

**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 246

Held at :

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

Tuesday, June 24 2008

Tenue à:

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

Mardi, le 24 juin 2008

Appearances/Comparutions

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

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
JOSEPH ST. DENIS, Resumed/Sous le même serment	1
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	1
Cross-Examination by/Contre-interrogatoire par Mr. Peter Chisholm	22
Cross-Examination by/Contre-interrogatoire par Mr. Peter Manderville	28
ANTHONY REPA, Sworn/Assermenté	32
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann	34

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1812	(714032) Letter from Joseph St.Denis to John Callaghan - 23 Jan, 98	14
P-1813	(200202) Career Profile	36
P-1814	(740540) Cornwall Police Service Staffing Review Report - Sep, 95	78
P-1815	(122529) Organizational review - Why Embark	109
P-1816	(728527) Letter from Anthony Repa to Supt. L.I. Edgar - 25 Aug, 95	136
P-1817	(730077) CPS News Release - 08 Dec, 95	166
P-1818	(723641) Letter from Tim Smith to Anthony Repa - 21 Mar, 97	180
P-1819	(740426) Internal Correspondence from Insp Trew to Anthony Repa - 20 Nov, 96	194
P-1820	(722559) Bail hearing directive - 22 Nov, 96	196
P-1821	(701470) Letter from Anthony Repa to Tim Smith - 16 Apr, 97	237
P-1822	(728676) Letter from Tim Smith to Anthony Repa - 21 Apr, 97	240

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

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning all.

11 **MR. NEVILLE:** Good morning sir.

12 **THE COMMISSIONER:** Mr. Neville.

13 New faces? Do we have new faces? Oh we
14 have Mr. Wardle who's joined us again. Welcome back.

15 **MR. WARDLE:** Good morning Mr. Commissioner.
16 You may recall Mr. Strawczynski?

17 **THE COMMISSIONER:** Yes, yes. We met before;
18 that's right. Thank you. Good morning all.

19 Okay. Good. Good morning, Mr. Rose.

20 Mr. Neville?

21 **MR. NEVILLE:** Good morning sir.

22 **THE COMMISSIONER:** Good morning.

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

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

25 **NEVILLE:**

1 **MR. NEVILLE:** Good morning, Deputy Chief St.
2 Denis. My name is Michael Neville and I represent Father
3 Charles MacDonald, also the estate of Ken Seguin, his
4 brother Doug Seguin and the Seguin family.

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

6 **MR. NEVILLE:** I expect to only be a very few
7 minutes with you this morning.

8 Could we have the witness, Commissioner, be
9 provided with two exhibits please, 293 which is the Nakic
10 memo of December 9th, sir?

11 **THE COMMISSIONER:** Yeah.

12 **MR. NEVILLE:** And Exhibit 301, this was a
13 late notice and I provided copies including to Madam Clerk,
14 it's the letter by Murray MacDonald, you've seen it so many
15 times, you may have it memorized.

16 **THE COMMISSIONER:** Yeah, sure.

17 **MR. NEVILLE:** Three-zero-one (301), sir, and
18 293. I provided loose copies as well to ---

19 **THE COMMISSIONER:** It's an exhibit we've ---

20 **MR. NEVILLE:** It is, yes.

21 I don't know if the witness has his ---

22 **THE COMMISSIONER:** We're getting there.

23 **MR. NEVILLE:** Oh.

24 **THE COMMISSIONER:** So 292 ---

25 **MR. NEVILLE:** Two-nine-three (293).

1 **THE COMMISSIONER:** Two-nine-three (293).

2 **MR. NEVILLE:** And 301.

3 **THE COMMISSIONER:** Right. Okay.

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

5 **MR. NEVILLE:** Do you have them sir?

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

7 **MR. NEVILLE:** All right. Let's just look
8 briefly then at 293 which is what we've called the Nakic
9 memo about the Silmsers call.

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

11 **MR. NEVILLE:** And in the bottom left corner,
12 that is your writing?

13 **MR. ST. DENIS:** That is.

14 **MR. NEVILLE:** Now, am I correct sir that
15 your practice would have been when a document of relevance
16 or importance such as this reached you, you would make a
17 note on it as you've written here, "Noted." Right?

18 **MR. ST. DENIS:** Yes.

19 **MR. NEVILLE:** And anything relevant you'd
20 thought about the document that you should write on it, in
21 this case that the Chief had assigned the investigation to
22 Sergeant Lortie.

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

24 **MR. NEVILLE:** And it looks like you
25 initialled it and you put a date ---

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

2 **MR. NEVILLE:** --- which happens to
3 correspond to the date of the document itself, December 9th.

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

5 **MR. NEVILLE:** But I take it that's when you
6 saw it and that's why it bears that date.

7 **MR. ST. DENIS:** Yes.

8 **MR. NEVILLE:** All right. So having those
9 answers in mind, could you now look for me at 301?

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

11 Yes, I'm there.

12 **MR. NEVILLE:** All right. And this is the
13 letter we've had considerable evidence about from various
14 witnesses, from Mr. MacDonald; nominally addressed to Staff
15 Sergeant Brunet, dated September 14th, '93. And in the
16 bottom left corner, that is your writing?

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

18 **MR. NEVILLE:** Now, I'll just read it and you
19 follow with me. It says:

20 "Noted and forwarded to Chief Shaver as
21 requested/suggested at morning
22 meeting."

23 Then it's your initials; correct?

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

25 **MR. NEVILLE:** And a date, 16th of September

1 '93.

2 MR. ST. DENIS: That would be reasonably
3 accurate, yes.

4 MR. NEVILLE: Now, if I can flush it out,
5 this appears to suggest -- and tell me if I'm correct --
6 that on the 16th ---

7 MR. ST. DENIS: Yes.

8 MR. NEVILLE: --- there was a morning
9 meeting?

10 MR. ST. DENIS: Yes, it appears that way,
11 yes.

12 MR. NEVILLE: And this letter or its
13 existence if not the actual letter was discussed.

14 MR. ST. DENIS: Yes.

15 MR. NEVILLE: And it would appear that he
16 either -- because the Chief was present for the discussion
17 or somebody thought he ought to be aware of it, a
18 request/suggestion was made that it be forwarded to the
19 Chief.

20 MR. ST. DENIS: I would have -- I did
21 forward that.

22 MR. NEVILLE: Well, that's the next -- you
23 anticipated my next question. You would have in fact
24 forwarded this to Chief Shaver.

25 MR. ST. DENIS: Absolutely.

1 **MR. NEVILLE:** All right. Now physically
2 speaking, where was your office compared to his at that
3 time?

4 **MR. ST. DENIS:** From here, no further away
5 than lawyer Lee.

6 **MR. NEVILLE:** Mr. Lee, so 20-25 feet away.

7 **MR. ST. DENIS:** Yeah, give or take.

8 **MR. NEVILLE:** Okay. So you would have had
9 to walk two to three seconds in your better days and you --
10 you were more mobile ---

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

12 **MR. NEVILLE:** --- to hand it to him
13 literally or put it on his desk.

14 **MR. ST. DENIS:** I could have done it that
15 way.

16 **MR. NEVILLE:** And indeed he may have been
17 have been at the meeting.

18 **MR. ST. DENIS:** I would suggest he probably
19 was, yes, sir.

20 **MR. NEVILLE:** Okay. Is it not fair to say
21 that as of the 16th of September, you, the Chief, anybody at
22 that morning meeting were aware of this letter and what it
23 was about?

24 **MR. ST. DENIS:** Yes, I would have to say so,
25 yes.

1 **MR. NEVILLE:** All right. And you knew and -
2 - of course one of the people who may well have been there
3 would have been Staff Brunet ---

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

5 **MR. NEVILLE:** --- who had supervised the
6 Silmser investigation ---

7 **MR. ST. DENIS:** Yes.

8 **MR. NEVILLE:** --- conducted in the field by
9 Heidi Sebalj.

10 **MR. ST. DENIS:** If he wasn't away, he was at
11 the meeting.

12 **MR. NEVILLE:** Indeed if we look at the
13 bottom right corner, and you can't speak personally to it,
14 it would appear that the Chief then forwarded the document
15 to Brunet.

16 **MR. ST. DENIS:** That is accurate, yes.

17 **MR. NEVILLE:** All right. So when this topic
18 of the Silmser case and what happened to it, vis-à-vis the
19 settlements and the like, came up on the meeting of the
20 28th, some 12 days later, a number of persons in the room
21 including yourself and Chief Shaver would know exactly what
22 had happened.

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

24 **MR. NEVILLE:** Because this letter confirms
25 the Crown's advice.

1 MR. ST. DENIS: Yes.

2 MR. NEVILLE: Thank you.

3 Can we look just for a moment next,
4 Commissioner, for the witness, Exhibits 1810 and 1811?
5 This is correspondence, Commissioner, back and forth
6 between Deputy Chief St. Denis and Chief Repa.

7 THE COMMISSIONER: Eighteen-eleven (1811)
8 and?

9 MR. NEVILLE: Eighteen-ten (1810) and 1811,
10 sir.

11 THE COMMISSIONER: Okay.

12 MR. NEVILLE: They're actually reversed in
13 terms of chronology.

14 THE COMMISSIONER: Okay, good.

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

16 MR. NEVILLE: Well, actually they're not; I
17 apologize, they're not.

18 MR. ST. DENIS: Yes.

19 MR. NEVILLE: So you have 1810 sir?

20 MR. ST. DENIS: Yes, I do.

21 MR. NEVILLE: Now, this is your memo to
22 Chief Repa?

23 MR. ST. DENIS: Yes, it is.

24 MR. NEVILLE: And if you can just confirm by
25 looking in the first paragraph, you had indirect or

1 unofficial recommendation -- information about the possible
2 return to service or duty of Perry Dunlop.

3 MR. ST. DENIS: Yes.

4 MR. NEVILLE: And you can confirm for us,
5 and we've had evidence in any event, that he had been away
6 on medical leave, stress leave, for some three years or so,
7 if not a bit more.

8 MR. ST. DENIS: I forget the timeframe but
9 it was quite extensive, yes.

10 MR. NEVILLE: Yes, we've had evidence that
11 it was mid-January of '94 and now he was coming back.

12 MR. ST. DENIS: Okay.

13 MR. NEVILLE: Right?

14 MR. ST. DENIS: That would be reasonable,
15 yes.

16 MR. NEVILLE: Now, a number of things had
17 happened within the city here and within the police
18 department by the time you write this memo.

19 MR. ST. DENIS: Yes.

20 MR. NEVILLE: One of those things was Mr.
21 Dunlop's lawsuit.

22 MR. ST. DENIS: Yes.

23 MR. NEVILLE: A lawsuit that we'll come to
24 in a minute naming many senior officers and other persons
25 and agencies but also in particular citing you as a

1 defendant.

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

3 **MR. NEVILLE:** Citing you as a conspirator.

4 **MR. ST. DENIS:** As a conspirator, yes.

5 **MR. NEVILLE:** Citing you as someone who, in
6 effect, obstructed justice.

7 **MR. ST. DENIS:** Yes.

8 **MR. NEVILLE:** All right. And he is going to
9 come back on duty and serve under various people, some of
10 whom he was suing.

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

12 **MR. NEVILLE:** Now, can we look at the memo?

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

14 **MR. NEVILLE:** In the third paragraph, you
15 raise a concern that the civil action pleads mental issues
16 and your concern is to how that may impact on his
17 suitability to serve in a regular fashion.

18 **MR. ST. DENIS:** I mention that, yes.

19 **MR. NEVILLE:** Yes. Next paragraph, and I'll
20 read it:

21 "The OPP will be investigating recent
22 serious allegations of threats and
23 further conspiracies, and if Constable
24 Dunlop is involved with the new
25 allegations, and I assume that he is, I

1 have concerns as to how and where he is
2 getting this new information if he is
3 off on stress."

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

5 **MR. NEVILLE:** Now, what you're talking about
6 there is the early stages of the creation of Project Truth?

7 **MR. ST. DENIS:** I believe so.

8 **MR. NEVILLE:** Right. And you seem to have
9 been aware, in order to author that paragraph, that there
10 were alleged threats against Mr. Dunlop and his family.

11 **MR. ST. DENIS:** I was -- I heard that, yes.

12 **MR. NEVILLE:** Okay. And that he or someone
13 on his behalf was alleging various kinds of conspiracies.

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

15 **MR. NEVILLE:** And, of course, this is about
16 four or five months after you've been served with the civil
17 action.

18 **MR. ST. DENIS:** I'm not sure of the
19 timeframe but, yes, I was served, yes.

20 **MR. NEVILLE:** We know from other evidence,
21 the Commissioner does, that the first amended Statement of
22 Claim which was quite lengthy and had quite scandalous
23 things in it, is in November of '96.

24 **MR. ST. DENIS:** I responded to that.

25 **MR. NEVILLE:** Yes, I know you did. We're

1 going to come to some of that just briefly in a minute.

2 So you are questioning here, I take it, how
3 it is if he is on stress for three or four years, he can
4 generate all this activity?

5 MR. ST. DENIS: Yes.

6 MR. NEVILLE: Can we look at the next page?
7 You pose five concerns or questions?

8 MR. ST. DENIS: Yes, sir.

9 MR. NEVILLE: Number two deals with OMPPAC
10 and confidential information, is that because of what had
11 happened with the Silmsers statement getting out of the
12 station?

13 MR. ST. DENIS: Partly, yes.

14 MR. NEVILLE: Okay. And then the last two
15 have to do with the impact of a civil action on his duties
16 and then the problem with the fact in the final point,
17 bullet point five, that he has in fact, among others,
18 accused Murray MacDonald of improprieties, the Crown.

19 MR. ST. DENIS: Yes.

20 MR. NEVILLE: All right. Now, can we look
21 briefly at ---

22 MR. ST. DENIS: I'm not sure, sir, if the
23 right word would be impropriety but he was making
24 insinuations about the Crown, yes.

25 MR. NEVILLE: I agree. I agree, it's in the

1 Statement of Claim and I'm sure the Commissioner will hear
2 more about it, if he hasn't already and Mr. MacDonald, I
3 gather, will testify.

4 Now, just dealing with that point, the fact
5 that you raised with the Chief concern about where the
6 Crown would fit into this, can we look at Exhibit 1485?
7 Thank you.

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

9 **MR. NEVILLE:** Now, the Commissioner has had
10 evidence which you may or may not have followed, Deputy
11 Chief, about Mr. MacDonald sent a letter to the Police
12 Department, concerned about Dunlop's dealings with him
13 personally as the Crown and it led to the creation of this
14 memo by Inspector Trew and you're cc'd on it.

15 **MR. ST. DENIS:** I was aware, probably at a
16 meeting that that ---

17 **MR. NEVILLE:** Right.

18 **MR. ST. DENIS:** --- what you just said is
19 accurate, yeah.

20 **MR. NEVILLE:** So the very thing you had
21 predicted in your memo some months before had in fact come
22 to fruition, leading to this document, Exhibit 1485.

23 **MR. ST. DENIS:** Indirectly I suppose, yes.

24 **MR. NEVILLE:** Right. Now, can we then look
25 briefly at your statement to the OPP. Commissioner, it's

1 Exhibit 1487.

2 MR. ST. DENIS: Yes.

3 MR. NEVILLE: And the witness, Commissioner,
4 to complete some brief questions here we'll require that
5 exhibit, Exhibit 673, which is one of the Statements of
6 Claim of Mr. Dunlop and Document Number 714032, if you and
7 he could have them both; it all goes together, sir.

8 THE COMMISSIONER: Exhibit 1812 is a letter
9 dated January 23rd, 1998, it's marked confidential to Smith,
10 Lyons, Mr. John Callaghan from Deputy Chief St. Denis.

11 --- EXHIBIT NO./PIÈCE No. P-1812:

12 (714032) Letter from Joseph St. Denis to
13 John Callaghan - 23 Jan 98

14 MR. ST. DENIS: Yes.

15 MR. NEVILLE: We'll come to the letter in a
16 moment, Deputy Chief. If we could start with Exhibit 1487

17 ---

18 MR. ST. DENIS: Yes.

19 MR. NEVILLE: --- your OPP interview. And
20 I'd like to use -- and I'll use the numbers in the bottom
21 right corner, Commissioner, if I could.

22 THE COMMISSIONER: Sure.

23 MR. NEVILLE: Page 6, Deputy Chief, of 14.
24 Do you see those numbers in the bottom right corner? It's
25 pretty small print but it's down in the right-hand corner.

1 MR. ST. DENIS: I do now, yes. I'm sorry.

2 Yes.

3 MR. NEVILLE: Have you got it?

4 MR. ST. DENIS: I'm on page 6 now, of 14.

5 MR. NEVILLE: If you look at the bottom ---

6 MR. ST. DENIS: Yeah, that would be an
7 error.

8 MR. NEVILLE: Pardon me?

9 MR. ST. DENIS: There would be an error
10 there.

11 MR. NEVILLE: Where's the error?

12 MR. ST. DENIS: The marriage took place at
13 ---

14 MR. NEVILLE: St. Andrew's.

15 MR. ST. DENIS: --- St. Andrew's.

16 MR. NEVILLE: Right, I was going to just
17 correct that.

18 This is where you were asked by the OPP
19 about what personal connection, knowledge or the like you
20 have or had with Father Charles MacDonald.

21 MR. ST. DENIS: Yes.

22 MR. NEVILLE: And your answer, subject to
23 the correction to St. Andrew's is that you and your wife
24 were invited, I presume, and attended his wedding.

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

1 **MR. NEVILLE:** And you indicate at the
2 bottom, to the top of the next page that Perry Dunlop may
3 have introduced you to Father MacDonald ---

4 **MR. ST. DENIS:** I believe he did.

5 **MR. NEVILLE:** --- in the reception line or
6 something like that.

7 **MR. ST. DENIS:** Yes.

8 **MR. NEVILLE:** And then you go on to confirm
9 that was your only knowledge of Father MacDonald.

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

11 **MR. NEVILLE:** In the next question and
12 answer you're asked about Seguin, Ken Seguin.

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

14 **MR. NEVILLE:** And indicate that you did not
15 know him personally, you simply knew what he did, i.e. that
16 he was a probation officer in the city, in the justice
17 system of which you were a member?

18 **MR. ST. DENIS:** Yes.

19 **MR. NEVILLE:** All right. Now, you're
20 accused in the civil pleadings of Mr. Dunlop of being part
21 of a conspiracy to benefit, among other people, Father
22 Charles MacDonald.

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

24 **MR. NEVILLE:** Someone you basically didn't
25 even know.

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

2 **MR. NEVILLE:** Can we turn to your statement,
3 page 13 of 14.

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

5 **MR. NEVILLE:** And it's sort of the tail-end
6 question by Inspector Hall where he says to you at the
7 bottom of that page, "Any comments you'd like to make?" Do
8 you see that?

9 **MR. ST. DENIS:** Yes, I do.

10 **MR. NEVILLE:** All right, we'll read it
11 together. And it appears that what you're showing them is
12 the Statement of Claim or one of them because here's what
13 it says:

14 "Yes, and I'm going to show it to you,
15 not that it would help."

16 Actually, it might be your letter.

17 "Just going to say basically this is
18 hogwash and I personally, when I wrote
19 to a litigation lawyer in Toronto, it's
20 on record that I wanted this whole
21 matter to come out in public; like
22 maybe a public inquiry would have
23 better served the interests of the
24 community and the Cornwall Police
25 Service at that time because it was

1 innuendo going on about anything and
2 everything, cover-ups and so many other
3 things that are listed in the -- the
4 civil action."

5 **MR. ST. DENIS:** Yes, I stand by that
6 statement.

7 **MR. NEVILLE:** That was my first question.
8 Now, can you look at the next two documents that I've
9 provided to you; one is Exhibit 673 and now Commissioner
10 has designated it as Exhibit 1812 which is, I'm going to
11 suggest, the letter.

12 **MR. ST. DENIS:** Six seventy-three (673) and?

13 **MR. NEVILLE:** Six seventy-three (673) ---

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

15 **MR. NEVILLE:** --- and the new loose exhibit
16 just identified by the Commissioner, 1812. It's your
17 letter to the attention of Mr. Callaghan.

18 **MR. ST. DENIS:** Yes.

19 **MR. NEVILLE:** Now, Exhibit 673, you can see
20 yourself there in the first line as one of the named
21 defendants.

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

23 **MR. NEVILLE:** And the heading of this
24 document is just under the defendant lists; "Fresh amended
25 Statement of Claim."

1 **MR. ST. DENIS:** I see that.

2 **MR. NEVILLE:** All right. Now, if you just
3 look at the letter, it's written on the 23rd of January and
4 we know that this document, Exhibit 673, bears the date of
5 January 15th, it's mistakenly '97; we all know it's '98. So
6 it would appear that in this letter you are paragraph by
7 paragraph, instructing or giving your comments to Mr.
8 Callaghan.

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

10 **THE COMMISSIONER:** Hold on now. You say
11 it's '98, the Statement of Claim?

12 **MR. NEVILLE:** Yes. If you look,
13 Commissioner, and maybe it's an inference I shouldn't draw,
14 if you look at page 10 of it ---

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

16 **MR. NEVILLE:** --- you'll see the date,
17 January 15th, '97.

18 **THE COMMISSIONER:** Right.

19 **MR. NEVILLE:** And the law firm and Mr.
20 Morris as counsel.

21 **THE COMMISSIONER:** Yes.

22 **MR. NEVILLE:** My understanding, and I stand
23 to be corrected, is that he replaced Mr. Bourgeois in the
24 fall of '97. So I suspect that this date is likely -- and
25 I think there's other documents to confirm that this date

1 is in error.

2 THE COMMISSIONER: Okay, well you've
3 highlighted it, yeah.

4 MR. NEVILLE: Yes.

5 MR. ST. DENIS: If I may, I'm not that
6 familiar with 673 but I'm extremely familiar with 1812.

7 MR. NEVILLE: I thought you would be.
8 What you do in this letter is you address
9 the allegations of misconduct and I'm using a very general
10 term ---

11 MR. ST. DENIS: Yes.

12 MR. NEVILLE: --- made against you as part
13 of the so-called conspiracy to benefit Father MacDonald ---

14 MR. ST. DENIS: Yes.

15 MR. NEVILLE: --- by Perry Dunlop and his
16 lawyers.

17 MR. ST. DENIS: Yes.

18 MR. NEVILLE: And you describe these
19 statements in various terms as absurd and the like.

20 MR. ST. DENIS: Yes, sir.

21 MR. NEVILLE: Could you turn to the last
22 page of your letter?

23 MR. ST. DENIS: Yes.

24 MR. NEVILLE: And this somewhat echoes I
25 take it, sir, your closing comments in-chief yesterday as

1 follows:

2 "As one member involved in the amended
3 action, I encourage you not to settle
4 (underlined)."

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

6 **MR. NEVILLE:** "I want my day in court. I
7 have remained most professional since
8 having been served with the initial
9 action during the summer of 1996 and I
10 believe the best way to settle this
11 action is by going public in this small
12 community of Cornwall. My reputation
13 as well as others has been severely
14 damaged both professionally and
15 personally."

16 **MR. ST. DENIS:** I stand by that statement
17 today.

18 **MR. NEVILLE:** And that damage was caused to
19 you by whom?

20 **MR. ST. DENIS:** Unfortunately one of our
21 constables.

22 **MR. NEVILLE:** Thank you. Those are my
23 questions.

24 **THE COMMISSIONER:** Thank you.
25 Mr. Chisholm, good morning.

1 **MR. CHISHOLM:** Good morning, sir.

2 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
3 **CHISHOLM:**

4 **MR. CHISHOLM:** Good morning, Deputy Chief
5 St. Denis.

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

7 **MR. CHISHOLM:** My name is Peter Chisholm.
8 I'm counsel for the local CAS.

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

10 **MR. CHISHOLM:** Just a couple questions
11 dealing with the area involving Jeannette Antoine.

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

13 **MR. CHISHOLM:** You recall attending or
14 having two meetings with respect to Ms. Antoine and having
15 Mr. O'Brien attend those meetings?

16 **MR. ST. DENIS:** Yes. I do remember Mr.
17 O'Brien on two occasions, yes.

18 **MR. CHISHOLM:** Do you recall specifically
19 what was discussed at those two meetings?

20 **MR. ST. DENIS:** No, unfortunately, I don't,
21 other than what may have been written on the memos. That's
22 about all I can say.

23 **MR. CHISHOLM:** Written on the memos by Mr.
24 O'Brien or others?

25 **MR. ST. DENIS:** My own.

1 **MR. CHISHOLM:** Your own. And we don't have
2 those memos -- you have no notes of those meetings?

3 **MR. ST. DENIS:** No.

4 **MR. CHISHOLM:** Is that right?

5 **MR. ST. DENIS:** No.

6 **MR. CHISHOLM:** Okay.

7 **MR. ST. DENIS:** If there would have been
8 something I would have written a piece of correspondence on
9 that to put on the file, but obviously I don't.

10 **MR. CHISHOLM:** Okay. And yesterday you told
11 Ms. Daley that you could not recall whether Mr. O'Brien had
12 a file. Do you recall saying that?

13 **MR. ST. DENIS:** I -- he may have had. If
14 not, he certainly had a lot of information that he was
15 talking about. That's my memory of it.

16 **MR. CHISHOLM:** And if Mr. O'Brien took the
17 position that he gave you and Staff Sergeant Wells the
18 documentation that he had in his possession with respect to
19 the matter, would you disagree with that?

20 **MR. ST. DENIS:** I just missed that. What --
21 -

22 **MR. CHISHOLM:** If Mr. O'Brien were to take
23 the position that he gave to you and to Staff Sergeant
24 Wells all of the documentation relating to the matter,
25 would you ---

1 MR. ST. DENIS: I would not dispute that.

2 MR. CHISHOLM: You would not dispute that?

3 MR. ST. DENIS: No.

4 MR. CHISHOLM: If I could take you please to
5 Exhibit 1769. That's Document 739095.

6 MR. ST. DENIS: Yes, I'm there.

7 MR. CHISHOLM: That's an internal
8 correspondence from you to Staff Sergeant Derochie dated
9 January 11, 1994.

10 MR. ST. DENIS: Oh, I'm sorry. I must be on
11 the wrong -- 1759?

12 MR. CHISHOLM: Sorry, 1769 -- 1-7-6-9.

13 MR. ST. DENIS: Yes, that is my writing and
14 that is also my notes below the -- my signature.

15 MR. CHISHOLM: Okay. And the first
16 paragraph reads:

17 "Mrs. Antoine alleges that a Cornwall
18 Police officer who sat on the
19 Children's Aid Society Board could be
20 involved in a cover-up of allegations
21 she made in 1989 against CAS
22 members."

23 Do you see that?

24 MR. ST. DENIS: Yes, sir.

25 MR. CHISHOLM: And down to the fourth

1 paragraph, you wrote:

2 "I contacted Constable Kevin Malloy who
3 confirms the allegations, but that his
4 investigation and potential charges
5 were not pursued by the Crown
6 Attorney."

7 I'm interested in the first part of that
8 paragraph, that sentence, "I contacted Constable Kevin
9 Malloy who confirms the allegations".

10 What did you mean, sir, when you said --
11 when you wrote "Constable Malloy confirms the allegations"?

12 **MR. ST. DENIS:** I don't know what the exact
13 allegations were but whatever they were I would assume
14 Constable Malloy briefed them to me and ---

15 **MR. CHISHOLM:** I'm sorry, you assume ---

16 **MR. ST. DENIS:** I assume Constable Malloy
17 briefed whatever it was to me.

18 **MR. CHISHOLM:** Okay.

19 **MR. ST. DENIS:** I don't know.

20 **MR. CHISHOLM:** And is this the -- this is
21 the only -- is this the only document we have relating to
22 any briefing that you would have been given by Constable
23 Malloy?

24 **MR. ST. DENIS:** Yes, I would think so.

25 **MR. CHISHOLM:** Okay.

1 **MR. ST. DENIS:** If there's anything else it
2 would have been -- I would have disclosed that to the
3 investigator, Staff Derochie, when he was asked to look
4 into this matter. So if there's anything else pertaining
5 to this particular person, it should be in the report by
6 Staff Sergeant Derochie.

7 **MR. CHISHOLM:** So sitting here today you
8 can't tell us ---

9 **MR. ST. DENIS:** No.

10 **MR. CHISHOLM:** --- what allegations you're
11 referring to?

12 With respect to your knowledge of the steps
13 taken by Constable Malloy with respect to his investigation
14 relating to Ms. Antoine, do you know what steps he took to
15 investigate her allegations?

16 **MR. ST. DENIS:** No, other than perhaps
17 reading after the fact, but to say that I know now like
18 what was said then, no, I don't know.

19 **MR. CHISHOLM:** And meeting after the fact
20 with whom?

21 **MR. ST. DENIS:** Either through the
22 literature I received from briefings or the newspaper or
23 whatever but I -- other than that I don't know.

24 **MR. CHISHOLM:** So you know Constable Malloy
25 spoke with Ms. Antoine?

1 **MR. ST. DENIS:** Yes, I was aware of that.

2 **MR. CHISHOLM:** Do you know if he had taken
3 any other steps with respect to speaking to anyone else?

4 **MR. ST. DENIS:** I don't know about that but
5 I do know that a very, very extensive investigation was
6 conducted by another constable.

7 **MR. CHISHOLM:** That was by Constable Shawn
8 White?

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

10 **MR. CHISHOLM:** And do you -- are you aware
11 of the of the results of that investigation?

12 **MR. ST. DENIS:** I think it didn't come to
13 fruition at all. There were no charges laid to the best of
14 my knowledge.

15 **MR. CHISHOLM:** Thank you, Deputy Chief,
16 those are my questions.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Rose, any questions?

19 **MR. ROSE:** No questions.

20 **MR. CHISHOLM:** Mr. Thompson.

21 **MR. THOMPSON:** No questions, Mr.
22 Commissioner.

23 **THE COMMISSIONER:** Mr. Kozloff?

24 **MR. KOZLOFF:** No questions.

25 **THE COMMISSIONER:** Thank you.

1 And Mr. Carroll's partner, Mr. Wallace?

2 **MR. WALLACE:** None today, thank you.

3 **THE COMMISSIONER:** Thank you.

4 So that brings us down to Cornwall Police,
5 Mr. Manderville. Thank you.

6 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

7 **MANDERVILLE:**

8 **MR. MANDERVILLE:** Good morning, Mr.
9 Commissioner. Good morning Mr. St. Denis.

10 **MR. ST. DENIS:** Good morning.

11 **MR. MANDERVILLE:** I have two brief questions
12 to put to you.

13 Mr. Paul yesterday in his cross-examination
14 asked you about your OPP interview And Mr. Neville, moments
15 ago, looked at it with you or the transcript of it.

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

17 **MR. MANDERVILLE:** Would I be correct in
18 presuming that at that interview you did not have with you
19 -- like the Sergeant Nakic and the Murray MacDonald opinion
20 letter of September 14, '93?

21 **MR. ST. DENIS:** No, I do not believe I had
22 that.

23 **MR. MANDERVILLE:** Rather you were going on
24 your memory at the time?

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

1 **MR. MANDERVILLE:** I'd ask that Mr. St. Denis
2 be shown Exhibit 1419. That's document 728554.

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

4 **MR. MANDERVILLE:** What it should be -- what
5 you should have in front you, Mr. St. Denis, is your memo
6 to Staff Sergeant Brunet of February 19, 1993 in response
7 to his request for more personnel in CIB; correct?

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

9 **MR. MANDERVILLE:** And I want you to read
10 through the bottom paragraph on the first page.

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

12 **MR. MANDERVILLE:** And you outline some
13 personnel issues there and in particular you state:

14 "We have several people off on sick
15 leave, LTD, Workers' Compensation and
16 it is only by their return to work that
17 we may be able to get more relief.
18 Again, these people are off and our
19 wellness committee has yet to be formed
20 in order to facilitate the return of
21 some of these people."

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

23 **MR. MANDERVILLE:** And I take it that the
24 issues you outline there were addressed by Chief Repa
25 during his tenure?

1 **MR. ST. DENIS:** Yes, he did.

2 **MR. MANDERVILLE:** Okay. Thank you very
3 much, Mr. St. Denis.

4 **THE COMMISSIONER:** Thank you.
5 Maître Dumais?

6 **MR. DUMAIS:** I have nothing further, Mr.
7 Commissioner.

8 Thank you, Mr. St. Denis.

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

10 **THE COMMISSIONER:** Mr. St. Denis, I want to
11 thank you on behalf of the community and the Inquiry for
12 coming so often and giving your testimony in a forthright
13 manner.

14 Thank you very much. Best of luck to you,
15 sir.

16 **MR. ST. DENIS:** Thank you. Thank you
17 everyone.

18 **THE COMMISSIONER:** Thank you.

19 **MR. ST. DENIS:** I am dismissed?

20 **THE COMMISSIONER:** You are dismissed, sir.

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

22 **MR. DUMAIS:** Mr. Commissioner, if we can
23 just take five minutes and get the next witness.

24 **THE COMMISSIONER:** I will. Thank you.

25 **MR. DUMAIS:** Thank you.

1 **THE COMMISSIONER:** Thank you.

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

4 This hearing will resume at 10:10.

5 --- Upon recessing at 10:03 a.m./

6 L'audience est suspendue a 10h03

7 --- Upon resuming at 10:09 a.m./

8 L'audience est reprise a 10h09

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

11 This hearing is now resumed. Please be
12 seated. Veuillez vous asseoir.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Engelmann, good morning.

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

17 I was advised by Maître Dumais that he is
18 finished.

19 **THE COMMISSIONER:** He is?

20 **MR. ENGELMANN:** And just wanted a short
21 break for me which was kind of him and -- the witness will
22 be here momentarily.

23 **THE COMMISSIONER:** All right.

24 Perhaps we can discuss a new case law or
25 something.

1 (LAUGHTER/RIRES)

2 MR. ENGELMANN: Or breaking decisions.

3 THE COMMISSIONER: Mr. Wardle can give us a
4 brief summary of his stay ---

5 MR. ENGELMANN: Of the Goudge Inquiry ---

6 THE COMMISSIONER: --- of the Goudge Inquiry
7 and ---

8 MR. ENGELMANN: --- and what else he's been
9 up to.

10 THE COMMISSIONER: Exactly.

11 MR. ENGELMANN: I'm looking forward to
12 catching up with him at a break.

13 I find it interesting when Mr. Manderville
14 was referring to a case yesterday the reference to witness,
15 Mr. Goldberg ---

16 THE COMMISSIONER: Yeah.

17 MR. ENGELMANN: --- in the case involving
18 the Morin Inquiry.

19 Mr. Commissioner, the next witness for the
20 Commission is Anthony Repa. He's just coming forward.

21 THE COMMISSIONER: Thank you.

22 Good morning, sir.

23 Madam Clerk, could you swear in the witness
24 please.

25 --- ANTHONY REPA, Sworn/Assermentée:

1 **THE COMMISSIONER:** Thank you.

2 Good morning, sir.

3 **MR. REPA:** Good morning, Mr. Commissioner.

4 **THE COMMISSIONER:** Have a seat.

5 I don't know if you've been following at all
6 but you have to bring down the microphone so you can speak
7 into it. There's fresh water and fresh glasses. There's a
8 smaller box which is a speaker if you wish to hear a little
9 louder or turn it down a little bit, that will work; it's
10 the right-hand button. It's probably on full volume right
11 now in any event.

12 And so there is a screen so you'll have the
13 option of seeing things on the screen or in hard copy.
14 What I'd ask you to do is wait until the questions are
15 asked completely and give me your best answer. If you
16 don't know that's okay; if you can't remember, that's okay
17 as well.

18 And more importantly, if you don't
19 understand the question I'd like you to stop and we can
20 clear those things up.

21 **MR. REPA:** Yes.

22 **THE COMMISSIONER:** If at any time you need a
23 break or you feel uncomfortable about something just look
24 over and tell me and we'll take care of it.

25 **MR. REPA:** Okay.

1 **THE COMMISSIONER:** Do you have any
2 questions, sir?

3 **MR. REPA:** No, sir. Thank you.

4 **THE COMMISSIONER:** Thank you.

5 **MR. ENGELMANN:** I'll just let you get set
6 up, Mr. Repa.

7 **MR. REPA:** Yeah, I'll just get some water
8 here.

9 **MR. ENGELMANN:** Mr. Commissioner, I'll be
10 starting the witness with just some background questions on
11 his background.

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

13 **MR. ENGELMANN:** And then how he came to be
14 involved with the Cornwall Police Service; a few questions
15 about the organizational structure during his tenure and
16 how that might have evolved, and also ask a few questions
17 about protocols, directives and orders that may have dealt
18 with sexual abuse or sexual assault cases.

19 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
20 **ENGELMANN:**

21 **MR. ENGELMANN:** So welcome to the Inquiry,
22 sir.

23 **MR. REPA:** Thank you.

24 **MR. ENGELMANN:** Good morning.

25 **MR. REPA:** Good morning.

1 **MR. ENGELMANN:** And let's just start with
2 your background. I'm going to lead you through some
3 questions on your background and if I do make some mistakes
4 feel free to correct them.

5 Sir, I understand that you were born and
6 raised in North Bay, Ontario?

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

8 **MR. ENGELMANN:** And that you had a long
9 history in policing ---

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** --- with a number of forces.
12 Prior to that though you had some employment with CNR?

13 **MR. REPA:** Yes.

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

15 **MR. REPA:** Yes.

16 **MR. ENGELMANN:** And that you first would
17 have started in policing, with a job with the Metro Toronto
18 Police Service.

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

20 **MR. ENGELMANN:** And initially as a clerk in
21 their -- was it in their records office?

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** And, sir, that was in
24 approximately when, was it 1964, perhaps?

25 **MR. REPA:** Yes, '64 would be correct.

1 **MR. ENGELMANN:** All right. Sir, just by way
2 of background, you would have prepared or approved a career
3 profile type document.

4 **MR. REPA:** Yes.

5 **MR. ENGELMANN:** Is that fair, that sets out
6 your background in policing and some of the courses that
7 you would have taken?

8 **MR. REPA:** Yes.

9 **MR. ENGELMANN:** Madam Clerk, if the witness
10 could be shown, it's Document Number 200202.

11 **THE COMMISSIONER:** Thank you, yes.

12 Exhibit 1813 is a rank and position document
13 for Chief of Police Anthony Repa.

14 **--- EXHIBIT NO./PIÈCE No. P-1813:**

15 (200202) Career Profile

16 **MR. ENGELMANN:** Sir, this is a document
17 you've seen before?

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** And you would have reviewed
20 it to confirm its accuracy at some point?

21 **MR. REPA:** Yes. Yes, I would have.

22 **MR. ENGELMANN:** And it is relatively
23 accurate?

24 **MR. REPA:** It appears to be, yes.

25 **MR. ENGELMANN:** Yeah, okay. I mean I'm not

1 suggesting that it's everything you've done ---

2 MR. REPA: Yes.

3 MR. ENGELMANN: --- throughout that time but
4 it's the highlights; is that fair?

5 MR. REPA: Yes.

6 MR. ENGELMANN: All right. So, sir, it
7 would appear that almost immediately after the job in the
8 records office you would have been a cadet with the Metro
9 Toronto Police Service?

10 MR. REPA: That's correct.

11 MR. ENGELMANN: And as I understand it, sir,
12 it was a position as a motorcycle cadet; is that correct?

13 MR. REPA: Yes.

14 MR. ENGELMANN: And that was back in 1964 as
15 well?

16 MR. REPA: It would have been '65 and -- the
17 end of '64, '65, '66, yes.

18 MR. ENGELMANN: You would have attended
19 Police College in approximately 1966?

20 MR. REPA: Yes, it was the summer of 1966.

21 MR. ENGELMANN: Okay. And then shortly
22 thereafter, sir, you would have joined the Burlington
23 Police Service?

24 MR. REPA: Yes, I waited till my
25 probationary period was passed and I applied for the Town

1 of Burlington Police; that's correct.

2 MR. ENGELMANN: All right. And I understand
3 that Service later became the Halton Regional Police
4 Service?

5 MR. REPA: That's correct.

6 MR. ENGELMANN: And that was when there was
7 a merger of a number of municipal police forces?

8 MR. REPA: Yes.

9 MR. ENGELMANN: And sir, is it fair to say
10 that you were a constable from approximately 1967 till
11 1977?

12 MR. REPA: Yes.

13 MR. ENGELMANN: And I understand, sir, you
14 were promoted to the rank of sergeant at the Halton Force
15 in approximately 1977?

16 MR. REPA: Yes.

17 MR. ENGELMANN: And you would have continued
18 in that rank until about 1985?

19 MR. REPA: That's correct.

20 MR. ENGELMANN: And, sir, it's my
21 understanding that during those years as a constable and as
22 a sergeant you worked in pretty well every department at
23 the Halton Police Service, save and except the Drug Unit?

24 MR. REPA: That's -- formally assigned, I
25 did drug work but was never -- it was the one unit I was

1 never formally assigned to was the Drug Unit, that's
2 correct.

3 MR. ENGELMANN: So for example you would
4 have done uniform patrol?

5 MR. REPA: Yes.

6 MR. ENGELMANN: You would have been involved
7 in criminal investigations?

8 MR. REPA: Yes, for about 12 years, I
9 believe I was in CIB.

10 MR. ENGELMANN: Were you also involved in a
11 Youth Bureau or something equivalent?

12 MR. REPA: Yes, for about three years. It
13 was called Youth and Family Services originally but it
14 became the Youth Bureau. It was under the old *Juvenile*
15 *Delinquents Act*.

16 MR. ENGELMANN: Fair enough.

17 MR. REPA: Yes.

18 MR. ENGELMANN: And, sir, would there have
19 been a separate Sexual Assault Unit at Halton at that time?

20 MR. REPA: No.

21 MR. ENGELMANN: All right.

22 MR. REPA: No.

23 MR. ENGELMANN: And would you -- where would
24 that work have been done? Would that work have been done
25 in Criminal Investigations?

1 **MR. REPA:** Yes, the CIB would do all -- at
2 that time it was called rape and then there were sexual
3 assaults and whatever, indecent assault, yes.

4 **MR. ENGELMANN:** So the Youth Bureau would
5 have been dealing with juvenile offences only?

6 **MR. REPA:** Yes, just -- anyone under the age
7 of 16.

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

9 **MR. REPA:** And family problems.

10 **MR. ENGELMANN:** Fair enough. And, sir, I
11 understand -- so there would be some interaction with the
12 Children's Aid Society?

13 **MR. REPA:** Oh yes, lots. Yes. Yes.

14 **MR. ENGELMANN:** Sir, from 1985 to 1987 I
15 understand you were assigned to the Intelligence Bureau and
16 that you did some joint taskforce work with the police in
17 Hamilton?

18 **MR. REPA:** Yes, I applied for a position,
19 although it came under the umbrella of the Intelligence
20 Unit, I did not work in Intelligence in Halton, it was a
21 joint forces unit that worked out of a private office tower
22 in Hamilton. It was a nine-person unit and one
23 administrative assistant and it was comprised of the
24 members of the Royal Canadian Mounted Police, Ontario
25 Provincial Police, Hamilton Wentworth Police and Halton;

1 and our mandate was a successful prosecution of Italian
2 organized crime in the Golden Horseshoe.

3 **MR. ENGELMANN:** All right. Sir, after that,
4 from '87 to '89 you were assigned to the Criminal
5 Investigations Bureau.

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** And were you working as a
8 staff sergeant at that point?

9 **MR. REPA:** Yes, I was, in essence, the
10 manager of the office, yes.

11 **MR. ENGELMANN:** So would you have been the
12 officer in charge on your shift for that -- for that unit?

13 **MR. REPA:** Not on the shift, I was the
14 officer in charge for criminal -- it was -- in Halton we
15 had for each -- we had three districts, Burlington,
16 Oakville, and Georgetown and up north and if you were a
17 staff sergeant in charge of Criminal Investigations you
18 were in charge and that was it, you were one person.

19 **MR. ENGELMANN:** All right. Sir, in 1989 you
20 returned to a Uniform Division?

21 **MR. REPA:** As a staff sergeant, yes.

22 **MR. ENGELMANN:** And I understand you were
23 promoted to the inspector level in 1991?

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

25 **MR. ENGELMANN:** And at that time, sir, you

1 were in charge of both Uniform Patrol and Crime Prevention
2 Unit.

3 MR. REPA: Yes.

4 MR. ENGELMANN: Is that correct?

5 MR. REPA: Yes.

6 MR. ENGELMANN: Now that was short term,
7 about six months and then you became the Director of
8 Information Services?

9 MR. REPA: Yes.

10 MR. ENGELMANN: And you were also designated
11 by the Chief of Police as the *Police Service Act*
12 prosecutor?

13 MR. REPA: That's correct.

14 MR. ENGELMANN: And can you tell us what
15 that involved, sir?

16 MR. REPA: Well, I was a prosecutor for --
17 under the *Police Services Act* of Ontario from January of
18 '92 until I retired to come here in August the 1st of '95
19 and basically -- the position of the prosecutor in Halton
20 the Chief is allowed to designate under the *Police Services*
21 *Act*. The position entailed working closely with the
22 Professional Standards Bureau for any public complaints or
23 Chief's complaints that came in.

24 The vast majority of complaints are resolved
25 at the first or second level. The ones that would reach my

1 attention were ones where perhaps the sentence being seeked
2 (sic) by -- the penalty being seeked (sic) by the Chief of
3 Police was being opposed by the lawyers and the constable
4 or the officers being alleged to have committed misconduct,
5 and so it became a matter of negotiating an appropriate
6 settlement to convince the Chief that this was appropriate
7 and the Association that it was appropriate.

8 I also prosecuted -- I think in that time
9 three or four police tribunals, a few appeals to Toronto
10 and one lengthy three-month investigation where two
11 sergeants were assigned to me and it was a very lengthy
12 investigation into two constables, yes.

13 So it was -- that was aside from my duty of
14 being the Director of Information Services.

15 **MR. ENGELMANN:** Right. So let me just
16 understand it because we've heard about Professional
17 Standards Officers here.

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** And, of course, we have some
20 *Police Service Act* charges that were looked at here in a
21 number of circumstances and we'll go to some of them.

22 But from time-to-time, you would actually be
23 involved in the investigation of either a citizen's
24 complaint and/or a chief's complaint?

25 **MR. REPA:** Not the investigation. In -- if

1 it was going to become complicated or if we felt we were
2 going to have a very long Police Act hearing ---

3 **MR. ENGELMANN:** Right.

4 **MR. REPA:** --- it became -- as we do with
5 Crown Attorneys in criminal matters -- it became necessary,
6 if you're building a lengthy case, that the prosecutor
7 who's going to prosecute it should be involved in the
8 process of developing the case to present to a hearing
9 officer and in this one case, it went on for three or four
10 months.

11 **MR. ENGELMANN:** So would your involvement
12 then only, sir, be after a decision was made to refer it to
13 the tribunal? I mean, do you ---

14 **MR. REPA:** No, my involvement ---

15 **MR. ENGELMANN:** --- have an officer ---

16 **MR. REPA:** --- the involvement comes in when
17 the Chief has decided that there is misconduct and he wants
18 it investigated and an action taken.

19 **MR. ENGELMANN:** Okay.

20 **MR. REPA:** And then when the Professional
21 Standards Bureau investigators begin their lengthy
22 investigation, then they would report to me and we'd build
23 the file, and to decide what allegations of misconduct we
24 were going to prefer against the officers.

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

1 **MR. REPA:** So it was a -- it was no use them
2 doing all the work and coming to me and then I'd have to
3 learn three months of investigation. We sort of worked
4 hand-in-glove.

5 **MR. ENGELMANN:** So you would have been
6 involved before the referral?

7 **MR. REPA:** No, after the referral.

8 **MR. ENGELMANN:** After the referral.

9 **MR. REPA:** Yeah.

10 **MR. ENGELMANN:** Okay. And then I believe,
11 sir, you said that you actually did the prosecutions
12 yourself?

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** Okay, they didn't retain
15 counsel ---

16 **MR. REPA:** No.

17 **MR. ENGELMANN:** --- and you would have done
18 them before the tribunal?

19 **MR. REPA:** They retained counsel after I
20 retired and came here. No, I did the prosecutions.

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

22 **MR. REPA:** Yeah.

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

24 And, sir, I understand -- can you just give
25 us a sense, sir, you talked about your other role in the

1 last couple of years, Director of Information Services.

2 MR. REPA: Yes.

3 MR. ENGELMANN: What did that entail?

4 MR. REPA: It was -- I was in charge of --
5 you have to remember Halton encompassed the town -- the
6 City of Burlington, the Town of Oakville, Georgetown,
7 Acton, Milton -- Halton Hills, in other words. As
8 Inspector in charge of administrative services, I was in
9 charge of the radio room communications centre, the records
10 bureau, the court system, the court bureau and the computer
11 services. Yes, that was -- I think that was all four of
12 them, yeah.

13 MR. ENGELMANN: And those different
14 municipalities you named, they had all had separate forces
15 at one point?

16 MR. REPA: Prior to amalgamation ---

17 MR. ENGELMANN: And they were now in this
18 merged force?

19 MR. REPA: --- yes, yes, yeah.

20 MR. ENGELMANN: So there was a fairly large
21 geographic area?

22 MR. REPA: Oh, very large, yes. A large
23 population.

24 MR. ENGELMANN: Yes.

25 Now, sir, I understand that over the course

1 of your career with the Halton Regional Service, you would
2 have taken a number of training courses?

3 MR. REPA: Yes.

4 MR. ENGELMANN: Is that fair?

5 MR. REPA: Yes.

6 MR. ENGELMANN: And were they mostly courses
7 on management and human relations?

8 MR. REPA: Yes, we -- I'll be quite candid,
9 when we had a chief come to us -- his name was W. I. James
10 Harding -- and prior to his arrival, I considered myself
11 just a cop, a detective, and I was going to, you know --
12 and he introduced us to the world of the theories of
13 management.

14 And he instilled in us that you cannot get
15 promoted unless you understand how to manage people and he
16 built it into the promotional system that you had to get
17 points by going to management schools and learning
18 management.

19 And his -- at first, we didn't really know
20 what he was talking about, but as you listened to the man,
21 you realized he was quite correct. You can -- a mechanic
22 is trained to fix a car, but if you make him a supervisor
23 of other mechanics and he doesn't know how to supervise --
24 so we all started going to school and that is the result of
25 all these courses.

1 I remember for about a year or two I was
2 going on Tuesday and Thursday nights and all day Sunday to
3 community colleges studying the theories of management and,
4 yes, it culminated -- I went to the FBI Academy at
5 Quantico, Virginia for three months basically on the same
6 type of course.

7 MR. ENGELMANN: And, sir, is that what we
8 see in -- the Bates pages, by the way, sir, I'm going to
9 give you the last three numbers, top left ---

10 MR. REPA: Yes, okay.

11 MR. ENGELMANN: --- Bates page 698, right at
12 the bottom there's a reference to the FBI National Academy
13 in Virginia.

14 MR. REPA: Yes, I ---

15 MR. ENGELMANN: Is that what you're
16 referring to, sir?

17 MR. REPA: Yes.

18 MR. ENGELMANN: And what did you do there?

19 MR. REPA: At the FBI Academy?

20 MR. ENGELMANN: Yes.

21 MR. REPA: For three months, while it was
22 basically holistic approach to management, they wanted to
23 get across the message that physical fitness was very
24 important to reduce stress, for instance. It was managing
25 of police units. It was -- for instance, they taught us

1 how not to manage a SWAT team or a tactical team; all the
2 mistakes were shown. There was forensic identification,
3 the management of it; how to spot when your photographer or
4 your people at the crime scene are starting to -- it's time
5 to transfer them out.

6 I think the most illuminating course we took
7 is we studied in detail about 15 serial killers and -- and
8 it was that time there was something new coming out. It
9 was the -- how to study a crime scene. The way the body
10 was left or not left, you could tell if the killer lived
11 within three blocks of the body or 300 hundred miles away.
12 It was -- it was a new thing that was coming out. It was a
13 management of a crime scene so it was -- it was more for
14 the level of supervisors and managers how to manage
15 operationally what was going on in the service. It was a
16 very interesting course. I was -- I was humbled and
17 pleased to have been selected to attend the course.

18 **MR. ENGELMANN:** Okay. And, sir, you have
19 many courses listed in your background. Can you tell us
20 just if some of these courses deal specifically with sexual
21 assault-type investigations just from your memory?

22 **MR. REPA:** No. The only courses that would
23 have dealt with sexual assaults would have been at the
24 Ontario Police College in the general criminal
25 investigation courses. There were no -- there were no

1 long-term courses that were specific to sexual assaults.

2 MR. ENGELMANN: Would that have been back at
3 the beginning of your career then, sir?

4 MR. REPA: It would have been in the 70s and
5 80s.

6 MR. ENGELMANN: And were there any courses
7 particularly on the management of sexual-assault
8 investigations that you ---

9 MR. REPA: No, no.

10 MR. ENGELMANN: Okay.

11 MR. REPA: There wwere management courses at
12 the Ontario Police College, but ---

13 MR. ENGELMANN: Yes.

14 MR. REPA: --- it was -- nothing was ever
15 specific to one field of endeavour within the policing
16 community, no.

17 MR. ENGELMANN: Well, you told us, sir, that
18 you had -- I'm just trying to -- it's approximately 28
19 years of service with the Halton Force and its predecessor
20 if I've counted correctly?

21 MR. REPA: Well, yes, I think so. I keep
22 forgetting about the three years in Toronto so it was 31
23 when I left total when I came to Cornwall.

24 MR. ENGELMANN: Fair enough.

25 MR. REPA: I had a total of -- when I

1 retired I was just short of 40 years of police service.

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

3 And, sir, over the course of the time in
4 Halton, you would have had some experience investigating
5 sexual assault or sexual abuse cases?

6 **MR. REPA:** In Halton?

7 **MR. ENGELMANN:** Yes.

8 **MR. REPA:** Oh, yes, definitely. Oh, yes.

9 **MR. ENGELMANN:** And would some of them have
10 been historical reports where individuals would have
11 reported abuse that had happened, oh, a year or more
12 before?

13 **MR. REPA:** Sir, I cannot recall one case
14 that I or any of the officers I worked with ever
15 investigated an historical sexual assault.

16 **MR. ENGELMANN:** Oh, really.

17 **MR. REPA:** They were all current.

18 **MR. ENGELMANN:** They were all current.

19 **MR. REPA:** Fresh, just happened.

20 **MR. ENGELMANN:** They were current reports?

21 **MR. REPA:** I cannot recall -- I tried
22 because after reading all these -- the thousands of pages
23 of binders I've been sent, I tried and I cannot recall one
24 that did not occur -- had just occurred that we got
25 involved in or a day or two before.

1 **MR. ENGELMANN:** All right. So your
2 experience -- and we talked about training, but your
3 experience with sexual assault or sexual abuse was current.
4 In other words, they were current reports where you'd have
5 forensic evidence?

6 **MR. REPA:** Well, the complainants were
7 current ---

8 **MR. ENGELMANN:** Right.

9 **MR. REPA:** --- yes, yes.

10 **MR. ENGELMANN:** Yes, all right. And so no
11 experience either investigating or supervising the
12 investigation of a historical report that you can remember?

13 **MR. REPA:** Well, sir, not to seem trite but
14 other than than an historical sexual assault investigation
15 is more difficult for the officers if it's 10, 20, 30 years
16 old because people move and people die and ideas change but
17 the basic fundamentals of teaching an officer in how you do
18 an investigation, I'm sorry but I really don't see much
19 difference between doing a current investigation or
20 historical sexual assault or historical bank robbery or
21 historical homicide; it's just a matter of gathering
22 evidence to put enough in a Crown brief to present to a
23 Crown to go to court.

24 **MR. ENGELMANN:** Fair enough. Sir, you had
25 experience managing before you came to the Cornwall Police

1 Service?

2 MR. REPA: Yes.

3 MR. ENGELMANN: And would you have had some
4 specific challenges as a manager prior to Cornwall? For
5 example, we know of specific challenges with funding that
6 we've heard about in the late '80s, early '90s. Would you
7 have had some of those challenges when you were involved
8 with the Halton force?

9 MR. REPA: At the rank of inspector, no.

10 MR. ENGELMANN: Right.

11 MR. REPA: And staff sergeant and below, no;
12 it's totally operational. You're not -- that's what the
13 Chief and his Deputy do type -- and the Board does. When I
14 got to the rank of inspector, my fellow Inspectors and
15 senior civilian informed me it was my turn to be President
16 of the Senior Officers' Association for a couple of years,
17 and then we did get involved in bargaining and issues --
18 monetary issues but really nothing that was -- it was by
19 agreement. Things were facilitated and just occurred.
20 There was really no major monetary or financial issues that
21 I can think of.

22 MR. ENGELMANN: All right. Because that was
23 dealt with by others at different levels than you were at?

24 MR. REPA: Yes. Yes. Yes.

25 MR. ENGELMANN: And, sir, when you were a

1 senior officer, were you part of the separate bargaining
2 unit?

3 MR. REPA: Yes.

4 MR. ENGELMANN: Than that of the rank and
5 file?

6 MR. REPA: Yes. The *Police Service Act of*
7 *Ontario* allows for two police associations. One is the
8 Police Association which is the rank of constable, sergeant
9 and staff sergeant.

10 And all civilians -- any other employees,
11 special constables, whatever they are -- come under that.
12 It says that basically -- I'm trying to remember now. It's
13 been awhile since I read the *Police Act*, but it says there
14 may be a Senior Officers' Association. It's not
15 compulsory. The senior officers as they were in Cornwall
16 can be part of -- or any force in Ontario can be part of
17 the Police Association.

18 In the Senior Officers' Association it's the
19 rank of inspector and above but not including the Deputy
20 Chief or the Chief of Police, obviously.

21 MR. ENGELMANN: Right.

22 MR. REPA: And it also includes senior
23 civilian staff, it may include them. For instance anyone
24 in an area of confidentiality, the assistant to the Chief,
25 the H.R. person, the head of finance, anyone -- any

1 civilian that has access to confidential records about the
2 police can be included in the Senior Officers' Association.

3 **MR. ENGELMANN:** All right. Well, when you
4 arrived in Cornwall, there was no separate association for
5 your senior officers?

6 **MR. REPA:** No, sir. All the staff were in
7 the Cornwall Police Association aside from the Deputy Chief
8 and myself. We had contracts with the Board.

9 **MR. ENGELMANN:** All right. And did that
10 change over time during your tenure as Chief?

11 **MR. REPA:** I would have liked to have seen
12 it change but, no, it did not.

13 **MR. ENGELMANN:** All right. So let's talk
14 about your joining the Cornwall Police Service.

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

16 **MR. ENGELMANN:** My understanding is that
17 happened during the summer of 1995.

18 **MR. REPA:** My -- I was officially sworn in
19 on August the 1st, 1995. But I had -- at the request of the
20 Board and Chief Johnston I took two weeks vacation from
21 Halton and I sat with Carl Johnston for two weeks at the
22 end of July, and he wanted to talk to me for a -- and so I
23 did that.

24 **MR. ENGELMANN:** All right. Now is he
25 someone you had known from before?

1 **MR. REPA:** No, never met the man prior to
2 being -- he was present with the Board when they first
3 interviewed me.

4 **MR. ENGELMANN:** All right. So can you give
5 us a sense as to how you became aware of the opening here
6 in Cornwall?

7 **MR. REPA:** Yes. Policing Services sends out
8 what are known as All Chiefs Letters. We get sometimes one
9 a week, sometimes seven a day. And it's just to let us
10 know what's going on in the Province or if there's a policy
11 change.

12 And there was an All Chiefs Letter -- the
13 Chief of Police receives it and then disseminates it
14 throughout the Service. And there was an All Chiefs Letter
15 on my desk saying there was a position in Cornwall, so I
16 applied.

17 **MR. ENGELMANN:** All right. And, sir, did
18 you know anybody working in the Force at the time?

19 **MR. REPA:** In?

20 **MR. ENGELMANN:** Cornwall.

21 **MR. REPA:** No. No, nobody. I didn't -- I
22 had never been to Cornwall in my life.

23 **MR. ENGELMANN:** And what, if anything, did
24 you know about the Cornwall Police Service?

25 **MR. REPA:** The only thing I really knew

1 about Cornwall was what I had seen on the news two or three
2 years earlier that there had been quite a bit of activity
3 relating to the -- pertaining to the smuggling and certain
4 violence that came off of that. Really that's all I knew.

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

6 **MR. REPA:** When I applied.

7 **MR. ENGELMANN:** During the course of the
8 application process or at least certainly before you
9 received the position, did you speak to police officers to
10 find out more information either from Cornwall Police
11 Service, OPP or RCMP?

12 **MR. REPA:** No, I think I made a decision not
13 to call anyone on the Cornwall Police but I did call the
14 Royal Canadian Mounted Police Detachment here.

15 **MR. ENGELMANN:** Yes.

16 **MR. REPA:** And I spoke to, I believe it was
17 a Corporal L. Jenkins because I got to know him later when
18 I came here and I talked to him and -- yes.

19 That was about, I think the only person
20 really, other than looking at the geography and the history
21 of Cornwall on -- in books and that so I could be ready for
22 the interview but no, just Corporal Jenkins I believe.

23 **MR. ENGELMANN:** All right. And did you get
24 a sense from him about some of the issues that the police
25 force was facing here in Cornwall?

1 **MR. REPA:** That the Cornwall Police were
2 facing?

3 **MR. ENGELMANN:** Yeah.

4 **MR. REPA:** The ones that I learned about
5 later, no. No. No, I basically talked to him about -- he
6 was more in tune with the issues to do with the border and
7 the smuggling and the niceties of a local police service
8 interacting with the Mohawk First Nations people.

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

10 **MR. REPA:** And it was quite illuminating.
11 And I -- anything he said to me it didn't detract me from
12 applying. As a matter of fact, it encouraged me, I
13 thought. You know ---

14 **MR. ENGELMANN:** I take it from your last
15 answer that there were things that you only found out about
16 when you actually were installed as Chief?

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** About some of the issues
19 that you were to face?

20 **MR. REPA:** Yes. The two weeks that I spent
21 with Chief Carl Johnston were illuminating, yes.

22 **MR. ENGELMANN:** All right. And can you just
23 give us a sense as to why you say that?

24 **MR. REPA:** Well ---

25 **MR. ENGELMANN:** What were the things that

1 you were discovering?

2 **MR. REPA:** Well, I didn't -- I had -- I
3 heard nothing about -- I didn't know anything about the
4 issues surrounding Constable Perry Dunlop. And then the
5 investigations by Ottawa and the OPP into alleged Cornwall
6 Police involvement with a pedophile ring, whatever.

7 It was just -- I'm just using common terms.

8 **MR. ENGELMANN:** Yes.

9 **MR. REPA:** It was so commonplace. I didn't
10 know anything about the reviews that had been done by
11 Policing Services. And these were the things I found out
12 about.

13 But even in knowing those with the training
14 I had and the people I worked under in Halton, I did not
15 see it as problematic to me. It was something I was going
16 to work on.

17 **MR. ENGELMANN:** Clearly you saw them as
18 potential challenges but you ---

19 **MR. REPA:** Oh, yeah.

20 **MR. ENGELMANN:** --- weren't discouraged
21 because you ---

22 **MR. REPA:** No.

23 **MR. ENGELMANN:** --- took the position.

24 **MR. REPA:** That's right.

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

1 **MR. REPA:** Yeah.

2 **MR. ENGELMANN:** And sir, you were the Chief
3 of Police here in Cornwall for just over eight years. Is
4 that fair?

5 **MR. REPA:** Eight and a half years, yes.

6 **MR. ENGELMANN:** You would have retired in
7 December of 2003?

8 **MR. REPA:** Yes, December 31st, that's
9 correct.

10 **MR. ENGELMANN:** And just to deal with it
11 very briefly, the decision on your retirement was your
12 decision?

13 **MR. REPA:** Yes. In 2002 -- in May or June
14 of -- my contract said that the Board had -- there had to
15 be a decision nine months before my expiry date of my
16 contract.

17 And that would have been September of 2002
18 so I thought to be fair to the Board in May or June I would
19 sort of put them on notice that it was not my intention to
20 renew my contract in August of 2003.

21 And I -- when the Board meeting was over I
22 didn't want to make it official because I was going to do
23 that later but when the meeting stopped I told the Board so
24 it isn't in the minutes, I told them that basically what --
25 I used the phrase, I said it's time for me to ride off into

1 the sunset. I will not be renewing my contract next year.
2 I'm giving you advance warning now.

3 It's not that I wanted to leave policing. I
4 was privileged and thrilled to have been -- I met so many
5 wonderful people and it -- I was allowed to do so many
6 things I could never have done if I hadn't been a police
7 officer.

8 But you realize there's a time, at 40 years
9 it's time to leave, plus my wife had other career
10 aspirations she always wanted to do. As a matter of fact,
11 she moved out a year and a half ahead of me to begin her
12 career and I'd see her on weekends.

13 So it was something I had to do but it was
14 with mixed emotions; I loved being a cop.

15 **MR. ENGELMANN:** And sir, her career
16 aspirations have become your career aspirations?

17 **MR. REPA:** I now work for my wife. I'm a
18 sous-chef at her bed and breakfast.

19 **MR. ENGELMANN:** That's fair enough. So a
20 sous-chef for breakfast anyway.

21 **MR. REPA:** Yeah.

22 **MR. ENGELMANN:** All right. And, sir, your -
23 - if I can use the term your retirement would have been a
24 normal retirement? And by that, there was no difficulty
25 with the Board at the time, there was no extensive

1 negotiation about your leaving?

2 MR. REPA: No, they ---

3 MR. ENGELMANN: You had given them notice
4 and you left in the normal course?

5 MR. REPA: Yeah, I gave them notice and then
6 in August of -- or June or July of 2003 they asked to
7 extend my contract for five or six months 'til the 31st of
8 December until they could hire a new chief, yes.

9 MR. ENGELMANN: And were you involved that
10 process, sir?

11 MR. REPA: Of hiring a new chief?

12 MR. ENGELMANN: Yes.

13 MR. REPA: No. No.

14 MR. ENGELMANN: All right.

15 MR. REPA: No, chiefs rarely are.

16 MR. ENGELMANN: Fair enough.

17 MR. REPA: It's a Board matter.

18 MR. ENGELMANN: But at the time of your
19 retirement, did you have any difficulties with your Board
20 members with respect to your relationship with the Board or
21 was that what you would consider a normal working
22 relationship?

23 MR. REPA: I considered it a normal working
24 relationship.

25 MR. ENGELMANN: Fair enough.

1 **MR. REPA:** There were always issues but not
2 -- I don't think to the point of -- no.

3 **MR. ENGELMANN:** We'd heard about some
4 difficulties one of your predecessors had had with respect
5 to his retirement and that's Mr. Shaver.

6 **MR. REPA:** Oh, former Chief Shaver?

7 **MR. ENGELMANN:** Yes.

8 **MR. REPA:** No, I certainly did not have --
9 no. No, I put them on notice in May or June -- I wish now
10 I had put them on notice officially on the record, it would
11 have same me a little bit of negative publicity down the
12 road but, no, they were told in May or June of 2002 it was
13 time for me to ride off into the sunset and that's the
14 exact term I used.

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

16 Sir, with respect to Chief Shaver, is he
17 someone that you would have spoken to before becoming Chief
18 of Police here in Cornwall?

19 **MR. REPA:** No.

20 **MR. ENGELMANN:** And did you have occasion to
21 speak to him at sometime after you became the Chief?

22 **MR. REPA:** Yes, sir. I don't remember the
23 exact timeframe, two or three months after I became Chief,
24 Chief Shaver came into the office for 10-15 minutes.
25 Basically it was just to welcome me to Cornwall and

1 exchange pleasantries and I thought it was quite courteous
2 and a nice thing for him to do to welcome me to Cornwall,
3 as the former Chief.

4 MR. ENGELMANN: All right.

5 MR. REPA: And that was it.

6 MR. ENGELMANN: Okay.

7 Now, sir, you talked about some of the
8 things that you were briefed on by Acting Chief Johnston --
9 -

10 MR. REPA: Yes.

11 MR. ENGELMANN: --- when you came up here
12 before starting?

13 MR. REPA: Yes.

14 MR. ENGELMANN: And one of the areas would
15 have been in the inspection reports that had been done of
16 the Service?

17 MR. REPA: Yes.

18 MR. ENGELMANN: You were aware of the level
19 three inspection reports that were done, particularly the
20 1993 report?

21 MR. REPA: Yes, I know in fact I saw or read
22 or discussed all of them, there were more than one
23 inspection I believe?

24 MR. ENGELMANN: Yes.

25 MR. REPA: Yes. Yes.

1 **MR. ENGELMANN:** There was a report from
2 1990.

3 **MR. REPA:** Yes.

4 **MR. ENGELMANN:** There was a follow-up in
5 '91.

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** Another one in 1993.

8 **MR. REPA:** Yes.

9 **MR. ENGELMANN:** And was it your
10 understanding that these were routine inspections or that
11 they were more than that?

12 **MR. REPA:** From my experience on the Halton
13 Police and what I had heard -- what you hear throughout
14 Ontario in the policing community, I'd say these were more
15 than routine.

16 **MR. ENGELMANN:** Right.

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** And in fact did you have any
19 similar inspections during your tenure as Chief to those
20 level three inspections that you had prior to your tenure
21 in 1990, '93?

22 **MR. REPA:** No. We had the routine audits
23 and -- where they showed up and left and no, there was
24 never -- there was follow-up -- I believe the two people
25 that wrote -- that did the last inspection, I'm sorry,

1 their names escape me at the moment; it was a male and
2 female.

3 **MR. ENGELMANN:** Yes. In '93?

4 **MR. REPA:** Well, they showed up in -- they
5 attended my Police Service I think twice after I was there,
6 just as a follow-up to ensure that -- and they left happy,
7 they never had any complaints to me or the Board.

8 **MR. ENGELMANN:** All right. Well, maybe we
9 can look at that very briefly. It's Exhibit 1393 and this
10 is the 1993 inspection report by John Kopinak and Hyacinthe
11 Josiah.

12 **MR. REPA:** That's the -- those are the two
13 people that attended my Service after I arrived, yes.

14 This would be interesting. Okay, thank you.

15 **THE COMMISSIONER:** Sir, this document is
16 page -- is paginated at the bottom right-hand corner. When
17 we ask you to go to certain pages ---

18 **MR. REPA:** Yes.

19 **THE COMMISSIONER:** --- look at the bottom
20 right-hand corner.

21 **MR. REPA:** Bottom right-hand corner, okay.
22 Thank you. Thank you, Mr. Commissioner.

23 **THE COMMISSIONER:** Where do you want to go
24 on this?

25 **MR. ENGELMANN:** Sir, I don't really want to

1 get into specifics other than there are some 48
2 recommendations that are set out ---

3 **MR. REPA:** That's correct, yes.

4 **MR. ENGELMANN:** --- in this report. Were
5 you familiar with that?

6 **MR. REPA:** Yes, I had to be because former
7 Chief Johnston -- and I take my hat off to him for doing it
8 because I don't know if I could have done it, but he
9 implemented about -- the vast majority, short of two or
10 three he put -- he did them and there were two or three
11 that were left outstanding. In other words, they now fell
12 onto my plate and -- yes, I was very -- this was on my
13 desk, I glanced through it continually because I knew I had
14 some jobs to do in there.

15 **MR. ENGELMANN:** So he would have implemented
16 about 45 or so of the 48 recommendations to your knowledge?

17 **MR. REPA:** I think that would be fair.

18 **MR. ENGELMANN:** And I think one of the
19 concerns was the removal of an individual from the Board?

20 **MR. REPA:** Yes, which was beyond my control
21 so, yes.

22 **MR. ENGELMANN:** That person was in fact the
23 Mayor at the time?

24 **MR. REPA:** Yes. Ron Martelle, yes.

25 **MR. ENGELMANN:** Right. And there was an

1 issue about hiring a human resource person?

2 MR. REPA: Yes and that -- yes, you're
3 correct, there was.

4 MR. ENGELMANN: So those were -- that was a
5 report you would look at from time-to-time?

6 MR. REPA: Yes, because I was tasked with
7 the -- and eventually did bring aboard the HR position,
8 yes.

9 MR. ENGELMANN: All right.

10 Now, there were morale issues identified in
11 this inspection report. Is that something that would have
12 been a concern for you, sir, moving forward or did you see
13 that concern when you arrived in the summer of '95?

14 MR. REPA: Well, I certainly -- in the two-
15 week briefing with Carl Johnston I certainly read and heard
16 enough about it.

17 My perception and my observations and sense,
18 I didn't really see it and maybe because I'm just new
19 walking in, but I certainly did not see it. I saw -- in
20 every organization of 100-120 people you're going to have a
21 few negative people; that's just the norm. You accept that
22 and you work around them.

23 But I found the majority of staff to be very
24 positive. Most of the changes we did over the next -- the
25 initial few years were recommended and facilitated and

1 implemented by the staff. It was quite fascinating
2 actually.

3 **MR. ENGELMANN:** All right, well we'll talk
4 about some of the ways that happened.

5 **MR. REPA:** Yeah.

6 **MR. ENGELMANN:** Let me ask you this.

7 At the time when you were first hired would
8 you have met with other law enforcement leaders and
9 community agent leaders?

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** For example, you would have
12 met with the local Crown?

13 **MR. REPA:** Oh yes, Mr. Murray MacDonald,
14 yes.

15 **MR. ENGELMANN:** And perhaps some of his
16 assistants?

17 **MR. REPA:** Yup. Yes, I did, sir.

18 **MR. ENGELMANN:** You would have met with
19 other police chiefs or their designates, for example, the
20 Chief of Mohawk Police?

21 **MR. REPA:** Yes. I think that took a little
22 while but, yes, I eventually did meet with him, yes.

23 **MR. ENGELMANN:** Local OPP?

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** Detachment commanders?

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** Would you have met with the
3 head of the Children's Aid Society, Mr. Abell?

4 **MR. REPA:** Yes, I did.

5 **MR. ENGELMANN:** Would you have met with
6 people from Probations and Corrections, sir?

7 **MR. REPA:** I do not recall. No, I did not
8 meet with them; I don't recall that at all.

9 **MR. ENGELMANN:** What about court officials?

10 **MR. REPA:** Court officials?

11 **MR. ENGELMANN:** Court administrator, Justice
12 of the Peace, people of that nature?

13 **MR. REPA:** Over time I was introduced to --
14 I don't recall that I did that the very first day.

15 Now, in fairness, at my swearing-in
16 ceremony, there were several people there and I may have
17 been introduced to them and it was just a blur to me at
18 that time.

19 **MR. ENGELMANN:** Would you have been involved
20 in community agencies and boards where you would meet other
21 people from the community as well?

22 **MR. REPA:** Yes, like the women's shelter and
23 things -- yes, I did. I was taken around and met several
24 people, yes.

25 **MR. ENGELMANN:** Do you recall when you would

1 have first met Richard Abell, approximately?

2 MR. REPA: If I started August the 1st of '95
3 -- I did start on August the 1st of '95, it would have been
4 that month.

5 MR. ENGELMANN: All right. Do you recall
6 either in your first meeting or subsequent meetings whether
7 you would have discussed interaction and/or protocol
8 arrangement between the CAS and the CPS?

9 MR. REPA: I can't remember if our first
10 meeting was just pleasantries or whatever, but I can tell
11 you that I didn't come away with any negative feelings. It
12 was -- everything was working and ---

13 MR. ENGELMANN: Okay. Well, when you would
14 have first met with him you would have been aware of the
15 Silmsen matter ---

16 MR. REPA: Oh yes.

17 MR. ENGELMANN: --- from a couple of years
18 earlier?

19 MR. REPA: Yes. Yes, I would have been.

20 MR. ENGELMANN: And the issue about not
21 reporting to the CAS and how they became aware of that
22 complaint?

23 MR. REPA: Yes.

24 MR. ENGELMANN: All right. And would you
25 have had some discussion with Mr. Abell about reporting and

1 the duty to report?

2 MR. REPA: No. I do not recall discussing
3 any business. I think our meeting was simply pleasantries.

4 MR. ENGELMANN: Sir, you would have been
5 aware that the CAS had conducted its own investigation of
6 that matter, something called Project Blue?

7 MR. REPA: Yes, if I didn't know it previous
8 I found out in the next few months, yes. But I think -- I
9 think in those two weeks with Chief Johnston -- it became a
10 case of information overload.

11 MR. ENGELMANN: Fair enough.

12 MR. REPA: He showed me -- he told me so
13 much that after a while it just ---

14 MR. ENGELMANN: All right. You would have
15 been aware that there was a case pending involving Perry
16 Dunlop ---

17 MR. REPA: Yes.

18 MR. ENGELMANN: --- before the Divisional
19 Court?

20 MR. REPA: Yes.

21 MR. ENGELMANN: And that would have been
22 dealing with a *Police Service Act* complaint and duty to
23 report issues?

24 MR. REPA: Yes.

25 MR. ENGELMANN: All right. Do your recall

1 if Mr. Abell would have expressed any difficulties or any
2 concerns to you about the interaction and interplay between
3 the agencies when you met?

4 **MR. REPA:** No, I do not recall any negative
5 conversation between us at all.

6 **MR. ENGELMANN:** Sir, when you first joined
7 the Force did you have a sense, sir, as to the
8 interpretation that the Service -- your Service, the
9 Cornwall Police Service was putting on the duty to report
10 and whether or not they would report in certain
11 circumstances?

12 **MR. REPA:** I had an understanding of what
13 they did or didn't do prior to my arrival and my training
14 from Halton was you send everything to the CAS, let them
15 sort it out if they want it or not; what they want to do
16 with it. You call and as a matter of fact we were very
17 clear on that in our occurrence reports, that's one thing
18 we checked for, if any child under the age of 16 was
19 involved or if there was a sexual suspect involved.

20 I brought that with me to Cornwall and that
21 was my position; send them everything.

22 **MR. ENGELMANN:** All right, sir, but you
23 hadn't had experience dealing with historical reporting?

24 **MR. REPA:** No.

25 **MR. ENGELMANN:** So a circumstance like

1 Silmsner where an adult would have come forward, complained
2 about alleged sexual abuse when they were a child ---

3 **MR. REPA:** Yes.

4 **MR. ENGELMANN:** --- what about reporting in
5 those circumstances?

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** Did you have a sense that
8 the Service had a protocol or practice?

9 **MR. REPA:** No there was no protocol. I
10 can't -- I can't account for what happened prior to my
11 arrival but when I was there I made it very clear I wanted
12 everything sent to the CAS, let them sort it out; very
13 simple.

14 **MR. ENGELMANN:** All right. So even if it
15 was a historical report and if the alleged perpetrator
16 still had some access to children?

17 **MR. REPA:** That's exactly it. If -- if the
18 person that is alleged to have done this 40 years ago is
19 still alive then he -- well he or she -- he is out there
20 still and there are still children out there, the CAS
21 should at least know.

22 **MR. ENGELMANN:** So that was your policy.
23 Did you make -- did you make that known to your Service?

24 **MR. REPA:** I made it known to -- yes, to
25 Staff Sergeant Brunet. We had a chat about this because I

1 wanted to understand from him what happened, and there was
2 no doubt in my mind he knew that everything goes to the
3 CAS.

4 I mean it's a simple phone call; let them
5 decide.

6 **MR. ENGELMANN:** Did you see any harm in that
7 form of reporting?

8 **MR. REPA:** In what form of reporting?

9 **MR. ENGELMANN:** Well, just always notifying
10 them?

11 **MR. REPA:** No. Heavens no. They have a
12 copy of it and even if they don't act on it three years
13 from now something might come up and they'll join it
14 together. It's like our ViCLAS system or our linkage
15 system, how can you not have enough information on sexual
16 abuse; you can never go overboard on it.

17 **MR. ENGELMANN:** All right. And you would
18 have made that very clear to your officers or at least to
19 the head of your CIB Unit?

20 **MR. REPA:** Yes. Yes.

21 **MR. ENGELMANN:** Sir, when you assumed your
22 role as Chief I assume you would have consulted with your
23 senior management team as to some of the issues that might
24 have been facing the Service?

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** And your senior management
2 team would have included, presumably, your senior officers
3 and staff sergeants?

4 **MR. REPA:** Well, yes. When I first started
5 there the senior management team would have been Deputy
6 Chief Joe St. Denis.

7 **MR. ENGELMANN:** Yes.

8 **MR. REPA:** Inspector Rick Trew, and they
9 were really -- that is what I was accustomed to in Halton
10 as being the senior management team. What became clear in
11 Cornwall, I had to adjust a bit to the fact that now the
12 staff sergeants were now going to be part of the senior
13 management team. And eventually, indirectly, they actually
14 ended up running the Police Service for me over the next
15 several years, so ---

16 **MR. ENGELMANN:** All right. I understand at
17 least some of the issues that would have been raised
18 initially would have been dealing with workload and
19 understaffing?

20 **MR. REPA:** That is correct. When I -- on
21 August the 1st, after I was sworn in the -- Mr. Leo
22 Courville, the Chair of the Board, arranged for myself to
23 attend at Police Headquarters and I met with all of the
24 senior staff, the staff sergeants and whatever and I asked
25 them one question; I said, "What can I do for you? I'm

1 here, I'm new; what can I do for you?" And without every
2 officer without exception said, "We are short of staffing,
3 we need more help." Without exception; I went around --
4 sorry, I apologize for that -- I went around the table and
5 that was the answer. So there was no doubt in my mind they
6 needed staffing.

7 **MR. ENGELMANN:** Presumably there were other
8 issues as well?

9 **MR. REPA:** Yes. Yes, there were.

10 **MR. ENGELMANN:** And as I understand it, as a
11 result of some of the issues that were expressed you would
12 have formed a committee and tasked them to prepare a
13 staffing review report?

14 **MR. REPA:** Yes. I -- the philosophy I
15 brought with me from -- which is a good philosophy, is
16 there three forms of styles and management and the one I
17 chose to go on in the main was participatory management.

18 It's very easy for a Chief just to come in
19 and say do this and do that. It's much better if you have
20 your staff recommend what you want to do anyways in the
21 long run and then they -- they buy into it and this is why
22 -- that's the philosophy of participatory management.

23 So that's why I struck that committee and I
24 was very pleased with the report they presented to me.
25 They identified for me, formally in writing to take to the

1 Board what I perceived were the major issues in the
2 Service.

3 **MR. ENGELMANN:** All right, let's take a look
4 at that then briefly if we can, sir.

5 Madam Clerk, Document Number 740540.

6 Mr. Commissioner, it's a report entitled
7 "Cornwall Police Service Staffing Review Report," dated
8 September 1995.

9 **THE COMMISSIONER:** Thank you.

10 That will be Exhibit Number 1814.

11 **--- EXHIBIT NO./PIÈCE No. P-1814:**

12 (740540) Cornwall Police Service Staffing
13 Review Report - Sep, 95

14 **MR. ENGELMANN:** Yes, it's a bit sensitive so
15 you have to be careful.

16 **MR. REPA:** I'll just make some room here for
17 myself.

18 **MR. ENGELMANN:** Mr. Repa, this would have
19 been something that you would have had people get involved
20 in almost immediately after you started?

21 **MR. REPA:** Yes. If the report's dated
22 September of '95 it must have been -- obviously within
23 August, September, it took place within eight weeks.

24 **MR. ENGELMANN:** Now, there's some reference
25 in the first -- this is a report that goes to the members

1 of the Police Services Board?

2 MR. REPA: Well -- no, this is a report to
3 me from my staff.

4 MR. ENGELMANN: Yes.

5 MR. REPA: And I decided to include it with
6 a covering letter to the members of the Board, to show them
7 -- and to gain their consent and encouragement, backing in
8 the budget and for other things I had to do to cause the
9 change that was asked for.

10 There were issues -- problems pointed out in
11 this report. To address them I had to have the support of
12 the Board because it would involve great deals of budget
13 money and other changes.

14 So I decided to -- the report was so
15 excellent I just put a covering letter on it and took it to
16 the Board so they would understand where I was going over
17 the next few years in these areas.

18 MR. ENGELMANN: All right. So what we're
19 seeing on the first couple of pages, Bates page 967 and
20 968, is in fact your cover letter to the Board enclosing
21 this report?

22 MR. REPA: Yes.

23 MR. ENGELMANN: All right.

24 MR. REPA: That's correct.

25 MR. ENGELMANN: And, sir, if we want to get

1 a sense of the people who were involved on this committee;
2 are they people listed at page 969?

3 MR. REPA: Yes, I must admit it was rather
4 an extensive committee.

5 MR. ENGELMANN: All right.

6 MR. REPA: Yes, those are the people.

7 MR. ENGELMANN: And so they would have
8 included your Deputy Chief, senior officers and also
9 civilian members and rank and file members?

10 MR. REPA: Yes, there were civilian members,
11 yes.

12 MR. ENGELMANN: And there were also some --
13 yes, okay.

14 MR. REPA: And special constables, yes.

15 MR. ENGELMANN: I'm sorry?

16 MR. REPA: And special constables.

17 MR. ENGELMANN: Yes.

18 MR. REPA: The court staff.

19 MR. ENGELMANN: Were you at all involved in
20 the preparation of this report, sir?

21 MR. REPA: No, I don't believe so. I was
22 the chairman of the committee but the acting working of the
23 report, no, it was -- it had -- no.

24 MR. ENGELMANN: I'll just be a moment, sir.
25 But I can -- this particular copy, as we can

1 see from Bates page 968 has some handwriting on it; would
2 that be your handwriting, sir?

3 MR. REPA: Sorry. Yes, that would be my --
4 yes.

5 MR. ENGELMANN: So this might be a draft?
6 Something's finalized ---

7 MR. REPA: Yeah.

8 MR. ENGELMANN: --- thereafter with ---

9 MR. REPA: I'm sure the final letter would
10 have had that included in there. I'm surprised you have
11 the draft and not the ---

12 MR. ENGELMANN: Fair enough.

13 MR. REPA: --- the final letter.

14 MR. ENGELMANN: All right.

15 And sir, this was actually presented to the
16 Board?

17 MR. REPA: Yes.

18 MR. ENGELMANN: And sir, some of the issues
19 that are referred to in the report about areas to perhaps
20 improve upon, if we look at the second page of your letter,
21 it's Bates page 968 ---

22 MR. REPA: Yes.

23 MR. ENGELMANN: --- there appeared to be an
24 issue about some outstanding criminal matters and you'll
25 see in the first paragraph you say:

1 "I made the decision to prepare
2 recommendations for improvement because
3 I found the Cornwall Police Service to
4 be locked into a barely reactive
5 mode..."

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

7 **MR. ENGELMANN:** "...rarely able to operate
8 proactively."

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

10 **MR. ENGELMANN:** "This fact is evidenced by
11 the numerous outstanding criminal
12 matters, many with suspects which have
13 not been investigated."

14 And you've crossed out a couple of
15 references there.

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

17 **MR. ENGELMANN:** So you noticed issues of
18 concern or these were joint issues of concern; is that
19 fair?

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** In the fall of 1995?

22 **MR. REPA:** Yes, I can -- yes, I did.

23 **MR. ENGELMANN:** And these were issues that
24 you thought required immediate attention, sir?

25 **MR. REPA:** Immediate and prolonged

1 attention; the attention it required would take two or
2 three years to facilitate, as I'm sure we'll get to
3 eventually, but...

4 **MR. ENGELMANN:** So this was ---

5 **MR. REPA:** This was a long-term plan and
6 that's why I wanted the involvement of the Board.

7 **MR. ENGELMANN:** And some of the things that
8 you -- some of the suggestions that were made in this
9 report and as I understand it, you were in favour of those
10 suggestions or recommendations from the report?

11 **MR. REPA:** Oh, yes. The report was
12 excellent. It was exactly what I needed to know from my
13 staff to -- to -- I used this report as the foundation for
14 change of the human resources issue within the Service.

15 **MR. ENGELMANN:** And one of the things you
16 talked about doing was increasing civilian members on the
17 Police Force ---

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** --- to free up uniformed
20 members to do police work.

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

22 **MR. ENGELMANN:** For example, if we look at
23 Bates page 975, it's under the caption, "Communications,"
24 one of the suggestions is:

25 "Increasing civilian communications

1 staff in order to free up uniform
2 officers."

3 MR. REPA: Yes, what was happening, sir, by
4 way of explanation, so a uniformed shift would be paraded
5 to go out on patrol for the day, but then, say if there
6 were, I don't know, six officers, one -- one or two would
7 be assigned to be communicators in the radio room, now only
8 four officers go out on the road. By never staffing the
9 communications centre with civilian staff which most other
10 police services were in the mood of -- the transition was
11 occurring in Ontario, you then -- if you deplete the
12 uniform staff, you're depleting the Criminal Investigation
13 Bureau because the CIB normally draws from the uniform
14 staff to fill the gaps. Well, if there's no one -- if
15 they're just in a barely reactionary mode responding to
16 calls, there's no one to put in CIB.

17 MR. ENGELMANN: Right.

18 MR. REPA: That is -- that was the issue.

19 MR. ENGELMANN: Sir, likewise, if we looked
20 at Bates page 983; the same thing with your Court Bureau,
21 you're suggesting the hiring of more special constables.

22 MR. REPA: Yes.

23 MR. ENGELMANN: Again, the same goal in
24 mind.

25 MR. REPA: Yes because they were using the

1 uniform officers when court was alive. The court facility
2 in Cornwall was on the fourth floor of the police building
3 and the security was absent. There was no security in that
4 court building so they would pull uniform officers off the
5 road to escort or guard prisoners or provide security
6 because there were not enough special constables.

7 MR. ENGELMANN: All right.

8 MR. REPA: And again, that depleted the
9 whole service.

10 MR. ENGELMANN: And sir, it would appear as
11 well from the report that there were concerns about people
12 off on sick or disability leave.

13 MR. REPA: That's correct.

14 MR. ENGELMANN: And that those numbers were
15 quite high.

16 MR. REPA: I think given the size of the
17 Service -- there was approximately 100 -- 1,520 people, 123
18 or whatever it was, to me coming from a force of several
19 hundreds of officers and civilian staff, I don't think we
20 ever had a sick list like that with that many people on
21 prolonged sick leave. However, there was one other issue;
22 some of these were not sick, they were Workers'
23 Compensation, injured on duty, and there were also staff at
24 work who had serious injuries that could not fulfill there
25 role as active police officers so it was -- it was sort of

1 across the board.

2 MR. ENGELMANN: So you had some people out
3 of the office altogether ---

4 MR. REPA: Yes.

5 MR. ENGELMANN: --- and then some of the
6 people in the office were on severely modified work.

7 MR. REPA: Yes, but occupying the rank of a
8 police constable, yes.

9 MR. ENGELMANN: So some of that we could see
10 by looking at Bates page 986; is that correct? Where
11 you've got some of your numbers?

12 MR. REPA: Nine eight six (986)?

13 MR. ENGELMANN: Yes.

14 THE COMMISSIONER: Top-left corner.

15 MR. ENGELMANN: I'm sorry, when I'm
16 referring to 986, I'm always ---

17 MR. REPA: Oh, yeah.

18 MR. ENGELMANN: --- yes.

19 MR. REPA: I got it, thank you.

20 MR. ENGELMANN: So for example, you have the
21 staffing numbers:

22 "Current authorized strength, 115;
23 currently staffed at 111."

24 And then under "Sergeants off on WCB/LTD
25 sick leave," you've got, "three; constables off sick leave,

1 one."

2 MR. REPA: Yes.

3 MR. ENGELMANN: "Constables permanently
4 disabled six," et cetera.

5 MR. REPA: Yes, that's -- that's what I was
6 talking about, yes. That is very high.

7 MR. ENGELMANN: Yes, especially for a Force
8 with those numbers.

9 MR. REPA: Yes and that was fuelling the
10 letter I wrote to the Board. This was the catalyst behind
11 the problem of why I wrote that to the Board and that -- as
12 you can see now what I'm doing with the Board, I'm saying,
13 if I can address this, if I can be allowed the freedom to
14 do this, to bring in an HR person to do this and I need the
15 funding to do this and the time, we can fix this and we
16 did.

17 MR. ENGELMANN: So if you flip the page
18 over, sir, to 987, you have some further details about the
19 people off. If I'm not mistaken, the First Class Constable
20 off since January 1994, that would have been Mr. Dunlop; is
21 that correct?

22 MR. REPA: Well, I -- in fairness right now,
23 I wouldn't know whose names to put to these ---

24 MR. ENGELMANN: Okay.

25 MR. REPA: --- these categories. I wouldn't

1 know.

2 MR. ENGELMANN: I wasn't going to ask about
3 any other names ---

4 MR. REPA: No ---

5 MR. ENGELMANN: --- but I believe we know
6 that one.

7 MR. REPA: Yeah.

8 MR. ENGELMANN: And then have some sergeants
9 off and you have some permanently disabled officers and
10 they're set out there so you have over 10 people.

11 MR. REPA: Yes.

12 MR. ENGELMANN: And one of the
13 recommendations, as I understand it, was to replace some of
14 the disabled police officers with new hirings.

15 MR. REPA: Well, it was a very complicated
16 progress. We -- I had to bring an HR person from quite a
17 distance away and a lawyer and because we had insurance
18 companies involved, we had workplace safety involved, we
19 had the Association involved and the only direction I gave
20 was, I didn't want these people -- no matter what we did,
21 they were not to suffer financially.

22 MR. ENGELMANN: M'hm.

23 MR. REPA: We were not to fire them; we were
24 to find a meaningful -- so some were, I think one or two
25 were possibly retired, but on -- with Workers Comp. and

1 insurance involved, I think a few were -- the majority were
2 converted to -- had to give up their rank as police
3 officers and become civilian employees or special
4 constables and so you can see with the legalities of this,
5 it was a long, drawn-out process, but we did it in the end.
6 And so not all were dismissed; they were -- no one was
7 dismissed and I'm told and I'm -- to have to give -- to
8 have to tell police officers they had to give up their
9 badge because they were injured on duty or sick is not a
10 very comfortable thing to do, I don't think. Anyways, it
11 occurred and I was told that none of them suffered
12 financially because of the Workers' Comp. factor that came
13 into it.

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

15 There were a number of complex issues ---

16 **MR. REPA:** Oh, heavens.

17 **MR. ENGELMANN:** --- involved, but there was
18 an issue about staffing as a result of not having certain
19 numbers in active duty.

20 **MR. REPA:** That's right.

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

22 And sir, other issues that were raised in
23 this report include issues raised by the then Crown
24 attorney, Mr. MacDonald, it's my understanding and if you
25 look at Bates page 992 to 994, there's a letter that he

1 would have written to you.

2 MR. REPA: Yes.

3 MR. ENGELMANN: And presumably that letter
4 was written to you immediately upon your becoming Chief.

5 MR. REPA: Well, I started on the 1st of
6 August, the letter is the 3rd of August; I -- it was pretty
7 quick.

8 MR. ENGELMANN: All right.

9 So he wants you to know immediately ---

10 MR. REPA: Yes.

11 MR. ENGELMANN: --- about some of the issues
12 that he sees in the relationship between the local Crown
13 attorney's office and your office.

14 MR. REPA: Yes.

15 MR. ENGELMANN: And in fact, he writes after
16 saying, "there's an attitude of goodwill" et cetera, he
17 says:

18 "Here are some specific problems that
19 need to be addressed."

20 MR. REPA: Yes.

21 MR. ENGELMANN: Is that fair?

22 MR. REPA: Yes, I think, in fairness, I
23 think this was a follow-up to my meeting with him. I
24 believe it may have been a follow-up to my meeting with Mr.
25 Murray MacDonald also.

1 **THE COMMISSIONER:** It says, "This is further
2 to our recent and ongoing discussions".

3 **MR. REPA:** Yes, thank you, yeah.

4 **MR. ENGELMANN:** So you would have met with
5 him right when you started?

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** And he would have followed
8 up that meeting with a letter to you, setting up some
9 specific concerns?

10 **MR. REPA:** Yes, which he -- I'm going to --
11 yes, he probably verbalised to me when we were meeting.

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

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** So let's just look at those
15 briefly, if we can.

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** He sets out, I believe, four
18 concerns there. One:

19 "Police Crown briefs are not arriving
20 in a timely manner."

21 Do you see that?

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** Towards the bottom of the
24 first page.

25 **MR. REPA:** Yes, I got it.

1 **MR. ENGELMANN:** "Telephone or written
2 correspondence between offices have
3 suffered in respect to the timeliness
4 of responses to inquiries from one
5 office to the other."

6 So there are communications issues, clearly.
7 "Crown witness subpoenas are generally
8 not being served in a timely manner."

9 And he talks about some cases that have been
10 dismissed as a result. And he talks about quality control
11 of police briefs and that things are missing?

12 **MR. REPA:** Yes.

13 **MR. ENGELMANN:** Okay. So he's pointing out
14 some fairly serious concerns quite early on in the
15 relationship. Is that fair?

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** And he's talking about
18 getting together to ensure that these problems get fixed
19 quickly?

20 **MR. REPA:** Yes, these problems are -- now
21 there's levels of problems. You can have a small problem
22 and a big problem, and it's called a problem.

23 When I was in charge of the Court Bureau
24 with the Halton Regional Police, the same issues were
25 issues there. Okay?

1 Now, obviously, if they are issues to Mr.
2 MacDonald and if they're a higher problem than a lower
3 problem, if I can say that, then their problems are going
4 to have to be fixed, whether they're small or big. The
5 Crown Attorney has written to the Chief of Police, they
6 must now be addressed.

7 The most significant problem was number
8 four, the quality control of briefs, and he goes on
9 elsewhere in this letter and mentions a court liaison
10 officer. That was my -- other than ensuring that the staff
11 got the Crown briefs over and the Crown briefs were
12 appropriate and complete, the main fix I could see to
13 address all of these issues was appointing a case
14 management officer working right out of the -- right out of
15 the court building, out of the Crown Attorney's office, and
16 that did come to fruition with Mr. Kevin Malloy; I forget
17 the timeframe.

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

19 **MR. REPA:** A lot of these problems
20 dissipated with a case management officer put in place.

21 **MR. ENGELMANN:** And that's one of the things
22 he asked for right here in this letter?

23 **MR. REPA:** I believe ---

24 **MR. ENGELMANN:** If you look at Bates page
25 993, the end of the second paragraph.

1 **MR. REPA:** End of the second paragraph, yes.

2 Yes. His management model, yeah.

3 **MR. ENGELMANN:** "As you know, the case
4 management system..." --

5 All right.

6 **MR. REPA:** It's a good model.

7 **MR. ENGELMANN:** Right. And that's something
8 that was implemented during the course of your tenure?

9 **MR. REPA:** Yes, as a result of realigning
10 the civilians -- or the police officers that were seriously
11 injured, yes.

12 **MR. ENGELMANN:** And, sir, there were some
13 specifics about the Criminal Investigation Bureau in the
14 report, starting at Bates page 006?

15 **MR. REPA:** Zero-zero-six (006).

16 **THE COMMISSIONER:** You might want to
17 consider a break there pretty soon, Mr. Engelmann.

18 **MR. ENGELMANN:** Certainly, sir. This would
19 be a good time if it suits you.

20 **THE COMMISSIONER:** All right. Thank you.
21 Sir, we will take a morning break.

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

24 This hearing will resume at 11:30.

25 --- Upon recessing at 11:13 a.m./

1 L'audience est suspendue à 11h13

2 --- Upon resuming at 11:30 a.m./

3 L'audience est reprise à 11h30

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

6 This hearing is now resumed. Please be
7 seated. Veuillez vous asseoir.

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

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

11 **THE COMMISSIONER:** Chief Repa?

12 Mr. Engelmann?

13 **MR. ENGELMANN:** Thank you, sir.

14 Mr. Repa, I think when we left off before
15 the break we were looking at Exhibit 1814, which is the
16 Cornwall Police Service Staffing Review Report. Do you
17 have it handy, sir?

18 **MR. REPA:** Yes.

19 **MR. ENGELMANN:** All right. And I wanted you
20 to turn to the -- it's on the screen -- the Criminal
21 Investigations Bureau at 006, and it appears ---

22 **MR. REPA:** I'm sorry, when you say 006 ---

23 **MR. ENGELMANN:** Sir, I'm referring to the
24 last three digits of the page on the left ---

25 **THE COMMISSIONER:** The Bates page.

1 **MR. ENGELMANN:** --- on the left top.

2 **THE COMMISSIONER:** So if you look on the
3 left top -- well, actually, we could go by the bottom page.
4 What is the bottom page number, Madam Clerk?

5 **MR. ENGELMANN:** It's page 36 of the report,
6 sir.

7 **THE COMMISSIONER:** Okay. So if you look at
8 the bottom -- we are overwhelmed with numbers here, sir.
9 So don't ---

10 **MR. REPA:** Okay.

11 **THE COMMISSIONER:** So if you look at page
12 36.

13 **MR. REPA:** Yes, I have it.

14 **THE COMMISSIONER:** There you go.

15 **MR. REPA:** I have page 36. Oh, yes, 006,
16 okay.

17 **MR. ENGELMANN:** Right. Mr. Repa, the reason
18 I am referring to that number is for our record, just for
19 consistency purposes. If counsel want to go back and look
20 at it, they can look at it by that Bates page number.

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** And so that's the number I'm
23 always going to give you, and I'm going to be giving you
24 the last three digits. So I just referred to 006; okay?

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** And it appears in the
2 preliminary paragraph they're repeating concerns you,
3 yourself, put into the cover letter to the Board and that
4 is:

5 " That the effects of the shortage of
6 staff upon the Cornwall Police Service
7 and the public it serves are best
8 demonstrated by the numerous
9 outstanding criminal matters which are
10 not being addressed."

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

12 **MR. ENGELMANN:** And that's a note that
13 you've made in your cover note as well, your cover letter?

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

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

16 And what I was particularly interested in
17 looking at was your Youth Branch and, sir, it later changes
18 its name?

19 **MR. REPA:** Yes.

20 **THE COMMISSIONER:** And becomes SACA?

21 **MR. REPA:** Yes. Yes.

22 **MR. ENGELMANN:** Sexual Assault and Child
23 Abuse Unit?

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** All right, but at this

1 point-in-time it's still called the Youth Branch?

2 MR. REPA: I -- yes, sir.

3 MR. ENGELMANN: Okay. And the discussion on
4 that particular part of CIB is at Bates page 008.

5 MR. REPA: Okay.

6 MR. ENGELMANN: And, sir, this refers to
7 some 57 cases. Is that correct?

8 MR. REPA: Yes.

9 MR. ENGELMANN: And these cases are either
10 sexual or physical abuse -- in the main, they're sexual
11 and/or physical abuse of children, although there are some
12 sexual assaults of adults and historical sexual assaults in
13 adults?

14 MR. REPA: Yes.

15 MR. ENGELMANN: And sir, this is -- this
16 type of breakdown -- sexual abuse children under 16;
17 historical sexual abuse children under 16 -- is that
18 something that the Youth Branch and/or the CIB would have
19 kept track of on an annual basis?

20 MR. REPA: You mean upon my arrival?

21 MR. ENGELMANN: Well, we have it here ---

22 MR. REPA: Yes.

23 MR. ENGELMANN: --- in this Staffing Review
24 Report.

25 MR. REPA: Yes.

1 **MR. ENGELMANN:** And I'm wondering, sir, if
2 that's something you would have asked them to keep on an
3 annual basis, that kind of breakdown?

4 **MR. REPA:** No. I don't think -- no, I did
5 not ask them.

6 **MR. ENGELMANN:** All right. Do you know what
7 they did?

8 **MR. REPA:** No, I don't know. I know -- the
9 only stats I would have would be the stats that would be
10 reported monthly to Stats Canada and then I'd report them
11 to the Board.

12 I -- this breakdown, I may have asked for
13 them from time-to-time. It would be always available to
14 me, but to get an actual detailed breakdown by category
15 that each unit is doing, really that's what the managers
16 look after on the Force. It was appropriate for this
17 report, but it's ongoing, day in and day out. It's part of
18 policing.

19 **MR. ENGELMANN:** Now, it refers to the fact
20 that there are two officers working in that unit at the
21 time?

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** And, sir, I don't know if
24 you can recall this, but would they have been Heidi Sebalj
25 and David Bough?

1 **MR. REPA:** That's correct. Yes.

2 **MR. ENGELMANN:** And, sir, there's a
3 reference at Bates page 17, which is page 47 of the report,
4 and again I'm looking towards the bottom of the page, sir.
5 It says:

6 "Very limited proactive work being
7 done."

8 And we've seen that earlier. And then it
9 says:

10 "Sexual assaults..."

11 And it says:

12 "...approximately 57 cases behind.
13 Some are actively being worked on,
14 quite a few on hold."

15 Do you see that?

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** And if we turn back, if you
18 still have your finger on that last page which was 008, it
19 refers to the fact that the branch is working on 57 cases.

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

21 **MR. ENGELMANN:** And my question to you is,
22 does that mean that all 57 cases they're working on are
23 behind?

24 **MR. REPA:** No. That word ---

25 **MR. ENGELMANN:** Okay. Or is that just

1 coincidence that those numbers ---

2 **MR. REPA:** No, that -- no, no, that's a --
3 probably "behind" was not the correct word to include in
4 this report. It says:

5 "Some are actively being worked on and
6 quite a few are on hold."

7 Well, if you go back to page 8 ---

8 **MR. ENGELMANN:** Yes?

9 **MR. REPA:** --- "on hold" would be -- and
10 I've done this myself when I was in the Youth Bureau for
11 three years in Halton. The police and the CAS get involved
12 in an abuse situation, physical whatever, mental, whatever,
13 and the police have -- it's been decided that we will
14 acquiesce to the CAS, it's now their mandate to do this.
15 So you just hold the file -- you don't want to conclude it
16 until the CAS has told you what they're going to do with
17 it.

18 And then you put in our follow-up say if you
19 have contact with this person or family in the future this
20 is what was resolved on the previous incident.

21 So to say that some are being actively
22 worked on and quite a few are on hold is an appropriate
23 statement to make. I would have done that when I was an
24 investigator and working, and it's quite correct. It does
25 not mean there's 57 cases sitting there and they're doing

1 nothing but twiddling their thumbs, no.

2 MR. ENGELMANN: Okay, so the word "behind"
3 is not the best choice of wording there?

4 MR. REPA: I think that was probably -- the
5 document would have been effective without the word
6 "behind" because it shows that -- I'm sure they were a few
7 cases behind where they were scurrying to catch up and not
8 57. Their total -- their total workload was not behind.

9 MR. ENGELMANN: I just saw 57 and 57, and
10 was wondering ---

11 MR. REPA: No, that's ---

12 MR. ENGELMANN: --- whether they were behind
13 on every case?

14 MR. REPA: It's going back to point C on
15 006.

16 MR. ENGELMANN: Yes.

17 MR. REPA: Where the CIB -- the outstanding
18 criminal matters, sir, that is not peculiar to the Cornwall
19 Police Service back then. I can say that in my experience
20 for -- the number of years I was in CIB in Halton and then
21 the manager of the Unit, we had numerous outstanding
22 criminal matters.

23 How it works is the police categorize their
24 complaints. Once it comes to the Criminal Investigation
25 Bureau you have complaints against persons and complaints

1 against property; persons take the priority, obviously.
2 Property, frauds, break and enters, houses, industry,
3 thefts from autos becomes secondary.

4 Myself, when I was assigning work, just like
5 Staff Sergeant Brunet was doing -- let's take break and
6 enters and from theft from autos, they are probably the
7 most numerous complaint police services put up with.

8 And basically my staff in CIB and my
9 detectives were so busy and when I was working in it, we
10 were so busy that break and enters, we felt, our belief was
11 the victim of a house break and enter at least deserved the
12 courtesy of a phone call back from the police, a contact.
13 Call me if anything else is missing and then we just filed
14 them, basically.

15 Unless there was a named suspect or ident
16 came up with a fingerprint we filed hundreds and hundreds
17 of reports that we could do no work on which, had we been
18 able to work on then, we might have surfaced some suspects.

19 So what you did was to get over that, other
20 than the summer months when you just didn't have the staff,
21 even in Halton I'm talking about, you would put together a
22 proactive squad; you'd pull a bunch of constables off the
23 road, put them in old clothes and say "Here's your pile of
24 B and E's go out and do it" and hopefully they would
25 resolve the issue.

1 Cornwall was in the same situation as Halton
2 was. The only luxury I had over Cornwall was from
3 September to June I could pull staff in off the road and
4 say go do this.

5 MR. ENGELMANN: All right.

6 MR. REPA: Cornwall couldn't because they
7 didn't have the staff to do it. It's not that they -- so
8 when I say numerous outstanding criminal matters, they
9 didn't have the luxury that I had to get together an old
10 clothes team to go out and try to impact on these reports.

11 MR. ENGELMANN: Well, sir, the issue --
12 let's just -- the issue in Cornwall and the issue with
13 sexual assault was a serious issue, getting these cases
14 investigated in a timely manner; correct?

15 MR. REPA: All sexual assaults are serious
16 and should be done in a timely manner, yes.

17 MR. ENGELMANN: Right. And my understanding
18 is because of some of the concerns expressed here and also
19 the fact that very limited proactive work -- 57 cases, not
20 sure how many are active, how many are on hold -- did you
21 take some steps, sir, to assign some additional officers
22 almost immediately to assist Officer Sebalj and Bough to
23 address some of this work?

24 MR. REPA: No, for the reasons, sir, that I
25 just stated; there was no one to pull to assign them.

1 Everyone one wanting at that time. It took -- to go from
2 two sexual assault officers to four or five actually is
3 what it came out to, meant first we had to go through the
4 lengthy process of reclassifying all of the sick and
5 injured people and taking -- and hiring more special
6 constables and civilian communicators.

7 **MR. ENGELMANN:** Well I understood, sir, that
8 at this point in time at least your officer in charge of
9 CIB, Staff Sergeant Brunet is -- he's told us there was a
10 backlog at this time.

11 **MR. REPA:** Okay.

12 **MR. ENGELMANN:** And my understanding was
13 that as a result there were some officers who were assigned
14 on a temporary basis to assist, and that was in 1996 and
15 those officers would have been named Desrosiers and Hanton.

16 **MR. REPA:** Okay, that's an operational
17 issue, that's fine.

18 **MR. ENGELMANN:** Oh, okay, so you don't have
19 any recollection of that today?

20 **MR. REPA:** I don't -- I was probably aware
21 of it at the time, they may have briefed me on it but
22 that's what you pay managers and supervisors to do; to
23 staff and appropriately address the exigencies but would I
24 have been personally involved in it; I can't recall. I may
25 have been but I don't recall.

1 **MR. ENGELMANN:** You had just mentioned
2 though that you didn't think that this was something
3 possible in Cornwall. It's my understanding at least in
4 1995, early '96 these two officers were temporarily
5 assigned to help clear up a backlog in the Youth Bureau,
6 for about four months.

7 **MR. REPA:** I accept -- I accept you saying
8 that, yes. That's fine.

9 **MR. ENGELMANN:** Sir, do you know if during
10 your tenure, particularly -- we've heard some evidence,
11 sir, that there was also a problem with CPS officers
12 leaving the Force to go over to the OPP.

13 **MR. REPA:** What timeframe was this you're
14 talking about?

15 **MR. ENGELMANN:** Sir, it's certainly during
16 your tenure, the mid- to late '90s.

17 **MR. REPA:** Okay, yes.

18 **MR. ENGELMANN:** Was that another issue that
19 you had to address as well?

20 **MR. REPA:** Well the only issue I had to
21 address was to hire their replacements, really. It wasn't
22 just OPP, it was also -- I think some went to the Ottawa
23 Police but we took in staff from the OPP, the RCMP, it was
24 -- the Toronto Police.

25 **THE COMMISSIONER:** We heard there was grass

1 cutting on both sides, yesterday.

2 **MR. ENGELMANN:** Yeah, well my understanding,
3 because I wasn't here but the Deputy -- former Deputy Chief
4 who testified about this said that certainly during his
5 tenure there were officers who were transferring over to
6 the OPP and that was an issue.

7 **MR. REPA:** And we had OPP -- at least one
8 and one RCMP officer come to us.

9 I think, sir, what happened was -- that's an
10 interesting question. You'd never want to look at the
11 Metropolitan Toronto Police exit numbers to go into other
12 forces; it was astronomically high.

13 What happened was policing when I started
14 and previous to my starting you sort of -- you joined for
15 life; you joined one service and that was it; you were sort
16 of -- became it and you wore that flash and that was it.

17 As in most occupations now with people
18 becoming much more educated and salaries going up and
19 whatever, policing, as in many other professions became
20 transitory.

21 If you got your certificate and you were
22 experienced, anyone will hire you and so you can go and do
23 what you want to do. Some of those officers that left
24 while I was Chief of Police, young constables, had the
25 courtesy to knock on the door and say "Chief, I'm going to

1 explain to you why I'm leaving."

2 And I remember one officer was -- it was to
3 do with his wife worked in Ottawa and they're in Cornwall
4 so he wanted to move halfway and be closer to that.

5 One officer, his explanation was, "I want to
6 work street clothes, old clothes, plainclothes on the
7 streets. You'll never have that unit in a small town like
8 Cornwall; they have it in Ottawa, that's why I want to go
9 there."

10 Not all of the officers gave me the
11 explanation for leaving but a number did and I was
12 satisfied; they were going for their own reasons as they
13 saw their career growth and development. The same way I
14 left Toronto to go to the Town of Burlington.

15 I'm from North Bay, big city policing was
16 not -- it was a wonderful place to learn how to be a police
17 officer; the training in Toronto was excellent. However,
18 I'm a small town boy, I went back to the Town of
19 Burlington. Unfortunately, Toronto followed me there.

20 **THE COMMISSIONER:** All right.

21 **MR. ENGELMANN:** So just getting back to your
22 staffing review then and some of these issues that required
23 a response, perhaps an immediate response.

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** My understanding was, at

1 least for the longer term, you wanted to undertake a full
2 organizational review?

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

4 **MR. ENGELMANN:** All right. And, sir, I
5 understand that you started some work on that basis fairly
6 early on in your tenure and I just want to refer you to a
7 document; it's Document Number -- Madam Clerk, Document
8 Number 122529 and it almost looks, sir, like it might be a
9 PowerPoint-type or overhead-type presentation.

10 **MR. REPA:** Yes.

11 **THE COMMISSIONER:** Thank you.

12 Exhibit 1815 is a document entitled "Why
13 Embark on a Formal Review of our Organization"; no date.

14 **--- EXHIBIT NO./PIÈCE No.P-1815:**

15 (122529) Organizational review - Why Embark

16 **MR. ENGELMANN:** Mr. Repa, is this a document
17 that you have some familiarity with?

18 **MR. REPA:** Yes, I -- I can just look through
19 it.

20 Yes, I prepared this, this is my document, I
21 am responsible for the writings on this. This was an
22 overhead, you know in old days you placed it on a little
23 light and it projected onto a screen?

24 **MR. ENGELMANN:** Yes.

25 **MR. REPA:** Yes, well that's what that is.

1 **MR. ENGELMANN:** So these would have been the
2 slides for the overhead, just the photocopier paper
3 version?

4 **MR. REPA:** Yes.

5 **MR. ENGELMANN:** All right. And can you give
6 us a sense, sir, as to approximately when you would have
7 done this work?

8 **MR. REPA:** It would have been ---

9 **THE COMMISSIONER:** Well, it says November
10 1993.

11 **MR. REPA:** No, it ---

12 **THE COMMISSIONER:** No, that wouldn't be
13 that.

14 **MR. REPA:** No, it has to be -- it probably
15 was '96 -- '96, early '97, somewhere in there. I'm
16 guessing 1996.

17 **MR. ENGELMANN:** All right. And presumably
18 this was for presentation to the Board?

19 **MR. REPA:** No.

20 **MR. ENGELMANN:** Okay.

21 **MR. REPA:** This was -- if you wish me to
22 explain it I can do it.

23 **MR. ENGELMANN:** Yes, please.

24 **MR. REPA:** It takes a few minutes but --
25 okay.

1 After the staffing review report and I had
2 that rolling, we had Mrs. Sue Currie coming in from north
3 of Burlington; she was a human resources person and we
4 began moving in that direction. I began moving on the
5 housing issue of our police station.

6 I had gone through, in Halton, an
7 organizational review and it was all encompassing and
8 comprehensive.

9 This presentation was to each and every
10 member of the Cornwall Police Service; police staff,
11 civilians, special constables, caretakers, everyone, and it
12 was -- with shift work and that it was a presentation I had
13 to present about, oh, 12 or 14 times to accommodate all the
14 people on shift work.

15 And what I was explaining to them that we
16 were going to undergo a formal organizational review but
17 that they were all going to do it for me. And for instance
18 I was going to put -- for detectives, it wasn't just going
19 to be the detectives in that team telling me how we should
20 reorganize the detective office, we were going to put a
21 civilian clerk on there from the records bureau. We were
22 going to put a caretaker, a janitor on the uniform patrol
23 team.

24 It was going to be all mixed up so we got
25 fresh thinking, not just detectives telling us how to run a

1 detective office.

2 **MR. ENGELMANN:** This is part of your
3 participatory team model that you talked about?

4 **MR. REPA:** Yes. Yes.

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

6 **MR. REPA:** And I must say, it worked well in
7 Halton; it really came up with new invigorating ideas that
8 we didn't even recognize the place when we were finished.

9 But anyways, getting back to Cornwall, so I
10 broke up the -- I assigned the people their teams and who
11 they were to work with and I told them they would -- it's
12 all in here actually if -- you know, they would be given
13 the time on duty to meet. They were to meet offsite, don't
14 meet in the police station because you get interrupted,
15 taking phone calls, go meet at your house, go meet
16 anywhere, we rented TCTI and all these places and then they
17 were to come up with new ideas.

18 Basically I said to them, "I want you to
19 tell me how to run this police force. What's the best way
20 to do this, staying with the parameters of the *Police*
21 *Services Act* and the framework of the law, how can we run
22 this place better, I want your ideas."

23 And we had a big meeting at TCTI for a whole
24 day and I know you want to get into the specific of the
25 line but to tell you what happened, at the end of it the

1 team leaders came to me and said, "Chief, this just isn't
2 going to fly, it's not going to work. It's a good idea but
3 we're not ready to do it right now."

4 And I must admit, I realize in the very
5 polite and respectful presentation they made to me that I
6 had stepped in too soon with this. This is something I
7 should have done three or four years after we had resolved
8 the staffing issues, after we resolved the housing issues.
9 Because I realized why it worked in Halton was we didn't
10 have staffing issues really, we didn't have housing issues;
11 so it was very comfortable.

12 They had other things, other problems on
13 their plate so I -- I disbanded the organizational review
14 and what I decided to do was forge ahead with the spirit of
15 it on a smaller scales; like involving smaller teams.

16 And in the end we achieved the same goal but
17 not through a massive organizational review.

18 **MR. ENGELMANN:** All right, well I just
19 wanted to ask you whether or not you did the full scale
20 review.

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** And I take it from what you
23 just said the answer is no; you thought it was a bit too
24 much, too soon.

25 **MR. REPA:** Well, they came to me ---

1 MR. ENGELMANN: And told you that.

2 MR. REPA: --- and said they'd rather step
3 down.

4 MR. ENGELMANN: Right.

5 MR. REPA: Yes.

6 MR. ENGELMANN: And what you would have done
7 then is implemented it in sub-units, if I could call it
8 that ---

9 MR. REPA: That's right.

10 MR. ENGELMANN: --- of your Force?

11 MR. REPA: And I -- each department leader
12 has a budget -- they had more say in the budget input in
13 that, so we just did it -- I went about it a different way
14 that's all, on a smaller scale.

15 MR. ENGELMANN: And would this have rolled
16 out over several years, Mr. Repa, then?

17 MR. REPA: The team, the participatory ---

18 MR. ENGELMANN: The fact that you were
19 looking at different units and doing reviews at different
20 units at the time?

21 MR. REPA: Oh yeah, it went on until the day
22 I retired.

23 MR. ENGELMANN: I'm sorry

24 MR. REPA: It went on till the day I
25 retired. You're continually upgrading and getting better.

1 **MR. ENGELMANN:** All right. And the use of
2 these different teams, was this participatory management
3 model ---

4 **MR. REPA:** Yes.

5 **MR. ENGELMANN:** --- that you had used in
6 Halton?

7 **MR. REPA:** Yes.

8 **MR. ENGELMANN:** All right. And we've heard
9 about the Halton model, we saw that in a couple of the
10 inspection reports that we dealt with, is that the same
11 model?

12 **MR. REPA:** No, that -- you had to work under
13 Jim Harding. There were several -- several models under
14 this man.

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

16 **MR. REPA:** And the one that I read, if
17 you're referring to the Halton model that was brought to
18 Cornwall, it is one form of participatory management but it
19 is not what is on this paper, no.

20 **MR. ENGELMANN:** All right. Now -- so you
21 got -- you got feedback from various teams within the Force
22 and as I understand it, would have made changes in various
23 units or sections of the Force over the full course of your
24 tenure?

25 **MR. REPA:** That's right.

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

2 **MR. REPA:** Like there weren't -- some teams
3 weren't -- you would set a team up for a specific issue and
4 once the issue was resolved the team didn't have to be
5 together anymore.

6 **MR. ENGELMANN:** Fair enough.

7 **MR. REPA:** But there were budget teams,
8 there were teams that were ongoing all the time, yes.

9 **MR. ENGELMANN:** Now, in your model, the
10 larger organization or review model that we're talking
11 about, 1815, on the last page, you have a bit of a flow
12 chart; correct, sir?

13 **THE COMMISSIONER:** Yes, he does. Sorry.
14 We're going to blow it up on the screen if
15 you ---

16 **MR. REPA:** Oh yes, okay.

17 **MR. ENGELMANN:** It will be a little easier
18 to read.

19 **MR. REPA:** Okay.

20 **MR. ENGELMANN:** And you had envisioned a
21 fellow by the name of Blake Paquin being a coordinator of
22 this review?

23 **MR. REPA:** Yes. Yes, that's what that is,
24 yes.

25 **MR. ENGELMANN:** All right. And I understand

1 that, sir, even though you didn't do the full scale review
2 he ended up becoming your media relations person or he was
3 your media relations person?

4 **MR. REPA:** He became a very good media
5 relations person, yes.

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

7 **MR. REPA:** He had formally been a police
8 constable.

9 **MR. ENGELMANN:** Right. And we've heard, at
10 least before his time that you had officials working both
11 as -- or CPS did, as both the Professional Standards
12 officer and the Media Relations officer?

13 **MR. REPA:** When I was hired on August the
14 1st, that was the -- that was the -- what was going on, yes.

15 Staff Sergeant Brendon Wells was both the
16 Media Relations and Professional Standards officer.

17 **MR. ENGELMANN:** And why did you change that,
18 sir, and have different people performing those two
19 different functions?

20 **MR. REPA:** Just natural growth and we had a
21 promotional process and Staff Sergeant Wells became an
22 inspector.

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

24 **MR. REPA:** And it just -- it just all came
25 together and it was best to have the -- in my view, for the

1 Cornwall Police Service we had the best of both worlds. I
2 had a civilian Media Relations officer who had a lengthy
3 experience as a police officer.

4 MR. ENGELMANN: And this was Blake Paquin?

5 MR. REPA: Yes.

6 MR. ENGELMANN: All right. And you
7 presumably thought at that time it was important to have
8 someone doing that role full time?

9 MR. REPA: Oh, not only important, sir, when
10 I first arrived there -- I think even before Blake became -
11 - occupied the position he did, I invited all of the media
12 in in Eastern Ontario, Cornwall, the area, radio, cable,
13 newspapers and I said to them, "I'm going to write a media
14 relations policy; what do you want to see in it?" And they
15 gave me their thoughts as to what should be in that media
16 relations order -- policy, order and there was one follow-
17 up meeting I believe and then I drafted the order based on
18 their input; as to what they wanted.

19 That changed and got better when Blake took
20 over. I'll give you one quick example. Blake said to me
21 "Chief I'm working 8 to 4 every day; the media need the
22 news by 7:00 a.m. to get their sound bites to the people
23 having breakfast at home."

24 So he started working 7 to 3. We did
25 whatever we could do, within reason, to accommodate the

1 media.

2 **MR. ENGELMANN:** All right, so it was
3 important for you as the Chief and for your Service to have
4 a good profile in the community through the media?

5 **MR. REPA:** Not only that, I wanted the
6 public to see us as being a very transparent police
7 service. The media are the only conduit through which the
8 police can communicate with the public.

9 **MR. ENGELMANN:** Right. And you were aware,
10 sir, of some of the issues from the past with respect to
11 the possible reputation and the portrayal of the Police
12 Force in the media?

13 **MR. REPA:** I was aware of it once I arrived
14 here, yes.

15 **MR. ENGELMANN:** Yes. And it was important
16 for you to address those issues and therefore to be
17 transparent? Is that what you're saying?

18 **MR. REPA:** Well, as I learned, I was not
19 able to address those issues through the media. That was
20 over the years but the transparency was that I'm a believer
21 in the saying that the police are the public and the public
22 are the police.

23 They have a right to know what we're doing,
24 what we can legally tell them. And I just wanted it to be
25 a constant flow of information going to the citizens of

1 Cornwall as was my training in Halton.

2 That's where I learned the importance of
3 good media relations.

4 **MR. ENGELMANN:** All right. Sir, I want to
5 talk to you a little bit about protocols or policies if I
6 can for a minute.

7 And I understand that during your tenure
8 sometime in the year 1998, you would have promulgated or
9 had put in force a directive dealing with sexual assault.
10 Do you have some recollection of that?

11 It is in -- Madam Clerk, it is in the
12 original Exhibit 30, Tab 26. This was in the corporate
13 policy presentation, sirm of the Cornwall Police Service.

14 **MR. REPA:** Thank you.

15 **THE COMMISSIONER:** So I believe it's at Tab
16 26, sir.

17 **MR. ENGELMANN:** It's in Volume 2 of the
18 exhibit sir. It's Exhibit 30.

19 **MR. REPA:** Yes, I have it. Directive Number
20 114.

21 **MR. ENGELMANN:** Yes.

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** Now, sir, do I understand
24 correctly that this was the first, if I can call it,
25 binding directive dealing with sexual assault

1 investigations. You didn't have one in place before this?

2 **MR. REPA:** I cannot honestly recall if there
3 was one -- if this was an upgrade or just a new one. I
4 cannot recall if there was one in place by the Cornwall
5 Police before, sir.

6 **MR. ENGELMANN:** All right. Sir, it's my
7 understanding, if we take a look at Bates page -- there's
8 no Bates page -- if we take a look at the second last page
9 in the document. It's 10 of 10, the bottom.

10 Oh, there is a Bates page now.

11 **MR. REPA:** Yes, I have page 10.

12 **MR. ENGELMANN:** Sir, there's a reference to
13 an Ontario Policing Standard 0223.00 on sexual assaults.

14 **MR. REPA:** Yes, I see that.

15 **MR. ENGELMANN:** I understand, sir, that at
16 least at that point-in-time there were best practices,
17 directives or standards from the Ontario -- that were
18 promulgated by the province, Ontario Policing Standards?

19 **MR. REPA:** Yes, it would appear so, yes.

20 **MR. ENGELMANN:** And this was a standard from
21 1996? And, sir, would -- we've had some evidence on that
22 that the standard came out in 1996, Standard 223.

23 **MR. REPA:** Okay.

24 **MR. ENGELMANN:** Sir, are you able to help us
25 if this was, in fact, the Cornwall Police Services response

1 to that best practices standard?

2 MR. REPA: Well, whatever Policing Services
3 put out, police services respond to.

4 MR. ENGELMANN: Right.

5 MR. REPA: If it's a stimuli, we respond to
6 it.

7 MR. ENGELMANN: Right.

8 MR. REPA: And it's a -- they're good,
9 positive stimulus.

10 I can only answer in the positive to your
11 answer, yes, it would have been as a result of that because
12 it's mentioned here but ---

13 MR. ENGELMANN: Yeah.

14 MR. REPA: --- I specifically you know to --
15 this would have been assigned to staff to write up and then
16 I would have read it once and signed it and that would have
17 been our procedure.

18 MR. ENGELMANN: All right.

19 MR. REPA: The build-up to it, I'm not sure
20 on anymore.

21 MR. ENGELMANN: Well, Deputy -- current
22 Deputy Chief Danny Aikman gave some evidence on this and I
23 believe that's what he told us.

24 MR. REPA: Okay, thank you.

25 MR. ENGELMANN: And, sir, what involvement

1 if any would you have had in the development of this
2 protocol?

3 **MR. REPA:** Well, I would have assigned the
4 staff and given them the time to do it, and read through it
5 and had I any changes or -- listened to them and then
6 signed it as an order and that is the way the service would
7 have functioned from February 23rd, '98 on, in this regard.

8 **MR. ENGELMANN:** All right, sir, aside from
9 the best practices standard, can you recall any particular
10 impetus for this directive at the time in 1998?

11 **MR. REPA:** No, I'm sorry. I cannot recall,
12 sir.

13 **MR. ENGELMANN:** I'll just be a moment, sir.

14 **THE COMMISSIONER:** Certainly.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. ENGELMANN:** And it, sir, details a
17 protocol for essentially what your Service does when a
18 complaint of this nature comes in; who's to be assigned, by
19 whom, and what's to be done?

20 **MR. REPA:** Yes.

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

22 **MR. REPA:** Yeah.

23 **MR. ENGELMANN:** We just go up to the top so
24 I can see the Bates page number, please? I'll just be a
25 moment.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: I'll just be a moment, sir.

3 THE COMMISSIONER: No, that's fine.

4 MR. ENGELMANN: I'm just trying to find it.

5 Sir, one of the things that's set out in the
6 directive on the first full page, 1 of 10, are issues
7 involving consent; correct?

8 MR. REPA: Yes, I have it.

9 MR. ENGELMANN: And, sir, there are some
10 reference to a section in the *Criminal Code* at the bottom
11 in Paragraph F?

12 MR. REPA: Yes.

13 MR. ENGELMANN: And they're spelling out
14 issues where there is no consent and for example talking
15 about at paragraph C:

16 "Perpetrator induces the victim to
17 engage in the activity by abusing a
18 position of trust, power or authority."

19 MR. REPA: Yes.

20 MR. ENGELMANN: Those would have been -- I
21 mean, you've told us already about your view on sexual
22 assault cases and their importance.

23 Presume that if it's a case involving a
24 position of trust, power or authority those would be
25 particularly important to you, sir, and to your Force?

1 MR. REPA: Well, I think all ---

2 MR. ENGELMANN: All cases.

3 MR. REPA: --- cases would be equally
4 important.

5 MR. ENGELMANN: Fair enough.

6 MR. REPA: I realize there's an added
7 ingredient when it's a person ---

8 MR. ENGELMANN: Yes.

9 MR. REPA: --- but the person -- it would be
10 all equally important.

11 MR. ENGELMANN: And, sir, there's a
12 reference at the top of -- it's 4 of 10. It's under
13 "Procedures and Complaint Takers".

14 MR. REPA: Yes.

15 MR. ENGELMANN: There's a slightly different
16 procedure envisioned if it's an historical case, I believe.
17 You see at paragraph 6, the third paragraph down from the
18 top of the page:

19 "If the complaint is a sexual
20 assault..."

21 MR. REPA: Yes.

22 MR. ENGELMANN: "...that occurred in the
23 past."

24 MR. REPA: Yes.

25 MR. ENGELMANN: Just a slightly different

1 referral process?

2 MR. REPA: Yes.

3 MR. ENGELMANN: All right.

4 Now, at this point-in-time, sir, 1998, even
5 earlier, you're aware -- well, certainly earlier you're
6 aware -- at least you've been briefed by your predecessor
7 about the Silmsers complaint?

8 MR. REPA: Yes, I had a working knowledge of
9 it, yes.

10 MR. ENGELMANN: Right. And presumably after
11 you would have been briefed by Acting Chief Johnston you
12 would have also spoken with Luc Brunet about it?

13 MR. REPA: Yes.

14 MR. ENGELMANN: As the Officer in Charge of
15 CIB?

16 MR. REPA: Yes, I think I waited a few
17 months to speak to him. I wanted people to get comfortable
18 with me; that they could speak with me.

19 MR. ENGELMANN: All right. And you were
20 aware, sir, that originally there had been a complaint
21 filed against both a priest and a probation officer by Mr.
22 Silmsers?

23 MR. REPA: Yes.

24 MR. ENGELMANN: All right. And you would
25 have been aware, certainly when you started, that one of

1 the officers who became involved by giving some information
2 and a statement to the Children's Aid Society was a Perry
3 Dunlop?

4 MR. REPA: Yes.

5 MR. ENGELMANN: And that he was on long-term
6 disability when you started as Chief?

7 MR. REPA: That's correct. Yes, sir.

8 MR. ENGELMANN: And sir, would you have been
9 made aware of recent media coverage about that case in the
10 summer of 1995?

11 MR. REPA: Yes, I believe the newspaper
12 clippings were in a file; I did glance over them or read
13 them or whatever but they -- everything I read just -- was
14 in line with what Chief Johnston had briefed me on.

15 MR. ENGELMANN: All right. Because as I
16 understand it, there was some national media coverage of
17 this issue in late July of 1995, at least there was an
18 article in the Globe and Mail and we've heard about that.

19 MR. REPA: Sir, there was so much coverage;
20 I accept what you're saying because I was inundated with
21 it.

22 MR. ENGELMANN: All right. And sir, would
23 you have, at some point, fairly early on in your tenure,
24 reviewed some documents about the Silmsler investigation?

25 MR. REPA: Reviewed documents about it?

1 **MR. ENGELMANN:** Yes.

2 **MR. REPA:** I think that occurred with Chief
3 Johnston and really after August the 1st, other than the
4 fact that Constable Dunlop was off, there was an appeal
5 process going on on a misconduct charge and I forget if it
6 was shortly after that, the civil suits came out from
7 Perry. I ---

8 **MR. ENGELMANN:** Sorry, the civil suit.

9 **MR. REPA:** Civil action, sorry.

10 **MR. ENGELMANN:** Yes. And that was in 1996?

11 **MR. REPA:** Okay. That was in '96?

12 **MR. ENGELMANN:** Yes.

13 **MR. REPA:** All right. Really, it was -- to
14 me, it was all -- other than the fact that naturally as a
15 Chief you're interested in what is going to happen to Perry
16 Dunlop as far as the misconduct charge goes or whatever.
17 But really, this was all someone else's history.

18 I was starting fresh and I knew about it but
19 I had so much to do elsewhere, I was moving on. It was
20 information in the back of my mind. I was aware of it but
21 that's about it.

22 **MR. ENGELMANN:** Okay. Well let me just ask
23 you if you would have, for example, reviewed the Ontario --
24 sorry, the Ottawa Police Service report on this? That was
25 a report by ---

1 **MR. REPA:** You know ---

2 **MR. ENGELMANN:** --- Inspectors Blake and
3 Skinner.

4 **MR. REPA:** I never saw that until about the
5 year 2000. It was the one document that I didn't read. I
6 turned the Service upside down; I had my assistant look
7 everywhere for it and then it -- I'd been told all about
8 it; I had been verbally updated by Chief Johnston. And the
9 first time I actually read it was when the Board of the day
10 asked to see it, in about the year 2000 that I had -- we
11 had to ask Ottawa for it. Yes.

12 **MR. ENGELMANN:** You didn't have a copy?

13 **MR. REPA:** No, I didn't have a copy.

14 **MR. ENGELMANN:** All right. What had you
15 been told about that report when you started?

16 **MR. REPA:** Well, that it wasn't
17 complimentary to the Cornwall Police. They felt things
18 could have been handled differently; just -- but that was
19 about it.

20 **MR. ENGELMANN:** All right. Were you ---

21 **MR. REPA:** I mean that's what I can recall
22 now ---

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

24 **MR. REPA:** --- a few years later from what I
25 was being briefed on.

1 **MR. ENGELMANN:** Okay.

2 **MR. REPA:** I'm sure I knew more back then.

3 **MR. ENGELMANN:** Okay. Well, were you told
4 anything about findings that the investigation was either
5 inept or ineffective or words to that effect?

6 **MR. REPA:** I'm getting clouded now whether I
7 remember that from back then or all the reading I've done
8 since then.

9 **MR. ENGELMANN:** Fair enough. It's difficult
10 to ---

11 **MR. REPA:** But I'm aware that -- yes, now
12 I'm aware that the -- I was aware when I read it around
13 2000 that those words might adequately describe it, yes.

14 **MR. ENGELMANN:** And that there was some
15 systemic problems that were identified?

16 **MR. REPA:** Well, I will give you systemic, I
17 cannot be accountable for anything prior to August the 1st,
18 '95. But from that point on, I will not agree that there
19 were systemic problems in the Cornwall Police Service,
20 absolutely not. I will not agree with that. I will debate
21 that with you gladly.

22 **MR. ENGELMANN:** Okay. Of any sort?

23 **MR. REPA:** Of any sort.

24 **MR. ENGELMANN:** All right. And well, I'm
25 just talking about the -- what you might have been briefed

1 on at the time about the Ottawa Police Service report; that
2 would have been given to the Service back in January of
3 '94.

4 MR. REPA: Okay.

5 MR. ENGELMANN: All right. And what you
6 recall vaguely is that it was critical of the Service and
7 you're not sure today ---

8 MR. REPA: It was critical with one
9 investigation.

10 MR. ENGELMANN: Yes.

11 MR. REPA: The Silmsler investigation.

12 MR. ENGELMANN: Yes.

13 MR. REPA: Yes. That's one sir.

14 MR. ENGELMANN: Well, that's what they were
15 looking at; ---

16 MR. REPA: Yes.

17 MR. ENGELMANN: --- was it not sir?

18 MR. REPA: Yes. I agree.

19 MR. ENGELMANN: They weren't looking at the
20 whole Service.

21 MR. REPA: No.

22 MR. ENGELMANN: All right. And sir, would
23 you have been briefed on the OPP investigation that would
24 have taken place during the calendar year 1994?

25 MR. REPA: Yes I believe their report was

1 issued Christmas just prior to my arrival, in December of
2 '94. Yes.

3 MR. ENGELMANN: Well, there was a media
4 release.

5 MR. REPA: Yes.

6 MR. ENGELMANN: Were you familiar with a
7 report of sorts?

8 MR. REPA: No, no.

9 MR. ENGELMANN: All right.

10 MR. REPA: I never saw the OPP report. As a
11 matter of fact, when the Board asked for it in 2000, we
12 never did receive a copy of the OPP report, no.

13 I was familiar with the verbal contents of
14 it. I was explained verbally what was said by the OPP.

15 MR. ENGELMANN: All right. So you
16 understood that there was a form of reinvestigation, if I
17 can call it, of the complainant, Mr. Silmsler vis-à-vis
18 Father MacDonald?

19 MR. REPA: Yes.

20 MR. ENGELMANN: Father Charles MacDonald?

21 MR. REPA: Yes.

22 MR. ENGELMANN: And that there was an
23 investigation into a possible conspiracy ---

24 MR. REPA: Yes.

25 MR. ENGELMANN: --- of collusion?

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** And also an investigation
3 into possible extortion on the part of Mr. Silmser?

4 **MR. REPA:** Extortion on the part of Mr.
5 Silmser?

6 **MR. ENGELMANN:** Yes. In -- the OPP looking
7 at that in 1994?

8 **MR. REPA:** Well, I was aware of the
9 investigation into the \$32,000 payout if that's what you
10 mean by extortion, I ---

11 **MR. ENGELMANN:** Well, that's the attempt to
12 obstruct justice charges.

13 **MR. REPA:** Yes, attempt to obstruct justice,
14 yes.

15 **MR. ENGELMANN:** Okay. Fair enough. And
16 sir, were you aware as well about a lawsuit that had been
17 initiated and settled prior to you becoming Chief,
18 involving Mr. Silmser and the release of his statement?

19 **MR. REPA:** I'm sure I was briefed by Carl --
20 Chief Johnston on that. But to say right now specifically
21 or if I remember the lawsuit by Silmser, no, I don't recall
22 it.

23 **MR. ENGELMANN:** All right. But the issue
24 involving Father MacDonald for a minute, that wasn't all in
25 the past, was it?

1 **MR. REPA:** No.

2 **MR. ENGELMANN:** In the sense that something
3 surfaced with that right at the beginning of your tenure,
4 did it not?

5 **MR. REPA:** Yes, yes, in August I believe of
6 that, yes.

7 **MR. ENGELMANN:** Because another alleged
8 victim came forward, of Father MacDonald's, to your Force?

9 **MR. REPA:** Definitely, a victim came
10 forward, yes.

11 **MR. ENGELMANN:** All right. And sir, I
12 understand that in mid-August of 1995 one of your officers,
13 Inspector Trew, met with a Father Kevin Maloney regarding a
14 letter he'd received from an alleged victim of Father
15 Charles MacDonald. The alleged victim's name was John
16 MacDonald. Does that ring a bell?

17 **MR. REPA:** If -- can I see the -- is there a
18 document on this that could help

19 **MR. ENGELMANN:** Yeah.

20 **MR. REPA:** --- refresh my memory? I'd like
21 to see something if I could please?

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** There is a series of
24 letters, sir, and I was going to take them to you in a
25 couple of minutes, but -- well, let's look at Exhibit 210.

1 **THE COMMISSIONER:** Exhibit 210.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MR. REPA:** Thank you.

4 Mr. Engelmann, if I could just make a slight
5 clarification, when I say things are water under the
6 bridge, it's the past; it was somebody else's history; I
7 was in no way suggesting that a criminal matter that is
8 ongoing was part of that history.

9 I was talking about Perry Dunlop taking the
10 papers over, the charges, the -- all of the issues that
11 were sealed and finished. There was someone charged with
12 attempting to obstruct justice. Naturally, any criminal
13 matters that are still flowing are not past history. I
14 just want to ---

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

16 **MR. REPA:** --- respectfully clarify that.

17 **MR. ENGELMANN:** Fair enough.

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

19 **MR. ENGELMANN:** Sir, I think -- I wasn't
20 anticipating the need to refresh just yet so maybe it would
21 be easier for you if we looked at a letter of your own.

22 **MR. REPA:** Okay.

23 **MR. ENGELMANN:** So let's go there first
24 perhaps and that's Document Number 728527.

25 **THE COMMISSIONER:** It's a new document, sir.

1 **MR. REPA:** All right, thank you.

2 **MR. ENGELMANN:** This is a letter, sir, that
3 you write to Superintendent L.I. Edgar on August 25th, 1995.

4 **THE COMMISSIONER:** Thank you. Exhibit 1816
5 is a letter to Superintendent L.I. Edgar from Anthony Repa,
6 Chief of Police and again, August 25th, 1995.

7 **--- EXHIBIT NO./PIÈCE NO. P-1816:**

8 (728527) Letter from Anthony Repa to Supt.
9 L.I. Edgar - 25 Aug, 95

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

11 **MR. REPA:** Yes, sir. I've read it.

12 **THE COMMISSIONER:** All right.

13 **MR. REPA:** Thank you.

14 **MR. ENGELMANN:** Just by way of background,
15 just before we get into this, sir, you've had an
16 opportunity to review a number of documents ---

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** --- to prepare for your
19 evidence here?

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** And as I understand it, some
22 of these documents, you would have now seen perhaps several
23 months ago?

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** But at least some of them

1 you would have refreshed your memory on fairly recently?

2 **MR. REPA:** Yes.

3 **MR. ENGELMANN:** And you've had an
4 opportunity to meet with counsel on a few occasions to go
5 over some of these documents and on a couple of occasions
6 with Commission counsel as well?

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

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

9 And there are a number of documents that
10 have been identified for you?

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

12 **MR. ENGELMANN:** And you have a couple of
13 binders full presumably?

14 **MR. REPA:** I think more than a couple, sir.

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

16 Well, in any event, this particular letter,
17 although it's not referring to the name of the alleged
18 victim, is it your understanding, sir, that this is about
19 John MacDonald and his allegations of abuse by Father
20 Charles MacDonald?

21 **MR. REPA:** I accept that you're saying -- I
22 don't recall that it's John Macdonald, but I accept that it
23 is, ---

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

25 **MR. REPA:** --- yes.

1 **MR. ENGELMANN:** And the criminal
2 investigation inspector that's listed in your first
3 paragraph; would that have been Rick Trew?

4 **MR. REPA:** Yes, he would have been the only
5 -- yes, it would have been Rick Trew.

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

7 And does that -- so you don't have any
8 recollection today at least that he would have met with
9 Father Kevin Maloney and received this information and that
10 you were then turning it over to the OPP shortly
11 thereafter?

12 **MR. REPA:** No, I do not recall the meeting
13 that you're talking about, no.

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

15 In this letter, you are referring the matter
16 to the OPP, sir, for investigation?

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** And you set out some reasons
19 for doing that?

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** And those reasons, sir, are?

22 **MR. REPA:** That at least half of the alleged
23 sexual assaults took place in OPP jurisdiction.

24 **MR. ENGELMANN:** Right.

25 **MR. REPA:** That Inspector Tim Smith had done

1 extensive background checks on Father Charlie MacDonald.

2 **MR. ENGELMANN:** Right.

3 **MR. REPA:** Responsible victims. Allowing
4 Inspector Smith to continue; he's familiar with the
5 complaints. Re-interviewing or double-statement taking
6 would be an issue; upsetting to the victims.

7 The Cornwall police -- as a result of the
8 David Silmsler case, the Cornwall Police Service was sued by
9 Mr. Silmsler. There'd be possible perception the Cornwall
10 police will be -- would not investigate the sexual assault
11 properly, therefore, we're asking you to take it over, ---

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

13 **MR. REPA:** --- yes.

14 **MR. ENGELMANN:** So you set out three reasons
15 essentially. And the third of the three deals with a
16 perception of bias or conflict; is that fair?

17 **MR. REPA:** In this specific case, yes.

18 **MR. ENGELMANN:** Yes. And that perception --
19 that could be a perception either on the part of the
20 complainant or perhaps on the broader community; correct?

21 **MR. REPA:** It's open-ended, yes. It's a
22 perception, yes. Anybody could have a perception. Yes.

23 **MR. ENGELMANN:** And sir, you would have been
24 sensitive to that issue given previous allegations that had
25 been made about a possible cover-up and therefore, it would

1 have been important to have another service look at this?

2 **MR. REPA:** No, no, not at all. The reasons
3 would be the reasons detailed in the letter only. The -- I
4 wasn't ever -- I was not concerned about the allegations of
5 cover-up because the OPP had cleared that just prior to my
6 arrival. And although I know it was live and ongoing, I'm
7 sorry, I don't buy into it. There's no evidence at this
8 time and the reasons given for asking the OPP to take over
9 is not any concern about a cover-up.

10 **MR. ENGELMANN:** Okay, so your only concern
11 about perception and bias then, sir, or conflict is the
12 fact that he has sued you. I just wanted to understand
13 your letter.

14 **MR. REPA:** Yeah, from the letter -- I stand
15 by the letter. The wording on there are the reasons I gave
16 for requesting the investigation and it would have been --
17 it would have been linking it to the Silmsler lawsuit
18 against us, yes.

19 **MR. ENGELMANN:** Because this a different
20 complaint now?

21 **MR. REPA:** Yes.

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

23 And the Silmsler lawsuit would have been
24 settled at this point?

25 **MR. REPA:** I would -- as I said earlier, I

1 don't specifically recall it. Obviously, it occurred
2 because I -- I'm addressing it in my letter and -- and
3 whether it was -- it says "sued", it's using the past tense
4 ---

5 **MR. ENGELMANN:** Yes.

6 **MR. REPA:** --- I'm assuming it way settled,
7 yes.

8 **MR. ENGELMANN:** Yes. I just want to make
9 sure I understand the perception, the conflict or bias
10 issue.

11 **MR. REPA:** The -- okay.

12 **MR. ENGELMANN:** So we've got a different
13 complainant. The Silmsler lawsuit's settled. But you are
14 still concerned about a possible perception of bias or
15 conflict, either by this complainant, Mr. MacDonald, and/or
16 by the broader community?

17 **MR. REPA:** Yes, in this specific case, yes.

18 **MR. ENGELMANN:** And that concern has nothing
19 to do with what might have happened about past allegations?

20 **MR. REPA:** No because the -- I mean, you
21 close a door on an issue. If the Provincial Police found
22 no evidence of the wrongdoing that was alleged to have
23 occurred, I accepted that. We were motoring on down the
24 road. I mean, it's over.

25 **MR. ENGELMANN:** All right. Now, sir, were

1 you aware, at least, in August of 1995 about any contact
2 between one of your officers, a woman by the name of Emma
3 Wilson-King, directly with this alleged victim, John
4 MacDonald?

5 **MR. REPA:** I'm -- I'm aware of it because my
6 memory was refreshed within the last few months. It was in
7 some of the documents I read, yes.

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

9 **MR. REPA:** Prior to that, not having read
10 it, I would -- I would not have.

11 **MR. ENGELMANN:** And it's going to be
12 difficult for you to answer this. But were you aware of
13 that issue at the time in August of '95 or is that
14 something you would have only been apprised of in the new
15 year when you start getting some letters back and forth on
16 this?

17 **MR. REPA:** Well, if we could see the letters
18 -- I mean, whatever date is on the correspondence dealing
19 with Emma Wilson; that would be the date I would know about
20 it. I'm presuming from what you're saying, it was not in
21 August of '95 so no, I would not have known about it.

22 **MR. ENGELMANN:** Well, the contact between
23 your officer and the alleged victim would have been in
24 August of '95 ---

25 **MR. REPA:** Okay.

1 **MR. ENGELMANN:** --- before you wrote this
2 letter to Superintendent Edgar.

3 Let's go then back to Exhibit 210.

4 **MR. REPA:** Two ten (210)?

5 **MR. REPA:** In the binder?

6 **MR. ENGELMANN:** Yes.

7 **THE COMMISSIONER:** Yes. It is in the
8 binder.

9 **MR. ENGELMANN:** And this letter's a bit hard
10 to read. It might be easier to read on the screen. But
11 it's a letter written to you and the date of the letter,
12 although it's not clear from the top, is January 17th, 1996.

13 **MR. REPA:** Okay.

14 **MR. ENGELMANN:** And he says who his name is,
15 he says "I'm the second victim ..." and I think it says:

16 "... to bring forward a sexual abuse
17 complaint against Father Charles
18 MacDonald."

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** "I'm very bothered by an
21 event that took place on [what we
22 can read anyways] August 24th, 1995
23 at 8:00 p.m. Constable Emma
24 Wilson phoned [and I think it
25 says] me at home inquiring about a

1 call that I placed to Father Kevin
2 Maloney, St. Columban's Parish on
3 August 19th, '95."

4 I think it says:

5 "I never spoke with Father Maloney
6 directly. I left a message for
7 him to return my call. He never
8 did."

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** Then he says:

11 "Sir, what's troubling me is that
12 Constable Wilson ... [and I can't read
13 the rest] ... took my birth date ... [I
14 think it says "called", but] ... took my
15 birth date and address which I gave
16 freely and ... ---...

17 **MR. REPA:** "Ordered."

18 **MR. ENGELMANN:** "--- ... ordered me not to
19 call Father Maloney again."

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** And he's asking -- he saying
22 I don't understand why the Cornwall police would issue me
23 such an order.

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** All right. So do you recall

1 getting this letter at the time, sir?

2 MR. REPA: Yes, I'm just looking. Normally
3 when I receive correspondence in the bottom right-hand
4 corner I put my initials AR if I've read it.

5 MR. ENGELMANN: Well this may not be the
6 copy that you received, sir.

7 MR. REPA: Yeah, I do recall the letter,
8 yes.

9 MR. ENGELMANN: And, sir, do you recall if
10 you would have directed the Deputy Chief to respond on your
11 behalf? And the reason I say that is perhaps if you flip
12 over to Exhibit 212.

13 MR. REPA: Okay. Yes.

14 MR. ENGELMANN: Just have a look at it, sir.
15 Again, it's probably something you've seen recently.

16 MR. REPA: Yes. Okay.

17 MR. ENGELMANN: Okay, so I don't know if
18 that was your practice but the Deputy Chief would have
19 responded on your behalf?

20 MR. REPA: Well this -- this is very early
21 in my time there and we really -- the processes that we set
22 up later in my time there were not in place in my early ---

23 MR. ENGELMANN: That's fine.

24 MR. REPA: We were very short of staff so it
25 was just something I gave to the Deputy to respond to.

1 It's in -- it's under his span of control; it's
2 operational.

3 **MR. ENGELMANN:** All right. So you would
4 have asked him to respond on your behalf?

5 **MR. REPA:** Yes.

6 **MR. ENGELMANN:** And would he have briefed
7 you about that at the time, given that he's responding on
8 your behalf?

9 **MR. REPA:** Well, yes, he also cc'd me a copy
10 of it, yeah.

11 **MR. ENGELMANN:** Yes.

12 **MR. REPA:** We would talk -- we would have
13 talked about it, yes.

14 **MR. ENGELMANN:** Yes, all right.

15 **MR. REPA:** I don't recall the conversation
16 but we would have talked about it.

17 **MR. ENGELMANN:** Well, would he have made you
18 aware of who the complainant was? It says:

19 "Due to an ongoing investigation, the
20 complainant, on the advice of his
21 lawyer wished to have these types of
22 calls discontinued."

23 **MR. REPA:** Yes.

24 **MR. ENGELMANN:** And would you have been
25 informed at the time that the complainant was Father Kevin

1 Maloney?

2 MR. REPA: If that was a complainant, yes, I
3 would have been informed.

4 MR. ENGELMANN: And do you have any
5 recollection, sir, as to what criminal complaint would have
6 been filed by Father Maloney?

7 MR. REPA: No, I don't, sir.

8 MR. ENGELMANN: Sir, there was a response to
9 the Deputy Chief's letter, it's Exhibit 215.

10 MR. REPA: Yes. Yes, sir.

11 MR. ENGELMANN: And presumably, sir, you
12 would have been provided with a copy of this at the time?

13 MR. REPA: Yes.

14 MR. ENGELMANN: And ---

15 MR. REPA: It was addressed to me, I
16 believe, yes.

17 MR. ENGELMANN: And the handwriting at the
18 top that says 15/08/95 Rick Trew/Kevin Maloney; is that
19 your handwriting, sir?

20 MR. REPA: No, sir.

21 MR. ENGELMANN: All right. So this
22 individual, Mr. MacDonald is still asking questions despite
23 the letter back to him. For example, at the bottom of the
24 page,

25 "Sir, what I need answered is if

1 Constable Wilson attended a
2 complainant's, does that mean there was
3 a complaint taken about me."

4 Et cetera.

5 **MR. REPA:** Yes.

6 **MR. ENGELMANN:** And sir, the letter refers
7 to a discussion the author has with Deputy Chief Joseph St.
8 Denis on February 2nd, 1996.

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** And do you know if you would
11 have been briefed at the time by the Deputy Chief?

12 **MR. REPA:** I don't recall specifically but I
13 -- just in the natural relationship, he may have mentioned
14 it to me, yes.

15 **MR. ENGELMANN:** All right. Because it
16 appears or at least the author writes that he's essentially
17 told by the Deputy Chief at that time that, essentially, he
18 had no more to say to me on this matter.

19 **MR. REPA:** Okay.

20 **MR. ENGELMANN:** And then he writes this
21 letter to you.

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** Now, sir, it then appears,
24 if you'll flip to 218, that there's a response about 10-11
25 weeks later, dated April 26, 1996.

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** From a Constable Burnie?

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

4 **MR. ENGELMANN:** Okay, and would you have had
5 something to do with assigning Constable Burnie to follow-
6 up on that or do you know how that happened?

7 **MR. REPA:** Yeah, Constable Burnie at the
8 time -- when I arrived and obviously during April of '96
9 had a -- I'm trying to recall now, he had a position within
10 the Service; he was not in operational -- it was -- I
11 forget -- I can't remember the title now that he had.

12 But anyways, it was given to him to respond
13 on this letter. He was working days in the office with us;
14 I just cannot recall his title.

15 **MR. ENGELMANN:** All right. Would you -- the
16 letter goes out under your name or under your letterhead?

17 **MR. REPA:** All Cornwall Police Service
18 correspondence goes out under the letterhead of the
19 Cornwall police, yes.

20 **MR. ENGELMANN:** All right. But when that
21 happens, sir, are you briefed about what's going out under
22 your name?

23 **MR. REPA:** I -- not all correspondence.
24 There would be correspondence going from the Records Bureau
25 to insurance companies. There is ---

1 **MR. ENGELMANN:** Okay.

2 **MR. REPA:** Every department has
3 correspondence flowing back and forth. I would suggest on
4 -- given that I was -- the letters originally were
5 addressed to me that Bob Burnie -- Constable Burnie would
6 have cc'd me or I would have been aware of it or received
7 some form of a copy, yes.

8 **MR. ENGELMANN:** All right. Sir, just a
9 couple questions; if you can help us fine, if you can't
10 that's fine as well.

11 Second paragraph; there's a reference to the
12 fact that -- it says:

13 "On August 15th, 1995 Inspector Trew met
14 with Father Kevin Maloney ---"

15 **MR. REPA:** Okay.

16 **MR. ENGELMANN:** See that, that's the
17 reference I made earlier?

18 **MR. REPA:** Yes, sir. Yeah.

19 **MR. ENGELMANN:** "--- who reported to us
20 that he'd received a letter from you ..."
21 "You" being John MacDonald,
22 "... regarding the sexual assault by
23 Father Charlie on your person."

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** It says:

1 "At that time the case of Father
2 Charlie was ongoing and Inspector Trew
3 advised Father Maloney that a follow-up
4 would be done on the information we
5 received."

6 **MR. REPA:** Okay.

7 **MR. ENGELMANN:** And sir, were you -- were
8 you aware of any ongoing investigation of Father Charlie by
9 -- Father Charlie MacDonald, by your Police Force in the
10 summer of 1995?

11 **MR. REPA:** Honestly, sir, I cannot recall.
12 I'm sorry; I can't be of any help to you on that.

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

14 And on the last page of the letter, second
15 paragraph, it says:

16 "There was also some confusion about a
17 statement made of an 'ongoing
18 investigation' and you were given the
19 impression that you were part of that
20 investigation ---"

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** "--- at no time were you
23 part of an investigation with this
24 Police Service."

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** "This was simply a situation
2 where a request was made to our Police
3 Service to advise you to make no
4 further calls to Father Maloney ---"

5 **MR. REPA:** Yes.

6 **MR. ENGELMANN:** "--- and that was the only
7 investigation we conducted."

8 **MR. REPA:** Yes, it would be considered --
9 what we would call -- if someone called in and said -- and
10 I've done it myself several times when I was doing that
11 work. Someone calls in and says "Tell that person I don't
12 want -- I don't want them to contact me anymore"; we call
13 it an assist public. It's not a criminal offence, just
14 assist public and you go and tell the person, please don't
15 call that person anymore.

16 Because then it could escalate into a peace
17 bond or whatever.

18 **MR. ENGELMANN:** Okay, so just let me
19 understand that.

20 **MR. REPA:** That's my impression from reading
21 this. When they say "ongoing investigation" that he was
22 never under investigation, it was simply don't contact this
23 person again.

24 **MR. ENGELMANN:** So if a member of the public
25 called the Cornwall Police Service in the summer of 1995,

1 said "I've received a phone call from someone, I no longer
2 want to receive any more calls," you would have an officer
3 assigned to ---

4 **MR. REPA:** Yeah.

5 **MR. ENGELMANN:** --- follow-up on it?

6 **MR. REPA:** I've done that -- I did that in
7 Halton, and officers would do it there.

8 It's a way of -- it comes under our general
9 umbrella of keeping the peace. If you're going to avoid
10 conflict and you can just go tell someone, look, don't call
11 -- usually it's boyfriend/girlfriend; go and tell him stay
12 off, don't bother them anymore.

13 Usually the presence of a police uniform
14 ends it right there.

15 **MR. ENGELMANN:** All right. And that would
16 happen even if there was no threat or ---

17 **MR. REPA:** Oh yes.

18 **MR. ENGELMANN:** --- any ---

19 **MR. REPA:** We call it -- now, you know, in
20 fairness, I'm reading into this that what happened here.
21 We used to call it an assist public, that's all. It's not
22 a criminal, it's an occurrence because you took your time
23 to go and do it and make a call but that's all it is.

24 **THE COMMISSIONER:** Could you do it for
25 telemarketers?

1 **MR. REPA:** I wish I knew what the secret was
2 for that one but, no.

3 I don't see what Emma Wilson-King, as I
4 reviewed this, over the last few months, my impression was,
5 without seeing the occurrence report or the -- yeah, the
6 occurrence report is that she was just facilitating -- they
7 didn't want to contact him personally, John MacDonald and
8 tell him not -- don't call me any more.

9 Obviously I take it -- is Sean Adams a
10 lawyer.

11 **MR. ENGELMANN:** Yes.

12 **MR. REPA:** Yeah. So ---

13 **MR. ENGELMANN:** He was the lawyer for Kevin
14 Maloney at this point.

15 **MR. REPA:** Okay, so they had -- they view it
16 as a correct thing. Call the police, have a uniformed
17 officer do it. It's out of our hands. It's documented.
18 That is appropriate.

19 I've done it myself for years when I was a
20 Constable and a Sergeant.

21 **THE COMMISSIONER:** I understand that, sir
22 but can you see that -- and just for a moment, that for Mr.
23 John MacDonald ---

24 **MR. REPA:** Yes.

25 **THE COMMISSIONER:** --- who probably has seen

1 and interacted with police officers in the past ---

2 MR. REPA: Yes.

3 THE COMMISSIONER: --- the word

4 "Complainant" to him ---

5 MR. REPA: Yes.

6 THE COMMISSIONER: --- is a very serious

7 word.

8 MR. REPA: Yes.

9 THE COMMISSIONER: Especially when he feels
10 he should be the complainant ---

11 MR. REPA: Yes.

12 THE COMMISSIONER: --- on a sexual abuse.

13 MR. REPA: Yes, sir.

14 THE COMMISSIONER: And unbeknownst to you
15 but Sean Adams was the lawyer who helped Mr. Silmser in his
16 settlement.

17 MR. REPA: Yes.

18 THE COMMISSIONER: All right. And so then
19 he sees that lawyer who was Silmser's lawyer now acting for
20 the Church.

21 MR. REPA: Yes.

22 THE COMMISSIONER: The table's turned and
23 he's saying "I'm the victim here ---

24 MR. REPA: Yes.

25 THE COMMISSIONER: --- and you guys are

1 treating me like a suspect."

2 MR. REPA: Yes, sir.

3 THE COMMISSIONER: So you understand that
4 part of it.

5 MR. REPA: Mr. Commissioner, I understand
6 completely and as I read the documents I realized I could
7 empathize with how Mr. John MacDonald must have felt.

8 THE COMMISSIONER: Yes.

9 MR. REPA: But what happens is as I know
10 you're all very well aware in this room when the police
11 receive a call ---

12 THE COMMISSIONER: M'hm.

13 MR. REPA: --- then you go and you sort of
14 put all of the other issues aside and you deal with the
15 complaint from the citizen or the -- not a complaint. It's
16 actually a request to facilitate them not contacting X or Y
17 anymore. And sometimes that interaction can become very
18 abrasive to the person who's on the receiving end.

19 And when it's meant in all honesty just to
20 be a "Please don't phone this person anymore." But Mr.
21 Commissioner I totally understand and I agree with what
22 you've said.

23 MR. ENGELMANN: Okay. Both of these
24 individuals testified here about how they felt about
25 getting that call.

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

2 **MR. ENGELMANN:** And it bothered both ---

3 **MR. REPA:** Yes. And you can imagine ---

4 **MR. ENGELMANN:** --- Mr. Silmser and Mr.
5 MacDonald.

6 **MR. REPA:** And you can imagine the poor
7 uniformed constable, "Oh you want me to tell -- okay, I'll
8 go tell him" and then you've got -- and then it escalates
9 up into something more than what the constable thought she
10 was doing.

11 Yes, I understand completely.

12 **THE COMMISSIONER:** So can we finish this
13 letter and have lunch, Mr. Engelmann or ---

14 **MR. ENGELMANN:** Yes. If I can have just one
15 moment, sir I ---

16 **THE COMMISSIONER:** Yeah.

17 **MR. ENGELMANN:** Sir, this would be a fine
18 time to break sorry.

19 **THE COMMISSIONER:** Thank you. No, that's
20 fine. So we'll take lunch. We'll come back at two
21 o'clock.

22 **MR. REPA:** Thank you.

23 **MR. ENGELMANN:** Two o'clock, thank you sir.

24 **THE REGISTRAR:** Order; all rise. A l'ordre;
25 veuillez vous lever.

1 This hearing will resume at 2:00 p.m.

2 --- Upon recessing at 12:40 p.m./

3 L'audience est suspendue a 12h40

4 --- Upon resuming at 2:04 p.m./

5 L'audience est reprise a 14h04

6 **THE REGISTRAR:** Order; all rise. A l'ordre;
7 veuillez vous lever.

8 This hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **THE COMMISSIONER:** Good afternoon, sir.

11 **MR. REPA:** Mr. Commissioner.

12 **THE COMMISSIONER:** Mr. Engelmann.

13 **ANTHONY REPA:** Resumed/Sous le même serment

14 --- **EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
15 **ENGELMANN (Cont'd/suite):**

16 **MR. ENGELMANN:** Good afternoon, Mr.
17 Commissioner. Good afternoon, Mr. Repa.

18 **MR. REPA:** Mr. Engelmann.

19 **MR. ENGELMANN:** Sir, I'd like to start the
20 afternoon with some discussion on the *Police Service Act*
21 charges against Perry Dunlop.

22 We talked about it briefly this morning. I
23 just want to follow-up on a couple of things if I can.

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

25 **MR. ENGELMANN:** When you commenced as Chief,

1 the Board of Inquiry's decision to stay the proceedings
2 against Mr. Dunlop was under appeal.

3 MR. REPA: Yes, sir.

4 MR. ENGELMANN: And that was an appeal that
5 had been filed by the Police Complaints Commission.

6 MR. REPA: Okay, yes.

7 MR. ENGELMANN: And it's my understanding
8 that the Cornwall Police Service did not seek leave to
9 intervene in that appeal.

10 MR. REPA: That's correct.

11 MR. ENGELMANN: All right. Sir, I
12 understand the appeal was heard on November 23rd, 1995. And
13 I'm just wondering did you have -- do you know if you had a
14 representative there to advise you?

15 MR. REPA: I don't recall sir. I don't
16 know.

17 MR. ENGELMANN: Sir, the court decision
18 dismissing the Police Complaints Commissioner's appeal was
19 released on December 7th, 1995. I'm wondering if you would
20 have been apprised of the decision at that time?

21 MR. REPA: Yes, I'm sure I would have. I
22 don't specifically recall the ingredients of it but I'm
23 sure I would have, yes. He was one of my officers so ---

24 MR. ENGELMANN: Yes. And we know, sir, that
25 a day after that decision was released, there was a

1 memorandum written to you by Staff Sergeant Brunet and I
2 want to take you to that very briefly if I may.

3 MR. REPA: Yes.

4 MR. ENGELMANN: And that is -- it's Exhibit
5 1442. So this was in the -- the documents were identified
6 for cross-examination. I don't know if you've had a chance
7 to review that. If you could take a minute to look at it.

8 MR. REPA: Yes. I've seen it in the last
9 few weeks or so, yes.

10 MR. ENGELMANN: All right.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. ENGELMANN: Oh, I'm sorry. You've had a
13 chance to look at it, sir?

14 MR. REPA: Oh, yes, sir. Yes.

15 MR. ENGELMANN: Okay. So this is the day
16 after the decision comes down from the Divisional Court.
17 And I'm wondering, sir do you recall was this in response
18 to a request from you? This memo from Staff Sergeant
19 Brunet.

20 MR. REPA: Okay. My recollection of this
21 event is -- it had nothing to do with the decision of the
22 court. That was just a coincidence that it's the day
23 after, okay.

24 It has nothing to do with that. What it
25 was, as I recall, when I first arrived in Cornwall, I was -

1 - one of the things I was doing was -- or one of the
2 positions I took was to allow the staff time to get used to
3 me; okay; to interact with me. And I had gone in to see
4 Staff Sergeant Brunet and just to talk to him about what
5 occurred, what was his problem and this and that with the
6 CAS and what was going on.

7 And I wanted to hear it from him. And we
8 had quite a discussion and he chatted with me about it.
9 And that was it. At least I had it -- like Carl -- Chief
10 Johnston had briefed me but now I wanted to hear it from
11 Staff Sergeant Luc Brunet.

12 And shortly after that whether it was the
13 next day or two days later, I received this memo from him.
14 I didn't actually request it. He may have said to me I'm
15 going to send you this memo.

16 My recollection is I just wanted to have a
17 conversation about why the DS case would not have been
18 forwarded to the Childrens' Aid Society. And he -- and I
19 can't remember everything he said now. This was back in
20 1995.

21 But we had a chat and I had a feeling of an
22 understanding from him as to what transpired. And then
23 this was the follow-up; like he was documenting, sort of,
24 his conversation with me a day or two before.

25 And that's what this is about, sir.

1 **THE COMMISSIONER:** It does -- it's entitled
2 "Your request of December 8th, 1995."

3 **MR. REPA:** Yes. And that's why -- it might
4 have been the -- I know I didn't formally say "Well, give
5 me that in writing" because I accepted what he told me.
6 And it was just a conversation I was having with one of my
7 managers.

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

9 **MR. REPA:** And he -- like why I received
10 this. I know I didn't keep my copy because it wasn't in my
11 records but it may have just been during our conversation.

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

13 **MR. REPA:** It may have come up about "I'll
14 send you a memo." I don't remember. But I did not
15 formally request this. I had no reason to. I was
16 satisfied with what he told me.

17 **MR. ENGELMANN:** Okay. I just -- the reason
18 I asked you about the connection with ---

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** --- the other case because
21 the re clause is "Your request of December 8th, 1995."

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** We don't -- we have very few
24 notes from you, is that fair ---

25 **MR. REPA:** Yeah. Oh, yes.

1 **MR. ENGELMANN:** --- Mr. Repa?

2 **MR. REPA:** That was my decision, yes.

3 **MR. ENGELMANN:** So it just appeared that
4 this decision comes down from the Divisional Court ---

5 **MR. REPA:** Yes.

6 **MR. ENGELMANN:** --- it's about the reporting
7 to the CAS.

8 **MR. REPA:** Yes.

9 **MR. ENGELMANN:** And whether or not that was
10 correct or not.

11 **MR. REPA:** No.

12 **MR. ENGELMANN:** And then he seems to be
13 attempting to justify for you why neither he nor Constable
14 Sebalj reported the Silmsler case to the CAS. That is sort
15 of how this memo reads.

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

17 **MR. ENGELMANN:** Do you agree?

18 **MR. REPA:** I agree, sir, and as I learned in
19 the eight and a half years that I got to know Staff
20 Sergeant Luc Brunet, he's probably the most conscientious
21 and honest man I have ever met in my life. And his
22 explanation was as detailed to me with such meaning, and I
23 was -- when I left his office, I was satisfied.

24 And to get -- then I -- the memo shows up a
25 day or two or three days later on my desk. I was surprised

1 because we had a conversation; I understood what he was
2 telling me, and I accepted it. And this was like sort of
3 just a documentation of the conversation we had.

4 I would formally never have requested this.
5 So that was just a misunderstanding between Staff Sergeant
6 Brunet and myself.

7 **MR. ENGELMANN:** What about the date though
8 sir; wouldn't it make sense that you would have received
9 this decision and you would have had some questions, and
10 that you would have gone to him? Because it appears that
11 he's referencing the same date.

12 **MR. REPA:** Well, I can't recall that sir,
13 no, I'm sorry.

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

15 **MR. REPA:** I just ---

16 **MR. ENGELMANN:** So given what transpired and
17 given what he's saying about CAS and Mr. Abell, did you
18 have a conversation with Mr. Abell after this?

19 **MR. REPA:** No. Not to my recollection, no.
20 I did not, sir.

21 **MR. ENGELMANN:** Okay.

22 **MR. REPA:** But Mr. Abell, in the eight and a
23 half years I was in Cornwall with Mr. Richard Abell, other
24 than the first introductory, I think basically we met at
25 social functions, fundraisers. I think when we had our

1 Project Phoenix on and an open house, he attended. But
2 really for formal day-to-day operational, I have no
3 recollection of ever speaking to Mr. Abell about anything.

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

5 **MR. REPA:** The staff were working very well
6 together.

7 **MR. ENGELMANN:** All right, and no matter
8 what the approach had been in 1993 with the David Silmsner
9 complaint, your approach is what you told us earlier today,
10 and that is you always reported ---

11 **MR. REPA:** And that ---

12 **MR. ENGELMANN:** --- and you expected your
13 officers to do that?

14 **MR. REPA:** That was my expectation of my
15 staff, yes sir.

16 **MR. ENGELMANN:** And sir, was there media
17 coverage at the time of the Divisional Court decision?

18 **MR. REPA:** I seem to recall there was, yes.

19 **MR. ENGELMANN:** Because I believe you issued
20 a press release as well at that time?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** And if we could look very
23 briefly at that; Document Number 730077.

24 **THE COMMISSIONER:** Whenever he says
25 "document", sir, you don't have to look for anything.

1 We'll come up with something.

2 **MR. REPA:** Oh, okay. Thank you, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** It's a code word.

5 **MR. ENGELMANN:** It's a document entitled
6 "Cornwall Police Service News Release", originator Chief A.
7 Repa, dated December 8th, 1995.

8 **THE COMMISSIONER:** All right, and that's
9 Exhibit 1817.

10 **MR. REPA:** Thank you. Yes.

11 **--- EXHIBIT NO./PIÈCE No P-1817:**

12 (730077) CPS News Release - 08 Dec, 95

13 **MR. ENGELMANN:** Sir, it appears -- it will
14 be on the screen in a second ---

15 **MR. REPA:** Yes.

16 **MR. ENGELMANN:** --- from the Release that
17 you are not commenting on the substantive appeal because
18 there's still a possible appeal period and that you're just
19 correcting the report in the media that Constable Dunlop is
20 off duty on suspension.

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** And you're saying, "No,
23 that's incorrect. He's off duty on medical leave."

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

25 **MR. ENGELMANN:** That's all -- that's really

1 the extent of your comment at the time?

2 MR. REPA: Well, it would have been to --
3 okay, you issue a media release like this to put off
4 numerous phone calls asking the same questions.

5 MR. ENGELMANN: Right.

6 MR. REPA: If you issue the release, that's
7 what's read to the media when they call in by the staff,
8 and it keeps it nice and clean and crisp. And you're not
9 answering -- coming up with five different answers for the
10 same question.

11 MR. ENGELMANN: But the reason for that was
12 apparently, there was something said in the media that
13 suggested that he was off duty on suspension with pay?

14 MR. REPA: Yes.

15 MR. ENGELMANN: And you wanted that
16 corrected?

17 MR. REPA: That's correct, yes. That was
18 clarified, yes.

19 MR. ENGELMANN: All right. And you didn't
20 want to comment on the substantive appeal?

21 MR. REPA: No. No. No, sir.

22 MR. ENGELMANN: All right. Sir, right
23 around this time, there was a television show that was
24 aired. It was a show of the Fifth Estate.

25 MR. REPA: Yes.

1 **MR. ENGELMANN:** And we've heard evidence
2 that the CBC aired this programme on December 12th, 1995,
3 within a few days after this. And I think it was called
4 "The Man Who Made Waves" and it was about Perry Dunlop and
5 some of what had happened right up until that time with, of
6 course, the release of the decision of the Court.

7 Were you aware that this was going to come
8 out?

9 **MR. REPA:** The Fifth Estate?

10 **MR. ENGELMANN:** Yes. Had you received any
11 advanced notice of that?

12 **MR. REPA:** I'm trying to remember. I
13 believe the CBC came to our police office, and they wanted
14 to -- well, they wanted to interview me to begin with, and
15 I declined the offer.

16 **MR. ENGELMANN:** Okay.

17 **MR. REPA:** And I believe Staff Sergeant
18 Brunet -- Wells, as a Media Relations Officer, they taped
19 and interviewed him, and I believe that was the only
20 Cornwall Police Service involvement. The rest was
21 unbeknownst to us.

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

23 **MR. REPA:** I'm -- I did see it.

24 **MR. ENGELMANN:** Yes.

25 **MR. REPA:** The interview with Constable

1 Dunlop and whatever.

2 MR. ENGELMANN: Yes.

3 MR. REPA: That was unbeknownst to us.

4 MR. ENGELMANN: All right. You were asked
5 to participate, and you did not, but you had Staff Sergeant
6 Wells?

7 MR. REPA: Yes.

8 MR. ENGELMANN: Okay.

9 MR. REPA: Yeah.

10 MR. ENGELMANN: And did you actually watch
11 the programme at the time?

12 MR. REPA: Yes, oh yes, on television?

13 MR. ENGELMANN: Yes?

14 MR. REPA: Yes, I did see it, yes.

15 MR. ENGELMANN: And did it raise any
16 concerns for you at that time, sir?

17 MR. REPA: That's a good question. I wasn't
18 happy with it, but I -- concerns, I, I can't ---

19 THE COMMISSIONER: Well, okay, never mind
20 the concerns. Why weren't you happy?

21 MR. REPA: Well, you have a sworn police
22 officer talking about issues that are covered by our oath
23 of confidentiality and given all the other negative
24 publicity that was going on about the Service, it just
25 seemed to add to it. And it was -- to me, it was

1 unfortunate, and I wish it had never happened, but we just
2 absorbed it and went on.

3 **THE COMMISSIONER:** Was there any fallout the
4 day -- I'm sorry -- the day after, was there any fallout at
5 the police station or any reaction, I should say, with your
6 Deputy Chief and the rest, when you came back the next day?

7 **MR. REPA:** Oh, I'm sure it was the topic of
8 conversation I recall, but you know it got to be so common
9 place, this discussion going on every day, things were
10 getting -- it had taken on a life of its own.

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

12 **MR. REPA:** It was escalating out of control.
13 And we were powerless in many, many ways to do anything
14 about it. And so you just -- it became a fact of life, for
15 me anyways, as Chief of Police, that I could have very well
16 done without. But it was there, and it was evident, and it
17 wasn't getting any smaller. And you learned how to accept
18 it and say, "Okay, fine. Now, let's get on with our work".

19 And the staff did the same too. If I can
20 give you one quick example, I'd walk in in the morning and
21 if there was a negative comment in the newspaper, headlines
22 again, it would be the first two or three lines, and the
23 rest was the same stuff repeated over and over again, and
24 my staff would say to me, "Chief, have you seen the paper
25 today?" And I'd say, "No, I'll see it upstairs."

1 And they were -- you could tell they were
2 down, but when it came eight o'clock and it was time to
3 work, pouf, off they went to work and they put it behind
4 them. So they did their work in spite of this cloud that
5 was always present. It never went away.

6 And so when I watched the programme, it was
7 just part of the cloud. Was I happy? No.

8 **MR. ENGELMANN:** Sir, speaking of things you
9 may not have been happy about; there was a lawsuit that
10 followed.

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** In 1996?

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** And you were aware, sir,
15 that Officer Dunlop commenced an action against the
16 Cornwall Police Service in or about June of 1996?

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

18 **MR. ENGELMANN:** He was still on disability
19 leave at that time?

20 **MR. REPA:** I ---

21 **THE COMMISSIONER:** He comes back in May of
22 '97. That's what we've heard.

23 **MR. REPA:** Yes. He would have been on
24 disability. Yes, sir.

25 **MR. ENGELMANN:** Right. And did you have a

1 contact person from your service to assist counsel with
2 respect to the lawsuit?

3 **MR. REPA:** Well, there would have been
4 somebody, sir, and at that time, I cannot recall who it
5 would have been, and I don't want to hazard a guess. There
6 would be somebody that would be talking, yes, but I don't
7 recall who it was. No.

8 **MR. ENGELMANN:** All right, but you would
9 have assigned a staff sergeant or someone at that level?

10 **MR. REPA:** I don't remember.

11 **MR. ENGELMANN:** And you would have been
12 briefed on the progress of the lawsuit from time to time?

13 **MR. REPA:** Actually, initially, no. It was
14 like nothing was being done about it, if you follow me.

15 I'm not being critical of any entity, but --

16 -

17 **MR. ENGELMANN:** No.

18 **MR. REPA:** --- I think actually the first
19 phone calls where I actually got briefed or told what was
20 going on was from Mr. John Callaghan somewhere -- maybe a
21 year to two down the road, and then the ---

22 **THE COMMISSIONER:** He'll be called as a
23 witness later.

24 **MR. ENGELMANN:** So if you're making a
25 comment about civil litigators not getting back to you

1 quickly, no, we'll leave that.

2 But, sir, were you aware that the -- for
3 example, that his claim was amended in November of 1996 and
4 that new allegations were added?

5 **MR. REPA:** I was aware that there was a
6 second one, yes. Yes.

7 **MR. ENGELMANN:** All right. And just to
8 refer you to it very briefly, sir; it would be Exhibit 672,
9 Madam Clerk?

10 **MR. REPA:** Sorry, 672?

11 **THE COMMISSIONER:** No, you won't have that,
12 sir.

13 **MR. REPA:** Oh, sorry.

14 **MR. ENGELMANN:** You won't have that one;
15 it's a different binder, Mr. Repa.

16 **MR. REPA:** I'll learn.

17 **MR. ENGELMANN:** I just want to ask you a
18 couple of things about whether you were informed of them or
19 not at the time.

20 **MR. REPA:** Six seventy-two (672), I have it,
21 sir.

22 **MR. ENGELMANN:** All right. And it's a
23 document entitled "Amended Statement of Claim:" do you have
24 that?

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

1 **MR. ENGELMANN:** And on the very last page,
2 you'll see it's dated November 15th, 1996.

3 **MR. REPA:** Okay.

4 **MR. ENGELMANN:** And I just want to ask you
5 about a couple of paragraphs. Sir, in paragraph 32 which
6 starts on Bates page 980 and rolls on to 981.

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

8 **MR. ENGELMANN:** There's an allegation made
9 at the bottom of the page and on to the next page that:

10 "Murray MacDonald at all material times
11 advised Constable Sebalj on the file
12 and acted in his capacity as a Crown
13 attorney even though he declared a
14 conflict of interest on the same file
15 and in fact, did have a conflict of
16 interest on the file."

17 Were you advised at that time or later about
18 that allegation having been made?

19 **MR. REPA:** Is this -- I take it that's
20 referring to the current Crown attorney, Mr. Murray
21 MacDonald?

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

23 **MR. REPA:** I do not recall being briefed on
24 that line specifically, no, sir.

25 **MR. ENGELMANN:** All right. Then there is a

1 reference, sir, in paragraph 84, Bates page 00102 where
2 there's an allegation that there's a meeting being held in
3 late August or early September 1993; it says:

4 "A meeting was convened in a devious
5 fashion to discuss and arrange an
6 illegal obstructive, oppressive and
7 immoral cover-up."

8 MR. REPA: Sir, I'm sorry, I think you've
9 momentarily lost me on the paperwork.

10 MR. ENGELMANN: Oh, sorry.

11 MR. REPA: Yeah.

12 MR. ENGELMANN: It was the description;
13 paragraph 84.

14 MR. REPA: Okay, paragraph 84.

15 MR. ENGELMANN: Zero-zero-one (001)

16 MR. REPA: Okay. Yeah, I got it here.

17 MR. ENGELMANN: It says -- it talks very
18 full adjectives, an illegal, obstructive, oppressive and
19 immoral cover-up of allegations, says there was a meeting
20 and the meeting itself stands as conspiracy, et cetera.

21 MR. REPA: Yes.

22 MR. ENGELMANN: Were you advised of that
23 type of allegation made in the late fall of 1996?

24 MR. REPA: Well, this is dated that it
25 occurred in 1993?

1 **MR. ENGELMANN:** This -- it's alleging a
2 meeting that occurred in late August ---

3 **MR. REPA:** Yeah.

4 **MR. ENGELMANN:** --- or early September where
5 a number of prominent people were in attendance and they're
6 listed on the next Bates page.

7 **MR. REPA:** Yes.

8 **MR. ENGELMANN:** Were you made aware of that
9 new allegation, sir?

10 **MR. REPA:** I was aware. No one specifically
11 come in and made me aware of it. When I read over these
12 things, I would have seen that, yes. No one came in and --
13 -

14 **MR. ENGELMANN:** When you read over them now
15 or would that have been at the time?

16 **MR. REPA:** At the time.

17 **MR. ENGELMANN:** Okay. So you would have
18 been provided with a copy of the amended statement of
19 claim?

20 **MR. REPA:** Oh, yes, yes; because the Board
21 was named and the officers were named.

22 **MR. ENGELMANN:** Right.

23 **MR. REPA:** Well, mainly because the Board
24 was named, there would be a copy on my desk, yes.

25 **MR. ENGELMANN:** All right. And as well,

1 sir, the amended statement of claim, it had a number of
2 other amendments but on Bates page 005, in paragraph 93, --
3 -

4 MR. REPA: Yes?

5 MR. ENGELMANN: --- there's an allegation
6 made that the defendant MacDonald, Ken Seguin and Father
7 Charles MacDonald agreed to a plan and ordered injury
8 against Dunlop and his immediate family.

9 MR. REPA: Yes.

10 MR. ENGELMANN: Okay?

11 MR. REPA: Yes.

12 MR. ENGELMANN: So again, whether you were
13 informed by your representative, advising counsel or
14 whether you read it yourself, you would have been aware of
15 this new allegation being made in the fall of '96?

16 MR. REPA: Well, new in the fact that it was
17 written on paper but ---

18 MR. ENGELMANN: Yes.

19 MR. REPA: --- my recollection is that
20 everything I read was what had already happened prior to my
21 arrival ---

22 MR. ENGELMANN: Okay.

23 MR. REPA: --- and had been investigated by
24 the OPP and they found nothing to do with the Cornwall
25 Police. So I thought all in reading these civil actions

1 over, my impression that I was left with was "Okay, now
2 everything that's ever occurred or been investigated is now
3 going through the civil courts." That was my impression.

4 **MR. ENGELMANN:** Well sir, some of these new
5 allegations, we're told anyway, came as a result of an
6 affidavit or a statement that Mr. Dunlop took from a fellow
7 by the name of Ron Leroux in the fall of 1996; so shortly
8 before this amended statement of claim.

9 **MR. REPA:** Okay. Well, there is -- there is
10 -- again I'm trying to read. You must forgive police
11 officers; we're not very well versed in civil actions. We
12 tend to shy away from them.

13 But I understand -- if what I understand the
14 one you're talking about, sir, that may have been taken in
15 '96, but it didn't surface to us until '97 or '98. And it
16 was sent to me by Mr. John Callaghan, with a letter
17 particularizing this new evidence. That was the first time
18 I had something in front of me that was new and I sent a
19 copy of it to Mr. Richard Abell and the OPP.

20 **MR. ENGELMANN:** We'll come to that.

21 **MR. REPA:** Okay.

22 **MR. ENGELMANN:** That's in 1999, the Leroux
23 affidavit; we'll come to that.

24 But at this time, in November of '96 when
25 you're reading this, are you telling us then, you're not

1 aware of the source of these new allegations at this time?

2 MR. REPA: No.

3 MR. ENGELMANN: All right.

4 MR. REPA: No, I read it. No one came in
5 and said have you seen this; this means we should do
6 something about this or that. No, sir, this was -- I was --
7 - I looked through it. Basically, most of it is what was
8 being talked about. It was in the papers, it was
9 everywhere and I presumed it had all been covered by the
10 OPP investigation.

11 MR. ENGELMANN: Okay. And no one advised
12 you differently?

13 MR. REPA: Not to my recollection, no, sir.

14 MR. ENGELMANN: All right. Sir, some time
15 later, and in particular, in March of 1997, I understand
16 you were advised by Detective Inspector Smith of the OPP
17 about an issue involving death threats in the Dunlop
18 family. I just want to show you a document to that effect,
19 if I can.

20 MR. REPA: Yes, sir.

21 MR. ENGELMANN: And the Document Number is
22 723641.

23 Mr. Commissioner, it's a letter from
24 Detective Inspector Smith to Chief Repa, dated March 21st,
25 1997.

1 **THE COMMISSIONER:** Thank you. Yes.

2 **MR. REPA:** Thank you.

3 **THE COMMISSIONER:** Exhibit 1818.

4 **---EXHIBIT NO./PIÈCE NO P-1818:**

5 (723641) Letter from Tim Smith to Anthony
6 Repa - 21 Mar, 97

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

8 **MR. ENGELMANN:** Do you recall receiving
9 this, sir?

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

11 **MR. ENGELMANN:** Would you have perhaps had a
12 phone call with Detective Inspector Smith, he might have
13 given you a head's up.

14 **MR. REPA:** I may have or he may have talked
15 to one of my staff, yes.

16 **MR. ENGELMANN:** Fair enough. Fair enough.
17 And do you know if, in fact, the action
18 items that are written at the bottom of the page in
19 handwriting would have been done?

20 **MR. REPA:** Oh yes, sir, yes.

21 **MR. ENGELMANN:** And it would have been
22 entered in OMPPAC as a high priority in case of a call?

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

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

25 **MR. REPA:** And what also should have

1 happened; all of the team should have been briefed on it.
2 Everyone -- every police officer on the Force, on a
3 hazardous address file, should be made aware of it; even
4 detectives in case they're out in the car when the call
5 comes in and they have to know where the house is. It's a
6 common police thing to do.

7 **MR. ENGELMANN:** Sir, this appears to be very
8 similar to what we've just read in that amended statement
9 of claim? It doesn't say death threats there; it says
10 threat to injure; do you recall?

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** So did this strike you as
13 something new at this time or can you think back?

14 **MR. REPA:** Well, I -- it's new in that if I
15 receive a letter, correspondence from the OPP, that's
16 obviously a follow-up to somebody in our Service had a
17 phone call and we knew this was the follow-up coming in.

18 That's new and there's a request to actually
19 take an action, to put it on the hazardous address file
20 then that would be new to me.

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

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** All right, so another Force
24 is doing something about it so you're responding as
25 requested?

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

2 **MR. ENGELMANN:** All right. And do you know
3 if your Force had any further involvement in this
4 investigation, to your knowledge?

5 **MR. REPA:** Well I ---

6 **MR. ENGELMANN:** Any brief from time to about
7 it?

8 **MR. REPA:** I know that someone was charged
9 with either threatening one of the young Dunlop children
10 and there was a ---

11 **MR. ENGELMANN:** Yes, that's another matter,
12 sir.

13 **MR. REPA:** Okay, it's another matter?

14 **MR. ENGELMANN:** Yeah.

15 **MR. REPA:** Okay, well, on this I don't
16 recall anyone -- anything more than this being done, no,
17 sir.

18 **MR. ENGELMANN:** Now, sir, we heard some
19 evidence that in the late -- in late 1997, Mr. Dunlop
20 changed lawyers and shortly thereafter, there was another
21 amendment to the statement of claim and it's called a
22 "Fresh statement of claim" and that, sir, is Exhibit 673.
23 So it will be right after the last one in your binder. You
24 should have it there; if you can just take a really quick
25 look at that.

1 Oh, I thought you still had it.

2 **MR. REPA:** Six seven three (673).

3 Six seven three (673), yes, sir.

4 **MR. ENGELMANN:** Yes.

5 And this one is a fresh amended statement of
6 claim and although it's dated at the last page, January
7 15th, '97, we've heard that that should have been '98.

8 **MR. REPA:** Okay.

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

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

11 **MR. ENGELMANN:** And ---

12 **MR. CALLAGHAN:** I know we keep on using one;
13 this is a draft, did we ever -- do we have somewhere in the
14 record the actual one? This is not the one that was filed.
15 It's been presented -- it's very clear on the front it says
16 "Draft".

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

18 **MR. CALLAGHAN:** Well it should be stamped by
19 the Court Office as an amended statement.

20 **THE COMMISSIONER:** True enough.

21 **MR. CALLAGHAN:** And we're putting this to
22 him as a fresh amendment statement of claim. There was
23 one, whether this is -- tracks it directly, I don't know.

24 **MR. ENGELMANN:** Mr. Callaghan was intimately
25 involved; I would have thought if there was any issue, we

1 would have had the other document. This is the document
2 that's provided.

3 **MR. CALLAGHAN:** I'd hazard a guess there's
4 probably an actual one provided but this is clearly a
5 draft. I don't think anyone has misunderstood this to be a
6 draft, it says a draft right on the front.

7 **THE COMMISSIONER:** Okay.

8 **MR. ENGELMANN:** My point is, if there was an
9 issue with it I thought we would have heard by now. This
10 came up a long time ago, it's Document -- Exhibit Number
11 673. I just assumed that it was accurate but I'll
12 certainly ---

13 **THE COMMISSIONER:** I'm certain the Cornwall
14 Police Service has on record a copy of the real ---

15 **MR. CALLAGHAN:** We do. This was a notice
16 provided by a different party, not by Commission counsel,
17 so we didn't go over them.

18 I don't recall -- we've talked about a fresh
19 amended statement of claim. It's never been an issue that
20 there was one. There has never been a lot of questions
21 about it but if we're presenting it as the final then I
22 don't think that's appropriate.

23 I don't know -- we can see where we go. I
24 don't know whether it changed, it may not have.

25 **MR. ENGELMANN:** Well, Mr. Callaghan, we'd

1 hope you could provide us with a copy and we can then make
2 it 673-A.

3 **MR. CALLAGHAN:** Yeah, that's fine.

4 **MR. ENGELMANN:** And obviously if it's the
5 final version that's the one we'll rely on.

6 So I would hope that would be forthcoming.

7 **THE COMMISSIONER:** Thank you.

8 **MR. ENGELMANN:** We have the documents we've
9 been provided, sir.

10 **MR. CALLAGHAN:** I would have thought there
11 were lots of different choices; this came out of Mr.
12 Dunlop's boxes which was provided as well. I wouldn't
13 suggest there wasn't one provided. If there isn't one;
14 we'll search to find one. But to suggest we have not
15 provided final documents is not appropriate.

16 How the Commission ---

17 **THE COMMISSIONER:** Okay. No, no, you're
18 right, we're not going to get into a dogfight about ---

19 **MR. ENGELMANN:** And sir, ---

20 **THE COMMISSIONER:** --- what's going on. All
21 I'm interested in is getting the right copy.

22 You two gentlemen, senior lawyers, you guys
23 are going to figure it out and give me a real copy.

24 **MR. ENGELMANN:** Sir, I can assure you we'll
25 be searching our database to see if it's there.

1 **THE COMMISSIONER:** Okay.

2 **MR. ENGELMANN:** Mr. Repa, you would have
3 been provided a copy of the fresh amendment statement of
4 claim, presumably in final form, at or about the time it
5 would have been issued?

6 **MR. REPA:** Yes. Yes.

7 **MR. ENGELMANN:** All right. And again,
8 whether you were advised or not, you would have read the
9 document?

10 **MR. REPA:** Oh yes.

11 **MR. ENGELMANN:** And were you aware, sir,
12 that the claim was substantially reduced? We had a multi-
13 million dollar ---

14 **MR. REPA:** Yes.

15 **MR. ENGELMANN:** --- claim, 70-80 million
16 dollars against -- not a large number of people and now we
17 appear to have a claim that's for about a million dollars?

18 **MR. REPA:** Yes, I probably would not have
19 gleaned that from reading the documentation but that was
20 explained to me by Mr. Callaghan over the phone, yes.

21 **MR. ENGELMANN:** At the time?

22 **MR. REPA:** Yeah.

23 **MR. ENGELMANN:** All right. And sir, were
24 you aware that this matter was settled and the action was
25 then dismissed, in or around February of 2003, in your last

1 year as Chief?

2 MR. REPA: Yes, I was.

3 MR. ENGELMANN: All right. Sir, you've
4 talked about another police complaint, threats against the
5 Dunlop family. Were you aware, sir, that while Mr. Dunlop
6 was on disability leave that he and his family had received
7 a number of death threats by telephone?

8 THE COMMISSIONER: Well, in reality it was
9 death threats against the little girl.

10 MR. ENGELMANN: That's right, against the
11 daughter.

12 THE COMMISSIONER: Against the daughter.

13 MR. REPA: Yes I -- without seeing the
14 papers, to refresh my memory in front of me, yes, I'm aware
15 of that occurrence, yes.

16 MR. ENGELMANN: Right. Sir, just to help
17 refresh your memory, before I ask you a couple questions on
18 this, it's Exhibit 657, it may still be in the binder you
19 have.

20 THE COMMISSIONER: No.

21 MR. REPA: I go to 660, sir.

22 THE COMMISSIONER: Yes, we need another one.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. REPA: Oh, right at the end. Mine seems
25 to go to 659.

1 **THE COMMISSIONER:** Yes, we're going to 657.

2 **MR. ENGELMANN:** You want 657, sir.

3 **MR. REPA:** Oh, 657, okay. Yes, I have it,
4 sir. Thank you.

5 **MR. ENGELMANN:** Sir, just on the cover, this
6 is the report, as I understand it, that was prepared by the
7 person who investigated this matter and that was Staff
8 Sergeant Dupuis. He's listed as the investigator at
9 paragraph 5 on the front page.

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

11 **MR. ENGELMANN:** There was the date of the
12 complaint was August 9th, '96.

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

14 **MR. ENGELMANN:** It was filed by Helen
15 Dunlop.

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** And as I understand it and
18 if I can just paraphrase for a minute, the gist of the
19 complaint was she was concerned that she hadn't been
20 notified by the Cornwall Police Service about the release
21 information concerning the defendant in this case, a Laurie
22 Rupert.

23 **MR. REPA:** Yes, that she had not been kept
24 updated as to the events that were going on at the criminal
25 appearances; that she did not have the opportunity to have

1 her say, you know, like a victim impact statement type of
2 thing; and that she was not advised of any of what was
3 going on. Yes, basically that was it.

4 **MR. ENGELMANN:** All right. And you would
5 have received a copy of this report, of Staff Sergeant
6 Dupuis' report, together with, as I understand it, a
7 memorandum from Inspector Trew on November 20th of 1996.

8 **MR. REPA:** Well any public complaint or --
9 back then it was a bit of a different format than what
10 occurred after 91 or -- '95 or '96 but the Chief would
11 still receive everything, the initial complaint and then --
12 yes.

13 **MR. ENGELMANN:** All right. Just before I go
14 to his cover note, just in the report itself from Staff
15 Sergeant Dupuis, one of the persons he interviews when he
16 does his report is then Constable Danny Aikman.

17 **MR. REPA:** Yes, that's on 479?

18 **MR. ENGELMANN:** Correct.

19 **MR. REPA:** Yeah, okay.

20 **MR. ENGELMANN:** Exactly, we're on the same
21 Bates page.

22 **MR. REPA:** Yeah.

23 **MR. ENGELMANN:** Yeah. And he says that "He
24 had been assigned ..." -- and I'm looking in the middle
25 paragraph -- "... by then Chief Shaver to develop a policy

1 which minimally met the provincial standard."

2 MR. REPA: Okay, yes, sir. I see that.

3 MR. ENGELMANN: See that?

4 MR. REPA: Yes.

5 MR. ENGELMANN: And this is with respect to
6 victims and he says he set about -- in the next paragraph -
7 - developing a directive which would deal with victim
8 assistance on its own; Directive 98 was the result.

9 MR. REPA: Yes.

10 MR. ENGELMANN: And he then says:

11 "I was advised by Deputy Chief St.
12 Denis that because most of our
13 personnel were working at or above
14 capacity, the directive should not
15 include additional responsibilities to
16 personnel."

17 MR. REPA: Yes.

18 MR. ENGELMANN: Now -- so he also says, sir,
19 there's also a reference on the following page -- well,
20 hang on, sorry.

21 Just still on page 479, a little further
22 down the page he says he was "Advised" -- in the second
23 last paragraph -- "by Deputy Chief St. Denis to carry on
24 with my other tasks. He would address the victim
25 assistance coordinated duties at a later time."

1 **MR. REPA:** Yeah, I see that, sir.

2 **MR. ENGELMANN:** He again says:

3 "Directive 98 was designed to minimally
4 meet provincial standards, taking into
5 account a couple of police standards.

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** And then on the following
8 page, he talks about this being resubmitted to Acting Chief
9 Johnston. And he says:

10 "For reasons unknown to myself the
11 directive was not acted upon by the
12 working committee. It sat in abeyance
13 until just prior to Acting Chief
14 Johnston's departure and was signed
15 into effect on July 6th, 1995."

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** You see that?

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

19 **MR. ENGELMANN:** There's also a reference to
20 this in the statement of Special Constable Moquin in the
21 second paragraph, about Directive 98.

22 **MR. REPA:** On 480?

23 **MR. ENGELMANN:** Yeah -- well, sorry, Bates
24 page 481.

25 **MR. REPA:** Four eight one (481) okay.

1 **MR. ENGELMANN:** In the spring of 1994.

2 **MR. REPA:** Oh, yes, I see it. Okay.

3 **MR. ENGELMANN:** And then lastly, sir,
4 there's a brief reference on the following page, Bates 482,
5 Deputy Chief St. Denis, again the penultimate paragraph:

6 "It may be that due to the lack of
7 inspectors, supervisors and employee
8 illness the Victim's Assistance Program
9 was not monitored closely by
10 management."

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** Okay. So there appear to be
13 references to a program that then Constable Aikman was
14 asked to take on and there's some issues in getting it
15 implemented and there's issues about staffing and other
16 problems. Okay?

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

18 **MR. ENGELMANN:** And what I then want to take
19 you to, sir, is what the report would seem to indicate is
20 that there have been some shortcomings in the past with
21 this -- with victim's assistance practices and policies.

22 **MR. REPA:** Yes.

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

24 **MR. REPA:** That's fair.

25 **MR. ENGELMANN:** Right. And it -- that

1 didn't appear to have been given a priority earlier and
2 this is coming through in this report from Staff Sergeant
3 Dupuis.

4 **MR. REPA:** The report -- the words in the
5 report say that. I'm always hesitant to pass judgment on
6 something that there might have been circumstances that are
7 not in the report.

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

9 **MR. REPA:** But I would agree with the
10 wording of the report.

11 I wasn't there when it was going on.

12 **MR. ENGELMANN:** No, I realize that, sir.
13 I'm just saying what the report indicates.

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

15 **MR. ENGELMANN:** I'm not asking you to
16 confirm that that was actually true or not but that's what
17 the report is indicating.

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

19 **MR. ENGELMANN:** And sir, then you received
20 Document Number 740426. And this is what I referred to
21 earlier; this is a memorandum from Inspector Trew to
22 yourself dated November 20th, 1996 and it appears to include
23 Staff Sergeant Dupuis' report to you.

24 **MR. REPA:** Okay.

25 **MR. ENGELMANN:** And I'll just take you to

1 that in just a moment.

2 MR. REPA: Okay.

3 THE COMMISSIONER: Thank you.

4 Exhibit 1819 is an internal correspondence
5 from Inspector Trew to Chief Repa, dated November 20th,
6 1996.

7 --- EXHIBIT NO./PIÈCE No. P-1819:

8 (740426) Internal correspondence from
9 Insp Trew to Anthony Repa - 20 Nov '96

10 MR. REPA: Yes, sir.

11 MR. ENGELMANN: All right. So this is --
12 you're receiving a report from Inspector Trew and he's also
13 giving you some recommendations.

14 MR. REPA: That's correct.

15 MR. ENGELMANN: All right. And sir, he's
16 recommending that Directive 98 -- and this is the victim's
17 assistance directive; is that correct?

18 MR. REPA: I'm not -- it would appear to be,
19 yes, sir. Yeah, from the ---

20 MR. ENGELMANN: He's saying that it should
21 be reviewed and researched with special attention given to
22 coordinator's position, coordinator's duties et cetera.

23 He's setting out a list of recommendations?

24 MR. REPA: Yes.

25 MR. ENGELMANN: And sir, is there a note

1 from you at the bottom of the page?

2 **MR. REPA:** Yes, sir that is my handwriting.

3 **MR. ENGELMANN:** Can you tell us what it
4 says, sir?

5 **MR. REPA:** It's my response to him on --
6 when did he send this to me -- November 26th to Inspector
7 Trew.

8 "Policy Number 17 has been issued
9 covering notification of victims at
10 conclusion of bail hearings."

11 In other words, we did have bail hearings
12 covered. So now it's -- regarding his suggestion agree
13 that Directive 098 must be reviewed with a purpose of more
14 timely notification of victims and directing him to
15 establish a team and prepare recommendations, update me
16 every two weeks and the due date is December 17th.

17 That would be for the first -- that would
18 give him some time to get the team organized and then his
19 first report is due on December 17th, '96.

20 **MR. ENGELMANN:** And sir, the directive that
21 had been done with respect to bail hearings, if you could
22 have a look -- Madam Clerk, Document Number 722559.

23 **THE COMMISSIONER:** Thank you.

24 Yes, Exhibit 1820 is the bail hearing
25 directive and it's revised November 22nd, 1996.

1 --- EXHIBIT NO./PIÈCE No. P-1820

2 (722559) Bail hearing directive - 22 Nov,
3 '96

4 MR. ENGELMANN: So is this what you just
5 referred to in your note, sir?

6 MR. REPA: Yes, sir.

7 MR. ENGELMANN: Okay. So that had been done
8 very promptly that fall?

9 MR. REPA: I'm sorry.

10 MR. ENGELMANN: That had been done that
11 fall?

12 MR. REPA: Yes.

13 MR. ENGELMANN: And, sir, was this revised
14 as a -- in response to the -- as a response to the Dunlop
15 complaint?

16 MR. REPA: The bail hearing directive?

17 MR. ENGELMANN: Yes. That change about
18 notification or was that in the works in any event?

19 MR. REPA: I'm not sure why a bail hearing
20 directive was revised. It's -- I don't know why we revised
21 it, sir but we did, obviously.

22 And -- but it doesn't cover what Mrs. Dunlop
23 was complaining about. It just covers bail hearings only.

24 MR. ENGELMANN: That's right, just that
25 aspect.

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

2 **MR. ENGELMANN:** And sir, did you eventually
3 pass a revised victims' assistance policy in or about the
4 29th of December 2000 in response to the adequacy standards?

5 Perhaps just to help ---

6 **MR. REPA:** Yes, I would have but I
7 understand we can't locate a copy of it; is that correct?
8 Is this what we're ---

9 **MR. ENGELMANN:** I think there was one in
10 your corporate policy presentation and I'm going to try and
11 show that to you and ask you if that's the same thing.

12 **MR. REPA:** I ---

13 **THE COMMISSIONER:** It's Exhibit 30, Tab 43.
14 And I think we're both right.

15 **MR. REPA:** Yeah.

16 **MR. ENGELMANN:** I tried to show you that ---

17 **THE COMMISSIONER:** And what do you want to
18 show us?

19 **MR. ENGELMANN:** Exhibit 30 ---

20 **THE COMMISSIONER:** Yes.

21 **MR. ENGELMANN:** --- Volume 3, sir, Tab 43.

22 **MR. REPA:** Tab 43.

23 **MR. ENGELMANN:** The document we have at the
24 back of the tab is Cornwall Community Police Service
25 General Order ---

1 THE COMMISSIONER: No.

2 MR. ENGELMANN: --- FOB 003, Victims'
3 Assistance.

4 THE COMMISSIONER: What exhibit -- what
5 number?

6 MR. ENGELMANN: It's Exhibit 30 ---

7 THE COMMISSIONER: Yeah.

8 MR. ENGELMANN: --- Tab 43.

9 THE COMMISSIONER: Yeah. No.

10 MR. ENGELMANN: Which would be in the third
11 volume, sir.

12 THE COMMISSIONER: Maybe that's what's wrong
13 -- yeah, third volume.

14 MR. ENGELMANN: And you'll have two
15 documents in the tab; the first document in the tab ---

16 THE COMMISSIONER: No, no. We'll stop you.
17 What do you have, sir? Do you have one page at page 43?

18 MR. REPA: No, I have Tab 43.

19 THE COMMISSIONER: And what's in Tab 43.

20 MR. REPA: I seem to have a bunch of
21 victims' assistance general orders dated December 29th,
22 2000.

23 THE COMMISSIONER: So, I have got a Book of
24 Documents, Danny Aikman, Volume 3, and at Tab 43, I have a
25 Major Case Management Ontario Regulation.

1 Anyways, do we have it on the screen, Madam
2 Clerk? I'll follow on the screen.

3 **MR. ENGELMANN:** Doc. number -- well, the
4 first doc. number on the Tab is 600057. This was early on
5 in our process, sir.

6 The first document I have at the Tab is a
7 Victims Assistance document dated February 18th, 2005, and
8 you will see that on the screen.

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** And then, a few pages in, I
11 have -- so just after this document.

12 **MR. REPA:** Okay, yes.

13 **MR. ENGELMANN:** I have a document that's
14 entitled "Cornwall Community Police Service General Order."
15 Right there.

16 **MR. REPA:** Yes. Yes, I have.

17 **MR. ENGELMANN:** Do you have that sir?

18 **MR. REPA:** Yes, sir, I do.

19 **MR. ENGELMANN:** And that's the General Order
20 FOB 003 Victims Assistance?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** If you turn to the last page
23 of that document.

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

25 I have it, sir.

1 **MR. ENGELMANN:** This is a document that has
2 as its effective date December 29th, 2000.

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

4 **MR. ENGELMANN:** But the copy we have here is
5 the amended version that was amended September 30th, 2002.

6 **MR. REPA:** Well, sir, just so you understand
7 how orders are written, and I wouldn't be able to tell you
8 what the correction was, but if the effective date of the
9 original order was December 29th, 2000 ---

10 **MR. ENGELMANN:** Yes?

11 **MR. REPA:** -- there could have been a one
12 word or a one sentence changed and, therefore, you have to
13 reissue -- it could have been just one page or the whole
14 order.

15 **MR. ENGELMANN:** Right.

16 **MR. REPA:** Because your staff, each one of
17 your staff have to sign that they received a copy of it so
18 they know what they're supposed to do. So when I see
19 "Amended", it could be a sentence was removed or added in
20 the whole order.

21 **MR. ENGELMANN:** We don't have a side bar so
22 we don't know?

23 **MR. REPA:** No. No, I -- it was our problem
24 too ---

25 **MR. ENGELMANN:** Fair enough, but it would

1 appear at least from this document that your original order
2 was dated December 29th, 2000?

3 MR. REPA: No.

4 MR. ENGELMANN: No?

5 MR. REPA: No. If I -- are you referring to
6 my handwritten order at the bottom? No, sir.

7 If I gave Inspector Trew on November 26th,
8 '96, the written direction or order to develop a directive,
9 I've got it as reviewed, so we must have had -- there must
10 have been something, and I've told him he's got "Prepare
11 recommendations for implementation and update me every two
12 weeks," and with due dates on it, it was done.

13 It would have been done. There's no ifs,
14 ands or buts. It's just a matter of I think the -- when I
15 made the inquiries, apparently, they cannot find the paper.
16 It may have been disposed of when the order was issued.
17 The effective date of the order was issued on December 29th,
18 2000. Inspector Trew is not of the calibre to disregard a
19 Chief's written directions.

20 MR. ENGELMANN: So you believe there was an
21 order much earlier than December 29th, 2000?

22 MR. REPA: Yes, sir.

23 MR. ENGELMANN: Just that it just can't be
24 located?

25 MR. REPA: It -- this could not have been

1 forgotten because my assistant also has -- when things were
2 due, they were put on my desk that morning. This did not
3 go away.

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

5 **MR. REPA:** It's regretful that -- see what I
6 was doing too, you have to understand Directives. I was
7 switching Directives over to General Orders.

8 But initially, in the first instance, they
9 went out as Directives, but they should be titled General
10 Orders.

11 If it can't be found, sir, that's
12 unfortunate but with that written order there, it would
13 have been done.

14 **THE COMMISSIONER:** So that doesn't help us,
15 that the effective date of the order is 2000?

16 **MR. REPA:** No. No, that would have been,
17 sir, because I see "... must be reviewed;" see there's -- I'm
18 saying:

19 "I agree that Directive Number 98 must
20 be reviewed and the -- with the purpose
21 of more timely notification of
22 victims."

23 So I'm asking them to review what they
24 already had.

25 "I am directing you to establish a team

1 **MR. REPA:** --- complaint. And so I would --
2 and thank you for finding this; it helps -- I would have
3 been directing Inspector Trew to amend Directive 98 to
4 include basically well, all victims of criminal acts be
5 notified.

6 **MR. ENGELMANN:** And sir, as a result of --
7 you -- in fact maybe this would be helpful -- you did write
8 a letter to Mrs. Dunlop. It is Exhibit 1541, dated May
9 27th, '97.

10 **THE COMMISSIONER:** Exhibit number again?

11 **MR. ENGELMANN:** Fifteen-forty-one (1541).

12 **MR. REPA:** Thank you.

13 **MR. ENGELMANN:** Trying to solve the mystery;
14 but hope this will help.

15 Do you have that handy sir?

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

17 **MR. ENGELMANN:** It's a letter dated May 27th
18 that you write -- May 27th, '97. You are writing to Mrs.
19 Dunlop. You are referring to previous correspondence you
20 had written to her. You are forwarding her the bail
21 directive, hearing directive to say that you've made
22 changes there; correct?

23 **MR. REPA:** Yes.

24 **MR. ENGELMANN:** And then you are also
25 saying:

1 "Our Victims Assistance Directive is
2 under review and will be modelled to
3 comply with the soon-to-be-released
4 Victims Assistance Directive under the
5 proposed Provincial Adequacy and
6 Effectiveness Standards for the
7 delivery of police services."

8 So at least in May of '97, the previous
9 Directive 98 would not have been amended; correct?

10 **MR. REPA:** Yes, sir. You are correct.

11 **MR. ENGELMANN:** If we are reading logically
12 from your letter.

13 **MR. REPA:** No, that's right.

14 **MR. ENGELMANN:** And it appears you're
15 waiting for those Adequacy Standards or you may be waiting
16 for them.

17 And I just, sir, wanted to pose is it
18 possible that the Directive doesn't come out until 2000
19 because that's after the Adequacy Standards are issued in
20 '99?

21 **MR. REPA:** Well, if you read my wording,
22 sir, I -- like, I'm obviously very handicapped here. I
23 don't have the document to show you. What can I say?

24 **MR. ENGELMANN:** I was trying to help.

25 **MR. REPA:** I know. No, I -- Mr. Engelmann,

1 I think my language is "Our Victim Assistance Directives is
2 under review and will be modelled to comply with the soon-
3 to-be released ..."

4 From -- the wording of that is -- you see,
5 what happened, when these Directives came out, these
6 standards from the Province because there would be about 57
7 of them. Well in advance, they had sent us skeletal
8 outlines of what it was going to contain. So we could
9 begin to turn the Force that way.

10 **MR. ENGELMANN:** They had best practices
11 guidelines.

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

13 **MR. ENGELMANN:** They were sending out before
14 the Adequacy Standards?

15 **MR. REPA:** Yeah, and eventually, then
16 eventually, the full outline would come out and you would
17 put a team on to build your -- the order to comply with
18 what Toronto wanted.

19 I can say from the letter that when I say
20 it's going to be modelled to comply with, that it's being
21 worked on and we had a rough scenario and then you just
22 drop it and change to the new one that came from Toronto.
23 You know, I -- I can only tell you what I -- I see in front
24 of me and I believe happened. Without the documentation,
25 sir, to present, I'm -- I'm handicapped; there's nothing I

1 can say.

2 MR. ENGELMANN: Well, it would be fair to
3 say that if there was an order between December of 2000 and
4 your direct -- the note we've looked at in the fall of '96;
5 that it would have had to been after May of '97 ---

6 MR. REPA: Yes ---

7 MR. ENGELMANN: --- given that letter you --
8 -

9 MR. REPA: --- yes, I would agree with you
10 there and I can only -- I can only assure you, sir, that
11 there is no way that I or Inspector Trew would let this
12 slide for three or four years.

13 MR. ENGELMANN: All right.

14 MR. REPA: It's just not in the cards, I'm
15 sorry. If it did, I owe everyone an apology, but what can
16 I say.

17 MR. ENGELMANN: All right.

18 I'll just be a moment, sir. I want to ---

19 MR. REPA: Yes.

20 MR. ENGELMANN: --- clear up something that
21 just came up earlier.

22 Sir, let's stay with that date, May of '97.

23 MR. REPA: Yes, sir.

24 MR. ENGELMANN: That's the time we
25 understand that Perry Dunlop comes back to work?

1 MR. REPA: I believe so, yes ---

2 MR. ENGELMANN: All right.

3 MR. REPA: --- yes.

4 MR. ENGELMANN: And presumably, you're made
5 aware of this in advance of it actually happening?

6 MR. REPA: That would be a fair statement --

7 -

8 MR. ENGELMANN: All right.

9 MR. REPA: --- yes. You know, I don't
10 remember dates, sir, or anything, but yeah.

11 MR. ENGELMANN: And I'm wondering, sir, if
12 you anticipated any problems? You'd had this *Police*
13 *Service Act* history; you'd had the ongoing lawsuit; were
14 you concerned about Mr. Dunlop coming back?

15 MR. REPA: Well, I -- I've been in policing
16 long enough to know, and in management and I'd certainly
17 talked to enough lawyers about employers returning to work
18 who'd been off on some form of sick -- sick leave to know
19 that when a medical person, doctor, whoever signs a paper
20 saying that this person is now fit to return to work;
21 unless you have solid evidence to say he or she should not
22 return to work; they're returning to work.

23 MR. ENGELMANN: Absolutely.

24 MR. REPA: Okay, so that's -- that's the
25 first thing. I had no concerns as long as the -- the

1 proper documentation covered his return to work and I
2 believe there was an insurance company involved; I'm not
3 sure, but -- so as far as that went, I had no concerns
4 about him returning to work.

5 **MR. ENGELMANN:** Well, let me put it this
6 way. Do you recall your Deputy Chief expressing some
7 concerns that he had about the unique situation that Mr.
8 Dunlop was in and Mr. Dunlop's return to work?

9 **MR. REPA:** As a result of reading somewhere
10 in these several binders, I -- I -- yes, I ---

11 **MR. ENGELMANN:** All right.

12 **MR. REPA:** --- recall receiving a memo from
13 Deputy Chief Joe St. Denis, yes, I do.

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

15 Let's look at Exhibit 1810 for a minute.

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

17 **THE COMMISSIONER:** Maybe after the break.

18 **MR. ENGELMANN:** Absolutely.

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

21 This hearing will resume at 3:20.

22 --- Upon recessing at 3:04 p.m./

23 L'audience est suspendue à 15h04

24 --- Upon resuming at 3:23 p.m./

25 L'audience est reprise à 15h23

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

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

4 **ANTHONY REPA:** Resumed/Sous le même serment

5 --- EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.
6 **ENGELMANN (Cont'd/suite):**

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

8 Mr. Repa, we were just turning our eye to
9 Exhibit 1810. This is a memo or internal correspondence
10 from the Deputy Chief to yourself, dated April 30th, '97.

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

12 **MR. ENGELMANN:** Do you recall receiving this
13 from the Deputy Chief, sir?

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

15 **MR. ENGELMANN:** And he starts out in the
16 first paragraph saying he's just become aware of this
17 through the newspaper. Had you -- do you have some
18 knowledge, sir, as to whether you were familiar with the
19 fact that Mr. Dunlop was returning to work?

20 **MR. REPA:** Well, yes. I -- obviously, at a
21 point, I became aware, sir, that he was returning to work.
22 How I was aware -- whether it was documentation from the
23 Association or the insurance company -- I'm not sure at all
24 ---

25 **MR. ENGELMANN:** Okay.

1 **MR. REPA:** --- no.

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

3 And sir, he's saying, in the second
4 paragraph:

5 "I support our modified return to work
6 policies, however, as Deputy Chief, I
7 do have operational concerns as the
8 Dunlop case is [and he emphasizes the
9 word] most different ... ---

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

11 **MR. ENGELMANN:** --- ... from the other
12 modified work employees."

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

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

15 And then he goes on to outline some of the
16 issues involving a Mr. Dunlop. For example, he talks about
17 long-term disability for mental stress; he talks about the
18 OPP investigating serious threats against him.

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

20 **MR. ENGELMANN:** He talks about conspiracy
21 issues and he talks about the Fifth Estate program.

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** And as a result of those
24 differences, he then sets out a number of questions;
25 correct?

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

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

3 And he's saying:

4 "I believe that Constable Dunlop's
5 situation should be viewed very
6 carefully as the evidence from LTD, the
7 Fifth Estate and the civil action all
8 point to a person who continues to
9 suffer from mental distress. If
10 something serious happened, the
11 Cornwall Police Service would pay
12 another very high price for their wrong
13 decision pertaining to modified duties.
14 Forwarded for your information."

15 And so he gives you his opinion; he sets out
16 some questions. You apparently received this document a
17 couple of days later. Is that your writing, sir, "Received
18 2nd May '97?"

19 **MR. REPA:** No, sir, it's not my writing.

20 **MR. ENGELMANN:** But your office does receive
21 this?

22 **MR. REPA:** Oh, yes, I -- yes.

23 **MR. ENGELMANN:** Okay.

24 And -- oh, we're going there.

25 Do you recall whether or not you actually

1 sat down with the Deputy Chief and talked about this?

2 MR. REPA: You mean the response to his memo
3 or Perry Dunlop's return to work?

4 MR. ENGELMANN: No, just -- yes, in response
5 to the memo, whether you just responded with a memo of your
6 own or whether you actually sat down and went through this
7 with him.

8 MR. REPA: No, I -- I responded with a memo,
9 sir.

10 MR. ENGELMANN: All right.

11 MR. REPA: Also, at the time, just -- just
12 to give you a quick background, we had a Mrs. Sue Currie
13 working with us at this time ---

14 MR. ENGELMANN: Yes.

15 MR. REPA: --- and she was part of the
16 process to return Perry Dunlop to work also. She's an HR
17 person.

18 MR. ENGELMANN: A civilian employee?

19 MR. REPA: Well, no; contract part-time. I
20 contracted her from -- she lived north of Burlington and
21 Campbellford -- Campbellville, Ontario ---

22 MR. ENGELMANN: All right.

23 MR. REPA: --- and she came highly
24 recommended. And she was part of the process. And what
25 I'm saying is that she worked -- she was in the station and

1 also worked with Deputy Chief Joe St. Denis on the -- like
2 he was the signer of all her letters -- to all the sick
3 staff, we were changing over and injured staff. She
4 couldn't sign it because she wasn't a full-time employee so
5 the Deputy Chief did so there was interaction at that level
6 also and not just with me. But on this one, I believe, it
7 was a formal written response.

8 **THE COMMISSIONER:** Oh, yeah.

9 **MR. ENGELMANN:** So she was performing human
10 resource duties for you and the Deputy Chief?

11 **MR. REPA:** Well, for the Service and --yes,
12 for ---

13 **MR. ENGELMANN:** Yes.

14 **MR. REPA:** --- the service, yes.

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

16 And you responded to Mr. St. Denis'
17 correspondence with correspondence of your own at Exhibit
18 1811, I believe.

19 **MR. REPA:** Yes.

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

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

22 **MR. ENGELMANN:** And in your note, in the
23 second paragraph, you say in your second paragraph, you
24 state:

25 "The Dunlop case is most different from

1 the other modified work employees."

2 Are you privy to more information other than
3 that which is in your memo or are the concerns which you
4 pointed out the facts that make this case different from
5 your point of view?

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** Did you ever get an answer
8 to that, sir?

9 **MR. REPA:** No, not to my recollection, no.

10 **MR. ENGELMANN:** And you did not sit down and
11 discuss it?

12 **MR. REPA:** I think I directed him to speak
13 with Sue Currie. Yes, I -- I would have directed him to
14 Sue Currie.

15 **MR. ENGELMANN:** Is there a reason why you
16 didn't sit down and meet with him?

17 **MR. REPA:** I may have, but well, when you
18 receive -- when a Chief of Police receives a memo like this
19 from a Deputy Chief of Police, I was very well aware that
20 Deputy Chief St. Denis was one of the named parties in the
21 civil action. I was very well aware -- the Deputy Chief is
22 a very caring individual; he cares about people and that --
23 there was no doubt about that.

24 And coupled with the fact that he was being
25 sued, I know or I knew at the time that it was something

1 that was bothering him. It wasn't what you do, you don't -
2 - you don't take on your elders with these unsubstantiated
3 allegations in these ways and sue them and it bothered Joe
4 -- Deputy Chief.

5 When he sent me this letter -- and he's very
6 right, I won't talk about Perry -- Constable Dunlop but
7 when an employee returns to work from any form of leave
8 that's not physical, there's always a chance -- especially
9 carrying a gun, or whatever, that things could happen and
10 it's going to end up in the Chief's office, is going to
11 take the heat for allowing him back to work.

12 Now, when I receive a memo like this and I -
13 - I can completely understand why the Deputy sent it. I
14 can empathize with him and he was -- the memo shows he was
15 genuinely concerned about Officer Dunlop's return to work.

16 It is not the time to have a fireside chat
17 at this point. It's a time to respond to it in a very
18 official manner because if anything did go wrong down the
19 road, it's got to be documented that what my response was
20 to his documentation. Because if anything had happened
21 with Constable Dunlop and that it was -- it went back that
22 he wasn't ready to return to work and I had approved it,
23 then we've got civil actions; we've got troubles; we've got
24 complaints.

25 And I had to respond very officially to the

1 Deputy Chief; first of all to allay his fears and secondly
2 that, yes, I'm well aware of what you're saying and this is
3 what's going to happen and it's very official.

4 We're talking about the return of an
5 employee who has a right to return to work. I now have a
6 Deputy who is, for valid reasons, and I completely
7 understand why the Deputy sent this to me, is challenging
8 his return to work.

9 So naturally my response is going to be very
10 formal and it's all documented in there. And we were
11 fortunate that nothing did happen with Constable Dunlop's
12 return to work in his duties as a police constable.

13 **MR. ENGELMANN:** Whether it's Perry Dunlop or
14 another worker off on some kind of mental disability, you
15 don't return that employee to work until you have medical
16 information that satisfies you?

17 **MR. REPA:** That's correct. And his concern
18 obviously went beyond -- we had the medical information or
19 ---

20 **MR. ENGELMANN:** Right.

21 **MR. REPA:** --- he never would have returned
22 to work. The Deputy's concern went beyond that; what if.
23 And they were genuine concerns and I support his concerns
24 and the letter he sent to me.

25 And I just felt that it had to be a very

1 formal structured return to answer his questions and I
2 think the -- one of his concerns was that could he keep his
3 police profession separate from the civil action and his
4 allegations.

5 And my last sentence of the last paragraph,
6 I stated my expectations of staff and that's all you can
7 do.

8 **MR. ENGELMANN:** Now, the circumstance was
9 unusual.

10 **MR. REPA:** I'm sorry, the circumstance?

11 **MR. ENGELMANN:** The circumstance was
12 unusual.

13 **MR. REPA:** Oh yes, it was very unusual; I
14 don't think it's happened anywhere else, this type that he
15 was returning under, yes, very unusual.

16 **MR. ENGELMANN:** And it wasn't that you
17 didn't have other employees who were returning after
18 L.T.D., you did obviously.

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** And no doubt other employees
21 who were returning as a result of some kind of stress or
22 long-term disability?

23 **MR. REPA:** I don't know if any others were
24 returning from stress leave; there was definitely -- yes,
25 you're correct, sir, there was one other. Yes, you're

1 correct.

2 MR. ENGELMANN: But no one else returning to
3 work who had a current lawsuit against the Police Force?

4 MR. REPA: That's correct, yes.

5 MR. ENGELMANN: Presumably, that would have
6 been unique?

7 MR. REPA: That's right.

8 MR. ENGELMANN: All right. And so you do
9 not recall -- and I understand your reasons for wanting to
10 put something in writing, sir, but you did not have any
11 discussion with Joe St. Denis to flesh out your questions
12 from the second paragraph about whether there was something
13 else?

14 MR. REPA: I can't say I did not.

15 MR. ENGELMANN: All right.

16 MR. REPA: I don't recall it right now, sir.

17 MR. ENGELMANN: All right. And sir, did you
18 -- Mr. Dunlop's return to work was being coordinated with
19 Mrs. Currie and Staff Sergeant Dupuis?

20 MR. REPA: Yes, sir.

21 MR. ENGELMANN: And his return to work was
22 managed as would other return to works have been?

23 MR. REPA: Yes, on the -- you'll recall,
24 under modified work program, you started at two hours and
25 worked up into different ---

1 **MR. ENGELMANN:** Right.

2 **MR. REPA:** And then he also had to re-
3 qualify under the *Police Services Act* for use of force
4 training and the other issues, the target practice --
5 shooting on the range I should say.

6 **MR. ENGELMANN:** Now, did you have any direct
7 dealings with Mr. Dunlop upon his return to work?

8 **MR. REPA:** I thought of that over the last
9 few weeks and I can't remember if I had him into the office
10 in person, welcoming him back to the Service or -- I mean
11 obviously I'm going to meet him in the hallways. And I
12 just cannot recall -- I know what my style is and I would -
13 - because I hadn't really met him; he had been off when I
14 arrived.

15 And I just can't recall if I had him into
16 the office and welcomed him back or when I saw him in the
17 hall or whatever, but I would have at some point said
18 something.

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

20 **MR. REPA:** I'm his Chief of Police, he's a
21 constable.

22 **MR. ENGELMANN:** It's not a huge Force?

23 **MR. REPA:** No, it's not a huge Force plus
24 he's going out on the road and putting his life in harm's
25 way, you know, I would have said something but, sir, I

1 cannot specifically recall what or where.

2 **MR. ENGELMANN:** All right. And sir, it's my
3 understanding he was first assigned to a unit where Staff
4 Sergeant Lortie, I believe who would have been his
5 supervisor?

6 **MR. REPA:** Well, I think -- yes. Yeah, he
7 would have been on the front desk working accelerated hours
8 and then taking his use of force training and whatever and
9 then it would have gone into police work.

10 If it was Lortie that's fine, I don't
11 disagree with it.

12 **MR. ENGELMANN:** And there were transfers to
13 other units thereafter?

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

15 **MR. ENGELMANN:** And sir, did you have any
16 concern about interactions between him and supervisors that
17 he may have personally named in his lawsuit, such as-- you
18 knew about Deputy Chief St. Denis?

19 **MR. REPA:** Yes, and Inspector Brendon Wells
20 and Staff Sergeant Luc Brunet.

21 **THE COMMISSIONER:** Stuart McDonald?

22 **MR. REPA:** Stuart, I think Mr. McDonald had
23 retired by that time. I believe he had retired, sir. Yes,
24 he had retired.

25 Did I have concerns? Yes, they were

1 concerns of -- they were my concerns, just me. There might
2 be possible friction, there might be this, there might be
3 that. But in conversations, my recollection is everyone
4 that was named, the Inspector, Staff Sergeant Brunet, that
5 they would -- my recollection is everyone said they would
6 do their jobs as police officers, it would be professional.

7 So my concerns were allayed; I didn't have
8 any -- you know, initially, yes, you think, oh my goodness,
9 but you know what, it worked out very well. From my
10 perspective as Chief, I never received one negative comment
11 or rumour or written documentation of his work ethic or
12 effort as a uniformed constable assigned to do his duties,
13 no.

14 **MR. ENGELMANN:** Were there any concerns that
15 came to your attention, sir, about whether he was accepted
16 by his colleagues, some of the relationships with
17 colleagues; whether he was ignored or ostracized, things of
18 that nature?

19 **MR. REPA:** I'm aware of -- because we
20 investigated; I'm aware of a statement he made, I believe,
21 on a radio or television program to that effect but no, as
22 I've just said, -- and as you have said a few times, this
23 was not the biggest police force in the world. Word would
24 have got back to me through the unofficial grapevine that
25 there was a problem; it did not and officially nothing came

1 to me.

2 **MR. ENGELMANN:** Well we've heard from -- and
3 I don't know how much of this you've been following, sir,
4 you've watched or read some transcripts of these
5 proceedings?

6 **MR. REPA:** I've had enough sent to my home
7 too, yes, sir, I have.

8 **MR. ENGELMANN:** So are you aware that some
9 of his fellow officers have testified about his
10 relationship with his peers and how at least with some of
11 the members of the Force, it wasn't the same as it had been
12 before he went off on leave?

13 **MR. REPA:** I am now, yes, today. It was a
14 few weeks ago when I read it. But my response to that is,
15 I worked the Metropolitan Toronto Police, I worked in the
16 Halton Police, I've worked here, I've been in other
17 organizations, and you know what, not everybody gets along
18 with everybody. I mean that's going to happen with 120
19 people, somebody is not going to see eye to eye. But as
20 long as they're doing their job professionally and they do
21 the back up that's necessary, really that's my main
22 concern.

23 They may be oil and water together but as
24 long as when they're on duty they do their job -- I had it
25 in Halton, guys wouldn't talk to each other but they backed

1 up each other on call, so I wasn't worried.

2 That never came to me while I was working.

3 **MR. ENGELMANN:** Well that's what I wanted to
4 ask, whether you were aware of it at the time?

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

6 **MR. ENGELMANN:** And you talked about another
7 matter you became aware of and that's something you looked
8 into and that was a concern -- at least that was expressed
9 publicly by Mr. Dunlop about back up.

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

11 **MR. ENGELMANN:** And that's something we'll
12 come to.

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

14 **MR. ENGELMANN:** Sir, what about the
15 relationship with the Crown? I understand you received a
16 letter from Murray MacDonald in early 1998 and I just want
17 to refer you to that if I can, it's tab -- sorry, it's
18 Exhibit 1546.

19 **MR. REPA:** Fifteen forty-six (1546)?

20 **MR. ENGELMANN:** Fifteen (15).

21 **MR. REPA:** Yes, okay. Thank you.

22 (SHORT PAUSE/COURTE PAUSE)

23 **MR. REPA:** Yes, I see this is dated January
24 7, '98; he returned you said in May of '97?

25 **MR. ENGELMANN:** Yes.

1 **MR. REPA:** So I'm taking it from that
2 because he says -- he went to regular squad duty. In the
3 interim time, he was -- it must have been his escalating
4 period of reintegration into the Service then.

5 Okay, yes, I have the letter in front of me.

6 **MR. ENGELMANN:** So let's just start with --
7 you would have received this letter? Do you have some
8 recollection of this concern being expressed to you in
9 writing?

10 **MR. REPA:** I'm sorry, did you say do I
11 recall receiving this letter or did he talk to me
12 beforehand?

13 **MR. ENGELMANN:** Either.

14 **MR. REPA:** Well I definitely recall
15 receiving the letter, yes.

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

17 **MR. REPA:** Whether he verbalized it to me,
18 sir, I cannot recall.

19 **MR. ENGELMANN:** All right. So you're not
20 sure if any of these concerns were expressed to you orally
21 before you received the letter?

22 **MR. REPA:** No, sir. Mr. MacDonald was the -
23 - is the type of gentleman who -- I think he would have
24 prefixed it with "Further to our conversation" or something
25 like that. So I'm guessing that I just received the

1 letter.

2 MR. ENGELMANN: All right. We've heard that
3 he would have many meetings with officers from the CPS ---

4 MR. REPA: Yes.

5 MR. ENGELMANN: --- and that he had an open
6 door policy.

7 MR. REPA: Door was always open and he
8 helped me out several times with issues I wanted to bounce
9 off of him, yes, sir.

10 MR. ENGELMANN: So that's why I was
11 wondering if he might have met with you before writing to
12 you.

13 MR. REPA: Sorry, I do not recall.

14 MR. ENGELMANN: All right. In the second
15 paragraph he says:

16 "As you are doubtless aware, the
17 individual has recently made vigorous
18 and wide-ranging attacks on my personal
19 and professional integrity."

20 MR. REPA: Yes, sir.

21 MR. ENGELMANN: And, sir, Mr. MacDonald
22 appears to think you know what he's speaking about when he
23 says that and I'm wondering if you could help us out about
24 what's being referred to there?

25 MR. REPA: Specifically, no. Generally as I

1 have mentioned before, sir, it was just -- it was just that
2 ongoing, incessant, continual, non-stop negative publicity
3 on TV, radio and printed media. And you know it gets to a
4 point after while you read it but it doesn't really sink in
5 because it's the same thing, just with add-ons and if Mr.
6 MacDonald's name was mentioned in it well that's fine but -
7 --

8 MR. ENGELMANN: Well we looked at an amended
9 statement of claim some time ago.

10 MR. REPA: Yes.

11 MR. ENGELMANN: Just earlier this afternoon.

12 THE COMMISSIONER: A draft mind you.

13 MR. ENGELMANN: No, ---

14 THE COMMISSIONER: Oh, the first one.

15 MR. ENGELMANN: --- the amended statement of
16 claim.

17 THE COMMISSIONER: Yes.

18 MR. ENGELMANN: I was careful with my words
19 there, sir.

20 THE COMMISSIONER: All right.

21 MR. ENGELMANN: And that was -- I mean we
22 actually looked at a paragraph and that was Exhibit 672.

23 MR. REPA: Yes, I recall and I asked you if
24 that was the current Crown attorney, yes I remember that.

25 MR. ENGELMANN: Yeah. And there was a line

1 in that document -- this document is from November of '96.

2 MR. REPA: Yes.

3 MR. ENGELMANN: There's a line in the
4 document that says that at the time Murray MacDonald was
5 advising Constable Sebalj on the file and acted in his
6 capacity as a Crown attorney, even though he declared a
7 conflict of interest on the same file and in fact did have
8 a conflict of interest on the file.

9 MR. REPA: Yes.

10 MR. ENGELMANN: There was that one line in
11 the document in November of '96.

12 MR. REPA: Yes.

13 MR. ENGELMANN: And there's other documents
14 about whether or not there was a conflict but they're from
15 much earlier, before your term.

16 I'm wondering if there was anything that
17 might have happened in 1997 and in particular in the fall
18 of '97 that might have been brought to your attention by
19 Mr. MacDonald or his office.

20 MR. REPA: No.

21 MR. CALLAGHAN: The statement of claim goes
22 on further to suggest that Murray MacDonald was involved in
23 the cover-up ---

24 THE COMMISSIONER: Yeah.

25 MR. CALLAGHAN: --- it's not just that

1 there's a conflict of interest, you're going to have them
2 at Stanley Island, et cetera.

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

4 **MR. CALLAGHAN:** So it's broader than that.

5 **MR. ENGELMANN:** Well the statement of claim,
6 sir, is in November of '96, all right, and the -- I just --
7 it says:

8 "The individual has recently made
9 vigorous and wide-ranging attacks on my
10 personal and professional integrity."

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** I'm just wondering, he says:
13 "As you're doubtless aware," I'm just wondering can you
14 help us out there about what's being referred to?

15 **MR. REPA:** No. No, sir, when I received
16 this letter I would have read that. But in my mind, okay,
17 he's talking about what we're hearing about almost
18 everyday, that would not have been the focus of my
19 attention. My focus would have been on assigning or
20 committing the paperwork and having staff set up a process
21 whereby when Constable Dunlop had questions of the Crown
22 attorney's office, he would go to someone other than Murray
23 MacDonald.

24 That second paragraph really -- I would have
25 read it and I would have moved on to the next paragraph and

1 acted upon it. That meant nothing -- I don't mean this in
2 a derogatory sense or a negative or like a flip sense in
3 any way, it would have mean -- I've got to stop doing that,
4 I apologize.

5 **THE COMMISSIONER:** No, actually, sir, you
6 have to bring it in front of you because your voice is
7 failing a little bit.

8 **MR. REPA:** Okay. All right.

9 **THE COMMISSIONER:** There you go. If you
10 keep it right in front, you won't miss it.

11 **MR. REPA:** Okay.

12 **MR. ENGELMANN:** But sir, would it not have
13 been important to you -- I mean he suggests that you should
14 set up a process and that there shouldn't be direct
15 dealings et cetera. But I'm just -- here your local Crown
16 attorney is saying "Recently made vigorous and wide-ranging
17 attacks on my personal and professional integrity" and I'm
18 just wondering if it might have been important for you to
19 find out what that was about and you know, if in fact he
20 was going out to the press or saying things in the press or
21 publicly at that time ---

22 **MR. REPA:** Yes.

23 **MR. ENGELMANN:** --- whether you would have
24 followed that up?

25 **MR. REPA:** No, I looked -- as I look upon

1 the letter now that is his foundation -- he's using that
2 paragraph as a foundation to say, that is the reason why he
3 cannot meet with me.

4 And the letter -- the intent of the letter
5 to me, as I read it was to set up a process so that I do
6 not have to meet with Constable Dunlop and give him legal
7 advice as a Crown attorney and ---

8 **MR. ENGELMANN:** Okay, so you didn't make any
9 efforts to find out what paragraph 2 was about ---

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

11 **MR. ENGELMANN:** --- you just acted upon what
12 he asked you to do?

13 **MR. REPA:** That's correct, sir.

14 **MR. ENGELMANN:** All right. And you did so
15 immediately?

16 **MR. REPA:** A letter from a Crown attorney,
17 yes, sir, it would have been done -- I don't know where --
18 there should be documentation but ---

19 **MR. ENGELMANN:** Yes, I'll take you to it.

20 **MR. REPA:** --- it would have been done, I
21 suppose forthwith.

22 **MR. ENGELMANN:** Exhibit 1495.

23 **MR. REPA:** Fourteen ninety-five (1495), sir?

24 **MR. ENGELMANN:** Yes.

25 **THE COMMISSIONER:** No, another book, sir.

1 **MR. ENGELMANN:** I'm sorry 85, I apologize.
2 It appears you would have asked Inspector
3 Trew to handle this matter and I'm looking at Exhibit 1485?

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

6 **MR. ENGELMANN:** All right. And those were
7 the arrangements that were then put in place as a result of
8 Mr. MacDonald's request?

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

10 **MR. ENGELMANN:** And that would have been
11 communicated to Mr. MacDonald by Inspector Trew. If you
12 take a look at 1547, I don't know if you have it handy,
13 Exhibit 1547.

14 **MR. REPA:** Fifteen forty-seven (1547)?

15 **MR. ENGELMANN:** Yes.

16 **THE COMMISSIONER:** Different book.

17 **MR. REPA:** Yes, I do, sir.
18 Yes.

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

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** And so he's writing to Mr.
22 MacDonald, he's copying you, acknowledging receipt of his -
23 - of Mr. MacDonald's letter and indicating that:

24 "Chief Repa has asked me to inform
25 Constable Dunlop of your

1 recommendations and indicating that on
2 January 13th, held a meeting with
3 Constable Dunlop and he was advised to
4 follow the procedures outlined in your
5 correspondence."

6 And the attached memo, I believe, is 1485
7 that we just looked at.

8 **MR. REPA:** That would be fair, yes.

9 **MR. ENGELMANN:** All right. And had you
10 instructed Inspector Trew to speak to Constable Dunlop
11 about this, sir?

12 **MR. REPA:** Well, I can't sit here today and
13 specifically recall that.

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

15 **MR. REPA:** But that would have been some of
16 the text of what -- he was asked to do.

17 **MR. ENGELMANN:** Right. Well it appears
18 that's what he did?

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** All right. Were you ever
21 advised through the chain of command or otherwise, that Mr.
22 Dunlop found this directive to be intimidating?

23 **MR. REPA:** Not to my recollection, no, sir.

24 **MR. ENGELMANN:** And sir, we've heard from at
25 least some of the CPS witnesses that most of the contacts

1 they would have with the Crown would be of a very informal
2 basis; in other words, discussions in hallways at the
3 courthouse, things of that nature. Those were the typical
4 conversations, meetings that they would have most often
5 with the Crown prosecutors.

6 **MR. REPA:** I wouldn't know, sir. I'm sorry.

7 **MR. ENGELMANN:** All right. And would you
8 know, sir, whether formal consultations with the Crown by
9 uniformed officers, whether that was frequent or whether
10 that would be rare?

11 **MR. REPA:** I know when we had, like,
12 fatalities or bad accidents or grievous injuries, the
13 Traffic -- the officers would definitely have a formal
14 meeting because they have a lot to explain, preparing a
15 brief or whatever, but I really wouldn't be privy to that;
16 it's operational.

17 **MR. ENGELMANN:** Would you know if this
18 directive would, in any way, hamper Constable Dunlop in
19 performing his duties as an officer?

20 **MR. REPA:** This would -- no. I would never
21 have issued it if it hampered him, sir. No he's -- there
22 were enough Assistant Crown Attorneys in the office to
23 accommodate Constable Dunlop's -- any inquiries Constable
24 Dunlop might wish to make.

25 **MR. ENGELMANN:** All right. So just so we're

1 clear, he wasn't to meet with Mr. MacDonald and if he met
2 with an Assistant Crown, he had to have one of his
3 supervisors or Constable Malloy present? That was the
4 directive; he could never meet with a Crown on his own?

5 MR. REPA: That was -- that's what the
6 directive said. Yes, sir.

7 MR. ENGELMANN: Right. And that was what
8 Mr. MacDonald had requested?

9 MR. REPA: I don't think he requested that,
10 no. I'd have to read it.

11 THE COMMISSIONER: Yes.

12 MR. REPA: The page before?

13 THE COMMISSIONER: No.

14 MR. ENGELMANN: Let me just find it.

15 THE COMMISSIONER: Fourteen eighty-one
16 (1481) maybe. No.

17 We were just there and I think the last
18 sentence said that he had to be with Constable Malloy or
19 one of the supervisors.

20 MR. ENGELMANN: Do you see that? It's in
21 Exhibit 1546.

22 THE COMMISSIONER: Ah, 1546.

23 MR. ENGELMANN: "Likewise, it is recommended
24 that Mr. Dunlop's supervisor or Officer
25 Malloy be present in all such

1 meetings."

2 Right? So he doesn't want to meet with Mr.
3 Dunlop and he doesn't want Mr. Dunlop meeting with his
4 associates unless ---

5 **MR. REPA:** Okay. Yes, sir, I see that now.
6 Yes, you're correct. I'm sorry, I ---

7 **MR. ENGELMANN:** All right. Okay.
8 So you followed through on his request?

9 **MR. REPA:** Yes, sir. That's right.
10 I apologize. When I was first reading that,
11 I -- that part didn't come out to me.

12 **MR. ENGELMANN:** No, that's fine.

13 **MR. REPA:** So, it was not meeting with
14 Murray -- Mr. MacDonald that came out.

15 **MR. ENGELMANN:** Right.

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

17 **MR. ENGELMANN:** Now, let's -- in carrying on
18 with Mr. Dunlop, I understand that -- let me just find the
19 document -- you wrote a letter to Detective Inspector Smith
20 in April of 1997 with respect -- it had something to do
21 with the Dunlop lawsuit and it's Document Number 701470.

22 **THE COMMISSIONER:** That will be a new one,
23 sir.

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

25 **THE COMMISSIONER:** Exhibit Number 1821 is a

1 letter from Chief Repa to Detective Inspector Tim Smith
2 dated April 16th, 1997.

3 --- EXHIBIT NO./PIÈCE No. P-1821:

4 (701470) Letter from Anthony Repa to Tim
5 Smith - 16 Apr, 97

6 MR. ENGELMANN: So it appears, sir, that you
7 are forwarding some documents that you received from your
8 counsel, Mr. Callaghan, to the OPP?

9 MR. REPA: Yes, sir.

10 MR. ENGELMANN: And it appears that you
11 would have had a phone call with Mr. Smith before sending
12 those documents?

13 MR. REPA: Yes, sir.

14 MR. ENGELMANN: All right. And in your
15 letter, you refer to an ongoing investigation. You say:

16 "I have reviewed the response to demand
17 for particulars and it appears to
18 contain criminal allegations of matters
19 which you are presently investigating."

20 MR. REPA: Yes, it does say that. Yes.

21 MR. ENGELMANN: Yeah. Do you know, sir, can
22 you remember now, what if anything, you were told about
23 what the OPP was investigating at that point in time, April
24 of '97?

25 MR. REPA: No, I'm sorry. I do not. I'm

1 just trying to remember when Project Truth started. It was
2 in ---

3 MR. ENGELMANN: Well, shortly -- we'll get
4 to that right away.

5 MR. REPA: Okay.

6 MR. ENGELMANN: It was shortly after this,
7 sir.

8 MR. REPA: Okay.

9 MR. ENGELMANN: And you may have been
10 advised on that day that a meeting had been set up for
11 April 24th, where some OPP officers were going to meet with
12 a Regional Crown Attorney.

13 MR. REPA: Yes.

14 MR. ENGELMANN: A Peter Griffiths?

15 MR. REPA: Okay, yes.

16 MR. ENGELMANN: Does that ring a bell?

17 MR. REPA: No. It does because I read it a
18 couple of weeks ago.

19 MR. ENGELMANN: All right.

20 MR. REPA: But ---

21 MR. ENGELMANN: All right. Well at this
22 point in time would you be aware of the fact that there
23 would have been prosecution at least ongoing with respect
24 to Father Charles MacDonald? This is April of '97.

25 MR. REPA: Sorry, to be very honest with

1 you, and I'm not trying to be difficult, I really I -- the
2 words are there and obviously either in a conversation with
3 Inspector Smith or my working knowledge of the time, I was
4 aware they were doing something but for me to sit here now
5 and ---

6 **MR. ENGELMANN:** Fair enough.

7 **MR. REPA:** --- try to recall where those --
8 why those words are there, I don't -- honestly, I don't
9 recall sir.

10 **MR. ENGELMANN:** Well, you had had a
11 correspondence from Inspector Smith about the death threats
12 against the Dunlop family, I believe, about a month
13 earlier?

14 **MR. REPA:** Yes.

15 **MR. ENGELMANN:** As well?

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** All right. So are you aware
18 sir, if on this date, Detective Inspector Smith might have
19 told you that the OPP was about to commence a project to
20 look into allegations of historical sexual abuse and
21 allegations of cover-up?

22 **MR. REPA:** No. No, I -- the style -- my
23 style and for most senior police management people that I
24 have worked with is if you are going to forward something
25 or ask a favour or whatever, you make the phone call first,

1 the personal contact to be sure it's -- first of all, it's
2 going to the right place and they can reciprocate and do
3 what it is you are asking them to do or whatever and then
4 you follow-up with a letter.

5 And that's -- my call to him would have been
6 to advise him about that -- I was going to forward him this
7 demand for particulars, sir.

8 **MR. ENGELMANN:** All right. I think I can
9 help refresh your memory, sir.

10 **MR. REPA:** Okay.

11 **MR. ENGELMANN:** There appears to have been a
12 letter that he wrote to you a few days later. It's
13 Document Number 728676.

14 It's a letter, sir, from Detective Inspector
15 Smith to Chief Repa dated April 21st, 1997.

16 **THE COMMISSIONER:** Exhibit 1822.

17 **--- EXHIBIT NO./PIÈCE No. P-1822:**

18 (728676) Letter from Tim Smith to Anthony
19 Repa - 21 Apr, 97

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

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

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

23 So sir, whether you talked about it on April
24 16th or not, he at least is telling you here of this
25 upcoming meeting.

1 MR. REPA: Yes.

2 MR. ENGELMANN: With Mr. Griffiths?

3 MR. REPA: Yes, sir.

4 MR. ENGELMANN: All right.

5 And he's talking about the fact that a
6 number of things are going to be reviewed at that time.

7 MR. REPA: Yes, sir.

8 MR. ENGELMANN: Right.

9 And he's saying that the OPP is going to be
10 investigating this, regardless of where the alleged
11 offences took place.

12 MR. REPA: Yes, sir.

13 MR. ENGELMANN: Presumably even if they took
14 place in the City of Cornwall.

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

16 MR. ENGELMANN: How did that sit with you at
17 that time?

18 MR. REPA: Well, it didn't elicit a reaction
19 out of me that was negative. I just -- it just ---

20 MR. ENGELMANN: Fair enough.

21 MR. REPA: It's like everything else. We
22 would have -- he would have been told he'd have our full
23 cooperation ---

24 MR. ENGELMANN: All right.

25 MR. REPA: --- if we could help him in any

1 way.

2 MR. ENGELMANN: Sir, at this point in time,
3 were you aware, had you been made aware, of the fact that
4 Mr. Dunlop had delivered a package of materials, of
5 documents, to Chief Julian Fantino of the London Police in
6 December of '96?

7 MR. REPA: At some point, well -- definitely
8 well after that Constable Dunlop delivered the package to
9 Chief Fantino, I became aware of it, yes. I don't ---

10 MR. ENGELMANN: You're just not sure ---

11 MR. REPA: --- know when ---

12 MR. ENGELMANN: --- when?

13 MR. REPA: I'm not sure when, sir.

14 MR. ENGELMANN: You're not sure if you were
15 told about it here by Detective Inspector Smith?

16 MR. REPA: I -- I don't know how I found it.

17 MR. ENGELMANN: Sir ---

18 MR. REPA: I did find out, but I don't know
19 how.

20 MR. ENGELMANN: Okay.

21 We also know that he delivered further
22 materials to the Ministry of the Attorney General and OCOPS
23 earlier in April of 1997.

24 MR. REPA: That's correct.

25 MR. ENGELMANN: And you can't recall -- you

1 were made aware of that, but you just don't remember when
2 again?

3 **MR. REPA:** That's right, sir.

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

5 And sir, were you aware, sir, that Detective
6 Inspector Hall of the OPP was calling Mr. Dunlop on April
7 17th '97 regarding this upcoming meeting and proposing a
8 commencement of an investigation and meeting with him?

9 **MR. REPA:** That would have been Detective
10 Sergeant Hall at that time ---

11 **MR. ENGELMANN:** Oh, perhaps.

12 **MR. REPA:** --- Pat Hall. If it's Pat Hall -
13 --

14 **MR. ENGELMANN:** Yes, it's Pat Hall.

15 **MR. REPA:** --- was meeting with Perry -- had
16 arranged a meeting with Perry Dunlop?

17 **MR. ENGELMANN:** For sometime in April of
18 '97.

19 **MR. REPA:** I don't specifically recall that.
20 I -- I don't know if my staff were made aware of it and
21 they told me. I just don't recall. If I was told it -- it
22 would -- given what was going on in the background, it
23 would be a logical step to take. He had information that
24 we didn't have and..

25 **MR. ENGELMANN:** So it appears they're going

1 to be reviewing, at least at the meeting on April 24th,
2 documents that you would have forwarded from the Demand for
3 Particulars, et cetera.

4 **MR. REPA:** Yeah, I believe that Demand for
5 Particulars -- I think there's a -- I believe that the OPP
6 already had it.

7 **MR. ENGELMANN:** Yes.

8 **MR. REPA:** So ---

9 **MR. ENGELMANN:** So you may have been sending
10 them something they already had.

11 **MR. REPA:** Which I didn't know about, but I
12 would have sent it anyway, just to be sure.

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

14 **MR. REPA:** Then it's documented, they've got
15 it.

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

17 But you just can't recall today whether they
18 would have told you about other documents they might have
19 been discussing at that time?

20 **MR. REPA:** No, no. And -- and you know, the
21 reality is, sir, I wouldn't have expected them to if they
22 even thought they were going to have to investigate the
23 Cornwall Police also again.

24 **MR. ENGELMANN:** I'm sorry?

25 **MR. REPA:** The reality is I wouldn't have

1 expected him to, had -- had what we'd known later -- if he
2 -- if he even thought that he was going to investigate the
3 Cornwall Police eventually, I --I wouldn't have expected
4 him to have been too forthcoming with information.

5 **MR. ENGELMANN:** About what he had by way of
6 documents?

7 **MR. REPA:** What he had, yes, yeah. You
8 wouldn't want to prejudice the investigation.

9 **MR. ENGELMANN:** That's all right.

10 Did you receive a report about the April 24th
11 meeting that you can recall?

12 **MR. REPA:** This is with the ---

13 **MR. ENGELMANN:** Yes.

14 **MR. REPA:** --- Regional Director of Crowns -
15 --

16 **MR. ENGELMANN:** Yes.

17 **MR. REPA:** --- Peter Griffiths? Not that I
18 can recall, unless you have it here, sir. I don't recall
19 at all.

20 **MR. ENGELMANN:** Well, sir, we have notes of
21 a telephone call that you would have had with Detective
22 Inspector Smith. It's a fair bit later. It's about three
23 weeks later, marked May 14th '97, and that's Exhibit 1803.

24 **THE COMMISSIONER:** Sir, you'd have to look
25 in your ---

1 MR. REPA: Okay, okay.

2 THE COMMISSIONER: Eighteen Zero Three
3 (1803)?

4 MR. REPA: I'm -- I'm sorry, sir, whose
5 notes are these?

6 MR. ENGELMANN: Detective Inspector Smith
7 and they're ---

8 MR. REPA: Okay.

9 MR. ENGELMANN: --- fairly small, so it
10 would probably ---

11 MR. REPA: Yes, I ---

12 MR. ENGELMANN: --- be easier to read them
13 on the screen.

14 MR. REPA: --- I think it would be, yes.

15 MR. ENGELMANN: And the Bates page in
16 question is -- I think it says 264.

17 MR. REPA: Oh, I see, okay.

18 MR. ENGELMANN: Right at the top of the
19 page, sir. It's going to be easier on the screen, I assure
20 you.

21 MR. REPA: Okay. Okay, I see my name, yes.

22 MR. ENGELMANN: It says:

23 "May 14th '97, 15:45, Call Chief Repa.

24 Advise him we will be investigating all
25 allegations addressed by Mr. Dunlop and

1 to complainants or victims of abuse in
2 this case."

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

4 **MR. ENGELMANN:** I'm not sure -- "I ---

5 **THE COMMISSIONER:** "...advised Dunlop not" --
6 okay.

7 **MR. ENGELMANN:** Chief perhaps advises:

8 "Dunlop not back to work yet, but when
9 he does he will advise... ---

10 **THE COMMISSIONER:** So the Chief advises:

11 "Dunlop not back to work yet. When he
12 does he will advise... -- whatever ---

13 **MR. ENGELMANN:** --- ...so I can interview. I
14 requested an obvious force be present when
15 this is done. He agrees and will advise
16 me."

17 All right.

18 **THE COMMISSIONER:** Collaboratively done.

19 **MR. ENGELMANN:** I'm sorry?

20 **THE COMMISSIONER:** It was collaboratively --

21 -

22 **MR. ENGELMANN:** I thank all counsel for
23 their input. I'm sure that Mr. Wallace is very familiar
24 with these documents and can read them well.

25 So does this, Mr. Repa, give you a sense

1 that, at least, as at May 14th '97 that you would have
2 received some information about what the OPP intends to do?

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

4 **MR. ENGELMANN:** And do you know if that --
5 if your first notification would have been by way of a
6 phone call or did you ---

7 **MR. REPA:** It would appear so, sir, yes. I
8 -- I don't even recall this conversation but it would
9 appear so, yes.

10 **MR. ENGELMANN:** That's fine.

11 Does that seem to refresh your memory about
12 some of what you might have been told at the time or ---

13 **MR. REPA:** Yeah, I -- yes, I was totally
14 unaware of that, yes. I mean, it happened but I had ---

15 **THE COMMISSIONER:** Do you have ---

16 **MR. REPA:** --- my memory refreshed.

17 **THE COMMISSIONER:** --- any memory of it now?

18 **MR. REPA:** Pardon?

19 **THE COMMISSIONER:** No, but, you know, the
20 distinction is does this refresh your memory or it's just a
21 past recollection that's recorded?

22 **MR. REPA:** It's a past recollection that's
23 recorded, sir. Thank you, Mr. Commissioner.

24 **MR. ENGELMANN:** Now, were you advised, sir,
25 of the mandate of this new OPP investigation?

1 **MR. REPA:** Well, I became aware of it. I
2 don't know if "advise" is the right word because I -- I
3 don't specifically recall who told me what the mandate was,
4 but I certainly became aware of -- of the mandate as far as
5 it was explained to me, yes.

6 **MR. ENGELMANN:** Okay, this is not really
7 much about a mandate ---

8 **MR. REPA:** No, no, no.

9 **MR. ENGELMANN:** --- explained, at least, in
10 those notes.

11 **MR. REPA:** No.

12 **MR. ENGELMANN:** And I'm wondering whether
13 you would have been consulted in any way in the wording of
14 the mandate or the drafting of it?

15 **MR. REPA:** Of the OPP mandate?

16 **MR. ENGELMANN:** Right.

17 **MR. REPA:** No.

18 **MR. ENGELMANN:** All right. And I'm
19 wondering if you were ever provided a copy of their mandate
20 in writing?

21 **MR. REPA:** Not to my knowledge, no. I don't
22 recall ever seeing anything in writing. If you have it I
23 could look at it and tell you for sure, but I have never
24 seen it in writing to the best of my recollection.

25 **MR. ENGELMANN:** It is in the -- I think

1 there's an exhibit that has it. Perhaps if we could look
2 at -- I didn't give notice on this, I wasn't intending to
3 go there, but it's very short, it's Exhibit 331.

4 **THE COMMISSIONER:** It's already an exhibit.

5 **MR. ENGELMANN:** Yes.

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

7 **MR. ENGELMANN:** Just waiting for it to come
8 up on the screen, sir. Counsel won't have it available
9 otherwise; many of them.

10 Mr. Repa, is this a document that you can
11 recall seeing before?

12 **MR. REPA:** No, sir, I do not recall seeing
13 this, no.

14 **MR. ENGELMANN:** All right. Well, let me
15 just try and summarize the mandate if I can quickly.

16 It appears that they're going to be looking
17 at pedophile activity, both historic and ongoing, in the
18 Cornwall, Ontario area.

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** And presumably that means
21 both the City of Cornwall and surroundings?

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

23 **MR. ENGELMANN:** All right. And you -- did
24 you understand that, sir, at the time? Or at some point in
25 1997?

1 **MR. REPA:** Well, not having read this I --
2 yes, I understood it was Cornwall and the surrounding area,
3 yes, sir.

4 **MR. ENGELMANN:** And that they would be
5 looking at both historical reports and current reports of
6 this type of activity?

7 **MR. REPA:** I think my understanding possibly
8 was more historical but it wouldn't rule out ---

9 **MR. ENGELMANN:** All right. And that they
10 were looking at suspects who were prominent and respected
11 citizens of Cornwall?

12 **MR. REPA:** Yes, I remember that phrase being
13 used frequently, yes, sir.

14 **MR. ENGELMANN:** All right. And as well,
15 they were looking at whether suspects were able to
16 terminate investigations and/or prosecutions by abusing
17 positions of trust?

18 **MR. REPA:** Well, not that precise wording,
19 but I understood that we were all -- that the Cornwall
20 Community Police Service members were also under
21 investigation, past and present, yes, sir.

22 **MR. ENGELMANN:** Well, the last sentence
23 says:

24 "It is alleged the Crown Attorney,
25 Diocese of Cornwall and the Cornwall

1 Police Service conspired to obstruct
2 justice in these matters."

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

4 **MR. ENGELMANN:** So in that sense might be
5 looking at some members of the Service with respect to that
6 issue?

7 **MR. REPA:** And there was no ---

8 **MR. ENGELMANN:** Were you made aware of that,
9 sir?

10 **MR. REPA:** There was no doubt in my mind
11 that the Cornwall Community Police Service members were
12 going to be investigated for criminal allegations, yes,
13 sir, that was crystal clear. I've never seen it quite in
14 this wording that's all.

15 **MR. ENGELMANN:** And, sir, that would have
16 been of great concern to you? A criminal investigation of
17 Cornwall Police Service members?

18 **MR. REPA:** The position I took when this was
19 all coming alive was that not only would the named officers
20 in the Perry Dunlop civil action be investigated, that
21 potentially every member that had ever served in the
22 Cornwall Police Service historically, that had retired or
23 gone on elsewhere, was under investigation.

24 That every current member of the Cornwall
25 Police Service was under investigation including its Chief

1 of Police, Tony Repa, because in the, what, approximately
2 two-and-a-half years that I was Chief, I may said something
3 to staff or issued a memo that when it came up to the OPP's
4 attention, they may have viewed that as untoward. And I
5 might have been down at their office answering questions.

6 So my position was every member of the
7 Service past and present, including the current Chief, was
8 technically under investigation because I had issued a lot
9 of directives and said a lot of things to a lot of people.
10 It could end up in OPP hands and they could want to talk to
11 me about it.

12 **MR. ENGELMANN:** Why did you think that was
13 the case? Was that something that Detective Inspector
14 Smith ---

15 **MR. REPA:** No.

16 **MR. ENGELMANN:** --- would have told you?

17 **MR. REPA:** No, he didn't. That was my
18 thinking, sir. It was just me thinking that.

19 **MR. ENGELMANN:** All right. And was that
20 your -- you were obviously interested in what the OPP was
21 doing ---

22 **MR. REPA:** Oh, yes.

23 **MR. ENGELMANN:** --- in this Project Truth
24 investigation?

25 **MR. REPA:** I can't explain to you, there's

1 no words to describe how when you've never had this happen
2 in your whole police career to become Chief of Police of a
3 service that is now going to undergo its third police
4 investigation, basically out of the same issues with added
5 issues on it.

6 And in the meantime, you're trying to police
7 a community and tell people have faith in us and you're
8 arresting bank robbers and murderers and whatever and now
9 it just -- it was a very unique situation. And ---

10 **MR. ENGELMANN:** Would have been unsettling?

11 **MR. REPA:** No, not unsettling because I was
12 confident that the staff that were named in the civil
13 action, the ones that were the actual object of the
14 investigation of the Cornwall Police, I was from just --
15 without me doing an investigation with just talking and
16 listening and the two forces that had cleared us -- cleared
17 the Force, I was confident that there was no evidence to
18 link them to these incredible accusations.

19 And let me tell you one thing. Had I ever
20 unearthed myself or through my staff one shred of evidence
21 on any member of the Service, they would have been
22 immediately suspended and an investigation would have
23 ensued.

24 So I was quite confident, but it was the --
25 I don't want to use the word embarrassment, I don't think

1 you can embarrass police officers, but it was a unique
2 situation to be protecting a community and your officers
3 are going out wearing guns and putting their life on the
4 line and now we're going through our third investigation?

5 That was unique. It's not the OPP's fault.
6 It's nobody's fault, it had to be. It was an incredible
7 situation to live through.

8 **MR. ENGELMANN:** All right. But, sir, in the
9 past when -- you say this is the third investigation.

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** You're referring presumably
12 to Ottawa ---

13 **MR. REPA:** Ottawa.

14 **MR. ENGELMANN:** --- Police in January of
15 '94?

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** Because they were here for
18 about ten days.

19 And then you're referring to the
20 investigative work that was done by the OPP in 1994?

21 **MR. REPA:** Yes.

22 **MR. ENGELMANN:** All right. And I just --
23 I'm trying to understand why you know think this is going
24 to involve possibly you and each and every other member of
25 your Service?

1 **MR. REPA:** Just -- I'm -- I have nothing to
2 support that.

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

4 **MR. REPA:** It's potentially. It could -- I
5 could have issued a memo and it could end up one of the
6 named officers -- well, the Chief said this and the OPP
7 could have said, well, we better have the Chief in and ask
8 him what did he mean by this. That's what I meant.

9 **MR. ENGELMANN:** All right. And would it be
10 fair to say then you had a special interest in this
11 investigation?

12 **MR. REPA:** I had an interest but it was at
13 arms length. I mean, I respected -- I've been a police
14 officer by then long enough to know how the police culture
15 functions when another police unit is coming in to do an
16 investigation.

17 There's a certain decorum or a certain
18 approach that's taken and out of respect then you just, you
19 -- just please come in and do your job. We'll give you all
20 the cooperation we can but I keep them at arms length.

21 **MR. ENGELMANN:** But you understood, sir,
22 that no matter how many members of your Force they were
23 actually looking at, they were doing a number of other
24 things as well?

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

1 **MR. ENGELMANN:** All right. And I'm not sure
2 what was of more interest to you at the time but you were
3 clearly interested in their investigation of your Force?

4 **MR. REPA:** Well, I was interested in
5 everything they were doing because as it evolved, with the
6 incredible relationship we established and the
7 communication between the OPP and our Service, like they
8 were -- the Project Truth OPP officers were in our police
9 station, well, some days so frequently I thought they'd
10 moved in with us.

11 And now when I read all the notes I realize
12 all the phone calls that were going back and forth because
13 although they were investigating us, a lot of the
14 information for the criminal investigation they were doing
15 on suspects and the information from victims we had and
16 there had to be this working -- and, of course, there was
17 Constable Dunlop; their staff working with our staff to
18 elicit more and more information from him on the original
19 sex complaint.

20 So it was a -- and on top of it all, we were
21 being investigated. To say which one interested me the
22 most, I was interested in everything. I was interested in
23 full cooperation. I was interested in seeing an end to
24 this some day and their clearance of our name.

25 **MR. ENGELMANN:** All right. So there were

1 discussions with the OPP, presumably, almost from the get-
2 go about how cases would be referred or assigned between
3 the CPS and the OPP?

4 **MR. REPA:** Well, I assigned -- originally I
5 believe I -- I did, I assigned Inspector Trew to be the --
6 the first thing we do is establish a liaison officer with
7 the OPP.

8 **MR. ENGELMANN:** Right.

9 **MR. REPA:** It was absolutely necessary;
10 there was just too much flow of information back and forth,
11 there had to be a base to work from.

12 **MR. ENGELMANN:** So did you give instructions
13 to Inspector Rick Trew to act as that liaison officer?

14 **MR. REPA:** Yes. Whether -- it sort of grew
15 into that and then there was instructions, you're it until
16 -- then he retired of course, regretfully but yes, he was
17 the contact person.

18 **MR. ENGELMANN:** And presumably he would have
19 fielded questions; he would have received information; he
20 would have briefed you?

21 **MR. REPA:** Oh, briefed, yes. Yes.

22 **MR. ENGELMANN:** All right. And he would
23 have been dealing with the OPP on a regular basis, their
24 Project Truth team?

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** And we have some notes of
2 his -- I mean, as I said we don't have many of your notes
3 sir.

4 **MR. REPA:** No.

5 **MR. ENGELMANN:** And I understand that, as
6 Chief of Police but we do have some notes of his talking
7 about some of this interaction early on in the process and
8 I just want to go there briefly if we can.

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

10 **MR. ENGELMANN:** It is Exhibit 733.

11 **THE COMMISSIONER:** You won't have that, sir.

12 You won't have that.

13 Seven thirty-three (733)?

14 **MR. ENGELMANN:** Yes.

15 Sir, the first full page of those notes
16 which is Bates page 355, recalls a meeting at least that he
17 has with Detective Inspector Tim Smith and he references
18 Detective Inspector Smith briefing both himself and you and
19 this is on June 11, '97 at 11:25; that's what he notes.

20 It starts:

21 "Met with Inspector Tim Smith of OPP
22 who is charge of the Father Charlie
23 MacDonald case and other sexual assault
24 cases involving victims associated to
25 the Church and/or past associates of

1 Father MacDonald. Inspector Smith
2 briefed myself and Chief Repa; asked if
3 he could speak with Constable P. Dunlop
4 on matters that related to a brief
5 Dunlop and wife submitted to another
6 police agency."

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

8 **MR. ENGELMANN:** Do you see that?

9 **MR. REPA:** Yeah.

10 **MR. ENGELMANN:** All right. Does that bring
11 back or refresh your memory, sir, about -- I had asked you
12 earlier about a brief that Dunlop had submitted to both
13 Chief Fantino in December of '96 and then to MAG and OCOPS
14 in April of '97?

15 **MR. REPA:** Yes.

16 **MR. ENGELMANN:** Do you recall if that would
17 have been explained to you at that time?

18 **MR. REPA:** No, I do not. I know from
19 reading this that obviously I was there in the meeting but
20 I don't recall the conversation, other than what's written
21 in front of me, sir.

22 **MR. ENGELMANN:** All right. Were you -- do
23 you recall at all if you were concerned at that time about
24 one of your officers providing information of that sort to
25 another police agency?

1 **MR. REPA:** You mean what have been come to
2 be called the Fantino briefs and ---

3 **MR. ENGELMANN:** Yes, and/or the brief to
4 MAG.

5 **MR. REPA:** Well, it was a little -- by the
6 time we found out about it, it was after the fact.

7 **MR. ENGELMANN:** Yes, of course.

8 **MR. REPA:** So there was not much we could do
9 to stop it.

10 Your question was, was I concerned?

11 **MR. ENGELMANN:** Yes.

12 **MR. REPA:** I think I was more interested
13 than anything else. I mean this was discussed with staff.
14 I think it was well after the fact by the time we found out
15 about it. So I was -- there was an interest.

16 **MR. ENGELMANN:** Well, this is June of '97
17 and they're referring to a brief. You're suggesting that
18 it would have been some time later that you would have ---

19 **MR. REPA:** Well I don't think -- my
20 recollection, I don't think they turned the briefs over to
21 then Chief Fantino and we found out about it the next day,
22 no.

23 **MR. ENGELMANN:** No, that was in December of
24 '96.

25 **MR. REPA:** Okay, so by the time we found --

1 it was some time after that we found out about it. You're
2 asking me how I felt? I was interested.

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

4 **THE COMMISSIONER:** Well, as Chief, would you
5 not be a little miffed that he's going out to other police
6 forces looking for help?

7 **MR. REPA:** I don't know if he was -- I don't
8 know that he was looking for help.

9 **THE COMMISSIONER:** All right, fair enough.

10 **MR. REPA:** Was I miffed -- was I miffed?
11 Well, sir, Mr. Commissioner, by this time and I'm trying to
12 be as plain as I can about this, nothing surprised me
13 anymore.

14 There were days when this was going on, I
15 couldn't believe this was happening in our country called
16 Canada, I just could not believe it. This was so foreign
17 to me.

18 That's all I can say. It happened -- with
19 so many things that after a while you become punch drunk,
20 you say, "Oh well, it's just another one."

21 I was not pleased, but it had happened, what
22 could I do.

23 **MR. ENGELMANN:** All right so you -- at some
24 point you become aware though that the OPP is investigating
25 cases that Constable Dunlop's done some work on.

1 **MR. REPA:** Yes.

2 **MR. ENGELMANN:** And as well, they're
3 investigating your Service to some extent?

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

5 **MR. ENGELMANN:** All right. And I'm
6 wondering if, as early as June or shortly thereafter,
7 there's some discussion about how information is going to
8 flow back and forth between your Service and the OPP,
9 particularly in cases where you might be investigating, you
10 know, similar allegations. There might be allegations
11 involving, you know, one victim but multiple alleged
12 perpetrators, some who may be covered by Project Truth ---

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** --- some who may be covered
15 by your Force.

16 **MR. REPA:** Well I do recall being briefed or
17 being informed, I guess is the correct word, I was informed
18 that -- and whether it was Inspector Smith or -- because he
19 did come in and meet with me prior to this meeting, we met
20 alone -- just to introduce our -- like it was an exchange
21 of pleasantries shall we say.

22 I can't remember if he told me then or if it
23 was shortly thereafter my staff informed me that Project
24 Truth expected to have a lot of alleged sexual assault
25 victims present themselves to their office.

1 That whatever -- which ever sexual assaults
2 did not fall within their mandate, if it happened in the
3 City of Cornwall, they would refer them to us. And that
4 was -- I mean that's a given, it's under the *Police*
5 *Services Act*. We do it so there was no big discussion on
6 that. Yes, if it happened in our area, we do it. That was
7 very clear in my mind.

8 With the liaison officer set up and the
9 briefings that were going on, I was satisfied that the
10 communications of how to handle the day-to-day cases that
11 came up which may belong with them or might belong with us,
12 that's up to the operational staff to deal with and they
13 had a liaison officer.

14 There were no -- to my knowledge, there were
15 no formal written directions as to how this was going to
16 work, no.

17 **MR. ENGELMANN:** All right. So you really
18 left that in the hands of Inspector Trew?

19 **MR. REPA:** Well, Inspector Trew and the
20 middle managers, the staff sergeants, the sergeants. They
21 have briefings; they talk to each other on a weekly basis
22 or whatever. And there's two forms of communication;
23 written and verbal.

24 And my expectation is that when my senior
25 staff and I have a meeting or make a decision or they brief

1 me on something, they're going to pass it up, down and
2 across the department so everyone is going to know that has
3 to know.

4 And I had no concerns about a breakdown in
5 communications. As I say, the OPP were -- Project Truth
6 office were in our building so it was good because it shows
7 they were working together to resolve issues.

8 I never had a complaint from Inspector Smith
9 or anyone.

10 **MR. ENGELMANN:** All right. Well did you
11 ever become aware of situations that might have fallen
12 between the cracks where, for example, there might be a
13 disclosure issue, where -- I mean you realize of course
14 that information that police forces get needs to be passed
15 on to the Crown so that it can then be shared with defence
16 counsel for example?

17 **MR. REPA:** Yes. Now, when you say
18 disclosure issue are we talking about the SACA Unit or are
19 we talking about Perry Dunlop?

20 **MR. ENGELMANN:** I'm -- whether we're talking
21 about one or the other, sir, it's important to have a
22 protocol with the OPP if it might be a situation where you
23 have one victim, but two or more alleged perpetrators and
24 both forces involved.

25 **MR. REPA:** Oh, well, sir, that's -- that's

1 an operational decision. Those are what you have
2 inspectors and staff sergeants for, to work those problems
3 out. It wouldn't -- it wouldn't normally come to a chief's
4 level, normally.

5 **MR. ENGELMANN:** Right.

6 **MR. REPA:** These are day-to-day operational,
7 investigative issues that -- if I read you correctly, there
8 was a problem where we had two victims and one suspect; is
9 that what you're saying?

10 **MR. ENGELMANN:** I'm saying that there can be
11 problems that arise if there are disclosure requirements
12 and if one force perhaps doesn't know what the other has
13 disclosed to the Crown.

14 **MR. REPA:** I -- I'm sorry; I don't know how
15 to respond as a Chief of Police. This is a -- this is
16 basic, grassroots, operational police issues. That's why
17 we have sergeants and staff sergeants and inspectors to
18 work these little problems out.

19 **MR. ENGELMANN:** And other issues that could
20 be of concern would be sharing of information between the
21 forces regarding Court dates and other things to keep
22 victims informed of what's going on in criminal
23 proceedings?

24 **MR. REPA:** Well ---

25 **MR. ENGELMANN:** It goes without saying.

1 **MR. REPA:** I don't know what I'm supposed to
2 say, sir. Honestly, these are operational issues and, you
3 know, that's why we have managers.

4 **MR. ENGELMANN:** Now, Inspector Smith has
5 advised you and Inspector Trew that he's going to be
6 meeting with Mr. Dunlop?

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

8 **MR. ENGELMANN:** Were you briefed about that
9 meeting?

10 **MR. REPA:** Oh, I would have been by
11 Inspector Trew. This -- this is consistent with police
12 protocol. If you're going to interview a constable -- and
13 this has national coverage now. Inspector Smith was being
14 quite correct in his protocol with Inspector Trew. He's
15 coming in to say to the Chief of Police, "I'm going to
16 interview one of your officers." He's letting me know and
17 that's just polite -- that's just good manners in policing
18 ---

19 **MR. ENGELMANN:** Right.

20 **MR. REPA:** --- to do that. That's fine.
21 There's no problem.

22 **THE COMMISSIONER:** And at the time, in 1997,
23 Dunlop at the earlier part, in any event, is still off;
24 right?

25 **MR. REPA:** Okay, in June of '97, he was

1 still off then or was he back ---

2 MR. ENGELMANN: No, he's ---

3 MR. REPA: --- part-time?

4 MR. ENGELMANN: --- working then.

5 MR. REPA: He's back ---

6 THE COMMISSIONER: He's working ---

7 MR. REPA: He's two hours ---

8 THE COMMISSIONER: Yes, he's going up to the
9 thing, but ---

10 MR. REPA: Yes.

11 THE COMMISSIONER: So let's -- I need to
12 picture myself in the sense that when he sent off the
13 packages to Fantino and to the two ministries ---

14 MR. REPA: Yes, sir.

15 THE COMMISSIONER: --- he wasn't at work; do
16 you understand that?

17 MR. REPA: That's my understanding ---

18 THE COMMISSIONER: Okay.

19 MR. REPA: --- yes.

20 THE COMMISSIONER: All right.

21 And so when Hall comes and sees you in June,
22 Dunlop is on the ---

23 MR. ENGELMANN: This is Detective Inspector
24 ---

25 MR. REPA: The re-integration program ---

1 THE COMMISSIONER: The re-integration ---

2 MR. REPA: --- yes.

3 THE COMMISSIONER: Okay.

4 MR. REPA: Yes, sir.

5 THE COMMISSIONER: Okay.

6 MR. ENGELMANN: That would be Detective
7 Inspector Smith; right?

8 MR. REPA: That's right.

9 MR. ENGELMANN: Okay, so after this initial
10 note, it would appear that most of Inspector Trew's notes -
11 - he's the liaison, he's the contact with Detective
12 Inspector Smith.

13 MR. REPA: Yes, sir.

14 MR. ENGELMANN: And you're not having direct
15 contact?

16 MR. REPA: No.

17 MR. ENGELMANN: Or it would be rare?

18 MR. REPA: It would be rare. There -- there
19 would be -- it would be rare ---

20 MR. ENGELMANN: All right.

21 MR. REPA: --- because

22 MR. ENGELMANN: Sorry, I didn't mean to cut
23 you off.

24 MR. REPA: --- if you -- no, no, no, you
25 didn't. It -- it's Inspector Trew's job to -- I'm going on

1 with other things and being briefed by Inspector Trew, yes.

2 MR. ENGELMANN: And the Project Truth
3 officers were in Cornwall for several years.

4 MR. REPA: Yes.

5 MR. ENGELMANN: And it wasn't your role to
6 liaise with them at all during ---

7 MR. REPA: No.

8 MR. ENGELMANN: --- that period of time?

9 MR. REPA: No.

10 MR. ENGELMANN: That would have been a
11 member of your staff?

12 MR. REPA: That's right, yes.

13 MR. ENGELMANN: Or members of your staff?

14 MR. REPA: Yes.

15 MR. ENGELMANN: Sir, just a couple of other
16 things then from this exhibit.

17 There's a reference at Bates page 357 where
18 Inspector Trew is noting a reference to a meeting.
19 Constable Dunlop, Inspector T. Smith and Detective Sergeant
20 Pat Hall met in his office, discussed disclosure by
21 Constable Dunlop to Inspector Smith, plus talking to the
22 media. Do you see that?

23 MR. REPA: Yes, sir.

24 MR. ENGELMANN: And it's:

25 "Inspector Smith advised Constable

1 Dunlop that he wanted all of Perry's
2 information -- notes, taped statements
3 -- relating to any sexual assault cases
4 that Constable Dunlop has been involved
5 in. Relating to the media release,
6 Constable Dunlop was strongly advised
7 not to comment on any criminal cases
8 that Inspector Smith and his team are
9 working on because this could possibly
10 jeopardize these cases."

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

12 **MR. ENGELMANN:** Okay, was that brought back
13 to your attention that Mr. Dunlop had been spoken to ---

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

15 **MR. ENGELMANN:** --- in the presence of both
16 Inspector Trew and two officers from the OPP about these
17 issues?

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

19 **MR. ENGELMANN:** And, sir, at Bates page 360
20 there's a reference to a note on September 23rd '97 and
21 again this is Inspector Trew writing about a call with
22 Inspector Smith:

23 "Called back Inspector Smith. He
24 explained that Constable Dunlop did not
25 turn over his notes, taped statements

1 et cetera relating to any sexual
2 assault cases or victims that Constable
3 Dunlop has been involved with. Smith
4 stated he turned over a list of
5 possible victims to his investigator,
6 Hall, but Dunlop advised Hall if he
7 wanted his notes that he would have to
8 go through his lawyer."

9 MR. REPA: Yes, sir.

10 MR. ENGELMANN: Were you made aware, sir, of
11 some of the disclosure problems and the involvement of Mr.
12 Dunlop's lawyer in this process?

13 MR. REPA: Yes.

14 MR. ENGELMANN: And some possible privilege
15 claims?

16 MR. REPA: It's possible what?

17 MR. ENGELMANN: Privilege claims or other
18 claims for not giving forward ---

19 MR. REPA: Yes, yes.

20 MR. ENGELMANN: --- the information.

21 MR. REPA: Yes, sir.

22 MR. ENGELMANN: So that was a complicating
23 factor, if I can ---

24 MR. REPA: Very.

25 MR. ENGELMANN: --- use that term.

1 **MR. REPA:** It's highly unusual. Police
2 officers don't say, "Speak to my lawyer before I give you
3 disclosure for criminal Court." That's unheard of.

4 **MR. ENGELMANN:** They don't usually have the
5 lawsuit at the time against the Police Force either, right?

6 **MR. REPA:** Sir, your oath of office comes
7 first, in my opinion.

8 **MR. ENGELMANN:** Fair enough, but you would
9 have been briefed on that issue by Inspector Trew from time
10 to time.

11 **MR. REPA:** I was briefed continually on the
12 issues involving attempting to elicit from Constable Dunlop
13 evidence to take to Court; yes, sir.

14 **MR. ENGELMANN:** And he would have made you
15 aware of instructions or orders he would have given to ---

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

17 **MR. ENGELMANN:** --- Constable Dunlop as
18 early as 1997?

19 **MR. REPA:** Whatever date, yes, sir. Any
20 orders against -- to Constable Dunlop, I would have been
21 shown them or they would have been discussed at some point.
22 That's courtesy again.

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

24 Now, as well, in the fall of 1997, quite
25 aside from Project Truth issues and issues with Constable

1 Dunlop, were you aware of a complaint from a member of your
2 Police Services Board against Constable Dunlop, and this is
3 a complaint dealing with the use of an internal paging
4 system?

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

6 **MR. ENGELMANN:** And, sir, just to refresh
7 your memory, if you want to take a look at Exhibit 1313.

8 **THE COMMISSIONER:** No, I don't think you
9 have that. Mr. Engelmann likes us to regularly go through
10 all of the three-ring binders. Thirteen (13)? Mr.
11 Engelmann?

12 **MR. ENGELMANN:** I'm sorry, sir. Thirteen
13 thirteen (1313).

14 **THE COMMISSIONER:** And, of course, it's the
15 furthest ---

16 **MR. ENGELMANN:** This is all part of an
17 exercise routine. The work is sedentary, but now and then
18 there are movements.

19 **THE COMMISSIONER:** Thirteen (13)?

20 **MR. ENGELMANN:** Thirteen (13).

21 Sir, your memory's refreshed from looking at
22 this document recently?

23 **MR. REPA:** Yes, I'm aware of it. This would
24 not have been my first communication though ---

25 **MR. ENGELMANN:** No.

1 MR. REPA: --- on it. No.

2 MR. ENGELMANN: I just refer you to one to
3 refresh ---

4 MR. REPA: Okay, okay ---

5 MR. ENGELMANN: --- your memory.

6 MR. REPA: --- yes, sir.

7 MR. ENGELMANN: There are several documents
8 about this and I don't want to go into a whole lot ---

9 MR. REPA: Okay.

10 MR. ENGELMANN: --- of detail, sir.

11 MR. REPA: I understand, thank you.

12 MR. ENGELMANN: I just simply want to ask
13 you, did you assign Staff Sergeant Derochie to investigate
14 this matter?

15 MR. REPA: Yes, he was the investigator,
16 yes.

17 MR. ENGELMANN: All right.

18 Whether he was assigned by you or the Deputy
19 Chief, he was assigned ---

20 MR. REPA: Yes.

21 MR. ENGELMANN: --- through the chains of
22 management?

23 MR. REPA: He was assigned, yes.

24 MR. ENGELMANN: And he would have provided a
25 report about this matter and that's what we're looking at

1 here?

2 MR. REPA: Yes.

3 THE COMMISSIONER: Take a look at the last
4 page; I believe you have some comments written there, sir.

5 MR. REPA: Yes, I do. Yes, they're my
6 comments.

7 THE COMMISSIONER: Yes.

8 MR. ENGELMANN: In fact, that's just where I
9 was going.

10 He makes some findings at the top of the
11 page, sir, and he says -- he concludes, based on Constable
12 Dunlop's evasiveness, that an announcement to the effect of
13 Mr. Wilson's allegation was most likely made, you see that?

14 MR. REPA: Yes, sir.

15 MR. ENGELMANN: And he never gets an
16 admission or confession from Constable Dunlop?

17 MR. REPA: No, sir, he does not.

18 MR. ENGELMANN: Right:

19 "The writer believes that finding
20 evidence which would support the
21 allegation would prove to be a
22 difficult task and would be disruptive
23 to the organization."

24 MR. REPA: That's correct.

25 MR. ENGELMANN: So this is almost a

1 preliminary to an investigation, if I can call it that. Is
2 that fair?

3 **MR. REPA:** Yeah, a preliminary ---

4 **MR. ENGELMANN:** Like a preliminary
5 investigation, as opposed to a *Police Services Act*
6 investigation.

7 **MR. REPA:** Well, it was a -- I'll definitely
8 call it a limited investigation because we had a third
9 party complaint, like ---

10 **MR. ENGELMANN:** Yes.

11 **MR. REPA:** --- we had no-one -- the
12 complainant obviously, whoever it was, spoke to someone or
13 then they went and spoke to Mr. Wilson, and as a Board
14 member, he sent me the letter.

15 So we didn't have a witness to give us a
16 statement that we could act on.

17 **MR. ENGELMANN:** Right.

18 **MR. REPA:** So -- and then when Staff
19 Sergeant Derochie did his investigation, there was nothing
20 flowing against the current to say this could never have
21 happened or didn't happen. It was sort of leaning towards
22 it but we had no evidence, and Constable Dunlop did not
23 admit to it, despite what his body language -- or how he
24 reacted to being interviewed. That is not evidence.

25 So you're quite correct, it was ---

1 **MR. ENGELMANN:** The reason I used that ---

2 **MR. REPA:** Technically, it couldn't have
3 gone anywhere.

4 **MR. ENGELMANN:** The reason I used that term,
5 sir, is when you see just below your comments and after he
6 sets out two recommendations, he says:

7 "The writer awaits your pleasure:(a)
8 continue with a full investigation of
9 this allegation or (b) follow the
10 course outlined in the
11 recommendations."

12 **MR. REPA:** Yes.

13 **MR. ENGELMANN:** So whether we call it a
14 limited investigation or preliminary investigation, it's
15 something short of what you'd call a full investigation?

16 **MR. REPA:** That's correct. It was not a --
17 yes.

18 **MR. ENGELMANN:** And he's recommending to you
19 that you can either do a full investigation -- sorry, he's
20 suggesting to you you can either do a full investigation or
21 you can follow the recommendations he suggests?

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

23 **MR. ENGELMANN:** That's two options.

24 **MR. REPA:** Yes.

25 **MR. ENGELMANN:** And you choose to follow his

1 recommendations?

2 **MR. REPA:** Given the nature of the statement
3 that was alleged to have been made over the intercom; given
4 the sensitivity to the families -- and I won't name them --
5 to the families that would have found out about this -- and
6 I think I say that in ---

7 **MR. ENGELMANN:** You do, sir. You say:
8 "My only reason for agreeing is your
9 very well stated concern about the hurt
10 that would be caused to these
11 families."

12 **MR. REPA:** Yes, sir, and that stopped me in
13 my tracks right there from -- I wasn't concerned about the
14 officers within the Service so much, and disrupting and --
15 whether they would have made statements if they were all
16 formally interviewed or not, I don't know. We'll never
17 know.

18 I wasn't worried about that because that's
19 what police get paid to do, and if there's a complaint and
20 the Chief has ordered a complaint, then there's an
21 investigation and that's the end of it.

22 But it was the families, and that's why I
23 put a stop to it. I just -- it wasn't worth it. And we
24 did -- and the good thing out of it, I suppose, is we did
25 change the directive to include that it would be for

1 official use only.

2 *Police Services Act* is employer/employee
3 discipline. It's not meant to hurt families as collateral
4 damage.

5 **MR. ENGELMANN:** All right, and you changed a
6 policy as a result of this as well?

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

8 **MR. ENGELMANN:** And that's the policy about
9 the use of the internal paging system?

10 **MR. REPA:** Yes.

11 **MR. ENGELMANN:** Is that so?

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

13 **MR. ENGELMANN:** And that hopefully will
14 avoid issues like this arising in the future. That was
15 your ---

16 **MR. REPA:** Well, the expectation would be
17 that staff would follow the orders, yes, sir.

18 And that was another problem too, by the
19 way, and that's a very good point; I'm glad you brought it
20 up. We really didn't have a -- it really wasn't etched in
21 stone that you couldn't do what was said.

22 **MR. ENGELMANN:** Yes.

23 **MR. REPA:** Now it was, but there's a catch-
24 all. Like in the *Highway Traffic Act* it's careless
25 driving. Well, in the *Police Act* it's conduct unbecoming

1 an officer. That could have flown, had we had the
2 evidence, yes, without a specific order.

3 **MR. ENGELMANN:** Well, what you do, at least
4 if it's the recommendation that's suggested in number 2,
5 you amend your internal paging policy to say it's for
6 official use only and should not be used for any other
7 reason.

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

9 **MR. ENGELMANN:** So no matter how it's used,
10 if it's not official it's going to be a violation of an
11 order?

12 **MR. REPA:** That's right, and it would make
13 it easier if someone did it in the future, to proceed
14 formally.

15 **MR. ENGELMANN:** Right, to prove whether or
16 not it was breached?

17 **MR. REPA:** Yes.

18 **MR. ENGELMANN:** Okay.

19 So let's go back to Inspector Trew's notes.
20 We were in the fall of '97 and he has a reference, and
21 let's go back to ---

22 **THE COMMISSIONER:** Hold on. Yeah, what
23 exhibit?

24 **MR. ENGELMANN:** Seven-thirty-three (733). I
25 know you've kept your binders.

1 **MR. REPA:** Yes, 733?

2 **MR. ENGELMANN:** Right.

3 Now, what -- I'd like you to take a look at
4 Bates page 373.

5 **MR. REPA:** Three-seven-three (373)?

6 **MR. ENGELMANN:** That's correct, sir. It's
7 20 of 62, if you're looking at the notes.

8 **MR. REPA:** I have 373, yes, sir.

9 **MR. ENGELMANN:** Now, there's a reference
10 there to him speaking with you. And this is now several
11 months into the Project Truth investigation, and the note
12 says:

13 "Spoke with Chief Repa and he advised
14 me to sit with Inspector Smith and go
15 through these new cases one by one.
16 Chief feels that if there are some
17 cases that do not connect with the
18 Father Charlie incident or PC Dunlop
19 association, that the CPS should be
20 investigating if it is in our
21 jurisdiction."

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

23 **MR. ENGELMANN:** So you're concerned about
24 new cases and making sure that the ones that should
25 properly be done by your Force are done by your Force?

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

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

3 And apparently, sir, and just the note above
4 is that -- on 373 -- that they have 5 to 7 further victims
5 of historical sexual assaults, and that's what then
6 generates this discussion with you. All right?

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

8 **MR. ENGELMANN:** Now, sir, there's another
9 reference to this jurisdictional issue, if I can call it
10 that, at Bates page 377, and this is the following day and
11 Trew's notes indicate:

12 "I briefed A. Repa on my meeting with
13 Inspector Smith. I recommended that
14 the CPS does not take any of the cases
15 on as ours."

16 This would be presumably Inspector Trew.

17 "My reasons are previously stated in my
18 notes. Jurisdiction, known to have
19 dealings or talked with PC Dunlop and
20 some cases are not finished and might
21 indirectly link back up to the Father
22 Charlie incidents. Chief's comments:
23 he agreed with double jurisdiction and
24 not to take them."

25 And double jurisdiction, would that mean

1 cases where there are allegations both in Cornwall and
2 surrounding area?

3 **MR. REPA:** To be quite honest, that's the
4 first time I've heard that expression, so I'm not sure if
5 he means that or the fact that they could indirectly link
6 back again to Father Charlie or PC Dunlop cases, you know.
7 I'm not sure what he means there by that, sir.

8 **MR. ENGELMANN:** All right, I'll just read
9 on:

10 "Any involvement by Dunlop with
11 suspects, victims, witness on those
12 cases we would not take. Any
13 investigation solely in Cornwall's
14 jurisdiction that could possibly lead
15 back to the original cases through
16 other witnesses or accused males we,
17 CPS, could not take."

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

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

20 Then it goes on on the following page:

21 "Chief directed me to speak with
22 Inspector T. Smith and thank him for
23 keeping us informed. I was instructed
24 to advise Inspector T. Smith that the
25 CPS will leave to his discretion which

1 case should be referred to the CPS."

2 MR. REPA: Yes, sir.

3 MR. ENGELMANN: All right, so essentially
4 you're letting them make those decisions?

5 MR. REPA: Yes, sir.

6 MR. ENGELMANN: We see ---

7 MR. REPA: Again, this is police courtesy.
8 They have it in their office and it was a way of saying,
9 "If you want to give it to us, don't be shy, we'll take
10 it". You know, it was just courtesy. That's just what
11 that is.

12 MR. ENGELMANN: Just to be conclusive, a
13 little further down 378:

14 "We see the process as a discussion
15 between Inspector Smith and Inspector
16 Trew. Possible involvement with
17 Project Truth would be no prior
18 connections with the original
19 complaints or PC Dunlop."

20 MR. REPA: That's fair, yes, sir.

21 MR. ENGELMANN: At the bottom of that page,
22 sir, after talking about complainants' wishes, it said;

23 "...bearing in mind we have a duty,
24 CPS, to investigate."

25 MR. REPA: Yes.

1 **MR. ENGELMANN:** This decision should be made
2 only after consultation by the two services.

3 **MR. REPA:** Well, I -- they're his notes,
4 sir. I can't -- you know ---

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

6 **MR. REPA:** I see what I see but I -- they're
7 not my notes.

8 **MR. ENGELMANN:** So you're not sure whether
9 that's just his views or you informing his views?

10 **MR. REPA:** No, I -- or it could have been
11 Tim Smith, Inspector Smith also. I don't know.

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

13 **MR. REPA:** But that was going on anyways.
14 There was much consultation between the two services.

15 **MR. ENGELMANN:** All right. So I'm just
16 trying to figure out as of February of '98 what the
17 understanding is. At that point in time is the OPP, to
18 your knowledge, agreeing to advise you of each new
19 complaint so that there can be a discussion about whether
20 or not it's theirs or yours?

21 **MR. REPA:** I -- well, from this it's obvious
22 that they did at that time. Whether they did each and
23 every case, I don't know, sir. Only they would know that.

24 **MR. ENGELMANN:** All right. I'll just leave
25 that. Do you know, sir, about the policy if the cases were

1 first reported to the CPS?

2 Were they referred to the OPP for them to
3 make the decision on if they met these criteria?

4 **MR. REPA:** I don't specifically recall my
5 involvement in us turning cases over to the OPP.

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

7 **MR. REPA:** I remember the discussions that
8 we felt -- well, we believed in Cornwall, the Police
9 Service, that the OPP were going to be very busy. I knew
10 that we would get the referrals of the -- the referrals
11 would be sent to us of the persons that did not fall within
12 their mandate.

13 As for the referrals going the other way, I
14 do not recall, but again that would be something the senior
15 management and the middle management staff would organize.

16 **MR. ENGELMANN:** All right. And they would
17 have done something to ensure that members receiving these
18 complaints would know what to do? I mean, do you know?

19 **MR. REPA:** I can't sit here and say
20 categorically yes, that happened, I know that but, I mean,
21 supervisors interact with their staff, and staff talk to
22 supervisors. They don't understand what's going on and
23 that's what they have sergeants and staff sergeants for, to
24 ask questions.

25 And that's about -- would be all I could say

1 on it, sir.

2 **MR. ENGELMANN:** Sir, you were aware, were
3 you not, that Inspector Trew continued to have meetings
4 through the summer and fall of 1998 with officers from the
5 Project Truth team?

6 **MR. REPA:** Oh, yes, sir. As I said, they
7 were in our -- respectfully and politely, they were in our
8 building all the time, yes, sir.

9 **MR. ENGELMANN:** And were you briefed, sir,
10 about documents that Inspector -- sorry, Inspector --
11 Constable Dunlop would have turned over to the OPP at the
12 end of July, 1998?

13 **MR. REPA:** I can say that I was continually
14 briefed on -- well, to the best of my knowledge, my staff
15 kept me currently updated on all of the interaction between
16 the OPP, Constable Dunlop, our service and Constable Dunlop
17 and the OPP, pertaining to the turning over or the
18 attempting to turn over of documents. It was over quite a
19 period of time.

20 **MR. ENGELMANN:** Now, sir, there's a
21 reference in Inspector Trew's notes at Bates page 404. It
22 says:

23 "I was informed through the Chief's
24 office, by way of media release
25 officer, that Constable Dunlop had been

1 interviewed by CBC Radio Canada."

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

3 **MR. ENGELMANN:** "Local news
4 reporter had brought it to the
5 attention of our media release officer
6 and had asked for comment."

7 Right?

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

9 **MR. ENGELMANN:** Were you made aware of media
10 contacts by Perry Dunlop in or around January of 1999?

11 **MR. REPA:** Well, yes, I -- one of Blake's
12 duties became to let me know if he had heard through the
13 media people that Constable Dunlop or anyone was speaking
14 to people on the radio or whatever, and also this was a
15 call that came in to him from a reporter, yes.

16 **MR. ENGELMANN:** I understand, sir, that you
17 would have had a discussion with Staff Sergeant Derochie
18 about media contacts that Perry Dunlop would have had in
19 January of '99. I want to just take you there briefly, if
20 I can.

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

22 **MR. ENGELMANN:** I'm going to refer you to
23 some notes of Staff Sergeant Derochie's.

24 **MR. REPA:** Okay.

25 **MR. ENGELMANN:** It's Exhibit 1316. I'm not

1 sure if you have that in one of your binders.

2 **MR. REPA:** Thirteen (13) ---

3 **MR. ENGELMANN:** Sixteen (16).

4 **THE COMMISSIONER:** Yeah. Yes. Another ten,
5 15 minutes, Mr. Engelmann?

6 **MR. ENGELMANN:** Sir, do you have that handy?

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

8 **MR. ENGELMANN:** It starts with a document,
9 it says "Possible breach of order."

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

11 **MR. ENGELMANN:** And if we could look at
12 Bates page 644.

13 **MR. REPA:** Six forty-four (644)?

14 **MR. ENGELMANN:** Yes.

15 **MR. REPA:** Mine starts at 675.

16 **THE COMMISSIONER:** No, that's not it. These
17 are -- 1316?

18 **MR. REPA:** Oh, I am at this now.

19 **MR. ENGELMANN:** There you are.

20 **MR. REPA:** Sorry.

21 **THE COMMISSIONER:** It's okay.

22 **MR. REPA:** Okay, what page did you say, sir,
23 644?

24 **MR. ENGELMANN:** Six four four.

25 **MR. REPA:** Yes.

1 **MR. ENGELMANN:** It's page 3 of the notes.

2 **MR. REPA:** Okay. Yes, I have it.

3 **MR. ENGELMANN:** This notes a meeting with
4 the Chief -- this is Staff Sergeant Derochie -- to discuss
5 this matter. And these are -- this is the issue about
6 media contacts by Mr. Dunlop. There's a radio interview
7 with CBC Radio, a program called Whistleblowers.

8 And there was an article in the newspaper,
9 the Standard Freeholder. Does that ring a bell with you,
10 sir?

11 **MR. REPA:** Yes. I'm aware of those facts,
12 yes.

13 **MR. ENGELMANN:** All right. And there's a
14 comment here:

15 "Met with the Chief to discuss this
16 matter. I highlighted two areas of the
17 interview which I believe may be of
18 concern."

19 One, the comments attributed to Dunlop
20 relative to the victim's statement. And I believe this is
21 talking about the Silmsler statement from some years
22 earlier. I may be wrong. And two, the comments attributed
23 to Dunlop relative to his not getting proper backup by
24 fellow officers.

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

1 **MR. ENGELMANN:** And you raised this earlier
2 in our discussion.

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

4 **MR. ENGELMANN:** Right.

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

6 **MR. ENGELMANN:** So and then he goes on on
7 the first matter:

8 "The comments were made. It is my
9 opinion that..."

10 And he talks about Dunlop breached the order
11 given to him on August 7th, '97; that he would have breached
12 the CPS directive 59; that he may have harmed criminal
13 prosecution and that he may be in contempt of court.

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

15 **MR. ENGELMANN:** Now, those are Staff
16 Sergeant Derochie's notes.

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

18 **MR. ENGELMANN:** But you recall having a
19 discussion with him and did you ask him to look into this
20 matter, sir, and to investigate this issue?

21 **MR. REPA:** With such serious allegations ---

22 **MR. ENGELMANN:** I'm sorry.

23 **MR. REPA:** With such serious allegations,
24 yes, sir, I would have.

25 **MR. ENGELMANN:** Now, sir, on the bottom of

1 page 645 and the seriousness of the allegations, sir, was
2 it both the comments attributed concerning the victim's
3 statement and the concern about backup?

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

5 **MR. ENGELMANN:** Both of those were serious
6 in your view?

7 **MR. REPA:** If -- in police life in uniform,
8 I cannot think -- it would rank in the top category of
9 seriousness if police officers were not responding as
10 quickly and safely as possible to back up other officers on
11 certain grades of calls because their life or grievous
12 bodily harm is in jeopardy. It is very serious. It's
13 unheard of.

14 **MR. ENGELMANN:** Now, sir, at the bottom of
15 page -- Bates page 645 he says:

16 "After discussing this matter I made
17 the following recommendations to the
18 Chief: (a) that Inspector Trew and
19 myself meet with Detective Inspector
20 Tim Smith and Detective Sergeant Pat
21 Hall to ensure that they are aware of
22 the situation."

23 **MR. REPA:** Yes.

24 **MR. ENGELMANN:** "And (b) that I obtain a
25 copy of the radio broadcast to confirm

1 its content. That I interview Dunlop
2 about his allegations concern lack of
3 proper backup."

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

5 **MR. ENGELMANN:** "The Chief agreed."

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

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

8 Now, sir, was it your understanding that
9 Staff Sergeant Derochie would be looking into the
10 possibility of a Chief's complaint under the *Police*
11 *Services Act* against Constable Dunlop?

12 **MR. REPA:** No, the evidence -- what he
13 brought to me was, they were not -- they were not Cornwall
14 Police Service cases. They were OPP cases.

15 Therefore, a Chief does have the prerogative
16 to institute a complaint without a complainant.

17 **MR. ENGELMANN:** Right.

18 **MR. REPA:** However, given that they are a
19 police service and they are dealing with Crown Attorneys,
20 it was more prudent to go and speak to the OPP to see if
21 they wished to complain or whatever. And basically that
22 would be it.

23 **MR. ENGELMANN:** All right, but one of the
24 possibilities was what's called the Chief's Complaint?

25 **MR. REPA:** One of the?

1 **MR. ENGELMANN:** One of your options?

2 **MR. REPA:** Oh, yes. Yes.

3 **MR. ENGELMANN:** Was it your understanding
4 that Staff Sergeant Derochie was also looking into the
5 possibility of criminal charges against Perry Dunlop for
6 obstruction of justice?

7 **MR. REPA:** I -- on these issues? I believe
8 on other issues we looked at it, but I'm not sure if we did
9 it on these issues. I would have to have my memory
10 refreshed on that.

11 **MR. ENGELMANN:** I think there might be a
12 reference in these notes. I'll just be a moment.

13 It's at the bottom of Bates page 646, 14:10:

14 "Met with Inspector Tim Smith ..."

15 This is January 28th, '99.

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

17 **MR. ENGELMANN:** "... and Detective Sergeant
18 Hall. Inspector Trew also present. I
19 wanted to know if there was anything in
20 the transcript of the CBC program,
21 which they felt might constitute
22 obstruction of justice."

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

24 **MR. ENGELMANN:** "Both told me that the
25 quotations attributed to Dunlop clearly

1 *Police Services Act.*

2 The wording -- when you do issue a Notice of
3 Misconduct, the wording is derived from the Code of
4 Conduct.

5 **THE COMMISSIONER:** Right.

6 **MR. REPA:** Yes.

7 **MR. ENGELMANN:** Sir, just a little further
8 in Staff Sergeant Derochie's notes and just to refresh your
9 memory a bit, there is a reference on 649, in the middle of
10 the page:

11 "Received a call at home from Chief
12 Repa who indicated he had received a
13 call informing him that Perry and Helen
14 Dunlop would be interviewed by Pamela
15 Wallin this evening on CBC Newsworld."

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** And so aside from the two
18 instances we've already looked at in the media, this is a
19 third. And if I recall correctly at or about this time,
20 there may have been an interview with a magazine,
21 Chatelaine Magazine?

22 **MR. REPA:** Yeah, I have a recollection.

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

24 **MR. REPA:** But not of dates and specifics,
25 yes.

1 **MR. ENGELMANN:** All right. So he says at
2 the bottom of 649:
3 "Met with the Chief this morning to
4 discuss the Dunlops' TV appearance last
5 night. Although we spoke briefly of
6 the content of the entire interview, we
7 concentrated on the same two issues
8 that were identified as areas of
9 concern in the radio broadcast. One,
10 did Perry's comments breach our
11 procedure and/or the specific order
12 that he is subject to; and two, Perry's
13 comments that he's not receiving proper
14 backup."

15 All right, so ---

16 **MR. REPA:** Yes.

17 **MR. ENGELMANN:** --- there seems to be the
18 same theme?

19 **MR. REPA:** Yes.

20 **MR. ENGELMANN:** And he says a little later
21 on that page:

22 "The recurring theme of these
23 interviews and talks is that they ..."

24 And I think he's talking about Perry and
25 Helen Dunlop.

1 "... they are physically, emotionally,
2 and financially exhausted."

3 You see just above that, he says:

4 "We also discussed the possibility that
5 the Dunlops are pushing to get a
6 reaction out of us."

7 **MR. REPA:** Yes.

8 **MR. ENGELMANN:** "We must consider that
9 he/they may actually want us to take
10 action."

11 **MR. REPA:** Yes.

12 **MR. ENGELMANN:** So did you share his views
13 at that time that they were physically, emotionally and
14 financially exhausted?

15 **MR. REPA:** I don't -- I didn't know. I
16 didn't know what their financial status was. It's not that
17 I necessarily shared or didn't share his views, it was an
18 interesting concept to keep in mind that -- I mean as a
19 Chief, before you lay misconduct charges, considering that
20 it's something to correct an employee's behaviour or
21 misbehaviour, you do look at what the ramifications are.
22 And it was just an interesting thought to keep in mind.

23 **MR. ENGELMANN:** All right. Did you feel
24 that they were pushing to get a reaction from you, sir?

25 **MR. REPA:** Personally, there was a lot going

1 on, but was it just what they were doing because of what
2 they believed in, in a normal course or were they pushing?
3 I really -- I've never spoken to them about that. I don't
4 know. It was all out there. I mean you could draw
5 whatever inference you wanted from what was happening, and
6 these were the inferences that Staff Sergeant Derochie put
7 forward to think about.

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

9 **MR. REPA:** And I appreciated that because I
10 may be not -- would not have thought of it.

11 **MR. ENGELMANN:** He also says:

12 "Our taking disciplinary action against
13 him would push this whole issue right
14 back to the forefront and would, in all
15 likelihood, gain him national attention
16 again."

17 Did you share that view, sir?

18 **MR. REPA:** It would -- we had no doubt at
19 all -- I had no doubt that when and if we ever did take a
20 disciplinary action, which involved a misconduct hearing,
21 it would not be local. It would not be provincial. It
22 would be national.

23 **MR. ENGELMANN:** It goes on to say sir:

24 "The Chief is firm and I support him
25 completely on this matter that he will

1 do what must be done and will not be
2 intimidated by the Dunlops et al."

3 MR. REPA: Yes, sir.

4 MR. ENGELMANN: Did you feel intimidated at
5 all, sir, with that ---

6 MR. REPA: No, sir. I did not feel
7 intimidated.

8 MR. ENGELMANN: All right.

9 MR. REPA: This is a -- it ---

10 MR. ENGELMANN: These aren't your words, I
11 know, but I ---

12 MR. REPA: I'm sorry?

13 MR. ENGELMANN: These aren't your words.

14 MR. REPA: No, no, it -- this is ---

15 MR. ENGELMANN: Or maybe they are. I ---

16 MR. REPA: No. I remember the "et al", I
17 do. He didn't ---

18 MR. ENGELMANN: But do you know who they
19 are?

20 MR. REPA: Well, ---

21 MR. ENGELMANN: Was that discussed?

22 MR. REPA: This is a conversation that --
23 and I've done it with other staff -- chiefs and leaders
24 have done it with me. It's to show, it was to demonstrate
25 to Staff Sergeant Derochie, who's an excellent police

1 officer, and I always enjoyed his reports and his
2 investigations, but it was to demonstrate -- he had to know
3 where the Chief of Police stands.

4 This was saying, "Staff Sergeant Derochie,
5 this is my position. When you're out there talking with
6 people and doing things, you make decisions. You know that
7 I will support you." This is just stating a -- it's a
8 posture and a position of the Chief of Police that staff,
9 who are working in unusual circumstances, have to be
10 reaffirmed with them that they're on firm ground if they
11 take firm action.

12 That's all it was really. It was a message.

13 **MR. ENGELMANN:** Sir, Staff Sergeant Derochie
14 did submit a report to you on this in March of '99.

15 **MR. REPA:** Okay.

16 **MR. ENGELMANN:** And that's just Exhibit
17 1316.

18 **MR. REPA:** Thirteen-sixteen (1316)?

19 **MR. ENGELMANN:** Yes. We've been in that
20 binder before, so I hope it's still there.

21 **THE COMMISSIONER:** It's the same notes.

22 **MR. REPA:** The same notes?

23 **MR. ENGELMANN:** It's 1315.

24 **THE COMMISSIONER:** Thirteen-fifteen (1315).

25 **MR. REPA:** Oh, 15, sorry. Yes, sir.

1 **MR. ENGELMANN:** So just to take you to a
2 little bit of this, if I may, ---

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

4 **MR. ENGELMANN:** --- the second page, Bates
5 page 676, in his report Staff Sergeant Derochie finds, for
6 example, in the second full paragraph that:

7 "It was my opinion at the time that
8 comments attributed to Constable Dunlop
9 in the transcript did violate the
10 instructions given to him."

11 He's referring back to Inspector Trew's
12 order of August 7th.

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** Do you see that?

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

16 **MR. ENGELMANN:** And so he then -- I'll just
17 be a moment sir.

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

19 He talks a little bit about the breach of
20 discipline recommendation on Bates page 678, and he starts
21 by talking about his suspicion about the flurry of
22 attention the media is giving to the Dunlops. Remember we
23 talked about it's not just the whistle-blower and the local
24 newspaper; it's Chatelaine and it's also Newsworld?

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

1 **MR. ENGELMANN:** And he says:

2 "There's mention of the fact that the
3 Dunlops are running out of funds to
4 continue their efforts and it may well
5 be that there is an attempt to
6 revitalize the fundraising campaign
7 begun some time ago."

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

9 **MR. ENGELMANN:** See that?

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

11 **MR. ENGELMANN:** So he's talking about some
12 of the possible motivations here for why this is happening.

13 **MR. REPA:** Yes.

14 **MR. ENGELMANN:** Correct?

15 **MR. REPA:** Yes.

16 **MR. ENGELMANN:** And he's concerned about
17 further public exposure, and we've talked about that
18 earlier, about if something is done this would get national
19 attention?

20 **MR. REPA:** Yes.

21 **MR. ENGELMANN:** And he recommends some form
22 of counselling. Is that fair? I'm just looking at the
23 bottom of that page, Bates page 678. It says:

24 "I recommend we do not proceed with any
25 type of formal *Police Services Act*

1 investigation. I believe that this
2 issue can be best dealt with by way of
3 counselling, which reminds the officer
4 that he must abide by our directives."

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

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

7 So we've gone from asking the OPP if this
8 might be criminal ---

9 **MR. REPA:** Yes.

10 **MR. ENGELMANN:** --- in the form of obstruct
11 justice, to at least a limited, maybe full, investigation.
12 I'm not sure how you'd describe this, but an investigation
13 and a report to you with a recommendation not to go
14 forward, even with the *Police Services Act* charge?

15 **MR. REPA:** That's correct, sir.

16 **MR. ENGELMANN:** And really to deal with this
17 by way of some form of counselling?

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

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

20 And on the security safety issue, he talks
21 about the fact that Officer Dunlop should be asked to
22 provide some specific examples?

23 **MR. REPA:** Yes. That would be the first
24 normal step.

25 **MR. ENGELMANN:** Right, so that you could

1 then find out if there was any validity to this, and
2 obviously act upon it if there was?

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

4 MR. ENGELMANN: And you concurred with these
5 recommendations, sir?

6 MR. REPA: Yes, sir.

7 MR. ENGELMANN: And, sir, just on that note,
8 if I could just have a minute?

9 THE COMMISSIONER: That's about all you'll
10 get.

11 MR. REPA: Sir, if I may, just in fairness.

12 MR. ENGELMANN: Yes.

13 MR. REPA: I believe that we also had legal
14 counsel input into this decision-making.

15 MR. ENGELMANN: All right.

16 MR. REPA: I think it's mentioned on that
17 page there.

18 THE COMMISSIONER: Yeah, Ms. Bordeleau.

19 MR. REPA: Yes.

20 MR. ENGELMANN: Ms. Bordeleau was your
21 counsel at the time?

22 MR. REPA: Yes.

23 MR. ENGELMANN: All right. At least for
24 this type of issue?

25 MR. REPA: Yes.

1 **MR. ENGELMANN:** Sir, at Bates page 679
2 there's a reference. In the last paragraph he says:
3 "There were technical breaches of
4 discipline on the part of Constable
5 Dunlop."

6 Presumably he's referring back to the
7 contacts with the media?

8 **MR. REPA:** I would -- yes, that would be
9 what I would draw from that, yes, sir.

10 **MR. ENGELMANN:** Do you know why there's a
11 reference to technical breaches, sir?

12 **MR. REPA:** Oh ---

13 **MR. ENGELMANN:** And would you agree with
14 that description?

15 **MR. REPA:** Well, those are his words. To be
16 -- we were going to go ahead and counsel him. There has to
17 be a breach of something, and what he's saying is the
18 breaches were in their -- in the final analysis they were
19 technical breaches. They were breaches but not serious
20 enough for misconduct allegations and a formal tribunal.
21 That would be the only reason that would make sense to me
22 to go along with counselling.

23 **MR. ENGELMANN:** Do you recall if there was
24 any discussion with him at that time about how dealings
25 with the media were evolving over time and how people

1 talked to the media more than they had in the past, and
2 things of that nature?

3 **MR. REPA:** I think it was to do -- if it was
4 something to do with a police officer personally, if they
5 had just been charged with theft and the charge was
6 dismissed, then he could talk about that.

7 But no, I -- you know, to me the oath of
8 confidentiality is sacred in policing and it has to be
9 adhered to. But when you receive advice from legal counsel
10 and it's very well stated, then it wouldn't be the wisest
11 thing in the world to institute a formal misconduct
12 hearing.

13 **MR. ENGELMANN:** Just to finish on this area,
14 sir, as I understand it there was no counselling after all?

15 **MR. REPA:** Like, is this when he booked off
16 sick? Is this why this didn't happen?

17 **MR. ENGELMANN:** Well, sir, I don't recall
18 but ---

19 **THE COMMISSIONER:** This is March of 1999.

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

21 **THE COMMISSIONER:** Well, the report is. I'm
22 sorry.

23 **MR. REPA:** I don't know if -- I would have
24 thought it would have followed up. If it didn't, I don't
25 know the reason why it didn't.

1 **MR. ENGELMANN:** Sir, I believe there was a
2 note from Inspector Trew to Perry Dunlop, reminding him not
3 to speak with the media, or words to that effect, and also
4 a request from Inspector Trew to Perry Dunlop to provide
5 some specifics on the backup issue.

6 **MR. REPA:** Okay, yes.

7 **MR. ENGELMANN:** Does that seem familiar to
8 you?

9 **MR. REPA:** I'd have to see the
10 documentation.

11 **MR. ENGELMANN:** All right.

12 **MR. REPA:** If I'm agreeing that he should
13 have been counselled, then there would have to be something
14 in the flow that said it wasn't done or it was done at some
15 point. I mean ---

16 **MR. ENGELMANN:** Do officers have to agree to
17 counselling though, sir, for that to take place? Or do you
18 recall ---

19 **MR. REPA:** It works best if they agree with
20 it. It can be done by way of -- in other words, if you put
21 it in their incident file, a memo saying, "You're being
22 counselled not to do this again", they can refuse to sign
23 the document. If it's not signed it shouldn't be in their
24 incident file.

25 So what you do is you bring in a second

1 officer and the two officers sign it and put it in. So
2 yes, it is possible for an officer to refuse counselling.
3 It's not something I would have done as a constable. I
4 would have accepted it and said, "Moved on, thank you,
5 goodbye", you know, but it is possible, yes.

6 **MR. ENGELMANN:** On the backup issue, were
7 you informed about progress on that and what ---

8 **MR. REPA:** Well, I think it's -- yes, I was.

9 **MR. ENGELMANN:** Right.

10 **MR. REPA:** There was never an issue. That
11 was the bottom line. He didn't provide any information and
12 it never became an issue.

13 **MR. ENGELMANN:** Sir, it's my understanding
14 he was asked for some specifics by Inspector Trew and given
15 a deadline?

16 **MR. REPA:** I'd have to ---

17 **THE COMMISSIONER:** I think his answer was,
18 "I had a feeling that I wasn't being backed up", but
19 nothing more than that.

20 **MR. REPA:** No, it was nothing more than
21 that.

22 Mr. Engelmann, I know it's not good
23 evidence, but the Police Service is like anything else. If
24 that was happening people would have heard about it and
25 there would have been something done. Nobody would allow

1 that to go on. It would be reprehensible.

2 **MR. ENGELMANN:** Do you think that's
3 something that would have found its way back to you through
4 the chain of command?

5 **MR. REPA:** Well, not through the chain --
6 no.

7 **MR. ENGELMANN:** Just you would have heard
8 about it.

9 **MR. REPA:** It would have -- maybe not to me
10 but to somebody with some authority to do something about
11 it. I mean, you can disagree with a person but when you're
12 out there on the road and you get a call to an armed
13 robbery in progress, all that is left in the locker room;
14 go do your job and have the backup that's required.

15 It just -- you know, it's incomprehensible
16 to me that it could have happened. I mean, anything is
17 possible.

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

19 **MR. REPA:** And the fact that he didn't come
20 forward with dates. All he had to do was give us dates,
21 times. We'd have taken care of the rest. It wouldn't have
22 taken long to figure it out. We'd see from the nature of
23 the calls he was sent on.

24 **MR. ENGELMANN:** All right. I think we can
25 leave it there, sir.

1 **THE COMMISSIONER:** Thank you. We'll see you
2 tomorrow morning at 9.30, sir.

3 **MR. REPA:** Yes, sir, 9.30. Thank you,
4 Mr. Commissioner.

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

7 This hearing is adjourned till tomorrow
8 morning at 9.30 a.m.

9 -- Upon adjourning at 5:18 p.m./

10 L'audience est ajournée à 17h18

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe 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, Marc Demers, 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.



Marc Demers, CM