

**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 319

Held at :

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

Friday, December 5, 2008

Tenue à:

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

Vendredi, le 5 décembre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Kelly Doctor	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. Darrell Kloeze	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. Michael Neville	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	Mr. Randy Millar
Mr. Pat Hall	

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
PAT HALL, Resumed/Sous le même serment	1
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann(cont'd/suite)	2

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2819	(705379) - Investigation Report of Staff Sergeant Gerard Sabourin and Sergeant Rolland Lalonde dated 13 Mar 00	8
P-2820	(123038) - Summary of Don Genier Statement dated 23 May 01	37
P-2821	(113013) - Letter from Shelley Hallett to Pat Hall re: Brian Dufour dated 03 Apr 00	53
P-2822	(701125) - Letter from Pat Hall to Blagotja Cvetkouski dated 24 Jun 99	102
P-2823	(712290) - Letter from Balgotja Cvetkouski (Bill) to Pat Hall dated 07 Sep 99	106
P-2824	(103455) - Memorandum from C.D Lewis to Bureau Commander Investigation Bureau re: Project Truth dated 12 Oct 00	111
P-2825	(701037) -Letter from Pat Hall to Marilyn Murray dated 01 Nov 00	112
P-2826	(101856) - Memorandum from Shelley Hallett to John Pearson, John McMahon, Lidia Narozniak, Louise Dupont re: Jacques Leduc Stay of Proceedings based on Finding of Wilful Non-disclosure dated 22 Mar 01	254

1 --- Upon commencing at 8:32 a.m./

2 L'audience débute à 8h32

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.

10 Good morning, and I do mean good morning,
11 everyone.

12 **PATRICK HALL, Resumed/Sous le même serment:**

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

14 **MR. HALL:** Good morning, Mr. Commissioner.

15 **MR. ENGELMANN:** Good morning,
16 Mr. Commissioner.

17 **THE COMMISSIONER:** Yes, sir.

18 **MR. ENGELMANN:** Good morning, Mr. Hall.

19 **MR. HALL:** Good morning, Mr. Engelmann.

20 **THE COMMISSIONER:** I see everyone made it.

21 **MR. ENGELMANN:** I think we may be a bit
22 early for the Cornwall Police Service.

23 **THE COMMISSIONER:** Oh, all right. Well ---

24 **MR. ENGELMANN:** I hope we can just get
25 going.

1 **THE COMMISSIONER:** All right.

2 **MR. ENGELMANN:** Mr. Lee is with us today, I
3 note for the record, looking a little different.

4 **(LAUGHTER/RIRES)**

5 **MR. ENGELMANN:** I guess we have to start
6 with some humour.

7 **THE COMMISSIONER:** Humour?

8 I think you're looking dashing and debonair.

9 **MR. LEE:** I've always liked you, sir.

10 **THE COMMISSIONER:** And flattery will get you
11 nowhere.

12 **(LAUGHTER/RIRES)**

13 **THE COMMISSIONER:** So Mr. Engelmann, rumour
14 has it you're going to be joining Mr. Lee hair-wise.

15 **MR. ENGELMANN:** Nothing would surprise me,
16 sir.

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

18 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**

19 **MR. ENGELMANN (cont'd/suite):**

20 **MR. ENGELMANN:** Mr. Hall, let's go back to
21 the fall of 1999 if we can. We were talking about
22 discussions you were having with Cornwall Police Service
23 officers and regional Crowns about Constable Dunlop.

24 **MR. HALL:** Correct.

25 **MR. ENGELMANN:** And this arose from some

1 disclosure issues and there were discussions about the
2 possible investigation of him for alleged criminal conduct.

3 MR. HALL: That's correct.

4 MR. ENGELMANN: All right. And ---

5 MR. HALL: And to get his disclosure.

6 MR. ENGELMANN: Yes. And you had talked to
7 us about a meeting you had had with the Regional Crown from
8 London.

9 MR. HALL: Yes.

10 MR. ENGELMANN: And, sir, were you aware
11 that Staff Sergeant Derochie also had a meeting with
12 Mr. Garson?

13 MR. HALL: Yes.

14 MR. ENGELMANN: All right. And I
15 understand, sir, that after he had his own discussions with
16 Mr. Garson that you met on or around the 25th of November,
17 and I just want to take you to some notes on that if I can.

18 That would be Exhibit 2752. It is your
19 tenth notebook. The Bates page would be 321 and 322.

20 And what I'm going to refer you to, as I
21 understand it, is a note you have of a meeting with Staff
22 Sergeant Derochie after you've both had separate meetings
23 with Marc Garson.

24 MR. HALL: Yes, sir.

25 MR. ENGELMANN: And, sir, you'll see that at

1 the bottom of Bates page 321 ---

2 MR. HALL: Zero-eight-fifty (08:50) hours?

3 MR. ENGELMANN: Correct. And essentially,
4 sir, as I understand it, he's advising you of Mr. Garson's
5 recommendations, which include re-interviewing Constable
6 Dunlop regarding disclosure; correct?

7 MR. HALL: Correct.

8 MR. ENGELMANN: The fact that -- and I'm not
9 sure what the second one says.

10 MR. HALL: "No comment on *Police Services*
11 *Act*". He didn't want to address the *Police Services Act*.

12 MR. ENGELMANN: Fair enough.

13 And then thirdly, that if he was going to be
14 investigated -- "he" being Constable Dunlop -- that it
15 should be an outside police force.

16 MR. HALL: An outside police agency
17 investigation.

18 MR. ENGELMANN: And they were looking at
19 possible perjury and/or obstruct justice allegations?

20 MR. HALL: Correct.

21 MR. ENGELMANN: Do I have that correct?

22 MR. HALL: Yes.

23 MR. ENGELMANN: All right.

24 And, sir, you would have become aware that
25 following receipt of this opinion and his advice to you

1 that the Cornwall Police Service would have requested the
2 Ottawa Police Service to conduct an investigation and
3 examine Constable Dunlop's conduct?

4 MR. HALL: Yes. Sergeant Rolly Lalonde.

5 MR. ENGELMANN: And there was another fellow
6 by the name of Sabourin as well, I believe?

7 MR. HALL: Well, he came down initially and
8 discussed the investigation with me. But as far as I know,
9 it was basically Lalonde that did the investigation.

10 MR. ENGELMANN: All right.

11 MR. HALL: He was a supervisor.

12 MR. ENGELMANN: All right. And I
13 understand, again, you have some notes of meeting with
14 them, I believe it's in March of 2000, so what we're going
15 to need to do is look at Exhibit 2753, which is your
16 eleventh notebook, and I'm looking at Bates page 436. And
17 to assist others, I believe the date is March 13th, 2000.

18 MR. HALL: Yes, sir.

19 MR. ENGELMANN: Do you have that, sir?

20 MR. HALL: Yes, I do.

21 MR. ENGELMANN: All right.

22 MR. HALL: Bottom of the page?

23 MR. ENGELMANN: Right.

24 MR. HALL: "13:15 hours: Meet with
25 Sergeant Rolly Lalonde, Ottawa-Carleton

1 Regional Police, and Sergeant Gerard
2 Sabourin, Ottawa-Carleton Regional
3 Police. Outlined my involvement with
4 Constable Perry Dunlop, Marcel Lalonde
5 case. Opinion of Bob Pelletier..."

6 **THE COMMISSIONER:** Next page, please, Madam
7 Clerk.

8 **MR. HALL:** "...on his material. Provided
9 Detective Constable Genier for
10 interview with officers."

11 **MR. ENGELMANN:** Sir, this is one of the
12 contacts you would have had with these officers from
13 Ottawa?

14 **MR. HALL:** I believe that's the only contact
15 I had with Sabourin. I had many contacts with Sergeant
16 Lalonde.

17 **MR. ENGELMANN:** Correct.

18 And then after the contacts they would have
19 had with you and clearly with the Cornwall Police Service
20 and others, they issued a report of some sort?

21 **MR. HALL:** Correct.

22 **MR. ENGELMANN:** And you would have been
23 provided with a copy of that report after it was completed?

24 **MR. HALL:** Yes. At least portions of the
25 report.

1 **MR. ENGELMANN:** Yes.

2 And, Mr. Commissioner, I was sure that this
3 was in evidence but it must be under a different document
4 number. I wanted to turn the witness to Document Number
5 705379. It's the investigative report from the Ottawa
6 Police Service.

7 I'm almost positive -- this is with respect
8 to whether or not there are grounds to proceed with charges
9 against Constable Dunlop for either perjury or alleged
10 attempt obstruct justice. I thought I put this in through
11 Staff Sergeant Derochie. Just one moment.

12 **THE COMMISSIONER:** Yes.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. ENGELMANN:** The Document Number I have
15 here is 705379 and I know that document number is not in
16 the exhibit registry but ---

17 **THE COMMISSIONER:** Let's put it in.

18 **MR. ENGELMANN:** All right, fair enough.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **THE COMMISSIONER:** Thank you.

21 **MR. HALL:** Thank you.

22 **THE COMMISSIONER:** Well, it doesn't look
23 familiar to me, but ---

24 **MR. ENGELMANN:** Fair enough.

25 **THE COMMISSIONER:** Anyway, 2819 is an

1 exhibit and it's the investigative report, unsigned -- by
2 whom?

3 **MR. ENGELMANN:** This is the report by Acting
4 Staff Sergeant Gerard Sabourin and Sergeant Rolly Lalonde.

5 **THE COMMISSIONER:** And that's from Ottawa
6 P.D.

7 --- **EXHIBIT NO./PIÈCE NO. P-2819:**

8 (705379) - Investigation Report of Staff
9 Sergeant Gerard Sabourin and Sergeant
10 Rolland Lalonde dated March 13, 2000

11 **THE COMMISSIONER:** Okay.

12 **MR. ENGELMANN:** And you'll recall, sir, and
13 we had this evidence through Staff Sergeant Derochie, I
14 know that -- and Chief Repa had asked the Ottawa Police to
15 come in and investigate.

16 **MR. HALL:** M'hm.

17 **MR. ENGELMANN:** And Mr. Hall, these were
18 individuals you had some contact with during the course of
19 their investigation?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** All right.

22 **MR. HALL:** There was one difficulty Sergeant
23 Lalonde had. He wanted to interview Constable Dunlop in
24 June of 2000. Unfortunately, Constable Dunlop was off duty
25 at the time and he -- I think he was on holidays and then

1 he resigned by the end of June or shortly -- he never did
2 get to interview him.

3 **MR. ENGELMANN:** Sir, you'll note on Bates
4 page 362 there is a reference to you. It's the second
5 paragraph from the bottom:

6 "On March 14th, 2000 Constable Perry
7 Dunlop provided Inspector Hall of the
8 OPP his notes and all matters as it
9 relates to Project Truth. As it
10 relates to Marcel Lalonde, there are
11 several entries."

12 Okay?

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** And this was, of course,
15 during the time when Constable Dunlop was working on his
16 Will Say and you were continuing to get disclosure?

17 **MR. HALL:** This was after the January 10th
18 order.

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

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** All right.

22 And then if you'll turn to the next page,
23 sir, Allegation Number 2, it says:

24 "Information received from OPP
25 Detective Pat Hall, lead investigator

1 for Project Truth. It is his
2 information that Ottawa Crown Attorney
3 Robert Pelletier has concerns relative
4 to PC Dunlop's conduct at a preliminary
5 hearing which was held in Ottawa late
6 in '97 or early '98."

7 Do you see that?

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** All right.

10 It would almost appear you're making sort of
11 a third party complaint, if I can call it that.

12 **MR. HALL:** Well, I had apprised him that
13 Constable Dunlop showed up in court in Ottawa in his
14 uniform, and his wife was present and Mr. Carson Chisholm I
15 believe was there, and there was some verbal altercations
16 in the hallway. Like I wasn't present, I was just simply
17 relating -- I was suggesting that he should contact Bob
18 Pelletier to get the details.

19 **MR. ENGELMANN:** So you were relating some
20 information that you had received from Mr. Pelletier?

21 **MR. HALL:** It could have been from the
22 investigators or it could have been from Inspector Smith or
23 it could have been from Pelletier.

24 **MR. ENGELMANN:** All right.

25 **MR. HALL:** But Pelletier was involved in it.

1 **MR. ENGELMANN:** I was just curious, sir. By
2 way of background, were these concerns expressed to you by
3 Mr. Pelletier at the time of the preliminary?

4 **MR. HALL:** Not to me they weren't.

5 **MR. ENGELMANN:** All right.

6 **MR. HALL:** But they came to me. I had
7 knowledge of them happening.

8 **MR. ENGELMANN:** All right.

9 So it's in effect third hand?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** All right.

12 And it appears from this report, just under
13 that, that these officers speak to Mr. Pelletier and he
14 explains his concerns?

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** And it appears from the
17 report that they could not be substantiated?

18 **MR. HALL:** Correct.

19 **MR. ENGELMANN:** And also, sir, the other
20 matter dealing with -- you see on the second issue at the
21 bottom of the page?

22 **MR. HALL:** Number two?

23 **MR. ENGELMANN:** Yes.

24 Again, if you flip over to the next page,
25 essentially, their determination is this allegation cannot

1 be substantiated or proven?

2 MR. HALL: Yes.

3 MR. ENGELMANN: All right. So their
4 recommendation is that no charges proceed?

5 MR. HALL: Yes.

6 MR. ENGELMANN: And sir, you're aware that
7 no charges were laid as a result of this investigation?

8 MR. HALL: That's correct.

9 MR. ENGELMANN: All right.

10 Now, we've heard, and you've mentioned it
11 too, that as a result of Mr. Garson's opinion in the fall
12 of 1999 there was a decision made to issue a comprehensive
13 order to Mr. Dunlop?

14 MR. HALL: That's correct.

15 MR. ENGELMANN: And we've also heard from
16 Staff Sergeant Derochie, who worked on drafting that order,
17 that he did so in consultation with a Crown Attorney by the
18 name of Claudette Wilhelm?

19 MR. HALL: Yes.

20 MR. ENGELMANN: You were aware of that, sir?

21 MR. HALL: Yes, I was.

22 MR. ENGELMANN: And she was the Crown
23 responsible for the Lalonde prosecution?

24 MR. HALL: Yes, and some of Project Truth's
25 prosecutions.

1 **MR. ENGELMANN:** And sir, were you asked for
2 any input into that order as well?

3 **MR. HALL:** No.

4 **MR. ENGELMANN:** Did you review it at all
5 before it was given to Constable Dunlop?

6 **MR. HALL:** No, actually I never seen it
7 until Constable Dunlop showed it to me on the 18th of
8 January when I first met with him -- 2000.

9 **MR. ENGELMANN:** All right.

10 And the order itself if we could turn to it
11 very quickly, it's Exhibit 579.

12 Counsel, it's Document Number 728943.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. ENGELMANN:** Sir, this is the order in
15 question?

16 **MR. HALL:** Yes, it is.

17 **MR. ENGELMANN:** Sorry, Bates page 901 and
18 902?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** And would Constable Dunlop
21 have shown it to you?

22 **MR. HALL:** Yes -- excuse me -- yes, he did.

23 **MR. ENGELMANN:** All right.

24 Ever see anything like this before?

25 **MR. HALL:** Not this long.

1 **MR. ENGELMANN:** Okay, fair enough. Fairly
2 comprehensive?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** On everything. They wanted
5 to make sure, I guess -- they being the Cornwall Police
6 Service -- that there was no ambiguity?

7 **MR. HALL:** Exactly.

8 **MR. ENGELMANN:** All right.

9 And a number of the things we've talked
10 about earlier about not communicating with the media unless
11 he follows a directive, not communicating directly or
12 indirectly with victims or witnesses, disclosing
13 information to OPP Truth, et cetera, are all contained in
14 this work?

15 **MR. HALL:** Correct.

16 **MR. ENGELMANN:** And, sir, if we turn to your
17 notes, it's Exhibit 2752. It's the tenth notebook at Bates
18 page 0369, and I believe that to be the 17th of January.
19 You're receiving a call at 11:40 from Perry Dunlop?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And can you just -- it says
22 "I explained" or:

23 "...explained that we would like to
24 work..."

25 **MR. HALL:** No:

1 "...would like to speak to him about
2 the allegation of conspiracy."

3 **MR. ENGELMANN:** Okay. Oh, yes, and we've
4 talked about that ---

5 **MR. HALL:** About that witness.

6 **MR. ENGELMANN:** You were going to meet with
7 him and then you turned -- it turned out that you met with
8 him and his wife and you had a list of questions.

9 **MR. HALL:** Well, I met -- well, before that
10 I only met with him.

11 **MR. ENGELMANN:** Right.

12 **MR. HALL:** And I presented him with a list
13 of questions.

14 **MR. ENGELMANN:** Right.

15 **MR. HALL:** To answer and he was in the
16 process of doing his Will Say as ordered ---

17 **MR. ENGELMANN:** Right.

18 **MR. HALL:** --- on the 10th of January, so he
19 asked if he could incorporate the questions into his Will
20 Say.

21 **MR. ENGELMANN:** And he's asking -- or he's
22 saying to you that he would meet with you but he'll have to
23 have it approved a the staff sergeant?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** And at the bottom of the

1 page what's being said there, sir?

2 MR. HALL: "He also advised that he had a
3 victim call him on the 12th of February
4 '98 or at least a message left at the
5 front desk. He has not interviewed
6 this person, only spoke to him, and he
7 had indicated he was not ready to come
8 forward yet and wanted to keep his
9 identity between them at that time.
10 Dunlop feels we should contact this
11 victim."

12 MR. ENGELMANN: All right.
13 And there's a name there; correct?

14 MR. HALL: Is that a moniker?

15 MR. ENGELMANN: If you want to just take a
16 look at the list, I believe that's C-2.

17 THE COMMISSIONER: It is.

18 MR. HALL: Yes.

19 MR. ENGELMANN: All right. So he had not
20 taken a statement from this individual?

21 MR. HALL: So he said.

22 MR. ENGELMANN: That's what he said?

23 MR. HALL: Yes.

24 MR. ENGELMANN: Yeah. Did you find out
25 otherwise, sir?

1 **MR. HALL:** He had conversations with him.

2 **MR. ENGELMANN:** Yes.

3 **MR. HALL:** We were never given a written
4 statement from him.

5 **MR. ENGELMANN:** Okay. And did you in fact
6 follow up with C-2 as he requested?

7 **MR. HALL:** Yes, I did, I assigned Detective
8 Constable Dupuis.

9 **MR. ENGELMANN:** I'm sorry?

10 **MR. HALL:** I assigned Detective Constable
11 Dupuis.

12 **MR. ENGELMANN:** All right.

13 **MR. HALL:** Who subsequently interviewed C-2.

14 **MR. ENGELMANN:** Yes, and sir, as I
15 understand it, then would have prepared a Crown brief and
16 submitted it to Crown Shelley Hallett on or about the 22nd
17 of 2000 -- 22nd of March, 2000 according to your Crown --
18 your brief log?

19 **MR. HALL:** Correct. It was Volume 8, I
20 believe.

21 **MR. ENGELMANN:** All right.

22 And I understand that about a week or so
23 later you received a recommendation from the Crown that you
24 should proceed?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And, in fact, charges were
2 laid shortly thereafter, on or about the 10th of April,
3 2000?

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** Now, the other issue you
6 were dealing with, clearly, with Constable Dunlop in early
7 2000 and through the spring, is ongoing disclosure?

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** All right. And I understand
10 that he was producing a number of materials to the Cornwall
11 Police Service, and that information was coming to you
12 incrementally through the early part of the year?

13 **MR. HALL:** Yes. Could I refer to a
14 memorandum from Shelley Hallett to Staff Sergeant Derochie?
15 I believe it's dated the 14th of December, '99. It more or
16 less set out the policy that -- how his material was going
17 to get reviewed and turned over.

18 **MR. ENGELMANN:** Sir, I don't have that
19 available for you right now, but ---

20 **MR. HALL:** Well, I think it's important, for
21 my point of view.

22 **MR. ENGELMANN:** I'm sure someone will bring
23 it up then, okay?

24 So, as I understand it, the order required
25 Dunlop to turn material over to the OPP or any other

1 investigating agency, material relating to investigations
2 being conducted?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** And do you know why the
5 materials were being disclosed to the CPS first, and then
6 to you or other agencies?

7 **MR. HALL:** Well, first of all, he was a
8 Cornwall Police Service officer. Secondly, the order was
9 by Cornwall Police Service, and, thirdly, I believe most of
10 his work product from Cornwall Police Service -- I think,
11 if we go to that memo that I just referred to, may
12 enlighten you on some of the ---

13 **MR. ENGELMANN:** Sir, I don't have that
14 available to me right now, all right? So someone will
15 get -- I promise you ---

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** --- someone will get to you;
18 you mentioned it twice.

19 Were you involved at all -- you were
20 investigating the Cornwall Police Service, correct?

21 **MR. HALL:** Investigating the Cornwall Police
22 Service?

23 **MR. ENGELMANN:** Yes.

24 **MR. HALL:** For allegations of conspiracy,
25 yes.

1 **MR. ENGELMANN:** Yes. So were you at all
2 concerned about information about that issue going to the
3 CPS first and then coming to you afterwards?

4 **MR. HALL:** No.

5 **MR. ENGELMANN:** I'm sorry?

6 **MR. HALL:** No.

7 **MR. ENGELMANN:** All right, and ---

8 **THE COMMISSIONER:** Some people might look at
9 it, sir, as being Dunlop is giving over information to the
10 suspect, and then giving it over to the investigating
11 force. Do you see that?

12 **MR. HALL:** Well, what subsequently happened,
13 the material was brought to our office by Crown attorney
14 Shelley Hallett. It came into her possession, which I'm
15 sure you're going to hear down the road ---

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

17 **MR. HALL:** --- and the Crown's office was
18 under the same allegations as Cornwall police.

19 **THE COMMISSIONER:** Which Crown's office?

20 **MR. HALL:** The Crown attorney's office,
21 Murray MacDonald, specifically.

22 **THE COMMISSIONER:** No, I understand that,
23 but it went to where?

24 **MR. HALL:** It -- Mr. Dunlop complied with
25 his order and he produced it to Cornwall Police Service.

1 **THE COMMISSIONER:** I understand that. We're
2 just looking at optics.

3 **MR. HALL:** Yes.

4 **THE COMMISSIONER:** And the optic might be,
5 for those who seriously believe -- and there are people
6 that seriously believe that the Cornwall Police force was
7 in the conspiracy.

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** So what you're doing is,
10 you're asking an officer to turn over to the suspect the
11 documents, and then turn them over to you.

12 **MR. HALL:** Well, the documents, basically,
13 what we were referring to is notes, videotapes, et cetera,
14 involving sexual assault allegations. That's what we
15 needed for disclosure. That's what he was returning.

16 It was -- I don't believe Constable Dunlop
17 had any evidence in a conspiracy, other than what he
18 thought. We're looking for documents, notes that he made
19 when he was interviewing alleged victims or witnesses.

20 **THE COMMISSIONER:** Okay, I -- then I must
21 have misunderstood where we were going. I thought
22 that this was part of ---

23 **MR. HALL:** I think it's where Mr. Engelmann
24 is going.

25 **THE COMMISSIONER:** Mr. Hall? Mr. ---

1 **MR. HALL:** I think -- I think
2 you're -- you're mixing the intent of this order. You're
3 mixing it up with a conspiracy investigation.

4 **THE COMMISSIONER:** Ah.

5 **MR. ENGELMANN:** They have nothing to do with
6 one another, sir?

7 **MR. HALL:** I didn't say they had nothing to
8 do, but the reason for the order was to get disclosure ---

9 **MR. ENGELMANN:** Yes, but it ---

10 **MR. HALL:** --- but relating to sexual
11 assault allegations.

12 **MR. ENGELMANN:** Right, and everything he
13 had?

14 **MR. HALL:** Exactly.

15 **MR. ENGELMANN:** Right. And some of the
16 stuff he had was material from Ron Leroux and ---

17 **MR. HALL:** Well, basically, what -- if
18 you're taking about the conspiracy allegations, he wouldn't
19 have been providing any more than he already delivered to
20 Toronto on April the 7th of '97 ---

21 **MR. ENGELMANN:** Well, sir ---

22 **MR. HALL:** --- his binders. That's what we
23 got.

24 **MR. ENGELMANN:** All right. And much of what
25 you received in early 2000, was material you already had,

1 was it not? Material from Dunlop?

2 MR. HALL: With the exception of his Will-
3 Say, yes.

4 MR. ENGELMANN: Yes.

5 MR. HALL: And his notes ---

6 MR. ENGELMANN: Okay.

7 MR. HALL: --- we didn't have.

8 MR. ENGELMANN: Right. And those notes
9 dealt with all issues? And those notes were often -- a lot
10 of those notes were taken when he was off duty, sir?

11 MR. HALL: Yes.

12 MR. ENGELMANN: Right.

13 MR. HALL: And it was -- his notes, as I
14 recall, were a bundle, probably three, four inches thick.

15 MR. ENGELMANN: All right. And, just by way
16 of a couple of examples of the disclosure that you were
17 given, if you'd take a look at your notes? It's Exhibit
18 2753, Bates pages 438 and 439.

19 MR. HALL: Four three eight (438).

20 MR. ENGELMANN: I think it's the 14th of
21 March.

22 MR. HALL: Yes. That's -- that's when I
23 received his notes.

24 MR. ENGELMANN: So these are some of the
25 materials you were getting through the Cornwall Police

1 Service, from -- that Constable Dunlop's producing to them?

2 MR. HALL: Yes. I received those direct
3 from Staff Sergeant Derochie.

4 MR. ENGELMANN: All right.

5 MR. HALL: It was OMPPAC incidents, a binder
6 entitled, "Constable Perry Dunlop Notes, Tabs 1 to 4;
7 Demand for Particulars, eight pages; Response for Demand
8 for Particulars."

9 MR. ENGELMANN: And that kind of material,
10 that's all from his lawsuit with ---

11 MR. HALL: Yes.

12 MR. ENGELMANN: --- the Cornwall Police
13 Service, right?

14 MR. HALL: It was a cassette tape of an
15 individual, cassette tape for "Ron," which was ---

16 MR. ENGELMANN: Okay.

17 MR. HALL: --- actually Ron Leroux.

18 MR. ENGELMANN: Well, they're all listed
19 there, right?

20 MR. HALL: They're all listed there, sir.

21 MR. ENGELMANN: Yes, one through 13?

22 MR. HALL: Yes.

23 MR. ENGELMANN: And then another example
24 would be, if we look at your next notebook, 2754 -- and I'm
25 just giving a couple of examples, if I can, Mr. Hall.

1 There was ongoing or incremental disclosure,
2 as I understand it.

3 If we look at Exhibit 2754, Bates page 483,
4 and this would be April 10th, and I think this is about the
5 time where he actually finishes the Will-State?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** And so there's a Will-State
8 and accompanying binders produced at that time, as I
9 understand it?

10 **MR. HALL:** There's a 110-page Will-State,
11 with four accompanying binders.

12 **MR. ENGELMANN:** Right. And you list that on
13 that page. The first item you list is the 110-page Will-
14 State.

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** Correct?

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** And then some of the other
19 material?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** All right. And this was
22 material that was turned over to you by the Cornwall Police
23 Service?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** All right.

1 **MR. HALL:** And if you note further there,
2 from 1800 hours to 2000 hours, I'm reading that material.

3 **MR. ENGELMANN:** Yes. And what is new, for
4 sure, is the Will-State?

5 **MR. HALL:** Definitely.

6 **MR. ENGELMANN:** Because he's put
7 together ---

8 **MR. HALL:** Well, I -- I think I may have
9 mentioned it previously, but I was amazed at the content of
10 it. It just reinforced my belief that he was tape
11 recording us. Some of his notes were fairly lengthy -- I
12 couldn't think that he would remember word for word.

13 **MR. ENGELMANN:** And these are the
14 conversations with you and/or you and Detective Inspector
15 Smith?

16 **MR. HALL:** Well, particularly the July 23rd,
17 '98 one, as an example.

18 **MR. ENGELMANN:** All right. And in the
19 course of this disclosure, sir, were there documents that
20 were relevant to either the Marcel Lalonde prosecution or
21 to your Project Truth investigations?

22 **MR. HALL:** Well, there was one document, in
23 one of the appendices, that it was a copy of a memorandum
24 where he released his material to Mr. Guzzo
25 and ---

1 **MR. ENGELMANN:** Okay.

2 **MR. HALL:** --- give him authority to use it.
3 Without looking at -- without seeing the documents today,
4 I -- I can't recall exactly all of it. It was quite
5 lengthy.

6 **MR. ENGELMANN:** Okay, well, I was just
7 curious if there were things that were relevant to either
8 the Marcel Lalonde or the Project Truth investigations, in
9 your view.

10 **MR. HALL:** Well, certainly the Project Truth
11 investigation.

12 **MR. ENGELMANN:** Fair enough. And you
13 had -- you had not yet submitted a brief on the conspiracy
14 allegations?

15 **MR. HALL:** No. No.

16 **MR. ENGELMANN:** All right.

17 **MR. HALL:** I did, in July of 2000.

18 **MR. ENGELMANN:** And, sir, I understand, and
19 your note refers to the fact, that an arrangement was made
20 that I -- I believe Officer Genier from your group and
21 Officer Desrosiers from the CPS were to review these
22 materials?

23 **MR. HALL:** That's correct.

24 **MR. ENGELMANN:** And were they to review them
25 for a particular purpose, sir?

1 **MR. HALL:** Well, Constable Desrosiers would
2 have been particularly concerned about anything from the
3 Marcel Lalonde case.

4 **MR. ENGELMANN:** Yes.

5 **MR. HALL:** And Constable Genier would also
6 be concerned about the Marcel Lalonde case, but also
7 Project Truth.

8 And the reason why Constable Genier was
9 assigned was because he transported the boxes from -- the
10 nine banker's boxes from Cornwall Police Service on the 18th
11 of April to our office, so I left him in charge, for
12 continuity.

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** So any time a Defence counsel
15 came in, Constable Genier was there and viewed it.

16 **MR. ENGELMANN:** All right. Well, certainly,
17 Officer Genier; involved in Project Truth, also involved in
18 the Lalonde prosecution?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** So he's clearly a guy that
21 would be good for that job?

22 **MR. HALL:** Exactly.

23 **MR. ENGELMANN:** What about having the CPS
24 officer involved in reviewing it because, again, you
25 haven't done your conspiracy brief yet. No concern about

1 that?

2 MR. HALL: No, I didn't have a concern at
3 the time.

4 MR. ENGELMANN: You didn't think just have
5 Officer Genier do -- serve both functions, look at the
6 Lalonde materials and look at the other materials?

7 MR. HALL: May I have the question again,
8 please?

9 MR. ENGELMANN: You didn't think about just
10 having Officer Genier perform both those roles?

11 MR. HALL: Well, no. I mean, in the Marcel
12 Lalonde case, Constable Genier only had one victim.
13 Constable Desrosiers had at least four or five or maybe
14 more.

15 MR. ENGELMANN: And do you recall what
16 instructions you would have given these officers or at
17 least your officer in reviewing this material? Because it
18 says here there're instructed to do it. I'm just wondering
19 what it was you were asking Officer Genier to look for?

20 MR. HALL: They were going through it page
21 by page to identify anything that they would consider
22 relevant for disclosure in the prosecutions we were doing.

23 MR. ENGELMANN: And would he have had a list
24 of names of Project Truth suspects to identify while
25 reviewing the materials?

1 **MR. HALL:** A list of suspects?

2 **MR. ENGELMANN:** Yes. Or a list of names of
3 people that were ---

4 **MR. HALL:** Well, he was aware. I mean, if
5 you go to the -- our file control register, I think
6 probably the vast majority of entries in there were put it
7 by Constable Genier. And he had a working knowledge of the
8 Dunlop material. And whether he actually took a list with
9 him, I don't know.

10 I never went to Cornwall Police to view the
11 boxes myself personally, but I know I did -- when they came
12 to our office, obviously, they were there.

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** But, I mean, as I indicated
15 earlier, there was a procedure set up by Ms. Hallett and
16 Staff Sergeant Derochie.

17 And it's referred to in the memorandum, 14th
18 of December of '99 and, again, there's another memorandum
19 on the 14th of January, 2000. If you refer to those, you'll
20 have some idea as to what we were doing and how we were
21 doing it and who was doing what.

22 **MR. ENGELMANN:** All right.

23 Sir, after reviewing this material, I
24 understand Officer Genier would have prepared a Will Say
25 about this, and I'd like you to just have a quick look at

1 Exhibit 1725 if we could?

2 There's two document numbers. The Document
3 Number for the exhibit is 107789; the same document is also
4 704855.

5 MR. HALL: Yes.

6 MR. ENGELMANN: You have that, sir?

7 MR. HALL: Yes, I do.

8 MR. ENGELMANN: Is this something you would
9 have seen before, some time ago?

10 MR. HALL: His Will Say?

11 MR. ENGELMANN: Yes.

12 MR. HALL: There is no doubt I've seen it
13 sometime.

14 MR. ENGELMANN: Yeah. And what he does is
15 he says at the bottom of the page ---

16 MR. HALL: Which case is this Will Say
17 related to?

18 MR. ENGELMANN: Well, I'm assuming it's the
19 Lalonde case, sir. I'm assuming. Unless it's with -- it
20 may be a combination of the Lalonde case and one of your
21 Project Truth investigations.

22 MR. HALL: I just ---

23 MR. ENGELMANN: If you look at the bottom of
24 the first page, it says:

25 "On the 12th, 13th and 19th of April

1 2000, he attends the Cornwall Police
2 Service. Met with Constable Desrosiers
3 and provided him with a list of all
4 accused persons involved in Project
5 Truth in order to recognize the names
6 while reviewing the material for any
7 Lalonde-related documentation."

8 **MR. HALL:** That would answer your previous
9 question about a list being provided.

10 **MR. ENGELMANN:** All right. So he's
11 providing the constable from the CPS -- and the list of all
12 accused persons, would those be people where there had
13 already been charges laid to your knowledge or do you know?

14 **MR. HALL:** The alleged suspects?

15 **MR. ENGELMANN:** It says "a list of all
16 accused persons".

17 **MR. HALL:** Well, if he's referring to
18 accused, it would be charges laid.

19 **MR. ENGELMANN:** All right. Fair enough.

20 **MR. HALL:** Because there's only a suspect up
21 until that point.

22 **MR. ENGELMANN:** Fair enough.

23 And then if we turn the page, they're
24 talking about -- it appears it's for both. He says:

25 "During my review of the material, any

1 undisclosed documentation pertaining to
2 Lalonde or any of the Project Truth
3 cases would be flagged in order to
4 allow the material to be disclosed."

5 All right?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** And so then he reviews the
8 various boxes. And, for example, box number 1, he cites
9 what's in it and he says, "No new material".

10 And I presume by that, that means you've
11 already got all that stuff?

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** All right.

14 Box number 2, cites what's in it, again
15 says, "No new material"; correct?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** And he says the same for box
18 number 3, box number 4 and box number 5?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** And box number 6, he lists
21 what it is but says "we already have this somewhere else"
22 as I understand it? Says:

23 "...which was the same material that
24 was listed in Staff Sergeant Derochie's
25 brown box."

1 MR. HALL: Yes.

2 MR. ENGELMANN: I'm not sure what that is
3 but, in any event, it's material that's somewhere else.

4 MR. HALL: Yes.

5 MR. ENGELMANN: Box number 7 are some
6 assorted audiotapes?

7 MR. HALL: Yes.

8 MR. ENGELMANN: Box number 8, he says:
9 "We have some notes here."

10 MR. HALL: Yes.

11 MR. ENGELMANN: And he -- part of those
12 notes are the yellow binder that we've talked about before?

13 MR. HALL: Yes.

14 MR. ENGELMANN: And reference to some notes
15 involving Marcel Lalonde and I think we've looked at those
16 as well.

17 MR. HALL: Yes.

18 MR. ENGELMANN: And he's got other
19 handwritten notes and he's got the November 19th handwritten
20 note about C-8 as well.

21 MR. HALL: Yes.

22 MR. ENGELMANN: And, again, he describes
23 some other things that are there. And then in box number
24 9, he talks about 3 new documents and then says the
25 remainder of the box consist of two binders that had

1 already been disclosed.

2 And, sir, he then -- at the bottom of the
3 page -- tells us what the brown box is.

4 MR. HALL: Yes.

5 MR. ENGELMANN: And so it would appear, sir,
6 that the vast majority of the material, material that you
7 already have?

8 MR. HALL: Correct.

9 MR. ENGELMANN: And he then makes reference
10 to the fact that Project Truth seized boxes 1 to 9 under
11 the direction of Crown Hallett?

12 MR. HALL: Yes.

13 MR. ENGELMANN: And he talks a little
14 earlier -- a little later on about "after thoroughly
15 reviewing the above material", he was determined that some
16 additional disclosure needed to be made in regards to the
17 Lalonde trial. And he sets it out down below?

18 MR. HALL: What Bates page are we on?

19 MR. ENGELMANN: Sorry, it's the second last
20 page; it would be Bates page 226.

21 MR. HALL: Yeah, I have it. Yes.

22 MR. ENGELMANN: All right.

23 MR. HALL: He outlines the material.

24 MR. ENGELMANN: All right. In a very
25 comprehensive way.

1 **MR. HALL:** Yes.

2 **MR. ENGELMANN:** All right. So I'm sure this
3 was extremely helpful to you at the time?

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** Now, sir, Constable Genier
6 also gave some information regarding his review of the
7 Dunlop boxes to the York Regional Police during an
8 investigation they were conducting in 2001?

9 **MR. HALL:** Yes, he did.

10 **MR. ENGELMANN:** And I just want you to have
11 a brief look at that statement if we can as well, and it is
12 Document Number 123038.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit Number 2820 is a summary of
15 Detective Constable Don Genier's statement. There's no
16 date. Oh, just -- sorry ---

17 **MR. ENGELMANN:** Sir, it's my understanding
18 that this was given on May 23rd, 2001.

19 **THE COMMISSIONER:** That's right.

20 **MR. ENGELMANN:** And I know that's -- I don't
21 think that's on this document, but it's on other documents
22 that ---

23 **THE COMMISSIONER:** No, that's fine. No, no,
24 it's on the back.

25 **MR. ENGELMANN:** Oh, fair enough.

1 **THE COMMISSIONER:** This is a summary then at
2 the second page; we have the statement of Don Genier and
3 you're quite correct, it's the 23rd of May at 11:00. What
4 year?

5 **MR. ENGELMANN:** It's 2001, sir.

6 **THE COMMISSIONER:** Thanks.

7 **---EXHIBIT NO./PIÈCE NO. P-2820:**

8 (123038) - Summary of Don Genier Statement
9 dated May 23, 2001

10 **MR. ENGELMANN:** There's a summary for the
11 first two pages. Is that correct, Mr. Hall?

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** And then the statement
14 itself starts on the third page in, Bates page 741.

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** If you could turn to 742 for
17 a minute?

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** He says about seven or eight
20 lines down:

21 "I had provided Constable Desrosiers
22 with a list of names associated to
23 Project Truth to see if there was any
24 material pertaining to the Project
25 Truth matters. I had -- I have

1 carriage, as I said, a list of accused
2 but none of them are dealing with
3 Ms. Hallett at the time, I believe
4 April or May, 2000. Shelley Hallett
5 wanted to review the materials herself,
6 even though she had an inventory list,
7 if you want to call it, of the material
8 as being the importance -- you know,
9 disclosure. She chose to review it
10 herself. Actually, back up a bit. She
11 suggested the boxes be seized from
12 Cornwall Police and from that point on,
13 April 2000, I had responsibility,
14 continuity in relation to these boxes."

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** All right?

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** And, again, on the following
19 page there's an indication -- and I'm not sure -- he's
20 referring to another document, the officer asking him. It
21 says:

22 "During my review of the material, any
23 undisclosed documentation pertaining to
24 Lalonde or any of the Project Truth
25 cases would be flagged in order to

1 allow the material to be disclosed."
2 "Who was going to be doing that
3 flagging?"

4 And Officer Genier says that's going to be
5 him and Constable Desrosiers; correct?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** All right.

8 And at the top of the next page:

9 "What particular cases were you looking
10 to flag items for? Project Truth there
11 was there..."

12 It says:

13 "Yes. At that point it would have
14 been..."

15 And he lists a number of the cases.

16 And he's asked about whether or not he was
17 reviewing those files to flag items for disclosure in
18 either Charles MacDonald or Jacques Leduc, and he says no.
19 He says:

20 "Charles MacDonald and Jacques Leduc
21 were assigned to Detective Constable
22 Joe Dupuis and that review would have
23 been done by Crown Hallett herself."

24 Right?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** So Officer Genier was not
2 assigned to review either -- to review these nine boxes for
3 disclosure for either of those cases?

4 **MR. HALL:** He wasn't assigned specifically,
5 but I know if he had have seen anything in his checking of
6 the material, he obviously would have pointed it out to
7 either Ms. Hallett or Constable Dupuis. I mean, he had
8 knowledge of the cases.

9 **MR. ENGELMANN:** But he wasn't assigned ---

10 **MR. HALL:** He wasn't assigned specifically,
11 no.

12 **MR. ENGELMANN:** All right. So you don't
13 know if he did or not. You're saying you would have
14 thought he would, but it wasn't his assignment?

15 **MR. HALL:** I don't know -- your question
16 again, please?

17 **MR. ENGELMANN:** It was not his assignment.

18 **MR. HALL:** It was not his assignment
19 specifically.

20 **MR. ENGELMANN:** Now, he's referred to the
21 seizure of these boxes, and this was actually taking the
22 boxes from the possession of the Cornwall Police Service?

23 **MR. HALL:** Yes. I could explain that better
24 if I had my notes for April the 16th -- correction, April
25 the 17th, 2000.

1 **THE COMMISSIONER:** Okay.

2 **MR. HALL:** Because the boxes are
3 subsequently brought ---

4 **MR. ENGELMANN:** That I have handy. Sorry,
5 what was the date, sir?

6 **MR. HALL:** April 17th, discussion on it.
7 Boxes brought over on April the 18th.

8 **MR. ENGELMANN:** Well, your notes on that day
9 start at 2754, which is Notebook Number 12, and I believe
10 April 17th starts on Bates page 489. The date is redacted
11 but I believe that's the date.

12 **MR. HALL:** Yes.

13 "11:25: Attended at Project Truth.
14 Meet with Shelley Hallett, Dupuis and
15 Genier. Charge against Dufour
16 withdrawn. Charge against Major put
17 over until 1st of May, 2000. Charge
18 against Charles MacDonald put over
19 until the 18th of April, 2000."

20 **MR. ENGELMANN:** Okay, so that's ---

21 **MR. HALL:** At 13:30 I'm at the office.
22 We're discussing recent disclosure with Hallett.

23 "Copy of notes for Hallett, giving my
24 opinion on MacDonald. Trial should go
25 ahead or at least put over for a short

1 time only. Hallett concerned about
2 material from Dunlop. Wants Dupuis and
3 Genier to go with her to view material
4 at Cornwall Police Service. Concern
5 about Box 6. Dunlop has same. Will
6 bring it in. Apparently originals."

7 **MR. ENGELMANN:** All right. So ---

8 **MR. HALL:** And ---

9 **MR. ENGELMANN:** So these are the boxes and,
10 as we know, because we've gone through that memo, much of
11 this is the same material but now it's all in one place.
12 It's in 9 or 10 boxes?

13 **MR. HALL:** Nine boxes.

14 **MR. ENGELMANN:** Nine boxes. It's at the
15 Cornwall Police Service?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** And so what's the issue?
18 He's been working on these documents. He's
19 done his work on them because he's done the Will State.
20 And there's a question about where the boxes should be kept
21 after that?

22 **MR. HALL:** Well, I think if we -- if you
23 went to that memorandum of the 14th of December, '99 and the
24 one of the 14th of January, 2000, it sets out the policy
25 that Ms. Hallett had agreed to with Staff Sergeant Derochie

1 as who would keep what and how it would be disclosed.

2 MR. ENGELMANN: All right. And you're
3 saying that there was an agreement that all of the boxes
4 that Mr. Dunlop, or Constable Dunlop, would prepare would
5 remain in the possession of the Cornwall Police Service?

6 MR. HALL: Basically, yes.

7 MR. ENGELMANN: All right. And, again, sir,
8 did you think that was a good idea?

9 MR. HALL: I had no problems with that
10 because I pretty well knew, with the exception of his notes
11 and his Will Say, we had everything anyway.

12 MR. ENGELMANN: Do you know why Ms. Hallett
13 wanted those removed from Cornwall Police Service in April?

14 MR. HALL: Well, I think she mentioned to
15 me, as I indicated earlier, it's because of the conspiracy.
16 And I'm saying, "Well, you know, they're no more accused of
17 the conspiracy than the Ministry of the Attorney General
18 is". Okay? And I think it was more convenient for her to
19 view the boxes at her office rather than Cornwall Police,
20 but the original agreement was that she would do it there.

21 MR. ENGELMANN: All right. But she
22 expressed to you that because the conspiracy brief --
23 investigation was still outstanding that she thought it
24 would be better that they not be ---

25 MR. HALL: Well, that was the -- if we go to

1 the next day ---

2 MR. ENGELMANN: Yes.

3 MR. HALL: Like I didn't know she was
4 bringing them back. She was going over to view them. That
5 was my interpretation.

6 MR. ENGELMANN: Right.

7 MR. HALL: It wasn't -- if we go to my notes
8 of the next day maybe we can ---

9 MR. ENGELMANN: Yes. They're the next Bates
10 page, sir, April 18th; starts on 491.

11 MR. HALL: Yes, 9:15 we had to attend court
12 because it was an in camera session on the Father Charles
13 MacDonald case.

14 MR. ENGELMANN: All right. So let's just go
15 to the issue on the boxes.

16 MR. HALL: I think if we go to the bottom of
17 Bates 493, 13:45 hours ---

18 MR. ENGELMANN: Yes.

19 MR. HALL: --- we're at the Project Truth
20 office.

21 "Discuss with Crown Attorney Hallett on
22 review of material. She will be down
23 next week to Cornwall for that
24 purpose."

25 MR. ENGELMANN: Did you become aware at some

1 time on that day that she wanted the boxes removed?

2 MR. HALL: Give me a moment, please?

3 MR. ENGELMANN: Certainly.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. ENGELMANN: Sir, if you turn back a page
6 at Bates page 493.

7 MR. HALL: Yes.

8 MR. ENGELMANN: I think there's a reference
9 to it at 12:30.

10 MR. HALL: At 12:30, yes.

11 "Detective Constable Genier brought
12 nine bankers boxes to Project Truth
13 office obtained from Staff Sergeant
14 Carter of Cornwall Police Service."

15 Yes. That's the first I knew the boxes were
16 coming until he walked in the door with them.

17 MR. ENGELMANN: All right. And that was not
18 your idea?

19 MR. HALL: No. No, I didn't want to have
20 Constable Dunlop say at a later date there was something
21 missing or whatever and he was blaming Project Truth for
22 losing it. It was ordered by Cornwall Police Service. It
23 was in the possession of Cornwall Police Service. We were
24 made available to go over and check it at any time. Crown
25 Attorneys were available to go over and check it at any

1 time as well.

2 MR. ENGELMANN: Did you express that concern
3 at the time to Ms. Hallett?

4 MR. HALL: Not as just I expressed it now,
5 but I mean she knew that she could do that. I mean, she
6 was going -- originally from her conversation the previous
7 day, she was going over to view it.

8 MR. ENGELMANN: Right.

9 MR. HALL: And my interpretation is view it,
10 she's going to go and see what it is, and eventually when
11 she came down she'd do her review as she thought necessary
12 but there was no difference reviewing it over there than
13 reviewing it at our office.

14 MR. ENGELMANN: My only question, sir, is
15 did you ever express to her your disagreement with her
16 decision?

17 MR. HALL: Yeah.

18 MR. ENGELMANN: Okay. And did you have a
19 discussion about it and did the boxes either stay or did
20 they go back?

21 MR. HALL: Oh, well, we had them and I
22 wasn't going to take them back. I think it was a
23 discussion of what -- she was going to turn them back to
24 him when we were done with them and I said, no, they've got
25 to go back to Cornwall police. I mean, this is down the

1 road but there's ---

2 MR. ENGELMANN: I'm talking about it at the
3 time.

4 MR. HALL: At the time? I made it clear to
5 her that I wasn't happy that she brought the boxes back.

6 MR. ENGELMANN: All right.

7 MR. HALL: What exact words I used I can't
8 tell you today but there was no doubt in her mind that I
9 wasn't pleased with the idea, and I gave her my reasons.

10 MR. ENGELMANN: All right.

11 And your reasons were you were concerned
12 that Constable Dunlop might suggest that one of your
13 officers tampered with or lost some of his documents?

14 MR. HALL: Well, that was one of the
15 concerns and then it subsequently within -- after the stay
16 application on the Leduc case, Jim Stewart's office;
17 namely, Terry Cooper who was working in Jim Stewart's
18 office in Ottawa, got a hold of me and they wanted these
19 boxes reproduced. And you know, I'm saying, well, it's in
20 possession of the Crown. And he agreed. He said, "Yeah,
21 well, once Shelley Hallett brought them to your office" --
22 we're just the keepers of the boxes as security. They were
23 now in the possession of the Crown as far as I was
24 concerned.

25 MR. ENGELMANN: All right.

1 **MR. HALL:** So in this review of multiplying
2 nine boxes nine times would have equated to 81 banker's
3 boxes, I couldn't do it. I didn't have dedicated
4 photocopiers.

5 **MR. ENGELMANN:** But at the time her position
6 was that; one, it was more convenient if the Project Truth
7 office had them?

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** And two; because you were
10 still investigating the Cornwall Police Service for
11 conspiracy, she thought it was better that you have control
12 of those boxes?

13 **MR. HALL:** Well, she made the comment, you
14 know, because of the conspiracy and I made the comment,
15 "Well, the allegations ain't any more severe against
16 Cornwall Police than they are against the Ministry of
17 Attorney General."

18 **MR. ENGELMANN:** And that was the
19 investigation on the conspiracy attempt obstruct and the
20 involvement of the local Crown?

21 **MR. HALL:** Yes, that's what the allegations
22 were.

23 **MR. ENGELMANN:** All right.

24 Sir, maybe we could look at another
25 investigation then. And as I understand it, another issue

1 that you were dealing with Shelley Hallett on was
2 allegations made by C-97. Maybe just take a look at that
3 name for me.

4 The alleged perpetrator was Brian Dufour.

5 **MR. HALL:** Ninety-seven (97)?

6 **MR. ENGELMANN:** C-97.

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** That name's familiar to you,
9 sir?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** Sir, your investigators took
12 statements from C-97 on September 17th and September 25th,
13 1997. That's in your statement log, if you want to see it,
14 but I don't know if that rings a bell.

15 **MR. HALL:** I wouldn't disagree with you.

16 **MR. ENGELMANN:** All right.

17 And you're aware, sir, that C-97 not only
18 alleged abuse by Mr. Dufour but, I believe, three or four
19 other individuals?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** All right.

22 And this would have been at a time in the
23 fall of '97 when you're working extremely hard on the new
24 Marleau allegations?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And in your notes you
2 indicate that you review the two September statements in
3 April, and I just want to take you to that. That would be
4 Exhibit 2747, the Bates page 799. The date is April 8th,
5 '98.

6 And sir, it's under the blackout between
7 8:00 and 12:15.

8 **MR. HALL:** The Bates page again, please?

9 **MR. ENGELMANN:** Seven nine nine (799). And
10 I believe what it says is, "Review statements." And then
11 it lists C-97's name and it also says, "computer checks."
12 Do you see that?

13 **MR. HALL:** Yes, 1300 hours.

14 **MR. ENGELMANN:** It's a little above that but

15 ---

16 **MR. HALL:** Okay, yes.

17 **MR. ENGELMANN:** Do you see that?

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** It appears that -- and you
20 told us that you reviewed all of the statements?

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** So it appears you're
23 reviewing these statements at this time?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** All right. And you also

1 reference a call to a Cornwall Police Service officer?

2 MR. HALL: Yes, Tom Racine.

3 MR. ENGELMANN: All right. And it's with
4 respect to an alleged -- well, this is one of the
5 individuals that C-97 alleged abused him; Bernard Campbell?

6 MR. HALL: Yes.

7 MR. ENGELMANN: All right. And presumably,
8 Constable or Officer Racine from the Cornwall Police
9 Service would have told you that this individual, Bernard
10 Campbell, had been convicted in the mid-eighties of
11 multiple charges of this nature?

12 MR. HALL: Constable Racine was the
13 intelligence officer at that time.

14 MR. ENGELMANN: Yes.

15 MR. HALL: And I don't have a specific
16 recollection of why I was calling him. Although it
17 mentions that name, in what context I can't remember today.

18 MR. ENGELMANN: All right.

19 But C-97 had alleged that this fellow,
20 Bernard Campbell, had also abused him?

21 MR. HALL: Yes.

22 MR. ENGELMANN: And presumably, if you were
23 speaking to him or if you had that information you would
24 have known either from Officer Racine or from a CPIC check
25 that Mr. Campbell was a convicted sex offender?

1 **MR. HALL:** Well, there was certainly a
2 reason I called Constable Racine.

3 **MR. ENGELMANN:** All right.

4 **MR. HALL:** So presumably that's what it was.

5 **MR. ENGELMANN:** Yeah. But you would know
6 that either because you would do a CPIC check ---

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** --- or he could have told
9 you that?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** All right.

12 And you're not sure why or what if anything
13 you discussed about C-97's allegations vis-à-vis Bernard
14 Campbell?

15 **MR. HALL:** The question again, please?

16 **MR. ENGELMANN:** Sir, it's not noted in your
17 notes. I don't know if you have a recollection of what it
18 was you would have asked Tom Racine about C-97's
19 allegations vis-à-vis Bernard Campbell.

20 **MR. HALL:** No, I don't have a recollection.

21 **MR. ENGELMANN:** All right.

22 Now, as I understand it, with respect to C-
23 97 a Crown brief was prepared and submitted to a prosecutor
24 by the name of Jim Stewart on December 19th -- sorry --
25 December 17th, '99, and that's from your Crown brief log.

1 And according to the log it was then transferred to Shelley
2 Hallett on January 7th, 2000 and I understand that you
3 received a written recommendation from Shelley Hallett on
4 April 3rd of 2000, and I just want to show it to you if I
5 can.

6 If the witness could be shown Document
7 Number 113013?

8 (SHORT PAUSE/COURTE PAUSE)

9 THE COMMISSIONER: Thank you. Exhibit 2821
10 is a letter dated April 3rd, 2000 addressed to Detective
11 Inspector Pat Hall from Shelley Hallett, Exhibit 2821.

12 --- EXHIBIT NO./PIÈCE NO. P-2821:

13 (113013) - Letter from Shelley Hallett to
14 Pat Hall re: Brian Dufour dated 03 Apr 00

15 MR. ENGELMANN: Sir, on the first page of
16 the letter Ms. Hallett is setting out in the second
17 paragraph that:

18 "It's been alleged by C-97 to OPP
19 Project Truth investigators that he was
20 sexually assaulted at two distinct
21 points in time by Brian Dufour."

22 MR. HALL: Correct.

23 MR. ENGELMANN: Right.

24 THE COMMISSIONER: Publication ban stamp
25 should be put on it.

1 **MR. ENGELMANN:** Yes.

2 And sir, this fellow was working at a local
3 youth detention centre by the name of Laurencrest?

4 **MR. HALL:** He had been, yes.

5 **MR. ENGELMANN:** Yes, and I believe the first
6 of these incidents was alleged to have happened when C-97
7 was there and Mr. Dufour was a worker?

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** All right.

10 And sir, there were other allegations but
11 they are not the subject matter of this brief; allegations
12 against other individuals other than Brian Dufour?

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** But in this brief you're
15 only keying on that individual?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** All right.

18 And you're getting a recommendation from Ms.
19 Hallett that you should proceed to charge this individual?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** Mr. Dufour; is that correct?

22 **MR. HALL:** Yes, Bates page 818.

23 **MR. ENGELMANN:** All right.

24 So she's indicating to you the charges she
25 is recommending that you lay?

1 **MR. HALL:** That's right.

2 **MR. ENGELMANN:** And she's also recommending
3 that he be arrested and released upon a recognizance in a
4 substantial amount without a deposit, but with surety
5 conditions that include he not be in the company of any
6 youth under the age of 18, et cetera?

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** All right. And did you in
9 fact charge this individual with those offences?

10 **MR. HALL:** We charged him but we didn't --
11 what I interpreted from that what she wanted us to do was
12 to arrest him and bring him -- he lived in Hamilton.

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** Hamilton area.

15 She wanted us to arrest him and bring him
16 back to Cornwall for a bail hearing.

17 **MR. ENGELMANN:** Was she aware of where he
18 lived, sir?

19 **MR. HALL:** Oh, yes.

20 **MR. ENGELMANN:** All right.

21 **MR. HALL:** Well, actually, quite frankly
22 there was some allegations from the Brampton area and there
23 was allegations in the Hamilton area, and she had contacted
24 the Crown Attorney in Brampton to ascertain if he would
25 entertain the charges down there and that didn't

1 materialize. She contacted the Crown Attorney in Hamilton
2 for the same reason and that didn't materialize so she
3 decided to bring them out into Cornwall.

4 MR. ENGELMANN: All right.

5 MR. HALL: So what she, in effect, wanted us
6 to do is to go down and arrest him and bring him back for a
7 bail hearing.

8 MR. ENGELMANN: All right.

9 MR. HALL: And these were historic charges
10 and I didn't agree with her.

11 MR. ENGELMANN: All right.

12 MR. HALL: On the arrest point.

13 MR. ENGELMANN: You agreed with the length
14 of the charges?

15 MR. HALL: Oh, definitely, we did.

16 What I did was we had a discussion on the
17 phone with her and I got out my *Criminal Code* and I said
18 why can't we process them in Hamilton and release them on a
19 promise to appear with conditions by the officers, and she
20 subsequently agreed with that.

21 MR. ENGELMANN: All right.

22 MR. HALL: So I detailed Constable Seguin
23 and Constable Dupuis to go down to Hamilton.

24 Prior to that, I contacted an Inspector
25 Bolland from the Hamilton-Wentworth Regional Police,

1 apprised him of our situation just in case we may have
2 needed some assistance and he gave me a phone number, "If
3 you've got any problems give me a call". The officers went
4 down. They processed him, released him. I believe it was
5 on April 4th-5th, somewhere around there.

6 In any event, he was found deceased on the
7 morning of the 11th at his residence five days later.

8 **MR. ENGELMANN:** Was there any ---

9 **MR. HALL:** Well, he wasn't -- his health
10 wasn't good and the information I got back from Hamilton-
11 Wentworth Regional Police was he died of a heart attack.
12 And I think I made a right decision there. He could very
13 well have died on a trip to Cornwall or in police custody
14 and then I would be questioned as to why I deviated from my
15 procedures in historic cases.

16 **MR. ENGELMANN:** Well, sir, was he released
17 on a -- were you able to get a surety and conditions about
18 no contact with people under 18?

19 **MR. HALL:** There was conditions of no
20 contact with person -- no ---

21 **MR. ENGELMANN:** All right.

22 **MR. HALL:** The same conditions, basically,
23 we had released all the others in the same situation ---

24 **MR. ENGELMANN:** All right.

25 **MR. HALL:** --- where there was historic

1 charges.

2 MR. ENGELMANN: Yeah, and this fellow did
3 have a record though?

4 MR. HALL: I'd have to see a document. I
5 don't recall.

6 MR. ENGELMANN: I think it's in her brief.

7 THE COMMISSIONER: We're talking about who
8 now, again?

9 MR. ENGELMANN: I'm sorry?

10 THE COMMISSIONER: We're talking about
11 Dufour?

12 MR. ENGELMANN: Yes.

13 THE COMMISSIONER: Yeah, he had a prior
14 record. It's in the letter of Exhibit 2821.

15 MR. HALL: Yes.

16 THE COMMISSIONER: Page 3. Is that the
17 thing with the undercover police officer -- yeah.

18 MR. HALL: Yeah, okay, I recall that now.

19 THE COMMISSIONER: Third paragraph from the
20 bottom.

21 MR. HALL: Yes, I recall the circumstances
22 behind that.

23 MR. ENGELMANN: In any event, she made a
24 recommendation, but at the end of the day it's your call on
25 the arrest?

1 **MR. HALL:** Well, I'm responsible for my
2 officers' actions so, you know, that's my call and that's
3 what we did.

4 **MR. ENGELMANN:** All right. And his death a
5 few days later, I'm sure neither you nor Ms. Hallett
6 anticipated that?

7 **MR. HALL:** Certainly not.

8 **MR. ENGELMANN:** All right.
9 And you told her you disagreed and she
10 accepted that?

11 **MR. HALL:** Oh, yeah, she ---

12 **MR. ENGELMANN:** That was ---

13 **MR. HALL:** She's seen it from my position.
14 I could see him and we really had no disagreements. We got
15 along quite well.

16 **MR. ENGELMANN:** All right. That wasn't ---

17 **MR. HALL:** You know, Ms. Hallett was a very,
18 very knowledgeable person in criminal law. I mean, you can
19 tell by the memos and stuff she wrote. I mean, I had no --
20 -

21 **MR. ENGELMANN:** All right.

22 **MR. HALL:** It was just I could see her
23 point. And she's not what I would call a first line Crown
24 Attorney. She mainly operates in Toronto and appeal court,
25 those sorts of things. She wasn't -- when I quoted the

1 section of the *Criminal Code* I kind of detected that maybe
2 she wasn't aware police officers do this with conditions.

3 **MR. ENGELMANN:** All right.

4 But her advice, presumably, was based about
5 views on protection of the public, the fact that he'd had a
6 previous conviction, things of that nature?

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** But in any event, that
9 wasn't a -- was not a contentious issue between you?

10 **MR. HALL:** Your question again?

11 **MR. ENGELMANN:** This was not a contentious
12 issue between you?

13 **MR. HALL:** What was not a contentious issue?

14 **MR. ENGELMANN:** You just had a disagreement
15 -- on the arrest of Mr. Dufour?

16 **MR. HALL:** No. Oh, no. We -- no problem
17 whatsoever.

18 **MR. CARROLL:** If I may, the reality is
19 getting lost here in the questions.

20 She was recommending his release. She was
21 simply saying he should be arrested and brought before a
22 court and released, but the same conditions were imposed as
23 the officer did. And with respect to the recog, that
24 section goes toward the flight risk and there is nothing in
25 the indication of his -- in his record indicating a flight

1 risk.

2 MR. ENGELMANN: I think I've covered the
3 matter.

4 THE COMMISSIONER: M'hm.

5 MR. ENGELMANN: Were you aware, sir, about
6 further information received from the RCMP after his death
7 about other allegations?

8 MR. HALL: Yes, but I think we determined
9 that it wasn't the same person. It was a person by the
10 same name but it wasn't the same individual. You're
11 talking about from British Columbia?

12 MR. ENGELMANN: Sir, there's just a
13 reference in your notes.

14 MR. HALL: I spoke to an officer in -- I
15 believe it was the RCMP in Vancouver Island, possibly, that
16 contacted me, I think, because of -- he found out
17 somewhere. This name came up and I'm not sure just --
18 probably -- we may have entered him as a charged person
19 which we normally do on our CPIC system and he may have had
20 a hit that way somewhere in trying to connect the same
21 individual. And I recall with my conversation with him, we
22 determined that we weren't talking about the same person --
23 my recollection.

24 There should be in my notes basically what I
25 just said.

1 **MR. ENGELMANN:** Yeah. No, there's a
2 reference to a call from an RCMP officer.

3 Sir, after Mr. Dufour's death, I understand
4 you referred the remainder of C-97's complaints to the
5 Cornwall Police Service and I just -- there is an exhibit
6 that indicates that.

7 It's Exhibit 726. The Document Number for
8 counsel is 736926. It's a letter dated April 19th, 2000.

9 **THE COMMISSIONER:** Seven-two-six (726)?

10 **MR. ENGELMANN:** Yes, sir, I believe so.

11 **THE COMMISSIONER:** It's a statement of
12 claim?

13 **MR. ENGELMANN:** If I can just have a moment?

14 **THE COMMISSIONER:** Sure.

15 **MR. ENGELMANN:** Perhaps it's not entered,
16 sir, or I've got the number wrong.

17 The Document Number I have is 739 -- sorry,
18 736926.

19 **THE COMMISSIONER:** That's not that one.

20 **MR. ENGELMANN:** Exhibit 2699. It's a couple
21 thousand off, sir.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** It's a letter April 19th,
24 2000?

25 **MR. ENGELMANN:** That's correct, sir.

1 **THE COMMISSIONER:** Okay.

2 **MR. HALL:** Yes, sir.

3 **MR. ENGELMANN:** This is a letter you would
4 have written to Staff Sergeant Garry Derochie at the
5 Cornwall Police Service?

6 **MR. HALL:** Yes, sir.

7 **MR. ENGELMANN:** In your letter, you're
8 informing him of the fact that C-97 was interviewed back in
9 September of '97.

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** And that he disclosed sexual
12 abuse by Mr. Dufour, who's now deceased.

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** And you talked about the
15 fact that he was charged -- Dufour was charged with that.
16 And you also indicated in the course of that interview,
17 back in September '97, that C-97 had indicated he was
18 sexually abused by four individuals, one of whom was
19 deceased ---

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** --- at that point when he
22 disclosed.

23 And there's a note that says there's an
24 indication that some of the abuse has been reported to the
25 Cornwall Police Service. That's why, when I was asking

1 about Tom Racine, I wasn't sure if you had indicated to him
2 at that time, in April of '98 or not, about this. But
3 you're saying:

4 "We do not feel the additional
5 allegations of [C-97] fall within the
6 mandate of Project Truth."

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** Do you remember why that was
9 your view, sir?

10 **MR. HALL:** Well, I don't think the
11 additional allegations were -- just trying to recall
12 exactly why. Do I have a note in my -- could I see notes
13 for the 19th of April?

14 **MR. ENGELMANN:** We can take a look. I
15 didn't see it. It would be ---

16 **MR. HALL:** I don't have a specific
17 recollection of the reason but I do have a recollection of
18 meeting with Chief Repa early on, and he requested that
19 anything they could investigate that wasn't in their
20 mandate they wanted the opportunity to investigate.

21 **MR. ENGELMANN:** Oh, you do have a reference
22 in your notes, sir. Bates page -- sorry, Exhibit 2754,
23 Bates page 495, April 19th right after the blackout between
24 8:00 and noon. It says, "Memo to CPS on [C-97]
25 complaints." I don't know if that helps.

1 **MR. HALL:** Okay, yes, but in order to give
2 you an informed answer on it I would have to read the
3 statements in entirety to see what the allegations were.

4 **MR. ENGELMANN:** All right. These were
5 statements that you would have reviewed on April 8th of 1998
6 that were taken September 17th and -- I can't remember the
7 other date -- another date in September of '97; correct?

8 **MR. HALL:** Yes. Whatever allegations I was
9 turning over, I would like the opportunity to read them so
10 I could give you an answer as to maybe why I was doing
11 that; all right? I can't -- I don't have a specific
12 recollection of why right at this moment.

13 **MR. ENGELMANN:** Okay. No, fair enough. But
14 certainly you decided that with one of them you would carry
15 on your investigation, and those were the allegations of
16 Brian Dufour.

17 **THE COMMISSIONER:** Well, he's dead.

18 **MR. HALL:** Well, he ---

19 **THE COMMISSIONER:** He's dead.

20 **MR. ENGELMANN:** No, no, no. I'm talking
21 about in April of '98.

22 **MR. HALL:** And also Mr. Dufour had
23 connections to Laurencrest and ---

24 **MR. ENGELMANN:** Yes.

25 **MR. HALL:** --- a childcare worker and ---

1 **MR. ENGELMANN:** Yes.

2 **MR. HALL:** --- and whatever. In regards to
3 the suspects in the other, I don't know ---

4 **MR. ENGELMANN:** Well, we know about ---

5 **MR. HALL:** --- what their occupations were.

6 **MR. ENGELMANN:** We know about Mr. Campbell
7 at ---

8 **MR. HALL:** Well, I don't know. All as I
9 know is the name. I'd have to read something on it to
10 maybe inform you as to what Mr. Campbell is all about.

11 **MR. ENGELMANN:** Well, we heard here that he
12 was involved in minor hockey, had access to kids.

13 **MR. CARROLL:** If I may; three times now the
14 witness has said in order to give an informed answer he'd
15 have to have a look at the statements. I don't think it's
16 an unreasonable request if my friend is going to pursue it.

17 **THE COMMISSIONER:** So sir, can I ask a
18 question? So in April of 2000 Dufour is dead.

19 **MR. HALL:** Yes.

20 **THE COMMISSIONER:** And you're going to pass
21 off the rest of these accused -- or suspects to the
22 Cornwall police for further investigation?

23 **MR. HALL:** Well, I have to see some
24 documentation to see who the suspects were and what the
25 allegations against them were.

1 **THE COMMISSIONER:** Okay. I'm just looking
2 at this letter here.

3 **MR. HALL:** Yes.

4 **THE COMMISSIONER:** And it says in the second
5 paragraph that in interviewing the witness ---

6 **MR. HALL:** Yes.

7 **THE COMMISSIONER:** --- he indicated, "Here's
8 a whole bunch of other people that ---"

9 **MR. HALL:** Yes.

10 **THE COMMISSIONER:** And in the final
11 paragraph you're saying, "I'm giving these people to the
12 Cornwall police to investigate."

13 **MR. HALL:** Yes.

14 **THE COMMISSIONER:** Okay. So all I'm going
15 to ask you is this, is that when you have a situation with
16 one victim and multiple suspects, right ---

17 **MR. HALL:** Yes.

18 **THE COMMISSIONER:** --- did you look to see
19 if there was any connections between the other suspects and
20 Mr. Dufour to see if there is any passing around of this
21 individual? I mean we're looking for paedophile rings.

22 **MR. HALL:** Yeah.

23 **THE COMMISSIONER:** So did you do a study to
24 see if there was any connection between the rest of these
25 suspects and Mr. Dufour?

1 **MR. HALL:** I don't specifically recall.

2 Like, I can't get a handle on this thing without reviewing
3 a brief in the files.

4 **THE COMMISSIONER:** Fine.

5 **MR. HALL:** Really. That's my -- I mean I --
6 -

7 **THE COMMISSIONER:** That's good.

8 **MR. HALL:** We can belabour this but I can't
9 give you any better answer.

10 **THE COMMISSIONER:** No, no, no, no. I wasn't
11 -- I thought I could get an answer from you, but if you
12 want to go back and look at the documents, you'll look at
13 the documents.

14 **MR. ENGELMANN:** It's -- I think the
15 statement in question is Exhibit 2698.

16 **THE COMMISSIONER:** Twenty-six ninety-eight
17 (2698) just one back, same book.

18 **MR. ENGELMANN:** The real question I have,
19 sir, and I don't know if you need the statement for it ---

20 **MR. HALL:** Bates page?

21 **MR. ENGELMANN:** Oh, I don't know. You asked
22 for the statement. You want a reference to one of the
23 other people, right? The document number of the exhibit is
24 712094. One of the individuals is mentioned on Bates page
25 5347; the hockey coach, Tessier. Another person is

1 mentioned at the bottom of that page and then the third --
2 another person is mentioned on Bates page 350.

3 **MR. HALL:** Well, Mr. Tessier is deceased, is
4 he not?

5 **MR. ENGELMANN:** He's one of the four, yeah.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. CARROLL:** Excuse me, Mr. Commissioner.
8 I note that the statement that's under review now is some
9 36 or 37 pages long. If the witness needs to review it in
10 order to answer properly ---

11 **THE COMMISSIONER:** Right, let's take a
12 break.

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

15 This hearing will resume at 10:05 a.m.

16 --- Upon recessing at 9:50 a.m./

17 L'audience est suspendue à 9h50

18 --- Upon resuming at 10:07 a.m./

19 L'audience est reprise à 10h07

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

22 This hearing is now resumed. Please be
23 seated. Veuillez vous asseoir.

24 **MR. ENGELMANN:** Some of the counsel are
25 still reading the statement.

1 **PATRICK HALL, Resumed/Sous le même serment:**

2 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**
3 **MR. ENGELMANN (cont'd/suite):**

4 **MR. ENGELMANN:** Mr. Hall, you've had an
5 opportunity to read C-97's statement of September 17th, '97?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** And you would have reviewed
8 this statement, as we know from your notebook, on April 8th,
9 1998.

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** And had some discussion with
12 a Cornwall police officer at that time?

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** And you were looking at the
15 statement, sir, to answer the question about why it was you
16 felt the additional allegations of C-97 do not fall within
17 the mandate of Project Truth.

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** And are you able to answer
20 the question now, sir?

21 **MR. HALL:** I believe I can give you an
22 answer.

23 I would have preferred to also check the
24 assignment register and the action taken, because he would
25 have been -- the name would have been logged in there and

1 see what action I had in there, but I -- what I can say is
2 that when we initially interviewed this individual, it was
3 quite obvious that Mr. Dufour fell within our mandate ---

4 MR. ENGELMANN: Yes.

5 MR. HALL: --- because of his occupation
6 where he was.

7 MR. ENGELMANN: All right.

8 MR. HALL: And his interview indicates
9 allegations against Seguin, who is deceased; Tessier, who
10 is deceased; Barque, who is deceased.

11 In regards to Bernard Campbell, if you look
12 at Bates 368, he -- he's not sure it's Bernard Campbell, he
13 thinks it is, so, yes, there would be some investigation
14 into that.

15 But once Mr. Dufour is taken out of the
16 equation, I think my thought process would have been that
17 allegations against -- in regards to these other alleged
18 victims didn't fall within our mandate.

19 MR. ENGELMANN: All right.

20 MR. HALL: It didn't come to us
21 from -- probably if Mr. Dufour hadn't been in there in the
22 first place, I would have turned it over to Cornwall
23 Police. There's some indications that Cornwall Police are
24 already in possession of some information; some of this may
25 have already been reported to them. That may have been the

1 reason why I was contacting Constable Racine, to see what
2 he could find out, because we're going back 10, 12 years
3 here, some of this.

4 That's about the best I can give you,
5 without going to the assignment register because I think
6 there may be more details in the "Action Taken" portion of
7 our assignment register.

8 **MR. ENGELMANN:** All right. So you don't
9 make a decision on whether he's in or out, on the other
10 three suspects -- because the fourth is dead, but the other
11 three suspects, presumably, until Mr. Dufour dies?

12 **MR. HALL:** Which suspects are you referring
13 to?

14 **MR. ENGELMANN:** The ones in your letter.

15 **THE COMMISSIONER:** What exhibit was that,
16 again?

17 **MR. ENGELMANN:** Exhibit -- it's the next
18 exhibit.

19 **MR. HALL:** Twenty-six ninety-nine (2699),
20 maybe?

21 **THE REGISTRAR:** No, 2699.

22 **THE COMMISSIONER:** Two six nine nine (2699).
23 Right, right, right. So they would be Tessier, Lalonde,
24 Robillard, Campbell?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** So that it's ---

2 **MR. HALL:** And if that had have -- let's put
3 it this way, if that was the only allegations in there,
4 like Dufour wasn't in, I would have made a decision
5 earlier ---

6 **MR. ENGELMANN:** Back in '97?

7 **MR. HALL:** Probably. Probably, because it
8 wouldn't have fit within our mandate.

9 **MR. ENGELMANN:** Okay. Well, your
10 mandate -- one of your mandates was to look at this broader
11 conspiracy issue, though, was it not?

12 **MR. HALL:** Yes. That was later on. We were
13 dealing with sexual assault allegations, whether they fell
14 within our mandate or didn't fall within in our mandate. I
15 don't like mixing the two up at this time.

16 **MR. ENGELMANN:** No, but, sir, right from the
17 get-go, your mandate -- and I'll just have a look at it for
18 a second ---

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** --- it's Exhibit 331 -- not
21 only included looking at sexual allegations, but it had a
22 second paragraph to it saying we're going to look at this
23 broader issue?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** "In addition, it's alleged

1 suspects were able to terminate
2 investigations and prosecutions
3 against them by abusing their
4 positions of trust within the
5 community. It is alleged the Crown
6 attorney, Diocese of Cornwall and
7 Cornwall Police, conspired to
8 obstruct justice in these matters."

9 MR. HALL: Could you go to Bates 337?

10 MR. ENGELMANN: I'm sorry?

11 MR. HALL: Go to Bates 337?

12 MR. ENGELMANN: Of what document?

13 MR. HALL: That's Document 2698. That's the
14 interview of C-97.

15 THE COMMISSIONER: Okay, yes, Bates page?

16 MR. HALL: The very first page.

17 THE COMMISSIONER: Yes.

18 MR. HALL: Three three seven (337).

19 THE COMMISSIONER: M'hm?

20 MR. ENGELMANN: Yes.

21 MR. HALL: And I will quote Seguin:

22 "Today is the 17th of September, '97.
23 The time is now 9:40. My name is Steve
24 Seguin of the Ontario Provincial
25 Police. My partner's name is Joe

1 Dupuis of the Ontario Province Police.
2 We are conducting an audiovisual
3 interview of [C-97]..."

4 **THE COMMISSIONER:** Ah ---

5 **MR. HALL:** "...concerning sexual abuse."

6 **THE COMMISSIONER:** Yes. He's got a moniker.

7 **MR. HALL:** That's what they were doing.

8 **MR. ENGELMANN:** All right.

9 **THE COMMISSIONER:** Please respect the
10 monikers, sir.

11 **MR. HALL:** Okay, I'm sorry.

12 **MR. ENGELMANN:** Yes, okay.

13 **MR. HALL:** I'm getting wound up here.

14 **MR. ENGELMANN:** But, sir, you're looking
15 at -- you've told us you're looking at the allegations from
16 the Fantino brief ---

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** --- and that then give you
19 your mandate and ---

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** --- your mandate -- I don't
22 want to go back into some of the ---

23 **MR. HALL:** Well, this -- this interview is
24 in the context of sexual abuse allegations.

25 If we were doing an interview with this

1 individual in relation to our conspiracy, we would have
2 prepared or compiled a series of questions to ask him, as I
3 did with others later on.

4 **MR. ENGELMANN:** But, sir, as part of -- if
5 you're interviewing a witness with respect to sexual abuse
6 allegations he has of himself, and you come across other
7 information that might be helpful, by linkage -- for
8 linkage reasons ---

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** --- or other reasons, you're
11 going to be using that information?

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** And that information might
14 also be helpful to you, to know whether or not this person
15 should be within your mandate?

16 **MR. HALL:** Could be.

17 **MR. ENGELMANN:** So this fellow tells you in
18 this interview in September of '97, about contacts with Ken
19 Seguin ---

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** --- and Nelson Barque?

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** Nelson Barque is still
24 alive, and they're both right there, front and centre, in
25 the Dunlop brief, right?

1 **MR. HALL:** Nelson Barque is still alive,
2 yes.

3 **MR. ENGELMANN:** Yes. And those two names
4 come to you from ---

5 **MR. HALL:** I don't disagree with you.

6 **MR. ENGELMANN:** Right.

7 **MR. HALL:** I don't disagree with what you're
8 saying.

9 **MR. ENGELMANN:** And you ---

10 **MR. HALL:** I'm just telling you what we were
11 doing.

12 **MR. ENGELMANN:** And I'm just trying to make
13 sure I understand it, because if you're looking for the
14 existence of people who might be engaged in this kind of
15 activity, I would think those two names would be of
16 interest to you.

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** All right? I would also
19 think that any connections with other people that you were
20 aware of would be of interest.

21 **MR. HALL:** Are you suggesting I should have
22 been asking questions about the conspiracy in this
23 interview? Is that what you're getting at?

24 **MR. ENGELMANN:** Sir, I'm not telling you
25 when to do what, okay? I'm just trying to figure out what

1 you did do, and one of the things you told us ---

2 **MR. HALL:** I'm trying to tell you what we
3 did do, and the officers who are doing the interview, they
4 were there.

5 **MR. ENGELMANN:** And I'm trying to understand
6 why this alleged victim ---

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** --- comes to you in
9 September of 1997, and three -- almost three years later,
10 three of his four allegations you're telling him he's got
11 to go to another police force.

12 **MR. HALL:** Because they're sexual abuse
13 allegations.

14 **MR. ENGELMANN:** Right. And you decide that
15 one of them is in -- and you've told us this before,
16 sometimes when, for example, with Claude Marleau, you've
17 got four priests, so you decide that the other three
18 individuals you're going to look at as well?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** All right? And, in this
21 case, he not only talks to you about Ken Seguin and Nelson
22 Barque, but one ---

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** --- one of the people that
25 he tells you about, that he alleges abuse, is a fellow

1 named Rodney Robillard?

2 MR. HALL: Yes.

3 MR. ENGELMANN: And you've now taken me into
4 this statement, the statement at Bates page 350; he tells
5 you about where that happens, and he tells you about this
6 guy, Robillard, who plays a lot of music at Melody Music.
7 I guess he's teaching down there. He's well known at
8 Melody Music.

9 MR. HALL: Okay.

10 MR. ENGELMANN: And, at this point time, in
11 the fall of '97, you would have just received allegations
12 from Claude Marleau; correct?

13 MR. HALL: July ---

14 MR. ENGELMANN: Yes.

15 MR. HALL: --- August.

16 MR. ENGELMANN: And you're in the middle of
17 that investigation ---

18 MR. HALL: Yes.

19 MR. ENGELMANN: --- correct?

20 MR. HALL: Yes.

21 MR. ENGELMANN: And one of the people that
22 you're investigating is George Lawrence ---

23 MR. HALL: Yes.

24 MR. ENGELMANN: --- who's the owner of
25 Melody Music?

1 **MR. HALL:** Yes. And I -- I made the
2 decision we were going to get into the allegations of a
3 conspiracy or a cover-up, or whatever you want to call it,
4 after we did our sexual assault allegations, and this is
5 what we were doing is our sexual assault allegations.

6 **MR. ENGELMANN:** Why wouldn't you want to
7 just get that out of the way early, so that you wouldn't
8 have a conflict with the Cornwall Police Service; you could
9 work together?

10 **MR. HALL:** Well, nothing happened with that
11 until Mr. Dufour passed away, really.

12 **MR. ENGELMANN:** No, no -- why wouldn't you
13 want to get your conspiracy investigation out of the way?
14 You'd get rid of ---

15 **MR. HALL:** Why wouldn't I?

16 **MR. ENGELMANN:** --- the conflict with the
17 Cornwall police; you could work together ---

18 **MR. HALL:** Oh ---

19 **MR. ENGELMANN:** --- trying to solve these
20 crimes?

21 **MR. HALL:** --- Mr. Engelmann, I think crimes
22 against a person are far more important than a conspiracy
23 investigation.

24 **MR. ENGELMANN:** Well, I ---

25 **MR. HALL:** I mean, you have victims

1 reporting -- if we had take -- put them on the back burner
2 and went on to our conspiracy investigation involving
3 police officers and interviews, we would have been further
4 down the road with these allegations of sexual
5 abuse -- that was my priority.

6 **THE COMMISSIONER:** Well, we'll go on to
7 something else, but would it have hurt during that
8 interview -- once you have multiple suspects ---

9 **MR. HALL:** Yes.

10 **THE COMMISSIONER:** --- right -- to say,
11 "Okay, Mr. Victim, you were abused by these people. Did
12 you ever see these people together? Did they ever talk to
13 you about -- did one talk to you about the other four? Did
14 they ever mention friendships, that kind of stuff?"

15 **MR. HALL:** We -- we could have done that in
16 a subsequent interview.

17 **THE COMMISSIONER:** Was there ever a
18 subsequent interview?

19 **MR. HALL:** I'd had to check ---

20 **THE COMMISSIONER:** Okay, well, we'll get to
21 it.

22 **MR. HALL:** --- check further.

23 **THE COMMISSIONER:** All right.

24 **MR. HALL:** And, also, to answer any further,
25 I'd have to go into our file control, "Action Taken," of

1 our file control register, because ---

2 **THE COMMISSIONER:** We'll get that for you at
3 the break. You can look at it at your leisure.

4 **MR. ENGELMANN:** There was a subsequent
5 interview taken ---

6 **THE COMMISSIONER:** Okay, no. But before we
7 go away from that ---

8 **MR. ENGELMANN:** Yeah.

9 **THE COMMISSIONER:** --- why would it take
10 from September 1997 to 2000 to transfer over the files?
11 Like, that's a long time. You've had those suspects since
12 1997.

13 **MR. HALL:** Yes.

14 **THE COMMISSIONER:** Like don't you think it's
15 a long time to wait?

16 **MR. HALL:** It is a long time but we're
17 proceeding with the Dufour -- it's part of the same
18 statement, Mr. Dufour, prosecution.

19 **THE COMMISSIONER:** Yes. But -- it must be
20 because I got up really early. But while you're dealing
21 with Mr. Dufour, you've got three or four suspects here, do
22 you know -- you don't know if they're still living the life
23 of crime, if they're abusing other children, that kind of
24 stuff ---

25 **MR. HALL:** Yes.

1 THE COMMISSIONER: --- right?

2 MR. HALL: Yes.

3 THE COMMISSIONER: So ---

4 MR. HALL: Well, we had a lot to do and a
5 lot came at us. And we were, you know, I can't tell you
6 today why it took that long specifically.

7 THE COMMISSIONER: But do you agree it's too
8 long?

9 MR. HALL: Sure.

10 THE COMMISSIONER: Okay.

11 MR. HALL: A lot of things are too long.

12 THE COMMISSIONER: Okay.

13 MR. HALL: I agree with you 100 percent.

14 THE COMMISSIONER: Okay.

15 MR. ENGELMANN: And certainly this is a
16 fellow that you've -- well, it's enough.

17 Let's talk briefly about a fellow named
18 David Petepiece. If we turn to Exhibit 325; it has some
19 background in it. The Document Number is 701117.

20 This is the fellow who testified here, he
21 said he called in to the Project Truth office on July 9th,
22 1998. And we know that was a busy day; you were arresting
23 a number of people.

24 And he informed your officers about possible
25 abuse by a priest while he was in the hospital in the '50s.

1 And he sets out in this letter that on July 16th, 1998, he
2 met with Constable Seguin regarding incidents which
3 happened to him in 1956.

4 MR. HALL: Fifty-six ('56), yes.

5 MR. ENGELMANN: Yeah, and that's in the
6 first paragraph of this letter. And he writes this letter
7 in July of 2001 ---

8 MR. HALL: Forty-five (45) years ago
9 apparently.

10 MR. ENGELMANN: I'm sorry?

11 MR. HALL: He's talking about an incident
12 that happened 45 years previous?

13 MR. ENGELMANN: Yes. Well, I guess when he
14 came to you originally, it was 42 years. But by the time
15 this letter, it was 45 years. And you were looking at
16 allegations between 1950 and 1998, if I remember correctly
17 from your CIB reports.

18 MR. HALL: Yes.

19 MR. ENGELMANN: Correct? And he writes a
20 letter to the Professional Standards Branch and this is
21 what this letter is, stating he was not satisfied with the
22 way his complaint was dealt with.

23 MR. HALL: Yes.

24 MR. ENGELMANN: All right. And you received
25 this letter?

1 **MR. HALL:** No, I received a phone call from
2 Detective Inspector Dennis Hurdman who was seconded to
3 Professional Standard Branch.

4 **MR. ENGELMANN:** All right.

5 **MR. HALL:** And there will be a note on that
6 in my notes ---

7 **MR. ENGELMANN:** All right.

8 **MR. HALL:** --- but I can't give you the
9 exact date.

10 **MR. ENGELMANN:** Yeah. In fact, there's a
11 reference in your notes to your speaking with Mr. Petepiece
12 on July 18th, 2001. So ---

13 **MR. HALL:** The Bates page?

14 **MR. ENGELMANN:** It's 2758; the Bates page is
15 980; the time is 1530:

16 "Call from David Petepiece on his
17 complaint of July 19, '98. Explained
18 no offence and our position on same.
19 Requested I send him a memo on this.
20 Advised I would."

21 Do you see that?

22 **MR. HALL:** Yes, I do.

23 **MR. ENGELMANN:** All right. So you were
24 never provided with a copy of his letter, sir?

25 **MR. HALL:** The first I've seen this letter

1 in preparation for this Inquiry. I got a phone call and
2 contents were read to me and a decision was made that I
3 would deal with it.

4 MR. ENGELMANN: Okay. So you were apprised
5 of the contents whether you saw it or not?

6 MR. HALL: Yeah. It was a complaint.

7 MR. ENGELMANN: Yeah.

8 MR. HALL: I mean, he didn't read exact
9 everything. He just said, "What's the story on this
10 individual?" And I related what took place.

11 MR. ENGELMANN: All right. And you told
12 him, one, you didn't think it was an offence because of the
13 situation with the *Criminal Code* at that time?

14 MR. HALL: Yes.

15 MR. ENGELMANN: And, two, that he didn't fit
16 within your mandate because your mandate involved the
17 Catholic clergy?

18 MR. HALL: Yes.

19 MR. ENGELMANN: And this fellow was an
20 Anglican.

21 MR. HALL: Yes.

22 MR. ENGELMANN: All right.

23 MR. HALL: As I understood it, he was in the
24 hospital when he was a young person and ---

25 MR. CARROLL: I think the evidence was he

1 identified himself as an Anglican minister as opposed to
2 any proof that he was that.

3 MR. ENGELMANN: All right.

4 MR. HALL: But there was -- Mr. Petepiece
5 indicated there was another person in the next bed who
6 could verify some of his information.

7 MR. ENGELMANN: All right.

8 MR. HALL: And rather than just turn it over
9 to Cornwall police, I had my officers do some background --
10 try to identify this person. And they, in fact, did. And
11 it turned out that he was Catholic and he was in the
12 hospital. It wasn't that hospital. He had no
13 recollection.

14 MR. ENGELMANN: So he couldn't corroborate
15 anything?

16 MR. HALL: No.

17 MR. ENGELMANN: All right.

18 MR. HALL: Didn't know the individual and
19 quite frankly, no criminal offence, in my view, had taken
20 place.

21 MR. ENGELMANN: Right.

22 MR. HALL: Is this the one where I was
23 supposed to be at a meeting and was the muscle? Is that --
24 -

25 MR. ENGELMANN: Sir ---

1 **MR. HALL:** Apparently Mr. Petepiece, I
2 think, indicated in his evidence here that I attended the
3 meeting ---

4 **MR. ENGELMANN:** He was mistaken.

5 **MR. HALL:** I know; I wasn't there.

6 **MR. ENGELMANN:** Yeah. So at -- Exhibit 326
7 was your response, I believe?

8 **MR. HALL:** Zero two three six (0326)?

9 **MR. ENGELMANN:** Yes, that's the letter you
10 would have written back. Document Number 701116.

11 **MR. HALL:** Yes. Yes.

12 **MR. ENGELMANN:** And as I said you explained
13 in the first numbered paragraph that you don't believe a
14 criminal offence had been committed because of the
15 situation with the *Criminal Code* at that time.

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** You talked about amendments
18 to the *Criminal Code* in 1985 which include the section on
19 sexual interference and then the invitation of sexual
20 touching, et cetera ---

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** --- which may have covered
23 what he was alleging.

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** And secondly, you say:

1 "The mandate of Project Truth was to
2 investigate historic allegations of a
3 sexual nature involving the Catholic
4 clergy and other prominent persons in
5 the Cornwall area. This does not
6 include every sexual allegation in the
7 City of Cornwall that was reported and
8 did not include allegations against
9 members of other religions."

10 Correct?

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** And -- but presumably sir,
13 you'd agree that clergymen from -- clergy persons from
14 other religions could be prominent persons in the
15 community?

16 **MR. HALL:** That question again?

17 **MR. ENGELMANN:** You would agree, would you
18 not, that clergy from other denominations, not just
19 Catholics, would be considered prominent persons in the
20 community?

21 **MR. HALL:** Well, they could be considered
22 prominent persons but they weren't what's in our mandate,
23 in my view.

24 **MR. ENGELMANN:** All right. Well, your
25 mandate included prominent persons and business persons?

1 **MR. HALL:** Yes, but it also identified the
2 specific members of the clergy being Catholic priests.

3 **MR. ENGELMANN:** Would you not think, sir,
4 that clergy would be in either a position of trust or
5 authority with parishioners, particularly when they're
6 giving pastoral care?

7 **MR. HALL:** Well, yes. I don't disagree with
8 that but our mandate was investigating the allegations from
9 the Dunlop material. Dunlop, nowhere that I am aware of,
10 gave any indications regarding a clergy member from the
11 Anglican Church.

12 **MR. ENGELMANN:** All right.

13 **MR. HALL:** So I'm sticking within my
14 mandate.

15 **MR. ENGELMANN:** All right. And sir, we just
16 looked at a letter recently that you sent to, I believe,
17 you -- with respect to C-97, you sent a letter over to the
18 Cornwall police. In this case, you simply tell him he can
19 go to the Cornwall police. Is that fair?

20 **MR. HALL:** Mr. Petepiece?

21 **MR. ENGELMANN:** Yes. At the end of your
22 letter.

23 **MR. HALL:** Yeah, I refer him there if he has
24 anything further. But I -- prior to this letter, I had a
25 lengthy conversation with him. I explained basically

1 everything I said in writing. He asked me to put it in
2 writing, so I did.

3 So I -- the alternative for him is he felt
4 there was something and I think in his evidence, if I'm
5 correct here, he concluded that he didn't want to waste
6 manpower from Cornwall Police pursuing these matters that
7 happened 45 years before -- or 42 years before. Isn't that
8 -- didn't he say that in his evidence?

9 MR. ENGELMANN: He said a number of things
10 in his evidence, sir.

11 MR. HALL: Well, I suggest that was one of
12 them.

13 MR. ENGELMANN: I know. I'm just asking you
14 about your response, your institutional response, and in
15 one case you ---

16 MR. HALL: Well, first of all let's take it
17 in a step -- first step. I don't believe there's an
18 offence there, to start with.

19 MR. ENGELMANN: Yes, and we started ---

20 MR. HALL: I didn't even have to go -- I
21 could have said, "Go see Cornwall police," but we took the
22 added step, "Let's see if we can find this guy he's talking
23 about," so that's what we did. I don't know if I can use -
24 - his name is mentioned in the letter.

25 MR. ENGELMANN: All right. Sir, let's talk

1 about some issues that were going on in '99 and 2000 with
2 respect to media attention. And I think you've told us
3 about some of that media attention and how it was being
4 generated as a result of the Dunlops' interaction with the
5 media.

6 MR. HALL: Yes.

7 MR. ENGELMANN: Also some of the media that
8 was generated by Mr. Guzzo.

9 MR. HALL: Yes.

10 MR. ENGELMANN: And as I understand it, in
11 the years 1999 and 2000 there was a fair bit of media
12 attention about the Project Truth investigation.

13 MR. HALL: Particularly in May '99.

14 MR. ENGELMANN: All right. Some of that was
15 local, here in Cornwall?

16 MR. HALL: It was everywhere.

17 MR. ENGELMANN: Some of it was regional?

18 MR. HALL: Yes.

19 MR. ENGELMANN: And in fact there was the
20 odd national story.

21 MR. HALL: Yes.

22 MR. ENGELMANN: All right. And that was
23 either through the print media or through radio.

24 MR. HALL: Yes. There was a reporter from
25 the CBC, Maureen Brosnahan, who ---

1 **MR. ENGELMANN:** Yeah, you mentioned her
2 name.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** And you had several contacts
5 with her, as I understand it.

6 **MR. HALL:** Actually she indicated that she
7 had 50 victims and I interviewed her. I interviewed her in
8 2000, I believe. I came in and I asked her, "Well, you
9 know, where's the names? My business is investigation
10 allegations. Where's the names of these victims?" And it
11 was a privacy issue, she couldn't tell me, but she did say
12 they were basically the ones that Perry Dunlop had ---

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** His material is out in -- well,
15 there were several sources at that time.

16 **MR. ENGELMANN:** There were a couple of
17 websites as well that were ---

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** --- quoting some of ---

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** --- his material.

22 **MR. HALL:** Yes. But I mean in her releases
23 she was basically saying that they had knowledge of 50
24 alleged victims of sexual assault, so my primary reason for
25 meeting with her was, who are they? Where are they?" Much

1 the same with Mr. Guzzo; our primary reason for meeting
2 with him was, who are they? Where are they? Can we
3 investigate them?

4 **MR. ENGELMANN:** All right.

5 Sir, what I want to ask you about is
6 presumably this media attention was generating some public
7 pressure on you and your staff to wrap up your
8 investigation.

9 **MR. HALL:** I don't agree with you there was
10 pressure to wrap it up.

11 **MR. ENGELMANN:** Well ---

12 **MR. HALL:** Pressure to investigate things,
13 and I think it became known by the general public that we
14 were incompetent because of Mr. Guzzo's revelations in the
15 legislature, and people were wondering, you know, "What are
16 you doing? How come all these people didn't get found
17 sooner?"

18 **MR. ENGELMANN:** We had the issue with these
19 binders or volumes.

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And that came into the media
22 in the spring of 1999, and we looked at that issue.

23 **MR. HALL:** Well, the Fort Lauderdale issue
24 came up too.

25 **MR. ENGELMANN:** Right. There were a number

1 of issues that came up.

2 MR. HALL: Yes, yes.

3 MR. ENGELMANN: And, as I understand it, as
4 a result of some of the issues that came up in the spring
5 of '99, particularly with respect to the binders and the
6 transfer of the materials, Mr. Smith even got involved and
7 in fact took the unusual step of giving an interview to a
8 reporter that he talked to us about. Were you aware of
9 that in or around of April of '99 at or about the time of
10 his retirement?

11 MR. HALL: Yes, I was aware of it.

12 MR. ENGELMANN: And I understand he spoke to
13 several senior officials in the OPP about that first, and
14 in fact senior MAG officials as well.

15 MR. HALL: Are you -- are you going to
16 mention the reporter's name? Because if I know who you're
17 talking about I can tell you a lot more.

18 MR. ENGELMANN: Well, there was a reporter
19 that he liked that he agreed to give an extensive interview
20 to, and ---

21 MR. HALL: And in fact came down to
22 Cornwall.

23 MR. ENGELMANN: Yeah. And, sir, what I'm
24 getting at is he would have spoken to a number of senior
25 officials in the OPP and also at the Ministry of the

1 Attorney General before actually participating in that
2 interview.

3 MR. HALL: Yes. The interview you're
4 referring to, I think, our Director, Detective
5 Superintendent Edgar, was present.

6 MR. ENGELMANN: Okay. And were you involved
7 at all in those discussions or in the interview?

8 MR. HALL: I wasn't -- I was involved in
9 preparing material. Well, first of all, can I mention his
10 name?

11 THE COMMISSIONER: Sure.

12 MR. ENGELMANN: Sure.

13 MR. HALL: Okay, Michael Harris.

14 MR. ENGELMANN: Yes.

15 MR. HALL: I want to know we're talking
16 about the same person here.

17 MR. ENGELMANN: I believe that was the
18 fellow he mentioned, yeah.

19 MR. HALL: He came down and he had a series
20 of questions put to us, and I dug up the information to
21 answer his questions for Inspector Smith.

22 MR. ENGELMANN: All right. And at that
23 point in time you and Inspector Smith were both concerned
24 about some of the things that Mr. Guzzo was saying in the
25 press?

1 **MR. HALL:** Yes.

2 **MR. ENGELMANN:** And you wanted to meet with
3 the press and essentially give them your side of the story?

4 **MR. HALL:** Well, that was the -- I think
5 Detective Superintendent Edgar's idea, and Detective
6 Inspector Smith. They made that decision. I had -- I
7 really had no input into what they were doing. Media
8 wasn't my piece of cake.

9 **MR. ENGELMANN:** Fair enough. You were just
10 providing them some background information.

11 **MR. HALL:** Exactly.

12 **MR. ENGELMANN:** Right.

13 **MR. HALL:** And it was in the files and they
14 came down and I provided the information that they
15 requested.

16 **MR. ENGELMANN:** Right. And at that point
17 in time you hadn't had any personal contact with Mr. Guzzo?

18 **MR. HALL:** No. No, no.

19 **MR. ENGELMANN:** Right. As I understand it -
20 - and you would not have provided him with any information
21 about your Project Truth investigation at that point?

22 **MR. HALL:** No.

23 **MR. ENGELMANN:** All right. So any
24 information that he might have had didn't come from you or
25 your team?

1 **MR. HALL:** Correct.

2 **MR. ENGELMANN:** And, sir, were you aware of
3 his assertion at the time that he'd been contacted by a
4 number of alleged victims of sexual assault or sexual abuse
5 here in the Cornwall area?

6 **MR. HALL:** That's what he was saying.

7 **MR. ENGELMANN:** Right. And at that point in
8 time you'd had no contact from him referring ---

9 **MR. HALL:** No.

10 **MR. ENGELMANN:** --- any victims ---

11 **MR. HALL:** Did not.

12 **MR. ENGELMANN:** --- or alleged victims?
13 And, sir, he also raised issues about a
14 motel in Fort Lauderdale, Florida.

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** And he and others said that
17 there were some prominent individuals from Cornwall who
18 went down there and would have abused young people there.

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** All right. And in fact I
21 believe he was quoted in a newspaper article saying that
22 he'd actually personally viewed some registration slips
23 from a motel in Florida.

24 **MR. HALL:** That's what he said.

25 **MR. ENGELMANN:** And, sir, I believe that

1 same motel, the Saltaire Motel, would have been mentioned
2 in the Fantino brief.

3 MR. HALL: Yes.

4 MR. ENGELMANN: And did you consider it to
5 be part of your mandate to investigate allegations of
6 sexual abuse perpetrated by Cornwall residents in Florida?

7 MR. HALL: Well, we had no jurisdiction in
8 Florida. We couldn't, obviously, lay charges but it would
9 be up to the local police if they wished to, if there was
10 evidence to that effect. But it was such a concern, it was
11 such a concern in the media, that we -- Detective Inspector
12 Smith was already down there in a murder trial giving
13 evidence, and he talked to me about it and the end result
14 is I went down to Florida and followed up on it. I
15 went to the Fort Lauderdale Police, I talked to the people
16 from the -- with some difficulty, with the Saltaire Motel,
17 but eventually we were able to get information from them.

18 MR. ENGELMANN: And I presume you thought
19 that it was possible that some of the information you might
20 uncover would be useful to deal with some of the media
21 speculation and some of the other issues you were dealing
22 with here.

23 MR. HALL: Yes. We had some difficulty.
24 The motel owners had been visited by Mr. Chisholm, who
25 indicated he was a detective, and by Mr. Leroux, and there

1 was a short statement provided, I believe, in the fall of
2 '96.

3 MR. ENGELMANN: Yes, and you were down there
4 in about May of '99, as I understand it.

5 MR. HALL: The 3rd of May, 4th of May.

6 MR. ENGELMANN: Now, sir, was that trip in
7 any way related to some of the statements that Guzzo had
8 been making in the media?

9 MR. HALL: Well, definitely.

10 MR. ENGELMANN: All right.

11 MR. HALL: He was making the accusations
12 that the people from the Cornwall area were taking young
13 children down there and sexually abusing them.

14 MR. ENGELMANN: All right.

15 And Detective Inspector Smith testified
16 about your visit to the motel and that you were not able to
17 successfully interview the owner when you went.

18 MR. HALL: He was quite irate because at
19 that point, because of the media that Mr. Guzzo had
20 generated, reporters were there. There was people all over
21 the place.

22 MR. ENGELMANN: And, sir, I understand that
23 you did not interview a former bookkeeper from the motel.

24 MR. HALL: I never could identify a former
25 bookkeeper.

1 **MR. ENGELMANN:** And ---

2 **MR. HALL:** But I did -- just to follow up on
3 that, I did generate a memo. Actually we talked to the
4 hotel owner's wife the next day and she was quite
5 receptive.

6 **MR. ENGELMANN:** Right. And I understand you
7 then wrote a letter to ---

8 **MR. HALL:** I wrote a letter and I asked a
9 number of questions, and as a result of that letter they
10 sent us back their answers. They also sent us back a
11 number of -- actually, I asked for any hotel registry
12 receipts from anybody from the Province of Ontario
13 specifically is what I asked for.

14 **MR. ENGELMANN:** All right.

15 **MR. HALL:** And they sent us back a number
16 and I think the only two people we could identify was
17 Malcolm MacDonald and Ron Leroux.

18 **MR. ENGELMANN:** And, sir, your letter -- I
19 just want to get this information before the Inquiry --
20 your letter, I believe, is June 24th, 1999. It's Document
21 Number 701125. It's a letter from Detective Inspector Hall
22 to Mr. Blagotja Cvetkouski.

23 **MR. HALL:** I called him Bill.

24 **MR. ENGELMANN:** All right. That's good for
25 me too.

1 **THE COMMISSIONER:** And this hasn't already
2 been an exhibit?

3 **MR. ENGELMANN:** I don't think so.

4 **THE COMMISSIONER:** I thought the response
5 was at least, but we'll see.

6 **MR. ENGELMANN:** The answers are, I believe.
7 I'm not sure if the letter.

8 **THE COMMISSIONER:** Okay, there we go. Thank
9 you.

10 All right. Exhibit Number 2822 is a letter
11 dated June 24th, 1990(sic) addressed to Mr. Blagotja
12 Cvetkouski. The Clerk will give the reporters the
13 spelling. And from Detective Inspector Hall, again, June
14 24th, 1999, Exhibit 2822.

15 **--- EXHIBIT NO./PIÈCE NO. P-2822:**

16 (701125) - Letter from Pat Hall to Blagotja
17 Cvetkouski dated June 24, 1999

18 **MR. ENGELMANN:** And, sir, this is the letter
19 you would have written to the owner ---

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** --- a few weeks after you
22 were there?

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** All right.

25 And the list of questions -- I'm pretty sure

1 this is an exhibit -- I believe it's Exhibit 696, Document
2 Number 117626. I have another document number for it.

3 Sir, as I understand it, with the letter you
4 would have submitted a typed list of questions?

5 **MR. HALL:** I did, yes.

6 **MR. ENGELMANN:** And I just want to show you
7 a document. You can confirm that that is in fact a list of
8 questions and the handwritten answers you would have
9 received?

10 **MR. HALL:** Yes, sir.

11 **MR. ENGELMANN:** Just waiting for it to come
12 up on the screen, sir.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. ENGELMANN:** All right.

15 Sir, this would be the transcription that
16 would have been made by you or perhaps your secretary?

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** Of the written answers you
19 would have received to your questions?

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

21 **MR. ENGELMANN:** All right.

22 And in your questions, one of the questions
23 you would have asked:

24 "Was a record of any of the following
25 people staying at the Saltaire Motel?"

1 **MR. HALL:** Correct.

2 **MR. ENGELMANN:** And he circled three of the
3 Cornwall individuals that you had asked for. Mr. Leroux -
4 --

5 **MR. HALL:** Yes, yes.

6 **MR. ENGELMANN:** Mr. Malcolm MacDonald and
7 Mr. Richard Orlando?

8 **MR. HALL:** I don't believe Mr. Richard
9 Orlando. He actually was a clergy member but he was in the
10 U.S. He wasn't in Canada.

11 **MR. ENGELMANN:** Okay. He was one of the
12 individuals mentioned from ---

13 **MR. HALL:** From Pennsylvania, I believe.

14 **MR. ENGELMANN:** Okay. Was he one of the
15 individuals mentioned in the brief that you received from
16 Mr. Dunlop?

17 **THE COMMISSIONER:** Can you scroll down,
18 Madam Clerk?

19 **MR. HALL:** He could have been in some of
20 this -- I don't think it was in the material that went to
21 Mr. Fantino, but it may have come in some of his notes
22 later on. But we were aware of that name and without
23 checking the -- check our registry I could probably tell
24 you where it came from.

25 **MR. ENGELMANN:** Well, he was a person of

1 interest to you, clearly. You were asking whether there
2 were receipts?

3 MR. HALL: Yes. So he obviously came to us
4 somehow, but my recollection is he was a priest in the
5 States and I think it may have been Pennsylvania but I'm
6 not certain. And I -- at some point I think we found out
7 he was deceased but, like I say, the file control register
8 and the action taken would give me a better idea as to
9 properly answer your question.

10 MR. ENGELMANN: Sir, did you actually get or
11 were you sent some registration slips from the motel by
12 mail at a later date?

13 MR. HALL: Yes, I was.

14 MR. ENGELMANN: And ---

15 MR. HALL: I think he asked for the
16 originals back and we photocopied them and we did send the
17 originals back to him.

18 MR. ENGELMANN: And those were registration
19 slips of those individuals that you would have circled?

20 MR. HALL: The only two -- yes, exactly.

21 THE COMMISSIONER: Ron Leroux and Malcolm
22 MacDonald?

23 MR. HALL: Yes, yes.

24 THE COMMISSIONER: All right.

25 MR. ENGELMANN: Document Number 712290.

1 It's in the cross documents, 712290.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ENGELMANN: Seven-one-two-two-nine-zero
4 (712290). It's in the cross documents. It should be.

5 THE COMMISSIONER: What is it?

6 MR. ENGELMANN: It's a letter to Mr. Hall
7 from the ---

8 THE COMMISSIONER: Let's put it on the
9 screen and we'll give it an exhibit number later. Oh,
10 we'll give it an exhibit number now but -- okay.

11 So this is a letter dated September 7th, 1999
12 addressed to Mr. Hall from?

13 MR. ENGELMANN: The owners, Val and ---

14 THE COMMISSIONER: The owners of Saltaire
15 Motel -- Bill.

16 MR. ENGELMANN: Right.

17 THE COMMISSIONER: And so that will be
18 Exhibit 2823.

19 --- EXHIBIT NO./PIECE NO. P-2823:

20 (712290) - Letter from Balgotja Cvetkouski
21 (Bill) to Pat Hall dated September 7, 1999

22 MR. ENGELMANN: And this is what you
23 received, sir?

24 MR. HALL: Yes.

25 MR. ENGELMANN: Did you receive any other

1 registration slips from the motel?

2 MR. HALL: Yes, there was some people from
3 Ontario but they weren't -- as I recall, I think there may
4 have been a few that -- because we had asked them from
5 Ontario.

6 MR. ENGELMANN: Right.

7 MR. HALL: And there may have been a few
8 others. I'd have to, again, check our files to see because
9 I know there was a number of them but I believe they
10 weren't even in the Cornwall area or from the Cornwall
11 area.

12 MR. ENGELMANN: But those were the only
13 three that you had identified from the brief materials?

14 MR. HALL: Exactly.

15 MR. ENGELMANN: All right.

16 MR. HALL: We also attended at the Fort
17 Lauderdale Police. I spoke to a Detective Shotwell and we
18 ran the names of the people we were inquiring about through
19 their system and if there was any complaints at the motel,
20 and I think the only complaint that they had was a fraud or
21 ---

22 THE COMMISSIONER: So 1984, fraud.

23 MR. ENGELMANN: Sir, I understand that you
24 wrote to Mr. Guzzo about this?

25 MR. HALL: I wrote to him to meet with him.

1 I don't know specifically about ---

2 MR. ENGELMANN: Exhibit 996? It's a letter
3 dated June 24th, 1999. The Document Number is 124703.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. HALL: Yes, sir.

6 MR. ENGELMANN: And you're essentially
7 advising him about what you're doing and the number of
8 people you've charged. You're referencing some media
9 stories and suggesting that perhaps he was misquoted and,
10 in any event, you're asking -- you're saying "you may have
11 names of victims we're not aware of" and that you're there
12 to investigate all allegations that come to your attention.

13 MR. HALL: Yes.

14 MR. ENGELMANN: And asking to meet with him?

15 MR. HALL: Yes.

16 MR. ENGELMANN: And you're copying Shelley
17 Hallett on it, right?

18 MR. HALL: Yes. She asked me to do anything
19 to do with Mr. Guzzo to copy her on it.

20 MR. ENGELMANN: Right, all right.

21 Now, your mandate wasn't really quite that
22 broad was it? It was to investigate the allegations that
23 fit within the scope of your mandate?

24 MR. HALL: Well, we really had to have the
25 allegation before we could determine whether it was in our

1 mandate.

2 MR. ENGELMANN: I know, but you're saying
3 you're investigating all allegations of sexual assault with
4 -- you're investigating within the context of your mandate?

5 MR. HALL: Yeah, I could have made that
6 maybe a little more clear within our mandate but, you know.

7 MR. ENGELMANN: All right.

8 Now, I understand, sir, there was difficulty
9 in arranging a meeting with Mr. Guzzo?

10 MR. HALL: Yes.

11 MR. ENGELMANN: And there were schedule
12 issues and some health issues and, in any event, a meeting
13 doesn't take place until the fall of 2000.

14 MR. HALL: The 22nd of November.

15 MR. ENGELMANN: Right. And, sir, given that
16 he's stated he has some names of individual victims, were
17 there any other steps taken to try and obtain names of
18 these individuals prior to the meeting? Some kind of a
19 written exchange or ---

20 MR. HALL: Well, I had spoken to his
21 assistant, I think, a fellow by the name of Bill Grant who
22 called me. There was a couple of -- at least one occasion
23 in February of 2000 when I got a quick call. He says, "Can
24 you meet this afternoon?" and I was tied up in court in
25 Kingston, so that's why -- you know, some of it was -- we

1 just couldn't arrange it.

2 MR. ENGELMANN: All right. And I understand
3 before your meeting, there was a letter that Mr. Guzzo had
4 addressed to some of his colleagues about a bill to have an
5 inquiry, and that was October 4th of 2000. And then there
6 was a response from Superintendent Chris Lewis on the 12th
7 of October, 2000.

8 MR. HALL: Are you referring to Bill 103?

9 MR. ENGELMANN: It is referring to Bill 103,
10 yes.

11 MR. HALL: Thank you.

12 MR. ENGELMANN: And, sir, the documents are
13 Exhibit 1008 and 1015.

14 And, sir, I really wanted to ask simply
15 whether you were aware of the letter he had written of
16 October 4th, 2000 and whether you were asked to assist in
17 the response of Superintendent Lewis?

18 MR. HALL: What document is it, please?

19 MR. ENGELMANN: It's Exhibit 1008 and the
20 response ---

21 MR. HALL: One-thousand-and-eight (1008) is
22 a letter from Mr. Guzzo. Is that what we're referring to?

23 MR. ENGELMANN: Yes.

24 MR. HALL: Okay.

25 MR. ENGELMANN: And I'm wondering if this

1 would have been brought to your attention about that time,
2 and then whether you would have been asked to assist in
3 helping Superintendent Lewis respond?

4 **MR. HALL:** I'm fairly certain he would have
5 called me to ask for specific details about the
6 investigation because he wouldn't have known.

7 **MR. ENGELMANN:** Right. So let me just show
8 you -- and I just want to put that letter in if I can.
9 It's Document Number 103455.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit Number 2824 is a letter -- or
12 memorandum dated October 12th, 2000 to the Bureau Commander
13 of the Investigation Bureau from C.D. Lewis.

14 **--- EXHIBIT NO./PIÈCE NO. P-2824:**

15 (103455) - Memorandum from C.D Lewis to
16 Bureau Commander, Investigation Bureau re:
17 Project Truth dated October 12, 2000

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** You would have provided some
20 background information to Superintendent Lewis to respond?

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** He would not have had
23 personal knowledge of much of the responses?

24 **MR. HALL:** No.

25 **MR. ENGELMANN:** Right. And some of them he

1 may have had the assistance of Superintendent Frechette
2 because I know some of them refer to him as well?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** All right.

5 And, sir, as well there's another document
6 I'd like to ask you about very quickly; Document Number
7 701037, and I believe this is -- yeah, this is a letter
8 from yourself to Mr. Guzzo on November 1st, 2000.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 2825 is a letter dated
11 November 1st, 2000, attention to Marilyn Murray, Media
12 Relations for the Ontario Provincial Police, and that's
13 from Detective Inspector Hall.

14 --- **EXHIBIT NO./PIÈCE NO. P-2825:**

15 (701037) -Letter from Pat Hall to Marilyn
16 Murray dated November 1, 2000

17 **MR. ENGELMANN:** Sir, I understand that this
18 is a letter that you would have been asked, presumably, to
19 prepare to respond to correspondence of Mr. Guzzo to MPPs?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And this letter was sent to
22 Media Relations and you're not sure what they were then
23 going to do with it?

24 **MR. HALL:** No.

25 **MR. ENGELMANN:** You were just asked to

1 provide a response?

2 MR. HALL: The decision to meet with
3 Mr. Guzzo wasn't taken lightly. It was first discussed
4 with Jim Stewart and Marc Garson in a meeting in March of -
5 - it would have been '99, I guess, right after this stuff
6 came out.

7 MR. ENGELMANN: All right.

8 MR. HALL: And then in a further meeting
9 with John Corelli of Special Prosecutions when I was in
10 Toronto, we discussed it then; that everybody thought we
11 should.

12 So I contacted Detective Superintendent
13 Edgar and we discussed it and he says, "Yes, go ahead," so
14 that's when the first correspondence started -- shortly
15 after that.

16 MR. ENGELMANN: And then, sir, you met with
17 Mr. Guzzo at his office at Queen's Park on November 22nd,
18 2000?

19 MR. HALL: Yes.

20 MR. ENGELMANN: Sir, that's in your notes.
21 It's indicated in your notes at Exhibit 2756, Document
22 Number 727759, and the Bates page is 712.

23 And, sir, you asked Superintendent Lewis to
24 accompany you to that meeting?

25 MR. HALL: Yes, I did.

1 **MR. ENGELMANN:** And did he have an active
2 role in the meeting or was he more there as a note-taker or
3 witness?

4 **MR. HALL:** I believe I did most of the
5 talking.

6 **MR. ENGELMANN:** Yes.

7 **MR. HALL:** He did some, but it was primarily
8 me apprising Mr. Guzzo of his inexactitudes.

9 **MR. ENGELMANN:** All right. Because
10 Superintendent Lewis's information would have come from
11 you, presumably?

12 **MR. HALL:** Yes, yes.

13 **MR. ENGELMANN:** All right. And you set out
14 the meeting starting at 10:50.

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** And these notes have
17 actually been read in once before, but they carry on until
18 Bates page 714 with the meeting ending at around 12:30?

19 **MR. HALL:** Yes, we met for a little over an
20 hour and-a-half. Another colleague of Mr. Guzzo was there
21 and I didn't have his -- you can see it's crossed out.
22 It's Brian Coburn. He's a ---

23 **MR. ENGELMANN:** He was not a ---

24 **MR. HALL:** Mr. Guzzo wanted somebody
25 present, so ---

1 **MR. ENGELMANN:** Right.

2 **MR. HALL:** --- he came in and he really
3 probably sat 10, 15 feet from us doing some work, but he
4 was there.

5 **MR. ENGELMANN:** Right. He didn't have any
6 active role in the conversation?

7 **MR. HALL:** None whatsoever; never spoke to
8 him.

9 **MR. ENGELMANN:** All right.

10 Sir, we have your notes, and these include
11 some of the things you would have said to him and some of
12 the things he would have said to you?

13 **MR. HALL:** Yes. I think I started off by
14 asking about victims.

15 **MR. ENGELMANN:** Right.

16 **MR. HALL:** And we ---

17 **MR. ENGELMANN:** And there was some -- sorry.

18 **MR. HALL:** "We discussed any people that
19 he is aware of that he feels we should
20 speak to. Said he had three. Told him
21 to contact us. One has lots of money
22 and is funding Dunlop. The other two
23 could blow the lid off this thing but
24 doesn't think they will come forward."

25 And we get into the binders and -- you want

1 me to keep going on, sir?

2 MR. ENGELMANN: Well, sir, I just -- we have
3 had these read in. I want to ask ---

4 MR. HALL: Well, just about -- I'll just
5 make a comment about the binders.

6 MR. ENGELMANN: Yes.

7 MR. HALL: I had taken the Indexes from the
8 binder that went to Mr. Fantino.

9 MR. ENGELMANN: Yes.

10 MR. HALL: And I had taken the Indexes from
11 the binders I received on the 31st of July, '98 from Mr.
12 Guzzo, and I compared them so he could see.

13 MR. ENGELMANN: All right.

14 MR. HALL: And I showed him the Indexes from
15 the *Police Services Act* binders as well, the two volumes I
16 received.

17 MR. ENGELMANN: Because you wanted him to be
18 aware of how much of the original material you already had
19 when Mr. Dunlop came ---

20 MR. HALL: Well, part of it was to cover off
21 the issue that we didn't receive the material, the Ministry
22 of the Attorney General was trying to hide it.

23 I'm just saying that, you know, the
24 indications that he was portraying to the media is that we
25 didn't have this and we -- information. I'm saying yes, we

1 did in relation to the sexual assault allegations. That's
2 what I was doing.

3 MR. ENGELMANN: You wanted him to know what
4 you had when?

5 MR. HALL: Exactly.

6 MR. ENGELMANN: And, sir, when he gave his
7 testimony here, he made a couple of comments and I just
8 want to ask you about them if I can.

9 He stated that at one point he asked you
10 about registration slips from the Saltaire Motel?

11 MR. HALL: Yes.

12 MR. ENGELMANN: And he testified that you
13 told him that you had them.

14 MR. HALL: That we had them forwarded, yes.

15 MR. ENGELMANN: Right.

16 MR. HALL: We spent a bit of time on them.

17 MR. ENGELMANN: He actually suggested you
18 had it in your briefcase.

19 MR. HALL: No, I didn't have it in my
20 briefcase.

21 MR. ENGELMANN: Okay. Did you have a
22 briefcase with you?

23 MR. HALL: I had a little zip folder.

24 MR. ENGELMANN: All right.

25 MR. HALL: You could call it a briefcase.

1 Wasn't very big because I had -- I had the -- I had some
2 documents and I had -- well, I'm sure we'll get to it.

3 **MR. ENGELMANN:** All right. Well, if -- you
4 didn't have any registration slips with you?

5 **MR. HALL:** No, I didn't.

6 **MR. ENGELMANN:** All right.

7 **MR. HALL:** No.

8 **MR. ENGELMANN:** So you wouldn't have shown
9 him any?

10 **MR. HALL:** No, no.

11 **MR. ENGELMANN:** All right.

12 **MR. HALL:** I just discussed it.

13 **MR. ENGELMANN:** And he indicated that one of
14 the slips listed the name of Bishop LaRocque?

15 **MR. HALL:** No, no.

16 **MR. ENGELMANN:** Did you ever make that
17 comment to him?

18 **MR. HALL:** No; did not.

19 **MR. ENGELMANN:** All right.

20 **MR. HALL:** Matter of fact, Bishop LaRocque
21 had never been to that motel.

22 **MR. ENGELMANN:** Okay. Well, you didn't have
23 a registration slip ---

24 **MR. HALL:** No.

25 **MR. ENGELMANN:** --- with his name on it?

1 **MR. HALL:** No.

2 **THE COMMISSIONER:** So how do you know he's
3 never been to the hotel?

4 **MR. HALL:** Because I interviewed him and
5 asked him that question.

6 **THE COMMISSIONER:** So you take everything
7 people say as ---

8 **MR. HALL:** No, but I'm just stating, you
9 know.

10 **THE COMMISSIONER:** Well, you were stating it
11 as a fact.

12 **MR. HALL:** Exact -- well, he had said he'd
13 never been there and there was no registration slips
14 provided to indicate he had been there.

15 **MR. ENGELMANN:** All right. Sir, did you
16 have a discussion with him about the videotapes that were
17 seized and destroyed by the OPP?

18 **MR. HALL:** Yes. I actually had that file
19 with me. I had the Occurrence Report from 19 -- well I
20 think it was commenced in '92 by Constable McDougald and it
21 had the indication of what they were searching for; the
22 search warrant that was done on, I believe, the 10th of
23 February of '93 at the Ron Leroux residence. I had all
24 that. I had the property record, LA135 report where Mr.
25 Leroux signed off on the tapes.

1 **MR. ENGELMANN:** The reason you had all that
2 was because there had been some media attention about that
3 issue?

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** Right?

6 **MR. HALL:** Yeah.

7 **MR. ENGELMANN:** And before Mr. Guzzo had
8 made some comments in the media about that issue?

9 **MR. HALL:** Yes, he did, in the legislature
10 as well.

11 **MR. ENGELMANN:** And he told us ---

12 **MR. HALL:** He accused us of destroying
13 evidence.

14 **MR. ENGELMANN:** All right. And he told us
15 that one of the things you told him about that was that
16 when dealing with the issue of the videotapes that Mr.
17 Seguin was dead and you can't prosecute a dead man.

18 **MR. HALL:** No.

19 **MR. ENGELMANN:** Do you recall ever saying
20 anything like that to him?

21 **MR. HALL:** Well, I may have indicated that
22 Mr. Seguin was dead. But I wouldn't say you can't
23 prosecute a dead -- it's obvious.

24 **MR. ENGELMANN:** All right. He also said
25 that he would have suggested to you something like

1 "Everywhere I look, the chain of command is broken." And
2 he said your answer was, "Don't play dumb with me, go and
3 ask your Premier."

4 MR. HALL: No.

5 MR. ENGELMANN: That was not said, sir?

6 MR. HALL: No, sir.

7 MR. ENGELMANN: All right. Did you leave
8 the meeting with a feeling that Mr. Guzzo was satisfied
9 with the answers that you had provided him?

10 MR. HALL: Yes, I did. Actually he, I think
11 if I go down to the -- prior to leaving, if you go midway
12 through Bates 714:

13 "Mr. Guzzo indicated that some of his
14 colleagues thought he was being a
15 little hard on the OPP, said he
16 reviewed the video of his presentation
17 to the Legislature, agreed he was too
18 critical. It was not his intent. He
19 was referring to the Cornwall Police
20 Service. He apologized to the OPP for
21 his comments."

22 It's critical comments and it's
23 misinformation.

24 MR. ENGELMANN: Sir, do you -- did you have
25 the sense from the meeting that he was concerned for ---

1 **MR. HALL:** Well ---

2 **MR. ENGELMANN:** --- victims or alleged
3 victims of child sexual abuse?

4 **MR. HALL:** Yeah, he was concerned. And we
5 also discussed he had a concern about Malcolm MacDonald.
6 And we discussed that and his impression that Mr. MacDonald
7 had committed suicide. And I told that we had a death
8 certificate from Florida and it was otherwise; it was
9 health issues.

10 **MR. ENGELMANN:** Sir, did Mr. Guzzo continue
11 to make any public statements regarding Project Truth after
12 that meeting?

13 **MR. HALL:** Not for a few months. But then
14 he carried on as if I'd never met with him.

15 **MR. ENGELMANN:** You had further contact with
16 him in July of 2001?

17 **MR. HALL:** Well, that was due to comments he
18 had made in the Legislature about videotapes and I think,
19 at that particular time, Crown attorney Lorne McConnery was
20 reviewing material in the conspiracy investigation and he
21 wrote me a memo asking me to try and find out what Mr.
22 Guzzo was saying.

23 **MR. ENGELMANN:** All right. We have a letter
24 that's in evidence, essentially where you're writing to him
25 in July asking him to provide you with copies of films or

1 videos if he has some in his possession.

2 MR. HALL: Well, yes. And I think he was
3 saying in the Legislature that they had these videos; we
4 couldn't give them to the police because they'll destroy
5 them. I guess he didn't know you can make copies. But, in
6 any event, that's what I was trying to find out; "Give us a
7 copy if you think they're going to destroy the original."

8 MR. ENGELMANN: Did you ever get any
9 videotapes from Mr. Guzzo?

10 MR. HALL: Pardon?

11 MR. ENGELMANN: Did you ever get any
12 videotapes from him?

13 MR. HALL: No, I didn't. Actually, when I
14 met with him, he was -- or when I had a conversation with
15 him -- and I don't recall that date -- but it was probably
16 in response to Mr. McConnery's letter, he indicated there
17 was some videos, they were in safety deposit box in
18 Massena, New York. And he'd have to get back to some
19 people to find out more information.

20 MR. ENGELMANN: All right. Sir, in addition
21 to the media publicity, there was publicity issues arising
22 from a couple of websites?

23 MR. HALL: Yes.

24 MR. ENGELMANN: And one of the websites was
25 known as "projecttruth.com?"

1 MR. HALL: Yes.

2 MR. ENGELMANN: Registered to a fellow by
3 the name of Jas -- I think Jason Bateman?

4 MR. HALL: James Bateman.

5 MR. ENGELMANN: James Bateman, I'm sorry.
6 And he's being provided information by posting by another
7 fellow by the name of Nadeau.

8 MR. HALL: Dick Nadeau -- Richard Nadeau.

9 MR. ENGELMANN: You're familiar with those
10 two gentlemen?

11 MR. HALL: I'm not familiar with Mr.
12 Bateman. I've read some of his letters that he generated.
13 But I'm very familiar with Mr. Nadeau.

14 MR. ENGELMANN: And there was also a site
15 that was later revived known as "projecttruth2.com?"

16 MR. HALL: Yes, that was Mr. Nadeau's own
17 site.

18 MR. ENGELMANN: Right.

19 MR. HALL: He funded that and set it up.

20 MR. ENGELMANN: Right. Registered to and
21 owned or -- and operated by Richard Nadeau?

22 MR. HALL: Yes.

23 MR. ENGELMANN: All right. And we've talked
24 a little bit about this. You've told us that he had
25 approached you with respect to complaints that he'd been

1 abused as a student at the Classical College?

2 MR. HALL: Yes, and the suspect in his case
3 was deceased.

4 MR. ENGELMANN: Right. And you told us as
5 well or you were aware that he'd been speaking to other
6 alleged victims?

7 MR. HALL: Yes.

8 MR. ENGELMANN: And I understand you first
9 became aware of his website in question through Murray
10 MacDonald ---

11 MR. HALL: Yes.

12 MR. ENGELMANN: --- who called you in July
13 of 2000. You have a note of that.

14 MR. HALL: Yes.

15 MR. ENGELMANN: That's at Exhibit 2754,
16 Bates page 574, near the bottom of the page 0800.

17 MR. HALL: Bates page number again?

18 MR. ENGELMANN: Sorry, 574.

19 MR. HALL: Yes; eight o'clock, 26th of July
20 2000?

21 MR. ENGELMANN: And he had concerns about
22 this website?

23 MR. HALL: Well, yes, personal information.

24 MR. ENGELMANN: About ---

25 MR. HALL: Allegations against him

1 basically.

2 MR. ENGELMANN: Right. And so he was
3 calling you to see if there was something you could do
4 about it?

5 MR. HALL: "He had a reporter visit him
6 yesterday wanting a comment on same," meaning the website.

7 MR. ENGELMANN: Right. And according to
8 your notes anyway, flip onto the next page ---

9 MR. HALL: He said I would probably be
10 contacted also by Leroux and I think what he's talking
11 about is Jack Leroux there from the Ottawa Sun. Because I
12 think that's who he's ---

13 MR. ENGELMANN: All right.

14 MR. HALL: --- referring to.

15 MR. ENGELMANN: And you told Mr. MacDonald
16 you'd be contacting Shelley Hallett ---

17 MR. HALL: Yes.

18 MR. ENGELMANN: --- about it?

19 MR. HALL: Yes.

20 MR. ENGELMANN: And following up?

21 MR. HALL: Yes.

22 MR. ENGELMANN: And ---

23 MR. HALL: There was a meeting convened in
24 Toronto at Crown Law arranged by Mr. Stewart and Shelley
25 Hallett and I was going to attend and they decided -- in

1 any event, I didn't attend. We were trying to shut the
2 website down.

3 MR. ENGELMANN: All right.

4 There is a couple of references ---

5 MR. HALL: And trying to see what they could
6 do about it.

7 MR. ENGELMANN: --- in your notes. I'll
8 take you to them very briefly if I can. But it was your
9 understanding that there were a number of critical
10 commentaries regarding your investigation on this website?

11 MR. HALL: Yes.

12 MR. ENGELMANN: And there were -- there was
13 postings of some of the statements?

14 MR. HALL: What was on there is Mr. Nadeau
15 had received Constable Dunlop's file actually. The
16 statement, much what was contained in the brief that went
17 to Mr. Fantino.

18 MR. ENGELMANN: That was my next question.
19 Were there some statements from the Dunlop file on that
20 website?

21 MR. HALL: Yes, there was.

22 MR. ENGELMANN: All right.

23 MR. HALL: I mean, you didn't need a name.
24 People could identify just by reading the statement who
25 they were talking about, like some people in Cornwall here.

1 **MR. ENGELMANN:** So I understand one of your
2 concerns was that the website and having these victim
3 statements posted could undermine public confidence in your
4 investigation?

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** And it also may make
7 witnesses less likely to come forward if they believed
8 their information would be posted on a website?

9 **MR. HALL:** Yes. And I had several
10 discussions with Mr. Nadeau and I eventually had him take
11 some stuff off and I corrected him on some information. We
12 agreed to disagree on some items. But I -- Mr. Nadeau also
13 wanted to get a civil action going.

14 **MR. ENGELMANN:** All right. Well, sir, just
15 to deal with this quickly if I may, I understand you had
16 some success in your dealings with Mr. Nadeau in getting
17 him to pull things down?

18 **MR. HALL:** Yes, I did.

19 **MR. ENGELMANN:** You talked about the Crown
20 Law meeting?

21 **MR. HALL:** I think -- I think I was largely
22 responsible for shutting down the first one.

23 **MR. ENGELMANN:** All right, and ---

24 **MR. HALL:** I think, because it wasn't funded
25 by Mr. Nadeau, he was having some difficulty with the

1 person -- Mr. Bateman, I guess it would be, who was
2 -- I think he was getting cold feet, because of what was
3 happening, and decided to not fund it any more.

4 **MR. ENGELMANN:** All right, but that ---

5 **MR. HALL:** That's just -- that's just an
6 opinion of mine from the discussions with Mr. Nadeau.

7 **MR. ENGELMANN:** It's my understanding the
8 website came down at or about the 2nd of August of 2000, but
9 that shortly after a new website, projecttruth2.com was
10 launched in late August, August 26th, 2000?

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** And I understand that you
13 raised the issue of the new website with Jim Stewart on
14 August 29th?

15 And there's a reference to that in your
16 notes; it's Exhibit 2755, at Bates page 621. Sir, it's
17 just underneath the redaction.

18 **MR. HALL:** Yes:

19 "Call from Jim Stewart, explained
20 Project 2. Said to speak to Shelley
21 Hallett about same, unless
22 criminal -- unless criminal, shouldn't
23 do anything about same. They will come
24 down if necessary."

25 **MR. ENGELMANN:** And, sir, the -- Jim

1 Stewart, at that time, was the -- what was his title?

2 MR. HALL: He was the regional director of
3 Crown attorneys.

4 MR. ENGELMANN: All right. And why were you
5 calling him?

6 MR. HALL: Well, he -- he's calling me.

7 MR. ENGELMANN: All right. And had you
8 called him on it, though, sir?

9 MR. HALL: Well, can I -- can I review my
10 notes previous to this?

11 MR. ENGELMANN: Sure.

12 MR. HALL: I probably did. I -- probably --
13 mostly likely a concern that Shelley Hallett and I had
14 discussed, and I think Shelley Hallett may have called
15 him ---

16 MR. ENGELMANN: All right.

17 MR. HALL: --- because I had a concern, and
18 he's just getting back to me on his opinion of what should
19 happen.

20 MR. ENGELMANN: All right. And you're
21 advised that they're going to have a meeting, and this is
22 Mr. Segal, Mr. Stewart, Paul Lindsay, and Ms. Hallett,
23 about the website? I think you told us that earlier, there
24 was going to be ---

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** --- a meeting? It's
2 referenced at Bates page 633 of your notes, where
3 Ms. Hallett is telling you that?

4 **MR. HALL:** Yes. Top of the page?

5 **MR. ENGELMANN:** All right.

6 **MR. HALL:** "Received a call from Shelley
7 Hallett."

8 **MR. ENGELMANN:** Is this the meeting you were
9 talking about that took place in Toronto and you were
10 advised, I think, initially to attend but did not. And
11 were you given some advice about what was decided at the
12 meeting?

13 **MR. HALL:** I think the long and the short of
14 it was that they were -- weren't going to do anything.

15 **MR. ENGELMANN:** All right. And I understand
16 that this site continued operating until the Leduc trial
17 started, or, in fact, perhaps until about April of 2001?

18 **MR. HALL:** It -- yes, it continued until he
19 was found in contempt of court, and I did that
20 investigation. And I don't know if you ---

21 **MR. ENGELMANN:** Yes, we talked about that
22 briefly. You had -- it's written it up very well in your
23 March 15th, 2001 supplementary report ---

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** --- to the CIB.

1 MR. HALL: Yes.

2 MR. ENGELMANN: You give the whole
3 background ---

4 MR. HALL: Yes.

5 MR. ENGELMANN: --- and then you give a
6 further report in October, after he's found -- after he
7 pleads guilty.

8 MR. HALL: There was a list of 50 items that
9 he was, basically, ordered to take off ---

10 MR. ENGELMANN: Right.

11 MR. HALL: --- which I identified.

12 MR. ENGELMANN: And, sir, in addition to the
13 media, and at or about the time of the website issues, were
14 you contacted by the then-Mayor of Cornwall ---

15 MR. HALL: Yes.

16 MR. ENGELMANN: --- a fellow named Brian
17 Sylvester?

18 MR. HALL: Yes, I was.

19 MR. ENGELMANN: And you have a reference to
20 that in your notes at page 634, that same exhibit, 2755,
21 9:30 a.m.? And what was the concern of the Mayor at that
22 time?

23 MR. HALL: He asked -- well, he asked about
24 attending a Police Services Board meeting.

25 MR. ENGELMANN: For what purpose, sir; do

1 you remember?

2 **MR. HALL:** Well, yes, I do. The purpose
3 of -- I had been contacted -- I don't know if it was before
4 this meeting or not -- by the chairperson of Cornwall
5 Police Services Board; her name was Judy Bobka, I think it
6 was.

7 And, what he was doing, he was asking if I
8 would come to a meeting, the reason being they had some
9 concerns about what really happened in the investigation
10 back in 1994.

11 **MR. ENGELMANN:** Right.

12 **MR. HALL:** And they asked -- actually, I was
13 asked by -- I think it came through Staff Sergeant
14 Derochie. They wanted copies of our briefs and things like
15 that, and I consulted with my Director, and, of course, we
16 were still going in investigation.

17 The long and the short of it was that I
18 would meet with the Police Services Board. I took some
19 briefs with me and some legal opinions, and I answered
20 their questions, but I gave them nothing. Cornwall Police
21 Chief Tony Repa attended the meeting as well.

22 **MR. ENGELMANN:** That was a meeting on
23 September 28th, 2000?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** It's referenced in your

1 notes --I don't need to go into it -- 663.

2 MR. HALL: Detective Inspector Grasman
3 attended with me.

4 MR. ENGELMANN: All right. So you gave sort
5 of a general overview at that time ---

6 MR. HALL: Yes.

7 MR. ENGELMANN: --- without going into a lot
8 of detail?

9 MR. HALL: I read portions of the legal
10 opinions given by Peter Griffiths back in '94 on
11 Tim Smith's investigation, and they were -- I believe they
12 were satisfied at the end of the day.

13 One thing they didn't have, or at least
14 Cornwall Police Service didn't have, was a copy of the
15 investigation report by the Ottawa Carleton Regional
16 Police, and I provided them a copy with that, the ---

17 MR. ENGELMANN: All right. And, sir, I
18 understand at about that time you were also asked to meet
19 with a fellow by the name of Paul Downing?

20 MR. HALL: Yes.

21 MR. ENGELMANN: And he was, at that
22 time -- it was regarding his investigation into some of the
23 Probation Office staff here in Cornwall?

24 MR. HALL: His -- I think his primary
25 concern was Father Kevin Maloney, because he was the

1 chaplin at the Cornwall jail, and there was some concern
2 about him continuing in that function.

3 MR. ENGELMANN: Okay.

4 MR. HALL: And I recall getting a call from
5 the -- I guess, the governor of the jail or whatever his
6 title was, but the ---

7 THE COMMISSIONER: The superintendent?

8 MR. HALL: --- person in charge of the jail.

9 THE COMMISSIONER: The superintendent?

10 MR. HALL: Yes, it probably was the
11 superintendent, basically asking me for information.

12 MR. ENGELMANN: Sir, it's my understanding
13 that you would have exchanged information with Mr. Downing
14 concerning Father Kevin Maloney, and also concerning Ken
15 Seguin and a fellow named Jos van Diepen?

16 MR. HALL: Yes. Mr. Downing, I had some
17 discussions with him and I referred him to Crown attorney
18 Shelley Hallett.

19 I subsequently met with him in Kingston. He
20 wanted to have copies of our reports, and I -- I said, "I
21 can't do that. I can't give you copies, but I can let you
22 read it."

23 And he also -- you know, he had been in the
24 Chatham area where I had been, and he was a member of the
25 CISO, and you know, I probably shared more information with

1 him because of who he was and what he was doing than I
2 would have normally done.

3 **MR. ENGELMANN:** So he was someone you knew
4 to be an experienced investigator?

5 **MR. HALL:** I couldn't say that I knew him to
6 be an experienced investigator, but I did meet with him and
7 I allowed him to take information from the reports. It
8 was, I believe, about an hour meeting, maybe a bit more
9 than that, in Kingston, at his request; I went down there.

10 **MR. ENGELMANN:** And you -- you did provide
11 him ---

12 **MR. HALL:** Well, I think it was the -- the
13 original statement from Mr. van Diepen that was taken back
14 in, I believe, '94.

15 **MR. ENGELMANN:** Yes.

16 **MR. HALL:** And there was -- if I recall,
17 there was some handwritten corrections to that, and then
18 the last interview report that was done with him.

19 **MR. ENGELMANN:** All right.

20 **THE COMMISSIONER:** Mr. Engelmann, we might
21 have to take a health break at this point. I think we
22 should.

23 So what I intend doing is sitting
24 until -- we'll take a break until 11:30, then we'll go
25 until 12:45, take a half hour off to get a bite to eat, and

1 then come back and go until 2:30. All right? Thank you.

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

4 This hearing will resume at 11:30 a.m.

5 --- Upon recessing at 11:17 a.m. /

6 --- L'audience est suspendue à 11h17

7 --- Upon resuming at 11:34 a.m./

8 L'audience est reprise à 11h34

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

11 This hearing is now resumed. Please be
12 seated. Veuillez vous asseoir.

13 **MR. ENGELMANN:** I'll just be one moment, Mr. Commissioner.

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

15 **PATRICK HALL, Resumed/Sous le même serment:**

16 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**

17 **MR. ENGELMANN (cont'd/suite):**

18 **MR. ENGELMANN:** Sir, I understand another
19 matter that's occurring in the fall of 2000 is you're
20 having communications with Crown Law Criminal regarding
21 Project Truth prosecutions.

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** And among other things
24 people are asking for updates for information and you're
25 seeking updates on when you're getting some Crown briefs

1 back.

2 MR. HALL: Yes.

3 MR. ENGELMANN: Is that fair?

4 MR. HALL: Yes.

5 MR. ENGELMANN: And as I understand it, sir,
6 you mentioned a few times in your evidence experiencing
7 some delay ---

8 MR. HALL: Yes.

9 MR. ENGELMANN: --- in having Crown briefs
10 dealt with.

11 MR. HALL: Yes.

12 MR. ENGELMANN: And in some cases they were
13 moved from one prosecutor to another, and in others there
14 was just an unusually long delay.

15 MR. HALL: Yes.

16 MR. ENGELMANN: At least from your
17 experience.

18 MR. HALL: Yes.

19 MR. ENGELMANN: And were some of those
20 communications in the fall of 2000 dealing with that issue
21 and your concern about the delay?

22 MR. HALL: Yes.

23 MR. ENGELMANN: All right. And, sir, as I
24 understand it, you mentioned in particular some delay in
25 getting recommendations from Shelley Hallett on a number of

1 Crown briefs.

2 MR. HALL: Yes.

3 MR. ENGELMANN: And do you recall, sir -- I
4 have the Crown brief log if you'd like, but some of the
5 Crown briefs that you were waiting back from her?

6 MR. HALL: Yes. I can tell you if you wish.
7 Yeah, on the 22nd of September, '99 I delivered a brief to
8 Ms. Hallett -- well, there was four of them. It was
9 dealing with Bishop LaRocque ---

10 MR. ENGELMANN: Yes.

11 MR. HALL: --- Monsignor McDougald ---

12 MR. ENGELMANN: Yes.

13 MR. HALL: --- Father Bernard Cameron ---

14 MR. ENGELMANN: Yes.

15 MR. HALL: --- and Father Gary Ostler.

16 MR. ENGELMANN: Yes.

17 MR. HALL: And I delivered those briefs
18 directly to her residence in Toronto.

19 MR. ENGELMANN: All right. And, sir, it's
20 my understanding that as at October of 2000 you still had
21 not received recommendations on those four briefs.

22 MR. HALL: That's correct. There was
23 another brief dealing with Father Kevin Maloney that was
24 delivered -- I believe it would have been 15th of November
25 maybe -- 15th of November of '99, and the reason why it

1 didn't go with the others is we were having -- Constable
2 Seguin was having some difficulty. We were dealing with
3 whether Father Maloney had attended at the Alfred Training
4 School as a priest.

5 MR. ENGELMANN: All right.

6 MR. HALL: That was the delay.

7 MR. ENGELMANN: I'm going to take you to one
8 or two references in your notes but, sir, as I understand
9 it, you were getting some pressure to finalize the
10 investigations and announce your findings.

11 MR. HALL: Yes. After we met with Mayor
12 Sylvester there was a concern.

13 MR. ENGELMANN: For example?

14 MR. HALL: Example, yes, and there were
15 several other people, and I had asked -- I had asked
16 Ms. Hallett when they would be done, and she was still
17 working on them. She gave us a date of the end of October
18 2000, I believe. And as a result my Director of the day,
19 would be Detective Superintendent Dave Crane, wrote a
20 letter basically saying we were going to have it by that
21 time, and that date came and gone.

22 MR. ENGELMANN: All right. Sir, just by way
23 of example -- if you want to look at your notes I'll just
24 give you a couple of examples. Exhibit 2756, Bates page
25 718. This is the 28th of November now, 2000.

1 MR. HALL: Yes.

2 MR. ENGELMANN: You have:

3 "Call to Hallett. Updated on Guzzo
4 meeting. Asked about legal opinions."

5 MR. HALL: Yes.

6 MR. ENGELMANN: "Still working on it.
7 Will have something next week when in
8 Cornwall."

9 MR. HALL: Yes.

10 MR. ENGELMANN: All right. And September
11 20th -- sorry, Bates page 720, November 29th:

12 "Stewart email copies of requests for
13 opinions."

14 MR. HALL: Yes.

15 MR. ENGELMANN: Bates page 741 ---

16 MR. HALL: He was aware that we hadn't had
17 them back.

18 MR. ENGELMANN: Right. And some of this was
19 involving James Stewart and other Crowns, and there were a
20 number of communications over the fall and winter of the
21 year 2000 into 2001 about these opinions?

22 MR. HALL: Yes.

23 MR. ENGELMANN: All right. And you wanted
24 to wrap things up and get your recommendations?

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** All right. And so, for
2 example, 0741 ---

3 **THE COMMISSIONER:** No, I'm sorry, can we go
4 back to the last note where you say you spoke to Stewart.

5 **MR. HALL:** He's requested -- I mean email
6 copies of the ---

7 **THE COMMISSIONER:** Requests.

8 **MR. HALL:** --- requests for opinions.

9 **THE COMMISSIONER:** Right.

10 **MR. HALL:** And that would have been the
11 covering memo.

12 **THE COMMISSIONER:** Okay, and what's this?
13 It says:

14 "He suggested not get involved. Go to
15 Toronto on same."

16 **MR. HALL:** I'm not there yet.

17 **MR. ENGELMANN:** Yes, that's the next Bates
18 page, sir.

19 **THE COMMISSIONER:** Oh, I'm sorry.

20 **MR. ENGELMANN:** That's where I was going.

21 **THE COMMISSIONER:** Sorry, sorry.

22 **MR. ENGELMANN:** It's Bates page 741.

23 **THE COMMISSIONER:** Okay.

24 **MR. ENGELMANN:** And I, unfortunately, can't
25 tell you the date. I don't have that date written. It's

1 sometime after 18th of December. It might be the 18th of
2 December or the 19th.

3 **MR. HALL:** Seven four one (741)?

4 **MR. ENGELMANN:** Yes. It says:

5 "Call to Detective Superintendent Lewis
6 on Project Truth. Spoke to Stewart,
7 who requested..."

8 **THE COMMISSIONER:** No, "suggested."

9 **MR. ENGELMANN:** "...who suggested he not
10 get involved. Go to Toronto on same.
11 Advise John Corelli, Hallett's boss
12 on..."

13 **MR. HALL:** "On the case," yes. Hallett's
14 boss on the case. Lewis will -- I assumed at that time
15 that John Corelli was Hallett's supervisor. That's what
16 I'm saying there, but I later learned that I think it was
17 Jim Ramsay maybe; somebody else anyway.

18 "Lewis said he will call as he
19 knows..."

20 **THE COMMISSIONER:** "Him."

21 **MR. HALL:** "Him," yes. And underneath that,
22 I advised him about the Kilger investigation:

23 "Stewart afraid of media jeopardizing
24 our cases. Change of venue. Discuss
25 contacts for..."

1 Oh, that's nothing. That's just a ---

2 **MR. ENGELMANN:** And that was on December
3 18th?

4 **MR. HALL:** Correct.

5 **MR. ENGELMANN:** And then, sir, I'd like to
6 take you to one more -- oh, sorry.

7 **THE COMMISSIONER:** Oh, and I just ---

8 **MR. HALL:** I think it was 18th anyways.

9 **THE COMMISSIONER:** So explain to me what
10 Stewart is telling you. It's saying:

11 "Spoke to Stewart, who suggested he not
12 get involved."

13 Who? Himself?

14 **MR. HALL:** Yes.

15 **THE COMMISSIONER:** And he wanted you to go
16 to Toronto and speak -- well, I guess.

17 **MR. HALL:** Get it resolved, yes.

18 **THE COMMISSIONER:** From Corelli and say to
19 Corelli -- and get him to speak to Hallett. Is that the
20 idea?

21 **MR. HALL:** Yes.

22 **THE COMMISSIONER:** Okay.

23 **MR. ENGELMANN:** All right. So some of
24 what's going on is there's media pressure.

25 **MR. HALL:** Yes, and ---

1 MR. ENGELMANN: And ---

2 MR. HALL: --- I go to my Director,
3 Detective Superintendent Lewis, and he makes some
4 enquiries.

5 MR. ENGELMANN: Right. And, sir, if we
6 could just follow this up then, if you could turn to Bates
7 page 757. You've got a call to Shelley Hallett and at the
8 top of the page the date is January 9th. There's some issue
9 about one of the defence counsel ---

10 MR. HALL: Yeah, defence counsel ---

11 MR. ENGELMANN: --- speaking to ---

12 MR. HALL: --- Phil Campbell was canvassing

13 ---

14 THE COMMISSIONER: Just ---

15 MR. ENGELMANN: Yeah, we don't ---

16 THE COMMISSIONER: Monikers, monikers.

17 MR. ENGELMANN: No, he's a defence lawyer;
18 that's fine.

19 THE COMMISSIONER: No, no, no, but we're
20 coming on to ---

21 MR. ENGELMANN: Yeah.

22 MR. HALL: Yeah, I see what you're saying.

23 THE COMMISSIONER: All right.

24 MR. ENGELMANN: So anyway, that's not the
25 issue that I was going to actually, but it's underneath

1 that. It says:

2 "Discussed with Hallett media on
3 Truth..."

4 **MR. HALL:** "About finalizing same."

5 **MR. ENGELMANN:** All right. And is that on
6 the issue of the opinions?

7 **MR. HALL:** Yes, it is.

8 **MR. ENGELMANN:** All right. So you're
9 advising her of media pressure and ---

10 **MR. HALL:** Yes:

11 "She said she will not be able to do
12 anything until after Leduc matter."

13 **MR. ENGELMANN:** All right. And at this time
14 she's involved not only in prosecuting the Leduc matter;
15 she also has the Father Charles MacDonald matter as well?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** And do you know if she also
18 has other cases ongoing at that time?

19 **MR. HALL:** At that particular time she would
20 only have those two.

21 **MR. ENGELMANN:** All right.

22 **THE COMMISSIONER:** So was she aware that you
23 were not happy or you had some concerns about the briefs
24 and opinions coming back?

25 **MR. HALL:** Oh yes. I asked her on numerous

1 occasions about them.

2 **THE COMMISSIONER:** Okay, and did you tell
3 her that you were speaking to Stewart and essentially maybe
4 going over her head to get somebody to get her to finish
5 them up?

6 **MR. HALL:** Well, I wouldn't consider it
7 going over his head because my "go to" was Jim Stewart, so
8 it would be normally I would go to him to find out what's
9 happening with them.

10 **THE COMMISSIONER:** Right.

11 **MR. HALL:** Okay?

12 **THE COMMISSIONER:** Oh right, right, because
13 everything went to the ---

14 **MR. HALL:** Yeah.

15 **THE COMMISSIONER:** --- Regional Crown's
16 Office. Okay.

17 **MR. HALL:** Yeah. I mean, he made the
18 decision that they went to her.

19 **THE COMMISSIONER:** Right. No, I understand.

20 **MR. HALL:** So logically she's telling me
21 that she's not able to do them or she hasn't done them.

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

23 **MR. HALL:** So what I'm doing is I discussed
24 it with Steward and I discussed it with my director to make
25 ---

1 **THE COMMISSIONER:** Okay, so take away the
2 going over her head, you're still reporting back to
3 Stewart, who is still an important person in the Crown
4 Attorney's ---

5 **MR. HALL:** Yeah, I didn't consider I was
6 going over her head. I mean ---

7 **THE COMMISSIONER:** No, no. Okay, forget
8 that. Forget that.

9 You are talking to Stewart about some
10 concerns about some briefs.

11 **MR. HALL:** That's right.

12 **THE COMMISSIONER:** Okay. I'm trying to see
13 how the relationship with you and Hallett is going at this
14 time.

15 **MR. HALL:** Excellent.

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

17 **MR. HALL:** No problem whatsoever.

18 **THE COMMISSIONER:** Okay.

19 **MR. ENGELMANN:** In fact, it goes up a little
20 higher, I think, too, sir, if we look at Bates page 764.
21 Murray Segal's office is getting involved at the time on
22 this issue and you'll see a reference to that at the top of
23 764, and then as well on 767.

24 **MR. HALL:** Well, there's -- at 17:00 hours?

25 **THE COMMISSIONER:** Yeah.

1 **MR. ENGELMANN:** Yes. I believe that's
2 January 12th, 2001.

3 **MR. HALL:** I'm paged by Susan Kyle, who is
4 an assistant to Murray Segal.

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

6 **MR. HALL:** I placed a call. They wanted an
7 update on Project Truth matters for Murray Segal, as the
8 Attorney General requested a briefing on Monday a.m. This
9 is Friday night actually, 5 o'clock:

10 "Advised about the court cases and
11 dispositions. Asked about when we were
12 going to conclude and if I had any more
13 matters. I advised situation on legal
14 opinions and Shelley Hallett. Advised
15 the Leduc matter and failure to provide
16 legal opinions."

17 **THE COMMISSIONER:** Madam Clerk, can you
18 scroll?

19 **MR. HALL:** "Also the present enquiries
20 on same. Background on Project Truth."

21 And what I mean by "present enquiries on
22 same", I'm telling her that I'd been talking to Stewart and
23 my director has been talking to Stewart, and we're trying
24 to get these opinions.

25 **MR. ENGELMANN:** All right.

1 And this is right in the middle of the Leduc
2 trial at this point, is it not?

3 **MR. HALL:** No, I don't think it started till
4 the 15th ---

5 **THE COMMISSIONER:** Of January.

6 **MR. ENGELMANN:** All right, so it's on the
7 eve. This is ---

8 **MR. HALL:** Couple days before. I think the
9 trial actually starts the next Monday.

10 **MR. ENGELMANN:** All right.

11 **THE COMMISSIONER:** Right.

12 **MR. ENGELMANN:** And, sir, there's a follow-
13 up on this again on Bates page 767, January 17th. It says:

14 "Call to Superintendent Lewis on media
15 release."

16 At this point-in-time, were you trying --
17 was the OPP trying to send out a media release essentially
18 saying, "We're wrapping up but..."

19 **MR. HALL:** No, well, we couldn't.

20 **MR. ENGELMANN:** Couldn't yet do that because
21 you didn't have the Crown briefs?

22 **MR. HALL:** No, we couldn't do that.

23 **MR. ENGELMANN:** But was that the intention
24 at the time?

25 **MR. HALL:** No. Where are we?

1 MR. ENGELMANN: Seven-six-seven (767).

2 MR. HALL: Seven-six-seven (767).

3 MR. ENGELMANN: At 9:30.

4 THE COMMISSIONER: Just below the blackout.

5 MR. HALL: Yes.

6 MR. ENGELMANN: What are you saying there,
7 sir?

8 MR. HALL: "Call to Superintendent Lewis
9 on media release. Said he spoke to
10 Murray Segal concerns. Maybe after
11 Leduc trial. Advised of problem with
12 Crown."

13 And the concern that was relayed to me that
14 the detective superintendent had apparently obtained from
15 Murray Segal, that Ms. Hallett was having some kind of
16 emotional problems or something; they didn't want to push
17 her. So I'm sure Superintendent Lewis can verify that.

18 MR. ENGELMANN: Well, it says, "Advised of
19 problems with Crowns".

20 MR. HALL: Yeah, problem. Like, I mean, I'm
21 -- I didn't put a note in my notebook specifically because
22 it could very well be embarrassing for Ms. Hallett if she
23 asked to look at my notebook and this is what's in there.
24 I know later on Crown Attorney Lorne McConnery had asked to
25 see my notebook on one of the Guzzo conversations to see

1 what I had in there, so I mean you're not going to ---

2 MR. ENGELMANN: But it says "Crowns",
3 plural.

4 MR. HALL: That's the -- well, it's my
5 writing maybe but that's what the ---

6 MR. ENGELMANN: It says, "Advised of
7 problems with Crowns".

8 MR. HALL: Yeah. The concern that Lewis is
9 talking to Murray Segal about is the legal opinions, and
10 there's only one Crown Attorney that's doing the legal
11 opinions that we didn't have.

12 MR. ENGELMANN: Sir, as at the summer of
13 2000, all of your Crown briefs had been submitted?

14 MR. HALL: The summer of 2000?

15 MR. ENGELMANN: Yes.

16 MR. HALL: The conspiracy brief was
17 submitted in July.

18 MR. ENGELMANN: Of 2000?

19 MR. HALL: Yes. Actually, I think she
20 picked it up when she was down in ---

21 MR. ENGELMANN: So that was the last one of
22 the briefs you submitted?

23 MR. HALL: That was the last one, yes.

24 MR. ENGELMANN: All right. So there were no
25 more briefs for you to do? There could be follow-up if

1 Crowns asked you?

2 MR. HALL: Yeah. No, I don't recall any
3 more to do unless something new had come in.

4 MR. ENGELMANN: And at that point, you're
5 not taking on new victims?

6 MR. HALL: Well, if they called up we were,
7 but I mean I don't recall if we had any. I think the last
8 one we had may have been the one in January that came to us
9 through Mr. Dunlop on the Father Charles MacDonald case.

10 MR. ENGELMANN: All right.

11 MR. HALL: But I -- I might have to check
12 some documentation to confirm that. I can't absolutely
13 say.

14 MR. ENGELMANN: That's fine.

15 Sir, in or around January of 2001, the Leduc
16 trial starts.

17 MR. HALL: Yes.

18 MR. ENGELMANN: And I'm just going to ask
19 you a few questions about that and disclosure issues that
20 arose, and then events that transpired as a result of those
21 issues.

22 But your role with respect to the trial
23 preparation and the conduct of the trial?

24 MR. HALL: My role in respect to the trial
25 preparations?

1 **MR. ENGELMANN:** Yes. Were you to be in
2 court on a daily basis or was that being done by Officer
3 Dupuis?

4 **MR. HALL:** Officer Dupuis and Seguin were
5 both there. I was there at the start and then I became
6 embroiled with the Dick Nadeau situation with the website,
7 so I was doing an investigation on that. I also was trying
8 to get some witnesses. I know on the 14th of February I was
9 in Kingston meeting with a Crown Attorney in regards to a
10 preliminary hearing coming up on a homicide that was in the
11 Collins Bay Penitentiary. We had a ---

12 **MR. ENGELMANN:** Sir, what I want to know is
13 your role in Leduc. So you're not there on a daily basis
14 is what you're saying?

15 **MR. HALL:** No. I couldn't be there. I had
16 other things to do.

17 **MR. ENGELMANN:** And Officers Dupuis and
18 Seguin are?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** And that's -- you've
21 instructed them to be there?

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** And they're to assist the
24 Crown counsel ---

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** --- and help with
2 coordination of issues?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** Things of that nature.

5 **MR. HALL:** Many of the days I was there.

6 **MR. ENGELMANN:** All right.

7 **MR. HALL:** Or parts of the days.

8 **MR. ENGELMANN:** But they're to be there all
9 the time?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** All right. I just wanted to
12 know who ---

13 **MR. HALL:** Particularly Constable Dupuis
14 because he was the lead investigator.

15 **MR. ENGELMANN:** Fair enough.

16 **MR. HALL:** And I know -- I could pretty well
17 say that Constable Seguin was there as well.

18 **MR. ENGELMANN:** All right.

19 **MR. HALL:** Unless there was some other
20 reason why he couldn't be there.

21 **MR. ENGELMANN:** And, sir, you were aware
22 that in January a couple of the complainants testified --
23 C-17 and C-16?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** And that on February 7th,

1 2001 the mother of C-16 testified?

2 MR. HALL: Yes.

3 MR. ENGELMANN: And I understand during
4 cross-examination she testified that she'd had two contacts
5 with Constable Perry Dunlop?

6 MR. HALL: Yes.

7 MR. ENGELMANN: One on May the 8th, 1998 and
8 another one on June 15th, 1998?

9 MR. HALL: Yes.

10 MR. ENGELMANN: And I think she testified
11 that Constable Dupuis was aware of the second contact
12 because he was present at her home at the time.

13 MR. HALL: Yes.

14 MR. ENGELMANN: And you've told us he went
15 there to pick up a victim assistance-type tape.

16 MR. HALL: Yes.

17 MR. ENGELMANN: And, sir, I understand that
18 -- and we've heard some evidence from Officer Dupuis --
19 that as a result of that evidence coming out, there was a
20 break in the court and he contacted you about the Perry
21 Dunlop issue?

22 MR. HALL: Yes.

23 MR. ENGELMANN: And, sir, you have some
24 notes of this. It is -- it's Exhibit 2756 and the Bates
25 page I believe is 789. Right at the bottom of the page.

1 **MR. HALL:** Yes.

2 **MR. ENGELMANN:** "Call by Dupuis. Witness
3 [C-16's] mother..."

4 **MR. HALL:** "...advises she was speaking to
5 Dunlop and wants me to check statements
6 on same. Check Will Say 8th of May
7 entry also. Detective Inspector Smith
8 mentioned same to Dunlop in our meeting
9 of July 23rd, '98 with him and Inspector
10 Trew and Detective Inspector Smith
11 while attempting to get disclosure and
12 ascertain who Dunlop..."

13 **THE COMMISSIONER:** "Had spoken to"?

14 **MR. HALL:** "...had spoken to."

15 **MR. ENGELMANN:** All right. So just so I'm
16 clear, when you're getting a call from Joe Dupuis you're
17 remembering that issue of July 23rd? Is that why you're
18 writing it in your note?

19 **MR. HALL:** Yes, yes.

20 **MR. ENGELMANN:** All right. Like it's just
21 coming back to you right then and there and so you're
22 making a reference in your notebook?

23 **MR. HALL:** When he's asking me about the
24 meeting of the 23rd of July I remembered Detective Inspector
25 Smith asking that question.

1 **MR. ENGELMANN:** All right.

2 **MR. HALL:** I didn't know at that time
3 whether Constable Dupuis had notes or not. Matter of fact,
4 I think I asked him to check his notebook for it. It will
5 come in my notes later on here somewhere.

6 **MR. ENGELMANN:** All right. And 1400:

7 "Meet with Shelley Hallett.

8 Explained..."

9 I can't read it.

10 **MR. HALL:** "Meet with Shelley Hallett.

11 Explained same."

12 Meaning the copy of my notes I explained.

13 What I brought with me was -- actually was page 68 to 69 of
14 Dunlop's Will-Say, I believe it is, along with the whole
15 thing and the four appendices.

16 **THE COMMISSIONER:** Can you scroll down,
17 Madam Clerk? Okay.

18 **MR. ENGELMANN:** All right. And the pages of
19 Dunlop's Will-State we have a reference to his having two
20 phone calls with C-16's mother?

21 **MR. HALL:** Yes. I was aware of that because
22 I had just read that on April the 10th, 2000 when I received
23 his Will-Say.

24 **MR. ENGELMANN:** All right.

25 **MR. HALL:** Like I read it from front to

1 back.

2 MR. ENGELMANN: All right.

3 MR. HALL: When she mentioned that I knew it
4 was in there.

5 MR. ENGELMANN: All right. So you knew not
6 only about the June 15th contacts ---

7 MR. HALL: I knew there was a verbal
8 contact, yes.

9 MR. ENGELMANN: Right. But you also knew
10 about a contact on May the 8th because of your reading of
11 the Dunlop Will-State ---

12 MR. HALL: Exactly.

13 MR. ENGELMANN: --- sometime in April of
14 2000?

15 MR. HALL: Yes.

16 MR. ENGELMANN: And ---

17 MR. HALL: Well, it wasn't sometime. It was
18 the 10th of April when I was reading it between 1800 and
19 2000 hours.

20 MR. ENGELMANN: All right. And you have
21 some notes on this page still and did you advise Ms.
22 Hallett that she was provided with the Dunlop Will-State
23 and the notes? Did you talk about that with her?

24 MR. HALL: Yes, I brought it in, showed it
25 to her and then ---

1 **MR. ENGELMANN:** Because you say at the
2 bottom:

3 "Meet with Hallett..."

4 **MR. HALL:** "...as defence accusing police of
5 non-disclosure."

6 **MR. ENGELMANN:** "Advised Hallett she was
7 provided copies of the material in
8 April of 2000."

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** "She was to review for
11 disclosure purposes."

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** "Disclose to Neville..."

14 **MR. HALL:** Yeah.

15 **MR. ENGELMANN:** "...on Father Charlie."

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** So this would have been the
18 Dunlop Will-State and the nine boxes.

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** That ---

21 **MR. HALL:** It goes on to say that:

22 "Dunlop had delivered a copy to Ms.
23 Hallett personally on the 27th of June,
24 2000. It was my view the police had
25 made disclosure. She requested copies

1 of material be made in the event it was
2 required."

3 **MR. ENGELMANN:** And sir, when you found out
4 about this as well you asked Officer Dupuis, did you not,
5 to check his notes?

6 **MR. HALL:** Yes, I did.

7 **MR. ENGELMANN:** To see if he had a reference
8 to contact with Dunlop on June 15th?

9 **MR. HALL:** Yes, he did.

10 **MR. ENGELMANN:** And was he able to find
11 those notes?

12 **MR. HALL:** Yes, he was.

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** Five lines I think in his
15 notebook or it was really only three lines that meant
16 anything.

17 **MR. ENGELMANN:** That had not been disclosed
18 to the Crown ---

19 **MR. HALL:** No.

20 **MR. ENGELMANN:** --- in the Crown brief?

21 **MR. HALL:** No, and I -- you know, I think
22 Constable Dupuis felt really bad about it. But if you
23 analyze the way we prepare our Will-Says and prepare our
24 briefs, we go to the computer and we run off a sheet and it
25 says suspect so and so, all the witness statements

1 pertaining to that.

2 So when you're doing your Will-Say -- and
3 because this was a historic type of investigation police
4 officers had really very little to say other than they went
5 on a certain day and interviewed a certain person and
6 that's what they did.

7 So they were making their Will-Say based on
8 the various witnesses and so on. So it was quite easy for
9 Constable Dupuis to overlook that because when he was there
10 on the 15th of June he wasn't there to take a statement. He
11 wasn't there to gather evidence so there was really no
12 record that he could refer to off the computer.

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** So unless he had a conscious
15 recollection of making a note or being there when he's
16 doing his Will-Say.

17 **MR. ENGELMANN:** All right.

18 But he did have a note. The note was not
19 disclosed to the Crown.

20 **MR. HALL:** That's right.

21 **MR. ENGELMANN:** You and Inspector Smith
22 talked about it sometime that week, the week of June 15th.

23 **MR. HALL:** Yeah.

24 **MR. ENGELMANN:** So you were both aware of
25 it?

1 **MR. HALL:** Yes.

2 **MR. ENGELMANN:** And in fact, the two of you
3 also met with Perry Dunlop on July 23rd, 1998 and talked to
4 him about it.

5 **MR. HALL:** That was one of the topics that
6 Detective Inspector Smith brought up in the context of,
7 "You're contacting victims. Why?" You know?

8 **MR. ENGELMANN:** I know but ---

9 **MR. HALL:** And at that time like I didn't
10 know he was going to bring it up. I didn't make a note on
11 it because I just make notes usually on what I speak on if
12 I think it's appropriate. And you know it was in the
13 context of it could have been Joe Blow he was asking about.

14 **MR. ENGELMANN:** Okay. But none of you --
15 none of you made a note about the discussion on June 18th
16 and none of you made a note about the discussion on July
17 23rd.

18 **MR. HALL:** Well, we wouldn't know to make a
19 note on the one on June 15th.

20 **MR. ENGELMANN:** Sorry, sir, you didn't make
21 a note the week of June 15th, neither you nor Detective
22 Inspector Smith, nor did either of you make a note on July
23 23rd, '98?

24 **MR. HALL:** No.

25 **MR. ENGELMANN:** All right.

1 **THE COMMISSIONER:** But when had the Lalonde
2 decision come out, the one when C-8 -- the whole issue with
3 Dunlop in the Leduc trial, as I understand it, is the fact
4 that in a previous trial C-8 had said, "I was coach" or
5 whatever and so put into question Dunlop's role in dealing
6 with witnesses. When did that occur?

7 **MR. ENGELMANN:** Well, the actual trial, sir,
8 would have been in September of 2000. But there had been a
9 preliminary inquiry on that matter in early 1998.

10 **THE COMMISSIONER:** Right.

11 **MR. ENGELMANN:** And there had been a follow
12 up about that.

13 **THE COMMISSIONER:** Okay. At the preliminary
14 in 1998 that's where C-8 says, "I exaggerated my claim
15 against Lalonde" -- no? I'm sorry.

16 **MR. CARROLL:** I don't believe so. I believe
17 that at the preliminary hearing he maintained the falsehood
18 that had been apparently fed to him by Mr. Dunlop and it
19 came up at trial preparation stage.

20 **MR. HALL:** If you ---

21 **THE COMMISSIONER:** No, just a second. No,
22 just a second. I just want to get ---

23 **MR. ENGELMANN:** I believe that issue came up
24 in the year 2000, sir ---

25 **THE COMMISSIONER:** Okay.

1 **MR. ENGELMANN:** --- before the trial in
2 September. I think it was sometime in May or June if I
3 remember correctly.

4 **THE COMMISSIONER:** Of 2000?

5 **MR. ENGELMANN:** Right.

6 So a few months before this, the trial in
7 Leduc.

8 **THE COMMISSIONER:** All right.

9 What about the discussion in June with Smith
10 and yourself? Is it in June? I just want to get the
11 timing right here. When you're speaking to Dunlop and
12 saying, "What are you doing meeting with witnesses?"

13 **MR. HALL:** July 23rd.

14 **THE COMMISSIONER:** July ---

15 **MR. ENGELMANN:** Twenty-third (23rd).

16 **THE COMMISSIONER:** Of 2000.

17 **MR. ENGELMANN:** July 23rd of 1998.

18 **THE COMMISSIONER:** Of 1998, okay.

19 **MR. ENGELMANN:** All right?

20 **MR. HALL:** But also, just to follow up on
21 that, if you check page 69 of Constable Dunlop's Will-Say,
22 the typed version, we had already been aware of the victim,
23 C whatever it is. A statement had already been taken at
24 this time before there was any contact by Dunlop, and the
25 mother initiated the contact.

1 **MR. ENGELMANN:** I agree, sir. You had --
2 you had already had his statement; mother initiates
3 contact. As I understand it -- Exhibit 579 is what the
4 witness is referring to. Maybe we should just pull it up
5 quickly, the Will-State, sir.

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** I don't have it handy but I
8 remember the number.

9 **MR. HALL:** I believe it's page 69 ---

10 **MR. ENGELMANN:** Okay.

11 **MR. HALL:** --- if my memory is correct.

12 **MR. ENGELMANN:** It may be 68.

13 **MR. HALL:** Well ---

14 **MR. ENGELMANN:** You're close.

15 **MR. HALL:** There's two together, 68, 69.

16 **THE COMMISSIONER:** Yeah, right there.

17 **MR. HALL:** Yes, page 68.

18 **MR. ENGELMANN:** Can we just bring it up on
19 the screen, Madam Clerk?

20 **MR. HALL:** Eighth (8th) of May.

21 **MR. ENGELMANN:** I don't have it, sir. I'm
22 just -- oh, I do.

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

24 **MR. ENGELMANN:** All right.

25 So Constable Dunlop on that page -- page 68

1 of 110, it's Bates page 969, Exhibit 579 -- has a reference
2 that on May the 8th, C-16's mother calls him and tells him
3 that her son has been sexually assaulted by Jacques Leduc
4 and gives some ages and he -- what he states is he told her
5 to go to the OPP Project Truth and states that has already
6 been done. And he'd already given a statement?

7 MR. HALL: Yes.

8 MR. ENGELMANN: Yes.

9 MR. HALL: Yes.

10 MR. ENGELMANN: And, sir, there's a
11 reference -- I thought there was also a reference to the
12 June 15th call. Did you not tell us that as well?

13 MR. HALL: There may be a reference in his
14 handwritten stuff because this is -- there's about at least
15 four different places that this information is provided
16 between the typed version and the handwritten version.

17 MR. ENGELMANN: And what was your
18 understanding about June 15th?

19 MR. HALL: Well, my understanding about June
20 15th was, you know, when Constable Dupuis came back and he
21 mentioned that they were talking to this woman, you know,
22 it didn't -- it didn't strike me as really significant
23 because Dunlop had been a police officer for 14 years.

24 He could have been related to them, he could
25 have been -- some other involvement with him or whatever

1 but, you know, we knew him to be a person to be contacting
2 witnesses so it was not unusual for us to find out that he
3 talked to somebody.

4 MR. ENGELMANN: All right and ---

5 MR. HALL: And I knew at that time -- I knew
6 at that time we were well into our investigation of Mr.
7 Leduc and ---

8 MR. ENGELMANN: And when this was discussed
9 with Mr. Dunlop on July 23rd, 1998, he indicated something
10 to you about follow-up to see how she was doing ---

11 MR. HALL: Yes.

12 MR. ENGELMANN: --- or words to that effect?

13 MR. HALL: Yes, he was concerned, yes ---

14 MR. ENGELMANN: All right.

15 MR. HALL: --- correct. And, you know, that
16 was normal for him.

17 MR. ENGELMANN: Yes. Any indication of any
18 contact with the complainant himself?

19 MR. HALL: There was none. As a matter of
20 fact, I think they gave evidence in the trial that there
21 was no contact with the victims whatsoever.

22 THE COMMISSIONER: Well, we've got -- on
23 page 69, 14th of February, 1998, "Message to call" -- we
24 should get the -- and then he says, "I met with the
25 victim", so -- C-2.

1 MR. HALL: C-2?

2 MR. ENGELMANN: No, C-2 is -- yes, that's a
3 different matter, sir.

4 THE COMMISSIONER: Okay, but we're talking
5 about -- oh, yes, I'm sorry. I'm sorry.

6 MR. ENGELMANN: Yes.

7 THE COMMISSIONER: Yes, you're right.

8 MR. ENGELMANN: This is C-16 and C-17?

9 THE COMMISSIONER: You're right, you're
10 right.

11 MR. ENGELMANN: C-16 in particular.

12 MR. HALL: To my knowledge, there was no
13 contact.

14 THE COMMISSIONER: No, you're absolutely
15 right. Thank you.

16 MR. ENGELMANN: And, sir, on page 69 and
17 it's not -- it's a bit cryptic but it is there -- the third
18 paragraph down.

19 MR. HALL: Yes.

20 MR. ENGELMANN: And this is on the July 23rd
21 meeting?

22 MR. HALL: Yes.

23 MR. ENGELMANN: He's setting it out:

24 "Inspector Tim Smith wants to know
25 about C-16's mother. I stated I

1 spoke to her, directed her to Project
2 Truth. Inspector Tim Smith indicated
3 that I called her back. Three
4 weeks later I called C-16's mother
5 back out of concern. She was very
6 upset the first time she called me.
7 Out of concern that a normal caring
8 person has, I called her back to make
9 sure she was okay."

10 MR. HALL: Yes.

11 MR. ENGELMANN: All right?

12 MR. HALL: My main reason for being there,
13 as we discussed earlier, was the information that we hadn't
14 received because of Mrs. Dunlop's disclosure in the
15 newspaper -- the binders.

16 MR. ENGELMANN: No, and I realize there were
17 several major issues you were dealing with on July 23rd.

18 MR. HALL: Yes.

19 MR. ENGELMANN: But one of the issues that
20 was dealt with in your presence by Detective Inspector
21 Smith ---

22 MR. HALL: Yes.

23 MR. ENGELMANN: --- was this issue?

24 MR. HALL: Yes.

25 MR. ENGELMANN: It wasn't that particular

1 victim's mother, it was the fact that he was contacting?

2 MR. HALL: Exactly.

3 MR. ENGELMANN: And we went through that.

4 MR. HALL: Yes.

5 MR. ENGELMANN: All right. But in any
6 event, this issue's come up in the middle of the Leduc
7 matter?

8 MR. HALL: Yes.

9 MR. ENGELMANN: And it's being raised by
10 defence counsel as a concern and you're trying to address
11 it ---

12 MR. HALL: Yes.

13 MR. ENGELMANN: --- presumably, and
14 Ms. Hallett's trying to address it?

15 MR. HALL: Yes.

16 MR. ENGELMANN: And, sir, as I understand
17 it, you find these references in the Will Say and there is
18 a meeting with the defence counsel that same day?

19 MR. HALL: Yes.

20 MR. ENGELMANN: And is that noted in your
21 notes, sir, on February 7th?

22 MR. HALL: I'm not sure whether it is or
23 not, but could I refer to my Will Say to the York Regional
24 Police that I conducted? Because I have my -- I consider
25 it to be an extension of my notes because it was made

1 shortly thereafter.

2 **MR. ENGELMANN:** All right.

3 Just before we go there, sir, I just -- in
4 your notes on Bates page 790, I think you have the
5 reference there, after 14:00.

6 It says:

7 "Meet with Shelley Hallett. Explained
8 same; copy of my notes..."

9 What is the next -- "Asked by"?

10 **MR. HALL:** "Accompanied by Hallett and
11 Seguin."

12 **MR. ENGELMANN:** "Meet with defence counsel
13 Skurka and Campbell..."?

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** "...to explain
16 conversations with Dunlop."

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** "Recent..."

19 **MR. HALL:** "Request statement from
20 Constable Dunlop."

21 **MR. ENGELMANN:** All right and ---

22 **MR. HALL:** I had copies of the material
23 received from Dunlop on the 10th of April ---

24 **MR. ENGELMANN:** All right.

25 **MR. HALL:** --- 00.

1 **MR. ENGELMANN:** And, sir, your Will Say
2 is -- I'm positive it's in evidence. I just ---

3 **THE COMMISSIONER:** Oh yes, it is.

4 **MS. DALEY:** Two-eight-zero-seven (2807).

5 **MR. ENGELMANN:** I've got it. Thank you, Ms.
6 Daley.

7 **THE COMMISSIONER:** Two-eight-zero-seven
8 (2807).

9 **MR. ENGELMANN:** I'm just -- I'm not sure if
10 it's the same document number. I'm using 123035.

11 **THE COMMISSIONER:** Right.

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** And you refer to the meeting
14 at the bottom of Bates page 574?

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** And you say what you
17 provided when you came down that afternoon, at the top of
18 the next Bates page?

19 **MR. HALL:** Yes. Page 68. Do you want me to
20 read it or are you just ---

21 **MR. ENGELMANN:** No, that's fine.

22 You do not have a copy of Officer Dupuis'
23 notes at that point?

24 **MR. HALL:** No, at that point I didn't even
25 know if he had a note.

1 **MR. ENGELMANN:** All right.

2 So we've got page 68 of the Will State. We
3 have a photocopy of Dunlop's notebook. We have a photocopy
4 of page 111, again from Mr. Dunlop's notes, and we have a
5 photocopy of your notes of July 23rd, a meeting with Dunlop?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** All right, but those notes
8 don't actually indicate the discussion of this matter?

9 **MR. HALL:** No.

10 **MR. ENGELMANN:** Yes. But anyway that's what
11 you provided?

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** All right. And there's a
14 reference to the interview the second last paragraph of
15 that page?

16

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** The material was given over
19 and the defence counsel are saying that this should have
20 been disclosed?

21 **MR. HALL:** Well, it ---

22 **MR. ENGELMANN:** Is that ---

23 **MR. HALL:** He's saying a lot more than that
24 to me.

25 **MR. ENGELMANN:** "Defence counsel directed

1 their questions to the writer and
2 both Skurka and Campbell pointed out
3 that being experienced police
4 officers we should have disclosed
5 the Dunlop material as required by
6 *Stinchcombe.*"

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** All right.

9 **MR. HALL:** Mr. Skurka was very explicit
10 about that and ---

11 **MR. ENGELMANN:** All right.

12 **MR. HALL:** --- I got a dressing-down for not
13 doing it.

14 **MR. ENGELMANN:** And they questioned the
15 meeting of July 23rd?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** And -- well, this is your
18 recollection of what happens at the meeting?

19 **MR. HALL:** Yes.

20 "At this time, Ms.Hallett was just
21 standing there listening to the
22 conversation. She then stated. 'This
23 is all news to me'. The conversation
24 then took place about what action would
25 result by defence counsel and Ms.

1 Hallett. The meeting was approximately
2 10 minutes in duration. The writer did
3 not indicate to defence counsel that
4 Ms. Hallett was provided Dunlop's
5 disclosure..."

6 **MR. ENGELMANN:** "...in April."

7 **MR. HALL:** "The writer did indicate to
8 defence counsel that Ms. Hallett's
9 disclosure was provided in April of
10 2000. The writer was not in court that
11 morning and was unsure of what was said
12 and did not want to embarrass Ms.
13 Hallett in front of defence counsel.
14 Upon leaving the meeting, it was the
15 writer's opinion that defence counsel
16 believed the police had not made
17 disclosure to Ms. Hallett of the Dunlop
18 material. This opinion is supported by
19 the tone of the memorandum directed to
20 Ms. Hallett and Ms. Tier by defence
21 counsel dated 12th of February, '01."

22 **MR. ENGELMANN:** Sir, after that, you met
23 with Ms. Hallett and Ms. Tier?

24 **MR. HALL:** Yes, Detective Constable Dupuis,
25 Detective Constable Seguin, we went just one room to the

1 next -- walked across the hall. This meeting took place in
2 a very small room.

3 **MR. ENGELMANN:** Right.

4 And sir, at that meeting, were you ---

5 **MR. HALL:** "Immediately upon leaving the
6 meeting with defence counsel, writer
7 returned to the Crown's interview room,
8 present were Ms. Hallett, Ms. Tier,
9 Detective Constables Seguin and Dupuis
10 and, I believe, an articulated student by
11 the name of Kerry Benzakein.

12 As Ms. Hallett was reminded the defence
13 counsel were accusing the police of
14 non-disclosure and that she was
15 provided the material in March and
16 April of 2000, and she had reviewed the
17 Dunlop boxes which contained a copy of
18 the same material.

19 Perry Dunlop delivered a copy of his
20 Will-State to her at her office on the
21 27th of June 2000. And she had
22 requested copies of the material be
23 made for disclosure, which was done.
24 She was advised it was the writer's
25 view that the police had made

1 disclosure to her. Ms. Hallett replied
2 'Yeah, yeah, yeah, I know.' The writer
3 told Ms. Hallett that we are supposed
4 to be on the same side and he did not
5 want to embarrass her in front of
6 defence counsel."

7 **MR. ENGELMANN:** So how as it left then sir?
8 What did you do?

9 **MR. HALL:** I left. It was pretty well the
10 end of the day, we left. I went back to the -- to my
11 office. As I said, I'll read you the next line:

12 "The writer proceeded to Long Sault OPP
13 Detachment where Project Truth offices
14 are now located."

15 And I -- do you want me to continue on sir?

16 **MR. ENGELMANN:** Why -- what were you -- why
17 did you go back to your office sir? What were you ---

18 **MR. HALL:** Well, I normally go back to my
19 office anyway. I mean ---

20 **MR. ENGELMANN:** All right. But you were
21 going back for a purpose here?

22 **MR. HALL:** Well, I wasn't going back for a
23 purpose. When I got there I -- well I'll read it:

24 "The writer proceeded to the Long Sault
25 OPP Detachment where Project Truth

1 office are now located and obtained a
2 copy of Ms. Hallett's memorandum to
3 Detective Constable Joe Dupuis with a
4 c.c. to the writer dated 4th of July
5 2000.
6 Secretary Marion Burns was present and
7 assisted in locating the memorandum.
8 The memorandum was given to Detective
9 Constable Steve Seguin to make a copy,
10 which he did.
11 The writer wrote on the copy of the
12 memorandum 'Shelley, for your
13 information,' signed P.R. Hall.
14 Seguin was instructed to deliver
15 memorandum with the writer's notation
16 to Ms. Hallett on the morning of 8th of
17 February '01.
18 The purpose of delivering this
19 memorandum to Ms. Hallett was to remind
20 of its existence as her files were
21 probably in Toronto and to be in
22 possession of it, if required, for
23 disclosure.
24 At this time, no written requests were
25 received from defence counsel regarding

1 the Dunlop disclosure, to the writer's
2 knowledge."

3 **MR. ENGELMANN:** Why would you be wanting to
4 tell her about that for the purpose of disclosure?

5 **MR. HALL:** Well, I picked that particular
6 memo because it was the last one to disclose and it
7 indicated that Constable Dunlop had personally attended her
8 office in Toronto in giving her a copy of his Will-Say.
9 And I think Constable Dunlop was basically saying no more
10 than that.

11 He was saying that, "Here, you know, Hall or
12 whoever was chasing me for last couple of years wanting my
13 disclosure; here it is. I've got it. I'm giving it to you
14 direct, not through the Project Truth. You have it.
15 You're the Crown." And I believe that was probably his
16 last official thing before he resigned from the Cornwall
17 Police Service.

18 **MR. ENGELMANN:** Why was it you thought she
19 should have that memo? Maybe we should look at it. It's
20 Exhibit 2623, for disclosure, it's a note between Shelley
21 Hallett and Officer Dupuis.

22 **MR. HALL:** Two six ---

23 **THE COMMISSIONER:** Two six zero three
24 (2603)?

25 **THE REGISTRAR:** Two six two three (2623).

1 **THE COMMISSIONER:** Two six two three (2623).

2 **MR. ENGELMANN:** The Document Number is
3 123032.

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** So you go back to your
6 office. You're looking for this memo. You have the memo
7 found. And you have -- you write on it "Shelley, for your
8 information." And you have Officer Dupuis deliver it to
9 her. And you say for her to give to defence counsel the
10 next day?

11 **MR. HALL:** Constable Seguin delivered it to
12 her.

13 **MR. ENGELMANN:** Oh, I'm sorry. Isn't this
14 just really a note and what you're trying to do is remind
15 her that, at some point, she would have reviewed the Dunlop
16 materials and she's already acknowledged that to you,
17 hasn't she?

18 **MR. HALL:** Well, she acknowledged -- I knew
19 from several memorandums -- I could have brought probably
20 three more -- at that time which would indicate that she'd
21 done a very thorough review of Dunlop's material for her
22 prosecutions.

23 **MR. ENGELMANN:** Okay. Well, she was
24 reviewing the Dunlop material for her work on the Father
25 MacDonald case presumably.

1 **MR. HALL:** Well, her prosecutions. I mean,
2 if you read something, a certain name pops out, you can't
3 say "Well, it doesn't apply to Father Charles, so I'm not
4 going to look at it." I mean, it's quite obvious. I mean,
5 there's at least four entries if you combine the
6 handwritten notes and the typed version where this
7 information is located.

8 **MR. ENGELMANN:** All right. But you're
9 saying in your ---

10 **MR. HALL:** I'm not saying anything. All
11 that I'm doing is delivering it to her indicating that --
12 it's more or less reminding her of the previous
13 conversation I just had with her. And it also indicates
14 that she's saying what review she did.

15 **MR. ENGELMANN:** But you're saying in your
16 extensive Will-State which is Exhibit 2807 that you're
17 having Officer Seguin deliver this note to her -- this July
18 4th note to her because it's required for disclosure.

19 **MR. HALL:** Well, it could be. That was her
20 decision whether she was going to disclose it or not.
21 Actually, she's blaming the police for it, non-disclosure.
22 I get that quite clearly from Mr. Skurka and Mr. Campbell
23 in the meeting.

24 **MR. ENGELMANN:** Oh, you thought she was
25 blaming the police at the meeting because she didn't say

1 anything?

2 MR. HALL: Well, when she says, "This is all
3 news to me," it was pretty clear to me. I was quite
4 shocked actually because what was happening, in my mind,
5 because of having read all her memos that she had generated
6 in the previous months, since the Will-Say had come, since
7 she had sat down and, I know, reviewed this material --
8 Constable Genier can attest to that.

9 And I think if you look at her statement
10 that she made to the York Regional Police, it will also
11 bear it out what she was doing and Genier's statement
12 there. So, at that point ---

13 MR. ENGELMANN: So, had you ever asked a
14 Crown to disclose memos between yourself and the Crown
15 before in a case?

16 MR. HALL: Well ---

17 MR. CARROLL: Excuse me. I'm reading from
18 the paragraph ---

19 THE COMMISSIONER: No, no. You have to go
20 the microphone, sir.

21 MR. CARROLL: Sorry.

22 THE COMMISSIONER: Go ahead.

23 MR. CARROLL: The paragraph that I believe
24 my friend is referencing accurately read out is, "The
25 purpose of delivering..."

1 **THE COMMISSIONER:** Whoa, whoa, where are we
2 now?

3 **MR. CARROLL:** Bates page 576.

4 **THE COMMISSIONER:** Seven-seven (77)?

5 **MR. CARROLL:** Pardon? Five-seven-six (576).

6 **THE COMMISSIONER:** Five-seven-six (576).

7 Yes.

8 **MR. CARROLL:** Yes.

9 **THE COMMISSIONER:** Okay.

10 **MR. CARROLL:** And it would be the third full
11 paragraph under -- just above the blue words "Appendix 16."

12 **THE COMMISSIONER:** Yes. Okay.

13 **MR. CARROLL:** "Purpose of delivering this
14 memorandum to Ms. Hallett was to remind
15 her of the existence as her files are
16 probably in Toronto, and to be in
17 possession of it, if required for
18 disclosure."

19 He's not recommending it be handed over for
20 disclosure. He's handing it to Ms. Hallett or having it
21 delivered for that purpose. And if it's going to be
22 quoted, this document, it should be quoted accurately
23 because a couple of minutes ago, Mr. Engelmann said that
24 Ms. Hallett didn't say anything in response to the
25 accusations against the police when, in fact, that

1 officer's already testified and it's in his notes that he
2 said she said, "It's all news to me."

3 **THE COMMISSIONER:** Mr. Engelmann? Let's
4 keep to the ---

5 **MR. ENGELMANN:** Certainly.

6 **THE COMMISSIONER:** --- to the script. So?

7 **MR. ENGELMANN:** So the question is, sir, the
8 question still is; ever suggest to a Crown to disclose a
9 document like this?

10 **MR. HALL:** Well, I never in my career have I
11 ever had a Crown attorney lie in my presence to defence
12 counsel, so that's the issue I'm dealing with, because it's
13 my view she was lying to defence counsel -- what she knew.

14 **MR. ENGELMANN:** Did you talk to her about
15 that?

16 **MR. HALL:** No, I didn't. I never discussed
17 that memorandum with her at any time.

18 **MR. ENGELMANN:** Not the memorandum; about
19 what happened with defence counsel.

20 **MR. HALL:** Well, we already knew what
21 happened.

22 What we were doing at that point, the trial
23 was continuing on, and starting February 12th we received
24 memos from defence counsel -- or she received memos from
25 defence counsel asking for certain things and, quite

1 frankly, was blaming Inspector Smith and myself for failing
2 to make a disclosure.

3 **THE COMMISSIONER:** Did you ever confront her
4 with the fact that you thought she was lying?

5 **MR. HALL:** No.

6 **THE COMMISSIONER:** Why not?

7 **MR. HALL:** I didn't have to because I knew
8 she was lying.

9 **THE COMMISSIONER:** I know that. But you
10 know when you come back to the room and, you know, you're
11 saying, "Listen, I don't want to show any disrespect by
12 talking to you in front of the defence counsel, but you
13 lied". You didn't have it out? You didn't talk about
14 that?

15 **MR. HALL:** I chose not to discuss it. I
16 remained professional. I also had the information from my
17 director, from Murray Segal, that she had some problems, so
18 I wasn't going to push any buttons.

19 **THE COMMISSIONER:** Okay.

20 **MR. HALL:** I'm just sitting back here; "You
21 decide what you want to do with this".

22 **THE COMMISSIONER:** M'hm. Okay.

23 **MR. ENGELMANN:** And you didn't -- you just
24 said, "Shelley, for your information" -- you didn't ask to
25 speak to her about the July 4th, 2000 memo?

1 **MR. HALL:** No. When I asked Constable
2 Seguin to deliver it to her he did the next morning, and
3 all -- we met. She came to our office in the days pursuing
4 when we were gathering -- I provided all kinds of
5 information for her to disclose. She typed stuff right in
6 our office. And she never once asked me, "Why did you give
7 me this memo?" and I never asked her, "What did you do with
8 this memo?" It just never got discussed.

9 **MR. ENGELMANN:** All right.

10 Now, sir, I understand that on February 7th
11 defence counsel made a number of disclosure requests, and
12 again on February 12th defence counsel for Mr. Leduc made
13 further disclosure requests by way of letter to Shelley
14 Hallett, and it's my understanding that they were
15 requesting full disclosure of all Dunlop material. Is that
16 correct?

17 **MR. HALL:** Could I see it, please?

18 **MR. ENGELMANN:** I can -- I'm just -- sir,
19 these are all part of your Will State, your lengthy Will
20 State, here. It's Exhibit 2807.

21 **MR. HALL:** It's the memo dated 12th of
22 February '01 from Skurka and Campbell to Ms. Hallett that I
23 would like to see.

24 **MR. ENGELMANN:** All right. There are
25 several attachments. There's one dated February 14th at ---

1 **MR. HALL:** Well, there was several
2 subsequent requests, but the one on the 12th is the initial
3 one and that's the one I would like to refer to.

4 **MR. ENGELMANN:** All right. Well, they
5 should all be attached to your Will State, so let's just
6 take a look. You have the exhibit before you.

7 I have two that are dated February 14th and
8 15th at Bates pages 636 and 638.

9 **MR. CARROLL:** Bates page 629 I believe is a
10 request.

11 **MR. ENGELMANN:** Yes, there's one at 629.
12 There are several requests here. There's February 12th,
13 February 14th, February 15th. There are letters flying.
14 September -- sorry, February 12th is 629630.

15 **MR. HALL:** The one on the 12th, I'm sorry, I
16 can't find it here.

17 **MR. ENGELMANN:** Bates page 629.

18 **MR. HALL:** Six-two-nine (629)? Yes.

19 **MR. ENGELMANN:** All right. And that's one
20 where they're requesting full disclosure of all the Dunlop
21 material, as well as all information from Project Truth
22 officers regarding the subject matter.

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** And at this point-in-time it
25 appears they're taking the view that there has been wilful

1 nondisclosure by the police.

2 MR. HALL: Yes.

3 MR. ENGELMANN: And ---

4 MR. HALL: They're also asking -- saying:

5 "We require not only statements from
6 the officers but all other
7 documentation, including all OPP and
8 Cornwall Police Service records,
9 memorandum and correspondence relating
10 to this issue."

11 I considered that letter to be relating to
12 this issue.

13 MR. ENGELMANN: What letter is that, sir?

14 MR. HALL: The one we're discussing, the
15 July 4th ---

16 MR. ENGELMANN: Oh, the July 4th, 2000
17 letter?

18 MR. HALL: Yes.

19 MR. ENGELMANN: The letter between the Crown
20 and the police?

21 MR. HALL: No, the letter that went to
22 Constable Dupuis from Shelley Hallett that was ---

23 MR. ENGELMANN: Yes.

24 MR. HALL: --- cc'd to me that I wrote to
25 Shelley "For your information". Whether she had to

1 disclose it or whether she did disclose it, I didn't know.

2 MR. ENGELMANN: All right.

3 So you're saying that your interpretation of
4 the February 12th letter is that it would require, or could
5 require, the disclosure of internal correspondence?

6 MR. HALL: Yes. And I think it's again
7 alluded to, that type of stuff, in further requests from
8 defence counsel.

9 MR. ENGELMANN: All right.

10 MR. HALL: There's requests on -- there are
11 requests on the 14th, I believe, on the 15th, maybe even the
12 16th.

13 MR. ENGELMANN: Yeah, these requests
14 continue, as you see, with your ---

15 MR. HALL: Yes.

16 MR. ENGELMANN: There's a request made on
17 the 14th at Bates page 636. There's another request ---

18 MR. HALL: I know there's some after that
19 date.

20 MR. ENGELMANN: Yeah.

21 In any event, sir, there's a number of
22 responses from Ms. Hallett; correct?

23 MR. HALL: Yes. I have a -- there's a
24 lengthy reply, February 16th. It would be on 646 Bates
25 page.

1 MR. ENGELMANN: Yes.

2 MR. HALL: From Ms. Hallett to defence
3 counsel.

4 MR. ENGELMANN: Right, and she's advising --
5 -

6 MR. HALL: Much of that information I
7 provided.

8 MR. ENGELMANN: Right. But she's in touch
9 with you and your officers ---

10 MR. HALL: Oh, yeah.

11 MR. ENGELMANN: --- to make sure that she's
12 immediately responding to the disclosure requests?

13 MR. HALL: Quite frankly, we were carrying
14 on as if nothing happened.

15 MR. ENGELMANN: Okay. And you know what
16 she's giving them because she gives it to you as well?

17 MR. HALL: Well, I don't know what she's
18 given them. She's given them this memo. When I'm -- I'm
19 giving her stuff to give, so I presume at this point she's
20 giving it to them.

21 MR. ENGELMANN: No, but what I'm saying,
22 sir, is she copies you on her correspondence with them so
23 that you're aware of what she's disclosing.

24 MR. HALL: Yes.

25 MR. ENGELMANN: So, for example, the long

1 letter of February 16th which talks about the disclosure
2 that she's giving, sets out a number of things that she's
3 disclosing?

4 MR. HALL: Yes.

5 MR. ENGELMANN: All right. So she's keeping
6 you in the loop? She's keeping you in the loop about the
7 disclosure?

8 MR. HALL: Pretty well because she's getting
9 it from us.

10 MR. ENGELMANN: Yeah.

11 MR. HALL: Oh, yeah. She types it up in our
12 office actually, some of it. Quite frankly, like I -- I
13 felt rather sorry for Ms. Hallett in some respects because
14 she didn't have an office. An office was never provided to
15 her.

16 MR. ENGELMANN: She was working out of her
17 hotel room, essentially.

18 MR. HALL: Well, her hotel room and the
19 interview rooms at the courthouse or a cloakroom with a
20 toilet at the end. I mean, she had nothing -- you know, in
21 fairness. So she worked out of our office a lot. She
22 would come -- if there wasn't court and she was down, much
23 of her work was done at our office; a lot was done in her
24 room.

25 MR. ENGELMANN: All right. So what she's

1 doing -- and you can see it in her letter of February 16th,
2 starting at Bates page 646 -- is she's saying at point 2
3 she's disclosing a statement and notes of Detective
4 Inspector Pat Hall which were provided to you on February
5 15th, 2001 and a number of other things at page 650, Bates
6 page 650. She sends you a handwritten note attaching a
7 copy of a letter dated February 15th ---

8 MR. HALL: Yes.

9 MR. ENGELMANN: --- from defence counsel
10 requesting further material information.

11 MR. HALL: Yes.

12 MR. ENGELMANN: And I'm assuming that as
13 these disclosure requests are coming in you're having
14 discussions with her about the requests and how to ensure
15 they are fully responded to.

16 MR. HALL: Yes.

17 MR. ENGELMANN: All right. Did you ever have
18 any discussion with her about whether or not she should
19 disclose this July 4th letter she wrote to Joe Dupuis?

20 MR. HALL: No.

21 MR. ENGELMANN: All right.

22 Now, sir, on February 14th, 2001, I know you
23 weren't there but we understand counsel for Mr. Leduc
24 brought a motion for a stay of proceedings.

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** It was on the basis of
2 wilful non-disclosure by police.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** And that stay application
5 began on February 19th, 2001 and you were in attendance that
6 day?

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** I understand that Richard
9 Nadeau attended in court and there was an issue about
10 whether or not Justice MacKinnon should recuse himself?

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** And the following day he in
13 fact did so?

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** And immediately thereafter,
16 on February 20th, did you attend a meeting with defence
17 counsel -- if you want to look at your Will-State?

18 **MR. HALL:** I'm mixed up in binders here.

19 **MR. ENGELMANN:** I think you have a reference
20 to this, sir.

21 **MR. HALL:** Could you give me the Bates page,
22 please?

23 **MR. ENGELMANN:** It's Exhibit 2807; 578.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And you discuss this matter
2 in the bottom two paragraphs of that page?

3 **MR. HALL:** Yes:

4 "The court had adjourned. The witness
5 for the defence would be Richard
6 Nadeau, Constable Dupuis, Detective
7 Inspector Hall and Detective Inspector
8 Smith in that order.
9 While still in the courtroom Inspector
10 Smith approached Ms. Hallett to
11 ascertain why he was subpoenaed by the
12 Crown but appearing for the defence.
13 Smith stated he wanted to speak to Mr.
14 Skurka who he knew to ascertain what
15 evidence he would be questioned about
16 as it had been -- he had been retired
17 since the 31st of March '99.
18 Detective Constable Dupuis and the
19 writer were present. Ms. Hallett
20 replied, 'Why don't all three of you go
21 and speak to defence counsel?' And all
22 three proceeded to an interview room
23 with Skurka and Campbell adjacent to
24 the courtroom before noon. The meeting
25 lasted approximately 10 minutes.

1 Campbell, who it appeared would be
2 directing questions to the writer, the
3 following morning asked specifically
4 about Dunlop's material in relation to
5 his Will-State and notes. He wanted to
6 know when it was received, by whom, and
7 when was Ms. Hallett provided with the
8 disclosure. He wanted to know if there
9 was any correspondence in relation to
10 the Dunlop Will-Say and notes.
11 The writer was aware from disclosure
12 requests in the past weeks that
13 correspondence relating to disclosure
14 was requested from defence counsel.
15 The writer indicated to Campbell and
16 Skurka that there was correspondence on
17 file at her office from Ms. Hallett in
18 that regard and was surprised that they
19 did not have it. They requested to
20 have a copy that day before court. The
21 correspondence that the writer was
22 referring to was a memorandum directed
23 to Detective Constable Dupuis with a
24 c.c. to the writer dated the 4th of July
25 2000, the same memorandum that was

1 provided to Ms. Hallett on the 8th of
2 February, 2000 with the writer's
3 notation written on it. Defence
4 counsel were staying at NAVCAN and
5 provided telephone and fax number."

6 **MR. ENGELMANN:** All right.

7 **MR. HALL:** So there was no doubt in my mind
8 that they were going to ask me the same questions the next
9 morning under oath.

10 **MR. ENGELMANN:** All right. So that's your
11 recollection of what happened?

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** All right. Now, you didn't
14 write any notes of this on that day?

15 **MR. HALL:** No.

16 **MR. ENGELMANN:** All right. And that's
17 unusual for you?

18 **MR. HALL:** Well, it was an unusual day.

19 **MR. ENGELMANN:** But you told us about your
20 note-keeping practice ---

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** --- and before you go off
23 shift you write notes about anything of significance.

24 **MR. HALL:** Yes. Yes, I ---

25 **MR. ENGELMANN:** They're not necessarily

1 detailed notes but notes to remind you?

2 MR. HALL: Yeah, yeah.

3 MR. ENGELMANN: And if we turn to your notes
4 for that day, and they're at Bates pages 808 and 809 of
5 2757 ---

6 MR. HALL: Twenty-seven fifty-seven (2757).

7 MR. ENGELMANN: You don't have any reference
8 to meeting with defence counsel.

9 MR. HALL: Eight zero eight (808). Excuse
10 me.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. HALL: Yes, the top of 809?

13 MR. ENGELMANN: Yeah.

14 MR. HALL: Okay. I have at the bottom:

15 "Witnesses heard defence: Nadeau,
16 Dupuis, Hall, Smith, Dunlop. We had
17 lunch, attended the Best Western, see
18 Ms. Hallett."

19 No, I don't have a note in here.

20 MR. ENGELMANN: And you don't have a note
21 about the next day either.

22 MR. HALL: Which is the next day?

23 MR. ENGELMANN: Well, that would be February
24 21st.

25 MR. HALL: Yes, but I left. As you'll note

1 you'll see my last entry is 1300 hours. And when we left
2 prior to lunch Ms. Hallett indicated -- if I refer to my --
3 this other document?

4 **MR. ENGELMANN:** Well, sir, I just -- let's
5 stick with the notes for a minute. I'm just wondering.
6 You don't -- you have a reference to 2230 that day.

7 **MR. HALL:** Well, it was my anniversary and I
8 was going to surprise my wife and I went home.

9 **MR. ENGELMANN:** All right.

10 But you write down what happens at 10:30 at
11 night and you don't write down this meeting with defence
12 counsel which I would think would be pretty significant.

13 **MR. HALL:** What are you suggesting I should
14 have wrote?

15 **MR. ENGELMANN:** Well, sir, you told us when
16 we started this about your note-keeping practice that ---

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** --- you wrote a note of
19 everything to remind yourself.

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And you do write notes about
22 it and they're very extensive and they're similar to your
23 Will-State but you write them on the 27th of February.

24 **MR. HALL:** Yes, well, I didn't -- there is
25 some information there I didn't know until the 27th of

1 February.

2 MR. ENGELMANN: Okay. But on February 27th,
3 if you look ahead at Bates pages 819 and 820 and 821 and
4 822 ---

5 MR. HALL: Yes.

6 MR. ENGELMANN: --- you're then writing
7 extensive notes about what happened on the 19th and 20th of
8 February.

9 MR. HALL: Yes.

10 MR. ENGELMANN: All right.

11 But that's highly unusual for you, isn't it?

12 MR. HALL: Well, I didn't -- the information
13 that you're going to see in Bates page 819 and 820 I didn't
14 know till I met with Detective Inspector Smith. He was
15 telling me what transpired in the meeting he had with Ms.
16 Hallett. I wasn't there so I wouldn't be making a note on
17 something I didn't know about back on the 20th of February.

18 MR. ENGELMANN: Sir, you're writing about
19 your meeting with defence counsel and things of that
20 nature.

21 MR. HALL: Well, I wrote the whole thing
22 out, yes.

23 MR. ENGELMANN: All right.

24 MR. HALL: Because he was asking and she was
25 asking pretty peculiar questions about me in that meeting

1 that she had with him on the 20th of February.

2 MR. ENGELMANN: All right.

3 MR. HALL: So I detected there was
4 something.

5 MR. ENGELMANN: I just -- all I'm asking is
6 ---

7 MR. HALL: I didn't -- I'm telling you I
8 didn't make any notes. Prior to lunch Ms. Hallett asked to
9 meet with Detective Inspector Smith and myself ---

10 MR. ENGELMANN: All right.

11 MR. HALL: --- at two o'clock. And we had
12 the afternoon off. So I asked her could we eat at one
13 o'clock. She said fine and I said, "The reason why I'm
14 going to go home, I'm going to surprise my wife. It's our
15 anniversary," you know so ---

16 MR. ENGELMANN: All right.

17 And there are some differences in what
18 happens that day and I believe -- according to your
19 recollection the three of you attend the meeting at the
20 same time?

21 MR. HALL: Well, Inspector Smith went in
22 first. I mean, he went up and spoke to Ms. Hallett first.
23 He went in and he knew Mr. Skurka. So he was talking to
24 Mr. Skurka and Mr. Campbell was talking to me. Constable
25 Dupuis wasn't really saying anything. He was just standing

1 beside me listening.

2 **MR. ENGELMANN:** All right.

3 Because what Detective Inspector Smith told
4 us was that essentially that Ms. Hallett -- that he said to
5 Ms. Hallett that he wanted to know why the defence was
6 calling him as a witness.

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** He's already a civilian at
9 this point in time?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** And ---

12 **MR. HALL:** Had been for a few years.

13 **MR. ENGELMANN:** He wanted to see Mr. Skurka
14 and ask him, and he said that Hallett said, "Well, okay,"
15 and he went on, and he told us that he didn't know the
16 officers were following ---

17 **MR. HALL:** We were behind him.

18 **MR. ENGELMANN:** Yeah. He said he didn't
19 even know that and that his request was for him, not for
20 you.

21 **MR. HALL:** Well, after he made his requests
22 he said, "Why don't all three of you" -- because this all
23 happened at a table just in the courtroom. She was
24 gathering up her stuff.

25 **MR. ENGELMANN:** All right. And he told us

1 he went into a small office outside and spoke to Mr.
2 Skurka. He said he was asked if he had any notes that
3 pertained to the discussion he had with Joe Dupuis on
4 Dunlop and the victim's mother. He said no. Said the room
5 was packed. He said, "Then Pat Hall came in. I don't know
6 if Dupuis was there or there were other officers. Then
7 they were talking to Campbell. I left."

8 MR. HALL: That's what he says. I disagree
9 with the exact -- like, we weren't far behind him.

10 MR. ENGELMANN: All right.

11 MR. HALL: He left before we did.

12 MR. ENGELMANN: He said he had a very brief
13 -- he was only there for about a minute.

14 MR. HALL: I would say it'd be more than a
15 minute.

16 MR. ENGELMANN: All right.

17 MR. HALL: Because they talked about --
18 briefly about the murder he had been -- that's how he knew
19 -- how he knew Mr. Skurka was some murder case he had been
20 involved in and, you know, he had a little bit of
21 discussion; wasn't just in and out. I mean I don't think
22 the whole thing -- I said 10 minutes. It could have been
23 seven or eight minutes maybe. I'm just guessing exact
24 time.

25 MR. ENGELMANN: He said he left, and you and

1 Officer Dupuis were there with defence counsel when he
2 left.

3 MR. HALL: Yes, Campbell. We were
4 discussing this and how I was going to get it to him and
5 where they were located.

6 MR. ENGELMANN: And, sir, I assume it's not
7 normal for police officers to meet alone with defence
8 counsel in the absence of the Crown.

9 MR. HALL: Not normal, no. They were
10 requesting in their memorandum, I think, one of them, that
11 they wanted to meet, if they saw fit, with defence counsel
12 out of court.

13 MR. ENGELMANN: But ---

14 MR. HALL: I think the thing ---

15 MR. ENGELMANN: --- were you going to meet
16 with them in your -- on your own or with some Crown
17 counsel?

18 MR. HALL: It's unusual that you're giving -
19 - police officer is giving evidence for defence, I think.
20 It's only normal procedure to ask, you know, so you may
21 have some idea of what you're going to get questioned on so
22 you have the proper notebooks.

23 MR. ENGELMANN: All right. And defence
24 counsel had requested to meet with police officers?

25 MR. HALL: In a memorandum I think ---

1 **MR. ENGELMANN:** Yeah.

2 **MR. HALL:** --- one of those requests that he
3 may have ---

4 **MR. ENGELMANN:** In one of the initial
5 disclosure requests ---

6 **MR. HALL:** Yes, yes.

7 **MR. ENGELMANN:** --- they asked for that
8 permission?

9 **MR. HALL:** Exactly.

10 **MR. ENGELMANN:** Yeah?

11 **MR. HALL:** Yeah.

12 **MR. ENGELMANN:** And whether they asked for
13 permission or not, sir, it's unusual that you wouldn't
14 bring a Crown counsel with you?

15 **MR. HALL:** Well, in this situation it wasn't
16 unusual because it was a little different situation.

17 **MR. ENGELMANN:** All right.

18 **MR. HALL:** I already ---

19 **MR. KOZLOFF:** May I?

20 **THE COMMISSIONER:** Yes.

21 **MR. KOZLOFF:** I would like to know the basis
22 -- the factual basis, the evidentiary basis, any basis for
23 the question that it's unusual for defence counsel to speak
24 to police officers.

25 **THE COMMISSIONER:** Well, what's wrong with,

1 "Is it unusual"?

2 **MR. ENGELMANN:** Fair enough.

3 **THE COMMISSIONER:** Now here's
4 Ms. Robitaille.

5 **MS. ROBITAILLE:** I think, Mr. Commissioner,
6 the concern is that there's an underlying premise or a
7 suggestion in the question that it's improper, and I'm sure
8 that my friend understands that there's no property in
9 witnesses. My concern is that the public may not be aware
10 of that, and that the underlying subtext to the question
11 may mislead the public, and perhaps my friend could
12 clarify.

13 **THE COMMISSIONER:** I think there is ---

14 **MR. ENGELMANN:** There is no property in
15 witnesses.

16 **THE COMMISSIONER:** There are no property in
17 witnesses, there's no problem you asking if, but you cannot
18 -- I don't think you can insinuate that that's the proper -
19 --

20 **MR. ENGELMANN:** All right.

21 **THE COMMISSIONER:** --- procedure.

22 So you can ask him, "Is it normal, or is it
23 customary, or in your experience have you ever met with
24 defence counsel, sir, in a trial in circumstances such as
25 this without a Crown?"

1 MR. HALL: Yes.

2 THE COMMISSIONER: There.

3 MR. HALL: Yes, and Detective Inspector
4 Smith was a civilian at that time.

5 THE COMMISSIONER: Well, yes.

6 MR. HALL: He can do what he wants.

7 THE COMMISSIONER: He can do what he wants.
8 That's a different story. We're asking about you and
9 you're saying yes, you have met with ---

10 MR. HALL: Yes.

11 THE COMMISSIONER: --- defence counsel in
12 the past.

13 MR. HALL: Yes.

14 THE COMMISSIONER: And it's lunchtime; 30
15 minutes, please.

16 THE REGISTRAR: Order; all rise. À l'ordre;
17 veuillez vous lever.

18 This hearing will resume at 1:20 p.m.

19 --- Upon recessing at 12:49 p.m./

20 L'audience est suspendue à 12h49

21 --- Upon resuming at 1:23 p.m./

22 L'audience est reprise à 13h23

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 THE COMMISSIONER: Go ahead, sir.

3 MR. ENGELMANN: Thank you, sir.

4 PATRICK HALL, Resumed/Sous le même serment:

5 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR

6 MR. ENGELMANN (cont'd/suite):

7 MR. ENGELMANN: Sir, when we broke I was
8 just asking you about whether it was unusual to meet with
9 defence counsel. I believe you told me that it wasn't. In
10 those cases when you've done that and you haven't had a
11 Crown present, have you been sure to fully inform the Crown
12 of the discussions after the meeting?

13 MR. HALL: Yes.

14 MR. ENGELMANN: All right.

15 MR. HALL: Usually revolved around maybe
16 breathalyzer readings or something like that. The Crown --
17 defence counsel would meet you in the hallway and say,
18 "What's the readings on our impaired driver?" You'd give
19 them, then you'd tell the Crown ---

20 MR. ENGELMANN: All right.

21 MR. HALL: --- they ask me about it.

22 MR. ENGELMANN: Would you agree that it
23 would be important to fully brief the Crown about those
24 discussions?

25 MR. HALL: Important?

1 **MR. ENGELMANN:** Yes.

2 **MR. HALL:** Yes.

3 **MR. ENGELMANN:** All right. Because you
4 never know when you could be a witness, and often you are
5 as well; correct?

6 **MR. HALL:** True, yes.

7 **MR. ENGELMANN:** All right.

8 Now, just with respect to the content of the
9 meeting again, if I can take you there, and that's in your
10 Will-State, Exhibit 2807, Bates page 578. The Document
11 Number is 123035. You say ---

12 **MR. HALL:** Just a moment. I haven't got
13 there yet.

14 **MR. ENGELMANN:** Oh, I'm sorry. There's a
15 Bates page at the bottom as well that says 24 that was put
16 on by someone else.

17 **MR. HALL:** Twenty-three zero eight (2308)?

18 **THE COMMISSIONER:** Twenty-eight zero seven
19 (2807).

20 **MR. HALL:** Twenty-eight zero seven (2807)?

21 **MR. ENGELMANN:** This is your Will-State for
22 the York Regional ---

23 **MR. HALL:** Okay. Bates page?

24 **MR. ENGELMANN:** Bates page is 578.

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** All right.

2 And you're telling us the meeting took about
3 10 minutes.

4 **MR. HALL:** Approximately; maybe a little
5 less.

6 **MR. ENGELMANN:** All right. And you're not
7 sure at what point Mr. Smith might have left the room?

8 **MR. HALL:** Well, he left before -- I don't
9 think he was there when we were discussing the memo and how
10 we were going to deliver it to NAVCAN.

11 **MR. ENGELMANN:** All right.

12 So you say that essentially Campbell was the
13 one asking you questions?

14 **MR. HALL:** He was the one asking me
15 questions, yes.

16 **MR. ENGELMANN:** And he wanted -- and the way
17 you've described it is he wanted to know when it was
18 received, that being the Dunlop material; correct?

19 **MR. HALL:** What line are you at, sir?

20 **MR. ENGELMANN:** It's the fourth line. He
21 wanted to know when it was received, "it" being Dunlop
22 material? Is that it?

23 **MR. HALL:** Yes, yes.

24 **MR. ENGELMANN:** All right. And by whom.

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And when was Ms. Hallett
2 provided with the disclosure.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** So he actually specifically
5 asked when she would have had it?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** He wanted to know if there
8 was any correspondence in relation to the Dunlop Will-State
9 and notes?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** And you said:

12 "The writer was aware, from disclosure
13 requested in the past weeks, that
14 correspondence relating to disclosure
15 was requested from defence counsel"?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** "The writer indicated to
18 Campbell and Skurka that there was
19 correspondence on file at our office
20 from Ms. Hallett in that regard, and
21 was surprised that they did not have
22 it."

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** Okay. So you're telling
25 them that there's some correspondence, presumably between

1 your office and Ms. Hallett's office, and that you're
2 surprised that it wasn't turned over to the defence
3 counsel?

4 MR. HALL: On that date when they're asking
5 about it, yes, because I knew she already had it from the
6 5th or the 8th of February.

7 MR. ENGELMANN: All right. And they
8 requested to have a copy that day before court?

9 MR. HALL: Yes.

10 MR. ENGELMANN: All right. So you -- the
11 correspondence that you're telling them about, is that that
12 July 4th, 2000 letter from Hallett to Dupuis?

13 MR. HALL: Yes.

14 MR. ENGELMANN: All right.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. ENGELMANN: Sir, after the meeting, you
17 were to meet with Ms. Hallett?

18 MR. HALL: Yes.

19 MR. ENGELMANN: And you were to meet with
20 her at one o'clock?

21 MR. HALL: I requested 1:00. She initially
22 requested two o'clock.

23 MR. ENGELMANN: All right. And did you and
24 Mr. Smith go for lunch?

25 MR. HALL: Yes, the whole -- the whole team;

1 we all went to lunch together.

2 MR. ENGELMANN: All right. And then did you
3 attempt to meet with Ms. Hallett after that?

4 MR. HALL: Yes, we -- Inspector Smith and
5 myself attended the Best Western and she had a room
6 immediately across the hall from me, and I went and rapped
7 on the door. There was no answer. I thought that maybe
8 she was on the phone. I made a phone call.

9 Could I check my notes, please?

10 MR. ENGELMANN: Yes. I believe you have a
11 reference to this on the next Bates page?

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. HALL: "Writer advised Ms. Hallett
14 we would meet at 1:00 p.m."

15 MR. ENGELMANN: All right.

16 MR. HALL: "As court was done for the day,
17 and it was his anniversary, he did not
18 attend on being home, which was a two-
19 hour drive away, but wanted to surprise
20 his wife and take her out to dinner.
21 It has been -- he had been away from
22 home for the past four years on Project
23 Truth and other investigations.
24 Ms. Hallett agreed to meet at 1:00 p.m.
25 Smith, Dupuis, Seguin and the writer

1 went to lunch. After lunch, Smith and
2 the writer returned to the Best Western
3 Motel, knocked on Ms. Hallett's door
4 but received no answer. The writer's
5 room was directly across from Ms.
6 Hallett and a telephone call was made,
7 with no answer. The writer had some
8 calls to make, as a result of pages,
9 and to his wife.
10 Smith indicated he would go check out
11 and then go down to the bar to see Ron,
12 the bartender who was working, and to
13 meet him there. Approximately 15
14 minutes later, as the writer was
15 leaving his room, he met Ms. Hallett as
16 she approached her room. Ms. Hallett
17 was asked if she wanted to speak to Mr.
18 Smith. She said, 'yes'. The writer
19 said he would go and get Smith, as he
20 had gone to the bar.
21 The writer stated to Ms. Hallett that,
22 due to the time of the day, he was
23 going to go home to take his wife out
24 to dinner and would see her at court in
25 the morning. She seemed normal and

1 didn't voice any objection to this. We
2 had already met the previous afternoon
3 for two hours and she had all the
4 writer's notes, and Will-Say, and the
5 witness was not her [or] the writer was
6 not her witness.

7 The writer proceeded downstairs to the
8 bar where Smith was just ordering two
9 small draft beers. Smith was advised
10 that Ms. Hallett was in her room and
11 wanted to speak to him. The writer
12 paid for the two beers, which we did
13 not finish. Smith went to meet with
14 Ms. Hallett.

15 The writer proceeded to Long Sault
16 Detachment to obtain a copy of a
17 memorandum requested by defence
18 counsel."

19 **MR. ENGELMANN:** All right. Well, maybe I
20 can just stop you, sir. Do you recall if, when you went to
21 go to her room, that it might have been about twenty after
22 one? You don't ---

23 **MR. HALL:** No, I ---

24 **MR. ENGELMANN:** --- say the time here.

25 **MR. HALL:** Well, I would have thought it had

1 been closer to 1:00, because I'm in a hurry to get out of
2 there, so I want to meet with her as soon as I can so I can
3 get on the road.

4 **MR. ENGELMANN:** Okay, well, you're
5 getting -- you're not getting on the road to go to Perth,
6 you're getting on the road to go to Long Sault.

7 **MR. HALL:** Well, I had to go there to make
8 sure that the delivery was made that I'd promised defence
9 counsel.

10 **MR. ENGELMANN:** Okay.

11 **MR. HALL:** But that's -- that's really on
12 the route.

13 **MR. ENGELMANN:** All right. And, sir, you
14 did, in fact, speak to Ms. Hallett for a couple of minutes,
15 at least?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** And did you tell her what
18 took place at the meeting?

19 **MR. HALL:** No.

20 **MR. ENGELMANN:** Okay. Did you not think it
21 was important to do that?

22 **MR. HALL:** Not at that time. Inspector
23 Smith was going to meet with her, anyway, and he ---

24 **MR. ENGELMANN:** Yes, but you know that
25 Inspector Smith was only there for a small part of that

1 meeting, and at the part of the meeting that you were at,
2 you had talked about getting them some correspondence?

3 MR. HALL: Yes.

4 MR. ENGELMANN: All right. Did you at least
5 tell her that you were going to the Long Sault Detachment
6 to get some correspondence that you were then going to
7 deliver to the defence counsel?

8 MR. HALL: No.

9 MR. ENGELMANN: Did you not think it was
10 important to tell her that?

11 MR. HALL: Well, I wasn't going to push any
12 buttons.

13 MR. ENGELMANN: Well, sir, your ---

14 MR. HALL: Well, I mean, I -- I had reason
15 to believe that she may have some problems, and I didn't
16 want to get into an altercation with her, verbally, and I
17 think it bears out the fact in the -- in the next few days,
18 some of her comments and actions would maybe lead to that
19 conclusion. So I was just going to do what I was going to
20 do. I was surprised that she hadn't made the memo
21 available to them.

22 MR. ENGELMANN: So you were going to give
23 disclosure directly to defence counsel?

24 MR. HALL: Yes.

25 MR. ENGELMANN: And you weren't going to

1 tell the Crown that you were doing it?

2 MR. HALL: No.

3 MR. ENGELMANN: Okay. Now, you've already
4 told me that it's not usually the role -- in fact, it's not
5 the role of police officers to give disclosure; it's the
6 role of the Crown to do that?

7 MR. HALL: That's correct, but I also said
8 that in my entire career I never had a Crown attorney lie
9 to me in front of defence counsel, so we had an unusual
10 situation here.

11 MR. ENGELMANN: So you went to the Long
12 Sault Detachment to obtain a copy of the memo?

13 MR. HALL: Yes.

14 MR. ENGELMANN: That you were then going to
15 have delivered to defence counsel?

16 MR. HALL: Well, I couldn't find a copy,
17 that's the problem.

18 MR. ENGELMANN: Okay. And what did you do
19 when you couldn't find it?

20 MR. HALL: I called Detective Constable
21 Dupuis, I believe it is here. Let me check my notes,
22 please?

23 MR. ENGELMANN: Yes, we -- Officer Dupuis
24 has testified here.

25 MR. HALL: "At 2:00 p.m. the writer went

1 to Long Sault for -- from Perth."

2 I left for Perth, okay? Just back up a
3 little bit here.

4 "The writer proceeded to Long Sault
5 Detachment to obtain a copy of a
6 memorandum requested by defence
7 counsel. Upon checking the files,
8 assisted by secretary Marion Burns,
9 we could not find the memorandum.
10 The first thought was that possibly
11 Detective Constable Seguin still had
12 it after copying it on the 7th of
13 February '01."

14 **MR. ENGELMANN:** Would you go down to the
15 last paragraph, sir?

16 **MR. HALL:** Well, I -- I'm just carrying on
17 here ---

18 **MR. ENGELMANN:** Yes, I know, but ---

19 **MR. HALL:** "Writer paged him."

20 **MR. ENGELMANN:** --- you say, right there:
21 "2:30, writer left Long Sault for
22 Perth. En route received a phone
23 call from Dupuis stating he could
24 not find the memorandum."

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** "The writer instructed..."

2 And the writer is always you here?

3 **MR. HALL:** Yes. Yes, it is.

4 **MR. ENGELMANN:** "...instructed Dupuis to
5 attend the Best Western Motel and
6 obtain a copy from Ms. Hallett and
7 take same to defence counsel."

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** Okay:

10 "The writer telephoned Campbell to
11 advise we were having problems locating
12 the memorandum, but we'd get a copy to
13 him as soon as possible."

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** All right. So you actually
16 asked Joe Dupuis to go get the copy that you had sent to
17 Ms. Hallett earlier?

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** All right. And did you
20 instruct Officer Dupuis to advise Ms. Hallett as to why you
21 needed the memo?

22 **MR. HALL:** No, I did not.

23 **MR. ENGELMANN:** And, in fact, when Officer
24 Dupuis testified here, he said he had no discussions with
25 Hallett about what he needed the memo for, other than that

1 the OPP's copy could not be found?

2 MR. HALL: Apparently, she never asked why
3 he was getting it, either.

4 MR. ENGELMANN: He told us that she was not
5 advised that the purpose of obtaining the memo was to give
6 it to the defence.

7 MR. HALL: That -- that question again?

8 MR. ENGELMANN: He told us that she was not
9 advised that the purpose of obtaining the memo was to give
10 it to the defence.

11 MR. HALL: No, he didn't advise her, to my
12 knowledge.

13 MR. ENGELMANN: All right. And the stay
14 application then proceeded on the 21st before Justice
15 Chadwick?

16 MR. HALL: Correct.

17 MR. ENGELMANN: And you were called to
18 testify for the defence that day?

19 MR. HALL: Yes.

20 MR. ENGELMANN: And the July 4th letter you
21 had delivered to the defence counsel?

22 MR. HALL: Well, I didn't but Detective
23 Constable Dupuis advised me he had.

24 MR. ENGELMANN: But you had him deliver it?

25 MR. HALL: Yes.

1 MR. ENGELMANN: You asked him to do that?

2 MR. HALL: Yes.

3 MR. ENGELMANN: That was your decision?

4 MR. HALL: Yes.

5 MR. ENGELMANN: Okay.

6 MR. HALL: Entirely mine.

7 MR. ENGELMANN: Yes.

8 MR. HALL: Unfortunately, they had to get
9 involved in it. It was my -- my decision.

10 MR. ENGELMANN: All right.

11 MR. HALL: I was going to be clearly asked
12 under oath the next day, so ---

13 MR. ENGELMANN: Right. I'll just be a
14 moment.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. ENGELMANN: And, sir, were you aware of
17 the fact that Ms. Hallett spoke to the Court at the
18 beginning of the stay application on February 14th, 2001?

19 MR. HALL: I wasn't aware until I was giving
20 my -- being cross-examined by her.

21 MR. ENGELMANN: All right. And that would
22 have been on the 21st then?

23 MR. HALL: I believe so. If you have the
24 transcript, I could tell you.

25 MR. ENGELMANN: I can help you with that.

1 **MR. HALL:** Could I see the transcript,
2 please?

3 **MR. ENGELMANN:** Just give me a moment. I'm
4 just looking for the document number, sir.

5 Document Number 116151, it's in the cross
6 documents. Sorry, this is not before you. It wasn't in my
7 materials.

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

9 **MR. ENGELMANN:** Two-six-four-eight (2648)?

10 **THE REGISTRAR:** Yes.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MR. ENGELMANN:** I'll just be a minute, sir.
13 I'm trying to find where this is in the document. You've
14 asked to go to it and I wasn't going here.

15 This is the transcript of February 27th,
16 2001. Is that what you have?

17 **MR. HALL:** Yes. It would be under cross-
18 examination.

19 **MR. ENGELMANN:** Yeah. Just looking for it,
20 sir.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. ENGELMANN:** It's split up, sir,
23 apparently, cross-examination, re-examination.

24 Let's take a look at -- you've got some
25 cross-examination at Bates page 050. You know what, it's

1 probably in the first set of cross-examination. That's on
2 page 995.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. ENGELMANN: Mr. Hall, I'm not going to
5 be able to find this quickly.

6 You're saying that you became aware ---

7 MR. HALL: Well, I think part of her
8 presentation was going to be -- she was going to produce a
9 number of briefs and notebooks she had me bring to indicate
10 the workload she had, okay.

11 On the 21st of February before it started,
12 the trial started, I had called her in the morning and
13 reminded her to ask for a publication ban because there was
14 some documents that, for instance, our court brief, log
15 book ---

16 MR. ENGELMANN: All right.

17 MR. HALL: --- was going to be entered in.
18 So there was information on that that I believed should be
19 a publication ban, names and reviews we didn't have.

20 MR. ENGELMANN: Let's just stick with the
21 question, and I've gone on a digression now because you
22 asked me to.

23 And I was asking you about when it was you
24 became aware of what she would have told the court about
25 her review of the Dunlop materials, and Ms. Robitaille has

1 been kind enough to point out to me it's the second set of
2 your cross-examination.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** So it starts at Bates page
5 050. It's page 121 of the transcript. And she's talking
6 about some of the material wouldn't have been divided into
7 -- and she sets out some of the names; that's correct.

8 **MR. HALL:** I think it's the top of 050.

9 **MR. ENGELMANN:** Right. If we flip the page
10 ---

11 **MR. HALL:** It says: "Now..."

12 **MR. ENGELMANN:** "Now you were present in
13 court on February the 14th, that's last
14 week. I'll have to check my notebook.
15 At that time, I was making the court
16 aware, that is, Justice McKinnon
17 aware..."

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** "...of the history in
20 relation to the non-disclosure in this
21 matter."

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** And you say you were in
24 Kingston?

25 **MR. HALL:** Yes, I was in Kingston, meeting

1 with another Crown Attorney.

2 MR. ENGELMANN: Okay.

3 MR. HALL: Then she went on to say, "Were
4 you present at that time?" And I was hand -- making
5 available to the court the notes of Constable Dunlop and
6 the Will-Say statement of Constable Dunlop. So it was on
7 this day; I wasn't there.

8 MR. ENGELMANN: All right.

9 MR. HALL: "You weren't there?" I says,
10 "No, I wasn't there."

11 "So you were aware of the fact that I
12 advised the court at that time when I
13 was making these volumes available that
14 I said this to the court?"

15 So as I say:

16 "MS. HALLETT: I am quoting, Your
17 Honour, from Exhibit Number 10 on these
18 proceedings. So as I say, on the 14th
19 of March of the year 2000, Constable
20 Dunlop's notes were made available to
21 Detective Inspector Pat Hall and
22 received by me sometime thereafter.
23 And some time after the 10th of April of
24 the year 2000, I received the statement
25 of Constable Perry Dunlop dated April

1 7th, 2000."

2 MR. ENGELMANN: Sir, can I just stop you for
3 a second. The Clerk has asked me to just interrupt for a
4 moment if I may.

5 MR. HALL: I think the point I made ---

6 MR. ENGELMANN: Sir, I just need to
7 interrupt you so we can put it up on the screen for
8 counsel.

9 MR. HALL: Okay.

10 MR. ENGELMANN: They can't follow. It's --
11 I understand it's 2648 and the Bates page should be -- the
12 Bates page that Mr. Hall's been reading from is 7050 and
13 7051.

14 THE COMMISSIONER: The whole numbers please?

15 MR. ENGELMANN: One-zero-seven-seven-zero-
16 five-zero (1077050).

17 All right. And -- no, it's not an exact
18 match. All right, next page, please?

19 So this is where you started reading, sir;
20 correct?

21 MR. HALL: Yes.

22 MR. ENGELMANN: It's page 122 of the
23 transcript at the top.

24 MR. HALL: Yes.

25 MR. ENGELMANN: All right. And you were

1 reading from -- I'm sorry to interrupt. Was it near the
2 bottom of the page, sir?

3 MR. HALL: Yes, she's charting her course,
4 pulling together his notes, some of the notes have longer
5 explanations than others.

6 And I further advised the court:

7 "I came into possession of both of
8 these documents last spring and from my
9 knowledge at that time with the case
10 against Mr. Leduc and the case against
11 Father MacDonald. It was my opinion
12 having reviewed these documents, it was
13 my view that these items should
14 certainly be disclosed to defence
15 counsel for Charles MacDonald because
16 of the very close connection between
17 Constable Dunlop and the witnesses and
18 victims in the case.

19 MS. HALLETT: You were present when I
20 told them that to the court?

21 "No, I was not."

22 This is the second time I told her I wasn't
23 there.

24 "Were you present when I told the court
25 that I took responsibility for having

1 these documents in my possession and
2 not providing disclosure to the defence
3 as of last spring?"

4 "When did you say that?"

5 "On February the 14th."

6 "I wasn't here on February the 14th."

7 "Okay, thank you."

8 **MR. ENGELMANN:** All right.

9 So that was a different judge on February
10 the 14th; correct?

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** It wasn't Justice Chadwick,
13 it was Justice McKinnon?

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** All right. And you weren't
16 there ---

17 **MR. HALL:** No.

18 **MR. ENGELMANN:** --- but she's describing
19 what -- at least summarizing what she would have told the
20 court back on February 14th when the stay motion started?

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** And you weren't apprised of
23 that by one of the other officers, sir?

24 **MR. HALL:** No. No, I wasn't aware of that.

25 **MR. ENGELMANN:** All right.

1 And you'd agree with me that much of what
2 she said is similar to what's contained in the July 4th,
3 2000 note from her to Joe Dupuis?

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** Fair enough?

6 **MR. HALL:** Fair enough.

7 **MR. ENGELMANN:** And if you had told her
8 about that note and your desire to give it to the defence
9 counsel, perhaps that issue would have been discussed?

10 **MR. HALL:** Well, she's acknowledging to the
11 court that she's had the material; correct?

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

13 **MR. ENGELMANN:** Yeah.

14 **MR. HALL:** That's what she's doing. Well,
15 you know, why couldn't she have done that on February the
16 7th with defence counsel? I mean, that's when they were
17 clearly blaming the police. I mean, she had an opportunity
18 to say, "Mr. Skurka, I had this stuff. You know, let's
19 discuss it", you know.

20 I mean she could have said that on February
21 the 7th in front of defence counsel when this issue first
22 arose. Do you agree?

23 **MR. ENGELMANN:** Well, we'll certainly asking
24 Ms. Hallett what could she have said or didn't say, but
25 she's telling the court ---

1 **MR. HALL:** Well, I think if she had of, it
2 would have eliminated a lot of problems.

3 **MR. ENGELMANN:** Well, sir, if you had told
4 her what you were going to do.

5 **MR. HALL:** But I hadn't done it 'til way on.

6 **MR. ENGELMANN:** I'm sorry?

7 **MR. HALL:** I hadn't done nothing.

8 **MR. ENGELMANN:** Well, you know, you met with
9 ---

10 **MR. HALL:** The issue of Constable Dunlop
11 became known on the 7th of February.

12 **MR. ENGELMANN:** Correct.

13 **MR. HALL:** Okay? And we met.

14 **MR. ENGELMANN:** Right.

15 **MR. HALL:** And I -- I have difficulty
16 understanding why she wouldn't have said to defence
17 counsel, "Well, I had the material. Maybe I missed it. I
18 don't know", you know.

19 **MR. ENGELMANN:** All right.

20 **MR. HALL:** After reading all the memos she
21 generated, I was led to believe, and anyone else reading
22 them, that she had done a real good review of it. Besides,
23 the fact that we had discussed it on the 17th of April, I
24 had apprised her of this new material and I think if you go
25 to my conversation with her on the 9th of January, at the

1 end of that conversation -- I don't have a note of it but
2 if you -- it revolved around -- she asked me to go through
3 the case, how this thing came about with Leduc, how was it
4 reported and what it was. And I went right through it, the
5 fact that -- well, I don't know what "C" it is.

6 **THE COMMISSIONER:** Sorry?

7 **MR. HALL:** The victim's mother. I don't
8 want to say ---

9 **MR. ENGELMANN:** C-16.

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

11 **MR. HALL:** Okay -- about the conversation.

12 And I think if you go to York Regional
13 Police's investigation when they interviewed Mrs. Hallett,
14 she agreed we talked about Mr. Dunlop. She doesn't have
15 the recollection I do but she acknowledged we'd talked
16 about it.

17 Also, in the interview with York Regional
18 Police on February the 19th, she said she had no problem
19 disclosing the memo if I had asked her. Well, by the --
20 she's just one day ahead because I had no idea I was going
21 to do it until the meeting of February the 20th.

22 **MR. ENGELMANN:** Did you seek any advice from
23 any of your superiors or colleagues as to whether or not
24 you should give that document over to the defence?

25 **MR. HALL:** No.

1 **MR. ENGELMANN:** Now ---

2 **THE COMMISSIONER:** So as far as you're
3 concerned, you gave it over to the defence because you felt
4 that Ms. Hallett had lied to you?

5 **MR. HALL:** No, I gave it over to the defence
6 because I was clearly going to be asked the following
7 morning under oath was there any correspondence. I mean,
8 that's why I'm addressing -- when I already said there was
9 I can't take it back the next morning under oath. So I'm
10 between a rock and a hard place here.

11 **MR. CARROLL:** If I may, I think in fairness
12 to the witness, my friend might consider putting a passage
13 from the York Regional report to the witness, let him read
14 it, and then perhaps he can comment.

15 It's Bates page 579 and it relates directly
16 to what conversation he had with Ms. Hallett after the
17 meeting.

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

19 **THE COMMISSIONER:** So the top paragraph
20 reads as follows:

21 "After the meeting, all three returned
22 to where Ms. Hallett was gathering up
23 her material. She was advised by the
24 writer in the presence of Smith..."

25 I thought Smith had left?

1 **MR. HALL:** No, that's my -- you need the
2 York Regional ---

3 **THE COMMISSIONER:** Oh, sorry. This isn't
4 it? Yes, this is it.

5 **MR. HALL:** The interview of Ms. Hallett, is
6 that what you're referring to?

7 **THE COMMISSIONER:** No, no, no. I think
8 you're referring to -- this is you writing that you advised
9 -- she was advised by the writer, which is you, in the
10 presence of Smith that:

11 "...the defence was inquiring about the
12 Dunlop disclosure and was going to
13 direct questions specifically about
14 when it was received, when it was
15 disclosed, and any correspondence
16 relating to it. She was also advised
17 that Mr. Skurka indicated they may not
18 need to call Mr. Smith. If they did,
19 it would not be until February 22nd and
20 they would advise the writer if he was
21 required."

22 That's what your counsel wanted you to read.

23 **MR. ENGELMANN:** Is that how you recall it
24 happening, sir?

25 **MR. HALL:** Yes, yes.

1 **MR. ENGELMANN:** So you're saying that
2 Detective Inspector Smith came back with you and he would
3 have been present when you said all that?

4 **MR. HALL:** I don't know if he was actually
5 present nearby or not.

6 **THE COMMISSIONER:** Well, you wrote "the
7 writer" ---

8 **MR. ENGELMANN:** That's what the paragraph
9 says.

10 **MR. HALL:** Yeah. I don't have a
11 recollection today. I did this six, seven years ago.

12 **MR. ENGELMANN:** Well, if you told her all of
13 that, why wouldn't you then have told her the next thing
14 which was that you wanted this particular document
15 disclosed? I mean, you go to all the trouble to explain
16 what's happening about it and you don't tell her you're
17 going to disclose this memo?

18 **MR. HALL:** No, I don't tell her.

19 **THE COMMISSIONER:** I'm sorry?

20 **MR. HALL:** No, I didn't tell her.

21 **MR. ENGELMANN:** Sir, aside from the one
22 meeting with defence counsel, do you actually have another
23 meeting with defence counsel in the middle of the Leduc
24 stay application?

25 **MR. HALL:** I think I had a conversation in

1 the hallway in regards to Mr. Dunlop attending because he
2 was -- well, he wasn't subpoenaed -- he was in agreement
3 initially that he was going to attend court, and I had
4 received a call from Dick Nadeau who told me that he had
5 been talking to Constable Dunlop and that Constable Dunlop
6 had no intentions of returning because he hadn't been
7 served properly. That's the only other conversation I
8 would have had.

9 **MR. ENGELMANN:** Okay.

10 Well, let's just look at your transcript
11 from the 22nd of February; 2648.

12 **THE COMMISSIONER:** Could I have a copy of
13 that, Madam Clerk?

14 **MR. HALL:** Page number?

15 **MR. ENGELMANN:** It's page 116 of the
16 transcript. It's 1077047.

17 **THE COMMISSIONER:** I'm sorry, 120, 130 --
18 what page?

19 **MR. ENGELMANN:** One-zero-seven-seven-zero-
20 four-seven (1077047).

21 **THE COMMISSIONER:** Okay, 115 of the
22 transcript. Okay, right.

23 **MR. ENGELMANN:** Sir, it appears you have
24 been testifying in the morning and examined and cross-
25 examined?

1 MR. HALL: Yes.

2 MR. ENGELMANN: And then there's a lunch
3 break?

4 MR. HALL: Yes.

5 MR. ENGELMANN: And it says at 12:50:

6 "Continuation of examination in-chief.
7 Inspector Hall: Mr. Skurka and I over
8 the lunch break just passed asked if we
9 could meet with you'."

10 Is that correct?

11 MR. HALL: If that's what's there, it's
12 correct.

13 MR. ENGELMANN: That's correct?

14 MR. HALL: Yes.

15 MR. ENGELMANN: "And you met with Mr. Skurka
16 and me with Detective Seguin. Is that
17 right?"

18 "That's correct."

19 MR. ENGELMANN: "And at that time did we
20 put to you explicit questions and
21 specific questions about Exhibit 22,
22 the letter of July 4th, 2000?"

23 MR. HALL: Yes.

24 MR. ENGELMANN: Yes, you did?

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** All right.

2 So the second meeting you had with defence
3 counsel wasn't about Mr. Dunlop, it was about the July 4th,
4 2000 memo?

5 **MR. HALL:** I didn't say -- I didn't say I
6 had a meeting. I said I had a conversation with him about
7 Dunlop.

8 When you asked me about a meeting, I said I
9 recall the conversation.

10 **MR. ENGELMANN:** All right.

11 **MR. HALL:** But I don't recall this meeting
12 until I read it here.

13 **MR. ENGELMANN:** All right.

14 So you have the first meeting with defence
15 counsel ---

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** --- where you say that, in
18 answer to a question from Mr. Smith, Ms. Hallett says, "All
19 right, the three of you can go." And now we have this
20 other meeting with defence counsel that happens in the
21 middle of your evidence.

22 **MR. HALL:** Yes. There was a reason for it
23 apparently.

24 **MR. ENGELMANN:** I'm sorry?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And it's specifically about
2 this particular note, the July 4th, 2000 note.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** Did you ask Ms. Hallett
5 about whether you should meet with defence counsel a second
6 time?

7 **MR. HALL:** I don't recall -- I don't recall
8 if I did.

9 **MR. ENGELMANN:** Okay. And now you recall
10 actually doing that; correct?

11 **MR. HALL:** Well, that was my evidence at the
12 time and I recall him asking questions about the document.
13 I was his witness. He was calling me.

14 **MR. ENGELMANN:** Well, you know you don't
15 have to meet with him, don't you?

16 **MR. HALL:** Pardon?

17 **MR. ENGELMANN:** You know you don't have to
18 meet with him?

19 **MR. HALL:** No, I don't have to.

20 **MR. ENGELMANN:** Did you know that? I'm
21 sorry?

22 **MR. HALL:** No, I don't have to.

23 **MR. ENGELMANN:** But yet you met with him and
24 you went over specific questions ---

25 **MR. HALL:** There's nothing says I can't meet

1 with him either.

2 MR. ENGELMANN: That's true.

3 MR. HALL: I met with him; it's obvious.

4 MR. ENGELMANN: Did you think that was
5 appropriate, sir, at the time?

6 MR. HALL: Well, when I took all of the
7 events into consideration, that's a decision I made and I
8 stick with it today.

9 MS. ROBITAILLE: Mr. Commissioner, I'm going
10 to renew my objection. There is again this underlying
11 premise that it's inappropriate to meet with defence
12 counsel, and I find that premise offensive, and I don't
13 think that it should be allowed to be stated in the hearing
14 room.

15 THE COMMISSIONER: First of all, I find it
16 offensive that you use the word "offensive". So he said --
17 the question was "is" and we ruled before that it wasn't
18 packed with all of the offensiveness that you say. He says
19 -- I believe he said "is." He started off with "is." "Is
20 that appropriate?" That's all he asked. He didn't say,
21 "And isn't it inappropriate for you to do that?"

22 MS. ROBITAILLE: Mr. Commissioner, in my
23 respectful submission, to ask the question, "Is it
24 appropriate?" leaves open that it's possible that it's not,
25 and we know -- we can't do this in a vacuum. We know as

1 experienced counsel that it is not inappropriate to meet
2 with defence counsel when they're calling you as a witness
3 on an application.

4 **THE COMMISSIONER:** Well ---

5 **MS. ROBITAILLE:** That's my submission,
6 Mr. Commissioner.

7 **THE COMMISSIONER:** Well, that's fine, but in
8 this circumstance he's off the stand, he's just finished
9 testifying ---

10 **MS. ROBITAILLE:** No, I believe he's in the
11 middle of his in-chief.

12 **MR. HALL:** No, I'm in the middle ---

13 **THE COMMISSIONER:** He's in the middle of in-
14 chief. Well, that's even -- so is it usual for someone to
15 speak to his witness when he's in the middle of the in-
16 chief?

17 **MR. CARROLL:** If I may, the Rules of the Law
18 Society, as I understand it, is that a person, aside from
19 here, but in a normal criminal case -- no, I didn't mean to
20 be inappropriate. I'm saying the Rules, I think, are
21 different here. But the rule is ---

22 **THE COMMISSIONER:** No, no, I don't want to
23 hear from you on that. You can do that later. I'm just
24 saying that this is the circumstances which would ---

25 **MR. CARROLL:** You just asked a question --

1 with respect, sir, you asked a question, "Is it
2 appropriate?"

3 **THE COMMISSIONER:** Rhetoric. Rhetoric.

4 **MR. CARROLL:** Oh, it didn't come across that
5 way.

6 **THE COMMISSIONER:** Rhetorical. Okay.

7 **MR. CARROLL:** Because the Rule says it's not
8 inappropriate to meet with your own witness, as long as you
9 talk about things going forward.

10 **THE COMMISSIONER:** Are you going to start
11 giving evidence, Mr. Carroll?

12 **MR. CARROLL:** No ---

13 **THE COMMISSIONER:** No, I don't want ---

14 **MR. CARROLL:** That's just a Rule of the Law
15 Society.

16 **THE COMMISSIONER:** Fine. Have a seat.

17 Sir, could you ---

18 **MR. ENGELMANN:** I wasn't asking about the
19 conduct of defence counsel. I'm asking about his conduct
20 and whether he thought it was appropriate or prudent;
21 that's all.

22 **THE COMMISSIONER:** Go ahead.

23 Sir, did you answer the question? Did you
24 find ---

25 **MR. HALL:** I forgot what the question was

1 now.

2 (LAUGHTER/RIRES)

3 THE COMMISSIONER: Well, you know, after all
4 of the commotion.

5 Sir, how did you feel, you know, at the
6 break he wants to talk you? Did you feel -- did you say,
7 "Oh well, I don't know if this is ---"

8 MR. HALL: No, no. I had no difficulty. I
9 mean he's asking me about something I just had provided to
10 him the night before.

11 THE COMMISSIONER: M'hm.

12 MR. HALL: So he wants a little more
13 information on it. I'm giving it to him.

14 THE COMMISSIONER: Okay.

15 MR. HALL: No problem.

16 THE COMMISSIONER: M'hm.

17 MR. ENGELMANN: Do you recall why you
18 testified a second time? Because you had testified first
19 thing in the morning in-chief and then cross-examination,
20 and then you're coming back and testifying after lunch.

21 MR. HALL: There was an issue, but I'd have
22 to read to find out what it is today.

23 MR. ENGELMANN: You don't remember?

24 MR. HALL: Not off the top of my head I
25 don't, no.

1 **MR. ENGELMANN:** It would be in the
2 transcript, presumably.

3 **MR. HALL:** Yes, it is.

4 **MR. ENGELMANN:** All right.

5 **MR. HALL:** I think -- actually I do have a
6 recollection. I think it was to do with my -- my very
7 first comments about the -- Mr. Dunlop not coming. They
8 wanted to put that on the record. Mr. Nadeau had received
9 a phone call; he was talking to Constable Dunlop. They
10 weren't going to come because the Court was under the
11 impression that he was ---

12 **THE COMMISSIONER:** No, that's not what it's
13 about.

14 **MR. ENGELMANN:** I'll just be a moment, sir.
15 So perhaps we could look at Document 101856.

16 **THE COMMISSIONER:** Did you have any
17 conversation with Mr. Smith about whether or not you should
18 get that document and give it to the defence?

19 **MR. HALL:** No, because Mr. Smith was meeting
20 with Ms. Hallett.

21 **THE COMMISSIONER:** No, but at any time
22 during that time?

23 **MR. HALL:** No, he wasn't around. He was ---

24 **THE COMMISSIONER:** Did you have any
25 discussion with him?

1 **MR. HALL:** No.

2 **THE COMMISSIONER:** Did you have any
3 discussion with any of your supervisors about this?

4 **MR. HALL:** The only discussion I had was
5 with Detective Constable Seguin when I told him to deliver
6 the memo to Ms. Hallett. No, I had none. I didn't want to
7 involve my officers in any of this.

8 **THE COMMISSIONER:** So really the bottom line
9 is you did not feel it correct that Ms. Hallett, in a
10 discussion with the defence counsel, said something to --
11 "This is the first I hear of this."

12 **MR. HALL:** "It's all news to me."

13 **THE COMMISSIONER:** "All news to me." And
14 that didn't sit well with you?

15 **MR. HALL:** Not when Mr. Skurka starts
16 sticking his finger in my face and going at me, no.

17 **THE COMMISSIONER:** Okay. And the reason why
18 you wanted to give this to the defence was to make sure
19 that the OPP and you and your -- were not to blame for the
20 disclosure, and that the disclosure blame should go to
21 Ms. Hallett?

22 **MR. HALL:** A couple of weeks later. I mean
23 I -- at that time I didn't want to make a -- I never knew I
24 was going to disclose it ---

25 **MR. KOZLOFF:** Excuse me, sir.

1 MR. HALL: --- until the meeting of the 20th.

2 THE COMMISSIONER: Yes?

3 MR. KOZLOFF: With great respect, sir ---

4 THE COMMISSIONER: Yes?

5 MR. KOZLOFF: --- the defence is alleging
6 deliberate nondisclosure by the police ---

7 THE COMMISSIONER: Yes.

8 MR. KOZLOFF: --- to the Crown.

9 THE COMMISSIONER: M'hm.

10 MR. KOZLOFF: Not to the defence.

11 THE COMMISSIONER: M'hm.

12 MR. KOZLOFF: To the Crown. The suggestion
13 being made by the defence ---

14 THE COMMISSIONER: Yes.

15 MR. KOZLOFF: --- on the 8th of February or
16 the 7th of February, whatever the first day was, is an
17 allegation that Inspector Hall and his officers had
18 deliberately failed to make disclosure of any evidence
19 relating to Perry Dunlop to the Crown.

20 THE COMMISSIONER: M'hm.

21 MR. KOZLOFF: That is made in the presence
22 of Inspector Hall by the defence. Inspector Hall is being
23 -- that's the allegation, and Ms. Hallett says whatever she
24 says.

25 THE COMMISSIONER: M'hm, in a meeting.

1 **MR. KOZLOFF:** And the clear -- the clear
2 implication of what she says at that point is that this is
3 news to her.

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

5 **MR. KOZLOFF:** So it seems to be -- it seems
6 to be an agreement that the police have failed to make
7 disclosure of any contact between Mr. Dunlop and C-16 or
8 his family.

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

10 **MR. KOZLOFF:** Okay?

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

12 **MR. KOZLOFF:** That's the allegation.

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

14 **MR. KOZLOFF:** And her initial response,
15 which -- however it's characterized, is inaccurate.

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

17 **MR. KOZLOFF:** Because Detective Inspector
18 Hall knows that Ms. Hallett had the Dunlop materials for a
19 year.

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

21 **MR. KOZLOFF:** And that she had reviewed
22 them.

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

24 **MR. KOZLOFF:** So then the defence is
25 bringing an ---

1 **THE COMMISSIONER:** Just a minute. What are
2 you doing? Is there an objection?

3 **MR. KOZLOFF:** No, no.

4 **THE COMMISSIONER:** Or are you giving me a --
5 -

6 **MR. KOZLOFF:** No, because your question,
7 sir ---

8 **THE COMMISSIONER:** Yes.

9 **MR. KOZLOFF:** --- implies there's only one
10 purpose and that's to get Ms. Hallett back ---

11 **THE COMMISSIONER:** Oh, no ---

12 **MR. KOZLOFF:** --- and that's not -- that's
13 not fair.

14 **THE COMMISSIONER:** No, that's -- that's not
15 at all -- at all -- what I was going at, and what I said.
16 Not at all.

17 **MR. KOZLOFF:** With great respect, sir,
18 there's a distinction between deliberate non-disclosure by
19 the police to the Crown ---

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

21 **MR. KOZLOFF:** --- and inadvertent
22 disclosure, by either Constable Dupuis, in his Will-Say, or
23 by Ms. Hallett, in failing to make the disclosure to the
24 defence, of the Dunlop Will-Say.

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

1 **MR. KOZLOFF:** There's a major distinction in
2 law between deliberate and inadvertent.

3 **THE COMMISSIONER:** Absolutely.

4 **MR. KOZLOFF:** But ---

5 **THE COMMISSIONER:** And your point is?

6 **MR. KOZLOFF:** My point is that this officer
7 was being accused by experienced defence counsel of
8 deliberate non-disclosure, and rather than embarrass Ms.
9 Hallett -- his explanation is, rather than embarrass her,
10 he keeps mum while she says, "This is the first I hear of
11 it. This is all news to me."

12 **THE COMMISSIONER:** "All news to me," yes.

13 **MR. KOZLOFF:** So, with great respect, when
14 you put that question, and frame it in the way you do ---

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

16 **MR. KOZLOFF:** --- it suggests that there's
17 only one explanation for giving this memo to the defence,
18 when ---

19 **THE COMMISSIONER:** Which is?

20 **MR. KOZLOFF:** Well, your suggestion is that
21 the only explanation is -- was, to get Ms. Hallett back,
22 and get the police off for failing to disclose, when
23 it -- when, in fact -- when, in fact, it's addressing the
24 deliberate nature of the non-disclosure.

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

1 **MR. ENGELMANN:** Not the non-disclosure
2 itself; the deliberate nature. There was nothing
3 deliberate; that's my point.

4 **THE COMMISSIONER:** Okay, thank you. Mr.
5 Kloeze?

6 **MR. KLOEZE:** I will take one exception with
7 the objection Mr. Kozloff has raised, and that is I think
8 he said that when Ms. Hallett said, "This is news to me,"
9 that the clear implication of that is that she was accusing
10 the police of not providing her with the materials, and I
11 don't think that's clear at all.

12 **THE COMMISSIONER:** M'hm. Mr. Engelmann?
13 Sir, I'm going to ask you again, though,
14 what was your purpose in giving it to the defence counsel?

15 **MR. HALL:** My purpose of giving it to the
16 defence counsel, because they had asked -- first of all,
17 when I go in there, they're asking about this stuff ---

18 **THE COMMISSIONER:** M-hm.

19 **MR. HALL:** --- correspondence. I says,
20 "Yes, there is." So I've given them knowledge.

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

22 **MR. HALL:** And they're clearly going to ask
23 me under oath the next day.

24 **THE COMMISSIONER:** Right.

25 **MR. HALL:** So that's -- my decision is made.

1 **THE COMMISSIONER:** Okay. But you went -- is
2 it usual for you to disclose material to the defence
3 without vetting it through a Crown?

4 **MR. HALL:** In normal circumstances, no, I
5 never make disclosure to ---

6 **THE COMMISSIONER:** Have you ever made
7 disclosure, as you've done here, in your vast experience as
8 a police officer?

9 **MR. HALL:** No.

10 **THE COMMISSIONER:** All right. So you were
11 not happy with the fact that Ms. Hallett was not accepting
12 responsibility in front of these police -- in front of the
13 defence counsel for the disclosure issue?

14 **MR. HALL:** Well, I was not -- I was not
15 happy with the defence counsel accusing me of making
16 non-disclosure.

17 **THE COMMISSIONER:** Right.

18 **MR. HALL:** But, as I said earlier, she could
19 have said the very same thing on the 7th of February that
20 she said on the 14th of February, in court.

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

22 **MR. HALL:** And that would have ended a lot
23 of it, right there ---

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

25 **MR. HALL:** --- but she didn't.

1 **THE COMMISSIONER:** Okay, but the only issue,
2 really, is -- at this point is, if there was -- if we had
3 this situation again, right, what protocol should we
4 follow?

5 Should you have gone to a superior so the
6 superior can talk to a Crown superior? Or would you do it
7 all over again? Or is there a different way that this
8 could have been done?

9 **MR. HALL:** Well, up -- up until the meeting
10 with defence counsel, I didn't know whether she disclosed
11 it or not. Even with all the memos that we received, you
12 take -- the February the 12th one clearly asked for that by
13 defence.

14 There's a -- there's a -- the memos of
15 the 15th and 16th of February, asking for material.

16 **THE COMMISSIONER:** Okay.

17 **MR. HALL:** I didn't know whether she -- she
18 had disclosed it or not.

19 **THE COMMISSIONER:** Right.

20 **MR. HALL:** And she didn't -- she didn't ask
21 me, "Why did you give me this?" And I didn't ask her,
22 "What did you do with it?"

23 So I was faced, on the 20th of February, when
24 they clearly asked me -- up until that point, I had no idea
25 I was going to give it anybody, but I already said "Yes,

1 there is." Well, defence counsel is going to jump right on
2 it. They did.

3 **THE COMMISSIONER:** But don't you think, in
4 the normal course, that you could ---

5 **MR. HALL:** Oh ---

6 **THE COMMISSIONER:** --- have gone over to
7 Hallett and said, "Look it, they've asked me this question.
8 Here's the memo. I want to give it to them."

9 **MR. HALL:** Yes, in hindsight I could have,
10 but, the situation of that day, I didn't do it, so I
11 mean -- we can argue about why I didn't do it. I didn't do
12 it ---

13 **THE COMMISSIONER:** I just want to know why.

14 **MR. HALL:** --- and that's it.

15 **THE COMMISSIONER:** I just want to know why.

16 **MR. HALL:** Well, I didn't do it.

17 **THE COMMISSIONER:** And it wasn't -- it
18 wasn't so that you could respond and clear the OPP of any
19 wrongdoing? You didn't ---

20 **MR. HALL:** No.

21 **THE COMMISSIONER:** No?

22 **MR. HALL:** No. I wasn't worried about the
23 OPP; I was worried about me.

24 **THE COMMISSIONER:** Well, you were a member
25 of the -- okay, so ---

1 **MR. HALL:** Yes.

2 **THE COMMISSIONER:** --- did you do that in
3 order to clear your name, to show that you were not
4 intentionally or inadvertently doing anything wrong?

5 **MR. HALL:** I wanted to make it clear to the
6 defence that the police didn't fail to disclose.

7 **THE COMMISSIONER:** Okay.

8 **MR. ENGELMANN:** All right. So we were
9 looking at Document 101856.

10 **THE COMMISSIONER:** Thank you.

11 **MR. ENGELMANN:** This is a letter from
12 Ms. Hallett to a number of senior Crown prosecutors, I
13 believe.

14 **THE COMMISSIONER:** Exhibit 2826, and the
15 date of it is March 22nd, 2001.

16 **---EXHIBIT NO./PIÈCE NO P-2826:**

17 (101856) - Memorandum from Shelley Hallett
18 to John Pearson, John McMahon, Lidia
19 Narozniak, Louise Dupont re: Jacques Leduc
20 Stay of Proceedings based on Finding of
21 Wilful Non-disclosure dated 22 Mar 01

22 **MR. ENGELMANN:** Sir, in the letter, she's
23 dealing with some of the request for disclosure that had
24 been made by defence, and she's referring to an item in a
25 letter that they write of February 15th, at the bottom of

1 the page:

2 "Any correspondence, notes, memos,
3 letters or other records reporting to
4 Crown about issues related to Perry
5 Dunlop, et cetera?"

6 And she talks about some of the efforts that
7 were made in:

8 "...collecting, copying, recording,
9 supervising, preparation, of materials
10 for disclosure."

11 She said she:

12 "...spent the afternoon of February
13 16th in the Project Truth office,
14 culling out and copying materials,
15 preparing correspondence, et cetera?"

16 You were out of town. When you came back
17 with the Project Truth secretary:

18 "Detective Seguin -- asked Seguin to
19 take the package, what had been
20 prepared thus far, to defence
21 counsel. The requests contained in
22 the February 14th letter were met.
23 There were outstanding items from the
24 February 15th letter that still needed
25 to be collected."

1 Do you see that?

2 **MR. HALL:** Yes.

3 **MR. ENGELMANN:** And she goes on to say:

4 "I left a copy of the defence letter
5 dated February 15th in the office
6 for Detective Inspector Hall, with
7 the items crossed out that had been
8 collected and disclosed. I attached
9 to it a memo requesting of Hall that
10 the outstanding items be collected
11 for the purpose of following through
12 on the disclosure request."

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** "It was my expectation
15 that Hall would supervise the
16 collection of the remainder of the
17 requested information by the Project
18 Truth secretary, prepare a package
19 that I would review for disclosure
20 early the following week. I would
21 not be able to do this as I was
22 scheduled to be in court and I did
23 not have in my possession all of the
24 correspondence or notes being
25 requested. Had Hall followed

1 through on my request, there would
2 have been this additional opportunity
3 for him to include in a disclosure
4 package, my July 4th, 2000 letter
5 that he supposedly thought should be
6 provided to the defence, and to have
7 discussed that with me."

8 Do you see that?

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** Do you agree, sir, that if
11 you thought this memo should be disclosed, you could have
12 raised it with her before?

13 **MR. HALL:** If I thought it should be
14 disclosed?

15 **MR. ENGELMANN:** Yes.

16 **MR. HALL:** I could have raised it with her,
17 but I -- as I said before, based on the information I had
18 from my supervisor, she was having some emotional problems
19 and I wasn't going to breach (sic) that with her.

20 **MR. ENGELMANN:** Sir, what does -- what does
21 that have to do with -- you're looking -- you're supposed
22 to be looking at a package of materials ---

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** --- that she has done a
25 first cut on, presumably.

1 **MR. HALL:** I disagree with her, that I
2 didn't supervise the investigation in providing a
3 documentation. I think I have lengthy memo dated the 15th
4 of February ---

5 **MR. ENGELMANN:** Why didn't you suggest at
6 that time, if you thought the July 4th memo should be
7 disclosed, why didn't you say, "Let's add this one in,
8 Shelley?"

9 **MR. HALL:** I didn't think at that time it
10 needed to be disclosed. It was up to her as to what should
11 be disclosed or not; it's not up to me to direct a Crown to
12 disclose it.

13 **MR. ENGELMANN:** But -- but she's asked you
14 to look at her package and, presumably, if there's ---

15 **MR. HALL:** Yes, but ---

16 **MR. ENGELMANN:** --- more material, she wants
17 you to give it to her so she can disclose it.

18 **MR. HALL:** Well, at this time she's already
19 got it. She's got the memo on the 8th of February.

20 **MR. ENGELMANN:** But, sir, isn't she -- isn't
21 she giving you a letter with attachments showing you what
22 she's disclosing? Isn't it apparent to you that the July
23 4th, 2000, letter is not there?

24 **MR. HALL:** No, it wasn't apparent to me.

25 **MR. ENGELMANN:** Okay.

1 **MR. HALL:** I wasn't -- I wasn't there
2 on -- on the 14th of February; I was dealing with homicide
3 trials in Kingston. She already had it, so I know you
4 weren't there on the 14th, but she's talking about
5 outstanding items from the February 15th letter that still
6 needed to be collected?

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** She's leaving you with that
9 responsibility?

10 **MR. HALL:** Well, I delegated it to some of
11 my officers. She had two officers available to her to do
12 whatever she requested, which they did.

13 **MR. ENGELMANN:** All right.

14 **MR. HALL:** I don't think it can be assumed
15 that I personally had to do everything.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. ENGELMANN:** I'll just be a moment, sir.
18 I'm just having trouble lining up Bates pages with
19 transcript.

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

21 **MR. ENGELMANN:** All right, so let's just go
22 back to your transcript again, and this is after lunch and
23 this is after you've had a second meeting with defence
24 counsel, and this meeting is specifically about some
25 questions and it's specifically about this letter of July

1 4th, 2000. All right?

2 MR. HALL: Yes.

3 MR. ENGELMANN: And it says ---

4 MR. HALL: Page number?

5 MR. ENGELMANN: Well, we could start at
6 Bates page 048, it's page 117 of the transcript.

7 MR. HALL: Yes.

8 MR. ENGELMANN: Okay, so you're being asked
9 a number of questions and you're talking about what happens
10 after the comments are made in court on the 7th of February,
11 and if we turn over the page to page 118, it says:

12 "You've indicated in your evidence
13 you regard disclosure as the Crown's
14 responsibility; the police
15 responsibility being to provide the
16 information for disclosure?
17 That's correct."

18 You gave that letter to Detective Seguin to
19 give to Ms. Hallett so that she could be aware of it and
20 this is the July 4th, 2000 letter back in -- you remember
21 you've told us that after the February 7th meeting, you go
22 back and find it and you write a note on it?

23 MR. HALL: Yes.

24 MR. ENGELMANN: All right. And so
25 presumably you've discussed this with defence counsel over

1 the lunch break when they've asked you some specific
2 questions. So they're asking you about that; correct?

3 MR. HALL: Go back to February 7th again,
4 please?

5 MR. ENGELMANN: Well, if you see the
6 questions from Mr. Campbell, he's saying ---

7 MR. HALL: Bates 048?

8 MR. ENGELMANN: Yes, if we start there, for
9 example.

10 He's talking about what happened on the 7th
11 and then he says at the bottom of the page:

12 "And you did on that afternoon of the
13 7th, the afternoon that the information
14 came out from C-16's mother?"

15 And you answer and you say to your
16 knowledge:

17 "Constable Seguin delivered to Ms.
18 Hallett the morning of February 8th. Is
19 that right?"

20 And you say, "Yes".

21 And then we go on, and he's asking questions
22 about your giving the letter to her and:

23 "Inspector, do you recognize the
24 relevance of that letter and that it
25 showed that in July, 2000 Ms. Hallett

1 did a review of the Dunlop notes and
2 materials; isn't that correct?"

3 "That's correct."

4 "You considered that would be relevant
5 when you forwarded it to her via
6 Detective Seguin. Isn't that correct?"

7 "That's correct."

8 "And you became aware two days ago that
9 we, the defence, did not have that
10 letter; correct?"

11 "That's correct."

12 "You became aware of that in a meeting
13 with Mr. Skurka and me attended by
14 Detective Dupuis and Inspector Smith?"

15 "That's correct."

16 **MR. HALL:** Bates number again, please?

17 **MR. ENGELMANN:** Sorry, now I'm on Bates page
18 049.

19 "And isn't it also correct that you
20 became aware that we did not have that
21 letter because Mr. Skurka asked
22 specific questions about the existence
23 of anything which established in
24 writing Ms. Hallett had reviewed the
25 Dunlop materials?"

1 **MR. HALL:** Correct.

2 **MR. ENGELMANN:** "This is perhaps something
3 that happens at your lunch, at the
4 first lunch?"

5 "That's correct."

6 "And until that point, until that
7 conversation, it was your assumption
8 that we, the defence, had been given
9 Exhibit 22; correct?"

10 "I couldn't say it was my assumption
11 that you'd been given it. All I knew
12 is that I provided it to Ms. Hallett."

13 "And you did so in the expectation that
14 it would be disclosed?"

15 "Well, it would be her decision to do
16 that."

17 So obviously you've talked to them about
18 this issue over that lunch hour and then you were asked
19 these questions; correct?

20 **MR. HALL:** Over which lunch hour?

21 **MR. ENGELMANN:** The lunch hour on the 22nd.

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** You gave them background on
24 the July 4th letter?

25 **MR. HALL:** I think they were asking about

1 the handwriting on the letter and so on and so forth
2 because they hadn't spoke to me about the letter. It was
3 delivered to them and they hadn't seen me before court.
4 They just wanted to confirm it was my handwriting and that
5 was the letter we were speaking of.

6 **MR. ENGELMANN:** All right.

7 Did the disclosure of the July 4th memo and,
8 again, the disclosure without your having let her know that
9 you were going to do that, did that have an effect on your
10 relationship?

11 **MR. HALL:** I think so, the next several days
12 it did. I at one point didn't know whether I should wear a
13 hockey helmet with a face shield to court or not.

14 **THE COMMISSIONER:** Mr. Kloeze?

15 **MR. KLOEZE:** Mr. Commissioner, I believe
16 that Mr. Engelmann is going to go into an area now that, in
17 our submission, is really an area of -- a personal reaction
18 to a very emotional event or a disruptive event in the
19 Crown's professional life.

20 I've indicated to Mr. Engelmann I would be
21 making this objection. We don't believe that this really
22 is in the mandate of the Commission. It's not
23 institutional response.

24 This is all -- these are all circumstances
25 and reactions that happened after an event and we don't

1 feel that this is appropriately the subject matter of
2 evidence, Mr. Commissioner.

3 **THE COMMISSIONER:** Okay, what is it that
4 we're going into?

5 **MR. ENGELMANN:** I think my friend is being a
6 bit premature. I am cognizant of a concern and I don't
7 know if that answer was exactly responsive to the question
8 but, in any event, I'm not going to get into the issue that
9 he's concerned about.

10 **THE COMMISSIONER:** Well, not today, in any
11 event.

12 **MR. ENGELMANN:** No, well I'm not going to.
13 In any event, sir, I just wanted to ask you
14 a couple of other questions.

15 Sir, according to your notes, you had a
16 discussion with Regional Crown Attorney Stewart on February
17 27th?

18 **MR. HALL:** Could you take me to the document
19 number?

20 **MR. ENGELMANN:** No, I'm not going to go
21 there. Just give me a moment.

22 **THE COMMISSIONER:** Mr. Engelmann, I suggest
23 we ---

24 **MR. ENGELMANN:** Yes. Sir, I just have one
25 more question.

1 Sir, were you aware that on March 1st, 2001
2 Justice Chadwick rendered his decision and in his decision
3 he had found that the Crown had wilfully failed to disclose
4 evidence to the defence and ordered a stay of proceedings
5 with costs?

6 **MR. HALL:** Yes, I was there.

7 **MR. ENGELMANN:** And that, in particular, he
8 referenced the nondisclosure of the July 4th memo and
9 Dunlop's notes were wilful nondisclosure?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** So that particular memo had
12 tremendous impact for Justice Chadwick, it would appear?

13 **MR. HALL:** Well, that's how he read it I
14 guess.

15 **MR. ENGELMANN:** And you'd know, sir, that
16 that decision ---

17 **MR. HALL:** I don't know what he was thinking
18 really.

19 **MR. ENGELMANN:** You know, sir, that that
20 decision and that finding about wilful nondisclosure was
21 overturned by the Ontario Court of Appeal in the year 2003?

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** All right. And so you say,
24 in hindsight, you could have warned her about what you
25 intended to do with the disclosure of that memo. Would

1 you, sir, agree that you should have warned her?

2 **MR. HALL:** Well, I think, in hindsight, both
3 her and I could have did things differently.

4 **THE COMMISSIONER:** All right. Let's call it
5 a day. We'll come back Monday at 9:30.

6 Thank you.

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

9 This hearing is adjourned until Monday
10 morning, December 8th at 9:30 a.m.

11 --- Upon adjourning at 2:29 p.m. /

12 --- L'audience est ajournée à 14h29

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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