

**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 202**

**Held at :**

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

Friday, February 29 2008

**Tenue à:**

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

Friday, le 29 février 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Janie Larocque	Commission Counsel
Mr. John E. Callaghan Mr. Mark Crane	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
M <sup>e</sup> Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action

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

2 L' audience débute à 9h33

3 **THE REGISTRAR:** Order. All rise. À  
4 l'ordre; 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 **GARRY DEROCHIE:** Resumed/Sous le même serment

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

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

12 **THE COMMISSIONER:** Thank you. Good morning.

13 **MR. DEROCHIE:** Good morning, Mr.  
14 Commissioner.

15 **THE COMMISSIONER:** Mr. Engelmann.

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

17 Commissioner. Good morning, Staff Sergeant Derochie.

18 **MR. DEROCHIE:** Good morning, Mr. Engelmann.

19 **MR. ENGELMANN:** Mr. Commissioner, I had a  
20 brief discussion with Staff Sergeant Derochie just before  
21 we started and I just want to clear up a couple of points  
22 from yesterday.

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** That's he's brought to my  
25 attention.

1                   Sir, I understand that the -- your second  
2                   tour of duty, if I can call it that, as a supervisor within  
3                   the CID or CIB Unit, you indicated to us in your evidence  
4                   yesterday, a slight error with respect to who you were  
5                   reporting to?

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

7                   **MR. ENGELMANN:** And can you just clarify  
8                   that for the record, sir?

9                   **MR. DEROCHIE:** Yes. When I first went into  
10                  CIB for the second time, that would have been November of  
11                  1991, I actually reported to Deputy Chief Ron Laverty at  
12                  that time.

13                  **MR. ENGELMANN:** So it wouldn't have been  
14                  deputy -- the current Deputy Chief, Danny Aikman?

15                  **MR. DEROCHIE:** He was not. He was a  
16                  sergeant working for me, actually, at the time.

17                  **MR. ENGELMANN:** And, sir, your second tour  
18                  of duty in that unit would have started in 2001. Is that  
19                  correct?

20                  **MR. DEROCHIE:** Two-thousand-and-one (2001),  
21                  November.

22                  **MR. ENGELMANN:** And, sir, as well, yesterday  
23                  in an exchange you had with the Commissioner, I think he  
24                  asked you about whether you would have had rough notes when  
25                  you were preparing, for example -- it's Exhibit 1293, the

1 notes that we were going through yesterday?

2 **MR. DEROCHIE:** Yes, that's correct.

3 **MR. ENGELMANN:** And would it be fair to say  
4 you would have had rough notes at that time?

5 **MR. DEROCHIE:** I would have. The  
6 Commissioner's questioning caused me to reflect on that.  
7 When I went back, I checked my regular duty book for that  
8 same time period. There was nothing in there that would  
9 have refreshed my memory so that I could have recorded the  
10 exact days and times of meetings, such as with Mr. Abell  
11 but, yeah, there must have been rough notes and  
12 unfortunately they do not exist.

13 **MR. ENGELMANN:** Okay. So although there's  
14 some notes from later on, rough notes from the fall of '93,  
15 you do not have?

16 **MR. DEROCHIE:** From the earlier part of the  
17 investigation, when I first started it, that's correct.

18 **MR. ENGELMANN:** I believe, sir, there was a  
19 third issue. Oh, no ---

20 **MR. DEROCHIE:** You want to cover that; okay.

21 (LAUGHTER/RIRES)

22 **MR. ENGELMANN:** All right. Let's then carry  
23 on where we left off yesterday.

24 I believe what you were telling us when we  
25 left off, was you were going to meet with a staff sergeant

1 by the name of Brunet?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And that would have been, as  
4 I understand it, on or about the 12<sup>th</sup> of October?

5 MR. DEROCHIE: That's correct.

6 MR. ENGELMANN: And the reason you were to  
7 meet with him, sir?

8 MR. DEROCHIE: Was to get up-to-speed on  
9 what had occurred with the investigation and, in fact, the  
10 latter part of the investigation.

11 MR. ENGELMANN: Okay. And -- but your  
12 meeting with him at that point-in-time would not have been  
13 to re-investigate or review his investigation of the  
14 Silmsler complaint, it would have been for the purposes of  
15 looking at Mr. -- Constable Dunlop's role; correct?

16 MR. DEROCHIE: Correct. That was the only  
17 reason I would be meeting with him.

18 MR. ENGELMANN: Right, because at the time  
19 you were investigating the possibility of *Police Service*  
20 *Act* charges against Constable Dunlop?

21 MR. DEROCHIE: That's correct. That's  
22 correct.

23 MR. ENGELMANN: And what -- how well did you  
24 know Staff Sergeant Brunet at that point?

25 MR. DEROCHIE: Oh we'd been -- I've known

1 him since he joined the Police Service, probably within two  
2 to three years of my joining the Cornwall Police Service.

3 MR. ENGELMANN: All right, so you had worked  
4 with him for many years?

5 MR. DEROCHIE: For many years.

6 MR. ENGELMANN: All right, and did you know  
7 his background as a police officer?

8 MR. DEROCHIE: Yes, I did.

9 MR. ENGELMANN: All right. And what about  
10 his background in running criminal investigations?

11 MR. DEROCHIE: I'm not sure of exactly when  
12 he would have been transferred in as the OIC, the Officer  
13 in Charge of criminal investigations, but I knew that he  
14 had spent some time as an investigator in criminal  
15 investigations and had done some supervisory work in  
16 uniform patrol.

17 MR. ENGELMANN: Because it's my  
18 understanding that he was relatively recent in that  
19 position?

20 MR. DEROCHIE: You're correct. It brings to  
21 mind that he was transferred in there in January of 1993.

22 MR. ENGELMANN: And prior to that he -- the  
23 last three or four years before that, I understand, he'd  
24 been supervising in something called "Traffic"?

25 MR. DEROCHIE: Yes.

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

2                   **MR. DEROCHIE:** Well, the traffic -- uniform  
3 -- more road work, more uniform patrol-type work.

4                   **MR. ENGELMANN:** Motor road work, is that  
5 what it means?

6                   **MR. DEROCHIE:** Motor patrol, traffic  
7 enforcement.

8                   **MR. ENGELMANN:** Okay, all right. So -- and  
9 did you know anything of Staff Sergeant Brunet's  
10 relationship with the chief and/or deputy chief?

11                   **MR. DEROCHIE:** No.

12                   **MR. ENGELMANN:** All right. And did you --  
13 did you know anything about his relationship with Constable  
14 Sebalj, one of the officers that was reporting to him?

15                   **MR. DEROCHIE:** Nothing other than as he was  
16 her supervisor.

17                   **MR. ENGELMANN:** All right. Okay, so you met  
18 with him on the 12<sup>th</sup>?

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

20                   **MR. ENGELMANN:** And when I reviewed your  
21 notes, which are Exhibit 1293, you would have written at  
22 least these notes up about three weeks after you had that  
23 meeting with Staff Sergeant Brunet?

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

25                   **MR. ENGELMANN:** And the reference to your

1 meeting with Staff Sergeant Brunet starts at the bottom of  
2 page 4 of your notes. Is that correct?

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

4 **MR. ENGELMANN:** And can you tell us, sir, in  
5 a general sense, what it is he communicated to you?

6 **MR. DEROCHIE:** He gave me an overview of his  
7 -- his knowledge of how the statement had come into the  
8 possession of Perry Dunlop and subsequently how he presumed  
9 it came into the possession of CAS.

10 He had indicated me -- indicated to me that  
11 Perry Dunlop had had occasion to approach Heidi Sebalj and  
12 ask her to see the statement, that Heidi Sebalj had turned  
13 the statement over to Perry for reading purposes, just to  
14 have a look at it.

15 And, subsequently, that Heidi Sebalj had  
16 received information from Mr. Silmser to the effect that  
17 some woman was calling him and asking him questions or  
18 questioning his reasons for withdrawing his complaint  
19 against the priest, Father Charlie MacDonald.

20 **MR. ENGELMANN:** All right. And the  
21 information that he was passing on to you would have been  
22 information he had received from Constable Sebalj?

23 **MR. DEROCHIE:** From Constable Sebalj, that's  
24 correct. That's correct.

25 **MR. ENGELMANN:** And, in fact, he would have

1 mentioned to you that Sebalj -- Constable Sebalj had had a  
2 meeting with Mr. Silmsers on the 29<sup>th</sup> of September?

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

4 **MR. ENGELMANN:** All right. Was there any  
5 indication about -- in that call about Mr. Silmsers being  
6 concerned about being contacted by someone?

7 **MR. DEROCHIE:** I don't know -- I don't know  
8 if Mr. Silmsers -- I can't recall if Mr. Silmsers would have  
9 been concerned but certainly Heidi Sebalj was concerned.

10 He was -- I think he was stating the -- as a  
11 matter of fact, wondering out loud how this person had  
12 found out about who he was and how to get a hold of him.

13 **MR. ENGELMANN:** All right, but Constable  
14 Sebalj was concerned about that?

15 **MR. DEROCHIE:** Yes, she was concerned.

16 **MR. ENGELMANN:** And why -- and she expressed  
17 those concerns to Staff Sergeant Brunet?

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

19 **MR. ENGELMANN:** Who then in turn expressed  
20 them to you?

21 **MR. DEROCHIE:** That's right.

22 **MR. ENGELMANN:** And what was the gist of the  
23 concern, sir?

24 **MR. DEROCHIE:** The gist of it, I think was  
25 two-fold. One, that she may have -- she may have been

1           compromised as far as vulnerability goes; that there would  
2           become -- it would become knowledge now that she had, in  
3           fact, turned this statement over to Perry Dunlop.

4                           And, secondly, that she was placed in a  
5           position whereby she had to report this matter to her  
6           supervision. By that I mean had to report Perry Dunlop's  
7           actions, which might consequently involve him getting in to  
8           some difficulties with management.

9                           **THE COMMISSIONER:** So tell me, sir, in the  
10          normal course of things is it customary, acceptable  
11          practice, that when an investigator is doing an  
12          investigation that, in this case, that she would pass a  
13          statement over to Constable Dunlop for reading material?

14                          **MR. DEROCHIE:** There's nothing -- there's  
15          nothing in policy or procedure that prohibits it. I don't  
16          believe it's good practices; I wouldn't have condoned that.

17                          When I -- when it's my investigations, I  
18          would insist that information is confidential and only  
19          people who need to know, need to know.

20                          **MR. ENGELMANN:** Now, during the course of  
21          that interview, after talking to you about what he learned  
22          from Constable Sebalj, did Staff Sergeant Brunet talk to  
23          you about an interaction he had with Constable Dunlop?

24                          **MR. DEROCHIE:** I'm sorry, Mr. Engelmann, I  
25          was thinking of my last answer.

1                   **MR. ENGELMANN:** No, no problem.  
2                   You've talked to us about Staff Sergeant  
3 Brunet ---

4                   **MR. DEROCHIE:** Yes.

5                   **MR. ENGELMANN:** --- telling you some of the  
6 things that he was told by Heidi Sebalj?

7                   **MR. DEROCHIE:** Yes.

8                   **MR. ENGELMANN:** Did he also indicate to you  
9 that as a result of that information that he would have  
10 received from Heidi Sebalj on the 29<sup>th</sup> of September, whether  
11 or not he acted upon it?

12                   **MR. DEROCHIE:** Yes. It's my understanding  
13 and he reported to me that he called Constable Dunlop into  
14 his office and questioned him about this; explained to him  
15 the dangers.

16                   I should explain, Mr. Commissioner, that the  
17 primary concern was the involvement of Mrs. Dunlop with  
18 regards to her activity surrounding the apparent disclosure  
19 of the statement ---

20                   **MR. ENGELMANN:** Okay.

21                   **MR. DEROCHIE:** --- from Perry Dunlop ---

22                   **MR. ENGELMANN:** Okay, and why is that a  
23 concern for you, sir?

24                   **MR. DEROCHIE:** Well, she's taken it upon  
25 herself to make contact with the victim and as I learned --

1 I later learned that she actually travelled to his -- where  
2 he lived and tried to make face-to-face contact with him.  
3 Subsequently to that, he wasn't home. Subsequent to that,  
4 she called him on the telephone and they had arranged to  
5 meet to discuss this matter.

6 MR. ENGELMANN: How did you learn about  
7 that, sir?

8 MR. DEROCHIE: I learned that through the  
9 investigation from Heidi Sebalj; information that she had  
10 been ---

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: --- provided.

13 MR. ENGELMANN: All right. So the concern  
14 that you had in -- was it also a concern of Staff Sergeant  
15 Brunet's is that an officer's spouse was contacting an  
16 alleged victim?

17 MR. DEROCHIE: Absolutely, it was totally  
18 improper.

19 MR. ENGELMANN: All right. And did -- did  
20 Staff Sergeant Brunet give you a sense as to what he  
21 communicated to Perry Dunlop ---

22 MR. DEROCHIE: He ---

23 MR. ENGELMANN: --- about this?

24 MR. DEROCHIE: --- and he explained the  
25 gravity of the -- of the situation to Perry Dunlop that,

1       you know, his -- the actions could have consequences that  
2       are negative to his career and that he should, you know,  
3       have his wife cease and desist because we knew that she had  
4       arranged a meeting and we wanted that meeting stopped, or  
5       Staff Sergeant Brunet wanted that meeting stopped.

6                   **MR. ENGELMANN:** I'm just looking at page 6  
7       of your notes and I'm assuming this is what Staff Sergeant  
8       Brunet would have -- would have communicated to you or  
9       words to this effect:

10                           "Constable Dunlop was advised that he  
11                           was out-of-line in taking matters into  
12                           his own hands and agreed to prevent his  
13                           wife from further involvement."

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

15                   **MR. ENGELMANN:** All right. So this is  
16       something that would have been communicated to you by Staff  
17       Sergeant Brunet?

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

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

20                   **MR. DEROCHIE:** He went on to explain, sir,  
21       that Perry had expressed concerns with regards to the  
22       situation to him and had suggested, you know, that  
23       something should be done and Staff Sergeant Brunet agreed  
24       that he -- agreed with him and said he would try to -- he  
25       would try to do something.

1                   **MR. ENGELMANN:** I was just -- I was just  
2 going to ask you that, sir, I note in the -- no, it's fine.

3                   **MR. DEROCHIE:** Okay.

4                   **MR. ENGELMANN:** In the paragraph above, it  
5 says:

6                                   "Staff Sergeant Brunet called Constable  
7 Dunlop into his office that same day  
8 and informed him of what had occurred.  
9 Constable Dunlop advised he had real  
10 concerns over the fact that the  
11 suspects were getting away with their  
12 crimes and that they represented a  
13 threat to children in the community."

14                   **MR. DEROCHIE:** Yes.

15                   **MR. ENGELMANN:** So -- so this is Staff  
16 Sergeant Brunet reporting to you what Constable Dunlop  
17 tells him?

18                   **MR. DEROCHIE:** That's right.

19                   **MR. ENGELMANN:** All right. And, again,  
20 Staff Sergeant Brunet would have indicated to you how he  
21 wanted -- how he -- well, the fact that he had spoken to  
22 Constable Dunlop about the fact that there should be some  
23 follow-up ---

24                   **MR. DEROCHIE:** Yes.

25                   **MR. ENGELMANN:** --- about Constable Dunlop's

1 concerns?

2 **MR. DEROCHIE:** That's correct, yes.

3 **MR. ENGELMANN:** All right. And, for  
4 example, and again at page 7 of your notes, the fact that  
5 he promised Constable Dunlop that he would speak to the  
6 deputy chief and the chief about pursuing the matter of  
7 Father MacDonald with the bishop ---

8 **MR. DEROCHIE:** That's right.

9 **MR. ENGELMANN:** --- et cetera?

10 **MR. DEROCHIE:** That's correct.

11 **MR. ENGELMANN:** All right. So these were  
12 all things that Brunet told you he had discussed with  
13 Constable Dunlop?

14 **MR. DEROCHIE:** That's right.

15 **MR. ENGELMANN:** And at this point-in-time,  
16 did Staff Sergeant Brunet also talk to you about his  
17 knowledge of Constable Dunlop turning the statement, the  
18 statement being the Silmsler statement, over to the CAS?

19 **MR. DEROCHIE:** No, I don't believe it had  
20 occurred at this point. Well, he -- at -- on the day that  
21 he's reporting to me, obviously, the statement was turned  
22 over to CAS, that's correct, but at the time he had called  
23 Dunlop into the office, a statement had not been turned  
24 over.

25 **MR. ENGELMANN:** Right. Right, on the 29<sup>th</sup> of

1 September?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And I'm just -- I'm just  
4 looking at your notes. It indicates -- and I'm assuming  
5 this is what Staff Sergeant Brunet told you -- that he was  
6 advised by the chief with the deputy chief present on  
7 October 1<sup>st</sup>, '93, that CAS had a copy of Silmsers  
8 statement?

9 MR. DEROCHIE: Quite correct, yes.

10 MR. ENGELMANN: All right. And that he'd  
11 been informed that Constable Dunlop had, in fact, turned it  
12 over?

13 MR. DEROCHIE: That's right. We knew at  
14 that time, yes.

15 MR. ENGELMANN: And then during the course  
16 of that conversation, Staff Sergeant Brunet also would have  
17 indicated to you what the chief and/or deputy chief had  
18 asked him to do?

19 MR. DEROCHIE: That's right.

20 MR. ENGELMANN: And we see that at the  
21 bottom of page 7 of your notes?

22 MR. DEROCHIE: Correct.

23 MR. ENGELMANN: Where he advised you that  
24 the chief had instructed him to contact Mr. Sean Adams?

25 MR. DEROCHIE: Yes.

1                   **MR. ENGELMANN:** And have the victim --  
2                   victim, I presume being David Silmsler, give us directions  
3                   regarding Ken Seguin?

4                   **MR. DEROCHIE:** Correct on all counts, yes.

5                   **MR. ENGELMANN:** And just -- I think this  
6                   clears up perhaps something that we were talking about  
7                   yesterday, at the top of page 8:

8                                   "...to file reports on OMPPAC under  
9                                   'Projects' for this investigation."

10                   So this is Staff Sergeant Brunet telling you  
11                   that the chief's instructing him on October 1<sup>st</sup> to have some  
12                   reports entered under "Projects" in OMPPAC?

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

14                   **MR. ENGELMANN:** And those would have been,  
15                   for example, those two reports we would have looked at  
16                   yesterday?

17                   **MR. DEROCHIE:** That's right.

18                   **MR. ENGELMANN:** All right. And, as well, at  
19                   this time on October 12<sup>th</sup>, he's relating to you that the  
20                   chief had asked him to accompany him to Ottawa?

21                   **MR. DEROCHIE:** That's right.

22                   **MR. ENGELMANN:** And that was to meet with  
23                   the Pope's representative there about this matter?

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

25                   **MR. ENGELMANN:** All right. And, apparently,

1 Staff Sergeant Brunet also indicated to you that the chief  
2 would have told him that there was going to be some kind of  
3 an internal investigation into Constable Dunlop's actions?

4 MR. DEROCHIE: That's correct.

5 MR. ENGELMANN: And it indicates in your  
6 notes at page 8 that you requested a statement from Staff  
7 Sergeant Brunet. Do you see that?

8 MR. DEROCHIE: That's correct, yes.

9 MR. ENGELMANN: Can you -- can you tell us  
10 whether or not you, in fact, did get some form of a  
11 statement from him?

12 MR. DEROCHIE: I don't recall getting one.

13 MR. ENGELMANN: Yes, I just -- I don't  
14 remember seeing it ---

15 MR. DEROCHIE: No.

16 MR. ENGELMANN: --- sir, and ---

17 MR. DEROCHIE: I don't recall getting one.

18 MR. ENGELMANN: All right. He may have  
19 given a statement in a later investigation of this matter?

20 MR. DEROCHIE: I -- yes, or I may have got  
21 back to him and said there's no rush for this; I want to --  
22 -

23 THE COMMISSIONER: You're talking about Mr.  
24 Abell?

25 MR. DEROCHIE: No.

1                   **MR. ENGELMANN:** No, I'm talking about Staff  
2                   Sergeant Brunet.

3                   **THE COMMISSIONER:** Yes, I'm sorry. I'm  
4                   sorry.

5                   **MR. ENGELMANN:** And it indicates in the  
6                   notes that Staff Sergeant Derochie had requested a  
7                   statement from Staff Sergeant Brunet ---

8                   **MR. DEROCHIE:** Yes.

9                   **MR. ENGELMANN:** --- and I was just wondering  
10                  if he ever got that and, sir, you agree that you did  
11                  request it?

12                  **MR. DEROCHIE:** I did request it. Yes, I  
13                  did.

14                  **MR. ENGELMANN:** But you're not sure why it  
15                  is you never got it?

16                  **MR. DEROCHIE:** No, I know that I can tell  
17                  you that at this time, I had not dedicated myself totally  
18                  to this project and that was an agreement I had with the  
19                  chief and the deputy. I had those primary duties,  
20                  responsibilities to my uniformed team, and I would -- I  
21                  would deal with it in greater detail when I was dedicating  
22                  myself full-time to it.

23                  **MR. ENGELMANN:** And just to be perfectly  
24                  clear, on October 12<sup>th</sup>, your only mandate was to investigate  
25                  Constable Dunlop for potential or possible *Police Service*

1 Act charges?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: You had not been assigned to  
4 reinvestigate or to review the force's handling of the  
5 Silmsler matter?

6 MR. DEROCHIE: Very true.

7 MR. ENGELMANN: All right. Now, was this  
8 really where -- if I can call it this -- your internal  
9 investigation starts about Constable Dunlop's actions? It  
10 starts with your meeting with Luc Brunet to gather  
11 background facts?

12 MR. DEROCHIE: Just get some background  
13 facts, yes.

14 MR. ENGELMANN: Yes, so at this point-in-  
15 time you have these 13 documents we looked at ---

16 MR. DEROCHIE: M'hm.

17 MR. ENGELMANN: --- and you have that  
18 initial interview with Luc Brunet to flesh out that facts?

19 MR. DEROCHIE: That's it, yes.

20 MR. ENGELMANN: And that's really where you  
21 start the internal on Constable Dunlop?

22 MR. DEROCHIE: That's correct.

23 MR. ENGELMANN: All right. Now, I  
24 understand, sir, that you speak to a number of other  
25 individuals about this, but that the next person that you

1 speak with is Heidi Sebalj. Do I have that right?

2 MR. DEROCHIE: Which date would that have  
3 been?

4 MR. ENGELMANN: Well, sir, at page 8 of your  
5 notes, right after you say, "I've requested a statement  
6 from Staff Sergeant Brunet"?

7 MR. DEROCHIE: Yes, you're quite right.

8 MR. ENGELMANN: You say, "Later, I spoke  
9 briefly with Constable Sebalj". Now, I'm assuming that's  
10 the same day, October 12<sup>th</sup>?

11 MR. DEROCHIE: I -- I believe it is, yes.

12 MR. ENGELMANN: Because I'm -- I'm looking  
13 at page 9 and ---

14 MR. DEROCHIE: Yes.

15 MR. ENGELMANN: --- you have October 12<sup>th</sup>  
16 written at the top?

17 MR. DEROCHIE: Yes, that's correct.

18 MR. ENGELMANN: All right. So she would  
19 have been the next person you would have interviewed in  
20 this internal investigation?

21 MR. DEROCHIE: That's right.

22 MR. ENGELMANN: All right. Can you tell us  
23 -- it's a brief meeting, as I understand it?

24 MR. DEROCHIE: It is.

25 MR. ENGELMANN: Can you just sort of

1 summarize for us what she would have told you?

2 **MR. DEROCHIE:** She pretty much confirmed  
3 what -- the story that Luc Brunet told me. The -- it was  
4 the same account of how the statement had gotten from her  
5 to Constable Dunlop and subsequently, we assume, to CAS.

6 **MR. ENGELMANN:** Did she give you some  
7 indication as to whether or not she thought Constable  
8 Dunlop was making a copy of that statement at the time when  
9 she would have turned it over to him?

10 **MR. DEROCHIE:** She suspected that. She  
11 suspected at that point that when he took away, it was for  
12 more than reading material.

13 **MR. ENGELMANN:** As I understand it, she  
14 didn't -- well, as it seems to be related to you and I'm  
15 looking at page 9 of your notes -- that she didn't really  
16 think anything more of it until the meeting with Mr.  
17 Silmser on the 29<sup>th</sup> of September?

18 **MR. DEROCHIE:** That's correct. She didn't  
19 think -- she didn't think it was -- she didn't think  
20 anything more his interest in the case than just that. It  
21 didn't -- hadn't occurred to her that he would do anything  
22 else but read it and return it to her.

23 It's a small force. She would have known  
24 Perry, she would have known Perry's relationship probably  
25 with St. Andrew's Parish, you know, the fact that Father

1 Charlie had married Perry, so she, you know, I would assume  
2 ---

3 MR. ENGELMANN: She might have been at the  
4 wedding?

5 MR. DEROCHIE: She may well have been at the  
6 wedding.

7 MR. ENGELMANN: Yeah. Were you at the  
8 Dunlops' wedding, sir?

9 MR. DEROCHIE: No, I wasn't.

10 MR. ENGELMANN: Okay. We've heard some  
11 people that were in and I just ---

12 MR. DEROCHIE: Yes, some of the -- some of  
13 the members were, yes.

14 MR. ENGELMANN: You reference at the middle  
15 of that page, the meeting that Constable Sebalj relates to  
16 you about her meeting with David Silmsers on the 29<sup>th</sup> of  
17 September?

18 MR. DEROCHIE: Yes.

19 MR. ENGELMANN: Do you recall, sir, how that  
20 meeting was set up? Because all it says in your notes is:

21 "...when Silmsers came into headquarters  
22 and mentioned receiving a telephone  
23 call from Mrs. Dunlop."

24 Would she have indicated to you anything  
25 about that meeting or how it was set up, at this time?

1                   **MR. DEROCHIE:** I don't recall that she did.  
2                   I may have known but -- I have may have known; I was  
3                   writing these notes and just didn't include it.

4                   **MR. ENGELMANN:** All right. Were you aware,  
5                   sir, if that was the meeting where he would have signed a  
6                   note in the notebook? We looked at it yesterday ---

7                   **MR. DEROCHIE:** Yes.

8                   **MR. ENGELMANN:** --- as item 13 in your  
9                   package?

10                  **MR. DEROCHIE:** Yes, yes, that's my  
11                  understanding of what it would have been.

12                  **MR. ENGELMANN:** And you make a note, sir,  
13                  that:

14                                 "Constable Sebalj gave me the  
15                                 impression that she felt betrayed by  
16                                 Constable Dunlop's actions."

17                  **MR. DEROCHIE:** Yes.

18                  **MR. ENGELMANN:** And why did you have that  
19                  impression?

20                  **MR. DEROCHIE:** Well, I think she gave him --  
21                  she gave him that statement and regardless of what I think  
22                  of that -- that action, she gave him that statement with --  
23                  you know, for an innocent purpose, thinking that he just  
24                  wanted to read it for his own information and that he had  
25                  obviously some other intent in -- in coming to get it.

1 That's certainly the impression I got.

2 MR. ENGELMANN: All right. Do you -- do you  
3 know how it was, sir, that Mr. Dunlop would have even known  
4 to ask for that statement from Constable Sebalj?

5 MR. DEROCHIE: It's my understanding that he  
6 heard conversations between Sergeant Lefebvre and Sergeant  
7 Lortie with relation to the investigation and the fact that  
8 the investigation had come to an end.

9 I don't know that he was in -- he was aware  
10 of the investigation prior to that.

11 MR. ENGELMANN: All right. And you would  
12 have heard that from either Sergeants Lortie or Lefebvre or  
13 perhaps from Mr. Dunlop himself?

14 MR. DEROCHIE: I'm sorry, I -- I don't  
15 recall how ---

16 MR. ENGELMANN: That's fine.

17 MR. DEROCHIE: --- I came into that  
18 information.

19 MR. ENGELMANN: That's fine. This is a long  
20 time ago ---

21 MR. DEROCHIE: Yeah.

22 MR. ENGELMANN: --- so that's why when I  
23 can, I'm referring you to your notes ---

24 MR. DEROCHIE: Yes, yes.

25 MR. ENGELMANN: --- that were made close to

1 the time.

2 **MR. DEROCHIE:** Thank you for that, yeah.

3 **MR. ENGELMANN:** Yeah.

4 On the next page of your notes, it -- you  
5 say that:

6 "She also expressed concerns for her  
7 vulnerability in this whole matter."

8 Just thinking back, can you get a sense -- I  
9 mean, why she felt vulnerable?

10 **MR. DEROCHIE:** Well, she must have -- she  
11 must have realized that maybe she ought not to have so  
12 casually let somebody read that statement. That was my  
13 impression.

14 **MR. ENGELMANN:** And just after that, you  
15 indicate that you -- you told her that your concern was  
16 with what Constable Dunlop did with the statement, not with  
17 what she did with the statement. Is that fair?

18 **MR. DEROCHIE:** That's fair.

19 **MR. ENGELMANN:** All right. And that was to  
20 perhaps make her feel a bit more comfortable?

21 **MR. DEROCHIE:** Yeah, she was visibly shaken  
22 by this whole experience, you know. She was concerned.

23 **MR. ENGELMANN:** And, sir, I understand that,  
24 at least from your note, that in the course of that  
25 meeting, you actually ordered her to give you a statement

1 about what happened?

2 MR. DEROCHIE: I did.

3 MR. ENGELMANN: Can you explain to us why  
4 you would have given her an order to do that?

5 MR. DEROCHIE: I just wanted to make it  
6 easier for her to give me the details, to officially inform  
7 me of what was going on, and if I ordered her to do it, you  
8 know, then she wouldn't -- she would maybe feel more  
9 comfortable about doing that. Whether that makes sense or  
10 not, I don't know.

11 MR. ENGELMANN: All right. But you indicate  
12 that you sensed that she was reluctant to get her colleague  
13 into trouble?

14 MR. DEROCHIE: Yeah, yeah; understandably.  
15 She didn't want to rat out Constable Dunlop, as it were.

16 MR. ENGELMANN: And she knew you were doing  
17 an internal investigation into his actions?

18 MR. DEROCHIE: Oh yes, at this point she  
19 would have known that.

20 MR. ENGELMANN: Yeah.

21 MR. DEROCHIE: Which could result in a  
22 formal Police Act charge, which could result in her being  
23 called to give testimony.

24 MR. ENGELMANN: Right. And did you, at that  
25 time, give her some advice about perhaps talking to her

1 association, her union?

2 **MR. DEROCHIE:** Yes, that's correct, I did.  
3 I told her if she was uncomfortable, she should talk to an  
4 association rep.

5 **MR. ENGELMANN:** Now, did you get a sense at  
6 all, sir, at that time, that she was uncomfortable about  
7 the possibility of her work being reviewed in any way?

8 **MR. DEROCHIE:** No, I never got that, other  
9 than her actions in -- in disclosing the statement.

10 **MR. ENGELMANN:** All right. Now, did you end  
11 up getting a statement from Constable Sebalj?

12 **MR. DEROCHIE:** No, I never -- I never  
13 followed up. I never got to the formal Police Act  
14 investigation.

15 **MR. ENGELMANN:** Is that why, sir, in  
16 hindsight that you might not have followed to get those  
17 statements from both Staff Sergeant Brunet and Constable  
18 Sebalj?

19 **MR. DEROCHIE:** Yes, it's my -- it's my  
20 recollection that very quickly into my review of this whole  
21 matter, I thought that Perry Dunlop's role in this was  
22 outside of the -- his wife becoming actively involved in  
23 it. It's something that we -- we should be understanding  
24 about and that we would treat as a less serious matter than  
25 we had originally, you know, viewed it.

1                   **MR. ENGELMANN:** All right. And we'll get to  
2                   some of your thoughts as they develop on that in your  
3                   notes, just on that issue.

4                   **MR. DEROCHIE:** Yes, okay.

5                   **MR. ENGELMANN:** All right. Because I think  
6                   you're right, in a few days into this you make the decision  
7                   that this should not be a *Police Service Act* charge?

8                   **MR. DEROCHIE:** Right.

9                   **MR. ENGELMANN:** Sir, I understand the next  
10                  person you speak to this -- or about the fact that you're  
11                  doing this internal investigation is actually Perry Dunlop  
12                  himself?

13                  **MR. DEROCHIE:** Yes, that's correct.

14                  **MR. ENGELMANN:** And can you tell us the  
15                  circumstances around your initial discussion with Mr.  
16                  Dunlop? I understand it was that very same day,  
17                  October 12<sup>th</sup>?

18                  **MR. DEROCHIE:** It was that very same day,  
19                  October the 12<sup>th</sup>. We had a habit of -- we work twelve-hour  
20                  shifts and we get off both shifts approximately seven  
21                  o'clock in the evening and it was our habit back then to  
22                  have periodic shift team meetings, as it were. We would  
23                  discuss business relative to the whole idea of what was  
24                  going on with our team with, you know, what we wanted to  
25                  work on, and subsequent to that, we would have a little

1 social gathering.

2 MR. ENGELMANN: All right. Can you just  
3 give us a sense as to how many people were on your team?  
4 This is the "D Team", I think it's been called?

5 MR. DEROCHIE: Yes, I would -- I would  
6 expect that there would be approximately 12 ---

7 MR. ENGELMANN: All right.

8 MR. DEROCHIE: --- 13 people.

9 MR. ENGELMANN: And Mr. -- Constable Dunlop  
10 was, as he then was, was one of those team members?

11 MR. DEROCHIE: He was one of those team  
12 members, yes.

13 MR. ENGELMANN: And -- when you say "12",  
14 that's 12 on that shift?

15 MR. DEROCHIE: Twelve (12) on that  
16 particular team or shift, yes.

17 MR. ENGELMANN: All right. And so you have  
18 sort of a debriefing at the end of the shift?

19 MR. DEROCHIE: Not on all shifts but -- but  
20 maybe once a month we'll have a team meeting where we want  
21 to discuss problems that we're having that we may want to  
22 send up the chain of command or ---

23 MR. ENGELMANN: All right.

24 MR. DEROCHIE: --- you know, equipment  
25 needs, things of that nature.

1                   **MR. ENGELMANN:** And that just happened to be  
2                   that evening?

3                   **MR. DEROCHIE:** It happened to be that that  
4                   was scheduled. I had had one scheduled for the 12<sup>th</sup> of  
5                   October.

6                   **MR. ENGELMANN:** All right. So give us a  
7                   sense as to when you spoke to Constable Dunlop and whether  
8                   you spoke to him more than once, in context to the meeting?

9                   **MR. DEROCHIE:** Okay.

10                  **MR. ENGELMANN:** And whether it was private  
11                  or public?

12                  **MR. DEROCHIE:** Yeah. The first contact I  
13                  had with him was prior to the meeting starting. I took him  
14                  aside and I just advised him that I had been passed with  
15                  doing a review, possibly a Police Act investigation of his  
16                  involvement in turning over the statement of David Silmser  
17                  to the Children's Aid Society.

18                  **MR. ENGELMANN:** Okay. Yeah, your note  
19                  indicates that you told him that you had been assigned ---

20                  **MR. DEROCHIE:** Yes.

21                  **MR. ENGELMANN:** --- to do a Police Act  
22                  investigation?

23                  **MR. DEROCHIE:** Yes.

24                  **MR. ENGELMANN:** All right. So he would have  
25                  been apprised of that?

1                   **MR. DEROCHIE:** He would have been apprised  
2 of that.

3                   **MR. ENGELMANN:** Do you recall how he reacted  
4 when you first told him?

5                   **MR. DEROCHIE:** Yes, he was -- he was  
6 devastated by that information and so much so that I  
7 commented further that, you know, Perry, from what I see  
8 now, you have no need to worry about this.

9                   **MR. ENGELMANN:** All right. Did you do that  
10 then or was that later on that same day you ---

11                   **MR. DEROCHIE:** Well, I think it was in very  
12 close proximity, unless -- in time, I'm -- I'm referring to  
13 now. It would have been prior to the start of the meeting.

14                   I might have, you know, turned my attention  
15 to someone else or something else and then subsequently  
16 gone back to him, but it would have been in that -- before  
17 the meeting started.

18                   **MR. ENGELMANN:** And when you say  
19 "devastated", can you -- can you recall his actual ---

20                   **MR. DEROCHIE:** Yeah, he was actually --  
21 looked disappointed and said, "I -- geez, I didn't think  
22 you'd be doing it," you know and ---

23                   **MR. ENGELMANN:** In other words, you as in  
24 you investigating or you as in the force?

25                   **MR. DEROCHIE:** Me personally. He didn't

1 think that his supervisor would be tasked with this and I,  
2 you know, I sort of said, "Well who's better to do it,  
3 Perry?"

4 MR. ENGELMANN: All right. I note in your  
5 notes, sir, you say:

6 "Because I had knowledge of the fact  
7 that he had a major Police Act  
8 conviction on his file, I went out of  
9 my way to assure him that I was not  
10 headhunting."

11 MR. DEROCHIE: Yes.

12 MR. ENGELMANN: All right. So he had had a  
13 *Police Service Act* charge some years before?

14 MR. DEROCHIE: Some years before, yes.

15 MR. ENGELMANN: All right, and you were  
16 aware of that?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: And would that have -- if  
19 you had proceeded with *Police Service Act* charges for this  
20 issue and he had been found guilty of something under the  
21 *Police Services Act* might that have had a serious  
22 consequence on his career?

23 MR. DEROCHIE: It might well have had a very  
24 serious consequence on his career.

25 MR. ENGELMANN: All right.

1                   And you -- so that's why you went back to  
2           him, sir?

3                   **MR. DEROCHIE:** That's right, yes.

4                   I went back to him and told him "Listen,  
5           it's -- you know, that's no need to worry about this." I  
6           attributed his previous problem with the fact that he was  
7           inexperienced and just made a bad decision and I didn't  
8           want him to think that this would result in severe  
9           consequences to him.

10                   As I saw it then, you know. I had no  
11           problem with him.

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

13                   So I just -- and I'm looking at page 11 of  
14           Exhibit 1293, where this is set out. You say:

15                   "He took the news that an investigation  
16           had been started very hard. His  
17           reaction was such that I returned and  
18           spoke to him further on it."

19                   Do you see that?

20                   **MR. DEROCHIE:** Yes.

21                   **MR. ENGELMANN:** Is that when you say you  
22           were trying to reassure him a bit?

23                   **MR. DEROCHIE:** That's correct.

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

25                   **MR. DEROCHIE:** I fully anticipated that he

1 would have, by that time, realized that there was going to  
2 be some consequence to his action. He had gone ---

3 **MR. ENGELMANN:** Why is that, sir?

4 **MR. DEROCHIE:** Well he had gone against the  
5 instructions of Staff Sergeant Brunet.

6 **MR. ENGELMANN:** Okay. And how had he gone  
7 against those instructions?

8 **MR. DEROCHIE:** Well, Staff Sergeant Brunet  
9 had instructed him at that previous meeting, that first  
10 meeting that he had with him ---

11 **MR. ENGELMANN:** That would have been  
12 September 29<sup>th</sup>?

13 **MR. DEROCHIE:** Twenty-ninth (29<sup>th</sup>).

14 **MR. ENGELMANN:** Yes.

15 **MR. DEROCHIE:** That he should return all  
16 documents that he has in his possession with regards to  
17 this investigation.

18 **MR. ENGELMANN:** Right.

19 **MR. DEROCHIE:** And clearly he had not done  
20 that; he had gone out, in fact, and done the opposite.

21 **MR. ENGELMANN:** I'm sorry; he had?

22 **MR. DEROCHIE:** He had gone out and done the  
23 opposite.

24 **MR. ENGELMANN:** Oh, by turning the statement  
25 over to the CAS?

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

2                   **MR. ENGELMANN:** After that meeting?

3                   **MR. DEROCHIE:** After that meeting.

4                   **MR. ENGELMANN:** All right. And I believe  
5 your thoughts at the time were that he must have known that  
6 that would become known by the Force?

7                   **MR. DEROCHIE:** Exactly. Exactly. I had to  
8 assume that he had turned it over to CAS with the hopes  
9 that some action would be taken and that would eventually  
10 become known to the Service.

11                   **MR. ENGELMANN:** Now, apparently after your  
12 discussion with him he left?

13                   **MR. DEROCHIE:** When I called the meeting to  
14 order that evening I didn't notice him leaving. When I  
15 called the meeting to order I noticed that he was not  
16 present.

17                   **MR. ENGELMANN:** And as a result of that did  
18 you have any discussions with others about your internal  
19 investigation later that same day?

20                   **MR. DEROCHIE:** Yes, I -- at the end of the  
21 meeting and giving regard to how he had taken the  
22 information from me, I approached two members of my team  
23 who happened to also be association executive members.

24                   **MR. ENGELMANN:** All right, so these were  
25 executive members of the police union?

1                   **MR. DEROCHIE:** Of the police union.

2                   **MR. ENGELMANN:** And who were they?

3                   **MR. DEROCHIE:** They were Constable Mike  
4                   Quinn, with whom he had a personal relationship;  
5                   a good friendship with Mike Quinn and Dan O'Reilly,  
6                   Constable Daniel O'Reilly.

7                   **THE COMMISSIONER:** Sir, and where did this  
8                   meeting take place?

9                   **MR. DEROCHIE:** At that time, Mr.  
10                  Commissioner, we had a -- the Police Association had a  
11                  police club.

12                  **THE COMMISSIONER:** Right.

13                  **MR. DEROCHIE:** It was a social club and it  
14                  was located down in this area actually, just on the banks  
15                  of the St. Lawrence River.

16                  **THE COMMISSIONER:** Right, so were there --  
17                  is there -- was there alcohol served there?

18                  **MR. DEROCHIE:** Not during the -- oh yes,  
19                  there was alcohol served there. We had a meeting room away  
20                  from the bar. We'd have our meeting and then have a couple  
21                  of drinks.

22                  **THE COMMISSIONER:** So during those meetings  
23                  there's no alcohol?

24                  **MR. DEROCHIE:** No alcohol during the  
25                  meeting.

1                   **THE COMMISSIONER:** Nobody could bring in  
2 alcohol?

3                   **MR. DEROCHIE:** No.

4                   **THE COMMISSIONER:** Okay.

5                   **MR. ENGELMANN:** So you'd have your formal  
6 meeting and then there was a social ---

7                   **MR. DEROCHIE:** Then we'd break -- sure, have  
8 a beer ---

9                   **MR. ENGELMANN:** --- after?

10                  **MR. DEROCHIE:** --- and then, yes, be on our  
11 way.

12                  **MR. ENGELMANN:** All right. And he wasn't  
13 there for the meeting or for the social afterwards?

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

15                  **MR. ENGELMANN:** Because after you had spoken  
16 to him a couple of times he left, apparently?

17                  **MR. DEROCHIE:** Yes, he left.

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

19                                So -- and you mentioned that Mike Quinn had  
20 a relationship with Constable Dunlop?

21                  **MR. DEROCHIE:** I knew that Mike Quinn and he  
22 were close; that they hunted together and that they had a -  
23 - they went out socially.

24                  **MR. ENGELMANN:** And what if -- oh, so you  
25 meet with them together or separately, do you recall?

1                   **MR. DEROCHIE:** Together.

2                   **MR. ENGELMANN:** Together. And what do you  
3 tell him?

4                   **MR. DEROCHIE:** I tell him exactly what I  
5 told Perry and I say, listen and I got to tell you --  
6 normally when I'm doing a Police Act investigation I would  
7 leave it up to the subject officer to advise the union.

8                   But because of the way he had reacted I  
9 wanted to make sure they did a follow-up with him. So I  
10 told them exactly what I was doing and what my tendencies -  
11 - you know, what I felt about the consequences that he  
12 would face.

13                   **MR. ENGELMANN:** All right. And what was  
14 that?

15                   **MR. DEROCHIE:** That he would be -- you know,  
16 that he would be counselled or he would cautioned but it  
17 wouldn't result in severe punishment.

18                   **MR. ENGELMANN:** All right. I note in your -  
19 - you have a brief note of that on page 12. You indicate  
20 that:

21                   "The nature of the inquiry that I was  
22 conducting and asked them to speak to  
23 Dunlop and assure him that I did not  
24 believe that his job was in danger."

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

1                   **MR. ENGELMANN:** All right. And would that  
2 be in summary form, what you would have expressed to them?

3                   **MR. DEROCHIE:** Yes. Yes.

4                   **MR. ENGELMANN:** And did you expect that  
5 would be communicated to Mr. Dunlop?

6                   **MR. DEROCHIE:** I did.

7                   **MR. ENGELMANN:** And why?

8                   **MR. DEROCHIE:** Well I thought I had a good  
9 relationship with these two people. I thought that they  
10 would see the -- the concern that I had for Constable  
11 Dunlop's emotional state at that time; that they should  
12 reassure him and I'm reassuring them, so I would be held  
13 accountable for what I'm telling them. And that should  
14 further reassure Constable Dunlop.

15                   **MR. ENGELMANN:** All right. And when you  
16 described this to them, what if any familiarity, did they  
17 appear to have with the issues that you were involved with?

18                   **MR. DEROCHIE:** They were aware of it. They  
19 had knowledge. They gave me the impression that they had  
20 knowledge for some period of time. I don't know if it's  
21 weeks or days but they had knowledge of it.

22                   **MR. ENGELMANN:** All right and we're talking  
23 about a meeting on October 12<sup>th</sup>.

24                   **MR. DEROCHIE:** October 12<sup>th</sup>.

25                   **MR. ENGELMANN:** And we know that Constable

1 Dunlop, at least, becomes aware of this statement in late  
2 September, the last week of September.

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

4 **MR. ENGELMANN:** And you've talked about the  
5 meeting that Staff Sergeant Brunet had with him on the 29<sup>th</sup>.

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** Did it -- when you say they  
8 had known about it for some time did you get the sense  
9 they'd known about it even before then or just since late  
10 September or are you able to help us there?

11 **MR. DEROCHIE:** I couldn't comment beyond  
12 they knew about it, probably before I did.

13 **MR. ENGELMANN:** All right. Yes, well you  
14 didn't find out until October 7<sup>th</sup>?

15 **MR. DEROCHIE:** October 7<sup>th</sup>.

16 **MR. ENGELMANN:** All right. And in your  
17 notes you express some surprise about that.

18 **MR. DEROCHIE:** Yeah, I'm surprised why don't  
19 I know about this, you know. Why do they know and I don't.

20 **MR. ENGELMANN:** And O'Reilly had told you  
21 though that Constable Sebalj had come to him?

22 **MR. DEROCHIE:** Yes, that was as a result of  
23 my conversation with her about if you feel uncomfortable  
24 then you should talk to an association rep.

25 **MR. ENGELMANN:** And Constable Quinn, I think

1           you indicate, said to you, he was very familiar with it?

2                   **MR. DEROCHIE:** Well I don't ---

3                   **MR. ENGELMANN:** I'm at page 13 of your note.

4                   **MR. DEROCHIE:** Yeah, I certainly had that  
5           impression, that he was more familiar with it than I was --  
6           very familiar with it.

7                   **MR. ENGELMANN:** Because your note says:

8                           "I got the very distinct impression  
9                           he'd been dealing with Dunlop on this  
10                           issue for some considerable time."

11                  **MR. DEROCHIE:** Yeah.

12                  **MR. ENGELMANN:** "This added to my confusion  
13                           with regards to the way Dunlop had  
14                           reacted to being informed about the  
15                           investigation."

16                  Why is that, why would that have added to  
17           your confusion?

18                  **MR. DEROCHIE:** Well it anticipates, I would  
19           think, if he's talking to members of the association he's  
20           anticipating some sort of consequence to what he had done  
21           or was about to do.

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

23                  **MR. DEROCHIE:** Given when they had found out  
24           about it.

25                  **MR. ENGELMANN:** And therefore it shouldn't

1 be a surprise to him that someone would end up  
2 investigating?

3 **MR. DEROCHIE:** That somebody would come to  
4 him; I would think that he would be thankful it was me or  
5 maybe I hoped that he would be thankful it was me.

6 **MR. ENGELMANN:** And I note you say that you  
7 spoke to them for some time and again that you found that  
8 they had more knowledge about this case than you did?

9 **MR. DEROCHIE:** Yeah, they had already made  
10 some assumptions.

11 **MR. ENGELMANN:** All right. But I mean at  
12 this point in time you had these 13 documents, you'd had  
13 your meeting with Brunet.

14 **MR. DEROCHIE:** Yeah.

15 **MR. ENGELMANN:** These other guys seem to  
16 have more information than you do. Did you ask them how or  
17 why?

18 **MR. DEROCHIE:** No, I didn't. I don't think  
19 I -- I don't think I grilled them on it, I just ---

20 **MR. ENGELMANN:** All right, you were just  
21 curious about it?

22 **MR. DEROCHIE:** I was curious, yeah.

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

24 Now I want to ask you a little bit, sir,  
25 about something that you have in square brackets on page 12

1 of your notes.

2 And this is -- I'm just going to read it:

3 "I had, by this time..."

4 And this time would have been October 12<sup>th</sup>.

5 "...received bits and pieces of  
6 information which led me to believe  
7 that there were -- that there were far  
8 larger issues at stake here than that  
9 involving Constable Dunlop. I was  
10 beginning to form the opinion that  
11 although wrong, Dunlop might be able to  
12 justify his actions, ie., the case had  
13 been mishandled and he was acting in  
14 good faith...for the good of the  
15 community."

16 I guess the first thing I want to ask you,  
17 that's all in square brackets. Was there something to that  
18 when you use square brackets in your notes?

19 **MR. DEROCHIE:** Well, it, you know, it  
20 indicates I'm thinking out loud maybe and maybe it's a good  
21 time to explain these notes because they are rather  
22 unconventional of what I would normally keep with regards  
23 to my police duties.

24 These notes I didn't have very much  
25 discipline in taking them as far as restricting myself to

1           what I knew to be true, what I knew to be the facts which I  
2           would normally keep.

3                   **MR. ENGELMANN:** Okay, so just on that note,  
4           if I can---

5                   **THE COMMISSIONER:** Let him finish.

6                   **MR. ENGELMANN:** Yes, sorry; go ahead, sir.

7                   **THE COMMISSIONER:** You may have lost your  
8           thought there.

9                   **MR. DEROCHIE:** Yeah, the ---

10                   **THE COMMISSIONER:** You're saying that ---

11                   **MR. ENGELMANN:** I just wanted to ask you,  
12           you said they weren't typical police notes?

13                   **MR. DEROCHIE:** That's correct. Typical  
14           police notes are what I expect is going to be entered into  
15           evidence and I'm very careful, by the way, keeping my  
16           police notes as to what the facts are and I don't  
17           speculate, I don't put forth theories or opinions. I keep  
18           it to what I know of the case and what's going to be  
19           admissible. That's at that time.

20                   We've since evolved to a more -- not casual  
21           but a more detailed, more articulate notes but at this time  
22           it would have been just, you know, just the facts; dates,  
23           times, names, date of births.

24                   **THE COMMISSIONER:** So why did you change?

25                   **MR. DEROCHIE:** Well, these I saw this -- I

1 saw these notes as being very informal that I was going to  
2 use them at the end of the process to write a report that I  
3 would go back and look at my theories and make sure that I  
4 had covered them off, things of that nature. I didn't  
5 expect that they would ever become evidence in a Police Act  
6 hearing and subsequently in this Inquiry. So they're  
7 rather undisciplined in that regard.

8 **THE COMMISSIONER:** Did you put those little  
9 square marks or brackets at the time or was it later when  
10 you were reading them over that you'd ---

11 **MR. DEROCHIE:** No, I would have put them at  
12 the time and for what purpose that may escape me now, other  
13 than to suggest that it was something that was an opinion,  
14 a theory that I wanted to get back to and make sure that I  
15 reconsidered that when I made my final report to the Chief.

16 **MR. ENGELMANN:** All right, so if I can just  
17 reiterate then, these weren't typical police notes?

18 **MR. DEROCHIE:** No, they were not.

19 **MR. ENGELMANN:** When you wrote them you  
20 weren't expecting them to be disclosed in any kind of  
21 formal criminal process?

22 **MR. DEROCHIE:** No. I'd use them to do my  
23 final report and at that point they would be -- if they  
24 were going -- if I was going to go into a Police Act trial,  
25 then I would certainly keep more formal notes because they

1 would likely be introduced or could be introduced.

2 **MR. ENGELMANN:** So would it be fair to say  
3 then, sir, by early November when you actually made these  
4 notes that you had formed the opinion that this was not  
5 going to be a formal *Police Service Act* matter.

6 **MR. DEROCHIE:** Everyone had formed that  
7 opinion.

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

9 **MR. DEROCHIE:** The Deputy Chief and the  
10 Chief and myself.

11 **MR. ENGELMANN:** And if it had been a formal  
12 *Police Service Act* matter, these notes would then be  
13 required for disclosure purposes.

14 **MR. DEROCHIE:** They may well be, yes.

15 **MR. ENGELMANN:** And in fact when there  
16 became a *Police Service Act* matter in the following year,  
17 these notes were in fact disclosed?

18 **MR. DEROCHIE:** Unfortunately they were, yes.

19 **MR. ENGELMANN:** Yes, okay. But normally you  
20 wouldn't put in your thoughts because that would be  
21 disclosed to perhaps lawyers that would then cross examine  
22 you?

23 **MR. DEROCHIE:** Absolutely.

24 **MR. ENGELMANN:** Or ask you questions about  
25 them years later at a public inquiry?

1                   MR. DEROCHIE: Exactly.

2                   MR. ENGELMANN: All right.

3                   MR. DEROCHIE: That I couldn't get a good  
4 answer for.

5                   MR. ENGELMANN: All right. But I want to  
6 ask you about those thoughts ---

7                   MR. DEROCHIE: Yes.

8                   MR. ENGELMANN: --- if I can.

9                   MR. DEROCHIE: Yes.

10                  MR. ENGELMANN: Because these are thoughts  
11 you're musing, if I can use that term ---

12                  MR. DEROCHIE: Good term.

13                  MR. ENGELMANN: --- for thinking out loud on  
14 October 12<sup>th</sup> and you say there are far larger issues at  
15 stake than that involving Constable Dunlop.

16                               Can you think back to what you were musing  
17 about at the time?

18                  MR. DEROCHIE: Yes, when I met with O'Quinn  
19 (sic) and O'Reilly, they had put forward their theory about  
20 what was going on. As I mentioned, Mr. Commissioner, they  
21 were aware of the details or some of the details at least  
22 and they suggested to me that, you know, this could be a  
23 case where, you know, you're going to use the constable as  
24 a scapegoat when you should be looking elsewhere in this  
25 whole matter to see if there was other people who may have

1 dropped the ball.

2 MR. ENGELMANN: All right. And you say at  
3 least then, and I know you were just investigating Dunlop,  
4 but at that point the case had been mishandled and he was  
5 acting in good faith; that were your thoughts then?

6 MR. DEROCHIE: My thoughts were the theory  
7 was that -- my theory was at that time that may well have  
8 happened. Subsequently they didn't remain my thoughts but  
9 at that point in time this is what I'm thinking.

10 MR. ENGELMANN: All right, and why were you  
11 thinking that at that point in time?

12 MR. DEROCHIE: Well, based on my  
13 conversations with the -- with O'Reilly and Quinn, based on  
14 my conversation with Luc Brunet, and just my own opinion on  
15 how the case appeared to me at a quick glance, you know.

16 MR. ENGELMANN: All right, well you knew for  
17 example that the OMPPAC material had been very recently  
18 entered ---

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: --- after the investigation  
21 had been closed. Was that part of your concern, sir?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: All right. And were there  
24 other concerns that you had about it with respect to  
25 perhaps the level of experience of the officer or the

1 supervision, or anything of that nature at that time?

2 MR. DEROCHIE: Well it was certainly stuff I  
3 was going to consider. I hadn't formed an opinion. Well -  
4 --

5 MR. ENGELMANN: Well you had at least a  
6 little bit of an opinion?

7 MR. DEROCHIE: I had a thought that I should  
8 look at this, yes. It may have been mismanaged. There may  
9 have been, you know, that type of thing.

10 MR. ENGELMANN: Okay.

11 MR. DEROCHIE: I haven't made a  
12 determination yet by a long shot.

13 MR. ENGELMANN: Well, your thinking out loud  
14 says that the case had been mishandled?

15 MR. DEROCHIE: Yes, that's the theory.

16 MR. ENGELMANN: Right?

17 MR. DEROCHIE: The case had been mishandled.

18 MR. ENGELMANN: All right, and when you say  
19 he was acting in good faith, do you recall what you were  
20 thinking about there? And just to -- you also said, "for  
21 the good of the community."

22 MR. DEROCHIE: Yes, I had to consider that  
23 Perry Dunlop did this for no reason other than his  
24 conscience required him to do this.

25 MR. ENGELMANN: And that was your thought

1 then?

2 MR. DEROCHIE: That was my theory then, yes.

3 MR. ENGELMANN: Is that still your theory,  
4 sir?

5 MR. DEROCHIE: Yes, it is.

6 MR. ENGELMANN: About that initial ---

7 MR. DEROCHIE: Yes, it is.

8 MR. ENGELMANN: All right. So that's his  
9 initial bringing it up and speaking to the Children's Aid  
10 Society?

11 MR. DEROCHIE: I never found any evidence  
12 that he did anything other than what he felt he was  
13 required to by his conscience to do.

14 MR. ENGELMANN: All right.

15 MR. DEROCHIE: I wish he would have done it  
16 a different way, but ---

17 MR. ENGELMANN: Fair enough. And that way  
18 would have been?

19 MR. DEROCHIE: He could have come to me. He  
20 knew -- he knew me. I thought we had a good relationship.  
21 He knew I had the ear of the Chief of Police. I could have  
22 intervened. He could have simply reported it to the CAS.  
23 He could have just went to, using the same process he did  
24 and said I have this information. CAS would have been  
25 seized with it because it is a requirement to report, not

1 to provide documentation of that.

2 MR. ENGELMANN: He did report to them before  
3 he gave them the documentation?

4 MR. DEROCHIE: That's correct, he did.

5 MR. ENGELMANN: And he was asked to give  
6 them the documentation after he had reported it?

7 MR. DEROCHIE: My understanding is Mr.  
8 Abell, Mr. -- well, Mr. Abell told me that he asked for the  
9 statement and Perry turned it over.

10 MR. ENGELMANN: Right, but your first  
11 approach or your preferred approach would have been for him  
12 to come to you as his supervisor?

13 MR. DEROCHIE: Well, come to me or go  
14 directly to Richard Abell if he felt more comfortable with  
15 him and said listen this is what I have, this is -- I'm  
16 nervous about this or concerned about this, I'd like you to  
17 do something about this. You're CAS, you're the Director  
18 of CAS, do something about this.

19 MR. ENGELMANN: Is there really much --  
20 maybe there is but if he goes and reports to Richard Abell  
21 and tells him everything, the actual giving him the  
22 statement as well?

23 MR. DEROCHIE: Well you know, that statement  
24 is a confidential document that's given by a victim of a  
25 crime to the police department and they expect that we're

1 going to keep that information confidential and it's for  
2 court purposes only. It not -- it's for any other person,  
3 purpose. I can't recall us ever giving a copy of a  
4 statement to CAS. We may ask them, they may ask to see it,  
5 we'll show it to them and they can make notes but I didn't  
6 feel comfortable and that was my position at the time that  
7 he ought to have provided that physical copy of the  
8 statement to CAS. CAS had ways of getting all the  
9 information they wanted from us.

10 **MR. ENGELMANN:** I guess my point is -- and  
11 maybe we're splitting hairs -- if he feels he has a duty to  
12 report ---

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

14 **MR. ENGELMANN:** --- to the CAS and he says  
15 it all orally, or he says it orally and he gives the  
16 statement, you think it's ---

17 **MR. DEROCHIE:** I think there's a real big  
18 difference there, Mr. Engelmann.

19 **MR. ENGELMANN:** The giving of the statement  
20 as well?

21 **MR. DEROCHIE:** The actual giving of the  
22 physical statement.

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

24 **MR. DEROCHIE:** That's my opinion.

25 **MR. ENGELMANN:** Fair enough, and that's what

1 I asked.

2 MR. DEROCHIE: Okay.

3 MR. ENGELMANN: All right, so you meet with  
4 the association executives, you've spoken briefly to Mr.  
5 Dunlop and at page 14 of your note you're writing -- you  
6 give them the impression about what might happen as a  
7 result. What the consequence might be ---

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: --- to Mr. Dunlop?

10 MR. DEROCHIE: Yes. Yes. I'm committing  
11 myself to him by -- in fact, you know, when I make those  
12 kind of comments that's going to come back to haunt me if I  
13 stray from that.

14 MR. ENGELMANN: All right. So you're giving  
15 them a sense that what he did was wrong but it's tempered  
16 by ---

17 MR. DEROCHIE: But we understand, yes.

18 MR. ENGELMANN: --- certain facts.

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: And I think you say that you  
21 had a bit of an argument with them about whether it was  
22 wrong or not.

23 MR. DEROCHIE: Yes, they didn't share my  
24 opinion.

25 MR. ENGELMANN: And they were concerned that

1 he might be a scapegoat?

2 MR. DEROCHIE: Exactly.

3 MR. ENGELMANN: And you tried to assure them  
4 that that was not the case?

5 MR. DEROCHIE: I -- in fairness I -- in  
6 honesty I was sort of offended by that.

7 MR. ENGELMANN: All right. And why were you  
8 offended by that?

9 MR. DEROCHIE: Because I wouldn't be part of  
10 anything like that, you know. And they should know that.

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: That's my position.

13 MR. ENGELMANN: And these were individuals  
14 that you had known for some time?

15 MR. DEROCHIE: For some time, yes. They  
16 knew me.

17 MR. ENGELMANN: And you had supervised them  
18 for some time?

19 MR. DEROCHIE: I had.

20 MR. ENGELMANN: Now, sir, I understand the  
21 next thing you do in this -- what starts out as a *Police*  
22 *Service Act* investigation of Constable Dunlop, the next  
23 thing that you note doing, in any event, is meeting with  
24 Richard Abell.

25 MR. DEROCHIE: Yes.

1                   **MR. ENGELMANN:** And my understanding is that  
2 meeting takes place a couple of days later, on October 14<sup>th</sup>?

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

4                   **MR. ENGELMANN:** And again, this is something  
5 that, at least in these notes, you write about on or about  
6 November 3<sup>rd</sup>?

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

8                   **MR. ENGELMANN:** So, can you recall how that  
9 meeting with Mr. Abell was set up?

10                  **MR. DEROCHIE:** I believe I called him and  
11 asked for a meeting and he obliged me.

12                  **MR. ENGELMANN:** All right. And why was it  
13 important for you to meet with him, in the context of what  
14 you were doing?

15                  **MR. DEROCHIE:** I wanted to get a sense of  
16 his take on this whole matter.

17                  **MR. ENGELMANN:** And did you want to get a  
18 sense as to how it was they ended up with your statement?

19                  **MR. DEROCHIE:** Yes.

20                  **MR. ENGELMANN:** The facts surrounding that?

21                  **MR. DEROCHIE:** And the mechanism by which he  
22 used to get that information. I wanted to try to get a  
23 feel for that.

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

25                               And you have a few pages of notes of that

1 meeting with Mr. Abell?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: All right. And to your  
4 knowledge, do they reflect your now memory of what took  
5 place?

6 MR. DEROCHIE: They do.

7 MR. ENGELMANN: All right. And can you just  
8 give us a sense, you met with him at his office?

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: Do you recall -- do you  
11 recall his demeanour and your ---

12 MR. DEROCHIE: He was very -- very  
13 hospitable. He was -- he was very willing to answer,  
14 cooperate fully with me. He didn't hesitate to answer any  
15 of my questions; other than that one question that stuck in  
16 my craw for a bit.

17 MR. ENGELMANN: All right.

18 MR. DEROCHIE: But other than that, it was a  
19 very frank open meeting.

20 MR. ENGELMANN: All right, so let's then go  
21 through it.

22 Would you have indicated to him at the  
23 beginning of the meeting what you were doing?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: What did you tell him?

1                   **MR. DEROCHIE:** I told him I was doing a  
2 review of an investigation. I don't know if I would have  
3 detailed it or if I indicated that I detailed it any  
4 greater than that but I was looking into this whole matter  
5 of how he came to have this statement and Perry Dunlop's  
6 role in him having this statement.

7                   **MR. ENGELMANN:** And did you ask him whether  
8 they were friends or is that just something he volunteered?

9                   **MR. DEROCHIE:** No, he volunteered -- he  
10 volunteered that right off the bat.

11                   **MR. ENGELMANN:** And he told you how he and  
12 his wife knew the Dunlops?

13                   **MR. DEROCHIE:** Yes.

14                   **MR. ENGELMANN:** All right. And did he  
15 indicate to you when he first became aware of the Silmsen  
16 statement and the circumstances?

17                   **MR. DEROCHIE:** Yes, he did.

18                   **MR. ENGELMANN:** And what did he suggest?

19                   **MR. DEROCHIE:** He said that they had -- they  
20 were at a social gathering; Perry Dunlop would play, would  
21 entertain; he's a very gifted musician. He played at the  
22 local pubs in his own time and there was, on one of those  
23 occasions, that they had gone to listen to him play and you  
24 know, to socialize with him.

25                   And it was in the parking lot of Quinn's Inn

1 in St. Andrew's that Perry had approached him originally --  
2 initially rather, with his concerns.

3 **MR. ENGELMANN:** All right. And apparently -  
4 - and I'm looking at page 16 of your notes. It says:

5 "He said that Dunlop was struggling  
6 with the problem and was unsure what he  
7 was going to do with it."

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** That -- that would have been  
10 Mr. Abell's comments to you about that first meeting he had  
11 with Dunlop?

12 **MR. DEROCHIE:** Mr. Abell's impression of  
13 what -- how Perry was struggling with this -- with this  
14 information that he had and these concerns that he had.

15 **MR. ENGELMANN:** All right. So there was  
16 some kind of oral report by Dunlop to Abell; that's how  
17 it's communicated to you?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** It takes place after --  
20 after a social event in a parking lot at a local  
21 restaurant/bar?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And does he then tell you  
24 how things develop from then?

25 **MR. DEROCHIE:** Yes, he goes on to explain

1           that subsequently he gets to read -- he went over to the  
2           Dunlops' residence and actually read the statement and  
3           subsequent to that, went back and asked for a copy of the  
4           statement.

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

6                       So there were two meetings between them  
7           before Mr. Dunlop actually gave him a copy?

8                       **MR. DEROCHIE:** Two that I'm aware of.

9                       **MR. ENGELMANN:** Right. He may have reviewed  
10          it with him beforehand but it was only that third meeting,  
11          apparently when he actually handed it over to Mr. Abell?

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

13                      **MR. ENGELMANN:** And it's your understanding  
14          that it was at Mr. Abell's request?

15                      **MR. DEROCHIE:** Yes.

16                      **MR. ENGELMANN:** And I'm looking at the  
17          bottom of page 16 of your notes, you say:

18                                "Abell had confirmed with Dunlop  
19                                earlier that he, Dunlop, was aware of  
20                                the possible consequences of going  
21                                outside of channels."

22                      **MR. DEROCHIE:** That's correct. He told me  
23          that they had a -- excuse me, that they had a conversation  
24          with regards to Perry, do you realize what the -- you know,  
25          there could be consequences to this.

1                   **MR. ENGELMANN:** All right. So again, this  
2 would have been before October 12<sup>th</sup>, when you mentioned to  
3 Constable Dunlop that you're doing this investigation?

4                   **MR. DEROCHIE:** Yes.

5                   **MR. ENGELMANN:** So again, it would seem to  
6 be that, at least as communicated to you, he recognized  
7 there might be some consequences?

8                   **MR. DEROCHIE:** Yes. Perry is an intelligent  
9 man, he would have -- he would have recognized this.

10                  **MR. ENGELMANN:** And in fact, Mr. Abell is  
11 saying to you right after that Dunlop's reply was to the  
12 effect that he felt strongly enough about the principles  
13 involved to put his job at risk?

14                  **MR. DEROCHIE:** That's what I was told, yes.

15                  **MR. ENGELMANN:** And did Mr. Abell indicate  
16 to you that his agency was starting a formal investigation  
17 into the Silmsler matter?

18                  **MR. DEROCHIE:** Yes, he did.

19                  **MR. ENGELMANN:** And did he give you a sense  
20 about what they had done so far?

21                  **MR. DEROCHIE:** Yes. Yes, he had reviewed  
22 the statement with Mr. Townsdale, I believe -- I believe he  
23 was his assistant; he would have been second in command at  
24 CAS.

25                  **MR. ENGELMANN:** All right. And, sir, did he

1 indicate to you anything about what they were doing, either  
2 with respect to Father Charles MacDonald or Mr. Ken Seguin?

3 **MR. DEROCHIE:** Yes, he told me that they  
4 were going to -- they were going to do an investigation on  
5 Charlie MacDonald and that they were going to consult or he  
6 was going to consult with his Ministry with regards to Ken  
7 Seguin.

8 **MR. ENGELMANN:** Did you know what that was  
9 about, sir? Did he explain that to you?

10 **MR. DEROCHIE:** No, not beyond that. I got  
11 the impression that there was some sort of -- he felt that  
12 there was some sort of connection between his Ministry and  
13 Corrections and I quite frankly didn't -- no, I wasn't  
14 aware of what that would have been.

15 I didn't -- I didn't push that issue at all  
16 with him.

17 **MR. ENGELMANN:** All right. Did he -- did he  
18 indicate to you whether or not he had spoken to Chief  
19 Shaver?

20 **MR. DEROCHIE:** Yes, he told me that he had  
21 spoken to Chief Shaver and he told me that when he did  
22 finally get the statement that he had attempted to contact  
23 Chief Shaver right away to make him aware that he had a  
24 copy of the statement.

25 And subsequently, he spoke and met with

1 Chief Shaver.

2 **MR. ENGELMANN:** Now, I note at the bottom of  
3 page 17, you say in your note:

4 "I asked Mr. Abell for his thoughts and  
5 how our Service had handled the  
6 investigation and if he felt that the  
7 CAS should have been notified  
8 officially by the service concerning  
9 the particulars of the incident in  
10 question. I asked him to be candid."

11 So -- at this point in time, you're just --  
12 your mandate is supposed to be looking at Dunlop, not yet  
13 looking at the broader investigation, so I'm wondering why  
14 it is you would have put that question to Mr. Abell.

15 **MR. DEROCHIE:** Well, part of my review for  
16 the chief would have been to -- to comment on why -- why  
17 this had happened, how -- how did -- why was there a need  
18 for this -- this -- for Perry to take the action he did and  
19 quite frankly, I was a little bit confused as to why Mr.  
20 Abell had elected to go this route given that they had both  
21 acknowledged, both Perry and -- and Mr. Abell had  
22 acknowledged that there was some inherent risk with -- to  
23 Perry for doing it this way. So I couldn't understand -- I  
24 should explain that I thought our relationship with CAS was  
25 a strong one; that -- that we, you know, we had good

1 cooperation, that there was -- we worked well together; as  
2 well as agencies can work together.

3 **MR. ENGELMANN:** Had you had any dealings  
4 directly with Mr. Abell before this?

5 **MR. DEROCHIE:** No, I didn't. I -- I knew  
6 him only by reputation; he had a very good reputation. I'd  
7 never heard anything that would -- that would change or  
8 influence my mind otherwise so, you know, I was looking for  
9 an answer from him as to why he -- he had gone the route he  
10 had gone.

11 **MR. ENGELMANN:** Asking Constable Dunlop to  
12 turn over that statement?

13 **MR. DEROCHIE:** Why not just come to us and  
14 say, I've got information, I've heard information, I have a  
15 report that this happened; I want a review of the case or  
16 can we review the case together.

17 **MR. ENGELMANN:** Presumably, he would have  
18 asked for the statement at that point though.

19 **MR. DEROCHIE:** He would have -- he would  
20 have asked to see it, perhaps.

21 **MR. ENGELMANN:** Okay. Now ---

22 **MR. DEROCHIE:** With freedom of information,  
23 there's not a -- there's not an open flow of documents; we  
24 have -- we can share information, but a lot of times, I  
25 know, my dealings with CAS is that I'm free to go in there

1 and review of their files, but if I want to take something  
2 away, they would ask that I get a warrant and, you know ---

3 MR. ENGELMANN: All right.

4 MR. DEROCHIE: --- there's -- there's  
5 confidentiality involved; there's procedures to follow.

6 MR. ENGELMANN: But surely when you're  
7 investigating whether children are in danger, there's a  
8 free flow of the information.

9 MR. DEROCHIE: If we're -- yes, oh  
10 absolutely, yes.

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And you note in your notes,  
14 he responded that he had serious concerns over the handling  
15 of this investigation.

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: Did he tell you what those  
18 were?

19 MR. DEROCHIE: No, I didn't. We didn't get  
20 into the details of what -- what those concerns were. This  
21 was just an introductory meeting with him and ---

22 MR. ENGELMANN: All right.

23 MR. DEROCHIE: --- but I certainly made note  
24 of that fact.

25 MR. ENGELMANN: You had a subsequent meeting

1 with him in November.

2 MR. DEROCHIE: That's right.

3 MR. ENGELMANN: All right. And you say he  
4 also said that he was disappointed that CAS had not been  
5 briefed:

6 "They are, the pointed out, the lead  
7 agency tasked with overseeing the  
8 interests of children in our  
9 community."

10 MR. DEROCHIE: Yes, that's what he -- that's  
11 what he indicated to me.

12 MR. ENGELMANN: All right. So by that, he  
13 was at least suggesting to you that they should have been  
14 involved in the Silmsler investigation sometime earlier.

15 MR. DEROCHIE: That's right and that -- that  
16 caught me a little off guard.

17 MR. ENGELMANN: Why did it catch you off  
18 guard?

19 MR. DEROCHIE: Well, it was my understanding  
20 that a CAS mandate would -- we'd have to identify a child  
21 at risk now in the community as opposed to a child that  
22 would have been at risk 20 years ago, you know, as an  
23 historical thing. Was there evidence -- was there evidence  
24 that a -- as a -- of a child being at risk in the  
25 community; our understanding was they weren't -- they

1 weren't mandate to investigate sexual -- or historical  
2 sexual -- or allegations of historical sexual assault.

3 **MR. ENGELMANN:** Well, did he mention to you  
4 at that meeting, his concern about suspects whether they're  
5 historical or not ---

6 **MR. DEROCHIE:** No, he didn't ---

7 **MR. ENGELMANN:** Just ---

8 **MR. DEROCHIE:** Sorry, yes.

9 **MR. ENGELMANN:** --- being caregivers, in  
10 other words, having access to children?

11 **MR. DEROCHIE:** Yes, but my understanding was  
12 it was familial situations as opposed to outside of the  
13 family unit, as it were, situation and I -- I didn't pursue  
14 that because it -- it -- it caused me to pause and think of  
15 my understanding of the whole duty to report with CAS may  
16 be wrong and I wanted, you know, I wasn't going to argue  
17 openly with him there or discuss openly because I didn't  
18 know. He caused me enough confusion that I wanted to go  
19 back and evaluate my understanding of our duty to report.

20 **MR. ENGELMANN:** All right, but again, just  
21 so we understand my question, the question really is, did  
22 he indicate to you, rightly or wrongly, that his concern  
23 for being -- being notified earlier was that the suspects  
24 might be in a situation where they had access to children  
25 and there may be children as risk?

1                   **MR. DEROCHIE:** If he didn't say that  
2 specifically, certainly I got the impression that that's  
3 what he was talking about.

4                   **MR. ENGELMANN:** All right. And this -- you  
5 mentioned it earlier, something sticking in your craw, I  
6 think is what you said; is that what we're seeing at the  
7 bottom of page 18 of your notes?

8                                 "I asked him why he had not come to the  
9 service in his official capacity rather  
10 than obtaining a statement from  
11 Dunlop."

12 And then again, we have this, perhaps, thinking out loud;  
13 there's square brackets:

14                                 "He could have raised the question  
15 based on information received and  
16 hopefully gain the cooperation  
17 required, if not he still had Dunlop as  
18 a trump card."

19                   **MR. DEROCHIE:** Yes, obviously; that's what I  
20 was trying to understand.

21                   **MR. ENGELMANN:** And did you feel you had an  
22 answer to that?

23                   **MR. DEROCHIE:** No, I didn't get an answer to  
24 that.

25                   **MR. ENGELMANN:** And, in fact, at the top of

1 page 19, in part of your note, you say:

2 "He was not the least bit defensive,  
3 said it was a fair question, but could  
4 not answer why he had not."

5 MR. DEROCHIE: That's right.

6 MR. ENGELMANN: Now, you note, as well, that  
7 you did not ask -- you didn't ask Mr. Abell for a statement  
8 at that time.

9 MR. DEROCHIE: No, I did not.

10 MR. ENGELMANN: You thought he had been  
11 cooperative.

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: In fact, fully cooperative.

14 MR. DEROCHIE: Yes.

15 MR. ENGELMANN: And he agreed that he would  
16 meet with you again if needed.

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: All right. And you make an  
19 observation at the bottom of page 19 about Mr. Abell.

20 MR. DEROCHIE: That's correct, yes.

21 MR. ENGELMANN: Where you say you:

22 "...found him to be a very concerned  
23 professional in matters relating to  
24 children's issues. He left no doubt  
25 but that children's interests take

1 priority over all other matters and  
2 that he felt duty bound to take  
3 whatever action was needed to achieve  
4 his ends."

5 **MR. DEROCHIE:** That's right.

6 **MR. ENGELMANN:** All right. Then those were  
7 your thoughts after this meeting?

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** Do you recall how long that  
10 meeting was approximately or do you have any ---

11 **MR. DEROCHIE:** I think probably a half an  
12 hour.

13 **MR. ENGELMANN:** All right. Now, at the  
14 middle of page 20, you say:

15 "After speaking with Mr. Abell and  
16 listening to his concerns, I returned  
17 to the office to consult with the  
18 Deputy Chief. I had some serious  
19 concerns about this whole issue. I saw  
20 the apparent mismanagement of the  
21 investigation overshadowing Dunlop's  
22 involvement. I wanted to touch base  
23 with him; make sure he was aware of all  
24 the issues."

25 When you say, "I wanted to touch base with

1 him; make sure he was aware of all the issues" are you  
2 referring to the Deputy Chief?

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** All right. And when you  
5 say, "I saw the apparent mismanagement" is that the same  
6 issue that you were talking about from a couple of days  
7 earlier or had Abell said something else to you that ---

8 **MR. DEROCHIE:** No, Abell ---

9 **MR. ENGELMANN:** --- concerned you?

10 **MR. DEROCHIE:** --- Abell never -- never  
11 added to that -- the information that I had that would --  
12 that resulted in my reaching this -- this conclusion or  
13 this theory.

14 **MR. ENGELMANN:** During the course of your  
15 meeting with Abell and the first meeting with him, did he  
16 tell you that the Chief had actually told him that the  
17 force hadn't handled this matter well?

18 **MR. DEROCHIE:** Yes, I believe that's --  
19 that's what he told me, yes. And I believe that's what the  
20 -- subsequently, the Chief told me himself.

21 **MR. ENGELMANN:** All right. I'll just be a  
22 moment, sir.

23 **MR. DEROCHIE:** Certainly.

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

25 **MR. ENGELMANN:** I'm wondering if the witness

1           could be shown Document Number 711991; it's an excerpt of  
2           notes of Mr. Abell of the meeting on October 14<sup>th</sup>.

3                       **THE COMMISSIONER:** Thank you.

4                       Exhibit Number 1299 are notes of Mr. -- is  
5           it Richard Abell? Yes, dated -- the first day on top is  
6           October 14<sup>th</sup>, 1993.

7           **--- EXHIBIT NO./PIÈCE NO. P-1299:**

8                       (711991) Handwritten notes of Richard Abell,  
9                       October 14, 1993

10                      **MR. ENGELMANN:** Staff Sergeant Derochie, you  
11           would have seen these notes, although somewhat recently.  
12           Is that fair?

13                      **MR. DEROCHIE:** Yes, I've seen these notes  
14           recently, yes.

15                      **MR. ENGELMANN:** Yes. And it's my  
16           understanding that these are notes that Mr. Abell would  
17           have taken within about -- well, within the 24 hours of  
18           your meeting with him?

19                      **MR. DEROCHIE:** Yes.

20                      **MR. ENGELMANN:** All right. And they're  
21           dated October 14<sup>th</sup>. We can suggest, just from the timing,  
22           that you're about right with the half-hour?

23                      **MR. DEROCHIE:** Yeah.

24                      **MR. ENGELMANN:** And I just -- I just wanted  
25           to ask you a couple of questions from these notes and

1           whether or not you recall this being a part of your  
2           discussion.

3                       He notes in the third paragraph:

4                                "He says what I'm saying concerns him.  
5                                He's been feeling the police  
6                                investigation was poorly done. I've  
7                                confirmed that. I tell him of chief's  
8                                remark, 'We screwed up'."

9                       So do you recall if he actually indicated to  
10           you that the chief told him, "We screwed up" on this?

11                       **MR. DEROCHIE:** Yes.

12                       **MR. ENGELMANN:** Words to that effect?

13                       **MR. DEROCHIE:** Yes.

14                       **MR. ENGELMANN:** All right. And already you  
15           appear to be telling him as well -- and I just don't know  
16           if you remember this ---

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

18                       **MR. ENGELMANN:** --- that you can't see  
19           grounds for a Police Act charge?

20                       **MR. DEROCHIE:** Yes, I do remember that.

21                       **MR. ENGELMANN:** All right. Would there have  
22           been a reason you would have been saying that to Abell in  
23           that first meeting?

24                       **MR. DEROCHIE:** Yeah, I think I had already  
25           committed to that position and, you know, I was -- I was

1 willing to give Perry Dunlop the benefit of the doubt very  
2 early in the game that he was acting in good faith in  
3 making this disclosure to CAS.

4 **MR. ENGELMANN:** And you knew right from the  
5 get-go at the meeting that Abell had told he was a good  
6 friend, or a friend of Dunlop's?

7 **MR. DEROCHIE:** Yes. Yes, that didn't  
8 compromise Mr. Abell's position in any way in my mind.

9 **MR. ENGELMANN:** No, fair enough, but I'm  
10 wondering, sir, if you thought that your comment that "You  
11 can't see police service charge acts", if you expected that  
12 that might get ---

13 **MR. DEROCHIE:** Oh, yes.

14 **MR. ENGELMANN:** --- back to Mr. Dunlop that  
15 way as well?

16 **MR. DEROCHIE:** Yes, I understand what you're  
17 saying.

18 Yes, I thought that maybe this would be an  
19 additional way of reassuring Perry that, you know, there's  
20 no need for you to fear for your job or your security.

21 **MR. ENGELMANN:** And he says that, at least  
22 indicates that you say to him, "An officer's highest duty  
23 is safety of the community"?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** Do you recall if you might

1 have said words to that effect?

2 MR. DEROCHIE: I would have said something  
3 like -- may well have said something to that effect, yes.

4 MR. ENGELMANN: Because he's got in  
5 brackets, "(Before department policy and/or procedure)"?

6 MR. DEROCHIE: I don't -- I don't know if we  
7 specifically spoke of that.

8 MR. ENGELMANN: All right.

9 MR. DEROCHIE: That would have been the --  
10 that would have been the theme of the conversation.

11 MR. ENGELMANN: So -- I mean, it's in a  
12 paragraph that says:

13 "Says he can't see grounds for Police  
14 Act charge; misconduct if anything.  
15 Says an officer's highest duty is to  
16 safety of the community (before  
17 department policy or procedure)."

18 That's the context?

19 MR. DEROCHIE: That's the context of it,  
20 yes.

21 MR. ENGELMANN: All right. You don't  
22 disagree with his restatement of what might have been said?

23 MR. DEROCHIE: No, that's his recording of  
24 the conversation, I have no problems with that.

25 MR. ENGELMANN: Now, he says in his notes,

1 and I just wanted to ask you about this because it isn't in  
2 your notes, he says:

3 "Our Crown declared a conflict of  
4 interest initially then gave the  
5 position that the police couldn't  
6 proceed. He questions that."

7 And this is Abell writing, I think, about  
8 something you say to him, that:

9 "Our Crown declared a conflict of  
10 interest initially, then gave the  
11 position that the police couldn't  
12 proceed. He, [presumably you, Garry  
13 Derochie] questions that."

14 Do you recall speaking to Richard Abell  
15 about the local Crown, Murray MacDonald?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And do you know why you  
18 would have done that, sir, at that time?

19 **MR. DEROCHIE:** I believe it just came up in  
20 the conversation with regards to the history of the -- of  
21 the case.

22 I don't -- I don't have the same  
23 recollection of the context or the linking the two events.  
24 I didn't -- I may have had some difficulties with the  
25 conflict and not understanding that, but it seems to link

1           it with -- you know, he declared a conflict and then gave  
2           information and then gave advice which appears to suggest  
3           some sort of -- that was improper.

4                        I don't -- I don't recall that tone, no, but  
5           it -- you know, we were talking about a number of issues.

6                        **MR. ENGELMANN:** Well, sir, would you agree  
7           if you have a conflict, you have a conflict?

8                        **MR. DEROCHIE:** Yes.

9                        **MR. ENGELMANN:** And that if you have a  
10          conflict you shouldn't be giving advice about proceeding or  
11          not proceeding?

12                       **MR. DEROCHIE:** I might appreciate that now,  
13          I don't know if I did at that time.

14                       **MR. ENGELMANN:** Okay. Because the note  
15          seems to suggest you ---

16                       **MR. DEROCHIE:** Yeah.

17                       **MR. ENGELMANN:** --- might have appreciated  
18          it at that time?

19                       **MR. DEROCHIE:** Well, you know, if it was  
20          something that I thought was -- was of interest or strange  
21          to me, I think I would have had a note of it. I would have  
22          made some note of it myself and there's no question that we  
23          may well have discussed that but I don't -- I don't recall  
24          it being specifically significant.

25                       **MR. ENGELMANN:** All right. Because he notes

1           it and you don't and I just -- you recall bringing up  
2           Murray MacDonald?

3                       **MR. DEROCHIE:** Yes, I'm almost positive that  
4           we did.

5                       **MR. ENGELMANN:** All right. So you're not  
6           suggesting that his note is incorrect?

7                       **MR. DEROCHIE:** It's not incorrect, no. When  
8           you make notes you make notes from your perspective, you  
9           know.

10                      **MR. ENGELMANN:** Right.

11                      **MR. DEROCHIE:** We both made notes and we  
12           don't cover all the same issues.

13                      I have things that are important to me; he  
14           has things that are important to him.

15                      **MR. ENGELMANN:** No, fair enough. And he may  
16           have tied something together that you don't believe you did  
17           tie together?

18                      **MR. DEROCHIE:** That's possible, yes.

19                      **MR. ENGELMANN:** All right. Now, there was  
20           just another note here that isn't in your notes that I  
21           wanted to bring to your attention.

22                      It's on the second page of Mr. Abell's  
23           notes, the first paragraph. Again, he's relating what  
24           you're telling him. He says:

25                                "Says something should be done to

1 investigate allegation against Ken  
2 Seguin. Repeats chief's comment that  
3 there have been 'stories' about Seguin  
4 for some time."

5 All right, so what Mr. Abell is saying in  
6 his notes and I believe he will say here when he's called  
7 as a witness, that you tell him something should be done to  
8 investigate allegation against Ken Seguin and that you  
9 repeat something very similar to what the chief tells him,  
10 that there have been "stories" about Seguin for some time.

11 Now, I realize this isn't in your notes but  
12 he's saying this is what you said to him. Do you recall  
13 talking to him about that?

14 **MR. DEROCHIE:** We certainly talked about Mr.  
15 Seguin in our meeting. I don't recall -- I don't recall  
16 that particular subject. I didn't make a note of it,  
17 you're quite right.

18 Did I know at that time about the comments  
19 of the chief? He may have told me that as well, the chief,  
20 I don't recall exactly when I became aware of that  
21 information.

22 **MR. ENGELMANN:** Just in fairness, I think  
23 what he's referring to there is, the chief has said that --

24 -

25 **MR. DEROCHIE:** And I confirmed it.

1                   **MR. ENGELMANN:** And now he's hearing from  
2                   you as well?

3                   **MR. DEROCHIE:** Yeah. Yeah, and I understand  
4                   that's what he's saying. I just don't recall that part of  
5                   the conversation.

6                   **MR. ENGELMANN:** You're not saying it didn't  
7                   happen?

8                   **MR. DEROCHIE:** I'm not saying it didn't  
9                   happen.

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

11                  **THE COMMISSIONER:** But regardless of whether  
12                  the conversation occurred or not, do you remember at that  
13                  time whether you had heard stories about Ken Seguin?

14                  **MR. DEROCHIE:** I don't know at that time,  
15                  Mr. Commissioner. I assume that if Mr. Abell says we  
16                  discussed it and I made some comment of it, that I did. I  
17                  just don't know how I became aware of that; whether it was  
18                  through a conversation with Chief Shaver and he told me  
19                  about it or did Luc Brunet tell me about it; I don't know  
20                  where that came from. I don't know where my knowledge of  
21                  that came from.

22                  **MR. ENGELMANN:** Well, what were the stories  
23                  about Mr. Seguin?

24                  **MR. DEROCHIE:** I don't recall hearing  
25                  stories about Mr. Seguin. I recall people telling me that

1           there were stories about -- or there was something about  
2           Ken Seguin but I don't recall stories about him, that he  
3           did this on this date.

4                        The only thing that I can recall is -- and  
5           it would have been a vague recollection of some incident  
6           that occurred at his home involving probationers attending  
7           some sort of a party or something of that nature.

8                        And, again, I don't know when I became aware  
9           of that. Whether that was as a result of my involvement in  
10          this or if I had previous knowledge of that.

11                      **MR. ENGELMANN:** But, sir, this is in the  
12          context of an allegation by Mr. Silmsler?

13                      **MR. DEROCHIE:** Yes.

14                      **MR. ENGELMANN:** That he was abused as a  
15          young person by both Father Charles MacDonald and Ken  
16          Seguin?

17                      **MR. DEROCHIE:** Yes, I understand that.

18                      **MR. ENGELMANN:** And it's in the context of  
19          that conversation, you're saying to -- you're allegedly  
20          saying to Mr. Abell the same thing the chief is saying to  
21          him, that there have been stories about Seguin for some  
22          time?

23                      **MR. DEROCHIE:** Yes, that's right.

24                      **MR. ENGELMANN:** Weren't the stories that  
25          there were allegations about sexual abuse of probationers?

1                   **MR. DEROCHIE:** I don't know that there were  
2                   those stories. I don't know those stories. I knew that  
3                   there was, you know, talk about this thing that had  
4                   happened in Glen Walter some years previous. I don't know  
5                   exactly even when that happened.

6                   **MR. ENGELMANN:** But that's not a story about  
7                   abuse of probationers on his part?

8                   **MR. DEROCHIE:** Well, I don't know what those  
9                   stories were other than there was sort of -- it was one of  
10                  those statements that are made and just left hanging there  
11                  without details and that's not unusual, those types of  
12                  things. What were young probationers doing at his home,  
13                  leave that hanging there? Fill in the blanks. I don't  
14                  honestly recall what I knew about Mr. Seguin?

15                  **MR. ENGELMANN:** All right. You don't recall  
16                  that the stories may have been about is involvement with  
17                  teenage probationers?

18                  **MR. DEROCHIE:** No. I knew that he had made  
19                  an allegation in the statement. Mr. Silmsen made an  
20                  allegation in the statement which was very, very vague. It  
21                  just didn't say anything that I -- something to the effect  
22                  that I was also abused by Ken Seguin. That's what I knew  
23                  of that.

24                  **MR. ENGELMANN:** With respect to David  
25                  Silmsen, yes?

1                   **MR. DEROCHIE:** With regards to David  
2                   Silmsner.

3                   **MR. ENGELMANN:** All right, but not about  
4                   others, you just have no recollection?

5                   **MR. DEROCHIE:** I have no recollection of  
6                   that.

7                   **THE COMMISSIONER:** Take the time for a  
8                   break, Mr. Engelmann, whenever you're ---

9                   **MR. ENGELMANN:** It'll just be a moment.

10                  **THE COMMISSIONER:** Sure.

11                  **MR. ENGELMANN:** Sir, at the end of Mr.  
12                  Abell's notes, he says that you tell him that you would be  
13                  available if he wanted further information. Do you see  
14                  that?

15                  **MR. DEROCHIE:** Yes.

16                  **MR. ENGELMANN:** The last paragraph -- that  
17                  you'd have serious problems if the word went out to police.  
18                  I'm not sure, I think this is Mr. Abell saying this to you:

19                                 "I would have serious problems if the  
20                                 word went out to police officers that  
21                                 they could be charged for making  
22                                 reports to the CAS."

23                  **MR. DEROCHIE:** I think you're right in your  
24                  interpretation, that he expressed that concern to me.

25                  **MR. ENGELMANN:** All right. Do you recall if

1 he actually did express that concern to you, sir?

2 MR. DEROCHIE: We discussed that whole issue  
3 and we agreed that that's something we did not want to  
4 happen.

5 MR. ENGELMANN: You didn't want it to happen  
6 either?

7 MR. DEROCHIE: No, no.

8 MR. ENGELMANN: And you wouldn't want that  
9 to happen then and you wouldn't want that to happen today?

10 MR. DEROCHIE: Quite right.

11 MR. ENGELMANN: All right.

12 Perhaps then we'll take a break then, sir.

13 THE COMMISSIONER: Thank you. Let's take  
14 the morning break.

15 THE REGISTRAR: Order all rise. À l'ordre  
16 veuillez vous lever.

17 This hearing will resume at 11:15 a.m.

18 --- Upon recessing at 10:57 a.m. /

19 L'audience est suspendue à 10h57

20 --- Upon resuming at 11:15 a.m. /

21 L'audience est reprise à 11h15

22 THE REGISTRAR: Order; all rise. À l'ordre;  
23 veuillez vous lever.

24 This hearing is now resumed, please be  
25 seated. Veuillez vous asseoir.

1        --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
2        ENGELMANN: (Continued/Suite)

3                MR. ENGELMANN: Mr. Derochie, I note that  
4        after you met with Richard Abell on the 14<sup>th</sup> of October, you  
5        also met with I believe Chief Shaver and Deputy Chief St-  
6        Denis?

7                MR. DEROCHIE: That's correct.

8                MR. ENGELMANN: And, sir, just for your  
9        reference, at page 20.

10               MR. DEROCHIE: Yes.

11               MR. ENGELMANN: Twenty (20) and 21 of your  
12        notes.

13               MR. DEROCHIE: Yes, I'm there, yes.

14               MR. ENGELMANN: Was this the first meeting  
15        you'd had with the chief and deputy chief since you'd been  
16        tasked with this assignment on October 7<sup>th</sup>?

17               MR. DEROCHIE: I don't believe so. I  
18        believe I had a conversation with them prior to that. I  
19        don't know if it was just standing around in the hallway  
20        talking about it, but ---

21               MR. ENGELMANN: This is the first one that  
22        seems to be of any length. Is that fair?

23               MR. DEROCHIE: Yes, the only one I make  
24        notes on up to this point, yes.

25               MR. ENGELMANN: All right. And when you --

1           you say that you had a lengthy conversation that day?

2                       **MR. DEROCHIE:** Yes.

3                       **MR. ENGELMANN:** And you indicate that they  
4           were aware of all of the facts relative to the  
5           investigation?

6                       **MR. DEROCHIE:** Well, they're aware of the  
7           facts that I had become aware of up until that point.

8                       **MR. ENGELMANN:** All right. So from that,  
9           they would have had access to the 13 or 14 documents  
10          presumably?

11                      **MR. DEROCHIE:** Yes.

12                      **MR. ENGELMANN:** And may or may not have  
13          discussed matters with Staff Sergeant Brunet, for example,  
14          or others?

15                      **MR. DEROCHIE:** Yes.

16                      **MR. ENGELMANN:** All right. And they  
17          apparently are both, at least at that time, critical of how  
18          this matter had been investigated?

19                      **MR. DEROCHIE:** Yes, they have concerns about  
20          it, yes.

21                      **MR. ENGELMANN:** Right, because you note in  
22          your note that they acknowledged that the case had fallen  
23          between the cracks and that there may have been some  
24          mismanagement?

25                      **MR. DEROCHIE:** Yes.

1                   **MR. ENGELMANN:** And I note your note  
2 actually says there had been and it's crossed out?

3                   **MR. DEROCHIE:** Yes.

4                   **MR. ENGELMANN:** It says "may have"?

5                   **MR. DEROCHIE:** Yes.

6                   **MR. ENGELMANN:** Do you recall, and I'm just  
7 -- I know it's a long time ago, but do you recall some of  
8 the criticism that either Chief Shaver or Deputy Chief St-  
9 Denis would have expressed at that meeting?

10                  **MR. DEROCHIE:** I think at that point that  
11 the major concern was the length of time the investigation  
12 had taken and the -- and possibly, and I don't recall  
13 clearly this, but I know there was some discussion about a  
14 period when it appeared to be in abeyance or inactive.

15                  **MR. ENGELMANN:** Do you recall anything else  
16 that might have been expressed?

17                  **MR. DEROCHIE:** Well, they were certainly  
18 concerned about the fact, the circumstances, under which  
19 the investigation had been terminated.

20                  **MR. ENGELMANN:** All right. And do you  
21 remember anything at all specific about that, the  
22 termination of the investigation?

23                  **MR. DEROCHIE:** No, other than there was a  
24 general -- I don't want to use the word surprise -- but we  
25 were taken aback I guess by the termination of the

1 investigation.

2 MR. ENGELMANN: Do you recall what was  
3 described to you about that?

4 MR. DEROCHIE: Not specifically, only that  
5 it was, you know, it was a different circumstance. I mean,  
6 you know, we didn't have that experience.

7 MR. ENGELMANN: In what way, sir?

8 MR. DEROCHIE: Well, the whole idea of the  
9 civil settlement.

10 MR. ENGELMANN: All right.

11 MR. DEROCHIE: We didn't really appreciate  
12 what a civil settlement was, you know. We're police  
13 oriented, *criminal code* oriented, so we had no appreciation  
14 of that.

15 THE COMMISSIONER: Okay. So was there ever  
16 a time -- like at that point, did you consider that payment  
17 of money would be illegal under the *Criminal Code*?

18 MR. DEROCHIE: I don't believe we considered  
19 that -- that question at all.

20 MR. ENGELMANN: But you'd agree, sir, that  
21 if money was paid to terminate a police investigation, that  
22 would be inappropriate. In fact, that would be illegal?

23 MR. DEROCHIE: If -- I'm sorry, if we had  
24 knowledge that money was paid to terminate the criminal  
25 investigation?

1                   **MR. ENGELMANN:** Yes.

2                   **MR. DEROCHIE:** I would certainly have some  
3 questions I'd want to ask somebody about, if I knew that.

4                   **MR. ENGELMANN:** But if there was really no  
5 civil suit at all but it was simply a payment of money to  
6 avoid a criminal investigation or to end a criminal  
7 investigation, that that would not only be improper but  
8 illegal?

9                   **MR. DEROCHIE:** I would have serious concerns  
10 about that. I don't have experience in that area, but I  
11 would want to ask somebody, is this proper. That wasn't  
12 our knowledge though, Mr. Engelmann, at that time. It  
13 certainly wasn't my knowledge.

14                   **MR. ENGELMANN:** It wasn't your knowledge?

15                   **MR. DEROCHIE:** No.

16                   **MR. ENGELMANN:** Yeah. I'm just wondering  
17 and perhaps you're not the right person to ask, maybe that  
18 it should have been?

19                   **MR. DEROCHIE:** I have no knowledge of  
20 whether or not -- what information and I don't know ---

21                   **MR. ENGELMANN:** Fair enough.

22                   **MR. DEROCHIE:** --- I had never gained any  
23 knowledge that anybody else in the service knew that.

24                   **MR. ENGELMANN:** All right, but the abrupt  
25 end or the abrupt termination of the investigation was

1 something that either the chief or deputy chief had some  
2 concerns about?

3 **MR. DEROCHIE:** I would say caught us off  
4 guard and they had some questions about that.

5 **MR. ENGELMANN:** Now, at this point-in-time,  
6 they hadn't asked you to act upon some of their concerns  
7 about the investigation?

8 **MR. DEROCHIE:** No.

9 **MR. ENGELMANN:** They indicated to you to  
10 stay focussed on the Dunlop ---

11 **MR. DEROCHIE:** On Perry's involvement, yes.

12 **MR. ENGELMANN:** But that did change a bit  
13 later?

14 **MR. DEROCHIE:** It did, subsequently, yes.

15 **MR. ENGELMANN:** All right. Because right  
16 after you mention the discussion about mismanagement, the  
17 note says:

18 "The Chief reminded me to stay  
19 focussed on the mandate I had been  
20 given."

21 **MR. DEROCHIE:** Yes, it does.

22 **MR. ENGELMANN:** "...Dunlop's actions of  
23 discussing this matter with his wife  
24 and his subsequently giving CAS a copy  
25 of the statement."

1                   **MR. DEROCHIE:** Right.

2                   **MR. ENGELMANN:** So he wanted you to focus on  
3 that, not focus on possible mismanagement or other issues?

4                   **MR. DEROCHIE:** That's true.

5                   **MR. ENGELMANN:** All right. And it indicates  
6 they wanted Dunlop's part in this matter dealt with in a  
7 timely fashion and I assume when you say that and if this  
8 is, in fact, how you recall it, that they wanted you to do  
9 it quickly?

10                  **MR. DEROCHIE:** Yes.

11                  **MR. ENGELMANN:** And it's indicated right  
12 there, in fact, that there would be a second investigation  
13 into the actual management of the criminal investigation.

14                  **MR. DEROCHIE:** That's right.

15                  **MR. ENGELMANN:** All right. But at least at  
16 that point in time, they wanted the Dunlop investigation  
17 first and then a subsequent investigation thereafter?

18                  **MR. DEROCHIE:** Yes.

19                  **MR. ENGELMANN:** All right. And I think this  
20 is, even though it's not in square brackets, perhaps you  
21 were musing that you didn't necessarily agree with their  
22 priority?

23                  **MR. DEROCHIE:** No. And -- and for the  
24 reason of the optics of the -- of the whole situation and I  
25 guess I was sensitive to the conversation I had had with

1 Quinn and O'Reilly on the -- on the 12th of October, that  
2 they would -- they were suggesting that, well, a constable,  
3 the guy at the lower end of the -- the command structure or  
4 the food chain, as it were, would be the first to be held  
5 accountable for this and it was strictly an optics thing.

6 **MR. ENGELMANN:** In that sense, because if  
7 you did the reinvestigation or review of the criminal  
8 investigation and there were others who may have not  
9 performed as they should have, you would have someone  
10 higher up the food chain responsible?

11 **MR. DEROCHIE:** Yes, but -- but be clear, I'd  
12 like to be clear that it -- I did not agree with the method  
13 that Perry had used to do what he did.

14 **MR. ENGELMANN:** I understand ---

15 **MR. DEROCHIE:** That aside, yes, that could  
16 wait. That was a less priority than ---

17 **MR. ENGELMANN:** It was less of a priority to  
18 you?

19 **MR. DEROCHIE:** Yeah, to me personally.

20 **MR. ENGELMANN:** And, in fact, at or about  
21 this time, you were also concerned about whether or not the  
22 criminal investigation that had been undertaken should be  
23 reopened?

24 **MR. DEROCHIE:** I thought that should be  
25 explored, yes.

1                   **MR. ENGELMANN:** Now, did you have any  
2 concern at that time about -- I mean, other than the order  
3 about how these matters should be dealt with, about dealing  
4 with the Dunlop matter too quickly?

5                   **MR. DEROCHIE:** Yes, I wasn't aware of all  
6 the facts and it had occurred to me that there was a  
7 certain -- there were certainly some knowledge within the  
8 organization that -- certainly at the association level and  
9 I assumed at other levels, about the actions of -- of  
10 Constable Dunlop and I wanted to make sure that I  
11 understood everything about that before I, you know, came  
12 to a final conclusion.

13                   As you -- you can see, up until this point,  
14 a defence lawyer might -- and that's how I can relate it --  
15 might suggest to me that there was a rush to judgment on  
16 this thing with regards to a lot of aspects of it.

17                   **MR. ENGELMANN:** But that would be if, in  
18 fact, you proceeded with *Police Service Act* charges?

19                   **MR. DEROCHIE:** That and as well as the rush  
20 to judgment with regards to saying that the investigation  
21 was mismanaged and improperly done; all of those issues  
22 were on the table.

23                   **MR. ENGELMANN:** But the investigation had  
24 been completed at that point?

25                   **MR. DEROCHIE:** Yes.

1                   **MR. ENGELMANN:** And ---

2                   **MR. DEROCHIE:** But the evaluation -- I'm  
3                   sorry, the evaluation of the investigation, we were  
4                   prejudging that.

5                   **MR. ENGELMANN:** All right. But was it true,  
6                   sir, that at or about this time in mid-October there were  
7                   certainly rumours about -- within the Force that there were  
8                   others of higher rank that may have been more responsible  
9                   for mishandling things than Dunlop and that that shouldn't  
10                  be the way to proceed?

11                  **MR. DEROCHIE:** Certainly people had their --  
12                  their theories, as well, yes.

13                  **MR. ENGELMANN:** And you were aware of those  
14                  theories?

15                  **MR. DEROCHIE:** Yes, I was.

16                  **MR. ENGELMANN:** So that was perhaps part of  
17                  your concern about not proceeding too quickly and also the  
18                  order in which you ---

19                  **MR. DEROCHIE:** Exactly, exactly.

20                  **MR. ENGELMANN:** All right. Now, you had  
21                  formed an opinion fairly early that Police Service charges  
22                  should be not be pursued against Mr. Dunlop?

23                  **MR. DEROCHIE:** Yes.

24                  **MR. ENGELMANN:** During the course of this  
25                  meeting with the Chief and Deputy Chief, did they agree

1 with you on that issue?

2 MR. DEROCHIE: Yes, they did.

3 MR. ENGELMANN: Now, that same day, October  
4 14th ---

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: --- 1993, did you receive a  
7 call from the Chief of Police after you had booked off  
8 shift?

9 MR. DEROCHIE: Yes, I did. It was in the  
10 evening and I was at home and I got a call from Chief  
11 Shaver; he was -- he was quite upset. He told me that had  
12 had a visit from Helen Dunlop, Perry Dunlop's wife. She  
13 had arrived unannounced and -- and was very aggressive with  
14 him.

15 MR. ENGELMANN: Okay. Did -- that's sort of  
16 a summary of the call?

17 MR. DEROCHIE: It's a summary. She was --  
18 she was accusing the Chief of going after Perry's job when  
19 she (sic) should be looking -- when he should be looking at  
20 the -- the supervisors, as opposed to Perry.

21 MR. ENGELMANN: And, in fact, you made a  
22 note of this call, as well, and it's in your -- in Exhibit  
23 1293?

24 MR. DEROCHIE: Yes, it is, page 23.

25 MR. ENGELMANN: Page 23, sir?

1                   **MR. DEROCHIE:** Yes.

2                   **MR. ENGELMANN:** Yeah, okay. And how -- do  
3 you have a specific recollection of Chief Shaver calling  
4 you that day?

5                   **MR. DEROCHIE:** Yes, I do, yes. Yes.

6                   **MR. ENGELMANN:** Unusual call?

7                   **MR. DEROCHIE:** I'm sorry?

8                   **MR. ENGELMANN:** An unusual call?

9                   **MR. DEROCHIE:** An unusual call.

10                   Well, I would -- I would get calls from --  
11 from the Chief when he had something on his mind that he  
12 wanted me to attend to right away.

13                   I -- it wasn't unusual that I got a call  
14 from him; it was unusual that he was calling me about a  
15 constable's wife barging or aggressively coming to him and  
16 -- in the evening and -- and making these kinds of  
17 allegations to him.

18                   **MR. ENGELMANN:** How did he appear to you, at  
19 that time?

20                   **MR. DEROCHIE:** He was -- he was affected by  
21 it and he was actually quite confused and wanted an  
22 explanation as to why she would think that, because I had  
23 ---

24                   **MR. ENGELMANN:** By what?

25                   **MR. DEROCHIE:** That -- that we were after

1 his job; that the Chief was after Perry's job.

2 And I had assured him that I had made  
3 efforts to -- to -- to Perry to understand that that's not  
4 the case, "Perry, we're not after your job on this."

5 **MR. ENGELMANN:** So one of the reasons he was  
6 calling you was to find out why Mrs. Dunlop would have had  
7 that?

8 **MR. DEROCHIE:** Sure, he wanted an  
9 explanation from me. "You've told me that you've assured  
10 Perry. Why is she at my door?"

11 **MR. ENGELMANN:** So what, in fact, do you  
12 recall telling the Chief about efforts you'd made?

13 **MR. DEROCHIE:** I told him exactly what I had  
14 done and I told him I was at a loss to explain her -- her  
15 actions.

16 **MR. ENGELMANN:** Okay. Did you explain to  
17 him that you had spoken to Perry Dunlop yourself?

18 **MR. DEROCHIE:** Explained that I -- I had  
19 spoken to Perry, reassured him and I had taken the -- the  
20 additional steps of speaking to Mike Quinn and Dan  
21 O'Reilly, yes, and the Chief would have been familiar with  
22 those people and both of their relationships with Perry.

23 And still I couldn't explain why she had  
24 reached the conclusion she had.

25 **MR. ENGELMANN:** All right. And did the

1 Chief mention to you in that call that, again that he  
2 wanted this matter wrapped up quickly?

3 **MR. DEROCHIE:** He asked me to report for  
4 duty that next day. I was actually scheduled to begin the  
5 nightshift on the 15th and says, "Come in on the dayshift;  
6 get this done. You know, I want -- I want this issue put  
7 to rest..."

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

9 **MR. DEROCHIE:** "...this whole idea of what  
10 Perry -- the consequences that Perry's going to suffer."

11 **MR. ENGELMANN:** So he asked you to come in  
12 early and meet with him and deal with the issue?

13 **MR. DEROCHIE:** That's right.

14 **MR. ENGELMANN:** Now, as a result of getting  
15 that call from the Chief, did you take any further action  
16 before you came in? And that would have been the following  
17 morning.

18 **MR. DEROCHIE:** Yes, I called Dan O'Reilly at  
19 his house and ---

20 **MR. ENGELMANN:** When did you do that? Oh,  
21 I'm sorry.

22 **MR. DEROCHIE:** I'm sorry.

23 I did that that same night. After I spoke  
24 to the Chief, I called Dan O'Reilly.

25 **MR. ENGELMANN:** All right. Can you tell us

1           why you would have called Dan O'Reilly?

2                       **MR. DEROCHIE:** I wanted to make sure that --  
3           that my views and my opinions had been passed on to Perry  
4           as they had agreed to on the 12th.

5                       **MR. ENGELMANN:** All right. And what --  
6           what did you find out from him?

7                       **MR. DEROCHIE:** I was assured by Dan O'Reilly  
8           that Mike Quinn had, in fact, passed on my -- my comments  
9           to Perry and he was at a loss to explain why Mrs. Dunlop  
10          would not -- think that.

11                      **MR. ENGELMANN:** And you would have indicated  
12          to him what had just been related to you by Chief Shaver?

13                      **MR. DEROCHIE:** Yes.

14                      **MR. ENGELMANN:** About Mrs. Dunlop appearing  
15          at his home?

16                      **MR. DEROCHIE:** Quite right, quite right.

17                      **MR. ENGELMANN:** Did Mr. O'Reilly suggest to  
18          you that he was going to take any action or follow up in  
19          any way as a result of your conversation?

20                      **MR. DEROCHIE:** I don't believe he did; I  
21          don't recall.

22                      **MR. ENGELMANN:** And just I'm looking at  
23          page 25 of your notes, sir, October 14th:

24                                "O'Reilly assured me that Constable  
25                                Quinn had spoken to Dunlop per my

1 request and that he, O'Reilly, was at a  
2 loss to explain the reactions of both  
3 Dunlop and his wife. He agree to look  
4 into it further and to try and get  
5 things under control."

6 **MR. DEROCHIE:** Then I -- I stand corrected  
7 then, he obviously said that to me.

8 **MR. ENGELMANN:** All right. So he was -- was  
9 -- was it -- is it your recollection then, sir, that some  
10 of what you discussed was ensuring that that message was  
11 re-communicated?

12 **MR. DEROCHIE:** Yes. Yes.

13 **MR. ENGELMANN:** The message that his job  
14 wasn't in danger.

15 **MR. DEROCHIE:** Exactly.

16 **MR. ENGELMANN:** All right. So you've got  
17 some notes then of the following day, the 15<sup>th</sup> of October,  
18 you meet with Chief Shaver; do you?

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

20 **MR. ENGELMANN:** And can you give us a sense,  
21 that morning, about his demeanour?

22 **MR. DEROCHIE:** Yes, my -- my observations  
23 was he was still quite -- quite upset about what had  
24 happened the night before and I know that he had spent time  
25 giving it consideration because he had a document prepared

1 for me that he wanted to -- wanted me to consider in  
2 dealing with the -- with the resolution of Perry's  
3 involvement.

4 **MR. ENGELMANN:** So he'd actually written up  
5 something.

6 **MR. DEROCHIE:** He had -- he had something  
7 prepared, yes. Yes, he did.

8 **MR. ENGELMANN:** And can you give us a sense  
9 as to what he had prepared?

10 **MR. DEROCHIE:** It was a -- it was -- as I  
11 recall, it was a -- it was a document that suggested a  
12 counselling session and how we should deal with Perry and  
13 how -- what subjects should be raised with Perry; what  
14 points should be made and the -- and the fact that, you  
15 know, we were disappointed in how he had done what he had  
16 done.

17 **MR. ENGELMANN:** All right. In your notes,  
18 you indicate that -- top of page 26:

19 "He developed a strategy which he  
20 wanted me to use when it came time to  
21 discipline Dunlop; he was to be  
22 'formally counselled'..."

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** "...for going outside of  
25 channels."

1                   **MR. DEROCHIE:** Yes.

2                   **MR. ENGELMANN:** And it says, "see item 14"  
3 and I believe that there were some handwritten notes from  
4 the -- from the Chief.

5                   **MR. DEROCHIE:** Yes.

6                   **MR. ENGELMANN:** In any event, we have an  
7 appendix A; we'll come to later ---

8                   **MR. DEROCHIE:** Yes.

9                   **MR. ENGELMANN:** --- which I believe sets it  
10 out, but as I understand it, what he'd written up was some  
11 wording for a counselling report or session.

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

13                   **MR. ENGELMANN:** And what is typically meant  
14 by that, to be "formally counselled," from your experience,  
15 sir?

16                   **MR. DEROCHIE:** Well, it's formally  
17 informally counselled. It's a -- it's a very low level  
18 type of discipline that we would -- we -- it would be a  
19 notation to the effect that I had called Perry and -- and  
20 spoken to him about this matter.

21                   **MR. ENGELMANN:** So just -- just for those of  
22 us who aren't familiar with levels of discipline, can you  
23 give us a sense as to what a first level of discipline  
24 would be within the Cornwall Police Service and then above  
25 that?

1                   **MR. DEROCHIE:** It would be a talking-to by  
2                   the supervisor saying, "Listen, I'm not in agreement with  
3                   the way you did this; in the future, I'd like to see you do  
4                   it this way." And I might make a note and put it in his  
5                   evaluation file. We do annual evaluations.

6                   **MR. ENGELMANN:** All right. So the  
7                   difference between an informal and formal counselling  
8                   session is they're both talking-tos, but the formal one  
9                   actually finds a notation ---

10                  **MR. DEROCHIE:** The ---

11                  **MR. ENGELMANN:** --- on the file.

12                  **MR. DEROCHIE:** Excuse me, the -- the formal  
13                  counselling session would find its way onto the -- into the  
14                  personnel -- or the person's personnel file which would --  
15                  and that was in accordance with our -- our -- our informal  
16                  counselling or informal discipline process that we had with  
17                  the union and in that process, the officer has to agree  
18                  that that goes into his personnel file. We were talking  
19                  about -- although we -- we use the term "informal  
20                  counselling" it was formal in the sense that the  
21                  counselling session would be recorded verbatim and placed  
22                  in his evaluation file which he -- I am free as a  
23                  supervisor to call my -- my people in and say, "I'm not  
24                  happy with the way you did this and I'm making a notation  
25                  of it on your evaluation file." He doesn't have the

1 ability to agree or disagree; I guess he could file a  
2 grievance that I was being unreasonable or something, but -  
3 --

4 MR. ENGELMANN: All right.

5 MR. DEROCHIE: --- I was within my -- my  
6 authority to do that.

7 MR. ENGELMANN: Well, let me just ask you  
8 then about the meeting; the Deputy Chief is there as well.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: And are the three of you  
11 talking about possible discipline and what your preferences  
12 ---

13 MR. DEROCHIE: Yes ---

14 MR. ENGELMANN: --- would be?

15 MR. DEROCHIE: --- we're talking about some  
16 form of informal discipline.

17 MR. ENGELMANN: All right.

18 MR. DEROCHIE: My first thought was, well,  
19 we'll -- we'll use the -- what was referred to as the  
20 inspector's discipline which was an agreement; a written  
21 agreement between the association and the -- and management  
22 that gave us parameters in which we could discipline people  
23 informally. The -- the proviso there was that the officer  
24 agreed to it and it could be resolved informally.

25 MR. ENGELMANN: Okay, because in just

1 reading your notes, sir, it would suggest that you and the  
2 Deputy Chief favoured something called a "conduct report."

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** And the Chief was  
5 recommending counselling or a counselling session.

6 **MR. DEROCHIE:** Yes, the -- the conduct  
7 report is the actual document that's used to record the  
8 incident to be placed in the personnel file.

9 **MR. ENGELMANN:** So what exactly is the  
10 difference then between counselling and a conduct report?

11 **MR. DEROCHIE:** Well, the conduct report is a  
12 -- is a record of the counselling.

13 **MR. ENGELMANN:** All right and why did you  
14 favour that approach?

15 **MR. DEROCHIE:** It -- it was a permanent --  
16 it would have been put on his personnel file and it would  
17 have been a little bit more formal, you know, to -- to  
18 suggest that, you know, that -- that this had done and it  
19 was -- it was in his personnel file.

20 **MR. ENGELMANN:** So the approach that you and  
21 the Deputy Chief wanted to take was a somewhat more formal  
22 approach than that of the Chief.

23 **MR. DEROCHIE:** Exactly, he wanted something  
24 less than that.

25 **MR. ENGELMANN:** And do you know if the

1 Chief's position on that had changed as a result of the  
2 meeting he had the night before with Mrs. Dunlop?

3 MR. DEROCHIE: Oh, no. Oh, no, he was still

4 ---

5 MR. ENGELMANN: That was still ---

6 MR. DEROCHIE: --- still set on that course.

7 MR. ENGELMANN: All right. I -- I was just  
8 wondering if that would have an influence, to your  
9 knowledge.

10 MR. DEROCHIE: No. No. Oh, I'm sorry,  
11 maybe I'm -- I -- I'm getting the impression you say didn't  
12 back down from a previous ---

13 MR. ENGELMANN: No.

14 MR. DEROCHIE: --- position.

15 MR. ENGELMANN: No, I'm just asking you if  
16 you thought it might have had any influence on ---

17 MR. DEROCHIE: No. No, I -- I always got  
18 the sense that he wanted -- he wanted this dealt at the  
19 lowest possible level.

20 MR. ENGELMANN: All right. So it was a  
21 counselling session; before the interaction with Mrs.  
22 Dunlop, it was a counselling session.

23 MR. DEROCHIE: Yes, that's right. I -- I --

24 -

25 MR. ENGELMANN: It had ---

1                   **MR. DEROCHIE:** --- had in my mind -- I had  
2                   in my mind I would use the conduct sheet or the -- or the  
3                   inspector's discipline and I never discussed that with him.  
4                   When he suggested something less, I just stopped and said,  
5                   okay -- that -- that's -- I had no problem with that.

6                   **MR. ENGELMANN:** All right. Now, sir, is it  
7                   -- am I correct in saying that it was at this meeting where  
8                   the Chief and the Deputy Chief also instructed you to  
9                   review or investigate -- I don't know what the right term  
10                  is, but review what the Force had done with respect to the  
11                  Silmser investigation?

12                  **MR. DEROCHIE:** Yes, he wanted me to look at  
13                  it -- look at it and report, just a factual report, on the  
14                  sequence of events that had occurred during the  
15                  investigation; don't be judgmental; don't give me an  
16                  opinion on right -- somebody did something wrong, somebody  
17                  did something right, just give me a factual overview of  
18                  what happened.

19                  **MR. ENGELMANN:** Because I note in your note,  
20                  it says:

21                                 "I was instructed to determine the  
22                                 chain of events from the time the  
23                                 complaint was received right up to its  
24                                 current status."

25                                 I'm on page 27:



1                   **MR. ENGELMANN:** When you did them for Chief  
2                   Repa, he wanted recommendations though.

3                   **MR. DEROCHIE:** Yes, Carl Johnston wanted  
4                   recommendations too on -- as I recall, he -- he always  
5                   wanted recommendations.

6                   **MR. ENGELMANN:** All right. Now you indicate  
7                   that after this meeting that you -- you decide to stop off  
8                   at -- it's -- I believe it's Staff Sergeant Dupuis' home --  
9                   -

10                  **MR. DEROCHIE:** Yes.

11                  **MR. ENGELMANN:** --- and meet with him.

12                  **MR. DEROCHIE:** Yes.

13                  **MR. ENGELMANN:** Was that in any way to do  
14                  with either of these two investigations; the Dunlop  
15                  discipline issue or the investigation of the Silmsen  
16                  matter?

17                  **MR. DEROCHIE:** Oh yes, it had a direct  
18                  bearing on that. Darcy Dupuis is -- is a Staff Sergeant as  
19                  well; he was performing the same duties that I was  
20                  performing at that time. As I recall, he was a shift  
21                  supervisor. He had been a member of the police band as  
22                  well; had a personal relationship with -- with Staff  
23                  Sergeant Dupuis and -- and was ---

24                  **THE COMMISSIONER:** With Dunlop you mean.

25                  **MR. DEROCHIE:** I'm sorry, with Dunlop, yes -

1 --

2 THE COMMISSIONER: M'hm.

3 MR. DEROCHIE: --- yes, Mr. Commissioner,  
4 with Dunlop and was likely to have some knowledge of what  
5 was going on and I just wanted his opinion on what he saw  
6 this as being.

7 MR. ENGELMANN: All right. And so you, in  
8 fact, did meet with him ---

9 MR. DEROCHIE: I did.

10 MR. ENGELMANN: --- and discussed this  
11 matter.

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And what, if any,  
14 familiarity did he have with this matter?

15 MR. DEROCHIE: He -- he told me that he was  
16 aware of the situation; that, in fact, Perry had gone to  
17 his house, had come over to his house the very night -- the  
18 October 12<sup>th</sup> evening where I -- I approached Perry about my  
19 involvement in this matter and he described Perry as being  
20 distraught, in tears over this issue, and he also told me  
21 that Perry had approached him some time previously with  
22 regards to the same issue and had expressed his concerns,  
23 that is Perry's concerns, about what -- how this was ending  
24 and had ---

25 MR. ENGELMANN: How this was ending, meaning

1 how the Silmsers matter ended?

2 **MR. DEROCHIE:** How the Silmsers investigation  
3 had ended, and Darcy told me that he had assured Perry that  
4 he'd look after it; he'd look into it for him.

5 **MR. ENGELMANN:** He'd look into the Silmsers  
6 issue?

7 **MR. DEROCHIE:** Yeah, to see what happened  
8 there. Raised it a morning meeting I think is what he told  
9 me.

10 **MR. ENGELMANN:** And did Staff Sergeant  
11 Dupuis also tell you that Mr. Dunlop had followed up with  
12 him?

13 **MR. DEROCHIE:** He had told me that very  
14 shortly after Perry had originally brought it to his  
15 attention that Perry had come back to him and said, "Don't  
16 bother, I've set the wheels in motion. I've taken some  
17 other course of action to get the resolution to this" and I  
18 don't think -- my impression was that Darcy hadn't gone  
19 beyond that or Staff Sergeant Dupuis hadn't gone beyond  
20 accepting that information and just letting it go.

21 **MR. ENGELMANN:** So there were apparently a  
22 number of Cornwall police officers who, by mid-October, had  
23 a fair bit of familiarity with this matter?

24 **MR. DEROCHIE:** In some degree of knowledge,  
25 yes.

1                   **MR. ENGELMANN:** You have Quinn and O'Reilly?

2                   **MR. DEROCHIE:** Yes.

3                   **MR. ENGELMANN:** You have Darcy Dupuis?

4                   **MR. DEROCHIE:** Yes.

5                   **MR. ENGELMANN:** Clearly, you have the chief  
6 and deputy chief?

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

8                   **MR. ENGELMANN:** Yourself, Constable Sebalj,  
9 Staff Sergeant Brunet, possibly -- I don't know this but  
10 Sergeant Lortie as well?

11                   **MR. DEROCHIE:** Yes.

12                   **MR. ENGELMANN:** So there appears to be,  
13 despite the fact that this was in a "Projects" file, at  
14 least at this point-in-time a number of officers who are at  
15 least somewhat familiar with how this investigation's ended  
16 and also Mr. Dunlop's actions?

17                   **MR. DEROCHIE:** Yes.

18                   **MR. ENGELMANN:** Now, at or about this time -  
19 - and we're in mid-October -- to your knowledge did Mr.  
20 Dunlop go off on some form of sick leave?

21                   **MR. DEROCHIE:** Yes, on the 15<sup>th</sup> of October.  
22 As I had indicated, I was to work the night shift and I had  
23 intended to deal with Perry on that night shift.

24                   **MR. ENGELMANN:** So what -- what did you  
25 intend to do with him on that night shift?

1                   **MR. DEROCHIE:** I intended to call him into  
2 my office and give him a counselling session, say, Perry,  
3 we're not happy or I'm not happy with the way you dealt  
4 with this; you ought to have used some other mechanism to  
5 get your concerns dealt with.

6                   **MR. ENGELMANN:** Do you know, sir, if he was  
7 aware that that was your intention?

8                   **MR. DEROCHIE:** I don't think so. I don't  
9 think he would have known that.

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

11                   **MR. DEROCHIE:** Unless the chief said  
12 something to Helen the night, you know, but I have no  
13 knowledge of that.

14                   **MR. ENGELMANN:** And I'm just wondering, your  
15 note indicates at page 29, that:

16                                   "On reporting for duty on the night  
17 shift, I was informed through the  
18 grapevine that Dunlop was off on sick  
19 leave and would be off until this  
20 investigation was completed."

21                   **MR. DEROCHIE:** Yes.

22                   **MR. ENGELMANN:** So someone informed you ---

23                   **MR. DEROCHIE:** Someone informed me,  
24 informally, "I've heard that Perry's booked off sick and  
25 he's not going to be in 'til you're done with this".

1                   **MR. ENGELMANN:** And did you speak to either  
2                   Officers O'Reilly or Quinn about this issue at that time?

3                   **MR. DEROCHIE:** I believe I spoke to both  
4                   actually and I was told by O'Reilly that he had made  
5                   inquiries and he's not -- he's not sure who Perry is  
6                   getting his advice from or what's being communicated  
7                   between Perry and other people and that he was going to,  
8                   you know, remove himself from this issue.

9                   **MR. ENGELMANN:** All right. And it appears  
10                  that Mike Quinn knew that Mr. Dunlop was off on sick leave?

11                  **MR. DEROCHIE:** Mike Quinn was the one that  
12                  came to me and said, "Listen, Perry's not going to be in  
13                  till the day shift on October 20<sup>th</sup>".

14                  **MR. ENGELMANN:** All right. Did you have  
15                  concerns at that time about the sick leave that Mr. Dunlop  
16                  was taking?

17                  **MR. DEROCHIE:** Well, only concerns in that  
18                  it was related to obviously what I was doing and I knew  
19                  that he had -- he had reacted emotionally to it, so I was  
20                  giving him the benefit of the doubt that he was -- you  
21                  know, that -- if that's what you're getting at, Mr.  
22                  Engelmann, that he was legitimately ill over this, I had no  
23                  qualms with that at all.

24                  **MR. ENGELMANN:** All right, because in your  
25                  note -- and I'm looking at the bottom of page 30 and on to

1 the top of page 31 -- you say, "At this point" and I'm  
2 assuming that evening of the 15<sup>th</sup>?

3 MR. DEROCHIE: Yeah.

4 MR. ENGELMANN: "... I came to some  
5 conclusions".

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: And the first one is:

8 "Constable Dunlop was not prepared to  
9 take any criticism for his actions in  
10 this incident. He sees himself as a  
11 white knight fighting the good fight."

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And just on that point, by  
14 October 15<sup>th</sup>, aside from the very brief discussions you'd  
15 had with him on the 12<sup>th</sup> where you say you were  
16 investigating for a possible *Police Service Act* charges,  
17 and then I believe you tell him a little further on that  
18 evening that, "Don't worry, Perry, your job is not in  
19 danger", you really hadn't talked to him had you?

20 MR. DEROCHIE: No.

21 MR. ENGELMANN: All right. So why are you,  
22 at that time, forming the opinion that he's not prepared to  
23 take any criticism?

24 MR. DEROCHIE: This is what I'm -- this is  
25 my opinion at the time. It's not based -- I can't point to

1 a specific event that made me believe that, but it just  
2 seemed that the way things were going that there was some  
3 discussion between Perry and other people with regards to  
4 the situation or what he had done, what his strategy was  
5 going to be in dealing with me on this issue, and I just  
6 reached that opinion.

7 I don't know, you know, I don't know to this  
8 day if I was right or if I'm wrong on that opinion, but  
9 that was my sense.

10 **MR. ENGELMANN:** I'm just wondering why that  
11 was your opinion at that time?

12 **MR. DEROCHIE:** It just seemed that  
13 everything that was going on led me to believe that there  
14 might be something going on in the background that I'm not  
15 aware of.

16 **MR. ENGELMANN:** In fairness, you say in the  
17 next paragraph, you say, "There's division within the  
18 association"?

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

20 **MR. ENGELMANN:** Is that the differences  
21 between O'Reilly's feedback and Quinn's feedback or is it  
22 something else?

23 **MR. DEROCHIE:** Yes, although -- no, that's  
24 from that exactly and the whole idea that O'Reilly was  
25 removing himself from it or distancing himself from it or

1 washing his hands of it. There was obviously a conflict  
2 that he felt some form of conflict with, with at least Mike  
3 Quinn, I assumed.

4 **MR. ENGELMANN:** All right. Then in the  
5 third paragraph you say, "There may be hidden agendas at  
6 work"?

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** "Dunlop may be getting at or  
9 is being used to get at other people  
10 perceived as being vulnerable; that  
11 being officers involved in the  
12 investigation or supervisors of those  
13 officers."

14 **MR. DEROCHIE:** That was my opinion, yes.

15 **MR. ENGELMANN:** Yes. No, no, and I realize  
16 no square brackets but you're thinking out loud?

17 **MR. DEROCHIE:** I'm thinking out loud.

18 **MR. ENGELMANN:** All right. Can you give us  
19 some sense as to what you meant by "hidden agendas" and  
20 whose hidden agendas?

21 **MR. DEROCHIE:** Well, there was a certain  
22 amount of disagreement between the association and  
23 management, as there is I would think in any environment,  
24 work environment, and I thought that that might be playing  
25 a role here.

1                   **MR. ENGELMANN:** So just a labour/management  
2                   issue, sir?

3                   **MR. DEROCHIE:** Well, and it may well have  
4                   been personalities involved as well but, again, I'm  
5                   thinking out loud.

6                   **MR. ENGELMANN:** Well, you say at the bottom  
7                   of the page -- you're trying and give some explanation, I  
8                   think. You say:

9                                    "These concerns are expressed because  
10                                   of several inconsistencies in behaviour  
11                                   by Dunlop."

12                   **MR. DEROCHIE:** M'hm.

13                   **MR. ENGELMANN:** Do you know what you mean by  
14                   that?

15                   **MR. DEROCHIE:** Well, I think it's maybe not  
16                   several, maybe it's the whole idea that he took a  
17                   calculated risk; he understood what he was doing.

18                                   First of all, why would he -- react so  
19                                   seriously to the -- to what I was trying to do. Just by  
20                                   this time I would -- I was pretty confident that he had  
21                                   been told by at least Quinn, by myself, and I would hope  
22                                   that Helen came back and reported to him what her  
23                                   discussion with Shaver was and Shaver had said no, we're  
24                                   not going after Perry's job, I don't know why you're  
25                                   reacting this way.

1                   So -- and still, you know, still, come to  
2                   work, have your little -- your little session with me,  
3                   saying Perry, we're disappointed in you, don't -- next time  
4                   you have conflict like this, please use the chain of  
5                   command.

6                   We weren't being heavy-handed with him in  
7                   any way. You know, why wouldn't -- having acknowledged  
8                   that he faced some sort of consequence to doing what he  
9                   did. By that, I mean turning the statement over to CAS and  
10                  discussing it in that kind of detail with his wife to the  
11                  point where she would go off and take action on her own, he  
12                  had to realize that that wasn't proper. At least that was  
13                  my thought on it.

14                  **MR. ENGELMANN:** All right. So he had to  
15                  have realized that and plus this inconsistency between the  
16                  actual sanction?

17                  **MR. DEROCHIE:** Yes.

18                  **MR. ENGELMANN:** In your view?

19                  **MR. DEROCHIE:** Yes. I didn't think it added  
20                  up to the way he would -- that should result in the way he  
21                  was acting and responding to this.

22                  **MR. ENGELMANN:** You then say, sir, and this  
23                  is not about Mr. Dunlop, but you say:

24                                 "An odd behaviour by some people not  
25                                 directly involved. It may seem

1                   incredible that such an atmosphere  
2                   would exist in a police organization  
3                   and even more so that it would surface  
4                   in relation to issues as grave as those  
5                   present in this situation. But sadly,  
6                   people with such mentalities do exist  
7                   within this organization. There are  
8                   too many schemes being hatched in back  
9                   rooms."

10                   Can you give us a sense, sir, about who  
11                   you're talking about; odd behaviour by some people not  
12                   directly involved?

13                   **MR. DEROCHIE:** Those concerns would be --  
14                   would be of people involved in the -- probably the  
15                   executive of the association who had -- who I thought may  
16                   be using this to their advantage, this whole issue.

17                   **MR. ENGELMANN:** All right.

18                   **MR. DEROCHIE:** I had no -- no proof of that.

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

20                   **MR. DEROCHIE:** That was my ---

21                   **MR. ENGELMANN:** I know you're thinking out  
22                   loud.

23                   **MR. DEROCHIE:** Yeah.

24                   **MR. ENGELMANN:** I'm just asking you to think  
25                   back and ---

1                   **MR. DEROCHIE:** Yeah, there was -- there was  
2                   conflict, as I say, disagreement amongst management and the  
3                   association with regards to several issues and I was -- I  
4                   was embarrassed, concerned, that we would use something  
5                   like a sexual assault to achieve those -- some other end.  
6                   And maybe I was overreacting.

7                   **THE COMMISSIONER:** But -- can you be a  
8                   little more specific as to what they would be using the  
9                   sexual assault for?

10                  **MR. DEROCHIE:** Not to discredit other people  
11                  within the organization, to point out weaknesses in other  
12                  people, in the management, supervisory areas.

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

14                  **MR. ENGELMANN:** Did you discuss those  
15                  concerns that -- those musings with the chief or deputy  
16                  chief at that time?

17                  **MR. DEROCHIE:** I don't know if -- that  
18                  specific time, but subsequently we had some discussions  
19                  along those lines.

20                  **MR. ENGELMANN:** And did you continue to have  
21                  those views that people were using this situation for  
22                  improper purposes?

23                  **MR. DEROCHIE:** Well, they were always in the  
24                  back of my mind by I never -- I never developed them  
25                  further than that.

1 I should -- I should mention that I never  
2 got to resolve these issues. I lost jurisdiction of these  
3 matters and I never got to bring this thing to -- to pull  
4 it together.

5 **MR. ENGELMANN:** What thing, sir?

6 **MR. DEROCHIE:** The whole -- all of those  
7 questions that I had, all of those things that I would  
8 report to the chief on. Here's what my findings are, we  
9 have had problems in this area.

10 **MR. ENGELMANN:** Would those have been part  
11 of a report on the way the force handled the Silmsler  
12 investigation?

13 **MR. DEROCHIE:** Yes, the whole -- the whole  
14 issue, including Perry's -- how Perry's involvement in it  
15 got to be, as it were.

16 **MR. ENGELMANN:** Because that would have been  
17 relevant to your broader mandate then of looking at ---

18 **MR. DEROCHIE:** Yeah, I've looked at this  
19 investigation, here are some of the problems I've found  
20 with it.

21 **MR. ENGELMANN:** But that report, at the end  
22 of the day, never was written by you?

23 **MR. DEROCHIE:** No, by Superintendent  
24 Skinner.

25 **MR. ENGELMANN:** Well, he did his own work?

1                   **MR. DEROCHIE:** That's right, but he did what  
2 I was to do; review the investigation and report on it.

3                   **MR. ENGELMANN:** All right, but -- well, he  
4 had -- he had a specific mandate?

5                   **MR. DEROCHIE:** Yes.

6                   **MR. ENGELMANN:** It may not have been  
7 identical to yours but it was similar. Is that fair?

8                   **MR. DEROCHIE:** Yes, it was similar, yes.

9                   **MR. ENGELMANN:** All right, but you would  
10 have had knowledge about some of these musings and things  
11 that perhaps Mr. Skinner would not have had?

12                   **MR. DEROCHIE:** No. No, and in fairness to  
13 Mr. Skinner, he would not have wanted to be involved in  
14 that. He was just looking at the technical -- he was  
15 giving an opinion on the way the investigation was done  
16 from a technical standpoint.

17                   **MR. ENGELMANN:** Right. Right.

18                   **THE COMMISSIONER:** Like an audit?

19                   **MR. DEROCHIE:** An audit, yes, of this  
20 particular investigation without identifying underlying  
21 issues and politics.

22                   **MR. ENGELMANN:** So in that -- I'm sorry?

23                   **MR. DEROCHIE:** Politics that may have  
24 surround this.

25                   **MR. ENGELMANN:** So in that sense if you'd

1 ever finished that review, it presumably would have been  
2 much broader?

3 **MR. DEROCHIE:** Yeah, I have a tendency to  
4 broaden my mandate.

5 **MR. ENGELMANN:** I'm certainly not going to  
6 accuse anybody of that.

7 (LAUGHTER/RIRES)

8 **MR. ENGELMANN:** It seemed to me, sir, that  
9 everything you were doing was reasonably relevant to your  
10 mandate. I was wondering whether I was going to get there.

11 I understand, sir, that you then met with --  
12 I may be wrong, is it Sergeant or Staff Sergeant Lortie?

13 **MR. DEROCHIE:** At the time it was Sergeant  
14 Lortie.

15 **MR. ENGELMANN:** All right. And your purpose  
16 in meeting him, would that have been in the context of your  
17 initial investigation? That being the investigation about  
18 Dunlop's actions because I don't think you really started  
19 the second investigation yet.

20 My reading of your notes suggests that  
21 happened sort of at the beginning of November?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** So is it fair to say that  
24 you would have met with -- oh, I guess Sergeant Lortie  
25 actually came to see you?

1                   **MR. DEROCHIE:** Yes, and that was with  
2                   regards to my wanting to have a statement, ordering Heidi  
3                   to provide me with a statement.

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

5                   **MR. ENGELMANN:** Okay. So he comes to you  
6                   with respect to your direct order to Constable Sebalj?

7                   **MR. DEROCHIE:** Yes.

8                   **MR. ENGELMANN:** And she's spoken to him  
9                   about it?

10                  **MR. DEROCHIE:** Yes, she has.

11                  **MR. ENGELMANN:** All right. And he's  
12                  concerned about that?

13                  **MR. DEROCHIE:** Am I concerned about that?

14                  **MR. ENGELMANN:** No.

15                  **MR. DEROCHIE:** Oh, he is. Yes, he's  
16                  concerned about that, yes.

17                  **MR. ENGELMANN:** And what's he telling you?

18                  **MR. DEROCHIE:** He was questioning my  
19                  authority to issue such an order. And I guess I should  
20                  explain it.

21                                We don't -- we issue orders, formal orders,  
22                                as a very regular occurrence. It happens very, very  
23                                infrequently and I had done it, I guess, just out of a --  
24                                just in an attempt to assist Heidi in, you know, getting  
25                                over this whole vulnerability that she felt with regards to

1 telling on Perry-type, as it were.

2 And I had phrased it in the form of an order  
3 just to satisfy that reason and Sergeant Lortie and I got  
4 into a discussion with regards to my authority to issue  
5 orders and ---

6 **MR. ENGELMANN:** All right. He took some  
7 exception with that authority?

8 **MR. DEROCHIE:** Yeah, he thought was on shaky  
9 grounds.

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

11 **MR. DEROCHIE:** In this day and age to issue  
12 orders.

13 **MR. ENGELMANN:** Okay. And what was his role  
14 in the association at that time. Do you recall?

15 **MR. DEROCHIE:** I don't -- I don't recall.  
16 He was a member of the executive board.

17 **MR. ENGELMANN:** Fair enough.

18 **MR. DEROCHIE:** Beyond that, I don't know.

19 **MR. ENGELMANN:** Now ---

20 **THE COMMISSIONER:** How -- I'm sorry -- how  
21 was it left? Did you resolve it with him or did he accept  
22 your explanation or ---

23 **MR. DEROCHIE:** Yeah, I think he did. I  
24 think he did.

25 **MR. ENGELMANN:** And I note that you're

1 saying you still haven't received that statement and you're  
2 making the note that that's as of November 3<sup>rd</sup>?

3 **MR. DEROCHIE:** As of November 3<sup>rd</sup> I hadn't  
4 received it.

5 **MR. ENGELMANN:** Yeah, and I think you told  
6 us that you never did get it from her?

7 **MR. DEROCHIE:** No, I never -- I never  
8 pursued it.

9 **MR. ENGELMANN:** Now, he also -- the  
10 conversation didn't end there with Sergeant Lortie  
11 according to your notes, in any event?

12 **MR. DEROCHIE:** No, he gave me his comments  
13 with regards to the investigation itself.

14 **MR. ENGELMANN:** Now, the investigation being  
15 your investigation of Dunlop. Is that fair?

16 **MR. DEROCHIE:** No. He's talking now about  
17 the investigation of the Silmsler allegation, that's my  
18 understanding.

19 **MR. ENGELMANN:** All right. And did you in  
20 fact tell him that that was something you were also tasked  
21 to do?

22 **MR. DEROCHIE:** I don't know that I did.

23 **MR. ENGELMANN:** All right, but in any event,  
24 he gets into that subject matter with you?

25 **MR. DEROCHIE:** Yeah. He told me that he had

1 raised this matter at a morning meeting some time ago.

2 **MR. ENGELMANN:** What's the significance of  
3 raising an investigation at a morning meeting? What does  
4 that mean?

5 **MR. DEROCHIE:** It sort of calls it to the  
6 attention of everybody that's in the -- it doesn't sort of,  
7 it does call it to the attention of everybody at that  
8 meeting. In all -- that meeting would be comprised of all  
9 of the senior officers, the chief, the deputy chief, you  
10 know, given their availability to attend. So everyone  
11 would know about it.

12 **MR. ENGELMANN:** Well, that's what concerned  
13 me. I was wondering who would be at those morning meetings  
14 because you were one of the senior officers?

15 **MR. DEROCHIE:** Yes, but ---

16 **MR. ENGELMANN:** But yet you knew nothing  
17 about it.

18 **MR. DEROCHIE:** No, I would -- I would get to  
19 one of those meetings on a very infrequent basis because  
20 we're shift workers. We wouldn't be working the day shift.  
21 These meetings are typically held at eight o'clock in the  
22 morning or eight-thirty in the morning.

23 **MR. ENGELMANN:** Okay.

24 **MR. DEROCHIE:** So I would be on days off or  
25 on night shift.

1                   **MR. ENGELMANN:** So who would be at the  
2 morning meetings, the senior officers?

3                   **MR. DEROCHIE:** Typically all of the -- the  
4 chief, the deputy, the inspectors and the staff sergeants.

5                   **MR. ENGELMANN:** Did you get a sense from  
6 Sergeant Lortie how he would have raised it and what was  
7 discussed at the morning meeting about the Silmsen  
8 investigation?

9                   **MR. DEROCHIE:** Well, I got the sense that he  
10 had raised it and expressed some concern about the way it  
11 was being resolved, how it had concluded. That was my  
12 understanding, then, as you point out, I was not at that  
13 meeting.

14                   **MR. ENGELMANN:** Right.

15                   **MR. DEROCHIE:** And ---

16                   **MR. ENGELMANN:** So you're getting his -- his  
17 version.

18                   **MR. DEROCHIE:** I'm getting his -- I'm  
19 getting his version of what went on there.

20                   **MR. ENGELMANN:** You note this at the bottom  
21 of page 33 and onto 34, you express some concerns about the  
22 "progress of this investigation at a morning meeting some  
23 time ago," so presumably that's when the -- when the matter  
24 was still active?

25                   **MR. DEROCHIE:** My impression was he -- he

1 would have raised it some time after we became aware that  
2 there had been a settlement and that Mr. Silmsler was no  
3 longer going to proceed or cooperate with the  
4 investigation. That's -- that's my understanding of when  
5 he raised it at the morning meeting.

6 **MR. ENGELMANN:** All right. That's -- that's  
7 not written in your notes; that's just your recollection,  
8 sir? Because it says -- it says he'd "raised concerns  
9 about the progress of this investigation at a morning  
10 meeting some time ago," and it just suggests to me that, at  
11 least, there would be an investigation file opened, if he's  
12 talking about progress; it wouldn't be closed.

13 **MR. DEROCHIE:** Well, that was my  
14 understanding of the conversation; certainly he may have  
15 more ---

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

17 **MR. DEROCHIE:** He may be able to inform you  
18 better.

19 **MR. ENGELMANN:** Well, we'll talk to him  
20 about it, sure.

21 **MR. DEROCHIE:** Yeah.

22 **THE COMMISSIONER:** Mr. Engelmann, I'm sorry  
23 to interrupt, can we explain the black-outs here in this --  
24 and I do that not to be critical, but it just ---

25 **MR. DEROCHIE:** This note, yes, sorry.

1                   **THE COMMISSIONER:** These notes are only  
2                   about the Silmsier and this whole investigation; members of  
3                   the public who are looking at this might ---

4                   **MR. ENGELMANN:** If I can just have a moment,  
5                   sir.

6                   **THE COMMISSIONER:** Sure.

7                   **(SHORT PAUSE/COURTE PAUSE)**

8                   **MR. ENGELMANN:** Staff Sergeant Derochie, do  
9                   you know why certain portions of these notes are blacked  
10                  out?

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

12                  **MR. ENGELMANN:** All right. And do they  
13                  relate to this investigation?

14                  **MR. DEROCHIE:** No, they do not.

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

16                  **MR. DEROCHIE:** Did you want me to explain  
17                  further?

18                  **THE COMMISSIONER:** Yes.

19                  **MR. DEROCHIE:** I anticipated that.

20                  Sergeant Lortie gave me some information  
21                  about possible misconduct on two other -- or another  
22                  officer -- another two separate incidents of misconduct on  
23                  another officer that had absolutely nothing to do with this  
24                  Inquiry, the subject matter of this Inquiry.

25                  **THE COMMISSIONER:** So why would you put them

1 in these notes?

2 **MR. DEROCHIE:** I -- I really don't have a  
3 good answer for that, other than it was at the same time  
4 that we were talking about this.

5 It would have had nothing to do with my  
6 regular police notes and I subsequently passed that  
7 information on to the Chief of Police and Staff Sergeant  
8 Dupuis, to whom this officer was subordinate, yeah.

9 **THE COMMISSIONER:** All right.

10 **MR. ENGELMANN:** Now, you make a comment,  
11 sir, about Sergeant Lortie taking a fairly strong view of  
12 this investigation and that it should be continuing; that's  
13 how I read your note.

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** Did you say -- you said that  
16 he "had made notes on the fact and that he did not intend  
17 to let the matter drop," the matter being, presumably, the  
18 Silmsler complaint; is that fair?

19 **MR. DEROCHIE:** That -- that's what he's  
20 referring to, yes.

21 **MR. ENGELMANN:** Yeah.

22 "And Lortie left me with the impression  
23 if nothing is done, heads will roll."

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** And that -- that's his --

1           you're paraphrasing what he's said to you?

2                       **MR. DEROCHIE:** I am.

3                       **MR. ENGELMANN:** And you say:

4                               "I believe this conversation with  
5                               Lortie took place on Saturday, October  
6                               16th or thereabouts. I really didn't  
7                               put too much weight on this discussion  
8                               because it was a matter of Lortie  
9                               beating his chest again."

10                       **MR. DEROCHIE:** Yeah. I wish I would have  
11                       blacked that out, as well.

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

13                       **MR. DEROCHIE:** Well, it's -- he's -- it's my  
14                       relationship with -- with Sergeant Lortie, we often had  
15                       some -- some -- some based -- very frank discussions, he  
16                       and I.

17                               We -- we have mutual respect for each other.  
18                       We, you know, get along fairly well, but we do have some  
19                       very different views on things and, you know, I -- I had  
20                       not idea what he was talking about "heads would roll".  
21                       Heads would roll, why? You know what is here that heads  
22                       would roll over?

23                       **MR. ENGELMANN:** What did you mean by him  
24                       "beating his chest again"?

25                       **MR. DEROCHIE:** Well, just standing up and --

1 and you know, preaching from the -- the soapbox, as it  
2 were.

3 **MR. ENGELMANN:** Did you think he was  
4 sounding self-righteous in how he ---

5 **MR. DEROCHIE:** Well, he was a little bit --  
6 yeah, a little bit indignant about, I would think, that,  
7 you know, "No, we're not -- I'm not going to stand for  
8 this." You know, I think he -- by doing that, he's saying  
9 he's -- he's maybe insinuating that I would stand for it,  
10 type thing, you know, and I would take exception to  
11 something like that.

12 **MR. ENGELMANN:** All right. Well, did he --  
13 did he actually follow through and express concerns or get  
14 upset, to your knowledge, when this matter wasn't  
15 reinvestigated or followed up on by your Service?

16 **MR. DEROCHIE:** Not that I'm aware of.

17 **MR. ENGELMANN:** Now, you mentioned that you  
18 had thought about dealing with Constable Dunlop on October  
19 15?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** Yet when I'm -- I'm looking  
22 at your notes, and maybe it's just the way I'm looking at  
23 them, you're drafting something on October 29th or  
24 thereabouts?

25 **MR. DEROCHIE:** That's right.

1           Had I had -- had Perry come into work on the  
2           15th, I would have taken the time to draft the counselling  
3           document at that time.

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

5           **MR. DEROCHIE:** He wasn't coming in, so I  
6           didn't -- I didn't -- I didn't deal with it; I dealt with  
7           the matters that were my responsibility on the nightshift  
8           as opposed to working further on this.

9           **MR. ENGELMANN:** Was he on the nightshift  
10          with you at that time?

11          **MR. DEROCHIE:** No.

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

13          **MR. DEROCHIE:** He -- he absented himself for  
14          the whole nightshift; there would have been three.

15          **THE COMMISSIONER:** No, he would have been  
16          on?

17          **MR. DEROCHIE:** Oh, he was on my team, oh  
18          yes.

19          **MR. ENGELMANN:** Sorry, that was my ---

20          **MR. DEROCHIE:** Yes, he was part of me team,  
21          yes.

22          **MR. ENGELMANN:** And -- and do you remember  
23          how long he was off work?

24          **MR. DEROCHIE:** I believe he did come back to  
25          the dayshift on the 20th.

1                   **MR. ENGELMANN:** On the 20th, as Mr. Quinn  
2                   said ---

3                   **MR. DEROCHIE:** That's right, yeah.

4                   **MR. ENGELMANN:** All right. But you -- you  
5                   didn't meet with him on ---

6                   **MR. DEROCHIE:** No, I had -- we had -- by  
7                   that time obviously I had discussed with the Chief again  
8                   that we weren't -- I wasn't going to deal with him right  
9                   now, "He's not going -- he's not going to be receptive to  
10                  this; let's do the other stuff first and we'll -- we'll get  
11                  over..."

12                  **MR. ENGELMANN:** All right. So at that point  
13                  you put him on the back burner.

14                  **MR. DEROCHIE:** That's right.

15                  **MR. ENGELMANN:** And you started the other  
16                  work?

17                  **MR. DEROCHIE:** That's right.

18                  **MR. ENGELMANN:** Or that was your intention?

19                  **MR. DEROCHIE:** Yeah, yeah. It was  
20                  distracting. That part of it was distracting; let's get on  
21                  with the other part of it.

22                  **MR. ENGELMANN:** And I think that's what  
23                  you're -- maybe that's what you're saying at the top of  
24                  page 36 of your notes, October 29th:

25                                 "I decided to deal with Dunlop last

1 week and to review the case  
2 chronologically as we became involved.  
3 I plan to speak with Richard Abell  
4 again in order to nail down some  
5 specific dates relevant to Dunlop's  
6 part in the incident; however, I was  
7 determined not to write..."

8 **THE COMMISSIONER:** "Write off."

9 **MR. ENGELMANN:** "...write off his role in  
10 this matter."

11 **MR. DEROCHIE:** That's right.

12 **MR. ENGELMANN:** Now you say:  
13 "I was beginning to think that his  
14 intentions may have been less than  
15 honourable and was unsure at this time  
16 if I was still willing to give him the  
17 benefit of the doubt."

18 **MR. DEROCHIE:** That's just -- yes, that's  
19 just a continuation of my thought process from previously.

20 **MR. ENGELMANN:** All right. So what -- what  
21 has changed? Why are you thinking that his original  
22 intentions may have been less than honourable; what  
23 happened?

24 **MR. DEROCHIE:** Going back to -- going back  
25 to that previous discussion we had about why he was

1       responding and why he was acting the way he had, why the --  
2       you know, why the association was conflicted over this  
3       thing. It was just the whole -- the whole atmosphere of  
4       that was causing me some -- some trouble.

5                   **MR. ENGELMANN:** All right. There were a lot  
6       of things that you weren't understanding?

7                   **MR. DEROCHIE:** Exactly. Yeah, exactly.

8                   **MR. ENGELMANN:** All right. So you did some  
9       work on a draft of a counselling document, for the Chief?

10                  **MR. DEROCHIE:** Yes.

11                  **MR. ENGELMANN:** And did you get some  
12       feedback from the Chief about that?

13                  **MR. DEROCHIE:** I did. He -- he agreed with  
14       the general direction it was going in but wanted me to --  
15       wanted me to expand on or comment on Dunlop going to his  
16       NCOs, that's the -- that would Sergeant Lortie and Staff  
17       Sergeant Dupuis.

18                  **MR. ENGELMANN:** All right. So he wanted to  
19       know a little bit more about the ---

20                  **MR. DEROCHIE:** About that.

21                  **MR. ENGELMANN:** --- interaction between  
22       Dunlop and those two officers?

23                  **MR. DEROCHIE:** Well, he wanted -- he wanted  
24       me to emphasize the fact or to -- to identify the fact that  
25       "that was the way to go, Perry."

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

2                   **MR. DEROCHIE:** You know, "You had spoken to  
3 your sergeant -- you had spoken to a sergeant, you -- you  
4 know, you chose not to speak to me but you spoke to Staff  
5 Sergeant Dupuis; you're more comfortable with him,  
6 obviously. That was the way to go."

7                   **MR. ENGELMANN:** All right. So in hindsight,  
8 not to Abell but to them?

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

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

11                   **MR. DEROCHIE:** Let them deal with it.

12                   **MR. ENGELMANN:** Now, did the counselling  
13 session ever take place?

14                   **MR. DEROCHIE:** No.

15                   **MR. ENGELMANN:** All right. He was at work?

16                   **MR. DEROCHIE:** He was at work.

17                   **MR. ENGELMANN:** But it just never was an  
18 appropriate time, sir?

19                   **MR. DEROCHIE:** There was never an  
20 appropriate time. Shortly after this time in the latter  
21 part of November the situation changed, other things were  
22 going on.

23                   CAS were conducting their investigation and  
24 they had enlisted the assistance of the OPP. The OPP were  
25 conducting -- the local detachment of the OPP were

1 conducting an investigation, and so things were not  
2 progressing as far as my review went. I was back on my  
3 team doing my -- just letting these things sort of flesh  
4 out. There were two major OPP investigations going on  
5 relative to this whole issue.

6 **MR. ENGELMANN:** And that was?

7 **MR. DEROCHIE:** That was the suicide of Mr.  
8 Seguin and the subsequent -- as a part to that, the  
9 subsequent investigation of Mr. Silmsen with regards to  
10 extortion, and then Detective Ron Wilson was investigating  
11 the allegations against Father Charlie that occurred in  
12 their jurisdiction.

13 **MR. ENGELMANN:** All right. And you, sir,  
14 were doing some investigation or reinvestigation of the  
15 force's role during the month of November?

16 **MR. DEROCHIE:** That's correct. I was  
17 getting a chronology together of what happened.

18 **MR. ENGELMANN:** But Constable Dunlop was at  
19 work?

20 **MR. DEROCHIE:** He was at work.

21 **MR. ENGELMANN:** He wasn't avoiding you and  
22 avoiding being disciplined or counselled?

23 **MR. DEROCHIE:** Oh no. Oh, no. Our  
24 relationship wasn't strained at all.

25 **MR. ENGELMANN:** It just never happened?

1                   **MR. DEROCHIE:** No, no.

2                   **MR. ENGELMANN:** I'm sorry.

3                   **MR. DEROCHIE:** I'm sorry. Our relationship  
4 wasn't strained. There was no problem. We conducted, you  
5 know, we dealt with each other as we would normally deal  
6 with each other.

7                   **MR. ENGELMANN:** All right, just this issue  
8 wasn't raised?

9                   **MR. DEROCHIE:** This issue wasn't discussed  
10 with him.

11                   **MR. ENGELMANN:** All right. And did you then  
12 finally complete a report into his actions in releasing the  
13 statement?

14                   **MR. DEROCHIE:** Yes, in early January I was  
15 contacted by Chief Johnston and he asked me to submit a  
16 report and to comment on whether or not I had uncovered any  
17 information that would cause me to recommend a remedy other  
18 than what Chief Shaver had wanted.

19                   **MR. ENGELMANN:** And Acting Chief Johnston  
20 had just started with the force at that time?

21                   **MR. DEROCHIE:** Yes, he had just started,  
22 yes.

23                   I should say it's my recollection as well  
24 that Chief Shaver had tendered his resignation or at least  
25 it had been announced that he was going to leave the force

1 and I don't believe he was -- he was working very much at  
2 the end of 1993.

3 **MR. ENGELMANN:** Yeah, he had been off work  
4 at least during the month of December?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** Possibly some of November,  
7 do you recall?

8 **MR. DEROCHIE:** I don't recall specifically  
9 what periods of time but I knew he was away for a period of  
10 time.

11 **MR. ENGELMANN:** Right. Perhaps the witness  
12 could be shown Document Number 719991.

13 **THE COMMISSIONER:** And I was thinking, Mr.  
14 Engelmann, of taking another short 10-minute break just to  
15 break things up, so whenever you find it convenient in the  
16 next 10, 15 minutes.

17 **MR. ENGELMANN:** All right.

18 **THE COMMISSIONER:** Thank you.

19 **MR. ENGELMANN:** Seven-one-nine-nine-nine-one  
20 (719991). I just want to talk about a couple of documents,  
21 sir.

22 **THE COMMISSIONER:** No, that's fine.

23 Thank you. Exhibit 1300 is internal  
24 correspondence to Acting Chief Carl Johnston from Staff  
25 Sergeant G. Derochie and the date is January 8<sup>th</sup>, 1994.

1 --- EXHIBIT NO./PIÈCE NO. P-1300:

2 (719991) Letter from Staff Sergeant Garry  
3 Derochie to Acting Chief Carl Johnston -  
4 January 8, 1994

5 MR. ENGELMANN: Sir, is this a note you  
6 would have prepared and forwarded to then Acting Chief?

7 MR. DEROCHIE: Yes, this is the internal  
8 correspondence document that we use for inter-office  
9 communication.

10 MR. ENGELMANN: All right. So by this  
11 point-in-time you've concluded your report on those charges  
12 that you were initially to look into dealing with Constable  
13 Dunlop?

14 MR. DEROCHIE: That's correct.

15 MR. ENGELMANN: And that was the  
16 investigation that you were assigned to back in October?

17 MR. DEROCHIE: That's right.

18 MR. ENGELMANN: All right. By this point-  
19 in-time, January 8<sup>th</sup>, 1994, have you -- are you still  
20 actively involved in investigating or reviewing the work  
21 that your force did with respect to the Silmsler  
22 investigation?

23 MR. DEROCHIE: No, I'm not.

24 MR. ENGELMANN: When did that stop?

25 MR. DEROCHIE: It stopped almost -- it

1 coincided with the suicide of Mr. Ken Seguin.

2 **MR. ENGELMANN:** All right. So with respect  
3 to your work on the review, that would have ended in or  
4 about late November of '93?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And were you asked to stop  
7 it at that time or do you recall how that came to an end?

8 **MR. DEROCHIE:** I really don't know. I think  
9 that may have been my own initiative just to say, well,  
10 we'd better just wait and see where this settles out.

11 **MR. ENGELMANN:** And then after Chief Shaver  
12 left, wasn't around in any event, Deputy Chief St-Denis  
13 didn't ask you to wrap that up?

14 **MR. DEROCHIE:** No, not that I recall, no.

15 **MR. ENGELMANN:** And with this internal  
16 correspondence, did you attach a report?

17 **MR. DEROCHIE:** I did.

18 **MR. ENGELMANN:** If the witness could be  
19 shown 719992.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit 1301 is a report to Acting Chief  
22 Carl Johnston by Staff Sergeant G. Derochie dated January  
23 8<sup>th</sup>, 1994.

24 --- **EXHIBIT NO./PIÈCE NO. P-1301:**

25 (719992) Report on Perry Dunlop's

1 involvement with the David Silmsen  
2 investigation - January 8, 1994

3 **MR. ENGELMANN:** Now, this investigation and  
4 the report itself, did you come up with any reason for a  
5 different remedy than that that had been suggested by your  
6 former chief?

7 **MR. DEROCHIE:** No.

8 **MR. ENGELMANN:** So it was consistent with  
9 what he had wanted, some form of counselling?

10 **MR. DEROCHIE:** That's correct.

11 **MR. ENGELMANN:** All right. And you had  
12 drafted that back in late October, beginning of November.  
13 Do you know why there was this kind of delay in having this  
14 report finalized?

15 **MR. DEROCHIE:** Well, only that Carl Johnston  
16 asked for the report. I had in effect stopped all work on  
17 the whole matter by late November.

18 **MR. ENGELMANN:** Oh, all right, so it was  
19 just on the back burner and ---

20 **MR. DEROCHIE:** I had drafted the counselling  
21 document to be ready when the time was right to present it.

22 **MR. ENGELMANN:** And the final result then of  
23 your internal investigation into the possibility of *Police*  
24 *Service Act* charges against Mr. Dunlop was what, sir?

25 **MR. DEROCHIE:** That they weren't necessary,

1 that we could go ahead and just use the remedy that Chief  
2 Shaver had wanted.

3 **MR. ENGELMANN:** And, sir, there were a  
4 couple of appendices attached to the back of that report.  
5 Can you tell us what they are and why there are two?

6 **MR. DEROCHIE:** Yes, the Appendix "A" is the  
7 transcribed version of the notes, the handwritten notes,  
8 made by Claude Shaver with regards to what the -- what I  
9 should consider when counselling.

10 **MR. ENGELMANN:** Those were the notes that he  
11 would have prepared in or around mid-October, just typed  
12 up?

13 **MR. DEROCHIE:** Yes, they are.

14 **MR. ENGELMANN:** And then what do we see in  
15 Appendix "B"?

16 **MR. DEROCHIE:** That is my interpretation of  
17 his instructions to me and what I intended to do or what I  
18 intended to use as a counselling document.

19 **MR. ENGELMANN:** And, sir, did that  
20 counselling document ever get acted upon?

21 **MR. DEROCHIE:** I was asked to do it but I  
22 never did. Mr. Dunlop absented himself in early January  
23 and never came back to Cornwall -- or never came back to  
24 duty for three years after that, so it was never acted  
25 upon.

1                   And at some point, I was contacted by Chief  
2                   Johnston and instructed not to, in any event. I had made  
3                   an attempt through Mike Quinn again to get Perry to come in  
4                   so that we could resolve it and I had been told that he  
5                   would not make himself available to be counselled.

6                   And so there it sat until such time that the  
7                   acting chief contacted me and said, "Have you done it yet?"  
8                   And I said, "No, I haven't". And he said, "Well, don't do  
9                   it, don't ---".

10                   **THE COMMISSIONER:** In your comment, are you  
11                   saying then at some time Mr. Dunlop became aware that this  
12                   was to be resolved by a letter of counsel?

13                   **MR. DEROCHIE:** Yes. Yes, he did.

14                   **THE COMMISSIONER:** When would he have become  
15                   aware of that?

16                   **MR. DEROCHIE:** I would -- there's other  
17                   notes in my duty book.

18                   **THE COMMISSIONER:** Okay, well maybe we'll  
19                   get ---

20                   **MR. ENGELMANN:** We'll come back to that if  
21                   we can, sir.

22                   **THE COMMISSIONER:** Sure.

23                   **MR. ENGELMANN:** Yeah.

24                   Perhaps we can take a break then?

25                   **THE COMMISSIONER:** Yes, let's take a short

1 break; 10 minutes.

2 **THE REGISTRAR:** Order; all rise. Veuillez  
3 vous lever.

4 This hearing will resume at 12:40 p.m.

5 --- Upon recessing at 12:21 p.m. /

6 L'audience est suspendue à 12h21

7 --- Upon resuming at 12:38 p.m. /

8 L'audience est reprise à 12h38

9 **THE REGISTRAR:** This hearing is now resumed,  
10 please be seated. Veuillez vous asseoir.

11 **GARRY DEROCHIE:** Resumed/Sous le même serment

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

13 **ENGELMANN (continued/suite):**

14 **MR. ENGELMANN:** Mr. Derochie -- sorry, Staff  
15 Sergeant Derochie, just before the break I think the  
16 Commissioner had asked you if you had tried to deal with  
17 the counselling session from a counselling note with  
18 Constable Dunlop.

19 **MR. DEROCHIE:** Yes, I recall that.

20 **MR. ENGELMANN:** And my understanding is that  
21 you did make an effort to do that in the spring of 1994?

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

23 **MR. ENGELMANN:** All right. And I'm just  
24 wondering, perhaps, I wasn't going to get here but if the  
25 witness could be shown -- it's Document Number 738457.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: These are, as I understand  
3 it, sir, Staff Sergeant's Derochie's notes between the  
4 dates indicated on the front of the notebook.

5 THE COMMISSIONER: All right, so that will  
6 be Exhibit 1302.

7 --- EXHIBIT NO./PIÈCE No. P-1302:

8 (738457) Notes of Garry Derochie  
9 11 July, '93 to 29 March '94

10 MR. ENGELMANN: And just to help us out,  
11 Staff Sergeant Derochie, before we look at the document  
12 itself, are you able to tell us, is this a dedicated  
13 notebook or are these just general notes that you would  
14 keep, an excerpt of general notes you keep between these  
15 dates?

16 MR. DEROCHIE: These represent the notes  
17 that I keep on a daily -- these are my duty notebooks; they  
18 represent what I do every day of the year with regards to  
19 my police duties.

20 MR. ENGELMANN: All right and what we have  
21 in here is an excerpt of the notes between those dates?

22 MR. DEROCHIE: That's right.

23 MR. ENGELMANN: And what I'd like you to do  
24 then, sir, is turn to the very last page; it's Bates pages  
25 7167724.

1 I'm going to try and read what I believe it  
2 says under the blacked out portion. Sorry, blacked out --  
3 highlighted portion.

4 "Called in Constable Quinn, had asked  
5 him to speak to Dunlop, re, making  
6 himself available for counselling.  
7 This was Sunday, March 20<sup>th</sup>, he called  
8 to say that Dunlop would not come in to  
9 be counselled."

10 **MR. DEROCHIE:** That's correct.

11 **MR. ENGELMANN:** Is that what you're written  
12 there?

13 **MR. DEROCHIE:** Yes.

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

15 **THE COMMISSIONER:** I'm sorry, let's just  
16 make sure I've got the date right then. That's in March of  
17 1994; 23<sup>rd</sup> of March 1994; is that right?

18 **MR. ENGELMANN:** I believe it's -- is it the  
19 23<sup>rd</sup> or the 20<sup>th</sup>, sir?

20 **THE COMMISSIONER:** Twenty (20) -- well I'm  
21 just looking ---

22 **MR. DEROCHIE:** This note is -- sorry, if I  
23 can be of assistance.

24 **THE COMMISSIONER:** Sure.

25 **MR. DEROCHIE:** This note is made on the 23<sup>rd</sup>

1 of March '94 and that note on there says: "This was Sunday,  
2 March the 20<sup>th</sup>", meaning I had called Mike and asked him to  
3 get a hold of Dunlop on March 20<sup>th</sup>. So he's calling me back  
4 on the 23<sup>rd</sup> saying ---

5 **MR. ENGELMANN:** Do you know why you would  
6 have done it at that time?

7 **MR. DEROCHIE:** I would suspect it was  
8 because I was told by Acting Chief Johnston to do the  
9 counselling, get that done. That would have been -- why  
10 there was a delay from the -- when I submitted the report  
11 in January 8<sup>th</sup> until this point I don't know. I really  
12 don't know why that delay took place.

13 **MR. ENGELMANN:** Because at this point in  
14 time Mr. Dunlop was off on an extended sick leave?

15 **MR. DEROCHIE:** Yeah, and he had been -- he  
16 had been when I -- I believe when I filed my report he  
17 wasn't at work.

18 **MR. ENGELMANN:** He wasn't off yet, on  
19 January 8<sup>th</sup>?

20 **MR. DEROCHIE:** The only thing I could  
21 explain and I don't have a note of it is that I recall Carl  
22 Johnston contacting me and saying "Do the counselling" it  
23 was some time after I had submitted the report. It seems  
24 to me it was some time -- there was some weeks after I had  
25 done the report.

1                   **MR. ENGELMANN:** Because it would be --  
2                   sorry, that's not the norm that you would counsel someone  
3                   when they're off on some form of extended sick leave?

4                   **MR. DEROCHIE:** No, it would not be, no. No.

5                   **MR. ENGELMANN:** But in any event, it was  
6                   something you were instructed to do?

7                   **MR. DEROCHIE:** That's something I was  
8                   instructed to do.

9                   **MR. ENGELMANN:** So let's then go back, sir,  
10                  to the internal review or re-investigation -- not re-  
11                  investigation but the investigation of the investigation  
12                  that you were tasked to do in mid-October of '93.

13                  **MR. DEROCHIE:** Yes.

14                  **MR. ENGELMANN:** My understanding is, at  
15                  least from my reading of your notes that this starts at or  
16                  about the beginning of November?

17                  **MR. DEROCHIE:** Yes. I'm now off my shift,  
18                  off my uniformed shift and I'm doing -- I'm working on this  
19                  full-time.

20                  **MR. ENGELMANN:** All right, so you've been  
21                  relieved of other duties?

22                  **MR. DEROCHIE:** Yes.

23                  **MR. ENGELMANN:** And you're now doing --  
24                  you're investigating the Force's involvement ---

25                  **MR. DEROCHIE:** Yes, if I recall ---

1                   **MR. ENGELMANN:** -- on the Silmsler case?

2                   **MR. DEROCHIE:** Yes. If I recall correctly,  
3 I -- at this point I got caught up in my notes of what I  
4 had done previously, reviewed all of the documents that I  
5 had and then started talking to people.

6                   **MR. ENGELMANN:** And how long were you given  
7 to do this; do you recall how long?

8                   **MR. DEROCHIE:** No, I was -- there was no  
9 timelines put on this.

10                  **MR. ENGELMANN:** Okay.

11                  **MR. DEROCHIE:** It was -- again, there was  
12 nothing.

13                  **MR. ENGELMANN:** But you indicated to us that  
14 about three weeks later, some time in late November, after  
15 Mr. Seguin's suicide and the OPP gets involved ---

16                  **MR. DEROCHIE:** M'hm.

17                  **MR. ENGELMANN:** --- you stop working on it.

18                  **MR. DEROCHIE:** Yes, I don't know if I  
19 completely stopped but certainly I -- there was less  
20 activity on it.

21                  **MR. ENGELMANN:** And were you then tasked  
22 back to your normal duties or ---

23                  **MR. DEROCHIE:** Yes, I went back to shift  
24 work. I only spent two weeks -- a two-week period ---

25                  **MR. ENGELMANN:** Okay, that's what I wanted

1 to ask; I'm sure the Force found something else for you to  
2 do?

3 **MR. DEROCHIE:** Yes and it wasn't -- I wasn't  
4 given two weeks to do this; it's just the way things worked  
5 out, I only had two weeks and then I had to go back on  
6 regular duties for -- I forget what it was.

7 **MR. ENGELMANN:** All right, so after those  
8 first two weeks you were going to have to fit this  
9 assignment in with your other duties.

10 **MR. DEROCHIE:** I was going to have to finish  
11 it off, yeah.

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

13 So, I'm looking at page 37 of your notes and  
14 that's Exhibit 1293, and it appears to be that you start  
15 this off with an interview of a Sergeant by the name of  
16 Nakic?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And was there a particular  
19 reason why you were starting with him?

20 **MR. DEROCHIE:** He was the first one that  
21 came into contact with Mr. Silmser.

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

23 And what, if anything, do you recall, sir,  
24 of your meeting with him?

25 **MR. DEROCHIE:** Well he explained that he had

1 received a telephone call from Mr. Silmsers while he was the  
2 station duty officer and that Mr. Silmsers had reported to  
3 him that he wasn't -- he couldn't come into the station to  
4 make this report but he wanted a report on file to the  
5 effect that he's complaining of being sexually abused by  
6 Father Charles MacDonald and Mr. Ken Seguin.

7 **MR. ENGELMANN:** And did Sergeant Nakic give  
8 you some sense as to how long he had spent on the phone  
9 with Mr. Silmsers?

10 **MR. DEROCHIE:** I got the impression that it  
11 was -- it was a very short period of time. But after the  
12 telephone conversation he went to see Staff Inspector  
13 McDonald and was instructed to submit a memo or to call Mr.  
14 Silmsers back, advise him that an investigator would be  
15 assigned and that he should be hearing from us within a  
16 week.

17 And then, as I say, he submitted an internal  
18 memo detailing the complaint.

19 **MR. ENGELMANN:** All right. And you've noted  
20 the conversation you had with Sergeant Nakic, at pages 37  
21 and 38 of your notes.

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

23 **MR. ENGELMANN:** I'll just be a moment.

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

25 **MR. ENGELMANN:** And, sir, I think we may

1 have been here before, but Sergeant Nakic did not enter  
2 this complaint on to your OMPPAC system.

3 **MR. DEROCHIE:** No, he did not.

4 **THE COMMISSIONER:** Did you ever find out  
5 why?

6 **MR. DEROCHIE:** No. No he -- there was no  
7 explanation for it. I don't think there was ever a  
8 question asked of him to that. He didn't have the ability  
9 or the access to OMPPAC to have created an incident.

10 **MR. ENGELMANN:** He was not the first officer  
11 assigned in this matter. The first officer assigned would  
12 have been Sergeant Lortie?

13 **MR. DEROCHIE:** He was never assigned this  
14 incident at all; he just took information over the phone.

15 Had this been dealt -- had it been dealt in  
16 the communications room, a similar complaint, but where the  
17 victim -- or the complainant wanted to see the police, it  
18 would have been dealt with in the radio room. They would  
19 have created an incident right away in order to dispatch an  
20 officer to take the details.

21 However, this was a case where the gentleman  
22 was living outside the City of Cornwall and we weren't  
23 going to dispatch someone, therefore, they transferred this  
24 call from the radio room to Mr. -- or to Sergeant Nakic.

25 **MR. ENGELMANN:** And he then informed?

1                   **MR. DEROCHIE:** Staff Inspector McDonnell.

2                   **MR. ENGELMANN:** Right. And the instruction  
3 he was given was to get back to the complainant and  
4 indicate that an officer would be assigned and be back in  
5 touch with him?

6                   **MR. DEROCHIE:** Yes.

7                   **MR. ENGELMANN:** Okay.

8                   **THE COMMISSIONER:** So have things changed  
9 now? I don't know if you're aware. I mean, it seems that  
10 it doesn't -- it's a little dysfunctional, in the sense  
11 that here's something that can slip in the cracks.

12                   **MR. DEROCHIE:** They ought to have started an  
13 OMPPAC incident right at the very start.

14                   It has changed. We now have an order to  
15 that effect.

16                   **THE COMMISSIONER:** Okay. And so looking  
17 back, and you're saying Officer Nakic wasn't the one who --  
18 who should have in the order of things or in a perfect  
19 world, who should have opened up the OMPPAC?

20                   **MR. DEROCHIE:** In a perfect world, Sergeant  
21 Nakic should have had it. Failing that, Staff Inspector  
22 McDonnell should have required it.

23                   Failing that, Claude Lortie, who was going  
24 to be the investigator, would certainly need an incident  
25 created in order to report on it, so, you know, he should

1 have opened one as well.

2 **THE COMMISSIONER:** And if my memory is  
3 correct, the one who did open it up was Constable Sebalj on  
4 the day or the day after that she was assigned?

5 **MR. DEROCHIE:** It was on January 13<sup>th</sup>, she --  
6 yes.

7 **THE COMMISSIONER:** All right. Good, thank  
8 you.

9 **MR. ENGELMANN:** And then where we go from  
10 there is, as individuals are interviewed or notes are  
11 taken, they should be entered as the investigation goes on?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** And that's how it would  
14 happen today, sir?

15 **MR. DEROCHIE:** That's how it would happen  
16 today, yes.

17 Back then, it wasn't unusual for the officer  
18 to -- to do the investigation, create the incident, do the  
19 investigation and then do an all-encompassing report that  
20 covered everything.

21 **THE COMMISSIONER:** Well, hold it now.

22 We've been through that yesterday and my  
23 understanding was that was the old way of doing it.

24 When OMPPAC came on, you wanted to have  
25 people putting it in as they went. Is that fair?

1                   **MR. DEROCHIE:** Yes. That -- that was the  
2 whole purpose of getting OMPPAC, yes.

3                   **THE COMMISSIONER:** All right. And then we  
4 learned that OMPPAC had been there for three years?

5                   **MR. DEROCHIE:** Yes.

6                   **THE COMMISSIONER:** So it's not as if it came  
7 in a month ago and people are still straddling the line.

8                   Then you told us that Sebalj is -- Constable  
9 Sebalj is a good typist and is proficient and has been  
10 trained on OMPPAC?

11                   **MR. DEROCHIE:** Absolutely. Yes, you're  
12 quite right.

13                   **THE COMMISSIONER:** All right. So ---

14                   **MR. ENGELMANN:** And I think it went a step  
15 further, sir.

16                   **THE COMMISSIONER:** Yes.

17                   **MR. ENGELMANN:** I think you also said to us  
18 that the staff sergeant running the CIB essentially didn't  
19 require his officers at that time ---

20                   **MR. DEROCHIE:** Well, that's -- that's the  
21 point I was going -- I was making, that it was a practice  
22 back then, it wasn't unheard of for what I just was  
23 describing, to have occurred.

24                   And you're quite right in your observation,  
25 Mr. Commissioner, it ought to have been done differently.

1                   **THE COMMISSIONER:** What I'm trying to do is  
2 this, is that given that there were allegations out there  
3 of a cover-up -- all right? -- anything that deviates from  
4 what ought to have been, should be examined?

5                   **MR. DEROCHIE:** Quite true.

6                   **THE COMMISSIONER:** All right. So now we're  
7 at -- we've seen where the incident report or the OMPPAC  
8 ought to have started with Sergeant Nakic and now we're  
9 going over to January 13<sup>th</sup> when it was opened, however,  
10 there is nothing in it?

11                   **MR. DEROCHIE:** That's quite right.

12                   **THE COMMISSIONER:** And then later on in the  
13 -- there's a -- what's the word?

14                   **MR. ENGELMANN:** A Project file ---

15                   **THE COMMISSIONER:** A Project file is opened  
16 in October?

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

18                   **THE COMMISSIONER:** So someone coming in to  
19 this thing would be looking and saying, wait a minute here,  
20 no one could see this investigation nor the names of the  
21 complainants or the names of the accused -- or the suspects  
22 from January 13<sup>th</sup> to when the Project file was opened and  
23 when the Project file was opened, nobody could see it?

24                   **MR. DEROCHIE:** It certainly was very  
25 restricted to who could see it, but your point is well

1 made, sir, yes.

2 **THE COMMISSIONER:** All right.

3 **MR. ENGELMANN:** Sir, what information, if  
4 any, would individuals have once the OMPPAC was open?

5 **MR. DEROCHIE:** On this particular incident?

6 **MR. ENGELMANN:** Yes.

7 **MR. DEROCHIE:** They would have known that  
8 there was a sexual assault being investigated at 40 Fourth  
9 Street West.

10 **MR. ENGELMANN:** That's it?

11 **MR. DEROCHIE:** That's it.

12 **THE COMMISSIONER:** And what's "44<sup>th</sup> Street  
13 West"?

14 **MR. DEROCHIE:** Forty (40) Fourth Street  
15 West, which is the church or the diocese -- or the parish.

16 **THE COMMISSIONER:** And that's what Constable  
17 Sebalj would have put in?

18 **MR. DEROCHIE:** That's my recollection of the  
19 information that was on -- that was available to anybody  
20 that opened up OMPPAC and looked at it, yes.

21 **THE COMMISSIONER:** All right.

22 **MR. ENGELMANN:** And do you know, sir,  
23 whether that access was restricted from January 13<sup>th</sup> until  
24 October 1st or ---

25 **MR. DEROCHIE:** No, No, anybody could have

1 opened it up and looked at that part.

2 That incident would also appear, as I -- as  
3 I believe I stated yesterday, on Sebalj's outstanding  
4 assignment list and it would be available to her staff  
5 sergeant.

6 **MR. ENGELMANN:** But no one would be familiar  
7 with what work, if any, had been done?

8 **MR. DEROCHIE:** Correct.

9 **MR. ENGELMANN:** Since it was opened on  
10 January 13<sup>th</sup>?

11 **MR. DEROCHIE:** That's right.

12 **MR. ENGELMANN:** All right. Now, after  
13 meeting with Sergeant Nakic, did you then next meet with  
14 Mr. Abell for a second time, and that would have been on  
15 November 4<sup>th</sup>?

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

17 **MR. ENGELMANN:** So that would be, then, your  
18 second meeting with Mr. Abell?

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

20 **MR. ENGELMANN:** And did you inform him --  
21 sorry, did you set up that meeting, sir?

22 **MR. DEROCHIE:** Yes, I did.

23 **MR. ENGELMANN:** And did you inform him about  
24 why it was you wanted to meet with him for a second time?

25 **MR. DEROCHIE:** I don't recall if -- if I had

1 explain why I wanted to see him, I just asked if I could  
2 meet with him and I -- I probably told him I wanted to go  
3 over it in detail what his role had been in this.

4 **MR. ENGELMANN:** In your note at the bottom  
5 or page 39, you say:

6 "I told him that my mandate had been  
7 expanded..." ---

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** --- "...since the last we  
10 spoke, to include a review of the  
11 investigation itself."

12 **MR. DEROCHIE:** That was at the meeting I  
13 told him that.

14 **MR. ENGELMANN:** All right, okay. So that  
15 you would have started the meeting with a comment like that  
16 perhaps?

17 **MR. DEROCHIE:** Yeah.

18 **MR. ENGELMANN:** And again, sir, it appears,  
19 at least from your notes, that you would have suggested to  
20 him that you were leaning towards simply counselling Mr.  
21 Dunlop for what he had done in this particular case?

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

23 **MR. ENGELMANN:** All right. So despite the  
24 fact that you're there for the broader investigation,  
25 you're still letting him know something about Dunlop from

1 the first time around?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: Now, did he inform you as to  
4 what they were doing?

5 MR. DEROCHIE: Yes. He told me he had -- he  
6 had opened a Project on this and that he was going to have  
7 his people investigate the -- all of the circumstances.

8 MR. ENGELMANN: And did he give you some  
9 idea as to who he had assigned and what they were doing?

10 MR. DEROCHIE: Yes. He told me that Bill  
11 Carriere would be in -- in charge of the investigation or  
12 the Project.

13 MR. ENGELMANN: And was Mr. Carriere someone  
14 who was known to you, sir?

15 MR. DEROCHIE: Yes.

16 MR. ENGELMANN: And you had had dealings  
17 with him?

18 MR. DEROCHIE: I -- I would have, off and  
19 on, over a period of years, yes.

20 MR. ENGELMANN: And did he give you a sense  
21 as to what they had already done with respect to their  
22 investigation? For example, sir, would he have told you  
23 that they would have met with Mr. Silmsen?

24 MR. DEROCHIE: I don't know if he told me  
25 that they had met, but they were going to meet. I -- I

1 don't recall the chronology of when I first heard that they  
2 were -- when they first met.

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

4 **MR. DEROCHIE:** If you could take me ---

5 **MR. ENGELMANN:** Sure, the bottom of page 40:

6 "He also told me they had met with  
7 Silmsen about a week ago and were  
8 trying to solicit his cooperation."

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** "We're moving slow with  
11 him and had hoped to speak with him  
12 again on Friday."

13 **MR. DEROCHIE:** That's right, yes.

14 **MR. ENGELMANN:** And then you got into, to  
15 some extent, some questions you had about when he met with  
16 Constable Dunlop?

17 **MR. DEROCHIE:** Yes, again I was building my  
18 chronology so I wanted to know specific dates.

19 **MR. ENGELMANN:** All right. And that's why  
20 you asked him when they first talked about it, when he  
21 first saw the statement and when he first received a copy  
22 of it?

23 **MR. DEROCHIE:** That's right.

24 **MR. ENGELMANN:** Now, he also in the course  
25 of this interview talked to you about conversations that

1 he'd had with Chief Shaver?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And his effort to get a hold  
4 of Chief Shaver immediately after obtaining the statement  
5 from Constable Dunlop?

6 MR. DEROCHIE: That's right.

7 MR. ENGELMANN: And the fact that he met  
8 with Chief Shaver on October 1<sup>st</sup>?

9 MR. DEROCHIE: That's correct.

10 MR. ENGELMANN: And would he have told you  
11 about meeting with Chief Shaver and Staff Sergeant Brunet  
12 on October 8<sup>th</sup> as well?

13 MR. DEROCHIE: That's correct.

14 MR. ENGELMANN: And you'd covered some of  
15 this the first time around with him?

16 MR. DEROCHIE: Yes. Yes.

17 MR. ENGELMANN: And I note, sir, you seem to  
18 be going back to him again about his opinion of your  
19 service?

20 MR. DEROCHIE: Yes, I'm concerned about  
21 that.

22 MR. ENGELMANN: And that's because you  
23 weren't satisfied with your answer the first time around?

24 MR. DEROCHIE: Yes. I'd posed the question  
25 to him and just left it with him.

1                   **MR. ENGELMANN:** And you describe that at  
2                   page 43 of your notes?

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

4                   **MR. ENGELMANN:** And I note you say, sir, and  
5                   this is in your square brackets:

6                                 "I brought this subject up at our last  
7                                 meeting, he could not or would not  
8                                 explain his reasons. I could not  
9                                 understand why he would expose a  
10                                personal friend, Dunlop, to possible  
11                                disciplinary action when he didn't need  
12                                to."

13                   Do you see that?

14                   **MR. DEROCHIE:** Yes.

15                   **MR. ENGELMANN:** And again, the note carries  
16                   on, onto the following page but you do give his answer on  
17                   page 44, in the second paragraph.

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

19                   **MR. ENGELMANN:** "He felt that he had to  
20                                 have a statement before he approached  
21                                 the Service official."

22                   **MR. DEROCHIE:** That's what he told me, yes.

23                   **MR. ENGELMANN:** And were you satisfied then  
24                   with that response?

25                   **MR. DEROCHIE:** No, I had lingering doubts as

1 to -- I'm not saying he was being not forthcoming with me  
2 but I thought he had concerns about our police service and  
3 he had concerns about our police service that caused me  
4 concerns. I wanted to know what they were and what we  
5 could do about that.

6 **MR. ENGELMANN:** But apparently you put that  
7 question to him directly and he said he didn't?

8 **MR. DEROCHIE:** No, and he did respond. He  
9 said "No, I've got no problems at all with it" but it just  
10 was inconsistent with the way he had done that and that's  
11 what I was trying to get a handle on; I wasn't comfortable  
12 with that.

13 No, you can't have -- if there's something  
14 there between CAS and us, we have to get that resolved. I  
15 want that resolved.

16 **MR. ENGELMANN:** All right and you're  
17 suggesting, at least at the top of page 45 of your notes  
18 that Mr. Dunlop -- or Constable Dunlop may have painted a  
19 poor picture of your service with Mr. Abell?

20 **MR. DEROCHIE:** That was my feeling;  
21 something -- something had to have been said.

22 **MR. ENGELMANN:** All right. You didn't hear  
23 that from anyone, that was just your thinking out loud?

24 **MR. DEROCHIE:** No, that was my rationale.  
25 How -- rationalized why he had acted the way he had and ...

1                   **MR. ENGELMANN:** Then on page 45 you start to  
2 get into the whole issue of the Silmsers investigation.

3                   **MR. DEROCHIE:** Yes.

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

5                   **MR. DEROCHIE:** That's correct.

6                   **MR. ENGELMANN:** And he's saying to you the  
7 suspects fit a profile which normally indicate a pattern of  
8 abuse?

9                   **MR. DEROCHIE:** Yes.

10                  **MR. ENGELMANN:** Multiple victims being  
11 abused over many years?

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

13                  **MR. ENGELMANN:** Now, apparently -- and I  
14 don't know if these are his words or yours it says:

15                                "As is the case when members of the  
16 church are involved, cover-ups were  
17 sometimes involved."

18                                That was coming from him or from you?

19                  **MR. DEROCHIE:** That was -- would be coming  
20 from him.

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

22                                "He believed that this might be the  
23 case in this incident, Silmsers had been  
24 paid off to keep things quiet."

25                  **MR. DEROCHIE:** Correct.

1                   **MR. ENGELMANN:** So these are words or  
2 conversation that Mr. Abell is having with you?

3                   **MR. DEROCHIE:** Words to those effect -- that  
4 effect, yes.

5                   **MR. ENGELMANN:** Did he -- did he elaborate  
6 on that, sir?

7                   **MR. DEROCHIE:** No. I think he was just  
8 making an observation that this does sometimes happen and  
9 it may be present here in this particular circumstances.

10                   **MR. ENGELMANN:** Did he indicate to you at  
11 that time that he had met with the Bishop or was about to  
12 meet with the Bishop?

13                   **MR. DEROCHIE:** He may have, I don't recall.  
14 I didn't make note of it, that I can recall.

15                   **MR. ENGELMANN:** Now there was apparently a  
16 discussion about Mr. Seguin, that came up at the meeting.

17                   **MR. DEROCHIE:** As it had in the first, yes.

18                   **MR. ENGELMANN:** Yes. And you'd mentioned  
19 the discussion the first time about he was going to inquire  
20 about whether he was in the same Ministry or words to that  
21 effect?

22                   **MR. DEROCHIE:** Something to that effect,  
23 yes.

24                   **MR. ENGELMANN:** All right. And was there a  
25 further discussion about that, sir? There's some reference

1 at the bottom of page 45 and onto page 46 of your notes.

2 MR. DEROCHIE: Yes, he explained that he  
3 wasn't going to conduct the same type of inquiry into Ken  
4 Seguin as he would with Father MacDonald.

5 MR. ENGELMANN: And what were the reasons  
6 given for that?

7 MR. DEROCHIE: The reason that I articulated  
8 or recorded here and what I recall was that Ken Seguin was  
9 not part of his Ministry as he had originally thought. And  
10 I may have misunderstood what he had said the first time  
11 but that didn't make very much sense to me at that time.

12 MR. ENGELMANN: It doesn't make a whole lot  
13 of sense to me either because Father MacDonald wouldn't be  
14 part of his Ministry either.

15 MR. DEROCHIE: Those would have been my  
16 observations as well but I never pursued that with him.

17 MR. ENGELMANN: Are you sure he actually  
18 said this to you, sir?

19 MR. DEROCHIE: That's my recollection of the  
20 conversation, yes; they were not going to investigate Ken  
21 Seguin.

22 MR. ENGELMANN: "Because he's not part of  
23 our Ministry."

24 MR. DEROCHIE: That was ---

25 MR. ENGELMANN: I just say it -- it's not in

1 his notes and I don't think that's going to be his  
2 recollection but that's ---

3 **MR. DEROCHIE:** That's my -- that's my  
4 recollection; those are my notes on that subject.

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

6 Did he provide you with any further  
7 explanation for what they were going to be doing with  
8 respect to Mr. Seguin, if anything?

9 **MR. DEROCHIE:** It was my impression that  
10 they weren't going to do anything else.

11 **MR. ENGELMANN:** What were your thoughts  
12 about that?

13 **MR. DEROCHIE:** Well, I have to defer to Mr.  
14 Abell's understanding of what his mandate is and I didn't  
15 understand it. That would be my comments; I didn't  
16 understand the difference.

17 **MR. ENGELMANN:** And why he would investigate  
18 one person but not the other?

19 **MR. DEROCHIE:** Yeah, even if ministries  
20 weren't involved.

21 **MR. ENGELMANN:** Did you feel any -- any  
22 necessity at that time yourself to make any inquiries, sir?

23 **MR. DEROCHIE:** Not at that time, no.

24 **MR. ENGELMANN:** You weren't investigating  
25 the original complaint?

1                   **MR. DEROCHIE:** No, I was trying to  
2 understand.

3                   **MR. ENGELMANN:** Do you know if -- from the  
4 work you were doing in investigating the Cornwall Police  
5 Service investigation if any of the officers from the Force  
6 ever had contact with Mr. Seguin's employers?

7                   **MR. DEROCHIE:** Have any of our officers had  
8 contact with the employers with regards to this  
9 investigation?

10                  **MR. ENGELMANN:** Yes.

11                  **MR. DEROCHIE:** No.

12                  **MR. ENGELMANN:** But there was some contact  
13 between certainly the Police Service and the Diocese?

14                  **MR. DEROCHIE:** Yes.

15                  **MR. ENGELMANN:** Perhaps indirectly through  
16 Mr. MacDonald, Malcolm MacDonald.

17                  **MR. DEROCHIE:** Yes, we met with the -- we  
18 met with church officials.

19                  **MR. ENGELMANN:** No, but even before then,  
20 during the time of the active investigation.

21                  **MR. DEROCHIE:** Oh yes. Yes, you're quite  
22 right.

23                  **MR. ENGELMANN:** Certainly the Diocese was  
24 aware that ---

25                  **MR. DEROCHIE:** That it was ongoing.

1                   **MR. ENGELMANN:** --- you were investigating -  
2                   --

3                   **MR. DEROCHIE:** Yes. Yes.

4                   **MR. ENGELMANN:** --- Father MacDonald.

5                   **MR. DEROCHIE:** That's correct.

6                   **MR. ENGELMANN:** The Ministry of Corrections  
7 was never informed that you might be investigating Ken  
8 Seguin?

9                   **MR. DEROCHIE:** Not to my knowledge. We  
10 weren't investigating Ken Seguin.

11                   **MR. ENGELMANN:** Fair enough; that never  
12 happened?

13                   **MR. DEROCHIE:** That's right.

14                   **MR. ENGELMANN:** We've heard from a former  
15 director of that office, Mr. Sirrs. And actually we've  
16 heard from a couple more as well, and Mr. Robert, that they  
17 were disappointed that they weren't told about police  
18 complaints and/or rumours about their officers or their  
19 employees by the Cornwall Police Service.

20                               Do you not think that would have been  
21 perhaps a good idea, sir, for someone from your office,  
22 someone from the police force to have some contact with the  
23 area manager?

24                   **MR. DEROCHIE:** Well I don't know -- I don't  
25 know of any -- any authority that we would have to do that.

1 We were -- you know, we're agents of the state, what we say  
2 to people normally has meaning and I don't think we were --  
3 we have any kind of -- we wouldn't be able to justify going  
4 to an employer with regards to information that's un-  
5 investigated, unsubstantiated, just an allegation.

6 **MR. ENGELMANN:** Well just -- you've got a  
7 criminal complaint ---

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** --- filed with your Force.

10 **MR. DEROCHIE:** We've got a criminal  
11 allegation, yes.

12 **MR. ENGELMANN:** And you wouldn't ---

13 **MR. DEROCHIE:** No, we would not.

14 **MR. ENGELMANN:** You wouldn't go to -- let me  
15 just finish the question. You wouldn't -- you wouldn't go  
16 to an employer of that person, especially a public service  
17 employer and make some inquiries or ask for some  
18 information in the investigation?

19 **THE COMMISSIONER:** Hold on for a second now.  
20 Mr. Callaghan?

21 **MR. CALLAGHAN:** The premise of the question  
22 is, I think, somewhat unfair insofar as if -- there has  
23 been some reference but no exploration of the issue of the  
24 statutory authority by which police are permitted to do  
25 this.

1                   And there was an amendment in 1997, after  
2                   Christopher's Law that allowed very circumspect evidence --  
3                   no, pardon me, information in the possession of police to  
4                   be passed on and almost none in respect to the  
5                   investigative stage and that -- I just think it's a little  
6                   unfair, given there are legal parameters upon which these  
7                   people were at work that were doing this without having  
8                   that history here and specifically here this witness who  
9                   has given his answer, not dissimilar to what Superintendent  
10                  Skinner said too originally. But it's out of a context.

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

12                  **MR. ENGELMANN:** Sir, the witness gave the  
13                  answer and I thought -- he opened the door so I thought I  
14                  should explore it with him as to why he felt that way. I  
15                  don't think there's anything improper with the question.

16                  **THE COMMISSIONER:** Why would you think that?

17                  **MR. DEROCHIE:** I'm sorry, sir?

18                  **THE COMMISSIONER:** I'll permit you to answer  
19                  the question, which you have probably forgot now.

20                  **MR. DEROCHIE:** Well, the question was would  
21                  I -- would we advise the employer of criminal allegations  
22                  against one of their employees?

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

24                  **MR. DEROCHIE:** The answer is no.

25                  **THE COMMISSIONER:** No, okay. Now let's

1 shift a little bit. Officer Dunlop thought he had an  
2 obligation to report this to the Children's Aid Society?

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

4 **THE COMMISSIONER:** Okay, and technically you  
5 agree -- I mean philosophically you agree with that?

6 **MR. DEROCHIE:** Yes.

7 **THE COMMISSIONER:** That it was a higher  
8 duty, but you questioned how he went about it. I guess my  
9 question is if you don't have a duty to report it to an  
10 employer, would you not have a duty to report to the CAS of  
11 Seguin's -- the allegation against Seguin to protect  
12 children or young people that may still be at risk at the  
13 hands of Mr. Seguin, in the same way that it was done for  
14 Father MacDonald?

15 **MR. DEROCHIE:** My answer again would be, no,  
16 unless we had some very concrete evidence as to the  
17 circumstances involved. I can't answer any better than  
18 that. My understanding was at that time is that we weren't  
19 -- the CAS would not investigate historical allegations of  
20 sexual assault if there was. Their mandate involved  
21 children at risk in the community. Now, in our  
22 interpretation, or at least my interpretation of that was  
23 we had to be able to identify a child in need of  
24 protection.

25 **MR. ENGELMANN:** It's clear though from your

1           conversations with Mr. Abell that he had a broader view of  
2           their role than you did?

3                     **MR. DEROCHIE:** He did and I won't argue with  
4           him.

5                     **MR. ENGELMANN:** Just on the last point, sir,  
6           one of the documents we looked at yesterday had reference  
7           to this as well.

8                     Could you look at Exhibit 301?

9                     **THE COMMISSIONER:** 301, hold on, I think we  
10          need another binder.

11                    **MR. ENGELMANN:** This was a letter that was  
12          in your package, sir?

13                    **MR. DEROCHIE:** Yes.

14                    **MR. ENGELMANN:** Item number 12?

15                    **MR. DEROCHIE:** That's correct.

16                    **MR. ENGELMANN:** And just looking at the  
17          middle paragraph, it says:

18                                "It is evident that Mr. Silmsers  
19                                allegations suggest a very serious  
20                                breach of trust by the alleged  
21                                perpetrator. These concerns can, of  
22                                course, be put to the suspect's  
23                                principles if you deem it appropriate."

24                                Apparently he's writing to Mr. Brunet, or  
25          Staff Sergeant Brunet at that time suggesting that's

1 obviously an option that can be followed.

2 **MR. DEROCHIE:** Yes, and he's, I assume he's  
3 aware that the church knows, the Diocese knows.

4 **MR. ENGELMANN:** What I'm saying, sir, is  
5 this would be an indication that you should if you want to  
6 take it up with the suspect's employer?

7 **MR. DEROCHIE:** Yes, but the suspect's  
8 employer knows of the allegations already. Mr. Seguin's  
9 employer did not know. I see that as being different;  
10 maybe I'm wrong.

11 **MR. ENGELMANN:** All right, well they've  
12 consistently said that they want to know, in fact that's  
13 one of the recommendations they've made.

14 **MR. DEROCHIE:** They did, yes, I heard that.

15 **MR. ENGELMANN:** All right. Was there a  
16 policy then within the department at that time when  
17 criminal complaints were filed never to consult with the  
18 employer?

19 **MR. DEROCHIE:** It certainly wasn't a policy  
20 in place. It was the understanding that we would not do  
21 that, but no policy prohibiting it, no.

22 **MR. ENGELMANN:** Sir, during the course of  
23 your discussion with Mr. Abell, you would have talked about  
24 both of these alleged perpetrators were people who were in  
25 some position of trust, correct, with young persons or

1 young people?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And I'm just looking at page  
4 46 of your notes. He's apparently suggesting to you that  
5 he wants your service to re-open its investigation?

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: And he wants the whole thing  
8 re-investigated, or investigated?

9 MR. DEROCHIE: Yes, yes.

10 MR. ENGELMANN: By that I mean not just  
11 Father Charles MacDonald, but also Ken Seguin?

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And you apparently told him  
14 at the time, according to your notes, that you'd look into  
15 that possibility but in the meantime you would help his  
16 investigation in any way that you could?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: And I just note you say:

19 "We agreed that it was important that  
20 the suspects in this case be identified  
21 to the community and that they answer  
22 for their actions."

23 Those are your notes?

24 MR. DEROCHIE: That's right. That was my  
25 feelings at the time.

1                   **MR. ENGELMANN:** All right, what did you mean  
2 by being identified to the community?

3                   **MR. DEROCHIE:** Through a charge. Let's get  
4 them charged so that we can -- that there can be a  
5 disclosure to the public that this has happened.

6                   As you know, once you lay a criminal charge,  
7 it's a public document. It becomes -- the information  
8 becomes available.

9                   **MR. ENGELMANN:** Yes. Now he's saying to you  
10 apparently during the course of this conversation that he  
11 has some concerns about information disseminating out of  
12 the Cornwall Police Service?

13                   **MR. DEROCHIE:** Yes.

14                   **MR. ENGELMANN:** What was that issue, sir?

15                   **MR. DEROCHIE:** He didn't say specifically  
16 but he was referring that there was information circulating  
17 that could only come from the police. And I just noted to  
18 myself, I don't think I expressed this concern to Mr.  
19 Abell, but I noted to myself the very reason I'm doing this  
20 is because of the amount of information that's going out of  
21 the organization unofficially, not being through the chain  
22 of command.

23                   **MR. ENGELMANN:** You were dealing with one  
24 aspect of that?

25                   **MR. DEROCHIE:** Well, are you referring to

1 the release of the statement to the CAS?

2 MR. ENGELMANN: No. I understood you were  
3 dealing with two things with respect to Mr. Dunlop, or  
4 Constable Dunlop; the actions where he gave some  
5 information to his wife and she took some initiative and  
6 also the statement to the CAS?

7 MR. DEROCHIE: That's correct, yes.

8 MR. ENGELMANN: But this would suggest that  
9 there was other information getting out as well?

10 MR. DEROCHIE: There was other information.  
11 Once this became the gossip within the police service, it  
12 grew from there.

13 MR. ENGELMANN: And I think, and this is  
14 again you thinking out loud, I believe, on page 47, that  
15 fathers in the St. Andrews area talking to their children  
16 about altar boys, sons to see if they had been victimized.

17 MR. DEROCHIE: At least I was.

18 MR. ENGELMANN: Your son had been an altar  
19 boy at the parish?

20 MR. DEROCHIE: That's correct.

21 MR. ENGELMANN: I'll just be a moment, sir.

22 MR. DEROCHIE: M'hm.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: Can you tell us, sir, then,  
25 as a result of meeting with Mr. -- you gathered information

1 from meeting with Mr. Abell?

2 MR. DEROCHIE: Yes, that's correct.

3 MR. ENGELMANN: And did you have further  
4 meetings that day, on November 4<sup>th</sup>, with either Staff  
5 Sergeant Brunet and/or Constable Sebalj?

6 MR. DEROCHIE: Yes, both of those. I met  
7 them together.

8 MR. ENGELMANN: All right. And would this  
9 have been just after you had met with Mr. Abell?

10 MR. DEROCHIE: Yeah, it was very shortly  
11 afterwards.

12 MR. ENGELMANN: All right. And did they  
13 have some new news to report to you?

14 MR. DEROCHIE: Yes. Heidi reported -- or  
15 Constable Sebalj reported to me that she had received a  
16 call from Mr. Silmsner and that he's quite upset; he wanted  
17 to be left alone. He wanted to know how CAS had become --  
18 become aware of him and he wanted to know who the woman was  
19 that was pestering him or bothering him.

20 MR. ENGELMANN: I think he used the term  
21 "crazy woman"?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: According to your note?

24 MR. DEROCHIE: That's his term, yes.

25 MR. ENGELMANN: That's his term, yes.

1                   Yeah, he was, in describing this to the  
2                   constable, presumably he was quite upset?

3                   **MR. DEROCHIE:** He described to Constable  
4                   Sebalj the woman who was trying to contact him as being the  
5                   "crazy woman".

6                   **MR. ENGELMANN:** Did he provide a name to  
7                   her?

8                   **MR. DEROCHIE:** He provided a piece of paper  
9                   to Constable Sebalj that contained the name and telephone  
10                  number of Helen Dunlop.

11                  **MR. ENGELMANN:** Did he appear to know, sir,  
12                  at least in reference to either Ms. Sebalj -- or Constable  
13                  Sebalj or Staff Sergeant Brunet, that this person was the  
14                  spouse of one of your officers?

15                  **MR. DEROCHIE:** No, he did not know that.

16                  **MR. ENGELMANN:** And in this meeting, she  
17                  would have related to you that -- "she" being Constable  
18                  Sebalj -- that Mrs. Dunlop had -- had sought Mr. Silmser  
19                  ou?

20                  **MR. DEROCHIE:** Yes, I believe she told me  
21                  that she had actually travelled to Bourget looking for him  
22                  and he wasn't home, and subsequently she had phoned him.

23                  **MR. ENGELMANN:** As a result of this  
24                  conversation with both Staff Sergeant Brunet and Constable  
25                  Sebalj, did you follow up with Mr. Abell about ---

1                   **MR. DEROCHIE:** Yes, I gave -- I gave Mr.  
2                   Abell a call.

3                   He had just told me that he was going to be  
4                   meeting with Mr. Silmsers shortly and I wanted to make sure  
5                   that he was aware of these developments.

6                   **MR. ENGELMANN:** Now, did Constable Sebalj go  
7                   into any more detail about her call with Mr. Silmsers and  
8                   his apparent -- I don't want to say "state of mind", but  
9                   how he reacted, how he was acting?

10                  **MR. DEROCHIE:** He was -- there was no doubt  
11                  -- I mean, when she was communicating to me that Mr.  
12                  Silmsers was very much put-out by -- by this -- by this  
13                  development, that he did not want to deal with this matter  
14                  any further.

15                  She described him as being volatile.

16                  **MR. ENGELMANN:** Did she give you any further  
17                  explanation about what she meant by "volatile"?

18                  **MR. DEROCHIE:** No.

19                  **MR. ENGELMANN:** And was she concerned about  
20                  -- did she express some concern to you about him as a -- as  
21                  a victim or alleged victim of sexual assault?

22                  **MR. DEROCHIE:** Yes. Yes, she did. I -- she  
23                  was -- she told me that Mr. Silmsers is the victim of a  
24                  sexual assault and he's got to be treated accordingly. He  
25                  has rights and he -- he wasn't comfortable, you know, and

1 she felt that maybe he was going -- he was feeling he was  
2 being re-victimized.

3 **MR. ENGELMANN:** And I'm wondering, sir, at  
4 the bottom of page, page 49 of your notes, it says:

5 "She feels that our instructions from  
6 Silmser are clear."

7 And it refers to items 10.2 and 13, and I  
8 remember item 13 being the note that -- that he writes I  
9 think on September 29<sup>th</sup> at the service, on a piece of paper.

10 Do you know what item 10.2 is -- 10 point 2  
11 -- being referred to there?

12 **MR. DEROCHIE:** I can't recall right now.

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

14 **MR. DEROCHIE:** I don't know what that  
15 document would be.

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

17 Mr. Commissioner, perhaps we should leave it  
18 there. I'm just thinking of going into another area.

19 **THE COMMISSIONER:** No, that's good, thank  
20 you.

21 We'll rise for today and come back on Monday  
22 at 9:30.

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

25 This hearing is adjourned until March 3<sup>rd</sup> at

1 9:30 a.m.

2 --- Upon adjourning at 1:23 p.m./

3 L'audience est ajournée à 13h23

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C E R T I F I C A T I O N

I, Sean Prouse 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, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Sean Prouse, CVR-CM