

**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 247

Held at :

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

Wednesday, June 25 2008

Tenue à:

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

Mercredi, le 25 juin 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police
Mr. Peter Manderville	Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Juda Stawczyski	
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Anthony Repa	Mr. Anthony Repa

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1 --- Upon commencing at 9:36 a.m. /

2 L'audience débute à 9h36

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; Mr. Engelmann.

11 **MR. REPA:** Good morning.

12 **THE COMMISSIONER:** Mr. Repa, how are you
13 doing today?

14 **MR. REPA:** Just fine, sir. Thank you.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Engelmann?

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

19 **ANTHONY REPA, Resumed/Sous le même serment:**

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

21 **ENGELMANN:** (Continued/Suite)

22 **MR. ENGELMANN:** Good morning, Mr. Repa.

23 **MR. REPA:** Mr. Engelmann, good morning.

24 **MR. ENGELMANN:** Set to go?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** You have some water and
2 other things handy?

3 **MR. REPA:** Yes, sir. Thank you.

4 **MR. ENGELMANN:** Okay.

5 When we left off yesterday, we were talking
6 about some media issues involving the Dunlops and a report
7 that had been submitted to you by Staff Sergeant Derochie.
8 And where I'd like to go now is, I understand that there
9 were some further media reports that were brought to the
10 attention of the Police Services Board at or around the
11 beginning of April of 1999. And what I'd like to do is
12 just show you a brief snippet from a Board meeting, if I
13 can.

14 Sir, the document is not yet in evidence.
15 It is Document Number 729801. It would have been in the
16 cross documents.

17 And just for the record, Mr. Commissioner,
18 minutes -- the caption is, "Minutes closed session meeting
19 - Thursday April 1st, 1999 - Justice Building 340 Pitt
20 Street, Cornwall, Ontario."

21 As I understand it, sir, the portion of the
22 minutes you'll be looking at will have some blackout on
23 them and that dealt with, as I understand it, completely
24 unrelated matters from the matters we're dealing with.

25 **THE COMMISSIONER:** So the Exhibit is 1823.

1 --- EXHIBIT NO./PIÈCE No. P-1823:

2 (729801) Minutes Closed Session Meeting
3 dated 01 Apr 99

4 MR. ENGELMANN: I'm sorry, sir. One eight
5 two zero?

6 THE COMMISSIONER: One eight two three
7 (1823).

8 MR. ENGELMANN: Two three (23).

9 So what I'm interested in you looking at is
10 the portion on Bates page 757.

11 MR. REPA: Seven five seven (757)?

12 MR. ENGELMANN: Yes.

13 MR. REPA: Yes, sir.

14 MR. ENGELMANN: And there appears to be an
15 issue about -- Mr. Towndale, he's a member of the Board.
16 Is that correct?

17 MR. REPA: Yes, sir.

18 MR. ENGELMANN: He's saying:

19 "Informed that a citizen approached him
20 about Constable Perry Dunlop's
21 involvement with an investigation that
22 Constable Dunlop allegedly completed
23 while he was on long-term disability.
24 The issue is whether Constable Dunlop
25 was a member of the CPS or was he

1 acting on his own behalf while he
2 gathered statements from victims of
3 Project Truth. Chief Repa said the CPS
4 would have to make an inquiry in order
5 to substantiate whether or not
6 Constable Dunlop investigated on his
7 own while on long-term disability."

8 **MR. REPA:** Yes.

9 **MR. ENGELMANN:** Do you see that reference,
10 sir?

11 **MR. REPA:** Yes, sir.

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

13 So my understanding, sir, is that just a few
14 days before this, there had appeared an article in the
15 Ottawa Sun at or about the 24th of March '99 raising this
16 issue and referring back to Constable Dunlop turning some
17 documents over to Detective Sergeant Hall of the OPP back
18 on July 31st of 1998.

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** And I'm not sure why but the
21 story appears in the Ottawa Sun in March of 1999, many
22 months later.

23 **MR. REPA:** Yes.

24 **MR. ENGELMANN:** Does that refresh your
25 memory about this sort of timeframe?

1 **MR. REPA:** Yes. I'm aware of the article.
2 I do recall it, yes.

3 **MR. ENGELMANN:** All right. And you indicate
4 here that the Service would be making an inquiry in order
5 to determine or substantiate whether or not Constable
6 Dunlop investigated some of these matters while on LTD.

7 **MR. REPA:** Yes, sir.

8 **MR. ENGELMANN:** All right.

9 And I'm wondering why you would have
10 indicated that because would you not have known at this
11 point that in fact he had met with a number of victims and
12 alleged -- or alleged victims of sexual abuse during the
13 time he was off on leave?

14 **MR. REPA:** Yes, sir. By 1999, I would have,
15 yes, sir.

16 **MR. ENGELMANN:** So why is it you're saying
17 that you're going to make an inquiry or have the Service
18 make an inquiry?

19 **MR. REPA:** The Board has made a request that
20 is -- I guess you could put it under the heading
21 "relatively serious" and I didn't want to answer just off
22 the top of my head without getting my facts straight first
23 and then reporting back to them, and that's the normal
24 procedure with a chief, how he interacts or how he or she
25 interacts with their boards.

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

2 So you knew the answer but you wanted to
3 give them a full answer?

4 **MR. REPA:** Well, we also had the newspaper
5 article and a few other issues there. So I wanted to come
6 back with a concise -- hopefully, you know.

7 **MR. ENGELMANN:** But by that point in time,
8 we took -- we went through this yesterday. You had been
9 briefed or you had been spoken -- you and Inspector Trew
10 had spoken to Detective Inspector Smith back in June of
11 '97. You were aware that Constable Dunlop and his wife had
12 turned over some materials.

13 You talked to us about the fact that your
14 people were in almost daily contact with Project Truth
15 officers. So there would have been some knowledge that had
16 trickled off to you about the Dunlop briefs and what had
17 been turned over to either Chief Fantino or MAG and OCOPS
18 at some point earlier?

19 **MR. REPA:** That's correct.

20 **MR. ENGELMANN:** All right.

21 And as well, your Force would have been
22 monitoring a -- or been involved in a preliminary inquiry
23 involving a now confirmed perpetrator by the name of Marcel
24 Lalonde, and we know that Mr. Dunlop testified at the
25 preliminary inquiry in that matter back in January of '98.

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

2 **MR. ENGELMANN:** So you might have had some
3 knowledge or your Force would have had some knowledge about
4 his involvement through that as well presumably.

5 **MR. REPA:** Yes, sir, that's correct.

6 **MR. ENGELMANN:** We've also heard, and I
7 don't know if you're aware of this, that Staff Sergeant
8 Lortie had some knowledge about what Mr. Dunlop was doing
9 while off on leave. Would that have come to your
10 attention; just with respect to meeting with victims or
11 alleged victims?

12 **MR. REPA:** I don't recall back then what you
13 just said about Staff Sergeant Lortie. I might have back
14 then been told that but I do not recall it. Sorry.

15 **MR. ENGELMANN:** You don't recall if he had
16 ever brought that up at a morning meeting ---

17 **MR. REPA:** I do not recall that; no, sir.

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

19 And, sir, you mentioned the media article
20 and this article about July 31st, 1998. Was that one of the
21 things you wanted looked into, this perhaps confusion about
22 what was turned over by Dunlop in '96 to Fantino, what was
23 turned over in '97 to OCOPS, and what was reported to have
24 been turned over to Detective Sergeant Hall in July of '98
25 as well?

1 **MR. REPA:** I think the article referred to
2 here was March 24th, '99 in the Ottawa Sun.

3 **MR. ENGELMANN:** Yes.

4 **MR. REPA:** And without seeing it, I'm
5 guessing it's the one with the receipt, the photo of the
6 receipt in it.

7 **MR. ENGELMANN:** Yes, m'hm.

8 **MR. REPA:** That would be the article I would
9 be thinking off too.

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

11 So there was some confusion about what he
12 had turned over or when?

13 **MR. REPA:** I don't think there was any
14 confusion about what he turned over, it's just a little
15 awkward to see one of your constable's signature is in the
16 Ottawa Sun on a piece of paper. I just was doing due
17 diligence to make sure with our staff that are we aware of
18 this? I mean it's public, in the paper now. Are we aware
19 of this? And it wasn't -- it was just due diligence.

20 **MR. ENGELMANN:** All right.

21 **MR. REPA:** Ascertain what this is all about.

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

23 And I understand that this is something that
24 you might have tasked Staff Sergeant Derochie to look into?

25 **MR. REPA:** Yes, I think that's correct, yes.

1 **MR. ENGELMANN:** And maybe we can just take a
2 look at an exhibit briefly on that.

3 It's Exhibit 1323, and I perhaps should have
4 turned you to this earlier sort to refresh your memory but
5 I think you've got it right.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. REPA:** Yes, sir, I have read it.

8 **MR. ENGELMANN:** Now, just looking at that
9 for a moment, I presume that both you and Staff Sergeant
10 Derochie were aware that Constable Dunlop had prepared this
11 documentation while he was off on leave?

12 **MR. REPA:** I know he prepared -- I'm sorry,
13 while he was off on leave?

14 **MR. ENGELMANN:** Yes. Well, this would have
15 been done sometime between when he left the Service on sick
16 leave in '94 and when he returned in May of '97.

17 **MR. REPA:** Oh, sir, I wouldn't know that.
18 No, I wouldn't know that, sir. I thought you were going
19 along the line of when we allowed him time in the station
20 to go through all this documentation and photocopy it for
21 the OPP.

22 **MR. ENGELMANN:** Well, that's in 2000.

23 **MR. REPA:** Okay. When he was off on sick
24 leave, sir, I really -- I don't know factually what he did.
25 I'm aware that he may have done -- collected some evidence

1 and information obviously but what it was I'm unaware of it
2 specifically.

3 **MR. ENGELMANN:** Okay. So the briefs to
4 Fantino and then the brief that he turned in, in December
5 of '96 ---

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** --- and the brief to OCOPS
8 and MAG in April of '97.

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** Were you not aware, sir,
11 that that was material that he would have gathered during
12 the course of his long-term leave?

13 **MR. REPA:** Yes, I think that conclusion was
14 drawn by everyone that he did that while he was off on
15 leave, but I don't know if that was the material that was
16 turned over Detective Sergeant Pat Hall that was the
17 subject of the newspaper article in the Ottawa Sun; like,
18 I'm specifically not aware of that.

19 **MR. ENGELMANN:** Well, Staff Sergeant
20 Derochie would have looked into that?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** And confirmed that for the
23 most part the materials were the same ---

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** --- as material that had

1 previously been provided?

2 MR. REPA: And if I can see his response I
3 could probably agree to that, sir. You know, I just right
4 now sitting here I agree that it came up at the Board
5 meeting. This is my note to him, my memo to Staff Sergeant
6 Derochie, and I just have to be refreshed as to what his
7 response was.

8 MR. ENGELMANN: Just give me a moment, sir,
9 I might be able to help.

10 MR. REPA: Yes, sir.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. ENGELMANN: Perhaps the witness could be
13 shown Volume 204 of the transcript for a minute?

14 THE COMMISSIONER: Thank you, what page?

15 MR. ENGELMANN: Sir, if you could turn to
16 page 54 of the transcript?

17 Just ask you if this confirms or refreshes
18 your memory perhaps?

19 Now, we have to wait for it to come on the
20 screen. I haven't given notice on this, page 54 of the
21 transcript. It'll be a bit different on the computer.

22 THE COMMISSIONER: This is the examination
23 of Staff Sergeant -- or is it Staff Sergeant Derochie?

24 MR. REPA: Yes.

25 MR. ENGELMANN: Did you have a chance to

1 look at any of Staff Sergeant Derochie's transcript?

2 MR. REPA: Oh, yes, I'm sure I did, sir.

3 MR. ENGELMANN: Okay. I realize there is so
4 many ---

5 MR. REPA: There's so many of them that I
6 just --

7 MR. ENGELMANN: So many transcripts, yeah.

8 MR. REPA: Yeah.

9 MR. ENGELMANN: So we're discussing this
10 matter at about line 15 and this is your request to him
11 that we just looked at.

12 MR. REPA: Yes.

13 MR. ENGELMANN: And it says at the bottom,
14 he was:

15 "...wondering what this document was
16 exactly and was it work product for the
17 Cornwall Police Service; was it
18 compiled while Perry was on or off
19 duty."

20 MR. REPA: Yes.

21 MR. ENGELMANN: "I determined quite
22 quickly that it was documents that had
23 already been delivered in various
24 forms. The Fantino briefs, for want of
25 a better -- that was my understanding

1 of what those documents were. I'm
2 confident I consulted with Inspector
3 Hall. I informed the Chief that it was
4 a non-issue."

5 MR. REPA: Yes.

6 MR. ENGELMANN: Do you -- is that ---

7 MR. REPA: Yeah, yes, I do.

8 MR. ENGELMANN: Okay. And that's how you
9 recall it as well, sir?

10 MR. REPA: Oh, yeah, yeah.

11 MR. ENGELMANN: So just so we're clear, did
12 you actually get copies of the Fantino brief and/or the
13 brief that Perry Dunlop had given to OCOPS and MAG?

14 MR. REPA: Did I actually get it?

15 MR. ENGELMANN: Your Service.

16 MR. REPA: My service, it's quite possible.
17 If we did I don't know, sir. I don't know if it was
18 brought in when Constable Dunlop was given the time to do
19 his work, I'm not sure. I don't know.

20 MR. ENGELMANN: All right. We know that
21 time was from January to April of 2000.

22 MR. REPA: Okay.

23 MR. ENGELMANN: All right.

24 But at least at this point-in-time, in April
25 of '99, Staff Sergeant Derochie seems to be in the know

1 about what's being talked about?

2 MR. REPA: Yes, sir.

3 MR. ENGELMANN: And he is informing you?

4 MR. REPA: Yes, sir.

5 MR. ENGELMANN: All right.

6 And he does say, and maybe this will help,
7 at the bottom of the next page, 55, the Commissioner asks:

8 "THE COMMISSIONER: So did you review
9 the documentation?

10 MR. DEROCHIE: No, I don't believe I
11 did. I believe I just got that
12 information from Pat Hall."

13 MR. REPA: Yes, sir.

14 MR. ENGELMANN: So he may not have had the
15 materials himself but he got information from Pat Hall
16 about what they were?

17 MR. REPA: That's correct.

18 MR. ENGELMANN: And I'm looking at the next
19 page.

20 We're talking about -- he's confirming he
21 was aware that materials were turned over to Chief Fantino
22 in late '96 and turned over to other government ministries
23 in the spring of '97. Then it says:

24 "In your discussions with Officer Hall,
25 he made you aware these materials were

1 turned over and that are referred to in
2 the article are materials were turned
3 over previously?"

4 "Yes."

5 And then there's a question:

6 "And again, just so I'm clear, the
7 Chief wanted you to investigate this to
8 determine what; when these documents
9 were prepared or what they were?"

10 "My understanding was simply that he
11 wanted to know was this new disclosure.
12 Was this something that Perry was
13 working on during business hours,
14 during off-business hours where it come
15 from?"

16 So would you, sir, perhaps have been
17 concerned about whether he was continuing to investigate
18 while he was back on duty, active duty?

19 **MR. REPA:** There may have been a few
20 concerns. My main concern, though was, as I recall now,
21 was the fact that it showed up in the newspaper with a
22 photocopy or a photo of the signed receipt and whatever.
23 It was just to ascertain why it was in the public medium
24 and Staff Sergeant Derochie's answer satisfied me.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** It was a non-issue. I accepted
2 that, but at least we did our due diligence to check it
3 out.

4 **MR. ENGELMANN:** All right.

5 **MR. REPA:** That's really all it was.

6 **MR. ENGELMANN:** All right.

7 So I want to then ask you just a couple of
8 questions about -- I think you referred to it yesterday on
9 your correspondence you might have written to Pat Hall and
10 to Rick Abell in May of 1999.

11 Madam Clerk, if the witness could be shown -
12 - it's Document Number 701453.

13 Mr. Repa, this is a letter that you would
14 have written to Pat Hall regarding an affidavit of Ron
15 Leroux and the date of the letter is May 14th, '99. You'll
16 have it in just a moment, sir.

17 **THE COMMISSIONER:** Thank you.

18 And that will be Exhibit 1824.

19 **MR. REPA:** Thank you.

20 --- **EXHIBIT NO./PIÈCE NO. P-1824:**

21 (701453) Letter from Anthony Repa to Pat
22 Hall dated May 14, 1999

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** All right.

1 Now, sir, can you tell us -- you say:

2 "This attached affidavit was received
3 by my office this week."

4 Do you know how it was received or who
5 received it; what the circumstances were?

6 **MR. REPA:** I'm just a little confused. I
7 think we had two of them. I know I received one from Mr.
8 John Callaghan's office and I can't recall if it's this one
9 or a previous one.

10 **MR. ENGELMANN:** So this might have come
11 through the civil suit process. Is that fair?

12 **MR. REPA:** That would be -- yes, I would say
13 that's a fair statement.

14 **MR. ENGELMANN:** All right. I'm hearing from
15 Mr. Callaghan that it did. We talked -- we saw earlier a
16 demand for particulars, documentation yesterday?

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** So you received some
19 information as a result of the civil action?

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** All right. And was this not
22 a document you were familiar with earlier, sir, this
23 affidavit of Ron Leroux?

24 **MR. REPA:** I can't recall, sir.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** Unless I can be shown that I was

2 ---

3 **MR. ENGELMANN:** All right.

4 **MR. REPA:** These things hit your desk and
5 you read them and if it was the one from -- it's the one
6 from Mr. John Callaghan there was a phone call and it was
7 decided best to pass it on to the investigating
8 authorities. And I think we even sent it -- I think we may
9 have even sent it to the Children's Aid Society.

10 **MR. ENGELMANN:** Yes, you did.

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** So this is the letter you
13 sent to Inspector Hall. He then responds shortly
14 thereafter and that is Document Number 701455. It's a
15 letter from Detective Inspector Pat Hall to Anthony Repa,
16 dated May 17th, '99.

17 **THE COMMISSIONER:** Thank you.

18 Exhibit 1825.

19 --- **EXHIBIT NO./PIÈCE NO. P-1825:**

20 (701455) Letter from Pat Hall to Anthony
21 Repa dated May 17, 1999

22 **MR. ENGELMANN:** So, sir, whether you were
23 aware of it at the time or not, about the fact that this
24 affidavit had been part of the Fantino brief and the other
25 briefs, he certainly confirmed it to you here?

1 **MR. REPA:** Yes, sir, he did.

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

3 **MR. REPA:** Yes.

4 **MR. ENGELMANN:** You just can't remember now
5 whether you would have known that ---

6 **MR. REPA:** I think, sir, to the best of my
7 recollection, for whatever reason, the first time we became
8 aware of it, it was when it was forwarded to us and I
9 passed it on. I cannot recall seeing that before that.

10 **MR. ENGELMANN:** All right. But the
11 allegations contained therein, would you have been aware of
12 those?

13 **MR. REPA:** Oh, I don't remember, sir.

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

15 **MR. REPA:** I'm sorry, I just don't.

16 **MR. ENGELMANN:** All right.

17 And likewise, sir, Document Number 701297.
18 It's a letter from Anthony Repa to Richard Abell dated May
19 14th, '99, sir?

20 **THE COMMISSIONER:** Thank you.

21 Yes, and that will be Exhibit 1826.

22 --- **EXHIBIT NO./PIÈCE No. P-1826:**

23 (701297) Letter from Anthony Repa to Richard
24 Abell dated May 14, 1999

25 **MR. ENGELMANN:** Mr. Repa, is this the letter

1 you were talking about earlier, the fact that you would
2 have also written to Richard Abell and passed on this
3 affidavit?

4 **MR. REPA:** Yes, sir. Yes.

5 **MR. ENGELMANN:** This would have been
6 consistent with your philosophy that you should simply
7 always report ---

8 **MR. REPA:** Yes.

9 **MR. ENGELMANN:** --- whether it's current or
10 historical, get the information to Children's Aid and let
11 them act upon it?

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

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

14 **MR. REPA:** Yes, I think, sir, Mr. Engelmann,
15 maybe to help in my answer, what I said I couldn't
16 remember.

17 I notice in the second paragraph it says ---

18 **MR. ENGELMANN:** Yes.

19 **MR. REPA:** "I draw your attention to the
20 fact that the affidavit was sworn out
21 on November 13th, 1996 and has only been
22 brought to our attention this week."

23 So that would -- that's refreshed my memory
24 as to the answer to your question, sir.

25 **MR. ENGELMANN:** But the actual contents and

1 some of the allegations of a pedophile ring, had you heard
2 some of that earlier?

3 **MR. REPA:** Pedophile ring?

4 **MR. ENGELMANN:** Yeah.

5 **MR. REPA:** Oh yes, I think from sitting with
6 Carl Johnston that started right there. Yes.

7 **MR. ENGELMANN:** So this is brought to your
8 attention in May of '99 through a civil action. It's been
9 passed on to the OPP over two years earlier?

10 **MR. REPA:** Yes, sir.

11 **MR. ENGELMANN:** And that would not have been
12 shared with your Service is what you're saying?

13 **MR. REPA:** No, sir, it was not; obviously
14 not shared.

15 **MR. ENGELMANN:** Right. Were you aware of
16 any hesitancy on their part to share information?

17 **MR. REPA:** I'm sorry?

18 **MR. ENGELMANN:** Were you aware of any
19 hesitancy, perhaps on the part of the OPP, to share
20 information about their investigation with the CPS?

21 **MR. REPA:** No. No. It was never an issue
22 with me. I realize in reading this one could read into it
23 but, no, I did not have any -- at that time it did not ---

24 **MR. ENGELMANN:** Well, some of what they were
25 doing was looking into the CPS.

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** So that may have been a
3 reason why they wouldn't have wanted to share all of their
4 information, perhaps?

5 **MR. REPA:** I really -- that would be a
6 question better put to the OPP.

7 **MR. ENGELMANN:** Fair enough. Fair enough.
8 Sir, were you aware that with some of the
9 sexual assault investigations that both forces were
10 involved in, that they weren't necessarily exchanging all
11 of the information and that information was going directly
12 from one force to the Crown or from the other force to the
13 Crown, sometimes without the knowledge of the other force?

14 **MR. REPA:** Are you talking in an operational
15 investigative level?

16 **MR. ENGELMANN:** Yes.

17 **MR. REPA:** No, I was not aware of that.

18 **MR. ENGELMANN:** Okay. So we've heard some
19 of that from an officer by the name of Rene Desrosiers.
20 We've had some evidence of that. You would not be aware of
21 that?

22 **MR. REPA:** Not that I can recall, no, sir.

23 **MR. ENGELMANN:** Fair enough.

24 Sir, as well in the spring of 1999, I
25 understand that you would have received a letter from

1 Constable Dunlop regarding a request for two days leave in
2 order to receive an award from a group known as the
3 Vancouver Island Human Rights Coalition?

4 MR. REPA: Yes, sir, I recall that.

5 MR. ENGELMANN: Does that ring a bell, sir?

6 MR. REPA: Yes, sir, very much so.

7 MR. ENGELMANN: All right. If we could look
8 at Document Number 728081.

9 Mr. Commissioner, this is a letter from
10 Perry Dunlop to Chief Repa, April 7, 1999.

11 THE COMMISSIONER: Thank you.

12 That will be Exhibit 1827.

13 --- EXHIBIT NO./PIÈCE No. P-1827:

14 (728081) Letter from Perry Dunlop to Anthony
15 Repa dated April 7, 1999

16 MR. REPA: Thank you.

17 Yes, sir, I read it. Thank you.

18 MR. ENGELMANN: So at this point, sir, he's
19 requesting leave to go?

20 MR. REPA: Yes, sir.

21 MR. ENGELMANN: Was that granted?

22 MR. REPA: Yes.

23 MR. ENGELMANN: All right.

24 MR. REPA: But not -- yes, sir, it was
25 granted.

1 **MR. ENGELMANN:** All right. Were there other
2 issues involved with this, sir, that you can recall?

3 **MR. REPA:** Yes, sir. The request should
4 never have been sent from Constable Dunlop to the Chief of
5 Police. There is a formal structure; immediate supervisors
6 approve leave.

7 **MR. ENGELMANN:** So this should go through
8 the chain of command?

9 **MR. REPA:** Well, there's only one chain of
10 command, the sergeant. The immediate supervisor would have
11 approved this. Other than that, it was -- the time -- the
12 leave was granted, yes.

13 **MR. ENGELMANN:** All right, so you didn't
14 respond, his supervisor would have responded to ---

15 **MR. REPA:** No, there's more correspondence
16 on this. There's a memo from Inspector Trew and there's a
17 letter from the Association to me and then there's a --
18 because there became an issue of wearing the uniform ---

19 **MR. ENGELMANN:** Yes.

20 **MR. REPA:** --- and there's my letter to --
21 replying to the Association. So there's much more to this
22 than this initial letter.

23 **MR. ENGELMANN:** I understand that, but in
24 the normal course of things, just responding to a leave
25 request, that response wouldn't come from you it would come

1 from the sergeant?

2 MR. REPA: No. The only ones I would
3 approve would be my administrative assistant or a Deputy
4 Chief of Police.

5 MR. ENGELMANN: All right, sir. Just to
6 look at a bit more of this correspondence. This was also,
7 I believe, subject to a media release of some sort?

8 MR. REPA: Well, the media release he's
9 mentioning here would be -- is the announcement of his
10 receiving of the award.

11 MR. ENGELMANN: Fair enough.

12 MR. REPA: It had nothing to do with the
13 police ---

14 MR. ENGELMANN: The Cornwall Police
15 Services.

16 MR. REPA: --- granting the time off or
17 anything.

18 MR. ENGELMANN: Right. And as I understand
19 it, Inspector Trew would have responded to this request and
20 then there was some correspondence from the Association
21 with respect to it, and I just wanted to take you to that.

22 MR. REPA: Yes, sir, oh yes.

23 MR. ENGELMANN: And that's Document Number
24 723500, and this is a letter from Kurt Fraser, President at
25 the time of the Cornwall Police Association?

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** To yourself, dated April
3 16th, '99.

4 **THE COMMISSIONER:** Thank you.
5 Exhibit 1828.

6 **--- EXHIBIT NO./PIÈCE NO. P-1828:**

7 (723500) Letter from Kurt Fraser to Anthony
8 Repa dated April 16, 1999

9 **MR. ENGELMANN:** In the second paragraph of
10 the letter, the reference to Inspector Trew writing back
11 and saying:

12 "Although this request ought to have
13 been made directly to your immediate
14 supervisor..."

15 So that point was made?

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

17 **MR. ENGELMANN:** To Mr. Dunlop through
18 Inspector Trew?

19 **MR. REPA:** Yes, sir.

20 **MR. ENGELMANN:** And then the second issue
21 that's raised in the third paragraph, Inspector Trew would
22 have written to Mr. Dunlop saying:

23 "As you're receiving your award in your
24 personal capacity, as understood, you
25 will attend in civilian attire."

1 **MR. REPA:** In civilian attire?

2 **MR. ENGELMANN:** Right.

3 **MR. REPA:** Yes, sir.

4 **MR. ENGELMANN:** And that then became an
5 issue for the Association or for Mr. Dunlop through the
6 Association; is that fair?

7 **MR. REPA:** It became -- it definitely became
8 an issue, yes.

9 **MR. ENGELMANN:** And that was the thrust of
10 this letter; they were asking apparently that he should be
11 allowed to wear his uniform in receiving the awards?

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

13 **MR. ENGELMANN:** And sir, I understand that
14 there was a response to that, in fact, you responded by
15 letter dated April 22nd, 1999 and that is Document Number
16 723502. And this would be a letter from Anthony Repa to
17 Kurt Fraser dated April 22nd, 1999.

18 **THE COMMISSIONER:** Exhibit 1829.

19 **--- EXHIBIT NO./PIÈCE NO. P-1829:**

20 (723502) Letter from Anthony Repa to Kurt
21 Fraser dated 22 Apr 99

22 **MR. ENGELMANN:** And sir, you agreed with
23 Inspector Trew's position that Constable Dunlop should not
24 receive this award in uniform?

25 **MR. REPA:** That he ---

1 **MR. ENGELMANN:** Is that correct?

2 **MR. REPA:** That he -- he should not, yes.

3 **MR. ENGELMANN:** And can you tell us why,
4 sir?

5 **MR. REPA:** Well, for the -- for the reasons
6 stated in the letter, sir.

7 **MR. ENGELMANN:** All right.

8 Well, you cite the fact that there's a civil
9 action, there's an OPP investigation ---

10 **MR. REPA:** Yes, sir.

11 **MR. ENGELMANN:** --- and also the fact that
12 work on this was done while he was not on active duty.

13 **MR. REPA:** Yes, sir.

14 **MR. ENGELMANN:** And you're saying:

15 "Therefore, it would be inappropriate
16 for the Chief to be seen as
17 participating in the granting of the
18 award..."

19 And that by wearing a uniform, you would be
20 seen as participating; is that ---

21 **MR. REPA:** By -- not by wearing the uniform,
22 by my granting my permission for him to wear his uniform.
23 Now, if -- if I may, this requires explanation because it's
24 -- I suppose you call it police talk in this letter.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** When -- and it would be helpful -
2 - well, we have the quote in here of Inspector -- it would
3 be helpful to have Inspector Trew's memo to Constable
4 Dunlop, I think it would facilitate it and then I can
5 explain what occurred.

6 **MR. ENGELMANN:** I'll try and find it, sir.
7 I've got it here somewhere.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. ENGELMANN:** I'm sorry, sir. I don't
10 have it handy.

11 **MR. REPA:** Okay, all right. Well, I can go
12 ahead with it.

13 **MR. ENGELMANN:** Yes.

14 **MR. REPA:** I just wanted to be sure of the -
15 - the wording in -- in the President of the Association's
16 letter where he says -- I wanted to be sure that he quoted
17 correctly:

18 "As you are receiving your award in
19 your personal capacity, it is
20 understood you will attend in civilian
21 attire."

22 Sir, in police language, it doesn't say you
23 are ordered not to wear -- you are hereby ordered not to
24 wear your uniform:

25 "It is understood you will attend in

1 civilian attire."

2 Unfortunately the President, Kurt Fraser,
3 and Constable Dunlop misread the directions they were given
4 by Inspector Trew. They were not ordered -- he was not
5 ordered not to wear his uniform; it was -- the wording is
6 "understood." A police officer -- unless you're
7 specifically -- the word "ordered" is used, does not have
8 to comply and that's common knowledge in police talk. And
9 that's why in my letter ---

10 **MR. ENGELMANN:** Sir, can I interrupt you for
11 just a minute. I may have that document ---

12 **MR. REPA:** Okay.

13 **MR. ENGELMANN:** --- for you.

14 **MR. REPA:** All right.

15 **MR. ENGELMANN:** Madam Clerk, if you could
16 provide the witness with Exhibit 1549, I think that may be
17 the document.

18 So what you're saying is you believe the
19 Trew letter doesn't order him not to wear his uniform.

20 **MR. REPA:** Well, I know it didn't because
21 that was a discussion. He would not be ordered and I can
22 explain that in a minute. I'll wait until the document's
23 given out.

24 **THE COMMISSIONER:** What exhibit, Mr.
25 Engelmann? What exhibit?

1 **MR. ENGELMANN:** I thought it was 1549, but
2 I'm told that may be from Mr. Dunlop.

3 **THE COMMISSIONER:** Yes, it's a letter from
4 Dunlop to Trew.

5 **MR. ENGELMANN:** Perhaps if you check either
6 one before or after that; 50 or 51.

7 This was dealt with during Inspector Trew's
8 evidence, sir, and I apologize I don't have those exhibits
9 handy.

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

11 **MR. ENGELMANN:** I should have a document
12 number so if it hasn't been entered; we can pull it up.
13 Seven one one six four two two (7116422). Oh, I'm sorry,
14 different documents; 729284 -- 729284.

15 **THE COMMISSIONER:** So has this been made an
16 exhibit?

17 **MR. ENGELMANN:** I don't know, sir.

18 **THE COMMISSIONER:** Madam Clerk, do you know?

19 **MR. ENGELMANN:** It would have been during
20 the evidence of Inspector Trew.

21 **THE COMMISSIONER:** I'm sorry, Madam Clerk?
22 No, it hasn't. So this letter dated April 13th, 1999 to
23 Perry Dunlop from Inspector Trew will be Exhibit Number
24 1830?

25 **THE REGISTRAR:** Yes.

1 **THE COMMISSIONER:** Thank you.

2 **--- EXHIBIT NO./PIÈCE NO. P-1830:**

3 (729284) Letter from Richard Trew to Perry
4 Dunlop dated 13 Apr 99

5 **MR. REPA:** Yes, that's it.

6 **MR. ENGELMANN:** So does this assist you,
7 sir?

8 **MR. REPA:** Yes, it shows ---

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

10 So can you tell us the distinction again?

11 **MR. REPA:** Okay.

12 There was discussion that went on about this
13 request. As a matter of fact, I even spoke with legal
14 counsel on this because the position I was being put in by
15 the the issue of wearing the uniform was if -- if a direct
16 order in writing, "I hereby order you not to wear your
17 uniform to Vancouver Island for this ceremony," and
18 Constable Dunlop, in fact, did wear -- if he did wear his
19 uniform, then he's put me in the situation where I now have
20 to commence a misconduct hearing and charge him -- have him
21 brought up on an allegation of misconduct for disobeying a
22 direct order. It was felt the best way to handle this was
23 to use the wording that's on that letter; it's just
24 understood you will attend in civilian attire. And then in
25 my letter at the bottom, it's very clear the last line is:

1 "There will be no orders issued by my
2 office concerning this matter."

3 As it turned out, as I understand it -- I
4 never saw a video or a film of this or a photo, but my
5 understanding is he did not wear his uniform. Had he have
6 worn his uniform, it would have been a non-issue; nothing
7 would have occurred. That's why the decision was made not
8 to formally order him not to which I had every right to do,
9 but I decided to avoid a potential confrontation had he
10 worn his uniform had I ordered him not to. That's --
11 that's the gist of this; what went on.

12 **THE COMMISSIONER:** Why would you do that? I
13 mean if you didn't want him to wear the uniform, why not
14 just order him and make it clear?

15 **MR. REPA:** Well, the -- the discussions,
16 especially with legal counsel, were that if you -- if you
17 do that, Mr. Commissioner, if I ordered him and he did,
18 we're back into a situation where we're going to have to
19 deal with it at a tribunal and probably a hearing and ---

20 **THE COMMISSIONER:** So ---

21 **MR. REPA:** --- it was just felt best, the
22 consensus was, just don't do it. This wasn't -- if -- if
23 you go back to that common expression "pick your fights,"
24 this wasn't one to pick. It wasn't worth it. If he wore
25 his uniform; fine, it -- it would pass. It would be

1 history and we just -- that was the decision that I made.
2 And given all that was going on at this time with Constable
3 Dunlop, this was very minor, so we just decided to -- this
4 was a decision I went with.

5 **MR. ENGELMANN:** All right, so let's just
6 follow it up very quickly then if we can. There was a
7 further follow-up from, I think, Constable Dunlop to
8 yourself after your April 22nd letter, Document Number
9 723503.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit 1831 is a letter dated April 23rd,
12 1999 to Chief Repa from Constable Dunlop.

13 --- **EXHIBIT NO./PIÈCE No. P-1831:**

14 (723503) Letter from Perry Dunlop to Anthony
15 Repa dated 23 Apr 99

16 **MR. ENGELMANN:** And aside from explaining
17 why he did what he did, he says in the third paragraph:

18 "If you do not wish me to receive the
19 honour of the award from the Human
20 Rights Coalition as a First Class
21 Constable in good standing, then I
22 request an order from you specifically
23 stating so."

24 Sir, did you follow-up any further or was
25 your letter ---

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

2 **MR. ENGELMANN:** --- of April 22nd your last
3 word on this?

4 **MR. REPA:** The -- he was told -- Constable
5 Dunlop was told there would be no orders issued by my
6 office. This letter was just filed, there was no response
7 to this letter.

8 **MR. ENGELMANN:** All right.

9 Sir, in the fall of 1999 were you given any
10 advice on a case that your office was involved in, your
11 Service was involved in; it's the prosecution of a school
12 teacher, I mentioned his name earlier, by the name of
13 Marcel Lalonde?

14 **MR. REPA:** I'm aware of the name and that
15 there were investigations and prosecutions going on but the
16 ingredients of the facts in issue, I'm not -- I was never
17 made aware of.

18 **MR. ENGELMANN:** Let me just ask if you're
19 aware of certain facts; if you aren't that's fine.

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** There had been a trial set
22 for October 4th, 1999, the matter was adjourned as a result
23 of disclosure issues. I'm wondering if that was brought to
24 your attention?

25 **MR. REPA:** I ---

1 **MR. ENGELMANN:** Let me try and refresh a bit
2 more and if you still don't -- there had been a request by
3 defence counsel for some notes of Constable Dunlop's from
4 two specific dates back in '96 I believe, these notes were
5 not in the possession of the CPS and had not been disclosed
6 to defence counsel in the Lalonde matter. They had been
7 disclosed to a defence counsel in another matter involving
8 this same victim, alleged victim.

9 And as I understand it, Mr. Dunlop provided
10 those two notes that were requested and one additional note
11 to the Crown a few days before the trial and the trial was
12 adjourned.

13 Does this refresh your memory at all about -
14 --

15 **MR. REPA:** If I was briefed in writing on
16 this it would help, if I had it in writing. But verbally,
17 sir -- Mr. Engelmann, you must understand, over this period
18 of years there were so many accused and so many issues
19 going on, yes I was briefed and I probably was briefed on
20 that or I received a memo on it. But to -- when you're not
21 intimately involved in the investigations the names really
22 don't mean that much to you, of the accused.

23 **MR. ENGELMANN:** Sir, were you -- were you at
24 all aware of other reasons -- other disclosure that had not
25 been given in that case? And by that I mean of the fact

1 that one of your officers had invested -- had investigated
2 allegations against this same schoolteacher back in the
3 late eighties and that -- that matter had just been put in
4 abeyance and that nine years later this investigation
5 starts up again by your Service in 1997. And two and a
6 half years after the investigation starts up in '97, those
7 notes of that officer, from back in the late eighties, were
8 found and were disclosed?

9 MR. REPA: Sitting here right now, sir ---

10 MR. ENGELMANN: All right.

11 MR. REPA: --- I do not recall what you're
12 verbalizing to me.

13 MR. ENGELMANN: All right, no problem.

14 I'd like you to take a quick look, if we can
15 then, at Exhibit 1325, there's some notes of Staff Sergeant
16 Derochie's from the fall of 1999.

17 THE COMMISSIONER: What page?

18 MR. ENGELMANN: Sorry?

19 THE COMMISSIONER: What page?

20 MR. ENGELMANN: Well the discussion really
21 starts at around Bates page 312.

22 If you want the full context you could go
23 back to page 310 where on October 6th Staff Sergeant
24 Derochie references a meeting with Detective Inspector Pat
25 Hall, general discussions as to fallout from Monday.

1 Monday is when this Marcel Lalonde case had
2 to be adjourned because of late disclosure.

3 MR. REPA: Okay.

4 MR. ENGELMANN: And there's reference to
5 discussions with the Crown attorney, a woman by the name of
6 Claudette Wilhelm.

7 MR. REPA: Yes.

8 MR. ENGELMANN: And then back to page 312,
9 Derochie is talking to Hall about this and about -- issues
10 about disclosure with Dunlop and it says:

11 "I then asked Hall if he had any
12 knowledge with regards to Dunlop having
13 committed any criminal acts with
14 relation to his (Dunlop's) involvement
15 in the issues being dealt with by
16 Project Truth. He told me he did not
17 but that I should talk to Crown
18 attorney Bob Pelletier who had been
19 involved in the Father Charlie
20 MacDonald preliminary."

21 A little further down the page:

22 "There might be something. I asked why
23 he had not looked into what he had
24 heard to see if there was something
25 there. He informed me that his

1 superiors in Orillia had told him that
2 he had no mandate to investigate
3 Dunlop."

4 **MR. REPA:** Okay.

5 **MR. ENGELMANN:** Okay? Then on the following
6 page:

7 "If he was involved in anything it
8 would come out at trial and they could
9 deal with it there or then. I told him
10 that I would not be taking that
11 position, that I was starting to look
12 into improper conduct on the part of
13 Dunlop and that I was not concerned
14 with the *Police Act* but that I believed
15 that Dunlop's actions may be criminal."

16 This is Staff Sergeant Derochie writing.

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** "I believe that he may have
19 committed perjury and that he was
20 obstructing justice by not making full
21 and complete disclosure of notes and
22 other evidence."

23 **MR. REPA:** Yes. Yes, sir.

24 **MR. ENGELMANN:** And this is just after this
25 adjournment, the Marcel Lalonde matter.

1 **MR. REPA:** Okay. Yes.

2 **MR. ENGELMANN:** He talks about, at the
3 bottom of the page:

4 "It appears to me there may be evidence
5 to obtain a search warrant for Dunlop's
6 home."

7 I'm going on to page 314. It talks about:

8 "The exploration of Dunlop's activities
9 could be harmful to both this
10 prosecution of Lalonde and others of
11 Project Truth. However, I felt that I
12 was duty bound to investigate and
13 provide a brief to a Crown for an
14 opinion."

15 **MR. REPA:** Okay.

16 **MR. ENGELMANN:** And then on the following --
17 just at the bottom of the page it says:

18 "That call being made by someone other
19 than myself or the CPS, that's how
20 Chief Repe feels about it."

21 So, sir, I'm wondering if -- if you were
22 getting briefed by Staff Sergeant Derochie about matters
23 that could have arisen in the Lalonde case and/or similar
24 cases in the fall of '99?

25 **MR. REPA:** Oh yes. From reading these notes

1 I obviously was being briefed, yes, sir.

2 MR. ENGELMANN: All right. Would you have
3 been told that two letters that had been requested by the
4 defence counsel in the Lalonde case and had not been
5 disclosed had actually been disclosed by Constable Dunlop
6 to the OPP sometime much earlier?

7 MR. REPA: I can't recall, sir.

8 MR. ENGELMANN: Because that's significant,
9 is it not, sir, if you're looking at someone as to whether
10 or not they've made disclosure and if they might have made
11 it?

12 MR. REPA: At a previous date?

13 MR. ENGELMANN: Yes.

14 MR. REPA: On a different case?

15 MR. ENGELMANN: A case involving that same -

16 --

17 MR. REPA: Individual?

18 MR. ENGELMANN: No, the same victim or
19 alleged victim.

20 MR. REPA: Well, it would be significant,
21 yes.

22 MR. ENGELMANN: Yeah.

23 MR. REPA: You would want to know that in
24 your decision-making process, yes.

25 MR. ENGELMANN: And you'd want to have some

1 correspondence going on or communication going on between
2 these police forces and the Crown to make sure that they
3 are providing full disclosure in both cases to defence
4 counsel so that things don't get adjourned or put off?

5 **MR. REPA:** I'm getting a little confused
6 here. You're talking about the OPP and the Cornwall
7 Police?

8 **MR. ENGELMANN:** Yes.

9 **MR. REPA:** And both are going separately to
10 the Crown Attorney's office with similar -- the same
11 accused person with different victims?

12 **MR. ENGELMANN:** Same victim, two different
13 accused.

14 **MR. REPA:** And the victims were one in
15 Cornwall and one in the counties then?

16 **MR. ENGELMANN:** No, an alleged victim in one
17 prosecution who then is also an alleged victim in another
18 prosecution, one that's being investigated by the Cornwall
19 Police Service; one that's being investigated by the OPP.

20 **MR. REPA:** And the problem is that you're
21 trying to ask me about is the lack of communication between
22 the two forces?

23 **MR. ENGELMANN:** Right.

24 **MR. REPA:** Oh. Well, I don't know -- I
25 mean, I may have been told about this. I do not recall it.

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

2 **MR. REPA:** But I can tell you, sir, from my
3 days as a detective when I worked in teams, there would be
4 maybe four or five teams in the office. I knew what I and
5 my partner were doing. I was so busy doing our work I
6 didn't know what the team sitting opposite me was doing
7 because if I found out what they were doing and their 40 or
8 50 follow-ups I wouldn't get my work done. So it's quite
9 possible even in the same force, the same detectives
10 sitting in an office, it's quite possible that you would be
11 working on two cases that were maybe similar.

12 You hoped your staff sergeant would be able
13 to marry things up and that wouldn't happen, but to have
14 two separate police forces working without knowledge of
15 what the other is doing, that doesn't sound unreasonable to
16 me.

17 I mean I'm generalizing here. I don't know
18 the -- I can't really comment on the specifics of this
19 case. Unless we sat around and talked in the detective
20 office, I didn't know what the guys at the desk next to me
21 what were doing.

22 I don't know if that's any help.

23 **MR. ENGELMANN:** So, sir, I understand that
24 as a result of your briefing from Staff Sergeant Derochie
25 he's discussing the possibility of a criminal investigation

1 of Mr. Dunlop as opposed to *Police Services Act* charges?

2 MR. REPA: I take it that's what he had said
3 earlier, yes.

4 MR. ENGELMANN: And he's telling you that
5 Inspector Hall is saying it's not within the Project Truth
6 mandate to investigate Dunlop?

7 MR. REPA: That's true, it wasn't.

8 MR. ENGELMANN: And he's also saying to you
9 that he feels duty bound to look into this, this being
10 Staff Sergeant Derochie?

11 MR. REPA: Yes, sir.

12 MR. ENGELMANN: Was that your view as well,
13 sir?

14 MR. REPA: If the offences occurred in
15 Cornwall and he is our officer then there is an onus on us
16 to do something, to at least begin a process of something
17 and whether we're going to carry it all the way or not is
18 another issue. But if a sworn police officer tells me he
19 has evidence of a criminal offence and Project Truth aren't
20 going to do it because of their mandate, then somebody has
21 to look at it, at least start some process.

22 MR. ENGELMANN: Well, are you aware, sir,
23 that Staff Sergeant Derochie would have consulted with an
24 outside Crown by the name of Marc Garson in late October of
25 '99?

1 **MR. REPA:** Oh, yes, he would have told me
2 that, yes. I would have been aware of that.

3 **MR. ENGELMANN:** And would that have been at
4 your instruction if he was going to an outside Crown?

5 **MR. REPA:** No, outside -- we're talking
6 about -- Constable Perry Dunlop was a police officer at
7 this time when these alleged offences were committed.

8 In 1991, Policing Services sent out what we
9 refer to as an "All Chiefs Letter" and it was very clear
10 that any criminal complaints about police officers, other
11 than what I suppose SIU is mandated it to do, that a Crown
12 brief had to be forwarded to a regional Crown -- a regional
13 director of Crown Attorneys. You couldn't go to your local
14 Crown Attorney.

15 That's just following -- that came from the
16 Attorney General's office to Policing Services and then it
17 went to an All Chiefs letter in 1991 to all police services
18 in Ontario. So that's just following our directions to
19 comply with the Attorney General's directions.

20 **MR. ENGELMANN:** And, sir, would you be aware
21 that a written opinion was provided by this fellow, Marc
22 Garson?

23 **MR. REPA:** I would have been aware at the
24 time, yes.

25 **MR. ENGELMANN:** All right.

1 If we could just take a quick look at that?
2 It's Exhibit 1326. It would be right after the one you're
3 in.

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

5 **MR. ENGELMANN:** It's a long letter, sir.
6 This would have been in your materials. I just want to
7 touch upon a couple of points, if I may?

8 **MR. REPA:** Yes, sir, okay.

9 **MR. ENGELMANN:** There are a number of issues
10 canvassed in the letter.

11 For example, disclosure requirements of the
12 CPS, disclosure requirements of the Crown; you can see that
13 from the captions. And those would have been matters that
14 presumably he would have discussed with Staff Sergeant
15 Derochie.

16 There's this question about what's to be
17 done next and it appears, sir, that -- at least from the
18 way the letter is written -- what I'm talking about is on
19 Bates page 363, the caption "Issue 3: What are the next
20 steps to be taken?"

21 **MR. REPA:** Yes, sir.

22 **MR. ENGELMANN:** It appears from at least how
23 it's written, is that your Service was asking the Crown for
24 some advice about what to do next with Perry Dunlop.

25 If you look at the first paragraph under

1 that caption, sir, it seems to be giving a fairly clear
2 statement to you. It says:

3 "As indicated earlier, it is not the
4 role of the Crown to advise police how
5 to regulate the conduct of an
6 individual officer. However, it is our
7 view that such conduct may have the
8 effect of adversely affecting the
9 constitutional rights of persons
10 charged with criminal offences in
11 relation to these complainants."

12 Right? So he's saying we're not going to
13 tell you how to regulate the conduct of your officer;
14 correct?

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** And he's also saying that if
17 you want to go further with this and some of the apparent
18 inconsistencies from a preliminary inquiry, et cetera, that
19 -- right at the bottom of the page he says:

20 "Our preliminary observation in this
21 matter is that it would be a potential
22 conflict for your Police Service to
23 commit to any form of criminal
24 investigation in this matter given the
25 history of events that have occurred."

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** So he's essentially saying
3 that if you're serious about proceeding with this, you
4 should really have another police force do it?

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

6 **MR. ENGELMANN:** And, sir, following up on
7 this, my understanding if you look at the next Exhibit 1327
8 is that you would have received a briefing from Staff
9 Sergeant Derochie?

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** And this is the internal
12 correspondence that we see at Exhibit 1327. It's dated
13 November 26, 1999?

14 **MR. REPA:** Yeah, yes, sir.

15 **MR. ENGELMANN:** And you would have written a
16 note at the bottom of the page?

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** Just referring to the fact
19 that you met with Staff Sergeant Derochie about this?

20 **MR. REPA:** Yeah.

21 **MR. ENGELMANN:** And that you're concurring
22 with his opinion to you or his recommendation to you?

23 **MR. REPA:** Yes, sir.

24 **MR. ENGELMANN:** All right. So let's just
25 look at that quickly.

1 He's talking about the fact you had the
2 meeting, in the first paragraph, and some of the issues
3 that were resolved. He says in the second paragraph that:

4 "Mr. Garson suggested that should I
5 feel an investigation is warranted that
6 it should be conducted by a police
7 force other than our own, you know,
8 whether it's an actual conflict or not
9 it's certainly a perceived one."

10 All right?

11 **MR. REPA:** Yes, sir.

12 **MR. ENGELMANN:** And then he says in the
13 third paragraph:

14 "The purpose of this memorandum,
15 therefore, is to inform you that in my
16 opinion there exists sufficient
17 evidence to suggest that the actions of
18 Constable Dunlop, as it relates to his
19 testimony at the Lalonde preliminary
20 hearing, should be examined more
21 closely."

22 And he then goes on further to say that we
23 should seek the -- ask for the assistance of another police
24 service to investigate. Fair enough?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** And he talks in the next
2 paragraph about apparent lack of cooperation in providing
3 disclosure.

4 So on the first one -- sorry. He then says
5 he's not convinced that Constable Dunlop has made full
6 disclosure despite various efforts, and that's at the
7 bottom of the page.

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

9 **MR. ENGELMANN:** And he talks about having a
10 further meeting with the officer, the officer being Officer
11 Dunlop, to go through some of those concerns.

12 And again, he's talking about, on the second
13 page, middle paragraph, that he intends to issue precise
14 and direct orders that certain practices be discontinued.

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** And you concurred with that
17 as well?

18 **MR. REPA:** Yes, I would have -- if I've got
19 on here I concur, then after reading it and discussing it,
20 I would have -- like it doesn't leave anything out. It
21 just says, "I concur," so that would have been the whole
22 letter, sir.

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

24 Okay. So that's going to have an external
25 police agency look at this and issuing some fairly direct

1 and precise orders to Constable Dunlop about future action.

2 MR. REPA: Yes, sir.

3 MR. ENGELMANN: All right.

4 He also says, and I'm looking at the third-
5 last paragraph:

6 "I intend to prepare a brief which will
7 set forth my reason to believe that
8 Constable Dunlop has disobeyed orders
9 given to him by Inspector Trew with
10 regards to disclosure issues and how he
11 was negligent in his duties as a police
12 officer. I intend to seek legal
13 counsel on the merits of proceeding
14 with *Police Act* charges."

15 MR. REPA: Yes, sir.

16 MR. ENGELMANN: And that would have been
17 going to see probably Ms. Bordeleau again about whether or
18 not to do that.

19 MR. REPA: Yes.

20 MR. ENGELMANN: Is that fair?

21 MR. REPA: Yes, yes.

22 MR. ENGELMANN: All right.

23 Then he would have -- there would have been
24 further correspondence from Staff Sergeant Derochie to you
25 at Exhibit 1329. So it appears that what's happening here

1 is that Staff Sergeant Derochie is giving you some
2 background.

3 **MR. REPA:** Yes.

4 **MR. ENGELMANN:** Is that what you had
5 requested, a memo that set out some background facts for
6 you information?

7 **MR. REPA:** I don't recall if I requested
8 background information but it is certainly always helpful
9 to sort of start at the beginning and work forward and --
10 without jumping in. I would not have objected to receiving
11 the background information.

12 **MR. ENGELMANN:** Would this have been
13 something you wanted before you wrote a letter to an
14 outside police force asking for action?

15 **MR. REPA:** This would have been Staff
16 Sergeant Garry Derochie being very correct in his -- in
17 reporting to me on a very serious matter.

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

19 And the facts that are contained herein,
20 they would not be facts within your personal knowledge?

21 **MR. REPA:** Well, I would have a -- you mean
22 going back to when this all started with DS?

23 **MR. ENGELMANN:** Well, he sets out a number
24 of background facts from '93, '94, '96. This is his work
25 that he's providing to you.

1 **MR. REPA:** Yes, and I would have had a
2 working knowledge of all of these facts over the years,
3 especially when being briefed by Chief Carl Johnston, yes.

4 **MR. ENGELMANN:** Fair enough.

5 **MR. REPA:** A working knowledge.

6 **MR. ENGELMANN:** And, sir, as I understand
7 it, some time after you received this memo, you contact
8 Chief Ford at the Ottawa Police Service and you ask his
9 force to investigate these issues.

10 **MR. REPA:** Yes, that's correct.

11 **MR. ENGELMANN:** And I believe you may have
12 called him but you certainly follow up with a letter.

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** And that letter is, I think,
15 the next Exhibit 1328.

16 **MR. REPA:** Thirteen; I'm sorry?

17 **MR. ENGELMANN:** Thirteen twenty-eight
18 (1328). Do you have that, sir?

19 **MR. REPA:** Yes, sir.

20 **MR. ENGELMANN:** And you ask for essentially
21 two things to be investigated that are issues surrounding
22 the Lalonde prosecution.

23 **MR. REPA:** Okay.

24 **MR. ENGELMANN:** And also issues coming up at
25 another preliminary inquiry. That's in paragraph 2, and

1 information from a Crown attorney by the name of Robert
2 Pelletier.

3 MR. REPA: Yes, sir.

4 MR. ENGELMANN: And that would have been
5 from a preliminary inquiry involving an accused by the name
6 of Father Charles MacDonald.

7 MR. REPA: Okay.

8 MR. ENGELMANN: Now, after this was taken on
9 by the Ottawa Police Service, would you have been briefed
10 from time to time about their investigation from Staff
11 Sergeant Derochie?

12 MR. REPA: I don't recall if I was or if
13 Ottawa Police just went and did their thing and then we
14 found out the results. I imagine there was interaction
15 between Staff Sergeant Derochie and the Ottawa Police to
16 ascertain documents and papers, but really until their
17 investigation is concluded and they have an opinion from
18 the Regional Director ---

19 MR. ENGELMANN: All right.

20 MR. REPA: --- we just wait until it's done.

21 MR. ENGELMANN: Well, sir, you did get a
22 final report from the Ottawa Police Service in late July of
23 2000?

24 MR. REPA: Yes, we did receive a final
25 report and I believe attached to it was a letter from the

1 Regional Director of Crown Attorneys.

2 MR. ENGELMANN: All right.

3 MR. REPA: The Crown Attorney.

4 MR. ENGELMANN: If you could just look
5 briefing at Exhibit 1407.

6 THE COMMISSIONER: No, that will be in
7 another book.

8 MR. ENGELMANN: Do you have that, sir?

9 MR. REPA: Yes, sir.

10 MR. ENGELMANN: And essentially what happens
11 is when they report to you, in the second paragraph, this
12 is the issue about looking into the concerns that Crown
13 attorney Bob Pelletier may have had.

14 MR. REPA: Yes, sir.

15 MR. ENGELMANN: And they advise you that
16 these concerns were investigated and they're
17 unsubstantiated. Correct?

18 MR. REPA: That's correct, sir.

19 MR. ENGELMANN: And, sir, with respect to
20 the second matter dealing with Lalonde, they talk about
21 that about the fifth paragraph down: Three allegations of
22 inconsistencies in Constable Dunlop's testimony; dealt
23 quickly with the first two allegations and inconsistencies;
24 decided these could not be proven beyond a reasonable
25 doubt. Then on the issue of the third allegation, he said

1 to prove perjury would be extremely difficult.

2 MR. REPA: Yes.

3 MR. ENGELMANN: All right. And he goes on.

4 MR. REPA: Yes.

5 MR. ENGELMANN: So no reasonable prospect of
6 conviction.

7 MR. REPA: That's correct.

8 MR. ENGELMANN: So they indicate to you that
9 their service will not be proceeding with any kind of
10 charge. Fair enough?

11 MR. REPA: That's correct.

12 MR. ENGELMANN: Now, sir, the other issue
13 that your Force had consulted with Regional Crown Garson on
14 was the issue of -- or the other issue that had arisen was
15 issuing precise and direct orders to Constable Dunlop.

16 I understand, sir, that was acted upon in
17 January of 2000?

18 MR. REPA: I believe it was, yes. Yes.

19 MR. ENGELMANN: And we have this in a couple
20 of places but I'm just going to turn you to the document
21 that Mr. Dunlop would have prepared. This is between April
22 and -- sorry, January and April 2000. This is a very long
23 Will State that he would have been working on.

24 MR. REPA: By Constable Dunlop?

25 MR. ENGELMANN: Yes.

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** And it's Exhibit 579.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. REPA:** Thank you.

5 **THE COMMISSIONER:** While there's a lull in
6 the action, Chief, can I ask you a question about when
7 somebody is on long-term disability or off -- yeah, on
8 disability, what happens to his gun and badge? Does he
9 keep that or does he have to bring that back in?

10 **MR. REPA:** The badge ---

11 **THE COMMISSIONER:** Badge and gun.

12 **MR. REPA:** The badge, the officer can keep
13 obviously because the only time a badge is surrendered is
14 if the officer is suspended from duty.

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

16 **MR. REPA:** On long-term disability, the
17 guns, the orders are the guns have to stay -- the firearms
18 have to stay at the station unless there's a -- under the -
19 - the Ontario standards there's a -- or somewhere in our
20 laws in Ontario, there's a provision for a chief of police
21 to permit firearms to be stored at home.

22 I did it once for a canine officer. If he
23 gets called out at three in the morning, the scent goes
24 stale if he has to come to the station and get his gun. So
25 if he can leave right from his house ---

1 **THE COMMISSIONER:** But he was -- oh, you're
2 saying in the normal course guns stay at the station.

3 **MR. REPA:** At the station.

4 **THE COMMISSIONER:** All right. And officers
5 go home no guns.

6 **MR. REPA:** No guns.

7 **THE COMMISSIONER:** All right. Okay.

8 **MR. REPA:** There is provision to store guns
9 at home, but we must ensure that it conforms with the
10 *Criminal Code* for safe storage. And that -- I did that,
11 once, in Cornwall.

12 **THE COMMISSIONER:** But so it -- for Dunlop,
13 he would not have had his firearm but he would have had his
14 badge?

15 **MR. REPA:** Yes, sir.

16 **THE COMMISSIONER:** While he was off duty?

17 **MR. REPA:** Yes, sir.

18 **THE COMMISSIONER:** When he was off on leave?

19 **MR. REPA:** On leave, yes, sir.

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

21 **MR. ENGELMANN:** Does everyone have the will
22 state document?

23 **MR. REPA:** Yes, sir.

24 **MR. ENGELMANN:** Sir, I'm really, really
25 interested in the first couple of pages. It's Bates page

1 901 and 902.

2 And I'm just going to ask you if you've seen
3 this before? It's a two-page order from a Staff Sergeant
4 Derochie to Constable Dunlop, dated January 10th, 2000.

5 **MR. REPA:** Yes, I would have seen this.
6 They ---

7 **MR. ENGELMANN:** As Staff Sergeant Derochie
8 indicated to us, he consulted with a number of people,
9 perhaps even yourself, but there was legal counsel involved
10 and other people in the drafting of this order?

11 **MR. REPA:** I don't know if I had input into
12 this because this gets quite technical, but I would
13 definitely have seen it at the time, yes.

14 **MR. ENGELMANN:** Right. And you would have
15 approved this course of action?

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** Okay. Because you were
18 aware, sir, that about three years earlier there had been a
19 much briefer order ---

20 **MR. REPA:** Yes, sir.

21 **MR. ENGELMANN:** --- issued by Inspector Trew
22 ---

23 **MR. REPA:** Yes.

24 **MR. ENGELMANN:** --- in the summer of '97?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** And it was at least Staff
2 Sergeant Derochie's view and I guess your view as well ---

3 **MR. REPA:** Yes, sir.

4 **MR. ENGELMANN:** --- that a more direct,
5 precise order needed to be issued?

6 **MR. REPA:** Yes, sir.

7 **MR. ENGELMANN:** Right. And why did you
8 think that was the case at this time or were you just
9 acting on the advice from the Crown and Staff Sergeant
10 Derochie's opinion?

11 **MR. REPA:** Why did I think it was necessary
12 to issue this follow-up, detailed order to Constable
13 Dunlop?

14 **MR. ENGELMANN:** Yes.

15 **MR. REPA:** Well, first of all, I would have
16 thought that the first order would have been sufficient to
17 have any police Officer comply.

18 This idea of not interfering with witnesses
19 and disclosure is what any basic recruit of Police College
20 knows to do.

21 To have to be told this in detail -- I've
22 never seen this -- this has never been, to my knowledge,
23 ever been done before. This is incredible that we had to
24 do this.

25 But to ensure that the cases before the

1 court -- it was our way of trying to assure that Constable
2 Dunlop would comply with what his sworn duty was to do, and
3 the Police Act says you will assist with prosecutions or
4 words to that effect.

5 He -- Constable Dunlop had an oath. He was
6 not complying with that oath of office. He was not
7 following the rules and regulations in the Ontario *Police*
8 *Services Act*.

9 This -- we -- no police Officer -- if I had
10 been given this, I would have been humiliated and
11 embarrassed as a police Officer to do this -- to receive
12 this. I would have been humiliated to receive the first
13 written order. This is basic recruit training 101.

14 So that it had to be done was to ensure the
15 correct progress of the cases through court, that the Crown
16 Attorneys had everything -- that all the documents and
17 information and evidence that Constable Dunlop had.

18 And basically, to break it down this finite,
19 I was even -- I was even surprised. No police officer
20 should ever have to be told this. This is their sworn
21 duty; everybody knows what to do. I -- that's about it. I
22 don't know how -- what else to say. It was unbelievable.

23 **MR. ENGELMANN:** Do you know if he was
24 humiliated and embarrassed when he was given this order?

25 **MR. REPA:** I don't know, sir. I don't know.

1 I wasn't there. I don't know how he reacted to it.

2 MR. ENGELMANN: Now, on parts of this -- I
3 just want to go over a part of this. Your comment about
4 not interfering with witnesses; not meddling in cases?

5 MR. REPA: The general -- without reading
6 every word in here, that was the general gist of everything
7 that was going on.

8 MR. ENGELMANN: But a lot of this dealt with
9 disclosure, did it not, as well?

10 MR. REPA: Yes.

11 MR. ENGELMANN: And disclosure of, for lack
12 of a better word, investigative work he may have done when
13 he was not on active duty?

14 MR. REPA: Sir, a police officer, as long as
15 they are a member of a police service, is never off duty.
16 He can be on vacation in the Bahamas; he's still on duty as
17 a police Officer.

18 MR. ENGELMANN: No, no, I -- and I think you
19 made that point earlier, but just on this issue, he was off
20 work on LTD when much of this material was prepared;
21 correct?

22 MR. REPA: That is my understanding, yes.

23 MR. ENGELMANN: And he was involved in a
24 civil suit against the Police Force ---

25 MR. REPA: Yes, sir.

1 **MR. ENGELMANN:** --- during this period of
2 time?

3 **MR. REPA:** Yes, sir.

4 **MR. ENGELMANN:** And you were aware that,
5 rightly or wrongly, he was being given some advice by a
6 lawyer about what to disclose and what not to disclose?

7 **MR. REPA:** Then I would say it was wrongly.

8 **MR. ENGELMANN:** Fair enough.

9 And, sir, there was an issue that arose both
10 in March of '99, and Staff Sergeant Derochie looked into
11 this, and then again when he sought the opinion of the
12 outside Crown in the fall of 1999. There appeared to be
13 some confusion about whether his investigations were those
14 of a police officer or of a private citizen, and those were
15 issues that were discussed with ---

16 **MR. REPA:** Who had this confusion?

17 **MR. ENGELMANN:** Well, that was one thing ---

18 **MR. REPA:** Because it certainly wasn't me.

19 **MR. ENGELMANN:** Okay, but it was one of the
20 issues that Staff Sergeant Derochie was asking for advice
21 from Mr. Garson on.

22 **MR. REPA:** Well, that's fair. Mr. Garson
23 would be advising on criminal matters.

24 Perry -- Constable Dunlop came under the
25 *Police Services Act*. It had nothing to do with a Crown

1 Attorney.

2 Let me just -- if I can just make this
3 clear, Mr. Engelmann.

4 The moment any police officer -- and I'll
5 take it away from Constable Dunlop -- the moment any police
6 officer takes an oath, until the date of his retirement, no
7 matter if he's off on stress leave, sick leave, he's got a
8 broken leg, no matter where he is, he is a police officer.
9 He or she is a police officer.

10 If they ascertain a complaint of a criminal
11 evidence, anything, their duty is to immediately commence
12 or have -- not that they have to do it, but have an
13 investigation commenced.

14 There is no, well, I've got a civil action
15 so check with my lawyer first. No. You are a police
16 officer first, the civil action comes second.

17 And that is the position I took and I
18 maintain.

19 **MR. ENGELMANN:** And I hear you and I hear
20 you on whether he's on active duty or not, but what I'm
21 saying to you is it appears that others had some confusion
22 about this?

23 **MR. REPA:** That's fine.

24 **MR. ENGELMANN:** And those others might have
25 included the Regional Crown and also Staff Sergeant

1 Derochie.

2 And I want to just take you to something on
3 this, so that ---

4 **MR. REPA:** Yes, sir.

5 **MR. ENGELMANN:** Let's go back to 1325 for a
6 minute. If you -- do you still have that exhibit binder?

7 **MR. REPA:** Thirteen-twenty-five (1325)?

8 **MR. ENGELMANN:** These are Staff Sergeant
9 Derochie's notes.

10 **THE COMMISSIONER:** He should have it.

11 **MR. ENGELMANN:** It may have been ---

12 **MR. REPA:** Yes I do, yes. I have it.

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

14 If we start at the bottom of Bates page 321
15 ---

16 **MR. REPA:** Three-two-one (321)?

17 **MR. ENGELMANN:** Yes. Just for reference,
18 it's dated October 29th, '99, it's a Friday, and this is
19 when Staff Sergeant Derochie goes to meet with Mr. Garson.

20 So you see that:

21 "Meeting with Regional Director of
22 Crown Attorneys..."

23 **MR. REPA:** Yes.

24 **MR. ENGELMANN:** "...for Southwestern
25 Ontario, Marc Garson."

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** And he goes on:

3 "Reason for..."

4 This is on Bates 322.

5 "Reason for meeting is to get his
6 opinion on how the we, CPS, should
7 begin the investigation into Dunlop's
8 involvement with the Lalonde matter and
9 to express our concerns about the
10 impact Dunlop is having on Project
11 Truth."

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

13 **MR. ENGELMANN:** And it goes on onto the next
14 page, bottom of -- well, sorry, bottom page 3222.

15 "Garson was somewhat familiar with the
16 issues involved. Does not believe CPS
17 should undertake any inquiries other
18 than disclosure issues as they relate
19 to Lalonde. He's troubled by the fact
20 that issues also impact on Project
21 Truth. Will give matter some thought.
22 His opinion with regards to Dunlop's
23 status during his 'investigations' is
24 that he was acting as a private
25 citizen, although it appeared that he

1 would consider that further."

2 All right?

3 **MR. REPA:** Yes, sir.

4 **MR. ENGELMANN:** So as I was saying, sir, on
5 the disclosure aspect, at least back in the fall of '99,
6 there seems to be some confusion, some uncertainty, about
7 his role when he's not on active duty.

8 **MR. REPA:** Only on the part of this one
9 Crown Attorney; not on the part of the Chief of Police or
10 any knowledge that I had about where this goes.

11 **MR. ENGELMANN:** Now, clearly, in his letter,
12 he says very clearly that there's a duty to disclose this
13 material?

14 **MR. REPA:** Yes.

15 **MR. ENGELMANN:** And that's -- and we looked
16 at it -- that's Exhibit 1326, the next document.

17 **MR. REPA:** Yes, sir.

18 **MR. ENGELMANN:** Where and -- I think he
19 clearly says that there's a duty to disclose this material
20 whether he was off duty or not -- or off active duty?

21 **MR. REPA:** Yes, sir.

22 **MR. ENGELMANN:** And talks about the Crown's
23 requirements to disclose all relevant information to
24 defence counsel?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** I guess all I'm saying is
2 that there -- it may not have been as clear-cut at the time
3 for Mr. Dunlop as you're saying it is today, in the sense
4 that this issue about LTD, active duty, civil suit,
5 investigations as a private citizen or a police officer
6 and, you know, this issue about discussions between Staff
7 Sergeant Derochie and the Crown?

8 **MR. CALLAGHAN:** Mr. Commissioner ---

9 **THE COMMISSIONER:** Yes.

10 **MR. CALLAGHAN:** --- I'm not sure that the
11 characterization is a little more fulsome than that.

12 We're talking about a meeting with Mr.
13 Garson where there is one note. You heard the evidence of
14 Staff Sergeant Derochie who also explained that he had no
15 confusion. In fact, he talked about going to the court on
16 October 5th when it was adjourned and the judge had no
17 confusion that there was an obligation to disclose.

18 So I don't think it's fair to characterize
19 there being confusion on the basis of a note. Mr. Garson
20 will have to come and testify as to what he thought, but
21 there was much more than this little note that was going on
22 at the time.

23 As I say, including the attendance before
24 the judge on October 5th I believe it was, and the judge
25 made it clear to the Crown and the Crown made it clear to -

1 - that's Crown Wilhelm to Staff Sergeant Derochie -- and he
2 made it clear that he was having an order done because he
3 had the duty to disclose. I'm not sure that there was the
4 confusion that's being ---

5 **THE COMMISSIONER:** Well, there's some
6 question.

7 **MR. CALLAGHAN:** Maybe in respect of Mr.
8 Garson who clarifies a letter. I don't think that the
9 evidence is there is any confusion as to the rest of it.

10 **THE COMMISSIONER:** Oh, okay. Did somebody
11 pose that question to Mr. Garson?

12 **MR. CALLAGHAN:** I'm not sure the question
13 was posed. I think the question is, what do we do about
14 it? This is a note of a discussion with Mr. Garson. I
15 don't think the question was posed. The question was
16 posed, now, how do we deal with this?

17 **THE COMMISSIONER:** Right.

18 **MR. CALLAGHAN:** Not whether we understood
19 that we had to get Mr. Dunlop to provide disclosure. That
20 was the whole purpose of Inspector Trew which you heard his
21 evidence as well.

22 I'm just -- I'm not sure it's a fair
23 characterization saying there was confusion. We'll hear
24 from Mr. Garson as to whether he was truly confused or what
25 he recalls of the conversation with Staff Sergeant

1 Derochie.

2 I don't actually recall a line of
3 questioning of Staff Sergeant Derochie regarding that part
4 of the note, but I don't think it's fair to suggest as to
5 why the confusion.

6 **THE COMMISSIONER:** Well, we'll take out the
7 word "confusion". I think that it's fair to say that at
8 some point somebody thought it was a live issue.

9 **MR. CALLAGHAN:** I'm not even sure that's --
10 I don't know where that evidence comes from.

11 **THE COMMISSIONER:** Well, Mr. Garson ---

12 **MR. CALLAGHAN:** Well, there's a note saying
13 that ---

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

15 **MR. CALLAGHAN:** --- he raised the issue with
16 Mr. Garson.

17 **THE COMMISSIONER:** Right, and it's clear
18 that in his notes at 315, you know, Derochie is very clear:

19 "I told him that my position will be
20 that Dunlop is and has always been a
21 police officer and is subject to the
22 duties imposed on people who hold that
23 office."

24 **MR. CALLAGHAN:** Right.

25 **THE COMMISSIONER:** Okay. So somebody is

1 talking about it?

2 **MR. CALLAGHAN:** Well, I think there was --
3 what we're talking about is a discussion, not by this
4 witness obviously, but Staff Sergeant Derochie and Mr.
5 Garson about -- of an issue. There's no doubt other than
6 this note and a discussion with Mr. Garson, and we'll
7 obviously hear from Mr. Garson, Staff Sergeant Derochie
8 already having testified, we'll hear about it.

9 But I'd ask is it fair to say, based on
10 this, there was a confusion? Claudette Wilhelm had no
11 confusion. The judge had no confusion back -- Trew had no
12 confusion.

13 **THE COMMISSIONER:** And how come it's in
14 Hall's notes at 315 -- in Derochie's notes that he's
15 talking about it with Hall? I'm saying that it may have
16 been brief. It may have been -- but it was out there.
17 Somebody ---

18 **MR. ENGELMANN:** The key here is not whether
19 the judge has confusion or not, whether the Crown
20 prosecutor at the end of the day has no confusion, the key
21 is whether or not a police officer in Mr. Dunlop's
22 situation might have had some confusion given some of those
23 intervening facts, in my respectful submission.

24 So that was my line of questioning of Chief
25 Repa and that's all.

1 **THE COMMISSIONER:** And what was the
2 question, again?

3 **MR. ENGELMANN:** Well, I gave him some -- Mr.
4 Repa had said, you know, this shouldn't be necessary; it
5 should have been clear-cut.

6 **THE COMMISSIONER:** Right.

7 **MR. ENGELMANN:** He's the Chief of Police or
8 a former Chief of Police and clearly there's no confusion
9 in his part given some of these other issues. The fact
10 that he's on LTD, he's doing some of this work when he's
11 not on active service, the fact that this is a discussion
12 being raised between a senior police officer and a Crown
13 about, you know, what are the responsibilities in these
14 circumstances. So there's some at least question about
15 whether there's confusion or not, the fact that he's
16 getting advice from a civil lawyer and perhaps very bad
17 advice from the civil lawyer about what he should or should
18 not be disclosing.

19 **THE COMMISSIONER:** Well, that has to do with
20 whether it's privileged or not.

21 **MR. ENGELMANN:** I know, but it comes to
22 whether or not -- it comes to issues about Dunlop and
23 whether or not he needs a precise order ---

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

25 **MR. ENGELMANN:** --- to disclose so that it's

1 very clear.

2 That's the only point I was making.

3 **THE COMMISSIONER:** Okay.

4 **MR. ENGELMANN:** And anyway, we've had
5 submissions now. I'll move on.

6 **THE COMMISSIONER:** Yeah.

7 **MR. ENGELMANN:** I'm not sure if it was.

8 Let me ask you this, sir. At this time, did
9 you have any reason to suspect or believe that Constable
10 Dunlop was intentionally attempting to harm these criminal
11 prosecutions?

12 **MR. REPA:** You're asking me if I thought he
13 had intent?

14 **THE COMMISSIONER:** Well, do you have any
15 suspicions or like -- at that time what did you -- did you
16 have any thoughts on what Dunlop was trying to do?

17 **MR. REPA:** Well, I certainly can't answer to
18 whether he had intent to harm or not but I ---

19 **MR. ENGELMANN:** What's your belief, sir?
20 I'm asking about your belief.

21 **THE COMMISSIONER:** So did you at that time
22 have a belief that he was intent on sabotaging or ---

23 **MR. REPA:** No, I can't say that I had --
24 that he had intent on sabotaging because that wouldn't make
25 sense to me because his whole approach was he wanted the

1 accused persons to be held accountable for their alleged
2 sexual misconduct with young people. So that didn't make
3 any sense to me.

4 I just was -- I suppose -- I'm trying to
5 come up with the correct word. It's not his intent, only
6 he could answer that, but I think the word probably was I
7 was having difficulty trying to understand his behaviour.

8 If I can just have an analogy, make an
9 analogy here? You've got the Cornwall Police, the OPP and
10 the Crown all swimming up this river with the current and
11 now we've got Perry Dunlop swimming against the current
12 coming at us. Everything he was doing, not -- and I want
13 to make this very clear -- not in his capacity when he
14 reported to work and was a uniform constable, I have
15 absolutely no concerns or issues with Constable Dunlop when
16 he reported to work and went out on patrol and was the
17 first responder. As a matter of fact, I thought he was
18 doing a very good job because I heard nothing negative. So
19 then everything was fine.

20 What I am talking about here is when
21 Constable Dunlop became involved with all of these issues
22 that are before us today. I could not for the life of me
23 understand how an experienced police officer who talked
24 about and espoused wanting to get all these pedophiles and
25 put them -- held them accountable for their alleged

1 actions, how he could suddenly not be doing the very basics
2 of policing to assist the Crown Attorney in a very quick
3 manner to expedite, turning all these documents over and
4 giving evidence.

5 And then the issues of coaching witnesses
6 and telling witnesses what to say and whatever, I was
7 astounded. I didn't know what to think. I couldn't put a
8 label on it. It was foreign to everything the police do.
9 And our dealing with it was, in my mind, Constable Dunlop -
10 - and I have to separate the two from when he worked in
11 uniform with us and he was doing this -- he lowered the
12 bar. He lowered the standard and he chose for whatever
13 reason, and I don't know, to disregard all police
14 procedures and standing orders and protocols.

15 Our problem in dealing with Constable Dunlop
16 was we couldn't lower the bar. We had to stay on the high
17 road so that each time these incidents were presented to us
18 -- and they were numerous obviously and detailed -- we
19 couldn't say, "Well, okay. Well, obviously Constable
20 Dunlop's got a litany of things here. Let's lower our
21 standard, charge him, take him before a misconduct hearing
22 and do this.

23 No, we had to keep our standard high, where
24 his should have been relating to these matters and take
25 each case individually, each alleged misconduct

1 individually and deal with it individually and -- and see;
2 do we have the necessary -- do we have the necessary
3 evidence to proceed at a high standard?

4 And then the next thing we had to think
5 about was, in the case of the intercom system ---

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

7 **MR. REPA:** --- okay, is -- is it going to be
8 worth it to do this and -- and injure two families, hurt
9 their feelings?

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

11 **MR. REPA:** And -- and so each case was taken
12 separately on its own merit and the others were put aside
13 when we were deciding what to do.

14 I -- I can honestly say in -- in my 40 years
15 of policing, I don't think -- and it could be out there,
16 but in my knowledge and I read all the Ontario Police
17 reports on all the -- there were two binders -- for years I
18 read them in Halton on all police proceedings of misconduct
19 and my knowledge in meeting with other Standards Officers
20 and that, I don't think any police officer has had as much
21 misconduct, disciplinary contact -- one officer -- as
22 Constable Dunlop did. This -- it was unbelievable and it
23 caused us to really think each time we moved what we were
24 going to do because the bigger picture was with all the
25 criminal actions ongoing, we couldn't do something to

1 interfere with it. We didn't want to do -- that was the
2 last thing I wanted to do.

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

4 **MR. REPA:** So to say -- the original --
5 going back to the original question, what was his mindset;
6 I have no idea. I was not pleased with what was occurring
7 and as long as he stayed on the Force, we were going to
8 address it with a lot of input, legal counsel and
9 discussions so that we kept our bar high and we would
10 address his -- his misbehaviour as best we could given the
11 bigger picture. So to answer the question, I don't know
12 what was in his mind.

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

14 So let me just try and wrap up what you've
15 just said. What you're saying, essentially, is that
16 despite his stated intentions and his goals of successfully
17 prosecuting pedophiles, what have you, that the effects of
18 his actions or inactions might have had the opposite
19 effect.

20 **MR. REPA:** It -- it appeared that his -- his
21 actions or inactions were contrary -- were a contradiction
22 to his stated views on pedophiles, and that was what was so
23 confusing. You'd think he'd want to be in there and just,
24 here, here, here and ---

25 **THE COMMISSIONER:** Yes, but you know this is

1 1999?

2 MR. REPA: Yes, sir.

3 THE COMMISSIONER: Okay.

4 He's been on sick leave for a couple of
5 years.

6 MR. REPA: Yes, sir.

7 THE COMMISSIONER: He has been the subject
8 of some police discipline in the beginning.

9 MR. REPA: Yes, sir.

10 THE COMMISSIONER: There's been -- he's got
11 evidence from Leroux that people want to kill him and his
12 family. He believes, maybe, that the former Chief of
13 Police, the Church, Murray MacDonald and everybody in there
14 with the Leroux Affidavit are pedophiles and that they are
15 getting away. And that in his lawsuit, he's got a lawyer
16 telling him there's some material that you don't have to
17 disclose because it's litigation privilege.

18 MR. REPA: Yes, sir.

19 THE COMMISSIONER: So you've got all of
20 those things which may or may not have been going on in his
21 mind where he might be seeing that the very people who are
22 trying to put pedophiles in jail are themselves pedophiles
23 and they're getting away with it. So that he's playing --
24 the people who are trying to do justice are the pedophiles,
25 are involved in this ring. So you know, with all of that,

1 one might understand why Mr. Dunlop is caught between a
2 rock and a hard place at times.

3 MR. REPA: Did you want me to respond to
4 that or ---

5 THE COMMISSIONER: Sure and then we'll take
6 a break.

7 MR. REPA: I -- I respect what you said, Mr.
8 Commissioner. I understand what you said.

9 THE COMMISSIONER: M'hm.

10 MR. REPA: All I can fall back on is I can't
11 -- I find it mind boggling that any experienced police
12 officer, any person -- he was a -- to me he's a normal,
13 rational human being; he certainly -- he was able to
14 perform his duties in uniform, to -- to believe that --
15 what he's believing in essence is and what you're saying he
16 -- I won't say he believed, but what his thought -- what
17 was going on in his mind was that the whole system of
18 justice in Eastern Ontario was corrupt. I mean that is a
19 stretch. You know, it's just unbelievable. I -- I can see
20 him being upset about being charged originally with a
21 *Police Act* misconduct and -- and his lawsuit. If he had
22 kept it to that, I could accept that because if he feel he
23 was -- if he felt he was grieved; yes, sue and -- and if
24 you can have satisfaction that way, get it.

25 Where he lost me was after the lawsuit for

1 being -- having the allegation of misconduct placed against
2 him and then to bring in all of this that the whole system
3 is -- is protecting pedophiles, that's where he kind of
4 loses me.

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

6 **MR. REPA:** To believe that, I'm sorry, I --
7 and probably today, Mr. Commissioner -- and I respect what
8 you said and you made it very clear and I -- I appreciate
9 that, but you know, it's been, what, five, six, seven years
10 later; I'm probably still a little confused as to the man's
11 thought process.

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

13 **MR. REPA:** I mean let's -- I'm going to give
14 you an analogy. I understand Mr. Dunlop is serving a six-
15 month jail term for failing to testify at this Inquiry.

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

17 **MR. REPA:** My understanding is when he
18 appeared before whatever court it was in Ontario he
19 appeared before, he was given a choice; either testify or
20 you go to jail. Mr. Dunlop was not sentenced to jail by
21 that court. Mr. Dunlop chose to go to jail for six months.
22 He was given a choice. He chose to not come before this
23 Inquiry. He chose to go to jail. In other words, the
24 power of this Inquiry, the power of the courts of Ontario
25 couldn't force or convince Mr. Dunlop to come here and

1 testify. That was the same Mr. Dunlop that we were dealing
2 with, that mindset to say, "No, I'm not going." What
3 normal human being, an ex-cop, would choose to go to jail?
4 He chose to go. The same Mr. Dunlop that chose to go, we
5 were dealing with as Constable Dunlop.

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

7 **MR. REPA:** I don't understand why he chose
8 jail. I don't understand why we had to do all this with
9 him. To say that he was in a civil litigation and that;
10 well, my position is, Mr. Commissioner, and I -- I just --
11 I will not back down from it because of all my experience
12 and training and his duty as a sworn -- he took a sacred
13 oath as a police officer; that was his primary duty. And
14 to suggest that the whole system of justice in Eastern
15 Ontario was corrupt; well, if that's what he believed, I
16 pity the man. I don't know what else to say.

17 **THE COMMISSIONER:** Thank you.

18 **MR. REPA:** Thank you.

19 **THE COMMISSIONER:** So let's take a break.

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

22 This hearing will resume at 11:30.

23 --- Upon recessing at 11:15/

24 L'audience est suspendue à 11h15

25 --- Upon resuming at 11:35/

1 L'audience est reprise à 11h35

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

4 This hearing is now resumed. Please be
5 seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Mr. Engelmann?

7 **MR. ENGELMANN:** Thank you.

8 **ANTHONY REPA, Resumed/Sous le même serment:**

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

11 **MR. ENGELMANN:** Mr. Repa, I want to go back
12 to one of the answers you gave just before the break and
13 they were long answers; you had a bit of a dialogue with
14 the Commissioner.

15 One of the things you said -- and my note on
16 this is that in almost 40 years of policing, words to that
17 effect, and after discussions with many others that you
18 were not aware of any police officer who had as much
19 misconduct, disciplinary contact as Constable Dunlop.

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** You said that before the
22 break.

23 **MR. REPA:** Yes, sir.

24 **MR. ENGELMANN:** And you said it was
25 unbelievable.

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

2 **MR. ENGELMANN:** Or words to that effect,
3 yes.

4 **MR. REPA:** Yes, sir.

5 **MR. ENGELMANN:** Now, sir, you were aware,
6 are you not, that after the *Police Service Act* charges were
7 stayed against Constable Dunlop in 1994 that although there
8 were some investigations, preliminary or full, by officers
9 of your -- of your Force, there were no charges under the
10 *Police Services Act*, there were no hearings and there were
11 no convictions against Perry Dunlop; correct?

12 **MR. REPA:** That's correct. Now you're
13 talking just in the nineties, you aren't referring to the
14 eighties then?

15 **MR. ENGELMANN:** Well we know that there was
16 something that happened in the mid-eighties, yes, but I'm
17 talking about your comment where you said, you know, in 40
18 years of policing we're not aware of any police officer who
19 had as much misconduct, disciplinary contact as Constable
20 Dunlop; it was unbelievable.

21 **MR. REPA:** Yes, sir.

22 **MR. ENGELMANN:** And what I'm going to
23 suggest to you and I think it's clear from the facts that
24 he has a *Police Services Act* case, there are charges; it
25 goes to a hearing, they're stayed, and that's in 1994.

1 And subsequent to that, during your tenure
2 as Chief, there are no charges laid against him, there are
3 no hearings held, and obviously therefore, there are no
4 convictions.

5 So I'm wondering how it is you can make this
6 statement that in 40 years of policing you're not aware of
7 any police officer who has had as much misconduct,
8 disciplinary contact as Perry Dunlop?

9 **MR. REPA:** Well, the key word there was
10 "contacts." I didn't say that he had findings of
11 misconduct against him. He had -- what we did was -- and I
12 can't go into every one but what we had was many issues
13 come up, allegations, complaints, that had I chosen to
14 direct it go to a misconduct hearing it could have gone.

15 So we initiated investigations or took
16 actions as January 10th, 2000; to me that is part of the
17 contact to discipline or correct an officer. It doesn't
18 have to be a formal -- I'm not talking *Criminal Code*
19 offences here where you have to be convicted before you can
20 say the person has a criminal record.

21 This is police discipline and it doesn't
22 have to go to the level of a misconduct hearing or a
23 charge. The very fact that we had to do this and follow-up
24 to Inspector Trew a few years earlier, the fact that we
25 investigated the intercom thing, the fact that he

1 repeatedly had to be asked and told to disclose, disclose,
2 that is what I meant, sir. That is -- that is the context
3 of the statement I made.

4 **MR. ENGELMANN:** Well you used the term
5 "misconduct" and "discipline."

6 **MR. REPA:** Yeah, well this is misconduct.
7 What he is doing or not doing is a form of misconduct,
8 although the formal allegations have been made. We made
9 the decision -- as I was saying about the high bar and the
10 low bar -- we made the decision rather than pursue charges
11 or do this we opted to counsel and redirect, reorder, not
12 go formal for the specific reasons in each case.

13 But the fact that we had to take an action,
14 even short of formal misconduct hearings, that is, in
15 essence, a form of police misconduct, to the point of
16 counselling; when you have to speak to an officer to
17 correct his -- his or her behaviour, that is misconduct,
18 minor not major.

19 It's controlling your Force, it's
20 controlling your staff.

21 **MR. ENGELMANN:** But, sir, in serious cases
22 police forces lay charges; correct? Serious cases of
23 misconduct.

24 **THE COMMISSIONER:** *Police Act* charges.

25 **MR. ENGELMANN:** *Police Act* charges, either

1 Chief complaints or public complaints; correct?

2 MR. REPA: It's up -- that is at the
3 discretion of the Chief of Police.

4 MR. ENGELMANN: There can be hearings?

5 MR. REPA: Yes, there can be hearings.

6 MR. ENGELMANN: And certainly when
7 misconduct is proven there are convictions?

8 MR. REPA: Findings of misconduct, yes.

9 MR. ENGELMANN: Right. And that can lead to
10 suspensions or ---

11 MR. REPA: Yes, the penalty field is wide
12 open once there's a finding, yes.

13 MR. ENGELMANN: And there are all sorts of
14 job actions that ---

15 MR. REPA: Yes.

16 MR. ENGELMANN: --- police forces, as
17 employers can take ---

18 MR. REPA: Yes.

19 MR. ENGELMANN: --- whether that's written
20 reprimands, suspensions ---

21 MR. REPA: Yes, sir.

22 MR. ENGELMANN: --- or right up to and
23 including firing?

24 MR. REPA: Yes, sir.

25 MR. ENGELMANN: None of those were pursued?

1 **MR. REPA:** Well, I will agree with you that
2 there were no formal allegations of misconduct laid. But
3 you've taken one snippet out of a whole exchange that I --
4 the whole presentation that I made.

5 Now, what I also said was that -- just give
6 me a minute here to collect my thoughts -- that our
7 reaction to his misbehaviour, misconduct, our reaction was
8 tempered by the criminal cases that were proceeding as a
9 result of the project -- joint forces charges and what was
10 going on in the court.

11 We had to be aware of what we were doing.
12 That is mentioned in my -- we were conscious of whatever
13 was going on was in -- it was around us, that envelope,
14 okay?

15 **MR. ENGELMANN:** But sir, we looked -- I know
16 we looked at at least one note of Staff Sergeant Derochie's
17 if not more, where rather than look at the *Police Services*
18 *Act* route you were looking at a criminal route with Dunlop
19 and he was saying, OPP may be concerned about affect on
20 other prosecutions but I'm not worried about it, if it's my
21 duty I'm going there.

22 Do you recall that?

23 **MR. REPA:** Well, let's not confuse the two
24 issues here. You have *Police Services Act* discipline.
25 Discipline means to train or correct, it's not to punish.

1 **MR. ENGELMANN:** Yes.

2 **MR. REPA:** That's the definition of
3 discipline, all right? Then you have criminal proceedings.
4 If a police officer comes to me and says, "I think I have
5 reasonable grounds to pursue this, put a brief into the
6 Regional Director of Crowns and then we'll get Ottawa to do
7 it or whatever," that is -- you're talking apples and
8 oranges, sir. We shouldn't cross the two up.

9 This is discipline, this is criminality.

10 **MR. ENGELMANN:** But sir, if you were afraid
11 of possible effect on other cases, surely the effect of a
12 criminal prosecution is going to be worse than a *Police*
13 *Services Act* charge, is it not?

14 **MR. REPA:** I would agree with that. But
15 that's not our decision; that's the decision -- we are
16 following directions from the Attorney General's Office.

17 If you have reasonable grounds to believe a
18 police officer, on or off duty, has committed a criminal
19 offence, you shall submit the Crown brief to a Regional
20 Director of Crown Attorneys.

21 I'm sorry, but the *Criminal Code* supersedes
22 the *Ontario Police Services Act* and I can't stop a police
23 officer from pursuing his reasonable and probable grounds
24 belief.

25 **MR. ENGELMANN:** All right. So, in the year

1 2000, after this order is issued, Mr. Dunlop is provided
2 with a work space; he's taken off regular duties and he's
3 told to get to work complying with the order?

4 MR. REPA: Yes.

5 MR. ENGELMANN: And preparing a Will State
6 about everything he did?

7 MR. REPA: Yes.

8 MR. ENGELMANN: And that takes place for
9 three months or so, until some time in April of 2000?

10 MR. REPA: Approximately, yes.

11 MR. ENGELMANN: During which time he
12 provides approximately nine boxes of materials and this 100
13 or so page Will-State Statement?

14 MR. REPA: Yes, sir.

15 MR. ENGELMANN: Correct?

16 MR. REPA: Okay, yes.

17 MR. ENGELMANN: And sometime in the summer
18 of 2000 are you informed about a letter that is sent by a
19 lawyer on his behalf, indicating that he would not be
20 returning to work; claiming that he was constructively
21 dismissed?

22 MR. REPA: Oh yes, sir. I -- that letter I
23 remember, yes.

24 MR. ENGELMANN: And sir, as I understand it,
25 at the request of the Board you have Staff Sergeant

1 Derochie prepare a report regarding a potential lawsuit
2 from Dr. Dunlop, dealing with his dismissal or his alleged
3 wrongful dismissal?

4 **MR. REPA:** Yes. As I recall and I'm sure we
5 have the documents, it was not only a letter but it of
6 course was in the media and naturally the Board was
7 concerned, for a variety of reasons.

8 **MR. ENGELMANN:** All right. And if you could
9 have a look, sir, at 1398, I'm not sure if you'll have it.

10 **MR. REPA:** Thirteen ninety-eight (1398)?

11 **MR. ENGELMANN:** One three nine eight (1398).

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. ENGELMANN:** As I understand it, there
14 was a letter from a Mr. Yegendorf in late June. There was
15 a Board meeting in early July and then Staff Sergeant
16 Derochie would have prepared this report for you,
17 presumably then for you to report to the Board.

18 **MR. REPA:** Yes, that's correct, sir.

19 **MR. ENGELMANN:** And what he did in this
20 report was he reviewed some of the assignments that Mr.
21 Dunlop had been given since his return to work in May of
22 '97.

23 **MR. REPA:** I think he started right at the
24 beginning of Constable Dunlop's career.

25 **THE COMMISSIONER:** He did.

1 **MR. ENGELMANN:** Do you have it handy, sir?

2 **MR. REPA:** Yes, right in front of me.

3 **MR. ENGELMANN:** Yeah. Well, the detail
4 really starts -- you'll see "Assignments May 1997."

5 **MR. REPA:** Okay. Yes, sir, yeah.

6 **MR. ENGELMANN:** Until June 29th, 2000.

7 **MR. REPA:** Yes, sir.

8 **MR. ENGELMANN:** That seems to be what he's
9 keying on, right?

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** And he gives some indication
12 of the modified work at the beginning and then the various
13 assignments he's had.

14 **MR. REPA:** Yes, sir.

15 **MR. ENGELMANN:** He also mentions or the
16 report mentions that Constable Dunlop applied for a
17 position in the Sexual Assault Child Abuse Unit. Do you
18 see that reference in September of 1999?

19 **MR. REPA:** Yes, sir.

20 **MR. ENGELMANN:** And it says he was not
21 selected.

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

23 **MR. ENGELMANN:** Was that -- did you know if
24 that was a concern of his during his employment not getting
25 that position?

1 **MR. REPA:** Did I know if it was a concern of
2 his? Somewhere along the line, I did not speak with him
3 personally. I think on a radio program or somewhere, sir,
4 it came out that he did not -- he was not successful in his
5 application for that position, but that's -- yes, I was
6 aware of it. I can't really recall from where.

7 **MR. ENGELMANN:** All right. And Staff
8 Sergeant Derochie references this in the middle of the last
9 page of his report.

10 **MR. REPA:** The middle of what?

11 **MR. ENGELMANN:** He sets out the reason.

12 **MR. REPA:** Yes, sir, that's correct.

13 **MR. ENGELMANN:** He essentially says there
14 was a better candidate available.

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** He also says the assertion
17 that Mr. Dunlop was subject to a hostile work environment
18 is without foundation and that in fact the organization
19 went to great pains to accommodate his needs.

20 **MR. REPA:** Yes. If I could just mention, I
21 don't know if it's in there. When he returned to work --
22 when does he return to work here -- yes, on the first page,
23 sir.

24 **MR. ENGELMANN:** Yes.

25 **MR. REPA:** The last paragraph and then if

1 you go down to, "On May 28th, 1997" -- it's one, two, three,
2 four lines from the bottom.

3 **MR. ENGELMANN:** Yes.

4 **MR. REPA:** I just want to bring this point
5 out to show you that he was welcome back to work at least
6 by senior administration.

7 "On May 28th, 1997, Dunlop was informed
8 that the Chief had agreed because his
9 leave banks were exhausted..."

10 What that means he had been off so long
11 there was no vacation or overtime in his bank. So he had
12 zero and this was May and the summer was coming up, right,
13 and his kids would -- his children would be off school. He
14 was informed that his leave banks were exhausted and I
15 would allow him leave of absence up to 120 hours so that he
16 might have vacation time to see him through until the next
17 year's allotment of leaves.

18 So what I did was -- and I'll be candid; it
19 was not my idea. I never thought of doing it. It was Mrs.
20 Sue Currie who approached me said, "You know, to welcome
21 this man back, you should give him -- he's got no time off
22 to be off with his kids this summer -- children this
23 summer. You should put some time in his bank so he can
24 have a vacation with his family."

25 And I said, "I can't do that. It's against

1 the contract." And then she said, "No." She explained to
2 me that you can't take leave away but you can give extra
3 leave. So I said, "Great. That's a good idea."

4 So he was given three weeks leave that he
5 hadn't earned to take off when he returned to work.

6 **THE COMMISSIONER:** You're saying leave, paid
7 leave?

8 **MR. REPA:** Yes. Vacation, yes. In other
9 words, he could have come in in May and then taken say a
10 full week off in July with pay and two weeks off in August.
11 Yes, it was 120 hours, three weeks of -- as if he had
12 earned, by being present, his vacation.

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

14 **MR. REPA:** And I agreed and it was a
15 wonderful idea from Mrs. Currie. I -- to be candid, I
16 didn't even think -- it never crossed my mind to do that
17 because I didn't think I could do it under the current
18 collective agreement. I didn't want to get into estoppel
19 and all that with this, but anyways, I did that and that
20 was part of our way of extending to say welcome back and,
21 "Oh, by the way, if you want time off with your family this
22 summer, Constable Dunlop, you've got three weeks."

23 **THE COMMISSIONER:** And did he take advantage
24 of that?

25 **MR. REPA:** I -- you know, I asked and he

1 took some but nowhere near the allotted 120 hours. I asked
2 somebody and they said, "Oh, it was minimal." It was less
3 than a week's leave, which surprised me. I thought -- I
4 would have taken it all.

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

6 And, sir, looking at this now, it doesn't at
7 all refresh your memory about whether you would have had
8 any direct contacts with him or direct dealings with him
9 after his return to work?

10 **MR. REPA:** No. No, sir, I -- I know my
11 style. I know what I'm like. I don't want to say I did
12 but I know I had to have at some point said welcome back to
13 work. I had to say something. I mean I'm going to pass
14 the guy in the halls every day. I mean I just don't
15 recall.

16 **MR. ENGELMANN:** What about in the three and
17 a half years or so, or three years while he's working for
18 you?

19 **MR. REPA:** Well, he's on shift work of
20 course, in uniform, and when I saw him, it was good morning
21 or good aft -- like I would with almost any other officer.
22 There was no -- I personally had nothing against Constable
23 Perry Dunlop. I was glad he was back at work because we
24 had another officer to put out on patrol now and it was
25 wonderful. I was glad he was back.

1 The other issues were separate and apart,
2 and that's the way they were dealt with.

3 **MR. ENGELMANN:** So your knowledge of whether
4 his work environment was hostile or friendly or
5 indifferent, whatever, would simply have come from others.

6 **MR. REPA:** It was ---

7 **MR. ENGELMANN:** You didn't have any
8 communication with him about ---

9 **MR. REPA:** No, it was -- as far as I
10 concerned, it was normal. That's all I can say.

11 **MR. ENGELMANN:** Now, you would have been
12 aware, sir, that he would have left Cornwall some time that
13 summer?

14 **MR. REPA:** Yes, sir.

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

16 **MR. REPA:** Well, he did leave. He moved to
17 Vancouver Island that I understand. Yes, sir.

18 **MR. ENGELMANN:** Now, there was -- probably
19 was some media coverage of that.

20 **MR. REPA:** I don't recall.

21 **MR. ENGELMANN:** There was a lot going on
22 during the summer of the year 2000.

23 **MR. REPA:** Sir, there was a lot going on in
24 the eight and a half years I was here, I'll agree with
25 that. So there must have been a lot going on in the summer

1 of 2000.

2 MR. ENGELMANN: All right. Well, let me
3 just try and refresh your memory about a few of those
4 things.

5 MR. REPA: Okay. Yes, sir.

6 MR. ENGELMANN: You had an MPP by the name
7 of Garry Guzzo who ---

8 MR. REPA: Yeah, he -- there was an MPP. He
9 was not our MPP.

10 MR. ENGELMANN: No, but as early as June of
11 2000, perhaps earlier, there is a private member's bill
12 before the -- that was at Queen's Park.

13 MR. REPA: I recall. Yes, I do recall that.

14 MR. ENGELMANN: So you're aware as early as
15 June of 2000 that there might be a public inquiry about
16 what's happened.

17 MR. REPA: I don't know the exact date but I
18 did become aware that there might be a public inquiry, yes.

19 MR. ENGELMANN: Well, in fact, sir, if we
20 look at some others of -- these are I believe Mr.
21 Derochie's notes again, Staff Sergeant Derochie; Exhibit
22 1331.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: I'm looking at Bates page
25 883, sir.

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** You've got a meeting being
3 called at eight o'clock in the morning on June 22nd, 2000,
4 called by Chief Lefebvre, Carter, Paquin, Guibeau or
5 Gibeau, Chief, myself, re: media reports that MPP Garry
6 Guzzo has tabled a private member's bill calling for a
7 public inquiry into the issues surrounding Project Truth.

8 **MR. REPA:** Yeah.

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

10 **MR. REPA:** On ---

11 **MR. ENGELMANN:** So given what you've already
12 said about Project Truth and this examination of your
13 Force, possibly every member of your Force, that would have
14 been a concern, the possible calling of a public inquiry to
15 look into all of this.

16 **MR. REPA:** I wouldn't use the word
17 "concern."

18 We looked forward to it.

19 **MR. ENGELMANN:** It would have been something
20 that you needed to talk about?

21 **MR. REPA:** Oh, yes.

22 **MR. ENGELMANN:** And prepare for possibly if
23 this was going to happen.

24 Other issues that were going on that summer,
25 my understanding is your Force became aware of the

1 existence of a website operated by a fellow by the name of
2 Nadeau?

3 **MR. REPA:** May I just go back, sir, to the
4 potential -- if I may, sir, just to go back -- I believe,
5 and we probably have it somewhere and I don't want to quote
6 the wrong date, but what we did was we prepared a -- and
7 I'm going to guess it was on this date. We prepared a
8 media release about our response to the potential of an
9 inquiry. Now, I'm not sure if it's there or if it's a
10 little later that the Cornwall Police Service would welcome
11 -- words to this effect -- would welcome a public inquiry.
12 And we had it prepared to go and we decided not to release
13 that media release proactively, we'd wait till we'd be
14 asked because everybody else -- every other entity there
15 was was being asked by the media, "How do you feel about a
16 public inquiry?" And we were never asked. I think the
17 media release is still sitting there.

18 **MR. ENGELMANN:** Who else was asked?

19 **MR. REPA:** Oh, well ---

20 **MR. ENGELMANN:** These are people on the
21 street or are you talking about institutions?

22 **MR. REPA:** Institutions, people. It was --
23 now, I can't remember if it was right at this date or later
24 when a formal Inquiry was announced, but we did have a
25 media release ready to go and we were never asked how we

1 felt about the public inquiry. And I thought I would add
2 that in because it's probably a distinct -- that's why like
3 Paquin would have been there, the media.

4 **MR. ENGELMANN:** All right.

5 Well, if we turn about three pages further,
6 Bates page 886, there's a reference to the fact that you're
7 being informed about the existence of a Project Truth
8 website?

9 **MR. REPA:** Yes, sir.

10 **MR. ENGELMANN:** And that's not an OPP
11 website?

12 **MR. REPA:** No.

13 **MR. ENGELMANN:** That's a website operated by
14 an individual by the name of Nadeau. Is that correct?

15 **MR. REPA:** I believe it's a Mr. Dick Nadeau
16 is it?

17 **MR. ENGELMANN:** Yes.

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** So that was another matter
20 that was certainly in the spotlight that summer?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** And you were aware of some
23 of the allegations and some of the material that was being
24 put on that website?

25 **MR. REPA:** Yes, sir, I was.

1 **MR. ENGELMANN:** And there certainly would
2 have been some concern and some talk expressed about that,
3 given some of the allegations that were put on the website?

4 **MR. REPA:** A concern? I'm not sure about
5 the word from our perspective, concern?

6 **MR. ENGELMANN:** I'm not saying necessarily
7 the CPS perspective but there would have been many
8 individuals who would have expressed concerns?

9 **MR. REPA:** There were people that were
10 offended by the unsubstantiated allegations on that
11 website, yes.

12 **MR. ENGELMANN:** And, sir, also that summer
13 your Police Service was being sued by -- not just by Perry
14 Dunlop, we talked about that earlier -- but by one of the
15 victims of Earl Landry, Jr.?

16 **MR. REPA:** Yes, that's correct.

17 **MR. ENGELMANN:** All right.

18 And presumably because they are going on at
19 the time, you're seeking information about the various OPP
20 Project Truth investigations and prosecutions that's also
21 taking place through the summer of 2000?

22 **MR. REPA:** I'm seeking ---

23 **MR. ENGELMANN:** Your Service would be
24 interested in what's happening with OPP Project Truth
25 investigations and also prosecutions?

1 **MR. REPA:** Oh, yes, yes. There was still a
2 liaison going on back and forth, yes.

3 **MR. ENGELMANN:** Right.

4 And, sir, you talked to us earlier about the
5 Ottawa report and not being able to find a copy, but you
6 referenced the fact that it came up again in year 2000?

7 **MR. REPA:** Yes, sir.

8 **MR. ENGELMANN:** So that was also something
9 that was percolating for one reason or another in late
10 summer, early fall of the year 2000?

11 **MR. REPA:** It was brought up by the Board,
12 sir.

13 **MR. ENGELMANN:** Right.

14 **MR. REPA:** Yes.

15 **MR. ENGELMANN:** And was it brought up by the
16 Board because of these other things we've just talked
17 about, the Project Truth investigations, prosecutions that
18 were ongoing, the Nadeau website, calls for a public
19 inquiry? Do you have some sense as to why the Board was
20 asking?

21 **MR. REPA:** Yes, I do.

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

23 **MR. REPA:** Because I was present at the
24 meetings.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** The Board is made up of two
2 members of City Council, a citizen at-large and two
3 provincial appointees and the secretary, but the Board was
4 -- they were all Cornwall people and like a lot of people
5 they were -- the Board members were becoming frustrated at
6 the continual negative media publicity and everything that
7 was going on.

8 They were trying to come to grips with what
9 they could do to maybe deflect or turn some of this around,
10 and what they could do to enhance the image of Cornwall as
11 not being the pedophile capital of the world.

12 And in their quest to understand what was
13 happening, what they wanted to see was a report that they
14 had every right to see because the first Ottawa Police
15 report went to the Board prior to my arrival.

16 It astounded me that it still wasn't
17 somewhere in a filing cabinet to be found, and they asked
18 for the Ottawa Police report because the Board members
19 other than perhaps -- the mayor at that time was Brian
20 Sylvester. He was on, I think, the original Board as a
21 council person.

22 **MR. ENGELMANN:** But there was large
23 turnover?

24 **MR. REPA:** Oh, yeah, a large turnover.
25 So they wanted to see the report. They also

1 wanted to see the OPP report of December of '94 to
2 understand. It was again so they could have an
3 understanding of how this started, what was going on, in
4 their quest, their continual quest, to sort of -- you can't
5 repair the damage but to see what they could do to enhance
6 the image of Cornwall. And that was why they asked for it
7 out of very valid reasons, caring reasons for the
8 community.

9 **MR. ENGELMANN:** Right, and they asked you to
10 provide them with certain information and you sent them a
11 letter giving them some of that information?

12 **MR. REPA:** Well, they asked for the copies
13 of the reports.

14 **MR. ENGELMANN:** Right.

15 **MR. REPA:** And I was able to -- I think what
16 happened was eventually we couldn't find -- we turned the
17 place upside down. So we -- I believe we received a
18 photocopy from the Ottawa Police and that's what was
19 presented to them with a bit of a covering letter.

20 **MR. ENGELMANN:** All right. And I just want
21 to show that to you, sir, which could help here.

22 And 729878 is the Document Number, Madam
23 Clerk. This is a letter from Anthony Repa to Judy Bobka?

24 **MR. REPA:** Bobka, yes. She was, I believe,
25 the chair of the board at that time.

1 **MR. ENGELMANN:** The date is September 14th,
2 2000.

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

4 **MR. ENGELMANN:** If that could be the next
5 exhibit, sir?

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 1832, letter dated September 14th,
8 2000 to Ms. Judy Bobka from Chief Repa.

9 **--- EXHIBIT NO./PIÈCE NO. P-1832:**

10 (729878) Letter from Anthony Repa to Judy
11 Bobka dated September 14, 2000

12 **MR. ENGELMANN:** Sir, your letter refers to a
13 meeting or, sorry, correspondence from the board dated
14 September 8th.

15 You set out in the second paragraph the
16 documents they requested, being the Ottawa Police
17 investigative report dated January of '94 with subsequent
18 investigations conducted by the OPP and, three, the Ontario
19 provincial Project Truth report; correct?

20 **MR. REPA:** Yes, sir.

21 **MR. ENGELMANN:** And you give this to them
22 highly confidentially because some of this is still
23 ongoing?

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** In your third ---

1 **MR. REPA:** Confidentially to the point where
2 I asked them to return them to me and not keep the copies
3 of the report, yes, sir.

4 **MR. ENGELMANN:** So point number one is the
5 Ottawa Police Service report. You attach a copy of the
6 report. You've also attached a copy of the Board's media
7 release on February 2nd, '94.

8 **MR. REPA:** Yes, sir.

9 **MR. ENGELMANN:** Why did you think it was
10 important to give them that, sir?

11 **MR. REPA:** It was just -- to me it's part
12 and parcel of the same thing. There is the report and
13 there's the media release so they'd know what the follow-up
14 was by the Board of the day, what they did with it, with
15 the Ottawa report.

16 **MR. ENGELMANN:** Because I note you say:
17 "The attached media release should
18 provide the board with the assurance it
19 needs that there has been no evidence
20 of a cover-up facilitated by any
21 members of the Cornwall Police
22 Service."

23 **MR. REPA:** Yeah.

24 **MR. ENGELMANN:** Correct?

25 **MR. REPA:** Yes, that's what I said. Yes,

1 sir.

2 MR. ENGELMANN: All right.

3 Now, sir, with respect to the OPP
4 investigation, point number two on the second page, you
5 say:

6 "We have not located a copy within our
7 records and have requested a copy
8 directly from the OPP."

9 MR. REPA: That's correct, sir.

10 MR. ENGELMANN: All right. You never
11 received a report of that investigation did you?

12 MR. REPA: My recollection is that we did
13 not receive a report, no, sir.

14 MR. ENGELMANN: Were you told that there
15 wasn't actually a formal report?

16 MR. REPA: I cannot recall, sir.

17 MR. ENGELMANN: All right.

18 MR. REPA: I think what I did at a
19 subsequent Board meeting we invited -- either I or the
20 Board invited some senior OPP officers to attend the Board
21 meeting.

22 MR. ENGELMANN: Yes. We'll come to that but
23 I believe there's a meeting later in September.

24 MR. REPA: Okay.

25 MR. ENGELMANN: And perhaps Detective

1 Inspector Hall is present at that meeting?

2 MR. REPA: I forget who they were, sir, I
3 can't remember.

4 MR. ENGELMANN: All right. And in three you
5 say -- this is about the OPP Project Truth investigation,
6 you say:

7 "The Board is aware this report has
8 been forwarded to the Attorney
9 General's Office in Toronto; release of
10 the report is anticipated in late
11 October."

12 MR. REPA: Yes, sir.

13 MR. ENGELMANN: Did you ever receive a
14 Project Truth report, to your knowledge, sir?

15 MR. REPA: No, sir. All I ever -- I believe
16 all I ever saw was the media release.

17 MR. ENGELMANN: Now, sir, I understand there
18 was a Board meeting on or about the 28th of September, to
19 provide further information to the Board in person and that
20 Pat Hall might have been present or at least someone from
21 the OPP Project Truth team. Do you have a recollection of
22 that, sir?

23 MR. REPA: I have a recollection of OPP
24 officers attending a Board meeting but I -- unless I see
25 them -- do we have it in writing, sir?

1 **MR. ENGELMANN:** It's no doubt in someone's
2 notes and I don't have it in front of me.

3 **MR. REPA:** Okay, sorry.

4 **MR. ENGELMANN:** So that's my understanding.
5 Why would OPP officers have been present at
6 that Board meeting, what would the purpose have been?

7 **MR. REPA:** Well, my recollection, it was in
8 lieu of a report from the first OPP investigation.

9 **MR. ENGELMANN:** They gave an oral report on
10 the '94 investigation?

11 **MR. REPA:** I can't recall what -- I can't
12 recall what was said, sir.

13 **MR. ENGELMANN:** If I could just have a
14 minute?

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

16 **MR. REPA:** I'm sure, sir -- Mr. Engelmann,
17 I'm sure the Board minutes would accurately depict what was
18 said at that meeting, if we had them.

19 **MR. ENGELMANN:** We have some of those
20 minutes.

21 **MR. REPA:** Okay, I understand.

22 **MR. ENGELMANN:** And some are blacked out and
23 some aren't and I don't know, sir, to be frank.

24 **MR. REPA:** Okay.

25 **MR. ENGELMANN:** I'll just be a moment.

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

2 **MR. ENGELMANN:** Just with the reference to
3 the OPP Project Truth, if we could just have a quick look
4 at Exhibit 1378; these again are Staff Sergeant Derochie's
5 notes. Bates page 49.

6 **MR. REPA:** Yes, sir.

7 **MR. ENGELMANN:** It says:

8 "Chief informed me that OPP
9 Headquarters would be making a press
10 release shortly, announcing that the
11 investigation is completed and that no
12 further charges will be laid. Their
13 investigation has established there was
14 no conspiracy to cover up anything."

15 All right?

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

17 **MR. ENGELMANN:** So you're advising Staff
18 Sergeant Derochie of this. Presumably, sir, you would have
19 been advised of this by a member of the OPP Project Truth
20 team?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** Do you recall ---

23 **MR. REPA:** No, I do not recall, sir.

24 **MR. ENGELMANN:** Oh, a little further down
25 the page it says:

1 "Spoke to Pat Hall, he briefed me much
2 the same information he gave to Chief."

3 **MR. REPA:** I would say my memory has been
4 refreshed; it would have been Pat Hall, sir.

5 **MR. ENGELMANN:** All right. Sir, just a
6 brief item, if I may; again, this is from Staff Sergeant
7 Derochie's notes, it would be Exhibit 1375.

8 **MR. REPA:** Thirteen seventy-five (1375)?

9 **MR. ENGELMANN:** Thirteen seventy-five
10 (1375), Bates page 93.

11 This is referring to -- timeframe is mid-
12 April 2002 and talking about the Cornwall Police Service
13 becoming aware of news reports, quoting this MPP Garry
14 Guzzo again, about a priest being charged with multiple
15 counts of sexual assault in -- sorry, in Boston, who had
16 ties to the Cornwall area. Does this refresh your memory
17 at all about this matter, it's a Father Paul Desilets?

18 **MR. REPA:** No. No, but I accept what's
19 written here but I'm not -- it hasn't activated anything.

20 **MR. ENGELMANN:** All right.

21 "Chief and I have discussed this issue,
22 decided that we would conduct all such
23 investigations. Inspector Pat Hall was
24 consulted, he agreed."

25 There's a reference a bit later that Staff

1 Sergeant Derochie called Detective Richard Perry, see the
2 area code listed there, asked for -- our assistance in
3 getting information.

4 Do you know if the Cornwall Police Service
5 was giving assistance to the Boston Police with respect to
6 this?

7 **MR. REPA:** Well, if you go down further -- I
8 know the Police Services are not -- we're very reluctant to
9 respond over the phone information and I see further down
10 that we ask for a written request ---

11 **MR. ENGELMANN:** Yes.

12 **MR. REPA:** --- on their letterhead formally
13 requesting our assistance and he would start the inquiries
14 right away. It was to confirm that it wasn't some unknown
15 person purporting to be police officers. So that's the
16 next chain; I guess a letter arrives and do we have that
17 letter or ---

18 **MR. ENGELMANN:** Sir, I'm asking you if you
19 have some recollection of this matter.

20 **MR. REPA:** No. No, I don't.

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

22 **MR. REPA:** Well, yes I do. I remember this
23 but the chain of events, I can't -- I can't sit here and
24 start talking about them until I see something, sir.

25 **MR. ENGELMANN:** All right.

1 I'll just be a moment.

2 Now, at Exhibit 1379 and these are a new set
3 of notes of Staff Sergeant Derochie, referring to
4 conversations with you and the period is late June of 2002.

5 It starts with:

6 "Last week I informed the Chief that I
7 had a conversation with Pat Hall..."

8 **THE COMMISSIONER:** What page?

9 **MR. ENGELMANN:** I'm sorry, Bates page 123;
10 it's the first page.

11 "...concerning the fall out from the
12 Project Truth trials, specifically
13 concerning Perry Dunlop's actions prior
14 to matters going to trial."

15 Do you see that?

16 **MR. REPA:** Yes, sir, I have it. Yes, sir.

17 **MR. ENGELMANN:** And then on the following
18 page, 124:

19 "After this discussion, the Chief's
20 instruction to me today was to clarify
21 who was going to do what. He directed
22 that should the decision makers fail to
23 provide written indications that some
24 police service, other than us, would be
25 tasked, that his wishes were that we

1 would investigate Dunlop or anyone else
2 who may have committed a criminal
3 offence in Cornwall."

4 **MR. REPA:** Yes, sir. I think, though, we
5 have to read the top line of that page, sir. It was their
6 opinion Hall had expressed the opinion that his actions
7 might constitute an obstruction of justice.

8 **MR. ENGELMANN:** Yes.

9 **MR. REPA:** He indicated that he would be
10 meeting with Crowns to discuss this matter but he felt we
11 should be looking at the issue of investigating Dunlop's
12 failure to provide disclosure. It was reported that Dunlop
13 admitted that he had hid his notes when testifying at the
14 Charlie MacDonald -- C. MacDonald trial.

15 So that was what the issue was about, just
16 to be clear.

17 **MR. ENGELMANN:** So the matter came to your
18 attention -- your Service's attention through the OPP and
19 you gave some instructions to Staff Sergeant Derochie to
20 look into it?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** All right. And again, were
23 you concerned about a possible conflict or perception of
24 conflict if Staff Sergeant Derochie was going to be doing
25 this, sir?

1 **MR. REPA:** Well, I think -- this -- I think
2 this goes on for quite a while. It goes on till my
3 retirement date.

4 **MR. ENGELMANN:** Yes, there's further
5 correspondence on this.

6 **MR. REPA:** We have been at this stage,
7 officially put on notice by the OPP that they believe
8 criminal acts occurred in Cornwall at court by the then
9 Constable Perry Dunlop, but we haven't really been told
10 what the acts were or what's going on. We've been put on
11 notice and now it was time to determine -- as I say, the
12 decision-makers being the Crown Attorneys and the OPP have
13 to decide who is going to do this and if they decide at the
14 end of the day nobody is going to do it then, by law, I'm
15 mandated to do something because it occurred in the City of
16 Cornwall. And that's what that means. It doesn't mean
17 we're going to rush out and do it. And as it goes on, sir,
18 this goes on for another year-and-a-half.

19 **MR. ENGELMANN:** But you're given some
20 information by the OPP that his actions might constitute an
21 obstruction of justice; correct?

22 **MR. REPA:** Yes, sir.

23 **MR. ENGELMANN:** Could you not simply at that
24 point -- could you or did you ask another police force to
25 investigate?

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

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

3 **MR. REPA:** We didn't have enough information
4 to ask another force. The OPP were the holders of the
5 information as were the Crown Attorneys involved. We were
6 told they were supposed to have a meeting and let -- the
7 Crown Attorneys were supposed to have a meeting and let us
8 know what was coming and then we'd act upon that.

9 **MR. ENGELMANN:** Sir, I understand at or
10 around that time or shortly thereafter, in July, further
11 concerns were communicated to you by Staff Sergeant
12 Derochie, and if you'd take a look at Exhibit 1411?

13 **THE COMMISSIONER:** That might be in your
14 book. No?

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. REPA:** Yes, sir, I have it.

17 **MR. ENGELMANN:** Okay. And this is a memo
18 that he would have provided to you, sir?

19 **MR. REPA:** Yes, sir.

20 **MR. ENGELMANN:** And it's following up on
21 what we just looked at.

22 He's saying to you that he's reviewing the
23 transcripts of the -- there was an 11(b) motion or trial
24 involving Father Charles MacDonald earlier that year and
25 there were some transcripts he was reading?

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

2 **MR. ENGELMANN:** And he's expressing -- he
3 says:

4 "In reading the transcript and in
5 talking to Inspector Hall, it's become
6 apparent to me that there will be many
7 issues to address. Hall told me it
8 remains the consensus amongst all
9 involved that we should not
10 investigate."

11 **MR. REPA:** Yes, sir, that's correct.

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

13 "We previously agreed we would inform
14 the Regional Crown that we are prepared
15 to investigate. However, should he
16 feel that someone else should do it
17 that we would not go against his
18 wishes."

19 **MR. REPA:** That's correct.

20 **MR. ENGELMANN:** And that was your position
21 at the time, you and Staff Sergeant Derochie, as to how you
22 should proceed?

23 **MR. REPA:** Yes, sir.

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

25 **MR. REPA:** But bear at this time, the first

1 line. There's nothing we can do without the list of
2 incidents. We don't know anything about it other than the
3 potential, so we were also waiting for Inspector Pat Hall
4 to provide this list of incidents to us.

5 **MR. ENGELMANN:** All right. You're waiting
6 for some more information from him?

7 **MR. REPA:** We're waiting for the
8 information, yes.

9 **MR. ENGELMANN:** All right.
10 And, sir, there appears to be quite a
11 passage of time before there's ---

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

13 **MR. ENGELMANN:** --- more correspondence on
14 that.

15 The next correspondence that I was able to
16 locate in any event is Document Number 731861. It's going
17 to be passed up to you, sir.

18 **MR. REPA:** Thank you.

19 **MR. ENGELMANN:** Madam Clerk, 731861.

20 Mr. Commissioner, it's an internal
21 correspondence from Chief A. Repa to Acting Deputy Chief D.
22 Aikman and it's dated February the 5th, 2003.

23 **MR. REPA:** That's correct.

24 **MR. ENGELMANN:** Now, he's a new player here
25 in dealing with Staff Sergeant Derochie. Is this a chain

1 of command issue at this point?

2 MR. REPA: M'hm.

3 MR. ENGELMANN: I think Staff Sergeant
4 Derochie may have gone back to CIB at this point from
5 Professional Standards?

6 MR. REPA: Yeah, you're probably quite
7 correct. I'm not 100 percent sure, but Acting Deputy Chief
8 Dan Aikman had just been newly -- he was just in the office
9 so it was best to put this memo through him.

10 MR. ENGELMANN: All right.

11 MR. REPA: Yes.

12 THE COMMISSIONER: Exhibit 1833.

13 --- EXHIBIT NO./PIECE NO. P-1833:

14 (731861) Internal Correspondence from
15 Anthony Repa to Danny Aikman dated February
16 5, 2003

17 MR. ENGELMANN: And you refer to the fact,
18 and I'm assuming this goes back to the summer before that
19 we just looked at:

20 "Some time ago, Staff Sergeant Derochie
21 briefed me on concerns that were
22 expressed to him from the Crown
23 Attorney's office relating to certain
24 statements which were made under oath
25 by Perry Dunlop."

1 I'm not sure actually. This says:

2 "...expressed to him from the Crown
3 Attorney's office".

4 **MR. REPA:** No, you're right. It should --
5 actually, it was ---

6 **MR. ENGELMANN:** Should that have been from
7 Pat Hall, perhaps?

8 **MR. REPA:** That's right.

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

10 **MR. REPA:** From the Crown Attorney's office
11 to Pat Hall to us, yes, sir.

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

13 **MR. REPA:** You're correct. It's an error.

14 **MR. ENGELMANN:** All right. I just wondered
15 maybe I'd missed something in between.

16 **MR. REPA:** No, no, it's my error.

17 **MR. ENGELMANN:** "It was Staff Sergeant
18 Derochie's understanding the Crown
19 Attorneys would discuss the matter as
20 to the possibility of any criminal
21 charges and would inform us of their
22 decision. No information has been
23 forthcoming."

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

25 **MR. ENGELMANN:** All right.

1 So what are you doing by sending this memo
2 to Acting Deputy Chief Aikman now in February of 2003?
3 What are you asking him to do?

4 **MR. REPA:** I'm probably -- well, I was
5 because it sat for so long -- I'm reactivating it to see
6 where we're going with this. I mean you don't tell a
7 police service -- you don't put them on notice that one of
8 your former officers has committed criminal acts while
9 testifying and then just walk away from it. At some point,
10 this has got to come to closure.

11 **MR. ENGELMANN:** All right.

12 **MR. REPA:** And this is my way of saying,
13 "Okay. Where are we with this? Did they have their
14 meeting?" It's just a way of reactivating it.

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

16 So you're asking for a Crown brief to be
17 prepared and forwarded to ---

18 **MR. REPA:** I'm saying -- I'm directing that
19 ---

20 **THE COMMISSIONER:** If no written direction
21 or guidance is given to us ---

22 **MR. REPA:** Yes.

23 **THE COMMISSIONER:** --- I'm directing that a
24 brief be prepared?

25 **MR. REPA:** Yes. Yes, that's correct, yes.

1 Yes, I did say that, but if no information -
2 - I'm directing that contact be made with the appropriate
3 Crown Attorney to determine the status of their decision-
4 making, which is what we were told. We were waiting for
5 someone else to make a decision and if no -- then I go into
6 that, yes.

7 **MR. ENGELMANN:** All right. So you're
8 waiting for some guidance or contact from the Crown and
9 then from then on prepare a Crown brief, forward it up?

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** Depending on the advice?

12 **MR. REPA:** Yes.

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

14 And as well there's an issue about -- in the
15 second paragraph about boxes of material to be returned to
16 Mr. Dunlop?

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

18 **MR. ENGELMANN:** Okay, and a process for
19 that.

20 And would you have had a discussion with
21 Deputy Chief Aikman at about this time?

22 **MR. REPA:** Oh, yes, I'm sure we did. The
23 bottom line of my first paragraph, my directions to put a
24 Crown brief together would have activated some response.

25 **MR. ENGELMANN:** And presumably you would

1 have asked him to continue to use Staff Sergeant Derochie
2 to do this?

3 **MR. REPA:** Yes. Yes, because he'd know all
4 the -- he was our contact person. He would know all the
5 salient facts about it, yes.

6 **MR. ENGELMANN:** And in fact, sir,
7 approximately a month later you get a report back from
8 Staff Sergeant Derochie. That's Exhibit 1381?

9 **MR. REPA:** Thirteen-eighty-one (1381)?

10 **MR. ENGELMANN:** Thirteen-eighty-one (1381).
11 I believe this is driven by the document we just looked at.

12 **MR. REPA:** Yes, sir. March the 12th?

13 **MR. ENGELMANN:** Yes.

14 **MR. REPA:** Yes.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. ENGELMANN:** And at the bottom of the
17 page, first page, he says:

18 "It is my opinion and recommendation to
19 you that we heed that advice and submit
20 a request through our local Crown
21 Attorney, Murray MacDonald, ask that
22 the matter to be raised with our
23 Regional Director of Crown Attorneys
24 for consideration and possibly an
25 outside police agency to be identified

1 that would be willing and able to
2 conduct the required investigation."

3 **MR. REPA:** Yes, sir.

4 **MR. ENGELMANN:** All right.

5 So, again, this is going outside to see if
6 someone will investigate this; correct?

7 **MR. REPA:** Yes, sir.

8 **MR. ENGELMANN:** And he's suggesting that you
9 submit something through Mr. MacDonald?

10 **MR. REPA:** Through Mr. Murray MacDonald,
11 yes, sir, and there was.

12 **MR. ENGELMANN:** Sir, I understand that you
13 respond to this memo with one of your own.

14 It's Document Number 731865. This is a memo
15 dated March 21st, 2003 from Chief Repa to Deputy Chief
16 Aikman.

17 **THE COMMISSIONER:** Thank you.

18 Exhibit 1834.

19 **--- EXHIBIT NO./PIÈCE NO. P-1834:**

20 (731865) Internal Correspondence from
21 Anthony Repa to Danny Aikman dated March 21,
22 2003

23 **MR. ENGELMANN:** Essentially, sir, it appears
24 you're reiterating instructions you've given previously,
25 trying to get a decision from Crown Attorneys you've spoken

1 to?

2 MR. REPA: Yes.

3 MR. ENGELMANN: And, again, if no firm
4 written direction or guidance directing that a Crown brief
5 be prepared and forwarded and the matter of which police
6 service should invest be reviewed, et cetera?

7 MR. REPA: Yes, sir.

8 MR. ENGELMANN: All right, and that's March
9 24th of 2003?

10 MR. REPA: March 21st.

11 MR. ENGELMANN: I'm sorry, March 21st.

12 MR. REPA: Yes, sir.

13 MR. ENGELMANN: And then he follows up with
14 correspondence to you, sir, dated April 10th, 2003?

15 MR. REPA: Yes.

16 MR. ENGELMANN: That's Exhibit 1382.

17 MR. REPA: Thirteen-eighty-two (1382).

18 THE COMMISSIONER: Sorry, 1582?

19 MR. ENGELMANN: Thirteen-eighty-two (1382),
20 I'm sorry, sir.

21 MR. REPA: Yes, sir, I have it.

22 MR. ENGELMANN: Now, in this document I
23 believe he's setting out to you that he's still awaiting
24 direction from the Crown?

25 MR. REPA: Yeah.

1 **MR. ENGELMANN:** And he says he's spoken to
2 Hall who's still awaiting direction from the Crown on
3 issues relating to someone who's known here as C-8.

4 He's also suggesting there may be a lack of
5 enthusiasm on the part of the Crown to deal with this
6 matter.

7 Do you see that? And he says, "Politics
8 appear to be playing a role" and he recommends something he
9 said earlier and that is a letter to Murray MacDonald?

10 **MR. REPA:** Yes, sir.

11 **MR. ENGELMANN:** All right. And in fact you
12 do send a letter to Murray MacDonald in June of 2003?

13 **MR. REPA:** Yes, sir.

14 In fairness, I think we should qualify the
15 word "politics". It wasn't meant as we normally take it;
16 it would have been to do with legal politics, the criminal
17 -- you know, that word is ---

18 **MR. ENGELMANN:** Small "p" politics, perhaps?

19 **MR. REPA:** Yes, okay. Yes.

20 **MR. ENGELMANN:** All right.

21 If we could just look at this one last
22 document, sir, perhaps before the lunch break.

23 It would be -- it's Document Number 705759.
24 This is a letter, sir, from you to Murray MacDonald dated
25 June 3rd, 2003.

1 THE COMMISSIONER: Exhibit 1835.

2 MR. REPA: Yes, sir.

3 MR. ENGELMANN: Now, sir, you're setting out
4 some of the information that you and Staff Sergeant
5 Derochie have been discussing for some time ---

6 MR. REPA: Yes, sir.

7 MR. ENGELMANN: --- on these issues?

8 MR. REPA: That's correct.

9 MR. ENGELMANN: Giving him some background -
10 --

11 MR. REPA: Yup.

12 MR. ENGELMANN: --- about what you know and
13 what you've heard from the OPP?

14 MR. REPA: Yes, sir.

15 MR. ENGELMANN: For example, at the bottom
16 of the page:

17 "That a meeting of Crown Attorneys
18 would take place, at which time these
19 concerns would be discussed and, if
20 appropriate, a police service would be
21 directed to conduct the investigation."

22 MR. REPA: Yes, sir.

23 MR. ENGELMANN: Do you see that?

24 MR. REPA: Yes.

25 MR. ENGELMANN: And you say at the bottom:

1 "It's been acknowledged and I would
2 agree that it would be inappropriate
3 for either the Cornwall Community
4 Police Service or the OPP to be
5 involved."

6 **MR. REPA:** Yes, sir.

7 **MR. ENGELMANN:** All right.

8 But you then go on on the next page to say
9 that many of these incidents are alleged to have occurred
10 in the City of Cornwall.

11 You say that ample time has passed since the
12 matters were brought to the Crown's attention and you're
13 requesting him to bring these matters to the attention of
14 the Attorney General.

15 You close with:

16 "Should there be public scrutiny or
17 review of this matter, it's my
18 intention to make it clear to all
19 concerned that the Cornwall Community
20 Police Service was prepared to conduct
21 a thorough review of the allegations
22 and to report it in the prescribed
23 manner to the Attorney General."

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** Now, at this point-in-time

1 when you're talking about public scrutiny, there are other
2 bills before the legislature with respect to a public
3 inquiry or have been?

4 MR. REPA: I ---

5 MR. ENGELMANN: Is that the public scrutiny
6 you're concerned about, sir, do you know?

7 MR. REPA: Is this 2003?

8 MR. ENGELMANN: Two-thousand-and-three
9 (2003), the summer.

10 MR. REPA: It probably -- it would be any
11 scrutiny, any oversight, whether it was the public inquiry
12 or any investigation down the road or coming to court to
13 testify about it later.

14 I'm well aware that all my correspondence
15 could have -- if we did go ahead at a trial, could show up
16 as disclosure.

17 I'm just -- I'm stating my position very
18 clearly in this letter; that if all else fails, we're going
19 to do it.

20 MR. ENGELMANN: Were you -- were you writing
21 to Murray MacDonald because that was the protocol? You
22 weren't expecting him to respond?

23 MR. REPA: No, I wasn't expecting him to
24 respond. We had had -- I had telephoned him before. I
25 just didn't send this letter cold. I telephoned Mr. Murray

1 MacDonalld or I may have spoke to him in person, but we did
2 talk, and I explained that I'd be sending this letter and
3 he would redirect it.

4 **MR. ENGELMANN:** The reason I ask is a few
5 years back ---

6 **MR. REPA:** Sorry?

7 **MR. ENGELMANN:** A few years before this, he
8 had written to you saying he didn't want any direct contact
9 with Mr. Dunlop?

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** And now you're writing to
12 him about Mr. Dunlop?

13 **MR. REPA:** No, but he's having the direct
14 contact with me. We do not have any reasonable grounds, we
15 have been put on notice, that's all.

16 What I'm trying to do is determine, is there
17 a complaint, is there complaint evidence? You know, you
18 just can't put somebody on notice and then walk away.
19 Somewhere we've got to bring closure to this.

20 So I -- it was through Mr. Murray MacDonalld
21 that this letter was going to go through the Attorney
22 General's Office -- Crown Attorney's office.

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

24 **MR. REPA:** It was a conduit to hopefully get
25 a response that we could accept.

1 **MR. ENGELMANN:** So he wasn't to deal with
2 it; he was to pass it along?

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

4 **MR. ENGELMANN:** Fair enough.

5 **MR. REPA:** But -- but since he's the Crown
6 Attorney for this area, he had a right to know what was
7 going on. We haven't -- we're not -- we're not defying the
8 direction from the Attorney General and Policing Services
9 to send a brief to the Regional Director simply because we
10 didn't even know what dates or crimes were committed.

11 **MR. ENGELMANN:** All right.

12 **MR. REPA:** We were going on the "put on
13 notice" part.

14 **MR. ENGELMANN:** Sir, perhaps we'll leave the
15 response until after the lunch break.

16 **THE COMMISSIONER:** Thank you. See you at
17 two.

18 **MR. REPA:** Yes. Thank you.

19 **THE REGISTRAR:** Order. All rise. À l'ordre.
20 Veillez vous lever.

21 This hearing will resume at 2 p.m.

22 --- Upon recessing at 12:34 p.m./

23 L'audience est suspendue à 12h34

24 --- Upon resuming at 2:03 p.m./

25 L'audience est reprise à 14h03

1 **THE REGISTRAR:** All rise. À l'ordre.

2 Veillez vous lever.

3 This hearing is now resumed. Please be
4 seated. Veillez vous asseoir.

5 **THE COMMISSIONER:** Thank you.

6 Good afternoon, all. Good afternoon, sir.

7 Mr. Engelmann, go ahead.

8 **MR. ENGELMANN:** Good afternoon, Mr.

9 Commissioner.

10 **ANTHONY REPA:** Resumed/Sous le même serment

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

12 **ENGELMANN (Cont/Suite):**

13 **MR. ENGELMANN:** Good afternoon, Mr. Repa.

14 **MR. REPA:** Sir.

15 **MR. ENGELMANN:** Sir, Mr. Commissioner, just
16 for a moment.

17 When we left off we had made a letter dated
18 June 3rd, 2003 ---

19 **THE COMMISSIONER:** Yes.

20 **MR. ENGELMANN:** --- from Chief Repa to then
21 Murray MacDonald; we had made that Exhibit 1835.

22 **THE COMMISSIONER:** We had.

23 **MR. ENGELMANN:** I'm informed that that
24 document is already an exhibit under a different document
25 number.

1 **THE COMMISSIONER:** Okay.

2 **MR. ENGELMANN:** So if we could strike it
3 from the record.

4 **THE COMMISSIONER:** But we'd have to identify
5 what the exhibit is.

6 **MR. ENGELMANN:** That's right. The exhibit
7 is 1412.

8 **THE COMMISSIONER:** All right.

9 **MR. ENGELMANN:** So if any reference to 1835
10 could simply be changed to 1412 in today's transcript I'd
11 appreciate it.

12 **THE COMMISSIONER:** Great.

13 **MR. ENGELMANN:** I should have caught that.
14 The previous Document Number, counsel, was 727929.

15 **THE COMMISSIONER:** Okay.

16 **MR. ENGELMANN:** And it is the same document.
17 I think there's a receipt stamp on it but nothing else is
18 different.

19 There are a couple of other documents, Mr.
20 Commissioner, I wanted to sort of clean up the record, if
21 we could.

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

23 **MR. ENGELMANN:** And this came up during Mr.
24 Repa's questioning.

25 We had referred, sir, to a document. I

1 called it "Fresh Amended Claim". This was the last of the
2 Dunlop revisions and the document that I had shown you had
3 "Draft" stamped on it?

4 **MR. REPA:** Yes, sir.

5 **MR. ENGELMANN:** And we've tried our best to
6 find something that actually has a court file on it but as
7 close as we can come -- we have, Mr. Commissioner, and we
8 have consulted with counsel for the CPS who certainly has
9 more knowledge of this aspect than I do given his history
10 and I'll leave it there.

11 I have an order, approved as to form and
12 content, dated 2nd February 1988 -- sorry, 1998, with a
13 Schedule A attached, which is as I understand it identical
14 to the person that was finally filed with the court.

15 Maybe I'll have Mr. Callaghan speak to that
16 briefly.

17 **MR. CALLAGHAN:** In the short time we've had,
18 Mr. Commissioner, we've all searched the database and it's
19 -- as you can imagine, this shows up a number of times.
20 This one appears to be one that's been approved by form and
21 content by the Diocese.

22 I suspect this is the one that was entered,
23 although I don't have the entered one. We're going to
24 continue to look for the other one, but I have agreed to
25 bet Mary Simms' condo that this is it, and if she loses it,

1 that's unfortunate, but we're going to do our best.

2 I think you can take -- this is likely going
3 to be the final one.

4 **THE COMMISSIONER:** All right.

5 **MR. CALLAGHAN:** Or in that final form.

6 **THE COMMISSIONER:** In which country is the
7 condo?

8 **MR. CALLAGHAN:** Well, we're working on
9 attachment issues.

10 **THE COMMISSIONER:** All right.

11 **MR. ENGELMANN:** Mr. Callaghan's confidence
12 did not extend to the property he owns in Toronto, so we'll
13 not bet the bank on this, but we're pretty sure.

14 Could this combined document, which is the
15 order and the attached fresh amended statement of claim,
16 might that be entered as 673A?

17 **THE COMMISSIONER:** Yes.

18 **MR. ENGELMANN:** Because we have 673.

19 **THE COMMISSIONER:** That's right.

20 **MR. ENGELMANN:** I still have -- if there are
21 any counsel in the room that did not get a copy, I have
22 copies with me if anybody needs them. I take it from the
23 silence no one needs them?

24 The other document that I wanted to deal
25 with is not quite here yet, but Mr. Repa you'll be happy to

1 know that we were able to find something dealing with
2 Directive 98.

3 You were insistent that you would have dealt
4 with that and had Inspector Trew follow-up with that, and I
5 do have a document that we were able to find in the
6 database that I'll put to you some time in the next hour.

7 **MR. REPA:** Thank you.

8 Thank you, sir.

9 **MR. ENGELMANN:** It is coming and of course
10 we haven't given notice on it; we just found it. So we'll
11 deal with it when it comes in, but it's a one-page
12 document. I don't think it will be difficult to deal with.

13 So we were dealing with the fact that after
14 you would have written to Murray MacDonald in June of 2003,
15 sir, it's my understanding you would have received a
16 response, not from Mr. MacDonald, but from a more senior
17 Crown by the name of James Stewart?

18 **MR. REPA:** Yes, sir.

19 **MR. ENGELMANN:** And I'm just going to find
20 that letter.

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

22 **MR. ENGELMANN:** Yeah, the Exhibit is 1413,
23 sir, and it's a letter dated June 19th, 2003?

24 **MR. REPA:** Yes, sir.

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

1 **MR. ENGELMANN:** You would have received this
2 that summer, sir?

3 **MR. REPA:** Yes, sir. Yes.

4 **MR. ENGELMANN:** Okay. And it would appear
5 that he's enclosed the previous response that you had
6 received from an earlier request of Mr. Garson?

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

8 **MR. ENGELMANN:** And that would have been
9 about four years before, in November of '99.

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

11 **MR. ENGELMANN:** And he says:

12 "It would appear that the advice then
13 was that if you decide that the matter
14 merits further investigation, 'that you
15 contact an external policing agent to
16 conduct same'."

17 **MR. REPA:** Yes, sir.

18 **MR. ENGELMANN:** And he says:

19 "Our advice is exactly the same as it
20 was then, and if after a thorough
21 review a proper police brief is
22 prepared, the Crown will review it and
23 determine if any criminal charges
24 should proceed."

25 So he's essentially saying our advice to you

1 today is the same as it was about four years ago?

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

3 **MR. ENGELMANN:** All right.

4 Was that the response you were expecting,
5 sir?

6 **MR. REPA:** No. No, sir.

7 **MR. ENGELMANN:** Okay. What was the response
8 you were expecting?

9 **MR. REPA:** Okay, what I was expecting was
10 just closure; to bring closure to the issue.

11 I have a great deal of respect for the
12 office of the Crown Attorney and in this matter I can
13 appreciate that there were probably ongoing issues that
14 were peculiar to the Crown's office in dealing with the
15 magnitude of these cases.

16 In my letter, I stated that we were because
17 -- when we were put on notice that these incidents
18 allegedly occurred in Cornwall, that we became stakeholders
19 and had a right in the decision-making. Not a right over
20 the Crown Attorney of the OPP, but we were a stakeholder.

21 I would have been satisfied as Chief had
22 there been a meeting called with the OPP and the Crowns and
23 a representative from our Service; if we had just been
24 told, look we decided in the public interest we're not
25 going ahead with this, or whatever; it just -- with all the

1 other issues ongoing, it's a non-issue.

2 Fine, that would have been the closure, I'd
3 have walked away. I wasn't looking to lay charges, I was
4 just -- it was unfinished business, that's all it was. And
5 so as a result of receiving this -- I mean, I respect the
6 letter I received. I have no problems with the Crown
7 Attorneys on this matter because everyone has their own
8 concerns they have to deal with.

9 It's just that I did feel we had a right to
10 sort of be included in the loop of the decision-making,
11 that's all. Just tell us what's going to happen; that's
12 fine.

13 And the letter is very -- it does give us an
14 option to carry out, but it doesn't answer my questions
15 because we don't have enough to commence an investigation
16 with, so as a result of this letter I then telephone Mr.
17 Murray MacDonald back and I believe there's further
18 documents on our phone conversation?

19 **MR. ENGELMANN:** Sure.

20 **MR. REPA:** Thanks.

21 **MR. ENGELMANN:** And I'll go there in just a
22 minute, sir, but one of the things they're saying, though
23 and I -- we've seen this before, is the Crown does not
24 normally investigate matters.

25 **MR. REPA:** No.

1 **MR. ENGELMANN:** It normally does not tell a
2 police service to investigate a given individual. You
3 would agree with that statement?

4 **MR. REPA:** I would agree with that
5 completely, sir.

6 **MR. ENGELMANN:** And he says:
7 "If you are of the view that this
8 matter should be further investigated,
9 you may wish to discuss this with the
10 OPP."

11 **MR. REPA:** Yes, sir.

12 **MR. ENGELMANN:** "And if a police force
13 presents the Crown with an appropriate
14 brief, a Crown prosecutor will review
15 it."

16 But he's not saying, "No"?

17 **MR. REPA:** No, he's not.

18 **MR. ENGELMANN:** He's saying that there has
19 to be a police force that comes forward with a brief,
20 otherwise we don't get involved?

21 **MR. REPA:** No, and the -- and that's what it
22 is, it's a miscommunication in my opinion. It's no
23 criticism on the Crown Attorney's office whatsoever -- is
24 that we've been coming forward for almost a year now asking
25 -- now, albeit through the OPP not through the office of

1 the Crown Attorney, and anyways what happens next is I
2 phone Murray MacDonald.

3 I'm not criticizing Mr. James Stewart and
4 I'm not criticizing this letter. It just kind of left me -
5 - now, okay, I've got to make the next move now and that's
6 what we do.

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. ENGELMANN: All right.

9 So shortly after you receive this letter,
10 you have either a meeting or a call with Murray MacDonald -
11 --

12 MR. REPA: A telephone call, sir. Yes.

13 MR. ENGELMANN: All right.

14 And, Madam Clerk, if you could show the
15 witness Document 731873.

16 Sir, I referred earlier to the fact that we
17 have a few pages of notes from you and this is one of those
18 few pages.

19 MR. REPA: Yes sir, thank you.

20 MR. ENGELMANN: It's a note, Mr.

21 Commissioner, dated June -- Tuesday, June 24th 2003. As I
22 understand it, it's a note of the witnesses.

23 MR. REPA: Yes.

24 THE COMMISSIONER: All right.

25 That will be Exhibit Number 1835.

1 --- EXHIBIT NO./PIÈCE NO. P-1835:

2 (731873) Note from Anthony Repa dated June
3 24, 2003.

4 **MR. ENGELMANN:** Sir, is this in fact a note
5 of the call with Murray MacDonald?

6 **MR. REPA:** Yes, sir. It is my writing.

7 **MR. ENGELMANN:** All right.

8 **MR. REPA:** Or printing.

9 **MR. ENGELMANN:** And can you tell us -- can
10 you tell us why you would have a note? Because you --
11 there weren't many. There were only, I understand, three
12 or four of these. Why you would have kept something like
13 this or was this in a Day Timer or ---

14 **MR. REPA:** No, no, no. it was just a -- I
15 think it was the back of one of those green pads where you
16 note telephone calls in the front, who called and -- action
17 slips I think they're called.

18 No, I just turned it over because as I was
19 talking to him, the conversation was so meaningful I wanted
20 to jot down what he was saying, so I could just pass -- you
21 know, take action on it.

22 **MR. ENGELMANN:** And would you then have
23 turned it over to Staff Sergeant Derochie or left it? Why
24 do we still have this?

25 **MR. REPA:** Why do I still have this?

1 **MR. ENGELMANN:** Yeah.

2 **MR. REPA:** Well, there were certain
3 documents when I retired from the Service I took with me,
4 knowing that I might be called to a potential inquiry or
5 whatever.

6 **MR. ENGELMANN:** All right.

7 **MR. REPA:** And I wanted to have available
8 what I did, that's all. Yeah.

9 **MR. ENGELMANN:** Okay. And this was a loose
10 document that you took with you?

11 **MR. REPA:** Yes. And when I was asked by the
12 Service to forward anything pertaining to this to the
13 Inquiry this is one of the ones I forwarded.

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

15 So what is it that you recall from this
16 call?

17 **MR. REPA:** Well, Murray -- Mr. MacDonald,
18 the Crown Attorney and I spoke and he agreed with my
19 position that we really could not investigate it. I mean
20 that's my position all along. Even though I had stated it
21 in different memos, the bottom line was, I guess I was
22 stating the obvious, that if no one else will do it
23 eventually someone is going to have to do something; it
24 would be us. But I knew the reality is we shouldn't do it,
25 the investigation.

1 But I said to him, "How can I ask another
2 police service to" -- and that's when I say Murray agreed -
3 - I should say Mr. MacDonald. But it says Murray agreed
4 with my position. That was my position that we shouldn't
5 do it and he concurred with me.

6 **MR. ENGELMANN:** That you shouldn't do the
7 investigation?

8 **MR. REPA:** That the Cornwall Police Service
9 should not do the investigation.

10 **MR. ENGELMANN:** Because of a conflict of
11 interest or perception, et cetera?

12 **MR. REPA:** The history, yes.

13 **MR. ENGELMANN:** Right.

14 **MR. REPA:** Yes, and he agreed with me.

15 So I said to him, well, then what do I do?
16 I can't go to another police service and say it was nothing
17 to start an investigation and then they're going to have to
18 go in and go on OPP territory and the Crown Attorney's.
19 And he came up with the idea that, well, just ask the OPP
20 to provide a synopsis -- and that's why I wrote it down --
21 of the numbers of allegations and an overview, just an
22 overview, so we know what we had -- when we see what we
23 have.

24 And then originally he thought, well, the
25 RCMP should get it since the OPP can't do it. Further

1 talks with -- he came up with the decision to forward it to
2 Policing Services for guidance as to -- let them select the
3 Force to assign it to, and I thought that was a good idea
4 and that's why I crossed out the RCMP and wrote the bottom
5 part and then we carried on from there and his thoughts on
6 the subject I found very helpful.

7 **MR. ENGELMANN:** All right.

8 So these are essentially Mr. MacDonald's
9 thoughts that you were writing down?

10 **MR. REPA:** Yes, yes.

11 **MR. ENGELMANN:** And what's the reference to
12 public interest at the bottom?

13 **MR. REPA:** Well, I recall when you're
14 writing to Policing Service is something about you can
15 include, it's in the public interest that I'm asking you to
16 do this and you know.

17 **MR. ENGELMANN:** All right. And did you --
18 I'm just noting it says "When we see what we have then
19 forward". Was he to be involved in this process?

20 **MR. REPA:** No, I don't think so, no. No, he
21 knew he couldn't be. He was giving me advice as to what --
22 procedurally how to go about obtaining sufficient grounds
23 to at least give whatever unknown police service a place to
24 start the investigation.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** No, no, it's -- that is; "we" is
2 Cornwall Police.

3 **MR. ENGELMANN:** All right. And so do you in
4 fact have someone follow this up for you, sir?

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

6 **MR. ENGELMANN:** And if we could look at
7 Document Number 739 -- sorry, 731920. It is an internal
8 correspondence from yourself to Acting Deputy Chief Danny
9 Aikman.

10 **THE REGISTRAR:** Can you repeat the number,
11 please?

12 **MR. ENGELMANN:** I'm sorry, 731920. It's in
13 the cross documents.

14 **THE COMMISSIONER:** Exhibit 1836 is an
15 internal correspondence dated July 16th, 2003 from Chief
16 Repa to Acting Deputy Chief Aikman.

17 --- **EXHIBIT NO./PIÈCE No. P-1836:**

18 (731920) Internal Correspondence from
19 Anthony Repa to Danny Aikman dated 16 Jul 03

20 **MR. ENGELMANN:** So you were starting Mr.
21 MacDonald's advice off to have Staff Sergeant Derochie and
22 perhaps Deputy Chief Aikman meet with Inspector Hall?

23 **MR. REPA:** Yes.

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

25 **MR. REPA:** Yes, that's correct and to ---

1 **MR. ENGELMANN:** And a meeting was to be
2 arranged for sometime early in the fall?

3 **MR. REPA:** Yes, early September. I think
4 we're into vacation season here.

5 **MR. ENGELMANN:** Right.

6 **MR. REPA:** And it was to arrange for that
7 synopsis of the numbers of allegations and an overview.

8 **MR. ENGELMANN:** And sir, I'd like to follow
9 it up with one other document, if I may. It's Exhibit 1404
10 and this would be an email message from Staff Sergeant
11 Derochie to Acting Deputy Chief Aikman. I believe you're
12 copied on it.

13 **MR. REPA:** Yes, sir.

14 **MR. ENGELMANN:** It was also sent ---

15 **MR. REPA:** What was the number again, I'm
16 sorry, is there a number?

17 **MR. ENGELMANN:** Yeah, sorry, 1404 is the
18 exhibit number.

19 **MR. REPA:** Thank you.

20 Yes, October 15th?

21 **MR. ENGELMANN:** Right.

22 **MR. REPA:** Yes, sir.

23 **MR. ENGELMANN:** And it appears that Staff
24 Sergeant Derochie was advised by Inspector Hall that
25 Inspector Hall would not be able to provide a statement

1 without the consent of the Crown working on the Leduc
2 prosecution?

3 MR. REPA: Yes.

4 MR. ENGELMANN: So sir, you never, during
5 the course of your continuing tenure as Chief, would have
6 received any information from the OPP ---

7 MR. REPA: No he ---

8 MR. ENGELMANN: --- on this?

9 MR. REPA: This was very clear here. He
10 could not -- about the statement he was to provide to us,
11 obviously there was an agreement to provide it and then
12 there's been a change in plans. He could not provide it
13 without the consent of the Crown. So it sort of came to a
14 stop.

15 MR. ENGELMANN: All right.

16 MR. REPA: I don't think there's a -- to my
17 recollection there is nothing further after this.

18 MR. ENGELMANN: Right, and then you retire
19 in December?

20 MR. REPA: Yes, sir.

21 MR. ENGELMANN: All right.

22 So I'd like to just turn to a few other
23 matters then if we could?

24 MR. REPA: Mr. Engelmann, could I just say
25 something first, please, just in closure to this part?

1 This went on for a year and a half. My
2 letters, I tend to think they are very officially worded
3 and they are -- they had to be because they come from the
4 Office of the Chief relative to a very serious matter.

5 However, I just want to make it clear to
6 Mr. Commissioner and to this Inquiry that in no way do my
7 letters or wordings or what I said here today in no way was
8 I in any way upset with the Ontario Provincial Police over
9 this nor the Crown Attorney's office.

10 If I were Detective Inspector Pat Hall and
11 he were I, I would be doing exactly the same thing in not
12 putting forward a brief with the salient information in it.
13 He has a duty under the Act to assist the Crown Attorney in
14 their cases and he was following that.

15 So I just want to make it very clear that
16 although these letters and this information was flowing
17 back and forth, in no way was I upset -- upset or annoyed
18 with the OPP, Detective Inspector Pat Hall and his crew,
19 we're all professionals and in no way was I as Chief of
20 Police in any way upset or annoyed with the office of the
21 Crown Attorney.

22 After 40 years of policing I have nothing
23 but respect for that office and I completely accept the
24 fact that they have to do what they have to do. I don't
25 want anyone to think in this room that in any way I was

1 criticizing the OPP or the Crown. We all -- and I had my
2 job to do; they had their jobs and unfortunately, they just
3 didn't gel together for whatever reason and that's fine.

4 **MR. ENGELMANN:** So sir, even after
5 receiving that letter from James Stewart -- referred you
6 back to the letter from four years earlier -- didn't give
7 you what you expected, you weren't frustrated by that?

8 **MR. REPA:** Well, I think professionally --
9 that's a good word. Professionally I may have been, yes,
10 slightly frustrated but I respect and understand how the
11 system works and I'm not going to throw -- I'm not going to
12 criticize the entities that were doing the best job they
13 could under the circumstances.

14 There was a lot of -- they had a lot of --
15 let me put it this way. When it was announced that the OPP
16 got Project Truth to do I did not envy them their task,
17 suffice to say.

18 **MR. ENGELMANN:** And you understood the
19 Crown's position?

20 **MR. REPA:** I understand -- I understood
21 and, yes, the Crown's position and I respect them in
22 whatever they were doing.

23 **MR. ENGELMANN:** Okay. So let's switch
24 tracks.

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** Earlier today we were
2 talking about -- it may have been yesterday in fact, we
3 were talking about Directive 98.

4 **MR. REPA:** Yes, sir.

5 **MR. ENGELMANN:** And I just wanted to show
6 you a document which might be some assistance.

7 For the record, Mr. Commissioner, it's
8 Document Number 721753 and this document's an internal
9 correspondence to all personnel from Deputy Chief Joe St.
10 Denis or J. St. Denis. It's dated May 26th, 1997 regarding
11 the Directive Number 98.

12 **THE COMMISSIONER:** All right.

13 And that will be Exhibit 1837.

14 **MR. REPA:** Thank you.

15 **---EXHIBIT NO./PIÈCE NO. P-1837:**

16 (721753) Internal Correspondence from Joseph
17 St. Denis to All Personnel dated May 26,
18 1997

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

20 **MR. ENGELMANN:** So just to situate us again,
21 sir, we had the directive from '95?

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** We had the Helen Dunlop
24 complaint?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** We had your concerns and the
2 recommendations from Inspector Trew after the report from
3 Staff Sergeant Dupuis and there was back-and-forth between
4 you and Inspector Trew about the need to change this policy
5 ---

6 **MR. REPA:** Yes, sir.

7 **MR. ENGELMANN:** --- to address some of the
8 issues that arose from Mrs. Dunlop's complaint. We didn't
9 have another directive until the FOB Number 3 ---

10 **MR. REPA:** Yes, sir.

11 **MR. ENGELMANN:** --- from December of 2000.
12 You were sure that something had been done?

13 **MR. REPA:** Yes, sir.

14 **MR. ENGELMANN:** It would appear that
15 whether, in fact, the directive was amended to reflect this
16 direction, it certainly suggests it was in the last
17 paragraph. Clearly staff were advised about the new
18 responsibilities of an investigating officer with respect
19 to contacting victims and providing assistance?

20 **MR. REPA:** Yes, sir.

21 **MR. ENGELMANN:** And those new
22 responsibilities are set out at paragraphs 1 and 2 of this
23 document?

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** Mr. Engelmann, I thank you very
2 much for locating this. I feel better now. At least it
3 answered that question.

4 **MR. ENGELMANN:** I can't take credit for it,
5 sir, but I'll pass that on.

6 All right. So let's switch tracks
7 completely. I want to ask you a few questions about a few
8 investigations.

9 **MR. REPA:** Yes, sir.

10 **MR. ENGELMANN:** You've told us before that
11 operation side of things may not get to you and if you
12 don't have knowledge, that's fine. I'm going to put some
13 questions -- I know in one of them you do because you've
14 authored some letters or you've signed some notes.

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** So I want to ask you briefly
17 about Shelley Price.

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** That name would be familiar
20 to you, sir?

21 **MR. REPA:** That is fair, yes.

22 **MR. ENGELMANN:** And do you understand, sir,
23 that a complaint was made by her husband, David Price, on
24 behalf of his wife, Shelley, to the OPP Project Truth in
25 approximately the summer of 1998?

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

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

3 And you were made aware of this, sir?

4 **MR. REPA:** Eventually, yes, sir, I was.

5 **MR. ENGELMANN:** Yes, and OPP Project Truth
6 officers would have contacted your staff about the
7 possibility of your agency taking this on as it was their
8 position -- the OPP position -- that the case was not
9 within the Project Truth mandate?

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

11 **MR. ENGELMANN:** And, sir, I'm going to take
12 you to a quick document if I may.

13 It is Document Number 737729. This is a
14 memorandum from Inspector Trew to yourself, sir, dated
15 September 11th, 1998. It's in the cross documents; 737729.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Thank you.

18 Exhibit Number 1838 is an interoffice
19 memorandum to Chief Repa from Inspector Trew dated
20 September 11th, 1998.

21 **--- EXHIBIT NO./PIÈCE NO. P-1838:**

22 (737729) Interoffice Memorandum from Richard
23 Trew to Anthony Repa dated September 11,
24 1998

25 **MR. ENGELMANN:** I'm not sure, sir, if you

1 would have received any official notification before this
2 time, but clearly on September 11th Inspector Trew is
3 bringing you into the loop?

4 MR. REPA: Yes, sir.

5 MR. ENGELMANN: And there was a letter
6 setting out, I believe, a referral from the OPP to the
7 Cornwall Police Service for follow-up and Inspector Trew's
8 saying:

9 "We have Mr. Price speaking on behalf
10 of his wife who is a possible victim of
11 an historical sexual abuse."

12 MR. REPA: Yes.

13 MR. ENGELMANN: That's my understanding and
14 perhaps yours, sir, that ---

15 MR. REPA: That is my understanding.

16 MR. ENGELMANN: --- the dealings were always
17 through the husband?

18 MR. REPA: The husband, yes. It was ---

19 MR. ENGELMANN: It was never ---

20 MR. REPA: --- in essence -- in essence it
21 was a third-party complaint, yes.

22 MR. ENGELMANN: Right.

23 MR. REPA: Yes.

24 MR. ENGELMANN: There was never any contact
25 with her directly?

1 **MR. REPA:** I believe about a year-and-a-half
2 or two years down the road, one of our investigators did
3 speak with her on the phone, yes.

4 **MR. ENGELMANN:** Okay.

5 It says they do not want the Cornwall Police
6 Service investigating their complaint?

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

8 **MR. ENGELMANN:** And you were made aware of
9 that?

10 **MR. REPA:** Yes, sir.

11 **MR. ENGELMANN:** And Inspector Trew, at least
12 at this point, is recommending that since the potential
13 victim will not speak to the Cornwall Police Service, he's
14 recommending to ask the OPP Major Cases to investigate
15 these allegations?

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

17 **MR. ENGELMANN:** Because Project Truth has
18 said no?

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

20 **MR. ENGELMANN:** It's gone to you. Now, your
21 Inspector's saying, well, maybe Major Cases, OPP?

22 **MR. REPA:** Yes, sir.

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

24 Now, a few days after that, you write a
25 letter to David Price, at least the letter's under your

1 signature. The Document Number is 122909.

2 **THE COMMISSIONER:** Exhibit Number 1839.

3 It's a letter to Mr. David Price dated
4 September 21st, 1998, under Chief Repa's signature.

5 --- **EXHIBIT NO./PIÈCE NO. P-1839:**

6 (122909) Letter from Anthony Repa to Mr.
7 David Price dated September 21, 1998

8 **MR. ENGELMANN:** So, sir, do you recall
9 writing a letter to Mr. Price in September of 1998
10 concerning this matter?

11 **MR. REPA:** Yes, sir, I do.

12 **MR. ENGELMANN:** All right. And you would
13 have had the letter from Detective Sergeant Hall; you would
14 have had the memo from Inspector Trew.

15 You, in this letter, don't appear to be
16 following Inspector Trew's recommendation. You appear to
17 be writing to Mr. Price asking him to let your Service
18 proceed?

19 **MR. REPA:** That's correct.

20 **MR. ENGELMANN:** Can you tell us why you
21 weren't following Inspector Trew's recommendation?

22 **MR. REPA:** It was a -- it was a good
23 recommendation and, in fact, we would do that down the
24 road, turn it over to another police service, but in the
25 initial instance, I felt -- well, first of all, it was a

1 third-party complaint. We haven't spoken to the victim of
2 these alleged sexual assaults and this was a letter I sent
3 of assurance.

4 I wanted to assure Mr. -- well, Mrs. Price
5 that -- they were worried about the Cornwall Police
6 investigating it and as in my letter -- my letter speaks
7 for itself. I told her that I'd only been in Cornwall
8 three years as Chief. That the staff were -- in SACA were
9 not present when certain things were alleged to have
10 occurred to her 30 or 40 years ago, and it was a letter of
11 assurance. I was hoping that I could, by this letter,
12 convince them to let us investigate her complaints.

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

14 **MR. REPA:** And that's all it was, was a
15 letter of assurance.

16 **MR. ENGELMANN:** Now, sir, at some point --
17 and it's in the same document number -- I don't know if --
18 was it just the letter that was made? Oh, okay.

19 I think on the next page, it's Bates page
20 760, there's a response and I'm not sure if this is the
21 first response because it's several months later, but ---

22 **THE COMMISSIONER:** I'm sorry.

23 **MR. ENGELMANN:** --- it's a response from Mr.
24 Price to yourself.

25 **MR. REPA:** Well, what happened, sir, is just

1 -- if I may, this registered letter of September the 21st
2 never is received by the Prices. It -- somehow the address
3 we were given, well, they moved in the interim while I was
4 writing the letter and we tried to track it down through
5 Canada Post and it was -- it -- the letter vanished; it was
6 gone. We never did get it back.

7 So about a month later -- and it's not here
8 -- in October, I sent a replica of this to them and the
9 only change would have been the date and their new address
10 that we ascertained from, I believe, the OPP. So now we're
11 into middle or late October that I send the letter, so
12 that's when they first receive it.

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

14 **MR. REPA:** Okay.

15 **THE COMMISSIONER:** Sir, sir, I'm sorry.

16 There is, behind Exhibit Number 1839, there
17 is a handwritten letter from the gentleman in question, I
18 believe, dated March 10th, 1999.

19 **MR. ENGELMANN:** Yes, that's where I was
20 going to go.

21 **THE COMMISSIONER:** Okay.

22 **MR. ENGELMANN:** Sir, is there more that you
23 can recall that takes place between October and March?

24 **MR. REPA:** Yes. There's -- so the letter
25 goes and it's received. There's a phone call, messages

1 left and there should -- they were submitted. I've seen
2 them in other material that was given to me. He doesn't
3 want the Cornwall Police to investigate and then there's
4 either a written communication or a telephone communication
5 to one of the staff; I believe it's to Staff Sergeant
6 Brunet, that his wife has decided she doesn't want any
7 action taken at this time. She's pulled away from it
8 temporarily and -- so that's fine. It's unfortunate but
9 it's fine.

10 And then there's a letter sometime in
11 January from Mr. Price to me, requesting Perry Dunlop
12 investigate this, and phone calls to that effect. Phone
13 messages were left.

14 **MR. ENGELMANN:** That appears in this letter
15 of March 10th as well.

16 **MR. REPA:** Yes, okay, but there were ---

17 **MR. ENGELMANN:** That's attached.

18 **MR. REPA:** There was a January -- I believe
19 it was January 19th or 21st of 1999.

20 At any rate, on February the 10th when I
21 realized that they are not going to accept the Cornwall
22 Police as the investigating agency on this, it's somewhere
23 -- I have a -- there's a handwritten note from me speaking
24 to Inspector Tim Smith of the OPP and I discussed the
25 reluctance with him on February the 10th of the Prices to --

1 Mr. and Mrs. Price to communicate with us, and he agrees.
2 He will send an OPP team to British Columbia to take the
3 initial statement of complaint from Mrs. Price.

4 **MR. ENGELMANN:** All right. That's Document
5 Number 731842. It's a note dated February 10th, 1999; I
6 believe one of your notes.

7 **MR. REPA:** Yes.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 1840, notes of Chief Repa dated
10 February 10th, 1999.

11 **--- EXHIBIT NO./PIÈCE No. P-1840:**

12 (731842) Note from Anthony Repa dated 10 Feb
13 99

14 **MR. ENGELMANN:** So this is the reason you
15 remember the date, you would have looked at this note and -

16 --

17 **MR. REPA:** Yes. Oh, yes.

18 **MR. ENGELMANN:** --- refreshed your memory.

19 **MR. REPA:** I've read this over several
20 times, sir, to be honest.

21 **MR. ENGELMANN:** Yes, okay.

22 So this is a call you were having with
23 Inspector Smith?

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** And you discussed the Price

1 matter?

2 MR. REPA: Yes, sir.

3 MR. ENGELMANN: And you had told us he
4 offered to send an OPP team to British Columbia?

5 MR. REPA: He offered to send a team, yes,
6 sir.

7 MR. ENGELMANN: Right. And review the facts
8 with us as to who should investigate.

9 MR. REPA: That's correct.

10 MR. ENGELMANN: All right.

11 MR. REPA: See, what we had to take into
12 account, sir, that -- I forget how many years before I came
13 to Cornwall, before '95, but the City of Cornwall, sometime
14 prior to my arrival, was in area was smaller.

15 MR. ENGELMANN: Yes.

16 MR. REPA: And that was County and then the
17 city expanded a bit. So not knowing 40 years ago where
18 these occurred, this all could have end up occurring the
19 OPP jurisdiction if it was in the old pre-Cornwall days,
20 the old Cornwall days. So ---

21 MR. ENGELMANN: All right.

22 And the way this note concludes is we -- is
23 it we would make the offer to have OPP take initial
24 complaint?

25 MR. REPA: Yes, sir.

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

2 **MR. REPA:** There's a second -- there's one
3 of these memos dated February 15th also.

4 **MR. ENGELMANN:** Right. I'm just going
5 there.

6 **MR. REPA:** Okay. I apologize.

7 **MR. ENGELMANN:** Document Number 731843.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit Number 1841 are notes of this
10 witness, Mr. -- those are your notes -- Chief Repa dated
11 February 15th, 1999.

12 **--- EXHIBIT NO./PIÈCE No. P-1841:**

13 (731843) Note from Anthony Repa dated 15 Feb
14 99

15 **MR. ENGELMANN:** So you would have had
16 another call on this matter or discussion on this matter?

17 **MR. REPA:** No, but what happened was I
18 believe Staff Sergeant Rick Carter was absent; he was
19 either on vacation or on a course and so we put it off to
20 when -- his return and he returned on the 15th, and then
21 that's where we just told him about the developments on the
22 Price matter with the OPP.

23 And Staff Sergeant Carter was to facilitate
24 -- to call Tim Smith to facilitate the OPP going out there.

25 **MR. ENGELMANN:** All right.

1 **MR. REPA:** So ---

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

3 So this is just again the same thing. The
4 OPP were going to make the first contact in British
5 Columbia?

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** All right.

8 So then we do have the continuation of
9 Exhibit 1839 where we have a letter from Mr. Price to
10 yourself, sir.

11 **MR. REPA:** Is that March the 10th, the
12 letter?

13 **MR. ENGELMANN:** Right.

14 **MR. REPA:** Yes.

15 **MR. ENGELMANN:** The handwritten letter on
16 Bates pages 760 and 761.

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** And he's again stressing a
19 concern about your Force investigating.

20 **MR. REPA:** Yes, sir.

21 **MR. ENGELMANN:** And he's again asking for
22 Constable Dunlop to investigate.

23 **MR. REPA:** That's correct, sir.

24 **MR. ENGELMANN:** And he had done that in the
25 phone earlier; is that what you told us?

1 **MR. REPA:** The phone and I believe a letter
2 dated -- it's not here -- I think it was January 21st of
3 '99.

4 **MR. ENGELMANN:** And, sir, was that something
5 you considered at all?

6 **MR. REPA:** To send Constable Dunlop to ---

7 **MR. ENGELMANN:** To have him investigate or
8 involved in this matter in any way?

9 **MR. REPA:** No, sir, I did not consider it.

10 **MR. ENGELMANN:** And why was that, sir?

11 **MR. REPA:** Well, there's a letter, sir,
12 dated, I believe after March the 10th, that I sent to Mr.
13 Price detailing the reasons why. In the letter, it
14 detailed the reasons why. It did not -- I did not mention
15 Constable Dunlop's name. I said you asked for a specific
16 officer and that very clearly lays out the rationale for
17 not sending Constable Dunlop. It's under my handwriting --
18 my signature.

19 **MR. ENGELMANN:** I think I may have it;
20 Document Number 737737. It's a letter from Mr. Repa to
21 David Price dated March 29th, '99.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit 1842.

24 --- **EXHIBIT NO./PIÈCE No. P-1842:**

25 (737737) Letter from Anthony Repa to Dave

1 Price dated 29 Mar 99

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

3 **MR. ENGELMANN:** Sir, at the bottom of the
4 first page, you say:

5 "Also in your letter of March 10th, you
6 refer to the involvement of the
7 RCMP..."

8 Oh, sorry, just before that:

9 "Subsequently in follow-up
10 correspondence and communications, you
11 requested that a certain officer be
12 assigned to the investigation."

13 **MR. REPA:** Yes, sir.

14 **MR. ENGELMANN:** Do you see that?

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** And on the following page,
17 you set out some reasons why you didn't assign that
18 specific officer. Is that correct?

19 **MR. REPA:** It's the first paragraph I
20 believe of the second page. Yes, the first paragraph of
21 the second page details the reasons.

22 **MR. ENGELMANN:** And essentially what you're
23 saying is the specific officer they've requested, being
24 Perry Dunlop, although you don't mention him by name, isn't
25 part of that unit that is specially trained to investigate

1 these types of allegations?

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

3 **MR. ENGELMANN:** All right.

4 Did either -- did Mr. Price ever come
5 forward with his wife, to your knowledge? Was there ever a
6 meeting between your Force and the Prices?

7 **MR. REPA:** There was telephone communication
8 and now you're talking about a year later, 10 months or so
9 later after Mr. -- Mr. Nadeau came into the police station
10 I believe and said they're prepared now to make their
11 complaint again.

12 Sergeant Jeff Carroll calls and I believe
13 there was -- the Royal Canadian Mounted Police in British
14 Columbia took an initial complaint that was forwarded to us
15 that the staff found to be a little difficult to follow the
16 pattern of the complaint and arrangements were then made
17 with Mr. Price for two Cornwall Police Service members from
18 the SACA Unit to fly out to B.C.

19 They mentioned that they'd have to spend at
20 least a day with Mrs. Price and/or Mr. Price also. And I'm
21 not sure, I think the tickets were bought and the flights
22 were booked and then we received calls saying they weren't
23 -- she wasn't in the position to -- no time ever became
24 convenient for them to fly out there after they cancelled
25 the original flight.

1 So it's a sad case. I certainly would have
2 liked to have at least taken a formal original complaint,
3 that something could be done but ---

4 **MR. ENGELMANN:** No investigation was ever
5 commenced?

6 **MR. REPA:** No. No, sir, not as when I left
7 the Service, no, sir.

8 **MR. ENGELMANN:** All right. Let's talk about
9 another matter then if we can.

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** And that involves a
12 complaint involving Earl Landry, Jr.

13 **MR. REPA:** Yes. Yes, sir.

14 **MR. ENGELMANN:** In January of 1996 a
15 complaint was made by -- I'm just looking for the "C" --
16 some people have monikers, sir, and we're not to use their
17 names. It would be C-52.

18 **THE COMMISSIONER:** And we're going to give
19 you ---

20 **MR. ENGELMANN:** Perhaps it can be written
21 out for the witness?

22 **THE COMMISSIONER:** Yes.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MR. REPA:** Oh, okay.

25 **MR. ENGELMANN:** Familiar with that name,

1 sir?

2 MR. REPA: Yes. And I take it by C-52 it
3 means I don't mention the name?

4 MR. ENGELMANN: That's right.

5 MR. REPA: Okay.

6 THE COMMISSIONER: You'll mention him as C-
7 52.

8 MR. REPA: C-52, okay.

9 MR. ENGELMANN: There's a publication ban,
10 sir, and because we're live on a webcast ---

11 MR. REPA: Yes.

12 MR. ENGELMANN: --- we might be breaching
13 that if we were to mention his names.

14 MR. REPA: Yes, sir.

15 MR. ENGELMANN: That's why we have a
16 moniker.

17 MR. REPA: Okay.

18 MR. ENGELMANN: So C-52 made a complaint to
19 your Service in January of 1996 that he had been sexually
20 abused by Earl Landry, Jr. when he was a child.

21 MR. REPA: Okay.

22 MR. ENGELMANN: Okay, and I'm just wondering
23 when you might have first become aware of this complaint,
24 approximately, sir?

25 MR. REPA: I -- what was the date again, you

1 said, sir?

2 **MR. ENGELMANN:** January of 1996 was when it
3 first -- it would have come into your Service.

4 **MR. REPA:** I certainly was not aware -- to
5 my recollection I do not recall being aware of it at that
6 time, no, sir.

7 **MR. ENGELMANN:** All right. Would it have
8 been much later, sir, that you would have been made aware
9 of this? We certainly know you're aware of it ---

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** --- in 1999 when Staff
12 Sergeant Derochie is looking back at some of the progress
13 on the case.

14 **MR. REPA:** Yes, sir. I'm hesitant to
15 mention names because I might be violating something here,
16 but I take it C-52 was one of five people eventually that
17 was -- to focus me in here -- was one of five ---

18 **MR. ENGELMANN:** Yes.

19 **MR. REPA:** --- people that were complainants
20 when -- may I mention the accused's name?

21 **THE COMMISSIONER:** Oh yeah.

22 **MR. ENGELMANN:** Oh, of course; Earl Landry,
23 Jr.

24 **MR. REPA:** Earl Landry, Jr. was arrested and
25 charged. C-52 was one of the five victims or -- yes.

1 **MR. ENGELMANN:** Yes. So you would have ---

2 **MR. REPA:** I would have become aware of it,
3 the package of the five, at some time -- being the son of
4 who he was, of Earl Landry, Sr., I would have become aware
5 of it at some time when Sergeant Snyder was actively
6 investigating it.

7 Obviously I would have been told that we're
8 going to be charging a former Chief's son, yes, sir.

9 To a specific time, I don't know.

10 **MR. ENGELMANN:** All right. I could tell
11 you, sir, that the active investigation would have been, I
12 believe, in the year 1997, so you would have been informed
13 at some point when Sergeant Snyder was looking at the
14 complaints of the five individuals?

15 **MR. REPA:** Yes. I don't know that I would -
16 - like the name does not ring a bell. I know I was told
17 about Earl Landry, Jr. and that there were others, okay.

18 **MR. ENGELMANN:** And those others are C-51,
19 C-53, C-54 and I believe C-55.

20 **MR. REPA:** Okay.

21 **THE COMMISSIONER:** We'll get you the names
22 in a minute, sir.

23 **MR. REPA:** Sorry, sir?

24 **THE COMMISSIONER:** We're going to get you
25 the names in a moment. The Clerk will give you the name of

1 all of those monikers so you can try to recognize the names
2 if you can.

3 MR. REPA: Okay.

4 MR. ENGELMANN: Is this the type of case,
5 sir, that you would have expected some notification on,
6 given it might be considered a high priority case?

7 MR. REPA: Yes, sir, definitely.

8 MR. ENGELMANN: All right.

9 MR. REPA: Thank you, yes, I have them here.

10 MR. ENGELMANN: All right. And does that
11 help refresh your memory?

12 MR. REPA: To a document that's coming
13 later, yes, it does; one of them, yes.

14 MR. ENGELMANN: Okay. Well, in fact --
15 maybe I'll just jump ahead a bit then.

16 Perhaps if the witness could be given
17 Exhibit 1355.

18 Oh I'm sorry; it's Exhibit 1348.

19 THE COMMISSIONER: You should have that
20 book, sir.

21 MR. REPA: Yes. Yes, sir, I have it.

22 MR. ENGELMANN: Sir, this is the internal or
23 administrative review done by Staff Sergeant Derochie in
24 late 1999, concerning his look back at the Earl Landry, Jr.
25 investigations.

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

2 **MR. ENGELMANN:** You've seen this document?

3 **MR. REPA:** Yes, sir.

4 **MR. ENGELMANN:** And if you need to refresh
5 your memory from it -- I just thought you should have it
6 handy while I ask you a few questions.

7 **MR. REPA:** Yes, sir.

8 **MR. ENGELMANN:** So you would have been
9 advised, sir, of -- presumably during the active
10 investigation by Sergeant Snyder -- Staff Sergeant Snyder --
11 - Sergeant Snyder, I believe -- that there had been two
12 previous complaints made to the CPS; one back in 1985.

13 **MR. REPA:** I don't -- no, sir, I don't
14 recall that. All I recall is -- whether it was from
15 Sergeant Snyder or whoever, when it was being actively
16 investigated I do recall being informed about the
17 investigation. I can't recall dates or whether it was a --
18 -

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

20 **MR. REPA:** --- previous complaints.

21 **MR. ENGELMANN:** When you became aware of the
22 active investigation did you have any concerns about the
23 fact that your Force was investigating the son of a former
24 Chief?

25 **MR. REPA:** No, sir.

1 **MR. ENGELMANN:** Did you at any time think
2 that it might be appropriate to send it out and have
3 another Force investigate it?

4 **MR. REPA:** No, sir.

5 **MR. ENGELMANN:** And why was that, sir?

6 **MR. REPA:** In my approximately 28 years -- I
7 can't count the three years in Toronto because Toronto is a
8 big city now, but in my 28 years, when I joined the town of
9 Burlington Police, City of Burlington became Halton, I
10 became aware of -- that when police officers in our Service
11 committed criminal offences or serious misconducts that we
12 arrested our own, we did our own, and as I grew with the
13 Force and got promoted and -- sorry, I apologize -- and
14 worked my way up, I cannot recall once when we called in an
15 outside Force to investigate our officers in criminal
16 matters; and some of them were very serious and I was
17 involved in some of them, not all of them but some of them.

18 I was involved in very serious police
19 misconduct matters and in my 28 years with the Halton
20 Regional Police -- and if it happened once, I must have
21 been on vacation because I cannot recall it -- I cannot
22 recall us ever calling in an outside police service to
23 investigate our own on a criminal matter.

24 And the standard -- especially when I got
25 into professional standards and that -- was in Ontario was

1 -- I don't know of many Forces that did and the police in
2 Ontario have a very good track record of investigating
3 their own and a lot of times to successful conclusions.

4 So my whole training, my whole culture, my
5 whole schooling was you investigate your own. In this case
6 we weren't investigating a police officer, we were
7 investigating a former Chief's son who had never been on
8 the Police Service.

9 And this former Chief had retired a good
10 number of years earlier. So I had -- with my past
11 experience and with the facts as before me -- that were
12 before me, I had actually no concern at all about our
13 Service investigating it and they seemed to be -- as I was
14 being brief, they seemed to be rolling along on it.

15 **MR. ENGELMANN:** The Chief had retired -- the
16 former Chief had retired about 12 -- 12-and-a-half years
17 before?

18 **MR. REPA:** That's correct, sir.

19 **MR. ENGELMANN:** Might your thoughts have
20 been different if he had just retired? In other words, if
21 he'd retired within the last year?

22 **MR. REPA:** Well, I can only speculate. I'd
23 say no, it wouldn't have mattered.

24 That's my culture and my schooling and my
25 grooming. You do it, you just do it.

1 **MR. ENGELMANN:** But you can understand, sir,
2 that if he had retired recently or even some time ago and
3 if the people investigating his son had worked for him ---

4 **MR. REPA:** Yes.

5 **MR. ENGELMANN:** --- there could be, whether
6 it's a real conflict, certainly a perceived conflict of
7 interest?

8 **MR. REPA:** Yes. And I understand public
9 perception. I think I understood it the first day I put my
10 uniform on after Police College and walked out on the
11 street. You are always, always under the public eye and
12 you have to be conscious of public perception, always.

13 It's one of the considerations you take into
14 account when you're making your decisions, but really it
15 doesn't rule what you do. I think that -- there is one
16 qualifier to what I have said, sir, about my background.

17 If the investigating officers -- and I only
18 had so many that I could utilize as investigating officers
19 on the Cornwall Police, if they had come to me, not on this
20 case but at any time throughout the eight-and-a-half years
21 and said, "Look, we're uncomfortable with investigating
22 this Chief, we would really -- we really think you should
23 source this one out", then yes, I would do that.

24 But if my investigators are comfortable and
25 they're doing their job then I'm not concerned about it and

1 during my eight-and-a-half years, we did criminally arrest
2 and charge two of our employees on the Service. One was a
3 civilian and one was a police officer and they were both
4 found guilty in Criminal Court.

5 So our track record is consistent with the
6 policing in Ontario.

7 **MR. ENGELMANN:** But, sir, whether it's your
8 track record or whether it's your background, would you at
9 least agree that it should be a consideration in each and
10 every case?

11 **MR. REPA:** Yes, I cannot disagree with that
12 comment, sir.

13 **MR. ENGELMANN:** Sir, in the spring of 1998
14 were you aware of concerns being raised by the local Crown
15 with respect to your investigating officer in this matter?
16 And just to help refresh your memory, memo -- sorry, a
17 letter dated May 28, 1998; it's Exhibit 1612.

18 I think that's with respect to this case.
19 It's not absolutely crystal clear.

20 **MR. REPA:** Sorry, 1612?

21 **THE COMMISSIONER:** Yes, last exhibit.

22 **MR. REPA:** What was the index, sir?

23 **THE COMMISSIONER:** Sixteen-twelve (1612).

24 **MR. ENGELMANN:** Sixteen-twelve (1612).

25 **THE COMMISSIONER:** One-six-one-two (1612).

1 **MR. REPA:** Oh, okay, right at the end.

2 **THE COMMISSIONER:** How much longer do you
3 think you have, Mr. Engelmann?

4 **MR. ENGELMANN:** I'm sorry?

5 **THE COMMISSIONER:** How much longer do you
6 think you have, sir?

7 **MR. ENGELMANN:** Oh, it's going to be a good
8 half-hour.

9 **THE COMMISSIONER:** All right.
10 Why don't we take the afternoon break and
11 then -- could you canvass, Mr. Engelmann, how much time we
12 should set aside for cross-examination?

13 **MR. ENGELMANN:** I will. I've pulled in even
14 more documents this afternoon from the cross pile so I will
15 certainly check that.

16 **THE COMMISSIONER:** All right, thank you very
17 much.

18 Let's take a short break.

19 **THE REGISTRAR:** Order. All rise. À
20 l'ordre. Veuillez vous lever.

21 This hearing will resume at 3:15.

22 --- Upon recessing at 3:00 p.m./

23 L'audience est suspendue à 15h00

24 --- Upon resuming at 3:17 p.m.

25 L'audience est reprise à 15h17

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

3 **THE COMMISSIONER:** Mr. Engelmann? Go ahead,
4 sir.

5 **ANTHONY REPA:** Resumed/Sous le même serment

6 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
7 **ENGELMANN (Cont/Suite):**

8 **MR. ENGELMANN:** Mr. Repa, I believe when we
9 left off I was having you look at what is Exhibit 1612.
10 It's a letter from Murray MacDonald to yourself?

11 **MR. REPA:** Yes, sir.

12 **MR. ENGELMANN:** And I simply wanted to ask,
13 are you aware, sir, if this letter refers to an officer who
14 was responsible for the Earl Landry, Jr. investigation?

15 **MR. REPA:** Yes. I found out subsequently
16 that's what it was, yes.

17 **MR. ENGELMANN:** All right. And you in fact
18 wrote a response to this letter, did you not? I'm going to
19 show you a Document, 739944.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit 1843 is a letter to Murray MacDonald
22 from Chief Repa, dated June 9th, 1998.

23 --- **EXHIBIT NO./PIÈCE NO. P-1843:**

24 (739944) Letter from Anthony Repa to Murray
25 MacDonald dated June 9, 1998

1 **MR. ENGELMANN:** So after receiving the
2 letter from Murray MacDonald and before writing this letter
3 dated June 9th, would you have spoken to the officer
4 involved, sir?

5 **MR. REPA:** Me personally, no. I would have
6 -- someone in the -- where are we, '98, I don't know
7 whether it would have been an inspector or a staff sergeant
8 would have spoken to him about it, to facilitate the
9 exchange -- the paper flow.

10 **MR. ENGELMANN:** All right. And this was
11 with respect to Sergeant Snyder and interactions with the
12 Crown's office?

13 **MR. REPA:** Yes, I understand it is. Yes.

14 **MR. ENGELMANN:** Okay. So you didn't have
15 personal involvement in it then, other than to write the
16 letter back?

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

18 **MR. ENGELMANN:** All right. But you're
19 asking -- and I'm just wondering, when it says:

20 "In an effort to effectively control
21 the situation, I would respectfully
22 request that you and your staff forward
23 all correspondence concerning requests
24 for follow-up by our officers to my
25 personal attention."

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

2 **MR. ENGELMANN:** Now, sir, would you have
3 been getting all of them after this or would that have been
4 someone else on your behalf?

5 **MR. REPA:** No. I did the same thing with
6 the drug prosecutor or -- yes, the drug prosecutors.

7 Yes, they would all be received by me and
8 then they could be actioned by me and it just -- it was to
9 give a bit more ---

10 **THE COMMISSIONER:** Authority.

11 **MR. REPA:** --- meaning or authority or clout
12 to a request from the Crown.

13 Actually, after that letter was written,
14 sir, I can't really recall -- we were not inundated with
15 requests from the Crown Attorney's office after I wrote
16 this letter because I can assure you my staff were also
17 aware that I was going to receive the letter. So that may
18 have facilitated a quicker passage of paperwork.

19 Plus, we also had Constable Kevin Malloy --
20 I'm sorry, Mr. Kevin Malloy around this timeframe or just
21 before that, going in as the court case manager and he
22 would have -- he would have kept on top of the situation
23 also.

24 So after this letter was written, I can't
25 say that I recall ever receiving another request. I may

1 have, but they were -- we were not inundated with them.

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

3 Now, sir, I wanted to ask you just a couple
4 of questions.

5 I think it would be better if we had Exhibit
6 1349 handy and these are notes of Staff Sergeant Derochie
7 and this deals with the timeframe in late August of 1999.

8 Okay and he's saying:

9 "This morning, I read in the local
10 newspaper a front page article about
11 Earl Landry, Jr. having entered a
12 guilty plea to a number of charges
13 related to sexual assaults on young
14 males. Near the end of the article the
15 story mentioned two issues which would
16 give the reader cause to want to ask
17 questions. (1) is that one victim
18 brought forth allegations to us and
19 that no charges were laid; (2) that the
20 Crown Attorney at the time who is now
21 the defence lawyer."

22 The article identifies the accused as being
23 the son of former Chief Earl Landry, Jr.

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** All right. And so this has

1 caught the eye of Staff Sergeant Derochie. He told us that
2 one of the things he was to do was to monitor things in the
3 press to keep an eye on things that might cause concern or
4 embarrassment, whatever, to the Cornwall Police Service to
5 be able to react and respond to them.

6 MR. REPA: Yes, sir.

7 MR. ENGELMANN: All right?

8 MR. REPA: Yeah.

9 MR. ENGELMANN: And, sir, he says on the
10 following page of his notes, in fact at 135 -- at Bates
11 page 135, just after writing this and we're still on August
12 31st, I believe -- he says:

13 "The chief is apparently unaware of
14 what is going on with this matter."

15 MR. REPA: That's correct.

16 MR. ENGELMANN: And I don't know if he would
17 have had a discussion with you that day to make that
18 comment but would that have been a fair comment at that
19 time?

20 MR. REPA: I would suggest to make that
21 comment he would have had -- he would have brought the
22 matter to my attention.

23 MR. ENGELMANN: Right.

24 MR. REPA: That would -- yes.

25 MR. ENGELMANN: And this would have been

1 news to you?

2 MR. REPA: Yes.

3 MR. ENGELMANN: And this is the concern
4 about a victim having brought forth allegations to us and
5 that no charges were laid sometime in the past.

6 MR. REPA: That's correct.

7 MR. ENGELMANN: All right. And perhaps the
8 fact of the defence counsel having been the Crown Attorney
9 earlier might have also been news as well?

10 MR. REPA: Well, yes, but that really
11 wouldn't -- that wouldn't be my concern.

12 MR. ENGELMANN: No.

13 MR. REPA: No.

14 MR. ENGELMANN: The real concern is the
15 first one?

16 MR. REPA: Yes, sir.

17 MR. ENGELMANN: Right.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. ENGELMANN: And on the following Bates
20 page 136 he notes:

21 "On September 1st at 8:50 in the morning
22 that he briefly discussed this matter
23 with the Chief, wants a meeting at 9
24 o'clock."

25 And, sir, do you recall a meeting with Staff

1 Sergeant Derochie on this matter at or around this 1st of
2 September?

3 **MR. REPA:** No, I don't recall it but if it's
4 in his notes then we did have the meeting, yes.

5 **MR. ENGELMANN:** Yeah, and there's various
6 tasks he sets out. And if you look at Bates page 138, he
7 talks about a meeting that afternoon where you are present;
8 Carter, Snyder, Dupuis, Paquin. And he's tasked a variety
9 of tasks that are given to him.

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** Starting at the bottom of
12 that page onto the next, there is five different tasks.

13 **MR. REPA:** Yes, sir.

14 **MR. ENGELMANN:** Evaluate, reconsider,
15 retention periods, et cetera. These are all follow-ups
16 that he is going to do about the Earl Landry, Jr. matter.
17 Is that correct?

18 **MR. REPA:** Yes, sir.

19 **MR. ENGELMANN:** And you've either instructed
20 him to do them or you have agreed with his approach in
21 tasking yourself with those matters?

22 **MR. REPA:** Yes, sir.

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

24 And so is this really the start of what we
25 could call the administrative review in this case?

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

2 **MR. ENGELMANN:** And what was the purpose of
3 the administrative review, from your perspective?

4 **MR. REPA:** To satisfy the complaint that was
5 made in the media and it was obvious that perhaps timelines
6 were extended, so now it was just get it all on paper so I
7 can see what we've got. It's one thing to sit and talk
8 about an issue but when you're committed to paper then
9 there is going to be an action taken.

10 **MR. ENGELMANN:** All right. So you wanted
11 him to get you some background facts so that you could look
12 at what had taken place?

13 **MR. REPA:** Yes, sir, that's all.

14 **MR. ENGELMANN:** And in fact we turned to
15 that briefly. I don't know if you still have it before
16 you. It's Exhibit 1348, his report or review.

17 **MR. REPA:** Yes, sir.

18 **MR. ENGELMANN:** Now, it's my understanding,
19 sir, that he would have presented this report to you at or
20 about the 8th of December. And in fact ---

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

22 **MR. ENGELMANN:** --- if you still have it
23 open, Tab 1349 -- sorry, Exhibit 1349 references the fact
24 that, "Submitted report to Chief with recommendations
25 December 8th '99."

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

2 **MR. ENGELMANN:** And that is in fact a
3 report.

4 **MR. REPA:** That's it. Yes, sir.

5 **MR. ENGELMANN:** At 1348?

6 **MR. REPA:** Yes, sir.

7 **MR. ENGELMANN:** And, sir, would you have
8 been provided with a copy of the document at the meeting?

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** Or you would have had it
11 available at that time when you met with him?

12 **MR. REPA:** Well, I don't know. I probably
13 had it beforehand to read it and then ---

14 **MR. ENGELMANN:** Fair enough.

15 **MR. REPA:** --- subsequently met with him.

16 **MR. ENGELMANN:** All right.

17 And what was your initial reaction to the
18 information that you were receiving from Staff Sergeant
19 Derochie?

20 **MR. REPA:** Well, if you can turn to Appendix
21 A, Bates page 205, I think you can see my reaction in
22 writing on the paper. The writing ---

23 **MR. ENGELMANN:** That's your handwriting,
24 sir?

25 **MR. REPA:** That's my handwriting, yes, sir,

1 on that page, on Appendix A.

2 MR. ENGELMANN: All right.

3 MR. REPA: In the front and the back.

4 MR. ENGELMANN: And did you make these notes
5 at the time when you were meeting with Staff Sergeant
6 Derochie?

7 MR. REPA: No. These -- I would have read
8 this by myself.

9 MR. ENGELMANN: Yes.

10 MR. REPA: Now, these notes would have been
11 made as I was reading it.

12 MR. ENGELMANN: All right.

13 Now, the problems you seem to be identifying
14 are between dates.

15 MR. REPA: Yes.

16 MR. ENGELMANN: Is that -- is the problem
17 essentially one of how long things took?

18 MR. REPA: Oh, yes, yes.

19 MR. ENGELMANN: All right.

20 MR. REPA: Too long.

21 MR. ENGELMANN: All right.

22 And you've identified a number of times when
23 you thought things took too long.

24 MR. REPA: Yes, sir.

25 MR. ENGELMANN: Were there other problems,

1 sir, that you saw here over and above the delay issues?

2 MR. REPA: Well, there's a management issue,
3 of course. I mean, there are supervisors in place.

4 MR. ENGELMANN: Case management issues?

5 MR. REPA: Yes. Well, case management --
6 okay, case management issues, yes, right.

7 MR. ENGELMANN: And, sir, the notes that you
8 set out at the end, are those the direction that you want
9 to take as a result of the review you've received?

10 MR. REPA: Yes, these I roughed out right
11 away to keep my thoughts clear, and then I followed up with
12 a standing order.

13 MR. ENGELMANN: All right.

14 So I'll go to that in a couple of minutes if
15 I can. Let's just take a look at the report, though,
16 before leaving it.

17 Staff Sergeant Derochie lists some concerns
18 on Bates page 204.

19 MR. REPA: Yes, sir.

20 MR. ENGELMANN: And you see the various
21 bullets there?

22 MR. REPA: Yeah.

23 MR. ENGELMANN: That:

24 "Notes were attached to completed
25 investigative reports and so were

1 destroyed at the end of the retention
2 period of those reports."

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

4 **MR. ENGELMANN:** He also notes that:

5 "Occurrences, incidents which contained
6 allegations of historical sexual
7 assaults which could not be prosecuted
8 or pursued for any number of reasons
9 were classified as police information
10 and so had a very short retention
11 period."

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

13 **MR. ENGELMANN:** That:

14 "Historical sexual assaults were/are
15 not pursued with the same type of
16 urgency which recently occurring
17 assaults were or are given."

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** And that:

20 "Case management issues in the CIB
21 remain unresolved and a continued
22 source of concern."

23 **MR. REPA:** That's correct.

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

25 Did you share those concerns after having

1 him report and review his report?

2 MR. REPA: Well, I certainly shared -- like
3 the first two had to do with retention schedules and paper
4 flow in '85, which changed. I think out of Policing
5 Services came that any sexual assault matters had to be
6 kept for -- I forget if they said 20 years or 25 years. So
7 that sort of eventually resolved itself, the paper flow.

8 MR. ENGELMANN: M'hm.

9 MR. REPA: The last two were the ones that
10 were of main concern to me and that's what I went about to
11 address.

12 MR. ENGELMANN: Were you aware, sir, or did
13 Staff Sergeant Derochie advise you at this time that
14 similar shortcomings had been identified in other
15 historical sexual assault investigations?

16 MR. REPA: Are you talking about prior to my
17 arrival?

18 MR. ENGELMANN: Yes.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. ENGELMANN: I'll be specific, sir. The
21 Silmsler investigation in 1993 and the Antoine investigation
22 -- there was a report on it in 1995 just before you
23 started.

24 MR. REPA: Yes.

25 MR. ENGELMANN: In the summer of '95.

1 **MR. REPA:** Yes, I was very aware of the
2 Silmsler investigation and the problems that grew out of
3 that from the various briefings I had when I first arrived.

4 Antoine I don't think I was familiar with
5 until I read all the documents that were sent to me. So my
6 answer would be yes to the DS matter, yes.

7 **MR. ENGELMANN:** Okay, because in the first
8 paragraph of Bates page 204, after saying he has not
9 uncovered evidence which would suggest that Earl Landry,
10 Jr. received any kind of preferential treatment because of
11 his relationship with former Chief Earl Landry, Sr. ---

12 **MR. REPA:** Yes.

13 **MR. ENGELMANN:** He says:

14 "There does exist in this matter,
15 however, a number of the same
16 shortcomings previously identified in
17 other historical sexual assault
18 investigations."

19 **MR. REPA:** Yes, sir. Yes.

20 **MR. ENGELMANN:** And you would have asked
21 him, presumably, if you weren't clear which ones those
22 were?

23 **MR. REPA:** We may have discussed it but not
24 to the names of the parties. It may have been just -- like
25 I do not recall right now. So I can't really answer the

1 question, sir.

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

3 But that would be a concern of yours, sir,
4 if in 1999 an officer like Staff Sergeant Derochie is
5 telling you "déjà vu", you know, this has happened before.

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** And this happened before you
8 started and now you've been here for four years and it's
9 still happening.

10 **MR. REPA:** Well, we have to take this -- I
11 agree, sir. I'm not in any way going to downplay this.
12 This is very serious. It should never have occurred.
13 There are no excuses that anyone could give for this.
14 There are reasons why it happened, as I understand, but
15 they're not excuses; all right.

16 But this was -- I mean I agree there were
17 the two cases you mentioned that predate my arrival but
18 these were -- this one was and they were isolated
19 incidents, wrong and should never have occurred but they
20 were isolated.

21 **MR. ENGELMANN:** Well, sir, he told us that
22 he had identified problems in three historical sexual abuse
23 cases.

24 **MR. REPA:** Yes, sir.

25 **MR. ENGELMANN:** And ---

1 **MR. REPA:** It's a problem. I'm not
2 downplaying it and ---

3 **MR. ENGELMANN:** And, sir, your concerns
4 don't even go back to the 1985 issue; your concerns are
5 really with what happened under your watch.

6 **MR. REPA:** That's right, and particularly
7 this one and my attempts to correct it to ensure that it
8 would never happen again, to set the orders in motion to
9 ensure this would not happen again.

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

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** And, sir, ---

13 **MR. REPA:** Like one is as bad as a hundred
14 as far as I am concerned.

15 **MR. ENGELMANN:** Fair enough, but we have
16 three cases we're looking at. I asked you earlier today if
17 you were familiar with another involving Marcel Lalonde and
18 you were not familiar with what happened in the late
19 eighties ---

20 **MR. REPA:** No.

21 **MR. ENGELMANN:** --- and what happened later
22 on.

23 **MR. REPA:** No.

24 **MR. ENGELMANN:** So a lot of these cases are
25 operational and I would suggest to you that perhaps you

1 don't have a full knowledge on some of them.

2 MR. REPA: I would agree with you, sir.

3 MR. ENGELMANN: Yeah.

4 MR. REPA: I have no dispute to that.

5 MR. ENGELMANN: Okay. So -- and the
6 shortcomings that you were concerned about and that you're
7 seeking to address are the shortcomings based on what takes
8 place between January of '96 and your getting this report.
9 You're not commenting or dealing with what happened in 1985
10 or what happened in 1993.

11 MR. REPA: No, sir. No, sir. This -- this
12 was enough for me to -- to draft a standing order.

13 MR. ENGELMANN: I'll just be a moment.

14 THE COMMISSIONER: M'hm.

15 MR. ENGELMANN: The standing order I believe
16 we're talking about is at Exhibit 1356.

17 MR. REPA: Yes, sir.

18 MR. ENGELMANN: Do you have it, sir?

19 MR. REPA: Yes, sir.

20 MR. ENGELMANN: All right.

21 So that's the standing order?

22 MR. REPA: Yes, sir.

23 MR. ENGELMANN: And I understand that it had
24 a brief predecessor and if you could look at Exhibit 1355
25 for a moment.

1 **MR. REPA:** Yes, sir. You're referring to
2 the day ---

3 **MR. ENGELMANN:** Yes.

4 **MR. REPA:** --- the day changed when follow-
5 ups had to be submitted.

6 **MR. ENGELMANN:** Right. There was another
7 change too that I want to take you to but this would have
8 been the first attempt to put into action the standing
9 order that you wanted, sir?

10 **MR. REPA:** Yes, sir.

11 **MR. ENGELMANN:** And the order that you
12 wanted, as you said, was summarized briefly in notes you
13 put on the admin review document itself and then you had it
14 -- it fleshed out by Staff Sergeant Derochie.

15 **MR. REPA:** Well, I'm not sure who did it.
16 Usually -- usually the Chief of Police writes the order
17 with assistance but ---

18 **MR. ENGELMANN:** I'm sorry.

19 **MR. REPA:** Yeah.

20 **MR. ENGELMANN:** Okay.

21 **MR. REPA:** Okay. But he would have been an
22 active participant, yes.

23 **MR. ENGELMANN:** Fair enough. Fair enough.
24 So 15 -- sorry, 1355 is the first iteration?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** And in it you talk about a
2 seven-day report.

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

4 **MR. ENGELMANN:** That's a follow-up and then
5 on December 17th, you're changing that to a report every 14
6 days.

7 **MR. REPA:** That's correct, sir.

8 **MR. ENGELMANN:** And, sir, I understand as
9 well that one of the changes that would have been added --
10 one of the things you're saying in this standing order, in
11 the second paragraph, is that the highest priority must
12 always be given to complaints of sexual assault or child
13 abuse.

14 **MR. REPA:** Yes, sir.

15 **MR. ENGELMANN:** And that's the preamble for
16 what follows.

17 **MR. REPA:** Yeah.

18 **MR. ENGELMANN:** You say:

19 "Therefore, taking into account your
20 recommendations, I am directing that
21 the following actions be taken to
22 ensure a timely response to such
23 complaints."

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** And this is what we call a

1 standing order.

2 MR. REPA: Well, this is actually a memo to

3 ---

4 MR. ENGELMANN: Oh, sorry, to become a
5 standing order.

6 MR. REPA: Yeah. The standing order is
7 written up later.

8 MR. ENGELMANN: All right.

9 And the standing order at 1356 ---

10 MR. REPA: Yes, sir.

11 MR. ENGELMANN: This, as I understand it,
12 the -- the previous memo would have been the subject of
13 some discussion ---

14 MR. REPA: Yes.

15 MR. ENGELMANN: --- with you, with Staff
16 Sergeant Derochie and perhaps some other senior officers.

17 MR. REPA: There was -- yes, this memo had
18 the effect I wanted it to have. It did generate a lot of
19 discussion; yes, sir.

20 MR. ENGELMANN: And as a result of that
21 discussion, I understand the reporting requirement was
22 changed, not from seven to 14 but from 14 to 30 days.

23 MR. REPA: Yes, sir. If I just may, seven
24 days was unreasonable. I knew that when I put it in but it
25 was a way of expressing my complete disappointment to the

1 staff. I knew they -- I had been there long enough, I knew
2 they would approach me on it and -- because this was not
3 the order and they did approach me on it.

4 Seven days is actually a little
5 unreasonable. I was used to in my -- when I was doing it
6 with 14 to 21 days and on December 17th, after some
7 discussion, I amended it to 14. I was quite comfortable
8 with that; 14 to 21 days I'd have been very comfortable
9 with.

10 **MR. ENGELMANN:** But, sir, after a further
11 discussion with some senior officers, it appears that the
12 standing order that then is written up says:

13 "The investigating officer will report
14 on the status of the case by means of a
15 supplemental report every 30 days."

16 **MR. REPA:** That's correct, sir. The staff
17 met with me and it was pointed out that that was how OMPPAC
18 worked and ---

19 **MR. ENGELMANN:** Wasn't that the standing
20 requirement on OMPPAC the follow-up report every 30 days on
21 open cases?

22 **MR. REPA:** I think they -- I think if I
23 recall correctly that every 30 days was the standard for
24 submitting follow-ups and think of how many Police Services
25 are on OMPPAC, including the OPP, it was a little hard to

1 disagree with. It was a little awkward to disagree with
2 them when so many other Forces were doing this.

3 I did not -- I was not -- in spirit, I was
4 not in agreement with the 30 days but I went with it. At
5 least -- there's one thing; at least 30 days was better
6 than what happened in the initial Landry report that
7 precipitated this.

8 **THE COMMISSIONER:** Do you understand, sir,
9 that Staff Sergeant Derochie testified that even at 30 days
10 that they had considerable difficulty in achieving that?

11 **MR. REPA:** Yes, and -- yes, I did and I read
12 that in the transcript, sir. But Mr. Commissioner, I had
13 approximately 12 years of the same difficulties. We didn't
14 have it on computer, we had triplicate paper and we'd get
15 the last sheet. It was a pink page and we referred to them
16 as "pinkies" and we were inundated with them.

17 And with respect, I understand what Staff
18 Sergeant Derochie said but we had to have them in every 14
19 days. We got them in every 14 days. You just find the
20 time.

21 And for 30 days, I -- you know, I apologize
22 that my staff was so busy but just find the time to do it;
23 period.

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

25 But the 30-day reporting requirement on

1 OMPAC was for every case?

2 MR. REPA: Yes.

3 MR. ENGELMANN: So I guess the question --
4 it begs the question if you want to give priority to these
5 types of cases, it wasn't thought that there should be a
6 more regular follow-up than the norm?

7 MR. REPA: Well, sir, the -- Mr. Engelmann,
8 unlike what happened to cause this standing order to be
9 drafted, there were no follow-ups being submitted at all
10 for months on end. At least every 30 days -- what a
11 supervisor is supposed to do is say, okay, you have a very
12 serious sexual assault complaint here.

13 MR. ENGELMANN: Right.

14 MR. REPA: You've only submitted -- what
15 have you done on this and then it's up to the supervisor to
16 sit with the staff member and say, "Okay, how can I assist
17 you, what are the problems" and to the point where if you
18 consider it serious enough you'd pull that investigator off
19 all of his or her other details and you say "You have one
20 week to complete this; get going on it".

21 So it's not only that the -- it's not only
22 for the purposes of an investigator to type in every 30
23 days I've done this, I've contacted this person, I
24 anticipate an arrest soon. It also lets the supervisor
25 monitor what his or her staff are doing.

1 **MR. ENGELMANN:** Absolutely.

2 **MR. REPA:** And so a 30-day monitoring is
3 better than -- and if you think of it in essence, sir, ---

4 **MR. ENGELMANN:** Well, 30 days is better than
5 nothing.

6 **MR. REPA:** Thirty (30) is better than
7 nothing but if you think of it, sir, I wrote the standing
8 order but I wrote an order on what they were supposed to
9 already be doing anyways. It was supposed to be done every
10 30 days, exactly what I was ordering them on. So it was a
11 bit redundant.

12 **MR. ENGELMANN:** Well, I guess that was my
13 question. If it's 30 days for every case, why wouldn't you
14 -- if you're going to put in a date have a quicker date?

15 **MR. REPA:** Well, when you operate a police
16 service under participatory management and all of your --
17 well, by this time they were pretty well the senior
18 managers. They were running the organization and they
19 point out things to you. There comes a point where you
20 have to ---

21 **MR. ENGELMANN:** All right.
22 You want the order to be followed?

23 **MR. REPA:** I want the order to be followed,
24 definitely.

25 **MR. ENGELMANN:** Right.

1 **MR. REPA:** Well, that is my expectation.

2 **MR. ENGELMANN:** Yes.

3 **MR. REPA:** Yes.

4 **MR. ENGELMANN:** All right.

5 And, sir, in this order you're also making
6 the point that historical sexual assaults will be given the
7 same consideration as those incidents which have just
8 recently occurred?

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

10 **MR. ENGELMANN:** Why was it felt important to
11 emphasise that?

12 **MR. REPA:** Just to make my point. I mean,
13 professionally, what I read in Staff Sergeant Derochie's
14 report was professionally upsetting; all right.

15 So this -- I may have done overkill on this
16 standing order but that's the way I am and I was unhappy
17 with it.

18 I understood some of the rationale as to why
19 it occurred; not excuses and I didn't -- the officers were
20 counselled. I put that in -- it's in my report back to
21 Staff Sergeant Derochie to review with them and the
22 timelines. In other words, they were being counselled.

23 **MR. ENGELMANN:** Which officers were going to
24 be counselled, sir?

25 **MR. REPA:** Staff Sergeant Brunet and

1 Sergeant Snyder.

2 MR. ENGELMANN: All right.

3 MR. REPA: But when it's a -- when it's a --
4 okay, well I won't talk about this. I'll talk about this.

5 This was -- this standing order reflects my
6 displeasure with what had occurred and I wanted to
7 emphasise I never want to see this happen again.

8 MR. ENGELMANN: All right.

9 And you were concerned that perhaps because
10 the historical cases were older in nature, weren't current
11 that they weren't getting the same level of priority and
12 you wanted to emphasis that they should be?

13 MR. REPA: Well, I can only say that about
14 the one case I saw; the Landry matter, yes. Obviously I --
15 that's a given and it was just to drive home the point.

16 It's what you have -- it's what the leader
17 does. If he's unhappy, you make sure the staff know you're
18 unhappy professionally and write the order accordingly so
19 that it never happens again.

20 MR. ENGELMANN: Now, sir, the other thing
21 you did in this order was talk about random audits.

22 MR. REPA: Yes. Yes.

23 MR. ENGELMANN: And that the officer in
24 charge of Professional Standards would be responsible for
25 random audits?

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

2 **MR. ENGELMANN:** Do you know if they actually
3 happened, sir?

4 **MR. REPA:** Did I know?

5 **MR. ENGELMANN:** These annual audits.

6 **MR. REPA:** Did they actually happen?

7 **MR. ENGELMANN:** Or random audits, I'm sorry.

8 **MR. REPA:** Did they actually happen?

9 **MR. ENGELMANN:** Yes.

10 **MR. REPA:** I would hope that they did. I --
11 there wasn't a reporting system at this time on audits to
12 report back, no. But I ---

13 **MR. ENGELMANN:** But that would have been the
14 responsibility of the Professional Standards officer?

15 **MR. REPA:** Staff Sergeant Derochie at that
16 time.

17 **MR. ENGELMANN:** At that time.

18 **MR. REPA:** Yes.

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

20 Now, sir, standing orders are not permanent
21 orders.

22 **MR. REPA:** No, they're temporary ---

23 **MR. ENGELMANN:** They get superseded by
24 general orders; correct?

25 **MR. REPA:** Okay. A standing order like this

1 -- a standing order goes out. There would be a mailing
2 list on it and it would have been put on OMPPAC; all right?

3 And then what happens is it goes into the
4 staff that type general orders.

5 **MR. ENGELMANN:** Yes.

6 **MR. REPA:** To type a general order it takes
7 times. It has to be correctly worded. There has to be
8 numbers given. Then copies have to go out to each member
9 of the service and they have to sign for it and then the
10 signatures have to be kept in the -- if a person is ever
11 charged with an allegation of misconduct, you have to prove
12 they received the order.

13 So it's a timely process but a standing
14 order carries the same weight as a general order.

15 **MR. ENGELMANN:** But if the order is about
16 sexual assault and then you have a new general order on
17 sexual assault ---

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** --- does that supersede the
20 standing order?

21 **MR. REPA:** No. Well, this would -- when you
22 develop the general order on sexual assaults, this would be
23 merged into it and then this would be withdrawn and what is
24 on here would be included in the general order.

25 **MR. ENGELMANN:** Right. We heard from -- it

1 was Deputy Chief Aikman when he gave his evidence in the
2 corporate policy that standing orders are issued on a
3 temporary basis and then when there's a change, they're
4 absorbed into general orders ---

5 MR. REPA: Yes.

6 MR. ENGELMANN: --- when general orders are
7 redone.

8 MR. REPA: That's correct.

9 MR. ENGELMANN: Now, what happens, sir, if
10 they aren't?

11 MR. REPA: If what?

12 MR. ENGELMANN: What happens if they aren't?
13 What happens if we have an order like this that says things
14 like such investigations will be given the highest
15 priority; historical sexual assaults will be given the same
16 considerations as those incidents which just recently
17 occurred?

18 What happens when we get a new general order
19 but we don't have that type of wording put into it? Does
20 this order have any lasting effect?

21 MR. REPA: No. Once -- no, once the new
22 order comes out, this is cancelled. It always says it
23 supersedes any previous order.

24 MR. ENGELMANN: Yes.

25 MR. REPA: I don't know how to answer your

1 question, sir, I'm sorry.

2 MR. ENGELMANN: Okay.

3 MR. REPA: I understand it but I'm not quite
4 sure how to answer it.

5 MR. ENGELMANN: Sir, the order that we
6 looked at earlier, the general order which would have come
7 into effect in December of 2000, a year after this ---

8 MR. REPA: Yes.

9 MR. ENGELMANN: --- and then gets amended in
10 2002, there's no reference to ---

11 MR. REPA: Historical.

12 MR. ENGELMANN: There's no reference to
13 historical being given the same consideration as those
14 incidents which have just recently occurred.

15 MR. REPA: Well, ---

16 MR. ENGELMANN: There's no reference to
17 random audits and there's no reference to such
18 investigations shall be given the highest priority.

19 MR. REPA: Yes.

20 MR. ENGELMANN: In fairness, I should say,
21 sir, that there's a standing order that comes back five
22 years later, in 2005, under then Chief Parkinson which
23 brings some of this back.

24 MR. REPA: Okay. I -- teams are set up.

25 Under the standards, we set up various teams to take what

1 Toronto sent us and incorporate it into our general orders
2 because names change but basically you do the format from
3 Toronto -- or from Policing Services, OCOPS, and you pretty
4 well fill in the blanks type of thing.

5 I can only guess that -- and technically
6 there is no difference. There is in my standing order
7 because the point had to be driven home but technically
8 there was no difference between a historical sexual assault
9 and a current sexual assault.

10 So the order would cover both, without
11 differentiating between the two.

12 I know what you're -- I can imagine what
13 you're thinking. Here we go through all this bother to
14 clean it up and then we get a new order and we don't
15 mention in it but ---

16 **MR. ENGELMANN:** Well, it doesn't really seem
17 like it's been given a priority and that it happens.

18 **MR. REPA:** Well, it wouldn't ---

19 **MR. ENGELMANN:** I'm not saying it was
20 intentional but ---

21 **MR. REPA:** It wouldn't be given --
22 historical sexual assault wouldn't be given a priority over
23 a current sexual assault. They should be given both the
24 same attention, identical.

25 **MR. ENGELMANN:** I didn't mean to suggest one

1 was to be given more priority than the other. What I'm
2 saying is, if you go through the trouble and you're
3 concerned enough after this Landry matter ---

4 **MR. REPA:** Yes.

5 **MR. ENGELMANN:** --- to write up a special
6 standing order and then a year later the guts of it aren't
7 transferred into your general order, it looks like that
8 standing order wasn't a priority; rightly or wrongly.

9 **MR. REPA:** I understand what you're saying,
10 sir, and I really -- there's no more response I can make to
11 this. I'm sorry.

12 **MR. ENGELMANN:** Fair enough.

13 Sir, at or about this time or shortly after
14 the standing order, I understand the Youth Bureau was
15 reorganized and that was in the year 2000?

16 **MR. REPA:** Yes. I'm trying to -- see, we
17 underwent construction of the building and we were all -- I
18 was working out of an arena somewhere in Cornwall and when
19 the building was completed and we could move back in, well,
20 certain sections stayed in during the construction and some
21 of us moved out.

22 There was a new office for the SACA Unit and
23 a -- a quiet room.

24 **MR. ENGELMANN:** Right. And we've had some
25 evidence on this from former Deputy Chief St. Denis but my

1 understanding is that a project, known as Project Phoenix
2 Song ---

3 MR. REPA: Yes, sir.

4 MR. ENGELMANN: --- was initiated and that
5 was in the year 2000. It was Exhibit 1706.

6 MR. REPA: Seventeen zero six (1706)?

7 MR. ENGELMANN: Sorry.

8 Yes, 1706.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. ENGELMANN: Seventeen-zero-six (1706)
11 and 1707 refer to it.

12 MR. REPA: Thank you. Yes?

13 MR. ENGELMANN: Sir, this was a project
14 developed by the Police Services Board?

15 MR. REPA: That's correct.

16 MR. ENGELMANN: Much of this document
17 appears to be a communication strategy of sorts?

18 MR. REPA: Yes, sir. There was a -- the
19 Board retained a public relations or media relations firm
20 out of Toronto to develop this.

21 MR. ENGELMANN: And was that, in part,
22 because of everything that was going on at the time in the
23 media and everything else with Project Truth?

24 MR. REPA: Yes, it was one of the -- it was
25 a project of the Cornwall Police Services Board members to

1 attempt to bring some positive initiatives out of the
2 Service to help deflect or counter the continual negative
3 publicity about the Cornwall Police Service.

4 **MR. ENGELMANN:** There's advice about dealing
5 with the media ---

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** --- speaking points, et
8 cetera.

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** And, of course, they -- the
11 Board -- can't deal with operational issues, that's your
12 responsibility with the Service.

13 **MR. REPA:** Under the Act that is correct,
14 sir, yes.

15 **MR. ENGELMANN:** All right. So can you tell
16 us then what happens with this project?

17 **MR. REPA:** Well, we were to launch it on a
18 certain day and I'm sure the dates are in here somewhere.
19 And certain heads of entities in Cornwall, the head of the
20 CAS, the Crown Attorney, whatever, were invited to this
21 sort of an open house.

22 And we had our speeches to give and
23 basically it was to introduce the new SACA team to the
24 press. They were -- all four of them were to be there, and
25 we'd just put a sergeant or a supervisor in the unit, and

1 it was to show this is our Sexual Assault/Child Abuse team,
2 and then the people that attended were to tour the
3 facility, the SACA Office, and the quiet room.

4 The media throughout Eastern Ontario
5 including Ottawa were invited. Formal invitations were
6 sent out and, regretfully, even after many follow-up phone
7 calls, the majority of them declined to attend, the media
8 did.

9 That was how we were going to reach out to
10 the public was through -- the only way the police can get
11 to the public is through the media. The local paper that
12 comes out once a week in the French language, Le Journal de
13 Cornwall, showed up and the Standard Freeholder.

14 So when the -- to my recollection, there was
15 only two and with the lack of the media attention, part of
16 the whole purpose for this, to project this out to the
17 public, did not come to pass.

18 Also, there were some other initiatives
19 other than just the introduction of the unit. There were
20 other initiatives that the Board wanted to project to the
21 public.

22 **MR. ENGELMANN:** Sir, I think some of them
23 are set out in 1707. And I don't want to spend a lot of
24 time on this, I know someone's done it already, but if you
25 look ---

1 **MR. REPA:** Yes, that would be them, sir,
2 yes.

3 **MR. ENGELMANN:** Yeah. In the first page,
4 they talk about some of the things that have been
5 completed:

6 "Reform of our Sexual Assault/Child
7 Abuse unit. Increase in staff and
8 supervision. Appointment of a sergeant
9 who will supervise this unit. Provide
10 top-level management to this unit -- to
11 Project Phoenix Song for example.
12 These matters are completed."

13 It says.

14 And then you've got some ongoing work,
15 "Still working..."

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

17 **MR. ENGELMANN:** "...to ensure timely
18 investigation of complaints."

19 And it in fact deals with the standing order
20 perhaps to some extent.

21 "Provide ongoing training to existing
22 and new members..."

23 -- et cetera.

24 And if we flip through the pages briefly, at
25 445 it talks about the reform of the unit and the press

1 conference and when it took place?

2 MR. REPA: October 25th, 2000. Yes, sir.

3 MR. ENGELMANN: It talks on the next page
4 about the fact that the unit now has four officers; one
5 acting sergeant, three constables?

6 MR. REPA: Yes, four, but actually five. We
7 had one trained in CIB that if the workload got too high in
8 SACA or a member became -- was away for a prolonged period
9 of time, that person would be parachuted in.

10 So in essence we had five, but four actually
11 in the unit and one ready to go.

12 MR. ENGELMANN: That's the person mentioned
13 at the bottom of the page, 446?

14 MR. REPA: Yes, sir.

15 MR. ENGELMANN: And then you have the
16 appointment of Acting Sergeant Carroll on the next page,
17 447?

18 MR. REPA: Yes, sir.

19 MR. ENGELMANN: And you've got:

20 "Providing top-level management with
21 Deputy Chief Ron Lavery overseeing."

22 MR. REPA: Yes, sir.

23 MR. ENGELMANN: Under:

24 "Ensure timely investigation of
25 complaints."

1 That's not done yet or it's ongoing?

2 The next one -- you know, it just -- it goes
3 on. There's discussions here of the ---

4 **MR. REPA:** Yes.

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

6 Sir, we -- this was right after the Landry
7 review, but are you telling us the impetus really was what
8 was going on in the media with Project Truth, everything
9 else? The concept of Phoenix Song?

10 **MR. REPA:** It goes back to the Board wanting
11 those reports from Ottawa and the OPP.

12 **MR. ENGELMANN:** Yes.

13 **MR. REPA:** And it was the ongoing
14 frustration that they couldn't do anything to try to turn
15 this around a bit. And this was as a result of that
16 frustration, to try to do something for the community;
17 positive.

18 **MR. ENGELMANN:** Sir, we discussed earlier
19 the fact that one of the other things that was happening in
20 the summer of 2000 was there was a lawsuit commenced by one
21 of the families -- one of the victims of Earl Landry, Jr.?

22 **MR. REPA:** Yes, sir.

23 **MR. ENGELMANN:** And that was C-53. Do you
24 still have that list of names?

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** Okay.

2 **MR. REPA:** I have it here, yes, sir. I do.

3 **MR. ENGELMANN:** All right. And that would
4 have been during the summer of 2000, and essentially in the
5 Statement of Claim I understand that one of the allegations
6 was that Earl Landry, Sr. had used his influence to stop
7 the investigation into his son -- into his son, Earl
8 Landry, Jr. during the 1980's?

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** And it's my understanding,
11 sir, that you decided that the allegations in this claim
12 might amount to criminal allegations and you directed Staff
13 Sergeant Derochie to conduct a criminal investigation into
14 Earl Landry, Sr. and other CPS members involved?

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** And, in fact, you would have
17 issued -- it's Exhibit 1358 which is an internal
18 correspondence from yourself to Staff Sergeant Derochie?

19 **MR. REPA:** Thirteen-fifty-eight? I'm sorry,
20 I thought it was -- okay.

21 **MR. ENGELMANN:** One-three-five-eight.

22 **MR. REPA:** Okay. Yes, sir, I have it.

23 **MR. ENGELMANN:** All right. And, again, just
24 as I've said:

25 "Civil allegations as stated against

1 Earl Landry, Sr. are serious and allege
2 conduct of a criminal nature."

3 Okay?

4 **MR. REPA:** Yes, sir.

5 **MR. ENGELMANN:** And directing a criminal
6 investigation be conducted.

7 Now, you also referenced in this:

8 "I remind you of the provincial
9 guidelines requiring police officers
10 who are investigating alleged
11 wrongdoing by peace officers to seek
12 the assistance of the Regional Director
13 of Crown Attorneys for appropriate
14 legal advice."

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** What was your understanding
17 of this requirement, sir?

18 **MR. REPA:** This is -- goes back to 1991 when
19 Policing Services issued a what we refer to as an "All
20 Chiefs Letter" because it's addressed to all chiefs and the
21 OPP Commissioner.

22 And what it said was the Attorney General
23 had reported to Policing Services that no longer were the
24 police to go to a local Crown Attorney for advice on
25 investigations involving police -- criminal investigations

1 involving police officers. They were to complete a brief
2 and submit it to the Regional Director of Crown Attorneys
3 who would consult with the special prosecution office in
4 Toronto.

5 And that's what that is about, sir.

6 **MR. ENGELMANN:** So is this advice you would
7 expect to be sought at the outset or would this be ---

8 **MR. REPA:** No.

9 **MR. ENGELMANN:** --- during the course of the
10 investigation?

11 **MR. REPA:** No, not during the course. At
12 the conclusion of it, if you had reasonable grounds -- only
13 if you had developed reasonable grounds you would submit a
14 brief to the regional director, a Crown brief to the
15 regional director.

16 **MR. ENGELMANN:** All right.

17 **MR. REPA:** And then they would give you back
18 a written advice or decision.

19 **MR. ENGELMANN:** Sir, did -- again, with
20 respect to this issue, given that you were asking him to
21 look into a criminal investigation ---

22 **MR. REPA:** Yes, sir.

23 **MR. ENGELMANN:** --- which presumably not
24 only involved the former Chief but also perhaps some of
25 your current officers; right?

1 **MR. REPA:** One officer was current but he
2 was no longer a police officer. He was a special
3 constable. The other officer had retired.

4 **MR. ENGELMANN:** All right.

5 Did you again give any consideration to
6 having this handled by an outside force?

7 **MR. REPA:** No. No, I -- as a matter of fact
8 I discussed it with legal counsel and, no, I did not, sir.

9 **MR. ENGELMANN:** Well, at the same time as
10 you were being -- as you were looking into this
11 investigation clearly you were being sued and that's why
12 you thought you needed to commence this complaint because
13 you had information from the lawsuit; right?

14 **MR. REPA:** The lawsuit was the stimulus to
15 cause me to write this memo to Staff Sergeant Derochie.

16 **MR. ENGELMANN:** Even if there had not been a
17 lawsuit if this information did come to your attention,
18 would you not have given some consideration to having an
19 outside force look at this, given that you would be
20 investigating either current or former officers of the
21 Cornwall Police Service?

22 **MR. REPA:** No, sir, I did not.

23 **MR. ENGELMANN:** Now, you tasked Staff
24 Sergeant Derochie to lead this criminal investigation?

25 **MR. REPA:** Yes, sir.

1 **MR. ENGELMANN:** Was he also, sir, the point
2 person for the Cornwall Police in the defence of the civil
3 action?

4 **MR. REPA:** He was the -- his office was the
5 repository for the civil actions we received. We were not
6 inundated with civil actions but it -- Professional
7 Standards was the place where I decided that the documents
8 should be held and I would be the contact person between
9 whatever.

10 **MR. ENGELMANN:** But he would be receiving
11 information from the insurers and from counsel in that
12 role?

13 **MR. REPA:** As I subsequently found out, yes,
14 sir, that is correct.

15 **MR. ENGELMANN:** And he would be
16 participating or reviewing mediation briefs or going to
17 mediations and giving reports?

18 **MR. REPA:** Yes, sir, that is correct.

19 **MR. ENGELMANN:** And did you not possibly
20 view that as yet a further conflict of interest, sir?

21 **MR. REPA:** At the time when this was going
22 on while I was Chief, no, I did not, but Mr. Engelmann,
23 when I was reviewing all the correspondence that he was
24 involved in and telephone calls with -- I believe it was a
25 Mr. Lust, the lawyer.

1 **MR. ENGELMANN:** I'm sorry, Mr. Lust, yes,
2 the lawyer for the plaintiffs.

3 **MR. REPA:** I believe it's Mr. Lust.

4 And when I saw the nature of it, I was aware
5 at the time that he was in communication with the lawyer
6 and the insurance companies. I was aware that there was
7 some problem with the insurance provider willing to come up
8 with the costs for -- his legal costs because I took a
9 letter to the Board to see if they would ---

10 **MR. ENGELMANN:** Well, this is for the costs
11 for Earl Landry, Sr.?

12 **MR. REPA:** For his indemnification.

13 **MR. ENGELMANN:** Right.

14 **MR. REPA:** Yes, so I was well aware of the
15 fact that -- while I was Chief and while this was going on,
16 I was well aware of the fact that he was involved in the
17 civil end as well as the criminal end.

18 It was not until a few months ago when I was
19 reading all of the documents on this that I realized that I
20 had put Staff Sergeant Derochie, unbeknownst to me -- it
21 was there, I saw it, but I didn't see it -- I didn't
22 appreciate the situation I had put him in. He was in a
23 contradictory situation.

24 Had I appreciated back then in the summer of
25 2000 and the fall what I had done to Staff Sergeant

1 Derochie by making him wear two hats, he's saying in
2 essence to the insurance providers, Earl Landry, Sr. is
3 innocent and on this hand he's going out and trying to
4 ascertain criminal -- do a criminal investigation on him.

5 That was completely my fault. I didn't see
6 it. I mean, I was aware of it but I just did not -- it
7 didn't hit me.

8 A few months ago when I realized what was
9 happening, I realized I made an error. I should have
10 pulled the civil actions from Garry, from Staff Sergeant
11 Derochie, given them to another staff sergeant and told him
12 just, "Talk to me. Do not talk to Staff Sergeant
13 Derochie". And I probably -- I probably owe Staff Sergeant
14 Derochie an apology for putting him in that awkward
15 position. It was totally my oversight.

16 **MR. ENGELMANN:** But, sir, quite aside from
17 the difficulty he would be in because of course defending
18 the lawsuit and then trying to prosecute wrongdoing are at
19 odds, it would be the same for any officer would it not? I
20 mean, he has direct knowledge so it's much more difficult.
21 But any officer who is on the civil suit who obviously is
22 defending or wants the interests of the Police defended
23 and, yet, another part of your Service is possibly
24 prosecuting criminal matters that would hurt in the civil
25 lawsuit.

1 Don't you just see a conflict and the need
2 now to have sent -- if you really were serious about a
3 criminal investigation of these matters to have someone
4 else look at them?

5 **MR. REPA:** Mr. Engelmann, I take offence to
6 that. You say if I was really serious? I was serious.
7 I'm sorry, sir. I have all the respect for you in the
8 world but don't stand there and tell me if I was really
9 serious. I was the Chief of Police. I ordered my staff
10 member to do a criminal investigation and that's what was
11 done.

12 **MR. ENGELMANN:** But, sir, this ---

13 **MR. REPA:** With respect.

14 **MR. ENGELMANN:** Fair enough, but the same
15 thing had happened just the fall before where you send
16 Staff Sergeant Derochie off to see and you're serious about
17 pursuing criminal investigation against Perry Dunlop and
18 he's sent off and, you know, Mr. Garson is saying hold the
19 phone. You guys can't do this. This has to be done by an
20 outside police force for all sorts of reasons.

21 **MR. REPA:** Sir, with respect they're apples
22 and oranges.

23 **MR. ENGELMANN:** Well, I would have thought,
24 sir, not just the fact that you're investigating your own,
25 but you are investigating your own in a situation where on

1 top of it you are defending a civil lawsuit?

2 MR. REPA: Yes.

3 MR. ENGELMANN: That it would have been even
4 more obvious that there's at least a perceived conflict of
5 interest?

6 MR. REPA: I ---

7 MR. ENGELMANN: And you are saying today you
8 were very serious about investigating this criminal
9 allegation, and if that's the case, even more reason to
10 have someone else do it?

11 MR. REPA: Mr. Engelmann, I don't want to
12 take up the time to go back again about my training and
13 culture and background on another police service and the
14 absolute confidence and faith I had in the investigators in
15 this matter. I was the Chief of Police. That was the
16 decision I made.

17 And by the way, I might just add if one
18 reads the civil action there are parts in it that are
19 legitimate. I think there's a part that said, "Well, if he
20 had been arrested maybe five and more people wouldn't have
21 been sexually assaulted". I have no -- I'm not -- what I'm
22 going to say just applies specifically to the wording in
23 the civil action pertaining to Earl Landry, Sr. that caused
24 me to ask for a criminal investigation.

25 If you just read the words or the lines in

1 the civil action that pertain to the allegation of a cover-
2 up and whatever, he interfered with the investigation,
3 there is absolutely no evidence in the civil allegation
4 against Mr. Landry, Sr. It's a lot of -- I would call it
5 unsubstantiated adjectives. It's a lot of words, a lot of
6 fluff; no evidence. The only thing it says in there is
7 that Earl Landry, Sr. called the police the next day and
8 said his son would not be -- had changed his mind and would
9 not take the polygraph examination.

10 If a lawyer called in on behalf of Earl
11 Landry, Jr. and said that, it would not be a criminal
12 offence. If any other father in Cornwall called in and
13 said that on behalf of his son, it would not be a criminal
14 offence. Therefore, it's not a criminal offence if Earl
15 Landry, Sr., a retired Police of Chief (sic) called in for
16 his son. Everything else was just adjectives. There was
17 absolutely no evidence in that civil allegation.

18 **MR. ENGELMANN:** Wouldn't it have been
19 important to you, sir, for an officer to question Earl
20 Landry, Sr. about what he said to officers that used to
21 work for him, to determine whether or not there might have
22 been any interference?

23 **MR. REPA:** What you're talking about now is
24 when I received the report back from Staff Sergeant
25 Derochie, yes, I'm aware that he interviewed -- I believe

1 former Staff Sergeant Willis was interviewed; former
2 Sergeant Lefebvre was interviewed, and if my memory serves
3 me correct, they interviewed Chief Shaver.

4 **MR. ENGELMANN:** Yes.

5 **MR. REPA:** Okay. I was well aware of the
6 fact that the investigation team did not interview former
7 Chief Earl Landry -- former Chief Earl Landry. I was well
8 aware of that.

9 In the discussions I have with Staff
10 Sergeant Derochie and with having done so many
11 investigations myself, you put yourself into what he did
12 and I say this. If the allegation is that Earl Landry, Sr.
13 was involved in some form of interference or obstruct
14 justice, then it follows that the police investigators
15 Willis and Lefebvre had to have done something wrong.

16 Well, when you read the report and
17 everything that they did, and the report should be here
18 somewhere, they -- you put yourself into their shoes and
19 you say okay, would I have done anything differently, and
20 they did everything -- and this is 1985. They did
21 everything that you could possibly do within reason.

22 So they talked to the Crown. They went to
23 the CAS. They tried to get a ---

24 **MR. ENGELMANN:** Well, sir, listen ---

25 **MR. REPA:** So what I'm saying is so -- so

1 therefore, if they didn't do anything wrong, if there's no
2 criminal part, it would take Earl Landry, Sr. and the
3 investigators to have been together to suppress this
4 investigation. They did everything correctly. Therefore,
5 ---

6 **MR. ENGELMANN:** You do not -- you do not
7 have any personal knowledge of what happened back in 1985?

8 **MR. REPA:** No, I'm going by the report I
9 read from Staff Sergeant Derochie.

10 **MR. ENGELMANN:** Right, and I -- we cross-
11 examined ---

12 **MR. REPA:** And that's what I'm basing this
13 response on.

14 **MR. ENGELMANN:** --- other witnesses who were
15 more involved.

16 **MR. REPA:** Yes, I'm ---

17 **MR. ENGELMANN:** I don't want to do that ---

18 **MR. REPA:** I'm not finished with my
19 response.

20 Based on Staff Sergeant Derochie's report to
21 me, I -- I accepted the fact that it was not necessary for
22 him or Sergeant Snyder to interview the former retired
23 chief.

24 Now, if you're going to ask me would I have
25 interviewed Landry, Sr., I may have; I may not have if I

1 was the investigator, but I was satisfied with their report
2 to me.

3 **MR. ENGELMANN:** All right, sir.

4 And I was going to take you through some of
5 Staff Sergeant Derochie's notes where he expresses a
6 concern about the insurers and the lawyers believing --
7 just accepting at face value some of these allegations and
8 he's concerned about them being in a conflict of interest.

9 **MR. REPA:** I'm sorry. What was that again?
10 I'm sorry.

11 **MR. ENGELMANN:** Staff Sergeant Derochie when
12 he's writing his notes, he's doing both at the same time;
13 he's working on the civil matter ---

14 **MR. REPA:** Yes.

15 **MR. ENGELMANN:** --- he's working on the
16 criminal matter.

17 **MR. REPA:** I agree.

18 **MR. ENGELMANN:** And when he's working on the
19 civil matter, he says, for example -- it's Exhibit 1342,
20 Bates page 953:

21 "I told the Chief that in my opinion,
22 CGU Insurers and certain people at City
23 Hall have reached the conclusion that
24 the allegation made by the plaintiff,
25 i.e. that Landry, Sr. used his

1 influence as Chief or former Chief to
2 protect his son from being charged, if
3 that is the case, then we are at a
4 point of conflict with them; i.e. how
5 can we be confident that CGU will
6 represent our interests if they believe
7 Landry, Sr. was involved in some sort
8 of misconduct. They cannot accuse
9 Landry, Sr. without involving accusing
10 the investigators which in turn would
11 involve everyone else, i.e. Chief
12 Shaver, Inspector Trew et al."

13 So he -- you've had an opportunity to review
14 this before you've given your evidence?

15 **MR. REPA:** Yes, sir.

16 **MR. ENGELMANN:** Is that why you made the
17 comment earlier today about the obvious conflict that he
18 found himself in?

19 **MR. REPA:** Yes, sir. Yes, sir.

20 **MR. ENGELMANN:** And he was your lead
21 investigator?

22 **MR. REPA:** Yes, sir, and Sergeant Snyder.

23 And I agree now in hindsight I should have
24 pulled that away from him. I'm sorry I didn't see it at
25 the time.

1 **THE COMMISSIONER:** Mr. Manderville?

2 **MR. MANDERVILLE:** I think, Mr. Commissioner,
3 that should be placed in context. Officer Derochie did
4 give evidence that his musing in these notes on that point
5 stem from a misunderstanding of how an insurer's duty to
6 defend is determined.

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

8 **MR. MANDERVILLE:** And that it's determined
9 based on the allegations in a claim. He testified to that
10 effect.

11 **MR. ENGELMANN:** I don't know if that's at
12 all relevant. I mean the issue is the obvious conflict
13 that he would find himself in and I think that's already
14 been testified to.

15 **MR. MANDERVILLE:** Do you want my assistance
16 in showing how it's relevant, Mr. Commissioner, or ---

17 **THE COMMISSIONER:** Yeah, yeah.

18 **MR. MANDERVILLE:** Officer Derochie testified
19 in examination that his comments here stemmed from not
20 understanding how an insurer determines whether or not it
21 has a duty to defend.

22 You can make a completely false allegation
23 in a statement of claim and an insurer says well, based on
24 that allegation, we can't defend. That is what Officer
25 Derochie is talking about in these notes and it was brought

1 out in testimony.

2 **THE COMMISSIONER:** Thank you. It's true.

3 **MR. ENGELMANN:** Sir, you are -- Officer
4 Derochie's notes also refer to briefing you regarding Earl
5 Landry, Sr.'s costs and I think you referred to that
6 yourself earlier that you would have ---

7 **MR. REPA:** Yes.

8 **MR. ENGELMANN:** --- been involved in making
9 a pitch to the Police Services Board to have his costs
10 covered ---

11 **MR. REPA:** Yes, sir.

12 **MR. ENGELMANN:** --- over and above those
13 costs that had been provided.

14 **MR. REPA:** It was to top -- it was to top
15 off and I believe it turned out it wasn't necessary. And
16 the only reason I did it was -- and I realized the
17 contradiction I was also -- and I ordered a criminal
18 investigation, now I'm going to the Board and saying but he
19 did not have an indemnification clause in his -- at that
20 time when he retired and I felt it was fair to try to set
21 up something for him.

22 **MR. ENGELMANN:** I think the officer's notes,
23 Derochie's notes indicated that you tasked him to prepare a
24 report ---

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** --- to make representations
2 to urge the insurer to pay.

3 **MR. REPA:** The insurer and the Board was
4 also involved as a backup, yes.

5 **MR. ENGELMANN:** Yes, right. And in the end,
6 it wasn't necessary because the costs were within ---

7 **MR. REPA:** I think everything -- well, in
8 the end, the civil action was -- I don't know the correct
9 term -- withdrawn.

10 **MR. ENGELMANN:** Right.

11 **MR. REPA:** Ended quite soon thereafter. So
12 it wasn't -- I think they all stayed within the dollar
13 figure.

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

15 Mr. Repa, I want to close then by asking
16 you, sir, questions we've put to other witnesses who have
17 come before you, and that is if you would like to tell us
18 in your own words about the impact that some of this may
19 have had on you, the allegations that we've been dealing
20 with, the matters involving Project Truth and your Force at
21 the time. So if there's something you wish to say about
22 that, certainly from your eight years as chief here.

23 And lastly, if you have some recommendations
24 for the Inquiry, as you know, the Commissioner has to write
25 a report.

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

2 **MR. ENGELMANN:** Has to make recommendations
3 about how institutions can respond ---

4 **MR. REPA:** Yes, sir.

5 **MR. ENGELMANN:** --- to allegations of abuse
6 against young people. We look forward to hearing from you,
7 sir.

8 **MR. REPA:** Mr. Engelmann, I may -- we may
9 have in the end there had a little -- or for my part a
10 miscommunication and maybe a bit of a heated discussion,
11 but I respect the questions you have asked me over the last
12 two days and I know you have a job to do and I apologize if
13 I raised my voice.

14 **MR. ENGELMANN:** There's nothing to apologize
15 for, sir.

16 **MR. REPA:** Thank you, sir.

17 **MR. ENGELMANN:** Nothing at all.

18 **MR. REPA:** Thank you by the way, Mr.
19 Engelmann.

20 Mr. Commissioner, I was sworn in as Chief of
21 the Cornwall Police Service on August the 1st, 1995. My
22 early observations revealed that aside from the day-to-day
23 operational and administrative issues that are common to
24 any Police Service, it became apparent that two major
25 matters would require my attention.

1 One was that the Service had outgrown the
2 building in which it was housed. I knew we could expand
3 and upgrade and that goal was completed within four years.

4 Secondly, the staffing of the Service; the
5 number of employees on paper was adequate for the
6 population. However, police officers were being deployed
7 in the radio room and as court security and escort officers
8 rather than doing police work.

9 Further, a number of staff were either off
10 on protracted sick leave or were on duty, but due to their
11 injuries or health issues were not able to perform their
12 function as police officers.

13 The combination of these two issues
14 seriously depleted the ability of the managers to deploy
15 staff in sufficient numbers to respond to the exigencies of
16 the Service. These matters we were also able to address
17 over the next few years.

18 I found the work ethic and enthusiasm of the
19 members to be very high, in spite of the inadequate housing
20 and the continual human resource shortages.

21 Many of the ideas for change and improvement
22 were both put forward and facilitated by the staff. I was
23 fortunate to have served under Police Service Boards whose
24 members in the main allowed me the controlled freedom to
25 manage the service as I deemed necessary.

1 I was also fortunate to have had successive
2 Cornwall City councils whose members were interested in
3 community safety and who showed their support of the police
4 in so many ways, including appropriate budget approvals.

5 My previous police experience with Halton,
6 coupled with the training I received and the guidance of
7 good leaders and chiefs of police made the transition to
8 Cornwall an easy one and the issues as I have described to
9 be manageable.

10 However, there was one issue that no amount
11 of training or experience could ever have prepared me for
12 and that was facing on a day-to-day basis what became the
13 ever growing problems associated with what has been covered
14 by this Inquiry.

15 I found that I was managing a Police Service
16 that was continually being vilified in the media as an
17 organization which protected pedophiles. This unbalanced
18 attention was national in scope.

19 The source of these outrageous and
20 unsubstantiated allegations being quoted in the media were
21 in fact small groups of very vocal people and individuals
22 who ought to have known better.

23 The officers who were named as the ones who
24 consorted with and protected the pedophiles suffered the
25 worst form of humiliation, as did their spouses and

1 children. The other officers and staff bore the stigma
2 collectively, albeit less painfully.

3 In spite of the imposed negative
4 environment, I observed that the staff did not let it
5 interfere with their productivity. In fact, the clearance
6 rates were consistently at or above the average.

7 Some mistakes were made and in a few cases
8 timelines were far too long. That was wrong and should
9 never have happened. However, the very good work far
10 outweighed the mistakes.

11 Throughout this time period, I began to
12 appreciate that the police are easy targets. They are
13 crippled in their ability to defend themselves by their
14 oath of office which includes the *Police Services Act* Order
15 of Confidentiality.

16 We simply could not respond to the media. I
17 shall be forever grateful to those of my staff who honoured
18 their oath of office and soldiered on so professionally.

19 I found that our staff focused on the
20 positive rather than the negative and this was clearly
21 evidenced by the many and varied accomplishments and the
22 pride with which they grew our organization.

23 I would be remiss if I did not mention the
24 great number of charitable fundraising and community events
25 which they were consistently involved in. I was both proud

1 and honoured to have been given the opportunity to serve
2 the citizens of Cornwall as their Chief of Police and to
3 have served in the company of such fine civilian staff,
4 special constables and police officers.

5 Mr. Commissioner, I have only one request
6 and that is that at the end of this Inquiry, after the last
7 witness has testified, if you find that no member of the
8 Cornwall Police was involved in any criminal cover-up, then
9 I respectfully request that you consider so stating very
10 clearly, even to naming the innocent officers.

11 Your report will be a meaningful opportunity
12 to have their names publicly cleared. These officers
13 deserve no less.

14 Thank you, Mr. Commissioner.

15 **THE COMMISSIONER:** Thank you.

16 I think, Mr. Wardle, we'll have to wait your
17 cross-examination until tomorrow morning. All right.

18 We'll see you tomorrow morning at 9:30, sir.

19 **MR. REPA:** Yes. Thank you.

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

22 This hearing is adjourned until tomorrow
23 morning at 9:30 a.m.

24 --- Upon adjourning at 4:27 p.m. /

25 L'audience est ajournée à 16h27

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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, CM