell hadn't made that  
4                   statement to them?

5                   **MR. WELLS:** I didn't conclude that they were  
6                   wrong, however, I didn't receive any information that would  
7                   substantiate their claim.

8                   **MS. DALEY:** Was there, in your mind,  
9                   anything you could do further to test the veracity of what  
10                  Mr. Greenwell was telling you, that is the paper bag story?

11                  **MR. WELLS:** Nothing else occurred to me at  
12                  that time.

13                  **MS. DALEY:** All right.  
14                  Essentially that's the crux of the issue, is  
15                  it not, whether -- exactly whether what Greenwell says is  
16                  true or not, right?

17                  **MR. WELLS:** Yes, that's correct.

18                  **MS. DALEY:** And I take it the reason that  
19                  ultimately that complaint was dismissed was because there  
20                  was no evidence available from Greenwell to support that it  
21                  had come from someone at your Service?

22                  **MR. WELLS:** As a result of the whole  
23                  investigation, I wasn't able to obtain any information or  
24                  evidence that would conclude that a member of our Service  
25                  would have released it to the media, not just Mr. Greenwell

1 but the whole ---

2 MS. DALEY: Did I understand your evidence  
3 in-chief to be that perhaps you entertained a bit of a  
4 suspicion that since the statement was with the CAS,  
5 perhaps someone there disclosed it to the media?

6 MR. WELLS: To be quite honest with you, it  
7 occurred to me that anybody -- after it left our building,  
8 anybody could have been responsible for providing that  
9 statement to the media because after it left the building  
10 it's conceivable it went anywhere. We had no more control  
11 over it.

12 MS. DALEY: I appreciate that.  
13 To the extent that it was disseminated  
14 elsewhere once it left your building, that would be Officer  
15 Dunlop's doing or perhaps someone to whom he'd given the  
16 statement?

17 MR. WELLS: That's correct.

18 MS. DALEY: All right.

19 One second, sir.

20 THE COMMISSIONER: M'hm.

21 MS. DALEY: Those are my questions. Thank  
22 you kindly.

23 MR. WELLS: Thank you.

24 THE COMMISSIONER: Thank you.

25 Mr. Paul?

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

2 PAUL:

3 MR. PAUL: Good afternoon, Inspector Wells.  
4 My name is Ian Paul. I appear for a citizens group called  
5 the Coalition for Action.

6 MR. WELLS: Good afternoon, sir.

7 MR. PAUL: I'd like to ask you a few  
8 questions about one area that you were questioned about  
9 earlier by Commission counsel, the area surrounding the  
10 morale issues around 1990 and the Morale Report and the  
11 actions of the senior officers.

12 Now, I understand from your evidence that  
13 despite the problems around that period, it certainly began  
14 to improve after 1990, the situation between yourself and  
15 the other senior officers and the Chief of Police?

16 MR. WELLS: That's correct, sir.

17 MR. PAUL: So in terms of the -- and they  
18 were fairly significant actions to seek the replacement or  
19 removal of the Chief of Police; correct?

20 MR. WELLS: What were the words you used?

21 MR. PAUL: Fairly significant actions?

22 MR. WELLS: Fairly significant request for  
23 action.

24 MR. PAUL: And despite those steps, you had  
25 the sense that the Chief of Police essentially didn't hold

1 a grudge? He was prepared to move on and put that behind  
2 him?

3 MR. WELLS: Yes, sir. That's correct.

4 MR. PAUL: And you and the other senior  
5 officers were prepared to do that as well?

6 MR. WELLS: That's correct.

7 MR. PAUL: And I would assume it's an  
8 attempt to put the matter behind you in order to try to  
9 achieve a better policing within the community?

10 MR. WELLS: Yes.

11 MR. PAUL: And as a result, perhaps some of  
12 the issues -- some of the concerns you had -- for example,  
13 you had a concern about consultation, lack of consultation  
14 by the Chief of Police with senior officers. That was one  
15 of the concerns?

16 MR. WELLS: Mr. Paul, may I just go back?  
17 That last question that you asked, in order to provide a  
18 better police service to the community, I would like to say  
19 that that was not to provide a better police service to the  
20 community, because I don't believe at any time that the  
21 police service -- the quality of police service to our  
22 community suffered as a result of the inward problems that  
23 were identified.

24 So could I change my answer in that regard?

25 MR. PAUL: Yes, that's fine.

1                   **MR. WELLS:** Thank you.

2                   **MR. PAUL:** Now, in terms of issues of  
3                   consultation, there had been some concerns maybe prior to  
4                   1990 about difficulties with the Chief not always  
5                   consulting senior officers?

6                   **MR. WELLS:** Yes, sir, that's right.

7                   **MR. PAUL:** And that seemed to improve?

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

9                   **MR. PAUL:** So by the time 1993 comes, when  
10                  the Silmsler investigation arises, and by that point you and  
11                  the other senior officers are on better terms with the  
12                  Chief of Police?

13                  **MR. WELLS:** Yes.

14                  **MR. PAUL:** And is it perhaps in part for  
15                  that reason that in the morning meeting that we've spoken  
16                  about, the morning meeting where Sergeant Lortie raises the  
17                  issue of the Silmsler investigation in late September 1993,  
18                  your surprise in hearing about the Silmsler investigation is  
19                  you're surprised that you haven't heard about it before?  
20                  Are you surprised in part because you felt that it was  
21                  something that given the improved relationship, that you  
22                  would have heard about it by that point?

23                  **MR. WELLS:** If I understand your question  
24                  correctly ---

25                  **MR. PAUL:** It's a fairly long question, I

1 know.

2 MR. WELLS: I'm sorry?

3 MR. PAUL: I know it's a fairly long  
4 question, but ---

5 MR. WELLS: The item that brought my  
6 attention or caused me some concern or brought my  
7 attention, I guess, again was the fact that Sergeant Lortie  
8 brought this up and the manner in which he brought it up,  
9 and I guess his body language and demeanour in bringing it  
10 up sort of caused me to sit back and recognize like,  
11 "What's going on here?"

12 MR. PAUL: In addition to his demeanour and  
13 how he approaches it, are you also surprised that given  
14 your rank as an inspector, that you're hearing about this  
15 for the first time, the Silmsler case, given the people  
16 involved, what's involved?

17 MR. WELLS: Well, I wasn't an inspector at  
18 the time, Mr. Paul. I was a staff sergeant in Professional  
19 Standards.

20 MR. PAUL: Nevertheless, are you surprised  
21 it hasn't come up at a morning meeting before given the  
22 involvement of a priest and a probation officer?

23 MR. WELLS: Not necessarily, sir.

24 MR. PAUL: The manner in which it was  
25 brought up, you would agree that these meetings are fairly

1 informal?

2 MR. WELLS: Yes, sir.

3 MR. PAUL: There's no formal agenda?

4 MR. WELLS: No, sir.

5 MR. PAUL: And certainly the topic of the  
6 Silmser investigation was clearly brought up by Sergeant  
7 Lortie, not by anybody else?

8 MR. WELLS: He initially brought the subject  
9 matter up, yes.

10 MR. PAUL: All right.  
11 He's the one that raised the issue; correct?

12 MR. WELLS: Yes, he initiated the  
13 discussion.

14 MR. PAUL: It wasn't raised or initiated by  
15 Chief Shaver or Staff Sergeant Brunet?

16 MR. WELLS: Not to my recollection.

17 MR. PAUL: In addition, it would be perhaps  
18 fair to say that the person who did the most talking about  
19 that issue, the Silmser case during the meeting, was in  
20 fact Sergeant Lortie?

21 MR. WELLS: What I recollect, yes.

22 MR. PAUL: He talked about it more than  
23 anybody else, including Chief Shaver or Staff Sergeant  
24 Brunet?

25 MR. WELLS: What I recollect wasn't a

1           lengthy, lengthy discussion, but it was -- yes, I would say  
2           that he probably occupied the greatest majority of the  
3           floor on that discussion.

4                   **MR. PAUL:** And in terms of what was said by  
5           Chief Shaver, there was very little said by Chief Shaver.  
6           Would you agree with that?

7                   **MR. WELLS:** I don't recall what was said by  
8           Chief Shaver in response to his concern.

9                   **MR. PAUL:** Okay. And you don't recall what  
10          was said by Staff Sergeant Brunet?

11                   **MR. WELLS:** No, I don't.

12                   **MR. PAUL:** Would you agree if I would  
13          suggest that you were under the impression that had not  
14          Sergeant Lortie raised that topic, it probably wouldn't  
15          have come up at all? That was your impression?

16                   **MR. WELLS:** On that -- at that meeting?

17                   **MR. PAUL:** Yes.

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

19                   **MR. PAUL:** Now, in terms of what you recall  
20          being raised at that point, the discussion about the  
21          Silmser case was fairly limited to a discussion about the  
22          case. There were no details given at the meeting?

23                   **MR. WELLS:** Not that I can recall. No, sir.

24                   **MR. PAUL:** And as far as what you recall,  
25          you don't recall any discussion about a civil settlement at

1 the meeting; correct?

2 MR. WELLS: No, I don't.

3 MR. PAUL: And you don't recall any  
4 discussion about whether the file was closed or whether the  
5 investigation had been closed?

6 MR. WELLS: That's correct.

7 MR. PAUL: So that was not discussed at the  
8 meeting?

9 MR. WELLS: Not that I recall, no.

10 MR. PAUL: I mentioned the name Ken Seguin,  
11 but would it be fair to say that when the Silmsler case was  
12 discussed, is it possible that the name Ken Seguin wasn't  
13 even mentioned at the meeting?

14 MR. WELLS: I don't recall Mr. Seguin's name  
15 being mentioned. It was Father -- or a priest.

16 MR. PAUL: Just a priest?

17 MR. WELLS: I believe so.

18 MR. PAUL: All right.

19 And if the name Ken -- I mean, Ken Seguin  
20 was a name that would be familiar with you; correct?

21 MR. WELLS: Yes, sir.

22 MR. PAUL: As a probation officer. There  
23 wouldn't be that many probation officers at the time in  
24 Cornwall?

25 MR. WELLS: No. Through my earlier years I

1 was aware that Ken Seguin was one of the probation  
2 officers.

3 MR. PAUL: So it's a name that had been  
4 mentioned. Certainly it would be something that you would  
5 recall?

6 MR. WELLS: Yes, sir.

7 MR. PAUL: In terms of any action being done  
8 by Chief Shaver, you don't recall anything that he  
9 suggested he was going to be doing about the case?

10 MR. WELLS: No, I don't recall, sir, no. I  
11 don't recall that.

12 MR. PAUL: You'll recall at some later point  
13 discussion -- any discussion about Chief Shaver going to  
14 visit the papal nuncio in Ottawa?

15 MR. WELLS: I recall, as a result of this  
16 Inquiry, preparation for this Inquiry, I recall -- I cannot  
17 say that I recalled that being mentioned but I can't  
18 specify the date that I heard it on.

19 MR. PAUL: Okay, but your recollection, it  
20 would not have been discussed at that meeting?

21 MR. WELLS: No.

22 MR. PAUL: And in terms of going to anybody  
23 else, such as the Children's Aid and reporting to  
24 Children's Aid, that wasn't discussed in that meeting?

25 MR. WELLS: No, sir.

1                   **MR. PAUL:** I did want to ask you about one  
2 other area that I was confused; whether it occurred at that  
3 meeting or not, was the issue of project files. And I was  
4 going to ask you about a portion of the -- it's in the  
5 Exhibit 1742; the statement for the Ontario Provincial  
6 Police. It would be at page 3.

7                   I think you've already been asked about  
8 this, about some parts of this page, in reference to the  
9 middle portion but perhaps you could look at the reference  
10 to the project file which I believe is at the bottom of the  
11 answer, the last answer.

12                   There's a reference to:

13                   "Very, very few people in the  
14 organization have knowledge of it. I  
15 guess and was now -- I can't give you  
16 any dates cause it was a morning  
17 meeting and there was some concern as  
18 to why it was in the project file."

19                   Do you see that response?

20                   **MR. WELLS:** Yes, I do.

21                   **MR. PAUL:** And I just wanted to ask you, was  
22 it your understanding that the project file didn't surface  
23 until after the morning meeting of late September of ---

24                   **MR. WELLS:** For some reason, I recall the  
25 word "Project file" being utilized at that meeting.

1           However, in preparation for this Inquiry, I have reviewed  
2           documents whereby I was informed or became aware that the  
3           word "Project file" was later on in that.

4                   **MR. PAUL:** All right. I'm just going to ask  
5           you if you have a view on whether project file -- putting  
6           anticipated -- placing of it in a project file was  
7           discussed at the late September meeting or whether project  
8           files is discussed at some later point, such as October or  
9           November, or do you recall?

10                   **MR. WELLS:** I recall the words "Project  
11           file". However, I don't believe there was any conversation  
12           at that meeting concerning putting anything into it.

13                   **MR. PAUL:** When you indicate at the end of  
14           the answer "and there was come concern as to why it was in  
15           the project file." It's not very clear whose concern is  
16           that, who is raising the concern that's in a project file?

17                   **MR. WELLS:** My recollection would have been  
18           Sergeant Lortie.

19                   **MR. PAUL:** Okay and is he doing that at some  
20           meeting that comes later, the September 28<sup>th</sup>, 1993?

21                   **MR. WELLS:** It's possible, Mr. Paul.

22                   **MR. PAUL:** Do you know what, if any,  
23           response there was to his -- the concern that was raised  
24           about a project file?

25                   **MR. WELLS:** At that meeting?

1 MR. PAUL: Yes.

2 MR. WELLS: Not to my recollection.

3 MR. PAUL: You don't recall any response?

4 MR. WELLS: No, sir.

5 MR. PAUL: If you could look at the next  
6 page. Towards the middle, there's a question:

7 "To your knowledge was it normal to  
8 place a sexual assault investigation in  
9 the project files?"

10 And you respond:

11 "I wasn't unaware of project procedures  
12 because I believe at that point I was  
13 in Professional Standards. My past  
14 involvement in criminal investigations,  
15 I'm not aware of any time that I was  
16 ever asked to put something in a  
17 project."

18 MR. WELLS: That's correct.

19 MR. PAUL: So it was your understanding that  
20 it would be unusual to put a sexual assault matter in a  
21 project file?

22 MR. WELLS: Yes, it would be.

23 MR. PAUL: And with ---

24 MR. WELLS: From my experience with project  
25 files because I had very little experience with regards to

1       dealing with issues, if any, whereby I was asked to put any  
2       -- one of my investigations or any investigations into a  
3       project file. I had no experience in that regard or  
4       knowledge of it, when and -- when it wouldn't be  
5       appropriate.

6                   **MR. PAUL:** Was it more standard for drug  
7       cases where there's informants, would that be the type that  
8       would be more often in a project file?

9                   **MR. WELLS:** Possible. But then again, I'm  
10      not familiar with the procedures of project files, Mr. Paul  
11      and was not, rather.

12                   **MR. PAUL:** But you would be familiar with  
13      criminal investigations, CIB or sexual assault cases?

14                   **MR. WELLS:** Yes.

15                   **MR. PAUL:** And your experience in that area,  
16      it was basically unheard of, that that type of case be put  
17      in a project file?

18                   **MR. WELLS:** Yes, sir, that's correct.

19                   **MR. PAUL:** I've got a question on the next  
20      page, page 4. The bottom -- again at the bottom the page,  
21      there's a question:

22                                "What is your comment about placing the  
23                                complaint in a project files?"

24                   **MR. WELLS:** What page is that, sir?

25                   **THE COMMISSIONER:** It's in page -- page 3.

1 Page 4, sorry.

2 MR. PAUL: Page 4, yes.

3 MR. WELLS: Page 4.

4 THE COMMISSIONER: Right at the bottom. It  
5 should be on your left-hand side, 2283 on the top, sir.

6 MR. WELLS: All right, sir.

7 Thank you.

8 Go ahead. Sorry.

9 MR. PAUL: There's a question there:

10 "What is your comment about placing the  
11 complaint in a project files?"

12 And by that question the complaint -- you  
13 would interpret the complaint to be the Silmsler case;  
14 correct?

15 MR. WELLS: Mr. Hall is asking me what is  
16 your comment about placing the complaint in the project  
17 files?

18 MR. PAUL: Would you have understood the  
19 complaint to be the Silmsler complaint or Silmsler case?

20 MR. WELLS: May I review the next -- my  
21 response to that, it may help me?

22 MR. PAUL: Yes.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. WELLS: Okay, sir.

25 MR. PAUL: Would you understand that

1 question in asking what the reasoning would have been -- or  
2 what was your comments about placing the Silmser case in a  
3 project file?

4 MR. WELLS: That would be my understanding  
5 of what he means.

6 MR. PAUL: In terms of a response, you  
7 indicate some general comments but you don't come right out  
8 and say what the reasons were in the Silmser case, do you?

9 MR. WELLS: Because I had no knowledge of  
10 the case.

11 MR. PAUL: And I would understand that you  
12 were aware that Sergeant Lortie had raised concerns at some  
13 point about why it was a project file?

14 MR. WELLS: That morning meeting?

15 MR. PAUL: I take it at a morning meeting.

16 MR. WELLS: I recall the word "project  
17 files" brought up at that meeting, just those words  
18 "project file". I can't remember in what context they were  
19 brought up in.

20 MR. PAUL: It would have been in a meeting  
21 with Chief Shaver?

22 MR. WELLS: Pardon me?

23 MR. PAUL: It would likely have been in a  
24 meeting with Chief Shaver?

25 MR. WELLS: Well Chief Shaver was there at

1           that time.

2                       **THE COMMISSIONER:** He's talking about "The  
3 morning meeting", "The", capital "T", morning meeting and  
4 at that time that's where he recalls hearing the words  
5 "project file".

6                       **MR. PAUL:** Yes. But in terms of -- there  
7 was comments, concern about a project file and is it your  
8 understanding that the words -- there were concerns about a  
9 project file, would have been in the meeting in late  
10 September?

11                      **MR. WELLS:** I can't state specifically when  
12 that meeting was or the exact date, I heard it.

13                      I recall "The morning meeting" that those  
14 words were used, "project file" but I don't remember in  
15 what context they were used.

16                      **THE COMMISSIONER:** But that's still "The  
17 morning" when Sergeant Lortie asked about ---

18                      **MR. WELLS:** That's correct, Mr.  
19 Commissioner.

20                      **THE COMMISSIONER:** Okay, all right.

21                      **MR. PAUL:** And to your knowledge you were  
22 never given any explanation of why the case was in a  
23 project file?

24                      **MR. WELLS:** It wasn't in a project file.

25                      **THE COMMISSIONER:** No but eventually it was,

1 in October.

2 MR. WELLS: Yes.

3 THE COMMISSIONER: Were you ever given any  
4 explanation as to why it was eventually turned into ---

5 MR. WELLS: No, it was basically not my -- I  
6 was not involved in the investigation. So it was not my  
7 responsibility to be part of that involvement and  
8 therefore, I had no reason to be brought in or informed why  
9 or why it wasn't.

10 MR. PAUL: All right. But you do -- I  
11 suggest you do imply by one of your answers in the  
12 interview that you were somehow a witness to Sergeant  
13 Lortie addressing concerns about a project file?

14 I mean were you not a witness to some form  
15 of discussion about there being concerns or objections to  
16 the Silmsler case being in a project file?

17 I'm just suggesting if you were a witness to  
18 some issue -- some raising of concerns or objections you  
19 might have expected to receive an explanation to satisfy  
20 those concerns.

21 MR. WELLS: When would I have made those  
22 statements, Mr. Paul, that I had heard that Sergeant Lortie  
23 ---

24 MR. PAUL: Well, I'm referring to page 3,  
25 the bottom of page 3 where -- the last sentence you

1           indicate, "and there was some concern as to why it was in  
2           the project file." You seem to be suggesting there was  
3           concerns about it ---

4                       **MR. WELLS:** Yes.

5                       **MR. PAUL:** --- already being in a project  
6           file, not about to be in one.

7                       **MR. WELLS:** M'hm. Okay.

8                       **MR. PAUL:** So I'm just wondering did you --  
9           by the nature of that comment, did you, in fact, witness or  
10          listen to some discussion with Sergeant Lortie or someone  
11          else where they're raising an issue of concern about why  
12          Silmser is actually in a project file at the time?

13                      **MR. WELLS:** It's conceivable that I may have  
14          made a mistake with regards to hearing the words "project  
15          file" and then at a later date becoming more aware of a  
16          project, and then in the year 2000 when I was interviewed  
17          putting it all into one meeting instead of over a period of  
18          time. That's possible that it could have happened.

19                      **MR. PAUL:** Now, as a result of the morning  
20          meeting in late September 1993, were you under the  
21          impression that Staff Sergeant Brunet was going to look  
22          into the Silmser case and find out what was going on, that  
23          he didn't seem to know exactly what was going on?

24                      **MR. WELLS:** I read somewhere in my  
25          preparation for this Inquiry that that, in fact, was the

1 belief of some people within that meeting. However, I have  
2 no recollection of that discussion taking place.

3 **MR. PAUL:** Now, nevertheless, were you under  
4 the impression from the discussion at the morning meeting  
5 that Chief Shaver and Staff Sergeant Brunet seemed to not  
6 indicate very much knowledge of what was going on?

7 **MR. WELLS:** The impression I was left with,  
8 sir, that it was brought up and it was going to be  
9 explained or checked in on and something to that effect.

10 **MR. PAUL:** At a later point, some point  
11 after the meeting, did you ever receive information  
12 suggesting that perhaps Chief Shaver and Staff Sergeant  
13 Brunet, in fact, had more information about what was going  
14 on with the civil settlement and the charges then they  
15 actually let on or gave at the meeting?

16 **MR. WELLS:** No, I wouldn't have had that  
17 impression.

18 **MR. PAUL:** Okay. You didn't have the  
19 impression from ---

20 **MR. WELLS:** That somebody was holding back?

21 **MR. PAUL:** You didn't have the impression  
22 that they -- from the information you would have received  
23 later, at later points, that they actually had more  
24 knowledge than they gave at the meeting about the civil  
25 settlement and the status of the charges not proceeding?

1                   **MR. WELLS:** No, that thought obviously  
2                   crossed my mind when I was reading documents relevant to  
3                   this Inquiry ---

4                   **MR. PAUL:** I mean, did you not ---

5                   **MR. WELLS:** --- that maybe they could have  
6                   had more information. That thought crossed my mind then  
7                   but I had no impression after that meeting -- during that  
8                   meeting. There is a possibility I may have had that  
9                   impression later on after receiving information but ---

10                  **MR. PAUL:** While in preparation -- reviewing  
11                  documents in preparation, does it leave you somewhat  
12                  surprised that you were not simply told at the meeting that  
13                  there was a civil settlement and the charges were not  
14                  proceeding?

15                  **MR. WELLS:** Was it that the people that may  
16                  have had knowledge wouldn't have shared that with the  
17                  audience at that meeting; is that what you're suggesting?

18                  **MR. PAUL:** Yes. Were you not surprised?

19                  **MR. WELLS:** Not necessarily. There are some  
20                  things that an investigator may want to share, depending on  
21                  the sensitivity of it. It's not always the case where  
22                  you're going to openly share it with the confines or the  
23                  audience at a meeting. You may elect to, at different  
24                  times, speak to the Chief privately or the Deputy Chief if  
25                  you were the investigator.

1           **MR. PAUL:** All right. Without passing any  
2 judgments then, you would agree that from your review of  
3 the documents since you were probably not given all of the  
4 information that could have been given at the meeting that  
5 was available? You'd be, nevertheless, under that  
6 impression?

7           **MR. WELLS:** I'll concede that I wasn't given  
8 all of the information that could have been available at  
9 that time.

10           **MR. PAUL:** I just want to ask you about  
11 another part of this same document -- I believe it's page 7  
12 -- an answer in the middle of the page. It talks here  
13 about your impressions. There's a response:

14                            "As a human being, as a police officer  
15 I felt that \$32,000 was paid to  
16 somebody and I sort of sat back and  
17 said 'My God, why was it paid?' If  
18 that's part of an answer then I  
19 wouldn't be suspicious of that move."

20           I wanted to ask you, what were you trying to  
21 get across in terms of that answer?

22           **MR. WELLS:** Well, I'd have -- I would say  
23 that then you may want to go up a little piece and look at  
24 some of the questions that they asked prior to me getting  
25 to that point, if they were asking what I felt. Mr. Hall,

1       you answered ---

2                   **MR. PAUL:** I think the page before you're  
3       asked if Chief Shaver tried to cover up the investigation.  
4       You say "To the best of my knowledge, no, sir." Then the  
5       next question is "To your knowledge, did anyone else try to  
6       cover up this investigation?" And then at some point later  
7       in the middle you give this response that talks about the  
8       \$32,000 and you seem ---

9                   **MR. WELLS:** Yes.

10                  **MR. PAUL:** --- to suggest some concern about  
11       the -- would I be correct to say that you had a concern  
12       when you found out that the complainant is being paid money  
13       and the charges are not proceeding with and those two  
14       things coinciding would cause you concern?

15                  **MR. WELLS:** Yes, Mr. Paul, it did cause me  
16       some concern.

17                  **MR. PAUL:** And are you aware that Sergeant  
18       Lortie was of the view that when he heard that he thought  
19       there should be a criminal investigation surrounding ---

20                  **MR. WELLS:** I'm not aware of what Sergeant  
21       Lortie was feeling at that time or what his thinking  
22       process was.

23                  **MR. PAUL:** Would you share the view that  
24       when you received or became aware that there was a  
25       settlement that seemed to coincide with the charges not

1 proceeding, that it might be appropriate to conduct a  
2 criminal investigation of what happened to determine if  
3 there was any obstruction of justice?

4 **MR. WELLS:** You're asking me if I felt that  
5 once becoming aware that \$32,000 was paid to the  
6 complainant that I felt that there should be a criminal  
7 investigation into ---

8 **MR. PAUL:** Yes. Maybe you could just  
9 clarify when you became aware first -- at what point you  
10 became aware.

11 **MR. WELLS:** I don't remember specifically  
12 what date I became aware but I can tell you that when I did  
13 become aware that a \$32,000 sum of money was paid to the  
14 complainant I was very suspicious of it, yes.

15 **MR. PAUL:** And did it cross your mind that  
16 it might be appropriate to consider a criminal  
17 investigation related to obstruction?

18 **MR. WELLS:** Yes, sir, it did cross my mind.

19 **MR. PAUL:** One question -- I have a portion  
20 of evidence of Superintendent Skinner, it would be Volume  
21 196, page 46.

22 **THE COMMISSIONER:** Page 46 you say?

23 **MR. PAUL:** Page 46.

24 **THE COMMISSIONER:** All right. Where?

25 **MR. PAUL:** Towards the middle of the page

1       there's -- a portion of Superintendent Skinner's evidence  
2       indicates:

3                               "I saw no indication at all at any  
4                               point that any inspector was involved  
5                               in it and Staff Sergeant Brunet and  
6                               Constable Sebalj appear to be the only  
7                               people with any interest at all in this  
8                               investigation."

9                               Now, he's referring to the Silmsler  
10       investigation. I realize at that time you weren't an  
11       inspector but you're certainly -- certainly you're familiar  
12       with the function of an inspector in the Cornwall Police at  
13       this point. And I just wanted to ask you, with your  
14       knowledge of the Silmsler investigation and the function of  
15       an inspector, would you think that an inspector would have  
16       an important role to play in the type of investigation that  
17       existed in the Silmsler case?

18                              **MR. WELLS:** I'm sorry; Mr. Paul, you have me  
19       at a disadvantage. I don't understand the page. I don't  
20       understand the reading that you just read. I don't know  
21       where you're coming from on this.

22                              **MR. PAUL:** Page 46 and it's towards the  
23       middle. I believe it's line 10.

24                              **THE COMMISSIONER:** So this is Superintendent  
25       Skinner testifying here who is talking.

1                   **MR. WELLS:** Okay.

2                   **THE COMMISSIONER:** And so go ahead.

3                   **MR. PAUL:** There's a portion at line 10 to  
4 14 where Superintendent Skinner indicates that he saw no  
5 evidence that an inspector was involved.

6                   **MR. WELLS:** "I saw no indication at all at  
7 any point". Is that where it starts; right ---

8                   **THE COMMISSIONER:** Yes, yes.

9                   **MR. WELLS:** --- "...the inspector was  
10 involved..." ---

11                   **MR. CALLAGHAN:** I think it's fair to point  
12 out, Mr. Commissioner, the test -- the evidence is is that  
13 there wasn't an inspector in CIB at the time, it was just  
14 the Deputy Chief.

15                   **THE COMMISSIONER:** Yes.

16                   **MR. WELLS:** Now, Mr. Paul, I'm sorry?

17                   **MR. PAUL:** What function would an inspector  
18 play in this type of case?

19                   **THE COMMISSIONER:** Well, we just learned  
20 what -- you know, there's no inspector at that time.

21                   **MR. WELLS:** It would be similar to the staff  
22 sergeant; The Officer-in-Charge of the Criminal  
23 Investigation Bureau.

24                   **MR. PAUL:** All right. Thank you.

25                   **THE COMMISSIONER:** And the staff sergeant

1 was Brunet?

2 MR. PAUL: Brunet, yes.

3 Now, you were asked about a number of the  
4 reports about incidents involving Mr. Dunlop, some to his  
5 credit, and I was going to ask you if you're aware of a  
6 recommendation for him as a Citizen of the Year at one  
7 point. Do you remember that?

8 MR. WELLS: From my office?

9 MR. PAUL: Yes.

10 MR. WELLS: Yes, sir, I do.

11 MR. PAUL: And would that be in relation to  
12 one of the incidents you've already spoken to, the one with  
13 Constable De Gray?

14 MR. WELLS: I recall Constable De Gray's  
15 reviewed it this morning with Ms. Jones.

16 MR. PAUL: And did that -- did that report  
17 referred to this morning result in you sending a  
18 recommendation that he be considered a Citizen of the Year?

19 MR. WELLS: I reviewed that document? I'm  
20 not sure if that's one of the ---

21 MR. PAUL: I have it as Document 731093.

22 THE COMMISSIONER: No, no, sir.

23 (SHORT PAUSE/COURTE PAUSE)

24 THE COMMISSIONER: So, Mr. Paul, we saw one  
25 document where the officer described Officer Dunlop saving

1 -- attempts to save someone. Is that what you're talking  
2 about?

3 **MR. PAUL:** I think it may be the  
4 recommendation doesn't refer to the incident. It gives a  
5 date and I thought he might remember by the date.

6 **THE COMMISSIONER:** Well, did you make a  
7 recommendation for Officer Dunlop to be named as Citizen of  
8 the Year for any other incident other than that one?

9 **MR. WELLS:** If that was the -- I recall the  
10 one time I did, Mr. Commissioner. I'm not sure if it was  
11 that.

12 **THE COMMISSIONER:** All right.

13 **MR. WELLS:** I remember reviewing it this  
14 a.m. and I believe it is, but I want to make sure before --  
15 -

16 **THE COMMISSIONER:** Sure.

17 So, okay, Exhibit Number 1756, internal  
18 correspondence to Inspector Runions from Staff Sergeant  
19 Wells, dated April 9<sup>th</sup>, 1987.

20 **--- EXHIBIT NO./PIÈCE NO. P-1756:**

21 (731093) - Internal Correspondence from  
22 Brendon Wells to C.O. Runions - dated April  
23 9, 1987

24 **MR. WELLS:** Yes, sir?

25 **MR. PAUL:** The document doesn't refer to the

1 incident, but it refers to Constable Dunlop. It's dated  
2 the 9<sup>th</sup> of April, 1987?

3 MR. WELLS: Yes.

4 MR. PAUL: So would that be around the time  
5 of the incident with Constable De Gray?

6 MR. WELLS: Do we have a date on APS Don  
7 De Gray's report?

8 MR. PAUL: Just a moment.

9 MR. WELLS: It's just ---

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. PAUL: Okay. Seventeen-thirty-nine  
12 (1739) at ---

13 THE COMMISSIONER: Seventeen-thirty-nine  
14 (1739). That was on January 11<sup>th</sup>, 1987 that you get the  
15 letter from De Gray?

16 MR. WELLS: Yes, sir.

17 THE COMMISSIONER: All right. Thank you.

18 MR. PAUL: So it's a few months different?

19 MR. WELLS: And it's conceivable that  
20 because of that report, I would be asked if I had any one  
21 of my officers that I would recommend for a Citizen of the  
22 Year, and as indicated here in this internal, Constable P.  
23 Dunlop and then number two, Constable P. Dunlop and  
24 Constable George Tyo, yes.

25 MR. PAUL: And that this recommendation be

1 something that be done on an annual basis?

2 MR. WELLS: Yes, if there -- if there were  
3 any officers within the organization -- supervisors would  
4 be asked were there any officers under their command that  
5 they would recommend for that award, and this particular  
6 time those two officers were recommended.

7 MR. PAUL: What does he brief you about  
8 another incident -- there's another incident where there's  
9 an issue surrounding a pager system; the use of a pager  
10 system?

11 THE COMMISSIONER: A pager in the ---

12 MR. PAUL: Yes, yes. A complaint of  
13 improper use of a pager system by Mr. Dunlop?

14 MR. WELLS: I ---

15 THE COMMISSIONER: Oh, I'm sorry.  
16 Do you recall the incident?

17 MR. WELLS: I recall again ---

18 THE COMMISSIONER: Reading?

19 MR. WELLS: --- reading something of that.

20 MR. PAUL: Well, perhaps I could -- there's  
21 another Document 728658.

22 (SHORT PAUSE/COURTE PAUSE)

23 MR. PAUL: Exhibit 1310 I'm told.

24 THE COMMISSIONER: Exhibit 1310. I don't  
25 think I have it.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. PAUL: Part of what I wanted to ask you  
3 about is towards the middle, the fourth paragraph, there's  
4 some reference to whether a member of the Service contacted  
5 the Police Commission directly and bypassed the chain of  
6 command. Do you recall that being a concern of the  
7 Cornwall Police?

8 MR. WELLS: This specific concern right  
9 here?

10 MR. PAUL: Yes. Do you recall that as being  
11 a concern that -- being a concern that a member of the  
12 Police Force, instead of reporting it up the chain of  
13 command, goes directly to the Police Commission. Is that a  
14 concern that was raised?

15 MR. WELLS: Well, I see at the bottom upon  
16 reviewing this document -- and this may have been the  
17 document that I indicated that I had read -- obviously, it  
18 was a concern to be addressed.

19 MR. PAUL: The actual complaint came from  
20 the Police Commissioner, I believe. Is it Mr. Wilson?

21 MR. WELLS: Yes, as a result of a letter.

22 MR. PAUL: Was it never -- never determined  
23 what the source was of the complaint?

24 MR. WELLS: Pardon?

25 MR. PAUL: Was it determined who actually

1 made the complaint to Mr. Wilson?

2 MR. WELLS: May I read this document once  
3 more, Mr. Paul?

4 MR. PAUL: Yes, certainly.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. CALLAGHAN: Before we spend too much  
7 time on it, maybe we can ask what this gentleman had to do  
8 with this document?

9 THE COMMISSIONER: Well, we're often too --  
10 I thought we were talking about a complaint about using the  
11 pager system, and now we're looking at internal  
12 correspondence about something about Officer Dunlop using a  
13 car and going to Ottawa and testifying with or without a  
14 uniform.

15 MR. PAUL: Right.

16 MR. CALLAGHAN: And I'm not sure in either  
17 case what this gentleman has to do with it. Maybe he has  
18 nothing to do with it, but maybe he has something.

19 MR. PAUL: What I'm asking about is ---

20 THE COMMISSIONER: Well, just a second.  
21 Just a second though.

22 If you look at the back of this thing, it  
23 says that Inspector Wells should be briefed on with respect  
24 to that investigation.

25 MR. PAUL: Fair enough.

1                   **THE COMMISSIONER:** So that opens that door  
2                   there.

3                   **MR. CALLAGHAN:** Fair enough, fair enough.  
4                   I was a bit more on the other one. I  
5                   couldn't find the documents we were looking -- a "cc" or  
6                   whatever it was he was involved with.

7                   **THE COMMISSIONER:** All right. So Mr. Paul?

8                   **MR. PAUL:** I'm not interested so much in the  
9                   complaints, I'm just interested if there was any issue  
10                  about the manner in which complaints are going to the  
11                  Police Commission and if anything was done to address that,  
12                  whether there was any investigation or directions to  
13                  members to go through the chain of command and not go  
14                  directly to the Police Commission.

15                  **MR. WELLS:** It was well known that it was  
16                  inappropriate for members of the service to direct their  
17                  attention to the board. There was a chain of command to be  
18                  followed.

19                  I believe one body that was exempt from  
20                  doing that would have been the Association, but other than  
21                  that general members were not allowed to follow that course  
22                  of action.

23                  **MR. PAUL:** I just want to ask you a few  
24                  questions of matters that arose through some of the  
25                  questions that other counsel asked.

1 I think you were asked about issues  
2 surrounding Mrs. Dunlop and her approaching the complainant  
3 and that raising a concern. I was just wondering are you  
4 aware of actions taken by the Cornwall police requesting  
5 that Mr. Dunlop speak to his wife? Were you aware of that?

6 MR. WELLS: I'm sorry; Mr. Paul, I don't  
7 understand your question.

8 MR. PAUL: You were asked about the concern  
9 -- Ms. Daley about concerns about Ms. Dunlop approaching a  
10 complainant on her own.

11 MR. WELLS: Yes.

12 MR. PAUL: I was going to ask you were you -  
13 - you indicated that raised a concern for you.

14 MR. WELLS: Yes.

15 MR. PAUL: Were you aware of any action  
16 taken by the Cornwall police to request that Mr. Dunlop --  
17 Constable Dunlop speak to his wife about it?

18 MR. WELLS: I believe that Staff Sergeant  
19 Brunet had a conversation with Constable Dunlop to cease  
20 and desist, have his wife in other words ---

21 MR. PAUL: And was not the impression left  
22 that he was cooperative in that regard and was willing to  
23 speak to her?

24 MR. WELLS: Yes, that's correct.

25 MR. PAUL: Just generally about the release

1 of the Silmsers statement to the Children's Aid, I just  
2 wanted to clarify and ask you whether concerns you had at  
3 the time. Were your concerns about the release of any  
4 information to the Children's Aid or was it more the type  
5 of release that shouldn't have been -- that the statement  
6 shouldn't have been released but perhaps some information  
7 should have been given?

8 **MR. WELLS:** Certainly there are some times  
9 or some cases where information is shared with the  
10 Children's Aid Society. And if they request further  
11 information relevant to those specific cases then it would  
12 be expected that they would attend the station and sit with  
13 the investigator and go through those files.

14 **MR. PAUL:** Back at the time were you of the  
15 view that while perhaps you disagreed with giving the full  
16 statement that some information about the Silmsers case  
17 should have been given to the Children's Aid?

18 **MR. WELLS:** I don't believe that -- I don't  
19 believe that we were of the opinion that it was to be --  
20 should be brought to the Children's Aid Society.

21 **MR. PAUL:** You were of the view initially  
22 that it should not be?

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

24 **MR. PAUL:** Again about the Children's Aid,  
25 you were asked some questions about the relationship

1 between Children's Aid and the police department. I just  
2 wanted to ask you generally is it your understanding that  
3 that relationship included Cornwall police members sitting  
4 on the Children's Aid Board? Was that a common thing that  
5 was standard?

6 MR. WELLS: It could be. It could be.

7 MR. PAUL: Were you aware whether the --  
8 would the Chief of police sit as a member on the board, the  
9 Children's Aid Board, or were you aware of that?

10 MR. WELLS: I'm not -- I'm not specifically  
11 aware who. Again, because of this Inquiry, I was aware  
12 apparently that Constable Malloy sat on the board ---

13 MR. PAUL: Yes.

14 MR. WELLS: --- and the chief may have in  
15 the past.

16 MR. PAUL: I have a question for -- you did  
17 make some reference to the advice of Colin McKinnon, legal  
18 advice in relation to it becoming a brand new ballgame  
19 because of the fact that the statement had not only gone to  
20 the Children's Aid but had gone out to the news media. Am  
21 I correct? Is that -- that was your impression that it  
22 became a brand new ballgame because it went beyond the  
23 Children's Aid?

24 MR. WELLS: I believe, sir, it would be more  
25 accurate to say that Mr. McKinnon's advice was it was a

1 brand new ballgame because it was a public complaint; it  
2 was now a public complaint.

3 MR. PAUL: So it wasn't the fact that it  
4 went beyond the Children's Aid that made it a brand new  
5 ballgame?

6 MR. WELLS: He could have formed that  
7 opinion because of that too. But I know at the end of the  
8 day, I was advised that it was no longer an internal  
9 matter. It was now out in the public, formed part of a  
10 public complaint and it was a brand new ballgame. And my  
11 question, I think, came from -- because it was this double  
12 jeopardy.

13 MR. PAUL: All right. And the views you  
14 were given was that it was not double jeopardy?

15 MR. WELLS: That's correct.

16 MR. PAUL: Some general questions about the  
17 civil action. I think you indicated in your final comments  
18 that one of your greatest concerns was the civil action and  
19 the effect on reputation; that was one of your greatest  
20 concerns?

21 MR. WELLS: Yes, sir.

22 MR. PAUL: In terms of the civil action, I  
23 just wanted to ask you, in terms of the eventual outcome --  
24 there wasn't a trial, I would take it, in the civil action?

25 MR. WELLS: I don't believe so.

1                   **MR. PAUL:** Did you not -- you didn't testify  
2 at any point in the civil action?

3                   **MR. WELLS:** No, sir, I did not.

4                   **MR. PAUL:** And you did mention concerns  
5 surrounding that the civil action included allegations of a  
6 conspiracy?

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

8                   **MR. PAUL:** And you would agree that the  
9 civil action went beyond that claim; there was other claims  
10 mixed in; that was only one?

11                   **MR. WELLS:** That's correct. Against me.

12                   **MR. PAUL:** Would the claim also have  
13 included claims in relation to the manner in which Mr.  
14 Dunlop was prosecuted, claims in the nature of malicious  
15 prosecution, was that ---

16                   **MR. WELLS:** That I blocked the investigation  
17 or public complaint, to that effect. I don't know the  
18 exact -- I don't remember the exact words, sir. I'd have  
19 to refer to the document. That there was a number of  
20 areas.

21                   **MR. PAUL:** You were asked a number of  
22 questions about persons that you associated with, and I  
23 think I'm clear on that, but I just wanted to ask you about  
24 Mr. Shaver and whether you have any knowledge whether he  
25 associated with some of those same people, such as, for

1 example, Malcolm MacDonald. Do you have any knowledge  
2 whether Chief Shaver associated with Malcolm MacDonald?

3 MR. WELLS: I don't know who Chief Shaver  
4 associated with.

5 MR. PAUL: Okay. So you don't know whether  
6 he associated at all with Ken Seguin or knew him?

7 MR. WELLS: I don't know who Chief Shaver's  
8 acquaintances were.

9 MR. PAUL: The other area I had is Exhibit  
10 1481.

11 (SHORT PAUSE/COURTE PAUSE)

12 THE COMMISSIONER: Okay. So we're at 1481.

13 MR. PAUL: Yes. This would be a letter  
14 dated September 15<sup>th</sup>, 1997 to Chief Repa from Sergeant  
15 Lortie I believe -- Claude Lortie ---

16 THE COMMISSIONER: M'hm.

17 MR. PAUL: --- in his capacity as president  
18 of the Police Association.

19 Have you read this letter in preparation?

20 MR. WELLS: Yes, I have.

21 MR. PAUL: And I believe at the time of this  
22 letter, had you been involved in Standards?

23 MR. WELLS: Inspector Wells' office, no,  
24 sir. I would have been the officer in charge of field  
25 operations.

1                   **MR. PAUL:** Okay. So ---

2                   **MR. WELLS:** So it would be after March 21<sup>st</sup>,  
3 1996 or thereabouts.

4                   **MR. PAUL:** Now, having read this letter, can  
5 you indicate, in terms of the relationship of this letter  
6 to Sergeant Lefebvre, what your knowledge of how he's  
7 involved and what's raised in this letter?

8                   **MR. WELLS:** I have absolutely no knowledge  
9 of ever disciplining or having anything to do with  
10 disciplining Sergeant Lefebvre.

11                   **MR. PAUL:** There's an indication here in a  
12 portion of the letter towards the middle of the second  
13 paragraph that indicates:

14                                   "Some time later a number of officers  
15                                   advised their supervisor that, in fact,  
16                                   the incident had occurred and that they  
17                                   had lied at the time of the internal  
18                                   investigation."

19                   And I wanted to ask you, do you know who  
20 that supervisor referred to is?

21                   **MR. CALLAGHAN:** First of all, one has to  
22 wonder what relevance it is to the Inquiry and whether it  
23 relates to any of the individuals. I mean, you've heard --  
24 this issue's been raised with other officers and you've  
25 heard not only Staff Sergeant Derochie but Sergeant Bernie

1 on these issues.

2 I don't think you can sort of generally do  
3 an inquiry as to discipline issues unless they relate to  
4 the issues that were dealt with within the confines of this  
5 Inquiry.

6 **THE COMMISSIONER:** Mr. Paul, how do you ---

7 **MR. PAUL:** The question relates to -- I  
8 think this was raised previously with Sergeant Lortie.

9 **THE COMMISSIONER:** Yes.

10 **MR. PAUL:** And I believe he had some  
11 knowledge, but limited knowledge about the portions I was  
12 interested in. I think I was allowed to ask questions only  
13 in relation to Sergeant Lefebvre.

14 **THE COMMISSIONER:** Right. Because he  
15 testified -- well ---

16 **MR. PAUL:** We don't know whether he's going  
17 to testify but in the event he does I think it's important  
18 for me to have the information, whether he's one of the  
19 individuals referred to that approached the supervisor.

20 **THE COMMISSIONER:** Right. But if I remember  
21 correctly, and it's getting late in the day, that I  
22 permitted you to go there on the basis that it may effect  
23 the credibility of some of the people that are involved in  
24 this subject matter of this Inquiry. Am I correct that  
25 far, Mr. Paul?

1                   **MR. PAUL:** Yes.

2                   **THE COMMISSIONER:** Okay. And so we ask -- I  
3 permitted you to ask about Sergeant Lefebvre because he's  
4 part and parcel of some aspects of this Inquiry.

5                   So having said that, now we're -- you want  
6 to ask this officer if Sergeant Lefebvre was?

7                   **MR. PAUL:** I want to know, basically -- the  
8 letter is vague because it makes reference to Sergeant  
9 Lefebvre at the end being one of a number of people seeking  
10 legal assistance but it's not clear who the individuals are  
11 who allegedly admit lying to a supervisor.

12                   So I wanted to know whether Sergeant  
13 Lefebvre is one of those individuals. I'm not going to ask  
14 about either of the other two officers that are referred to  
15 in the letter.

16                   **THE COMMISSIONER:** Well ---

17                   **MR. CALLAGHAN:** First of all, I thought the  
18 proper confines was -- was the issue of found discipline  
19 issues and I think this man has said he never dealt with a  
20 discipline issue regarding Staff Sergeant Lefebvre. So I  
21 don't understand where we're going now.

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

23                   **MR. PAUL:** It was my understanding that I  
24 was allowed to ask in relation to this letter, in relation  
25 to Sergeant Lefebvre's involvement and my understanding of

1 the previous ruling, I did not believe I was limited to  
2 actual discipline rulings; that I was entitled to ask in  
3 relation to Sergeant Lefebvre's involvement in this  
4 incident.

5 **THE COMMISSIONER:** Go ahead.

6 **MR. CALLAGHAN:** I had thought -- I wasn't  
7 here, Mr. Manderville was. I was pretty clearly of the  
8 view that we were dealing with the issues that were dealt  
9 with as a matter of discipline for the purpose of this  
10 Inquiry.

11 Discipline is obviously a very contentious  
12 issue about it and I thought that we had crossed that  
13 bridge but I may be mistaken.

14 **THE COMMISSIONER:** Well, we had because I  
15 was interested -- I was interested and I thought it was  
16 relevant to see if -- as it affected Sergeant Lefebvre's  
17 possible credibility.

18 **MR. CALLAGHAN:** Right.

19 **THE COMMISSIONER:** So, he's saying that he  
20 never disciplined Sergeant Lefebvre.

21 **MR. CALLAGHAN:** Right.

22 **THE COMMISSIONER:** So there may have been an  
23 investigation in which Sergeant Lefebvre was involved and  
24 what you're saying is because there was no discipline  
25 arising out of that, that should be the end of it?

1                   **MR. CALLAGHAN:** I think the difficulty you  
2                   get to is then you're going to get into a sub-discussion  
3                   about were the allegations merits -- I'm not suggesting --  
4                   I don't know -- I don't know if this has anything to do  
5                   with Sergeant Lefebvre et al, but the concern I have is  
6                   when you go into that substrata you get into, well someone  
7                   alleged but that's a lie and then you're now into a  
8                   secondary issue.

9                   There's plenty of evidence to make  
10                  conclusions on here and that's why I'd always understood  
11                  when you dealt with discipline you dealt with findings of  
12                  discipline and that was a major ---

13                  **THE COMMISSIONER:** No, no, no. No, that's -  
14                  --

15                  **MR. CALLAGHAN:** And that's what I always  
16                  understood. The new case law coming out was when we deal  
17                  with the findings, otherwise you're going to get dragged  
18                  into someone saying, "Well this isn't -- you know, someone  
19                  made this allegation, that's not true" and et cetera, et  
20                  cetera and now we're chasing other things.

21                  **THE COMMISSIONER:** No. First of all, you  
22                  know, I never made any findings about what I would do with  
23                  respect to discipline cases.

24                  **MR. CALLAGHAN:** All right.

25                  **THE COMMISSIONER:** There was some side

1 agreement with some parties of which I had nothing to do  
2 with.

3 **MR. CALLAGHAN:** No, I understand that.

4 **THE COMMISSIONER:** All right. All right.

5 **MR. CALLAGHAN:** I understand there were  
6 agreements amongst counsel.

7 **THE COMMISSIONER:** Yeah. So -- pardon me?

8 **MR. CALLAGHAN:** Well, I mean I'm not going  
9 to -- my problem is, I wasn't the one dealing with it, Mr.  
10 Manderville dealt with it. I think it's best not to engage  
11 a discussion with the Commissioner who was here and I  
12 wasn't on those occasions.

13 **THE COMMISSIONER:** Good, so -- okay.

14 **MR. CALLAGHAN:** But my -- it's just ---

15 **THE COMMISSIONER:** Yes, but this can be  
16 resolved so quickly.

17 **MR. CALLAGHAN:** It could be. It could be he  
18 doesn't know anything about it. I don't know what he's  
19 going to say. Let's see what he says.

20 **THE COMMISSIONER:** No, no, just a minute,  
21 just a minute. Just a minute.

22 Sir, was Sergeant Lefebvre involved as being  
23 -- how was he involved in this investigation, was he one of  
24 the direct people you were investigating or was he involved  
25 with this peripherally?

1                   **MR. WELLS:** Mr. Commissioner, I absolutely  
2                   have no idea.

3                   **THE COMMISSIONER:** Okay. Well there you go.  
4                   He has no idea.

5                   **MR. PAUL:** Those would be my questions, sir.

6                   **THE COMMISSIONER:** Terrific.

7                   And so ends another day.

8                                   **( LAUGHTER/RIRES )**

9                   **THE COMMISSIONER:** So now I need to take  
10                   some -- because we have to control our time here, so Mr.  
11                   Neville, will you have any questions of this gentleman?

12                   **MR. NEVILLE:** About 15 minutes at the most,  
13                   sir.

14                   **THE COMMISSIONER:** Concerning your client's  
15                   interests, of course.

16                   **MR. NEVILLE:** That's my role, sir.

17                   **THE COMMISSIONER:** That's right. Okay. Mr.  
18                   Chisholm?

19                   **MR. CHISHOLM:** Fifteen (15) or less, sir.

20                   **THE COMMISSIONER:** All right.

21                   Monsieur Rouleau?

22                   **MR. ROULEAU:** Nothing, sir.

23                   **THE COMMISSIONER:** Mr. Kloeze?

24                   **MR. KLOEZE:** I'll have nothing, sir.

25                   **THE COMMISSIONER:** All right. Mr. Kozloff?

1                   **MR. KOZLOFF:** Depends on which time we're up  
2                   to.

3                   **THE COMMISSIONER:** Exactly. Exactly. And  
4                   Mr. Carroll?

5                   **MR. CARROLL:** Not at this point, sir.

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

7                   **MR. CARROLL:** Not at this point, sir.

8                   **THE COMMISSIONER:** Terrific.

9                   And Mr. Callaghan?

10                  **MR. CALLAGHAN:** I would assume an hour.

11                  **THE COMMISSIONER:** All right, thank you. So  
12                  we'll see you tomorrow morning at 9:30. Thank you.

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

15                  This hearing is adjourned until tomorrow  
16                  morning at 9:30 a.m.

17                  --- Upon adjourning at 5:04 p.m./

18                  L'audience est ajournée à 17h04

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

  

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Dale Waterman, CVR-CM