

**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 241**

**Held at :**

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

Tuesday, June 10 2008

**Tenue à:**

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

Mardi, le 10 juin 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Nadia Laeeque	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R. J. Allinotte	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Ms. Allison Thiele-Callan	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. John Olver	Mr. Claude Shaver
Mr. Claude Shaver	Mr. Claude Shaver

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1 --- Upon commencing at 9:37 a.m./

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann, good morning.

12 Mr. Shaver, how are you doing?

13 **MR. SHAVER:** Very well, thank you.

14 **THE COMMISSIONER:** Good.

15 **MR. ENGELMANN:** Good morning, Mr.  
16 Commissioner.

17 Good morning, Mr. Shaver.

18 **MR. SHAVER:** Good morning.

19 **MR. ENGELMANN:** Sir, just before we start a  
20 couple of matters.

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

22 **MR. ENGELMANN:** One, to introduce or perhaps  
23 reintroduce Michele Allinotte who is working with Pierre  
24 Chisholm's firm with Donald Duncan.

25 **THE COMMISSIONER:** Yes, good morning.

1 Yes.

2 **MR. ENGELMANN:** She is here for the CAS this  
3 morning with Mr. Carriere.

4 I understand Mr. Chisholm will join us a bit  
5 later.

6 **THE COMMISSIONER:** Right.

7 **MR. ENGELMANN:** Sir, towards the end of the  
8 day yesterday a matter came up involving an investigation  
9 by a lawyer hired by the city, who not only negotiated a  
10 severance package with counsel for Mr. Shaver, but also  
11 investigated some allegations that had been brought  
12 forward, I believe, by the mayor at the time or someone on  
13 behalf of the mayor.

14 And I had a meeting last night with counsel  
15 for the Cornwall Police Service and counsel for Mr. Shaver.  
16 They discussed those matters with me and my colleague, Ms.  
17 Simms, and we are of the view that these matters are  
18 completely collateral. They are not of sufficient  
19 relevance to be of any import or any usefulness to this  
20 Inquiry.

21 So Commission counsel will not be pursuing  
22 any questioning about those allegations with Mr. Shaver.

23 **THE COMMISSIONER:** All right.

24 **MR. ENGELMANN:** I'm not speaking for other  
25 counsel but I just wanted to make it clear what the view of

1 Commission counsel was, based on the information we've  
2 received.

3 **THE COMMISSIONER:** Okay.

4 **MR. ENGELMANN:** That's why we will not be  
5 pursuing those questions.

6 **THE COMMISSIONER:** All right.

7 So now how do we proceed? Do we ask folks  
8 for their input or do we deal with the issue now or as ---

9 **MR. ENGELMANN:** Well, if someone still wants  
10 to raise this issue, and they may not, but if someone still  
11 wishes to raise this issue we can deal with it in cross-  
12 examination at that time.

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

14 **MR. ENGELMANN:** That would be my suggestion  
15 in any event, sir.

16 **THE COMMISSIONER:** Okay, but let's think  
17 this through a little bit.

18 Let's assume that there is somebody who  
19 wants to cross-examine this gentleman about that. Okay, we  
20 can deal with it in cross-examination. That's good.

21 Any other comments from anyone at this point  
22 on that procedure? I'm not cutting off anyone from arguing  
23 it, I'm just saying that those of you wish to argue it will  
24 do so on cross-examination. Fair enough?

25 Okay.

1                   **MR. ENGELMANN:** Mr. Commissioner, when we  
2 left off yesterday I was attempting to ask Mr. Shaver some  
3 questions about the child sexual abuse protocol, you might  
4 recall.

5                   **THE COMMISSIONER:** Yes.

6                   **CLAUDE SHAVER, Resumed/Sous le même serment:**

7                   **--- EXAMINATION IN-CHIEF BY/ INTERROGATOIRE EN-CHEF PAR MR.**  
8                   **ENGELMANN (cont'd/suite):**

9                   **MR. ENGELMANN:** And, Mr. Shaver, that is ---

10                   **MR. SHAVER:** I have the document.

11                   **MR. ENGELMANN:** You have it in front of you?

12                   **MR. SHAVER:** Yes, thank you.

13                   **MR. ENGELMANN:** Just for the record it's  
14 Exhibit 30, Tab 23.

15                   **THE COMMISSIONER:** That's right. We had  
16 trouble finding Tab 23 yesterday.

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

18                   **MR. ENGELMANN:** So if we turn to the second  
19 page of the document, Mr. Shaver, and it's Bates page --  
20 counsel, it's Bates page 634, there's a declaration of  
21 commitment. Am I correct?

22                   **MR. SHAVER:** Statement of principles is on  
23 page 2 of mine.

24                   **MR. ENGELMANN:** You don't have the -- just  
25 the second page in? It's Bates page 634.

1                   **MR. SHAVER:** This one does not have Bates  
2 pages on it, sir.

3                   **MR. ENGELMANN:** M'hm.

4                   **MR. SHAVER:** This document. So page 2 is a  
5 statement of principles on what I have.

6                   **MR. ENGELMANN:** Do you have a signatory  
7 page, sir?

8                   **MR. SHAVER:** Yes, I do.

9                   **MR. ENGELMANN:** That's the page I want to  
10 refer to.

11                   **MR. SHAVER:** Okay.

12                   **MR. ENGELMANN:** And it should say, "Child  
13 Sexual Abuse Protocol, Declaration of Commitments"?

14                   **MR. SHAVER:** Yes.

15                   **MR. ENGELMANN:** It's on the screen if that  
16 helps.

17                   **MR. SHAVER:** Yes.

18                   **MR. ENGELMANN:** All right.

19                   So you are a signatory to this document on  
20 behalf of the Cornwall Police Service?

21                   **MR. SHAVER:** I was.

22                   **MR. ENGELMANN:** And the other organizations  
23 involved also had their officials sign off?

24                   **MR. SHAVER:** They did.

25                   **MR. ENGELMANN:** And as I understand it, the

1 officials signing here were not perhaps the officials on  
2 the working group that actually put the document together?

3 MR. SHAVER: No, we were not, but I'm sure  
4 all of those people that signed had input with the persons  
5 that were sitting on those committees.

6 MR. ENGELMANN: Just as you would have from  
7 time-to-time, sir?

8 MR. SHAVER: Yes, I did. Yes.

9 MR. ENGELMANN: All right.

10 This was a protocol that was of interest to  
11 you as the Chief?

12 MR. SHAVER: It certainly was, yes.

13 MR. ENGELMANN: Was it of special interest  
14 given your stated interest that you've explained here about  
15 protection of children?

16 MR. SHAVER: It was no more special than  
17 anything else. It was just something I think we needed.

18 MR. ENGELMANN: All right. It was the first  
19 of its kind here in the City of Cornwall?

20 MR. SHAVER: It was. To my knowledge, it  
21 was the first of its kind.

22 MR. ENGELMANN: Yes, certainly the first  
23 during your tenure as Chief?

24 MR. SHAVER: Absolutely, yes.

25 MR. ENGELMANN: And you agreed with the

1 declaration of commitment that you signed?

2 MR. SHAVER: I certainly did, yes.

3 MR. ENGELMANN: All right.

4 And as well would have agreed with the  
5 statement of principles?

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: All right.

8 And some of those principles include, well:

9 "The primary objective of any  
10 intervention is to protect and support  
11 the child."

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: Secondly:

14 "Children reporting sexual molestation  
15 should be presumed to be telling the  
16 truth and bear no responsibility for  
17 their involvement in the abuse  
18 regardless of the circumstances."

19 MR. SHAVER: Yes.

20 MR. ENGELMANN: And:

21 "The use of a child for sexual purposes  
22 is an abusive and criminal act which  
23 should be investigated and prosecuted  
24 as such."

25 MR. SHAVER: Absolutely, yes.

1                   **MR. ENGELMANN:** In addition, sir, in the  
2 statement of principles there is a statement near the  
3 bottom:

4                                 "There shall be mutual reporting and  
5 full disclosure between the police and  
6 the Children's Aid Society."

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** Did you agree with that?

9                   **MR. SHAVER:** I do.

10                   **MR. ENGELMANN:** And:

11                                 "An effective response requires full  
12 cooperation and coordination of all  
13 agencies and organizations."

14                   So it's not just the CPS and the CAS. Is  
15 that fair?

16                   **MR. SHAVER:** That's right.

17                   **MR. ENGELMANN:** And, sir, can you give us a  
18 sense, we've heard from corporate policy witnesses. We  
19 heard from Deputy Chief Aikman on this matter. We also  
20 heard from Bill Carriere, who I think back then was the  
21 Director of Protection with the CAS, about the work that  
22 the subcommittees did to get this document together and the  
23 period of time it took. It took -- I believe it started in  
24 -- I may have the date wrong but late '89 and it wasn't  
25 signed off, as you know, sir, until sometime in June of

1 '92?

2 MR. SHAVER: I know it was several years,  
3 sir.

4 MR. ENGELMANN: Can you give us a sense as  
5 to your knowledge of this issue at that time, the issue of  
6 child sexual abuse? And I don't just mean in Cornwall but  
7 what was happening in Canada or perhaps in North America at  
8 that time and whether you were following these  
9 developments?

10 MR. SHAVER: I think I -- I would have been  
11 following the developments. The chiefs of police were very  
12 concerned with it. We talked about it. We talked about it  
13 after victims -- for example, the chiefs were very  
14 concerned across the country about victims and how they  
15 were treated and we were great advocates for that.

16 And that fit right in with this whole thing  
17 about child sexual abuse, yes.

18 MR. ENGELMANN: Okay.

19 Do you have some familiarity, sir, with the  
20 Badgely Report that came out early in your tenure as Chief,  
21 in 1984?

22 MR. SHAVER: Sir, I know the Badgely Report.  
23 I don't remember anything in the Badgely Report. I don't  
24 have any independent recollection of that.

25 MR. ENGELMANN: I'm not asking for specifics

1 but it's something that was brought to your attention as  
2 the Chief?

3 MR. SHAVER: Sir, I read the Badgely Report  
4 back whenever it came out. I thought it was in mid-  
5 eighties but ---

6 MR. ENGELMANN: Yeah.

7 MR. SHAVER: It was, okay.

8 MR. ENGELMANN: August of '84.

9 MR. SHAVER: Okay. That was as far as I got  
10 with it.

11 MR. ENGELMANN: And were you familiar as  
12 well, sir, with the fact that the *Criminal Code* was being  
13 changed in the late '80s and then in the early '90s during  
14 your tenure as Chief?

15 MR. SHAVER: I believe the *Criminal Code* was  
16 changed, yes.

17 MR. ENGELMANN: And in dealing with these  
18 types of offences?

19 MR. SHAVER: I'm not sure, sir, specifically  
20 about these offences.

21 MR. ENGELMANN: And, sir, were you also  
22 involved or aware of issues that were arising in places  
23 like Mount Cashel in Newfoundland?

24 MR. SHAVER: Absolutely.

25 MR. ENGELMANN: And in various cities in the

1 United States?

2 MR. SHAVER: All over the United States,  
3 yes.

4 MR. ENGELMANN: Involving sexual abuse of  
5 children by clergy and by others?

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: And, sir, were you following  
8 those developments at the time?

9 MR. SHAVER: I did.

10 MR. ENGELMANN: All right.

11 And were you, sir, also aware of the fact  
12 that not only were there criminal prosecutions but there  
13 were large civil cases going on?

14 MR. SHAVER: I most assuredly was aware of  
15 that, yes.

16 MR. ENGELMANN: And that victims were  
17 starting to get compensation?

18 MR. SHAVER: I believe that was in '92. I  
19 think that was when the church was starting to pay  
20 compensation throughout North America.

21 MR. ENGELMANN: All right. And were you  
22 following these developments at the time?

23 MR. SHAVER: I certainly was, yes.

24 MR. ENGELMANN: All right. And what if any  
25 -- why would you be following those developments and how if

1 at all might they impact your work as a Police Chief?

2 **MR. SHAVER:** Well, sir, we had -- locally,  
3 we had the Alfred Boys School situation where I think they  
4 proved that there was sexual abuse of boys, young boys,  
5 that were in custody there. I believed when I heard --  
6 when I first heard that the church started to pay, and I  
7 believe that was in late '92, that I thought, you know,  
8 this was going to open the door.

9 We had better be prepared as a police agency  
10 to take a look at these things, that these -- that this  
11 could -- because we're, you know -- when I looked at our  
12 community, our community has a very high Catholic  
13 population. We'd already had the Father Deslauriers case  
14 and I thought we had better -- I'd better be thinking down  
15 the road here a little bit that if this ever happened here,  
16 what would we do.

17 **MR. ENGELMANN:** And how could all of this  
18 factor in your work on the protocol and the fact that the  
19 protocol should be signed off?

20 **MR. SHAVER:** Well, the protocol, sir, by  
21 that stage of the game had already been worked on and the  
22 Catholic Church -- when they started this, the protocol,  
23 the Catholic Church had not paid out any monies at that  
24 time; not to my knowledge anyway.

25 **MR. ENGELMANN:** Your local diocese or ---

1                   **MR. ENGELMANN:** Any Catholic and any place.  
2                   I think when they started in '89 that had not happened. I  
3                   think the church started to pay out in '92. My  
4                   recollection is near the end of 1992 and at least ---

5                   **MR. ENGELMANN:** You weren't following things  
6                   in the US, sir?

7                   **MR. SHAVER:** I was, but at the time, they  
8                   were, you know, there was Cincinnati and Boston, but they  
9                   hadn't paid any money out because -- to my recollection,  
10                  they had not paid any money out in those two places. And  
11                  they had not paid, the church had not paid in Canada at  
12                  Mount Cashel, they had not paid at the Alfred Boys School  
13                  as yet, and the aboriginal school. So they had not paid in  
14                  those three places. That's my recollection, sorry.

15                  **MR. ENGELMANN:** All right. And what was  
16                  your -- what was your view as to the impact once those  
17                  payments started to be made?

18                  **MR. SHAVER:** I thought, sir, that we may  
19                  have a lot of people coming to our doors saying that they  
20                  had been sexually assaulted.

21                  **MR. ENGELMANN:** Why did you think people  
22                  would come to your door with criminal complaints as opposed  
23                  to simply suing the diocese or other institutions?

24                  **MR. SHAVER:** Well, as the payments became  
25                  known, sir, I think all across North America, as soon as it

1           happened, then there was a plethora of other people that  
2           came forward. So I thought we're not going to be any  
3           different than that. It would be just following the same  
4           pattern ---

5                       **MR. ENGELMANN:** All right.

6                       **MR. SHAVER:** --- and several people would  
7           come forward after that.

8                       **MR. ENGELMANN:** And, sir, were you aware  
9           that many of these claims were of historical sexual abuse;  
10          adults coming forward about ---

11                      **MR. SHAVER:** Oh, yes ---

12                      **MR. ENGELMANN:** --- matters that happened  
13          when they were children?

14                      **MR. SHAVER:** --- many, many of them. Many  
15          of them, which is something that throughout all of the good  
16          work they did on this protocol, we forgot historical sexual  
17          abuse. It just -- it didn't -- it does not enter into this  
18          protocol.

19                      **MR. ENGELMANN:** I wanted to ask you a couple  
20          of questions about that and whether this protocol was  
21          intended simply to cover current reporting or whether parts  
22          of it might cover historical reporting as well?

23                      **MR. SHAVER:** To my knowledge of this report,  
24          sir, it was to cover current reporting and protection of a  
25          child now. That was -- that was the way I read it. It's

1 the -- it was everything that I'd heard about it. We were  
2 very much concerned with children today because we had no  
3 protocol in place at all.

4 Somewhere along the line, you know, I guess  
5 a lot of very intelligent people on this committee -- and  
6 we all forgot historical sexual assaults that we should --  
7 that should have been covered.

8 **MR. ENGELMANN:** Sir, did you have a sense,  
9 given this growing knowledge of yours about compensation  
10 and the possible impact on your Force?

11 **MR. SHAVER:** Yes.

12 **MR. ENGELMANN:** Because presumably this  
13 would have been more work for you if many claims came in?

14 **MR. SHAVER:** A lot more work, sir, yes.

15 **MR. ENGELMANN:** And you'd already told us  
16 about how you were stretched in many ways?

17 **MR. SHAVER:** Right.

18 **MR. ENGELMANN:** Budget cuts and other  
19 problems that were happening in the early '90s?

20 **MR. SHAVER:** Yes.

21 **MR. ENGELMANN:** Did you think, at that time,  
22 that it would be prudent to involve the diocese in this  
23 protocol?

24 **MR. SHAVER:** I always thought it was  
25 imprudent or it was prudent to involve the diocese. I

1 think, from what I remember when they put the report  
2 together, they asked the diocese to -- I thought that they  
3 asked the diocese to contribute and the diocese said, no,  
4 but I'm sure if that -- you know, this is just my  
5 recollection of what happened there.

6 **MR. ENGELMANN:** That wouldn't have been  
7 something within your personal knowledge. Is that fair?

8 **MR. SHAVER:** My personal knowledge?

9 **MR. ENGELMANN:** What I'm saying is ---

10 **MR. SHAVER:** No ---

11 **MR. ENGELMANN:** --- you wouldn't have asked  
12 someone from the diocese?

13 **MR. SHAVER:** No, I would not, sir.

14 **MR. ENGELMANN:** It would have been a member  
15 of the working group?

16 **MR. SHAVER:** And if I -- sir, if I would  
17 have had the choice, if I was going to ask, I would have  
18 asked all of the religions, not just the Catholic Church.

19 **MR. ENGELMANN:** M'hm. Fair enough. All  
20 right.

21 And in fact, sir, this particular protocol  
22 doesn't involve the other local police force, if I can use  
23 that term, the OPP?

24 **MR. SHAVER:** Yes, it does. The OPP are are  
25 a signatory to this.

1                   **MR. ENGELMANN:** Oh, I'm sorry.

2                   **MR. SHAVER:** Superintendent Klenavic I  
3 believe signed for the OPP. Yes, he did. He's the first  
4 signature.

5                   **MR. ENGELMANN:** Oh, yes, you're right.  
6 You're right, I apologize.

7                   **MR. SHAVER:** No, we had an excellent working  
8 relationship with the OPP and we know -- I know the  
9 Superintendent and I certainly talked about this a few  
10 times. So we had a -- we also had a very close  
11 relationship.

12                   **MR. ENGELMANN:** Right.  
13 And it involved your hospitals as well?

14                   **MR. SHAVER:** Hospitals?

15                   **MR. ENGELMANN:** Yes.

16                   **MR. SHAVER:** Yes, I think it involved one of  
17 them; I can't remember.

18                   **MR. ENGELMANN:** The St. Joseph's Health  
19 Centre?

20                   **MR. SHAVER:** St. Joseph's Health Centre,  
21 yes.

22                   **MR. ENGELMANN:** I'm sorry; my mistake. Now  
23 ---

24                   **MR. SHAVER:** Sir, at the time, if I could  
25 just make another explanation of this?

1                   **MR. ENGELMANN:** Yes.

2                   **MR. SHAVER:** At the time, we had -- there  
3 was a lot of difficulties going -- in terms of the schools  
4 in particular, at that time, the catholic school board ---

5                   **MR. ENGELMANN:** Yes.

6                   **MR. SHAVER:** --- with our officers going  
7 into the schools, and we needed to get something -- we  
8 needed a protocol to be able to do that and to get our  
9 officers the school boards, the both school boards, would  
10 cooperate, so along with Children's Aid for us to be able  
11 to come into those places.

12                               So this was a -- this to me was a tremendous  
13 step forward and I -- and from what I'd heard later on,  
14 that this report went across the province and people  
15 thought this was a very good -- was a very, very good  
16 thing.

17                   **MR. ENGELMANN:** Well, sir, were you not  
18 aware of other protocols of this nature that had been  
19 developed earlier?

20                   **MR. SHAVER:** I thought there was -- I think  
21 I remember one that we'd heard of. I think it was in  
22 London, if I remember correctly, sir. I know there was one  
23 out there that was considered to be a very good one, but  
24 this -- I was told after that people thought this one was  
25 an excellent protocol.

1                   **MR. ENGELMANN:** All right. We had some  
2 evidence here earlier, and I'm not sure if you had followed  
3 that part of the hearing, but ---

4                   **MR. SHAVER:** No.

5                   **MR. ENGELMANN:** --- in the context evidence  
6 about protocols from Metro Toronto from the Metro Toronto  
7 area, from London and some other places ---

8                   **MR. SHAVER:** Okay.

9                   **MR. ENGELMANN:** --- '80s.

10                  **MR. SHAVER:** I'm sorry, sir, I didn't follow  
11 that part of it and I ---

12                  **MR. ENGELMANN:** All right.

13                  **MR. SHAVER:** --- haven't read that anywhere.

14                  **MR. ENGELMANN:** And if the working group is  
15 using protocols from other parts of the province, you may  
16 not have known that, but ---

17                  **MR. SHAVER:** No.

18                  **MR. ENGELMANN:** --- you weren't directly ---

19                  **MR. SHAVER:** I wasn't on the working  
20 committee, no sir.

21                  **MR. ENGELMANN:** Right. All right.

22                                 And, sir, did you take steps or did you  
23 instruct some of your senior management team to take steps  
24 to ensure that your officers were familiar with this  
25 protocol?

1                   **MR. SHAVER:** Yes, it would have -- this  
2                   protocol would have been part of the documentation in CIB  
3                   because that's generally the place where all of these  
4                   things would -- where the protocol most affected, so the  
5                   Youth Branch would have had a copy of this protocol. In  
6                   fact, the person who was on our working committee was the  
7                   sergeant in charge of the Youth Branch at the time.

8                   **MR. ENGELMANN:** Would it have only been the  
9                   Youth Branch who would have had to have known this protocol  
10                  or would you have expected your other investigators in CIB  
11                  also to be familiar with it?

12                  **MR. SHAVER:** I would expect that everybody  
13                  in CIB to be involved with it because -- the Youth Branch  
14                  report to the CIB officer so I would expect that everybody  
15                  should have known.

16                  **MR. ENGELMANN:** What about other members,  
17                  uniform patrol, et cetera?

18                  **MR. SHAVER:** I can't remember, sir, if they  
19                  -- if we did this from a -- we have these mini-briefings  
20                  with every patrol before they go out the door in the  
21                  morning or the evening and something like this, when we put  
22                  it out, would be given probably to the staff sergeant. I'm  
23                  sure you'd have to ask the staff sergeants, but given to  
24                  the staff sergeant and he would take the most salient  
25                  points of this and he would ensure that the members of his

1 team all saw it.

2 MR. ENGELMANN: All right.

3 Well, certainly any officer who might be  
4 involved in investigating an allegation of sexual abuse  
5 against a child should have had some knowledge of this  
6 protocol?

7 MR. SHAVER: Yeah. And that -- in our  
8 Police Department at that time was the Youth Branch, sir.

9 MR. ENGELMANN: All right. So the Youth  
10 Branch and then people in the CIB who would be interacting  
11 with the Youth Branch?

12 MR. SHAVER: Yes, well, but the Youth Branch  
13 were always the lead investigators on this.

14 MR. ENGELMANN: Yes. So you'd expect them  
15 to know it very well?

16 MR. SHAVER: I would certainly hope they  
17 would know it very well. It's part of their jobs, yes.

18 MR. ENGELMANN: And was it always called the  
19 Youth Branch during your tenure or did it become the Sexual  
20 -- SACA?

21 MR. SHAVER: No, it wasn't, it was always  
22 the Youth Branch or the Juvenile Branch. We called it both  
23 I think.

24 MR. ENGELMANN: All right.

25 MR. SHAVER: I think the SACA or whatever

1 that is, that term came up later on.

2 MR. ENGELMANN: All right.

3 And sir, it included, for example,  
4 instructions or guidelines on how to interview children ---

5 MR. SHAVER: Yes.

6 MR. ENGELMANN: --- at 652 and 653?

7 MR. SHAVER: Sir, you've got to give me the  
8 page number because this one doesn't have it.

9 MR. ENGELMANN: I'm sorry, page 14 and 15.

10 MR. SHAVER: Thank you. Yes.

11 MR. ENGELMANN: And as well, further  
12 procedure on interviewing children on the following page,  
13 654, which is 16.

14 And, sir, do you know if you attempted -- if  
15 your Youth Branch and/or CIB attempted to follow number 3?  
16 If you don't know, that's fine.

17 MR. SHAVER: No, I don't know, sir.

18 THE COMMISSIONER: This is dealing with  
19 videos?

20 MR. ENGELMANN: Yes.

21 Do you agree it would be a good idea?

22 MR. SHAVER: I agree it would be a good  
23 idea. I'm not sure how traumatic it would be to the child,  
24 but it would be a good idea, yes.

25 MR. ENGELMANN: It would be a good idea,

1 would it not, sir, whether it was a current case or a  
2 historical case?

3 **MR. SHAVER:** Videotaping was -- videotaping,  
4 at that time, sir, was just -- we were just getting into  
5 videotaping. I'm not even sure we had the equipment then.  
6 I'm not sure when the equipment came in.

7 When it did come in, we started to videotape  
8 all of our -- all of our interviews. So yes, it would be a  
9 good idea in any criminal case.

10 **MR. ENGELMANN:** Fair enough. Fair enough.

11 What about number 5, is that something that  
12 would have been a good idea as well?

13 **MR. SHAVER:** Yes, absolutely.

14 **MR. ENGELMANN:** And, sir, what about that  
15 issue from either a current or a historical perspective, or  
16 do you feel you can comment on that?

17 **MR. SHAVER:** Well, sir, I would -- no, I  
18 can't comment on it because I'm not involved with the  
19 operational ---

20 **MR. ENGELMANN:** Fair enough.

21 **MR. SHAVER:** --- part of it.

22 **MR. ENGELMANN:** Fair enough.

23 **MR. SHAVER:** That's the individual officer  
24 that does that.

25 **MR. ENGELMANN:** And, sir, just very briefly,

1 page 658, which is page 20, just the first paragraph.

2 MR. SHAVER: M'hm.

3 MR. ENGELMANN: And this is again procedure  
4 involving the police force and Children's Aid. It says at  
5 the end:

6 "To facilitate collaboration, there  
7 shall be full verbal disclosure between  
8 them at all times."

9 MR. SHAVER: Yes.

10 MR. ENGELMANN: Do you agree with that?

11 MR. SHAVER: I do.

12 MR. ENGELMANN: All right.

13 Sir, page 660, which is page 22, the first  
14 paragraph:

15 "Initial contact with the alleged  
16 offender shall occur as soon as  
17 possible in a manner determined by the  
18 police officer."

19 MR. SHAVER: Yes.

20 MR. ENGELMANN: Do you agree with that?

21 MR. SHAVER: Yes.

22 MR. ENGELMANN: Presumably with the hope, if  
23 possible, to obtain a confession ---

24 MR. SHAVER: Always ---

25 MR. ENGELMANN: --- or information?

1                   **MR. SHAVER:** Always with that hope, sir,  
2                   yes.

3                   **MR. ENGELMANN:** Thank you, sir. That's all  
4                   I really wanted to ask about on that document.

5                   So let's talk a little bit about  
6                   investigations that might have occurred -- or that did  
7                   occur while you were Police Chief, and just before I do so,  
8                   there have been a number of these cases; some you're going  
9                   to have more memory of than others.

10                  And you're aware, I presume from following  
11                  the Inquiry, about the fact that we dealt with some ---

12                  **MR. SHAVER:** Yes.

13                  **MR. ENGELMANN:** --- of the cases that  
14                  occurred during your tenure.

15                  And I know, sir, that you -- you're computer  
16                  savvy ---

17                  **MR. SHAVER:** I am ---

18                  **MR. ENGELMANN:** --- with the type of work  
19                  you are doing.

20                  Would it be fair to say that -- have you  
21                  been watching the webcast from time to time?

22                  **MR. SHAVER:** I have, sir. Yeah, I've -- I  
23                  tried to watch -- I tried to watch, obviously, what my  
24                  officers were doing when I -- but, then again, ---

25                  **MR. ENGELMANN:** Sure.

1                   **MR. SHAVER:** --- I have a full-time job  
2                   also.

3                   **MR. ENGELMANN:** Yeah.

4                   **MR. SHAVER:** Yeah, I tried to watch that  
5                   part.

6                   **MR. ENGELMANN:** On occasion, if you're not  
7                   able to watch, were you able at least to access the  
8                   transcripts?

9                   **MR. SHAVER:** In some cases, yes.

10                  **MR. ENGELMANN:** Yes. And would it have just  
11                  been CPS officers that you would have listened to or ---

12                  **MR. SHAVER:** No, I was quite ---

13                  **MR. ENGELMANN:** --- some of the victims?

14                  **MR. SHAVER:** --- interested in some of the  
15                  victims who identified me.

16                  **MR. ENGELMANN:** Yes.

17                  **MR. SHAVER:** Yes.

18                  **MR. ENGELMANN:** Fair enough.

19                  **MR. SHAVER:** Yes, very much interested  
20                  there.

21                  **MR. ENGELMANN:** All right.

22                                So you've -- I don't know if you're one of  
23                                our subscribers, but certainly you're one of our viewers on  
24                                the web?

25                  **MR. SHAVER:** Definitely one of the viewers,

1           yes.

2                       **MR. ENGELMANN:** Fair enough.

3                       And, sir, aside from either listening or  
4 reviewing transcripts, you've also followed the work of the  
5 Inquiry in the media?

6                       **MR. SHAVER:** On occasion, yes, just by  
7 reading the Standard Freeholder of accounts, yes.

8                       **MR. ENGELMANN:** Yeah. You can get those on  
9 the web as well?

10                      **MR. SHAVER:** Yes, you can get those on the  
11 web.

12                      **MR. ENGELMANN:** And in addition to all of  
13 these sources of information, you've been provided with  
14 several binders of documents?

15                      **MR. SHAVER:** Many binders, yes.

16                      **MR. ENGELMANN:** Okay. And certainly you've  
17 had occasions to meet with your own lawyer, with the CPS  
18 lawyer and have some interviews with Commission counsel?

19                      **MR. SHAVER:** I have, yes.

20                      **MR. ENGELMANN:** Some over the phone, but  
21 some in person?

22                      **MR. SHAVER:** Yes.

23                      **MR. ENGELMANN:** And have all of these  
24 sources of information helped you refresh your memory about  
25 these events?

1                   MR. SHAVER: Yes, it has.

2                   MR. ENGELMANN: All right.

3                   Because I'm thinking that the vast majority  
4 of these events occurred at least 14 years ago.

5                   MR. SHAVER: Yes.

6                   MR. ENGELMANN: Is that fair?

7                   MR. SHAVER: That's fair.

8                   MR. ENGELMANN: Now, a number of our  
9 witnesses, in particular our institutional witnesses, have  
10 had notes to refresh their memory. Typically those notes  
11 are contemporaneous or they're made shortly after meetings.

12                   MR. SHAVER: M'hm.

13                   MR. ENGELMANN: Would I be correct in saying  
14 that you don't have such notes?

15                   MR. SHAVER: I have very few notes, sir.

16                   MR. ENGELMANN: And, in fact, the only notes  
17 that you have that might be considered contemporaneous  
18 would be notes in a Day-Timer?

19                   MR. SHAVER: Yes, and other notes that I've  
20 had and I don't know where -- you know, they've now  
21 disappeared, obviously.

22                   MR. ENGELMANN: No, fair enough. I'm  
23 talking about notes that might still be in existence.

24                   MR. SHAVER: Yeah, notes that still -- notes  
25 that we could find, those were -- that was it, sir, yes.

1                   **MR. ENGELMANN:** All right.

2                   And I presume it wasn't that you didn't take  
3 notes just of these types of cases; you just didn't take  
4 notes of cases, period, while you were Chief?

5                   **MR. SHAVER:** That's right. I wasn't  
6 involved with operational cases, and that's where you would  
7 take -- you would take contemporaneous notes.

8                   **MR. ENGELMANN:** No.

9                   **MR. SHAVER:** But I was -- the notes that I  
10 took are basically, you know, I spoke to somebody, they  
11 need this. I would write a memo and send it out to them,  
12 that type of note.

13                   **MR. ENGELMANN:** Right.

14                   **MR. SHAVER:** That would be generally on a  
15 "Post-it" note or something like that or -- or whatever I  
16 could write on at the time and then I would follow up with  
17 whatever I had to follow up on it and that note would  
18 sometimes disappear and then the ones in my Day-Timer just  
19 happened to be there when I ---

20                   **MR. ENGELMANN:** Yeah.

21                   **MR. SHAVER:** --- found my Day-Timer.

22                   **MR. ENGELMANN:** And the only ones you might  
23 still have would be references to a Day-Timer that you  
24 would still have?

25                   **MR. SHAVER:** It depends, sir, on what

1 situation.

2 MR. ENGELMANN: What would the -- the notes  
3 that we've received -- we haven't received notes other  
4 than, as I said, your Day-Timer.

5 MR. SHAVER: Right.

6 MR. ENGELMANN: So I'm assuming you have no  
7 notes?

8 MR. SHAVER: I have no notes, no.

9 MR. ENGELMANN: Right.

10 Having said this on at least one, perhaps  
11 two or three occasions, you were interviewed or you gave a  
12 statement to either the OPP or one of the Cornwall Police  
13 Service officers, et cetera, sometimes within a year or two  
14 after events took place?

15 MR. SHAVER: Right, I did.

16 MR. ENGELMANN: And you've had an  
17 opportunity to review that and to refresh your memory?

18 MR. SHAVER: I've looked at those, yes.

19 MR. ENGELMANN: And, sir, I take it you'd  
20 agree with me that your memory of events would be better in  
21 the weeks and/or months after these events occurred than  
22 they would be today?

23 MR. SHAVER: Yes.

24 MR. ENGELMANN: So the first investigation  
25 that I'd like to ask you about -- and again, if you don't

1 remember the name, I'm going to try and refresh your  
2 memory.

3 MR. SHAVER: Okay.

4 MR. ENGELMANN: And if it works, it works.  
5 If it doesn't, it doesn't.

6 It was a case involving a principal of a  
7 local school, École Marie-Tanguay, and the principal's name  
8 was Lucien Labelle.

9 MR. SHAVER: Lucien Labelle, yes.

10 MR. ENGELMANN: Okay. So that name is  
11 familiar to you?

12 MR. SHAVER: Yes, it is.

13 MR. ENGELMANN: All right.

14 And are you aware, sir, that in 1985, your  
15 Force conducted an investigation into allegations of sexual  
16 abuse by that particular person?

17 MR. SHAVER: I'm aware from reading the --  
18 I'm aware now from reading the notes, that, yes, it was  
19 1985.

20 MR. ENGELMANN: All right.

21 MR. SHAVER: I couldn't have -- I couldn't  
22 have given you a specific date.

23 MR. ENGELMANN: No, fair enough.

24 But the actual memory of the name and some  
25 facts of the case, do you have any independent recollection

1 of it or is it all from refreshing your memory?

2 MR. SHAVER: I have some minimal memory of  
3 the case, yes.

4 MR. ENGELMANN: All right.

5 Do you have any recollection that it was a  
6 high-profile case at the time?

7 MR. SHAVER: High profile, sir, it's -- all  
8 our -- every case that comes into the police department is  
9 considered high profile and then prioritized.

10 Now, you're asking me if it's high profile,  
11 if it was prioritized as a high profile, something that  
12 everybody should know about. No. No, it was not. It was  
13 not high profile from that perspective.

14 MR. ENGELMANN: Okay. Well, sir, it was a  
15 case involving both current and historical reporting ---

16 MR. SHAVER: Right.

17 MR. ENGELMANN: --- of more than 10 alleged  
18 victims?

19 MR. SHAVER: I've since learned, yes.

20 MR. ENGELMANN: Yeah. And the principal was  
21 active in the school ---

22 MR. SHAVER: Yes.

23 MR. ENGELMANN: --- at the time your Force  
24 was investigating and, in fact, charged?

25 MR. SHAVER: Right. So he would have gotten

1 a high priority, sir. That's what I'm saying.

2 MR. ENGELMANN: Fair enough.

3 MR. SHAVER: High priority, high profile --

4 -

5 MR. ENGELMANN: All right.

6 MR. SHAVER: --- I'm not sure what you're  
7 referring to.

8 MR. ENGELMANN: Maybe we're splitting hairs,  
9 but ---

10 MR. SHAVER: High profile and high priority  
11 in the police department, it would have been, yes.

12 MR. ENGELMANN: Yeah. And there would have  
13 been media coverage?

14 MR. SHAVER: I don't remember any media  
15 coverage, sir.

16 MR. ENGELMANN: Fair enough.  
17 It involved a person in a position of trust?

18 MR. SHAVER: It certainly did, yes.

19 MR. ENGELMANN: Charges were laid?

20 MR. SHAVER: Yeah.

21 MR. ENGELMANN: And my understanding is  
22 there was a trial and an acquittal after trial?

23 MR. SHAVER: That was also my understanding,  
24 yes, sir.

25 MR. ENGELMANN: Brian Payment was your

1 investigating officer?

2 MR. SHAVER: He was in the Youth Branch and  
3 was the investigating officer, yes.

4 MR. ENGELMANN: I believe Ron Lefebvre was  
5 also involved in the case, but Mr. Payment was the lead  
6 investigator?

7 MR. SHAVER: Yes. I think Ron was the --  
8 Ron was a sergeant.

9 MR. ENGELMANN: All right.  
10 Now, he gave evidence here about this ---

11 MR. SHAVER: Okay.

12 MR. ENGELMANN: --- and other things.  
13 Would you have had an opportunity to listen  
14 or read ---

15 MR. SHAVER: I saw ---

16 MR. ENGELMANN: --- some of that evidence?

17 MR. SHAVER: I saw parts of Constable  
18 Payment's testimony and I think I read -- I believe I read  
19 it.

20 MR. ENGELMANN: Okay.

21 MR. SHAVER: I believe I went back and read  
22 it after.

23 MR. ENGELMANN: You may be more familiar  
24 with it than me, but I've read it a bit as well.

25 It was my understanding from his evidence

1           that he would have indicated here that you showed a great  
2           deal of interest in the case at the time?

3                       **MR. SHAVER:** I heard him say that.

4                       **MR. ENGELMANN:** Do you recall that?

5                       **MR. SHAVER:** I heard him say that, sir. I  
6           had no more interest in that case than I had in a lot of  
7           other cases that were going on. My modus, what I used to  
8           do as my MO, was to walk around and talk to some of my  
9           people. This was a case that was going on at the time. I  
10          talked to Constable Payment about it. I sat in the Youth  
11          Branch and I said, "Listen, you know, you've got to do a  
12          thorough job on this thing. This is a very -- this is  
13          important. This is a person who has many, many children  
14          that he could -- that he has access to. So just do a  
15          thorough job."

16                      And it was basically to encourage him to  
17          keep going and work hard on the case.

18                      **MR. ENGELMANN:** All right. Do you actually  
19          remember saying that or ---

20                      **MR. SHAVER:** I actually remember it. No, I  
21          remember it.

22                      **MR. ENGELMANN:** Okay.

23                      **MR. SHAVER:** I remember it well, actually.

24                      **MR. ENGELMANN:** Okay. You're not just  
25          thinking that's what you would have done?

1                   **MR. SHAVER:** No, no, I remember that well.

2                   **MR. ENGELMANN:** All right. Because I got  
3 the sense that he told us that you were checking in and  
4 asking for updates and that you were showing an interest,  
5 at least from his perspective, more of an interest in that  
6 case than other cases he was working on.

7                   **MR. SHAVER:** Well, yes, more than other  
8 cases he was working on, absolutely.

9                   **MR. ENGELMANN:** Okay. Fair enough.

10                  **MR. SHAVER:** Absolutely. At that time we  
11 didn't have any other cases that had, you know, principals  
12 or teachers or, you know, whatever, no.

13                  **MR. ENGELMANN:** So it was, from that case,  
14 somewhat unique at the time?

15                  **MR. SHAVER:** No more unique, sir, than  
16 talking about other cases. In the Father Deslauriers case  
17 I was talking to Ron Lefebvre.

18                  **MR. ENGELMANN:** No, that was another big  
19 case, I'm sure.

20                  **MR. SHAVER:** No, no, but these are cases  
21 that come back up. You know, I talked to -- I tried to  
22 have a chat with probably everybody, all my officers at  
23 some point or another, and if I knew of a case that they  
24 had or they were working on, obviously I would try to buoy  
25 them up and, you know, tell them that I think they're doing

1 a good job, that kind of thing.

2 **MR. ENGELMANN:** Now, in his evidence,  
3 Constable Payment referred to some notes.

4 **MR. SHAVER:** Yes, he did.

5 **MR. ENGELMANN:** And some of those notes  
6 referred to interactions with you. And I just want to take  
7 you to a couple, if I may ---

8 **MR. SHAVER:** Okay.

9 **MR. ENGELMANN:** --- to see if you can  
10 remember those interactions.

11 The first is Exhibit 1556. Counsel, the  
12 Document Number is 740557.

13 **THE COMMISSIONER:** One-five-five-six (1556),  
14 Mr. Engelmann?

15 **MR. ENGELMANN:** Yes.

16 **THE COMMISSIONER:** Okay.

17 **MR. SHAVER:** A well-organized person, yes,  
18 1556.

19 **THE COMMISSIONER:** And what page, sir?

20 **MR. ENGELMANN:** Bates page 225.

21 Mr. Shaver, my copy is very hard to read.  
22 Yours may be the same.

23 **MR. SHAVER:** Yes, it is.

24 **MR. ENGELMANN:** It might be easier for you  
25 to read on the screen.

1                   **MR. SHAVER:** Well ---

2                   **MR. ENGELMANN:** I'm just going to ask the  
3 clerk if she can try and blow it up a little bit.

4                   **MR. SHAVER:** Okay. It's a little better on  
5 the screen, yes.

6                   **MR. ENGELMANN:** Now, we need to move to the  
7 next column under "Friday, March 29<sup>th</sup>".

8                   **MR. SHAVER:** Yes, I remember reading these  
9 notes.

10                  **MR. ENGELMANN:** All right. So you've had a  
11 chance to read them?

12                  **MR. SHAVER:** Yes.

13                  **MR. ENGELMANN:** I'm just going to try and  
14 refresh my memory here for a moment.

15                  **THE COMMISSIONER:** "Spoke to Mr. Bill  
16 Carriere who requested information on  
17 our investigation at Marie-Tanguay  
18 School and advised him that nothing  
19 more would be relayed to him without  
20 consultation with the Chief."

21                  **MR. ENGELMANN:** All right. That's very  
22 good.

23                  **THE COMMISSIONER:** Thank you.

24                  **MR. ENGELMANN:** Can we just go down a little  
25 bit further?

1                   **THE COMMISSIONER:** Oh, but that's not the  
2 one you wanted to read. Okay.

3                   **MR. ENGELMANN:** No, but that's the -- that's  
4 the background. So I think it says then:

5                                 "Chief Shaver was by and he contacted  
6 Mr. Carriere, advising him that the  
7 investigation was ongoing and nothing  
8 to be released at this time."

9                   Okay. So those are Brian Payment's notes at  
10 the time.

11                   **MR. SHAVER:** Right.

12                   **MR. ENGELMANN:** Do you have some memory of  
13 doing that, sir, getting advice from him -- Bill Carriere  
14 wanting some information and then you advising Bill  
15 Carriere that you couldn't release information at that time  
16 because you had an ongoing investigation?

17                   **MR. SHAVER:** Nothing at all. I do not have  
18 any recollection of that at all. It would have come  
19 through the chain of command and, quite frankly, it would  
20 have gotten into my Deputy's office and that would have  
21 been it.

22                   **MR. ENGELMANN:** But, sir, just on that note,  
23 we have a police officer on your Force ---

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

25                   **MR. ENGELMANN:** --- writing what appears to

1 be a contemporaneous note in his notebook.

2 MR. SHAVER: Right.

3 MR. ENGELMANN: Do you have any reason to  
4 doubt the veracity of what he writes?

5 MR. SHAVER: Oh, no, I'm not doubting the  
6 veracity, I'm just telling you what the chain of command  
7 was. I have no recollection of this. I have no  
8 recollection of me calling Bill Carriere.

9 MR. ENGELMANN: All right. So that doesn't  
10 refresh your memory at all?

11 MR. SHAVER: That does not, no.

12 MR. ENGELMANN: Fair enough.

13 Do you know if there was a policy or  
14 practice at that time not to exchange information with the  
15 CAS if there was an ongoing investigation?

16 MR. SHAVER: If there was a policy not to  
17 exchange information?

18 MR. ENGELMANN: Yes.

19 MR. SHAVER: No, we didn't have a policy not  
20 to exchange information.

21 MR. ENGELMANN: Or a practice?

22 MR. SHAVER: I don't believe so, sir. I  
23 think we were trying to -- in fact, we were trying to make  
24 the two agencies closer together. I would have done  
25 nothing -- there would have been no policy that would have

1 ever separated that.

2 MR. ENGELMANN: It just seems to me unusual.  
3 I know it's a bit earlier. It's 1985.

4 MR. SHAVER: Right.

5 MR. ENGELMANN: It just seems to be unusual  
6 that the CPS would not be sharing information with the CAS  
7 about a case like this.

8 MR. SHAVER: Well, sir, I believe we were.  
9 I believe we were in 1985. I thought that -- I'm not so  
10 sure I wasn't -- I don't know if I sat on the CPS Board --  
11 on the Children's Aid Board at that time, and if I would  
12 have, I would have certainly been sharing information.

13 MR. ENGELMANN: Well, sir, it seems in --  
14 we'll come to some of these others -- but in some  
15 investigations it appears information is shared and in  
16 others there's indications that it's not. So we'll come to  
17 them.

18 MR. SHAVER: Okay.

19 MR. ENGELMANN: I'm not saying there's a  
20 consistent practice one way or the other.

21 MR. SHAVER: M'hm.

22 MR. ENGELMANN: Clearly, by 1992 you have a  
23 protocol and a policy that it should be?

24 MR. SHAVER: Yes.

25 MR. ENGELMANN: All right. Okay. Just a

1 couple of other references then.

2 But just on that note, one of the reasons  
3 why this would be important and why you would agree to do  
4 joint investigations, if you have the CAS working on  
5 something, you have your Force working on something, it  
6 would be helpful in determining whether or not reasonable  
7 and probable grounds exist to charge someone, especially  
8 with an offence of this nature. CAS officials might have  
9 some background on the child?

10 **MR. SHAVER:** M'hm.

11 **MR. ENGELMANN:** You have some background on  
12 the alleged offender and you work together.

13 **MR. SHAVER:** Right.

14 **MR. ENGELMANN:** Is that fair?

15 **MR. SHAVER:** That's fair, yes.

16 **MR. ENGELMANN:** Yeah.

17 On Bates page 226 -- I'm sorry, I think it's  
18 just referring -- it's referring to a meeting with Bill  
19 Carriere, on the right-hand column, but I think that's just  
20 Mr. Payment and they're talking about working together,  
21 that they're going to have a meeting re: working together  
22 on child sexual abuse cases. I don't think it's a  
23 reference to you, so I apologize.

24 I'll just be a moment.

25 **MR. SHAVER:** But, sir, then they are --

1 obviously were working together. Wouldn't that answer your  
2 other question that I didn't know?

3 **MR. ENGELMANN:** Well, it certainly says they  
4 want to have a meeting about ---

5 **MR. SHAVER:** Working together.

6 **MR. ENGELMANN:** --- how to do that.

7 **MR. SHAVER:** Yes.

8 **MR. ENGELMANN:** Yeah. Yes, Bates page 237.  
9 Again, if you could blow that up.

10 This is apparently a meeting on May the 3<sup>rd</sup>.  
11 What it apparently says is:

12 "Meeting with Chief Shaver and Allan  
13 Ain."

14 We know that he's one of the deputies ---

15 **MR. SHAVER:** Deputy Crown.

16 **MR. ENGELMANN:** "... at the Crown's office."

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

18 **MR. ENGELMANN:**

19 "In Chief's office also present  
20 was Inspector J. Burke."

21 **MR. SHAVER:** Right.

22 **MR. ENGELMANN:** Okay. So it appears -- and  
23 it appears that you, Brian Payment, Allan Ain and Inspector  
24 Burke were having a meeting.

25 Now, at the time, presumably that would

1 usually be your Deputy Chief that would be involved and not  
2 you?

3 MR. SHAVER: Absolutely, yes.

4 MR. ENGELMANN: All right.

5 But for one reason or another, he's saying  
6 that you're involved and the meeting is at your office.  
7 Can you explain what ---

8 MR. SHAVER: The only way that that would  
9 happen, sir, is if the Deputy Chief was on holidays or  
10 away.

11 MR. ENGELMANN: All right.

12 But would it from time to time happen that  
13 you or -- certainly you and your Deputy would have a  
14 meeting with the Crown and also one of your investigating  
15 officers?

16 MR. SHAVER: Very, very seldom would I ever  
17 have a meeting with my Deputy and the Crown. The Crown --  
18 the Deputy was the operational Deputy and that was his  
19 responsibility, and he took that responsibility quite  
20 literally. And he would certainly tell me if I ever had my  
21 nose in there that I shouldn't have had it in there. So he  
22 was -- if he was gone, this may have happened. The only  
23 time that I would be involved in an operational matter --  
24 sorry, I think we have to separate what operational is and  
25 what administrative is, because sometimes I think the lines

1 get blurred when we're talking here.

2 I don't involve myself in anything that  
3 would get me into the courts basically, all right, because  
4 that's collecting of evidence and that type of thing. The  
5 only times that I would be involved as a Chief in something  
6 that was operational is if they ran into a roadblock; they  
7 said, "Listen, I hit my head against the wall. I can't get  
8 anything out of Children's Aid or I need something from the  
9 Crown." That's the time that I would act as the Chief.  
10 You just sort of plough the road again, you know?

11 **MR. ENGELMANN:** Okay. Well, we're going to  
12 look at a few of those instances, because I think you do  
13 get involved in some of this operational stuff and perhaps  
14 it's for those reasons that there are roadblocks.

15 **MR. SHAVER:** Right.

16 **MR. ENGELMANN:** So just to try and refresh  
17 your memory about the meeting, let's just go a little  
18 further.

19 It says:

20 "It was discovered that different  
21 information being relayed by Mr.  
22 Métivier at the Board..."

23 And you knew who that was?

24 **MR. SHAVER:** Yes.

25 **MR. ENGELMANN:**

1                    "...and Mr. Swaybey, lawyer for the  
2                    Board. Mr. Ains stated that he  
3                    would check into this himself and  
4                    get back to me."

5                    Me being Payment.

6                    **MR. SHAVER:** Payment, yes?

7                    **MR. ENGELMANN:**

8                    "Mr. Ain also advised that before  
9                    a decision is made to lay a charge  
10                   against Lucien Labelle, that he  
11                   would want to interview each of  
12                   the children involved, along with  
13                   the parents, to determine the  
14                   value of the evidence they can  
15                   offer."

16                   Okay? So do you -- does that help refresh  
17                   your memory as to whether or not you might have been  
18                   involved in this meeting? It appears there's a bit of a  
19                   roadblock.

20                   **MR. SHAVER:** Well, sir, obviously I was  
21                   involved. I mean, that's what Constable Payment's notes  
22                   say. I don't remember -- I don't remember this, but if  
23                   they were there passing on how they were -- how Allan Ain  
24                   was going to proceed, that's the Crown's decision to go in  
25                   that direction. And I -- personally, I can't understand

1           why Inspector Burke would have been at the meeting. He  
2           wasn't in charge of CIB. So that's all disjointed to me.

3                   **MR. ENGELMANN:** Okay. Well, we know from  
4           these notes that charges weren't laid until ---

5                   **MR. SHAVER:** Were not laid?

6                   **MR. ENGELMANN:** No, not laid until June 26<sup>th</sup>,  
7           1985, about seven or eight weeks later.

8                   **MR. SHAVER:** Okay.

9                   **MR. ENGELMANN:** Okay?

10                   And did you -- do you recall if you had any  
11           involvement in this sharing of information ---

12                   **MR. SHAVER:** No.

13                   **MR. ENGELMANN:** --- or some of the  
14           difficulties in getting information?

15                   **MR. SHAVER:** None at all, sir. None at all.

16                   **MR. ENGELMANN:** Okay. I'll just be a  
17           moment.

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

19                   **MR. ENGELMANN:** Is there anything at all,  
20           sir, that you remember in addition to what we just looked  
21           at with respect to the Lucien Labelle matter?

22                   **MR. SHAVER:** Nothing that I can think of,  
23           sir. I knew you were going to ask me this. I thought --  
24           I've been thinking about it for several weeks and nothing  
25           has come to mind at all, sir. None of this has refreshed

1 my memory.

2 MR. ENGELMANN: And nothing about what might  
3 have happened post-acquittal?

4 MR. SHAVER: No.

5 MR. ENGELMANN: With issues on a possible  
6 appeal, anything like that?

7 MR. SHAVER: Nothing, sir. I'm sorry.

8 MR. ENGELMANN: Okay. Let's look at another  
9 one then.

10 MR. SHAVER: Okay.

11 MR. ENGELMANN: Okay. And this is one that  
12 you'll have more knowledge about.

13 MR. SHAVER: Good.

14 MR. ENGELMANN: I'm trying to do these in  
15 chronological order, Mr. Shaver.

16 MR. SHAVER: All right.

17 MR. ENGELMANN: This is an allegation  
18 dealing with former police chief's son.

19 MR. SHAVER: Okay.

20 MR. ENGELMANN: So this would be Earl  
21 Landry, Jr.

22 MR. SHAVER: Earl Landry, Jr., yes.

23 MR. ENGELMANN: And, again, we've had some  
24 evidence at this Inquiry about this matter ---

25 MR. SHAVER: M'hm.

1                   **MR. ENGELMANN:** --- from Staff Sergeant  
2                   Derochie, and I know that you either followed his evidence  
3                   or had an opportunity to read that, and certainly you're  
4                   aware, sir, that he was instructed to do some form of  
5                   administrative review well after the fact?

6                   **MR. SHAVER:** Well after the fact, yes.

7                   **MR. ENGELMANN:** So what I'm going to be  
8                   doing is asking you questions about the 1985 timeframe --  
9                   -

10                  **MR. SHAVER:** Okay.

11                  **MR. ENGELMANN:** --- and also some about your  
12                  involvement later on when this was looked at in the late  
13                  '90s, early 2000.

14                  **MR. SHAVER:** Okay.

15                  **MR. ENGELMANN:** Okay. So I just want to ask  
16                  if you were aware that in June 1985, in fact, late June  
17                  1985, a complaint was made to your Force by a mother about  
18                  sexual abuse of her child allegedly by Earl Landry, Jr.?

19                  **MR. SHAVER:** I was aware of the complaint,  
20                  yes.

21                  **MR. ENGELMANN:** Do you recall how you became  
22                  aware of the complaint, sir?

23                  **MR. SHAVER:** I don't, sir, but it probably  
24                  would -- in the normal chain of events it would have been  
25                  through the officer in charge of CIB, through the Deputy to

1 me.

2 MR. ENGELMANN: And do you know why it would  
3 have been brought to your attention?

4 MR. SHAVER: Well, I'm sure because it's the  
5 Chief's son.

6 MR. ENGELMANN: Fair enough.  
7 And do you recall, sir, having an initial  
8 meeting with the investigating officers concerning this  
9 complaint?

10 MR. SHAVER: Yes. I did meet with them.

11 MR. ENGELMANN: All right.

12 So what I'd like to do -- and do you recall,  
13 sir, if you would have assigned the officers to this  
14 complaint?

15 MR. SHAVER: No, I did not assign them.

16 MR. ENGELMANN: All right.

17 And who do you believe did that?

18 MR. SHAVER: The officer in charge of CIB.

19 MR. ENGELMANN: Okay. Do you recall who  
20 that would have been at that time? This is 1985.

21 MR. SHAVER: Nineteen ninety five (1995)?

22 MR. ENGELMANN: Eighty five (85).

23 MR. SHAVER: Eighty five ('85), yeah.

24 Possibly Inspector Trew. I'm not sure. I'm not sure. It  
25 could have still been Calvin Scott. I'm not sure if Calvin

1 had retired yet. I don't know, sir.

2 MR. ENGELMANN: Fair enough.

3 MR. SHAVER: I don't know who was in charge  
4 then.

5 MR. ENGELMANN: All right.

6 The notes of Ron Lefebvre on this matter,  
7 Sergeant Ron Lefebvre, have him called in to your office at  
8 10 o'clock on Tuesday, June 25<sup>th</sup>, 1985.

9 MR. SHAVER: Okay.

10 MR. ENGELMANN: And that is Exhibit 1660.

11 I'm wondering if the witness could be  
12 provided with that document?

13 We have two sets of notes, Mr. Shaver, notes  
14 from ---

15 MR. ENGELMANN: Sixteen (16) where, sir?

16 MR. SHAVER: Sixteen sixty (1660).

17 MR. ENGELMANN: We have notes from Ron  
18 Lefebvre and we also have notes from another officer by the  
19 name of Willis ---

20 MR. SHAVER: Yes.

21 MR. ENGELMANN: --- but they're not as  
22 descriptive. So keep mainly on the Lefebvre notes.

23 MR. SHAVER: Okay.

24 MR. ENGELMANN: So as you'll see at the  
25 bottom of Bates page 057, we have the first note from Ron

1 Lefebvre:

2 "Called by Chief Shaver and to  
3 report to his office."

4 And that's apparently at 10 o'clock on  
5 Tuesday, June 25<sup>th</sup>.

6 So just based on that note, would it be fair  
7 to say that if you did not assign him to the investigation,  
8 he would have been assigned to the investigation in your  
9 presence that morning on June 25<sup>th</sup>, at least if his notes  
10 are accurate?

11 **MR. SHAVER:** I have to just keep reading  
12 here, sir. Give me a second.

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

14 **MR. SHAVER:** Sir, it doesn't say anything  
15 about assigning him. I wouldn't have assigned him.

16 **MR. ENGELMANN:** No, it doesn't, but this is  
17 his first note of this whole matter and it doesn't say  
18 who's at the meeting either.

19 **MR. SHAVER:** Right.

20 **MR. ENGELMANN:** It just says the meeting's  
21 at your office.

22 **MR. SHAVER:** Right.

23 **MR. ENGELMANN:** Presumably you're there.  
24 Whether Inspector Trew is there or others, it's not clear  
25 from the note. What I'm suggesting to you is if you didn't

1 assign him yourself, he would have been assigned in your  
2 presence at 10 o'clock at your office. This is his first  
3 note.

4 **MR. SHAVER:** Well, sir, I can't comment  
5 because I don't know. I don't know that.

6 **MR. ENGELMANN:** I just -- wouldn't that be a  
7 logical deduction? If his notes are accurate and this is  
8 his first note ---

9 **MR. SHAVER:** Did we take a look -- do you  
10 have a note, sir, of when the complaint actually came in,  
11 the date/time of the complaint when it came in?

12 **MR. ENGELMANN:** My understanding --- sir, is  
13 it came in on the night shift, the night before.

14 **MR. SHAVER:** Right.

15 **MR. ENGELMANN:** And Inspector Trew got  
16 called back in and this morning Lefebvre gets called into  
17 your office at 10 o'clock.

18 **MR. SHAVER:** So did Inspector Trew assign  
19 him?

20 **MR. ENGELMANN:** Sir, I don't know. I'm  
21 suggesting to you that if his notes start at 10 o'clock on  
22 the 25<sup>th</sup>, that if you did not sign it was likely he was  
23 assigned then in your presence.

24 **MR. SHAVER:** I don't remember being -- he,  
25 as far as I was concerned, was assigned because why would I

1           have called -- I would only have called him in if he would  
2           have been assigned to the case. That's the only reason I  
3           would have ever made a phone call to him.

4                       **MR. ENGELMANN:** Well, perhaps you and the  
5           Inspector were in your office talking about who you should  
6           assign and you called him to come at 10 o'clock. That's  
7           what your note says.

8                       **MR. SHAVER:** No, because if it would have  
9           been anybody in my office it would have been the Deputy  
10          Chief and the Inspector before this. Now, the Deputy Chief  
11          would have been at this meeting. If he was at the office -  
12          - if he would have been there, he would have been at this  
13          meeting.

14                      **MR. ENGELMANN:** Fair enough. But Inspector  
15          -- sorry, Sergeant Lefebvre's notes start with the meeting  
16          at 10 o'clock.

17                      **MR. SHAVER:** Right.

18                      **MR. ENGELMANN:** Right, okay.

19                      And again, sir, you don't have any reason to  
20          doubt the veracity of his notes or the accuracy?

21                      **MR. SHAVER:** No, my officers -- I don't  
22          doubt my officer's notes in any way, any of my officers.  
23          When they write it down, that's how they saw it and that's  
24          what they thought.

25                      **MR. ENGELMANN:** Well, some officers might be

1 better at taking notes than other officers?

2 MR. SHAVER: They may well be, yes.

3 MR. ENGELMANN: All right. Did you have any  
4 concerns about Ron Lefebvre and his note-keeping at this  
5 time?

6 MR. SHAVER: Absolutely none with Ron  
7 Lefebvre. Ron Lefebvre was an excellent investigator.

8 MR. ENGELMANN: So do you recall anything  
9 about the initial meeting -- his initial meeting at your  
10 office, June 25<sup>th</sup>, at 10 o'clock?

11 MR. SHAVER: Other than seeing it here that,  
12 no, I do not have any other recollection.

13 MR. ENGELMANN: All right.

14 And do you know if Staff Sergeant Willis was  
15 also at that initial meeting?

16 MR. SHAVER: I don't remember, sir, but if  
17 Staff Sergeant Willis was Ron Lefebvre's direct supervisor  
18 he would have been at the meeting.

19 MR. ENGELMANN: All right. Okay.

20 MR. SHAVER: If they were working, so it's  
21 possible.

22 MR. ENGELMANN: Were you aware, sir, that  
23 both of them were involved in the investigation of this  
24 matter?

25 MR. SHAVER: I did. I was aware of that,

1           yes.

2                           **MR. ENGELMANN:** So you would have been  
3 informed then?

4                           **MR. SHAVER:** Willis was assigned also with  
5 Lefebvre. I was aware of that.

6                           **MR. ENGELMANN:** And were you aware as to why  
7 Staff Sergeant Willis might have been assigned?

8                           **MR. SHAVER:** No, other than he was another  
9 person who was an excellent investigator. To get to the  
10 bottom of things, Stan Willis would go to the ends of the  
11 earth. No. Other than that, no.

12                           **MR. ENGELMANN:** Were you aware of Staff  
13 Sergeant Willis' relationship with members of Earl Landry,  
14 Jr.'s family?

15                           **MR. SHAVER:** No, I was not.

16                           **MR. ENGELMANN:** Now, sir, this case coming  
17 in would have been a priority case for you and the Service?

18                           **MR. SHAVER:** It would have been a case that  
19 I wanted to be interested in because it would have affected  
20 the reputation of the Service. So from an administrative  
21 perspective, yes, I wanted to know the details.

22                           **MR. ENGELMANN:** All right.

23                                   But in addition to the fact that it was the  
24 Chief's son, former Chief's son ---

25                           **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** --- your predecessor, it was  
2                   a case of child sexual abuse?

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** It was a current report at  
5                   that time. There were others later but it was a current  
6                   report?

7                   **MR. SHAVER:** Right.

8                   **MR. ENGELMANN:** The suspect was in a public  
9                   position?

10                  **MR. SHAVER:** Right.

11                  **MR. ENGELMANN:** With regular interaction  
12                  with young children?

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** And the particular victim in  
15                  question was vulnerable?

16                  **MR. SHAVER:** He certainly was, yes.

17                  **MR. ENGELMANN:** Was although of grade 5 age  
18                  of approximately grade 2 ability at that time?

19                  **MR. SHAVER:** Yes, sir, which also would have  
20                  heightened my wanting to know about this.

21                  **MR. ENGELMANN:** Right, that extra  
22                  vulnerability?

23                  **MR. SHAVER:** Yes.

24                  **MR. ENGELMANN:** All right.

25                  So given the importance that I'm sure you

1 gave to this matter, given who the alleged suspect was or  
2 who the suspect was and those other issues, did you as the  
3 Chief consider at the time assigning this to another police  
4 force?

5 MR. SHAVER: No, I did not.

6 MR. ENGELMANN: Okay. And why is that, sir?

7 MR. SHAVER: Well, because the two people  
8 that were assigned I knew them both to be excellent  
9 investigators. I knew Stan Willis -- Stan Willis would not  
10 stop. He would just keep going and going and going. If  
11 there was anything that could be found out, he would find  
12 it. So I had utmost confidence in both of them. And even  
13 though it was the Chief's son, and that's as far as it went  
14 as far as I was concerned. It was the Chief's son but he  
15 was still just another alleged perpetrator. That's what  
16 he was to me at the time.

17 MR. ENGELMANN: All right.

18 Both of these investigators had worked for  
19 Chief Landry?

20 MR. SHAVER: Yes.

21 MR. ENGELMANN: And had worked for him for a  
22 number of years?

23 MR. SHAVER: They had, yes.

24 MR. ENGELMANN: And you were not aware of a  
25 friendship then between Willis and members of the Landry

1 family?

2 MR. SHAVER: I read this somewhere that he  
3 and Brian, the other son, were friends. I didn't know  
4 that. It wouldn't have surprised me, sir, that if they  
5 were friends, you know, that Cornwall was a small  
6 community. They were approximately the same age. They  
7 could have played ball together or hockey together. That  
8 wouldn't surprise me in the least.

9 MR. ENGELMANN: Did you have no concern at  
10 all, sir, about how this might be perceived?

11 MR. SHAVER: No.

12 MR. ENGELMANN: How this might be considered  
13 a conflict of interest?

14 MR. SHAVER: No, but you have to understand,  
15 sir, that police officers swear an oath and in that oath  
16 they are going to investigate to their absolute nth degree.  
17 It doesn't make any difference if it's the Chief's son or  
18 the mayor's son or whoever. If there is an allegation it  
19 will be investigated. Chief Landry swore the same oath and  
20 I had no difficulty at all with the two people that were  
21 assigned. I would never even consider going outside.

22 MR. ENGELMANN: All right.

23 MR. SHAVER: Never dawned on me at all.

24 MR. ENGELMANN: Never crossed your mind?

25 MR. SHAVER: Never crossed my mind at all.

1 I knew it was in very good hands and if  
2 there was anything there, it would come back out. And I  
3 told them that. I told them to do this professionally and  
4 thoroughly. That is the instruction that I gave them. I  
5 wanted a thorough and professional job on this because of  
6 the perception that was going to be out there.

7 **MR. ENGELMANN:** So you were aware that there  
8 could be a negative perception?

9 **MR. SHAVER:** Oh, absolutely, absolutely.

10 **MR. ENGELMANN:** And even though you were  
11 aware of that, you didn't think twice about possibly  
12 sending this elsewhere?

13 **MR. SHAVER:** No, sir. Police -- we've --  
14 look, I came from an organization in the Mounted Police  
15 where we investigated our own forever. Police officers  
16 investigating their own police officers, nobody, nobody in  
17 a police force wants a bad apple in their department. And  
18 believe me, if there's something there that's negative,  
19 they are going to find it.

20 So police officers investigating -- we are  
21 professionals as lawyers are, as engineers are, and lawyers  
22 investigate their own. Engineers investigate their own and  
23 police officers investigate their own and we are trained  
24 investigators. So I have no difficulty at all with that.  
25 I grew up with that and I still believe in it.

1                   **MR. ENGELMANN:** I'm not sure about your  
2 analogy with lawyers but I'm not going to go there.

3                   But, sir, you would agree that although  
4 police forces investigate their own when it comes to police  
5 service act have charges ---

6                   **MR. SHAVER:** Right.

7                   **MR. ENGELMANN:** --- that routinely police  
8 forces send out criminal allegations to be investigated by  
9 another force?

10                  **MR. SHAVER:** Not in that day and age, sir.  
11 That day and age, we investigated our own.

12                  Now, that may be the case today. I know  
13 that they were thinking of other changes to that, but at  
14 that time, sir, we had to investigate our own people.

15                  **MR. ENGELMANN:** So you would have said  
16 something to Willis and Lefebvre in a similar vein to what  
17 you said to Brian Payment, that you wanted a complete,  
18 thorough ---

19                  **MR. SHAVER:** Thorough job.

20                  **MR. ENGELMANN:** --- rofessional job?

21                  **MR. SHAVER:** Yes, professional job.

22                  **MR. ENGELMANN:** And, again, this was another  
23 high priority case?

24                  **MR. SHAVER:** It was a high priority, yes.

25                  **MR. ENGELMANN:** And it was a case you had a

1 special interest in, not just because of the circumstances  
2 but also because of who the suspect was?

3 MR. SHAVER: Yes, because it could have had  
4 a negative effects on the Police Department, yes.

5 MR. ENGELMANN: All right.

6 So, again, just looking at Ron Lefebvre's  
7 notes then, for a minute.

8 MR. SHAVER: Okay.

9 MR. ENGELMANN: We know -- just give me a  
10 moment -- that at approximately one o'clock on Tuesday,  
11 June 25<sup>th</sup> he starts investigating; and this is on Bates page  
12 058. You'll see there is a reference to going to interview  
13 the mother. And we're not going to use the names, sir.

14 MR. SHAVER: Yes.

15 MR. ENGELMANN: There are monikers and  
16 things.

17 MR. SHAVER: Absolutely.

18 MR. ENGELMANN: You know how that works  
19 here.

20 Okay. So they start on it almost  
21 immediately on that day, and you would have expected that?

22 MR. SHAVER: Absolutely, yes.

23 MR. ENGELMANN: And according to his notes,  
24 the active investigation of this matter carries on, on the  
25 25<sup>th</sup> and on the 26<sup>th</sup> of June. And the active investigation

1 then ends with a note on Thursday the 27<sup>th</sup>, and I'm on Bates  
2 page 060, where Ron Lefebvre writes:

3 "7 o'clock Headquarters and informed by  
4 Willis that Earl Sr. phoned and Jr. has  
5 changed his mind with regards to  
6 polygraph. Does not wish to attend  
7 Headquarters. Follow up."

8 Okay? And that, sir, is the last note of  
9 any active investigation of this matter. That's Thursday,  
10 June 27<sup>th</sup>, '85.

11 Now, there's a number of things they do in  
12 those 44-45 hours.

13 **MR. SHAVER:** Okay.

14 **MR. ENGELMANN:** But there's really nothing  
15 after that, all right, that we can see from these notes.

16 So I want to then just ask you a couple of  
17 questions about what happens over those two days.

18 **MR. SHAVER:** Okay.

19 **MR. ENGELMANN:** There's no further reference  
20 to you in these notes of Ron Lefebvre's?

21 **MR. SHAVER:** Right.

22 **MR. ENGELMANN:** But I assume, sir, that you  
23 would have been made aware that the officers went to pick  
24 up Earl Landry, Jr. on Wednesday, June 26<sup>th</sup> to bring him to  
25 the station?

1                   **MR. SHAVER:** I was made aware of that, yes.

2                   **MR. ENGELMANN:** Do you know who made you  
3 aware of that?

4                   **MR. SHAVER:** The Deputy Chief. I would  
5 imagine it would be the Deputy because he's responsible.

6                   **MR. ENGELMANN:** And would he have given you  
7 some information as to what they had done before picking up  
8 Earl Landry, Jr.?

9                   **MR. SHAVER:** Not that I remember, sir.

10                  **MR. ENGELMANN:** All right.

11                  **MR. SHAVER:** Just that he was on top of the  
12 situation, as he always was in the operations, and that  
13 they were picking -- they were going to pick Earl Jr. up  
14 and bring him in.

15                  **MR. ENGELMANN:** All right.

16                                And I understand that you then decided to  
17 see Earl Landry, Sr.?

18                  **MR. SHAVER:** I did.

19                  **MR. ENGELMANN:** And that you timed your  
20 visit with him at or about the time that they were to bring  
21 Earl Jr. to the station?

22                  **MR. SHAVER:** No, after Earl Jr. was brought  
23 in, I left.

24                  **MR. ENGELMANN:** Okay. You saw him actually  
25 come into the station?

1                   **MR. SHAVER:** No, I was told that he was  
2 here. I was told that he was in custody and being  
3 questioned.

4                   **MR. ENGELMANN:** All right. So once you knew  
5 he was in the station, you then drove to see Earl Sr.?

6                   **MR. SHAVER:** Right.

7                   **MR. ENGELMANN:** And you ---

8                   **MR. SHAVER:** I spoke about it with my  
9 Deputy. I sort of mulled it over in my head, you know,  
10 "What do I do? What do I do? What do I do?" kind of  
11 thing, and I thought at the time it would be best that if  
12 he heard that his son was being investigated, he'd best  
13 hear it from me.

14                   **MR. ENGELMANN:** All right. And you decided  
15 to do that in person, right, not over the phone?

16                   **MR. SHAVER:** I decided to do that in person.  
17 I know it's been said a few times here that it was over the  
18 phone. It was not. I did not call the Chief. I went  
19 directly to his house and talked to him.

20                   **MR. ENGELMANN:** All right. And he knew  
21 nothing about this?

22                   **MR. SHAVER:** Absolutely nothing. It was a  
23 dagger through his heart.

24                   **MR. ENGELMANN:** Now, when you decided to go  
25 to see Earl Landry, Sr., who did you consult about that?

1                   **MR. SHAVER:** I talked to my Deputy.

2                   **MR. ENGELMANN:** All right.

3                   **MR. SHAVER:** Just chatted about it and said,  
4 "You know, is this right, wrong, indifferent?" You know, I  
5 mulled it over, but I thought -- the Chief had -- his wife  
6 was very ill at the time. The Chief was a very private  
7 person and I knew him since I was a little kid. And I felt  
8 badly for him, so I thought I'd tell him.

9                   **MR. ENGELMANN:** All right.

10                   Now, did you tell the investigating officers  
11 that you were going to do that?

12                   **MR. SHAVER:** No.

13                   **MR. ENGELMANN:** In fact, you didn't even  
14 tell them after you did it?

15                   **MR. SHAVER:** No, I never told them. No, it  
16 was ---

17                   **MR. ENGELMANN:** No.

18                   **MR. SHAVER:** It had nothing to do with the  
19 investigation.

20                   **MR. ENGELMANN:** That was your view?

21                   **MR. SHAVER:** That was my view, yes.

22                   **MR. ENGELMANN:** Did you consider at the time  
23 that your interaction with Earl Sr. might have some impact  
24 on the conduct of your officers' investigation?

25                   **MR. SHAVER:** No.

1                   **MR. ENGELMANN:** You saw no possibility that  
2                   it might interfere or jeopardize what they were doing?

3                   **MR. SHAVER:** Not at the time, sir, no.

4                   **MR. ENGELMANN:** It's my understanding, sir,  
5                   that on Wednesday, June 26<sup>th</sup>, 1985, you would have spent  
6                   several hours with your former Chief?

7                   **MR. SHAVER:** Yes, I did.

8                   **MR. ENGELMANN:** The reason I know that, sir,  
9                   is a statement that you give later.

10                  **MR. SHAVER:** M'hm.

11                  **MR. ENGELMANN:** And I'll take you to it.

12                  **MR. SHAVER:** Okay.

13                  **MR. ENGELMANN:** But not right now, unless we  
14                  have to. But you agree that you did spend several hours --  
15                  -

16                  **MR. SHAVER:** Oh, I did. I spent several  
17                  hours with him, yes.

18                  **MR. ENGELMANN:** And aside from coming to the  
19                  door and telling him why you were there, can you give us a  
20                  sense as to what you might have told him?

21                  **MR. SHAVER:** Sir, the only parts I told him  
22                  about the investigation was -- he was in his work shed. He  
23                  was in the back. The Chief was a woodworker and was back  
24                  in his little -- in his shed working. So I went back  
25                  there.

1 I asked him to sit down, told him, said,  
2 "Chief, you've got a situation here. Your son has just --  
3 we just picked up your son and we're questioning him  
4 because we think that he's been involved with a sexual  
5 assault". And he was flabbergasted, didn't say anything.  
6 We talked for about another two minutes about the  
7 investigation. That was it, because all I said to him was,  
8 "Chief, if you think that he didn't do it, I can arrange a  
9 polygraph in Ottawa".

10 And that was the end of that. The rest of  
11 the time, I was consoling him. We didn't talk about the  
12 investigation at all. He just -- he cried a lot. He felt  
13 awful.

14 **MR. ENGELMANN:** All right.

15 So let me just try and go through what ---

16 **MR. SHAVER:** Okay.

17 **MR. ENGELMANN:** --- you might have told him;  
18 that his son was a suspect in a case of sexual assault?

19 **MR. SHAVER:** Child molestation, yes.

20 **MR. ENGELMANN:** Oh, you mentioned that it  
21 was with a child?

22 **MR. SHAVER:** Oh, absolutely, yes.

23 **MR. ENGELMANN:** Okay. Did you tell him that  
24 his son had been picked up ---

25 **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** --- and was being  
2 interviewed at the station?

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** Did you tell him -- you  
5 would have told him that the victim was a child, the  
6 alleged victim?

7                   **MR. SHAVER:** M'hm. Yes.

8                   **MR. ENGELMANN:** Did you tell him that it was  
9 a current report or an historical report, or do you know?

10                   **MR. SHAVER:** No, I didn't go in -- I said,  
11 "We just picked him up".

12                   **MR. ENGELMANN:** All right.  
13 Did you tell him which of your officers were  
14 involved?

15                   **MR. SHAVER:** I did.

16                   **MR. ENGELMANN:** Why did you do that?

17                   **MR. SHAVER:** Because he knew both of them to  
18 be excellent investigators. In fact, he said it. When I  
19 told him who it was, he said, "I have every faith in those  
20 two people". He and I agreed on it.

21                   **MR. ENGELMANN:** Yeah. So you agreed that  
22 these were competent officers?

23                   **MR. SHAVER:** Yes.

24                   **MR. ENGELMANN:** And you had some discussion  
25 about that?

1                   **MR. SHAVER:** Yes, yes.

2                   **MR. ENGELMANN:** Okay.

3                   **MR. SHAVER:** I think the Chief knew, you  
4 know, that both Lefebvre and Willis, if they did an  
5 investigation -- excuse me; I've got a cold so I'm choking  
6 up here -- that if they did an investigation, that they  
7 would do a proper investigation. If his son had not been -  
8 - had not committed the offence, that they would have come  
9 back to that conclusion and he also knew, on the other  
10 hand, that if he had committed the offence, that we were  
11 going to be following through, and those two officers would  
12 follow through.

13                   **MR. ENGELMANN:** All right.

14                   And you also talked to him about the fact  
15 that his son might consider taking a polygraph test or he  
16 might talk to his son ---

17                   **MR. SHAVER:** No, I ---

18                   **MR. ENGELMANN:** --- about taking a  
19 polygraph?

20                   **MR. SHAVER:** No, I did not. I said to him,  
21 "I can arrange a polygraph test in Ottawa". And that was  
22 the length of that discussion.

23                   **MR. ENGELMANN:** Did he tell you whether he  
24 would consider talking to his son about that?

25                   **MR. SHAVER:** He never said another word

1 about that, sir.

2 The rest of the time, sir, we spent, I mean  
3 literally, talking about his wife being sick, what this was  
4 going to do to her. We talked about him, his son. I'm not  
5 sure if Earl Jr. lived there. I'm not sure he wasn't  
6 living with his father at the time. I'm not sure. But we  
7 talked about that. It was just basically, you know, like  
8 console.

9 MR. ENGELMANN: We knew you had known Sr.  
10 for a long time.

11 MR. SHAVER: I have, yes.

12 MR. ENGELMANN: Did you have any  
13 relationship with Jr.?

14 MR. SHAVER: None at all. I didn't know the  
15 Chief's family. I was older than -- they lived up the  
16 block.

17 MR. ENGELMANN: You told us you were in  
18 between ---

19 MR. SHAVER: Yeah. They lived up the block  
20 from me. The Chief, I knew because he was with my father.  
21 He was a role model in this community, to me. I didn't  
22 know -- I met the family, but that was it.

23 MR. ENGELMANN: All right.

24 So after this fairly lengthy meeting with  
25 the Chief, how did you leave things?

1                   **MR. SHAVER:** How did I leave things? Just  
2 that. You know, I spent -- I waited until the Chief was  
3 through, you know, crying and made sure I was there, and  
4 then that was it. When I left, sir, I -- he was going to  
5 go tell his wife. He had to find a way to do that. So he  
6 went into the house and I went back to the office.

7                   **MR. ENGELMANN:** Okay. It was clear to you,  
8 was it not, that he had not been told about any of this  
9 from his son?

10                  **MR. SHAVER:** Well, no, because, I mean, when  
11 I told him, sir, I mean, literally it was like stabbing a  
12 dagger in him.

13                  **MR. ENGELMANN:** Right. So it was a complete  
14 surprise to him?

15                  **MR. SHAVER:** Absolutely.

16                  **MR. ENGELMANN:** Right.

17                  **MR. SHAVER:** Absolutely.

18                  **MR. ENGELMANN:** Now, would you have gone  
19 back to the station afterwards or might that have been the  
20 end of your day? Do you recall?

21                  **MR. SHAVER:** I don't recall, sir, but  
22 probably I would have gone back to work, or maybe not,  
23 because I wasn't feeling very good when I left there  
24 either. I don't recall, sir.

25                  **MR. ENGELMANN:** Okay. Well, you told us you

1 didn't talk to the investigating officers about your  
2 meeting with Earl, Sr.

3 **MR. SHAVER:** Right.

4 **MR. ENGELMANN:** When do you next talk to  
5 them about anything; do you recall?

6 **MR. SHAVER:** I don't remember speaking to  
7 them after that at all about this case.

8 **MR. ENGELMANN:** Yeah.

9 **MR. SHAVER:** They were -- they were left to  
10 do their investigation. I don't have any independent  
11 recollection of talking to them. I probably would have  
12 talked to the Deputy, you know, as -- in the course of  
13 events, but I didn't talk to the officers.

14 **MR. ENGELMANN:** What is the next thing you  
15 can actually remember about your involvement in this case?  
16 Do you have any recollection of asking for briefings or  
17 updates or meeting with the Deputy?

18 **MR. SHAVER:** The Deputy, I met all the time  
19 on these cases. He would keep me involved, so ---

20 **MR. ENGELMANN:** Do you have specific  
21 recollection ---

22 **MR. SHAVER:** No, no.

23 And obviously this would have been at the  
24 top of the pile, but I don't remember it, sir, if we did.

25 The next -- the only time that I -- the next

1 thing that I remember in this chain of events probably  
2 happened within a couple of weeks of this and we were -- I  
3 was at a social function at a dinner with Alan Ain, the  
4 Deputy Crown, and Alan -- we talked about this. He knew  
5 about the case. I asked him about it. He said, "No," he  
6 said, "your guys did a really good job, a thorough job."  
7 He told me that they were very professional and then said  
8 that, you know, they -- they didn't have enough evidence  
9 that the child -- you know, the mental capacity was a  
10 consideration. It would have been very difficult on the  
11 witness. I remember that being said, and that was it. And  
12 it was, "No, your people did a good job. It would have  
13 been a tough case to begin with because of the child," and  
14 we were -- and his advice was that they couldn't proceed.

15 **MR. ENGELMANN:** And this happened at a  
16 social event, sir?

17 **MR. SHAVER:** Yes, it happened at a dinner.  
18 We were -- we happened to be sitting next to each other at  
19 a social dinner.

20 **MR. ENGELMANN:** So you don't know if your  
21 Deputy talked to you before then about this case?

22 **MR. SHAVER:** I have no independent  
23 recollection of that, sir, but I know he was on top of this  
24 case. He was very much interested in the case and on top  
25 of it.

1                   **MR. ENGELMANN:** I can imagine that you would  
2                   have been interested as well.

3                   **MR. SHAVER:** Yes, yes, I ---

4                   **MR. ENGELMANN:** And do you recall going back  
5                   to the Deputy or going back to these officers after this --  
6                   the conversation you had with Alan Ain?

7                   **MR. SHAVER:** I did not go back to the  
8                   officers, I know that. They were given their instructions.  
9                   They -- now it's up to them. They had to go out and do the  
10                  investigation.

11                  **MR. ENGELMANN:** Why not? If the Crown  
12                  prosecutor says to you, "Chief, your guys did a great job."

13                  **MR. SHAVER:** Oh, are you talking after Alan  
14                  Ain?

15                  **MR. ENGELMANN:** Yeah.

16                  **MR. SHAVER:** Oh, yes, definitely. I'm  
17                  sorry. I'm sorry; I thought you were still talking about  
18                  before I talked to Alan.

19                  No, after I talked to Alan, I went back and  
20                  told them both that, "Thank you," they did -- "I was told  
21                  by the Crown that you guys did a very professional job."  
22                  No, I did that.

23                  **MR. ENGELMANN:** Would it have been shortly  
24                  after you met with Mr. Ain?

25                  **MR. SHAVER:** Oh, absolutely. It would have

1       been probably the next day. If the next day would have  
2       been a working -- a workday and they were there, I would  
3       have definitely told them then.

4               They may even have had it on -- I may have  
5       even put a notation on their file. I'm not even sure, sir,  
6       you know, so I don't know if you have their -- if their  
7       personal records, if that would be ---

8               **MR. ENGELMANN:** We don't have those.

9               **MR. SHAVER:** You don't have those? Okay.  
10       Sorry.

11              **MR. ENGELMANN:** We have their notes and  
12       there's no reference to a discussion ---

13              **MR. SHAVER:** Yeah, I saw the limited notes  
14       that Willis had, sir, and quite frankly, I don't -- I can't  
15       explain that because Willis was a great note-taker, from my  
16       perspective. I don't know where those notes -- you know,  
17       obviously, you must have asked the Department where the  
18       notes went to.

19              **MR. ENGELMANN:** Well, I think when he was  
20       interviewed much later, he indicated he didn't really take  
21       notes ---

22              **MR. SHAVER:** Oh, really?

23              **MR. ENGELMANN:** --- on this one; it was  
24       Lefebvre.

25              **MR. SHAVER:** That -- that would be -- that

1 would be shocking to me that Willis would not have taken  
2 notes.

3 **MR. ENGELMANN:** Well, he had a few, and  
4 we'll look at those.

5 **MR. SHAVER:** Yes.

6 **MR. ENGELMANN:** So when, sir, if ever, did  
7 you become aware of the fact that the officers had an  
8 agreement from Earl Landry, Jr., to take a polygraph?

9 **MR. SHAVER:** When did I become aware of the  
10 fact?

11 I had no idea that they had even talked to  
12 him about taking a polygraph. I learned that when I read  
13 this.

14 **MR. ENGELMANN:** Okay. That was going to be  
15 my next question.

16 **MR. SHAVER:** Yes.

17 **MR. ENGELMANN:** So your only knowledge of  
18 the fact that he'd agreed to take a polygraph on the 26<sup>th</sup>,  
19 when they were meeting with him, came when you were  
20 prepping for this case?

21 **MR. SHAVER:** Yes, absolutely. That's the  
22 first time I knew of it.

23 **MR. ENGELMANN:** All right.

24 And when did you become aware, sir, that  
25 Earl Landry, Sr. got involved and called off that

1 polygraph?

2 MR. SHAVER: The same time I read these  
3 notes.

4 Well, sir, when you say "called off the  
5 polygraph", but his notes don't say that. I've heard this  
6 many times at the Inquiry and it seems that you want to  
7 stop at that, but if you keep reading his notes, he says  
8 "at this time".

9 MR. ENGELMANN: Oh, no, I don't want to stop  
10 ---

11 MR. SHAVER: All right.

12 MR. ENGELMANN: --- right there.

13 MR. SHAVER: But that has been the case,  
14 sir, many times, that I think -- I heard evidence being  
15 presented to the Commissioner that said, "Chief Landry  
16 called up and he said, 'Stop the polygraph'," and that's  
17 been the length and extent of it, but there's a piece  
18 underneath that ---

19 MR. ENGELMANN: Let's go there right now.

20 MR. SHAVER: Okay. Let's do that.

21 MR. ENGELMANN: Exhibit 1387.

22 Counsel, it's Document Number 740551.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. SHAVER: The number is?

25 MR. ENGELMANN: I'm sorry, it's 1387.

1 And, sir, this is the note we have ---

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: --- from Stan Willis.

4 MR. SHAVER: Okay.

5 MR. ENGELMANN: And my copy's actually quite  
6 clear.

7 THE COMMISSIONER: What page?

8 MR. ENGELMANN: It's Bates page 118.

9 THE COMMISSIONER: Yes.

10 MR. ENGELMANN: Six fifty-five (6:55);  
11 presumably that's a.m. because there's a zero in front, and  
12 it's June 27<sup>th</sup>, '85.

13 "Earl Landry, Sr., called Headquarters  
14 to advise me..."

15 "Advise me", being Stan Willis and you would have given him  
16 Stan Willis' name the day before?

17 MR. SHAVER: Yes, yes.

18 MR. ENGELMANN: So he would have known who  
19 to ask for?

20 MR. SHAVER: Oh, of course, he would ---

21 MR. ENGELMANN: And he would know Stan  
22 perhaps longer than he'd know Ron Lefebvre or might know  
23 him better?

24 MR. SHAVER: I'm not sure, sir.

25 MR. ENGELMANN: Okay. In any event, he

1 decides to ---

2 MR. SHAVER: Probably, because Stan was  
3 older ---

4 MR. ENGELMANN: Yes.

5 MR. SHAVER: Yes.

6 MR. ENGELMANN: He decides to call Stan?

7 MR. SHAVER: Yes.

8 MR. ENGELMANN: It says:

9 "Called Headquarters to advise me that  
10 things were happening too fast."

11 MR. SHAVER: Right.

12 MR. ENGELMANN: "Earl, Jr. is very nervous."

13 MR. SHAVER: Right.

14 MR. ENGELMANN: "He relates that for the  
15 present time..."

16 And it says "present time".

17 MR. SHAVER: Yes.

18 MR. ENGELMANN: "... he will not be going to  
19 Ottawa to take a polygraph test."

20 MR. SHAVER: Right.

21 MR. ENGELMANN: So he's clearly aware that  
22 his son's been asked to go take a polygraph.

23 MR. SHAVER: Obviously ---

24 MR. ENGELMANN: He's found that out, not  
25 from you, because you say you didn't know.

1                   MR. SHAVER: Right.

2                   MR. ENGELMANN: Fair enough?

3                   MR. SHAVER: That's right.

4                   MR. ENGELMANN: All right.

5                   So he's obviously spoken to his son after  
6 you spoke to him?

7                   MR. SHAVER: Right.

8                   MR. ENGELMANN: And this is why he says,  
9 "Things are going too fast. My son's nervous. He's not  
10 going to go to Ottawa to take the polygraph you set up,"  
11 essentially.

12                   MR. SHAVER: M'hm.

13                   MR. ENGELMANN: Then it says -- he states:  
14                   "Perhaps arrangements can be made later  
15                   on."

16                   MR. SHAVER: Yes.

17                   MR. ENGELMANN: Is that the note you wanted  
18 ---

19                   MR. SHAVER: That's the note I wanted to  
20 talk about.

21                   MR. ENGELMANN: All right.

22                   So that's there, and we know from Ron  
23 Lefebvre's note of 7:00 a.m. that same morning that he  
24 notes that as well, but his note is simply ---

25                   MR. SHAVER: No, his note is not the same

1 way, though. His note simply says he said no to the  
2 polygraph. He does not elaborate on what Stan Willis said.

3 **MR. ENGELMANN:** Yeah.

4 "Informed by Willis that Earl, Sr.  
5 phoned and Jr. has changed his mind  
6 with regards to polygraph. Does not  
7 wish to attend Headquarters."

8 And then it says, "Follow up," and that's  
9 all it says, okay?

10 **MR. SHAVER:** Right.

11 **MR. ENGELMANN:** But clearly Stan Willis is  
12 suggesting that Earl, Sr. has said perhaps arrangements can  
13 be made later on.

14 **MR. SHAVER:** Right.

15 **MR. ENGELMANN:** All right.

16 Now, what, if anything, did Alan Ain tell  
17 you at the social function about the cancelling of the  
18 polygraph and the possible follow-up?

19 **MR. SHAVER:** Nothing. We never talked about  
20 the polygraph at all.

21 **MR. ENGELMANN:** All right.

22 So when he talked to you about "Your guys  
23 did a good job" or "a great job" ---

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

25 **MR. ENGELMANN:** --- did he get into some of

1 the effort that they made, some of the information that  
2 they had uncovered?

3 **MR. SHAVER:** No, we -- no, because we were -  
4 - remember, this is a public function. We're talking with  
5 each other, whispering at each other. So, no, we didn't  
6 get into any of the details. He just said they did a  
7 professional job and a very good job and that was it. He  
8 was complimenting them.

9 **MR. ENGELMANN:** All right.

10 And did you follow up with your Deputy to  
11 get some of those details?

12 **MR. SHAVER:** No, not that I remember.

13 I know I followed up with the Deputy to tell  
14 him that they'd done a good job and the Deputy had agreed.

15 **MR. ENGELMANN:** Did you ever become aware  
16 that this case was classified as "unfounded"?

17 **MR. SHAVER:** No.

18 **MR. ENGELMANN:** Do you know, sir, that  
19 neither Sergeant Willis -- Staff Sergeant Willis nor  
20 Sergeant Lefebvre followed up on the polygraph issue with  
21 Earl, Sr.?

22 **MR. SHAVER:** I have no idea, sir.

23 **THE COMMISSIONER:** Well, Earl, Sr. or Earl,  
24 Jr.?

25 **MR. SHAVER:** No idea, sir. I mean that's

1 ---

2 **MR. ENGELMANN:** Would you have expected --

3 -

4 **MR. SHAVER:** They were running the  
5 investigation, sir.

6 **MR. ENGELMANN:** Would you have expected  
7 that, sir, given the fact that that opportunity had been  
8 left open?

9 **MR. SHAVER:** I would hope that they would,  
10 yes. I mean if they were ---

11 **MR. ENGELMANN:** That would be part of doing  
12 a complete and professional job, sir?

13 **MR. SHAVER:** Yes.

14 **MR. ENGELMANN:** And just to refresh your  
15 memory a bit more about some of this, let's take a look --  
16 and I think this is a statement you provide to Sergeant  
17 Snyder, and this is in February of 2001. It's Exhibit  
18 1370. I'm not sure if it's in the binder you have.

19 **THE COMMISSIONER:** Yes, it is.

20 **MR. SHAVER:** Thirteen seven zero (1370)?

21 **MR. ENGELMANN:** Yes.

22 **MR. SHAVER:** Yes.

23 **MR. ENGELMANN:** So as I understand it, sir -  
24 - and I just want to get the chronology right -- as I  
25 understand it, in December of 2000, you have a meeting with

1 Snyder ---

2 MR. SHAVER: Yes ---

3 MR. ENGELMANN: --- and he ---

4 MR. SHAVER: --- in Brockville. M'hm.

5 MR. ENGELMANN: Does he leave some questions  
6 with you that you then answer and send back to him?

7 MR. SHAVER: I can't remember if he left  
8 them with me, sir, or he sent them to me via email, but he  
9 -- I did get questions from Brian ---

10 MR. ENGELMANN: All right.

11 MR. SHAVER: --- Snyder.

12 MR. ENGELMANN: And you've seen this  
13 statement before, have you?

14 MR. SHAVER: Yes, I have, and I answered the  
15 questions, yes.

16 MR. ENGELMANN: Yes.

17 And did you also see his notes? They would  
18 have been in those binders.

19 MR. SHAVER: Yes, I saw parts of those  
20 notes, yes.

21 MR. ENGELMANN: And you would have seen or  
22 heard parts of his evidence?

23 MR. SHAVER: Yes.

24 MR. ENGELMANN: All right.

25 So let's, just before we go into 1370 -- and

1 I apologize for jumping around with the numbers, but  
2 Exhibit 1622 is actually Sergeant Snyder's notes, and I'm  
3 going to try and -- they're long, but I just -- there's  
4 just a couple of references, sir, to Bates pages that refer  
5 to you.

6 **MR. SHAVER:** Sixteen twenty-two (1622), sir?

7 **MR. ENGELMANN:** Yes. They're long notes.  
8 The Bates page -- there's only a couple of small  
9 references, so I'll just take you right to them.

10 **MR. SHAVER:** Okay.

11 **MR. ENGELMANN:** It's Bates page 306 and 307.

12 At the bottom of Bates page 306, there's a  
13 reference to calling you.

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

15 **MR. ENGELMANN:** I think it says:

16 "I was told that he was sick in bed;  
17 left a message for him to call me as  
18 soon as he can."

19 **MR. SHAVER:** M'hm.

20 **MR. ENGELMANN:** And then you call back at  
21 10:20 that day:

22 "Spoke with Claude Shaver, retired  
23 Chief. I will call him on Wednesday."

24 Something about:

25 "See if he is well enough to see me."

1                   **MR. SHAVER:** Sure.

2                   **MR. ENGELMANN:** Okay? And then if you flip  
3 over to Bates page 308 -- no, no, hang on; I apologize.  
4 Sorry, 310. Wednesday, December 20<sup>th</sup>, note at 9:30:

5                   "I spoke with Claude Shaver. Will meet  
6 him today..."

7                   **MR. SHAVER:** M'hm.

8                   **MR. ENGELMANN:** "...re: Landry."

9                   **MR. SHAVER:** Yes.

10                  **MR. ENGELMANN:** I'm not sure what the next -

11                  --

12                  **THE COMMISSIONER:** Investigation.

13                  **MR. ENGELMANN:** All right.

14                  And then it says:

15                  "13:30, met with former Chief Claude  
16 Shaver at his parents' home in  
17 Brockville."

18                  **MR. SHAVER:** Yes.

19                  **MR. ENGELMANN:** All right?

20                  **MR. SHAVER:** M'hm.

21                  **MR. ENGELMANN:** And it appears, just looking  
22 at the times, that he would have spent some time with you?

23                  **MR. SHAVER:** Yes, he did. He spent two or -

24                  --

25                  **MR. ENGELMANN:** The afternoon.

1                   **MR. SHAVER:** --- three hours. Yeah, two or  
2 three hours, the afternoon, yes.

3                   **MR. ENGELMANN:** Yes, because the next item  
4 is five o'clock, he's going off duty ---

5                   **MR. SHAVER:** Okay.

6                   **MR. ENGELMANN:** --- at 17:00. All right.

7                   **MR. SHAVER:** M'hm.

8                   **MR. ENGELMANN:** So he doesn't obviously have  
9 verbatim notes of what was discussed. He has a short ---

10                   **MR. SHAVER:** Right.

11                   **MR. ENGELMANN:** --- summary.

12                   Did he tell you why he was doing this at  
13 that time?

14                   **MR. SHAVER:** I don't remember him telling me  
15 why. I assumed it was because of this whole thing that was  
16 happening. I assumed it was because they wanted to take a  
17 look at what -- you know, what we did, what the Cornwall  
18 Police Force did during that period of time. I later found  
19 out, in reading it, that it was because he was looking at a  
20 criminal investigation. I did not know that at the time.

21                   **MR. ENGELMANN:** That's what I was going to  
22 ask you. I was going to ask you if you thought this was  
23 some kind of an internal or admin review because ---

24                   **MR. SHAVER:** I ---

25                   **MR. ENGELMANN:** --- we'd seen some of those.

1                   **MR. SHAVER:** --- thought it was internal,  
2                   yes. I thought we were looking at, okay, he needed to get  
3                   a statement. The Earl Landry situation had come back up  
4                   again. Earl Jr. had gone to prison, all of that. You  
5                   know, let's find out what we did during that process --  
6                   during that time.

7                   **MR. ENGELMANN:** Did you have some knowledge  
8                   of what had happened to Earl Jr. in the mid to late '90s  
9                   before you met with Brian Snyder?

10                  **MR. SHAVER:** All I know, sir, is that he was  
11                  charged and was convicted and was sent to prison.

12                  **MR. ENGELMANN:** Did you know, for example,  
13                  that the complainant that Lefebvre and Willis had met with  
14                  in 1985 was one of the five complainants?

15                  **MR. SHAVER:** I did not know that, sir.

16                  **MR. ENGELMANN:** All right.

17                  And did you know that of the four others --  
18                  and I believe there were -- let me get this right -- that  
19                  Earl Landry, Jr. pled guilty to five -- to abusing five  
20                  different children?

21                  **MR. SHAVER:** I did not know that.

22                  **MR. ENGELMANN:** Okay. And by the time that  
23                  they were investigated in the mid to late '90s these would  
24                  have been historical cases?

25                  **MR. SHAVER:** Right.

1                   **MR. ENGELMANN:** At the time of the first one  
2                   in '85, it was relatively current and I was wondering if  
3                   you were aware that of those five, in fact, one of them was  
4                   abused after your Force did its 1985 investigation?

5                   **MR. SHAVER:** Really?

6                   **MR. ENGELMANN:** Were you aware of that, sir?

7                   **MR. SHAVER:** I did not, sir. I was not  
8                   aware. I think I heard about it from this Inquiry. I felt  
9                   awful when I heard that.

10                  **MR. ENGELMANN:** Did -- so that wasn't some  
11                  of the background that Sergeant Snyder would have given you  
12                  when he met with you in December of 2000?

13                  **MR. SHAVER:** I don't remember, sir. I don't  
14                  think ---

15                  **MR. ENGELMANN:** All right.

16                  **MR. SHAVER:** --- so, but I don't remember  
17                  that. I know he put me through quite an interrogation.  
18                  He's very good at his job.

19                  **MR. ENGELMANN:** I was just -- I've been  
20                  wondering about that because we don't have much in the way  
21                  of notes for those three and a half hours or so ---

22                  **MR. SHAVER:** Right.

23                  **MR. ENGELMANN:** --- and I -- let's just take  
24                  a quick look at what we have.

25                                After he says he met with you at your home,

1 he stated that -- I think this says he stated that he  
2 directed Lefebvre and Willis to do a thorough  
3 investigation.

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: I can't help you on the next  
6 line, but there's something about Ron Martelle.

7 THE COMMISSIONER: Can you ---

8 MR. ENGELMANN: Just scroll up just a little  
9 bit.

10 THE COMMISSIONER: Where are you now?

11 MR. ENGELMANN: I'm in the middle of Bates  
12 page 310.

13 MR. SHAVER: Okay.

14 "At the time Ron Martelle..."

15 MR. ENGELMANN: And there's something in the  
16 line above that I can't see.

17 THE COMMISSIONER: Just bring ---

18 MR. ENGELMANN: But it says ---

19 THE COMMISSIONER: --- it down, Madam Clerk,  
20 a little bit more. Okay.

21 "He added to..."

22 MR. SHAVER: It's hard to read, isn't it,  
23 sir?

24 THE COMMISSIONER: Yes.

25 "...in the time Ron Martelle wanted him

1 to do something about..."

2 **MR. ENGELMANN:** It says -- I think it says:

3 "...and the same time Ron Martelle  
4 wanted him to do something about the  
5 investigation of his son and he  
6 refused..."

7 **MR. SHAVER:** Right.

8 **MR. ENGELMANN:** "...stating the Cornwall  
9 Police will do a thorough  
10 investigation..."

11 **MR. SHAVER:** That was another -- that was  
12 another case, sir, that happened -- it was another thing  
13 that happened back in '85, same time -- same timeframe,  
14 '85-'86.

15 **MR. ENGELMANN:** All right.

16 Can we just scroll down a bit further?

17 I think it says:

18 "In that case, charges were laid. He  
19 also stated he does not remember if he  
20 was finally told what the conclusion of  
21 the investigation..."

22 **MR. SHAVER:** Brian writes like me, I'm just  
23 realizing.

24 **MR. ENGELMANN:** Something about ---

25 **THE COMMISSIONER:** Not "...was aware..."?

1                   **MR. ENGELMANN:** "...was aware that charges  
2   were not laid, with one of the reasons  
3   being the victim would not have been  
4   capable..."

5                   **MR. SHAVER:** Capable.

6                   **MR. ENGELMANN:** "...of testifying."

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** "Chief Shaver will provide  
9   a..."

10                  **MR. SHAVER:** Detailed statement.

11                  **MR. ENGELMANN:** "...detailed statement."

12                  **MR. SHAVER:** M'hm.

13                  **MR. ENGELMANN:** All right.

14                                        So those are the only notes we have.

15                  **MR. SHAVER:** Yes.

16                  **MR. ENGELMANN:** We don't have -- I don't  
17                   know if Sergeant Snyder wasn't taking notes when he met  
18                   with you and he just wrote this up afterwards, but we don't  
19                   have a statement of sorts, and I think you told us he  
20                   either left those questions with you or he sent them to  
21                   you?

22                                       **MR. SHAVER:** I believe he sent them to me,  
23                   sir. I'm not sure.

24                  **MR. ENGELMANN:** All right.

25                  **MR. SHAVER:** You know, sent them to me and

1           said these are the questions I need answered.

2                   **MR. ENGELMANN:** All right.

3                   **MR. SHAVER:** But I don't know, sir. He may  
4           have left them.

5                   **MR. ENGELMANN:** All right.

6                   And in any event, sometime in February, you  
7           send this back to Brian Snyder?

8                   **MR. SHAVER:** Right.

9                   **MR. ENGELMANN:** And as we look at -- it's  
10          Exhibit 1370 -- we took a peek at it a couple of minutes  
11          ago.

12                   **MR. SHAVER:** M'hm.

13                   **THE COMMISSIONER:** Do you think it's time  
14          for a break, Mr. Engelmann?

15                   **MR. ENGELMANN:** Yes, in just one minute if I  
16          can, sir?

17                   **THE COMMISSIONER:** Yes.

18                   **MR. ENGELMANN:** Sir, that's your signature  
19          on the second page of the document. And would you have  
20          dated it as well?

21                   **MR. SHAVER:** Yes, I did.

22                   **MR. ENGELMANN:** All right.

23                   And did you have any notes to prepare this  
24          with or you were just preparing this on your memory?

25                   **MR. SHAVER:** No notes.

1                   **MR. ENGELMANN:** Yeah. So this is just your  
2 memory of what had happened about ---

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** --- 16 years earlier. All  
5 right.

6                   Now, in your written response you refer to  
7 the discussion with Alan Ain ---

8                   **MR. SHAVER:** Yes.

9                   **MR. ENGELMANN:** --- on the second page, 464.  
10 You say you cannot remember the date or the time.

11                   **MR. SHAVER:** Right.

12                   **MR. ENGELMANN:** But today you said you think  
13 it was approximately two weeks after you met with Earl Sr.?

14                   **MR. SHAVER:** Well, I said that because  
15 that's -- after thinking about it and thinking about it, I  
16 was trying to look at the chronology and that's about the  
17 approximate timeframe I can put on it.

18                   **MR. ENGELMANN:** All right.

19                   Well, perhaps we could take the break there,  
20 sir.

21                   **THE COMMISSIONER:** Great, thank you.

22                   Morning break.

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

25                   This hearing will resume at 11:25.

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

2 L'audience est suspendue à 11h08

3 --- Upon resuming at 11:29 a.m. /

4 L'audience est reprise à 11h29

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

7 This hearing is now resumed. Please be  
8 seated. Veuillez vous asseoir.

9 **CLAUDE SHAVER, Resumed/Sous le même serment:**

10 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**  
11 **ENGELMANN, (cont'd/suite):**

12 **MR. ENGELMANN:** Sir, the last document we  
13 were looking at was Exhibit 1370.

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

15 **MR. ENGELMANN:** Those are the six questions  
16 you were asked to answer.

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** And I just want to turn back  
19 to the one about Alan Ain for a minute?

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

21 **MR. ENGELMANN:** Now, he was an assistant  
22 Crown under ---

23 **MR. SHAVER:** Don Johnson.

24 **MR. ENGELMANN:** --- Don Johnson. And we  
25 know that Don Johnson was the Crown from '83 through at

1           least 1990 perhaps, the majority of your tenure here?

2                   **MR. SHAVER:** That sounds approximately  
3 correct, maybe a little earlier.

4                   **MR. ENGELMANN:** Was Alan -- there's some  
5 documents with his name on them in 1990.

6                   **MR. SHAVER:** Okay.

7                   **MR. ENGELMANN:** I just don't know about  
8 further.

9                           What about Alan Ain? How long was he the  
10 Crown there?

11                   **MR. SHAVER:** Assistant Crown? I think Alan  
12 left about 1988 or '89. That's as good as my recollection  
13 is. He went to Smiths Falls. I think he went to Smiths  
14 Falls as the Crown.

15                   **MR. ENGELMANN:** All right.

16                           So not like Don Johnson who became a defence  
17 counsel here?

18                   **MR. SHAVER:** No, Don Johnson did become a  
19 defence counsel, yes.

20                   **MR. ENGELMANN:** And he -- Johnson -- did you  
21 stay in touch with him at all?

22                   **MR. SHAVER:** Just if I met someplace, yes.

23                   **MR. ENGELMANN:** All right. Okay.

24                   **MR. SHAVER:** And we didn't have any social -

25                   --

1                   **MR. ENGELMANN:** But he's alive, working here  
2                   in Cornwall?

3                   **MR. SHAVER:** Yes, yes.

4                   **MR. ENGELMANN:** Alan Ain is deceased?

5                   **MR. SHAVER:** Alan Ain was killed in a car  
6                   accident, unfortunately.

7                   **MR. ENGELMANN:** Do you know when that was,  
8                   sir?

9                   **MR. SHAVER:** That was shortly after he went  
10                  to Smiths Falls.

11                  **MR. ENGELMANN:** Okay. So back in the late  
12                  '80s?

13                  **MR. SHAVER:** I think late '80s, yes.

14                  **MR. ENGELMANN:** All right.

15                  Now, in this particular document you say --  
16                  after, you say:

17                                "I also remember he told me the  
18                                investigation was handled  
19                                professionally by the Cornwall Police  
20                                Department..."

21                  You say:

22                                "This is a vivid recollection as I  
23                                remember feeling relief for the Chief  
24                                and his family as well as being proud  
25                                of the way the Department handled the

1 investigation."

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: Now, when you write this in  
4 2001, you're aware, are you not, of the subsequent  
5 investigation by the Cornwall Police of Earl Landry, Jr.?

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: The fact that he was  
8 confirmed as a perpetrator of multiple counts of sexual  
9 abuse against children?

10 MR. SHAVER: Absolutely, yes.

11 MR. ENGELMANN: But you're saying that you  
12 weren't aware that this particular complainant was one of  
13 those complainants that came forward?

14 MR. SHAVER: No, I was not aware.

15 MR. ENGELMANN: And you talk about a vivid  
16 recollection. I'm just wondering about a vivid  
17 recollection of what. I'm wondering what, if any, detail  
18 you can remember him talking to you about.

19 MR. SHAVER: Well, sir, the vivid  
20 recollection was because I know how it was affecting Chief  
21 Landry. I mean, I saw that when I talked to him. And when  
22 I heard this, I knew what it would do to his wife because  
23 his wife, I think, was -- I'm not sure if she was dying at  
24 that stage of the game, sir, but she was very, very ill and  
25 died kind of shortly after that.

1                   So I felt relief. I mean, I knew the Chief.  
2                   I knew him for a very long time, and to have the case be  
3                   gone, you know, and have his son vindicated, if you will,  
4                   although that didn't quite turn out to be the way it was in  
5                   the long run, I felt a great deal of relief for him as a  
6                   person. He was a pillar in this community and I think you  
7                   could have -- I mean, I heard evidence about him last week  
8                   and I was really upset, to be honest with you. It kind of  
9                   villified the Chief.

10                   **THE COMMISSIONER:** What evidence are you  
11                   talking about?

12                   **MR. SHAVER:** Evidence about Chief Landry  
13                   last week, sir. I guess maybe I'm looking at it from a  
14                   jaundiced eye, sir, but when I was listening to the  
15                   evidence and about this particular part of it, I know Chief  
16                   Landry would not have interfered with the investigation. I  
17                   know that. I knew him as an honourable man and this  
18                   community knew him that way.

19                   **THE COMMISSIONER:** See, the problem I have,  
20                   sir, is this.

21                   **MR. SHAVER:** I understand, sir.

22                   **THE COMMISSIONER:** You do?

23                   **MR. SHAVER:** I do, yes. I can understand.

24                   **THE COMMISSIONER:** Which problem?

25                   **MR. SHAVER:** Give it to me, sir, and I'll

1 let you know if it's the same one I'm thinking about.

2 **THE COMMISSIONER:** All right.

3 **MR. SHAVER:** You have to hear everything,  
4 sir. I understand that.

5 **THE COMMISSIONER:** No, no -- yeah, I do,  
6 but, you see, when people -- when the police bring someone  
7 into custody or for questioning, it isn't a tea party.

8 **MR. SHAVER:** I understand.

9 **THE COMMISSIONER:** I mean, you have to give  
10 them their rights, and if they decline to give -- to ask  
11 for a lawyer, police officers are saying, "That's great.  
12 Now, let's go a little further and see how much we can get  
13 out of you."

14 **MR. SHAVER:** Absolutely.

15 **THE COMMISSIONER:** All right.

16 And so they bring Earl Landry, Jr. in and he  
17 agrees to a lie detector test and maybe he wouldn't have  
18 talked to his dad about it, and but for you going to tell  
19 the dad, maybe he would have gone to the lie detector test  
20 the next day.

21 And so while I understand that as a  
22 professional courtesy to Earl Landry, Sr., how would you  
23 feel if one of your officers would have done -- would have  
24 brought a suspect in, would have phoned up their dad and  
25 said, "By the way, we have your son here." They would have

1           gone to get a lawyer and had him, as we say, lawyered up.

2                       **MR. SHAVER:** Right.

3                       **THE COMMISSIONER:** Like, isn't that kind of  
4 counter what the police officers' investigation is supposed  
5 to do? And of course for those folks who take it further,  
6 had he admitted then, maybe he wouldn't have gone on to  
7 abuse other people. So that's what we are looking at.

8                       **MR. SHAVER:** Sir, that ---

9                       **THE COMMISSIONER:** Was that what you had in  
10 mind?

11                      **MR. SHAVER:** Yes, that's pretty much what I  
12 had in mind. I realize you had to ask all those questions,  
13 sir, and I can understand -- I can understand what the  
14 Commission needs and what you need, sir.

15                      I think the thing that doesn't get brought  
16 up is that when Earl Landry, Jr., left he probably got  
17 lawyered up anyway, sir.

18                      **THE COMMISSIONER:** Oh, says who?

19                      **MR. SHAVER:** Oh, I don't know, but ---

20                      **THE COMMISSIONER:** Ah.

21                      **MR. SHAVER:** But you're assuming one thing;  
22 I'm assuming the other, you know.

23                      **THE COMMISSIONER:** No, no, no, what I'm  
24 saying is this, is the door was open for him to go and see  
25 -- go and do that polygraph test.

1                   **MR. SHAVER:** Yes.

2                   **THE COMMISSIONER:** All right?

3                   And query whether or not in a police  
4 investigation someone should be calling the father and  
5 whether or not that's exposing the risk that what the  
6 investigators are going to do is going to be countermanded.

7                   **MR. SHAVER:** M'hm.

8                   **THE COMMISSIONER:** Right?

9                   **MR. SHAVER:** Yes, I can see your point.

10                  **THE COMMISSIONER:** So in retrospect, in  
11 hindsight, do you think you should have spoken to the  
12 father?

13                  **MR. SHAVER:** Sir, knowing what I know now,  
14 knowing that Earl Landry, Jr. was a pedophile, yes, I  
15 probably should not have gone to see the father.

16                  **THE COMMISSIONER:** Well, all right.

17                  And is there any circumstance where someone  
18 should go see the father given the fact that there is an  
19 investigation going on?

20                  **MR. SHAVER:** Is there any circumstance     --

21                  -

22                  **THE COMMISSIONER:** Well, as a professional  
23 police officer.

24                  **MR. SHAVER:** Right.

25                  **THE COMMISSIONER:** Right? You've got the

1 accused in the investigative room.

2 MR. SHAVER: M'hm.

3 THE COMMISSIONER: You know that the case is  
4 -- there's children involved. We care for children.

5 MR. SHAVER: Yes.

6 THE COMMISSIONER: Would you condone one of  
7 your officers doing that, phoning up the father and saying  
8 this, and the consequence being that the father phones up  
9 and says he's not -- so father took control at some point,  
10 right?

11 He phoned -- the father phoned and said, "He  
12 ain't taking the test".

13 MR. SHAVER: Right.

14 THE COMMISSIONER: Right. So do you think a  
15 police officer should be doing that?

16 MR. SHAVER: Sir, would I have condoned it?  
17 No, I would not have condoned it on an investigation. I  
18 gave you the -- my evidence, sir, was simply that I was  
19 there to try to console the Chief. That was it.

20 THE COMMISSIONER: Right. And so then we go  
21 back to the conflict of interest issue, in the sense that  
22 should it not have been farmed out given the fact that you  
23 held the Chief in such high esteem that you took the  
24 unusual step of going and advising him of an ongoing  
25 investigation that his son is now in the police station?

1 Do you not think that those are the kinds of things that  
2 pop up a conflict?

3 **MR. SHAVER:** I can see it being perceived  
4 that way, sir, yes. I felt terrible when I heard about the  
5 other victims. I really did.

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

7 **MR. SHAVER:** Sir, if you -- you know, at the  
8 time, I thought long and hard about it. I guess my heart  
9 overruled my head. Would I do the same thing today? No,  
10 and would advise people not to because it seems obviously  
11 when you put it under the scrutiny that we're under here,  
12 you know, it can be perceived badly or badly in the  
13 community if that happened.

14 But I don't know if -- first of all, I don't  
15 think the community ever knew about this until this  
16 Inquiry, obviously.

17 So, yes, sir, I certainly concede the fact  
18 that I would make a different decision today than I did  
19 then.

20 **THE COMMISSIONER:** Okay. Mr. Engelmann.

21 **MR. ENGELMANN:** Thank you.

22 In addition, sir, we've heard that in many  
23 cases it's during the course of the polygraph that the  
24 officer is able to get a confession as they're working with  
25 them.

1                   Were you aware, sir, that in this case, when  
2                   he investigated in the mid to late '90s, that Sergeant  
3                   Snyder did get a confession from Earl Landry, Jr.?

4                   **MR. SHAVER:** No, I was not aware that was  
5                   Sergeant Snyder, no.

6                   **MR. ENGELMANN:** Are you aware, sir, that in  
7                   cases of this nature, a confession is often most compelling  
8                   evidence that one can have, especially when you have child  
9                   witnesses and things of that nature?

10                  **MR. SHAVER:** Yes, yes, absolutely. I  
11                  believe in the polygraph as a -- certainly as an  
12                  instrument, as a tool, no question.

13                  **MR. ENGELMANN:** Just forget about the  
14                  polygraph for a minute. The work at trying to get a  
15                  confession and that when you've got the fellow in your  
16                  custody, asking him questions ---

17                  **MR. SHAVER:** Right.

18                  **MR. ENGELMANN:** --- sometimes you elaborate  
19                  or you get the confession in any event as you're discussing  
20                  the taking of the polygraph?

21                  **MR. SHAVER:** Yes, yes.

22                  **MR. ENGELMANN:** Sir, I just wanted to refer  
23                  you briefly to Sergeant Derochie's -- Staff Sergeant  
24                  Derochie's administrative review on this matter. It's  
25                  Exhibit 1348. Again, this was conducted in the late '90s,

1 sir.

2 MR. SHAVER: I don't think we have that.

3 MR. ENGELMANN: This would have been  
4 finalized before you were interviewed. So you would not  
5 have had any input into this.

6 MR. SHAVER: I don't have 1348, sir.

7 THE COMMISSIONER: Madam Clerk, can you  
8 assist?

9 MR. SHAVER: Mine goes back -- 1355 is where  
10 mine starts.

11 THE COMMISSIONER: Oh, no, that's the other  
12 book.

13 Madam Clerk?

14 MR. SHAVER: And I'm 16 -- maybe the other  
15 one?

16 MR. ENGELMANN: We should have made that  
17 desk bigger.

18 MR. SHAVER: Thirteen-forty-eight (1348)?  
19 No, I'm in the 15s on this one. This is 1526, 1355 and  
20 1613.

21 MR. ENGELMANN: The Document Number, for  
22 those trying to follow with their computer, is 731791,  
23 although this is -- has a couple of references.

24 Sir, if you've seen this document, I assume  
25 it's only in preparation for this hearing?

1                   **MR. SHAVER:** I don't know if I remember  
2                   seeing this document at all, sir. Let me just read it,  
3                   please.

4                   **MR. ENGELMANN:** I just want to turn you to  
5                   one thing, if I may. This is the admin review that Staff  
6                   Sergeant Derochie does.

7                   **MR. SHAVER:** Okay.

8                   **MR. ENGELMANN:** And he didn't interview you  
9                   at all?

10                  **MR. SHAVER:** No, he did not.

11                  **MR. ENGELMANN:** This document is prepared  
12                  and signed off on December 8<sup>th</sup>, 1999, and we know that  
13                  Sergeant Snyder didn't contact you until the 18<sup>th</sup> of  
14                  December of that year -- in fact, December of the next  
15                  year, 2000.

16                  **MR. SHAVER:** I'm sorry, what number are we  
17                  looked at here because I've got the wrong one here,  
18                  obviously. Let me look at this one. Did you say 1338,  
19                  sir?

20                  **MR. ENGELMANN:** Thirteen-forty-eight (1348),  
21                  sir.

22                  **MR. SHAVER:** Oh, 48. I'm sorry. I'm in the  
23                  wrong document.

24                  I have not seen this document before, sir.

25                  **MR. ENGELMANN:** All right.

1                   So on the second page, sir, Bates 202,  
2                   there's a -- Staff Sergeant Derochie is writing --  
3                   summarizing what he heard from Sergeant Lefebvre, the  
4                   middle of the page, and he's making a reference -- it says:

5                    "In speaking with Lefebvre, I learned  
6                   that he had presented the results of  
7                   his investigation to his supervisor at  
8                   the time, Staff Sergeant Willis, that  
9                   he confirmed that he did not have  
10                  sufficient evidence to proceed with a  
11                  charge against Landry. Lefebvre also  
12                  indicated that he most likely would  
13                  have consulted the Crown Attorney of  
14                  the day, Mr. Don Johnson. Lefebvre  
15                  further believes, although he could not  
16                  lay charges, he may have informed City  
17                  Hall..."

18                  Okay? So at the time that Derochie talks to  
19                  Lefebvre about this, sometime in 1999 ---

20                  **MR. SHAVER:** Right.

21                  **MR. ENGELMANN:** --- it's Lefebvre's belief  
22                  that he likely -- he most likely would have consulted with  
23                  the Crown. So we don't have any Crown brief here, sir.

24                  **MR. SHAVER:** Right.

25                  **MR. ENGELMANN:** We don't know if that was

1 ever done.

2 MR. SHAVER: I understand.

3 MR. ENGELMANN: You don't know either,  
4 right?

5 MR. SHAVER: No, I don't.

6 MR. ENGELMANN: Sir, did -- when you spoke  
7 to Mr. Ain, did he tell you that what he knew of the case  
8 came from Mr. Johnson perhaps? Do you recall?

9 MR. SHAVER: No, he did not indicate that to  
10 me.

11 MR. ENGELMANN: All right.

12 You never spoke to Mr. Johnson about this  
13 matter?

14 MR. SHAVER: No, I didn't. I never have.

15 MR. ENGELMANN: Now, sir, just very briefly  
16 on the investigation.

17 We know that things happened very quickly,  
18 and then we know that they end with a call from --  
19 essentially end the active investigation with a call from  
20 Earl Landry, Sr. who says, essentially, things were  
21 happening too fast, maybe later on, type of thing.

22 And ---

23 MR. SHAVER: Well, sir, do we know that? I  
24 mean, that doesn't ---

25 MR. ENGELMANN: We know that from the notes.

1                   **MR. SHAVER:** Oh.

2                   **MR. ENGELMANN:** That's what we know from the  
3 notes.

4                   **MR. SHAVER:** Sergeant Lefebvre would be able  
5 to say more about that when he ---

6                   **MR. ENGELMANN:** If he testifies.

7                   **MR. SHAVER:** Oh, okay.

8                   **MR. ENGELMANN:** Yeah. We have his notes  
9 though, sir, and they indicate essentially active  
10 investigation on the initial complaint ending the morning  
11 of the 27<sup>th</sup> of June.

12                   **MR. SHAVER:** Okay.

13                   **MR. ENGELMANN:** Right after the call from  
14 Earl, Sr.

15                   So we do know some things though, at least  
16 from these notes. We know there was no follow-up on the  
17 polygraph. We know that. All right?

18                   **MR. SHAVER:** There were no notes to say  
19 that, yes.

20                   **MR. ENGELMANN:** Okay. But you think there  
21 should have been follow up on the polygraph, on that offer  
22 from Earl, Sr.; correct?

23                   **MR. SHAVER:** I would have thought that there  
24 should have been, yes.

25                   **MR. ENGELMANN:** Right.

1                   They could have attempted to get another  
2                   statement from Earl, Jr. He denied doing it the first  
3                   time?

4                   **MR. SHAVER:** Well, sir, you have to look  
5                   back at -- these two police officers, they're two  
6                   experienced police officers. There are many things that  
7                   they did and should have done probably. I'm not sure. You  
8                   know, they ---

9                   **MR. ENGELMANN:** You made the comment that  
10                  Mr. Ain ---

11                  **MR. SHAVER:** Right.

12                  **MR. ENGELMANN:** And we don't know if Mr. Ain  
13                  was consulted by the officers directly. We just have your  
14                  recollection of a social gathering ---

15                  **MR. SHAVER:** M'hm.

16                  **MR. ENGELMANN:** --- where he told you that  
17                  it had been professional, but what I'm trying to get out is  
18                  what we know and perhaps what could have been done because  
19                  we know later on that this same man confesses to this crime  
20                  and other crimes many years later.

21                  Certainly at the time, they found one  
22                  victim. In fact, the victim came to them through his  
23                  mother. They could have attempted to find other victims;  
24                  correct? They had a picture of him that they had gotten  
25                  through their investigation?

1                   **MR. SHAVER:** Right.

2                   **MR. ENGELMANN:** They certainly could have  
3 asked other children who frequented the park. Fair enough?

4                   **MR. SHAVER:** Yes.

5                   **MR. ENGELMANN:** They could have initiated a  
6 joint investigation with the CAS?

7                   **MR. SHAVER:** Because it was a child, yes.

8                   **MR. ENGELMANN:** Yes. And I don't know if  
9 you were aware of this, sir, but the CAS had some medical  
10 information that might have been helpful to them, that it  
11 was never exchanged between the CAS officer and the CPS.

12                   **MR. SHAVER:** I did not know that.

13                   **MR. ENGELMANN:** And, in fact, sir, they were  
14 able to assist the CPS in getting a conviction on another  
15 man by the name of Gary Seguin who was also a perpetrator  
16 of the 1985 victim. Did you know that?

17                   **MR. SHAVER:** No, I did not know that.

18                   **MR. ENGELMANN:** And in that case, when they  
19 did the joint investigation, it worked.

20                   Sir, they could have gone, and it appears  
21 they may have gone to the employer to ask some questions,  
22 and they could have followed up on that? This is the City,  
23 the Parks people.

24                   **MR. SHAVER:** Sir, I'm not aware of that  
25 either.

1 MR. ENGELMANN: All right.

2 Could have attempted to get medical  
3 evidence.

4 MR. SHAVER: Oh, sure, absolutely, yes.

5 MR. ENGELMANN: Could have attempted to find  
6 witnesses who may have seen Earl spending time with  
7 children?

8 MR. SHAVER: Yes, of course.

9 MR. ENGELMANN: So there are a number of  
10 things that we don't know because all we have are the notes  
11 we have.

12 THE COMMISSIONER: Mr. Chisholm, good  
13 morning. You're announcing your appearance, or ---

14 MR. CHISHOLM: Good morning, sir.

15 THE COMMISSIONER: Good morning.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. ENGELMANN: Mr. Chisholm has said  
18 there's a possibility the letter was shared with the CPS,  
19 so I shouldn't have said categorically it was.

20 THE COMMISSIONER: Medical report?

21 MR. ENGELMANN: Yeah.

22 THE COMMISSIONER: Yeah, okay.

23 MR. ENGELMANN: Given what you know, and I  
24 think you've already answered this, sir, and what you've  
25 learned about this subsequent to this, it may not have been

1 prudent to make that phone call on your part?

2 MR. SHAVER: Right.

3 MR. ENGELMANN: And I think you've said  
4 that.

5 THE COMMISSIONER: What phone call?

6 MR. ENGELMANN: To make the phone call --  
7 sorry, not the phone call, to have the visit with Earl Sr.

8 THE COMMISSIONER: Right.

9 I mean, I don't want to belabour it, but  
10 Officer Dunlop went and advised somebody and we know what  
11 happened to him.

12 And so some people might be saying, "Holy  
13 smokes, how come -- how come you went out of the Service  
14 and told somebody something that affected an  
15 investigation?"

16 MR. ENGELMANN: You're talking, sir, about a  
17 disclosure of information to a third party?

18 THE COMMISSIONER: M'hm.

19 MR. SHAVER: Yes, sir.

20 THE COMMISSIONER: Seen in that light.

21 MR. SHAVER: No, no, sir, I can certainly  
22 see your point.

23 THE COMMISSIONER: All right.

24 MR. SHAVER: I have no difficulty with your  
25 point at all, sir.

1                   **THE COMMISSIONER:** All right.

2                   **MR. ENGELMANN:** Sir, let's move on to  
3 another matter.

4                   I want to ask you -- and I don't know if you  
5 remember this name, Jean-Luc Leblanc?

6                   **MR. SHAVER:** Jean-Luc Leblanc?

7                   **MR. ENGELMANN:** Yes. The name comes up.  
8 This is a report received by your Force in early 1986. It  
9 is a joint investigation. At least it starts that way with  
10 the CAS. There's also involvement of a local school and  
11 school teacher and principal. It's a child sexual abuse  
12 complaint, multiple victims, current complaint, extra-  
13 familial. Mr. Leblanc is not related to any of these boys.

14                   **MR. SHAVER:** Right.

15                   **MR. ENGELMANN:** What, if any, involvement do  
16 you recall having with that matter?

17                   **MR. SHAVER:** Absolutely none.

18                   **MR. ENGELMANN:** All right.

19                   **MR. SHAVER:** I have no recall of Jean-Luc  
20 Leblanc at all.

21                   **MR. ENGELMANN:** So, sir, if you have no  
22 recall, you don't know what, if any, information you would  
23 have been provided at the time?

24                   **MR. SHAVER:** No, nothing.

25                   **MR. ENGELMANN:** Were you aware, sir, at all

1 of a plea bargain that involved him pleading guilty to two  
2 of three charges in the fall of 1986?

3 MR. SHAVER: Not aware at all, sir.

4 MR. ENGELMANN: Were you aware, sir, of the  
5 lenient sentence he would have received, a suspended  
6 sentence and three years probation?

7 MR. SHAVER: No, I was not.

8 MR. ENGELMANN: Were you aware, sir, that  
9 there were no prohibition orders in the probation; in other  
10 words, nothing preventing him from contacting the victims  
11 themselves or other young people?

12 MR. SHAVER: No, I was not aware.

13 MR. ENGELMANN: Were you aware, sir, that  
14 almost immediately after his guilty pleas, he re-victimized  
15 one of those victims?

16 MR. SHAVER: No, I was not aware of that.

17 MR. ENGELMANN: Right.

18 And, sir, were you aware that charges were  
19 later brought against him regarding other family members of  
20 those original victims?

21 MR. SHAVER: I'm not aware of that, sir.

22 MR. ENGELMANN: And that was done by the  
23 OPP?

24 MR. SHAVER: Okay.

25 MR. ENGELMANN: All right.

1                   Were you aware, sir, that he ended up  
2                   pleading guilty to numerous sexual abuse charges against  
3                   children in the Cornwall area as a result of an OPP Project  
4                   Truth investigation?

5                   **MR. SHAVER:** No, I was not.

6                   **MR. ENGELMANN:** So that doesn't refresh your  
7                   memory at all about Jean-Luc Leblanc?

8                   **MR. SHAVER:** I have no recollection of Jean-  
9                   Luc Leblanc at all, sir. I have no independent  
10                  recollection.

11                  **MR. ENGELMANN:** Sir, I'll move on.

12                  I know this is one you have some  
13                  recollection of for sure.

14                  **MR. SHAVER:** Yeah.

15                  **MR. ENGELMANN:** You talked about it. It's  
16                  Father Gilles Deslauriers.

17                  **MR. SHAVER:** Yes.

18                  **MR. ENGELMANN:** All right.

19                  Can you give us a sense, sir, of how and  
20                  when you became aware that there were allegations brought  
21                  against this priest, Gilles Deslauriers?

22                  **MR. SHAVER:** My recollection is the Deputy  
23                  Chief of Police told me that there was -- this was the very  
24                  first one that we had in the city that I was involved in  
25                  and ---

1                   **MR. ENGELMANN:** First one involving a  
2 priest?

3                   **MR. SHAVER:** A priest, yes.

4                   **MR. ENGELMANN:** Yes.

5                   And I just want to confirm again, like these  
6 others, you don't have any notes to refresh your memory?

7                   **MR. SHAVER:** No, I do not.

8                   **MR. ENGELMANN:** And unfortunately in this  
9 case, we do not have the notes of the investigating  
10 officers, but we do have some will states.

11                   **MR. SHAVER:** Oh really? Okay. I didn't  
12 know that.

13                   **MR. ENGELMANN:** And I think you've been  
14 following this Inquiry. You may have heard some of the  
15 evidence touching upon this matter.

16                   **MR. SHAVER:** I heard some of the evidence,  
17 yes.

18                   **MR. ENGELMANN:** And the information or the  
19 file information we have, I think, all comes from a Crown  
20 brief.

21                   **MR. SHAVER:** Yeah.

22                   **MR. ENGELMANN:** That's why we have will  
23 states.

24                   Were you aware that Ron and Herb Lefebvre  
25 were the investigating officers?

1                   **MR. SHAVER:** I was aware of that, yes.

2                   **MR. ENGELMANN:** And are they siblings, sir?

3                   **MR. SHAVER:** No, they're not.

4                   **MR. ENGELMANN:** Okay.

5                   **MR. SHAVER:** Not related.

6                   **MR. ENGELMANN:** Were you involved in their  
7 assignment to this file in any way?

8                   **MR. SHAVER:** No way at all.

9                   **MR. ENGELMANN:** Would that have been your  
10 Deputy Chief at the time, Mr. O'Neill?

11                   **MR. SHAVER:** He would not have assigned. It  
12 would have been the officer in charge of CIB, but Deputy  
13 Chief O'Neill would have been in charge of the file, in  
14 charge of the operation.

15                   **MR. ENGELMANN:** Do you recall -- you've told  
16 us about meeting with Constable Payment when he started on  
17 the Labelle matter.

18                   **MR. SHAVER:** Yes.

19                   **MR. ENGELMANN:** You talked about meeting  
20 with Lefebvre and Willis on the Landry matter. Would you  
21 have had some kind of meeting with these investigators at  
22 the beginning of the investigation to stress the importance  
23 of them doing a proper and thorough job, or do you recall?

24                   **MR. SHAVER:** I don't recall, sir.

25                   **MR. ENGELMANN:** All right.

1                   **MR. SHAVER:** If I would have seen them in  
2                   the hallway, I would have certainly said something, but I  
3                   didn't make a point to go down to their offices and meet  
4                   with them or anything like that.

5                   **MR. ENGELMANN:** All right.

6                   But you would have been made aware, probably  
7                   through your Deputy Chief, that they were doing the  
8                   investigation?

9                   **MR. SHAVER:** Yes. Yes.

10                  **MR. ENGELMANN:** And would he have provided  
11                  you with information or updates from time to time about the  
12                  investigation?

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** And at some point, sir, did  
15                  you become aware that your officers may have had some  
16                  difficulty in their dealings with officials from the  
17                  Diocese?

18                  **MR. SHAVER:** At the end of the  
19                  investigation, yes.

20                  **MR. ENGELMANN:** All right.

21                  And how did you become aware of that?

22                  **MR. SHAVER:** They came to my office, went to  
23                  see the Deputy, came through the chain, came to my office.  
24                  They were basically -- they were quite distraught, and they  
25                  were asking if there was anything that I, as Chief, could

1 do.

2 **MR. ENGELMANN:** All right.

3 So they came to you; you didn't go to them?

4 **MR. SHAVER:** No, I did not go to them.

5 **MR. ENGELMANN:** And you say they didn't come  
6 to you directly? They went through the Deputy Chief?

7 **MR. SHAVER:** They went through the Chain of  
8 Command to get to me, yes, sir.

9 **MR. ENGELMANN:** All right.

10 And with respect to what they advised you,  
11 I'd like to take you a will state of one of those officers,  
12 if I might?

13 Sir, the Document Number is 703441.

14 **THE COMMISSIONER:** It's a new exhibit, sir.

15 **MR. ENGELMANN:** It's a Will State of witness  
16 Sergeant Ron Lefebvre.

17 And, sir, before the matter is entered, I  
18 want to speak to a confidentiality issue, if I may?

19 **THE COMMISSIONER:** Yes.

20 **MR. ENGELMANN:** I'd like to do this on the  
21 public record. I think I can.

22 You made a ruling on November 6<sup>th</sup>, 2006, and  
23 I think we can probably pull it up on screen?

24 **THE COMMISSIONER:** I remember it well.

25 **MR. ENGELMANN:** Oh, sorry, November 16<sup>th</sup>.

1 Did I say 6<sup>th</sup>?

2 **THE COMMISSIONER:** Yes, I was going to  
3 correct you.

4 **MR. ENGELMANN:** Okay. I thought maybe I  
5 just misheard you.

6 **THE COMMISSIONER:** No, no, I was going to  
7 let that slide.

8 **MR. ENGELMANN:** All right. Thank you.  
9 There were a number of requests at that time  
10 for confidentiality measures by counsel for many of the  
11 parties.

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

13 **MR. ENGELMANN:** Some institutional, some  
14 victims, et cetera.

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

16 **MR. ENGELMANN:** And you issued a ruling.  
17 It's called "Public Ruling on Confidentiality Measures for  
18 Exhibits Marked as C on an Interim Basis."

19 **THE COMMISSIONER:** M'hm. Can I see the  
20 document? Is that okay?

21 **MR. ENGELMANN:** The will state itself?

22 **THE COMMISSIONER:** The will state itself.

23 **MR. ENGELMANN:** Yes, absolutely.

24 **THE COMMISSIONER:** Madam Clerk, can I have a  
25 copy of the will state that ---

1                   **MR. ENGELMANN:** Seven-zero-three-four-four-  
2                   one (703441).

3                   **THE COMMISSIONER:** Yeah. Just let me have a  
4                   peek at that? Thank you. Okay.

5                   Okay. All right. And so what's ---

6                   **MR. ENGELMANN:** Sir, the name I'm concerned  
7                   about is found at Bates page 473.

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

9                   **MR. ENGELMANN:** It's the fourth paragraph  
10                  down, starting "On Thursday, June 12<sup>th</sup>, 1986".

11                  **THE COMMISSIONER:** Yes.

12                  **MR. ENGELMANN:** I'd ask the document not be  
13                  put on the public screen. But, sir, if we could have --  
14                  Madam Clerk, if you're able to pull up the ruling from  
15                  November 16<sup>th</sup>, 2006? It's page 4.

16                  This motion was made by counsel for one of  
17                  the parties. I'm not going to mention which party publicly  
18                  right now. I'd like to do this on the public record if I  
19                  can as opposed to going in camera.

20                  **MR. ENGELMANN:** The counsel at the time  
21                  asked not just for a publication ban but for an edit of the  
22                  person's name from the public record. So it's not a full  
23                  redaction from our core documents but it's a blackout of  
24                  the name and identifiers for the public record.

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

1                   **MR. ENGELMANN:** The reasons he gave at the  
2 time are set out starting at the bottom of page 4, and  
3 include the fact that this individual was a victim of  
4 Father Deslauriers; that there had been a publication ban  
5 that remained in force.

6                   There were a number of other reasons why  
7 they made their submissions and you set those out on pages  
8 5 and 6 of your Decision. And at the bottom of the page --  
9 and you referred this to all of the documents relating to  
10 that individual that we had in the record at that time. So  
11 this will state, obviously, was not in the record yet.

12                   All I'm really asking you to do is, given  
13 that you found the Dagenais/Mentuck test was met and you  
14 imposed a somewhat higher level of publication ban ---

15                   **THE COMMISSIONER:** For this person?

16                   **MR. ENGELMANN:** For this person. I would  
17 ask, and I've been asked by counsel for this party, to make  
18 this request and have the same order apply. And the  
19 reasons are set out at the bottom of page 6 of your  
20 Decision ---

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

22                   **MR. ENGELMANN:** --- where you say:

23                   "As to counsel's further request..."

24                   Sorry, the final conclusion:

25                   "...further request to edit these

1 exhibits for the purpose of public  
2 consultation, I am prepared to grant  
3 it."

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

5 **MR. ENGELMANN:** You're also issuing a  
6 publication ban on the information. You take into  
7 consideration the fact that the name of this person was  
8 never made public before the Inquiry; the limit to  
9 relevancy, information to the Inquiry and the specific  
10 situation of the person, where the person was employed, et  
11 cetera, et cetera.

12 So all I'm really asking, sir, on behalf of  
13 the party in question, and I believe the request is made in  
14 the public interest, is that the order that you issued on  
15 November 16<sup>th</sup>, 2006 now be also applied to this particular  
16 will state with respect to this individual?

17 **THE COMMISSIONER:** I'm surprised we don't  
18 have a moniker for that ---

19 **MR. ENGELMANN:** Well, the person was never  
20 named; there's no need for me to mention that name publicly  
21 ---

22 **THE COMMISSIONER:** Okay.

23 **MR. ENGELMANN:** --- so there's no need for a  
24 moniker, sir.

25 **THE COMMISSIONER:** Okay. All right. Okay.

1 Those are ---

2 **MR. ENGELMANN:** So I don't know if any of  
3 the parties have any comments, sir.

4 **THE COMMISSIONER:** All right.

5 Does anybody have any objections to this? I  
6 mean if we've already ruled, I've already ruled on this  
7 person, this is just another document where his name is  
8 mentioned.

9 All right. No one coming forward. All  
10 right. So I'll grant you the order as requested.

11 **MR. ENGELMANN:** And, sir, if -- I note that  
12 a similar will state has been identified as a potential  
13 cross-document and that will be the will say of Herb  
14 Lefebvre.

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

16 **MR. ENGELMANN:** I'm not going there, but if  
17 the counsel who identified it as a cross-document or one of  
18 the other counsel intends to go there, I would ask that we  
19 be cautious and that we also apply your order of November  
20 16<sup>th</sup> to this individual in that circumstance as well because  
21 I know the person's name and identifiers are mentioned  
22 there as well.

23 **THE COMMISSIONER:** Okay. Well, I think out  
24 of an abundance of caution then, whenever we have our few  
25 hours of confidential in camera clearing up of the records

1 so to speak, we might want to mention this as well.

2 MR. ENGELMANN: Well, if it happens today or  
3 tomorrow, I just want to make sure that people are aware of  
4 it.

5 THE COMMISSIONER: Yes, that's fine. Thank  
6 you.

7 MR. ENGELMANN: I think by doing this now --  
8 -

9 THE COMMISSIONER: Yeah.

10 MR. ENGELMANN: --- we won't have to clear  
11 this one back-up ---

12 THE COMMISSIONER: I appreciate it. Thank  
13 you.

14 MR. ENGELMANN: All right.

15 Sorry, Mr. Shaver, for the digression. I  
16 just ---

17 MR. SHAVER: I appreciated the break  
18 actually.

19 MR. ENGELMANN: Oh, okay.

20 So I'm not going to be referring you to that  
21 individual's name on Bates page 473; just be cautious about  
22 names. I know you've been following this Inquiry so you  
23 know that there are certainly confidentiality issues.

24 MR. SHAVER: Yes.

25 MR. ENGELMANN: Now, sir, just to turn to

1           this document then. Oh, can we have it entered, sir, as an  
2           exhibit?

3                           **THE COMMISSIONER:** Yes, I'm sorry.

4                           It will be Exhibit 1785 which is a will  
5           state of Sergeant Ronald Lefebvre.

6           **---EXHIBIT NO./PIÈCE NO. P-1785:**

7                           (703441) Will Say statement of Ronald  
8           Lefebvre

9                           **MR. ENGELMANN:** The Document Number for the  
10          record again 703441. It's probably found under a couple of  
11          document numbers but that's the one I'm using.

12                          And, sir, what I'd like to do is take you to  
13          Bates page 470.

14                          **MR. SHAVER:** Yes, sir.

15                          **MR. ENGELMANN:** And just before I get into  
16          the specifics of what you may have been told in attempting  
17          to refresh your memory, do you have an independent  
18          recollection, sir, of the meeting you had with the  
19          Lefebvres when they came in to see you that day?

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

21                          **MR. ENGELMANN:** And can you just describe  
22          the scene for us; what it was like?

23                          **MR. SHAVER:** They were both distraught.  
24          They were asking for my help. They're both very emotional  
25          about it.

1                   **MR. ENGELMANN:** Did they tell you why they  
2                   were emotional about it?

3                   **MR. SHAVER:** Yes, they said that the bishop  
4                   had not cooperated with them. I can't remember the exact  
5                   language that they used, but the basic bottom line was that  
6                   the bishop had not cooperated; did not appear interested in  
7                   knowing about Father Deslauriers. That's about -- that's  
8                   as much as I remember.

9                   **MR. ENGELMANN:** Is there any particular  
10                  reason why that would make them distraught? Did they  
11                  disclose that to you?

12                  **MR. SHAVER:** I can't remember that reason,  
13                  sir, but they were -- I think it was because -- I think  
14                  it's something that Father Deslauriers -- the bishop said  
15                  that Father Deslauriers was gone somewhere and he wasn't  
16                  going to tell them. Something to that effect.

17                  That's as much as I remember and I was  
18                  basically there to say, "Okay, what can I do? What do you  
19                  want me to do as a Chief?" and basically ---

20                  **MR. ENGELMANN:** Did they talk to you at all  
21                  about their own faith and how this might have affected it?

22                  **MR. SHAVER:** Yeah, they did. I should --  
23                  that's right. That does jog my memory. They talked about  
24                  they were both Catholics. They both felt very badly, very,  
25                  very badly.

1                   **MR. ENGELMANN:** All right.

2                   And was it primarily the bishop who you were  
3                   told might have been uncooperative or where there other or  
4                   do you recall?

5                   **MR. SHAVER:** No. The only person they  
6                   mentioned to me was the bishop.

7                   **MR. ENGELMANN:** All right.

8                   So let's look at Bates page 470. You know  
9                   this is a will state for Ron Lefebvre. And so this -- just  
10                  to help me here, sir, the will state is a bit of a summary  
11                  of the officer's notes.

12                  **MR. SHAVER:** Exactly.

13                  **MR. ENGELMANN:** Is that a fair statement,  
14                  Mr. Shaver?

15                  **MR. SHAVER:** Yes, yes.

16                  **MR. ENGELMANN:** And they're done for Crown  
17                  brief purposes?

18                  **MR. SHAVER:** Yes.

19                  **MR. ENGELMANN:** All right.

20                  So towards the bottom of the page -- sorry,  
21                  about half-way down the page, they talk about a meeting  
22                  with a Father Bernard and I think the pronunciation is  
23                  Guindon, and they interviewed him. Do you see that?

24                  **MR. SHAVER:** Yes.

25                  **MR. ENGELMANN:** And he told them that he'd

1           been appointed the chairman of a committee set up by Bishop  
2           Larocque to inquire into the allegations against Father  
3           Deslauriers?

4                   **MR. SHAVER:** I see that, sir. I didn't know  
5           that.

6                   **MR. ENGELMANN:** All right.

7                           "The purpose was to interview possible  
8                           victims/parents, render assistance when  
9                           needed and submit their findings and  
10                          recommendations to the Bishop. Also  
11                          appointed to this committee was Sister  
12                          Pilon and diocesan..."

13           Someone's going to correct me here, he always does ---

14                           "...diocesan lawyer, Jacques Leduc.  
15                          Monsignor Guindon stated that he had  
16                          taken an oath of secrecy to the Bishop  
17                          regarding this inquiry and therefore  
18                          could not reveal any information or  
19                          names of victims."

20                          So do you recall any discussion from them  
21           about Monsignor Guindon saying that he had taken an oath of  
22           secrecy to the Bishop and couldn't tell him about this?

23                   **MR. SHAVER:** No.

24                   **MR. ENGELMANN:** All right.

25                          They talk a little bit about the committee

1 and he says:

2 "After this brief interview, we  
3 attended Bishop Larocque's office where  
4 a brief interview was had. Bishop  
5 Larocque acknowledged that Father  
6 Deslauriers had a forceful character  
7 and that the man could manipulate  
8 people. The Bishop felt that Father  
9 Deslauriers could also influence  
10 bishops. He stated that he had spoken  
11 with Father Deslauriers and that  
12 Deslauriers claimed that it was  
13 'therapy, although not the type taught  
14 at the seminary'. The Bishop's opinion  
15 is that he, Deslauriers, may deeply  
16 believe he does not have a problem."

17 It goes on. And it says:

18 "When asked further about the records  
19 of the committee's findings if they  
20 were here at 220 Montreal Road ..."

21 Is that the office of the Diocese?

22 **MR. SHAVER:** I believe it is, sir, yes.

23 **MR. ENGELMANN:** He replied:

24 "Yes, but they are confidential ..."

25 **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** And that's in quotes:  
2                   "... and could not show them to us."

3                   He stated:  
4                   "The transcript was approximately 180  
5                   pages."

6                   So do you recall any discussion about the  
7                   Lefebvres advising you that there were documents that the  
8                   Bishop said he could not disclose because they were  
9                   confidential?

10                  **MR. SHAVER:** I remember they talked about  
11                  some -- about documents that the Bishop had and that was  
12                  part of the discussion. It's just --- yes, I remember that  
13                  that was part of the discussion because of something that  
14                  took place after that.

15                  **MR. ENGELMANN:** But you certainly have no  
16                  independent recollection of this committee being set up and  
17                  information about the committee?

18                  **MR. SHAVER:** No, no.

19                  **MR. ENGELMANN:** And this doesn't refresh  
20                  your memory?

21                  **MR. SHAVER:** This doesn't refresh my memory;  
22                  no. Sorry.

23                  **MR. ENGELMANN:** Sir, in addition, there is a  
24                  reference at Bates page 474. And the date in question, if  
25                  we flip back to the last page, is Monday, June 16<sup>th</sup>. There

1 is a reference to Father Denis Vallaincourt who is re-  
2 interviewed in the presence of their lawyer, Jacques Leduc.

3 **MR. SHAVER:** M'hm.

4 **MR. ENGELMANN:** And then it says:

5 "At approximately 16:05, Mr. Jacques  
6 Leduc, Constable H. Lefebvre and myself  
7 attended Bishop Larocque's residence at  
8 1800 Montreal Road. Bishop Larocque  
9 would not supply a written statement  
10 other than what was already public  
11 knowledge. He stated he did not want  
12 to lose the trust of his priests and  
13 therefore would not answer any of our  
14 questions and should he be called to  
15 court, he would not answer questions.  
16 He would go to jail first. With that  
17 said, the interview was completed."

18 Now, do you have any recollection, sir, of a  
19 statement of that nature being said or told to you by the  
20 Lefebvres?

21 **MR. SHAVER:** No, I do not.

22 **MR. ENGELMANN:** Okay. You don't recall any  
23 reference to going to jail before talking?

24 **MR. SHAVER:** No, I don't have any  
25 independent recollection that that was said.

1                   **MR. ENGELMANN:** All right.

2                   So the recollection you do have is simply  
3 one of a lack of cooperation; did I get that right?

4                   **MR. SHAVER:** Yes, a lack of cooperation.

5                   **MR. ENGELMANN:** All right. And some kind of  
6 refusal not to show documents of some nature.

7                   **MR. SHAVER:** Right. And one thing that's  
8 not in the will state, as I already mentioned, is that  
9 Father Deslauriers was not here. He was gone somewhere.

10                   **MR. ENGELMANN:** All right.

11                   And there was some concern about where he  
12 was; is that what you're saying?

13                   **MR. SHAVER:** Yes. Yes, the officers were --  
14 that was one of their concerns. He was gone someplace. I  
15 haven't seen it in the will state thus far but that's what  
16 ---

17                   **MR. ENGELMANN:** And were you telling you  
18 they were seeking information as to his whereabouts?

19                   **MR. SHAVER:** Yes.

20                   **MR. ENGELMANN:** All right. And that was of  
21 concern?

22                   **MR. SHAVER:** Definitely, yes.

23                   **MR. ENGELMANN:** All right.

24                   Are there any other details, sir, you can  
25 recall of their concerns?

1                   **MR. SHAVER:** No, that -- this document  
2 refreshes my memory a little bit more about it. I don't  
3 remember that. I don't remember the last part of that  
4 document.

5                   **MR. ENGELMANN:** Right. Were you in any way  
6 surprised by what you were hearing from the Lefebvres?

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** All right.  
9 And what had you expected?

10                   **MR. SHAVER:** I would have expected the  
11 Bishop to cooperate in a police investigation.

12                   **MR. ENGELMANN:** All right.

13                   And was that because you would expect him to  
14 do that because he's the Bishop or because he's the  
15 employer or what?

16                   **MR. SHAVER:** I guess from two perspectives.  
17 I can understand the Bishop's -- the Bishop's point about  
18 keeping the integrity with his priests. I certainly can  
19 understand how the Bishop would have that because I would  
20 have that about my officers. I try to mix the two things  
21 back up here.

22                   But if one of my officers was -- I look at  
23 this way. If one of my officers was being accused of this,  
24 I'd want it thoroughly investigated. And I would allow  
25 whoever it was and cooperate with whoever it was.

1                   **MR. ENGELMANN:** You would have cooperated  
2 with the OPP, for example?

3                   **MR. SHAVER:** With whomever, yes. If it was  
4 the OPP or the RCMP or whomever, to get the information,  
5 because the last thing that we would want -- that I would  
6 want in a police department is somebody that would be doing  
7 this. I would have hoped that the Bishop would have wanted  
8 the same thing with people in his diocese. But that's a  
9 question he has to answer, sir.

10                   **MR. ENGELMANN:** So what steps, if any, did  
11 you take following the receipt of this information?

12                   **MR. SHAVER:** I phoned the Bishop.

13                   **MR. ENGELMANN:** All right.

14                                   And how well did you know him before you  
15 picked up the phone and called him?

16                   **MR. SHAVER:** I did not know him at all, sir.  
17 We attended a great many social functions together. The  
18 Bishop was invited; the police chief was invited. I may  
19 have spoken to him, said "Hello," but that was it. I don't  
20 think he knew who I -- I don't think he actually knew who I  
21 was unless I would have been in my uniform.

22                   **MR. ENGELMANN:** So you would have met him  
23 and exchanged pleasantries, things of that nature at social  
24 gatherings?

25                   **MR. SHAVER:** Yes, yes.

1                   **MR. ENGELMANN:** But you had no other  
2 relationship with him?

3                   **MR. SHAVER:** No other relationship at all.

4                   **MR. ENGELMANN:** All right.

5                   And did you make the telephone call  
6 immediately after you had spoken to your officers?

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** Or do you recall?

9                   **MR. SHAVER:** Yes, immediately after.

10                  **MR. ENGELMANN:** All right.

11                  And did you make that decision to speak with  
12 the Bishop in consultation with those officers or your  
13 Deputy Chief, or do you recall?

14                  **MR. SHAVER:** I think I told the officers  
15 "Just leave it with me for now." My Deputy and I  
16 definitely spoke about this and I phoned the Bishop.

17                  **MR. ENGELMANN:** Okay. Did you advise either  
18 of them or your Deputy Chief what you had done after the  
19 fact?

20                  **MR. SHAVER:** I advised the Deputy. I don't  
21 think I advised the -- I don't think I had any other  
22 conversation with the officers. I just told them that I  
23 would do -- you know, "Leave it with me. I will check and  
24 see what I can do here."

25                  **MR. ENGELMANN:** So what was your goal in

1 calling the Bishop?

2 **MR. SHAVER:** I guess, sir, I wanted to tell  
3 him that I believed he should cooperate. And that he  
4 should have -- you know, his interest should be the same as  
5 the public interest if there are people -- that there are  
6 people, no matter if they are in the church, outside the  
7 church, and they know -- and he has information, he should  
8 be giving it to us so that we could go back and do a proper  
9 investigation.

10 **MR. ENGELMANN:** And you knew about the  
11 serious nature of these charges?

12 **MR. SHAVER:** Yes.

13 **MR. ENGELMANN:** And what, if anything, can  
14 you recall of that phone conversation?

15 **MR. SHAVER:** It was a very limited  
16 conversation. The Bishop, I think, said "My stance is my  
17 stance" and similar words to that effect. I can't remember  
18 the exact words. And I told him that if he didn't  
19 cooperate that we would -- you know, we would get a search  
20 warrant and we would search his rectory.

21 **MR. ENGELMANN:** Now, do you recall if you  
22 had ever picked up the phone to talk to an employer of an  
23 alleged sexual offender before?

24 **MR. SHAVER:** No, never.

25 **MR. ENGELMANN:** I'm just thinking in order

1 to get further cooperation.

2 MR. SHAVER: No.

3 MR. ENGELMANN: And what, if anything, did  
4 your force get after your phone call? Do you know if there  
5 was further cooperation?

6 MR. SHAVER: Sir, I don't know but I believe  
7 the Bishop did cooperate after. I believe that there was -  
8 - like there was information exchanged. I'm not sure how  
9 or where. You'd have to ask the investigating officers  
10 that.

11 MR. ENGELMANN: All right.

12 Well, let's put it this way, you have no  
13 knowledge that your force needed to go get a search warrant  
14 afterwards?

15 MR. SHAVER: Sir, I don't think we did so my  
16 assumption after that was that they must have gotten -- he  
17 must have cooperated. He must have been there. He maybe  
18 rethought his position. I'm not sure.

19 MR. ENGELMANN: Okay.

20 And how would you describe your relationship  
21 with the Bishop after the call?

22 MR. SHAVER: We had no relationship after  
23 the call, sir.

24 MR. ENGELMANN: All right.

25 You didn't have much of one before.

1                   **MR. SHAVER:** Well, we had none before -- we  
2 had very little before. We had absolutely none after the  
3 call.

4                   **MR. ENGELMANN:** All right.

5                   And were things worse than they were before  
6 as far as you were concerned?

7                   **MR. SHAVER:** No, the Bishop was a  
8 professional man, you know.

9                   **MR. ENGELMANN:** Yes.

10                  **MR. SHAVER:** And I'm a -- I was a  
11 professional chief. So we had -- if he was in the same --  
12 if we were in the same room, we might acknowledge each  
13 other but we didn't spend any time chatting. I didn't go  
14 over to speak to him and he didn't come and speak to me.

15                  **MR. ENGELMANN:** All right.

16                  And had you done that before the call?

17                  **MR. SHAVER:** It would have been very  
18 minimal, sir. It would have been very minimal.

19                  **MR. ENGELMANN:** So what, if any, further  
20 involvement did you have in the Deslauriers matter, after  
21 the officers met with you ---

22                  **MR. SHAVER:** My only involvement, when the  
23 officers came and said that they had reached a roadblock  
24 and can I help them through the roadblock.

25                  **MR. ENGELMANN:** We've heard at this Inquiry

1 that at one point a mother of a victim was asked to wear a  
2 wiretap when she met with the bishop.

3 MR. SHAVER: M'hm. M'hm.

4 MR. ENGELMANN: Were you aware of that at  
5 the time?

6 MR. SHAVER: No, I wasn't. But that was the  
7 Deputy Chief's decision, and he was -- that's operational  
8 and he made that decision and away he went.

9 MR. ENGELMANN: Right. You were not  
10 consulted on that?

11 MR. SHAVER: Not that I remember, sir. And  
12 if it would have been, it would have been -- I wouldn't  
13 have been consulted to ask if we're going to do it, it  
14 would have been if he was -- if he would have told me it  
15 would have been just to tell me that he was doing it.

16 MR. ENGELMANN: I guess what I'm asking you,  
17 sir, is this something you know about as the result of this  
18 Inquiry, or is it something you knew about at the time?

19 MR. SHAVER: I learned about this as a  
20 result of this inquiry, when I read this information.

21 Oh, excuse me. No, that's not true. I  
22 remember hearing that she had worn a wire because it was --  
23 the Deputy Chief had used that on other cases.

24 MR. ENGELMANN: It's something that he'd  
25 done on other cases?

1                   **MR. SHAVER:** He'd done on other cases, yes.

2                   **MR. ENGELMANN:** All right.

3                   Were you, sir, aware of a plea bargaining, a  
4 guilty plea and a sentence that was then given to Father  
5 Deslauriers?

6                   **MR. SHAVER:** I became aware -- I don't know  
7 about the plea bargain, sir, but I became aware of the  
8 sentence, yes.

9                   **MR. ENGELMANN:** Were you aware that that  
10 again was a suspended sentence with probation?

11                   **MR. SHAVER:** Yes. Two years. Yes, I was  
12 aware.

13                   **MR. ENGELMANN:** And do you recall how you  
14 became aware of that?

15                   **MR. SHAVER:** No, sir, I don't.

16                   **MR. ENGELMANN:** All right. And was it at or  
17 about the time or later?

18                   **MR. SHAVER:** Oh, it was at the time, yes.

19                   **MR. ENGELMANN:** There was some press  
20 coverage?

21                   **MR. SHAVER:** Press coverage, my officers  
22 were in court, you know that kind of thing got back into my  
23 office.

24                   **MR. ENGELMANN:** Did your officers or you  
25 have any discussion with the Crown about the sentence?

1                   **MR. SHAVER:** I called the Crown.

2                   **MR. ENGELMANN:** And who was the Crown at the  
3 time?

4                   **MR. SHAVER:** I believe it had to be Don  
5 Johnson. I'm not sure if he handled the case. I called --  
6 -

7                   **MR. ENGELMANN:** What was the purpose of your  
8 call?

9                   **MR. SHAVER:** I was upset. I thought the  
10 sentence was way too lenient to be honest with you. You  
11 know, there were so many victims. I thought it was too  
12 lenient a sentence.

13                   **MR. ENGELMANN:** All right.

14                   I've been informed by Professor Manson that  
15 the Crown who actually argued the case was Romel Masse. I  
16 don't know if you knew him?

17                   **MR. SHAVER:** No. I called Don Johnson.

18                   **MR. ENGELMANN:** Who was your local Crown?

19                   **MR. SHAVER:** Yeah. I called the local  
20 Crown, yeah.

21                   I just wanted -- it was almost like trying  
22 to get it off my shoulders. I said, "Mike, how can this  
23 happen?" you know, and I wanted to -- I wanted to just  
24 express my displeasure with it, you know, not that I have  
25 any say over it, not that he would listen to me. I just

1 wanted to be able to tell someone.

2 **MR. ENGELMANN:** All right.

3 Sir, did you receive any further information  
4 about Father Deslauriers after he was sentenced?

5 **MR. SHAVER:** Yes. One of my officers, one  
6 of my sergeants, and I'm mixing it up between one of two --  
7 so they were both skiers and they were in the Laurentians.

8 Father Deslauriers, as I understood it, was  
9 not to hold Mass, and this officer was up skiing and was a  
10 Catholic and when to church on the Sunday and Father  
11 Deslauriers was giving the Mass.

12 And he came back and he was just, he was  
13 kind of horrified about this. He said, "I thought that was  
14 in the -- I thought that was part of his sentence, that he  
15 wasn't to be able to do that".

16 **MR. ENGELMANN:** My apology, sir, I missed  
17 it. Mass where?

18 **MR. SHAVER:** Somewhere in the Laurentians,  
19 sir. Somewhere north of -- somewhere north and east of  
20 Ottawa, somewhere up there where they ski. It was either  
21 Sergeant Moquin or Sergeant Trottier, I can't remember  
22 which one. It was one of the two, because all I remembered  
23 is that they were the skiers in the group and so one of  
24 those two.

25 **MR. ENGELMANN:** What did you do when you

1 received that information?

2 MR. SHAVER: I called the bishop. I did not  
3 talk to him. I phoned the bishop. I just wanted to  
4 register my displeasure with that too, that I thought it  
5 was part of the sentence.

6 MR. ENGELMANN: Which bishop is this?

7 MR. SHAVER: Bishop LaRocque.

8 MR. ENGELMANN: All right.

9 And do you recall whether this was within a  
10 year or two more after he was sentenced?

11 MR. SHAVER: I think it was in the -- I  
12 think it was just about a year after he was sentenced,  
13 approximately. So I can't remember when he was sentenced  
14 but I think it was -- I think he was sentenced in the  
15 summer or the fall, so it would be the winter of the  
16 following year. It wasn't the first winter. It would have  
17 been the second one.

18 MR. ENGELMANN: What was your concern? What  
19 was your reason for calling the bishop or trying to call  
20 the bishop?

21 MR. SHAVER: I guess I was venting again. I  
22 mean, I wanted to call the bishop just to let him know  
23 that, how can this happen? I realise that the bishop may  
24 not have had any control because he was transferred to  
25 another diocese. I just wanted him to know. I just wanted

1 to say, "How can this happen when he gets a lenient  
2 sentence, he's not supposed to be -- he's not supposed to  
3 be preaching Mass, he's not giving Mass. How did this  
4 happen?"

5 **MR. ENGELMANN:** Did you have any concern,  
6 sir, for safety of children?

7 **MR. SHAVER:** That wasn't my -- that wasn't  
8 the first thing that popped into my head, which is normally  
9 the first thing that pops into my head on these things.  
10 But, you know, if the courts saw fit to give him whatever  
11 they gave him, and they gave him the conditions that they  
12 gave him, you know, we live by the courts' rulings.

13 **MR. ENGELMANN:** All right. And you say you  
14 tried to contact him. Did you leave a message? Like, is  
15 there any way he would have known that you tried to reach  
16 him? That's what I'm saying.

17 **MR. SHAVER:** I'm not sure, sir. I did not  
18 get through to the bishop, and then when I found out that  
19 he wasn't there and I wasn't going to be able to talk to  
20 him, I hung up the phone and sort of said well, why am I  
21 doing this, you know?

22 It's basically venting I think on my part as  
23 a Police Chief and basically as a citizen of the community,  
24 you know?

25 **MR. ENGELMANN:** Did you ask either of the

1 Lefebvres or anyone else to look into this? In any way?

2 **MR. SHAVER:** I-- I don't remember, sir. I  
3 may have asked the sergeant who told me to talk to them and  
4 tell them.

5 **MR. ENGELMANN:** Did you or anyone else from  
6 the Force ever attempt to contact the bishop again about  
7 this?

8 **MR. SHAVER:** I did not.

9 **MR. ENGELMANN:** And you didn't try and  
10 contact anybody or have the officer who talked to you  
11 contact anybody in the Laurentians about this?

12 **MR. SHAVER:** I'm sorry. Could you repeat  
13 again?

14 **MR. ENGELMANN:** You didn't ask anybody to  
15 contact someone in the Laurentians to deal with this matter  
16 in any way?

17 **MR. SHAVER:** No. I didn't make that  
18 request, sir.

19 **MR. ENGELMANN:** Just be a moment.

20 Sir, I'd now like to ask you a few questions  
21 about an individual named Marcel Lalonde. And just by way  
22 of background, these were allegations against a school  
23 teacher. He was a grade 7 and 8 teacher at Bishop  
24 Macdonnell School here in Cornwall?

25 **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** You're familiar with the  
2 school?

3                   **MR. SHAVER:** I'm familiar with the school,  
4 yes.

5                   **MR. ENGELMANN:** Yeah. And these again are  
6 allegations that are looked at in this case in the late  
7 '80s by an officer and then they're re-investigated and  
8 other charges come to light in the '90s.

9                   He ends up being charged, convicted and  
10 sentenced in the year 2000, but there's an initial  
11 investigation that doesn't lead to any charges. So in some  
12 ways a bit similar to the Landry case we talked about.

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

14                   **MR. ENGELMANN:** I don't want to -- it's  
15 apples and oranges, each case is different, but this is  
16 something that is received by the CPS in or around late  
17 1988, with some investigative work being done by a  
18 constable named Kevin Malloy. And that name will certainly  
19 be familiar.

20                   **MR. SHAVER:** Yes. I know Kevin well, yes.

21                   **MR. ENGELMANN:** So what I want to ask you,  
22 sir, is if you can recall any of the details, or having any  
23 knowledge of this particular investigation?

24                   **MR. SHAVER:** I have no knowledge of that  
25 investigation at all, sir.

1                   **MR. ENGELMANN:** All right.

2                   Well, sir, a supplementary occurrence report  
3 was placed on that file on June 22<sup>nd</sup>, 1990; sorry, 1989.  
4 And in that case, the matter had been requested by the  
5 investigating officer that it be placed in abeyance for a  
6 short period of time to allow him to interview the suspect.

7                   Were you aware of that practice at all,  
8 possibly putting files in abeyance for a short period of  
9 time, for various reasons?

10                  **MR. SHAVER:** I'm sorry, you'll have to  
11 explain the details of it more, sir. You're saying that  
12 the officer -- the officer decides for a period of time he  
13 can't do anything on the case? Is that what you're asking?

14                  **MR. ENGELMANN:** Well, what I'm suggesting to  
15 you is that there was a supplementary occurrence report  
16 placed on the file, investigative officer requesting that  
17 the matter be put in abeyance for a short period of time so  
18 that he could interview the suspect. Okay? We know that's  
19 on file.

20                  **MR. SHAVER:** Okay.

21                  **MR. ENGELMANN:** And it's I believe the last  
22 piece of documentation on that particular file at that  
23 time.

24                  **MR. SHAVER:** Okay.

25                  **MR. ENGELMANN:** So you would think there

1 would be in the normal course presumably some follow-up  
2 after that. Fair enough?

3 **MR. SHAVER:** Yes. I mean, if that's what  
4 the supplement reads, it reads exactly as you just said,  
5 yes, it would be -- there should be follow-up.

6 **MR. ENGELMANN:** And we've heard that the  
7 suspect was never interviewed by Constable Malloy, at least  
8 not in that investigation?

9 **MR. SHAVER:** Okay.

10 **MR. ENGELMANN:** We have another  
11 investigation that commences by your force in early 1997.  
12 A number of complainants come forward at that time and he  
13 ends up getting charged in April of '97; all right?

14 That doesn't help at all with respect to  
15 memory or any involvement you might have had?

16 **MR. SHAVER:** None at all. Not that I -- I  
17 can't remember anything about that day, Sir.

18 **MR. ENGELMANN:** Now, Sir, presumably this  
19 case -- I believe Constable Malloy was in the Youth Branch  
20 at the time in the late '80s.

21 **MR. SHAVER:** Yeah.

22 **MR. ENGELMANN:** Presumably there would have  
23 been a chain of command.

24 **MR. SHAVER:** Yes.

25 **MR. ENGELMANN:** There would have been a

1 supervisor, an officer in charge, a deputy chief before  
2 things would get to your attention.

3 MR. SHAVER: Yes.

4 MR. ENGELMANN: All right.

5 And you're not aware of any communication to  
6 you through that chain of command ---

7 MR. SHAVER: None.

8 MR. ENGELMANN: --- with respect to this  
9 individual?

10 MR. SHAVER: None. The case, the name, the  
11 situation means nothing to me, Sir.

12 MR. ENGELMANN: And Sir, I don't know if  
13 you're aware of this. This individual continued to teach  
14 until his later arrest in early 1997.

15 MR. SHAVER: Okay.

16 MR. ENGELMANN: Again, it doesn't help you?

17 MR. SHAVER: It does not help me at all.

18 MR. ENGELMANN: All right.

19 Sir, I'm about to turn now to an  
20 investigation, a name by -- this involves allegations made  
21 by Jeannette Antoine who was a victim here. I can carry on  
22 for a few more minutes, if you like.

23 THE COMMISSIONER: Mr. Manson, did you want  
24 to ---

25 MR. MANSON: I just wanted to correct the

1 public record about the Deslauriers matter. I know this  
2 isn't necessarily the position of my client but I see there  
3 is no counsel from the Attorney General here.

4 Mr. Engelmann indicated that there was a  
5 plea bargain. And I don't think -- memories may be short  
6 but if we think back to when this evidence was heard many,  
7 many months ago, ---

8 **THE COMMISSIONER:** Yes.

9 **MR. MANSON:** --- there was certainly an  
10 arrangement about what offences he would plead to.

11 **THE COMMISSIONER:** Right.

12 **MR. MANSON:** But there was no plea bargain  
13 with respect to the sentence. And the Crown asked for  
14 three months incarceration and the trial judge imposed the  
15 suspended sentence over the submissions of the Crown  
16 counsel.

17 **THE COMMISSIONER:** Thank you.

18 I think there is a plea of guilt made.

19 **MR. ENGELMANN:** Yes, that's ---

20 **MR. MANSON:** Four counts.

21 **MR. ENGELMANN:** Certainly, I wasn't  
22 suggesting that there was an agreement on the sentence.  
23 And I -- and there were submissions made on the sentencing.  
24 And I recall that the Crown prosecutor at the time did ask  
25 for some period of incarceration. And I think that's all

1 on the record.

2 And Sir, there is -- just to correct  
3 Professor Manson, there is the representative of the  
4 Ministry of the Attorney General here.

5 **THE COMMISSIONER:** Yes, that's true.

6 **MR. ENGELMANN:** I introduced her yesterday.  
7 Now, she wasn't here at the time and may not be aware of  
8 this particular matter.

9 **THE COMMISSIONER:** Sir, I think I'd prefer  
10 taking the lunch now and carrying on this afternoon.

11 **MR. ENGELMANN:** All right.

12 **THE COMMISSIONER:** That's okay, that's fine.  
13 Let's take the lunch, Sir.

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

16 The hearing will resume at 2:00 p.m.

17 --- Upon recessing at 12:30 p.m. /

18 L'audience est suspendue à 12h30

19 --- Upon resuming at 14:04 p.m. /

20 L'audience est reprise à 14h04

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

23 This hearing is now resumed. Please be  
24 seated. Veuillez vous asseoir.

25 **CLAUDE SHAVER, Resumed/Sous le même serment:**

1        --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
2        ENGELMANN (cont'd/suite):

3                    **THE COMMISSIONER:** Mr. Engelmann. Good  
4        afternoon Sir.

5                    **MR. ENGELMANN:** Good afternoon, Mr.  
6        Commissioner.

7                    Afternoon, MR. Shaver.

8                    When we left off just before the lunch  
9        break, I believe we were about to start with examining a  
10       case involving a complainant named Jeanette Antoine. And  
11       I'm wondering if you recognize that name at all, Sir?

12                   **MR. SHAVER:** I recognize the name, yes.

13                   **MR. ENGELMANN:** All right.

14                   Do you have any independent recollection of  
15       her complaints and the dealings that she might have had  
16       with either you or the CPS?

17                   **MR. SHAVER:** I have no, absolutely no  
18       recollection of the dealings with the Children's Aid or  
19       coming to my office. I know that Sergeant Lortie was  
20       assigned at one point when she had made a complaint against  
21       the police officer. That's the only time I can remember  
22       independently the name of Jeannette Antoine.

23                   **MR. ENGELMANN:** All right.

24                   Well, were you aware, Sir, that stories  
25       broke concerning her at/or just after the news about David

1 Silmsen breaking in -- when I say breaking news -- in  
2 January of 1994?

3 **MR. MANDERVILLE:** Mr. Commissioner, I just  
4 wanted to address one point. Mr. Shaver mentioned  
5 Jeannette Antoine complained against a police officer. As  
6 we know, it was not a police officer. It was a court  
7 officer serving a statement of claim or a legal process.

8 **THE COMMISSIONER:** Yeah, it wasn't a police  
9 -- well, the complaint was filed erroneously as a complaint  
10 against a police officer.

11 **MR. MANDERVILLE:** Correct, leading to  
12 Officer Lortie's assignment.

13 **THE COMMISSIONER:** Exactly.

14 **MR. SHAVER:** Yes.

15 **MR. ENGELMANN:** And I don't intend to  
16 question you about that matter at all.

17 **MR. SHAVER:** Okay.

18 **MR. ENGELMANN:** All right.

19 I just want to deal with her allegations of  
20 both physical and sexual abuse arising -- they arise  
21 predominantly out of allegations that she was abused in a  
22 group home here in the City of Cornwall.

23 **MR. SHAVER:** Yes.

24 **MR. ENGELMANN:** What I was trying to do just  
25 before being questioned, was ask you if you were aware that

1           there was some media coverage of her case right after the  
2           media coverage of the Silmsler matter in January of '94?

3                   **MR. SHAVER:** I'm not sure, Sir. I know  
4           there was media coverage. I know I heard the name then.

5                   **MR. ENGELMANN:** Do you recall allegations  
6           about that case, possible cover-up, not dealing with it,  
7           probably Charlie Greenwell as well, coverage in the media?

8                   **MR. SHAVER:** I never heard the ---

9                   **MR. ENGELMANN:** Doesn't ring a bell?

10                   **MR. SHAVER:** I never the heard term cover-up  
11           ever used with her ---

12                   **MR. ENGELMANN:** All right.

13                   **MR. SHAVER:** --- in anything that I have  
14           seen.

15                   **MR. ENGELMANN:** Okay.

16                   **MR. SHAVER:** And I stopped listening to  
17           Charlie Greenwell.

18                   **MR. ENGELMANN:** Okay. And that would have  
19           been as early as January of '94?

20                   **MR. SHAVER:** That was just after the first  
21           week of January '94, yes.

22                   **MR. ENGELMANN:** All right.

23                           Well, presumably as a result of your  
24           preparation for this matter, you might have become aware  
25           that again Staff Sergeant Derochie was tasked to conduct an

1 administrative review of the work of the CPS involving her?

2 MR. SHAVER: I was aware, yes.

3 MR. ENGELMANN: Yes. And in his notes, he  
4 indicated that he actually spoke to you briefly during the  
5 course of this review. And I'd like to just take you  
6 there.

7 MR. SHAVER: Okay.

8 MR. ENGELMANN: Perhaps refresh your memory  
9 a bit.

10 And this is Exhibit 1337. And counsel, this  
11 is in the cross documents. It's Document Number 739111.

12 MR. SHAVER: Thank you. Again, I apologize  
13 for the sound burst.

14 THE COMMISSIONER: That fellow over there.

15 (LAUGHTER/RIRES)

16 MR. SHAVER: The check is in the mail by the  
17 way.

18 Thirteen thirty four (1334)?

19 MR. ENGELMANN: M'hm, yes -- sorry, 1337.  
20 It's Tab 223.

21 THE COMMISSIONER: And the Bates?

22 MR. ENGELMANN: I'm sorry. The Bates page  
23 is 675.

24 And just to situate you, Mr. Shaver, these  
25 are notes of Staff Sergeant Garry Derochie during the

1 course of this administrative review. And he was tasked  
2 with this shortly after he had done work on the Silmsen  
3 matter.

4 **MR. SHAVER:** Yes.

5 **MR. ENGELMANN:** So you recall he was doing  
6 that in the fall of '93?

7 **MR. SHAVER:** Yes.

8 **MR. ENGELMANN:** Up to just before Christmas,  
9 I believe, culminating in a report to the new acting chief  
10 in early January. And then almost immediately thereafter  
11 and, again, because of some, I think, press coverage and  
12 complaints. You'll see the Exhibit 1337 runs from 11  
13 January '94 to March 22<sup>nd</sup>, '94. This is his notebook.

14 **MR. SHAVER:** Okay.

15 **MR. ENGELMANN:** All right.

16 So what he indicates in his notebook,  
17 starting at Bates page 675 and this, I believe, happens on  
18 January 13<sup>th</sup>, '94. He says:

19 "I spoke with former Chief Claude  
20 Shaver, questioned him on this matter.  
21 He told me that he could recall nothing  
22 of this investigation."

23 So let me just stop you there, Sir. Did you  
24 recall Staff Sergeant Derochie talking to you about the  
25 Antoine matter?

1                   **MR. SHAVER:** No, I do not. I don't have any  
2 independent recollection of it.

3                   **MR. ENGELMANN:** All right. Okay.

4                   In any event, he seems to be confirming what  
5 you're saying today; that you couldn't recall the  
6 investigation.

7                   **MR. SHAVER:** Right.

8                   **MR. ENGELMANN:** He said:

9                                    "He did have me hold ..."

10                   So this is a phone call presumably:

11                                   "... while he checked his  
12 appointment book for 1989. He  
13 came back on to say that he does  
14 have a notation indicating he was  
15 to attend a meeting at the Crown's  
16 office on September 25<sup>th</sup>, '89.  
17 However, it also noted that he  
18 would not be able to make it and  
19 the Deputy Chief would attend for  
20 him."

21                   **MR. SHAVER:** M'hm.

22                   **MR. ENGELMANN:** He had no recollection of  
23 this matter. So again, presumably you were to be at a  
24 meeting at the Crown's office on September 25<sup>th</sup> regarding  
25 this matter and apparently the Deputy Chief went on your

1       behalf.

2                   **MR. SHAVER:** If it was an operational  
3 matter, he would have gone anyways, so, yes.

4                   **MR. ENGELMANN:** Well, now and then we see  
5 your name sir with meetings with prosecutors so -- in any  
6 event, we have your point.

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** "I had asked Mrs. Gibeau ..."  
9 or Gibeau -- do you know who that is?

10                  **MR. SHAVER:** Gibeau, yes.

11                  **MR. ENGELMANN:** Who is she sir?

12                  **MR. SHAVER:** She was the Deputy Chief's  
13 secretary. She is now, I believe, the Chief's secretary.

14                  **MR. ENGELMANN:** All right.

15                               "... to check the Chief's file to see if  
16 there would be information on this  
17 matter. She came back with Johnson's  
18 letter to the Regional Crown, number 9  
19 ..."

20                               And this is -- I'll show it to you in a  
21 minute.

22                  **MR. SHAVER:** Okay.

23                  **MR. ENGELMANN:** "... the word 'file' in the  
24 Chief's handwriting appears on the  
25 bottom."

1                   **MR. SHAVER:** M'hm.

2                   **MR. ENGELMANN:** Okay. I don't know if  
3 that's Staff Sergeant Derochie making that comment or  
4 whether that's Mrs. Gibeau but ---

5                   **MR. SHAVER:** Right.

6                   **MR. ENGELMANN:** --- they're saying they  
7 found -- she found something in your file, that filing  
8 cabinet, that you had received a letter regarding this  
9 matter.

10                  **MR. SHAVER:** Okay.

11                  **MR. ENGELMANN:** Okay. Does this -- any  
12 recollection?

13                  **MR. SHAVER:** Nothing at all.

14                  **MR. ENGELMANN:** All right. And just  
15 briefly, if I can show you that letter, sir; the Document  
16 Number is 739142.

17                               And I'd just like to add, Mr. Commissioner,  
18 this appears as part of Staff Sergeant Derochie's  
19 administrative review which is Exhibit 1286 but this is the  
20 actual letter. It also has some handwriting that is  
21 probably from Chief Shaver. So I think we should just  
22 enter this as a separate exhibit.

23                   **THE COMMISSIONER:** Sure.

24                   **MR. ENGELMANN:** And Mr. Shaver, this is a  
25 letter from Don Johnson to another Crown, I think the

1 regional Crown in Ottawa, a fellow by the name of Norm  
2 Douglas.

3 MR. SHAVER: Okay.

4 MR. ENGELMANN: You know that name?

5 MR. SHAVER: Yes, I know that name.

6 MR. ENGELMANN: And there's a c.c. to  
7 yourself and to Kevin Malloy.

8 MR. SHAVER: Okay.

9 MR. ENGELMANN: Sir, the letter's dated  
10 April 4<sup>th</sup>, 1990.

11 MR. SHAVER: Sorry, the letter's dated when,  
12 sir?

13 MR. ENGELMANN: April 4<sup>th</sup>, 1990.

14 MR. SHAVER: Thank you.

15 THE COMMISSIONER: Merci.

16 That will be Exhibit 1786.

17 ---EXHIBIT NO./PIÈCE No. P-1786:

18 (739142) Letter from D.W. Johnson to Norman  
19 Douglas dated 04 Apr 90

20 MR. ENGELMANN: This was a cross document.

21 It's a part of Exhibit 73 -- sorry, Exhibit 1286 as well.

22 This is the formal letter.

23 THE COMMISSIONER: Oh yeah, sure.

24 MR. SHAVER: That is my handwriting.

25 MR. ENGELMANN: The handwriting is the word

1 "file"; right?

2 MR. SHAVER: The word "file", yes.

3 MR. ENGELMANN: Yeah. So this is what Staff  
4 Sergeant Derochie is talking about.

5 MR. SHAVER: Right.

6 MR. ENGELMANN: Now again, in keeping with  
7 your comments earlier about operational that matters, it's  
8 you that's copied here; it's not the Deputy Chief?

9 MR. SHAVER: Most correspondence that comes  
10 to the Police Department comes to the Chief.

11 MR. ENGELMANN: All right.

12 THE COMMISSIONER: In fact, if you look at  
13 the letterhead, I noticed that. If you look at the  
14 Cornwall Police Service's letterhead, it says "Please reply  
15 to the Chief".

16 MR. ENGELMANN: Right. And often letters  
17 are sent out by your officers but under the letterhead  
18 Office of the Chief.

19 MR. SHAVER: Yes.

20 MR. ENGELMANN: Is that correct?

21 MR. SHAVER: Yes. All letters should have  
22 been sent out that way, sir.

23 MR. ENGELMANN: All right. So this one is  
24 coming in, you obviously look at it at the time; ---

25 MR. SHAVER: M'hm.

1                   **MR. ENGELMANN:** --- you ask that it be  
2                   filed. But this doesn't help your recollection, sir?

3                   **MR. SHAVER:** No, unfortunately, sir, it does  
4                   not.

5                   **MR. ENGELMANN:** All right. Now sir, the  
6                   administrative review I've been talking about by Staff  
7                   Sergeant Derochie is Exhibit 1286. I'm not sure if you  
8                   have that.

9                   **MR. SHAVER:** No, I do not.

10                  **MR. ENGELMANN:** Counsel, it's Document  
11                  Number 739110.

12                  **MR. SHAVER:** Twelve (12), I'm sorry, 12 is  
13                  where, Mr. Engelmann?

14                  **MR. ENGELMANN:** Twelve-eight-six (1286).

15                  **MR. SHAVER:** Twelve-eight-six (1286).

16                  I have it, sir.

17                  **MR. ENGELMANN:** All right. And if you turn  
18                  to Bates page 644, you'll see a reproduction of the letter  
19                  that I just showed you.

20                  **MR. SHAVER:** Yes.

21                  **MR. ENGELMANN:** Showing a copy to yourself  
22                  but without your writing on it.

23                  **MR. SHAVER:** M'hm.

24                  **MR. ENGELMANN:** All right?

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** And this is part of this  
2 administrative review done by Staff Sergeant Derochie.

3                   **MR. SHAVER:** Yes, m'hm.

4                   **MR. ENGELMANN:** And sir, if I understand  
5 correctly, this review was completed sometime in the spring  
6 of -- yeah, April of '95. It was started in January of  
7 '94; you would have been gone?

8                   **MR. SHAVER:** I was gone, yes.

9                   **MR. ENGELMANN:** Yeah. And so, is it fair to  
10 say that you didn't actually see this review until some  
11 time during your preparation for this Inquiry?

12                   **MR. SHAVER:** That's when I first saw it,  
13 yes.

14                   **MR. ENGELMANN:** All right. I just want to  
15 show you some of Staff Sergeant Derochie's observations and  
16 findings.

17                   To start with sir, the background on page  
18 640, it's the first full page of the report, Bates page  
19 640.

20                   And you'll see, and it's not much earlier,  
21 the first paragraph.

22                   "Cornwall Police Service received  
23 information media was looking into  
24 reported police cover-up of a child  
25 abuse case as early as January 10<sup>th</sup>.

1                                   Come on the heels of extensive media  
2                                   coverage of the Silmser investigation."

3                                   Okay?

4                                   **MR. SHAVER:** Yes.

5                                   **MR. ENGELMANN:** So he is explaining the  
6                                   background of why he's being tasked. He says:

7                                   "The new allegations involved in '89-  
8                                   '90 investigation into a complaint made  
9                                   by a former ward of the CAS while she  
10                                  was a resident of a group home in '75-  
11                                  '76. Jeannette Antoine complained to  
12                                  Constable Kevin Malloy in 1989, that  
13                                  she had been sexually and physically  
14                                  abused by staff of the CAS-operated  
15                                  group home."

16                                 Okay? So that's the original complaint that  
17                                 would have come in in 1989. And again, sir, I would  
18                                 suggest to you, with facts like that, that would be a case  
19                                 that your Service would give some priority to. Even though  
20                                 it's historical, the allegation is against CAS employees  
21                                 operating the group home.

22                                 **MR. SHAVER:** Yes, it should have been given  
23                                 a priority, yes.

24                                 **MR. ENGELMANN:** Right. And in fact, sir, we  
25                                 know that there were meetings early on in this matter

1 between the Deputy Chief and Inspector Trew and the  
2 Executive -- the then Executive Director of the CAS, a  
3 fellow that you'd know, a Tom O'Brien.

4 **MR. SHAVER:** Yes.

5 **MR. ENGELMANN:** All right. And sir, that's  
6 set out on page -- Bates page 642 or page 3 of the review.  
7 And you'll see for example, in the middle of that page, it  
8 says:

9 "The day previous to Malloy's/Bell's  
10 interview with Antoine, September 25<sup>th</sup>,  
11 1989, Mr. O'Brien had met with Deputy  
12 Chief St. Denis, Inspector Trew and  
13 Crown Attorney Don Johnson, meeting had  
14 been requested by O'Brien was held in  
15 Johnson's office."

16 **MR. SHAVER:** Right.

17 **MR. ENGELMANN:** So you've got several  
18 agencies involved.

19 **MR. SHAVER:** M'hm.

20 **MR. ENGELMANN:** People appear to be taking  
21 it seriously.

22 **MR. SHAVER:** Yes.

23 **MR. ENGELMANN:** At least at the get go. All  
24 right? And the Deputy Chief is there, not yourself?

25 **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** But that is the meeting,  
2                   sir, that apparently you had been scheduled to go to.

3                   **MR. SHAVER:** Yes, I can understand why  
4                   because Tom O'Brien and I had a good relationship with CAS.  
5                   I can understand why he would be asking for me, he's the  
6                   Director of CAS; he would be asking for the boss.

7                   **MR. ENGELMANN:** And you've got the Director  
8                   of the -- the Executive Director of the CAS; ---

9                   **MR. SHAVER:** Right.

10                  **MR. ENGELMANN:** --- you've got the head  
11                  local Crown ---

12                  **MR. SHAVER:** Right.

13                  **MR. ENGELMANN:** --- and perhaps they wanted  
14                  the Police Chief.

15                  **MR. SHAVER:** Right.

16                  **MR. ENGELMANN:** All right. So there was  
17                  another meeting as well, sir. And you'll note, a little  
18                  further down on that page, second paragraph from the  
19                  bottom,

20                                 "Second meeting was held on September  
21                                 29<sup>th</sup>."

22                                 This would be about four days later.

23                                 "It was held in the office of Deputy  
24                                 Chief St. Denis."

25                                 Present at this meeting were O'Brien, the

1 Deputy Chief and Staff Sergeant B. Wells and possibly  
2 Inspector R. Trew and they talk about allegations that were  
3 brought forward.

4 MR. SHAVER: Right.

5 MR. ENGELMANN: All right. So we don't have  
6 you at either of those meetings, but given the players that  
7 are at those meetings, would you have expected to be -- to  
8 have been informed at the time about what was going on?

9 MR. SHAVER: Yes.

10 MR. ENGELMANN: All right. It's just it's  
11 likely you were informed but you just have no recollection;  
12 is that fair?

13 MR. SHAVER: It's -- it is -- that's very  
14 possible, because that would be the normal routine ---

15 MR. ENGELMANN: M'hm.

16 MR. SHAVER: --- if -- it depends on how  
17 it's explained to me, too, you know, "We're -- we're  
18 conducting a sexual assault, an old one, don't worry about  
19 it," that kind of thing, "we're doing everything we can,"  
20 so, yes.

21 MR. ENGELMANN: What do you mean by that  
22 last comment "an old one, don't worry about it"?

23 MR. SHAVER: Nothing, just that, you know,  
24 that's how it might have been explained, it would have been  
25 an old -- an old case that's coming forward.

1 MR. ENGELMANN: "Old", as in historical?

2 MR. SHAVER: As historical, yes, sir.

3 MR. ENGELMANN: All right.

4 MR. SHAVER: Not that it was an old case.

5 MR. ENGELMANN: And, sir, would you agree  
6 with me that whether it's an old case or a new one, given  
7 the types of allegations, it should have been given a  
8 priority treatment?

9 MR. SHAVER: Yes, I agree, it should be  
10 given a -- it should be given a very good priority.

11 MR. ENGELMANN: So it says at the bottom of  
12 the page that Constable Malloy was assigned to investigate;  
13 do you see that?

14 MR. SHAVER: Yes.

15 MR. ENGELMANN: The last paragraph?

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: It then says again there was  
18 -- there were some difficulties between Malloy and the  
19 complainant and he says on the following page:

20 "Constable Malloy was finding Antoine  
21 less than cooperative and requested a  
22 written statement, it was not  
23 forthcoming."

24 A bit later, it says:

25 "The case apparently remained inactive

1                                   until February 9<sup>th</sup>, when Antoine came  
2                                   into the police station with a  
3                                   handwritten statement."

4                                   All right?

5                                   And then there's a reference, later on in  
6                                   that paragraph that Constable Malloy consulted with the  
7                                   Crown attorney, Don Johnson, and said they concluded there  
8                                   was insufficient grounds to lay charges.

9                                   This was then reported to Antoine and  
10                                  O'Brien and O'Brien wasn't satisfied with that, he wanted  
11                                  more than that, he wanted some form of a letter.

12                                  So then we have the local Crown writing to  
13                                  the regional Crown and that's referenced in the last  
14                                  paragraph of that page.

15                                  **MR. SHAVER:** Yes.

16                                  **MR. ENGELMANN:** Do you see that?

17                                  **MR. SHAVER:** I see that.

18                                  **MR. ENGELMANN:** All right. So what happens  
19                                  then, sir, is you have the letters that are set out on the  
20                                  next two pages, 644 and 645. We have the letter going to  
21                                  the regional Crown from the local Crown with copies to you  
22                                  and Constable Malloy, ending with the comment:

23    "I have not brought up the matter of  
24    laying charges with the Cornwall Police  
25    as names and dates are not available.

1                   Should you wish to discuss the  
2                   possibility of laying charges, I would  
3                   request an interview with Constable  
4                   Malloy and myself. I await your  
5                   reply."

6                   And in it, he just gives some background ---

7                   **MR. SHAVER:** Yes, he does.

8                   **MR. ENGELMANN:** --- and is seeking some  
9                   advice or instruction from the regional Crown.

10                  **MR. SHAVER:** M'hm.

11                  **MR. ENGELMANN:** And would this happen from  
12                  time to time with some of your cases, where the local Crown  
13                  would consult with an outside Crown?

14                  **MR. SHAVER:** I -- I would think that would  
15                  happen, yes, frequently.

16                  **MR. ENGELMANN:** And, sir, what Staff  
17                  Sergeant Derochie does, when he does his admin review, is  
18                  he asks Don Johnson about this letter and he also finds out  
19                  about a response that was written to Mr. Johnson from  
20                  Norman Douglas and the letter's written within the week;  
21                  it's written on April 10<sup>th</sup>, 1990.

22                  When he talks to the local Crown, the local  
23                  Crown says he doesn't know anything about it, he can't  
24                  remember ever receiving it.

25                  And it appears that there's just simply

1 no follow-up and no one -- no one responds, either because  
2 there's no response to the April 4<sup>th</sup> letter or no one  
3 responds to the April 10<sup>th</sup> letter.

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

5 **MR. ENGELMANN:** So Derochie then comes to  
6 some conclusions, observations, and they're found at the  
7 bottom of Bates page 647.

8 Now again, this original investigation,  
9 1989-90, all right?

10 **MR. SHAVER:** M'hm.

11 **MR. ENGELMANN:** And OMPPAC comes in, in the  
12 summer of '89.

13 **MR. SHAVER:** Eighty-nine ('89), exactly.

14 **MR. ENGELMANN:** It says:

15 "The writer made some observations,  
16 came to some conclusions very early in  
17 his inquiry into this matter: One, the  
18 complaint was never registered on  
19 OMPPAC; no incident was ever created  
20 and reports were not submitted."

21 Okay? So that's the first comment that  
22 Staff Sergeant Derochie makes.

23 **MR. SHAVER:** M'hm, yes.

24 **MR. ENGELMANN:** Presumably you would agree  
25 that that should have been done?

1                   **MR. SHAVER:** Absolutely, yeah.

2                   **MR. ENGELMANN:** Two, he says:

3                                 "Constable Malloy did not conduct a  
4                                 thorough investigation and did not keep  
5                                 proper notes of his involvement with  
6                                 this matter."

7                   Right? And that's another concern he has  
8                   and presumably ---

9                   **MR. SHAVER:** I haven't seen his notes, sir,  
10                   so I can't comment on that ---

11                   **MR. ENGELMANN:** Right.

12                   **MR. SHAVER:** --- but if Staff Sergeant  
13                   Derochie put that in there.

14                   **MR. ENGELMANN:** Right.

15                                 Well, I'm not asking you to verify the  
16                   validity of ---

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

18                   **MR. ENGELMANN:** --- Staff Sergeant  
19                   Derochie's opinion, but would you agree that if that  
20                   opinion is correct, that's a concern?

21                   **MR. SHAVER:** Yes, it is.

22                   **MR. ENGELMANN:** And again, this report is  
23                   going to the new Acting Chief, so you're not going to have  
24                   to deal with -- with possible discipline, counselling,  
25                   whatever?

1                   **MR. SHAVER:** It makes it easier for Garry to  
2 write that way, yes.

3                   **MR. ENGELMANN:** I'm sorry?

4                   **MR. SHAVER:** I said it makes it easier for  
5 Garry to write this, yes.

6                   **MR. ENGELMANN:** Because it's going to the  
7 new Acting Chief?

8                   **MR. SHAVER:** It's not going to me.

9                   **MR. ENGELMANN:** Oh, it's not going to you,  
10 okay.

11                   **MR. SHAVER:** Yes.

12                   **MR. ENGELMANN:** Okay. Thirdly:

13                               "Although all officers in the chain of  
14                               command to whom Malloy was accountable  
15                               to ...",

16 well, maybe this part makes it a lot easier for him not to  
17 write it to you,

18                               "... from Staff Sergeant to Chief of  
19                               Police, had various degrees of  
20                               knowledge of this matter, none appeared  
21                               to have been monitoring the  
22                               investigation's progress. No one  
23                               noticed that reports had not been  
24                               submitted."

25                   And he goes on and says:

1 "No one appeared to have recognized the  
2 sensitivity of the subject matter  
3 involved in these allegations nor the  
4 potential consequences that an improper  
5 investigation might mean to the  
6 agencies involved."

7 So he's fairly ---

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

9 **MR. ENGELMANN:** --- fairly critical ---

10 **MR. SHAVER:** M'hm.

11 **MR. ENGELMANN:** --- and "pulls no punches",  
12 if I can use that term, with respect to some of these  
13 findings.

14 And, sir, I'm particularly interested in  
15 what -- how you might react to paragraph 3.

16 **MR. SHAVER:** Yes.

17 **MR. ENGELMANN:** And I don't know if you have  
18 enough information, but I've tried to give you at least a  
19 summary of some of his findings.

20 **MR. SHAVER:** How I react to paragraph 3, if  
21 -- if some degree of knowledge is the fact that, you know,  
22 maybe the Don Johnson letter was there and it was filed, I  
23 had absolutely no knowledge of the Antoine investigation; I  
24 was not kept informed of its progress.

25 And before Staff Sergeant Derochie wrote

1           this, I -- if he would have talked to me, I would have told  
2           him these exact same things, but we didn't speak about this  
3           particular matter.

4                        So I -- I could tell you, up through the  
5           chain of command, you have to ask everybody up through the  
6           chain of command, sir, but when it got to my level, I had  
7           no knowledge of this.

8                        **MR. ENGELMANN:** Well, just in fairness to  
9           Staff Sergeant Derochie, he did speak to you.

10                       **MR. SHAVER:** He spoke ---

11                       **MR. ENGELMANN:** He spoke to you during the  
12           course of this; we took -- we looked at that.

13                       **MR. SHAVER:** He spoke to me, yes, and I told  
14           him I had no knowledge of the investigation, so...

15                       **MR. ENGELMANN:** Yes.

16                       **MR. SHAVER:** Yes.

17                       **MR. ENGELMANN:** No, fair enough.

18                       And -- and I think, perhaps, by reading  
19           this, he expected that you would have or that even though  
20           you don't have it now, that you would have had some  
21           knowledge at the time and he would have expected you to try  
22           and keep things moving as well.

23                       **MR. SHAVER:** If he would have said it was  
24           reasonable to assume that it would have come up through the  
25           chain of command, then I would agree with what he's saying.

1                   He's making a statement, sir, that I believe  
2                   he's saying it did come up through the chain of command and  
3                   I had various knowledge of this. I did not have any  
4                   knowledge of this, so my knowledge was -- was so limited as  
5                   to -- as to not be in -- to not be involved in the chain,  
6                   on that -- on that particular incident.

7                   **MR. ENGELMANN:** Well, let me just show you a  
8                   couple of other things and ask you to comment on them, as  
9                   well.

10                  **MR. SHAVER:** M'hm.

11                  **MR. ENGELMANN:** He goes into a bit more  
12                  detail on his findings and his conclusions ---

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** --- starting on Bates  
15                  pages 649, and if you flip over to 650, there's something  
16                  that, again, deals with the chain of command and senior  
17                  management and that's paragraph number 4, where he says:

18                                "Constable Malloy's supervisors, all  
19                                the way up the chain of command, had  
20                                knowledge of the investigation.  
21                                There's no evidence that the case was  
22                                being managed by the supervisors. It  
23                                would appear that no one asked for  
24                                reports or even noticed that an  
25                                incident had not been created. No one

1 appears to have realized that the  
2 allegations were very serious and that  
3 mishandling of the investigation would  
4 cause embarrassment to the Service. It  
5 could be suggested that senior  
6 management of the Service showed no  
7 interest in the investigation."

8 Now, that's his opinion.

9 **MR. SHAVER:** Right.

10 **MR. ENGELMANN:** But I'm just asking you to  
11 comment on it, in the circumstances.

12 **MR. SHAVER:** It's his opinion, sir. That's  
13 his opinion.

14 **MR. ENGELMANN:** Do you agree with it, sir?

15 **MR. SHAVER:** No, I do not.

16 I don't agree with all of it.

17 I -- I can agree, again, if he'd have  
18 started it out with "it should be reasonable to assume that  
19 this would have happened"; it didn't -- but it did not  
20 happen."

21 **MR. ENGELMANN:** Okay.

22 The other comment he makes, sir, and it's at  
23 Bates page 653.

24 **MR. SHAVER:** Yes.

25 **MR. ENGELMANN:** Again, you may take issue

1 with "had knowledge." And again, it's a question of what  
2 you remember and what you knew at the time ---

3 **MR. SHAVER:** Yes.

4 **MR. ENGELMANN:** --- but he says, and it's  
5 the third paragraph from the bottom:

6 "The Chief and Deputy Chief both had  
7 knowledge of this complaint. However,  
8 the writer was unable to uncover any  
9 evidence that they were ever briefed on  
10 the progress of the investigation."

11 All right?

12 "It would appear that they lost track  
13 of the complaint the minute it was  
14 turned over to Constable Malloy."

15 You recall there were those two high official meetings,  
16 September 25<sup>th</sup> ---

17 **MR. SHAVER:** Right.

18 **MR. ENGELMANN:** --- and 29<sup>th</sup> with people from  
19 the different agencies, and then it's turned over on the  
20 29<sup>th</sup> to Malloy.

21 "The writer is not suggesting that  
22 these officers should have been  
23 actively involved in the supervision of  
24 the investigation. However, they  
25 should have recognized the sensitive

1 nature of the allegations and insisted  
2 on briefings from the officer in charge  
3 of CIB."

4 And again, that's his opinion ---

5 **MR. SHAVER:** M'hm.

6 **MR. ENGELMANN:** And, sir, doesn't that seem  
7 like sage advice there?

8 **MR. SHAVER:** Yeah, the advice is sage.  
9 There's no question about that because, you know, if we  
10 were missing things coming up through the chain of command,  
11 we can take steps to rectify that.

12 I have no difficulty with the fact that he  
13 can draw that conclusion.

14 **MR. ENGELMANN:** All right.

15 Sir, I want to ask you one other thing and I  
16 don't know if it has anything to do with the Antoine  
17 matter, but -- and again, I don't -- it's probably a letter  
18 you've only seen in preparation ---

19 **MR. SHAVER:** Okay.

20 **MR. ENGELMANN:** --- for this hearing.

21 It's an internal correspondence between  
22 Chief Brian Ford of the Ottawa Police Service and Deputy  
23 Chief Donald G. Lyon. It is Exhibit 1225 and it is dated  
24 January 18<sup>th</sup>, '94.

25 Again, you would have retired at that point

1 in time, so I'm expecting, sir, that you might only have  
2 seen this in preparation for ---

3 MR. SHAVER: I ---

4 MR. ENGELMANN: --- this hearing.

5 MR. SHAVER: --- did see one letter from  
6 Brian Ford in the ---

7 MR. ENGELMANN: There's only one.

8 MR. SHAVER: --- materials that were sent to  
9 me.

10 MR. ENGELMANN: Okay.

11 MR. SHAVER: So that would be it.

12 MR. ENGELMANN: Is there a hard copy?

13 THE COMMISSIONER: One two two five (1225),  
14 yes.

15 MR. SHAVER: Sorry; 1225?

16 MR. ENGELMANN: One two two five (1225).

17 MR. SHAVER: All right.

18 I'm just -- 1225, where are you? Yes, I  
19 have it, sir.

20 MR. ENGELMANN: Am I correct, sir, that this  
21 is only something you would have seen in the package  
22 that ---

23 MR. SHAVER: Yes, I had not seen this  
24 before.

25 MR. ENGELMANN: Now, this memo is referring

1 to alleged abuse to CAS wards. That's in the third  
2 paragraph.

3 MR. SHAVER: Yes.

4 MR. ENGELMANN: And I think Lauriecrest was  
5 meant to be Laurencrest ---

6 MR. SHAVER: Laurencrest, yes.

7 MR. ENGELMANN: --- which is a -- it's a  
8 group home ---

9 MR. SHAVER: Yes, it is.

10 MR. ENGELMANN: --- or was a group home here  
11 in Cornwall?

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: Is, sorry.

14 MR. SHAVER: Yeah, I think it still exists.

15 MR. ENGELMANN: Yes.

16 Sir, do you know -- and just have a quick  
17 look at this -- whether in your view, this had anything --  
18 perhaps you can't help us because of your limited knowledge  
19 of the Jeannette Antoine matter -- if these were related in  
20 any way?

21 MR. SHAVER: When I -- when I first read  
22 this letter, I thought that he was talking about Silmsier.

23 MR. ENGELMANN: Okay.

24 MR. SHAVER: And that's when I first looked  
25 at this and ---

1                   **MR. ENGELMANN:** All right.

2                   **MR. SHAVER:** But then obviously the third  
3 paragraph talking about the group home, if I wouldn't have  
4 known Jeannette Antoine from this Inquiry, I wouldn't have  
5 been able to associate that.

6                   **MR. ENGELMANN:** All right.

7                   Well, there is some reference to a  
8 settlement or a sum -- a deal of \$32,000 in the second-last  
9 paragraph.

10                  **MR. SHAVER:** Yeah, that's ---

11                  **MR. ENGELMANN:** So that's ---

12                  **MR. SHAVER:** --- Silmser. That's coming  
13 back to Silmser, yes.

14                  **MR. ENGELMANN:** What about the fourth  
15 paragraph, sir, where it says:

16                               "The judge had an impression that the  
17                               former Chief, Claude Shaver, was trying  
18                               to work on these cases. However, he  
19                               was forced off scene for interfering."

20                  Do you have any idea what that might be  
21 talking about?

22                  **MR. SHAVER:** Not a clue, sir. Not a clue.

23                  **MR. ENGELMANN:** All right.

24                  And having looked at the context of the  
25 letter, it just doesn't make any sense?

1                   **MR. SHAVER:** It doesn't make -- it didn't  
2                   make any sense to me when I read it again. I read it again  
3                   last evening and it didn't make any sense to me because it  
4                   -- he seemed to be talking about two different things ---

5                   **MR. ENGELMANN:** Okay.

6                   **MR. SHAVER:** --- and I would have only known  
7                   about Antoine because of this. So it didn't make a lot of  
8                   sense.

9                   **MR. ENGELMANN:** All right.

10                  **MR. SHAVER:** Not that Brian Ford doesn't  
11                  make a lot of sense. He was a really good police chief.

12                  **MR. ENGELMANN:** All right.

13                  But you're -- you have no idea what this is  
14                  talking about?

15                  **MR. SHAVER:** No.

16                  **MR. ENGELMANN:** All right.

17                  So let's talk about the Silmsers matter.

18                  **MR. SHAVER:** Okay.

19                  **MR. ENGELMANN:** We've heard evidence that on  
20                  December 9<sup>th</sup>, 1992 Cornwall Police Service received a  
21                  telephone call from David Silmsers wherein he alleged that  
22                  some years previous, he'd been sexually abused by a priest  
23                  by the name of Father Charles MacDonald and a probation  
24                  officer by the name of Ken Seguin. You were made aware of  
25                  that almost immediately; is that fair?

1                   **MR. SHAVER:** I think so. Yes, I think it  
2 was the next morning, but ---

3                   **MR. ENGELMANN:** Okay.

4                   **MR. SHAVER:** --- it was almost immediately.

5                   **MR. ENGELMANN:** I'm going to suggest to you  
6 it might even have been the same day.

7                   **MR. SHAVER:** Okay.

8                   **MR. ENGELMANN:** And I -- just from a note we  
9 have -- perhaps if the witness could be shown Exhibit 293.

10                   Counsel, that's Document Number 714001.

11                   It's an internal correspondence from Sergeant Nakic to --

12                   is it Super -- what does S/Insp. stand for? Staff

13                   Inspector?

14                   **MR. SHAVER:** Staff Inspector, yes.

15                   **MR. ENGELMANN:** Stuart McDonald.

16                   **MR. SHAVER:** I'm sorry again, Mr. Engelmann;  
17 it was what?

18                   **MR. ENGELMANN:** Sorry, it's number 293.

19                   **MR. SHAVER:** I have it, sir.

20                   **MR. ENGELMANN:** All right.

21                   The reason I said it might have been the  
22 same day that you were made aware of it -- and we've heard  
23 some evidence on this as well, but you'll see the note;  
24 it's December 9<sup>th</sup>, '92, and there appears to be a  
25 handwritten note from Deputy Chief St. Denis as well.

1 MR. SHAVER: Yes.

2 MR. ENGELMANN: Noted:

3 "Chief assigned Sergeant Lortie to  
4 investigate. D.C. '92, December 9."

5 MR. SHAVER: Yes.

6 MR. ENGELMANN: And this apparently comes in  
7 just before noon -- the call -- on the 9<sup>th</sup> of December,  
8 1992. All right?

9 MR. SHAVER: Okay.

10 MR. ENGELMANN: Now, sir, in this case, as  
11 in the others, you don't have any notes of your  
12 interactions, but there are a few Day-timer references that  
13 you may have dealing with the Silmsler matter.

14 MR. SHAVER: Later on, yes.

15 MR. ENGELMANN: Yes.

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: All right.

18 In the fall of 1993?

19 MR. SHAVER: In the fall of '93, yes.

20 MR. ENGELMANN: All right.

21 And, sir, the evidence is -- I understand it  
22 is -- that the officer who received the call is a Sergeant  
23 Nakic, and his supervisor, Staff Inspector McDonald, came  
24 to see you about that complaint?

25 MR. SHAVER: Yes, they did.

1                   **MR. ENGELMANN:** And it's our understanding,  
2                   sir, that you assigned this file to Sergeant Claude Lortie?

3                   **MR. SHAVER:** No, no, that's not true. Staff  
4                   Sergeant -- Staff Inspector McDonald suggested that he  
5                   could not -- there was no one in CIB to be able to do this  
6                   ---

7                   **MR. ENGELMANN:** Yes.

8                   **MR. SHAVER:** --- they were so busy. He  
9                   suggested Staff Sergeant or Sergeant Lortie and I agreed  
10                  with that. So ---

11                  **MR. ENGELMANN:** I was ---

12                  **MR. SHAVER:** --- yes, the Chief ---

13                  **MR. ENGELMANN:** --- just about to ask you  
14                  that, sir.

15                  **MR. SHAVER:** --- assigns because Sergeant  
16                  Lortie worked directly for me, so I guess it's -- it was  
17                  recommended by Staff Inspector McDonald and I just agreed  
18                  with him. I thought that was a good choice.

19                  **MR. ENGELMANN:** Yes. No, he gave his  
20                  evidence here ---

21                  **MR. SHAVER:** Oh.

22                  **MR. ENGELMANN:** --- and he said he made that  
23                  suggestion to you, that he told you that CIB was very busy  
24                  ---

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** --- and that you then  
2 assigned Lortie to the file.

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** And, in fact, Staff Sergeant  
5 Derochie has notes to that effect as well, certainly that  
6 Lortie was assigned by you, but not -- but McDonald did say  
7 that he had suggested that to you.

8                   **MR. SHAVER:** Right. I was thinking of the  
9 media that keeps saying that I assigned his things.

10                   **MR. ENGELMANN:** Well, it was your decision.  
11 A suggestion was made to you, but ---

12                   **MR. SHAVER:** Absolutely.

13                   **MR. ENGELMANN:** --- you're the Chief ---

14                   **MR. SHAVER:** Yeah.

15                   **MR. ENGELMANN:** --- and it was your call.

16                   **MR. SHAVER:** Yes.

17                   **MR. ENGELMANN:** And Staff Inspector McDonald  
18 did not go to the Deputy Chief; he went to you.

19                   **MR. SHAVER:** I'm not sure if the Deputy  
20 Chief wasn't at this meeting. Again, my recollection, I  
21 wasn't sure and I didn't hear the Deputy Chief's evidence  
22 that he was or was not.

23                   **MR. ENGELMANN:** All right.

24                   **MR. SHAVER:** I know he was informed of it  
25 because the -- or informed immediately after. So if he was

1 away or something and it looks like it was the say day, so  
2 he would have been at any meeting that Staff Inspector  
3 McDonald would have brought this information to me.

4 **MR. ENGELMANN:** All right.

5 Sir, when you made the decision then to  
6 assign him, after the suggestion, did you ask him, at that  
7 time, to create a projects file?

8 **MR. SHAVER:** What -- Sergeant -- are you  
9 talking about now when I'm meeting with Sergeant Lortie?

10 **MR. ENGELMANN:** Yes.

11 **MR. SHAVER:** Yes, I did.

12 **MR. ENGELMANN:** Right from the get-go?

13 **MR. SHAVER:** Right from the get-go.

14 **MR. ENGELMANN:** And why was that, sir?

15 **MR. SHAVER:** Well, sir, it goes back to the  
16 previous evidence that I gave you when I was looking --  
17 looking from a down-the-road perspective, if this was going  
18 to turn into a situation like Mount Cashel or the Alfred  
19 situation, by assigning Lortie, it was a good thing for me  
20 because I knew he was an excellent investigator and if we  
21 ever had to start a major project that we had to start  
22 working on several of these cases at once, we would be able  
23 to do that out of the CSO office and a project file.

24 **MR. ENGELMANN:** Now, if you put it into a  
25 projects file, there is limited access to the file?

1                   **MR. SHAVER:** You know, I've been hearing  
2                   that forever too. There is -- the access, if it would be  
3                   on a matter of internal -- if it was an internal  
4                   investigation or something from a CSO perspective, it would  
5                   be Lortie and I, but this was going to be a general  
6                   investigation. Other people would have been assigned.  
7                   Obviously, the Deputy Chief would have been able to have  
8                   knowledge of this. Staff Inspector MacDonald would have  
9                   been included in it because he was the officer in charge of  
10                  CIB at the time. It's not that it just gets put into one  
11                  office and stays there.

12                  **MR. ENGELMANN:** No, no.

13                  **THE COMMISSIONER:** No, but access is  
14                  limited?

15                  **MR. SHAVER:** Access is limited to the people  
16                  that are placed on the file, sir, yes.

17                  **MR. ENGELMANN:** That was -- that's my point.

18                  **MR. SHAVER:** Yes.

19                  **MR. ENGELMANN:** If it isn't a projects file,  
20                  there's unlimited access?

21                  **MR. SHAVER:** Unlimited access, yes, through  
22                  OMPPAC, yes.

23                  **MR. ENGELMANN:** Right?

24                  **MR. SHAVER:** Yes.

25                  **MR. ENGELMANN:** If you put it in projects

1 file, then you or the person in charge of that file decides  
2 how many people have access?

3 MR. SHAVER: Yes.

4 MR. ENGELMANN: So I'm not suggesting that  
5 it would have just been you and Staff Sergeant Lortie.  
6 Either you gave him some direction or someone gave him some  
7 direction, or he made a decision about how many names to  
8 allow access for. Is that fair?

9 MR. SHAVER: Yes, that would be my decision.

10 THE COMMISSIONER: So when you asked him to  
11 open that file, did you ask him or instruct him as to who  
12 would have access to the file?

13 MR. SHAVER: No, sir, not at the time.  
14 Sergeant Lortie was going to go back out, open the file.  
15 He was going to do the investigation. I wanted to see  
16 where the investigation was going.

17 THE COMMISSIONER: M'hm.

18 MR. SHAVER: Like, see where it's starting  
19 because if the word would have gotten out, as it did, Mr.  
20 Commissioner, down the road ---

21 THE COMMISSIONER: M'hm.

22 MR. SHAVER: --- we ended up with the  
23 problem that -- we have to protect the name of the victim.  
24 That is absolutely paramount. That's number one.

25 But we also -- we have a priest that's being

1 accused here and we have to look at the presumption of  
2 innocence for the priest also because if it gets out in the  
3 community, it becomes every priest, and that's pretty much  
4 what happened down the road.

5 It came out of this community that it wasn't  
6 just Father MacDonald; it was every priest, and all of a  
7 sudden everyone who wore a white collar was a suspect. And  
8 I -- we saw this. I mean, anybody who lived in this  
9 community saw this every day, where a lot of innocent  
10 people were being dragged into this thing because of an  
11 alleged assault by a priest.

12 So unless we would have released the name at  
13 the time -- and we'd only do that after we arrested -- once  
14 that word filtered out, and it filters out rather quickly,  
15 and as you saw, sir -- as you saw in this community, how  
16 it's filtered out, and it became all-encompassing of all  
17 priests.

18 **THE COMMISSIONER:** What about a school  
19 teacher?

20 **MR. SHAVER:** School teacher, the same thing,  
21 sir.

22 **THE COMMISSIONER:** You didn't open project  
23 files?

24 **MR. SHAVER:** No, we didn't open a project  
25 file on school teachers, sir.

1                   **THE COMMISSIONER:** How come?

2                   **MR. SHAVER:** Well, sir, because at this  
3                   time, in my mind, I was looking at -- there's never been a  
4                   payout that I knew of from a school teacher. There had been  
5                   a payout by the Catholic Church. I thought that this was  
6                   going to open up a lot of doors for that and I thought that  
7                   we would have -- we would have an awful lot of people  
8                   coming in to do this, as they proved in the United States,  
9                   sir.

10                                 That was my logic, sir, whether you agree  
11                   with it. I'm sorry, that was my logic in looking at this.  
12                   I had to -- I wanted to keep it as well under wraps as I  
13                   could until it was investigated and we could start looking  
14                   at reasonable and probable grounds, and then after that it  
15                   would go wherever we had to have it go.

16                                 **THE COMMISSIONER:** So do you have any  
17                   explanation why Lortie didn't open a file?

18                                 **MR. SHAVER:** No, and it should have -- the  
19                   file should have been opened by Slavko Nakic originally.  
20                   There should have been an OMPPAC file opened immediately.

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

22                                 **MR. SHAVER:** And if that didn't happen, then  
23                   Staff Inspector MacDonald should have opened an OMPPAC file  
24                   or ensured that it was opened. Lortie should have opened  
25                   it. I should have ensured -- I failed -- I should have

1       ensured to make sure that Lortie had the file open, and I  
2       didn't check to see if the file was open, sir, because I  
3       wasn't concerned with the file being open. I was concerned  
4       with the investigation.

5               **MR. ENGELMANN:** So, just so I understand --  
6       and I don't want to go through all of that, but a couple of  
7       questions arising from your comments. You're quite sure  
8       you gave him instructions to open it in OMPPAC as a project  
9       file?

10              **MR. SHAVER:** Yes.

11              **MR. ENGELMANN:** You're not sure who you said  
12       to limit the access to?

13              **THE COMMISSIONER:** No, he didn't ---

14              **MR. SHAVER:** No.

15              **THE COMMISSIONER:** He's not -- that, he's  
16       not sure. He didn't limit the access to anyone yet.

17              **MR. ENGELMANN:** All right.

18              **THE COMMISSIONER:** That was going to be done  
19       later.

20              **MR. SHAVER:** All right.

21              **MR. ENGELMANN:** And, sir, did you or did you  
22       not instruct him to keep it confidential?

23              **MR. SHAVER:** I did.

24              **MR. ENGELMANN:** Okay. And the reason for  
25       that extra instruction was that you were concerned that if

1 officers knew about one priest, this could lead to  
2 allegations against other priests?

3 **MR. SHAVER:** If the word got out, sir, and  
4 the word gets out -- well, it got out. It got out of our  
5 offices anyway, but if the word got out, I was worried that  
6 once it does -- I mean, officers take this home. They talk  
7 to their wives, if their wives talk to somebody else or  
8 somebody else or whatever. That kind of thing does happen,  
9 unfortunately.

10 And if it did get out, what I didn't want to  
11 have happen was this sort of wide-open season on priests  
12 when we didn't know. You know, we're still investigating  
13 one complainant and one complaint against a priest.

14 **MR. ENGELMANN:** Okay. But you say the word  
15 did get out.

16 **MR. SHAVER:** Yes.

17 **MR. ENGELMANN:** No word got out on this  
18 until much later.

19 **THE COMMISSIONER:** A year later.

20 **MR. ENGELMANN:** Word got out ---

21 **MR. SHAVER:** Oh, no, sir, it was -- it was  
22 out in -- when Charlie Greenwell's story came out all of a  
23 sudden it was ---

24 **MR. ENGELMANN:** No, no but that's January of  
25 1994.

1                   **MR. SHAVER:** Of '94, yes. Oh, I'm sorry.  
2                   I'm sorry.

3                   **MR. ENGELMANN:** And that's well after the  
4                   Cornwall Police Service ---

5                   **MR. SHAVER:** Yes.

6                   **MR. ENGELMANN:** --- has decided to close its  
7                   file on this matter.

8                   **MR. SHAVER:** But there -- but there were all  
9                   sorts of rumours in the community. You know, we heard the  
10                  rumours, I think all of us as police officers heard the  
11                  rumours well into -- well into the spring and summer and I  
12                  think there was even some media coverage of rumours. There  
13                  had been rumours in the community about that.

14                  **MR. ENGELMANN:** Rumours in 1993?

15                  **MR. SHAVER:** In '93, yes.

16                  **MR. ENGELMANN:** Multiple priest being  
17                  involved in ---

18                  **MR. SHAVER:** Not multiple priests, sir, just  
19                  that a priest ---

20                  **MR. ENGELMANN:** Okay, a priest.

21                  **MR. SHAVER:** A priest, yes.

22                  **MR. ENGELMANN:** But wouldn't it better -- I  
23                  mean obviously, depending on how far along you are if that  
24                  rumour actually identified the priest so people weren't  
25                  looking at each and every priest thinking that they were

1 all responsible for this?

2 MR. SHAVER: Well I would have thought that  
3 if we hadn't had a charge and we'd have named a priest we  
4 would have a pretty good lawsuit against the Police  
5 Department.

6 MR. ENGELMANN: Well let me just talk to you  
7 about that though. You say -- you know, we start looking  
8 for the reasonable and probable grounds, we lay the charge  
9 ---

10 MR. SHAVER: Yes.

11 MR. ENGELMANN: --- and then, then we can  
12 open it up to others.

13 MR. SHAVER: Then we release it, yes.

14 MR. ENGELMANN: Yeah but, sir, what if --  
15 what if there are officers on your Force ---

16 MR. SHAVER: Right.

17 MR. ENGELMANN: --- who know something about  
18 one of these two alleged perpetrators? What if they have  
19 some information about Ken Seguin?

20 MR. SHAVER: Right.

21 MR. ENGELMANN: What if they have some  
22 information about Father Charles MacDonald?

23 MR. SHAVER: M'hm.

24 MR. ENGELMANN: And that information could  
25 assist your Force and your investigating officer in

1           establishing reasonable and probable grounds.

2                       **MR. SHAVER:** Right.

3                       **MR. ENGELMANN:** Don't you lose that by  
4           taking the strategy that you did?

5                       **MR. SHAVER:** No, I don't think so, sir. The  
6           first -- the first step from a police perspective would be  
7           let's go out and see if we have reasonable and probable  
8           grounds to believe that Father Charlie committed this act  
9           some 20-some odd years before; all right.

10                      Make sure -- the key thing here is to make  
11           sure there are no children in the community, at present,  
12           that are in danger; that's the first -- that's the key  
13           thing, that's the question I asked throughout this  
14           investigation.

15                      That's -- those are the two key points and  
16           once we do that, as a police agency, then we could go back  
17           out and say "All right, now we'll release this information"  
18           -- sorry my mouth isn't working -- we'll release the  
19           information and we will then -- everybody will know.

20                      Sir, this -- it was investigation of 22  
21           years -- a 22 year old complaint or something of that  
22           nature and so there was no -- the need was to absolutely  
23           get reasonable and probable grounds to prove that that  
24           incident did happen.

25                      Once my officers did that, once they were

1       able to come back and say "We have reasonable and probably  
2       grounds" we lay the charge, we release it to everybody and  
3       then we -- then we look at, Mr. Commissioner, at opening  
4       the doors, to seeing how many people are going to come in  
5       and tell us.

6                   **MR. ENGELMANN:** Sir, you had never  
7       investigated one of these before ---

8                   **MR. SHAVER:** No.

9                   **MR. ENGELMANN:** --- historical sexual abuse  
10      case; correct?

11                   **MR. SHAVER:** Nope.

12                   **MR. ENGELMANN:** And by my reading of your  
13      career profile you hadn't been trained to do that; you  
14      hadn't taken courses in doing that. This was not your  
15      specialty; correct?

16                   **MR. SHAVER:** Sir, you don't have to -- I'm  
17      sorry ---

18                   **MR. ENGELMANN:** What I'm asking ---

19                   **MR. SHAVER:** Hold on Mr. Engelmann.

20                   **THE COMMISSIONER:** Hold it, hold it. Hold  
21      it.

22                   **MR. ENGELMANN:** Just a second, let me -- I'm  
23      just trying to build the question, sir.

24                   **MR. SHAVER:** I wasn't trying to answer the  
25      question.

1                   **MR. ENGELMANN:** I'm just trying to build the  
2                   question and the question really is, these cases are  
3                   difficult to investigate ---

4                   **MR. SHAVER:** Yes.

5                   **MR. ENGELMANN:** --- and they're difficult to  
6                   prosecute; would you agree with that?

7                   **MR. SHAVER:** I do agree with both of those  
8                   statements.

9                   **MR. ENGELMANN:** And often there is -- there  
10                  is no forensic evidence available because of the passage of  
11                  time. We've heard this from many people who have testified  
12                  here.

13                  **MR. SHAVER:** I can't see where there would  
14                  be any forensic evidence.

15                  **MR. ENGELMANN:** Fair enough.

16                  **MR. SHAVER:** That's fine.

17                  **MR. ENGELMANN:** And therefore, often it is  
18                  the word of the alleged victim, against the word of the  
19                  alleged perpetrator, assuming you actually get a statement  
20                  ---

21                  **MR. SHAVER:** Right.

22                  **MR. ENGELMANN:** --- from the alleged  
23                  perpetrator.

24                  **MR. SHAVER:** Right.

25                  **MR. ENGELMANN:** So often police forces have

1 to look and find whether there may be other -- there may be  
2 other victims out there, other alleged victims out there.

3 MR. SHAVER: And I agree with that too.

4 MR. ENGELMANN: All right. And one of the  
5 ways that they get other victims or other alleged victims  
6 is by doing detective work, by doing investigative work and  
7 it can assist them if there are other officers, their  
8 colleagues who might have some information or if there's  
9 some intelligence information that has been gathered; fair  
10 enough?

11 MR. SHAVER: No. No, I don't think that's  
12 fair, sir.

13 I think that if you get an alleged assault,  
14 I think you have to investigate that one alone and it has  
15 to be done solely on that information because you have one  
16 complainant. We have to go and see if we have enough  
17 reasonable and probable grounds to believe that a charge  
18 can be laid.

19 We can always go back out after we know that  
20 and then we can expand the investigation to take in any  
21 amount of other victims that might come forward, or any  
22 other posture in the Service that might come forward and  
23 say, "Hey, I have information about this. I have more  
24 about that."

25 But, sir, you have to investigate the first

1 one, and that's what we did in this case and that's what  
2 was done.

3 **MR. ENGELMANN:** But if you take that  
4 approach to investigating, don't you lose many  
5 opportunities to help you establish those reasonable and  
6 probable grounds?

7 **MR. SHAVER:** You may. I mean, I can  
8 concede, sir, that you may. You may lose that.

9 **MR. ENGELMANN:** And aside from looking for  
10 other victims or other potential victims ---

11 **MR. SHAVER:** Right.

12 **MR. ENGELMANN:** --- it's important, is it  
13 not, to try and get a statement from the alleged  
14 perpetrator?

15 **MR. SHAVER:** I agree.

16 **MR. ENGELMANN:** Because often ---

17 **MR. SHAVER:** I agree with that, sir.

18 **MR. ENGELMANN:** --- the only way you get a  
19 conviction is if you actually get a statement and an  
20 admission.

21 **MR. SHAVER:** But, sir, before you can get  
22 the statement, you have to have enough evidence. You're  
23 not going to take a person in to take a statement right at  
24 the beginning of the case. You need to have enough  
25 evidence to believe that you can use this in your

1       interrogation technique or somewhere. You can use it to be  
2       able to foster a confession or more information, but you've  
3       got to do -- sir, policing is doing a lot of legwork first,  
4       and that's what has to be done first on any investigation.

5               **MR. ENGELMANN:** Absolutely. I'm just saying  
6       I would have thought it would be helpful to get as much  
7       assistance as you can in doing that legwork. Wouldn't you  
8       agree, sir, to get as much assistance as you can? If there  
9       are police officers in your own Force ---

10              **MR. SHAVER:** Right.

11              **MR. ENGELMANN:** --- that have information  
12       about one of these alleged perpetrators ---

13              **MR. SHAVER:** M'hm.

14              **MR. ENGELMANN:** --- that could assist the  
15       investigating officer, surely it could?

16              **THE COMMISSIONER:** So going back to my  
17       original question ---

18              **MR. SHAVER:** Sure.

19              **THE COMMISSIONER:** At the beginning of the  
20       investigation, you didn't know there was a payoff. When  
21       this file first came in ---

22              **MR. SHAVER:** No. At the beginning, we knew  
23       nothing.

24              **THE COMMISSIONER:** So I want to know under  
25       what -- and was this not the first file that you put under

1 projects in your history as Chief?

2 MR. SHAVER: I'm not sure, sir. I think so.  
3 I think so.

4 THE COMMISSIONER: Okay. I guess -- is  
5 there a class of people that deserve this or -- certainly  
6 your job as Chief of Police is not to look after the  
7 Catholic Church or the members of the Catholic Church?

8 MR. SHAVER: I totally agree.

9 THE COMMISSIONER: Or any church.

10 MR. SHAVER: I totally agree.

11 THE COMMISSIONER: So why did Father Charles  
12 MacDonald and Ken Seguin deserve that?

13 MR. SHAVER: Well, sir, can I try to explain  
14 it?

15 THE COMMISSIONER: Yes, I just want to  
16 understand.

17 MR. SHAVER: Yes. My thinking was, sir,  
18 that if we did this, we would be open to an awful lot of  
19 criticism if it got -- if the word got out immediately.

20 THE COMMISSIONER: Okay. And how would the  
21 word get out immediately?

22 MR. SHAVER: Well, sir, the way it got out -  
23 - the way it ended up getting out in this particular case.  
24 One officer gets the information, and then out it goes.

25 THE COMMISSIONER: Whoa, whoa. You're

1 talking about Constable Dunlop?

2 **MR. SHAVER:** Yes, I am. Yes.

3 **THE COMMISSIONER:** Turning it over to the  
4 Children's Aid Society?

5 **MR. SHAVER:** Yes. The information got out -  
6 - still got out -- no, not even that, sir. Turning it over  
7 to his wife, who goes out and starts to do another  
8 investigation on her own.

9 **THE COMMISSIONER:** Right.

10 **MR. SHAVER:** All right?

11 **THE COMMISSIONER:** But that's after  
12 September 28<sup>th</sup> of 2000 ---

13 **MR. SHAVER:** It is, sir.

14 **THE COMMISSIONER:** --- of 1993. We're going  
15 back to the beginning and your decision to do that.

16 Now don't forget, there is an intervening  
17 cause here with Dunlop, is that there was payoff.

18 **MR. SHAVER:** Yes.

19 **THE COMMISSIONER:** All right.

20 So never mind that. At the beginning, give  
21 me other examples of other people you would put in a  
22 project file to protect the privacy.

23 See, because what we've heard is that  
24 project files provincially are for gangs, drug dealers,  
25 that kind of thing. Your office has never used the matter

1 of a project file, which is different, which is within  
2 OMPPAC.

3 And since then, have you used -- did you use  
4 the project file for any other files on your watch as  
5 Chief?

6 **MR. SHAVER:** No, sir, because that was at  
7 the end of my watch, obviously.

8 **THE COMMISSIONER:** Well, it was '92, yeah.

9 **MR. SHAVER:** It was '92, sir. I left in '93  
10 really.

11 **THE COMMISSIONER:** Well, the end of '93.

12 **MR. SHAVER:** The end of '93, absolutely.

13 **THE COMMISSIONER:** Another year.

14 **MR. SHAVER:** That was my thinking, sir. My  
15 logic was simply that we'd investigate this thing; we find  
16 out; we get our reasonable and probable grounds and then we  
17 open it up. And then if it would have happened, if we'd  
18 have gotten reasonable and probable grounds earlier, we'd  
19 have opened it up.

20 It wasn't -- it was never intended to hide  
21 the file. I mean, that's what I keep hearing. It was  
22 never intended to hide the file. It was intended to hide  
23 the information until we could prove the information or  
24 have reasonable doubt about the information and say, "All  
25 right. We can go. We have reasonable and probable grounds

1 now. Let's do this."

2 **THE COMMISSIONER:** I understand what you're  
3 saying, but it still doesn't distinguish it for me in my  
4 mind. It's probably because it's close to break time. Why  
5 would you do it in this case as opposed to a thousand  
6 others that you ---

7 **MR. SHAVER:** Well, I think, sir, because of  
8 the things that I mentioned earlier, because of knowing  
9 what was happening around North America with the Catholic  
10 Church at the time, all right?

11 **MR. ENGELMANN:** Let me just interrupt for a  
12 second here, because you said that before, and I thought  
13 earlier ---

14 **MR. OLIVER:** The witness should be allowed  
15 to finish his answer.

16 **THE COMMISSIONER:** Fine. I cut him off last  
17 time, so you finish your answer.

18 **MR. ENGELMANN:** Fair enough.

19 **THE COMMISSIONER:** So you can finish your  
20 answer.

21 **MR. ENGELMANN:** Fair enough.

22 **THE COMMISSIONER:** So you're saying that you  
23 were concerned about what was going around in North America  
24 with the Church and stuff like that?

25 **MR. SHAVER:** Yes.

1                   **THE COMMISSIONER:** And?

2                   **MR. SHAVER:** And with the amount of things  
3 that were happening, even in the community where you're  
4 talking to people, it was like, "Look at all these priests.  
5 Look what they're doing." And this is stuff that was  
6 talked about inside the police department, sir, and  
7 outside.

8                   **THE COMMISSIONER:** Not referring to this,  
9 just generally speaking?

10                  **MR. SHAVER:** Just in general, yeah. That  
11 was the thing. "Look, there's the Catholic Church.  
12 There's the priests again."

13                  And obviously the Father Deslauriers case,  
14 in my mind, said to me, "Well, wait a minute now; we had  
15 better make sure that we get this one done and get it done  
16 correctly. That's what I wanted to see happen, sir.

17                  **THE COMMISSIONER:** Okay.

18                  **MR. SHAVER:** I wanted to get the first one  
19 done correctly, and if we had a bunch of others after, we  
20 would certainly go out and do them.

21                  **MR. ENGELMANN:** Sorry; the reason for my  
22 attempt to interrupt, and it was just -- Mr. Shaver, you  
23 just told us now you were concerned because of some of  
24 these settlements and other things with the Catholic  
25 Church.

1                   So were you aware of those even as early as  
2                   December of 1992?

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** Okay. Because I thought  
5                   earlier today you'd said it was later that you found ---

6                   **MR. SHAVER:** No, no, no, no. It was before  
7                   this ---

8                   **MR. ENGELMANN:** All right.

9                   **MR. SHAVER:** No, I said -- and I think if  
10                  you go back and look ---

11                  **MR. ENGELMANN:** I'm mistaken.

12                  **MR. SHAVER:** Yes.

13                  **MR. ENGELMANN:** So you're concern, recent  
14                  civil settlements, payments and you're concerned that there  
15                  are going to be more people knocking on your door?

16                  **MR. SHAVER:** Absolutely, yes. I thought  
17                  there would be a lot more.

18                  **MR. ENGELMANN:** Right.

19                  But on the issue of priests, sir, I don't  
20                  know if you followed who ended up getting charged here by  
21                  Project Truth?

22                  **MR. SHAVER:** Right.

23                  **MR. ENGELMANN:** But the vast majority of  
24                  these individuals, that was much, much later. That was  
25                  '98, '99 after the OPP had been here with Project Truth --

1 -

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: --- essentially advertising  
4 their services, we've heard, making an effort to bring  
5 people in in the community. So even though this broke in  
6 January of 1994, you did not see a plethora of complaints  
7 made against priests at that time, did you?

8 MR. SHAVER: No, I did not.

9 MR. ENGELMANN: Okay. You were just  
10 concerned about it?

11 MR. SHAVER: I was concerned. I was taking  
12 those kinds of steps. But, sir, the media -- if I could  
13 answer the rest of the -- or if I could just continue with  
14 the question?

15 MR. ENGELMANN: Yes.

16 THE COMMISSIONER: M'hm.

17 MR. SHAVER: The media immediately picked up  
18 on this and after that, every priest in this community was  
19 considered to be a suspect. We had --- if you talked to  
20 the priests -- and I don't think any of them have  
21 testified, sir -- if you talk to the priests in this  
22 community, they were all suspect and they were all being  
23 looked at as being a suspect because of their association.  
24 It's like if you charge a police officer, all police  
25 officers are suspect, you know? One police officer does

1 something wrong, every police officer wears it. That's the  
2 difficulty that you have when you're in that kind of a  
3 position. And that's where Father Charles was.

4 **MR. ENGELMANN:** But isn't that problem an  
5 argument for more transparency, not less? And you've  
6 talked, sir, about it wasn't your intent -- it wasn't your  
7 intent to hide anything, but isn't some of that action --  
8 doesn't it perhaps have the effect of hiding things?

9 **MR. SHAVER:** I don't think so, sir.

10 **THE COMMISSIONER:** And then I'll stick my  
11 nose in. Doesn't it -- well, it does hide things in the  
12 sense that it hides from the public the fact that there is  
13 an investigation going on with respect to child abuse which  
14 would bring up the red light for people to look at their  
15 children ---

16 **MR. SHAVER:** Right.

17 **THE COMMISSIONER:** --- and try to protect,  
18 so there's that other side.

19 **MR. SHAVER:** Oh, that's right. That -- that  
20 side I agree on, that's why I wanted the investigation to  
21 be done as quickly and as thoroughly as possible, get  
22 reasonable and probable grounds as quickly as you can so we  
23 can get the word out to everybody.

24 **THE COMMISSIONER:** Right.

25 **MR. SHAVER:** That's -- that's -- that's

1 really what the bottom line of this thing was. Once we get  
2 the -- once we do this, Father Charles would have been  
3 charged if they had had reasonable and probable grounds,  
4 then -- then we could spread that word out, you know.  
5 Anybody who got near Father Charles, then we would expect  
6 them to be able to come in and -- and say something, if he  
7 was a pedophile, sir; that's -- that's the situation.

8 But being charged -- sir, being convicted in  
9 the press is -- is what ended up happening or convicted on  
10 the internet.

11 **THE COMMISSIONER:** Yeah, but that's not  
12 really -- is it really your function to -- to protect, as  
13 opposed to just get the investigation done?

14 **MR. SHAVER:** That's right, sir, that's what  
15 I said: I wanted to get the investigation done as quickly  
16 as possible, that's -- that's my position there, sir.

17 **MR. ENGELMANN:** Just a couple of more  
18 questions before the break, if I may.

19 Did you have any sense, at that time, sir,  
20 of the reluctance of victims of child sexual abuse to come  
21 forward?

22 **MR. SHAVER:** Yes, I did, yes.

23 **MR. ENGELMANN:** All right. And you had some  
24 sense, sir, that many people who -- who have been victims  
25 of sexual abuse, as young people, don't tell anybody about

1 it, for all sorts of reasons?

2 We've heard some context expert evidence on  
3 this.

4 **MR. SHAVER:** Yes.

5 **MR. ENGELMANN:** Were you aware of that, at  
6 that time, how reluctant people are to come forward?

7 **MR. SHAVER:** I'm more than aware, sir.

8 **MR. ENGELMANN:** All right. And were you  
9 also aware, sir, that until some of those issues come to  
10 the forefront and are publicized, sometimes that's the only  
11 way further victims actually come forward?

12 **MR. SHAVER:** Yes.

13 **MR. ENGELMANN:** Okay. For example, and we  
14 have some examples here in Cornwall where an individual may  
15 be charged and then other people come forward later and  
16 also lay charges against that individual.

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** Did you see some importance  
19 to that?

20 **MR. SHAVER:** I do, sir, and from a very  
21 personal perspective, it -- it almost happened to me, when  
22 I was 11.

23 **THE COMMISSIONER:** How about a break.

24 **MR. ENGELMANN:** Thanks.

25 **THE COMMISSIONER:** Thank you.

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

3                   This hearing will resume at 3:20.

4                   --- Upon recessing at 3:03 p.m./

5                   L'audience est suspendue à 15h03

6                   --- Upon resuming at 3:25 p.m./

7                   L'audience est reprise à 15h25

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

10                  **THE COMMISSIONER:** Mr. Engelmann?

11                  **MR. ENGELMANN:** Thank you, sir.

12                  **CLAUDE SHAVER:** Resumed/Sous le même serment:

13                  --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

14                  **MR. ENGELMANN (Cont'd/suite):**

15                  **MR. ENGELMANN:** Mr. Shaver, let's get back  
16                  to the investigation, ---

17                  **MR. SHAVER:** Okay.

18                  **MR. ENGELMANN:** --- if that's okay?

19                  **MR. SHAVER:** Yes.

20                  **MR. ENGELMANN:** Maybe we can -- after Mr.  
21                  Lortie is assigned the file -- or at the time Staff  
22                  Sergeant Lortie, does he -- does he give you an update on  
23                  his vacation and/or time off plans, at some point ---

24                  **MR. SHAVER:** Yes.

25                  **MR. ENGELMANN:** --- the fact that he's going

1 to be away from the office?

2 **MR. SHAVER:** Yeah, I saw him between --  
3 between the date that the file was assigned and Christmas  
4 because I think I was off at Christmas and he told me that  
5 he was going to have -- he gave me an update and then he  
6 told me he was going to have some sort of operation in  
7 January and told me he would be returning on January the  
8 18<sup>th</sup>; I remember the date specifically because he said that  
9 he was going to interview the person, Mr. Silmser ---

10 **MR. ENGELMANN:** Yeah.

11 **MR. SHAVER:** --- on the 18<sup>th</sup> and that Mr.  
12 Silmser had not wanted to be interviewed before the  
13 Christmas period or over -- through that Christmas period.

14 **MR. ENGELMANN:** And, sir, so you understood  
15 that Staff Sergeant Lortie would be meeting with Mr.  
16 Silmser on January 18<sup>th</sup> ---

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** --- to do a preliminary  
19 interview?

20 **MR. SHAVER:** Yes.

21 **MR. ENGELMANN:** And -- or "an initial  
22 interview", if I can use the term.

23 Did you become aware of a reassignment of  
24 the matter from Staff Sergeant Lortie back to the CIB?

25 **MR. SHAVER:** Yes, I spoke with -- I spoke

1 with the Deputy Chief and -- and gave him the information I  
2 just had about Lortie and -- and we were -- we were kind of  
3 looking at one another and saying, "Now what we do, we want  
4 to get this thing going, we want to get it started."

5 And the Deputy, as I understand it, met with  
6 Mr. Lortie -- or Sergeant Lortie between Christmas and New  
7 Years, when I was away, and Lortie confirmed that he was  
8 going to have the operation and the Deputy Chief then  
9 decided that he should reassign the file.

10 **MR. ENGELMANN:** All right. So it was his  
11 decision to reassign?

12 **MR. SHAVER:** Yes.

13 **MR. ENGELMANN:** But he would have consulted  
14 with you, given that ---

15 **MR. SHAVER:** Oh, absolutely, yes.

16 **MR. ENGELMANN:** --- given that ---

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** --- Staff Sergeant Lortie  
19 was reporting to you?

20 **MR. SHAVER:** Yes.

21 **MR. ENGELMANN:** All right. And I don't know  
22 if you would have seen this at some point in time, it's  
23 Exhibit 1298B.

24 **THE COMMISSIONER:** One two (12)?

25 **MR. SHAVER:** Nine eight B (98B), Document

1 Number 728553.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. SHAVER: I'm sorry, again, Mr.

4 Engelmann?

5 MR. ENGELMANN: Yes, Exhibit Number 1298B,  
6 that's what I've got and I'm surprised at the letter,  
7 but...

8 MR. SHAVER: One two nine eight B (1298B),  
9 okay.

10 MR. ENGELMANN: The Document Number, sir, is  
11 728553.

12 It's a document entitled "Transmittal Slip";  
13 do you have a copy, sir?

14 MR. SHAVER: I do.

15 THE COMMISSIONER: If you turn it around --  
16 turn to the second page, oh yeah, it's much more legible,  
17 yes.

18 MR. SHAVER: Yes.

19 MR. ENGELMANN: And is this something that  
20 you would have seen at or about that time or is this  
21 something you've only seen recently?

22 MR. SHAVER: I would -- I think I would have  
23 seen it, sir.

24 Normally, if I see things, I actually put my  
25 -- I put a "C" on it or something, but I knew this was

1 going to happen.

2 MR. ENGELMANN: All right.

3 MR. SHAVER: I knew that the Deputy was  
4 going to do this.

5 MR. ENGELMANN: All right.

6 MR. SHAVER: He made the right decision.

7 MR. ENGELMANN: All right.

8 Well, I want to talk to you about whether it  
9 was the right decision.

10 MR. SHAVER: Okay.

11 MR. ENGELMANN: Because he -- you know, do  
12 you not, sir, that officers from CIB don't actually get to  
13 see Mr. Silmsler until the 28<sup>th</sup> ---

14 MR. SHAVER: Yes.

15 MR. ENGELMANN: --- of January?

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: And Staff Sergeant Lortie  
18 had actually set something up for the 18<sup>th</sup>?

19 MR. SHAVER: For the 18<sup>th</sup>, yes.

20 MR. ENGELMANN: Right. And he -- he does  
21 say in the Transmittal Slip, he realizes the heavy workload  
22 in CIB?

23 MR. SHAVER: Right.

24 MR. ENGELMANN: And were you also aware of  
25 that, at the time?

1                   **MR. SHAVER:** I certainly was.

2                   **MR. ENGELMANN:** And were you also aware --  
3                   and I think it was shortly thereafter -- of requests by  
4                   Staff Sergeant Brunet to get additional resources?

5                   **MR. SHAVER:** Yes, along with all my other  
6                   staff sergeants.

7                   **MR. ENGELMANN:** All right. And there was --  
8                   there was certainly some correspondence back and forth  
9                   between ---

10                  **MR. SHAVER:** M'hm.

11                  **MR. ENGELMANN:** --- Staff Sergeant Brunet  
12                  and the Deputy Chief and yourself and then, I think this  
13                  was in February, just after this, and then in March you're  
14                  responding, saying, "You're just going to have to make do."

15                  **MR. SHAVER:** Right.

16                  And I think -- and we did -- we did  
17                  eventually send, I think it was Constable Zulinski, if I  
18                  remember correctly ---

19                  **MR. ENGELMANN:** Okay.

20                  **MR. SHAVER:** --- eventually he was sent back  
21                  to CIB.

22                  **MR. ENGELMANN:** All right. And, sir, as  
23                  well in CIB, Staff Sergeant Brunet was new on the job; he  
24                  had just started; correct?

25                  **MR. SHAVER:** New as the officer in -- or the

1 person in charge of CIB, yes.

2 MR. ENGELMANN: Yes, all right.

3 MR. SHAVER: But not new to CIB.

4 MR. ENGELMANN: No, he was -- well, he'd  
5 been somewhere for about four years before?

6 MR. SHAVER: Yeah, he was -- he was -- he  
7 was a CIB officer for several years.

8 MR. ENGELMANN: All right. In the note, the  
9 Deputy Chief says:

10 "I realize the heavy workload in CIB,  
11 but this could possibly turn into an  
12 Alfred-type situation, therefore please  
13 assign ASAP."

14 Were you aware of his concern about that,  
15 sir?

16 MR. SHAVER: I may have addressed that in my  
17 -- that was always my concern, so I may have addressed with  
18 the DC and he may have just put it -- or he could have had  
19 that -- had that same concern as I did.

20 MR. ENGELMANN: All right. So you shared  
21 that concern with him?

22 MR. SHAVER: Yes, we definitely did. If he  
23 -- and this -- if this was not as a result of me saying it,  
24 we certainly shared the same concern.

25 MR. ENGELMANN: All right. And so let me

1 just understand what that concern was, that -- that -- was  
2 it that the case you were looking at could be the tip of  
3 the iceberg-type of thing?

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: All right. And you had that  
6 concern?

7 MR. SHAVER: Yes.

8 MR. ENGELMANN: All right. And if that was  
9 your concern, if it was shared with the Deputy Chief, what  
10 strategy did you have if that in fact was the case?

11 MR. SHAVER: To get the initial  
12 investigation, sir, started, and get to the reasonable and  
13 probable grounds as quickly as we possibly could.

14 If there were other victims out there, of  
15 the same -- of the same perpetrator, we wanted to be able  
16 to get working on those.

17 MR. ENGELMANN: All right.

18 You obviously found out later that many more  
19 alleged victims came forward with respect to both of these  
20 individuals?

21 MR. SHAVER: Sir, I -- yes, at the time --  
22 later -- what timeframe are we talking about?

23 MR. ENGELMANN: Well, I'm just -- sir, there  
24 were charges with Father MacDonald in early '96 and then  
25 there were ---

1 MR. SHAVER: Yes.

2 MR. ENGELMANN: --- other complainants ---

3 MR. SHAVER: Not during my tenure, sir.

4 MR. ENGELMANN: No, no, no.

5 MR. SHAVER: During my tenure there were  
6 only two other people that were ---

7 MR. ENGELMANN: Yes.

8 MR. SHAVER: --- peripheral to ---

9 MR. ENGELMANN: Well, I'm saying later ---

10 MR. SHAVER: --- the original complaint.

11 MR. ENGELMANN: And of course Mr. Seguin  
12 died in the fall of 1993?

13 MR. SHAVER: Yes. That was a whole separate  
14 matter. I'm talking about the Father Charlie matter now.

15 MR. ENGELMANN: All right.

16 MR. SHAVER: There were two -- there were  
17 only -- there were two other people that were identified in  
18 the investigation as peripheral to that complaint.

19 MR. ENGELMANN: Well, was the Alfred-type  
20 concern with respect to one of those institutions, either  
21 Corrections or the Church?

22 MR. SHAVER: Well, we only had the  
23 complaint, sir -- we only had a single complaint.

24 MR. ENGELMANN: I ---

25 MR. SHAVER: I know he mentions Ken Seguin,

1 but we had a single complaint and it was against Father  
2 Charlie, and I'm sure that the Deputy and I were looking at  
3 it the same way, that if Father -- if this was true, if  
4 this particular allegation was true, then there may be many  
5 other people, many other children or people that are now  
6 adults out there that could possibly have been assaulted by  
7 this man.

8 **MR. ENGELMANN:** And you knew, at least from  
9 the initial contact with the complainant that your force  
10 had, that he was saying that his two alleged perpetrators  
11 were friends?

12 **MR. SHAVER:** I didn't know that at the time,  
13 sir, I don't think. I can't remember -- I knew at sometime  
14 during the process, but -- sometime.

15 **MR. ENGELMANN:** If you can just take a quick  
16 look back at Exhibit 293?

17 **MR. SHAVER:** Okay.

18 **MR. ENGELMANN:** And this is the very first  
19 contact that David Silmsler -- noted contact anyway that he  
20 has with the Cornwall Police Service.

21 **MR. SHAVER:** That was the Slavko Nakic memo?

22 **THE COMMISSIONER:** That was a what?

23 **MR. ENGELMANN:** Nakic.

24 **MR. SHAVER:** Nakic memo, yes. Where was  
25 that again, sir?

1                   **THE COMMISSIONER:** Two ninety-three (293).

2                   **MR. ENGELMANN:** You see in the first  
3 paragraph:

4                                 “He was sexually assaulted by a  
5                                 priest...”

6                   **MR. SHAVER:** Okay. Yes, he did say that  
7 there. I’m sorry.

8                   **MR. ENGELMANN:** And he says:

9                                 “Silmser also stated that probation  
10                                officer, Ken Seguin, a friend of the  
11                                priest...”

12                   **MR. SHAVER:** Yes. I did remember that.

13                   **MR. ENGELMANN:** All right.

14                                 Now, on the reassignment, after it’s  
15 reassigned to CIB, you have no say on who it gets assigned  
16 to?

17                   **MR. SHAVER:** No.

18                   **MR. ENGELMANN:** That’s something that ---

19                   **MR. SHAVER:** Well, I can always ---

20                   **MR. ENGELMANN:** --- the officer in charge --

21 -

22                   **MR. SHAVER:** --- I can always have a say,  
23 sir, but I don’t. You know, that’s up to the person in  
24 charge. He has to take a look at his manpower situation  
25 and decide.

1                   **MR. ENGELMANN:** Well, sir, certainly that  
2                   person has the initial say. If things come up to your  
3                   level, you might have some input. Is that fair?

4                   **MR. SHAVER:** If they came back up ---

5                   **MR. ENGELMANN:** Through the chain of  
6                   command.

7                   **MR. SHAVER:** --- and I would not make a  
8                   decision?

9                   **MR. ENGELMANN:** No, but if that decision is  
10                  in any way challenged, if there's a need to reflect upon  
11                  that decision and it comes up to your attention, you might  
12                  have some input?

13                  **MR. SHAVER:** If it was challenged and it  
14                  made it all the way up to me; certainly. I don't think I  
15                  ever had one of those in a ---

16                  **MR. ENGELMANN:** Well, I'm going to suggest  
17                  to you that, in effect, there was a concern in this case  
18                  from the complainant himself ---

19                  **MR. SHAVER:** Yes.

20                  **MR. ENGELMANN:** --- with respect to the  
21                  assignment.

22                  **MR. SHAVER:** Yes.

23                  **MR. ENGELMANN:** All right?

24                  And, in fact, you're directly aware of this  
25                  because you received a telephone conversation.

1                   **MR. SHAVER:** I received a telephone call  
2                   from him.

3                   **MR. ENGELMANN:** A call from him.

4                   Now, it's my understanding that telephone  
5                   call would have been made sometime on January 26<sup>th</sup>, 1993 --  
6                   -

7                   **MR. SHAVER:** Approximately.

8                   **MR. ENGELMANN:** --- or thereabouts?

9                   **MR. SHAVER:** Yes.

10                  **MR. ENGELMANN:** And before that telephone  
11                  call, were you aware at all -- you would have been aware  
12                  that Constable Heidi Sebalj had been assigned ---

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** --- by Staff Sergeant  
15                  Brunet?

16                  **MR. SHAVER:** I was, yes.

17                  **MR. ENGELMANN:** All right.

18                  And were you aware, sir, from any kind of  
19                  input you might have received back from her or Staff  
20                  Sergeant Brunet that Mr. Silmsler had expressed, on a couple  
21                  of occasions, concerns about talking with a female officer?

22                  **MR. SHAVER:** I don't remember that. I think  
23                  the first time I heard that was from Mr. Silmsler himself.

24                  **MR. ENGELMANN:** All right.

25                  So you wouldn't have known that first time

1           that Heidi Sebalj made contact with him, he expressed some  
2           reluctance in speaking with a woman about his abuse?

3                   **MR. SHAVER:** I wasn't aware of that, sir,  
4           not at the time.

5                   **MR. ENGELMANN:** And that in fact -- I think  
6           it's the next call with them again, there is an expression  
7           of concern on his part. And I just -- we can just take a  
8           quick look at that. We have long-form notes of hers at  
9           Exhibit 295, so very close to the one you have in your  
10          binder.

11                   **MR. SHAVER:** Sorry, the number again, sir,  
12          was?

13                   **MR. ENGELMANN:** Exhibit 295.  
14          Counsel, the Document Number 717428.

15                   **MR. SHAVER:** I'm sorry; it's the other book.  
16          Yes.

17                   **MR. ENGELMANN:** Sir, you'll see just on the  
18          very first page, 727:

19                           "13:15 telephone call to victim.  
20                           Reluctant to speak with female.  
21                           Advised him Cst. Malloy will sit in on  
22                           interviews. Sounded satisfied."

23                   Do you see that?

24                   **MR. SHAVER:** I'm having difficulty reading  
25          this, so let me read it from here.

1                   **MR. ENGELMANN:** Sure. It's right at the top  
2                   of the screen.

3                   **MR. SHAVER:** Okay. "Reluctant to speak..."

4                   **THE COMMISSIONER:** "...with female."

5                   **MR. SHAVER:** Oh, "with female", okay.

6                                 "Advised him Cst. Malloy will sit in on  
7                                 interviews. Sounded satisfied."

8                   Yes. Okay. Yes.

9                   **MR. ENGELMANN:** And, sir, then on January  
10                   26<sup>th</sup> -- and this is Bates page 730, bottom of that page, 26<sup>th</sup>  
11                   January '93, 16:25 starts with "Telephone call to victim's  
12                   residence" at the bottom.

13                                 "As long as I've got you, may as well  
14                                 tell you I'm not happy with the way  
15                                 this is going."

16                   You have to go onto the next page now.

17                                 "I questioned this as nothing had yet  
18                                 happened. Stated for one thing, asked  
19                                 to..."

20                   **THE COMMISSIONER:** "...talk to a man."

21                   **MR. ENGELMANN:** "...talk to a man."

22                                 Okay? So, sir, I'm suggesting to you on a  
23                   couple of occasions, you're getting a male -- alleged male  
24                   -- a male as an alleged victim of child sexual abuse ---

25                   **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** --- expressing some  
2                   reluctance to want to talk to a female officer about it.

3                   **MR. SHAVER:** I wasn't aware that that had  
4                   transpired before he called me.

5                   **MR. ENGELMANN:** I'm sorry?

6                   **MR. SHAVER:** I was not aware that he was  
7                   having that problem before he phoned me.

8                   **MR. ENGELMANN:** All right.  
9                   So he does in fact call you on the 26<sup>th</sup> of  
10                  January?

11                  **MR. SHAVER:** I don't ---

12                  **MR. ENGELMANN:** I'm going to suggest that  
13                  because her notes ---

14                  **MR. SHAVER:** I don't have a date.

15                  **MR. ENGELMANN:** Yeah, but if you look at her  
16                  notes, 731 Bates page, the one we were just on:

17                                "10:10 meeting with Chief and Sergeant  
18                                Lefebvre to discuss Silmsers decision  
19                                made that investigation would remain  
20                                mine, but interview must accord his  
21                                wishes."

22                  **MR. SHAVER:** M'hm.

23                  **MR. ENGELMANN:** Sir, I'm wondering if the  
24                  reason you would have met with her and Sergeant Lefebvre on  
25                  that day was because Mr. Silmsers had spoken to you directly

1 the day before?

2 MR. SHAVER: It quite well could have been,  
3 yes.

4 MR. ENGELMANN: And, in fact, sir, in his  
5 call with Ms. Sebalj, at least in her note of the call,  
6 after he expresses concerns about wanting to talk to a man  
7 and she says:

8 "Well, Malloy will be in the room.  
9 Then stated he would take it up with  
10 the Chief."

11 Just if you go above, Madam Clerk. It is  
12 hard to read, sir.

13 MR. SHAVER: Yes, I'm sorry. I'm having  
14 difficulty with it.

15 MR. ENGELMANN: So:

16 "For one thing, I asked to talk to a  
17 man. I reminded him that my partner,  
18 Kevin Mallow would be in the room.

19 Then stated he would take it up with  
20 the Chief. I offered to put him  
21 through. He replied no. Said he  
22 didn't want to talk about this now.

23 His family was home. Stated he would  
24 call in the a.m."

25 So he's complained to her or expressed some

1 concern on two occasions and, in fact, on the second  
2 occasion, it's to the extent that he wants to take it up  
3 with you.

4 Did she talk to you -- tell you that this  
5 was likely to happen?

6 **MR. SHAVER:** No.

7 **MR. ENGELMANN:** Explain to you that on two  
8 occasions he had expressed this concern?

9 **MR. SHAVER:** No. When he called me it was  
10 straight out of the blue for me.

11 **MR. ENGELMANN:** Okay. So would it have been  
12 helpful to you when you received that call to have known  
13 about those previous calls?

14 **MR. SHAVER:** Yes, yes, it would have been  
15 because when Mr. -- you have to understand, when Mr.  
16 Silmsner phoned me it wasn't -- it really wasn't saying, "I  
17 don't want to speak to a female officer". He was just  
18 denigrating females and he was denigrating my female  
19 officer. He used language that was totally inappropriate,  
20 was yelling and screaming on the phone, and I'm saying,  
21 "Just calm down".

22 Do you want me to repeat the exact quote  
23 that he used, sir?

24 **MR. ENGELMANN:** Sure.

25 **MR. SHAVER:** He said, "Look, I don't want to

1 have anything to do with a fucking split tail". And I  
2 said, "Excuse me, you're not going to talk about my  
3 officers that way". So we went through that process, he  
4 and I.

5 And he just -- he just kept yelling and  
6 screaming. It's not that he didn't -- I was taking it,  
7 sir, that it's not that he didn't really want to speak to a  
8 female police officer he just didn't want to speak to any  
9 woman, period.

10 And so when I talked to him, when I finished  
11 my conversation with him I said, "Listen, you know, try to  
12 calm down" and he wouldn't calm down. I couldn't get him  
13 to calm down at all.

14 So eventually I said, "Look, we're going to  
15 get this thing -- we're going to get this matter  
16 investigated as quickly as we possibly can" and that was  
17 the end of the -- basically the end of the conversation.

18 **MR. ENGELMANN:** Did you tell him, sir, that  
19 you would consider his request?

20 **MR. SHAVER:** Yes, I did. I did. I said,  
21 "I'll think about what you're saying but, you know, you've  
22 got to -- you're not going to talk about my officers that  
23 way".

24 **MR. ENGELMANN:** So when you met the next  
25 morning with Sergeant Lefebvre and Heidi Sebalj, did you

1 tell them about your telephone call with David Silmser?

2 MR. SHAVER: Yes, yes.

3 MR. ENGELMANN: And did you she in turn tell  
4 you about her calls with him?

5 MR. SHAVER: She didn't mention this part  
6 but she related that, "Hey, look, he goes up and down and  
7 he yells and he screams and sometimes he's calm". So yeah,  
8 it was kind of that kind of a conversation.

9 MR. ENGELMANN: But shouldn't -- sir,  
10 wouldn't she have told you that he had told her on a couple  
11 of occasions that he didn't want a female officer?

12 MR. SHAVER: If she did, sir, it doesn't  
13 register -- it didn't register with me then and it would  
14 have registered with me. So I don't believe that she did.  
15 I believe that she was trying to set-up an interview with  
16 him. What she talked about was, "I'm having a lot of  
17 difficulty getting him to agree to an interview date, the  
18 time". There was a lot of that going on.

19 MR. ENGELMANN: Sir, he's saying to her, at  
20 least if we look at her notes, that he wants to talk to a  
21 man. And he's so upset about it he's going to take it up  
22 with you, and in fact he calls you and he's very angry?

23 MR. SHAVER: Right.

24 MR. ENGELMANN: Did you have any kind of a  
25 policy and/or practice at that time about the assignment of

1 same-sex officer if it was requested in a case of alleged  
2 sexual abuse or sexual assault?

3 **MR. SHAVER:** Assigning a person of same sex?

4 **MR. ENGELMANN:** Yes.

5 **THE COMMISSIONER:** The matter is not the  
6 choice of sex.

7 **MR. SHAVER:** The choice of sex, no, there  
8 was no policy. There was no policy in place.

9 **MR. ENGELMANN:** Well, if there was no  
10 policy, was there at least a practice of trying to  
11 accommodate the wishes of an alleged victim of abuse?

12 **MR. SHAVER:** There was no -- there was no  
13 policy, no practice that I knew of, sir, no.

14 **MR. ENGELMANN:** Would you agree, sir, that  
15 it would have been a good idea?

16 **MR. SHAVER:** Sir, when I looked at Heidi  
17 Sebalj, the most important -- the most important thing for  
18 a sexual abuse officer to have is compassion. That's the  
19 most important thing. And she had that.

20 When you're dealing with people that have  
21 been sexually assaulted you need someone who can  
22 understand, who will sit back and empathize with them and  
23 sometimes sending -- in my opinion, sending a hard-blooded  
24 male police officer would be worse. I was sort of weighing  
25 those two things back-and-forth.

1                   From everything that I knew of Heidi that  
2                   she was a very compassionate officer. She was an extremely  
3                   functional officer. She was good at what she did. I  
4                   believe that she had good supervision in Staff Sergeant  
5                   Brunet and then it got to be -- we decided that we would  
6                   put Ron Lefebvre and Kevin Malloy in there with her, so  
7                   that she would then -- it would be still her investigation.  
8                   You're not taking it away from her, but they would get the  
9                   initial statement and then it was her investigation to do  
10                  all the legwork.

11                  So I tried to accommodate as much as I could  
12                  by having two male officers there for the first interview  
13                  and after that -- after that.

14                  And in the final analysis, sir, the only  
15                  good thing that that man said about the Cornwall Police  
16                  Department after that was about Heidi Black -- Heidi  
17                  Sebalj, I'm sorry, that was her -- it's the only good thing  
18                  he ever said and about how she was a good person.

19                  So was she the right choice? Maybe not in  
20                  the initial instance, sir. You know, I can certainly  
21                  concede that from what he said but we tried to accommodate.  
22                  We put two males officers out there with her and in the  
23                  final analysis, sir, she was -- I think she proved her  
24                  worth.

25                  **MR. ENGELMANN:** Okay. Sir, I'm not asking

1       you about Heidi Sebalj. I'm asking about a gender  
2       preference, all right?

3                   **MR. SHAVER:** Right.

4                   **MR. ENGELMANN:** And what I'm suggesting to  
5       you -- well, let me ask you this. In 1993 ---

6                   **MR. SHAVER:** Right.

7                   **MR. ENGELMANN:** --- if you had a female  
8       victim ---

9                   **MR. SHAVER:** Right.

10                  **MR. ENGELMANN:** --- of a sexual assault  
11       requesting a female officer, did you try and accommodate  
12       her?

13                  **MR. SHAVER:** We certainly would have, yes.

14                  **MR. ENGELMANN:** Why wouldn't you do the same  
15       thing for a man?

16                  **MR. SHAVER:** Sir, I just answered that. We  
17       didn't have a policy on it. We didn't know what the  
18       practice was.

19                  **MR. ENGELMANN:** And could you see, sir, that  
20       if you have the female victim and you say, "Well, it's okay  
21       because I'm going to put a couple of women in with the  
22       man", that that might not be satisfactory to that female  
23       victim?

24                  **MR. SHAVER:** Right.

25                  **MR. ENGELMANN:** Just like having a woman sit

1 in when a man talks about abuse or alleged abuse from  
2 another man, they may not feel comfortable telling the full  
3 story?

4 MR. SHAVER: With another man there?

5 MR. ENGELMANN: Yeah.

6 MR. SHAVER: You mean with the male?

7 MR. ENGELMANN: No, no, having a woman  
8 there, having to talk about sexual abuse from another man.  
9 Did you ever think about that?

10 MR. SHAVER: Sir, yeah, I thought about it.  
11 I would think that the natural reaction is to have someone  
12 from the opposite sex be taking the information because  
13 you're not looking at a potential abuser. And that's how I  
14 looked at it.

15 So if it's a male-to-male, I would think  
16 that a female officer might be better to get the  
17 information and if it was a female -- if it was a female  
18 that was abused that she might prefer to speak to another  
19 female.

20 MR. ENGELMANN: But, sir, isn't that all why  
21 you should try and accommodate the wishes of the particular  
22 alleged victim, to make the situation as comfortable as you  
23 can ---

24 MR. SHAVER: Right.

25 MR. ENGELMANN: --- so that that person who

1           hasn't told the story for many, many years ---

2                       **MR. SHAVER:** Right.

3                       **MR. ENGELMANN:** --- and has now come forward  
4           to the police and all of a sudden wants to tell the story,  
5           will actually tell it in a fulsome fashion and tell it in a  
6           way that is complete.

7                       So that if he's asked about it again and  
8           again and again, perhaps not more details or different  
9           details will come out. He'll feel comfortable telling the  
10          story fully the first time.

11                      Did you not think about that?

12                      **MR. SHAVER:** At that time, sir, at that  
13          exact second, no, I did not think about it the way you just  
14          mentioned it.

15                      **MR. ENGELMANN:** Do you know why Deputy Chief  
16          St. Denis would not have met with Lefebvre and Sebalj? Was  
17          it because you received that call?

18                      **MR. SHAVER:** No, if he would have been at  
19          the building he would have been at the meeting. If he  
20          would have been there he would have been at the meeting and  
21          so would Staff Sergeant Brunet. I know that Staff Sergeant  
22          Brunet was not at that meeting because he was gone  
23          somewhere.

24                      **MR. ENGELMANN:** Yeah, he was away that week.

25                      **MR. SHAVER:** He was away on leave. And I

1 believe that Deputy Chief St. Denis was away also or he  
2 would have been at the meeting. We would have had other  
3 voices in there.

4 **MR. ENGELMANN:** Now, did you tell Sebalj and  
5 Lefebvre about derogatory comments that Silmsler had made  
6 towards women?

7 **MR. SHAVER:** I'm sure I didn't tell Heidi  
8 Sebalj about that. I didn't want to be using the language  
9 with her.

10 **MR. ENGELMANN:** Because I didn't see those  
11 comments in the notes.

12 **MR. SHAVER:** Sorry?

13 **MR. ENGELMANN:** We haven't seen those types  
14 of comments in the notes.

15 **MR. SHAVER:** No.

16 **THE COMMISSIONER:** The only comments we saw  
17 were of your police officers saying that they didn't want  
18 to work with a bitch.

19 **MR. SHAVER:** Really?

20 **THE COMMISSIONER:** Was that prevalent in  
21 your ---

22 **MR. SHAVER:** I don't know if it was  
23 prevalent, sir, but it certainly -- I'm sure certain  
24 officers felt that way. I think one of them even referred  
25 to it as -- I remember, as what -- that I read in some will

1 say or maybe heard at this Inquiry that she was too soft.  
2 And I thought, "Wait a minute, that's exactly what you want  
3 to have for a person who is going to be taking a sexual  
4 assault case. You want someone who can empathize,  
5 understand, sympathize and gain rapport. That's what you  
6 need."

7 **MR. ENGELMANN:** Mr. Shaver, I'm not  
8 disagreeing with you and I'm not suggesting that women  
9 shouldn't be allowed to do this. I'm suggesting that it  
10 might be important just to look at the gender preference of  
11 that victim.

12 **MR. SHAVER:** Sir, in light of what -- of  
13 everything that's gone on and the reason for the Inquiry  
14 and everything, sure, I think that that's a very good  
15 point. It's a very, very good point.

16 But, sir, I look back -- when I first  
17 started in the Police Department, there was one -- there  
18 was one female officer and it certainly wouldn't have been  
19 possible.

20 **MR. ENGELMANN:** Fair enough. Sometimes you  
21 can't accommodate the request.

22 **MR. SHAVER:** That's right. And really, if  
23 it got down to that point, sir, I would have tried to -- I  
24 would try to assign the most efficient person I could find  
25 who is empathetic and if -- you know, we have since built

1           that up and women in policing have become very much  
2           accepted and form an integral part of policing now.

3                       **MR. ENGELMANN:** All right.

4                       Sir, I don't know if you were aware of this  
5           -- certainly these notes have been in the package. You  
6           would have seen them at some point in the fall of 1993, but  
7           even the next day at that initial interview where Lefebvre  
8           and Malloy and Sebalj meet with Silmsers, her note -- this  
9           is her note -- says -- Bates page 732 in the same exhibit:

10                      "Silmsers requested that interview be  
11                      conducted without me in the room. I  
12                      pleaded my case, advised him that if  
13                      [something] I could better help him if  
14                      I was privy to the interview."

15                      All right? So we see it yet again where he  
16           really doesn't seem to be comfortable telling his story in  
17           front of a woman.

18                      **MR. SHAVER:** I saw that, sir, as a result of  
19           the Inquiry. I did not see that before.

20                      **MR. ENGELMANN:** All right. Fair enough.

21                      Now, after this happens -- after this  
22           discussion with the two officers, do you have any  
23           independent recollection of when you are next involved in  
24           the Silmsers investigation?

25                      **MR. SHAVER:** Involved? How do you mean

1 involved?

2 **MR. ENGELMANN:** Do you have any independent  
3 recollection of getting a briefing or any particular  
4 actions on this investigation?

5 **MR. SHAVER:** Yes, I was getting regular  
6 briefings. The first -- my main concern throughout all of  
7 the briefings are, are there any children in need of  
8 protection. That's -- that would be -- that would have  
9 been my constant theme throughout the process. Do you --  
10 are there -- do you have any indication that there are any  
11 children now in need of protection? And that's how the  
12 investigation was going on. It would come back, well,  
13 we've done that; we've talked to him; we're going back to  
14 talk to altar boys. We're talking about other witnesses,  
15 all of that sort of thing. So I would get briefings  
16 through the Deputy Chief. Sometimes, I would, you know, if  
17 I was talking to Luc Brunet in the hallway, I might ask  
18 him, you know, like, "How's it going?" and that kind of  
19 thing and "Where are we at with it?", you know, just those  
20 kinds of generalized questions.

21 **MR. ENGELMANN:** Okay. Because I was just  
22 going to ask you that. I mean, you said you had regular  
23 briefings and ---

24 **MR. SHAVER:** Well, sir, regular not meaning  
25 -- when I say regular, I mean they would have happened

1           periodically. They weren't coming up every Tuesday morning  
2           or something. That would make -- that would be regular to  
3           me.

4                   **MR. ENGELMANN:** So who was it again that is  
5           briefing you on this investigation?

6                   **MR. SHAVER:** Deputy Chief St. Denis ---

7                   **MR. ENGELMANN:** Right.

8                   **MR. SHAVER:** --- through Luc Brunet, who  
9           obtained his information from Heidi, up the chain of  
10          command.

11                   **MR. ENGELMANN:** All right.

12                   So on a regular basis, Deputy Chief St.  
13          Denis is being kept apprised of this investigation through  
14          Brunet through Sebalj?

15                   **MR. SHAVER:** Yes.

16                   **MR. ENGELMANN:** And you're getting regular  
17          updates?

18                   **MR. SHAVER:** I'm getting updates.

19                   **MR. ENGELMANN:** All right.

20                   **MR. SHAVER:** But ---

21                   **MR. ENGELMANN:** And, sir, if the issue is  
22          protection of children ---

23                   **MR. SHAVER:** Yes.

24                   **MR. ENGELMANN:** --- I'm wondering; did you  
25          express that to -- back through the chain of command?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** All right.

3                   And when, if ever, did you get something  
4 back suggesting that perhaps we should consult with the CAS  
5 on this?

6                   **MR. SHAVER:** The CAS, sir, never -- I don't  
7 remember any conversation about the CAS.

8                   **MR. ENGELMANN:** Okay. But isn't that one of  
9 their principal responsibilities, sir, protection of  
10 children in this community?

11                   **MR. SHAVER:** If my officers would have  
12 discovered, through their investigation -- Heidi through  
13 her investigation -- that any children were in need of  
14 protection, we would have involved the CAS immediately, but  
15 that didn't happen, sir. We could not -- nowhere in the  
16 investigation did we find any children in need of  
17 protection. At least Heidi didn't find any children in  
18 need of protection. And if that would have happened, Staff  
19 Sergeant Brunet, with our -- through our protocol. would  
20 have contacted the CAS and we would have done a joint  
21 investigation.

22                   **MR. ENGELMANN:** So I'm just -- do you have  
23 some recollection of -- if you're concerned about  
24 protection of children and current protection ---

25                   **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** --- of children, presumably

2                   ---

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** --- because you, yourself,  
5                   acknowledged that the Silmsen matter -- the allegations  
6                   were some 20 years old or so, right?

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** Did you ask, back through  
9                   that chain of command, whether or not Constable Sebalj was  
10                  interviewing children who were in contact with either of  
11                  these alleged perpetrators?

12                  **MR. SHAVER:** No, I didn't. I never asked  
13                  that direct question, but the -- the thing is, if you're  
14                  assigned to the Youth Bureau and you're assigned to a  
15                  sexual assault investigation, that is your primary  
16                  responsibility. Right off the bat, find out if there's any  
17                  children that are in need of protection.

18                  **MR. ENGELMANN:** Okay. But if you were  
19                  concerned about that, sir ---

20                  **MR. SHAVER:** Yes.

21                  **MR. ENGELMANN:** --- might you not want to  
22                  interview current altar boys, for example, if one of the  
23                  alleged perpetrators is a priest and has access to the  
24                  altar boys?

25                  **MR. SHAVER:** If that was where the

1 investigation -- the investigator decided that they needed  
2 to go, yes.

3 **MR. ENGELMANN:** Likewise, if one of them was  
4 an active probation officer and dealing with children,  
5 albeit teenagers, might you not want to look there and see  
6 if there was some current need?

7 **MR. SHAVER:** If we had a complaint, sir, by  
8 the probation -- by the complainant about a probation  
9 officer. We never had a complaint during this whole time.  
10 He suggested it. He put it in his statement, but he wanted  
11 nothing done. He said -- he told my officers, "I do not  
12 want anything done there." So our ---

13 **MR. ENGELMANN:** I didn't want to get in a  
14 debate with you about what he told your officers or not  
15 because we've heard from them.

16 **MR. SHAVER:** Okay.

17 **MR. ENGELMANN:** Okay? Anything you would  
18 have heard about whether he should be pursuing Ken Seguin  
19 or not, you would have heard through the chain of command?

20 **MR. SHAVER:** Absolutely, yes.

21 **MR. ENGELMANN:** You certainly didn't hear it  
22 from David Silmser?

23 **MR. SHAVER:** No.

24 **MR. ENGELMANN:** All right.

25 But I just want to go back. You talked

1 about your desire throughout was the current protection of  
2 children.

3 MR. SHAVER: Yes.

4 MR. ENGELMANN: Yet you did not ask, back  
5 through the chain of command, that any of your officers  
6 interview children that either of these men had access to  
7 at that time; isn't that correct?

8 MR. SHAVER: I did not ask that exact  
9 question, no.

10 MR. ENGELMANN: Now, in fact, that is what  
11 the CAS did some time later when they did something called  
12 "Project Blue". Were you involved in that at all, sir?

13 MR. SHAVER: I was not involved in that at  
14 all, no.

15 MR. ENGELMANN: Now, sir, do you have any  
16 specific recollection of some of these updates? Let me  
17 just throw some facts out and just ask you if you ---

18 MR. SHAVER: Sure.

19 MR. ENGELMANN: --- knew about this.

20 Were you ever informed that Mr. Silmser was  
21 initially seeking an apology, a written apology for his  
22 mother?

23 MR. SHAVER: Yes, I was.

24 MR. ENGELMANN: All right.

25 Were you ever informed that he was asked to

1 attend a meeting with officials from the Diocese?

2 MR. SHAVER: Were the officials from ---

3 MR. ENGELMANN: The Diocese.

4 MR. SHAVER: --- the Cornwall Diocese in  
5 Alexandria?

6 MR. ENGELMANN: Yes.

7 MR. SHAVER: M'hm. Not that I remember. I  
8 was -- I think I was informed that he talked to -- talked  
9 to Bishop Kronenberg in Ottawa seeking an apology. That's  
10 where the apology business came to me.

11 MR. ENGELMANN: So you don't recall ever  
12 being informed that the lawyer for the Diocese and a couple  
13 of priests met with him at the request of a priest here in  
14 the Diocese who was responsible for sexual abuse cases, a  
15 fellow by the name of Monsignor McDougald?

16 MR. SHAVER: I didn't know that, sir, until  
17 I spoke with the Bishop himself on, I think, October the  
18 7<sup>th</sup>, in that area.

19 MR. ENGELMANN: Were you ever informed that  
20 Malcolm MacDonald who was -- were you aware, sir, that  
21 Malcolm MacDonald was counsel for both of these alleged  
22 perpetrators?

23 MR. SHAVER: No, not until after.

24 MR. ENGELMANN: All right.

25 You knew he was the lawyer for Charles

1 Macdonald?

2 MR. SHAVER: I didn't ---

3 MR. ENGELMANN: Or were you not informed of  
4 that?

5 MR. SHAVER: No, I was not informed of that,  
6 sir.

7 MR. ENGELMANN: Okay. Were you informed, at  
8 any time, that he would have contacted Mr. Silmser and  
9 discussed the possibility of some form of monetary payment  
10 with you?

11 MR. SHAVER: No, not then. I knew -- oh, I  
12 should -- I don't even know if I -- when I would have known  
13 that. No, I did not know that, sir. I did not know that.

14 MR. ENGELMANN: Were you ever informed, sir,  
15 whether or not there was a civil suit that had been filed  
16 by Mr. Silmser? This is while you're investigating.

17 MR. SHAVER: Civil suit?

18 MR. ENGELMANN: Yes.

19 MR. SHAVER: No, I was not aware of that.

20 MR. ENGELMANN: Were you ever informed of  
21 the reverse; that there was not any civil suit?

22 MR. SHAVER: No.

23 MR. ENGELMANN: Were you informed of the  
24 fact that there were two other individuals who alleged that  
25 they were victims of Father Charles?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** Do you recall at what time  
3 that might have been?

4                   **MR. SHAVER:** I don't recall the exact date,  
5 sir, but it would have been early in Constable Sebalj's  
6 investigation, February, maybe March. I'm not sure.

7                   **MR. ENGELMANN:** All right.

8                   Sir, were you ever informed that nothing  
9 happened on this file for not just weeks but months during  
10 a period of time?

11                   **MR. SHAVER:** No.

12                   **MR. ENGELMANN:** And I'm talking about from  
13 late April until sometime, I believe, in August?

14                   **MR. SHAVER:** No, I was not aware of that.

15                   **MR. ENGELMANN:** Sir, if you and the Deputy  
16 are concerned about this being an Alfred-type situation ---

17                   **MR. SHAVER:** Right.

18                   **MR. ENGELMANN:** --- and if you're concerned  
19 about wanting this done thoroughly and quickly, wouldn't it  
20 have been important for you to know some of these facts to  
21 try and get that information?

22                   **MR. SHAVER:** It would have been important  
23 for those facts to have been transmitted up the chain of  
24 command, yes.

25                   **MR. ENGELMANN:** And would it also be

1 important -- and I'm thinking to Mr. Derochie's -- Staff  
2 Sergeant Derochie's comments about Antoine -- that perhaps  
3 some inquiries be filtering down from up above, just to  
4 ensure that this was continuing to move and that it was  
5 moving in the right direction?

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: Because that didn't seem to  
8 be happening.

9 MR. SHAVER: You're talking about from my  
10 office, sir, or are you now talking about somewhere else?

11 MR. ENGELMANN: I'm talking either from your  
12 office or the Deputy's office.

13 MR. SHAVER: The last piece of information  
14 that I can remember getting was that Heidi Sebalj could not  
15 come to -- could not find reasonable and probable grounds  
16 and was waiting to talk to an outside Crown, and that's --  
17 and I'm not sure when that came about, but that's the last  
18 bit of information that I had until probably getting in  
19 towards the fall.

20 And if she doesn't have reasonable and  
21 probable grounds, I didn't think that the investigation had  
22 stopped. I mean, obviously she has this investigation.  
23 She's seized with the investigation and it should be  
24 continuing, but she still did not have reasonable and  
25 probable grounds.

1                   **MR. ENGELMANN:** Were you ever informed if  
2 she or one of her colleagues made any effort to interview  
3 one of the alleged perpetrators?

4                   **MR. SHAVER:** Let's talk about the -- just  
5 talk about Father Charlie. He's the only person that we  
6 were investigating, sir.

7                   **MR. ENGELMANN:** Okay. The CPS, the Cornwall  
8 Police Service never investigated the allegation against  
9 Ken Seguin?

10                  **MR. SHAVER:** Never, no.

11                  **MR. ENGELMANN:** So let's just talk about  
12 Father Charlie.

13                  **MR. SHAVER:** Okay.

14                  **MR. ENGELMANN:** Were you ever made aware of  
15 any effort, either on her part or one of her colleagues, to  
16 attempt to interview Father Charles MacDonald?

17                  **MR. SHAVER:** No, I was not.

18                  **MR. ENGELMANN:** Now, when do you next become  
19 aware of action or inaction on this file? Is there  
20 something that gets you involved?

21                  **MR. SHAVER:** I believe it was in July, I  
22 think, but I'm trying to find a date for you, sir. I think  
23 it was July, maybe June. We were -- I'm not sure where we  
24 were discussing this. It may have been at a morning  
25 meeting, and I asked about the investigation.

1                   And when I found out that the investigation  
2                   had stopped because -- and that's when I found out about  
3                   going to a separate Crown or going to an outside Crown, and  
4                   I said, "This isn't good enough. Let's get going on it."  
5                   I told Staff Sergeant Brunet, I said, "Enough of this.  
6                   Let's get working on this file. Why are we not progressing  
7                   on this file?"

8                   **MR. ENGELMANN:** So that was the explanation  
9                   you were given for the delay?

10                  **MR. SHAVER:** As I remember, sir, that was  
11                  the reasoning. That was the reason that I had -- that I  
12                  was given.

13                  **MR. ENGELMANN:** So what ---

14                  **MR. SHAVER:** And there had been no movement  
15                  on the file, so I instructed Staff Sergeant Brunet, "Get  
16                  back and get on this thing and get it done."

17                  **MR. ENGELMANN:** And did you give him some  
18                  instruction as to what to do if you were initially  
19                  concerned about what had happened or hadn't happened?

20                  **MR. SHAVER:** No, sir, he's in charge of the  
21                  Branch. He's a seasoned officer. He knows how to  
22                  investigate. I wasn't going to go back and give him  
23                  suggestions on investigation. I just told him I wanted it  
24                  done and "Let's get going."

25                  **THE COMMISSIONER:** Well, a seasoned

1 investigator -- he was assigned to the CIB Branch in  
2 January of 1992.

3 **MR. SHAVER:** Yes, sir. But, sir, he was a  
4 CIB officer before that for over four years. So he's a  
5 seasoned investigator, plus he was a seasoned staff  
6 sergeant because supervising a uniform team is very similar  
7 to supervising the CIB Branch. It's just that the type of  
8 work is different, but it's still straight supervision of  
9 the branches.

10 So Staff Sergeant Brunet had a -- had the  
11 operational background. He was part of our rotational  
12 transfers as we were recommended by the Police Commission  
13 to do. So we were rotating our staff sergeants through.  
14 He was already through CIB. He was a good man, good  
15 investigator, thorough, honest, all of these things. So,  
16 sir, he was -- he was a very good choice, at least from my  
17 perspective.

18 **MR. ENGELMANN:** Mr. Shaver, my understanding  
19 is that his only previous experience in CIB was for a few  
20 months in 1990 from January through July.

21 **MR. SHAVER:** I don't know, sir. I thought  
22 he had longer service than that, sir. You'd have to go  
23 back and check his file, but ---

24 **MR. ENGELMANN:** Well, that's, I think, the  
25 evidence we've heard at this Inquiry, and I would suggest

1 to you that that's not a lot of experience in CIB.

2 MR. SHAVER: Sir, being a CIB officer and a  
3 uniform police officer, you're still doing investigations.  
4 You know how to take statements. You know how to do  
5 interrogations. You do a -- it's just a different case,  
6 that's all. It's just a different file.

7 MR. ENGELMANN: But this is a complicated  
8 file, is it not?

9 MR. SHAVER: Not in the least.

10 MR. ENGELMANN: It's a historical sexual  
11 abuse case involving persons in a position of trust.

12 MR. SHAVER: Sir, I've heard this many times  
13 mentioned, that it was a complicated file or it was a --  
14 sir, this file was like any other file. It's a criminal  
15 case brought in to the Police Department, treated exactly  
16 the same way, given a higher priority if it had to be given  
17 a higher priority, if there were children in need of  
18 protection, but a police officer who does an investigation  
19 on the road, who's got 15 years or whatever on the road,  
20 could go back to the CIB in a minute. All right?

21 You have to learn -- there's some nuances in  
22 CIB. You send them on a CIB course. You do that kind of  
23 thing. There are different nuances, but he's still a  
24 police officer, still performing the same function, you  
25 know. It's just a different way of policing. All of a

1 sudden you're out of your uniform and you're in CIB.

2 You know, there are some agencies that don't  
3 have CIB. Some police forces didn't have CIB, they just  
4 use uniform officers all the time. I think there were  
5 several in this province that did that at one point. I  
6 don't view it any differently, sir.

7 **MR. ENGELMANN:** Sir, not only did you have a  
8 CIB unit, but you had a part of the CIB unit that was  
9 supposed to be tasked just to do these types of cases.

10 **MR. SHAVER:** Yes.

11 **MR. ENGELMANN:** And presumably that's  
12 because there's some specialization that is recommended  
13 when you're doing sexual abuse cases.

14 **MR. SHAVER:** Sir, if you could get a person  
15 away to the police college to get the courses in advance,  
16 wonderful. That doesn't always happen. You know, that  
17 doesn't always happen.

18 **MR. ENGELMANN:** Fair enough.

19 But if they don't have the training, you  
20 certainly want them to have the experience, do you not?

21 **MR. SHAVER:** Well, sir, yes, you get the  
22 experience by doing the job.

23 **MR. ENGELMANN:** All right.

24 **MR. SHAVER:** You get the experience by doing  
25 the job.

1                   **MR. ENGELMANN:** Okay.

2                   **MR. SHAVER:** Well, sir, let me give you --  
3                   for you, Mr. Commissioner, a perfect example. We had a  
4                   young constable that came from Pembroke -- not Pembroke,  
5                   but Renfrew. That force disbanded. He came to our Police  
6                   Service. He was absolutely -- he was a uniformed officer  
7                   on the road. He was absolutely excellent. I moved him  
8                   into CIB; he was phenomenal. The man worked literally  
9                   night and day, case after case, after case, after case,  
10                  after case. So he had the experience of working in  
11                  uniform. He had no other experience.

12                  By the time we sent him -- by the time we  
13                  could get him to a CIB course, I think, at the time, sir,  
14                  we had to take a look at all the court cases he was  
15                  involved in to try to squeeze him in to get him on the  
16                  course, and he could have gone up there and taught the  
17                  course.

18                  So that's just, I think, a very good example  
19                  of an officer who is a uniform police officer, who can go  
20                  back into CIB and perform the function effectively.

21                  **MR. ENGELMANN:** Sir, after you met -- and  
22                  you believe it might have been a morning meeting or some  
23                  other kind of meeting in June or July?

24                  **MR. SHAVER:** Somewhere in there, yes.

25                  **MR. ENGELMANN:** When did you next hear

1 something about this?

2 MR. SHAVER: The next time I got an official  
3 -- I think it was a letter from the Crown attorney.

4 MR. ENGELMANN: M'hm.

5 MR. SHAVER: That was my next recollection  
6 of it. I may have had other briefings, but I got the  
7 letter from the Crown.

8 MR. ENGELMANN: And, sir, would that letter  
9 be Exhibit 301? And that should be in the same binder you  
10 were looking at.

11 MR. SHAVER: Is it September 14<sup>th</sup>? Because I  
12 think ---

13 MR. ENGELMANN: It is.

14 MR. SHAVER: --- they installed it in my --  
15 where is it?

16 MR. ENGELMANN: Three zero one (301).

17 MR. SHAVER: Yes, September 14<sup>th</sup>.

18 (SHORT PAUSE/COURTE PAUSE)

19 THE COMMISSIONER: We're there.

20 MR. ENGELMANN: So, sir, how did this get  
21 brought to your attention? I'm looking at the bottom of  
22 it. This might be of some assistance, it says:

23 "Noted and forwarded to Chief Shaver as  
24 requested/suggested at morning meeting,  
25 Deputy Chief, September 16<sup>th</sup>, '93."

1                   **MR. SHAVER:** M'hm.

2                   **MR. ENGELMANN:** So would there have been a  
3 morning meeting at or about mid-September, 15<sup>th</sup> of 16<sup>th</sup>?

4                   **MR. SHAVER:** I'm gathering if the Deputy  
5 said that, yes.

6                   **MR. ENGELMANN:** All right. And ---

7                   **MR. SHAVER:** We had morning meetings every  
8 morning.

9                   **MR. ENGELMANN:** Okay. So he's making this  
10 note on December 16<sup>th</sup> -- sorry, September 16<sup>th</sup>, the letter is  
11 dated September 14<sup>th</sup>, so presumably -- I don't know how the  
12 Crown gets their mail to you, whether you're right next  
13 door.

14                   **MR. SHAVER:** Right.

15                   **MR. ENGELMANN:** But presumably on the 15<sup>th</sup> of  
16 16<sup>th</sup> the Deputy Chief receives this letter and tries to pass  
17 it on to you?

18                   **MR. SHAVER:** Yes -- I don't remember seeing  
19 this letter 'til later on in September, that was the  
20 difficulty when I was looking at the letter. I don't  
21 remember seeing it.

22                   I knew we had it, I know I read it, but I  
23 think it was closer to the 28<sup>th</sup> than it was the 16<sup>th</sup>.

24                   **MR. ENGELMANN:** Do you know why there might  
25 have been a 10- to 14-day delay there?

1                   **MR. SHAVER:** I have no idea. I've tried to  
2 look at my Day Timer to see if was away or something, but I  
3 have no idea.

4                   And it may well have been I saw it two days  
5 later, I don't know. I just don't know what day I saw it  
6 but it seemed to me it was closer to the next morning  
7 meeting, that I remember.

8                   **MR. ENGELMANN:** And we do have your Day  
9 Timer ---

10                  **MR. SHAVER:** Yes.

11                  **MR. ENGELMANN:** --- for some assistance.  
12 It's Document Number 740556.

13                  **THE COMMISSIONER:** Thank you.

14                  Exhibit 1787 is Chief Shaver's Day Timer for  
15 1993, September onward.

16                  --- **EXHIBIT NO./PIÈCE NO. P-1787:**

17                                 (740556) Claude Shaver's Day Timer dated  
18 August 30, 1993 to January, 94

19                  **MR. ENGELMANN:** Chief Shaver, I don't know  
20 if this will be of some assistance, there don't seem to be  
21 notations on the 16<sup>th</sup> and 17<sup>th</sup> or the 20<sup>th</sup>. I'm not sure if  
22 you were out of the office or not but there -- the first  
23 reference to the name Silmsler, in any event, would appear  
24 on the 28<sup>th</sup>?

25                  **MR. SHAVER:** Right.

1                   **MR. ENGELMANN:** And can you just tell us  
2                   what's written there, if you're able?

3                   **MR. SHAVER:** Now we're into my handwriting.

4                   **MR. ENGELMANN:** Well, you don't have much of  
5                   an excuse there.

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

7                   **MR. ENGELMANN:** We can blow it up on the  
8                   screen again.

9                   **MR. SHAVER:** I don't know if I want my  
10                  writing blown up.

11                  **MR. ENGELMANN:** It looks like MacDonald  
12                  something?

13                  **MR. SHAVER:** Right and I'm just -- let me --  
14                  just give two seconds to look at that second word.

15                  **MR. ENGELMANN:** I'm just going to have your  
16                  original brought in as well, sir, for consistency.

17                  **MR. SHAVER:** Yeah.

18                  **MR. ENGELMANN:** It does say ---

19                  **MR. SHAVER:** I can't even read my own  
20                  writing.

21                  **MR. ENGELMANN:** Sorry?

22                  **MR. SHAVER:** Can't read my own writing.

23                  **MR. ENGELMANN:** All right. Well, I'll try  
24                  and help in a minute, but in any event there is some  
25                  reference that -- whether that's a MacDonald that's

1 associated with this matter or not I don't know. There are  
2 a lot of MacDonald's, but there seems to be meeting  
3 Silmser, something Lortie.

4 **THE COMMISSIONER:** I think that would be  
5 office; right? "Silmser office Lortie". Could that be it?

6 **MR. SHAVER:** Yeah, "Silmser off".

7 **THE COMMISSIONER:** Oh, "off".

8 **MR. SHAVER:** Off, O-F-F, sir.

9 **THE COMMISSIONER:** Oh, that doesn't mean  
10 "office", it means "off"?

11 **MR. SHAVER:** Off, yes.

12 **THE COMMISSIONER:** Oh, the meeting with  
13 Silmser is off. Is that it?

14 **MR. SHAVER:** No, that's -- Staff Sergeant --  
15 Sergeant Lortie is saying at that meeting that -- what  
16 happened with Silmser. So he said the Silmser  
17 investigation is finished so it's off, it's finished. That  
18 was just like quick note.

19 **THE COMMISSIONER:** Okay.

20 **MR. SHAVER:** And that Lortie said that.

21 **THE COMMISSIONER:** All right.

22 **MR. ENGELMANN:** And do you recall -- whether  
23 you recall the date or not, do you recall what would have  
24 been discussed after you had seen this letter and you had a  
25 meeting or who you would have met with and who you'd talk

1 to about this letter? I mean internally now.

2 **MR. SHAVER:** I don't remember speaking with  
3 Staff Sergeant Brunet about it. I'm sure the Deputy and I  
4 must have sat back and talked about it. That would be the  
5 person I would have talked to, I think. If there was any  
6 other -- if he had any other information he would have just  
7 passed it on.

8 I think when I first read the letter I  
9 thought that what had happened was that he had been given  
10 his apology by the church; that was my original thought  
11 when I first read the letter and this so-called settlement.

12 Now, later on -- later on we started turning  
13 that into a financial settlement.

14 **MR. ENGELMANN:** So up until your reading of  
15 this letter, had you been informed through the chain of  
16 command of a monetary settlement?

17 **MR. SHAVER:** No.

18 **MR. ENGELMANN:** All right.

19 And the -- and, sir, did you have -- let me  
20 ask you, did you have any knowledge of previous  
21 correspondence before this letter and, in particular, a  
22 letter from Malcolm MacDonald to Staff Sergeant Brunet on  
23 September 3<sup>rd</sup> ---

24 **MR. SHAVER:** The first time ---

25 **MR. ENGELMANN:** Sorry.

1                   **MR. SHAVER:** The first time I saw that  
2 letter, sir, was preparing for this Inquiry.

3                   **MR. ENGELMANN:** So no one briefed you on the  
4 fact that the lawyer for the alleged perpetrator had sent  
5 you a letter, sent to your Force, attaching a direction  
6 from the alleged victim saying he didn't want to proceed  
7 anymore? No one had told you about that?

8                   **MR. SHAVER:** That he did not want to proceed  
9 any longer, no, I didn't know -- I didn't know about that,  
10 sir, until -- that he did not want to proceed, no.

11                   **MR. ENGELMANN:** On April the 7<sup>th</sup> ---

12                   **MR. SHAVER:** I never saw that letter, sir,  
13 no.

14                   **MR. ENGELMANN:** It was more like a letter  
15 with a direction attached.

16                   **MR. SHAVER:** Yes, might have been.

17                   **MR. ENGELMANN:** And were you informed by  
18 Staff Sergeant Brunet that upon receiving that letter he  
19 then wrote to the local Crown attorney, Murray MacDonald,  
20 on September 8<sup>th</sup>, to seek some advice?

21                   **MR. SHAVER:** No, I didn't know that Staff  
22 Sergeant Brunet had done that either.

23                   **MR. ENGELMANN:** In fact, I think it's  
24 September 9<sup>th</sup>, I'm sorry.

25                   **MR. SHAVER:** Okay.

1                   **MR. ENGELMANN:** And then this is the  
2                   response, sir, ---

3                   **MR. SHAVER:** Yeah.

4                   **MR. ENGELMANN:** --- the September 14<sup>th</sup>  
5                   response.

6                   Did you -- sir, when you saw this letter did  
7                   you have any concerns?

8                   **MR. SHAVER:** Yes, I did.

9                   **MR. ENGELMANN:** What were the concerns that  
10                  you had?

11                  **MR. SHAVER:** The settlement, by the concerns  
12                  -- I was concerned where the investigation had gone; those  
13                  were my concerns.

14                  **MR. ENGELMANN:** And if you had those  
15                  concerns at the time, why wouldn't you ask for the  
16                  background letters? I mean, this letter itself refers to a  
17                  letter dated September 9.

18                  **MR. SHAVER:** Right.

19                  **MR. ENGELMANN:** If you'd gotten the letter  
20                  dated September 9<sup>th</sup>, it would refer to the letter dated  
21                  September 3<sup>rd</sup>. If you had these concerns, wouldn't it have  
22                  been important to at least look at a couple more letters to  
23                  see what was going on?

24                  **MR. SHAVER:** Not if -- not if I was being  
25                  briefed on what was happening.

1                   **MR. ENGELMANN:** All right.

2                   **MR. SHAVER:** All I want to do is be briefed  
3 on it. So reading the correspondence -- reading the  
4 correspondence, sir, is just another matter.

5                   **MR. ENGELMANN:** Well, sometimes it can be  
6 extremely helpful, can it not?

7                   **MR. SHAVER:** Yes, and I don't ---

8                   **MR. ENGELMANN:** Particularly if you were not  
9 getting much information about an investigation or a file;  
10 it might be very useful to look at what's coming in.

11                   **MR. SHAVER:** Yes.

12                   **MR. ENGELMANN:** So what exactly happened  
13 then? You -- did you -- do you recall having a morning  
14 meeting in late September, 1993 where this was discussed?

15                   **MR. SHAVER:** I remember the meeting that  
16 Staff Sergeant -- Sergeant Lortie brought up the case.

17                   **MR. ENGELMANN:** Right. And he was -- was he  
18 upset about this matter?

19                   **MR. SHAVER:** Yes.

20                   **MR. ENGELMANN:** And did he suggest or say  
21 that he was concerned about a cover-up?

22                   **MR. SHAVER:** No. I don't remember that ever  
23 being said at the meeting.

24                   **MR. ENGELMANN:** What do you remember being  
25 said and what do you remember him being upset about. Was

1 it about this matter?

2 MR. SHAVER: It was about this matter, yes.

3 MR. ENGELMANN: And at the meeting was he  
4 asking Staff Sergeant Brunet about the investigation and  
5 the status of the investigation or what was happening?

6 MR. SHAVER: No, it was brought up -- what's  
7 the word I want -- it was brought up more as just  
8 information. That's how I took the information, but I must  
9 admit, it stirred me, so.

10 MR. ENGELMANN: All right.

11 THE COMMISSIONER: So what did he say? Can  
12 you reconstruct it for us? Who was there?

13 MR. SHAVER: Who was there, sir. It would  
14 be difficult. The Deputy Chief would -- I think would be  
15 there, the senior officer, so Stuart McDonald was in the  
16 building, he would be there, Rick Trew, if he was in the  
17 building would be there.

18 THE COMMISSIONER: Okay, but those are the  
19 would have been's.

20 MR. SHAVER: Yeah.

21 THE COMMISSIONER: You don't recall who was  
22 there other than Lortie?

23 MR. SHAVER: I remember the Deputy Chief  
24 being there, sir.

25 THE COMMISSIONER: Okay.

1                   **MR. SHAVER:** And I've since read that Staff  
2                   Sergeant Brunet -- or Staff Sergeant Brunet was there but I  
3                   don't remember him being there, quite frankly, I don't  
4                   remember him being at that meeting.

5                   **THE COMMISSIONER:** Okay.

6                   **MR. ENGELMANN:** Were you or others concerned  
7                   that all of a sudden there was a settlement and no longer  
8                   an interest in pursuing this matter on the part of the  
9                   complainant?

10                  **MR. SHAVER:** I can't speak for others, sir,  
11                  but I certainly was concerned.

12                  **MR. ENGELMANN:** All right. And you would  
13                  have expressed those concerns to your colleagues?

14                  **MR. SHAVER:** I would try not to express them  
15                  verbally then because that would have sounded like I wasn't  
16                  supporting Staff Sergeant Brunet, but I certainly would  
17                  have done that privately with him, and the Deputy.

18                  **MR. ENGELMANN:** Now, sir, as a result of  
19                  this discussion and your concerns about a settlement and an  
20                  end of the complaint, did you go outside your agency to get  
21                  some advice on this?

22                  **MR. SHAVER:** Yes, I did. I called -- I  
23                  called Murray MacDonald immediately and set up an  
24                  appointment.

25                  **MR. ENGELMANN:** And I understand, sir, that

1 that appointment was set up on or about the 30<sup>th</sup> of  
2 September?

3 **MR. SHAVER:** Yes, at 11 a.m.

4 **MR. ENGELMANN:** And you've got that noted in  
5 your Day Timer, sir?

6 **MR. SHAVER:** I do, yes, that's the reason I  
7 know it.

8 **MR. ENGELMANN:** All right.

9 And, sir, were you at all aware of whether  
10 Mr. MacDonald had -- Mr. Murray MacDonald had met with any  
11 of your officers on the 29<sup>th</sup> of September?

12 **MR. SHAVER:** No, I was not aware.

13 **MR. ENGELMANN:** All right. And what was the  
14 purpose of your meeting with Murray MacDonald on the 30<sup>th</sup>?

15 **MR. ENGELMANN:** I went to see him for --  
16 well, several reasons.

17 One, when I heard there was a monetary  
18 settlement I wanted to know if -- number one, if there was  
19 anything -- could we do anything about that with the church  
20 or could we do anything with Silmsler by pulling out the  
21 file. Is there -- is there anything that we could do to  
22 continue this.

23 I told him of the need for protection of  
24 children in the community. We talked a great deal about  
25 that. He talked about the -- we talked about the case. He

1 told me that he had several meetings with Constable Sebalj  
2 and that she had never been able to come to reasonable and  
3 probable grounds. So we talked a lot about that.

4 I talked about his letter, about not  
5 charging people that -- or not going -- to taking a person  
6 to court if they were a reluctant witness or whatever. I  
7 told him that it "stunk", is the word I used, I said "This  
8 stinks". And we -- is there anything that we can do about  
9 it? Is there anything more that I as a Police Chief can do  
10 to see if we can't continue this thing to find out more  
11 because if there are children out there in need of  
12 protection I need to know that. We need to get this out  
13 there.

14 And he told me at that time the same thing  
15 he mentioned in his letter, that if you think that you  
16 might want to go to see his principles, please do. That  
17 was pretty much what we talked about.

18 **MR. ENGELMANN:** His principle being a  
19 Regional Crown?

20 **MR. SHAVER:** No, being the bishop.

21 **MR. ENGELMANN:** Oh, sorry.

22 **MR. SHAVER:** His employer, his principles.

23 We spoke at great length, we spoke for a  
24 long time and Murray, who I think is an excellent Crown,  
25 you know, he was very good, he was trying -- he said,

1 "Look, I don't think there's anything you can do about the  
2 church. I don't think there's anything -- there's nothing  
3 you can do about Silmser himself. You know, like, if  
4 you're still worried need of protection of children maybe  
5 you should consider whatever you want to do after that."

6 I said, "Okay, I've already got a thought of  
7 what I want to do there".

8 That was -- that was ---

9 **MR. ENGELMANN:** What do you mean by that,  
10 sir?

11 **MR. SHAVER:** Well, what I meant by that is  
12 that I was going to Children's Aid Society with this. I  
13 was going to take this to the Children's Aid Society.

14 **MR. ENGELMANN:** Did you tell Murray  
15 MacDonald that?

16 **MR. SHAVER:** I don't know if I told him,  
17 sir, but I had certainly made up my mind I was going to do  
18 that.

19 **MR. ENGELMANN:** Because it's my  
20 understanding that on September 30<sup>th</sup> Rick Abell was trying  
21 to get a hold of you ---

22 **MR. SHAVER:** Yes, we missed ---

23 **MR. ENGELMANN:** --- because he wanted to  
24 talk to you.

25 **MR. SHAVER:** Yes. Yes. He called me twice

1 and I called him once. I was trying to reach him. I  
2 didn't realize what he was calling me about and I thought,  
3 well, isn't this a good thing because I'm calling him about  
4 wanting to have a meeting.

5 **MR. ENGELMANN:** All right.

6 So with respect to your conversation with  
7 Murray MacDonald, again, you have no notes but you've had  
8 an opportunity to review an interview that he had with the  
9 OPP?

10 **MR. SHAVER:** I did, sir, and that -- his  
11 notes -- that interview, the parts that we talked about are  
12 -- is exactly as I remember the conversation, sir.

13 **MR. ENGELMANN:** And that is Exhibit 1233,  
14 Document Number 714888. It's an interview that Detective  
15 Inspector Smith and Detective Constable Fagan had with  
16 Murray MacDonald on July 14<sup>th</sup>, '94, Mr. Commissioner.

17 **THE COMMISSIONER:** Okay, I'm there.

18 **MR. SHAVER:** It was what, sir?

19 **MR. ENGELMANN:** I'm sorry, Exhibit 1233.

20 **MR. SHAVER:** We were getting the wrong  
21 signals between -- thank you, again.

22 Twelve thirty-four (1234) did he say?

23 **THE REGISTRAR:** Thirty-three (33).

24 **MR. SHAVER:** Thirty-three (33).

25 I have his statement, sir.

1                   **MR. ENGELMANN:** All right. I think the --  
2 his recounting of the meeting with you is found at page  
3 887, Bates pages 887 and 888. In fact, it starts at the  
4 bottom of 886.

5                   **MR. SHAVER:** M'hm. Yes.

6                   **MR. ENGELMANN:** And many of the things  
7 you've just told us are found here. For example, on 887,  
8 about a third of the way down, he's saying:

9                                 "He told me that would -- he did not  
10                                like my opinion, rather, he did not  
11                                like. The word he got was the Crown is  
12                                not recommending a prosecution, not  
13                                recommending a charge."

14                   See that?

15                   **MR. SHAVER:** M'hm.

16                   **MR. ENGELMANN:** And he goes on:

17                                "Whether you've got a reluctant  
18                                witness, after charge, the point is  
19                                your officers didn't even form RP&G  
20                                here."

21                   **MR. SHAVER:** Yes.

22                   **MR. ENGELMANN:** So he's talking to you about  
23 what he's explaining to you?

24                   **MR. SHAVER:** Yes.

25                   **MR. ENGELMANN:** All right.

1 Now, on the next page ---

2 **MR. SHAVER:** Sir, before you go away from  
3 there, just -- if you will go back for just a moment,  
4 please.

5 And it's something that I mentioned this  
6 morning or some time during the day about -- he also talks  
7 about if we did do this it would be abuse of process.

8 He did tell me that.

9 **THE COMMISSIONER:** If you did what?

10 **MR. SHAVER:** We can't go any further and  
11 it's an abuse of process or rather that's what we talked  
12 about, is it malicious prosecution, and that are we opening  
13 -- would I have opened up -- will we have opened up the  
14 Police Department to a civil lawsuit.

15 **MR. ENGELMANN:** Oh, at the bottom of the  
16 page?

17 **MR. SHAVER:** The bottom of the page, yes.

18 **MR. ENGELMANN:** All right.

19 And I'm assuming, sir, that Mr. MacDonald's  
20 comments to you and his letter to your Police Force and the  
21 facts that are set out in there, would have all been facts  
22 that would have received orally, either from Heidi Sebalj  
23 or from Luc Brunet?

24 **MR. SHAVER:** I would assume that that would  
25 be where it would come from, yes.

1                   **MR. ENGELMANN:** Because you were aware, sir,  
2                   that there was no Crown brief that had been generated on  
3                   this file?

4                   **MR. SHAVER:** No, there was no Crown brief.

5                   **MR. ENGELMANN:** In fact, sir, aside from the  
6                   opening report, nothing had been put into OMPPAC on this  
7                   file?

8                   **MR. SHAVER:** I was not aware -- I was not  
9                   aware of that, sir, until I asked for the information.

10                  **MR. ENGELMANN:** Right, and was that before  
11                  or after you went to see Murray MacDonald?

12                  **MR. SHAVER:** It was after.

13                  **MR. ENGELMANN:** Okay. You didn't want to  
14                  have an opportunity to review that material before you met  
15                  with him, sir?

16                  **MR. SHAVER:** No, sir, it was more important  
17                  that I just meet with him.

18                  **MR. ENGELMANN:** All right. Fair enough.

19                  So he had no Crown brief to base his opinion  
20                  and his comments, as I said in the letter and/or to you,  
21                  would have been based on oral conversations he would have  
22                  had with either one of those officers?

23                  **MR. SHAVER:** Yes. In fact, I think he told  
24                  me that he met six or seven times with Constable Sebalj.  
25                  He said that he was very familiar with what was going --

1 with the case and that she was not able to come up with  
2 reasonable and probable grounds, basically the stuff that  
3 he reiterated in the letter. We just sort of regurgitated  
4 that.

5 **MR. ENGELMANN:** Now, sir, you say that his  
6 reference to your meeting accurately reflects your  
7 conversation?

8 **MR. SHAVER:** I think so, sir, yes. I mean,  
9 the parts that I read, when I read it the first time, I  
10 went, "Oh my God!" that's very good.

11 **MR. ENGELMANN:** So on page 888, for example,  
12 it says:

13 "He said to me that he felt that an  
14 end-run was made around the Cornwall  
15 Police Service by the Church and the  
16 complainant."

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** "He inquired about  
19 charging the complainant..."

20 **MR. SHAVER:** Yes.

21 **MR. ENGELMANN:** "...and I explained to him  
22 there would have to be, you know, some  
23 key evidence on the issue of  
24 obstructing justice or public mischief,  
25 none of which seem to exist."

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** You actually asked Murray  
3 MacDonald in this meeting about whether or not you could  
4 charge Mr. Silmser? Is that correct?

5                   **MR. SHAVER:** Yes, I asked about him and the  
6 Church.

7                   **MR. ENGELMANN:** Where do you ask about  
8 charging the Church, sir?

9                   **MR. SHAVER:** Well, I don't know if it's in  
10 here, sir, but I asked him about it. I had the two  
11 concerns. I'm saying we're at a standstill. The Church --  
12 this thing has just tied my hands, tied the hands of the  
13 police department. Where do I go? Where do I -- if there  
14 are children in need of protection here, where do I go?  
15 What can I do?

16                   **MR. ENGELMANN:** He does say at the top of  
17 Bates 889:

18                                   "Likewise, he felt very upset about the  
19 Church being involved doing an end-run  
20 around the Cornwall Police Service as  
21 well."

22                   I just -- I didn't see any reference here of  
23 charging anybody with the Church, but I certainly saw one  
24 reference about possibly charging Mr. Silmser.

25                   **MR. SHAVER:** Well, sir, I think if you read

1 that last -- you know:

2 "Likewise, he felt very upset about the  
3 Church being involved, doing an end-run  
4 around the Cornwall Police Service as  
5 well."

6 And so it was Silmsler on the one hand, the  
7 Church on the other. And I asked him about both of those  
8 things.

9 **THE COMMISSIONER:** Are you implying that  
10 "and likewise" like me? Are you reading that to mean -- to  
11 read that you're as upset as Mr. MacDonald is? I don't  
12 read it that way. Is that what you're telling me though?

13 **MR. SHAVER:** Okay.

14 **THE COMMISSIONER:** "So short of being an  
15 outright liar, and they couldn't, ah,  
16 proceed against the complainant."

17 **MR. SHAVER:** Right. And likewise against  
18 the Church.

19 **THE COMMISSIONER:** Okay.

20 **MR. SHAVER:** I know I asked him, sir, and if  
21 that's the way he gave his statement, that's what he says.

22 **MR. ENGELMANN:** In your discussion with Mr.  
23 MacDonald, did you talk about -- you said you talked about  
24 protection of children and what to do. Is that at page  
25 889, sir?

1                   **MR. SHAVER:** That's at 889, I believe, sir.  
2                   I was just reading it.

3                   **MR. ENGELMANN:** "How do we look out for  
4                   the children?"  
5                   I'm about two-thirds of the way down.

6                   "How do we protect children from  
7                   potential abusers out there?"

8                   He had concerns about the information  
9                   against the priest?

10                  **MR. SHAVER:** Right.

11                  **MR. ENGELMANN:** He had concerns about  
12                  complaints that were made by Mr. Silmsen against the  
13                  probation officer, the late Mr. Seguin. So his concerns  
14                  were who do we -- how do we protect the community. Do you  
15                  see that?

16                  **MR. SHAVER:** Yes.

17                  **MR. ENGELMANN:** So did you have that kind of  
18                  discussion with Murray MacDonald?

19                  **MR. SHAVER:** Absolutely, yes. That's the  
20                  question I asked him.

21                  **MR. ENGELMANN:** All right.

22                  **MR. SHAVER:** What do I do now? How can I  
23                  protect the community? Where can I go?

24                  **MR. ENGELMANN:** All right.

25                  And in fact, you discuss the possibility of

1 going to these agencies, contacting them?

2 **MR. SHAVER:** Yes. I did say the CAS. Okay.

3 **MR. ENGELMANN:** It says:

4 "His main concern was to go to the  
5 hierarchy of the Church. You've got to  
6 protect children from this complaint.  
7 So the complainant would -- let's face  
8 it; the complaint focused on the  
9 priest."

10 So by this point in time, at least, he's  
11 saying you definitely wanted to go to the Church and say  
12 something like, "You've got a potential abuser here."

13 **MR. SHAVER:** Yes.

14 **MR. ENGELMANN:** What changed your mind, sir?  
15 Because earlier on here you said you were getting these  
16 updates from your officers and, you know, you wanted to be  
17 assured that there were no children in need of protection.

18 **MR. SHAVER:** Right.

19 **MR. ENGELMANN:** And you've told us you were  
20 assured of that, and now here in September all of a sudden  
21 you're concerned about it again.

22 What changed your mind? Why were you  
23 concerned?

24 **MR. SHAVER:** Well, the police investigation  
25 was stopped, sir. That's why I was concerned. If we would

1       have still been investigating it, I would not have been  
2       concerned. I would have thought that we were doing what we  
3       -- we were doing our job, we're doing what we're supposed  
4       to be doing. The community was protected. The children of  
5       the community would be protected. At this stage of the  
6       game, when the letter came, that all ended. That just  
7       simply tied the hands of the police department.

8               And all I was saying is "What else can I do?  
9       Where can I go?" You know, "Give me something that I can  
10      hang my hat on here to go back out just in case." And I  
11      was going with a just in case thing.

12             **MR. ENGELMANN:** But was there more evidence  
13      or something that came to your mind?

14             **MR. SHAVER:** No. There was no more -- I had  
15      not received any other evidence, sir, but it was still just  
16      that nagging -- that nagging thing in my gut that was  
17      saying, "I've got to do -- I've got to do something more."

18             **MR. ENGELMANN:** I'll just be a moment.

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

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

21             **MR. ENGELMANN:** All right.

22             Now, sir, you and Mr. Abell met on Friday,  
23      October 1<sup>st</sup>, did you not? You have a reference to this, I  
24      believe in your Day Timer?

25             **MR. SHAVER:** I'm sorry, sir, I'm still

1 reading a little bit more of -- you didn't go to page 56 of  
2 that. It's 890. There was more conversation that he and I  
3 had.

4 **MR. ENGELMANN:** Yes. I thought we had  
5 covered that, but is there something you wanted to say?

6 **MR. SHAVER:** Well, no, he's talking about  
7 going to the hierarchy of the Church.

8 **MR. ENGELMANN:** Yes.

9 **MR. SHAVER:** "We've got to protect  
10 children."

11 **MR. ENGELMANN:** This is Mr. MacDonald  
12 relating your comments to him? Do I have that right?

13 **MR. SHAVER:** Sorry?

14 **MR. ENGELMANN:** What you're saying is  
15 comments that Mr. MacDonald is relating to the OPP from  
16 what you told him?

17 **MR. SHAVER:** No, the comments here are  
18 comments that I made to Mr. MacDonald that he's now telling  
19 the OPP, yes.

20 **MR. ENGELMANN:** Yes. That's what I was --

21 -

22 **MR. SHAVER:** Is that what you just said?

23 **MR. ENGELMANN:** Yes, it is. Not very well,  
24 but ---

25 **MR. SHAVER:** It must be getting late, sir,

1 because I heard just the opposite.

2 **MR. ENGELMANN:** That's what I tried to say.

3 Okay, so I think we've covered that off?

4 All right?

5 On Friday, October 1<sup>st</sup>, you met with Richard  
6 Abell?

7 **MR. SHAVER:** Yes, I did.

8 **MR. ENGELMANN:** All right.

9 And, sir, you've got a note in your Day  
10 Timer that says "Rick Abell and Angelo".

11 **MR. SHAVER:** Right.

12 **MR. ENGELMANN:** Did you know that it was  
13 going to be both of them or did you make the note after the  
14 meeting?

15 **MR. SHAVER:** No, I made the note before the  
16 meeting.

17 **MR. ENGELMANN:** All right.

18 **MR. SHAVER:** Yes, I guess I did know,  
19 obviously.

20 **MR. ENGELMANN:** All right.

21 **MR. SHAVER:** I was quite happy because  
22 Angelo was also a member of my Board at that time.

23 **MR. ENGELMANN:** All right.

24 And, sir, like with these other meetings,  
25 you didn't have notes of the meeting, but Mr. Abell does?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** And you've seen those  
3 because they're in the documents?

4                   **MR. SHAVER:** Yes, I have.

5                   **MR. ENGELMANN:** All right.

6                   And those notes are at Exhibit 1441.

7                   **MR. SHAVER:** Mr. Commissioner?

8                   **THE COMMISSIONER:** Yes.

9                   **MR. SHAVER:** I'm getting a little tired and  
10 I know this is a long -- this will be a long thing with  
11 Rick Abell's notes. Do you have anything shorter you could  
12 have gone to, sir?

13                   **MR. ENGELMANN:** Well, let me just ask you  
14 some general questions. Let's not go to the notes for a  
15 second.

16                   **MR. SHAVER:** Okay.

17                   **MR. ENGELMANN:** Do you have some independent  
18 recollection of the meeting?

19                   **MR. SHAVER:** Oh yes.

20                   **MR. ENGELMANN:** All right.

21                   Do you know what time of day it was?

22                   **MR. SHAVER:** I believe it was in the  
23 morning.

24                   **MR. ENGELMANN:** All right.

25                   And do you know, aside from you and Angelo

1 Towndale and Rick Abell, anyone else there?

2 MR. SHAVER: No, I believe it was just the  
3 three of us.

4 MR. ENGELMANN: All right.  
5 Do you have some sense as to how long it  
6 was?

7 MR. SHAVER: Probably around an hour, I  
8 would think.

9 MR. ENGELMANN: All right.  
10 And the discussion centred around this  
11 matter, the Silmsler case?

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: All right.

14 And did Mr. Abell tell you that he'd been  
15 trying to get a hold of you?

16 MR. SHAVER: Yes, and I said the same thing  
17 to him.

18 MR. ENGELMANN: All right. All right. And  
19 you knew both Rick Abell and Angelo  
20 Towndale?

21 MR. SHAVER: Yes.

22 MR. ENGELMANN: You might have known Mr.  
23 Towndale better from the Police Services Board or...?

24 MR. SHAVER: I knew him longer because he  
25 was at the Children's Aid Society when I first became the -

1 - when I first became the Deputy Chief of Police and I  
2 worked with him every year on the Children's Aid BIKE-A-  
3 THON; he was on that committee. So I knew him a lot  
4 longer, yes.

5 **MR. ENGELMANN:** Okay.

6 Did you have a personal relationship with  
7 either of these men? Did you socialize with either of  
8 them?

9 **MR. SHAVER:** I had dinner often with -- well  
10 often, I couldn't say often -- had dinner with Angelo and  
11 his wife more than a few times; his wife would cook exotic  
12 foods and, yes.

13 **MR. ENGELMANN:** What about Mr. Abell?

14 **MR. SHAVER:** No, we sat on many committees  
15 together. I know we were -- we formed the Supervised  
16 Access for Children. I think we were both on the Sexual  
17 Abuse Treatment Centre for Children. I think -- we were on  
18 many committees together.

19 **MR. ENGELMANN:** All right.

20 And purely professional relationship?

21 **MR. SHAVER:** Yes ---

22 **MR. ENGELMANN:** All right.

23 **MR. SHAVER:** --- we didn't -- I don't think  
24 I've ever -- I don't think I ever socialized, other than if  
25 I met him at a social gathering, you know, that he happened

1 to be invited to.

2 MR. ENGELMANN: All right.

3 And, sir, you met with him on October 1<sup>st</sup>,  
4 and then met with him approximately a week later?

5 MR. SHAVER: Yes.

6 MR. ENGELMANN: On October 8<sup>th</sup> and that's  
7 again noted in your Day-timer?

8 MR. SHAVER: Yes, yes.

9 MR. ENGELMANN: What I wanted to do -- I'm  
10 just trying to think how I can do this quickly -- I wanted  
11 to take Mr. Shaver through just a page and a half of these  
12 notes. I don't know if that can work it and I'll probably  
13 finish at around five, sir. I realize it's ---

14 THE COMMISSIONER: It's up to you.

15 MR. SHAVER: Well, I am getting a bit tired,  
16 sir. It's just we've gone through so many different things  
17 ---

18 THE COMMISSIONER: That's fine.

19 MR. SHAVER: --- if I could.

20 THE COMMISSIONER: No, we'll start tomorrow  
21 morning at 9:30.

22 Thank you.

23 MR. SHAVER: Thank you, sir.

24 THE REGISTRAR: Order; all rise. À l'ordre;  
25 veuillez vous lever.

1                               This hearing is adjourned until tomorrow  
2 morning at 9:30 a.m.

3                               --- Upon adjourning at 4:45 p.m./

4                               L'audience est ajournée à 16h45

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

  

---

Dale Waterman, CVR-CM