

CP Police Service Chief Al Sauve Statements to CBC News

December 4, 2019

**Phone call to CP Police Service Chief Al Sauve requesting comment
(NO Transcript Available)**

December 9, 2019

CPPS Chief Al Sauve to CBC News

Mr. Seglins,

I am writing in response to the inquiry you made on December 4, 2019.

For your information, in Canada, the Canadian Pacific Police Service ("CPPS") is comprised of Constables appointed under the Railway Safety Act.

In relation to the derailment that occurred near Field Hill on February 4, 2019, CPPS served in its official capacity as a law enforcement agency to secure the derailment site and to maintain peace and order.

CPPS was also joined by the RCMP, which had jurisdiction at this location and had full and complete investigative authority over any and all matters related to this incident. Additionally, CPPS provided assistance to other regulatory agencies such as Transport Canada, the Transportation Safety Board, Employment and Social Development Canada, British Columbia's Coroners' Services, environmental agencies and any other agencies needing access to the derailment site, or otherwise needing support.

The scope of CPPS's investigation was to determine actions of the crew members prior to the event regarding any outside factors that may have led or contributed to the incident itself.

This investigation was thorough. It has been concluded and no charges were laid. The investigation was led by a CPPS Inspector, assisted by a supervisor (sergeant) out of the Calgary Detachment and the former Constable Mark Tataryn. The scope of the investigation was discussed by the CPPS Inspector, the sergeant and former Constable Tataryn and approved by me. To be clear, and contrary to what was said in your email, at no time was former Constable Tataryn the "primary investigator" in this matter.

Given the seriousness of the allegations made by former Constable Tataryn about the CPPS investigation, you should be aware that he resigned from CPPS at the onset of a CPPS investigation into his own misconduct. Mr. Tataryn was provided the full opportunity to participate in the investigation of his activities, but chose

to not co-operate and to resign. The investigation found the following infractions by Mr. Tataryn:

1. Knowingly, negligently or recklessly made false, misleading or inaccurate statements in a CPPS report;
2. Without lawful excuse, altered CPPS investigation files;
3. Committed policy violations related to unauthorized possession of ammunition and failure to properly secure firearms.

Given the facts outlined above, we suggest it would be misleading to your audience to take this disgruntled former employee's comments at face value.

Given this matter remains under investigation I will not be commenting further.

Sincerely,

Al Sauve

Chief, Canadian Pacific Police Service

December 27, 2019

CBC News to CPPS Chief Al Sauve

Dear Chief Sauve,

Thank you for your email reply of December 9th.

The Fifth Estate is planning on going to air with a documentary in January based on our current understanding of events and the views of numerous interviewees, including very serious assertions made by former CPPS constable Mark Tataryn.

I am hoping you can clarify some of the things you wrote in your December 9 email.

When you wrote that CPPS found Mr. Tataryn had committed three "infractions" - described as inaccurate statements in a report, altering a file and firearms/ammunition issues - were these contraventions of any specific policy, law or regulation from the Criminal Code, police act, or CPPS policy?

Can you please advise us of the specifics of the alleged infractions you found?

Was Mr. Tataryn found to have committed these alleged infractions by default due to him not participating in the investigation or was there a formal finding by CPPS after a full process?

Separate from that, I am hoping you can address some of the questions we raised in our December 4 phone call with you, primarily:

Whether you decided the investigators on the file didn't need access to the CP audio recordings from RTC and dispatch from the moments leading up to the February 4, 2019 crash.

Whether you attended the BC Coroner to retrieve personal effects of the dead crew without first notifying investigator Tatryn - and without sharing detailed notes into the investigative file to document the chain of custody of potential evidence.

Whether CPPS Constable Tataryn was denied access to train safety and maintenance records.

Whether there is any truth to Tataryn's allegation that CP Police engaged in a 'cover-up' to shield CP Rail from an investigation of potential criminal negligence.

Additionally, Tataryn has told us he was advised by CPPS superiors it would be in the "best interests for the company" to not share any witness statements from this investigation with other agencies without first allowing CPPS police to review it. What is your response to this?

We will appreciate your reply by 12:00 p.m. MST on January 3, 2020 in order to meet our broadcast deadline.

Thank you.

DS

January 3, 2020

CPPS Chief AI Sauve to CBC News

Mr. Seglins:

I am writing in response to the further inquiry you made on December 27th, 2019. I refer you to my letter of December 9th, 2019, where I replied to a number of your questions. At all times CPPS has cooperated fully with governmental and law enforcement agencies involved in the emergency response and investigation of the February 4th derailment near Field, B.C. Specifically, this includes working with the RCMP which had –and continues to have – full and complete investigative authority over any and all matters related to this incident.

Given this matter remains under investigation I will not be commenting further.

Sincerely,

Al Sauve, M.O.M.
Chief of Police
Canadian Pacific Police Service

January 25, 2020

CBC News to both CP Rail corporate and CP Police Chief

Jeremy,

Happy to ensure our reporting is both fair and accurate.

1) What in today's story is either inaccurate or unfair? (We don't say anything about RCMP not having jurisdiction - which they consistently stated until today.)

I'm cc'ing Chief Sauve, as he leads the CPPS which has a duty to uphold the laws of Canada (not just protect the corporate interests of CP Rail.)

He is most responsible for answering the following questions:

As per CP's suggestion, we've again contacted RCMP today. They reiterate that while RCMP have "jurisdiction" and authority across Canada, including in Yoho National park ... they state, in part the following:

"The RCMP did attend during the initial incident as emergency responders and then acted as an assist agency - as and when required to the CP Police, TSB and BC Coroner.

The RCMP has the authority to investigate criminal matters in this area and across Canada.

In this case - CP Police was the POJ (police of jurisdiction) and we assisted and did not launch a parallel or concurrent investigation. "
Chief Sauve:

1) Why did CP Police not call in the RCMP in March 2019 when your then-officer Mark Tataryn expressed concerns that the presence of a CP-paid lawyer in multiple witness interviews was inhibiting collections of proper statements?

2) Will CPPS now request RCMP to investigate? (To at least rule out criminal negligence - given the published findings by CBC News regarding failures that appear to have contributed to the tragedy)

3) If not, why not?

I'd be grateful for a reply to each set of questions.

Thanks,

DS

January 27, 2020

CBC News to CP Corporate and CP Police Service

Chief Sauve - and Jeremy -

We are hoping for a reply from each of you on these separate questions today, ASAP, as CBC is preparing a follow-up story.

Can you please confirm you've received this - and indicate whether you intend to respond?

Thanks,

DS

CP Police Chief to CBC News

Mr. Seglins,

The CPPS has no further comment at this time.

Thank you.

AI Sauve, M.O.M.
Chief of Police

CBC News to CP Corporate and CPPS Chief AI Sauve

Chief Sauve and Jeremy,

In the course of CBC's reporting today, we've learned the following:

- The TSB's lead investigator says "There is enough to suspect there's negligence here and it needs to be investigated by the proper authority."

-CP's main union has issued a release calling for the RCMP to conduct an independent investigation - AND - is calling on Transport Canada for the elimination of "Corporate Police" services like the CPPS and CN Police

Do either of CP Railway ... or CPPS ...wish to respond to the views of either TSB's Don Crawford ... or TCRC?

We are publishing shortly, but are happy to add any input from you should their comments change your "no comment."

Thank you,

DS

February 10 2020

CBC News to CPPS Chief AI Sauve

Chief Sauve,

CBC is continuing to examine the role of railway police in Canada.

A few questions, and the first just to clarify:

1) Has CP's corporate media relations been involved in helping you to prepare responses to CBC's requests to date? (If so, in future, I'll simply cc Jeremy Berry on future requests).

Specific to CP Police:

1) Has CP Police Service ever charged a CP employee with any criminal code offence related to railway operations?

2) Has CP Police Service ever charged a CP manager with any criminal code offence related to railway operations?

3) Has CP Police Service ever charged the CP corporation with any criminal code offence related to railway operations?

Hoping for a response by noon on Wednesday.

Thanks.

Please confirm receipt.

DS

February 12, 2020

CBC News to CPPS Chief AI Sauve

Chief Sauve,

You've not confirmed receipt.
Trusting you'll be able to reply by noon today?
Please confirm.
Thanks,
DS

CPPS Chief AI Sauve to CBC News

Mr. Seglins, I have no comment.

AI Sauve
Chief of Police
CP Police Service

CBC News to CPPS Chief AI Sauve and CP Corporate

Mr. Creel, Mr. Berry and Chief Sauve,

CBC is preparing to publish stories on railway police in general, and issues involving CP Police Service in particular, based on our research and discussions with a number of experts, eye witnesses and past and current CP employees.

To that end, we have a series of questions.

TRANSPARENCY:

1. On February 10th, CBC asked CP Police Service chief AI Sauve for some basic information about whether CPPS has ever charged an employee, manager or the company with an offence related to the operation of a train. (This basic statistical information on frequency of charges is the kind of information most regular police services provide to the public); however Chief Sauve has declined any answer saying "No comment."

Why is the Chief of CPPS refusing to share basic information about the operations of CPPS?

2. Is this reply satisfactory to you Mr. Creel, given CP is entrusted to operate CPPS as a fully authorized federal police force under the laws of Canada?

3. Has CP corporate communications/Jeremy Berry at any point assisted/advised Chief Sauve in his responses to CBC News over the past several months? If so, how?

(Additional unrelated questions withheld)

February 20, 2020

CPPS Chief Al Sauve to CBC News



Al Sauve, M.O.M.
Chief of Police
CP Police Service

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February 20, 2020

Dave Seglins
C/O CBC/Fifth Estate

Via email to: dave.seglins@cbc.ca

Mr. Seglins:

The CP Police Service (CPPS) cannot speak to any ongoing investigations or matters before the court. Additionally, CPPS will not comment further on information that was obtained from former officer Mark Tataryn, as previously communicated to CBC. The CPPS has a proud history in both Canada and the U.S. In Canada, CPPS members are appointed by a judge of the superior court of Canada for the enforcement of the *Canada Transportation Act* and for the enforcement of the laws of Canada or a province in so far as their enforcement relates to:

- The protection of property owned, possessed or administered by a railway company, and;
- The protection of persons and property on that property.

Railway police exist to ensure public safety along the tracks and operations of the railway and to protect the railway infrastructure thereby ensuring the security of North America's supply chain. Because the railway is private property and traverses multiple traditional jurisdictions, other police agencies have limited ability to enforce the law across the railway system. Additionally, policing the railway environment requires a deep understanding of railway safety and operations, knowledge that is not found within other police agencies.

CPPS members have jurisdiction in any place within 500 metres of property that the railway company owns, possesses or administers. For more information on railway police, you can review the *Railway Safety Act* at <https://laws-lois.justice.gc.ca/eng/acts/R-4.2/FullText.html>.

The CPPS is independent of CP when acting pursuant to their law enforcement powers as police officers under s. 44 of the *Railway Safety Act*.


Within the jurisdiction and statutory powers set out by the *Railway Safety Act*, the CPPS has overlapping jurisdiction with other law enforcement authorities such as the RCMP and local police forces. As with other law enforcement agencies, CPPS also provides assistance to investigative regulatory authorities as needed. CPPS works closely and collaboratively

with these other organizations to the betterment of communities across North America. Our members receive training that meets, and in some cases exceeds, that of other police agencies.

There is regulatory and legislative oversight of the CPPS and CPPS is compliant with accountabilities set out in s. 44.1(1) of the *Railway Safety Act*, and has procedures for receiving and addressing complaints concerning its members. The Professional Standards Department tracks all citizen complaints and concerns. The Professional Standards Department also monitors the public complaint process and handles complaints regarding all employees of the CPPS. The complaint process is outlined in the [Making a Complaint Against the Canadian Pacific Police Service brochure](#).

The CPPS has no further comment at this time.

Sincerely,



Al Sauve, M.O.M.
Chief of Police
Canadian Pacific Police Service

