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# TELEGRAPH JOURNAL

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TUESDAY, AUGUST 21, 2012

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## Probe may reopen dark chapter in policing

### Allegation

Former Toronto detectives to look into another sex assault complaint against Estabrooks

REID SOUTHWICK  
TELEGRAPH-JOURNAL

SAINT JOHN – Saint John city hall has hired high-profile private investigators to probe a new complaint that a former city police officer – already convicted of sex crimes – sexually assaulted someone else.

The city has tapped David Perry and Ron Wretham, former Toronto police detectives, to conduct the investigation. Perry, who led several high-profile cases with the Toronto force's sex crimes and sexual assault units, confirmed he and his partner are looking at a "historical" sexual assault case in Saint John, but would not name the subject of the investigation.

The Telegraph-Journal has learned Kenneth Byron Estabrooks, a former sergeant convicted of sexually abusing four young victims between 1957 and 1982, is at the centre of the new probe. Estabrooks, who died in 2005, fondled his victims, performed oral sex on them and had them perform oral sex on him.

The new investigation could reopen a dark chapter in the city's history that officials attempted to close years ago.



Dave Perry, left, and Ronald Wretham of Investigative Solutions Network leave Saint John City Hall Monday evening following a meeting with city officials. PHOTO: CINDY WILSON/TELEGRAPH-JOURNAL

Perry and Wretham are scheduled to hold a news conference at City Hall Tuesday morning to discuss the investigation. When approached on the street outside of City Hall Monday, Perry said he and his partner are reviewing one new complaint, but "based on what we know it would be reasonable to assume there may be others."

"I can't confirm or deny who the subject of our investigation is, but I can tell you that we're looking at a historical assault case dating back many years," Perry said.

Perry is a well-known investigator who secured a confession from Michael Briere, the man who murdered Holly Jones, a 10-year-old who went missing after walking her friend home from school in Toronto in 2003.

Allegations against Estabrooks first surfaced in 1975 when he was a 22-year veteran of the Saint John Police Force. Saint John police, who conducted the investigation, obtained signed statements from two teenage boys. Estabrooks had also signed a statement confessing to having sexual relations with the two boys.

Despite this, Estabrooks was not charged. In fact, he resigned from

the force and was quietly transferred to the city's public works department. And he continued abusing children.

A report compiled decades later by the New Brunswick Police Commission concluded the Saint John force's 1975 investigation was a "sub-standard effort which likely could have produced better evidence and, perhaps, more victims."

It wasn't until 1997 – 22 years after the initial probe – that new allegations surfaced, and sparked an investigation that ended with Estabrooks' conviction. He was found guilty of sexually abusing four young victims and sentenced to six years in prison.

Justice Hugh McLellan dismissed three other charges for various reasons, including inconsistencies in witness statements. He ruled the sexual encounters between Estabrooks and one of the original complainants from 1975 were consensual.

During the trial, a female victim testified she was just four or five years old when Estabrooks fondled her in the basement of the old western police station on Market Place. She said he would usually reward her by letting her play with toys in the lost-and-found room.



The Times-Globe's front page coverage of the Estabrooks case. PHOTO: COURTESY SAINT JOHN PUBLIC LIBRARY

Male victims testified that Estabrooks had fondled them, performed oral sex of them and sometimes had them perform oral sex on him. They said they had come from dysfunctional families and spent most of their time on the street, which is where they met

# Prioritize cases, federal minister tells police forces

**Forensics** Toews says local police and RCMP labs must work together to expedite high-profile investigations

CAROLYN THOMPSON  
TELEGRAPH-JOURNAL

SAINT JOHN – As police cite delays in forensic evidence analysis as the reason no one has been charged more than a year into the Richard Oland homicide investigation, the federal public safety minister said Monday that it is up to the police and RCMP forensic laboratories to prioritize the processing of evidence for high priority investigations.

"Some cases are simply more important and those will be given priority over other types of cases where they are time-sensitive. Obviously the police make arrangements to move those ahead quickly in co-operation with the lab," Vic Toews said after delivering an announcement on crime prevention funding from Saint John MP Rodney Weston's office.

Oland, a well-known businessman and member of the Moosehead beer-making family, was found dead in his uptown office on July 7, 2011. More than a year after Oland's death, only 43 pieces of forensic

evidence have been analyzed by RCMP laboratories, according to an affidavit sworn by Const. Stephen Davidson. Davidson said in the affidavit that 243 pieces of evidence will require analysis.

"It is the intention of the Saint John Police Force to submit further exhibits to the RCMP National Forensic Services Laboratories once all previously submitted exhibits are returned," he said. "The amount of time awaiting responses is outside of our control."

Davidson describes the process by which forensic pieces are submitted to the RCMP.

On one occasion, police sent away 11 exhibits at the end of November 2011.

Police had still not received any results by Feb. 2, 2012, so they emailed forensic analysts for a status update.

The results weren't received

MORE COVERAGE  
C1, C7

# No rooms for Bacchus bikers thanks to Boss

ADAM HURAS  
LEGISLATURE BUREAU

A 40th anniversary birthday bash for the Bacchus Motorcycle Club slated to be held this weekend in Moncton has been postponed due to a man who was Born to Run.

This Sunday's Bruce Springsteen concert has led to a lack of available hotel rooms in the Hub City,

forcing Canada's second-largest outlaw motorcycle gang to suspend its party plans.

"This weekend is historically their corn boil, but this year it also coincides with their anniversary," said Const. Sebastien LeBlanc, a New Brunswick-based RCMP officer with the southeast integrated intelligence unit who investigates outlaw motorcycle gangs.

"With mixed feelings I'm sure, they had to push it back because of a lack of hotel availability."

The gathering has now been moved to the Labour Day weekend at the gang's Albert County clubhouse.

Its members will now book Moncton hotels and motels for those dates.

The RCMP is anticipating

affiliated gangs at the event, including Hells Angels, Red Devils, Paradise Riders, Vagabonds, Dark-siders, Highlanders and the Charlottetown Harley Club.

"They have associate clubs – more or less friends for a lack of a better term," LeBlanc said. "They have a strong tie to the Ontario

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# ACTUALITÉS

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## Riding commission likely to face friction in Moncton

**CHRIS MORRIS**  
LEGISLATURE BUREAU

FREDERICTON – The hot spot for upcoming hearings on federal electoral boundaries is expected to be Moncton, where francophones fear a major loss of clout in the proposed new riding of Moncton-Riverview.

The Federal Electoral Boundaries Commission for New Brunswick will begin hearings in the province on Sept. 10 to gather opinions on the redrawn map of 10 ridings.

Jeanne d'Arc Gaudet, vice-president of the Acadian Society of New Brunswick, said the organization is deciding how to present the concerns it has about the proposal to move the city of Dieppe into the predominantly rural Beausejour riding.

The new riding would be called Beausejour-Dieppe.

Gaudet said the loss of Dieppe would mean a significant decline in the number of francophones in the Moncton riding, from 31 per cent in the current riding of Moncton-Riverview-Dieppe to about 20 per cent in the new Moncton-Riverview

riding.

"We would lose critical mass," Gaudet said in an interview Monday.

"At critical mass, we can make a difference and our concerns are heard. We have the power of negotiation and the power of being listened to, and we want to maintain that."

Gaudet said the Acadian Society will make a presentation to the boundaries commission, although it is still being debated and developed within the francophone rights organization.

"We are a bilingual province," she said.

"We're not trying to take away anything – we are just trying to maintain our rights as a people. And also there is a gap, what we call a catching up, because of historical injustices. ... It is important that people continue to be sensitized to the fact that we are always struggling for our rights and trying to keep what we have."

The boundaries commission, which released its proposals in the spring, defended its decision to merge Dieppe with the riding of Beauséjour.

Commissioners said the size of the francophone population in

Moncton-Riverview would remain significant.

"In that context, it is somewhat difficult to argue forcefully that an elected representative could ignore their needs as a francophone community," the commissioners wrote.

There also is some concern about the proposed changes in the small communities of Beauséjour.

Maryse LeBlanc, mayor of Beaubassin East, a rural community made up of six small communities near Shediac, said she is worried Dieppe will dominate and overpower its rural neighbours with its demands.

"The little people are scared the bigger people are going to get more," LeBlanc said. "The biggest communities will get more of what we don't want to lose."

Frederick Dion, executive director of the Association of Francophone Municipalities in New Brunswick, said his organization will be talking with communities in Beauséjour about the boundary hearings.

"There are not many concerns," Dion said of the francophone municipalities.

"The commission didn't do a bad job.

The only concern we hear from our members comes from the Dieppe region. ... There is some concern from rural municipalities that there will be a big municipality in their region, and they are not always on the same page on issues?"

The commission said the proposed new riding map reflects population shifts to urban areas such as Moncton, Fredericton and Saint John by adjusting the province's traditional mixed urban-rural electoral districts.

There are several new names on the proposed map: Beausejour-Dieppe, Fundy-Quispamsis, Moncton-Riverview, and Tobique-Saint John River Valley.

The names suggested for retirement are Tobique-Mactaquac, Moncton-Riverview-Dieppe, Beausejour and Fundy Royal.

Unchanged riding names are Fredericton, Acadie-Bathurst, Miramichi, Madawaska-Restigouche, Saint John, and New Brunswick Southwest.

Public hearings across the province begin on Sept. 10 in Saint-Quentin and end on Sept. 27 in Belledune.

The Moncton hearing will be held on Sept. 20.

### PROVINCIAL JOURNAL

#### Amalgamations

#### Madawaska village and LSD may unite

SAINT-FRANCOIS-DE-MADAWASKA – New Brunswick's most northwesterly village and local service district have become the latest communities to consider merging. The Village of Saint-François-de-Madawaska and the Saint-François Local Service District have asked the province to conduct a feasibility study. Louis Labrie, chairman of the local service district's advisory council, says that as it stands residents already pay taxes to the municipality for fire, arena and library services. He said amalgamation would give them greater say in the management of those services.

#### Tragedy

#### Driver thought to have crossed line

FREDERICTON – RCMP District 2 says the initial investigation into an accident that left a 41-year-old Chipman woman dead over the weekend suggests the victim's vehicle crossed the centre line before being struck by an oncoming transport truck. The accident occurred Sunday evening at about 5:30 p.m. on Highway 10 in Coal Creek, south of Chipman. Cpl. Yann Audoux said conditions were dry and clear at the time of the accident. Audoux said the woman died from her injuries at the scene while the driver of the transport truck was treated at the Dr. Everett Chalmers Hospital for non-life-threatening injuries. The accident closed the road until about 1 a.m. The name of the victim has not been released pending notification of her family. The investigation is ongoing.

#### Hiring

#### Airport seeks manager, officer

FREDERICTON – The Fredericton International Airport is looking to hire a new operations manager and a new communications officer. John Hamilton, director of marketing and business development at the airport, says the new positions will improve staff relations and the airport's presence on the web. "They are new positions," he said Monday. "We've had a good opportunity to look at our organization." "We figured that ... why the employees were not engaged was essentially they were all reporting to one person and we needed to strengthen the middle management area so there will be two managers responsible for the operations instead of one director." The restructuring will result in two managers reporting to one director which will result in better communications and engagement with employees, said Hamilton.

#### Arrest

#### Man faces drug, weapon charges

MONCTON – A Moncton man has been charged with eight drug and weapons-related offences, following a seizure at a residence in the city on Friday. Codiac Regional RCMP Drug Section members executed a search warrant at a residence on MacAleese Lane. A number of illegal items were seized, including marijuana plants, a quantity of crack cocaine, methamphetamine pills and other prescription pills. Four prohibited firearms and other prohibited weapons were also seized. A 34-year-old man was arrested and appeared in Moncton provincial court on Monday. Michael Reid was charged with possession of methamphetamine for the purpose of trafficking, possession of cocaine for the purpose of trafficking, unauthorized possession of a firearm, unsafe storage of a firearm and other weapons offences. He is scheduled to return to court on Oct. 11 to enter pleas.

#### Blaze

#### Family unscathed by house fire

ALLARDVILLE – A woman and two children were forced from their home was extensively damaged by fire on Sunday afternoon. There were no injuries in the blaze that happened at 5745 Route 134 in Allardville, a community about 20 kilometres south of Bathurst. The Canadian Red Cross is providing the family with lodging and food while they await word from insurance adjusters on repairs.

## RCMP officer expects more than 200 to attend Bacchus party

### BACCHUS ← A1

motorcycle gangs.

"Everyone is going to go to the clubhouse in Albert County and they are going to pay their respects to the Bacchus Motorcycle Club for their 40th anniversary."

LeBlanc said he expects more than 200 people to attend.

The Bacchus has about 70 members in seven Atlantic chapters.

Only the Hells Angels has a bigger membership in Canada.

"The Bacchus will host an array of food and bike runs, but they will just stay there (at the clubhouse) and have a big barbecue and festivities on site," LeBlanc said.

"There is no immediate effect to public safety, but it is going to be a large gathering so our main concern is going to be motor vehicle safety.

"The city is going to notice an increased presence of the motorcycle gang within

city limits and because there are no hotels in Albert County there are going to be a lot of out-of-town motorcycle gang members staying in local hotels."

The Bacchus Motorcycle Club made headlines in New Brunswick last week when biker boss Matthew Thomas Foley was sentenced to 10 years in prison for gunning down a man in broad daylight near the gang's Saint John clubhouse last month.

Foley, the 50-year-old former president of the Bacchus club, pleaded guilty to manslaughter.

Bruce Springsteen and the E Street Band are expected to draw a crowd of roughly 30,000 people this weekend to Moncton's Magnetic Hill concert site.

The Boss is famous for landmark albums including *Born to Run*, *The Rising* and *Born in the USA*.

He is on tour in support of his latest album, *Wrecking Ball*, with dates for shows in the U.S. and Europe. The Moncton

show is one of only two Canadian dates on what is currently the biggest music tour in the world.

Toronto is the Springsteen's only other stop in Canada.

LeBlanc said the RCMP will be watching closely to the Bacchus long weekend festivities.

"We regularly monitor these activities to confirm and stay current with the emerging trends inside motorcycle gangs, confirm and identify current membership within the organization and see the dynamics of how their relationships are with fellow outlaw motorcycle gangs," LeBlanc said.

"Historically there are some outlaw motorcycle gangs that don't get along with each other so it is crucial that police stay current with the dynamics with these relationships so we don't get surprised with some kind of dispute between bikers."

City of Moncton officials were not

available on Monday to comment on the upcoming weekend.

The RCMP lists the Bacchus as a member of the "one-per-cent club."

The distinction classifies the gang as fringe outlaw motorcyclists that stand apart from the 99 per cent of bikers who are law abiding.

One-per-cent clubs and their members are at the top of the outlaw biker hierarchy and have been linked to organized crime.

They can be identified by a diamond patch with "1%" embroidered on it.

The Canadian Security Intelligence Service (CSIS) flags the group as an "Outlaw Motorcycle Club" listed among notorious gangs such as the Hells Angels, The Bandidos, The Pagans and The Outlaws.

"For police presence, we will be monitoring the activities surrounding this event," LeBlanc said. "Just like any other large gathering of people, police have a vested interest in maintaining public safety."

## Speed improved significantly, minister says

### OLAND ← A1

until March 19.

The most recent forensic pieces – the police force's fourth submission – were sent on April 3 and April 24. Those 19 pieces were returned on June 26.

"It's always a challenge I think in order to ensure that that evidence is moved forward of course as quickly as possible. We are always concerned about whether delays could result in cases being thrown out. We don't want to see that," Toews said.

The comments come just a few days after Davidson told a provincial court hearing that although the Saint John Police Force has a prime suspect, a lengthy processing of evidence through an RCMP lab means it is unlikely an arrest will be made soon.

Davidson said Friday that his opinion of the pace of the investigation differs from that of Saint John Police Chief Bill Reid who has said publicly that an arrest is expected in "a short period of time."

"In my opinion, it may not be a short period of time because evidence is continually coming in and it has to be assessed," Davidson said.

Toews declined to provide an assessment of an acceptable length of processing time.

"It really depends on what the case is and I leave that to the experts as to when something is reasonable or not reasonable," he said. "I'm not prepared to say whether two weeks or a month is reasonable."

Toews said the government has significantly improved the speed with which evidence is processed.

"Generally speaking I think that the delays that were occurring let's say five, six, 10 years ago even, are much reduced than they were before. But are there challenges? There are always challenges and we are committed to working with local governments, provincial government to see how we can enhance our capacity in that respect," he said.

## External investigation cleared city police force

### ESTABROOKS ← A1

Estabrooks.

"The most aggravating factor, above all else, was that he was a police officer when he was picking up and picking on these little kids," McLellan said when sentencing Estabrooks in September 1999. "And that's just so wrong. Words can't express how disgraceful it is."

After the conviction, questions remained about the Saint John Police Force's handling of the 1975 investigation that ended in no charges against the child molester. Those questions lingered despite an external investigation that concluded in early 1999, before Estabrooks was found guilty, the Saint John force did nothing wrong when it didn't lay charges against him 24 years before. The Fredericton Police Force carried out this review, but it wouldn't be the last.

McLellan had also cleared Saint John police of any wrongdoing, arguing the laws in the 1970s were insufficient to prosecute Estabrooks for what he had allegedly done. The RCMP took a similar stand in February 2000, saying there was simply no criminal offence for what Estabrooks was alleged to have done at the time, but noted that Saint John police didn't even try to pursue charges against the molester.

"If they had wanted to bring criminal charges, if they had wanted to push it toward the Crown, which they didn't do, it would have been recommended at that time that no charges go ahead," said then-Staff Sgt. Jacques Ouellette.

Perhaps the most damning review was conducted by the New Brunswick Police Commission, which concluded the Saint John force's 1975 investigation was sloppy and allowed a sex offender to continue molesting children.

"In its summation, the commission found the investigation conducted in 1975 was unprofessional and, consequently, it resulted in allowing a serious sex offender to go unpunished, Peter Seheult, then the commission's acting chairman, said after the 1999 review was completed.

But the provincial commission said it lacked the authority to discipline officials responsible for the shoddy work because the New Brunswick Police Act was created years after the 1975 investigation, adding nobody could be punished retroactively. A separate government press release stated officers involved in the old probe were no longer working for the force. Despite its criticism of the decades-old investigation, the commission dismissed allegations of a police cover-up. It said the force "did not consciously attempt to cover up any evidence in the 1975 investigation."

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