

**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 239

Held at :

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

Friday, June 6 2008

Tenue à:

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

Vendredi, le 6 juin 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais Ms. Janie Larocque	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Actg.Det.Supt. Colleen McQuade	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Kisha Chatterjee	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele Allinotte	The Children's Aid Society of the United Counties
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Joseph St. Denis	Mr. Joseph St. Denis

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
JOSEPH ST. DENIS, Resumed/Sous le même serment	2
Examination in-Chief by/Interrogatoire en-chef par Mr. Pierre Dumais(cont'd/suite)	2

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1768	(740542) - Letter from Joseph St-Denis to Carl Johnston re Human resources management inspection report Jul-Aug 93 dated 24 Jan 94	14
P-1769	(739095) - Internal Correspondence from Joseph St. Denis to G. Derochie dated 11 Jan 94	54
P-1770	(739042) - Letter from Joseph St. Denis to Richard Abell dated 12 Jan 94	66
P-1771	(739127) - News Release from CPS Joseph St. Denis re Allegations of Abuse dated 13 Jan 94	67

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

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning.

10 **MR. DUMAIS:** Good morning, Commissioner.

11 **THE COMMISSIONER:** New folks?

12 **MR. DUMAIS:** Yes, Mr. Commissioner. Right
13 behind me, I believe, she may have been introduced before.

14 **THE COMMISSIONER:** Miss Chatterjee?

15 **MR. DUMAIS:** Kisha Chatterjee; Chatterjee,
16 sorry.

17 **THE COMMISSIONER:** Good morning.

18 **MR. DUMAIS:** She is here from AG and of
19 course Mr. Chisholm gave me a post-it note with the name of
20 his assistant.

21 **MR. CHISHOLM:** Michele Allinotte, sir.

22 **THE COMMISSIONER:** Michele Allinotte.

23 **MR. DUMAIS:** Thank you.

24 **THE COMMISSIONER:** Thank you. Good morning.
25 Good morning.

1 **MR. ST. DENIS:** Good morning, sir.

2 **THE COMMISSIONER:** How are you doing today?

3 **MR. ST. DENIS:** Very good sir.

4 **THE COMMISSIONER:** Great.

5 **JOSEPH ST. DENIS:** Resumed/Sous le même serment

6 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

7 **DUMAIS (cont'd/suite):**

8 **MR. DUMAIS:** Mr. St. Denis, we were just
9 looking into the Human Resource Management Inspection
10 Report, yesterday, 1993, and we had left off -- I was right
11 at page 28 and we were just about to look into ---

12 **THE COMMISSIONER:** What exhibit?

13 **MR. DUMAIS:** Sorry, Commissioner, Exhibit
14 1393.

15 **THE COMMISSIONER:** One-three-nine-three
16 (1393), yes. All right, and we were at 24, I think? Yes,
17 I think we were on page 28?

18 **MR. DUMAIS:** That's correct, Mr.
19 Commissioner.

20 **THE COMMISSIONER:** Thank you.

21 **MR. DUMAIS:** So the heading of the next
22 paragraphs is "Functions of the Police Service Office of
23 the Chief and Deputy Chief".

24 And just before we get into that, I
25 understand you had a further comment that you wanted to

1 make on the financial accountability paragraphs and
2 findings that had been made by the auditors, and that's at
3 page -- Bates pages 08A. Is that correct?

4 **MR. ST. DENIS:** Yes, sir.

5 Just for the record, Your Honour, I didn't
6 realize it yesterday, but when I read a little further on,
7 they just took -- this is part of my audit.

8 **THE COMMISSIONER:** Right.

9 **MR. ST. DENIS:** And they just took my
10 findings and incorporated it into their findings, if I can
11 say that, I think, just for the record.

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

13 **MR. ST. DENIS:** It does illustrate there was
14 a little bit of auditing going on in our own Service at
15 that time.

16 **MR. DUMAIS:** So I think that you had
17 explained yesterday that you had been named as the internal
18 auditor and sometime in 1991 you believe that you had
19 conducted an audit of the senior management's office?

20 **MR. ST. DENIS:** Yes, sir.

21 **MR. DUMAIS:** And some of these findings,
22 with respect to financial inconsistencies had been ---

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** --- uncovered by you, and they
25 were simply incorporated in this report. Is that fair?

1 **MR. ST. DENIS:** Yes, sir. And I can add
2 that they were rectified because I do remember the
3 recommendations. I do remember a local -- a local, not an
4 auditor but a financial manager, coming in and doing an
5 audit on, in particular, what we referred to as the
6 "bicycle account".

7 **MR. DUMAIS:** And, sir, do you believe that
8 these were rectified after your 1991 audit or after ---

9 **MR. ST. DENIS:** Ninety-three ('93), after.

10 **MR. DUMAIS:** So after the 1993 audit?

11 **MR. ST. DENIS:** Yes, sir.

12 **MR. DUMAIS:** All right.

13 So then if I can just take you to Bates
14 pages 095, which is page 28 of the report. My
15 understanding is that while conducting the audit, the
16 auditors would have interviewed a number of people, not
17 only with your Service but within the community, and they
18 sort of summarize who they spoke to at Bates pages 072, and
19 there's no need for you to go there. I'll just read it in:

20 "Interviews were held with over half
21 the staff, Police Service Board
22 members, representatives from the local
23 bar, school boards, community groups,
24 service users, local merchants and
25 other police agencies."

1 And my understanding is in this section they
2 are somewhat summarizing some of the comments that came
3 back from some of these interviews. Do you agree with me
4 on that?

5 **MR. ST. DENIS:** Yes, that's what it states.

6 **MR. DUMAIS:** And I guess more specifically,
7 we know this from looking at paragraph 2, the second line -
8 - sorry, the third paragraph, and it reads:

9 "Interviewees stated that there is
10 limited confidence in the capacity of
11 the Chief and the Deputy to lead."

12 **MR. ST. DENIS:** Could you just take me
13 specifically to that specific paragraph?

14 **MR. DUMAIS:** So I'm looking at paragraph 3.

15 **MR. ST. DENIS:** Yes, okay, I'm there.

16 Sorry.

17 **MR. DUMAIS:** The second sentence.

18 So it appears to be not necessarily a
19 finding that they make, but they're attempting to summarize
20 some of the comments that had been made in the interviews?

21 **MR. ST. DENIS:** That's what they were
22 attempting to do, yes.

23 **MR. DUMAIS:** All right. So essentially,
24 they were saying that, in these interviews, that there was
25 limited confidence in -- if we're looking specifically at

1 comments directed to you -- in your capacity as Deputy
2 Chief to lead. Were you surprised to see this comment when
3 you read the report?

4 **MR. ST. DENIS:** I was. I was terribly
5 surprised, but I did make comments at a later date.

6 **MR. DUMAIS:** All right. And we'll
7 eventually look at your response to some of these comments.

8 And then in the following paragraph, about
9 mid-paragraph, and again:

10 "Frequent references were made by
11 interviewees to the Chief being an
12 absentee manager."

13 So, again, the same reference as in 1993 as
14 we've previously seen in other reports, that the Chief is
15 still being seen as an absentee manager. Is that correct?

16 **MR. ST. DENIS:** I think that's fair.

17 **MR. DUMAIS:** All right. And do you believe
18 that that was still the case in 1993?

19 **MR. ST. DENIS:** I think it slowed down a
20 little bit, I mean quite a bit, if I recall. There were a
21 lot of issues as you can appreciate at that time. So I
22 think there was less time off, and I do recall when he did
23 take time off, he did call some member of the Board,
24 usually the Chairman, that he was going here or going
25 there.

1 **MR. DUMAIS:** And now the next paragraph is
2 found at the -- or the next comment I want to take you to
3 is at the end of this paragraph. It's the last sentence:

4 "The Deputy is seen as lacking the
5 solid operational competence which
6 would stand him in good stead as second
7 in command in the absence of an
8 effective leader."

9 Once again, were you surprised to see this
10 comment?

11 **MR. ST. DENIS:** Yes, I was.

12 **MR. DUMAIS:** All right. And again, you
13 provided your response to that in your memo in 1994?

14 **MR. ST. DENIS:** Somewhat; somewhat, yes.

15 **MR. DUMAIS:** All right.

16 Now the fourth paragraph essentially deals
17 with communications between you and the Chief, and the
18 third sentence of that paragraph, which starts with "The
19 poor"; I'll just read it out for you.

20 "The poor working relationship between
21 the Chief and the Deputy, who at times
22 communicated by leaving each other
23 notes taped on their doors, reflects a
24 lack of appropriate behaviour among
25 senior police managers."

1 So do you agree with that comment?

2 **MR. ST. DENIS:** No, I don't. I agree there
3 was possibly an exchange of a little yellow memo on one
4 door to the other door. Actually, it was the same door,
5 I'm sorry. It may have happened on one or two -- I think
6 this is so trivial, I don't even know what it's doing in an
7 audit report.

8 We did have differences, obviously. You
9 can't get along 100 percent all of the time and we had some
10 very serious differences. And he would maybe be upset at
11 times and I would be upset at times and -- but we always
12 maintained a professional relationship. That was one good
13 thing about it.

14 **MR. DUMAIS:** Because what you can read or
15 infer from this comment is that you were no longer talking
16 to each other ---

17 **MR. ST. DENIS:** That's ---

18 **MR. DUMAIS:** --- you had to resort to
19 leaving notes?

20 **MR. ST. DENIS:** That's not true and that
21 would have been one instance. Like I say, it is so
22 ridiculous to have something like this in an audit report.
23 It's, in my opinion, a waste of time.

24 **MR. DUMAIS:** Now, the next comment is the
25 next sentence, so:

1 "Some senior officers and supervisors
2 are viewed as lacking in certain
3 management and interpersonal skills.
4 They're perceived as having been
5 positioned to isolate the Chief and
6 Deputy from the realities of day-to-day
7 policing. They do not function as a
8 team or as effective team leaders."

9 **MR. ST. DENIS:** Just the last part of that
10 was absolutely correct. The strategic plan, part I, if you
11 recall yesterday, that was not being fully complied with
12 obviously and I think that's where this comment is made
13 again. It was not a very strong senior management team, no
14 question about it. That's what they're identifying here.

15 **MR. DUMAIS:** They go a little further in
16 that they appear to be saying that you and the Chief were
17 being isolated from the day-to-day operations of the Police
18 Service?

19 **MR. ST. DENIS:** I think maybe on occasion
20 that could have happened -- could have happened -- but I
21 think generally speaking, I can only speak for my office, I
22 thought the people that worked below me trusted me and I
23 had no problems with them -- with their behavior towards me
24 at least. It's hard to say, but there was uneasiness as we
25 moved up to the next office.

1 **MR. DUMAIS:** All right.

2 Now, if you just look at the last paragraph
3 on that page.

4 "Command officers in neighbouring
5 police services reports that there are
6 few, if any, formal protocols for
7 inter-jurisdictional cooperation with
8 other local law enforcement agencies."

9 **MR. ST. DENIS:** Yes, that's probably true.
10 But, again, I can remember 1990-91, I could be a little
11 off, we had JFOs and those were --- Joint Forces
12 Operations, I'm sorry, OPP, RCMP, Cornwall Police, Mohawk,
13 Akwasasne -- and we would have a protocol, or at least I
14 call it a protocol, project protocol at least, and all the
15 -- the plan was identified in that so-called protocol, JFO
16 protocol, as to what the responsibilities during these --
17 this undercover operation are these raids that we were
18 going to conduct in and around Cornwall.

19 So a lot prior to this was done verbally.
20 Like I remember weekly, monthly, talking to Superintendent
21 Carson Fougere or Superintendent -- I just forget his name
22 that took over from Fougere. We'd be -- there were limited
23 written protocols but there was a good liaison between the
24 offices if I can say that, between the forces I should say.

25 **MR. DUMAIS:** All right.

1 And if you can just turn to the next page,
2 Mr. St. Denis, 096?

3 **MR. ST. DENIS:** Yes.

4 **MR. DUMAIS:** And so the paragraph starts
5 with:

6 "The breakdown of the strategic
7 planning process has had a profoundly
8 negative impact throughout the Police
9 Service."

10 So, I guess you agree with the first comment
11 that the strategic plan essentially went nowhere?

12 **MR. ST. DENIS:** It had to hav stopped
13 somewhere. I'm not saying it didn't go anywhere. I think
14 it helped along the line but I just obviously -- it stopped
15 here with this writing and it stopped prior to this writing
16 I would think.

17 **MR. DUMAIS:** All right. But would it be
18 fair to say that in 1993 it was no longer being
19 implemented. Is that fair?

20 **MR. ST. DENIS:** I think, yes, I think that's
21 fair.

22 **MR. DUMAIS:** All right.

23 And then the final comment in their findings
24 is:

25 "That strong and swift intervention is

1 required."

2 And essentially they make some
3 recommendations, some of which are, I guess, similar in my
4 mind.

5 They suggest that a facilitator be retained.
6 They suggest that a resource specialist be contacted. And
7 they suggest that, again, a conflict mediator be retained.

8 Do you know if either of these three people
9 would have been retained after 1993 to deal with some of
10 these issues?

11 **MR. ST. DENIS:** Yes, that's when they hired
12 -- they brought on Chief Carl as a -- not a mediator but
13 as, I guess, a facilitator, and then he was brought on as
14 the Acting Chief when Chief Shaver retired.

15 **MR. DUMAIS:** All right. So you believe that
16 then ---

17 **MR. ST. DENIS:** That did occur.

18 **MR. DUMAIS:** Pardon me?

19 **MR. ST. DENIS:** That did occur.

20 **MR. DUMAIS:** You believe that Acting Chief
21 Johnston was brought in for that ---

22 **MR. ST. DENIS:** Yes, sir. And to fully
23 implement the recommendations as outlined in this report.

24 **MR. DUMAIS:** All right. But certainly
25 there's no one external to the Cornwall Police Service that

1 was retained?

2 MR. ST. DENIS: I don't recall anyone else
3 other than Carl.

4 MR. DUMAIS: All right. Now ---

5 THE COMMISSIONER: Well, in fairness, the
6 facilitator in paragraph 44 ---

7 MR. ST. DENIS: M'hm.

8 THE COMMISSIONER: --- on page 29, said they
9 want a facilitator and they say:

10 "The facilitator, a retired chief or
11 senior officer, preferably from a
12 larger metropolitan area would, among
13 other activities,..."

14 So what I'm saying is that the report seems
15 to indicate that the facilitator should be someone
16 replacing the Chief and acting to take care of these
17 things. So I don't think they thought that the facilitator
18 and the Chief needed to be two different people.

19 MR. ST. DENIS: No, you're absolutely
20 correct that they meant one person and that's when they
21 brought on Chief Carl. Well, I should say he was a deputy
22 minister before he was -- or after he was a chief.

23 THE COMMISSIONER: M'hm.

24 MR. DUMAIS: Now, I understand that at one
25 point-in-time, sir, you would have prepared a comprehensive

1 response to the report. Is that correct?

2 MR. ST. DENIS: Yes, I did.

3 MR. DUMAIS: And if I can just take you to
4 that document, sir, and I believe it has not been filed as
5 an exhibit. And it's Document Number 740542.

6 THE COMMISSIONER: So this is a memo from
7 the Deputy Chief St. Denis to Acting Chief Carl Johnston
8 dated January 24th, 1994 and it is Exhibit, Mr. Dumais,
9 1768.

10 ---EXHIBIT NO./PIÈCE NO P-1768:

11 (740542) - Letter from Joseph St. Denis to
12 Carl Johnston re Human Resources Management
13 Inspection Report July-August, 1993, dated
14 January 24, 1994

15 MR. DUMAIS: Thank you, 1768.

16 Have you recognized that document? Is that
17 the response that you prepared when you first -- after you
18 reviewed the 1993 report?

19 MR. ST. DENIS: Yes.

20 MR. DUMAIS: All right. And this report is
21 dated January 19, '94 (sic), but the audit report appears
22 to have been -- appears to be dated in November of 1993.
23 When was it that you first became aware of the '93 report?

24 MR. ST. DENIS: The first time, I was
25 debriefed in less than 10 minutes at the Best Western

1 Hotel, but it wasn't as explicit as the report read. I was
2 alone. Auditor Kopinak was the person that I could say
3 debriefed me on this audit.

4 He assured me at that time there were no
5 jobs at stake. Hard to believe after I read the report
6 but, at that time, he clearly indicated there were no jobs
7 at stake but things had to change. I didn't disagree with
8 that.

9 But I was upset and concerned about
10 receiving the full report at a later date, and I'm not sure
11 if it was late December or early January because usually I
12 don't let things sit, especially something like this, so --
13 but I'll have to say that the report was submitted to Carl
14 and I did it in -- with good intentions and no malice.
15 Unfortunately, I never would have thought that that report
16 would show up in a place like this today.

17 There are some comments I made in there that
18 I would have preferred using different terminology, but
19 maybe I was in some -- some of these reports describing --
20 maybe I was in my own hyper-mood and I was no doubt trying
21 to defend my position to Carl who had -- who then had full
22 authority with my job.

23 My job was at stake then because he could
24 have -- could have said, "Well, maybe the Deputy is not
25 competent enough to be my Deputy", and that never occurred

1 by the way.

2 MR. DUMAIS: Right, because of course by
3 that time, and I mean in January of 1994, Chief Shaver had
4 retired. Is that correct?

5 MR. ST. DENIS: Yes, yes.

6 MR. DUMAIS: And I believe the actual
7 retirement date may be in January of 1994, but certainly he
8 was away from the office in the latter part of 1993. Is
9 that correct?

10 MR. ST. DENIS: That's correct.

11 MR. DUMAIS: And do you recall ---

12 MR. ST. DENIS: Well, he came in on and off,
13 I'm sorry.

14 MR. DUMAIS: All right.

15 And do you recall having any discussions
16 with Chief Shaver regarding the contents of the 1993
17 report?

18 MR. ST. DENIS: Yes. Yes, I did. I
19 remember when I got the full copy and I remember contacting
20 Sol Gen in Toronto with respect to pages -- pages 28, I
21 believe it is, and 29.

22 MR. DUMAIS: The pages we just went through?

23 MR. ST. DENIS: The pages we just went
24 through because there was a violation of the *Freedom of*
25 *Information Act*.

1 The lady in Toronto, I don't remember her
2 name, she did confirm that there was a violation, that
3 there was an error made, that they had sent the full report
4 and this should have had -- this should have been excluded
5 and dealt with in a different way, but it was too late, it
6 had already been sent to Cornwall City Council.

7 And I think it was the Mayor in particular
8 at that time who was also on the Board. They decided to
9 release the entire report, again, out in the public domain.

10 And I was very upset with that, so to come
11 back to your question, yes, I did call the Chief. That was
12 my first and last time, I think, I spoke to him -- and I
13 said, "Here's what happened".

14 And I think we both talked to a lawyer in
15 Ottawa who forwarded a letter to the Board saying there was
16 a violation of FOI here, and we could have pursued it, but
17 I think the Chief had already left and I think enough --
18 there was enough problems going on without creating more.
19 I let it drop. I let it drop.

20 **MR. DUMAIS:** All right. And do you know
21 whether or not the Chief sent his own response on the
22 contents of the report?

23 **MR. ST. DENIS:** No. The response was sent
24 by the lawyer and it was a two- three-pager, if I recall.

25 **MR. DUMAIS:** All right. And it was sent on

1 your behalf, the Chief's behalf?

2 MR. ST. DENIS: Both.

3 MR. DUMAIS: All right.

4 MR. ST. DENIS: Both.

5 MR. DUMAIS: So you both had the same lawyer
6 and ---

7 MR. ST. DENIS: Yes.

8 MR. DUMAIS: --- and I guess you both had
9 the same concern ---

10 MR. ST. DENIS: Yes.

11 MR. DUMAIS: --- the enclosure of pages 27
12 and 28. Is that correct?

13 MR. ST. DENIS: Yes. Yes, sir.

14 MR. DUMAIS: And the lawyer who had acted
15 for both of you is Colin McKinnon ---

16 MR. ST. DENIS: That's correct. That's
17 correct.

18 MR. DUMAIS: Now, if I can then just take
19 you through your response, Mr. St. Denis, and I'm just
20 going to go page-by-page.

21 So the first page, essentially, you're
22 indicating that you had serious concerns about the audit.
23 Is that correct?

24 MR. ST. DENIS: Yes.

25 MR. DUMAIS: And I guess some of the

1 concerns had to do with the way the audit was conducted.
2 You had concerns with some of the findings but you had
3 concerns with the way it had been conducted. Is that
4 correct?

5 **MR. ST. DENIS:** The concerns were the
6 methodology towards my office in particular. I think I'm
7 trying to point that out here. This is my personal
8 document.

9 **MR. DUMAIS:** All right. Well, what were
10 some of the concerns that you had; just the way it was
11 conducted?

12 **MR. ST. DENIS:** The fact that I was not
13 included in -- like, if there were findings, you didn't
14 have to wait three months after the fact to tell me there
15 was another issue with promotions or there was another
16 issue with transfers or lateral transfers or whatever the
17 issue.

18 I think some of these things should have
19 been briefed at the time the audit was going on, so they
20 could have been passed to the appropriate manager where the
21 issue was identified.

22 I guess what I'm trying to say, put it all
23 together -- the methodology I did think could have been
24 different, but then who am I to say that? They did a good
25 job. They followed the scope that they laid out.

1 I think I'm being very critical here
2 because I was very upset and, like I said, I was trying to
3 fight for my job with the new Chief, Carl.

4 MR. DUMAIS: All right.

5 MR. ST. DENIS: I don't mean "fight", I mean
6 I was trying to maintain my job.

7 MR. DUMAIS: All right.

8 So if I can just take you back to your first
9 comment which was, "I was not involved". So it appears
10 that these -- the auditors -- and I'm just going by memory
11 -- would have been there around 18 days in 1993 ---

12 MR. ST. DENIS: Yes.

13 MR. DUMAIS: --- conducting this audit;
14 correct?

15 MR. ST. DENIS: Yes.

16 MR. DUMAIS: And when you're saying "not
17 involved", do you mean that you were not interviewed?

18 MR. ST. DENIS: Yes, I was interviewed;
19 once.

20 And I believe that's probably the first
21 thing we touched this morning, that's when I produced some
22 of the audit findings I had and they incorporated it into
23 their report.

24 One interview. There was no continuous
25 liaison with -- actually, the Chief and I found it very

1 strange they weren't talking to -- at least, they weren't
2 talking very much to him if at all, and they weren't
3 talking to me other than the interview and that didn't last
4 very long.

5 Then we had a debriefing, and I do remember
6 another time we had a debriefing of this report in the
7 Chief's office. I remember the Chief taking copious notes.

8 And as we already know, the Chief didn't --
9 doesn't waste time. He immediately drafted what he
10 believed were appropriate responses on how he was going to
11 handle this again. Put it on daily orders so shortly after
12 they left and that's -- they came back and said, "That's
13 not what we wanted you to do" and it was -- it was another
14 mess. It created another issue.

15 It was -- I guess they were kind of waiting
16 -- this went to the Board and like it's the three
17 stakeholders ---

18 **MR. DUMAIS:** Yes. I'm not sure I understood
19 your last comment.

20 So you believed that you had met with the
21 auditors in the Chief's office; correct?

22 **MR. ST. DENIS:** Yeah.

23 **MR. DUMAIS:** And you would have been
24 debriefed on the contents of the report; correct?

25 **MR. ST. DENIS:** I think so because I

1 remember the Chief taking notes, note after note after each
2 issue, yeah.

3 MR. DUMAIS: And that would have been before
4 the Chief left in ---

5 MR. ST. DENIS: Yes.

6 MR. DUMAIS: --- sometime in November of
7 1993' correct?

8 MR. ST. DENIS: Right after this -- after we
9 got this report ---

10 MR. DUMAIS: Right.

11 MR. ST. DENIS: --- or after we were
12 debriefed.

13 MR. DUMAIS: And you believe that the
14 auditors had a hard copy of the report in hand?

15 MR. ST. DENIS: I believe so.

16 MR. DUMAIS: All right. And do you believe
17 that you were provided with a copy of that report?

18 MR. ST. DENIS: No, I wasn't.

19 MR. DUMAIS: All right.

20 And did you deal with some of these issues
21 that we dealt with this morning or did they debrief you on
22 pages 27 and 28, the comments on your office?

23 MR. ST. DENIS: Not in detail like this. I
24 guess that's why I was taken aback, but there were
25 debriefings and insinuations that I should highly consider

1 moving on.

2 **THE COMMISSIONER:** I'm sorry? What did you
3 say?

4 **MR. ST. DENIS:** Highly consider moving on.

5 **THE COMMISSIONER:** They told you that?

6 **MR. ST. DENIS:** Indirectly, yes.

7 Indirectly. And I was offended then.

8 And then when I did see the facts, that's
9 what led to this, so you can understand I was also a little
10 hyper, upset, angry.

11 And I'm sorry for some of the things I said
12 in here, by the way.

13 **MR. DUMAIS:** Well -- and at that time, Mr.
14 St. Denis, was -- had it been decided that Chief Shaver was
15 retiring?

16 **MR. ST. DENIS:** Yes. On -- he -- yes, Carl
17 was there -- Carl was already there on the 4th of Jan.

18 **MR. DUMAIS:** Yes.

19 **MR. ST. DENIS:** And maybe Chief -- Chief
20 Shaver may have come in for -- on and off again for a few
21 hours.

22 But, yes, technically, Chief Carl was the
23 Acting Chief of Police, effective date January 4th, but he
24 had to go back home to make arrangements to move some of
25 his furniture to Cornwall, et cetera, et cetera.

1 **MR. DUMAIS:** All right. But I thought you
2 were talking about this debriefing session that you had had
3 with the auditors and that would have been sometime before
4 November, 1993?

5 **MR. ST. DENIS:** I believe it was closer to -
6 - it was in the month of December, but I'm not sure.

7 **THE COMMISSIONER:** Well, just a second.
8 I was reading through here and you
9 mentioned:

10 "The audit began July 12th and was not
11 until January, 1994 that I was allowed
12 to read the report, although I was
13 verbally briefed by one auditor on
14 December 13th, 1993."

15 **MR. ST. DENIS:** That's what I said then.

16 **THE COMMISSIONER:** Yes.

17 **MR. ST. DENIS:** My memory is better then
18 than it is now. I'm sticking to what was said in there.
19 Thank you, Your Honour, for that.

20 **MR. DUMAIS:** Just as a general comment, Mr.
21 St. Denis, you were -- as they were conducting the
22 interview, you were concerned that they were not addressing
23 some of the findings and issues that they were uncovering
24 with you as they were conducting the audit?

25 **MR. ST. DENIS:** That's correct. That would

1 be the best way to get everyone to buy in to the issue that
2 was identified.

3 **MR. DUMAIS:** All right.

4 **MR. ST. DENIS:** It's best to leave it with
5 the supervisor, or the area of responsibility where it was
6 found, so then that supervisor can grab the bull by the
7 horns and straighten it out.

8 **MR. DUMAIS:** All right.

9 I think one of the concerns that you had as
10 well was that the report contained both minor deficiencies
11 and major deficiencies. Is that correct? And I'm looking
12 at Bates pages 052.

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** And what do you mean by that or
15 what was your concern?

16 **MR. ST. DENIS:** Again, the minor
17 deficiencies could have been -- could have -- well, did
18 relate to 48 findings in here; 48 findings. I believe half
19 could have been dealt with, my goodness, within the first
20 week that they were there.

21 Bring it up, put it on their -- put it on
22 the audit scope, the criteria, lay it out and here's -- let
23 them tell you what their recommendation is and make sure it
24 goes to the appropriate supervisor. And then that
25 supervisor could have commented on it as it was being

1 found, if I can say that, as it was found or as it was
2 established that it was going to be an audit finding. It
3 could have been dealt right there and then there. Not all
4 of them. I'm just saying -- at least 20 -- at least 20 in
5 my mind.

6 **MR. DUMAIS:** All right. And when you're
7 making reference to some of these minor deficiencies,
8 you're talking about comments that they would have made
9 regarding accommodations ---

10 **MR. ST. DENIS:** Yes.

11 **MR. DUMAIS:** --- reconfiguration of space,
12 condition of uniforms, dress codes?

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** So essentially --

15 **MR. ST. DENIS:** So, you know, you come in,
16 if I may, these auditors come in on what was identified as
17 a major -- a major issue. And you come in and you
18 establish what is identified as an improper Cornwall Police
19 sign on the front of the building -- or at the front of the
20 Cornwall Police parking. That is such a trivial -- but it
21 is one of the 48 recommendations.

22 That -- call the janitor up or call somebody
23 up, change the darn sign, and let's move on here.

24 Like I'm saying, like, for you people
25 reading this, 48 recommendations, what the heck was

1 everybody doing in Cornwall Police Service?

2 Well, that's not exactly what was going on.
3 And whatever they found, as trivial as I may think it is,
4 it could have been dealt with in a heck of a -- a more
5 timely manner than this.

6 Like this now, this -- my understanding is
7 that one of the last ones and most important ones, which is
8 major by the way, was the one where the senior officers,
9 they should have had their own separate contract and they
10 should have been with the Chief and the Deputy running the
11 Force as a team.

12 And if you had that, that would have
13 eliminated a lot more problems, but that's not one that you
14 could have solved overnight. I think it was just solved,
15 I'm not sure, but not too long ago, in my opinion and
16 that's major. So you can understand -- well, I could go
17 on, but I'm sorry, that's -- I'll leave it at that.

18 **MR. DUMAIS:** Well, I mean, that's fine but
19 what you're referring to as minor deficiencies are not
20 unlike other findings that other auditors would have made
21 on similar matters?

22 **MR. ST. DENIS:** True. Very true. And I
23 guess what I am trying to say is the methodology maybe
24 could have been a little different. I'll leave it at that.

25 **MR. DUMAIS:** Okay.

1 Now at page 5, and I'm just looking at the
2 second paragraph mid-page, and that's where you make your
3 comments on pages 28.

4 So it reads;

5 "Auditors should not report or comment
6 on management style at page 28 because
7 there is no generally accepted method
8 of assessing it. It is very
9 subjective. Management style is
10 difficult to determine with any
11 precision. Management style is
12 situational and subject to change due
13 to circumstances."

14 **MR. ST. DENIS:** Yes, sir.

15 **MR. DUMAIS:** All right. So what did he mean
16 by that, Mr. St. Denis?

17 **MR. ST. DENIS:** Well ---

18 **MR. DUMAIS:** I guess they should not comment
19 on management style?

20 **MR. ST. DENIS:** And if you do, it shouldn't
21 be included in the overall report because you are dealing
22 with human resources here again.

23 **MR. DUMAIS:** So I take it that your concern
24 was not so much the comments that they made about your
25 management style, but rather the fact that these comments

1 were included in the audit report?

2 **MR. ST. DENIS:** I suppose that's fair.

3 **MR. DUMAIS:** Because one of the suggestions
4 I believe that you make in your response, is that these
5 comments should have been incorporated in some sort of a
6 management letter or ---

7 **MR. ST. DENIS:** That's correct.

8 **MR. DUMAIS:** --- all right.

9 **MR. ST. DENIS:** And, again, that's just my
10 opinion.

11 **MR. DUMAIS:** All right.

12 But certainly, Mr. St. Denis, you recognize
13 that -- I guess, the difference between this audit and say,
14 for example, the 1990 audit, was that this one was
15 specifically focussing on human resources and was qualified
16 as being a management inspection report?

17 **MR. ST. DENIS:** I view it as a level 1, 2,
18 3, management, all combined.

19 **MR. DUMAIS:** All right. And I think you
20 refer to it -- I found your reference at Bates pages 053.
21 You believe that it should have been by way of a separate
22 management letter. Is that correct?

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** All right. And is that a audit
25 term, sir, "management letter" or is ---

1 **MR. ST. DENIS:** Yes. Would be more of an
2 audit term than a police term.

3 **THE COMMISSIONER:** You will help me out
4 then?

5 What's the difference? So if they prepare a
6 management letter, who would see it?

7 **MR. ST. DENIS:** The management letter --
8 since the -- since the audit was called by the Cornwall
9 Police Services Board ---

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

11 **MR. ST. DENIS:** --- the management letter
12 would go to the Board.

13 **THE COMMISSIONER:** All right.

14 **MR. ST. DENIS:** The employer.

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

16 **MR. DUMAIS:** And I gather that one of your
17 concerns, Mr. St. Denis, is that the report is released to
18 the Cornwall Police Services Board and then a copy is given
19 to the Chief who would give a copy to yourself, but it's
20 released to the entire Police Service? Am I right?

21 **MR. ST. DENIS:** And when it -- yes, sir --
22 and when it was released I believe to the Service, these
23 areas were blacked out I believe, but I'm not a 100% sure.
24 But I do know the one that went to the City Council it had
25 everything in it.

1 **MR. DUMAIS:** All right.

2 Would they have -- presumably, they would
3 have received a copy of the report prior to your lawyer
4 requesting that those sections be removed?

5 **MR. ST. DENIS:** Yes, sir. Yes, sir.

6 **MR. DUMAIS:** Okay. All right.

7 At Bates pages 053, you make certain
8 comments about the Police Association?

9 **MR. ST. DENIS:** Yes, sir.

10 **MR. DUMAIS:** And the second comment or the
11 comment that you make at the second sentence, is as
12 follows:

13 "The time at work, 1993, by the
14 President of the Association was a
15 serious concern to all managers, but
16 nowhere is this contentious issue
17 mentioned, as well as many other issues
18 between the Chiefs Office and the
19 President of the Cornwall Police
20 Association."

21 **MR. ST. DENIS:** Yes, sir.

22 **MR. DUMAIS:** All right. So could you
23 explain to us what this paragraph means or what you are
24 referring to?

25 **MR. ST. DENIS:** Well, number one, I think

1 there was a sick leave issue.

2 There was several people off on sick, not
3 excluding perhaps the President at that time.

4 **MR. DUMAIS:** Who was the President at that
5 time?

6 **MR. ST. DENIS:** I believe it was Constable
7 John Parisien.

8 And the part two of it, there were -- it was
9 an ongoing -- it wasn't just then. It was an ongoing issue
10 amongst the managers that the President was spending too
11 much time in the -- President or the Vice-President or a
12 member of the Association but, in particular, the President
13 was always -- not always -- spent a lot -- an enormous
14 amount of time in the Chief's office.

15 And no one, I don't think knew --
16 specifically knew what was going on, so a lot of people,
17 perhaps including myself, would be -- well, I guess our
18 faces were out-of-joint a little bit because -- and then,
19 of course, rumours flow from that, that's what went on
20 there.

21 **MR. DUMAIS:** Yes.

22 **MR. ST. DENIS:** And then you see maybe a day
23 or two later, if something's come out of the blue, and
24 everybody's probably assuming, well, that's what happened
25 in that office between those two.

1 And those kinds of things didn't help
2 keeping control of morale.

3 **MR. DUMAIS:** Right. But is your comment in
4 this paragraph, that the President is spending too much
5 time on Cornwall Police Association matters rather than
6 policing matters, is that what -- the comment you're
7 making?

8 **MR. ST. DENIS:** That would be my opinion at
9 that time.

10 **MR. DUMAIS:** And is that your opinion today?

11 **MR. ST. DENIS:** For at that time, yeah. I
12 would assume it's changed but at that time -- today I'm
13 saying that that was reasonably accurate.

14 **MR. DUMAIS:** Oh, all right. All right.
15 Fair enough.

16 **MR. ST. DENIS:** But today I can't -- I don't
17 know what goes on.

18 **MR. DUMAIS:** Now, in the next section you
19 deal with, I guess, defending the office of the Deputy
20 Chief. Is that correct?

21 **MR. ST. DENIS:** Well, I try to.

22 **MR. DUMAIS:** All right. And, essentially,
23 you indicated in the first paragraph that you're accepting
24 your duties and responsibilities but you're trying to
25 explain how difficult your job was at the time. Is that

1 correct?

2 **MR. ST. DENIS:** Yes, sir.

3 **MR. DUMAIS:** All right.

4 And some of the concerns that you have with
5 respect to the auditor's comments was that they had failed
6 to consider the environment and different environmental
7 factors that existed at that time. Is that correct?

8 **MR. ST. DENIS:** Yes, sir.

9 **MR. DUMAIS:** And the -- so the next
10 paragraph reads as follows:

11 "My decisions and leadership abilities
12 were seriously controlled, curtailed,
13 bypassed, overruled or ignored by both
14 the Chief and some Board members."

15 **MR. ST. DENIS:** I would prefer to use "some"
16 not "all". That there were some decisions.

17 **MR. DUMAIS:** All right. So, I mean, what do
18 you mean by that?

19 **MR. ST. DENIS:** Again, there was less
20 participatory management maybe happening then. And if
21 views were given they were maybe not really listened to or
22 acted upon. I think that's about all I mean there.

23 **MR. DUMAIS:** All right.

24 So you and the Chief were disagreeing on
25 management issues?

1 **MR. ST. DENIS:** Well, ninety-five percent of
2 the time, we didn't, but I suppose three, four, five
3 percent of the time we didn't, and perhaps that's why I
4 wrote this. We had a good, solid professional relationship
5 except maybe for five percent of the time.

6 **THE COMMISSIONER:** Well, sir, look at page
7 7.

8 **MR. ST. DENIS:** Yes.

9 **THE COMMISSIONER:** You know, and maybe Mr.
10 Dumais' going to get there, you keep saying that, but you
11 say:

12 "After a serious blow up at the Chief's
13 residence between myself and the Chief
14 on September 2nd, 1991, I forwarded a
15 letter to Chief Shaver dated September
16 3rd, 1991 clearly trying to coach the
17 Chief to change, but to no avail. And
18 then Chief Shaver's internal dated
19 August 26th, 1991, basically put the
20 muzzle on me and I had nowhere to go
21 for help."

22 That doesn't ring as if it's only five
23 percent or, to me, it rings that the five percent is
24 seriously overshadowing the other ninety-five percent?

25 **MR. ST. DENIS:** Well, I would disagree with

1 that, sir. And I think what I'm trying to say here is that
2 I think the Chief was -- didn't want me to go to the Board
3 on my own with my -- I had arrived at my own conclusions --
4 -

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

6 **MR. ST. DENIS:** --- without the audit
7 reports from '90, '92, '93, and I wasn't -- I was looking
8 for a venue to view or -- to point out to the Board that
9 the Chief still has to maybe change a little more to make
10 things better and I was looking for the best way of doing
11 that when the Chief found out, and we had personal
12 discussions, one-on-one.

13 I'm not sure why I wrote it up, and he wrote
14 back to me, but the intent was, be very careful on your
15 next step and be careful what you say, and I took that
16 advice to heart.

17 But what I'm trying to say is the remainder
18 of the time everything was good, except the credibility and
19 trust issue kept building up over the years, I guess you'd
20 say, and this is what I was trying to resolve again on my
21 own.

22 **MR. DUMAIS:** All right. Perhaps, Mr. St.
23 Denism if we can just take it one step at a time?

24 And perhaps we can go back to the year --
25 the August 26th, 1991. I'm not exactly sure what that's

1 referring to.

2 So Chief Shaver drafts an internal which is
3 dated August 26th, '91 ---

4 **MR. ST. DENIS:** Yes.

5 **MR. DUMAIS:** --- that basically "puts the
6 muzzle on me".

7 **MR. ST. DENIS:** That's right.

8 **MR. DUMAIS:** And so this is an internal
9 correspondence. I take it it's directed to you. Is that
10 correct?

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** All right. And what does that
13 say? What's the content of that correspondence?

14 **MR. ST. DENIS:** It probably began like,
15 "Further to our conversation yesterday" or whatever. "You
16 should take serious -- make serious considerations as to
17 which way you're going to go or which way you may move and
18 maybe what you may -- be careful what you say", and ---

19 **MR. DUMAIS:** But you're talking about --
20 he's talking about what here?

21 **MR. ST. DENIS:** He's talking about a whole
22 mix of character, trust, credibility, perhaps everything
23 the staff sergeants said in nineteen-ninety whatever it
24 was.

25 It was a rehash of all that again. And

1 trying -- I guess this was my last -- I shouldn't -- I
2 don't know how to word this, last straw to -- for the two
3 of us, kind of thing. Otherwise we're going under here,
4 you know.

5 **MR. DUMAIS:** All right. But I'm still not
6 understanding what he's telling you. He's telling you that
7 he doesn't trust you?

8 **MR. ST. DENIS:** I think so, yeah. I think -
9 - as I didn't trust him, maybe, yeah. I no longer trusted
10 him I think at that point.

11 **MR. DUMAIS:** Fair to say that from then on,
12 the relationship between you and the Chief changed?

13 **MR. ST. DENIS:** It changed, but we
14 maintained our professional status, if we can say, and we
15 still dealt with each other in front of the officers in a
16 professional manner.

17 **THE COMMISSIONER:** But obviously it didn't
18 work because the officers realized that there was something
19 going on?

20 **MR. ST. DENIS:** That's perhaps very well
21 said, sir.

22 **MR. DUMAIS:** All right. Then the -- if we
23 take it to the next chronological step and that's a
24 previous paragraph. And I'll just read it out to you:

25 "After a serious blow-up at the Chief's

1 residence between myself and the Chief
2 on September 2nd, 1991, I forwarded a
3 letter to Chief Shaver dated September
4 3rd, 1991, clearly trying to coach the
5 Chief to change, but to no avail."

6 So what was the blow-up of September 2nd,
7 1991 about at his house?

8 **MR. ST. DENIS:** That again -- if you could
9 just twig me as to when the staff sergeants submitted their
10 report, if it's just -- is it before that? It has to be a
11 little bit before this date ---

12 **MR. DUMAIS:** Well, the staff sergeants would
13 have submitted the report I believe around April 4th, 1990.

14 **MR. ST. DENIS:** Yeah. Yes.

15 **MR. DUMAIS:** And it would have been
16 submitted to the Board shortly afterwards. You provided
17 your response indicating that you were essentially
18 supporting the Chief and then in that summer there was the
19 strategic planning session.

20 **MR. ST. DENIS:** Yes, sir.

21 **MR. DUMAIS:** So this would be the following
22 year.

23 **MR. ST. DENIS:** Yeah, I think for lack of a
24 better way of saying it, I was almost trying to do the same
25 thing as the staff sergeants, trying to make change for the

1 betterment of the Force management.

2 MR. DUMAIS: But I guess the staff sergeants
3 were asking for either his resignation or an audit or an
4 inquiry by the Ministry?

5 MR. ST. DENIS: At that time, I wouldn't
6 have gone as far as asking for his job. At this time,
7 unfortunately, the Chief had to go and maybe I wasn't too
8 far behind him, but I know for sure at that time to change
9 the atmosphere in the Service, and I hate saying that, but
10 that's not easy for me to ---

11 MR. DUMAIS: All right. And so in September
12 of 1991, the discussion that you were having with the Chief
13 was about him perhaps leaving the Service. Is that fair?
14 Am I understanding you correctly?

15 MR. ST. DENIS: No. I never told him to
16 leave. I think there were enough hints there by then for
17 him to realise that maybe he had -- that was his last
18 straw. I think the management audit basically was the last
19 straw, I think, by the Board, by the Association, and I
20 guess by his own Deputy.

21 MR. DUMAIS: All right, but just take me
22 back in 1991 then. So after this blow-up at his residence
23 ---

24 MR. ST. DENIS: M'hm.

25 MR. DUMAIS: --- so you recall that event,

1 sir?

2 MR. ST. DENIS: Yes, very personal and very
3 personal and a lot of personal character issues as well as
4 Force issues.

5 MR. DUMAIS: All right. And you had gone
6 there to discuss -- had you gone there to discuss something
7 specifically with him?

8 MR. ST. DENIS: The purpose again was, you
9 know, we're grasping here, change. I guess the purpose was
10 for change again.

11 MR. DUMAIS: All right. You had gone there
12 to discuss management issues?

13 MR. ST. DENIS: It was all included.

14 THE COMMISSIONER: Was it in your usual -- I
15 mean, did you normally have meetings at his home or was
16 this ---

17 MR. ST. DENIS: Not, not like this, no.

18 THE COMMISSIONER: Not like this. No, I can
19 -- I would hope not to have that many, but did you
20 regularly go over and talk to him?

21 MR. ST. DENIS: No.

22 THE COMMISSIONER: Did you meet at his
23 house, either at his request or your request?

24 MR. ST. DENIS: We would have -- we would
25 have Board meetings and we'd all get together or Board

1 suppers or -- I could socialise with Chief Shaver at any
2 time of the day or night. He's -- he's intelligent. He's
3 funny. He has extremely good social skills and he's ---
4 maybe as long as you don't work for him. I shouldn't think
5 like that, but he's a good guy.

6 **THE COMMISSIONER:** That's fine. That's
7 fine.

8 All I am trying to do is get some sense how
9 extraordinary it was that you would go over to his place to
10 talk about that. Was it like that day you said, "Hey,
11 Chief, I want to go over to your place to talk to you" or
12 did he say, "Come on over"?

13 **MR. ST. DENIS:** Probably a mix of both.

14 **THE COMMISSIONER:** Okay.

15 **MR. DUMAIS:** All right, but certainly you
16 would have left the residence in disagreement?

17 **MR. ST. DENIS:** Yes.

18 **MR. DUMAIS:** All right. And the letter that
19 followed up on the next day, do you recall what that letter
20 said? The September 3rd letter.

21 **MR. ST. DENIS:** Are we still on ---

22 **MR. DUMAIS:** Yes, I'm still on the same
23 paragraph, so that's ---

24 **THE COMMISSIONER:** It's September 2nd.

25 **MR. ST. DENIS:** Yes, I'm sorry, I've got it.

1 Yes.

2 **MR. DUMAIS:** "I forwarded a letter to Chief
3 Shaver dated September 3rd, 1991 clearly
4 trying to coach the Chief to change,
5 but to no avail."

6 So that's the letter that followed the
7 September 2nd meeting at his residence?

8 **MR. ST. DENIS:** Yes.

9 **MR. DUMAIS:** Do you recall what that letter
10 said?

11 **MR. ST. DENIS:** Again, it dealt with
12 managing issues.

13 **MR. DUMAIS:** All right. And essentially you
14 were -- in your response, you indicate that you are trying
15 to coach the Chief to change but to no avail, and you write
16 this in 1993?

17 **MR. ST. DENIS:** Yes.

18 **MR. DUMAIS:** So certainly between September
19 3rd, 1991 to when you wrote this in January, 1994 or when he
20 left at end of '93, you had seen no change?

21 **MR. ST. DENIS:** On days, yes, you would and
22 then he always seemed to fall back. We'd take one step
23 forward and sometimes two or three back. I don't know how
24 to explain it.

25 **MR. DUMAIS:** All right.

1 Now, sir, the next paragraph deals with some
2 suggestions that you could have done to the OACP. Is that
3 ---

4 **MR. ST. DENIS:** No, that would have been as
5 useless as -- no, it wouldn't have -- I may have said that,
6 but OACP couldn't have done anything for me.

7 **MR. DUMAIS:** All right, well, let's just
8 start with -- what was the OACP?

9 **MR. ST. DENIS:** Ontario Association of
10 Chiefs of Police.

11 **MR. DUMAIS:** All right. So someone
12 suggested that to you?

13 **MR. ST. DENIS:** No, I -- that's my own
14 writing.

15 **MR. DUMAIS:** But certainly that would not
16 have ---

17 **MR. ST. DENIS:** That wouldn't have helped me
18 in the least.

19 **MR. DUMAIS:** All right.

20 **MR. ST. DENIS:** It would have made things
21 worse.

22 **MR. DUMAIS:** Then the comment in the second
23 sentence says, in the same paragraph or third:

24 "I report to the Chief and the Chief
25 always had three votes out of five on

1 the Board."

2 **MR. ST. DENIS:** Well, that's just my own
3 personal opinion.

4 If there was any issue about me, that I
5 wouldn't have much hope because I always knew the Chief had
6 -- when I say "had", he made sure that before going into
7 any meeting that he had the appropriate support, is a
8 better way of putting it. And of course appropriate
9 support at the Board level, five members, you need three
10 voting for you; voting on the issue, I should say.

11 **MR. DUMAIS:** All right. So you're not
12 saying that he's got a -- he can cast a majority of vote
13 himself. You are just saying he had support, more support,
14 than you on the Board?

15 **MR. ST. DENIS:** Yeah. He would have to sell
16 the issue to them and when he came back he knew that he was
17 going to have support from at least three areas or he
18 wouldn't have brought the issue back.

19 **MR. DUMAIS:** All right.

20 And did you ever take any of your concerns
21 to the Board yourself?

22 **MR. ST. DENIS:** Unfortunately, I --
23 unfortunately, I did.

24 **MR. DUMAIS:** You did?

25 **MR. ST. DENIS:** I did informally, and I

1 think after I did it I told the Chief and, of course, that
2 didn't help. That's why the muzzle was upon me for that
3 reason also.

4 And of course we had one Board member that
5 floated around the Police Service at that time, and he was
6 being fed by many members, not excluding the Association,
7 on all the negativity and that particular Board member did
8 want the Chief to resign.

9 **THE COMMISSIONER:** Did or did not?

10 **MR. ST. DENIS:** Did.

11 **MR. DUMAIS:** All right. And the reference
12 in this paragraph is to Mayor Martelle and Alderman Green?

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** So it's Alderman Green, I take
15 it, that wanted him to resign?

16 **MR. ST. DENIS:** I would suggest both.

17 **MR. DUMAIS:** Both, all right.

18 And so you are saying that you would have
19 gone to the Board and you indicated that you -- it's
20 unfortunate?

21 **MR. ST. DENIS:** I don't know. I -- go to
22 the Board in an official capacity, no. I guess I'd have to
23 say this was a ---

24 **MR. DUMAIS:** You spoke to Board members?

25 **MR. ST. DENIS:** I spoke to Board members off

1 the record, I guess, which doesn't exist anymore, in
2 confidence, which I shouldn't have done anyway.

3 MR. DUMAIS: Why are you saying that, that
4 you shouldn't have done that?

5 MR. ST. DENIS: You just don't do those
6 things. You just don't usurp your boss's authority without
7 at least telling him and I know erred by going over his
8 head.

9 MR. DUMAIS: So essentially you're, at this
10 point, not following the chain of command?

11 MR. ST. DENIS: That's correct.

12 MR. DUMAIS: Am I right?

13 MR. ST. DENIS: Yes.

14 MR. DUMAIS: All right.

15 Now, on the following page, Mr. St. Denis,
16 I'm just looking at the third paragraph, so I am at page 8
17 of your response.

18 So that paragraph refers to an internal
19 dated October 19th, 1992 that you would have sent to the
20 Chief and then the subsequent response from the Chief dated
21 October 27th, 1992.

22 MR. ST. DENIS: I'm ---

23 MR. DUMAIS: Can you ---

24 MR. ST. DENIS: Where are we here again? I
25 just ---

1 THE COMMISSIONER: Page 8.

2 MR. ST. DENIS: Okay, page 8.

3 THE COMMISSIONER: Paragraph 3.

4 MR. ST. DENIS: Yes.

5 MR. DUMAIS: I'll just perhaps read out the
6 sentence, it might be easier. So:

7 "I am attaching an internal
8 correspondence dated October 27th, 1992
9 from Chief Shaver in response to my
10 internal of October 19th, 1992."

11 So do you recall what those internal
12 correspondence that you've enclosed in your response were
13 about?

14 MR. ST. DENIS: It had to do with the
15 management issues. Perhaps even some pertaining to myself
16 at this point. And I was taken an official move -- making
17 an official move to the Board with this correspondence I
18 believe.

19 MR. DUMAIS: All right, but the next
20 sentence in the same paragraph deals -- reads as follows:

21 "It becomes clear to me that the Chief
22 was considering *Police Act* charges and
23 civil litigation against me based on my
24 correspondence which should have been
25 kept between our two offices."

1 MR. ST. DENIS: Yes.

2 MR. DUMAIS: So what *Police Act* charges was
3 he considering?

4 MR. ST. DENIS: Breach of Trust.

5 MR. DUMAIS: And had he said that much in
6 his memo of October 27th?

7 MR. ST. DENIS: I think he was just trying
8 to make sure that I didn't go out of bounds or ---

9 MR. DUMAIS: Well, he's threatening you?

10 MR. ST. DENIS: Yes. In a way, yes. Well,
11 in a very serious way I guess.

12 MR. DUMAIS: And not only with *Police Act*
13 charges but also with civil litigation; correct?

14 MR. ST. DENIS: Yes.

15 MR. DUMAIS: All right. And you were
16 concerned enough by some of his comments that you wrote to
17 Mr. Leo Courville in June of 1993. Is that correct?

18 MR. ST. DENIS: Yes, sir.

19 MR. DUMAIS: And you've also attached the
20 letter that you sent to him to this -- your response?

21 MR. ST. DENIS: Yes, sir.

22 MR. DUMAIS: And you believe in June of 1993
23 that you needed a lawyer at this point-in-time. Is that
24 right?

25 MR. ST. DENIS: Yes, sir.

1 **MR. DUMAIS:** And did that go anywhere? Did
2 you retain a lawyer? Or did you ---

3 **MR. ST. DENIS:** I did, but we didn't go -- I
4 didn't go any further and shortly -- well, I guess six
5 months later the Chief had left anyway.

6 **MR. DUMAIS:** All right. But certainly no
7 *Police Act* charges were ---

8 **MR. ST. DENIS:** No, no. No, no.

9 **MR. DUMAIS:** All right. And certainly
10 there's never a claim issued against you. Is that correct?

11 **MR. ST. DENIS:** No. No, sir.

12 **MR. DUMAIS:** All right. Did you go as far
13 as meeting and speaking to a lawyer and retaining a lawyer?

14 **MR. ST. DENIS:** Yes.

15 **MR. DUMAIS:** Yes, you did. All right.
16 Do you know if any steps had been undertaken
17 by him?

18 **MR. ST. DENIS:** I believe he sent a letter
19 to the Board advising him that -- advising them that he was
20 representing me.

21 **MR. DUMAIS:** All right. And that was the
22 extent of it?

23 **MR. ST. DENIS:** That's -- there could have
24 been maybe another letter or two but that's about the
25 extent of it.

1 **MR. DUMAIS:** All right.

2 And at that period of time, sir, are you
3 still on speaking terms with the Chief?

4 **MR. ST. DENIS:** Professionally, yes.
5 Socially, I don't think so.

6 **MR. DUMAIS:** But certainly you would agree
7 with me, Mr. St. Denis, that this must have affected your
8 ability to do your job?

9 **MR. ST. DENIS:** It did somewhat, yes.

10 **MR. DUMAIS:** So then you would have given
11 this response to Acting Chief Johnston?

12 **MR. ST. DENIS:** Yes.

13 **MR. DUMAIS:** Did you ever meet with him and
14 discuss its contents?

15 **MR. ST. DENIS:** No, not really. I think we
16 talked about it and I think at this point-in-time the Chief
17 was extremely busy with the DS file with Staff Sergeant
18 Brunet. This wasn't important, it's after the fact.

19 The D.S. matter was, again, very urgent at
20 that time because I believe, having read the documents
21 again, he was busy getting ready to prepare a press release
22 on a DS file.

23 **MR. DUMAIS:** All right. So -- just so that
24 we're clear, when you're saying "the Chief", you're talking
25 about Chief Johnston?

1 **MR. ST. DENIS:** Chief Carl, yes.

2 **MR. DUMAIS:** All right.

3 **MR. ST. DENIS:** And really the document was,
4 I guess, more myself trying to explain things to Carl so he
5 -- when he evaluated me that he had an understanding of the
6 past to go along with all levels of the audits, and
7 evaluate me from the time he took over.

8 **MR. DUMAIS:** All right.

9 Perhaps that's an appropriate time for a
10 break, Commissioner.

11 **THE COMMISSIONER:** All right.

12 **MR. DUMAIS:** Thank you.

13 **THE COMMISSIONER:** Thank you.

14 **MR. DUMAIS:** Thank you.

15 **THE REGISTRAR:** Order; all rise. A l'ordre;
16 veuillez vous lever. This hearing will resume at 10:55.

17 --- Upon recessing at 10:41 a.m./

18 L'audience est suspendue a 10h41

19 --- Upon resuming at 11:01 a.m./

20 L'audience est reprise a 11h01

21 **THE REGISTRAR:** This hearing is now resumed.
22 Please be seated. Veuillez vous asseoir.

23 **THE COMMISSIONER:** Thank you.

24 **JOSEPH ST. DENIS:** Resumed/Sous le même serment

25 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

1 **DUMAIS (cont'd/suite):**

2 **MR. DUMAIS:** So perhaps, Mr. St. Denis, just
3 before we move on to the next area, I want to touch on --
4 you indicated that in 1992 you had retained a lawyer. Do
5 you recall the name of the lawyer you had retained?

6 **MR. ST. DENIS:** Donihee. Local.

7 **MR. DUMAIS:** All right. Thank you.

8 Now I want you -- I'm going to ask you a
9 number of questions about your involvement with the
10 Jeannette Antoine investigation, sir.

11 And my understanding is that you had some
12 prior involvement with that matter in 1989, but you became
13 aware that there may have been a problem with that
14 investigation in 1994. Is that correct?

15 **MR. ST. DENIS:** Do we have any
16 documentation?

17 **MR. DUMAIS:** Yes, we do, sir. Perhaps I can
18 take you to Document Number 739095.

19 **MR. ST. DENIS:** 739 ---

20 **THE COMMISSIONER:** No, no, that's a document
21 so it's coming to you now.

22 **MR. ST. DENIS:** Sorry.

23 **THE COMMISSIONER:** No, no. Like I said, by
24 the time you're finished you'll know how the system works.

25 **MR. ST. DENIS:** Sir, I'm starting to feel

1 like that guy they identified as Binder Boy in Ottawa. I'm
2 starting to feel like him.

3 **THE COMMISSIONER:** So for Mr. Dumais'
4 purposes, the next exhibit is an internal correspondence to
5 Sergeant Derochie from Deputy Chief St. Denis dated January
6 11th, 1994 and the exhibit number is 1769.

7 **---EXHIBIT NO./PIECE NO. 1769**

8 (739095) - Internal Correspondence from
9 Joseph St. Denis to G. Derochie dated
10 January 11, 1994

11 **MR. ST. DENIS:** Yes, sir.

12 **MR. DUMAIS:** All right. So the -- this is
13 an internal correspondence that you would have drafted. Is
14 that correct?

15 **MR. ST. DENIS:** That's my signature, yes.

16 **MR. DUMAIS:** And your correspondence is
17 addressed to Staff Sergeant Derochie and you're essentially
18 asking him to conduct an investigation into this matter?

19 **MR. ST. DENIS:** Yes, sir.

20 **MR. DUMAIS:** And your correspondence refers
21 to a discussion you would have had with Staff Sergeant
22 Brunet on January 10th and the morning of January 11th, 1995
23 -- 94?

24 **MR. ST. DENIS:** That would be correct at
25 that time, yes.

1 **MR. DUMAIS:** All right. So then do you
2 recall that that was when you were first made aware there
3 may be a problem with this file?

4 **MR. ST. DENIS:** Possibly, yeah, I just ---

5 **MR. DUMAIS:** Do you recall ---

6 **MR. ST. DENIS:** To be very honest with you,
7 I don't remember very much about this file, so that's why
8 I'm going to have to rely on documentation.

9 **MR. DUMAIS:** Fair enough. Do you recall the
10 discussion you had with Staff Sergeant Brunet on January
11 10th?

12 **MR. ST. DENIS:** No. No, I don't.

13 **MR. DUMAIS:** You don't have any specific
14 recollection of that?

15 **MR. ST. DENIS:** The name, had it not been
16 for me looking at the documents, at the beginning I think I
17 even indicated to my own solicitor here that the name meant
18 nothing to me. But as documents were produced, it sort of
19 helped me a little bit but still today, I do not know this
20 lady, I've never met her.

21 **MR. DUMAIS:** And certainly, Mr. St. Denis,
22 you were not able to find any of your notes on the matter?

23 **MR. ST. DENIS:** The way I did notes;
24 remember the old steno pads we used to have with the wires?

25 **MR. DUMAIS:** Yes.

1 **MR. ST. DENIS:** Anything I would do would be
2 jotting down and then I wouldn't waste time, I'd formulate
3 it into an internal which would at least be a record.

4 These actually internals and transmittal
5 slips, those would be my notes -- official notes. The
6 steno pads are long gone I would think.

7 **MR. DUMAIS:** So if you would have taken
8 notes on the matter, you would have not incorporated them
9 in the paper file or the hard copy file?

10 **MR. ST. DENIS:** Not necessarily.

11 **MR. DUMAIS:** All right.

12 **MR. ST. DENIS:** I mean, you would expect the
13 investigator to have his file with the appropriate notes in
14 it.

15 **MR. DUMAIS:** But, certainly, you no longer
16 have ---

17 **MR. ST. DENIS:** No, I don't.

18 **MR. DUMAIS:** --- notes on any investigations
19 actually; correct?

20 **MR. ST. DENIS:** We'll have to rely on these.

21 **MR. DUMAIS:** All right.

22 So then if you can have on hand Exhibit 1286
23 and perhaps that will assist you.

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

25 **MR. ST. DENIS:** Did you say 1286?

1 **THE COMMISSIONER:** Yeah, right at the end of
2 it ---

3 **MR. ST. DENIS:** Yes.

4 **MR. DUMAIS:** --- of that booklet, there's a
5 ---

6 **MR. ST. DENIS:** I keep going -- yes, sir,
7 I'm there now. Sorry.

8 **THE COMMISSIONER:** All right. So that's a
9 report to Acting Chief Carl Johnston on the media
10 allegations of misconduct and that's a report that's been
11 prepared by Staff Sergeant Derochie?

12 **MR. ST. DENIS:** Yes, sir.

13 **THE COMMISSIONER:** All right?

14 **MR. ST. DENIS:** Yes.

15 **MR. DUMAIS:** And it appears to be the report
16 that was prepared in response to your assignment of the
17 file to Staff Sergeant Derochie in the internal
18 correspondence that we've just looked at?

19 **MR. ST. DENIS:** Yes, sir.

20 **MR. DUMAIS:** And the report is dated April
21 19th, '95?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** And on the first page of the
24 report, so top right-hand corner, the report is dated?

25 **MR. ST. DENIS:** Yes.

1 **MR. DUMAIS:** Sorry, is there a number? So
2 the last paragraph or the third paragraph in the first
3 section reads:

4 "The writer was tasked by Deputy Chief
5 St. Denis with reviewing all the facts
6 related to Constable Malloy's 1989-90
7 investigation and to determine if Ms.
8 Antoine's allegations have any merit."

9 **MR. ST. DENIS:** Yes, sir, I'm sorry, I'm
10 there, yes.

11 **MR. DUMAIS:** All right. So my understanding
12 is that you would have had some involvement ---

13 **MR. ST. DENIS:** Absolutely.

14 **MR. DUMAIS:** --- in this matter in 1989 as
15 well?

16 **MR. ST. DENIS:** Yes, sir.

17 **MR. DUMAIS:** All right.

18 And if I can just take you then to page 3 of
19 Constable(sic) Derochie's report.

20 **MR. ST. DENIS:** Yes. Yes, sir.

21 **MR. DUMAIS:** So the fourth paragraph on that
22 page reads as follows:

23 "The day previous to Malloy's/Bell's
24 interview with Antoine, September 25th,
25 1989, Mr. O'Brien had met with Deputy

1 Chief St. Denis, Inspector Trew and
2 Crown Attorney Don Johnson. The
3 meeting had been requested by O'Brien
4 and was held in Johnson's office."

5 MR. ST. DENIS: Yes, sir. I remember
6 attending that meeting.

7 MR. DUMAIS: All right. And can you tell us
8 what was discussed at that meeting? What you remember?

9 MR. ST. DENIS: I -- no, I couldn't but I
10 could try to but I couldn't. I think it was more of a
11 rehash of whatever evidence that was -- that existed at
12 that time. And I do remember, I could be wrong, that
13 whatever was decided was -- I don't think there was
14 anything decided other than there was no reason to go any
15 further. And I believe the remarks came from the Crown,
16 Don.

17 And I -- when I left that office, I just
18 didn't think there was anything more to do. I could be
19 wrong though.

20 MR. DUMAIS: But do you recall that there
21 were -- you would have participated in a second meeting on
22 this matter?

23 MR. ST. DENIS: Yes. I can remember Mr.
24 O'Brien calling me and he came into my -- came to my office
25 about the same subject. And I immediately called Inspector

1 Trew, the OIC CIB, to come in. And Mr. O'Brien -- we had a
2 meeting.

3 MR. DUMAIS: And do you recall whether or
4 not Staff Sergeant Wells may have been there as well?

5 MR. ST. DENIS: He could have been if they
6 were overlapping, but I'm not 100 per cent sure. Or
7 Inspector Trew, it could have been Inspector Trew that
8 would have called him, maybe to follow-up on whatever was
9 Mr. O'Brien's concern.

10 MR. DUMAIS: All right.

11 MR. ST. DENIS: But I can't say for sure if
12 Staff Wells was there or not.

13 MR. DUMAIS: All right. And the last
14 paragraph on that page reads as follows:

15 "Constable Malloy was assigned to
16 investigate this matter. It is unknown
17 if Malloy ever told his supervisors
18 that he had received this same
19 information shortly before being
20 assigned this investigation. However,
21 it is reasonable to believe that the
22 coincidence was discussed."

23 Do you -- I mean, do you recall after this
24 meeting that Constable Malloy had been tasked to
25 investigate this matter?

1 **MR. ST. DENIS:** Yes, I do. I think I do
2 remember Constable Malloy being tasked by Inspector Trew.

3 **MR. DUMAIS:** And following this assignment
4 to Malloy, do you recall any further dealings with this
5 matter?

6 **MR. ST. DENIS:** If there -- are there any
7 writings? If not, Inspector Trew would have -- if there
8 was anything going on, I would have been briefed. I would
9 have -- it would have come out at morning meetings. We
10 would have been briefed that way as opposed to maybe by
11 letter.

12 **MR. DUMAIS:** All right, but I guess you
13 don't have any specific recollection of following-up on
14 this investigation or being briefed by anyone, be it
15 Constable Malloy or someone else?

16 **MR. ST. DENIS:** If would have been at a
17 morning meeting, I think, if there were any briefings.

18 **MR. DUMAIS:** All right.

19 **MR. ST. DENIS:** Or anything new to come up.
20 I would say probably the morning meeting.

21 **MR. DUMAIS:** But I guess, sir, and my
22 question is, you don't have any independent recollection?

23 **MR. ST. DENIS:** Myself? No.

24 **MR. DUMAIS:** All right.

25 Now, these two meetings appear -- it doesn't

1 appear that Chief Shaver participated in any of these
2 meetings. Do you recall ---

3 MR. ST. DENIS: No, the Chief wasn't there.

4 MR. DUMAIS: Do you recall whether or not he
5 had been briefed subsequent to your two meetings?

6 MR. ST. DENIS: I'm not sure, but I have a
7 feeling, yes. I can't say for sure, but I would think he
8 would have been by myself or by the inspector or by Staff
9 Wells.

10 MR. DUMAIS: All right. But, again, you
11 don't have any ---

12 MR. ST. DENIS: No.

13 MR. DUMAIS: --- recollection?

14 MR. ST. DENIS: I can't say yes or no. I
15 don't know.

16 MR. DUMAIS: All right.

17 MR. ST. DENIS: I guess it's better to say
18 that.

19 MR. DUMAIS: Because, certainly, it was not
20 your practice to brief the Chief on all investigations. Is
21 that correct?

22 MR. ST. DENIS: That's true.

23 MR. DUMAIS: And was there -- certainly you
24 were briefing him on some of the investigations?

25 MR. ST. DENIS: I think I will supplement

1 what I said ---

2 MR. DUMAIS: Go ahead.

3 MR. ST. DENIS: --- just before I answer.

4 Official briefings per se, no, but morning
5 meetings, yes. Major cases issues were brought up at
6 morning meetings by the various supervisors or myself, and
7 we would take and clue in everybody as to what was going
8 on.

9 MR. DUMAIS: All right. So, if any one
10 investigator had ---

11 MR. ST. DENIS: Yes.

12 MR. DUMAIS: --- a comment or a difficulty
13 or was requesting advice on a specific file, he would bring
14 it up to the morning meeting. And I take it that it was
15 your practice and the Chief's practice ---

16 MR. ST. DENIS: Of course.

17 MR. DUMAIS: --- to be there, if you were
18 there.

19 MR. ST. DENIS: If we were there.

20 MR. DUMAIS: All right.

21 MR. ST. DENIS: If it didn't come by way of
22 internal, you could hear about it at a morning meeting.

23 MR. DUMAIS: All right.

24 Was there any specific direction that had
25 been given to you to brief the Chief on all historical

1 sexual abuse matters?

2 MR. ST. DENIS: Like a policy?

3 MR. DUMAIS: Yes.

4 MR. ST. DENIS: To the best of my
5 recollection, there was no policy in that regard.

6 MR. DUMAIS: All right. And you never see
7 any of those instructions from the Chief either?

8 MR. ST. DENIS: I don't believe so.

9 MR. DUMAIS: Now, you have since then
10 reviewed the report, Mr. St. Denis?

11 MR. ST. DENIS: Yes. Yes, sir.

12 MR. DUMAIS: And -

13 MR. ST. DENIS: Didn't retain it all but I
14 did review it.

15 MR. DUMAIS: Pardon me?

16 MR. ST. DENIS: I scoped through it -

17 MR. DUMAIS: And Staff Sergeant Derochie
18 comes to certain conclusions in the report, namely that the
19 complaint had never been registered on OMPPAC. You don't
20 disagree with that?

21 MR. ST. DENIS: No, I don't.

22 MR. DUMAIS: That Constable Malloy would not
23 have conducted a thorough investigation and would not have
24 kept proper notes?

25 MR. ST. DENIS: That's what they

1 established, I believe that. Yes.

2 **MR. DUMAIS:** You have no reason to disagree
3 with those conclusions?

4 **MR. ST. DENIS:** No, I don't.

5 **MR. DUMAIS:** The third conclusion reads as
6 follows. I'm just reading from page nine, it's paragraph
7 3.

8 "Although all officers in the chain of
9 command to whom Malloy was accountable
10 to, from Staff Sergeant to Chief of
11 Police, had various degrees of
12 knowledge of this matter. None appear
13 to have been monitoring the
14 investigation's progress. No one knows
15 that the report had not been
16 submitted."

17 There is no reason to disagree with that
18 finding either?

19 **MR. ST. DENIS:** No, I don't.

20 **MR. DUMAIS:** All right.

21 And you would not, Mr. St. Denis, recall any
22 inquiries by yourself on the progress of this
23 investigation. You don't remember anything?

24 **MR. ST. DENIS:** Other than maybe being kept
25 abreast at the morning meeting or by way of internal, off

1 the top of my head, no I don't.

2 MR. DUMAIS: All right. So if the matter
3 had not been mentioned at a morning meeting it is likely
4 that you would not have been informed on the progress of
5 this investigation. Is that fair?

6 MR. ST. DENIS: It's possible.

7 MR. DUMAIS: All right. Or at least you
8 don't remember?

9 MR. ST. DENIS: I don't remember.

10 MR. DUMAIS: And do you recall any --
11 perhaps I can just put the document to you? Document
12 739042.

13 THE COMMISSIONER: Next exhibit is a letter
14 to Richard Abell dated January 12th, 1994 from Deputy Chief
15 St. Denis which will be Exhibit 1770.

16 ---EXHIBIT NO./PIECE NO. 1770

17 (739042) - Letter from Joseph St. Denis to
18 Richard Abell dated January 12, 1994

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. DUMAIS: We're offering this letter ---

21 MR. ST. DENIS: Obviously, that is my
22 signature and I'm the author of this letter, yes.

23 MR. DUMAIS: So the letter confirms an
24 acknowledgment that allegations had been named in 1989 and
25 that your investigative file is presently in review and

1 some interviews may follow.

2 You don't recall this letter?

3 **MR. ST. DENIS:** No, but it's mine.

4 **MR. DUMAIS:** All right. Fair enough,
5 Now, then if I can just -- if I can take you
6 to the next document which is 739127.

7 **THE COMMISSIONER:** It's a new one as well,
8 sir.

9 **MR. ST. DENIS:** Okay. Thank you.

10 **THE COMMISSIONER:** Next Exhibit is a news
11 release from Deputy Chief St. Denis on January 13th, '94,
12 and that's Exhibit 1771.

13 **---EXHIBIT NO./PIECE NO. 1771**

14 (739127) - News Release from CPS Joseph St.
15 Denis re Allegations of Abuse, dated January
16 13, 1994

17 **MR. DUMAIS:** So you have that?

18 **MR. ST. DENIS:** I have that.

19 **MR. DUMAIS:** And, of course, that's your
20 signature again at the bottom?

21 **MR. ST. DENIS:** That's my signature. My
22 usual procedure would be to have whoever was requesting
23 that, in this case it looks like Staff Wells, to prepare a
24 document for me for my signature, if he didn't have the
25 authority.

1 But if he was the press officer, I'm
2 surprised why he wouldn't have signed this himself, but I'm
3 not sure if he was the press officer there or if he was in
4 CIB or where he was at that specific time, January 13th,
5 1994. But, nevertheless, whether this went out or not, I
6 don't know, but that is my signature.

7 **MR. DUMAIS:** All right. And again, Mr. St.
8 Denis, you don't have any independent recollection of ---

9 **MR. ST. DENIS:** The details?

10 **MR. DUMAIS:** Yes.

11 **MR. ST. DENIS:** No, sir.

12 **MR. DUMAIS:** All right. For example, if I'm
13 -- if we're just looking at the first paragraph, it refers
14 to:

15 "That she and other youth had been
16 physically assaulted on numerous
17 occasions by employees of the
18 Children's Aid Society while under
19 placement at a local group home"

20 And certainly there is no indication in that
21 news release that there would have been sexual abuse, but
22 you don't have any independent recollection?

23 **MR. ST. DENIS:** No, I don't. I'm sorry.

24 **MR. DUMAIS:** Fair enough.

25 **MR. DUMAIS:** And, of course, all of these

1 events are occurring at the beginning of January of 1994
2 and, as we know, that would have been the first week or so
3 at work of Acting Chief Johnston.

4 Do you have any recollection of speaking to
5 him on this matter or briefing him on this matter?

6 **MR. ST. DENIS:** I believe he would have been
7 briefed on all these outstanding matters.

8 **MR. DUMAIS:** And, again, Mr. St. Denis, do
9 you have -- do you recall briefing him or do you assume
10 that ---

11 **MR. ST. DENIS:** I assume.

12 **MR. DUMAIS:** All right. Fair enough.

13 All right, if we could then move on, Mr. St.
14 Denis, to your involvement in another investigation and
15 that would be the David Silmser allegations?

16 **MR. ST. DENIS:** Yes, sir.

17 **MR. DUMAIS:** And if I can take you firstly
18 to Exhibit 293?

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

20 **MR. ST. DENIS:** Yes, sir, I'm there.

21 **THE COMMISSIONER:** So, before we -- and I
22 just want to get some sense -- we talked about your
23 relationship with Chief Shaver. This is in 1992, December
24 of 1992. So the letter that you wrote and the discussion
25 that you had at his home hasn't occurred yet; right?

1 **MR. ST. DENIS:** You're helping me to think
2 there. I'm not sure.

3 **THE COMMISSIONER:** Well, are you going to
4 cover that or ---

5 **MR. DUMAIS:** Well, not necessarily, but I
6 think it would have occurred. I think the meeting at Chief
7 Shaver's residence would have been on September 2nd, 1991.

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

9 **MR. DUMAIS:** The letter back, September 3rd,
10 1991, and the exchange of internal correspondence between
11 the Deputy Chief and the Chief would have been in October
12 of 1992.

13 **THE COMMISSIONER:** Okay.

14 **MR. DUMAIS:** And ---

15 **THE COMMISSIONER:** So this is fresh on the
16 heels of your on-going -- I don't want to -- your
17 relationship with the Chief has deteriorated by this time?

18 **MR. ST. DENIS:** Not when it came to -- not
19 when it came to working files.

20 **THE COMMISSIONER:** No, no, okay. I
21 understand that. I understand that.

22 I'm just trying to get a feel for the whole
23 ambience and what's going on.

24 **MR. ST. DENIS:** The general ambience, sir,
25 was one of stress.

1 **THE COMMISSIONER:** Right, but you also
2 indicated to me that it was also an ambience that you no
3 longer trusted the Chief and you felt that he no longer
4 trusted you.

5 **MR. ST. DENIS:** Yes.

6 **THE COMMISSIONER:** So I'm just trying to lay
7 the groundwork as to where we are all at, at this point.
8 So that's all there and so now we are coming
9 to ---

10 **MR. ST. DENIS:** Yes.

11 **THE COMMISSIONER:** --- another stressful
12 incident?

13 **MR. ST. DENIS:** Yes.

14 **THE COMMISSIONER:** All right.

15 **MR. DUMAIS:** And I think what is clear, Mr.
16 St. Denis, is that shortly before December 19th, '92, the
17 Chief would have threatened you with *Police Services Act*
18 charges and civil litigation. Is that correct?

19 **MR. ST. DENIS:** A vile threat, not a threat,
20 threat. It was just to be cautious.

21 **MR. DUMAIS:** His internal correspondence to
22 you would have ---

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** --- alluded to it?

25 **MR. ST. DENIS:** Yes, sir.

1 **MR. DUMAIS:** All right. So then on December
2 9th, 1992, what you have before you is an internal
3 correspondence that appears to have been drafted by
4 Sergeant Nakic, and you'll note that it is dated December
5 9th, 1992?

6 **MR. ST. DENIS:** Yes, sir.

7 **MR. DUMAIS:** And if you look at the top
8 left-hand corner, it is addressed to Staff Inspector
9 McDonald.

10 **MR. ST. DENIS:** Yes, sir.

11 **MR. DUMAIS:** So if you can just take us back
12 to this day on December 9th, 1992, and tell us what you can
13 remember of these events.

14 **MR. ST. DENIS:** I can attempt to give you a
15 brief flow.

16 Obviously, Nakic got the message to probably
17 a telephone call. He would have transmitted it to Staff
18 Inspector McDonald who probably was the OIC field
19 operations. The memo, Inspector McDonald would have sent
20 it to me -- or at least I got it because I dated it on the
21 same date, 92/12/09.

22 **MR. DUMAIS:** But if I can ask you, Mr. St.
23 Denis, do you remember receiving this memo?

24 **MR. ST. DENIS:** Do I remember what?

25 **MR. DUMAIS:** Receiving this internal

1 correspondence?

2 **MR. ST. DENIS:** Yes, I guess I -- I think I
3 do. I think I do.

4 **MR. DUMAIS:** And I guess more specifically,
5 I'm wondering whether or not Staff Sergeant Nakic gave it
6 to Staff Inspector McDonald, who would have given it to the
7 Chief?

8 **MR. ST. DENIS:** That's possible, but I'm
9 still wondering why my initials are on, at the bottom here.

10 **MR. DUMAIS:** Yes.

11 **MR. ST. DENIS:** That's possible because
12 Sergeant Lortie was assigned to investigate.

13 **MR. DUMAIS:** Yes.

14 **MR. ST. DENIS:** And maybe at that time,
15 Sergeant Lortie was reporting directly to the Chief if he
16 was CISO officer. If those facts are correct, that
17 probably would have been how it happened.

18 **THE COMMISSIONER:** Well, it says:

19 "Noted. Chief assigned Sergeant Lortie
20 to investigate."

21 It wasn't you.

22 **MR. ST. DENIS:** Then it went to the Chief.

23 **THE COMMISSIONER:** Okay, so -- and I -- so
24 you don't remember this?

25 **MR. ST. DENIS:** No.

1 THE COMMISSIONER: Okay.

2 MR. ST. DENIS: But I do ---

3 THE COMMISSIONER: No, no, I know, but
4 you're reconstructing there.

5 MR. ST. DENIS: Yes.

6 THE COMMISSIONER: And I don't want you to
7 do that.

8 MR. ST. DENIS: Okay.

9 THE COMMISSIONER: All right? I want you to
10 -- like do you remember now ---

11 MR. ST. DENIS: What went on then?

12 THE COMMISSIONER: Yes?

13 MR. ST. DENIS: No. No, sir.

14 THE COMMISSIONER: Okay, all right.

15 MR. DUMAIS: But certainly, I guess, what
16 you can tell us is that the signature at the bottom and the
17 note at the bottom was authored by you. That's your
18 handwriting?

19 MR. ST. DENIS: That's my handwriting.

20 MR. DUMAIS: All right. And whether or not
21 you ---

22 MR. ST. DENIS: If I said the Chief assigned
23 to Sergeant Lortie, that's what would have happened at that
24 time.

25 MR. DUMAIS: And would that, Mr. St. Denis,

1 be unusual for the Chief becoming involved in the
2 assignment of a specific file?

3 **MR. ST. DENIS:** Well, you're asking me to
4 speak how -- how I would have handled it? I would have
5 called in my Inspector OIC immediately. "You find someone.
6 This is urgent. Get it done." And that officer OIC CIB
7 would have assigned an investigating officer.

8 Now, coupled with all the issues at hand;
9 shortage of personnel in CIB, shortages here and shortages
10 there, maybe when Staff Inspector McDonald consulted with
11 the Chief, maybe the best person to assign at that time who
12 had maybe a little more time on his hands was Sergeant
13 Lortie.

14 To arrive at -- and I don't want to do what
15 the Judge has told me, reconstruct. Other than the Chief
16 looking at it as being urgent and he assigned Lortie right
17 away.

18 **MR. DUMAIS:** But I guess -- let's assume for
19 a second that Sergeant Nakic receives this, the complaint
20 from Mr. Silmsler, and we are looking at this document, he
21 appears to have drafted an internal correspondence.

22 **MR. ST. DENIS:** Yes.

23 **MR. DUMAIS:** I mean, is that the usual
24 course to draft an internal correspondence once a telephone
25 complaint is made?

1 **MR. ST. DENIS:** I'm not sure if we -- did we
2 have OMPPAC at this time and, if we did, it should have
3 maybe come on, on OMPPAC.

4 If not, this would be a very good way of
5 doing it. If not, and you wouldn't have a record of it, if
6 Nakic went verbally to McDonald and McDonald went verbally
7 to me, but I can't see how you could do it verbally on such
8 an issue.

9 **MR. DUMAIS:** All right.

10 **THE COMMISSIONER:** OMPPAC was on.

11 **MR. ST. DENIS:** OMPPAC was on? Well, it
12 should have come by way of OMPPAC -- kind of an OMPPAC
13 report.

14 **MR. DUMAIS:** And I guess what I'm asking is
15 why would this specific complaint go up the chain of
16 command?

17 **MR. ST. DENIS:** Maybe -- I don't know.

18 **MR. DUMAIS:** Let's say rather than ---

19 **MR. ST. DENIS:** I think it's -- I think the
20 details in the first paragraph would have probably struck
21 the supervisors and put a priority on it.

22 **MR. DUMAIS:** All right. So the fact that
23 the allegation was made against Father MacDonald and the
24 Probation Officer, Ken Seguin. Is that correct?

25 **MR. ST. DENIS:** Yes.

1 **MR. DUMAIS:** All right. Now the ---

2 **THE COMMISSIONER:** Yes, sir?

3 **MR. MANDERVILLE:** Mr. Commissioner, I'm just
4 a little concerned because you did correctly admonish the
5 witness not to reconstruct, and my friend is essentially
6 asking him to do those very things.

7 **THE COMMISSIONER:** Well, it depends now. I
8 think it's fair to ask him how would it have happened; how
9 -- what were the normal streams, and I don't think that's
10 part of reconstruction.

11 **MR. MANDERVILLE:** I don't think that's
12 incorrect at all.

13 **THE COMMISSIONER:** Okay, well what question
14 are you ---

15 **MR. MANDERVILLE:** I would have some concern
16 if, and he is doing so, my friend is asking Mr. St. Denis
17 do you know how it would have come to the Chief and how it
18 would have transferred around to Sergeant Lortie, when he
19 doesn't remember.

20 **THE COMMISSIONER:** Right, okay. Well,
21 Maître Dumais?

22 **MR. DUMAIS:** I mean I understand what my
23 friend is saying, Mr. Commissioner, and I'm concerned as
24 well, about the witness telling us what he remembers, but
25 certainly I think it's an appropriate question to ask,

1 whether or not this would have been the usual steps to
2 follow.

3 **THE COMMISSIONER:** Yes.

4 Okay, well, if it was the usual steps to
5 follow ---

6 **MR. MANDERVILLE:** I take no issue with that.

7 **THE COMMISSIONER:** Okay, thank you.

8 See we have to understand, sir, that I'm
9 looking at this in one way because I have to look at it
10 that some people will argue that the Chief took possession
11 of this file because of his allegiances to Father Charles
12 MacDonald and to Ken Seguin, and I'm not making any finding
13 about that but -- yet -- and that it would have been his
14 way of taking control of the file, getting it to somebody
15 outside the line of control of command that -- you know,
16 that the steps that were taken afterwards were all part of
17 a plan for him to cover this whole thing up.

18 So what I want to know from you is and what
19 Me Dumais is asking you is what is normally -- what was
20 normally the procedure then and if you can help us in any
21 way as to any explanation you may have as to why they went
22 the other way or not.

23 All the while remembering that if you don't
24 remember, you just say you don't remember or that you don't
25 know.

1 Does that help you a little bit?

2 **MR. ST. DENIS:** Yes, sir.

3 **THE COMMISSIONER:** All right, thank you. Go
4 ahead.

5 **MR. DUMAIS:** Let me ask you this, Mr. St.
6 Denis; do you recall that -- did you -- sorry, let me
7 rephrase that.

8 Did you ever have any discussion with
9 Sergeant Lortie regarding this file; do you recall that?

10 **MR. ST. DENIS:** The time I had discussions
11 with Sergeant Lortie was after I heard that he was going
12 off on sick leave and the file hadn't been activated or
13 something and I had him come in my office and I believe he
14 gave me the file and I decided immediately that I would
15 transfer that file to -- to Staff Brunet, one of the
16 officers in charge of CIB at the time and that's -- that's
17 -- that's what I remember.

18 **MR. DUMAIS:** All right. So you believe that
19 you would have had a conversation with Sergeant Lortie in
20 your office; is that correct?

21 **MR. ST. DENIS:** A conversation on -- on
22 getting this file activated, investigated.

23 **MR. DUMAIS:** All right. Do you recall
24 receiving any instructions from the Chief as to the
25 assignment or reassignment or ---

1 **MR. ST. DENIS:** Well, obviously -- obviously
2 the -- Lortie had been assigned the file.

3 I'm not sure how I found out about it, but
4 it does say I'm aware of it on the same date so it's
5 possible Inspector McDonald, now, went directly to the
6 Chief, who assigned it; I don't know.

7 **THE COMMISSIONER:** Whoa, whoa, whoa, okay,
8 hold on.

9 Why can't we help him out a little bit?

10 **MR. DUMAIS:** Yeah.

11 **THE COMMISSIONER:** We've heard evidence on
12 how that happened.

13 **MR. DUMAIS:** Yeah. And perhaps -- my
14 understanding is that you would have drafted a memo,
15 Mr. St. Denis, and that's at -- I believe that's
16 Exhibit 1298B.

17 **THE COMMISSIONER:** One two (12) -- no, that
18 will be another binder, sir.

19 And it's marked -- pardon?

20 One two (12), yeah.

21 **MR. ST. DENIS:** Thank you.

22 **THE COMMISSIONER:** Two nine (29).

23 **MR. ST. DENIS:** Yes, I'm there.

24 **MR. DUMAIS:** All right. Well, perhaps if
25 you can just take a minute and just go through the

1 document.

2 MR. ST. DENIS: Actually -- actually, the
3 next page is more clear.

4 MR. DUMAIS: Sorry?

5 THE COMMISSIONER: Yes, that's why we did
6 it.

7 MR. ST. DENIS: I say the next page is ---

8 THE COMMISSIONER: One two nine eight B
9 (1298B)?

10 MR. ST. DENIS: One two nine eight B
11 (1298B).

12 THE COMMISSIONER: Yeah, yeah.

13 MR. ST. DENIS: That is -- that is mine.

14 THE COMMISSIONER: You can refer to it.

15 MR. ST. DENIS: Yes, that's my -- that's my
16 ---

17 MR. DUMAIS: So that ---

18 MR. ST. DENIS: That's my transmittal slip.

19 MR. DUMAIS: All right. And I guess --
20 what's a "transmittal slip" or is there any significance to
21 that?

22 MR. ST. DENIS: I -- I prefer to have a
23 written document of some of the work I did -- most of the
24 work I did. I could have done this verbally but then I
25 wouldn't have had a record of it.

1 **MR. DUMAIS:** Okay.

2 **MR. ST. DENIS:** And I -- I used the
3 transmittal slip because it was faster than an internal
4 memo; it didn't have to be typed, so again this is the way
5 I did it this time.

6 **MR. DUMAIS:** All right. So -- but certainly
7 you -- this is your handwriting, your ---

8 **MR. ST. DENIS:** This is mine.

9 **MR. DUMAIS:** And do you recall drafting
10 this?

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** So it appears to be the
13 transmittal slip to Staff Sergeant Brunet and it's dated
14 the 8th day of January, 1993?

15 **MR. ST. DENIS:** Yes, sir.

16 **MR. DUMAIS:** And it confirms that this file,
17 the David Silmsers file, was initially assigned to Sergeant
18 Lortie ---

19 **MR. ST. DENIS:** Yes, sir.

20 **MR. DUMAIS:** --- who now is away on sick
21 leave?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** And then Sergeant Lortie
24 indicated that he was to meet with Silmsers early in January
25 of 1993?

1 **MR. ST. DENIS:** Yes, sir.

2 **MR. DUMAIS:** All right. So you would have
3 got this information from your meeting with Sergeant
4 Lortie?

5 **MR. ST. DENIS:** Yes.

6 **MR. DUMAIS:** And -- and then you indicated
7 that you realized that:

8 "... the heavy workload in CIB but this
9 could possibly turn into an 'Alfred-
10 type' situation."

11 **MR. ST. DENIS:** Yes, sir.

12 **MR. DUMAIS:** "Therefore please assign as
13 soon as possible."

14 **MR. ST. DENIS:** Yes.

15 **MR. DUMAIS:** So if I can ask you firstly,
16 this was Staff Sergeant Brunet's first day as OIC of the
17 CIB; do you recall that he had just been assigned there?

18 **MR. ST. DENIS:** I'm -- I'm not sure.

19 **MR. DUMAIS:** You don't remember, all right.

20 **MR. ST. DENIS:** No.

21 **MR. DUMAIS:** Now, you make reference in this
22 transmittal slip to this being possibly an "Alfred-type
23 situation"; what did you mean by that?

24 **MR. ST. DENIS:** The -- I come from near --
25 near Alfred, myself -- not, not that far away -- and it was

1 a reform school and there were a lot of -- a lot of issues
2 at the reform school and I was -- and priests and brothers
3 involved ---

4 **MR. DUMAIS:** M'hm.

5 **MR. ST. DENIS:** --- and I was concerned that
6 -- that maybe we had the same thing in our own back door;
7 that was -- and then I probably put it in there to let --
8 let's get going on this and make sure that we get it
9 resolved as soon as possible.

10 **MR. DUMAIS:** All right. Is it fair to say
11 that you were concerned about any delays into ---

12 **MR. ST. DENIS:** Yes.

13 **MR. DUMAIS:** --- this investigation? All
14 right.

15 **MR. ST. DENIS:** Absolutely.

16 **MR. DUMAIS:** Now, do you remember whether or
17 not Sergeant Lortie was back at the office on the 8th day of
18 January, 1993?

19 **MR. ST. DENIS:** I don't -- well, if he would
20 have been back on the 8th, I don't think I would have done
21 what I did.

22 **MR. DUMAIS:** All right. So the last comment
23 on this page is:

24 "The new investigator should see and
25 discuss this with Sergeant Lortie."

1 So, I mean ---

2 **MR. ST. DENIS:** That -- by that, I meant
3 whoever was going to be assigned this file, see Lortie; get
4 -- get a briefing of what he may or may not have done on
5 the file and what was proposed and whatever was on -- in
6 the file, at that time, ---

7 **MR. DUMAIS:** All right.

8 **MR. ST. DENIS:** --- so that he wouldn't
9 start -- he or she wouldn't start cold.

10 **MR. DUMAIS:** And so do you remember whether
11 or not Sergeant Lortie would have given you the paper file,
12 the hard copy file or whether or not he had kept it?

13 **MR. ST. DENIS:** I -- I believe he did and if
14 he didn't, he would have given it to Brunet, himself, but I
15 -- I believe he did but I can't say for sure.

16 **MR. DUMAIS:** All right. So -- all right, so
17 then, at the bottom of your transmittal slip, there's a
18 *Nota bene:*

19 "One month already went by on this."

20 **MR. ST. DENIS:** Yes.

21 **MR. DUMAIS:** So, I mean, is it fair to say
22 that you -- you were concerned with the ---

23 **MR. ST. DENIS:** The timing ---

24 **MR. DUMAIS:** --- nothing had been done over
25 the last month? All right.

1 **MR. ST. DENIS:** Yes.

2 **MR. DUMAIS:** Now, you've checked off a
3 number of boxes at the bottom, (1) is "Take Appropriate
4 Action;" (2) is "Investigate and Report;" (3) is "Please
5 Handle and Advise." Do you recall any follow-up from
6 either Staff Sergeant Brunet or the officer who was
7 assigned this file following up on this matter with you?

8 **MR. ST. DENIS:** Well, this -- this would
9 generate the flow of either additional memorandums or
10 briefings at the morning meetings or separate briefings
11 with the -- with Staff Brunet, himself, that -- that way.

12 **MR. DUMAIS:** But I guess my question is, do
13 you have any independent recollection of anyone coming back
14 after January 8th, 1993, and telling you, "Okay, this person
15 has been assigned with this file and there's been a
16 meeting," or anything of that sort?

17 **MR. ST. DENIS:** I believe shortly -- shortly
18 after this -- okay, I can't -- I don't know the date -- I
19 realized that Constable Sebalj had been -- had been
20 assigned, yes.

21 **MR. DUMAIS:** All right. So you recall
22 having been informed of that?

23 **MR. ST. DENIS:** Yeah, probably at the next
24 morning meeting or a morning meeting, yes.

25 **MR. DUMAIS:** All right. And again, do you

1 remember who -- whoever had informed you or do you not have
2 an independent ---

3 **MR. ST. DENIS:** It would have been Staff
4 Brunet.

5 **MR. DUMAIS:** Okay. But again, you're --
6 you're assuming that or do you have -- do you remember
7 that?

8 **MR. ST. DENIS:** In my best guess, it would
9 have been Staff Brunet.

10 **MR. DUMAIS:** And -- and that's fine, I'm not
11 asking you to guess, Mr. St. Denis, that's fine. If you
12 don't remember, that's fine, you can just tell me that you
13 don't remember.

14 **MR. ST. DENIS:** I don't remember, then.

15 **MR. DUMAIS:** All right. Fair enough.

16 **THE COMMISSIONER:** So, sir, did you have any
17 -- so when you learned that it was Constable Sebalj, did
18 you -- did you know Constable Sebalj?

19 **MR. ST. DENIS:** No more than any other
20 person.

21 **THE COMMISSIONER:** So did you know anything
22 about her capabilities or experience or anything like that?

23 **MR. ST. DENIS:** Well, after the -- I guess,
24 after the fact Staff Sergeant Brunet came back at a -- at a
25 meeting, in the Chief's office, and I think he indicated

1 that she was -- somebody -- I think the chap complained
2 about the female officer.

3 **MR. DUMAIS:** Right.

4 **MR. ST. DENIS:** And then -- but there was
5 never any question about her abilities or capabilities, to
6 the best of my recollection.

7 **MR. DUMAIS:** Right, okay. Sorry. All
8 right. Mr. St. Denis you make reference in your
9 transmittal slip that you're aware that the CIB was busy at
10 the time.

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** Right. And my understanding is
13 that throughout the year in 1993 you would have received
14 some request from the OIC, so Staff Sergeant Brunet
15 regarding requests for additional resources ---

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** --- through the CIB.

18 **MR. ST. DENIS:** Yes, he wrote a memo to me.

19 **MR. DUMAIS:** All right. So -- well, perhaps
20 I can just take you to Exhibit 1419.

21 **MR. ST. DENIS:** Oh, that's not Staff
22 Brunet's, 1418 -- 1419, yes, sorry.

23 **MR. DUMAIS:** And I believe this is your
24 response and if you want to see ---

25 **MR. ST. DENIS:** I think, sir -- I just

1 happened to leaf over here. I think Staff Brunet's
2 memorandum to me is 1420.

3 MR. DUMAIS: Perhaps ---

4 MR. ST. DENIS: Is that possible?

5 MR. DUMAIS: --- if you can have a look at
6 1418 perhaps.

7 MR. ST. DENIS: Okay. I'm there.

8 MR. DUMAIS: So is that -- so that memo,
9 that internal correspondence addressed to you is dated
10 February 15th, 1993 and the re line deals with Constable
11 Mark Zulinski and essentially Staff Sergeant Brunet is
12 requesting for additional resources to be assigned to his
13 unit.

14 MR. ST. DENIS: Yes, sir.

15 MR. DUMAIS: And then you would have
16 responded to him and that's exhibit 1419.

17 MR. ST. DENIS: Yes, sir.

18 MR. DUMAIS: So internal correspondence from
19 yourself to Staff Sergeant Brunet dated February 19th, 1993
20 and refers to internal correspondence dated February 15th
21 that we've just looked at ---

22 MR. ST. DENIS: Yes, sir.

23 MR. DUMAIS: --- I believe.

24 MR. ST. DENIS: Yes, sir.

25 MR. DUMAIS: So then at the third paragraph

1 you indicate:

2 "A short time ago I indicated to field
3 operations that there are no additional
4 persons being hired in '93, '94, '95
5 and that our overtime will be
6 controlled even more stringently in
7 '93, '94, '95 and that we will be asked
8 to do more and more with less and
9 less."

10 **MR. ST. DENIS:** Yes, sir.

11 **MR. DUMAIS:** So do you recall that memo? Do
12 you recall saying that ---

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** --- or writing that to ---

15 **MR. ST. DENIS:** Yes, I do.

16 **MR. DUMAIS:** And then he's asking
17 specifically, I guess, for the transfer of Constable
18 Zulinski and you address that in the last paragraph of your
19 memo on that first page.

20 And essentially, if I could just read it out
21 to you:

22 "Although I cannot guarantee Constable
23 Zulinski's transfer by April 1st, '93 as
24 you suggest, I can assure that your
25 team is a priority and you will get

1 relief as soon as we can provide it.
2 We have several people off on sick
3 leave, LTD..."

4 I believe is long-term disability:
5 "...Workers' Compensation and it is
6 only by their return to work that we
7 may be able to get more relief."

8 And then finally:
9 "Again these people are off and our
10 Wellness Committee has yet to be formed
11 in order to facilitate the return of
12 some of these people."

13 So do you recall that at that time, the
14 beginning of 1993 that there were a lot of people off on
15 sick leave ---

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** --- or ---

18 **MR. ST. DENIS:** Yes, sir.

19 **MR. DUMAIS:** And you make reference in your
20 memo to the Wellness Committee. Do you recall what the
21 Wellness Committee was?

22 **MR. ST. DENIS:** I don't know who I -- whose
23 idea it was but it was a good one. It was trying to set up
24 a committee of people that would encourage the people that
25 were off to come back on modified work and try and fit them

1 in somewhere in the Service to free up a healthy body;
2 that's how we tried to do it.

3 I forget who was on the committee. I -- but
4 that's your Wellness Committee.

5 **MR. DUMAIS:** All right. So you seem to
6 indicate in this memo that it had not been formed but do
7 you believe that at one point in time it was put in place?

8 **MR. ST. DENIS:** Yes, and then it --
9 somewhere down the line it got translated into Staff
10 Sergeant Dupuis becoming -- I forget the terminology they
11 used -- that was used at that time, but looking after
12 modified work programs for these people.

13 **MR. DUMAIS:** All right. Now, the times -- I
14 guess the time of this investigation was at the, I guess,
15 latter part of 1992 and throughout 1993 and just with
16 respect to this issue with a lot of people being away from
17 work, do you believe that any of the morale issues that we
18 discussed over the past two days contributed to a lot of
19 people being absent from work?

20 **MR. ST. DENIS:** Yes, but also conversely the
21 number of people that were off were also causing stress to
22 the people that were working. And I think that's important
23 to realize also, though, because the people that were
24 actually working were stressed about some of the ones that
25 were off that could have come back maybe on modified work

1 and that in itself created stress.

2 **THE COMMISSIONER:** So you're saying not only
3 did the added work because you were short people added
4 stress, you're saying that there was some suspicion -- that
5 these folks thought that people who were on sick leave
6 should come back and help them sooner?

7 **MR. ST. DENIS:** Absolutely.

8 **THE COMMISSIONER:** All right.

9 **MR. DUMAIS:** Now -- all right. Just coming
10 back to the Silmsler investigation, do you have any
11 independent recollection of any of the investigation, any
12 steps of the investigation or being informed of any of the
13 steps of the investigation from January 1993 until
14 September of 1993?

15 **MR. ST. DENIS:** Other than through the
16 briefings as I mentioned or if it was an internal, I do
17 remember being briefed on different issues with this case.
18 But to be able to tell you what that briefing was, no I
19 can't.

20 **MR. DUMAIS:** All right. And in a similar
21 fashion you can't tell us whether -- who was briefing you,
22 is that fair?

23 **MR. ST. DENIS:** It would be the OIC, usually
24 the OIC, Staff Brunet in this case.

25 **MR. DUMAIS:** But again, Mr. St. Denis, do

1 you remember that or are you assuming that?

2 **MR. ST. DENIS:** No, I remember Staff Brunet
3 briefing us.

4 **MR. DUMAIS:** All right.

5 **THE COMMISSIONER:** Briefing us, who is us?

6 **MR. ST. DENIS:** At the morning meeting,
7 whoever was at the morning meeting.

8 **MR. DUMAIS:** All right. Now, my review of
9 documents appear to indicate that you would have been --
10 your next documented involvement at least in this file
11 would have been in September of 1993 and ---

12 **THE COMMISSIONER:** Sorry, sir, I don't mean
13 to interrupt. He does have some memory about whether or
14 not a female should be assigned. So I don't know if you
15 wanted to cover that.

16 **MR. DUMAIS:** Yes, perhaps. In January of --
17 perhaps ---

18 **THE COMMISSIONER:** 1993.

19 **MR. DUMAIS:** --- I should take you to
20 Exhibit 1436. Well, that's not going to be helpful. Let
21 me see if I can ask you the question without a document,
22 Mr. St. Denis. In January of 1993 there would have been a
23 request from Mr. Silmsler to be assigned a male
24 investigator. Do you have any recollection of that?

25 **MR. ST. DENIS:** Yes, I do remember. I can

1 remember those details.

2 **THE COMMISSIONER:** So where were you, what
3 were the circumstances? That's what I'd like to hear from
4 you?

5 **MR. ST. DENIS:** In the Chief's office.

6 **THE COMMISSIONER:** All right. Who was
7 there?

8 **MR. ST. DENIS:** Staff Brunet, the Chief,
9 myself, and I'm not sure after that.

10 **THE COMMISSIONER:** All right. What was
11 said? Who said what?

12 **MR. ST. DENIS:** The complaint came in, to
13 the best of my recollection, the complainant, D.S., did not
14 want a female investigator; did not want that female
15 investigator and there were discussions about that.

16 And I believe that Staff Brunet indicated
17 that she was qualified and that -- I don't know if he had
18 any other members that he could have picked at that time.
19 I think that was one of the issues because there was no
20 other personnel available. That's about all I remember.

21 **THE COMMISSIONER:** Okay. Do you remember if
22 the Chief took a position on that or did you take a
23 position? And if so, what was it?

24 **MR. ST. DENIS:** After the briefing, I
25 believe, the Chief agreed with Luc to maintain Constable

1 Sebalj.

2 **THE COMMISSIONER:** Okay. Was there any
3 questions -- do you recall if there is any questions about
4 her qualifications?

5 **MR. ST. DENIS:** Not at that time, no.

6 **THE COMMISSIONER:** Well, you just said
7 something about her -- that she was qualified.

8 **MR. ST. DENIS:** Yes. Was there any
9 questions from me about her?

10 **THE COMMISSIONER:** Oh, no, no, no. Did
11 anybody -- you said there was a discussion about whether
12 she was qualified or not?

13 **MR. ST. DENIS:** No, I wouldn't have meant
14 that, no.

15 **THE COMMISSIONER:** Oh.

16 Mr. Dumais.

17 **MR. DUMAIS:** All right. If I can then just
18 take you to Exhibit 1435.

19 **THE COMMISSIONER:** No, it would be another
20 book.

21 **MR. ST. DENIS:** This is really binder boy
22 stuff.

23 **THE COMMISSIONER:** Fourteen thirty five
24 (1435).

25 **MR. ST. DENIS:** Maître?

1 **THE COMMISSIONER:** Quatorze trente cinq
2 (1435).

3 **MR. ST. DENIS:** Merci.

4 Yes, I'm there sir.

5 **MR. DUMAIS:** So this is an internal
6 correspondence that appears to be drafted by you addressed
7 to Staff Sergeant Wells.

8 **MR. ST. DENIS:** Yes, sir.

9 **MR. DUMAIS:** And that was -- so that if you
10 look at the second page, that's your signature sir?

11 **MR. ST. DENIS:** Yes, sir.

12 **MR. DUMAIS:** And, of course, this is dated
13 February 8th, 1994 and it's an internal correspondence that
14 you would have drafted within Staff Sergeant Wells'
15 citizen's complaint from Mr. Silmsers.

16 **MR. ST. DENIS:** Staff Wells was doing the
17 investigation.

18 **MR. DUMAIS:** And in this correspondence,
19 you're referring to an incident at a morning meeting where
20 Sergeant Lortie would have commented on the Silmsers
21 investigation. Do you recall that?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** So you recall drafting the memo
24 personally?

25 **MR. ST. DENIS:** I -- that's my memo ---

1 **MR. DUMAIS:** All right.

2 **MR. ST. DENIS:** --- absolutely.

3 **MR. DUMAIS:** And do you recall these events
4 at the September 1993 meeting?

5 **MR. ST. DENIS:** I do remember it was one of
6 our hotter meetings because Sergeant Lortie was a little
7 more hyper than usual, if I can say that, when he expressed
8 his concern.

9 And I do remember some of the -- I don't
10 remember all the things that were said but what he did say
11 did bother Staff Sergeant Brunet so much so that Staff
12 Brunet came into my officer after that morning meeting,
13 pretty down at the lip, bothered by what the other officer
14 had said at the morning meeting with respect to this case.

15 **MR. DUMAIS:** All right. And do you recall
16 specifically what Sergeant Lortie had said?

17 **MR. ST. DENIS:** No. I wouldn't take a stab
18 at that. But it was -- whatever was said, it affected
19 Brunet.

20 **MR. DUMAIS:** All right. And in your memo,
21 you refer to Sergeant Lortie using the phrase "cover up";
22 does that ---

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** --- help you remember?

25 **MR. ST. DENIS:** I believe that's what was

1 said. Those words were said but in what -- I'm not 100 per
2 cent sure, but I'm -- I don't think I would have written
3 that if I didn't hear it.

4 **MR. DUMAIS:** Okay.

5 **MR. ST. DENIS:** But I think he's talking
6 about the cover up of the church, not cover up of Brunet.
7 So I'm not sure.

8 **MR. DUMAIS:** And if you don't remember,
9 that's ---

10 **MR. ST. DENIS:** I don't remember.

11 **MR. DUMAIS:** --- fair enough. All right.
12 So then would you ---

13 **THE COMMISSIONER:** Before we go away, are
14 you going to talk about that meeting more or shall I?

15 **MR. DUMAIS:** I think that was the extent of
16 my questions, Mr. Commissioner.

17 **THE COMMISSIONER:** Oh, no, no, no.
18 Okay. So who do you recall being at the
19 meeting?

20 **MR. ST. DENIS:** Staff Brunet ---

21 **THE COMMISSIONER:** Yeah.

22 **MR. ST. DENIS:** --- myself, Chief Shaver, --

23 -

24 **THE COMMISSIONER:** Lortie?

25 **MR. ST. DENIS:** --- Lortie and it was a

1 morning meeting sir, so there would have been somebody from
2 Field Ops but I can't remember who.

3 **THE COMMISSIONER:** That's fair. So when ---

4 **MR. ST. DENIS:** Maybe Staff Wells was there,
5 I can't remember for sure.

6 **THE COMMISSIONER:** Okay. Do you know at
7 what point in the meeting that this came about?

8 **MR. ST. DENIS:** The statement?

9 **THE COMMISSIONER:** That Lortie ---

10 **MR. ST. DENIS:** Made this ---

11 **THE COMMISSIONER:** Yeah.

12 **MR. ST. DENIS:** Oh, it was shortly after we
13 got into the meeting, not that long after.

14 **THE COMMISSIONER:** Okay. And did anybody --
15 so he was expressing some concerns about the investigation?

16 **MR. ST. DENIS:** Yes.

17 **THE COMMISSIONER:** All right. Do you recall
18 if anybody responded to him?

19 **MR. ST. DENIS:** I think there were -- I
20 don't know who if it was Brunet trying to answer it, answer
21 his concerns and that's about all I remember.

22 **THE COMMISSIONER:** All right. Do you recall
23 if the Chief said anything?

24 **MR. ST. DENIS:** I can't remember.

25 **THE COMMISSIONER:** All right. Fair enough.

1 Right, that takes care of it then.

2 MR. ST. DENIS: Thank you.

3 MR. DUMAIS: All right. So then shortly
4 afterwards or towards the end of September, I understand
5 that Staff Sergeant Brunet would have come to you and
6 talked to you about a meeting that Constable Sebalj had
7 with Mr. Silmser?

8 So Mr. Silmser would have come in; spoken to
9 Constable Sebalj; Constable Sebalj spoke to Staff Sergeant
10 Brunet; then Brunet -- Staff Sergeant Brunet would have
11 briefed you on that. Do you remember that and do you
12 recall that?

13 MR. ST. DENIS: To be able to tell you what
14 the briefing was, no. But I would say that I was briefed,
15 yes.

16 MR. DUMAIS: And perhaps if I could assist
17 you a bit, the briefing or the subject of discussion was
18 the fact that Mr. Silmser was concerned that a Helen Dunlop
19 would have contacted him.

20 MR. ST. DENIS: I remember those details
21 now.

22 MR. DUMAIS: All right. So can you tell us
23 what you remember about what Staff Sergeant Brunet would
24 have briefed you about?

25 MR. ST. DENIS: Is there a document to help

1 me?

2 **MR. DUMAIS:** We have Staff Sergeant Brunet's
3 notes, perhaps they will assist you. It's Exhibit 1436.

4 **THE COMMISSIONER:** I'm sorry. What exhibit?

5 **MR. DUMAIS:** One-four-three-six (1436).

6 **THE COMMISSIONER:** One-four-three-six
7 (1436), yes.

8 **MR. ST. DENIS:** I'm sorry. I'm there.

9 **MR. DUMAIS:** All right. So and I'm just
10 looking at the end of the second paragraph and perhaps I
11 can just read it out to assist you:

12 "At this point, I told Constable Sebalj
13 I would take care of it and advised the
14 D.C. of the situation. He asked me to
15 take care of it and document it."

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** And then he goes on to say that
18 he met with Constable Dunlop on this issue.

19 **MR. ST. DENIS:** Okay. I do have a brief
20 memory of that situation.

21 **MR. DUMAIS:** All right. So, I mean, do you
22 recall giving any specific instructions to Staff Sergeant
23 Brunet?

24 **MR. ST. DENIS:** No, I would have told him to
25 handle it -- other than telling him to handle it.

1 **MR. DUMAIS:** All right. So and then after
2 this briefing, do you recall what, if anything, you did
3 with that? Did you brief the Chief or anyone else?

4 **MR. ST. DENIS:** Well, as I quickly read
5 through this, again, 7112034 in the left corner:

6 "Chief Shaver requests that I attend
7 his office for a meeting. Present was
8 D.C. St. Denis."

9 So if it was stated that I was there; I
10 was there.

11 **MR. DUMAIS:** All right. And that's a
12 subsequent meeting that would have occurred but I guess
13 what I'm asking, I mean, do you remember receiving a
14 briefing from Staff Sergeant Brunet and then you turning
15 around and speaking to the Chief about it. Do you have any
16 independent recollection of that?

17 **MR. ST. DENIS:** No, I don't.

18 **MR. DUMAIS:** All right. Do you recall being
19 briefed by Staff Sergeant Brunet following his meeting with
20 Constable Dunlop?

21 **MR. ST. DENIS:** I don't remember but I'm
22 sure I was.

23 **MR. DUMAIS:** All right.

24 Do you recall shortly after that, the Chief
25 calling a meeting? So on October 1st, 1993 there would have

1 been a meeting and I'm just -- perhaps I can just take you
2 to Bates pages 034, and we're looking at Staff Sergeant's
3 Brunet's notes.

4 **MR. ST. DENIS:** Yes, sir.

5 **MR. DUMAIS:** So about five or six lines
6 down, approximately 1310 hours on the 1st day of October
7 1993:

8 "Chief Shaver requested I attend his
9 office for a meeting. Present was D/C
10 St. Denis, subject was David Silmsler,
11 Father Charles MacDonald and Ken
12 Seguin. I was advised that Perry
13 Dunlop had turned over the statement
14 obtained from David Silmsler by
15 Constable Sebalj and Sergeant Lefebvre
16 had been turned over to CAS".

17 **MR. ST. DENIS:** I remember -- I remember
18 that now. Now, that I'm reading it. I remember something
19 to that effect.

20 **MR. DUMAIS:** All right.

21 So you remember this October 1st meeting.

22 **MR. ST. DENIS:** If that's the date that's in
23 it, gave it there, I have to agree with that.

24 **MR. DUMAIS:** All right.

25 And that was essentially the time that you

1 first would have been advised that this statements had been
2 released to the Children's Aid Society? Is that correct?

3 **MR. ST. DENIS:** I would say so, yes.

4 **MR. DUMAIS:** And, then it was at that same
5 meeting that the Chief would have asked the file to be
6 inputted in a project file in the OMPPAC system. Do you
7 recall that?

8 **MR. ST. DENIS:** I remember the Chief
9 requesting that but I don't know if it was the same date or
10 not. Maybe it was. Maybe it wasn't. But I do remember
11 the Chief ordering -- ordering the file that we put on a
12 project directly to Staff Brunet.

13 **MR. DUMAIS:** All right.

14 And am I correct that you were never given
15 access to this project file, Mr. St. Denis?

16 **MR. DUMAIS:** It's not that I was not given
17 it. I think if -- you know, if I had wanted the number, I
18 would have gotten it. But I didn't have that access code.

19 **MR. DUMAIS:** All right.

20 So I guess what you're saying is that it's
21 not necessarily that you were prevented ---

22 **MR. ST. DENIS:** No.

23 **MR. DUMAIS:** --- but certainly in order for
24 you to access a project file you require some sort of a
25 code?

1 MR. ST. DENIS: Yes.

2 MR. DUMAIS: Am I correct? And you were --
3 you never knew what that code was?

4 MR. ST. DENIS: No.

5 MR. DUMAIS: That was not given to you?
6 Correct?

7 MR. ST. DENIS: No. To the best of my
8 knowledge, no.

9 MR. DUMAIS: And actually you never -- you
10 never reviewed the ---

11 MR. ST. DENIS: Pursued that further? No.

12 MR. DUMAIS: And you never reviewed the
13 Silmsers file?

14 MR. ST. DENIS: No.

15 MR. DUMAIS: All right.

16 Now, I believe at that same meeting, the
17 October 1st meeting, there would have been some discussion
18 with Chief Shaver wanting to set up a meeting with the -- a
19 representative of the Pope, as Staff Sergeant Brunet put
20 it.

21 MR. ST. DENIS: I remember something like
22 that, yes.

23 MR. DUMAIS: So do you recall that? Do you
24 recall that discussion?

25 MR. ST. DENIS: Briefly. Yes.

1 **MR. DUMAIS:** And I mean do you recall who
2 was going at the ---

3 **MR. ST. DENIS:** Then -- I don't know if it
4 was that day or the next day I found out it was the Chief
5 and Staff Brunet that went to Ottawa.

6 **MR. DUMAIS:** All right.

7 And certainly you did not -- you did not
8 attend that meeting?

9 **MR. ST. DENIS:** No, sir.

10 **MR. DUMAIS:** Nor were you asked to attend
11 that meeting?

12 **MR. ST. DENIS:** No, sir.

13 **MR. DUMAIS:** And my understanding is after
14 this meeting the Chief and Staff Sergeant Brunet would have
15 met with the Bishop as well?

16 **MR. ST. DENIS:** My understanding, yes. I
17 don't know if it was the same day or the next day but he
18 met with the Bishop Larocque.

19 **MR. DUMAIS:** All right. And again, you were
20 not asked to attend at that meeting?

21 **MR. ST. DENIS:** No, sir.

22 **MR. DUMAIS:** And -- clear that the Chief and
23 Staff Sergeant Brunet are essentially dealing with this
24 matter during that week?

25 **MR. ST. DENIS:** For the most part, yes.

1 **MR. DUMAIS:** All right. And you're not
2 involved in any of these events, personally?

3 **MR. ST. DENIS:** Those, no.

4 **MR. DUMAIS:** All right. But you were
5 involved in other events that ---

6 **MR. ST. DENIS:** Well, just what we went
7 over.

8 **MR. DUMAIS:** All right. So the fact that
9 you were there on the meeting of October 1st, correct?

10 **MR. ST. DENIS:** Yes, sir.

11 **MR. DUMAIS:** All right.

12 **THE COMMISSIONER:** If we could go back to
13 Exhibit 1435? I think there you voiced what your feelings
14 were on that. And I'd like your comments on it.

15 On the fourth paragraph it says, "at this
16 point", and the previous paragraph says that you ordered --
17 you sent a confidential note to Staff Sergeant Derochie
18 requesting an internal investigation on Constable Dunlop.

19 Then you said also:

20 "My diary book has an entry on October
21 7th, 1993 indicating that the Chief and
22 Staff Sergeant Brunet were going to
23 Ottawa."

24 Next sentence in that paragraph:

25 "At this point it is obvious to me that

1 Chief Shaver was bypassing chain of
2 command as I had little or no input or
3 was not involved in most discussions
4 between the Chief's office and the CIB
5 Youth Bureau."

6 So can you expound on that feeling?

7 **MR. ST. DENIS:** Maybe that was a little
8 overreaction on my part again.

9 **THE COMMISSIONER:** Well, yeah I know but
10 tell us what you were thinking anyway.

11 **MR. ST. DENIS:** What I was thinking here is
12 that the chain of command had been bypassed for sure.

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

14 **MR. ST. DENIS:** And I think it was in
15 relation to this -- this particular day.

16 **THE COMMISSIONER:** M'hm. So, okay, what
17 should have been done as far as you are concerned? How
18 should it have gone?

19 **MR. ST. DENIS:** If I was the Chief of
20 Police?

21 **THE COMMISSIONER:** Yeah, and ---

22 **MR. ST. DENIS:** The Chief of Police --
23 that's why you have senior officers.

24 **THE COMMISSIONER:** Right.

25 **MR. ST. DENIS:** A Chief of Police should not

1 be going out and investigate -- should not be going out on
2 an investigation. That's not his job.

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

4 **MR. ST. DENIS:** The Deputies from time to
5 time may go out on -- if it's a serious internal issue, but
6 that's an inspector's job.

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

8 **MR. ST. DENIS:** Or a senior staff sergeant's
9 job.

10 **THE COMMISSIONER:** Okay. And what about
11 your lack of input in there? Do you think you should have
12 been consulted as Deputy ---

13 **MR. ST. DENIS:** Well, I guess my nose was
14 out of joint, sir.

15 **THE COMMISSIONER:** Well, I was going to use
16 that expression but -- so -- but -- and why? Because you
17 were left out of the loop or ---

18 **MR. ST. DENIS:** I felt that I was being left
19 out of the loop. But as time went on I was being briefed.

20 **THE COMMISSIONER:** Okay.

21 **MR. ST. DENIS:** I was -- yes.

22 **THE COMMISSIONER:** Thank you.

23 **MR. DUMAIS:** All right.

24 Now I believe your next involvement in this
25 matter would have been on October 7th, 1990, so if I can

1 take you to Exhibit 1292?

2 MR. ST. DENIS: Yes, sir.

3 MR. DUMAIS: So do you recognize this
4 document?

5 MR. ST. DENIS: That's my writing.

6 MR. DUMAIS: All right.

7 And perhaps you could take just a minute to
8 go through it.

9 MR. ST. DENIS: Yes, sir.

10 MR. DUMAIS: All right.

11 So, perhaps you can just explain to us the
12 context of you drafting this memo and what are you doing
13 here?

14 MR. ST. DENIS: What am I doing here? I was
15 briefed -- there was a possible breach of trust by the
16 constable in question, having released a document to CAS
17 and I was asking Staff Sergeant Derochie to conduct an
18 investigation - complete an investigation.

19 MR. DUMAIS: All right.

20 And do you remember receiving these
21 instructions for the Chief or whether or not this came from
22 you?

23 MR. ST. DENIS: It's possible the Chief
24 talked to me about it and I formulated this. It's
25 possible, yes.

1 **MR. DUMAIS:** All right.

2 So you've indicated that, well, perhaps, if
3 I could just you to the second page first of that memo ---

4 **MR. ST. DENIS:** M'hm.

5 **MR. DUMAIS:** So it says:

6 "When confronted by Staff Brunet he did
7 not admit to photocopying part of the
8 file which he later handed over to
9 Richard Abell, CAS. This is a very
10 serious violation trust here which must
11 be dealt with in a timely manner."

12 All right. So what was the violation of
13 trust here?

14 **MR. ST. DENIS:** Taking a document outside
15 the Cornwall Police Service without proper authorization.

16 **MR. DUMAIS:** All right. So that's what
17 you're referring to here?

18 **MR. ST. DENIS:** Yes.

19 **MR. DUMAIS:** And then the last comment you
20 make in this paragraph is that you think that this matter
21 should be dealt with in a timely fashion. Is that correct?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** If I can then just take you to
24 Exhibit 1305?

25 **MR. ST. DENIS:** Yes, sir.

1 **MR. DUMAIS:** And if I can just take you --
2 and just to put this document in context this is a
3 statement that Staff Sergeant Gary Derochie would have made
4 in the David Silmser matter?

5 **MR. ST. DENIS:** Yes, sir.

6 **MR. DUMAIS:** And it refers to some of these
7 instances that would have occurred that week. So the week
8 of October 7 to -- and we're going to get into October 15th,
9 1993.

10 So my understanding is that you would have
11 asked -- you would have assigned Staff Sergeant Derochie to
12 investigate this matter. Is that correct?

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** And if I can just take you to
15 page 3 of Staff Sergeant Derochie's report, the second last
16 paragraph on that page?

17 **MR. ST. DENIS:** Yes, sir.

18 **MR. DUMAIS:** It says:

19 "So after speaking with Mr. Abell..."

20 And this is Staff Sergeant Derochie speaking:

21 "...on October 14th, 1993, I returned to
22 the office and met with Chief Shaver
23 and Deputy Chief St. Denis. We
24 discussed Constable Dunlop's action in
25 context with all of the issues

1 surrounding this matter and determined
2 that *Police Act* charges would not be
3 necessary."

4 MR. ST. DENIS: Yes, sir.

5 MR. DUMAIS: So I guess my first question
6 is, do you have any independent recollection of this
7 meeting?

8 MR. ST. DENIS: Yes, I do. Especially when
9 you mention that paragraph, yes.

10 MR. DUMAIS: All right. So perhaps you can
11 just explain to us what the conversation was at that
12 meeting or are you debating this or tell us what you
13 remember?

14 MR. ST. DENIS: No, I would be guessing. I
15 would be constructing.

16 MR. DUMAIS: All right. So ---

17 MR. ST. DENIS: I -- you know, there's
18 things that went on there but I would be constructing it.

19 MR. DUMAIS: All right. So you read this
20 and you remember the meeting but certainly you don't
21 remember -- you don't have ---

22 MR. ST. DENIS: Discipline was the issue, I
23 think, at this particular meeting if I'm not mistaken.

24 THE COMMISSIONER: I'm sorry, what ---

25 MR. ST. DENIS: Discipline.

1 **THE COMMISSIONER:** Discipline.

2 **MR. ST. DENIS:** And I think that was the
3 main -- well, a large part of the meeting.

4 **MR. DUMAIS:** All right.

5 So then if I can just take you to the next
6 page, I understand you would have had a further meeting on
7 October 15th, 1993? And I'm looking at the ---

8 **MR. ST. DENIS:** Fourteenth (14th), October
9 14th?

10 **MR. DUMAIS:** Sorry, the 15th. I'm looking at
11 the fourth ---

12 **MR. ST. DENIS:** Oh, yes. Yeah.

13 **MR. DUMAIS:** --- paragraph of page 156,
14 Bates page 456. So I'll just read it out to you:

15 "I returned to the office the next day,
16 October 15th, 1993..."

17 And again that's Staff Sergeant Derochie speaking:

18 "...the Chief had instructed me to deal
19 with Constable Dunlop as soon as
20 possible. I met with the Chief and
21 Deputy Chief and we had a lengthy
22 discussion on how Constable Dunlop
23 should be disciplined. The Chief
24 wanted the matter handled by way of a
25 counselling session and he had prepared

1 an outline of what tone these sessions
2 should take."

3 **MR. ST. DENIS:** This paragraph confirms what
4 I just said before. It was about discipline and this is
5 refreshing my memory and these would be some of the facts
6 at that meeting, yes.

7 **MR. DUMAIS:** All right. So if we continue
8 with the next paragraph it says:

9 "The Deputy and I favoured a conduct
10 report in line with our agreement with
11 the Cornwall Police Association on
12 informal discipline, but we..."

13 There's no "but", sorry:

14 "...we defer to the Chief's wishes on
15 this matter. So as long as the
16 counselling session was supported by
17 documentation, I could leave with the
18 Chief's decision on this one."

19 So do you recall both you and Staff Sergeant
20 Derochie being at odds with what Chief Shaver wanted to
21 happen here?

22 **MR. ST. DENIS:** I don't know if the right
23 terminology -- there was discussion and I know the Staff
24 Sergeant and I were on the same page, I guess, with respect
25 to -- but then after discussions I think with us we agreed

1 to accede to the Chief's wishes.

2 **MR. DUMAIS:** All right.

3 Well, I guess if we can deal firstly with
4 the conduct report that you're referring to, or the Staff
5 Sergeant is referring to here in his statement, do you
6 recall what a conduct report was?

7 **THE COMMISSIONER:** What was the difference
8 between the two positions? Between -- I understand what
9 counselling is and what the Chief was suggesting. I don't
10 understand what you were suggesting. What is that?

11 **MR. ST. DENIS:** If we're talking about the
12 so-called policy that ---

13 **THE COMMISSIONER:** Yeah.

14 **MR. ST. DENIS:** --- the policy was quite
15 clear.

16 The supervisor, or in this case the
17 investigator, was allowed to deduct up to I believe it was
18 10 days penalty. And it would go on the file, the member's
19 file, for I think a minimum of two years or maybe one year
20 -- no, two years -- and what come off after two years if
21 there was no repeat. However, if there were other
22 discipline issues, the new issues would go on the file and
23 the old would stay.

24 That's my understanding of informal
25 discipline.

1 **THE COMMISSIONER:** So bottom line was you
2 and ---

3 **MR. ST. DENIS:** Staff Derochie?

4 **THE COMMISSIONER:** --- Staff Derochie were
5 looking for a slightly more severe ---

6 **MR. ST. DENIS:** I think we were looking for
7 something that was going to be on the file, documented.

8 **THE COMMISSIONER:** Right.

9 **MR. DUMAIS:** All right.

10 So fair to say that after this October 15th
11 meeting, it had been agreed that the matter would be dealt
12 with by way of a counselling session. Is that correct?

13 **MR. ST. DENIS:** Yes. And we had no -- at
14 least after all the discussions, we had no problems with
15 that.

16 **MR. DUMAIS:** All right. And so fair to say
17 that Staff Sergeant Derochie would have left that meeting
18 with the instructions to get on with this -- with the
19 counselling session? Is that ---

20 **MR. ST. DENIS:** Yes, sir.

21 **MR. DUMAIS:** All right. And my
22 understanding is that the counselling session would never
23 have occurred on October 15th, 1993 because Constable Dunlop
24 would have been off sick. Do you recall that?

25 **MR. ST. DENIS:** It was quite a coincidence,

1 yes.

2 **MR. DUMAIS:** Yeah. But I mean do you recall

3 ---

4 **MR. ST. DENIS:** Yes. I specifically recall
5 that because it was a coincidence.

6 **MR. DUMAIS:** All right.

7 **MR. ST. DENIS:** We were trying to discipline
8 someone and with the easiest discipline possible and all of
9 a sudden it was a coincidence that we booked off.

10 **MR. DUMAIS:** All right. But I mean -- but
11 it's clear in your mind that after this October 15th
12 meeting, a decision had been made and this was to be done
13 in a timely fashion?

14 **MR. ST. DENIS:** Yes.

15 **MR. DUMAIS:** And really ---

16 **MR. ST. DENIS:** Just do it.

17 **MR. DUMAIS:** --- it would have been done if
18 Constable Dunlop would have been there; right?

19 **MR. ST. DENIS:** Yes, sir.

20 **MR. DUMAIS:** That's your understanding?

21 **MR. ST. DENIS:** That's exactly it.

22 **THE COMMISSIONER:** But he had to accept the
23 counselling, did he not?

24 **MR. ST. DENIS:** The verbal counselling?

25 **THE COMMISSIONER:** Yeah.

1 **MR. ST. DENIS:** He would have had the
2 Association there and there would have to have been more
3 negotiations and, yes, at the end of the day it would be --
4 it probably would have had to have been accepted.

5 **THE COMMISSIONER:** Can we take a short
6 break, Mr. Dumais?

7 **MR. DUMAIS:** Yes, we can, Mr. Commissioner.

8 **MR. DUMAIS:** Perhaps, Mr. Commissioner, what
9 time are we sitting?

10 **THE COMMISSIONER:** Well, one-thirty,
11 quarter-to-two.

12 **MR. DUMAIS:** Yeah. Fair enough. Thank you.

13 **THE REGISTRAR:** Order; all rise. A l'ordre;
14 veuillez vous lever.

15 This hearing will resume at 12:40.

16 --- Upon recessing at 12:24 p.m./

17 L'audience est suspendue a 12h24

18 --- Upon resuming at 12:44 p.m.

19 L'audience est reprise a 12h44

20 **THE REGISTRAR:** Order; all rise. A l'ordre;
21 veuillez vous lever.

22 This hearing is now resumed. Please be
23 seated. Veuillez vous asseoir.

24 **JOSEPH T. DENIS, Resumed/Sous le même serment:**

25 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

1 DUMAIS (cont'd/suite):

2 MR. DUMAIS: All right, Mr. St. Denis, we
3 had just left off at the October 15th, 1993 meeting, and I
4 believe the next time you would have met on this matter
5 would have been November 2nd.

6 If I can just take you to -- I'm still at
7 the same exhibit, so it's 1305. It's the last page.

8 MR. ST. DENIS: Sorry. That's three; yes,
9 sorry.

10 Sorry, yes I'm there now.

11 MR. DUMAIS: All right. So Staff Sergeant
12 Derochie would have done a number of things in the week
13 between the two meetings, but then you meet on November 2nd,
14 and I'll just read out his summary of the meeting:

15 "November 2nd 1993, I met with Chief
16 Shaver and Deputy Chief St. Denis. At
17 this time, I renewed my concerns about
18 dealing with Constable Dunlop first
19 before I had a complete picture of what
20 had occurred with the investigation. I
21 also gave my opinion to the effect that
22 Constable Dunlop's motives no longer
23 appear to be so clear to me. They
24 agree that I should complete my review
25 of the investigation before dealing

1 with Constable Dunlop."

2 So do you recall this subsequent November 2nd
3 meeting, Mr. St. Denis?

4 **MR. ST. DENIS:** I remember something to that
5 effect, and I supported it.

6 **MR. DUMAIS:** All right. So certainly at
7 this point-in-time, it appears that the Dunlop matter is
8 being delayed; correct?

9 **MR. ST. DENIS:** Yes, sir.

10 **MR. DUMAIS:** And the intent is to await for
11 the investigation of the report to be completed; correct?

12 **MR. ST. DENIS:** Yes, sir.

13 **MR. DUMAIS:** All right.

14 And if I can then just take you back to your
15 internal correspondence, which was Exhibit 1435.

16 **MR. ST. DENIS:** Thank you. Yes, sir.

17 **MR. DUMAIS:** So the first page, last
18 paragraph. So it states as follows:

19 "By mid-October 1993 and November 1993,
20 I recall briefing meetings between
21 Chief Shaver, Staff Sergeant Derochie
22 and myself. I remember the Chief being
23 very upset as he told us that a very
24 agitated Ms. P. Dunlop went to his
25 residence to complain about how the

1 Force was treating her husband,
2 Constable Dunlop, in the Silmser case."

3 **MR. ST. DENIS:** Yes, sir, I do remember
4 that.

5 **MR. DUMAIS:** So you recall the Chief
6 relating that to you at one of those meetings?

7 **MR. ST. DENIS:** Yes, sir. Yes, sir.

8 **MR. DUMAIS:** You recall him being upset
9 about it?

10 **MR. ST. DENIS:** Very.

11 **MR. DUMAIS:** And if I can then just take you
12 to the next page:

13 "On November 2nd, 1993, Chief Shaver
14 announced his retirement, but he was
15 still firmly in control of decisions
16 with respect to Constable Dunlop's
17 discipline."

18 **MR. ST. DENIS:** I would say that's fairly
19 accurate.

20 **MR. DUMAIS:** All right. So that's -- as far
21 as I can tell, he would have retired either on that day or
22 shortly thereafter ---

23 **MR. ST. DENIS:** Shortly thereafter, I think
24 it was, yeah.

25 **MR. DUMAIS:** And then you state:

1 "He's still firmly in control of
2 decisions."

3 What does that mean?

4 **MR. ST. DENIS:** Meaning that the discipline
5 aspect was still -- he controlled what was going to happen.

6 **MR. DUMAIS:** And is it your recollection
7 that he is still being briefed on this matter?

8 **MR. ST. DENIS:** Possibly.

9 **MR. DUMAIS:** And do you think you are
10 briefing him from ---

11 **MR. ST. DENIS:** It'd be more like probably
12 Staff Derochie.

13 **MR. DUMAIS:** All right. Because if he is
14 away on November 2nd, 1993, do you then become the Acting
15 Chief? Do you ---

16 **MR. ST. DENIS:** There was a short period, a
17 few weeks, that I overlapped as the Acting Chief until Carl
18 came in on the 4th; two or three weeks I guess.

19 **MR. DUMAIS:** But certainly is it fair to say
20 that Chief Shaver is no longer on site, and by that I mean
21 he's no longer at the detachment?

22 **MR. ST. DENIS:** Yes, I think -- I think
23 that's fair, yeah.

24 **MR. DUMAIS:** Because -- and if I can just
25 take you to Exhibit 1301.

1 **MR. ST. DENIS:** Yes, sir.

2 **MR. DUMAIS:** And that document, Mr. St.
3 Denis, is a report that is addressed to Chief -- Acting
4 Chief Carl Johnston. It's Staff Sergeant Derochie's report
5 and it is dated January 8th, 1994?

6 **MR. ST. DENIS:** Yes, sir.

7 **MR. DUMAIS:** All right. So as far as you
8 can remember, Mr. St. Denis, this report was given to ---

9 **MR. ST. DENIS:** Chief Carl.

10 **MR. DUMAIS:** --- Acting Chief Johnston. Is
11 that correct?

12 **MR. ST. DENIS:** Yes, sir.

13 **MR. DUMAIS:** And you would have been
14 provided with a copy of this report at one point-in-time.
15 Is that correct?

16 **MR. ST. DENIS:** I presume I was. If I
17 didn't get a copy, I presume I read it. And -- but
18 clearly, the document was for the new Chief.

19 **MR. DUMAIS:** Pardon me?

20 **MR. ST. DENIS:** I say clearly that this
21 document was for the new Chief.

22 **MR. DUMAIS:** Yes, and certainly it is dated
23 January 8th, 1994. Is it fair to say that on that date,
24 Chief Shaver is no longer Chief; he's no longer involved?

25 **MR. ST. DENIS:** I -- yes. Yes, it is.

1 **MR. DUMAIS:** And he would have had no input
2 in the decision as to how Constable Dunlop would be
3 disciplined. Is that fair?

4 **MR. ST. DENIS:** No. It would have fallen
5 then onto Chief Johnston.

6 **MR. DUMAIS:** All right.
7 Now, if I can just take you to the next
8 document, which is 728381.

9 **THE COMMISSIONER:** It's a new document, sir.

10 **MR. ST. DENIS:** Okay.

11 **MR. DUMAIS:** I apologize, Mr. Commissioner,
12 I believe it's Exhibit 1574.

13 **THE COMMISSIONER:** One-five-seven-four
14 (1574).

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. DUMAIS:** So do you recall this internal
17 correspondence?

18 **MR. ST. DENIS:** Yes, I do.

19 **MR. DUMAIS:** And you would have drafted
20 that?

21 **MR. ST. DENIS:** Yes, I did.

22 **MR. DUMAIS:** All right. So this is a report
23 -- an internal correspondence which is dated April 28th,
24 1994. It appears to summarize a meeting where Staff
25 Inspector McDonald, Staff Sergeant Wells and yourself would

1 have been involved to discuss the citizens complaint of
2 David Silmser?

3 **MR. ST. DENIS:** Yes, sir.

4 **MR. DUMAIS:** And you noted there that Staff
5 Inspector McDonald declared a conflict of interest?

6 **MR. ST. DENIS:** Yes, sir.

7 **MR. DUMAIS:** And the last paragraph appears
8 to summarize what your decision -- what the decision was.
9 So it was agreed that the incident is serious enough to
10 warrant *Police Act* charges.

11 **MR. ST. DENIS:** Yes, and it was agreed to
12 also by the Chief.

13 **MR. DUMAIS:** But, I mean, certainly, the
14 Chief is not there during this meeting; correct?

15 **MR. ST. DENIS:** He's initialled it down
16 below. I'm not -- I don't -- maybe he wasn't at the
17 meeting, but I certainly directed the correspondence to
18 him. He may not have been at the meeting.

19 **MR. DUMAIS:** Yes, and I'm not denying that,
20 but I mean is that your recollection, that the Chief would
21 not have been present during this discussion?

22 **MR. ST. DENIS:** I would have to say he
23 probably wasn't there.

24 **THE COMMISSIONER:** And we are talking about
25 Chief Johnston?

1 MR. ST. DENIS: Yes.

2 MR. DUMAIS: Correct.

3 So then you would have presumably, given
4 this internal correspondence to the Acting Chief Johnston,
5 and then as you indicated, he would have endorsed it at the
6 bottom. So there's a signature at the bottom. Do you
7 recognize this as being ---

8 MR. ST. DENIS: That's Carl's.

9 MR. DUMAIS: That's Carl's?

10 MR. ST. DENIS: Initials.

11 MR. DUMAIS: And I believe what is written
12 above is "Agreed"?

13 MR. ST. DENIS: Yes.

14 MR. DUMAIS: Now, do you recall whether or
15 not you had a discussion with him on this issue; whether or
16 not you just gave him the internal correspondence and he
17 endorsed it?

18 MR. ST. DENIS: By this time, he did no --
19 he no longer needed any briefings from me. He had all the
20 briefings from Staff Brunet.

21 He worked many, many hours on this file,
22 Chief Carl.

23 MR. DUMAIS: Now, I understand that when
24 Acting Chief Johnston first started -- first took up the
25 position, one of the first things that he did dealing with

1 this matter was ask the Ottawa Police Service to review
2 this matter. Is that correct?

3 **MR. ST. DENIS:** I remember that, yes.

4 **MR. DUMAIS:** And do you recall any
5 conversation with him as to whether or not -- on this issue
6 whether or not he should do this and who should do this and
7 did you have any input in that?

8 **MR. ST. DENIS:** No input.

9 **MR. DUMAIS:** That was his decision
10 exclusively?

11 **MR. ST. DENIS:** I presume. He probably got
12 clearance from the Board. He probably discussed it with
13 the Board Chair just to make sure.

14 **MR. DUMAIS:** Right.

15 **MR. ST. DENIS:** But I don't know.

16 **MR. DUMAIS:** Did you have an opinion on that
17 as to whether or not he should do that?

18 **MR. ST. DENIS:** I think it -- I think it was
19 his prerogative. Remember he's the new Chief and obviously
20 having read the report after the fact, I'm included in that
21 report so he didn't need to counsel or check me -- or check
22 out permission with me.

23 **MR. DUMAIS:** Agreed, but I guess -- did you
24 -- did you have any opinion at the time as to whether it
25 was a good idea or whether he should do it or ---

1 **MR. ST. DENIS:** I totally supported that
2 decision.

3 **MR. DUMAIS:** All right. So it's his
4 prerogative to make the decision and once he made it you
5 supported it; correct?

6 **MR. ST. DENIS:** I supported it.

7 **THE COMMISSIONER:** You agreed with it and
8 you supported it?

9 **MR. ST. DENIS:** I had no part in the
10 discussion of it.

11 **THE COMMISSIONER:** Right.

12 **MR. ST. DENIS:** But when we found out the
13 investigation was going to occur, I agreed with it. I had
14 no problems with it. I was part of the investigation you
15 see, sir.

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

17 **MR. ST. DENIS:** I was part of the
18 investigation.

19 **THE COMMISSIONER:** Yes.

20 **MR. ST. DENIS:** Yes.

21 **MR. DUMAIS:** All right.

22 And my understanding is that an
23 investigation was conducted, a report was submitted, and if
24 I can take you to that report, Mr. St. Denis, it's Exhibit
25 1207.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ST. DENIS: Yes, sir.

3 MR. DUMAIS: Is it fair to say, Mr. St.
4 Denis, that you agree with some of the findings, disagree
5 with others?

6 MR. ST. DENIS: Yes, sir.

7 MR. DUMAIS: Right. So -- perhaps -- I
8 guess firstly this -- the report is released on January
9 24th, 1994; it's given to Acting Chief Johnston. Am I
10 correct?

11 MR. ST. DENIS: Yes, sir.

12 MR. DUMAIS: And at one point-in-time you
13 would have received a copy of this report?

14 MR. ST. DENIS: Quite a while later.

15 MR. DUMAIS: Do you recall how long later?

16 MR. ST. DENIS: Oh, it was definitely weeks.

17 MR. DUMAIS: All right.

18 MR. ST. DENIS: If not months.

19 MR. DUMAIS: And were you asked to comment
20 on the contents of the report?

21 MR. ST. DENIS: No.

22 MR. DUMAIS: All right.

23 So you are simply given a copy?

24 MR. ST. DENIS: Yes.

25 MR. DUMAIS: Right. And you think the copy

1 was given to you by the Acting Chief?

2 MR. ST. DENIS: I -- yes.

3 MR. DUMAIS: All right.

4 So then if I can just take you to the report
5 and I think the first page is simply an introduction. If I
6 can just take you then to the second page, which is Bates
7 page 447?

8 MR. ST. DENIS: Yes.

9 MR. DUMAIS: So the -- I guess one of the
10 findings was -- or one of the concern that they had was
11 that Sergeant Lortie appeared to have been assigned with
12 the Silmsier investigation and they noted that being the
13 Intelligence Officer, he reported directed to the Chief of
14 Police.

15 And then their finding and I am reading --
16 that's about the sixth line in the first paragraph, right
17 under the "Problems"?

18 MR. ST. DENIS: Yes.

19 MR. DUMAIS: "This decision is
20 questionable since it effectively
21 removed Staff Sergeant Brunet, the
22 Officer-in-Charge of CIB and Deputy
23 Chief St. Denis, the officer having
24 overall responsibility for CIB from the
25 management structure for this

1 particular investigation."

2 So do you agree with that finding?

3 **MR. ST. DENIS:** Somewhat. Yes.

4 **MR. DUMAIS:** Well, perhaps you can tell me
5 what you agree with and what you disagree with?

6 **MR. ST. DENIS:** Well, I'm just looking at
7 the timeframe here and it was obviously reassigned through
8 my office.

9 **THE COMMISSIONER:** So you're saying that if
10 the Chief of Police did do that, it was rectified by you by
11 reassigning it to Brunet?

12 **MR. ST. DENIS:** In a sense, yes, but in
13 hindsight, sir, if I'd have known Lortie was going to be
14 back sooner than he came back, I wouldn't have changed
15 that. I would have left that investigation to Lortie.

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

17 **MR. ST. DENIS:** In the first instance.

18 **THE COMMISSIONER:** Okay.

19 **MR. DUMAIS:** So any reason why you would
20 have left it with Sergeant Lortie?

21 **MR. ST. DENIS:** He's an experienced officer.
22 A good investigator.

23 **MR. DUMAIS:** And, of course, at the time
24 that you asked Staff Sergeant Brunet to reassign this --
25 this matter, you didn't know who he would be assigning it

1 to. Is that correct?

2 MR. ST. DENIS: Not then.

3 MR. DUMAIS: All right.

4 But you do agree, sir, that if Sergeant
5 Lortie would have continued on with this investigation, he
6 would report directly to the Chief and that would
7 essentially cut out Staff Sergeant Brunet and yourself out
8 of, I guess, the chain of command which involves the
9 intelligence officer?

10 MR. ST. DENIS: Yes, but I would think that
11 we would have been briefed after the fact.

12 MR. DUMAIS: Fair enough. But I guess ---

13 MR. ST. DENIS: At that point, yes, with
14 that question, yes or would the Chief have called us in for
15 the final briefing.

16 MR. DUMAIS: I guess a more direct question
17 is the intelligence officer reports directly to the Chief.
18 Is that correct?

19 MR. ST. DENIS: Yes, he does.

20 MR. DUMAIS: So if he has any concern with
21 any investigation, forget about this specific
22 investigation, he can go directly to the Chief and does not
23 have to go through you. Correct?

24 MR. ST. DENIS: That was his position at
25 that time. Yes, sir.

1 **MR. DUMAIS:** All right.

2 Now, if I can then just take you to the end
3 of this long paragraph, so the last three or four lines,
4 and we spoke about this earlier this morning, Mr. St.
5 Denis, and I'll just read in the sentence:

6 "This was discussed on January 27th by
7 Chief Shaver ..."

8 And they're talking here about whether or not a female --
9 Constable Sebalj should be removed from the file and a male
10 investigator put in her place.

11 So, I'll start over:

12 "This was discussed on January 27th by
13 Chief Shaver, Sergeant Lefebvre and
14 Constable Sebalj and the decision to
15 leave Constable Sebalj in charge of the
16 investigation was taken by the Chief."

17 So I guess my first question, Mr. St. Denis,
18 you indicated this morning that you thought you may have
19 been part of that meeting. Is it possible that you were
20 not there?

21 **MR. ST. DENIS:** It's possible.

22 **MR. DUMAIS:** Okay. So that's a possibility?
23 All right.

24 And -- so then do you agree with the
25 decision to leave Constable Sebalj in charge of this

1 investigation despite Mr. Silmsers reluctance to dealing
2 with a female investigator?

3 **MR. ST. DENIS:** If the briefing from the
4 Staff Sergeant indicated that she was fully competent, I
5 realize that after the fact now that maybe it should have
6 been a male officer but then, as it was explained, there
7 was other male officers in that office and I believe as it
8 continues, she interviewed that male victim in the presence
9 of male officers.

10 **THE COMMISSIONER:** Well, the evidence is
11 that she didn't interview. It was Sergeant Lefebvre that -
12 - did the talking.

13 **MR. ST. DENIS:** Oh, okay.

14 **MR. DUMAIS:** Yes, And I think the concern
15 that is noted here is Mr. Silmsers request for a male
16 investigator which essentially was denied by the Chief's
17 decision?

18 **MR. ST. DENIS:** I guess that's fair.

19 **THE COMMISSIONER:** Was there any discussion
20 -- well, do you recall whether a consideration was ever
21 given to the fact that it might be difficult for a male
22 victim of sexual abuse to speak to a woman about that kind
23 of thing?

24 **MR. ST. DENIS:** I don't seem to recall that
25 specific type of concern.

1 **THE COMMISSIONER:** Okay.

2 **MR. DUMAIS:** All right.

3 And I think the further concern that Ottawa
4 Police Service investigators noted was that it should have
5 been a more experienced investigator as well. And I think
6 you find that at the last two lines on that page:

7 "Chief Shaver left her in charge of the
8 investigation. He should have assigned
9 a more experienced male investigator."

10 Do you agree with that finding or not?

11 **MR. ST. DENIS:** Sir, you would have to look
12 at the details at that time; what was the Chief basing his
13 opinion on and he made that decision.

14 Were there any other -- other investigators
15 able to do it, I'm not sure. I'm not sure of the details.

16 **MR. DUMAIS:** Is it fair to say, Mr. St.
17 Denis, that you are not agreeing or disagreeing with this
18 finding? What you are saying is you would need more
19 information?

20 **MR. ST. DENIS:** Yes.

21 **MR. DUMAIS:** Now, the -- on page 450.

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** I'm looking at the second
24 paragraph and perhaps I can just read it out to assist you:

25 "Although the lawyer for the priest

1 made mention of his client's
2 willingness to undergo polygraph
3 examination, this was not followed up,
4 despite the fact that the Cornwall
5 Police Service has a polygraph examiner
6 who is quite highly regarded. It may
7 have added nothing to the
8 investigation, but it should have been
9 pursued."

10 I guess my first question is, did you have
11 any knowledge of that? That that was an issue whether or
12 not a polygraph examiner ---

13 **MR. ST. DENIS:** If it would have come up, it
14 would have come up at our morning meeting. Anymore than
15 that, I do not recall.

16 **MR. DUMAIS:** Okay. I mean, do you disagree
17 or agree with the OPS finding on this matter?

18 **MR. ST. DENIS:** It would have depended at
19 what point our actual investigation had been at. I'm not
20 sure if -- obviously, it must have been concluded. Was the
21 investigation concluded, our investigation?

22 **MR. DUMAIS:** Well, I mean ---

23 **MR. ST. DENIS:** If it was, then I would
24 suggest a polygraph was not out of order.

25 But if the investigator had not completed

1 the investigation, you usually try to bring in a polygraph
2 when you have 90-95 percent of the facts, if not more, and
3 then have the polygraph operator prepare his own plan as to
4 how he is going to approach his questions and so on and so
5 forth.

6 So Ottawa Police-- I presume our
7 investigation was completed so they're recommending a
8 polygraph and if it was completed we should have had a
9 polygraph.

10 **MR. DUMAIS:** All right.

11 **MR. ST. DENIS:** You don't want a polygraph
12 too soon is what I'm trying to say.

13 **MR. DUMAIS:** You want to make sure you have
14 all the facts.

15 All right. If I can then take you to the
16 following page and it's the second last paragraph, and it
17 reads as follows:

18 "There are strong indications that
19 communications between Chief Shaver,
20 Deputy Chief St. Denis was very poor.
21 During my interviews with them, each
22 blamed the other for communication
23 breakdowns and lack of direction.
24 Chief Shaver indicated that any
25 information he received concerning the

1 Silmsner case came from Deputy Chief St.
2 Denis and that he, in fact, directed
3 him to write the January 8th memo to
4 Staff Sergeant Brunet pointing out its
5 urgency. The Deputy Chief claimed that
6 the Chief assumed overall control of
7 the investigation and did not keep him
8 informed."

9 **MR. ST. DENIS:** I agree partially -- in
10 parts to that.

11 **MR. DUMAIS:** Perhaps you can just ---

12 **MR. ST. DENIS:** Elaborate?

13 **MR. DUMAIS:** --- assist us and tell us what
14 you agree with and what you disagree with?

15 **MR. ST. DENIS:** Where it's mentioned that
16 the Chief may have directed me to issue the memo to Staff
17 Sergeant Brunet, that's a possibility.

18 **MR. DUMAIS:** All right.

19 **MR. ST. DENIS:** That's very much of a
20 possibility.

21 That the Chief assumed overall
22 responsibility.

23 **THE COMMISSIONER:** Well, control.

24 **MR. ST. DENIS:** Control.

25 On the disciplinary issues, yes, and -- on

1 the -- I think he kind of identified it as a higher profile
2 for him to go to visit the Nuncio in Ottawa, but total
3 control, I don't think so.

4 **MR. DUMAIS:** But I think what they're
5 talking about here is the investigation that was conducted
6 by Constable Sebalj, her actual investigation.

7 **MR. ST. DENIS:** That the Chief controlled
8 that? I disagree with that. He had a lot of input.

9 Was he pulling the -- or telling people what
10 to do?

11 **MR. DUMAIS:** But, I mean, I think the
12 conclusion that they are drawing here is that you would
13 have claimed that the Chief assumed overall control of the
14 investigation and did not keep you informed.

15 **MR. ST. DENIS:** Poor choice of words.

16 **THE COMMISSIONER:** What would be your choice
17 of words then?

18 **MR. ST. DENIS:** That there probably was a
19 breakdown of some sort.

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

21 **MR. ST. DENIS:** But as far as total control,
22 as I was trying to explain earlier, I do not think the
23 Chief had total control. He wasn't pulling the strings and
24 telling everybody what to do. He certainly had a lot of
25 input and at our meetings every one of us had the same

1 opportunity for input, not just the Chief.

2 **MR. DUMAIS:** All right. And I guess the
3 last conclusion in that paragraph is that:

4 "Chief Shaver indicated that any
5 information he received concerning the
6 Silmsler case came from Deputy Chief St.
7 Denis."

8 **MR. ST. DENIS:** He got some from me, but I
9 didn't have all the answers so he would get them from
10 whoever had the most answers. There was Brunet, Trew,
11 myself, and I would say on this particular case, the Chief
12 would have gone to the source who ended up being Staff
13 Sergeant Brunet mostly.

14 **MR. DUMAIS:** All right. So then you would
15 disagree with that; correct?

16 **MR. ST. DENIS:** Yes, to a point, yeah.

17 **MR. DUMAIS:** All right.

18 Now, I also understand that in January of
19 1994, there would have been a number of news releases
20 prepared and submitted to the media, and if I can just take
21 you to one of those, and I don't believe it's been filed as
22 an exhibit. It's Document Number 728704.

23 **THE COMMISSIONER:** This is a news release
24 from Deputy Chief St. Denis dated January 5th, 1994, and it
25 will be Exhibit 1772.

1 **MR. DUMAIS:** So I'll just give you a minute
2 to look at that.

3 **MR. ST. DENIS:** Yes.

4 **THE COMMISSIONER:** Oh, Mr. Dumais?

5 **(OFF-RECORD DISCUSSION/DISCUSSION HORS ENREGISTREMENT)**

6 **MR. DUMAIS:** Mr. Neville pointed out to me,
7 Mr. Commissioner, that this may have been filed through
8 Sergeant Wells yesterday.

9 **THE COMMISSIONER:** It could have been. It
10 reads familiar.

11 **MR. DUMAIS:** One-seven-four-three (1743)
12 perhaps?

13 **THE COMMISSIONER:** Yes, so we'll withdraw
14 1772.

15 **MR. DUMAIS:** Thank you.

16 **MR. ST. DENIS:** So is the other one in this
17 book?

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

19 **MR. ST. DENIS:** Will I rely on this one or
20 is it ---

21 **THE COMMISSIONER:** Well, it's the same so
22 you can look at that one too, it's okay.

23 **MR. ST. DENIS:** Okay. I've read it.

24 **MR. DUMAIS:** All right.

25 So is this a news release that would have

1 been prepared by you?

2 **MR. ST. DENIS:** I doubt it. I believe Staff
3 Wells was the -- was our press officer at that time.

4 **MR. DUMAIS:** All right.

5 **MR. ST. DENIS:** So I initialed it, probably
6 to give it the authority to release it. I don't even know
7 if it was released to the press, but I do know that's my
8 initials down there.

9 **MR. DUMAIS:** So that is your initials?

10 **MR. ST. DENIS:** And staff probably --- Staff
11 Wells was probably the liaison officer -- the press
12 officer, sorry, at that time.

13 **MR. DUMAIS:** All right. And I guess I'm
14 just looking at the terminology that's used, "Originator"?

15 **MR. ST. DENIS:** Yes.

16 **MR. DUMAIS:** And then the contact person
17 would be Staff Sergeant Wells?

18 **MR. ST. DENIS:** Correct.

19 **MR. DUMAIS:** So in any event, whether or not
20 you issued it or -- at the end of the day, you would have
21 approved it. Is that correct?

22 **MR. ST. DENIS:** My initials are there ---

23 **MR. DUMAIS:** All right.

24 **MR. ST. DENIS:** --- it was approved.

25 **MR. DUMAIS:** And, as far as you know, this

1 news release went out; correct?

2 MR. ST. DENIS: I presume it did.

3 MR. DUMAIS: Now, the first paragraph reads
4 as follows:

5 "In December of 1992, a male reported
6 sexual improprieties which were alleged
7 to have been committed upon himself by
8 a local member of the clergy
9 approximately 20 years ago."

10 Now, you will agree with me, Mr. St. Denis,
11 that there is no mention in there of any of the allegations
12 against the probation officer, Ken Seguin. Is that
13 correct?

14 MR. ST. DENIS: Nothing's mentioned there.

15 MR. DUMAIS: All right. So is that -- was
16 that done on purpose or by inadvertence?

17 MR. ST. DENIS: I would suggest it wasn't
18 done on purpose.

19 THE COMMISSIONER: Whoa, whoa, no ---

20 MR. ST. DENIS: If you're asking me, it
21 wasn't done on purpose if ---

22 MR. DUMAIS: Let me rephrase that perhaps.

23 THE COMMISSIONER: Yeah.

24 MR. DUMAIS: And perhaps I'll elaborate a
25 little more.

1 So my question to you is, did you leave out
2 Ken Seguin's name out of this press release consciously or
3 did you forget to put his name in? Or was it done
4 purposely or without purpose, or do you know?

5 **MR. ST. DENIS:** Well, I'll be honest with
6 you, I don't even know that gentleman's name, number one.
7 Number two, if it was omitted, I couldn't explain that.
8 I'm sorry for the lack of better ---

9 **MR. DUMAIS:** All right.

10 **THE COMMISSIONER:** No, no. He said already
11 that he didn't -- he doesn't recall -- I mean, other than
12 the fact that the signature is there, he has no memory of
13 this thing.

14 Mr. Manderville, do you want to add?

15 **MR. MANDERVILLE:** The only point I would
16 make, Mr. Commissioner, is if Mr. Dumais wants to put to
17 Deputy Chief St. Denis issues about Mr. Seguin, I think he
18 ought to put it in context and indicate that there was
19 evidence to suggest that Mr. Silmsler did not want to
20 proceed against Mr. Seguin and no investigation was
21 initiated against Mr. Seguin.

22 **MR. DUMAIS:** Well ---

23 **MR. MANDERVILLE:** That may well inform the
24 decision about what was mentioned in the newspaper.

25 **THE COMMISSIONER:** I don't even want to go

1 there. I don't even want to go there in a sense, sir. Do
2 you have any memory of this thing?

3 **MR. ST. DENIS:** I remember the Staff
4 Sergeant coming in to my office to have this signed.

5 **THE COMMISSIONER:** All right.
6 Did you have any input in the construction
7 of this thing?

8 **MR. ST. DENIS:** No.

9 **THE COMMISSIONER:** All right.
10 Did you address your mind -- I take it
11 you've read it?

12 **MR. ST. DENIS:** Yes.

13 **THE COMMISSIONER:** Do you recall reading it?

14 **MR. ST. DENIS:** Quickly.

15 **THE COMMISSIONER:** Okay.

16 So did you address your mind as to whether
17 or not Seguin was involved?

18 **MR. ST. DENIS:** No, sir.

19 **THE COMMISSIONER:** Okay.

20 **MR. DUMAIS:** And these are all the questions
21 I had.

22 There was a further news release -- another
23 news release that was signed -- is authored by Mr. Leo
24 Courville that came out in January of 1994. And I'll --
25 and I believe that is Exhibit 1224.

1 THE COMMISSIONER: One-two-two-four (1224).

2 MR. DUMAIS: It's dated January 11th, 1994.

3 MR. ST. DENIS: Yes, sir.

4 THE COMMISSIONER: Are you there?

5 MR. ST. DENIS: Yes, sir.

6 MR. DUMAIS: So I'll just give you a minute
7 to go through it, Mr. St. Denis.

8 MR. ST. DENIS: M'hm.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. DUMAIS: You're familiar with it?

11 MR. ST. DENIS: I became aware of it after
12 the fact.

13 MR. DUMAIS: Okay. So I guess that answers
14 the question. You did not have any involvement in the ---

15 MR. ST. DENIS: No, sir.

16 MR. DUMAIS: --- drafting of this news
17 release?

18 MR. ST. DENIS: No, sir.

19 MR. DUMAIS: And you did not provide any
20 information to Mr. Courville or have any discussions ---

21 MR. ST. DENIS: No, sir.

22 MR. DUMAIS: No. All right.

23 Well, Mr. Commissioner, the -- I have ---

24 THE COMMISSIONER: Is it time to call it a
25 day, Mr. Dumais?

1 **MR. DUMAIS:** Yeah, I guess I'm looking at my
2 notes and I got essentially two areas left. I'm not going
3 to be able to complete in 10 or 15 minutes the next one.

4 **THE COMMISSIONER:** Yes, Deputy Chief St.
5 Denis, you're going to have to come back in any event, so -
6 --

7 **MR. ST. DENIS:** Yes, sir.

8 **THE COMMISSIONER:** --- what I'm going to do
9 is Maître Dumais wants to finish off his questions of you
10 the next day and I think that's a fair comment.

11 So I understand that this gentleman is
12 coming back on?

13 **MR. DUMAIS:** June -- June 23rd.

14 **THE COMMISSIONER:** June 23rd.

15 **MR. ST. DENIS:** Yes, sir.

16 **THE COMMISSIONER:** And I expect to have you
17 finished by then so that you can take June 24th to celebrate
18 la Saint-Jean Baptiste. And we'll be on to other things.

19 **MR. ST. DENIS:** Okay, sir.

20 **THE COMMISSIONER:** All right.

21 Thank you very much.

22 **MR. ST. DENIS:** Thank you.

23 **THE COMMISSIONER:** For the rest of us, we're
24 coming back on Monday at 9:30.

25 **MR. DUMAIS:** Correct and just on June 2 ---

1 **THE COMMISSIONER:** Third?

2 **MR. DUMAIS:** June 23rd, we're starting ---

3 **THE COMMISSIONER:** At 1:00.

4 **MR. DUMAIS:** --- at 1:00.

5 **THE COMMISSIONER:** At 1:00, sir.

6 **MR. ST. DENIS:** Yes, sir.

7 **THE COMMISSIONER:** If you want to make note

8 of that as well, otherwise you'll be drinking a lot of

9 coffee on Monday morning.

10 **MR. DUMAIS:** Mr. Manderville wants to know

11 if he can get the 24th off as well?

12 **THE COMMISSIONER:** No, that's reserved for

13 short French Canadians.

14 **(LAUGHTER/RIRES)**

15 **MR. DUMAIS:** Oh, oh oh.

16 **THE COMMISSIONER:** So you are French?

17 **MR. DUMAIS:** See you on Monday, Mr.

18 Commissioner.

19 **THE COMMISSIONER:** Thank you.

20 **THE REGISTRAR:** Order; all rise. À l'ordre;

21 veuillez vous lever.

22 This hearing is adjourned until June 9th, at

23 9:30 a.m.

24 --- Upon adjourning at 1:22 p.m./

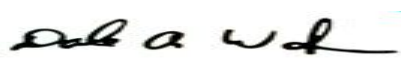
25 L'audience est ajournée à 13h22

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM