

FILE: C.C. 94-01

COMPLAINANT: DAVID SILMSER

STATEMENT - CST. SEBALJ

I object to and claim privilege from the use of all, any part or parts of this statement in any proceeding, whether criminal or civil and including disciplinary proceedings or in any investigation or inquiry, without my consent. Subject to the above and in compliance with and only under the compulsion of your order, I submit the following in an attempt to resolve the matter informally:

Further to your correspondence dated January 31, 1994, the following is a statement of facts concerning my observations and actions, as well as a copy of my original notebook. With regards to any other evidence or documentation, please see Staff Sergeant Derochie, as I turned over the entire file to him.

I have enclosed a copy of my general occurrence, which occurrence outlines how the investigation proceeded.

With regards to the statement obtained from David Silmsler, same was personally hand delivered to me on February 16, 1993. A number of officers had the opportunity to view the victim's statement, including Sgt. Lefebvre, Cst. Malloy, Cst. Snyder and Cst. Dunlop. Cst. Snyder had the statement in his possession for the purposes of statement analysis. Same was turned over to him on March 4, 1993. On September 24, 1993, Cst. Dunlop asked me if he could see David Silmsler's statement. I obtained the original statement and handed it over to Cst. Dunlop. Cst. Dunlop took the statement from me and began to walk away. I asked Cst. Dunlop where he was going and he replied "reading material". Cst. Dunlop returned the original statement to me some time later that same morning. Cst. Dunlop was in full police uniform on the date in question.

On September 29, 1993, David Silmsler attended H.Q. to terminate the police investigation. While at H.Q., Silmsler advised me that a "crazy lady" had been searching the country side looking for him. Silmsler was quite concerned, advising me that he did not wish to discuss the investigation with anyone. When I questioned Silmsler as to the identity of the woman, Silmsler pulled a pink piece of paper from his wallet with the name Helen Dunlop and a phone number, the last four digits being 4747.

Once Silmsler left H.Q., I advised S/Sgt. Brunet of my conversation with Silmsler.

Trusting this is the information you require, I remain.

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RE: C.C. 94-01

STATEMENT - CST. H. SEBALJ (continued)

Friday, February 11, 1994, at 13:11.  
Staff Sergeant Wells' office

QUESTION:

Constable Sebalj, further to the statement that you provided me with this date, concerning the David Silmser matter, did you at any time receive permission from David Silmser to give his hand written statement to anyone or did you receive permission from him to allow anyone to view his handwritten statement?

ANSWER:

David Silmser never gave me permission to show his statement but he never advised me not to show it.

QUESTION:

Constable Sebalj, who did you allow to view the victim's statement?

ANSWER:

Constable Kevin Malloy, Sgt. Ron Lefebvre, Constable Brian Snyder, Constable Perry Dunlop and Staff Sergeant Garry Derochie to view the victim's statement.

QUESTION:

Who did you allow to take this statement away from your physical control?

ANSWER:

I allowed Constable Snyder to take the statement away on March 4, 1993, for a matter of days for the purpose of statement analysis. I allowed Constable Perry Dunlop to take the statement away (at his request) on September 24, 1993, for a period that did not exceed one hour, for the purpose of "reading material".

I allowed Staff Sergeant Garry Derochie to take the file containing the statement in October or November 1993 for the purpose of an internal investigation. He presently has the file and the statement.

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STATEMENT - CST. H. SEBALJ (continued)

QUESTION:

Constable Sebalj, did you ever give anyone permission to copy the statement or to disclose the contents of the statement to anyone?

ANSWER:

No.