



# BEAMENT GREEN DUST

LAWYERS / AVOCATS

William T. Green, Q.C.*	Bernard J. Manton	John H. Haydon, Q.C.	Stephen J. Grace	Colin D. McKinnon, Q.C.**	Terrill C. Jameson
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D. Bradley Evans	Derek G. Nicholson	Kenneth W. Johnson	James F. Leal	Warren L. Creates	Justin R. Fogarty
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Counsel / Avocats-conseil: G. E. Beament, Q.C., L.S.M., L.L.D. James W. York, Jr., Q.C.

\*Certified by the Law Society as a Specialist in Civil Litigation \*\* Certified by the Law Society as a Specialist in Civil Litigation and Criminal Litigation.

May 4, 1994

Via Courier

Strictly Confidential

Cornwall Police Service  
 340 Pitt Street  
 P.O. Box 875  
 CORNWALL, Ontario  
 K6H 5T7

Attention: Staff Sgt. Brendan Wells

Ontario Court of Justice  
 11 Provincial Division  
 ✓ General Division  
 13 Family Court

Exhibit No. 7  
 Case: 99-0719  
 Produced by: Court  
 Property of: Court  
 Date: Feb. 20, 2001  
R. Dore  
 Clerk / Registrar

Dear Brendan:

Re: Police Service Act Charges v. Constable Dunlop and  
Constable [REDACTED]

Further to your attendance at my office today, I am pleased to enclose herewith two packages of documents.

The first relates to Constable [REDACTED] Enclosed you shall find:

1. Chief's Authorization for Charge;
2. Charge Sheet;
3. Designation Order for prosecutor;
4. Designation Order for hearing officer.
5. Adjournment Sheet;
6. Ajudication Sheet; and
7. Notice of Decision sheet.

With respect to Constable Dunlop, you will find the same documents referred to above in the same order.

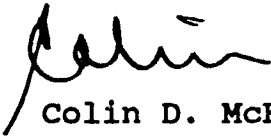
You are to get back to me with your decision in respect of Constable [REDACTED] once you have reinterviewed Constable Wilson and spoken to Chief Johnson.

You are to enquire with the Chief whether he wishes me to arrange a hearing officer for the Dunlop matter and co-ordinate dates. To that end, please advise if there are any problems respecting dates relating to witnesses.

Finally, I shall require a brief in both cases which can be provided also to the officers concerned.

Thank you for your continuing cooperation.

Yours very truly,



Colin D. McKinnon, Q.C.

CDM:mln

Encls.

# CORNWALL POLICE SERVICE

## POLICE SERVICES ACT

### NOTICE OF DISCIPLINARY PROCEEDINGS

To: Constable Perry Dunlop, No. 076

IT IS ALLEGED that you are guilty of misconduct contrary to Section 56 of the Police Services Act, 1990.

IN THAT YOU DID act in a disorderly manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Police Force, in that on or about the 30th day of September, 1993, you did provide a copy of a statement to Mr. Richard Abell, a representative of the Children's Aid Society, which statement had been provided by David Silmsler during a criminal investigation conducted by the Cornwall Police Service, and did thereby commit the offence of discreditable conduct contrary to Section 1(a)(i) of the Schedule Code of Offences described in Regulation 791 of the Police Act, R.S.O. 1980 as amended, which continues in force pursuant to Section 15 of the Interpretation Act, R.S.O. 1990.

AND FURTHER THAT YOU DID on or about the 30th day of September, 1993, divulge a matter which it was your duty to keep secret, namely, you did provide a copy of a statement to Mr. Richard Abell, a representative of the Children's Aid Society, which statement had been obtained from Mr. David Silmsler during the course of a criminal investigation conducted by the Cornwall Police Service, and did thereby commit the offence of breach of confidence contrary to Section 1(e)(i) of the Schedule Code of Offences described in Regulation 791 of the Police Act, R.S.O. 1980, as amended which continues in force pursuant to Section 15 of the Interpretation Act, R.S.O. 1990.

AND FURTHER THAT YOU DID on or about the 30th day of September, 1993, without proper authority, show to Mr. Richard Abell, a representative of the Children's Aid Society being a person who is not a member of the Cornwall Police Service, a statement obtained from Mr. David Silmsler, which statement had been obtained during the course of a criminal investigation conducted by the Cornwall Police Service, and did thereby commit the offence of breach of confidence contrary to Section 1(e)(iv) of the Schedule Code of Offences described in Regulation 791 of the Police Act, R.S.O. 1980, as amended which continues in force pursuant to Section 15 of the Interpretation Act, R.S.O. 1990.

THIS IS THEREFORE TO COMMAND YOU to appear before \_\_\_\_\_ on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_, 1994, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon at the Cornwall Police Service, 340 Pitt Street, Cornwall, Ontario, to answer the said allegations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

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(Person Effecting Service)

TAKE NOTE THAT: This hearing is held pursuant to the Police Services Act and the Statutory Powers Procedure Act, which latter Act provides that if any party notified does not attend at the hearing, the tribunal may proceed in your absence and you will not be entitled to any further notice of the proceedings.

AND FURTHER THAT: In compliance with Section 61(4) of the Police Services Act, you are hereby served notice that in the event you are convicted on clear and convincing evidence at your trial, dismissal or demotion may be imposed as penalty.

- 2 -

AND FURTHER THAT: In compliance with Section 60(4) of the Police Services Act, before the hearing, you shall be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence.

Copy received at time of service.

by: \_\_\_\_\_  
Constable Perry Dunlop

## CORNWALL POLICE SERVICE

TO: The Commissioner, O.P.C.C.  
AND TO: Constable Perry Dunlop  
AND TO: David Silmser

Pursuant to the powers invested in me in accordance with Section 90(5) of the Police Services Act, R.S.O. 1990, I have ordered that a disciplinary hearing under Section 60 of the said Act shall be held alleging misconduct on the part of Constable Dunlop, contrary to Section 1(a)(i), 1(e)(i) and 1(e)(iv) of the Schedule Code of Offences, R.S.O. 1980.

Dated at Cornwall this            day of            , 1994.

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Chief of Police