

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 313

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday, November 27, 2008

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 27 novembre 2008

ERRATA
Volume 308
November 20, 2008

Transcript

Page 114, Line 19, 20.

MR. DUMAIS: Thank you.

So it reads as follows:

"Ten-seven (10-7), CS checking on any files on Jean-Luc Leblanc. Advise if they have anything will require written request for file."

And then at Bates pages 033:

"Advised that CS do have a file, Leblanc, Jean-Luc, red shirt as a sex offender..."

Should have read:

MR. DUMAIS: Thank you.

So it reads as follows:

"Ten-seven (10-7), **CAS** checking on any files on Jean-Luc Leblanc. Advise if they have anything will require written request for file."

And then at Bates pages 033:

"Advised that **CAS** do have a file, Leblanc, Jean-Luc, red shirt as a sex offender..."

Page 115, line 10

So it appears that you're having a conversation with Mr. Carriere from the CS office?

Should have read:

So it appears that you're having a conversation with Mr. Carriere from the **CAS** office?

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Karen Jones	Commission Counsel
Ms. Suzanne Sinnamon	
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
M ^e Claude Rouleau	Ontario Minister of Communit and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDougald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police
Mr. Mark Wallace	Association
Mr. Frank T. Horn	Coalition for Action
Mr. Larry O'Brien	D/Insp. Randy Millar
Insp. Timothy Smith	
C/Cst. Steve Seguin	

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1 --- Upon commencing at 9:09 a.m./

2 L'audience débute à 9h09

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, all.

10 **MR. CHISHOLM:** Good morning, sir.

11 **THE COMMISSIONER:** The two-minute Mr.
12 Chisholm.

13 **MR. CHISHOLM:** Pardon me?

14 **THE COMMISSIONER:** The two-minute Mr.
15 Chisholm

16 **MR. CHISHOLM:** Yes, sir.

17 **THE COMMISSIONER:** All right.

18 **MR. CHISHOLM:** Start your clock.

19 (LAUGHTER/RIRES)

20 **TIM SMITH, Resumed/sous le même serment:**

21 --- CROSS EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
22 **CHISHOLM:**

23 **MR. CHISHOLM:** Good morning Inspector Smith.
24 My name is Peter Chisholm. I'm counsel for the local CAS.
25 Just a couple of questions for you if I can.

1 Looking at your notes, it would appear that
2 in 19 -- and you don't have to take them out I don't think;
3 I think you'll agree with me -- in 1994 and following, you
4 had some interaction with the CAS and certain workers; Greg
5 Bell, Richard Abell and Bill Carriere?

6 **INSP. SMITH:** That's correct, sir.

7 **MR. CHISHOLM:** Is that fair to say?

8 And would you agree that they were
9 cooperative with you in your dealings with them?

10 **INSP. SMITH:** Fully cooperative, yes.

11 **MR. CHISHOLM:** Fully.

12 And no difficulty with respect to the
13 sharing of information by the CAS to either you or any
14 other members of the OPP that you're aware of?

15 **INSP. SMITH:** None.

16 **MR. CHISHOLM:** And can you think of any
17 difficulties that you had with respect to your dealings
18 with the CAS?

19 **INSP. SMITH:** None.

20 **MR. CHISHOLM:** Thank you, sir. Those are my
21 questions.

22 **THE COMMISSIONER:** Thank you.

23 Maître Rouleau?

24 **MR. ROULEAU:** No questions.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Scharbach?

2 **MR. SCHARBACH:** Good morning, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** Good morning, sir.

5 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR. MR.
6 **SCHARBACH:**

7 **MR. SCHARBACH:** Good morning, Mr. Smith.

8 **INSP. SMITH:** Good morning, sir.

9 **MR. SCHARBACH:** My name is Stephen
10 Scharbach. I'm counsel for the Ministry of the Attorney
11 General.

12 **INSP. SMITH:** Yes, sir.

13 **MR. SCHARBACH:** I have a few questions for
14 you. It should take about 15 or 20 minutes.

15 **INSP. SMITH:** Yes, sir.

16 **MR. SCHARBACH:** I was hoping to examine with
17 you your notes regarding the genesis of Project Truth and I
18 was wondering if we could pull up on the screen Exhibit
19 1803 at Bates page 459.

20 **MR. SCHARBACH:** Four-five-nine (459).

21 **THE COMMISSIONER:** I don't think so.

22 **MR. SCHARBACH:** I'm sorry, 259. I'm sorry.
23 Would it be possible to make ---

24 **THE COMMISSIONER:** Yeah, tell her what part
25 of the page though.

1 **MR. SCHARBACH:** Okay. I'm interested in the
2 very first entry on March 18th, 1997. And I want to go
3 through some of your entries. Obviously not all of them,
4 Mr. Smith, but I hope to do it quickly.

5 It appears that on March the 18th, you made a
6 call -- according to your notes -- you made a call to Bob
7 Pelletier regarding the Fantino brief. Is that correct?

8 **INSP. SMITH:** That's correct.

9 **MR. SCHARBACH:** And at that point, you had
10 received the Fantino brief?

11 **INSP. SMITH:** Yes, sir.

12 **MR. SCHARBACH:** And your purpose of calling
13 him was to set up or to talk to him to set up a meeting to
14 decide what to do about the brief. Is that correct?

15 **INSP. SMITH:** In part, yes, sir, but also
16 when I'm reviewing the brief, I noticed that there was
17 other material that was going to have to be disclosed and
18 he was prosecuting Father Charlie at that time.

19 **MR. SCHARBACH:** Okay.

20 And did you -- there's a notation just below
21 that. I can't read it quite correctly. Perhaps you should
22 read it for us. It looks like it's starting "Two hours".
23 There we are.

24 **INSP. SMITH:** Oh:

25 "Thursday 0900 o'clock, Bells Corners.

1 Bring Fantino brief."

2 MR. SCHARBACH: Okay. And does that
3 indicate that a meeting had been set up for the next
4 Thursday ---

5 INSP. SMITH: Yes.

6 MR. SCHARBACH: --- and you're reminding
7 yourself to bring the Fantino brief?

8 INSP. SMITH: Yes, sir.

9 MR. SCHARBACH: Okay.

10 If we could turn over then to Bates page 4 -
11 -, sorry, 261.

12 INSP. SMITH: Yes, sir.

13 MR. SCHARBACH: I'm sorry. I made a
14 mistake. Two-six-zero (260) and ---

15 INSP. SMITH: Two-six-zero (260)?

16 MR. SCHARBACH: --- two-six-zero (260) and
17 if we could look at the entry of March the 20th, 1997?

18 INSP. SMITH: Yes:

19 "At Ottawa Intelligence Branch with
20 Robert Pelletier."

21 MR. SCHARBACH: All right.

22 And if you don't mind, please read the -- I
23 mean, not out loud, but would you please read it over to
24 remind yourself what you had noted there?

25 INSP. SMITH: Yes, sir.

1 **MR. SCHARBACH:** Okay, is it fair to say that
2 this was the meeting that you had -- this was the meeting
3 that took place as a result of your earlier call to Mr.
4 Pelletier?

5 **INSP. SMITH:** That would appear it was a
6 week later. Yes, sir.

7 **MR. SCHARBACH:** Okay. And at -- the meeting
8 took place with Bob Pelletier, Mike Fagan and yourself?

9 **INSP. SMITH:** Correct, sir.

10 **MR. SCHARBACH:** And the purpose of the
11 meeting was to review the brief and decide what to do and
12 discuss the implications arising out of the brief. Is that
13 correct?

14 **INSP. SMITH:** Yes, sir.

15 **MR. SCHARBACH:** Okay.

16 And am I right in reading your entry to mean
17 that the material was given to Bob Pelletier to review and
18 that he would call to set up a meeting with Peter
19 Griffiths?

20 **INSP. SMITH:** That's -- that's what it
21 appears to be. Yes, sir.

22 **MR. SCHARBACH:** And Peter Griffiths was the
23 Regional Crown?

24 **INSP. SMITH:** Regional Director, yes.

25 **MR. SCHARBACH:** Regional Director.

1 So, in effect, the matter of the Fantino
2 brief and what to do with it was being taken up -- sorry --
3 was being taken up a level. Is that correct?

4 **INSP. SMITH:** Yes, sir.

5 **MR. SCHARBACH:** Okay. And we know the
6 meeting took place and we'll look at it in a moment, but
7 what was the purpose --generally, in your mind -- what was
8 the purpose of having a meeting with Peter Griffiths?

9 **INSP. SMITH:** To get direction, first of
10 all, on what he wanted investigated.

11 I had to get direction from him to start the
12 investigation because it was in his jurisdiction and there
13 really wasn't anybody that was assigned to that
14 investigation.

15 For example, it didn't go to Cornwall
16 Police. It wouldn't come to me, I didn't have the
17 authority to do it, but under the *Crown Attorneys Act*, I
18 believe, that he has the authority to ask the OPP to
19 conduct investigations and for that reason, I asked him --
20 I said that would he send a letter to my superiors
21 requesting that we investigate that.

22 **MR. SCHARBACH:** Okay.

23 **INSP. SMITH:** And that would be my authority
24 to investigate.

25 **MR. SCHARBACH:** Right.

1 If we can turn now to Bates page 261,
2 please, and look at the entry at April the 2nd, 1997.

3 **INSP. SMITH:** Down at the bottom, sir?

4 **MR. SCHARBACH:** Down at the bottom, yes.

5 **INSP. SMITH:** Yes, sir.

6 **MR. SCHARBACH:** If I'm reading it correctly,
7 it appears that you noted there that you spoke with Bob
8 Pelletier and that would be regarding the Fantino brief?

9 **INSP. SMITH:** Yes.

10 **MR. SCHARBACH:** And, again, I'm having
11 difficulty reading your writing.

12 **INSP. SMITH:** I can read that, sir, if you
13 wish. It was ---

14 **MR. SCHARBACH:** Yes, please.

15 **INSP. SMITH:** "Meeting set up with Peter
16 Griffiths for the 24th of April, '97..."

17 **MR. SCHARBACH:** Right.

18 **THE COMMISSIONER:** "...in Ottawa..."

19 **INSP. SMITH:** "...in Ottawa at 10 o'clock
20 to..."

21 **THE COMMISSIONER:** "...review
22 allegations..."

23 **INSP. SMITH:** "...to review the
24 allegations and decide how to
25 investigate in this matter..."

1 THE COMMISSIONER: "...in this matter..."

2 INSP. SMITH: "...and how it will be
3 conducted. D. C. Fagan and Don Genier
4 to be present."

5 MR. SCHARBACH: And, again, "how to
6 investigate this matter", that is referring to the matter
7 of the Fantino brief ---

8 INSP. SMITH: Yeah.

9 MR. SCHARBACH: --- the allegations ---

10 INSP. SMITH: Yeah, yes.

11 MR. SCHARBACH: --- in the Fantino brief?

12 Okay.

13 And we'll turn now to the entry for April
14 the 24th which appears at Bates page 263.

15 INSP. SMITH: Yes, sir.

16 MR. SCHARBACH: And this is your note is it,
17 Mr. Smith, concerning the April the 24th meeting?

18 INSP. SMITH: Yes, sir.

19 MR. SCHARBACH: And according to your note,
20 as I read it, present was yourself, of course, Bob
21 Pelletier, Peter Griffiths, Murray MacDonald, Pat Hall,
22 Mike Fagan and Don Lefebvre. Is that right?

23 INSP. SMITH: Well, that should be Don
24 Genier instead of Lefebvre.

25 MR. SCHARBACH: Okay. Now, again, the

1 purpose of this meeting you said was to review the
2 allegations to date and to decide how to approach the
3 Fantino brief and how to approach the investigation and so
4 on. Is that correct?

5 **INSP. SMITH:** Yes, sir.

6 **MR. SCHARBACH:** And yesterday when you were
7 being cross-examined by Mr. Lee, he pointed out to you that
8 Murray MacDonald, the Crown Attorney -- the local Crown
9 Attorney here in Cornwall -- was present at that meeting
10 and he questioned the appropriateness of that. Do you
11 recall that?

12 **INSP. SMITH:** Yes, sir. I do.

13 **MR. SCHARBACH:** And I think you mentioned
14 that Mr. MacDonald made a comment concerning the
15 involvement of the local Crown Attorney's office in
16 whatever investigation took place as a result of the
17 Fantino brief.

18 Could you tell us about that; what he said
19 and what his point was?

20 **INSP. SMITH:** Basically, all I recall Mr.
21 MacDonald saying is that he didn't want anyone in his
22 office or himself involved in the investigation of the
23 Fantino brief.

24 **MR. SCHARBACH:** And did he say why?

25 **INSP. SMITH:** Because of the allegations

1 that were contained within the brief.

2 MR. SCHARBACH: Right, and was there any
3 discussion around the table concerning that?

4 INSP. SMITH: I recall that Mr. Griffiths
5 was fine with that.

6 MR. SCHARBACH: Was there anyone in
7 disagreement about that?

8 INSP. SMITH: No, sir.

9 MR. SCHARBACH: Now arising out of that
10 meeting, it appears from your note that certain decisions
11 were taking place as to how to proceed?

12 INSP. SMITH: Yes, sir.

13 MR. SCHARBACH: And perhaps you could
14 summarize them for me, since I'm having a hard time reading
15 the writing?

16 INSP. SMITH: This might not be in its
17 entirety. This is just what I wrote down as a result.

18 MR. SCHARBACH: Sure.

19 INSP. SMITH: I marked down:

20 "Decision. Finished the
21 preliminary..."

22 MR. SCHARBACH: Witnesses.

23 INSP. SMITH: "...witnesses, MacDonald and
24 Silmser. Asked for an adjournment
25 prior to the decision. Police

1 investigate new allegations.
2 Disclosure Dunlop brief to Neville.
3 Investigate all allegations. Letter of
4 request to be made to Superintendent
5 Larry Edgar by Peter Griffiths."

6 For me to do that investigation. And
7 MacDonald's next court date would be the 9th of May '97, "to
8 be spoken to."

9 **MR. SCHARBACH:** Okay. Now you mentioned
10 that Peter Griffiths had to write a letter in order to
11 start the mechanism in place to establish Project Truth as
12 a ---

13 **INSP. SMITH:** To give me the authority to do
14 it, yes.

15 **MR. SCHARBACH:** Right. Can we turn please
16 to Bates page 4 -- I'm sorry, 266.

17 At the top of the page there's an entry at
18 May 26th, 1997.

19 **INSP. SMITH:** Yes, sir.

20 **MR. SCHARBACH:** And it appears there from
21 that entry that you spoke with Peter Griffiths regarding
22 the letter requesting the investigation. Is that the
23 letter that you had referred to, the one that Peter
24 Griffiths had to write in order to start the Project Truth
25 ball rolling?

1 **INSP. SMITH:** Yes, sir.

2 **MR. SCHARBACH:** Okay. Now there are other
3 entries on June 5th, June 9th, June 11th. I'm not going to
4 take them directly to you but they seem to deal, and
5 correct me if I'm wrong, they deal with matters such as
6 staffing, budgeting, getting the correct equipment, setting
7 up an office and so on; more or less administrative details
8 of establishing Project Truth?

9 **INSP. SMITH:** Yes, sir.

10 **MR. SCHARBACH:** And then on July -- I won't
11 take you to the entry unless you need to go to it, but I
12 see that there's an entry on July 28th which notes that the
13 first alleged victim contacted Project Truth. I can you to
14 it if you'd like.

15 **INSP. SMITH:** Well ---

16 **MR. SCHARBACH:** It's at Bates page 266.

17 **INSP. SMITH:** There was an alleged victim
18 that contacted us on that date but I think we had other
19 victims prior, if you want to swing them into Project
20 Truth.

21 **MR. SCHARBACH:** I see, all right. That's
22 the first one I could find in the notes, in any event. But
23 you say there were other victims?

24 **INSP. SMITH:** There were victims contained
25 within that Fantino brief.

1 MR. SCHARBACH: Okay.

2 INSP. SMITH: But, yes, this was the first
3 call that came in when we had started Project Truth.

4 MR. SCHARBACH: Okay.

5 INSP. SMITH: It came from out of province.

6 MR. SCHARBACH: All right. If I may, may I
7 take you to Bates pages 266 and there's an entry in the
8 middle of the page and it looks like June 11th, 1997?

9 INSP. SMITH: Two six six (266), sir?

10 MR. SCHARBACH: Yes, Bates page 266; there's
11 an entry in the middle, June 11th.

12 INSP. SMITH: Yes, sir. "Meet with Perry
13 Dunlop"?

14 MR. SCHARBACH: Right.

15 INSP. SMITH: Yes.

16 MR. SCHARBACH: And Rick Trew?

17 INSP. SMITH: Yes.

18 MR. SCHARBACH: And I'd say about four lines
19 down there is an entry that appears to say:

20 "Team of three investigators, one
21 sergeant, two constables"?

22 INSP. SMITH: Yes.

23 MR. SCHARBACH: And does that refer to the
24 staffing of Project Truth?

25 INSP. SMITH: I was telling him what we were

1 doing and that at that present that was our staffing was,
2 to look into the allegations that he had at that brief.

3 **MR. SCHARBACH:** And the next entry
4 underneath is it appears to say:

5 "Crown assigned to case is Curt
6 Flanagan."

7 **INSP. SMITH:** Yes.

8 **MR. SCHARBACH:** Which case is that, that
9 Curt Flanagan is being assigned to?

10 **INSP. SMITH:** It was my understanding that
11 Curt Flanagan was going to be the Crown attorney.

12 **MR. SCHARBACH:** For?

13 **INSP. SMITH:** For Project Truth.

14 **MR. SCHARBACH:** All right. And was the
15 reason -- was the assignment of Curt Flanagan a deliberate
16 decision to assign a Crown that was outside of the Cornwall
17 area?

18 **INSP. SMITH:** I believe so.

19 **MR. SCHARBACH:** Okay. In going through the
20 materials, and please correct me if I'm wrong, I found no
21 other reference to Murray MacDonald being present at any --
22 or being involved in any of the arrangements to set up
23 Project Truth. Would you say that's correct?

24 **INSP. SMITH:** That's correct. I had contact
25 with him later on, on two occasions. One time when I

1 called the regional director of Crown attorneys, he was
2 sitting in the seat. And another time I called him when I
3 had some concerns about arrests and possible suicides, and
4 that's the only contact I had with him, other than the
5 interviews that we conducted with him.

6 **MR. SCHARBACH:** Okay. With the exception of
7 those contacts, is it true to say that those contacts and
8 his attendance at the April 24th meeting were, as far as you
9 know, the only involvement that Mr. MacDonald had in the
10 organization and genesis of Project Truth?

11 **INSP. SMITH:** Yes, sir.

12 **MR. SCHARBACH:** And as far as you know, did
13 Murray MacDonald prosecute any of the Project Truth
14 matters?

15 **INSP. SMITH:** No, sir, he didn't.

16 **MR. SCHARBACH:** And as far as you know, did
17 he provide any legal advice to any of the Project Truth
18 officers?

19 **INSP. SMITH:** Well yes, he gave -- not to
20 anybody that was charged, but when I called him about my
21 concerns on the arrests and on the suicides and things of
22 this nature, there was some advice and that's in my notes.
23 But as far as legal advice on charges or whether charges
24 would be laid, no, and nobody in his office either.

25 **MR. SCHARBACH:** And who would you go to for

1 Crown advice in those cases of more substantive legal
2 advice?

3 **INSP. SMITH:** Bob Pelletier, and in his
4 absence, Peter Griffiths while he was still a director,
5 before he became a judge.

6 **MR. SCHARBACH:** And what about Curt
7 Flanagan, just out of curiosity?

8 **INSP. SMITH:** He was seconded elsewhere,
9 sir. I think he disappeared.

10 **MR. SCHARBACH:** Okay. We'll hear more about
11 that later.

12 Thank you, sir. Those are my questions.
13 Thank you, Mr. Commissioner.

14 **THE COMMISSIONER:** Ms. Robitaille.

15 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

16 **ROBITAILLE:**

17 **MS. ROBITAILLE:** Good morning, Mr.
18 Commissioner. Good morning, Mr. Smith. My name is
19 Danielle Robitaille and I'm counsel for Jacques Leduc here
20 at the Inquiry.

21 **INSP. SMITH:** Good morning.

22 **MS. ROBITAILLE:** I'm going to talk to you a
23 bit today about your conspiracy to obstruct justice
24 investigations?

25 **INSP. SMITH:** Yes, ma'am.

1 **MS. ROBITAILLE:** You've already answered a
2 number of questions about it. I'd like to pass up a
3 section of the Criminal Code. I don't think it's necessary
4 to make it an exhibit, but certainly it wasn't in the
5 database and I provided a copy to my friends.

6 **THE COMMISSIONER:** Why don't we make it an
7 exhibit? Let's make it an exhibit.

8 **MS. ROBITAILLE:** Oh sure.

9 **THE COMMISSIONER:** Thank you. Exhibit 2689
10 is a one-page document showing section 139 of the Criminal
11 Code of Canada.

12 **--- EXHIBIT NO./PIÈCE No. P-2689:**

13 CanL11 - Criminal Code Part IV - Section
14 139(1)

15 **MS. ROBITAILLE:** Now, Mr. Smith you would
16 have had the Criminal Code available to you as you
17 proceeded to investigate the obstruct justice; is that
18 right?

19 **INSP. SMITH:** I always had a Criminal Code
20 available, yes ma'am.

21 **MS. ROBITAILLE:** And you would have referred
22 specifically to section 139 in your investigation, the
23 obstruct justice section of the Criminal Code?

24 **INSP. SMITH:** I don't know if I referred to
25 it or not but it was available if I wanted to look at what

1 the charge was.

2 MR. KOZLOFF: Just so we're on the same page
3 -- I don't want to interrupt my friend unduly -- there's
4 sort of two investigations. One is a conspiracy to
5 obstruct justice, the other is an attempt to obstruct
6 justice.

7 THE COMMISSIONER: Right.

8 MR. KOZLOFF: In 1994.

9 THE COMMISSIONER: Right.

10 MR. KOZLOFF: And she started out by
11 questioning him -- by saying that she was going to question
12 him on the conspiracy and now she's talking about the
13 obstruct justice. And I just think we should be a little
14 more precise.

15 MS. ROBITAILLE: If I mentioned the
16 conspiracy I was in error. I meant the attempt to obstruct
17 justice.

18 THE COMMISSIONER: Okay.

19 MR. KOZLOFF: That would be a 421 offence,
20 would it not?

21 MS. ROBITAILLE: Sorry.

22 MR. KOZLOFF: A 4 421 offence, would it not?
23 That's "attempts" under the *Criminal Code*?

24 THE COMMISSIONER: Sure, sure, but ---

25 MS. ROBITAILLE: Sure.

1 **THE COMMISSIONER:** --- it's just a generic.
2 Anyone who attempts to ---

3 **INSP. SMITH:** Okay.

4 **THE COMMISSIONER:** --- it goes back to the
5 lead thing, so the effective clause is 139.

6 **MR. SMITH:** Okay.

7 **MS. ROBITAILLE:** And you understand that the
8 Crown Attorneys would have been referring to this section
9 in their review of the brief that you presented to them?

10 **INSP. SMITH:** I would imagine they would,
11 yes.

12 **MS. ROBITAILLE:** Now, if you want to just
13 take a moment to read the section, Mr. Smith?

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **INSP. SMITH:** Yes, ma'am?

16 **MS. ROBITAILLE:** So you would have been
17 looking at subsection (2) in your investigation of the
18 attempt to obstruct justice, right?

19 **INSP. SMITH:** That appears to be right, yes.

20 **MS. ROBITAILLE:** And so I'm going to suggest
21 to you, Mr. Smith, that the word "wilfully" would have been
22 in the back of your mind as you went about investigating
23 this matter. Do you agree with that?

24 **INSP. SMITH:** Yes, that'd be -- it's an
25 important ingredient of that, yes.

1 **MS. ROBITAILLE:** And so as you went about
2 your investigation, you conducted interviews. "Wilful"
3 would have been something that was important to you and you
4 would have questioned the suspects in relation to that,
5 right?

6 Let me just break it down for second.
7 Mr. Engelmann suggested to you, in-chief, that clause 2 of
8 the undertaking not to disclose, the Silmsler agreement ---

9 **INSP. SMITH:** Yes.

10 **MS. ROBITAILLE:** --- was a *prima facie*
11 evidence of a crime, and you agreed with that?

12 **INSP. SMITH:** Yes.

13 **MS. ROBITAILLE:** Now, there's no improper
14 clause section in the *Criminal Code*, is there?

15 **INSP. SMITH:** Such as?

16 **MS. ROBITAILLE:** It may be *prima facie*
17 evidence of a crime, but you have to be able to fit it into
18 section 139?

19 **INSP. SMITH:** I'd have to prove that it was
20 wilful.

21 **MS. ROBITAILLE:** That's right.

22 **INSP. SMITH:** Wilful, yes.

23 **MS. ROBITAILLE:** That's right. And so you
24 had that in the back of your mind, that you have to prove
25 that it's wilful when you went about investigating this

1 alleged crime?

2 **INSP. SMITH:** That's correct.

3 **MS. ROBITAILLE:** And so let's just go
4 through what the three lawyers -- and we've been talking
5 about the three lawyers. Jacques Leduc, right?

6 **INSP. SMITH:** That's correct.

7 **MS. ROBITAILLE:** Sean Adams, right?

8 **INSP. SMITH:** Yes.

9 **MS. ROBITAILLE:** And Malcolm MacDonald?

10 **INSP. SMITH:** Yes.

11 **MS. ROBITAILLE:** Okay.

12 So Sean Adams' explanation -- and let me
13 just paraphrase and let me know if you agree -- his
14 explanation was -- I may have seen the word "criminal" in
15 that clause. I'm not sure that I did, but if I did, I'm
16 not sure I would have known it was improper.

17 Is that the gist of what he told you?

18 **INSP. SMITH:** Yes.

19 **MS. ROBITAILLE:** And you accepted his
20 explanation based on your assessment of his credibility and
21 other factors?

22 **INSP. SMITH:** Yes.

23 **MS. ROBITAILLE:** Now, Jacques Leduc told
24 you -- and I'll go slowly here -- he said he sent Malcolm
25 MacDonald a precedent, right?

1 **INSP. SMITH:** That's correct.

2 **MS. ROBITAILLE:** He said his precedent
3 didn't have the word "criminal" in it, right?

4 **INSP. SMITH:** He said that, yes.

5 **MS. ROBITAILLE:** And if it came back with
6 the word "criminal" in it, he must have missed it?

7 **INSP. SMITH:** That's what he said.

8 **MS. ROBITAILLE:** He told you that he didn't
9 read the final executed copy of the document?

10 **INSP. SMITH:** He did.

11 **MS. ROBITAILLE:** And that he sent it,
12 sealed, to the Diocese office?

13 **INSP. SMITH:** He did.

14 **MS. ROBITAILLE:** He also told you that he
15 was clear in his discussions with Malcolm MacDonald, that
16 the document was not to include a reference to any criminal
17 action?

18 **INSP. SMITH:** That's what he said.

19 **MS. ROBITAILLE:** Now, you were questioned at
20 length yesterday about, I suppose, the vigour of your
21 investigation?

22 **INSP. SMITH:** Yes.

23 **MS. ROBITAILLE:** And I'm going to suggest to
24 you that there were certain corroborating elements in your
25 investigation that helped support Jacques Leduc's story to

1 you, his explanation as to how he missed it, and I'm going
2 to go through those.

3 The first is, you were aware that in
4 January, '94, the Bishop had called a press conference that
5 Jacques Leduc attended, and stated in response to certain
6 allegations that had been floating around in the media that
7 there had been a settlement, but it was a purely civil
8 settlement. Do you recall ---

9 **INSP. SMITH:** That's my ---

10 **MS. ROBITAILLE:** --- that there was a press
11 conference?

12 **INSP. SMITH:** That's my understanding.

13 **MS. ROBITAILLE:** And you were aware that
14 once clause 2 became known to Jacques Leduc and the Bishop,
15 they had a second press conference, right?

16 **INSP. SMITH:** That's correct.

17 **MS. ROBITAILLE:** And Mr. Leduc explained his
18 error. He and the Bishop apologized for misleading the
19 public?

20 **INSP. SMITH:** That's correct.

21 **MS. ROBITAILLE:** And they both expressed
22 being deeply embarrassed?

23 **INSP. SMITH:** Yes.

24 **MS. ROBITAILLE:** Because they had, in fact,
25 misstated the facts, right?

1 **INSP. SMITH:** That's correct.

2 **MS. ROBITAILLE:** You also knew that as soon
3 as Mr. Leduc was made aware of the clause, he immediately
4 withdrew from being counsel for the Diocese?

5 **INSP. SMITH:** Yes, that -- I was made aware
6 of that.

7 **MS. ROBITAILLE:** And so -- I mean, I suggest
8 to you, sir, that Mr. Leduc's after-the-fact conduct, if I
9 can call it that, corroborated his story. Is that right?

10 **INSP. SMITH:** I think it would be a
11 mitigating factor in ---

12 **MS. ROBITAILLE:** In other words, Mr. Leduc
13 acted like a man who didn't know what was in that document?

14 **INSP. SMITH:** I believe that. I've said
15 that a number of occasions.

16 **MS. ROBITAILLE:** And Mr. Gordon Bryan also
17 corroborated Mr. Leduc's explanation? He explained to you
18 that the documents were delivered to him by Mr. Leduc in a
19 sealed envelope?

20 **INSP. SMITH:** That's correct.

21 **MS. ROBITAILLE:** That he filed them away?

22 **INSP. SMITH:** In the safe, yes.

23 **MS. ROBITAILLE:** And the envelope was not
24 opened until Jacques Leduc phoned him and asked him to fax
25 him a copy?

1 **INSP. SMITH:** That's correct.

2 **MS. ROBITAILLE:** Now, let's look at Malcolm
3 MacDonald's explanation, but first you understood that
4 Malcolm MacDonald was a much more senior member of the Bar
5 than both Jacques Leduc and Sean Adams?

6 **INSP. SMITH:** Very much so.

7 **MS. ROBITAILLE:** He had about 40 years?

8 **INSP. SMITH:** Yes.

9 **MS. ROBITAILLE:** He was well-respected?

10 **INSP. SMITH:** Yes.

11 **MS. ROBITAILLE:** And he was the only one out
12 of the three that had been a Crown Attorney?

13 **INSP. SMITH:** Yes.

14 **MS. ROBITAILLE:** You made a certain
15 credibility assessment of him when you interviewed him, and
16 you said he was "slippery as an eel"?

17 **INSP. SMITH:** Yes.

18 **MS. ROBITAILLE:** So when you interviewed
19 him, he didn't give you straight answers necessarily?

20 **INSP. SMITH:** I couldn't pin him down.

21 **MS. ROBITAILLE:** But he admitted a couple of
22 things to you ---

23 **INSP. SMITH:** Yes, he did.

24 **MS. ROBITAILLE:** --- do you recall that? He
25 admitted that he prepared the document?

1 **INSP. SMITH:** Yes.

2 **MS. ROBITAILLE:** And he admitted that he
3 prepared the document to the CPS, directing them to halt
4 their investigation?

5 **INSP. SMITH:** Yes.

6 **MS. ROBITAILLE:** He didn't say in your
7 interview of him that it wasn't his intention to halt the
8 criminal proceeding?

9 **INSP. SMITH:** I'm -- could you repeat that,
10 ma'am?

11 **MS. ROBITAILLE:** He didn't say that, you
12 know, "It wasn't my intention to do this; it was an
13 accident". He didn't say that?

14 **INSP. SMITH:** Not to my recollection. I'd
15 have to go back to the statement, but I don't remember
16 that.

17 **MS. ROBITAILLE:** In other words, he didn't
18 say that word -- the word "criminal" slipped in there
19 accidentally?

20 **INSP. SMITH:** No, he didn't say that.

21 **MS. ROBITAILLE:** If we can pull up
22 document -- Exhibit 1259, please?

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **INSP. SMITH:** Yes, ma'am.

25 **MS. ROBITAILLE:** Could you read the text of

1 this document aloud, please?

2 **INSP. SMITH:** It's -- appears to be a memo
3 or a note to the Cornwall City Police and to Detective
4 Sergeant Luc Brunet and to Constable Heidi Sebalj, and it
5 states:

6 "I, David Silmser, hereby states
7 (sic) as follows: I made a complaint
8 with Cornwall City Police concerning
9 Charles MacDonald. I received a
10 civil settlement to my satisfaction
11 and before accepting it I received
12 independent legal advice. Now, I do
13 not wish to proceed further with any
14 criminal charges. You may take this
15 statement as a direction to you to
16 close your file and stop further
17 proceedings as far as I am
18 concerned. Dated at Cornwall, this 2nd
19 day of September, 1993."

20 And it is -- appears to be signed by David
21 Silmser. It's typed "David Silmser" underneath and the
22 witness appears to be Sean Adams.

23 **MS. ROBITAILLE:** Thank you.

24 So you understood that this document was
25 prepared by Malcolm MacDonald?

1 **INSP. SMITH:** That was my understanding.

2 **MS. ROBITAILLE:** You understood that it was
3 executed on the same day as the full release and
4 undertaking was?

5 **INSP. SMITH:** I -- the same dates, yeah.
6 Everything seems to be the same date, the 2nd of September.

7 **MS. ROBITAILLE:** It was executed at Malcolm
8 MacDonald's office?

9 **INSP. SMITH:** That was my understanding,
10 yes.

11 **MS. ROBITAILLE:** And Sean Adams witnessed
12 it?

13 **INSP. SMITH:** Independent counsel, yes.

14 **MS. ROBITAILLE:** I suggest to you, sir, that
15 this document would have been very potent evidence for you
16 in your search for "wilful" in regards to Malcolm
17 MacDonald?

18 **INSP. SMITH:** I believe we had that
19 document.

20 **MS. ROBITAILLE:** And this corroborated it,
21 didn't it?

22 **INSP. SMITH:** Well, it led to the charges
23 against Malcolm MacDonald.

24 **MS. ROBITAILLE:** Now, that document was in
25 the brief that you sent to the Crown Attorneys, right?

1 **INSP. SMITH:** I imagine it was. I'd have to
2 go to the briefs and look at it.

3 **MS. ROBITAILLE:** Mr. Commissioner, I have
4 the Index here. I don't know if it's --

5 **INSP. SMITH:** Well, you can tell me yes or
6 no, but you're asking me a question, I don't have the
7 document here.

8 **MS. ROBITAILLE:** No, I understand.
9 Mr. Commissioner, I am going to go to the
10 Index. I've not provided copies to my friends in advance.

11 **MR. ENGELMANN:** I was given notice on it,
12 it's fine.

13 **THE COMMISSIONER:** So what document is it?

14 **MS. ROBITAILLE:** It's 714915.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit 2690 is an Index to what now? Ms.
17 Robitaille, it's an Index to what?

18 **MS. ROBITAILLE:** I've got the cover page
19 here.

20 **THE COMMISSIONER:** Is it the Crown brief on
21 the charges against Malcolm MacDonald?

22 **MS. ROBITAILLE:** The title is "Ontario
23 Provincial Police Investigation into Allegations of
24 Obstruct Justice or a Complaint of David Silmser".

25 **THE COMMISSIONER:** Okay.

1 **---EXHIBIT NO./PIÈCE NO. 2690:**

2 (714915 - 7056036) - Index of
3 Synopsis of Investigation re: Allegations of
4 Obstruction of Justice

5 **MR. ENGELMANN:** Sir, I would have entered --
6 the Crown brief synopsis is 1164, and that's Document
7 Number 714916.

8 **THE COMMISSIONER:** I'm sorry, the exhibit
9 again?

10 **MR. ENGELMANN:** Sorry. The exhibit for the
11 Crown ---

12 **THE COMMISSIONER:** No, for the synopsis.

13 **MR. ENGELMANN:** --- brief synopsis is 1164 -
14 --

15 **THE COMMISSIONER:** Thank you.

16 **MR. ENGELMANN:** --- on the obstruct justice,
17 and this was the Index that was with that, at least in our
18 database, and it is 714915, the preceding number.

19 **THE COMMISSIONER:** Right. Okay.

20 **MR. ENGELMANN:** Okay. Just to marry the
21 two.

22 **THE COMMISSIONER:** Thank you.

23 **INSP. SMITH:** I see ---

24 **MS. ROBITAILLE:** All right.

25 **INSP. SMITH:** --- the answer would be under

1 "B", Notice to Terminate Investigation. I imagine that's
2 that document.

3 **MS. ROBITAILLE:** Great.

4 Now, sir, "C" is new releases. And I can
5 tell you I went through the brief last night and I saw that
6 behind Tab "C" was several of the Bishop's press conference
7 releases.

8 **INSP. SMITH:** Okay.

9 **MS. ROBITAILLE:** And certain media articles.
10 Does that ring a bell for you?

11 **INSP. SMITH:** I'd have to look at the brief,
12 but it makes sense, yes, that the releases that I had would
13 be there in the brief.

14 **MS. ROBITAILLE:** Thank you.

15 I'm going to talk a moment about something
16 that wasn't included in the Crown brief, that Mr. Wardle
17 drew your attention to yesterday. It's Exhibit 1914.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **INSP. SMITH:** Yes, ma'am.

20 **MS. ROBITAILLE:** Do you recall looking at
21 this yesterday? Yesterday seems so far away now, doesn't
22 it?

23 **THE COMMISSIONER:** I don't ---

24 **INSP. SMITH:** I don't recall
25 yesterday ---

1 **THE COMMISSIONER:** I don't recall looking at
2 this yesterday.

3 **MS. ROBITAILLE:** Oh, maybe it's the wrong --
4 -

5 **INSP. SMITH:** I don't recall looking at it
6 at all.

7 **THE COMMISSIONER:** Good, thank you. That
8 makes two of us.

9 **(LAUGHTER/RIRES)**

10 **MS. ROBITAILLE:** It's the Bates page, I
11 think, that's the problem.

12 **MR. ENGELMANN:** We did look at this
13 yesterday with ---

14 **THE COMMISSIONER:** Sure.

15 **MR. ENGELMANN:** --- Mr. Wardle, I'm almost
16 positive.

17 **THE COMMISSIONER:** The affidavit of
18 documents?

19 **MR. ENGELMANN:** No, no, not the full
20 affidavit of documents, it's an excerpt from ---

21 **THE COMMISSIONER:** Oh, okay.

22 **INSP. SMITH:** Oh.

23 **MR. ENGELMANN:** --- affidavit of documents -
24 --

25 **THE COMMISSIONER:** Yes, yes.

1 **MS. ROBITAILLE:** That's right.

2 **THE COMMISSIONER:** So what are we looking
3 at?

4 **MS. ROBITAILLE:** The Bates is 7163596.

5 **THE COMMISSIONER:** So 3596.

6 **MS. ROBITAILLE:** So this is the affidavit of
7 documents of Malcolm MacDonald.

8 **THE COMMISSIONER:** Seven-one-six-five?

9 **MS. ROBITAILLE:** Five-nine-six (596) --
10 3596.

11 **THE COMMISSIONER:** Oh.

12 **MR. ENGELMANN:** Perhaps I can help again. I
13 believe it's under a different document number.

14 **THE COMMISSIONER:** Okay.

15 **MR. ENGELMANN:** I think the Document Number
16 that Mr. Wardle used was 122598.

17 **MS. ROBITAILLE:** It's on the -- it's on the
18 screen.

19 **THE COMMISSIONER:** All right. Which
20 explains the right ---

21 **MR. ENGELMANN:** The Bates page number should
22 be 793, I believe. It's a different document number that
23 my friend has. I think she's right though, it's Exhibit
24 1914, it's just under a different document number, so we
25 have a different page.

1 THE REGISTRAR: (Off mic)

2 MR. ENGELMANN: Fair enough.

3 THE COMMISSIONER: So what are we doing?

4 MS. ROBITAILLE: That doesn't ---

5 THE COMMISSIONER: Okay. It's okay, let's
6 just look at the screen.

7 So what's the question?

8 MS. ROBITAILLE: I'm sorry for the
9 confusion, Mr. Commissioner.

10 THE COMMISSIONER: M'hm.

11 MS. ROBITAILLE: You recall looking at this
12 document yesterday?

13 INSP. SMITH: The one on the screen?

14 MS. ROBITAILLE: Yeah.

15 INSP. SMITH: Yes.

16 MS. ROBITAILLE: Now, Mr. Wardle suggested
17 to you that this document would have been of interest to
18 you during your investigation. Do you recall that?

19 INSP. SMITH: Yes.

20 MS. ROBITAILLE: Now, this is a precedent
21 document faxed from Mr. Leduc to Mr. MacDonald, but does
22 not contain the offensive clause 2?

23 INSP. SMITH: That's correct.

24 MS. ROBITAILLE: I take it that it would
25 also have been helpful in your investigation to know whose

1 handwriting was on the document?

2 **INSP. SMITH:** Yes.

3 **MS. ROBITAILLE:** And who wrote that little
4 number 2 after clause 1, right?

5 **INSP. SMITH:** Correct.

6 **MS. ROBITAILLE:** One way you might have gone
7 about your investigation was to examine samples of Mr.
8 Leduc's handwriting and samples of Mr. MacDonald's
9 handwriting to determine whose it was?

10 **INSP. SMITH:** That -- that could be done,
11 yes.

12 **MS. ROBITAILLE:** And assume for a moment
13 that I could show you, and I could, that this handwriting
14 looks like Malcolm MacDonald's handwriting and not Jacques
15 Leduc's handwriting, that would have bolstered your
16 conclusion that Malcolm MacDonald was responsible for
17 clause 2?

18 **INSP. SMITH:** That would be helpful.

19 **MS. ROBITAILLE:** Mr. Leduc was cooperative
20 at interviews as you -- you asked to speak with him?

21 **INSP. SMITH:** Yes, he was.

22 **MS. ROBITAILLE:** Sir, to your knowledge, how
23 many Crowns reviewed your brief in this investigation? You
24 spoke of Pelletier, Flanagan and McDougald; anyone else?

25 **INSP. SMITH:** No, I -- in this

1 investigation, I believe that Peter Griffiths would have
2 looked at -- some other Crown Attorneys, I don't know,
3 there was one other name in my notes that reviewed it, and
4 certainly Curt Flanagan would have reviewed it. I would
5 imagine maybe five.

6 MS. ROBITAILLE: Five Crown Attorneys?

7 INSP. SMITH: Three that I know of for sure,
8 and Mr. Griffiths said that he had discussed it with
9 others, so I would assume five, minimum three.

10 MS. ROBITAILLE: Minimum three ---

11 INSP. SMITH: And more.

12 MS. ROBITAILLE: --- and possibly five?

13 INSP. SMITH: Yes.

14 MS. ROBITAILLE: And the two that you knew
15 very well were Crown Flanagan and Crown Griffiths?

16 INSP. SMITH: Yes.

17 MS. ROBITAILLE: And you knew them to be
18 senior Crowns, senior Crown Attorneys?

19 INSP. SMITH: Yes.

20 MS. ROBITAILLE: Respected members of the
21 Bar?

22 INSP. SMITH: Yes.

23 MS. ROBITAILLE: They were diligent?

24 INSP. SMITH: I beg your pardon?

25 MS. ROBITAILLE: They were diligent?

1 **THE COMMISSIONER:** Well, I don't know if he
2 can answer that. If they were diligent in what? In
3 reviewing the briefs?

4 **MS. ROBITAILLE:** My question is, did
5 Mr. Smith know them to be diligent ---

6 **THE COMMISSIONER:** Oh, okay.

7 **MS. ROBITAILLE:** --- Crown Attorneys.

8 **INSP. SMITH:** Any dealings I had with them,
9 they were completely professional and, in my opinion, good
10 Crowns to work with.

11 **MS. ROBITAILLE:** Thank you.

12 Now, a couple of days ago you told us that
13 you "had Malcolm MacDonald cold", right?

14 **INSP. SMITH:** Yes, I -- I think I did.

15 **MS. ROBITAILLE:** And you ---

16 **INSP. SMITH:** Well, I know I said that, and
17 I still think I did.

18 **MS. ROBITAILLE:** And he pled guilty, isn't
19 that right?

20 **INSP. SMITH:** That's correct.

21 **MS. ROBITAILLE:** Now, were you there when he
22 pled guilty?

23 **INSP. SMITH:** No, ma'am.

24 **MS. ROBITAILLE:** Was it Detective Fagan that
25 was there?

1 INSP. SMITH: I believe ---

2 MS. ROBITAILLE: There was an officer
3 present.

4 INSP. SMITH: I believe Fagan was there.

5 MS. ROBITAILLE: Could you go to Exhibit
6 1165? This is the transcript of the plea of guilty of
7 Malcolm MacDonald.

8 (SHORT PAUSE/COURTE PAUSE)

9 INSP. SMITH: Yes, ma'am.

10 MS. ROBITAILLE: Now, you see that
11 Mr. Flanagan -- who was the Crown Attorney present during
12 the guilty plea?

13 INSP. SMITH: That's correct.

14 MS. ROBITAILLE: And I understand that you
15 weren't present in court that day, but I can tell you the
16 Crown's theory presented on the guilty plea was that
17 Malcolm MacDonald inserted clause 2, on his own frolic,
18 without either Jacques Leduc or the Bishop knowing about
19 it.

20 Was that consistent with your theory in your
21 discussions with Mr. Flanagan and other Crown Attorneys?

22 INSP. SMITH: That would be my recollection,
23 yes.

24 MS. ROBITAILLE: If you would turn to
25 page 13? And it's the second last paragraph that starts:

1 "So based on those three
2 considerations..."

3 And this is the Crown Attorney making
4 submissions on the appropriateness of an absolute discharge
5 for Mr. MacDonald.

6 The third line reads:

7 "...that obviously it was a gross
8 error, at the very least, in judgment
9 of Mr. Macdonald and, on the other
10 hand, one could say that based on
11 his experience as a lawyer that, to
12 put it in the vernacular, he should
13 have known better."

14 Is that consistent with your theory of the
15 crime?

16 **INSP. SMITH:** No, I -- I feel he put that in
17 on purpose, knowing full well that -- what he was doing.

18 **MS. ROBITAILLE:** Thank you.

19 And if we could just turn, quickly, to page
20 14? At the very bottom, the last line:

21 "There is a formal finding of..."

22 Turn the page.

23 **INSP. SMITH:** I'm sorry, the page 335, is
24 it?

25 "There's a formal finding of..."

1 **MS. ROBITAILLE:** And then you turn the page
2 to get ---

3 **INSP. SMITH:** Yes.

4 **MS. ROBITAILLE:** --- and you read that?

5 **INSP. SMITH:** Yes.

6 **MS. ROBITAILLE:** Thank you.

7 To your knowledge, Malcolm MacDonald wasn't
8 friends with Jacques Leduc, right?

9 **INSP. SMITH:** No.

10 **MS. ROBITAILLE:** And, in fact, they rarely
11 had dealings with one another because they practiced two
12 different -- in two different areas of the law?

13 **INSP. SMITH:** I didn't -- I wasn't aware of
14 any association between the two of them.

15 **MS. ROBITAILLE:** You understand that -- you
16 understood at the time that the charges and the finding of
17 guilt against Malcolm MacDonald had very serious
18 consequences ---

19 **INSP. SMITH:** For MacDonald?

20 **MS. ROBITAILLE:** --- for him? M'hm?

21 **INSP. SMITH:** Yes, he hung up his shingle
22 was spoken to, I know, by the Law Society.

23 **MS. ROBITAILLE:** So that it affected his
24 reputation, right?

25 **INSP. SMITH:** Yes.

1 **MS. ROBITAILLE:** And it had the potential to
2 affect his standing with the Law Society?

3 **INSP. SMITH:** Yes, my understanding is, is
4 somebody from the Law Society contacted me that he stopped
5 practicing law.

6 **MS. ROBITAILLE:** Mr. Smith, did you uncover
7 any evidence whatsoever that Mr. MacDonald was willing to
8 put everything on the line for Mr. Leduc?

9 **INSP. SMITH:** No.

10 **MS. ROBITAILLE:** But you knew that Malcolm
11 MacDonald and Father Charlie MacDonald were friends, right?

12 **INSP. SMITH:** Yes.

13 **MS. ROBITAILLE:** I take it that even today,
14 as we sit here, you think you got the right man in '95,
15 right?

16 **INSP. SMITH:** I know I did.

17 **MS. ROBITAILLE:** He pled guilty and he was
18 found guilty?

19 **INSP. SMITH:** That's right.

20 **MS. ROBITAILLE:** Now, there was some
21 suggestion yesterday that you didn't investigate the
22 Diocese or you didn't investigate Jacques Leduc hard enough
23 in this matter, that you didn't scrutinize them enough. Do
24 you remember that ---

25 **INSP. SMITH:** Oh, very well.

1 MS. ROBITAILLE: --- being presented to you?

2 INSP. SMITH: Very well.

3 MS. ROBITAILLE: You were never friends with
4 Jacques Leduc?

5 INSP. SMITH: I didn't know him.

6 MS. ROBITAILLE: He never acted as your
7 lawyer or anything like that?

8 INSP. SMITH: I didn't know him.

9 MS. ROBITAILLE: No relationship,
10 whatsoever, with Jacques Leduc?

11 INSP. SMITH: I didn't know him.

12 MS. ROBITAILLE: You've told us that in your
13 career you've charged priests, right?

14 INSP. SMITH: Several.

15 MS. ROBITAILLE: You've charged brothers?

16 INSP. SMITH: Several.

17 MS. ROBITAILLE: You've charged fellow
18 police officers?

19 INSP. SMITH: Several.

20 MS. ROBITAILLE: You told us you didn't have
21 a whole lot of experience investigating lawyers but, in
22 this circumstance, you had the opportunity to charge a
23 former Crown Attorney and a defence lawyer?

24 INSP. SMITH: Oh, I think I have -- I think
25 I've got other lawyers before.

1 **MS. ROBITAILLE:** You're not the type of
2 person to have qualms about charging people based on their
3 station in life, their reputation, or their relationships
4 with others?

5 **INSP. SMITH:** No.

6 **MS. ROBITAILLE:** If there's evidence, you
7 charge them?

8 **INSP. SMITH:** That's right.

9 **MS. ROBITAILLE:** And so the only reason you
10 didn't charge Mr. Leduc with obstruct justice, or attempt
11 to obstruct justice, is because there was absolutely no
12 evidence?

13 **INSP. SMITH:** I didn't have the evidence.

14 **MS. ROBITAILLE:** And you're aware that
15 Detective Dupuis re-investigated the matter in '98, and
16 came to the same conclusion?

17 **INSP. SMITH:** That's what I heard here the
18 other day, yes.

19 **MS. ROBITAILLE:** Thank you. Those are my
20 questions.

21 **THE COMMISSIONER:** Thank you.
22 Mr. Manderville?

23 **MR. MANDERVILLE:** Good morning, Mr.
24 Commissioner.

25 **THE COMMISSIONER:** Good morning, sir.

1 --- CROSS EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

2 MR. MANDERVILLE:

3 MR. MANDERVILLE: Good morning, Mr. Smith.

4 INSP. SMITH: Good morning, sir.

5 MR. MANDERVILLE: We've met before. My name
6 is Peter Manderville and ---

7 INSP. SMITH: Yes, sir.

8 MR. MANDERVILLE: --- I'm counsel for the
9 Cornwall Police Service.

10 I have a few areas I want to discuss with
11 you this morning.

12 Now I understand that as a Detective
13 Inspector in the Criminal Investigations Branch, you would
14 investigate all kinds of serious crimes; correct?

15 INSP. SMITH: Yes, sir.

16 MR. MANDERVILLE: Murders, sexual assaults,
17 armed robberies and so on?

18 INSP. SMITH: All major crime, yes.

19 MR. MANDERVILLE: And detective inspectors,
20 and other OPP investigators, are not dedicated to sexual
21 assaults, are they? By that I mean, as a detective
22 inspector, you would not have a dedicated practice to
23 investigating sexual assaults?

24 INSP. SMITH: No, sir.

25 MR. MANDERVILLE: And those you had working

1 for you, such as Officers Dupuis or Genier or Seguin, would
2 again not be dedicated to only sexual assault
3 investigations; correct?

4 **INSP. SMITH:** No, sir.

5 **MR. MANDERVILLE:** And, in the mid-1990s, the
6 OPP did not have an educational or training requirement
7 that in order to carry out a sexual assault investigation
8 the officer had to have gone through a sexual assault
9 training program?

10 **INSP. SMITH:** I don't believe so, sir.
11 I -- although it was part of the criminal investigation
12 course.

13 **MR. MANDERVILLE:** It was a component of
14 the ---

15 **INSP. SMITH:** It was a component of it, yes.

16 **MR. MANDERVILLE:** --- criminal investigation
17 ---

18 **INSP. SMITH:** And I believe in -- I know
19 that I gave presentations at the seminars for the
20 investigators in relation to historic sexual abuse.

21 **MR. MANDERVILLE:** And I take it at the time
22 of your retirement in 1999, the province or the OPP did not
23 have a specific training requirement that you had to have
24 gone through a sexual assault course in order to do a
25 sexual assault investigation; correct?

1 **INSP. SMITH:** I don't believe so, sir. I
2 think that's since changed though.

3 **MR. MANDERVILLE:** Since the time of your
4 retirement you believe that may have changed?

5 **INSP. SMITH:** I think there's been a number
6 of changes, yes.

7 **MR. MANDERVILLE:** It's probably a positive
8 thing, isn't it?

9 **INSP. SMITH:** Hopefully.

10 **MR. MANDERVILLE:** The other day you spoke
11 briefly about discipline and counselling and how you felt,
12 in certain instances, discipline should be carried out.

13 And I take it the practice in Ontario during
14 your tenure as an officer was that police services
15 conducted discipline matters internally?

16 **INSP. SMITH:** Yes, sir.

17 **MR. MANDERVILLE:** The management of a
18 particular police service would discipline their own
19 officers as they saw fit?

20 **INSP. SMITH:** Yes, sir.

21 **MR. MANDERVILLE:** Turning to the Silmsen
22 investigation you conducted in 1994, I believe you've told
23 us this was the first non-institutional, male-on-male
24 investigation you'd carried out?

25 **INSP. SMITH:** Historical.

1 **MR. MANDERVILLE:** Historical, yes, correct.

2 **INSP. SMITH:** I had done one recently. Not
3 recent years, but in the past I had -- I had done one
4 investigation on a male on a male.

5 **MR. MANDERVILLE:** Where it was a recent
6 complaint ---

7 **INSP. SMITH:** Where it was recent, yes.

8 **MR. MANDERVILLE:** --- as opposed to an
9 historical one?

10 **INSP. SMITH:** Yeah.

11 **MR. MANDERVILLE:** And I take it you were
12 asked to deal with the original investigations in '94
13 because a request had been made by Chief Johnston to the
14 chief of the OPP?

15 **INSP. SMITH:** That's correct.

16 **MR. MANDERVILLE:** And you would not
17 ordinarily get involved in a sexual assault investigation
18 at the detachment level; correct?

19 **INSP. SMITH:** Only if there was an
20 abduction.

21 **MR. MANDERVILLE:** Sorry, an abduction?

22 **INSP. SMITH:** If there was an abduction.
23 Our branch was called into all abductions where if somebody
24 was abducted and -- and sexually assaulted.

25 **MR. MANDERVILLE:** That would elevate it to a

1 detective inspector level?

2 **INSP. SMITH:** Yes, it would.

3 **MR. MANDERVILLE:** Was there a separate
4 budget for your '94 investigation?

5 **INSP. SMITH:** No, sir.

6 **MR. MANDERVILLE:** There was for Project
7 Truth; correct?

8 **INSP. SMITH:** Well, eventually I got the
9 money, yes.

10 **MR. MANDERVILLE:** As we heard.

11 I take it you recall, Mr. Smith, that in
12 1994 this province was going through a series of funding
13 and other forms of cutbacks by the government of the day?

14 **INSP. SMITH:** Much so, sir.

15 **MR. MANDERVILLE:** We had Rae Days on the
16 Social Contract?

17 **INSP. SMITH:** Yes.

18 **MR. MANDERVILLE:** And other forms of
19 constraint measures?

20 **INSP. SMITH:** Yes.

21 **MR. MANDERVILLE:** And then we had further
22 cutbacks in the province by the subsequent government
23 elected in 1995; correct?

24 **INSP. SMITH:** That's correct. The buzz word
25 of the day was more with less. Do more with less.

1 **MR. MANDERVILLE:** In your view, Mr. Smith,
2 did these cutbacks adversely affect policing in the
3 province?

4 **INSP. SMITH:** Undoubtedly. Not only
5 policing but the courts, probation, everybody. Everybody
6 suffered.

7 **MR. MANDERVILLE:** Now, for your 1994
8 investigation, it was requested by Acting Chief Johnston
9 that the OPP involve themselves. But the manner in which
10 you conduct the investigation is up to you, isn't it?

11 **INSP. SMITH:** That's right.

12 **MR. MANDERVILLE:** And you told us you had
13 known Carl Johnston while he was Chief in Collingwood?

14 **INSP. SMITH:** Yes, sir.

15 **MR. MANDERVILLE:** You did not know Mr.
16 Shaver at all, did you?

17 **INSP. SMITH:** No, sir.

18 **MR. MANDERVILLE:** And you understood that
19 Chief Johnston had come to Cornwall only after the alleged
20 conspiracy had taken place; correct?

21 **INSP. SMITH:** That's correct.

22 **MR. MANDERVILLE:** Were you acquainted with
23 either of Luc Brunet or Heidi Sebalj before you carried out
24 your investigation in '94?

25 **INSP. SMITH:** No, sir.

1 **MR. MANDERVILLE:** I take it you had no
2 personal relationship or acquaintanceship with any of the
3 Cornwall Police personnel involved in the alleged
4 conspiracy?

5 **INSP. SMITH:** That's -- that's true.

6 **MR. MANDERVILLE:** I also take it that
7 throughout your dealings with the Cornwall Police, they
8 were co-operative with you?

9 **INSP. SMITH:** Yes, sir.

10 **MR. MANDERVILLE:** Now, you told us earlier
11 in your testimony that Mr. Silmsler, to use your words, was
12 perhaps the most difficult complainant you had ever dealt
13 with?

14 **INSP. SMITH:** That's correct.

15 **MR. MANDERVILLE:** He was selective in what
16 he told you?

17 **INSP. SMITH:** That's -- that's true.

18 **MR. MANDERVILLE:** And, in fact, he told you
19 after interviewing him that there were a -- there was a
20 volume of information he hadn't provided to you?

21 **INSP. SMITH:** That's correct.

22 **MR. MANDERVILLE:** And as you've told us
23 earlier, one of the things you try to do with victims or
24 alleged victims is attempt to build a bridge or a
25 relationship with them to get them to trust you?

1 **INSP. SMITH:** Yes, sir.

2 **MR. MANDERVILLE:** To get them to be more
3 comfortable with you?

4 **INSP. SMITH:** Yes, sir.

5 **MR. MANDERVILLE:** Ideally, so they'll reveal
6 information more freely?

7 **INSP. SMITH:** Hopefully, yes, sir.

8 **MR. MANDERVILLE:** And in Mr. Silmsers case
9 you felt you never achieved that relationship; correct?

10 **INSP. SMITH:** I didn't get there, no, sir.

11 **MR. MANDERVILLE:** And you understood that
12 Officer Sebalj had attempted to build a bridge with Mr.
13 Silmsers as well; correct?

14 **INSP. SMITH:** Yes, sir.

15 **MR. MANDERVILLE:** And indeed he had
16 described her as a "super lady"?

17 **INSP. SMITH:** Yes.

18 **MR. MANDERVILLE:** And that suggests perhaps
19 that he did have a relationship with her of some sort;
20 correct?

21 **INSP. SMITH:** Well, I would say that the
22 only police officer that could have a relationship with Mr.
23 Silmsers was Heidi Sebalj.

24 **MR. MANDERVILLE:** And you told us that even
25 after all this time, while you believed that he was

1 sexually assaulted, you don't know by whom and you had
2 difficulties with the when and the where; correct?

3 **INSP. SMITH:** Yes.

4 **MR. MANDERVILLE:** And to this day, you still
5 don't quite know what to make of him?

6 **INSP. SMITH:** I believe he's a victim of
7 sexual assault.

8 **MR. MANDERVILLE:** And in your experience, I
9 take it you'd agree that historic sexual assaults are
10 difficult cases to investigate and to prosecute?

11 **INSP. SMITH:** Some of the hardest.

12 **MR. MANDERVILLE:** You're dealing with fading
13 memories?

14 **INSP. SMITH:** Yes.

15 **MR. MANDERVILLE:** A lack of forensic
16 evidence?

17 **INSP. SMITH:** Yes.

18 **MR. MANDERVILLE:** Difficult to find people
19 who may have been around at the time?

20 **INSP. SMITH:** That is correct. Reluctance.

21 **MR. MANDERVILLE:** Often you don't have any
22 form of corroboration?

23 **INSP. SMITH:** True.

24 **MR. MANDERVILLE:** I take it that is not
25 unusual in these types of cases that as more time passes

1 and people discuss possible allegations that more people
2 may come forward?

3 **INSP. SMITH:** Yes.

4 **MR. MANDERVILLE:** And certainly more people
5 came forward at the time of Project Truth, didn't they?

6 **INSP. SMITH:** There was a period of time for
7 years and years that males would never come forward and the
8 ice was broken, so to speak, on Mount Cashel, and that was
9 in '89.

10 And then on the heels of that then came St.
11 Joseph's, St. Johns. Then there's Maple Leaf Gardens. And
12 then we have the residential schools. Then you have
13 Kingsmere School, New Brunswick, and you have Shelburne
14 Training School in Nova Scotia. And then there's an
15 onslaught of them. It's not unusual now to have historical
16 sexual abuse reports in abundance in all jurisdictions now.

17 **MR. MANDERVILLE:** And I take it it's your
18 view that this is not an indication that the events are
19 happening more frequently, but that they are being reported
20 much more frequently?

21 **INSP. SMITH:** Yes, sir.

22 **MR. MANDERVILLE:** And I take it the
23 announcement of the creation of Project Truth was somewhat
24 unusual in that it's the relatively rare investigation that
25 receives that kind of advance publicity?

1 **INSP. SMITH:** Yes.

2 **MR. MANDERVILLE:** And you'd agree with me
3 that having received that sort of advance publicity and the
4 public being asked, if you have a story to tell, if you
5 have been victimized, please come forward because this is
6 what we're doing. It's logical that that would generate
7 more people coming forward, isn't it?

8 **INSP. SMITH:** It always has.

9 **MR. MANDERVILLE:** And one of the tasks --
10 the difficult tasks I suggest for you and those involved in
11 Project Truth, was to separate the wheat from the chaff, to
12 use the colloquialism, in that some of the people coming
13 forward may be doing so for illegitimate reasons?

14 **INSP. SMITH:** Very few. In all the ones
15 that we had in St. Joe's and St. Johns, I think there were
16 three people we didn't believe out of 1300. Very few.

17 **MR. MANDERVILLE:** I take it though you would
18 agree it's inevitable that at least some of the people,
19 very few, but some of the people would come forward with an
20 eye to something other than justice?

21 **INSP. SMITH:** Yes.

22 **MR. MANDERVILLE:** Now, with the Silmsen
23 investigation in '94, he described four incidents involving
24 Father Charles MacDonald?

25 **INSP. SMITH:** That's correct.

1 **MR. MANDERVILLE:** And only one of them was
2 capable of corroboration?

3 **INSP. SMITH:** Yes.

4 **MR. MANDERVILLE:** Being the alleged incident
5 at the retreat?

6 **INSP. SMITH:** Yes.

7 **MR. MANDERVILLE:** And the other three were
8 matters of credibility between Mr. Silmsler and Father
9 MacDonald; correct?

10 **INSP. SMITH:** That's right.

11 **MR. MANDERVILLE:** And you never were able to
12 obtain corroboration of the retreat event; correct?

13 **INSP. SMITH:** That's correct.

14 **MR. MANDERVILLE:** Both your '94
15 investigation and again in '96, you sought legal opinions
16 to assist you in determining whether or not you had
17 reasonable and probable grounds to lay the charge; correct?

18 **INSP. SMITH:** That's correct.

19 **MR. MANDERVILLE:** And I take it that
20 historic sexual assaults may frequently require soliciting
21 a legal opinion?

22 **INSP. SMITH:** Yes.

23 **MR. MANDERVILLE:** The law may have changed
24 from the time you're investigating them to when the events
25 allegedly occurred?

1 **INSP. SMITH:** And, again, I alluded to it
2 earlier, that I don't want to lay a charge against somebody
3 where the evidence would not -- would not be supported
4 because once you lay a charge against that person whether
5 that they're found guilty or not, they're tarnished. And
6 it can cause great harm to that individual, so I want to
7 make really sure that I've got all my ducks in a row before
8 a charge is laid and that's why I get a second opinion;
9 even a third opinion from a Crown Attorney.

10 **MR. MANDERVILLE:** This is particularly true
11 when the allegation is that of pedophilia; correct?

12 **INSP. SMITH:** Yes, that can be a death
13 sentence, yeah.

14 **MR. MANDERVILLE:** It's one of the worst
15 labels we can hang on anyone isn't it?

16 **INSP. SMITH:** Worse than murder, I believe.

17 **MR. MANDERVILLE:** I take it in the case of
18 Heidi Sebalj, you'd agree that it was prudent that she
19 sought a Crown opinion during the course of her
20 investigation of the Silmsler allegations?

21 **INSP. SMITH:** Yeah.

22 **MR. MANDERVILLE:** I also take it that after
23 your investigation in 1994, you were not surprised when you
24 learned that Heidi had difficulty forming reasonable and
25 probable grounds?

1 **INSP. SMITH:** We came to the same
2 conclusion.

3 **MR. MANDERVILLE:** You're agreeing with me?

4 **INSP. SMITH:** Well then, yes, that's the
5 same conclusion, yes.

6 **MR. MANDERVILLE:** You told us earlier that
7 you, personally, were not familiar or comfortable with
8 civil law matters as opposed to criminal law matters?

9 **INSP. SMITH:** That's true. I'm very weak in
10 the civil end.

11 **MR. MANDERVILLE:** And I take it in 1994, you
12 would not have been familiar with the documents used to
13 indicate a case had been settled; the minutes of
14 settlement, the release and that sort of thing?

15 **INSP. SMITH:** No, I -- I never had an
16 interest in civil law and even though I'd been sued before,
17 when they said that the case was abandoned that was good
18 enough for me. I didn't even read the results.

19 **MR. MANDERVILLE:** And I take it that if you
20 were confronted with a settlement happening in the course
21 of a criminal investigation, like Luc Brunet, you too would
22 have sought the Crown's advice about the machinations of
23 it?

24 **INSP. SMITH:** Are you talking about a
25 criminal matter?

1 **MR. MANDERVILLE:** Civil settlement where
2 there's also criminal investigation ongoing, if you felt
3 uncomfortable with what had happened, you'd seek the
4 Crown's advice about it?

5 **INSP. SMITH:** On that issue, yes. We -- in
6 St. Joe's and St. John's, we had civil settlements going
7 all the time, but nothing like this -- this settlement.

8 **MR. MANDERVILLE:** I'd like your -- to refer
9 you, sir, to Exhibit 301?

10 **INSP. SMITH:** Yes, sir. I've got it here.

11 **MR. MANDERVILLE:** It's Document Number
12 101560, Mr. Commissioner. It's the letter from Murray
13 MacDonald to Luc Brunet dated September 14, 1993. Do you
14 have that in front of you, Mr. Smith?

15 **INSP. SMITH:** Yes, I do, sir.

16 **MR. MANDERVILLE:** Do you have that, Mr.
17 Commissioner?

18 **THE COMMISSIONER:** Yes.

19 **MR. MANDERVILLE:** Okay.

20 And you see from the letter, Mr. Smith, that
21 Crown MacDonald notes that Officer Sebalj was tentative on
22 reasonable and probable grounds; correct?

23 **INSP. SMITH:** Yes.

24 **MR. MANDERVILLE:** But he also notes that
25 it's Crown policy not to compel reluctant complainants to

1 testify; correct?

2 **INSP. SMITH:** That's correct.

3 **MR. MANDERVILLE:** And Officer Sebalj's
4 problems in forming reasonable and probable grounds were
5 not the only reason that the prosecution could not go ahead
6 at that point; correct?

7 **INSP. SMITH:** That's correct.

8 **MR. MANDERVILLE:** I take it your
9 investigation in 1994 would have revealed that the Crown
10 did not advise the Cornwall Police, at any time, that it
11 should seek out production of the settlement documentation?

12 **INSP. SMITH:** I don't see that there, sir.

13 **MR. MANDERVILLE:** In cases where you have
14 been involved in like-- I'm going to use the term "Alfred"
15 to mean the two investigations; the St. Joseph's and St.
16 John's?

17 **INSP. SMITH:** Yes.

18 **MR. MANDERVILLE:** In those sorts of cases
19 where settlements have occurred, have you ever sought
20 production of the settlement documentation?

21 **INSP. SMITH:** No, sir.

22 **MR. MANDERVILLE:** I want to talk to you a
23 bit about the conspiracy investigation that you carried out
24 in 1994.

25 You've testified that you could find no

1 benefit that the Cornwall Police could have obtained from
2 conspiring with the Church; correct?

3 **INSP. SMITH:** That's correct.

4 **MR. MANDERVILLE:** And you'd investigated
5 police services before ---

6 **INSP. SMITH:** Yes, sir.

7 **MR. MANDERVILLE:** --- for possible
8 corruption?

9 **INSP. SMITH:** Yes, sir.

10 **MR. MANDERVILLE:** And one of the reasons you
11 were selected to do the investigation in 1994 is because
12 you were someone who actually knew how to do them; correct?

13 **INSP. SMITH:** I don't know if that's the
14 case, but ---

15 **MR. MANDERVILLE:** You had experience in this
16 area?

17 **INSP. SMITH:** Yes, sir.

18 **MR. MANDERVILLE:** In the course of your
19 investigation, I take it you became aware that Claude
20 Shaver had contacted Murray MacDonald in the aftermath of
21 the settlement ---

22 **INSP. SMITH:** Yes, sir.

23 **MR. MANDERVILLE:** --- to discuss with him
24 what steps could be taken?

25 **INSP. SMITH:** That's correct.

1 **MR. MANDERVILLE:** You also knew that Chief
2 Shaver went to the Papal Nuncio in Ottawa to discuss what
3 steps could be taken?

4 **INSP. SMITH:** With Luc Brunet, yes.

5 **MR. MANDERVILLE:** Also went to the Bishop?

6 **INSP. SMITH:** Yes.

7 **MR. MANDERVILLE:** And also went to CAS and
8 told Richard Abell that he would do whatever he could to
9 help the CAS take measures that they could take?

10 **INSP. SMITH:** That's correct.

11 **MR. MANDERVILLE:** I suggest that these are
12 clearly not the actions of someone seeking to keep things
13 quiet are they?

14 **INSP. SMITH:** No, sir.

15 **MR. MANDERVILLE:** I want to talk with you a
16 little bit about your dealings in Project Truth with the
17 Cornwall Police and with Officer Dunlop.

18 I take it the Cornwall Police cooperated
19 with the OPP throughout the Project Truth investigations?

20 **INSP. SMITH:** Yes, sir.

21 **MR. MANDERVILLE:** And as a target, to a
22 degree, of the investigation, the CPS and its members were
23 not always told where your investigation was going, but ---

24 **INSP. SMITH:** No.

25 **MR. MANDERVILLE:** --- you had to keep things

1 separate?

2 **INSP. SMITH:** Yes, sir.

3 **MR. MANDERVILLE:** And Inspector Trew was
4 assigned to be your liaison?

5 **INSP. SMITH:** Yes.

6 **MR. MANDERVILLE:** He was not investigating
7 for you, but was assisting you in obtaining information as
8 you needed it?

9 **INSP. SMITH:** That's correct and if I was to
10 interview anybody within the force, he would be present.

11 **MR. MANDERVILLE:** And Officer Dunlop and his
12 activities became a major stumbling block for Project
13 Truth, didn't it?

14 **INSP. SMITH:** Yes, sir.

15 **MR. MANDERVILLE:** Had you in your experience
16 Mr. Smith, ever had to give an order to a police officer to
17 disclose information?

18 **INSP. SMITH:** Only once and they delivered.

19 **MR. MANDERVILLE:** I take it the situation
20 with Mr. Dunlop was, in your experience, quite unusual?

21 **INSP. SMITH:** Unheard of.

22 **MR. MANDERVILLE:** At one point, you and Mr.
23 Hall sought to have Mr. Dunlop sign a document indicating
24 he'd disclosed everything?

25 **INSP. SMITH:** Yes.

1 **MR. MANDERVILLE:** And he refused to do so;
2 correct?

3 **INSP. SMITH:** Yes.

4 **MR. MANDERVILLE:** Thank you, Mr. Smith.
5 Those are my questions.

6 **INSP. SMITH:** Thank you, sir.

7 **THE COMMISSIONER:** Thank you.
8 Mr. Wallace?

9 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
10 **WALLACE:**

11 **MR. WALLACE:** Good morning, Mr. Smith.

12 **INSP. SMITH:** Good morning, sir.

13 **MR. WALLACE:** When you were given the
14 assignment in '94 to do the investigation -- amongst other
15 things, the allegations of Mr. Silmser -- you were just --
16 you had come off of the investigations of St. John's and
17 St. Joe's?

18 **INSP. SMITH:** They were still ongoing.

19 **MR. WALLACE:** Okay, but the prosecutions
20 were still ongoing but the investigations themselves had
21 wound up?

22 **INSP. SMITH:** Pretty well wound up. We were
23 still getting the odd complaint.

24 **MR. WALLACE:** And when you received the
25 assignment, you were in the position to choose who it was

1 that you were going to have as your investigator?

2 **INSP. SMITH:** In St. Joseph's or ---

3 **MR. WALLACE:** No, sorry, in the '94
4 investigation. You chose ---

5 **INSP. SMITH:** Yes.

6 **MR. WALLACE:** Mike Fagan?

7 **INSP. SMITH:** I chose Mike Fagan, yes.

8 **MR. WALLACE:** And you chose him on the basis
9 of your knowledge of his work from the Alfred
10 investigation.

11 **INSP. SMITH:** He'd worked with me for three
12 years, from the allegations to the investigation right
13 through to the court, the final court proceedings.

14 **MR. WALLACE:** So he was involved in all
15 aspects ---

16 **INSP. SMITH:** That's correct.

17 **MR. WALLACE:** --- of the case?

18 **INSP. SMITH:** That's correct.

19 **MR. WALLACE:** And you came to respect his
20 ability in terms of developing a rapport with the victims
21 in those cases?

22 **INSP. SMITH:** Yes. The toughest victims
23 that we had were usually assigned to P.C. Fagan and he did
24 a wonderful job with them.

25 **MR. WALLACE:** He was very emphatic, number

1 one?

2 **INSP. SMITH:** Yes.

3 **MR. WALLACE:** And he was also very able to
4 bring them onside so that they would cooperate and provide
5 information to the team that would ultimately lead to a
6 successful prosecution?

7 **INSP. SMITH:** Yes, sir.

8 **MR. WALLACE:** And it's against that backdrop
9 that you saw him out when you took over this assignment?

10 **INSP. SMITH:** Well, yes, I saw that a
11 cursory look at this investigation was one suspect and one
12 victim, possibly a few more, and I felt that he was fully
13 capable of doing that, judged on his past performances with
14 the brothers for the previous three years.

15 **MR. WALLACE:** And the persons that he had
16 been dealing with in the Alfred investigation,
17 investigations rather, a lot of them had been subjected to
18 very, very serious physical and sexual abuse?

19 **INSP. SMITH:** Yes, sir.

20 **MR. WALLACE:** And were very damaged
21 individuals?

22 **INSP. SMITH:** Very much so.

23 **MR. WALLACE:** And you had been given a
24 heads-up at it were that Mr. Silmsler could prove to be a
25 difficult complainant to work with?

1 **INSP. SMITH:** That's correct.

2 **MR. WALLACE:** And that's one of the reasons
3 that you would like Fagan?

4 **INSP. SMITH:** Yes, sir.

5 **MR. WALLACE:** Now -- and he worked very hard
6 for you in the '94 investigation?

7 **INSP. SMITH:** He did an excellent job.

8 **MR. WALLACE:** Thank you.

9 You were asked some questions ---

10 **INSP. SMITH:** Excuse me. He did an
11 excellent job I'm saying in Alfred.

12 **MR. WALLACE:** Yes.

13 **INSP. SMITH:** Yes.

14 **MR. WALLACE:** In the '94 investigation when
15 he's working under your supervision, I'm not saying he did
16 a perfect job because you've made reference to the fact of
17 a statement that he took of Father Charlie?

18 **INSP. SMITH:** Yes, he worked hard, but I'm
19 not going to be critical of him but I expected more.

20 **MR. WALLACE:** Now, with respect to the
21 statement that he took of Father Charlie, one of the
22 statements that you've made is you would have done it
23 differently if you were the person asking the questions;
24 correct?

25 **INSP. SMITH:** Yes, sir.

1 **MR. WALLACE:** And you'll agree with me that
2 Mike Fagan, he didn't have any choice as to whether in fact
3 Malcolm MacDonald was present for the interview? In a
4 sense that -- somebody who was subject to police
5 questioning can have their lawyer present if they choose
6 to?

7 **INSP. SMITH:** Certainly, certainly.

8 **MR. WALLACE:** And you can't tell them that
9 their lawyer cannot come; correct?

10 **INSP. SMITH:** That's correct.

11 **MR. WALLACE:** And, essentially, it's a take
12 it or leave it proposition. If you want to speak to the
13 person, the lawyer is going to be there; if you don't,
14 tough beans?

15 **INSP. SMITH:** Yes.

16 **MR. WALLACE:** You also made it, I think,
17 quite clear that if you were given your druthers you would
18 rather conduct an interview with a suspected individual
19 without the presence of a lawyer?

20 **INSP. SMITH:** Well, sometimes I'd like to
21 have a lawyer there. If he's not very smart, I can make
22 him a witness.

23 **(LAUGHTER/RIRES)**

24 **MR. WALLACE:** But oftentimes you would look
25 at the lawyer as a being an impediment to your questioning?

1 **INSP. SMITH:** That never bothered me.

2 **MR. WALLACE:** I'm not saying it bothered
3 you, I'm just asking you that if you had to choose, in a
4 number of instances you would choose not to have the lawyer
5 present?

6 **INSP. SMITH:** Yes.

7 **MR. WALLACE:** And you'll recall that Mr.
8 Fagan was able to secure some valuable information from
9 this interview with Father Charlie, more specifically, the
10 existence of the Dear Chuck letter?

11 **INSP. SMITH:** Yes.

12 **MR. WALLACE:** This was information that was
13 previously unknown to the team?

14 **INSP. SMITH:** That's true.

15 **MR. WALLACE:** And it was very important
16 information in terms of educating the team and confronting
17 Mr. Silmsen down the road as to its existence and as to its
18 significance?

19 **INSP. SMITH:** Yes, sir.

20 **MR. WALLACE:** Although you weren't able to
21 do that in this particular case, it was important
22 information to uncover?

23 **INSP. SMITH:** Well, as an investigator you
24 collect information, you get as much information as you
25 can; that was good information.

1 **MR. WALLACE:** Yes. And my point is that
2 although you would have done the interview in a different
3 fashion, notwithstanding that, he did secure valuable
4 information ---

5 **INSP. SMITH:** Yes, sir.

6 **MR. WALLACE:** --- in that interview?

7 **INSP. SMITH:** Yes, sir.

8 There are various ways of conducting
9 interviews. Sometimes, in this particular one, P.C. Fagan
10 let Malcolm MacDonald talk; Malcolm's was a talker. A lot
11 of information in there with what Malcolm was talking
12 about.

13 **MR. WALLACE:** And, obviously, the more
14 information that is forthcoming, no matter who it's coming
15 from in the course of the interview, it provides you with
16 more leads to chase down?

17 **INSP. SMITH:** Yes.

18 **MR. WALLACE:** Facts that can either be
19 proven to be true and, in some cases, more importantly,
20 proven to be false?

21 **INSP. SMITH:** Yes, sir.

22 **MR. WALLACE:** Now, with respect to the
23 Project Truth investigation, I just want to ask you a few
24 questions there.

25 The allegations that formed the basis of the

1 St. John's and St. Joe's investigations were historical
2 sexual assaults on young males by persons in authority or
3 positions of trust?

4 **INSP. SMITH:** Correct.

5 **MR. WALLACE:** And at the time that you took
6 over that or were leading that investigation, there were no
7 specialized techniques in existence associated with those
8 investigations? You learnt as you went along?

9 **INSP. SMITH:** We broke new ground.

10 **MR. WALLACE:** Correct. And it was -- the
11 breaking new ground was an educational process, both in
12 terms of managing the case itself and managing victims as
13 well?

14 **INSP. SMITH:** Yes, sir.

15 **MR. WALLACE:** And, consequently, you
16 personally learned a great deal as a result of those
17 investigations?

18 **INSP. SMITH:** Yes, sir.

19 **MR. WALLACE:** And you learnt things that you
20 felt were positive things and you learned that some things
21 could be done better in the future?

22 **INSP. SMITH:** Yes, sir.

23 **MR. WALLACE:** And it's against that
24 background that you set up team for Project Truth?

25 **INSP. SMITH:** That's correct.

1 **MR. WALLACE:** And you learned, for example,
2 in the previous investigations that not to be in a rush,
3 that is, don't rush to have people charged. There are all
4 sorts of potential victims out there?

5 **INSP. SMITH:** That's correct.

6 **MR. WALLACE:** And as the word spreads of the
7 investigation, you will uncover more victims?

8 **INSP. SMITH:** That's true.

9 **MR. WALLACE:** And it was almost a domino
10 type of effect when you -- one interview will lead to
11 another interview which could lead to more victims, and it
12 just cascades?

13 **INSP. SMITH:** That's correct.

14 **MR. WALLACE:** And you learned -- in the St.
15 John's/St. Joe's, as I understood your evidence, in that
16 case you didn't pick your team. These were persons that
17 were assigned to you by and large?

18 **INSP. SMITH:** That's correct.

19 **MR. WALLACE:** Whereas in this particular
20 case, you chose the persons to work with you?

21 **INSP. SMITH:** That's right.

22 **MR. WALLACE:** And one of the things that you
23 did is you picked a small team; correct?

24 **INSP. SMITH:** Yes, sir.

25 **MR. WALLACE:** And what I'm interested in is

1 what was the rationale -- what was going through your mind
2 when you chose a small team here?

3 **INSP. SMITH:** The advantage of having a
4 small team is that everybody knows everything that's going
5 on, and I call it participatory type management. It
6 includes the investigators, a supervisor, myself, everybody
7 has input. We listen to everybody's ideas and then we plan
8 a direction and we go in that direction.

9 So if one officer, for example, got sick or
10 was unable to attend, one of the other officers could pick
11 it up because he would know that other officer's case. And
12 it also included our secretary, who was invaluable. So it
13 was -- it was a good tight team.

14 **MR. WALLACE:** And you'd agree with me, I
15 think, that establishing linkages was a very important
16 aspect of this investigation?

17 **INSP. SMITH:** Yes.

18 **MR. WALLACE:** And in order to establish --
19 or to be aware of the linkages, it would be important that
20 all of the investigators had a working knowledge of what
21 other people were doing as well?

22 **INSP. SMITH:** That's correct. We didn't
23 have the luxury of the computers that we have today or the
24 programs that we have today, but we did have the luxury of
25 the knowledge that each officer knew of each other's case,

1 and the secretary who typed everything. And there was --
2 some things would slip by us, but not very much.

3 **MR. WALLACE:** And as I understand it, a
4 typical day within the Project Truth office would start
5 with a discussion of the previous day's activity and
6 planning that particular day?

7 **INSP. SMITH:** I wasn't there every day, but
8 I think Inspector Hall can tell you that that's what
9 happened.

10 **MR. WALLACE:** And that would -- it wouldn't
11 guarantee, but it would certainly promote the free flow of
12 information between the officers so that everybody would be
13 aware of what's happening?

14 **INSP. SMITH:** Yes, sir.

15 **MR. WALLACE:** And would, more importantly,
16 be aware of the significance of something that they hear in
17 an interview?

18 **INSP. SMITH:** Yes, sir.

19 **MR. WALLACE:** And the persons that you chose
20 for the team, you chose on the basis of your knowledge of
21 their work?

22 **INSP. SMITH:** Yes, sir. I -- as I indicated
23 before, I wanted to bilingual officer, an officer that had
24 experience in sexual abuse investigations and was a
25 detective. Don Genier fit the bill.

1 I wanted a younger officer who was
2 personable, very quick to learn, and had done sexual
3 assaults. He didn't -- he wasn't a detective, but Steve
4 Seguin fit the bill, and he came on, did a wonderful job.

5 And then I had an older officer, Joe Dupuis,
6 who knew everybody, could take direction, was a good, solid
7 investigator. And Joe became part of the team.

8 I would have liked to have had one more, but
9 as we say -- like I said before, I can't rob the region dry
10 or anywhere else.

11 A fellow by the name of Frank Wertz would
12 have fit the bill. Pat Hall said that he would fit in as
13 the fourth if required, and supervise at the same time. So
14 that was our team.

15 **MR. WALLACE:** And as you indicated with
16 respect to -- specifically with respect to Steve Seguin,
17 somebody who is quick to learn, you were offering your
18 expertise that you had learned at St. Joe's and St. John's
19 to use on this particular investigation?

20 **INSP. SMITH:** Yes. I brought down some
21 briefs that we had, the good briefs that we had, and the
22 fellows went through them, and this is more or less what I
23 expected. This is the final package, what it should look
24 like. This is the way we want the statements taken, and
25 Pat Hall and I spent some time on it and they adapted very

1 quickly. They took good statements.

2 **MR. WALLACE:** And they were good students
3 for you?

4 **INSP. SMITH:** Excellent.

5 **MR. WALLACE:** And all of them worked
6 diligently on the investigation?

7 **INSP. SMITH:** Yes. They -- they believed in
8 it. They believed in this investigation. They ate, lived,
9 slept it.

10 **MR. WALLACE:** Thank you, sir.

11 **INSP. SMITH:** Yes.

12 **MR. WALLACE:** Okay.

13 **THE COMMISSIONER:** Mr. Kozloff, how long do
14 you think you're going to be?

15 **MR. KOZLOFF:** I think if you give me about
16 15 minutes to collect myself I'll be less than ---

17 **THE COMMISSIONER:** That's fair enough, thank
18 you.

19 Let's take the morning break.

20 --- Upon recessing at 10:34 a.m./

21 L'audience débute à 10h34

22 --- Upon resuming at 10:55 a.m./

23 L'audience débute à 10h55

24 **THE COMMISSIONER:** Mr. Kozloff?

25 **MR. KOZLOFF:** Thank you, sir.

1 TIM SMITH, Resumed/Sous le même serment:

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

3 KOZLOFF:

4 MR. KOZLOFF: Mr. Smith, there's some areas
5 that I wish to clarify ---

6 INSP. SMITH: Yes, sir.

7 MR. KOZLOFF: --- and there's some areas
8 that I want to get you to expand on, And I'm going to try
9 and go chronologically.

10 Let's start with the 1992 Varley
11 investigation. This is an investigation that begins early
12 in the morning of a cold January day in 1992. You're in
13 the wrong place at the wrong time, you get a phone call and
14 you're A case manager on an homicide?

15 INSP. SMITH: That's correct.

16 MR. KOZLOFF: And you wait until August of
17 1992 to direct Randy Millar, who is your -- one of your
18 investigators on the matter to write a letter to Emile
19 Robert?

20 INSP. SMITH: That's correct.

21 MR. KOZLOFF: And that decision to write the
22 letter comes as a result of a meeting that you have with
23 assistant Crown Attorney, Guy Simard, who had carriage of
24 the matter?

25 INSP. SMITH: That's correct.

1 **MR. KOZLOFF:** And did you or Mr. Simard or
2 Mr. Millar, to your knowledge at the time, have any reason
3 to believe that Mr. Seguin was a risk in the sense that you
4 had either information or belief that he was involved in
5 historic sexual abuse or current sexual abuse at the time?

6 **INSP. SMITH:** None at all.

7 **MR. KOZLOFF:** And in that context, sir, was
8 there an urgency because he represented a risk to notify
9 his employer before August?

10 **INSP. SMITH:** No, sir.

11 **MR. KOZLOFF:** And you had reason to believe,
12 in any event, that his employer had been made aware?

13 **INSP. SMITH:** Yes, sir. Within a day of the
14 homicide.

15 **MR. KOZLOFF:** That came both from your
16 investigators who had spoken to Mr. Seguin?

17 **INSP. SMITH:** That's correct.

18 **MR. KOZLOFF:** And from independent
19 information that Chris McDonell learned at Lancaster or
20 Alexandria court?

21 **INSP. SMITH:** Yes, from another probation
22 officer.

23 **MR. KOZLOFF:** Right. I want to talk about
24 the mandate for your 1994 investigation; the initial or
25 original mandate as set out in Exhibit 2558, which is one

1 of the letters exchanged between Deputy Commissioner Piers
2 and acting Chief Johnston?

3 **INSP. SMITH:** Correct.

4 **MR. KOZLOFF:** And you modestly explained to
5 the Commissioner that you generally don't tell deputy
6 commissioners about mandates when you're given them, you
7 just take your instructions and you go and implement them?

8 **INSP. SMITH:** I wouldn't then, I might now.

9 **MR. KOZLOFF:** Okay. In any event, you got
10 your instructions from -- through the chain of command from
11 Wayne Frechette, who at that time was the Director of CIB?

12 **INSP. SMITH:** Yes.

13 **MR. KOZLOFF:** And I'm going to -- you know,
14 Mr. Engelmann suggested that your mandate morphed, that's
15 his word, I like that word, Mr. Engelmann -- it morphed in
16 the sense that you expanded your conspiracy investigation
17 to include the Crown Attorney and the Crown Attorney's
18 office, when initially the mandate identified the Diocese
19 and the Cornwall Police?

20 **INSP. SMITH:** That's correct.

21 **MR. KOZLOFF:** But I'm going to suggest it
22 also morphed very quickly because one of the questions that
23 you were asked to answer was whether the Cornwall Police
24 Service should continue its investigation of Father Charles
25 MacDonald in the absence of cooperation from David Silmsler;

1 correct?

2 **INSP. SMITH:** Yes.

3 **MR. KOZLOFF:** And within a week or two, you
4 were on the phone with Bryce Geoffrey.

5 **INSP. SMITH:** Yes, sir.

6 **MR. KOZLOFF:** And within a week or two, you
7 had established with Mr. Geoffrey that he represented to
8 you that his client was prepared to cooperate with your
9 investigation?

10 **INSP. SMITH:** That's correct.

11 **MR. KOZLOFF:** Your investigation.

12 So, in other words, rather than answering
13 the question, should the Cornwall police continue the
14 investigation, it became your sexual assault investigation;
15 correct?

16 **INSP. SMITH:** That's correct.

17 **MR. KOZLOFF:** And then we get to the
18 interview of David Silmsler, which happens on the 22nd of
19 February?

20 **INSP. SMITH:** Yes, sir.

21 **MR. KOZLOFF:** And you were asked if you had
22 assured yourself that Mr. Silmsler had reviewed his
23 statement. Remember that?

24 **INSP. SMITH:** Yes, sir.

25 **MR. KOZLOFF:** And I assumed that Mr.

1 Engelmann was referring to the written, undated document
2 that Mr. Silmsler provided to the Cornwall Police after he
3 was initially interviewed on the 28th of January, 1993.

4 **INSP. SMITH:** That was my understanding.

5 **MR. KOZLOFF:** Now, did you become aware
6 eventually that Mr. Silmsler had been interviewed by
7 Monsignor Schonenbach at the Archdiocese of Ottawa in
8 December of 1992?

9 **INSP. SMITH:** I became aware of that.

10 **MR. KOZLOFF:** Did you become aware that he
11 had been interviewed by three Cornwall police officers,
12 effectively Ron Lefebvre and Kevin Malloy with Heidi Sebalj
13 keeping notes in the back, on the 28th of January, 1993?

14 **INSP. SMITH:** I became aware of that.

15 **MR. KOZLOFF:** Did you become aware that Mr.
16 Silmsler had been interviewed by a Diocesan committee,
17 including Monsignor McDougald, Father Vaillancourt and
18 Jacque Leduc, in February of 1993?

19 **INSP. SMITH:** I became aware of that.

20 **MR. KOZLOFF:** Did you become aware of the
21 fact that he had been interviewed again by Heidi Sebalj and
22 Ron Lefebvre in March of 1993?

23 **INSP. SMITH:** Yes.

24 **MR. KOZLOFF:** Did you become aware of the
25 fact that he had been interviewed by the CAS, Project Blue,

1 in November of 1993?

2 **INSP. SMITH:** Yes, sir.

3 **MR. KOZLOFF:** And did you become aware of
4 the fact that he had been interviewed by Randy Millar and
5 Chris McDonell in the context of the Seguin sudden death
6 investigation on November 26th, 1993?

7 **INSP. SMITH:** I became aware of that, yes.

8 **MR. KOZLOFF:** My count is six previous
9 interviews touching on issues relevant to your
10 investigation of which four -- five were directly related
11 to the investigation that you were now conducting?

12 **INSP. SMITH:** Yes, sir.

13 **MR. KOZLOFF:** Now, I'm going to suggest that
14 either Mr. -- to apply the logic of the suggestion to you
15 that he should have reviewed his previous statements, quite
16 apart from your ---

17 **MR. ENGELMANN:** Excuse me.

18 **THE COMMISSIONER:** It's your turn now.

19 **MR. ENGELMANN:** I just want to make sure,
20 and maybe I misstated, I wanted to know whether Inspector
21 Smith -- then Inspector Smith, now Mr. Smith -- would have
22 asked if Mr. Silmsler had reviewed his statements. I
23 realize there's a handwritten statement and there's a
24 number of other statements and I think I went through that
25 with him.

1 So I don't -- I'm not sure where Mr.
2 Kozloff's going but it was important, at least to me in my
3 questions, whether he would have insured that Mr. Silmser
4 had reviewed any previous statements, but if I said
5 statement I did, but that's what I meant.

6 **MR. KOZLOFF:** I don't really think a whole
7 lot turns on it.

8 **MR. ENGELMANN:** Okay.

9 **MR. KOZLOFF:** Because the logic is, either
10 he reviews everything he's had to say or you make a fresh
11 start, right?

12 **INSP. SMITH:** Correct.

13 **MR. KOZLOFF:** And I'm going to suggest, sir,
14 that when you sit down with Mr. Silmser and Mr. Geoffrey
15 and Mr. Fagan on the 22nd of February, what you were
16 interested in was a clear and detailed articulation of the
17 four alleged -- or the four allegations of sexual assault
18 that Mr. Silmser was making; correct?

19 **INSP. SMITH:** That's correct, sir.

20 **MR. KOZLOFF:** And I'm going to suggest, sir,
21 that you never got that from Mr. Silmser; that the first
22 interview ended prematurely?

23 **INSP. SMITH:** Yes, sir.

24 **MR. KOZLOFF:** It started later than you had
25 expected it would?

1 **INSP. SMITH:** Yes, sir.

2 **MR. KOZLOFF:** It ended before you wanted it
3 to?

4 **INSP. SMITH:** Yes, sir.

5 **MR. KOZLOFF:** And despite your efforts and
6 understandings with Mr. Silmsler and/or Mr. Geoffrey, you
7 never got Mr. Silmsler back?

8 **INSP. SMITH:** That's correct.

9 **MR. KOZLOFF:** I want to address the 1994
10 conspiracy investigation.

11 You were asked why you didn't interview
12 Cornwall Police Service officers and you indicated in
13 hindsight that it would have been helpful or might have
14 been helpful, but you had the benefit of those officers
15 having been interviewed by Superintendent Skinner and Staff
16 Sergeant Blake of the Ottawa Police Service?

17 **INSP. SMITH:** Correct.

18 **MR. KOZLOFF:** And Mr. Engelmann suggested to
19 you that they were looking at the competence of the
20 investigation; correct?

21 **INSP. SMITH:** Yes.

22 **MR. KOZLOFF:** I wonder if we could have
23 Volume 195 of the evidence.

24 **THE COMMISSIONER:** I'm sorry, what did you
25 say; that they were looking into the competence?

1 **MR. KOZLOFF:** Competence.

2 **THE COMMISSIONER:** Mr. Engelmann?

3 **MR. ENGELMANN:** Again, sir, I said in the
4 main. All right?

5 **THE COMMISSIONER:** You said what?

6 **MR. ENGELMANN:** They were primarily looking
7 at the competence. I know there's a comment at the end. I
8 just want to make sure the records clear.

9 **THE COMMISSIONER:** Okay.

10 **MR. KOZLOFF:** Well, my note, sir, is that
11 Mr. Engelmann responded to the answer provided by this
12 witness by suggesting to him they were looking at
13 competence.

14 **THE COMMISSIONER:** M'hm.

15 **MR. KOZLOFF:** And I would like the record
16 and Mr. Smith to have the opportunity of seeing the
17 exhibit.

18 **THE COMMISSIONER:** Absolutely. What exhibit
19 is it now, Mr. Kozloff?

20 **MR. KOZLOFF:** It's Volume 195 of the
21 transcript.

22 **THE COMMISSIONER:** Oh, the transcript.
23 Okay. Thank you. What page, sir?

24 **MR. KOZLOFF:** Pages 150 to 152.

25 I'm going to have to wait for Madam

1 Registrar to get it up on the screen.

2 **THE COMMISSIONER:** So this is Mr. Stauffer?

3 **MR. KOZLOFF:** This is Mr. Stauffer at the
4 very outset of Superintendent -- former Superintendent
5 Skinner's examination in-chief.

6 **THE COMMISSIONER:** Okay. So I'm at 150.

7 **MR. KOZLOFF:** Oh, sorry. I know you are,
8 sir, but I'm not yet.

9 **THE COMMISSIONER:** Yet. I think they talk
10 there about efficient ---

11 **MR. KOZLOFF:** Can we have -- yeah, beginning
12 at line 6 at page 150, Mr. Stauffer asks:

13 "What did you understand your mandate
14 to be when you were speaking with
15 Deputy Chief Lyon? What were you to
16 do?"

17 Answer:

18 "It was very simple really. There had
19 been allegations of criminal activity
20 in Cornwall and the Cornwall news media
21 apparently was putting it about that
22 the Cornwall Police Service had covered
23 up these allegations and that there was
24 a systemic cover up in the City of
25 Cornwall relative to these allegations.

1 And my responsibility was simply to
2 investigate whether or not this was
3 true, whether or not there was an
4 actual cover up by members of the
5 Cornwall Police Service."

6 Now, then Mr. Stauffer at page 151, line 24,
7 he says:

8 "I just want to be sure as to what the
9 mandate of yourself was."

10 And I'm reading:

11 "The mandate was to conduct a review of
12 the investigation carried out by
13 members of the Cornwall Police Service
14 into allegations of sexual assault made
15 by one David Silmser, and to determine
16 whether or not an efficient
17 investigation was pursued." (As read)

18 So I'm just going to stop there for a
19 moment.

20 "I gather that is part of the
21 mandate then, whether this was an
22 efficient investigation?"

23 Answer,

24 "Yes."

25 Mr. Stauffer:

1 "Yes, right. And then the second
2 part is whether or not any effort
3 was made by any member of the
4 Cornwall Police Service to conceal or
5 down-play these allegations that --
6 if I can put it that way -- that's
7 the second part of the mandate,
8 although they may be interconnected,
9 if you will, or connected, there are
10 two parts, if you will, to your
11 mandate. Is that fair?" (As read)

12 Answer:

13 "Yes, it is."

14 **THE COMMISSIONER:** Okay.

15 **MR. KOZLOFF:** Now, in that context, sir,
16 would the interviews of various Cornwall police officers,
17 by Superintendent Skinner and Staff Sergeant Blake, be of
18 assistance to you in conducting your investigation of an
19 alleged conspiracy?

20 **INSP. SMITH:** Yes, sir.

21 **MR. KOZLOFF:** Thank you.

22 I'm going to explore a little bit with you
23 the attempt to obstruct justice. And this is one of those
24 fun times as a counsel when I have no idea what my witness
25 is going to say, but I get to ask the question anyway,

1 because I hope it will be of assistance to the
2 Commissioner.

3 I'm going to suggest, Mr. Smith, that in the
4 context of that attempt to obstruct justice, you started by
5 looking at the settlement document.

6 **INSP. SMITH:** Yes, sir.

7 **MR. KOZLOFF:** It suggested to you, as you
8 have testified here, prima facie evidence of a crime.

9 **INSP. SMITH:** Yes, sir.

10 **MR. KOZLOFF:** And I'm going to suggest that
11 there were 10 possible individuals involved, and I'm going
12 to put them each to you in turn.

13 First of all, you have Mr. MacDonald?

14 **THE COMMISSIONER:** Which one?

15 **MR. KOZLOFF:** Sorry -- I appreciate that.
16 You have Angus Malcolm MacDonald?

17 **INSP. SMITH:** Yes, sir.

18 **MR. KOZLOFF:** He is the apparent drafter of
19 the document?

20 **INSP. SMITH:** Yes.

21 **MR. KOZLOFF:** Beyond that, Mr. MacDonald had
22 dealings in relation to this matter, with Heidi Sebalj?

23 **INSP. SMITH:** Yes.

24 **MR. KOZLOFF:** He had dealings in relation to
25 this matter with Luc Brunet?

1 INSP. SMITH: Yes.

2 MR. KOZLOFF: He had dealings in this matter
3 with Jacques Leduc?

4 INSP. SMITH: Yes.

5 MR. KOZLOFF: He had dealings in this matter
6 with Sean Adams?

7 INSP. SMITH: Yes.

8 MR. KOZLOFF: He had dealings in this matter
9 with Murray MacDonald?

10 INSP. SMITH: Yes.

11 MR. KOZLOFF: He had dealings in this matter
12 with Bishop LaRocque?

13 INSP. SMITH: Yes.

14 MR. KOZLOFF: He had dealings in this matter
15 with Monsignor McDougald?

16 INSP. SMITH: Yes.

17 MR. KOZLOFF: He had dealings in this matter
18 with his client, Father Charles MacDonald ---

19 INSP. SMITH: Yes.

20 MR. KOZLOFF: --- the suspect?

21 INSP. SMITH: Yes.

22 MR. KOZLOFF: And he had dealings in this
23 matter with David Silmser ---

24 INSP. SMITH: Yes.

25 MR. KOZLOFF: --- the alleged victim?

1 **INSP. SMITH:** Yes.

2 **MR. KOZLOFF:** All right.

3 At the end of the day, sir, following your
4 investigation, you concluded that you had reasonable and
5 probable grounds to believe, and did believe, that Angus
6 Malcolm MacDonald was guilty of attempting to obstruct
7 justice?

8 **INSP. SMITH:** Yes.

9 **MR. KOZLOFF:** And you sought an opinion from
10 Mr. Griffiths and after some consultations you received a
11 go-ahead to charge him; correct?

12 **INSP. SMITH:** Yes, sir.

13 **MR. KOZLOFF:** And Mr. Angus Malcolm
14 MacDonald pleaded guilty and was found guilty?

15 **INSP. SMITH:** Yes, sir.

16 **MR. KOZLOFF:** And in the context of
17 reasonable and probable grounds, sir, I'm going to suggest
18 to you that on the investigation that you conducted there
19 was objective evidence.

20 In other words, a reasonable person could
21 find, or believe, based on the evidence before -- that was
22 gathered by you and your officer, that Angus Malcolm
23 MacDonald was guilty of attempting to obstruct justice?

24 **INSP. SMITH:** Yes, sir.

25 **MR. KOZLOFF:** And you had a subjective

1 belief that Angus Malcolm MacDonald was guilty of
2 attempting to obstruct justice?

3 **INSP. SMITH:** Yes, sir.

4 **MR. KOZLOFF:** All right.

5 Now, did you have either objective grounds
6 or subjective belief that Heidi Sebalj had committed an
7 attempt to obstruct justice?

8 **INSP. SMITH:** No.

9 **MR. KOZLOFF:** Did you have objective grounds
10 or a subjective belief that Luc Brunet had committed an
11 attempt to obstruct justice?

12 **INSP. SMITH:** No.

13 **MR. KOZLOFF:** Did you have objective grounds
14 and subjective belief that Jacques Leduc had committed an
15 attempt to obstruct justice?

16 **INSP. SMITH:** No.

17 **MR. KOZLOFF:** Did you have objective
18 grounds -- was there a basis for which you could have
19 charged Sean Adams, if you didn't believe him?

20 **INSP. SMITH:** If I didn't believe what he
21 said?

22 **MR. KOZLOFF:** All right, I'm going to -- I'm
23 going to make this out -- I'm going to put the question a
24 little more particularly.

25 In order for you to charge somebody, would

1 it be fair to say that you need R&PG, reasonable and
2 probable grounds, with -- that is to say, an objective and
3 a subjective basis, to believe that an individual --first
4 of all, that there's been a criminal act committed?

5 **INSP. SMITH:** Yes.

6 **MR. KOZLOFF:** Secondly, that the person that
7 you are charging had a criminal intent?

8 **INSP. SMITH:** Yes.

9 **MR. KOZLOFF:** And, thirdly, the identity ---

10 **INSP. SMITH:** Yes.

11 **MR. KOZLOFF:** --- of the person?

12 **INSP. SMITH:** Yes.

13 **MR. KOZLOFF:** Right?

14 **INSP. SMITH:** Yes.

15 **MR. KOZLOFF:** You need those three things to
16 charge; correct?

17 **INSP. SMITH:** Yes.

18 **MR. KOZLOFF:** All right.

19 With respect to Mr. Adams, he had signed the
20 document, right?

21 **INSP. SMITH:** Yes.

22 **MR. KOZLOFF:** He had witnessed the
23 document ---

24 **INSP. SMITH:** Yes.

25 **MR. KOZLOFF:** --- and signed -- his name is

1 on the document?

2 **INSP. SMITH:** Yes.

3 **MR. KOZLOFF:** But you didn't believe,
4 subjectively, that he had an intention to obstruct justice?

5 **INSP. SMITH:** No, I didn't.

6 **MR. KOZLOFF:** Therefore, you didn't charge
7 him?

8 **INSP. SMITH:** No.

9 **MR. KOZLOFF:** All right.

10 With respect to Murray MacDonald, did you
11 have either objective or a subjective belief?

12 **INSP. SMITH:** No.

13 **MR. KOZLOFF:** With respect to the Bishop,
14 did you have either objective or subjective belief?

15 **INSP. SMITH:** No.

16 **MR. KOZLOFF:** With respect to Monsignor
17 McDougald, did you have either of those?

18 **INSP. SMITH:** No.

19 **MR. KOZLOFF:** With respect -- well, we won't
20 get to Father Charlie, but let's deal with David Silmsen.

21 You were asked why he wasn't spoken to. His
22 name was on the document, right?

23 **INSP. SMITH:** Yes.

24 **MR. KOZLOFF:** He received a \$32,000 benefit,
25 right?

1 **INSP. SMITH:** Yes.

2 **MR. KOZLOFF:** Did you have subjective
3 belief, sir, that he knew he was obstructing justice by
4 accepting that money?

5 **INSP. SMITH:** No, sir.

6 **MR. KOZLOFF:** You didn't charge him?

7 **INSP. SMITH:** No.

8 **MR. KOZLOFF:** All right.

9 I'm going to move ahead -- Project Truth.
10 You had your issues with some of the superiors in your
11 organization at the outset of the -- of the mandate;
12 correct?

13 **INSP. SMITH:** Yes, sir.

14 **MR. KOZLOFF:** All right.

15 There was some delay in getting an approval;
16 apparently, it took a year, right?

17 **INSP. SMITH:** Well ---

18 **MR. KOZLOFF:** I said the approval ---

19 **INSP. SMITH:** Yes.

20 **MR. KOZLOFF:** --- in the context of the
21 approval of the project plan?

22 **INSP. SMITH:** I just noticed that the other
23 day, that -- yes.

24 **MR. KOZLOFF:** Did any of that -- other than
25 maxing out your credit card, and Pat Hall's credit card,

1 initially, did any of that impede your investigation?

2 **INSP. SMITH:** No.

3 **MR. KOZLOFF:** No. In fact, sir, before you
4 even drafted your project plan you had your team working on
5 this, didn't you?

6 **INSP. SMITH:** Yes, sir.

7 **MR. KOZLOFF:** Your notes indicate that you
8 had a meeting in Smith Falls with your officers,
9 Genier -- Dupuis hadn't been chosen yet -- but Hall,
10 Genier, Seguin, yourself meet in Smith Falls on the 14th of
11 May 1997, to start working on this matter?

12 **INSP. SMITH:** Yes.

13 **MR. KOZLOFF:** Review the brief; break it
14 down; create an assignment register; "Let's get going with
15 this thing"; correct?

16 **INSP. SMITH:** Yes, sir.

17 **MR. KOZLOFF:** All right.

18 And nothing impeded that, did it?

19 **INSP. SMITH:** No, sir.

20 **MR. KOZLOFF:** All right.

21 We've spent a ---

22 **INSP. SMITH:** It would have been nice to
23 have an office, and a few cars, and a secretary.

24 **MR. KOZLOFF:** You got those eventually.

25 **INSP. SMITH:** Yeah, eventually.

1 **MR. KOZLOFF:** Pat Hall went up to get \$5,000
2 from Frechette, and Frechette said, "I'm not giving you
3 five;" gave him ten, right?

4 **INSP. SMITH:** Yes. It was a happy day.

5 **MR. KOZLOFF:** All right.

6 **INSP. SMITH:** Yeah.

7 **MR. KOZLOFF:** I want to talk about the
8 exchange of letters between Mr. Bourgeois, Commissioner
9 O'Grady and yourself.

10 **INSP. SMITH:** Yes, sir.

11 **MR. KOZLOFF:** You are the case manager, at
12 that point in time, of *Regina v. Father Charles MacDonald*;
13 correct?

14 **INSP. SMITH:** Yes, sir.

15 **MR. KOZLOFF:** He's been charged, March 11th,
16 '96?

17 **INSP. SMITH:** Yes, sir.

18 **MR. KOZLOFF:** He's before the courts?

19 **INSP. SMITH:** Yes.

20 **MR. KOZLOFF:** His preliminary hearing date's
21 been set?

22 **INSP. SMITH:** Yes, sir.

23 **MR. KOZLOFF:** That wouldn't have been a
24 secret, I take it, to anybody in the know in Cornwall?

25 **INSP. SMITH:** It was in the newspaper, I

1 think.

2 MR. KOZLOFF: Right. It would have been
3 known to Mr. Silmser, Mr. MacDonald, and C-3?

4 INSP. SMITH: Yes.

5 MR. KOZLOFF: And you had reason to believe
6 that they were in regular contact with Mr. Dunlop?

7 INSP. SMITH: That's correct.

8 MR. KOZLOFF: All right.

9 So Mr. Bourgeois decides he's going to write
10 the Commissioner of the OPP and not surprisingly, the
11 Commissioner, who must have been having a good day
12 intellectually, decided that maybe it should be referred to
13 you since you had some knowledge of the matter, right?

14 INSP. SMITH: Yes.

15 MR. KOZLOFF: And you engage in an exchange
16 of correspondence with Mr. Bourgeois, and after you get
17 instructions from Mr. Pelletier, you advise Mr. Bourgeois
18 that you can't comply with his requests for the time being
19 because there's a matter outstanding in the criminal
20 courts?

21 INSP. SMITH: That's correct.

22 MR. KOZLOFF: All right.

23 And the next thing that happens is that Mr.
24 Bourgeois delivers a binder to the Chief of the London
25 Police Service; becomes known as the "Dunlop binder" or the

1 "Fantino binder"; correct?

2 INSP. SMITH: That's right.

3 MR. KOZLOFF: Doesn't deliver it to you?

4 INSP. SMITH: No.

5 MR. KOZLOFF: It contains evidence allegedly
6 providing another five complainants against Father Charles
7 MacDonald, right?

8 INSP. SMITH: I believe three.

9 MR. KOZLOFF: Oh, all right.

10 In any event, there's C-8, right?

11 INSP. SMITH: Yes.

12 MR. KOZLOFF: I'm going to be careful to a
13 fault so I'm not going to name others, but there are others
14 ---

15 INSP. SMITH: There are other -- there were
16 others ---

17 MR. KOZLOFF: --- revealed in the context of
18 that binder who ultimately become witnesses on the second
19 set of charges; correct?

20 INSP. SMITH: That's my understanding, yes.

21 MR. KOZLOFF: All right.

22 But that doesn't come to you as the case
23 manager or to Fagan as the lead investigator, does it, from
24 Mr. Bourgeois ---

25 INSP. SMITH: No.

1 MR. KOZLOFF: --- or Mr. Dunlop?

2 INSP. SMITH: No.

3 MR. KOZLOFF: No.

4 It goes to Fantino who sends -- who sends it
5 to Frechette who eventually gets it to you and there's
6 about a four month delay, right?

7 INSP. SMITH: Well, I get it, probably in
8 mid-February/late-February.

9 MR. KOZLOFF: All right.

10 So ---

11 THE COMMISSIONER: Two months -- of what
12 year -- '94?

13 INSP. SMITH: Yes -- no, no, '97.

14 THE COMMISSIONER: I'm sorry; yes, '97.

15 INSP. SMITH: Yeah.

16 THE COMMISSIONER: Okay.

17 INSP. SMITH: I got it in mid-February.

18 MR. KOZLOFF: Just for your assistance ---

19 THE COMMISSIONER: So two months -- two
20 months.

21 MR. KOZLOFF: --- my understanding is the
22 letter from Bourgeois to Fantino is dated the 16th of
23 December.

24 THE COMMISSIONER: That's right.

25 MR. KOZLOFF: Fantino's evidence is he

1 received it on the 18th of December. Fantino's evidence is
2 that he recalled delivering it to Frechette at the Elm
3 Hurst Inn in Ingersoll end of January/beginning of
4 February. It then eventually gets to this officer who --

5 **THE COMMISSIONER:** No, but I was concerned
6 that four months sounded a little off, and I think, you're
7 right, from December to February is a couple of months.

8 **INSP. SMITH:** Yes.

9 **MR. KOZLOFF:** In any event.

10 **THE COMMISSIONER:** Well, it helps you.

11 **MR. KOZLOFF:** The point I guess I was
12 making, sir, is that the route from Bourgeois to Smith is
13 somewhat circuitous.

14 Did you ever speak to Perry Dunlop about why
15 his binder got delivered to Chief Fantino in London rather
16 than to you?

17 **INSP. SMITH:** I believe I did and he said he
18 thought that I'd retired.

19 **MR. KOZLOFF:** I see.

20 We've spent a lot of time at this Inquiry
21 and, indeed, we spent a fair amount of time with you, Mr.
22 Smith, discussing the role played by Mr. Dunlop, and you
23 have identified in your evidence three areas that concerned
24 you.

25 One was his association with witnesses.

1 **INSP. SMITH:** Yes, sir.

2 **MR. KOZLOFF:** Indeed, beyond association,
3 taking statements from them.

4 **INSP. SMITH:** Yes, sir.

5 **MR. KOZLOFF:** Two was his disclosure of
6 information that he had acquired in the course of his
7 dealings with witnesses, victims -- alleged victims -- to
8 the Project Truth team.

9 **INSP. SMITH:** That's true.

10 **MR. KOZLOFF:** And three was what he was
11 putting out in the media.

12 **INSP. SMITH:** That's correct.

13 **MR. KOZLOFF:** And I'm wondering if you've
14 given any thought to -- you've told us that you addressed
15 him with respect to the media; this is not helping our
16 investigation. You've told him -- you've told us that you
17 told him with respect to witnesses "I am concerned about
18 contamination". And with respect to disclosure, you had an
19 ongoing obligation to make disclosure of your case to the
20 Crown who would have an ongoing obligation to make
21 disclosure to the defence, right?

22 **INSP. SMITH:** That's correct.

23 **MR. KOZLOFF:** All right.

24 Can you tell us in a nutshell how you
25 perceive Mr. Dunlop affected the Project Truth

1 investigation? Bearing in mind, you can only take us up
2 until a point in time where it's an investigation rather
3 than through the prosecutions, let's take it up until the
4 end of March 1999.

5 **INSP. SMITH:** I don't want to beat him up,
6 but he caused us great difficulty in the investigation. I
7 think what he did, he lead to the hysteria that was about
8 the town; about this gang of pedophiles. It appeared to
9 the point that no matter what we said, it wasn't believed
10 in town.

11 I was fearful for any of the cases that we
12 had that were be coming before the courts or that would
13 come before the courts that we would lose them because of
14 his interference.

15 I put ---

16 **MR. KOZLOFF:** Today -- I don't want to
17 interrupt you, but today I believe Mr. Manderville was
18 addressing the issue of how these historic sexual abuse
19 investigations go; that you hope that by a little
20 publicizing at the outset of your investigation that
21 eventually other victims will come forward.

22 **INSP. SMITH:** Yes.

23 **MR. KOZLOFF:** Would that depend -- would the
24 success of that plan to attract other victims be affected
25 by adverse press?

1 **INSP. SMITH:** Absolutely.

2 **MR. KOZLOFF:** Did you have -- do you have
3 some way of quantifying that or is it just a gut feeling
4 you have based on your previous experience at St. Joe's and
5 St. John's?

6 **INSP. SMITH:** Well, I think it stands to
7 reason that if -- if your investigation is condemned, not
8 only by Mr. Dunlop and his wife and the politician, then if
9 there are any potential victims out there that were
10 thinking of coming forward, they'd have a second thought.

11 **MR. KOZLOFF:** Okay. Those are my questions.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Engelmann?

14 ---RE-EXAMINATION BY/RE-INTERROGATOIRE PAR MR. ENGELMANN:

15 **MR. ENGELMANN:** I have just a few questions
16 for you, Mr. Smith, and they're ---

17 **INSP. SMITH:** You say that all the time,
18 sir. How long?

19 **(LAUGHTER/RIRES)**

20 **MR. ENGELMANN:** There's some clarification
21 that ---

22 **INSP. SMITH:** Yes, sir.

23 **MR. ENGELMANN:** --- I have to do.

24 **INSP. SMITH:** Yes, sir.

25 **MR. ENGELMANN:** I think you can understand,

1 sometimes things take a little longer than you expect.

2 **INSP. SMITH:** Well, yes, sir.

3 **MR. ENGELMANN:** Let me start by having you
4 turn to Exhibit 1803, if I may, and I'd like you to turn up
5 Bates page 1054252.

6 **INSP. SMITH:** I'm sorry, the ---

7 **MR. ENGELMANN:** The last three digits, sir,
8 will be 252.

9 **INSP. SMITH:** Yes, sir.

10 **MR. ENGELMANN:** I'll just find it; just a
11 moment.

12 Earlier this week when I was asking you
13 questions about who you were talking to at this stage, I
14 suggested to you that there was a lawyer by the name of
15 Hebert listed in your notes and I suggested to you that he
16 was at the law firm, Scott & Aylen, and that he may have
17 been Father MacDonald's civil lawyer. I was mistaken.
18 There was a fellow named Hebert that was at another law
19 firm in Ottawa by the name of Beament/Green.

20 In your notes, you indicate -- and it may
21 actually be Herbert as opposed to Hebert and you have the
22 law firm's name next to his name. Do you see that?

23 **INSP. SMITH:** Yes, Scott/Aylen.

24 **MR. ENGELMANN:** Yeah.

25 **INSP. SMITH:** Hebert/Herbert.

1 **MR. ENGELMANN:** Did you think that Mr.
2 Hebert was at Scott & Ayles? I'm just wondering why you
3 would have written that down.

4 **INSP. SMITH:** I think so, yes.

5 **MR. ENGELMANN:** All right.

6 Did you find out subsequent to this that he
7 was actually at another firm?

8 **MR. ENGELMANN:** No.

9 **MR. ENGELMANN:** All right.

10 Sir, I also suggested to you, at one point,
11 that there was some evidence that Marcel Lalonde -- who, as
12 you know, was a school teacher and who was investigated and
13 later found guilty of abusing some of his former students.
14 I suggested to you that he had been a Deacon or I believed
15 he'd been a Deacon at St. Columban's when Father MacDonald
16 had been a priest there.

17 Do you remember that?

18 **INSP. SMITH:** No.

19 **MR. ENGELMANN:** Okay. Well, in any event, I
20 suggested it to you.

21 **INSP. SMITH:** You may have suggested, but I
22 don't remember that.

23 **MR. ENGELMANN:** Yeah, and again it was
24 pointed out to me that I was in error, and I reviewed some
25 documents on this and I just want to show them to you if I

1 may.

2 And I've given late notice on these
3 documents and I have copies for counsel, but the Document
4 Number is 702727.

5 Madam Clerk, do you have copies? I have
6 some here.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 2691 is an excerpt of Document
9 702727, and it's a case manager's assignment form.

10 **---EXHIBIT NO./PIÈCE NO. 2691:**

11 (702727 - 7006280) - Case Manager's
12 Assignment Form re: Marcel Lalonde dated
13 11 May 98

14 **MR. ENGELMANN:** Sir, do you know if you've
15 ever seen this document before?

16 **INSP. SMITH:** No, sir, but it's ---

17 **MR. ENGELMANN:** It would be Officer Genier's
18 handwriting?

19 **INSP. SMITH:** Yes.

20 **MR. ENGELMANN:** All right.

21 So it appears on the assignment that was
22 given to him on May 11th, '98 it was with respect to a
23 Marcel L. Lalonde.

24 **INSP. SMITH:** Yes.

25 **MR. ENGELMANN:** And the information basis or

1 background said:

2 "Information received from case
3 against Lalonde that he was
4 Deacon at St. Columban's."

5 **INSP. SMITH:** Yes, that's what it says.

6 **MR. ENGELMANN:** Sir, were you aware at all
7 of this fact that there had been some information arising
8 from that case that he was a Deacon at St. Columban's?

9 **INSP. SMITH:** No, sir.

10 **MR. ENGELMANN:** All right.

11 **INSP. SMITH:** You can put that question to
12 Inspector Hall.

13 **MR. ENGELMANN:** I will.

14 **INSP. SMITH:** I'm pretty sure that he would
15 be aware.

16 **MR. ENGELMANN:** I will.

17 I'm just trying to clear up an error that
18 was made.

19 **INSP. SMITH:** Okay.

20 **MR. ENGELMANN:** I was asked to do this and
21 just wanted to know if you had some knowledge of this.

22 **INSP. SMITH:** All right. No.

23 **MR. ENGELMANN:** Sir, there's a short summary
24 underneath that that said:

25 "Was never a Deacon for Father

1 Charlie MacDonald, he only read
2 readings at masses..."

3 **INSP. SMITH:** Yes.

4 **MR. ENGELMANN:** "...And has nothing but
5 good things to say about Father
6 MacDonald."

7 **INSP. SMITH:** Yes.

8 **MR. ENGELMANN:** Were you aware that Marcel
9 Lalonde was in fact interviewed and would have said
10 something similar to that?

11 **INSP. SMITH:** I don't think so. I can't
12 recall that, sir.

13 **MR. ENGELMANN:** Well, just --

14 **INSP. SMITH:** As the case manager I may not
15 have read that.

16 **MR. ENGELMANN:** I will ask Mr. Hall about
17 this, but I just want to show you an interview statement,
18 just again to see ---

19 **INSP. SMITH:** Yes, certainly.

20 **MR. ENGELMANN:** It's Document Number 710273.
21 Madam Clerk, I'll hand up a copy, if I may.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit 2692 is an interview report of
24 Marcel Lalonde taken on the 11th of May, 1998.

25 ---EXHIBIT NO./PIÈCE NO. 2692:

1 (710273) - Interview Report of Marcel
2 Lalonde dated 11 May 98

3 **MR. ENGELMANN:** Again, sir, this would
4 appear to be an interview report that would have been taken
5 by Officer Genier, if you look at the handwritten statement
6 that's attached to the typed form.

7 **INSP. SMITH:** Yes, sir.

8 **MR. ENGELMANN:** It was an interview that he
9 apparently did on May 11th, 1998 ---

10 **INSP. SMITH:** Yes, sir.

11 **MR. ENGELMANN:** --- at 14:30.

12 So would have dealt with it almost
13 immediately after the assignment to him?

14 **INSP. SMITH:** Yes, sir.

15 **MR. ENGELMANN:** All right.

16 And it appears that he interviewed Marcel L.
17 Lalonde. And again, what we saw in the previous exhibit, a
18 reference -- he's asked the question:

19 "I'm investigating historical
20 sexual assault allegations in the
21 City of Cornwall. I understand
22 you were a Deacon for Father
23 Charlie MacDonald?"

24 **INSP. SMITH:** Yes.

25 **MR. ENGELMANN:** "What, if anything,

1 can you tell me about this?"

2 This is Officer Genier putting the question
3 to ---

4 **INSP. SMITH:** Yes, sir.

5 **MR. ENGELMANN:** --- Mr. Lalonde.

6 And he says:

7 "First of all, I wasn't a Deacon.

8 I read readings for masses. I

9 never heard anything about Father

10 Charlie. I have nothing but good

11 things to say about him."

12 Correct?

13 **INSP. SMITH:** Yes.

14 **MR. ENGELMANN:** All right.

15 But again, sir, for further knowledge of
16 this or further information about this, we should check
17 with Mr. Hall?

18 **INSP. SMITH:** Yes, sir. I don't remember
19 this.

20 **MR. ENGELMANN:** All right.

21 So just a few other areas to cover. Earlier
22 this morning you were asked by counsel for the Cornwall
23 Police Service some questions, and in particular you were
24 asked some questions about asking for settlement documents.
25 Do you recall that?

1 **INSP. SMITH:** Yes, sir.

2 **MR. ENGELMANN:** You were asked if you had
3 ever done anything like that during the course of the cases
4 you were involved in arising out of Alfred.

5 **INSP. SMITH:** Yes, sir.

6 **MR. ENGELMANN:** All right.

7 And I'm wondering, sir, in those cases did
8 you ever have something similar to what you had here in
9 September of 1993?

10 In other words, a letter from the suspects
11 lawyer enclosing a direction from the alleged victim to
12 stop investigating, to stop proceeding, because he had
13 reached some kind of a civil settlement.

14 **INSP. SMITH:** No, sir.

15 We had some letters come in from victims
16 that wanted nothing further to do with the charges or the
17 reconciliation package.

18 **MR. ENGELMANN:** All right.

19 **INSP. SMITH:** But I don't think they were --
20 they came from lawyers. I know they didn't come from
21 lawyers.

22 **MR. ENGELMANN:** All right.

23 Sir, you were asked a few questions by Mr.
24 Wallace, counsel for the Ontario Provincial Police
25 Association.

1 **INSP. SMITH:** Yes, sir.

2 **MR. ENGELMANN:** And you were asked a few
3 questions about the interview that Detective Constable
4 Fagan took of Father Charles MacDonald.

5 **INSP. SMITH:** Correct.

6 **MR. ENGELMANN:** And that's the interview
7 that we know took place in June of '94.

8 **INSP. SMITH:** Correct.

9 **MR. ENGELMANN:** And he indicated to you that
10 Officer Fagan was able to obtain some valuable information
11 from that interview.

12 **INSP. SMITH:** Yes.

13 **MR. ENGELMANN:** And he referred to the
14 obtaining of the "Dear Chuck" letter.

15 **INSP. SMITH:** Yes.

16 **MR. ENGELMANN:** Sir, were you aware that
17 Malcolm MacDonald, who was then counsel for Father Charles
18 MacDonald, came to that interview with a copy of that
19 letter?

20 **INSP. SMITH:** No, sir.

21 **MR. ENGELMANN:** All right.

22 If we just take a quick look at 2251. It's
23 the exhibit -- Document Number 110195, Exhibit 2251.

24 **INSP. SMITH:** Yes, sir.

25 **MR. ENGELMANN:** Bates page 261 or it's page

1 6 of the interview.

2 **INSP. SMITH:** Yes, sir.

3 **MR. ENGELMANN:** Question right at the top of
4 the page. Constable Fagan is asking:

5 "Okay. Did you ever meet David
6 Silmser after he came out of
7 jail, after he was out of jail?"

8 And then in his answer Charles MacDonald was
9 talking about visiting him in jail,

10 "Also visited him in Burritt
11 Rapids. He wrote to me a couple
12 of times, two or three times from
13 different places. There's a copy
14 of one of the letters that he
15 wrote to me."

16 Do you see that reference?

17 **INSP. SMITH:** Yes.

18 **MR. ENGELMANN:** And then Constable Fagan:

19 "Can I get a copy of that letter?"

20 Answer:

21 "Yes."

22 Malcolm MacDonald:

23 "Yes, this is the letter. It's
24 not dated, but this is the
25 envelope."

1 So it would appear that they came to the
2 interview with ---

3 **INSP. SMITH:** Yes.

4 **MR. ENGELMANN:** --- a copy of the letter?

5 **INSP. SMITH:** Yes.

6 **MR. ENGELMANN:** It would be fair to say that
7 it's likely they came and wanted to give that letter during
8 the course of the interview ---

9 **INSP. SMITH:** Yes.

10 **MR. ENGELMANN:** --- given the nature of the
11 letter?

12 **INSP. SMITH:** Yes, sir.

13 **MR. ENGELMANN:** All right.

14 Sir, you were asked about Constable Fagan's
15 work in 1994.

16 **INSP. SMITH:** Yes, sir.

17 **MR. ENGELMANN:** And you said he worked hard,
18 but you expected more.

19 **INSP. SMITH:** Yes.

20 **MR. ENGELMANN:** I'm just wondering if you
21 can give us a few examples of perhaps some of what you
22 might have expected or hoped for?

23 **INSP. SMITH:** Well, the quality of his
24 statements, I think, could have been better. That's what I
25 meant by that.

1 **MR. ENGELMANN:** All right.

2 **INSP. SMITH:** As I mentioned before, the
3 first day I was here when I had some difficulty was that I
4 think that Alfred had affected Mr. Fagan and I didn't
5 realize that, and police don't admit these types of things.
6 And had I noticed that I don't think I would have brought
7 him down here on this, and that's the reason why he didn't
8 become part of Project Truth.

9 **MR. ENGELMANN:** Sir, you were asked a number
10 of questions by Mr. Kozloff. I just wanted to clarify a
11 couple of points, if I may.

12 He referred to you the six different
13 statements that Mr. Silmsler would have given before --
14 well, during the calendar year -- well, starting in
15 December of '92 right through 'til November of '93?

16 **INSP. SMITH:** I know it's a nuance but it's
17 six separate interviews, not statements.

18 **MR. ENGELMANN:** Sorry. The six interviews,
19 some were statements; some were just police officer notes?

20 **INSP. SMITH:** Yes, sir.

21 **MR. ENGELMANN:** Were you aware of all of
22 these statements or interviews before you met with Mr.
23 Silmsler on February 22nd, 1994?

24 **INSP. SMITH:** No, sir.

25 **MR. ENGELMANN:** Do you recall how many you

1 were aware of?

2 **INSP. SMITH:** I was aware of the one that he
3 had written.

4 **MR. ENGELMANN:** That's the -- okay, that's
5 the seventh actually. That's a handwritten note from
6 February 16th, of '93.

7 **INSP. SMITH:** I was aware that he had spoken
8 to Heidi Sebalj and I was aware that he had spoken to the
9 Diocese. So I was probably aware of three.

10 **MR. ENGELMANN:** Would you have had an
11 opportunity to review the officers' notes when they met
12 with him on January 28th, 1993 and then further the
13 officers' notes from March 10th of '93?

14 **INSP. SMITH:** I don't know if I had them at
15 that time, sir.

16 **MR. ENGELMANN:** All right.

17 But the other -- the statement he would have
18 given to the CAS, for example, in November, you would not
19 have had that?

20 **INSP. SMITH:** No, sir.

21 **MR. ENGELMANN:** All right.

22 Those are all my questions.

23 **INSP. SMITH:** Thank you, sir.

24 **MR. ENGELMANN:** Thank you very much.

25 **INSP. SMITH:** Thank you.

1 **THE COMMISSIONER:** Mr. Smith, I want to
2 thank you for the days that you have come here. I've
3 enjoyed your testimony and I certainly will consider it
4 when I write up my report.

5 I wish you all the best in your full and, I
6 hope, final retirement from these things. It's been a
7 pleasure. Thank you.

8 **INSP. SMITH:** Thank you, sir.

9 **THE COMMISSIONER:** Let's take a short break
10 and we'll start with the new witness.

11 **THE REGISTRAR:** Order; all rise. À l'ordre;
12 veuillez vous lever.

13 This hearing will resume at 11:55 a.m.

14 ---Upon recessing at 11:42 a.m./

15 L'audience est suspendue à 11h42

16 ---Upon resuming at 12:02 p.m./

17 L'audience est reprise à 12h02

18 **THE REGISTRAR:** Order; all rise. À l'ordre;
19 veuillez vous lever.

20 This hearing is now resumed. Please be
21 seated. Veuillez vous asseoir.

22 **THE COMMISSIONER:** Mr. Engelmann?

23 **MR. ENGELMANN:** I'm just interrupting for
24 hopefully two minutes. Sir, it's a housekeeping matter.

25 We've had an individual by the name of Ken

1 MacLennan who has come before you in the past. He has
2 requested that you recommend funding for him so that he can
3 file a judicial review application about one of your
4 decisions that took place some time ago.

5 My colleague, Maître Dumais, has had some
6 correspondence with Mr. MacLennan. His letters have been
7 sent to counsel.

8 I'd simply like to file them.

9 **THE COMMISSIONER:** M'hm.

10 **MR. ENGELMANN:** There is a letter from him
11 dated November 19th, 2008. If that could be filed as
12 Exhibit 51.4.

13 Madam Clerk, do you have copies?

14 **THE COMMISSIONER:** Thank you.

15 **MR. ENGELMANN:** This is withdrawing a
16 withdrawal, sir, if I can try and be succinct.

17 Then he wrote to us on November 21st, 2008 to
18 provide some supplementary information.

19 I'm wondering, sir, if that could be filed
20 as Exhibit 51.5?

21 **THE COMMISSIONER:** Yes, certainly.

22 Thank you.

23 **MR. ENGELMANN:** And, sir, finally, on
24 November 26th, 2008 he wrote again providing again some
25 supplementary information.

1 If that could be filed as 51.6.

2 Sir, Mr. MacLennan was advised that you
3 would be issuing a decision upon review of his written
4 submissions and also review of any submissions that parties
5 may have with respect to this matter -- any of the parties
6 with standing may have.

7 **THE COMMISSIONER:** Yes.

8 **MR. ENGELMANN:** And what I propose -- I
9 don't believe any of the parties with standing have
10 commented on this in past, but I would propose that we give
11 any of the parties with standing until noon on Monday to
12 file any submissions with respect to this matter if they so
13 choose.

14 **THE COMMISSIONER:** M'hm.

15 **MR. ENGELMANN:** And Mr. MacLennan was
16 advised that a decision would issue thereafter.

17 **THE COMMISSIONER:** All right. So he's not
18 asking to make oral submissions?

19 **MR. ENGELMANN:** That's correct.

20 **THE COMMISSIONER:** So bottom line is ---

21 **MR. ENGELMANN:** You have his written
22 submissions.

23 **THE COMMISSIONER:** I do.

24 **MR. ENGELMANN:** We'll invite any of the
25 parties that may wish to file a written submission to do so

1 by Monday at noon and he was advised you would issue a
2 decision thereafter.

3 **THE COMMISSIONER:** Okay. Thank you.

4 **MR. ENGELMANN:** And, sir, just one last
5 matter.

6 I'd just ask, if you could, to finish at
7 12:30 -- today at noon, as we're hoping to have a brief
8 all-counsel meeting with counsel at 12:30.

9 **THE COMMISSIONER:** Okay.

10 **MR. ENGELMANN:** Thank you.

11 **THE COMMISSIONER:** Thank you.

12 Ms. Jones?

13 **MS. JONES:** Good afternoon, Mr.
14 Commissioner.

15 I'd like to call Steven Seguin to the stand,
16 please.

17 **THE COMMISSIONER:** Good afternoon, sir.

18 Madam Clerk, could you swear?

19 **D/CST. STEVE SEGUIN, Sworn/Assermentée:**

20 **THE COMMISSIONER:** Welcome aboard, sir.

21 Again, I review with you, you have fresh
22 glasses and water. The microphone, you've got to try not
23 to hit it when you're opening the notes. You will have
24 notes in hard copy and on the computer screen. If you
25 prefer one or the other just let us know, but we usually

1 give you both. Please answer all of the questions as best
2 you can.

3 If you need a break at any time, if you feel
4 uncomfortable let me know, otherwise, you've been -- asked
5 questions by lawyers before, I take it?

6 **D/CST. SEGUIN:** Yes, sir.

7 **THE COMMISSIONER:** All right. So keep your
8 voice up and high and speak into the microphone, sir.

9 **D/CST. SEGUIN:** Thank you.

10 **THE COMMISSIONER:** Thank you.

11 Ms. Jones.

12 **---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

13 **JONES:**

14 **MS. JONES:** Hello, Officer Seguin.

15 **D/CST. SEGUIN:** Hello, Ms. Jones.

16 **MS. JONES:** Firstly, I'm just going to do it
17 by way of introduction, is just to outline the topics that
18 we're going to be touching on today just to give you an
19 overview.

20 After going through your background, we're
21 going to be looking very briefly at the Dunlop family
22 threat issue that you were involved in.

23 We're going to be looking at how Project
24 Truth started in your life and what your understanding was
25 of the mandate, et cetera. Briefly touching on the Marcel

1 Lalonde investigation. Your meeting with John Cleary.

2 We're also going to be looking at the Roch
3 Landry investigation, Harvey Latour investigation, the
4 Brian Dufour investigation. We're going to be looking at
5 Jean-Luc Leblanc investigation, the Jacques Leduc
6 investigation, the first one.

7 We're also going to be looking at the
8 Malcolm MacDonald investigation and a brief involvement
9 that you would have had with Father Charles MacDonald as
10 well.

11 We're going to be looking at the Jodoin
12 investigation, Bernard Sauve and Nelson Barque.

13 We're also going to be looking at a few
14 victims contact that you've had. I'll deal with those at
15 the time because most of them have monikers attached so it
16 wouldn't actually help you for me to just give out
17 monikers.

18 We're also going to be looking at various
19 institutions that figured in your investigations,
20 specifically Laurencrest and Classique College.

21 The first area then we're going to be
22 looking at is your background. And I'd like to please
23 enter as the first exhibit, Exhibit 20020.

24 **THE COMMISSIONER:** So you don't have hard
25 copies? It seems that the profile, your profile, sir, has

1 been updated and so we don't have the hard copies available
2 at this point, so we'll have to look at this on the screen.

3 **D/CST. SEGUIN:** That's fine.

4 **THE COMMISSIONER:** Exhibit number?

5 **THE REGISTRAR:** It's 2693.

6 **THE COMMISSIONER:** So 2693.

7 **--- EXHIBIT NO./PIÈCE No. P-2693:**

8 (200220) Career Profile of Steve Seguin

9 **MS. JONES:** I'm going to just go through the
10 salient high points of your career and if there is any
11 corrections, please speak up, and if there is anything that
12 you feel that I missed, please fill it in as well at the
13 time.

14 I understand, Officer Seguin, you're
15 actually still a serving police officer with the OPP and
16 you became a constable in 1991?

17 **D/CST. SEGUIN:** That's correct.

18 **MS. JONES:** And your initial assignment was
19 at Downsview Detachment, District Five, but shortly
20 thereafter you were transferred to Madoc Detachment,
21 District Nine, and you were made a permanent member of the
22 staff there in 1992 and you stayed there for approximately
23 a year-and-a-half performing general law enforcement
24 duties.

25 From November, 1993 to May, 1996, you were

1 then posted to the Winchester Detachment, District Eleven,
2 where you did general law enforcement duties as well.

3 From 1996 through to 1997, you were then
4 posted to Morrisburg Detachment, again doing general law
5 enforcement duties.

6 When I say "general law enforcement duties",
7 that includes traffic and general investigations on typical
8 sorts of police matters?

9 **D/CST. SEGUIN:** Yeah, basically anything
10 that came in.

11 **MS. JONES:** All right, from a theft to a
12 break-and-enter to anything that basically came in the
13 door?

14 **D/CST. SEGUIN:** Anything that came in, yeah.

15 **MS. JONES:** Okay.

16 May 14th, 1997, you received the designation
17 of detective and that was the day that you were assigned to
18 the Project Truth investigation at CIB and you remained
19 there until January 9th, 2000.

20 From January 10th, 2000 to September, 2007
21 you were assigned to traffic and duties on the RIDE program
22 for the Eastern Division.

23 I understand though, from time-to-time
24 between January, 2000 to 2003, you did still occasionally
25 return to the Project Truth investigations because clearly

1 you would have had involvement in the cases that would
2 probably be before the courts. Is that ---

3 **D/CST. SEGUIN:** That's correct.

4 **MS. JONES:** --- the way you were brought
5 back in?

6 **D/CST. SEGUIN:** Quite regularly, actually.

7 **MS. JONES:** February 2nd, 2004, you were re-
8 assigned to Project Truth on a full-time basis and then
9 returned to your permanent post on October 14th, 2005.

10 From that date until September 12th, 2007,
11 you returned to your assigned duties within the Highway
12 Safety Division of the OPP at the Eastern Region.

13 On September 12th, 2007, you were re-assigned
14 to OPP Project Truth inquiry team, where I'm assuming that
15 you remain today?

16 **D/CST. SEGUIN:** Yes.

17 **MS. JONES:** And looking at your training
18 that you received over your career, it would appear that
19 you received a variety of courses, a lot of traffic sort of
20 related courses, RIDE programs, and various other sorts of
21 things that a typical police officer might attend.

22 The question that we always ask in this
23 Inquiry is, did you receive any specialized training on
24 sexual assault investigations and, specifically, historical
25 sexual assault investigations?

1 **D/CST. SEGUIN:** Specifically sexual assault
2 investigations, no. There was no set course. There was a
3 couple of times that it was covered as a component on a
4 course, and the first one would be the intermediate
5 constable level four, which was actually called the
6 advanced patrol training course. That goes from October,
7 '96 -- October 1st to October 10th, and it was a small
8 portion of that and then again in the criminal
9 investigation course in '98.

10 **MS. JONES:** Okay. The other question that
11 we also ask here very often is, did you have any major case
12 management training, specifically before joining Project
13 Truth?

14 **D/CST. SEGUIN:** No, before, no.

15 **MS. JONES:** Have you since had any major
16 case management training?

17 **D/CST. SEGUIN:** I've had two versions of it
18 in various forms. Initially, in the criminal investigation
19 course in '98 and the second time was kind of a specialized
20 one-to-one course from the person who designed the program,
21 and it was in relation to preparing for the Inquiry and the
22 major case management -- the term we use is -- it's a file
23 anyways for filing everything accurately in preparation of
24 this.

25 **MS. JONES:** Okay.

1 The first topic that we're going to be
2 looking at then is the Dunlop complaint of death threats
3 and, again, I'm going to try to lead you through a lot of
4 your evidence, and please disagree if I'm inaccurate or
5 clarify if I haven't given the full picture.

6 I understand that on March 18th, 1997, that
7 you spoke to Helen Dunlop when she came into the Upper
8 Canada Detachment in Long Sault to make an enquiry about
9 the status of the investigation into alleged death threats
10 against her husband, Perry Dunlop, and their family. Do
11 you recall that?

12 **D/CST. SEGUIN:** Yes.

13 **MS. JONES:** I wonder if you could just
14 please go to Exhibit 572A, Document Number 712799.

15 **THE COMMISSIONER:** So 572?

16 **MS. JONES:** It's 712799, Exhibit 572A.

17 **THE COMMISSIONER:** So 572A is the typed
18 portion, so -- all right?

19 So, sir, when you're looking at this
20 document, I don't know if they've told you about Bates
21 pages and things like that.

22 When you go to the tab at 572, if you look
23 on the top left-hand corner there's a number 7048559?

24 **D/CST. SEGUIN:** Yes, sir.

25 **THE COMMISSIONER:** They'll sometimes use

1 that to indicate what page in the document you need to
2 refer to. Such as, do you want to bring him to a page now,
3 Madam ---

4 **MS. JONES:** No, I don't. I just want to
5 show him the first page of the document.

6 **THE COMMISSIONER:** Okay.

7 **MS. JONES:** This is -- actually what I'm
8 showing you here is just a statement by Ron Leroux and I
9 believe that this was the basis of where these alleged
10 death threats came from. I don't know if that was your
11 understanding as well at the time?

12 **D/CST. SEGUIN:** Yeah, he provided two
13 statements on that date, and I'm not sure which one this
14 is.

15 **MS. JONES:** I've got a reference to the
16 other one as well if you wish, but this is just merely to
17 refresh your memory where this all came from.

18 **D/CST. SEGUIN:** Yes.

19 **MS. JONES:** Had you met Helen Dunlop before
20 this meeting?

21 **D/CST. SEGUIN:** No, I did not.

22 **MS. JONES:** And had you heard of her
23 husband, Perry Dunlop, before this meeting?

24 **D/CST. SEGUIN:** I had heard the name,
25 actually, when I transferred back to the Cornwall area in

1 '93. I had heard the name or I saw the name on a gas
2 station billboard where the price of gas is listed and it
3 was in relation to his -- I guess his law suit, support the
4 Perry Dunlop fund?

5 MS. JONES: M'hm.

6 D/CST. SEGUIN: And that's where the name
7 first came to my attention.

8 MS. JONES: You'd never worked with him in a
9 professional capacity at all?

10 D/CST. SEGUIN: No.

11 MS. JONES: Or known him on a personal
12 level?

13 D/CST. SEGUIN: No, although he did remind
14 me that he met me once, but I never -- I don't recall
15 meeting him.

16 MS. JONES: That was later then I assume,
17 after this meeting with Helen Dunlop that you became aware
18 of that?

19 D/CST. SEGUIN: Yes.

20 MS. JONES: Or were told that?

21 D/CST. SEGUIN: Yes.

22 MS. JONES: Just to be clear though, from
23 your point-of-view, when you had this first meeting with
24 Helen Dunlop, you hadn't met her before and didn't remember
25 meeting Perry Dunlop?

1 D/CST. SEGUIN: I had no idea who she was.

2 MS. JONES: Do you recall that she told you
3 about a complaint that she had made with the OPP prior to
4 coming to see you and that she hadn't heard back from them?

5 D/CST. SEGUIN: She had told me that there
6 was a complaint made to the OPP by another person about
7 death threats.

8 MS. JONES: And do you recall that you
9 called -- I understand you called Orillia to confirm that
10 they had, in fact, received a complaint and I understand
11 that Orillia, whoever you talked to there, advised you that
12 the matter had been referred on to Tim Smith?

13 D/CST. SEGUIN: That's correct.

14 MS. JONES: And I also understand that you
15 advised Helen Dunlop that it would be Mr. Smith that would
16 contact her, and she responded that if she didn't hear back
17 from Smith that she would then file a complaint about
18 that?

19 D/CST. SEGUIN: That's correct.

20 MS. JONES: When you talked to whoever it
21 was you talked to in Orillia, did you do that in front of
22 Mrs. Dunlop or did you do that in private?

23 D/CST. SEGUIN: No. We were sitting in the
24 interview room -- there's an intake room in Long Sault --
25 and I left and went into the sergeant's office and made the

1 calls there.

2 MS. JONES: Do you recall who you talked to?

3 D/CST. SEGUIN: Initially, I talked to Dan
4 Anthony. He was the original statement-taker of Ron
5 Leroux.

6 MS. JONES: Yes, and he's actually listed on
7 the statement that I just before you.

8 D/CST. SEGUIN: Yes, and he didn't recall
9 who was looking after the case. So that's when I made the
10 second call, this time to CIB again and asking who was
11 responsible for this case.

12 MS. JONES: And I understand that was
13 basically -- was at the end of your meeting that particular
14 day with Mrs. Dunlop?

15 D/CST. SEGUIN: I advised her that Tim Smith
16 would get back to her and -- and that was the end of it,
17 yes.

18 MS. JONES: Okay. I understand that the
19 following day, March 19th, you met with Inspector Pat Hall
20 and talked to him about Mrs. Dunlop's complaint and the
21 situation?

22 D/CST. SEGUIN: I spoke to him. I don't
23 know if we met; I don't recall.

24 MS. JONES: Okay. And I understand, as
25 well, that you and Officer Hall interviewed Mrs. Dunlop on

1 March 21st, 1997 at the Long Sault Detachment?

2 D/CST. SEGUIN: That's correct.

3 MS. JONES: Now, when you met or talked to
4 Pat Hall in March 19th, was that to discuss or ensure that
5 the referral was made to Tim Smith?

6 D/CST. SEGUIN: No. The next day I was just
7 filling him in on the information I received from Mrs.
8 Dunlop.

9 MS. JONES: And I also understand that when
10 Mrs. Dunlop arrived for the interview, she actually tape
11 recorded the interview. Do you recall that?

12 D/CST. SEGUIN: That's correct. As soon as
13 she sat down, she put a tape recorder on the table.

14 MS. JONES: And do you recall that she said
15 that she was doing this on advice of her lawyer, Charles
16 Bourgeois?

17 D/CST. SEGUIN: I don't recall why, but I
18 thought it very odd.

19 MS. JONES: And after that particular
20 contact with Mrs. Dunlop, did you have any further contact
21 with Mrs. Dunlop, about this or any other situation?

22 D/CST. SEGUIN: I don't believe I did.

23 MS. JONES: And, just to be clear, this was
24 happening before you had been involved in Project Truth?

25 D/CST. SEGUIN: That's correct.

1 **MS. JONES:** So I want to move on now to the
2 start of Project Truth, from your perspective.

3 It's my understanding that in May, 1997, you
4 were assigned full-time to the Project Truth team by
5 Sergeant Tim Miller of the CIB department in Long Sault.
6 Is that correct?

7 **D/CST. SEGUIN:** Yes. He was the area crime
8 sergeant at the time, and he was the one that assigned me.

9 **MS. JONES:** And before that assignment -- I
10 believe your evidence anyway was when we went through your
11 background that you had actually done typical criminal
12 investigations in your general duties as a police officer
13 before that?

14 **D/CST. SEGUIN:** That's pretty well all I
15 did. I didn't like doing the traffic side of things.

16 **MS. JONES:** Pardon me? You didn't like?

17 **D/CST. SEGUIN:** I didn't like doing the
18 traffic side of things.

19 **MS. JONES:** That's interesting, considering
20 you're on the RIDE Program in the future.

21 **D/CST. SEGUIN:** Yes, that's a story in
22 itself.

23 **MS. JONES:** Okay. So I wonder if you could
24 have an opinion on this.

25 Did you feel that you had the required

1 competencies that would be needed to join the team, the
2 Project Truth team?

3 **D/CST. SEGUIN:** I felt very well prepared to
4 do this. I'd done a lot of sexual assaults before this.
5 Historical ones were a different story, but I felt very
6 comfortable, yes.

7 **MS. JONES:** Are you able to estimate how
8 many sexual assault investigations you may have done before
9 joining Project Truth? I believe you had been an officer
10 for six years at that point.

11 **D/CST. SEGUIN:** Yes. And I've been thinking
12 about that; it was discussed earlier.

13 The nearest figure I can come up with, and
14 if we estimate the number of sexual assaults that I
15 investigated and/or were part of as far as taking
16 statements, I would say it's probably in the neighbourhood
17 of 50 or so.

18 **MS. JONES:** All right. And were any of
19 those cases involving children as victims of sexual
20 assault?

21 **D/CST. SEGUIN:** Actually, quite a few.

22 **MS. JONES:** We looked at this just a moment
23 ago, and I understand at the time of joining Project Truth
24 you didn't have specific major case management training.
25 However, did you have access to a procedural manual of some

1 sort or a policy manual about major case management?

2 D/CST. SEGUIN: There was probably access to
3 it; there's a library in every office. Whether or not I
4 reviewed that stuff, I can't recall.

5 MS. JONES: Okay.

6 Were you aware of any other OPP officers
7 that would have perhaps had experience in historical sexual
8 assaults or historical sexual assault investigations, that
9 were not made part of the Project Truth team?

10 D/CST. SEGUIN: Yes. The first one that
11 comes to mind is Isabel McVey. She was involved in the
12 Project Jericho investigation in Prescott, and was
13 incestual in nature.

14 MS. JONES: Besides Inspector Smith, who
15 we've heard at length just these last few days, he clearly
16 had experience in these sort of matters, and it would
17 appear that no one else, except for Inspector Smith, had
18 direct involvement with those types of cases.

19 Did you feel comfortable taking on the task
20 as Project Truth investigator?

21 D/CST. SEGUIN: Oh, yes. Yes.

22 MS. JONES: Okay. Now, if I could please
23 refer you to your notes. It's Document 733258, and I'm
24 specifically looking at Bates page 8195.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MS. JONES:** I can say, Mr. Commissioner,
2 these are handwritten notes of this particular officer,
3 starting on the 14th of May, 1997.

4 **THE COMMISSIONER:** Good, thank you.
5 Exhibit ---

6 **MS. JONES:** And ending ---

7 **THE COMMISSIONER:** I'm sorry?

8 **MS. JONES:** I'm sorry -- and ending the 14th
9 of April, 1998.

10 **THE COMMISSIONER:** Exhibit 2694.

11 **---EXHIBIT NO./PIÈCE NO. P-2694:**

12 (733258) - Notes of Steve Seguin dated
13 from May 14, 1997 to April 14, 1998

14 **THE COMMISSIONER:** Good handwriting, sir.

15 **MS. JONES:** It's difficult.

16 Bates page 8195 is what I'm looking for.
17 The entry is dated the 14th of May, '97, and I believe it
18 will be conveniently located on the very first page.

19 **D/CST. SEGUIN:** Yes, I have it.

20 **MS. JONES:** In my experience -- and this is
21 your own handwriting, you may be at an advantage -- but in
22 my experience very often the screen is very useful because
23 Madam Clerk can enlarge it, and I certainly find it much
24 easier to read it off the screen.

25 So it would appear that May 14th, 1997 is

1 the seminal date in which you joined the Project Truth
2 team, and it appears that you attended a meeting at Smiths
3 Falls with Inspector Smith and Detective Genier, and
4 Detective Sergeant Pat Hall and Detective Inspector
5 Leo Sweeney.

6 I understand that, from your notes
7 certainly, the purpose of this meeting was to discuss an
8 operational plan for Project Truth?

9 **D/CST. SEGUIN:** That's correct.

10 **MS. JONES:** And, just to be clear, there's a
11 meeting that has been talked about in this Inquiry, at
12 length, a meeting that occurred on April 4th, 1997, a
13 meeting that took place with the former Regional Crown
14 Attorney, Peter Griffiths, and various Project Truth
15 officers.

16 You were not part of that meeting; this was
17 your first day?

18 **D/CST. SEGUIN:** That's correct.

19 **MS. JONES:** Okay. It also says in your
20 notes that you were, "Instructed on format for interviews,
21 et cetera".

22 I'm wondering if you could possibly describe
23 what you mean by that; what sort of instructions did you
24 actually receive?

25 **D/CST. SEGUIN:** Tim Smith explained how he

1 wanted things done and, basically, in that case in
2 particular, the interviews, the format he wanted to use.

3 **MS. JONES:** And what was the format he
4 wanted?

5 **D/CST. SEGUIN:** I can't tell you what he
6 said, but I can tell you that I followed his direction. So
7 if we look at me initial statements, if would have followed
8 the format that he wanted.

9 **MS. JONES:** I just don't know what you mean
10 by "format". Is it a general introduction and then asking
11 questions, or is it let the person speak freely, or what
12 sort of format do you mean? What do you mean by "format"?

13 **D/CST. SEGUIN:** I think it's more the way
14 we're going to conduct business, or how we were going to
15 conduct the investigation, and we were going to interview
16 the witness -- sorry, the victims on videotape, that sort
17 of thing.

18 **MS. JONES:** So what was your understanding
19 when you had this meeting? What was the operational plan
20 from your perspective?

21 **D/CST. SEGUIN:** The operational plan was,
22 basically, we were going to investigate any and all
23 allegations that were in the Dunlop brief.

24 **MS. JONES:** Okay. The Dunlop or the Fantino
25 brief?

1 D/CST. SEGUIN: Yes.

2 MS. JONES: And I'm assuming that there was
3 some sort of a discussion of the mandate of Project Truth.
4 If this is your first day there, I would assume that that
5 would be something that would be talked about.

6 D/CST. SEGUIN: I don't know if it was
7 talked about at that time but, in essence, the mandate was
8 about the Fantino brief or the Dunlop brief, and the
9 allegations that were made within it.

10 MS. JONES: We've had a couple of documents
11 that have been entered as exhibits that actually enunciate
12 what appears to be the mandate of Project Truth, and I'll
13 just read you what appears to be the mandate of Project
14 Truth.

15 I'm just reading -- just for the record, I'm
16 just reading from the report prepared by Officer McWade;
17 what I call the "McWade Report". It's Exhibit 2510, but
18 we've been hearing about it quite often, and I'm just going
19 to read it in for you; it's been read many times here.

20 D/CST. SEGUIN: I'm familiar with it ---

21 MS. JONES: Okay.

22 D/CST. SEGUIN: -- Ms. Jones, if that
23 helps.

24 MS. JONES: All right, thank you.

25 "This investigation is being

1 conducted into pedophile activity,
2 both historic and ongoing, in the
3 Cornwall, Ontario area."

4 Do you recall that being one of the mandates
5 that you discuss?

6 **D/CST. SEGUIN:** Yes.

7 **MS. JONES:** "The alleged suspects are
8 prominent and respected citizens of
9 Cornwall and include lawyers,
10 Catholic priests, a Catholic bishop,
11 teachers, probation officers,
12 businessmen, a former chief of police
13 and the present Crown attorney."

14 Do you recall discussing that?

15 **D/CST. SEGUIN:** Yes -- well, discussing it?

16 I don't know whether it was just ---

17 **MS. JONES:** Or discussing that portion of
18 the mandate or ---

19 **D/CST. SEGUIN:** I don't know when the
20 mandate was discussed, but that is what the mandate was.

21 **MS. JONES:** Okay.

22 "The alleged offences occurred
23 and are occurring both in the
24 City of Cornwall and the outlying
25 area."

1 Do you recall that?

2 **D/CST. SEGUIN:** Yes.

3 **MS. JONES:** "In addition, it is
4 alleged the suspects were able to
5 terminate investigations or
6 prosecutions against them by abusing
7 their positions of trust within
8 the community."

9 Do you recall that?

10 **D/CST. SEGUIN:** Yeah.

11 **MS. JONES:** "It is alleged the Crown
12 attorney, the Diocese of Cornwall
13 and the Cornwall Police Service
14 conspired to obstruct justice in
15 these matters."

16 Do you recall that?

17 **D/CST. SEGUIN:** Yes.

18 **MS. JONES:** Do you recall during that
19 initial meeting that Officers Smith and Hall said or
20 informed you that they were compelled to limit the scope of
21 the matters covered by Project Truth to the matters in the
22 Fantino brief?

23 **D/CST. SEGUIN:** I don't think there was any
24 discussion about that. I don't recall any discussion like
25 that.

1 **MS. JONES:** Do you recall if there was any
2 discussion where either Smith or Hall said, if we go
3 outside of the Fantino brief then we risk losing control of
4 the focus of this investigation?

5 **D/CST. SEGUIN:** I don't recall that either.

6 **MS. JONES:** Perhaps this is a good place.

7 **THE COMMISSIONER:** Good. Sorry to cut you
8 like that, but it's lunchtime, so we're going to come back
9 at 2:00. All right. Thank you.

10 **THE REGISTRAR:** Order; all rise. À
11 l'ordre; veuillez vous lever.

12 This hearing will resume at 2:00 p.m.

13 ---Upon recessing at 12:31 p.m./

14 L'audience est suspendue à 12h31

15 ---Upon resuming at 2:05 p.m./

16 L'audience est reprise à 14h05

17 **THE REGISTRAR:** Order; all rise. À l'ordre;
18 veuillez vous lever.

19 This hearing is now resumed. Please be
20 seated. Veuillez vous asseoir.

21 **D/CST. STEVE SEGUIN, Resumed/Sous le même serment:**

22 **THE COMMISSIONER:** Thank you.

23 Good afternoon, all.

24 ---**EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**
25 **JONES (Con't/Suite):**

1 **MS. JONES:** Where we left off, Officer
2 Seguin, was to do with the mandate of Project Truth. And
3 I'm wondering if you could describe the people that you
4 were involved with that made the decisions about whether or
5 not something fell within the scope of -- or the mandate of
6 Project Truth?

7 **D/CST. SEGUIN:** Those decisions would be
8 made by either Tim Smith at the beginning or Pat Hall at
9 the end.

10 **MS. JONES:** Was there ever a discussion
11 amongst the rest of you as investigators as to whether you
12 think it should be part of Project Truth or not, or was it
13 just a single decision by then?

14 **D/CST. SEGUIN:** I think as with any case
15 that we dealt with or any complaint that came in, it was
16 always discussed amongst the members. The ultimate
17 decision would lay with them though.

18 **MS. JONES:** And with regards to the type of
19 responsibility that you had as an investigator, is it fair
20 to say that when it started off when Inspector Smith was in
21 charge, certainly, that you were given the freedom to carry
22 these investigations as if they were any other
23 investigation?

24 In other words, you were given the freedom
25 to investigate versus having to check every -- every step

1 of the way with your inspector?

2 D/CST. SEGUIN: I think it's a little more -
3 - it's a little more than that. The opportunity to discuss
4 this was a regular thing. Anything that we did was
5 discussed on a regular basis. The -- every investigation
6 that came up there were plenty of opportunities to have
7 guidance provided and have feedback the other way as well.
8 As far as running off on your own, sort of thing, that
9 didn't occur.

10 MS. JONES: If a potential victim, for
11 example, named numerous other perpetrators or alternatively
12 named possible other victims, were you able to just go off
13 and start exploring that on your own or would you have had
14 to check in with your inspector before you did that?
15 That's the sort of thing I'm looking for.

16 D/CST. SEGUIN: I wouldn't say checking in.
17 I mean, in any investigation -- and this is no different
18 than any other sexual assault investigation or other
19 investigation in that way -- if a statement takes you to a
20 certain place and it guides you to a certain area or more
21 victims potentially or more suspects, then you have to take
22 some responsibility on your own to make those decisions
23 what needs to be done at that time.

24 So whether or not a decision was made on
25 your own to go off and investigate further complaints, it

1 did happen at times because stuff needed to be done, and we
2 didn't need prior permission, basically, to go off and
3 conduct further interviews.

4 **MS. JONES:** And I also understand that the
5 frequency of meetings between yourself and your Inspector -
6 - first Smith and then Hall -- were quite regular?

7 **D/CST. SEGUIN:** I would say more so with Pat
8 Hall, because Pat Hall was there pretty well all the time.
9 Tim Smith was not assigned to this full time. He had a
10 number of other cases on the go and he was all over the
11 place. Pat was assigned to us, to this investigation. I
12 mean, he had some other things on the go, but primarily he
13 was at the office and he was there pretty well every day.

14 **MS. JONES:** So what would be the frequency
15 of meetings with Tim Smith then?

16 **D/CST. SEGUIN:** I really would have to refer
17 to my notes and find the instances where he was there and
18 we were talking about things.

19 **MS. JONES:** Was there any problem
20 communicating with Inspector Smith as you went along?

21 **D/CST. SEGUIN:** Not that I'm aware of.

22 **MS. JONES:** Did you feel the frequency of
23 your meetings with Inspector Smith were sufficient?

24 **D/CST. SEGUIN:** I think so. Because we had
25 Pat, who was a very experienced investigator himself, and

1 the communication between them was non-stop. So anything I
2 had to discuss or an issue I would have brought up with
3 Inspector Smith, I could have brought up with Inspector
4 Hall, and I know it would have been dealt with by the two
5 of them.

6 **MS. JONES:** Did you know Officer Genier
7 before starting this Project Truth?

8 **D/CST. SEGUIN:** Just from meeting each other
9 and training, et cetera, that sort of stuff.

10 **MS. JONES:** But you hadn't worked together
11 before that ---

12 **D/CST. SEGUIN:** No.

13 **MS. JONES:** --- on a case?

14 **D/CST. SEGUIN:** No.

15 **MS. JONES:** Do you recall -- I'm sorry, did
16 you know Tim Smith or Pat Hall before being assigned to
17 this case?

18 **D/CST. SEGUIN:** I had seen Tim Smith doing
19 some cases down this way. And also somewhere out in what
20 was referred to as 9 District at the time when we were
21 districts, I worked in Madoc and Bellville was that area,
22 and Napanee as well, and I had seen him involved in things
23 that way, but I had never worked with him.

24 **MS. JONES:** Is that the same with Pat Hall?

25 **D/CST. SEGUIN:** I don't think I ever worked

1 with Pat neither.

2 **MS. JONES:** Do you recall when you started
3 at Project Truth whether or not Tim Smith gave you an
4 overview as to the results and the findings of his 1994
5 investigation?

6 **D/CST. SEGUIN:** That was discussed at some
7 point. We ended up having the briefs which included the
8 '94 investigation and the '95 investigation, as well as the
9 obstruct or conspiracy to obstruct with Malcolm MacDonald.
10 So it was discussed at some point.

11 **MS. JONES:** Now, Officer Dupuis didn't start
12 with Project Truth until September 1997, after you had
13 started. Do you recall having a discussion with him about
14 the 1994 investigation?

15 **D/CST. SEGUIN:** No, off the top of my head,
16 no.

17 **MS. JONES:** Do you recall ever seeing the
18 Crown brief on the 1994 investigation?

19 **D/CST. SEGUIN:** Yes. I don't know at which
20 point, but, yes, I did. Actually we had both of those
21 briefs.

22 **MS. JONES:** You did? And do you recall if
23 the briefs -- if the format at that point was available in
24 the computer format or was it just a hard copy format?

25 **D/CST. SEGUIN:** It was just a hard copy,

1 yes.

2 **MS. JONES:** Now, if we could please go to
3 your notes. I believe your notes are still open on the
4 first page. I believe that was the last exhibit. I could
5 be wrong.

6 **THE COMMISSIONER:** There was a -- 2694?

7 **D/CST. SEGUIN:** Twenty-six ninety-four
8 (2694)?

9 **MS. JONES:** Twenty-six ninety-four (2694) on
10 that first page still.

11 **D/CST. SEGUIN:** Yes, I have it.

12 **MS. JONES:** Okay. I'm looking specifically
13 on the date of May 21st, 1997.

14 **D/CST. SEGUIN:** Yes.

15 **THE COMMISSIONER:** Hold on now. That
16 doesn't help us unless it's the first page -- second.
17 Okay.

18 **MS. JONES:** I apologize, the second page --
19 leading into the second page.

20 **THE COMMISSIONER:** Okay.

21 **MS. JONES:** Apparently on May 21st, 1997, you
22 met with Richard Abell, the Executive Director of the
23 Cornwall Children's Aid Society.

24 **D/CST. SEGUIN:** Yes.

25 **MS. JONES:** Do you see that?

1 And at that particular point I understand
2 that this meeting was set up to inform him that the OPP
3 will be conducting an investigation into matters contained
4 in the -- what we call the Fantino brief, and a statement
5 by Ron Leroux.

6 Do you recall that?

7 **D/CST. SEGUIN:** I recall the meeting. What
8 was discussed, I don't, but -- I can't recall.

9 **MS. JONES:** My next question you may not be
10 able to answer either.

11 Do you recall any specific decisions that
12 were made as a result of this meeting, specifically, how to
13 liaise between yourselves and CAS?

14 **D/CST. SEGUIN:** I really don't recall that
15 meeting at all.

16 **MS. JONES:** Would you describe this meeting
17 as an information sharing meeting, rather than a document
18 exchange meeting, for example?

19 **D/CST. SEGUIN:** Again, I don't recall the
20 meeting, and that would be an assumption on my part.

21 **MS. JONES:** Now, the -- one of the first
22 tasks that you were asked to do, I understand, was to go
23 through the Fantino brief?

24 **D/CST. SEGUIN:** Yes.

25 **MS. JONES:** And I understand that you

1 literally were sitting down and looking at the brief, in a
2 methodical fashion, and seeing which investigations were
3 being catalogued there?

4 **D/CST. SEGUIN:** Yes, and actually
5 cataloguing the -- what needed to be done, if you want to
6 use that term. It was more of a -- of a breakdown --
7 clip-boards, et cetera, to break down various complaints.

8 **MS. JONES:** And would it be fair to say you
9 had broke them down with respect to -- or separated them
10 and organized them with respect to witnesses, suspects,
11 victims, that sort of approach?

12 **D/CST. SEGUIN:** Eventually, yes; not
13 initially.

14 **MS. JONES:** Did you divide the numerous
15 allegations into individual investigations or assignments?

16 **D/CST. SEGUIN:** I don't think that would
17 have been myself, the investigations or setting them up
18 that way.

19 I did have a number of clip-boards that were
20 listed as suspects and their names and any relevant
21 information that was available to us at that time.

22 **MS. JONES:** With a vision to eventually,
23 this assignment's going here; this assignment's going
24 there, or this investigation ---

25 **D/CST. SEGUIN:** Basically.

1 MS. JONES: --- is going over there?

2 D/CST. SEGUIN: Yes.

3 I'm not going to take you through your notes
4 on that, but there's a lot of entries in your notes, May,
5 June and July, 1997 where you're reviewing the Fantino
6 brief.

7 D/CST. SEGUIN: Yes.

8 MS. JONES: So this would be the three
9 months -- shall we say the major focus of those first three
10 months that you were there?

11 D/CST. SEGUIN: Yes. There was a lot of
12 material, a lot of information in there and it really had
13 to be dissected.

14 MS. JONES: Okay. Were you responsible to
15 also look at these investigations and perhaps gauge the
16 difficulty in each investigation or the seriousness,
17 perhaps who would be most appropriate to be assigned to it?

18 D/CST. SEGUIN: Not initially, no. It was
19 just a breakdown of what was there.

20 MS. JONES: I understand that it was
21 Inspector Hall that -- probably just Sergeant Hall at the
22 time -- that actually did the individual assignments. Is
23 that correct?

24 D/CST. SEGUIN: The assignment of, let's
25 say, a suspect to an individual officer would be done by

1 him, if that's what you're asking. As far as the
2 individual assignments, no.

3 A number of us -- or, at least at that time,
4 it was Pat Hall, Don Genier, and myself, and we were
5 breaking down the assignments in the assignment register
6 and adding them to that.

7 **MS. JONES:** I understand that you were lead
8 investigator in a number of cases. So I'm just going to
9 rhyme off the list, and if I'm missing -- I may be missing
10 one or two but those perhaps are investigations that ended
11 up without charges at the end of them. So I'm
12 predominantly focusing on the investigations where charges
13 were the end result, not where someone deceased before
14 charges, or wasn't eventually investigated.

15 But you were the lead investigator in the
16 matters involving Brian Dufour, Jean-Luc Leblanc, Harvey
17 Latour, Roch Landry, Bishop Eugène LaRocque, Father Kevin
18 Maloney, Malcolm MacDonald, and Jacques Leduc Part 2.

19 **D/CST. SEGUIN:** I would say that's accurate,
20 yeah. There are others, but ---

21 **MS. JONES:** Okay. You also though worked as
22 a team with either Officers Dupuis or Genier, helping them
23 with their investigations they were leads on, on occasion?

24 **D/CST. SEGUIN:** Yeah, we worked as a group,
25 actually, in everything.

1 **MS. JONES:** And there's numerous interviews
2 where you and Dupuis might do an interview on Dupuis' case,
3 or Dupuis might help you on your case, and so there's a lot
4 of information sharing that way?

5 **D/CST. SEGUIN:** Yes.

6 **MS. JONES:** Or personnel sharing is probably
7 a better way to put it?

8 **D/CST. SEGUIN:** Resource sharing, yes.

9 **MS. JONES:** Okay. Do you recall when you
10 took these statements -- and you took many, many statements
11 with Project Truth -- do you recall how it was that Smith
12 or Hall reviewed the statements you'd taken?
13 Was there a methodology for their review?

14 **D/CST. SEGUIN:** I believe Pat read pretty
15 well everything that came into that office. I recall Tim
16 reading some statements and commenting on different parts
17 of the statements, what he liked, what he would like
18 different.

19 What happened was, if -- let's say, for
20 instance, there was a written statement, it could come in,
21 it would be turned over to the secretary who typed it and
22 put it on the computer, catalogued it that way, and then
23 Pat would generally read the typed version, or at least a
24 compilation of them both.

25 **MS. JONES:** And is it fair to say that he

1 would have read them on an on-going basis? In other words,
2 almost as they came in, rather than stock-piling, or
3 reading statements once a month?

4 D/CST. SEGUIN: No, he was reading stuff all
5 the time. He was ---

6 MS. JONES: Regularly?

7 D/CST. SEGUIN: He was hands-on.

8 MS. JONES: Okay. And is it also fair to
9 say that if you had a statement that you'd taken, that
10 revealed something quite remarkable, or that you were
11 surprised with, or perhaps even needed immediate attention,
12 you would be able to go to either Smith or Hall to say,
13 "Look, I just took this statement; this is what it
14 contained"?

15 D/CST. SEGUIN: Yes.

16 MS. JONES: I understand that -- I believe
17 at one point, there was a request that was denied for a
18 crime analyst to be assigned to Project Truth. Do you know
19 that?

20 D/CST. SEGUIN: I have no idea about that.

21 MS. JONES: Do you recall any sort of
22 analysis that was taken in your years that you were with
23 Project Truth, with regards to linkages between suspects,
24 or between alleged victims?

25 D/CST. SEGUIN: The only linkage that was

1 done, was done by ourselves.

2 **MS. JONES:** Individually, you mean?

3 **D/CST. SEGUIN:** Yeah. When we broke down
4 the binder, the Fantino binder, or the Dunlop brief,
5 whichever you want to call it, it was pretty easy to see
6 who belonged in which category and where else they belonged
7 as well.

8 I don't know if that explains it to you.

9 **MS. JONES:** Okay. Now, we're going to go on
10 to the first investigation here today, and that's the
11 investigation of Marcel Lalonde.

12 And just to get you up to speed here, I can
13 see by your notes that on May 21st, 1997 you and Officer
14 Genier attended Cornwall Police where you spoke with
15 Detective Constable Rene Desrosiers regarding the Marcel
16 Lalonde investigation.

17 I can refer you -- it's Bates page 8197, if
18 you wish to see that.

19 **D/CST. SEGUIN:** I have it.

20 **MS. JONES:** The notes aren't very fulsome,
21 but do you recall having this discussion with Officer
22 Desrosiers?

23 **D/CST. SEGUIN:** No.

24 **MS. JONES:** Do you recall that there were
25 allegations that Officer Desrosiers specifically was

1 investigating at Cornwall Police, and there were also
2 investigations going on with regards to Marcel Lalonde at
3 Project Truth?

4 **D/CST. SEGUIN:** Yes. I was aware that Rene
5 Desrosiers was investigating Marcel Lalonde for Cornwall
6 police, and that Don Genier had also been investigating a
7 complaint from a certain person in relation to Marcel
8 Lalonde, and this occurred prior to the commencement of
9 Project Truth.

10 **MS. JONES:** Do you recall, at this
11 particular meeting, looking through a series of photo
12 albums that had been seized at Mr. Lalonde's residence?

13 **D/CST. SEGUIN:** That doesn't ring a bell.

14 **MS. JONES:** Were you involved in any way
15 with regards to disclosure issues, in regards to the Marcel
16 Lalonde matter?

17 **D/CST. SEGUIN:** I'm not sure if I ever
18 prepared a Will Say, if that's -- which would include any
19 contact I had with witnesses or victims, but I had contact
20 with some witnesses in the Marcel Lalonde case, and some of
21 them witnesses -- some of those witnesses were also part of
22 our investigation.

23 **MS. JONES:** One of the queries about the
24 Marcel Lalonde investigation has always been why were there
25 two police services basically looking after one

1 perpetrator. And this has been asked of several witnesses
2 who have testified here.

3 And I'm wondering if you are able to comment
4 on the question of why wasn't Marcel Lalonde a Project
5 Truth perpetrator, just on his own, rather than someone
6 being shared by Cornwall Police?

7 **D/CST. SEGUIN:** Well, the Cornwall Police
8 started it, and that I do know. Now, as far as why we
9 didn't handle it, I have no idea.

10 **MS. JONES:** Because, clearly, he did fall
11 within the mandate, because you were obviously doing an
12 investigation but you were not involved in that decision
13 making, I take it?

14 **THE COMMISSIONER:** Just a second. Just a
15 second.

16 **MR. KOZLOFF:** I'm sure my friend wasn't in
17 the room or she would have recalled that I made the point
18 just a few days ago. Marcel Lalonde precedes Project
19 Truth. It arises late '96. Genier gets one, he passes it
20 along to Snyder and Desrosiers.

21 **THE COMMISSIONER:** The Cornwall Police.

22 **MR. KOZLOFF:** They do a number -- exactly.
23 So it's all before young Seguin ever arrives
24 on the scene.

25 **D/CST. SEGUIN:** I thank you, Mr. Kozloff.

1 **THE COMMISSIONER:** For the interjection or
2 for the "young".

3 **(LAUGHTER/RIRES)**

4 **MS. JONES:** That's fine. I'm finished with
5 that line of questioning anyway, Mr. Commissioner.

6 Just to be clear though, you're not
7 responsible for making the decisions on who is covered by
8 the mandate of Project Truth?

9 **D/CST. SEGUIN:** No.

10 **MS. JONES:** That's essentially your
11 position.

12 Now, if we could go back to your police
13 notes again. It's the ones we've been looking at, Exhibit
14 2694, and I'd like to go to Bates page 8230, which is dated
15 August 7th.

16 Just a couple of questions about this area.

17 Now, on August 7th, 1998 it appears -- I'm
18 sorry, 1997 -- it appears that you attended at MPP John
19 Cleary's office with Officer Genier.

20 **D/CST. SEGUIN:** That's correct.

21 **MS. JONES:** And it also appears that this
22 meeting was arranged as a result of an Ottawa Sun article
23 that had reported that Mr. Cleary had been contacted by
24 victims of child sexual abuse.

25 **D/CST. SEGUIN:** I'm aware of the article. I

1 don't recall the newspaper.

2 **MS. JONES:** And I also understand that Mr.
3 Cleary told you at the time -- he did provide a statement
4 but to summarize essentially -- that in the past year and-
5 a-half four unidentified people reported to him that they
6 were victims of sexual abuse and the most recent of the
7 reports actually was in the last two weeks.

8 **D/CST. SEGUIN:** That's correct.

9 **MS. JONES:** And I also understand that Mr.
10 Cleary did not wish to disclose the names of those people
11 to you, but that he would contact his constituents and
12 suggest to them that if they wanted to report it to the OPP
13 then they would be obviously free to do so.

14 **D/CST. SEGUIN:** Actually it's, if I'm
15 reading the notes here, he did not want to give their names
16 for the above reasons but advised that the office will
17 contact them and have them contact the OPP.

18 **MS. JONES:** Okay. And do you recall that
19 Mr. Cleary suggested that the OPP had actually already
20 spoken to some, if not all, of these alleged victims, but
21 obviously he didn't want to confirm that because he didn't
22 want to divulge any confidence?

23 **D/CST. SEGUIN:** Not at that day. He told us
24 that later on.

25 **MS. JONES:** Later on?

1 D/CST. SEGUIN: Yes.

2 THE COMMISSIONER: I don't want to -- I want
3 to make sure I have things clear in my mind.

4 At one point there is some political person
5 who said that they were aware of 140 victims. Would that -
6 --

7 D/CST. SEGUIN: This is not the same person.

8 THE COMMISSIONER: It's not the same person?

9 D/CST. SEGUIN: No.

10 THE COMMISSIONER: Okay, good. Thank you.

11 And who was the other person then, do you
12 know?

13 D/CST. SEGUIN: I believe you're taking
14 about Garry Guzzo.

15 THE COMMISSIONER: No, no.

16 MS. JONES: No.

17 THE COMMISSIONER: Okay, I'll think about
18 that one.

19 MS. JONES: Officer Seguin, was this
20 essentially your only dealing with Mr. Cleary on this
21 issue?

22 D/CST. SEGUIN: I believe there was another
23 meeting with him -- I don't recall the date -- and that's
24 when he explained to us that we already had spoken to these
25 people and he wouldn't provide the names.

1 **MS. JONES:** Right. But this is the only
2 issue that you dealt with Mr. Cleary on?

3 **D/CST. SEGUIN:** Yes.

4 **MS. JONES:** Okay. Thank you.
5 Did you wish to add something else?

6 **D/CST. SEGUIN:** No, that's fine.

7 **MS. JONES:** I wish to go to Document 704225,
8 it's Exhibit 135.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MS. JONES:** It's 704225.

11 **THE COMMISSIONER:** Ms. Jones, Exhibit 135?

12 **MS. JONES:** One-three-seven (137).

13 **THE COMMISSIONER:** Okay. Right.

14 Mr. Chisholm?

15 **MR. CHISHOLM:** Sorry to interrupt. Before
16 my friend changes topics, on the issue of the politician
17 that had the number of names, if you look in yesterday's
18 transcript at page 15, it was Inspector Smith who was
19 making reference to Mr. Cleary. I believe it's at page 15
20 of the transcript and I believe the number was 140 names.

21 **THE COMMISSIONER:** Thank you.

22 **MS. JONES:** Just a moment please. I just
23 have to find my own document here.

24 **THE COMMISSIONER:** So now we're at the
25 video-taped interview of Claude Marleau.

1 **MS. JONES:** Just a moment, please.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MS. JONES:** My apologies. There's a number
4 issued here. That's fine.

5 It appears that on the 31st of July 1997 you
6 interviewed a person called Claude Marleau and ---

7 **THE COMMISSIONER:** No, wait a minute.
8 You're not there.

9 **D/CST. SEGUIN:** No, I -- this is done by Don
10 Genier.

11 **MS. JONES:** Fine, sorry, apologies for that.
12 Are you aware that Mr. Marleau had actually
13 contacted the Project Truth team approximately July 28th, a
14 few days before?

15 **D/CST. SEGUIN:** Yes, I am aware of that.

16 **MS. JONES:** So I guess a better question is
17 were you aware that Mr. Marleau then came in the office and
18 provided a statement to the Project Truth team?

19 **D/CST. SEGUIN:** Yes, I was there when he
20 came into the office.

21 **MS. JONES:** And there were several
22 perpetrators that Mr. Marleau named and you were
23 responsible for investigating a couple of those
24 investigations.

25 The first one that I would be looking at

1 would be Roch Landry?

2 D/CST. SEGUIN: Yes.

3 MS. JONES: Okay. So on that particular
4 day then, when this statement was given, one of the
5 perpetrators, Roch Landry, then became your investigation
6 that you were looking at, and I understand that you also
7 got statements of at least two other victims of Mr. Landry?

8 D/CST. SEGUIN: Well, there was a second
9 victim actually on the same day.

10 MS. JONES: Right. I'm just going to see.
11 I don't believe he has a moniker.

12 THE COMMISSIONER: He came in with Mr.
13 Marleau, did he?

14 D/CST. SEGUIN: That's correct.

15 MS. JONES: So there was that -- I don't
16 think I need a moniker at this point, and there was one
17 other person that came that you talked to, at any event, on
18 January 28th, 1998?

19 D/CST. SEGUIN: I think I know who you are
20 talking about.

21 MS. JONES: I can take you to the statement
22 if you wish. It's Document 712510.

23 THE COMMISSIONER: Does this person have a
24 moniker?

25 MS. JONES: I may not need to, if I just put

1 -- show the person the name of the individual.

2 (SHORT PAUSE/COURTE PAUSE)

3 THE COMMISSIONER: Okay.

4 D/CST. SEGUIN: Thank you.

5 THE COMMISSIONER: I don't know about this
6 fellow. I don't think ---

7 MS. JONES: There is no moniker for this
8 person.

9 THE COMMISSIONER: Mr. Lee, do you act for -
10 - I guess you don't act for that person?

11 MR. LEE: I don't act for any of these
12 people.

13 My recollection when Mr. Marleau testified
14 because, obviously he testified openly and we just sort of
15 avoided naming anybody else ---

16 THE COMMISSIONER: Right.

17 MR. LEE: --- including the person who was
18 the subject matter of the interview on the same day as Mr.
19 Marleau. We just avoided it entirely.

20 I don't think they're monikered, but I don't
21 think we ever needed to directly address whether or not
22 they should be monikered protected in any way.

23 I think they fall under the category of
24 alleged victims based on the face of the documents about
25 whom we know nothing in terms of what their wishes or

1 desires are.

2 **THE COMMISSIONER:** Okay. So there'll be a
3 ban on publication of the name unless there's anyone that
4 strenuously objects on the basis of the rulings that I've
5 made before that this gentleman appears to be an alleged
6 victim and that we'll side on the -- err on the side of
7 caution. So we're going to give him a moniker just so that
8 we can continue on.

9 So Madam Clerk, what's the moniker; the next
10 one; 90 -- 95.

11 So Exhibit 2695 is a videotaped interview of
12 C-95 and it was taken by Constables Seguin and Dupuis on
13 28th of January, 1998.

14 **--- EXHIBIT NO./PIÉCE NO. P-2695:**

15 (712510) - Video Taped Interview Report of
16 C-95 dated 28 Jan 98

17 **THE COMMISSIONER:** Okay. Let's go.

18 **MS. JONES:** Just to be clear -- you probably
19 know this already Officer Seguin -- when people have a
20 monikered name, it's the moniker that we have to refer to
21 and not the name itself.

22 **D/CST. SEGUIN:** Yes.

23 **MS. JONES:** And so that would apply as well
24 in case there's a mother or brother or someone else that
25 may share a surname as well; anything that can be used to

1 identify that person.

2 D/CST. SEGUIN: Yes.

3 MS. JONES: And if you're unclear as to
4 which moniker attaches to which person, Madam Clerk will
5 show you a binder that will show you the individual
6 monikers as they've been assigned throughout the Inquiry.

7 D/CST. SEGUIN: Thank you.

8 MS. JONES: So I wasn't going to go into the
9 statement for the substance of it, but this was another
10 alleged victim of Mr. Landry that you found out about in
11 your investigation; correct?

12 D/CST. SEGUIN: That's correct.

13 MS. JONES: I also understand on February
14 13th, 1998 -- I'm sorry, on March 13th, 1998, you actually
15 did a Caution Statement for Mr. Landry at his residence.

16 D/CST. SEGUIN: If I could see the document,
17 please.

18 MS. JONES: Just a moment.

19 D/CST. SEGUIN: It may be in my notes, Ms.
20 Jones, if you could refer me to the date again.

21 MS. JONES: Certainly. Just a moment.

22 It will be Exhibit 2694 or the same police
23 notes that we were looking at this morning; the only
24 officer's notes. And again, it would be March 13th which is
25 Bates page 8371.

1 (SHORT PAUSE/COURTE PAUSE)

2 D/CST. SEGUIN: I don't have the exhibit,
3 but I have my notes.

4 MS. JONES: Okay. Just to confirm that you
5 -- I'm not going into the substance of the statement at
6 this point -- just to confirm that you had a Caution
7 Statement at that particular point.

8 D/CST. SEGUIN: Yes. Actually several.

9 MS. JONES: Okay. And on March 16th, I
10 understand that you also spoke to Mr. Landry's wife?

11 D/CST. SEGUIN: Yes.

12 MS. JONES: Again, just part of your regular
13 investigation.

14 I also understand that Mr. Landry was
15 actually charged on July 9th, 1998?

16 D/CST. SEGUIN: Actually, if I could ---

17 MS. JONES: Certainly.

18 D/CST. SEGUIN: --- interrupt you, please.

19 It wasn't just as part of the investigation.

20 I was calling to find out about his state of mind.

21 MS. JONES: About his state of mind?

22 D/CST. SEGUIN: Yes.

23 MS. JONES: And what does that mean?

24 D/CST. SEGUIN: Well, we were running into
25 issues with concern about suicide and we wanted to ensure

1 that these people were also looked after as well.

2 **MS. JONES:** Okay.

3 Now, it appears that Mr. Landry, as I say,
4 was charged on July 9th, 1998 with five counts of indecent
5 assault in relation to Mr. Marleau, the person he brought
6 in with him the same day that gave a statement, and C-95.

7 **D/CST. SEGUIN:** I don't recall the charges,
8 but he was charged with a number of counts, yes.

9 **MS. JONES:** These charges were actually
10 withdrawn by the Crown on December 20th, 2000 due to a
11 sudden death on October 24th, 2000.

12 **D/CST. SEGUIN:** Yes, Mr. Landry died prior
13 to trial.

14 **MS. JONES:** Now, if we look at the date of
15 the first statement taken from Mr. Marleau is July 31st,
16 1997. The charge for Mr. Landry is not until July 9th, 1998
17 and obviously there's a delay there of some sort because
18 you've got to do an investigation. I appreciate that.

19 I'm wondering though specifically between
20 the dates, say, when you get the Caution Statement from Mr.
21 Landry, can you answer why the specific date of July 9th,
22 1998 was chosen because other people were charged on that
23 same day?

24 **D/CST. SEGUIN:** That was a decision made by
25 Tim Smith, I believe; the date that we were going to be

1 laying a number of charges.

2 **MS. JONES:** And is it fair to say then that
3 that date of July 9th, 1998 was a conscious decision, for
4 whatever reason, that various perpetrators would be
5 charged, and it wasn't to do with the fact it was Mr.
6 Landry necessarily but it was going to be part of a group
7 of people charged on that day?

8 **D/CST. SEGUIN:** Yeah, I have no idea why
9 they chose that day.

10 **MS. JONES:** Is it also fair to say that once
11 you received a Caution Statement and you had your three
12 complainants that you could have actually charged earlier
13 than July 9th, 1998, but that that decision was actually out
14 of your hands?

15 **D/CST. SEGUIN:** Well, the decision of when
16 to lay the charges were certainly out of my hands; that
17 part is correct. I just -- by looking at these items, I
18 don't know what other investigative steps were taken in
19 between that time period.

20 **MS. JONES:** And if we look at the date of
21 the first complaint, which is July 31st, 1997 -- I should
22 say the date of the first two complaints actually because
23 the two statements were given the same day -- and the
24 eventual charge which was almost one year later, had you
25 done any investigation to find out what Mr. Landry did, for

1 example, for his employment, if he did any community work
2 or anything that would allow him to have access to
3 children?

4 D/CST. SEGUIN: I believe in every case we
5 did everything possible to determine if any more children
6 were at risk and when I say children, I mean, these guys
7 were kids when it happened, allegedly.

8 So I can't recall what steps were taken, but
9 ---

10 MS. JONES: That was my next question.

11 D/CST. SEGUIN: Yeah, I can't recall.

12 MS. JONES: There doesn't seem to be
13 anything in your notes showing any steps taken on your
14 behalf. For example, did you make inquiries as to Mr.
15 Landry having grandchildren that come over to visit or
16 nieces or nephews or something of that nature?

17 D/CST. SEGUIN: Again, I don't recall every
18 step we took and I honestly don't know. I would have to go
19 through all of my notes to see if there are any indications
20 that I was doing something in relation to this case, but I
21 can't answer that at this point.

22 MS. JONES: Perhaps you can look at that at
23 a later date to see if any steps were taken.

24 D/CST. SEGUIN: I would have to go through
25 everything.

1 **MS. JONES:** Okay. The reason why that's
2 significant is I would assume to be obvious. As you said,
3 just a moment ago, the allegations stem from people who
4 claim to be victims when they themselves were children.

5 **D/CST. SEGUIN:** Yes.

6 **MS. JONES:** In your notes, there doesn't
7 seem to be, with regards to Mr. Landry, any contact with
8 the CAS concerning him specifically.

9 **D/CST. SEGUIN:** Well, not necessarily in my
10 notes. Now, I can't tell you who was responsible for the
11 communication with CAS, as with the other organizations,
12 but it certainly wasn't my role; the communication that
13 went back and forth between those organizations. And I
14 speak in particular to Cornwall Police as well.

15 **MS. JONES:** Is it fair to say that the
16 branch is just using Mr. Landry as an example and there
17 doesn't seem to be anything in your notes to show that you
18 did any surveillance on him in between the initial
19 allegation and the time that he was arrested and charged?

20 **D/CST. SEGUIN:** I don't believe we had any
21 indication that there was any current abuse on him.

22 **MS. JONES:** But sometimes surveillance can
23 be used to see if, in fact, this person is associating with
24 young people, but there didn't seem to be any with regards
25 to Mr. Landry.

1 D/CST. SEGUIN: There was none done.

2 MS. JONES: Is it your position that unless
3 there was a sign of immediate need that no surveillance
4 such as that would be done on alleged perpetrators?

5 D/CST. SEGUIN: That's a really tough
6 question. You have -- complaints that come in on a regular
7 basis, numerous complaints, sexual abuse complaints or
8 other complaints, I really think that to do surveillance on
9 every single complaint that comes in is just something that
10 can't happened. There's just not the manpower or the
11 resources available for that. Again, if it was a -- if
12 there was current abuse or there was any kind of an
13 allegation that there was anything going on at this point,
14 then it would be addressed differently. This was
15 historical in nature.

16 MS. JONES: So that leads me with to my next
17 question.

18 If it's something that you have evidence
19 that something's immediate -- for example, we'll talk about
20 Jean-Luc Leblanc later, that's a good example of that --
21 but if it's a purely historical sexual assault that you
22 have information about, then you would not therefore do
23 surveillance at that point?

24 D/CST. SEGUIN: I'm not saying that we would
25 not in every case. I mean, every case is different.

1 We were dealing with a lot of complaints at
2 this time over that time period, so decisions are made what
3 -- what to do in relation to surveillance were not my call,
4 but I wouldn't -- myself, I wouldn't conduct surveillance
5 on a historical sexual abuse like this.

6 I would certainly investigate the complaint
7 and investigate the possibility that other people are at
8 risk. Now, what steps were taken, I don't know, I don't
9 recall at this point.

10 **MS. JONES:** I'm wondering if we -- at the
11 afternoon break if you could just look at your notes with
12 respects to Mr. Landry so we can address that issue if you
13 did actually take any steps to see if there were children
14 at risk?

15 **D/CST. SEGUIN:** I can see if there's any
16 notations in my notes, absolutely, but that doesn't
17 necessarily mean everything that we did in relation to Roch
18 Landry, or anybody else for that matter, would be noted
19 there.

20 **MS. JONES:** Just one more question.

21 Is it feasible, given the number of
22 complaints that you were getting through the Project Truth,
23 which were numerous, is it feasible that you possibly could
24 have done surveillance just on the people you intended to
25 charge?

1 **D/CST. SEGUIN:** I really don't know how to
2 answer that. I can't answer that.

3 **MS. JONES:** We'll move on now to the
4 investigation of Harvey Latour.

5 And we'll start this off by looking at a
6 statement in Document Number 712674.

7 **D/CST. SEGUIN:** Okay.

8 **MS. JONES:** I can say, Mr. Commissioner,
9 this would be someone I would be asking for a moniker for,
10 so please be advised of that.

11 **THE COMMISSIONER:** And just so I've got it
12 straight in my head, Mr. Lalonde died before the trial?

13 **D/CST. SEGUIN:** Mr. Landry. Yes.

14 **THE COMMISSIONER:** Mr. Landry, right. And
15 did he die of natural causes?

16 **D/CST. SEGUIN:** Yes, I believe he did.

17 **THE COMMISSIONER:** Okay. Okay. So a new
18 exhibit?

19 **MS. JONES:** Yes, please.

20 Document 712674, but I would be asking for a
21 moniker; it's a statement.

22 **THE COMMISSIONER:** Yes.

23 **MS. JONES:** An alleged victim.

24 **THE COMMISSIONER:** Thank you.

25 **D/CST. SEGUIN:** Thank you.

1 **THE COMMISSIONER:** Anyways, Exhibit 2696 is
2 a videotaped interview report of ---

3 **MS. JONES:** This person does not have a
4 moniker currently.

5 **THE COMMISSIONER:** Give me a chance now.

6 **MS. JONES:** I apologize.

7 **THE COMMISSIONER:** C-96 -- taken on the 31st
8 day of July, 1997 by Constable Seguin.

9 **---EXHIBIT NO./PIÈCE NO. 2696:**

10 (712674) - Videotaped Interview Report
11 of C-96 - dated July 31, 1997

12 **MS. JONES:** Mr. Carroll is just having some
13 technical difficulties.

14 **THE COMMISSIONER:** Who's that?

15 **MS. JONES:** Mr. Carroll.

16 **THE COMMISSIONER:** His pen isn't working?

17 **MS. JONES:** Worse, his binder's come apart.

18 I think I can ask a couple of questions
19 actually; Mr. Carroll won't be missing out on too much.

20 Do you recall when C-96 came into the
21 office, to Project Truth, approximately July 28th, 1997?

22 **D/CST. SEGUIN:** I believe he came into the
23 office on the 31st of July, '97. Are we talking about the
24 same person that you just brought up?

25 **MS. JONES:** Yes. And then the statement was

1 provided a few days later, just to ---

2 D/CST. SEGUIN: I don't recall. Are you
3 talking about the same time that Claude Marleau attended?

4 THE COMMISSIONER: M'hm.

5 MS. JONES: That's correct.

6 D/CST. SEGUIN: I don't recall him being
7 there on the 28th.

8 MS. JONES: No, no, it was just a contact
9 possibly, but you don't -- you don't recall that? That's
10 the same day that Mr. Marleau had contacted?

11 D/CST. SEGUIN: I don't recall. That contact
12 was with Don Genier, so I don't know what occurred.

13 MS. JONES: All right. That's fine.

14 And as you just said before, this is the
15 other person that came in with Mr. Marleau on that date?

16 D/CST. SEGUIN: Yes.

17 MS. JONES: And this person made an
18 allegation in his statement that he had been an alleged
19 victim of Mr. Latour?

20 D/CST. SEGUIN: Yes.

21 MS. JONES: Now, we have a similar
22 situation, in fact identical, where you have a complaint
23 coming in on the 31st July, 1997. Mr. Latour was actually
24 charged again on July 9th, 1998, the same date as Mr.
25 Landry, with one count of indecent assault on this

1 particular person.

2 And, again, are you able to explain why
3 there would be that delay of almost a year between the
4 initial complaint and the actual charge?

5 **D/CST. SEGUIN:** Again, the decision when to
6 lay the charges were -- were not mine to make.

7 **MS. JONES:** And, again, for that year that I
8 -- it's almost a year anyway -- that I'm concerned with
9 here is, again, what efforts did you make to see whether or
10 not Mr. Latour had any access to children?

11 **D/CST. SEGUIN:** Again, I don't recall this
12 time. That's -- that is 10 years ago or 11 years ago at
13 this point, and I don't recall what steps were done.

14 **MS. JONES:** There doesn't seem to be
15 anything in your notes according to my reading. I'd like
16 you to read over your notes to satisfy yourself, but
17 perhaps you could look at that over the break as well, just
18 to comment when you come back?

19 **D/CST. SEGUIN:** Yes.

20 **MS. JONES:** Now, if we could please go to
21 your police notes that we had looked at earlier, the same
22 document; this time Bates page 8247. The date of those
23 notes to assist is 16th of September, 1997.

24 I don't know if this was actually done, Mr.
25 Commissioner, but these notes should be -- have a

1 publication ban on them as well, please.

2 **THE COMMISSIONER:** Where is it?

3 **MS. JONES:** Many confidential names in
4 there.

5 **THE COMMISSIONER:** Sure.

6 **D/CST. SEGUIN:** Sorry, Ms. Jones, did you
7 say the 16th of September, '97?

8 **MS. JONES:** I did, yes.

9 **D/CST. SEGUIN:** Thank you.

10 **MS. JONES:** Bates page 8247.

11 **D/CST. SEGUIN:** Ms. Jones, if I could just
12 go back to the last question, I do recall C-96.

13 I dealt with him quite a bit. There was a
14 lot -- I remember this fellow very well. There are a
15 number of people named in statements and it -- one of the
16 things that was done was those people were interviewed as
17 well. It's just one of the steps that was taken. You're
18 talking about that timeframe?

19 **MS. JONES:** Yes, that's right.

20 **D/CST. SEGUIN:** Okay. Just wanted to pass
21 that on.

22 **MS. JONES:** So you had interviewed the
23 perpetrator, you mean?

24 **D/CST. SEGUIN:** No, there were other
25 witnesses named by C-96.

1 **MS. JONES:** And that was your investigation
2 during that year too?

3 **D/CST. SEGUIN:** No, no, not necessarily.
4 I'm saying that that was part of it.

5 **MS. JONES:** Okay.

6 **D/CST. SEGUIN:** That people were interviewed
7 as well.

8 **MS. JONES:** Okay.

9 So on the 16th of September, 1997, if you can
10 look at the time 13:42.

11 **D/CST. SEGUIN:** Yes.

12 **MS. JONES:** Thank you very much, Madam
13 Clerk.

14 You're speaking to a person there, and I
15 would be asking for a moniker on the person named on that
16 like "13:42", please? It is difficult to read. I can
17 provide ---

18 **THE COMMISSIONER:** Is he a victim?

19 **MS. JONES:** Madam Clerk, do you know this
20 person's name?

21 **THE COMMISSIONER:** Yes.

22 **MS. JONES:** Okay. Thank you.

23 **THE COMMISSIONER:** Yes, I do.

24 Okay, well, just to keep track of everybody,
25 we're going to have to go into in camera some day to

1 confirm all of this but, all right, so C-97 will be, until
2 confirmed in an in camera hearing, the gentleman that's
3 referred to on Bates page 7128247 of Exhibit 2694. The
4 last entry at the bottom of that page, 13:42, gives an
5 address and then the name of that person who will carry
6 that moniker.

7 **MS. JONES:** Thank you very much. Is that
8 the right identification of the name? Okay.

9 Now, on this particular day this person, C-
10 97, came in to speak with you and he actually ended up
11 making a statement the following day, and I'll go to that
12 in just a second. But on this particular day, you'll agree
13 with me that he was making an allegation there that he was
14 molested, as you've written in your notes, by several
15 people. And he listed six people on that day?

16 **D/CST. SEGUIN:** I see that.

17 **MS. JONES:** Do you see that?

18 **/CST. SEGUIN:** Actually we went to him, you
19 said he came to us.

20 **MS. JONES:** Pardon me?

21 **D/CST. SEGUIN:** You mentioned that he came
22 in to see us?

23 **MS. JONES:** I'm sorry, you went to him,
24 didn't you?

25 **D/CST. SEGUIN:** We went to his house, yes.

1 **MS. JONES:** Yes, that's right. Thank you
2 very much for correcting me.

3 If we could please go to -- now, if you can
4 just leave that for a moment -- Document 702753. And I'm
5 specifically looking at Bates page 7315.

6 Officer Seguin, could you please leave your
7 notes open on that page, by the way. I don't know if I
8 made that clear.

9 **THE COMMISSIONER:** Thank you. So what's
10 missing?

11 **D/CST. SEGUIN:** Thank you.

12 **MS. JONES:** This appears to be a computer
13 summary of people contacted in the conduct of Project
14 Truth; perpetrators, victims, witnesses, dates that they
15 were contacted.

16 **THE COMMISSIONER:** All right.

17 So this Exhibit 2697 is going to be called,
18 Project Truth Association Report.

19 **---EXHIBIT NO./PIÈCE NO. 2697:**

20 (702753) - Association Report -

21 Alphabetical: 'Project Truth'

22 **MS. JONES:** Just for the sake of the record,
23 is that an accurate description that I've provided as to
24 what this document is?

25 **D/CST. SEGUIN:** Yeah, that works.

1 **MS. JONES:** You would know better than me
2 obviously.

3 **D/CST. SEGUIN:** Yeah, that works.

4 **MS. JONES:** Okay. Now, the page that I'm
5 specifically looking at is Bates page 7315.

6 Now, if we go back to your police notes and
7 then we look at this particular computer list, I'm
8 wondering if you could help us out here.

9 I'm assuming there's supposed to be a bit of
10 a relationship between allegations made by somebody and
11 then it goes on the computer, and I assume that you're the
12 person -- or the investigator is the person -- that would
13 designate someone as a suspect, as a witness, as a victim,
14 and that decision is down to you. Is that a fair
15 description?

16 **D/CST. SEGUIN:** Well, the input of that
17 would have been by our secretary. The decision could have
18 been any one of us.

19 **MS. JONES:** But you basically tell the
20 secretary what to type in there, that's what I'm looking
21 for. It isn't the secretary making the decision?

22 **D/CST. SEGUIN:** The investigators.

23 **MS. JONES:** The investigator?

24 **D/CST. SEGUIN:** Yeah. Yeah.

25 **MS. JONES:** Okay.

1 It's my understanding that you were, at this
2 particular stage anyway, in charge of looking at the
3 allegations of C-97 at this point?

4 **D/CST. SEGUIN:** Yes.

5 **MS. JONES:** Now, if we look at your
6 particular notes here, I just want to compare the names
7 that were listed in your notes with the names that are put
8 in the latest exhibit, which, by the way, should have a
9 publication ban on, Mr. Commissioner.

10 **THE COMMISSIONER:** Thank you.

11 **MS. JONES:** Now, one of the names that was
12 provided in your notes -- and I don't want to say the name
13 here, I'm looking for a moniker -- but it's actually the
14 very first name that you've listed there, and that
15 particular person identified as a perpetrator by C-97 does
16 not appear on the computer printout list?

17 **D/CST. SEGUIN:** That's correct.

18 **THE COMMISSIONER:** So is there a reason for
19 that?

20 **D/CST. SEGUIN:** That I don't know, Mr.
21 Commissioner. My recollection of -- on when this was
22 inputted would have been after taking the statement from C-
23 97.

24 **THE COMMISSIONER:** M'hm.

25 **D/CST. SEGUIN:** Now, the statement of C-97

1 is not necessarily going to have the exact same information
2 as provided to us at this point when I first spoke to him.
3 Again, I don't know unless I review the statement of C-97.

4 **MS. JONES:** We can do that actually.

5 **THE COMMISSIONER:** You're going to have a
6 lot of work on the break, young man.

7 **MS. JONES:** Just a moment, please.

8 **MR. CARROLL:** Just for the record, I added
9 up the number of pages he's being asked to look at during
10 the break. It would be about the third period tonight
11 before he's finished. It's 245 pages.

12 **(LAUGHTER/RIRES)**

13 **THE COMMISSIONER:** Third period of what, the
14 soccer game?

15 **(LAUGHTER/RIRES)**

16 **MS. JONES:** Are you a fast reader, Officer?
17 The statement that may assist you is a late
18 disclosure and it's Document 712094.

19 **THE COMMISSIONER:** Thank you.

20 **D/CST. SEGUIN:** Thank you.

21 **THE COMMISSIONER:** So Exhibit 2698 is a
22 Videotaped Interview Report of C-96 -- 97, taken on the 17th
23 of September, 1997, by Constables Seguin and Dupuis.

24 **---EXHIBIT NO./PIÈCE NO. 2698:**

25 (712094) - Videotaped Interview Report

1 of C-97 - dated September 17, 1997

2 **THE COMMISSIONER:** Maybe can take the break
3 at this point-in-time then.

4 **MS. JONES:** That's good. I have it jotted
5 down on a piece of paper, thank you.

6 **THE COMMISSIONER:** Look it over tonight on
7 your ---

8 **THE REGISTRAR:** Order; all rise. À l'ordre;
9 veuillez vous lever.

10 This hearing will resume at 3:15 p.m.

11 --- Upon recessing at 03:00 p.m. /

12 L'audience est suspendue à 15h00

13 --- Upon resuming at 03:19 p.m. /

14 L'audience est reprise à 15h19

15 **THE REGISTRAR:** Order; all rise. À l'ordre;
16 veuillez vous lever.

17 This hearing is now resumed, please be
18 seated. Veuillez vous asseoir.

19 **STEVE SEGUIN, Resumed/Sous le même serment:**

20 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

21 **JONES (cont'd/suite):**

22 **MS. JONES:** Officer Seguin, just as a short
23 question, did you have a chance to review your notes just
24 with respect to the two investigations I mentioned, around
25 the timeframe where the allegations were made, which is

1 July 31st?

2 D/CST. SEGUIN: Around that timeframe?

3 MS. JONES: Around that timeframe?

4 D/CST. SEGUIN: Yes. And I did my best to
5 find stuff.

6 MS. JONES: Did you find any reference to
7 where there was an investigation to see if the two
8 perpetrators we named -- alleged perpetrators, whether or
9 not you investigated if they had access to children?

10 D/CST. SEGUIN: I didn't find any notation
11 in my notebooks about that.

12 MS. JONES: Okay. Thank you.

13 Now, if we can please go back to the issue
14 surrounding C-97. I believe the last time we left this we
15 had entered in C-97's statement; that's Exhibit 2698.

16 And if we go to your notes, which again is
17 2694, and we look at the entry that had been referred to
18 earlier on Bates page 8247 where C-97 makes his first
19 allegation to you, we've already established that there
20 were six names listed on the first time that you had had
21 this situation, and then there was the computer printout
22 which also listed some names there.

23 But I just want to go to your notes and, as
24 I say, C-97 named six names there. The very first name,
25 which I do not want -- wish please to say on the record,

1 has a surname that is identical to a Cornwall police
2 officer, and I'm wondering if there was any investigation
3 as to whether there was a relationship there?

4 D/CST. SEGUIN: Yes, I see that. Just a
5 quick correction.

6 If you turn the page, Ms. Jones, there's
7 seven people named as opposed to six.

8 MS. JONES: Okay. I was just looking at the
9 first entry --

10 D/CST. SEGUIN: Okay.

11 MS. JONES: -- just to -- but you're right -
12 -

13 D/CST. SEGUIN: It's the same entry.

14 MS. JONES: -- there are seven names, I'm
15 sorry.

16 D/CST. SEGUIN: I don't recall that.

17 MS. JONES: Okay. I didn't find anything in
18 your notes to confirm that and in the statement of C-97, I
19 had asked if you had reviewed that statement or not.
20 There's no mention of that particular person in the
21 statement given by C-97 on the 17th of September, 1997?

22 D/CST. SEGUIN: That's correct, and that --
23 and that sort of helps me with the input issue with the
24 association report makes me believe that it was after the
25 statement was taken. We do have a witness synopsis for

1 this statement that should be here somewhere, which
2 generally lists names named in the statement.

3 **MS. JONES:** We can refer to that. I prefer
4 to refer to the actual statement. I know that the
5 statement synopsis is sometimes easier, but the actual
6 statement does not mention that name that we talked about
7 there, and there is another name that was mentioned as well
8 in the first interview. It's actually the last name
9 provided on Bates page 8247.

10 **D/CST. SEGUIN:** I'm sorry, 8247 of ---

11 **MS. JONES:** Of your police notes.

12 **D/CST. SEGUIN:** Yes.

13 **MS. JONES:** And in reviewing the statement
14 of C-97, that name also is not mentioned as an alleged
15 perpetrator?

16 **D/CST. SEGUIN:** I believe you're correct.

17 **MS. JONES:** In fact, they talk about -- I
18 believe he describes the relationship as a father figure
19 sort of relationship, so it's not a perpetrator
20 relationship by any means?

21 **D/CST. SEGUIN:** I'm reading a notation from
22 his statement and I think you're correct. He was the
23 director of the facility at the time.

24 **MS. JONES:** Right, of Laurencrest?

25 **D/CST. SEGUIN:** Yes. It was called the

1 Cornwall Youth Residence at the time.

2 MS. JONES: Right.

3 And I'm just curious because the notes that
4 you have are dated from September 16th, which is the day
5 before the statement is actually given.

6 In your questions to C-97, you do not
7 address the fact that the first named alleged perpetrator
8 in your notes is not mentioned by him the next day in his
9 statement?

10 D/CST. SEGUIN: Yeah, you're correct.

11 MS. JONES: And this person named that first
12 day on September 16th, listed in your notes, also does not
13 appear on the computer print-out, which is Exhibit 2697?

14 D/CST. SEGUIN: That's correct.

15 Now, if I can as well, Ms. Jones, if I'm
16 remembering correctly, I don't believe I put any of the
17 names to C ---

18 MS. JONES: Ninety-seven (97).

19 D/CST. SEGUIN: --- 97 during his statement.

20 MS. JONES: Well, it appears that he does
21 make reference to the other names he listed there to you on
22 September 16th, with that one name excepted?

23 D/CST. SEGUIN: Yes.

24 MS. JONES: So he makes reference to the
25 other names, so I'm assuming there would be no need for you

1 to call him on that because he's actually naming them. But
2 that particular name he does not mention?

3 D/CST. SEGUIN: Yes.

4 MS. JONES: And in any other dealings with
5 this particular person, there is no follow-up query on that
6 particular name either. Would you agree?

7 D/CST. SEGUIN: Yeah, I don't see any.

8 MS. JONES: Okay. Is there a reason why
9 this name sort of dropped?

10 D/CST. SEGUIN: I have no idea.

11 MS. JONES: Now, with respect to this
12 particular investigation, you mentioned that you spoke to a
13 person here. I hesitate to use his name, even though it
14 would appear that C-97 doesn't make an allegation of the
15 perpetrator. The fact that it's listed as such on
16 September 16th, I'm loathe to use his name if I don't need
17 to, but the last person that was named on that Bates page
18 8247 we've already identified as the former director of the
19 group home ---

20 D/CST. SEGUIN: Yes.

21 MS. JONES: --- which was known then as
22 Laurencrest?

23 D/CST. SEGUIN: Known then as Cornwall Youth
24 Residence.

25 MS. JONES: The Cornwall Youth Residence but

1 became Laurencrest thereafter?

2 D/CST. SEGUIN: That's correct, at some
3 point.

4 MS. JONES: And you actually had interviewed
5 this person; correct?

6 D/CST. SEGUIN: Yes.

7 MS. JONES: Now, I'm just going to close
8 some of my binders here. One of the ---

9 THE COMMISSIONER: I think for the purposes
10 of the record, we should give a moniker to the person who
11 wasn't in the statement. Just for clarity of the record?

12 MS. JONES: Okay.

13 THE COMMISSIONER: So, C-98 will be the
14 person named in Exhibit 2694 at Bates page 7128247, the
15 last entry.

16 He advises that he's been molested by --
17 what's that word, "sexual profile"?

18 D/CST. SEGUIN: "Several people".

19 THE COMMISSIONER: "Several people", sorry.
20 And then the first name there is the one that I want to --
21 that's the one that wasn't ---

22 MS. JONES: That was not investigated.

23 THE COMMISSIONER: Okay. Thank you.

24 MS. JONES: Thank you.

25 Now, the one person that appears to have

1 been charged as a result of C-97's allegation is a person,
2 Brian Dufour?

3 **D/CST. SEGUIN:** That's correct.

4 **MS. JONES:** I'm going to talk a bit about
5 that investigation.

6 You had that name from C-97 on September
7 16th, 1997 and you had various other alleged perpetrators
8 from the statement, and I'm just wondering why it was that
9 this was the only person that ended up being charged?

10 **D/CST. SEGUIN:** Well, I mean, in the
11 interview, the video interview that I obtained from C-97 on
12 the 17th of September, '97, there were five people that he
13 claims sexually abused him.

14 One was charged. A second was deceased, and
15 three were eventually turned over to Cornwall Police.

16 **MS. JONES:** Okay. What was the reason
17 behind turning them over to Cornwall Police?

18 **D/CST. SEGUIN:** I don't know, that wasn't my
19 call.

20 **MS. JONES:** Is it fair to say that at the
21 time that you ended up investigating Mr. Dufour, that these
22 other people were still outstanding issues, that there
23 wasn't -- there didn't seem to be any investigation ongoing
24 by anybody at Project Truth?

25 **D/CST. SEGUIN:** I don't know if I can answer

1 that.

2 **MS. JONES:** Perhaps I can refer you -- I was
3 going to do this in chronological order but I'll skip, this
4 might be able to help.

5 I'm going to turn to a late disclosure
6 Document, 736926.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 2699 is a letter dated April 19th,
10 2000 addressed to the Chief of Police, Cornwall Police
11 Service from Detective Inspector Pat Hall.

12 **--- EXHIBIT NO./PIÈCE No. P-2699:**

13 (736926) Letter from Pat Hall to S/Sergeant
14 Garry Derochie re: C-97 - dated April 19,
15 2000

16 **MS. JONES:** Thank you.

17 And can I please ask for a publication ban
18 on this as C-97 is actually mentioned in the subject line.

19 **THE COMMISSIONER:** Yes.

20 **MS. JONES:** Thank you.

21 Now, this appears to be a letter sent to
22 Cornwall Police from OPP, specifically Mr. Hall, concerning
23 the allegations of C-97 and it states in the second
24 paragraph, in the course of interviewing C-97 he had
25 indicated he was sexually abused by three, I'm sorry, by

1 four other named people that you've named there. There is
2 no reason actually to name these people.

3 There is an indication that some of the
4 abuse has been reported to Cornwall Police Service.

5 The next line states:

6 "We do not feel the additional
7 allegations of C-97's fall within the
8 mandate of Project Truth."

9 Now, at this particular time, Mr. Dufour has
10 now deceased. That was basically the end of that
11 particular investigation?

12 **D/CST. SEGUIN:** Yes.

13 **MS. JONES:** The -- let's get the exact date.
14 The date of Mr. Dufour's death was April 11th, 2000, so this
15 letter is being written approximately a week after that had
16 occurred.

17 You had just said earlier this was referred
18 off to Cornwall Police?

19 **D/CST. SEGUIN:** Yes.

20 **MS. JONES:** And you were the person that was
21 the lead investigator certainly of Mr. Dufour's matter?

22 **D/CST. SEGUIN:** Yes.

23 **MS. JONES:** It appears from this letter that
24 there doesn't seem to have been any further investigation
25 on the other names of alleged perpetrators mentioned by C-

1 97?

2 D/CST. SEGUIN: No, according to the letter,
3 but I'm -- I have recollection of Mr. C-97 advising me that
4 at least one of these people were already reported to
5 Cornwall Police, and we'd have to find that one, too.

6 MS. JONES: I guess we'll have to be reading
7 your notes again tonight.

8 There's no indication that I have in
9 reviewing your notes that these four people named there, in
10 addition to the other person mentioned in the September 16th
11 meeting that you had with C-97, that any of those people
12 were further investigated by yourself or anyone at Project
13 Truth?

14 D/CST. SEGUIN: I don't recall. I didn't do
15 an investigation into the last three names, the second one
16 being deceased.

17 MS. JONES: Right. Well, one of those four
18 people is deceased, and we know that from the start, but
19 the other three do not appear to be deceased according to
20 this letter, in any event.

21 And I also note too that, again, that first
22 person that was named by C-97 on September 16th, the first
23 person that we've mentioned earlier, his name is also not
24 on that list?

25 D/CST. SEGUIN: That's correct. He -- the

1 beginning of that paragraph, it says, "In the course of
2 interviewing C-97," so I'm taking from that the interview
3 itself.

4 **MS. JONES:** And just to finish the story, I
5 suppose, if we could go to another late? disclosure of
6 Document 733953?

7 **THE COMMISSIONER:** Thank you.

8 Two-seven-zero-zero (2700), is the next
9 exhibit. It's a supplementary occurrence report; the
10 author is R. Desrosiers; and the report time is the 7th of
11 December, 2000?

12 **MS. JONES:** Yes, that's correct.

13 Again, could this be stamped "Publication
14 Ban"?

15 **THE COMMISSIONER:** Yes.

16 **MS. JONES:** Thank you.

17 **--- EXHIBIT NO./PIÈCE NO. P-2700:**

18 (733953) Supplementary Occurrence Report
19 dated July 12, 2000

20 **MS. JONES:** Just to summarize, it appears
21 that C-97 had advised Officer Desrosiers, that at this
22 particular time he didn't wish to pursue a criminal
23 investigation against one of the named perpetrators that
24 was listed in the document 2699, the letter from Pat Hall.

25 That seems to be, sort of, the end of that

1 particular one. In any event, "No further police action
2 taken at this time."

3 D/CST. SEGUIN: That's correct.

4 MS. JONES: And with the Cornwall Police
5 letterhead there.

6 THE COMMISSIONER: So, bottom line, are we
7 saying this person, C-99, fell through the cracks?

8 D/CST. SEGUIN: C-99, the last entry on ---

9 THE COMMISSIONER: No. C-98? Whichever one
10 is the alleged perpetrator, who was first named in your
11 notes.

12 D/CST. SEGUIN: C-98, yes.

13 THE COMMISSIONER: C-98, okay.

14 MS. JONES: No, C -- I'm sorry, C-98 is the
15 last person, the director of Laurencrest? C-99 is the
16 first person named in your notes.

17 D/CST. SEGUIN: Okay, my mistake then. So
18 we're talking about the first one named?

19 MS. JONES: Yes.

20 THE COMMISSIONER: Yes.

21 D/CST. SEGUIN: Did he fall through the
22 cracks? Possibly.

23 THE COMMISSIONER: Okay, thank you.

24 MS. JONES: Now, if we could please go back
25 to the investigation now of Mr. Dufour? Again, I'll try to

1 summarize things to save a bit of time here.

2 In this particular case, Mr. Dufour was a
3 former child care worker at Laurencrest -- whether it was
4 called that that time, that's what the institution
5 became -- and C-97 described that Mr. Dufour had also come
6 to visit him while C-97 was incarcerated in Guelph?

7 **D/CST. SEGUIN:** Actually, in Brampton, yes.

8 **MS. JONES:** In Brampton? I'll see if that's
9 correct, about Guelph or Brampton.

10 In any event, on one particular instance,
11 there was a day pass that was approved by C-97's case
12 coordinator, and they spent a day together, and on that day
13 pass, that's where the allegation came that Mr. Dufour had
14 done inappropriate sexual things to him. Do you recall
15 that?

16 **D/CST. SEGUIN:** Yes.

17 **MS. JONES:** Okay.

18 **THE COMMISSIONER:** It was the Brampton jail.

19 **MS. JONES:** And I wish to refer, please, to
20 part of your investigation, and I'm specifically looking at
21 Document 711284.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Thank you.

24 Exhibit 2701 is a summary of Detective
25 Constable Steve Seguin's statement. Do you know when that

1 was taken? Maybe -- I'm sorry.

2 MS. JONES: For sake of completeness, could
3 this be stamped "Publication Ban" as well?

4 THE COMMISSIONER: Yes. So when was this
5 done?

6 MS. JONES: Seven-one-one-two-eight-four
7 (711284)? It's a handwritten letter?

8 THE COMMISSIONER: I'm still trying to
9 identify 2701.

10 MS. JONES: I'm sorry.

11 THE COMMISSIONER: So when was this done?

12 MS. JONES: I think you may have the wrong
13 document, Mr. Commissioner.

14 THE COMMISSIONER: The summary here of
15 Detective Steve Seguin's statement? That's not what you
16 want?

17 MS. JONES: No.

18 THE COMMISSIONER: Okay. So can I have ---

19 D/CST. SEGUIN: That's it.

20 THE COMMISSIONER: It's not there.

21 MS. JONES: Okay.

22 THE COMMISSIONER: All right, so, the next
23 exhibit, which is 2701, is a letter dated October 28th,
24 1997, addressed to Constable Steve Seguin from ---

25 MS. JONES: Bryan Harris.

1 **THE COMMISSIONER:** --- Bryan Harris.

2 **MS. JONES:** A publication ban, please, on
3 that document ---

4 **THE COMMISSIONER:** Yes, yes.

5 **MS. JONES:** --- as it contains C-67's -- C-
6 97's name.

7 **--- EXHIBIT NO./PIÈCE NO. P-2701:**

8 (711284) - Letter from
9 Bryan Harris to Steve Seguin re: C-97 -
10 dated October 28, 1997

11 **MS. JONES:** Just to get the context, this
12 was a cover letter of a report that was sent to you and I'm
13 going to go to the report right now, but this was a person
14 that had been identified by C-97 as someone to contact?

15 **D/CST. SEGUIN:** Yes, as a care worker at
16 that facility, Ontario Correctional Institute.

17 **MS. JONES:** And so, obviously, he's
18 addressing this to you so he knows who it is you're
19 supposed to contact, and he's -- you're following up on
20 that.

21 If I could then go, please, to Document
22 711285?

23 **THE COMMISSIONER:** Okay.

24 So 2702 is a social work report by Bryan
25 Harris, dated October 29th, 1997. Exhibit 2702, and there

1 should be a publication stamp.

2 ---EXHIBIT NO./PIÈCE NO. P-2702:

3 (711285) - Social Work

4 Report of Bryan Harris re: C-97 dated
5 October 29, 1997

6 **MS. JONES:** Thank you. I'll try to
7 summarize this as briefly as possible.

8 Essentially, C-97 had this experience when
9 he was on his day pass as I described earlier, and when he
10 came back from the day pass, C-97 had confided in Mr.
11 Harris as to what had happened on that particular time.

12 Is that an accurate reflection of what Mr.
13 Harris is basically saying?

14 **D/CST. SEGUIN:** I'd like to read that
15 portion ---

16 **MS. JONES:** Certainly.

17 **D/CST. SEGUIN:** --- please, if I could?
18 It's been a while since I've looked at this.

19 (SHORT PAUSE/COURTE PAUSE)

20 **D/CST. SEGUIN:** Okay, I've read it. Could
21 you ask me the question again, please?

22 **MS. JONES:** Sure. Essentially, it would
23 appear that C-97 was on this day pass and that's when he's
24 alleging that the abuse happened and when he came back from
25 the day pass, it's Mr. Harris that he confided in as to

1 what had happened when he was on this day pass?

2 D/CST. SEGUIN: He alleges that Mr. Dufour
3 got into bed with him and that he confided -- C-97 confided
4 with him when he returned.

5 MS. JONES: Okay.

6 D/CST. SEGUIN: Yeah.

7 MS. JONES: So even though this report is
8 actually dated October 29th, 1997, it's relating to an
9 incident that happened many years previously so ---

10 THE COMMISSIONER: Seventy-eight ('78) or
11 '79.

12 MS. JONES: --- and he's recounting the same
13 incident it would appear that C-97 was recounting?

14 D/CST. SEGUIN: Yes.

15 MS. JONES: And it's consistent with what C-
16 97 had been telling you had happened?

17 D/CST. SEGUIN: Yes.

18 MS. JONES: Okay.

19 And Mr. Harris also stated, on the last
20 page, that he found Mr. -- sorry, Mr. C-97 to be credible
21 in the sense he said:

22 "I had, at that time, no reason to
23 doubt C-97's story. I have often
24 recalled the matter with an
25 uncomfortable sense that an

1 **MS. JONES:** Pardon me?

2 **THE COMMISSIONER:** Does ---

3 **MS. JONES:** No.

4 **THE COMMISSIONER:** So you're -- can we all
5 agree on the date, counsel?

6 **MS. JONES:** I actually do want those notes
7 anyway for an ---

8 **THE COMMISSIONER:** No, no, I understand
9 that. I understand that. Sorry?

10 **MR. CARROLL:** I think it's the substance of
11 the interview that counsel is seeking not just the date.

12 **THE COMMISSIONER:** I can't hear you.

13 **MS. JONES:** I can confirm the date if this
14 witness wishes.

15 **THE COMMISSIONER:** Exhibit 2703 are notes.
16 It says, "Khris Morine's notes"?

17 **MS. JONES:** Yes, that's right.

18 **THE COMMISSIONER:** Okay. K-H-R-I-S and
19 Morine is M-O-R-I-N-E.

20 **--- EXHIBIT NO./PIÈCE NO. P-2703:**

21 (703516) - Notes of Khris Morine re: Brian
22 Dufour dated April 26, 1988

23 **MS. JONES:** It would appear that this is the
24 officer that did the arrest of Mr. Dufour.

25 **D/CST. SEGUIN:** Ah, I think we're talking

1 about two different instances.

2 MS. JONES: Are we?

3 D/CST. SEGUIN: Yes, this is when Mr. Dufour
4 was arrested in the eighties for an offence that he did in
5 Hamilton.

6 MS. JONES: Oh, I see. That would lead me
7 to one of my questions then. So this is not to do with the
8 arrest of Mr. Dufour on these particular allegations with
9 regard to C-97?

10 D/CST. SEGUIN: That's correct.

11 MS. JONES: Okay, thank you.

12 So my initial classification then -- my
13 information is that he wasn't arrested until April, 2000?

14 D/CST. SEGUIN: If that's the date, yeah.

15 That's ---

16 MS. JONES: Okay.

17 D/CST. SEGUIN: --- that makes sense.

18 MS. JONES: There's nothing that turns on
19 that, but I did want to clarify that on those particular
20 notes, so, thank you.

21 THE COMMISSIONER: So wait a minute now.

22 So bottom line -- what you're saying is this
23 Khris Morine's thing -- if I read this correctly -- is they
24 were patrolling in the park and this -- Dufour showed up
25 and he would have grabbed somebody in the crotch?

1 D/CST. SEGUIN: Yes.

2 THE COMMISSIONER: And he was arrested?

3 D/CST. SEGUIN: Yes, it was an undercover
4 officer ---

5 THE COMMISSIONER: M'hm.

6 D/CST. SEGUIN: --- working in Hamilton and
7 this is from some time in the eighties.

8 THE COMMISSIONER: Well, it's -- the bottom
9 of the note is 26th of April, 1988. So when you -- did you
10 ever arrest Dufour? Yes, you did.

11 D/CST. SEGUIN: Yes.

12 THE COMMISSIONER: Did you know if he had a
13 criminal record at that time?

14 D/CST. SEGUIN: Yes, I believe we did.

15 THE COMMISSIONER: Okay.

16 And would this have been on there?

17 D/CST. SEGUIN: This would have been the
18 charge.

19 THE COMMISSIONER: Okay, yes, thank you.
20 Pardon? I can't hear you. Sure is.

21 MS. JONES: Now, as I stated earlier,
22 Monsieur Dufour is not arrested until April, 2000. If we,
23 again, reflect on the fact that C-97 made the initial
24 allegation in September, 1997, that's a considerable period
25 of time between those two events?

1 D/CST. SEGUIN: Yes.

2 MS. JONES: And I understand that there was
3 some investigation that did go on and that some time has to
4 transpire, but it seems that there's a rather lot of time
5 between that particular situation.

6 Do you have any explanation as to why there
7 seems to be such a long period of time between these two
8 events?

9 D/CST. SEGUIN: I can tell you that there
10 was a fair bit of work being done on that and other cases,
11 but as to the totality of the time and the decision to
12 arrest on that date, I can't answer that.

13 MS. JONES: So you don't have any reason why
14 there would be a two-and-a-half-year delay between the two
15 events?

16 D/CST. SEGUIN: Well, the investigation was
17 ongoing up until that time. I believe ---

18 MS. JONES: Is it fair to say, perhaps ---

19 D/CST. SEGUIN: --- wait, if I could just
20 finish, please?

21 MS. JONES: I'm sorry.

22 D/CST. SEGUIN: I believe even into August
23 of '99, I was still working on the file.

24 MS. JONES: Is it fair to say that certainly
25 in this case, anyway, there wasn't a particular sense of

1 urgency attached to it?

2 D/CST. SEGUIN: I wouldn't say that, no.

3 MS. JONES: Would you say there was a sense
4 of urgency then attached to it?

5 D/CST. SEGUIN: I wouldn't say that either.

6 I think, again, this was a case that
7 required further investigation and eventually when all the
8 information that we had obtained was put together into a
9 brief, we sent it off for recommendation, received it back
10 with a recommendation to arrest him ---

11 MS. JONES: M'hm.

12 D/CST. SEGUIN: --- and we did that.

13 MS. JONES: I can confirm the dates of that
14 if you wish. I hope the ---

15 D/CST. SEGUIN: That's okay.

16 MS. JONES: Okay.

17 I can say that you prepared and submitted
18 the Crown brief December 17th, 1999, and then got an opinion
19 back on April 3rd, 2000 so that gives you some period of
20 time. So it's a little over two years between September
21 '97 and December 17th when you prepare the Crown brief.
22 That's the time period I'm most concerned with here.

23 Again, as I asked in the other
24 investigations, is there anything in your notes -- and I
25 haven't found anything -- that would say that you put your

1 mind to, what is Mr. Dufour doing as a job? What is his
2 family situation? Does he have access to children ---

3 D/CST. SEGUIN: Yes.

4 MS. JONES: --- during that period of time?

5 D/CST. SEGUIN: Yes, I did.

6 MS. JONES: Do you have anything in your
7 notes to substantiate that?

8 D/CST. SEGUIN: Yes, there are some contacts
9 that I made with Peel Regional Police about group homes,
10 ComSOC as well -- Community and Social Services. They were
11 responsible for some of that -- the group home issues at
12 that time.

13 MS. JONES: Was not the contact with the
14 ComSOC people to verify whether or not Mr. Dufour was
15 working at a group home in Brampton at the time, in order
16 to substantiate C-97's claim?

17 D/CST. SEGUIN: Well, it wasn't to
18 substantiate it. It was to see if he was still involved
19 with kids.

20 MS. JONES: But wasn't the main focus of
21 your questioning -- I'll deal with that in a second -- but
22 the main reason you contacted ComSOC was to verify if C-
23 97's version of events was true? In other words, C-97 said
24 that on this day pass he was taken to Mr. Dufour's place of
25 work, which was a group home in Brampton, and so you phoned

1 ComSOC to see if, in fact, they had a Mr. Dufour who worked
2 in a group home in Brampton at that time?

3 D/CST. SEGUIN: Actually, not at all. I was
4 concerned that maybe he was still in a group home. That
5 was the purpose.

6 MS. JONES: Could we please go to the same
7 police notes that we looked at before; Bates page 8320?

8 THE COMMISSIONER: That's not going to help
9 him. What exhibit?

10 MS. JONES: My apologies.

11 THE COMMISSIONER: Is it his notes -- this
12 officer's notes that ---

13 MS. JONES: His notes; 2694.

14 THE COMMISSIONER: All right. What page?

15 MS. JONES: Page 8320.

16 THE COMMISSIONER: Eight-three-two-zero
17 (8320).

18 MS. JONES: The date is December 23rd, 1997.

19 D/CST. SEGUIN: Madam Clerk or Mr.
20 Commissioner, can I ask for a staple remover -- a staple
21 remover.

22 THE COMMISSIONER: Eight-three (83) ---

23 D/CST. SEGUIN: Be easier to take these
24 apart. Thank you.

25 (SHORT PAUSE/COURTE PAUSE)

1 **D/CST. SEGUIN:** Can I have that page number
2 again please?

3 **MS. JONES:** Certainly, 8320. December 23rd,
4 1997.

5 **D/CST. SEGUIN:** Thank you.

6 **MS. JONES:** Okay?

7 **D/CST. SEGUIN:** Yes.

8 **MS. JONES:** Now, at this particular time
9 that you're making this inquiry then you're finding out --
10 is it fair to say maybe you're finding out both things if
11 he's, in fact, -- if there is a Brampton Group Home in
12 existence and whether or not Mr. Dufour is still working
13 there?

14 **D/CST. SEGUIN:** Yeah, it appears that there
15 is -- I have a memo to contact this person, and that there
16 must be -- there's an indication that the knowledge is
17 already there, that he doesn't operate at a group home or a
18 youth boys home.

19 **MS. JONES:** The way that I have read that is
20 that there was no group home in Brampton at that time. Am I
21 incorrect in reading it that way?

22 **D/CST. SEGUIN:** Yes.

23 **MS. JONES:** Okay. So there was a group home
24 then that's consistent with what C-97 said?

25 **D/CST. SEGUIN:** I don't know that. This is

1 in response to whether or not Mr. Dufour operated a youth
2 or boys home.

3 **MS. JONES:** Whether he operated a group
4 home?

5 **D/CST. SEGUIN:** Yes. It says, "Brian
6 Dufour, who does not operate a youth boys home around Peel
7 Region".

8 **MS. JONES:** Okay. That was -- where would
9 that information have come from? It's not consistent with
10 what C-97 had actually said.

11 **D/CST. SEGUIN:** Well, that he doesn't
12 operate a group home in the area?

13 **MS. JONES:** Yes.

14 **THE COMMISSIONER:** Well, it's ---

15 **D/CST. SEGUIN:** The key word is does, so I
16 think it's current.

17 Sorry, Mr. Commissioner.

18 **THE COMMISSIONER:** Yeah, "does not at the
19 present time". I look at it as present.

20 **MS. JONES:** But I'm just wondering where you
21 got the information that Mr. Dufour had possibly operated a
22 group home. That's what I'm trying to get at.

23 **D/CST. SEGUIN:** I think the only information
24 there is, that I can recall, is the Bryan Harris letter.
25 That's the only information I can remember.

1 **MS. JONES:** But that doesn't say that Mr.
2 Dufour operated a group home.

3 **D/CST. SEGUIN:** Actually if we refer to Mr.
4 Harris' letter, about halfway down the paragraph begins
5 with "The following is a story I recall". The third
6 sentence it says:

7 "This pass was approved after our
8 investigation for a visit to a
9 group home..."

10 And it says:

11 "...I think in the Brampton area. This
12 [whatever that stands for]..." ---

13 **THE COMMISSIONER:** Temporary absence

14 **D/CST. SEGUIN:** Okay.

15 "...was approved because of..."

16 **THE COMMISSIONER:** Okay. Go ahead.

17 "...in accordance with the person
18 operating the home."

19 **D/CST. SEGUIN:** Yes.

20 So I interpreted that as he's operating a
21 group home.

22 **MS. JONES:** I can see that that is a
23 possible interpretation. Okay.

24 So, in any event, you're making inquiries
25 whether or not he's affiliated with a group home, whether

1 it's operating or not, if that's ---

2 **MR. CARROLL:** That's not what his evidence
3 was. His evidence was that he was making inquiries to see
4 if this person was still in contact with children. And the
5 last entry in that -- on that page verifies that, in my
6 respectful submission.

7 **MS. JONES:** Well, I'm not -- I'm not trying
8 to clutter things up. I'm just saying the particular
9 report that this witness referred to could be interpreted
10 that he would only look at someone who's operating a group
11 home.

12 The specific question was put to it, and if
13 he was operating a group home, what seemed to be the scope
14 of this Inquiry, I was actually trying to see if he
15 expanded that inquiry, but if Mr. Carroll wishes me to
16 restrict that, then that's fine.

17 **THE COMMISSIONER:** No, no, never mind what
18 Mr. -- Mr. Carroll can take care of himself.

19 It seems that we're going around in circles
20 here on a pretty simple issue. Did this gentleman take any
21 steps to see if Mr. Dufour was in the company of children?

22 They only had the fact that he was operating
23 a home. So they phoned COMSOC and they say, hey -- and
24 what it says here is in the present tense, that he does not
25 operate a boys home around the Peel region. And then he

1 leaves a message saying, if ever you come up with his
2 whereabouts, let me know.

3 So I think that answers the question on both
4 issues.

5 **MS. JONES:** Okay. That's fine. I wasn't
6 sure if you understood where I was ---

7 **THE COMMISSIONER:** Just go on. Just go on.

8 **MS. JONES:** So after this particular phone
9 call conversation you have established any way that he was
10 not in charge of a group home today, on December 23rd, 1997?

11 **THE COMMISSIONER:** The answer is yes.

12 **D/CST. SEGUIN:** Yes.

13 **THE COMMISSIONER:** Thank you.

14 **MS. JONES:** Okay. Thank you.

15 **THE COMMISSIONER:** Let's go.

16 **MS. JONES:** Besides that particular inquiry
17 then were there any other efforts to see where, in fact, he
18 was working and if, in fact, his current job did involve
19 contact with children?

20 **D/CST. SEGUIN:** There was work done to find
21 out what he was doing or his whereabouts and also if he was
22 involved with children, and that was the priority.

23 There were a number of communications with
24 Peel Regional Police as well.

25 **MS. JONES:** Pardon me?

1 D/CST. SEGUIN: Peel Regional Police as
2 well.

3 MS. JONES: M'hm.

4 D/CST. SEGUIN: I also spoke with Bill
5 Carriere of the Children's Aid Society here in Cornwall.

6 THE COMMISSIONER: So you reported it to the
7 Children's Aid Society?

8 D/CST. SEGUIN: Yes.

9 THE COMMISSIONER: You gave him Mr. Dufour's
10 name?

11 D/CST. SEGUIN: At some point we discussed
12 his name and ---

13 MS. JONES: Do you have that in your notes,
14 a reference for that?

15 D/CST. SEGUIN: --- it may actually -- if I
16 could ---

17 THE COMMISSIONER: Just a minute.

18 D/CST. SEGUIN: --- Mr. Commissioner, I have
19 in my notes that Mr. Carriere, also notified Brampton CAS.

20 MS. JONES: Do you have a reference in your
21 note to that?

22 D/CST. SEGUIN: Yes.

23 And if I could provide it, if it's required,
24 Mr. Commissioner, it's Bates page 8301, 20th of November
25 '97.

1 THE COMMISSIONER: At 8301?

2 D/CST. SEGUIN: Yes.

3 THE COMMISSIONER: Okay. Hang on a sec.

4 MS. JONES: It says November 20th, 1997.

5 THE COMMISSIONER: Yeah, okay. So can you
6 point me where it is? Oh, right here.

7 MS. JONES: At 1030.

8 D/CST. SEGUIN: At 1030, yes.

9 THE COMMISSIONER: CAS notified Brampton CAS
10 about Dufour and were notified about alleged abuse. Okay.

11 MS. JONES: So we've got November 20th, 1997
12 you've spoken to CAS and provided what appears to be a list
13 of suspects of Project Truth on that particular date, and
14 Mr. Dufour's name was included on that?

15 D/CST. SEGUIN: I believe so, yes.

16 MS. JONES: And the Peel Regional people
17 that were contacted, that's where the notes came from,
18 Officer Maureen that we referred to earlier?

19 D/CST. SEGUIN: Yes.

20 MS. JONES: And at that particular time then
21 we still have the issue which is outstanding which is where
22 is he actually located right now, which is not something
23 that you knew at that particular point. Is that fair to
24 say?

25 D/CST. SEGUIN: At which point, sorry?

1 **MS. JONES:** When you're telling the CAS in
2 November about the issue, when you're speaking to Peel,
3 when you speak to COMSOC?

4 **D/CST. SEGUIN:** Yes, I don't believe we knew
5 where he was.

6 **MS. JONES:** So were there efforts on your
7 part in Project Truth to try to locate him?

8 **D/CST. SEGUIN:** Absolutely.

9 **MS. JONES:** And what efforts were made to
10 locate him?

11 **D/CST. SEGUIN:** Specific to Mr. Dufour, an
12 exact recollection I don't recall. We have access to the
13 Ministry of Transportation's website and driver's licence.
14 We have the OMPPAC system, which a number of organizations
15 are part of. We have access by VICLAS as well, where we
16 can see if this name shows up anywhere.

17 **MS. JONES:** That's what I'm leading to. All
18 of those resources, there doesn't seem to any reference
19 that these things were done by yourself or anybody else in
20 Project Truth?

21 **D/CST. SEGUIN:** I don't know if I even ever
22 put any of that in my notes in regards to any suspect. It
23 was an ongoing practice, if a name came up it was write to
24 MTL or write to CPIC to see who these people were, see if
25 we can find them, and our OMPPAC system as well.

1 **MS. JONES:** Obviously, at one point you did
2 find him because he's arrested. In between the time where
3 you did find him, finally locate him, and the time he's
4 arrested, any efforts there to ensure he didn't have access
5 to children?

6 **D/CST. SEGUIN:** At which point; do you know
7 which point we located him?

8 **MS. JONES:** No, I don't find that reference
9 in your notes either.

10 **D/CST. SEGUIN:** It would be hard for me to
11 tell you between the time we located him and the time of
12 arrest, what went on there if I didn't know the time. I'm
13 sorry.

14 **MS. JONES:** Okay.

15 Now, in this particular case, Mr. Dufour, as
16 I said earlier, died of natural causes on April 11th, 2000
17 and the charges were withdrawn shortly thereafter?

18 **D/CST. SEGUIN:** That's my understanding what
19 happened.

20 **MS. JONES:** Now I just want to touch briefly
21 on the issue of Laurencrest because at this particular
22 stage now, you have somebody that has made an allegation
23 about a former worker at Laurencrest.

24 And I'm wondering were you aware that
25 Laurencrest Group Home was actually an issue that had been

1 a concern of former Ottawa major and MPP, Bob Chiarelli,
2 and that he had brought his concerns to then Attorney
3 General Marion Boyd, Chief Brian Ford of Ottawa Police, and
4 Acting Chief Carl Johnston of Cornwall Police in January,
5 1994?

6 **D/CST. SEGUIN:** Well, the first I heard of
7 that was when we spoke about it in my interview with
8 yourself.

9 **MS. JONES:** And did you know that there was,
10 at one point, a request from Chief Johnston to Deputy
11 Commissioner Pierce of the OPP in January, 1994 that it be
12 part of the mandate of the 1994 investigation, but then
13 later on it was not actually investigated, that for some
14 reason that we actually don't know, it was never
15 investigated at that point?

16 **D/CST. SEGUIN:** You kind of lost me with the
17 '94 and '97 there, if you ---

18 **MS. JONES:** In 1994, there was a letter
19 written from Chief Johnston to Deputy Commissioner Pierce,
20 and Chief Johnston listed four items that he wished to have
21 investigated by the OPP. The fourth item was actually the
22 Laurencrest Group Home. That, for whatever reason, was
23 actually not investigated and Mr. Smith was not given that
24 as part of his mandate in 1994.

25 Were you aware of that correspondence or

1 that request at that time?

2 D/CST. SEGUIN: None whatsoever.

3 MS. JONES: Were you aware that CPS officer,
4 Shawn White, had also received complaints about incidences
5 happening allegedly at Laurencrest?

6 D/CST. SEGUIN: I found that out during
7 testimony here.

8 MS. JONES: So this is not something that at
9 the time you got the complaint from C-97 that you had
10 investigated or thought to have put your mind to at that
11 time?

12 D/CST. SEGUIN: I didn't know it.

13 MS. JONES: Well, Mr. Dufour was told to you
14 that he was a childcare worker at Laurencrest?

15 D/CST. SEGUIN: Right.

16 MS. JONES: And I'm just curious, had you
17 ever put your mind to the fact of looking at Laurencrest as
18 an institution?

19 THE COMMISSIONER: For possible other
20 victims?

21 MS. JONES: For possible other victims.

22 D/CST. SEGUIN: Well, the investigation that
23 I did kind of centred around the complaint of C-97.

24 I did speak to a number of witnesses or
25 other persons who were placed in the Cornwall Youth

1 Residence at that time. I had no other complaints of
2 sexual abuse from any of those people.

3 I believe there was quite a gap in time, if
4 I remember correctly, between these allegations or Mr. C-
5 97's allegation, which was at the beginning of the Cornwall
6 Youth Residence's existence in Cornwall and the allegation
7 that Shawn White investigated.

8 **THE COMMISSIONER:** How many people do you
9 think, ballpark, that you would have talked to that were
10 former residents of the CYI?

11 **D/CST. SEGUIN:** Ballpark, as a guess?

12 **THE COMMISSIONER:** Yes. Closer to a hundred
13 or closer to ten?

14 **D/CST. SEGUIN:** Oh no, maybe around twenty,
15 sir.

16 **THE COMMISSIONER:** Okay.

17 **D/CST. SEGUIN:** And somewhere in the
18 research that I did, I found out that one of the persons I
19 interviewed was the first person who was assigned there and
20 he explained the numbers that changed over time as to how
21 many people were there at that given time. And I attempted
22 to interview anybody I could find who was around at that
23 time.

24 **MS. JONES:** So from your perspective then at
25 that time, if I'm to interpret your evidence properly,

1 there wasn't a reason to investigate Laurencrest; that you
2 only had one person that said Mr. Dufour was a former
3 childcare worker there, but none of the other people you
4 interviewed named Laurencrest as a place where they had
5 been sexually abused in any way?

6 **D/CST. SEGUIN:** Well, we shouldn't say
7 anybody because there is one other person that didn't want
8 to provide any information to us who said that he was a
9 victim as well. But he wouldn't cooperate. He didn't want
10 to be involved.

11 **THE COMMISSIONER:** Just so I've got it
12 straight.

13 Bottom line is you get a complaint from C-90
14 ---

15 **MS. JONES:** Seven (7).

16 **THE COMMISSIONER:** Seven (7) about Mr.
17 Dufour who was at Laurencrest. You go over to Laurencrest,
18 you talk to the people and you interview about twenty
19 former residents?

20 **D/CST. SEGUIN:** Approximately.

21 **THE COMMISSIONER:** To see if there's any
22 link between Mr. Dufour and ---

23 **D/CST. SEGUIN:** C-97.

24 **THE COMMISSIONER:** Okay.

25 **D/CST. SEGUIN:** Or if there is any other

1 victims in that group.

2 **THE COMMISSIONER:** Right, right.

3 **D/CST. SEGUIN:** Mr. Dufour was not there for
4 a long period of time either.

5 **THE COMMISSIONER:** Okay.

6 **MS. JONES:** Every time I hear footsteps
7 behind me, I think Mr. Kozloff is coming. It's happened
8 again, you see.

9 **THE COMMISSIONER:** No, no, no, that was Mr.
10 Wardle.

11 **MS. JONES:** I think I'm damaged for life to
12 be honest. Thank you very much.

13 We're going to now move onto the
14 investigation of Jean-Luc Leblanc and I wish to start off
15 by looking at a statement given by C-21, which is Document
16 713480.

17 **THE COMMISSIONER:** Do you know who C-21 is?

18 **D/CST. SEGUIN:** No, sir.

19 **THE COMMISSIONER:** You'll find out shortly.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **D/CST. SEGUIN:** Ms. Jones, if this is a
22 person with the first allegation against Jean-Luc Leblanc,
23 I know who you're talking about.

24 **THE COMMISSIONER:** It matters not, we're
25 still going to show it to you.

1 **MS. JONES:** So 713480.

2 **THE COMMISSIONER:** Thank you.

3 **THE COMMISSIONER:** Okay, so C-21 is the
4 person who was videotape interviewed on the 16th of
5 December, 1998 by yourself and Constable Genier, and that
6 will be Exhibit 2704. And so the videotaped interview is
7 of C-21.

8 **--- EXHIBIT NO./PIÈCE NO. P-2704:**

9 (713480) Videotaped Interview Report of C-21
10 dated December 16, 1998

11 **MS. JONES:** Thank you.

12 And, again, remember this person's moniker
13 is C-21.

14 **THE COMMISSIONER:** The publication stamp
15 should go on the document.

16 **MS. JONES:** Thank you.

17 Now, you recall that this person had first
18 come to your attention to Project Truth actually the day
19 before?

20 **D/CST. SEGUIN:** Yes.

21 **MS. JONES:** Because another witness who was
22 being interviewed with respect to another alleged
23 perpetrator, Malcolm MacDonald, who we will deal with in
24 the future as well, and C-21's name was mentioned as a
25 possible victim in this particular matter?

1 D/CST. SEGUIN: Yes.

2 MS. JONES: And I also understand that as a
3 result of information received from C-21, you or someone at
4 Project Truth queried Jean-Luc Lalonde's (sic) name on CPIC
5 and learned that Mr. Leblanc had been convicted for child
6 abuse offences in 1986 in Cornwall?

7 D/CST. SEGUIN: Yes.

8 MS. JONES: And it further revealed that on
9 August 7th, 1998, Cornwall Police had received information
10 from a mother of two previous victims of Jean-Luc Leblanc.
11 She was concerned because she had seen him around one or
12 two places in the company of -- Mr. Leblanc in the company
13 of young boys? Her daughters had also made similar
14 sightings.

15 D/CST. SEGUIN: Yes, I believe the initial
16 report to Cornwall Police was August 5th but the report date
17 was August 7th, yes.

18 MS. JONES: And you also would have learned
19 that Randy Millar was given that information on September
20 10th, 1998?

21 D/CST. SEGUIN: Yes.

22 MS. JONES: And you learned this though only
23 because of the fact C-21 came forward; you had no
24 indication of that before that time?

25 D/CST. SEGUIN: That's correct.

1 **MS. JONES:** And after you heard this initial
2 allegation, you took a video taped statement from C-21, and
3 this is the transcript of that statement?

4 **D/CST. SEGUIN:** Yes.

5 **MS. JONES:** And Jean Leblanc was one of the
6 alleged perpetrators identified here?

7 **D/CST. SEGUIN:** Yes.

8 **MS. JONES:** Would you agree with me that the
9 -- based on the strength of this statement alone that after
10 hearing what C-21 had to say that day, that you had
11 sufficient reasonable probable grounds to arrest Jean-Luc
12 Leblanc on December 16th, 1998?

13 **D/CST. SEGUIN:** I wouldn't agree with that
14 totally. I think Mr. C-21 had a number of very serious
15 allegations, extremely serious allegations, and they
16 required further investigation.

17 **MS. JONES:** Were there any doubts to the
18 credibility of the claims?

19 **D/CST. SEGUIN:** Yes.

20 **MS. JONES:** But you certainly were concerned
21 enough that -- and had some source of -- sense of
22 credibility from C-21 because there was an instant reaction
23 to this information?

24 **D/CST. SEGUIN:** Yes. There -- and it's a
25 very interesting statement actually. And there are a

1 number of allegations that are all over the place. And
2 they needed a lot of work.

3 **MS. JONES:** Just a moment, please.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MS. JONES:** Now, we heard from Detective
6 Dupuis on this issue. And I just want to take you to the
7 transcript so I can put it in context easier for you,
8 Volume 308, page 112, towards the bottom of the page.

9 **THE COMMISSIONER:** Yes. What page?

10 **MS. JONES:** One-twelve (112).

11 **THE COMMISSIONER:** Thank you.

12 **MS. JONES:** Just to put it in context,
13 Officer Seguin, this was evidence given by Mr. Dupuis last
14 Thursday here at the inquiry. And at this particular stage
15 of the questioning Commission counsel was looking at the
16 contact that had been made possibly with Cornwall Police.

17 **D/CST. SEGUIN:** Okay.

18 **MS. JONES:** And you were actually mentioned,
19 which is why I want to put the question to you.

20 At the bottom of page 112 Mr. Dumais said --
21 the Commission counsel:

22 "So at one point in time were you
23 made aware that Mr. Leblanc had
24 previously been charged and
25 convicted on sexual offences?"

1 Mr. Dupuis:

2 "Yes."

3 Mr. Dumais:

4 "And had you -- did you
5 -- were you involved at all in
6 any of the follow-ups with
7 Cornwall Police Service; do you
8 know if anyone from your office
9 contacted anyone from Cornwall
10 Police Services?"

11 Mr. Dupuis:

12 "I'm not sure, sir."

13 Mr. Dumais:

14 "Well, then perhaps it's
15 a question for Detective Seguin."

16 And do you recall if you did any follow-up
17 contact with Cornwall Police concerning Mr. Leblanc at this
18 particular stage?

19 **D/CST. SEGUIN:** At which stage, I don't
20 know, but I did have contact with the Cornwall Police over
21 Jean-Luc Leblanc.

22 **MS. JONES:** After the initial knowledge that
23 you had that Cornwall Police had this information, as
24 intimated by the question of Mr. Dumais, was there follow-
25 up to that? That was -- it seems to be the question put to

1 Officer Dupuis.

2 D/CST. SEGUIN: Was there follow-up to that;
3 is that what you're asking me?

4 MS. JONES: Yes.

5 D/CST. SEGUIN: Follow-up ---

6 MS. JONES: With Cornwall Police.

7 D/CST. SEGUIN: With Cornwall Police, yes.

8 MS. JONES: After you had this initial
9 information?

10 D/CST. SEGUIN: Yes, there was.

11 MS. JONES: And was that after the arrest or
12 before the arrest?

13 D/CST. SEGUIN: I don't know the timeline.
14 I don't know the timeline when that contact occurred.

15 MS. JONES: And I also want to ask about the
16 contact with CAS. The same transcript, if you could go to
17 page 114, again at the bottom. And these are actually
18 notes of Officer Dupuis that Mr. Dumais is reading and
19 putting to him, hence the times and the sort of policy
20 language that's used there:

21 "10/7 CS checking on any files on
22 Jean-Luc Leblanc." (As read)

23 And I believe CS means CAS.

24 "Advise if they have anything. Will
25 require written request for this

1 file." (As read)
2 Then it goes on to say:
3 "Advised that CS do have a file,
4 Leblanc, Jean-Luc, red shirt as a sex
5 offender. They will not give police
6 any info out of this file. They
7 stated that they fear being sued by
8 Leblanc if they give info. Carriere
9 also advised that all the info came
10 from police source, but will not
11 advise what police force or when they
12 got info other than files date 1988."

13 (As read)

14 So Mr. Dupuis was asked by Mr. Dumais saying
15 "Obviously you're having contact with CAS"; he said, "Yes".
16 And it appears that Officer Dupuis attended at their office
17 and attempted, at least, to get a file. Mr. Dupuis was not
18 sure. And Mr. Dumais says at the bottom:

19 "So do you recall whether or not you
20 were ever able to obtain a copy of
21 that file?" (As read)

22 And on the next page it states by Mr.

23 Dupuis:

24 "Not that day, and I don't recall
25 that I obtained any information.

1 That doesn't take away from somebody
2 else may have been able to obtain it."

3 Mr. Dumais:

4 "Okay. Again, perhaps a
5 question for Detective Seguin."

6 So that's why I'm asking you the questions.
7 Do you have any recollection -- because it doesn't appear
8 in your notes is why I have to ask you these questions. Do
9 you have any recollection of doing CAS follow-up meetings
10 to see if you could secure Jean-Luc Leblanc's file?

11 **D/CST. SEGUIN:** I did have contact with CAS
12 over Jean-Luc Leblanc. I spoke with Brian MacIntosh, and I
13 believe that's in my notes. And there was an exchange of
14 information. And I don't recall what, if anything, I did
15 receive from CAS. I would have to refer to the volumes of
16 Jean-Luc Leblanc's briefs.

17 **MS. JONES:** I'm sorry; I didn't get the last
18 sentence.

19 **D/CST. SEGUIN:** I'd have to refer to the
20 volumes of Jean-Luc's -- Jean-Luc Leblanc's briefs to see
21 what's in there, if I have CAS files in there or not.

22 **MS. JONES:** I'm looking specifically at this
23 particular time period. We're at the critical time period
24 ---

25 **D/CST. SEGUIN:** Yes.

1 **MS. JONES:** --- around the arrest time.

2 Was there any contact with CAS before the
3 arrest?

4 The contact with Dupuis that he's mentioning
5 is actually post-arrest.

6 **D/CST. SEGUIN:** Yeah.

7 **MS. JONES:** And I'm wondering pre-arrest if
8 you had any contact?

9 **D/CST. SEGUIN:** My contact with CAS, I
10 believe, was on January 7th.

11 **MS. JONES:** Which is post-arrest.

12 **D/CST. SEGUIN:** Yes, I don't believe there
13 would have been any contact before that.

14 **MS. JONES:** Okay. That's fair. I'm just
15 trying to ---

16 **D/CST. SEGUIN:** Not from me.

17 **MS. JONES:** Okay.

18 Now, we know that there was surveillance
19 that was being done on Mr. Leblanc between December 21st and
20 December 30th. And the question is if you have this
21 information on December 16th, was there any attempt to do
22 any sort of investigation of any sort to find out whether
23 Mr. Leblanc had legitimate access to children or any
24 contact with children?

25 **D/CST. SEGUIN:** At that time we had the

1 information of -- I'm trying to find his ---

2 **MS. JONES:** Twenty-one (21)

3 **D/CST. SEGUIN:** C-21. And again, there was a
4 lot of stuff that needed to be investigated in there.

5 The information at that time was -- we
6 didn't have any information on the OMPPAC report, the
7 Cornwall Police report. We were not aware of that at that
8 point.

9 So we had a historical sexual assault
10 complaint and if I remember correctly I dated it to around
11 the same time as these conviction dates, around that
12 timeframe. I could be off. It's around that time. And
13 there were no allegations of current sexual abuse, so his
14 information needed to be investigated.

15 **MS. JONES:** Okay. Fair enough.

16 Now, is it accurate to say that Inspector
17 Smith was wanting to make sure that there was some
18 investigation done on Jean-Luc Leblanc?

19 **D/CST. SEGUIN:** Yes, at some point he -- he
20 made it the priority.

21 **MS. JONES:** Do you recall Inspector Smith
22 saying -- and I believe he's testified to this here -- but
23 technically, perhaps, Leblanc didn't fall within the
24 mandate of Project Truth, but something had to be done
25 about it?

1 D/CST. SEGUIN: I -- I may have missed that
2 part of his testimony.

3 THE COMMISSIONER: But do you think,
4 regardless of whether ---

5 D/CST. SEGUIN: M'hm.

6 THE COMMISSIONER: --- you missed the
7 testimony, do you recall if he ever said that way back
8 when?

9 D/CST. SEGUIN: I -- I don't recall that
10 conversation.

11 MS. JONES: All right.

12 And as I stated earlier, their surveillance
13 was done between December 21st and 30th. Do you recall
14 whether you yourself participated in that surveillance?

15 D/CST. SEGUIN: Yes, I was there on a few
16 days, I believe.

17 MS. JONES: And you would recall then that
18 it was Officer Dupuis that actually caught Mr. Leblanc on
19 December 29th, 1998?

20 And on December 30th, 1998, it was Officer
21 Dupuis that identified C-82 as the person that had been
22 seen the previous day being surveyed.

23 THE COMMISSIONER: Madam Clerk ---

24 MS. JONES: Perhaps Madam Clerk could show
25 the name of C-82 to the witness?

1 **THE COMMISSIONER:** And you should find a
2 nice spot to finish off, please.

3 Okay. Thank you.

4 **D/CST. SEGUIN:** Yes, Joe Dupuis managed to
5 have a -- I guess a positive hit on the -- on Mr. Leblanc
6 when he had a child with him. And the next day actually it
7 was myself that located C-82.

8 **MS. JONES:** If we could just go to Document
9 712332, Exhibit 2625. It's the statement of C-82.

10 **D/CST. SEGUIN:** Yes.

11 **MS. JONES:** And ---

12 **THE COMMISSIONER:** This is already an
13 exhibit?

14 **MS. JONES:** It is.

15 **THE COMMISSIONER:** I'm sorry, what exhibit
16 is it?

17 **MS. JONES:** Exhibit 2625.

18 **THE COMMISSIONER:** So 2625, okay.

19 **MS. JONES:** So when this interview happened
20 then on the 30th of December, 1998, you've actually answered
21 my first question, this is one and the same persons that
22 was observed by Officer Dupuis the previous day?

23 **D/CST. SEGUIN:** Yes.

24 **MS. JONES:** And you'd agree with me that
25 that actual incident was commented on in this statement?

1 D/CST. SEGUIN: The incident of the day
2 before?

3 MS. JONES: Yes.

4 D/CST. SEGUIN: Could you refer me to where
5 you're speaking of? I don't recall the statement. I know
6 the gist of it. There's two statements we obtained from
7 him on that day as well, Ms. Jones.

8 MS. JONES: Right.

9 D/CST. SEGUIN: The initial one, there was a
10 denial of any sexual abuse until the end of the statement.
11 And at that point when he admitted to sexual abuse, we
12 started a videotaped statement.

13 THE COMMISSIONER: Okay.

14 D/CST. SEGUIN: So the actual videotaped
15 statement is 2626. Exhibit ---

16 THE COMMISSIONER: So 2626.

17 D/CST. SEGUIN: Exhibit 2626, Mr.
18 Commissioner.

19 THE COMMISSIONER: Oh, okay. Okay, I got
20 it.

21 MS. JONES: If we could have Exhibit 2626,
22 please?

23 THE COMMISSIONER: Yeah, we do.

24 MS. JONES: So in this statement, in any
25 event, again, it's the same person, C-82. He does describe

1 that these things had just happened to him by Jean-Luc
2 Leblanc?

3 **D/CST. SEGUIN:** I agree that they were
4 current, yes.

5 **MS. JONES:** Okay.

6 So at this particular stage on December 30th,
7 1998, you have an historical complaint from C-21 and you
8 have now a current complaint from C-82?

9 **D/CST. SEGUIN:** Yes.

10 **MS. JONES:** Would you agree with me on that
11 date, December 30th, 1998, that you had sufficient
12 reasonable and probable grounds to arrest Jean-Luc Leblanc?

13 **D/CST. SEGUIN:** Absolutely.

14 **MS. JONES:** Can you explain therefore why he
15 was not arrested on December 30th, 1998?

16 **D/CST. SEGUIN:** I can't explain why. The
17 decision to arrest him when we did was done by Inspector
18 Smith. I think in hindsight we all would agree that he
19 should have been arrested that day. And that disturbs me.

20 **MS. JONES:** Okay. I think that's a good
21 place to stop, Mr. Commissioner.

22 **THE COMMISSIONER:** Okay. Thank you, sir.
23 We'll see you tomorrow morning at 9:30.

24 **THE REGISTRAR:** Order; all rise. À l'ordre;
25 veuillez vous lever.

1 This hearing is adjourned until tomorrow
2 morning at 9:30 a.m.

3 --- Upon adjourning at 4:27 p.m. /

4 L'audience est ajournée à 16h27

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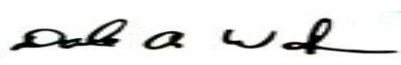
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM