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IN THE MATTER OF THE *POLICE SERVICES ACT*  
  
AND IN THE MATTER OF SUPERINTENDENT K. MACDONALD  
  
AND IN THE MATTER OF INSPECTOR A. JEVONS

DISCIPLINE HEARING

BEFORE THE PRESIDING OFFICER RETIRED HONOURABLE JUSTICE  
L.T. MONTGOMERY on **Wednesday, July 16, 2008**, at the Orillia  
GHQ, Orillia, Ontario.

APPEARANCES:

Mr. B. Gover) For the OPP  
Mr. O. Rees )  
Mr. J. Falconer) For Superintendent MacDonald  
Mr. S. Mathai ) and Inspector Jevons

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2 EXAMINATION IN-CHIEF BY MR. FALCONER:

3 Q. Good afternoon, Chief Superintendent  
4 Grodzinski.

5 A. Good afternoon, Mr. Falconer.

6 Q. Could you identify your current position with  
7 the Ontario Provincial Police, please?

8 A. I hold the rank of Chief Superintendent. My  
9 position is the Commander of the OPP's Highway Safety  
10 Division.

11 Q. And how long have you held that title?

12 A. It would have been January, 2005 I was  
13 appointed to the rank of Chief Superintendent. I assumed  
14 the responsibilities of Commander of Highway Safety in  
15 March of that year, 2005.

16 Q. And in a nut shell, that title involves you  
17 running all of traffic for the province; isn't that right?

18 A. That's correct, sir.

19 Q. I have provided my friend a copy of the CV of  
20 Chief Superintendent Grodzinski, and I just want to know if  
21 you can identify this CV for the record, please, sir.

22 A. Yes, it's a resumé that I prepared personally  
23 for the purposes of applying for various positions in the  
24 OPP.

25 MR. FALCONER: All right. If that could be made

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1 the next exhibit?

2 THE ADJUDICATOR: So that's agreeable, Mr. Gover.

3 MR. GOVER: It is, thank you, Mr. Adjudicator.

4 THE ADJUDICATOR: So Exhibit 15.

5 EXHIBIT NO. 15: Curriculum Vitae for Chief

6 Superintendent Bill Grodzinski.

7 BY MR. FALCONER:

8 Q. Chief Superintendent Grodzinski, I just want  
9 to start off by asking you a question about the medals that  
10 appear on your uniform. Starting from the medal closest to  
11 your left shoulder, can you assist me on what that medal is  
12 for?

13 A. The left shoulder is the Police Exemplary  
14 Service Medal awarded for 20 years exemplary police  
15 service.

16 Q. All right. And the medal beside that one is  
17 what, sir?

18 A. The Queen's Golden Jubilee Medal presented on  
19 the occasion of Her Majesty's 50th Anniversary for  
20 outstanding public or police service.

21 Q. And in fact, and finally, the medal closest  
22 to the middle?

23 A. It's the Member of the Order of Merit. It's  
24 a national police award for exemplary service.

25 Q. When did you receive that last medal?

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1 A. I received it in May from the Governor  
2 General.

3 Q. In May of?

4 A. This year. Sorry, sir.

5 Q. The last page of your CV actually lists your  
6 medals and commendations; is that right?

7 A. That's correct.

8 MR. FALCONER: Under "Awards, Medals, and  
9 Commendations", I don't know if you have that,  
10 Mr. Adjudicator.

11 THE ADJUDICATOR: Yes, I have it.

12 BY MR. FALCONER:

13 Q. In respect of -- in respect of the Member of  
14 Order of Merit of the Police Forces, you were congratulated  
15 on that medal by the current Minister of Community Safety  
16 and Correctional Services by correspondence of July 3rd,  
17 2008; is that right?

18 A. That's correct, sir.

19 Q. A copy of that letter. And then similarly,  
20 Commissioner Fantino also congratulated you on the receipt  
21 of the medal by correspondence of June 24th; is that  
22 correct?

23 A. That's correct, sir.

24 MR. FALCONER: If those two letters could be  
25 collectively marked the next exhibit, please?

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1 THE ADJUDICATOR: So agreeable, Mr. Gover.

2 MR. GOVER: It is, thank you, Mr. Adjudicator.

3 THE ADJUDICATOR: So both letters will be Exhibit  
4 16.

5 EXHIBIT NO. 16: Two letters of Congratulation  
6 to Chief Superintendent Grodzinski re: Order of  
7 Merit.

8 BY MR. FALCONER:

9 Q. Could you just briefly explain what the Order  
10 of Merit of Police Forces medal is?

11 A. It's essentially an award that is presented  
12 to no more than one-tenth of one per cent of serving police  
13 officers in Canada in any given year. It recognizes  
14 policing contributions, public service, usually at a  
15 provincial or national level, sir.

16 Q. And in terms of your receipt of that medal,  
17 it came with some ceremony; is that right?

18 A. That's correct, sir.

19 Q. And who presented it to you?

20 A. The Governor General.

21 Q. Of?

22 A. Of Canada.

23 Q. All right. Chief Superintendent, in terms of  
24 the aspects of your CV that I would like to take you  
25 through briefly in addition to the commendations and medals

1 you have received, I just want to confirm with you, you've  
2 been a police officer -- and it's reflected in the first  
3 page -- for 29 years?

4 A. I started December 4th, 1978, sir.

5 Q. All right.

6 A. That's correct, sir.

7 Q. And you have, in essence, risen through the  
8 ranks? You started out in terms of regions in what region,  
9 sir?

10 A. It's known as Number 5 District, the Greater  
11 Toronto Region, essentially, the region I serve in now.

12 Q. All right. And in terms of your various  
13 postings -- and the CV quite properly works backwards in  
14 time over the first two pages; is that right?

15 A. That's correct, sir.

16 Q. So what we see is in the period of, for  
17 example, 1990 to 1995, where would you have been located?

18 A. 1990 to?

19 Q. '95.

20 A. '95, I was at Port Credit detachment.

21 Q. What was your title?

22 A. I was a shift sergeant at Port Credit from  
23 1987 to '94.

24 Q. And following your assignment to Port Credit  
25 where were you next?

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1 A. I was assigned as the officer in charge of  
2 the Public Complaints Bureau out of Professional Standards  
3 Bureau in Toronto at that time.

4 Q. And that's reflected at page five of the  
5 resumé, is it?

6 A. I believe so.

7 Q. You held the position of officer in charge of  
8 Public Complaints Bureau from 1994 to 1996?

9 A. That's correct, sir.

10 Q. And then you were a Sergeant Major in  
11 Professional Standards for the Northeast Region, and again,  
12 this is reflected at page five of the resumé, from 1996 to  
13 1998?

14 A. That's correct, sir.

15 Q. And your involvement in Professional  
16 Standards, I see by the CV indicates that it primarily  
17 involved the challenge of leading a team to resolve,  
18 mediate, and conduct investigations in public, internal,  
19 and WDHP complaints; is that right?

20 A. That's correct, sir.

21 Q. What does WDHP stand for?

22 A. Workplace discrimination and harassment  
23 policy complaints.

24 Q. In this role, fairness, and the ability to  
25 pursue the truth is difficult while maintaining the trust

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1 of the various stakeholders. And you also led a number of  
2 measures to improve relationships with First Nations; is  
3 that right?

4 A. That's correct, sir.

5 Q. All right. Following 1998, which is  
6 reflected at page four of the resumé on the bottom, you  
7 were assigned as Commander of Regional Operations Centre?

8 A. Essentially, I was promoted to an inspector's  
9 role and managed the Communication Centre in North Bay.

10 Q. All right. And in 2002 you were also  
11 appointed as transition manager for Government Mobile  
12 Communications Office Management Board Secretariat; is that  
13 right?

14 A. That's correct. I transferred from North Bay  
15 to Toronto. The position was in downtown Toronto.

16 Q. And again still on page four, you also were  
17 assigned as Director of Support for Northeast Region  
18 between June, 2004, and January, 2005?

19 A. That's correct, sir.

20 Q. All right. And from, of course, 2005 to now  
21 you have already testified as to your role with traffic; is  
22 that correct?

23 A. That's correct, sir.

24 Q. I notice that there was a period of time  
25 where you seemed to be moving offices a fair amount; is  
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1 that right?

2 A. That's correct, sir.

3 Q. What period is that?

4 A. It would essentially be June of 2002 to  
5 January of 2005. I think, by my count, I relocated my  
6 family about three times in 32 months.

7 Q. Three times in 32 months from June, 2002,  
8 yes, to what?

9 A. To January, 2005. We actually -- I had left  
10 for the new position in January, 2005. We didn't sell our  
11 residence until later that year, probably it was June of  
12 that year, then we moved into temporary accommodations. We  
13 lived in a temporary location for a number of months until  
14 the next house was ready.

15 Q. I'm asking you about this because I just  
16 wanted to understand. It's at page four of your CV. I  
17 won't spend too much time it, Mr. Adjudicator, but I did  
18 want to understand what the process was. You moved three  
19 times in 32 months, you said?

20 A. That was our count when my wife and I did the  
21 math on it.

22 Q. All right. And how do I see that at page  
23 four? That's what I'm confused about. Where is your  
24 actual locations?

25 A. From the Commander of Regional Operation  
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1 Centre in June, 2004, I relocated from North Bay. I  
2 actually moved to Barrie. The job was in Toronto.

3 Q. From where? Where did you move from?

4 A. I moved from North Bay to Barrie.

5 Q. Okay.

6 A. And then in June, 2004 we located from Barrie  
7 to North Bay, and then in January of that year -- pardon  
8 me, January of 2005, I was asked to come down to  
9 headquarters to speak to Deputy John Carson. In that time,  
10 I was offered a new position and essentially was asked to  
11 take up responsibility for that position immediately. We  
12 started to sell our house and we relocated.

13 It would have been, I believe my recollection was  
14 June, 2005 by the time we sold our house. So essentially,  
15 from June, 2004, to January, 2005 -- it depends how you do  
16 the math on that -- but we physically relocated, built a  
17 house each time, three separate moves between 2002 and  
18 2005.

19 Q. And the last place you ended up was?

20 A. Barrie where I'm located now. My position is  
21 in Aurora.

22 Q. And each time that you moved, how was the  
23 process done? How were you told about the move? How were  
24 you apprised? How was it communicated?

25 A. It was -- I think it would be fair to say in  
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1 each case I was approached in the very first position in  
2 2002 for the Government Mobile Communications Office, I was  
3 approached by my then Regional Commander. I was approached  
4 by another senior officer I was familiar with, and then  
5 ultimately, I was approached by -- he was Chief  
6 Superintendent John Carson, and each time I was asked if I  
7 would be interested in relocating and taking up new  
8 responsibility in Toronto with the Government Mobile  
9 Communications Office, which I said yes to. The position--

10 Q. I see that position at page four as the  
11 second entry; is that right?

12 A. That's correct, sir.

13 Q. All right.

14 A. In that particular position, I was advised  
15 when I entered the position it would be approximately a two  
16 year assignment. It was actually a secondment outside the  
17 OPP. I was working for the Management Board Secretariat.

18 Q. Yes?

19 A. At the end of two years, I was approached --  
20 I had actually applied for a job. I applied for Director  
21 of Operations in Central Region, and I was asked to come  
22 and see Deputy Pilon and I met with Deputy Pilon. I  
23 thought it was about the Director of Operations in Central  
24 Region, and what he in fact offered me was an opportunity  
25 to go back to Northeast Region. He was aware my wife,

1 Susan, was from Northeast Region from North Bay, and I said  
2 to him essentially it would have been a lateral move. I  
3 said, Deputy, quite frankly, I'm not interested in  
4 relocating for a lateral move.

5 I was aware this traffic review was going on.  
6 There was a potential for promotion. I said I would rather  
7 stay and wait for that job. He indicated to me there was  
8 absolutely no guarantees that would transpire, so he said  
9 you can either stay where you are or you take the move to  
10 North Bay, and I think it would be fair to say he pointed  
11 out that the current regional commander that was there at  
12 the time was nearing the end of his career and he kind of  
13 pointed out the obvious that you would be well positioned.  
14 There was no promises. And as the meeting closed, he said  
15 take as much time as you would like, Bill, to think about  
16 it, but let us know first thing tomorrow morning, and we  
17 laughed about that. I phoned my wife, and at that  
18 particular point, we felt the return to North Bay would be  
19 a good thing and we said yes, so we moved back.

20 Q. And you had a choice of saying no?

21 A. Yes, I did.

22 Q. And the way that you were presented with  
23 these different assignments, was it unusual in your  
24 experience? You're a Chief Superintendent now. Was it  
25 unusual in your experience to be consulted in that fashion?

1 A. No, in fact, it was the norm going back to  
2 being a sergeant at Port Credit detachment. I was offered  
3 a new position as the Criminal Operations Manager at  
4 Caledon detachment or Snelgrove detachment I think it was  
5 called back then. But you would normally be approached and  
6 asked if there was an inquiry, or you could be proactive  
7 and apply for a position yourself, but in terms of the  
8 moves that I had proposed to me along the way, there was  
9 always, I would call it, consultation.

10 Q. And was that unique to you, Chief  
11 Superintendent Grodzinski, or in your experience did that  
12 also take place with others?

13 A. I think it was fairly common practice. The  
14 only exception to the rule, as I understood it or I see it,  
15 is quite often our general headquarters you will see over  
16 the course of a year or sometimes a couple of times a year  
17 people will be reassigned, and that means moving an office  
18 from one floor to the next. But essentially, to move  
19 somebody and their family from one end of the province to  
20 the other, it's my experience as a senior officer there is  
21 generally a conversation first.

22 Q. All right. Now, in addition to the medals  
23 that I referred to, the first page of your CV refers to an  
24 honour you received as the OPP Auxiliary Terry Harkins  
25 Award for outstanding contribution to the success of the  
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1 OPP auxiliary program; is that right?

2 A. That's correct, sir.

3 Q. And it's fair to say that in terms of your 29  
4 year career with the OPP that you have developed feelings  
5 about the OPP; is that right?

6 A. Very strong feelings about the OPP.

7 Q. Can you help me with that?

8 A. I love this organization. I love this  
9 organization.

10 Q. And on March 1st, 2007 you attended in the  
11 Town of Caledon; is that right?

12 A. That's correct, sir.

13 Q. And who were you with when you attended?

14 A. That morning I travelled with Deputy Chris  
15 Lewis, he was driving the car, I was with -- I think he was  
16 interim Deputy at that point, Chief Superintendent Ken  
17 Smith, the regional commander from Central Region, and  
18 myself, we travelled from Barrie to the Town of Caledon,  
19 the town hall located in Caledon East.

20 Q. Did you make any notes with respect to your  
21 activities on that day?

22 A. Yes, sir, I did.

23 Q. And do you have those notes with you here  
24 today?

25 A. Yes, sir, I do.

1 Q. Could you produce those notes, please?

2 A. They are in this book right here, sir.

3 Q. All right. For the record, you're showing  
4 what would be a large police notebook, and eight by 11 size  
5 notebook. It's about two inches thick; is that right?

6 A. That's correct, sir.

7 Q. And the notes that you made in respect of  
8 that day, were they made contemporaneous with the events?

9 A. Yes, sir, they were.

10 Q. And by that -- it's always a pet peeve for me  
11 some lawyers ask that and they never ask what  
12 "contemporaneous" means. What does that mean? When did  
13 you make the notes?

14 A. Immediately or as soon as possible  
15 afterwards. I made these particular notes sitting at my  
16 kitchen table when I got home that day.

17 Q. All right. So on the same day?

18 A. The same day.

19 Q. And since making those notes, have you made  
20 any additions or deletions?

21 A. No, sir.

22 Q. And are the notes accurate?

23 A. To the best of my recollection, yes, sir,  
24 they are.

25 Q. Would the notes assist you in refreshing your  
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1 memory and giving evidence today?

2 A. Just for the purposes of refreshing my  
3 memory. I have a very clear, independent recollection of  
4 that day.

5 MR. FALCONER: All right. So Mr. Adjudicator, if  
6 it's all right with you, I would like to allow  
7 the officer to refer to his notes.

8 THE ADJUDICATOR: Any questions about this, Mr.  
9 Gover?

10 MR. GOVER: No, not at this point. Thank you,  
11 Mr. Adjudicator.

12 THE ADJUDICATOR: So Chief Superintendent, you  
13 may refer to your notes to refresh your memory.

14 THE WITNESS: Thank you, Mr. Adjudicator.

15 BY MR. FALCONER:

16 Q. So if you would turn your notes, please, to  
17 March 1st, 2007? Now, you said that you were with who  
18 again when you were driving to Caledon?

19 A. It was interim Deputy Commissioner Chris  
20 Lewis, Regional Commander of Central Region, Chief  
21 Superintendent Ken Smith, and myself. We had agreed to  
22 meet and travel down together to this meeting at the Town  
23 of Caledon town hall.

24 Q. And what was the intent or purpose of the  
25 meeting? What meeting was it about?

1 A. It was a meeting with the Mayor and council,  
2 the Detachment Commander, Andy Karski, had obviously been  
3 invited, and the key purpose of that meeting was to have  
4 Commissioner Fantino meet with council and to allay some  
5 fears they had with what I think would be fairly described  
6 as a change of reporting relationship for that particular  
7 detachment.

8 Q. All right. And the Caledon detachment of the  
9 OPP provided services or provides services to that  
10 community even though that community is in the Peel Region;  
11 is that right?

12 A. That's correct, sir.

13 Q. And again leading you a little bit because I  
14 don't think this is contentious, it's fair to say that,  
15 basically, the other jurisdictions in Peel are governed by  
16 the Peel Police Service; is that right?

17 A. That's correct, sir.

18 Q. And that there is a contract for policing for  
19 the Caledon area?

20 A. That's correct, sir.

21 Q. And that OPP contract is one in which  
22 essentially originally the reporting relationship as  
23 between the Caledon detachment and central offices, that  
24 reporting relationship was to the GTA OPP; is that right?

25 A. That's correct, sir.

1 Q. And I take it that there was a proposal to  
2 change that reporting relationship?

3 A. That's correct, sir.

4 Q. Who were they to report to now?

5 A. They were to report to Central Region.

6 Q. And this change in lines of reporting of the  
7 Caledon detachment -- I'm now giving some context to March  
8 1st, Mr. Adjudicator -- this change in reporting  
9 relationships, what if any responses were coming from the  
10 community councillors or the elected municipal councillors?

11 A. There was two issues around that reallocation  
12 or the change in the reporting relationship. Essentially,  
13 the concern was that if the Caledon detachment reported out  
14 of Central Region, there was a fear, Central Region being a  
15 large, busy, general duties region responsible for a large  
16 portion of central Ontario, that resources would be drawn  
17 from Caledon and redeployed elsewhere, so a sense that the  
18 service levels in that town would be adversely impacted by  
19 the change in reporting relationship. That was the first  
20 issue.

21 The second issue was, I would describe it as the  
22 political equilibrium in that particular community, the  
23 sense that they were very satisfied with the policing by  
24 the OPP. They were getting what I would describe as a  
25 Cadillac service, a very personalized service, and they

  

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1 were happy with this, and there was a desire not to mess  
2 with that equilibrium, not to interfere with the fact that  
3 it was running smooth. To use the term, if it isn't  
4 broken, don't fix it, and the concern that a change might  
5 upset that equilibrium, and ultimately, the OPP losing that  
6 contract. Those were sort of the two issues floating about  
7 there.

8 Q. All right. And when you say there was a  
9 concern, did you have that concern?

10 A. No, sir.

11 Q. And so I take it you're telling us about some  
12 of the community concerns?

13 A. Generally, the community concerns and some in  
14 the OPP. Deputy John Carson, for one, my boss, certainly  
15 had some sense that there would be some risk to the  
16 contract if we changed things. So there was some internal  
17 discussion, as well, Mr. Falconer. It wasn't just the  
18 external politics. It was some internal discussion within  
19 the OPP.

20 Q. You said the Commissioner was attending on  
21 that day of March 1st, 2007, to meet with the Mayor and the  
22 councillors?

23 A. Yes, sir.

24 Q. What was the intent of the exercise?

25 A. To allay the fears of the council and the  
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1 Mayor around the change in reporting relationship, answer  
2 any of their questions, assure them that it would be a  
3 seamless service delivery model so that there wouldn't be  
4 any change seen by the community, and provide them an  
5 opportunity -- obviously, Chief Smith and myself were there  
6 to speak from the regional perspective, but ultimately,  
7 they were looking for assurances from Commissioner Fantino  
8 that their community wouldn't be impacted by this change in  
9 OPP reporting relationships.

10 Q. Ken Smith's rank again, please?

11 A. He is a Chief Superintendent, sir.

12 Q. All right. And how does it work? Explain it  
13 to me that two chief superintendents had to attend. Why?

14 A. I was there as the regional commander for the  
15 former region that they were reporting to, the GTA.

16 Q. The before?

17 A. The before.

18 Q. Yes?

19 A. And Ken Smith, Chief Smith, was there as the  
20 new regional commander.

21 Q. The after?

22 A. The after.

23 Q. That makes sense.

24 A. And he had a whole package of information.

25 Q. And the third person in the car?

1 A. It was Deputy Chris Lewis or interim Deputy  
2 Chris Lewis.

3 Q. Why was he there?

4 A. He was responsible for Field Services at that  
5 point. So he was the operational commander for all six OPP  
6 regions. So essentially, he is Ken Smith's boss.

7 Q. Okay. And then we've heard why the  
8 Commissioner would be attending. Who else attended from  
9 the OPP?

10 A. Inspector Andy Karski, the detachment  
11 commander.

12 Q. The Caledon detachment?

13 A. The Caledon detachment, yes, sir.

14 Q. So Inspector Karski. Does that give us the  
15 full cast of characters from the OPP?

16 A. From the OPP, sir, yes.

17 Q. Okay. And I count five including yourself;  
18 is that right?

19 A. That's correct.

20 Q. Okay. About what time would you have arrived  
21 in Caledon?

22 A. Initially, Deputy Lewis, myself, and Smith  
23 arrived at Caledon detachment 7:15 prior to the meeting.  
24 We -- a short visit at the detachment, and we went over to  
25 the town hall and met up with the Commissioner and the

1 Mayor at about 7:40 a.m.

2 Q. All right. So this was all an early morning  
3 scenario?

4 A. It was a first thing in the morning meeting  
5 because of schedules of some of the individuals from  
6 council. They had another commitment that day is my  
7 recollection.

8 Q. So at 7:40 a.m. you're then meeting with the  
9 councillors?

10 A. I believe the meeting was supposed to be at  
11 8:00 o'clock but we arrived a bit early and there was a  
12 pre-meeting with the Mayor and the Commissioner which I  
13 wasn't part of.

14 Q. Fair enough. And what time did the meeting  
15 with the councillors finish?

16 A. Around 9:00 o'clock.

17 Q. Again, 9:00 a.m.?

18 A. a.m., yes, sir.

19 Q. Thank you. And how did the meeting go?

20 A. It went well from my recollection. It was a  
21 lot of open discussion, the Commissioner providing some  
22 context and assurance that nothing would change for them,  
23 that this was a better way of doing business for the OPP.  
24 Chief Smith had a package prepared for them, quite  
25 extensive, a map of the region, some sense of who Central  
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1 Region were. There were some questions back and forth.  
2 Overall, I would say it was a very positive, productive  
3 business meeting.

4 Q. And you said it finished around 9:00 a.m.?

5 A. Around 9:00 a.m.

6 Q. And what happened next?

7 A. Essentially, three of us walked back to the  
8 police vehicle we were travelling in; Chief Smith, myself,  
9 Deputy Lewis, and we were just kind of walking across the  
10 parking lot back to the police vehicle.

11 Q. And what was the plan?

12 A. The plan at that point was to do a more  
13 fulsome detachment visit of Caledon detachment, meet up  
14 with the Commissioner, and do a meet and greet with the  
15 members of the detachment. That was essentially the plan  
16 for the morning after the meeting with Caledon council.

17 Q. All right. And what happened next? You said  
18 the three of you walked out of the building towards your  
19 car and what happened next?

20 A. Yeah, we were just essentially going back to  
21 the car, and my recollection is we may have been just  
22 standing in the parking lot just waiting probably for the  
23 Commissioner. I don't recall exactly how long we had been  
24 standing there, but at one point the Commissioner came out  
25 and he walked over and essentially motioned us to come

1 over. It was clear that he wanted to speak to us.

2 Q. And by the Commissioner, who were you  
3 speaking of?

4 A. Commissioner Julian Fantino.

5 Q. All right.

6 A. Obviously, once the Commissioner gained our  
7 attention, I walked over and Deputy Lewis was on the one  
8 side, on the left-hand side to me, Chief Smith on the  
9 right-hand side, the Commissioner in front, and we were  
10 sort of -- I wouldn't call it a huddle, but we were in a  
11 small semi-circle in the parking lot.

12 Q. The four of you?

13 A. The four of us.

14 Q. Now, just stopping there, this was -- you  
15 said that the Commissioner motioned for you three to come  
16 over and you went over; yes?

17 A. Yes.

18 Q. That's March 1st, 2007. When did the  
19 Commissioner originally take over as Commissioner of the  
20 Ontario Provincial Police?

21 A. His installation ceremony, to my  
22 recollection, was the 22nd of November, 2006. I might be  
23 wrong a day or two about the date, but it was November of  
24 2006.

25 Q. So it would have been about four to five  
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1 months before this conversation, or am I wrong? Well, Mr.  
2 Gover is saying I'm wrong, so let me recount because he is  
3 using his fingers and I tend to be a luddite, I don't go  
4 for the high tech. So December, January, February, March,  
5 and since it was March 1st, I'm going to hold three fingers  
6 in the air because I'm now doing -- my left hand seems to  
7 be different than Mr. Gover's right hand, but I'm sticking  
8 with my left hand. I'd say it was about three months; is  
9 that right?

10 A. Depending how you count the beginning or end,  
11 I'll do my own math here, but December, January, February,  
12 March, so I'm going to hold up three fingers, as well, sir.

13 Q. All right. So in any event, we're looking at  
14 a period of three to four months after the Commissioner  
15 took over; right?

16 A. Yes, sir.

17 Q. What happened next?

18 A. The Commissioner just essentially made a  
19 statement. It was directed towards me.

20 Q. Yes?

21 A. And he said to me, "Are you going to execute  
22 the disloyal one or do you want me to?"

23 Q. Did you respond to the statement?

24 A. I think I paused because at that point I  
25 didn't know who he was talking about, and I responded by

1 saying, "Do you mean Gary Wiles?"

2 Q. And what was said next?

3 A. The Commissioner responded, "No, the disloyal  
4 one," and at that point I realized he was talking about Ken  
5 MacDonald. I said, "Are you talking about Ken MacDonald?"

6 Q. What did the Commissioner say?

7 A. He said, that's the one the Mayor said it is  
8 and that's the one that Councillor Paterack -- and that's  
9 what I heard from Councillor Paterack, was his response.

10 Q. All right. Now, did the conversation  
11 conclude at that point, or what happened next?

12 A. There certainly may have been a pause as I  
13 collected my thoughts, but from my perspective, the  
14 concerns being expressed about Ken MacDonald,  
15 Superintendent MacDonald, were wrong. To the best of my  
16 knowledge, he had done nothing except support the move of  
17 Caledon going to Central Region, so I made a decision to  
18 engage the Commissioner.

19 Q. Go on.

20 A. I said to the Commissioner the comments from  
21 Councillor Paterack were made back when Superintendent  
22 MacDonald was the detachment commander of Caledon, not  
23 based on his current role in Highway Safety Division, so  
24 the comments were out of context.

25 Q. Go on.

1 A. I said that Superintendent MacDonald -- I'm  
2 sure I used the term "Ken MacDonald". I used the term, I  
3 said, "Ken MacDonald gets it, gets it." I said, "He's  
4 loyal and he's not involved in any of the disinformation  
5 around Caledon. He's just not. I know he's not."

6 Q. What happened next?

7 A. I continued my comments. The Commissioner  
8 was listening. He was giving me the floor, so to speak. I  
9 advised him that it was my understanding that Gary Wiles,  
10 not Ken MacDonald, was the one doing the disinformation, he  
11 was providing the misinformation, and I went on to explain  
12 the reason he was doing that is he was a political rival.  
13 He had run against Mayor Morrison, Marilyn Morrison. Wiles  
14 had run against her and was a political rival.

15 I also addressed the fact that there had been  
16 some friction between Superintendent MacDonald and the  
17 current detachment commander, Andy Karski, and that may be  
18 part of what was causing the concern about Ken MacDonald.  
19 I essentially be finished by reinforcing that Ken MacDonald  
20 is a loyal, dedicated, 28 year member of the OPP and he  
21 just wouldn't do this, Commissioner, he's not doing  
22 anything except support the OPP and the move from Caledon  
23 to Central Region.

24 Q. What happened next?

25 A. The Commissioner essentially closed the  
=====

1 conversation by saying that's it, we're done, let's move  
2 on, and that was the end of that conversation.

3 Q. And with the end of that conversation what  
4 happened next?

5 A. We proceeded over to Caledon detachment. I  
6 got into the police vehicle with Deputy Lewis and Chief  
7 Smith, and once in the car, I almost implored Deputy Lewis.  
8 I said, you've got to make sure that you understand and  
9 the Commissioner understands that Ken MacDonald is not  
10 doing anything here. He is not mischief-making, he's not  
11 spreading misinformation. He's just doing his job, and I  
12 tried to reinforce that wherever this concern about Ken  
13 MacDonald was coming from, it was misplaced and unfounded.

14 Q. You have a note in the second page of your  
15 March 1st notes right at the bottom. Can you read that  
16 out?

17 A. You're talking about the bottom of page 14,  
18 sir? The second page of March 1st, it's page 14.

19 Q. It says --

20 MR. GOVER: It's a little unusual for examination  
21 in-chief when the officer has an independent  
22 recollection and is using his notes to refresh  
23 memory on points of detail to then say you have a  
24 note, could you read it out. In my submission --

25 THE ADJUDICATOR: I agree, Mr. Gover. I agree.

1 MR. GOVER: Thank you.

2 THE ADJUDICATOR: So could we have the Chief  
3 Superintendent maybe refresh his memory and then  
4 tell us what it's all about?

5 MR. FALCONER: Yes.

6 BY MR. FALCONER:

7 Q. So I'm indicating a portion of your note, and  
8 just so we all know, this represents page 14?

9 A. Yes, sir.

10 Q. So if you could look at that bottom portion  
11 of your note, and do you recall what you said to Deputy  
12 Commissioner Lewis?

13 A. Essentially, I was trying to reiterate to the  
14 Deputy both in the car and then there was -- what the note  
15 at the bottom of page 14 refers to a very short  
16 conversation that took place in the basement of Caledon  
17 detachment, actually, the kitchen area of Caledon  
18 detachment, and both occasions was an attempt by me to  
19 speak to Deputy Lewis and reinforce that Ken MacDonald gets  
20 it, he's a loyal employee, he's not doing anything wrong.  
21 I was trying to take care of what I perceived as a  
22 misperception about MacDonald's role.

23 Q. And could you give us a little bit of context  
24 about this issue of misinformation? What was going on that  
25 was prompting this topic around execution, et cetera? What

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1 was going on?

2 A. Essentially, the decision to move Caledon  
3 from GTA to Central Region was formalized the very early  
4 part of January of that year as part of a broader  
5 reorganization of traffic services in the OPP. So this was  
6 just one of a number of different moves, a number of  
7 changes in the structure. Very early on, I had discussions  
8 with Superintendent MacDonald, with Deputy Carson, with  
9 others, and we all recognized that this was a positive,  
10 productive move. It had two minor issues for us. One was  
11 the Caledon Crime Unit and having access to specialized  
12 crime resources.

13 So there was some concern about going to another  
14 region and us not having access to it, but it was a minor  
15 issue, and overall we were attempting to support the move  
16 to the new region. During the months from January up to  
17 the 1st of March, there was a number of E-mails,  
18 conversations, meetings, and as part of that, some concerns  
19 surfaced about the role of Superintendent MacDonald as the  
20 current director of patrol in the GTR, his former job in  
21 Caledon, and whether he would be impartial in carrying out  
22 his duties. That came to me by the form of an E-mail that  
23 Deputy Lewis had authored indicating some potential biases  
24 around Ken MacDonald.

25 As a result of that, I phoned Deputy Lewis and  
=====

1 said Ken MacDonald doesn't have any bias, we're supporting  
2 this, Deputy, no issues whatsoever. So that was just one  
3 of the small issues.

4 In February, I was on holidays. I went away for  
5 two weeks. I came back and I checked my E-mail, and  
6 amongst my E-mails were two E-mails from Commissioner  
7 Fantino; one as a result of some of the discussions with  
8 Caledon Council being elevated from Inspector Karski to  
9 Deputy Lewis, ultimately, to Commissioner Fantino. The  
10 Commissioner responded, two separate E-mails, and the one  
11 E-mail in particular caught my attention.

12 Q. All right. Let me stop you there. Just so I  
13 understand, we are in 2007; right?

14 A. That's correct, sir.

15 Q. In February of 2007?

16 A. Yes.

17 Q. You've returned from your holiday?

18 A. Yes, sir.

19 Q. Okay. I'm going to show you an E-mail, E-  
20 mail exchange of February 21st, 2007, and could you let me  
21 know whether that, in fact, represents the E-mail exchange  
22 you're talking about?

23 A. Yes, sir. This is one of the two E-mails I  
24 just referred to. It's the second of the two, and it  
25 contained comments from the Commissioner that caught my

1 attention and caused me some concern.

2 Q. All right. And as usual with E-mail  
3 exchanges, we look at the time beside the date and we  
4 realize that we should look at the bottom of the page for  
5 the earliest E-mail; is that right?

6 A. That's correct, sir.

7 Q. So we see at the bottom of the page an E-mail  
8 from Andy Karski to Chris Lewis; yes?

9 A. That's correct, sir.

10 Q. And it copies Ken Smith; is that right?

11 A. Yes, sir.

12 Q. All right. And just without reading the  
13 whole thing, can you tell us -- and ultimately, at the top  
14 of this page you are copied on the exchanges and you are  
15 copied by Commissioner Fantino on the exchanges; is that  
16 right?

17 A. That's correct.

18 Q. And a number of people are and it includes  
19 Bill Grodzinski. So that's when you become copied on all  
20 of this?

21 A. Yes, sir.

22 Q. Now, can you just help Mr. Adjudicator on  
23 what this exchange is really about?

24 A. Essentially, it starts from a detachment  
25 commander's perspective, which is Karski, reporting about  
=====

1 some of the issues and misperceptions around the OPP move,  
2 conversations with the Mayor. It describes a fairly  
3 routine E-mail. The only thing was when I read this, at  
4 this point, Inspector Karski is still part of the GTR  
5 Highway Safety Division and he sent this to another  
6 Regional Commander and another Deputy without cc'ing  
7 myself. Not a huge issue, but it was one of those things  
8 that really drew my attention to the particular exchange.  
9 It goes from Inspector Karski to Deputy Lewis, and from  
10 there it has escalated to the Commissioner. So it's  
11 essentially dealing with some of the politics of the move  
12 from Caledon -- of the move of Caledon from the GTR to  
13 Central Region.

14 Q. And we see an E-mail from Deputy Commissioner  
15 Lewis in response, but this E-mail is actually to  
16 Commissioner Fantino; is that right?

17 A. That's correct.

18 Q. And that's the E-mail at 11:49 a.m.?

19 A. That's correct, sir.

20 Q. February 21st, 2007. In that it says,  
21 "...Commissioner, FYI, it was apparent that some  
22 councillors are receiving inaccurate information from  
23 some source regarding the impact that this reporting  
24 relationship change would have. That has soured a few  
25 councillors..."

1 The next paragraph,

2 "... We need to stand strong on this and continue to  
3 reaffirm that this is the direction we are heading..."  
4 et cetera. Now, could you read out at the top of the page  
5 what Commissioner Fantino wrote?

6 A. The Commissioner writes, Chris et al,  
7 "...Further to my earlier E-mail when I had my concern  
8 about misinformation (mischief-making) being imparted  
9 to members (plural) of Caledon council that can only  
10 be coming from OPP..."

11 and it's capitalized and in quotation marks,

12 "...UNAUTHORIZED SOURCES", be on notice that I  
13 consider any such an activity a betrayal, that if it  
14 continues, I will stop at nothing to trace back the  
15 persons responsible AND deal with them -- pardon me --  
16 with he/she/them personally. There is no place in the  
17 OPP for anyone to hide who is disloyal, disruptive, or  
18 dishonest, for what it's worth! J.F..."

19 Q. You said that you had some concern when you  
20 saw this E-mail; is that right?

21 A. Yes, sir.

22 Q. How so?

23 A. Besides the obvious comments, the line in  
24 particular about there is no place in the OPP for anyone to  
25 hide, I viewed that as very significant. What caught my

1 eye, obviously, I was cc'd on it, and I looked and I saw  
2 Ken MacDonald's name on it, and I thought and I did think  
3 uh-oh, I hope this is not aimed at Ken MacDonald.

4 Q. What would the date have been that you saw  
5 this E-mail?

6 A. It would have been sometime after the 26th of  
7 February, sir. I was out of the country until the 26th of  
8 February.

9 Q. Would it have been after or before March 1st,  
10 2007?

11 A. It was before March 1st, sir, yes.

12 Q. In view of this E-mail and what you heard on  
13 March 1st, "Are you going to execute the disloyal one or do  
14 you want me to?" what was your concern?

15 A. I was concerned for the career of  
16 Superintendent Ken MacDonald because I believed firmly, I  
17 still do, he had nothing to do with any of the politics  
18 around the move in Caledon. I have known him personally  
19 and professionally since 1988. He's a man of integrity and  
20 character. He's one of the finest OPP officers I've had  
21 the privilege of serving with, so I know that he would not  
22 be involved in any mischief-making.

23 But I was concerned that the E-mail, combined  
24 with the comments, were directing the ire of the  
25 organization towards an individual when it wasn't called

1 for. If it had been just the E-mail or just the  
2 conversation in the parking lot, but the two coming  
3 together caused me a great deal of alarm.

4 Q. I'm showing you a passage from a June 3rd,  
5 2008 interview by Mr. Gover and Mr. Rees and Commissioner  
6 Fantino. It's the passage at page three and it records  
7 Commissioner Fantino as saying,

8 "...He felt Chief Superintendent Grodzinski was too  
9 defensive of previous detachment commander..."

10 Do you see that? Quote, "He felt" -- that's the  
11 Commissioner?

12 A. Yes.

13 Q. "...Chief Superintendent Grodzinski was too  
14 defensive of previous detachment commander..."

15 Let me ask you this. Was there any other detachment  
16 commander other than -- previous detachment commander other  
17 than Ken MacDonald that you would have been defending?

18 A. No, sir.

19 Q. Who do you think he's talking about?

20 A. It would appear to be --

21 MR. GOVER: It does call for speculation, with  
22 respect.

23 MR. FALCONER: Yes, it does, but since it's  
24 Grodzinski who is doing it, I say that it calls  
25 for him to --

1 MR. GOVER: Who do you think he is talking about,  
2 that calls for someone else -- for this witness  
3 to climb into someone else's mind. That's  
4 speculation.

5 BY MR. FALCONER:

6 Q. Showing -- I can rephrase it to please Mr.  
7 Gover to engage in the act of being lawyers. Having shown  
8 you that passage, do you come to any conclusions as to the  
9 detachment commander that was being referred to in that  
10 note?

11 A. There is only two detachment commanders in my  
12 recent memory of Caledon. Three; Karski, MacDonald, and  
13 Wiles. I certainly wasn't defending Karski or Wiles.

14 Q. Thank you. In respect of Commissioner  
15 Fantino, was there any other detachment commanders period  
16 that you were defending?

17 A. No, sir.

18 Q. All right. What occurred to you when you  
19 heard the comment "Are you going to execute the disloyal  
20 one?" What went through your mind as a police officer then  
21 of 28 years experience and a Chief Superintendent of the  
22 OPP? What went through your mind?

23 A. I thought there was going to be some  
24 punishment meted out towards Superintendent MacDonald.

25 Q. Can you assist me with your view at that time  
=====

1 -- I might ask you about what you think about it now, but I  
2 want your best evidence of that occasion. I want you to  
3 assist Mr. Adjudicator what was in your mind. Did you form  
4 any view at that time of the term "execute"?

5 A. Well, obviously, we're not talking about  
6 somebody on a guillotine or any capital punishment here.  
7 We're talking about the gamut of consequences that can flow  
8 from a police organization which range from sancture [*sic*],  
9 censure, transfer, or the ultimate of being charged under  
10 the *Police Services Act*. So out of that gamut I at that  
11 point wouldn't have picked one particular one. I was  
12 thinking more in terms of a consequence.

13 Q. All right. Had you heard previous  
14 commissioned officers use the term "execution" in this  
15 fashion?

16 A. It's not a term I was familiar hearing in the  
17 OPP I was familiar with, no, sir.

18 Q. Had you ever heard it before?

19 A. I think that was the first time I had heard  
20 that particular phrase in that clear a fashion directed at  
21 somebody. Obviously, I've been a police officer for 30  
22 years. You hear a lot of different things as a police  
23 officer, good, bad, and otherwise, and I've heard people  
24 trash talk other police officers. So it's not --

25 Q. I apologize, I should have been clearer. I

1 meant from a Commissioner.

2 A. From a Commissioner, no, sir.

3 Q. Have you ever heard a Commissioner use the  
4 term "execute" a commissioned officer before?

5 A. No, sir.

6 Q. And did that cause you any reaction, and if  
7 so, what was it?

8 A. At that time, it caused me a great deal of  
9 concern and I suppose a little bit of surprise and shock,  
10 and obviously, from the personal perspective of one of my  
11 subordinate members who also happens to be a friend of  
12 mine. So the double whammy of thinking, uh-oh, this is  
13 pretty strong language in a case where, as I say, it's one  
14 of my people.

15 Q. Your notes of March 1st, 2007 indicate that  
16 you took steps following -- well, let me ask you this.  
17 I'll rephrase the question. After being in the car with  
18 Chris Lewis and speaking to him about Mr. MacDonald, what  
19 happened next?

20 A. We did our detachment visit. It was a very  
21 pleasant detachment visit, a lot of questions. The  
22 Commissioner was relatively new to the OPP, a lot of  
23 interest in what he had to say, questions about the hats.  
24 Ultimately, we concluded the detachment visit and drove  
25 back to Barrie with Smith and Lewis and concluded my day.

1 I don't have further notes on that day other than a couple  
2 of action items, and I returned to my residence.

3 I guess what came next was the obvious writing  
4 the notes, and I wrestled with that whether I should write  
5 it or not. I really did. The other thing I was wrestling  
6 with is what do I do with this. Do I speak to MacDonald or  
7 not, and there was some question in my mind as to what the  
8 appropriate thing to do would be. I was concerned about  
9 bringing it to his attention and inflaming the situation,  
10 and I was also concerned about not saying anything to him  
11 and letting him travel down a path and who knows where that  
12 could have led to.

13 Q. So share with us your decision-making.

14 A. I decided to call MacDonald. I called him  
15 around 7:00 p.m. that evening. I called him at his  
16 residence, and I informed him what transpired.

17 Q. And looking back on it, do you have any  
18 concerns with what you did?

19 A. Absolutely none, sir.

20 Q. How so?

21 A. I think it was the right thing to do, and  
22 that's after much reflection.

23 Q. The other decision you said that you had to  
24 make was the decision to make the notes at all; is that  
25 right?

1 A. Yes, sir.

2 Q. Help me with that, please. What first of all  
3 is the decision you had to make as you sat in your home on  
4 March 1st, 2007?

5 A. Police Orders requires every police officer  
6 to make certain notes on duty, off duty, summary of  
7 activities, enforcement. It's all in Police Orders.  
8 Senior officers notes may or may not look as fulsome as a  
9 constable's. It's slightly different, but throughout your  
10 career to make a decision about making notes on another  
11 police officer in any way, shape, or form, is very  
12 significant.

13 It's fairly common where you're engaged in an  
14 arrest together and you make notes of what your partner  
15 did, so and so forth, but once you consider making notes  
16 based on a conversation or the actions of an officer that  
17 aren't necessarily restricted to law enforcement or their  
18 duties, but more to the conduct or to the behaviour, in our  
19 organization, this policing organization, that's something  
20 that I think it would be fair to say is frowned upon.  
21 There is some connotations to people that do that.

22 The term "second notebook" is one that most  
23 police officers are familiar with, and that's where a  
24 police officer makes notes in another book to keep track of  
25 what people are up to. It's got a very negative

1 connotation. PSB investigators hear it all the time.

2 For me to make notes about the Commissioner of  
3 the Ontario Provincial Police, I was extremely reluctant  
4 and I was reluctant because, (a), it was the Commissioner  
5 of the Ontario Provincial Police. I have a great deal of  
6 respect for the office, a great deal of respect. And also,  
7 having worked for PSB, being a police officer for a  
8 significant period of time, I knew what I was doing was  
9 significant.

10 Q. We know what you decided to do. Now tell us  
11 why you made that decision.

12 A. One of the things when I was contemplating  
13 the right thing to do, was I was a regional Sergeant Major  
14 in Northeast Region from 1996 till 1998 when I was promoted  
15 out of that position. I dealt with many different cases.  
16 There was one particular case that I was personally  
17 involved in as a witness that involved the Regional  
18 Commander.

19 It was a high level investigation. Ultimately,  
20 the RCMP were called in to conduct a review. A senior  
21 officer, who was the Regional Commander at the time, was  
22 removed from his command. He was charged under the *Police*  
23 *Services Act*. During the review --

24 Q. Just stopping you there, just slowing you  
25 down a bit, and by the way, I'm not at all concerned, your  
=====

1 speed is fine. I just wanted to stop you there. I just  
2 needed a clarification. You referred to the Northeast  
3 Region?

4 A. Yes, sir.

5 Q. All right. So you were at the Northeast  
6 Region?

7 A. Yes.

8 Q. And what was your title?

9 A. I was the Regional Sergeant Major. That was  
10 a different job back then.

11 Q. All right. And a Regional Sergeant Major,  
12 obviously, would be subordinate to the Regional Commander?

13 A. Especially my direct report would have been  
14 in Professional Standards here in Orillia, I would have  
15 been a deployed Sergeant Major, but I had a matrix  
16 reporting relationship, yes, direct to that regional  
17 commander. So he would have been my de facto supervisor in  
18 the region.

19 Q. He was being investigated?

20 A. Yes, sir.

21 Q. All right. And you said ultimately the RCMP  
22 were brought in?

23 A. Yes.

24 Q. Okay. And he was charged under the *Police*  
25 *Services Act*?

1 A. Yes.

2 Q. Please go on.

3 A. There was a review of obviously the  
4 circumstances of that entire episode. It was a very  
5 significant episode in the OPP's history, and as part of  
6 that, they reviewed the actions of a number of individuals,  
7 senior officers.

8 Q. Without going into a lot of detail, but in  
9 order to give us some reality, what was the nature of the  
10 conduct that the Regional Commander was engaged in that  
11 would have attracted so much attention?

12 A. Sexual impropriety with a junior officer.

13 Q. All right. Please go on.

14 A. I was aware of certain information prior to,  
15 and when the review was completed, to cut to the chase, it  
16 was identified that I had been aware of information, I did  
17 not make note of it. And as a consequence, my boss, my  
18 Superintendent, his name Don Thom at the time, had me come  
19 down to General Headquarters and review my actions, and he  
20 essentially said, Bill, as the Regional Sergeant Major, you  
21 have responsibilities, irrespective of the rank or the  
22 individual, when you're required to make notes, you make  
23 the notes. And that lesson was quite burned into my  
24 memory, and quite frankly, that whole episode was very  
25 significant because of a number of different facts I won't

1 get into, but I learned that lesson well. And I guess you  
2 could say I could hear Don Thom's voice in the back of my  
3 head sitting at my kitchen table.

4 Q. Following the making of those notes, what was  
5 your next involvement with Ken MacDonald and Alison Jevons  
6 in the context of allegations against them?

7 A. I was contacted by a member of Professional  
8 Standards Bureau. I believe it was Superintendent Mike  
9 Shard. I have to check my notes or my E-mail on that, but  
10 essentially --

11 Q. Could you check your notes, please?

12 A. I received an E-mail on the 20th of March,  
13 2007 from Superintendent Mary MacLachlan regarding a  
14 service of a Notice of Hearing or what I note as a Notice  
15 of Hearing.

16 Q. In respect of whom?

17 A. MacDonald and Jevons. On the 21st of March  
18 at Aurora in my office, Inspector Keith Messham attended  
19 10:40 in the morning and he handed me two packages for  
20 Jevons and MacDonald.

21 Q. Now, what year?

22 A. That would have been 2007, sir.

23 Q. So 19 days after the March 1st, 2007  
24 encounter?

25 A. Yes, sir.

1 Q. And what was the nature of your meeting with  
2 Messham?

3 A. It was essentially just handing me the two  
4 packages and asking me to provide them to MacDonald and  
5 Jevons.

6 Q. You said these were the Notice of Hearing  
7 packages?

8 A. I wrote Notice of Hearing in my book. I  
9 don't know if, in fact, they were. They were sealed  
10 packages. I didn't look in them, obviously. I don't know  
11 what they were.

12 Q. However, it was your understanding -- well,  
13 what was your understanding generally what you were being  
14 asked to provide these officers?

15 A. Clearly, from the source, Professional  
16 Standards Bureau documentation of whatever description.

17 Q. Did you have any thoughts about what was  
18 going on at that time?

19 A. Well, obviously, I knew there was an  
20 investigation of Superintendent MacDonald. I know at some  
21 point, and I forget who I had the conversation, but in  
22 terms of just service of the documentation, the comment was  
23 if somebody has got to do it, it may as well be me.

24 Q. Now, you made these March 1st, 2007 notes --  
25 and I'm showing you a copy and ask you to confirm that

1 these, in fact, represent the notes of the Caledon meeting  
2 and the execution comment?

3 A. Yes, sir.

4 Q. You made those notes on the same day?

5 A. Yes, sir.

6 MR. FALCONER: All right. I propose to file  
7 these as the next exhibit, Mr. Adjudicator.

8 THE ADJUDICATOR: This E-mail I have, would that  
9 be an exhibit?

10 MR. FALCONER: Yes, it was.

11 EXHIBIT NO. 17: E-mail exchange to Commissioner  
12 Fantino dated February 21, 2007.

13 MR. GOVER: Actually, Mr. Adjudicator, I'm  
14 content that the E-mail be marked as an exhibit,  
15 but it's my submission that the notes should not  
16 be marked as an exhibit, and I make that  
17 submission precisely because Chief Superintendent  
18 Grodzinski has been so clear in saying that he  
19 has an independent recollection of the events  
20 that he would only need his notes to refresh his  
21 memory as to points of detail. So we're dealing  
22 here with present memory refreshed. The evidence  
23 is the testimony that the Chief Superintendent  
24 has given. That stands in distinction from the  
25 past recollection recorded situation where notes

1 do become an exhibit, where, for example, an  
2 officer can only say if I made that notation,  
3 given my practice, I would have been accurate in  
4 doing it. In that case, of course, the testimony  
5 amounts only to authentication of a record, and  
6 the record is the exhibit. But here, we're  
7 dealing with the standard situation where a  
8 police officer uses notes to refresh memory and  
9 the notes themselves do not become an exhibit,  
10 rather, the evidence is the testimony.

11 MR. FALCONER: Mr. Adjudicator, Mr. Gover has  
12 accurately summed up the law to you, and that is,  
13 I would not ordinarily seek to tender the notes  
14 for the very reasons he has said. They are just  
15 an aid memoir. They are not supposed to be  
16 evidence on their own. There is, however, a  
17 reality that attaches to these particular notes.

18 I think it's appropriate that I probably address  
19 you on this in the absence of the witness to be  
20 fair to Mr. Gover and his position.

21 THE ADJUDICATOR: So Chief Superintendent, would  
22 you leave the hearing room for a moment?

23 THE WITNESS: Yes, sir.

24 THE ADJUDICATOR: Thank you.

25 --- Witness leaves the hearing room at 2:45 p.m.

1 MR. FALCONER: Mr. Adjudicator, as I said, Mr.  
2 Gover has summed up the law in a fashion I was  
3 quite impressed with, actually. It was good. I  
4 agree with him. This is completely different,  
5 though. The reason I'm seeking to file them is  
6 that I say that, basically, it is the creation of  
7 that document that resulted in a series of  
8 reprisals against this witness, and that document  
9 stands as independent evidence of the reason for  
10 the reprisal.

11 I am calling evidence on that reprisal, and  
12 those notes represent the reason for the  
13 reprisal. So it's a unique situation. The notes  
14 aren't just about the memory any more. They are  
15 about independent evidence of a motive or what  
16 amounts, with great respect, to interference with  
17 a witness, and that's why the notes need to be  
18 filed.

19 MR. GOVER: Mr. Adjudicator, let me be pragmatic,  
20 then, with that explanation from Mr. Falconer.  
21 Of course, there is evidence and there is  
22 evidence, as the saying goes, and it depends on  
23 what purpose the evidence is admitted for. I am  
24 content that this become a regularly numbered  
25 exhibit for the limited purpose that Mr. Falconer

1 has indicated. In other words, it doesn't go in  
2 as evidence of the truth of its contents. We  
3 have heard testimony about these events.  
4 However, I'm content that for the limited purpose  
5 that Mr. Falconer has identified that you receive  
6 this as a numbered exhibit.

7 MR. FALCONER: I appreciate Mr. Gover's point and  
8 I think it's a fair one.

9 THE ADJUDICATOR: I do, too. I think I certainly  
10 have no problem with it. So it will be Exhibit  
11 18 and limited to the purposes as indicated by  
12 Mr. Falconer in respect to reason, motive, for  
13 reprisals or interference with witnesses.

14 MR. GOVER: May I just ask before the witness  
15 returns how many pages those notes comprise,  
16 then, in Exhibit 18?

17 MR. FALCONER: It shouldn't have that last page,  
18 Mr. Gover. I gave Mr. Gover a generous last page  
19 to the notes. The notes are three pages.

20 MR. GOVER: So they start with page -- they are  
21 actually paginated. They start with what  
22 apparently have been -- it doesn't appear here.  
23 Oh, there it is, page 13, page 14, and page 15 of  
24 a notebook, and perhaps identified in that  
25 fashion they could be marked as Exhibit 18 as you

1 have indicated, Mr. Adjudicator.

2 THE ADJUDICATOR: So Exhibit 18. Now, the Chief  
3 Superintendent will return, then.

4 EXHIBIT NO. 18: Notes dated March 1st, 2007 of  
5 Chief Superintendent Grodzinski pages 13, 14, 15.

6 --- Witness returns to hearing room at 2:50 p.m.

7 THE ADJUDICATOR: Now, Chief Superintendent, you  
8 realize you're still under oath to tell the  
9 truth?

10 THE WITNESS: Yes, Mr. Adjudicator. Thank you.

11 BY MR. FALCONER:

12 Q. Do you recall when you would have actually  
13 learned that Superintendent Ken MacDonald and Inspector  
14 Jevons had been charged under the *Police Act*?

15 A. I don't recall the exact date, sir, but it  
16 was spring, 2007.

17 Q. Sorry?

18 A. It would have been the spring of 2007. I'm  
19 not sure exactly what date I got the word, so to speak.

20 Q. Did you ever learn that the package that --  
21 well, did you ever learn the contents of the package you  
22 were in charge of delivering?

23 A. No, sir, I did not.

24 Q. Have you ever drawn any conclusions about the  
25 contents?

1 A. Just that it was related to the matter that  
2 these officers are now facing.

3 Q. Do you recall if there was a large lapse in  
4 time between the March 20th receipt of the package and  
5 learning of Ken MacDonald and Alison Jevons being charged  
6 or a short lapse in time?

7 A. It was relatively short.

8 Q. All right. Before or after?

9 A. Can I refer to my notes?

10 Q. Yes.

11 A. My apologies, but I think I do have something  
12 here. According to my notes, the 26th of March, '07.

13 Q. Yes?

14 A. I provided packages to MacDonald and -- it  
15 was just MacDonald, and I confirmed with Superintendent  
16 MacLachlan, confirmed service of the documentation.

17 Q. May I see your notes, please? Where does it  
18 refer in your notes?

19 A. I'm just trying to find it here. Right here,  
20 sir. Monday, the 26th of March shortly after 7:30, met  
21 with Ken MacDonald, discussed PSA matter, provide package.

22 Q. And what was the PSA matter you were  
23 discussing with him?

24 A. This matter, sir.

25 Q. When you say "this matter", what does that  
=====

1 mean?

2 A. The matter in which he was facing an  
3 investigation for his conduct as the Bureau Commander of  
4 Professional Standards.

5 Q. All right. And at that time would you have  
6 known that he had been charged?

7 A. I don't recall what the conversation was or  
8 whether that was the conclusion.

9 Q. Now, you had conversations concerning Ken  
10 MacDonald being charged under the *Police Act* in the past  
11 like prior to March, 2007; is that right? You had  
12 conversations with other commissioned officers about Ken  
13 MacDonald being charged; is that right?

14 A. Not the fact he was charged, but he may be  
15 charged. Yes, I did have conversations.

16 Q. All right. And do you recall who that would  
17 have been with?

18 A. It was Deputy Lewis, sir.

19 Q. So Deputy Commissioner Lewis and you  
20 discussed Ken MacDonald getting charged?

21 A. Yes, sir.

22 Q. Did that happen numerous times or just once?

23 A. It was the one conversation.

24 Q. And when would that have been?

25 A. It followed an E-mail that I received from  
=====

1 Deputy Lewis.

2 Q. Yes?

3 A. And in the E-mail there was a comment with  
4 respect to Ken MacDonald's potential bias around the  
5 Caledon situation.

6 Q. Yes?

7 A. That E-mail, actually, Deputy Commissioner  
8 Carson was involved in that exchange, as well. So when I  
9 saw that E-mail, I was obviously concerned about it and I  
10 wanted to contact Deputy Lewis to reinforce that  
11 Superintendent MacDonald had no bias and he wasn't  
12 involved.

13 Q. Does this again relate to this mischief  
14 making with Caledon?

15 A. Yes, sir.

16 Q. What date would that E-mail have been?

17 A. The date of the E-mail that I just was  
18 referring to, the 23rd of January, '07.

19 Q. So January 23rd, 2007, Deputy Commissioner  
20 Lewis sent an E-mail to you?

21 A. Actually, it was sent to Deputy Carson and  
22 then it was flipped to me, as E-mails often are.

23 Q. All right. And the contents of that E-mail?

24 A. The one comment in particular said,

25 "...I would just like to make sure consultation isn't

1 one-sided from Bill's perspective..."

2 -- Bill being me.

3 "...Andy's slant on this seems markedly different than  
4 Bill's and I don't want Ken's history and potential  
5 biases around that contract to influence the right  
6 thing from happening whatever that might be..."

7 So that comment was made in the E-mail and I just wanted to  
8 contact Deputy Lewis and say there is no issue here with  
9 Ken MacDonald, so I called Deputy Lewis the next day.

10 Q. And what did you say?

11 A. I reinforced what had been our discussion all  
12 the way along is that we supported the move from Caledon to  
13 Central Region, we weren't mischief-making, Ken wasn't  
14 causing any grief. We acknowledge that there were a couple  
15 of minor issues to work out in terms of the crime unit, but  
16 overall, this was a non-issue, and as the conversation  
17 wrapped up there was reference to Ken making comments about  
18 Andy Karski's WDHP situation, and Deputy Lewis made the  
19 comment, something along the lines of -- I don't have the  
20 note here in front of me, but it was essentially what is  
21 that fucking guy talking about, he's likely to get charged  
22 under the *Police Act* himself.

23 Q. Okay. Let's -- Deputy Lewis said these  
24 things?

25 A. Yes, sir.

1 Q. And I would like to just unpack it a little  
2 bit. Deputy Lewis and you were having a conversation by  
3 phone on the 25th of January?

4 A. Yes, sir.

5 Q. Of 2007?

6 A. That's correct.

7 Q. So some two months before or about actually  
8 five weeks before the March 1st, 2007 encounter?

9 A. Yes, sir.

10 Q. And in that discussion five weeks before the  
11 March 1st, 2007 encounter, Deputy Lewis and you were first  
12 talking about the fact that -- is it Inspector Karski?

13 A. Yes, sir.

14 Q. That Inspector Karski had workplace  
15 harassment allegations against him; is that right?

16 A. Yes, sir.

17 Q. Okay. And in addition to discussing the fact  
18 that Karski was facing workplace harassment allegations,  
19 what happened next?

20 A. We had a conversation that covered a number  
21 of different areas from comments about Cam Woolley and the  
22 behaviour in the press. That was kind of a topical issue  
23 at the time. There was a couple of other items discussed,  
24 and ultimately, it wrapped up around Ken MacDonald and Ken  
25 MacDonald's comments around Karski's WDHP and --

1 Q. Okay. Stopping there because that's the part  
2 that I was a bit confused on. The discussion then  
3 addressed the fact that Ken MacDonald had made a comment to  
4 who?

5 A. To Andy Karski, to Inspector Karski.

6 Q. About his workplace harassment allegations?

7 A. Yes, there was a whole series of issues in  
8 the detachment at that time, a number of officers involved,  
9 and it was something that we had been dealing with -- I had  
10 been dealing with personally.

11 Q. But it didn't involve Ken MacDonald?

12 A. Superintendent MacDonald at the time was  
13 Inspector Karski's supervisor, boss, so he would have had  
14 some contact with Karski and there may have been some  
15 discussion around the issues, but obviously, the  
16 conversation was around the WDHP piece, but then it seemed  
17 to continue to the PSA matter.

18 Q. These weren't harassment allegations against  
19 MacDonald, were they?

20 A. No, no.

21 Q. Okay. Thank you. But then it switched to  
22 this statement about Ken MacDonald. Could you give us --  
23 do you have notes or something you want to look at? Can  
24 you give us the exact comment by Deputy Commissioner Lewis?

25 A. I don't have the notes here in front of me.

1 Q. Yes?

2 A. They in the car, but I re-read them this  
3 morning and the comment was --

4 Q. Yes?

5 A. Who is Ken MacDonald to be saying anything  
6 about Andy Karski when he's facing PSA charges himself, and  
7 he used the word "fuck" in there.

8 Q. All right. I'm showing you page three of the  
9 statement you provided to Investigator Perry on February  
10 5th, 2008, and I have side-barred the portion of the  
11 statement that I would ask you to look at, and I want to  
12 know if, having read that side-barred portion it refreshes  
13 your memory on the words used. I'm trying to avoid the car  
14 trip. Well, let me first of all find out if this helps you  
15 with your memory on the words used. Do you recall --

16 MR. GOVER: Could we have some foundation laid,  
17 like whether the officer recalls giving the  
18 statement, whether it would refresh his memory?

19 MR. FALCONER: Sure. Well, the statement isn't  
20 an issue in the sense that Mr. Gover has had the  
21 statement a long time, but I have no problem with  
22 the foundation. That's fine.

23 MR. GOVER: I've had the statement. The  
24 foundation needs to be laid, though.

25 BY MR. FALCONER:

1 Q. Fair enough. You gave a statement to  
2 Investigator Perry who you understood was working on behalf  
3 of the legal team for the subject officers; is that right?

4 A. That's correct, sir.

5 Q. And you gave that statement on February 5th,  
6 2008?

7 A. That's correct, sir.

8 Q. And that statement was audio recorded?

9 A. That's correct, sir.

10 Q. And subsequently transcribed?

11 A. That's my understanding, yes, sir.

12 Q. And you've been given a copy of that  
13 statement?

14 A. Yes, I have.

15 Q. Now, I'm putting -- and was that statement  
16 true and accurate?

17 A. Every word, sir.

18 Q. All right. And did you have an opportunity  
19 to review that statement?

20 A. Yes, sir, I have.

21 Q. Okay. So at page three of that statement you  
22 described your discussion with --

23 MR. GOVER: Again, with respect, the foundation  
24 would include, in my submission, whether  
25 reference to the statement would assist the

1 officer in answering Mr. Falconer's question.

2 MR. FALCONER: He's right, he's right. I can't  
3 argue with him.

4 THE ADJUDICATOR: I agree.

5 BY MR. FALCONER:

6 Q. Would looking at page three of that statement  
7 assist you in recalling the words used by Deputy  
8 Commissioner Lewis?

9 A. It would assist me in terms of getting it  
10 precisely accurate as I noted at the time.

11 Q. All right. And could you then review the  
12 portion that I've side-barred and tell me if you recall the  
13 words used by Deputy Lewis?

14 MR. GOVER: Just a question if he had his  
15 notebook with him because this is a year later.

16 BY MR. FALCONER:

17 Q. Mr. Gover wants me to ask you a question, and  
18 because Mr. Gover wants me to ask you, I don't want to ask  
19 you but I'm going to ask you anyway. It's a fair point.  
20 Did you have the benefit or review of your notes prior to  
21 giving this statement?

22 A. Yes, sir.

23 Q. All right. So, and looking at page three and  
24 trying to avoid the car trip -- Mr. Adjudicator, I'm trying  
25 to keep this going until the afternoon break. Does that

1 assist you with the words used?

2 A. This statement references, and I quote,  
3 "fucking Ken MacDonald talking about Karski and his issues  
4 when this fucking guy is going to get charged under the  
5 *Police Act* himself". That I think accurately captures the  
6 conversation.

7 Q. And who said that?

8 A. That was Deputy Commissioner Chris Lewis.

9 Q. And at page three of that statement there is  
10 actually quotes around that, is there not?

11 A. The quotes, there are some quotes here. I  
12 think the quotes are from the E-mail itself.

13 Q. All right.

14 A. So the E-mail was read into the transcript.

15 Q. Okay. So the words you recall Deputy  
16 Commissioner Lewis using were, "This fucking Ken MacDonald  
17 talking about Karski and his issues when this fucking guy  
18 is going to get charged under the *Police Act* himself."  
19 Those are the words you recall Deputy Commissioner Lewis  
20 using?

21 A. That's my recollection, sir.

22 Q. And that was the conversation that happened  
23 on January 20 --

24 A. I believe it was 23rd. The E-mail was the  
25 23rd and the conversation took place on the 24th. I stand  
=====

1 corrected.

2 Q. So January 24th, 2005?

3 A. Yes, sir.

4 Q. Now, did you make notes about that  
5 conversation?

6 A. Yes, sir, I did.

7 Q. And you said the notes are in your car?

8 A. Yes, sir, they are.

9 Q. So at the afternoon break would you retrieve  
10 those notes, please?

11 A. Yes, sir.

12 Q. And do you know approximately when in  
13 relation to the events you would have made the notes?

14 A. That same day, sir.

15 Q. All right. So is this the same scenario as  
16 with the March 1st, 2007 conversation?

17 A. Yes, sir.

18 Q. Okay. Now, do you know how it was that  
19 Deputy Commissioner Lewis knew that Ken MacDonald was going  
20 to get charged? How was that?

21 A. I have no knowledge of that, sir.

22 Q. Now, I want to move forward to January, 2008.  
23 All right? Do you recall being contacted by counsel on  
24 this PSA matter?

25 A. Yes, sir, I do.

1 Q. Who contacted you?

2 A. Mr. Owen Rees or a voice who identified  
3 himself on the cell phone as Owen Rees.

4 Q. All right. And when did Mr. Rees contact  
5 you?

6 A. It was some preliminary E-mails or  
7 Blackberries, but about 2:00 o'clock on the 3rd of January.  
8 I can even tell you where I was parked. I was in the Tim  
9 Horton's down the street here in my car and I called Mr.  
10 Rees or he called me -- I don't recall which -- and we had  
11 some discussion.

12 Q. All right. Did you take any notes in  
13 relation to that interaction?

14 A. Some, yes, I did, sir.

15 Q. Do you have those notes here?

16 A. Yes, sir, I do.

17 Q. Where are they?

18 A. They're right here, sir.

19 Q. Could you open them up, please?

20 A. I have them here, sir.

21 Q. Could you tell us first of all what was the  
22 date precisely that you were contacted by Mr. Rees?

23 A. It was Thursday, the 3rd of January, 2008.

24 Q. And between -- and what was the nature of the  
25 contact? Just describe what happened.

1 A. He essentially indicated that I had been  
2 identified as a potential defence witness in the MacDonald/  
3 Jevons *Police Services Act* matter, that there was an  
4 indication I may have information with potential animus of  
5 the Commissioner towards the subject officers, and  
6 essentially, just asked me what I might have known about  
7 that.

8 Q. All right. And does that represent the first  
9 time you were approached about that information?

10 A. Yes, sir.

11 Q. Okay. What happened next?

12 A. I provided what I would describe as a fairly  
13 high level overview of the events of the 1st of March,  
14 2007. I knew immediately when I was asked what was being  
15 sought and I provided that information, details as I could  
16 over the telephone.

17 Q. How long did that conversation last  
18 approximately?

19 A. I don't have the end of the conversation  
20 noted in my notebook, but I believe about 20 minutes, 30  
21 minutes maybe.

22 Q. All right. Following your conversation with  
23 Mr. Rees, what if anything happened next?

24 A. I received a Blackberry or E-mail from  
25 Superintendent Mark Van Zant asking about my availability  
=====

1 for a telephone call which I responded to, and then that  
2 evening at 5:39 p.m. I had a telephone conversation with  
3 Superintendent Mark Van Zant.

4 Q. And that would have been the evening of?

5 A. The 3rd of January, 2008.

6 Q. All right. And what happened during that  
7 conversation?

8 A. The Superintendent indicated that there was a  
9 request to interview me, and we made arrangements for an  
10 interview the next day, the 4th of January, 2008, at the  
11 Barrie Detachment.

12 Q. And did the Superintendent advise you who had  
13 made the request that you be interviewed?

14 A. I think there was just general conversation.  
15 It was around the PSA matter. I don't recall if there was  
16 a specific individual named.

17 Q. Okay. So you made arrangements to meet?

18 A. Yes, sir.

19 Q. And did that happen?

20 A. Yes, sir, it did.

21 Q. Where and what time?

22 A. We met at the Barrie detachment. The Highway  
23 Safety Division has a small office at the back. I was  
24 there at 8:00 o'clock that morning, or actually, 7:15 that  
25 morning.

1 Q. The morning of what?

2 A. The 4th of January, 2008.

3 Q. Yes?

4 A. Superintendent Van Zant came in, invited me  
5 to go next door to the Crime Unit office because I had  
6 things set up there, and participate in an interview, which  
7 I did.

8 Q. How long did that interview last?

9 A. It started at 8:10. I don't have the time it  
10 finished. I know I had an event that I was required to  
11 attend at Georgian College that morning for 10:00 o'clock  
12 and I was there about 9:40ish, so between 8:10 and 9:30.

13 Q. All right. And what did you tell  
14 Superintendent Van Zant broad strokes?

15 A. Just a high level overview of my -- the  
16 parking lot conversation with the Commissioner on the 1st  
17 of March, 2007. I had, I believe, three E-mails including  
18 the one that I read here this morning. I read that portion  
19 into the interview. There was a Detective Sergeant by the  
20 name of Tina Chalk who actually conducted the interview and  
21 the Superintendent essentially witnessed it, and provided a  
22 statement, reviewed it, signed it, provided copies of the  
23 E-mails and that was it.

24 Q. What if any was your next involvement? Well,  
25 first of all, stopping you there, what was your state of  
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1 mind just out of curiosity at that point?

2 A. I was obviously concerned. I don't know that  
3 Superintendent Van Zant said directly or very explicitly,  
4 but it was clear from the conversation we had that I was  
5 being interviewed but so was Chief Smith, Deputy Lewis, and  
6 the Commissioner.

7 Q. Yes?

8 A. And once I was aware of that, I had a degree  
9 of apprehension about where it would all go to at that  
10 point.

11 Q. How so? What was your concern?

12 A. I went to the graduation at Georgian College  
13 at 9:45 that morning. Another senior officer, a  
14 Superintendent who I know, was aware that I had been  
15 interviewed and the matter I had been interviewed on, I had  
16 provided a statement on a conversation involving the  
17 Commissioner.

18 Q. That attendance at Georgian College, was that  
19 the same day --

20 A. Yes, sir.

21 Q. -- as the Van Zant statement?

22 A. Yes, sir.

23 Q. So they already knew?

24 A. Yes, sir.

25 Q. Go on.

1 A. And further to the comments made earlier in  
2 my testimony, the concern about providing evidence or a  
3 statement on another senior member, particularly the  
4 Commissioner, my concern was when that leaked out, or it  
5 had already leaked out at that point, I would be viewed in  
6 an adverse way. That was the one concern, and then,  
7 obviously, concerned about the impact of where this would  
8 all go. I had -- I think I had at that point an  
9 understanding I would be sitting here today, and I can tell  
10 you, I prefer not to be.

11 Q. All right. And what happened next following  
12 the Van Zant statement?

13 A. To tell you the truth, I didn't take a sick  
14 day, but by the time I finished the recruit graduation, I  
15 was feeling pretty stressed and I went home, and I went  
16 home and I said to my wife, I said, well, I've had quite  
17 the day. And we talked a bit about what happened, and I  
18 described it to someone as one of the worst days of my  
19 career.

20 Q. I'm sorry to repeat my question or make it  
21 sound like it's repetitive, but why do you say it was the  
22 worst day of your career?

23 A. I think I had a pretty good understanding how  
24 this thing would tumble, where this would all lead. I was  
25 concerned for my career. I had, at that time, I would

  
=====

1 characterize a very good relationship with the  
2 Commissioner, Commissioner Fantino. I was responsible for  
3 the traffic safety program, one of his premier programs,  
4 his stated priority. We were delivering good things. I  
5 was very proud of what we had accomplished.

6 The reality was, as well, I was a Chief  
7 Superintendent. I had at that point interviewed for one  
8 other Deputy's position. There was the expectation there  
9 was another Deputy's job on the horizon, so clearly, that  
10 was in my mind, and I saw this whole situation as one that  
11 was going to be very difficult to navigate.

12 Q. And that was your state of thinking as of  
13 January 4th, 2008; is that right?

14 A. On the 4th, yeah.

15 Q. Now, you said that you had up to that point  
16 got along well with the Commissioner. Following March 1st,  
17 2007, do you recall having any discussions with the  
18 Commissioner, that is between March 1st, 2007 and January  
19 4th, 2008?

20 A. I had a number of interactions with  
21 Commissioner Fantino, all of them positive.

22 Q. All right.

23 A. Various kick-offs, the 15th of March was one  
24 major kick-off, we unveiled the black and white, the new  
25 aircraft in August. There was a whole series of very

1 positive things, a trip to Ohio with him personally. I had  
2 him out on patrol twice. We had some significant time  
3 together and it was very positive.

4 On the 13th of December, 2007, I had to attend  
5 Commissioner's Committee in Mississauga, Orbiter Road -- I  
6 believe it's Mississauga.

7 Q. What was the date?

8 A. The 13th of December.

9 Q. Okay.

10 A. And this was subsequent to me being told that  
11 Chief Superintendent Larry Beechey was going to be the  
12 Provincial Commander of Traffic Safety, and I went to  
13 Commissioner's Committee that day to do a presentation. At  
14 lunch time, the Commissioner came out and he essentially  
15 motioned, he said, come on, Bill, let's go for a walk.

16 Q. Yes, and what happened?

17 A. We walked down to the end of the hall more or  
18 less and he stopped and we had a discussion about the fact  
19 that, due to a number of different factors, he had made a  
20 decision to put Chief Superintendent Beechey in charge of  
21 Traffic Services, not to take it personally. It was  
22 broader considerations. There was a sense from his words  
23 that there was going to be a bit of a re-org and that was  
24 part of it, and he essentially said it's not a bad thing,  
25 Bill, to retire as a Chief.

1 At that point I stopped the Commissioner and I  
2 said, "Commissioner, with respect, we've got a pretty good  
3 thing here. We've got a great unit, good people." I  
4 joked, and he and I had this joke previously or this  
5 conversation previously, I had been turned down twice by  
6 the Toronto Police Service because I didn't weigh enough,  
7 so I said I've done pretty good for a guy that got turned  
8 down by Toronto twice, and he indicated he was very pleased  
9 with the work of Highway Safety, he was pleased with my  
10 work, and I appreciated his comments. They seemed heart-  
11 felt, and I appreciated the fact he was taking time to have  
12 a conversation with me about my career. It meant a lot to  
13 me.

14 As we were wrapping up the conversation, I said  
15 to the Commissioner if you're happy with my work, sir, I  
16 have only one request, that's to be left where I am. I  
17 said I love what I'm doing, I've got some great people  
18 here, and if you're happy with me in the HSD, just leave me  
19 where I am.

20 Q. What do you mean by "HSD"?

21 A. The Highway Safety Division, my command, sir.

22 Q. And what was your understanding of whether he  
23 was happy or not?

24 A. He had, even in this conversation, made it  
25 clear he was happy. We had had previous conversations  
=====

1 about my work.

2 Q. And?

3 A. And he indicated very positive terms. When I  
4 interviewed for the Deputy's position, he phoned me with  
5 the news that I was not successful, and in that  
6 conversation -- which is always a tough conversation -- but  
7 he said Bill, you're doing some great work here, keep at  
8 it. I wasn't selected to be interviewed for another  
9 Deputy's position, Provincial Commander of Corporate  
10 Support. He sent me a personal E-mail saying, Bill, don't  
11 worry about it, you're doing great work, it's not a  
12 reflection on you. The Commissioner was very good to me  
13 in terms of his communication in terms of my work and the  
14 work of Highway Safety Division.

15 Q. You have given -- did you take notes of the  
16 December 13th, 2007 meeting?

17 A. Yes, they were high level. They weren't made  
18 that day. They were actually made at the end of the week.  
19 It was one of those things I realized it was quite a  
20 significant conversation, and the purpose of capturing it  
21 was more for the accolade, so to speak. When I asked him,  
22 you know, just leave me where I am, he indicated that quite  
23 often when he has a conversation, as he was having with a  
24 senior officer, he would come back a couple of days later  
25 and ask them if there is anything that they would like or  
=====

1 where they would like to be. And I said, Commissioner, I'm  
2 there. I said, I'm there. So I really reinforced that I  
3 was happy.

4 Q. Do you have a copy of those notes? I'm  
5 sorry, do you have those notes with you today?

6 A. They would be in the car, sir.

7 Q. As well. All right. Now, following December  
8 13th, 2007 and your discussion with the Commissioner, was  
9 there any other communications between you and the  
10 Commissioner between December 13th, 2007, and January 4th,  
11 2008?

12 A. I don't believe so, sir.

13 Q. All right. On January 4th you said you went  
14 home and you told your wife that it was one of the worst  
15 days of your career; is that right?

16 A. I think I used the words "my career is over".

17 Q. Why would you tell your wife "my career is  
18 over"?

19 A. Because up to that point I enjoyed, as I've  
20 just described, I think a very productive, positive  
21 relationship, not just with Commissioner Fantino, but  
22 others in the senior executive. Clearly, there is -- and  
23 there still is a Deputy's position open that I had  
24 aspirations for, but I recognized given the statement I  
25 made, knowing full well it wasn't just a moment in time,

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1 there would be other inquiries, other statements taken, I  
2 knew it wasn't just what Tina Chalk had in front of her.

3 I knew this thing would expand. I think I had an  
4 appreciation for the significance of the evidence I had,  
5 and I knew that, as that information travelled through the  
6 organization and up to the Commissioner it would impact how  
7 the Commissioner saw me personally and how others at my  
8 rank level and Commissioner's, Deputy Commissioner's level  
9 would see me.

10 Q. What was your next involvement in respect of  
11 this matter?

12 A. I received I believe an E-mail from Mike  
13 Shard indicating I wasn't required for the *Police Services*  
14 *Act* matter that was being held on the 7th and 8th of  
15 January, so I essentially returned to my office and I was  
16 carrying out my duties, normal duties, on the 7th of  
17 January in Aurora.

18 Q. And you said that you were told you weren't  
19 needed for the 7th and 8th of January.

20 THE ADJUDICATOR: I think maybe we'll have a  
21 break, Mr. Falconer. Is that -- I see it's 3:30.

22 MR. FALCONER: Yes.

23 THE ADJUDICATOR: So Superintendent, don't  
24 discuss this matter with anyone during the break  
25 except Mr. Falconer and we'll have -- is 15

1 minutes long enough?

2 MR. FALCONER: Yes, that's fine.

3 THE ADJUDICATOR: Mr. Gover?

4 MR. GOVER: Yes, thank you.

5 --- Upon recessing at 3:25 p.m.

6 --- Upon resuming at 3:55 p.m.

7 THE ADJUDICATOR: You may be seated, gentlemen.

8 There is an order excluding witnesses save and

9 except the three I've already mentioned, and

10 Chief Superintendent, you realize you're still

11 under oath to tell the truth?

12 THE WITNESS: Yes, Mr. Adjudicator.

13 THE ADJUDICATOR: Mr. Falconer.

14 BY MR. FALCONER:

15 Q. Superintendent Grodzinski or Chief

16 Superintendent Grodzinski, you had gone to your car to get

17 some notes?

18 A. Yes, sir.

19 Q. Did you get them?

20 A. Yes, sir.

21 Q. All right. So first of all, to be fair to

22 the process, did you get a chance to look at your notes for

23 the period of January 23rd, 24th, 2007? That would be the

24 Chris Lewis conversation.

25 A. Yes, sir.

1 Q. Did you look at the notes?

2 A. Yes, sir, I did.

3 Q. And do you have any changes to your evidence?

4 A. No, sir, I do not.

5 Q. All right. You're comfortable with the  
6 evidence?

7 A. Yes, sir.

8 Q. Fair enough. And then your notes with  
9 respect to the December 13th, 2007 meeting with the  
10 Commissioner, did you have a chance to look at your notes?

11 A. Yes. I don't have the actual notebook  
12 present in my car. I thought I did. I did not.

13 Q. Okay.

14 A. I have copies of notebooks which I made  
15 personally and referenced that date, the discussion on the  
16 13th of December, and I'm quite content that it reflects  
17 accurately what I testified on.

18 Q. And are you in a position to make those notes  
19 available to Mr. Gover if he wants to look at them?

20 A. Absolutely. There is a copy here and Sunil  
21 is doing some copies now.

22 Q. Fair enough. Good. So we'll just continue  
23 then?

24 A. Yes, sir.

25 Q. You told us your state of mind and your  
=====

1 conversation with your wife when you got home on January  
2 4th, 2008. What if any -- you've also indicated that on  
3 January 7th and 8th that you were told that there was a PSA  
4 matter going on involving MacDonald and Jevons but you  
5 wouldn't be needed. Do you remember telling us that?

6 A. Yes, that's correct.

7 Q. And you received that information from Mike  
8 Shard?

9 A. I believe that's who it was from, yes, sir.

10 Q. And what you said was you knew it was the  
11 matters involving MacDonald and Jevons; is that right?

12 A. Yes, sir.

13 Q. Did you have -- do you recall having any  
14 thoughts or views on what was going on in the court  
15 proceeding?

16 A. I just knew what was going on. I wasn't part  
17 of it, and obviously, given what had transpired the week  
18 before, I knew that there was a possibility my evidence or  
19 my statement might be a part of it, but I just got back to  
20 work. I've just got to get back to work. I thought about  
21 it over the weekend and thought, you know, just continue  
22 on.

23 Q. All right. What was the next involvement  
24 then you had with the matter that's before the Adjudicator  
25 today? What's the next involvement?

1 A. I received an E-mail on the 8th of January  
2 from my boss, Larry Beechey, Interim Deputy Larry Beechey.  
3 It was cc'd to Deputy Lewis.

4 Q. Can I stop you there? Did you make notes of  
5 that particular day?

6 A. Of the 8th of January?

7 Q. Yes.

8 A. Yes, I did.

9 Q. Can you look at your notes, please? And Mr.  
10 Adjudicator, I'm not going through the litany of the  
11 manner of taking the notes, et cetera, because it will be  
12 the same answers each time. I'm assuming if Mr. Gover has  
13 any objections to the officer refreshing his memory --

14 THE ADJUDICATOR: Any questions about the notes,  
15 Mr. Gover?

16 MR. GOVER: No, I have none, thank you.

17 THE ADJUDICATOR: All right. So you may refer to  
18 your notes to refresh your memory, Chief  
19 Superintendent.

20 THE WITNESS: Thank you, sir.

21 BY MR. FALCONER:

22 Q. So do you have your notes open?

23 A. Yes, sir, to Tuesday, the 8th of January.

24 Q. All right. And what was your involvement  
25 there?

1 A. It was at Regional Headquarters at my office.  
2 As a matter of routine, I checked my E-mail. I received  
3 an E-mail, it was time stamped 12:48 p.m. to me from Larry  
4 Beechey, cc'd Chris Lewis. It simply states would you be  
5 available -- or actually, the subject line states  
6 "Staffing" and it simply reads,

7 "...Would you be available to come in and meet with  
8 Deputy Lewis and myself first thing Thursday morning  
9 (0800), 8:00 a.m..."

10 Q. All right. Do you have a copy of that E-  
11 mail?

12 A. Yes, sir, I do.

13 Q. Could I get that, please? Is this the E-mail  
14 that you're referring to?

15 A. Yes, sir, it is.

16 MR. FALCONER: And that was sent on January 8th,  
17 2008 at 12:48 p.m. and I propose to make this the  
18 next exhibit.

19 THE ADJUDICATOR: So Exhibit 19, Mr. Gover?

20 MR. GOVER: I haven't seen it.

21 MR. FALCONER: I'll give you a copy right now. I  
22 apologize, Mr. Gover.

23 MR. GOVER: I doubt that I'll have any objection  
24 but --

25 MR. FALCONER: No, no, that's very fair.

1 MR. GOVER: -- I would like a copy. Yes, I'm  
2 content that it be received, thank you.

3 THE ADJUDICATOR: Thank you.

4 EXHIBIT NO. 19: E-mail dated January 8, 2008  
5 from Deputy Beechey to Chief Superintendent  
6 Grodzinski.

7 BY MR. FALCONER:

8 Q. All right. And the request for a meeting,  
9 did you follow up on that request?

10 A. I acknowledged the request and indicated I  
11 would be there.

12 Q. All right. What happened next?

13 A. Other than preparing for the meeting, which I  
14 prepared a package on staffing issues within my division,  
15 which is what I anticipated the meeting to be about, I  
16 attended on General Headquarters on Thursday, the 10th of  
17 January at 0800 or 8:00 a.m. as requested.

18 Q. All right. Now, stopping there, where are  
19 your offices?

20 A. My office is in Aurora, 100 Bloomington Road  
21 West in Aurora, Ontario.

22 Q. Okay. So you came from Aurora to General  
23 Headquarters?

24 A. I would have come from my residence which is  
25 in Barrie.

1 Q. All right. And what happened next on January  
2 10th?

3 A. I presented myself at the Deputy's suite.  
4 There is a secretary there. She would normally be the one  
5 to greet you. At around 8:00 o'clock I was invited into  
6 Deputy Lewis' office by Chief Beechey.

7 Q. All right.

8 A. Deputy Beechey at that point.

9 Q. What happened next?

10 A. There was a chair pulled up in front of the  
11 Deputy's desk. I was invited to sit down. We had a short  
12 kind of chit chat about Deputy Lewis' screen saver -- it  
13 had a picture of a large boat going through rough waters --  
14 and but we very quickly got to the point of the  
15 conversation of the meeting.

16 Q. Go ahead.

17 A. Deputy Lewis indicated that a decision had  
18 been made to transfer me to North Bay, Northeast Region  
19 Headquarters effective the following Monday, that this was  
20 not a discussion, the decision had been made.

21 Q. Did you say anything in response to that?

22 A. The Deputy indicated that there had been a  
23 long history of multiple Chiefs, Chief Superintendents,  
24 Regional Commanders, a lack of stability, kind of put some  
25 context on why the decision would be made. I explained to  
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1 him at that point, I basically indicated to him my wife,  
2 Susan, has a chronic medical condition. I misspoke when I  
3 told Deputy Lewis what the disease was, but it's  
4 inflammatory bowel disease, proctitis. She has had it for  
5 20 years, and I indicated to Deputy Lewis that my wife has  
6 no ties to that community, she has a chronic medical  
7 condition, and we had moved three times in 32 months and I  
8 was not prepared to move my wife back to North Bay in the  
9 fashion indicated.

10 Q. I don't want you to put yourself in the  
11 position of having to go into any more delicate matters in  
12 relation to your wife's health, all right, unless my friend  
13 is insisting, which I'm sure he won't. You did raise the  
14 fact that you had engaged in three moves in the past with  
15 your wife?

16 A. Yes.

17 Q. And was there a health issue that arose as a  
18 result of those moves, or not?

19 A. Every time we moved, she ended up in the  
20 hospital.

21 Q. All right. And that was the concern you were  
22 conveying to the Deputy Commissioner?

23 A. That was, sir.

24 Q. All right. So my respectful suggestion to  
25 you, subject to the views of the Adjudicator, is henceforth

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1 I think we should respect your wife's privacy and we  
2 shouldn't go into any more details of your wife's health  
3 condition. I don't want you to feel that my questions are  
4 seeking that. All right.

5 A. Understood. She volunteered to be here today  
6 to testify.

7 Q. Well, I respect that, and I think we're fine  
8 proceeding as we are and I think your privacy and that of  
9 your wife should be respected unless Mr. Adjudicator or Mr.  
10 Gover thinks otherwise.

11 A. Understood.

12 Q. So please continue and simply let us know,  
13 then, there was discussion raised on your wife's health.  
14 Go on.

15 A. We did have some discussion about that, but  
16 at the end of it what I indicated to Deputy Lewis is that I  
17 was eligible to retire in December of this year, that I  
18 would transfer. If the decision was made in the best  
19 interest of the organization, I would report to North Bay  
20 on Monday. I would give 110 per cent, but I would not  
21 relocate my wife. I would probably finish my career and  
22 retire and I would not be the long term solution to that  
23 region's issues with a series of rotating regional  
24 commanders, and ultimately, that would not be good for the  
25 region. I pointed out the interim Regional Commander that

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1 was serving there, who is now the Regional Commander, was a  
2 very viable candidate with all the requisite skills.

3 Q. What did he say, if anything, to that?

4 A. He indicated that -- Deputy Lewis indicated  
5 that this individual does have the skills and at the end of  
6 the day may end up being the Regional Commander, but in any  
7 event, because of my background, they wanted me to go, and  
8 I again reiterated the number of moves. I pointed out that  
9 there was other senior officers in this organization that  
10 had never moved, and I was not willing to put my wife  
11 through another move. So Deputy Lewis indicated that he  
12 wasn't -- he hadn't been aware of my wife's condition.

13 He said that that certainly changed things and  
14 that they had to go back to Commissioner's Committee and  
15 reexamine some of the things, but then he finished by  
16 saying the fact remained that I may still be sent  
17 irrespective of my wife's health if that was the best  
18 decision for the organization and that essentially ended  
19 the conversation. I stood up, I shook his hand, thanked  
20 him for his time, and I took my leave.

21 Q. So Deputy Commissioner Lewis conveyed this  
22 information. Who else was in the room?

23 A. Deputy Beechey or interim Deputy Beechey.

24 Q. And did he speak during that time?

25 A. Not a word.

1 Q. You mentioned that Deputy Commissioner Lewis  
2 said that this was a decision that had already been made?

3 A. Yes, sir.

4 Q. What were the words he used?

5 A. The decision has been made, this is not a  
6 discussion.

7 Q. Could you contrast or compare that nature of  
8 that advice and previous experiences you had with respect  
9 to transfers?

10 A. I had never had an experience like that  
11 before. It was -- in my experience, in my career, it was  
12 unprecedented. I had always been given the opportunity to  
13 have some input, some discussion, and even as I indicated  
14 in my previous evidence, where it was get back to us  
15 tomorrow, I still had a choice. There was no choice here.

16 Q. I'm showing you an excerpt from a statement  
17 of Deputy Commissioner Lewis who I anticipate will be a  
18 witness in these proceedings -- although who will call him  
19 remains an open question, Mr. Adjudicator, and I do want  
20 people to know whether we're talking about Deputy  
21 Commissioner Lewis, or for example, Superintendent Elbers,  
22 you know, who calls him in the end is a live issue in my  
23 mind. But I anticipate that these folks will be witnesses.  
24 They certainly have important and relevant information to  
25 offer.

1 Now, what I want to show you is a passage that I  
2 have side-barred which is page four of the statement of  
3 Deputy Commissioner Lewis as provided by way of disclosure,  
4 and I'm going to read it to you and show it to you at the  
5 same time. Page four, and you see the portion I've side-  
6 barred, Mr. Gover, the last paragraph, the top seven lines.  
7 In discussing the issue of your transfer, that is Deputy  
8 Commissioner Lewis discussing the issue of your transfer in  
9 a statement said the following: "In late December, 2007" --  
10 and I'm quoting, so open quotes,

11 "...In late December, 2007, or early January, 2008, we  
12 had discussions at Commissioner's Committee regarding  
13 the retirement of Chief Superintendent Ken Miller of  
14 the Northeast Region whose last day of work had been  
15 announced to be December 31st, 2007. I was aware that  
16 the Northeast Region was in need of stable, credible,  
17 and solid leadership, that there had been a series of  
18 pre-retirement commanders there over the past few  
19 years and the region was feeling the effects of that,  
20 and that the selection of the new commander needed to  
21 be well thought out..."

22 May I ask you, first of all, what is your date of  
23 eligibility for retirement?

24 A. It's December 4th, 2008. This year, sir.

25 Q. December 4th, 2008. If you were placed as  
=====

1 the commander, how would you describe what your role would  
2 be in terms of the status of being a commander?

3 A. As I indicated to Deputy Lewis, I would be an  
4 interim commander pending my immediate retirement, another  
5 pre-retirement commander.

6 Q. In your view, then, you would fit into that  
7 category "pre-retirement commander"?

8 A. Yes, sir.

9 Q. Now, to your knowledge, was this a secret  
10 about your retirement date and eligibility?

11 A. Amongst senior officers, we are generally  
12 very familiar with each other's retirement dates. I can  
13 give you the retirement dates for Deputy Lewis, Chief  
14 Smith, a variety of people. The fact I am eligible for  
15 retirement in December is not a secret to anybody, and  
16 essentially, in terms of senior officers you kind of --  
17 it's part of the career pathing we do. We check out what  
18 the competition is, and part of the competition is where  
19 people are in their various aspects of their career.

20 So at our level there is a general knowledge at  
21 Deputy Commissioner's level through the bench strength  
22 reviews and the succession management, your retirement date  
23 is etched on your name just about in all the documentation,  
24 so it's not a secret to anybody.

25 Q. I'm showing you, as well, a note made by  
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1 Deputy Commissioner Lewis dated January 8th, 2008, 0700,  
2 and I'm reading you this note. 0700 tele-conference -- and  
3 this is 0700 January 8th, Tuesday. Tele-conference Hawkes,  
4 Beechey, and Fantino. And who is Hawkes?

5 A. That would be Deputy Commissioner Vince  
6 Hawkes.

7 Q. All right. And then you would have Acting  
8 Deputy Commissioner Beechey?

9 A. Correct.

10 Q. And Fantino, and of course, Lewis is taking  
11 the note, right? So you have the three Deputy  
12 Commissioners and Fantino on the phone at 0700?

13 A. Yes, sir.

14 Q. And it says,

15 "...Frank Chan review H/R BFSB IT. Put written  
16 receipts/rationale together here. Frank Chan..."

17 Does that have anything to do with you?

18 A. No, sir.

19 Q. All right. Then it continues, "...Announced  
20 FSB (arrow) traffic..." What does that mean?

21 A. Field Support Bureau/Traffic or dash Traffic,  
22 and those two commands were amalgamated this year.

23 Q. Could that be an arrow that we're looking at?

24 A. Arrow or a dash. It could be either.

25 Q. Okay. So they're merging?

1 A. Yes.

2 Q. Then it says, "PSB (arrow) IOC". What is  
3 that?

4 A. It appears to be Professional Standards  
5 Bureau and Investigation Organized Crime Command and PSB's  
6 reporting relationship changed this year from the Office of  
7 the Commissioner to the IOC Command.

8 Q. And what does the next line say?

9 A. It's the initials G-R-O-D-Z, which I'm  
10 assuming is Grodzinski, probably me, and in capitals it  
11 says "NOW" underlined, "to NER", which to me would be  
12 Northeast Region, and there is a sub line that says "actor/  
13 Deevey".

14 Q. What does that mean?

15 A. It would appear that Grodzinski is going to  
16 Northeast Region now and the Acting Commander would be  
17 Brian Deevey, which Brian and I had a conversation, I know  
18 that was the fact he had been identified to take my command  
19 on an interim basis when I was reassigned.

20 Q. That is, he would take over for you once you  
21 were sent to North Bay?

22 A. Yes, he indicated that to me personally.

23 Q. Do you see any discussion in the note about  
24 any of the reorganizational factors that would accompany a  
25 reassignment of command?

1 A. No, sir.

2 Q. Do you see the reference to "NOW"? Do you  
3 see that?

4 A. I do, sir.

5 Q. Ever experienced anything like this?

6 A. No, sir.

7 Q. January 8th, 2008, was a significant day,  
8 wasn't it, from the point of view of the Professional  
9 Standards prosecution against MacDonald and Jevons?

10 MR. GOVER: Perhaps a non-leading question could  
11 be asked.

12 BY MR. FALCONER:

13 Q. Fair. Was there any significance to January  
14 8th, 2008 as it pertained to the prosecution of MacDonald  
15 and Jevons?

16 A. I'm now aware of the fact that on that  
17 particular day an Adjudicator by the name of Neil Tweedy  
18 recused himself from this process, and as part of the  
19 reason for the recusement [sic] dealt with his relationship  
20 with Commissioner Fantino and an indication that  
21 Commissioner Fantino would now be required to testify in  
22 this matter, and my statement may have had some part to  
23 play in that.

24 Q. You worked in Professional Standards for a  
25 number of years?

1 A. Yes, sir, I did.

2 Q. Would it surprise you if -- and I don't say  
3 that I'm calling that evidence because I don't know yet  
4 until I ask the question, but would it surprise you if it  
5 turned out that Superintendent Tweedy actually spoke to  
6 Commissioner Fantino before recusing himself? Would that  
7 surprise you as a matter of practice in Professional  
8 Standards?

9 MR. GOVER: And again, that's a highly leading  
10 question, in my submission.

11 BY MR. FALCONER:

12 Q. Well, would it be in keeping with practice  
13 for Superintendent Tweedy to convey his intent to recuse  
14 himself to Commissioner Fantino prior to putting it on the  
15 record?

16 MR. GOVER: I have the same concern.

17 THE ADJUDICATOR: I agree with Mr. Gover.

18 MR. FALCONER: It's leading.

19 THE ADJUDICATOR: Yes.

20 MR. FALCONER: All right. Let me leave it for a  
21 moment while my slow processes conceive of a  
22 different way to approach it. The note. I want  
23 to file this note as the next exhibit, Mr.  
24 Adjudicator.

25 MR. GOVER: I just want to be clear. This is a  
=====

1 note of someone who is identified as a witness in  
2 Mr. Falconer's Notice of Motion, the Fresh as  
3 Amended Notice of Motion. It's not something  
4 that the witness has identified. It's a brief  
5 passage that has been described for the record.  
6 In my submission, there is no basis for it to be  
7 entered as an exhibit.

8 MR. FALCONER: I would like to file it subject to  
9 identification.

10 MR. GOVER: I suppose that we're back to the  
11 discussion about who is calling whom, but on that  
12 basis, let's make it Exhibit C for further  
13 identification on the motion.

14 THE ADJUDICATOR: Exhibit C, further  
15 identification on this motion.

16 MR. GOVER: Thank you.

17 EXHIBIT NO. C: Notes made by Deputy Lewis dated  
18 January 8, 2008 (marked subject to  
19 identification).

20 BY MR. FALCONER:

21 Q. You worked in Professional Standards for a  
22 number of years and I want to show you a passage and ask  
23 you for comments on it. This is an excerpt of notes of  
24 Officer Van Zant, Superintendent Van Zant, note of a  
25 meeting he had with Commissioner Fantino. The excerpt,

1 because I couldn't read Superintendent Van Zant's  
2 handwriting, we typed it.

3 I've provided a copy of that typed transcript to  
4 my friend and I'm putting one in front of you, sir. Mr.  
5 Adjudicator, in respect to your package, it actually  
6 includes the Van Zant note, that is the handwritten notes,  
7 as an attachment. I'm going to read you what the note  
8 says. January 5th, 2008, do you have it in front of you,  
9 sir?

10 A. Yes, sir. I do.

11 Q. January 5th, 2008, this is Superintendent Van  
12 Zant,

13 "...11:30 attended Molson Park Parkway southwest  
14 corner of Molson Park Drive and Highway 400 in Kelsey  
15 Restaurant lot. 11:58 enter Kelsey restaurant, await  
16 Commissioner Fantino. 12:08 Commissioner Fantino  
17 joins writer at Kelsey's Restaurant. Writer presents  
18 a very brief overview of preparation of defence named  
19 witnesses on behalf of legal counsel, Mr. Brian Gover  
20 and Mr. Owen Rees, that prep interviews conducted to  
21 ensure witness is not caught off guard during  
22 examination in hearing. Writer advises that upon  
23 receiving E-mail from Commissioner Fantino on 4th  
24 January, '08, noted concerns and requesting  
25 information, writer had prepared an information

1 package regarding information received by Rees from a  
2 telephone conversation of 04 January, '08 late in the  
3 day and interview recorded by and typed by Detective  
4 Sergeant Chalk on 4th of January, '08 and other  
5 related documents. This information had been  
6 requested by Commissioner Fantino in order to  
7 appropriately address the" -- it's unclear what the  
8 word is -- "allegations of defence counsel in the  
9 MacDonald and Jevons PSA matter. Writer advises  
10 Commissioner Fantino that writer and Rees and Gover  
11 support the Commissioner's request and understood his  
12 concerns as no context was provided by counsel when  
13 forwarding questions requesting a response. Writer  
14 presents a brown folder with information package on  
15 Grodzinski's information as prepared by Detective  
16 Sergeant Chalk. Information package contained Rees  
17 notes from conversation with Chief Superintendent  
18 Grodzinski, Grodzinski's notes and E-mails, typed  
19 interview of Grodzinski obtained from Chalk on 04  
20 January, '08, and notices presented by Falconer for  
21 the upcoming hearing. General conversation with  
22 Commissioner Fantino and each other's policing  
23 experience over the years, the importance of those  
24 experiences. 1415 conclude meeting/lunch..."  
25 A meeting in a Kelsey's on Saturday, January 5th, 2008

1 between the Commissioner of the OPP and an investigator on  
2 a PSB matter in which the Commissioner is provided a brown  
3 folder on a Chief Superintendent, have you ever seen  
4 anything like this happen?

5 A. Not in my experience, sir, no.

6 Q. What would strike you as unusual about this,  
7 if anything?

8 A. The time I was in Professional Standards  
9 Bureau, there was a manner and a way of routing  
10 information, documentation, reports, and in my experience,  
11 that was always through a chain of command through the  
12 Bureau Commander.

13 Q. Can you help me at all about if there is an  
14 impact or anything you have to comment about the venue and  
15 the timing?

16 A. I'll just deal with the timing first. It's a  
17 Saturday immediately following my statement provided the  
18 day before, so that strikes me quite significantly. The  
19 fact it's at an off-duty location, it may have been because  
20 of convenience, but again, it reinforces the sense I had on  
21 the Friday when I went home that, I think I used the word  
22 "tumble", that events would tumble very quickly once my  
23 information proceeded through the organization. I guess  
24 I'm surprised it tumbled that quickly.

25 Q. All right. I want to go now back to January  
=====

1 10th, 2008. After receiving the information from Deputy  
2 Commissioner Lewis that the decision had been made to  
3 transfer you, what if anything did you do next?

4 A. I left Deputy Lewis' office. I was followed  
5 out by Deputy Beechey, and Deputy Beechey asked me to step  
6 into his office. He wanted to speak with me.

7 Q. All right.

8 A. We entered his office, closed the door.

9 Q. Stop there for a minute.

10 THE ADJUDICATOR: What date is this again?

11 MR. FALCONER: January 10th, 2008.

12 THE ADJUDICATOR: 10th.

13 MR. FALCONER: The day that Chief Superintendent  
14 Grodzinski is told by Deputy Commissioner Lewis  
15 that he is to be transferred.

16 BY MR. FALCONER:

17 Q. So you've attended that first meeting at 8:00  
18 a.m. in Deputy Commissioner Lewis' office?

19 A. And it ended very quickly. 8:15 I was in  
20 Deputy Beechey's office.

21 Q. All right.

22 A. We entered his office, and before he even sat  
23 down he made two exclamations, I would call them.

24 Q. What was that?

25 A. The first one was, "That wasn't my idea" and  
=====

1 he immediately followed it by saying, "I had nothing to do  
2 with that."

3 Q. And what if anything did you take him to mean  
4 by that?

5 A. I took it that he was attempting to distance  
6 himself from the decision to transfer me to North Bay.

7 Q. Please continue.

8 A. We had a discussion probably in more depth  
9 about my wife's situation. I think I got a little  
10 emotional in terms of just saying to him I'm not making  
11 this up. We had the discussion we hadn't had to that point  
12 that the Deputy Commissioner's job was open for  
13 competition, he had been selected as the interim commander  
14 and I had not. So we actually had that conversation that  
15 you would expect you would have, and what I indicated to  
16 him, while I was disappointed I didn't get the job, I was  
17 totally supportive of him.

18 I committed my personal support, the support of  
19 my command, and indicated to him that I wanted him to  
20 succeed, and at the end of the day we were good. The  
21 response I received from that from Deputy Beechey was he  
22 was the new guy in this command, the new traffic command,  
23 and at that point it was still exclusively traffic, and he  
24 said to me the last thing I want to do is lose you because  
25 you've got the skills and experience.

1 Q. So Deputy Beechey told you that in those  
2 words? What are you looking at right now?

3 A. I'm looking at my notes from that meeting  
4 just to refresh, just to confirm.

5 Q. All right. So you took notes of that  
6 meeting, as well?

7 A. Yes, sir, I did.

8 Q. Continue.

9 A. The last thing -- this is obviously in the  
10 third person, "The last thing he wanted as he came into the  
11 new role of traffic was to lose me."

12 Q. Go on.

13 A. The conversation turned to some of the  
14 operational issues that were going on, some changes to the  
15 command, the structure, and essentially, that was the end  
16 of the discussion.

17 Q. What happened next?

18 A. I left the Deputy's office. I forgot to  
19 mention in the discussion with Deputy Lewis I was issued an  
20 order not to discuss what had taken place. I was not to  
21 tell anybody about the proposed transfer to North Bay, and  
22 I just walked down the hall to an office I was using in  
23 Headquarters, I sat down, and opened my notebook and I  
24 started writing. I didn't know what to do at that point,  
25 but I knew I wanted to capture the events that had taken

1 place verbatim.

2 Q. Why is that?

3 A. I viewed what took place that morning as an  
4 immediate unacceptable reprisal against me for me  
5 exercising my duty providing information to a hearing and  
6 for having made notes on the Commissioner. I viewed the  
7 transfer to North Bay as an immediate punishment, sanction,  
8 reprisal, use what word you wish, but I was -- I was quite  
9 taken aback the speed in which that had occurred.

10 Q. After taking your notes, what happened next?

11 A. The next note I have -- I believe I went  
12 downstairs for lunch, talked to some people. I'm not sure.  
13 That day was a bit of a blur, but at 12:15 I met Larry  
14 Beechey on the main street of General Headquarters at the  
15 front security desk and he advised me to go upstairs and  
16 advised one of the members of Highway Safety Division that  
17 he was being transferred, which I did. I had a business  
18 meeting at 1:00 p.m., and then around 3:20 that day I was  
19 leaving Headquarters, I was on my way out of the building.

20 Q. What happened?

21 A. It was, I would describe it, a chance meeting  
22 with Deputy Commissioner Vince Hawkes by the south  
23 elevators. He was coming out and I ran into him, and I've  
24 known Deputy Hawkes for some years and obviously know him  
25 professionally, and he just asked the question, "How are

1 you doing?"

2 Q. Go ahead.

3 A. I responded, "How do you think I'd be doing?"  
4 and just at about that moment we were interrupted by  
5 another member, so we kind of just continued on outside and  
6 we were outside the back door, and he again asked me how am  
7 I doing. And I stopped and I planted my feet and I faced  
8 him, and I just said a number of words to him. I wrote  
9 those words down to the best of my recollection. It  
10 included words like disappointed, hurt, outraged. I would  
11 use the word retribution. At that point, he attempted to  
12 engage me and indicated, "Well, Bill, it wasn't a done  
13 deal."

14 Q. Let me stop you there just for a second. You  
15 said you used the word "retribution". In what context?  
16 What did you mean?

17 A. As I indicated previously, I viewed and I was  
18 expressing to him the transfer to North Bay was a direct  
19 reprisal for my information on this PSA matter.

20 Q. All right. And then Hawkes said to you it  
21 isn't a done deal?

22 A. He -- I quoted him here, it wasn't a done  
23 deal, people made assumptions Susan was from North Bay and  
24 would want to go home, and at that point, I think I got a  
25 little angry and I said, "Hang on here." I said, "This  
=====

1 wasn't consultation. This was you're going, and I know the  
2 difference."

3 At that point, I gave him the time line as I saw  
4 it, in terms of why I saw it as retribution. I said,  
5 "Vince, the 3rd, the 4th, the 8th, today." We're talking  
6 from the Thursday where I speak to Mr. Rees, Superintendent  
7 Van Zant, provide a formal statement. I get an invitation  
8 to a meeting on the following Tuesday, and by Thursday I'm  
9 transferred to North Bay. I said, "Vince, come on. What  
10 does that look like?"

11 We continued to his car. I could tell I was  
12 making him pretty uncomfortable, and I recognized that, so  
13 we had a discussion about just we all need to show  
14 leadership, we need to work together. We don't want to be  
15 involved in these fractious, as I called them, games. I  
16 said, "Come on, we need to show some leadership here." And  
17 we broke off and he got in his car and away he went and I  
18 went home.

19 Q. Did you get involved in further  
20 communications about your transfer either that day or the  
21 next?

22 A. The next day, sir.

23 Q. What happened, please? First of all, what  
24 date was the next day?

25 A. It was Friday, the 11th of January, 2008.

1 Q. Yes?

2 A. I was in my office in Regional Headquarters  
3 7:30 a.m. At 7:57 a.m. I received a telephone call on my  
4 cell telephone from Deputy Beechey, and the call just  
5 started out question, and the question was --

6 Q. Let me stop you there. You're looking down  
7 as you -- from time to time you're looking down as you give  
8 this account. Did you make notes of that conversation, as  
9 well?

10 A. I did, sir.

11 Q. All right. Continue.

12 A. Deputy Beechey asked the question, "Did you  
13 call anybody at the Ministry to say Chris Lewis, the  
14 meeting with Chris Lewis and you going to North Bay?" And  
15 I responded, "I didn't call anybody." He went on to  
16 indicate that the Commissioner had received an E-mail from  
17 Deborah Newman with respect to my transfer, and Deputy  
18 Beechey indicated the E-mail asked the Commissioner why I  
19 was being forced to go to North Bay.

20 Q. All right. Let me stop you there. Who is  
21 Deb Newman?

22 A. Deborah Newman is the Deputy Ministry the  
23 Ministry of Solicitor General Correctional Services, MCSCS.

24 Q. You're simply showing yours and mine history  
25 where we always called it the Solicitor General.

1 A. Yes.

2 Q. They are now something different. They are  
3 called the Ministry of Community Safety and Correctional  
4 Services; is that right?

5 A. Yes, that's it. Yes.

6 Q. Now, she is a Deputy Minister with that  
7 Ministry; yes?

8 A. Yes, sir.

9 Q. And it's not the subject of contention. She  
10 is actually the Deputy Minister who has oversight  
11 responsibilities for the OPP generally; is that right?

12 A. That's correct, sir.

13 Q. And specifically for the Commissioner; is  
14 that right?

15 A. That's my understanding, sir, yes.

16 Q. All right. So go on. Beechey advised you  
17 that the Deputy Minister had E-mailed the Commissioner;  
18 yes?

19 A. And I responded, "She must have been in the  
20 office and witnessed the conversation," perhaps being a bit  
21 of a Smart Alec there but...

22 Q. Go ahead.

23 A. At that point, we engaged in a conversation  
24 in which Deputy Beechey expressed his concern and surprise  
25 at the speed at which the information had travelled amongst  
=====

1 the building, surprised that it had leaked out that  
2 quickly, and I essentially said, well, that's the  
3 Headquarters culture, things leak pretty fast there, and  
4 reiterated I didn't tell anybody. And as the conversation  
5 transpired, I recognized or I realized that Deputy Beechey  
6 didn't appreciate the fact I was still facing the prospect  
7 of going back to North Bay.

8           So I said, "Boss, excuse me here for a second,  
9 but I still have a sword hanging over my head and I'd like  
10 to know whether I'm going or not." And Deputy Beechey  
11 indicated that Deputy Lewis was on the road, but he would  
12 phone him and find out. So the conversation, it ended --  
13 we had quite a discussion again about my perception of the  
14 reprisal.

15           I don't want to go over this all again, but I  
16 really let him have it again, and but at the end of it he  
17 said he'll call Deputy Lewis and get back to me, which he  
18 did, and immediately called back and said, no, you're not  
19 going to North Bay. In the second call where he indicated  
20 I wouldn't be going to North Bay, I again reaffirmed my  
21 support, our support in HSD. We talked about the fact we  
22 have a good thing going here, and I took the opportunity to  
23 reaffirm that Superintendent MacDonald was a dedicated,  
24 loyal individual, totally supportive, and in fact, in spite  
25 of the fact he was going through this PSA matter, he had

1 been an effective leader, high functioning, and I was just  
2 trying to reiterate to Deputy Beechey that life was good  
3 and let's just get beyond this and just trying to work  
4 through it in a positive fashion.

5 MR. FALCONER: I suggest -- I don't think I'll be  
6 finished examination in-chief today, Mr.  
7 Adjudicator. I suggest we go till 4:45 if that's  
8 all right.

9 THE ADJUDICATOR: How much longer do you think  
10 you'll be, Mr. Falconer?

11 MR. FALCONER: I'm reluctant to give a specific  
12 time out of fear I won't be able to meet it. I  
13 certainly think I would be well past 5:30. So my  
14 thought is either 4:45 or 5:00. I'm just trying  
15 to organize.

16 THE ADJUDICATOR: Maybe we'll go to 5:00 and see.

17 MR. FALCONER: Fair enough.

18 BY MR. FALCONER:

19 Q. You referred to the fact that you were told  
20 you wouldn't now be transferred to North Bay. Did you  
21 develop any views or any impressions on what role the  
22 communications by the Deputy Minister had in that?

23 MR. GOVER: In my submission, that calls for  
24 speculation, with respect.

25 THE ADJUDICATOR: I agree.

1 MR. FALCONER: My submission would be, Mr.  
2 Adjudicator, that there was communications  
3 between the Deputy Commissioners and this witness  
4 over the communications by the Deputy Minister.  
5 So there may well have been information imparted  
6 to the witness about the impact of the call.

7 THE ADJUDICATOR: I don't quite follow you. Are  
8 you saying there was communication between Newman  
9 and this witness?

10 MR. FALCONER: No, there was communication -- I'm  
11 sorry, it's more complex than needed. There was  
12 communication between Chief Superintendent  
13 Grodzinski, Beechey, Lewis, and Hawkes. Amongst  
14 those three, they had communications with the  
15 Deputy Minister. So it is entirely conceivable,  
16 possible, that reasonably speaking this witness  
17 would have received information that gives him a  
18 basis to believe what role or not the Deputy  
19 Minister played, and I don't want to put it too  
20 high, but it's not simply speculation. They are  
21 in the midst of discussing the Deputy Minister  
22 taking these steps.

23 THE ADJUDICATOR: I noticed her name on your  
24 list.

25 MR. FALCONER: Yes.

  
=====

1 THE ADJUDICATOR: So she is being called?

2 MR. FALCONER: In terms of my response to this  
3 objection, that's not the basis on which I'm  
4 advancing it. I'm not saying that I'm  
5 undertaking to call her, and therefore, I should  
6 be allowed to do this. I'm saying that  
7 regardless of whether I call her, I should be  
8 allowed to do it simply on the basis that he  
9 would have received information about the Deputy  
10 Minister's calls. But I must say I kind of feel  
11 like I'm pushing something that's maybe not worth  
12 the candle.

13 THE ADJUDICATOR: Speak up.

14 MR. FALCONER: This may not be worth the candle.  
15 I'm kind of content to move on.

16 THE ADJUDICATOR: Very good, thank you.

17 MR. FALCONER: All right. That, and a distinct  
18 sense that I wasn't going to do that well on that  
19 objection.

20 BY MR. FALCONER:

21 Q. I had asked you before if you had ever seen  
22 anything like this in terms of the speed of the transfer.  
23 Do you remember me asking you that?

24 A. Yes, sir.

25 Q. To your knowledge, what discussions had

1 occurred -- what discussions had occurred with respect to  
2 your role in Northeast Region and your taking over the  
3 command there in the months of October, November, and  
4 December at the Commissioner's Committee level?

5 A. I wouldn't be aware of what transpired at  
6 Commissioner's Committee. I attended on the 13th of  
7 December, provided a presentation, and left, but we don't  
8 normally become aware of what is taking place there.

9 Q. I'm showing you a letter from Mr. Gover to me  
10 of July 4th, 2008.

11 THE ADJUDICATOR: Maybe I can just -- I have this  
12 on my desk. Is that --

13 MR. FALCONER: Yes, I would like to file that as  
14 the next exhibit.

15 THE ADJUDICATOR: So Mr. Gover, this is the  
16 excerpt from page 110 of Superintendent Van  
17 Zant's notes that we've already discussed at some  
18 length.

19 MR. GOVER: And in my submission, we're in the  
20 same position. Obviously, the witness can't  
21 identify it, but I don't object to it being  
22 marked as a lettered exhibit for further  
23 identification.

24 MR. FALCONER: Well, in this case, though, I  
25 would say this. These are the notes of Officer

1 Van Zant that have been provided by way of  
2 disclosure. In my submission, it goes a little  
3 more than just a document, but be that as it may,  
4 we do know the Commissioner is going to testify.

5 We have notes of the meeting, so that's fine,  
6 that's fine.

7 THE ADJUDICATOR: So we'll make it Exhibit D,  
8 then?

9 MR. GOVER: That's my understanding, yes.

10 THE ADJUDICATOR: Exhibit D subject to further  
11 identification. All right. Mr. Falconer, I'm  
12 sorry to interrupt you. You may go ahead.

13 MR. FALCONER: No, no, I appreciate you reminding  
14 me, Mr. Adjudicator.

15 EXHIBIT NO. D: Page 110 of Superintendent Van  
16 Zant's notes (marked subject to identification).

17 MR. FALCONER: Now, by way of a disclosure  
18 request of June 19th, 2008, for any and all  
19 documentation that pertains to Commissioner's  
20 Committee meetings on the one hand and Chief  
21 Superintendent Grodzinski on the other, we  
22 received a response from Mr. Gover and I have  
23 shown the witness, he has read the letter, and I  
24 would like to read that letter to you, Mr.  
25 Adjudicator.

  

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1 MR. GOVER: Well, with respect, Mr. Adjudicator,  
2 there is a way of leading evidence of this. It's  
3 not through this witness who has frankly  
4 testified that his involvement in the  
5 Commissioner's Committee is limited to an  
6 attendance on, I believe it was December 13th,  
7 2007 when he made a presentation. The fact that  
8 something has been disclosed to Mr. Falconer, who  
9 has indicated he intends to call a number of  
10 witnesses in the Notice of Motion, witnesses who  
11 could speak to that issue, doesn't make the  
12 letter providing disclosure admissible as  
13 evidence. This can be proven in the ordinary  
14 way, in my submission.

15 MR. FALCONER: I am actually proving in the  
16 ordinary way and I'll explain why. I want to  
17 have this Tribunal benefit from the experience of  
18 the Chief Superintendent about how transfers are  
19 usually done and how they are discussed at  
20 committee meetings. In other words, how  
21 reorganizations are done as a general rule, and I  
22 would like to read out the letter to you, Mr.  
23 Adjudicator, and then I'll explain its  
24 significance in the question I have to ask the  
25 witness. May I do that?

1 MR. GOVER: And I'll reserve my comments until  
2 after that occurs, thank you.

3 THE ADJUDICATOR: Very good, thank you. You may  
4 go ahead, Mr. Falconer.

5 MR. FALCONER: The letter asks for any  
6 documentation that pertains to Commissioner's  
7 Committee meetings as they related to the  
8 transfer of Grodzinski, the proposed transfer,  
9 and it says, "We made the request and we received  
10 the following response from Staff Sergeant Mark  
11 Bedard of the Commissioner's Office," and then it  
12 quotes the response. Staff Sergeant Mark Bedard  
13 advises, Mr. Adjudicator, "I reviewed the meeting  
14 minutes for Commissioner's Committees on the  
15 following dates," and then you can see all the  
16 dates, Mr. Commissioner [sic], all the way from  
17 March, '07 right through, right through to  
18 February 14th, '08 and beyond. "To the best of  
19 my knowledge," he says, "these minutes reflect  
20 every Commissioner's Committee meeting that took  
21 place in 2007 and to date in 2008." And then the  
22 important line, "During my review, I have located  
23 no reference to discussions and/or decisions that  
24 pertain to the employment status of Chief  
25 Superintendent Bill Grodzinski."

=====

1 BY MR. FALCONER:

2 Q. In your experience --

3 MR. GOVER: Well, now I'll make my comments.

4 MR. FALCONER: I haven't asked my question yet.

5 MR. GOVER: Well --

6 MR. FALCONER: I'm about to ask the question. I  
7 thought we were going to wait until I asked my  
8 question.

9 MR. GOVER: No, I was waiting until you read that  
10 into the record.

11 MR. FALCONER: All right.

12 MR. GOVER: In my submission, this -- we've heard  
13 from the witness about his limited exposure to  
14 the Commissioner's Committee, so my objection  
15 remains that this is really a question for  
16 someone else, such as Deputy Commissioner Hawkes,  
17 Deputy Commissioner Lewis, Deputy Commissioner  
18 Beechey, or Commissioner Fantino, and of course,  
19 those are names that appear in the Fresh as  
20 Amended Notice of Motion at pages six and seven.

21 So it really does --

22 MR. FALCONER: If my friend is going to call them  
23 as witnesses to explain how this transfer has  
24 nothing to do with the notes that this gentleman  
25 took and was in no way a reprisal and it was just

1 ordinary course of business at Commissioner's  
2 Committee meetings which has no minutes and is a  
3 phantom meeting, I'm sure my friend is going to  
4 call all that evidence.

5 MR. GOVER: And with respect --

6 MR. FALCONER: That's why I put it in the Notice  
7 of Motion so that it's clear that I intend to  
8 rely on their evidence when my friend calls them  
9 and puts that forward.

10 MR. GOVER: With respect, I'll complete my  
11 submission. This is Mr. Falconer's Notice of  
12 Motion that says in support of the motion the  
13 subject officers rely upon, paragraph 12, the  
14 viva voce evidence of individuals whom I have  
15 referred to. But regardless, this witness simply  
16 can't testify, is not competent to testify, with  
17 great respect, as he has frankly admitted, beyond  
18 December 13th, 2007, and the attendance that he  
19 had on that occasion. That's the point.

20 MR. FALCONER: Mr. Gover may misunderstand, Mr.  
21 Adjudicator, because he didn't let me ask the  
22 question yet that he wants to object to. He's  
23 objecting anticipatorily. I'm asking what is the  
24 normal course of business for transferring high  
25 level officers. Are there meetings of the

1 Commissioner and his Deputy Commissioners, are  
2 there usually minutes from these minutes, that  
3 kind of thing. I'm asking about general  
4 procedure. He's with the OPP for 29 years at a  
5 high level and has run a very successful command  
6 and he might be able to assist us on that issue.  
7 MR. GOVER: And that, with respect, has nothing  
8 to do with what was read into the record a moment  
9 ago by Mr. Falconer.  
10 MR. FALCONER: Well, because he did not let me  
11 ask my question. Mr. Adjudicator, my whole point  
12 is that what makes what happened so unusual is it  
13 never makes the radar screen in any ordinary way.  
14 I would have thought Mr. Gover would understand  
15 my point. There is nothing in any Commissioner's  
16 Committee meeting minutes to reflect a discussion  
17 about Bill Grodzinski being moved as a normal  
18 reorganizational step. It's the opposite. It's  
19 the opposite. It doesn't even surface, and I  
20 want to ask him is that consistent, inconsistent  
21 with his experience that a move of a highly  
22 ranked commissioned officer running a very  
23 successful command would not even be the subject  
24 of discussion at the Commissioner's various  
25 committee meetings.

1 THE ADJUDICATOR: The court -- I did raise the  
2 aspect as to who was on this Fresh Notice of  
3 Motion as to witnesses on the motion, and I  
4 indicated that because evidence should come the  
5 best way possible, and I'm aware of the Chief  
6 Superintendent here saying he had limited  
7 exposure to these meetings certainly beyond  
8 December 13, '07. So I really don't think, Mr.  
9 Falconer, in fairness, that he is competent to  
10 give this, and I'm not going to allow it.

11 MR. FALCONER: Fair enough.

12 THE ADJUDICATOR: I can certainly get that  
13 evidence from other witnesses.

14 MR. FALCONER: Thank you.

15 THE ADJUDICATOR: Now, it's getting close to  
16 5:00.

17 MR. FALCONER: Yes.

18 THE ADJUDICATOR: So you think you'll be a while  
19 yet?

20 MR. FALCONER: Yes.

21 THE ADJUDICATOR: In-chief, all right.

22 MR. FALCONER: I did have one more area that's  
23 probably about five minutes of questioning.

24 THE ADJUDICATOR: All right. Do you want to  
25 cover that, then?

1 MR. FALCONER: Yes, please.

2 THE ADJUDICATOR: All right. Let's do that. You  
3 said five minutes.

4 MR. FALCONER: I did.

5 BY MR. FALCONER:

6 Q. Please, Chief Superintendent Grodzinski, talk  
7 really fast. All right. In February, 2008, did you speak  
8 to Deputy Commissioner Beechey about your performance?

9 A. Yes, sir. It was described as a routine  
10 meeting with respect to what we call the 360 evaluation  
11 process. It was a process that a management consulting  
12 firm was conducting on a number of members of the OPP and I  
13 had a regularly scheduled meeting with the Deputy on that  
14 issue.

15 Q. All right. Did you actually yourself get  
16 appraised as part of this assessment process?

17 A. Yes, sir, I did.

18 Q. And I'm showing you a copy of what is  
19 entitled "Developmental Summary" and could you identify it  
20 for me and confirm that it applies to you?

21 A. That's the evaluation I received from Glen  
22 Thompson, the management consultant.

23 Q. And for those of us who would be virtually  
24 incapable of understanding the corporatese that's in that  
25 document, is it a negative or positive assessment?

=====

1 A. It's a positive assessment. It's 20 raters  
2 who assess your various leadership communication  
3 competencies. It included Deputy Beechey, it included  
4 Deputy Hawkes, my peer raters, and subordinate members  
5 right down to front line constables assessing my  
6 performance as the Commander of Highway Safety.

7 Q. And they call it a 360 degree because it  
8 looks at all sides of you; is that right?

9 A. That's correct.

10 Q. Around the whole person?

11 A. Yes, sir.

12 Q. I have a whole new sympathy for you as police  
13 officers. In any event, that was done and you were  
14 provided a copy of that?

15 A. Yes, sir.

16 MR. FALCONER: Can I file that as the next  
17 exhibit, please?

18 THE ADJUDICATOR: So Exhibit 20, Mr. Gover?

19 MR. GOVER: Yes, I'm content with that.

20 EXHIBIT NO. 20: Developmental Summary 360  
21 Report for Chief Superintendent Grodzinski.

22 BY MR. FALCONER:

23 Q. And then in speaking to Deputy Commissioner  
24 Beechey, could you assist us on the content of the  
25 conversation? First of all, did you make notes of that

1 conversation?

2 A. Yes, sir, I did.

3 Q. And what was the date of that conversation?

4 A. I'm having a mind blank right now, sorry.

5 Q. You said it was in early February, 2008; is  
6 that right?

7 A. Bear with me.

8 Q. You provided us with a copy of your notes, so  
9 instead of having you search through -- and that copy of  
10 the notes has been provided to Mr. Gover -- does that  
11 reflect a copy of your notes of February 6th, 2008?

12 A. It does, sir.

13 Q. Could you now assist me -- and those notes  
14 were, like the others, taken contemporaneously?

15 A. Yes, sir.

16 Q. All right. Do you wish to refer to them to  
17 refresh your memory?

18 A. Just there is quite a few notes here but --

19 Q. I'm talking about the conversation with  
20 Deputy Commissioner Beechey.

21 A. And there is a number of pages that covers  
22 the entire conversation, but I've read these. I read them  
23 this morning. I'm familiar with them.

24 Q. Fine. So I'm asking you do you want to tell  
25 us what was said, please.

1 A. Essentially, it was a meeting about the 360.  
2 The Deputy wanted to know more information about the  
3 meeting around the 13th of December where the Commissioner  
4 and I spoke about my future and some of the comments. In  
5 particular, he was interested about the comment about  
6 retiring as a Chief and he wanted to know more about that.  
7 So I essentially related to him that the Commissioner and  
8 I had a conversation, and in the context of the 360 I  
9 basically said to Deputy Beechey it's essentially a waste  
10 of time for me because what I described as my limited  
11 career options, I'm not going anywhere. And Deputy Beechey  
12 said, "Well, why would you say something like that?" And I  
13 essentially said to him, and I quote, "I know I pissed off  
14 the Commissioner by what I did recording the Caledon  
15 conversation." And Deputy Beechey immediately responded to  
16 that.

17 Q. What did he say?

18 A. He said, "Oh, you pissed him off all right."

19 Q. And the words, "Oh, you pissed him off all  
20 right," is that a quote?

21 A. Yes, sir. I have quotes in my notebook.

22 Q. And on February 6th, 2008 when you spoke to  
23 Deputy Beechey, what was the activity the two of you were  
24 discussing "pissed off" the Commissioner?

25 A. I was referring to me taking the notes --

1 making the notes from the meeting of the 1st of March,  
2 2008.

3 Q. At that point in time did the Commissioner or  
4 Deputy Commissioner Beechey have any knowledge that you had  
5 provided a statement to Investigator Perry?

6 A. No, sir.

7 Q. And now -- and this is my last question --  
8 now looking back, we're now in July, 2008, looking back  
9 have you changed you views at all about the effort at  
10 transferring you to North Bay being a reprisal? Have your  
11 views changed?

12 A. They haven't changed, other than I am that  
13 much more convinced that it was a reprisal, and all the  
14 additional information I'm now aware of convinces me even  
15 further that it was a reprisal.

16 Q. Why do you say that?

17 A. Because I'm obviously aware of certain events  
18 that have taken place, certain information that is now part  
19 of the public record, and all of that information that is  
20 now part of the public record convinces me that it was a  
21 reprisal for me carrying out my duty.

22 MR. FALCONER: Thank you. This is a good place  
23 to stop, Mr. Adjudicator.

24 THE ADJUDICATOR: Now, we're still -- thank you.

25 Now, Chief Superintendent, you come back  
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1 tomorrow at 10:00 -- 10:00 o'clock tomorrow.

2 THE WITNESS: Yes, sir.

3 THE ADJUDICATOR: To continue giving evidence.

4 No problem there?

5 THE WITNESS: Absolutely not, sir.

6 THE ADJUDICATOR: And don't discuss the matter

7 with anyone, save and except I guess Mr. Falconer

8 if he wants to speak with you.

9 THE WITNESS: Understood, sir.

10 THE ADJUDICATOR: So any advancement on dates

11 that we're looking at down the road? Anything

12 happening there?

13 MR. FALCONER: Yes, that and the Zulinski

14 statement that we still can't file yet seem to be

15 the two biggest hurdles for Mr. Gover and I, and

16 we're working together on both things and we're

17 taking another run at the Zulinski statement.

18 THE ADJUDICATOR: No, that's okay. Do you think

19 maybe tomorrow?

20 MR. FALCONER: Yes, I've got dates and I also

21 think Mr. Gover put it quite rightly that we are

22 also facing having to look at the availability of

23 the hearing room.

24 THE ADJUDICATOR: I see, yes.

25 MR. FALCONER: And I don't know how we canvass

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1 that for the late part of September, October, and  
2 November.

3 THE ADJUDICATOR: We're going to need more dates  
4 for this motion, aren't we?

5 MR. FALCONER: Yes.

6 THE ADJUDICATOR: We're not going to finish it  
7 this week.

8 MR. FALCONER: No.

9 MR. GOVER: No.

10 THE ADJUDICATOR: And you think they will be in  
11 September?

12 MR. FALCONER: Late September.

13 THE ADJUDICATOR: Late September.

14 MR. FALCONER: Early October based on our trying  
15 to cross match availability.

16 THE ADJUDICATOR: Nothing in August? We're not  
17 doing anything in August?

18 MR. FALCONER: That's correct.

19 MR. GOVER: Mr. Adjudicator, we do have a clean  
20 paginated copy of Detective Staff Sergeant  
21 Zulinski's statement which I will file, and I  
22 believe we reserved an exhibit number for it,  
23 sir.

24 THE ADJUDICATOR: 13.

25 MR. GOVER: Thank you.

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1 THE ADJUDICATOR: I think we reserved 13.

2 MR. FALCONER: Yes, we did.

3 MR. GOVER: So then I suggest -- and I appreciate

4 that Chief Superintendent Grodzinski is a captive

5 to some extent while we have this discussion -- I

6 suggest then that we coordinate dates first thing

7 tomorrow 10:00 a.m.

8 THE ADJUDICATOR: Yes.

9 MR. GOVER: And we then after that resume the

10 evidence of the Chief Superintendent.

11 MR. FALCONER: That's fine, and I'm just going to

12 -- what I'll do is I'll have Chief Superintendent

13 Grodzinski wait in the interview room while we go

14 over the dates.

15 THE ADJUDICATOR: So your next witness will be?

16 MR. FALCONER: Ms. Susan Cole, the public

17 complainant.

18 THE ADJUDICATOR: So maybe tomorrow we might

19 start her?

20 MR. FALCONER: Yes, I would anticipate so. Most

21 of the remaining time with Chief Superintendent

22 Grodzinski will be Mr. Gover's.

23 THE ADJUDICATOR: Well, he'll need about four or

24 five hours, I would think.

25 MR. FALCONER: At least, and that's just the

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1 introductory part of the cross. That's on the  
2 notes.

3 THE ADJUDICATOR: So we'll break then till 10:00  
4 tomorrow morning. Thank you.

5 --- Hearing adjourned at 5:00 p.m.

6 \*\*\*  
7 THIS IS TO CERTIFY that the  
8 foregoing is a true and accurate  
9 transcription of my recordings  
10 (my notes), to the best of my  
11 skill and ability.

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