

**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 217

Held at :

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

Tuesday, April 22 2008

Tenue à:

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

Mardi, le 22 avril 2008

ERRATA

Appearance List

Volume 216

Mr. Michael Neville The Estate of Ken Seguin and
Scott Seguin and Father Charles
MacDonald

Should have read

Mr. Michael Neville The Estate of Ken Seguin and
Doug Seguin and Father Charles
MacDonald

Volume 1 to 216

Mr. John E. Callaghan Cornwall Police Service Board
Mr. Mark Crane
Mr. Peter Manderville

Should have read

Mr. John E. Callaghan Cornwall Community Service and
Cornwall Police Service Board
Mr. Mark Crane
Mr. Peter Manderville

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Karen Jones	Commission Counsel
Ms. Janie Larocque	
Mr. Ian Stauffer	
Mr. John E. Callaghan	Cornwall Community Service and
Mr. Mark Crane	Cornwall Police Service Board
Mr. Peter Manderville	
Ms. Diane Lahaie	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Mr. Michael Quinn	Mr. Michael Quinn
Mr. Kevin Malloy	Mr. Kevin Malloy

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

2 L'audience débute à 9h33

3 **THE REGISTRAR:** Order; all rise. À 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, and good
10 morning all.

11 Before we begin I'll put this under
12 housekeeping. I've asked Mr. Engelmann to mention it to
13 people before, the use of Blackberrys and other
14 communication devices should be discouraged in the hearings
15 room. And the consumption of anything else other than
16 water I would appreciate that if we are going to give some
17 respect to the process and whatever, that we maintain that
18 at all times.

19 Thank you.

20 Come forward, sir. Good morning, how are
21 you doing today?

22 **MR. QUINN:** Very good, yourself?

23 **THE COMMISSIONER:** Very good.

24 You understand you're still under oath, sir?

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

1 **THE COMMISSIONER:** Thank you very much.

2 **MICHAEL QUINN, Resumed/Sous le même serment:**

3 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. DALEY**

4 **(Continued/Suite)**

5 **MS. DALEY:** Good morning, Officer Quinn.

6 **MR. QUINN:** Good morning.

7 **MS. DALEY:** Officer Quinn, I'm going to
8 shortly take us back to the timeframe we spoke about
9 yesterday and that's the September/October 1993 timeframe
10 and your dealings with your friend and fellow officer,
11 Perry Dunlop.

12 Before I do that I want to make an
13 explanation to you about what I'm going to ask you about
14 and what my interest is, just so that we understand each
15 other. Obviously, the best source of information about
16 Officer Dunlop's conduct and motivations and thought
17 processes would be him himself but, as you are aware, his
18 testimony isn't available to us.

19 You're aware of that?

20 **MR. QUINN:** Yes.

21 **MS. DALEY:** All right.

22 So I thought what we might be able to do is
23 first of all to establish some further information about
24 the nature of your friendship with him and then the
25 questions I'm going to put to you in some respects will be

1 asking you not to try and get inside Officer Dunlop's head
2 because I know you can't do that but drawing upon your
3 relationship with him, the things you and he discussed over
4 the years just to give us your best evidence in response to
5 some of my questions about Officer Dunlop's actions and
6 motives. Is that all right?

7 **MR. QUINN:** Yeah.

8 **MR. CALLAGHAN:** Mr. Commissioner, I mean
9 should we be not clear that -- I mean he should be
10 testifying as to what Mr. Dunlop told him not what he
11 thinks Mr. Dunlop might be thinking.

12 **THE COMMISSIONER:** No. No, no, compromise
13 there. He can tell us what he interpreted Mr. Dunlop's
14 reactions and things like that but he cannot tell us what
15 was going on in Mr. -- that's what I'm saying.

16 **MR. CALLAGHAN:** I'm a little concerned that
17 we be clear about what it is we are doing because, you
18 know, obviously as he indicated there was lots of rumour
19 and innuendo; we'd just be adding to it. But I'll take it
20 bit by bit here.

21 **THE COMMISSIONER:** And it's obvious that you
22 cannot tell us what's in Mr. Dunlop's mind unless he told
23 you but you are able to tell us how you saw him and how you
24 interpreted his actions, all right?

25 Thank you.

1 **MS. DALEY:** I hope that that helps clarify
2 things a little bit for you.

3 First of all, I just want to explore some
4 details about your friendship with him. And I take it that
5 you socialized with him quite often. Is that -- would that
6 be fair? That's the impression I was left with.

7 **MR. QUINN:** Fairly often, yes.

8 **MS. DALEY:** All right.

9 And in terms of your relationship at work
10 would you be one of his closest friends in the workplace
11 and vice versa?

12 **MR. QUINN:** Yes.

13 **MS. DALEY:** All right.

14 And I understand that during the period of
15 time we're concerned with you and he are both on D Team,
16 correct?

17 **MR. QUINN:** There's times switching back and
18 forth; there's different places, yeah, but at some point
19 through that era, yes.

20 **MS. DALEY:** Do you remember if in the fall
21 of 1993 Perry was with you on D Team?

22 **MR. QUINN:** I don't recall who was on the
23 team at that time but it would have seemed fair to assume
24 that, yes, but to say for sure I'm not positive.

25 **MS. DALEY:** And I took it from what you said

1 that there was never any rift in your friendship with him.
2 In other words, you and he never fell out. You maintained
3 the same closeness throughout?

4 **MR. QUINN:** That's right.

5 **MS. DALEY:** And there's two windows of time
6 that I'm going to take you to later but I want to
7 understand your relationship with Dunlop during these
8 windows. We understand that from January of '94 through to
9 May of 1997 Officer Dunlop was away from the office on
10 leave.

11 Do you recall that?

12 **MR. QUINN:** Okay, yes.

13 **MS. DALEY:** And do I take it, sir, you were
14 still in touch with him as a friend throughout that period?

15 **MR. QUINN:** Yes.

16 **MS. DALEY:** And was your friendship and your
17 social activities with him the same throughout that period
18 of time as previously, the same amount of contact?

19 **MR. QUINN:** Pretty much, yes.

20 **MS. DALEY:** All right.

21 And I'll ask you specific questions but you
22 and he were exchanging information and views during the
23 time he's off leave? In other words, are you aware of the
24 activities that are occurring in his life?

25 **MR. QUINN:** He would talk to me at times,

1 more as someone to basically talk to and get stuff off his
2 chest. What he was planning or what he was doing or going
3 I wasn't aware of until probably after they were done.

4 **MS. DALEY:** All right.

5 So I'll come back to that with some specific
6 questions.

7 And then there's the final window of time.

8 He returns to work on May -- in May '97 ---

9 **MR. QUINN:** Yes.

10 **MS. DALEY:** --- and then he leaves the Force
11 in June 2000. And during that window of time, again, you
12 and he are close friends?

13 **MR. QUINN:** Yes.

14 **MS. DALEY:** All right. Thank you. That's
15 helpful.

16 Now, let me try to direct you back then to
17 the matter we spoke about last time, and that has to do
18 with the October 1993 period of time in which you and
19 Officer Dunlop are talking about potential discipline. And
20 I gather you and Staff Sergeant Derochie are also talking
21 about that matter, okay? So I have some questions for your
22 back in that period of time, all right?

23 **MR. QUINN:** Sure.

24 **MS. DALEY:** Did you have an opportunity to
25 review at all Staff Sergeant Derochie's notes about his

1 encounters with yourself and O'Reilly and Dunlop in this
2 timeframe?

3 **MR. QUINN:** Yes.

4 **MS. DALEY:** All right.

5 Bear with me one second.

6 Madam Clerk, this is Exhibit 293 that we're
7 interested in and I'll give you a specific Bates page in
8 just one second.

9 **THE COMMISSIONER:** Two hundred and ninety-
10 three (293), the exhibit?

11 **MS. DALEY:** Exhibit -- sorry, 1293 is
12 Officer Derochie's notebook.

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

14 **MS. DALEY:** The pages I'm interested in
15 commence with Bates page 7012733 and in Officer Derochie's
16 handwriting he's -- he calls this page 12 of his notebook,
17 if that helps you. The date is October 12th.

18 **THE COMMISSIONER:** Yes, because you have a
19 different page number.

20 **MS. DALEY:** I may be using a different Bates
21 page ---

22 **THE COMMISSIONER:** It's page 12; it's page
23 12.

24 **MS. DALEY:** Page 12 of the notes?

25 **THE COMMISSIONER:** That's fine.

1 **MS. DALEY:** That's where we want to be.
2 Just so that the record is clear I am
3 reading from a different iteration of this document so on
4 the exhibit it's Bates page ending in digits 384.

5 But in any event it's page 12 of the
6 officer's notebook, sir, and what I would -- and you may
7 wish to start reading on the previous page just so that you
8 understand. This is Staff Sergeant Derochie's encounter
9 with you and with Officer O'Reilly and it's his version of
10 a conversation which he has and what he communicates to you
11 about his thoughts at that time concerning Officer Dunlop.

12 I just want you to take as much time as you
13 need to review what Staff Sergeant Derochie says and then
14 I'll have a few questions for you. But at page 12 of the
15 notes, do you see, sir, the passage that's up on the screen
16 here?

17 "After the meeting I asked Constables
18 Quinn and O'Reilly, Association
19 Executive Members, to stay back..."

20 (As read)

21 And then he goes on to say -- to make note
22 of what he informed you. Do you see that passage, sir?

23 **MR. QUINN:** M'hm, yes.

24 **MS. DALEY:** If I could ask you just -- if
25 you're familiar with this already, we needn't take the

1 time, but if you're not, I'm going to suggest you read that
2 passage and read page 13, 14 and to the top of 15 of
3 Derochie's notes.

4 MR. QUINN: I'll have to ---

5 MS. DALEY: You let me know when you feel
6 you've absorbed that information.

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. QUINN: You just -- to the top of 15
9 you're concerned with?

10 MS. DALEY: Yes, the top of 15 because then
11 his notes pick up on October 14th so have you made your way
12 up to the ---

13 MR. QUINN: Yes.

14 MS. DALEY: --- top of 15? Thank you.
15 Thank you, sir.

16 Are these notes, to the best of your
17 recollection, a fairly -- a fair depiction of the
18 conversations that occurred at that time?

19 MR. QUINN: Yes.

20 MS. DALEY: And ---

21 THE COMMISSIONER: I'm sorry?

22 MR. CALLAGHAN: Well, I ---

23 MS. DALEY: I'm sort of hearing words and --

24 -

25 MR. CALLAGHAN: I'm just trying to be clear.

1 I think we should clarify as to which conversations he
2 recalls. He said he recalled one in an office; this is
3 taking place in the Association.

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

5 **MR. CALLAGHAN:** So -- I mean, I think it --
6 we should delineate what he recalls and what he doesn't
7 recall.

8 **MS. DALEY:** You told us yesterday you
9 remembered a conversation in the office with Derochie and
10 I've -- I haven't forgotten that.

11 **MR. QUINN:** I believe this is the one.

12 **MS. DALEY:** That's what I -- that's what I
13 thought you might tell me. The content of the conversation
14 that Derochie has recorded, that's the conversation you
15 remember regardless of where it happened?

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

17 **MS. DALEY:** Okay. And you're satisfied that
18 he's -- he's set out your part of that conversation fairly
19 accurately?

20 **MR. QUINN:** Yes.

21 **MS. DALEY:** And he'd be right, would he not,
22 sir, that at that point-in-time, you had more information
23 than he did about Officer Dunlop's situation because you'd
24 been speaking with Perry about it?

25 **MR. QUINN:** I had. It would be what --

1 Perry's version. I don't know if I had more information
2 than he did or not; I had Perry's version.

3 **MS. DALEY:** Okay. You were quite aware of
4 Perry's version of the occurrence?

5 **MR. QUINN:** Correct.

6 **MS. DALEY:** And you knew that Perry hadn't
7 given his version of the occurrence to Staff Sergeant
8 Derochie yet had he?

9 **MR. QUINN:** That again -- that again, I
10 don't know for sure, but I assume not.

11 **MS. DALEY:** Did you ever become aware that
12 Perry gave his version of these events to any senior
13 officer at the CPS?

14 **MR. QUINN:** Not that I'm aware of.

15 **MS. DALEY:** Did you ever, as his friend or
16 co-worker, suggest that he should do that?

17 **MR. QUINN:** No.

18 **MS. DALEY:** Did you, in fact, suggest to the
19 contrary that he should not do that?

20 **MR. QUINN:** I suggest to him that he speak
21 to no one 'til he got legal advice so we went -- if they
22 were coming looking for an investigation, checking into
23 wrongdoings at some point with allegations that there are
24 possibly going to be police Act charges or charges at some
25 point, at that point, he not speak to anyone unless he

1 spoke to Association representative and we got him legal
2 advice first so that ---

3 **MS. DALEY:** Did that, in fact, happen in
4 this timeframe, sir?

5 **MR. QUINN:** Excuse me, what happen?

6 **MS. DALEY:** Well, did he get a lawyer
7 involved?

8 **MR. QUINN:** Again, at some point, he got
9 lawyers of his own. I don't recall if there was an
10 Association lawyer at any point ever involved. I don't
11 know.

12 **MS. DALEY:** Just so that we're clear, and I
13 don't know if you'll know the name, but the lawyer he got
14 on his own, was that a fellow named Charles Bourgeois?

15 **MR. QUINN:** He was one of them at one point-
16 in-time, but I don't think he was the first one.

17 **MS. DALEY:** All right. And was there a Mr.
18 Yegendorf that you heard of?

19 **MR. QUINN:** Yes, I believe he was involved
20 at some point.

21 **MS. DALEY:** In any event, those are the
22 names of the lawyers that you know Mr. Dunlop retained?

23 **MR. QUINN:** Yes.

24 **MS. DALEY:** To the best of your knowledge,
25 he didn't retain or the Association on his behalf didn't

1 retain a lawyer to deal with the events as they were
2 unfolding in October of '93?

3 MR. QUINN: Not that I recall.

4 MS. DALEY: Now, as we saw at the bottom of
5 page 14 and the top of page 15 of Staff Sergeant Derochie's
6 notes, he represents that your main concern, as he
7 understood it, was that Dunlop would be the scapegoat and
8 that others would get off and he says "I told him that that
9 was an unfair assessment".

10 Do you recall that aspect of the
11 conversation with Staff Sergeant Derochie?

12 MR. QUINN: Not word-for-word, but
13 generally, yes.

14 MS. DALEY: What did he reflect to you as to
15 why your view was an unfair assessment?

16 MR. QUINN: That's going to be a word-for-
17 word part; I don't recall. I know that he disagreed like -
18 - I'm going by kind of just a vague memory of this.

19 My impression at the time was that I didn't
20 -- my opinion or view of this would be that if they had
21 someone that they could lay this on as being the fault and
22 it would go away, that would be Perry and then it would
23 just disappear. My concern was that other people who may
24 have or may be involved in some place and maybe did
25 something wrong with this or mishandled it in somehow,

1 would basically walk away and nothing would ever be said to
2 them. My understanding from what Garry was saying was
3 like, no, no, that wasn't going to happen. Unfortunately,
4 I figured it might.

5 **MS. DALEY:** Was that a view that you
6 expressed, that he would be scapegoated and others who were
7 also culpable would not be disciplined? Was that Perry
8 Dunlop's view at this time or belief?

9 **MR. QUINN:** I believe Perry believed that he
10 would be the guy who was going to be the scapegoat or the
11 person held responsible for anything that went wrong with
12 it or the lion's share of what they believed to be wrong at
13 the time.

14 **MS. DALEY:** So to the best of your
15 awareness, it was Mr. Dunlop's view at that time that he
16 was being scapegoated?

17 **MR. QUINN:** That he was being penalized for
18 having made CAS aware of this situation and that, again, if
19 he were to be silenced then this would end.

20 **MS. DALEY:** I take it that as his friend and
21 colleague, you agreed with that view?

22 **MR. QUINN:** I would agree with a good
23 portion of it, yes.

24 **MS. DALEY:** Is there any aspect of it with
25 which you disagreed?

1 **MR. QUINN:** Not at that time.

2 **MS. DALEY:** I take it at a later time you
3 began to disagree with a portion of his view. Can you just
4 tell us what you're referring to?

5 **MR. QUINN:** Well, now that it's gone farther
6 and into a different -- agencies have investigated and
7 obviously there's been a different outcome than there was
8 at that time, I would have to say that it's changed
9 somewhat since then. There was more investigating done.
10 There was charges laid and stuff, but at that particular
11 time, it was going become a dead issue and I would have to
12 agree with Perry's view at that time. I think he may have
13 been right and I don't think that part of it's changed. I
14 still think that way.

15 **MS. DALEY:** Did Perry ever tell you who he
16 thought the others in the force were who were responsible
17 for the state of affairs and who would get away with it, so
18 to speak. Did he identify those people to you?

19 **MR. QUINN:** Not as particular items having
20 been done, sort of thing. We would do a general
21 conversation and -- but not as this person having done this
22 specific thing or that person having done that specific
23 thing, no, that's never come into ---

24 **MS. DALEY:** So I take it that he didn't give
25 you any names of people who he thought had done something

1 wrong here but might get away with it?

2 MR. QUINN: He would have believed that --
3 again, this is my opinion, an opinion based on
4 conversations back and forth and there's no real -- I have
5 no real hard fact to substantiate any of this, okay, but he
6 would have believed at that time, in my opinion, that
7 probably the Staff Sergeant in CIB and maybe possibly the
8 Chief did not want this to proceed any place and I think he
9 believed that they had a vested personal interest in that,
10 that it not proceed anywhere.

11 MS. DALEY: The Staff Sergeant would be Luc
12 Brunet?

13 MR. QUINN: Yeah.

14 MS. DALEY: The Chief, obviously, is Chief
15 Shaver at this time?

16 MR. QUINN: That's correct.

17 MS. DALEY: Did Perry express to you what he
18 thought their vested interest was in seeing that this
19 matter did not progress?

20 MR. QUINN: No, did they -- just in his mind
21 they did not want it to go someplace.

22 And as to absolutely why, like if you're
23 asking me why that way, I don't know. I don't know what
24 their motivation would have been; it could have been any --
25 he never expressed a motivation to me.

1 **MS. DALEY:** He never gave you any reasons as
2 to why he had named those people?

3 **MR. QUINN:** No, other than they didn't want
4 -- it -- it appeared to him and that -- that that would
5 have been ---

6 **MS. DALEY:** Based on your many discussions
7 with Perry Dunlop, did he express any views about Heidi
8 Sebalj and how she had conducted the investigation?

9 **MR. QUINN:** I -- his view is she hadn't done
10 it right and that she didn't have the experience to do it.

11 **MS. DALEY:** All right. Was he more specific
12 in critiquing her performance or was that the gist of it?

13 **MR. QUINN:** Not that I recall.

14 **MS. DALEY:** All right.

15 **MR. QUINN:** That's the gist of it.

16 **MS. DALEY:** Thank you.

17 I want to talk to you now about another
18 portion of the Derochie notes and let me just give you a
19 page reference where I want you to start looking.

20 Would you please start looking at his --
21 it's his hand-numbered page 29 and following.

22 And, sir, we touched on this a little bit
23 yesterday, as well, just to put the framework in place;
24 this is now October 15th; Derochie has done other activities
25 between the conversation with you and Officer O'Reilly and

1 October 15th and I'd like you to look at pages 29, 30 and 31
2 and probably a reasonable place to start, if you look at
3 page 29, about two-thirds of the way down, he says:

4 "On reporting for duty on the
5 nightshift, I was informed ..."

6 And then if just if you don't mind, read
7 that passage, the following two pages, and let me know when
8 you've had a chance to get through it.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. QUINN:** Thirty-two (32) you just want to
11 do it to?

12 **MS. DALEY:** I'm sorry?

13 **MR. QUINN:** Page 32 you wanted to go to?

14 **MS. DALEY:** Yes, you don't need to go past
15 32.

16 **MR. QUINN:** Okay.

17 **MS. DALEY:** Just -- have you had a chance to
18 get through all that?

19 **MR. QUINN:** Pretty much.

20 **MS. DALEY:** Does reviewing Staff Sergeant
21 Derochie's notes assist your recollection at all about a
22 conversation you had with him at this point in time
23 concerning Dunlop?

24 **MR. QUINN:** The only thing this brings to me
25 is it would appear that I was the person that brought in

1 the sick note that it's quite possible.

2 MS. DALEY: All right. So let me ask you a
3 few questions, then, about the content of these notes.

4 Firstly, I gather that Officer O'Reilly was,
5 in fact, the President of the Association at this time?

6 MR. QUINN: That would sound right.

7 MS. DALEY: I'm sorry?

8 MR. QUINN: That would sound right.

9 MS. DALEY: Okay. Were you the
10 Vice-President or ---

11 MR. QUINN: Probably.

12 MS. DALEY: All right. And you and he
13 obviously talked between yourselves about the Dunlop
14 situation, did you?

15 MR. QUINN: Very little.

16 MS. DALEY: Did O'Reilly share your views
17 about the Dunlop situation, that is to say the view that
18 perhaps Perry was going to be scapegoated?

19 MR. QUINN: I -- I have -- no, I can't say
20 what O'Reilly's view as to whether that was or not.

21 As I recall, I think his view was that,
22 "Okay, we plead guilty, whatever, and we'll work out an
23 arrangement afterwards of some sort." that then would be
24 the easiest way of handling that at that time.

25 MS. DALEY: And I take it, you had an

1 opposing view to that; you didn't agree with that ---

2 MR. QUINN: No ---

3 MS. DALEY: --- approach?

4 MR. QUINN: --- I didn't.

5 MS. DALEY: And nor did Perry, obviously?

6 MR. QUINN: No.

7 MS. DALEY: So to the extent that Staff
8 Sergeant Derochie is sensing that the Executive is divided,
9 in other words, O'Reilly and you have differing views, he's
10 correct about that?

11 MR. QUINN: If that's what he means by
12 "divided," yes.

13 MS. DALEY: Now at the top of page 30 of
14 Staff Sergeant Derochie's notes, just to put it in context
15 for you, he's reflecting things that he says O'Reilly said
16 to him but one of those things is that -- it picks up on
17 the prior page:

18 "O'Reilly says he doesn't know what's
19 going on, that Dunlop was getting
20 advice from a number of sources and
21 that, in effect, he, O'Reilly, was
22 washing his hands of it."

23 Is that a fair reflection of O'Reilly's
24 position and the choice he made at that point?

25 MR. QUINN: Yes.

1 **MS. DALEY:** And apart from yourself, were
2 you aware of other sources from whom Officer Dunlop was
3 getting advice?

4 **MR. QUINN:** Only through conversations with
5 Perry, I know he was speaking to other people, like outside
6 sources, possibly lawyers and et cetera, people that he'd
7 contacted through work and stuff.

8 Who they were and just what the advice was,
9 I do not know.

10 **MS. DALEY:** Are you aware of anybody else
11 within the Service from whom he was seeking advice, apart
12 from you?

13 **MR. QUINN:** I don't think it was from our
14 Service.

15 **MS. DALEY:** Your best belief is that it was
16 lawyers in private practice?

17 **MR. QUINN:** If -- if I recall correctly,
18 yes, it was like people that he knew, a lawyer; I'm not
19 sure which would it was but ---

20 **MS. DALEY:** In any event, this was not a
21 lawyer whom the Association had provided.

22 **MR. QUINN:** No.

23 **MS. DALEY:** This was a private lawyer?

24 **MR. QUINN:** Right.

25 **MS. DALEY:** And you don't recall Officer

1 Dunlop ever giving you a name of this person?

2 MR. QUINN: No.

3 MS. DALEY: Did he tell you what the advice
4 was?

5 MR. QUINN: Not specifically, no.

6 MS. DALEY: Do you know if it was consistent
7 or inconsistent with the advice you were giving him?

8 MR. QUINN: I think it was more consistent
9 with the advice of like, "You haven't done anything wrong,
10 no reason why you should be -- being penalized by this."

11 He didn't agree -- that I know, for sure, he
12 did not agree that he should be penalized with any -- he
13 didn't -- he didn't feel he had done anything wrong and he
14 didn't feel that he should be -- being disciplined for
15 anything and he didn't feel that he should be the person
16 that they're going after.

17 He just -- he didn't feel -- he felt that he
18 had done what he was required to do and couldn't understand
19 why they were coming after him as hard as they were for
20 doing that.

21 MS. DALEY: Did you say "as hard as they
22 were"?

23 MR. QUINN: Yeah.

24 MS. DALEY: Well, I had understood that and,
25 indeed, these notes reflect that Derochie's point of view,

1 at this point in time, is not to impose any kind of harsh
2 penalty, but can you just help me with what you meant by
3 that?

4 MR. QUINN: I think by ---

5 MS. DALEY: Did you still feel that the
6 approach was too harsh?

7 MR. QUINN: As I told you yesterday, I -- as
8 much respect as I have for what Garry done and said and the
9 investigation as fair as he was trying to be and as fair as
10 his notes show that he was being in the investigation, I
11 don't think he had final say and the atmosphere would be
12 such that I don't believe Perry would have trusted what was
13 happening until such time that there was hard proof of it.
14 I don't think Garry had final, last say of what would
15 happen.

16 MS. DALEY: That would be the Chief?

17 MR. QUINN: That would be -- I would assume
18 would actually be the Chief.

19 MS. DALEY: You have -- I'm not suggesting
20 you knew about this at the time but Garry's note suggests
21 that he's in communication with the Chief and that the
22 sanction that is going to be imposed -- that is to say the
23 very mild sanction -- comes from the Chief.

24 Did you ever become aware of that?

25 MR. QUINN: No.

1 **MS. DALEY:** I take it Perry Dunlop didn't
2 either?

3 **MR. QUINN:** I imagine not.

4 **MS. DALEY:** But his frame of mind as he
5 would have expressed it to you, I take it was, that it's
6 nice that Officer Derochie thinks this but until I hear it
7 from the Chief I have no confidence in it?

8 **MR. QUINN:** You would want to hear it from
9 the Chief with probably some kind of departmental lawyer or
10 commission representative, somebody there -- a number of
11 witnesses saying here it is, the document saying what's
12 taking place.

13 **MS. DALEY:** Did you ever take it upon
14 yourself -- and I'm not suggesting that it was your role --
15 but did you ever communicate that position back to Officer
16 Derochie? In other words, just to say, listen, Dunlop
17 might be all right with this, but it needs to come from the
18 Chief and there needs to be more assurance?

19 **MR. QUINN:** Dunlop wasn't all right with
20 this.

21 **MS. DALEY:** So essentially if I -- and I
22 don't -- I feel like I'm chasing you around on this point.
23 I don't mean to but Dunlop was just not prepared to agree
24 to any form of sanction, regardless how light?

25 **MR. QUINN:** As I said, by the time -- like -

1 - would talk to him after that, Perry did not believe that
2 he'd done anything wrong. He believed that he had done
3 what he had to do and what was proper. He did not feel
4 that it was appropriate for him to be disciplined for doing
5 nothing wrong and, as I said before, I don't have a problem
6 with that thought.

7 **MS. DALEY:** I understand that. I guess
8 where that leads us is that no -- any form of discipline,
9 no matter how light, how innocuous, would not be acceptable
10 to him nor to you?

11 **MR. QUINN:** Not if you haven't done anything
12 wrong.

13 **MS. DALEY:** And I think I asked you to look
14 at the top part of page 31 of Staff Sergeant Derochie's
15 notes.

16 **MR. QUINN:** Yes.

17 **MS. DALEY:** And this is of course is not --
18 this doesn't reflect any conversation. This is Derochie
19 outlining the conclusions that he's coming to at this point
20 and his first one is that:

21 "Constable Dunlop was not prepared to
22 take any criticism for his actions in
23 this incident. He sees himself as a
24 white knight, fighting the good fight."

25 Apart from the some what editorial nature of

1 this second sentence, I take it -- Derochie had it
2 absolutely right, Dunlop was not prepared to accept
3 criticism for his actions because he thought there was
4 nothing wrong with them?

5 **MR. QUINN:** Pretty much.

6 **MS. DALEY:** Right. And that certainly is a
7 view that you supported him with?

8 **MR. QUINN:** I would support that, yeah.

9 **MS. DALEY:** And then his second point is
10 that there's a division within the Association executive as
11 to how this issue is to be dealt with and I take it, again,
12 Staff Sergeant Derochie got that right too?

13 **MR. QUINN:** If you are referring to the fact
14 that Dan wanted to just have him come in and plead to
15 whatever they wanted to put down and work out some kind of
16 penalty afterwards and that way it would be settled and
17 done with very little aggravation to, I guess, anyone and
18 my opinion of -- I don't see why our members should be
19 pleading guilty to anything, then if that's what you mean
20 by the division, then yes, you're right.

21 **MS. DALEY:** And when you said "Dan" in your
22 answer, that's Officer O'Reilly?

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

24 **MS. DALEY:** All right.

25 So if that's what Staff Derochie has

1 perceived that O'Reilly thinks plead guilty, let's move on,
2 you say, no way, that's not right. He's right, that those
3 are two different views?

4 **MR. QUINN:** Yes.

5 **MS. DALEY:** He says in point 3, and I don't
6 know what your comments might be to this, but he says:

7 "There may be hidden agendas at work.
8 Dunlop may be getting at or is being
9 used to get at other people perceived
10 as being vulnerable, i.e. officers
11 involved in the investigation, or
12 supervisors".

13 And I don't know if you want -- if you care
14 to comment on that, but can you see any facts or
15 circumstances in play here that might have given Staff
16 Derochie that impression?

17 **MR. QUINN:** No.

18 **MS. DALEY:** All right. Thank you.

19 Thank you. I'm going to move to another
20 topic now. All right.

21 Moving on then from the fall of 1994 and --
22 sorry, just before I do that, let's just wind up a loose
23 thread.

24 Officer Dunlop goes off on a sort of a
25 short-term sick leave on or about October 15th and based on

1 Derochie's notes, you believe you may have been the one
2 that handed over the Doctor's letter to support that?

3 MR. QUINN: It was either -- would have been
4 -- handled the Doctor's letter or it might have been the
5 person that Perry called to let Dispatch or Staff Sergeant
6 Derochie know that he wasn't coming in for the weekend.
7 One of those things.

8 MS. DALEY: Did Officer Dunlop know that
9 Staff Derochie intended to sit with him on October 15th?

10 MR. QUINN: I don't know.

11 MS. DALEY: Did you know that?

12 MR. QUINN: No.

13 MS. DALEY: Did you give Officer Dunlop any
14 advice or counseling around this little -- this period of
15 sick leave?

16 MR. QUINN: As per ---

17 MS. DALEY: Well ---

18 MR. COMMISSIONER: His decision to -- not to
19 come into work?

20 MS. DALEY: Correct.

21 MR. QUINN: No.

22 MR. COMMISSIONER: Were you involved in that
23 at all?

24 MR. QUINN: No.

25 MS. DALEY: Were you aware though that he

1 had absented himself from that entire shift, October 15th
2 through the end of that shift?

3 MR. QUINN: I'm sorry, could you take ---

4 MS. DALEY: Were you aware that he had been
5 absent from that entire shift which coincided with
6 Derochie's shift? The shift that started October 15th?

7 MR. QUINN: If I would have brought in the
8 message then I would have been aware of it, yes.

9 MS. DALEY: Did you have any indication from
10 Officer Dunlop that he had just intended to stay out of the
11 office during that window of time to avoid the encounter
12 with Staff Derochie?

13 MR. QUINN: No.

14 MS. DALEY: It may -- he then comes back to
15 work and he works through to the end of 1993. That's what
16 we're led to believe here. Do you have any different
17 information?

18 MR. QUINN: Not information, no.

19 MS. DALEY: And at some point in the latter
20 months of 1993 or the very beginning of 1994, the Silmsler
21 investigation and Dunlop's role become public knowledge.
22 Do you recall that, sir?

23 MR. QUINN: I -- do you mean that's when it
24 becomes known in the media?

25 MS. DALEY: That's right.

1 **MR. QUINN:** In that timeframe somewhere. I
2 don't remember just the date or the time or month or
3 whatever.

4 **MS. DALEY:** I don't want to tax your memory
5 to that degree, but you do remember that it came into the
6 media at that point-in-time ---

7 **MR. QUINN:** At some point it comes into the
8 media, yes.

9 **MS. DALEY:** And do you recollect that David
10 Silmser's statement was in fact published in the media?

11 **MR. QUINN:** That's what I mean by it comes
12 into the media.

13 **MS. DALEY:** All right. And ---

14 **MR. QUINN:** There was some kind of, I think,
15 media about it prior to it being published. If I remember
16 correctly, there was a bit of the story here or there sort
17 of thing and then somewhere pop-up comes the statement.

18 **MS. DALEY:** Now, did you and Officer Dunlop
19 talk about that occurrence?

20 **MR. QUINN:** About it coming to the media?

21 **MS. DALEY:** Yes.

22 **MR. QUINN:** He didn't want it in the media.

23 **MS. DALEY:** What did he say to you about
24 that? As best as you can recall, just fill us in on that
25 discussion.

1 **MR. QUINN:** The general gist of it was if he
2 could find the person that put that out into the media --
3 he was not really pleased with it being out there. It just
4 made is life abject misery.

5 **MS. DALEY:** It made his life misery the fact
6 that it was published?

7 **MR. QUINN:** Yes.

8 **MS. DALEY:** How so?

9 **MR. QUINN:** Well, obviously the department
10 was really upset with it and again he became focus of
11 attention for that. He'd get calls from -- like his phone
12 rang steady, people calling him for all kinds of different
13 things to report stuff, to blame him for stuff, all kinds
14 of things. So, like if -- I think in his mind it had never
15 gone that far it probably would of at some point dissolved
16 and settled but once it -- it was just like one more log on
17 the fire that fuelled it. It kept things going.

18 **MS. DALEY:** I take it obviously Officer
19 Dunlop never suggested to you that he had any role
20 whatsoever in providing that statement to the media?

21 **MR. QUINN:** He had no role -- well, from
22 what he told me he had no role in it. In fact, he was
23 deadly against it ever being there.

24 **MS. DALEY:** Did he ever offer you any
25 thoughts as to how it might have come into the media's

1 hands?

2 MR. QUINN: He had no idea.

3 MS. DALEY: All right.

4 In any event, and I'm walking forward in
5 time with you, sir, we are now talking about maybe the year
6 1994, perhaps a bit following.

7 I take it Dunlop himself began giving media
8 interviews or did speak to the press about these
9 circumstances?

10 MR. QUINN: When he started speaking to
11 them, I don't know. I guess he spoke to the press at some
12 point. That was pretty much common knowledge, yeah, but I
13 don't know just when or how it was arranged or any of that
14 kind of stuff.

15 MS. DALEY: And just to give you another
16 plank here, another event that's happening at this time,
17 Dunlop commences a fairly lengthy sick leave at the
18 beginning of the year 1994?

19 MR. QUINN: Somewhere around there, yes.

20 MS. DALEY: You're aware of that?

21 MR. QUINN: Yes.

22 MS. DALEY: And that's the sick leave that
23 takes us into May of 1997?

24 MR. QUINN: I would -- yes, it's probably in
25 that -- yes.

1 **MS. DALEY:** So he's out of the station at
2 this point, but he's still in frequent contact with you
3 about these issues?

4 **MR. QUINN:** I talk to him frequently, yes.

5 **MS. DALEY:** All right.

6 Is he still looking to you for advice or
7 your views about what he should be doing?

8 **MR. QUINN:** During this time period?

9 **MS. DALEY:** Yes.

10 **MR. QUINN:** No. More of a -- someone to --
11 Perry was very careful into the point that friends of his
12 or close friends weren't drawn in to the melee or into the
13 conflict.

14 Other than my participant as a
15 representative of the Association, basically looking after
16 his rights as an employee, it was more of a friend, of a
17 sounding board. Somebody he could like, basically unload
18 to and then do whatever he was going to do.

19 He was a person of his own mind. He made up
20 his own mind what he wanted to do, and -- or from whomever
21 he was in contact with and they did what they did.

22 **MS. DALEY:** Do you remember any of the
23 issues that he brought to you as his sounding board during
24 the time that he's off on sick leave?

25 **MR. QUINN:** There was a variety of things.

1 There's stuff about being upset when someone had called the
2 insurance company and had his long-term disability
3 cancelled. They -- for a while without money for this sort
4 of thing.

5 It's just the general stress of everything
6 that went on, sort of thing. It's just -- like, he would
7 just -- he had a friend and I was a friend that he had
8 spoke to that was kind of like independent from there, just
9 somebody to speak to.

10 **MS. DALEY:** But were you also involved on
11 his behalf in trying to sort out the LTD issues as an
12 Association ---

13 **MR. QUINN:** No.

14 **MS. DALEY:** --- rep?

15 **MR. QUINN:** No, I don't -- I may not even
16 have been on the Association at that time.

17 **MS. DALEY:** All right.

18 **MR. QUINN:** Like, that wasn't involved in
19 any part of -- trying to fit. I think he took care of
20 that, basically, himself.

21 **MS. DALEY:** But that's an example of an
22 issue that he talked to you about, as a sounding board?

23 **MR. QUINN:** Basically, yes. Stuff like
24 that.

25 **THE COMMISSIONER:** Mr. Quinn, did he talk to

1 you about during -- when he was off, did he talk to you,
2 "Say, listen, I went down to Maine and I met this
3 fellow..."

4 **MR. QUINN:** Yes.

5 **THE COMMISSIONER:** "...and there was a hit
6 out on me" and all of that?

7 **MR. QUINN:** Yes.

8 **THE COMMISSIONER:** Okay. So is it fair to
9 say that he rolled out during all of that period of time,
10 that you would have been apprised of certain milestones in
11 how this thing was unfolding? Through Perry's eyes, of
12 course.

13 **MR. QUINN:** Yes.

14 **THE COMMISSIONER:** Okay.

15 **MS. DALEY:** I take it from that that you did
16 become aware of steps that Perry was taking in relation to
17 a lawsuit that he had commenced?

18 **MR. QUINN:** I was aware that he had
19 commenced a lawsuit. As far as how he come to that
20 conclusion to do it or what advice he got to do it, I don't
21 know.

22 **MS. DALEY:** All right.

23 I appreciate that, but you knew that there
24 had been a lawsuit ---

25 **MR. QUINN:** Yes.

1 **MS. DALEY:** --- and the Commissioner had
2 just asked you about a situation where he went to Maine and
3 spoke to a fellow named Ron Leroux. So I take it he made
4 you aware of that activity?

5 **MR. QUINN:** There was a variety of places
6 that, during the years, different conversations. Like I
7 said before, these things were usually done and then
8 afterwards when they -- when we would be talking, he would
9 mention the stuff that he'd either been someplace or
10 they've talked to someone or someone had called and wanted
11 to speak to him about an incident in their past.

12 Most of these -- as far as I know, all of
13 these, he would first refer to a police department or
14 police agency. Some of them come back saying they'd gone
15 to police agencies to him and been turned away and now they
16 wanted to see if he could do anything for them, and that
17 sort of stuff.

18 **MS. DALEY:** Okay. And if I've understood
19 you correctly, the events would unfold -- he'd tell you
20 about them after the fact

21 **MR. QUINN:** Yes.

22 **MS. DALEY:** And the circumstance that the
23 Commissioner referenced, the visit to Maine to meet with
24 Ron Leroux, did you come to understand that that was an
25 activity that he'd done in connection with his lawsuit?

1 **MR. QUINN:** I'm sorry, I didn't understand
2 your question.

3 **MS. DALEY:** Did Perry explain to you why he
4 was interviewing Mr. Leroux; what it was in aid of?

5 **MR. QUINN:** No.

6 **MS. DALEY:** Did you have any impression from
7 other discussion with him, what that activity was about?
8 In other words, what his purpose was?

9 **MR. QUINN:** Why he'd gone to ---

10 **MS. DALEY:** Yes.

11 **MR. QUINN:** It had been something to do with
12 the allegations of the impropriety but I can't recall,
13 right now, just exactly why he'd gone ---

14 **MS. DALEY:** All right.

15 **MR. QUINN:** --- or what it was about.

16 Like I said, most of the stuff was kind of
17 like just conversation going back and forth, just not
18 something I wrote down word-for-word or put a lot of --
19 just like you talk, talk, talk for a while and then it's
20 gone.

21 **MS. DALEY:** But did you understand in your
22 discussions with Officer Dunlop during this period of time
23 when he's off on leave that he is interviewing people and
24 he's recording the interviews?

25 **MR. QUINN:** I know that he had quite a few

1 documents and interviews that he'd had there, yeah.

2 **MS. DALEY:** And I took it from something you
3 said a moment ago that you learned through Officer Dunlop
4 that people who said they were victims of sexual abuse
5 would contact him at home?

6 **MR. QUINN:** Yes.

7 **MS. DALEY:** And Officer Dunlop told you that
8 he would speak to these people and that he would refer them
9 to the police departments?

10 **MR. QUINN:** That was my understanding,
11 talking to him, that he'd refer them to whatever police
12 department's in their jurisdiction.

13 **MS. DALEY:** Do you know if he ever referred
14 any of these individuals who said they were victims to the
15 Cornwall Police Service?

16 **MR. QUINN:** My understanding is he did.

17 **MS. DALEY:** And did you come to understand
18 from speaking to Dunlop that in addition to the referrals,
19 he also conducted interviews and made notes of what these
20 individuals had to say?

21 **MR. QUINN:** I know that he spoke to them.
22 Whether he made notes of all the people at interviews or
23 different people he spoke to like that, I don't know. Some
24 of them I'm assuming he did. Whether they were all done or
25 not, I don't know.

1 **MS. DALEY:** And did he ever inform you what
2 his purpose was in interviewing these folks and taking
3 notes of what they said?

4 **MR. QUINN:** No. I assume it would be that
5 he figured at some point-in-time somebody was going to be
6 coming to him to ask him about this stuff, and him being a
7 policeman, that's kind of what they do. Write stuff down.

8 **MS. DALEY:** Was it your impression from
9 speaking with Perry during this timeframe that he
10 considered himself acting as a police officer in taking
11 this information from people?

12 **MR. QUINN:** Yes.

13 **MS. DALEY:** So based on your discussion with
14 him, he appreciated that he was playing that role, even
15 though he was off on sick leave when he was dealing with
16 victims of crime?

17 **MR. QUINN:** That he was acting in the
18 capacity of being a police officer? He was acting what he
19 was trained as a policeman to be?

20 **MS. DALEY:** Yes.

21 **MR. QUINN:** And he was doing what he thought
22 was -- should be done and -- if that answers your question.

23 **MS. DALEY:** He took this seriously ---

24 **MR. QUINN:** Oh, yes.

25 **MS. DALEY:** --- he acted as a professional

1 in these interviews or at least to the best of his
2 abilities, that's what he did as you understood it?

3 MR. QUINN: My understanding was, yes.

4 MS. DALEY: And his expectation was some
5 days in the future, someone might come back to him, being a
6 police force or otherwise, and say, "Let's see your
7 interview notes; show me what you did". He expected that
8 that might happen in the future?

9 MR. QUINN: At the start, yes.

10 MS. DALEY: Officer Quinn, was -- I take it
11 you were aware of these events because of your close
12 relationship with Perry Dunlop?

13 MR. QUINN: Right.

14 MS. DALEY: To your knowledge, were other
15 members of the Cornwall Police Service aware that Officer
16 Dunlop was engaged in this activity when he was off on
17 leave?

18 MR. QUINN: I don't know. I -- through
19 rumour mill, I would say there was other -- involved to
20 know for sure if other people knew directly what or wasn't,
21 I don't know. I would assume there was.

22 MS. DALEY: Did you feel at all that it was
23 incumbent on you to inform your fellow officers or your
24 superior that Dunlop is in fact interviewing crime victims?

25 MR. QUINN: I think they were conducting

1 whatever -- my sense would be at the time that I'm not
2 involved in this investigation and should I start into this
3 I'd be getting the same thing that he would be getting
4 told, to stay out of it.

5 So my capacity at that point is -- he's
6 aware of where he's -- what he has and my understanding is
7 pretty much the Service is aware because you kept hearing
8 it steady from everybody that he's doing this, he's doing
9 that, and doing that again. So there was really nothing I
10 could add by informing anybody that they didn't already
11 know.

12 **MS. DALEY:** Were you afraid that if you
13 stuck your head over the trench a little bit and involved
14 yourself in this circumstance, that you'd be criticized by
15 your senior officers?

16 **MR. QUINN:** I wasn't afraid of it, but I
17 would be pretty sure that that's what would happen.

18 **MS. DALEY:** In any event, you felt it was
19 unnecessary because your perception was ---

20 **MR. QUINN:** Wasn't anything I was going to
21 add to it.

22 **MS. DALEY:** --- there was no secret. People
23 knew that Dunlop was interviewing assault victims?

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

25 **MS. DALEY:** All right.

1 Is there anything else during this window of
2 time while Officer Dunlop is away on sick leave that he
3 discussed with you that stands out in your mind as
4 significant? Significant to the issues we're concerned
5 with.

6 **MR. QUINN:** I'm not sure what you're asking
7 for here in that particular ---

8 **MS. DALEY:** Did -- is there anything else
9 that sticks out in terms of the investigations or the
10 interviews he was doing that you can remember him talking
11 to you about?

12 **MR. QUINN:** As a specific interview or
13 whatever?

14 **MS. DALEY:** Yes.

15 **MR. QUINN:** There was a number of them.
16 Like I don't know what other than saying there was
17 different people from different places that had called him
18 from all over the place, some just to say they support what
19 you're doing and encourage him to carry on. There was
20 others calling like they just wanted to air what they had
21 gone through in their lives. He would receive calls in
22 different hours.

23 So other than that I don't really know what
24 you're asking about.

25 **MS. DALEY:** All right.

1 **MR. QUINN:** If that's what you mean?

2 **MS. DALEY:** I guess that's the main activity
3 that you know Dunlop and his -- sorry. I guess you knew
4 that his wife was involved to a certain extent in some of
5 these victim interviews as well?

6 **MR. QUINN:** I believe she kind of got drawn
7 into it at some point, yeah.

8 **MS. DALEY:** And did you know his brother-in-
9 law, Carson Chisholm, Helen's brother?

10 **MR. QUINN:** I know him, yes.

11 **MS. DALEY:** Did you ever learn through
12 Dunlop that he was also involving Carson in some of these
13 victim interviews?

14 **MR. QUINN:** Perry didn't go into a lot of
15 detail as to who he went with or who came or where they
16 went with those. So I don't know who went with him to
17 these interviews or who didn't go.

18 **THE COMMISSIONER:** No, but were you aware
19 that Carson Chisholm was somehow involved in all of this?

20 **MR. QUINN:** By this time I am, yeah.

21 **THE COMMISSIONER:** By which time?

22 **MR. QUINN:** By the time this is -- by the
23 time we get to the point of it's going through trials and
24 stuff because now it's in the media.

25 **THE COMMISSIONER:** Right.

1 **MS. DALEY:** All right.

2 I don't know if you'll agree with this way
3 of looking at it but one of the things that occurs to me
4 when I think about this circumstance I think it's a very
5 unusual circumstance that an off-duty police officer is the
6 focal point of crime victims who want to speak about their
7 problems and it's almost as though Officer Dunlop became an
8 alternate to the Cornwall Police Service. In other words,
9 he became the place to go to talk about abuse allegations.

10 Was that your perception of it also, sir?

11 **MR. QUINN:** Pretty much.

12 **MS. DALEY:** And I take it you found that
13 very extraordinary?

14 **MR. QUINN:** Different, yes.

15 **MS. DALEY:** Very different?

16 **MR. QUINN:** Yeah, very different.

17 **MS. DALEY:** Did you ever sense that your
18 senior officers at the Cornwall Police Service were
19 concerned about that? And let me back up and explain the
20 type of concern I mean.

21 If Officer -- if the public is flocking to
22 Officer Dunlop in preference to going to the Cornwall
23 Police to talk about a crime, surely that's a matter that
24 would concern the Cornwall Police Service?

25 **MR. QUINN:** You would think so.

1 **MS. DALEY:** Did you see any evidence or ever
2 hear people talk about that during this window of time?

3 **MR. QUINN:** That they were concerned that
4 people ---

5 **MS. DALEY:** Yes.

6 **MR. QUINN:** --- would go there rather than
7 come to the police department?

8 **MS. DALEY:** Yes.

9 **MR. QUINN:** I never heard anybody mention
10 anything to that effect from the police station, no.

11 **MS. DALEY:** Did you and Perry ever talk
12 about the unusual -- that unusual aspect of the
13 circumstances?

14 **MR. QUINN:** As to why they would come there?

15 **MS. DALEY:** Yes.

16 **MR. QUINN:** The impression that I would have
17 received -- I received from talking with Perry and listened
18 to it is that the people that were coming to Perry would
19 appear to have mistrust with the police and they having
20 talked amongst -- a lot of these people seemed to know one
21 another. Having talked to one another whether they would
22 get a word from one guy, "Who do I see or where would I go
23 for this?" and his name would pop up and somebody would
24 give him a number and they would give him a call.

25 He didn't solicit these calls. He didn't go

1 looking for these calls and a lot of them I think he found
2 annoying and he had enough grief of his own. He didn't
3 need to add to it.

4 MS. DALEY: But ---

5 MR. QUINN: But he handled it. He handled
6 the best -- if they came to him he didn't turn them away
7 either, so it's ---

8 MS. DALEY: As best we can gather from the
9 comments he made to you about this circumstance he thought
10 this was happening primarily because people were
11 mistrustful of Cornwall Police Service?

12 MR. QUINN: It would appear.

13 MS. DALEY: Did you agree with that
14 perception?

15 MR. QUINN: That they were mistrustful of
16 it?

17 MS. DALEY: Yes.

18 MR. QUINN: I would say -- I'd have to say
19 from what was happening that it would appear that they were
20 -- they had some mistrust. I don't know why but they would
21 have had mistrust of some sort.

22 MS. DALEY: Did Officer Dunlop ever talk to
23 you about -- sorry, let's back up.

24 Do you know from your conversations with
25 Officer Dunlop if he ever tried to instil trust in these

1 people, in other words to suggest to them, "Listen, you
2 know, if you're mistrustful of the police force you
3 shouldn't be"? Did that ever come up?

4 MR. QUINN: I don't know what his
5 conversation was with them or in that line. I don't know.

6 MS. DALEY: That's not something he ever
7 discussed with you?

8 MR. QUINN: No.

9 MS. DALEY: All right.

10 So then let's move on to the last timeframe
11 here and this is Officer Dunlop is now back to work. It's
12 May 1997 and we know he remains there until about June 2000
13 when he and his family move to B.C. So that's the
14 timeframe I want to talk to you about now. Okay?

15 MR. QUINN: Yeah.

16 MS. DALEY: Now, when he came back to work
17 was he working with you on the same team as he'd been on
18 before?

19 MR. QUINN: I'm not sure. I think so but
20 I'm not sure.

21 MS. DALEY: All right.

22 When he came back to work to the best of
23 your observation and obviously you've known this fellow a
24 long time as a friend ---

25 MR. QUINN: M'hm.

1 **MS. DALEY:** --- was he able to pick up and
2 get back into police work fairly readily or what was your
3 perception?

4 **MR. QUINN:** As you're saying that it would
5 appear to me that he was on the same shift and if I
6 remember correctly ---

7 **MS. DALEY:** I missed what you said there.
8 He was ---

9 **MR. QUINN:** I said as you say that, if I
10 remember correctly we were on the same shift at least for a
11 while.

12 **MS. DALEY:** Yes.

13 **MR. QUINN:** And I remember him being
14 assigned to the station for a long period of time. Bear
15 with me. There's a kind of like a bit of -- parts and
16 pieces but as I recall he was at the station for a fairly
17 lengthy period of time doing stuff like secondary
18 complaints and it was quite a bit of a period of time where
19 he was doing copying of all the stuff that he had or
20 processing all the stuff he had to be turned over to the
21 department and so ---

22 **MS. DALEY:** If I can help you with that --
23 because we've heard a fair bit of evidence about that
24 occurrence here.

25 **MR. QUINN:** Yes.

1 **MS. DALEY:** And I'll put that in a timeframe
2 for you.

3 I think that from Officer Derochie's
4 evidence Perry was asked to provide a comprehensive
5 disclosure package, if you will, and a Will-Say Statement
6 and he worked on that from the beginning of the year 2000
7 to about April of 2000.

8 **MR. QUINN:** I don't know the time. That's -
9 - I can remember this happening but the time period as to
10 when that happened I'm not sure.

11 **MS. DALEY:** All right.

12 Just a few questions for you then about ---

13 **MR. QUINN:** Yes.

14 **MS. DALEY:** --- your discussions with
15 Officer Dunlop once he has returned to work. And let's
16 start with the disclosure topics since it's something that
17 you do remember.

18 Do you remember talking to him about his
19 involvement and disclosure on some criminal prosecutions?

20 **MR. QUINN:** No. No, I don't. I recall him
21 talking to me about -- I'm not sure what you're referring
22 to but ---

23 **MS. DALEY:** All right.

24 Well, we've spoken previously about the
25 interviews he conducted ---

1 MR. QUINN: Yes.

2 MS. DALEY: --- and notes and records that
3 he kept.

4 MR. QUINN: Yes, yes.

5 MS. DALEY: Did you understand that he was
6 obliged to disclose that to the Crown in some criminal
7 prosecutions?

8 MR. QUINN: My understanding was that that's
9 what he was doing when he was photocopying, all this stuff
10 was for this. My understanding also from the time period
11 that that had been done several times to several different
12 agencies prior to that.

13 MS. DALEY: I'm just wondering if you can
14 help us out a little bit because I gather you had some
15 conversation with Officer Dunlop about the disclosure?

16 MR. QUINN: Other than what was he other
17 than what he was doing, like that's what he -- well, kind
18 of what he was doing all day was photocopying this stuff to
19 disclose it, like that would have been it. Like if you're
20 asking me what type of disclosure he was doing or what was
21 in them or -- no.

22 MS. DALEY: Let me ask you this question, in
23 your conversations with him about this topic ---

24 MR. QUINN: Yes.

25 MS. DALEY: --- did he have any particular

1 attitude about what he was being asked to do or any
2 concerns about what he was being asked to -- what do you
3 recollect of your conversations?

4 MR. QUINN: Nothing unusual, just that he
5 was told to do this and he was doing it and handing it over
6 to them.

7 MS. DALEY: There's nothing else that he
8 spoke to you about in context of disclosure that sticks out
9 in your mind?

10 MR. QUINN: No.

11 MS. DALEY: After he returned to work did
12 you learn through discussions with him whether or not he
13 was continuing to be approached by victims outside the
14 office?

15 MR. QUINN: I can't say for sure. My
16 recollection is it probably was but I can't say for sure.

17 MS. DALEY: Do you know whether or not he
18 informed other officers, apart from you, about that, in
19 other words, to the extent that people were still
20 approaching him once he's back on the job; did he make
21 other people aware of that at CPS ---

22 MR. QUINN: I ---

23 MS. DALEY: --- apart from yourself?

24 MR. QUINN: --- do not know.

25 MS. DALEY: Did you ever give him any advice

1 or your own thoughts about whether he -- sorry, about that
2 issue?

3 MR. QUINN: About the issue of people
4 approaching him?

5 MS. DALEY: Yes.

6 MR. QUINN: In my opinion, that was at --
7 send them to a police station.

8 MS. DALEY: And you -- your advice to him
9 was direct anybody who approaches you to ---

10 MR. QUINN: Send them to a police station --
11 -

12 MS. DALEY: --- the appropriate police.

13 MR. QUINN: --- let them do it -- do it the
14 process -- do it -- file a complaint and do what they got
15 to do.

16 MS. DALEY: Did he have a reaction to that?

17 MR. QUINN: He'd say he'd sent them and some
18 of them would come back and had been basically turned away
19 and at that point, he felt obligated to do something for
20 them.

21 MS. DALEY: What did he feel obligated to do
22 in respect of people who had been turned away by the police
23 force?

24 MR. QUINN: Mostly, listen to their
25 complaint. Most of them wanted somebody to listen to their

1 complaint and listen to what they -- what had happened to
2 them was my understanding.

3 **MS. DALEY:** Listen and take no further
4 action or listen and do something?

5 **MR. QUINN:** Well, he wasn't in a capacity, I
6 don't think, to go out and prosecute or lay charges, per
7 se, but what he was basically doing was compiling this
8 stuff and somehow, I believe -- I believe that he thought
9 somewhere in the future that it would proceed; like it
10 somehow would somehow get off the ground and proceed, that
11 somewhere along the line somebody would pick it up and
12 start with it. Now, I -- when we go back to, I think, when
13 Project Truth starts, I think a lot of the stuff that went
14 to him, he would just refer it off to Project Truth people.
15 If I recall correctly that's what happened when -- and
16 probably that's what's happening when he's back to work at
17 that time. Project Truth, I believe, is probably still in
18 gear at that point and if they would call, he would refer
19 them to the OPP guys.

20 **MS. DALEY:** Did you and Officer Dunlop
21 discuss his feelings about Project Truth or his attitude
22 towards how Project Truth was conducting its investigation?

23 **MR. QUINN:** I don't recall any specific
24 conversations about it.

25 **MS. DALEY:** Based on your knowledge of

1 Dunlop and the conversations you did have, did Officer
2 Dunlop believe that Project Truth was being conducted in an
3 appropriate way? In other words, did ---

4 **MR. CARROLL:** I understood the witness -- I
5 understood the witness to say that he did not have any
6 discussions with Dunlop about his feelings or anything
7 about Project Truth and now there's a suggestion going to
8 be made or a proposition that it may -- he may well have
9 and I don't know what the content of the suggestion is, but
10 in my respective submission, the answer's been given; he
11 did not discuss with Dunlop and that -- any aspect of
12 Project Truth.

13 **MS. DALEY:** You can rule on this question.
14 All I wanted to ask this gentleman is whether, based on
15 discussions with Officer Dunlop, Dunlop communicated that
16 he had confidence in Project Truth or otherwise.

17 **THE COMMISSIONER:** I'll permit the question.
18 Did he ever talk to you about what he thought about Project
19 Truth?

20 **MR. QUINN:** He had hopes that it would
21 basically find the same results as he did and I think for a
22 lot of it, they did. Some of it, they didn't; some of it,
23 they did. I think he was disappointed in -- in some of the
24 things it found and that he was happy with some of the
25 other things they found so ---

1 **MS. DALEY:** It was a bit of a mixed bag.

2 **MR. QUINN:** Yeah.

3 **MS. DALEY:** That's fine. Two final topics I
4 -- I want to deal with and one is Officer Dunlop's role as
5 a witness in some of the Project Truth and other
6 prosecutions. Is that something that you and he talked
7 about? Were you aware that he gave evidence at preliminary
8 inquiries, for example?

9 **MR. QUINN:** Yes. Yes.

10 **MS. DALEY:** And whether on a friendship
11 basis or otherwise, did -- did he talk to you about how he
12 felt about that experience and his role ---

13 **MR. QUINN:** Yes.

14 **MS. DALEY:** --- in it? Can you share with
15 us what he said?

16 **MR. QUINN:** His feeling was that the --
17 during those times that he testified as a witness that it
18 became more of less interest in the investigation of what
19 he'd done and the facts of the case and more of a personal
20 attack on him and his character and there was more of a
21 personal attack with these things and -- rather than a
22 trial. It was kind of like a public forum for everybody to
23 take a free shot at him.

24 **MS. DALEY:** Did Officer Dunlop, based on
25 your knowledge of him, have any particular difficulties

1 giving testimony? Obviously I'm assuming he gave testimony
2 frequently as police officer.

3 MR. QUINN: Fairly frequently.

4 MS. DALEY: Did he suggest to you that the
5 way he was treated as a witness in the Project Truth
6 matters was unusual?

7 MR. QUINN: In his opinion, it was.

8 MS. DALEY: All right. We spoke a little
9 bit about media; the media attention in Cornwall to this
10 situation. Did you follow the media reports about Officer
11 Dunlop, Project Truth, the outcome of ---

12 MR. QUINN: Have I read them, is that what
13 you're saying?

14 MS. DALEY: Yes.

15 MR. QUINN: Have I looked in the local
16 paper? Pretty much, yes. I haven't read all the papers,
17 but the local paper, yes.

18 MS. DALEY: And did you ever become aware in
19 or about the year 2000 of a website that was operating in
20 Cornwall called ---

21 MR. QUINN: I'd heard about it.

22 MS. DALEY: --- Project Truth?

23 MR. QUINN: I'd heard about the website, but
24 I've never -- I'm not a computer person like as far as if
25 you give it to me and I'll give it back to him never work

1 again, but apart from that ---

2 MS. DALEY: Did you and Officer Dunlop ever
3 discuss that website?

4 MR. QUINN: Oh, we may have, I don't know.
5 To be quite honest, probably, but I -- it's another one of
6 those like conversations that kind of like you talk about
7 anything as far as I can pay a little attention to him.
8 May have.

9 MS. DALEY: Do -- do you know -- does it
10 stick in your mind at all that Officer Dunlop thought of
11 the website as a way to disseminate information about abuse
12 in Cornwall?

13 MR. QUINN: I don't know that he was
14 involved with it. I don't know if he was. I don't think
15 he was. I don't know. I don't think he was involved with
16 it. As -- as far as like putting stuff on it or something
17 that -- that I'm aware of anyway, I don't know.

18 MS. DALEY: Did you ever know whether or not
19 he was the source of some of the information that found
20 itself there?

21 MR. QUINN: Like I told you before, I don't
22 thing he was involved with it, as far as I know.

23 He got blamed for a lot of stuff he didn't
24 have any -- any contact with.

25 MS. DALEY: I'm sorry?

1 **MR. QUINN:** I said he got blamed for a lot
2 of stuff by a lot of people he had no contact with.

3 **MS. DALEY:** Not blaming, I'm just wondering
4 what he would have said to you about this, if anything.
5 And I'm taking it from your answers that if you discussed
6 the website, nothing of any significance sticks out, in
7 terms of, his views of it or his involvement in it?

8 **MR. QUINN:** No.

9 **MS. DALEY:** All right. Give me one second,
10 I'm almost finished.

11 All right, just a few questions on a
12 different topic and that has to do with Mr. Seguin, Ken
13 Seguin, the probation officer ---

14 **MR. QUINN:** Okay.

15 **MS. DALEY:** --- who was also identified in
16 Mr. Silmsen's statement.

17 **MR. QUINN:** Yes.

18 **MS. DALEY:** Did you know via your wife or
19 via your then-wife, Ms. Quinn, or through your own
20 experience as a police officer anything about Ken Seguin's
21 reputation as a probation officer?

22 **MR. QUINN:** As to what type of probation
23 officer he was?

24 **MS. DALEY:** Yes, yes.

25 **MR. QUINN:** My understanding and it's --

1 that he was average, nothing spectacular or nothing offbeat
2 about it, just I know he was a probation officer. I hadn't
3 heard any complaints of anything or anywhere. So other
4 than him being a probation officer and no complaints,
5 that's all I can tell you.

6 MS. DALEY: Did you understand that by the
7 year 1993, for example, Mr. Seguin was the most senior
8 probation officer in the office where ----

9 MR. QUINN: I didn't know ---

10 MS. DALEY: --- your wife had worked.

11 MR. QUINN: --- I didn't know what the ranks
12 were in there.

13 MS. DALEY: Didn't know that? Did you ever
14 learn through your ex-wife or otherwise that, prior to his
15 death, which is in November of 1993 ---

16 MR. QUINN: Yes.

17 MS. DALEY: --- people in the probation
18 officer -- probation office seemed to be aware that there
19 was a complaint with the police about Mr. Seguin?

20 MR. QUINN: Are you saying am I aware that
21 there was a complaint about him prior to his death?

22 MS. DALEY: No, let me revise my question,
23 that wasn't very clear obviously. We've heard from other
24 witnesses who were probation employees, not your spouse
25 necessarily but others, that in the months before Mr.

1 Seguin killed himself, probation office employees, other
2 officers, were hearing through the rumour mill that there
3 was a police complaint of some sort launched against Ken
4 Seguin. Was that ever something that you knew about,
5 whether via your wife ---

6 MR. QUINN: I would think by that period
7 that rumour mill was probably in the police department as
8 well.

9 MS. DALEY: All right.

10 MR. QUINN: Now, if I've got the timeframe
11 right here, that would be in about the same time you're
12 referring to most of this stuff happening with -- with
13 Perry Dunlop so obviously, I would know about that at that
14 point. And at that point, as I recall, there's a rumour
15 mill the point and at that point, as I recall, there's a
16 rumour mill at that point going within the Police
17 Department and my guess would be pretty much through being
18 the town that it is, through the entire legal community.

19 Like I would assume there's probably lawyers
20 that knew about it. I would assume the Probation office
21 would know about it. The Police Department, people in
22 there would know about it. Probably people down at the
23 jail would probably know about it being -- the community
24 being what it is and I would think it's probably around all
25 those places.

1 **MS. DALEY:** All right.

2 So it wouldn't surprise you at all to -- the
3 proposition that there was a rumour mill about a possible
4 investigation or a criminal complaint about Ken ---

5 **MR. QUINN:** Would it surprise me that that
6 was there, no.

7 **MS. DALEY:** --- out there in the community,
8 right. I take it that doesn't surprise you at all?

9 **MR. QUINN:** No.

10 **MS. DALEY:** Thank you very much. Those are
11 my questions.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Paul.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **THE COMMISSIONER:** Good morning, Mr. Paul.

16 **MR. PAUL:** Good morning, Mr. Commissioner.

17 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL:**

18 **MR. PAUL:** Mr. Quinn, I appear for the
19 Coalition for Action which is a citizens group.

20 **MR. QUINN:** Their mandate is what?

21 **THE COMMISSIONER:** I'm sorry?

22 **MR. QUINN:** And they are for what? What are
23 you representing now?

24 **MR. PAUL:** Oh, the Coalition for Action
25 which is a citizens group.

1 **MR. QUINN:** And there to do?

2 **MR. PAUL:** They are a citizens group that
3 was originally founded for the purpose of trying to
4 establish this Inquiry.

5 **MR. QUINN:** Okay.

6 **MR. PAUL:** I wanted to clarify one point of
7 your evidence, a question that you just answered with Ms.
8 Daley. It was about the Project Truth trials and you
9 indicated that Perry Dunlop had been under the impression
10 that at some point it became -- it became in the nature of
11 personal attacks on him?

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

13 **MR. PAUL:** And I just wanted to ask you if
14 you discussed with him or if you had any impression of how
15 he felt about the level of support he was receiving from
16 the Cornwall Police Service while he was feeling he was
17 under attack?

18 **MR. QUINN:** Which members of the service are
19 you referring to?

20 **MR. PAUL:** The service as a whole,
21 particularly the management.

22 **MR. QUINN:** I think of the management he
23 felt probably no support whatsoever. From rank-and-file
24 there would be some that would support him strongly, some
25 that wouldn't and there's an awful lot would be

1 noncommittal one way or the other.

2 MR. PAUL: All right. That brought me to
3 another question.

4 Would you agree that perhaps before the
5 Silsmer incident Constable Dunlop was a relatively popular
6 officer?

7 MR. QUINN: Yes, he was.

8 MR. PAUL: And after the situation changed
9 after that?

10 MR. QUINN: Yes.

11 MR. PAUL: Now, apart from you, were there
12 other officers that continued to support him?

13 MR. QUINN: I'm sure there was.

14 MR. PAUL: But you would have been the most
15 vocal or the strongest supporter?

16 MR. QUINN: Well, I don't know who else
17 would have been in contact with him. I don't know who else
18 from the service that would visit. Like I had said
19 earlier, there's -- Perry and I had a close friendship,
20 still do, and I guess -- yeah, I would be very vocal.

21 MR. PAUL: Was there ever any open animosity
22 towards Constable Dunlop while he performed ---

23 MR. QUINN: By members of the service?

24 MR. PAUL: Yes.

25 MR. QUINN: Yes.

1 **MR. PAUL:** And how did that come out or what
2 kind of examples could you give?

3 **MR. QUINN:** Most of the stuff is stuff that
4 people would say someplace. Either they felt threatened by
5 him or misinterpret maybe what he said that has some type
6 of personal attack. I don't think you can go anywhere or
7 anybody does anything that you are going to have 100
8 percent agreement to what somebody does and some people
9 felt that he was -- was definitely wrong. I mean, it was
10 attacking him and they were being defensive in what they
11 were saying.

12 So, yes, some would support and some
13 weren't.

14 **MR. PAUL:** Did you ever become aware of any
15 -- some incident after Perry Dunlop comes back to duties
16 where he has a concern that he's not getting what he feels
17 is back-up while he's out on patrol?

18 **MR. QUINN:** I don't think on the patrol, at
19 calls, that anybody ever suffered from no one going to back
20 him up and not supporting him. I think he felt that if he
21 had to make a decision call someplace as to whether the
22 management would back-up his decision, then that might be
23 in jeopardy. They might question his decision, what he
24 decided to do at any particular call. They might not back
25 that up, but as far as like going to a call and somebody

1 being there to -- if you were in trouble is there people
2 going to come, people are going to come.

3 MR. PAUL: Now, just moving away from Perry
4 Dunlop for a moment and looking at yourself, did you ever
5 think or feel that you were suffering any reprisals or
6 punishment because of your friendship with Perry Dunlop?

7 MR. QUINN: One, it wouldn't have mattered
8 to me and, two, no.

9 MR. PAUL: No, all right.

10 Was there any animosity towards you for your
11 support within the police force for your support of Perry
12 Dunlop?

13 MR. QUINN: Again, it wouldn't have mattered
14 to me.

15 THE COMMISSIONER: That's okay, but we want
16 to know whether or not you felt any animosity.

17 MR. QUINN: I don't think so, no.

18 MR. PAUL: Now, just a few questions about
19 your role in the Association.

20 I realize you were in Association '93. How
21 far back did that go that you're on the board or some role
22 in the Association?

23 MR. QUINN: Off and on?

24 MR. PAUL: Yes.

25 MR. QUINN: Probably since, I'm guessing,

1 about 1978, thereabouts.

2 MR. PAUL: And you had indicated that there
3 were some difficulties in terms of the relationship with
4 the Chief of Police.

5 I just want to ask you, the source of that -
6 - would some of the source of that be the Chief's different
7 background being from the RCMP and being less familiar with
8 unionized policing?

9 MR. QUINN: I'm sorry, run that by me again.

10 MR. PAUL: Some of the friction with the
11 Chief of Police.

12 MR. QUINN: Yes.

13 MR. PAUL: Would you view some of the
14 friction being from the fact that the Chief of Police had a
15 background in the RCMP where they don't have a union?

16 MR. QUINN: I don't know that that would be
17 the causes of friction or not. It may be a contributing
18 factor.

19 MR. PAUL: Just as an example, your
20 reference to Chief wanting people to do unpaid work, I
21 understand that perhaps that would be more common in an
22 environment where there isn't a union like the RCMP as
23 opposed to ---

24 MR. QUINN: If I recall correctly, I think
25 that was the reference you made that they did that there.

1 **MR. PAUL:** Pardon me?

2 **MR. QUINN:** If I recall correctly, I think
3 at the time that was kind of the reference that we were
4 like -- well, "Do you know anybody that does that?" and I
5 think his reply was, "Well, yeah, the RCMP would do that".

6 **MR. PAUL:** Now, are you familiar with a
7 situation around 1990 where the senior management Staff
8 Sergeants wanted the Chief of Police to be removed? Do you
9 have any recollection of that?

10 **MR. QUINN:** There was some, as I recall,
11 some friction between mid-management and upper-management
12 at that time. Just exactly what it was, I as a constable
13 wasn't privy to that.

14 **MR. PAUL:** All right.

15 Were you in the Association as a Vice-
16 President at that time?

17 **MR. QUINN:** Timeframe, I don't know. Off
18 and on, different spells in and out of there, yes.

19 **THE COMMISSIONER:** Did you know that the
20 Staff Sergeants had written the letter and signed a
21 petition kind of ---

22 **MR. QUINN:** I heard that, yes.

23 **THE COMMISSIONER:** Okay.

24 **MR. PAUL:** I take it then from your answer
25 you didn't have any part in either supporting it or being

1 against it. You were not involved?

2 **MR. QUINN:** No.

3 **MR. PAUL:** Another aspect to the
4 Association; Constable Sebalj of course would also be a
5 member of the Association?

6 **MR. QUINN:** Yes.

7 **MR. PAUL:** And I realize you had a lot of
8 contact with Constable Dunlop but would I be correct to
9 understand that while the Silmser incident is going on, you
10 didn't have any contact with Constable Sebalj over that
11 incident?

12 **MR. QUINN:** I did not.

13 **MR. PAUL:** Okay. Was Constable Sebalj
14 someone you were close to?

15 **MR. QUINN:** I knew her.

16 **MR. PAUL:** Okay. Would she be in the same
17 team with you at any point?

18 **MR. QUINN:** At some point. At that
19 particular point, no, but at some point through her career
20 I believe she was.

21 **MR. PAUL:** So as far as the Association was
22 -- any concern she had were they left to another officer;
23 she dealt with another officer because you were dealing
24 with Constable Dunlop?

25 **MR. QUINN:** If she dealt with somebody on

1 the Association she probably would have dealt with someone
2 else.

3 MR. PAUL: And you have no knowledge who she
4 would have dealt with?

5 MR. QUINN: No.

6 MR. PAUL: I just want to ask you, are you
7 aware whether -- do you have any knowledge whether the
8 management in the Cornwall Police, while the Silmsler
9 investigation's going on, had any -- to your knowledge did
10 management have any bias for any reason in favour of
11 Charlie MacDonald or Ken Seguin?

12 MR. QUINN: Would they have had bias to it?
13 I have no knowledge of what ---

14 MR. PAUL: To your knowledge, was there any
15 association between the Chief and these individuals such as
16 Father Charlie Macdonald or ---

17 MR. QUINN: Rumour.

18 MR. PAUL: In terms of -- you were aware of
19 some rumour? You're talking about rumour. When, at the
20 time or after the thing became public?

21 MR. QUINN: More so after things became
22 public. Prior to that, I don't know who the Chief
23 associated with or not. We don't travel in the same
24 circles.

25 MR. PAUL: Okay. Are you talking about --

1 in terms of rumour, are you talking about discussions with
2 Perry Dunlop?

3 MR. QUINN: I'm sorry?

4 MR. PAUL: Are you talking about -- when you
5 say rumour, are you talking about your discussions with
6 Perry Dunlop?

7 MR. QUINN: No, I'm talking discussions with
8 a variety of people.

9 MR. PAUL: These are other members of the
10 Cornwall Police?

11 MR. QUINN: Yeah.

12 MR. PAUL: And were you under the impression
13 that there was some association between Chief Shaver and
14 any of these people.

15 MR. QUINN: I had no direct knowledge of an
16 association of Chief Shaver with any of these people. As I
17 said before, there was stories; there are stories about
18 everything. I had no direct knowledge.

19 MR. PAUL: M'hm. In terms of your dealing
20 with Constable Dunlop, I think you were under the
21 impression that management, after the release of the
22 Silmsler statement to the Children's Aid, you were under the
23 impression that management was upset with Perry Dunlop?

24 MR. QUINN: My impression was that they
25 believed that he did it.

1 **MR. PAUL:** Believed? Sorry, I didn't hear
2 that.

3 **MR. QUINN:** My impression was that they
4 believed that it was Perry that was responsible for this
5 going to the press. And from talking to Perry he was as
6 every bit upset that it was there as they were. So it
7 wasn't him.

8 **MR. PAUL:** So in terms of management being
9 upset was your impression that they were upset by going to
10 the media or were they also upset by going to the
11 Children's Aid originally?

12 **MR. QUINN:** They were upset with both.

13 **MR. PAUL:** Okay. And was it your impression
14 that Chief of Police himself was upset with Perry Dunlop?

15 **MR. QUINN:** Chief of Police really didn't
16 confide in me but my impression would be yes.

17 **MR. CALLAGHAN:** Perhaps we should have some
18 clarity. We have Chief Shaver until some time in December
19 and Chief Johnston, it's only after the release -- after
20 the press, the Chief -- that's fine.

21 **MR. PAUL:** We're you under the impression
22 that Chief Shaver himself would have been upset with Perry
23 Dunlop?

24 **MR. QUINN:** That would be my impression.

25 **MR. PAUL:** And, so I understand what -- what

1 I understand is that directly from Chief Shaver or is it
2 somebody else that told you that?

3 MR. QUINN: Like I said, the Chief wasn't in
4 the practice of confiding with me ---

5 MR. PAUL: Yes.

6 MR. QUINN: --- for anything, so, no, I have
7 no direct -- he doesn't talk to me like ---

8 MR. PAUL: He would have heard that from
9 other officers?

10 MR. QUINN: Basically, the atmosphere and
11 other officers, yeah.

12 MR. PAUL: And in terms of the counselling
13 and accepting the counselling, you indicated that, I think,
14 one concern was that it if Perry believed that he was right
15 in terms of his conduct that he shouldn't have to accept
16 counselling. That was one of the things that you brought
17 up.

18 MR. QUINN: Yes.

19 MR. PAUL: But just apart from that was
20 there a concern that if he accepted the counselling and if
21 there was some grudge or anger against him it may not end
22 there, that that may just be the beginning of his troubles?

23 MR. QUINN: I believe he would have thought
24 -- may have thought that. If the incident was -- like I
25 said again -- prior to -- with all due respect to Staff

1 Sergeant Derochie and his intentions of bringing that
2 forth, I believe he was forthright in doing that and honest
3 in his intent to do that.

4 But until such time as it's down and solid
5 to prevent that very thing happening, then once it was down
6 and saying everything was dealt with up to that point and
7 done, then it isn't going any farther than that.

8 I don't know if that answers your question
9 or not, but yeah, that would be a concern.

10 **MR. PAUL:** Even if it was all done and
11 signed in paper, was there also some concern that even if
12 there was a minor punishment that it might not end there;
13 if there was a vendetta or anger at Perry Dunlop that his
14 difficulties weren't going to end there?

15 **MR. QUINN:** I would think that would be
16 prevalent no matter which way it went. If there was going
17 to be a vendetta whether he went to a trial and was
18 acquitted or whether he accepted minor discipline and it
19 was over -- if there was going to be a vendetta after --
20 that would have happened either way. So I don't know what
21 relevance that would have.

22 **MR. PAUL:** In any event, ultimately -- when
23 the decision of the Board of Inquiry was made at that point
24 did you feel essentially that you had given Perry Dunlop
25 the correct advice or correct assistance when it came down

1 in his favour?

2 MR. QUINN: My opinion would be yes.

3 MR. PAUL: Now -- and apart from other
4 concerns about accepting -- accepting the counselling, it
5 is believed that he had acted appropriately. Did you also
6 have a concern that it wasn't fair to him for him to be
7 counselled and there to be no obvious discipline to other
8 people involved in the Silmsler investigation?

9 MR. QUINN: I'm sorry; I don't follow your
10 question. I'm not sure what you are asking here.

11 MR. PAUL: Back then, to your knowledge, was
12 it your impression that the Silmsler investigation perhaps
13 wasn't handled very well?

14 MR. QUINN: Was it my belief that it wasn't
15 handled very well?

16 MR. PAUL: Yes.

17 MR. QUINN: Is that what you're asking me?

18 MR. PAUL: Yes.

19 MR. QUINN: My belief is that it wasn't
20 handled very well, yes.

21 MR. PAUL: And, was it your belief that it
22 might be unfair for Perry Dunlop to be counselled while
23 there wasn't any obvious discipline or counselling to other
24 people who were actually conducting investigation?

25 MR. QUINN: Yes.

1 **MR. PAUL:** I wanted to refer you to one part
2 of -- there's a portion of Helen Dunlop's evidence. It
3 would be at Volume 139, page 63.

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

5 **MR. COMMISSIONER:** Thank you.

6 **MR. PAUL:** It would be at page 63 line --
7 starting at line 17. And it would go onto page 64 -- the
8 end of the answer at line 3.

9 **MR. QUINN:** To line what on 64?

10 **MR. PAUL:** Next page, 64, the end of that
11 answer at line 3.

12 **MR. QUINN:** Yes.

13 **MR. PAUL:** And you've had a chance to read
14 that?

15 **MR. QUINN:** Yes.

16 **MR. PAUL:** Helen Dunlop is indicating that
17 you perhaps had some concerns because of a previous
18 incident with you about what the reaction might be to Perry
19 Dunlop.

20 **MR. QUINN:** Well, yes, okay.

21 **MR. PAUL:** And in terms of, I just want to
22 ask, do you recall that conversation?

23 **MR. QUINN:** I recall being there and
24 basically the gist of that conversation, yes.

25 **MR. PAUL:** And would that -- what specific

1 part of the Silmsler case would that be a response to? Is
2 that -- what part of Perry Dunlop's involvement would you
3 be talking about?

4 MR. QUINN: I think this is, if I recall
5 correctly, this is about the time this first starts before
6 -- probably in and around the time of Staff Sergeant
7 Derochie's wanting to end this with the ---

8 MR. COMMISSIONER: Counselling.

9 MR. QUINN: Yes.

10 MR. PAUL: Now would it be fair to say that
11 while you supported Perry Dunlop's actions you had some
12 reservations or concerns about how it could affect him?

13 MR. QUINN: I had, yes.

14 MR. PAUL: So it would be fair to say that
15 while you are supporting him you weren't necessarily really
16 pushing him hard. You were letting him make the decisions?

17 MR. QUINN: Yes.

18 MR. PAUL: Because you had some concerns
19 about how it could affect his career and family?

20 MR. QUINN: Yes.

21 MR. PAUL: Just finally, I think you had
22 also indicated, I believe, yesterday in your evidence that
23 Perry Dunlop had told you his main concern initially was if
24 the allegations against the persons in the Silmsler case --
25 that were mentioned in the Silmsler case were true that

1 there would be a potential risk to the community.

2 **MR. QUINN:** I'm sorry. Run that by me
3 again.

4 **MR. PAUL:** I think you had indicated that
5 Perry Dunlop had expressed his main concern at the time as
6 being that if there was truth to the allegations in the
7 Silmser case that there could be an ongoing risk to the
8 community that hadn't been addressed.

9 **MR. QUINN:** Yeah. As I said before, his
10 main concern at this -- at the start was that if there was
11 substance to the allegations, okay, if there was substance
12 to the allegation that these people would still be members
13 -- active members that would have contact with young people
14 within the community and that certain agencies within the
15 community should be made aware of that to -- in case
16 further improprieties would take place.

17 **MR. PAUL:** And I want to ask you while you
18 were assisting, giving advice to Perry Dunlop is that --
19 that concern he had, is that something you shared and
20 agreed with?

21 **MR. QUINN:** I agreed with him.

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

24 **MR. COMMISSIONER:** Thank you.

25 We'll take the morning break.

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

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

4 --- Upon recessing at 11:03 a.m./

5 L'audience est suspendue à 11h03

6 --- Upon resuming at 11:22 a.m./

7 L'audience est reprise à 11h22

8 **THE REGISTRAR:** This hearing is now resumed.
9 Please be seated. Veuillez vous asseoir.

10 **MR. COMMISSIONER:** Mr. Lee.

11 **MR. LEE:** Good morning, Mr. Commissioner.

12 **THE COMMISSIONER:** Good morning, sir.

13 **MICHAEL QUINN, Resumed/Sous le même serment:**

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

15 **MR. LEE:**

16 **MR. LEE:** Constable Quinn, my name is Dallas
17 Lee; I'm counsel for the victims' group.

18 I have a few areas I'd like to talk to you
19 about but I won't be terribly long with you.

20 **THE COMMISSIONER:** Don't believe that.

21 **MR. LEE:** You spoke to us yesterday a little
22 bit about when you came to learn of the entire DS situation
23 and about the statement going ---

24 **MR. CALLAGHAN:** Mr. Commissioner, I thought
25 we were going to limit our questions to areas which our

1 clients have an interest. His clients, I don't believe,
2 were involved in the DS situation.

3 We just heard a lot -- and obviously Ms.
4 Daley has a wider interest as does Mr. Paul, but I don't
5 know if we're going to go over all that old ground again.

6 And, as I said, I don't know if his clients
7 -- he doesn't act for Mr. Silmsner or a complainant or an
8 accused or anything of that nature.

9 **THE COMMISSIONER:** Good. Well, we'll see
10 and we'll remember that.

11 Okay. So what's your argument then?

12 **MR. LEE:** A similar objection was raised a
13 couple of weeks ago by Mr. Manderville and I suppose I'll
14 reiterate what I said then.

15 And I think it would be helpful, Mr.
16 Commissioner, if we got -- came to some kind of
17 understanding on this and got some direction from you on
18 where I'm allowed to go and where I'm not allowed to go.

19 Again, as I stated a couple of weeks ago, I
20 think I do have a fairly broad interest here.

21 Mr. Callaghan is right, that I don't
22 represent Mr. Silmsner; I represent an identifiable group of
23 people who have come together as the victims' group,
24 seeking representation, but I am the only person in this
25 room who is counsel to victims and alleged victims of

1 abuse.

2 My mandate from them includes not only
3 representing their individual interests but representing
4 the interests of victims generally as they relate to
5 institutional responses.

6 Mr. Silmsler came forward with allegations
7 against Ken Seguin, against Father Charles MacDonald. I
8 represent alleged victims of both those men. I represent
9 alleged victims and victims of people who dealt with the
10 Cornwall Police Service. I represent victims and alleged
11 victims of people who dealt with the Children's Aid
12 Society, of which this relates.

13 My clients are interested in what the
14 Cornwall Police's understanding of the duty to report was.
15 My clients are interested in how the Cornwall Police
16 treated Mr. Dunlop in the sense that whether or not it may
17 have at some point had a chilling effect on the way that
18 other officers dealt with complaints and whether or not,
19 for that matter, it would have had a chilling effect
20 possibly on victims and alleged victims of abuse coming
21 forward.

22 These are all issues, I would submit, that
23 are directly related to my client and I say that I'm
24 entitled to go here. I don't intend to be repetitive. I
25 don't intend to go into areas that -- just for the fun of

1 it. These are areas that are important to this Inquiry and
2 I think I bring a unique perspective and that I should be
3 permitted to ask these questions.

4 **THE COMMISSIONER:** All right.

5 Let me just say that I'm quite interested in
6 the objection that was raised in the sense that I will be
7 asking people what are their interests in pursuing those
8 matters, because I do believe that people should stay
9 closer to their interests than wander about and I will be
10 holding people to that.

11 With respect to you and your argument, I
12 find that there's some merit to it and I will permit you to
13 ask those questions at this time and we'll either get
14 another objection or I'll stop you if I think you're going
15 too far afield.

16 **MR. LEE:** Thank you.

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

18 **MR. LEE:** Constable Quinn, what I wanted to
19 start with was the area -- as I understood it, your
20 evidence yesterday in-Chief, you first spoke to Perry
21 Dunlop about the Silmsler situation after he had spoken to
22 the CAS. Is that correct?

23 **MR. QUINN:** That's my understanding, yes. I
24 believe that it was after that had all taken place.

25 **MR. LEE:** You don't have any recollection

1 of Mr. Dunlop coming to you before he went to the CAS to
2 ask for advice on that?

3 MR. QUINN: No, I'm sure he didn't.

4 MR. LEE: You seemed to be unsure yesterday
5 though about whether or not you knew that Constable Dunlop
6 had spoken to Richard Abell from the CAS or whether or not
7 he had actually -- and advised them of generally what was
8 in the DS statement or whether he physically turned over
9 the statement to him. Do you recall that?

10 MR. QUINN: I recall what you're referring
11 to, yes.

12 MR. LEE: And the question I have for you,
13 is that an important distinction in your mind advising of
14 the contents of the statement versus turning over a
15 physical copy of the statement?

16 MR. QUINN: No.

17 MR. LEE: And what you told us yesterday was
18 it was one of those things like once you showed it to him
19 or gave it to him, it's one and the same thing pretty much.
20 Is that correct?

21 MR. QUINN: Well, that's what I mean by
22 there's no real distinction to me. Like if you show it to
23 you or give it to you, it's -- I don't really perceive much
24 difference in that.

25 MR. LEE: Is that your opinion today?

1 MR. QUINN: Yeah.

2 MR. LEE: And that would have been your
3 opinion back in 1993?

4 MR. QUINN: Yeah.

5 MR. LEE: Back in 1993, am I correct that
6 both you and Mr. Dunlop would have been constables with the
7 Cornwall Police?

8 MR. QUINN: Pretty much constable in my
9 career there, yeah.

10 MR. LEE: Right. And I think you told Ms.
11 Daley today you were probably on the same team during that
12 period?

13 MR. QUINN: Yeah.

14 MR. LEE: And at the very least, at some
15 point you were on the same team as Constable Dunlop?

16 MR. QUINN: Sorry, if you could just back it
17 up from there?

18 Are you saying when -- when the -- when this
19 -- just so I'm clear here, when you're saying when the
20 statement was given to the CAS, were we on the same team?

21 MR. LEE: Right.

22 MR. QUINN: Probably not. If I ---

23 MR. LEE: Okay.

24 MR. QUINN: --- if I recall correctly, I
25 think Perry at that time was -- may have been in the drug

1 branch or something or CIB someplace, so if I'm right in my
2 memory, no, not then.

3 MR. LEE: Okay. At various points in your
4 career prior to 1993, you and Mr. Dunlop had similar roles
5 in the CPS?

6 MR. QUINN: Yes.

7 MR. LEE: Speaking of you, had you had any
8 training by late 1993 relating to communications with the
9 CAS and how those should be done?

10 MR. QUINN: No.

11 MR. LEE: Had you any training relating to
12 inter-agency cooperation with the CAS?

13 MR. QUINN: There was kind of like a
14 standard ruling that I -- I believe that somewhere -- like
15 I'm going by memory here, so please don't quote me on this
16 exactly -- but as I understand it here, there was some
17 changes, as I remember, to the law someplace involving CAS
18 in that -- and how it came about I just don't remember
19 exactly, but it came to the point of that CAS had to be
20 notified about all child abuse or suspected child abuse or
21 any kind of sexual abuse, that it became law that they had
22 to be notified.

23 And just exactly when that became law or
24 when that became a fact, I'm not absolutely positive, but I
25 think it's probably shortly prior to that.

1 **MR. LEE:** So at some point, you recall being
2 advised of a change to the duty to report itself?

3 **MR. QUINN:** Yes.

4 **MR. LEE:** And ---

5 **MR. QUINN:** That's actually the, term of
6 duty to report, I believe.

7 **MR. LEE:** Sorry?

8 **MR. QUINN:** I think that's actually the
9 term, it was a "duty to report". And I think it applies to
10 like policing, nursing, school teachers and ---

11 **MR. LEE:** Do you recall having received any
12 direction or training on the mechanism or the procedure of
13 going about making a report?

14 **MR. QUINN:** To the actual procedure of how
15 it was to be done?

16 **MR. LEE:** Well, one thing is knowledge that
17 you have to make the report.

18 **MR. QUINN:** Yes.

19 **MR. LEE:** What I'm asking, were you ever
20 trained or given any direction on how you would go about
21 making that report once you deemed that you needed to do
22 it?

23 **MR. QUINN:** Now, as I recall, there probably
24 -- or the policy of it -- for it somewhere that may have
25 been in one of the policy procedure books someplace. What

1 it says exactly, I don't know.

2 Standard procedure, as I understood it,
3 being at that time, would be if you had the complaint, you
4 would call someone or make contact, depending on what
5 agency was involved with it. If it was an involvement
6 going that was going to be some kind of further follow-up
7 with SACA or CIB, they would usually take care of it.

8 If it was something where you went to a
9 domestic some place or other or it was some type of
10 suspicion someplace, if things weren't right in the family
11 home, you, as the officer, the investigating officer, would
12 contact CAS.

13 **MR. LEE:** Dependent on the situation ---

14 **MR. QUINN:** I don't know if that answers
15 your question or not?

16 **MR. LEE:** It does; just dependent on the
17 situation.

18 **MR. QUINN:** A lot.

19 **MR. LEE:** That was your understanding?

20 **MR. QUINN:** Yeah.

21 **MR. LEE:** Shifting focus, Constable, I want
22 to talk to you briefly about some of what you observed and
23 some of the discussions you had with Dunlop about some of
24 the pressures he was facing ---

25 **MR. QUINN:** Yes.

1 **MR. LEE:** --- after his disclosure of the
2 statement in '93.

3 And I want to start with the discussion that
4 Dunlop had with Luc Brunet, that you discussed with him,
5 okay?

6 **MR. QUINN:** Yes.

7 **MR. LEE:** And you had a discussion with
8 Perry Dunlop about that?

9 **MR. QUINN:** Yes.

10 **MR. LEE:** And you told us in-Chief that, as
11 I took it, your -- Mr. Dunlop advised you that Luc Brunet
12 had told him to stay out of it and to mind his own
13 business?

14 **MR. QUINN:** Essentially, yes.

15 **MR. LEE:** Paraphrasing, right?

16 **MR. QUINN:** Yes.

17 **MR. LEE:** I mean we're not ---

18 **MR. QUINN:** Yeah.

19 **MR. LEE:** And he also advised Mr. Dunlop
20 that Mr. Dunlop had been in trouble before, that he had a
21 job to look out for and that he had a family to look out
22 for. Is that correct?

23 **MR. QUINN:** Correct.

24 **MR. LEE:** And you had a specific discussion
25 with Perry Dunlop about that conversation?

1 **MR. QUINN:** Correct.

2 **MR. LEE:** Did Mr. Dunlop describe Mr.
3 Brunet's tone to you?

4 **MR. QUINN:** I don't know that I got into it
5 but the impression I had was that Staff Sergeant Brunet had
6 -- was upset and maybe angry.

7 **MR. LEE:** And that impression was something
8 you gleaned from Mr. Dunlop?

9 **MR. QUINN:** From discussion with Perry, yes.

10 **MR. LEE:** We know at some point that that
11 conversation was referred to by Mr. Dunlop as a threat.
12 Did he ever say so much to you?

13 **MR. QUINN:** He believed it was, yes.

14 **MR. LEE:** And he told you that?

15 **MR. QUINN:** Yes.

16 **MR. LEE:** Why did you suggest to Mr. Dunlop
17 that he may file a grievance as a result of that
18 conversation?

19 **MR. QUINN:** That's pretty much you're not
20 allowed to do that, the supervisor threatens someone's job
21 or -- that you just can't do that as a supervisor anywhere,
22 tell somebody they're going to do something or threaten
23 their job if they don't.

24 You can counsel them, you could lay charges
25 if you so desire, but you really can't threaten somebody

1 somehow.

2 I don't think at any employment place you
3 can do that.

4 **MR. LEE:** Was your -- was it your impression
5 that Mr. Dunlop took the conversation with Mr. Brunet
6 seriously?

7 **MR. QUINN:** Did he -- in what form, that Mr.
8 Brunet meant what he was saying?

9 **MR. LEE:** Well, I mean, you know we've had -
10 - there have been a couple of comments at this Inquiry that
11 somebody may have been beating his chest or somebody was
12 blowing hot air. Was it -- did Mr. Dunlop give you any
13 impression of whether or not he thought Mr. Brunet was just
14 grandstanding a little bit or whether he was taking it
15 seriously?

16 **MR. QUINN:** No, I think he took it serious.

17 **MR. LEE:** That was the impression you had?

18 **MR. QUINN:** Yes.

19 **MR. LEE:** Mr. Paul asked you about Mr.
20 Dunlop's treatment by other officers. Is it fair to say
21 that Mr. Dunlop was popular?

22 **MR. QUINN:** Prior to this?

23 **MR. LEE:** Prior to -- yeah.

24 **MR. QUINN:** Oh, yes.

25 **MR. LEE:** Prior to -- and you told Mr. Paul

1 that that changed after the Silmsler investigation.

2 **MR. QUINN:** Yes.

3 **MR. LEE:** What I want to ask you, did you
4 discuss that change at all with Mr. Dunlop?

5 **MR. QUINN:** Was there talk with Perry about
6 ---

7 **MR. LEE:** Did you talk --

8 **MR. QUINN:** --- all of a sudden they
9 wouldn't come to his place or wouldn't talk to him or
10 stayed clear of him, yes.

11 **MR. LEE:** And can you tell us what you
12 discussed with him, what he said to you what his feelings
13 were; what he actually communicated to you?

14 **MR. QUINN:** Well, no. He -- Perry was --
15 and this is kind of like paraphrasing what happened. It's
16 not word-for-word conversation because this is other
17 conversations that we would have basically talking back-
18 and-forth when he is just kind of airing how his feelings
19 are so I'm not telling you this word-for-word.

20 **MR. LEE:** I understand that.

21 **MR. QUINN:** Okay. So the concern was that
22 Perry -- that people -- some people within the Service were
23 saying, okay, he portrays himself as a white knight and the
24 rest of us don't do anything, that the rest of us are not
25 doing our job. And, in fact, although some people may have

1 taken that from statements he -- Perry had often said it's
2 not what he meant. He wasn't criticizing people that he
3 worked with. He was not criticizing your standard road
4 patrol person. He had no problem with those people and the
5 job that they did.

6 His concern was with the people in charge,
7 the upper management of the place. But unfortunately some
8 people who were at ground level, street level, took the
9 statement to heart that he pointed directly at them, that
10 they were all being labelled or tarred with the same brush.
11 The unfortunate part was what he portrayed to me was that's
12 not what he meant. He had no real problem with the people
13 he worked with.

14 **THE COMMISSIONER:** So he was misunderstood?

15 **MR. QUINN:** I believe.

16 **MR. LEE:** Did Mr. Dunlop express to you
17 whether or not he was disappointed or frustrated or had any
18 other feeling about that?

19 **MR. QUINN:** About what?

20 **MR. LEE:** About the fact that he was being
21 misunderstood and was being treated differently after the
22 DS affair?

23 **MR. QUINN:** I think that's why he did -- he
24 was disappointed that he didn't -- he didn't know why they
25 were like this. He was -- he knew at the same time there

1 was nothing he could do about it so it was like it happens,
2 it happens.

3 MR. LEE: Did it seem to bother him?

4 MR. QUINN: Pardon me?

5 MR. LEE: Did it seem to bother him?

6 MR. QUINN: Yes.

7 MR. LEE: Sir, an area you haven't been
8 asked about at all yet is -- if I can have one moment, Mr.
9 Commissioner?

10 THE COMMISSIONER: Sure.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. LEE: Thank you, Mr. Commissioner.

13 THE COMMISSIONER: M'hm.

14 MR. LEE: Constable Quinn, I want to talk to
15 you about a woman named Laurie Rupert.

16 MR. QUINN: Yes.

17 MR. LEE: Does that name mean something to
18 you?

19 MR. QUINN: I know who you mean, yes.

20 MR. LEE: And can you tell us who she is in
21 the context of dealing with Mr. Dunlop?

22 MR. QUINN: She had been charged with an
23 offence and just what it was I don't remember exactly but
24 she had conditions not to be within a certain distance of
25 the Dunlop residence. If I recall, the offence was

1 something of threats or something.

2 MR. LEE: Threats against the children.

3 MR. QUINN: Against the children.

4 MR. LEE: Against one of the children.

5 MR. QUINN: I believe she was unstable,
6 mentally unstable I believe at the time or was perceived to
7 be this, and she had conditions not to be within a certain
8 distance. At any rate, there was a call received that she
9 was within the area or within breach of the area of where
10 she was supposed to be. I got that call. I arrested her
11 and charged her.

12 MR. LEE: With breach of probation of ---

13 MR. QUINN: With breach of conditions, I
14 believe it was.

15 MR. LEE: And did you discuss that situation
16 with Mr. Dunlop at all?

17 MR. QUINN: Well, they would have been the
18 complainant, I believe.

19 MR. LEE: They being Mr. and Mrs. Dunlop, I
20 take it?

21 MR. QUINN: One or the other that I perceive
22 them as being as one and the same.

23 MR. LEE: And do you recall discussing
24 generally the issue with them either as the investigating
25 officer or as a friend?

1 **MR. QUINN:** I would have had to take the
2 complaint -- I would have had to discuss the issue with
3 them. I would assume -- I think that's what you mean but -
4 --

5 **MR. LEE:** Did they express concerns to you
6 about that situation?

7 **MR. QUINN:** About her being within the area?

8 **MR. LEE:** Yes.

9 **MR. QUINN:** Yes.

10 **MR. LEE:** This was another pressure that Mr.
11 Dunlop was facing during this ---

12 **MR. QUINN:** Yes, he -- Perry would -- during
13 this period of time -- excuse me -- during this period of
14 time Perry was concerned about a lot of things.

15 Like he got some calls from some people
16 wanting to lodge complaints or air out what happened to
17 them. He got a lot of calls from other people saying you
18 are putting our faith in -- you should be dead and you
19 should be -- like he received a lot of that stuff. So he
20 received a lot of pressure a lot of the time. He never
21 knew when somebody was around whether they meant the things
22 they were saying or whether they didn't.

23 So was he under pressure of those things,
24 yeah, a lot. An awful lot.

25 **MR. LEE:** There was a reference made earlier

1 today you had some knowledge of the fact that Mr. Dunlop
2 had been told that there may have been a plan to kill him?

3 **MR. QUINN:** Yes.

4 **MR. LEE:** Did you discuss that with Mr.
5 Dunlop as well?

6 **MR. QUINN:** He discussed it with me at one
7 point, yeah.

8 **MR. LEE:** Can you -- what observations did
9 you make during the time period that all this was going on
10 about how Mr. Dunlop was holding up?

11 **MR. QUINN:** He was, in my impression, was
12 under a lot of pressure. I guess for lack of a better term
13 we'd use the term as a "hurting unit" but ---

14 **THE COMMISSIONER:** A what?

15 **MR. QUINN:** A hurting unit. You would have
16 had a lot of pressure. He has had a lot of ---

17 **THE COMMISSIONER:** I just want -- a hurting
18 unit?

19 **MR. QUINN:** Yeah, well, kind of like -- it's
20 kind of a term you would have from, I guess, people in the
21 street. People think of a hurting unit as someone who is
22 sick or hurt, a lot of pressure on, things aren't going
23 good.

24 **THE COMMISSIONER:** Okay, fair enough.

25 **MR. LEE:** Did you ever become concerned as

1 Mr. Dunlop's friend that all of this was too much for him
2 to handle?

3 MR. QUINN: Yeah.

4 MR. LEE: Did you ever discuss that with Mr.
5 Dunlop? Did you ever make your concerns known?

6 MR. QUINN: Perry, I think, at that time was
7 -- that was probably part of my role, you know, when I said
8 before a lot of times he used it as a sounding board going
9 in. He needed somebody that really wasn't involved in what
10 he was doing but somebody he could kind of like unload to
11 or air out how he was feeling in different places going in.

12 I know that he had -- he had been seeing a
13 doctor at some point-in-time so I didn't discuss to say
14 like, you know, not my place and not my expertise to say
15 what you are capable or not capable of doing. But I have
16 my own personal feelings, yeah.

17 MR. LEE: Constable Quinn, you are a unique
18 witness at this Inquiry given that we're not going to hear
19 from very many people who were friends with Perry Dunlop
20 for as long as you were and you remain a friend today. Is
21 that right?

22 MR. QUINN: I would bet that, yeah.

23 MR. LEE: And we're not going to hear from
24 very many people who had the consistent contact you did
25 with him through the years.

1 **MR. QUINN:** That's probably right, yeah.

2 **MR. LEE:** You know, very open-ended kind of
3 way, I'm very interested in anything you can tell us about
4 what you observed in terms of how these events affected him
5 or what he was concerned about. Is there anything else you
6 want to bring to our attention here about that time?

7 **MR. QUINN:** You know, like I said, he was
8 very paranoid a lot. He didn't know -- he was very
9 concerned and then a lot of times that one of these days
10 they were going to come and kick the door of his house open
11 and go through his stuff, that he'd be picked off and
12 arrested at some point-in-time for something he didn't know
13 what.

14 He had no trust in anybody anymore from the
15 organization that he had worked with for pretty much most
16 of his adult life. He would -- again, very little faith
17 and very little trust in the religious organization that he
18 had spent the better part of his life being to.

19 I don't know what else I can tell you. He
20 was under a great deal of pressure, a great deal of
21 pressure.

22 **MR. LEE:** Well, I believe it was Ms. Daley
23 yesterday suggested to you that you were in a bit of a
24 unique position and you had two hats. You had the hat as a
25 close friend and you had the hat as a member of the CPA

1 Executive?

2 MR. QUINN: Yes.

3 MR. LEE: The Association Executive. And I
4 understand from your evidence today that you were speaking
5 with Mr. Dunlop regularly throughout the time that he was
6 living in Cornwall?

7 MR. QUINN: Yes.

8 MR. LEE: Even when he wasn't actively
9 working with the Cornwall Police?

10 MR. QUINN: Yes.

11 MR. LEE: What I'm not sure I understand is
12 whether or not he ever discussed with you the specific
13 orders that he began receiving from the management of the
14 Cornwall Police.

15 If I can give you an example he ---

16 MR. QUINN: Yes, do that.

17 MR. LEE: August, 1997, Inspector Trew
18 advised him to no longer speak to the media.

19 MR. QUINN: I hadn't heard that.

20 MR. LEE: Later on there come orders to
21 disclose any relevant information, documents I guess.

22 MR. QUINN: Yeah, he talked about that.

23 MR. LEE: He talked about that to you?

24 MR. QUINN: Well, he told me that he had
25 been told he had to go in and disclose all his stuff I

1 think that had been several times that he'd been told that
2 by different agencies and ---

3 MR. LEE: Was he seeking your advice in
4 those matters or was he ---

5 MR. QUINN: No.

6 MR. LEE: --- again, as you say, a sounding
7 board?

8 MR. QUINN: Just talking.

9 MR. LEE: Did you ever take it upon yourself
10 to offer some advice?

11 MR. QUINN: He was doing it. Every time
12 they'd ask him for it, my understanding was that he was
13 doing what he was asked to do.

14 MR. LEE: That was your understanding?

15 MR. QUINN: That was my understanding.

16 MR. LEE: And is it fair for me to summarize
17 your evidence in that your understanding is that you would
18 have been Mr. Dunlop's closest advisor within the Cornwall
19 Police Service during these periods?

20 MR. QUINN: I don't know about advisor, but
21 I'd be probably his closest friend.

22 MR. LEE: You were the one he was talking
23 to?

24 MR. QUINN: That's correct.

25 MR. LEE: And likely talking to the most; is

1 that right?

2 **MR. QUINN:** Probably.

3 **MR. LEE:** Did you, at any point, advise Mr.
4 Dunlop that he was in the wrong about anything?

5 **MR. QUINN:** No.

6 **MR. LEE:** Do you remember, at any point,
7 advising Mr. Dunlop to step back and to really take a hard
8 look at what he was doing and to think about things?

9 **MR. QUINN:** Yeah.

10 **MR. LEE:** Can you tell us about that?

11 **MR. QUINN:** That would probably be at the
12 start, when it first started on. He was explaining to me
13 what had happened, what was going on, and if I remember
14 correctly, I told him that -- that once this started, once
15 this got beyond a certain point that there'd be no turning
16 back and you'd best buckle up then for the ride because it
17 was going to get really, really rough.

18 **MR. LEE:** What about after that time; do you
19 recall expressing similar concerns to him?

20 **MR. QUINN:** I don't think so because I think
21 it pretty much aired out for itself after that.

22 **MR. LEE:** You -- Mr. Paul, for the Coalition
23 for Action, a little while ago, brought you to a transcript
24 of Helen Dunlop's testimony here ---

25 **MR. QUINN:** Yeah.

1 **MR. LEE:** --- and some advice -- her
2 relaying of a conversation where you offered them some
3 advice. I don't want to get into the details of your prior
4 experience, but it sounds from the story that Mrs. Dunlop
5 told us here and that you agreed with the gist of that you
6 had some prior experience with being treated unfairly by a
7 police department?

8 **MR. QUINN:** I don't know if it was unfairly
9 or not. What she's referring to is an incident that took
10 place in '81-'82 which I'd been charged with offences and -
11 --

12 **MR. LEE:** With the Cornwall Police?

13 **MR. QUINN:** Well, as a policeman charged by
14 the OPP.

15 **MR. LEE:** Okay. And can I take it from this
16 story that Mrs. Dunlop told us that you saw at least some
17 similarities between what had happened with you and what
18 was happening with Mr. Dunlop?

19 **MR. QUINN:** I was familiar with what could
20 happen, yeah.

21 **MR. LEE:** And you were worried?

22 **MR. QUINN:** I was concerned, yes.

23 **MR. LEE:** And you told them that they should
24 be concerned?

25 **MR. QUINN:** Yes, I did.

1 **MR. LEE:** And you've told us that you were
2 worried that Mr. Dunlop might be scapegoated, and I believe
3 the phrase you used was "by the higher-ups"; is that right?

4 **MR. QUINN:** Yes.

5 **MR. LEE:** Staff Sergeant Derochie testified
6 here. You know that?

7 **MR. QUINN:** Yeah.

8 **MR. LEE:** And one of the things he told us
9 was that he was concerned, at one point, that executives of
10 the Association may have been using the Silmsler
11 investigation to their advantage in order to discredit
12 people and weaknesses in the organization; okay?

13 So the question I have for you is were you
14 genuinely concerned that Mr. Dunlop was being scapegoated
15 or was this whole situation being used as a way to, for
16 lack of a better term, stick it to management?

17 **MR. QUINN:** My general -- my concern was
18 with Perry's well being. Everyone short of the Chief and
19 the Deputy Chief is represented by the same Association.
20 So there's no advantage to shifting blame to a mid-
21 management level because they are the same people you are
22 again going to have to defend and look out for. So my
23 concern is with Perry.

24 **MR. LEE:** You did draw a distinction there
25 though that your bargaining unit, as I understand it,

1 includes everybody but the Chief and the Deputy Chief?

2 MR. QUINN: That's correct.

3 MR. LEE: So what about the suggestion that
4 perhaps they were the target and that this was being used
5 as ---

6 MR. QUINN: I don't see how this -- well, I
7 don't see how, at that stage of game, when this was taking
8 place, how this could be reflected back up to the Chief or
9 Deputy Chief at that point.

10 MR. LEE: So your evidence is that your
11 concerns were genuine?

12 MR. QUINN: Yes.

13 MR. LEE: This was not a game to you?

14 MR. QUINN: Definitely not.

15 MR. LEE: I want to be absolutely clear,
16 Constable. Are you telling us that in late 1993, you
17 honestly thought it was possible that the management of the
18 CPS would try to make Constable Dunlop a scapegoat?

19 MR. QUINN: Do I think so?

20 MR. LEE: Yes.

21 MR. QUINN: I think if they could have got,
22 as I said before, to the point of making him relinquish
23 what he was doing, making him stop and be silent, whatever
24 cost it took to do that, to enforce that to happen, that is
25 my belief that that is what they wanted done and at that

1 point, this would go away.

2 MR. LEE: Sounds like you didn't have a
3 whole lot of trust in the management at that time.

4 MR. QUINN: You could pretty much say that,
5 yeah.

6 MR. LEE: Were you concerned about working
7 in an environment like that, lack of ---

8 MR. QUINN: I had worked in that
9 environment, sir, since pretty much I started there until I
10 ended there.

11 MR. LEE: Do you see that as being
12 problematic?

13 MR. QUINN: I'm still here. I guess not.

14 MR. LEE: That's -- I mean, when you look
15 back on your time having served as a police officer as long
16 as you do, do you not see anything concerning about telling
17 me that for the entirety of your career, there was no trust
18 of management?

19 MR. QUINN: It made me very careful.

20 MR. LEE: Sorry?

21 MR. QUINN: It made me very careful in what
22 I did.

23 MR. LEE: It made you very careful?

24 MR. QUINN: Oh, yes.

25 MR. LEE: And that's just the way things

1 were?

2 **MR. QUINN:** Just the way things were.

3 **MR. LEE:** Constable Quinn, those are my
4 questions. Thank you very much.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Neville? Good morning, sir.

7 **MR. NEVILLE:** Good morning, Commissioner.

8 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
9 **NEVILLE:**

10 **MR. NEVILLE:** Good morning, Constable Quinn.
11 My name is Michael Neville ---

12 **MR. QUINN:** Good morning, Mike.

13 **MR. NEVILLE:** --- and I represent Father
14 Charles MacDonald and the Estate of Ken Seguin and his
15 family.

16 Now, I just want to go over a few points
17 you've given both in-chief and to a couple of my friends
18 perhaps to clarify things.

19 One of the things you told the Commissioner
20 in-chief yesterday was about Mr. Dunlop coming over to your
21 place -- this would be in the fall of 1993 -- and indicated
22 there'd been an investigation that was not going anywhere;
23 that he'd taken a statement at the CAS.

24 **THE COMMISSIONER:** Well, just for
25 completion, it was the other way around. He went over to

1 Dunlop's place.

2 MR. NEVILLE: You're right, Commissioner,
3 absolutely right. Thank you very much.

4 Right? You went to Perry's place; right?

5 MR. QUINN: As I recall, yes.

6 MR. NEVILLE: All right.

7 And then you were asked whether at some --
8 whether you saw the statement and you said you thought it
9 was at some later time.

10 MR. QUINN: As I recall, yes. I don't
11 believe I saw it at that time.

12 MR. NEVILLE: All right.

13 Now, do you recall, Constable, that
14 eventually in 1994, Staff Sergeant Wells conducted an
15 internal investigation ---

16 MR. QUINN: Yes.

17 MR. NEVILLE: --- and you were required to
18 provide a statement?

19 MR. QUINN: Yes.

20 MR. NEVILLE: Could I refer the witness,
21 Commissioner, to -- it's our Exhibit 1253? The -- there
22 are pages, Commissioner, that are numbered in black pen.
23 Do you see pages in the top-right corner, Constable, in
24 black ---

25 MR. QUINN: Yes.

1 **MR. NEVILLE:** --- marker?

2 And, Commissioner, I'm using that number
3 just because it seems to be easier. It would be page 58.
4 It's Constable Quinn's own statement.

5 **MR. QUINN:** Okay.

6 **MR. NEVILLE:** There is a companion document,
7 Commissioner. Perhaps I should refer the witness to it as
8 well because it appears to be signed. The Document Number
9 is 722048.

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

11 **THE COMMISSIONER:** Excuse me, Exhibit 1489
12 is a statement signed by this -- is that your signature,
13 sir?

14 **MR. QUINN:** Yes.

15 **THE COMMISSIONER:** All right.

16 And there's no date on it.

17 **--- EXHIBIT NO./PIÈCE NO. P-1489:**

18 (722048) - Michael Quinn - Statement from
19 Michael Quinn re Citizen's Complaint

20 **MR. NEVILLE:** The only date I can see,
21 Commissioner, is on the subject matter, there's a CC94-1,
22 but that might be a complaint date.

23 **THE COMMISSIONER:** I don't know what it is.

24 **MR. NEVILLE:** I agree with you, sir.

25 I don't, for what it's worth, sir, but

1 there's a header page or cover page that comes with the
2 disclosure package and that cover page has a date on it of
3 February '94, but I suspect it's the same. In any event,
4 Constable, that's your signature?

5 **MR. QUINN:** Yes.

6 **MR. NEVILLE:** All right.

7 And if you want to just take a quick moment,
8 or take my word for it to save time ---

9 **MR. QUINN:** I'll take your word for it.

10 **MR. NEVILLE:** All right.

11 It would appear that this document, Exhibit
12 1489 and Exhibit 1253, page 50, are identical.

13 **MR. QUINN:** They appear to be the same
14 document.

15 **MR. NEVILLE:** All right.

16 The one in the brief, prepared by the Staff
17 Sergeant, doesn't bear your signature, but this one does?

18 **MR. QUINN:** That's quite possible. It's
19 maybe just a typed-out form and ---

20 **MR. NEVILLE:** Yes.

21 **MR. QUINN:** --- this is the actual form.

22 **MR. NEVILLE:** Now, this particular document
23 and I'll -- let's look at 1489, the one that you signed.
24 Did you prepare that?

25 **MR. QUINN:** I would probably have, yes. I

1 would say I most likely inputted that and then printed it
2 out and then signed it, yes.

3 **MR. NEVILLE:** And signed it, all right.

4 So this -- the content is generated by you?

5 **MR. QUINN:** Yeah. Yes.

6 **MR. NEVILLE:** I'm sorry? Yes?

7 All right. Let's look at it briefly, then.

8 **MR. QUINN:** Sure.

9 **MR. NEVILLE:** Second sentence:

10 "About the first week of October 1993,
11 Constable P. Dunlop approached me as an
12 Association representative. He showed
13 me a statement and at this time advised
14 me that he was pretty sure that the
15 Department was about to start an
16 investigation into his alleged
17 discussion of the complainant's
18 statement with Children's Aid Society."

19 **MR. QUINN:** Yeah.

20 **MR. NEVILLE:** So this statement, done by
21 you, it would appear, in early '94, much closer in time to
22 the events obviously than today ---

23 **MR. QUINN:** Yes.

24 **MR. NEVILLE:** --- all right? You write on
25 your own that you were approached in early first week of

1 October '93 and in fact shown the statement?

2 **MR. QUINN:** If that's what I wrote, then
3 it's probably what happened.

4 **MR. NEVILLE:** Right.

5 **MR. QUINN:** And like you said, that was done
6 much sooner, so ---

7 **MR. NEVILLE:** Absolutely. So you would
8 stand by this as accurate?

9 **MR. QUINN:** I would say that's probably more
10 accurate than the other one ---

11 **MR. NEVILLE:** Sure.

12 **MR. QUINN:** --- going with my memory.

13 **MR. NEVILLE:** All right.

14 Now, you've been asked various questions by
15 various counsel about where you thought the Derochie
16 investigation was going?

17 **MR. QUINN:** Yeah.

18 **MR. NEVILLE:** I'm just paraphrasing, but
19 where you thought it could go, might go, whether Derochie,
20 Officer -- sorry, Staff Sergeant Derochie could guarantee
21 any outcome and the like, right?

22 **MR. QUINN:** That's right.

23 **MR. NEVILLE:** Now, let's look at the second
24 paragraph.

25 **MR. QUINN:** M'hm.

1 **MR. NEVILLE:** "I was then contacted by
2 Staff Sergeant Derochie and he
3 confirmed that, in fact, he was
4 conducting an investigation into this
5 matter. A short time later, Constable
6 Dan O'Reilly and myself were advised by
7 Staff Sergeant Derochie that he had
8 completed his investigation and that he
9 had found that Constable Dunlop had not
10 done anything wrong in discussing the
11 statement with Children's Aid Society."

12 **MR. QUINN:** Okay.

13 **MR. NEVILLE:** Is that what the Staff
14 Sergeant told you?

15 **MR. QUINN:** If it's written there, I would
16 assume it must have been. They're -- I'm -- again, as in
17 the first part, to this part, this would have been done
18 much closer to the time. I'm assuming that's what you --
19 what it says is right.

20 **MR. NEVILLE:** Right. So you're told by
21 Officer Derochie, having done a full investigation, that as
22 far as he was concerned Officer Dunlop had done nothing
23 wrong?

24 **MR. QUINN:** Yes.

25 **MR. NEVILLE:** And did you understand that

1 the Staff Sergeant had been tasked to do this investigation
2 by management? By the Chief or the Deputy Chief?

3 MR. QUINN: I would have assumed he would
4 have been, yes.

5 MR. NEVILLE: So he would have been
6 reporting back to them as the tasked investigator ---

7 MR. QUINN: Yes.

8 MR. NEVILLE: --- that, in his opinion,
9 Dunlop had done nothing wrong.

10 MR. QUINN: According to this, yeah.
11 Probably would have been to regards as turning the
12 statement, yes.

13 MR. NEVILLE: So what did you think bad was
14 gong to happen to Perry Dunlop having been told this?

15 MR. QUINN: I don't know, sir, but later
16 after that they charged him.

17 MR. NEVILLE: No, no, no. I'm talking
18 around the fall of 1993 up to '94.

19 MR. QUINN: That was exactly my point, sir.
20 After this, he was charged with ---

21 MR. NEVILLE: Constable ---

22 MR. QUINN: --- under that investigation.

23 MR. NEVILLE: --- you said to this
24 Commission that when these events were happening in the
25 fall of '93, you were concerned that if it wasn't in

1 writing from the Chief or someone like the Chief, Dunlop
2 couldn't trust this. Isn't that what you said?

3 **MR. QUINN:** That's what I said.

4 **MR. NEVILLE:** That's what you said.

5 I suggest to you, sir, that is not
6 consistent with what you have written here?

7 **MR. QUINN:** I don't think at this point
8 here, in written in this here, that at that time here I was
9 shown anything in writing that -- up until that point or
10 past that point or on this point, that there was a formal
11 closure saying to us, as the Association, that it was
12 completed and that there would-be nothing wrong and no
13 charges.

14 **MR. NEVILLE:** So you didn't think there was
15 any form of closure available to Officer Dunlop. Is that
16 right?

17 **MR. QUINN:** Not at this point.

18 **MR. NEVILLE:** Not at that point meaning in
19 the fall of '93; correct?

20 **MR. QUINN:** This -- yes.

21 **MR. NEVILLE:** All right.

22 Well, let's ---

23 **THE COMMISSIONER:** So, Mr. Neville, I guess
24 we can ask, Mr. Callaghan -- where's your interest in all
25 of this?

1 **MR. NEVILLE:** Well, it's an investigation
2 into my client's situation, Commissioner.

3 **THE COMMISSIONER:** Well, it's ---

4 **MR. NEVILLE:** It's the investigation of the
5 Silmser complaint against my client.

6 **THE COMMISSIONER:** Right. But the
7 repercussions to Dunlop at this point?

8 **MR. NEVILLE:** Well, I'm not going to spend a
9 whole lot of time on this point, but I just wanted to
10 confirm what the witness is saying to you that he believed
11 and knew.

12 **THE COMMISSIONER:** Okay.

13 **MR. NEVILLE:** Because it goes to other
14 issues, including his credibility, sir.

15 **THE COMMISSIONER:** All right.

16 **MR. NEVILLE:** So, let's look briefly if we
17 could, sir, at Exhibit 1293, Commissioner.

18 **THE COMMISSIONER:** Twelve-ninety-three
19 (1293).

20 **MR. NEVILLE:** And this would be at page ---

21 **THE COMMISSIONER:** Yeah?

22 **MR. NEVILLE:** Yes, page 30, using the Staff
23 Sergeant's own numbers, sir.

24 Now, this is the date, Constable Quinn, of
25 October 15th and just to confirm for us my understanding om

1 something you said early this morning, is you, at some
2 point, perhaps for purposes of the Inquiry, have read these
3 notes?

4 MR. QUINN: Yes.

5 MR. NEVILLE: Okay.

6 MR. QUINN: Yes.

7 MR. NEVILLE: So you're aware that as of
8 this point, Officer Derochie has been told, having
9 consulted with the Chief and Deputy Chief, that the outcome
10 as a consequence for Mr. Dunlop is counselling?

11 MR. QUINN: No.

12 MR. NEVILLE: Okay. Well, let's look at
13 page 30.

14 MR. QUINN: Yes.

15 MR. NEVILLE: This is after he has been in
16 consultation with the two senior management people.

17 Fifth line from the top:

18 "Constable Quinn came into the office
19 and informed me that Dunlop would be
20 off sick for the entire weekend and
21 that he would return to work on the day
22 shift, Wednesday October 20th. I told
23 Quinn that the issues involving Dunlop
24 could be resolved right away. All he
25 had to do was come to work."

1 **MR. QUINN:** Yes.

2 **MR. NEVILLE:** He told you that the matter
3 could be resolved by coming to work and be counselled.
4 Isn't that right?

5 **MR. QUINN:** In his view of what could be
6 done, yes. I still did not have anything at that point
7 other than someone's word.

8 **MR. NEVILLE:** This is a Staff Sergeant who
9 tells you that he, having been deputized by the Chief, is
10 going to counsel Dunlop and the matter would be "resolved"?

11 **MR. QUINN:** There's no ---

12 **MR. NEVILLE:** Can you tell me what you took
13 that to mean in any other fashion as negative?

14 **MR. QUINN:** Like I said, he didn't have
15 final say and I still don't have it. When the document's
16 there, as a representative of the Association, I would do
17 it then. I did it then; I would do it now. That I would
18 still tell the member there that until he had it there in
19 some form of what's happening that he believed in. And, at
20 any rate, Constable Dunlop was not agreeable to it.

21 **MR. NEVILLE:** Well, that's another point.
22 My question to you was, did you not accept
23 Staff Sergeant Derochie's word?

24 **MR. QUINN:** I accepted his word for it.

25 **MR. NEVILLE:** Fine. That if Dunlop would

1 come in and meet with him to be counselled, the matter
2 would be resolved.

3 Now, tell you how you took from that that
4 something else would happen?

5 **MR. QUINN:** I didn't know something else
6 would happen. I ---

7 **MR. NEVILLE:** Tell me how you took ---

8 **MR. QUINN:** --- said something could.

9 **MR. NEVILLE:** No. Tell me how you took from
10 that that something else could happen?

11 **MR. QUINN:** I didn't take from that that
12 anything else can happen. As I said before, that's what he
13 said, I take him at his word of doing that.

14 If you're telling me -- if you're asking me,
15 do I believe that something else -- somebody could change
16 their mind in the meantime when he comes in from that, yes,
17 they could and that could be rescinded. That offer could
18 be rescinded. That I believe could happen then and I still
19 believe it could have happened. That's just the way things
20 were, sir.

21 **MR. NEVILLE:** We have your evidence.

22 Now, just curious about this, Constable.
23 Have you been following proceedings before the
24 Commissioner?

25 **MR. QUINN:** Only what's printed in the local

1 paper.

2 MR. NEVILLE: I'm sorry, I couldn't hear
3 you.

4 MR. QUINN: Only what's printed in the local
5 paper.

6 MR. NEVILLE: Okay. So you haven't watched
7 it on the webcast or ---

8 MR. QUINN: No.

9 MR. NEVILLE: --- or television? Have you
10 read any transcripts of other witnesses?

11 MR. QUINN: No.

12 MR. NEVILLE: None?

13 MR. QUINN: Just the portions of the trial I
14 guess, if these -- what's in these documents or the
15 transcripts or documents there are certain portions that
16 were pointed out to me like these notes.

17 MR. NEVILLE: No, no, what I'm asking you is
18 have you read -- we have a daily transcript of each days
19 proceedings ---

20 MR. QUINN: No.

21 MR. NEVILLE: All right. So you haven't read
22 for preparation purposes or interest purposes anybody's
23 evidence.

24 MR. QUINN: No.

25 MR. NEVILLE: Okay.

1 **MR. CALLAGHAN:** I mean -- I think he
2 indicated I can advise you he was shown specific transcript
3 references that were advised by either the Commissioner or
4 another party.

5 **MR. NEVILLE:** Sure.

6 And in relation to appearing for the
7 Commissioner this week -- but when have you last spoken with
8 Mr. Dunlop? Today is April 22nd.

9 **MR. QUINN:** Approximately two weeks ago.

10 **MR. NEVILLE:** Two weeks ago.

11 **MR. QUINN:** Thereabouts.

12 **MR. NEVILLE:** By phone I take it.

13 **MR. QUINN:** Yes.

14 **MR. NEVILLE:** Or did you go and visit him?

15 **MR. QUINN:** No, by phone.

16 **MR. NEVILLE:** By phone. Okay.

17 Now one of the things you said today in
18 particular was and I believe this was to Ms. Daley, you
19 indicated that Mr. Dunlop had a view that Staff Sergeant
20 Brunet and Chief Shaver wanted the Silmsler matter to go away
21 and they had a vested interest in that.

22 **MR. QUINN:** I believe I said that they wanted
23 it to go away ---

24 **MR. NEVILLE:** And you said, and I quote, ---

25 **MR. QUINN:** Okay.

1 **MR. NEVILLE:** --- and, "they had a vested
2 interest in that."

3 **MR. QUINN:** Okay.

4 **MR. NEVILLE:** Now, this is something that
5 Dunlop told you?

6 **MR. QUINN:** This would be what he would have
7 believed, I would -- yes.

8 **MR. NEVILLE:** No, is this something Dunlop
9 said to you?

10 **MR. QUINN:** In those exact words, sir, I
11 don't know, I haven't got it written down so I do not know.

12 **MR. NEVILLE:** No, I'm asking you; is that
13 something in essence that Dunlop said to you?

14 **MR. QUINN:** In essence? Yes.

15 **MR. NEVILLE:** All right.

16 When did he say that to you?

17 **MR. QUINN:** I don't know.

18 **MR. NEVILLE:** Well, do you agree with me sir,
19 that's a very startling statement that a Staff Sergeant and
20 head of CIB and the Chief of Police would have a vested
21 interest in an investigation going away?

22 **MR. QUINN:** Now, if you ask me -- now I have
23 to be very careful because you want to know word for word.
24 Are you saying do I agree that that's a starting statement?

25 **MR. NEVILLE:** Constable, we'll get through

1 this faster if you'd just listen to my question and answer
2 it.

3 **MR. QUINN:** I'm listening.

4 **MR. NEVILLE:** You used the words today.

5 **MR. QUINN:** Yes.

6 **MR. NEVILLE:** "They had a vested interest."

7 **MR. QUINN:** Yes.

8 **MR. NEVILLE:** Brunet and Shaver.

9 **MR. QUINN:** Okay.

10 **MR. NEVILLE:** And you attributed those words
11 to Dunlop. Now that's a very startling statement to make
12 about the head of investigation and the Chief of Police.

13 **MR. QUINN:** Okay.

14 **MR. NEVILLE:** And you have no recollection
15 when he told you that between 1993 and June 2000 when he
16 resigned?

17 **MR. QUINN:** During one of the conversations I
18 had with him, what day it was or what month it was I don't
19 know.

20 **MR. NEVILLE:** Well, did you ask him what he
21 based it on?

22 **MR. QUINN:** No.

23 **MR. NEVILLE:** Nothing. Is this just one of
24 the things that drifted by -- and said, "oh well"?

25 **MR. QUINN:** Must have been.

1 **MR. NEVILLE:** Just like that, is that right?

2 **MR. QUINN:** Well, it would be -- like I said,
3 it was during one of the conversations I would have had with
4 them. I'm not sitting there taking notes on these things.
5 I'm not recording them. They were conversations I had with
6 a friend and yeah, it would have come and gone there, like
7 most conversations that people have with ---

8 **MR. NEVILLE:** This is a friend -- this is
9 friend who's a police officer still.

10 **MR. QUINN:** Yes.

11 **MR. NEVILLE:** You're a police officer on the
12 same police force.

13 **MR. QUINN:** Yes.

14 **MR. NEVILLE:** And he's saying to you that the
15 head of detectives and the Chief -- at least the Chief at
16 that time in '93 ---

17 **MR. COMMISSIONER:** He's not head of
18 detectives.

19 **MR. NEVILLE:** Head of CIB.

20 **MR. COMMISSIONER:** Right.

21 **MR. NEVILLE:** Had a vested interest in a case
22 going away. And you didn't ask him, "What are you talking
23 about?"

24 **MR. QUINN:** The conversation -- if I asked
25 him specifically that question, no.

1 **MR. NEVILLE:** Okay.

2 Now, you said at one point in your evidence,
3 again I believe to Ms. Daley that you felt a member of your
4 Association should not -- and used the phrase, "plead
5 guilty," if he or she I presume, "did nothing wrong."

6 **MR. QUINN:** Correct.

7 **MR. NEVILLE:** And we've referred to Staff
8 Sergeant Derochie's notes where he was going to simply
9 counsel him on or about the 15th of October.

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

11 **MR. NEVILLE:** Is that what you call,
12 "pleading guilty"?

13 **MR. QUINN:** If you are being counseled for
14 doing something wrong, in my mind you are being accused of
15 doing something wrong, that would have to be an offense of
16 some kind. It started off that way, so yes.

17 **MR. NEVILLE:** Okay, well one of the other
18 things and I may have misheard you to Ms. Daley that you
19 said that you didn't know that Officer Derochie was going to
20 sit down with him on the 15th. And I may have misheard you
21 but you would agree with me, I take it, having looked at the
22 notes, you did know that because you were told directly.

23 **MR. QUINN:** Could we go back to those just
24 what points you are referring to?

25 **MR. NEVILLE:** Certainly, yes.

1 Exhibit 1293, page 30.

2 MR. QUINN: M'hm.

3 MR. NEVILLE: Have you found it? Yes?

4 MR. COMMISSIONER: He didn't say that it
5 would be on the 15th.

6 MR. NEVILLE: No, I agree. sir.

7 "Well, sir, let me just put it to you
8 this way. I told Quinn that the issues
9 involving Dunlop could be resolved right
10 away. All he had to do was come to
11 work."

12 Now that's in the context that Officer Quinn
13 in the preceding entry had come in to advise that Dunlop
14 wouldn't be in. And that is the evidence of Officer
15 Derochie, sir, that he intended to sit down with Dunlop had
16 he come on his shift that night and do it.

17 MR. QUINN: I don't believe that that part of
18 the conversation which you just referred to there just now -
19 --

20 MR. NEVILLE: Well, that's Derochie's
21 evidence.

22 MR. QUINN: Well, it might have been
23 Derochie's evidence, that might have been what he told you
24 but I don't believe that he told that to me.

25 MR. COMMISSIONER: Well, there you go, Mr.

1 Neville.

2 MR. NEVILLE: "All he had to do was come
3 to work. Dunlop did not come to work
4 and the issue was not resolved."

5 MR. QUINN: You said resolved. Didn't say
6 what he was going to do.

7 MR. COMMISSIONER: Mr. Neville, you're being
8 repetitious and I don't know where we are going with this
9 but this is the investigation of Mr. Dunlop's -- this has
10 nothing really to do with your client.

11 MR. NEVILLE: Well, let me ask this then,
12 Commissioner. You were asked questions about the Nadeau --
13 we know the Nadeau web site. Brought Project Truth Web Site
14 which you indicated ---

15 MR. QUINN: All right. Yes.

16 MR. NEVILLE: Okay. In the context of that
17 body of the questioning, and you said the following:

18 "He, meaning Dunlop, was blamed for a
19 lot of things he had nothing to do
20 with."

21 MR. QUINN: Right.

22 MR. NEVILLE: What were you talking about?

23 MR. QUINN: The fact of the statement being
24 released to the press.

25 MR. NEVILLE: Okay.

1 **MR. QUINN:** The fact of allegedly making
2 statements that all the police officers were corrupt and
3 that -- making statements of all the police officers were
4 incompetent. He was just blamed for this by a variety of
5 different people and he hadn't done it.

6 **MR. NEVILLE:** Okay. You were asked about a
7 lawsuit. It was his lawsuit.

8 **MR. QUINN:** Okay.

9 **MR. NEVILLE:** What did you know of it?

10 **MR. QUINN:** Little to nothing.

11 **MR. NEVILLE:** You knew nothing?

12 **MR. QUINN:** Other than there was one. I
13 don't know the meat of it. I don't know who was handling
14 it. I don't know when it was started. I don't know when it
15 was completed.

16 **MR. NEVILLE:** Did you know who was being
17 sued?

18 **MR. QUINN:** My understanding -- the Police
19 Service and after that I don't know who.

20 **MR. NEVILLE:** Wasn't he -- suing -- some of
21 the staff sergeants?

22 **MR. QUINN:** I don't know.

23 **MR. NEVILLE:** Your own Association members?

24 **MR. QUINN:** May have. I don't know.

25 **MR. NEVILLE:** You don't know that?

1 MR. QUINN: I don't know for sure, no.

2 MR. NEVILLE: Can the witness please,
3 Commissioner, look at Exhibit 1483?

4 Do you have the document there, Constable?

5 MR. QUINN: Yes.

6 MR. NEVILLE: Do you recognize it?

7 MR. QUINN: It would appear to be the minutes
8 of a union meeting or an Association meeting.

9 MR. NEVILLE: Yes, on November 27th, 1997.

10 MR. QUINN: Yes.

11 MR. NEVILLE: You were present?

12 MR. QUINN: Yes.

13 MR. NEVILLE: If you look in the second
14 column, the middle column, sixth name from the bottom,
15 that's yourself?

16 MR. QUINN: Yes.

17 MR. NEVILLE: All right.

18 Would you please turn for me to -- there's
19 some numbers in the bottom right corner 8112, the time
20 21:32.

21 MR. QUINN: Okay.

22 MR. NEVILLE: It's entitled, "Perry Dunlop
23 addresses the floor." You were present for this, I presume.

24 MR. QUINN: I presume.

25 MR. NEVILLE: Well, if you just look at the

1 final page. At the time 22:30 there is a motion to adjourn,
2 seconded by you.

3 MR. QUINN: Yes.

4 MR. NEVILLE: So, I guess you were present at
5 9:32.

6 MR. QUINN: I guess.

7 MR. NEVILLE: Okay.

8 It says:

9 "Brother Dunlop agrees to withdraw
10 claims against all members of the
11 Association. Members names will be
12 taken off when claim is redrafted."

13 Further down, fifth or sixth line"

14 "Brother Dunlop requests assistance in
15 paying some of his legal expenses; no
16 set amount is asked for.

17 Brother Lortie addresses floor and
18 recommends that we not get into lawsuit
19 and leaves it up to the floor to decide
20 we should lend money to Brother Dunlop
21 for legal expenses."

22 And then there's a motion on the next page
23 to that effect, which is carried.

24 Did you have any understanding of what they
25 were talking about?

1 **MR. QUINN:** Only in the document that there
2 was a lawsuit, who was named in it right now -- obviously
3 there were members, according to this, of our Association.
4 Who they were now, I don't know.

5 If you want to tell me the names of the
6 people you're assuming, maybe they were. Maybe that will
7 job my memory as to ---

8 **MR. NEVILLE:** Let's try, then.

9 **MR. QUINN:** --- who was in there.

10 **MR. NEVILLE:** Sure, let's try that.

11 Let's have the witness, Commissioner, see
12 Exhibit 673.

13 **MR. STAUFFER:** Mr. Commissioner, I have the
14 greatest respect for Mr. Neville, but I'm just not sure
15 what this is about, in terms of his clients.

16 **MR. NEVILLE:** Well, it's about credibility,
17 among other things.

18 **THE COMMISSIONER:** About credibility?

19 **MR. NEVILLE:** This witness's credibility.

20 And I intend to ask him other questions
21 right after this about things he has told this Commission,
22 including about testimony at trials, including my client's
23 trial.

24 **THE COMMISSIONER:** He didn't testify at your
25 client's ---

1 **MR. NEVILLE:** That's exactly right, but he
2 said a lot of things about what Mr. Dunlop said and it was
3 clearly understood that that's just Mr. Dunlop speaking,
4 untested, fine.

5 **THE COMMISSIONER:** Of course it is.

6 **MR. NEVILLE:** Good.

7 Commissioner, Mr. Quinn has said a lot of
8 things here today, over the last day-and-a-half ---

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

10 **MR. NEVILLE:** And has sat here and said to
11 you ---

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

13 **MR. NEVILLE:** --- that he had no idea about
14 this lawsuit and I suggest to you that is simply not
15 tenable.

16 **THE COMMISSIONER:** All right, so ---

17 **MR. NEVILLE:** And you can assess much of
18 what he said in the light of credibility concerns.

19 And I simply wish to show him the document,
20 but I suggest to you from the previous document, he had
21 fully knowledge of.

22 This man is the closest personal friend of
23 Perry Dunlop ---

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

25 **MR. NEVILLE:** --- who is suggesting to us,

1 and to you, under oath, that he had no idea what this
2 lawsuit was about. And this is a lawsuit that you know and
3 the public knows accused many members of the Police Force
4 of corruption.

5 **THE COMMISSIONER:** Many members? Okay.

6 **MR. NEVILLE:** Of corruption.

7 **THE COMMISSIONER:** Right. But ---

8 **MR. NEVILLE:** And the witness claims to know
9 nothing.

10 **THE COMMISSIONER:** Okay. But this is like
11 in a criminal trial is cross-examining on a collateral
12 issue; like we're going far afield here. I mean, I'll be
13 able to assess his credibility and I'm sure you'll be able
14 to give me your submissions as to all of this. So I don't
15 know.

16 **MR. NEVILLE:** Thank you.

17 Mr. Quinn?

18 **MR. QUINN:** Yes.

19 **MR. NEVILLE:** Do you know what the Askov
20 case is about?

21 **MR. QUINN:** Are you asking me do I know what
22 Askov means?

23 **MR. NEVILLE:** Do you know what the case
24 stands for, what it's about?

25 **MR. QUINN:** My understanding is it's a case

1 that took too long to get to a court and it was dismissed
2 on the length of ---

3 MR. NEVILLE: Yeah, it's about unreasonable
4 delay, right?

5 MR. QUINN: Right.

6 MR. NEVILLE: Do you know what the
7 *Stinchcombe* case is about?

8 MR. QUINN: No.

9 MR. NEVILLE: You don't know that it's about
10 disclosure, the duty to disclose evidence?

11 MR. QUINN: Okay, now that you mention,
12 yeah, but I don't know what -- what that came from but
13 okay.

14 MR. NEVILLE: All right.

15 Now, you are suggesting to the Commissioner
16 and to the public that you obviously feel that Mr. Dunlop
17 has somehow been wrong or hard-done-by as a witness. Is
18 that right?

19 MR. QUINN: You ask the -- the lawyer at the
20 time asked me what I thought Mr. Dunlop's opinion of -- or
21 what happening, he felt ---

22 MR. NEVILLE: Yes?

23 MR. QUINN: --- at that trial and that's
24 what I perceived his feelings to be.

25 MR. NEVILLE: Did you share those feelings?

1 **MR. QUINN:** That he was hard-done-by?
2 **MR. NEVILLE:** Yes. You did, didn't you?
3 **MR. QUINN:** From his description, yes.
4 **MR. NEVILLE:** Yes, exactly.
5 Now, were you at any of those trials?
6 **MR. QUINN:** No, I wasn't.
7 **MR. NEVILLE:** You never saw him testify?
8 **MR. QUINN:** No, I didn't.
9 **MR. NEVILLE:** Did you read a single page of
10 a single transcript from those cases?
11 **MR. QUINN:** No, I did not.
12 **MR. NEVILLE:** Did you know that as a result
13 of his testimony at one or more of these cases, that senior
14 officers like Derochie and Pat Hall recommended charges of
15 obstruction and perjury against Dunlop?
16 **MR. QUINN:** I heard that.
17 **MR. NEVILLE:** You heard that. Did he ---
18 **THE COMMISSIONER:** No, no, no, no.
19 Suggested to whom? I don't think anybody
20 ever came -- Officer Hall never wrote up a letter as
21 requested.
22 **MR. NEVILLE:** Let's leave it with Derochie,
23 shall we? I'll leave it at Derochie, that he recommended
24 an investigation into a perjury and obstruct justice, based
25 directly on the evidence.

1 Did you know, sir, that Perry Dunlop was
2 felt to have lied, including under oath?

3 **MR. QUINN:** I would assume that if
4 somebody's recommending perjury ---

5 **MR. NEVILLE:** Did you know that?

6 **MR. QUINN:** --- that would have to be it,
7 yes.

8 **MR. NEVILLE:** Did you know that?

9 **MR. QUINN:** Did I know what?

10 **MR. NEVILLE:** That he had potentially lied
11 under oath?

12 **MR. QUINN:** Did I know that he had lied?

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

14 **MR. QUINN:** I did not know that.

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

16 **MR. NEVILLE:** Did you know ---

17 **THE COMMISSIONER:** No, there's no -- did you
18 know that some people thought he had lied?

19 **MR. QUINN:** Only after I hear that people
20 were going to do an investigation into perjury, some people
21 would have had thought -- would have had to have thought
22 that he lied, yes.

23 **THE COMMISSIONER:** And when did you know
24 that they were doing an investigation of perjury? Is that
25 back at the time or recently?

1 **MR. QUINN:** I think the first time I
2 actually had seen any concrete evidence of that was -- was
3 going to happen was out of this Inquiry, in the local paper
4 ---

5 **THE COMMISSIONER:** Okay.

6 **MR. QUINN:** --- as I recall.

7 **MR. NEVILLE:** Did Mr. Dunlop explain to you
8 that the reason he was testifying, at least at certain
9 trials, was to explain his conduct in failing to turn over
10 disclosure? Did he explain that to you?

11 **MR. QUINN:** No.

12 **MR. NEVILLE:** Did you know that that's what
13 he had done?

14 **THE COMMISSIONER:** That -- that he had what?

15 **MR. NEVILLE:** He had failed to turn over
16 disclosure in a timely fashion?

17 **MR. QUINN:** I know he was accused of that.
18 I know that he had told me several times that he had turned
19 it over to various people at various departments.

20 **MR. NEVILLE:** All right.

21 Did you know that he had to complete the job
22 pursuant to orders?

23 **MR. QUINN:** I know like earlier testimony
24 that he was -- a portion of time while he was working at
25 the station, that that was his function basically all day

1 to do this.

2 MR. NEVILLE: Did you know that that was the
3 final order of several that he had to be given?

4 MR. QUINN: Sir, I was not involved in who
5 was giving orders or what the orders.

6 MR. NEVILLE: Did he tell you? Did you tell
7 you?

8 MR. QUINN: No.

9 MR. NEVILLE: Did he tell you that Inspector
10 Trew had given him orders?

11 MR. QUINN: Yes.

12 MR. NEVILLE: All right.

13 Did he tell you that Staff Sergeant Derochie
14 had given him an order?

15 MR. QUINN: I don't recall him having said
16 that. He may have, but I don't recall it.

17 MR. NEVILLE: All right.

18 Do you -- all of the things you've told the
19 Commissioner today as coming from Mr. Dunlop, you took him
20 at his word on all of it I take it?

21 MR. QUINN: Sir, the things I've told the
22 Commission today were things that people had asked me what
23 my thought was or if I had agreed that -- my impression.

24 MR. NEVILLE: They asked you as well what he
25 said to you.

1 **MR. QUINN:** In some portions, yes, and my
2 impressions from it, yeah.

3 **MR. NEVILLE:** Okay. And what he said to
4 you, you took as correct?

5 **MR. QUINN:** I -- I have, yes, face value.

6 **MR. NEVILLE:** Pardon me?

7 **MR. QUINN:** I took it on face value.

8 **MR. NEVILLE:** Those are my questions, thank
9 you.

10 **THE COMMISSIONER:** Thank you.

11 And who's next? Mr. Chisholm.

12 **MR. CHISHOLM:** Good afternoon, sir.

13 Constable Quinn, you may know me, I'm Peter
14 Chisholm, counsel for the CAS.

15 I have no questions for you, thank you.

16 **MR. QUINN:** Thank you.

17 **THE COMMISSIONER:** Thank you.

18 Maître Rouleau.

19 **MR. ROULEAU:** Nothing, sir, thank you.

20 **THE COMMISSIONER:** Thank you.

21 Mr. Scharbach?

22 **MR. SCHARBACH:** I have no questions.

23 **THE COMMISSIONER:** Thank you.

24 Ms. Lahaie?

25 **MS. LAHAIE:** No questions, thank you.

1 THE COMMISSIONER: Mr. Carroll?

2 MR. CARROLL: No questions, thank you.

3 THE COMMISSIONER: Mr. Callaghan, how long
4 will you be?

5 MR. CALLAGHAN: I would think I would be
6 'til -- about 30 minutes to 45 minutes.

7 THE COMMISSIONER: Then we'll start you off
8 now, stop at 12:30 and come back at 2:00.

9 MR. CALLAGHAN: Fine.

10 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

11 MR. CALLAGHAN:

12 MR. CALLAGHAN: Mr. Quinn, I don't need any
13 introduction, as you know. What -- I say that a lot --
14 what I'd like to first start off with is the role of the
15 Association, and I just want to be clear. I take it you
16 saw the Association as a bargaining unit?

17 MR. QUINN: The Association is the
18 bargaining unit of the police, yes.

19 MR. CALLAGHAN: And it's function, I think
20 you articulated, was to, if I could put it in general
21 terms, increase the welfare of the members?

22 MR. QUINN: That's correct.

23 MR. CALLAGHAN: Right.

24 MR. QUINN: The wellbeing and the welfare,
25 yes.

1 **MR. CALLAGHAN:** Right. And I take it you
2 had indicated that there were a couple of areas where that
3 had been involved in that included request an increase in
4 personnel on the force so that the members could -- would
5 have a -- would have more assistance?

6 **MR. QUINN:** Yes.

7 **MR. CALLAGHAN:** All right.

8 And you talked about more time off and, of
9 course, more money, right?

10 **MR. QUINN:** Always.

11 **MR. CALLAGHAN:** Right. And probably more
12 benefits?

13 **MR. QUINN:** Always.

14 **MR. CALLAGHAN:** All right.

15 And I take it it's fair to say that -- that
16 you spent your career as a road officer but with a very
17 strong affiliation with the Association?

18 **MR. QUINN:** Yes.

19 **MR. CALLAGHAN:** And I just want to take us
20 back to the early '90s, which might put some of the things
21 in context.

22 I take it in or about 1990, in about this
23 time, there was new contract for the Association?

24 **MR. QUINN:** I would assume, in that area
25 somewhere. I don't know the exact year as you're talking

1 right now. If you have a copy of the contract and the
2 time, it would be that time, but I don't know the exact
3 year but all -- every two to three years, sort of thing,
4 there's a new contract.

5 **MR. CALLAGHAN:** Right. Well -- and it could
6 have well have been in about the time the morale report was
7 issued, the ---

8 **MR. QUINN:** It could well have been.

9 **MR. CALLAGHAN:** Right. And in terms of the
10 morale report, you'd -- you indicated -- you indicated you
11 weren't involved?

12 **MR. QUINN:** No.

13 **MR. CALLAGHAN:** Right. And I take it you
14 were never interviewed for it?

15 **MR. QUINN:** No.

16 **MR. CALLAGHAN:** And do you know anyone who
17 was interviewed for it?

18 **MR. QUINN:** No.

19 **MR. CALLAGHAN:** And I take it that in that
20 period of time in the early '90s, the Association had a
21 very good contract. Is that fair to say?

22 **MR. QUINN:** Oh, yes.

23 **MR. CALLAGHAN:** And I take it soon
24 thereafter -- and I think this goes without saying if you
25 lived in Ontario, in the early '90s, '91 to '93, that there

1 was a -- there were budgetary constraints in Ontario. Do
2 you recall that?

3 MR. QUINN: You're talking the Rae Days
4 type-thing, yes.

5 MR. CALLAGHAN: Right. And I take it you as
6 an Association had to try to deal with that?

7 MR. QUINN: Yes.

8 MR. CALLAGHAN: Right. And I take it one of
9 the areas -- because of the nature of your contract you
10 were dealing with -- was issues such as overtime were in
11 play during the Rae Days? Do you recall that, sir?

12 MR. QUINN: Yes, there was issues in
13 overtime and how to get -- how to cut it back and how to
14 otherwise pay it, yes.

15 MR. CALLAGHAN: Okay. And you referred to
16 it earlier as the tug-and-pull, I think was the phrase you
17 used with respect between the Association, management and
18 the board on these issues. Was that a constant theme
19 throughout that period?

20 MR. QUINN: Yes.

21 MR. CALLAGHAN: And I take it, just to be
22 clear, you don't have a problem with management giving
23 orders to -- proper orders, I should say, to police
24 officers? That's part of their job, right?

25 MR. QUINN: Exactly.

1 **MR. CALLAGHAN:** Right. And you are talking
2 about the Association's concerns regarding the welfare,
3 regarding particularly the salary and benefits and working
4 conditions; correct?

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

6 **MR. CALLAGHAN:** And that was the tug-and-
7 pull that you were referring to?

8 **MR. QUINN:** That's correct.

9 **MR. CALLAGHAN:** All right.
10 And the other part of the Association's job,
11 is it fair to say, sir, is to deal with individual
12 grievances?

13 **MR. QUINN:** Yes.

14 **MR. CALLAGHAN:** And you talked about and I
15 think you -- I can't remember the phrase you used. I think
16 you used Joe A and Joe B having a dispute as to who was
17 more qualified for a promotion or a transfer, correct?

18 **MR. QUINN:** Correct.

19 **MR. CALLAGHAN:** And I take it that's pretty
20 standard fair for a bargaining unit such as the Association
21 to have to address?

22 **MR. QUINN:** Yes.

23 **MR. CALLAGHAN:** All right.

24 And I take it that goes with things such as
25 people having a difficulty with their managers. I think

1 you used the word "tyrannical". That may not have been the
2 word used, I think you used a phrase like that.

3 **MR. QUINN:** Yes.

4 **MR. CALLAGHAN:** So you would have -- but as
5 an Association that's something that you guys dealt with?

6 **MR. QUINN:** Yes.

7 **MR. CALLAGHAN:** All right.

8 And you either dealt with it in terms of
9 individual grievances or you dealt with it by discussion
10 with senior managers; correct?

11 **MR. QUINN:** Correct.

12 **MR. CALLAGHAN:** All right.

13 So did you find that unusual at all for the
14 bargaining unit? You've been in it from 1997 through to
15 your departure. Was that something you were doing on a
16 constant basis?

17 **MR. QUINN:** Yes.

18 **MR. CALLAGHAN:** I just want to touch base
19 then on some of your background just so we're clear.

20 But you'd never been in SACA or the Youth
21 Branch, right?

22 **MR. QUINN:** No, right.

23 **MR. CALLAGHAN:** And you never were in CIB?

24 **MR. QUINN:** No, right.

25 **MR. CALLAGHAN:** So you never got any

1 training with respect to sexual assault investigations?

2 MR. QUINN: No.

3 MR. CALLAGHAN: All right.

4 And, sir, you were very candid when you said
5 -- if I can find the note. One second.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. CALLAGHAN: That much of what you knew
8 about the DS investigation and subsequently were mostly
9 your perceptions because I think you put it that you didn't
10 have the privilege to the full facts?

11 MR. QUINN: Correct.

12 MR. CALLAGHAN: Right, okay. So I want to
13 just be clear so that people can put into context your
14 evidence.

15 You had no firsthand knowledge of the DS
16 case; correct?

17 MR. QUINN: If you're asking did I have any
18 involvement in the investigation whatsoever, none.

19 MR. CALLAGHAN: Right. And I think, as you
20 indicated to Mr. Neville most of your information, if not
21 the large majority of it, came from Mr. Dunlop; correct?

22 MR. QUINN: Correct.

23 MR. CALLAGHAN: All right.

24 So I just want to be clear, you never for
25 example spoke to Luc Brunet about his involvement?

1 MR. QUINN: No.

2 MR. LEE: Right. You never spoke to Heidi
3 Sebalj about her involvement?

4 MR. QUINN: No.

5 MR. CALLAGHAN: And you never spoke to Garry
6 Derochie about his involvement other than the discussions
7 you have told us about?

8 MR. QUINN: Correct.

9 MR. CALLAGHAN: Right. And you never talked
10 to Chief Shaver about it?

11 MR. QUINN: No.

12 MR. CALLAGHAN: You never talked to Deputy
13 Chief St. Denis about it?

14 MR. QUINN: No.

15 MR. CALLAGHAN: Ron Lefebvre or Brendon
16 Wells?

17 MR. QUINN: No. Part of Brendon Wells is --
18 I think as his statement says he was doing some internal
19 investigation and I really don't know the time that took
20 place.

21 MR. CALLAGHAN: Now, we've heard that others
22 had spoken to Murray MacDonald. Did you know who Murray
23 MacDonald was?

24 MR. QUINN: I know who he is, yes.

25 MR. CALLAGHAN: And would you describe him

1 as an honourable man?

2 MR. QUINN: Yes.

3 MR. CALLAGHAN: All right.

4 You had no difficulty with Murray MacDonald?

5 MR. QUINN: None.

6 MR. CALLAGHAN: All right.

7 Did you ever speak to Murray MacDonald about
8 the DS case?

9 MR. QUINN: No.

10 MR. CALLAGHAN: All right.

11 Mr. Commissioner, given the time -- I know
12 it's 12:30, so 12:28, I was about to embark on a series of
13 questions that are interrelated. It may be that you want
14 to break now.

15 THE COMMISSIONER: Time for lunch. Thank
16 you.

17 THE REGISTRAR: Order; all rise. À l'ordre;
18 veuillez vous lever.

19 The hearing will resume at 2.00 p.m.

20 --- Upon recessing at 12:28 p.m. /

21 L'audience est suspendue à 12h28

22 --- Upon resuming at 2:05 p.m. /

23 L'audience est reprise à 14h05

24 THE REGISTRAR: Order; all rise. À l'ordre;
25 veuillez vous lever.

1 This hearing is now resumed.

2 Please be seated. Veuillez vous asseoir.

3 **THE COMMISSIONER:** Thank you.

4 Mr. Callaghan.

5 **MR. CALLAGHAN:** Mr. Commissioner.

6 **MICHAEL QUINN, Resumed/Sous le même serment:**

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

8 **CALLAGHAN (cont'd/suite):**

9 **MR. CALLAGHAN:** Mr. Quinn, I just want to
10 review a little bit about what you might have known and
11 what you knew and what you didn't know. And I want to be
12 clear, a lot of what you're testifying is your recollection
13 of 17 years ago about things you heard but not things you
14 experienced; correct?

15 **MR. QUINN:** Correct.

16 **MR. CALLAGHAN:** And I think you've indicated
17 earlier that you -- that when you spoke to Perry Dunlop
18 that you took at face value what he told you; correct?

19 **MR. QUINN:** Correct.

20 **MR. CALLAGHAN:** And I take it that much of
21 the time when you were doing that you were listening as a
22 friend?

23 **MR. QUINN:** Yes, correct.

24 **MR. CALLAGHAN:** Right. And you were trying
25 to be supportive and loyal?

1 **MR. QUINN:** Right.

2 **MR. CALLAGHAN:** Right. And I take it that
3 that's part of your make-up, that when someone's a friend
4 you try to be supportive and loyal; correct?

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

6 **MR. CALLAGHAN:** All right.

7 And so that when we try to deconstruct
8 things here about your impressions, I just want to see what
9 it is you recall knowing and what you don't recall knowing
10 because some things you may not have known.

11 And you had indicated, for example, that you
12 didn't know that Perry Dunlop received the DS statement
13 from another constable, Constable Sebalj. You didn't know
14 that?

15 **MR. QUINN:** I didn't know where he even
16 gotten it. My understanding was it was picked off of a
17 table but I didn't know it was handed out by someone else
18 to him.

19 **MR. CALLAGHAN:** But the point is you don't
20 recall Perry Dunlop explaining that?

21 **MR. QUINN:** No.

22 **MR. CALLAGHAN:** I'm just trying to
23 understand the nature of the conversation so that we can
24 put your evidence into context, that there was a flow of
25 conversation and Perry Dunlop wasn't purporting to tell you

1 everything. He was just telling you as a person he knows;
2 correct?

3 MR. QUINN: That's correct.

4 MR. CALLAGHAN: For example, I think you
5 said he didn't tell you that he had spoken with Sergeant
6 Dupuis or Sergeant Lortie before speaking to you. You
7 didn't know that?

8 MR. QUINN: I didn't know that, to my
9 knowledge, no.

10 MR. CALLAGHAN: And you didn't know that he
11 had spoken to Murray MacDonald?

12 MR. QUINN: No.

13 MR. CALLAGHAN: And I take it you didn't
14 know that Murray MacDonald had met with Heidi Sebalj 7 to
15 10 times during the course of the investigation?

16 MR. QUINN: I knew nothing about the
17 investigation, how it went.

18 MR. CALLAGHAN: And then you didn't know
19 that Murray MacDonald had advised Luc Brunet that without
20 cooperation of DS there would be no prosecution?

21 MR. QUINN: No.

22 MR. CALLAGHAN: And am I to understand that
23 you said yesterday you weren't aware that Constable Dunlop
24 was asked to return the statement by Staff Sergeant Brunet?

25 MR. QUINN: Not that I am aware of, no.

1 **MR. CALLAGHAN:** Did you know that Luc Brunet
2 had expressed that he too was disappointed that they
3 couldn't proceed with the investigation?

4 **MR. QUINN:** No.

5 **MR. CALLAGHAN:** Did Perry Dunlop tell you
6 that Luc Brunet should consider going to see the Diocese
7 and that in fact Luc Brunet and the Chief went to see the
8 Diocese?

9 **MR. QUINN:** I know they went. I don't know
10 who instructed them to go.

11 **MR. CALLAGHAN:** But you don't know -- you
12 didn't know that that was a suggestion of Perry Dunlop's?

13 **MR. QUINN:** No.

14 **MR. CALLAGHAN:** All right.

15 So that when Dunlop tells you things that
16 Luc Brunet and the Chief didn't want this to go anywhere,
17 you weren't aware of those facts?

18 **MR. QUINN:** No.

19 **MR. CALLAGHAN:** Right. And that wasn't
20 something you were -- you weren't there to challenge Mr.
21 Dunlop?

22 **MR. QUINN:** No.

23 **MR. CALLAGHAN:** It's our understanding that
24 you became aware that the DS statement and the
25 investigation in early October '93 when Mr. Dunlop comes to

1 you. Is that correct? That was what the ---

2 **MR. QUINN:** Yes.

3 **MR. CALLAGHAN:** I take it then that the
4 rumours that you talked about regarding Ken Seguin that
5 were around the legal community, those are things that you
6 heard after you became aware of the DS case?

7 **MR. QUINN:** I'm sorry, if you could say that
8 one more time again.

9 **MR. CALLAGHAN:** If I understood it, your
10 first real involvement with this according to that
11 statement that Mr. Neville took you to was in early
12 October, 1993?

13 **MR. QUINN:** In about that time, yes.

14 **MR. CALLAGHAN:** Right. And then you talked
15 about rumours around the legal community regarding Ken
16 Seguin. I'm assuming that those rumours were some time
17 after you first became aware of DS, the DS investigation.
18 Would that be right?

19 **MR. QUINN:** They would be probably starting
20 or in about that same time, yes.

21 **MR. CALLAGHAN:** Because I'm just trying to
22 sort out -- there's been a lot of testimony here -- some of
23 the dates. Some around -- we can take it that you might
24 have known things.

25 Now, you're aware DS made a formal, public

1 complaint against Perry Dunlop?

2 MR. QUINN: No.

3 MR. CALLAGHAN: You weren't aware. You're
4 aware that a public complaint through your work in the
5 Association involves a different mechanism than what Garry
6 Derochie was doing which was an internal situation;
7 correct?

8 MR. QUINN: Yes. Public complaint, yes.

9 MR. CALLAGHAN: All right.

10 So there's a more formal element because
11 it's a member of the public?

12 MR. QUINN: Yes.

13 MR. CALLAGHAN: And I take it you are aware
14 -- or maybe you are not aware -- are you aware that the
15 charges against Mr. Dunlop that made it to the Board of
16 Inquiry were charges that were signed by Chief Carl
17 Johnston. Were you aware of that?

18 MR. QUINN: I don't know who signed them.

19 MR. CALLAGHAN: All right.

20 So then you wouldn't have been aware that it
21 wasn't Shaver but Johnston?

22 MR. QUINN: No.

23 MR. CALLAGHAN: And I take it -- you may not
24 recall, but Carl Johnston arrives as Acting Chief in
25 approximately the first week of 1994, and shortly

1 thereafter Mr. Dunlop goes off on sick leave in about the
2 second or third week of 1994. Do you recall that timing at
3 all?

4 **MR. QUINN:** I recall -- like the events as
5 you say as to the relation to one another. It's not
6 something that I would have paid a lot of attention to one
7 way or another sort of thing, so I'd take your word for it.
8 It sounds about right.

9 **MR. CALLAGHAN:** But you don't recall -- do
10 you recall Mr. Dunlop indicating that he'd ever met Acting
11 Chief Johnston before?

12 **MR. QUINN:** No, I don't recall remember him
13 ever saying he'd met him.

14 **MR. CALLAGHAN:** Right. And you never knew
15 him. Did you ever know Perry Dunlop to have met Acting
16 Chief Johnston?

17 **MR. QUINN:** Not as far as I know.

18 **MR. CALLAGHAN:** All right.

19 And you talked about learning that Perry
20 Dunlop had gone down to Maine. Do you recall whether that
21 was -- you said it wasn't at the time, it was some time
22 later. Is that what I'm to understand? It wasn't ---

23 **MR. QUINN:** When I learned about it?

24 **MR. CALLAGHAN:** Yeah.

25 **MR. QUINN:** It was after the -- after the

1 fact, yes.

2 MR. CALLAGHAN: You wouldn't be able to say
3 whether it was late '96 or early '97 right now?

4 MR. QUINN: No, I'm sorry. I don't know the
5 dates.

6 MR. CALLAGHAN: And I take it somebody had
7 suggested to you you should have gone to speak to your
8 superiors. I take it you took these as private
9 conversations between you and Mr. Dunlop as a friend?

10 MR. QUINN: Yes. I did.

11 MR. CALLAGHAN: All right.

12 And I take it during that period of time
13 when you were talking about it, you didn't know about his
14 lawsuit? I think that's what you testified today.

15 MR. QUINN: I know there was a lawsuit. I
16 didn't know who was named in the lawsuits or who started
17 them or who was being sued for what. I knew there was
18 lawsuits. I think it was pretty much common knowledge as
19 well.

20 MR. CALLAGHAN: Did you know the name
21 Charles Bourgeois at all?

22 MR. QUINN: Yes.

23 MR. CALLAGHAN: All right.

24 And did you know that the interviews that
25 were done in Maine made it's way into the Amended Statement

1 of Claim? That it was part of the lawsuit. Did you know
2 anything about that?

3 MR. QUINN: I don't know anything was in the
4 lawsuits.

5 MR. CALLAGHAN: And then you talked about
6 the fact that at some point there were rumours around Perry
7 Dunlop was doing interviews. I take it this is sometime
8 later after you learn about the Maine trip. Would be some
9 time in mid-'97 perhaps?

10 MR. QUINN: When you're saying that there
11 was talk that he was doing interviews. I think there was
12 like talk he was doing interviews probably local prior to
13 that time. It was kind of like again, rumour mill stuff
14 that was basically knowledgeable around the station.

15 MR. CALLAGHAN: But you can't put a timing
16 on it. Whether it was '96 or '97?

17 MR. QUINN: No, I don't know the dates.

18 MR. CALLAGHAN: Now, I take it you are aware
19 -- or maybe you're not.

20 Did you know that Inspector Trew was tasked
21 with liaising with the OPP regarding Project Truth
22 incidences?

23 MR. QUINN: I know he had -- yeah, when I
24 learned that, I don't know, but, yes, I did know.

25 MR. CALLAGHAN: But did you know at the time

1 or have you subsequently learned that over these many
2 years?

3 MR. QUINN: It wasn't like out -- nobody
4 like come to me and said, okay, Inspector Trew is being
5 tasked with this, to know this.

6 It would have been learned through
7 conversations with people. I don't know if I learned it
8 right at the time or after. Sometime over the course of
9 time, I knew about it.

10 MR. CALLAGHAN: And that's one of the things
11 about your testimony. It's hard for you to place when you
12 learned things?

13 MR. QUINN: That's correct.

14 MR. CALLAGHAN: But did you know that that
15 Inspector Trew was dealing with Perry Dunlop?

16 MR. QUINN: Eventually I knew that.

17 MR. CALLAGHAN: And did you know that that
18 Inspector True was asking Perry Dunlop to provide
19 disclosure to the OPP and to refer any victims to the OPP?
20 Were you aware of that?

21 MR. QUINN: I know that -- I know through
22 Perry that Rick had asked for disclosure or asked for all
23 his information.

24 MR. CALLAGHAN: And what about the referral
25 of victims to the OPP. Do you remember him talking to you

1 about that at all?

2 MR. QUINN: Like I said, prior to, I know
3 that people would call me and told me that people had
4 called him to basically find out what to do or where to go,
5 and he would refer them to whatever agency was applicable.

6 MR. CALLAGHAN: But that's what he was
7 telling you?

8 MR. QUINN: That's what he was telling me,
9 yes.

10 MR. CALLAGHAN: He never told you
11 Mr. Jones came, I sent him to the OPP, but he was telling
12 you generally, right?

13 MR. QUINN: Generally, yes.

14 MR. CALLAGHAN: Now, Inspector Trew. I take
15 it you know Inspector Trew as an honest man?

16 MR. QUINN: Yes.

17 MR. CALLAGHAN: And you know him as an
18 honourable and trustworthy man?

19 MR. QUINN: Yes.

20 MR. CALLAGHAN: All right. And ---

21 MR. STAUFFER: May I just interject for a
22 moment here? It has nothing to do whether Inspector Trew
23 is an honest or trustworthy man.

24 Mr. Commissioner, what I'm concerned about
25 and I would appreciate your direction on this as follows.

1 We want to get through this Inquiry I know
2 in as expeditious fashion as possible. What my concern is
3 as your counsel is that we hear from the witness,
4 especially from his own counsel, in a manner that is not as
5 leading as is taking place here.

6 So this is no disrespect to Mr. Callaghan.
7 I appreciate he's trying to elicit information from Mr.
8 Quinn. My concern is that the way the questions are being
9 put right now, they are almost in a "yes" or "no" type
10 fashion, to whit, a leading fashion.

11 Commission counsel are allowed to do this,
12 although personally I try not to do this on any kind of
13 contentious matter or where we are asking for a narrative
14 from the witness.

15 But I'm just concerned -- and it's no
16 disrespect to Mr. Callaghan -- but I'm concerned that
17 really Mr. Quinn here is being asked questions in such a
18 leading fashion that the evidence is not perhaps as strong
19 as it could be if he was asked in a more open fashion.

20 That's my concern as your counsel. I would
21 appreciate any direction that you might be able to give to
22 us on that point.

23 **MR. COMMISSIONER:** The other comment
24 Mr. Callaghan is, where are we going with all of this?

25 **MR. CALLAGHAN:** Well, I think that I'm

1 trying to -- I'm trying to elicit -- there's testimony the
2 witness gave about people who Mr. Dunlop was interacting
3 with senior management who he didn't trust.

4 I think it's important that you hear from
5 this witness some of the people he was dealing with and
6 whether these were trustworthy people. That's all I was
7 trying to elicit because you've heard his testimony. Not
8 his testimony, you're hearing what Mr. Dunlop is telling
9 him that he didn't trust the people that he was dealing
10 with.

11 He's already spoken about Staff Sergeant
12 Derochie. He's spoken about -- that's where Trew gets
13 introduced because he's the first person -- I mean, I can
14 move on but ---

15 **MR. COMMISSIONER:** No, no ---

16 **MR. CALLAGHAN:** It's an important issue. To
17 assess what many people put to the witness what I hope it
18 isn't coming out as fact, that's what I'm trying to elicit,
19 what he knows and what he doesn't know. So we're clear
20 about, you know, what he's been told by Mr. Dunlop.

21 **MR. COMMISSIONER:** Well, you'll be happy to
22 know that not only do I question all of the answers that
23 the witnesses give, but I also question some of the
24 validity of the questions and what the content of those
25 questions are ---

1 **MR. CALLAGHAN:** I know.

2 **MR. COMMISSIONER:** And I'm getting -- I've
3 come to the point now where I won't intervene as much but I
4 can tell you that the weight to be given to that evidence
5 is going to be very, very slight.

6 **MR. CALLAGHAN:** And I understand that and I
7 understand that, and part of what we are trying to do is --
8 I mean, with great respect to my friend, I've been up all
9 of 22 minutes and this is the response to the institution -
10 - I'm not trying -- and I've -- we've been good on our side
11 and I know you're going to take what everybody says and
12 you're going to weigh it, and if I thought that it needed
13 to be done in a different fashion for your own benefit, I
14 would have done it, but
15 ---

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

17 **MR. CALLAGHAN:** --- I'm cognizant of the
18 issues my friends raise and we're trying to get through
19 this as quickly ---

20 **THE COMMISSIONER:** Okay.

21 **MR. CALLAGHAN:** --- as possible.

22 **THE COMMISSIONER:** Let's put it this way.
23 This gentleman is a career officer with the Cornwall
24 Police. He was a constable, had very little or nothing to
25 do with the internal workings of the police force. So by

1 you asking him questions, I mean, it almost sounds like
2 you're putting your case in, but -- and I don't think ---

3 **MR. CALLAGHAN:** A little bit.

4 **THE COMMISSIONER:** --- it's necessary. It's
5 not necessary.

6 **MR. CALLAGHAN:** All right. I understand. I
7 understand. Let me consult and I'll be back to you in one
8 second, Mr. Commissioner.

9 **THE COMMISSIONER:** Sure. Sure.

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

11 **MR. CALLAGHAN:** And provided I understand
12 you correctly, I'll sit down.

13 **THE COMMISSIONER:** You know what they say
14 about assumptions.

15 **(LAUGHTER/RIRES)**

16 **MR. STAUFFER:** I know how to clear a room.

17 --- **RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. STAUFFER:**

18 **MR. STAUFFER:** Well, Mr. Commissioner, I do
19 have a few more questions for Mr. Quinn and I'll be as
20 brief as I can, but I'd just like to ---

21 **THE COMMISSIONER:** You'll have 14 eyes --
22 pair of eyes looking at you in the back saying ---

23 **MR. STAUFFER:** I appreciate that.

24 My friend, Mr. Callaghan, had just asked
25 you, Mr. Quinn, a minute ago about whether Mr. Dunlop was

1 conducting interviews. This is with respect to people
2 coming forward and so on, and you used the word "rumours"
3 or Mr. Callaghan may have used the word "rumours". Am I
4 right, sir, you knew that Mr. Dunlop was conducting
5 interviews? Am I right or wrong on that?

6 MR. QUINN: Yes.

7 MR. STAUFFER: He was conducting -- people
8 coming to his house or over the telephone from time to
9 time?

10 MR. QUINN: People would call, like I had
11 said earlier ---

12 MR. STAUFFER: Yes.

13 MR. QUINN: People would call, basically,
14 like you say, coming forward, asking what to do, where to
15 go, who could they see and he would direct them to whatever
16 agency was applicable at the time.

17 MR. STAUFFER: Okay. So that's where I'm
18 going on this. What I'm trying to understand from you,
19 having talked with Mr. Dunlop a lot over the years, can you
20 give us any specifics as to whom ---

21 MR. QUINN: No.

22 MR. STAUFFER: --- he -- well, hold on; I
23 haven't finished my question yet -- to whom he referred
24 people. And let me just suggest some names and tell me if
25 I'm off base or not. Did he say, for example, go to

1 someone in SACA or Youth Bureau, whatever it was called at
2 the appropriate time?

3 MR. CALLAGHAN: I'm sorry ---

4 MR. QUINN: Yeah.

5 MR. CALLAGHAN: --- you're saying -- you're
6 asking him whether Mr. Dunlop told him he told someone to
7 go speak to someone. Is that what I'm understanding the
8 question?

9 MR. STAUFFER: That's very nicely
10 summarized. That's right. Yes, you've got it.

11 MR. CALLAGHAN: Well ---

12 THE COMMISSIONER: So did he?

13 MR. QUINN: He would have told him to go to
14 the police station. I don't know what particular
15 department he told them to go to. I don't know.

16 MR. STAUFFER: Okay. Because what I'm
17 getting at again, Mr. Quinn, is this, and this is a concern
18 at least I have.

19 MR. QUINN: Okay.

20 MR. STAUFFER: You've given the impression
21 throughout some of the questions put to you here that Mr.
22 Dunlop said to someone -- I'll just say John Smith -- said
23 to John Smith, "Go to the Cornwall Police Station" and that
24 person was turned away or some -- they weren't -- someone
25 wasn't paying attention to him. Can you give us any

1 specifics about that, as you understand it, from your
2 discussions with Mr. Dunlop?

3 **MR. QUINN:** As my discussion with Mr.
4 Dunlop, it is, as I told you before, he had directed
5 people, and some of those people came back and this is
6 again his discussion with me, not specific on names, not
7 specific as to what happened, not specific as to who they
8 spoke to, but they weren't satisfied with the reception
9 they got or what was being done and they had come back to
10 him saying that they weren't satisfied or weren't happy
11 with what had taken place.

12 **MR. STAUFFER:** All right.

13 Was it your understanding that this was at
14 the Cornwall Police Service or was it at other police
15 services?

16 **MR. QUINN:** My understanding would have been
17 it would have been at the Cornwall Police, but then again,
18 I don't recall it being specifically said.

19 **MR. STAUFFER:** All right.

20 If I put it to you -- was there any mention
21 of a detachment of the OPP?

22 **MR. QUINN:** I don't recall it being
23 mentioned.

24 **MR. STAUFFER:** All right.

25 **MR. QUINN:** Just further on that, I believe

1 some of them were referred to Project Truth people as that
2 came into effect.

3 **MR. STAUFFER:** All right.

4 **MR. QUINN:** And what became of that, I don't
5 know. I don't know whether they came back, didn't come
6 back or whatever.

7 **MR. STAUFFER:** All right.

8 The last area that's come up through the
9 questioning here that I'd like to explore just for five
10 minutes, and that's the following. What I don't understand
11 again, as an outsider and as a non-police officer is this,
12 when Mr. Dunlop started these, if I can put it, private
13 investigations or private interviews with people, why --
14 from what you know from either speaking with him or
15 speaking with others -- why did he not refer that person
16 who's coming in to complain to a specific individual in the
17 Cornwall Police that he knew and I'll suggest some names:
18 Kevin Malloy, who was an experienced officer in the child
19 abuse or sexual abuse area at that time?

20 **MR. QUINN:** Why would he not go to --
21 because if you're going in to lodge a complaint at the
22 police department, you would go either call the station and
23 dispatch would send a patrol officer, which someone like
24 myself or others would start the initial complaint to start
25 the paper trail and then it would go to someone like

1 Constable Malloy, if it would be assigned to him because it
2 go from there, forwarded to SACA Branch if that was the
3 case to be taking place and then it would be assigned to a
4 SACA officer to investigate that at that point.

5 I don't think -- you can't -- well, I don't
6 know of anyone going in and saying, "Give me so and so out
7 of CIB. That's the person I'm lodging the complaint with"
8 because it would eventually come to a uniform officer.

9 **MR. STAUFFER:** I appreciate everything
10 you've said.

11 I guess let me put it another way. Again,
12 from your own personal knowledge of the players here, was
13 Mr. Dunlop comfortable enough to be able to speak -- and
14 I'll just take Kevin Malloy as an example -- to say to him,
15 "Kevin, I've got somebody here who's spoken to me. Can you
16 talk to him?" I understand the formal route that you've
17 talked about, but Mr. Dunlop isn't taking the formal route,
18 right? He's already working in a unique way. Do you
19 follow what I'm saying? Was Mr. Dunlop able to trust
20 anyone to refer a person to that officer or call the
21 officer and say, "Can you just speak to this person?"

22 **MR. CALLAGHAN:** Can we get the question?
23 Did Mr. Dunlop express anything to him or are we just
24 talking about -- you're saying did they have a
25 relationship? I'm not sure.

1 If you want to ask him what Mr. Dunlop
2 expressed to him as to whether he couldn't refer to
3 specific individuals, I guess that's okay, but beyond that
4 I'm getting a little lost.

5 **THE COMMISSIONER:** So am I.

6 **MR. STAUFFER:** All right.

7 Well, let me try again.

8 **MR. QUINN:** All right.

9 **MR. STAUFFER:** Mr. Quinn, did Officer Dunlop
10 know Kevin Malloy?

11 **MR. QUINN:** Yeah.

12 **MR. STAUFFER:** Okay. Did they like each
13 other?

14 **MR. QUINN:** I assume. I don't know.

15 **MR. STAUFFER:** Did they have -- was there
16 bad blood between them?

17 **MR. QUINN:** Not that I'm aware of.

18 **MR. STAUFFER:** All right.

19 Did Mr. Dunlop ever express anything to you
20 that he would like to refer one of these complainants to
21 Mr. Malloy?

22 **MR. QUINN:** No.

23 **MR. STAUFFER:** Okay. Did he ever mention
24 any officers ---

25 **MR. QUINN:** No.

1 **MR. STAUFFER:** --- at all?

2 **THE COMMISSIONER:** That would be someone
3 that he would recommend these people go and see.

4 **MR. QUINN:** No, he -- he never mentioned to
5 me and my understanding, Mr. Commissioner, of -- please
6 bear with me -- is that over a number of years, it's always
7 been done the same way and I guess that made me confined to
8 think within the box that way, but I can't see somebody
9 saying, go to the police station and look up a certain
10 detective someplace and talk to him.

11 One, if Mr. Dunlop was not at work, he
12 wouldn't know whether that person was there or not.

13 **THE COMMISSIONER:** Right.

14 **MR. QUINN:** He wouldn't know what the
15 circumstances of that person's workload would be. So the
16 common way of -- I only know of one way of doing that sort
17 of thing. It's like, you go in, you start the paper trail
18 at the bottom and there's a trail all the way up that it
19 gets disseminated to.

20 **THE COMMISSIONER:** I guess -- let's look at
21 it this way. Let's assume your neighbour's child or
22 somebody close to you is involved and is going to become a
23 complainant, right, and you know that Sergeant Lefebvre is
24 the best guy on to do that, it'd be like saying, Look, why
25 don't you go and see Sergeant Lefebvre and talk to him

1 about this" so that maybe that it would stick with him and
2 that way, you know, you're -- the child would be in good
3 hands, so to speak. Would that ever be done like that?

4 **MR. QUINN:** I suppose it could be done that
5 way, but I don't recall ever seeing it done that way.

6 **THE COMMISSIONER:** Terrific. Thank you.

7 **MR. QUINN:** Okay.

8 **MR. STAUFFER:** My final point on this or my
9 final question, I suppose, Mr. Quinn, is this.

10 When Mr. Dunlop apparently referred someone
11 -- and let's say to the Cornwall Police and that person
12 comes back and says, "I didn't get a hearing" or "they
13 didn't treat me the right way," what follow-up, if any,
14 happened? What did Mr. Dunlop do, knowing his brother
15 officers at the Service -- what did he do?

16 **MR. QUINN:** As far as I know, he didn't do
17 anything. I don't know, unless maybe he listened to the
18 person. I don't know what he did.

19 **MR. STAUFFER:** Okay. The question had been
20 raised earlier about your statement that you gave to -- at
21 that time Staff Sergeant Wells.

22 **MR. QUINN:** Yes.

23 **MR. STAUFFER:** Do you remember? And I just
24 want to be sure we're all talking the same language here.

25 Madam Clerk, if I could just ask you to put

1 Exhibit 1253, or perhaps Constable Quinn already has it,
2 but it's again the public complaint forms. It's document
3 729140.

4 **THE COMMISSIONER:** One-two-five-three (1253)
5 -- no, that would be in your binder, sir, I believe.

6 **MR. QUINN:** I have it. I have it.

7 **THE COMMISSIONER:** Oh, okay, sorry. Good.
8 What page?

9 **MR. STAUFFER:** So I'm looking, Mr.
10 Commissioner, at the first page, which in my document is
11 called Appendix "A", which is Bates page 7115601.

12 So it's page 2 of 51 is one of the ways of
13 designating it.

14 **THE COMMISSIONER:** So just flip the page
15 over, that's page 2 is on -- right there.

16 **MR. QUINN:** This one?

17 **MR. STAUFFER:** Yes, that's it. It's on the
18 screen.

19 **MR. QUINN:** This one?

20 **THE COMMISSIONER:** It says Appendix "A"?
21 Right. I think that's the one. Okay.

22 **MR. STAUFFER:** So again, Constable, this is
23 what would have been appended to the correspondence from
24 Staff Sergeant Wells to yourself and, of course, other
25 officers as well, but when he was tasked with investigating

1 this complaint, this is, I gather, what would have been
2 attached to your memo from Staff Sergeant Wells?

3 And again, take your time.

4 **MR. CALLAGHAN:** Sorry, I don't know where
5 that understanding comes from.

6 This is the -- this is the Appendix "A" to
7 the public complaint issued by David Silmser. This is not
8 something that would have been sent to this officer, that
9 I'm aware of.

10 **MR. STAUFFER:** Well, I apologize if I have
11 the wrong ---

12 **MR. QUINN:** This is the first time I've seen
13 this document.

14 **MR. STAUFFER:** The -- bear with me for one
15 moment.

16 Let me -- disregard the paperwork for a
17 second, Constable. The memo from Staff Sergeant Wells to
18 yourself, the one that you responded to, the statement that
19 -- that brief statement that you looked at earlier?

20 **MR. QUINN:** Yes.

21 **MR. STAUFFER:** Was anything attached to that
22 memo?

23 **MR. QUINN:** To the best of my recollection,
24 it would have been merely a request to provide all notes
25 and a statement as to your involvement in this incident

1 would have been involving -- it may have said something to
2 the effect that in investigating a complaint, public
3 complaint by someone -- it might have mentioned a name, it
4 might not have, and would have asked for any copies of
5 notes and a statement involving that particular complaint.
6 That would have been it.

7 **MR. STAUFFER:** Yes. My apologies; I may be
8 mixing this up, but -- and you may not be able to answer
9 this, but I understand that this memo that you received
10 from Staff Sergeant Wells was the same memo that you would
11 have -- that would have been received by, at that time,
12 Sergeant Lortie. Do you have any idea about that?

13 **MR. QUINN:** I don't know what Sergeant
14 Lortie would have received.

15 Probably it was kind of like a generic one
16 sent to everybody but ---

17 **MR. STAUFFER:** Okay. Anyway, we won't -- I
18 will move on, Mr. Commissioner.

19 With respect, sir, I just have one last area
20 here.

21 At the time of the Silmsner matter -- and I'm
22 talking about the fall of 1993 -- did a fellow called John
23 Parisien hold a position of President of the Association at
24 that time?

25 **MR. QUINN:** In that time period, yes.

1 **MR. STAUFFER:** Okay. I'm a little confused
2 here and it's, in my view anyway, of some significance.

3 I understood that Mr. O'Reilly was -- you
4 had said earlier that he was President. What time was Mr.
5 O'Reilly President of the Association?

6 **MR. QUINN:** Like I said, somewhere in that
7 period there was a change. Whether it was in the end of
8 '93, early '94 or somewhere in that change, there was an
9 election in the fall of that year, so depending on what
10 happened where, at one point it might have been John
11 Parisien and the other point it was Dan O'Reilly.

12 The point I was talking with Staff Sergeant
13 Derochie, at that time I believe Dan O'Reilly at that point
14 was probably the President of the Association, which would
15 have meant, whatever that date was, John no longer was.

16 **MR. STAUFFER:** Okay. I don't know if you've
17 seen this document or not. It's the report prepared by the
18 officers from the Ottawa Police Service in 1994, in January
19 of 1994, Superintendent Skinner and Staff Sergeant Blake,
20 but it's a report and I -- I just will refer you to it for
21 a moment. You don't have to look at it.

22 Mr. Dunlop -- or sorry, Mr. Blake and Mr.
23 Skinner have written about Mr. Parisien as being the
24 President of the Cornwall Police Association, so that's
25 where I'm getting that information from.

1 **MR. QUINN:** He may well have been when they
2 did their ---

3 **MR. STAUFFER:** Okay. There is some question
4 as to who gave the statement; that is, the Silmsner
5 statement to the media.

6 **MR. QUINN:** Yes.

7 **MR. STAUFFER:** Do you have any information
8 at all as to who gave the statement?

9 **MR. QUINN:** No.

10 **MR. STAUFFER:** If I put it to you directly
11 that John Parisien gave the statement, do you have any
12 information in that regard?

13 **MR. QUINN:** I would say he didn't.

14 **MR. STAUFFER:** All right.

15 Mr. Callaghan had taken you through the "Rae
16 Days" and so on, to some extent, but am I right, Mr. Quinn,
17 back in the '90s and I'm talking specifically there's a
18 report from 1993 which indicates that the Cornwall Police
19 Service, at that time, was the highest paid force in the
20 province?

21 **MR. QUINN:** At some point in there. I don't
22 know what year it was, but, yeah, at some point actually
23 was probably the highest paid in the country.

24 **MR. STAUFFER:** Okay. So in terms of the
25 morale and the problems that are mentioned in these

1 different reports that we've looked at, it's not money is
2 the issue in ---

3 MR. QUINN: No ---

4 MR. STAUFFER: --- terms of morale?

5 MR. QUINN: --- it was not money.

6 MR. STAUFFER: All right.

7 Thank you, sir.

8 Those are all of the questions that I have,
9 Mr. Commissioner.

10 THE COMMISSIONER: Mr. Quinn, we did omit to
11 ask you if you had any recommendations ---

12 MR. STAUFFER: Yes.

13 THE COMMISSIONER: --- that you would like
14 to share with me. You don't have to, but if you have any?

15 MR. QUINN: No.

16 THE COMMISSIONER: No.

17 Mr. Quinn, I would like to thank you for
18 taking the time out to testify here and I certainly will
19 consider your evidence.

20 MR. QUINN: Thank you.

21 THE COMMISSIONER: All right. Thank you.

22 So now I understand we have to take a break.
23 We're going to come back in camera so that we can take care
24 of monikers.

25 And when we come back after that, I'll

1 explain to the public which monikers we've dealt with.

2 All right?

3 Let's take a short break.

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

6 This hearing will resume at 2:50, in camera.

7 --- Upon recessing at 2:37 p.m. to resume in camera/

8 L'audience est suspendue à 14h37 pour reprendre
9 à huis-clos

10 --- Upon resuming at 3:16 p.m./

11 L'audience est reprise à 15h16

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

14 This hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

16 **THE COMMISSIONER:** Thank you.

17 Good afternoon, sir.

18 So we're back on the live web, I guess, and
19 with members of the public, as numerous as they are. So
20 while we were in camera we had a discussion with respect to
21 certain names of witnesses or persons that may have been
22 involved in an investigation, and given the fact that we
23 didn't know exactly, for the majority of them, what their
24 role was here and given that there had not been any prior
25 mention of them, and there's one or two that have ongoing

1 criminal publication bans through their process, out of an
2 abundance of caution, what I've decided to do is provide
3 interim C monikers so that we can ask the constable
4 questions and refer to monikers, and that way I'll be able
5 to determine near the end of this witness whether or not
6 the monikers should be made permanent.

7 So, Officer Malloy, how are you today?

8 **MR. MALLOY:** Fine, sir.

9 **THE COMMISSIONER:** Good.

10 Madam Clerk, will you be swearing in -- yes,
11 thank you.

12 **KEVIN MALLOY, Sworn/Assermenté:**

13 **THE COMMISSIONER:** Thank you.

14 Good afternoon, sir. A few ground rules.
15 There's water and fresh glasses there.

16 **MR. MALLOY:** Thank you.

17 **THE COMMISSIONER:** I would ask you to speak
18 into the microphone. There's a speaker in case you can't
19 hear people. You can either turn the volume up or down,
20 depending on how you want -- oh, and I see that you're on
21 crutches.

22 **MR. MALLOY:** Yes, sir.

23 **THE COMMISSIONER:** So if at any time you
24 need a break or anything like that, just let me know.

25 Please answer the questions as best as you

1 can. If you don't know the answer, that's fine. If you
2 don't understand the question, please stop us right away so
3 that we can make sure that we're all on the same
4 wavelength.

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

6 **THE COMMISSIONER:** Again, if there's
7 anything you feel uncomfortable about, just turn around and
8 ask me and we'll deal with it.

9 **MR. MALLOY:** Thank you, sir.

10 **THE COMMISSIONER:** All right? Thank you.

11 **MR. MALLOY:** Thank you.

12 **THE COMMISSIONER:** Mrs. Jones.

13 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**
14 **JONES:**

15 **MS. JONES:** Good afternoon, Officer Malloy.

16 **MR. MALLOY:** Good afternoon.

17 **MS. JONES:** Officer, I'm just going to lead
18 you through a little bit of your background just to assist
19 and keep the time a little bit more brief.

20 **MR. MALLOY:** Okay.

21 **MS. JONES:** And I understand that you began
22 your career with the Cornwall Community Police Service on
23 January 10th, 1980 when you were a uniformed officer. Is
24 that correct?

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

1 **MS. JONES:** And you remained a uniformed
2 officer, I believe, in Unit D until you transferred to the
3 Youth Bureau on or about January 1st, 1989?

4 **MR. MALLOY:** That's correct.

5 **MS. JONES:** And when you were in uniform, at
6 some point you were actually on the Police Executive. Is
7 that correct as well?

8 **THE COMMISSIONER:** The Association?

9 **MR. MALLOY:** The Association, yes, sir.

10 **MS. JONES:** Yes?

11 **MR. MALLOY:** As an executive -- a director,
12 sorry.

13 **MS. JONES:** A director?

14 **MR. MALLOY:** Yeah.

15 **MS. JONES:** And when you first started at
16 the Youth Bureau, I believe that you started there actually
17 about January 5th. The technical transfer was January 1st,
18 but you actually would have started about January 5th?

19 **MR. MALLOY:** January, after New Year's,
20 sure.

21 **MS. JONES:** After New Year's?

22 **MR. MALLOY:** Yeah.

23 **MS. JONES:** And when you had gone into the
24 Youth Bureau, you were there for approximately five weeks
25 and then you were transferred back to uniform because there

1 were manpower shortages?

2 MR. MALLOY: That's correct.

3 MS. JONES: And then you were back in
4 uniform for about six weeks and then you were transferred
5 back to the Youth Bureau?

6 MR. MALLOY: That's correct.

7 MS. JONES: And you remained there until
8 March 8th, 1993 and you went off on sick leave until May
9 1996?

10 MR. MALLOY: That's correct.

11 MS. JONES: And after May 1996 -- and you'd
12 had, I believe, a surgery or so?

13 MR. MALLOY: Three, yeah.

14 MS. JONES: You were placed as Criminal
15 Court Case Manager in the Crown Attorney's office?

16 MR. MALLOY: That's correct.

17 MS. JONES: And you were assigned to Support
18 Services on the 31st of December 1996?

19 MR. MALLOY: Correct.

20 MS. JONES: And you were a senior constable
21 in a modified work position?

22 MR. MALLOY: That's correct.

23 MS. JONES: And you were assigned to the
24 Court Bureau on the 1st of January 1998 as a senior
25 constable?

1 **MR. MALLOY:** Yeah.

2 **MS. JONES:** And then you became Court Case
3 Manager on the 5th of July 1998 and you have that same
4 position today. Is that correct?

5 **MR. MALLOY:** That's correct.

6 **MS. JONES:** So you're still a full service
7 police officer even though you did bring crutches here
8 today?

9 **MR. MALLOY:** Yes.

10 **MS. JONES:** Okay. Now, just going back to
11 your time, of course, in Youth Bureau, which is the main
12 reason why you're here today is it fair to say if we're
13 just going to describe the purpose or the work of the Youth
14 Bureau at that time is to look at criminal investigations,
15 sexual or physical abuse on children, and sexual
16 allegations made by adults as well?

17 **MR. MALLOY:** That's correct.

18 **MS. JONES:** Is that a good summary of that?

19 **MR. MALLOY:** Well, also all youth crime. We
20 had to go through all the youth court briefs. We also had
21 to serve as court officers for young offender court. We
22 didn't have court officers back then.

23 **MS. JONES:** Okay. But you were assigned
24 specific files that came in the office?

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

1 **MS. JONES:** And they could be allegations
2 made by adults or made by youths?

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

4 **MS. JONES:** And I also understand that we
5 have a document here, Document 200196, which is the career
6 profile of yourself. I believe you would have seen this
7 already but ask that that be entered as an exhibit, please.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 1490 is the case profile of Kevin
10 Malloy.

11 **MS. JONES:** I'm sorry, Mr. Commissioner, was
12 that 1490?

13 **THE COMMISSIONER:** Yes.

14 **MS. JONES:** Thank you.

15 **--- EXHIBIT NO./PIÈCE NO. P-1490:**

16 (200196) - Kevin Malloy Career Profile

17 **MS. JONES:** And I also understand that
18 actually prior to joining the Cornwall Police you had
19 worked for the RCMP?

20 **MR. MALLOY:** That's correct.

21 **MS. JONES:** All right.

22 And how long have you been with the RCMP
23 approximately?

24 **MR. MALLOY:** A little over a year.

25 **MS. JONES:** And what were your duties when

1 you were at the RCMP? Did you have a specialized duty or
2 were you a general police officer?

3 **MR. MALLOY:** Uniform.

4 **MS. JONES:** Uniform. I also noticed too
5 that over the course of your career you've had numerous
6 training courses. I was wondering if I could just go
7 through those briefly for the record.

8 Received training in 01/00 probationary
9 court, constable course; 01/01 probationary constable
10 course, cardio-pulmonary resuscitation; breathalyzer
11 technician course; advanced training course; coach
12 officer's seminar; family violence seminar; breathalyzer
13 technician re-qualification; youth officer course; general
14 investigative techniques; breathalyzer technician
15 requalification and the annual prosecutors course which
16 were training courses provided by CPS counsel.

17 Are those pretty well a summary of the kinds
18 of courses that you were on during your ---

19 **MR. MALLOY:** Can you repeat the last, the
20 training course?

21 **MS. JONES:** Annual prosecutors course.

22 **MR. MALLOY:** Right.

23 **THE COMMISSIONER:** In Brampton.

24 **MS. JONES:** Training course provided by ---

25 **MR. MALLOY:** Well, it was actually in

1 Muskoka.

2 MS. JONES: Muskoka?

3 MR. MALLOY: Yeah.

4 MS. JONES: And were those day-long seminars
5 or was it a longer period of time?

6 MR. MALLOY: No, that was -- I believe it
7 was a three-day or a four-day seminar, yes. That's
8 provincial prosecutors.

9 MS. JONES: Does that fairly summarize the
10 type of training, though, you would have received certainly
11 up until your time, including your time with the Youth
12 Bureau?

13 MR. MALLOY: That's correct.

14 MS. JONES: Now, it would appear that there
15 aren't any specialized sexual assault courses or historical
16 sexual assault courses or child abuse courses. Is that
17 correct?

18 MR. MALLOY: They didn't exist as far as I
19 can remember back then.

20 MS. JONES: So the only assaults course
21 training would be a general assault course. Is that fair
22 to say?

23 MR. MALLOY: It would -- assault, like in
24 the general investigative technique course, they would
25 include -- they would touch on all types of criminal

1 offences, not a specific course on assaults.

2 MS. JONES: Okay. So it would encompass any
3 type of assaults such as domestic assaults and other sorts
4 of assaultive behaviour?

5 MR. MALLOY: That's correct.

6 MS. JONES: What about a mentorship within
7 the Cornwall Police? Was there any sort of a mentorship
8 when you joined where a more senior officer would be taking
9 you around, you were shadowing?

10 MR. MALLOY: Not that I can recall, not when
11 I first got on, no.

12 MS. JONES: And when you were at the Youth
13 Bureau it's my understanding that you and Officer Trottier
14 were the two officers that were there to take in cases at
15 that time?

16 MR. MALLOY: That's correct.

17 MS. JONES: And was it only you and Officer
18 Trottier when you started?

19 MR. MALLOY: In the Youth Bureau?

20 MS. JONES: Yes.

21 MR. MALLOY: That's correct.

22 MS. JONES: I believe his rank was sergeant
23 at that time. is that right?

24 MR. MALLOY: That's right.

25 MS. JONES: And your supervisors appear to

1 be Staff Sergeant Wells and Inspector Trew?

2 MR. MALLOY: That's correct.

3 MS. JONES: And at that time you are a
4 constable; correct?

5 MR. MALLOY: That's correct.

6 MS. JONES: So as far as rank or hierarchy
7 goes it goes constable; next is sergeant; next is staff
8 sergeant and the next is inspector?

9 MR. MALLOY: Yeah.

10 MS. JONES: So you would have been the most
11 junior person then in the Youth Bureau at that time when
12 you started?

13 MR. MALLOY: That's correct.

14 MS. JONES: Now, when you started in the
15 Youth Bureau, what sort of caseload did you have there?
16 How many files were you expected to carry on your own? Do
17 you have a recollection of that?

18 MR. MALLOY: Oh, we were juggling anywhere
19 from 20-25 cases at any given time.

20 MS. JONES: I know it's very hard to cast
21 your mind back to specifics, but were the cases balanced
22 between you and Officer Trottier or would one of you have
23 more of a load or were they about equal?

24 MR. MALLOY: No, I think it was equal share.

25 MS. JONES: And of those say 20 to 25

1 caseloads that you would have, approximately how many of
2 those would have been classified as historical sexual
3 assaults?

4 **MR. MANDERVILLE:** I think, Mr. Commissioner,
5 the term "historical sexual assault" isn't necessarily a
6 term of ours and perhaps Officer Malloy ought to be asked
7 what he viewed as being one.

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

9 **MS. JONES:** Do you know what I mean when I
10 use the phrase "historical sexual assault"?

11 **MR. MALLOY:** Well, that was my -- what's the
12 definition of historic? I mean, I know -- I realize 10-15
13 years ago was historic but to me six months ago could be
14 historic also.

15 **MS. JONES:** Well, how many people then came
16 to you saying that now they were adults and they were
17 saying that as a child these things happened to me?

18 **MR. MALLOY:** Oh, it's hard to say. I'm not
19 -- I mean the caseload fluctuated all the time and when
20 you'd get rid of one you'd get two more.

21 **THE COMMISSIONER:** I know, but did you have
22 any of those?

23 **MR. MALLOY:** Oh, yes, sir. Yeah, I would
24 probably -- I'll say two out of -- would have been
25 historical adults coming, saying that something happened to

1 them when they were younger.

2 **MS. JONES:** So most of your caseload would
3 have been more current sexual assaults, for want of a
4 better term, rather than what we are terming here at the
5 Inquiry the "historical sexual assault" situation?

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

7 **MS. JONES:** And just to be clear too, if
8 something happens to someone as a youth i.e. they're an
9 adult now saying, "This happened to me when I was younger"
10 this is why it comes to the Youth Bureau; correct?

11 **MR. MALLOY:** As far as sexual assaults?

12 **MS. JONES:** Yes.

13 **MR. MALLOY:** We got them all.

14 **MS. JONES:** You got all the sexual assaults?

15 **MR. MALLOY:** All of them.

16 **MS. JONES:** Whether it would happen when
17 they were youths ---

18 **MR. MALLOY:** It doesn't matter, yeah.

19 **MS. JONES:** --- or not?

20 **MR. MALLOY:** Yeah, yeah.

21 **MS. JONES:** Now, when you first started at
22 the Youth Bureau were there any policies in place? Was
23 there a binder on the shelf outlining guidelines or any
24 sort of office procedures manual of any sort for you to
25 refer to?

1 **MR. MALLOY:** Well, there would be policies
2 and procedures. It would be standard with every police
3 service and when you had a -- but specific to sexual
4 assaults I don't recall reading any protocols.

5 **MS. JONES:** I am talking about something
6 specific to sexual assaults.

7 **MR. MALLOY:** Yeah.

8 **MS. JONES:** And specifically historical
9 sexual assaults even.

10 **MR. MALLOY:** Yeah.

11 **MS. JONES:** So there was no -- there's
12 nowhere you could go -- as I say a binder on the shelf that
13 you would pull down to say this is the process I'm supposed
14 to go through?

15 **MR. MALLOY:** Not that I can recall, no.

16 **MS. JONES:** And because you were new to the
17 Youth Bureau, am I correct in assuming that if you had a
18 question that the first place you would go to would be your
19 colleagues, and I'm specifically meaning Officer Trottier,
20 Staff Sergeant Wells, Inspector Trew?

21 **MR. MALLOY:** Not necessarily. I mean, if I
22 had a legal question I would be going to the Crown Attorney
23 for the legal advice.

24 **MS. JONES:** Fine, but what if you had a
25 procedural question. What would be the next step in your

1 investigation, more police operational questions?

2 MR. MALLOY: M'hm.

3 MS. JONES: I'm assuming that the first
4 place you would go to would be your colleagues.

5 MR. MALLOY: Oh, true, sure, the sergeant or
6 the staff sergeant, sure.

7 MS. JONES: When you use the word "true" do
8 you mean that's correct or Inspector Trew?

9 MR. MALLOY: Oh, I'm sorry, yeah, that's
10 correct. No, no, no, not Inspector Trew.

11 MS. JONES: But when you would be working
12 operationally there would be times if there are only two of
13 you there that Trottier would not be on duty and you would
14 be on duty?

15 MR. MALLOY: That's correct.

16 MS. JONES: Would that be correct? So if
17 that was the case, you would go either to Staff Sergeant
18 Wells or Inspector Trew?

19 MR. MALLOY: That's correct.

20 MS. JONES: And they certainly made
21 themselves known to you that they were available to you for
22 questions?

23 MR. MALLOY: Oh, yes. Yeah.

24 MS. JONES: And the same with Officer
25 Trottier?

1 **MR. MALLOY:** Yes and they certainly made
2 themselves known to you that they were available to you for
3 questions?

4 **MR. MALLOY:** Oh, yes. Yeah.

5 **MS. JONES:** And same with Officer Trottier?

6 **MR. MALLOY:** Yes.

7 **MS. JONES:** And was it a practise -- I mean
8 you were there for a few years, was it a practise for the
9 sort of the new kid on the block to get some sort of
10 initiation into this is the procedure, this is where you
11 put the files, this is where the office way that we handle
12 things.

13 Was there any of that sort of a dialogue?

14 **MR. MALLOY:** I would say yes. I quickly
15 learned that with the case load that we had you made a file
16 folder for each file and kept it out to keep working on it.

17 Other than that, I mean there wasn't much --
18 -

19 **THE COMMISSIONER:** What about OMPPAC?

20 OMPPAC was ---

21 **MR. MALLOY:** In July of '89 I believe OMPPAC
22 came online.

23 **THE COMMISSIONER:** All right.

24 So were you given any directives on what to
25 do with OMPPAC?

1 **MR. MALLOY:** Training, yes, sir. Yeah.

2 **THE COMMISSIONER:** So was there a directive
3 that you had to update OMPPAC every 30 days or anything
4 like that?

5 **MR. MALLOY:** Well, when we were given a
6 follow up there was a 30-day diary date.

7 **THE COMMISSIONER:** Yes.

8 **MR. MALLOY:** And if you went over the 30
9 days, if memory serves me, it would highlight on your
10 screen to show that it was overdue.

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

12 **MR. MALLOY:** And that would require a
13 supplement to the staff sergeant to request an extension.

14 **THE COMMISSIONER:** M'hm. So was it your
15 practise to type in or have someone type in your reports
16 into OMPPAC or were you just keeping them in files at that
17 time, in 1990?

18 **MR. MALLOY:** Well, we'll soon learn that I -
19 - there was a few of them I forgot to put in but my
20 practise was to do supplements and ---

21 **THE COMMISSIONER:** Okay. I'm getting it.

22 **MR. MALLOY:** --- keep them online.

23 **THE COMMISSIONER:** All right.

24 Sorry, Ms. Jones, go ahead.

25 **MS. JONES:** Okay. The OMPPAC was

1 implemented July 1989. Now you started in January, 1989 so
2 it was before OMPPAC had actually started. Are you able to
3 describe just briefly what would have been the procedure
4 before OMPPAC for you when you were opening up a new file?

5 **MR. MALLOY:** As far as paperwork?

6 **MS. JONES:** Yes.

7 **MR. MALLOY:** There were carbon copies. I
8 think there were four or five hard copies in the general
9 occurrence report or the supplement report. Actually every
10 report was carbon copied.

11 **MS. JONES:** And what about the 30-day check,
12 how was that implemented? Did you have a 30-day check?

13 **MR. MALLOY:** I'm trying -- I mean, I'm
14 trying to remember how it worked now. I remember if you'd
15 put a supplement report in you'd give it -- you'd hand it
16 in; it would get approved and you'd get a copy back from
17 the staff sergeant with a date on it with a diary date
18 written on the bottom of it.

19 **MS. JONES:** And then you'd have to put that
20 date in your diary for the 30-day checkup?

21 **MR. MALLOY:** Well, you'd try to, sure.

22 **MS. JONES:** And -- well, put it this way,
23 was that supposed to be the procedure ---

24 **MR. MALLOY:** That was supposed to be the ---

25 **MS. JONES:** --- that you put that 30-day

1 mark in your diary?

2 MR. MALLOY: It was supposed to be the
3 procedure.

4 MS. JONES: And when that 30 days came up
5 then that was your reminder that you had to see what was
6 happening on that file?

7 MR. MALLOY: M'hm. That's correct, yeah.

8 MS. JONES: If you didn't happen to put it
9 in your diary, for example, or you missed the 30 days for
10 whatever reason, is it correct that the staff sergeant then
11 would have to remind you, you know, "hey, this 30 days is
12 past with the update"?

13 MR. MALLOY: That would be the procedure,
14 yes.

15 MS. JONES: And was it -- I use the example
16 staff sergeants but was it the staff sergeant's
17 responsibility or was it also the inspectors or who was
18 responsible for the follow up?

19 MR. MALLOY: No, I would hand my reports in
20 to the staff sergeant.

21 MS. JONES: Had there ever been a time where
22 say the staff sergeant was on holidays or perhaps ill or
23 working somewhere else that the inspector would come by and
24 say "I notice this 30 days has gone up"?

25 MR. MALLOY: It's possible. I don't -- I

1 don't recall incidents of that but it's possible, sure.

2 **MS. JONES:** Now, I'm going to focus my next
3 set of questions on the Lalonde investigation. And the
4 first area that I'm going to canvass has to do with the
5 person that's now been assigned the moniker C-57.

6 And I'll refer you to document 734873.

7 **MR. MALLOY:** I'm sorry; could you repeat
8 that number for me?

9 **THE COMMISSIONER:** Just a second.

10 **MR. MALLOY:** Oh, sorry.

11 **THE COMMISSIONER:** We're going to give you
12 the document.

13 **MR. MALLOY:** Sorry.

14 **THE COMMISSIONER:** Thank you.

15 So would these be your notes, sir? Is this
16 a copy of your notes?

17 **MR. MALLOY:** Yes, sir, they are.

18 **THE COMMISSIONER:** All right.

19 So Exhibit 1491 are Officer Malloy's notes,
20 or a portion of them, and the top date -- the date at the
21 top of the page is the 10th of January, 1989.

22 --- **EXHIBIT NO./PIECE NO. P-1491:**

23 (734873) - Kevin Malloy Notes of Kevin
24 Malloy dated 10 Jan 89

25 **MS. JONES:** Yes, I can say that the BP page

1 that shows that date is 7136759.

2 THE COMMISSIONER: M'hm.

3 MS. JONES: These particular notes, Officer
4 Malloy, are in your handwriting?

5 MR. MALLOY: They are.

6 MS. JONES: And I take it this is the
7 summary of a meeting that you had with C-57. And I
8 understand he would have come in the office to meet with
9 you. Is that ---

10 MR. MALLOY: That's correct.

11 MS. JONES: --- what you glean from these
12 notes?

13 MR. MALLOY: That's correct, yeah.

14 MS. JONES: Do you recall if this was the
15 first time that you'd ever met with C-57?

16 MR. MALLOY: I believe it was.

17 MS. JONES: Now, you started work at the
18 Youth Bureau approximately the 5th of January. This is the
19 10th of January of the same year. This is likely your first
20 historical sexual assault in what we classify as a
21 historical sexual assault?

22 MR. MALLOY: I'd be safe to say it was my
23 first sexual assault.

24 MS. JONES: First sexual assault that just
25 happens to be a historical one?

1 **MR. MALLOY:** Investigating, sure.

2 **MS. JONES:** And in this particular document,
3 it's pretty clear that C-57 is making an allegation of
4 sexual assault against a person by the name of Marcel
5 Lalonde?

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

7 **MS. JONES:** And it appeared that Mr. Lalonde
8 was a person that he met through a theatre or a production
9 company but Mr. Lalonde was also a school teacher at a
10 neighbourhood school.

11 Is that your understanding?

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

13 **MS. JONES:** Now, this is clearly again in
14 your handwriting. And there doesn't seem to be any
15 discussion about a statement prepared by C-57 say that he
16 brought in with him at that particular point.

17 Is that right?

18 **MR. MALLOY:** It's not mentioned in the
19 notes, no.

20 **MS. JONES:** No.

21 Now, if I just refer you to document number
22 734871.

23 Have you got that in front of you?

24 **THE COMMISSIONER:** Just a second.

25 This is a new document?

1 MS. JONES: Yes.

2 THE COMMISSIONER: All right.

3 And this is Exhibit 1492 is a statement of -

4 --

5 MS. JONES: C-57.

6 THE COMMISSIONER: --- C-57. Right. And
7 it's dated -- there's no date.

8 MS. JONES: No, there's no date on it.

9 THE COMMISSIONER: All right.

10 --- EXHIBIT NO./PIÈCE NO. P-1492:

11 (734871) - Kevin Malloy Witness

12 Statement - C-57 to CPS

13 MS. JONES: The first page that we're
14 referring to, by the way, has a BP number 7136753.

15 Is this statement of the witness, C-57, the
16 same person that you met with on the 10th of January 1989?
17 Are they one in the same person?

18 MR. MALLOY: They are, yes.

19 THE COMMISSIONER: Now, this statement --
20 and I'm referring to document -- Exhibit 1492 -- is
21 undated.

22 Now, do you have any sort of recollection
23 when approximately this statement would have been prepared,
24 Officer Malloy?

25 MR. MALLOY: No. It wouldn't have been

1 prepared in my presence because it would have been dated
2 and timed and each page would be signed.

3 I can't recollect if he was given blank
4 statements and told to write them out and bring them back
5 in again and whether that was by me or the uniformed
6 officer that took the initial complaint.

7 **MS. JONES:** Now, how are you able to say
8 that there was a uniformed officer involved?

9 **MR. MALLOY:** I'm sorry?

10 **MS. JONES:** How are you able to say there
11 was a uniformed officer involved? Is that the process that
12 would happen?

13 **MR. MALLOY:** That's correct, yeah.

14 **MS. JONES:** Now, is it best practise for
15 police to just hand witness statement -- blank sheets of
16 paper to a witness and have them go off and write it and
17 come back later?

18 **MR. MALLOY:** Not normally, but sometimes
19 when it's -- when they're historical, like you'd kind of
20 interview them and get them to jog their memory and tell
21 them what you need, things in chronological order and
22 sometimes they'd be told to go home and relax and try to
23 put everything that they can remember in the order that
24 they remember it happening.

25 **MS. JONES:** I'm looking at your best

1 practice though. Remember; this is your first historical,
2 so it's hard for you to say this is what happens ---

3 MR. MALLOY: M'hm.

4 MS. JONES: --- when this is your very first
5 one.

6 MR. MALLOY: My best practice would be to do
7 the statement with the witness.

8 MS. JONES: And it was clear in your meeting
9 with C-57 on the 10th of January, '89, anyway, that he
10 wanted to proceed with this allegation against Mr. Lalonde;
11 correct?

12 MR. MALLOY: That he wanted to proceed with
13 it?

14 MS. JONES: Yes.

15 THE COMMISSIONER: Well, how did it come
16 about that you met this person?

17 MR. MALLOY: He filed a complaint with the
18 Uniform Division. so when I spoke to him, he came in and
19 met with me and he was of the opinion that he wanted it
20 investigated.

21 MS. JONES: Okay. So he did want to proceed
22 with the complaint then?

23 MR. MALLOY: Yes. Yeah.

24 MS. JONES: And when the initial disclosure
25 to you was made on the 10th of January, '89, it's fair to

1 say -- again, there's no reference to the notes. It would
2 appear, if you're looking for a chronological event here,
3 that the statement, which is Exhibit 1492, was made
4 following your meeting with him on January 10th.

5 **MR. MALLOY:** I can't say that for sure. I'm
6 not sure when I got the copy of the statement.

7 **MS. JONES:** When you do get copies of
8 statements, is it not your practice to look them over and
9 make sure they're complete, dated, signed and that sort of
10 thing?

11 **MR. MALLOY:** Yeah -- no, I would go over it
12 with the witness or the victim.

13 **MS. JONES:** And fill in any blanks perhaps?

14 **MR. MALLOY:** Or ask clarification questions
15 at the end; that's correct, yeah.

16 **MS. JONES:** So wouldn't it be natural that
17 one of those questions would be the date of the statement?

18 **MR. MALLOY:** Yes.

19 **MS. JONES:** Now, when C-57 first met with
20 you then on the 10th of January, you'll agree with me there
21 are a few details that he gave surrounding circumstances of
22 the assault, not just necessarily the assault itself, but
23 the circumstances surrounding it; correct?

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

25 **MS. JONES:** And one of them, for example,

1 was this Glenn Productions. It's a theatre group at a
2 school or something like that, and that's actually where he
3 met Mr. Lalonde. Do you recall that?

4 **MR. MALLOY:** It's a community playhouse, not
5 a school-based ---

6 **MS. JONES:** All right.

7 Or I mean perhaps the rehearsals were at the
8 school or -- in any event, it was a theatre -- a community
9 theatre group.

10 **MR. MALLOY:** It is, yes.

11 **MS. JONES:** And it's also true that C-57 had
12 named other people within that statement to you on the 10th
13 of January; correct?

14 **THE COMMISSIONER:** Well, can you ---

15 **MR. MALLOY:** That's correct, yeah.

16 **MS. JONES:** For instance, I'm looking at the
17 first page -- and by the way, I don't know if your counsel
18 has advised you or not, but instead of referring to things
19 like page 1, page 2, there's a small number up at the left-
20 hand side that's unique to each page.

21 **MR. MALLOY:** Okay.

22 **MS. JONES:** So instead of me saying page 1
23 and page 2, I'm actually going to be using that small ---

24 **MR. MALLOY:** Okay.

25 **MS. JONES:** --- page number there and it's

1 called a BP number ---

2 MR. MALLOY: Okay.

3 MS. JONES: Okay? So on this first page or
4 BP number 7136759, for instance, in the second paragraph
5 there's a name there that we have actually attached a
6 moniker of C-60. Do you see that?

7 MR. MALLOY: I do.

8 MS. JONES: "C-60 had been visiting him..."

9 MR. MALLOY: That's correct.

10 MS. JONES: Correct?

11 MR. MALLOY: Yes, yeah.

12 MS. JONES: And there's also another name,
13 for instance, on the second-last page which is BP number
14 7136762, and again the second paragraph:

15 "Culprit, at the time, was tending bar
16 at Jack Lee's...

17 Which is another place.

18 "...a couple of years later. Victim
19 worked at Jack Lee's with..."

20 And we've attached a moniker for that person as C-59. So
21 you see that name is mentioned there as well; correct?

22 MR. MALLOY: I do.

23 MS. JONES: And as I just stated a moment
24 ago, he mentioned a bar at Jack Lee's and on the last page,
25 BP number 7136763, it's stated that Mr. Lalonde is

1 currently teaching at Bishop MacDonnell.

2 MR. MALLOY: That's correct.

3 MS. JONES: So there were a few places and a
4 few names that were named in that initial interview.
5 Another one was KAV, K-A-V Productions.

6 MR. MALLOY: That's correct.

7 MS. JONES: Another one. And there are also
8 some addresses given there as well. For example, the
9 culprit had moved to Millville Avenue, and that's on the
10 second-last page too ---

11 MR. MALLOY: M'hm.

12 MS. JONES: --- 7136762, about halfway down
13 the page. Do you see that?

14 MR. MALLOY: Yes, I do. Yeah.

15 MS. JONES: Now, the notes end, basically,
16 there. I don't see any follow-up on any of those
17 particular individuals at this particular time. Did you do
18 any follow-up on them?

19 MR. MALLOY: Yes, I did.

20 MS. JONES: Yes? Okay. Now, could you
21 describe the actual assault allegation that C-57 was making
22 against Mr. Lalonde? Can you -- can you categorize what it
23 was that he was saying that Mr. Lalonde did to him?

24 MR. MALLOY: That he performed fellatio.

25 MS. JONES: Can you describe the

1 circumstances leading up to that?

2 **MR. MALLOY:** It was after -- well, according
3 to the notes, it was after -- it was a crew party after the
4 play. Went back to Lalonde's house and there was some
5 alcohol consumed and that's when Lalonde asked the victim
6 to "drop your pants" and he just wanted to look, basically,
7 and the victim finally agreed and took off his trousers and
8 underwear and sat on the couch. Then the -- Lalonde moved
9 beside him on the couch; began fondling him. The victim
10 removed underwear at his request but with reservations and
11 not without protest.

12 **THE COMMISSIONER:** Okay. Do we need to get
13 all ---

14 **MS. JONES:** No, but ---

15 **THE COMMISSIONER:** Do we want to get all
16 this on the record or ---

17 **MS. JONES:** No, no, that's fine.

18 **THE COMMISSIONER:** Okay.

19 **MS. JONES:** When this is all happening --
20 I'll call that sort of assault number one, shall we say,
21 right after the -- right after the party, there are a
22 couple of important facts. First of all, isn't it true
23 that ---

24 **MR. MANDERVILLE:** Since no charges were
25 proceeded with, I think it's a bit presumptuous to call it

1 assault number one. Why don't we call it complaint number
2 one?

3 MS. JONES: So with respect to complaint
4 number one, C-57 had actually said "no" several times to
5 Mr. Lalonde, according to C-57?

6 MR. MALLOY: According to him, yeah.

7 MS. JONES: Yeah. And you say that there
8 was alcohol involved, but C-57 made a point several times
9 in the statement that he was actually heavily intoxicated.

10 MR. MALLOY: One night, quite intoxicated --

11 -

12 MS. JONES: Yes.

13 MR. MALLOY: --- according to him, yes.

14 MS. JONES: Okay. And -- but he made some
15 complaints of a sexual nature actually of Mr. Lalonde
16 effecting on him on that evening.

17 MR. MALLOY: That's correct.

18 MS. JONES: And with respect to complaint
19 number two, which he's saying happened about two weeks
20 later, the actions were of a similar nature?

21 MR. MALLOY: That's correct, yes.

22 MS. JONES: Okay. And again, it was not
23 something that was particularly wanted by C-57?

24 MR. MALLOY: No, it wasn't. Well, he did it
25 voluntarily.

1 MS. JONES: Well ---

2 MR. MALLOY: He may have been under the
3 influence of alcohol, but ---

4 MS. JONES: Well, heavily intoxicated?

5 MR. MALLOY: Well, that's ---

6 MS. JONES: What he says.

7 MR. MALLOY: --- his words, yes.

8 MS. JONES: Okay.

9 MR. MANDERVILLE: Mr. Commissioner, I'm not
10 sure that the purpose of this is to reinvestigate or carry
11 out a reinvestigation, and I appreciate this is -- my
12 friend is coming in fairly early on and has recently
13 joined. No, we don't get into this and I would suggest we
14 not.

15 THE COMMISSIONER: Is there a reason to --

16 -

17 MS. JONES: There is actually, Mr.
18 Commissioner.

19 THE COMMISSIONER: Yes.

20 MS. JONES: Yes.

21 THE COMMISSIONER: Which is?

22 MS. JONES: Just to see the pattern of
23 behaviour of the complaints and the complainants and to see
24 that there's common denominators.

25 THE COMMISSIONER: Okay. Well, lead him a

1 little bit, you know, "On the first complaint there was
2 alcohol."

3 MS. JONES: Okay.

4 THE COMMISSIONER: "This is what they did."
5 Let's speed it up a little.

6 MS. JONES: That's fine.

7 THE COMMISSIONER: Thank you.

8 MS. JONES: So would it also be true that
9 with these particular complaints that there was what I
10 would categorize "a bit of intimidation", in that Mr.
11 Lalonde did not wish -- this is all according to C-57's
12 version -- that Mr. Lalonde did not want him to tell
13 anybody about it.

14 MR. MALLOY: That's correct.

15 MS. JONES: And there is also a time where
16 Mr. Lalonde -- according to C-57 -- wanted to take pictures
17 of C-57?

18 MR. MALLOY: Yes. Yes, I believe so.

19 MS. JONES: I'm referring specifically to --
20 -

21 MR. MALLOY: Seven sixty-one (761)?

22 MS. JONES: --- Exhibit 1492. I'm on the
23 second last page, which is BP 7136756.

24 I'm right at the top of that page.

25 MR. MALLOY: Yes.

1 **MS. JONES:** And that he talked about a photo
2 album.

3 **MR. MALLOY:** Yes.

4 **MS. JONES:** Okay. And in the photo album
5 there were nude males; correct?

6 **MR. MALLOY:** According to him, yes.

7 **MS. JONES:** According to C-57?

8 **MR. MALLOY:** Yes.

9 **MS. JONES:** Then the description of other
10 possible people involved in what happened is discussed now
11 at that particular point in the statement.

12 And you recall in the handwritten notes,
13 which is Exhibit 1491, at a certain point in the statement,
14 C-57 said he remembers a couple of other young fellows that
15 he'd be able to recognize them in a yearbook picture.

16 Do you recall that?

17 **MR. MALLOY:** That's correct.

18 **MS. JONES:** And he said they were now
19 attending a certain school.

20 Now, in the handwritten statement of C-57,
21 Exhibit 1492, on the very last page, which is BP 7136757, -
22 - the very last paragraph of that states:

23 "While viewing a yearbook at the police
24 station I identified the two boys I had
25 seen at Marcel's as previously

1 mentioned."

2 Do you see ---

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

4 **MS. JONES:** --- that paragraph?

5 **MR. MALLOY:** Yes.

6 **MS. JONES:** So just the way that that's
7 described, it appears, to me anyway, that this statement,
8 which is Exhibit 1492, was clearly written after you'd met
9 with him on the 10th of January '89.

10 **MR. MALLOY:** I can't -- I'm sorry; but I
11 can't confirm that. I don't know the sequence of events.

12 **MS. JONES:** You do have yearbooks though at
13 the police station for people to look at?

14 **MR. MALLOY:** We do, yes.

15 **MS. JONES:** And, as I say, there seems to be
16 a difference between him saying, "I could identify those in
17 the yearbook" and then it seems by the time he writes this
18 statement, whatever date that is, he has actually
19 identified two in the yearbook.

20 **MR. MALLOY:** And in the handwritten notes is
21 it -- says he could identify them?

22 **MS. JONES:** Yes.

23 I'll refer you to the fourth page, which is
24 BP 7136762.

25 **MR. MALLOY:** Oh, yes.

1 **MS. JONES:** It's halfway down:

2 "Can identify..."

3 **MR. MALLOY:** Yeah. I'm sorry; I just found
4 it, yeah.

5 **MS. JONES:** Okay.

6 So it says there:

7 "Can identify them through yearbook
8 pictures."

9 And then it says, on Exhibit 1492:

10 "I have identified them now looking at
11 yearbook pictures at the police
12 station."

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

14 **MS. JONES:** So it would seem that he had
15 done that in between the handwritten notes and this
16 handwritten statement.

17 Would you agree with me on that?

18 **MR. MALLOY:** Well, it would make -- I can't
19 confirm that, but it makes sense that -- he's telling me
20 here that he could identify them and then here he's saying
21 that he can identify them.

22 **THE COMMISSIONER:** No, that he did identify
23 them.

24 **MR. MALLOY:** That he did identify them.

25 **MS. JONES:** Yes, he says,

1 "I identified the two boys..."

2 MR. MALLOY: Yes, right.

3 MS. JONES: "...I had seen."

4 MR. MALLOY: Sorry, yeah.

5 MS. JONES: So presuming that this statement
6 was written after you had met with him on the 10th of
7 January '89, in any event, you would have seen this
8 statement at some point; correct?

9 MR. MALLOY: That's correct, yes.

10 MS. JONES: And you'll agree with me that
11 the date's missing but a lot of other information is really
12 missing too, such as, who were those two people he
13 identified?

14 MR. MALLOY: That's correct.

15 MS. JONES: Now, do you know who those two
16 people are? Do you have any independent recollection of
17 that?

18 MR. MALLOY: I believe their names are on
19 the ---

20 MS. JONES: Can you identify them with --
21 using the monikers?

22 THE COMMISSIONER: Do you have the -- does
23 he have a monikers list, Madam Clerk?

24 Well, just give him the last one, there.

25 Where did we start? What were the numbers

1 we gave to the first ---

2 MS. JONES: Fifty-seven (57) was the first.

3 THE COMMISSIONER: Here, Madam Clerk, here.

4 Just go like this, here.

5 Here, show him these.

6 MS. JONES: I have another list that I could

7 perhaps ---

8 THE COMMISSIONER: It's okay. It's okay.

9 MS. JONES: ---provide.

10 THE COMMISSIONER: Let's just keep going.

11 There you go; he has it now.

12 MS. JONES: Okay.

13 THE COMMISSIONER: So you've been given a
14 list of certain monikers, numbers beside -- C-something
15 beside the names of the people that are relevant to your
16 testimony.

17 MR. MALLOY: Yes, sir.

18 THE COMMISSIONER: Out of that list, can you
19 recognize the two names -- and not giving me the names, of
20 course; give me the monikers -- of the two boys that would
21 have been identified in the yearbook?

22 MR. MALLOY: I believe one was IC-65, and
23 I'm pretty sure the other one was IC-63.

24 MS. JONES: I also have another document I
25 could use to maybe assist you as well. Monikers have all

1 been attached to these names as well Mr. Malloy.

2 And I'm referring to document 734870 and
3 that is in the cross-examination materials.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit number 1493 is called a project name
6 index and the occurrence number is 9618/88.

7 **--- EXHIBIT NO./PIÈCE No. P-1493:**

8 (734870) - Kevin Malloy - CPS Project
9 Name Index

10 **MS. JONES:** I don't know if Exhibit 1493
11 helps you at all?

12 **MR. MALLOY:** Yes, it does. Yeah.

13 **MS. JONES:** Okay.

14 **THE COMMISSIONER:** So ---

15 **MS. JONES:** So this document, I believe, is
16 written by yourself?

17 **MR. MALLOY:** It is, yes.

18 **MS. JONES:** And it lists people that are
19 identified with the Lalonde investigation at this
20 particular stage. Is that right?

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

22 **MS. JONES:** Okay.

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

24 **THE COMMISSIONER:** Okay. So are we waiting
25 for a question or ---

1 **MS. JONES:** I'm just waiting to clarify
2 something.

3 **MR. MALLOY:** No, I'm trying to --

4 **MS. JONES:** If it's of no assistance then
5 that's fine. I just wondered if that was any help to you.

6 **MR. MALLOY:** Well, I'm just -- if -- could I
7 take two seconds, Your Honour, and just read this?

8 I don't know -- the one name may be one of
9 the ones that was identified in the yearbook but I can't
10 remember if he ---

11 **THE COMMISSIONER:** Take your time.

12 **MR. MALLOY:** If this person told me or ---

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

14 **THE COMMISSIONER:** So the answer is, you
15 don't know?

16 **MR. MALLOY:** I don't know, sir, no.

17 **THE COMMISSIONER:** Thank you.

18 **MS. JONES:** Okay. Now, when you were doing
19 further investigation then on this -- we have this brief
20 document 1493. We're missing, obviously, a lot of notes, I
21 would presume, from some of your other contact you've had
22 with people. But does 1493 pretty well summarize the notes
23 that you have to correspond to any follow-up that you did?

24 **MR. MALLOY:** No, I took statements off these
25 people.

1 **MS. JONES:** Correct. But I'm just saying,
2 with respect to follow-up, to keep yourself up to date --
3 because these are little notations.

4 **MR. MALLOY:** Yes.

5 **MS. JONES:** Is that the only -- that's the
6 only stuff that we have right now, is it not?

7 **MR. MALLOY:** I believe so, and I haven't
8 seen anything further.

9 **MS. JONES:** All right.
10 Now, you said that you also did some
11 statements?

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

13 **MS. JONES:** All right.
14 And I believe that you interviewed C-58?

15 **MR. MALLOY:** IC-58? Yes, that's correct.
16 Yeah.

17 **MS. JONES:** Correct? And what was your
18 involvement with C-58? Did you go to him and get a
19 statement from him for example?

20 **MR. MALLOY:** No, this fellow came to the
21 office.

22 **MS. JONES:** All right. And ---

23 **MR. MALLOY:** And --

24 **MS. JONES:** I'm sorry?

25 **MR. MALLOY:** No, go ahead, sorry.

1 **MS. JONES:** I'm looking at a document here,
2 734886.

3 **MR. MALLOY:** Yes.

4 **MS. JONES:** You have it there in front of
5 you?

6 **MR. MALLOY:** Yes, I do.

7 **THE COMMISSIONER:** Wait a minute; wait a
8 minute.

9 Just close the book that you have and just
10 refer to the exhibits as they come in, okay, sir?

11 **MR. MALLOY:** Okay, sir.

12 **THE COMMISSIONER:** So that way we'll know
13 that we're looking at the same thing.

14 **MR. MALLOY:** Okay, sir.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit Number 1494 is a document dated
17 April 21st, 1989 starting with "Your Honour". Okay.

18 **---EXHIBIT NO./PIÈCE NO. P-1494:**

19 (734886) - Kevin Malloy Statement of C-
20 58 dated April 21, 1989

21 **MS. JONES:** And is that the statement that
22 was provided to you from C-58?

23 **MR. MALLOY:** This was the statement. I
24 spoke to this fellow. He wanted nothing. He was not
25 emotionally ready to proceed with anything.

1 **MS. JONES:** Is that your recollection of it?

2 **MR. MALLOY:** That's fact. It's not
3 recollection. I remember him saying he didn't want to
4 proceed with this, but he would write me a letter because
5 it would make him feel better. And why he titled it "Your
6 Honour", I have no idea but ---

7 **THE COMMISSIONER:** Out of respect for you,
8 sir.

9 **MS. JONES:** Would you agree with me that
10 there is quite a similarity between the assault -- the
11 sexual assault complained of effected on him by Mr.
12 Lalonde, similar to that of C-57?

13 **MR. MALLOY:** Similarities. One thing that I
14 do note is that this person never mentions Marcel Lalonde's
15 name in statement.

16 **MS. JONES:** Okay.

17 **MR. MALLOY:** But I knew that's what we were
18 talking about.

19 **MS. JONES:** And also too it would appear
20 that C-58 was also intoxicated at the time?

21 **MR. MALLOY:** Yes.

22 **MS. JONES:** And it would also be fair to say
23 that there was also, according to C-58, a request by Mr.
24 Lalonde not to talk about this with people? Did you get
25 that impression from C-58 when you were talking to him?

1 **MR. MALLOY:** No.

2 **MS. JONES:** No. Okay.

3 Now, I understand you also talked to someone
4 else as well about the allegations?

5 **MR. MALLOY:** That's correct.

6 **MS. JONES:** Specifically C-60 and, again, I
7 refer to Exhibit 1493. And what was your understanding
8 from speaking with him? What was your understanding
9 speaking with him would be?

10 **MR. MALLOY:** He was quite verbal. That he
11 knew what Mr. Lalonde was but didn't want to be involved in
12 the process at all.

13 **MS. JONES:** Did he describe something that
14 would have warranted being classified as an historical
15 sexual assault?

16 **MR. MALLOY:** I did get a statement from him.

17 **MS. JONES:** Pardon me?

18 **MR. MALLOY:** I said I did get a statement
19 from him but he didn't want to be involved in the process
20 whatsoever, and he was quite verbal about that.

21 **MS. JONES:** But did he describe to you or
22 provide you with information that would classify what he
23 was describing as an historical sexual assault?

24 **MR. MALLOY:** I would have to read the
25 statement over again.

1 **MS. JONES:** I just would like to refer you
2 again to 1493 to look at the phrase that you wrote down
3 beside C-60's name. It stated there that no statement was
4 given.

5 **THE COMMISSIONER:** So what it says is on
6 January 9th, '89, you spoke with the gentleman in question:
7 "Lured to culprit's house by alcohol.
8 Woke up. Culprit performing copulation
9 on him. No statement given. Reluctant
10 to provide a lot of details. Refuses
11 to testify."

12 **MR. MALLOY:** That's correct, sir.

13 **THE COMMISSIONER:** All right.

14 So do you know of a statement that you took
15 other than here?

16 **MR. MALLOY:** I thought for sure I took a
17 statement from him, eventually.

18 **MS. JONES:** Okay.

19 **MR. MALLOY:** I stand to be corrected but I'm
20 sure I did.

21 **THE COMMISSIONER:** Do we have a copy of the
22 statement? No. Okay.

23 **MS. JONES:** With respect to C-61, which is
24 the next person here, it says basically to call him back.

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

1 **MS. JONES:** No specific date.

2 **MR. MALLOY:** I called his mother and he was
3 away. He was at university.

4 **MS. JONES:** M'hm.

5 **MR. MALLOY:** And I asked her to have him
6 call me when he got back. My memory is that he was in
7 exams and it was not prudent to bother him at that time.

8 **MS. JONES:** Now, who was this person? Was
9 this a possible victim as well or was he a witness or what
10 was your understanding?

11 **MR. MALLOY:** I didn't know. It was just a
12 name.

13 **MS. JONES:** And you don't have any further
14 information on that?

15 **MR. MALLOY:** No, I never -- my best -- I
16 never interviewed this person.

17 **MS. JONES:** And with respect to the next
18 entry, which is C-58, that we just talked about briefly,
19 you stated here you spoke with C-58. He was passed out at
20 the accused's house, fully clothed. Woke up. Pants had
21 been removed. Accused told him he had performed fellatio;
22 correct?

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

24 **MS. JONES:** Okay. Then we have another name
25 here that we've monikered, C-62. Is this a witness or is

1 this also an alleged victim?

2 MR. MALLOY: I didn't know. These people, I
3 couldn't find them. The following three names, I couldn't
4 locate them.

5 MS. JONES: So, we've got C-62, that's
6 followed by C-63 and followed by C-64. The area is blank
7 beside their names so that means you didn't contact them?

8 MR. MALLOY: I couldn't find them.

9 MS. JONES: The very last person on your
10 list is C-65. And here you stated that you interviewed him
11 on January 23rd, 1989. No assaults or attempts took place
12 with this person; was aware of his sexual preferences.
13 Presumably you mean Lalonde's sexual preferences?

14 MR. MALLOY: That's correct.

15 MS. JONES: Okay. And there was no other
16 dealings that you had at that point with that person?

17 MR. MALLOY: No, he almost passed out on me.
18 He didn't want to speak to me at all.

19 THE COMMISSIONER: Passed out out of
20 nervousness as opposed to being intoxicated or ---

21 MS. JONES: Oh, just nerves, Your Honour.

22 THE COMMISSIONER: Yeah.

23 MR. MALLOY: He didn't want to talk to me at
24 all.

25 MS. JONES: So when you had interviewed all

1 these people, is it fair to say you didn't do any follow-up
2 with the school or you didn't do any follow-up with Glen
3 Productions or KAV Productions?

4 **MR. MALLOY:** I didn't have anything. The
5 statement from -- I have to remember not to say their name
6 ---

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

8 **MR. MALLOY:** --- from the first person ---

9 **MS. JONES:** C-57? The first one that
10 started this?

11 **MR. MALLOY:** Oh yes, yes. As I say, this
12 was my first sexual assault I ever investigated. I mean,
13 normally in uniform you take complaints and file reports
14 and if it requires extra investigation, it gets moved up to
15 the Criminal Investigation Branch.

16 **MS. JONES:** M'hm.

17 **MR. MALLOY:** And I needed legal direction
18 from the Crown Attorney.

19 **MS. JONES:** Well, at this particular point,
20 I suggest to you that perhaps at some point you must have
21 consulted with either a colleague or one of your
22 supervisors at that time rather than going directly to the
23 Crown Attorney, to know where the next step would be in
24 your investigation?

25 **MR. MALLOY:** No, I would have gone to the

1 Crown -- I wouldn't need them to tell me to go to the Crown
2 Attorney at that point. I didn't think I had anything with
3 any evidence to form reasonable grounds to lay a charge.

4 MS. JONES: M'hm.

5 MR. MALLOY: And I wanted to get some legal
6 advice.

7 MS. JONES: So you didn't think what C-57
8 was telling you was sufficient for reasonable and probable
9 grounds?

10 MR. MALLOY: That's correct.

11 MS. JONES: And what was your opinion as to
12 why you came to that? Did you think there were consent
13 issues?

14 MR. MALLOY: Oh, in my mind, it was a
15 consent issue. It was a seduction with alcohol and a
16 consent to act.

17 MS. JONES: Even though C-57 did not say
18 that he had actually consented to it?

19 MR. MALLOY: Well, he did -- he voluntarily
20 did the things that Lalonde asked him to do. And I don't -
21 - it was my personal opinion that he wasn't that
22 intoxicated to allow that to happen.

23 MS. JONES: So you just came to that
24 opinion. It wasn't what C-57 said to you? He said he was
25 quite intoxicated but you came to that opinion of your own?

1 **MR. MALLOY:** I did, yes.

2 **MS. JONES:** And had you done any sort of
3 checks on C-57? Did he have a police record? Did he have
4 -- had he made other allegations of similar nature perhaps
5 that didn't go anywhere or ---

6 **MR. MALLOY:** I don't recall -- I don't
7 recall having -- remembering having dealings with him in
8 the past.

9 **MS. JONES:** But in your -- you're stating
10 that you went directly to the Crown attorney, though,
11 because you want some guidance on that?

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

13 **MS. JONES:** And I understand you went to Don
14 Johnson; is that right?

15 **MR. MALLOY:** That's correct.

16 **MS. JONES:** And the reason you went to Don
17 Johnson is because you understood that was the person to go
18 to?

19 **MR. MALLOY:** He was the Crown. He was the
20 head Crown attorney.

21 **MS. JONES:** Had you gone to him before for
22 advice?

23 **MR. MALLOY:** Sure. In my years in uniform
24 and with trials, sure.

25 Now -- now, mind you back then, we only had

1 -- there were only three Crown attorneys back then; there
2 was a Crown attorney and two assistant Crown attorneys.

3 **MS. JONES:** I understand you may go to the
4 Crown attorney when you're obviously involved in a trial
5 but I'm talking about a situation like this where it's
6 pre-charge; was it your practice, pre-charge, to consult
7 the Crown attorney to see whether or not you had R&PG?

8 **MR. MALLOY:** I -- I can't remember specific
9 incidents but that happens all the time. Officer --
10 officers will seek legal advice from the Crown.

11 **MS. JONES:** But I'm just talking about you
12 here, I'm not talking about other officers. Did you, by
13 custom, consult the Crown attorney before laying charges on
14 a regular basis?

15 **MR. MALLOY:** Not on a regular basis, no.

16 **MS. JONES:** Now, we have one document as
17 well, that is Document Number 117304.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 1495 is a document called
20 "Supplementary Report" with the date of the 22nd of June
21 1989.

22 --- **EXHIBIT NO./PIÈCE NO P-1495:**

23 (117304) - Kevin Malloy Supplementary
24 Occurrence Report dated 22 Jun 89

25 **MR. MALLOY:** Yes.

1 **MS. JONES:** Do you have that?

2 **MR. MALLOY:** Yes.

3 **MS. JONES:** Now, we have the statements that
4 we got from C-58; it's dated April 21st, 1989.

5 This is dated June 1989 -- June 22nd,
6 actually.

7 We don't have anything that shows any sort
8 of investigation between those two dates; do you recall
9 anything going on in between that time?

10 **MR. MALLOY:** No.

11 **MS. JONES:** Now, this supplementary report
12 is the last bit of documentation that we have on this
13 particular file and it states here that you were going to
14 put the file in abeyance so that you could interview Mr.
15 Lalonde.

16 **MR. MALLOY:** Right.

17 **MS. JONES:** But I understand you never
18 actually did interview Mr. Lalonde.

19 **MR. MALLOY:** I think that was hopeful
20 thinking on my part.

21 **MS. JONES:** But in June of 1989, it would
22 appear from this that you're still of the mindset that you
23 wished to continue with this investigation, one of the
24 things being to interview Mr. Lalonde.

25 **MR. MALLOY:** If I could get some people to

1 come forward and -- and give me some -- give me some
2 statements, give me something I can form reasonable
3 grounds, to lay a charge with.

4 **MS. JONES:** M'hm.

5 **MR. MALLOY:** But this supplementary report
6 would have been put in because of the diary date issue.
7 And "abeyance" doesn't mean closed, it's just waiting.

8 **MS. JONES:** It means "on hold".

9 **MR. MALLOY:** Wait, on hold, yes.

10 **MS. JONES:** Now, Staff Sergeant Wells signed
11 the bottom there?

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

13 **MS. JONES:** And according to what you had
14 said earlier, one of the purpose of putting in the
15 supplementary reports was to perhaps diarize things so
16 there would be follow-up. There doesn't appear, though, to
17 be any follow-up by Staff Sergeant Wells; is that fair to
18 say?

19 **MR. MALLOY:** If -- if they agree that a file
20 can be put into abeyance, there's no diary date.

21 **MS. JONES:** But there certainly wasn't any
22 follow-up by Staff Sergeant Wells or Inspector Trew or
23 Trottier, for that matter?

24 **MR. MALLOY:** On this case?

25 **MS. JONES:** On this case.

1 **MR. MALLOY:** No.

2 **MS. JONES:** Now, when you did go to the
3 Crown attorney's office, you didn't take any notes of that
4 conversation?

5 **MR. MALLOY:** We weren't allowed to take
6 notes.

7 **THE COMMISSIONER:** I'm sorry?

8 **MR. MALLOY:** It was solicitor-client
9 privilege, as far as I can recall.

10 You can note that you saw the Crown attorney
11 and as a result of legal advice or legal opinion.

12 **MS. JONES:** Okay. I'm not actually looking
13 for the legal opinion or even what you talked about
14 necessarily ---

15 **MR. MALLOY:** M'hm.

16 **MS. JONES:** --- but based on that
17 conversation, you made a decision and that decision was not
18 to proceed with the charge?

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

20 **MS. JONES:** But there's no notation that you
21 met with Mr. Johnson on a certain day to discuss the
22 Lalonde matter and "he agreed to my decision", notes to the
23 effect ---

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

25 **MS. JONES:** --- not necessarily the

1 substance of what you said?

2 MR. MALLOY: That's correct.

3 MS. JONES: Okay. And do you think that
4 perhaps somewhere along the line it would have been useful
5 to consult either your supervisor or a colleague about how
6 you're conducting this first historical sexual assault, if
7 what you were doing was enough?

8 MR. MALLOY: I would -- knowing Staff
9 Sergeant Wells, he would be on -- on top of this.

10 I don't recall going to see him to see if
11 I'm doing this right or -- but I would have told him that,
12 "I don't think I have anything, I'm going to go see the
13 Crown attorney."

14 But specifically who I spoke to, it would
15 have been Staff Sergeant Wells or Inspector Trew.

16 MS. JONES: Were you ever asked, "Can I see
17 what you're doing? What are you up to?"

18 MR. MALLOY: Not that I can recall.

19 MS. JONES: And it would be fair to say that
20 you could classify Lalonde as a person that's fairly
21 prominent in the community, he's a teacher; he's a
22 professional person?

23 MR. MALLOY: That's -- well, yes.

24 MS. JONES: So you would be taking extra
25 care to make sure you do things right because this is a

1 person of perhaps more prominence than other people, more
2 newsworthy, shall we say?

3 **MR. MALLOY:** Well, I -- I feel I did
4 everything I could.

5 It's -- it's frustrating for police
6 officers, when people don't want to cooperate -- not
7 "cooperate", I shouldn't say that, but when they're not
8 emotionally ready or not willing to provide statements.
9 It's -- it's frustrating.

10 I had researched the charges that would --
11 that would have been applicable back in the years that
12 these events would have taken place. I was -- would have
13 charged this guy in a second. I had no hesitation, at all,
14 on my part but I had nobody that would -- that gave me a
15 statement that could -- wanted to proceed.

16 **MS. JONES:** But you agree, you could have
17 gone to other avenues; for example, Glen Productions or the
18 KAV Productions or done something with the school? I mean
19 there were other avenues that you didn't actually
20 investigate?

21 **MR. MALLOY:** That's -- well, no, I didn't go
22 any further than -- I didn't have a charge to lay and these
23 people were told that my door was open, "Whenever you're
24 ready, come on in."

25 **MS. JONES:** Well, C-57, are you saying then

1 -- you're -- you're saying it was a consent issue but he
2 clearly was saying it was not a consent issue, that he had
3 not consented to this at all; that, in your mind, though,
4 was not sufficient?

5 MR. MALLOY: No.

6 MS. JONES: Is it true that at that
7 particular period of time that perhaps in the Youth Bureau,
8 it was felt that just as a matter of a policy, you should
9 have more than one complainant if you're going to proceed
10 on a historical sexual assault?

11 MR. MALLOY: No.

12 MS. JONES: Didn't have that message sent
13 from anywhere?

14 MR. MALLOY: You mean if we had a victim
15 that provided the evidence just to support reasonable
16 grounds, you waited for somebody else. Is that what you're
17 suggesting?

18 MS. JONES: Well, that you were encouraged
19 to get corroboration, shall we say, from other victims when
20 it came to historical sexual assault?

21 MR. MALLOY: No, I'd have to disagree with
22 that.

23 MS. JONES: No?

24 MR. MALLOY: You -- you look -- you look for
25 -- I'm sorry -- not necessarily other victims, but if you

1 can -- any corroboration you can come up with is going to
2 help the case.

3 **MS. JONES:** Now, even if this particular
4 stage, you decided that you were not actually going to
5 proceed with any charges, did you do any investigation into
6 Mr. Lalonde's access to children?

7 The complaints, even though some of them
8 didn't want to proceed with it, the allegations were
9 stemming around young men of a certain age group, still
10 under the age of 18, and was there any exploration on your
11 part to find out if Mr. Lalonde had children of his own at
12 home or step-children or access to nieces, nephews?

13 **MR. MALLOY:** No.

14 In the investigation, I determined that he
15 was divorced and was living with a male roommate -- or male
16 adult roommate ---

17 **MS. JONES:** M'hm.

18 **MR. MALLOY:** --- and I don't know -- I just
19 knew he didn't have kids of his own; he didn't have
20 children of his own.

21 **MS. JONES:** Okay. But he was still a
22 teacher of children ---

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

24 **MS. JONES:** --- the age group that was being
25 complained of, the teenage years?

1 **MR. MALLOY:** No, he wasn't a high school --
2 he wasn't in high school -- a high school teacher.

3 **MS. JONES:** No?
4 What grades did he teach?

5 **MR. MALLOY:** It was elementary school.

6 **MS. JONES:** And what about the age of the
7 people he was in contact with at the theatre group; do you
8 know that?

9 **MR. MALLOY:** No.

10 **MS. JONES:** Do you know what your
11 obligations were at that time to inform other agencies or
12 other people such as employers about a possible allegation?

13 **MR. MALLOY:** No.

14 **MS. JONES:** Could you have asked somebody to
15 find out what your obligation was?

16 **THE COMMISSIONER:** Did you know you had any
17 obligations? Children's Aid Society?

18 **MR. MALLOY:** My understanding was people
19 over the -- at 16 years of age or over, we didn't file
20 intake reports with CAS.

21 **MS. JONES:** That was your understanding at
22 the time?

23 **MR. MALLOY:** M'hm.

24 **MS. JONES:** And how did you come to that
25 understanding? Remember this is your first historical

1 sexual assault. Where did you get that from?

2 MR. MALLOY: I can't recall.

3 MS. JONES: When you held this case in
4 abeyance here, did you have hopes that by doing that that
5 word would get out that there were people making these sort
6 of allegations about Mr. Lalonde?

7 MR. MALLOY: Absolutely.

8 MS. JONES: And do you know how word would
9 have gotten out, to use that phrase?

10 MR. MALLOY: It's Cornwall, a small city,
11 word travels fairly quickly.

12 MS. JONES: Did you feel uncomfortable at
13 all about the fact that Mr. Lalonde was, in fact, a
14 prominent member in the community? That he was a teacher;
15 he was obviously well-known in the community. Did that make
16 you feel uncomfortable to progress any further?

17 MR. MALLOY: Did it make me uncomfortable to
18 progress any further?

19 MS. JONES: Well, to progress any further
20 for example, contacting his employer.

21 MR. MALLOY: Yeah, I didn't think I had the
22 grounds to do that.

23 MS. JONES: Okay. Did you ask anybody to
24 see if you did?

25 MR. MALLOY: I don't think I did, no.

1 **MS. JONES:** Now, the notes that I put before
2 you that have been entered as exhibits, those are about all
3 the notes or documents that we have in respect to the
4 Lalonde file that you prepared.

5 And the file number on this is 9610/88 which
6 means it was actually opened up in 1988 but you took it on
7 in 1989. Was there a reason why it was assigned to you or
8 was it just first in the door just goes to the next person?

9 **MR. MALLOY:** It would have gone to Staff
10 Sergeant Wells and then he would assign it to the Youth
11 Bureau. Why I got it, I have no idea.

12 **MS. JONES:** And after you have opened up an
13 incident or after you've got a file and the incident is
14 ongoing, it's fair to say that you put all the notes that
15 you collect or all the statements you collect in that one
16 file.

17 **MR. MALLOY:** That's correct.

18 **MS. JONES:** And has the file number on it.

19 **MR. MALLOY:** The name, yeah.

20 **MS. JONES:** And the name.

21 **MR. MALLOY:** And the name and the incident
22 number, yes. Yeah.

23 **MS. JONES:** Yeah. And you don't put
24 statements in one file and notes in another and computer
25 printouts or whatever on another?

1 MR. MALLOY: No.

2 MS. JONES: You keep it all together in the
3 one file?

4 MR. MALLOY: That's correct.

5 MS. JONES: So it would appear this was your
6 complete Lalonde file for that time?

7 MR. MALLOY: That I can't say for a fact.
8 When I was injured on the 8th of March '93 ---

9 MS. JONES: M'hm.

10 MR. MALLOY: --- I lost control of all my --
11 I haven't -- I didn't set a foot back in the building for
12 five, six years.

13 MS. JONES: But when you basically would
14 have finished with this file which I'm assuming was in some
15 time in 1989 -- I'm just making that assumption, is that
16 correct? It's held in abeyance. It just sort of sits
17 there.

18 MR. MALLOY: Yes. Yeah.

19 MS. JONES: You didn't go back at any time
20 and look at it again or have any cause to for the next four
21 years?

22 MR. MALLOY: Oh, I didn't have any time.

23 MS. JONES: Okay.

24 MR. MALLOY: Didn't have -- the workload
25 just didn't -- I mean you went as far as you could and then

1 on to the next one and hope that somebody's going to --
2 when it's held in abeyance that some new evidence is going
3 to come up and you can go back to it.

4 MS. JONES: So you would have put this file
5 in a box presumably or put it where it was supposed to be
6 kept and there it sat for that time? You didn't go back to
7 it?

8 MR. MALLOY: In my office, sure.

9 MS. JONES: Now, with respect to Lalonde,
10 you understand or know that Mr. Lalonde was actually
11 charged 10 years later ---

12 MR. MALLOY: Yes.

13 MS. JONES: --- and convicted of the
14 offences. Now at least one of the names, that C-58 was one
15 of the victims of the later charges. Are you aware of
16 that?

17 MR. MALLOY: Yes.

18 MS. JONES: And at the time he was charged
19 or standing trial, it was approximately 1997 and you had
20 been working at the Crown's office at that time?

21 MR. MALLOY: That's correct.

22 MS. JONES: And were you aware that there
23 was an article in the newspaper written about Mr. Lalonde
24 being charged?

25 MR. MALLOY: Is that the small write-up from

1 the ---

2 MS. JONES: I'll refer you. It's Document
3 728491.

4 THE COMMISSIONER: Exhibit Number 1496 is a
5 newspaper clipping of the Ottawa Citizen, Sunday, January
6 26th, 1997.

7 ---EXHIBIT NO./PIÈCE NO P-1496:

8 (728491) - Kevin Malloy The Ottawa
9 Citizen news clipping "Indecent assault
10 charge dated back to 1973" dated 26 Jan
11 97

12 MS. JONES: And you see in that particular
13 newspaper clipping, it states:

14 "Marcel Lalonde of Lasalle Avenue in
15 Cornwall was charged with one count of
16 indecent assault on a male."

17 That's one and the same person that we're
18 talking about here?

19 MR. MALLOY: That's correct.

20 MS. JONES: Okay. The next contact you
21 basically have with the Lalonde matter was when Staff
22 Sergeant Desrosiers phoned you, I presume, to make
23 inquiries about the Lalonde situation; is that correct?

24 MR. MALLOY: Staff Sergeant Derochie or
25 Constable Desrosiers?

1 MS. JONES: Desrosiers.

2 MR. MALLOY: Desrosiers, yes.

3 MS. JONES: And that's approximately two
4 years after this newspaper article comes to life?

5 MR. MALLOY: I'm not sure of the year.

6 MS. JONES: Well, if we have Desrosiers
7 contacting you in 1989 -- I'm sorry, 1999, this article is
8 1997 ---

9 MR. MALLOY: Oh, okay.

10 MS. JONES: --- so Mr. Lalonde was going
11 through the system here in Cornwall for two years. And are
12 you saying you never heard of it or never heard of him
13 being charged?

14 MR. MALLOY: No. This -- these charges laid
15 by the OPP ---

16 MS. JONES: M'hm.

17 MR. MALLOY: They handle their criminal
18 briefs and I handle Cornwall's. I mean it's not ---

19 MS. JONES: I understand that but we still
20 have a person who's a fairly prominent member of society,
21 he's a teacher, this would be quite newsworthy. You said
22 yourself Cornwall's a small town. You never heard of it
23 and put two and two together?

24 MR. MALLOY: No.

25 MS. JONES: So you weren't aware until

1 Officer Desrosiers called you or contacted you in 1999
2 saying I found this file with Lalonde attached to it?

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

4 **MS. JONES:** Okay. Were you ever sanctioned
5 in any way by Cornwall police for the way that you
6 investigated the Lalonde matter?

7 **MR. MALLOY:** No.

8 **MS. JONES:** Just to clarify just one small
9 point too because I'm not sure if I made it very clear.
10 Mr. Lalonde, if what you're saying that he was an
11 elementary school teacher at the time, presumably the
12 children would have been under the age of 16.

13 I just want to be clear about this. Were
14 you aware of any obligations to involve CAS knowing that
15 Mr. Lalonde was teaching children under the age of 16?

16 **MR. MALLOY:** No.

17 **MS. JONES:** You were not aware of any
18 obligation on your part?

19 **MR. MALLOY:** No. It was my understanding
20 that 16 and older, CAS weren't -- we didn't file an intake
21 report with CAS.

22 **MS. JONES:** But if Mr. Lalonde is teaching
23 children under the age of 16, were you aware if there was
24 any obligation to report these possible allegations?

25 **MR. MALLOY:** I don't know.

1 **MS. JONES:** Don't know?

2 **MR. MALLOY:** I don't know.

3 **MS. JONES:** Again was this something that
4 you could have asked one of your supervisors at the time?
5 Is that something that your supervisors would have known
6 about and assisted you with?

7 **MR. MALLOY:** They could have and I may have
8 asked. I'm not sure.

9 **MS. JONES:** Now moving on to the next
10 investigation -- just a moment please.

11 **THE COMMISSIONER:** Mr. Lee? Mr.
12 Manderville?

13 **MR. MANDERVILLE:** Well, I guess I'm first in
14 line, sir.

15 **THE COMMISSIONER:** There you go.

16 **MR. MANDERVILLE:** As you know -- sorry to be
17 so loud -- awakening everyone at this point in the day.

18 **THE COMMISSIONER:** Yes.

19 **MR. MANDERVILLE:** Your mandate is, among
20 other things, to look at the interaction of institutional
21 actors and if my friend is going to move on without finding
22 out about what Don Johnson told Mr. Malloy and what Don
23 Johnson was told, I'm a little surprised that that's being
24 left to me to raise.

25 **THE COMMISSIONER:** Well, we'll get to that.

1 Mr. Lee?

2 MR. LEE: I was hoping to have one moment
3 with Commission counsel there. Just a couple of documents
4 that I think are relevant to this investigation.

5 THE COMMISSIONER: Then go right ahead.

6 (SHORT PAUSE/COURTE PAUSE)

7 THE COMMISSIONER: Actually, why don't we
8 take a five-minute health break? We will come back, sit
9 for another 45 minutes and then we will call it a day.

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

12 The hearing will resume at 4:40 p.m.

13 --- Upon recessing at 4:32 p.m. /

14 L'audience est suspendue à 16h32

15 --- Upon resuming at 4:41 p.m. /

16 L'audience est reprise à 16h41

17 THE REGISTRAR: Order; all rise. À l'ordre;
18 veuillez vous lever.

19 This hearing is now resumed. Please be
20 seated. Veuillez vous asseoir.

21 THE COMMISSIONER: All right.

22 KEVIN MALLOY, Resumed/Sous le même serment:

23 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.

24 JONES (cont'd/suite):

25 MS. JONES: Mr. Malloy, I'm just going to

1 clarify one point before I leave the Lalonde matter.

2 I'm going to be referring to Document
3 734900.

4 **THE COMMISSIONER:** Thank you. This is a
5 Supplementary Occurrence Report, so Exhibit 1497 and the
6 author is Officer Desrosiers and the report time is the 26th
7 of June 2000.

8 --- **EXHIBIT NO./PIÈCE NO. P-1497:**

9 (734900) - Kevin Malloy Supplementary
10 Occurrence Report dated 26 Jun 00

11 **MS. JONES:** I'm just looking at the front
12 page which is numbered 7136840 and I just want to refer
13 you, Officer Malloy, to the very bottom paragraph.

14 This is what I was referring to earlier when
15 Officer Desrosiers contacted you and said he had found this
16 Lalonde file. And there are items listed there, a sheet of
17 lined paper, with C-58's name on it, yellow coloured
18 project name, index form, internal correspondence sheet,
19 two other lined papers of rough notes, one three-ringed
20 note binder sheet, rough notes, two copies of 1982 Criminal
21 Code sections, statement of a witness from C-57, five pages
22 undated, envelope containing three-page printed statement
23 dated April 2nd, '89 signed with the name C-58.

24 And when I said earlier those items found by
25 Officer Desrosiers which I believe you're aware of, those

1 were all the notes or items that you had with reference
2 your Lalonde investigation?

3 **MR. MALLOY:** In the file folder.

4 **MS. JONES:** In the file folder.

5 To your knowledge there weren't notes
6 elsewhere is what I'm saying? You didn't have any at home
7 or you didn't have any personal possession?

8 **MR. MALLOY:** I wouldn't have any at home but
9 -- I would keep copies and I would have the originals of
10 documents and rough notes in a file folder and my notebook
11 would have notes.

12 **MS. JONES:** Okay. Now, moving onto the
13 Antoine investigation ---

14 **THE COMMISSIONER:** Oh, just a minute.

15 **MS. JONES:** Okay.

16 **THE COMMISSIONER:** Before we go there, we
17 should cover Mr. Manderville's questions with respect to
18 your visit to Carl Johnson -- Don Johnson.

19 All right. So you had seen Don Johnson?

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

21 **THE COMMISSIONER:** Do you require where you
22 went; to his office?

23 **MR. MALLOY:** To his office, yes, sir.

24 **THE COMMISSIONER:** Sat there. Did you have
25 any documents with you?

1 **MR. MALLOY:** I would have had all the
2 statements that I have present.

3 **THE COMMISSIONER:** All right. What did you
4 ask him?

5 **MR. MALLOY:** To peruse them and if he
6 thought as I did that this was a consensual issue.

7 **THE COMMISSIONER:** Okay.

8 **MR. MALLOY:** And if I was incorrect tell me,
9 if I was correct then I didn't -- I couldn't form
10 reasonable and probable grounds to lay a charge.

11 **THE COMMISSIONER:** What did he tell you?

12 **MR. MALLOY:** He was of the same opinion,
13 that this was a consensual act and there were no grounds to
14 -- well, mind you they don't form our reasonable grounds
15 but there was what's called now no profit, no prospect to
16 conviction, but there was no ---

17 **THE COMMISSIONER:** Woah, woah, woah, yeah,
18 that's now.

19 **MR. MALLOY:** Now, yeah.

20 **THE COMMISSIONER:** In 1989, I don't think he
21 would have talked to you that way.

22 **MR. MALLOY:** No.

23 **THE COMMISSIONER:** No. So what did he tell
24 you?

25 **MR. MALLOY:** I can't remember the exact

1 words but there was nothing here.

2 THE COMMISSIONER: Okay.

3 And you didn't make any note of that?

4 MR. MALLOY: No, sir.

5 THE COMMISSIONER: Okay.

6 MS. JONES: Now, I'll move on to the Antoine
7 investigation.

8 It appears that at this particular point in
9 time as well there is something else that is noteworthy and
10 that is at some point you joined the board of the CAS. Do
11 you recall that?

12 MR. MALLOY: That's correct.

13 MS. JONES: And do you recall the dates that
14 you joined? I'll just get my calendar out here myself.

15 MR. MALLOY: I believe it was around 1992.

16 MS. JONES: In 1989, it would appear that a
17 person, a Ms. Antoine, had contacted the CAS and made some
18 allegations ---

19 MR. MALLOY: That's correct.

20 MS. JONES: --- of things that had happened
21 to her. And you, at some point, were assigned to the
22 investigation.

23 MR. MALLOY: That's correct.

24 MS. JONES: Do you recall that?

25 When did you first become aware of the

1 complaint?

2 MR. MALLOY: When I was -- I had
3 investigated another matter with her daughter with Greg
4 Bell from CAS and it was at the end of that investigation
5 that Mr. Bell told Mrs. Antoine to tell me what she had
6 been telling him about her history of foster homes.

7 MS. JONES: It would appear that she made
8 the initial or went initially to the CAS approximately July
9 of '89. Is that correct?

10 MR. MALLOY: I'm not sure. I wasn't aware
11 of her -- any meetings she had with CAS.

12 MS. JONES: You weren't aware; no?

13 MR. MALLOY: Not that I can -- not that I
14 can remember, no.

15 MS. JONES: And when you first were aware of
16 this particular complaint, again, did you contact anyone
17 that you were being supervised by to find out what sort of
18 special process that you should go through or what sort of
19 investigation?

20 MR. MALLOY: No.

21 MS. JONES: You didn't feel the need to do
22 that?

23 MR. MALLOY: No, I had a hard enough time
24 getting her to come in.

25 MS. JONES: I understand too you first found

1 out about this through Gregory Bell who was a social worker
2 with the CAS but later on you were actually assigned this
3 file, were you not, by your supervisors?

4 MR. MALLOY: That's correct; that's correct.

5 MS. JONES: Now, it would make common sense
6 that you may have said to your supervisors, "Oh, I already
7 know about this one actually" or some words to that effect?

8 MR. MALLOY: Probably.

9 MS. JONES: Now, I understood that you were
10 actually on the CAS board at this time period.

11 MR. MALLOY: No.

12 MS. JONES: In 1989.

13 MR. MALLOY: No.

14 MS. JONES: You were not?

15 MR. MALLOY: No.

16 MS. JONES: Would you agree with me that if
17 you were on the board at that time that that would be
18 perceived as a conflict of interest?

19 MR. MALLOY: Yes.

20 MS. JONES: Now, when you first met with Ms.
21 Antoine, you actually already alluded to this, is it fair
22 to say you found her less than cooperative?

23 MR. MALLOY: That's correct.

24 MS. JONES: And did you ask her then to make
25 out a statement and bring it back to you?

1 **MR. MALLOY:** I'm trying to remember the
2 sequence. It took -- I don't know how many times I called
3 her just to try to get her to come into the office. And if
4 memory serves, she just showed up one day with a
5 handwritten statement.

6 **MS. JONES:** Well, perhaps I can assist you
7 to some degree. I have notes here taken by Mr. Derochie
8 about the Antoine investigation that you had done. I'm
9 looking at Document 739078.

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

11 **THE COMMISSIONER:** Exhibit 1498 is a
12 Supplementary Occurrence Report. The author is Staff
13 Sergeant Derochie. The report time is February 15th, 1994.

14 **--- EXHIBIT NO./PIÈCE NO. P-1498:**

15 (739078) - Kevin Malloy Supplementary
16 Occurrence Report dated 15 Feb 94

17 **MS. JONES:** I apologize if I said
18 Desrosiers. It's ---

19 **THE COMMISSIONER:** There's two. There is
20 Desrosiers and there is Derochie.

21 **MS. JONES:** Yes, I get them mixed up ---

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

23 **MS. JONES:** --- fairly regularly, actually.

24 **MS. JONES:** Anyway, this is a report made by
25 Derochie and he interviewed you, I understand, in these

1 notes. And I'm specifically referring to the body of these
2 notes where you're basically giving him a statement.

3 I don't know if this -- I'm just providing
4 this to you in case you want to refresh your memory. This
5 seems to be what you told Officer Derochie at the time.

6 So the way I understand is that you first
7 had contact with Ms. Antoine and then you asked her to go
8 and come back with a statement at some point. Is that
9 accurate?

10 **MR. MALLOY:** Well, when I first learned of
11 it, I told her -- she wasn't interested in proceeding at
12 that time. And I told her when she wanted to proceed to
13 come in and see me and I'm not sure when that was though.

14 **MS. JONES:** It would appear from these
15 notes, and I'm referring to the BP number 7175523, just the
16 fifth page in, and it refers to a second meeting between
17 the police officers involved. It mentions Officer Wells
18 and Officer Trew ---

19 **THE COMMISSIONER:** Where? Where?

20 **MS. JONES:** About five paragraphs down. It
21 starts with "The second meeting was on".

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

23 **MS. JONES:** Do you see that paragraph?

24 **MR. MALLOY:** Yes.

25 **MS. JONES:** "The second meeting was on

1 **MS. JONES:** But you go on to say to Officer
2 Derochie anyway in page 7175524, which is the next page,
3 looking at the first paragraph that starts, "Constable
4 Malloy was finding Antoine less than cooperative". Do you
5 see where I am there?

6 **MR. MALLOY:** Yes.

7 **MS. JONES:** It would seem that you were
8 trying to get a statement. She wasn't bringing one in and
9 you made a comment like there are lots of other people that
10 are cooperative and I don't need to go running around after
11 you. Do you recall that sort of a feeling at the time?

12 **MR. MALLOY:** Yeah. There is only so many
13 phone calls you can make to get somebody to come in.
14 There's other investigations that have to take place also,
15 so I just left it with her in the hopes she was going to
16 call me or show up.

17 **MS. JONES:** And it appears that the case was
18 inactive until February 5th, 1990? Again, that's referred
19 to in the middle portion of that page, 7175524.

20 **MR. MALLOY:** Yes.

21 **MS. JONES:** It says:

22 "The case apparently remained inactive
23 until February 5th, 1990 when Antoine
24 comes into the police station with a
25 handwritten statement. Malloy has not

1 heard from Antoine in the interim, is
2 surprised by the visit."

3 Do you see where that is?

4 **MR. MALLOY:** That's correct. Yes.

5 **MS. JONES:** Now, again we have a situation
6 here where you had given the witness statement
7 responsibility, shall we say, to the person to do it home
8 or outside of the police station rather than taking the
9 statement at that time?

10 **MR. MANDERVILLE:** I don't think that's an
11 accurate reading of the note at all, Mr. Commissioner.

12 **THE COMMISSIONER:** Let's try again.

13 **MS. JONES:** Were you waiting for her to come
14 and arrive with a written statement that she prepared
15 elsewhere?

16 **MR. MALLOY:** I was waiting for her just to
17 come in to the office so I could speak with her.

18 **MS. JONES:** So you had not spoken to her at
19 all up until that point?

20 **MR. MALLOY:** Oh, I had called her a few
21 times to say, you know, you want to proceed with this, come
22 in, and she just never showed up.

23 And then on the 5th of February '90, she just
24 showed up at the police station and she had written out a
25 handwritten note on her own and just showed up at the

1 office and I came in and dealt with her.

2 MS. JONES: So that was not actually at you
3 behest then, you had not requested her to make a statement?

4 MR. MALLOY: Not to my recollection, no.

5 MS. JONES: Now, one of the conclusions that
6 you reach fairly quickly into looking at Ms. Antoine's
7 concerns, was that she really was mostly concerned about
8 the physical abuse that she alleged had been suffered by
9 the hands of Bryan Keough. Do you recall that?

10 MR. MALLOY: That's correct.

11 MS. JONES: And that even though she'd made
12 allegations of a sexual nature, she wasn't really wanting
13 to pursue those allegations, she wanted the physical
14 allegations pursued?

15 MR. MALLOY: That's correct.

16 MS. JONES: And that was your understanding?

17 MR. MALLOY: That's correct.

18 MS. JONES: Now, at this particular point,
19 is this when you went -- when you had this statement now
20 from Ms. Antoine, is this when you decided to go again to
21 the Crown Attorney's office and get some guidance?

22 MR. MALLOY: After I had -- I had
23 interviewed her after that also or was it on the same date?
24 I can't remember. I don't have my ---

25 THE COMMISSIONER: When she came in, you had

1 a lengthy interview with her. On February 5th, it says:

2 "She came into the interview. Malloy
3 has not heard from Antoine in the
4 interim. Antoine is interviewed at
5 length in regards to her statement."

6 **MR. MALLOY:** Oh, yes. That's correct. And
7 I can't remember the date I met with Mr. Johnson but that's
8 the date that he would have corresponded with the Regional
9 Director.

10 **MS. JONES:** But you recall going to Don
11 Johnson, the Crown Attorney?

12 **MR. MALLOY:** Oh, absolutely.

13 **MS. JONES:** And, again, there doesn't seem
14 to be any contact, for instance, with supervisors to find
15 out what should the next step be. You went directly to Mr.
16 Johnson?

17 **MR. MALLOY:** Oh, I remember discussing this
18 with Inspector Trew.

19 **MS. JONES:** And what was the discussion
20 about?

21 **MR. MALLOY:** I had some real credibility
22 issues with Mrs. Antoine's statement.

23 **MS. JONES:** M'hm.

24 **MR. MALLOY:** And I know I spoke to her and -
25 - changing stories -- because I remember going into

1 Inspector Trew's office with a statement saying she changed
2 her story again, you know, like what am I supposed to do.
3 And that's when I sought legal advice from Mr. Johnson.

4 **MS. JONES:** So you went to Don Johnson, you
5 had a conversation and what was the conversation about and
6 what did you go armed with at that time? Did you go with
7 the file?

8 **MR. MALLOY:** Oh, everything, everything I
9 had, yeah, oh yes. Yeah.

10 **MS. JONES:** Okay. And you would have shown
11 him all the statements and as such?

12 **MR. MALLOY:** Absolutely, yes.

13 **MS. JONES:** Now, the statements of Ms.
14 Antoine did actually outline sexual allegations and
15 physical allegations, even though she had said I only want
16 the physical ones pursued. Did you also show the sexual
17 allegations that had been made to Mr. Johnson?

18 **MR. MALLOY:** Oh, they were on the same
19 statement.

20 **MS. JONES:** So he would have read the
21 statement in its entirety?

22 **MR. MALLOY:** Oh yes, yeah.

23 **MS. JONES:** And what was the -- and maybe
24 perhaps I'll show you the letter actually.

25 First, the results of that was actually that

1 Mr. Johnson ended up writing to Mr. Douglas who was his
2 supervisor at the Crown Attorney's Office. Are you aware
3 of that?

4 **MR. MALLOY:** The Regional Director, yes.

5 **MS. JONES:** Yes. I'm referring to Document
6 739102.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit Number 1499 is a letter to Mr.
9 Norman S. Douglas from D.W. Johnson dated April 4th, 1990.

10 --- **EXHIBIT NO./PIÈCE NO. P-1499:**

11 (739102) Kevin Malloy - Letter from
12 Donald Johnson to Norman Douglas dated
13 April 4, 1990

14 **MS. JONES:** So, Madam Clerk, was that 1499?
15 Thank you.

16 You've seen this letter before, Mr. Malloy?

17 **MR. MALLOY:** Yes.

18 **MS. JONES:** Okay. And this appears to be a
19 letter written after your meeting with him. In fact,
20 you're cc'd at the bottom there "Constable Kevin Malloy".

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

22 **MS. JONES:** And it's essentially a letter
23 saying -- I'll just read the second paragraph:

24 "Although there appears to be some
25 factual basis for further

1 investigation, I cannot find any
2 indication of specific dates when the
3 alleged incident occurred or any names
4 and addressed ..."

5 Which is an incorrect spelling.

6 "... of any witness whom may
7 substantiate the allegations."

8 Do you see that?

9 **MR. MALLOY:** Oh, yes, sorry, yeah.

10 **MS. JONES:** Further down, two paragraphs

11 later:

12 "I'm forwarding this information to you
13 because of the climate with respect to
14 alleged child abuse cases from the past
15 which seem to be on the upswing.
16 Should anything come to your attention
17 with regard to this incident, the
18 Ministry will have knowledge of the
19 incident."

20 So you see that that letter obviously went
21 to Mr. Douglas?

22 **MS. JONES:** Yes.

23 **MR. MALLOY:** Okay. And that's dated April
24 4th, 1990.

25 **MS. JONES:** Right.

1 **MR. MALLOY:** So, again, that's after your
2 meeting with her and after your interview with her.

3 And I refer you to Document 739143.

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

5 **THE COMMISSIONER:** Exhibit number 1500 is a
6 letter from Norman Douglas to Mr. Donald Johnson, April
7 10th, 1990.

8 **--- EXHIBIT NO./PIÈCE NO. P-1500:**

9 (739143) - Kevin Malloy Letter from
10 Norman Douglas to Donald Johnson dated
11 10 Apr '90

12 **MS. JONES:** And you've seen this letter
13 before, Officer?

14 **MR. MALLOY:** The first time I saw this
15 letter was when Staff Sergeant Derochie showed it to me as
16 a result of the internal investigation.

17 **MS. JONES:** He's referencing the April 4th
18 letter that he received, and in the paragraph that follows:

19 "You are quite correct that we ought to
20 be very careful on these matters and
21 have the police investigate every
22 allegation of abuse. I would like you
23 to make sure that police begin an
24 investigation if they have already not
25 done so. Perhaps Constable Malloy can

1 dig a little deeper to secure
2 specifics."

3 Now, you had guessed my next question in the
4 sense of if you had seen this letter before, i.e. in more
5 of a timely fashion than during the investigation. So
6 you're saying you didn't have nay knowledge about this
7 direction from Mr. Douglas?

8 **MR. MALLOY:** Absolutely none.

9 **MS. JONES:** And did Mr. Johnson say anything
10 to you about possibly digging a little deeper?

11 **MR. MALLOY:** No.

12 **MS. JONES:** Do you think that you could have
13 dug a little deeper to these allegations? Do you agree
14 with Mr. Douglas at this point?

15 **MR. MALLOY:** Well, if I would have gotten
16 this letter saying, I mean, it's recommended by the
17 Regional Director of Crowns that you keep investigating it,
18 I would have showed it to my superiors and kept
19 investigating it.

20 **MS. JONES:** Okay.

21 Mr. Commissioner, I'm just mindful of the
22 time. I still have many more questions.

23 **THE COMMISSIONER:** No, no, time to go home.

24 Well, not to go home, because I know that
25 most of you will be attending at the Ramada Inn for the

1 Ombudsman's Conference tonight.

2 And so we'll see you all there, and members
3 of the public are welcome to attend.

4 **MR. MANDERVILLE:** I thought it was sold out.

5 **THE COMMISSIONER:** There are some specific
6 places for Cornwall Police Services and the tickets there
7 are at a discount for them of \$20 towards the Cornwall
8 Police Pension Plan.

9 Thank you. We'll see you tomorrow morning
10 at 9:30.

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

13 This hearing is adjourned until tomorrow
14 morning at 9:30 a.m.

15 --- Upon adjourning at 5:03 p.m. /

16 L'audience est ajournée à 17h03

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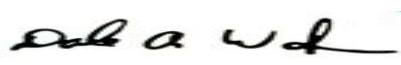
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM