

**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 309

Held at :

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

Friday, November 21, 2008

Tenue à:

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

Vendredi, le 21 novembre 2008

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
Ms. Karen Jones	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville Mr. Norman Boxall	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDougald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Larry O'Brien	D/Insp. Randy Millar
Mr. Joseph (Joe) Dupuis	

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

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:** Thank you. Good morning,
10 all.

11 **JOSEPH BRYAN DUPUIS, Resumed/Sous le même serment:**

12 **THE COMMISSIONER:** A couple of things.

13 First of all, we will be sitting till 2:30
14 this afternoon. We'll have a morning break and then at
15 12:30 we'll take half an hour to get a bite to eat, and I
16 hope and expect that we'd be finished cross-examination by
17 2:30. Anything else, Ms. Jones?

18 **MS. JONES:** Yes, I understand ---

19 **THE COMMISSIONER:** Sorry, before I forget,
20 Monday morning we're starting at 9 o'clock. Thank you.

21 Yes, Ms. Jones?

22 **JOSEPH BRYAN DUPUIS, Resumed/Sous le même serment:**

23 **MS. JONES:** Yes. Good morning, Officer
24 Dupuis.

25 **MR. DUPUIS:** Good morning.

1 **MS. JONES:** The way we left it yesterday, I
2 understand, was to provide you an opportunity to say any
3 recommendations you may have for the Commissioner to
4 consider and any sort of impact this may have had on you on
5 a personal level.

6 **---STATEMENT BY/DÉCLARATION PAR MR. DUPUIS:**

7 **MR. DUPUIS:** Thank you. Only two points;
8 short.

9 Possibly a Crown could have been assigned to
10 the investigative team from the start on a full-time basis,
11 and proper office facilities for the investigative team.

12 **THE COMMISSIONER:** Thank you.

13 Ms. Daley?

14 **MS. DALEY:** Thank you.

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

16 **MS. DALEY:**

17 **MS. DALEY:** Good morning, Mr. Dupuis. My
18 name is Helen Daley. I'm counsel for a party here called
19 the Citizens for Community Renewal, and that's a local
20 citizens group that has an interest in institutional
21 reform.

22 Are you all right for water and things like
23 that?

24 **MR. DUPUIS:** Yes. Thank you.

25 **MS. DALEY:** The first thing I want to talk

1 to you about is the mandate of Project Truth.

2 Madam Clerk, would you please have available
3 Exhibit 2520? I'm going to ask the gentleman to have a
4 quick look at page 3 of that exhibit.

5 **THE COMMISSIONER:** Two-five-two-zero (2520).

6 **MS. DALEY:** My mistake. Sorry, 2510.

7 **THE COMMISSIONER:** I think that's what you
8 said. Okay.

9 **MS. DALEY:** Sir, if you find 2510 and turn
10 to the third page of that document, sir.

11 **THE COMMISSIONER:** So 332, the last Bates
12 page?

13 **MS. DALEY:** Yes, that's correct.

14 Do you see in the centre of that page
15 there's a bold headline, "The Mandate of Project Truth is
16 as Follows", and there's two paragraphs outlining the
17 mandate.

18 Could you review that just for a moment,
19 please, sir?

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MS. DALEY:** Have you had a chance to look at
22 that?

23 **MR. DUPUIS:** Yes.

24 **MS. DALEY:** Now, sir, we understand that
25 your role was not to interpret this mandate nor was it to

1 decide whether a matter was within or without the mandate;
2 correct?

3 **MR. DUPUIS:** That's correct.

4 **MS. DALEY:** That was Officer Hall's
5 responsibility for the most part?

6 **MR. DUPUIS:** Started with Inspector Smith,
7 then ---

8 **MS. DALEY:** And then it became ---

9 **MR. DUPUIS:** --- it became Inspector Hall's
10 ---

11 **MS. DALEY:** --- Pat Hall's responsibility.
12 So we understand that you weren't required
13 to make any interpretation of the mandate or application of
14 it to any particular situation. Someone else did that?

15 **MR. DUPUIS:** That's correct.

16 **MS. DALEY:** Understanding that, when you
17 look at the words of the mandate, is that consistent with
18 what you understood the mandate to be?

19 **MR. DUPUIS:** Yes.

20 **MS. DALEY:** And if I could ask you to look
21 at the second paragraph which contains the concept that
22 perhaps there was a conspiracy to obstruct justice amongst
23 the Crown Attorney, the Diocese and Cornwall Police. Do
24 you see that aspect of the mandate, sir?

25 **MR. DUPUIS:** Yes.

1 **MS. DALEY:** And that, in fact, is the
2 conspiracy which you investigated as the lead investigator?

3 **MR. DUPUIS:** Yes.

4 **MS. DALEY:** And I take it, sir, principally
5 the allegations pertaining to that conspiracy -- they
6 started with Officer Dunlop's allegations; correct? In
7 other words, the person who alleged the possible conspiracy
8 at the outset was Constable Dunlop?

9 **MR. DUPUIS:** I believe there was also
10 another person involved that may have relayed the message
11 to Officer Dunlop, who in turn relayed it to other persons
12 after that.

13 **MS. DALEY:** Do you know who that was?

14 **MR. DUPUIS:** Ron Leroux.

15 **MS. DALEY:** Thank you.

16 So Officer Dunlop, relying upon information
17 from Mr. Leroux, he is the source of this conspiracy
18 theory, if you will. Did you -- was that your
19 understanding?

20 **MR. DUPUIS:** I'm not sure if he was totally
21 the author of that idea, but he was obviously part of it.

22 **MS. DALEY:** All right. Was he the key
23 proponent of the conspiracy theory?

24 **MR. DUPUIS:** I don't recall.

25 **MS. DALEY:** That's fine. Is it likely that

1 Officer Hall might know about that?

2 MR. DUPUIS: Yes.

3 MS. DALEY: Thank you. So we can review
4 that with him.

5 MR. DUPUIS: Thank you.

6 MS. DALEY: Now, sir, when you worked on the
7 conspiracy part of your investigation, were you aware that
8 this matter, the allegation of the conspiracy, was in the
9 public domain? In other words, it had been reported on in
10 the press.

11 MR. DUPUIS: Yes.

12 MS. DALEY: And I take it you're a local
13 resident, you would read the local papers from time-to-
14 time?

15 MR. DUPUIS: I don't get the paper, I'm
16 sorry.

17 MS. DALEY: But you were nonetheless aware,
18 as a result of your role on Project Truth, that this idea
19 of a conspiracy to obstruct justice loomed large in the
20 public sphere?

21 MR. DUPUIS: Yes.

22 MS. DALEY: Now, at the very conclusion of
23 your testimony yesterday on the conspiracy investigation,
24 my friend, Mr. Dumais, referred to the Crown opinion that
25 was ultimately received on that. Do you recall that?

1 **MR. DUPUIS:** That was -- do you mean
2 Mr. McConnery?

3 **MS. DALEY:** Yes.

4 **MR. DUPUIS:** Yes.

5 **MS. DALEY:** I thought it might be helpful
6 for us to look at that document together.

7 Madam Clerk, that is Exhibit 1864.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MS. DALEY:** Do you have that handy? This is
10 a letter of August 15th, 2001 from Mr. McConnery to
11 Detective Inspector Hall and this is, in fact, the Crown
12 opinion to which you referred yesterday?

13 **MR. DUPUIS:** It appears to be.

14 **MS. DALEY:** Have you had a chance to look at
15 this recently, sir, in the context of preparing for your
16 evidence?

17 **MR. DUPUIS:** With the -- sometime this week.

18 **MS. DALEY:** All right. Thank you.

19 So you have some familiarity with the
20 document?

21 **MR. DUPUIS:** Yes.

22 **MS. DALEY:** I'd like you to look at page 3
23 with me if you would, please?

24 **MR. DUPUIS:** You'll have to bear with me.
25 I've got new glasses today and they're not working that

1 well.

2 MS. DALEY: Okay. Can you find page 3?

3 MR. DUPUIS: Yes. Thank you.

4 MS. DALEY: There's two paragraphs I want to
5 talk to you about. They are the second and the third full
6 paragraph, the one that starts, "The laying of criminal
7 charges by an officer", and then the one following. Can
8 you read those paragraphs all right?

9 MR. DUPUIS: Just give me -- yes.

10 MS. DALEY: So taking the first of those two
11 paragraphs first, sir, I take it that information was well
12 known to you, and that's the general rule. A police
13 officer such as yourself always has to have in his or her
14 mind a real belief that there is evidence of an offence;
15 correct?

16 MR. DUPUIS: That's correct.

17 MS. DALEY: So this wouldn't be news to
18 anyone nor is this specific to Project Truth; this applies
19 to any charge any officer lays, right?

20 MR. DUPUIS: That's correct.

21 MS. DALEY: And so you understand that when
22 we talk about subjective belief what that means is you
23 personally are satisfied in your mind that what a
24 complainant has said may well be true and that it discloses
25 a possible offence, right?

1 **MR. DUPUIS:** That's correct.

2 **MS. DALEY:** And, indeed, in the cases where
3 you laid the charges directly without going to the Crown,
4 that was the Leduc charge and the Leblanc charge, you had
5 that subjective belief therefore you laid the charge?

6 **MR. DUPUIS:** That's correct. Well, not in
7 the Jean-Luc Leblanc. I believe that was Constable Seguin
8 ---

9 **MS. DALEY:** Fair enough.

10 **MR. DUPUIS:** --- that may have sworn to that
11 information.

12 **MS. DALEY:** All right.

13 Pertaining to the Leduc matter though, you
14 were satisfied in your own mind that you had reliable
15 evidence to lay a charge, so you did?

16 **MR. DUPUIS:** That's correct.

17 **MS. DALEY:** Now, looking at the second
18 paragraph of Exhibit 1864, what is said here is that the
19 Crown understands from several discussions with yourself --
20 that would be Hall because he's the person addressed, Joe
21 Dupuis and Don Genier and information from Seguin -- that
22 the investigating officers are not personally satisfied
23 that reasonable and probable grounds exist to lay charges.
24 And that is pertaining to the conspiracy; correct?

25 **MR. DUPUIS:** That's correct.

1 **MS. DALEY:** So, sir, can you help me, I
2 guess what that means -- just focussing on your own
3 subjective belief, I take it that means that in your own
4 mind you didn't think that there was credible evidence to
5 lay a charge?

6 **MR. DUPUIS:** That's correct.

7 **MS. DALEY:** Now, why not?

8 **MR. DUPUIS:** The evidence just wasn't there.

9 **MS. DALEY:** Is this something that you spoke
10 with Hall and Genier about?

11 **MR. DUPUIS:** I would assume that I would
12 have had, yes.

13 **MS. DALEY:** All right. And I take it you
14 took from that conversation that they had the same frame of
15 mind that you did, in other words, there wasn't evidence?

16 **MR. DUPUIS:** That's correct.

17 **MS. DALEY:** Now, it's clear, is it not, sir,
18 that in relation to the conspiracy part of Project Truth,
19 your investigation, you interviewed people to whom you were
20 directed?

21 **MR. DUPUIS:** That's correct.

22 **MS. DALEY:** And if you weren't directed by
23 Officers Hall or Smith to interview any particular person,
24 you wouldn't have done that?

25 **MR. DUPUIS:** We did have leeway of

1 interviewing people that -- not only in this case but other
2 matters that were in the assignment book, so it was our
3 responsibility to complete those assignments.

4 **MS. DALEY:** I understood from you that there
5 was no entry in the assignment book pertaining to the
6 conspiracy investigation?

7 **MR. DUPUIS:** I don't believe there was, no.

8 **MS. DALEY:** All right. So in relation -- so
9 let's just make sure we're all clear about this.

10 For the sexual assault part of Project
11 Truth, pertinent parts of a statement would be put in an
12 assignment book and a senior officer would say, all right,
13 witness A, B and C should be followed up upon, right? Is
14 that how the assignment book worked generally?

15 **MR. DUPUIS:** Generally, yes.

16 **MS. DALEY:** But with respect to the
17 conspiracy part of the allegation, that didn't occur?

18 **MR. DUPUIS:** No.

19 **MS. DALEY:** So with respect to conspiracy, I
20 take it then you would interview solely the persons to whom
21 you were directed by Smith or Hall?

22 **MR. DUPUIS:** Probably.

23 **MS. DALEY:** Thank you.

24 And I take it, sir, it was -- you had enough
25 work to do with interviewing people, it wasn't part of your

1 role to analyze the information you obtained?

2 **MR. DUPUIS:** It was all taken back.

3 And you classified me as lead investigator
4 in this, it's probably not a true -- in a sense that Pat
5 Hall was the lead investigator but if Pat Hall would go
6 onto other projects then I would be the contact person, so
7 that I was identified as the lead investigator in the brief
8 but all the instructions came from Inspector Hall.

9 **MS. DALEY:** All right. So what we should
10 understand is that in a meaningful way it was Officer Hall
11 who was directing the conspiracy investigation?

12 **MR. DUPUIS:** That's correct.

13 **MS. DALEY:** And your role was simply to
14 carry out his instructions in terms of evidence collection;
15 correct?

16 **MR. DUPUIS:** That's correct.

17 **MS. DALEY:** Which I assume you did, right?

18 **MR. DUPUIS:** Yes.

19 **MS. DALEY:** And then you would bring the
20 evidence back and someone else, not yourself, would
21 evaluate or analyze its worth. Is that fair?

22 **MR. DUPUIS:** That's fair.

23 **MS. DALEY:** And the person who would
24 evaluate its worth would be either Officer Hall or Smith?

25 **MR. DUPUIS:** I think at this point it would

1 have just been Inspector Hall. I think Inspector Smith may
2 have been retired at that time.

3 **MS. DALEY:** So we understand from him that
4 he retired in or about the spring of 1999.

5 **MR. DUPUIS:** That's logical.

6 **MS. DALEY:** Does that fit with what you
7 remember?

8 **MR. DUPUIS:** Yes.

9 **MS. DALEY:** Now, you gave some evidence in-
10 chief and I just want to see if you can help me further.

11 If you recollect, Mr. Dumais asked you why
12 there was a delay in starting the conspiracy part of
13 Project Truth and I believe what you said is that that was
14 on Hall's direction because he thought it was worthwhile to
15 do some of the sexual assault investigation first?

16 **MR. DUPUIS:** I believe we felt that if those
17 were done first, that there may be something contained in
18 those investigations that would assist us in the conspiracy
19 investigation.

20 **MS. DALEY:** Now, understanding that the
21 conspiracy was pertaining to three institutions, right?

22 **MR. DUPUIS:** Yes.

23 **MS. DALEY:** My question for you is this.
24 Did it make sense to you that information obtained from
25 sexual assault -- alleged sexual assault victims could help

1 you with that?

2 **MR. DUPUIS:** I didn't know at the time if it
3 would or wouldn't. So obviously once we accumulate those
4 facts or issues then we'd have to make a decision from
5 that.

6 **MS. DALEY:** Now, again, I appreciate this
7 isn't your responsibility or your decision, but did it turn
8 out that way? In other words, did it turn out that you
9 learned anything by investigating alleged abuse that
10 pertained to conspiracy?

11 **MR. DUPUIS:** I don't believe there was
12 anything.

13 **MS. DALEY:** Now ---

14 **THE COMMISSIONER:** You don't believe that
15 there was what, any evidence ---

16 **MR. DUPUIS:** Any evidence to assist us in
17 the investigation of the conspiracy.

18 **MS. DALEY:** Right.

19 So staying with this conspiracy
20 investigation then, sir, I took it from what you said to my
21 friend yesterday that essentially what you thought was
22 happening was a reinvestigation of the 1994 investigation
23 by the OPP into the same topic; correct?

24 **MR. DUPUIS:** Correct.

25 **MS. DALEY:** And that 1994 investigation had

1 been headed by your superior, Inspector Smith, right?

2 **MR. DUPUIS:** I believe -- yes, it was.

3 **MS. DALEY:** And if you can put your mind
4 back into what you were doing in 1994 -- I'm sure it wasn't
5 Project Truth or anything like it -- but did you know in
6 1994 that Inspector Smith had been engaged on a conspiracy
7 investigation in Cornwall?

8 **MR. DUPUIS:** No, I wasn't. I believe I was
9 on marine duties at the time.

10 **MS. DALEY:** All right. You were doing
11 something completely unrelated. Fair enough.

12 Now, once however you joined Project Truth,
13 obviously you're working very closely with Inspector Smith,
14 right?

15 **MR. DUPUIS:** Closer with Inspector Hall and
16 I think Inspector Smith would be there one, two days a
17 week.

18 **MS. DALEY:** Precisely. I heard you say
19 that. So you had at least weekly contact with Smith?

20 **MR. DUPUIS:** Yes.

21 **MS. DALEY:** And you interacted with him
22 throughout Project Truth on that basis up until his
23 retirement?

24 **MR. DUPUIS:** Yes.

25 **MS. DALEY:** And I take it, sir, you

1 personally respected Officer Smith, did you?

2 MR. DUPUIS: Yes.

3 MS. DALEY: And did you consider him to have
4 more policing experience and at a higher level than you
5 did?

6 MR. DUPUIS: Oh, definitely.

7 MS. DALEY: And you took guidance from
8 Inspector Smith when he was involved in Project Truth?

9 MR. DUPUIS: Yes.

10 MS. DALEY: And did you take guidance from
11 him as well with respect to the conspiracy aspect of
12 Project Truth?

13 MR. DUPUIS: Again, I believe he had retired
14 when we were putting the brief together. So it would have
15 been more Inspector Hall that would guide me.

16 MS. DALEY: I appreciate by the time the
17 brief was created he had retired, but you started
18 investigating the conspiracy back in I think you said
19 August of '98?

20 MR. DUPUIS: That's very possible.

21 MS. DALEY: All right. So do you recollect,
22 sir, whether during the time you were working on the
23 conspiracy investigation you received any guidance from
24 Inspector Smith?

25 MR. DUPUIS: I don't recall.

1 **MS. DALEY:** Now, sir, obviously he's
2 testified here to a certain extent already.

3 Did you know that his view was that for
4 there to have been a conspiracy of the sort Project Truth
5 was interested in, Chief Shaver of the Cornwall Police
6 Service would have had to have been involved in it?

7 **MR. DUPUIS:** I know that we interviewed
8 Chief Shaver but I don't know what Inspector Smith's
9 thought process in regards to that.

10 **MS. DALEY:** I take it, it follows from what
11 you just said that at no time did Smith ever tell you for
12 there to have been a conspiracy, Shaver had to have been
13 involved. Did he tell you that?

14 **MR. DUPUIS:** I don't recall any of that ---

15 **MS. DALEY:** All right.

16 Did Inspector Smith ever tell you that for
17 this conspiracy to have existed, Murray MacDonald would
18 have to have been part of it?

19 **MR. DUPUIS:** I don't recall that either.

20 **MS. DALEY:** All right.

21 Now, am I right about this, sir, that the
22 Project Truth conspiracy investigation had exactly the same
23 materials that Smith had had plus some additional
24 materials. Is that fair?

25 **MR. DUPUIS:** Yes, I believe the letter from

1 Mr. McConnery lists those materials.

2 MS. DALEY: Correct.

3 And I think for the most part, without
4 asking you to be highly specific in the answer, is it
5 correct to say that the bulk of what the Project Truth
6 conspiracy investigation had was the 1994 materials from
7 Smith plus some additional interviews that were felt
8 necessary?

9 MR. DUPUIS: Yes.

10 MS. DALEY: And does this thought process
11 follow, sir; for Project Truth or any officer there to have
12 come to the conclusion that there was a reasonable basis to
13 believe a conspiracy -- so for that conclusion to have been
14 arrived at, it must have meant that Smith was wrong? Is
15 that not fair?

16 MR. DUPUIS: I -- could you give me that
17 question again ---

18 MS. DALEY: Sure.

19 MR. DUPUIS: --- please? I'm not sure I
20 understand it.

21 MS. DALEY: No, no. We know from what you
22 told me already that in your own mind, you didn't have a
23 subjective belief that there was a conspiracy; correct?

24 MR. DUPUIS: I'm still not understanding;
25 I'm sorry I'm not understanding what you're asking.

1 **MS. DALEY:** I'm going to try to help you
2 with it. At the end of the day on conspiracy, your belief
3 was there wasn't evidence to lay a charge?

4 **MR. DUPUIS:** That's correct; right.

5 **MS. DALEY:** Now, for you to have come to the
6 opposite conclusion, right -- hypothetically, for you to go
7 to the opposite conclusion that meant one of two things;
8 either Officer Smith's conclusion was incorrect ---

9 **THE COMMISSIONER:** His conclusion?

10 **MS. DALEY:** That there was no conspiracy.

11 **THE COMMISSIONER:** Right, okay.

12 **MR. WALLACE:** The underlying hypothesis of
13 the question is that both people are examining identical
14 information which I don't think is the case. Well, I know
15 it's not the case.

16 **MS. DALEY:** So do I and let me get there.
17 Let me get there.

18 You did understand, did you not, sir, that
19 in 1994, the conclusion of Smith's work was no conspiracy,
20 no charges were laid; right?

21 **MR. DUPUIS:** I believe that that was the
22 result of that ---

23 **MS. DALEY:** Okay.

24 **MR. DUPUIS:** --- investigation.

25 **MS. DALEY:** And I understand -- I fully

1 understand what my friend has said, that by 1998 you have a
2 bit more information than Smith did; right?

3 **MR. DUPUIS:** Yes.

4 **THE COMMISSIONER:** Than Smith had in 1994?

5 **MS. DALEY:** Correct.

6 **THE COMMISSIONER:** Okay.

7 **MS. DALEY:** Correct. We're -- so we're on
8 the same page there?

9 **MR. DUPUIS:** I think so; I'm -- but I'm not
10 sure.

11 **MS. DALEY:** All right. No, I think we are.
12 So for you to have thought that there was a
13 basis for a charge, you would have to have thought one of
14 two things; right? Either Smith was wrong when he came to
15 the opposite conclusion or ---

16 **THE COMMISSIONER:** In 1994?

17 **MS. DALEY:** --- in 1994 or he had done an
18 insufficient investigation in 1994.

19 **THE COMMISSIONER:** Or there were more facts
20 that came to light. There's a lot of scenarios there.

21 **MS. DALEY:** All right.

22 Were the facts that you -- were the new
23 facts that you became aware of in 1998 or between '98 and
24 2000, facts that existed back in 1994 or do you know?

25 **MR. DUPUIS:** I don't know.

1 **MR. DUPUIS:** All right.

2 **THE COMMISSIONER:** I guess the point -- I
3 see you're puzzled. You see in 1998, right, you're --
4 essentially, Officer Smith is re-investigating the decision
5 he made in 1994; right?

6 **MR. DUPUIS:** Correct.

7 **THE COMMISSIONER:** Okay.

8 So number one, if it's the same person who's
9 doing it and so -- and if they come up in 1998 and say,
10 yeah, there was a conspiracy, right, it means that they've
11 got to either swallow hard and say, "I was wrong in 1994"
12 or something else happened, you know, so it's kind of hard.
13 And from your perspective, you're the foot soldier; right?
14 And for you to come to that conclusion, you'd have to be
15 telling your supervisor that either, "you made a mistake
16 back there," or some other facts or something else
17 happened. And I think what she's getting is that you folks
18 may have been already in a funnel a little bit or tied down
19 because it's the same guy that's doing it and because you
20 would have to, kind of, not overrule, but outthink him to
21 go that way. Do you understand that now?

22 **MR. DUPUIS:** Yes, sir. Thank you.

23 **THE COMMISSIONER:** Okay. Yes? Sure.

24 **MR. WALLACE:** At the time that the opinion
25 is formed ---

1 **THE COMMISSIONER:** He's not there anymore.

2 **MR. WALLACE:** That's right.

3 **THE COMMISSIONER:** Right.

4 **MR. WALLACE:** So I think that ---

5 **THE COMMISSIONER:** True, true, but I mean

6 ---

7 **MR. WALLACE:** And, in fact, he's not there

8 much beyond the start of the investigation. In fact ---

9 **THE COMMISSIONER:** There you go.

10 **MR. WALLACE:** --- so ---

11 **THE COMMISSIONER:** You can do that in re-
12 examin -- all right, okay, but there's the situation. So
13 now you understand what she was getting at a little bit ---

14 **MS. DALEY:** The Commissioner has put it to
15 you in much better terms than I did. Did you understand
16 the thrust of the question?

17 **MR. DUPUIS:** Basically, what you asked me,
18 did he influence me in my investigative ---

19 **MS. DALEY:** Were you -- well, let's try this
20 question. The fact that for a period of time he was your
21 superior officer; obviously, a man you had great respect
22 for; was it not -- would it not have been difficult for you
23 to come to a conclusion that conflicted with his?

24 **MR. DUPUIS:** No.

25 **MS. DALEY:** Are you sure about that?

1 **MR. DUPUIS:** I have my own mind.

2 **MS. DALEY:** I'm sure you do.

3 **THE COMMISSIONER:** Well, has it ever
4 happened in your experience where you have disagreed with a
5 superior with respect to whether or not reasonable and
6 probable grounds exist?

7 **MR. DUPUIS:** In this particular incident or
8 any incident?

9 **THE COMMISSIONER:** In your history?

10 **MR. DUPUIS:** There has been times that I've
11 disagreed with situations.

12 **THE COMMISSIONER:** Yeah, there you go.

13 **MS. DALEY:** Was there ever any discussion
14 during the time you were working on the conspiracy brief,
15 sir, about this issue; in other words, the fact that it was
16 known that Inspector Smith had come to a different --
17 sorry, that Inspector Smith had come to the conclusion of
18 no conspiracy back in 1994? Was that a topic of
19 discussion?

20 **MR. DUPUIS:** Not that I recall, no.

21 **MS. DALEY:** Now, one other aspect of the
22 conspiracy investigation which was, I think, work that you
23 did that hadn't previously been done had to do with your
24 brother officers and their involvement in the search
25 warrant of Mr. Leroux's premises. Do you recall that?

1 **MR. DUPUIS:** Yes.

2 **MS. DALEY:** And am I right that that's not
3 something that Officer Smith had previously looked at, or
4 do you know?

5 **MR. DUPUIS:** I don't know, but I -- I don't
6 know.

7 **MS. DALEY:** All right. But in any event, at
8 this -- at the time you're involved, the conspiracy
9 allegation takes you to a point where you are interviewing
10 brother officers about their role in seizing tapes.

11 **MR. DUPUIS:** I think Inspector Hall was -- I
12 may have been there at the interview, but Inspector Hall
13 was the one who actually ---

14 **MS. DALEY:** Conducted the interview?

15 **MR. DUPUIS:** --- conducting the interviews.

16 **MS. DALEY:** All right.

17 So did it cross your mind at all that that
18 placed both you and he in a position of conflict?

19 **MR. DUPUIS:** With Inspector Smith, you mean?

20 **MS. DALEY:** No, no, I'm sorry. It was Hall
21 and you who interviewed your brother officers about the
22 Leroux tape?

23 **MR. DUPUIS:** Yes.

24 **MS. DALEY:** Did it cross your mind at all
25 that doing that put Mr. Hall and yourself in a position of

1 conflict?

2 MR. DUPUIS: No.

3 MS. DALEY: And ---

4 THE COMMISSIONER: What kind of conflict?

5 MS. DALEY: Well, sir, did you entertain the
6 belief that your brother officers may have been part of a
7 conspiracy to obstruct justice?

8 MR. DUPUIS: In regards to the tapes?

9 MS. DALEY: Yes.

10 MR. DUPUIS: Could you give me the question
11 again, please?

12 MS. DALEY: I'm sorry, I ---

13 MR. DUPUIS: Could you give me the question
14 again, please?

15 MS. DALEY: Sure. Let me put the context to
16 it; okay? Part of what's now being alleged in the
17 conspiracy is that the tapes seized from Mr. Leroux's place
18 actually had evidence of a pedophile gang in Cornwall and
19 that your brother officers somehow intentionally destroyed
20 those tapes. Did you understand that's what you were
21 looking at?

22 MR. DUPUIS: Yes.

23 MS. DALEY: So I guess my question is, sir,
24 did you entertain the view that it was possible that your
25 brother officers would have done such a thing?

1 **MR. DUPUIS:** It was possible. Again, like
2 I'm not sure exactly where you're going.

3 **MS. DALEY:** Well, in your mind, did you
4 think that it was an open question as to whether they had
5 or had not?

6 **MR. DUPUIS:** Well, I know that the tapes
7 were destroyed when we were interviewing these people.

8 **MS. DALEY:** Yes.

9 Did you entertain the view it was possible
10 your brother officers knew that there was evidence of a
11 pedophile ring on that -- those tapes and somehow destroyed
12 them?

13 **MR. DUPUIS:** We interviewed them to see what
14 was on -- I believe one or two of the officers viewed those
15 tapes to see what was on them.

16 **MS. DALEY:** I guess my question just asks
17 you to take a step from that; okay?

18 Let's take a step back, before you talked to
19 your fellow officers. Did you entertain the view that it
20 was an open question as to whether they had participated in
21 obstruction of justice?

22 **MR. DUPUIS:** Well, that's what we were
23 looking at to see if they did.

24 **MS. DALEY:** All right.

25 And are you aware, sir, that rightly or

1 wrongly -- and I don't say it's rightly -- but people like
2 Garry Guzzo and others were making an allegation that
3 that's exactly what had happened?

4 **MR. DUPUIS:** Yes.

5 **MS. DALEY:** And were your fellow OPP
6 officers given a list of prepared questions in advance of
7 the interview?

8 **MR. WALLACE:** I think one thing -- Garry
9 Guzzo is also saying that the tapes were destroyed but he
10 was also saying that the tapes had come from the probation
11 officer's house.

12 **THE COMMISSIONER:** M'hm.

13 **MR. WALLACE:** So there are two different,
14 obviously related aspects to it but -- and the search was
15 done at the probation officer's house, which we know was
16 not the case.

17 **THE COMMISSIONER:** Right, but that's not the
18 issue.

19 I think the issue is what -- when you're
20 doing an investigation of conspiracy, right, and you're
21 investigating your own police force, essentially, all
22 right, did you in your mind imagine what facts would be
23 necessary and what facts were being alluded to, to
24 constitute that conspiracy? For example, that the tapes
25 were taken by Millar, who is Murray MacDonald's brother-in-

1 law, who is Milton MacDonald's son-in-law.

2 MS. DALEY: Son-in-law.

3 THE COMMISSIONER: Right?

4 MR. DUPUIS: Yes, sir.

5 THE COMMISSIONER: And that there was
6 homemade pornography and they destroyed it to keep it away,
7 to protect the conspiracy. All right?

8 MR. DUPUIS: Okay.

9 THE COMMISSIONER: Did you have that frame
10 of mind when you went in there looking? Did you
11 conceptualize that?

12 MR. DUPUIS: Sir, I don't know at that
13 time, what I ---

14 THE COMMISSIONER: Fair enough.

15 MR. DUPUIS: I don't know. I can't recall.

16 THE COMMISSIONER: Okay.

17 MS. DALEY: All right. The question that
18 I'd asked you was this.

19 In terms of the investigation of Randy
20 Millar and the other OPP officers who were involved in the
21 tape matter, were they given a list of prepared questions
22 in advance of you and Hall sitting down with them?

23 MR. DUPUIS: I don't believe so.

24 MS. DALEY: Is it your best information it
25 was Officer Hall who actually conducted that interview?

1 **MR. DUPUIS:** Yes, that would be protocol for
2 the simple reason -- in the rank structure.

3 **MS. DALEY:** Do you know whether or not your
4 fellow officers involved in the tape seizure were given any
5 advance indication as to what they'd be asked about?

6 **MR. DUPUIS:** I don't recall.

7 **MS. DALEY:** That, again, is something that
8 Officer Hall would know?

9 **MR. DUPUIS:** He may.

10 **MS. DALEY:** All right.

11 Now, sir, moving to a slightly different
12 topic now, I want to talk about Officer Dunlop and his role
13 in this -- in the conspiracy allegations.

14 I take it sir -- well, as you told me at the
15 outset, although there were other people who believed a
16 conspiracy was possible, Officer Dunlop, and particularly
17 in his detailed amended statement of claim, he outlined a
18 conspiracy theory. You recall that?

19 **MR. DUPUIS:** Yes.

20 **MS. DALEY:** And I take it, sir that Project
21 Truth in general did not have a high regard for Officer
22 Dunlop and the role that he had played. Would that be
23 fair?

24 **MR. DUPUIS:** That would be fair.

25 **MS. DALEY:** And I'm going to show you a

1 media article. I hope it's in my cross documents, 104189.

2 It should be a Standard Freeholder article
3 on or about February 21, '01.

4 **THE COMMISSIONER:** Do you have it on the
5 screen? Can you put it on the screen?

6 **MS. DALEY:** Yes, this will just take a
7 second.

8 **THE COMMISSIONER:** Did you say these were --
9 these were in the cross documents?

10 **MS. DALEY:** I'd certainly intended that.

11 **THE COMMISSIONER:** Okay.

12 **MS. DALEY:** Could you just orient that?

13 Thank you.

14 **THE COMMISSIONER:** We'll put it up, straight
15 up. There we go.

16 **MS. DALEY:** And, Madam Clerk, I'm really
17 just going to be concentrating on the two or the three
18 columns on the left. So if you can expand that for us,
19 please?

20 **THE COMMISSIONER:** Just a second. I want to
21 read the whole article, but ---

22 **MS. DALEY:** Sorry.

23 **THE COMMISSIONER:** All right.

24 **MS. DALEY:** Sorry, sorry, sir.

25 **THE COMMISSIONER:** So Exhibit Number ---

1 **THE REGISTRAR:** Two-six-three-nine (2639).

2 **THE COMMISSIONER:** Two-six-three-nine (2639)

3 will be a Standard Freeholder article dated Thursday,
4 February 22nd, 2001.

5 **--- EXHIBIT NO./PIÈCE NO. P-2639:**

6 (104189) - Standard Freeholder Article
7 "OPP Struggle to Rein in Dunlop" -
8 dated February 22, 2001

9 **MS. DALEY:** Thank you, sir.

10 I'm just going to ask you a few questions
11 about the comments that are attributed to Pat Hall.

12 Have you had a chance to look at that?

13 **MR. DUPUIS:** Yes. Yes, sorry.

14 **MS. DALEY:** So what Hall is stating here, I
15 just want to know if you agree or disagree or if you have
16 knowledge.

17 He states that from '97 to 2000, there were
18 continuing efforts to get notes from him, that's being
19 Dunlop, and to get him to stop interviewing witnesses.

20 And I take it, sir you were aware that that
21 problem existed?

22 **MR. DUPUIS:** Yes.

23 **MS. DALEY:** And if I could ask you to look
24 at the first column. Detective Inspector Hall said:

25 "Investigators had concerns about

1 Dunlop's continued contact with
2 witnesses and the media, as well as his
3 refusal to disclose information he
4 received during his own private
5 investigation."

6 And I take it, sir, you, as a Project Truth
7 officer, you had that concern did you?

8 **MR. DUPUIS:** Some concerns in regards to
9 that matter.

10 **MS. DALEY:** All right. So you would agree
11 with Officer Hall and you, in fact, held some of those same
12 concerns about contact with witnesses, a refusal to
13 disclose information, and Mr. Dunlop going to the media?

14 **MR. DUPUIS:** You see Inspector Hall dealt
15 with Mr. Dunlop.

16 **MS. DALEY:** I appreciate that. Did you hold
17 that concern yourself?

18 **MR. DUPUIS:** Some concern.

19 **MS. DALEY:** Sir, I don't want to spend a lot
20 of time on this but do you recollect who C-2 is?

21 Madam Clerk can perhaps help you, if you
22 don't. C-2, just to help you, is the third complainant,
23 alleged victim of Father Charles.

24 **MR. DUPUIS:** Okay.

25 **MS. DALEY:** Now, sir, I'd understood that --

1 there's a document I'm happy to show you, but I'd
2 understood you were a little concerned about Dunlop's
3 involvement with C-2?

4 **MR. DUPUIS:** Well, I think my concern there
5 was that he had had that information two years before he
6 brought it to our attention.

7 **MS. DALEY:** Precisely. So what you believed
8 was that C-2 was an alleged victim that Dunlop knew about
9 but Dunlop sat on that for two years before letting you
10 know about it?

11 **MR. DUPUIS:** If memory serves me right, I
12 think it was two years he had the information but at the
13 request of that person, not to disclose it. But I'm not
14 100 percent sure of that.

15 **MS. DALEY:** You're not sure?

16 **MR. DUPUIS:** I'm not 100 percent sure of
17 that.

18 **MS. DALEY:** Did you develop the feeling sir,
19 that -- and not just with respect to the C-2 matter but,
20 generally, based on what you knew and the concerns that are
21 being expressed in this exhibit about Dunlop, was it your
22 thought that Dunlop was playing games?

23 **MR. DUPUIS:** I don't know what thought
24 process Mr. Dunlop had.

25 **THE COMMISSIONER:** No, what's your opinion?

1 **MR. DUPUIS:** Oh, I'm sorry.

2 **MS. DALEY:** Did you have the thought that
3 there -- that he was playing games of some sort?

4 **MR. DUPUIS:** He certainly wasn't assisting
5 us.

6 **MS. DALEY:** Right. And, in fact, he took
7 steps that you thought were detrimental?

8 **MR. DUPUIS:** Yes.

9 **MS. DALEY:** And you gave a little bit of
10 testimony about this in-chief, but I just want to come back
11 to it. His brother-in-law was Carson Chisholm; correct?

12 **MR. DUPUIS:** Yes.

13 **THE COMMISSIONER:** Still is.

14 **MS. DALEY:** And did you come to learn that
15 Mr. Chisholm was also attempting to interview witnesses or
16 alleged victims?

17 **MR. DUPUIS:** People advised us that he had
18 tried to approach some people and interview them.

19 **MS. DALEY:** And did that fact also cause you
20 some concerns about your -- the sexual assault part of your
21 Project Truth investigation?

22 **MR. DUPUIS:** Yes, I would have preferred to
23 have a -- let us do our own work.

24 **MS. DALEY:** Now, sir, you said, quite
25 rightly, that it was Officer Hall who dealt with the Dunlop

1 issues as they arose?

2 **MR. DUPUIS:** For the most part. I think I
3 only had contact with those people maybe two or three times
4 in the whole Project Truth.

5 **MS. DALEY:** Sir, if you don't know, this is
6 fine and we can ask Hall, but did the OPP have a strategy
7 or a plan of any sort for dealing with what I might call
8 the Dunlop factor?

9 **MR. DUPUIS:** All's I know is that
10 Inspector Hall dealt with ---

11 **MS. DALEY:** All right.

12 **MR. DUPUIS:** --- some people.

13 **MS. DALEY:** So if there was a plan or an
14 approach, we have to review it with him?

15 **MR. DUPUIS:** Yes.

16 **THE COMMISSIONER:** Can I stop you for a
17 second?

18 Let's assume you're at the July 1st picnic
19 someplace, lots of people, and someone comes up to you,
20 doesn't know you very well, and tells you about a sexual
21 assault that he was the victim of, much like what C-2
22 eventually told you, and he says, "But I don't want to do
23 anything about it"; okay?

24 So, you're off-duty, you've got this, and he
25 tells you, "I don't want to do anything about it". What

1 would you, as a police officer, do with that information?

2 **MR. DUPUIS:** In my -- I think I would push
3 to investigate those allegations, myself.

4 **THE COMMISSIONER:** Okay.

5 **MR. DUPUIS:** And advise my superiors that
6 I'd been advised of this.

7 **THE COMMISSIONER:** Okay. So what you're
8 saying is that -- I'm just trying to see what -- Dunlop,
9 you say, held onto it for two years -- and, let's say,
10 because C-2 said, "I don't want to do anything about it",
11 all right? And you're saying that's wrong?

12 **MR. DUPUIS:** Yes.

13 **THE COMMISSIONER:** And, as a police officer,
14 you're saying you would have?

15 **MR. DUPUIS:** Worked on it, tried to assist
16 this person in helping us come to ---

17 **THE COMMISSIONER:** Well, I ---

18 **MR. DUPUIS:** --- who the accused person
19 would be.

20 **THE COMMISSIONER:** Oh, they know who the
21 accused person is; they tell you.

22 **MR. DUPUIS:** But investigate it.

23 **THE COMMISSIONER:** Right, but -- so let's
24 assume Dunlop did for those two years try to get this
25 person strong enough to be able to come forward. So

1 why -- what do you criticize him about doing then?

2 **MR. DUPUIS:** At least share the information
3 with us so we could possibly assist this person as well.

4 **THE COMMISSIONER:** Okay. And what about if
5 he says, "I told you this in confidence"? This is an
6 hypothetical, I'm not saying C-2 did that.

7 "I'm coming to you because I trust you and
8 I'm telling you this in confidence."

9 **MR. DUPUIS:** I'd still think I'd try to get
10 this person to ---

11 **THE COMMISSIONER:** Yes, okay.

12 **MR. DUPUIS:** Yes.

13 **THE COMMISSIONER:** But that's okay, but
14 let's -- we don't know, but let's assume Dunlop did do
15 that.

16 **MR. DUPUIS:** I don't know, sir, but ---

17 **THE COMMISSIONER:** Well, you're criticizing
18 him ---

19 **MR. DUPUIS:** Yes.

20 **THE COMMISSIONER:** --- okay? And I'm
21 saying, okay, what would you have done differently?

22 **MR. DUPUIS:** I don't know, sir. I -- maybe
23 I'm criticizing him unfairly then.

24 **THE COMMISSIONER:** No, I'm not -- who knows?
25 I'm just saying that as a police officer would you have

1 done anything differently? Never mind trying to
2 get -- over and above getting him to help out the
3 complainant, to bring him to be strong enough to come
4 forward, would you have opened an OMPPAC? Would you have
5 reported it to your supervisor?

6 **MR. DUPUIS:** I would have reported it to my
7 supervisor.

8 **THE COMMISSIONER:** M'hm?

9 **MR. DUPUIS:** Seek guidance from him as well.

10 **THE COMMISSIONER:** M'hm?

11 **MR. DUPUIS:** I don't believe it would have
12 been fair to open an OMPPAC thing, but at least advise
13 somebody that -- you know, where do we go from here?

14 **THE COMMISSIONER:** Okay, thank you.

15 **MS. DALEY:** On that final point just to
16 conclude, in the situation that developed as you understood
17 it with Dunlop and C-2, would you have wanted Dunlop to at
18 least tell someone at Project Truth that he'd heard this?

19 **MR. DUPUIS:** Yes.

20 **MS. DALEY:** Now, in terms of managing what
21 I'd call the Dunlop issue, obviously we'll review this with
22 Officer Hall, but did you ever hear conversation around the
23 Project Truth office that he was the Cornwall Police
24 Services problem to manage and not yours?

25 **MR. DUPUIS:** Yes.

1 **MS. DALEY:** Was that the belief that your
2 superior officers held?

3 **MR. DUPUIS:** I don't know what their belief
4 was.

5 **MS. DALEY:** But you heard that thought
6 expressed?

7 **MR. DUPUIS:** Pardon?

8 **MS. DALEY:** Did you hear that position
9 expressed, that Cornwall needed to manage Dunlop?

10 **MR. DUPUIS:** I can't recall.

11 **MS. DALEY:** All right.

12 One final question about Dunlop and timing,
13 and I'm going to ask you to shift your mind to the Leduc
14 prosecution now and the difficulty that arose there in
15 terms of note disclosure.

16 In your mind, sir, did the fact that Officer
17 Dunlop's Will Say and supporting documents -- did the fact
18 that that material didn't come to you until April of 2000
19 contribute in any fashion to the Leduc problem?

20 **MR. DUPUIS:** It would have been obviously a
21 great assistance if we'd got it a lot sooner.

22 **MS. DALEY:** And did you not understand from
23 your interview of Dunlop -- had he not told you that you
24 would be getting it sooner, but you didn't?

25 **MR. DUPUIS:** An interview that I did?

1 **MS. DALEY:** Yes. I think you -- you and
2 perhaps Hall spoke with Dunlop in February of 2000?

3 **MR. DUPUIS:** Yes.

4 **MS. DALEY:** Based on that, were you
5 expecting to get that material sooner than you did?

6 **MR. DUPUIS:** I had no expectations
7 when -- when we were going to receive it.

8 **MS. DALEY:** All right.

9 Now, we're clear that the Dunlop Will Say
10 did in fact refer to his June 15th, 1998 conversation with
11 C-16's mother?

12 **MR. DUPUIS:** Yes.

13 **MS. DALEY:** But I understand that you,
14 personally, did not read the Dunlop Will Say?

15 **MR. DUPUIS:** That's correct.

16 **MS. DALEY:** And had you done so, your mind
17 might also have been jogged about that event?

18 **MR. DUPUIS:** That's correct.

19 **MS. DALEY:** Do you know whether Officer Hall
20 read the Dunlop will Say?

21 **MR. DUPUIS:** I believe he did.

22 **MS. DALEY:** Was there ever any discussion
23 about that part of the Dunlop Will Say that you and Hall
24 had before it became an issue in court?

25 **MR. DUPUIS:** I don't recall any conversation

1 then.

2 **MS. DALEY:** All right. Now, just some
3 general questions then about disclosure and then we'll come
4 back to Leduc.

5 I take it, sir, the policeman's job on
6 disclosure is to give absolutely everything that you have
7 on the investigation and your role in it to the Crown?

8 **MR. DUPUIS:** Correct.

9 **MS. DALEY:** So, in other words, the police
10 officer doesn't make any judgment calls about what should
11 be disclosed or not, he or she hands over everything?

12 **MR. DUPUIS:** Yes.

13 **MS. DALEY:** And it's the Crown who has to
14 make the call about which parts get disclosed?

15 **MR. DUPUIS:** Correct.

16 **MS. DALEY:** So from a police officer's
17 point-of-view, if you were going to err, you'd err on the
18 side of including everything?

19 **MR. DUPUIS:** That's correct.

20 **MS. DALEY:** All right. And would that
21 include any work you did on a brief?

22 **MR. DUPUIS:** I don't know what you're asking
23 me. I'm not sure ---

24 **MS. DALEY:** Okay. Okay, sorry, it wasn't a
25 very good question; it's my fault.

1 In terms of handing over any -- everything
2 you have to a Crown, if you had notes about working on a
3 brief for the pertinent charge, you'd hand that over too?

4 **THE COMMISSIONER:** So you mean putting in
5 the notebook, "I worked on the brief on such and such a
6 time"?

7 **MS. DALEY:** Precisely.

8 **MR. DUPUIS:** Yes.

9 **MS. DALEY:** All right.

10 Just, if you would, take a very quick look
11 at Exhibit 2609, Bates page 321?

12 **THE COMMISSIONER:** I'm sorry, what page
13 again?

14 **MS. DALEY:** It should be 321, sir.

15 **THE COMMISSIONER:** Three-two-one, 321. Page
16 192, sir. Yes, I think he's there. Go ahead.

17 **MS. DALEY:** Are we there?

18 **THE COMMISSIONER:** Oh, it's got to go on the
19 screen.

20 **MS. DALEY:** Yes. This should be the
21 June 15th note entry.

22 **THE COMMISSIONER:** Yes.

23 **MS. DALEY:** Two-six-zero-nine (2609), 321?
24 I'm not seeing it, but I know you are. I'm going to rely
25 on my memory of what it says.

1 Does that note not show that you did work on
2 the brief for an hour or so before you went to see C-
3 16 -- C-16's mother?

4 **MR. DUPUIS:** I don't think I'm on the right
5 page.

6 **THE COMMISSIONER:** Page 192.

7 **MS. DALEY:** Sorry, sorry.

8 **THE COMMISSIONER:** Sorry -- 1321, right?
9 Isn't that what you said?

10 **MS. DALEY:** Yes. It should be 321.

11 **THE COMMISSIONER:** I'm sorry -- 1321? Yes.

12 **MS. DALEY:** Are we in 2609?

13 **THE COMMISSIONER:** Yes.

14 **MS. DALEY:** And that's not June 15th?

15 **THE COMMISSIONER:** Well, I have June 15th
16 right here.

17 **MS. DALEY:** All right. I'm just trying to
18 see it on the ---

19 **THE COMMISSIONER:** There it is. It's on the
20 screen now.

21 **MS. DALEY:** Thank you so much.

22 All right, so if you look at the 9:25 entry,
23 Leduc brief.

24 **MR. DUPUIS:** Yes.

25 **MS. DALEY:** That's the one that immediately

1 precedes the entry that we're worried about here; right?

2 MR. DUPUIS: Yes.

3 MS. DALEY: I guess my thought process is
4 wholly apart from the interaction with C-16's mother, your
5 work on that Leduc brief, that's something -- in a better
6 world you would have given this page to the Crown for that
7 reason as well; right?

8 MR. DUPUIS: That's correct.

9 MS. DALEY: All right. But I gather, sir,
10 that even though it says "Leduc Brief" at the top, when you
11 reviewed these notes, initially you didn't see that.

12 MR. DUPUIS: I missed it.

13 MS. DALEY: And again, when it became an
14 issue in court you went back and looked again several times
15 and still didn't see that?

16 MR. DUPUIS: That's correct.

17 MS. DALEY: All right. But we are agreed,
18 wholly apart from the C-16 occurrence, your work on that
19 brief is something that the Crown ought to have known about
20 so she could consider whether it was disclosable?

21 MR. DUPUIS: Pardon?

22 MS. DALEY: Setting aside for a moment the
23 interaction with C-16's mother and what she says about
24 Dunlop, the fact that you were engaged on the brief that
25 day also made this something that ideally you should have

1 given to Ms. Hallett; right?

2 MR. DUPUIS: Yes, yes.

3 MS. DALEY: Thank you. All right.

4 THE COMMISSIONER: And what's "this," this
5 note here?

6 MS. DALEY: This page.

7 THE COMMISSIONER: Okay, okay.

8 MS. DALEY: Do you agree, sir?

9 MR. DUPUIS: Yes.

10 MS. DALEY: All right.

11 Now, sir, I have just a few questions for
12 you then about the occurrences of February 20th, 2001 and
13 then February 26th when you're speaking with Ms. Hallett,
14 and what I'm referring to is the difficulty that occurred
15 as a result of the meeting with defence counsel. Can you
16 think about the meeting with defence counsel? That's what
17 I'm going to focus on.

18 MR. DUPUIS: Okay.

19 MS. DALEY: Now, I took it from your
20 testimony, sir, that it was understood by the officers
21 before they sat down with Mr. Skurka and Campbell that they
22 would be potential witnesses; correct?

23 MR. DUPUIS: Yes.

24 MS. DALEY: And that the motion that they'd
25 be called on would be a motion to stay the case because of

1 wilful nondisclosure?

2 MR. DUPUIS: That's correct.

3 MS. DALEY: That was understood going in?

4 MR. DUPUIS: Yes.

5 MS. DALEY: And just so that it's clear to
6 us, I take it you understood that there were very high
7 stakes in play, and what I mean by that was that the
8 defence was seeking to prove wilful nondisclosure because
9 if it succeeded it could terminate the charges.

10 MR. DUPUIS: That's correct.

11 MS. DALEY: You understood that, right?

12 MR. DUPUIS: That's correct.

13 MS. DALEY: So the issue wasn't did we make
14 a mistake or was there oversight; the issue is did somebody
15 fail to disclose this information wilfully; right?

16 MR. DUPUIS: Correct.

17 MS. DALEY: And initially you were under the
18 microscope for that; right?

19 MR. DUPUIS: Correct.

20 MS. DALEY: Had it -- sorry. Going into the
21 meeting was there any discussion between you and your
22 senior officers about that fact; that you, Mr. Dupuis, were
23 under the microscope for wilfully failing to disclose
24 something?

25 MR. DUPUIS: A discussion ---

1 MS. DALEY: Yes.

2 MR. DUPUIS: --- about that?

3 I don't recall any.

4 MS. DALEY: Now, in terms of the position
5 that you knew the defence would take, wilful nondisclosure,
6 there could only be two culprits. One culprit would be
7 yourself, I suppose, but the other culprit would be the
8 Crown attorney; right?

9 MR. DUPUIS: Correct.

10 MS. DALEY: And again you understood, when
11 you were part of that meeting with defence, that that was
12 going to be their position; if it's not Officer Dupuis it's
13 the Crown?

14 MR. DUPUIS: I don't know about that.

15 MS. DALEY: Did you know, going in, that
16 there were only two possibilities for wilful nondisclosure,
17 either by the police or by the Crown?

18 MR. DUPUIS: At this point in time I think I
19 was more thinking about myself in regards to my missing
20 this.

21 MS. DALEY: All right; understood.

22 Again, is that a topic that was discussed
23 with the senior officers? In other words, it's either the
24 police who wilfully nondisclosed, in the defence view, or
25 it's going to be the Crown?

1 **MR. DUPUIS:** I don't recall any discussion.

2 **THE COMMISSIONER:** Well, was there a
3 discussion about, generally speaking, "Listen, you know,
4 the disclosure is up to the Crown and we're not going to
5 take anything for this, and we think the Crown should be
6 responsible"?

7 **MR. DUPUIS:** I don't recall, Mr.
8 Commissioner.

9 **THE COMMISSIONER:** Mr. Wallace?

10 **MR. WALLACE:** The dire consequences that
11 would flow from nondisclosure really only materialize if
12 the nondisclosure is wilful.

13 **THE COMMISSIONER:** Right.

14 **MR. WALLACE:** So putting this as it was
15 either the Crown or the police who wilfully didn't disclose
16 the page doesn't really answer the question as to whether
17 or not the nondisclosure, which we know happened, was
18 wilful.

19 **THE COMMISSIONER:** Oh, of course not.

20 **MR. WALLACE:** Okay?

21 **THE COMMISSIONER:** Of course not.

22 **MR. WALLACE:** So the fact that there has to
23 be a villain in the scenario of wilfulness isn't
24 necessarily so.

25 **THE COMMISSIONER:** If there is a finding of

1 wilfulness.

2 **MR. WALLACE:** Fair enough, but I think that
3 should be put to the officer.

4 **MS. DALEY:** I thought I had. I thought we
5 were agreed on ---

6 **THE COMMISSIONER:** I thought you did.

7 **MS. DALEY:** --- one thing; that you
8 understood that for the defence to actually terminate the
9 charge, defence had to prove wilfulness on somebody's part.
10 You understood that?

11 **MR. DUPUIS:** Yes.

12 **MS. DALEY:** Thank you. And you knew that
13 that was what was in play in February of '01?

14 **MR. DUPUIS:** Yeah.

15 **MS. DALEY:** Right. All right.

16 Now, sir, just help me with one thing. Do
17 you have any direct knowledge as to whether Ms. Hallett was
18 aware of the February 20th meeting between defence counsel,
19 yourself and your senior officers?

20 **THE COMMISSIONER:** That it was going to
21 happen?

22 **MS. DALEY:** Correct.

23 **MR. DUPUIS:** Yes, I believe she did.

24 **MS. DALEY:** Did you make her aware of that?

25 **MR. DUPUIS:** I don't believe so.

1 **MS. DALEY:** Do you think it was Officer
2 Hall?

3 **MR. DUPUIS:** It was either Hall or Smith, or
4 a combination of both.

5 **MS. DALEY:** Can I ask you this; was it not a
6 pretty unusual circumstance that police officers would be
7 meeting directly with defence without a Crown attorney
8 present?

9 **MR. DUPUIS:** I've never been in a situation
10 like that before, so I didn't know what to expect.

11 **MS. DALEY:** No, no, fair enough. But I take
12 it from your answer that in all your years of policing
13 you've never been in a situation where you're meeting
14 directly with defence counsel and the Crown is not there.

15 **MR. DUPUIS:** They were call -- I assume they
16 were going to call us as their witness, so that's why we
17 went there.

18 **THE COMMISSIONER:** But it was at your
19 request -- you're being called, Smith and you, at their
20 request to meet the defence?

21 **MR. DUPUIS:** I don't recall who arranged
22 this meeting; if it was the defence counsel that asked to
23 see us or the inspectors asked to see them. I don't
24 recall.

25 **MS. DALEY:** I understand that, but your

1 testimony was that your senior officers thought it prudent
2 for the meeting to happen?

3 MR. DUPUIS: Yes.

4 MS. DALEY: Right. So whether they
5 initiated it or someone else, they were quite agreeable
6 that it happened?

7 MR. DUPUIS: Yes.

8 MS. DALEY: All right. And you agreed with,
9 I think, some questions from Mr. Commissioner yesterday
10 about what ensued. In other words, the direct delivery of
11 a document by a police officer to the defence was a highly
12 unusual occurrence.

13 MR. DUPUIS: Yes.

14 MS. DALEY: And it was contrary to your
15 almost universal practice that disclosure goes through the
16 Crown?

17 MR. DUPUIS: Unless it's instructed -- like
18 there's times that -- like in the case of Mr. Godin.

19 MS. DALEY: Understood.

20 MR. DUPUIS: So he would instruct us. The
21 inspector would instruct us and we would deliver documents
22 and whatever ---

23 THE COMMISSIONER: Upon the instruction of a
24 Crown?

25 MS. DALEY: Right.

1 **MR. DUPUIS:** Yes.

2 **MS. DALEY:** So what made this circumstance
3 unusual is that, as far as you were aware at least, there
4 was no Crown instruction to give the July 4th, 2000
5 memorandum directly to the defence?

6 **MR. DUPUIS:** I wasn't aware that -- either
7 one way or the other.

8 **MS. DALEY:** All right. The fact that you're
9 handing over a document to the defence, you're doing that
10 on Mr. Hall's instructions?

11 **MR. DUPUIS:** Yes.

12 **MS. DALEY:** Right?

13 And that was, of course, a communication by
14 a Crown law officer to the police; that document?

15 **MR. DUPUIS:** Pardon?

16 **MS. DALEY:** The July 4th, 2000 memo; that's a
17 communication between the Crown, Ms. Hallett ---

18 **MR. DUPUIS:** Yes.

19 **MS. DALEY:** --- and your Force; right?

20 **MR. DUPUIS:** Yes.

21 **MS. DALEY:** Now, let me ask you this, sir.
22 Just moving to the February 26th meeting that you then have
23 with Ms. Hallett -- you spoke about that in some detail
24 yesterday. That's the after-the-fact conversation;
25 remember that?

1 **MR. DUPUIS:** Which discussion are you ---

2 **THE COMMISSIONER:** You're in the office and
3 the motion's just finished and Ms. Hallett is a little
4 upset.

5 **MR. DUPUIS:** Yes, okay.

6 **MS. DALEY:** That's the event I'm talking
7 about, sir.

8 **MR. DUPUIS:** Okay.

9 **MS. DALEY:** Did she suggest that if she had
10 been asked she would not have disclosed the June 4th, 2000
11 document to the defence?

12 **MR. DUPUIS:** I don't know. I'd have to see
13 my notes on that particular item. I don't think it was
14 recorded in there.

15 **MS. DALEY:** You're right, it's not. Your
16 notes are 2614, Bates 979, if you wish to see them, but I
17 tell you, sir, I didn't see any such discussion recorded
18 but satisfy yourself and have a look if you wish, 2614, and
19 I believe it's Bates 979 or thereabouts. It will be
20 February 26, '01.

21 **THE COMMISSIONER:** Say that again.

22 **MS. DALEY:** Bates 979. That's it.

23 **THE COMMISSIONER:** Okay. At 16:15, the
24 middle of the paragraph.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **THE COMMISSIONER:** The question?

2 **MS. DALEY:** The question simply was, sir, do
3 you recollect from this reading whether, amongst the things
4 you've recorded, Ms. Hallett also said that the June 4th,
5 2000 document ought not to have been given to defence and
6 she would not have done so?

7 **MR. DUPUIS:** I don't recall any conversation
8 about that.

9 **MS. DALEY:** Thank you. All right.

10 Moving to my second last topic, and that is
11 the work you did on the MacDonald charges, the charges
12 against Father MacDonald. And obviously just to put you
13 back in the framework of that, the central issue on
14 MacDonald is delay, right?

15 **MR. DUPUIS:** That's correct.

16 **MS. DALEY:** And delay is the sole reason why
17 those charges are terminated?

18 **MR. DUPUIS:** I believe so.

19 **MS. DALEY:** And, sir, my questions are
20 centred on delay.

21 You understood, did you, sir, that by the
22 time you joined Project Truth in September of '97 that
23 there was a set of charges against Father Charles already
24 in existence; correct?

25 **MR. DUPUIS:** I don't know if I was aware of

1 it immediately when I started the project but it was
2 probably shortly thereafter.

3 **MS. DALEY:** Shortly thereafter.

4 And those charges had been initiated by
5 Officer Fagan?

6 **MR. DUPUIS:** That's correct.

7 **MS. DALEY:** And I apologize, I don't have
8 the month, but we know it's sometime in 1996 that those
9 charges were commenced?

10 **MR. DUPUIS:** I'll agree with you because I
11 don't -- other than I don't know.

12 **MS. DALEY:** My question simply is this.
13 From your perspective as a Project Truth investigator, did
14 you have it in your mind that the clock had already started
15 to tick on delay in relation to this accused because of the
16 prior charges?

17 **MR. DUPUIS:** When I started in September of
18 '97?

19 **MS. DALEY:** Once you became generally
20 familiar with the MacDonald situation.

21 **MR. DUPUIS:** I'd have to say no.

22 **MS. DALEY:** And I take it, sir, that once
23 you become engaged on this, Officer Hall directs you to
24 other alleged victims and you very quickly interview those
25 other alleged victims; correct?

1 **MR. DUPUIS:** That's correct.

2 **MS. DALEY:** And as a result of that, you are
3 able to lay a set of additional charges within four months;
4 those four months being, say, from October '97 through to
5 January '98?

6 **MR. DUPUIS:** Correct.

7 **MS. DALEY:** And my observation on that, and
8 you may agree or not, but it strikes me based on everything
9 we've heard here that that is very, very quick work, right?

10 **MR. DUPUIS:** I don't ---

11 **MS. DALEY:** Well, the charges stemmed from
12 five other alleged victims?

13 **MR. DUPUIS:** Yes.

14 **MS. DALEY:** And you were able to institute
15 charges within four months?

16 **MR. DUPUIS:** Yes.

17 **MS. DALEY:** And my question simply was, were
18 you given some direction to proceed as quickly as you
19 possibly could as a result of a potential delay issue?

20 **MR. DUPUIS:** I don't recall any direction of
21 that nature.

22 **MS. DALEY:** All right.

23 At the time you were doing your
24 investigative work on what I'll call the second set of
25 charges, were you mindful of delay as a factor?

1 **MR. DUPUIS:** No.

2 **MS. DALEY:** Let me ask you this then. Was
3 it ever communicated to you that in order to assist or
4 shore up the first set of charges against this accused, it
5 would be beneficial to have additional alleged victims and
6 additional charges?

7 **MR. DUPUIS:** No.

8 **MS. DALEY:** Did you have an understanding
9 that if additional charges against Father MacDonald were to
10 be brought, the Crown would want them to be tried together
11 with the first set?

12 **MR. DUPUIS:** I don't know what the Crown's
13 thought process was on that issue.

14 **MS. DALEY:** Fair enough. So I take it
15 nobody ever told you that if you were able to lay
16 additional charges, the Crown would want to join them
17 together with the first set?

18 **MR. DUPUIS:** That's correct.

19 **MS. DALEY:** No one suggested that?

20 **MR. DUPUIS:** That's correct.

21 **MS. DALEY:** Did you have your own thought as
22 to whether that would likely be what the Crown wanted to
23 do?

24 **MR. DUPUIS:** Again, I don't know what ---

25 **MS. DALEY:** That's fine.

1 And then the third set of charges are the
2 charges initiated at the information of C-2. We've talked
3 about that already. And those are charges which you
4 initiate in April of 2000?

5 **MR. DUPUIS:** Correct.

6 **MS. DALEY:** Now, sir, do you know whether or
7 not those potential charges were reviewed with the Crown
8 before you lay that information?

9 **MR. DUPUIS:** I believe they were.

10 **MS. DALEY:** And I don't want to dwell on any
11 details here, I don't think it's necessary, but the charges
12 of C-2 were materially different than the others, right?

13 **MR. DUPUIS:** Could you repeat that, please?

14 **MS. DALEY:** C-2's allegations were quite
15 substantially different than what other alleged victims had
16 said?

17 **MR. DUPUIS:** That's correct.

18 **MS. DALEY:** Because his allegations involved
19 the suggestion that he'd been drugged; that he'd been
20 abused by more than one person in somewhat or a ritualistic
21 way. Fair?

22 **MR. DUPUIS:** Fair.

23 **MS. DALEY:** So that was very different from
24 any other allegation of an alleged victim?

25 **MR. DUPUIS:** That's correct.

1 **MS. DALEY:** And obviously you laid those
2 charges because you had a subjective belief that they
3 disclosed a credible offence?

4 **MR. DUPUIS:** Yes.

5 **MS. DALEY:** Ultimately, however, those
6 charges were withdrawn by Ms. Hallett; correct?

7 **MR. DUPUIS:** Wrong.

8 **MS. DALEY:** Can you help me get it right?

9 **MR. DUPUIS:** I think Mr. McConnery.

10 **MS. DALEY:** Sorry, Mr. McConnery. The Crown
11 ultimately withdrew those charges.

12 **THE COMMISSIONER:** Were you consulted about
13 that withdrawal?

14 **MR. DUPUIS:** I don't believe so.

15 **MS. DALEY:** Did it surprise you?

16 **MR. DUPUIS:** I don't know if I had an
17 opinion at that time.

18 **MS. DALEY:** Can I ask you this question,
19 sir? And this is broader than just the C-2 question but it
20 comes to my mind as a result of C-2.

21 Was there a thought that given what had
22 happened here, given the exposure in the media, that anyone
23 who alleged abuse by Father Charles should likely be
24 believed and should have charges laid?

25 **MR. DUPUIS:** No.

1 **MS. DALEY:** All right. My final area, and
2 I'll be very quick, is this.

3 I think by the year 2000, which is when the
4 C-2 charges happen, something else is happening in town and
5 I understand that a website called projecttruth.com has
6 come into existence. Did you know about that?

7 **MR. DUPUIS:** Yes.

8 **MS. DALEY:** And you knew Mr. Nadeau, Richard
9 Nadeau, who operated that website?

10 **MR. DUPUIS:** Yes.

11 **THE COMMISSIONER:** How did you know him?

12 **MR. DUPUIS:** I interviewed him.

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

14 **MS. DALEY:** You interviewed him and he --
15 I'm probably going to get this wrong as to which set of
16 charges it was in -- but he played a role in either Leduc
17 or MacDonald, did he not? Was he -- was there a contempt
18 application that you knew about vis-à-vis his website and
19 one of those cases.

20 **MR. DUPUIS:** I don't know which one it was,
21 but I believe there was his judge or His Honour at that
22 time, directed him to do something but I don't recall what
23 it was.

24 **MS. DALEY:** Something in relation to the
25 website?

1 **MR. DUPUIS:** That's correct.

2 **MS. DALEY:** And that was because, as you
3 understood it, the website was detrimental or was
4 potentially detrimental to the Project Truth criminal
5 charges that were before the court?

6 **MR. DUPUIS:** I can't recall 100 percent what
7 contained in his -- I don't believe I ever looked at his
8 website.

9 **MS. DALEY:** Did it come to your attention
10 however, that statements, affidavits of Mr. Leroux, for
11 example and perhaps some other alleged victims were posted
12 on that site?

13 **MR. DUPUIS:** I believe there were.

14 **MS. DALEY:** Right. And as an investigator,
15 as a person who was concerned about the integrity of the
16 charges you'd laid, that would be of concern?

17 **MR. DUPUIS:** We don't want the evidence out
18 before we get a chance to go to court.

19 **MS. DALEY:** Precisely. And you can see how
20 that could have an impact on those cases. Right?

21 **MR. DUPUIS:** That's correct.

22 **MS. DALEY:** Now, let me ask you this
23 question, sir, we haven't spoken about this individual.

24 Could you show him the name of C-8, please,
25 Madam Clerk?

1 **MR. DUPUIS:** Thank you.

2 **MS. DALEY:** You recall that name? We
3 haven't talked about him so far, but you worked with him,
4 did you not, on some charges that were laid, I think
5 against Marcel Lalonde, schoolteacher?

6 **MR. DUPUIS:** I think that was Constable
7 Genier.

8 **MS. DALEY:** Ah, okay. Genier was the
9 primary officer on that?

10 **MR. DUPUIS:** I believe so, yes.

11 **MS. DALEY:** But did you have contact with C-
12 8 from time to time?

13 **MR. DUPUIS:** Definitely.

14 **MS. DALEY:** And C-8 ended up having a
15 difficulty with Mr. Nadeau, did he not?

16 **MR. DUPUIS:** If memory serves me right,
17 there was some issue there but I'm not clear.

18 **MS. DALEY:** I'm going to tell you what I
19 know about that and see if it helps you out.

20 Did C-8 report at one point to you that he
21 felt he'd been threatened by Mr. Nadeau in a telephone
22 conversation?

23 **THE COMMISSIONER:** About putting something
24 on the website and that kind of thing.

25 **MR. DUPUIS:** I believe there was -- yes.

1 **MS. DALEY:** So -- and I take it, sir, I
2 think C-8 provided you with a tape. I mean it was clear
3 that a threat of some nature had been made by Mr. Nadeau?

4 **MR. DUPUIS:** Yes, I believe.

5 **MS. DALEY:** And I understand what was
6 upsetting to C-8 was that he'd been told that if he didn't
7 join in with Mr. Nadeau in some lawsuit, his statement was
8 going to be posted on that website.

9 **MR. DUPUIS:** If memory serves me, there was
10 something to that effect, yes.

11 **MS. DALEY:** Right. And I take it sir, as an
12 investigating officer, that type of activity would be very
13 troublesome to you?

14 **MR. DUPUIS:** Yes.

15 **MS. DALEY:** And potentially detrimental to
16 your witness, your complainant and to his charges.
17 Correct?

18 **MR. DUPUIS:** That's correct.

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

21 **MR. DUPUIS:** Thank you.

22 **THE COMMISSIONER:** Mr. Horn?

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

24 **HORN:**

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

1 **MR. HORN:** Good morning.
2 Frank Horn, Coalition for Action.
3 First I'd like to deal with the Leduc
4 matter.

5 **MR. DUPUIS:** Pardon, sir. I didn't hear
6 you.

7 **MR. HORN:** Leduc, Jacques Leduc.

8 **MR. DUPUIS:** Thank you.

9 **MR. HORN:** Yes. If we could look at
10 Document Number 732871?

11 **THE COMMISSIONER:** Is that a new document,
12 sir?

13 **MR. HORN:** I don't know. It's been referred
14 to. It's new, yes.

15 **MR. KOZLOFF:** Exhibit 2609, Bates page 321.

16 **THE COMMISSIONER:** Okay, 2609?

17 **MR. HORN:** Yes.

18 **THE COMMISSIONER:** Twenty-six zero nine
19 (2609), Bates page?

20 **MR. KOZLOFF:** Bates page 321.

21 **THE COMMISSIONER:** Two twenty-one (221).
22 Thank you.

23 **MR. KOZLOFF:** Three two one (321).

24 **THE COMMISSIONER:** Three two one (321). Oh,
25 we were there.

1 Mr. Horn, as time becomes more important, I
2 really would like you to have these things set down, so
3 that we don't waste any time. You could tell me that's the
4 exhibit and there's the page, 321.

5 All right. Is it up on the screen yet?

6 **MR. HORN:** Are these the notes that were the
7 subject of the disclosure dispute?

8 **MR. DUPUIS:** Yes, they were.

9 **MR. HORN:** Okay. And they entail a
10 conversation that took place between Mr. Dunlop and C-16's
11 mother?

12 **MR. DUPUIS:** Yes.

13 **MR. HORN:** Okay. And I understand that as a
14 result of that particular nondisclosure of that document,
15 that gave rise to the matter being terminated?

16 **THE COMMISSIONER:** Well, terminated for the
17 time being.

18 **MR. HORN:** For the time being.

19 **THE COMMISSIONER:** And then there was an
20 appeal.

21 **MR. HORN:** That's right.

22 **THE COMMISSIONER:** And then it came back.

23 **MR. HORN:** That's right.

24 Can we take a look at the Court of Appeal
25 decision, 730442? I don't know what the exhibit number is.

1 **THE COMMISSIONER:** I think it is.

2 **MR. HORN:** I don't know.

3 Is there an exhibit number to that? Oh,
4 it's 730442.

5 **THE COMMISSIONER:** It's a new document.

6 **MR. HORN:** It's a new document.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** Thank you. Exhibit 2640
9 is a decision of the Court of Appeal between *Her Majesty*
10 *the Queen and Jacques Leduc* heard on October 24th and 25th,
11 2002. And, yes there you go.

12 **--- EXHIBIT NO./PIÈCE NO. P-2640:**

13 (730442) - Court of Appeal for Ontario
14 re: Jacques Leduc dated 24 and 25 Oct
15 02

16 **THE COMMISSIONER:** So where do you want to
17 go?

18 **MR. HORN:** If we can look at page 27 of 28
19 pages?

20 **THE COMMISSIONER:** M'hm.

21 **MR. HORN:** Paragraph 144; if I could read
22 that:

23 "That was a fair acknowledgement.
24 Leduc now has Dunlop material and
25 Dupuis notes. The innocuous telephone

1 calls between Dunlop and C-16's mother
2 were at best marginally relevant to the
3 defence. The record discloses that
4 none of the three complainants had any
5 contact with Dunlop. Most important
6 nothing in the evidence suggests that
7 Ms. Hallett -- untimely disclosure will
8 impair Leduc's right to full answer in
9 defence or otherwise prevent him from
10 having a fair trial."

11 Did you ever read that decision or hear
12 about it?

13 **MR. DUPUIS:** I believe I read this decision
14 some time ago.

15 **MR. HORN:** Did you know that the Court of
16 Appeal felt that the evidence that was not disclosed wasn't
17 really as important as it was -- as they thought it would
18 be?

19 **MR. DUPUIS:** That's correct.

20 **MR. HORN:** Pardon?

21 **MR. DUPUIS:** That's correct.

22 **MR. HORN:** You were aware of that.

23 And the evidence, that evidence, from what I
24 understand, was in the possession of Ms. Hallett?

25 **THE COMMISSIONER:** The information you mean

1 of the fact that Dunlop ---

2 MR. HORN: This particular document was in
3 the possession of Ms. Hallett?

4 MR. THOMPSON: Excuse me, I just think we
5 should get the timing down right on this. When -- what
6 we're talking about, when it would have been in the
7 possession of Ms. Hallett. We're talking about the Dunlop
8 materials.

9 MR. HORN: Okay, I'm talking about this
10 particular document here.

11 THE COMMISSIONER: What document there? I'm
12 not ---

13 MR. HORN: I'm talking about the Exhibit
14 2609.

15 THE COMMISSIONER: Okay, so you're talking
16 about -- when did Ms. Hallett come into possession of your
17 notes concerning the incident where you were over at C-2's
18 mum's house and she got a phone call from Dunlop? When
19 would she have received that?

20 MR. DUPUIS: Probably the day when it was
21 brought up in court.

22 MR. HORN: Pardon?

23 MR. DUPUIS: The day that it was brought up
24 in court. I don't know what date that was, or is.

25 MR. HORN: Now, this particular document,

1 when did it go to Ms. Hallett and when did it eventually go
2 to the defence, do you know?

3 **MR. DUPUIS:** And you're referring to the
4 notes of June 15th?

5 **MR. HORN:** Those notes of yours.

6 **MR. DUPUIS:** Ms. Hallett ---

7 **MR. HORN:** Were they ever released to the
8 defence?

9 **MR. DUPUIS:** I believe they were.

10 **MR. HORN:** Okay, do you know -- do you have
11 any idea when?

12 **MR. DUPUIS:** No.

13 **MR. HORN:** But were you the one that gave
14 this document to Ms. Hallett as part of your -- not
15 disclosure but your brief, Crown brief?

16 **MR. DUPUIS:** When, sir?

17 **MR. HORN:** Pardon?

18 **MR. DUPUIS:** What do you ---

19 **MR. HORN:** In preparation for the trial.
20 Prior to that date you would have given this to
21 Ms. Hallett, right?

22 **THE COMMISSIONER:** No, no.

23 **MR. WALLACE:** Obviously not, otherwise they
24 wouldn't have been a stay application.

25 **MR. HORN:** Pardon?

1 **THE COMMISSIONER:** Okay, Mr. Horn, the
2 reason why all this came up at the trial was because it
3 wasn't in the trial brief, in the Crown brief. This page
4 this gentleman has indicated, he omitted to put in and it
5 wasn't until it was raised in court and that he went back
6 and checked over three times, was he able to find it.

7 **MR. HORN:** Okay.

8 **THE COMMISSIONER:** Okay.

9 **MR. HORN:** And when this information was
10 given to Ms. Hallett, was it immediately given to the
11 defence, do you know?

12 **MR. DUPUIS:** I have no idea.

13 **MR. HORN:** When did you realize that the
14 defence finally got a hold of this?

15 **MR. DUPUIS:** I don't know, sir.

16 **MR. HORN:** Were you at court during the
17 whole trial?

18 **MR. DUPUIS:** Again, I have no recollection
19 of when I was in court.

20 **THE COMMISSIONER:** Well, he asked were you
21 there for the whole trial; do you remember?

22 **MR. DUPUIS:** It would be logical that I
23 would have been there, yes, sir.

24 **THE COMMISSIONER:** But you don't remember?

25 **MR. DUPUIS:** But I don't remember.

1 **THE COMMISSIONER:** Okay.

2 **MR. HORN:** Okay, so you would have been in
3 court. Would you have been the primary officer with the
4 Crown during the trial?

5 **MR. DUPUIS:** Yes.

6 **MR. HORN:** So you would have been there with
7 her during the trial and you would have been helping her in
8 organizing her papers and her evidence?

9 **MR. DUPUIS:** Mrs. Hallett's evidence?

10 **MR. HORN:** Well, as she's going through the
11 evidence would you have ---

12 **MR. DUPUIS:** I was assisting her.

13 **MR. HORN:** You'd be sitting next to her?

14 **MR. DUPUIS:** I was assisting her as the
15 Crown Attorney.

16 **MR. HORN:** Pardon?

17 **MR. DUPUIS:** I'd be assisting her as she was
18 the Crown attorney, and I would be assisting her.

19 **THE COMMISSIONER:** And were you sitting at
20 counsel table during the trial?

21 **MR. DUPUIS:** I would believe so.

22 **THE COMMISSIONER:** Okay.

23 **MR. HORN:** So you would be sitting at the
24 counsel table, and would you have -- would you be the one
25 helping to her, to make sure that she'd have all the

1 documents there?

2 **MR. DUPUIS:** Myself and other persons that -
3 - other assistants that she had.

4 **THE COMMISSIONER:** Where are we going with
5 this, Mr. Horn?

6 **MR. HORN:** Well, I'm asking, when did he
7 realize that this document was not there.

8 **THE COMMISSIONER:** When it was raised in
9 court.

10 **MR. HORN:** By who? Do you know who raised
11 it?

12 **THE COMMISSIONER:** Yes, good morning.

13 **MS. ROBITAILLE:** Mr. Commissioner, if it's
14 of assistance to you, the record is clear, there are
15 transcripts, and even if my friend goes to -- flips to the
16 beginning of the Court of Appeal decision, he can see the
17 very clear chronology of the mid-trial disclosure of
18 certain documents.

19 **THE COMMISSIONER:** All right.

20 Mr. Horn, you should know this.

21 **MR. HORN:** I just wanted to know if this
22 officer was aware of this. He was there in court. I just
23 wanted to know what his evidence is as to what happened
24 during the trial.

25 Because what really happens though is

1 eventually there is very serious allegations that stem from
2 this situation. Isn't that right?

3 MR. DUPUIS: Correct.

4 MR. HORN: And so the two of -- you and Ms.
5 Hallett would have been sitting at the desk, the Crown --
6 during the trial, right?

7 MR. DUPUIS: Correct.

8 MR. HORN: And you would be dealing with the
9 documentation?

10 MR. DUPUIS: Correct.

11 MR. HORN: Okay. And when did this -- when
12 did you know in your mind that this document existed? When
13 did you realize that?

14 MR. DUPUIS: In the subject's testimony.

15 THE COMMISSIONER: So when C-2's mother was
16 testifying?

17 MR. DUPUIS: Correct.

18 THE COMMISSIONER: M'hm.

19 MR. HORN: Okay, so when she was testifying,
20 that was when you realized that you had that document?

21 MR. DUPUIS: Had recollection that something
22 had previously transpired, yes.

23 MR. HORN: Okay. But these are your notes?

24 MR. DUPUIS: Correct.

25 MR. HORN: This is in your handwriting?

1 **MR. DUPUIS:** Correct.

2 **MR. HORN:** So you would have been aware that
3 these notes existed?

4 **MR. WALLACE:** The previous question dealt
5 with the fact of his knowledge of the conversation which
6 didn't necessarily imply the existence of any notes, and
7 you've heard the evidence that it took him three tries to
8 find the notes.

9 **THE COMMISSIONER:** Right. We're splitting
10 hairs here in the sense that when you heard C-2's mother
11 testify, it rang a bell somewhere in your head that, "I
12 remember this and maybe there's something in my notes"?

13 **MR. DUPUIS:** That's correct.

14 **THE COMMISSIONER:** All right. So there you
15 go. Okay.

16 I still don't see where you're going,
17 Mr. Horn.

18 **MR. HORN:** Okay. So the document eventually
19 did wind up in the trial and that gave rise to the eventual
20 trial being stopped.

21 Now, when you were making these notes, do
22 you recall realizing that really all it was was a phone
23 call and there really wasn't very much to it? It wasn't
24 that relevant?

25 **MR. DUPUIS:** I think my thought process at

1 that time wasn't about Mr. Leduc, it was about Mr. Dunlop
2 because I was under the impression there was an order from
3 Cornwall Police that he not speak to our witnesses.

4 **MR. HORN:** So you took this note down.
5 Really, it wasn't anything to do with your preparation for
6 trial. It was -- really you were doing it in order to find
7 out if Mr. Dunlop had made -- had done something wrong. Is
8 that what you were doing?

9 **MR. DUPUIS:** No, it was only recorded in
10 regards to the conversation between ---

11 **THE COMMISSIONER:** C-2's mother.

12 **MR. DUPUIS:** --- this -- C-2's mother and
13 Mr. Dunlop.

14 **MR. HORN:** Thank you.

15 Let's just get on to another subject.

16 **THE COMMISSIONER:** Before we go there, how
17 much longer do you think you're going to be because there's
18 ---

19 **MR. HORN:** Should be 20 minutes, half-an-
20 hour.

21 **THE COMMISSIONER:** We'll take the break
22 then. Thank you.

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

25 This hearing will resume at 11:15 a.m.

1 --- Upon recessing at 11:02 a.m./

2 L'audience est suspendue à 11h02

3 --- Upon resuming at 11:18 a.m./

4 L'audience est reprise à 11h18

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

7 This hearing is now resumed. Please be
8 seated. Veuillez vous asseoir.

9 **JOSEPH BRYAN DUPUIS, Resumed/Sous le même serment:**

10 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

11 **MR. HORN (cont'd/suite):**

12 **MR. HORN:** Just one more question on that
13 topic.

14 When you became aware of what happened to
15 Ms. Hallett because of this non-disclosure, did that give
16 you any feeling that this case is going to get very harsh
17 and hard for anyone that might want to become involved in
18 this case afterwards? If they did this to her for
19 something that was so innocuous ---

20 **THE COMMISSIONER:** If they did what to her?

21 **MR. HORN:** Investigated her.

22 **THE COMMISSIONER:** I'm sorry, Ms. ---

23 **MR. HORN:** Hallett.

24 **THE COMMISSIONER:** --- Ms. Hallett.

25 **MR. HORN:** Yes. Investigated her and she

1 went through a great deal of difficulty as a result of
2 something as innocuous as this bit of evidence that was
3 withheld.

4 **THE COMMISSIONER:** Mr. Thompson?

5 **MR. THOMPSON:** Sorry, I'm still a little bit
6 unclear about what exactly we're talking about here.

7 **MR. HORN:** I'm talking about something that
8 the Court of Appeal said was evidence that was basically
9 not a very -- it was innocuous and what happened was really
10 not that serious as far as the defence was concerned and
11 yet a great deal happened to Ms. Hallett as a result of
12 that. She was put through a great deal of difficulties.

13 Did that put a little bit of fear into you
14 and maybe other police officers that maybe the same thing
15 could happen to you if you make just one little mistake?

16 **MR. DUPUIS:** No, sir.

17 **MR. HORN:** Pardon?

18 **MR. DUPUIS:** No, sir.

19 **MR. HORN:** Another area I'd like to ask you
20 some questions about is the -- and that's the whole issue
21 surrounding your questioning individuals regarding the
22 conspiracy allegations.

23 From what I understand, was there a
24 questionnaire that went out -- questions that went to
25 potential witnesses and that you were basing your questions

1 on that?

2 MR. DUPUIS: No, sir.

3 MR. HORN: No?

4 MR. DUPUIS: A questionnaire for everybody
5 in general?

6 MR. HORN: Or just certain people. Did you
7 give a questionnaire to somebody and say, this is what
8 we're going to question you on?

9 MR. DUPUIS: Each individual had questions
10 put to them.

11 MR. HORN: No, I'm just saying, before you
12 went and saw them, did you -- did you give them a sort of
13 scenario of what was going to happen ---

14 MR. DUPUIS: No, sir.

15 MR. HORN: --- prior to meeting with them?

16 MR. DUPUIS: No, sir.

17 MR. HORN: No?

18 MR. DUPUIS: No.

19 MR. HORN: I thought that was what was
20 happening.

21 What was the questionnaire that was sent
22 out? Who did that go to? The questions -- the series of
23 questions that were given to potential witnesses, what was
24 that all about?

25 MR. WALLACE: There isn't any evidence

1 before the court that -- before you that ---

2 MR. DUPUIS: Nothing was sent out.

3 THE COMMISSIONER: Okay. It's just loose
4 language here.

5 There's no evidence -- but you can ask --
6 did you give any questions to somebody by sending it to
7 them as opposed to presenting it to them on the day of the
8 meeting?

9 MR. DUPUIS: No, sir.

10 MR. HORN: Okay. So it wasn't sent ahead of
11 time and then they would have a chance to look at it and
12 then you're going to come and see them? Isn't that ---

13 MR. DUPUIS: No.

14 MR. HORN: --- they didn't set it up that
15 way?

16 MR. DUPUIS: No.

17 THE COMMISSIONER: No.

18 MR. HORN: Okay. So you gave them a set of
19 questions and you had it all prepared and you put it in
20 front of them?

21 MR. DUPUIS: That's correct.

22 MR. HORN: Okay. Is this a usual technique
23 that's used in order to do interrogations?

24 MR. DUPUIS: No, sir.

25 MR. HORN: Why was there a difference in

1 this situation?

2 **MR. DUPUIS:** There was a decision, I
3 believe, by Inspector Hall to proceed this way to assist
4 them -- and memory.

5 **MR. HORN:** So there was no idea that you're
6 going to see these people and eventually these people may
7 be charged?

8 **MR. DUPUIS:** Pardon, sir?

9 **MR. HORN:** Some of the witnesses that you
10 were going to see, were they potentially going to be
11 charged?

12 **MR. DUPUIS:** Only if there was evidence that
13 would lead us in that direction.

14 **MR. HORN:** Okay, so when you initially went
15 to see them, you said -- let's take a look at Exhibit
16 Number 1238. That's the interview with Claude Shaver.

17 **THE COMMISSIONER:** Well, Claude Shaver's a
18 different story isn't it? Okay, am I mixing that up?

19 **MR. HORN:** No, he's part of the ---

20 **THE COMMISSIONER:** No, no, there were some
21 questions -- I thought there had been some questions mailed
22 to Chief Shaver at one time. I may be wrong. I'll
23 withdraw.

24 And here we go. What's the Exhibit Number?
25 Twelve-thirty-eight (1238)?

1 **MR. HORN:** Twelve-thirty-eight (1238).

2 **THE COMMISSIONER:** Oh now, so this is an
3 audiotaped interview report?

4 **MR. HORN:** That's right.

5 **THE COMMISSIONER:** So this was up here in
6 the Long Sault Detachment on July 9th, 1999, okay.

7 **MR. DUPUIS:** Thank you.

8 **MR. HORN:** Now, this isn't you speaking on
9 the second page, but it's Inspector Hall. You say that --
10 he says that it's -- "strictly a witness". That's the
11 wording that was used.

12 **MR. DUPUIS:** That's what Inspector Hall
13 said.

14 **MR. HORN:** That's right. So when you
15 initially spoke to -- you and Hall spoke to Mr. Shaver, you
16 indicated to him immediately that he was not a suspect?

17 **MR. DUPUIS:** I didn't ---

18 **MR. HORN:** Is that what ---

19 **MR. DUPUIS:** --- I didn't

20 **MR. HORN:** --- that means?

21 **MR. DUPUIS:** I didn't say that.

22 **MR. HORN:** No, but I'm just saying, is that
23 what that means?

24 **MR. DUPUIS:** You'd have to ask Inspector
25 Hall.

1 **MR. WALLACE:** I think it's important to
2 point out the fact that the purpose of the interview that's
3 stated in the paragraph, that this was not an interview
4 vis-à-vis the conspiracy, it was an interview with respect
5 to sexual assault allegations.

6 **MR. HORN:** So this interview was not part of
7 your gathering of evidence in regards to the conspiracy
8 then?

9 **MR. DUPUIS:** I'm just checking the ---

10 **THE COMMISSIONER:** Well, it says:
11 "We're investigating allegations of
12 historic sexual assault involving
13 clergy and other people in Cornwall
14 area."

15 **MR. DUPUIS:** Sir, your question again, sir,
16 please?

17 **MR. HORN:** I'm just saying, is that part of
18 the questioning in regards to the alleged conspiracy?

19 **MR. DUPUIS:** It appears not to be.

20 **MR. HORN:** Now, what was the purpose of this
21 interview then?

22 **MR. DUPUIS:** Allegations of sexual assault.

23 **MR. HORN:** Okay. So this interview then, it
24 was not part of the -- your trying to find out if there was
25 a conspiracy and there was some coordinated effort on the

1 part of different people in covering up the sexual abuse in
2 this area? That was not part of your -- this is not part
3 of that then?

4 MR. DUPUIS: I believe so.

5 MR. HORN: So you weren't interviewing him
6 with the idea that he may be -- he may be a suspect in the
7 alleged conspiracy?

8 MR. DUPUIS: That's correct.

9 MR. HORN: Okay.

10 Now, if he had been a suspect, you would
11 have dealt with him totally differently wouldn't you?

12 MR. DUPUIS: Inspector Hall, it would have
13 been his call to -- constables don't interview Chiefs of
14 Police.

15 MR. HORN: Okay.

16 THE COMMISSIONER: I know, but you must have
17 had some conversation with Hall before going into this
18 interview?

19 MR. DUPUIS: I would assume so, Mr.
20 Commissioner, but I don't recall what that would be.

21 MR. HORN: So you weren't going in there
22 with the idea that I'm going to interview him because
23 possibly there may be charges against Claude Shaver as a
24 result of your interview?

25 MR. DUPUIS: That's correct.

1 MR. HORN: Pardon?

2 MR. DUPUIS: That's correct.

3 MR. HORN: How would you have done it
4 differently if he had been a suspect?

5 MR. DUPUIS: Again, sir, I wouldn't have
6 been the lead in the questioning, Inspector Hall would have
7 been the lead.

8 MR. HORN: Well, you -- it would be quite
9 different though, wouldn't you?

10 MR. DUPUIS: Again, sir, that would be up to
11 Inspector Hall, how he would proceed.

12 MR. HORN: Okay. Now, the individual who
13 was making the allegations of the conspiracy was Perry
14 Dunlop, right?

15 MR. DUPUIS: Correct.

16 MR. HORN: Okay. Wouldn't you have gone to
17 interview him first?

18 MR. DUPUIS: Interview Perry Dunlop?

19 MR. HORN: Perry Dunlop first, and get his
20 position, and his allegations? Wouldn't you go to see him
21 first?

22 MR. DUPUIS: We had his allegations.

23 MR. HORN: Pardon?

24 MR. DUPUIS: We had his allegations.

25 MR. HORN: I understand, but -- you may have

1 had them, but you would want to go and see him personally,
2 right?

3 MR. DUPUIS: We did.

4 MR. HORN: Okay, but you did it after you
5 met with Shaver?

6 MR. DUPUIS: I don't know what the date
7 was when we ---

8 MR. HORN: Well, there were not -- there was
9 the -- the date of the interview with Shaver was July the
10 9th, 1999, and Mr. Dunlop was on February 23rd, 2000.

11 MR. DUPUIS: Okay.

12 MR. HORN: Okay, so you went -- you saw
13 Claude Shaver first, right?

14 MR. DUPUIS: Yes, sir.

15 MR. HORN: Okay. You weren't going in to
16 see him armed with the information that Perry Dunlop could
17 have given you in an interview?

18 MR. DUPUIS: I don't understand.

19 MR. HORN: I'm saying, you could have gone
20 to see Petty Dunlop, interviewed him. You could have had a
21 list of his allegations, and then you would have been able
22 to go see Claude Shaver and say, "What have you got to say
23 about what Perry is saying?"

24 MR. DUPUIS: Well, sir, we -- we did have
25 that information.

1 **MR. HORN:** You may have had it, but you
2 would have been able to interview Perry Dunlop and had him
3 interviewed, and you would have had that fresh and you
4 would have been able to confront Mr. Shaver with that?

5 **MR. DUPUIS:** Sir, I -- I don't know what
6 you're trying to ask me here.

7 **THE COMMISSIONER:** I think what he's getting
8 at is this; on the conspiracy thing, issue, it seemed that
9 Mr. Dunlop was the main proponent. He was the guy who was
10 really at the forefront of bringing this to light.

11 So, as the complainant, what Mr. Horn is
12 saying, wouldn't it be more logical to go and see
13 Mr. Dunlop and say, "Mr. Dunlop, sit down, and I want to
14 hear everything so that when I go and see ex-Chief Shaver I
15 know everything that I'm supposed to ask him," as opposed
16 to going to see him first and then going to see the -- and
17 put in quotes, "the complainant?" Do you see what I mean?

18 **MR. DUPUIS:** Yes, sir.

19 **THE COMMISSIONER:** Okay. I think that's
20 what he's saying.

21 **MR. HORN:** Yes. Well, yes, but, I mean, did
22 you think of this? Because what I'm getting at it is that
23 you really weren't interested in getting information so you
24 could find that Mr. Shaver was part of a conspiracy, right?
25 That wasn't your purpose ---

1 **MR. DUPUIS:** No, sir.

2 **MR. HORN:** --- in meeting with Shaver?

3 **MR. DUPUIS:** Not at this time.

4 **MR. HORN:** Pardon? Not at this time?

5 **MR. DUPUIS:** No, sir. It states right in
6 the thing that it's the allegations of -- sexual
7 allegations.

8 **MR. HORN:** Okay. So he was just a witness
9 in regards to allegations of sexual abuse?

10 **MR. DUPUIS:** That's ---

11 **MR. HORN:** But the information that you
12 would have gathered in this interview, would it have been
13 used eventually in establishing a case for conspiracy?

14 **MR. DUPUIS:** If there was information
15 possibly contained in that statement, yes.

16 **MR. HORN:** In your questioning, were you
17 going in that direction?

18 **MR. DUPUIS:** Sir, I didn't do the
19 questioning; Inspector Hall ---

20 **THE COMMISSIONER:** Well, I was just looking
21 at that. There are, roughly, 14 pages? And, more or less,
22 you asked -- you talk for -- you take over near
23 the -- about halfway through and you ask all the rest of
24 the questions.

25 **MR. DUPUIS:** Okay, I'm sorry. I wasn't

1 aware.

2 **THE COMMISSIONER:** No, no, no, and I
3 understand that. I understand that.

4 **MR. HORN:** Okay, so you were there with Hall
5 and the two of you went in together to interview
6 Mr. Shaver?

7 **MR. DUPUIS:** That's correct.

8 **MR. HORN:** That's right. And you didn't go
9 there with the idea of, what we're going to find out is
10 we're going to get to the low-down on what's going on in
11 these conspiracy allegations? That wasn't your intention,
12 was it?

13 **THE COMMISSIONER:** Mr. Horn, you've made the
14 point. Let's move on.

15 **MR. HORN:** All right.

16 I'm just saying, if you would have gone in
17 there, and you were going to lay charges, you would have
18 interviewed him, maybe using one of your interrogation
19 techniques that you've learned, right, as a police officer?

20 **MR. DUPUIS:** Possibly.

21 **MR. HORN:** Okay.

22 Now, let's get to the Father Charles
23 situation, the Charles MacDonald situation.

24 Prior to the stay application, or success of
25 the stay application, how long were you working on this

1 file?

2 MR. DUPUIS: September '97.

3 MR. HORN: So how many years were you on it?

4 THE COMMISSIONER: When was the stay, sir?

5 MS. DALEY?: May '02.

6 MR. HORN: May '02? So how long were you on
7 the file?

8 THE COMMISSIONER: Roughly, five years.

9 MR. HORN: Five years.

10 THE COMMISSIONER: Four and a half years,
11 right?

12 MR. HORN: And you were on it from the
13 beginning, pretty well the beginning?

14 MR. DUPUIS: I started the Project Truth
15 September 11th, '97.

16 MR. HORN: Okay. So you had been working on
17 it? There were quite a few of you police officers worked
18 on this case, and you were really determined that you were
19 going to going to get a conviction? Is that right? That's
20 the purpose, isn't it, of investigation and laying charges,
21 to get a conviction?

22 MR. DUPUIS: Only if there's evidence enough
23 to lay a charge, you know.

24 MR. HORN: So you did lay charges?

25 MR. DUPUIS: Yes, sir.

1 **MR. HORN:** So you felt that there was enough
2 evidence to convict, right?

3 **MR. DUPUIS:** Yes, sir.

4 **MR. HORN:** So then you went ahead with it,
5 and you were going towards it, and then you find out that
6 there's a possibility that this -- these charges may be
7 stayed because of delay?

8 **MR. DUPUIS:** Correct.

9 **MR. HORN:** Did you do anything about telling
10 the Crown, "We'd better move on this thing right away."

11 **MR. DUPUIS:** No, sir, I didn't.

12 **MR. HORN:** "We've got to push it, because
13 there's a fear that -- among the police officers, that this
14 thing is just going to fall apart"?

15 **THE COMMISSIONER:** Was there a fear amongst
16 the police officers that there was going to be a delay
17 argument?

18 **MR. DUPUIS:** Not at that time, Mr.
19 Commissioner.

20 **THE COMMISSIONER:** What time are we talking
21 about?

22 **MR. DUPUIS:** Not to me, anyways, prior to
23 Mr. Neville's application.

24 **MR. HORN:** So there was no fear whatsoever?

25 **MR. DUPUIS:** Not for me, sir.

1 **MR. HORN:** Okay. What about the other
2 police officers? Did they fear that this has been going
3 on for five, six years now and there's a possibility that
4 this thing might fall apart right near the end?

5 **THE COMMISSIONER:** Did anybody ---

6 **MR. HORN:** Was there a fear?

7 **THE COMMISSIONER:** Did anybody ever voice
8 that concern to you?

9 **MR. DUPUIS:** I don't recall.

10 **MR. HORN:** Okay. So when you heard the
11 conversation in the hallway, between Mr. Neville and
12 Mr. Pelletier, at that time did you think that there was a
13 possibility that there would be a problem?

14 **MR. DUPUIS:** Not at that ---

15 **THE COMMISSIONER:** A problem about?

16 **MR. HORN:** Of delay, and the case falling
17 apart?

18 **MR. DUPUIS:** No, sir.

19 **MR. HORN:** Pardon?

20 **MR. DUPUIS:** No, sir.

21 **MR. HORN:** You had none?

22 **MR. DUPUIS:** No, sir.

23 **MR. HORN:** Okay. Then what did you think
24 the discussion was about then, about this 11(b)
25 application -- I mean, 11(b) waiver? So it didn't mean

1 anything to you?

2 MR. DUPUIS: Well, of course, it meant
3 something to me, but I felt that it would be addressed at a
4 later date by Mr. Pelletier.

5 MR. HORN: So you didn't think that, "Oh-oh,
6 there could be a problem here"?

7 MR. DUPUIS: Not at that time.

8 MR. HORN: Not at that time? Did you think
9 that it could -- did you go back to maybe the other
10 officers and say, "Hey, we'd better talk to the Crown and
11 see if there is a problem here"?

12 MR. DUPUIS: No, I did not.

13 MR. HORN: You didn't do that?

14 MR. DUPUIS: No, I did not.

15 MR. HORN: When you heard that, you didn't
16 go to your other officers and say, "We'd better move on
17 this thing right away"?

18 MR. DUPUIS: No, sir.

19 MR. HORN: Pardon?

20 MR. DUPUIS: No, sir.

21 MR. HORN: And if this -- so you're saying
22 you left all of that decision-making in the hands of the
23 Crown?

24 THE COMMISSIONER: Well ---

25 MR. HORN: You didn't have anything to do

1 with it, you just said, "That's the job of the Crown, to
2 make those decisions"?

3 **THE COMMISSIONER:** Mr. Horn, first of all,
4 from what I can understand from this witness, his belief,
5 after whatever transpired between the Crown and Mr. Neville
6 in that fateful discussion, was that they would be having
7 one trial and the 11(b) argument would be irrelevant. So
8 why ---

9 **MR. HORN:** Irrelevant in what ---

10 **THE COMMISSIONER:** Would not be raised, or
11 was waived, and so why -- if that's what he had in mind, I
12 mean, why would he go back to his officers and say, "We'd
13 better hurry up"?

14 **MR. HORN:** So in his mind, "We don't have
15 anything to worry about"?

16 **THE COMMISSIONER:** I don't know. You can
17 ask him, but ---

18 **MR. HORN:** Is that what it is? "We don't
19 have to worry about it"?

20 **MR. DUPUIS:** Not at that time, sir.

21 **MR. HORN:** Pardon?

22 **MR. DUPUIS:** Not -- not then.

23 **MR. HORN:** Okay, so when did you start
24 realizing there was going to be a problem? ...

25 **MR. DUPUIS:** When Mr. Neville brought his

1 application before the court.

2 MR. HORN: Only then you realized it?

3 MR. DUPUIS: That's correct.

4 MR. HORN: Okay. And when did the two cases
5 -- when were they married together or put together?

6 MR. DUPUIS: I don't know the date, sir.

7 MR. HORN: Pardon?

8 MR. DUPUIS: I don't know the date.

9 MR. HORN: Who made that decision?

10 MR. DUPUIS: I would assume the Crown did.

11 MR. HORN: Okay. So you have a number of
12 charges in which the delay would be many years -- or maybe
13 a longer time, and yet you're marrying those cases to one
14 that has a shorter time period, right?

15 THE COMMISSIONER: You've got -- I think
16 what he's trying to say is that you had charges that had
17 been outstanding for awhile and you put in -- someone adds
18 other charges to it along the way. And, obviously, the
19 ones that were added along the way did not have the length
20 of time since the first charge, right? So the first charge
21 would be outstanding longer than the new ones that were
22 added on?

23 MR. DUPUIS: Correct.

24 MR. HORN: That's right. That's right. So
25 you have -- so you're saying that the chances of the new

1 charges being stayed because of delay are less than the
2 ones that had been going on for five or six years now?

3 **MR. DUPUIS:** If they stand by themselves.

4 **MR. HORN:** That's right. So it would be
5 wise if you really want to get a conviction, don't marry
6 them together and don't consolidate them, but keep them
7 separate if you really want to get a conviction.

8 **THE COMMISSIONER:** Ah, here we go.

9 **MR. WALLACE:** All of that would be true if
10 that decision was ---

11 **THE COMMISSIONER:** Mr. Horn, this gentleman
12 is an investigator.

13 **MR. HORN:** I understand that.

14 **THE COMMISSIONER:** Well, then why are you
15 asking ---

16 **MR. HORN:** I just want to know if -- he's
17 been around, you know, he knows -- he must know something.
18 There's got to be talk between him and the Crown.

19 **THE COMMISSIONER:** Did you have any
20 discussions with the Crown at any time about delay
21 arguments and whether or not you want -- there was a merger
22 of the charges?

23 **MR. DUPUIS:** No.

24 **THE COMMISSIONER:** Did he ever consult ---

25 **MR. DUPUIS:** No, Mr. Commissioner. There

1 was not.

2 **THE COMMISSIONER:** He wasn't consulted, Mr.
3 Horn.

4 **MR. HORN:** He wasn't consulted.

5 **THE COMMISSIONER:** Can we move on?

6 **MR. HORN:** Okay. I just have one other area
7 I'm interested in.

8 This is in regards to -- I think that this
9 is -- there may be monikers. Do you -- okay.

10 This is the investigation that you were
11 doing in regards to things that were occurring in the fire
12 department. Do you remember that?

13 **THE COMMISSIONER:** The what?

14 **MR. HORN:** The ---

15 **THE COMMISSIONER:** The fire department?

16 **MR. HORN:** Well, let's pull these documents;
17 Number 733621. Okay 733621.

18 **MS. DALEY:** Twenty-six-ten (2610)

19 **THE COMMISSIONER:** Exhibit 2610? Thank you.
20 Twenty-six-ten (2610). All right. What page, sir?

21 **MR. HORN:** Page 10 on his numbers, but it's
22 ---

23 **THE COMMISSIONER:** Seven-one-three ---

24 **MR. HORN:** Three-forty-six (346) and 347.

25 **THE COMMISSIONER:** Okay. So we're there.

1 We're on the screen.

2 MR. HORN: Okay. Let's look on page 10, the
3 next page, top line.

4 THE COMMISSIONER: This is page 10, top
5 line. It says "August 17th, 1998"?

6 MR. HORN: That's right.

7 THE COMMISSIONER: Okay. Oh, okay.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. HORN: Top page -- or top line on page
10 11.

11 THE COMMISSIONER: Okay. So the question
12 is?

13 MR. HORN: What I'm asking is this. You see
14 the nature of the allegations?

15 MR. DUPUIS: Yes, sir.

16 MR. HORN: What did you think when you heard
17 these kinds of allegations of a satanic cult? Have you
18 ever been involved in anything like this before -- in this
19 kind of an investigation?

20 MR. DUPUIS: I believe I was, years prior to
21 this.

22 MR. HORN: Prior to this?

23 Is there any training with the police in
24 regards to these kinds of allegations, how to deal with
25 them? Are they dealt with differently?

1 **MR. DUPUIS:** I didn't receive any training
2 and I don't believe there -- I don't know if there is
3 training in regards to this nature.

4 **MR. HORN:** Did this ever get -- go anywhere?

5 **MR. DUPUIS:** I think the information was
6 deferred to Inspector Hall and he dealt with this
7 situation.

8 **MR. HORN:** You didn't have anything to do
9 with it? Once you heard this, you never went any further
10 on it?

11 **MR. DUPUIS:** No. It was -- Inspector Hall
12 was advised of the situation and I believe he dealt with it
13 himself in another manner.

14 **MR. HORN:** Okay. So you just -- you left
15 this to other people? You didn't follow up on that
16 yourself?

17 **MR. DUPUIS:** That's correct.

18 **MR. HORN:** Okay. Thank you.

19 **THE COMMISSIONER:** Thank you.

20 Mr. -- Mr. Lee? Sorry.

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

22 **MR. LEE:** Can you give me just one moment to
23 get organized please, sir?

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. LEE:** Thank you.

1 Good morning, Mr. Commissioner.

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

3 **MR. LEE:** Mr. Dupuis, my name is Dallas Lee.
4 I'm counsel to the Victims Group.

5 I have a few areas I'd like to touch with
6 you and I'll try to move as efficiently as I can through
7 it.

8 I want to start by asking you about your
9 relationship with the Crown Attorney's office generally,
10 okay, so not necessarily in the context of Project Truth
11 but your relationship as a police officer with the Crown
12 Attorney's office.

13 My understanding is that during the course
14 of Project Truth, there was an understanding that, or
15 possibly even an agreement in place, that the Crown
16 Attorney would be consulted on all matters before a charge
17 was laid, except for in a couple of exceptional
18 circumstances where there was imminent harm. Is that
19 right?

20 **MR. DUPUIS:** That's correct.

21 **MR. LEE:** And was that typical of your work
22 outside of Project Truth?

23 **MR. DUPUIS:** No.

24 **MR. LEE:** Then can you help me understand
25 just generally speaking, outside of Project Truth, when you

1 would seek consultation with the Crown?

2 **MR. DUPUIS:** If you needed legal advice on
3 how to proceed on a certain situation, possible charges,
4 timeframes of charges.

5 **MR. LEE:** Can you -- this may be a difficult
6 question to answer and you can tell me that if so. Can you
7 ballpark a percentage, perhaps, of cases you investigated
8 where you would consult with the Crown?

9 **THE COMMISSIONER:** More than ten per cent?
10 You know.

11 **MR. DUPUIS:** In all my career, I think I
12 consulted them twice and both of those situations were on
13 sexual assaults.

14 **MR. LEE:** So you found -- so if I
15 understand, you would have had hundreds if not thousands of
16 investigations, I take it, over the course of your career?

17 **MR. DUPUIS:** Sir ---

18 **MR. LEE:** Many, many investigations. And
19 you can recall sitting here, outside of Project Truth,
20 twice consulting with the Crown?

21 **MR. DUPUIS:** I believe if memory serves me
22 right, it was.

23 **MR. LEE:** And that would have been in
24 relation to a decision to lay or to not lay charges?

25 **MR. DUPUIS:** Not necessarily not lay charges

1 but the appropriate sections.

2 MR. LEE: M'hm. So in your career outside
3 of Project Truth where there was this agreement in place,
4 typically you would do your investigation, you would make a
5 determination on reasonable and probable grounds, and you
6 would decide whether or not to charge?

7 MR. DUPUIS: That's correct.

8 MR. LEE: Without the consultation of the
9 Crown in the vast majority of the cases?

10 MR. DUPUIS: That's correct.

11 MR. LEE: And you understood that that was
12 your role as a police officer?

13 MR. DUPUIS: Correct.

14 MR. LEE: And that you required input from
15 the Crown on that only if it would assist you in some way?

16 MR. DUPUIS: Correct.

17 MR. LEE: And during the course of your
18 career as an example, the Crown was not used as a safety
19 valve to double check your work or anything along those
20 lines. Is that correct?

21 MR. DUPUIS: Correct.

22 MR. LEE: You didn't need input from the
23 Crown unless you needed input from the Crown. Is that
24 fair?

25 MR. DUPUIS: Correct.

1 **MR. LEE:** And you did say that the two times
2 you can recall were in relation to sexual assault
3 investigations?

4 **MR. DUPUIS:** I believe both of them were to
5 that nature.

6 **MR. LEE:** Is that coincidence or is there
7 something about the nature of a sexual assault
8 investigation that might explain why you would have
9 consulted with the Crown in those cases?

10 **MR. DUPUIS:** I think in my mind at that time
11 there may have been a consent issue, so I needed guidance
12 and to clear my mind up where I would go from there.

13 **MR. LEE:** I take it you would have, in your
14 career prior to Project Truth, investigated many more than
15 two sexual assault investigations?

16 **MR. DUPUIS:** Definitely.

17 **MR. LEE:** And you would have laid charges in
18 a number of those?

19 **MR. DUPUIS:** I don't know what the ---

20 **THE COMMISSIONER:** No, no, would you have
21 laid charges of sexual assault against accuseds before?

22 **MR. DUPUIS:** Yes.

23 **THE COMMISSIONER:** Other than the two?

24 **MR. DUPUIS:** Yes.

25 **THE COMMISSIONER:** Okay.

1 **MR. LEE:** My understanding is that you were
2 the lead investigator in the Father Charles MacDonald
3 matter, starting in September of 1997.

4 **MR. DUPUIS:** Yes, sir.

5 **MR. LEE:** And during the course of that
6 investigation you would have interviewed numerous alleged
7 victims?

8 **MR. DUPUIS:** Yes, sir.

9 **MR. LEE:** And this led to further charges
10 being laid against Father MacDonald?

11 **MR. DUPUIS:** Yes, sir.

12 **MR. LEE:** And eventually there was a third
13 set of charges laid in April of 2000?

14 **MR. DUPUIS:** Yes, sir.

15 **MR. LEE:** And if we can take a look, please,
16 at your notes at Exhibit 2613.

17 **THE COMMISSIONER:** Which exhibit?

18 **MR. LEE:** Two six one three (2613).

19 **THE COMMISSIONER:** I'm sorry; 2613.

20 **MR. LEE:** Are you there, sir?

21 **MR. DUPUIS:** Page please, sir?

22 **MR. LEE:** Bates page ending in 785.

23 Madam Clerk, I'm interested in the bottom
24 quarter of the page.

25 You'll see at the bottom of the page,

1 Mr. Dupuis, an entry dated April 10, 2000. Do you see
2 that?

3 MR. DUPUIS: Yes, sir.

4 MR. LEE: And you have:

5 "10-8 to Long Sault re Father Charles
6 MacDonald interview."

7 MR. DUPUIS: Yes, sir.

8 MR. LEE: And you have, at 8:45, the arrival
9 of Charles MacDonald and that he's placed in an interview
10 room.

11 MR. DUPUIS: Yes, sir.

12 MR. LEE: If you go over the page, the top
13 line of that page you note:

14 "Explain that there was new
15 allegation."

16 MR. DUPUIS: Yes, sir.

17 MR. LEE: Do you see that?

18 MR. DUPUIS: Yes, sir.

19 MR. LEE: And if you go down to the 8:50
20 entry, the last three lines of that entry, you note that
21 Charles MacDonald says to you:

22 "I know he was a parishioner at the
23 parish. I deny categorically any
24 sexual involvement with this person."

25 You see that just above 9:02?

1 **MR. DUPUIS:** Yes, sir.

2 **MR. LEE:** And if you turn the page over --
3 so if we stop there, this is the first time that you're
4 advising Charles MacDonald of a new allegation?

5 **MR. DUPUIS:** Personally?

6 **MR. LEE:** Yes.

7 **MR. DUPUIS:** Yes.

8 **MR. LEE:** And you're putting the allegation
9 to him and asking him for comment?

10 **MR. DUPUIS:** Yes.

11 **MR. LEE:** Is that right? And he
12 categorically denies it?

13 **MR. DUPUIS:** Yes.

14 **MR. LEE:** But he does acknowledge that he
15 knows who this person was and that this person was a
16 parishioner?

17 **MR. DUPUIS:** Yes.

18 **MR. LEE:** And if you turn over to the next
19 page, a little bit above midway down -- I'm going to do my
20 -- well, perhaps -- these are your notes; perhaps it would
21 make more sense for you to read it. Do you see the --
22 about five lines below where Madam Clerk has the cursor it
23 begins, "MacDonald said he knew..."

24 Do you see where Madam Clerk has the cursor?

25 **MR. DUPUIS:** Yes, sir.

1 **MR. LEE:** Can you read those next two
2 bullets to us, if you can?

3 **MR. DUPUIS:** "MacDonald ---"

4 **MR. LEE:** It's right at the top of the page
5 now. It's okay.

6 **MR. DUPUIS:** "MacDonald said he knew a
7 police officer he could trust, so he
8 was going to call him, ask him what he
9 should do re court."

10 **MR. LEE:** Continue on, please.

11 **MR. DUPUIS:** "Father Charles very upset
12 with these persons that we knew and
13 asked when we were going to be charged.
14 Did not give any names. Trust that we
15 knew who he was talking about."

16 **MR. LEE:** Okay, you can stop there. Thank
17 you.

18 Do you have any independent recollection of
19 this conversation?

20 **MR. DUPUIS:** No, sir.

21 **MR. LEE:** Just relying on your notes?

22 **MR. DUPUIS:** Yes, sir.

23 **MR. LEE:** And do you have any recollection,
24 or recall having at any point received information about
25 who the police officer that Father MacDonald references

1 here was?

2 **MR. DUPUIS:** No, sir.

3 **MR. LEE:** Do you recall whether or not you
4 asked him about that?

5 **MR. DUPUIS:** I don't recall.

6 **MR. LEE:** And what about the:

7 "Father Charles very upset with these
8 persons that we knew and asked when
9 they were going to be charged."

10 Do you know what he's referring to there?

11 Do you have any recollection?

12 **MR. DUPUIS:** No, sir.

13 **MR. LEE:** Okay.

14 Can I ask you, Mr. Dupuis, to take a look at
15 Exhibit 1395? Once you have that up I'll explain there's a
16 moniker in place here.

17 One three nine five (1395) please.

18 **THE COMMISSIONER:** We're looking at an
19 interview report of C-9.

20 **MR. LEE:** Okay, sir. So this person, as the
21 Commissioner has said, is referred to here as C-9. Okay?

22 **MR. DUPUIS:** Okay.

23 **MR. LEE:** And if you turn over to the -- you
24 can see that this interview was held on June 7th of 2000 in
25 the parking lot -- a parking lot here in Cornwall. You see

1 that?

2 **MR. DUPUIS:** Are you referring to the
3 parking lot, sir?

4 **MR. LEE:** I'm simply pointing out -- just
5 trying to give you some context on what this was to try to
6 refresh your memory.

7 **MR. DUPUIS:** Yeah, okay, sir.

8 **MR. LEE:** Okay. And if you turn over to the
9 second page, please.

10 At the top, Madam Clerk.

11 C-9 tells you in the first bullet:

12 "Has never seen Father MacDonald
13 naked and has never told anyone that he
14 did."

15 **MR. DUPUIS:** That's correct.

16 **MR. LEE:** And the third bullet:

17 "Has spent a lot of time with Father
18 Charlie."

19 **MR. DUPUIS:** Correct.

20 **MR. LEE:** A couple of bullets down, that:

21 "He was an altar boy for a number of
22 years."

23 Do you see that?

24 **MR. DUPUIS:** Correct.

25 **MR. LEE:** And a little bit below halfway on

1 the page there's a bullet that reads:

2 "Silmser did call him at home wanting
3 [C-9] to assist him with his suit."

4 **MR. DUPUIS:** Yes, sir.

5 **MR. LEE:** You see that? And then the three
6 bullets -- the fourth, fifth and sixth-last bullet on the
7 page read:

8 "[C-9] has talked to a victim of Ken
9 Seguin and Malcolm MacDonald. Victim
10 was not identified as he doesn't want
11 to get involved. Both are not around
12 any more, so there is no point anyway."

13 You see that?

14 **MR. DUPUIS:** Yes, sir.

15 **MR. LEE:** So this person was being
16 interviewed as -- in relation to the Silmser allegations
17 against Father MacDonald. Is that your recollection? We
18 have some evidence that this person was identified by
19 Mr. Silmser as somebody who may be a witness to an abuse
20 that may -- that took place -- allegedly took place at a
21 retreat. Okay?

22 **MR. DUPUIS:** Okay.

23 **MR. LEE:** And do you -- if you look, sir, at
24 the first page of the interview report, up the top you'll
25 see the occupation of C-9.

1 **MR. DUPUIS:** Yes, sir.

2 **MR. LEE:** You see that? And did you know
3 this person prior to interviewing him here?

4 **MR. DUPUIS:** I had met him but I believe
5 only on a working basis.

6 **MR. LEE:** In a professional capacity?

7 **MR. DUPUIS:** Yes.

8 **MR. LEE:** Okay. And if you turn back to the
9 second page where I read that C-9 has talked to a victim of
10 Ken Seguin and Malcolm MacDonald, do you recall whether C-9
11 was suggesting that he had spoken to a victim of both Ken
12 Seguin and Malcolm MacDonald, meaning one person who had
13 been abused by both?

14 **MR. DUPUIS:** Could you draw my attention to
15 where you ---

16 **MR. LEE:** The sixth-last bullet on the page.

17 **MR. DUPUIS:** And your question again, sir,
18 please?

19 **MR. LEE:** Whether you recall that C-9 was
20 suggesting that he knew of one person who had been abused
21 by both Ken Seguin and Malcolm MacDonald.

22 **MR. DUPUIS:** I don't recall but it would ---

23 **MR. LEE:** You don't ---

24 **MR. DUPUIS:** --- appear that that's what
25 he's trying to say here.

1 **MR. LEE:** The plain reading suggests that
2 anyway.

3 **MR. DUPUIS:** Yes.

4 **MR. LEE:** Do you recall whether
5 you would have had a -- and the next
6 two bullets suggest that the victim was
7 not identified as the victim doesn't
8 want to get involved and that both are
9 not around any more, so there is no
10 point anyway. Presumably that latter
11 point was something that C-9 was saying
12 to you.

13 **MR. DUPUIS:** That's correct.

14 **MR. LEE:** And do you recall whether or not
15 you had any discussion with C-9 about the possible
16 importance of this alleged victim's information?

17 **MR. DUPUIS:** I don't recall.

18 **MR. LEE:** You don't recall a discussion with
19 him about the importance of Ken Seguin and Malcolm
20 MacDonald to Project Truth generally?

21 **MR. DUPUIS:** No, sir.

22 **MR. LEE:** Do you recall having any
23 discussion with Pat Hall about this interview on this
24 point?

25 **MR. DUPUIS:** Again I don't recall.

1 **MR. LEE:** And if you look up at the top of
2 the page just briefly, that's where he states he's never
3 seen Father MacDonald naked and has never told anyone he
4 did, and he had spent a lot of time with Father Charlie and
5 that he was an altar boy.

6 I take it from this statement it was quite
7 clear that C-9 was not alleging abuse by Father MacDonald?

8 **MR. DUPUIS:** That's correct.

9 **MR. LEE:** And do you have a specific
10 recollection of whether he was asked that question, or just
11 asked generally about what he could add to David Silmsner's
12 story?

13 **MR. DUPUIS:** I'm sorry, I don't recall.

14 **MR. LEE:** You were asked earlier about -- by
15 the Commissioner, I believe, about a situation where -- I
16 believe he's putting it in the context of Perry Dunlop; if
17 he had received information from an alleged victim of abuse
18 who said, "I don't want to come forward, I don't want to be
19 identified" -- what he should have done with it. And
20 I believe your answer was that Dunlop in that case, as a
21 police officer, should have gone and at least reported that
22 information to a superior.

23 **MR. DUPUIS:** Yes.

24 **MR. LEE:** And sought some counsel from the
25 superior?

1 **MR. DUPUIS:** Yes.

2 **MR. LEE:** And possibly tried to make efforts
3 to bring that alleged victim forward and see if there's
4 anything you could do?

5 **MR. DUPUIS:** Yes.

6 **MR. LEE:** And I think you told us that's
7 what you would have done in that situation.

8 **MR. DUPUIS:** Yes.

9 **MR. LEE:** You can put that document away,
10 sir.

11 I want to ask you just very briefly about
12 the evidence you've given relating to a conversation
13 between Mr. Pelletier and Mr. Neville, and I can say at the
14 outset that I'm very mindful of the Commissioner's ruling
15 on that evidence and I will do my best to stay within the
16 confines of that, and I'm certain I'll hear about it if I
17 don't.

18 In January of 1998 you would have understood
19 in general terms that the Charter of Rights and Freedoms
20 protects an accused person's right to be tried within a
21 reasonable time?

22 **MR. DUPUIS:** Yes.

23 **MR. LEE:** And would it have been your
24 understanding that prosecutions should generally proceed as
25 quickly as possible?

1 **MR. DUPUIS:** That's correct.

2 **MR. LEE:** And that laying new charges after
3 a first set of charges are laid would likely cause delays?
4 Or could cause delays, is I suppose a better way of putting
5 it.

6 **THE COMMISSIONER:** Say that again. Laying -
7 --

8 **MR. LEE:** That laying a second set of
9 charges after a first set has already been laid would
10 likely cause delays.

11 **THE COMMISSIONER:** No, not if they proceeded
12 separately.

13 **MR. LEE:** Which is why I reworded my
14 question to "could" ---

15 **THE COMMISSIONER:** Okay.

16 **MR. LEE:** --- cause delays.

17 **THE COMMISSIONER:** Okay.

18 **MR. LEE:** You would have at least been aware
19 that if a first set of charges exists and a second set is
20 laid, there are some considerations to be taken into
21 account?

22 **MR. DUPUIS:** Yes.

23 **MR. LEE:** And some of those would relate to
24 possible delay?

25 **MR. DUPUIS:** Correct.

1 **MR. LEE:** And that jives with the
2 conversation that you heard, relating to whether there
3 would be one trial or two?

4 **MR. DUPUIS:** Correct.

5 **MR. LEE:** And you would have understood one
6 trial means delay because you're going to have to postpone
7 the first set of charges to catch up with the second?

8 **MR. DUPUIS:** Correct.

9 **MR. LEE:** And you would have understood that
10 in any criminal prosecution in the Charter age, delay has
11 the potential of becoming an issue?

12 **MR. DUPUIS:** Yes.

13 **MR. LEE:** And as I understood your evidence
14 to Ms. Daley, I believe you told her that you were not
15 mindful of delay as a factor after the second set of
16 charges was laid in this case.

17 **MR. DUPUIS:** Pardon, sir?

18 **MR. LEE:** I believe your evidence to
19 Ms. Daley was that you were not mindful of delay as a
20 factor in the MacDonald prosecution after the second set of
21 charges was laid.

22 **MR. DUPUIS:** That's correct.

23 **MR. LEE:** And can I suggest to you, sir,
24 that the reason you weren't mindful of delay in that case
25 is because you thought that the 11(b) rights had been

1 waived.

2 **MR. DUPUIS:** No, sir.

3 **MR. LEE:** Okay, if that's not the case why
4 were you not mindful of delay then?

5 **MR. DUPUIS:** I thought that would be a
6 decision that would have to be taken by the Crown that was
7 in charge of the matter at that time.

8 **MR. LEE:** Is the easiest way to put it that
9 it wasn't your problem?

10 **MR. DUPUIS:** Basically.

11 **MR. LEE:** So it's not that you -- had you
12 been questioned about it that you wouldn't have appreciated
13 that delay might be an issue. It's just not something you
14 needed to worry about?

15 **MR. DUPUIS:** I didn't take it as an issue
16 that I'd have to deal with personally.

17 **MR. LEE:** Sir, your time at the Inquiry
18 began with a voir dire that was held in camera, and that
19 lasted most of a day. You recall that?

20 **MR. DUPUIS:** Yes, sir.

21 **MR. LEE:** And do you recall being excused
22 from the room several times while counsel made argument?

23 **MR. DUPUIS:** Yes, sir.

24 **MR. LEE:** And did you appreciate, during the
25 course of that voir dire, that your evidence on this point

1 was a matter of some concern?

2 MR. DUPUIS: Yes, sir.

3 MR. LEE: And you became aware at the end of
4 that voir dire that the Commissioner ruled that the
5 evidence would be heard?

6 MR. DUPUIS: Correct.

7 MR. LEE: And you appreciated that evidence
8 would be heard publicly?

9 MR. DUPUIS: Yes, sir.

10 MR. LEE: When you began your evidence here
11 on that point with Mr. Dumais in-chief, were you a little
12 bit nervous, sir?

13 MR. DUPUIS: Yes, sir.

14 MR. LEE: And one of the things that
15 happened when you began that evidence is that you initially
16 stated that you heard Mr. Neville say that he would
17 possibly waive the 11(b) rights.

18 MR. DUPUIS: I made a mistake there, sir.

19 MR. LEE: And your recall is that he said he
20 would, not that he possibly would?

21 MR. DUPUIS: That's correct.

22 MR. LEE: And that's what you had in your
23 mind?

24 MR. DUPUIS: That's correct.

25 MR. LEE: Okay.

1 Moving on to the -- just briefly to an issue
2 with the Shelley Hallett evidence you've given us. You
3 told us Ms. Hallett's reaction to the OPP disclosure of the
4 memo to Mr. Campbell and Mr. Skurka. You recall that?

5 **MR. DUPUIS:** Yes.

6 **MR. LEE:** And she was very upset.

7 **MR. DUPUIS:** Yes, after the charges were
8 stayed.

9 **MR. LEE:** Well, she was upset at the time
10 she learned the memo was released to the defence. Isn't
11 that fair?

12 **MR. DUPUIS:** She didn't direct any anger to
13 me.

14 **THE COMMISSIONER:** No, no. We know that.
15 You're in the room with her, though, when she comes out of
16 the courtroom and she says a number of things; right?

17 **MR. DUPUIS:** I believe that was the date
18 that the charges were actually stayed.

19 **THE COMMISSIONER:** Okay.

20 **MR. LEE:** I may have misunderstood the
21 evidence on that. So I understand your evidence very
22 clearly on what happened with the meeting with Mr. Skurka
23 and Mr. Campbell, and you going to Ms. Hallett's hotel room
24 and getting a copy of the memo. I understand all of that.

25 When did Ms. Hallett first learn that you

1 provided a copy of that memo to the defence?

2 MR. DUPUIS: I don't know, sir.

3 MR. LEE: Do you recall if it was before the
4 stay application was argued?

5 MR. DUPUIS: I don't know, sir.

6 THE COMMISSIONER: The stay? The wilful ---

7 MR. LEE: The wilful nondisclosure issue was
8 argued, which was the next day I believe.

9 THE COMMISSIONER: I would suspect that that
10 document was used in the proceedings.

11 MR. LEE: That's what I'm -- my next
12 question was going to be whether it's possible that the
13 fact that the defence had that document came as a surprise
14 to Ms. Hallett while sitting in the courtroom. Do you
15 know that?

16 MR. DUPUIS: I don't know that, sir.

17 MR. LEE: You don't recall whether the
18 discussion with her, where she expressed her frustration
19 with that memo being turned over, was before or after the
20 proceeding?

21 MR. DUPUIS: The frustration that I
22 witnessed was after.

23 MR. LEE: Okay. Did you make any
24 observations about the pressures that Ms. Hallett was
25 facing during the course of this prosecution?

1 **MR. DUPUIS:** Yes, sir.

2 **MR. LEE:** And you'll agree that this was a
3 high-profile prosecution?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. LEE:** Did you have any concerns about
6 any difficulty Ms. Hallett was having coping with that
7 prosecution?

8 **MR. DUPUIS:** I believed she could have used
9 more assistance in her prosecution.

10 **MR. LEE:** More ---

11 **MR. DUPUIS:** Because the day that this
12 happened I believe she was by herself in the courtroom.

13 **THE COMMISSIONER:** More assistance? You
14 mean another Crown ---

15 **MR. DUPUIS:** Another Crown attorney
16 assisting her.

17 **THE COMMISSIONER:** Okay.

18 **MR. LEE:** I believe your evidence has been
19 that you didn't appreciate that there were any tensions
20 between Ms. Hallett and any member of the OPP prior to what
21 happened -- the comments she made relating to Officer Hall.
22 Is that correct?

23 **MR. DUPUIS:** That's correct.

24 **MR. LEE:** And what about between Ms. Hallett
25 and defence counsel?

1 **MR. DUPUIS:** Mr. Skurka and Mr. Campbell?

2 **MR. LEE:** Yes.

3 **MR. DUPUIS:** I wasn't aware of any.

4 **MR. LEE:** No. So by the time, essentially
5 by the time -- never mind.

6 Madam Clerk, can the witness be shown the
7 moniker C-69 please? Do you have that, sir?

8 **MR. DUPUIS:** Yes, sir.

9 **MR. LEE:** And you recall you were asked some
10 questions about C-69 having contacted the OPP in relation
11 to allegations against Romeo Major?

12 **MR. DUPUIS:** That's correct.

13 **MR. LEE:** Is that right? And you would have
14 interviewed her on April 18th of 2000. Okay, I can tell you
15 that from the documents. And you told us that she refused
16 to give a formal statement on that date. Is that right?

17 **MR. DUPUIS:** That's correct.

18 **MR. LEE:** And what you told us here was that
19 she was a very fragile person and it was very difficult to
20 have her come forward?

21 **MR. DUPUIS:** That's correct.

22 **MR. LEE:** Do you recall that? And in the
23 end you were never able to get a formal statement out of C-
24 69. Is that correct?

25 **MR. DUPUIS:** That's correct.

1 **MR. LEE:** Can you tell me -- you tell us
2 that she was very fragile and very difficult to have her
3 come forward, did that have a -- did your impression of her
4 as being fragile have an impact on her credibility in your
5 mind?

6 **MR. DUPUIS:** It may have been in the back of
7 my mind, sir.

8 **MR. LEE:** And the -- I suppose the real
9 question I want to ask you is; is you saying she was a
10 fragile person a nice way of saying you didn't believe her?

11 **MR. DUPUIS:** No, sir.

12 **MR. LEE:** So this wasn't something that you
13 dismissed out of hand immediately upon hearing?

14 **MR. DUPUIS:** No, sir. I think if you look
15 through there, you'll see that we tried to have her see a
16 therapist.

17 **MR. LEE:** And if we look -- perhaps in the
18 interests of saving time because I don't think this is
19 going to be controversial, Mr. Commissioner, at Exhibit
20 2613 we have a note that the interview was on April 18th.
21 We have notes on April 28th, May 15th, May 24th and June 7th
22 of attempts by Officer Dupuis to reach C-69. Does that
23 sound about right to you, that you would have made several
24 attempts ---

25 **MR. DUPUIS:** Yes, sir.

1 **MR. LEE:** --- to reach her? And you weren't
2 successful. Is that right?

3 **MR. DUPUIS:** That's correct.

4 **MR. LEE:** And do you understand that at some
5 point, Pat Hall spoke with a doctor who was treating C-69
6 and was advised that she was not mentally fit to be
7 involved in a legal process and not capable of
8 participating?

9 **MR. DUPUIS:** I don't recall that, sir.

10 **MR. LEE:** You don't recall that? Okay.

11 And so what you can tell us then is that you
12 interviewed C-69, that you were interested in having her
13 make a statement, and that she was unable to?

14 **MR. DUPUIS:** Yes, sir.

15 **MR. LEE:** And I think you told us you had
16 questions about credibility in the back of your mind but
17 nonetheless, you were interested in following up?

18 **MR. DUPUIS:** We could maybe possibly
19 substantiate some of her beliefs.

20 **MR. LEE:** You told us during your evidence
21 in-chief in discussing the Leduc matter about a few things
22 that happened. One of them, you told us that during an
23 interview of C-17, Mr. Leduc came to the residence?

24 **MR. DUPUIS:** I don't recall who C-17 is but
25 there was a ---

1 **THE COMMISSIONER:** Whoa, whoa.

2 **MR. LEE:** We'll stop there.

3 If we can -- I'm also going to be referring
4 to ---

5 **MR. DUPUIS:** Okay.

6 **THE COMMISSIONER:** Hold on. Hold on now.

7 **MR. LEE:** --- someone who apparently doesn't
8 have a moniker. C-17 to start with. You have the name of
9 C-17 in your mind?

10 **MR. DUPUIS:** Yes.

11 **MR. LEE:** And you'll recall that when taking
12 a statement from C-17, Mr. Leduc came to the residence?

13 **MR. DUPUIS:** That's correct.

14 **MR. LEE:** And do you recall that another
15 time while interviewing another person, Mr. Leduc
16 telephoned the residence ---

17 **MR. DUPUIS:** That's correct.

18 **MR. LEE:** --- to speak to that person?

19 And you also told us that during your
20 dealings with the Leduc matter, there was at one point --
21 C-17 received a death threat?

22 **MR. DUPUIS:** That's correct.

23 **MR. LEE:** And you made efforts to
24 investigate who that may have come from and ---

25 **MR. DUPUIS:** That's correct.

1 **MR. LEE:** --- were unable to do so.

2 And you also told us that -- of a meeting
3 that Mr. Leduc's wife attempted to have with C-22?

4 **MR. DUPUIS:** That's correct.

5 **MR. LEE:** Do you recall that?

6 **MR. DUPUIS:** Yes.

7 **MR. LEE:** And in relation to the proposed
8 meeting between C-22 and Mr. Leduc's wife, you told us that
9 you set up surveillance, that Mr. Leduc's wife arrived at
10 the location of the meeting and that C-22 did not?

11 **MR. DUPUIS:** That's correct.

12 **MR. LEE:** Had C-22 indicated to you that he
13 would attend the meeting?

14 **MR. DUPUIS:** I believe he did that or we
15 wouldn't have set up the surveillance.

16 **THE COMMISSIONER:** Did he know that you were
17 setting up a surveillance?

18 **MR. DUPUIS:** Yes.

19 **THE COMMISSIONER:** Okay.

20 **MR. LEE:** And do you recall whether or not
21 you explained to C-22 the potential importance of meeting
22 with Mr. Leduc's wife?

23 **MR. DUPUIS:** I think we left it up to him.
24 I think he had some concerns of safety. I don't know what
25 those concerns were.

1 **MR. LEE:** So C-22 was at least apprehensive
2 about attending the meeting?

3 **MR. DUPUIS:** Yes.

4 **MR. LEE:** And did you make a request that he
5 would attend the meeting?

6 **MR. DUPUIS:** Again, sir, I think we left it
7 up to him to decide. I think we asked him -- or advised
8 him that we would have liked to know what the request was
9 about and ---

10 **MR. LEE:** I understand the meeting never
11 took place, nevertheless, did you ever question Mr. Leduc's
12 wife ---

13 **MR. DUPUIS:** No, no.

14 **MR. LEE:** --- about that issue? Did you
15 ever question Mr. Leduc about it?

16 **MR. DUPUIS:** No.

17 **MR. LEE:** Do you recall if you ever
18 questioned Mr. Leduc about the phone call that came in
19 while you were interviewing a witness and the visit to the
20 home that occurred when you were interviewing one of the
21 alleged victims?

22 **MR. DUPUIS:** That never came up in his
23 caution statement because I think he refused to give us a
24 statement.

25 **MR. LEE:** Okay. And I take it then the

1 answer would obviously be the same if you questioned Mr.
2 Leduc or Mrs. Leduc about any knowledge they may have had
3 about the threatening letter?

4 **MR. DUPUIS:** That's correct.

5 **MR. LEE:** You would have dealt rather
6 extensively with a number of complainants in relation to
7 the Charles MacDonald prosecution and the Jacques Leduc
8 prosecution?

9 **MR. DUPUIS:** Yes.

10 **MR. LEE:** Is that correct? An both of those
11 prosecutions failed?

12 **MR. DUPUIS:** That's correct.

13 **MR. LEE:** And did you speak with or meet
14 with any of the complainants in those prosecutions after
15 their failure?

16 **MR. DUPUIS:** Yes.

17 **MR. LEE:** And what was the purpose of those
18 meetings?

19 **MR. DUPUIS:** To try to explain to them what
20 had transpired.

21 **MR. LEE:** And did you make any observations
22 about the reaction to the outcome by the complainants?

23 **MR. DUPUIS:** They ranged differently. Some
24 of them broke down and cried.

25 **MR. LEE:** Do you recall any context -- any

1 contacts with the complainants prior to the prosecution's
2 having failed in the sense of, were they made aware in
3 advance that an application would be brought and the
4 potential effect of the application if successful?

5 **MR. DUPUIS:** I don't recall.

6 **MR. LEE:** Would you agree with me that going
7 forward it would be a good idea for the justice system to
8 ensure that complainants in a criminal matter are advised
9 in advance of an application of that nature and prepared
10 for the potential consequence?

11 **MR. DUPUIS:** Basically, given a heads up
12 where this could possibly be going to?

13 **MR. LEE:** Yes.

14 **MR. DUPUIS:** Is that what you're referring
15 to, sir?

16 **MR. LEE:** Yes.

17 **MR. DUPUIS:** I'd probably think that that
18 would assist them, yes.

19 **MR. LEE:** If I can draw on your experience
20 and ask you for some advice for a moment, do you have any
21 suggestions on how the system may best make that happen;
22 who should do it?

23 **MR. DUPUIS:** I don't know if the police
24 would be best suited for that situation or maybe the police
25 in conjunction with a victims' assistance group or somebody

1 to ---

2 MR. LEE: I take it during the course of
3 your career it would have happened at times that you
4 would've come to know some of these complainants rather
5 well during the course of your investigation?

6 MR. DUPUIS: Yes, sir.

7 MR. LEE: And you would have formed some
8 kind of rapport with them?

9 MR. DUPUIS: Yes, sir.

10 MR. LEE: And more than that, you would have
11 quite intentionally attempted to form a rapport in order to
12 facilitate your investigation?

13 MR. DUPUIS: Yes, sir.

14 MR. LEE: And you would have attempted to
15 support these people as best you could?

16 MR. DUPUIS: Oh, yes, sir.

17 MR. LEE: And so I take it you would agree
18 that there's some good reason to have the investigating
19 officer involved in that process?

20 MR. DUPUIS: Yes, sir.

21 MR. LEE: And I take it you would also agree
22 that there are some problems with the system as it
23 currently exists in terms of workload and in terms of case
24 files that would make it quite difficult for ---

25 MR. DUPUIS: I think that could apply

1 probably any police force in Canada.

2 MR. LEE: One of the people that I represent
3 at this Inquiry is a woman named Cindy Burgess Lebrun;
4 okay?

5 MR. DUPUIS: Yes.

6 MR. LEE: And do you recall Mrs. Lebrun?

7 MR. DUPUIS: Yes.

8 MR. LEE: And you understand that she is a
9 victim of Jean-Luc Leblanc?

10 MR. DUPUIS: Yes.

11 MR. LEE: And that she was one of the
12 complainants in a prosecution, and a conviction was secured
13 in relation to her?

14 MR. DUPUIS: I believe that would have been
15 a Cornwall investigation. Is that the one you're referring
16 to?

17 MR. LEE: You're generally aware, however,
18 that ---

19 MR. DUPUIS: Pardon?

20 MR. LEE: You're generally aware that she
21 was a criminal complainant?

22 MR. DUPUIS: Yes.

23 MR. LEE: And you would have interviewed Ms.
24 Lebrun in 1999?

25 MR. DUPUIS: I believe that occurred in

1 Prescott.

2 MR. LEE: Yes, she was living in Prescott.

3 Are you aware that Ms. Lebrun testified here
4 at this Inquiry?

5 MR. DUPUIS: No.

6 MR. LEE: And one of the things that she
7 told us that I need to put to you is that she has a very
8 specific recollection of you and Officer Seguin coming to
9 her home in Prescott and knocking on her door and asking
10 her questions about Jean-Luc Leblanc as part of your
11 investigation; okay?

12 And she described that as the first day of
13 the rest of her life -- and not in a good way -- and she
14 told us here that it was like she had been hit by a train
15 when she got that knock on the door because it was
16 unexpected and she didn't know it was coming.

17 And my only question for you, having been
18 told that information, is would you agree with me that it
19 would have been possible to telephone Mrs. Lebrun in
20 advance and advise her that you wanted to speak with her?

21 MR. DUPUIS: If memory serves me right, I
22 think we did but, again, I'm not 100 percent sure about
23 that.

24 MR. LEE: The -- as I said, I'm relying on
25 the evidence of Ms. Lebrun and I've reviewed your notes and

1 as far as I can tell, there's reference to Ms. Lebrun in
2 February 9, '99; just a very brief reference. It doesn't
3 even explicitly set out in the notes that you were at her
4 door or whether you telephone called or anything else and
5 then the interview the next day which is -- as she
6 remembered, it that there was a visit and an interview set
7 up at the detachment for the next day and, as I said, my
8 only question for you is, would you agree that it would at
9 least be possible to telephone a potential victim of abuse
10 in advance to let them know you need to speak with them?

11 **MR. DUPUIS:** Yes.

12 **MR. LEE:** And would you agree with me that
13 if there's any possibility that this person may be a victim
14 of abuse and has not been through the justice system before
15 in relation to that matter, that would be preferable?

16 **MR. DUPUIS:** Whatever easiest way for them
17 to deal with the situation, I suppose, would be preferable.

18 **MR. LEE:** Were you present for any of the
19 evidence of Randy Millar at this Inquiry?

20 **MR. DUPUIS:** No.

21 **MR. LEE:** No. Are you aware that Officer
22 Millar was investigated by the Professional Standards
23 Bureau in relation to the Jean-Luc Leblanc matter?

24 **MR. DUPUIS:** Yes.

25 **MR. LEE:** And if we can turn up, Madam

1 Clerk, Exhibit 2510.

2 **THE COMMISSIONER:** How much longer, Mr. Lee?

3 **MR. LEE:** Ten (10) to 15 minutes perhaps.

4 **THE COMMISSIONER:** Well, we'll go another
5 five, then we'll take the lunch break.

6 **MR. LEE:** All right.

7 Are you there, sir?

8 **MR. DUPUIS:** We're at 25:10, sir?

9 **MR. LEE:** Yeah, and if you can turn to Bates
10 page 381; it's page 52 of the document. Are you there,
11 sir?

12 **MR. DUPUIS:** Yes, sir.

13 **MR. LEE:** So as I said, this relates to a
14 PSB investigation of Randy Millar, but there are some
15 comments that apply to the Project Truth investigation of
16 Leblanc.

17 And if you look at the paragraph beginning
18 below the middle of the page, they find above that that
19 there's sufficient evidence to substantiate the allegation
20 of neglect of duty against Randy Millar and that he failed
21 to report a matter that was his duty to report, but to
22 continue on:

23 "It should also be noted, however, that
24 there does appear to be evidence that
25 the Project Truth team had the grounds

1 to arrest Leblanc on December 17, '98.
2 This was as a result of the interview
3 of C-21 on December 16 in which he
4 described graphically how he was
5 repeatedly and violently sexually
6 assaulted by Leblanc. Had they
7 arrested Leblanc at this time, it also
8 could have prevented the sexual assault
9 on C-82 who indicated on December 30
10 that he had been sexually assaulted by
11 Leblanc about a week earlier."

12 Do you see that, sir?

13 **MR. DUPUIS:** Yes, sir.

14 **MR. LEE:** Have you had an opportunity to
15 read that prior to testifying here?

16 **MR. DUPUIS:** No, sir.

17 **MR. LEE:** No. And can I just ask you
18 whether you agree with the comment made here by the
19 Professional Standards Bureau that Jean-Luc Leblanc could
20 have been charged on December 16th, based on the information
21 you had and had that been done, at least one further
22 assault would have been prevented?

23 **MR. DUPUIS:** I disagree with this comment,
24 yes.

25 **MR. LEE:** You disagree with it?

1 **MR. DUPUIS:** Yes.

2 **MR. LEE:** And why is that?

3 **MR. DUPUIS:** Historic sexual assault, we
4 always like to substantiate the alleged victim's complaint.

5 **MR. LEE:** So as you recall the Leblanc
6 situation then, you had information of an assault given to
7 you by C-21, but it was not possible to lay charges at that
8 time because it was historic?

9 **MR. DUPUIS:** Not that it wasn't possible.
10 Just to try to assist us, we looked into other possible
11 evidence that would assist us in formulating our grounds.

12 **MR. LEE:** It wasn't preferable?

13 **MR. DUPUIS:** Pardon?

14 **MR. LEE:** It wasn't preferable to lay the
15 charge at that time?

16 **MR. DUPUIS:** I didn't feel it was.

17 **MR. LEE:** Did you have any information as of
18 ---

19 **MR. DUPUIS:** But, again, sir, this wasn't my
20 case.

21 **MR. LEE:** Well, the ultimate decision as to
22 whether a charge would be laid or not would have been Pat
23 Hall's or would it have been Tim Smith in December of 1998?

24 **MR. DUPUIS:** Probably Inspector Hall's ---

25 **MR. LEE:** In any event ---

1 **MR. DUPUIS:** --- in advising us which avenue
2 to take.

3 **MR. LEE:** In any event, not your call?

4 **MR. DUPUIS:** That's correct.

5 **MR. LEE:** Do you recall whether you had any
6 information by December 16th, '98, that there may be a
7 current risk?

8 **MR. DUPUIS:** I don't know when -- to the
9 investigation when that information came to us.

10 **MR. LEE:** Okay.

11 **THE COMMISSIONER:** Are you switching gears
12 now, sir?

13 **MR. LEE:** I have two issues. One is very
14 brief and one ---

15 **THE COMMISSIONER:** We'll deal with them
16 after the break, after the lunch break.

17 Come back at 1:00 p.m., please?

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

20 This hearing will resume at 1:00 p.m.

21 --- Upon recessing at 12:29 p.m. /

22 L'audience est suspendue à 12h29

23 --- Upon resuming at 1:03 p.m. /

24 L'audience est reprise à 13h03

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing is now resumed. Please be
3 seated; veuillez vous asseoir.

4 **THE COMMISSIONER:** Thank you.

5 Mr. Lee?

6 **JOSEPH (JOE) DUPUIS, Resumed/Sous le même serment**

7 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

8 **LEE(cont'd/suite)**

9 **MR. LEE:** Thank you.

10 Sir, you gave some evidence yesterday and
11 again today about whether or not questions were provided in
12 advance to police officers during the course of the
13 conspiracy investigation. Do you recall that?

14 **MR. DUPUIS:** Yes, sir.

15 **MR. LEE:** And as I understood your evidence,
16 you've told us that they were provided in advance, but only
17 essentially moments in advance?

18 **MR. DUPUIS:** That's correct.

19 **MR. LEE:** While you were in the room?

20 **MR. DUPUIS:** That's correct.

21 **MR. LEE:** Given an opportunity to read the
22 questions, they'd be able to turn their mind to the issue,
23 and you'd proceed with the interview?

24 **MR. DUPUIS:** That's correct.

25 **MR. LEE:** Do you recall any exceptions to

1 that, where the questions were provided more significantly
2 in advance?

3 MR. DUPUIS: I believe there was only -- if
4 memory serves me right -- one event where the person
5 refused to answer to those questions until he had time to
6 review them.

7 MR. LEE: Who was that?

8 MR. DUPUIS: Perry Dunlop.

9 MR. LEE: He demanded answers -- or
10 questions in advance?

11 MR. DUPUIS: I don't know if he demanded
12 them, but once we gave them to him then he ---

13 MR. LEE: Oh, okay.

14 MR. DUPUIS: --- he wouldn't answer to them.

15 MR. LEE: And the reason I'm asking this,
16 and I'll take you to the documents, do you recall
17 interviewing a Cornwall Police Officer named Ron Lefebvre
18 as part of that investigation?

19 MR. DUPUIS: Yes.

20 MR. LEE: And do you recall that he would
21 have been provided the questions a couple of days in
22 advance?

23 MR. DUPUIS: I don't recall.

24 MR. LEE: Let me take you to the document,
25 sir. Can we look at Exhibit 2612? Do you have that?

1 **MR. DUPUIS:** The Bates page, please?

2 **MR. LEE:** We'll start at page 715 and we'll
3 just get the date off that page. Are you there, sir?

4 And you'll see a third of the way down the
5 page the date of January 27th, 2000? Madam Clerk has it on
6 the screen now.

7 **MR. DUPUIS:** I think I have a problem here.
8 Mine goes from 715 to 623. Or 712 to 623.

9 **MR. LEE:** Can you take a look, Madam Clerk?
10 I want to look at pages 715 through to 717 or possibly all
11 the way to 733.

12 **MR. DUPUIS:** I'm sorry.

13 **MR. LEE:** You have that, sir?

14 **MR. DUPUIS:** Yes. I was just reading it
15 wrong.

16 **MR. LEE:** So a third of the way down the
17 page you see the date, "27 January, 2000"?

18 **MR. DUPUIS:** Yes.

19 **MR. LEE:** And if you turn the page over to
20 page 716, down at the bottom you have a time entry
21 of 14:50?

22 **MR. DUPUIS:** Yes, sir.

23 **MR. LEE:** And it says:

24 "Arrived at courthouse."

25 And down below:

1 "Talked to Ron Lefebvre of Court
2 Security, Cornwall Police. Request
3 date and time for interview."

4 **MR. DUPUIS:** Yes, sir.

5 **MR. LEE:** And if you turn over, you continue
6 on with that note:

7 "Lefebvre advised he still had not got
8 his notes. He was told only being
9 interviewed as a witness."

10 Then my reading: He was shown the questions
11 we're asking everyone. He advised that Chief Shaver, Staff
12 Inspector McDonald and Staff Sergeant Brunet, along with
13 Jacques Leduc, had a meeting to discuss this matter. He
14 would have to check his notes for more details. He also
15 advised that he was the one who had given Silmsers's
16 statement to Dunlop. Nothing further was discussed as he
17 had to return to his duties.

18 **MR. DUPUIS:** Correct.

19 **MR. LEE:** Do you see that?

20 **MR. DUPUIS:** Yes.

21 **MR. LEE:** So one of the things there is --
22 that it states is:

23 "He was shown the questions we were
24 asking everyone."

25 **MR. DUPUIS:** Yes.

1 **MR. LEE:** And would that relate to the list
2 of questions you were asking police officers in relation to
3 that investigation?

4 **MR. DUPUIS:** I believe each individual list
5 of questions were made up for that person. They didn't
6 -- they weren't a generic set of questions.

7 **MR. LEE:** Do you have a specific
8 recollection of what you're noting in your notebook here
9 when it says:

10 "He was shown the questions we were
11 asking everyone"?

12 **MR. DUPUIS:** No, sir.

13 **MR. LEE:** I take it you'd agree with me that
14 a great many questions in these interviews would apply to
15 many people?

16 **MR. DUPUIS:** That's correct.

17 **MR. LEE:** And then you would tailor it as
18 necessary to the individual?

19 **MR. DUPUIS:** That's correct.

20 **MR. LEE:** And so it's possible that he would
21 have been shown, at the very least, a list of those generic
22 questions?

23 **MR. DUPUIS:** Possibly.

24 **MR. LEE:** And you also give some information
25 there about a meeting between Chief Shaver, Staff Inspector

1 McDonald, Staff Sergeant Brunet, and Jacques Leduc, "To
2 discuss this matter".

3 Do you have any recollection of what he was
4 referring to there?

5 **MR. DUPUIS:** No, I don't.

6 **MR. LEE:** We also noted here that Officer
7 Lefebvre says that he was the one who gave the Silmsier
8 statement to Dunlop?

9 **MR. DUPUIS:** Yes.

10 **MR. LEE:** And if we can look, please -- I
11 believe this is a new document, Mr. Commissioner,
12 at 703904?

13 **THE COMMISSIONER:** Thank you.

14 Exhibit 2641 is an audiotaped interview
15 report of Ron Lefebvre, Special Constable, on the 29th of
16 February, 2000.

17 **---EXHIBIT NO./PIÈCE NO. P-2641:**

18 (703904) - Audiotaped Interview Report of
19 Ron Lefebvre dated February 29, 2000

20 **MR. LEE:** Do you have that, sir?

21 **MR. DUPUIS:** Yes, sir.

22 **MR. LEE:** And you'll see that on the first
23 page that Detective Inspector Hall and yourself are
24 present?

25 **MR. DUPUIS:** Yes, sir.

1 **MR. LEE:** And if you look at the second page
2 of the statement, halfway down the page, we have Officer
3 Hall saying:

4 "We prepared a number of questions from
5 the investigative material that was
6 provided to the OPP. You've been
7 provided an opportunity to review the
8 questions prior to this interview. Are
9 you prepared to address the questions?"

10 And he states that he is?

11 **MR. DUPUIS:** Yes, sir.

12 **MR. LEE:** And can you look at the bottom of
13 the page, Detective Inspector Hall begins asking him about
14 the Silmsler matter?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. LEE:** And over on the next page, he says
17 that he believes it was February, '93, but he's having some
18 difficulty because he doesn't have his notes with him?

19 **MR. DUPUIS:** That's correct.

20 **MR. LEE:** And if you turn over to page 5 at
21 the top, he clarifies that he doesn't have his notes
22 because they can't be found, and that he's contacted his
23 superiors on several occasions but they can't seem to find
24 them?

25 **MR. DUPUIS:** Zero-five-five (055)? Is that

1 the page you were ---

2 MR. LEE: No, just page 5 of 8, down at the
3 bottom. It's Bates page 054.

4 MR. DUPUIS: Pardon?

5 MR. LEE: Zero-five-four (054) is the Bates
6 page.

7 MR. DUPUIS: Thank you.

8 MR. LEE: The top exchange between Hall and
9 Lefebvre, just clarifying that he doesn't have the notes
10 because he can't be -- they can't be found?

11 MR. DUPUIS: That's correct.

12 MR. LEE: And if you look over at the next
13 page, at the longest answer, the second question on the
14 page from Detective Inspector Hall is:

15 "Did you have a conversation with
16 Constable Dunlop concerning this
17 investigation?"

18 And Officer Lefebvre goes on to detail how
19 he turned over the statement from Silmsler to Dunlop to
20 read, that Officer Dunlop exited the room he presumed for
21 privacy, and he has since come to find out that Officer
22 Dunlop apparently photocopied the statement and returned
23 the original to him. Do you see that?

24 MR. DUPUIS: Yes, sir.

25 MR. LEE: And he had suggested that to you

1 in your first meeting with him, as we looked at in your
2 notes a moment ago?

3 **MR. DUPUIS:** That's correct.

4 **MR. LEE:** What we don't have anywhere in the
5 statement is any reference to the meeting with Jacques
6 Leduc and the -- and Shaver and McDonald and Brunet. Do
7 you recall having any discussion not transcribed here about
8 that meeting?

9 **MR. DUPUIS:** No, sir.

10 **MR. LEE:** You can put that away, sir.

11 **MR. DUPUIS:** Thank you.

12 **MR. LEE:** When Ms. Daley was up cross-
13 examining you, she was asking you some questions about the
14 -- I suppose about how you would have approached the
15 conspiracy investigation given that it involved police
16 officers, including members of the OPP. Do you recall
17 that?

18 **MR. DUPUIS:** Yes.

19 **MR. LEE:** And I'm going to be a little bit
20 less subtle and just flatly ask you whether you ever
21 seriously considered, for even a single second, that it was
22 possible that members of the OPP would have destroyed
23 evidence ---

24 **MR. DUPUIS:** On purpose?

25 **MR. LEE:** --- containing possible --

1 containing videotapes rather, containing evidence of
2 possible pedophilic activity. Did that ever cross your
3 mind as a serious possibility?

4 **MR. DUPUIS:** I'm not sure what my thought
5 processes would have been back then.

6 **MR. LEE:** My question for you is that
7 somebody looking at this sceptically might say that the
8 fact that OPP officers were investigating whether other OPP
9 officers destroyed these videotapes wasn't legitimate, and
10 that that investigation was -- the result of that
11 investigation was predetermined from the beginning.

12 And my question for you is, are you telling
13 me you are able to look at this evidence objectively and
14 that had you found something you would have acted on it,
15 and that you did everything you could to uncover the truth?

16 **MR. DUPUIS:** That's correct.

17 **MR. LEE:** And so this investigation was not
18 treated any differently because it involved OPP officers?

19 **MR. DUPUIS:** That's correct.

20 **MR. LEE:** And you believe that you did a
21 thorough investigation?

22 **MR. DUPUIS:** I believe I did.

23 **MR. LEE:** Finally, sir, I want to ask you
24 about Ron Wilson; okay?

25 **THE COMMISSIONER:** Which one?

1 **MR. LEE:** I'm going to take you to some
2 documents, sir, and if you can look at Exhibit 2163. You
3 have that in front of you, sir?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. LEE:** So you'll see this is an interview
6 report of Ronald Wilson, the owner of Wilson's Funeral
7 Home, taken July 28, 1999 by yourself?

8 **MR. DUPUIS:** Yes, sir.

9 **MR. LEE:** If we flip, please, to Bates page
10 108, in the middle of the page, you ask:

11 "Are you aware of the term 'clan of
12 paedophiles' being used in the Cornwall
13 area?"

14 Are you with me?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. LEE:** And Wilson answers:

17 "If -- and I can wholeheartedly tell
18 you no, as far as I'm concerned. In
19 1967, there was likely a pedophile ring
20 operating but with my knowledge as a
21 former police officer and as a citizen
22 in this city, I can honestly believe
23 that there is no pedophile ring
24 operating in the City of Cornwall from
25 the information I can derive from

1 asking questions of certain peoples."

2 Do you see that?

3 **MR. DUPUIS:** Yes, sir.

4 **MR. LEE:** So a couple of things there.
5 Number one, there likely was a pedophile
6 ring in 1967?

7 **MR. DUPUIS:** It was his belief.

8 **MR. LEE:** His belief.

9 **MR. DUPUIS:** His belief.

10 **MR. LEE:** Likely was one in 1967 but there
11 isn't one now.

12 **MR. DUPUIS:** That's what he said.

13 **MR. LEE:** And he's telling you he can say
14 there isn't one now because he's derived information from
15 "asking questions of certain peoples"?

16 **MR. DUPUIS:** That's correct.

17 **MR. LEE:** So you follow up on that answer by
18 returning to the 1967 issue and you ask:

19 "Did you ever identify any people that
20 were involved in that ring?"

21 And he speaks to you -- at the top of page
22 109 -- of an investigation into that?

23 **MR. DUPUIS:** That's correct.

24 **MR. LEE:** You see that?

25 **MR. DUPUIS:** Yes.

1 **MR. LEE:** And he names a couple of police
2 officers -- sorry, one police officer who was involved in
3 that.

4 **THE COMMISSIONER:** Involved in investigating
5 it?

6 **MR. LEE:** Yeah. Sorry, involved in the
7 investigation, yes.

8 And you knew that Ron Wilson had been a
9 police officer in the past?

10 **MR. DUPUIS:** Yes.

11 **MR. LEE:** And he says that one of the people
12 that was earmarked at that time was Father Lapierre. Do
13 you see that?

14 **MR. DUPUIS:** Yes, sir.

15 **MR. LEE:** And he also names Father Don
16 Scott. Do you see that?

17 **MR. DUPUIS:** Yes, sir.

18 **MR. LEE:** And he -- you ask him some
19 questions and he confirms that the Lapierre he is thinking
20 of is Paul Lapierre. You see that?

21 **MR. DUPUIS:** Yes, sir.

22 **MR. LEE:** And he says, a little bit below
23 the middle of the page:

24 "He's Paul, Paul Lapierre, and he was
25 active with Killer Gagnon at the time."

1 You see that?

2 **MR. DUPUIS:** Yes, sir.

3 **MR. LEE:** And he talks about:

4 "The college was quite active at that
5 time. We had it under surveillance."

6 You follow up on that and he says:

7 "The old priests college."

8 And at the top of the next page:

9 "Classical College."

10 You see that?

11 **MR. DUPUIS:** Yes, sir.

12 **MR. LEE:** And if you're on Bates page 110,
13 he goes on to say that another police officer was involved
14 in the investigation, being Herb Raymond. Do you see that?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. LEE:** And that he was given all of the
17 information that was gathered. Do you see that?

18 **MR. DUPUIS:** Yes, sir.

19 **MR. LEE:** Do you recall doing any follow-up
20 in relation to this information?

21 **MR. DUPUIS:** I don't believe I was involved
22 in any follow-up on this.

23 **MR. LEE:** I think you had a brief follow-up,
24 and I'm going to take you to a note. We'll go there in a
25 second.

1 I also meant to bring you, sorry, to
2 page 114. There's a very long answer given by Ron Wilson
3 and almost in the dead centre of it there's a sentence that
4 reads:

5 "There was no doubt in my mind in 1967
6 in the Cornwall arena and what have
7 you, from my knowledge, there was a
8 ring running out of the Classical
9 College at that time."

10 And I don't know whether "the Cornwall
11 arena" should be "the Cornwall area". I don't know that.

12 But he clearly says there's a ring running
13 out of the Classical College at that time. Do you see
14 that?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. LEE:** And if you turn over to page 115
17 at the very bottom, you ask about the investigation and he
18 says it was a fairly large investigation out of one of
19 your, presumably, OPP offices in Maxville. Do you see
20 that?

21 **MR. DUPUIS:** Yes, sir.

22 **MR. LEE:** And over to the next page. And
23 then it went to Ingleside, and it went to Nativity Church,
24 and it was in the late sixties and he says:

25 "Killer Gagnon was the only guy that

1 is sure that there would be no files
2 archived around the years needed. They
3 keep no files, murder or any other
4 files. He stated he would check. He
5 was told not to look into things at
6 this time due to the fact that Father
7 Scott is now dead. If they are
8 required would have them checked out at
9 a later time."

10 You see that?

11 **MR. DUPUIS:** Yes, sir.

12 **MR. LEE:** And can I presume that, "He was
13 told not to look into things now" means you told him don't
14 worry about it at this point, I'll get back to you if I
15 need to?

16 **MR. DUPUIS:** That's right, sir.

17 **MR. LEE:** And in my review of the notes
18 anyway that was the only reference I saw to a follow-up on
19 this interview with Wilson. Do you have any independent
20 recollection of any other follow-up?

21 **MR. DUPUIS:** No, I don't.

22 **MR. LEE:** Do you have -- when we originally
23 looked at the -- his statement I pointed you out to one
24 point where he said he was quite satisfied there was not
25 currently a ring operating in the city because of some

1 questions he had asked some people.

2 **MR. DUPUIS:** That's correct.

3 **MR. LEE:** Do you recall following up with
4 him on that at all; who he had spoken to, what information
5 he had?

6 **MR. DUPUIS:** I don't recall, sir.

7 **MR. LEE:** Officer Dupuis, those are my
8 questions. Thank you.

9 **MR. DUPUIS:** Thank you.

10 **THE COMMISSIONER:** Thank you.

11 Mr. Neville? You've grown, Mr. Neville.

12 **MR. BOXALL:** I just liked it so much.

13 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. BOXALL:

14 **MR. BOXALL:** Mr. Commissioner, Norm Boxall.
15 I was here in the in-camera proceedings and I just wish to
16 address you briefly and it won't be lengthy, and I think
17 actually in reviewing your ruling and so on I think it's
18 actually allowing things to move forward, and I anticipate
19 that Mr. Neville will be able to complete the cross-
20 examination ---

21 **THE COMMISSIONER:** Are you cross-examining?

22 **MR. BOXALL:** I'd like to address. Here's
23 what I'd like to address with you; a couple of remarks
24 perhaps as a dialogue, and then we'll see where we're
25 going. And it relates to the ruling and the evidence that

1 was heard before.

2 I have reviewed your ruling and your
3 comments from yesterday and I think I've got it right. In
4 dealing with the alleged conversation that Detective Dupuis
5 says occurred between Mr. Pelletier and Mr. Neville you,
6 sir, have ruled that it's admissible not for whether it was
7 actually said, nor for its truth, but simply for the fact
8 that the officer had a belief. In fact I think in the
9 transcript at one point you say it doesn't matter how he
10 got the belief, even if it was a dream, but it's relevant
11 for that purpose.

12 As a result really of several things but
13 including Mr. Lee's cross-examination, I do have some
14 concern that just having it out there in the public that
15 there may be some suggestion as to whether it occurred or
16 not, and I just wanted the public record to reflect several
17 things.

18 **THE COMMISSIONER:** No, no, no. Thank you.
19 I don't want -- it's not the time to make submissions about
20 that. If you want to, Mr. Neville can make those
21 submissions during submissions.

22 **MR. BOXALL:** Okay. Well, perhaps I'd just
23 like to have some evidence filed then. You may recall --
24 these matters were heard in camera and that's been now
25 admissible but there was an exhibit ---

1 **THE COMMISSIONER:** Who are you appearing for
2 right now?

3 **MR. BOXALL:** I'm appearing for Mr. Neville.

4 **THE COMMISSIONER:** He doesn't have standing
5 here. I allowed the motion but that was -- and I think I
6 was pretty clear in there that really it should have been
7 Father MacDonald's motion, and so ---

8 **MR. BOXALL:** Okay. Could I just indicate
9 this -- I've really got two requests.

10 **THE COMMISSIONER:** M'hm.

11 **MR. BOXALL:** One is there was an exhibit
12 that was filed in the in-camera proceedings, and since now
13 you, sir, have ruled that it would be public I'd be asking
14 if that exhibit could be filed in the public hearings.

15 **THE COMMISSIONER:** Which exhibit?

16 **MR. BOXALL:** It was a schedule of documents,
17 all of which were in the database, that I asked to be
18 marked. I have the schedule and I believe the ---

19 **THE COMMISSIONER:** Oh no, no, no. No.

20 **MR. BOXALL:** Those are all documents that
21 are in the database in any event.

22 **THE COMMISSIONER:** M'hm.

23 **MR. BOXALL:** And they'd be a matter of
24 public record, so I just wanted to ensure that they were
25 public.

1 **THE COMMISSIONER:** They're not -- I mean
2 they are public if they are exhibits. If those documents
3 are -- if you're trying to introduce that -- those are all
4 documents, the rulings and all of the determinations with
5 respect to the case.

6 **MR. BOXALL:** Yes.

7 **THE COMMISSIONER:** I've already said that
8 it's not for the truth of its contents and it was quite
9 clear that the matter of the stay was fully litigated and
10 very competent judges made decisions, and I'm not going to
11 go behind that. I think that's pretty clear.

12 **MR. BOXALL:** And ---

13 **THE COMMISSIONER:** So that's one. That's
14 out.

15 **MR. BOXALL:** Pardon me?

16 **THE COMMISSIONER:** Your next request?

17 **MR. BOXALL:** So I can't file those?

18 **THE COMMISSIONER:** No.

19 **MR. BOXALL:** Okay.

20 The second request then is perhaps this
21 then; as I understand it then, your ruling is that whether
22 it was said or not is completely irrelevant, so in that
23 case Mr. Neville would have no relevant evidence to give.
24 So I see that as in a sense would allow him to continue in
25 cross-examination because he wouldn't possibly be a

1 witness. And with that clearly out, that he's not possibly
2 a witness because he'd have nothing relevant to say, he
3 could continue and do the cross-examination.

4 **THE COMMISSIONER:** Well, that will depend --
5 as long as he doesn't touch on that part that I've ruled
6 on. In a sense whether it's true or not is irrelevant at
7 this point.

8 **MR. BOXALL:** Okay.

9 **THE COMMISSIONER:** I don't know what's going
10 to happen tomorrow or the day after.

11 **MR. BOXALL:** Okay. As the evidence stands
12 today, including this officer's evidence and the cross-
13 examination, it's irrelevant?

14 **THE COMMISSIONER:** It's irrelevant.

15 **MR. BOXALL:** Okay, and obviously everyone
16 knows Mr. Neville's position with respect to that.

17 **THE COMMISSIONER:** Mr. Neville's position is
18 irrelevant at this point.

19 **MR. BOXALL:** Okay. If I could just have a
20 minute, please?

21 **THE COMMISSIONER:** Certainly.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. BOXALL:** Mr. Neville is ready for ---

24 **THE COMMISSIONER:** Thank you.

25 Mr. Neville?

1 **MR. NEVILLE:** Good afternoon, sir.

2 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

3 **MR. NEVILLE:**

4 **MR. NEVILLE:** Good afternoon, Detective
5 Dupuis. We know each other.

6 **MR. DUPUIS:** Yes, sir.

7 **MR. NEVILLE:** I represent Father MacDonald,
8 as you know, and I also represent the Estate of Ken Seguin,
9 his brother, Douglas, and members of that family.

10 Can we look briefly, Detective, at Exhibit -
11 - as of this morning -- 2641, Document 703904? It's the
12 taped statement of Officer Lefebvre.

13 **THE COMMISSIONER:** I don't think I -- that's
14 right. It's the last exhibit; right.

15 **MR. NEVILLE:** You have it?

16 **THE COMMISSIONER:** Sorry.

17 **MR. NEVILLE:** Could we have it on the
18 screen, Commissioner? I don't have a hard copy available.

19 **THE COMMISSIONER:** M'hm.

20 **MR. NEVILLE:** I'd like to refer to Bates
21 page 3056, please. Thank you.

22 Detective Dupuis, if you do recall this do
23 you recall when you became informed of the facts of the
24 case from all the way back in the Cornwall era of '92/'93,
25 that there was a belief that Officer Dunlop became aware of

1 and got the Silmsers statement in September of '93 from
2 Constable Sebalj? Did you learn that from things you read
3 and the like?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. NEVILLE:** So if we look at what Officer
6 Lefebvre is saying to you in this interview -- and it's the
7 question by you just from the top of the page as follows:

8 "Do you recall when Constable Dunlop
9 asked to see the Silmsers statement in a
10 timeframe? Do you?"

11 Lefebvre:

12 "I believe it would have been within
13 the first month of the investigation
14 because after that I returned to
15 regular duties. I think it would have
16 been shortly after I came back from
17 Bourget interviewing Mr. Silmsers."

18 And we know from other evidence and other
19 materials, including Constable Sebalj's notes, that she and
20 Lefebvre interviewed Mr. Silmsers around the 10th of March.
21 So Officer Lefebvre seems to be telling you that Officer
22 Dunlop saw the Silmsers statement prior to, let's say, the
23 middle of March.

24 **MR. DUPUIS:** Yes, sir.

25 **MR. NEVILLE:** All right.

1 Now, a few minutes ago you said to Mr. Lee,
2 in response to one of his questions, that with historic
3 sexual -- I'm trying to get as accurately as I could what
4 you said, "With historic sexual assault cases we always
5 like to substantiate the complainant's story."

6 **MR. DUPUIS:** Yes, sir.

7 **MR. NEVILLE:** So you like to go back and
8 check things to see if things fit, if things match and the
9 like?

10 **MR. DUPUIS:** That's correct.

11 **MR. NEVILLE:** Pardon me?

12 **MR. DUPUIS:** That's correct.

13 **MR. NEVILLE:** All right. So in that regard
14 then I'm going to ask you some questions along that theme.
15 Can we look at an exhibit referred to you earlier this
16 morning or earlier today?

17 Commissioner, it's Exhibit 1395. It's
18 interview notes of C-9. I don't know whether it was
19 repeated, sir, earlier but there is a publication ban on
20 that document from ---

21 **THE COMMISSIONER:** Yes, there is.

22 **MR. NEVILLE:** I know, Commissioner, on
23 previous occasions you expressed a preference for both the
24 written version of a document and typed version. I can
25 refer you, if you want it, to the written -- handwritten by

1 Officer Dupuis.

2 THE COMMISSIONER: No, no.

3 MR. NEVILLE: I'm quite content to use this
4 because it's easier to read and they are the same.

5 THE COMMISSIONER: No. That's fine.

6 MR. NEVILLE: All right.

7 You have that there in front of you,
8 Detective? You don't have it?

9 MR. DUPUIS: I'll try and use the screen.

10 MR. NEVILLE: One three nine five (1395).

11 THE COMMISSIONER: I have it.

12 MR. DUPUIS: Yes, sir.

13 MR. NEVILLE: All right. Now, this
14 interview is dated the 7th of June 2000. You've become the
15 lead investigator -- under the Project Truth umbrella
16 you've become the lead investigator assigned to the matters
17 of Father MacDonald.

18 MR. DUPUIS: Yes, sir.

19 MR. NEVILLE: As of September '97.

20 MR. DUPUIS: Yes, sir.

21 MR. NEVILLE: And I presume what you did
22 among other things is you read materials that had been
23 accumulated up to that date in relation to Father
24 MacDonald.

25 MR. DUPUIS: Yes, sir.

1 **MR. NEVILLE:** Sorry?

2 **MR. DUPUIS:** Yes, sir.

3 **MR. NEVILLE:** Yes. And we know, and I take
4 it you know, that there was a Cornwall police investigation
5 under Constable Sebalj, supervised by Staff Sergeant
6 Brunet. There was an OPP investigation for close to a year
7 throughout 1994. There was a subsequent investigation
8 headed by Inspector Smith, culminating in charges against
9 Father MacDonald for three complainants; David Silmser,
10 John MacDonald and C-3 in March of '96.

11 So you would, I assume, in order to have
12 carriage of the MacDonald matter, have familiarized
13 yourself with some of that material.

14 **MR. DUPUIS:** Yes, sir.

15 **MR. NEVILLE:** And so when we look at some of
16 the topics you covered with C-9, they're clearly informed,
17 these topics, to questions from what you know because the
18 questions you're asking deal with relevant topics to the
19 Silmser story.

20 **MR. DUPUIS:** Yes, sir.

21 **MR. NEVILLE:** All right. So if we look on
22 the first page, it was relevant to Silmser's story as to
23 whether or not C-9 was a participant at a purported retreat
24 at St. Andrew's; right?

25 **MR. DUPUIS:** Is that in this document, sir?

1 **MR. NEVILLE:** It was relevant to
2 Mr. Silmsen's story against Father MacDonald that a retreat
3 took place at St. Andrew's; right?

4 **THE COMMISSIONER:** One of the allegations
5 was that Mr. Silmsen was abused while he was on a retreat.
6 Is that right?

7 **MR. DUPUIS:** I recall now, sir. I'm sorry.

8 **MR. NEVILLE:** All right. Following along
9 here; we'll get there.

10 And one of the persons purportedly involved
11 in that retreat event was C-9.

12 **MR. DUPUIS:** And this ---

13 **MR. NEVILLE:** And others; right?

14 **MR. DUPUIS:** Yes, but I'm -- can I ask a
15 question?

16 **MR. NEVILLE:** Yes.

17 **MR. DUPUIS:** This gentleman on this
18 document, that's C-9?

19 **THE COMMISSIONER:** Yeah.

20 **MR. NEVILLE:** That's C-9.

21 **MR. DUPUIS:** Okay; I'm sorry.

22 **MR. NEVILLE:** No, that's right. C-9 is this
23 person.

24 **MR. DUPUIS:** Okay, thank you.

25 **MR. NEVILLE:** Okay? Sorry, I thought --

1 maybe I didn't make that clear, and we're not using the
2 name. That's why we have a moniker.

3 But as part of Silmsers's story, C-9 was a
4 purported -- an alleged participant at the retreat?

5 **MR. DUPUIS:** Yes, sir.

6 **MR. NEVILLE:** All right. So that's why you
7 cover with him -- for example, the fourth -- third and
8 fourth bullet --- that he was never on a retreat with David
9 Silmsers. So this is the kind of checking, substantiating
10 you talked about with Mr. Lee?

11 **MR. DUPUIS:** That's correct.

12 **MR. NEVILLE:** All right. And that's why
13 you're speaking to this man?

14 **MR. DUPUIS:** That's correct.

15 **MR. NEVILLE:** What can he offer on some of
16 these topics related to the Silmsers story?

17 **MR. DUPUIS:** That's correct.

18 **MR. NEVILLE:** All right. And he points out
19 that he was -- Silmsers is younger, and we can see this
20 man's date of birth is '56 and we know Mr. Silmsers's was in
21 March of '58, so he's two years older.

22 At the bottom of the page, the next -- the
23 final two bullets. The only retreats he recalls being on
24 were both at a place called St. Raphael's and he did not
25 recall being on one at St. Andrew's. As a person from the

1 area, St. Raphael's is a completely different place?

2 MR. DUPUIS: Yes, sir.

3 MR. NEVILLE: All right.

4 The top of the next page; you were referred
5 briefly to that. The first bullet about Father MacDonald
6 being naked or not, and not telling anyone that he ever saw
7 him so, that is relevant to Silmsers's story?

8 MR. DUPUIS: Yes, sir.

9 MR. NEVILLE: And this person contradicts
10 it.

11 MR. DUPUIS: Yes, sir.

12 MR. NEVILLE: And that's why you're asking
13 these questions. That's the kind of substantiation you're
14 talking about?

15 MR. DUPUIS: Yes, sir.

16 MR. NEVILLE: All right.

17 If we look in the middle of the page, just
18 below the middle, you see the entry, "Silmsers did call him
19 at home...?"

20 MR. DUPUIS: Yes, sir.

21 MR. NEVILLE: "...wanting C-9 to assist
22 him with his suit."

23 Meaning his civil action:

24 "C-9 told Silmsers they were never on
25 a retreat together."

1 So it would appear from C-9's interview with
2 you that he had actually been contacted by Silmser seeking
3 factual support about the retreat.

4 **MR. DUPUIS:** Yes, sir.

5 **MR. NEVILLE:** And contradicts him and tells
6 you, in your interview, that he already told Silmser, "We
7 were never there together." Right?

8 **MR. DUPUIS:** That's correct.

9 **MR. NEVILLE:** So let's now look at another
10 document, Commissioner. This is -- and I don't believe
11 it's yet an exhibit -- 710202. It's a Will-Say of
12 Detective Dupuis. And also if he could be provided,
13 Commissioner, with Document 710263.

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

15 **THE COMMISSIONER:** Thank you. Exhibit 2642
16 is a Will-Say of Officer Dupuis, August 4th, 1998.

17 **--- EXHIBIT NO./PIÈCE NO. P-2642:**

18 (710202) - Will-Say #2 of Joe Dupuis re:
19 Charles MacDonald dated 04 Aug 98

20 **THE COMMISSIONER:** And then 2643 is an
21 interview report of ---

22 **MR. NEVILLE:** It's the brother of a
23 monikered person, sir, so we should not ---

24 **THE COMMISSIONER:** So the ---

25 **MR. NEVILLE:** It's the brother of C-4.

1 THE COMMISSIONER: Yeah.

2 MR. NEVILLE: So either ---

3 THE COMMISSIONER: Brother of C-4.

4 MR. NEVILLE: I'll use that phrase if you
5 also would, Detective, and I guess publication ban, I
6 presume, sir.

7 THE COMMISSIONER: Yeah. And this interview
8 was held on the 25th of February, '99,

9 --- EXHIBIT NO./PIÈCE NO. P-2643:

10 (710263) - Interview Report dated 25 Feb 99

11 THE COMMISSIONER: Okay?

12 MR. NEVILLE: Yes, sir.

13 So if we could just look briefly, Detective,
14 at your Will-Say, now Exhibit 2642. Do you have it there?

15 MR. DUPUIS: Yes, sir.

16 MR. NEVILLE: If you look at the bottom of
17 the page, the entry 22 Jan 99, you are going to the
18 residence of C-4, the complainant; right?

19 MR. DUPUIS: Yes, sir.

20 MR. NEVILLE: And if you just read to
21 yourself those four bullets and across to the top of the
22 next page.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. NEVILLE: Have you had a chance to re-
25 read that?

1 **MR. DUPUIS:** Yes, sir.

2 **MR. NEVILLE:** All right. So what we're
3 talking about here is the fact that C-4, the complainant,
4 had brought to him by his brother a letter in the nature of
5 a letter of apology, apparently from Father MacDonald;
6 correct?

7 **MR. DUPUIS:** Yes, sir.

8 **MR. NEVILLE:** All right.

9 And for the record, Mr. Commissioner, that
10 document is Exhibit 449.

11 **THE COMMISSIONER:** Yeah.

12 **MR. NEVILLE:** The letter.

13 So if we could just look briefly then,
14 Detective, at Exhibit 2643. Again by way of a follow-up or
15 substantiating interview, you go personally and take a
16 statement, an interview report, from the brother?

17 **MR. DUPUIS:** Yes.

18 **MR. NEVILLE:** On the topic of the letter?

19 **MR. DUPUIS:** Yes, sir.

20 **MR. NEVILLE:** Could you look at page 2 of
21 the interview statement? Bates page 8725 are the final
22 four numbers. You've got it, sir?

23 **MR. DUPUIS:** Yes, sir.

24 **MR. NEVILLE:** You asked him a series of
25 questions about receiving the letter, how long he held it

1 before giving it to the brother; right? Correct?

2 MR. DUPUIS: Yes, sir.

3 MR. NEVILLE: About the sixth or seventh
4 question from the top, you ask him:

5 "Did Father Charlie MacDonald say
6 anything to you about C-4?"

7 Answer:

8 "Just before he left, Charles was
9 apologetic for his actions and said to
10 me he was of age."

11 MR. DUPUIS: Yes, sir.

12 MR. NEVILLE: Meaning the complainant?

13 MR. DUPUIS: Yes, sir.

14 MR. NEVILLE: All right.

15 Can we next look at Exhibit 710?

16 THE COMMISSIONER: Just a minute. Excuse
17 me. When did you become aware of this? Is this when you
18 became aware of the letter?

19 MR. DUPUIS: I believe I became aware of the
20 letter on the 22nd of January '99.

21 THE COMMISSIONER: Okay.

22 MR. NEVILLE: If you look, Commissioner, at
23 Exhibit -- I'm sorry to interrupt -- Exhibit 2642; the
24 Will-Say, sir.

25 THE COMMISSIONER: M'hm.

1 **MR. NEVILLE:** If you look at the second
2 page, he -- Detective Dupuis appears to take it 10:39,
3 dated and signed, et cetera.

4 **THE COMMISSIONER:** M'hm. Was there any
5 follow-up afterwards?

6 **MR. DUPUIS:** I interviewed the brother.

7 **THE COMMISSIONER:** No -- yeah. So if Father
8 MacDonald is not to have any communication with the
9 complainant and then there's a letter received, wouldn't
10 that be a breach?

11 **MR. NEVILLE:** The charges, sir, had not been
12 laid yet.

13 **THE COMMISSIONER:** Ah.

14 **MR. NEVILLE:** The letter is delivered, I
15 believe, late December '97.

16 **THE COMMISSIONER:** Okay, well, no, no.

17 **MR. NEVILLE:** I think or it's dated so, I
18 believe. Yes, later -- do you see that, sir, just above
19 the 10:39 entry? The letter was dated December 30th, 1997.
20 The charges for C-4 were not laid until the end of January
21 '98.

22 **THE COMMISSIONER:** Right, but the -- whether
23 it's dated that date doesn't mean that's when he received
24 it. In any event, we're not going to ---

25 **MR. NEVILLE:** That's the date of the letter.

1 So the letter is written to C-4 prior to C-4 being a
2 complainant before the court.

3 **THE COMMISSIONER:** No, the thing that just
4 pops up in mind was:

5 "He said he should have given the
6 letter to C-4, but did not have the
7 courage."

8 So -- and ---

9 **MR. NEVILLE:** This is the document,
10 Commissioner, that when Bishop Larocque was here, he
11 acknowledged he may have instructed Father MacDonald to
12 write.

13 **THE COMMISSIONER:** M'hm.

14 **MR. NEVILLE:** There's a whole series of
15 events, sir, that precede the letter, including C-4's
16 parents going to see the Bishop in December of '97.

17 **THE COMMISSIONER:** Right, and all I'm saying
18 is, did he say he could not give it to C-4? He said
19 because of a restraining order. So it's in the statement.

20 **MR. NEVILLE:** I'm not aware of one, sir.
21 My client was -- had no conditions about this person until
22 late January.

23 **THE COMMISSIONER:** No, but -- and all I'm
24 saying, sir, is as an institutional response ---

25 **MR. NEVILLE:** Right.

1 **THE COMMISSIONER:** --- if someone comes up
2 to you and says that it was because of a restraining order,
3 right; did you follow up with that?

4 **MR. DUPUIS:** I don't know if there was a
5 restraining order at this time, sir.

6 **THE COMMISSIONER:** You wouldn't know if you
7 -- unless you looked it up.

8 **MR. DUPUIS:** That's correct.

9 **THE COMMISSIONER:** And why didn't you look
10 it up?

11 **MR. DUPUIS:** If there was a restraining
12 order on ---

13 **THE COMMISSIONER:** Did you look it up?

14 **MR. DUPUIS:** No, sir.

15 **THE COMMISSIONER:** Why not?

16 **MR. DUPUIS:** I didn't know one existed, sir.
17 I can't recall one.

18 **THE COMMISSIONER:** Well, sir, you've got
19 somebody who's attributing to an accused that I want you to
20 give this letter to somebody else who eventually is a
21 complainant and the reason why I can't do that is because
22 there's a restraining order. I mean, it just cries out,
23 doesn't it?

24 **MR. DUPUIS:** I don't see that here, sir. Am
25 I missing ---

1 **THE COMMISSIONER:** Yeah, look at the
2 interview report of the brother of C-4; Exhibit 2643.

3 **MR. DUPUIS:** Yes, sir.

4 **THE COMMISSIONER:** First page.

5 **MR. DUPUIS:** Yes, sir.

6 **THE COMMISSIONER:** So brother of C-4:
7 "C-4 received an envelope from you.
8 Could you explain how you received this
9 envelope?"

10 He says:

11 "Charles MacDonald gave me a call, I
12 believe last March at work. He asked
13 me if we could meet and that he had a
14 letter for C-4."

15 "Was this March of '98?"

16 "Yes, and he said he could not give
17 it to C-4."

18 Did he say he could not give it to C-
19 4?"

20 Answer:

21 "He said because of a restraining
22 order."

23 **MR. DUPUIS:** Yes, sir. I see that here no.

24 **THE COMMISSIONER:** All right.

25 **MR. DUPUIS:** I'm -- I'm sorry.

1 **THE COMMISSIONER:** So didn't that ring a few
2 bells?

3 **MR. DUPUIS:** I don't recall what action I
4 took, sir, or didn't take in that matter.

5 **THE COMMISSIONER:** Looking at it now ---

6 **MR. DUPUIS:** Yes, sir.

7 **THE COMMISSIONER:** --- what would you have
8 done?

9 **MR. DUPUIS:** I should have looked into it
10 further.

11 **THE COMMISSIONER:** Pardon me?

12 **MR. DUPUIS:** I should have looked into it
13 further.

14 **THE COMMISSIONER:** To find out if, at all,
15 there was a restraining order?

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

17 **THE COMMISSIONER:** And if there wasn't then
18 there's no issue and if there was, there you go.

19 **MR. DUPUIS:** Yes, sir.

20 **THE COMMISSIONER:** Mr. Neville?

21 **MR. NEVILLE:** Can we look next, Detective,
22 at Document 710400?

23 **THE COMMISSIONER:** Sir, what's the purpose
24 of this in any event? That he was of age -- are you saying
25 it's a defence to Father MacDonald? That's not an issue

1 here.

2 MR. NEVILLE: Well, Commissioner, we're
3 talking institutional response ---

4 THE COMMISSIONER: Yes.

5 MR. NEVILLE: --- and the Crown's will be
6 coming.

7 THE COMMISSIONER: Pardon me?

8 MR. NEVILLE: We are talking institutional
9 response ---

10 THE COMMISSIONER: Yes.

11 MR. NEVILLE: --- and the Crowns will be
12 coming and I'm going to be asking questions ---

13 THE COMMISSIONER: Crowns?

14 MR. NEVILLE: --- about what follow-ups were
15 done ---

16 THE COMMISSIONER: Okay.

17 MR. NEVILLE: --- on some of these
18 allegations.

19 THE COMMISSIONER: All right.

20 It just -- okay. So long as it's in that
21 window.

22 MR. NEVILLE: That's what it's about.

23 THE COMMISSIONER: All right.

24 MR. NEVILLE: Exhibit -- Document 710400;
25 it's another Will-Say of the detective.

1 THE COMMISSIONER: Exhibit 2644?

2 MR. NEVILLE: Seven one zero four zero zero
3 (710400). Exhibit 2644.

4 --- EXHIBIT NO./PIÉCE NO. P-2644:

5 (710400) - Will-Say Volume 9 of Joe Dupuis
6 re Charles MacDonald dated 03 Apr 00 to 15
7 Aug 00

8 MR. NEVILLE: Can we start and just briefly,
9 Detective, look at -- it's -- it would be the second page
10 of the text of the document, Bates page ending in 469.
11 It's the 18th of April, 2000. Have you got it?

12 MR. DUPUIS: Yes, sir.

13 MR. NEVILLE: All right.

14 And this deals with the nine Dunlop boxes;
15 right?

16 MR. DUPUIS: Yeah.

17 MR. NEVILLE: Pardon me?

18 MR. DUPUIS: Yes, sir.

19 MR. NEVILLE: And the May 1st, 2000, trial
20 date for Father MacDonald is less than two weeks away;
21 right?

22 MR. DUPUIS: Yes. Yes, sir.

23 MR. NEVILLE: And it was quite apparent to
24 you and your colleagues that Mr. Dunlop had had an
25 extensive involvement with many witnesses, many

1 complainants over many months if not years.

2 MR. DUPUIS: That's correct.

3 MR. NEVILLE: And finally, two weeks before
4 a trial, he brings forward nine boxes of undisclosed
5 material; right?

6 MR. DUPUIS: Yes, sir.

7 MR. NEVILLE: In addition to which, by that
8 point, having received, finally, the name of a new
9 complainant; charges were laid around this same time on the
10 eve of Father MacDonald's trial.

11 MR. DUPUIS: That's correct.

12 MR. NEVILLE: So quite apart from -- and can
13 you also confirm, sir, that at that point, in April of
14 2000, Mr. Dunlop was himself the subject of an
15 investigation that had not yet concluded in relation to
16 possible charges of perjury? Do you recall when the matter
17 was dealt with in court in front of Mr. Justice Desmarais,
18 there was an in-camera portion?

19 Some of this, Commissioner, is in the
20 documents that Mr. Boxall provided in the schedule of
21 documents.

22 THE COMMISSIONER: That's fine.

23 MR. DUPUIS: Sir, I'm sorry. I can't ---

24 MR. NEVILLE: You don't remember any of
25 that? All right, that's fine.

1 Let's look next at Bates page -- it would be
2 the last page, 474. It's the entry in the middle of the
3 page, Detective, under the date 2 August 2000.

4 **THE COMMISSIONER:** Two (2) August?

5 **MR. NEVILLE:** Yes, sir.

6 **THE COMMISSIONER:** So before last page?

7 **MR. NEVILLE:** It's page -- I haven't looked
8 -- using the document numbers it's seven of eight, but it's
9 Bates page 474.

10 **THE COMMISSIONER:** Yeah.

11 **MR. NEVILLE:** Do you have it, sir?

12 **MR. DUPUIS:** Yes, sir.

13 **MR. NEVILLE:** All right.

14 So you have an attendance at St. Anthony's
15 Church in Apple Hill?

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

17 **MR. NEVILLE:** And you're looking to find out
18 certain facts by going there?

19 **MR. DUPUIS:** That's correct.

20 **MR. NEVILLE:** And some of these facts relate
21 to the story put forward by the new complainant; C-2?

22 **MR. DUPUIS:** Yes, sir.

23 **MR. NEVILLE:** Is that right?

24 **MR. DUPUIS:** Yes, sir.

25 **MR. NEVILLE:** And the fourth bullet -- fifth

1 bullet, "No knowledge..." and this -- you're with Father
2 Cameron who was by that point the parish priest?

3 MR. DUPUIS: Yes, sir. I believe that ---

4 MR. NEVILLE: Okay.

5 MR. DUPUIS: --- was his position.

6 MR. NEVILLE: And the bullet entry number 4.
7 Number 5 is, "No knowledge of any sliding doors in house".

8 So, again, this is a follow-up or a
9 substantiating type of inquiry?

10 MR. DUPUIS: That's correct.

11 MR. NEVILLE: And the presence or absence of
12 a sliding door was significant to that complainant's story?

13 MR. DUPUIS: If I ---

14 MR. NEVILLE: If you remember?

15 MR. DUPUIS: Yes, sir.

16 MR. NEVILLE: Okay.

17 Let's look next at Document -- it's Exhibit,
18 Commissioner, 229. The Document Number is 200038.

19 MR. NEVILLE: You have the document, sir?

20 MR. DUPUIS: Yes, sir.

21 MR. NEVILLE: If you'd look at Bates
22 page -- it ends in 739?

23 MR. DUPUIS: Yes, sir.

24 MR. NEVILLE: If you look, this is a
25 decision of the Criminal Injuries Compensation Board in

1 relation to the complainant, John MacDonald, right?

2 MR. DUPUIS: Yes, sir.

3 MR. NEVILLE: And if you look just to the
4 right and below his bolded name, you see that it relates to
5 a hearing on the 16th of June, 2003, in Ottawa?

6 MR. DUPUIS: Yes, sir.

7 MR. NEVILLE: Before two panel members of
8 the Board?

9 MR. DUPUIS: Yes, sir.

10 MR. NEVILLE: And if you look at the
11 appearances, or attendees, there is yourself there as the
12 police representative?

13 MR. DUPUIS: Yes, sir.

14 MR. NEVILLE: All right.

15 Now, if we can just look over on the next
16 page, it's page 2 of the report of the Board. Do you have
17 it?

18 MR. DUPUIS: Yes, sir.

19 MR. NEVILLE: And if you just read to
20 yourself the first five lines of that paragraph?

21 (SHORT PAUSE-COURTE PAUSE)

22 MR. NEVILLE: Have you read it?

23 MR. DUPUIS: The first five lines?

24 MR. NEVILLE: Yes, sir.

25 MR. DUPUIS: Yes, sir.

1 **MR. NEVILLE:** It deals with an objection by
2 myself as counsel for Father MacDonald, to
3 MacDonald's -- John Macdonald's request to have a
4 particular individual there in the hearing room, and do you
5 recall that that individual was Richard Nadeau?

6 If you read on in the rest of the paragraph,
7 you'll see that an objection is made because the concern is
8 that Mr. Nadeau, the operator of the web site already
9 convicted of contempt, would reveal the nature of the
10 proceeding if he wasn't excluded.

11 **MR. DUPUIS:** I don't see his name here.

12 **MR. NEVILLE:** No, he's not. They left his
13 name out of the text, but you remember that's what it was
14 about, that he'd been guilty of contempt and the concern
15 was that he would post the proceedings on his web site?

16 **MR. DUPUIS:** I -- I don't recall ---

17 **MR. NEVILLE:** You don't recall that?

18 **MR. DUPUIS:** --- Mr. Nadeau.

19 **MR. NEVILLE:** All right. Let's look over
20 at -- just confirm that you actually gave evidence. Do you
21 recall that?

22 **MR. DUPUIS:** Yes, sir.

23 **MR. NEVILLE:** All right. And we see that
24 starting on -- I'm using the numbers, Commissioner, of the
25 report itself ---

1 THE COMMISSIONER: M'hm.

2 MR. NEVILLE: --- page 14 ---

3 THE COMMISSIONER: M'hm.

4 MR. NEVILLE: --- right at the top centre of
5 the page, Detective?

6 MR. DUPUIS: Yes, sir.

7 MR. NEVILLE: You found it?

8 MR. DUPUIS: Yes, sir.

9 MR. NEVILLE: It's the final paragraph at
10 the bottom, "The police witness testified" and it goes on.
11 Do you see that?

12 MR. DUPUIS: Yes, sir.

13 MR. NEVILLE: And if you turn over to the
14 next page, there's a whole -- all of the next page is your
15 testimony summarized?

16 And you see the next paragraph starts,
17 "According to the police witness..."

18 MR. DUPUIS: Yes, sir.

19 MR. NEVILLE: And then there's a blank,
20 "...came forward." You've got that?

21 MR. DUPUIS: Yes, sir.

22 MR. NEVILLE: The bottom of the page,
23 another paragraph starts, referring to you?

24 MR. DUPUIS: Yes, sir.

25 MR. NEVILLE: If you look at page 16, all of

1 page 16 is devoted to your testimony, right? Each
2 paragraph commences with a reference to you testifying?

3 MR. DUPUIS: Yes, sir.

4 MR. NEVILLE: All right.

5 Now, if we just go back to page 10? And you
6 sat through the hearing, Detective? Did you stay for the
7 hearing?

8 MR. DUPUIS: I ---

9 MR. NEVILLE: You obviously were there to
10 give evidence.

11 MR. DUPUIS: Yes, sir. Can you just give me
12 time to think about this, sir?

13 MR. NEVILLE: Take your time. I don't
14 want -- well, maybe I shouldn't say take your time, but,
15 think about it, sure.

16 THE COMMISSIONER: Yes, take your time and
17 think about it.

18 MR. NEVILLE: Think about it.

19 THE COMMISSIONER: So what's -- where are we
20 now? Do you recall that hearing at all?

21 MR. DUPUIS: Yes, sir.

22 THE COMMISSIONER: Okay. No, just -- do you
23 recall, you know, where you were when you gave the
24 evidence, where the people were sitting and that kind of
25 thing?

1 **MR. NEVILLE:** Do you recall, sir -- if I
2 might help, sir?

3 **THE COMMISSIONER:** Go ahead, slowly.

4 **MR. NEVILLE:** Do you recall, Detective, it
5 was at a high-rise office complex near Blair Road and the
6 Queensway in the city?

7 **MR. DUPUIS:** The east end of Ottawa.

8 **MR. NEVILLE:** Right.

9 **MR. DUPUIS:** I'm not -- the east end of
10 Ottawa.

11 **MR. NEVILLE:** It was a hearing room, right?

12 **MR. DUPUIS:** Yes, sir.

13 **MR. NEVILLE:** And you and I met each other
14 outside the hearing room?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. NEVILLE:** And we went into the hearing
17 eventually, and there were two women conducting the
18 hearing?

19 **MR. DUPUIS:** Yes, sir.

20 **MR. NEVILLE:** And there was a debate about
21 who could remain in the room -- I've touched on that -- and
22 then we started the hearing?

23 **MR. DUPUIS:** Yes, sir.

24 **MR. NEVILLE:** Okay?

25 **THE COMMISSIONER:** Do you remember that?

1 **MR. DUPUIS:** Yes, sir.

2 **THE COMMISSIONER:** Okay. Well, what?

3 **MR. DUPUIS:** But I think his question was,
4 how long -- did I stay through the whole proceedings, and I
5 don't believe I did.

6 **MR. NEVILLE:** Okay. Do you recall two
7 things: John MacDonald, do you recall that he testified?
8 If you don't recall, just say so and ---

9 **MR. DUPUIS:** No, sir, I don't.

10 **MR. NEVILLE:** Do you recall the fact that
11 Father MacDonald testified?

12 **MR. DUPUIS:** No, sir.

13 **MR. NEVILLE:** All right.

14 Did you ever determine or learn the outcome
15 of that hearing?

16 **MR. DUPUIS:** I believe it was denied.

17 **MR. NEVILLE:** Correct.

18 Now, you were the lead investigator and, in
19 particular, dealt with the second group of five
20 complainants with the information sworn on January 26th,
21 2008(sic)?

22 **MR. DUPUIS:** That's correct, sir.

23 **MR. NEVILLE:** And those complainants
24 included C-4, whom we've talked about, the person connected
25 to the apology letter?

1 MR. DUPUIS: Yes.

2 MR. NEVILLE: He was one?

3 MR. DUPUIS: Yes.

4 MR. NEVILLE: All right. Robert Renshaw was
5 another one? It's not a prohibited name.

6 MR. DUPUIS: Yes, sir.

7 MR. NEVILLE: Okay. C-8 was another one?

8 MR. DUPUIS: I ---

9 MR. NEVILLE: Okay.

10 MR. DUPUIS: --- don't know who C-8 is.

11 MR. NEVILLE: You're not sure about C-8's
12 name? All right.

13 MR. DUPUIS: I think I do, but if I could,
14 please?

15 MR. NEVILLE: I may have misspoken,
16 Commissioner. I may have said 2008, I meant 1998, sorry.
17 That would definitely not help.

18 In 1998, five complainants; you swore the
19 information?

20 MR. DUPUIS: Yes, sir.

21 MR. NEVILLE: Okay. So, we've got C-4,
22 Robert Renshaw, C-8 -- you now realize who he is?

23 MR. DUPUIS: Yes. Yes.

24 MR. NEVILLE: Okay. And two others, one I'm
25 not sure is a prohibited name, Commissioner, so I won't use

1 it, and then another gentleman who I know had a moniker and
2 I understand, sir, it was removed, but I think at one time
3 he was C-6, and it seems to be stroked through. That was
4 prior to my attendance.

5 **THE COMMISSIONER:** Kevin Upper? It's a
6 public name.

7 **MR. NEVILLE:** Please confirm, sir, that this
8 person was, but is no longer?

9 **THE COMMISSIONER:** That's right, Kevin
10 Upper.

11 **MR. NEVILLE:** And the final complainant of
12 the five was a person named Kevin Upper?

13 **MR. DUPUIS:** Yes, sir.

14 **MR. NEVILLE:** All right. Now, I just want
15 to ask you again on the notion of following up or
16 substantiating complainants' stories, all right?

17 **MR. DUPUIS:** Okay.

18 **MR. NEVILLE:** Let's talk briefly about C-8.

19 **MR. DUPUIS:** Yes, sir.

20 **MR. NEVILLE:** Do you recall that C-8's
21 allegation was that in September of 1978 while serving at
22 the funeral mass of his father, he was sexually abused by
23 Father MacDonald?

24 **THE COMMISSIONER:** Well, not while
25 celebrating the mass ---

1 **MR. NEVILLE:** No, no.

2 **THE COMMISSIONER:** --- but shortly ---

3 **MR. NEVILLE:** No, I ---

4 **THE COMMISSIONER:** Well ---

5 **MR. NEVILLE:** --- I didn't mean on the

6 altar, sir; I meant at the church.

7 **THE COMMISSIONER:** Well ---

8 **MR. NEVILLE:** Do you recall that was the

9 essence of his story?

10 **MR. DUPUIS:** Yes, sir.

11 **MR. NEVILLE:** All right. So that was a very

12 fixed date, right? It was a very ---

13 **MR. DUPUIS:** Yes.

14 **MR. NEVILLE:** --- specific date?

15 **MR. DUPUIS:** Yes, it was.

16 **MR. NEVILLE:** Do you recall what -- anything

17 you did to follow-up the details of that story and confirm

18 it?

19 For example, did you get church records or

20 funeral home records as to who said the mass? If you ---

21 **MR. DUPUIS:** I -- I don't recall, sir, but

22 I -- I'm not sure.

23 **MR. NEVILLE:** Okay. Another complainant was

24 a person named Robert Renshaw. We've mentioned him. He

25 alleges that he was at the rectory at St. Columban's

1 purportedly for counselling for Father MacDonald in 1983.

2 All right?

3 **MR. DUPUIS:** Okay.

4 **MR. NEVILLE:** Now, you and your colleagues
5 had a list of Father MacDonald's appointments, parish
6 assignments.

7 **MR. DUPUIS:** Yes.

8 **MR. NEVILLE:** And you knew from that list of
9 assignments that Father MacDonald had not been in St.
10 Columban's since 1975.

11 **THE COMMISSIONER:** Well, not been posted
12 there full time.

13 **MR. NEVILLE:** No posted there, period.

14 **THE COMMISSIONER:** Okay.

15 **MR. NEVILLE:** What follow up did you do as
16 to how Father MacDonald could be in the rectory eight years
17 later; any?

18 **MR. DUPUIS:** I don't recall, sir.

19 **MR. NEVILLE:** One final brief reference, if
20 I may. The document is 111142. It's another Will-Say,
21 sir, or part thereof. It's actually part thereof.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit 2645 is the Will-Say of Constable
24 Dupuis, 15th of August 2000.

25 --- **EXHIBIT NO./PIÈCE No. P-2645:**

1 (111142) Will-Say #2 of Joe Dupuis re:
2 Charles MacDonald dated 15 Aug 00 to 08 Apr
3 02

4 **MR. NEVILLE:** And the reference I wish to
5 make, Commissioner, specifically is to Bates page 846.

6 Have you found it, Detective?

7 **MR. DUPUIS:** Yes, sir.

8 **MR. NEVILLE:** It's an entry at the bottom of
9 the page under the date 7th of March 2002 at a time of 1630
10 or 4:30 p.m.

11 Do you see it?

12 **MR. DUPUIS:** Yes, sir.

13 **MR. NEVILLE:** The person referred to in the
14 first line we know here as C-3; all right?

15 **MR. DUPUIS:** Okay.

16 **MR. NEVILLE:** The bottom sentence, he brings
17 certain material to your attention about whether he can
18 meet with the Crowns.

19 Last sentence:

20 "He also advised that he wished not to
21 proceed with any criminal proceedings;
22 advised him he will have to discuss
23 this with the Crowns."

24 **MR. DUPUIS:** Yes, sir.

25 **MR. NEVILLE:** Do you know if any discussion

1 took place with the Crowns about his wish not to have
2 anything to do with this trial that was upcoming shortly?
3 Do you recall any discussion that you were present for?

4 **MR. DUPUIS:** I don't recall, sir, if I ---

5 **MR. NEVILLE:** Do you think it's likely you
6 conveyed this wish of his to the Crowns?

7 **MR. DUPUIS:** Definitely.

8 **MR. NEVILLE:** Those are my questions. Thank
9 you.

10 **THE COMMISSIONER:** Thank you.

11 Mr. Chisholm?

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
13 **CHISHOLM:**

14 **MR. CHISHOLM:** Good afternoon, sir.

15 **THE COMMISSIONER:** Good afternoon.

16 **MR. CHISHOLM:** Detective Constable Dupuis,
17 we know each other.

18 **MR. DUPUIS:** Yes, sir.

19 **MR. CHISHOLM:** I'm counsel for the CAS.

20 If I could get you to turn to Exhibit 2614,
21 please. These are your notes from February 9th, 2001 to
22 June 16th, 2003; Bates page 2032, please.

23 **MR. DUPUIS:** Yes, sir.

24 **MR. CHISHOLM:** You have that, Detective
25 Constable? And these are your notes for October the 25th,

1 2001, as I understand it, and they relate to starting a
2 long-term offender application with respect to Jean-Luc
3 Leblanc. Is that right?

4 **MR. DUPUIS:** That's correct.

5 **MR. CHISHOLM:** And going to the entry at
6 1509 hours at the bottom of the page, you indicate you're
7 10-7 at the CAS. Is that right?

8 **MR. DUPUIS:** That's correct.

9 **MR. CHISHOLM:** And how was it that you came
10 to go to the CAS? Did you call ahead or did you just pop
11 by?

12 **MR. DUPUIS:** I don't recall, sir.

13 **MR. CHISHOLM:** And with respect to the
14 location of the CAS office at that time, do you recall
15 where it was?

16 **THE COMMISSIONER:** Two thousand and one
17 (2001).

18 **MR. DUPUIS:** I'm not sure if there was two
19 locations at that time.

20 **MR. CHISHOLM:** Do you recall what location
21 you attended at when you said 10-7 at CAS?

22 **MR. DUPUIS:** I don't know if it was the one
23 was it York Street and then it was on Boundary Road, but
24 I'm not sure which one I attended.

25 **MR. CHISHOLM:** So you're not sure where it

1 was you attended?

2 MR. DUPUIS: That's correct.

3 MR. CHISHOLM: And your note reads, if I can
4 read it properly:

5 "Checking any files on Jean-Luc
6 Leblanc."

7 Is that right?

8 MR. DUPUIS: That's correct.

9 THE COMMISSIONER: Madam Clerk, can you push
10 it down or up?

11 MR. CHISHOLM: And the last two lines on
12 that page, do I understand that to be:

13 "Advised if they have anything; will
14 require a written request for a
15 file"?

16 Is that what that says?

17 MR. DUPUIS: Which ---

18 MR. CHISHOLM: The last two lines on the
19 page, page 63 of your notes ending at 1509 hours.

20 MR. DUPUIS: Yes, sir.

21 MR. CHISHOLM: I'm reading your writing
22 properly?

23 MR. DUPUIS: Yes, sir.

24 MR. CHISHOLM: And can you tell me looking
25 at your notes who it was that advised you that you would

1 need a written request to get the file?

2 MR. DUPUIS: I believe on Bates page 033,
3 the last paragraph in regards to Mr. Carrière.

4 MR. CHISHOLM: And that's a reference simply
5 to Carrière. Is that right?

6 MR. DUPUIS: Yes.

7 MR. CHISHOLM: Is there any reference to
8 Bill Carrière anywhere in your note?

9 MR. DUPUIS: No, just that one location I
10 believe, sir.

11 MR. CHISHOLM: And do you have an
12 independent recollection of Mr. Carrière saying that to
13 you?

14 MR. DUPUIS: No, sir.

15 MR. CHISHOLM: You don't.

16 And staying on page 64, Bates page 2033, the
17 first few lines read -- can I get you to read the first
18 three lines to me? I'm having a hard time ---

19 MR. DUPUIS: "Advised that CAS do have a
20 File; Leblanc, Jean-Luc, registered as
21 sex offender."

22 MR. CHISHOLM: Okay. Thank you.

23 And do you know who it was that advised you
24 of that fact?

25 MR. DUPUIS: No, sir.

1 **THE COMMISSIONER:** Well ---

2 **MR. DUPUIS:** It's got Mr. Carrière's name
3 there, so I would assume he ---

4 **THE COMMISSIONER:** "Carrière also advised,"
5 so -- and it's the same note.

6 **MR. DUPUIS:** So I would assume ---

7 **MR. CHISHOLM:** And then if I read the fourth
8 line correctly, it says:

9 "They will not give police any info out
10 of this file."

11 Is that right?

12 **MR. DUPUIS:** That's the last two lines of
13 the thing you're referring to?

14 **MR. CHISHOLM:** No, it's four lines down from
15 the top.

16 **MR. DUPUIS:** Okay. Yes, sir, I see it.

17 **MR. CHISHOLM:** Is that what it says, "They
18 will"?

19 **MR. DUPUIS:** Yes:

20 "They will not give police any info out
21 of this file."

22 **MR. CHISHOLM:** And does it say, "They stated
23 that"?

24 **MR. DUPUIS:** They have a fear of being sued.

25 **MR. CHISHOLM:** Who is "they" you're

1 referring to? I take it that's more than one person.

2 MR. DUPUIS: It's a possibility, sir. I
3 don't recall how many people.

4 MR. CHISHOLM: So you don't know if Mr.
5 Carrière told you that? You have to say yes or no.

6 MR. DUPUIS: I don't know, sir.

7 MR. CHISHOLM: Can you tell us when in
8 relation to your visit to the CAS that you made your notes
9 that we see here?

10 MR. DUPUIS: I would assume shortly after I
11 left.

12 MR. CHISHOLM: But you don't have any
13 recollection of it?

14 MR. DUPUIS: No, sir.

15 MR. CHISHOLM: And you've noted back on page
16 63 or Bates 2032 that you were told a written request for
17 the file would be required. Did you ever provide that
18 written request to the CAS?

19 MR. DUPUIS: I don't believe I did, sir, no.

20 MR. CHISHOLM: Do you know if anyone ---

21 MR. DUPUIS: But this file here was being
22 handled by Detective Genier and I assume I was assisting
23 him, and if I couldn't accomplish that this day he may have
24 looked into it later.

25 MR. CHISHOLM: But you never provided any

1 request?

2 **MR. DUPUIS:** No, sir.

3 **MR. CHISHOLM:** Thank you, Detective
4 Constable. Those are my questions.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Rose? He's not here. Okay, Mr.
7 Thompson.

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

9 **MR. THOMPSON:**

10 **MR. THOMPSON:** Good afternoon. My name is
11 Christopher Thompson. I'm counsel for the Ministry of the
12 Attorney General and I've got some questions for you today.

13 I'd ask you to turn to Exhibit 2640. This
14 is the Court of Appeal decision that was drawn to your
15 attention earlier. It was raised -- just at the very first
16 page there, which is Bates page 336. It was raised with
17 you earlier that here had been a finding of wilful
18 nondisclosure and therefore a stay of this prosecution,
19 which is *R. v. Jacques Leduc*, and this is the appeal of
20 that decision.

21 **MR. DUPUIS:** Yes, sir.

22 **MR. THOMPSON:** And I just want to point out
23 paragraph 1. It says here:

24 "The principal issue on this Crown
25 appeal is whether the finding of wilful

1 nondisclosure is supported by the
2 evidence. In my view, it is not. I
3 have not found any evidence in the
4 record to sustain this finding. I
5 would therefore set aside the stay and
6 order a new trial."

7 Do you see that there?

8 **MR. DUPUIS:** Which page are you on, sir,
9 please?

10 **THE COMMISSIONER:** Sir, it's a matter of
11 public knowledge, and so okay, that's what he said.

12 **MR. THOMPSON:** I'm just not sure that it is
13 a matter of public knowledge. Obviously it's a Court
14 decision but the impression was left I think yesterday that
15 there was a finding of wilful nondisclosure and there was
16 an appeal and that appeal was successful, but I don't know
17 if people ---

18 **THE COMMISSIONER:** Okay, the appeal was
19 successful and that then was -- can we go on to something
20 else now?

21 **MR. THOMPSON:** We can, but I just don't know
22 that people appreciate why it was successful; whether it
23 was some sort of technical legal ground ---

24 **THE COMMISSIONER:** I do. I appreciate it;
25 okay? Thank you.

1 **MR. THOMPSON:** So it's against that backdrop
2 of finding that there's no evidence of wilful nondisclosure
3 that I do want to ask you some questions about the Leduc
4 prosecution.

5 You told us in your chief that after you'd
6 had -- after you'd met with C-16 on June 15th, '98 -- do you
7 remember that? Obviously you had that meeting.

8 **MR. DUPUIS:** What's the date, please?

9 **MR. THOMPSON:** It's June 15th.

10 **MR. DUPUIS:** That would be the mother.

11 **MR. THOMPSON:** 1998.

12 **MR. DUPUIS:** The mother.

13 **MR. THOMPSON:** Sorry?

14 **MR. DUPUIS:** The mother.

15 **MR. THOMPSON:** Right, right. Sorry, it's
16 the mother.

17 That after you met with the mother that you
18 went back to the office and that you had mentioned it.

19 **MR. DUPUIS:** That's correct.

20 **MR. THOMPSON:** I think you told us you
21 didn't -- you couldn't remember who you might have
22 mentioned it too, but sometime thereafter you would have
23 told Inspector Smith.

24 **MR. DUPUIS:** That's correct.

25 **MR. THOMPSON:** Right? And I think you said

1 that it would have made some sense that you would have told
2 Inspector Hall but you didn't necessarily have a
3 recollection of that.

4 **MR. DUPUIS:** That's correct.

5 **MR. THOMPSON:** Following that I understand
6 that you became aware of a meeting on July 23rd, 1998 with
7 Inspector Smith and Mr. Dunlop.

8 **MR. DUPUIS:** Yes. I believe there was other
9 people there as well.

10 **MR. THOMPSON:** Inspector Hall, Inspector
11 Trew from the Cornwall Police Service, and at that meeting
12 there was -- you later found out there was some discussion
13 of that contact with C-16's mother.

14 **MR. DUPUIS:** That's correct.

15 **MR. THOMPSON:** Now, I'm not suggesting that
16 this is your obligation, but I take it that you didn't then
17 tell Inspector Hall or Smith, "Well, we've got to make sure
18 that that gets into the Leduc disclosure," right?

19 **MR. DUPUIS:** That's correct.

20 **MR. THOMPSON:** Because you weren't thinking
21 at that time that this was something that was for the Leduc
22 disclosure. Your thoughts were more this is Mr. Dunlop
23 interfering in investigations.

24 **MR. DUPUIS:** That's correct.

25 **MR. THOMPSON:** I'd like to take your

1 attention to February 7th, 2001, and that's during the trial
2 of the Leduc matter when C-16's mother testifies and makes
3 that disclosure on the stand. Do you remember that?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. THOMPSON:** And I'd like you to turn to
6 your notes, please. It's Exhibit 2614, Bates 958.

7 **THE COMMISSIONER:** Nine fifty-eight (958)?

8 **MR. THOMPSON:** That's right.

9 **THE COMMISSIONER:** I think it's in 213.

10 **MR. THOMPSON:** Two one three (213)?

11 **THE COMMISSIONER:** Yeah.

12 **MR. THOMPSON:** My apologies.

13 **THE COMMISSIONER:** It's one three; Exhibit
14 one three.

15 **MR. DUPUIS:** I'm sorry. Two six one three
16 (2613)?

17 **THE COMMISSIONER:** That's right, and it's at
18 page 958. It's near the end. Actually it's about three or
19 four pages from the end.

20 **MR. DUPUIS:** Thank you.

21 **MR. THOMPSON:** Now, I've reviewed your
22 notes, and I don't see it here but I just wanted to draw
23 you to your notes -- that after this is disclosed in Court
24 -- C-16's mother -- my understanding is that you call
25 Inspector Hall; you advise him. He comes to the courthouse

1 and brings materials relevant -- in relation to the Dunlop
2 -- Dunlop materials he brings to the courthouse. Is that
3 right?

4 **MR. DUPUIS:** I believe he did, yes.

5 **MR. THOMPSON:** And I don't see it in your
6 notes here but I understand that right after that there was
7 a meeting that took place with yourself, Ms. Hallett,
8 Detective Constable Steve Seguin and Inspector Hall and
9 Assistant Crown Attorney Christine Tier right following
10 that disclosure. It's not in your notes. I'm asking if
11 you have an independent recollection of that.

12 **THE COMMISSIONER:** So we're in the trial.
13 The mother of the victim says that she was speaking to
14 Dunlop. The trial is stopped and shortly thereafter you
15 have a meeting with the people that Mr. Thompson says. Do
16 you recall that?

17 **MR. DUPUIS:** Vaguely.

18 **MR. THOMPSON:** Okay. Well, let's go on. My
19 understanding is you had two meetings. The first meeting
20 you actually had with the defence counsel that were there -
21 - with all those people I mentioned and defence counsel,
22 and I just want to read you something to see if this jogs
23 your memory a little bit. What I'm reading from is a Will-
24 Say of Inspector Hall. What it says here is:

25 "We went to an interview room and met

1 with defence counsel, Philip Campbell
2 and Stephen Skurka, and a law student.
3 Ms. Hallett gave the Dunlop material to
4 defence counsel. The writer explained
5 where it came from and when the
6 material was received. The defence
7 counsel directed their questions to the
8 writer and both Skurka and Campbell
9 pointed out that, being experienced
10 police officers, we should have
11 disclosed the Dunlop material as
12 required by Stinchcombe. They
13 questioned the meeting of July 23rd,
14 1998 by Detective Inspector Smith,
15 Constable Perry Dunlop and the writer,
16 and how Smith knew at that time to ask
17 Dunlop about his [C-16] contact. At
18 this time Ms. Hallett was just
19 listening to the conversation. She
20 then stated, 'This is all news to me.'
21 The conversation then took place about
22 what action would result by defence
23 counsel and Ms. Hallett. The meeting
24 was approximately 10 minutes in
25 duration. The writer did not indicate

1 to defence counsel that Ms. Hallett was
2 provided Dunlop's disclosure in April
3 '00. The writer was not in court that
4 morning and was unsure of what was said
5 and did not want to embarrass Ms.
6 Hallett in front of defence counsel.
7 Upon leaving that meeting it was the
8 writer's opinion that defence counsel
9 believed the police had not made
10 disclosure to Ms. Hallett of the Dunlop
11 material. This opinion is supported by
12 the tone of..."

13 And it goes on.

14 **THE COMMISSIONER:** Mr. Thomson, is that an
15 exhibit?

16 **MR. THOMPSON:** We don't have it -- it's not
17 in evidence. I'm just asking Mr. Dupuis if this jogs his -
18 - if he has an independent recollection of this.

19 Does that sound to you about right? Do you
20 remember that, sir?

21 **MR. DUPUIS:** Vaguely.

22 **MR. THOMPSON:** Vaguely? And I guess what
23 I'm getting at is in this meeting the defence counsel is
24 really looking at the police here and concerned about
25 police nondisclosure.

1 **MR. DUPUIS:** Yes, sir.

2 **MR. THOMPSON:** Is that fair?

3 **MR. DUPUIS:** Yes, sir.

4 **THE COMMISSIONER:** So when are we going to
5 see this exhibit?

6 **MR. THOMPSON:** I assume when Inspector Hall
7 testifies.

8 **THE COMMISSIONER:** Well, usually when you --
9 okay, okay.

10 **MR. THOMPSON:** And right after that, there's
11 another meeting and this is without the defence counsel.

12 **THE COMMISSIONER:** Do you remember that?

13 **MR. DUPUIS:** No, sir.

14 **MR. THOMPSON:** Well, if I -- if I reviewed
15 that might help refresh your memory as it did for the
16 previous meeting?

17 **MR. DUPUIS:** Yes.

18 **MR. THOMPSON:** And it says here:

19 "Ms. Hallett was reminded that the
20 defence counsel were accusing the
21 police of non-disclosure and that she
22 was provided the material in March and
23 April, 2000. She had reviewed the
24 Dunlop boxes which contained a copy of
25 the same material. Perry Dunlop

1 delivered a copy of his Will Say to her
2 at her office on 27 June 2000. She had
3 requested copies of the material be
4 made for disclosure which was done.
5 She was advised it was the writer's
6 view that the police had made
7 disclosure to her. Ms. Hallett
8 replied, yeah, yeah, I know. The
9 writer told Ms. Hallett that we are
10 supposed to be on the same side and did
11 not want to embarrass her in front of
12 defence counsel."

13 Does that -- do you recall that? Is that --
14 do you have an independent recollection of that?

15 **MR. DUPUIS:** A vague recollection of that
16 meeting.

17 **MR. THOMPSON:** Okay.

18 **MR. DUPUIS:** Right.

19 **MR. THOMPSON:** And so really coming out of
20 February 7th, I take it, it was your view that the focus
21 really was on police non-disclosure at that point? That's
22 what the focus of defence counsel was.

23 **MR. DUPUIS:** Yes, sir.

24 **MR. THOMPSON:** And I'd like to introduce a
25 document. This is Document Number 105808. It's a new

1 document. It was -- notice was provided on it. It's
2 105808.

3 (SHORT PAUSE/COURTE PAUSE)

4 THE COMMISSIONER: Don't have it. Let's
5 have it on the screen, Madam Clerk. Can you put it on the
6 screen?

7 MR. THOMPSON: That's right.

8 THE COMMISSIONER: Hold it.

9 MR. THOMPSON: This is a letter ---

10 THE COMMISSIONER: Well, just let -- let me
11 make it an exhibit this time; okay?

12 MR. THOMPSON: Sure.

13 THE COMMISSIONER: Thanks.

14 It's a letter dated the 12th of February,
15 2001, addressed to Ms. Hallett and Ms. Tier from Steven
16 Skurka. Okay, so what number is it going to be?

17 THE REGISTRAR: Two-six-four-six (2646).

18 THE COMMISSIONER: Two-six-four-six (2646).

19 --- EXHIBIT NO./PIÉCE NO. P-2646:

20 (105808) - Letter from Steven Skurka to
21 Shelley Hallett dated February 12, 2001

22 MR. THOMPSON: Are you not copied on this
23 letter?

24 THE COMMISSIONER: I'm sorry?

25 MR. THOMPSON: I'm asking -- I'm talking to

1 the witness. He's not copied on this letter, but this --
2 but it comes back later that you'd be aware of it so I
3 thought we'd put it in the sequence now.

4 I just want to highlight the last paragraph
5 on the first page. It says, about halfway down:

6 "It's clear to us that non-disclosure
7 on this issue was wilful rather than
8 unwitting. Mr. Dunlop's telephone call
9 to C-16's mother was of sufficient
10 seriousness that Detective Dupuis
11 raised the matter with his colleagues
12 and superiors. Reference to it was,
13 however, omitted from his notes and
14 Will Say statements. The fact that OPP
15 inspectors convened a meeting with Mr.
16 Dunlop to broach the issue illustrates
17 the importance to the investigators.
18 We will require full disclosure from
19 Inspector Smith and Inspector Hall. We
20 would welcome clarification as to
21 whether Detective Dupuis determined on
22 his own initiative to omit reference to
23 the matter..."

24 **THE COMMISSIONER:** Change the page, Madam
25 Clerk.

1 **MR. THOMPSON:** Sorry.

2 "...to omit reference to the matter
3 from his notes and statements or
4 whether he received directions from his
5 superiors in that regard."

6 Now, this is an incredibly serious
7 allegation, you'd agree with me, that's being levelled both
8 at yourself and at your superiors?

9 **MR. DUPUIS:** Yes, sir.

10 **MR. THOMPSON:** I'd like to go to the next
11 document, and there was late notice on this document.

12 **THE COMMISSIONER:** How much longer do you
13 have, Mr. Thompson?

14 **MR. THOMPSON:** I suspect about another 20
15 minutes, Mr. Commissioner.

16 **THE COMMISSIONER:** Well, we'll call it quits
17 for today.

18 I don't know when you're coming back, sir.
19 We were supposed to have this finished today so you might
20 want to come back Monday morning at 9:00. We were supposed
21 to start with Officer Smith so we'll see what we do then.

22 Thank you.

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

25 This hearing is adjourned until Monday

1 morning at 9 a.m.

2 --- Upon adjourning at 2:28 p.m./

3 L'audience est ajournée à 14h28

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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