

COMMISSION D'ENQUÊTE SUR LA PROTECTION
DE LA CONFIDENTIALITÉ DES SOURCES JOURNALISTIQUES

SOUS LA PRÉSIDENCE DE
L'HONORABLE JACQUES CHAMBERLAND, Président
Me GUYLAINE BACHAND, Commissaire
M. ALEXANDRE MATTE, Commissaire

AUDIENCE TENUE AU
500, BOUL. RENÉ-LÉVESQUE OUEST
MONTRÉAL (QUÉBEC)

Montréal, le 24 mai 2017

Volume 18

NICOLAS PROVENCHER et MONIQUE J. LE CLERC
Sténographes officiels

COMPARUTIONS :

POUR LA COMMISSION :

Me CHARLES LEVASSEUR, avocat en chef adjoint
Me FRANÇOIS GRONDIN

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Me JULIE CARLESSO
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Québecor Média inc.

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Me JEAN-NICOLAS LEGAULT-LOISELLE
Ville de Montréal

Me MICHEL DÉOM
Procureure générale du Québec

Me CATHERINE DUMAIS
Directeur des poursuites criminelles et pénales

Me PAUL CRÉPEAU
Cour du Québec

Me MARIE COSSETTE
Conférence des juges de paix et magistrats du Québec

Me DANIA SULEMAN
Fraternité des policiers et policières de Montréal

Me CHARLES CÔTÉ
M. Costa Labos

Me FRANÇOIS OUELLET
CSN

Me NADINE TOUMA
M. Dominic Werotte

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1 EN L'AN DEUX MILLE DIX-SEPT (2017), ce vingt-
2 quatrième (24e) jour du mois de mai :

3

4 PRÉLIMINAIRES

5

6 LA GREFFIÈRE :

7 Alors bonjour, bienvenue à la Commission. Veuillez
8 vous assurer que vos cellulaires et autres
9 appareils mobiles sont bien éteints. Notez qu'il y
10 a interdiction d'enregistrer ou de prendre des
11 photos dans la salle d'audience, selon les règles
12 de procédure de la Commission. Veuillez vous lever.
13 Vous pouvez vous asseoir. Alors, pour
14 l'identification, je demanderais aux procureurs de
15 bien ouvrir leur micro pour l'enregistrement.
16 Alors, je demanderais d'abord aux procureurs de la
17 Commission de s'identifier pour les fins de
18 l'enregistrement.

19 IDENTIFICATION DES PROCUREURS

20 Me CHARLES LEVASSEUR :

21 Bonjour, Charles Levasseur pour la Commission.

22 Me FRANÇOIS GRONDIN :

23 Bon matin, François Grondin pour la Commission.

24 LA GREFFIÈRE :

25 Je demanderais maintenant aux procureurs des

1 parties de s'identifier et d'identifier ceux qu'ils
2 représentent.

3 Me CHRISTIAN LEBLANC :

4 Bonjour, Christian Leblanc pour La Presse, Radio-
5 Canada, Cogeco, Postmedia, Groupe Capitales Médias,
6 Transcontinental Médias et Bell Média.

7 Me MICHEL DÉOM :

8 Alors bon matin, Michel Déom, pour la Procureure
9 générale du Québec.

10 Me CATHERINE DUMAIS :

11 Bonjour, Catherine Dumais pour le Directeur des
12 poursuites criminelles et pénales.

13 Me PAUL CRÉPEAU :

14 Bon matin, Paul Crépeau pour la Cour du Québec.

15 Me MARIE COSSETTE :

16 Bonjour, Marie Cossette pour la Conférence des
17 juges de paix magistrats.

18 Me MATHIEU CORBO :

19 Bonjour, Mathieu Corbo pour le Service de police de
20 la Ville de Montréal.

21 Me CHARLES CÔTÉ :

22 Bonjour, Charles Côté pour monsieur Labos.

23 Me JEAN-NICOLAS LEGAULT-LOISELLE :

24 Jean-Nicolas Loisel pour la Ville de Montréal.

25 Me DANIA SULEMAN :

1 Bonjour, Dania Suleman pour la Fraternité des
2 policiers de Montréal.

3 Me JULIE CARLESSO :

4 Bonjour, Julie Carlesso pour Québecor Média et Le
5 Devoir.

6 Me FRANÇOIS OUELLET :

7 Bonjour, François Ouellet pour la CSN.

8 LA GREFFIÈRE :

9 Merci. Alors Monsieur Costa Labos, you're still
10 under the same oath.

11 Mr. COSTA LABOS:

12 I understand.

13 LE PRÉSIDENT :

14 Bonjour Monsieur Labos, bonjour aux avocats. Merci
15 encore une fois de votre ponctualité et maintenant,
16 après tant de jours, de votre fidélité. Alors,
17 Maître Leblanc, si vous êtes prêt, allez-y.

18 Me CHRISTIAN LEBLANC :

19 Merci, Monsieur le Président.

20

1 IN THE YEAR TWO THOUSAND AND SEVENTEEN (2017), this
2 twenty-fourth (24th) day of May, personally came
3 and appeared:

4

5 **COSTA LABOS,**

6

7 WHOM, under the same oath, doth depose and says as
8 follows:

9

10 CROSS-EXAMINED BY Me CHRISTIAN LEBLANC:

11 Q. [1] Good morning, Mr. Labos.

12 A. Good morning, Mr. Leblanc.

13 Q. [2] I just want to come back on F8 and Montréal
14 Nord, that you talked about, and don't worry, we'll
15 come back to Mainville also, and you'll have a
16 chance to explain everything. I just want to
17 understand. I think you testified that there was an
18 inquiry that was launched by Mr. Guérin because it
19 concerned his unit and, or investigation, and that
20 investigation was assisted by Internal Affairs, and
21 I believe you said some cadres, or maybe... is
22 that...

23 A. Yes.

24 Q. [3] Okay. So, what do you mean by some cadres, just
25 so that the Commission is clear on that?

1 A. Well, Mr. Gu  rin identified two cadres to carry on
2 the investigation, the administrative/discipline
3 investigation, and I believe there were four
4 commanders that were involved in the investigation,
5 and another assistant-director that was part of the
6 overall project, or...

7 Q. [4] Disciplinary investigation.

8 A. Yes.

9 Q. [5] Okay. So, the four commanders and the
10 assistant-directeur, the AD, was that on top of
11 Mr. Gu  rin?

12 A. Well, there was Mr. Gu  rin, there was Mr. Lalonde.
13 The four commanders: Mr. Guy Bianchi, Mr. Nicodemo
14 Milano... I'm just going by, I'm trying to figure
15 out by memory... Mr. Sylvestre, Mr. Liboiron. I'm
16 just, I'm going by... I believe it's those four
17 names.

18 Q. [6] Okay. So, and I believe that, so that was
19 the... I didn't quite get it yesterday, but I think
20 that's the East Division, or that... Is that the
21 right way to...

22 A. The events in question occurred in the East. In the
23 East...

24 Q. [7] East Division.

25 A. In the East...

1 Q. [8] And Mr. Gu erin is in charge of the East
2 Division.

3 A. He's in charge of the Special Investigations Unit
4 at... which we call the SES, which...

5 Q. [9] Yes.

6 A. ... englobes all the specialized units, Antigang,
7 Proceeds of crime, Fraud, just to name a few.

8 Q. [10] And that's the main unit that intervened in
9 Montr al-Nord, that's why Mr. Gu erin was involved.
10 I think that's what you said.

11 A. That's... yes, exactly.

12 Q. [11] Okay. So just to be clear so that... so the
13 East Division was investigating disciplinary
14 matters with respect to the... to cut it short, I
15 don't want to... it's not your words, it's my
16 words, the Montr al-Nord leaks. Right?

17 A. It's not the... it's not the East that was
18 investigating, it was mandated by Mr. Gu erin to do
19 an investigation, he's the one that took the
20 initiative to do the investigation, from what I
21 understand in that file, it was the Antigang Unit
22 that was in charge of the investigation, but the
23 people that were... that were suspected were in the
24 East Division.

25 Q. [12] Okay So it's the Antigang Unit that was in

1 charge of the investigation. Right? Correct? The...

2 A. That's correct.

3 Q. [13] Right, Okay And the assistance of Internal
4 Affairs, what was it exactly? What kind of
5 assistance did you provide?

6 A. Well, we had an investigator that would assist the
7 management team that was in charge of interviewing
8 the different police officers who had intervened in
9 the Montreal-North event.

10 Q. [14] Okay So there was one investigator from the
11 Internal Affair...

12 A. There was one...

13 Q. [15] ... Unit.

14 A. There was one investigator and there was also Mr.
15 Lagacé who's en fonction supérieure for Lieutenant
16 that was assisting in the overall liaison with the
17 management team.

18 Q. [16] So Mr. Lagacé is also part of Internal
19 Affairs?

20 A. Yes.

21 Q. [17] Okay And he was in charge of liaison
22 between... when you say management team, you mean
23 the cadres that you just described and Mr. Guérin?

24 A. Yes, well, I just want to make a distinction, Mr.
25 Guérin, Mr. Lalonde were the assistant directors

1 and the... les cadres, the four that were involved
2 in meeting with different police officers from
3 different divisions slash sections.

4 Q. [18] And so when you say he was doing liaison, he
5 was... so, he was just... what was that... what
6 was... yes, what was his role?

7 A. His role was there if they needed any information
8 or any... the ways to help with the investigation
9 or...

10 Q. [19] Okay And the investigator from Internal
11 Affairs, is it to your knowledge that he did the
12 interview of all the policemen or he did some or...
13 what was his role more specifically, do you know?

14 A. I know that the investigator, Mr. Bergeron, he's
15 the one that did the report in question, but if you
16 ask me if I know exactly if he participated in all
17 the interviews with the police officers, I'm not
18 sure.

19 Q. [20] Okay, but say... but it was the Antigang Unit
20 that was in charge, presumably because the Montreal
21 leaks originated from an operation that was more...
22 and correct me if I'm wrong, I'm just trying to
23 understand, more aimed or necessitated the
24 participation of the Antigang Unit more than the
25 other units, is that why?

1 A. That's correct.

2 Q. **[21]** Okay And you just mentioned that Mr. Bergeron,
3 so that's the investigator from the... from
4 Internal Affairs, right?

5 A. That's correct.

6 Q. **[22]** So Mr. Bergeron wrote a report, you said?

7 A. A report at the end of the process.

8 Q. **[23]** Okay And do you remember what was the
9 conclusions of those reports? Or of that report?

10 A. From... if I have it in front of me, I could read
11 it and I can tell you the conclusions, but from
12 memory, it's... there was no... from my knowledge,
13 there was nobody that was identified in terms of...
14 nobody came forward to say it was myself that
15 leaked information and the investigation didn't
16 demonstrate anybody that was identified as the
17 person who leaked the information.

18 Q. **[24]** And that report was presented to whom?

19 A. From... to Mr. Lagacé and the report should have
20 been reported to Mr. Martin Renaud, because he's
21 the inspector of both Internal Affairs Discipline
22 and Enquêtes spéciales.

23 Q. **[25]** Did...

24 A. When I was assuming that role, that's where it was
25 coming, so at the end, yes, it's Mr. Lagacé that

1 received the... But Mr. Renaud would have knowledge
2 of that report.

3 Q. [26] Was it presented to you also?

4 A. I don't remember it being presented to me. Maybe
5 they gave me the big lines but, at the end of the
6 day, from what I remember, there was nobody that
7 was identified in terms of... So...

8 Q. [27] In terms of leaks.

9 A. In terms of leaks.

10 Q. [28] Was it presented to Mr. Gu  rin? I guess.

11 A. There's two reports, I just want to distinguish,
12 there's two reports. There was a report that was,
13 Mr. Bergeron, which he wrote, and then there's the
14 report with the different constatations and
15 recommendations concerning everything that was done
16 in the investigation and, from what my memory...

17 Q. [29] So, there was a second report on...

18 A. Yes.

19 Q. [30] Okay. And still written by Mr. Bergeron or
20 somebody else?

21 A. No. That was written from Mr. Guy Bianchi, the
22 Commander.

23 Q. [31] Guy Bianchi who, and I'm sorry, he's the
24 Commander of?

25 A. He's the Commander, at the time, he was the

1 Commander of the East/Morality Drug Squad and he
2 was one of the participants in the investigation
3 with Mr. Milano, Mr. Sylvestre and I believe it's
4 Mr. Liboiron but I'm not sure about the fourth, the
5 fourth name.

6 Q. **[32]** And I understand that the second report was
7 more focussed on recommendations and constataions
8 so, a set of facts that had been, I guess, seen or
9 looked at during the investigation?

10 A. The recommendations, if the report's in front of
11 me, I'd be able to tell you about it because he
12 writes some recommendations but, from memory, one
13 of the recommendations was the diffusion of
14 classified information, at what time, who should
15 have it and it was, I believe that was one of the
16 recommendations to restrict the confidential
17 information on reports, not just everybody at large
18 but be more...

19 Q. **[33]** More specific recommendations instead of...

20 A. Yes, yes.

21 Q. **[34]** ... a set of guides or...

22 A. And from what I understood also from that report,
23 it was more of a recommendation for people to
24 understand also, police officers understand the
25 nature of why this was done and why it's important

1 to, the information and to keep it within the
2 organization.

3 Q. [35] To your knowledge, was Mr. Pichet presented
4 with both reports?

5 A. I don't know.

6 Q. [36] Do you know if Mr. Deramond was presented with
7 both reports?

8 A. I don't know.

9 Q. [37] So the second report, do you know to whom it
10 was presented to?

11 A. Which report are you talking... Are you talking
12 about the first one...

13 Q. [38] The second report.

14 A. ... or the second one?

15 Q. [39] The second report.

16 A. Okay. The first...

17 Q. [40] The one with the recommendations because the
18 first one, you answered.

19 A. Yes, okay. The second one...

20 Q. [41] The second one...

21 A. To Mr. Deramond? It's...

22 Q. [42] Or do you know...

23 A. It's...

24 Q. [43] ... who got it?

25 A. No, he... I can't say for certain but if I go with

1 a sequence of, the status of the, Mr. Gu erin
2 reports to Mr. Deramond so, consequently, he should
3 have, but I can't speak one hundred percent (100%)
4 that he gave it to him for sure but he should have
5 presented the report to Mr. Deramond.

6 Q. [44] I apologize in advance to the Commission and
7 everybody because maybe I missed it, was it filed
8 in your examination in chief, these two reports?
9 No? Do we have... I haven't, I must admit, I
10 haven't seen then but it may be because I haven't
11 looked at the right place but, basically, do we
12 have it?

13 Me CHARLES LEVASSEUR :

14 Faites-vous r f rence   fuite ou Mainville?

15 Me CHRISTIAN LEBLANC:

16 I'm referring to the two reports the witness just
17 talked about so it's in the F8 inquiry and there
18 would have been two reports, one written by Mr.
19 Bergeron another one written by...

20 A. Mr. Bianchi.

21 Q. [45] Mr. Bianchi on the result of the investigation
22 with respect to journalistic leaks, sources, I
23 think it would be relevant that the Commission gets
24 those reports.

25

1 LE PRÉSIDENT :

2 Écoutez, nous ne les avons pas ici, les trois
3 commissaires ne les ont pas. Est-ce que c'est
4 pertinent, il faudrait voir. Alors, peut-être qu'on
5 pourrait commencer par voir et puis on décidera si
6 c'est pertinent ensuite. C'est pas la première fois
7 qu'on entend parler de F8. Je pense que même quand
8 l'état-major a témoigné, ils ont été questionnés
9 là-dessus aussi. C'est tout ce que je peux dire
10 aujourd'hui. Peut-être qu'on pourrait regarder ce
11 qu'on a sur F8, et voir la pertinence, et décider
12 s'il y a lieu de produire les documents.

13 Alors, on va... je pense que la meilleure
14 chose à dire, on va demander à nos avocats
15 d'examiner ça, de vous revenir là-dessus, et puis
16 on ne l'oubliera pas; on va le prendre en note.

17 Me CHRISTIAN LEBLANC:

18 Oui, parce que, monsieur le Président, juste
19 pour... oui, vous avez raison, F8 avait été
20 discuté. Ma compréhension c'est qu'il n'y avait pas
21 eu formellement témoignage, puis j'en porte pas
22 rigueur à Mr. Pichet ou à qui d'autre là, qu'il y
23 avait eu une enquête, la structure de l'enquête, et
24 là, j'apprends aussi qu'il y a eu un rapport, et on
25 sait que cette enquête-la visait les sources

1 policières qui parlent aux médias, alors vous avez
2 raison, soyons prudents, regardons le rapport pour
3 savoir s'il est pertinent, mais je pense que je
4 serais très surpris qu'il ne le soit pas. Mais
5 d'accord, je n'ai pas de... merci beaucoup de votre
6 aide.

7 Le PRÉSIDENT:

8 On verra.

9 Me CHRISTIAN LEBLANC:

10 Q. [46] So, the Antigang Unit was investigating those
11 leaks, you said it was a disciplinary/
12 administrative inquiry. I...

13 A. Just, correction...

14 Q. [47] Sure.

15 A. It's not the Antigang that was investigating the
16 leaks, they had an investigation in the sector of
17 the East.

18 Q. [48] Maybe it's just the way I...

19 A. No, it's okay.

20 Q. [49] You said the Antigang Unit was in charge of
21 the investigations with respect... that was
22 launched by Mr. Guérin with respect to...

23 A. No.

24 Q. [50] No?

25 A. Sorry. Maybe we just misunderstood each other.

1 Q. [51] Maybe.

2 A. The Antigang was in charge of the investigation
3 that occurred in the East concerning what
4 happened...

5 Q. [52] In Montréal-Nord?

6 A. ... what happened in Montreal North...

7 Q. [53] Right.

8 A. ... but concerning their suspects, not...

9 Q. [54] Right.

10 A. ... the leaks at the time.

11 Q. [55] Okay. I'm just now, I'm interested in what Mr.
12 Guérin is launching. So the inquiry that Mr. Guérin
13 is launching on the leaks.

14 A. Okay.

15 Q. [56] Okay? So, that inquiry that he is launching,
16 who is leading that inquiry? Is it Special
17 Investigations under Mr. Guérin? Is it Antigang? Is
18 it...

19 A. It's Mr. Guérin that proposed and wanted an
20 investigation concerning what happened with the
21 events of Montreal North.

22 Q. [57] Right.

23 A. And, of course, we assisted him, but at the same
24 time, there was the majority of the management team
25 was from outside the box, outside our division,

1 and...

2 Q. [58] Right.

3 A. ... there was a series of interviews that were done
4 by the management team.

5 Q. [59] Okay. So, is it normal for you that managers
6 or policemen that are not part of the Internal
7 Affairs department investigating disciplinary,
8 possible disciplinary misconducts of other
9 policemen?

10 A. It's been done before. It's not the first time.

11 Q. [60] How many times has it been done in the past,
12 according to your memory?

13 A. That's a very good question. I can't give you a
14 precise answer, but... and I know the next question
15 is going to be is it five, ten times.

16 Q. [61] Just to help you.

17 A. Yeah, no, I know. I'd say at least over ten times,
18 easy.

19 Q. [62] So, over ten times where disciplinary
20 investigations are done, not by Internal Affairs,
21 but other departments?

22 A. No, the question you asked me, is there any police
23 officers outside that do investigations, but they
24 do it with... with, like I mentioned before, we
25 have a liaison person, or we have an investigator

1 that's adjoined with... so there's an over...

2 Q. [63] Some involvement of the Internal Affairs?

3 A. Yes, oh, yes. Yes, of course.

4 Q. [64] In this case, we saw there was one
5 investigator and one liaison officer, right?

6 A. Yes.

7 Q. [65] You also said yesterday, but correct me if I'm
8 wrong -- I noted it down -- you said that F8, the
9 F8 inquiry was done outside of your department.
10 That's how you characterized it. And I understand
11 it's Mr. Guérin launching it. You have one
12 investigator implicated.

13 A. M'hm.

14 Q. [66] But it's not... you're not leading that
15 investigation, you're not overseeing that
16 investigation yourself?

17 A. Well, we're overseeing, because for sure the
18 expertise is in our division, but at the same time,
19 we have seasoned commanders that have experience,
20 and they're... they're the ones that conducted the
21 interviews and I believe, if I'm not mistaken, they
22 were paired. They were paired by two's, and it was
23 the commanders that were doing the interviews with
24 the different police officers from the different
25 sections that were involved during this operation.

1 So, I'm just gonna give you an example, if
2 Mr. Bianchi's team, which was involved, to a
3 certain extent, in that operation, while there was
4 two commanders outside the East, that would
5 generally meet the people of his team, and vice
6 versa.

7 Q. [67] But it's still managers who are inquiring
8 their own policemen. Right? In the end?

9 A. Yes.

10 Q. [68] Isn't it the whole point of having an Internal
11 Affairs Department to have independent policemen
12 looking at these matters, and not management of
13 these policemen? I thought that was the point of
14 having an Internal Affairs Department.

15 A. It's not uncommon and, like I mentioned before, you
16 asked me the question many times, it's been done
17 numerous times, and sometimes it's a question of
18 resources, it's a question of needing that help
19 also to conduct these...

20 Q. [69] I guess it's not coming out of your budget,
21 when you say resources, when it's done that way,
22 right?

23 A. What do you mean? I don't understand the question.

24 Q. [70] Well, I mean it's not your... it's not your
25 budget, it's not your policemen, it's not... it's

1 only one. Financially speaking, we've talked
2 about, you know, when we put techniques of
3 inquiries, you need to approve it, there is a cost
4 to this, I mean... here, it's not within... it's
5 the budget of the other division, or at least,
6 they're implicated.

7 A. To be honest with you, Your Honour, I don't even
8 remember whose budget it came out.

9 Q. [71] Okay.

10 A. We have an investigation, we have a job to do, and
11 whether it's the budget of the... le SES, or if
12 it's coming from the Division des affaires
13 internes, we still have to do our job.

14 Q. [72] What do you... Mr. Borduas testified, and so
15 Mr. Hanna, testified to the fact that the
16 investigations at Internal Affairs need to be kept
17 confidential, because it's the career of a
18 policeman. If, in the end, the conclusion is that
19 he did nothing wrong, we don't want anybody to know
20 it, or even protecting judges against, sometimes,
21 against them being tainted by certain
22 investigations. Isn't that a problem when
23 investigations like that are outside the Internal
24 Affairs Department?

25 A. Well, I can't answer what Mr. Borduas and Mr. Hanna

1 said, but I can tell you that we have trust in our
2 managers also. Because, to do an investigation...
3 And I'm gonna give you the best example possible.
4 When we do projects or we do investigations within
5 our own division, it's impossible to do it... when
6 we need special operations... Sometimes we have to
7 go without the boss or, at one point you have to...
8 you have to trust the people that you're working
9 with. If I'm talking about mes homologues, with
10 the Sûreté du Québec, the RCMP... even within our
11 own special divisions, we do approaches with the
12 managers, and there has to be a certain amount of
13 trust, or else we can't function as a division.

14 Q. [73] Is it a concern to you, do you think it's
15 dangerous, that managers inquire, investigate
16 disciplinary matters on their own police force, not
17 going through Internal Affairs?

18 A. The process, the due process is that if there is a
19 disciplinary... I'm sorry, I'm searching my words
20 in English, but it's... and I don't want to back
21 and forth, *constat*, but if... If they see, or they
22 observe that there is a disciplinary thing that's
23 done by one of their police officers, to a certain
24 extent, it could be sanctioned before that
25 employee. So it's not uncommon.

1 But when it comes to disciplinary
2 investigations, it should be always, it should be
3 done with our division, of course.

4 Q. [74] But that's not...

5 A. I don't know if that answers...

6 Q. [75] But that's not what has been done here, and I
7 don't... I want to be fair with you. You're saying
8 also that at the SPVM, it's common that it's not
9 done that way. You said numerous times that it can
10 be done that way.

11 A. I'm just not precise in my answer. What I said is
12 that if we need the help of whether... this time,
13 it was a Sergeant-detective, if it's other police
14 officers, it's possible that we request the
15 assistance of different police officers, whether
16 it's management, whether it's Sergeant-detectives,
17 it's not that all investigations, whether
18 discipline or whether criminal, we can go outside
19 our box. And I explained yesterday in my testimony
20 also that when we're doing criminal investigations
21 and sometimes we're in projects, we're going to go
22 get the expertise of certain individuals that we
23 don't possess in our division to assist us in our
24 investigations.

25 Q. [76] But that's not what we're talking about here,

1 you didn't need the help of anybody to do the
2 investigation, it's the reverse, here, it's Mr.
3 Gu erin who's doing the investigation and you have
4 one investigator joining up the team, right?

5 A. Mr. Gu erin prop...

6 Q. [77] You told us that...

7 A. Yes.

8 Q. [78] ... I don't want you to repeat yourself,
9 but...

10 A. No. No, no.

11 Q. [79] ... it's not a case where the Internal affairs
12 needs the help of the tailing unit, the electronic
13 surveillance unit or other outside... it's the
14 reverse, here.

15 A. If you're asking me if it's uncommon, the answer is
16 yes, but at the same time, it's not... it's... the
17 guidance was still there in terms of how to proceed
18 with the witnesses, from the liaison, Mr. Lagac e,
19 and of course, there was the investigator that was
20 there that was... they just didn't do what they
21 wanted to do. What they wanted to do type of
22 thing, they... they got guided also in terms of the
23 formalities of how to meet with the witnesses and
24 so on.

25 Q. [80] So you say it's un... again, it's your

1 testimony.

2 A. Yes.

3 Q. **[81]** And the understanding of the Commission. You
4 say it's uncommon? Because I understood previously
5 that you said it was common. You were hesitating
6 five, ten...

7 A. No.

8 Q. **[82]** ... times, you remember?

9 A. No. No.

10 Q. **[83]** And you said numerous, at one point.

11 A. It's un...

12 Q. **[84]** So which one is it?

13 A. No, it's because you mentioned the reverse, is it
14 uncommon. It is, it's uncommon. But on the other
15 hand, what I said before in my testimony is if I
16 need... if I need, I'm speaking for the division,
17 if we need the assistance of a Sergeant-detective,
18 a commander to assist us, whether it's in a
19 discipline file or in a criminal file, or... that's
20 what we do.

21 Q. **[85]** Okay, but that's not how F-8 was born, right?

22 A. And that's what I've just...

23 Q. **[86]** Okay. And the way F-8 was born was Mr.
24 Guérin, it was his team, cadre, one of your teams,
25 one liaison, that type of inquiry on disciplinary

1 matter, that's uncommon at the SPVM or that happens
2 a lot?

3 A. That was one of the... well, since I've been there,
4 I think it's one of the first ones, if I'm not
5 mistaken, from memory, of course.

6 Q. **[87]** Okay. And I'll ask you the question again,
7 it's going to be the last time for you, that is not
8 a concern that cadres, managers, other policemen
9 than internal affairs investigate disciplinary
10 matter of policemen. You're fine with that?

11 A. I'm more than fine, because if we don't trust... if
12 we don't trust our own police officers to do a job
13 that's professional and rigorous, where are we
14 going as a society?

15 Q. **[88]** What about the independence of Internal
16 Affairs? What about the confidentiality of
17 Internal Affairs? What about the mere fact that
18 Internal Affairs exists so that managers and
19 policemen will not investigate on themselves.
20 Correct me if I'm wrong, I thought that was the
21 main reason why internal affairs existed, but it's
22 really not my field, but that's what I thought.

23 A. I'm going to explain to you, yes, the division...
24 and I'm not saying yes to everything you said. Yes
25 that the division, there's confidentiality, there's

1 a cert... there's a... I don't want to call it a
2 "wall", but you know, we're in a... we're in a
3 division where it's... it's sécurisé, so yes. But
4 at the same time, to conduct our jobs, it's... we
5 need, sometimes, the assistance of different police
6 officers, whether it's investigators, whether it's
7 management or whether it's other police officers
8 from other police forces. That's how we conduct
9 business. If we cannot have trust in these police
10 officers to do their investigation, and I've had
11 numerous cooperation from different police forces
12 and different police officers and if I started...

13 THE PRESIDENT:

14 Q. [89] That, you explained a few times.

15 A. Yes. No, but it's important to understand also,
16 Your Honour...

17 Me CHRISTIAN LEBLANC:

18 Q. [90] And it's not what I'm talking about, just for
19 you to understand, Mr. Labos.

20 A. Okay.

21 Q. [91] I'm not talking about that at all.

22 A. Okay.

23 Q. [92] I know you get cooperation from many services
24 when you do an investigation but that in the F-8
25 investigation is not an Internal Affairs

1 investigation, it's what I qualified, and you
2 picked up on it as the reverse scenario. I was
3 talking about those scenarios.

4 Were you at, or is it to your knowledge,
5 and it was in the media, it's actually 34-P, was it
6 to your knowledge that Mr. Guérin attended a
7 meeting at which time he talked about breaking the
8 culture of leaks to the media, is that to your
9 knowledge?

10 A. Well, according to what I heard, the accounts from
11 the media, but I don't believe it was at that
12 meeting too...

13 Q. [93] And that was my next question. Were you at
14 the Riviera for that meeting?

15 A. It would have to be explained exactly what kind of
16 a meeting if it was. If it was a general called
17 meeting, when I say "general" like, from demanded
18 from the direction, all the *cadres* are there, I'd
19 have to check to be sure that I was there, but if
20 it was an operational with the division of Mr.
21 Guérin, I was not there.

22 Q. [94] Well, we can be even...

23 THE PRESIDENT:

24 Q. [95] Well, were you or were you not at the meeting
25 that was eventually reported in the media?

1 A. I don't remember, Your Honour. I don't remember if
2 I was there.

3 Q. [96] You don't remember whether you were there or
4 not.

5 A. No, I don't. But if, that's what I'm trying to
6 explain the distinction if it was a meeting called
7 by the director where all the *cadres* are present
8 and, at the same time I still have to verify if
9 that date I was, if I was ...

10 Q. [97] But this one, this one is a different one
11 because it ended up in the media the next day.

12 A. Yes.

13 Q. [98] So, I mean, it's pretty spectacular so if you
14 were there, I suppose you would remember. If you
15 weren't there, you would remember you weren't there.

16 A. I don't remember but I don't think I was...

17 Q. [99] You don't remember?

18 A. I don't remember I was there but that's what I'm
19 trying to explain, I don't want to be... sound
20 evasive or anything but there's a distinction
21 between a general meeting versus a meeting of la
22 Section des enquêtes spécialisées.

23 Q. [100] Yes, but...

24 A. But I don't want...

25 Q. [101] ... this section has nothing to do with

1 whether you remember or not having been there. And
2 so, the question put to you is were you there? You
3 say you don't remember whether you were there or
4 not.

5 A. No, I don't.

6 Q. [102] Okay.

7 Me CHRISTIAN LEBLANC:

8 Q. [103] Do you remember being at a meeting where Mr.
9 Gu  rin says: it's going to be the end of the leak
10 culture and if it needs to go to this, and any
11 displacement of employees, Philippe... meaning
12 probably Philippe Pichet, ... will take care of it.
13 I mean, I guess it's not every day that you...

14 A. If you...

15 Q. [104] ... hear that kind of language. Do you
16 remember, you know, a meeting, where you would have
17 heard that.

18 A. I don't remember a meeting and I don't remember him
19 saying those statements to...

20 Q. [105] Was that ever discussed with you, either by
21 Mr. Pichet, Gu  rin or anybody else? When I say
22 "that", I mean - breaking the leak culture, if it
23 needs displacement of personnel, Philippe will get
24 to it or will take care of it. - was that ever
25 discussed with you?

1 A. I've never heard Mr. Guérin specifically say Mr.
2 Pichet is going to take care of whatever. What I do
3 recall is that Mr. Guérin was not very happy
4 concerning the leaks that happened in this operation
5 and he's the one that demanded to do an
6 investigation. That's what I remember.

7 Q. [106] Were you kept abreast of F-8?

8 A. Yes.

9 Q. [107] How?

10 A. Well, my Inspector, I forgot to mention, my
11 Inspector was also part of the group of people
12 involved in the investigation. There was a few
13 meetings that I recall and the final reports that
14 were submitted to us by Mr. Bianchi and, of course,
15 the final report from Mr. Bergeron.

16 Q. [108] You're not sure they were submitted to you
17 though, that's what you said previously.

18 A. Well, I was in the division. For sure, I saw the
19 report of Mr. Bianchi and for sure, did I read the
20 whole report? But the conclusions were, from what
21 Mr. Bergeron had said, there was no... nobody was
22 identified in terms of a suspect so...

23 Q. [109] And approximately how many meetings did you
24 attend? The kept-abreast meeting. Just so you were
25 there, how many meetings did you attend?

1 A. I can't be precise but anywhere between five (5) and
2 ten (10).

3 Q. [110] So, you were made aware during the
4 investigations of what was being done.

5 A. Yes.

6 Q. [111] Okay. Do you know if Mr. Pichet or anybody
7 else at High Command was kept abreast?

8 A. Oh, they knew that F-8 was in progress because Mr.
9 Gu erin informed Mr. Pichet at the time.

10 Q. [112] But were they kept abreast as you were? Did
11 you keep abreast Mr. Pichet or anybody at the High
12 Command? Do you know, to your knowledge, if anybody
13 else kept them abreast?

14 A. There might have been some conversations with the
15 director, but to specifically say if... I can't give
16 you an exact time of how many times I informed Mr.
17 Pichet, but he knew that there was an investigation
18 going on, that's...

19 Q. [113] I just want to understand your testimony, you
20 say, "there may be"... do you remember if you
21 yourself talked about F-8 with Mr. Pichet or...

22 A. I did.

23 Q. [114] ... or High Command?

24 A. I did.

25 Q. [115] You did, how many times?

1 A. Like I mentioned earlier, I don't remember exactly
2 the amount of times.

3 Q. **[116]** Certainly not more times than the meetings you
4 had where they were keeping you abreast... or maybe
5 more?

6 A. No. But again...

7 Q. **[117]** After each of these meetings, were you
8 systematically reporting to High Command, or Mr.
9 Pichet?

10 A. No.

11 Q. **[118]** I guess there was no, in the end, disciplinary
12 measures taken against any policemen because you
13 were not able, as I think you mentioned, to identify
14 any... the origins of possibilities, correct?

15 A. That's correct.

16 Q. **[119]** Okay. So, aside from these five files,
17 because we added F-8, are you aware of any other
18 investigations that were done, to your knowledge,
19 with respect to journalistic sources, police
20 journalistic sources?

21 A. To my knowledge, no.

22 Q. **[120]** Okay. We're going to go chronologically, so
23 let's tackle the Larivière file, Mr. Labos, if you
24 don't mind.

25 A. No problem.

1 Q. **[121]** And you can take 65-P, please. It's the
2 surveillance report.

3 So, you have 65-P, you see it's dated, it's
4 upper left, October ninth (9th), two thousand
5 fourteen (2014), correct?

6 A. Yes.

7 Q. **[122]** Okay. And just to be clear, that's the report
8 that is being sent to you by e-mail by Nicodemo
9 Milano on October tenth (10th) at six past midnight
10 (00:06 hrs), and that would be 67-P, or it's en
11 liasse, right after 65-P, you have the same e-mail.

12 A. Yes.

13 Q. **[123]** Okay. Presumably, or, let me... tell us, but
14 presumably, you see his e-mail and the surveillance
15 report some time before eight twenty (8:20) in the
16 morning of the tenth (10th), and the reason why I'm
17 saying that, Mr. Labos, is that, if you take 67-P,
18 that's where you send an e-mail to Normand Borduas,
19 you're actually forwarding Mr. Milano's e-mail to
20 Normand Borduas.

21 A. What page is that, Sir?

22 Q. **[124]** That would be 67-P, Mr. Labos.

23 A. Yes.

24 Q. **[125]** So yes, you are made aware of that file some
25 time on the morning of the tenth (10th), when you

1 get to the office?

2 A. No.

3 Q. **[126]** No. So when are you made aware of the file for
4 the first time?

5 A. On the ninth (9th). Like I mentioned in my testimony
6 yesterday, Mr. Milano communicated with myself and
7 explained the situation, and his concerns, and he
8 had to meet with his team to get a debriefing on
9 their notes perso... their personal handwritten
10 notes concerning their observations, and that he
11 would get back to me as quickly as possible. And...

12 Q. **[127]** And they're getting back to you is six past
13 midnight (00:06), with the surveillance report.

14 A. I doubt very highly that I opened it up at six...
15 at... I think I was sleeping at that time, but...

16 Q. **[128]** No no no, I'm not saying you took cognizance
17 of that at that time...

18 A. Yes.

19 Q. **[129]** ... but the getting back to you by Mr...

20 A. Yes.

21 Q. **[130]** ... Milano was the email he sent you at six
22 past midnight (0:06).

23 A. Yes.

24 Q. **[131]** Right?

25 A. Exactly. And the next...

1 Q. [132] Okay.

2 A. And the next morning, when I got to the office, I
3 transmitted the information to Mr. Borduas.

4 Q. [133] When you talk to him on the ninth (9th), do
5 they know a policeman is involved?

6 A. Yes.

7 Q. [134] And does he tell you how he knows that?

8 A. I think somebody recognized him, if I'm... I'm just
9 going from memory. I think somebody recognized him
10 and, at the same time, there was a document, or a
11 piece of document...

12 Q. [135] Well, they... he left...

13 A. They left...

14 Q. [136] They left a... They know a name, because
15 they...

16 A. Yes.

17 Q. [137] I'm just trying to help you, and...

18 A. Yes. Yes.

19 Q. [138] But they left... Somebody there left a case
20 for glasses with a name in it.

21 A. Yes.

22 Q. [139] But if I refer you to 65P, which is the
23 surveillance report, I'm suggesting to you that
24 nowhere in the surveillance report it says that
25 there is a policeman involved.

1 A. But if we look at 67...

2 Q. **[140]** In the email, there are references to a...

3 A. There are... Yes.

4 Q. **[141]** ... to the fact that a policeman would be
5 involved.

6 A. Yes.

7 Q. **[142]** But not in 65P. So, did you clarify with him
8 if at the time of writing 65P, they know if a
9 policeman is involved or not? Because the first
10 mention, there is no... there is no... I'm not
11 trying to catch you at anything here.

12 A. No.

13 Q. **[143]** 67P says, in the email, explains, and that's
14 the last paragraph of 67P, Mr. Labos, that the
15 investigator... I'm loosely translating here.

16 A. Yes.

17 Q. **[144]** The investigators were convinced that the
18 HI... Is that another name for target, or, I don't
19 know. HI?

20 A. I'd like to keep it confidential.

21 Q. **[145]** Oh, it's a code term that you need to...

22 A. It's a code.

23 Q. **[146]** Okay. So we'll keep the code confidential. I
24 don't need it. The HI was from the SPVM, because...
25 And then you have two explanations.

1 A. Okay. Just to make one thing clear, the
2 conversations with Mr. Milano, in my... I can't be
3 certain one hundred percent (100%) that the name of
4 Mr. Larivière was mentioned, but I believe that it
5 was identified with...

6 THE PRESIDENT:

7 Q. [147] Well, the name... The name appears in 65P. The
8 first, the rapport de surveillance. It's the last
9 inscription on the document. And it refers...

10 A. Ah! Yes.

11 Q. [148] It refers to the case...

12 A. But without...

13 Me CHRISTIAN LEBLANC:

14 Q. [149] The name appears.

15 A. Yes.

16 Q. [150] But my question is: do you know, is there any
17 discussion that there is... it's a policeman? The
18 name appears because of the case for the glasses.

19 A. Well, from... And I don't want to go over what
20 verifications they did, the Sûreté du Québec, with,
21 bien, l'équipe mixte, what they did to try to
22 identify, but that's what I wanted to mention
23 before. I don't remember if Mr. Milano informed me
24 that it was Mr. Roger Larivière, because for sure,
25 if... But one thing is for sure: at zero zero zero

1 six (00:06), there's pictures of Mr. Larivière, so
2 we know it's Mr. Larivière, that's one hundred
3 percent (100%) certain. But I can't give you a
4 specific answer if the conversation between
5 Mr. Milano and myself, did he mention... did he...
6 if he mentioned Mr. Larivière, one hundred percent
7 (100%) sure, we knew it was Mr. Larivière.

8 Q. **[151]** You say one hundred percent (100%) sure, you
9 knew it was Mr. Larivière. I just want to be fair
10 with you. Mr. Larivière the policeman, or
11 Mr. Larivière the citizen? I'm trying to find out,
12 when do you find out it's a policeman?

13 A. The policeman? 'Cause we know that Mr. Larivière is
14 an active policeman from the SPVM.

15 Q. **[152]** Okay. And when do you learn that? I mean,
16 there's five thousand (5,000) policemen. Maybe you
17 know him already, maybe you can recognize his
18 picture? How do you know it?

19 A. We know he's an active police officer. We do.

20 Q. **[153]** Okay, and when do you learn that?

21 A. It's common... it's common... that is an active
22 policeman.

23 Q. **[154]** So is that discussed on the ninth (9th)? Is
24 that discussed on the tenth (10th)?

25 A. Like I mentioned earlier, was our discussion between

1 Mr. Milano and myself on the ninth (9th).
2 Identifying the name, I believe so, but I'm not
3 certain one hundred percent (100 %), but one thing
4 I'm certain is that when the email comes in at zero,
5 zero, six (00:06) and when I open it up, there's
6 pictures of Mr. Larivière, and the President noted
7 that the name is there, so we know we're talking
8 about the same... we're talking about the policeman
9 Mr. Larivière.

10 Q. **[155]** And why do you send it to Mr. Borduas? This
11 email?

12 A. The explanations that we received from Mr. Milano
13 concerning what has the police officers saw on that
14 date, they were concerned that the... les
15 agissements de... of Mr. Larivière when he spotted
16 the police officers, the conduct of Mr. Berthomet,
17 with one or two of the investigators, an exchange
18 that happened in the washroom, asking questions we
19 know each other... I'm just going by memory from
20 what was... what was discussed. The conversation
21 they had in... the exchange... the physical exchange
22 that was in the bathroom when Mr. Berthomet went and
23 followed them, if I'm not mistaken and asking how do
24 we know each other and touching his... touching
25 his...

1 THE PRESIDENT :

2 Q. [156] You're giving the very long answer to a very
3 short question. Why did you transfer the file to Mr.
4 Borduas?

5 A. For an investigation.

6 Q. [157] For?

7 A. An investigation.

8 Q. [158] An investigation. On what?

9 A. On possible breach of...

10 Q. [159] Trust?

11 A. ... trust. Yes. So concerning the plaintiffs, which
12 were the Sureté du... the members of the Sureté du
13 Québec, what they saw.

14 Me CHRISTIAN LEBLANC :

15 Q. [160] So the possible crime, here, for which you're
16 launching an investigation, is breach of trust?

17 A. Allegations of breach of trust.

18 Q. [161] Right. And presumably, the allegation of
19 breach of trust that... or your conclusion that it's
20 an allegation of breach of trust that warrants an
21 inquiry or an investigation is done at eight
22 nineteen, forty-eight seconds (8:19:48) on the tenth
23 (10th), when you transfer this to Mr. Borduas. At
24 the latest. You may have decided it before, but
25 that's why you're transferring it to Mr. Borduas,

1 right?

2 A. Exactly.

3 Q. **[162]** Okay Did you have any other discussions with
4 Mr. Borduas, namely the means of the techniques of
5 investigation he should use?

6 A. No. What I remember informing Mr. Borduas at the
7 time was that monsieur Larivière has prior files
8 with our division and Mr. Borduas agreed that he
9 would look into the history of mister... monsieur
10 Larivière.

11 Q. **[163]** So you tell him to look in his past records
12 because you had investigate him... investigated Mr.
13 Larivière in the past? Is that... I just want to
14 understand.

15 A. No, there's...

16 Q. **[164]** No.

17 A. Mr. Larivière, before I got to the division in two
18 thousand and nine (2009), he had a series of events
19 that trans... that happened, transpired, and this
20 was, if I'm not mistaken, the new incident that
21 happened... that happened, and it's only normal for
22 the supervisor, superviseur des enquêtes or the
23 commander or the inspector, at the time, to notify
24 his team... his investigator that there's history
25 with Mr. Larivière concerning... concerning what has

1 transcribed before also.

2 Q. [165] Internal affairs history?

3 A. Internal affairs.

4 Q. [166] Then you were aware... that's before you were
5 at the internal affairs, so that's before two
6 thousand and nine (2009)?

7 A. Before two thousand and nine (2009), there was
8 incidents that occurred with Mr. Larivière prior,
9 and... yes, that's what it was.

10 Q. [167] And you're not at internal affairs at that
11 time, how come you know that?

12 A. Because it's in the directory when... it's in the
13 directory in terms of... I'm aware of it because...

14 Q. [168] What directory?

15 A. Hold on. I'm going to explain, because...

16 Q. [169] Sure. Sure.

17 A. ... we have a directory with all our investigations,
18 with all our people that... all our police officers
19 involved, whether in a discipline, criminal,
20 information or enquêtes indépendantes, that's the
21 first thing, but subsequently to two thousand and
22 nine (2009), on a few occasions, we had different
23 interventions with mister... with Mr. Larivière.

24 Q. [170] So you know about that because you look at the
25 directory?

1 A. Before two thousand and nine (2009), I didn't know
2 what was going on with Mr. Larivière. When I got to
3 the Internal Affairs Department, after two thousand
4 nine (2009), like I mentioned, there was some
5 incidents. I can't tell you exactly when they
6 occurred but they happened subsequently to when I
7 got there so, for sure, there was exchanges between
8 myself, Mr. Larivière's Commander at one point, and
9 also a meeting with Mr. Larivière to clarify a
10 certain file that he was preoccupied with.

11 Q. [171] Okay, so then I misunderstood. I thought you
12 said that these incidents predated you coming to
13 the...

14 A. Oh yes, they did. There's more than one...

15 Q. [172] There's incidents predating two thousand and
16 nine (2009) and incidents during, after you reached
17 the Internal Affairs Department.

18 A. There's...

19 Q. [173] Is that what you're saying?

20 A. There's incidents that Mr. Larivière was intimé
21 before and, after two thousand nine (2009), there's
22 incidents that he's a plaintiff and two thousand
23 fourteen (2014) when it becomes again the allegation
24 for breach of trust in two thousand fourteen (2014).

25 Q. [174] These incidents, are they in any way related

1 to possible leaks to the media?

2 A. From my knowledge, no. It's on a personal...

3 Q. [175] So, why is it relevant to tell Mr. Borduas to
4 go and look at those incidents?

5 A. Why is it relevant?

6 Q. [176] Yes.

7 A. It's relevant to know who Mr. Roger Larivière is to
8 get a global portrait of who the person that we're,
9 my investigator is just not going to go in the dark
10 and just start doing what have you. He's going to do
11 a thorough, and that's proper procedure also. Even
12 if I didn't tell him anything, let's say I wasn't
13 there, we have our dept that we call and he would
14 have went and verified the different, the system
15 that tells us, we put the badge number inside and it
16 tells us globally is there any incidents in terms of
17 criminal investigation, any incidents of discipline,
18 is there... That's what's done.

19 Q. [177] Did you tell him anything else?

20 A. From what I remember, no.

21 Q. [178] It's his first investigation at Internal
22 Affairs, right?

23 A. Oh, okay, yes. Well, my...

24 Q. [179] Yes?

25 A. Just to answer your question now that you just

1 refreshed my memory. Always, whether it's Mr.
2 Borduas or whether it's any other investigator,
3 "Let's do a thorough job, let's do a professional
4 job, rigueur" and those were les grandes consignes
5 that I give to Mr. Borduas, but it's the same thing
6 I do for all my investigators.

7 Q. [180] Were you involved yourself in the
8 investigation per se?

9 A. In what sense, Your Honour?

10 Q. [181] I'm not "Your Honour", but that's fine. In the
11 sense that did you check facts, were you involved in
12 the investigation, in any other role than just
13 supervising and/or being kept abreast of the
14 investigation.

15 A. My role's very simple. I got information from the
16 Sûreté du Québec, l'équipe mixte, I gave the
17 information, the documents to Mr. Borduas. I
18 informed him of Mr. Larivière. I communicated with
19 Mr. Baril, which I mentioned yesterday, but I didn't
20 remember exactly what fichiers were sent and that
21 was my... And of course, on a few occasions, more
22 than a few occasions, I was updated of what was
23 going on with the investigation.

24 Q. [182] Didn't you check if Mr. Larivière had a
25 personal cellular, cell phone or if it was an SPVM

1 cell phone.

2 A. Yes, I did.

3 Q. **[183]** Okay. So, that's my question: did you do any,
4 did you take part in any of the inquiries, more than
5 in your supervisory role. So, you checked that. Did
6 you check anything else?

7 A. Well, I'll explain you why I checked it.

8 Q. **[184]** Uh-huh.

9 A. It was at the request of my investigator because,
10 again, when we're dealing with other departments,
11 sometimes they don't have the ri... It was his first
12 investigation and he didn't know who to contact to
13 get this information, so I communicated from, if I'm
14 going from memory, with the commander of the unit,
15 and he or she did the verifications, and it came
16 back, I think it was negative.

17 Q. **[185]** Did you do any other specific task in that
18 investigation? Not as a... not in a supervising role
19 where you're just being kept abreast, but the likes
20 of what you just described?

21 A. From memory, no.

22 Q. **[186]** I'll ask you to take the mandate, the search
23 warrant that was obtained in the Larivière file.

24 It's under Tab 73, Mr. President and Mr. Labos.

25 A. P-73?

1 Q. [187] No, it wasn't filed in your examination in
2 chief, so it's Tab 73. I don't know if you have the
3 onglet there, or just the...

4 A. No. I just have the... la pièce...

5 Q. [188] La pièce?

6 A. La pièce.

7 THE PRESIDENT:

8 Is it 73?

9 Me CHRISTIAN LEBLANC:

10 Oui, c'est l'onglet 73, Monsieur le Président. C'est
11 le search warrant, à moins que j'ai mal noté.

12 THE PRESIDENT:

13 Mine is empty, so...

14 Me GUYLAINE BACHAND, commissaire :

15 Moi, j'ai ça produit sous 71P.

16 Me CHRISTIAN LEBLANC:

17 Ah, c'est peut-être moi qui a pas noté que ça avait
18 été produit, mais...

19 Me GUYLAINE BACHAND, commissaire :

20 Mais je ne jure de rien.

21 Me CHRISTIAN LEBLANC:

22 Oui? D'accord. Désolé de la confusion.

23 THE PRESIDENT:

24 Ça va.

25

1 Me CHRISTIAN LEBLANC:

2 Q. [189] So you have the search warrant?

3 A. Yes.

4 Q. [190] Okay. If you turn to page 3, paragraph 22. So,
5 Mr. Borduas is doing the chronology.

6 A. Okay.

7 Q. [191] And it seems to me that, on the 22nd, the
8 paragraph 22nd, it's on October tenth (10th), that
9 he does a comparison with the pictures, and that he
10 identifies what he qualifies as un homme non-
11 identifié as being Larivière. Does that refresh your
12 memory as to when you know that he's a policeman?

13 A. One thing's for sure, maybe that's the time that he
14 meets with... I'm deducting here, that he meets with
15 Mr. Robert from the Sûreté du Québec, but one
16 hundred percent (100%) he knows it's Mr. Roger
17 Larivière from before.

18 Q. [192] That's not exactly what is said at 22 though,
19 right, if I'm reading it correctly?

20 A. Une comparaison est faite par le SD Borduas
21 des photos prises par un policier [...], et
22 la photo de l'employé Larivière détenu dans
23 les banques de données du SPVM. Cette
24 comparaison permet de conclure que l'homme
25 non-identifié est bien [...]

1 Okay, I understand what you're...

2 Q. [193] Yeah.

3 A. ... what you're saying.

4 Q. [194] So, does it refresh your memory that the
5 identification that it's a policeman is done
6 actually by Mr. Borduas on the tenth (10th)?

7 A. That's what he's written in his statement, but one
8 thing's for sure, when the email from Mr. Milano
9 comes in on the tenth (10th), with the attachments
10 of the reports and the photos, it's one hundred
11 percent (100%) sure it's Mr. Larivière.

12 Q. [195] Paragraph 26, Mr. Labos, you may have
13 forgotten, that's okay, but isn't it true that you
14 did something else in the inquiry, and that you
15 would have asked sécurité informatique what fichier,
16 files would have consulted Mr. Larivière on October
17 ninth (9th)?

18 A. I mentioned it yesterday in my testimony.

19 Q. [196] Because I just asked you the question if you
20 do an inquiry, you said, yes, I ask for the cell
21 phone, if it was personal or not, nothing else. You
22 did ask sécurité informatique also, right?

23 A. But I did mention that yesterday in my testimony.

24 Q. [197] Okay. Is there anything else, even if you
25 mentioned it yesterday, I just want to establish the

1 complete picture of what you did in the inquiry.

2 A. From memory, don't forget, Mr. Leblanc...

3 Q. [198] I know...

4 A. ... it's...

5 Q. [199] ... I'm just trying to...

6 A. ... it's from two thousand fourteen (2014).

7 Q. [200] Sure.

8 A. If you're asking me do I remember everything one
9 hundred percent (100%)...

10 Q. [201] There's no reproach, I just want to...

11 A. No, no...

12 Q. [202] ... have a bigger picture.

13 A. ... understand, but if you bring me the facts, like
14 the documentation like this, I could attest yes or
15 no; but I did mention yesterday that there was a
16 demand from Mr. Baril that I made. The phone call I
17 had forgotten, but now that you mention it, yes, I
18 did make a phone call with the gestionnaire to
19 validate that part.

20 Q. [203] Okay.

21 A. According...

22 Q. [204] Nothing else comes to mind, aside from that?

23 A. Nothing else comes to mind.

24 Q. [205] Okay. Paragraph 33. We read there that on
25 October sixteen (16), two thousand and fourteen

1 (2014), Mr. Borduas has obtained a warrant from
2 Justice White, which is an ordonnance de
3 communication. You see that?

4 A. Yes.

5 Q. [206] You also see that however, a warrant to get
6 the "U" driver and the email of Mr. Larivière is
7 refused.

8 A. Okay.

9 Q. [207] You see that at 33?

10 A. Yes. I just see it right now.

11 Q. [208] Were those requests for a warrant discussed
12 with you before being asked by Mr. Borduas?

13 A. To my knowledge, I know that he talked about the
14 warrant, about going, getting the "U", as we call in
15 jargon de police. And possibly also that is just on
16 Mr. Larivière, but to me it was... it was a normal
17 procedure in terms of an investigator's request to
18 go and get what he needed to follow up with his
19 investigation.

20 Q. [209] So to you, that's a normal procedure, but was
21 it discussed with you beforehand? You can't say for
22 sure, maybe just the "U"?

23 A. I have knowledge that we discussed about the "U",
24 the "U", for sure, one hundred percent (100%). And,
25 like I said, it's possible that he did discuss it.

1 It's not coming to me now, but let's say he did
2 discuss it with me, but...

3 Q. [210] No, it's to your knowledge, it's...

4 A. To my knowledge, I think he did, one, for sure, the
5 "U". The registre, possibly.

6 Q. [211] The emails?

7 A. Possibly. Sorry, the emails?

8 Q. [212] The emails, was it discussed or is it part of
9 the "U"? When he wants the "U", it's because he
10 wants the emails?

11 A. I think it's... Yes, I think it's part of the...

12 Q. [213] Okay.

13 A. It's part of the "U", and... That's what's written,
14 yes. But if you want...

15 Q. [214] So the...

16 A. If you want me to give you a specific time, if I met
17 with Mr. Borduas and we discussed, he discussed or
18 he brought up that, I don't remember, but...

19 THE PRESIDENT:

20 Q. [215] No, he didn't... he didn't...

21 Me CHRISTIAN LEBLANC:

22 Q. [216] I didn't...

23 THE PRESIDENT:

24 Q. [217] The lawyer didn't ask that.

25 A. Okay. Sorry.

1 Q. [218] He just asked whether you remember.

2 A. Okay.

3 Q. [219] And if you don't remember, you don't remember.

4 A. I don't. I don't.

5 Q. [220] I mean, it's not a... You're not...

6 A. No no, I understand.

7 Q. [221] You don't have to remember everything, you
8 know?

9 A. No, you're right.

10 Q. [222] So, but... Don't be too long. Go to the point.

11 A. Okay.

12 Q. [223] Please.

13 A. No problem.

14 Me CHRISTIAN LEBLANC:

15 Q. [224] Did you authorize this request by Mr. Borduas
16 for a mandate?

17 A. Like I mentioned yesterday, I'm not there behind...

18 He made his request, and he went to the judge, and

19 he presented his thing. If you're asking me do I

20 authorize everything, I wouldn't be able to do my

21 job, my regular duties as an inspector, that's...

22 But it's not a question of... That's what I want to

23 distinguish. And it's not trying to distance myself

24 from decision-making or not. He has procedures, as

25 an investigator, to follow through, and that's part

1 of his job.

2 Q. **[225]** Did you... So I'm guessing you didn't read the
3 affidavit either?

4 A. No.

5 Q. **[226]** Paragraph 34. On October seventeen (17), so
6 the next day, Mr. Borduas will now obtain a search
7 warrant by Justice White to get the emails and the
8 "U" drive. Do you remember discussing this with him?

9 A. No.

10 Q. **[227]** Do you remember reading the affidavits to
11 support that?

12 A. No. No.

13 Q. **[228]** So, if you didn't discuss it with him, there
14 was no... I understand your general answer, but
15 there was no personal authoriza...

16 A. No.

17 Q. **[229]** ... particular authorization for that one.

18 A. Did he...

19 Q. **[230]** Either.

20 A. Did he mention that the warrant was refused? It's
21 possible. I don't remember.

22 Q. **[231]** No no no.

23 A. It's...

24 Q. **[232]** The warrant was not refused, here. That's the
25 next day, where the warrant is issued.

1 A. Okay. No but the day before, it was ref...

2 Q. **[233]** But I'm not... We're finished with the day
3 before.

4 A. Okay.

5 Q. **[234]** We're on October seventeenth (17th). Same
6 answer: did not...

7 A. No.

8 Q. **[235]** Okay. Paragraph 36. That time, a general
9 warrant is given to copy, unbeknownst to
10 Mr. Larivière, a USB key. Do you remember
11 Mr. Borduas talking to you about that, or getting
12 that warrant?

13 A. I remember him talking to me about a USB key. Yes.

14 Q. **[236]** And did he ask you authorization to get a
15 warrant to copy the USB key? Is that to your
16 knowledge?

17 A. Again, I just want to make one thing clear. He
18 doesn't ask me permission to do the warrant. He
19 mentions it, there... Il a du bon sens, you know, in
20 his investigation approach and he follows through
21 with his...

22 Q. **[237]** In what context, do you remember, he would
23 have mentioned that to you?

24 A. I remember the USB key, but the context... I don't
25 remember the context. Just like I remember the

1 "U"... I don't remember specifically...

2 Q. [238] Paragraph...

3 A. ... you have to understand...

4 Q. [239] Sorry.

5 A. ... Mr. Leblanc, also, that this is not the only
6 file that I'm supervising, we have... I have a
7 project going on, I'm on numerous committees, and
8 it's not to justify that I don't know all the micro
9 details, the answer is I don't know all the micro
10 details, but it's not just the file of Mr. Larivière
11 that's going on at this time.

12 Q. [240] Paragraph... I understand that. Paragraph 37.
13 We're now October twenty-second (22nd), a few days
14 after. That time, there's a general mandate to
15 obtain the names... the correlation. You know, names
16 with the phone numbers that he got. Same answer? Did
17 you authorize that? Did you see the affidavit? Did
18 you have any discussions with Mr. Borduas to that
19 effect? I know it's three questions, but I'm trying
20 to go quickly, if you remember anything about that,
21 just tell us, basically.

22 R. I remember he did go out for these warrants, but the
23 exact conversations concerning that date in
24 particular, the answer is no.

25 Q. [241] You just remember him going out for those

1 warrants. That's your testimony? I'm sorry, that's
2 your...

3 A. Yes.

4 Q. **[242]** Okay Paragraph 51. We don't know the exact
5 date because the paragraph just prior to 51 are
6 redacted, but if you look at 48, the chronology,
7 we're now January twelfth (12th), so it's sometime
8 after January twelfth (12th), even if you look at
9 paragraph 53, it says January twenty-seventh (27th),
10 so it's sometimes between January twelfth (12th) and
11 January twenty-seventh (27th). I'm just trying to
12 situate you.

13 A. Hum hum.

14 Q. **[243]** I don't know if that helps, but... We see that
15 that time, Mr. Borduas gets a general mandate and
16 it... I don't know how to translate that, quite
17 honestly, but it says to sniff around, pour aller
18 fouiller in the office of Mr. Larivière to try to
19 find the USB key and do copy it. Are you aware of
20 that?

21 A. Yes, I am.

22 Q. **[244]** This one, you are. Tell us how come you are
23 aware of that. Did you authorize it?

24 A. Well, the investigator comes up to us... comes up to
25 myself and informs that he's going to be using this

1 technique and with his arguments concerning what he
2 sees in the investigation, he's continuing his
3 investigation.

4 Q. **[245]** So for that one, there's a meeting prior for
5 him to get the...

6 A. There's a...

7 Q. **[246]** ... warrant?

8 A. There's a discussion, but I don't want to go back to
9 the other two, but there's a discussion with this,
10 he brings up... it's... like, the office is not...
11 and when he does mention this, I see that les
12 démarches d'enquête that he wants to do is
13 consequent with what he's saying.

14 Q. **[247]** But as you said, you're busy, you have other
15 files, you're not micromanaging, how come he
16 mentioned that? How come you're involved in that
17 procedure?

18 A. It's not a question of being involved, it's a
19 question of being informed that he's going to do
20 this procedure, he exposed the situation to me at
21 that time, and it ends there. Then, he writes up his
22 warrant...

23 Q. **[248]** I was just trying to find out...

24 A. Yes.

25 Q. **[249]** ... why that one and why not the other ones?

1 That was my simple question.

2 A. No, but I mentioned before also that we did have a
3 discussion about le lecteur "U".

4 Q. [250] Yes, yes, no, but...

5 A. Yes. Yes.

6 Q. [251] ... but some others, he did not, so I'm just
7 trying to find out...

8 A. You know what it is? I remem...

9 Q. [252] ... when is it that...

10 A. I remember specific words that come to my... but I
11 don't remember all the micro details in this case,
12 but there's certain things that I do remember that
13 Mr. Borduas specifically said to me.

14 Q. [253] Okay

15 A. It's as simple as that.

16 Q. [254] Okay It's basically left to Mr. Borduas to be
17 more forceful and bringing some attention to you as
18 to certain aspect that he's doing, if he's not doing
19 it as you said, you're not there on the day to day
20 and you expect the investigator to do his job. Is
21 that a good... correct me if I'm wrong, I'm just
22 trying to summarize...

23 A. The...

24 Q. [255] ... your... and understand...

25 A. Yes.

1 Q. [256] ... the process there.

2 A. The process, it's simple in my mind, but just to
3 explain to the Commission, is the investigator, he
4 has... he has the autonomy, we're not talking about
5 investigators that have just been named three months
6 as Sergeant-detectives, we're talking about seasoned
7 investigators that have experience working with les
8 autorisations judiciaires, they have experience in
9 investigation which is varied, and I explained
10 yesterday the different type of investigators that
11 are in the unit, and yes, Mr. Borduas has his
12 experience as an investigator, he has a file, it's
13 not the first criminal file he has, there's des
14 étapes d'enquête qu'il faut qu'il fasse, that he has
15 to do, and he's the best, the one that maîtrise,
16 that masters his file and no, the supervisor or the
17 inspector or the commander is not behind their,
18 excuse the expression, their shorts every two
19 minutes and, "Did you do this... did you do that...
20 did you do that?"

21 Q. [257] Did you yourself report to Mr. Parent or
22 anybody else at the High Command about that inquiry?

23 A. Which inquiry?

24 Q. [258] De Larivière inquiry.

25 A. Which inquiry?

1 Q. **[259]** The investigation of Larivière.

2 A. At that time, I was inspector, my immediate boss was
3 Mr. Dominic Werotte and, like I mentioned yesterday,
4 in the rencontre de gestion, we were advised, he was
5 advised also that there was an ongoing investigation
6 with Mr. Larivière. He was very aware of the
7 investigation and I don't remember being present
8 with him, seeing Mr. Parent to advise him about this
9 investigation but I'm sure Mr.... I don't want to
10 speak for Mr. Werotte but I presume that he did
11 inform the director that there was an investigation
12 going on with Mr. Larivière.

13 Q. **[260]** You say Mr. Werotte was very aware. What kind
14 of detail level reached Mr. Werotte?

15 A. Well, there's different roles for everybody. There's
16 the investigators, there's the fonctions
17 supérieures, there's the, at that time, there's the
18 inspector and then there's the Inspector Chief,
19 which is Mr. Werotte at the time.

20 THE PRESIDENT:

21 Q. **[261]** So, to get to the point, what kind of
22 information you would give to Mr. Werotte in a file
23 like this one?

24 A. The global lines of where we're going in terms of
25 we're investigating, we're going, there's some

1 warrants that have been done in the file. A little
2 bit of a progression of what's going on in the file
3 but we're not getting into the, I'm not telling Mr.
4 Werotte, "Dominic, he did a warrant for the "U" to
5 verify this, to do this, to do that..." No, it's
6 more of a global evolution of the file.

7 Me CHRISTIAN LEBLANC:

8 Q. **[262]** So, it doesn't stop there. Well, we see that
9 on paragraph 52 on the same day, he also gets a
10 general mandate to get some correlation between DNRs
11 and named people with respect to the numbers. But
12 then, if you take paragraph 61, we are in February
13 and then Mr. Borduas is getting, paragraph 61, you
14 see that?

15 A. Yes, I see that.

16 Q. **[263]** He's getting a DNR for the residence of Mr.
17 Larivière. You see that?

18 A. Yes, I do.

19 Q. **[264]** Same question, did you discuss this with him?

20 A. I don't remember.

21 Q. **[265]** Did you...

22 A. I don't remember about that.

23 Q. **[266]** You don't remember?

24 A. No.

25 Q. **[267]** Okay. It doesn't stop there. Paragraph 62, he

1 describes that there was a tailing operation for
2 three days on Mr. Larivière. Do you see that?

3 A. Yes.

4 Q. [268] Same question, was that discussed, approved?

5 A. It was discussed and it was approved.

6 Q. [269] Okay. So, is there a different set of
7 proceedings when it's a tailing operation? Because
8 now, you seem to be very - and that's fine - but you
9 seem very categorical that you did approve that so,
10 let's go chronologically.

11 A. But I'm going to explain a little bit in terms of
12 why it's more precise, it's because, like I
13 mentioned with my role yesterday, as the Inspector,
14 the first line of communication, and it was also one
15 of his first cases of, one of the first cases but he
16 had other ones subsequently, the initial contact
17 with...

18 The investigator is going to come up to you
19 and says: we're at a step where we have to do
20 surveillance on our subject. And, of course, to get
21 authorization, we have to communicate with the
22 Division des opérations spécialisées so there's a
23 link between the Inspector and the Commander of the
24 operational, special, we'll call it "Special Op", to
25 get, to discuss confidentially that we require the

1 assistance of a surveillance team to follow through
2 with what we need.

3 So, I did the initial contact. Once I do
4 the initial contact and we establish that it will be
5 done, it will be authorized, then the investigator
6 does the liaison with the Lieutenant Detective of
7 the surveillance team to follow through.

8 THE PRESIDENT:

9 Q. [270] So, that's the reason why, for this one, you
10 would have been informed in more details...

11 A. Yes.

12 Q. [271] ... by Mr....

13 A. Borduas.

14 Q. [272] ... Borduas.

15 A. Yes.

16 Q. [273] As opposed to other techniques they used in
17 the past.

18 A. Yes, because he can't just communicate with Special
19 Ops.

20 Q. [274] So, the way it happens is that, he came to see
21 you and he said, correct me if I'm wrong but, I
22 would like to put together a three day tailing
23 operation on Mr. Larivière. Presumably, you
24 approved it, because you...

25 A. M'hm.

1 Q. [275] ... not only did you... we see that it's been
2 done, but you say you are the one that would do the
3 liaison with Special Ops., as you describe them,
4 right?

5 A. I'm going from memory for that file, yes.

6 Q. [276] Do you remember reading any... I mean, there's
7 no warrant for that, so did you remember reading any
8 plan that he would have presented to you, or any
9 justifications in writing that he would have
10 presented to you?

11 A. It was all done verbally.

12 Q. [277] Okay. And do you remember verbally why would
13 he have thought at the time that this was justified?
14 Not generally, but in this file, do you remember
15 anything about that?

16 A. To establish... from what I remember, to establish
17 one hundred percent (100%) where he lived, to
18 establish his... if there was any other contacts.
19 There was a few elements that were presented, I
20 don't have all the elements. I don't have...

21 Q. [278] Well, the paragraph in question, 62, says:

22 ... visant à établir les contacts
23 et les allés et venues de M.
24 Larivière.

25 A. Okay. So...

1 Q. [279] You don't know anything more than what's
2 written there, that he would have told you?

3 A. Those were the big lines that I was informed at that
4 time, and...

5 Q. [280] Very briefly, can you tell the Commission what
6 kind of resources is needed for a three day tailing
7 operation? This is not just two policemen, twenty-
8 four (24) hours a day, right?

9 A. I don't remember exactly the amount of time, but
10 there's a team of surveillance that... I'm not going
11 to get into the specific details, but there is a
12 surveillance team that will do what they have to do
13 in terms of surveillance. It's not that I don't
14 want to answer, I don't think it's...

15 Q. [281] But, I mean, and we have what's written in
16 paragraph 63, you said that one of the reasons was
17 to verify where you lived. I mean, you don't do a
18 three day tailing operation to verify where somebody
19 lived, right?

20 A. I said that's one element, I didn't say it was...

21 Q. [282] Okay, but to you, that was one element that
22 they...

23 A. I'm going from memory, from what I remember.

24 Q. [283] Okay. Do you know if you report this tailing
25 operation to Mr. Werotte?

1 A. Mr. Werotte is aware that we're doing surveillance,
2 yes.

3 Q. **[284]** And you know that because you remember a
4 discussion you would have had with him? I'm trying
5 to be specific here, we're in a specific... you
6 know, there's five files, I'm...

7 A. Like I explained, we have le rencontre de gestion,
8 and Mr. Larivière's file came up more than once,
9 just like other numerous files that are being done
10 at the division, and it's very possible that I
11 inform Mr... I don't need Mr. Werotte's permission
12 to... but we are a close management team, and for
13 sure as the...

14 Q. **[285]** So you say very possible?

15 A. I would say he knew.

16 Q. **[286]** Okay. Paragraph 63, and he asked the same day
17 for what I believe is GPS localisation for the cell
18 phone, were you aware of that?

19 A. I don't remember.

20 Q. **[287]** He doesn't stop there. On paragraph 67,
21 there's a renewal of a DNR; were you aware of that?

22 A. No. But it's not uncommon either that, if the
23 investigation is ongoing, that he's... an
24 investigator will ask for a renouvellement. But do
25 I remember him telling me on a specific date - I'm

1 going to go renew the warrant.. the answer is no.

2 Q. **[288]** And then, ultimately, Mr. Borduas will have
3 installed a spy software, spectre-type, on Mr.
4 Larivière's computer; were you aware of that?

5 A. Yes, I was.

6 Q. **[289]** And why were you aware of that?

7 A. Because it was the idea of Mr. Normand Borduas. Like
8 I mentioned yesterday in my testimony, I had no idea
9 what the software was, and he exposed the utility of
10 such a software in his investigation. There was
11 costs that were associated with this software, and I
12 gave him the authorization to proceed with the
13 software.

14 Q. **[290]** And that was towards the end of the
15 investigation, after all the other techniques, or at
16 the beginning of the investigation?

17 A. I don't recall exactly when that was brought up, but
18 it was brought up during the investigation. I can't
19 tell you if it was brought up in the beginning, or
20 in the middle, or towards the... the investigation,
21 from what I understand, from what I remember,
22 started in October, and it concluded I think in
23 March.

24 Q. **[291]** So Mr. Larivière met with Mr. Berthomet, he
25 was nervous, he got a report from four policemen,

1 and he ends up with a spy software, tailing
2 operation, GPS localization, the book basically
3 being thrown at him. Was it ever discussed with
4 Mr. Borduas that at one point, for the inquiry, for
5 the investigation, it was enough? Was it ever
6 discussed, at one point, that the means of
7 investigation were, or had reached their end? Was
8 that part of the discussion you remember having with
9 Mr. Borduas?

10 A. If we go back to October, when... 'Cause there's
11 more than just what you're saying in terms of why
12 Mr. Borduas went and got a series of warrants, and
13 there's a series of techniques that were used
14 concerning this file. There's... And I don't want to
15 get back into the investigation, 'cause... Comme je
16 dis, je... I don't master the microdetails, but
17 there was elements that subsequently gave motives
18 for Mr. Borduas to evolve in his investigation. And,
19 at one point, there was an end to the investigation
20 because of his... the findings... I don't know
21 where, you know, the findings, where they... where
22 they stopped, but I think in March, that's when
23 everything came to an end in terms of proceeding
24 with the warrants with Mr. Larivière.

25 Q. [292] And my question, Mr. Labos, was: is it ever

1 discussed, at any point in time, with Mr. Borduas
2 and yourself, that investigation techniques have
3 been used, and that maybe it's enough, and we should
4 stop?

5 A. Yes.

6 Q. [293] It's been discussed.

7 A. Yes.

8 Q. [294] When has it been discussed?

9 A. Probably around the same time, just before... Not
10 too long before the next steps of, search warrants
11 were to be... 'Cause it was the final step in the
12 investigation, so...

13 Q. [295] I just want to make sure I understand. So you
14 say you remember a discussion about that, and you
15 say it happened when? Before the search warrant?

16 A. I remember, at one point, and I can't get you the
17 exact date, that's... This is all... All these
18 techniques have been done, all these investigative
19 démarches have been done, and this is where we are
20 at this point in the investigation. What's left to
21 do is proceed with the search warrants, and that was
22 the final, as we say, step in the investigation and,
23 of course, to meet with Mr. Larivière, and...

24 Q. [296] Well, there were search warrants as far, as
25 soon as mid-January. So I just want to make sure, in

1 all fairness to you, what are you... Where do you
2 situate that discussion?

3 A. I'm talking about the final search warrants at the
4 office of Mr. Larivière, and subsequently to his
5 home.

6 Q. [297] So after there is a DNR for his home phone
7 number, that's when you have the discussion,
8 according to you.

9 A. And what's the date of the DNR?

10 Q. [298] For the residential one?

11 A. Yes?

12 Q. [299] It's February six (6), twenty fifteen (2015).

13 A. Like I mentioned earlier...

14 Q. [300] It's paragraph 61.

15 A. I don't even remember him having a registre for the
16 residential, but it doesn't make...

17 Q. [301] But if you don't... if you don't remember him
18 having a registre for the residential one, how come
19 you can say that the discussion happened around that
20 time? I...

21 A. I didn't say that time. I don't know...

22 Q. [302] Okay. So...

23 A. I don't know exactly... I know that the operation
24 happened some time in March. The exact date, I don't
25 remember, but at one point, and I can't be specific

1 in terms of the date exactly, like I said a series
2 of investigative techniques, a series of warrants
3 had been done, and the final step was to do the
4 search warrant, the operation, on the day in March.
5 That's what I'm saying.

6 Q. [303] Okay, and after that day in March you're
7 referring to, that's when you would have had the
8 discussion about what other techniques could be
9 used, or not used? That was my original question.
10 You remember?

11 A. Yes.

12 Q. [304] I'm trying to... You say: "Yes, I remember
13 having a discussion about that." I'm just trying to
14 situate that discussion.

15 A. But I don't remember the exact date, Your Honour.

16 Q. [305] It's towards the end of the investigation, or
17 at the beginning of the investigation? Let's start
18 with that.

19 A. Close to the end of the investigation.

20 Q. [306] Close to the end of the investigation. And do
21 you remember what was discussed?

22 A. No. Not exactly what was discussed then, no. But I
23 do remember that there was, like I mentioned, there
24 was a series of investigative steps. We were here
25 now at this, this is what we have at that point, and

1 what was left, what was left to do and, from my
2 understanding, what was left to do was the different
3 search warrants that were done at the office and at
4 the home of Mr. Larivière.

5 Q. [307] Ultimately, the DPCP did not press any
6 charges, right?

7 A. That's correct.

8 Q. [308] What happened with the data gathered? Did you
9 have any discussions with Mr. Borduas about that?

10 A. No. Ah, sorry, sorry. Which data are you talking
11 about, Your Honour? Which data?

12 Q. [309] Sorry?

13 A. What data?

14 Q. [310] All the data that was gathered through the
15 different techniques that we just went through. Did
16 you have any, do you remember any discussions with
17 Mr. Borduas about that, how to keep them, what will
18 happen to them.

19 A. There was discussions about the data because, at one
20 point after the search warrants with Mr. Larivière,
21 there was a demand from his lawyers concerning
22 emails or... emails with sous-fichiers, I don't
23 know what he called them, with his lawyer and
24 everything but that's what I remember.

25 Q. [311] Before the lawyer, any discussions about the

1 data?

2 A. But what do you want to know exactly? I don't
3 understand your question.

4 Q. **[312]** Any discussions with Mr. Borduas as to how he
5 will be keeping this data, what he will do with this
6 data that he gathered throughout using his
7 investigative techniques.

8 A. Well, the data was on the servers that we received
9 but if we discussed how that data would be sécurisé,
10 I don't recall at that time, Your Honour, Monsieur
11 Leblanc, I'm sorry.

12 Q. **[313]** Not that it's an insult when you say that, but
13 it's just not the situation. Mr. President, I would
14 now move to the Coderre file. It's ten thirty
15 (10:30). I can start it but I think it would be more
16 practical...

17 THE PRESIDENT:

18 We will take the morning break. Alors, de retour à
19 onze heures moins le quart (10 h 45).

20 SUSPENSION DE L'AUDIENCE

21 REPRISE DE L'AUDIENCE

22

23 LE PRÉSIDENT :

24 Maître Leblanc?

25

1 Me CHRISTIAN LEBLANC :

2 Merci, Monsieur le Président.

3 Q. [314] So Mr. Labos, as I said, we're now gonna talk
4 about the Coderre event.

5 A. Yes.

6 Q. [315] Just to do a bit of chronology, if you take
7 79P -- and I apologize in advance, it's gonna be
8 very small, but I think we can blow it up on the
9 screen if you need to.

10 A. Sure.

11 Q. [316] So that's an F20 by Mr. Lalonde. And I'm
12 suggesting to you that that's the first time that
13 Internal Affairs is aware of this file. It's where
14 Mr. Lalonde transfers the document to Mr. Werotte on
15 December fourth (4th). I don't know if you can see
16 that.

17 A. Yes.

18 Q. [317] Do you remember when you get these documents?

19 A. The exact date, no.

20 Q. [318] There's an email, and it's 56P, from Caroline
21 Lemieux, who I know you testified was your... is, I
22 presume, still is, your assistant?

23 A. Was.

24 Q. [319] Was? Okay. So was your assistant on December
25 ninth (9th).

1 A. That's correct.

2 Q. **[320]** So, presumably, you would have gotten them on
3 December ninth (9th) and then, if we complete the
4 chain, you see that, just right, the last email on
5 56P is you transferring those documents to
6 Mr. Borduas. You see that?

7 A. That's correct.

8 Q. **[321]** Okay. One of the documents being the F20, if
9 you look at pièce jointe, the F20, which I believe
10 is 79P. Correct?

11 A. It says "F20 de l'analyste".

12 Q. **[322]** Right. Are you aware of any other F20 than the
13 one we just looked at?

14 A. No.

15 Q. **[323]** Okay. What happens between December ninth
16 (9th) and January fifth (5th)? Why are you just
17 transferring this file on January fifth (5th) to
18 Mr. Borduas, do you remember?

19 A. I was on vacation from the sixteenth (16th) to the
20 twenty-eighth (28th), I believe, of December, and
21 when I got back from vacation, I gave the
22 investigation to Mr. Borduas on the fifth (5th).

23 Q. **[324]** And so, presumably, from the ninth (9th) to
24 the sixteenth (16th), you did not attend to this
25 file. Was there anything else done, do you remember?

1 A. I can't remember exactly, no.

2 Q. **[325]** Okay. And when you're back on the twenty-
3 eighth (28th), you don't remember also what happens
4 between the twenty-eighth (28th) and the fifth
5 (5th), with respect to this file?

6 A. No, because I was on vacation, so I have no idea
7 what transpired.

8 THE PRESIDENT:

9 Q. **[326]** You'll have to speak a little louder. You
10 know, it's...

11 A. Sure.

12 Q. **[327]** It's not a fireplace conversation, it's a
13 testimony, so it's very difficult for the
14 sténographe to pick your soft voice. So just raise
15 it a little bit, please.

16 A. Yes, Mr. President.

17 Me CHRISTIAN LEBLANC:

18 Q. **[328]** At some point prior January fifth (5th), are
19 you made aware of a phone call by -- and you
20 testified to that yesterday -- but that phone call
21 from the Mayor to Chief Parent?

22 A. Can you just repeat your question, please?

23 Q. **[329]** Are you made aware, before January fifth
24 (5th), of a phone call between the Mayor and Chief
25 Parent? With respect to...

1 A. Well, Mr. Dominic informs me that he had gotten the
2 chain of events, how they occurred. With, in respect
3 with Mr. Parent's phone call that he received from
4 the Mayor.

5 Q. **[330]** So, when you're referring to Dominic, you mean
6 Dominic, Mr. Werotte?

7 A. Dominic Werotte, yes.

8 Q. **[331]** He informs you of the phone call, that I got
9 from yesterday, he informs you of that when? Prior
10 to January fifth (5th)?

11 A. I'm going from memory. I don't recall exactly the
12 date.

13 Q. **[332]** And without recalling the date exactly, can
14 you recall if it's prior to January fifth (5th) or
15 after January fifth (5th), which, basically my
16 question is after or before you transfer the file?

17 A. I can't remember exactly when, Mr. Leblanc.

18 Q. **[333]** Was there any special instruction given to you
19 either by Mr. Werotte or anybody else, any...

20 A. No.

21 Q. **[334]** ... any of your other superiors?

22 A. No.

23 Q. **[335]** Any discussions between you and Chief Parent
24 about this file?

25 A. I have no recollection of that.

1 Q. **[336]** So, at any point in time in the file, you have
2 no recollection of any discussions with Chief
3 Parent?

4 A. Concerning this file, no.

5 Q. **[337]** Always, yes.

6 A. Yes.

7 Q. **[338]** I'm sure you have numerous, I hope you have
8 numerous discussions with Chief Parent but, in this
9 file?

10 A. No.

11 Q. **[339]** No? Okay. Were you aware of any discussions
12 between Mr. Werotte and Chief Parent with respect to
13 this file?

14 A. The best person to answer that question would be Mr.
15 Werotte. I don't remember any of this.

16 Q. **[340]** No, I know, but to your knowledge?

17 A. No.

18 Q. **[341]** Because when you say Mr. Werotte...

19 A. No.

20 Q. **[342]** ... told you about the phone call, he's the
21 one who told you about the phone call, right? Did he
22 tell you anything else?

23 A. I don't recall. What I mentioned yesterday was that
24 it wasn't normal for a police officer, I think I
25 remember that part of the conversation, it wasn't

1 normal for a police officer to have a copy of the
2 ticket with confidential information of the Mayor on
3 that constat.

4 Q. **[343]** If you take 57P, it's the chronology of the
5 investigation prepared by Mr. Borduas. You see that
6 on January thirteen (13th), twenty fifteen (2015) at
7 four o'clock (16:00) there's an entry there and Mr.
8 Borduas says,

9 Réception d'un document portant sur des
10 courriels entre Patrick Lagacé et
11 Catherine Maurice de la Ville de
12 Montréal, attachée politique du Maire
13 Coderre. Document remis par C. Labos.
14 Il les a obtenus de Werotte qui les a
15 reçus des mains du Directeur Marc
16 Parent.

17 You see that?

18 A. Yes, I do.

19 Q. **[344]** Am I correct to say that you are the one who
20 told those facts to Mr. Borduas?

21 A. Yes.

22 Q. **[345]** Okay. Is it common for you to get documents
23 from Chief Parent directly with respect to your
24 investigations? Internal Affairs, since two thousand
25 and nine (2009)?

1 A. I didn't receive them directly, it was Mr. Dominic
2 Werotte. I received the documents from Mr. Parent.
3 Mr. Dominic Werotte gave the documents to me and the
4 documents were transmitted to my investigator for...

5 Q. **[346]** That line, that chain starting with Mr.
6 Parent, had you seen that before in any of your
7 investigations at Internal Affairs?

8 A. From memory, no. But it's, again, it doesn't mean
9 that it's not possible either.

10 Q. **[347]** And why do you feel the need to tell that
11 to...

12 A. The need...

13 Q. **[348]** ... to Mr. Borduas? Why don't you just give
14 him the documents? Why do you feel the need to tell
15 him that it comes from Chief Parent, that gave it to
16 Mr. Werotte, that gave it to me and now, I'm giving
17 it to you.

18 A. There's nothing specific, just being transparent in
19 terms of how the information was received and giving
20 it to my investigator, that's as simple as that.
21 There's no specific reason, it's just how I received
22 the document, chain of command: received from Mr.
23 Parent, to Mr. Werotte, from Mr. Werotte to myself
24 and given to my investigator.

25 Q. **[349]** Did it ever occur to you at the time that,

1 because your investigator would know that at least
2 some documents are coming from the Chief, he would
3 be, to say the least, overzealous. Is that a concern
4 to you at the time?

5 A. No, no.

6 Q. [350] Did you ever discuss this with him at the
7 time, that...

8 A. No.

9 Q. [351] Did you ever discuss with him that he needed
10 to treat this as a normal investigation or not
11 treated as a normal investigation?

12 A. Well, this was a normal investigation. To me, it
13 was, it's an investigation that was one of many.

14 Q. [352] We see from the same chronology, always 57P,
15 that the first warrant against Patrick Lagacé in
16 that file is obtained - it's page 2, Mr. Labos, at
17 the top of the page - on December twenty-third
18 (23rd), twenty fifteen (2015). Do you see that?

19 A. Yes, I do.

20 Q. [353] Same question then in the Larivière file, did
21 you approve that warrant? Was it discussed with you
22 prior to getting it?

23 A. I was aware of the warrant.

24 Q. [354] You were aware of it before, after? Did you
25 approve it?

1 A. It's going to be the same answer as I mentioned
2 earlier, I was aware of it, it was a procedure for
3 my investigator to do, and he did what he had to do.

4 Q. [355] And we can see from the chronology that
5 Detective Borduas obtained a warrant against the
6 cell phone of Patrick Lagacé even before getting a
7 warrant against the cell phone of the two main
8 suspects at the time, the two policemen.

9 A. M'hm.

10 Q. [356] Didn't it strike you as odd at the time that
11 he would first target the journalist before
12 targeting two suspected policemen?

13 A. To be honest, I didn't even know the sequence of the
14 warrants in terms of who got which one first, so I
15 don't know.

16 Q. [357] Well, now that you see it, same question.

17 A. I'd have to have the complete context of the
18 investigation to see why Mr. Borduas's thought
19 process and his decision-making to get these
20 warrants prior to Mr. Lagacé's. I can't answer for
21 Mr. Borduas why. At that point, I think he gives
22 explanations. If you're asking me if I find it
23 normal, it would be easy for me to say right now no,
24 but at the same time, I'd have to have the whole
25 picture to understand why his reasoning was to get

1 which warrant at what time.

2 Q. [358] Was there any directive, specification,
3 policies with respect to obtaining warrants against
4 journalists at the Internal Affairs department?

5 A. No. No.

6 Q. [359] And I gather from your answer that that
7 chronology, going to the journalist first, was never
8 discussed with you at the time? Or was it? I don't
9 want to suggest anything to you, but...

10 A. The order of the... are you talking about the order
11 of the warrants?

12 Q. [360] Yes.

13 A. No.

14 Q. [361] To your knowledge, was there any emergency
15 that would have warranted that Mr. Borduas target as
16 soon as he can Mr. Lagacé?

17 A. There's no urgency in terms of... what do you define
18 by "urgent," Mr. Leblanc?

19 Q. [362] Simple term, simple word...

20 A. No, no.

21 Q. [363] ... was there any urgency...

22 A. There was no urgency.

23 Q. [364] ... by...

24 A. If I go by memory, I think it's his third file, or
25 his second file. He got subsequent files after that,

1 but he's just doing his normal démarches d'enquête
2 in this file.

3 Q. [365] On January fifth (5th), when you transferred
4 the file to him -- you don't need to go back, but
5 you can if you want, it's 56P, right, the email.

6 A. M'hm.

7 Q. [366] Am I right to understand that, at that point,
8 the subject, the topic of the inquiry is the illegal
9 use of a computer and not breach of trust with
10 respect to media leaks, right?

11 A. I know that Mr. Werotte had validated with the DPCP
12 concerning the non-authorization of the computer. I
13 went on vacation, like I explained, and coming back
14 on the fifth (5th)... I can't say if it's the fifth
15 (5th) or the thirteenth (13th) that we were made
16 aware of the... of the courriel between Mr. Lagacé
17 and Madame de la Ville.

18 Q. [367] So my question was: am I correct to say that
19 when you're transferring the file on January fifth
20 (5th) to Mr. Borduas, that the subject of the
21 inquiry, the possible crime, the allegations are
22 pertaining to the illegal use of a computer, not
23 breach of trust for media leaks?

24 A. I'm not sure one hundred percent (100%), but...
25 because I don't know at what point... because I was

1 gone for a period of a little bit over two (2)
2 weeks, so I don't know what... the email came on the
3 seventeenth (17th) of December, which I was on
4 vacation. Now, I don't remember if that email was
5 part of the package that was given on the fifth
6 (5th), or it was information that was received
7 later, to be able to answer your question correctly.
8 I'm not sure when that document was... when we were
9 informed of that document. So, if we were informed
10 on the fifth (5th), yes, there's reason to believe
11 it's a possible breach of trust at that point.

12 Q. **[368]** Well, if you look at the chronology, 57P,
13 that's what we were looking at a few minutes go. You
14 know, the chain between Parent, Werotte, and that's
15 January thirteen (13). So what Mr. Borduas, at
16 least, is saying, is that you are giving him those
17 documents on January fourteen (14). Thirteen (13),
18 sorry. Does that refresh your memory, or would you
19 have had those documents, transfer on the fifth
20 (5th) the inquiry, and just on the thirteen (13)
21 give him those documents?

22 A. I'm just trying to establish exactly because, like I
23 mentioned, I'm not sure exactly what date we got the
24 email of the attaché de presse from the City of
25 Montreal. But one thing is for sure: on the fifth

1 (5th) of January, there was an investigation for
2 non-authorized use of a computer. That's for sure.

3 Q. [369] But you can't tell the Commission if there is
4 also an inquiry about breach of trust because of a
5 media leak? Do you remember when you get those
6 documents? We know... Well, at least Mr. Borduas is
7 saying that he got them from you on January
8 thirteenth (13th). Do you know when you got them?
9 And more specifically, did you get them before
10 January fifth (5th)?

11 A. I went on... Like I said, I went on vacation from
12 the sixteenth (16th) to the twenty-eighth (28th),
13 and I don't want to be redundant here. But on the
14 seventeenth (17th) is when the exchange of emails
15 happened between the attaché de presse and
16 Mr. Lagacé.

17 Q. [370] Yes, that we know.

18 A. There was... I can't... I don't have the dates
19 exactly, but there was also a newspaper article that
20 occurred in the beginning of December, showing the
21 ticket of Mr. Lagacé in the newspaper. So, there's
22 two aspects of that investigation. There's the
23 aspect of non-authorized use of the computer, but at
24 the same time, that document is in the media, so
25 there's another aspect of a possible breach of trust

1 from one of our police officers. So there's like two
2 investi... two allegations, if I want to be more
3 clear.

4 Q. [371] I don't believe there was ever, at that time,
5 a newspaper article about unpaid tickets. Are you
6 saying that... Because Mr. Lagacé never wrote about
7 that at that time.

8 A. Some... Well, I'm just going from memory. There was
9 an article...

10 Q. [372] I just want your testimony to be clear for the
11 Commission. I...

12 A. Yes. Because I'm going from the sequence of events,
13 the information that's received from the Mayor to
14 Mr. Parent, Mr. Parent advises Mr. Dominic Werotte:
15 "Is there anything that can be done concerning
16 this?" Then, there's also the sequence when the two
17 police officers go to Sécurité routière and ask the
18 analyst to take out the ticket. The ticket comes
19 out, the analyst informed... remembers that it's a
20 ticket concerning Mr. Mayor. When the article
21 appears in the newspaper, I think one or two days
22 later, she clicks, she informs our Chief Inspector,
23 which is Mr. Lalonde, Mr. Lalonde communicates with
24 Mr. Dominic Werotte at that point. That's how the
25 sequence of events happened.

1 Q. [373] But you don't remember exactly when you get
2 the documents referred to in the chronology of
3 Mr. Borduas.

4 A. If I look, if we're looking at the pièces jointes
5 over here, it's on the ninth (9th) of December, but
6 did I get the total of the documents? I don't
7 believe so, because there's other documents that are
8 produced later on in January.

9 Q. [374] No, it's not the total of the documents. It's
10 a document pertaining to the phone call. Right? The
11 link between, a journalist knows about the ticket.
12 That's...

13 A. Once...

14 Q. [375] Those documents are sent, or given by you to
15 Mr. Borduas on January thirteen (13).

16 A. Okay.

17 Q. [376] Maybe you don't know, but I'm just trying to
18 know...

19 A. No.

20 Q. [377] Do you remember, you yourself, when you get
21 those documents? I understand the sequence of
22 events, and thank you for that.

23 A. Okay.

24 Q. [378] But when do you get them?

25 A. That email is on the seventeenth (17th) of December.

1 I'm on vacation already one day prior, for the next
2 two weeks. So, possibly, I get them some time in the
3 beginning of January, and they're transmitted to
4 Mr. Borduas.

5 Q. [379] And when you... so you can't be more specific
6 than that, I gather? I've asked you the question,
7 but...

8 A. One thing's clear, the seventeenth (17th), I'm not
9 in Montreal, so... I'm on vacation, I come back in
10 the beginning of January, so I presume that I got
11 the information sometime in January, and in January,
12 the information was transmitted to my investigator.

13 Q. [380] Any discussions between you and Mr... you said
14 that there was no discussions between you and Mr.
15 Parent on this topic, correct?

16 A. I don't recall any conversation with Mr...

17 Q. [381] Any discussions between you and Mr. Werotte on
18 this topic?

19 A. Concerning the...

20 Q. [382] The documents he's giving you with respect to
21 the emails of Patrick Lagacé to Catherine Maurice?

22 A. I'm just going from memory, it's possible, those
23 are... these are the... this is an added information
24 concerning the file of Mr... of the two police
25 officers and it was transmitted to my investigator

1 and it wasn't... it's not more than... it's not more
2 than that. He gets the information, gives it to me,
3 I take it, give it to my investigator.

4 LE PRÉSIDENT :

5 Q. [383] I suggest we move to another point.

6 Me CHRISTIAN LEBLANC :

7 That's what I'm doing.

8 LE PRÉSIDENT :

9 Another topic.

10 Me CHRISTIAN LEBLANC :

11 Q. [384] Merci. So I've asked you about the man... the
12 warrant that is being issued on January twenty-third
13 (23rd), two thousand and fifteen (2015), I didn't
14 ask you, but I think we can infer from your answer,
15 but just to be clear, you didn't read the affidavit
16 of Mr. Borduas?

17 A. Non.

18 Q. [385] And what about the... so on February twenty-
19 sixth (26th), he goes for an ordonnance de
20 communication again, to get the names that match the
21 phone numbers that he got with the previous
22 ordonnance. Were you aware that he was doing that?

23 A. It's a normal step in the investigation to go and
24 get the names... did he inform me, do I remember,
25 the answer is no, but it's a normal procedure.

1 Q. [386] Any discussions that you had with him at that
2 point with respect to that warrant?

3 A. No.

4 Q. [387] Okay Were you keeping abreast any superiors
5 with respect to that specific enquiry? Mr. Werotte,
6 Mr. Parent?

7 A. Mr. Werotte was aware of the investigation, like I
8 mentioned, we have our rencontre de gestion every
9 week and we discuss different... doesn't mean that
10 we discussed that file every week, but yes, he was
11 aware.

12 Q. [388] Do you remember telling him with respect
13 specifically to that file that there was a warrant
14 taken against Patrick Lagacé's cellphone?

15 A. I don't remember.

16 Q. [389] Do you remember telling the same information
17 to Chief Parent?

18 A. No.

19 Q. [390] So I'm sorry, and that's my mistake. No, I
20 don't remember or no I did not tell Chief Parent?

21 A. No, I didn't tell... I didn't tell Mr. Parent, no.

22 Q. [391] Okay. I would like now to talk about the
23 Rapport d'enquête. We talked about that yesterday,
24 Mr. Labos, there's actually three versions of the
25 Rapport d'enquête, one is filed under 63-P, the

1 other one is filed under 78-P if you want to refer
2 to them. So the 78-P is the report signed by Mr.
3 Hanna, he's the last to sign it on September
4 sixteenth (16th), two thousand and nine (2009).

5 R. Yes.

6 Q. [392] And it was not clear, to me, at least, what
7 happens then. What would be the procedure? I mean,
8 this report was not ultimately sent to the DPCP, it
9 was 63-P that was sent and that you signed...

10 A. Hum hum.

11 Q. [393] ... so just you... I think you know, but just
12 so you know.

13 A. Yes.

14 Q. [394] What happened when Mr. Hanna signed, did he
15 come and see you with it? Did he just send it?

16 A. The report was probably déposé at my... where my
17 secretary is, and, of course, my secretary is going
18 to come and see me and say Mr. Labos, is this report
19 ready to be sent or has it been validated or what
20 have you, so I know that Mr. Hanna did sign the
21 report, but there was two aspects to that also. At
22 one point, and I can't tell you exactly the date
23 precisely, that Mr. Werotte informed me that there
24 was a... there was a complaint, a possible complaint
25 at Lépine concerning the mayor, that's the first

1 thing, and the second thing, when I read the... le
2 Rapport d'enquête, le précis, there were certain
3 démarches that were not completed and I asked Mr.
4 Borduas to complete the...

5 Q. [395] The report.

6 A. The report.

7 Q. [396] Yes.

8 A. Not the report...

9 Q. [397] Do some more steps...

10 A. Yes.

11 Q. [398] ... and then complete the report.

12 A. Yes.

13 Q. [399] No, I get that. Is that the normal procedure
14 to... when a report is signed by the two
15 investigators, they give it to your assistant madame
16 Lemieux?

17 A. Well, what happens in the sequence of the events,
18 because I think I mentioned yesterday also that as
19 of two thousand fifteen (2015), but even prior to
20 that, there was fonction supérieure, so to develop
21 our,...within, because like I mentioned yesterday,
22 there's not a line to come to our office in terms of
23 investing... fonction supérieure assumed the duties
24 of the supervisor if they need any consultation with
25 the investigators or with this file.

1 So, this file was given to Mr. Hanna by Mr.
2 Borduas because Mr. Hanna was fonction supérieure.
3 So, with his experience, he signed the document in
4 question and to answer your question more
5 specifically, the information came from Mr. Werotte
6 concerning that and, at the same time, when I looked
7 at the report, the report was not complete. v So, I
8 wanted to assure that the report was complete before
9 it was sent to the DPCP.

10 Q. [400] Mr. Labos, my question was simple. Is there a
11 standard procedure when two investigators sign their
12 report that they have to give it to your assistant?

13 A. It's not a procedure, it's... it comes to my
14 assistant but I read the report also. I read the
15 report...

16 Q. [401] So, you read all the reports.

17 A. I read all the reports.

18 Q. [402] Do you sign all the Rapports d'enquête?

19 A. In the beginning, from two thousand nine (2009) to
20 about two thousand fifteen (2015), I'm not sure
21 exactly what period but at one point the Lieutenant-
22 detective fonction supérieure, was signing the
23 reports and sending them through my secretary
24 because there's a system of boudinage and how we
25 present our files to the DPCP and then they're sent

1 to the DPCP with a cover letter, with the name of
2 the investigator, if the DPCP has any specific
3 questions or what have you to be able to contact
4 directly the investigators.

5 Q. [403] So, the officier supérieur that you're
6 referring to would have been Borduas, is that what
7 you said?

8 A. No.

9 Q. [404] No? Who would it have been, you?

10 A. Well...

11 Q. [405] I'm trying to be very particular to this file.

12 A. Mr. ...

13 Q. [406] On September sixteen (16), two thousand and
14 fifteen (2015), so is what you described in place
15 because you said until two thousand and fifteen
16 (2015).

17 A. So, I was still inspector at that time.

18 Q. [407] Right.

19 A. In September of two thousand sixteen (2016) and yes,
20 I still had the overall view of the précis before it
21 was sent to the DPCP.

22 Q. [408] Okay. So, I gather when the two investigators
23 have signed their Rapport d'enquête, they have to
24 bring it to madame Lemieux so that you can read it
25 and that she can boudiner and prepare the file...

1 A. Yes.

2 Q. [409] ... for sending. That's the procedure? That
3 was my question.

4 A. That was the procedure.

5 Q. [410] That's what happens with all the Rapports
6 d'enquête in all the enquêtes that are being done at
7 Internal Affairs at the time?

8 A. That was the procedure until two thousand (2000),
9 January two thousand (2000), in the beginning of
10 January two thousand sixteen (2016) when my
11 inspector, my new inspector came in. We had a
12 fonction supérieure and the process was changed, it
13 was the fonction supérieure that would sign the
14 documents and they would be sent to the DPCP.

15 Q. [411] Okay. So your testimony with respect to 78P
16 is that that's exactly what happened, that was
17 filed, given to madame Lemieux and then you read
18 it...

19 A. That's correct.

20 Q. [412] ... and you had these two concerns.

21 A. That's correct.

22 Q. [413] Mr. Hanna testified yesterday that, actually,
23 when he went to see madame Lemieux, she said
24 something and, you know, we'll see in the
25 transcript, I'm going from memory: Oh, this is

1 Costa's file... and at the same time, you would have
2 heard the conversation, you came out and you said:
3 yeah, thank you, let me take a look at this. Is that
4 to your memory?

5 A. I don't remember the sequence of the events like
6 that. What I do remember is yes, I was aware of the
7 file and, at the end of the day, I still have to
8 overview the file and send it to the DPCP.

9 Q. **[414]** Do you remember meeting Mr. Hanna? He said
10 that he gave it to madame Lemieux on the same day he
11 signed it so that would be September sixteen (16).
12 Do you remember meeting Mr. Hanna

13 A. I don't...

14 Q. **[415]** ... with the Rapport d'enquête?

15 A. I don't remember.

16 Q. **[416]** And I understand that you had information from
17 Mr. Werotte as a possible investigation on the Mayor
18 by Lépine, and that after reading the report, you
19 wanted another policeman to be met?

20 A. That's correct.

21 Q. **[417]** Okay. When do you say that to Mr. Hanna or
22 Borduas, or do you tell them that any point in time?

23 A. I tell Mr. Borduas, but the specific date, I can't
24 give you the specific date. But one thing is for
25 sure, I have that information from Mr. Werotte, it's

1 transmitted to Mr. Borduas, and at the same time, I
2 ask him to complete the investigation.

3 Q. [418] And I understand that he needs to complete the
4 investigation with respect to meeting that other
5 policeman?

6 A. That's correct.

7 Q. [419] Why do you raise the fact that there would be
8 a possible investigation on the Mayor at Lepine?

9 A. Again, just in terms of transparency, the
10 information, he's my investigator, and I mentioned
11 the information I received from my Chief Inspector,
12 and I informed him about that, and... but there's
13 also, I don't know if it was said with the testimony
14 of Mr. Borduas, or Mr. Hanna, but there's a direct
15 link with, also, with a third police officer with
16 that complaint, but I have... there's a link, but I
17 don't know to what extent, because I have no
18 knowledge of the report, or the conclusion, or the
19 actual complaint about Lepine.

20 Q. [420] Mr. Borduas testified, and I thought it was
21 the same thing for you, but, you know, correct me if
22 I'm wrong, that the reason why the report was not
23 sent immediately, there was a hold on it, was
24 because you wanted him to meet with the other
25 policemen, and also because of the inquiry. I'm just

1 wondering, what's the relevancy of the inquiry? Why
2 would that be a reason to not send a report to the
3 DPCP?

4 A. That's not the optimal... that's not the optimal
5 reason. The reason why...

6 THE PRESIDENT:

7 I missed a word.

8 Me CHRISTIAN LEBLANC:

9 He said "optimal."

10 Q. **[421]** Is that it?

11 A. That's not the optimal reason, the first reason why,
12 and it's not even a reason, it's an information.
13 The one hundred percent reason is the fact that we
14 didn't complete by meeting the third suspect, and
15 that's why the report was not sent at that point.

16 Q. **[422]** So I just want to be clear, what you're
17 telling the Commission is that, the fact that the
18 Mayor would be under an investigation by Lepine is
19 not a reason that would have delayed sending that
20 report to the DPCP; is that your testimony?

21 A. It's an information that I received from Mr. Werotte
22 concerning a possible complaint, and even to this
23 day, I don't even know the conclusions, if there was
24 one or not. But that has no bearing on the fact
25 that we have to complete our investigation with the

1 third police officer. Through my experience, after
2 looking at the précis, and reading it, there was
3 things that were not to my satisfaction, so it was
4 just a simple request to complete this part of the
5 investigation. And that's the reason why, at that
6 point, it was not sent.

7 Q. [423] So when you say...

8 THE PRESIDENT:

9 Q. [424] Excuse me, I thought, yesterday, I thought you
10 mentioned three reasons to put a hold on the... you
11 mentioned there was something missing in the
12 investigation in connection with the third
13 policeman. Second, that there was this allegation
14 that was being investigated, or possibly
15 investigated by Lepine. And the third reason was
16 that one of the three officers involved in this file
17 was the complainant in the allegation that was under
18 investigation. Those were the three reasons.

19 Now, I understand that, in fact, there was
20 only one reason not to send it to the DPCP, the
21 reason being that the investigation was not
22 complete.

23 A. Let me just clarify one thing. You're one hundred
24 percent right, but the three things, two of the
25 things are interrelated, and it's an information for

1 my investigator to know that this person has... it's
2 a need-to-know, it's not absolu that he has that
3 information, but the ultimate... the ultimate
4 decision is based on the fact that we have a third
5 police officer that's intim  through his
6 investigation techniques, and we have to meet with
7 that police officer before we can send the file to
8 the DPCP.

9 Q. [425] Okay.

10 Ma tre Leblanc?

11 Me CHRISTIAN LEBLANC:

12 Q. [426] So it's a need-to-know information, why does
13 he need to know that with respect to the
14 investigation?

15 A. Like I mentioned earlier, it's information. We're
16 transparent. He just needs to, you know, he needs
17 to know what's... There's...

18 Q. [427] Well, is it need-to-know or transparent? For
19 me it's not the same thing, maybe it's the same
20 thing for you.

21 A. Maybe... maybe...

22 Q. [428] You can explain the Commission, but...

23 A. Maybe it's the words that I'm using, but, in terms
24 of transparency, just, he's aware of all the
25 information concerning that file. We're not there

1 to hide anything, it's an information that was
2 transmitted to me by Mr. Werotte, and I transmitted
3 it to my investigator. It's as simple as... it's as
4 simple as that.

5 Q. [429] And when you transmit that information, you're
6 not telling him to include it in the rapport
7 d'enquête either. I suggest to you it's not there,
8 by the way, but...

9 A. I don't remember, Your Honour... Mr. Leblanc.

10 Q. [430] And when you have a discussion with
11 Mr. Borduas about that, would you have to tell him,
12 or told him, that it was one of the reasons...
13 You're saying now it's not, but would you remember
14 at the time that you would have told him that? It's
15 just because in his testimony, he said that.

16 A. I'm trying... it's... I'm trying to remember what
17 was... I don't even remember the exact date
18 Mr. Werotte informed me of that information. I
19 informed Mr. Borduas. Is it possible I said: hold
20 on, we have information concerning Mr... the
21 investigation with Mr. Lépine? I don't remember
22 that. But one thing I do remember is that there was
23 a link with the information that was given by
24 Mr. Werotte with the investigation with... the
25 administrative investigation with Lépine. And at

1 the same time, there was things that had to be
2 concluded in the investigation before we can send it
3 to the DPCP. So, that was the primary reason.

4 Q. **[431]** And when Mr. Werotte gave you that
5 information, did he put it in context, was he
6 telling you just out of transparency, as you're
7 saying...

8 A. Uh...

9 Q. **[432]** ... or was there anything else that he told
10 you at the time?

11 A. Out of transparency for... to know for... He knows
12 that we have a file that's going on, he knows also
13 the evolution of the investigation, so... as a Chief
14 Inspector, he got that information, he transmitted
15 it to me, and that information was transmitted to
16 the investigator. It's not more complicated than
17 that in terms of how the sequence of events
18 happened.

19 Q. **[433]** And so I understand that there's also another
20 change that has been done between the first report
21 that you get, signed by Mr. Hanna on September
22 sixteen (16), and the one you will ultimately sign
23 on November eighteen (18). Actually there's no
24 date, but the date where Mr. Borduas is signing it
25 is November eighteen (18), that's why I'm using

1 that, and it's at page 5, where there's a technique,
2 a secret technique.

3 A. Page 5 of which one?

4 Q. **[434]** Page 5 of the 78-P, of the original one.

5 A. Yes.

6 Q. **[435]** And was that also discussed at the time?

7 A. At what time, Mr. Leblanc?

8 Q. **[436]** At the time where you're telling Mr. Borduas
9 that he needs to do, or amend his Rapport d'enquête,
10 or needs to take steps before sending it to the
11 DPCP?

12 A. I can't situate the exact time that I spoke with
13 Mr. Borduas concerning this, but it wasn't the only
14 changes that were on the précis. The précis, like,
15 a précis has to be précis et concis, and that wasn't
16 the only changes that were done concerning the
17 précis of Mr. Borduas.

18 Q. **[437]** You say that was not the only change?

19 A. No.

20 Q. **[438]** I know he added, of course, the last
21 paragraph, saying that he had met with the police,
22 that you had asked if... the policeman, that you had
23 asked him to meet...

24 A. But it's not the only changes, because if I look...
25 I don't even know where it is. Where is the report

1 of... the one that I signed?

2 Q. [439] So the one that you signed is under 63-P.

3 A. 63-P?

4 Q. [440] Yes.

5 THE PRESIDENT:

6 It's at page 5.

7 Me CHRISTIAN LEBLANC:

8 Q. [441] It's en liasse, so it could be... so there's
9 two reports there, Mr. Labos.

10 A. Okay.

11 Q. [442] So there's one... If you look at the bottom,
12 if you want to situate yourself, there's one that is
13 not signed by anybody, and then there is one that is
14 signed by you and Mr. Borduas.

15 A. Yes. What I informed Mr. Borduas at that point,
16 because there was a lot of information that should
17 have been more present in his chronologie versus in
18 the précis, so there was... there was more than just
19 one change in terms of his précis. The difference
20 between what...

21 Q. [443] Maybe I missed some changes, it's possible.

22 A. Oh, there...

23 Q. [444] But do you know...

24 A. There... there...

25 Q. [445] There's many?

1 A. There is changes. But there's some stuff that are
2 also biffés...

3 Q. [446] Redacted, yes?

4 A. ... so... What's the word?

5 Q. [447] Redacted or...

6 A. Redacted.

7 Q. [448] ... caviardés.

8 A. Caviardés.

9 Q. [449] We understand.

10 A. So... And I don't have access to all the caviardage
11 to be able to give a complete answer, but one thing
12 is for sure, that what's on page 5 and other things
13 that are signed, there are stuff that had been
14 changed at my demand to Mr. Borduas in the précis.

15 THE PRESIDENT:

16 Q. [450] And speaking for myself, the one change that
17 is of interest is the one referring to the second
18 (2nd) of February, two thousand and fifteen (2015)
19 and to this technique that was so confidential that
20 it could not be revealed. And the thing is that
21 there's a paragraph dealing with that in the report
22 of the thirtieth (30th) and when we get to the
23 thirtieth (30th) of... June two thousand and fifteen
24 (2015), and when we compare with the report that you
25 signed on the eighteenth (18th) of November, two

1 thousand and fifteen (2015), so it's a few months
2 later, this reference to the confidential technique
3 is not there. Why?

4 A. With respect...

5 Q. **[451]** Why?

6 A. Why it's not there? First of all, we're going back a
7 few months earlier in terms of one was signed versus
8 the other one was asked to be retracted but, at the
9 same time, for me to fully answer your question -
10 and I don't want to be evasive or whatever - where
11 it's caviardé, I don't have the full context of my
12 decision on retracting that information and, at the
13 same time, also other information in his précis
14 because it wasn't the only, and I don't want to go
15 back and forth but I don't have the complete report
16 to be able to answer the question fully.

17 Q. **[452]** No, but I heard you saying that it was your
18 decision to have this reference to the technique
19 redacted, removed...

20 A. Removed.

21 Q. **[453]** ... from the later report. You don't remember
22 why you took this decision?

23 A. It's not that I don't remember. I don't remember the
24 exact context because I don't have access to the
25 full décaviardé explaining, by the time I read it...

1 Q. [454] So, without what is redacted, you are not
2 capable of telling the Commission why you decided
3 that this reference should be removed from the
4 report.

5 A. I can...

6 Q. [455] Is that what you're saying?

7 A. But do you want me to give you a full answer or you
8 want me to give you an answer.

9 Q. [456] I want the truth, we want the truth.

10 A. I know you want the truth but...

11 Q. [457] It doesn't have to be a long answer.

12 A. It's not...

13 Q. [458] Either you know, you don't, you... That's the
14 only purpose of this investigation...

15 A. Yes.

16 Q. [459] ... to get to the truth of it.

17 A. But to give you...

18 Q. [460] So, what is the... What's the answer?

19 A. But to give you a complete answer, Your Honour, if I
20 could see the décaviardé version of the event, my
21 answer will be more precise versus je déduis what I
22 believe, what my reasoning was to retract this
23 paragraph and other information or other notes from
24 Mr. Borduas at the time. But that's the honest
25 truth, I can't be more clear than that.

1 Me CHRISTIAN LEBLANC:

2 Q. [461] You know you took the decision to remove
3 this...

4 A. Uh, huh.

5 Q. [462] ... because it's a secret technique but you
6 don't know why you took... That's like saying, "I
7 don't know if I got married, but I know it was sunny
8 that day."

9 A. No.

10 Q. [463] I can't understand your testimony, Mr. Labos.
11 Really, I cannot understand.

12 THE PRESIDENT:

13 Was it really sunny?

14 Me CHRISTIAN LEBLANC:

15 It was, it was a beautiful day in every respect.

16 A. Out of respect of your interpretation of what you're
17 saying but, at the same time, how do you want me to
18 make a complete, give you a complete answer if I
19 don't have my... My thought process was because
20 maybe there was some name-dropping that shouldn't
21 have been there, the technique was non concluant and
22 it belonged more in the chronologie des événements
23 versus being in the précis.

24 I'd like to give, t'sais, now I'm giving you
25 an answer from memory, from what I remember. But to

1 give you a complete answer, to be one hundred
2 percent (100%) sure why I took that decision at that
3 time, well, I'd like to see what was written before
4 and what was written on the report before.

5 So, there was something that was written in
6 that report that made me tell Mr. Borduas to not
7 include it in here and it doesn't mean that it's not
8 included in his notes d'enquête and it doesn't mean
9 that it's not included in his chronologie des
10 événements, that it belonged with - and I'm going
11 from memory - with name-dropping of who received,
12 who gave the authorization at that time. That's my
13 answer, but I can't be one hundred percent (100%)
14 sure.

15 Q. **[464]** Who gave... name-dropping, who gave the
16 authorization at that time? This ultimately will not
17 be seen by the DPCP, right? When you're redacting
18 something, this will be sent to the DPCP, that's
19 what we're talking about here. So, what do you mean
20 by name-dropping...

21 A. I'm going to give you...

22 Q. **[465]** ... as to who would have given the
23 authorization? Could you be more specific on that?

24 A. I'm going to give you an example. When you do a
25 précis, the précis is for the prosecutors to get

1 a...

2 Q. [466] A complete picture?

3 A. ... a precise picture of what's... no, a précis is a
4 précis, it's not a complete, it's...

5 Q. [467] You cannot decide whether or not to lay
6 charges with this, right?

7 A. Yes.

8 Q. [468] It's important?

9 A. And there's some investigators have the tendency of
10 marking names all over... all over the précis. I do
11 not... with my experience, I do not believe that the
12 names of certain people should be on the précis. You
13 can put it... de toute façon, it's going to be on
14 your chronologie des événements. We're not trying to
15 hide anything, we're just trying to be concise in
16 terms of what the report that's going to be sent to
17 the DPCP. There's a chronologie, nobody's ever been
18 asked to remove anything from his notes, or what
19 have you, so... but what's the relevance of
20 putting... I, Costa Labos, gave this report to... I,
21 Dominic Werotte, gave this... there's no relevance
22 in terms of being... those are some of the changes
23 that were requested in the précis.

24 Q. [469] So, who would have authorized what for you is
25 not relevant, and that's why you would have

1 authorized changes to the précis, is that...

2 A. I'm not saying that.

3 Q. [470] ... your testimony? So you're not...

4 A. No...

5 Q. [471] I thought that's what you were saying.

6 A. No. What I'm saying is a précis is to be concise
7 with information, and there's certain information
8 the way... like I mentioned, the example I used with
9 different names, this person gave me permission to
10 do this, or this person gave me permission to do
11 that, I don't believe that should be in the précis
12 des faits, it should be in the chronologie des
13 événements de l'enquêteur, and that's my position on
14 that.

15 Q. [472] And so that's why it would have been redacted,
16 or one of the reasons the paragraph starting with
17 February second (2nd), twenty fifteen (2015) would
18 have been redacted?

19 A. But again, like I said to the President, if I
20 have... and we could do this afterwards, or we could
21 do it, if you have the full report. If you have the
22 version as décaviardé, I'll be able to read it and
23 give you a complete answer.

24 Q. [473] So, is this one of the reasons that you can
25 tell us now? You brought this up, nobody suggested.

1 A. I'm going by... like, again, I'm going by memory,
2 assuming that there was names that were associated
3 with this... with this technique. He calls it
4 secret, I didn't call it secret technique. And the
5 names of individuals that are in the précis which
6 should be there or should not be there.

7 Q. [474] So, are you saying now that, according to you,
8 it would not be a secret technique? You said you
9 didn't call it secret. Are you having doubts that
10 it's even a secret technique?

11 A. It's not question of having doubts, these are the...
12 this is what Mr. Borduas wrote.

13 Q. [475] I know, and I'm asking you, you just said "he
14 wrote that, I would have not." I want you to be more
15 specific, do you consider what was there as a secret
16 technique?

17 A. It's a technique that's not often used. You can call
18 it...

19 Me CHARLES CÔTÉ:

20 Je m'excuse, Monsieur le Président, la question est
21 ambiguë ici parce que le témoin répète régulièrement
22 qu'il ne se souvient pas de l'information qui est
23 caviardée, alors que mon collègue se force à essayer
24 de faire définir ici pour le témoin l'information,
25 il l'a considéré secrète ou non. Je pense qu'il

1 n'est pas en position, et c'est ce qu'il exprime
2 depuis le début, il ne peut pas la commenter, il ne
3 se souvient pas de l'information qui est caviardée.
4 Alors, à moins qu'on lui donne l'opportunité de
5 consulter le document non caviardé, c'est ce qu'il a
6 répondu à mon confrère. Il est peut-être pas
7 d'accord avec la réponse, mais sa réponse, elle est
8 claire, et il l'a répété à plusieurs reprises, 'je
9 ne la connais pas'. Alors, qu'on cherche à savoir
10 si, pour lui, c'est secret ou non, il ne peut pas
11 répondre à cette question-là.

12 Me MATHIEU CORBO:

13 Si vous me permettez, Monsieur le Président, à cette
14 étape-ci, nous avons une version non-caviardé, donc
15 si le témoin veut se rafraîchir la mémoire, elle est
16 disponible, et...

17 LE PRÉSIDENT:

18 il y a deux questions. L'objection à la question là-
19 dessus, je voudrais entendre Maître Leblanc
20 premièrement.

21 Me CHRISTIAN LEBLANC:

22 Monsieur le Président, il a commencé à répondre, il
23 a dit "to me, it's not the technique commonly
24 owned." I need some latitude, because either he's
25 saying "I don't know" or he's starting to answer

1 "it's not... for me, it's not a technique that is
2 that..." I can't remember his exact word. So,
3 evidently, he remembers something about what's
4 there. I'm not...

5 LE PRÉSIDENT :

6 Nous allons permettre la question. Évidemment, il y
7 a un moment où on va devoir évaluer si maître
8 Leblanc abuse du témoin à force de toujours poser la
9 même question puis d'avoir la même réponse, mais je
10 ne pense pas qu'on en est encore là. J'ai moi-même
11 posé des questions. C'est peut-être plus, en ce
12 moment, une question d'évaluer la fiabilité, la
13 crédibilité du témoignage de monsieur Labos à ce
14 sujet-là. Alors, pour l'instant, la question est
15 légitime, on va la permettre.

16 La deuxième question, c'est la proposition
17 de maître Corbo. Cette proposition-là, évidemment,
18 la difficulté, c'est que là on est public. Ce qui
19 est caché l'a été pour une raison. On ne pensait pas
20 que ce serait... que le sort de la Commission, ou de
21 l'enquête qu'on mène, tournerait autour de cette
22 question-là.

23 On peut, je suppose, montrer à monsieur
24 Labos ce que c'est, et peut-être que ça va lui
25 rafraîchir la mémoire sur pourquoi la décision a été

1 prise de retirer ce paragraphe-là du rapport
2 d'enquête qui a suivi, la montrer seulement à
3 monsieur Labos pour l'instant, mais évidemment,
4 ça... Je ne sais pas, Maître Leblanc, si vous êtes
5 prêt à commencer par cette étape-là, et si ça
6 marche, tant mieux, on n'aura pas de le montrer à
7 personne d'autre, c'est... Parce que je comprends
8 que c'est une question de lui rafraîchir la mémoire.
9 Et si ça ne marche pas, bien là, on verra ce qu'on
10 fait. On pourra toujours... on peut toujours
11 aller... On peut toujours débattre de la suite des
12 événements...

13 Me MATHIEU CORBO :

14 Évidemment, nous avons toujours la position qu'il
15 s'agit d'une technique d'enquête, là, qui doit
16 rester secrète, donc le but est de la montrer à
17 monsieur Labos, et évidemment ne pas diffuser la
18 technique, mais on peut peut-être commencer par lui
19 montrer, et voyons où ça va nous mener.

20 LE PRÉSIDENT :

21 Essayons cela pour le moment. Montrez-lui le
22 paragraphe, peut-être que ça va lui rafraîchir la
23 mémoire. C'est quand même un bonhomme d'expérience,
24 il est capable de répondre à la question qui lui est
25 posée, de savoir pourquoi il a demandé à ce que ce

1 soit retiré, et pourquoi ça l'a été retiré du
2 deuxième rapport, et, sans dévoiler d'information
3 confidentielle pour autant.

4 Vous voulez lui montrer? Oui oui, on va
5 faire ça tout de suite. On va faire ça en direct.

6 A. ... Merci.

7 Q. [476] Now that you have read the paragraph in
8 question, are you in a position to answer why you
9 came to that conclusion?

10 A. One hundred percent (100%).

11 Q. [477] Yes? You are?

12 A. One hundred... Now, I saw...

13 Q. [478] So, go ahead.

14 A. I saw exactly what...

15 Q. [479] What happened.

16 A. Yes.

17 Q. [480] So what's the answer?

18 Me CHRISTIAN LEBLANC:

19 Q. [481] So?

20 A. The answer... Well, 'cause I thought he was gonna
21 ask a question.

22 THE PRESIDENT:

23 Q. [482] Maître Leblanc can put the question to you if
24 you want.

25 A. No no.

1 Q. [483] I suppose...

2 A. It's okay.

3 Q. [484] It will turn around this question.

4 A. That's all right. Well, like I mentioned in my
5 testimony before, in the précis, there was name-
6 drop... there was names that were associated with
7 this technique, and I demanded not only this part,
8 but I also demanded other parts of Mr. Borduas's
9 précis to be removed concerning names of people that
10 did certain actions. That were not relevant for the
11 précis but, of course... They're not... The actions
12 in itself were not... were not there to be hidden
13 from... They weren't relevant for the précis, but at
14 the same time, they're still there in the
15 chronologie des... they should be still there in les
16 notes d'enquête and the notes of the investigator.

17 Q. [485] I'm not sure I understand. Is it... did you
18 remove names? And did you remove names because you
19 say they're not relevant or did you remove a
20 technique that's secret? Fairly simple question.

21 A. Well, it's complying for both. For the... we'll call
22 it the secret technique with the name that was
23 associated with that, I demanded that they retract
24 the... this technique, which was a secret from the
25 précis, just like I demanded also that other

1 modifications in the précis concerning different
2 names that did not belong in the précis or that
3 could belong in the...

4 Q. [486] And what do you mean, names associated with a
5 technique, you mean the names who authorized...

6 A. Yes.

7 Q. [487] ... the techniques? So the names of the people
8 who authorized the use of those... of that, because
9 it seems to be in singular, that technique.

10 A. The person in question that was in charge at that
11 time, yes.

12 Q. [488] And... I mean, you refer to transparency
13 before, telling, you know, the inquiry to your
14 investigators, I mean, what about transparency to
15 the DPCP. Why you decide it's not relevant for the
16 DPCP to know who authorized the specific techniques?
17 I just want to understand.

18 A. The technique itself was... is rarely, almost never
19 used and within... the way it was written in terms
20 with writing secrets and also, at the same time,
21 writing the name of the person that authorized it, I
22 didn't see it relevant in the précis because at the
23 end, that information or that technique didn't bring
24 anything to the investigation, but at the same time,
25 that démarche d'enquête is still present in terms of

1 les notes de l'enquêteur or les chronologies des
2 événements, aussi, de l'enquêteur. At the same... at
3 the same time, like I said, it wasn't the only
4 modification I made, that was made for those reasons
5 and there was other modifications that were made
6 concerning the...

7 Q. **[489]** But Mr. Labos, your hiding from the DPCP the
8 fact that a technique was used. Isn't that what
9 you're doing?

10 A. Those are your words.

11 Q. **[490]** Well, they won't see that, right? Because
12 let's clarify one thing. They're not going to see...
13 the DPCP will not see a paragraph that is redacted,
14 he will see nothing. He will not even realize that
15 there is something redacted. So you are hiding from
16 the DPCP a technique that was used in the
17 investigation, whether or not it brought anything,
18 that is what, in the end, you're doing, is it not?

19 A. I understand what you're stating, but at the same
20 time, it's not like the technique disappears
21 anywhere. It doesn't mean that the technique is not
22 in the chronologie de l'enquêteur...

23 Q. **[491]** So why remove it...

24 A. ... and it doesn't...

25 Q. **[492]** Why remove it here, then?

1 A. And it doesn't mean... Because like I mentioned,
2 there was names that were also associated with this
3 and I didn't want those names to be associated with
4 this technique in the précis. But that does not
5 mean... I never told Mr. Borduas this technique
6 cannot be in your notes or what have you.

7 Q. **[493]** So what you're saying the Commission is that
8 you don't want the DPCP to know who would have
9 authorized a specific technique, you also redacted
10 the technique, but somewhere in the file, that
11 technique is still there. Is that what you're saying
12 to the Commission?

13 A. Yes. Yes.

14 Q. **[494]** Yes. Is that the first time you had done that
15 or you do that regularly with the rapports d'enquête
16 you submit?

17 A. Well, like I mentioned earlier, I've oversee... I've
18 overseen many rapports d'enquête and it's my job as
19 supervisor/commander/inspector at the time to verify
20 what needs to... I'm going to give you the basic
21 example. There's times that investigators, they put
22 stuff in the précis that doesn't belong in the
23 précis, it's more appropriate in the chronology, and
24 at any point, whether we send our files to the DPCP,
25 the name of the investigator's on the letter that's

1 sent, and if the DPCP has any questions or any
2 clarifications at any time, they can do that.

3 Q. [495] Yes, but he won't be able to clarify in this
4 case because there's no paragraph. He would not know
5 what to clarify, wouldn't he?

6 A. But it should be in his notes...

7 Q. [496] Mr. Labos.

8 A. But it should be in his notes and it should also be
9 in his chronology des événements.

10 Q. [497] And he will never know who authorized this
11 technique, because that name is not anywhere
12 associated with that technique, I'm guessing,
13 anywhere else in the file, that's why you want it to
14 be redacted.

15 A. The name?

16 Q. [498] The name.

17 A. The name, yes.

18 Q. [499] And why is it so important that the DPCP
19 doesn't know the name of a person who authorized a
20 technique, even a technique that... or even better,
21 a technique that is not used often?

22 A. Just like it's not relevant that when Mr.... whether
23 it's Mr. Borduas or somebody else starts putting
24 names in the précis from the beginning, that he did
25 this, he did that, I don't find it relevant to be

1 there, it should be in the chronology des... de
2 l'enquête versus being the précis. We're talking
3 about the précis, we're not talking about a roman
4 book to explain...

5 A. Just like it's not relevant that when mister...
6 whether it's Mr. Borduas or somebody else starts
7 putting names in the précis from the beginning, "He
8 did this, he did that." I don't find it relevant to
9 be there. It should be in the chronologie de
10 l'enquête versus being in the précis. We're talking
11 about a précis, we're not talking about a Roman book
12 to explain the whole story.

13 Q. **[500]** So, you ultimately signed this report with the
14 modifications you just talked about around November
15 eighteen (18), right? I'm saying around because
16 there's no date on this.

17 A. There's no date so I can't confirm...

18 Q. **[501]** After November.

19 A. I can't confirm the exact date it was signed, Your
20 Honour.

21 Q. **[502]** Do you know when it's sent to the DPCP?

22 A. From my knowledge, I think it's sent from my
23 inspector sometime in January.

24 Q. **[503]** Sometime in January. Am I correct to say that
25 you only checked with the DPCP almost a year later

1 to get an answer as to will they lay charges or not.

2 A. Are you talking about myself?

3 Q. **[504]** Yourself, to your knowledge, your department.

4 I'm correct to say that there was no, in this file
5 either, there was no accusation that was, criminal
6 accusations that were laid against...

7 A. Well, November fourth (4th), we got the result that
8 there was no...

9 Q. **[505]** Correct.

10 A. ... criminal charges. But in the meantime, just to
11 correct the sequence of events, the investigator did
12 speak with the prosecutor at one point in the month
13 of April concerning the file and subsequently,
14 before he left, from what I read in his emails, that
15 he had spoken to the inspector, Mr. Renaud, to
16 advise him about that file and then, of course, the
17 summer came and when everything came out concerning
18 the journalists, well, that's when the question came
19 up with the ticket of Mr. Mayor if we had got the
20 result.

21 Q. **[506]** Exactly. It's only after the meeting of
22 October twenty-eight (28) and the November third
23 (3rd) newspaper articles on the Mayor that your
24 department, and I'm suggesting to you Mr. Borduas,
25 checked with the DPCP to know whether or not charges

1 were going to be laid in this file. That's what he
2 says in his testimony, page 192 on May sixteenth
3 (16th). Is that to your knowledge?

4 A. There was verifications that were supposed to be
5 done with... It was a normal procedure to find out
6 what was going on because we hadn't had any news
7 according to what our files stated but Mr. Borduas
8 did state that he had spoken with the prosecutor in
9 the month of April and there was a discussion -- I
10 don't recall what the discussion was -- before he
11 left the unit, when he got named lieutenant
12 detective, there was a couple more conversations
13 with his immediate boss at the time, which was Mr.
14 Renaud, and the summer came and then the events
15 happened in the month of October and that's when we
16 did verifications. Well, when I say "we",
17 verifications to find out the conclusion of this
18 investigation and not too long after, we got the
19 letter from the DPCP stating that there was no
20 accusations for the police officers.

21 Q. **[507]** Who asked Mr. Borduas to check, to do these
22 verifications at the time he did?

23 A. I don't remember.

24 Q. **[508]** You're saying January that it was transmitted
25 to the DPCP. Is that to your knowledge or you're

1 just guessing? Because if this is signed around
2 November eighteen (18), what happens between
3 November eighteen (18) and January, why aren't you
4 just sending the report?

5 A. It doesn't mean that, I signed it on the eighteenth
6 (18th) and, at the same time, and there's no
7 excuses, we got the investigations with what was
8 going on with les autochtones so we were
9 preoccupied, we were very occupied also so... But
10 it's not an excuse but I can't give you a precise
11 answer why from the eighteenth (18th), he signed it
12 on the eighteenth (18th), that I get it on the
13 eighteenth (18th) and that I take a little bit of
14 time to look at it and then vacations and sign it
15 afterwards, I can't give you a complete...

16 Q. **[509]** But I am correct to say, I just want to be
17 clear on that, that the verification done by Mr.
18 Borduas on November fourth (4th)...

19 A. Uh, huh.

20 Q. **[510]** ... because that's the day he did the
21 verification, it's the same day he got the answer,
22 was triggered by the article of November third (3rd)
23 and the meeting on October twenty-eight (28), the
24 event that came out in the media at that time, that
25 was the trigger for him to check with the DPCP.

1 A. Somebody brought the issue that we hadn't received
2 the conclusion of the investigation and there's some
3 investigations that...

4 Q. [511] At what time that issue was brought up? When
5 the events were hitting the media?

6 A. That's what I believe.

7 Q. [512] Right.

8 A. That's what I believe, and, you know, like I
9 mentioned earlier in my testimony, it's not only Mr.
10 Coderre's... Mr... the two police officers' file
11 that's on the table, there's a lot of them, and as
12 he stated, Mr. Borduas, that he had spoken with the
13 prosecutor in the month of April, the discussions
14 between them two, he has advised the inspector that
15 we still hadn't gotten a response, and then, in
16 November, when everything came out, we found out.

17 Q. [513] To your knowledge, is that normal? I mean, we
18 have three policemen here waiting for almost a year,
19 and they don't know whether or not they're going to
20 be prosecuted criminally. Is that, those delays, is
21 that normal within your department?

22 THE PRESIDENT:

23 What's the... c'est quoi le lien entre ça et les
24 pratiques policières susceptibles de mettre en péril
25 la confidentialité des sources journalistiques? Vous

1 savez, on vous permet beaucoup de latitude, c'est
2 tout à fait normal aussi, là, mais, là, de normal,
3 de savoir si c'est normal que ça prenne du temps,
4 pas de temps... là, vous vous penchez sur le
5 fonctionnement interne du SPVM, il me semble, et en
6 quoi ça nous fait avancer? Peut-être que je manque
7 quelque chose, là.

8 Me CHRISTIAN LEBLANC:

9 Monsieur le Président, tous ces enquêtes-là qui
10 portent sur des... on a eu beaucoup de témoignages,
11 puis ça va. Si on veut témoigner à l'effet que c'est
12 important, c'est urgent, c'est grave, il faut les
13 enquêter, il faut... c'est ce qu'on entend depuis le
14 début. Je pense que c'est pertinent de savoir qu'une
15 fois que l'enquête est terminée, on ne se soucie
16 plus de savoir, c'est mes mots, là, mais c'est pour
17 expliquer la pertinence, on ne se soucie même plus
18 de savoir si effectivement il va y avoir des
19 accusations, si effectivement ça va aller de
20 l'avant. On ne fait rien. On appelle, une fois que
21 ça porte, que le dossier est dans les médias, je
22 pense, il y a différentes pertinences, mais je pense
23 que c'est certainement, avec beaucoup d'égard, un
24 point que la Commission peut prendre en note pour
25 sous-peser tous que viennent de vous dire certains

1 témoins - c'est important, il faut aller de l'avant
2 - il faut aller vite dans certains dossiers, c'est
3 le lendemain la dénonciation qu'on prend des
4 mesures, qu'on prend des techniques d'enquêtes. Il y
5 a une certaine urgence; j'ai même entendu ça. Puis
6 une fois que l'enquête est terminée, ça prend un an,
7 et ça prend des événements pour vérifier.

8 Je veux pas savoir au niveau du
9 fonctionnement de tout le système de police. Je suis
10 dans ce dossier-là puis je veux savoir si c'est
11 exceptionnel ce dossier-là, ou non, exactement dans
12 cette ligne de questions, il y a pas de cachettes.

13 THE PRESIDENT:

14 Q. **[514]** What's the answer? Is it something that you
15 see often in your case?

16 A. No.

17 Q. **[515]** The answer is no.

18 Me CHRISTIAN LEBLANC:

19 Merci. Je passerais au dossier Mainville.

20 Q. **[516]** Maybe one thing before we go to Mainville. The
21 same question as before, about the protection of
22 data. I understand that, in this file, there was no
23 specific discussions with the investigators until
24 later on, where you are approached by Mr. Hanna and
25 the procédure d'entiercement, you testified that you

1 didn't know exactly what it meant, and all of that.

2 A. I didn't know what the word meant.

3 Q. [517] Yeah. And I don't want to... I'm not going
4 there.

5 A. Okay.

6 Q. [518] I understand that. Was there any discussion
7 after you signed this report, or at any other time,
8 about what to do with the data? Again, the data, you
9 understand what I mean, what was gathered through
10 the different techniques in that investigation.

11 A. Which investigation are you talking about?

12 Q. [519] Coderre investigation.

13 A. The answer is no.

14 Q. [520] And that would be the...

15 A. No before the investigation. Or even after...

16 Q. [521] No before?

17 A. No before, until the time that Mr. Hanna started
18 doing the démarches with the first file, then...

19 Q. [522] The first file being the Djelidi file?

20 A. Exactly.

21 Q. [523] Yeah.

22 A. And then, subsequently with this file.

23 Q. [524] Okay. Good.

24 So, the Mainville file. So, just to situate
25 ourselves chronologically, I think that a good

1 document to start with is 92P, which is the rapport
2 d'enquête, Mr. Labos.

3 A. Yes.

4 Q. **[525]** So if I understand correctly, Mr. Carrier
5 sees... The famous meeting. Mr. Carrier sees
6 Mr. Mainville and Renaud in their office on November
7 eighteen (18), twenty fourteen (2014). I'm at the
8 rapport d'enquête, that's the first entry under
9 eight... le dix-huit (18) novembre deux mille
10 quatorze (2014). Correct?

11 A. That's what's written here, yes.

12 Q. **[526]** Okay. And he says that he sees Mr. Renaud in
13 the office of Mr. Mainville à portes fermées. I
14 asked the same question to Mr. Borduas, but now I
15 think I have the answer. But am I correct to say
16 that there is still some glasses, you can... Even if
17 the door is closed, you can see who is in the
18 office? Do you remember?

19 A. It all depends... I remember my office, when I was
20 at Organized Crime, it had windows on the side, so
21 you can see who was inside. But I can't...

22 Q. **[527]** Well, let me maybe...

23 A. I can't answer that question...

24 Q. **[528]** Okay. So let's take onglet 88. It's the note
25 de service, Monsieur le Président, that was usefully

1 alluded to yesterday by my colleague Grondin.

2 A. Which document?

3 Q. **[529]** So it's onglet 18, so if you have the
4 exhibits, you won't have a copy of that, Mr. Labos.

5 A. Okay.

6 Q. **[530]** If we don't have additional copies, I can...
7 I've circled something, but it's where I want to
8 bring him. So I don't mind giving it, giving him my
9 copy, but...

10 THE PRESIDENT:

11 I'm sure we can have a copy for the witness.

12 Me CHRISTIAN LEBLANC:

13 Thank you, Maître Levasseur.

14 THE PRESIDENT:

15 There it is. What's...

16 Me CHRISTIAN LEBLANC:

17 On page 2.

18 THE PRESIDENT:

19 Yes.

20 Me CHRISTIAN LEBLANC:

21 Q. **[531]** Under... So this is the note de service of
22 Mr. Carrier, that he's sending to Mr. Werotte. On
23 page 2, he says that, under "Mardi le 18 novembre
24 2014", second line:

25 Je peux observer, par le vitrail

1 latéral de la porte, qu'il est en fait
2 en présence de...

3 A. I'm so...

4 Q. **[532]** Does that refresh your memory? Is that...

5 A. Where are you exactly? Sorry.

6 Q. **[533]** I'm under...

7 A. Page 2?

8 Q. **[534]** Yes. I'm under November eighteen (18), page 2.

9 A. Hum hum.

10 Q. **[535]** Second... So there's a first paragraph, second
11 sentence of the first paragraph:

12 Je peux observer, par le vitrail
13 latéral de la porte...

14 A. Yes.

15 Q. **[536]** So, presumably he can see... Is it to your
16 knowledge, have you ever been to Place Versailles,
17 do you...

18 A. Yes.

19 Q. **[537]** Yes? So there are offices with lateral
20 windows?

21 A. Yes. Even my office was one with...

22 Q. **[538]** Okay.

23 A. ... with a window.

24 Q. **[539]** So everybody who's walking by there, even if
25 there's a door closed, and he's taking the time to

1 look, would see the meeting. Presumably, that's what
2 Mr. Carrier did.

3 A. Depending on... Yes. If you're walking and... You
4 could see... You could see... I don't know if
5 they're gonna porté a particular attention, but yes,
6 you can see who is inside.

7 Q. [540] Well, evidently Mr. Carrier did, because...

8 A. Yes.

9 Q. [541] Yes. Okay. Then, chronologically speaking...
10 I'm back at 92P. Sorry.

11 A. Okay.

12 Q. [542] On November twenty-first (21st), Mr. Carrier
13 starts doing some press review. Correct? You see
14 that?

15 A. From what I see here, yes.

16 Q. [543] Right. Presumably, that's a rapport d'enquête
17 that you, as the procedure you explained, you would
18 have seen?

19 A. Not this one.

20 Q. [544] Because you had Mr. Renaud.

21 A. Yes. Mr...

22 Q. [545] Right.

23 A. Mr. Renaud.

24 Q. [546] So this one, at the time, have you... do you
25 remember seeing it? Do you remember reading it and

1 making sure there's, whatever, not too many names,
2 like the other one, or anything that you...

3 A. From my knowledge, I'm not... It's Mr. Renaud that
4 sent this file to the DPCP. I did the... As I
5 mentioned yesterday in my testimony, I spoke with
6 the DPCP, but this file was sent by Mr. Renaud.

7 Q. **[547]** So that's a file where you would have not read
8 the rapport d'enquête before it being sent to the
9 DPCP?

10 A. No.

11 Q. **[548]** And what you testified in front of the
12 Commission a few minutes before about names, and too
13 many names, and redacting names, is that something
14 you discussed with Mr. Renaud? Because now he would
15 be reviewing reports. So is that something you
16 discussed with him, that you wanted him to be aware
17 of?

18 A. I don't recall.

19 Q. **[549]** Okay. So, we have on the twenty-fourth (24th)
20 also, I'm at page 3, that's when Mr. Carrier, it
21 says, "vers dix heures quarante-cinq (10 h 45)" you
22 see that?

23 A. Yes.

24 Q. **[550]** It seems to me that "il" is Mr. Carrier. So,
25 Mr. Carrier convoque l'Inspecteur-Chef Ménard and

1 his immediate superior, Mr. Mainville, in his office
2 and then he informs them of the, amongst other
3 things, the meeting. Do you see that?

4 A. I see that.

5 Q. [551] Okay. Is this from, we can continue just to
6 make sure you're well situated, on the twenty-fourth
7 (24th) Mr. Mainville says to Mr. Carrier that la
8 Direction du service des enquêtes spécialisées wants
9 to meet him. And on the twenty-fifth (25th), that's
10 where he says that he will be, he's convinced he
11 will be déplacé administrativement and he's packing
12 his boxes. You see that?

13 A. Yes.

14 Q. [552] So, the end result and again, correct me if
15 I'm wrong, of that chronology and ultimately the
16 meeting with his superior, with Mr. Mainville's
17 superior, is what we have at onglet 103 which is the
18 rapport disciplinaire and I think you were talking
19 about that yesterday, it's dated November twenty-
20 first (21st) and it's a suspension. Monsieur le
21 Président, c'est l'onglet 103.

22 LE PRÉSIDENT :

23 On va devoir produire les documents auxquels vous
24 avez fait référence pour qu'on s'y retrouve.

25 Me CHRISTIAN LEBLANC :

1 Oui, oui, merci de me le rappeler. Désolé, donc
2 peut-être, Madame la Greffière, le premier
3 document...

4 LE PRÉSIDENT :

5 Ça, c'est la note de service...

6 Me CHRISTIAN LEBLANC :

7 Exactement.

8 LE PRÉSIDENT :

9 ... du trois (3) décembre deux mille quatorze
10 (2014).

11 Me FRANÇOIS GRONDIN :

12 Excusez-moi, Monsieur le Président, avant de
13 produire ce document-là...

14 Me CHRISTIAN LEBLANC :

15 Oui, il y a un caviardage à faire, n'est-ce pas?

16 Me FRANÇOIS GRONDIN :

17 Additionnel du nom de l'enfant.

18 Me CHRISTIAN LEBLANC :

19 Je suis désolé, on me l'avait dit...

20 Me FRANÇOIS GRONDIN :

21 Je vais l'ajouter donc on va pouvoir la produire cet
22 après-midi mais je voulais juste qu'on...

23 LE PRÉSIDENT :

24 Est-ce que les parties ont le document que moi j'ai
25 devant les yeux où le nom de l'enfant n'est pas

1 caviardé?

2 Me FRANÇOIS GRONDIN :

3 C'est le document qu'ils ont présentement,
4 effectivement.

5 LE PRÉSIDENT :

6 Bon, alors on va quand même l'identifier mais,
7 évidemment, on interdit de diffuser, publier ce
8 document-là tant que le complément de caviardage n'a
9 pas été fait. Il s'agit tout simplement, on s'est
10 donné des lignes directrices et quand il y a le nom
11 d'un enfant, on le cache.

12 Me FRANÇOIS GRONDIN :

13 Et en fait, Monsieur le Président, maître Joncas a
14 déjà fait, et c'est pour ça que je ne l'ai pas vu
15 parce que moi, je travaille, ça c'est la version pas
16 caviardée, mais moi je travaille avec la version
17 caviardée que maître Joncas m'a donnée donc la
18 Commission a déjà caviardé donc il serait prêt à
19 être déposé déjà.

20 LE PRÉSIDENT :

21 Et donc, celle que j'ai...

22 LA GREFFIÈRE :

23 Alors ça serait sous 103P.

24 LE PRÉSIDENT :

25 Oui. Donc, elle est... Les parties, qu'est-ce que

1 les parties ont?

2 Me FRANÇOIS GRONDIN :

3 Les parties ont une version avec un nom décaviardé.
4 Dans le PSD, on a eu une version avec le nom mais ce
5 matin, maître Joncas...

6 LE PRÉSIDENT :

7 Okay

8 Me FRANÇOIS GRONDIN :

9 Je lui ai dit que j'entendais les déposer, a fait
10 l'exercice et a déjà une version caviardée.

11 LE PRÉSIDENT :

12 Celle que vous allez déposer, que vous allez
13 remettre à la greffière, c'est la version qui peut
14 être rendue publique.

15 Me CHRISTIAN LEBLANC :

16 Exactement. Là, j'ai... Je n'aurais peut-être pas dû
17 mais j'ai un petit cercle dessus, je ne sais pas si
18 on peut donner celle-là mais tout ce que je voulais
19 dire, c'est que c'est fait. La Commission a fait
20 l'exercice.

21 LE PRÉSIDENT :

22 Alors...

23 Me FRANÇOIS GRONDIN :

24 On va s'assurer, Monsieur le Président, de
25 communiquer aux parties la version caviardée de

1 cette pièce-là.

2 LE PRÉSIDENT :

3 Alors, je demande aux parties et à ceux qui nous
4 écoutent, de s'assurer que la pièce qu'ils vont se
5 permettre de mettre en circulation sera celle qui a
6 été complètement, qui a été caviardée, y compris le
7 nom de l'enfant. Très bien. Alors cette pièce-là va
8 porter, ce sera le numéro 103P.

9 LA GREFFIÈRE :

10 103P, la note de service du trois (3) décembre deux
11 mille quatorze (2014).

12

13 103P : Note de service du 3 décembre 2014

14

15 LE PRÉSIDENT :

16 Et le rapport disciplinaire, ça va être 104P?

17 Me FRANÇOIS GRONDIN :

18 Parfait, Monsieur le Président.

19 LA GREFFIÈRE :

20 104P, rapport disciplinaire.

21 LE PRÉSIDENT :

22 Du vingt-cinq (25) novembre deux mille quatorze
23 (2014).

24

25 104P : Rapport disciplinaire du 25 novembre 2014

1 Allez-y, Maître Leblanc.

2 Me CHRISTIAN LEBLANC:

3 Q. [553] So, do you have a copy of that, Mr. Labos? Of
4 the rapport disciplinaire?

5 A. Yes, I do.

6 Q. [554] So my question was, so the ultimate result of
7 that meeting on the twenty-fourth (24th) was a
8 rapport disciplinaire where Mr. Mainville is
9 suspended for ten (10) days?

10 A. I don't believe he's suspended for ten (10) days,
11 it's...

12 Q. [555] The reason why, I just want to help you, but
13 your answer will be your answer, but the reason why
14 I say that, just for you to know, is that it says
15 "Sanctions imposées" right under the signature, "dix
16 (10) jours de suspension".

17 A. That's what's... I think that's what's recommended
18 by the Assistant Director at the time, Mr. Lamothe,
19 but I don't see the acceptance or...

20 Q. [556] So, explain maybe to the Commission, so this
21 would be a recommendation to who? To Mr. Mainville?

22 A. This report, it's... well, I received it
23 yesterday...

24 THE PRESIDENT:

25 Q. [557] On en fait régulièrement des recommandations

1 comme ça, mais... à la Cour, mais les gens sont
2 obligés de les suivre évidemment.

3 A. This file, with this report, was being dealt with
4 Mr. Werotte and Mr. Benoît Lamothe at that time.
5 There was a rapport disciplinaire, and subsequently,
6 like I explained in my testimony yesterday,
7 communication with the DPCP concerning...

8 ME CHRISTIAN LEBLANC:

9 Q. **[558]** Okay, but I just want to understand, from my
10 reading of this rapport disciplinaire, on the
11 twenty-fifth (25th), policeman Mainville is
12 suspended for ten (10) days, but maybe it's just
13 that I don't understand the mechanics of it. So
14 could you explain to the Commission...

15 A. He's not suspended for ten (10) days.

16 Q. **[559]** Okay.

17 A. He's not suspended, it's a recommendation for after
18 the evaluation of the managers at Services des
19 enquêtes spécialisées, was decided, but this is not
20 a ten-day suspension.

21 Q. **[560]** Okay, so explain to us. So this is done by
22 Mr. Lamothe, who is the superior of Mr...

23 A. Yes.

24 Q. **[561]** ... Mainville? Because when you say Services
25 des enquêtes spécialisées, you're not talking about

1 Internal Affairs, c'est enquêtes spéciales, right?

2 A. No, no.

3 Q. [562] It's the Services des enquêtes spécialisées
4 where we do, I was going to say, big investigations?
5 They're all big, but...

6 A. They're all...

7 Q. [563] ... that's what... so it's not Internal
8 Affairs?

9 A. No.

10 Q. [564] So it's Mr. Lamothe that is suggesting a ten-
11 day suspension; to whom? To whom this is sent?

12 A. To be able to respond to your question more
13 precisely, these are conversations that were between
14 Mr. Werotte, who was the Chief Inspector at the
15 time, and Mr. Lamothe. I wasn't part of those
16 conversations concerning the micro details of le
17 Rapport disciplinaire. I was aware...

18 THE PRESIDENT:

19 Q. [565] No, but the document says that he's being
20 suspended ten (10) days. You say he's not suspended.

21 A. He's not.

22 Q. [566] The question is why do you say that? Just
23 explain a few words how it works.

24 A. Okay.

25 Q. [567] It's not necessary to go back to... too far

1 back, in other words. Just explain why you're in a
2 position to say that despite what is written here,
3 he was not suspended.

4 A. Okay.

5 Q. [568] Okay?

6 A. For one, il reconnaît pas les faits, and there's no
7 report stating that he's accepted the ten (10) days
8 of suspension from his superior. It's as simple as
9 that.

10 Me CHRISTIAN LEBLANC:

11 Q. [569] Okay. So, when a report is made, like this,
12 it's sent to somebody for a follow-up, how does it
13 work? What's the mechanics?

14 A. Well, it's sent to our division, usually the
15 managers who don't have a complete... well, don't
16 have a complete knowledge of how the reports work,
17 they're going to communicate with Mr. Lagacé, who is
18 at Division des affaires internes, and he's going to
19 guide them in terms of how to rediger le Rapport
20 disciplinaire.

21 Q. [570] So, there would be a suggestion by the
22 superior?

23 A. But that's where I'm going to stop you, because I
24 don't know what was done exactly in terms of...
25 you're going to have to ask Mr. Werotte. He's the

1 one that dealt with Mr. Lamothe concerning the
2 transmission or the conversation between him and Mr.
3 Lamothe concerning this report.

4 Q. [571] It's okay, if your answer is that, I don't
5 know the mechanics of how this works; that's fine. I
6 just wanted to understand.

7 A. It's not...

8 Q. [572] I see a few things here, I see that he hasn't
9 signed it, but, you know, we have a box that says
10 "reconnait le manquement - nie le manquement..." we
11 see all of that. I just wanted to know what is
12 being done after such a report, Rapport
13 disciplinaire is made. I guess it's filed in his
14 personal file? Is it sent to Internal Affairs? If
15 you don't know the mechanics because you've always
16 been... special... enquêtes spéciales, that's fine,
17 I'll move on. I just want to know...

18 A. No, it's not a question that I don't know the
19 mechanics, it's a question...

20 Q. [573] So what is the mechanics?

21 A. It's a question that he dealt with... Mr. Lamothe
22 dealt with Mr. Werotte, there was discussions in
23 terms of the number of days, the sanctions, but...
24 And this is all by memory. And there was reports
25 that were consigned. But the final report, I can't

1 tell you right here, with this, what transcribed
2 between Mr. Werotte and Mr. Lamothe.

3 Q. [574] No, and that was not my question. My question
4 was what do we do with a rapport disciplinaire like
5 that, afterwards. I guess, if you recognize the
6 manquement...

7 A. There's... There's... There's a file that's opened
8 on the police officer.

9 Q. [575] Yeah?

10 A. In question. A disciplinary file with a number.
11 that's the first thing. The second thing, like I
12 mentioned, if the manager doesn't have the knowhow,
13 or the precise documents how to rédiger un
14 manquement, he will consult... usually he consults
15 the lieutenant of Internal Affairs, Mr. Lagacé, who
16 will guide him in terms of what he has to do, but in
17 this case, from what I understand, it was done with
18 Mr. Werotte. Subsequently to that, I don't know
19 what transcribed with the conversation with Mr...

20 Q. [576] Internal Affairs are not always involved in
21 those reports. If the policeman would have said: I
22 recognize le manquement... signed it, that's it.

23 A. One hundred percent.

24 Q. [577] Ten (10) days.

25 A. One hundred percent, yes.

1 Q. [578] The Internal Affairs will never see...

2 A. No.

3 Q. [579] ... or will not be involved.

4 A. No no.

5 Q. [580] There will be a file, this will be in his
6 file...

7 A. Yes.

8 Q. [581] ... it will be the directory, presumably, that
9 you've talked to us about earlier on?

10 A. Well, a file always will be opened in terms of...

11 Q. [582] Right.

12 A. ... of discipline, with a number that's associated
13 to the event, and it will be in our systems for...

14 Q. [583] Right. But Internal Affairs will not be
15 involved more than that.

16 A. That's if, like you mentioned before, if the police
17 officer admits that, or agrees to the sanction, and
18 it's signed, and...

19 Q. [584] Right.

20 A. It stops there.

21 Q. [585] Right. So the file will have been dealt with
22 between him and his superior.

23 A. That's correct.

24 Q. [586] Okay. If he doesn't recognize it, then, is it
25 Internal Affairs who...

1 A. Yes.

2 Q. [587] ... who takes charge?

3 A. Yes. There's an investigation that's conducted.

4 Q. [588] Okay. And if it's disciplinary like that, I'm
5 guessing the investigation will be on the side of
6 Enquêtes disciplinaires.

7 A. Exactly.

8 Q. [589] Okay. Do you know why, in this particular
9 file, it's Mr. Werotte that's involved? Why is it
10 not... at that time you're under Mr. Werotte?

11 A. Yes I am.

12 Q. [590] Okay. Why is it Mr. Werotte that's involved
13 with Mr. Lamothe?

14 A. You'd have to ask Mr. Werotte, but if I'm guessing,
15 it's probably because Mr. Lamothe called Mr. Werotte
16 first.

17 Q. [591] Okay. And so, presumably, there was no
18 acceptance by the policeman, and I just want to
19 situate ourselves, but so the first time that,
20 officially, it seems - it's the first documents that
21 I have - that Dominic Werotte, or the Internal
22 Affairs are aware of that file, is document 103,
23 which is December third (3rd), twenty fourteen
24 (2014).

25 A. Where would that be?

1 Q. **[592]** 103, the date is December third (3rd).

2 A. I don't have that documentation.

3 Q. **[593]** The Note de service?

4 A. Ah! The Note de service... sorry. Yes.

5 Q. **[594]** So is that correct?

6 A. From the first page of the note de service from
7 Mr. Carrier, it's the third (3rd) of December.

8 Q. **[595]** Okay. And that's sent to Mr. Werotte who, at
9 that time, oversees both sections of Internal
10 Affairs. Correct?

11 A. Well he's... He's the Chief Inspector in charge of
12 the division at the time.

13 Q. **[596]** Okay. The next document I have in line after
14 that is 94P, which is an email from Mr. Werotte to
15 you dated January twenty-first (21st), twenty
16 fifteen (2015). You have that? And that's when you
17 then flip it or better said, transfer it to Mr.
18 Borduas on January twenty-third (23rd), you have
19 that?

20 A. Yes, I do.

21 Q. **[597]** Okay. So what happens between the third (3rd)
22 of December and January twenty-first (21st)?

23 A. Like I explained yesterday, I spoke with the DPCP
24 concerning... concerning the information that we
25 received from Mr. Carrier and Mr... Monsieur Ménard,

1 but I believe Mr... Monsieur Lamothe, when I spoke
2 with the DPCP... I'm going to repeat myself, because
3 I know I said it yesterday, but just for everybody
4 to understand clearly, I spoke with the prosecutor
5 who gave the decision for l'enquête indépendante and
6 seeing that there was a conflict of interest to deal
7 with the prosecutor, I was referred to another
8 prosecutor which I communicated with and we didn't
9 receive... we didn't receive an answer before the
10 holidays, but in January, the answer was that we
11 would be doing an investigation of breach of trust
12 concerning a policier inconnu.

13 Q. **[598]** Okay. So when... I'm sorry. Yes? You say
14 you consult, what was the purpose of the
15 consultation?

16 A. The purpose of the consultation?

17 Q. **[599]** Right.

18 A. To my knowledge, I think Dominic had asked avec
19 les... what's going on and the information that we
20 received that there were discrepancies also in terms
21 of the...

22 Q. **[600]** Normally, you send the... you send the report
23 to the DPCP once your investigation is over, here...

24 A. No.

25 Q. **[601]** ... first contact was apparently the third

1 (3rd) of December two thousand and fifteen (2015),
2 and you say that in between the third (3rd) of
3 December and some later date...

4 A. Hum hum.

5 Q. [602] ... some later date in January, you consulted
6 with the DPCP...

7 A. Yes, we did.

8 Q. [603] ... my question is what was the purpose of the
9 consultation.

10 A. Because...

11 Q. [604] What question did you put to them so that they
12 answered well... you should go ahead, but with
13 suspect inconnu instead of... So what's the purpose
14 of your...

15 A. Well, the first thing is the DPCP was very
16 preoccupied that information was leaked to the
17 media. Two, we had information from the notes of
18 the different managers at... that supervisor, who
19 were under Mr. Mainville, so at their request, I
20 sent the documentation that they asked. I spoke on
21 the phone, but at the same time, they wanted all the
22 documentation that we had received from the
23 superiors of...

24 Q. [605] And again, I... what question do you put to
25 them? When we consult someone, when you consult an

1 attorney, you ask a question...

2 A. Yes. Well...

3 Q. **[606]** ... to the attorney, so what was the question
4 to the DPCP?

5 A. The question was this is what... there was a little
6 bit of a résumé or... call it what you want in terms
7 of how the rencontre between Mr. Mainville and Mr.
8 Renaud transpired, the discrepancies in terms of
9 what was discussed, and I exposed these facts from
10 the reports that... les notes that we received from
11 the managers.

12 Q. **[607]** And you expect what from the DPCP?

13 A. Well, one thing is for sure, they were very upset...

14 Q. **[608]** No, but that's the context.

15 A. Well...

16 Q. **[609]** You sent them documentation, you say there
17 were discrepancies and all that, but what's the
18 question to them?

19 A. Concerning is there a possible breach of trust,
20 concerning with the information that was gathered by
21 the superiors and the subalternes of Mr.
22 Mainville...

23 Q. **[610]** Okay. So it was the question.

24 A. ... and they responded to me we cannot... not to me
25 right there, but they wanted to consult, so they

1 consulted with all this information, it took a few
2 weeks before we got back an answer, and when the
3 answer came back in January, Mr. President, that's
4 when they stated that the investigation... because
5 les... the leaks, it wasn't... there's other people
6 also that had the information, that specific
7 information about l'enquête indépendante, it wasn't
8 only specific to one or two people. And that's why
9 the decision from the DPCP was to do an
10 investigation concerning a policier inconnu, but at
11 the same time, there was other people that were met
12 in the file, if I'm not mistaken.

13 Q. [611] Okay. Thank you.

14 A. Your welcome.

15 Me CHRISTIAN LEBLANC:

16 Q. [612] But I just want to understand. There's a
17 disciplinary track that is being opened, there's the
18 rapport disciplinaire. I've asked you the question.
19 I said, if the policeman doesn't accept that, it's
20 going to go to Internal Affairs disciplinary side.
21 You said yes. Why all of a sudden it becomes
22 criminal? Why all of a sudden Enquêtes spéciales is
23 involved?

24 A. Because the question of, the DPCP, at that time,
25 when it did come out were not, you can understand

1 that they weren't happy and we consulted with the
2 DPCP, like I mentioned earlier in my testimony, with
3 the facts, well, facts, with the testimony of the
4 different gestionnaires et subalternes to present to
5 the prosecutors to get an opinion, which is within
6 our right, is do they see any elements of breach of
7 trust in the information that's provided to the
8 DPCP.

9 Q. **[613]** Who decides to consult the DPCP on this? Is it
10 you?

11 A. I don't know if I was asked to do it or if it was
12 from my own initiative, I can't... I can't remember.

13 Q. **[614]** And do you know if there was a disciplinary
14 inquiry made by Internal Affairs following the non-
15 acceptance, let's put it that way, of the rapport
16 disciplinaire?

17 A. I know that there was a file that was opened but
18 between the events from when they occurred versus
19 Mr. Mainville took his retirement at a certain time
20 so when the, just like we do with other files, once
21 that person is retirement, we have no hold in terms,
22 so the file was closed at that point for
23 disciplinary action.

24 Q. **[615]** And have you seen this often a disciplinary
25 file that starts a file and then moves on to a

1 criminal file? We've seen the reverse but have you
2 seen... we've seen a criminal file ended up in
3 discipline, but a discipline file ended up criminal,
4 have you seen that often?

5 A. It's happened on different occasions but if you ask
6 me to give you a pinpoint, I can't.

7 Q. [616] My question was: do you see that often? Is
8 it...

9 A. Not often, no.

10 Q. [617] Not often. If it's not you, you weren't clear
11 or you can't remember if it's you on your own
12 initiative or if you've been asked. If you would
13 have been asked, it would have been Mr. Werotte, I
14 guess, to ask the DPCP?

15 A. Now, you're subjecting... it's possible but I can't
16 answer that question with certainty.

17 Q. [618] Well, did you talk to anybody else than Mr.
18 Werotte about that file? Did you talk to Mr.
19 Lamothe?

20 A. Not to my knowledge.

21 Q. [619] Did you talk to the chief at the time, which
22 would have been Chief Parent, right, in twenty
23 fourteen (2014).

24 A. Twenty fourteen (2014) would have been Mr. Parent.

25 Q. [620] Yes.

1 A. I have no recollection of speaking with Mr. Parent
2 concerning Mr. Mainville.

3 Q. [621] So, you did call the DPCP, I don't want you to
4 go back to that, the DPCP ultimately comes back to
5 you and says "breach of trust", but "policier
6 inconnu", correct?

7 A. Correct.

8 Q. [622] And there will be a criminal investigation
9 file opened.

10 A. Pour allégations de policier inconnu.

11 Q. [623] I understand. And if we see again 94P, on
12 January twenty-first (21st), that's what Mr. Werotte
13 is telling you, right?

14 A. Exactly.

15 Q. [624] But the attached exhibits to that are the
16 notes of Mr. Carrier, which is the note, I'm
17 suggesting to you, it's the note de service 103.

18 A. The note de service?

19 Q. [625] The penultimate document that is attached...

20 A. Well, what I see here...

21 Q. [626] ... we say, pièces jointes says...

22 A. ... the twenty-third (23rd).

23 Q. [627] ... "Note de service et notes personnelles,
24 Commandant Patrice Carrier". You see that on 94P?

25 A. Yes.

1 Q. **[628]** I'm suggesting to you that that's the note de
2 service that we're looking at under 103? Correct?

3 A. From what it writes here, yes.

4 Q. **[629]** Okay. And that note de service does refer to
5 only one policeman, Mr. Mainville. It's what it's
6 all about.

7 A. Yes.

8 Q. **[630]** Okay. The other attachments that you're
9 sending to Mr. Borduas, facturation téléphonique
10 détaillée, facturation téléphonique détaillée, if I
11 was going to suggest to you that that's the
12 facturation téléphonique détaillée of the phone of
13 Mr. Mainville, would I be correct?

14 A. It's very possible.

15 Q. **[631]** And the last attachment that says, "TR Notes-
16 Denis". If I was to suggest to you that it relates
17 to Denis Mainville, would I be correct?

18 A. To be one hundred percent (100%) sure, I have to see
19 the note but from what I see here, it writes Denis,
20 we could assume that it's Denis Mainville.

21 Q. **[632]** Okay. And so, if you take 93P, that's the
22 chronologie d'enquête...

23 A. Yes.

24 Q. **[633]** ... of Mr. Borduas. We see that, and I suggest
25 to you, and you can read it if you want, but all the

1 actions that are listed there seem to be targeted at
2 Mr. Mainville.

3 A. Okay.

4 Q. **[634]** Are you made aware of this inquiry? Is Mr.
5 Borduas keeping you abreast of this inquiry at the
6 time?

7 A. Yes.

8 Q. **[635]** And I understand, because I'm looking at the
9 last entry in the chronologie, that the inquiry will
10 go on until August nineteenth (19th) or twentieth
11 (20th), correct?

12 A. The last inscription's on the twentieth (20th) of
13 August.

14 Q. **[636]** August, right. So, that's when the inquiry is,
15 I guess, shut down, or there is no other action in
16 the inquiry, correct?

17 A. But I believe there's other steps that were done
18 afterwards. I don't see it complete here. Because it
19 writes, if we look at the last line, 'contact
20 inspecteur et aviser l'état de mon dossier à ce
21 jour, il reste à convoquer Mainville après son party
22 de retraite.'

23 Q. **[637]** M'hm. That's what you're alluding to...

24 A. Yes.

25 Q. **[638]** ... there's other steps, would be convoqué

1 Mainville after his party de retraite?

2 A. I'm reading the same thing you're reading here on
3 the last line.

4 Q. **[639]** But is it to your knowledge that it was done?
5 Is it to your knowledge that there were other steps
6 not in this chronologie d'enquête?

7 A. There were other steps, and I'm just going by
8 memory. I know that Mr. Mainville was contacted, and
9 from memory, he did not... he did not give a version
10 of the events, and there was other people that were
11 involved, whether in this enquête indépendante that
12 were contacted, but I can't be precise in terms of
13 who those people were.

14 Q. **[640]** After August...

15 A. No.

16 Q. **[641]** ... twentieth (20th)?

17 A. I think before.

18 Q. **[642]** Okay, so my question was after August
19 twentieth (20th).

20 A. I don't remember. If I don't see it here, I don't
21 now.

22 Q. **[643]** August twentieth (20th), we see there that Mr.
23 Borduas writes down "contacte Insp. Carrier --
24 that's the one who had seen his superior, Mr.
25 Mainville - et aviser de l'état de mon dossier à ce

1 jour." Why?

2 A. That's a very good question.

3 Q. **[644]** Because I thought, at Internal Affairs, you
4 were even proud to make sure that you keep
5 everything confidential, because maybe nothing would
6 entail. Why would he do that?

7 A. You'd have to ask him that. It's not... there has to
8 be a specific reason, or... I don't know. I can't
9 answer that question for Mr. Borduas.

10 Q. **[645]** According to your testimony though, it's not
11 something you would normally do?

12 A. Depending on the context, but no, if... no, I would
13 not do that. But, again, I don't want to... it's
14 important to state also that... is there a specific
15 reason between Mr. Borduas and Mr. Carrier that... I
16 don't recall.

17 Q. **[646]** But you were kept abreast of that file, and to
18 your knowledge...

19 A. Yes.

20 Q. **[647]** ... today, there's nothing that comes to mind
21 to you as to why he would have done that, correct?

22 A. No.

23 Q. **[648]** Okay. If we take onglet 108, which is called -
24 - Disposition.

25

1 Me CHARLES CÔTÉ :

2 J'aimerais simplement noter que le témoin n'aura pas
3 le document.

4 Me CHRISTIAN LEBLANC:

5 Ne vous inquiétez pas, je... s'il ne l'a pas, je
6 poserai pas de questions, là, même s'il veut
7 lire...

8 Q. [649] You understand that, right? You take your
9 time. Every time I ask a question, if you want to
10 check things, or read things, you just tell me.

11 Me FRANÇOIS GRONDIN:

12 Simplement pour clarifier, Maître Côté, c'est le
13 document que je vous ai remis ce matin.

14 Me CHARLES CÔTÉ:

15 D'accord. Merci.

16 LE PRÉSIDENT :

17 Est-ce que ça va compléter le... parce qu'il est
18 midi et demi (12 h 30), est-ce que ça va compléter
19 votre...

20 Me CHRISTIAN LEBLANC:

21 Oui.

22 LE PRÉSIDENT :

23 J'aimerais que vous terminiez Mainville, alors...

24 Me CHRISTIAN LEBLANC:

25 Oui, et je vais le faire avant... j'en ai pour

1 quelques minutes, et on pourra commencer l'après-
2 midi avec le dossier Djelidi.

3 LE PRÉSIDENT :

4 Oui, c'est... il y a une bonne nouvelle, puis une
5 mauvaise nouvelle. On va commencer par la bonne,
6 vous allez finir le dossier de M. Mainville, alors
7 allez-y avec la pièce qui est à l'onglet 108. Me

8 CHRISTIAN LEBLANC:

9 Q. **[650]** So, this refers to a dossier criminel with
10 Section des enquêtes spéciales, which is the
11 Section, at Internal Affairs, that's Criminal
12 Inquiry, right?

13 A. Yes.

14 Q. **[651]** Investigation, I should say? Good. And we see
15 the name, Mainville, prénom Denis.

16 A. Yes.

17 Q. **[652]** So it's the criminal investigation that
18 pertains to him, correct?

19 A. Yes.

20 Q. **[653]** Okay. We have the allegation: abus de
21 confiance?

22 A. Yes.

23 Q. **[654]** Right? And then, under "Recommandations"...
24 Well, under "Disposition", I believe you, because I
25 recognize your name, says "Dossier terminé". Right?

1 A. That's exact.

2 Q. [655] I'm deducting from that, but I don't want
3 to... You know, I thought he was suspended for ten
4 (10) days earlier on. I'm deducting from that, that
5 means that according to Internal Affairs, this
6 criminal investigation is done and over with.

7 A. That's correct.

8 Q. [656] Right. So, nothing will be sent to the DPCP,
9 nothing will be pursued.

10 A. No.

11 Q. [657] Correct?

12 A. The file was sent, completed to the DPCP, and when
13 we got our answer... The way it works, we send our
14 files, we get a return from the DPCP, then the
15 investigator, he does his sommaire d'enquête, and...

16 Q. [658] He does a "disposition" like this, a formal...

17 A. No, he does a... he does a...

18 Q. [659] So what does that do? Why do we have a
19 "disposition: dossier terminé", in a criminal
20 inquiry?

21 A. Well, he informs the inspector, the conclusion of
22 the investigation, and then, in every criminal file,
23 there's recommendations to see if the file goes to
24 discipline or... If it goes to discipline there's an
25 evaluation, and then the recommendation is yes or

1 no, and then the disposition of the final entity of
2 the file, it's... the dossier is terminated, like
3 it's marked over here, and the dossier is
4 classified.

5 Q. [660] I'm just trying to understand. When you say
6 dossier termin , it's a dossier criminel?

7 A. Yes.

8 Q. [661] That is before or after the answer from the
9 DPCP?

10 A. That's after.

11 Q. [662] That's after.

12 A. Yes.

13 Q. [663] So in this file, you got the answer from the
14 DPCP not pressing charges before.

15 A. And the recommendations of my inspector, seeing that
16 Mr. Mainville will be retiring, the dossier will be
17 terminated.

18 Q. [664] No. I understand. But if the DPCP doesn't
19 press charges, it's terminated anyway, right? The
20 inquiry, the criminal inquiry is done and over with.

21 A. That, like I've explained, there's always a process,
22 when there's a criminal investigation, to evaluate
23 if there's any aspects, disciplinary in that file,
24 and whether there is or not, at that point there
25 could be or there could not be. So there's two

1 choices.

2 Q. [665] So...

3 A. And what Mr. Renaud explains here is the fact that
4 Mr. Mainville is retiring, there won't be a
5 continuation of disciplinary in this file. It's
6 finished.

7 Q. [666] So from the last action in the criminal file,
8 August twentieth (20th), right, to June twenty-
9 eighth (28th), two thousand sixteen (2016), which is
10 about a year, Mr. Mainville doesn't know if his file
11 will be continued or not, as you just explained.

12 A. One thing he knows, that there's a criminal
13 investigation going on, that's for sure.

14 Q. [667] Right.

15 A. And...

16 Q. [668] That he knows.

17 A. And second, I can't... I don't remember exactly the
18 exact point in time when Mr. Mainville takes his...
19 There is, what we call in preretirement, he's not
20 there, he's at... It's like a... I can't... I can't
21 tell you the exact, so when that period finishes,
22 and then at the end, that's why it's constituted,
23 it's disposé, it's final that he's not coming back,
24 and the file is closed.

25 Q. [669] Right. So he knows, presumably not before June

1 sixteen (16)... twentieth (20th) of June two
2 thousand sixteen (2016), that his file will not go
3 any further. Correct? Do you advise him of that? I
4 presume?

5 A. It's not me that advises him, no.

6 Q. [670] Is there a procedure where you advise the
7 policeman?

8 A. Somebo...

9 Q. [671] At Internal Affairs?

10 A. Somebody must have advised him for, in terms of what
11 was gonna happen with the disciplinary, if... And
12 then, I think Mr. Mainville took the decision to
13 take his retirement, and by taking his retirement,
14 he was also aware that the disciplinary stuff would
15 not be pursued in...

16 Q. [672] Well, he can't be aware of that before you
17 dispose it on the twenty-eighth (28th) of June two
18 thousand and sixteen (2016).

19 A. The discipline part?

20 Q. [673] Yes.

21 A. The discipline part...

22 Q. [674] Yes.

23 A. ... yes, because if he retired... if he's on pre-
24 retirement, we know that he's leaving, so we're not
25 going to pursue the disciplinary actions against Mr.

1 Mainville when he's notified the association and I
2 believe the Chief Inspector at the time, Mr.
3 Werotte, that he will be retiring, and it will be
4 finished.

5 Q. [675] So, what you're saying is that when he says to
6 Mr. Werotte I'm retiring, it's to your knowledge
7 that at that point, we say okay and your
8 disciplinary file will be terminated. So why that
9 document of the twenty-eighth (28th) of June two
10 thousand and sixteen (2016), then?

11 A. Okay, no.

12 Q. [676] Why was that necessary?

13 A. I'm making a mistake.

14 Q. [677] Sixteen. Sorry.

15 A. I'm making a mistake, it's not...

16 Q. [678] Okay.

17 A. It's... no, I'm making a mistake in terms of the
18 dates... But t'sais, I'm going by memory, if I had
19 the exact date when Mr. Werotte went on pre-
20 retirement, or when...

21 Q. [679] Mr. Mainville?

22 A. Mr. Mainville, sorry. Mr. Mainville went on
23 retirement, I could tell you exactly... because I'm
24 looking at the dates, here, Mr. Werotte wasn't
25 there, so I just want to make sure that we're not

1 crisscrossing our occupations.

2 Q. [680] But you signed this, right?

3 A. Yes, I...

4 Q. [681] So you were aware of this?

5 A. I signed this, I was aware of it, but there's
6 conversations that could have happened between Mr.
7 Werotte and the association that represents Mr.
8 Mainville in that time frame.

9 THE PRESIDENT:

10 Q. [682] Yes, but whatever the dates, your testimony is
11 that the disciplinary process was terminated because
12 you were informed that he would retire.

13 A. Yes, that's clear.

14 Q. [683] Second, the criminal side of the investigation
15 was also terminated because you got the opinion from
16 the DPCP that there was no point in pursuing the
17 matter.

18 A. Yes.

19 Q. [684] This document summarizes both...

20 A. Yes.

21 Q. [685] ... sides of the Mainville dossier...

22 A. Yes.

23 Q. [686] ... if I may say so.

24 A. Yes.

25 Q. [687] Is there something more complicated than that

1 to determination of this file?

2 A. Like, it's been a long morning, but I think you
3 summarized it very good, Mr. President.

4 LE PRÉSIDENT :

5 Q. [688] Avez-vous d'autres questions, Maître Leblanc?

6 Me CHRISTIAN LEBLANC :

7 Q. [689] One last one, is it to your knowledge that Mr.
8 Carrier, after the retirement, replaced Mr.
9 Mainville?

10 A. It's common knowledge.

11 Q. [690] We're taking a break for lunch now, and I'll
12 start with Djelidi after...

13 THE PRESIDENT:

14 Yes, we'll just give a number to this...

15 Me CHRISTIAN LEBLANC :

16 Yes, you're right.

17 LE PRÉSIDENT :

18 ... disposition.

19 LA GREFFIÈRE :

20 Vous allez traduire le document?

21 Me CHRISTIAN LEBLANC :

22 Oui, s'il vous plaît, Madame la Greffière.

23 LA GREFFIÈRE :

24 Sous 105P, vous le décrivez comment?

25

1 Me CHRISTIAN LEBLANC :

2 Monsieur le Président, je ne veux pas... je dirais
3 disposition?

4 LE PRÉSIDENT :

5 Un document intitulé Dispositions daté du vingt-huit
6 (28)...

7 Me CHRISTIAN LEBLANC :

8 Vingt-huit (28).

9 LE PRÉSIDENT :

10 ... juin deux mille seize (2016) signé par Costa
11 Labos. Alors...

12 LA GREFFIÈRE :

13 Sous 105P.

14

15 105P : Document intitulé Dispositions daté du 28
16 juin 2016 signé par Costa Labos

17

18 LE PRÉSIDENT :

19 105P et on se retrouve à deux heures (14 h).

20 Me CHRISTIAN LEBLANC :

21 Merci.

22 SUSPENSION DE L'AUDIENCE

23 REPRISE DE L'AUDIENCE

24

25

1 LE PRÉSIDENT :

2 Alors, bon après-midi à tout le monde. On va
3 procéder à l'appel des avocats, comme d'habitude.

4 IDENTIFICATION DES PROCUREURS

5 Me CHARLES LEVASSEUR :

6 Bonjour, Charles Levasseur pour la Commission.

7 Me FRANÇOIS GRONDIN :

8 Bon après-midi, François Grondin pour la Commission.

9 LA GREFFIÈRE :

10 Je demanderais maintenant aux procureurs des parties
11 de s'identifier et identifier ceux qu'ils
12 représentent.

13 Me CHRISTIAN LEBLANC :

14 Bonjour, Christian Leblanc pour La Presse, Radio-
15 Canada, Cogeco, Postmedia, Transcontinental Médias,
16 Bell Média et Groupe Capitales Médias.

17 Me MICHEL DÉOM :

18 Alors Michel Déom, pour la Procureure générale. Bon
19 après-midi.

20 Me CATHERINE DUMAIS :

21 Bon après-midi, Catherine Dumais pour le Directeur
22 des poursuites criminelles et pénales.

23 Me PAUL CRÉPEAU :

24 Bonjour, Paul Crépeau pour la Cour du Québec.

25

1 Me MARIE COSSETTE :

2 Bonjour, Marie Cossette pour la Conférence des juges
3 de paix magistrats.

4 Me MATHIEU CORBO :

5 Bonjour, Mathieu Corbo pour le Service de police de
6 la Ville de Montréal.

7 Me CHARLES CÔTÉ :

8 Bonjour, Charles Côté pour monsieur Labos.

9 Me JEAN-NICOLAS LEGAULT-LOISELLE :

10 Jean-Nicolas Loiselles pour la Ville de Montréal.

11 Me DANIA SULEMAN :

12 Bonjour, Dania Suleman pour la Fraternité des
13 policiers.

14 Me JULIE CARLESSO :

15 Bonjour, Julie Carlesso pour Québecor Média et Le
16 Devoir.

17 Me DOMINIQUE ST-LAURENT :

18 Bonjour, Dominique St-Laurent pour Marc Parent.

19 Me FRANÇOIS OUELLET :

20 Bonjour, François Ouellet pour la CSN.

21 LA GREFFIÈRE :

22 Merci. So, Mr. Costa Labos, you're still under the
23 same oath.

24 A. Yes.

25

1 Me CHRISTIAN LEBLANC :

2 Q. [691] Good afternoon, Mr. Labos.

3 A. Good afternoon.

4 Q. [692] So, as I said this morning, we're now gonna
5 just explore the Djelidi file, so Escouade and
6 Espion. So, talking of Espion, I think I caught,
7 during your testimony, that for you, the first sign
8 of the Espion project is an article of January seven
9 (7), two thousand and sixteen (2016). By Félix
10 Séguin.

11 A. That's correct.

12 Q. [693] And what do you mean by, or could you expand
13 on the first sign? Is it you who just reads the
14 article and have some concern, is it somebody who
15 asks you to read the article in the context of a
16 breach of trust? How does that happen?

17 A. The first article, talking about the one with the
18 vol de sac de monsieur Vilcéus?

19 Q. [694] Yes. I believe the first one of... Well, you
20 tell me, but I believe the first one you're talking
21 about is that one, from Félix Séguin, that's called
22 "Un vol de documents secrets". Sorry. "Grave fuite
23 d'information confidentielle au SPVM".

24 A. Well, it's brought to my attention that morning,
25 when I see it in the newspapers.

1 Q. [695] On the seventh (7th).

2 A. Yes.

3 Q. [696] In the same day.

4 A. Yes.

5 Q. [697] And who brought it to your attention?

6 A. We get a copy of all the listings in terms of
7 articles that have implications with the SPVM, and
8 it was from there that I got the information.

9 Q. [698] So it's a press review?

10 A. If my memory is correct.

11 Q. [699] So you're reading through a press review on
12 the seventh (7th), and you look at this article, or
13 is there somebody actually telling you - you should
14 look at this article? I'm just trying to see if it's
15 of your own initiative, or somebody who...

16 A. It's my own initiative, but subsequently we're
17 discussing this, these articles, that's for sure.

18 Q. [700] No, that's fine. Do you discuss them on the
19 seventh (7th), or... I mean, we know there has been
20 a meeting on the twelfth (12th), we know there is a
21 plan d'enquête on the eleventh (11th), so that's
22 the... The seven (7) is a Thursday, the eleven (11)
23 is the Monday, but before getting to the eleven
24 (11), is there any discussion on the articles of the
25 seventh (7th)?

1 A. Well, there is a discussion within the team. If
2 you're asking me to name everybody that was there
3 during the discussion, I'm not at liberty to inform
4 you one hundred percent (100%).

5 Q. [701] You mean you're not at a liberty, you don't
6 remember?

7 A. Not liberty, I just don't remember one hundred
8 percent (100%).

9 Q. [702] Okay.

10 A. Sorry.

11 Q. [703] Okay. Who do you remember was there, knowing
12 that there may be other people?

13 A. For sure, the discussions happen between myself and
14 my inspector. Now, were there other people involved,
15 I can't answer that question with certainty.

16 Q. [704] Okay. And your -- and forgive me if I have the
17 wrong name -- but your inspector is... Is it
18 Mr. Lagacé at that time, or...

19 A. Mr. Renaud.

20 Q. [705] Renaud. Okay. So the same day, you have a
21 discussion with your inspector Renaud about the
22 leaks that you think happened when you read the
23 article of the seventh (7th) of January.

24 A. Correct.

25 Q. [706] Is there a decision taken at that point that

1 you will launch an investigation on that?

2 A. At that same specific day, I don't...

3 Q. [707] Yes.

4 A. ... I don't believe so.

5 Q. [708] Okay. And so briefly, what is the discussion
6 about between you and Mr. Renaud?

7 A. Well, we're preoccupied with the information that's
8 transcribed in the news concerning the theft the
9 briefcase of Mr. Vilcéus.

10 Q. [709] Okay. Is it at that time that you schedule the
11 meeting of the twelfth (12th) with Mr. Pichet and
12 company?

13 A. I can't say, I don't remember.

14 Q. [710] Do you remember when the meeting with Mr.
15 Pichet and the... I say high command, I don't know
16 if it's the right word, but you know... you
17 understand what I mean by that. The meeting of the
18 twelfth (12th) with Mr. Pichet and the high command
19 is scheduled?

20 A. I don't have the exact date.

21 Q. [711] Is it before the weekend or is it on the
22 sun... on the Monday, the testimonies we've heard in
23 front of the Commission is that it's already
24 scheduled for the next day because Mr. Hanna needs
25 to finish the report.

1 A. Hum hum.

2 Q. **[712]** So is it scheduled on the Monday or is it
3 scheduled before, do you know? The meeting of the
4 twelfth (12th).

5 A. I believe it's before, but I have no... I'm not sure
6 one hundred percent (100 %) that it's before... It
7 is before, but I don't know what date exactly it
8 was...

9 Q. **[713]** It was before the eleventh (11th), so it's
10 either Thursday the seventh (7th) or Friday the
11 eighth (8th) because after that, it's the weekend.

12 A. Very possible.

13 Q. **[714]** Okay. Who decides to organize that meeting?

14 A. It's probably l'équipe de gestion, myself and
15 mister... monsieur Renaud.

16 Q. **[715]** Sorry, I didn't catch, l'équipe de?

17 A. L'équipe de gestion, I'm talking about myself and
18 Mr. Renaud and, of course, discussions... and I'm
19 going from memory, with the investigators that
20 brought up the... also that brought up the
21 information, the articles... article or articles.

22 Q. **[716]** So you decide either the seventh (7th) or the
23 eighth (8th) to schedule a meeting with Mr. Pichet
24 and the high command to discuss those leaks?

25 A. That's from memory, yes.

1 Q. [717] Okay I believe you also testified that you
2 read another article from, I think, again, Mr. Félix
3 Séguin on the eighth (8th), is that possible?

4 A. Yes.

5 Q. [718] Okay And when do you advise Mr. Borduas and
6 Hanna that these articles will necessitate a plan
7 d'enquête, is it on the eleventh (11th)?

8 A. No, it's before... it's before the eleventh (11th),
9 but is it the Friday, I'm not sure one hundred
10 percent (100 %).

11 Q. [719] Okay, so they know, coming in on the Monday
12 that they will have to work on a file of breach of
13 trust based on articles that you've read the seventh
14 (7th) and eighth (8th). Is that your...

15 A. Not only that I have read, that everybody's aware of
16 on the team.

17 Q. [720] Okay, so including Mr. Borduas and Hanna.

18 A. Yes.

19 Q. [721] Okay So at the latest, they know on the
20 Friday, according to you, that were... they were
21 going to be that... there was going to be that
22 meeting on the eleventh (11th) to discuss those
23 articles? Correct? I just want to understand your
24 testimony, right?

25 A. Yes, but if you ask me the exact conversations or

1 the exact date, I can't tell you from memory.

2 Q. **[722]** Well I know, but since the eleventh (11th) is
3 a Monday, it's either the Thursday or the Friday
4 that it... all of that is being set up.

5 A. Well, it doesn't mean that because it's the weekend
6 we don't work, so there could have been exchanges,
7 but I can't be certain one hundred percent (100 %).

8 Q. **[723]** Could be the weekend too, you're not sure.

9 A. It...

10 Q. **[724]** Right?

11 A. It could be.

12 Q. **[725]** Okay And the birth of the Espion project will
13 really be on the (1th). Or correct me if I'm wrong,
14 but my understanding was it's on the eleventh (11th)
15 when the plan d'enquête is being prepared. Or is it
16 discussed before?

17 A. The report is written on the eleventh, but prior to
18 that, we did have discussions concerning the two
19 articles and it must have been decided at that point
20 that there was... there was sufficient inquiétude,
21 call it what you want, or préoccupations that a plan
22 d'enquête was demanded from Mr. Hanna to produce
23 for... on the date in question, on the eleventh
24 (11th).

25 Q. **[726]** Well, you say, it must have been discussed.

1 A. Sorry. Sorry.

2 Q. **[727]** You say it must have been discussed. You're
3 the boss at that time. Projet Espion is, as far as
4 I'm concerned, a big investigation for you, you ask
5 Hanna... Mr. Hanna to even help, that... Mr. Borduas
6 said it was not exactly an easy and small
7 investigation. Do you remember having a discussion
8 about Espion before the eleventh (11th)?

9 A. When I say... when I say I'm aware, I also have...
10 it's my inspect... the plan d'enquête is presented
11 to the inspector, he's the one that's in charge of
12 the day to day operations in terms of
13 investigations. Am I aware? Of course, I'm aware.

14 Q. **[728]** Well, the plan d'enquête I submit to you is
15 not presented to the inspector, it's presented to
16 you. If you take 82P, it says présenté à Direction
17 SPVM, IC Costa Labos.

18 A. But if you look at the last page, the person that's
19 in charge is Mr. Martin Renaud.

20 Q. **[729]** I know. But so are you telling the Commission
21 that you are not, you're not paying attention to
22 Projet Espion?

23 A. No, I didn't say that.

24 Q. **[730]** Okay. So, do you remember for a fact having
25 discussions on whether or not, that would lead

1 eventually to Projet Espion before the eleventh
2 (11th)?

3 A. Yes.

4 Q. **[731]** Okay. And those discussions are with whom?

5 A. Certainly with Mr. Renaud and possibly, from memory,
6 with the investigator and the affiant.

7 Q. **[732]** That would be Mr. Borduas and Hanna.

8 A. Mr. Hanna and, of course, Mr. Zouaoui who's the
9 superviseur des enquêtes.

10 Q. **[733]** And do you know if that happens also during
11 the weekend or it must have been Thursday or Friday?

12 A. I can't answer that question, I don't remember.

13 Q. **[734]** How many meetings do you have before the
14 eleventh (11th) to talk about Projet Espion, Mr.
15 Labos? Meetings or discussions, whether they're by
16 phone or otherwise.

17 A. I can't give you an exact number. For sure one,
18 possibly two, possibly three but I can't give an
19 exact number. What I remember, one for sure.

20 Q. **[735]** Okay. And what are your directives, what do
21 you say to your inspector, to your investigators
22 during that meeting prior to the eleventh (11th).

23 A. What I say?

24 Q. **[736]** Yes, do you tell them anything? Do you give
25 them directions, do you explain to them what it's

1 all about? What is it that you discuss?

2 A. We expose the articles in terms of what's been
3 leaked to the media, our inquiétudes concerning some
4 precise information and we will be investigating to
5 try and locate the police officers that caused a
6 breach of trust.

7 Q. **[737]** This is not a file where you talk to the DPCP
8 first.

9 A. No.

10 Q. **[738]** Did you talk, when you say, "we're going to
11 investigate" as you just said, do you clear that by
12 Mr. Pichet or anybody else above your rank?

13 A. I don't believe so, no. Is he informed at one point,
14 yes, but...

15 Q. **[739]** Well, he'll be informed on the twelfth (12th),
16 right?

17 A. Yes.

18 Q. **[740]** Yes. Okay. So now, the eleventh (11th) comes
19 in, you have that meeting in the morning, Mr. Hanna
20 testified that at that meeting he started, just
21 after that meeting, he started preparing the plan
22 d'enquête 82P. Do you remember who is at that
23 meeting on the eleventh (11th)? Is it the same
24 people: Mr. Renaud, Mr. Borduas, Mr. Hanna?

25 A. When you're saying 82P...

1 Q. [741] Yes, because I'm referring to the plan
2 d'enquête. If you want to refer to it too, it's 82P.

3 A. Okay. Your question?

4 Q. [742] My question was: there's a meeting on the
5 eleventh (11th), who attends the meeting?

6 A. Certainly my inspector, my superviseur des enquêtes,
7 monsieur Zouaoui, Normand Borduas and Mr. Hanna, I
8 believe.

9 Q. [743] Okay. And do you remember what is discussed at
10 that meeting?

11 A. Like I mentioned earlier, there's preoccupations
12 from everybody within the team that there's specific
13 information that's been leaked to the media
14 concerning ongoing investigations, and the
15 preoccupation of everybody at the office.

16 Q. [744] Okay, but, so I'm just trying to understand,
17 so presumably you already discussed that in certain
18 length at the first meeting where you don't know
19 exactly when it happened. Is there something more
20 particular discussed at that meeting? Certainly the
21 fact that somebody will have to do a plan d'enquête,
22 right?

23 A. There's a plan d'enquête, and various stuff, various
24 démarches d'enquête that will be done subsequently.

25 Q. [745] Okay, so, what do you mean? Can you expand on

1 that?

2 A. What do you want to know specifically?

3 Q. **[746]** Well, I want to know what was discussed at the
4 meeting. So, I'm suggesting to you the plan
5 d'enquête. You said yes. And certain other... yeah,
6 certain other investigation techniques, or...

7 A. Yeah, but... that's it, exactly.

8 Q. **[747]** Okay. So, other techniques that are not listed
9 in the plan d'enquête?

10 A. From my knowledge, no.

11 Q. **[748]** So, you...

12 A. But again, like I mentioned yesterday in my
13 testimony, it's not absolute what's written on this
14 plan d'enquête that it's... we're going to follow it
15 point by point, or paragraph by paragraph.
16 Investigations evolve, and there's other things that
17 could turn within the investigation.

18 Q. **[749]** No, I understand that. So, but before the plan
19 d'enquête is actually written by Mr. Hanna, at that
20 meeting of the eleventh (11th), you do have
21 discussions about techniques, sorry, investigation
22 techniques you'll be using?

23 A. Well, Mr. Hanna writes the plan d'enquête with the
24 techniques, with the information he has. Of course,
25 from the articles in the paper, plus the information

1 he has from the investigator.

2 THE PRESIDENT:

3 Q. [750] Yeah, but there's a confusion here. It's...
4 that's what Mr. Hanna did after the meeting. The
5 question is what was discussed at the meeting? I
6 guess it was in the morning, on the eleventh (11th)
7 of January, what was discussed? You said the idea of
8 preparing a plan d'enquête was discussed. What else
9 was discussed at that meeting?

10 A. Maybe I'm confused with which meeting, at what time.
11 The morning of the eleventh (11th), the report was
12 already concluded, the plan d'enquête. No, sorry,
13 the twelfth (12th)... sorry, the twelfth (12th).

14 Q. [751] We're talking the Monday morning?

15 A. The Monday morning, okay.

16 Q. [752] Take your time.

17 A. Yeah. No, I'm just trying to... yeah.

18 Q. [753] Be calm. We're talking about the Monday
19 morning meeting, just after the weekend, just after
20 the publication of these three articles, what was
21 discussed in the morning?

22 A. The discussions were about the articles in question,
23 and of course, the third one came on the Monday, on
24 the eleventh (11th), if I'm not mistaken, with the
25 vestes pare-balles, so that added to, I believe to

1 the other two articles, and what techniques,
2 possible techniques or investigative measures will
3 be used to... in this file. That's globally what was
4 discussed.

5 Q. [754] Was it a long meeting, a short meeting?

6 A. I don't remember.

7 Q. [755] You don't remember that?

8 A. No.

9 Me CHRISTIAN LEBLANC:

10 Q. [756] Les vestes pare-balles is on the ninth (9th),
11 Mr. Labos, but...

12 A. Is it?

13 Q. [757] Yeah.

14 A. Okay.

15 Q. [758] So, short meeting.

16 THE PRESIDENT:

17 He doesn't remember whether it's short or long.

18 Me CHRISTIAN LEBLANC:

19 I'm sorry, I thought he had said... I'm sorry. I
20 didn't want to...

21 THE PRESIDENT:

22 And then we would have to qualify what's short and
23 what's long, but in any event...

24 Me CHRISTIAN LEBLANC:

25 That's fine.

1 THE PRESIDENT:

2 ... he does not remember the length of the meeting.

3 Me CHRISTIAN LEBLANC:

4 Okay.

5 Q. [759] So, a meeting, out of which the plan d'enquête
6 is... is written. The techniques d'enquête that you
7 discuss, and I understand your testimony, that it
8 doesn't mean that it's going to be necessarily used,
9 but do you remember any specific techniques
10 d'enquête that is discussed at the meeting?

11 A. I'd have to read the... right now, out of memory,
12 I'd have to read the... what was presented to us at
13 that point. Can I consult the...

14 THE PRESIDENT:

15 Q. [760] Yes, but the... you may read it if you want,
16 but the rapport d'enquête is not an account of the
17 meeting in the morning, so it's not that helpful to
18 refresh your memory. If you don't remember, you
19 don't remember, but don't...

20 A. I don't remember.

21 Q. [761] ... don't... you know, I mean, go to the
22 point. The question is what do you remember of that
23 meeting. If you don't, you don't. It's... I mean,
24 it's...

25 A. Okay.

1 Q. [762] No one will go to jail because he doesn't
2 remember.

3 A. No, it's not a question of jail, I just want to give
4 the complete answer, that's all I want to...

5 Q. [763] Yeah, but... anyway.

6 Me CHRISTIAN LEBLANC:

7 Q. [764] Why did you decide, what was going on with the
8 leaks of... with this file.

9 Q. [765] Okay. Was it the first time that you had
10 requested a meeting with Mr. Deramond, Mr. Pichet, I
11 mean, the highest people at the SPVM, to discuss an
12 Internal Affairs file?

13 A. The meeting was with Mr. Pichet, and Mr. Pichet
14 asked the three deputy chiefs to come and assist in
15 the meeting.

16 Q. [766] Okay. So is it the first time that you had
17 requested a meeting with the Chief to discuss an
18 investigation that you were about to launch?

19 A. No. From memory, the answer is no.

20 Q. [767] Is it normal procedure that every
21 investigation that your department is about to
22 launch, you ask for a meeting with Mr. Pichet?

23 A. No.

24 Q. [768] Can I suggest that it's exceptional that you
25 organize a meeting with Chief Pichet to discuss

1 about a particular Internal Affairs file?

2 A. I wouldn't say it's exceptional, it's just that
3 there's preoccupations that are going on within our
4 service. We've seen articles that have come out in
5 the papers that are talking about ongoing files and
6 operations, and it's brought to our attention as a
7 team, and I think it's important that the Chief of
8 police is aware of the sensibility of this
9 investigation.

10 Q. [769] Well, aware is one thing. But organize a
11 meeting at the beginning to present to him a plan
12 d'enquête, how many times did you do that, whether
13 it's with Mr. Parent, you said you were on three
14 chiefs, under three chiefs, Mr. Parent, Mr. Pichet,
15 Mr... I don't remember the other one.

16 A. Yes. I think it's the first time.

17 Q. [770] First time.

18 A. Yes.

19 Q. [771] And was there any particular reason why this
20 time you wanted to meet him from... at the utmost
21 beginning of the investigation?

22 A. Well, there was two files going on at the same time.
23 Well, two... One was gonna be Espion, that was gonna
24 come into effect on the eleventh (11th), but there
25 was also Escouade that was going on before. And as

1 I mentioned in my testimony yesterday, I don't think
2 we want to go into Escouade, because there are links
3 with some of the information concerning Espion with
4 Escouade. So it's not like it was new information in
5 terms of... Yes, about the leaks and everything, but
6 he had the knowledge that there was an
7 investigation, Escouade, beforehand also.

8 Q. [772] No, I know. But as we established, and
9 correct me if I'm wrong, but many witnesses came and
10 said that Escouade and Espion were two different
11 things. At least, Escouade, until Espion, has
12 nothing to do with breach of trust and media leaks.

13 A. That's correct. But after the articles come out,
14 there is a certain link.

15 Q. [773] Yes. And that link, I mean, we've discussed
16 about... we've discussed two things. And the first
17 one was the fact that one of the policemen that
18 was... or the policeman that was targeted in the
19 plan d'enquête was a friend of Mr. Djelidi. Is that
20 one of the leaks you're referring to? Or not at
21 all?

22 A. Yes.

23 Q. [774] Okay. And the other leak was that this... the
24 targeted policeman had laid a complaint against
25 Mr. Vilcéus to the Fraternité, and in turn, the

1 Fraternité had laid a complaint to Mr. Pichet with
2 respect to interference, possible interference of
3 Mr. Vilcéus into the arrest of the son of a mother
4 that was sitting on a liaison committee with
5 Mr. Lamothe. Did I lose you, or you know...

6 A. No, yes...

7 Q. [775] You're aware of that.

8 A. I'm aware.

9 Q. [776] Okay. So is that the second link, or is that
10 another link between Escouade and Espion?

11 A. Well, there's two articles that came out, that have
12 links with, possibly with Escouade.

13 Q. [777] I know you were saying there's a link between
14 Escouade and Espion, and I was suggesting to you two
15 links, that I just gave to you. First of all, do
16 you agree with me that these are two links between
17 Escouade and Espion?

18 A. Yes.

19 Q. [778] Yes. And do you see any other links between
20 Escouade and Espion?

21 A. Those two links.

22 Q. [779] It's those two links.

23 A. Those two links, but there's also the, in itself,
24 the breach of trust, also.

25 Q. [780] Do you know Mr. Vilcéus? Have you worked with

1 him?

2 A. Yes. Yes I have.

3 Q. [781] How many years or months have you...

4 A. I know him since nineteen ninety-nine (1999).

5 Q. [782] Okay. And you've worked with him at Internal
6 Affairs?

7 A. Yes I have.

8 Q. [783] And if you know him since ninety-nine (99),
9 maybe even before Internal Affairs?

10 A. Yes I have.

11 Q. [784] Okay. Were you at the Christmas party of
12 Internal Affairs when the unfortunate incident
13 arrived?

14 A. Yes I was.

15 Q. [785] You were. Did Mr. Vilcéus ever talk to you
16 about his concern of the newspaper articles that
17 were being published that we're referring to now?

18 A. I have no knowledge of that, no.

19 Q. [786] Well, it's not knowledge. So, the answer is
20 no?

21 A. No.

22 Q. [787] You never discussed this?

23 A. The answer is no.

24 Q. [788] And did you ever, you yourself, have you ever
25 discussed with Mr. Vilcéus the concern that he may

1 have had with respect to these articles that were on
2 him, let's put it that way.

3 A. Not with the articles but, for sure, Mr. Vilc eus
4 contacted me the day, the morning of the vol de sac.

5 Q. [789] So, the morning, so the party is at night, the
6 next morning?

7 A. The next morning.

8 Q. [790] Is that what you mean?

9 A. Yes.

10 Q. [791] Did he contact you the morning of the
11 publication of the article on the seventh (7th)?

12 A. No. No.

13 Q. [792] What does he tell you when he contacts you at
14 that time?

15 A. He explains to me that there was, he was the victim
16 of theft in his vehicle and his briefcase was stolen
17 and there was documents, police documents in his,
18 there was some... USB keys in his possession.

19 Q. [793] And why does he call you?

20 A. Why does he call me?

21 Q. [794] Yeah.

22 A. Because I think it was his first reflex and what I
23 did right away, I redirected him to the Division des
24 renseignements and to the CO Sud to begin the
25 investigation as quickly as possible for what

1 happened with his, the vol de sac... and
2 immediately, I advised the Direction when Mr.
3 Vilcéus informed me of the theft in his vehicle so I
4 did like three steps - advised the Direction,
5 advised la Division des renseignements and also the
6 CO Sud to embarquer des démarches d'enquête.

7 Q. [795] Why is it a reflex to call you?

8 A. He was at our party the night before and... you'd
9 have to ask him what his reflex was but he did call
10 me and I asked him, I go, did you speak to anybody
11 else... he goes - No. And that's, my quick reflex
12 was, okay, he didn't speak to anybody else...
13 Because I know that they did some verifications if
14 they could find the so-called briefcase aux
15 alentours and that morning when he called me, my
16 first reflex was, okay, let's get a team and
17 investigators on it, let's call la Division des
18 renseignements and let's advise the Direction
19 because of the sensitivity of the documentation.

20 Q. [796] At that point, what you're doing is not
21 Internal Affairs, right?

22 A. No. What I'm doing is I've been advised of
23 something, even though it doesn't concern Internal
24 Affairs, my reflex, my experience is that, okay,
25 what did we do? We didn't do that? Well, we have

1 to do this, this and this.

2 Q. [797] Did he ask you to do that or you suggested to
3 him?

4 A. No, no, I ... it that was me.

5 Q. [798] Sorry?

6 A. No, it was me.

7 Q. [799] Okay. And did you tell him: this is what I'm
8 going to do?

9 A. I don't know if I mentioned that I was going to
10 advise the Direction but I did mention I was going
11 to communicate with Division des renseignements and
12 also the CO Sud so they could entreprendre the
13 investigation.

14 Q. [800] And do you have any other discussions with Mr.
15 Vilcéus about the possible leaks to the media after
16 that time?

17 A. No.

18 Q. [801] And is it to your knowledge that there was
19 deemed a conflict of interest with respect to Mr.
20 Vilcéus as far as inquiring or investigating by
21 Internal Affairs, the complaint that was filed
22 against him. Is that to your knowledge?

23 A. Repeat your question, it's not clear.

24 Q. [802] Is it to your knowledge that the complaint
25 against Mr. Vilcéus was not investigated by Internal

1 Affairs because there was deemed to be a conflict of
2 interest. We had witnesses.

3 A. Ah, I remember clearly that day because it was the
4 first day that I was officially on the job in terms
5 of Chief Inspector and Mr. Pichet called me up to
6 his office and he had received the complaint from la
7 Fraternité concerning Mr. Vilcéus and we discussed a
8 little bit what the contents of the allegation was
9 and my first reflex was to, even though Mr. Vilcéus
10 was not part of la Division des affaires internes
11 anymore, I took the decision to mandate two
12 commanders from an external... from the outside to
13 lead the investigation on the allegations of entrave
14 à la justice.

15 Q. **[803]** And when was that, timewise?

16 A. That was... I remember like it was yesterday,
17 because I got named on the sixteenth (16th), and it
18 was that day that I got the phone call from Mr.
19 Pichet.

20 Q. **[804]** I'm sorry, I...

21 A. Sixteenth (16th) of November two thousand fifteen
22 (2015).

23 Q. **[805]** Okay. And the conflict of interest, was it...
24 or the appearance of conflict, was it with you
25 personally?

1 A. No. That was my call in terms of we have an
2 allegation against a former member of the Internal
3 Affairs, but a lot of people worked with him, I
4 worked with him, team members worked with him, so my
5 decision at that point, the best decision was to
6 mandate the investigation to two other commanders
7 that will be leading the investigation.

8 Q. [806] And when it came the time to investigate on
9 the leaks that were on Mr. Vilcéus, did you have the
10 same reflex? Did you reflect upon possible
11 conflicts of interest?

12 A. I don't follow your question.

13 Q. [807] When Espion came in with the articles on Mr.
14 Vilcéus, did you reflect upon the fact that the
15 Internal Affairs may still be in a conflict of
16 interest to tackle that investigation?

17 A. No.

18 Q. [808] It was never discussed?

19 A. Not to my...

20 Q. [809] So you never talked about that with Mr.
21 Pichet?

22 A. Concerning Mr. Vilcéus?

23 Q. [810] Concerning the possible conflicts of interest
24 with Mr. Vilcéus when you're investigating articles
25 that are written on...

1 A. No, there's no...

2 Q. [811] ... the theft?

3 A. There's no...

4 Q. [812] Did you... we saw earlier on that, at one
5 point, I took you to the chronologie d'enquête in
6 Mainville and we see that Mr. Borduas seemed to have
7 kept abreast Mr. Carrier of the evolution of the
8 file. Did you do the same thing with Mr. Vilcéus?

9 A. Mr. Vilcéus didn't know what was going on.

10 Q. [813] I'm sorry, you said you didn't... he did not
11 know what was going on?

12 A. No.

13 Q. [814] Okay. So, you never had discussions about
14 where the file was going with Mr. Vilcéus?

15 A. No.

16 Q. [815] Okay. Back at the twelfth (12th), the
17 meeting, was there any sense of urgency on your part
18 to get to that meeting? I'm saying that because Mr.
19 Hanna testified that he needed to finish the plan
20 d'enquête, he missed his son's birthday because it
21 was the next day. Was there any sense of urgency?

22 A. I don't remember that part about him missing his
23 son's birthday, but...

24 Q. [816] And I'm not suggesting you wanted him to...

25 A. ... I feel... I feel bad today, but...

1 Q. [817] No, no, no, I'm not...

2 A. ... I don't remember that.

3 Q. [818] That's not why I'm saying it.

4 A. No, there was...

5 Q. [819] I'm saying it to stress that it was... seemed
6 to be urgent, and I'm trying to see, was there any
7 urgency in your mind?

8 A. There was a meeting on the twelfth (12th), and of
9 course we wanted that report... that plan d'enquête
10 to be completed when we met with the direction. I
11 think it's only normal too.

12 Q. [820] And the meeting of the twelfth (12th) was
13 scheduled before the plan d'enquête was written,
14 that's why that...

15 A. From memory I'm going, yes.

16 Q. [821] Okay.

17 THE PRESIDENT:

18 That we covered a couple of times already.

19 Me CHRISTIAN LEBLANC:

20 Yes, I'm moving on.

21 Q. [822] Do you remember what was said at that meeting
22 with respect to investigation and techniques that
23 would be used.

24 A. You're talking with everybody that was present at...

25 Q. [823] The meeting on the twelfth (12th).

1 A. Well, I know that Mr. Pichet went and got his...
2 deputy-chiefs who have an extensive experience in
3 investigations along with Mr. Renaud, myself and Mr.
4 Pichet. Mr. Renaud, I... like a little bit... of
5 course, were there and Mr. Renaud exposed the... le
6 plan d'enquête where we were... exposed the plan
7 d'enquête and that morning, like I mentioned
8 yesterday, was the timing was it's really a concours
9 de circonstances that we got the information that
10 morning also there were eighty-five (85) either
11 messages or phone calls between Mr. Djelidi and Mr.
12 Lagacé.

13 Q. **[824]** Was that discussed at the meeting?

14 A. The meeting with l'état-major?

15 Q. **[825]** Yes, when I say the meeting was there any
16 other meeting on the twelve (12), with respect to
17 Espion?

18 A. I don't recall.

19 Q. **[826]** Okay. So, when I say the meeting on the
20 twelfth (12th), I'm referring to the meeting with...

21 A. Well, just to make a little bit of a distinction, in
22 the morning we did find out - I can't say it was a
23 meeting - but we did find out, before we went
24 upstairs to meet l'État major, that le mandat de
25 registre came back and we... that's when we

1 discovered that the conversations between Mr. Lagacé
2 and Mr. Djelidi, and then we went upstairs.

3 Q. [827] Okay. And that was discussed with Mr. Pichet
4 and his surroundings.

5 A. Yes.

6 Q. [828] Okay. Was it ever discussed, at that meeting,
7 that one of the techniques that would be used was to
8 do surveillance on the cell phone of Mr. Lagacé?

9 A. Are you talking about the DNR?

10 Q. [829] Yeah?

11 A. Yes.

12 Q. [830] So your testimony is that you discussed the
13 DNR, or the possibility of a DNR, with Mr. Lagacé.

14 A. Yes.

15 Q. [831] And did you seek, or get...

16 THE PRESIDENT:

17 Sorry. You said discussed with Mr. Lagacé?

18 Me CHRISTIAN LEBLANC:

19 No, I... Maybe I... discussed, at the meeting, that
20 a DNR would be taken against Mr. Lagacé.

21 THE PRESIDENT:

22 That, the answer was yes, but...

23 Me CHRISTIAN LEBLANC:

24 Yes.

25 Q. [832] And did you seek, or get the authorization of

1 Mr. Pichet to do such a thing?

2 A. It's not a question of seeking or getting the
3 authorization. In the plan d'enquête... not only
4 the plan d'enquête, but subsequently, in the
5 démarches d'enquête of Mr. Borduas, those were the
6 next steps in terms of, in his investigation, and...
7 Mr. Pichet was aware. Not only was he aware, the
8 deputy chiefs were also aware of what... of the
9 information. But it's not Mr. Pichet that gives the
10 final order to say, you know - you're gonna go here,
11 you're gonna go there, you're gonna go there.

12 Q. **[833]** But to be clear, you do tell him - this is
13 one of the things we are going to do.

14 A. He's informed.

15 Q. **[834]** Yes, okay, but he's informed that this is one
16 of the things that you are going to do. A DNR on
17 Patrick Lagacé.

18 A. To be more precise, we exposed the plan d'enquête,
19 we exposed that there's eighty-five (85)
20 conversations between Mr. Lagacé and Mr. Djelidi,
21 and yes, that a mandat will be eventually obtained
22 for Mr. Lagacé.

23 Q. **[835]** Is there any other technique that you expose,
24 that you say you will get it? Because you've
25 explained that the plan d'enquête is just you're

1 throwing all the techniques that are there, you've
2 said on numerous occasions it doesn't mean we're
3 gonna do it. At the meeting, above the... or
4 despite the plan d'enquête, is there any other
5 techniques, like you've just explained one, that you
6 discuss, in the sense that you're saying "it will be
7 done"?

8 A. You have to understand also, Mr. Leblanc, that it's
9 the beginning of the... Espion was the eleventh
10 (11th), the twelfth (12th) was the meeting, and
11 pretty much, in the next couple of days, it was put
12 together with Escouade. Did we get into the micro
13 detail in terms of what we will be doing in two
14 weeks, in one month or... the answer is no.

15 Q. **[836]** No, I know but already, on the twelfth (12th),
16 you know you're gonna be doing a DNR on Mr. Lagacé,
17 and you mention it to Mr. Pichet. Is there any
18 other techniques that you know already on the
19 twelfth (12th), that you mention to Mr. Pichet that
20 you will be doing? That was my question. The
21 answer is no?

22 A. The answer is no.

23 Q. **[837]** Okay. When I read the plan d'enquête, 82-P,
24 in the different descriptions of...

25 A. What page are you referring to?

1 Q. **[838]** Page 9, under "Electronic surveillance with a
2 software" - well, actually it's in French, it says
3 "Surveillance électronique avec logiciel". When I
4 read what you're saying there, it says... It's the
5 first paragraph under the title "Surveillance
6 électronique avec logiciel". C'est:

7 ... un logiciel Espion sera installé
8 sur les postes...

9 C'est pas pourra, in English it's "will", not "may".
10 If I'm just reading it that way, plain language, for
11 me, my conclusion is that you will do it. Was it
12 explained to Mr. Pichet that it didn't mean it was
13 going to be done, that it was just a plan d'enquête
14 with all the techniques, but that you would not
15 necessarily do that?

16 A. I don't remember specifically if those... if this
17 was mentioned. I know that Mr. Renaud exposed the
18 plan d'enquête. Did he go word for word, or
19 sentence by sentence, and explaining everything? I
20 know that all the documentation was given to the
21 three deputy-chiefs, Mr. Pichet, and they were
22 retrieved, so... I don't remember.

23 Q. **[839]** My question was: was it explained at that
24 meeting that all the techniques d'enquête that were
25 listed there, where you say they will be used,

1 actually, that's not what you meant. That these were
2 just techniques and maybe they could have been u...
3 they would be used, maybe not depending on where the
4 inquiry is going. Because what I think your
5 testimony was. Right? About the plan d'enquête?

6 A. I gave a global explanation about the plan
7 d'enquête, not uniquely on this one, Mr. Leblanc.

8 Q. **[840]** But we can... we can look at how it's written
9 for the other ones and I will tell you that it's
10 basically the same way. It's always sera, never
11 could.

12 A. Those are two out of maybe thirty (30), forty (40),
13 fifty (50), it's not absolute that it's always the
14 same... the same content.

15 Q. **[841]** Was it... you're respective of the language.
16 Was it made clear, at that meeting that the
17 techniques d'enquête that are listed in the plan
18 d'enquête were just techniques that could be used,
19 but not necessarily would be used.

20 A. I don't remember the exact content of what was
21 discussed between the... we were challenged a couple
22 of times, because don't forget, there's three
23 deputy-chiefs that have extensive, also, experience
24 in terms of investigations, they've seen plan
25 d'enquêtes before and... the plan d'enquête was

1 exposed, now. If you're asking me a question if I
2 remember specifically if we went through each
3 technique and if specifically, what was said, I
4 can't respond to that question, I don't know.

5 Q. **[842]** Not going to each technique...

6 A. And I don't remember.

7 Q. **[843]** Not going to each technique, but at least
8 explaining, generally speaking, that not all these
9 techniques would necessarily be used.

10 A. I don't remember.

11 Q. **[844]** And so the only specific technique that you
12 remember that was discussed was the DNR on Mr.
13 Lagacé, and on that technique, you did say that yes,
14 we will be doing it. It's correct?

15 A. From memory, yes.

16 Q. **[845]** Okay Any reason why you remember speaking
17 about that technique on Lagacé?

18 A. Oh, in the morning, like I explained in my
19 testimony, the morning, we found out that Mr.
20 Djelidi and Mr. Lagacé had eighty-five (85)
21 contacts, so it's fresh and... the information is
22 fresh from that morning in terms of the links... the
23 possible links for a possible breach of... possible
24 allegation of breach of trust.

25 Q. **[846]** Was there, at that meeting, any discussions

1 about specific methods or way to approach this
2 warrant against Lagacé because he was a journalist?

3 A. There was a... There was Mr. Renaud that brought up
4 the sensitive issue of the warrant of the journalist
5 profession in question, but again, people have to
6 understand also, it's an investigation against a
7 police officer who's... allegation of a breach of
8 trust. And yes, there's Mr. Lagacé that comes into
9 the picture at one point, whether it's Mr. Lagacé or
10 somebody else, we still have to do our due diligence
11 in the investigation. But yes, it was brought up
12 that they were sensitive, but it stays at that.

13 Q. [847] So just the fact that it was sensitive,
14 nothing else was discussed about treating Mr. Lagacé
15 differently than...

16 A. No.

17 Q. [848] ... anybody else.

18 A. No.

19 Q. [849] If I now refer you to the mandate, it's 40P,
20 the mandate of June thirtieth (30th), two thousand
21 and sixteen (2016).

22 A. Which...

23 Q. [850] The reason why I'm referring...

24 A. Which...

25 Q. [851] ... you to that mandate, Mr...

1 A. Which one?

2 Q. [852] It's 40P, sorry.

3 A. Yes.

4 Q. [853] I'm just going to focus on the warrant that
5 are being obtained against Mr. Lagacé. So the first
6 one is at pa... if you go towards the end of the
7 document, Mr. Labos, you'll see that there's an
8 annex... it's Annex 2 and it's page 3 of 6 of Annex
9 2.

10 A. Yes.

11 Q. [854] There's many mandates that are listed there.
12 My question is that, and if you want to get more
13 detailed or particularized, I'll do it, but is there
14 any mandates in there that you approve, that you are
15 aware of. How did it go, what was the way to
16 proceed? We can start with the January nineteen (19)
17 mandate, if you want. Did you know, did you approve
18 that mandate or is it like your previous answer,
19 it's Mr. Borduas doing his job.

20 A. It's Mr. Borduas doing his job but, of course, I'm
21 aware also that there's going to be a warrant for le
22 mandat des registres on Mr. Lagacé.

23 Q. [855] Okay. And you're aware of that since the
24 twelfth (12th) I presume? Right?

25 A. The twelfth (12th)?

1 Q. [856] It can't be before because that's when you
2 learn that there is...

3 A. The twelfth (12th).

4 Q. [857] Right. Okay. The next one is February
5 seventeen (17), it's on page 4, it's the next page.
6 And that's the corollaries to get the names
7 associated with the numbers, right? Were you aware
8 of that one?

9 A. Like I mentioned many, many times during my
10 testimony in the past...

11 Q. [858] It's a follow-up.

12 A. ... it's a... Yes, it's a follow-up.

13 Q. [859] Okay. Did you see the affidavit of the January
14 nineteen (19) one, so the previous one...

15 A. No.

16 Q. [860] ... the first DNR?

17 A. No.

18 Q. [861] Okay. On March fifteen (15), there is a
19 renewal of the mandate, the general warrant I should
20 say, not mandate. But there, it says, "pour obtenir
21 les coordonnées en temps réel." Mr. Borduas
22 explained to us that it was the same thing than a
23 DNR. Is that your testimony too? Because that's the
24 only time we see this, "pour obtenir les coordonnées
25 en temps réel". To me, when I first read it, it was

1 like kind of an afficheur, you know, you get... Does
2 that ring a bell to you or?

3 A. We're still talking about the DNR.

4 Q. [862] Yes?

5 A. Yes.

6 Q. [863] Okay. And again, I don't want to testify for
7 you but that's again Mr. Borduas doing his job,
8 you're not...

9 A. Yes.

10 Q. [864] You're not reading the affidavit.

11 A. No.

12 Q. [865] You're not necessarily approving that.

13 A. No. Like I mentioned before, there's a structure in
14 this investigation. There's the supervisor of the
15 investigations and my inspector, Mr. Renaud, that's
16 that.

17 Q. [866] Mr. Borduas testified that he had almost daily
18 contact with you to keep you abreast of his
19 investigations. Is that correct? Is that to your
20 memory too?

21 A. Oh, one thing is for sure, I saw Mr. Borduas every
22 day because we're in an open office so yes, but if
23 you're...

24 Q. [867] I see my partners every day and I'm not...

25 A. But if you're telling me...

1 Q. [868] ... talking about my files all the time. I'm
2 just saying, are you meeting Mr. Borduas on a...

3 A. No. No.

4 Q. [869] ... daily basis to discuss his files?

5 A. To discuss that file? No.

6 Q. [870] No?

7 A. No.

8 Q. [871] How many meetings did you have with Mr.
9 Borduas to discuss that file?

10 A. Well, we have to distinguish meetings in terms of
11 there's meetings with his supervisor of
12 investigations, there's the inspector and then
13 there's my job. There's a team of investigators
14 working on the file in question, they have their
15 meetings, meetings with their inspector and there
16 was times during the investigation, I can't give you
17 the exact number, that I would participate in the
18 meetings globally with the team.

19 Q. [872] So it's your testimony, you're here today, so
20 what I want to know is you yourself, how many
21 meetings did you have with Mr. Borduas with respect
22 to this investigation?

23 A. It's not only Mr. Borduas, it's the team, together
24 with the team. I don't recall...

25 Q. [873] Oh, I see what you mean. So that's fine.

1 A. Yes.

2 Q. **[874]** How many meetings you did have with Mr.
3 Borduas and the team with respect to this
4 investigation?

5 A. It was quite a few, but I can't pinpoint exactly how
6 many meetings. Was there twenty (20) meetings, was
7 there fifteen (15)? But you have to understand
8 also...

9 Q. **[875]** It was...

10 A. ... I was not there... I was there to be informed
11 sometimes and there's times that I couldn't make the
12 meetings and there was times that I would be at the
13 meetings and I'd be, something else would come up
14 and... I wouldn't be fully at the meetings for,
15 let's say if the meeting lasted for an hour and a
16 half, I would not be there for an hour and a half.

17 Q. **[876]** No, that's fine. So, there were not daily.
18 Were they weekly, monthly?

19 A. Well, when we're doing projects like that, there
20 should be meetings pretty much every day, or on a
21 weekly basis, depending on the evolution of the
22 investigation.

23 Q. **[877]** Okay, but I did ask you if you had meetings on
24 a daily basis, you said no, so it's not everyday?

25 A. The daily basis will come more into effect, just to

1 be a little bit more clear, Mr. President, is when
2 the warrant of... the electronic surveillance
3 warrant is obtained twenty-seventh (27th) of May,
4 that's when it's more on a daily basis with the
5 investigation.

6 Q. **[878]** The investigation finished on July seven (7),
7 that's the... that's where you arrested two (2)
8 policemen, correct?

9 A. There was four policemen arrested that day on the
10 seventh (7th).

11 Q. **[879]** I apologize, four policemen. Correct?

12 A. Correct.

13 Q. **[880]** Okay. It started in January?

14 A. It started in November.

15 Q. **[881]** Yeah, but you're talking about Escouade.

16 A. Yes.

17 Q. **[882]** I'm talking about more the Espion, but that's
18 fine. So it started in November?

19 A. Yeah.

20 THE PRESIDENT:

21 Q. **[883]** No, no, you were right to make the distinction
22 between Espion. We're more concerned about Espion
23 here because of the media leaks. So, from say
24 January to July, how many times would you have
25 discussed this investigation with Mr. Borduas?

1 A. For Espion?

2 Q. **[884]** For Espion.

3 A. Espion was... it lasted maybe forty-eight (48)
4 hours, and it got integrated into...

5 Q. **[885]** I know it was merged, but let's talk about
6 media leaks. The investigation regarding media leaks
7 from, say, January to July, how many times would you
8 have discussed the progress of the investigation
9 with Mr. Borduas?

10 A. Like I mentioned, it's not only against... with Mr.
11 Borduas, it was with the team.

12 Q. **[886]** With the team?

13 A. Yeah. By memory, maybe fifteen (15), twenty (20)
14 times.

15 Q. **[887]** Fifteen (15), twenty (20) times. And when you
16 got closer and closer to the electronic
17 surveillance, then there was sort of a peak, at that
18 point in time...

19 A. Yes.

20 Q. **[888]** ... I understand that you'd be meeting almost
21 daily?

22 A. The team would meet daily with... the team of
23 investigators with their supervisor and their
24 inspector, and I can't tell you if I was there
25 everyday, but I did attend some of those meetings as

1 of the twenty-seventh (27th).

2 Me CHRISTIAN LEBLANC:

3 Q. [889] As of? So the intensity is after the...

4 A. Yes.

5 Q. [890] ... let's say after the twenty-seventh (27th),
6 right?

7 A. Yes. Yes.

8 Q. [891] Okay. And do you know why there's some
9 intensity there as of the twenty-seventh (27th)?

10 A. Well, it's very simple, we're on electronic
11 surveillance, we have a warrant for the next sixty
12 (60) days, and to assure that things are
13 progressing, not only for myself but for the team in
14 question, it's a team... it's a team project, it's
15 to assure that le bon fonctionnement de... du
16 dossier.

17 Q. [892] But during those meetings, is the breach of
18 trust side of the investigation discussed, the
19 leaks, or you're discussing the other aspect of the
20 investigation in Escouade?

21 A. The investigation took more of a virage concerning
22 other criminal activities. During the investigation
23 of Escouade, yes, there was moments, or... that
24 included information on breach of trust, but the
25 main focus on May twenty-seventh (27th) was on the

1 other criminal activities versus the breach of
2 trust.

3 Q. **[893]** And so, after the twenty-seventh (27th), your
4 testimony is that there's still discussions about
5 the breach of trust at the meetings?

6 A. It's a branch of... it's a branch of other criminal
7 activity that's going on that we're following up in
8 the investigation.

9 Q. **[894]** Still at the twenty-seventh (27th) of May and
10 onwards?

11 A. There is discussions, but I can't be precise in
12 terms of what those discussions are, but that it was
13 mentioned, of course it was mentioned, amongst other
14 stuff that were mentioned also in that meeting.

15 Q. **[895]** Mr. Hanna testified that, very quickly in the
16 investigation -- and he characterized that quickly
17 as March -- the investigation is not focussed on
18 breach of trust, but more the other criminal
19 allegations. Do you agree with that?

20 A. I don't know if I agree one hundred percent (100%)
21 with that statement. In the beginning, we had an
22 allegation against a police officer with fabrication
23 of proof. Very quickly, we identified another crime.
24 Quickly after that, there was another allegation,
25 and the investigation evolved. Now, if you're asking

1 me at what point and what time all that was... I
2 don't have the exact pinpoint time, but it evolved
3 because there was information that was coming, and
4 there was techniques that were used the months that
5 followed January.

6 Q. [896] Well, during...

7 THE PRESIDENT:

8 Q. [897] I'm not sure you understood the question. The
9 question is, at one point in time, you opened
10 another front.

11 A. Yes.

12 Q. [898] The front was the media leaks. But Mr...

13 A. Hanna.

14 Q. [899] What's his name? Hanna. Testified that it
15 took... it didn't take very long for the media leaks
16 issue to go on the backburner, as opposed to the
17 other criminal activities. So the question was:
18 would you agree with Mr. Hanna's recollection that
19 this would be around March two thousand and sixteen
20 (2016)?

21 A. 'Cause there was things that were done with the
22 media leaks at one point in time, and then I know
23 there was a period of... Yes. There was a period of
24 that area - I don't know if it's the right
25 terminology I'm using - but yes.

1 Me CHRISTIAN LEBLANC:

2 Q. [900] So you would agree with that March time frame.

3 A. Around there. But...

4 Q. [901] Okay.

5 A. Again, I'd have to read the complete report to be
6 sure one hundred percent (100%) if there wasn't
7 anything else that was added, new information that I
8 don't possess in front of me right now.

9 Q. [902] No, but...

10 A. But it... It coincides with what Mr. Hanna is
11 saying.

12 Q. [903] Was it the first time you personally were
13 involved in an investigation for which you obtained
14 other things than a DNR against a journalist?

15 A. Yes.

16 Q. [904] I mean, we saw... Yes, we saw Coderre, we
17 saw...

18 A. Yes.

19 Q. [905] But, okay. When that decision was made, did
20 you clear that with Mr. Pichet or any of your
21 superiors, doing more than a DNR?

22 A. I don't recall informing Mr. Pichet specifically
23 that we were gonna go get a warrant for this, or go
24 get a warrant for that. No. The answer is no.

25 Q. [906] And is this something that was discussed with

1 the team prior getting it? So, something you would
2 have authorized? Or again, it was the team doing
3 their job and just making you aware of that?

4 A. More...

5 Q. [907] Second option?

6 A. Second option.

7 Q. [908] Okay.

8 A. It's... Let's try to speed the...

9 Q. [909] That being said, you... I don't want to put
10 words in your mouth. So, coming back to the mandate,
11 we were at page 6 of 6. On May thirteen (13), not
12 only you get a DNR and an ordonnance de
13 communication for the names, but there you also get
14 geolocalization on Mr. Lagacé's cell phone. I mean,
15 I suggest to you, and believe me, that the cell
16 phone number that is there, redacted, is
17 Mr. Lagacé's.

18 A. Okay.

19 Q. [910] But I presume you're aware that you did get...
20 your team did get a warrant for GPS localization on
21 Mr. Lagacé. Correct?

22 A. Yes.

23 Q. [911] So, was that... That again is the same answer:
24 it was them doing their job?

25 A. Yes.

1 Q. [912] Okay. You didn't read the affidavit in support
2 of that warrant?

3 A. No.

4 Q. [913] Did you read any affidavit that was written?

5 A. I read Mr... At one point, I did read, just to see
6 where, you know, what things were going on, just for
7 a general knowledge, but if you're asking me at what
8 point I did that, I don't remember. Maybe it was
9 closer, more towards the... when we were going on
10 écoute électronique.

11 Q. [914] And you were...

12 A. But again, I just want to make one thing clear, my
13 inspector kept me informed. We had our meetings
14 every week. I would cross the investigator, so I was
15 informed globally of what was going on in the
16 investigation.

17 Q. [915] And this time, where you read an affidavit, it
18 happened once, to your recollection?

19 A. I'm trying to remember if... when it was read,
20 but...

21 Q. [916] No no, not when, but it happened once? I don't
22 know... It doesn't matter when, but...

23 A. It's possible. At least once.

24 Q. [917] Okay. And you would have read it just to have
25 an idea as to...

1 A. The big lines.

2 Q. **[918]** Right. And, but not in a view of correcting it
3 or approving it, but just in a view - and again, I'm
4 going from your testimony - to know where the
5 investigation was standing.

6 A. Exactly because, like I mentioned before, I have my
7 superviseur des enquêtes, I have my inspector, so...

8 Q. **[919]** Okay. And then there was a warrant for
9 wiretapping. You're aware of that?

10 A. Yes I am.

11 Q. **[920]** Okay. Again, the same answer, you didn't read
12 the affidavit at the time.

13 A. I don't believe so.

14 Q. **[921]** Is that something you were made aware of prior
15 of doing the wiretapping mandate?

16 A. Yes.

17 Q. **[922]** You authorized that?

18 A. I was aware. Yes, I was.

19 Q. **[923]** You were aware that Mr. Borduas are Hanna or
20 anybody else sought your authorization or it was
21 just, "we are doing that."

22 A. That's, like I explained yesterday in my testimony,
23 that's where we were going in terms of the different
24 techniques that we exhausted and that was the
25 direction we're, of course, with the mandataire

1 and... But the decision does come from me.

2 Q. [924] And were you aware that there was a request
3 for an authorization that was wider than what
4 ultimately was granted by the presiding judge.

5 A. Can you be just a little bit more precise in your
6 question please.

7 Q. [925] Are you aware that there was, the first
8 request for a warrant was targeting the phone of Mr.
9 Lagacé with modalities and also asking to get emails
10 within a certain period between Mr. Lagacé and Mr.
11 Larouche.

12 A. The emails I don't remember but the modalities
13 concerning specific modalities to listen to -- to
14 listen to -- to obtain the, on a seventy-two (72)
15 hour period, yes, I was aware.

16 Q. [926] By the seventy-two (72) hour period, you mean
17 that there was some modalities that if Mr. Lagacé
18 was in contact with Mr. Djelidi then for the next
19 seventy-two (72) hours there could be wiretapping of
20 his phone.

21 A. There was specific modalities within a time frame
22 and during the electronic surveillance Mr. Larouche
23 and Mr. Lagacé were des personnes utiles à l'enquête
24 parce que at that time, we knew that they were part
25 of the investigation.

1 Q. [927] And so, and they made you aware that that was
2 not granted, were you aware of that?

3 A. Yes.

4 Q. [928] And this was discussed with yourself. Did you
5 discuss this with Mr. Pichet?

6 A. No.

7 Q. [929] Did you discuss this with any of your
8 superiors?

9 A. No. But just to correct also, the modalities were
10 changed with the judge that granted the electronic
11 surveillance. He modified that, made them more
12 strict or more centr e and then the warrant was
13 granted afterwards.

14 Q. [930] But there, I just want to be fair with you and
15 give you a chance to explain to the Commission,
16 there's two things. There was the modalities that
17 were modified by the judge...

18 A. Yes.

19 Q. [931] ... but there was also in the original draft
20 authorization, there was also more than modalities
21 that were asked as a difference. There was also a
22 request within certain modalities to wiretap the
23 phone of Patrick Lagac e and to get the emails. I
24 just want you, do you understand that? Do you
25 understand that there's two, it's two things.

1 A. I understand clearly what you're saying.

2 Q. [932] Okay.

3 A. The emails doesn't ring a bell, seventy-two (72)
4 hours and the specific modalities yes but...

5 Q. [933] Okay.

6 A. ... very quickly, I think the same day was not, it
7 was not granted and the modalities were changed by
8 the judge and granted as he wrote down in his
9 affidavit.

10 Q. [934] Were you aware at that time as to all the
11 other techniques? What had it demonstrated? Had it
12 demonstrated more contacts with Mr. Lagacé, less
13 contacts? What was it before the wiretapping request
14 for a warrant?

15 A. I don't recall.

16 Q. [935] You don't. Is that something you looked at
17 before authorizing the wiretapping?

18 A. I don't recall. I don't recall because one, I
19 haven't seen the affidavit, I haven't read the
20 affidavit since then so... It would probably refresh
21 my memory but... no.

22 Q. [936] But you don't recall having that discussion
23 with any member of your team?

24 A. There was discussions but I can't, right now, I
25 don't remember.

1 Q. **[937]** Was there any discussion with members of your
2 team as to this escalation of methods? I'm just
3 talking about the breach of trust, an escalation of
4 methods targeting the breach of trust where, since
5 March, it's not the focus of the investigation. Was
6 there any discussion about that with your team?

7 A. The evolution of the file went on as the months and
8 as the weeks went by. But again, to be one hundred
9 percent (100%), I'd have... you know, I don't want
10 to say something that I'm not sure of, so I'm not
11 sure exactly when. I'm not sure. I don't recall.

12 Q. **[938]** So you don't recall if you ever raised a
13 concern about that?

14 A. In an investigation in a major file like that,
15 there's concerns about everything. Are we closing
16 our doors? Are we doing everything we can before we
17 go to the ultimate... the last moyen d'enquête. Yes,
18 that's discussed. That's discussed with the team.
19 It's not... we don't wake up one morning and say,
20 from day one, one hundred percent (100%) we're going
21 to go on an écoute... electronic surveillance.
22 There's different steps, investigative steps. At
23 what point was it discussed what was done, what we
24 had, what we had gathered, or where we were going,
25 it was discussed, but I don't have the exact

1 timeframe to give you the precise date or answer.

2 Q. **[939]** You keep referring to a major file. I'm not
3 talking about the Escouade aspect of it, I'm talking
4 about the Espion aspect of it. So my questions
5 are... and I know they've been merged, but the leaks
6 aspect to it, is there a concern that you voiced
7 with respect to the leaks aspect to it that there's
8 an escalation in methods that seem to be directed at
9 those leaks where, since March, it's less the focus,
10 and some witnesses have been even... used even
11 stronger term, but let's use less of a focus since
12 March. Do you ever voice concerns to your team about
13 that, the part of the leaks and the escalations of
14 methods?

15 A. It's an ongoing investigation. Now, to be specific,
16 if I received information... because right now,
17 you're asking me questions that I can't answer
18 precisely because I don't have all... yes, I saw it
19 last year, but I haven't... you know, I can't answer
20 the question one hundred percent (100%). Is it in
21 March? Is it really in April? Is it in May?

22 THE PRESIDENT:

23 Q. **[940]** No, no, but it's... the thing is that, again,
24 the question is not really whether it's in April,
25 or... it could be the next question, but for the

1 moment, it's not the question. The question is, at
2 any time, did you raise any concern about the
3 methods that were used in a case where the focus of
4 the inquiry was not the media leaks as much as it
5 was in January. There was a point in time where the
6 media leaks issue was put on the backburner. So did
7 you ever... that's the question. It doesn't have to
8 be on a Wednesday morning...

9 A. No, I understand.

10 Q. **[941]** ... in early February. No, it's did you ever
11 raise a concern about the methods being used
12 compared to the nature of the problem, if you wish?

13 A. Yes, but I don't know at what point.

14 Q. **[942]** And if yes, in what... not necessarily the
15 exact words that you used, but how did you convey
16 your concern to the members of your team?

17 A. Well, it was more in a sense what do we have now?
18 Where are we going? Is there any new information? It
19 was more in that sense in terms of...

20 Q. **[943]** So, it's in the sense of seeking more
21 information from them, but in the sense of saying,
22 well, don't you think we're going too far?

23 A. Not in that sense.

24 Q. **[944]** Not in that sense?

25 A. Not in that sense.

1 Q. [945] Never?

2 A. No.

3 Me CHRISTIAN LEBLANC:

4 Thank you, Mr. President.

5 Q. [946] Page 28 of the... I'm sorry. If you could take
6 the Affidavit in support of the wiretapping, it's
7 the document that is identified to each of us.

8 A. Forty (40)?

9 Q. [947] It's 90P, but I don't know if you have it,
10 because it hasn't been... No, exactly. So we're
11 going to put it in... I'm saying "No, exactly",
12 because your counsel is waving that you haven't
13 gotten it.

14 THE PRESIDENT:

15 Are you talking about the front or are you talking
16 about the Affidavit supporting the demand... the
17 request?

18 Me CHRISTIAN LEBLANC:

19 No, not the front, the Affidavit, Mr. President.

20 THE PRESIDENT:

21 No, it's not...

22 Me CHRISTIAN LEBLANC:

23 It's not even filed, it's...

24 THE PRESIDENT:

25 No, no, it's sealed in the court record, so we don't

1 want it to be exposed.

2 Q. [948] Now you have it, Mr. Labos?

3 A. Yes.

4 Q. [949] Okay.

5 Me CHRISTIAN LEBLANC:

6 Q. [950] So if you go to page 28, Mr. Labos...

7 A. Yes.

8 Q. [951] Second paragraph, last sentence. You see there
9 that Mr. Borduas suggests to you, he's kind of
10 saying to the judge in this affidavit - we don't
11 have any proof, but it's possible that in order to
12 pay for sexual services, Mr. Djelidi is giving
13 privileged information to the media. Did you know,
14 at the time, that this was going to be put in the
15 affidavit of Mr. Borduas?

16 A. I have no recollection of that, Your Honour.

17 Q. [952] Do you recollect Mr. Borduas talking to you
18 about those, or that theory, ever?

19 A. I don't recall. No.

20 Q. [953] Does it concern you that it's in an affidavit
21 where we're seeking wiretapping, and we're putting
22 something like that with no proof whatsoever?

23 A. It's... I'm reading it... I'm reading it now. I
24 don't know what Mr. Borduas answered without...

25 Q. [954] Does it concern you to see that?

1 A. Well, concern me, it... I don't want... I don't want
2 to say that... I don't know what Mr. Borduas's
3 thought process was when he put that, you know, that
4 statement in the affidavit, so... he must have had a
5 reason why he wrote that.

6 Q. [955] Well, it does say that they have no proof yet.
7 If we read it.

8 A. But again, that's the... okay. There's no proof,
9 but it's the, I guess, the interpretation of the
10 investigator... the interpretation of the
11 investigator, I'd say, Mr. Leblanc.

12 Q. [956] And again, never discussed with Mr. Borduas.

13 A. I don't recall that conversation with Mr. Borduas.

14 THE PRESIDENT:

15 Q. [957] Did you ever read this document?

16 A. At one point I did.

17 Q. [958] You did?

18 A. Yes.

19 Q. [959] So it's not the first time you read it, this
20 one.

21 A. No. No. This document?

22 Q. [960] Yeah, the affidavit supporting the request for
23 the wiretapping.

24 A. I'm not sure I read... I don't know if I read it
25 afterwards, or before, I... I don't recall, Your

1 Honour.

2 Me CHRISTIAN LEBLANC:

3 Q. [961] Is it your...

4 THE PRESIDENT:

5 Q. [962] Because there's this... That's under
6 "Autorisation judiciaire". The paragraph is
7 paragraph c), there. It's the second paragraph to
8 which your attention was drawn, but there's also a
9 first paragraph, referring to other information.

10 A. Which one are you talking about, Mr. President?

11 Q. [963] The first paragraph now.

12 A. Of the affidavit?

13 Q. [964] Of the...

14 Me CHRISTIAN LEBLANC:

15 Q. [965] The same thing.

16 THE PRESIDENT:

17 Q. [966] Same document.

18 A. Oh, sorry. Sorry.

19 Q. [967] Page 28 of 34.

20 A. Are you...

21 Q. [968] The first paragraph.

22 A. Aucune autorisation judiciaire n'a été
23 demandée pour établir le profil
24 financier de monsieur Djelidi.

25 Q. [969] No no, it's not... that's the second paragraph

1 of paragraph c). So the first subparagraph, if you
2 wish. That starts with:

3 Plusieus autorisations judiciaires ont
4 permis de faire progresser l'enquête.

5 A. Okay.

6 Q. [970] Is this new to you?

7 A. That he got many authorizations, and he had... No.
8 No.

9 Q. [971] And that les mandats ont permis de constater,
10 and I quote:

11 ... ont permis de constater notamment
12 que Fayçal Djelidi a contacté un
13 journaliste, et peu de temps après un
14 article est écrit concernant de
15 l'information que détenait, entre
16 autres, Fayçal Djelidi. De plus...

17 Bla-bla-bla.

18 A. No, this is not the first time that I know...

19 Q. [972] It's not the first time you read that.

20 A. No. That I'm aware that there was warrants that
21 were obtained, and that he had... the warrants
22 demonstrated that he had conversations, not only
23 with journalists but also with... pour des services
24 sexuels.

25 Q. [973] Thank you.

1 Me CHRISTIAN LEBLANC:

2 Q. [974] You also used, as far as investigative
3 techniques, a spy software, correct?

4 A. Yes.

5 Q. [975] Was that something that was discussed with you
6 prior of using it, or after?

7 A. I don't recall.

8 Q. [976] Do you recall any discussion about the use of
9 that technique in this inquiry?

10 A. Well, it was mentioned... it was mentioned in the
11 plan d'enquête Espion. It was mentioned in the plan
12 d'enquête Espion.

13 Q. [977] Yes, and do you recall any discussions about
14 that, the use of that technique, aside from being
15 mentioned in the plan d'enquête?

16 A. Well, he mentioned it in the plan d'enquête?

17 A. Oh, he mentioned in the plan d'enquête that... and
18 that it would be probably used in the...

19 Q. [978] As you said, probably, it doesn't mean it will
20 be used, right? Correct?

21 A. Right.

22 Q. [979] ... that's what you testified throughout?

23 A. Yes.

24 Q. [980] Okay. Did you discuss or had any discussions
25 with anybody whatsoever when it got time to use it?

1 A. Again if he mentioned it to a superviseur des
2 enquêtes or the inspector and it was u... I know now
3 that it was used because obviously, we know that it
4 was used, but at that time, did I know beforehand at
5 what date it was going to be used, the answer is no,
6 but that it was probably going to be used, yes.

7 Q. **[981]** And when did you learn that it was going to
8 probably be used, from the plan d'enquête?

9 A. I can't... well, first, there's the plan d'enquête,
10 and during the investigation, but I can't tell you
11 when during the investigation that it was used. But
12 I was aware that it was being used.

13 Q. **[982]** Yes, but you can't recall or whether or not
14 you were aware that it was being used prior of using
15 that technique. I'm just trying to understand your
16 testimony.

17 A. I can't tell you at what point I was informed, but
18 did I know we were using that technique, the answer
19 is yes.

20 Q. **[983]** What about the provocation, Mr. Borduas
21 testified that you used information... incorrect
22 information that you floated to a policeman or
23 police... to a policeman in the hope or to see if it
24 would be ultimately picked up by a journalist. You
25 remember...

1 A. Yes, I do.

2 Q. [984] ... that technique being used?

3 A. I remember, yes.

4 Q. [985] Do you remember any discussions that you would
5 have had with respect to the use of that technique?

6 A. Well, it was a discussion with the whole team, but I
7 don't agree when you say false information, it's an
8 information that was...

9 LE PRÉSIDENT :

10 Q. [986] To be fair to maître Leblanc, he didn't say
11 "false information", he said incorrect information.

12 A. Okay, sorry. I correct myself, my apologies.
13 Incorrect information.

14 Me CHRISTIAN LEBLANC :

15 Q. [987] Yes, we heard many testimonies on that before.

16 A. Okay, sorry.

17 Q. [988] And do you know if these... do you know if
18 these informations or that technique was discussed
19 with you prior of...

20 A. Yes, it was.

21 Q. [989] ... using it. And was it... that discussion
22 that took place prior, was it because the...
23 somebody from your team was seeking authorization
24 from you to use it?

25 A. Well, a group meeting, the supervisor is there, the

1 inspector is there and it's something that's not...
2 it's not... it's an investigative technique that's
3 not usually common, so for sure, it was discussed
4 and of course, it was authorized.

5 Q. [990] That's what I mean, so ultimately, the
6 meeting, the group, sought your authorization?

7 A. Through the inspector, through me.

8 Q. [991] I know, I know, but I mean, I have group
9 meetings at home, I have children...

10 A. I know, but I want you...

11 Q. [992] ... and there's many requests, but ultimately,
12 it's either me...

13 A. Yes.

14 Q. [993] ... or my wife who authorized it...

15 A. Okay

16 Q. [994] ... what I want to know is do you...

17 A. Okay., I'm going to explain...

18 Q. [995] ... do you seek... does anybody seek
19 authorization from you to use that technique or
20 again, it's Mr. Labos or Inspector Chief, we're
21 going to be doing this next week, so we're just
22 telling it to you...

23 A. Okay.

24 Q. [996] ... and let's hope it works.

25 A. As the inspector, my role as inspector before

1 commander, I authorized... I would authorize the
2 techniques. Yes, I would advise my Chief Inspector,
3 but... okay, so if we do the... if we do the... yes.

4 Q. [997] Okay. and did you...

5 A. But at the end of the day, it's the inves... the
6 commander or the inspector that's in charge of the
7 investigation that authorizes it, yes, he talks to
8 his boss, but at... he's the one that's leading the
9 investigation, so... when I was leading the
10 investigation for so many years, it was my decision,
11 but yes, my inspector... Chief Inspector was
12 advised, it's a formality, but I'm the one that's
13 making the decision as an inspector in terms of...

14 Q. [998] Do you know if Mr. Pichet or any of your
15 superiors were made aware that that technique was
16 going to be used?

17 A. No.

18 Q. [999] And if I ask you the same question with the
19 software, the spy software, would it be the same
20 answer?

21 A. No.

22 LE PRÉSIDENT :

23 Q. [1000] And the no...

24 Me CHRISTIAN LEBLANC :

25 Q. [1001] It would not be the same answer?

1 A. No, it is the same answer.

2 LE PRÉSIDENT :

3 Q. [1002] Sorry, Maître Leblanc, votre "no" goes to -
4 no, they didn't know?

5 A. It is the... it is the... it is the same answer.

6 Me CHRISTIAN LEBLANC :

7 Q. [1003] That's the clarification to seek.

8 LE PRÉSIDENT :

9 Q. [1004] So that the buck was stopping on your desk.

10 A. Yes.

11 Q. [1005] On that issue, at least.

12 A. Yeah.

13 Q. [1006] Yeah.

14 Me CHRISTIAN LEBLANC :

15 Q. [1007] On any... on every technique that were
16 used...

17 A. Yes.

18 Q. [1008] ... in that inquiry, right? When I said
19 right, it was a follow-up like "the buck stops on
20 your desk", you understood that?

21 A. What I understand is...

22 Q. [1009] I want to compare with...

23 A. What I understand, Mr. President, is I have a
24 supervisor... I have a commander, sorry, I have an
25 inspector who's in charge of the investigation. He's

1 the one ultimately that takes the decision but yes,
2 if we want to get into the nitty-gritty, as the
3 boss, I'll take the full responsibility. As the
4 boss, yes, the final thing. But when I was in his
5 role as an inspector, as a commander, I took the
6 decision. I didn't go on... Yes, my inspector chief
7 was informed but the decision was at my level.

8 Q. [1010] And Mr. Labos, not only do you take the full
9 responsibility but you testified that you were aware
10 that these techniques were being used.

11 A. Yes, of course.

12 Q. [1011] And you never did anything to stop them if
13 you would not have agreed with them.

14 A. Of course.

15 Q. [1012] Correct? Okay. Then what we've been looking
16 at which is 40P, this mandate that I was using to do
17 the chronology we just did, that in itself is the
18 mandate that renews the DNR, amongst others, with
19 respect to Mr. Lagacé. We're now the thirtieth
20 (30th) of June, we're way past the wiretapping of
21 May twenty-seven (27). Why is it still being
22 renewed? Was that discussed with you at any point in
23 time?

24 A. I didn't even remember that it was...

25 Q. [1013] That it was renewed.

1 A. ... renewed.

2 Q. **[1014]** Am I correct to say that, I mean, we're seven
3 days from the arrest, am I correct to say that it
4 was totally useless to renew that mandate against
5 Mr. Lagacé at that time?

6 A. I can't answer that question, I don't know what
7 the... I don't remember the... I don't remember,
8 one, and two, the mindset towards the, the mindset
9 of Mr. Borduas concerning those warrants at that
10 time.

11 Q. **[1015]** One thing is for sure, you'll correct me if
12 I'm wrong, but that inquiry, and when I say
13 "investigation", the whole investigation, the merged
14 Espion, the Escouade ends on July seventh (7th),
15 correct?

16 A. Yes.

17 Q. **[1016]** Okay. Am I correct also to say that you used
18 a provocation technique in this file. I don't know
19 if you heard the testimony of Mr. Borduas. Do you
20 know what I'm talking about? I can expand but...

21 A. Please expand.

22 Q. **[1017]** Okay. So, one thing that he mentioned was you
23 let somebody think that he has committed a crime and
24 then you wait and see what he does and it could be
25 one way of trying to catch somebody.

1 A. Again, Mr. President, we're straight into Escouade.

2 Q. [1018] No, but the questions put to Mr. Borduas was
3 with respect to the leaks. Are you aware - maybe
4 you're not - are you aware that that technique was
5 used in the leak to the media part of Escouade.

6 THE PRESIDENT:

7 Q. [1019] Hold on a second.

8 A. I...

9 Q. [1020] Hold on a second, don't answer that. Maître
10 Dumais for the DPCP is up on her feet.

11 Me CATHERINE DUMAIS :

12 Oui, effectivement, Monsieur le Président. Si je me
13 souviens bien, les paroles qui ont été prononcées
14 par monsieur Borduas quant à cette possibilité-là
15 étaient dans un contexte de formation un peu comme
16 si on était à Nicolet. C'était un énoncé théorique
17 des méthodes de provocation qui pouvaient être
18 utilisées, si mon souvenir est bon, et non pas de
19 savoir si ça avait été utilisé dans le projet
20 Escouade.

21 THE PRESIDENT:

22 Maître Leblanc, I don't think you put the question
23 in the context of Escouade nor Espion, it was more
24 like a general question as we had put to Mr.
25 Borduas, am I wrong or right?

1 Me CHRISTIAN LEBLANC:

2 Well, no, I think Mr. Borduas started by saying that
3 it was something that was used but then, to expand
4 on it, we had this whole discussion about, you know,
5 is it a secret.

6 THE PRESIDENT:

7 Me being a student...

8 Me CHRISTIAN LEBLANC:

9 Yes, to avoid any secrets being revealed.

10 THE PRESIDENT:

11 Maybe we could use the same...

12 Me GUYLAINE BACHAND, commissaire:

13 Process?

14 THE PRESIDENT:

15 Process, analogy...

16 Me CHRISTIAN LEBLANC:

17 Yes, but I think... I agree, but I think it's very
18 relevant for the Commission to know if that
19 technique was used in the leak part of... I don't
20 want to know about the other part and I'm not, but
21 in the leak part...

22 THE PRESIDENT:

23 Q. **[1021]** Can you make the distinction between the
24 leak, the media leaks and the rest of the criminal
25 allegations against Mr. Djelidi and looking only at

1 the media leaks, answer the question put by Mr.
2 Leblanc?

3 A. The media, yes. The media leaks provocation was an
4 information that was given to a unique, it was a
5 unique opportunity, with unique information. And
6 that was one of the scenarios that was put in place.
7 And from my memory, and from my... the information,
8 that did not transcribe in transferring the
9 information that was received by the police officer.

10 Q. [1022] It didn't work, in other words?

11 A. It didn't work; you're right.

12 Q. [1023] And I think Mr. Borduas said that it didn't
13 work. Yeah. Okay.

14 Me CHRISTIAN LEBLANC:

15 Q. [1024] It didn't work, but my question was: was it
16 used? The answer is yes.

17 THE PRESIDENT:

18 Well, the question was put, the answer is there, and
19 the...

20 Me CHRISTIAN LEBLANC:

21 That's it. Yeah.

22 THE PRESIDENT:

23 So, do you have anything else?

24 Me CHRISTIAN LEBLANC:

25 Not on that topic.

1 Q. [1025] The meeting of the twenty-eighth (28th),
2 October twenty-eighth (28th), with La Presse, was
3 that a meeting that was cleared with Mr. Pichet? In
4 other words, did you talk to Mr. Pichet to...

5 A. Yes, I did.

6 Q. [1026] Okay. And in what context, what
7 circumstances?

8 A. I explained to Mr. Pichet and to Mr. Didier Deramond
9 the request from La Presse, and the fact that we'd
10 be sending two of our investigators to...

11 THE PRESIDENT:

12 It seems to me we covered that before. Did we cover
13 it with Mr. Labos, or with Mr. Hanna?

14 Me CHRISTIAN LEBLANC:

15 No, there's one... no, no, but there's one... we
16 didn't cover with Mr. Labos what I'm about to cover.

17 THE PRESIDENT:

18 Okay.

19 Me CHRISTIAN LEBLANC:

20 Q. [1027] So, go ahead. So, you advised...

21 A. Yes.

22 Q. [1028] ... Mr. Pichet and Deramond...

23 A. Mr. Deramond... that we would be sending two of our
24 investigators, and I asked both investigators if
25 they were more comfortable to meet with La Presse,

1 and that's what happened.

2 Q. [1029] Did you tell them that that meeting was in
3 the context of La Presse just knew, or at least knew
4 that there was surveillance against their
5 journalists?

6 A. I'm not sure I follow your question.

7 Q. [1030] Did you advise your superiors that that
8 meeting was being set up and would take place
9 because La Presse already knew...

10 A. The answer is yes.

11 Q. [1031] ... that... okay, so the answer is yes. And
12 was there any directives, or direction, or guidance
13 that were given to you by...

14 A. No.

15 Q. [1032] ... Mr. Pichet and Deramond?

16 A. No. They just thought it was a good idea that we
17 would inform La Presse, but...

18 Q. [1033] And actually, am I right to say that October
19 twenty-eight (28), twenty sixteen (2016) was the
20 exact day that you were transferred to your actual
21 position?

22 A. Not the exact date. I think it came out on the news.
23 A lot of things come out on the news these days.
24 And...

25 Q. [1034] It was the day before?

1 A. I can't recall exactly, but to be effective in
2 November, the first week of November, if I'm not
3 mistaken.

4 Q. [1035] What came out in the news was that the actual
5 transfer was the day before. I mean, it's your
6 transfer, you must remember?

7 A. Well, there was forty (40) transfers on that
8 particular date, and that was...

9 Q. [1036] I'm talking about just yours.

10 A. Well, I'm explaining.

11 Q. [1037] Sure, go ahead.

12 A. There was...

13 THE PRESIDENT:

14 Do we really need to know why the transfer and all
15 that, or... because, I mean, again, we're
16 investigating on the practices that put at risk the
17 confidentiality of the journalistic sources. It
18 seems to me that the reason that were given to him,
19 or that he thinks were given to him, they're not
20 very relevant, are they?

21 Me CHRISTIAN LEBLANC:

22 I'm not... I'm not going there, I was... my last
23 question was going to be was this a coincidence or
24 not, and that's it.

25 A. The answer is one hundred percent (100%).

1 Q. [1038] One hundred percent (100%) it was a
2 coincidence?

3 A. Oh, yes.

4 Q. [1039] If we may take the afternoon break...

5 THE PRESIDENT:

6 We definitely will, but...

7 Me CHRISTIAN LEBLANC:

8 ... it will allow me to look at...

9 THE PRESIDENT:

10 We'll take a break from your questioning the witness
11 at one point in time. For how long do you have?

12 Me CHRISTIAN LEBLANC:

13 No, I think it's pretty much over, save and except
14 the two reports that have been alluded to that I
15 will take a look at right now.

16 THE PRESIDENT:

17 Right. Okay. And maybe you could have a
18 conversation with Mr. Levasseur, there may be
19 another way of putting this into the record. We
20 didn't think, to be honest with you, that F8
21 would be that relevant, but since you've put
22 quite a number of questions, I think we will go a
23 little further... our lawyers will go a little
24 further than expected, so that could cover your
25 problem basically that you have.

1 Me CHRISTIAN LEBLANC:

2 Yeah, the only thing I'll do, to be honest, is I'll
3 look at them and see if I have questions on them,
4 but we can even...

5 THE PRESIDENT:

6 Oh, for Mr. Labos? Okay.

7 Me CHRISTIAN LEBLANC:

8 Yes.

9 THE PRESIDENT:

10 Fine. Okay, so we'll...

11 Me CHRISTIAN LEBLANC:

12 And we can file them with Mr. Labos if we want, just
13 to have it on the record, but that was the purpose
14 of my...

15 THE PRESIDENT:

16 I understand now. Okay, so we'll take the afternoon
17 break. We'll be back at fifteen forty-five (15:45).

18 UPON RECESS

19 UPON RESUMING

20 _____

21 LE PRÉSIDENT :

22 Allez-y, Maître Leblanc.

23 Me CHRISTIAN LEBLANC :

24 Je ne sais pas comment vous voulez procéder,
25 Monsieur le Président. J'ai pris connaissance des

1 documents et, pour moi, ils sont hautement
2 pertinents. Je vais souhaiter vouloir les coter puis
3 ensuite j'aurai quelques questions pour monsieur
4 Labos. Je suis à votre disposition de comment
5 procéder. Est-ce qu'on les cote maintenant puis je
6 pose des questions ou...

7 LE PRÉSIDENT :

8 La version que j'ai devant les yeux, c'est la
9 version qui peut être cotée publique?

10 Me CHRISTIAN LEBLANC :

11 Bon. Alors il y a une version, ça c'est l'autre
12 point, il y a une version qui a été caviardée par le
13 SPVM. Si vous allez à la page 2, je ne sais pas si
14 vous voyez du caviardage, ça va nous dire si vous
15 avez cette version-là.

16 LE PRÉSIDENT :

17 Oui.

18 Me CHRISTIAN LEBLANC :

19 Bon. Ceci dit, j'ai été informé de ce qui était en
20 dessous de ce caviardage-là et je vous le dis, c'est
21 rare que c'est noir et blanc, je vous le dis
22 catégoriquement, je ne vois pas ni de près ni de
23 loin pourquoi c'est caviardé. J'irais même jusqu'à
24 dire que ce sont des choses qui ont été discutées
25 devant cette Commission. Alors, je pense que je vais

1 vous demander, ça n'a pas été un problème depuis le
2 début, mais je pense que je vais vous demander de
3 vous pencher là-dessus aussi.

4 LE PRÉSIDENT :

5 C'est une demande de décaviardage? Puis à la page 6?
6 Ça, ça ne vous pose pas problème?

7 Me CHRISTIAN LEBLANC :

8 Page 6, je ne sais pas de quoi il s'agit, il
9 faudrait que je le compare.

10 Me CHARLES LEVASSEUR :

11 Si vous me permettez, Monsieur le Président.

12 LE PRÉSIDENT :

13 Maître Levasseur.

14 Me CHARLES LEVASSEUR :

15 Au niveau de la page 6, je pense, au niveau de la
16 page 6, c'est essentiellement les informations qui
17 se retrouvent à la page 2 qui sont sensiblement au
18 même effet. Sans révéler ce qu'il y a en dessous, ce
19 qu'il y a sous le caviardage, ce sont des
20 informations qui, à la page 6, sont au même effet
21 qu'à la page 2 et les informations de la page 2, ce
22 que je pourrais vous offrir, c'est de prendre
23 connaissance de la version non caviardée.

24 LE PRÉSIDENT :

25 Écoutez, on ne fera pas l'exercice de décaviardage

1 en public. On va prendre note de la demande de
2 maître Leblanc de regarder ces documents-là pour
3 voir si les deux extraits qui sont caviardés
4 devraient être rendus publics comme le reste du
5 document et on décidera. On décidera peut-être aussi
6 de la marche à suivre après mais pour l'instant, on
7 va aller de l'avant. On va les, Maître Corbo, je
8 vais terminer...

9 Me MATHIEU CORBO :

10 Oui.

11 LE PRÉSIDENT :

12 ... juste ce que je propose et on va les coter comme
13 ils sont en leur donnant un numéro qui va vous
14 permettre d'interroger et que plus tard, en lisant
15 les transcriptions, on s'y retrouve et on décidera
16 de votre demande par la suite. Maître Corbo?

17 Me MATHIEU CORBO :

18 Oui, ce que je peux vous dire au niveau du
19 caviardage c'est que, bon, j'ai été en salle de cour
20 ici, évidemment ça a été fait à l'extérieur. J'en ai
21 pris connaissance très rapidement. Il y a
22 certainement un bout de chemin qui peut être fait.
23 Donc, peut-être que ce soir, après la suspension,
24 l'ajournement, en fait, jusqu'à demain...

25

1 LE PRÉSIDENT :

2 Oui.

3 Me MATHIEU CORBO :

4 ... on pourra travailler sur ça et en arriver à une
5 solution qui convient à tous, espérons-le.

6 LE PRÉSIDENT :

7 Oui. Bon, parfait. Je suis content de votre
8 ouverture d'esprit. Je dois vous dire qu'on s'est
9 donnés des, on a eu, on a réalisé avec le temps que
10 le caviardage posait problème. On s'est donnés des
11 directives, maintenant on les a, on essaie de les
12 suivre depuis hier. Notre expérience est limitée
13 mais, au moins, on sait où on s'en va.

14 Alors, je vous le dis à l'avance, on va
15 regarder ce document-là à la lumière des directives
16 qu'on s'est donnés. Là, on n'a pas le temps et je ne
17 veux pas que monsieur Labos soit, je veux qu'on
18 termine son témoignage aujourd'hui. Alors, on va les
19 déposer, on regardera la question du décaviardage
20 après.

21 Alors, lequel comme...

22 LA GREFFIÈRE :

23 Sous la cote 106P.

24 LE PRÉSIDENT :

25 Ça serait lequel des deux voulez-vous, Maître

1 Leblanc? On va y aller par ordre chronologique.

2 Alors, 106P, ça sera celui du deux (2) août deux
3 mille seize (2016), le plus volumineux des deux.

4 LA GREFFIÈRE :

5 Le Comité sur la révision du traitement de
6 l'information confidentielle du deux (2) août deux
7 mille seize (2016)?

8 LE PRÉSIDENT :

9 Exactement, rapport et recommandations, 106P.

10

11 106P : Rapport et recommandations, comité sur la
12 révision du traitement de l'information
13 confidentielle du 2 août 2016

14

15 LA GREFFIÈRE :

16 Et 107P, ça serait le résumé du projet F8?

17 LE PRÉSIDENT :

18 Exactement.

19

20 107P : Résumé du projet F-8

21

22 Allez-y, Maître Leblanc.

23 Me CHRISTIAN LEBLANC :

24 J'ai d'autres documents, Monsieur le Président, qui
25 font partie de la liasse qu'on m'a donnée. C'est un

1 rapport complémentaire, et Division des affaires
2 internes, modalités d'entrevue. Je pense que ce
3 serait bien qu'on les cote aussi.

4 LE PRÉSIDENT :

5 Parfait. Alors là on ne suivra pas l'ordre
6 chronologique, on va y aller à reculons. Mais ce
7 n'est pas grave. L'important, c'est qu'on s'entende.
8 Alors Modalités d'entrevue, ça sera 107P...

9 Me CHRISTIAN LEBLANC :

10 Je pense qu'on est à 108, Monsieur le Président.

11 Me MATHIEU CORBO :

12 Monsieur le Président...

13 LA GREFFIÈRE :

14 108.

15 Me MATHIEU CORBO :

16 Avant de coter ces documents-là, nous n'avons pas eu
17 la chance de revoir s'il y avait des choses à
18 caviarder. Le témoin qui est en mesure de caviarder
19 va être rencontré aujourd'hui à cinq heures (5 h 00)
20 ici-même, donc ça serait fait ce soir également.

21 Me CHRISTIAN LEBLANC :

22 La seule chose, Monsieur le Président, c'est que moi
23 je veux bien, puis je... Mais j'ai quelques
24 questions à poser, quand même, à... Je vous le dis
25 tout de suite, pas très longues, mais... Là je...

1 Bon. Pour 106, je vais faire avec le caviardage. Je
2 ne dévoile pas ce qui est dessous, mais je peux vous
3 dire que c'est des sujets qu'on a abordés avec
4 monsieur Pichet, là. Clairement. Mais bon. D'accord.
5 Je ne poserai pas de questions dessus.

6 Maintenant, 108, si je ne sais même pas ce
7 qui va être caviardé, comment je fais pour... Je ne
8 veux pas commettre d'impair non plus, là. Comment je
9 fais pour questionner le témoin? Est-ce que ce
10 serait la même chose sur 109, Maître Corbo? Ou,
11 c'est-à-dire, pardon, le rapport complémentaire?

12 Me MATHIEU CORBO :

13 Oui, c'est exact. Je peux vous dire que maître
14 Leblanc est privilégié, c'est le seul qui a eu ces
15 documents-là à date. Donc...

16 LE PRÉSIDENT :

17 Très bien. Maître Carlesso?

18 Me JULIE CARLESSO :

19 En fait, c'est ce que j'allais vous dire, Monsieur
20 le Président. Je ne veux pas du tout être difficile,
21 là, mais les documents 106 et 107P, pour ma part, et
22 je pense que c'est le cas pour toutes les autres
23 parties, mais dans mon cas je vais contre-interroger
24 après maître Leblanc, j'ai reçu ces documents-là
25 quelques minutes avant qu'on reprenne, et donc je

1 vais être obligée de les lire pendant le contre-
2 interrogatoire de maître Leblanc, ce que je trouve
3 dommage, afin, comme vous le souhaitez et comme on
4 le souhaite tous, je pense, terminer le contre-
5 interrogatoire de monsieur Labos aujourd'hui.

6 Donc, mon intervention ne vise pas à avoir
7 plus de temps pour lire, mais je voulais le porter à
8 votre attention parce que ce n'est pas la première
9 fois qu'on reçoit des documents après d'autres
10 parties, et sans blâmer maître Leblanc, parce qu'au
11 contraire il a été assez gentil pendant la pause
12 pour me laisser jeter un oeil au document, mais on
13 ne peut pas être deux avocats en train de travailler
14 sur la même copie de document, là, vous en
15 conviendrez avec moi.

16 Puis pour les autres documents, qui ne sont
17 pas encore caviardés, bien évidemment, on ne les a
18 pas.

19 LE PRÉSIDENT :

20 Bon alors, regardez...

21 Me JULIE CARLESSO :

22 Je vous sou mets respectueusement que ce n'est pas
23 l'idéal, là.

24 LE PRÉSIDENT :

25 Non, ce n'est clairement pas l'idéal. Regardez ce

1 qu'on va faire. On va leur donner un numéro
2 confidentiel, les deux plus récents documents, et on
3 va essayer d'en faire faire des copies. Il y a
4 quatre, cinq pages à photocopier. Ce n'est pas bien
5 long, faire trente (30) copies de ça, là. Alors on
6 va procéder comme s'ils étaient confidentiels
7 jusqu'à ce qu'on règle la question de la publicité
8 de ces documents-là. Okay? Alors ils sont
9 restreints...

10 Me CHRISTIAN LEBLANC :

11 Pour 108 et 109, c'est ça?

12 LE PRÉSIDENT :

13 Oui. Ça va?

14 LA GREFFIÈRE :

15 Alors 108C serait les modalités d'entrevue, et 109C
16 le rapport complémentaire?

17

18 108C : Modalités d'entrevue

19

20 109C : Rapport complémentaire

21

22 Me CHRISTIAN LEBLANC :

23 Oui. Oui. Monsieur le Président...

24 LA GREFFIÈRE :

25 Ou l'inverse?

1 Me CHRISTIAN LEBLANC :

2 Oui. Oui, Madame la Greffière.

3 LA GREFFIÈRE :

4 L'inverse, ou le...

5 Me CHRISTIAN LEBLANC :

6 Non, ça va.

7 LA GREFFIÈRE :

8 Non?

9 Me CHRISTIAN LEBLANC :

10 Ça va.

11 LE PRÉSIDENT :

12 Mais là on est en ondes. C'est vrai.

13 Me CHRISTIAN LEBLANC :

14 Monsieur le Président, est-ce qu'on peut juste

15 prendre deux secondes, là? 108C, là, c'est un

16 questionnaire qui comporte des questions. 109C,

17 c'est un document qui parle de modalités d'entrevue.

18 Ça commence par :

19 Matériel nécessaire : crayons, stylos,

20 feuilles pour prendre des notes, puis

21 batteries.

22 Écoutez, je comprends, là, qu'il y a un souci, je

23 suis d'accord. Mais il me semble qu'en deux secondes

24 on va être en mesure de déterminer qu'il n'y a rien

25 à caviarder là-dedans, mais... Écoutez. Peut-être

1 que c'est moi qui...

2 LE PRÉSIDENT :

3 Maître Corbo?

4 Me MATHIEU CORBO :

5 En deux secondes, on peut déterminer que sur 107P,
6 il y a un élément qui est caviardé qui se retrouve
7 sur les modalités d'entrevue à la page 2. Donc,
8 rapidement, il y a déjà un problème à ce niveau-là,
9 Monsieur...

10 Me CHRISTIAN LEBLANC :

11 Le nom de l'opération, je vous le dis tout de suite,
12 Monsieur le Président, il n'y aura pas de débat là-
13 dessus. Si elle est secrète, je n'insisterai pas.

14 LE PRÉSIDENT :

15 Mais le nom de l'opération, ce n'est pas le nom dont
16 on parle depuis le début?

17 Me CHRISTIAN LEBLANC :

18 Hum hum. Le nom de l'opération de Montréal-Nord,
19 là...

20 LE PRÉSIDENT :

21 Ah, ah, ah...

22 Me CHRISTIAN LEBLANC :

23 Il y avait un nom à cette opération-là. Je pense
24 qu'elle a été médiatisée, mais peu importe. Que ça
25 s'appelle XYZ ou ABC, ça m'importe peu, là.

1 LE PRÉSIDENT :

2 Donc on n'y référerera pas. C'est ce que vous voulez
3 dire. Bon.

4 Me CHRISTIAN LEBLANC :

5 Ça va, je n'ai pas de problème.

6 LE PRÉSIDENT :

7 À part de ça, sur l'autre document, sur 109C, le
8 questionnaire...

9 Me MATHIEU CORBO :

10 Mêmes commentaires. Le nom se retrouve également à
11 plusieurs endroits.

12 LE PRÉSIDENT:

13 Bon, alors, sous réserve de ça, là. Donc on continue
14 en les appelant 108C et 109C, et puis on en fait des
15 copies, et puis on décidera du sort de ces quelques
16 mots-là que vous souhaitez voir disparaître, et on
17 ne les utilisera pas pendant qu'on est en diffusion
18 publique.

19 Me MATHIEU CORBO:

20 Pas de problème.

21 LE PRÉSIDENT:

22 D'accord?

23 Me MATHIEU CORBO:

24 Oui.

25

1 LE PRÉSIDENT:

2 C'est bon? Allez-y. Alors 108C, c'est des modalités
3 des entrevues, et puis le rapport complémentaire,
4 109C.

5 Me CHRISTIAN LEBLANC:

6 Q. [1040] So, Mr. Labos, do you have copies of what...

7 A. I only have one (1) document, the rapport général.

8 Q. [1041] Okay. So, earlier in your testimony, you
9 mentioned that there was two reports out of F8, do
10 you recall that?

11 A. Yes, I did.

12 Q. [1042] Could you just, for the Commission, identify
13 what you had in mind when you said two reports
14 amongst the documents we have? So, from 106 to 109.

15 A. The report that writes "comité sur la révision du
16 traitement de l'information confidentiel."

17 Q. [1043] Yeah.

18 A. And the other report is not here, Mr. President.

19 Q. [1044] So, we're missing a second report on F8?

20 A. We're missing the report that Mr. Richard
21 Bergeron...

22 Q. [1045] Wrote?

23 A. ... wrote.

24 Q. [1046] Is that a report that the Commission has?

25

1 Me CHARLES LEVASSEUR:

2 Pour le bénéfice de tout le monde, la F20 que M.
3 Labos a à sa gauche, l'information que le SPVM nous
4 donne c'est que c'est le rapport, là, de monsieur
5 Bergeron. Le rapport de monsieur Bergeron, là, celui
6 qui est appelé le rapport de monsieur Bergeron, ça
7 serait le F20. C'est ce que...

8 Me CHRISTIAN LEBLANC:

9 Le 107P, là, Maître Levasseur, ça ici?

10 Me CHARLES LEVASSEUR:

11 Oui.

12 Me CHRISTIAN LEBLANC:

13 Oui.

14 Me CHARLES LEVASSEUR:

15 Et Maître Corbo confirme.

16 Me CHRISTIAN LEBLANC:

17 Q. **[1047]** Mr. Labos, have you seen another report by
18 Mr. Bergeron that would not be...

19 A. I think there's a detailed report from the beginning
20 to the end of Mr. Richard Bergeron. That's what I
21 remember seeing, but...

22 THE PRESIDENT:

23 Q. **[1048]** It's possible that you're wrong on that one?

24 A. No.

25 Q. **[1049]** No.

1 Me CHRISTIAN LEBLANC:

2 Monsieur le Président, je ne sais comment on veut
3 l'aborder, mais c'est certainement pour la
4 Commission, je vous le soumets, pertinent. Le
5 premier rapport s'intitule «Comité sur la révision
6 du traitement de l'information confidentiel fuites
7 médiatiques » c'est au coeur de ce qu'on est en
8 train de regarder, de ce que la Commission - pardon
9 - est en train d'explorer.

10 LE PRÉSIDENT:

11 Ça, on en décidera plus tard, on ne décidera pas
12 aujourd'hui. On va vous laisser poser les questions
13 là-dessus parce que c'est un cas un peu spécial,
14 c'est comme un... il y a pas eu d'autorisation
15 judiciaire dans cette histoire-là, il y a pas eu de
16 pratique policière d'enquête, il y a une
17 vérification à l'interne qu'on fait, est-ce que ça
18 cadre dans notre mandat, on n'est pas là
19 aujourd'hui, là, mais je comprends l'intérêt que
20 vous avez pour ça, là, c'est marqué « fuites
21 médiatiques », bon, c'est comme une lumière verte
22 qui s'allume, là, mais on décidera de la pertinence
23 réelle du document.

24 Là, le problème, c'est... c'est que le
25 témoin pense qu'il manque un document auquel vous

1 avez fait référence; l'avocat du SPVM pense qu'il y
2 en manque pas. Alors, je... vraiment, c'est un cas
3 de figure que j'ai pas vu dans mon livre
4 d'instructions, mais je serai porté à dire poser
5 toutes les questions que vous pouvez poser à partir
6 de ce que vous avez, et puis si le document existe,
7 l'autre document existe, on verra ce qu'on peut
8 faire.

9 Me CHRISTIAN LEBLANC:

10 D'accord. Non, tout ce que je voulais dire, puis
11 c'est pour ça que j'avais fait l'aparté avec 106,
12 c'est qu'à prime abord, je pense que ça pourrait
13 être, disons-le comme ça, pourrait être pertinent
14 pour la Commission, et que j'aimerais, si tant est
15 qu'il existe, qu'on l'obtient. C'était la seule...
16 c'était pour ça que je passais par 106.

17 LE PRÉSIDENT:

18 Allez-y.

19 Me CHRISTIAN LEBLANC:

20 Q. **[1050]** So let's start with 106P, Mr. Labos.

21 A. Which is?

22 Q. **[1051]** It's the first report that you referred to,
23 dated August second (2nd), two thousand sixteen
24 (2016).

25 A. Yes.

1 Q. [1052] You have that?

2 A. Yes.

3 Q. [1053] And I'm seeing here that it was prepared for
4 Mario Gu erin, which is in line with what you said,
5 this whole inquiry was asked and launched by Mr.
6 Gu erin, right?

7 A. One hundred percent (100%).

8 Q. [1054] Right. So... and I see also on page 2 that
9 there was a committee and that you're a member of
10 that committee, you're the third person listed
11 there, correct?

12 A. Yes.

13 Q. [1055] Okay. What was the purpose of that
14 committee... I mean, I see the title, but what did
15 you based yourself... or what did the committee base
16 itself upon, is it the information that were
17 gathered during the whole investigation? What was
18 the purpose of forming that committee and writing
19 this report?

20 A. Well, the committee was formed by Mr. Mario
21 Gu erin...

22 Q. [1056] Hum, hum.

23 A. ... and it was more in line to regroup
24 everybody's... everybody together and the mode...
25 the mode de fonctionnement, as we say in fr...

1 Q. [1057] Mode de fonctionnement, oui.

2 A. Globally, these were all people that were
3 participants in the investigation in question. As I
4 mentioned before, all the people that I mentioned
5 before, all the people that I mentioned before are
6 on this list.

7 Q. [1058] And what do you mean by "mode de
8 fonctionnement"...you... with respect to what?

9 A. Well, first, what's going to be... what's going to
10 be... what's going to be done, who is going to be
11 involved.

12 Q. [1059] But what's going to be done and with respect
13 to what, journalistic or police sources or leaks,
14 or... I just want to situate it for the Commission.

15 A. It's more on how the... what are the next steps
16 going to be in terms of meetings, meetings with
17 different police officers, who is going to do it...
18 in a global sense of...

19 Q. [1060] Of how the police will handle the media?

20 A. This investigation.

21 Q. [1061] So I'm not sure I understand. You mean this
22 investigation, this committee was done to see how in
23 the future the operation which name is secret is
24 done, there's leaks that apparently are identified,
25 there's an inquiry launched by Mr. Guérin, then we

1 have that report. And I was telling you there's a
2 committee that's been formed, what was the purpose?

3 A. The purpose was Mr. Gu erin formed this committee
4 with all the participants...

5 Q. [1062] For what?

6 A. For this investigation. Exactly what...

7 Q. [1063] But it says "Rapport de recommandation", so I
8 guess it's to...

9 A. Well that's...

10 Q. [1064] It's this report, the committee was formed,
11 partly, I guess, to write a report with
12 recommendations. Can we agree on that?

13 A. Yes.

14 Q. [1065] Okay. And the recommendations, is that what
15 you were trying to say, are following the
16 investigation launched by Mr. Gu erin into the leaks
17 with respect to the operation X, is that it?

18 A. Yes.

19 Q. [1066] Okay. And so in order for this committee to
20 make the recommendations here, you had, I guess,
21 access to what was gathered by the investigation
22 that was done with respect to the media leaks
23 launched by Mr. Gu erin that you talked to us about.

24 A. Mr. Bianchi was mandated to do the report, he was
25 one of the managers, one of the commanders that was

1 involved in the investigation, the evolution of the
2 investigation and at the end, on the second (2nd) of
3 August, the report was presented to Mr. Guérin.

4 Q. [1067] And what was your involvement in that report
5 and that... through the committee, I guess, but I'm
6 suggesting to you, what was your involvement?

7 A. I was part of that committee and... as the... le
8 patron or boss of Internal Affairs and I also had my
9 inspector Mr. Renaud who was handling more the
10 operations with the different commanders. And I
11 also had a role of meeting two commanders to do an
12 interview concerning the events that transpired on
13 the so-called date of the operation.

14 Q. [1068] At the end, at page 6.

15 A. Yes.

16 Q. [1069] The penultimate paragraph says, I read,
17 Quoi que nous n'ayons pas identifié le
18 ou les personnes responsables de la
19 fuite, nous avons réussi à faire les
20 premier pas vers une démarche qui
21 deviendra, on l'espère, la façon de
22 procéder lors de situations similaires.

23 What do you mean by that, you mean leaks with
24 respect to an operation?

25 A. Mr. Guérin wanted... he didn't want... he didn't

1 want... as soon as something came up in the media
2 concerning a division that it would automatically,
3 we're going to run right away to Internal Affairs
4 for them to do an investigation like he did with his
5 initiative to create this team of investigators and
6 handle the situation. So, if there was things that
7 would come up in the future concerning media leaks,
8 that the Gestionnaire responsable, Assistant
9 Director takes his responsibilities and that's
10 what's being meant in this...

11 Q. [1070] Instead of going to the DAI...

12 A. Instead of running always to the DAI for every
13 little, they responsabilise les gestionnaires.

14 Q. [1071] And is that also that is conveyed in the last
15 paragraph where it says:

16 Notre approche s'améliorera certes au
17 gré des enquêtes dirigées par nos
18 cadres et parainées par la DAI. À ce
19 titre, il est important de
20 responsabiliser nos gestionnaires
21 d'unité à ne pas seulement prévenir les
22 fuites mais rechercher l'origine de
23 celle-ci et surtout d'inculquer une
24 culture d'hermiticité.

25 A. And your question?

1 Q. [1072] My question was what you just said, is that
2 the same thing that is conveyed here?

3 A. Well, it says ...

4 Q. [1073] It talks about enquêtes that are led by
5 managers...

6 A. Uh, huh.

7 Q. [1074] ... and only parrainées by the DAI. So,
8 they're not DAI inquiries.

9 A. His wish or his vision was that we're not going to
10 run, like I said, always to the DAI, that if it
11 happens in other divisions, the responsible will
12 take his responsibilities and do what he has to do.

13 Q. [1075] With respect to media leaks. So, if there's
14 media leaks...

15 A. Yes, yes.

16 Q. [1076] ... let's do it that way.

17 A. Yes.

18 Q. [1077] Instead of going to the DAI. Okay. Do you
19 know if these recommendations were ever implement at
20 the SPVM?

21 A. Implemented in what sense?

22 Q. [1078] Were they put in place?

23 A. Well...

24 Q. [1079] Was there a directive that followed that, was
25 there any kind of...

1 A. I don't believe there's any...

2 Q. [1080] ... documents.

3 A. I don't think there was any directives, specific
4 directives... there was the final report that was
5 made and presented to Mr. Guérin. I can't tell you
6 if there was another document stating specific
7 recommendations or specific procedures. No.

8 Q. [1081] So, to your knowledge, you're still part of
9 the SPVM, you're not at DAI anymore.

10 A. Yes.

11 Q. [1082] But you're at the SPVM, have you ever heard
12 of...

13 A. The answer is no.

14 Q. [1083] Okay. Do you know if Mr. Pichet is aware of
15 that report that your committee, the committee you
16 sit on prepared?

17 A. This report here?

18 Q. [1084] Yes, the 106-P.

19 A. Yes, yes.

20 Q. [1085] You know he is aware of that?

21 A. He should be aware of this, yes.

22 Q. [1086] And how do you know he is aware?

23 A. I said he should be aware of this report.

24 Q. [1087] He should.

25 A. Yes.

1 Q. [1088] To your knowledge.

2 A. To my knowledge.

3 Q. [1089] Did you...

4 A. But one person for sure that's... I'm not going to
5 run around, Mr. Deramond for sure is au courant of
6 this report because Mr. Guérin is, Mr. Deramond is
7 the boss of Mr....

8 Q. [1090] Did you participate... the boss of Mr....

9 A. Guérin.

10 Q. [1091] ... Guérin. Did you participate in any
11 meetings, as part of the committee or not, with
12 either Mr. Pichet, Mr. Deramond or the High Command
13 of the SPVM on that report...

14 A. You're talking about this report?

15 Q. [1092] Yes.

16 A. I don't remember.

17 Q. [1093] Okay. Turning to the document 108C, Division
18 des affaires internes, modalités des entrevues. You
19 have that? April thirtieth (30th), two thousand and
20 sixteen (2016). Do you know who prepared that
21 document?

22 A. I don't remember.

23 Q. [1094] At that time, you were still the head of
24 the...

25 A. Yes.

1 Q. [1095] ... the Department, right?

2 A. Yes, but I don't remember who wrote this.

3 Q. [1096] Do you remember somebody asking you to have
4 somebody from your team draft this?

5 A. Can I take the time to read it?

6 Q. [1097] Sure, absolutely.

7 A. Yes. I don't want to guess here but it seems almost
8 clear to me that it's somebody from my division that
9 wrote this report. Just by the way it's written.

10 Q. [1098] I'm sorry, I misunderstood. It doesn't seem
11 it's somebody...

12 A. No, it is. It does...

13 Q. [1099] It is?

14 A. It does seem, yes. It does seem.

15 Q. [1100] Okay. Because you recognize a particular
16 style, or...

17 A. Well, it's explaining in terms of... It's giving
18 details in terms of how we do things, and verify
19 this. But again, I'm not certain one hundred
20 percent because I don't see a signature underneath,
21 but from what's being stated, it seems like it's...

22 THE PRESIDENT:

23 Q. [1101] Look at the letterhead.

24 Me CHRISTIAN LEBLANC:

25 Q. [1102] It comes from your department.

1 A. Yeah.

2 THE PRESIDENT:

3 Q. [1103] It seems to come from your department.

4 A. Yes.

5 Q. [1104] And there were three people on the committee,
6 you, Mr. Renaud and Mr. Lagacé.

7 A. And Mr. Bergeron.

8 Q. [1105] And Mr. Bergeron.

9 A. That was not on the committee, but as an
10 investigator, so...

11 Q. [1106] I see. So it's fair to say it's one of the
12 four who wrote this document?

13 A. If I'm guessing, it would be Mr. Lagacé.

14 Me CHRISTIAN LEBLANC:

15 Q. [1107] What was the purpose of this document? Was
16 it to give it to all the policemen that were going
17 to interview the policemen to see if they were at
18 the origin of the leak?

19 A. Yes.

20 Q. [1108] That's it? And so I'm guessing, from this
21 document, that the policemen who were met were
22 recorded? That the interview was recorded? I see
23 that, because it says:

24 Vérifier que l'enregistrement a bien
25 fonctionné.

1 A. Yes.

2 Q. [1109] Right? Okay. And this would be... would it
3 be fair to say that this is linked to document
4 109C, which is the Rapport complémentaire, which is
5 a questionnaire?

6 A. Yes.

7 Q. [1110] So, 108C is the roadmap as to how to apply
8 the questionnaire 109C.

9 A. Yes.

10 Q. [1111] Roughly said.

11 A. Yes.

12 Q. [1112] Right. Okay. Do you know who prepared 101C?

13 A. It must have been done in combination with our
14 division and the commanders that were in charge of
15 meeting with the personnel.

16 Q. [1113] Were you involved, yourself, in the
17 preparation of that document?

18 A. This one doesn't tell me... I have no recollection.
19 I have a recollection of the document, because...
20 but in terms of preparing it, no.

21 Q. [1114] The order of how to prepare it and what...

22 A. No...

23 Q. [1115] ... to say to the...

24 A. No.

25 Q. [1116] For example, at line 14... line 12:

1 Vous êtes rencontré à titre de témoin
2 concernant la fuite d'information
3 privilégiée dans les médias.

4 Line 14:

5 Pour votre information, en matière
6 disciplinaire vous êtes obligé de
7 rendre compte, et vous devez nous dire
8 la vérité. Vous avez bien compris?

9 A. No, that would be more the investigator or the
10 liaison officer that would put this in...

11 Q. [1117] Line 17, if you have...

12 Si vous nous avez menti, vous serez
13 sanctionné.

14 I'm just shortcutting it, but... so you don't know
15 who was responsible for that order, that structure?

16 A. No.

17 Q. [1118] On page 2 of 3, we have the names of three
18 journalists. One question that has to be asked is:

19 Connaissez-vous les journalistes Daniel
20 Renaud, Vincent Larouche, Daphné
21 Cameron?

22 Do you know who decided to put that there?

23 A. No.

24 Q. [1119] It does say also "autres journalistes",
25 number 4, but you don't know why these three names

1 are there.

2 A. Well, I... Like, again, I don't have the
3 documentation in front of me, I don't know if
4 it's... they took the names out of the article that
5 came out concerning the operation. There must be a
6 valid reason why these names were mentioned, but
7 I...

8 Q. **[1120]** And, I under...

9 A. I don't remember at all.

10 Q. **[1121]** And I understand that this is the
11 questionnaires that were being asked, if I'm now at
12 107P, "Résumé du projet F-8", these are the
13 questionnaires that were put to the forty-nine (49),
14 it says persons, but is it policemen? Is that fair
15 to say?

16 A. Yes.

17 Q. **[1122]** Forty-nine (49) policemen that were met by
18 four managers, or commandants.

19 A. No. There's forty-nine (49) persons that were met,
20 and there's four commanders that were met also.

21 Q. **[1123]** You're right.

22 A. So, for a total of fifty-three (53).

23 Q. **[1124]** My mistake, right. So there's... exactly.
24 There's fifty-three (53) people that were met. And
25 that's this document, that would be... 109C would be

1 the documents that are put forth to them. Correct?

2 A. You're talking about the questionnaire?

3 Q. **[1125]** Yeah.

4 A. Well, the commanders had this, not the police
5 officers, they were asked the questions.

6 Q. **[1126]** I know, I know.

7 A. Yeah.

8 Q. **[1127]** I know. But...

9 A. Yes.

10 Q. **[1128]** Okay. What is the... What is...

11 THE PRESIDENT:

12 I'm sorry, Maître Leblanc.

13 Q. **[1129]** And again, if you look at 107P, at the
14 bottom, it says Division des affaires internes, so
15 seems to indicate that it comes from your
16 department.

17 A. It could come from our department, Mr. President,
18 but it's in conjunction with the commanders that
19 were doing an investigation. Yes, it probably
20 started in terms of how to write certain questions,
21 but it was a team effort in terms of the people that
22 were being...

23 Q. **[1130]** Yeah, but this document seems to have been
24 prepared by someone from your department.

25 A. Yes, yes.

1 Q. [1131] Yeah.

2 A. Yeah.

3 Me CHRISTIAN LEBLANC:

4 Q. [1132] Were you aware that somebody from your
5 department was working on such a document?

6 A. To my knowledge, Mr. Lagacé.

7 Q. [1133] Did Mr. Lagacé report to you? Did he discuss
8 that document with you at any point in time?

9 A. Well, he was reporting to Mr. Renaud, because Mr.
10 Renaud was handling the liaison with all four
11 commanders, so... and he was his immediate boss at
12 that time, so...

13 Q. [1134] I know, but you, yourself, did he ask for
14 your input? Were you aware he was working on such a
15 document?

16 A. Yes, I was.

17 Q. [1135] Did he ask for your input?

18 A. I don't remember him asking for my input.

19 Q. [1136] And what I'm seeing from that document, 107P,
20 résumé du projet F8, is that, although it doesn't
21 seem that... it says that there was no authorization
22 that were asked, there were nonetheless a list and
23 not the contents of emails going in and going out of
24 la boîte SPVM, so I'm guessing it's the emails at
25 the office, is that it, that were checked for two

1 hauts gradés and one agent? That was done in F8,
2 correct?

3 A. The list... le contenu des courriels entrants et
4 sortants de la boîte de... I think globally the
5 SPVM.

6 Q. **[1137]** So, what is it, is there such a thing as a
7 global SPVM boîte? And if it's the case, why would
8 we specify pour deux hauts gradés ainsi qu'un agent?
9 I'm trying to understand, there's no catch here,
10 but...

11 A. It's not a question of catch, it's a question that
12 it's all in the extended... it's all in the report,
13 complete discipline report. This is a résumé, but
14 it's not... it's not a detailed report of what was
15 asked, to why, that's in the report.

16 THE PRESIDENT:

17 Q. **[1138]** No, no, but to the extent of what it is, it's
18 a summary of the investigation that was carried on.

19 A. Right.

20 Q. **[1139]** And it seems to say that forty-nine (49)
21 people were interviewed...

22 A. M'hm.

23 Q. **[1140]** ... including four commanders, and the line
24 after, that the liste des contenus des courriels
25 entrants et sortants de la boîte SPVM pour vérifier

1 pour deux hauts gradés ainsi qu'un (1) agent. Maître
2 Leblanc vous demande c'est donc, c'est la boîte de
3 courriel professionnel de ces deux hauts gradés-là,
4 et de l'agent qui a été examiné. Professionnel
5 voulant dire au travail par opposition, parce qu'on
6 sait un peu plus haut qu'il y a pas de mandat
7 d'autorisation, il y a pas de demande
8 d'autorisation...

9 A. No, no...

10 Q. **[1141]** ... qui ont été demandés ni obtenus. Marqué
11 que ça va de soi que s'ils n'ont pas été demandés,
12 ils n'ont pas été obtenus, mais en tous cas, il y a
13 pas de... il n'a pas qui ont été demandés, donc,
14 pour répondre à la question, ça semble être la boîte
15 professionnel contenant les courriels entrants et
16 sortants pour deux hauts gradés ainsi qu'un agent
17 qui sont pas identifiés dans le rapport, dans le
18 sommaire, le résumé qu'on a, c'est ça?

19 A. C'est ça.

20 Me CHRISTIAN LEBLANC:

21 Merci, monsieur le Président.

22 Q. **[1142]** Next line:

23 Le registre d'entrée et
24 sortie Secure du SPVM fut
25 consulté pour ces 3 mêmes

1 you... it's a summary here, it's a résumé, it's
2 written up here. I'm reading French, it writes
3 résumé over here. One thing is for sure, I can't
4 remem... it's a résumé. In the full report, yes,
5 it's more detailed, but if I'm looking at the line
6 over here, the video of the... the video was
7 watched. If you're going to ask me what the
8 conclusion is or not, I can't respond to that
9 question.

10 Q. **[1148]** I'm not even there, I was as why. And what's
11 the PDQ39, si that Place Versailles?

12 A. PDQ39 is in Montreal-North.

13 Q. **[1149]** Okay

14 A. It's a...

15 Q. **[1150]** Makes sense because we're talking about...

16 A. It's a poste...

17 Q. **[1151]** Okay

18 A. ... de quartier.

19 Q. **[1152]** Okay And then, the last bullet,

20 Le registre du photocopieur multiusage
21 of PDQ39 indiquant les entrées et
22 sorties des télécopies, scans et
23 courriels ainsi que le nombre de
24 photocopies effectuées fut analysé.

25 That's for not only the three officers that we're

1 talking about, but it's for everybody. They...
2 presumably, we checked that who made what as far as
3 copies is concerned and scans and so on and so
4 forth. Is that it?

5 A. À partir... from station... from PDQ39.

6 Q. [1153] Right.

7 A. Yes.

8 Q. [1154] Okay Do you know on what period or...

9 A. I don't know.

10 Q. [1155] Okay And it's out of this that you say that
11 there's a more detailed report as to what was done
12 in more details and what else would that detailed
13 report would contain, to your knowledge?

14 A. Well, what it would contain, it would contain the
15 beginning of the investigation, the people that were
16 met, the different techniques or some that are... I
17 think all of them are énumérées in this résumé
18 document, more specific details about the
19 interviews, conclusion.

20 Q. [1156] And just to close the ring on that, so it
21 means that this way of proceedings in F8, that's
22 what you meant when we were looking at the
23 conclusion of the report on which you were sitting
24 the committee 106P, that it should be more like that
25 in the future than running to the DAI?

1 A. Yes.

2 Q. [1157] Pour l'instant, Monsieur le Président... bien
3 en fait, je n'ai plus de questions pour monsieur
4 Borduas.

5 LE PRÉSIDENT :

6 Très bien, puis on va vérifier pour le rapport...

7 Me CHRISTIAN LEBLANC :

8 Pardon, monsieur Labos.

9 LE PRÉSIDENT :

10 Oui, oui, j'avais compris. J'avais traduit.

11 Me CHRISTIAN LEBLANC :

12 Désolé Monsieur Labos, ce n'est pas...

13 LE PRÉSIDENT :

14 J'avais compris que vous...

15 Me CHRISTIAN LEBLANC :

16 ... ce n'est vraiment pas par... par exprès.

17 LE PRÉSIDENT :

18 J'avais compris que vous vous ennuyiez de monsieur
19 Borduas.

20 Me CHRISTIAN LEBLANC :

21 Vous avez peut-être compris que j'aurais aimé ça
22 pouvoir lui poser quelques questions là-dessus, mais
23 ce n'est pas grave.

24 LE PRÉSIDENT :

25 Alors Maître Carlesso, vous avez des questions?

1 Me JULIE CARLESSO :

2 Oui, Monsieur le Président.

3 LE PRÉSIDENT :

4 Avancez-vous. Maître Carlesso is here for Québecor
5 and for le Devoir.

6 CONTRE-INTERROGÉ PAR Me JULIE CARLESSO :

7 Q. **[1158]** Good afternoon Mr. Labos.

8 A. Good afternoon.

9 Q. **[1159]** I should be short, I hope we will be done
10 tonight, I have very specific questions, more
11 clarifications that I want to make sure...

12 A. Sure.

13 Q. **[1160]** ... that I got everything from your
14 testimony.

15 A. No problem.

16 Q. **[1161]** I understood that during your time at
17 internal affairs, your secretary was keeping a
18 registry of the judicial authorizations that were
19 done by investigators of your department.

20 A. Every year, at the request of the Minister of Public
21 Security, we would provide all the authorisations
22 judiciaires that all members of the team submitted
23 that were granted or... granted and provide that
24 tool to the MSP.

25 Q. **[1162]** I understand that that was provided, but I'm

1 more interested into how the registry was being kept
2 of feeded, if you may. So I understand that your
3 secretary, Mrs. Lemieux, would go see your
4 investigators from time to time and ask them, I
5 suppose, if they had requested...

6 A. I believe...

7 Q. **[1163]** ... judicial...

8 A. I believe that was more towards when the demand
9 would come in terms of the MSP, but I don't
10 recall...

11 Q. **[1164]** Okay, so she would do that at the end...

12 A. Yes.

13 Q. **[1165]** ... of the year in order to comply with
14 the...

15 A. Yes. Yes.

16 Q. **[1166]** Okay And would she ask only about the
17 authoriz... the applications that were granted or
18 both granted and denied?

19 A. In the document, if I'm not mistaken, they ask for
20 all authorizations granted and not granted.

21 Q. **[1167]** So then, if she did that at the end of the
22 year, your investigators would have to go back
23 through their notes and files and retrace every
24 applications they made or do you know that your
25 investigators would keep their own registry of the

1 judicial application?

2 A. Well, in every file, they know in terms of what
3 warrants were granted or not so it was up to the
4 investigators to inform my secretary of the
5 authorizations that were or were not granted.

6 Q. **[1168]** But I'm thinking and I'm not in this field
7 but they've certainly asked more or several judicial
8 authorizations in a year, right?

9 A. It would be asked specifically to each investigator
10 and the investigator would comply with madame
11 Lemieux's request and she would put everything
12 together and send it to the MSP.

13 Q. **[1169]** Yes, but in order to provide information to
14 Ms. Lemieux, I'm wondering how would the
15 investigator be able to respond to Ms. Lemieux's
16 request. Do you understand what I'm saying?

17 A. Well, each investigator, they have their own user.
18 Everybody has their own user in the computer and
19 everything should be documented in each user's
20 investigators with each file and what was done in
21 each file so if I want to go onto one file
22 concerning one of my investigators, or let's say the
23 investigator wants to go into one of his files, it's
24 all in his...

25 Q. **[1170]** So they would go through their files.

1 A. Yes, yes.

2 Q. [1171] At the end of the year.

3 A. Yes.

4 Q. [1172] Okay. Let's talk about the Mayor Coderre
5 case. I want to make sure that I got... When were
6 you informed of, not the Lagacé, Mr. Lagacé calling
7 the press secretary of the Mayor but rather when
8 were you informed of the fact that two police
9 officers went to another police officer and
10 requested a print-out of the Mayor's ticket?

11 A. Either the same day or the next day concerning the
12 article in the news with the ticket. Like I
13 explained earlier, the Chief Inspector of the
14 Sécurité routière informed Dominic Werotte and
15 Dominic informed the...

16 Q. [1173] So, that's about December third (3rd) of
17 fourth (4th).

18 A. Third (3rd) or fourth (4th), around there, yes.

19 Q. [1174] Okay. But just to make sure though, the
20 article that was published before that on December
21 second (2nd) and December third (3rd) did not
22 concern the same ticket for which Mr. Lagacé called
23 the press secretary, right?

24 A. That, I don't remember but one thing is for sure,
25 the police officer that received the demand from the

1 two police officers to verify in the registry
2 remembered it was Mr. Coderre's name so that's why
3 she made the link and then that's when she went to
4 notify her...

5 Q. [1175] Okay.

6 A. ... her Chief Inspector.

7 Q. [1176] So, you were informed of that around, well,
8 around that time, December third (3rd), fourth
9 (4th)...

10 A. Yes.

11 Q. [1177] ... around that... I'm not seeking for the
12 exact date but... And I understand you went on
13 vacation on December sixteen (16) if I remember
14 correctly?

15 A. Til the twenty-eight (28) I believe.

16 Q. [1178] Okay. Did you, prior to going to vacation,
17 did you open an investigation on this matter?

18 A. I don't remember.

19 Q. [1179] So...

20 A. I don't remember because... I don't remember but if
21 we go with the date in question, on the seventeenth
22 (17th) of December I was not there physically.

23 Q. [1180] Yes, but you were there though when you were
24 informed, when the two police officers went to see
25 another police officer to get a print-out of the

1 ticket...

2 A. Yes.

3 Q. [1181] ... you were still on duty, right?

4 A. Yes, yes.

5 Q. [1182] Okay. And I understand from all of the
6 documents we received so far that it was believed at
7 that time that this constituted a criminal offence,
8 a non-authorized use of a computer.

9 A. Yes.

10 Q. [1183] Okay. But an investigation was not opened at
11 that time, only, from your testimony, what I
12 understand is that the investigation was opened only
13 in January or sometime after you returned from
14 vacation.

15 A. Right.

16 Q. [1184] And that was, I think, you returned from
17 vacation on December twenty-eight (28).

18 A. January fifth (5th) was the first time I gave the
19 documents to Mr.... But it's possible also that the
20 documents were, I received the documents on the
21 ninth (9th) of December and from the ninth (9th) of
22 December til the sixteenth (16th) before I left, is
23 it possible that the investigation wasn't given at
24 that time and it was surely given on the fifth
25 (5th).

1 Q. **[1185]** Okay. So, there was no, in your opinion, when
2 you were informed of the events that took place on
3 December third (3rd), I understand that it was not
4 urgent to act and to launch an investigation on
5 those events?

6 A. No. If you ask me if I received pressure or if it
7 was an urgency to do that file at that point, the
8 answer is no but we still have to do the file.
9 It's...

10 Q. **[1186]** Okay. So there was no fear or concerns
11 that... I'm just going to finish my question...

12 A. Yes. Sorry.

13 Q. **[1187]** ... it might be easier to answer.

14 So, at that time, there was no concern that
15 those police officers would do something illegal, or
16 that would breach their duty of loyalty to the SPVM,
17 at that time, there was no concern about that?

18 A. Well, it's an allegation... first of all, it's an
19 allegation that occurred on, I think like the third
20 (3rd) or the fourth (4th), but we have no control of
21 what these police officers... hopefully they all do
22 their job professionally, and fine line, but we have
23 no control. There's no reason for me to believe that
24 they're going to continue doing another... or
25 possible, because we have to be careful here,

1 it's... they're allegations that we're
2 investigating.

3 Q. **[1188]** Well, in fact, you were not investigating at
4 that time, so that's my point. I understand you have
5 no control on what would those officers do with the
6 ticket if you don't launch an investigation at that
7 time, but could we think that if an investigation
8 would have been launched around December third (3rd)
9 or fourth (4th), or even fifteenth (15th) of
10 December, it might have prevented any leak into the
11 media? If an investigation was launched at that
12 time, and I believe from my memory of Mr. Borduas's
13 testimony was that the police officer that was asked
14 to print that ticket was a credible witness, that
15 Mr. Borduas seemed to think that that was a simple
16 investigation, so I'm just wondering why not
17 launching an investigation into the unauthorized use
18 of a computer at that time to prevent any possible
19 leak into the media if that's what were very... it
20 seems to me that the SPVM is very worried about
21 media leaks, so why not acting before it happens?

22 A. One thing that I understood, and maybe I'll try to
23 answer your question, is that there was a phone call
24 from the Mayor to Mr. Parent to Mr. Dominic Werotte.
25 There was an action that was done by the two (2)

1 police officers, they went and they asked for a
2 ticket. Now you're telling me it's not the same
3 ticket; they got a ticket. One thing's for sure,
4 there was... something came out in the media,
5 whether it was the third (3rd), the fourth (4th), or
6 the fifth (5th), in that vicinity, and that's why
7 the police officer that got the demand saw...
8 remembered that it was Mr. Coderre, and that's why
9 she went and notified her boss. This all happens in
10 a very lapse time, so...

11 Q. **[1189]** But...

12 A. I'm trying to understand your question. I really
13 don't...

14 Q. **[1190]** Well, my question, I think it's clear, but I
15 can reformulate.

16 The ticket that was printed out on December
17 third (3rd) was a ticket from two thousand twelve
18 (2012).

19 A. Okay.

20 Q. **[1191]** Okay? And the press papers that got out on
21 December second (2nd) and third (3rd), and so on,
22 were about a ticket dated September first (1st), if
23 my memory serves well, two thousand fourteen (2014).
24 So, I think it's... I don't think I'm misleading you
25 and telling you that those are two different events

1 concerning Mayor Coderre. And my question to you is,
2 if we are, as an institution, if the SPVM is very
3 worried about media leaks, why not preventing the
4 media leaks to happen when we have a chance? When
5 we... you are informed that two police officers went
6 to print a ticket without any apparent valid reason,
7 because otherwise it would not have been an
8 unauthorized use of a computer, right? I'm asking
9 you, why not acting very quickly to prevent a media
10 leak? Or maybe the SPVM doesn't want to act quickly
11 in order to retrace the journalists that speak with
12 the police officers. May I suggest to you that
13 that's why you don't act at that time?

14 A. No.

15 Q. **[1192]** No?

16 A. No.

17 Q. **[1193]** Do you have another reason to provide me
18 with?

19 A. I can't give you a precise reason between the ninth
20 (9th) and the sixteenth (16th), why there was no
21 investigation done. You have to understand, Maître,
22 that it's not only Mr... it's not only this file
23 that's going on, there's other files that are going
24 on in the office. It wasn't a file that was urgent
25 in the sense that lives were in danger, or what have

1 you, so... but I can't explain between the ninth
2 (9th) of December and the sixteenth (16th), before I
3 left, why that was not given to an investigator.
4 When I came back, it was given on the fifth (5th) of
5 January.

6 THE PRESIDENT:

7 Q. **[1194]** Just hold on a second, there were two
8 tickets: one for the annual rights that weren't paid
9 and one was - or allegedly not paid - and the other
10 one was a speed ticket. The speed ticket was two
11 thousand and fourteen (2014), as maître Carlesso
12 said, in Laval; the first one was two thousand and
13 twelve (2012). Okay. The question goes to the
14 investigation by the DAI, the Direction des affaires
15 internes.

16 We know that the file was opened in January
17 but predated to December seventeen (17), two
18 thousand and fourteen (2014) as explained to us by
19 Mr. Borduas.

20 A. Uh, huh.

21 Q. **[1195]** That goes for the Direction des affaires
22 internes. Are you aware that another investigation
23 was going on within the SPVM in another section of
24 the SPVM, not necessarily the Direction des affaires
25 internes but somewhere else. Are you aware of that?

1 A. I'd have to consult the documentation to be sure.

2 You're asking me a question and I'm trying to
3 respond from memory, it's...

4 Q. **[1196]** No, no, it's... I don't blame you.

5 A. No, no, I understand.

6 Q. **[1197]** I'm just asking.

7 A. I know.

8 Q. **[1198]** Because there might be a confusion.

9 A. There's...

10 Q. **[1199]** Not because the way the question is put but
11 because, I mean, it's a big organization. You're in
12 charge of one piece of it called the Direction des
13 affaires internes. So, the question goes, the
14 questions that are directly related to your function
15 is the opening of a file within your function. And
16 you say it was opened in January with the number I
17 mentioned before. But is it possible that another
18 investigation was going on or some other things were
19 being verified, checked by someone else in the
20 organization before you opened the file that lead to
21 what we know. No, that you don't know. With what you
22 have, you don't know.

23 A. I don't know.

24 Q. **[1200]** Okay. Maître Carlesso, I don't want to push
25 you but, on the other hand, I don't want to be too

1 rude on the personnel. They've been here since nine
2 o'clock (9:00) this morning.

3 Me JULIE CARLESSO:

4 Yes.

5 THE PRESIDENT:

6 Or even before nine o'clock (9:00). If you tell me
7 that you have, that you cannot close your
8 examination within the next five or ten (10)
9 minutes, I'll simply put the... we'll call it off
10 for today and we'll come back tomorrow. No pressure
11 on you, it's...

12 Me JULIE CARLESSO:

13 Five minutes might be too short. I can try to wrap
14 it up in fifteen (15) minutes, but I don't want to
15 commit to fifteen (15) and we keep the witness and
16 then it takes twenty-five (25) minutes, depending on
17 his answers, Mr. President.

18 THE PRESIDENT:

19 No, no, that's not the game I want to play.

20 Me JULIE CARLESSO:

21 I was trying to finish today but...

22 THE PRESIDENT:

23 We'll have to continue it tomorrow morning. I just
24 can't do it with the personnel. I mean, it's very
25 difficult to be concentrated for such a long period

1 of time, especially the stenographer. So, we'll
2 continue tomorrow morning nine o'clock (9:00), first
3 thing. Everyone will be in top shape so that will go
4 faster I'm sure. After that, it will be madame
5 Landry and we'll go on. We'll have a good day
6 tomorrow, I'm sure. Thank you.

7 Me CHRISTIAN LEBLANC:

8 Mr. President, as I advised the Commission way back
9 when, I'm not going to be there tomorrow and
10 Thursday, no disrespect to Mr. Labos or the
11 Commission, of course.

12 THE PRESIDENT:

13 We'll miss your dearly.

14 LA GREFFIÈRE :

15 L'audience est ajournée à demain, 9 h.

16

17 AJOURNEMENT DE L'AUDIENCE

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20 CAUSE CONTINUÉE AU 25 MAI 2017, 9 h 00

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CERTIFICATE

We, the undersigned, **NICOLAS PROVENCHER** and **MONIQUE J. LE CLERC**, Official Court Reporters, do hereby certify under our oath of office that the foregoing pages are and contain the exact transcription of the testimony and pleadings herein, according to the law.

AND WE HAVE SIGNED:

NICOLAS PROVENCHER

MONIQUE J. LE CLERC