

**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 320

Held at :

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

Monday, December 8 2008

Tenue à:

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

Lundi, le 8 décembre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Kelly Doctor	Commission Counsel
Mr. John E. Callaghan	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
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	

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1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning
10 all.

11 **PAT HALL, Resumed/Sous le même serment:**

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

13 **THE COMMISSIONER:** Good morning, Mr. Hall.

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

16 Good morning, Mr. Hall.

17 **MR. HALL:** Good morning.

18 **MR. ENGELMANN:** Mr. Commissioner, before we
19 start this morning my friend, Mr. Kloeze, has indicated to
20 me he wanted to make brief statement. Just so you know, I
21 was about just about -- just finishing up on the aftermath
22 of the Leduc stay application and then I was going to after
23 that go into the conspiracy investigation but Mr. Kloeze
24 has a brief comment to make or a submission.

25 **THE COMMISSIONER:** Thank you.

1 Good morning, sir.

2 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. KLOEZE:

3 MR. KLOEZE: Good morning, Mr. Commissioner.

4 I did want to make a comment this morning on
5 evidence that was solicited from Mr. Hall on Friday
6 afternoon, actually Friday morning and into the afternoon.

7 On Friday, Mr. Hall was invited to comment
8 several times on events surrounding an incident of non-
9 disclosure of materials, some of which were in the police
10 possession and some of which were in the possession of both
11 the Crown and the police during the Leduc prosecution.

12 This incident of non-disclosure was fully
13 argued at that trial and the trial judge's decision on the
14 point was the subject of a decision of the Court of Appeal.
15 The Court of Appeal found unequivocally that the failure of
16 the Crown to disclose this material was inadvertent and an
17 honest mistake.

18 We submit, therefore, that any questions to
19 Mr. Hall asking about this incident of non-disclosure are
20 an attempt to re-litigate the Court of Appeal decision.

21 That decision is a final ruling of the Court
22 and our submission is that this Commission cannot overturn
23 that finding or make a finding other than that the failure
24 of the Crown to disclose evidence was inadvertent and, in
25 the words of the Court of Appeal, an honest mistake. And

1 any other finding by this Commission would be a collateral
2 attack on that decision.

3 I therefore object. I understand Mr.
4 Engelmann is wrapping up his evidence on this area but we
5 would object to any further questions by Commission counsel
6 inquiring into those matters.

7 **THE COMMISSIONER:** Well, sir, I can tell you
8 unequivocally that it is not my intention to re-litigate
9 anything of the sort. However, I am to look at the
10 institutional response of people and their actions and I
11 intend to do that.

12 **MR. KLOEZE:** We understand that, sir. Thank
13 you.

14 **THE COMMISSIONER:** All right, okay.

15 So my only problem with your submission is
16 if you think that that's what Mr. Engelmann was doing or
17 what I thought was happening then I think one of us is not
18 on the right wavelength.

19 Because it was never my intention and the
20 fact that you feel that you have to come up and say that at
21 this point, I find is interesting.

22 Thank you.

23 **MR. KLOEZE:** Thank you.

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

25 **MR. ENGELMANN:** Could I just have a moment,

1 please, sir?

2 THE COMMISSIONER: Certainly.

3 (SHORT PAUSE/COURTE PAUSE)

4 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
5 ENGELMANN (cont'd/suite):

6 MR. ENGELMANN: Sir, again good morning.

7 MR. HALL: Good morning.

8 MR. ENGELMANN: I want to take you to your
9 notes, if I may?

10 THE COMMISSIONER: I'm sorry, Mr. Hall,
11 before we start all of that, good morning.

12 MR. HALL: Good morning, Mr. Commissioner.

13 THE COMMISSIONER: You understand you're
14 still under oath?

15 MR. HALL: I certainly do.

16 THE COMMISSIONER: Thank you very much.
17 Go ahead, Mr. Engelmann.

18 MR. HALL: Mr. Engelmann, before we go
19 there.

20 THE COMMISSIONER: Oh.

21 MR. HALL: There was an issue on Friday that
22 never really got finished. Mr. Commissioner asked me some
23 questions about the boxes and how we -- I came in
24 possession of them. And as you recall, I asked for some
25 documentation. I asked for specifically a memorandum of

1 the 14th of December '99.

2 MR. ENGELMANN: Oh, yes.

3 MR. HALL: I asked for one for the 12th of
4 January 2000 and you indicated you would. I asked no less
5 than four times on Friday and I didn't pursue it because
6 the Commissioner was pressed for time, actually.

7 So I want to go back to that issue before we
8 go any further.

9 MR. ENGELMANN: I did find one of those
10 memos. I found something from December 14th, 1999.

11 MR. HALL: Well, I can tell you that they're
12 contained within the York Regional Police investigation,
13 the documents, and I know you were referring to some
14 material from that document.

15 MR. ENGELMANN: I had your will say, sir.
16 Were they attached to your will say?

17 MR. HALL: Yes, they were.

18 MR. ENGELMANN: Okay. Well, I'll ---

19 MR. HALL: There's actually four memorandums
20 I would like to address and the other two are the 19th of
21 April, 2000 and the fourth one is the 12th of July, 2000.

22 MR. ENGELMANN: Okay. Sir, whether it
23 actually happens with me or it happens with somebody, it
24 will happen, all right? If I have them handy we'll get
25 them to you, okay? I did find a letter dated December 14th

1 but I'm not sure if it's the right one. It's a letter from
2 ---

3 MR. HALL: I can tell you what it's about.
4 The one on the 14th of December '99 is a procedure that Ms.
5 Hallett outlined with Staff Sergeant Derochie ---

6 MR. ENGELMANN: Yes, okay.

7 MR. HALL: --- as to how the material was to
8 go.

9 MR. ENGELMANN: Then I have the right
10 letter.

11 MR. HALL: And it was further articulated in
12 the memorandum of 12th of January 2000 and the Commissioner
13 had asked me why I didn't take the material initially and
14 the answers are in those documents.

15 MR. ENGELMANN: All right.

16 THE COMMISSIONER: So just to handle this
17 story, Mr. Hall, if Mr. Engelmann or other parties don't
18 raise it, although I'm sure counsel will raise it if they
19 don't, at the end before you leave, remind me and I will
20 make sure that we get to it, all right?

21 MR. HALL: I certainly will because I wasn't
22 able to properly give you an accurate answer.

23 THE COMMISSIONER: Okay.

24 MR. ENGELMANN: All right.

25 My colleague -- Ms. Doctor, is looking for

1 that now. I'd like if it's possible -- if it's already in
2 an exhibit I don't want to add individual documents.

3 MR. HALL: Fair enough.

4 MR. ENGELMANN: If it's attached to the will
5 say, we'll go there. But I did, sir, see briefly a letter
6 that Ms. Hallett had written to Staff Sergeant Derochie
7 from December 14th.

8 MR. HALL: More than one.

9 MR. ENGELMANN: Okay. More than one that
10 day?

11 MR. HALL: Well, that day and then the 12th
12 of January ---

13 MR. ENGELMANN: Oh, fair enough.

14 MR. HALL: --- before because you've got to
15 -- if you remember, Constable Dunlop provided his -- he was
16 provided with an order on the 10th of January.

17 MR. ENGELMANN: Yes.

18 MR. HALL: And Ms. Hallett was advised of
19 that and then she just further indicated how the material
20 was going to be provided to us. It goes around the issue
21 of when we received all the boxes from Ms. Hallett. It was
22 clearly personal, privileged information in there. So now
23 we became embroiled in a situation where we had to get
24 permission from Mr. Dunlop to disclose that. And actually
25 I was asked to deal with him on that matter.

1 **MR. ENGELMANN:** All right.

2 **MR. HALL:** So it caused us some problems.

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

4 And sir, you thought all of this material
5 was relevant to the York Regional Police investigation and
6 you would have provided it to them; is that fair?

7 **MR. HALL:** No, no.

8 **MR. ENGELMANN:** Did you not -- did you
9 provide it to them as part of their investigation?

10 **MR. HALL:** The memorandums you're talking
11 about?

12 **MR. ENGELMANN:** Yes.

13 **MR. HALL:** Yes, when -- on the 17th of May
14 when -- 2001 -- when Inspector Mulholland, Denis Mulholland
15 of York Regional Police came to my office.

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

17 **MR. HALL:** And initially they wanted to do a
18 taped -- audiotaped interview of me and of course, the
19 complexity of it was impossible. When I outlined all the
20 things that took place; I showed him documentation, he
21 asked for the comprehensive report.

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

23 **MR. HALL:** He asked for all of that, what I
24 provided.

25 **MR. ENGELMANN:** So let me do it this way,

1 Mr. Hall, because I did want to get to the York Regional
2 and I'm just about there, and when we're there perhaps I
3 can go through that will state with you briefly and you can
4 show us those letters, okay?

5 MR. HALL: Fair enough.

6 MR. ENGELMANN: Let's get those first,
7 though, okay. Because we're not there yet. We're in
8 February.

9 MR. HALL: I just don't want you to slide
10 over it.

11 MR. ENGELMANN: Fair enough. I'm not trying
12 to slide over anything, sir, and as you know you have
13 counsel here. So if you think there is something I've
14 forgotten -- you have very capable counsel and they will go
15 there.

16 MR. HALL: Fair enough.

17 MR. ENGELMANN: So we were in late February
18 and I was trying to get you to your notes. And it's
19 Exhibit 2757. It's notebook number 15 and I'm at Bates
20 page 815.

21 MR. HALL: Bates page?

22 MR. ENGELMANN: It's ---

23 MR. HALL: Bates page again, please?

24 MR. ENGELMANN: Sorry, 815. I believe the
25 date is February 26th, '01.

1 Now, sir, as I understand it, about midway
2 down the page, you're writing about a call that you've
3 received from Officer Dupuis, and he's reporting to you
4 that essentially Ms. Hallett is holding you responsible for
5 giving this memo, the July 4th, 2000 memo, to the defence,
6 and she's indicating to Officers Dupuis and Seguin that she
7 doesn't feel she can any longer work on the Father
8 MacDonald trial, or words to that effect.

9 You were advised of that and you wrote that
10 up in your notebook, sir?

11 **MR. HALL:** Well, she's saying further than
12 that. She's saying because she was a woman -- I wouldn't
13 do that to Pelletier or Flanagan.

14 **MR. ENGELMANN:** All right.

15 **MR. HALL:** And she said, "I can't do the
16 Father Charles MacDonald trial."

17 **MR. ENGELMANN:** All right. And, sir, at
18 this point would you agree that your working relationship
19 with Ms. Hallett has broken down?

20 **MR. HALL:** Well, Ms. Hallett wasn't even
21 talking to defence counsel at that point. They weren't
22 talking to each other either. There was -- they were going
23 through their assistants.

24 **MR. ENGELMANN:** All right. I'm just talking
25 about your relationship with her, sir.

1 **MR. HALL:** No, no. No, I -- it had not
2 broken down. We -- not at all.

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

4 **MR. HALL:** Not from my perspective.

5 **MR. ENGELMANN:** Okay. Well, the following
6 day on the 27th of February you note discussions with -- I
7 believe it's the regional Crown attorney, Mr. Stewart.

8 **MR. HALL:** Which Bates page, please?

9 **MR. ENGELMANN:** Well, if we jump over to
10 Bates page 817. You have a bunch of notes about ---

11 **MR. HALL:** Yes, at 9:40 I called my
12 supervisor, Detective Superintendent Millar, and I updated
13 him about the events that transpired and Ms. Hallett's
14 comments. He suggested that I would -- I should contact
15 the regional director, James Stewart, which I did about
16 five minutes later. I called regional Crown attorney James
17 Stewart, apprised him of the events, background between
18 February 7th and the present time, comments of Ms. Hallett,
19 and "he's to be in Toronto on Thursday, discuss Charles
20 MacDonald."

21 I advised I didn't think Ms. Hallett, from
22 my observations of her in the past two years, could handle
23 the case. In my view she didn't have it to be a first-line
24 Crown, bearing in mind the type of victims she was dealing
25 with, and that would be an issue brought up that would go

1 back to 1993, referring to the first -- the very first
2 victims.

3 **MR. KLOEZE:** Mr. Commissioner, I repeat my
4 objection from Friday afternoon. These are events that, in
5 our submission, cannot go to institutional response. As we
6 know, shortly -- just days after this there was a finding
7 against Ms. Hallett which was overturned by the Court of
8 Appeal.

9 **THE COMMISSIONER:** Yes.

10 **MR. KLOEZE:** She was removed from the files,
11 and any of this evidence cannot inform institutional
12 response because there was no further relationship between
13 this gentleman and Ms. Hallett.

14 **THE COMMISSIONER:** Well, armed with what he
15 has in his knowledge, he reports it to Mr. Stewart. So
16 you're saying I can't look at what Mr. Stewart did about
17 this and how they resolved -- I mean, an institutional
18 response is something that, when something happens such as
19 this, that I would think I'm to look at the OPP and the
20 Crown to see how they resolve that. That's part of
21 institutional response, isn't it?

22 **MR. KLOEZE:** I think that at the most
23 obviously there was comment made to Mr. Stewart. We can
24 ask Mr. Stewart what his response to that was.

25 **THE COMMISSIONER:** This comment here, you

1 mean?

2 **MR. KLOEZE:** That -- yes. Yes, sir, but I -
3 - I guess the problems I'm having with this evidence is
4 that again Commission counsel is eliciting evidence from
5 this witness that's really attacking the personal integrity
6 and professional integrity of a Crown attorney. We don't
7 think that that's relevant and, if it is relevant, that
8 it's so highly prejudicial that it should not be entered
9 into evidence.

10 **THE COMMISSIONER:** All right. Well, now
11 we're getting somewhere.

12 First of all, I can tell you that I
13 understand very well that you're concerned with respect to
14 words that were said. I can tell you that it's not my
15 intention to underline it or put a spotlight on it. I want
16 to deal with it within a respectable -- respectful and
17 considerate manner.

18 However, this gentleman heard those things.
19 He's reporting it to Mr. Stewart. So now I think that we
20 know what the comments are, I think counsel can say that
21 the disagreement -- or whatever word we want to attach to
22 that, and deal with it like that. All right?

23 **MR. KLOEZE:** Thank you.

24 **THE COMMISSIONER:** Thank you.

25 **MR. ENGELMANN:** Sir, at the time you were

1 making these comments to Mr. Stewart on the 27th of February
2 you had already been apprised from Officer Dupuis that
3 Ms. Hallett had indicated she was no longer going to be
4 prosecuting the MacDonald case; correct?

5 MR. HALL: Well, I knew from a comment
6 earlier on that she didn't want to ---

7 MR. ENGELMANN: All right.

8 MR. HALL: --- go ahead with the case.

9 MR. ENGELMANN: All right.

10 Now, sir, just to follow up briefly if I
11 may, again in your notes at Bates page 835, and I believe
12 the date is March the 8th, 2001; it appears you have a
13 meeting with Mr. Stewart.

14 MR. HALL: Yes.

15 MR. ENGELMANN: And I just -- he's -- I just
16 want to understand his title at this time.

17 MR. HALL: He was a regional director of
18 Crown attorneys for Eastern Ontario.

19 MR. ENGELMANN: For Eastern Ontario; all
20 right. So there wouldn't be a direct report between
21 Ms. Hallett and him? She would report to someone in
22 Toronto?

23 MR. HALL: Well, ordinarily she would report
24 to somebody in Toronto -- I believe it was a fellow by the
25 name of Jim Ramsay -- but because she was, like I say,

1 seconded to this region, I would think he had some
2 involvement because she went to him for directions on some
3 things.

4 **MR. ENGELMANN:** All right. So in any event,
5 on Bates page 835 you note your meeting ---

6 **MR. HALL:** He asked for this meeting.

7 **MR. ENGELMANN:** Okay, and ---

8 **MR. HALL:** And it's in Kingston.

9 **MR. ENGELMANN:** All right. And he's
10 indicating to you that there will be another Crown attorney
11 on the Father MacDonald case.

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** Is that correct?

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** All right. And at this
16 point in time, sir, were you aware that Ms. Hallett was no
17 longer handling Project Truth prosecutions?

18 **MR. HALL:** I think there's a memo later on
19 to Mr. Stewart, which is copied to me from Ms. Hallett,
20 when she says she's no longer involved, but that didn't
21 come till later on.

22 **MR. ENGELMANN:** Okay. Well, there is a
23 letter later and ---

24 **MR. HALL:** Memorandum, yes.

25 **MR. ENGELMANN:** I'll take you to that if I

1 can. Just one second.

2 The Document Number is 109241. It's a
3 letter dated -- I don't know if this is what you're
4 referring to but it's a letter dated ---

5 **MR. HALL:** I don't have it.

6 **MR. ENGELMANN:** You'll have it in a second,
7 sir.

8 March 30th, 2001 from Shelley Hallett to
9 James Stewart.

10 **THE COMMISSIONER:** Exhibit 2827. There
11 should be a publication stamp on this document.

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

13 --- **EXHIBIT NO./PIÈCE NO. P-2827:**

14 (109241) - Letter from Shelley Hallett to
15 James Stewart & Pat Hall re: Project Truth -
16 Charles MacDonald dated 30 Mar 01

17 **MR. HALL:** I believe there's a moniker
18 mentioned there.

19 **MR. ENGELMANN:** Yeah, exactly.

20 **MR. HALL:** I think specifically it's in the
21 last paragraph.

22 **MR. ENGELMANN:** All right. So is this what
23 you were referring to, sir?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** All right. So you're

1 advised -- you're copied on this letter?

2 MR. HALL: Yes.

3 MR. ENGELMANN: And she indicates she's
4 copying you and requesting that you not send her further
5 material regarding the MacDonald case.

6 MR. HALL: Yes. She says:

7 "I will not be assuming any further
8 disclosure responsibilities for that
9 case or any other Project Truth cases."

10 MR. ENGELMANN: All right. So at this point
11 in time it's clear to you that she's not going to be
12 involved in any of your cases?

13 MR. HALL: Yes.

14 MR. ENGELMANN: All right.

15 Now, sir, you respond to this note with an
16 email to Mr. Stewart.

17 MR. HALL: Also on the 8th of March at my
18 meeting with Mr. Stewart I tried to discuss with him the
19 events took place, and he didn't want to -- he didn't want
20 to deal with it.

21 THE COMMISSIONER: Deal with what; the
22 disagreement you had with Ms. Hallett?

23 MR. HALL: No, no, the fact that -- what
24 happened on February the 7th.

25 THE COMMISSIONER: M'hm.

1 **MR. HALL:** And I produced a memo. I believe
2 it was the one of February 12th, the first memo received
3 from defence counsel Campbell and Skurka when they were
4 accusing the police of failing to disclose and asking for
5 certain documents. He just looked at it and gave it back
6 to me. He didn't want to -- he didn't want to enter any
7 discussions about it at all.

8 **MR. ENGELMANN:** All right. So you write an
9 email after this letter is written by Ms. Hallett to Mr.
10 Stewart, and it's Document Number 105593.

11 **THE COMMISSIONER:** Thank you. Exhibit 2828
12 is a -- an email from Patrick Hall to James Stewart on the
13 3rd day of April 2001. All right.

14 **--- EXHIBIT NO./PIÈCE NO. P-2828:**

15 (105593) - E-mail from Pat Hall to James
16 Stewart re: Perry Dunlop Disclosure dated 03
17 Apr 01

18 **MR. ENGELMANN:** Sir, you're aware -- oh,
19 sorry, do you need a moment to look at it?

20 **MR. HALL:** Yes, I have it.

21 **MR. ENGELMANN:** Okay.

22 You're aware at this point that she's off
23 the Project Truth prosecutions.

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** Why did you think it was

1 important to write this note to Mr. Stewart?

2 MR. HALL: Well, if you begin -- I discuss a
3 number of things at the beginning. We're trying to get the
4 boxes disclosed and we're looking for direction regarding
5 to Mr. Dunlop's privilege. I mean, my -- my note that's in
6 question doesn't come until near the bottom. It's almost
7 an afterthought.

8 MR. ENGELMANN: Your note about Ms. Hallett?

9 MR. HALL: Exactly.

10 MR. ENGELMANN: Yeah.

11 Why do you write it at that point?

12 MR. HALL: Why?

13 MR. ENGELMANN: Yeah.

14 MR. HALL: Well, I was still concerned about
15 the issue. The media, at that time -- there was several
16 articles written where the -- how the police stabbed a
17 Crown Attorney in the back and all these sorts of things.
18 I tried to discuss it with Mr. Stewart on the 8th of March.
19 He didn't want to entertain any discussions on it. So it
20 was bothering me. He clearly lied to defence counsel in my
21 presence so I -- I indicated that.

22 MR. ENGELMANN: All right.

23 Well, yeah, and that's your view, sir.

24 MR. HALL: It's my -- well ---

25 MR. ENGELMANN: Yeah and ---

1 **MR. HALL:** --- judging from what she said, I
2 don't think you could come to any other conclusion under
3 the circumstances.

4 **MR. ENGELMANN:** And -- and you repeat that
5 that issue's still disturbing you and you write that in the
6 last paragraph or so of your email.

7 **MR. HALL:** Yes.

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

9 And what -- you understand, sir, that as a
10 result of your email to Mr. Stewart that the Ministry of
11 the Attorney General sought a police review of this matter?

12 **MR. HALL:** Well, I -- I learned after that
13 Mr. Stewart, I think, was going to address some
14 correspondence to me and he had second thoughts about that.
15 I never did get to see what it was. This never was in the
16 package. And then I think, probably, his supervisor,
17 Murray Segal, made some decision at 720 Bay Street that
18 they would go outside.

19 **MR. ENGELMANN:** But because of your
20 assertion or allegation that she was not being truthful,
21 the Ministry of the Attorney General found it necessary, I
22 guess, to -- to have a police force look into her actions.

23 **MR. HALL:** Well, I presume so; a police
24 force did.

25 **MR. ENGELMANN:** All right

1 And did you think a police review was
2 necessary under the circumstances?

3 **MR. HALL:** Well, what I thought, I don't
4 think, was not really relevant. I mean, I was trying to
5 indicate to Stewart my displeasure of what happened and I
6 didn't know it was going to go any further. That was his
7 decision or their decision.

8 **MR. ENGELMANN:** But it was a serious
9 allegation you were making, sir; correct?

10 **MR. HALL:** Well, if the allegation took
11 place, whether -- sure it's a serious allegation. But I
12 mean, it's a serious allegation to indicate to police had
13 failed to disclose when, in fact, did.

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

15 **MR. ENGELMANN:** Sir, if we could turn
16 briefly to your will say of that investigation and that's -
17 - we've looked at it before, I think it's Exhibit 2807.
18 The Document Number, counsel, is 123035.

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

20 **MR. ENGELMANN:** This is the will say
21 document you prepared when the York Regional Police were
22 investigating ---

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** --- the allegations set out
25 in your email to Mr. Stewart.

1 MR. HALL: Yes.

2 MR. ENGELMANN: All right.

3 And sir, I understand they interviewed a
4 number of people including Officers Dupuis, Seguin, Ms.
5 Hallett, I believe Officer Genier, the defence counsel,
6 Crown's, et cetera. You did not agree to be interviewed.

7 MR. HALL: Pardon?

8 MR. ENGELMANN: You did not agree to be
9 interviewed.

10 MR. HALL: I'm sorry?

11 MR. ENGELMANN: Many people were interviewed

12 ---

13 MR. HALL: Yes.

14 MR. ENGELMANN: --- but you did not agree to
15 be interviewed.

16 MR. HALL: Yes, I agreed.

17 MR. ENGELMANN: I understood you refused to
18 be interviewed. You said ---

19 MR. HALL: No, I didn't refuse anything. I
20 didn't refuse anything, sir. When they came down to me on
21 the 17th of May -- could -- could I go to my notes for the
22 17th of May, please?

23 MR. ENGELMANN: Well, sir, they didn't take
24 a statement from you. You prepared a will say.

25 MR. HALL: Well, what they -- what they

1 wanted to do -- well, when they first came in, Inspector
2 Denis Mulholland and Detective Sergeant LaBarge -- and they
3 had sent their officers down the day before to pick up some
4 documentation. When they arrived, they said they had been
5 up to see Mr. Stewart.

6 And Mr. Stewart basically had indicated to
7 them, from what they told me, he didn't know anything about
8 all of this stuff. That's the impression York Regional
9 Police had. So they put a tape recorder down on the table
10 and basically asked, what can you tell me?

11 **MR. ENGELMANN:** Yeah.

12 **MR. HALL:** Well, you -- you can tell by the
13 complexity of it here, you couldn't do that on a tape
14 recorder.

15 **MR. ENGELMANN:** All right.

16 **MR. HALL:** So what I did with them, I took
17 them to the files. I showed them this thing. I gave them
18 a briefing on everything that took place. They asked for
19 material. They wanted personal material. They wanted my
20 comments. They wanted everything. I checked with my
21 supervisor in Orillia. He said, give them what they want;
22 they're doing a criminal investigation. So I embarked on
23 this document which is rather long ---

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

25 **MR. HALL:** --- but that's what they wanted.

1 **MR. ENGELMANN:** You -- you did not give them
2 a formal statement like many of the other individuals.

3 **MR. HALL:** Well, I couldn't because I --
4 there was too many issues to address.

5 **MR. ENGELMANN:** And sir ---

6 **MR. HALL:** They realized that.

7 **MR. ENGELMANN:** --- sir, I understand that
8 aside from preparing this rather lengthy will state, you
9 also gave them another -- a number of documents and some of
10 the documents ---

11 **MR. HALL:** Well, I gave them documents to
12 support what I was saying ---

13 **MR. ENGELMANN:** Right.

14 **MR. HALL:** --- which they wanted.

15 **MR. ENGELMANN:** All right.

16 And -- and I know you've been very eager to
17 tell us about a couple of those documents and they're
18 attached to your will state; correct?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** All right, so let's look at
21 those quickly if we can.

22 There's a -- you've attached many -- many
23 documents; one of them was the letter of December 14th,
24 1999. I believe that's what you've been ---

25 **MR. HALL:** That's ---

1 MR. ENGELMANN: --- referring to.

2 MR. HALL: --- that's the first one, yes.

3 MR. ENGELMANN: It's at Bates page 604 --
4 1145604 and 605. Is that a letter that you wanted to
5 address, sir?

6 MR. HALL: Yes.

7 MR. ENGELMANN: And that's a letter from Ms.
8 Hallett to Garry Derochie.

9 MR. HALL: Staff Sergeant Derochie, yes.

10 MR. ENGELMANN: Right. And this is before
11 the formal ---

12 MR. HALL: Before the order is given.

13 MR. ENGELMANN: Right, so it's in
14 anticipation that the order will be given?

15 MR. HALL: Yes.

16 MR. ENGELMANN: Because there've been
17 discussions between the Cornwall Police Service, yourselves
18 and the -- and Mr. Garson about appropriate action.

19 MR. HALL: Exactly.

20 MR. ENGELMANN: All right. So anything else
21 there, sir, that ---

22 MR. HALL: Well, she's outlining what --
23 what she wants Staff Sergeant Derochie to do ---

24 MR. ENGELMANN: Yeah.

25 MR. HALL: --- when he received the

1 material.

2 MR. ENGELMANN: All right.

3 MR. HALL: Okay.

4 MR. ENGELMANN: And then, sir, I understand,
5 you attached the formal order of January 10th, which is next
6 ---

7 MR. HALL: Yes.

8 MR. ENGELMANN: --- at Bates pages 606 and
9 607.

10 MR. HALL: Yes.

11 MR. ENGELMANN: And then, sir, you've
12 referred to a letter from January sometime. Is that the
13 letter we see ---

14 MR. HALL: Fourteenth (14th) of January 2000.

15 MR. ENGELMANN: Okay. Is that the letter we
16 see at Bates page 608?

17 MR. HALL: Yes.

18 MR. ENGELMANN: All right.

19 MR. HALL: And -- and ---

20 MR. ENGELMANN: And you thought it was
21 important to send this to the York Regional Police, sir?

22 MR. HALL: Well, I think it outlines the
23 policy that -- that Ms. Hallett was undertaking with the
24 Cornwall police in regards to how this material would be
25 reviewed and how it would be disclosed to us.

1 MR. ENGELMANN: Okay. And ---

2 MR. HALL: I think the memo is quite -- I
3 don't want to ---

4 MR. ENGELMANN: All right ---

5 MR. HALL: --- read it all, but ---

6 MR. ENGELMANN: --- she's ---

7 MR. HALL: --- it speaks for itself.

8 MR. ENGELMANN: --- she's thanking Staff
9 Sergeant Derochie for setting up this process.

10 MR. HALL: Yes.

11 MR. ENGELMANN: Okay. And then, sir, you
12 said there was another memo that you wanted to refer to and
13 that was the April 19th, 2000 note.

14 MR. HALL: Yes.

15 MR. ENGELMANN: And is that what we see at
16 Bates page 609?

17 MR. HALL: That's -- that's correct.

18 MR. ENGELMANN: And ---

19 MR. HALL: I think it's on ---

20 MR. ENGELMANN: --- she does refer, in that
21 note, at Bates page 610 which is the second page about what
22 she intends to do with respect to a review of the Dunlop
23 materials ---

24 MR. HALL: Yeah, she's ---

25 MR. ENGELMANN: --- on the second page.

1 **MR. HALL:** --- referring to Cornwall to
2 review it.

3 **MR. ENGELMANN:** Right.

4 **MR. HALL:** And we believe that it's
5 duplicates, because most of it's already in the possession
6 of Project Truth or irrelevant to Project Truth's
7 prosecutions.

8 **MR. ENGELMANN:** Right.

9 **MR. HALL:** "I will satisfy myself as to
10 whether any new relevant material is contained in the
11 boxes and make necessary disclosure to defence in the
12 prosecutions for which I am responsible, and advise Crown
13 counsel on the other Cornwall prosecutions as to the
14 results of my review."

15 **MR. ENGELMANN:** All right. And, sir, I
16 understand that there was disclosure to Mr. Neville's
17 counsel -- sorry, Mr. -- Father MacDonald counsel.

18 **MR. HALL:** Perry Dunlop's Will-Say was
19 disclosed to Mr. Neville on the 23rd of August of 2000.

20 **MR. ENGELMANN:** Okay. All right. So those
21 were the memos, sir, that you wanted to make sure were in
22 the record?

23 **MR. HALL:** There was one further one. I
24 believe it was the -- give me a moment -- 12th of July
25 2000. It's a memorandum addressed to Constable Perry

1 Dunlop.

2 MR. ENGELMANN: All right. Is that what we
3 see at Bates page 615? This is from ---

4 MR. HALL: Yes.

5 MR. ENGELMANN: --- Murray Segal.

6 MR. HALL: Well, it's from Murray Segal, but
7 Ms. Hallett wrote the letter. She told me so.

8 MR. ENGELMANN: All right.

9 MR. HALL: I mean, I know that.

10 MR. ENGELMANN: Okay. And these were all --
11 you attached several documents that you thought were
12 relevant to their investigation?

13 MR. HALL: Well, I was in a process of
14 explaining this investigation to York Regional Police.
15 They seen these memorandums and they asked for them.

16 MR. ENGELMANN: And, sir, these attached
17 memoranda are all dealing with sort of the disclosure
18 issues that arise from the order to Dunlop and the
19 Will-State that he prepares and the reviewing of the boxes.

20 MR. HALL: Yes, in how comprehensive the
21 review was done. I mean, when you read those memos and
22 subsequent ones, one, reading them, would lead to believe
23 that it was done very closely. I mean, even if you go to
24 Detective Constable Genier's notes and his interview by
25 York Regional Police, I mean, she's sitting beside him

1 going through the Will-Say.

2 MR. ENGELMANN: And, sir, one of the things
3 that is established right from the get-go is disclosure to
4 both your officers and to her as the prosecutor involved,
5 correct?

6 MR. HALL: Question again?

7 MR. ENGELMANN: For example, if we look at
8 her original letter that you referred me to ---

9 MR. HALL: Yeah.

10 MR. ENGELMANN: --- the December 14th, '99
11 letter, which is at Bates page 604 and 605 ---

12 MR. HALL: Yes.

13 MR. ENGELMANN: --- she says in the last
14 paragraph, which borders both pages, she's saying -- and
15 this is about the follow-up from Mr. Garson and the order:
16 "If such a meeting has taken place or had occurred,
17 material relevant to the above-noted prosecutions has been
18 obtained from Constable Dunlop. If so, would you kindly
19 ensure that the existence of this material is brought to my
20 attention immediately and that it is forwarded as soon as
21 possible to the attention of Detective Inspector Pat Hall
22 of OPP Project Truth."

23 MR. HALL: Yes.

24 MR. ENGELMANN: All right. So she's
25 concerned that the Cornwall police liaison person, Staff

1 Sergeant Derochie is getting materials to her and to you
2 ASAP.

3 MR. HALL: Correct.

4 MR. ENGELMANN: All right. And that did
5 happen, right? There was--

6 MR. HALL: Well, most of it --

7 MR. ENGELMANN: --- an incremental
8 disclosure--

9 MR. HALL: I think the ---

10 MR. ENGELMANN: --- and things were sent to
11 both of you.

12 THE COMMISSIONER: Mr. Hall, could you
13 please wait until he finishes asking ---

14 MR. HALL: Okay.

15 THE COMMISSIONER: --- the question? Thank
16 you.

17 MR. HALL: Yes? Question?

18 MR. ENGELMANN: The question, sir, was, it
19 appears she's asking that this process be set up so that
20 you and she get disclosure as soon as possible from the
21 Cornwall police. I'm wondering if that did happen over
22 time.

23 MR. HALL: Yes, there was disclosure came in
24 February. Constable Dunlop's notes came in 14th of March,
25 which we had to put in a brief, Volume 8, for father

1 Charles MacDonald for a moniker we just talked about here a
2 while ago.

3 MR. ENGELMANN: Yes.

4 MR. HALL: And those notes were the
5 handwritten notes, which would have included at least three
6 entries on the issue we're talking about, were disclosed.
7 I received the Will-Say on the 10th of April. And by the
8 time the boxes were brought over, I would say we had the
9 meat of the disclosure. It's just all this other stuff
10 that -- Constable Dunlop's personal -- his performance
11 reviews, his personal information we didn't need to have
12 and caused a problem.

13 The nine boxes, if you were to take, I would
14 say probably about four of the boxes, no more than four
15 would have been disclosure relevant to the prosecution.
16 The other five was other material. And if you were to pack
17 them all tightly in one box, you probably could have by
18 with six boxes rather than nine.

19 MR. ENGELMANN: And we looked at that pretty
20 comprehensive memo, I believe, from Officer Genier about
21 what was new and what wasn't.

22 MR. HALL: Yes.

23 MR. ENGELMANN: So, when --

24 MR. HALL: He went through it for two
25 reasons: For Project Truth and for his Marcel Lalonde

1 obligations.

2 MR. ENGELMANN: All right. And, sir, just
3 to wrap on York Regional, if I can, for a minute,
4 Exhibit 2620, which is Document Number 123033 ---

5 THE COMMISSIONER: Twenty-six eleven?

6 MR. ENGELMANN: Twenty-six ten -- 2620, sir.

7 MR. HALL: Yes?

8 MR. ENGELMANN: All right.

9 MR. HALL: Bates page?

10 MR. ENGELMANN: Well, sir, this is their --
11 a summary of their investigation, is it not.

12 MR. HALL: Yes.

13 MR. ENGELMANN: And would you have been
14 provided a copy of this at the end, sir?

15 MR. HALL: Was I provided a copy?

16

17 MR. ENGELMANN: Yes.

18 MR. HALL: I asked for a copy and I received
19 one.

20 MR. ENGELMANN: Fair enough. And, sir, in
21 it, it sets out their involvement with you, starting on the
22 first page and flowing onto the second page.

23 MR. HALL: Yes.

24 MR. ENGELMANN: Anything that's inaccurate
25 about that summary?

1 **MR. HALL:** The Mr. Stewart's statement, the
2 last line:

3 "Mr. Stewart prepared his own statement
4 along with the intended reply and
5 provided this to the investigating
6 officers."

7 Well, I haven't, to this date, ever seen
8 anything from Mr. Stewart.

9 **MR. ENGELMANN:** Where are you, sir?

10 **MR. HALL:** Page 1, the very first page, the
11 bottom of the --

12 **MR. ENGELMANN:** Oh, oh. No, sir, I was just
13 asking about the summary of your evidence. I apologize.
14 That was my question. I wanted you to look at what's been
15 written about you and ask you if there was anything
16 inaccurate about what they've said. It starts at the
17 bottom of page -- the first page and it goes into the first
18 two paragraphs of the next page.

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

20 **MR. ENGELMANN:** All right. And, sir -- so,
21 for example, you were asked whether you felt that Ms.
22 Hallett had wilfully failed to disclose information, and
23 your reply was:

24 "No, nothing that could be proven, but
25 the information was in her possession."

1 **MR. HALL:** Yes, my mindset at the time was
2 that I felt that I couldn't for the life of me understand
3 how Ms. Hallett could say she didn't know about the
4 information. I can't accept that because of the number of
5 locations is required in different documents because of the
6 conversations we had.

7 And my view of this situation was that
8 because the contact was prior to or -- correction -- the
9 victim's statement was taken prior to any contact with him,
10 that she simply thought it wasn't an issue, it wouldn't be
11 an issue. That's my recollection.

12 **THE COMMISSIONER:** Mr. Kloeze?

13 **MR. KLOEZE:** Mr. Commissioner, I mean, this
14 is the basis of my statement this morning, my objection.
15 The Court of Appeal found that Ms. Hallett -- her oversight
16 was inadvertent and an honest mistake. And this
17 gentleman's evidence is directly in contravention of that
18 finding by the Court of Appeal.

19 **THE COMMISSIONER:** Right, but we're not
20 doing it for the fact, to determine that fact. I'm trying
21 to find out what's in this officer's mind when he's doing
22 this. I mean, he raised a complaint. Do you not think
23 that this whole issue should be looked at to see if it
24 delayed any of the prosecutions, how it affected any of
25 these prosecutions?

1 **MR. KLOEZE:** None of those questions have
2 been asked.

3 **THE COMMISSIONER:** Well, we're going to get
4 to that, I suspect. But don't you think it's relevant in
5 that way?

6 There is no doubt in my mind that -- first
7 of all, let's put things in context. If I understand it
8 correctly, Ms. Hallett said in a closed meeting with
9 defence "That's news to me" or words to that effect.

10 **MR. KLOEZE:** Exactly.

11 **THE COMMISSIONER:** Okay. She goes back in
12 court, I don't know when, the very next time, and she
13 accepts responsibility ---

14 **MR. KLOEZE:** Exactly.

15 **THE COMMISSIONER:** --- for this whole thing.

16 **MR. KLOEZE:** And acknowledges that she had
17 received those materials.

18 **THE COMMISSIONER:** There you go. So that
19 has to stay in the forefront.

20 **MR. KLOEZE:** Yes.

21 **THE COMMISSIONER:** No one is touching that.

22 **MR. KLOEZE:** Yes, sir.

23 **THE COMMISSIONER:** All right?

24 But we still have to look at it, in my view,
25 to see how the institutions responded and if it had an

1 effect on the outcome of the prosecutions. In order to do
2 that, I think I have to go through a little bit and find
3 out what everybody was doing about this.

4 **MR. KLOEZE:** Okay. If the questions go to
5 this witness' state of mind at the time, I would agree with
6 you. A Court of Appeal judgment obviously was after these
7 events. But I think the questions should still be
8 carefully framed.

9 **THE COMMISSIONER:** Well, okay, but I have
10 ruled twice now and I've given you, I think, the best shot
11 I can give you. I'm going to be bound by the Court of
12 Appeal. I'd ask you to respect my decision as well.

13 **MR. KLOEZE:** Thank you, sir.

14 **THE COMMISSIONER:** All right?

15 Mr. Engelmann.

16 **MR. ENGELMANN:** Sir, I just wanted to close
17 this off with the findings of the investigation. I mean,
18 we've gone -- as you know, there were will states from the
19 York Regional Police. I thought it was important that you
20 and the public know what did the York Regional Police have
21 to do with this? Why are they involved in something out of
22 Cornwall?

23 So that's why we've been doing this. I'm
24 not even attempting in any way to harm anybody's
25 reputation.

1 If we could please look at Document Number
2 123044 and this is the findings of the investigation, Mr.
3 Hall, which you should have in a moment, 123044. It was
4 from the cross documents.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** Thank you. Exhibit 2829
7 is a document entitled "Findings of the Investigation" and
8 it's York Regional Police, *R vs Leduc*.

9 **--- EXHIBIT NO./PIÈCE NO. P-2829:**

10 (123044) - Findings of the Investigation
11 from York Regional Police undated

12 **MR. ENGELMANN:** And I just want to deal with
13 a couple of points here that may be relevant to the
14 disclosure issue at the time and your own feelings about
15 it. You would have received this; correct, together with
16 the summary we looked at just a minute ago?

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** All right.

19 And they make three findings on the first
20 page; one with respect to Officer Dupuis' notes. Correct?

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** Of the 15th that they were
23 not disclosed to the Crown and therefore could not be
24 disclosed to the defence?

25 **MR. HALL:** Correct.

1 **MR. ENGELMANN:** Two, that neither you nor
2 Inspector Smith noted in your notebooks the contact that
3 Perry Dunlop had with C-16's mother?

4 **MR. HALL:** Correct.

5 **MR. ENGELMANN:** And that that wasn't
6 disclosed then to Ms. Hallett.

7 And thirdly, that the OPP disclosure to the
8 Crown was not properly reviewed for disclosure purposes by
9 the assigned Crown attorney, Ms. Hallett. All right?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** They then decide that
12 essentially as a result of this, that this is really a
13 question of inadvertence and that there are no basis for
14 criminal charges against her for wilful non-disclosure. Is
15 that correct? They don't proceed with any kind of a
16 criminal matter?

17 **MR. HALL:** No.

18 **MR. ENGELMANN:** Okay, all right.

19 I'll just be a moment, sir.

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

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

22 So you're aware then as at the spring of
23 2001, and we saw that a few minutes ago from Ms. Hallett to
24 Mr. Stewart and which you were copied on that she was no
25 longer going to be involved in the Father Charles MacDonald

1 prosecution or in other Project Truth matters.

2 MR. HALL: Correct.

3 MR. ENGELMANN: All right.

4 And sir, as I understand it, one of the
5 Crown attorneys who took over a number of these matters
6 including some Crown briefs that you'd had outstanding for
7 some time was a fellow by the name of Lorne McConnery?

8 MR. HALL: Yes.

9 MR. ENGELMANN: And sir, am I correct that
10 he would have reviewed a number of outstanding Crown
11 briefs?

12 MR. HALL: Him and Kevin Phillips.

13 MR. ENGELMANN: All right.

14 And they would have provided you with
15 recommendations as a result?

16 MR. HALL: Yes, they did.

17 MR. ENGELMANN: And sir, I just want to make
18 sure I understand which briefs those are. Would that have
19 included the briefs of a number of the allegations against
20 individual priests ---

21 MR. HALL: Yes.

22 MR. ENGELMANN: --- that had been made by
23 Ron Leroux?

24 MR. HALL: Yes.

25 MR. ENGELMANN: And that would include

1 Bishop LaRocque?

2 MR. HALL: Yes.

3 MR. ENGELMANN: It would include Monsignor
4 McDougald?

5 MR. HALL: Correct.

6 MR. ENGELMANN: It would include Father Gary
7 Ostler?

8 MR. HALL: Correct.

9 MR. ENGELMANN: Father Bernard Cameron?

10 MR. HALL: Yes.

11 MR. ENGELMANN: Father Kevin Maloney?

12 MR. HALL: Yes.

13 MR. ENGELMANN: And it also included the
14 conspiracy brief; is that correct?

15 MR. HALL: Yes.

16 MR. ENGELMANN: And there was, at least with
17 the conspiracy brief, some reassignment to you to do some
18 further work before they closed it off?

19 MR. HALL: Yes.

20 MR. ENGELMANN: But on the others, I don't
21 know if that happened; don't believe so. It was just
22 simply a recommendation that there were no reasonable and
23 probably grounds to proceed?

24 MR. HALL: Well, they didn't believe it was
25 a prospect of ---

1 **MR. ENGELMANN:** A reasonable prospect of
2 conviction?

3 **MR. HALL:** Yeah, of conviction.

4 **MR. ENGELMANN:** Fair enough.

5 **MR. HALL:** They really didn't -- there's two
6 elements to a charge. First, you have to have reasonable
7 and probable grounds and then you have to have the belief
8 there is a reasonable prospect of a conviction.

9 **MR. ENGELMANN:** And that's right, because by
10 the time -- by the time these matters were with them -- and
11 this is in the last '90s, the reasonable prospect of
12 conviction test was there and the Crowns were giving you
13 feedback on that, on cases.

14 **MR. HALL:** Well, the ultimate decision to
15 lay a charge rests with the police but if the Crowns can't
16 say there is a reasonable prospect of conviction, it would
17 be fruitless to lay a charge.

18 **MR. ENGELMANN:** And that was the advice to
19 you on all of those briefs.

20 **MR. HALL:** Correct.

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

22 Sir, if we can just look at the conspiracy
23 brief then, if that's all right? And I just want to talk
24 to you about the timing of the investigation. We've heard
25 that Officer Dupuis was the lead investigator on that

1 matter.

2 MR. HALL: He assisted me. You could almost
3 say I was the lead investigator but he was assisting me.

4 MR. ENGELMANN: Okay.

5 And sir, I believe that allegation began to
6 be looked at in the summer of 1998?

7 MR. HALL: Yes, it was different --
8 different aspects to it. The police end of it, if I could
9 call it that didn't really commence until January 2000.
10 But investigation involving other individuals and
11 particularly Malcolm MacDonald because of his health, we
12 did interviews in regards to that earlier on.

13 MR. ENGELMANN: The reason I say that is in
14 his notes they sort of end -- they start at around early
15 August of 1998.

16 MR. HALL: Yes.

17 MR. ENGELMANN: All right. And I think
18 you've already explained to us, sir, that the mandate for
19 the conspiracy investigation that you conducted -- it would
20 have been drawn from the materials that Mr. Dunlop had
21 delivered to Chief Fantino, and also from a letter dated
22 April 7th, '97 which was addressed to the Solicitor General.
23 Is that correct?

24 MR. HALL: Yes. Our mandate was primarily
25 what regional Crown attorney Peter Griffiths was

1 requesting, based on the Dunlop material. So I just mainly
2 framed how we would do that but it was his mandate really.

3 **MR. ENGELMANN:** All right. I believe we've
4 looked at that April 7th letter briefly, but you said it was
5 something that Mr. Griffiths had at your meeting in April
6 of 1997? I'll just show it to you if I can, sir. It's
7 Exhibit 730. Document Number is 716547. I think we looked
8 at it briefly before, just to confirm what it was.

9 **THE COMMISSIONER:** Seven thirty (730) you
10 said?

11 **MR. ENGELMANN:** Exhibit 730.

12 **THE COMMISSIONER:** Yes.

13 **MR. ENGELMANN:** Document Number 716547, a
14 letter dated April 7th, '97 from Mr. Perry Dunlop to Robert
15 Runciman.

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** Sir, this letter and the
18 Fantino brief formed some of the basis for the conspiracy
19 investigation; correct?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And in it, sir, there are
22 several references to concerns he has with his own police
23 force.

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** For example, on page 1,

1 second paragraph, he suggests corrupt practices; correct?

2 MR. HALL: Yes.

3 MR. ENGELMANN: And on page 4 in the last
4 paragraph he's expressing concerns about certain officers
5 may have been involved in an obstruct justice in connection
6 with these original allegations ---

7 MR. HALL: Yes.

8 MR. ENGELMANN: --- of David Silmsen's. And
9 on paragraph 6 -- sorry, page 6 -- in a couple of places,
10 for example in the first full paragraph, he's saying:

11 "I ask that you conduct a criminal
12 investigation of possible offences
13 committed by the Cornwall Police
14 Service."

15 MR. HALL: Yes.

16 MR. ENGELMANN: And in the fourth paragraph
17 -- sorry, two paragraphs down:

18 "...an independent criminal investigation
19 into the conduct of the Cornwall Police
20 Service."

21 MR. HALL: Yes.

22 MR. ENGELMANN: All right. So it appears at
23 least that what Constable Dunlop is asking for here is some
24 kind of an investigation into the Cornwall Police Service
25 and others who may have been involved in an obstruction of

1 justice or an attempt obstruct justice with respect to
2 Mr. Silmsers original complaints back in '92, '93.

3 MR. HALL: That's correct.

4 MR. ENGELMANN: All right. And that, for
5 the most part, framed your conspiracy investigation?

6 MR. HALL: Yes.

7 MR. ENGELMANN: All right. And, sir, in
8 addition he does set out in this letter, page 4 and first
9 paragraph, which is Bates page 962, that he's identified or
10 enclosed documents identifying other individuals as alleged
11 perpetrators of abuse of children -- sexual abuse; correct?
12 And he lists some names there. This is ---

13 MR. HALL: I think that's ---

14 MR. ENGELMANN: Sorry.

15 MR. HALL: That's the various tabs we found
16 in his binder to Mr. Fantino.

17 MR. ENGELMANN: Right, right. So this isn't
18 just about David Silmsers complaint about Father
19 MacDonald; it's broader, as far as Constable Dunlop is
20 concerned.

21 MR. HALL: Yes.

22 MR. ENGELMANN: And he sets out the two
23 probation officer's names, he sets out the schoolteacher's
24 name and he sets out Father MacDonald as being party to
25 additional allegations of sexual assault.

1 MR. HALL: Yes.

2 MR. ENGELMANN: And so, sir, the focus then
3 is some kind of conspiracy to attempt to obstruct justice
4 and a number of various allegations against individuals?

5 MR. HALL: Yes.

6 MR. ENGELMANN: All right. And people that
7 would have been considered suspects then -- presumably
8 Cornwall Police Service officers?

9 MR. HALL: In his mind they were, yes.

10 MR. ENGELMANN: Yeah, and presumably any
11 others who may have been involved in an attempt to obstruct
12 justice? So, for example, lawyers who were involved in
13 that initial illegal settlement?

14 MR. HALL: Yes.

15 MR. ENGELMANN: Perhaps their principals,
16 the Diocese, Father MacDonald et cetera?

17 MR. HALL: Yes.

18 MR. ENGELMANN: Those would all be potential
19 suspects if you're investigating his allegations?

20 MR. HALL: Yes.

21 MR. ENGELMANN: All right. Would the CAS
22 have been a potential suspect in any way?

23 MR. HALL: No.

24 MR. ENGELMANN: All right.

25 MR. HALL: No.

1 **MR. ENGELMANN:** And, sir, he's named Marcel
2 Lalonde in his materials as being an alleged perpetrator of
3 these types of offences. You've explained that he was not
4 part of Project Truth because charges had already been
5 laid.

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** And that you didn't consider
8 taking him in, despite these allegations in the Fantino
9 brief.

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

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

12 Sir, in that letter -- and I've
13 unfortunately put it away -- he also talks about, I believe
14 on the second page, the -- when he talks about the Silmser
15 allegations. He says that there are links between some of
16 the suspects, and he talks about the fact that Silmser made
17 allegations against both Father MacDonald and Ken Seguin,
18 for example; correct?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** And this was apparent to you
21 from your work that in some cases there were multiple
22 alleged perpetrators of the same victim?

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** And he also talks about --
25 on page 4 -- the issue of -- if I can just have a moment.

1 I thought he talked about -- yes, it's
2 actually on page 3. He talks about the fact that
3 Mr. Barque was sentenced for an offence of this nature, and
4 the fact that the victim in that case also alleged that he
5 was abused by the other probation officer, Mr. Seguin; Mr.
6 Barque's colleague.

7 MR. HALL: Yes. He also outlined his *Police*
8 *Services Act* charges as well.

9 MR. ENGELMANN: Yes.

10 MR. HALL: Page 2.

11 MR. ENGELMANN: Yes. And, sir, you -- there
12 were situations where, as a result of his brief, it was
13 alleged that in certain institutions there were two or more
14 alleged perpetrators; so, for example, at the Probation
15 Office would be one because you have Barque and Seguin.

16 MR. HALL: Yes.

17 MR. ENGELMANN: And the Diocese would be
18 another?

19 MR. HALL: Yes.

20 MR. ENGELMANN: All right. So there were
21 examples that he's setting out, either in the brief or in
22 his letter, of institutions that are employing one or more
23 alleged perpetrators?

24 MR. HALL: Correct.

25 MR. ENGELMANN: All right.

1 And, sir, the issue about a ring or clan of
2 paedophiles, that's set out I believe in Leroux's
3 statements in the Dunlop material or the Fantino brief;
4 correct?

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** And it would also be set out
7 in -- we looked at it briefly -- that Summerstown clan
8 brief, which is essentially a summary of those two
9 statements Mr. Leroux gave on February 7th, '97 in Orillia.

10 **MR. HALL:** I think the main proponent of a
11 ring of paedophiles was Detective Carson Chisholm, who was
12 blowing his horn continuously about paedophiles, and I met
13 with him personally and I audiotaped the interview, and he
14 didn't -- all he had was hearsay and innuendo. He knew
15 nothing.

16 **MR. ENGELMANN:** And this was a derivative,
17 if I can call it -- this is Mr. Dunlop's brother-in-law?

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** And essentially it stems
20 from the -- either original Leroux Affidavit or statement
21 about a ring or clan of paedophiles.

22 **MR. HALL:** He takes part in preparing the
23 Informations.

24 **MR. ENGELMANN:** Right. And so you have
25 those initial statements or Affidavits in the Dunlop brief,

1 you have what Mr. Leroux says in Orillia and then you have
2 it repeated in large part in an amended Statement of Claim
3 ---

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** --- that Constable Dunlop
6 files.

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** And essentially the
9 allegations are similar in all of those documents?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** All right. And it's all
12 based on evidence either from, at least at that point, from
13 Ron Leroux or from C-8.

14 **MR. HALL:** Pretty well.

15 **MR. ENGELMANN:** And anybody else who's
16 commenting on it is second-, third- or fourth-hand.

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** Is that fair?

19 **MR. HALL:** Yes. I also would like the
20 opportunity to give my views on how you would determine a
21 paedophile ring, if I may, whether here or later on or ---

22 **MR. ENGELMANN:** Well, we did talk about that
23 earlier, because we -- I think you and I both agreed it was
24 difficult to ---

25 **MR. HALL:** Well, I think I could ---

26 **MR. ENGELMANN:** --- give a legal definition

1 to "ring" or to ---

2 MR. HALL: Well, I think I could ---

3 MR. ENGELMANN: --- "plan."

4 MR. HALL: --- possibly explain it a little
5 more clearly. Maybe I should have did last week. But if
6 you're -- like, I could do it in two ways. I can refer to
7 two investigations.

8 If you take -- if you take the Jean-Luc
9 Leblanc, for instance, investigation, where we had 13
10 victims, alleged victims, one suspect -- Mr. Leblanc. We
11 charge Mr. Leblanc. He eventually pleads guilty to 18
12 counts involving 12 victims. I believe one of them was
13 withdrawn at preliminary hearing.

14 So the evidence is presented in the court,
15 the judge accepts the evidence and he's found guilty. So
16 at that point we don't have alleged victims anymore, we can
17 effectively remove the word "alleged" -- we have victims
18 now.

19 MR. ENGELMANN: Right.

20 MR. HALL: Okay? If you go to the Claude
21 Marleau case, for instance, it's almost the opposite. We
22 have Mr. Marleau with allegations against nine individuals,
23 actually. If you go through them, he has allegations
24 against Lawrence Benoit, who was deceased at the time we
25 received them.

26 Benoit passes them to Mr. Roc Landry and we

1 weren't able to find a link between Landry and Benoit other
2 than he introduced them. Father Paul Lapierre and Landry
3 are friends. Lapierre introduces Mr. Marleau --

4 **MR. ENGELMANN:** Let me just stop you there.
5 I thought there was an allegation that -- from Mr. Marleau
6 that Mr. Landry passed him on to ---

7 **MR. HALL:** Well ---

8 **MR. ENGELMANN:** --- Mr. Lapierre.

9 **MR. HALL:** Let me finish ---

10 **MR. ENGELMANN:** Father Lapierre.

11 **MR. HALL:** -- though. Let me finish.

12 **MR. ENGELMANN:** Fair enough.

13 **MR. HALL:** Father Lapierre obviously knows
14 the priest. He introduced him to Father Dubé, Father Don
15 Scott, who was deceased at the time; Father Hollis
16 Lapierre, who was his brother and is also deceased; and
17 Father Ken Martin; and Sandy Lawrence. And then Lawrence
18 subsequently introduced him to Dr. Peachey.

19 And the only connection we can find between
20 Peachey and Lawrence, there's no connection -- Peachey
21 doesn't know the priest, Sandy Lawrence doesn't know the
22 priest. So we lay charges. We lay charges against Landry,
23 Paul Lapierre, Ken Martin, Sandy Lawrence, Dr. Peachey.
24 Now, Dubé, his allegation's in Montreal.

25 Actually, Dubé -- initially, Mr. Marleau
26 thought it was Father Deslauriers, and Constable Genier

1 came to me -- the puzzle didn't fit. So, as a result of
2 that, we got pictures, did a photo line up and he
3 subsequently identified Father Dubé.

4 Father Dubé's allegations were in Montreal,
5 was handled in Montreal. Father Martin's allegations, some
6 were in Montreal and so was Paul Lapierre's which were
7 handled in Montreal. But when you -- when we get to our
8 charges, they're taken before a court, various judges, and
9 there's no guilty pleas found -- they're found not guilty,
10 all of them.

11 Some of it was a result of possibly -- I
12 recall Mr. Marleau said a make of one vehicle and the
13 priest said, "I never owned that vehicle." Another issue
14 was tattoos, whether it was on a right arm or a left arm or
15 whether he had any. Another was the headline said, "Not
16 guilty enough."

17 In any event, we don't have any convictions.
18 So at the end of the day, Mr. Marleau is still an alleged
19 victim. And I'm not saying for a minute that he's not
20 truthful in what he says, but he's still an alleged victim.

21 **MR. ENGELMANN:** Well, he's not an alleged
22 victim in the sense that he's a confirmed victim ---

23 **MR. HALL:** In Montreal. In Montreal.

24 **MR. ENGELMANN:** --- of Paul Lapierre.

25 **MR. HALL:** In Montreal.

26 **MR. ENGELMANN:** Yeah.

1 **MR. HALL:** But I'm talking about Ontario.
2 Okay? So all we have is one. So, for me to determine
3 there's a paedophile ring, what I need to have, first of
4 all, is victims -- alleged victims. Then we have to have
5 perpetrators, suspects, who we charge. Okay?

6 And then once we charge them and if there's
7 a conviction, then -- then we can say that the victim is
8 actually a victim; we can take away the allegations and
9 then you can call the charged person or convicted person a
10 paedophile. There's no way me, as a police officer of the
11 Ontario Provincial Police, can say a person is a paedophile
12 unless there's a conviction.

13 **MR. ENGELMANN:** Right.

14 **MR. HALL:** So in order to establish a ring
15 of paedophiles, you're going to have to have, one, victims,
16 you know, where there's guilty pleas found, and then you're
17 going to have a number of -- at least two, possibly more,
18 suspects who are now convicted.

19 **MR. ENGELMANN:** Right.

20 **MR. HALL:** So then we have to determine the
21 relationship between these people -- did they meet, did
22 they say, well, Mr. Marleau's mine today, Father
23 So-and-so's his the next day, so on and so forth. If you
24 can find evidence to that effect, we could. Now, if I went
25 one step further, for argument's sake, and said --
26 supposing I, for argument's sake said the OPP made a press

1 release in Cornwall, said, "Yeah, there's paedophiles,
2 there's a ring of paedophiles."

3 Well, there's three questions that are going
4 to come to my mind right off the bat: Firstly, how did you
5 determine that? Secondly, who are they? And thirdly, what
6 are you doing about it? So that's the process I went
7 through in this investigation to try and find out if there
8 was a paedophile ring. But I think you got to have those
9 essential ingredients at the beginning: You have to have
10 victims, you've got to have convictions. You can't call a
11 person a paedophile until he's convicted.

12 **MR. ENGELMANN:** Isn't that where ---

13 **MR. HALL:** Does that sound reasonable, Mr.
14 Commissioner?

15 **MR. ENGELMANN:** Isn't that where we started
16 early on, Mr. Hall, when I said to you, you couldn't say
17 you had a paedophile ring, because you didn't get more than
18 one conviction.

19 **MR. HALL:** Key word is "evidence," operative
20 word is "evidence."

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

22 **MR. HALL:** I mean, people can say what they
23 want, but unless there's the evidence there, from a police,
24 professional point of view, I can't say there's a ring.

25 **MR. ENGELMANN:** Well, sir, the key word, is
26 it not, is a finding of guilt ---

1 MR. HALL: Pardon?

2 MR. ENGELMANN: --- before you could -- a
3 finding of guilt of more than one person.

4 MR. HALL: Well, I mean, you've got to find
5 a connection between these people.

6 MR. ENGELMANN: Well, you certainly had
7 connections between these people, and associations.

8 MR. HALL: Which ones?

9 MR. ENGELMANN: Well, you had -- you had
10 associations -- I'm not saying you had convictions, but you
11 certainly had associations --

12 MR. HALL: Yes.

13 MR. ENGELMANN: --- between several of the
14 Marleau ---

15 MR. HALL: Well, the ---

16 MR. ENGELMANN: --- suspects.

17 MR. HALL: --- priests, obviously, they're
18 all -- they're all going to know each other. I mean, it's
19 like teachers in a school -- they're going to know each
20 other. Does that mean they're all paedophiles?

21 MR. ENGELMANN: Well, you didn't ---

22 MR. HALL: Of course not.

23 MR. ENGELMANN: No, sir, what I -- no, sir,
24 this is where we started when I suggested to you, you could
25 not find the existence of a paedophile ring, because you
26 didn't get more than one conviction.

1 MR. HALL: That's right, and I ---

2 MR. ENGELMANN: --- all right?

3 MR. HALL: I'm merely explaining what I
4 would have had ---

5 MR. ENGELMANN: Right.

6 MR. HALL: --- to get in order to determine.

7 MR. ENGELMANN: And you had a case
8 proceeding before the courts against Mr. Landry, with three
9 alleged victims.

10 MR. HALL: Mr. Landry died before ---

11 MR. ENGELMANN: But he died before the
12 matter was finished.

13 MR. HALL: Yes.

14 MR. ENGELMANN: All right.

15 MR. HALL: There were several of them died;
16 they were never convicted.

17 MR. ENGELMANN: And clearly, if he hadn't
18 died and you had been successful in that prosecution, you
19 might be talking to us somewhat differently ---

20 MR. HALL: Exactly.

21 MR. ENGELMANN: --- about Claude Marleau.

22 MR. HALL: Exactly. That's what I'm saying:
23 If we would have had the convictions, then we could have
24 got somewhere.

25 MR. ENGELMANN: And, in fact, two of the
26 other individuals, who you were suspicious about with

1 Claude Marleau, or three -- Father Don Scott ---

2 MR. HALL: Yes.

3 MR. ENGELMANN: --- and Father Hollis
4 Lapierre -- were both dead.

5 MR. HALL: Yes, so was ---

6 MR. ENGELMANN: --- so you couldn't
7 prosecute them.

8 MR. HALL: So was Benoit. Yeah, three of
9 them were dead.

10 MR. ENGELMANN: And if those people had been
11 alive, again, you may be telling us something different or
12 you ---

13 MR. HALL: Very well.

14 MR. ENGELMANN: --- may have concluded
15 something different.

16 MR. HALL: Very well.

17 MR. ENGELMANN: Fair enough. So, going back
18 to the investigation, then, if we can -- I'm just trying to
19 remember where I was. Oh, sir, with respect to that letter
20 of April 7th, just for a minute, you would have received a
21 copy of it April 7th, '97?

22 MR. HALL: Yes.

23 MR. ENGELMANN: And, presumably, at the
24 April 24th meeting, or thereabouts?

25 MR. HALL: That particular one went to the
26 Minister and the Solicitor General.

1 MR. ENGELMANN: Yes.

2 MR. HALL: So it came to us.

3 MR. ENGELMANN: Yes.

4 MR. HALL: Through channels.

5 MR. ENGELMANN: But you were ---

6 MR. HALL: As you -- well, you see, the
7 Ministry of Solicitor General wouldn't take his binders.

8 MR. ENGELMANN: No, I realize that.

9 Sir, you would have been -- you would have
10 been provided with a cover letter, either at the April 24th
11 meeting or thereabouts.

12 MR. HALL: It would have been probably
13 sometime after, because in the April 24th, until I got to
14 that meeting, I didn't really know what was happening.
15 None of us did, really.

16 MR. ENGELMANN: But it was at or around that
17 time.

18 MR. HALL: It would have been -- it would
19 have come. Inspector Smith may have had before I did but I
20 certainly did have it.

21 MR. ENGELMANN: And on the last page of the
22 letter, which is Bates page 69 or sorry, 965? It refers to
23 the enclosures.

24 MR. HALL: Yes.

25 MR. ENGELMANN: And it refers to four
26 volumes of documents. I'm just wondering, at that time,

1 you told us that you didn't get the four volumes until the
2 end of July of '98 and you only had the one volume or the
3 one binder. Did you or Detective Inspector Smith note the
4 difference there?

5 **MR. HALL:** Well, when we eventually received
6 the four binders on the 31st of July '98, I could tell what
7 Constable Dunlop did. He essentially took the Fantino
8 binder which was 74 tabs and he just divided it into two
9 and he added 10 more tabs so that he had 1 to 42, I believe
10 it was, or 44, and then it went from thereon to 85.

11 **MR. ENGELMANN:** Right. We've talked about
12 the actual content.

13 **MR. HALL:** Yes, yes.

14 **MR. ENGELMANN:** And the only thing that was
15 new with the 10 tabs, you were only really interested in
16 three. And the new stuff in the other two binders being
17 the police service ---

18 **MR. HALL:** The only time I got concerned
19 that we may not have had the full disclosure was when Mrs.
20 Dunlop was in the media about all these bankers boxes. And
21 I broached that subject with them on the 23rd of July '98
22 and that was the purpose for me being there basically.

23 **MR. ENGELMANN:** All right. I'm just
24 wondering, sir, having received this document right at the
25 beginning and you've only got one binder, whether you would

1 have said "What gives, this says four volumes".

2 MR. CARROLL: He didn't say ---

3 THE COMMISSIONER: Whoa, whoa, just a
4 second.

5 MR. CARROLL: He did not say that he
6 received it just at the beginning. If you recall, when he
7 went to that meeting, he was still only looking at the
8 death threats. He was not actually aware of any other part
9 of it. And it hasn't been established when he received it
10 other than sometime after the meeting. So to say right at
11 the beginning is not fair to the witness.

12 THE COMMISSIONER: Mr. Engelmann?

13 MR. ENGELMANN: I'm sorry. The witness said
14 he wasn't sure if he had it before the meeting. But you
15 would have had it at or about that time?

16 MR. HALL: I would have had it in the spring
17 sometime. When we started to get into the material and
18 Constable Genier is starting putting entries into our file
19 control register, and I believe that was the 22nd of June of
20 '97, you know, we would have had it.

21 THE COMMISSIONER: Okay. But I think the
22 question is fairly simple. He says you get this letter.

23 MR. HALL: Yes.

24 THE COMMISSIONER: You read it.

25 MR. HALL: Yes.

1 **THE COMMISSIONER:** And you look in the
2 enclosures and see four volumes of documents.

3 **MR. HALL:** Yes.

4 **THE COMMISSIONER:** And so I guess, if I've
5 got it correctly, Mr. Engelmann is saying, well, wouldn't a
6 little light go on and say, well, wait a minute. We only
7 have the Dunlop brief. We don't have four volumes of
8 documents.

9 **MR. HALL:** No, I didn't realize it then.

10 **THE COMMISSIONER:** Oh, fair enough.

11 **MR. HALL:** I just didn't realize it. I also
12 knew from conversations with Mrs. Dunlop that he was making
13 deliveries to the Ministry of Attorney General as well.
14 That material, we never did receive.

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

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

17 Yeah, and we looked at that. That was in
18 one of the earlier conversations you had with her.

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** Yeah, all right.

21 **MR. HALL:** When I was inquiring about
22 interviewing Constable Dunlop.

23 **MR. ENGELMANN:** Yes, and then already in the
24 spring of '97.

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** Yeah.

2 **MR. HALL:** And he wasn't interested in
3 speaking with me.

4 **MR. ENGELMANN:** Now, part of this issue, as
5 we both discussed, was framed by this amended statement of
6 claim that Constable Dunlop has filed, and that's Exhibit
7 672. I don't know if you have that binder, sir.

8 **THE COMMISSIONER:** Oh, we'll get it.

9 **MR. ENGELMANN:** The document number is
10 703633.

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** And sir, I'm not going to
13 spend a lot of time on this and we've already established
14 that part of the conspiracy allegations found their way
15 into this amended statement of claim.

16 If you want to turn to -- it's Bates page
17 10011. It's page 43 of the amended statement of claim.

18 You were aware, sir, from reviewing the
19 Leroux material that there was an allegation that a group
20 of individuals had met on an island, on Stanley Island, to
21 discuss -- the allegation was to discuss this settlement
22 that was being entered into with Mr. Silmsler. Do you
23 recall that?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** And a number of those

1 individuals are suggested or that may be involved -- they
2 are set out on page -- sorry -- in paragraph 84.

3 These are some of the allegations that are
4 being made; correct?

5 MR. HALL: Yes. He names individuals.

6 MR. ENGELMANN: Right. And this is part of
7 this conspiracy with respect to the attempt to obstruct
8 justice?

9 MR. HALL: Yes.

10 MR. ENGELMANN: All right.

11 MR. HALL: All those individuals were
12 interviewed.

13 MR. ENGELMANN: Yes. We'll get to the Crown
14 brief index which sets out a number of the people that were
15 interviewed.

16 And sir, you're looking for evidence,
17 presumably, that could lead to some kind of formation of
18 reasonable and probable grounds and then have a Crown
19 prosecutor to look at it to see whether there was
20 reasonable prospect of conviction?

21 MR. HALL: Yes.

22 MR. ENGELMANN: Yeah. And did you have some
23 idea of the potential criminal offences that could arise
24 here? You were looking at a conspiracy to attempt to
25 obstruct justice?

1 MR. HALL: Yes.

2 MR. ENGELMANN: Were you looking at any
3 other forms of criminal offences as it goes to a conspiracy
4 of sorts?

5 MR. HALL: Yeah, I believe we were looking
6 at some other -- without consulting a *Criminal Code*, I
7 can't tell you exactly right now.

8 MR. ENGELMANN: All right. Well, sir, you
9 were certainly looking at individuals for individual sexual
10 assault or sexual abuse investigations?

11 MR. HALL: I was looking at individuals?

12 MR. ENGELMANN: Yes.

13 MR. HALL: Yes.

14 MR. ENGELMANN: And you were looking at
15 linkages between individuals?

16 MR. HALL: Yes.

17 MR. ENGELMANN: Presumably not just with
18 respect to the individual cases and looking for further
19 alleged victims, further alleged suspects but also for this
20 broader conspiracy investigation?

21 MR. HALL: Yes.

22 MR. ENGELMANN: All right. And sir, did you
23 consider that this was something you could investigate
24 together; in other words, whether or not there is a group
25 of people acting together in some organized fashion,

1 together with looking at the individual cases?

2 MR. HALL: I don't understand your question.

3 MR. ENGELMANN: All right.

4 Did you look at the conspiracy issue
5 completely separate and apart from the individual
6 allegations you were looking at?

7 MR. HALL: Well, I think we -- I determined
8 at the onset that crime against persons were the priority.
9 I mean we had victims. We dealt with those issues first.
10 The determination -- we would get into the conspiracy
11 investigation at a later date. Possibly in the process of
12 interviewing victims and witnesses, we might learn some
13 information that would be helpful in the conspiracy.

14 MR. ENGELMANN: All right. But you were
15 looking at conspiracy to attempt to obstruct justice and
16 you were also looking at whether or not some of these men
17 who are alleged perpetrators are working in concert.

18 MR. HALL: Yes.

19 MR. ENGELMANN: And for example, you're
20 looking at some of the men that we looked at in that letter
21 including Father MacDonald, Marcel Lalonde, the two
22 probation officers.

23 MR. HALL: Yes.

24 MR. ENGELMANN: You're looking at some
25 priests that are named by Mr. Leroux, allegations at

1 Cameron's Point.

2 MR. HALL: Yes.

3 MR. ENGELMANN: You're looking at people
4 associating with one another as set out in the Leroux
5 statement or the Dunlop statement of claim?

6 MR. HALL: We were looking at all the
7 allegations contained in the material.

8 MR. ENGELMANN: And sir, were you looking at
9 the alleged perpetrators -- under the conspiracy rubric,
10 were you looking at any of the alleged perpetrators that
11 were named by Mr. Marleau?

12 MR. HALL: Well, there was other -- I think
13 there was other complainants. There was other allegations,
14 I believe, against some of those.

15 MR. ENGELMANN: Against some of the alleged
16 perpetrators of Mr. Marleau?

17 MR. HALL: Yes.

18 MR. ENGELMANN: Yes, there were other
19 victims.

20 MR. HALL: Yes, yes.

21 MR. ENGELMANN: Who may have been involved
22 in the Dunlop/Fantino brief.

23 MR. HALL: They may have. I'd have to look
24 at the list to see exactly.

25 MR. ENGELMANN: Yeah, yeah. No, you're

1 correct. Some of them ---

2 MR. HALL: Yes.

3 MR. ENGELMANN: --- and -- but were you
4 looking at -- the Marleau allegations were not contained in
5 the original allegations from Mr. Dunlop and/or Mr. Leroux.

6 MR. HALL: Well, the Marleau allegations
7 came to us from out of the blue really.

8 MR. ENGELMANN: Right.

9 MR. HALL: There is no -- other than Mr.
10 Marleau contacting Mr. Dunlop as a lawyer with some
11 victims. And he said go to Project Truth, which they did.
12 There is no connection whatsoever.

13 MR. ENGELMANN: All right. So you weren't
14 looking at the association of the alleged perpetrators of
15 Claude Marleau then as part of a conspiracy or a pedophile
16 ring?

17 MR. HALL: Yes, we were, but we didn't get
18 the convictions.

19 MR. ENGELMANN: All right.

20 MR. HALL: I explained earlier.

21 MR. ENGELMANN: All right.

22 So they would have been included in your
23 investigation as to whether there was some kind of
24 organized group operating?

25 MR. HALL: If we would have had the

1 convictions.

2 MR. ENGELMANN: All right. But before you
3 have convictions you prepare -- you investigate and you
4 prepare a Crown brief.

5 MR. HALL: Yes.

6 MR. ENGELMANN: You don't just get
7 convictions and then investigate a conspiracy after the
8 fact.

9 MR. HALL: Well, no, but if they're not --
10 if there's no convictions then there's -- I don't have the
11 essential ingredients, then I must -- might not likely put
12 it in the brief.

13 MR. ENGELMANN: And the type of evidence
14 you're seeking to uncover in relation to allegations of
15 some kind of organized group, you'd want to know if there's
16 some evidence of association between individuals?

17 MR. HALL: Well, you'd have to have some
18 association, yes.

19 MR. ENGELMANN: Right. So they would be --
20 you would expect that they would be attending one another's
21 residences?

22 MR. HALL: Well, when -- I mean ---

23 MR. ENGELMANN: I'm just looking at some
24 facts.

25 MR. HALL: From a practical sense, they

1 could have been related. They could have been business
2 partners. There could have been all kinds of reasons why
3 they were associating together; not necessarily for
4 criminal intent.

5 **MR. ENGELMANN:** Right. But you'd be looking
6 at -- you'd want to at least find some association between
7 them, whether that's in the office ---

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** --- whether that's at home,
10 whether that's at social events, what have you. You're
11 looking at association.

12 **MR. HALL:** We didn't put surveillance on
13 them, if that's what you're getting at.

14 **MR. ENGELMANN:** I hadn't gotten there yet.
15 Was that something you considered doing?

16 **MR. HALL:** Well, with the manpower we had,
17 no, not really. I don't think I ever reached a point where
18 I considered that it would be appropriate to put
19 surveillance, other than Mr. Leblanc.

20 **MR. ENGELMANN:** Right, and that was a
21 current case ---

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** --- as you said.

24 **MR. HALL:** Yes. Nothing to do with
25 Mr. Dunlop whatsoever.

1 **MR. ENGELMANN:** All right. So aside from
2 the evidence of association we've just talked about, you'd
3 be looking for evidence of passing of young people from one
4 person to another?

5 **MR. HALL:** Well, we were looking for people
6 to tell us what they knew, and if they knew that then we
7 would pursue it.

8 **MR. ENGELMANN:** No, but this is -- these are
9 the types of things you'd be looking for if you're looking
10 for some kind of organized activity; correct?

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** And you'd also be looking at
13 some evidence perhaps of them -- one of them assisting
14 another in covering something up, possibly?

15 **MR. HALL:** Well, if you're asking if I'm
16 looking at that, I'd have to have some evidence to look at
17 it, you know.

18 **MR. ENGELMANN:** Fair enough. You were
19 looking for that type of evidence?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** You'd expect that type of
22 evidence?

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** All right. All right.
25 And the investigative techniques you used

1 throughout this investigation were the taking of
2 statements?

3 MR. HALL: Yes.

4 MR. ENGELMANN: Were there others? I mean
5 you told us you didn't have the resources to do
6 surveillance, and these were historical charges. Were
7 there any other techniques that were utilized?

8 MR. HALL: Well, I mean if you want to take
9 it to the extreme, I don't think I'd ever get the evidence.
10 I mean you could get into electronic surveillance,
11 interception of private communications. You could do all
12 kinds of things but, I mean -- I mean you can't go to the
13 ridiculous.

14 MR. ENGELMANN: I'm just asking.

15 MR. HALL: No, I ---

16 MR. ENGELMANN: Sometimes you use
17 informants, sometimes there are other means you use?

18 MR. HALL: There's other means. There's
19 other investigative tools that could be used if I, as the
20 case manager, thought it was appropriate. I could ask for
21 them. I didn't necessarily be given them or whatever. It
22 would depend on a lot of factors.

23 MR. ENGELMANN: So one of the things that
24 you did was you had to determine, with respect to the
25 conspiracy allegations -- because you were looking at

1 taking of statements -- which people to take statements
2 from.

3 MR. HALL: Yes.

4 MR. ENGELMANN: And you indicated to us
5 earlier that, for example, you wanted to take statements
6 from people who were allegedly at certain events.

7 MR. HALL: Yes.

8 MR. ENGELMANN: For example, the meeting on
9 Stanley Island.

10 MR. HALL: Yes.

11 MR. ENGELMANN: Yeah.

12 MR. HALL: Mr. Commissioner, could we take a
13 personal break, please?

14 THE COMMISSIONER: We certainly can. It's
15 about that time in any event, so let's take a short break.

16 THE REGISTRAR: Order; all rise. À l'ordre;
17 veuillez vous lever.

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

19 --- Upon recessing at 10:59 a.m./

20 L'audience est suspendue à 10h59

21 --- Upon resuming at 11:19 a.m./

22 L'audience est reprise à 11h19

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: Thank you. Ready to go?
3 Great. Go ahead, Mr. Engelmann.

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, you were aware that in
8 1994 Mr. Smith conducted investigations into three issues,
9 one of which would have been a conspiracy mandate from '94?

10 MR. HALL: Yes.

11 MR. ENGELMANN: All right. And it was
12 similar to the mandate you would have had, sir, than in '98
13 except you had more allegations and more material ---

14 MR. HALL: Yes.

15 MR. ENGELMANN: --- by that point?

16 MR. HALL: Yes.

17 MR. ENGELMANN: And I just wanted to get --
18 you thought that you had received all of the investigations
19 from the 1994 investigations sometime, I believe, in the
20 fall of '97, with the exception possibly of the Hamelink
21 extortion brief, which may have come later?

22 MR. HALL: Yes.

23 MR. ENGELMANN: All right. And you would
24 have reviewed these materials, or your team would have
25 reviewed the materials, before embarking upon the

1 conspiracy investigation?

2 MR. HALL: Yes.

3 MR. ENGELMANN: All right. And you would
4 have had a view then of the thoroughness of the work that
5 was done in '94?

6 MR. HALL: Yes, we knew what was done.

7 MR. ENGELMANN: All right. And did you
8 think it had been thoroughly canvassed then?

9 MR. HALL: Well, not having been there and
10 knowing what all the issues were, I only could conclude
11 that Detective Inspector Smith felt it was done properly.

12 MR. ENGELMANN: And your investigation would
13 have consisted of re-interviewing a number of the same
14 individuals?

15 MR. HALL: Yes.

16 MR. ENGELMANN: Plus interviewing more?

17 MR. HALL: Yes.

18 MR. ENGELMANN: All right. And, sir, as I
19 understand it, on the conspiracy questions you would have
20 had a list of questions that you were putting to all or
21 most of the individuals, which would be a subset of the
22 questions you would put to them?

23 MR. HALL: Yes. I compiled a list and they
24 weren't the same for everybody, obviously, but it's what I
25 wanted to elicit from that witness ---

1 MR. ENGELMANN: All right.

2 MR. HALL: --- pertaining to what Mr. Dunlop
3 was saying.

4 MR. ENGELMANN: All right. But the bulk of
5 them were very similar or the same, were they not, sir?

6 MR. HALL: Well, most of them involved the
7 same persons being together.

8 MR. ENGELMANN: All right. And did you
9 actually do that or was that done by Officer Dupuis?

10 MR. HALL: It was a team effort because in
11 extracting -- we went to our file control register and it
12 wasn't just names, it was -- as I indicated last week,
13 there was events that were put in as an assignment.

14 MR. ENGELMANN: Right.

15 MR. HALL: For instance, a meeting on
16 Stanley Island, that was an assignment in itself. So when
17 we looked at that we would determine who was alleged to
18 have been there and when, and there would be questions put
19 to the various people about that event.

20 MR. ENGELMANN: And there would be a set of
21 questions. You interviewed a number of Cornwall Police
22 Service officers in the year 2000?

23 MR. HALL: Yes.

24 MR. ENGELMANN: There would have been some
25 set questions for them?

1 MR. HALL: Yes.

2 MR. ENGELMANN: And you also interviewed
3 Rick Abell and you had some ---

4 MR. HALL: Yes.

5 MR. ENGELMANN: --- set questions for him.

6 MR. HALL: Yes, I did.

7 MR. ENGELMANN: All right.

8 And sir, just to understand the process, my
9 understanding is written questions were prepared in advance
10 of the interviews.

11 MR. HALL: Yes.

12 MR. ENGELMANN: And you would have reviewed
13 or you and your team would have reviewed previous
14 statements, if they had been made by the particular person
15 you were interviewing.

16 MR. HALL: Yes.

17 MR. ENGELMANN: All right.

18 And that, typically, the written questions
19 were given to the person you were interviewing just before
20 you start the interview.

21 MR. HALL: Not all cases; most of them, yes.

22 MR. ENGELMANN: All right.

23 And in a couple of cases, they might have
24 been given a day or two before.

25 MR. HALL: Well, it wasn't a case of giving

1 them a day to before, it was a question that we left them
2 with them.

3 **MR. ENGELMANN:** Sure.

4 **MR. HALL:** Constable Dunlop was an example.
5 He didn't want to answer them then so we left them.

6 **MR. ENGELMANN:** All right.

7 **MR. HALL:** Constable Lefebvre to Cornwall
8 Police, he was having some difficulty recalling events and
9 he was unable to obtain his notes from the -- the
10 appropriate time so he asked if we could leave ---

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

12 **MR. HALL:** --- he called us about some of
13 this information.

14 **MR. ENGELMANN:** The bulk of the cases, it
15 would have been immediately before, but in some cases, you
16 left the questions with them.

17 **MR. HALL:** Yeah, when I say immediately
18 before, it was probably while we were setting up the
19 equipment, "Here's what we're going to be asking you."

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

21 **MR. HALL:** You know, it would be just a
22 matter of minutes before.

23 **MR. ENGELMANN:** Yeah.

24 And, sir, an example of the list of
25 questions would be Exhibit 2468 which is Document Number

1 711910 and these were the questions, I believe, that were
2 given to Richard Abell; just by way of an example.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. HALL: Yes.

5 MR. ENGELMANN: All right.

6 And again, just by looking at -- there's 48
7 questions and some of these interviews, there's 44; some
8 are 48, but some of these questions would be specific to
9 the CAS and some would be part of the subset that you would
10 use in all of your questions. Is that fair?

11 MR. HALL: That'd be fair.

12 MR. ENGELMANN: Yeah, all right.

13 And for example, questions about the --
14 learning about the settlement, "Have you heard the term
15 `clan of paedophiles?'" things like that; those would be
16 part of the general questions that you were asking
17 individuals.

18 MR. HALL: Yes.

19 MR. ENGELMANN: Yeah, all right.

20 And sir, maybe we can just look briefly at
21 responses and again, let's take Mr. Abell's statement by
22 way of example. And that's Document 2649 -- Exhibit 2649.
23 I don't know if you have that binder, sir. Sorry, 2469. I
24 apologize. It should be right after the ---

25 THE COMMISSIONER: Yes, it's a statement

1 from Mr. Abell, sir.

2 MR. ENGELMANN: Yeah.

3 THE COMMISSIONER: Yes.

4 MR. HALL: Yes.

5 MR. ENGELMANN: I'm sorry ---

6 MR. HALL: I have it.

7 MR. ENGELMANN: --- I'm reading numbers
8 backwards. Sorry, the Document Number 711908.

9 THE COMMISSIONER: There's help available
10 for that.

11 MR. ENGELMANN: Yes, I've worked with that
12 issue, actually.

13 Sir, this is -- this is a statement of Rick
14 Abell, June 20th, 2000.

15 MR. HALL: Yes.

16 MR. ENGELMANN: And you and Detective
17 Constable Dupuis are doing the interview.

18 MR. HALL: Yes.

19 MR. ENGELMANN: All right.

20 And sir, for example, if we turn to Bates
21 page 784, you ask him one of the questions from that list:

22 "Have you heard the term, clan of
23 paedophiles? Can you give me your
24 opinion on this matter?"

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** And sir, the term "clan" and
2 we talked about this the other day; it's an undefined term.
3 It can mean a lot of things to a lot of people.

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** Fair enough.

6 And was the reason you were putting that
7 particular term to people was because that had appeared in
8 the Leroux allegations? The term "clan" as opposed to say
9 a network or ---

10 **MR. HALL:** Well, I -- I don't think it was
11 exclusively to Dunlop's allegations. I mean, it was a
12 common phrase used in the media and it was something I
13 wanted to address.

14 **MR. ENGELMANN:** All right.

15 He says, at the end of trying to answer that
16 question, he says:

17 "What's a clan?" I'd need to have [a
18 whole lot better] -- need to have that
19 a whole lot better defined."

20 Do you see that?

21 **MR. HALL:** The bottom of 784?

22 **MR. ENGELMANN:** Yeah.

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** Like, he tries to answer
25 your question and at the end, he asks you a question.

1 **MR. HALL:** Yes.

2 **MR. ENGELMANN:** And sir, the next question:

3 "Do you know of anyone that would have
4 a vested interest in seeing that this
5 matter be covered up again?"

6 That was from your list; correct?

7 **MR. HALL:** Yes.

8 **MR. ENGELMANN:** And he says:

9 "Well, presumably, anybody who was, in
10 fact, molesting children."

11 It seems rather ---

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** --- obvious that, you know,
14 people who were molesting children or part of a group would
15 have a vested interest in covering it up. And that,
16 presumably, was the answer you expected.

17 **MR. HALL:** Well, I had no expectation of any
18 answers; it's what he told me.

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

20 And then at Bates page 788, you -- and this
21 is again a question off your list:

22 "To your knowledge, did the Catholic
23 Diocese conspire to cover up the acts
24 of Father MacDonald?"

25 And he answers your question with a question

1 again:

2 "Conspire? Again, that's one of those
3 terms."

4 Do you see that?

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** And that's -- isn't that
7 really almost asking someone a legal question, when you ask
8 them about the term "conspire" or "conspiracy"?

9 **MR. HALL:** Well, I think, at that particular
10 point, him having the knowledge he did, I don't think there
11 was any doubt in his mind what I was asking. I mean, he
12 was involved right from back in '93 ---

13 **MR. ENGELMANN:** Yes.

14 **MR. HALL:** --- in this investigation. He
15 was involved in it far longer than I was and being in
16 Cornwall and the directors say yes, he probably had far
17 more knowledge of media and whatnot and conspiracy so I,
18 you know, I didn't take the code out and explain it to him.

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

20 **MR. HALL:** I didn't think I needed to.

21 **MR. ENGELMANN:** But what he's saying is the
22 weight of their actions, I believe, had the effect of
23 covering up; covering up the actions of Father MacDonald so
24 they did -- they did it, but did they conspire? So he's
25 saying maybe a cover-up isn't a conspiracy.

1 **MR. HALL:** Exactly.

2 **MR. ENGELMANN:** Is that fair? All right.

3 And he says, "I guess we'll leave that to a
4 lawyer." And he goes on about meetings:

5 "Is that a conspiracy? I don't know.

6 The net effect was that there was an
7 attempt made to cover it up."

8 All right?

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** And that, perhaps, one could
11 -- could glean simply from the document itself; the
12 settlement document.

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** It might be. All right.

15 Now, with respect to some of the people that
16 you were re-interviewing, one of them was Murray MacDonald
17 ---

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** --- and he was interviewed
20 by yourself and Detective Inspector Smith. The document,
21 if you want it -- I'm not going to go into detail, but it
22 is -- it's Exhibit 2683, Document Number 111529. But
23 Detective -- when Mr. Smith testified here, he said he
24 didn't consider Murray MacDonald a suspect in the
25 investigation. I'm just wondering if you felt that way as

1 well.

2 MR. HALL: You mean, prior to interviewing
3 him?

4 MR. ENGELMANN: Yes, did you consider him to
5 be a suspect when you were interviewing him?

6 MR. HALL: Well, he could have been a
7 suspect. I think I -- the purpose of our interview with
8 him was to determine if he had been at any particular
9 places, meetings, that was alleged that he was at.

10 MR. ENGELMANN: You didn't caution him.

11 MR. HALL: No, no, if I could have cautioned
12 him, I would have suspected him of something.

13 MR. ENGELMANN: All right.

14 MR. HALL: I mean he was interviewed as a
15 witness and I think that's stated clearly. I think the
16 interview took place on the 17th of December of '98, ---

17 MR. ENGELMANN: It did.

18 MR. HALL: --- I believe.

19 MR. ENGELMANN: It did.

20 MR. HALL: And if he had said something that
21 I could have construed as being an admittance of something,
22 I would have immediately stopped him and cautioned him.

23 MR. ENGELMANN: All right. And the same was
24 true the next day with Bishop LaRocque, December 18th. If
25 you're interested, it's Exhibit 680, but again, it was

1 primarily as with Murray MacDonald. You were asking him
2 whether he had been at certain places?

3 MR. HALL: Yes.

4 MR. ENGELMANN: And at certain times?

5 MR. HALL: Yes.

6 MR. ENGELMANN: You weren't re-interviewing
7 him about the illegal settlement; you were looking at these
8 new issues?

9 MR. HALL: New issues primarily.

10 MR. ENGELMANN: Right.

11 MR. HALL: And I could have went back again
12 if I saw ---

13 MR. ENGELMANN: All right.

14 MR. HALL: --- fit.

15 MR. ENGELMANN: And again, he wasn't
16 cautioned?

17 MR. HALL: No, he wasn't.

18 MR. ENGELMANN: And, sir, would it be fair
19 to say he wasn't being treated as a suspect?

20 MR. HALL: No.

21 MR. ENGELMANN: All right. And Mr. ---

22 MR. HALL: And yet he had his lawyer
23 present.

24 MR. ENGELMANN: I'm sorry?

25 MR. HALL: He had a lawyer present.

1 **MR. ENGELMANN:** Yes. He had Mr. Saunderson
2 present?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** All right. And Mr. Shaver
5 was interviewed on July 9th, '99.

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** Just by way of background,
8 I'm not going to go into detail, it's Exhibit 1238. But
9 again, you're questioning him largely about associations
10 alleged by Ron Leroux?

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** Is that fair? And although
13 there was some questioning about the CPS investigation and
14 meetings in the fall of '93, in Mr. Shaver's case. If you
15 want to see it, I can ---

16 **MR. HALL:** Well, if you're asking me I'd
17 have to see it to tell you for sure.

18 **MR. ENGELMANN:** All right. But do you
19 recall that he was not cautioned either?

20 **MR. HALL:** No, he wasn't cautioned.

21 **MR. ENGELMANN:** Right.

22 **MR. HALL:** Matter of fact, he was living in
23 Florida at the time and ---

24 **MR. ENGELMANN:** Right.

25 **MR. HALL:** --- we could have interviewed him

1 sooner but we coincided with his trip to Canada.

2 **MR. ENGELMANN:** When he was here.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** And that worked out.

5 And, sir, what I wanted to suggest to you --
6 and you may want to look at it. It's Exhibit 1238, if the
7 witness could just have it.

8 But the thrust of it is that you're
9 interviewing him about some of these places and where he's
10 -- if he's gone to Fort Lauderdale and if he's been with
11 certain people at certain places.

12 That's really the thrust of the
13 statement and -- but, sir, what I wanted to point out was
14 there were a few questions about Cornwall police action in
15 the fall of '93, and you'll see that starting on or about
16 Bates page 718, which is page 14 of 26; about halfway
17 through.

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** And he goes on and in a very
20 long answer, on page -- Bates page 721, gives you a very
21 long answer and ---

22 **MR. HALL:** Seven two one (721)?

23 **MR. ENGELMANN:** Bates page 721, yes,
24 starting at the bottom of the page.

25 **MR. HALL:** Okay.

1 **MR. ENGELMANN:** About some of his dealings
2 with the papal nuncio, the bishop, et cetera.

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** In the statement, though,
5 you don't put to him any of the inconsistencies between his
6 evidence and that of Bishop LaRocque, do you? This is
7 something that Mr. Smith had put to the bishop back in '94;
8 inconsistencies between a statement from Claude Shaver and
9 what the bishop was saying. But I don't see that happening
10 here.

11 **MR. HALL:** No. We were simply asking the
12 question and taking his answer.

13 **MR. ENGELMANN:** All right. Now, there were
14 others who had been interviewed in 1994, some very briefly,
15 that you did not re-interview, and one of them would have
16 been Constable Heidi Sebalj; correct?

17 **MR. HALL:** Correct, and ---

18 **MR. ENGELMANN:** As I understand it, you went
19 to try and interview her but she was off on sick leave at
20 the time?

21 **MR. HALL:** Yes, Constable Dupuis and myself
22 visited her residence and we discussed with her the
23 possibility of an interview. She indicated she had blocked
24 it all out of her mind and she didn't completely close the
25 door; she just left it open at possibly a later date.

1 MR. ENGELMANN: All right.

2 MR. HALL: And we -- I subsequently got back
3 to her and she didn't want to be interviewed and I ---

4 MR. ENGELMANN: All right.

5 MR. HALL: --- accepted that.

6 MR. ENGELMANN: Her information might have
7 been important, though. You wanted to speak to her?

8 MR. HALL: Well, if you're looking at the
9 original complaint, yes.

10 MR. ENGELMANN: Yeah.

11 MR. HALL: And the sequence of events that
12 led up to the \$32,000 payoff and agreement, sure, would
13 have been -- but we had her notes.

14 MR. ENGELMANN: She had several
15 communications with Malcolm MacDonald that you might have
16 asked her about?

17 MR. HALL: Yes.

18 MR. ENGELMANN: She had several
19 communications with Murray MacDonald you might have asked
20 her about?

21 MR. HALL: Yes.

22 MR. ENGELMANN: She had several
23 communications with David Silmser and, in particular, some
24 about his contact with the Diocese during the course of her
25 investigation that you probably would have wanted to ask

1 her about?

2 MR. HALL: Yes.

3 MR. ENGELMANN: You might have wanted to ask
4 her about the delay between April and August in her notes,
5 and what was going on?

6 MR. HALL: I had some information, and as
7 she was on courses and there were different things
8 happening.

9 MR. ENGELMANN: All right.

10 MR. HALL: But yeah, I would have liked to
11 put together a series of questions and put them to her like
12 the other witnesses.

13 MR. ENGELMANN: And you probably would have
14 wanted to ask her about her contacts with David Silmser in
15 September of '93, after the direction comes in and some of
16 the comments that she was making to David Silmser and vice
17 versa?

18 MR. HALL: Are you referring to when he
19 attends the office?

20 MR. ENGELMANN: Not only then but in early
21 September after this notice comes in.

22 MR. HALL: Yes.

23 MR. ENGELMANN: Yeah. And you probably
24 would have wanted to ask her some questions about her views
25 on reasonable and probable grounds during the course of the

1 year.

2 MR. HALL: Yes.

3 MR. ENGELMANN: All right. And that might
4 have been helpful to have that kind of information before
5 you interviewed, for example, Malcolm and Murray MacDonald
6 for a second time, if you could have.

7 MR. HALL: Well, we had her notes. And I
8 reviewed her notes, but there could have been other
9 questions put to her, yes.

10 MR. ENGELMANN: All right.

11 And, sir, another thing that was different
12 about what you were doing in '98-'99-2000 from '94 was that
13 some of the individual suspects with respect to the
14 conspiracy investigation had actually been charged, right?
15 And they'd been charged with sexual offences against young
16 people.

17 MR. HALL: Are you referring to Malcolm
18 MacDonald?

19 MR. ENGELMANN: For example, Malcolm
20 MacDonald.

21 MR. HALL: Who are you referring to?

22 MR. ENGELMANN: Well, nobody had been
23 charged in '94, correct, when Mr. ---

24 MR. HALL: That's correct, yes.

25 MR. ENGELMANN: --- Detective Inspector

1 Smith was investigating.

2 MR. HALL: Correct.

3 MR. ENGELMANN: By the time you're doing
4 this, Malcolm MacDonald has been charged ---

5 MR. HALL: Yes.

6 MR. ENGELMANN: --- with sexual offences
7 against young people; correct?

8 MR. HALL: Well, we charged him.

9 MR. ENGELMANN: Yes.

10 MR. HALL: Yes.

11 MR. ENGELMANN: Yes. No, I'm not -- yeah.
12 Jacques Leduc has been charged?

13 MR. HALL: Yes.

14 MR. ENGELMANN: And Father MacDonald has
15 been charged?

16 MR. HALL: Yes.

17 MR. ENGELMANN: So that's a different
18 situation or scenario that Mr. Smith found himself in back
19 when he was investigating in '94.

20 MR. HALL: Yes, yes.

21 MR. ENGELMANN: All right.

22 And, sir, the reason why Father MacDonald
23 and Jacques Leduc were not interviewed in your conspiracy
24 investigation, was that because they were facing charges
25 before the courts or was there some other reason?

1 **MR. HALL:** I recall we approached Father
2 MacDonald. He didn't want to be interviewed.

3 **MR. ENGELMANN:** All right. What about
4 Jacques Leduc?

5 **MR. HALL:** We didn't interview him.

6 **MR. ENGELMANN:** All right.

7 **MR. HALL:** He had already -- I had the
8 benefit of Inspector Smith's interviews from the previous
9 investigation.

10 **MR. ENGELMANN:** From '94?

11 **MR. HALL:** Exactly.

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

13 **MR. HALL:** And we made numerous attempts to
14 try and contact his secretary, former secretaries and that
15 sort of thing.

16 **MR. ENGELMANN:** All right. Well, you did
17 speak to some assistants from both those offices, as I
18 understand it.

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** Malcolm MacDonald's office
21 and Jacques Leduc's office?

22 **MR. HALL:** Well, we tried -- we wanted to
23 interview one individual who was Malcolm MacDonald's
24 secretary at one time ---

25 **MR. ENGELMANN:** Yes.

1 **MR. HALL:** --- but she was also Murray
2 MacDonald's current secretary. And well, we could -- I
3 guess you don't need to refer to the interview, but the
4 long and the short of it was she didn't really want to say
5 anything till she retired, and she had two years to go.

6 **MR. ENGELMANN:** All right.

7 Sir, despite the fact that you did not --
8 you weren't successful in interviewing Father Charles
9 MacDonald and you didn't attempt to interview Jacques
10 Leduc, the other person facing charges, Malcolm MacDonald,
11 you did interview a couple of times.

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** And he was interviewed on
14 November 18th, '98 and then again on December 17th, '99?

15 **MR. HALL:** Well, Malcolm MacDonald had
16 already pled guilty to the conspiracy allegations.

17 **THE COMMISSIONER:** Not to the conspiracy.

18 **MR. ENGELMANN:** He'd pled guilty to ---

19 **MR. HALL:** Well, obstructing justice.

20 **MR. ENGELMANN:** --- obstructing justice.

21 **MR. HALL:** Okay.

22 **MR. ENGELMANN:** Yes. But he was before the
23 courts on ---

24 **MR. HALL:** Sexual assault.

25 **MR. ENGELMANN:** Yes. And yet he agreed to

1 be interviewed on November 18th, 1998 and again on December
2 17th, 1999; correct?

3 MR. HALL: In relation to?

4 MR. ENGELMANN: Your conspiracy
5 investigation.

6 MR. HALL: Yes.

7 MR. ENGELMANN: All right. And he didn't
8 have a problem or his lawyer didn't have a problem with you
9 interviewing him?

10 MR. HALL: He agreed to an interview and the
11 -- I didn't take part in it personally. The officers
12 interviewed him. And I think it was prior to him going to
13 Florida, because we knew he was going to -- he goes to --
14 he goes South in the wintertime. And I think ---

15 MR. ENGELMANN: And he was allowed to do
16 that, despite the fact that he was facing criminal charges
17 before the courts.

18 MR. HALL: Well, he was released. He was
19 waiting -- I believe his preliminary hearing was to take
20 place in January and he passed away in December.

21 MR. ENGELMANN: All right.

22 MR. HALL: In Florida.

23 THE COMMISSIONER: All he's asking,
24 oftentimes when people are arrested, their liberty of
25 travelling internationally is cut.

1 **MR. HALL:** Well, that wasn't the case and

2 ---

3 **THE COMMISSIONER:** All right.

4 **MR. HALL:** --- the Crown attorney didn't
5 decide it was necessary. It wouldn't be up to me to ---

6 **MR. ENGELMANN:** No, no, but you -- he was
7 allowed to do that?

8 **MR. HALL:** Sure.

9 **MR. ENGELMANN:** All right. Now, sir, you
10 did obtain further documents, I believe, regarding the
11 illegal settlement that we've talked about. And I just
12 want to ask about that.

13 **MR. HALL:** Which documents are you referring
14 to?

15 **MR. ENGELMANN:** Well, you had, for example,
16 the statements that had been given by Jacques Leduc and
17 Malcolm MacDonald back in '94.

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** You had a further -- you had
20 further interview statements with Malcolm MacDonald in '98
21 and '99.

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** And, sir, you were aware
24 from those interviews that there were documents that went
25 back and forth between these lawyers finalizing this

1 settlement?

2 MR. HALL: There had been some documents, I
3 believe ---

4 MR. ENGELMANN: Right.

5 MR. HALL: --- in Inspector Smith's brief,
6 there was some copies of documents.

7 MR. ENGELMANN: Did you take any steps, sir,
8 to obtain copies of this correspondence between the
9 lawyers' offices, between Mr. Malcolm MacDonald's office
10 and Jacques Leduc's office?

11 MR. HALL: Are you talking about four or
12 five years later?

13 MR. ENGELMANN: Yes.

14 MR. HALL: No.

15 MR. ENGELMANN: All right. Did you consider
16 either a) asking for them or b) trying to get them through
17 some legal means?

18 MR. HALL: Well, I think there is one
19 interview report where the context of a computer has been
20 asked to be erased ---

21 MR. ENGELMANN: Yes.

22 MR. HALL: --- if I recall.

23 MR. ENGELMANN: Yes.

24 MR. HALL: And I don't believe I would have
25 had the reasonable and probable grounds to do a search

1 warrant.

2 MR. ENGELMANN: Is it something you would
3 have -- you considered at the time, sir?

4 MR. HALL: Certainly, we thought about it.

5 MR. ENGELMANN: All right. Sir, we -- when
6 Mr. Smith testified here, he was asked about whether he had
7 received a draft of the settlement agreement, which is now
8 Exhibit 2686. It's Document Number 122598.

9 And he told us he had not obtained a
10 copy of that during the course of his investigation in
11 1994.

12 MR. HALL: I don't have a document ---

13 MR. ENGELMANN: Do you have that?
14 Twenty-six eighty-six (2686).

15 THE COMMISSIONER: Moi, je l'ai pas.

16 MR. ENGELMANN: One of my friends put this
17 to Mr. Smith when he was here. As I understand it, sir,
18 it's a draft of something that looks very similar to the
19 final release that was produced as part of an Affidavit of
20 Documents by Jacques Leduc in a civil matter.

21 MS. ROBITAILLE: Mr. Commissioner, just for
22 the record, it was produced in both Jacques Leduc's and
23 Malcolm MacDonald's Affidavit of Documents in the civil
24 dispute.

25 THE COMMISSIONER: Okay. Thank you.

1 **MS. ROBITAILLE:** Thank you.

2 **MR. ENGELMANN:** So, if you look at the full
3 release and undertaking not to disclose. And I don't know
4 if you can recall the original, but it's identical, save
5 and except you have a paragraph 2 in the final copy that
6 talks about terminating criminal actions, words to that
7 effect, and giving up the right to sue civilly.

8 **MR. HALL:** Which paragraph?

9 **MR. ENGELMANN:** Do you see there's a
10 handwritten note, number 2? It's Bates page 793.

11 **MR. HALL:** Yes. Numbers 1 to 5?

12 **MR. ENGELMANN:** Yeah, and it goes over to a
13 6 ---

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** --- and 7, and you'll see
16 there's a handwritten number 2.

17 **MR. HALL:** There's no handwritten material
18 in my document.

19 **MR. ENGELMANN:** You'll see the little number
20 2 on the left-hand side between -- do you not see that,
21 sir?

22 **MR. HALL:** Okay, the number 2?

23 **MR. ENGELMANN:** Yeah.

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** Yeah. And Detective

1 Inspector Smith, now Mr. Smith, told us that he never
2 received this document during the course of his 1994
3 investigation. And I think he also told the lawyer asking
4 the question to him that it would have been helpful for him
5 to have that.

6 Is that something that you were able to
7 obtain in the course of your investigation between '98 and
8 2000?

9 MR. HALL: I don't recognize this document.
10 I know we had a copy of the signed contract.

11 MR. ENGELMANN: Yes.

12 MR. HALL: But I don't recall seeing this
13 document.

14 MR. ENGELMANN: Right. Would you agree with
15 him that it might have been helpful to have this? This is
16 apparently -- we don't have the date, because it's -- it's
17 been -- well, it can't be read. But it's something that
18 was apparently faxed from Jacques Leduc to Malcolm
19 MacDonald, presumably before the final document was
20 prepared. It might have been helpful to have this to ask
21 some questions, sir?

22 MR. HALL: Yes, it would be helpful, yeah.

23 MR. ENGELMANN: And that's not something you
24 were able to obtain during the course of your conspiracy
25 investigation.

1 **MR. HALL:** No, I don't -- I don't recall
2 seeing this document.

3 **MR. ENGELMANN:** All right. And do you
4 recall making requests of the lawyers' offices for the
5 documents and precedents or anything else between them?

6 **MR. HALL:** Making -- making what again,
7 please?

8 **MR. ENGELMANN:** Making any requests for
9 documents to ---

10 **MR. HALL:** To who?

11 **MR. ENGELMANN:** --- either Malcolm
12 MacDonald's office or Jacques Leduc's office during the
13 course of your investigation.

14 **MR. HALL:** No.

15 **MR. ENGELMANN:** All right. And, sir, I
16 understand you didn't re-interview Mr. Adams, who is
17 another lawyer involved?

18 **MR. HALL:** No.

19 **MR. ENGELMANN:** You simply relied on the
20 1994 investigation ---

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** --- statement. And you did,
23 as you mentioned, conduct interviews of some of the
24 assistants?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And I understand there were
2 about four legal assistants you would have spoken to?

3 **MR. HALL:** Yes. I think one wasn't too
4 forthcoming.

5 **MR. ENGELMANN:** Right.

6 **MR. HALL:** Didn't want to get involved.

7 **MR. ENGELMANN:** And that was a former legal
8 assistant of Malcolm MacDonald's?

9 **MR. HALL:** Well, if you could show me the
10 interview, I could tell you which one. I can't recall
11 specifically which one now.

12 **MR. ENGELMANN:** Well, I can tell you the
13 names.

14 **MR. HALL:** Well, it's what they said that's
15 important ---

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

17 **MR. HALL:** --- not the names.

18 **MR. ENGELMANN:** At least one of them gave
19 you some information on the preparation of the '93
20 document. I think you have just referred us to that person
21 a minute ago.

22 **MR. HALL:** Yes.

23 **MR. ENGELMANN:** And that was Helene Jones?

24 **MR. HALL:** I'd have to see the document.

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

1 **THE COMMISSIONER:** Can we agree that it was
2 Helene Jones, Mr. --

3 **UNIDENTIFIED SPEAKER:** To my recollection.

4 **MR. ENGELMANN:** This is the woman you said
5 told you something, either during the course of the
6 interview or just afterwards?

7 **THE COMMISSIONER:** No, she phoned you. You
8 left and then she phoned you and said:

9 "Oh, yes, I remember something. It was
10 that we had those little computer ..."
11 Not a computer, but a memory typewriter,
12 "... and Monsieur Leduc came over and
13 told me to erase."

14 **MR. HALL:** Yes, yes.

15 **THE COMMISSIONER:** --- whatever ---

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** Did you view that
18 information as significant at the time, sir?

19 **MR. HALL:** Well, it would be significant,
20 but there's no evidence of what he asked her to erase,
21 really. It could have been anything.

22 **MR. ENGELMANN:** Would that have been
23 information you would have provided to the Crown, sir?

24 **MR. HALL:** Well, if I would have had it, I
25 would have made a determination whether I would have

1 provided it or not, depending what it was.

2 **MR. ENGELMANN:** No, but the information that
3 you had received from her. It wasn't in her statement.
4 I'm just wondering if it's something you would have
5 provided to the Crown.

6 **MS. ROBITAILLE:** Mr. Commissioner, this
7 issue was cleared up with Constable Dupuis when he was
8 here. That conversation was in his notes and his will say
9 that were included in the Crown Brief. And it's very clear
10 on the record, if you go back to the transcript of
11 Constable Dupuis.

12 **THE COMMISSIONER:** Okay.

13 **MS. ROBITAILLE:** Thank you.

14 **THE COMMISSIONER:** Thank you.

15 **MR. ENGELMANN:** Does that refresh your
16 memory, sir?

17 **MR. HALL:** Well, Constable Dupuis dealt with
18 it. I ---

19 **MR. ENGELMANN:** Okay.

20 Now, sir, at the time of your
21 reinvestigation in 1998 which starts in August, you had
22 laid charges against Mr. Leduc with respect to sexual
23 offences involving young people.

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** And we've heard from Mr.

1 Smith that in 1994 he certainly accepted Mr. Leduc's
2 explanation that he was not aware of the final terms of the
3 settlement agreement and preferred the evidence of Mr.
4 Leduc to that of Malcolm MacDonald, and for that reason he
5 only laid charges of attempts obstruct justice against
6 Malcolm MacDonald.

7 Are you aware of that, sir, of 1994?

8 **MR. HALL:** I was aware of it after he gave
9 evidence but I don't have a recollection of that at the
10 time.

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

12 Well, back in 1993 or 1994 there was no
13 suggestion of personal motives on the part of either of the
14 lawyers involved in the drafting of the settlement
15 documents.

16 **MR. HALL:** Correct.

17 **MR. ENGELMANN:** Now, that would be different
18 looking at it in 1998.

19 **MR. HALL:** It could be.

20 **MR. ENGELMANN:** Yeah.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. ENGELMANN:** I have another question. I
23 don't know if my friend is waiting for it or not.

24 **THE COMMISSIONER:** I don't know.

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

1 At the time of your reinvestigation did the
2 fact that there allegations against Mr. Leduc with respect
3 to sexual abuse of young people affect your assessment of
4 his involvement in the 1993 settlement?

5 **THE COMMISSIONER:** Yes?

6 **MS. ROBITAILLE:** Again, Mr. Commissioner, I
7 have a concern with the premise underlying the question. I
8 know my friend is aware that people who come before the
9 courts are innocent until proven guilty.

10 **THE COMMISSIONER:** Yes.

11 **MS. ROBITAILLE:** I have a concern with the
12 underlying premise. I don't think it's a question that is
13 going to assist you at all in your mandate.

14 **THE COMMISSIONER:** Well, no, let me see if I
15 understand it correctly.

16 If I understand what Mr. Engelmann is
17 getting at, is that this man is reinvestigating the
18 conspiracy issues and the settlement and everything like
19 that. And he's saying, "Look it, at this point in time
20 when this man is doing the investigation, things have
21 changed a little bit in the sense that what is the
22 difference between then and 1994 Jacques Leduc and Malcolm
23 MacDonald haven't been charged for sexual assault matters."
24 And I guess what he's saying is, "Okay, now that you have
25 those facts" -- well, it depends now. It depends now.

1 The charges that Malcolm MacDonald and
2 Jacques Leduc were facing of sexual misconduct, did they
3 cover a period of time before or after 1993? I think
4 that's the number one question.

5 **MR. ENGELMANN:** The charges against Malcolm
6 MacDonald date back to the late sixties and seventies.

7 **THE COMMISSIONER:** Yes.

8 **MR. ENGELMANN:** So they predate.

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

10 **MR. ENGELMANN:** The charges involving Mr.
11 Leduc start -- the alleged events start in the late
12 eighties and they go through the mid-nineties.

13 **THE COMMISSIONER:** So why -- and first of
14 all, it has nothing to do with guilt or innocence of your
15 client with respect to sexual assault. We're dealing with
16 a conspiracy or who drafted up this settlement and now what
17 Mr. Engelmann is asking him is, well, if these two people
18 are charged with items that took place before the
19 settlement, would that give them a motive to keep things
20 quiet on the Malcolm -- on the Father Charlie MacDonald
21 matter because they don't want to have other people coming
22 forward and laying charges, I guess, or complainants.

23 **MS. ROBITAILLE:** Mr. Commissioner, I sense
24 that there is some hesitation in the way you're linking it
25 up.

1 **THE COMMISSIONER:** Just because I'm coming
2 at it -- I don't have ---

3 **MS. ROBITAILLE:** And I think the difficulty
4 is it cannot be linked up. There's absolutely no
5 allegation that any of the persons who made allegations
6 against my client made similar allegations against either
7 Father MacDonald or Mr. Malcolm MacDonald.

8 **THE COMMISSIONER:** Right.

9 **MS. ROBITAILLE:** There's absolutely no
10 linkages there. And so I can't even formulate it in my
11 mind. It makes absolutely no sense and I can't -- I can't
12 see the logic and it's totally speculative and it shouldn't
13 be allowed.

14 **THE COMMISSIONER:** No, no. Yeah, but you're
15 looking at it for the truth of its contents. We're just
16 looking at this investigator and saying, "What is your
17 institutional response?" I mean, somebody is going to -- I
18 mean this gentleman, Mr. Hall, is not about to say, oh, I
19 just took the 1994 report and didn't do very much because
20 it was my friend, Mr. Smith, who had done it and I'm sure
21 he had done a good job. He's going to say that I took it
22 and I looked it over. Well, I think we can ask him subject
23 to your -- well, would the fact that these people are now
24 charged with allegations of sexual assault that took place
25 prior to the settlement, would they have anything to gain

1 by encouraging the settlement of Father MacDonald so that
2 there would not be a scandal that might expose them to the
3 accusations that they have now faced.

4 **MS. ROBITAILLE:** Mr. Commissioner, my
5 submission is that it is just such a farfetched chain of
6 reasoning that it's not a proper question. You have my
7 submissions.

8 **THE COMMISSIONER:** Thank you.

9 **MS. ROBITAILLE:** And I have your ruling.
10 Thank you.

11 **THE COMMISSIONER:** Well, yeah, my ruling is
12 that he can ask the questions but solely -- your point is -
13 - you've won the point in the sense that it's not for the
14 truth of the thing. It's only to see how the investigation
15 advanced and whether or not he considered the point.

16 Mr. Engelmann -- so, sir, did you consider
17 that at some point?

18 **MR. HALL:** Mr. Dunlop had made allegations
19 about Jacques Leduc in regards to the conspiracy, nothing
20 else, and the subsequent charges didn't change my feelings
21 about what may or may not have happened in '93.

22 **THE COMMISSIONER:** Well, I don't think that
23 was the question.

24 My question is, did you think -- did you
25 stop at some point and say, "Geez, they are charged with

1 events that took place before 1993", right, and therefore
2 there is a possibility they might have something to gain --
3 not directly with Father MacDonald but something to gain by
4 having this go away so that none of the sexual assaults
5 would come forward?

6 **MR. HALL:** Thinking back, I don't think it
7 influenced my course of the investigation.

8 **THE COMMISSIONER:** Did you think of that?
9 Did you come and stop and say, "Okay, here is the new
10 situation and this is what I decide" or it never really
11 dawned on you that way?

12 **MR. HALL:** Well, go back 10 years and try to
13 remember what I was thinking at the time is extremely
14 difficult. I only can answer to what I thought today and I
15 don't believe it was an issue with me. I may have thought
16 about it or I may not have thought about it.

17 **THE COMMISSIONER:** Okay, all right.

18 **MR. ENGELMANN:** But in any event, you did
19 not re-interview Mr. Leduc?

20 **MR. HALL:** I don't think I could have
21 interviewed Mr. Leduc. I don't think he would have
22 submitted to an interview.

23 **THE COMMISSIONER:** Did you try?

24 **MR. HALL:** No. He was a charged person. I
25 didn't try.

1 **THE COMMISSIONER:** Well ---

2 **MR. ENGELMANN:** But you did with Malcolm
3 MacDonald and you tried with Father MacDonald but you
4 didn't try with Jacques Leduc?

5 **MR. HALL:** No, I did not.

6 **MR. ENGELMANN:** All right. All right.
7 Now, also one of the differences between
8 your investigation and that of Mr. Smith's in '94 was that
9 you took some statements from a number of CPS officers who
10 had not given statements to Mr. Smith in '94.

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

12 **MR. ENGELMANN:** For example, Darcy Dupuis,
13 Kevin Malloy, Garry Derochie, Ron Lefebvre?

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** And those took place all
16 about the same time and I think you told us that that part
17 of your conspiracy investigation really started in or
18 around January of 2000?

19 **MR. HALL:** It started with Mr. Dunlop on the
20 18th of January 2000.

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

22 And that -- I think you told us as well,
23 that didn't happen right then? He asked to have the
24 questions?

25 **MR. HALL:** Yes, he was in the process of

1 doing his Will-State and he asked if the questions could be
2 incorporated in that and I agreed and he took the questions
3 with him. And he came back again on the 23rd of February
4 2000 with his wife Helen and gave his Will-Say.

5 **MR. ENGELMANN:** Right. And did he answer
6 the list of questions at that time, orally?

7 **MR. HALL:** I'd have to look at the document
8 to be specific whether he did or he didn't. He tended to
9 tell you what he wanted to tell you.

10 **MR. ENGELMANN:** Okay. But my point is that
11 he'd had some time with your list of questions.

12 **MR. HALL:** Yeah, he did.

13 **MR. ENGELMANN:** So when he came back and
14 gave you his statement ---

15 **MR. HALL:** He clearly wasn't going to answer
16 them and, I mean, on that date in fairness to him he was
17 asking me if he could have time to do that. I didn't think
18 it was a big deal to give him the statement -- the
19 questions.

20 **MR. ENGELMANN:** Because you knew that he was
21 putting together this comprehensive Will-Say?

22 **MR. HALL:** Yes, yes.

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

24 And, sir, in your interviews with the
25 officers you were also requesting their notes -- the CPS

1 officers; correct?

2 MR. HALL: Yes. I believe so.

3 MR. ENGELMANN: So for example -- huh?

4 MR. HALL: I believe I was, yeah.

5 MR. ENGELMANN: Yeah. For example, you
6 asked Garry Derochie to turn over a file I believe with Ron
7 Lefebvre. He asked for further time to find some notes of
8 his.

9 MR. HALL: Yes.

10 MR. ENGELMANN: And so there were issues
11 about officers' notes.

12 MR. HALL: Yes.

13 MR. ENGELMANN: And, sir, did you not
14 already have their notes before you interviewed them? I'm
15 wondering why you would have been asking for them at the
16 interview.

17 MR. HALL: The only notes I would have had
18 would have been -- that was provided in the *Police Services*
19 *Act* investigation that I think Staff Sergeant Derochie did.

20 MR. ENGELMANN: All right.

21 MR. HALL: And I was simply asking them if
22 there was most notes, if they'd disclosed all their notes.
23 I think Sergeant Lortie was another one who was interviewed
24 as well.

25 MR. ENGELMANN: Okay.

1 And, sir, would it not have been helpful to
2 get those notes from them before -- before you interviewed
3 them?

4 **MR. HALL:** Well ---

5 **THE COMMISSIONER:** Sorry. Mr. Callaghan?

6 **MR. CALLAGHAN:** There's a false premise. I
7 believe all those notes were in the *Police Act* hearing
8 binders, which have been produced. They were produced to
9 Mr. Dunlop and, as Mr. Hall has noted, he had them. So the
10 premise that there isn't, is a bit problematic. Lefebvre
11 didn't have them, from the notes, but there's no indication
12 that they weren't produced to this officer.

13 **THE COMMISSIONER:** Thank you, Mr. Callaghan.

14 **MR. ENGELMANN:** I'll go back to your notes
15 then, Mr. Hall.

16 Sir, I just -- I'm not saying that most of
17 them weren't in the PSA documents.

18 If you could look at -- it's Exhibit 2753.
19 It's your eleventh notebook. This is January 19th, 2000.

20 **THE COMMISSIONER:** Bates page, please?

21 **MR. ENGELMANN:** Bates page is 0382.

22 **THE COMMISSIONER:** Zero three eight two
23 (0382).

24 **MR. ENGELMANN:** Zero three eight two (0382).

25 And this is just after you complete an

1 interview with Staff Sergeant Garry Derochie, 11:02. It
2 says:

3 "Staff Sergeant Derochie turned over a
4 file."

5 **MR. HALL:** The Bates page, please?

6 **THE COMMISSIONER:** Zero three eight two
7 (0382).

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** Just after the interview.
10 It's an interview completed 11:00. 11:02:

11 "Staff Sergeant Derochie turned over a
12 file."

13 I can't read the next line.

14 **MR. HALL:** "He had on the matter."

15 **MR. ENGELMANN:** Okay. So you're getting
16 some additional information from him right after the
17 interview; correct?

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** If we could turn to Bates
20 page 420, the same notes. It's volume -- sorry, it's again
21 Exhibit 2753; just giving you some examples. Bates page
22 420.

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** 11:36:

25 "Cornwall courthouse. Meet with

1 Special Constable Ron Lefebvre. Given
2 questions and copy of notes of his. He
3 requested further time to find his
4 notes."

5 MR. HALL: Yes.

6 MR. ENGELMANN: Correct?

7 MR. HALL: Yes.

8 MR. ENGELMANN: Then at Bates page -- sorry?

9 MR. CALLAGHAN: I wonder if my friend could
10 produce the notes, because I believe they all were
11 produced. And if the suggestion is we didn't produce them
12 I'd like to see the notes.

13 MR. ENGELMANN: I'm not suggesting that the
14 Cornwall Police Service wasn't responsive when Mr. Hall
15 asked them for documents. It appears though that he's
16 asking for some documents after the interviews. That's
17 all. That was the only point.

18 MR. CALLAGHAN: Well ---

19 MR. ENGELMANN: And if -- I can carry on
20 this exercise. I don't think it's necessary.

21 MR. CALLAGHAN: Well, I guess the point, in
22 fairness to Mr. Hall then, he said he's had the *Police Act*
23 charges; he had the documents. There are notations here
24 that Ron Lefebvre didn't have the documents. You may ask
25 him what he had, because I'm a little concerned that the

1 perception being created is there weren't documents
2 produced, and my understanding is they were produced.

3 **THE COMMISSIONER:** Well, your perception is
4 wrong and I'm not -- I don't think any of the questions has
5 anything to do to shed your client in a bad light at this
6 point.

7 **MR. CALLAGHAN:** Sir, so you're saying my
8 perception of the question as opposed to my perception of
9 what was disclosed?

10 **THE COMMISSIONER:** Of life in general? I
11 don't know.

12 (LAUGHTER/RIRES)

13 **MR. CALLAGHAN:** No, no, but I mean the
14 people listening. This is a very serious issue.

15 **THE COMMISSIONER:** No.

16 **MR. CALLAGHAN:** We were trying to cooperate
17 with the OPP ---

18 **THE COMMISSIONER:** Sir, sir, until you got
19 up I don't know that in my mind there was any question ---

20 **MR. CALLAGHAN:** Right.

21 **THE COMMISSIONER:** --- about your
22 cooperation with the OPP.

23 **MR. CALLAGHAN:** Thank you.

24 **THE COMMISSIONER:** Does that correct your
25 perception now?

1 **MR. CALLAGHAN:** If that's what we're talking
2 about.

3 **THE COMMISSIONER:** That's what we're talking
4 about.

5 **MR. CALLAGHAN:** Thank you.

6 **THE COMMISSIONER:** Thank you.

7 **MR. CALLAGHAN:** If everybody out there
8 understands, I'm happy.

9 **THE COMMISSIONER:** Everybody out there, do
10 you understand now that that's what we're doing? Thank you
11 very much. The public has spoken. Thank you.

12 **MR. ENGELMANN:** I'm not going to ---

13 **MR. HALL:** Could we go to Bates 423?

14 **MR. ENGELMANN:** Yes, sure.

15 **MR. HALL:** 10:59.

16 **MR. ENGELMANN:** Just give me a moment, sir.
17 Yes.

18 **MR. HALL:** "Attended at the Cornwall
19 courthouse. Met with Special Constable
20 Ron Lefebvre."

21 **MR. ENGELMANN:** "Audiotaped interview at
22 11:04."

23 **MR. HALL:** "Conducted."

24 **MR. ENGELMANN:** Yes.

25 **MR. HALL:** "Interview concluded."

1 Lefebvre at the time of the Silmsen
2 matter was a sergeant in the Cornwall
3 Police Services."

4 **MR. ENGELMANN:** Right.

5 **MR. HALL:** "Lefebvre had contact with
6 Staff Sergeant Derochie to obtain his
7 notes. Unable to locate. May be in
8 possession of Cornwall Police Service
9 lawyers."

10 **MR. ENGELMANN:** Correct.

11 **MR. HALL:** So ---

12 **MR. ENGELMANN:** Those were some notes you
13 were trying to get?

14 **MR. HALL:** Well, yes, and that's the reason
15 why I left the questions with him, because ---

16 **MR. ENGELMANN:** Fair enough.

17 **MR. HALL:** --- there was going to be a
18 subsequent interview and I was trying to assist him because
19 he didn't have notes.

20 **MR. ENGELMANN:** And you told us that. Thank
21 you.

22 Sir, the notes that you received -- whether
23 you received them before, during or after interviews with
24 Cornwall Police officers, you would have reviewed them not
25 just with respect to the conspiracy investigation but

1 presumably also to determine if they were relevant to the
2 Father MacDonald prosecution?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** Sir, we've talked about the
5 interview that you had with Mr. Dunlop, first January then
6 February 2000.

7 Did you consider interviewing David Silmsen
8 about the conspiracy investigation?

9 **MR. HALL:** David Silmsen at that point had
10 been interviewed several times by police officers ---

11 **MR. ENGELMANN:** Yes.

12 **MR. HALL:** --- and he wasn't too receptive.
13 That's the information I had. And I think with my
14 discussions with Detective Inspector Smith, we decided not
15 to. He had already been -- there already had been an
16 extortion investigation take place and I had copies of
17 whatever interviews were done at that time. I also had the
18 interviews from the conspiracy investigation that Detective
19 Inspector Smith had done.

20 **MR. ENGELMANN:** Right.

21 **MR. HALL:** I interviewed him on -- in August
22 of '97 at Prescott Detachment about the ---

23 **MR. ENGELMANN:** The death threats.

24 **MR. HALL:** --- threats he had, and he was
25 pretty upset when he came in with his wife. So based on

1 all of those facts, I didn't decide to interview him.

2 MR. ENGELMANN: All right. He may have had
3 some useful information but you were concerned ---

4 MR. HALL: Well, I'm sure if he had he would
5 have told us.

6 MR. ENGELMANN: All right. I mean you had a
7 decent working relationship with him when you did meet with
8 him?

9 MR. HALL: Well, I only interviewed him the
10 one time and that was at his request.

11 MR. ENGELMANN: All right.

12 MR. HALL: And other than that I had no
13 dealings with him.

14 MR. ENGELMANN: All right.

15 Now, sir, did you prepare the Crown brief
16 that was submitted to the Crown on July -- excuse me, that
17 was submitted to the Crown on July 20th, 2000 or would that
18 have been one of your officers?

19 MR. HALL: The preparation probably would
20 have been by Constable Dupuis but, excuse me, I had input
21 into it and I reviewed it before it went out.

22 MR. ENGELMANN: All right.

23 And if we could look briefly at Exhibit
24 2631. That's Document Number 703627.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. ENGELMANN:** Two six three one (2631),
2 sir.

3 **MR. HALL:** Still trying to locate it.

4 **THE COMMISSIONER:** What exhibit number
5 again?

6 **MR. ENGELMANN:** Two-six-three-one (2631).

7 **THE COMMISSIONER:** Two-six-three-one (2631).
8 Yes, I have it.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** Sir, if we look at this,
12 this gives us a sense of the quantity of materials that you
13 would have submitted to the Crown.

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** There are nine volumes; is
16 that correct?

17 **MR. HALL:** There is nine volumes in this
18 original disclosure but there was other materials
19 subsequently at the request of Lorne McConnery.

20 **MR. ENGELMANN:** And just size-wise, can you
21 give us a sense as to what a volume is? Is it like a
22 binder?

23 **MR. HALL:** It's a binder, much the same as
24 one of these.

25 **MR. ENGELMANN:** All right, so a large

1 binder?

2 MR. HALL: Yes.

3 MR. ENGELMANN: All right. So there is an
4 awful lot of material being given to the Crown?

5 MR. HALL: Yes, there is.

6 MR. ENGELMANN: So presumably, the index is
7 obviously of importance to get a sense as to what's in
8 there?

9 MR. HALL: Yes. It would probably be the
10 biggest brief we did on the whole investigation.

11 MR. ENGELMANN: Right. And it would be
12 important to have a summary or two as well so that someone
13 looking through all of these documents has a sense as to
14 your views on it?

15 MR. HALL: Yes.

16 MR. ENGELMANN: All right. And there would
17 have been a Crown brief synopsis and perhaps some other
18 summary documents prepared?

19 MR. HALL: Well, if I could -- if you want
20 to go through, I can tell you exactly what's in there.

21 MR. ENGELMANN: All right. Well, it does
22 reference a synopsis right on the first page of the index,
23 926.

24 MR. HALL: Yes.

25 MR. ENGELMANN: And it also references a

1 document called "Conspiracy to Obstruct Justice
2 Allegations". Is that a summary document you would have
3 prepared as well?

4 MR. HALL: The documents, we were simply
5 putting them in. I wouldn't have prepared a document.

6 MR. ENGELMANN: All right. Well, we'll look
7 at it in a minute.

8 MR. HALL: Are you referring to the
9 statement of claim and the correspondence?

10 MR. ENGELMANN: No, just the two -- it says
11 "Conspiracy to obstruct justice allegations of Constable
12 Perry Dunlop" pages 5 to 7.

13 MR. HALL: Yes.

14 MR. ENGELMANN: I presume that's a summary-
15 type document ---

16 MR. HALL: Yes.

17 MR. ENGELMANN: --- that you would have
18 prepared or your officers?

19 MR. HALL: Yes.

20 MR. ENGELMANN: Likewise the synopsis;
21 again, that's the same thing, a summary-type document?

22 MR. HALL: Yes.

23 MR. ENGELMANN: Were there other summary-
24 type documents prepared or are those the two for the nine
25 volumes?

1 **MR. HALL:** Well, for this. For this volume
2 that's all that would be there.

3 **MR. ENGELMANN:** Oh, okay.

4 **MR. HALL:** There may be others in other
5 volumes.

6 **MR. ENGELMANN:** I don't think I saw them.
7 It doesn't appear that any of the other volumes, sir, have
8 a synopsis or summary.

9 At this time, I want to take a quick look at
10 the index.

11 **MR. HALL:** It wouldn't be likely.

12 **MR. ENGELMANN:** Okay, all right. So those
13 would be the two summary documents for the nine volumes?

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** All right. And sir, you not
16 only list the documents that you're handing over to the
17 Crown but when they are statements, you list the names of
18 all of the individuals and whether it's the first
19 statement, second statement, third statement, et cetera,
20 from that individual?

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** And you give -- in some
23 cases you give the dates, in others if there is only one
24 you don't necessarily?

25 **MR. HALL:** Correct.

1 **MR. ENGELMANN:** All right.

2 And sir, there is material compiled for
3 inclusion in the brief. You would have used the Access
4 program to generate the list of statements to be included?

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** And sir, how did you
7 determine which statements were going to be flagged for
8 this particular investigation?

9 **MR. HALL:** Well, as I indicated last week,
10 when we did an interview regardless of how it was done, it
11 was either typed or transcribed and it was entered in our
12 Access program and it was associated to some suspect or
13 some individual. So if we used, for instance -- and a
14 conspiracy as well. That was the heading.

15 So if the statement was taken in a context
16 of a conspiracy then it would be associated to it.

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

18 **MR. HALL:** And we'd go to our secretary.
19 She runs off a list of the things that we want to pull and
20 then she likewise generates the appropriate statements so
21 they can be put in a brief.

22 **MR. ENGELMANN:** Sir, I note for example in
23 the indices, you have a reference to the -- I'll just find
24 it for you, sir.

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

1 **MR. ENGELMANN:** I'll just be a moment.

2 Yes, in the 8th volume, you appear to have
3 some statements dealing with one of Mr. Leroux' allegations
4 and that is about an alleged illegal seizure and
5 destruction videotapes. That was an issue you looked at in
6 the context of the conspiracy investigation?

7 **MR. HALL:** Which Bates page are you looking
8 at?

9 **MR. ENGELMANN:** Nine-three-three (933).

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** So for example, the
12 interviews with Steve McDougald and Jim McWade.

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** Possibly Randy Millar.

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** Be dealing with that
17 particular issue?

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** That was an issue you looked
20 at in the context of this investigation?

21 **MR. HALL:** Yes.

22 **MR. ENGELMANN:** All right. And sir, with
23 respect to allegations or statements from alleged victims,
24 am I right that aside from Mr. Leroux, the only other
25 statements from alleged victims that were put into the

1 conspiracy brief were on page 930?

2 We have a name with two statements. The
3 first name there that's C-56, I believe.

4 Yes, he was one of two additional alleged
5 victims that were interviewed by Ms. Sebalj in the original
6 Cornwall Police Service investigation; correct?

7 **MR. HALL:** Right.

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

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

10 **MR. ENGELMANN:** Yes. And I understand if we
11 turn the page over to 931, we also have the sixth name
12 down; he's C-3?

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** He is another individual
15 that she would have spoken to, another alleged victim?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** And then we have Mr.
18 Silmser?

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** And sir, the only other
21 alleged victim that I see a statement from in this brief
22 would be C-8. Am I correct on that?

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

24 **MR. ENGELMANN:** Well, there is a reference
25 to a sexual assault complaint on the very last page of John

1 MacDonalld as far as witness statements. I think those are
2 the only alleged victims; C-56, C-3, David Silmser and C-8.

3 MR. HALL: Yes.

4 MR. ENGELMANN: All right. Now, you
5 interviewed many alleged victims of sexual abuse.

6 MR. HALL: Yes.

7 MR. ENGELMANN: And sir, did you not -- why
8 was it that you wouldn't have included some of the other
9 statements from alleged victims of sexual abuse? You did
10 not feel they were relevant to this aspect of your
11 investigation?

12 MR. HALL: The ones that I indicated in the
13 brief here were surrounding the events that took place in
14 '93-'94.

15 MR. ENGELMANN: The Stanley Island incident
16 and ---

17 MR. HALL: No, the allegations, the original
18 -- the original allegations of Mr. Silmser.

19 MR. ENGELMANN: Yes.

20 MR. HALL: Three of those revolved around
21 that although they didn't want to come forward at the time
22 or at least two of them didn't. It wasn't until Inspector
23 Smith's subsequent investigation in '95 that they had a
24 change of heart.

25 MR. ENGELMANN: All right. So at the time

1 when you put this brief together, between '98 and 2000, it
2 was your view that allegations or statements from other
3 alleged victims were not relevant to your conspiracy ---

4 **MR. HALL:** Well, I wouldn't see how the
5 alleged victims of Jean-Luc Leblanc would have anything to
6 do with a conspiracy investigation.

7 **MR. ENGELMANN:** All right. And alleged
8 victims of say, Nelson Barque or Ken Seguin or Richard
9 Hickerson; people like that?

10 **MR. HALL:** They ---

11 **MR. ENGELMANN:** Their statements were
12 relevant?

13 **MR. HALL:** --- they weren't -- they weren't
14 involved in -- in the initial allegations that came
15 forward; how this whole thing got going back in '92.

16 Namely, Silmser's initial allegation.

17 **MR. ENGELMANN:** Right. But certainly,
18 several of these came out of the Dunlop brief and including
19 many of the alleged victims of Marcel Lalonde. They're not
20 here either; with one exception.

21 **MR. HALL:** Yeah, but they didn't come until
22 '96.

23 **MR. ENGELMANN:** Okay. All right. So I'm
24 just -- I'm just a little unclear. Are you only
25 investigating or re-investigating the conspiracy to attempt

1 obstruct justice from '93 or are you investigating material
2 that you get in '96 and '97? I'm confused.

3 MR. HALL: Well, sir, the victims I
4 indicated were involved in the initial complaint.

5 MR. ENGELMANN: Okay.

6 MR. HALL: Okay and that's where ---

7 MR. ENGELMANN: The -- the Silmser
8 complaint?

9 MR. HALL: --- that's where the conspiracy
10 comes from or the allegation of a conspiracy comes from;
11 back from the original investigation.

12 MR. ENGELMANN: All right.

13 Now, sir -- and I apologize -- aside from
14 the two summary documents we looked at, there was also a
15 timeline prepared, I believe ---

16 MR. HALL: Yes.

17 MR. ENGELMANN: --- for this. Maybe we
18 could just look at the allegations of Constable Perry
19 Dunlop document. And that's -- it's set out at the first
20 page of 2631 at pages 5 through 7 and I'm just going to try
21 to find that document, sir. I believe it is Exhibit 2635.
22 It may well be in that same binder.

23 So this is the document that's at pages 5
24 through 7 of your Crown brief, volume 1. Am I correct?

25 THE COMMISSIONER: Right.

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

2 **MR. ENGELMANN:** Well, there's three Bates
3 pages. It'd be 0942 to 0944. I'm sorry, Mr. Hall, maybe
4 you're on a different exhibit. It's 2635.

5 **MR. HALL:** Yeah, that helps.
6 Yes.

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

8 And I believe that's the document that's
9 described back on the index as being pages 5 through 7.
10 It's one of your summary documents you would have prepared
11 ---

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** --- that went along with the
14 nine volumes. All right.

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** And who would have prepared
17 this document, "Conspiracy to Obstruct Justice Allegations
18 of Constable Perry Dunlop"?

19 **MR. HALL:** I think I -- I probably would
20 have with the assistance of Constable Dupuis and he may
21 have done some of it; it was a joint effort.

22 **MR. ENGELMANN:** What was the purpose of this
23 document?

24 **MR. HALL:** It was to outline Constable
25 Dunlop's allegations.

1 **MR. ENGELMANN:** All right. Well, it
2 isolates four specific allegations contained in Dunlop's
3 will state. Is that correct?

4 **MR. HALL:** Where the information comes from,
5 yes.

6 **MR. ENGELMANN:** Yeah. You say the following
7 comments are taken from Constable Dunlop's will State. And
8 was there a particular reason you isolated those four
9 allegations?

10 **MR. HALL:** Well, it's -- it's not four
11 allegations. It's four documents or places where we
12 derived information.

13 **MR. ENGELMANN:** All right. Well, there's
14 sort of four issues here; aren't there though? The first
15 one is ---

16 **MR. HALL:** Well, okay, it's number 4; his
17 will state. Well, there's all kinds of allegations within
18 the will state.

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

20 **MR. HALL:** And if you -- if you look at the
21 memorandum number 2 -- the memorandum delivered to
22 Assistant General Runciman, April 7th, '97, there's --
23 there's allegations within there.

24 **MR. ENGELMANN:** Well, sir, I'm looking --
25 I'm at -- I'm a little over on the page. I'm -- I'm at

1 number 1 and it says, "Constable Perry Dunlop indicates" --
2 -

3 MR. HALL: Okay.

4 MR. ENGELMANN: --- on page 16. Those are
5 sort of the four issues or allegations I was talking about.

6 MR. HALL: Yes.

7 MR. ENGELMANN: All right. So the first one
8 is that he indicates on page 16 of his will state -- and if
9 you want that, it's Exhibit 579, but in any event -- that
10 the Director of the Children's Aid Society indicated a
11 cover-up.

12 MR. HALL: Yes.

13 MR. ENGELMANN: "Richard Abell was
14 interviewed on June 20th, 2000 and
15 adamantly denies ever saying there was
16 a cover-up."

17 MR. HALL: Yes.

18 MR. ENGELMANN: "When asked again for his
19 opinion, Abell still states he does not
20 believe there was a cover-up. He also
21 provided copies of his notes on this
22 matter from the beginning. His entries
23 for a meeting with Chief Shaver on 1st
24 October '93, indicate that Shaver
25 states the department screwed up 'big

1 time' in the investigation."

2 **MR. HALL:** Yes.

3 **MR. ENGELMANN:** Okay. So it appears that
4 you're trying to answer one of Dunlop's allegations here by
5 saying that Richard Abell doesn't agree with him on the
6 indication from his will state that there was any form of a
7 cover-up. Do I have that right?

8 **MR. HALL:** Question again?

9 **MR. ENGELMANN:** Sir, I read to you the
10 paragraph that's next to number 1 ---

11 **MR. HALL:** Correct.

12 **MR. ENGELMANN:** --- right? And in that you
13 say that Dunlop indicates that he's told by Abell that
14 there's a cover-up or that Abell indicates a cover-up to
15 him. Do you see that?

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** First sentence.

18 **MR. HALL:** I'm -- I'm repeating Dunlop's
19 allegation.

20 **MR. ENGELMANN:** Right. And then you're
21 answering them by saying Abell doesn't agree with that.
22 He's adamantly denying it; correct?

23 **MR. HALL:** Which he did, yes.

24 **MR. ENGELMANN:** Yeah, so -- so what you're
25 doing here is you're saying, here's Dunlop's allegation;

1 here's the complete answer too.

2 MR. HALL: I didn't say a complete answer.
3 I'm just saying "a" answer.

4 MR. ENGELMANN: All right.

5 Now, if -- if we go back to his statement
6 for a moment and, in fact, maybe we'll just take a look at
7 Exhibit 579 and Exhibit 2469. If I could just go through
8 this one example before the break, sir.

9 THE COMMISSIONER: Five-seven-nine (579)
10 and?

11 MR. ENGELMANN: And 2469.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. ENGELMANN: Now, the Bates page in 579
14 is Bates page 917 ---

15 MR. HALL: Yes.

16 MR. ENGELMANN: --- which is page 16. Just
17 give me a moment.

18 So what he's saying is -- look at about the
19 middle of the page:

20 "We continue to talk about the
21 particulars of the case and Abell said
22 the suspects fit a profile which
23 normally indicate a pattern of abuse of
24 multiple victims being abused over many
25 years, as is the case when members of

1 the Church are involved; cover-ups are
2 sometimes involved."

3 See that?

4 **MR. HALL:** Yes.

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

6 "And he believed this might be the case
7 in this incident."

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** All right, that's Rick
10 Abell.

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** And would it surprise you if
13 Detective Inspector Smith shared views of that nature?

14 **MR. HALL:** I don't know what views Detective
15 ---

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

17 **MR. HALL:** --- Inspector Smith shared.

18 **MR. ENGELMANN:** All right.

19 Sir, it says, "Silmser has been paid off to
20 keep things quiet"; all right?

21 But in any event, the concern you seem to
22 have is that he's got Abell saying that "as is the case
23 when members of the Church are involved, cover-ups are
24 sometimes involved." And he believed that this might be
25 the case in this incident; okay?

1 So that's -- that's what Dunlop said in his
2 will state. And if we look at what Abell told you -- top
3 of Bates page 780 and that's in Exhibit 2469.

4 **THE COMMISSIONER:** Sir, Exhibit 2469?

5 **MR. HALL:** Yes.

6 **THE COMMISSIONER:** Okay. Can you put it on
7 the screen, please.

8 **MR. ENGELMANN:** Question at the top of the
9 page:

10 "It was said that the Director of
11 Children's Aid Society indicated a
12 cover-up. Could you comment
13 on
14 this?"

15 "Um, I don't ever recall saying there
16 was a cover-up. This goes back to the
17 earlier comment about the claim that I
18 had problems with the police
19 investigation. Certainly strong,
20 strong speculation about that, and I'm
21 sure you're quite aware, I was close
22 friends with Perry Dunlop at the time.
23 He was absolutely convinced of the
24 fact."

25 All right? And then a little later on,
26 Bates page 788, bottom of the page -- we looked at this

1 earlier:

2 "To your knowledge, did the Catholic
3 Diocese conspire to cover up the
4 acts of Father MacDonald?"

5 "Conspire? Uh, again, that's one of
6 those terms. The weight of their
7 actions, I believe, had the effect of
8 covering up; covering up the actions of
9 Father MacDonald. So they -- they did
10 it, but did they conspire?"

11 In other words, they covered up, but did
12 they conspire? They attempted to. And he says at the end:

13 "There were meetings, there was a
14 decision. Is that sort of a business
15 process or is that a conspiracy? I
16 don't know. The net effect was that
17 there was an attempt made to cover it
18 up."

19 Okay. Do you see that?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** All right. So, in your
22 summary, you're saying:

23 "Richard Abell was interviewed and
24 adamantly denies ever saying there
25 was a cover-up."

26 All right?

1 **MR. HALL:** Is that what he says?

2 **MR. ENGELMANN:** That's inaccurate, isn't it?

3 Well, it's certainly incorrect, is it not, when you say
4 "adamantly denies ever saying there was a cover-up"? I
5 just read it to you.

6 **MR. HALL:** And Mr. Abell denies ever saying
7 -- recall saying there was a cover-up?

8 **MR. ENGELMANN:** All right, I'll just leave
9 it there.

10 **THE COMMISSIONER:** Okay. Take lunch.

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

13 This hearing will resume at 2:00 p.m.

14 --- Upon recessing at 12:35 p.m./

15 L'audience est suspendue à 12h35

16 --- Upon resuming at 2:03 p.m./

17 L'audience est reprise à 14h03

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

20 This hearing is now resumed. Please be
21 seated. Veuillez vous asseoir.

22 **PATRICK HALL Resumed/Sous le même serment:**

23 **THE COMMISSIONER:** Thank you. Good
24 afternoon, all. Mr. Hall.

25 **MR. HALL:** Good afternoon, commissioner.

26 **MR. CARROLL:** Good afternoon. I'd like to

1 just revisit an area that Mr. Engelmann dealt with just
2 before ---

3 **THE COMMISSIONER:** Why don't you do that in
4 cross-examination?

5 **MR. CARROLL:** Because I think an impression
6 has been left that's incorrect and I would like to refer
7 the witness and you to a document, if it's not too much
8 trouble.

9 **THE COMMISSIONER:** Oh, it's never too much
10 trouble.

11 **MR. CARROLL:** Good.

12 **THE COMMISSIONER:** I don't know how valid it is
13 though.

14 **MR. CARROLL:** Well, perhaps hear it first
15 and then make a determination.

16 **THE COMMISSIONER:** Yeah, but I think at some
17 point we're going to have to make -- go back to the rules
18 that no one makes any determination of anything until the
19 Inquiry is finished, and so that I'll be able to do that,
20 otherwise we'll never be able to get through everybody, but
21 go ahead.

22 **MR. CARROLL:** Just on that point, sir, if I
23 may.

24 **THE COMMISSIONER:** Yes.

25 **MR. CARROLL:** In addition to the findings

1 that you'll make that will comprise the report, there's a
2 purpose for this thing being televised and being on the
3 net.

4 **THE COMMISSIONER:** Yes.

5 **MR. CARROLL:** And not everybody watches
6 seven hours a day, and if an impression is left that needs
7 to be corrected, I respectfully submit that I have the
8 obligation, on behalf of my client, to do that.

9 **THE COMMISSIONER:** Go ahead, sir.

10 **MR. CARROLL:** Document 2635.

11 **THE COMMISSIONER:** But -- okay, I will let -
12 --

13 **MR. CARROLL:** Yes.

14 **THE COMMISSIONER:** I will listen.

15 **MR. CARROLL:** Thank you.

16 **THE COMMISSIONER:** And then I'll make a
17 determination whether in the future you will wait till the
18 end of the cross-examination.

19 **MR. CARROLL:** Well, I don't know how you
20 could make a ruling that every time I get up I'm not
21 entitled to.

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

23 **MR. CARROLL:** You're saying that on the
24 basis of this, I may not be entitled to get up in the
25 future?

1 **THE COMMISSIONER:** No, no, to object or
2 something like that, sir. But from what I can gather, what
3 you've got is in the realm of submissions or cross-
4 examination, and there's room for that.

5 **MR. CARROLL:** I could have made the
6 submission by now, sir. If I may just refer you to the
7 documents and suggest that there's been an impression left
8 that's not accurate. If I may. Document 2635. That is
9 the summary of Constable Perry Dunlop's allegations.

10 In point 1 there is a reference by
11 Commission counsel to the statement:

12 "When asked again for his opinion,
13 Abell states that he does not believe
14 there was a cover-up."

15 And you will recall that my friend took the
16 witness to Mr. Abell's statement, to parts of it, and
17 suggested that the summary was misleading; the statement
18 that I've just read out was misleading because Mr. Abell
19 had said something different.

20 And I would ask that you go to Bates page
21 4780 of that interview, and in the very paragraph that Mr.
22 Engelmann read from but didn't complete is the following,
23 towards the bottom of the first full large paragraph. "I
24 certainly" -- and this is Mr. Abell:

25 "I certainly never had any evidence

1 whatsoever that there was a cover-up.
2 It was sure speculated on at length by
3 various people. Perry was leading the
4 charge on that."

5 So in my respectful submission it is
6 inappropriate and misleading to put to the witness that his
7 statement in the summary is misleading when Mr. Abell has
8 said in no uncertain terms that he never had any evidence
9 whatsoever. That was my objection and that's what I wanted
10 to draw to your attention.

11 I thought you were going to make some
12 pronouncement.

13 **THE COMMISSIONER:** No, I don't need any.

14 **MR. CARROLL:** Thank you.

15 **THE COMMISSIONER:** Mr. Engelmann.

16 **MR. ENGELMANN:** Sir, I, of course, read to
17 the witness something that was said eight pages later as
18 well. So anyway, I'm not going to go back to it. I think
19 it's pretty clear.

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

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

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

23 **MR. ENGELMANN:** Sir, the second issue that
24 you've drawn out for special attention, and this is again
25 in -- it's Exhibit 2635.

1 I just want to make sure I understand the
2 point. You say Dunlop on page 22 of his will state -- and
3 again that's Exhibit 579. I don't know if you still have
4 it. You might want to have it handy. It indicates ---

5 MR. HALL: Exhibit again?

6 MR. ENGELMANN: --- that:

7 "Father Charles MacDonald and Malcolm
8 MacDonald may have been getting nervous
9 about being arrested and handcuffed.
10 This would also indicate there
11 obviously was no agreement for a payout
12 at that time."

13 That's what you say in the summary document
14 you prepared; correct?

15 MR. HALL: I haven't seen it yet, sir.

16 MR. ENGELMANN: Two-six-three-five (2365).

17 I just read the -- first page ---

18 MR. HALL: Yes.

19 MR. ENGELMANN: --- issue number 2. This is

20 ---

21 MR. HALL: Okay.

22 MR. ENGELMANN: You select out four issues -

23 --

24 MR. HALL: Yes.

25 MR. ENGELMANN: --- that you give special

1 attention to, and I just read number 2; all right?

2 MR. HALL: Yes.

3 MR. ENGELMANN: All right, so let's now look
4 at page 22, and that is Bates page 7114923.

5 MR. HALL: Yes.

6 MR. ENGELMANN: And in his -- this is his
7 will state. It says:

8 "Lawyer Malcolm MacDonald asks
9 Constable Sebalj no handcuffs for
10 Father Charlie when he's brought to
11 station."

12 And this I think is derived from something
13 in her notes.

14 MR. HALL: Yes.

15 MR. ENGELMANN: "This would indicate to me
16 that his client, Father Charles
17 MacDonald, was getting nervous.
18 Perhaps Malcolm MacDonald was getting
19 nervous."

20 Okay?

21 MR. HALL: Yes.

22 MR. ENGELMANN: And, as I said, in your
23 exhibit, this summary document, you say:

24 "Wilson indicates Father Charles
25 MacDonald, Malcolm MacDonald may have

1 been getting nervous about being
2 arrested and handcuffed."

3 Presumably that's not about Malcolm
4 MacDonald being arrested and handcuffed, but about Father
5 Charles; correct?

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** And then you say:

8 "This would also indicate there
9 obviously was no agreement for a payout
10 at that time."

11 I'm just -- I don't understand your point.

12 **MR. HALL:** Well, if Malcolm MacDonald is
13 under the expectation that Father Charles is going to be
14 arrested and he's asking not to put the handcuffs on him,
15 then I don't think Malcolm would be in a position to think
16 there's an agreement in place that this isn't going to
17 happen.

18 **MR. ENGELMANN:** That what's going to happen?

19 **MR. HALL:** Charges.

20 My inference there is simply saying that if
21 Malcolm MacDonald, who's representing Father Charles ---

22 **MR. ENGELMANN:** Yes.

23 **MR. HALL:** --- is indicating to the police
24 there's no need to put the handcuffs on him and bring him
25 in ---

1 MR. ENGELMANN: Right.

2 MR. HALL: --- you know, "He'll do like we
3 did; you know, he'll come in voluntarily,"

4 MR. ENGELMANN: Okay.

5 MR. HALL: So when -- if he's making that
6 comment to the police officers, it's my view that he
7 doesn't think that there's agreement in place, because it's
8 going to happen sooner or later.

9 MR. ENGELMANN: Oh, you mean the illegal
10 settlement?

11 MR. HALL: The arrest. The arrest is going
12 to happen soon or later.

13 MR. ENGELMANN: Okay, but we know that
14 settlement takes place on September 2nd or 3rd, 1993.

15 MR. HALL: Yeah, but this conversation takes
16 place well in August.

17 MR. ENGELMANN: Yes.

18 MR. HALL: So he doesn't know.

19 MR. ENGELMANN: So wouldn't that indicate to
20 you that Mr. Malcolm MacDonald would have a reason to want
21 to get his client into a deal so they wouldn't be facing
22 criminal charges?

23 MR. HALL: I think you're putting one in
24 front of the other.

25 MR. ENGELMANN: Well, I don't -- I just -- I

1 don't understand your point, sir.

2 MR. HALL: Well, the point I'm trying to
3 make there is that the investigation is going on.

4 MR. ENGELMANN: Right. Malcolm is worried
5 about his client.

6 MR. HALL: Pardon?

7 MR. ENGELMANN: Malcolm is worried about his
8 client being arrested.

9 MR. HALL: He's worried about his client
10 being arrested. He's merely saying, "You don't have to put
11 the handcuffs on him to bring him in."

12 MR. ENGELMANN: So what does that have to do
13 with respect to whether or not Mr. Dunlop's allegations
14 have some validity?

15 MR. HALL: Well, I think what Mr. MacDonald
16 is saying, that he doesn't believe that there's going to be
17 a deal. I mean, if he knew at that time that there's going
18 to be a payoff, then he wouldn't make any comment about
19 handcuffs, in my view. He doesn't know that. That's why
20 he's making the comment. He's just saying, "You're not
21 going to have to put handcuffs on my client to bring him
22 in."

23 MR. ENGELMANN: Okay. But we know, sir,
24 that on September 2nd or 3rd, he prepares or we've heard that
25 he prepared the final copy ---

1 **MR. HALL:** I know what happens down the
2 road, sir, but this comment is based on the conversation
3 that happens in August. It's got nothing to do with what
4 happens subsequently in September.

5 **MR. ENGELMANN:** So, what is the significance
6 of this -- you've picked four issues. What is the
7 significance of this for your conspiracy investigation and
8 the brief that you submit in the year 2000?

9 **MR. HALL:** Well, what I'm saying here is
10 Malcolm MacDonald doesn't believe that there's a
11 disagreement in place. Simple. I don't know how I can
12 explain it any clearer.

13 **MR. ENGELMANN:** Okay, sir. But what does
14 that have to do with your conspiracy investigation? How is
15 that important?

16 **MR. HALL:** Well, it's a mindset. It's a
17 setting a thing, what -- like, I'm trying to determine,
18 when did this agreement take place? Did they do it in
19 February when he met with the church? Did he do it in
20 August? Did he do it in September?

21 **MR. ENGELMANN:** Okay.

22 **MR. HALL:** And I can conclude that by the
23 24th of August, when this conversation take place, that
24 Malcolm doesn't believe there's an agreement, or he
25 wouldn't be making that comment.

1 **MR. ENGELMANN:** All right. And so it's your
2 view that sometime between late -- that time in August and
3 September 2nd or 3rd that this deal is consummated.

4 **MR. HALL:** Well, it's finalized sometime. I
5 mean, I can't say for certain. But, I mean, I only can say
6 what I believe is taking place on the date this
7 conversation takes place.

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

9 All right, let's go to your third point.
10 And this is Dunlop, on page 23 of his will-state, and
11 that's again Exhibit 579; indicates that father -- sorry:

12 "Raises a concern as to why the report
13 was put on a project file. When
14 Sergeant Lortie was initially assigned
15 the investigation in December '92, he
16 did not make an incident on OMM PAC, the
17 police report system of some police
18 departments.

19 On 13 January '93, when Constable
20 Sebalj was assigned, she made initial
21 entry on OMM PAC the same day, but no
22 follow-up reports.

23 Nothing was added until 4 October '93
24 by Constable Sebalj on the project
25 file.

1 The notes of Richard Abell regarding
2 his meeting with Chief Shaver on 1
3 October '93 indicate that Shaver was
4 not even aware that there were no
5 reports entered on OMMPAC and indicated
6 to Abell that he was having that done
7 so he could read his file.
8 Staff Sergeant Claude Lortie states he
9 was contacted by Staff Sergeant Brunet
10 to set up the project file and to give
11 access to only Brunet and Sebalj.
12 Staff Sergeant Lortie, at that time,
13 was the person in charge of the OMMPAC.
14 Dunlop gives two examples of how OMMPAC
15 can be used. In example 2, only those
16 departments who utilize OMMPAC would
17 access the information. Most large
18 departments in Ontario do not use that
19 system. Dunlop neglects to mention
20 that charged persons are entered on the
21 Canadian Police Information Centre,
22 CPIC, administered by the RCMP and is
23 accessible to all police departments.
24 Project files are used for many
25 reasons, such as internal

1 investigations, high-profile
2 investigations, intelligence, property
3 drug projects, et cetera.

4 The circumstances surrounding the
5 Silmsen matter do not indicate the
6 project file was used for an illegal
7 purpose."

8 Okay? So this is the third issue you're
9 raising. And I just, again, I want to understand the
10 significance of this. And if you want, sir, the reference
11 to Dunlop's will-state -- I'm just trying to find it.

12 You say it's on page 23 of his will-state
13 raises a concern as to why the report was put on a project
14 file.

15 I don't see it on that page. Oh, here, on
16 the next page, page 24, it says -- this is referring to
17 Staff Sergeant Luc Brunet's notes:

18 "I was advised to enter the report on
19 the system under Projects. Here we
20 have Chief Shaver directing the
21 incident to the project files."

22 So I guess that's -- that's what you're
23 referring to?

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** All right. So, what is the

1 issue for you here, sir, and the significance?

2 MR. HALL: What is the issue?

3 MR. ENGELMANN: Yes. This is one of the
4 four points that you say -- that you point out as with some
5 significance in your summary document and I want to know
6 what the issue is here. What are you trying to say in
7 paragraph 3?

8 MR. HALL: Well, the issue about much was
9 made the fact that an OMM PAC report wasn't taken until
10 October.

11 MR. ENGELMANN: That material wasn't put on
12 it?

13 MR. HALL: Right.

14 MR. ENGELMANN: And there was also this
15 issue about a project file, and that would be a way to
16 perhaps keep information from other officers?

17 MR. HALL: Yes, actually, I've used it
18 myself. I mean, it's not uncommon in investigations,
19 especially serious ones, that you take an incident and you
20 tell the officers, you keep the reports off until we
21 conclude the investigation. If you get into the OMM PAC
22 system itself; there's actually two levels of projects, not
23 just one.

24 MR. ENGELMANN: All right, but apparently
25 there was some concern on Dunlop's part that, 1)

1 information wasn't entered and that it should have been,
2 and, 2) that things weren't being put on this confidential
3 file or project file.

4 **MR. HALL:** Well, that's his interpretation
5 whether it should be or not. I think the main reason why
6 it wasn't putting on was because of the nature of the
7 complaint. I don't think they wanted rumours going around.
8 The statements weren't put on until October, which would be
9 normal.

10 **MR. ENGELMANN:** It would be normal that ---

11 **MR. HALL:** An investigation of this type, if
12 you want to keep information from getting around the
13 office, you know, you might want to keep your investigation
14 secretive until you have it concluded.

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

16 **MR. HALL:** Well, I'll give you ---

17 **MR. ENGELMANN:** --- there would be nothing
18 wrong with someone being suspicious about something being
19 kept in a secretive manner?

20 **MR. HALL:** Well -- the question again?

21 **MR. ENGELMANN:** Well, I'm wondering what --
22 you're making this one of four issues that you're
23 summarizing, and I'm wondering what it is. Are you being
24 critical of ---

25 **MR. HALL:** No.

1 **MR. ENGELMANN:** --- Constable Dunlop's
2 issue, are you -- or are you supporting what he's saying
3 about this?

4 **MR. HALL:** Well, what -- Constable Dunlop's
5 making an issue of it, because it's not put on until
6 October. His ---

7 **MR. ENGELMANN:** Yes.

8 **MR. HALL:** --- view is it's being hide for
9 that purpose, kept from everybody. My ---

10 **MR. ENGELMANN:** It's being hidden.

11 **MR. HALL:** Exactly. My point is that not
12 necessarily. I agree it's being hid, but there's a reason
13 for doing that. I mean, I -- like, I've done an
14 investigation in Cornwall police. I've been entered on
15 their OMM PAC system. I've had access to stuff for a
16 reason. We didn't make it available to everybody because
17 it could interfere with the investigation.

18 **MR. ENGELMANN:** But, sir, that was when you
19 were investigating one of their own officers; wasn't it?

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** Okay. This ---

22 **MR. HALL:** But, I mean, I've used it myself
23 in my own investigations. Not uncommon to take a project
24 file.

25 **MR. ENGELMANN:** All right. But in those

1 circumstances, such as an internal investigation,
2 presumably you're putting information on the project file
3 within the time prescribed.

4 **MR. HALL:** Well, they took an occurrence,
5 they didn't add the information until October.

6 And I think the reason why they wanted
7 to put it on a project file is so the chief or the
8 detective -- or, the staff sergeant in charge of Criminal
9 Investigation Branch would have a typewritten list of all
10 the investigation that Constable Sebalj had done. They
11 entered all the statements on.

12 **MR. ENGELMANN:** All right. So they didn't
13 have that information, though, until after this deal had
14 gone down in September.

15 **MR. HALL:** Who didn't ---

16 **MR. ENGELMANN:** Because you know ---

17 **MR. HALL:** Who didn't have the information?

18 **MR. ENGELMANN:** Well, it wasn't on the
19 OMMPAC file.

20 **MR. HALL:** Well, it doesn't necessarily mean
21 they didn't have the information just because it's not
22 listed on the report. I mean, Staff Sergeant Brunet, he
23 was Constable Sebalj's supervisor.

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

25 **MR. HALL:** I mean he's talking to her.

1 She's probably showing him statements. I mean, just
2 because it's not on the OMPAC system doesn't mean they
3 didn't know about it.

4 **MR. ENGELMANN:** All right. Well, what are
5 you saying when you say:

6 "Dunlop neglects to mention that charge
7 persons are entered on the CPIC
8 administered by the RCMP and is
9 accessible to all police departments."

10 What is your point there?

11 **MR. HALL:** Well, there's nobody charged at
12 this point.

13 **MR. ENGELMANN:** Right.

14 **MR. HALL:** I mean, he could say, well, it
15 should be put on the CPIC system, but you don't do that
16 until after you charge somebody.

17 **MR. ENGELMANN:** But Mr. Dunlop doesn't make
18 that; that's not his concern.

19 **MR. HALL:** Well, you tell me what his
20 concern is.

21 **MR. ENGELMANN:** Well, sir, the concern is
22 what we read on the will-state. He seems to have a concern
23 that the incident was directed to the project files. And
24 we know ---

25 **MR. HALL:** Yeah.

1 **MR. ENGELMANN:** --- as well he has a concern
2 that it wasn't entered in a timely fashion. He doesn't
3 express a concern about CPIC.

4 **MR. HALL:** Well, the reason -- the reason
5 he's concerned about it is so everybody else can read about
6 it. That's why. He wanted to know what's going on, as the
7 other officers probably would have in the office. If it
8 was put on a general file, it would be.

9 **MR. ENGELMANN:** What is your point, though,
10 when you say he "neglects to mention that charge persons
11 are entered on CPIC"? What's your point?

12 **MR. HALL:** Well, I'm just saying, if they
13 were charged, they'd be entered on CPIC.

14 **MR. ENGELMANN:** Yeah, I know, but if they
15 were charged, do you think Mr. Dunlop would have had a
16 concern about a cover-up?

17 **MR. HALL:** Well, I'm just making that
18 observation, like, because he -- he's a little -- he's
19 saying it a little bit different than that.

20 **MR. ENGELMANN:** But the observation is how
21 can it possibly be relevant -- your observation. I mean,
22 if Father MacDonald was charged, Perry Dunlop wouldn't have
23 been talking about a cover-up.

24 **MR. HALL:** This whole paragraph, basically,
25 is to deal with the fact that the incident is not entered

1 on OMMPAC initially, all the details back in January when
2 Constable Sebalj took the initial incident. That's what
3 it's saying.

4 I don't have a concern with that because I
5 have done that same thing myself in various investigations.
6 There's a reason for it and like I say, there's two levels
7 of projects; there's one level of project where you can
8 enter stuff and people can read it but they can't -- no
9 data entry or delete it.

10 If you go into Admin 6 on the OMPPAC system
11 you go to Number 23, which is a project file that is
12 completely secure.

13 Sergeant Lortie was, what they call the LOA,
14 the Local OMPPAC Administrator; he's the one that gives
15 authority, so he gave the authority to, I think, Staff
16 Sergeant Brunet, he gave it to Constable Sebalj and maybe
17 the Chief. That everything that gets put on that project
18 they could go in and access it and read it.

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

20 **MR. HALL:** And it has the ability of running
21 a brief off it. If Constable Sebalj wanted everything in a
22 detailed report and once it's entered you can run it off.

23 **MR. ENGELMANN:** So, sir, one of Constable
24 Dunlop's concerns was that matters hadn't been -- the
25 reports had not been filed on the ---

1 **MR. HALL:** Yeah, that -- definitely a
2 concern of his.

3 **MR. ENGELMANN:** Yes, and ---

4 **MR. HALL:** For various reasons.

5 **MR. ENGELMANN:** And that's unusual, isn't
6 it?

7 **MR. HALL:** Well, not in this type of
8 situation, I don't think it would be unusual, it's the
9 nature of the investigation. Here you got allegations
10 against a priest and a probation officer.

11 **MR. ENGELMANN:** Well, sir, even Staff
12 Sergeant Derochie thought it was unusual when you spoke
13 with him about it.

14 **MR. HALL:** It is unusual but I mean in this
15 circumstances I wouldn't believe it would be.

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

17 **MR. HALL:** I can't answer why -- why they
18 waited that long to do it but I don't see a major problem
19 with them the way they done it.

20 **MR. ENGELMANN:** Sir, in the fourth point you
21 talk about -- in the fourth point you emphasise then is the
22 issue about the videotapes; correct?

23 **MR. HALL:** Yes.

24 **MR. ENGELMANN:** And what you do here -- and
25 these are the videotapes that he alleges were illegally

1 seized and destroyed.

2 MR. HALL: Yes.

3 MR. ENGELMANN: Okay? And you interviewed a
4 couple of officers about that; correct?

5 MR. HALL: More than a couple.

6 MR. ENGELMANN: Well I know you interviewed
7 officers by the name of McDougald and McWade.

8 MR. HALL: Yes.

9 MR. ENGELMANN: And did you confirm, sir,
10 how these tapes were destroyed?

11 MR. HALL: I got a statement from Staff
12 Sergeant McWade as to how they were destroyed.

13 MR. ENGELMANN: Sorry?

14 MR. HALL: I got a statement from Staff
15 Sergeant McWade as to how they were destroyed.

16 MR. ENGELMANN: All right. And by whom?

17 MR. HALL: Well, you can refer to his
18 interview report, please.

19 MR. ENGELMANN: Okay. And when? So you got
20 answers to how, by whom, and when?

21 MR. HALL: Yes.

22 MR. ENGELMANN: All right.

23 MR. HALL: And why.

24 MR. ENGELMANN: All right.

25 Sir, another document of the three summary

1 documents was the timeline conspiracy to obstruct justice
2 document.

3 MR. HALL: Yes.

4 MR. ENGELMANN: That's Exhibit 2248A.

5 LE COMMISSAIRE: Deux-six (26) quoi?

6 LE GREFFIER: Quatre-huit (48).

7 THE COMMISSIONER: Two-two-four-eight
8 (2248).

9 MR. ENGELMANN: As I understand it, sir, I
10 believe there was a 2248 and this was one slightly larger.

11 Counsel, the Document Number is 726642.

12 Sir, we've heard that Officer Dupuis
13 prepared this document, is that your understanding?

14 MR. HALL: Well, I may have assisted him, he
15 may have prepared it; I mean it was a joint effort. I
16 can't say exactly. It wasn't a case of sitting down one
17 day and writing this out. There was various parts of it
18 done over a period of time.

19 MR. ENGELMANN: All right.

20 MR. HALL: As we were gathering our evidence
21 and our information that we wanted to include.

22 MR. ENGELMANN: So as there were significant
23 events and important dates they would have been noted and
24 included in the timeline?

25 MR. HALL: That was our intent I believe,

1 yes.

2 **MR. ENGELMANN:** All right. And you would
3 have reviewed it and whether he prepared it or not, he
4 certainly would have had your input and your instruction?

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** All right. And what was the
7 purpose of the timeline then, just so we're clear?

8 **MR. HALL:** Just to give dates and times of
9 the sequence of events.

10 **MR. ENGELMANN:** All right.

11 **MR. HALL:** And I believe -- I think when
12 Crown Attorney Lorne McConnery was reviewing the conspiracy
13 thing, I think there was a couple of things in here. I
14 know he wrote some things in, in handwriting and there may
15 have been some amendments to it, there may have been some
16 things that are left out or there may have been some that I
17 had incorrect.

18 **MR. ENGELMANN:** This is the second version,
19 there was a slightly shorter version; this is the expanded
20 version; 2248 I think is a slightly smaller version?

21 **MR. HALL:** Yeah, this one goes right through
22 from beginning to end I think, even to when the Ontario
23 Provincial Police are requested or close to when they were
24 requested.

25 **MR. ENGELMANN:** All right. So 2248, the

1 Crown may have asked you to expand upon that and we end up
2 with 2248A?

3 MR. HALL: Well, I think in his review, he
4 noticed some things that just didn't quite jive. I
5 remember him writing while discussing them.

6 MR. ENGELMANN: All right. And you would
7 have -- you would have certainly reviewed this overview
8 before it was submitted to the Crown?

9 MR. HALL: Yes.

10 MR. ENGELMANN: And if there are errors or
11 omissions, who's responsible for that?

12 MR. HALL: Me.

13 MR. ENGELMANN: All right. And, sir, this
14 document appears to almost entirely reference the police
15 involved in the attempt to obstruct; is that fair?

16 MR. HALL: Well, I'm just glancing at the
17 bottom here, December 21st, '92, Malcolm MacDonald, lawyer
18 for Charles MacDonald, there's nothing mentioning about the
19 police there. You know the ---

20 MR. ENGELMANN: Those are background facts
21 on some of the initial charges?

22 MR. HALL: Yeah. Well ---

23 MR. ENGELMANN: But when you get into the
24 conspiracy issue ---

25 MR. HALL: Well can you point out the ones

1 you're referring to?

2 **MR. ENGELMANN:** Well, it's talking about the
3 assignment of police officers, in December; in January;
4 goes into context with Sebalj and Lefebvre; through
5 February; and it carries on about contacts with the police
6 in February and in March.

7 And then, of course, we know there's a huge
8 gap in her notes. And you have a gap from March 12th of '93
9 until August 23rd and then we have some more contacts with
10 the police.

11 **MR. HALL:** Yes.

12 **MR. ENGELMANN:** All right. And then
13 afterwards again, we have a number of contacts with the
14 Cornwall Police Service that are listed in September and
15 October, November, right up to the press release in January
16 of '94 and the request for Ottawa and the OPP.

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** All right, so the focus
19 seems to be the Cornwall police.

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And, sir, there were other
22 alleged co-conspirators, right? There was the Crown.

23 **MR. HALL:** Oh yeah.

24 **MR. ENGELMANN:** And there was the Diocese.

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** All right. What I'm saying
2 is the document appears to be focused on the Cornwall
3 Police Service and their actions, more than on anything
4 else.

5 **MR. HALL:** Well, I think most of the events
6 revolved around the Cornwall Police Service.

7 **MR. ENGELMANN:** All right. Would you not
8 agree with me that there are a number of significant issues
9 about a possible conspiracy to attempt to obstruct justice
10 that are missing here?

11 **MR. HALL:** You tell me what they are and
12 I'll tell you whether they're missing or not.

13 **MR. ENGELMANN:** All right. Well, settlement
14 discussions, as they were called, between Malcolm MacDonald
15 and David Silmser.

16 **MR. HALL:** And a date of that?

17 **MR. ENGELMANN:** Well, we've heard several
18 but I think some time in August.

19 **MR. HALL:** If you look at Bates page 687,
20 under February the 9th, I've got:

21 "Silmsers met with Monseigneur
22 McDougald, Diocese lawyer Jacques Leduc
23 and Father Denis Vaillancourt at the
24 Diocese Centre in Cornwall; Silmsers is
25 interviewed by Leduc."

1 **MR. ENGELMANN:** Right.

2 **MR. HALL:** "Silmser attends station to
3 meet with Constable Sebalj after
4 meeting at the Diocese."

5 Well, I'm indicating there was some meeting
6 with the Diocese.

7 **MR. ENGELMANN:** Yes but I'm not -- I'm not
8 talking about that. That was -- was part of their internal
9 protocol. I'm talking about settlement discussions that
10 Malcolm MacDonald talks about having, directly with David
11 Silmser in the summer of 1993, shortly before the
12 settlement.

13 That would be something to note, the
14 conspiracy.

15 **MR. HALL:** Are you going -- are you going
16 back to the original investigation?

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

18 **MR. HALL:** Are they included in the original
19 investigation?

20 **THE COMMISSIONER:** Ms. Lahaie.

21 **MS. LAHAIE:** Thank you, Mr. Commissioner.

22 Mr. Commissioner, the officer has testified
23 that the conspiracy brief was nine volumes and it was
24 submitted for an opinion from a Crown. Similar to Mr.
25 Engelmann's approach with Officer Smith where he would

1 refer to a one -- two page synopsis and ask why certain
2 things weren't included.

3 This is a timeline which is a matter of
4 three pages or so within a nine-volume brief. To suggest
5 that things were left out through this line of questioning,
6 in my respectful submission, is inappropriate and
7 misleading. The statements to which Mr. Engelmann is
8 referring and the fact situations to which he is referring
9 are included in those nine volumes.

10 I find that line of questioning
11 concentrating on the timeline to not be relevant in the
12 circumstances and I object on that ground.

13 Thank you.

14 **THE COMMISSIONER:** Mr. Engelmann.

15 **MR. ENGELMANN:** Sir, if you recall, when I
16 started on these documents, the witness had told us that
17 there were nine very large volumes of materials and now I'm
18 asking him about errors and omissions in three summary
19 documents. We talked about perhaps the importance of the
20 summary documents when you have this quantity of material.
21 I'm not suggesting that there aren't statements in the
22 brief. In fact, I've already taken the witness to the
23 index. The index has all the statements.

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

25 **MR. ENGELMANN:** But on this part, I'm asking

1 him questions about the focus of the timeline.

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

3 **MR. ENGELMANN:** And I think that's
4 significant because I think it shows what he is
5 concentrating on as the author of the person approving it.
6 I don't think there is anything at all unfair about these
7 questions.

8 **MS. LAHAIE:** If I may, Mr. Commissioner,
9 Document Number 700931 is the Crown opinion letter which
10 was rendered by Mr. McConnery on August 15th, 2001. And
11 it's the one that contains the recommendations of the Crown
12 with respect to the conspiracy.

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

14 **MS. LAHAIE:** And a reading of that letter
15 makes it very clear that Mr. McConnery reviewed a number of
16 briefs prior to giving his opinion on the conspiracy
17 investigation.

18 He had conversations with this officer as
19 well as Officer Dupuis, Officer Don Genier and assisted by,
20 as he indicates, ably by your secretary, Marion Burns.

21 So they didn't arrive at their
22 recommendations lightly by reading a three-page timeline.

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

24 **MS. LAHAIE:** They reviewed nine volumes of a
25 brief and had discussions with three officers and the

1 secretary and reviewed an additional, it appears, somewhere
2 from six to 12 additional briefs as well as materials in
3 transcripts and other investigations which were made
4 available to them. And it was on that basis that a
5 decision was rendered in the conspiracy or a recommendation
6 was given to the police officers in relation to the
7 conspiracy.

8 So to focus on a three-page timeline
9 prepared between Officer Dupuis and Officer Hall, I don't
10 know what could possibly turn on that because clearly the
11 Crowns were not misled through withholding of any
12 information at all.

13 **THE COMMISSIONER:** Well, are you alleging
14 that he withheld some information?

15 **MR. ENGELMANN:** No.

16 **THE COMMISSIONER:** Are you saying that --
17 well, first of all, we're not talking about the adequacy or
18 how good the Crown reviewed the file or how they made the
19 determination. I thought all we were looking at was trying
20 to focus on what he thought was a conspiracy theory and
21 what was important. That's all.

22 **MS. LAHAIE:** Well, what he thought was the
23 conspiracy theory is not what's on the timeline. That
24 would be on the synopsis and the combination of items
25 contained in nine volumes of this brief.

1 This is a timeline which concentrates
2 obviously on police actions. But it can't be looked at in
3 a vacuum like a synopsis in the 1994 investigations of last
4 week. And frankly, we're on day six of this officer's
5 testimony at 2:30 in the afternoon.

6 We're still in-chief and I'm mentioning that
7 at this point because I would certainly hope that when we
8 get to cross-examination -- I know, Mr. Commissioner, that
9 you're tiring of objections of this nature. But when we
10 get to cross-examination, I hope we will be given a
11 thorough opportunity to cross-examine Officer Hall and that
12 we won't let time get in the way. And I know that we're
13 preoccupied by time. I hope Mr. Engelmann is conscious of
14 it also because we're on day six in-chief.

15 **THE COMMISSIONER:** Well, I can tell you that
16 I will go until January 30th and depending on how you folks
17 organize your time maybe we won't hear from the Attorney
18 General but we'll do everything as we go through. And then
19 we'll let the cards fall where they might.

20 Mr. Engelmann, do you have any further
21 comments?

22 **MR. ENGELMANN:** Well, sir, my only comments
23 is this. I was trying to answer Mr. Hall's question when
24 my friend objected. And he was asking me, for example, of
25 things that were missing so I was giving him some. That

1 led to her objection.

2 THE COMMISSIONER: M'hm. So okay, here is
3 my ruling ---

4 MR. ENGELMANN: You know what? Oh, sorry.
5 I'm sorry.

6 THE COMMISSIONER: Go ahead.

7 MR. ENGELMANN: I was going to say that I
8 was going to give him five or six more examples but I'll
9 just stop.

10 THE COMMISSIONER: Let's go.

11 MR. ENGELMANN: Just ---

12 THE COMMISSIONER: M'hm.

13 MR. ENGELMANN: Let's go to the synopsis.
14 It is Exhibit 2636.

15 (SHORT PAUSE/COURTE PAUSE)

16 THE COMMISSIONER: When do you intend on
17 finishing with this witness, sir?

18 MR. ENGELMANN: I was hoping to be done by
19 the break.

20 THE COMMISSIONER: Well, that's 20 minutes.

21 MR. ENGELMANN: I'm going to try.

22 Sir, this is the final summary document.

23 Now, you have three documents summarizing nine volumes and
24 this is the third, your synopsis?

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** All right. Did you author
2 this?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** All right. And the purpose
5 is to set out a summary of the evidence that you've
6 discovered that might support the elements of a criminal
7 charge?

8 **MR. HALL:** Well, not necessarily to support
9 the evidence, a synopsis of what took place and what we
10 did. I mean you have to go to the individual statement to
11 find the evidence.

12 **MR. ENGELMANN:** All right. And if charges
13 were laid in this case, would the synopsis be disclosed to
14 defence?

15 **MR. HALL:** Oh, the synopsis was disclosed.

16 **MR. ENGELMANN:** All right. And I just want
17 to make sure I understand what is being encompassed in this
18 document. It says "Re David Silmsers sexual assault
19 allegations and Perry Dunlop's conspiracy allegation".

20 **MR. HALL:** Yes?

21 **MR. ENGELMANN:** So is that what you -- does
22 that sum up your conspiracy investigation, sir?

23 **MR. HALL:** The question again?

24 **MR. ENGELMANN:** You've set out as your
25 title, "Re David Silmsers sexual assault allegations and

1 Perry Dunlop's conspiracy allegations".

2 MR. HALL: Yes.

3 MR. ENGELMANN: Does that encompass your
4 conspiracy investigation?

5 MR. HALL: Yes.

6 MR. ENGELMANN: All right. Now, the first
7 page and a half or so the document appears to be setting
8 out some of the events leading up to the alleged
9 conspiracy; Mr. Silmser's complaint to the CPS; an
10 investigation; signing of a document; \$32,000 payment;
11 exchange for abandoning criminal proceedings; and giving up
12 on a civil proceeding.

13 MR. HALL: Yes.

14 MR. ENGELMANN: Correct?

15 MR. HALL: Yes.

16 MR. ENGELMANN: And the rest of the
17 document, sir, appears to deal extensively with actions
18 taken by Perry Dunlop after the events of the alleged
19 conspiracy. Would you agree?

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. HALL: Well, on Bates 948, I'm talking
22 about Detective Inspector Smith's investigation. The next
23 page I'm talking about Malcolm MacDonald.

24 And the bottom of page 5 or Bates 949, I'm
25 talking about Mr. Dunlop's allegation as contained in the

1 Fantino material. I'm making reference to certain
2 allegations he's made because our mandate is to investigate
3 his allegations.

4 MR. ENGELMANN: Sir, from Bates page 949,
5 near the bottom, until near the bottom of Bates page 955,
6 you're setting out portions of the Dunlop statement of
7 claim.

8 MR. HALL: Well, it may come from the
9 statement of claim. It may come from other places but they
10 are allegations that he's making.

11 MR. ENGELMANN: All right. So we can agree
12 that those six pages or so were based on Dunlop's -- you
13 call it a crusade, starting in or about '96 with the filing
14 of the amended statement of claim and some of the other
15 issues that are set out herein.

16 MR. HALL: Yes.

17 MR. ENGELMANN: All right. And Mr. Dunlop's
18 information as to what led up to the settlement is clearly
19 not firsthand information; correct?

20 MR. HALL: That question again, please?

21 MR. ENGELMANN: Mr. Dunlop's information
22 about what led up to the settlement is clearly not
23 firsthand information?

24 MR. HALL: No.

25 MR. ENGELMANN: All right.

1 **MR. HALL:** No. Mr. Guzzo's mentioned in
2 there as well.

3 **MR. ENGELMANN:** Yeah.

4 So it appeared that much of the document
5 deals with outlining Dunlop's and others' allegations of a
6 conspiracy. And there's very little about your actual
7 findings.

8 And I was looking for your findings and it -
9 - it appears, really sir, that there's a general paragraph
10 about them. And it's ---

11 **MR. HALL:** At that particular time, sir, I'm
12 just doing a synopsis -- an overview -- of everything that
13 transpired.

14 **MR. ENGELMANN:** Yes.

15 **MR. HALL:** I'm -- I'm going to -- to ask a
16 Crown attorney for a legal opinion on what I'm presented so
17 I wouldn't be making a comment on my findings; my findings
18 come later.

19 **MR. ENGELMANN:** But -- but what -- what your
20 -- would you not want to be setting out to the Crown
21 attorney what you did to look into all of this in your
22 synopsis?

23 **MR. HALL:** Well, not necessarily everything
24 I did because the statements and the interview reports
25 speak for themselves. I mean, on my synopsis, if I went

1 into every little detail I did, the synopsis would be 30
2 pages; right? I mean, a synopsis, basically, just tells
3 you a little story about what -- what this is all about.

4 **MR. ENGELMANN:** Because it appears your work
5 is set out at the paragraph at the bottom of page 957.

6 **MR. HALL:** Nine-five-seven (957). Yes.

7 **MR. ENGELMANN:** Where you say:

8 "Investigations of this alleged
9 conspiracy consisted of re-interviewing
10 all police officers involved where
11 possible. Constable Heidi Sebalj went
12 on sick leave on January 7th, '98;
13 continues to be on sick leave."

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** "She was contacted on
16 January 18th, 2000 to provide an
17 interview, but declined to become
18 involved in an investigation."

19 **MR. HALL:** Yes.

20 **MR. ENGELMANN:** And then you say:

21 "All civilian witnesses and members of
22 the clergy who it was felt could
23 provide information were contacted.
24 All previous investigations were
25 revisited and relevant material and

1 interview reports are included in this
2 brief."

3 MR. HALL: Yes.

4 MR. ENGELMANN: "All relevant material
5 from Constable Dunlop has been
6 included."

7 MR. HALL: Yes.

8 MR. ENGELMANN: All right. So that appears
9 to be the paragraph in the synopsis that talks about the
10 work you've done.

11 MR. HALL: Yes.

12 MR. ENGELMANN: All right. And the synopsis
13 doesn't present findings, at all, of your investigation to
14 the Crown and I guess that -- you said that wasn't your
15 intention.

16 MR. HALL: No.

17 MR. ENGELMANN: All right.

18 Sir, these summary documents that we've
19 looked at -- the three -- the first one with the
20 allegations, the second one on the timeline and the third
21 one being the synopsis; would you agree that they're
22 virtually silent as to any conclusions with respect to the
23 existence of a group, ring or clan of pedophiles?

24 MR. HALL: I don't mention any conclusions,
25 no; not at this point. My investigation isn't -- isn't

1 complete.

2 MR. ENGELMANN: All right.

3 So what was left, after this, for you to
4 investigate?

5 MR. HALL: Well, I was soliciting the
6 opinion of the Crown attorney ---

7 MR. ENGELMANN: Right.

8 MR. HALL: --- for one, after his review.

9 MR. ENGELMANN: And they -- he gave you some
10 instructions about things to look at and to get back to him
11 on?

12 MR. HALL: He -- he asked her -- in addition
13 to the nine volumes, if you go to my memorandum of the 4th
14 of July 2001, there's a whole list of things indicated in
15 there that he was asking for.

16 MR. ENGELMANN: Right.

17 MR. HALL: And then, we had discussions --
18 verbal discussions -- about the investigation, what I
19 thought; what the other officers thought. And he reviewed
20 all the material we presented and he wrote up his legal
21 opinion.

22 I didn't tell him what I thought beforehand.
23 I -- I never tell a Crown attorney what I think unless they
24 ask in the course of their review.

25 MR. ENGELMANN: All right. Did you, in your

1 brief, in the nine volumes, set out some of the linkage
2 work you had done to establish associations between some of
3 the suspects? If you -- if you'd like the index, I can --
4 it's Exhibit 2631.

5 **MR. HALL:** No, I'm -- I'm just trying to --
6 I'm just thinking what you're referring to "linkages"; I
7 mean, did -- are you suggesting I should have gave him a
8 diagram indicating how they're all connected to each other
9 or -- or what?

10 **MR. ENGELMANN:** I'm -- I'm just asking what
11 you might have given him; that's all I'm asking.

12 **MR. HALL:** I gave him what's in the briefs.

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

14 **MR. HALL:** And I'd need to review the briefs
15 to tell you exactly what that is today.

16 **MR. ENGELMANN:** All right. From the index,
17 sir, and that's ---

18 **MR. HALL:** Well, the index indicates the
19 statement so and so that could be x number of pages long,
20 but in order to tell you what's in that statement; I'd have
21 to read it.

22 **MR. ENGELMANN:** I'm not talking about the
23 statements. I'm talking about analysis over and above the
24 statements. Like, did you plot linkages and give that to
25 the Crown?

1 **MR. HALL:** No.

2 **MR. ENGELMANN:** You told us that you did
3 that on Claude Marleau, on the one sheet.

4 **MR. HALL:** I plotted linkages for my own
5 benefit to see where it was going and how I could connect
6 people.

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

8 **MR. HALL:** And if there was -- if there was
9 some connection that I thought that should be given to him,
10 I -- I gave it to him. I can't think of one offhand. But
11 I think I explained how -- how you would identify a
12 pedophile earlier this morning.

13 **MR. ENGELMANN:** Fair enough, but I'm
14 wondering about well-established associations; Father
15 Charles MacDonald; Ken Seguin; Malcolm MacDonald; Nelson
16 Barque; Richard Hickerson; Marcel Lalonde; plot anything
17 out that would have set out some linkages, diagram,
18 anything like that for ---

19 **MR. HALL:** I don't ---

20 **MR. ENGELMANN:** --- the Crown?

21 **MR. HALL:** --- I don't think so because Mr.
22 -- Mr. McConnery's smart enough that if he's reading all
23 the material and dissecting it all, he's going to see that
24 for himself. I -- I don't want to put any -- any extra
25 thoughts in his mind as what I -- I'm asking him what he

1 thinks.

2 MR. ENGELMANN: All right. And the actual
3 statements from victims alleging abuse by multiple
4 perpetrators; you didn't put that in the Crown brief? You
5 -- we went through that already. You had the statements
6 from about three or four individuals; C-3, C-56, David
7 Silmsler, C-8.

8 MR. HALL: He -- he had all that because he
9 was doing the review on -- he was handling the Father
10 Charles MacDonald case.

11 MR. ENGELMANN: All right. So ---

12 MR. HALL: He was doing the reviews on all
13 of the people.

14 MR. ENGELMANN: All right. So let me just
15 understand then; you send him nine volumes of materials ---

16 MR. HALL: Conspiracy.

17 MR. ENGELMANN: --- on the conspiracy ---

18 MR. HALL: Yes.

19 MR. ENGELMANN: --- and yet, to get
20 information about victims who are alleging abuse by
21 multiple perpetrators, he should be looking at the Father
22 MacDonald brief.

23 MR. HALL: Well, he could -- he was. I know
24 he was because he was doing all of the reviews. He was
25 assigned to do all of the reviews.

1 **MR. ENGELMANN:** All right. And what about -
2 - what about the information from the Marcel Lalonde brief.
3 Would he have had that available to him as well?

4 **MR. HALL:** He had the statements -- the
5 interview reports that we had did that contained Marcel
6 Lalonde's name. But he didn't -- he didn't have -- I don't
7 believe he had -- he didn't get the brief from me on Marcel
8 Lalonde case. I mean, it wasn't a Project Truth matter.

9 **MR. ENGELMANN:** All right. No, you've said
10 that many times, but I'm just wondering if ---

11 **MR. HALL:** Well, charges were laid in '96.
12 We didn't get until July of '97 so ---

13 **MR. ENGELMANN:** Sir, we know when the
14 charges were laid and ---

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** --- and no, I just -- we're
17 talking about linkages and work that you might be doing to
18 ---

19 **MR. HALL:** Ah, we've been into Marcel
20 Lalonde now, I don't know how many times over a period of a
21 week and I can tell you, you're not going to get me to say
22 I should have brought it into Project Truth. I'm adamant
23 about that. I'm not changing my decision on that.

24 **MR. ENGELMANN:** And I'm not asking you to.
25 I'm not asking you to.

1 **MR. HALL:** Well, you're certainly trying to.

2 **MR. ENGELMANN:** No, what I'm asking you,
3 sir, is if you're trying to find out the existence of a
4 group of pedophiles, I would have thought you would be
5 interested -- just in looking at alleged suspects, you'd be
6 interested in linking some of these dots with Marcel
7 Lalonde. David Silmsen has alleged that he was abused by
8 Lalonde and two others. We have other linkages between
9 victims and Lalonde and people you're looking at.

10 **MR. HALL:** Well, I would have preferred to
11 have some convictions on the allegations we had so that I
12 could say that the victim is a true victim. Secondly, that
13 the suspect is now a charged person and then I would
14 determine what linkages there were between the individuals
15 and I would go somewhere.

16 **MR. ENGELMANN:** All right. So you wanted to
17 have at least one or two convictions first before you would
18 investigate the ---

19 **MR. HALL:** Well, you can't say there's a
20 pedophile ring until you've got convictions. And you can't
21 get convictions until you have alleged victims giving you
22 the information.

23 **MR. ENGELMANN:** I'm just asking you, sir,
24 when you'd be doing your investigation ---

25 **MR. HALL:** Pardon?

1 **MR. ENGELMANN:** Are you suggesting that you
2 wouldn't even start investigating the existence of the
3 group until after you had some convictions?

4 **MR. HALL:** Well, we already have the
5 information. We already have some ideas. I explained this
6 morning in my presentation on how you identify a pedophile.
7 You go to Marcel Lalonde ---

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

9 **MR. HALL:** --- I mean, there's -- there's
10 definitely suspects within the clergy ---

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

12 **MR. HALL:** --- they're not convicted
13 suspects, but they're suspects.

14 **MR. ENGELMANN:** Sir, the follow-up on the
15 Crown brief, after the matter was transferred to Mr.
16 McConnery -- this is in your notes on June 13th, 2001, I'll
17 just find you the Bates page in a second, if I may. This
18 is Exhibit 2758, sir. It is your 16th notebook.

19 I'm at Bates page 941 and, counsel, the date
20 is -- I believe it's June 13th, yes, June 13th, 2001.

21 The reference to Mr. McConnery starts on the
22 previous page, Bates page 940. It says:

23 "McConnery attended. Given copies of
24 legal opinion he requested ---"

25 I think, or "something" opinion. Right at

1 the bottom of the page, Madam Clerk.

2 MR. HALL: Yes.

3 "McConnery attended. Given copies of
4 legal opinions he requested."

5 And these would be the legal opinions done
6 by Peter Griffiths way back in '94.

7 MR. ENGELMANN: Oh okay. Okay, then on the
8 next page, "Discussed ---"

9 MR. HALL: "Discussed legal opinions.

10 Asked my opinion on charges."

11 MR. ENGELMANN: Okay. And then what does it
12 say after lunch?

13 MR. HALL: "Enter office. Continue
14 interview with McConnery. Given over
15 copy of conspiracy brief as Hallett did
16 not provide her copy."

17 What I'm doing is we're re-providing the
18 brief again to Mr. McConnery because Ms. Hallett kept hers,
19 basically.

20 MR. ENGELMANN: All right. Could you just
21 read on, sir.

22 MR. HALL: "She apparently has her copies
23 of Dunlop's will say and notes.
24 McConnery asked for copies of officer's
25 will say and notes a.s.a.p. McConnery

1 asked for a copy of Milton MacDonald's
2 brief. Will get same from Orillia.
3 Discussed nine boxes. Phillips will
4 pick up next week. Still didn't get in
5 touch with Dunlop. McConnery to attend
6 next Wednesday Long Sault, give copy of
7 index from conspiracy brief."

8 **MR. ENGELMANN:** All right. Let me just stop
9 you there.

10 Are officers notes and will says typically
11 given with the Crown brief?

12 **MR. HALL:** Yes.

13 **MR. ENGELMANN:** Okay. Why did you not do
14 that here?

15 **MR. HALL:** Why did I not do that there?

16 **MR. ENGELMANN:** Yeah.

17 **MR. HALL:** Because they were in another
18 volume. Do you have the index to the volumes?

19 **MR. ENGELMANN:** Yeah, I've been ---

20 **MR. HALL:** Because I think that's one of the
21 things on ---

22 **MR. ENGELMANN:** It's Exhibit 2631.

23 **MR. HALL:** Also the -- if you go to the memo
24 of the 4th of July 2001 to McConnery, there's a whole bunch
25 of disclosure there and I think you'll find the notes may

1 be in that one.

2 MR. ENGELMANN: Exhibit 2631 has the index
3 and, sir, I don't ---

4 MR. HALL: I think it's split up into
5 civilian witnesses and police officers.

6 MR. ENGELMANN: Yeah. I don't recall any
7 will say statements from you or your officers though, sir.

8 MR. HALL: Well, if you look at the July 4th
9 memorandum I think you may find them there, or one or two
10 after that.

11 MR. ENGELMANN: But why wouldn't they have
12 been in the Crown brief when you submitted it?

13 MR. HALL: Why wouldn't they have been in
14 the Crown brief -- the notes?

15 MR. ENGELMANN: Yes.

16 MR. HALL: Or statements, sorry. All as our
17 notes are going to be is we interviewed so-and-so on a
18 certain date, basically.

19 MR. ENGELMANN: But I thought you had ---

20 MR. HALL: We had no -- the officers had no
21 evidence really to present.

22 MR. ENGELMANN: I thought typically, you
23 said, the will says would have gone in with the Crown
24 brief.

25 MR. HALL: They normally do.

1 **MR. ENGELMANN:** All right, but they didn't
2 in this case? You submitted them after when you ---

3 **MR. HALL:** Well, if he asked for them after
4 I don't believe he had them, unless he was getting them. I
5 think there was volumes -- see, the original conspiracy
6 brief went to Shelley Hallett ---

7 **MR. ENGELMANN:** Yes.

8 **MR. HALL:** --- in July of 2000.

9 **MR. ENGELMANN:** Right.

10 **MR. HALL:** And she had it till -- year and a
11 half or so.

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

13 **MR. HALL:** So we had to reproduce the
14 volumes for Mr. McConnery.

15 **MR. ENGELMANN:** So in any event, he asked
16 you for a will say ---

17 **THE COMMISSIONER:** Mr. Kloeze?

18 **MR. KLOEZE:** Sorry, I'm just -- I guess it's
19 a math question. He said the original brief went to
20 Ms. Hallett in July of 2000. We're talking July 2000 and -
21 - I'm not sure what the date is. I think it's July 2001,
22 so it's in ---

23 **THE COMMISSIONER:** Yes?

24 **MR. KLOEZE:** I think Mr. Hall said that was
25 a year and a half, but it's only a year since Hallett had

1 the brief.

2 **MR. HALL:** Well, I guess -- yeah, I'll
3 correct that. I was thinking of the other briefs I
4 delivered in September of '99; the other five briefs.

5 **THE COMMISSIONER:** Ms. Lahaie?

6 **MS. LAHAIE:** Just for the sake of being
7 precise, the nine-volume conspiracy brief contains the
8 notes of Constable Dan Anthony, Ontario Provincial Police;
9 Constable Cathy Bell, Ontario Provincial Police; Lucien
10 Brunet, Garry Derochie, D'Arcy Dupuis, Patrick Dussault,
11 who was involved in the issue with the videotapes; Don
12 Genier will say and notes; Ron Lefebvre notes; Claude
13 Lortie notes; Kevin Malloy notes; interview of Stuart
14 MacDonald; second interview of Stuart MacDonald; two
15 interviews of Constable McDougald; the interview of Jim
16 McWade; the interview of Randy Millar; the notes and two
17 interviews of Heidi Sebalj; the interviews of Claude
18 Shaver; the will say of Tim Smith; Joseph St. Denis
19 interview; and the interview of Brendon Wells.

20 So to say that notes and will states of
21 officers were not included in the conspiracy briefs.

22 **THE COMMISSIONER:** No, but that's not fair.
23 That's not what he was saying. It's not what he was
24 saying. He was saying about his officers' notes and the
25 will says. That's what McConnery asked for -- anyway.

1 **MS. LAHAIE:** The notes of the Project Truth
2 officers?

3 **THE COMMISSIONER:** Yes. M'hm.

4 **MS. LAHAIE:** For clarity's sake, there were
5 officers' notes and will states in the brief.

6 **THE COMMISSIONER:** Of course there were, but
7 unless I am losing it here, all he was talking about was
8 Hall's and his investigator's notes; that's all. So thank
9 you for clearing that up.

10 **MS. LAHAIE:** Thank you.

11 **MR. ENGELMANN:** Mr. McConnery also wrote to
12 you, sir, right, about further work that he wanted you to
13 do ---

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

15 **MR. ENGELMANN:** --- in July of 2001? And
16 let's just get that into evidence if we can. That is
17 Document Number 703537. It's a letter from Mr. McConnery
18 to Mr. Hall dated July 11th, 2001.

19 **THE COMMISSIONER:** Thank you. Exhibit 2830.

20 --- **EXHIBIT NO./PIÈCE NO. P-2830:**

21 (703537) - Letter from Lorne McConnery to
22 Pat Hall dated 11 Jul 01

23 **MR. ENGELMANN:** So, sir, this sets out some
24 of the matters that he's asking you to follow up on after
25 your meetings? Is that correct?

1 MR. HALL: Yes.

2 MR. ENGELMANN: All right. And you respond
3 and address these issues quickly?

4 MR. HALL: This basically was in response to
5 Mr. Guzzo's revelations in the legislature.

6 MR. ENGELMANN: All right.
7 And, sir -- I'm hearing footsteps.

8 THE COMMISSIONER: No, no, not yet.

9 MR. ENGELMANN: In addition, if you could
10 take a quick look at Exhibit 2575, and this again is from
11 July of 2001. And this is -- you're writing to someone by
12 the name of Len Aitchison. This is an email.

13 MR. HALL: Len Aitchison.

14 MR. ENGELMANN: I'm sorry?

15 MR. HALL: Aitchison.

16 MR. ENGELMANN: Aitchison; I apologize.

17 MR. HALL: He's a staff sergeant in Criminal
18 Investigation Branch in Orillia.

19 MR. ENGELMANN: All right.

20 MR. HALL: At the time.

21 MR. ENGELMANN: As I understand it, this is
22 follow-up on the conspiracy brief that you're working on.

23 MR. HALL: Yes.

24 MR. ENGELMANN: And if you could just tell
25 us, there's an email from you to Mr. Aitchison, and then

1 there's one from him to you.

2 **MR. HALL:** Yes.

3 **MR. ENGELMANN:** And I just want to
4 understand -- it appears to me that he's providing you with
5 the Hamelink brief, but I'm not sure if that's the case. I
6 just want to have that confirmed by you.

7 **MR. HALL:** I'm trying to get a copy of the
8 Hamelink brief and, as I recall, there was a statement from
9 an individual in there. I believe it was -- it may have
10 been the cousin of Mr. Silmsen or brother of Mr. Silmsen;
11 some relative of Silmsen who had made some allegations
12 while they were cutting wood in the bush about the
13 motivation for David Silmsen.

14 **MR. ENGELMANN:** Well, Inspector Smith talked
15 to us about that -- a cousin of his.

16 So am I correct you're only getting the
17 Hamelink brief in 2001, in the summer?

18 **MR. HALL:** What -- I had a brief but I think
19 I got one -- the one I received back I think -- a brief had
20 been sent off to Freedom of Information, and of course
21 there's certain things taken out if things go to Freedom of
22 Information.

23 **MR. ENGELMANN:** Yes.

24 **MR. HALL:** So what I was trying to get back
25 was a -- what shall I say; an unaltered brief? A complete

1 brief? And we had statements in our files that were taken
2 as part of that investigation but I didn't have the
3 complete brief.

4 **MR. ENGELMANN:** All right. And, sir, if I
5 could then take you to a letter from Mr. McConnery that's
6 written to you on August 15th, 2001, it is his response to
7 your brief and it is Document Number 732711.

8 **THE COMMISSIONER:** Are we breaking,
9 Mr. Engelmann?

10 **MR. ENGELMANN:** We could, if you'd like,
11 sir.

12 **THE COMMISSIONER:** How much longer will you
13 take?

14 **MR. ENGELMANN:** I have a few questions --
15 this document and then one other document, about the
16 announcement of findings, and then I have a couple matters
17 about the Father MacDonald file.

18 **THE COMMISSIONER:** Half an hour?

19 **MR. ENGELMANN:** No more.

20 **THE COMMISSIONER:** Thank you. Let's take
21 the afternoon break.

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

24 This hearing will resume at 3:20 p.m.

25 --- Upon recessing 3:04 p.m./

1 L'audience est suspendue à 15h04

2 --- Upon resuming at 3:23 p.m./

3 L'audience est reprise à 15h23

4 **THE REGISTRAR:** All rise. À l'ordre;
5 veuillez vous lever.

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

8 **THE COMMISSIONER:** Mr. Engelmann?

9 **MR. ENGELMANN:** Thank you, sir.

10 **PATRICK HALL Resumed/Sous le même serment:**

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

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

13 **MR. ENGELMANN:** Mr. Hall, I'm not sure if
14 you were provided with Exhibit 1140; it's a letter from Mr.
15 McConnery to you, dated August 15, 2001.

16 **MR. HALL:** Yes.

17 **MR. ENGELMANN:** All right. And this is the
18 letter then responding to the Crown briefs that are listed,
19 one through six, on Bates page 442 and 443.

20 **MR. HALL:** Yes.

21 **MR. ENGELMANN:** And, sir, as I understand
22 it, he -- if you'll turn to the very last page, which is
23 Bates page 445, he concurs with your opinion that charges
24 should not be laid in these six investigations; correct?

25 **MR. HALL:** Yes.

1 **MR. ENGELMANN:** And he says:

2 "This opinion is based upon the
3 material I've been provided as it
4 reflects the investigation to date."

5 And that is the material we've looked at
6 from the Crown brief index and the additional information
7 you would have provided to him in response to his letter in
8 July. Am I correct on that?

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** All right. And there was
11 nothing further done on this, as far as you know, as far as
12 further investigation after this?

13 **MR. HALL:** There may have been another
14 request, other than the one from July.

15 **MR. ENGELMANN:** But after August 15th, 2001 -

16 --

17 **MR. HALL:** No.

18 **MR. ENGELMANN:** --- was there any further
19 investigation on your part or your team on this issue, on
20 the conspiracy investigation.

21 **MR. HALL:** No.

22 **MR. ENGELMANN:** All right. And, sir, I
23 understand that following receipt of his recommendations
24 the Ontario Provincial Police made some public statements
25 about the conclusion of Project Truth?

1 MR. HALL: Yes.

2 MR. ENGELMANN: And they were reported in
3 the national media?

4 MR. HALL: Yes.

5 MR. ENGELMANN: And, sir, if the witness
6 could be shown -- it's Document Number 720463. It's
7 probably a cross document, 720463.

8 (SHORT PAUSE/COURTE PAUSE)

9 THE COMMISSIONER: What is it exactly,
10 Mr. Engelmann?

11 MR. ENGELMANN: It's a one-page document.
12 It's an article from the Globe and Mail, Thursday, August
13 23, 2001.

14 THE COMMISSIONER: Great, so that will be
15 the next exhibit.

16 MR. ENGELMANN: We're going to get there.

17 THE COMMISSIONER: All right, so what
18 exhibit number is that and then if we find the document
19 we'll catch up to it; 2831.

20 --- EXHIBIT NO./PIÈCE No. P-2831:

21 (720463) - Article of Globe and Mail 'Police
22 discount Cornwall pedophile ring' dated 23 Aug 01

23 MR. ENGELMANN: I'm not really going to it
24 much for content. There's a fellow who's quoted in it.
25 His name is Superintendent Jim Miller.

1 Was he your direct report, sir?

2 MR. HALL: One of them.

3 THE COMMISSIONER: Can you hold it up, Madam
4 Clerk, a little bit?

5 MR. HALL: I had five directors while
6 Project Truth was going on.

7 MR. ENGELMANN: I'm sorry?

8 MR. HALL: I had five different directors
9 for Project Truth.

10 MR. ENGELMANN: Oh, fair enough. But at
11 this point in time is he the fellow you're reporting to in
12 the fall of -- or, sorry, late August of 2001?

13 MR. HALL: Yes.

14 MR. ENGELMANN: All right. And he's quoted
15 in the left-hand column as saying:

16 "We've investigated every piece of
17 information and every allegation and
18 there's no evidence to support a
19 criminal conspiracy or any cover-up of
20 a pedophile ring."

21 All right? And that's Detective
22 Superintendent Jim Miller.

23 MR. HALL: Yes.

24 MR. ENGELMANN: And presumably he would have
25 been briefed by you before making statements of that

1 nature?

2 MR. HALL: Yes. But what's the date of that

3 ---

4 MR. ENGELMANN: The date is August 23rd,
5 2001. It's approximately a week after Mr. McConnery's
6 letter to you.

7 MR. HALL: We already made a press release
8 prior to this.

9 MR. ENGELMANN: Okay. Well, it --
10 presumably it said something similar to -- to what ---

11 MR. HALL: No. No, a press release would be
12 on OPP letterhead.

13 MR. ENGELMANN: Fair enough, sir, but did it
14 also say that -- something to the effect that, "After this
15 investigation we have found no evidence to support a
16 criminal conspiracy or any cover-up of a paedophile ring"?
17 would that have been included in the press release, to your
18 knowledge?

19 MR. HALL: It wouldn't have referred to a
20 paedophile ring, it would have been -- well, perhaps you
21 have the document, we can exactly see it.

22 MR. ENGELMANN: Sir, I don't, and I'm just
23 about done my questions. Someone else will find it,
24 believe me; okay?

25 MR. HALL: Sure.

1 **MR. ENGELMANN:** But we've gone to find a
2 number of documents and I have one other that you asked me
3 find and I will put it to you before we finish.

4 **MR. HALL:** Yes.

5 **MR. ENGELMANN:** And that's a letter you
6 wrote to Jim Stewart that you referred to the other day.

7 But with respect to this one, the
8 information contained in this letter -- in this story,
9 Miller's information would come from you?

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** So the conclusion then was
12 that you found no evidence that the alleged perpetrators
13 here were part of an organized network; correct?

14 **MR. HALL:** And the key word is "evidence".

15 **MR. ENGELMANN:** Right. And, sir, this was
16 notwithstanding that you had uncovered a number of
17 associations and links between alleged perpetrators?

18 **MR. HALL:** Yes.

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

20 Sir, I want to ask you briefly about a
21 matter that's come up here during the evidence of Officer
22 Dupuis. And we have heard some evidence at this Inquiry
23 that a conversation may have taken place between a Crown
24 attorney by the name of Robert Pelletier and Father Charles
25 MacDonald's then lawyer -- this is in January of '98 --

1 about the consolidation of the charges against Father
2 MacDonald and the issue of Father MacDonald's 11(b) Charter
3 rights.

4 This was during Officer Dupuis' evidence,
5 which you would have read or you would have heard.

6 **THE COMMISSIONER:** Sir?

7 **MR. HALL:** Well, I didn't hear all of it; I
8 was in transit from Texas, I believe, when he ---

9 **MR. ENGELMANN:** Okay, all right. Well,
10 specifically, Officer Dupuis testified that he recalled
11 being present for a discussion in a courthouse hallway
12 between Mr. Pelletier and Father MacDonald's counsel,
13 sometime in January of '98. He told us during this
14 conversation Mr. Pelletier advised counsel that there would
15 be further charges laid against Father MacDonald and asked
16 whether he wanted one trial or two.

17 According to Constable Dupuis, Father
18 MacDonald's counsel answered "one". Mr. Pelletier is said
19 to then have asked something to the effect, "What are we
20 going to do about a possible 11(b)?" being 11(b) under the
21 Charter, and counsel replied that he would waive the 11(b).

22 Okay, that's what we were told by Officer
23 Dupuis.

24 **MR. HALL:** Yes.

25 **MR. ENGELMANN:** Constable Dupuis also

1 testified that he may have discussed this with you at some
2 point, and I'm just wondering whether you were ever told
3 about such a conversation by Officer Dupuis.

4 MR. HALL: I was contacted about this matter
5 approximately two weeks ago by email. I was in Texas. And
6 I replied by email of what my recollection was, and I
7 understand that was provided to you unaltered.

8 MR. ENGELMANN: Sir, we don't turn over.

9 MR. HALL: Well, I'd just like to refer to
10 it; that's all. I can -- well, I can give you my
11 recollection that I did two weeks ago. It hasn't changed a
12 whole lot.

13 MR. ENGELMANN: Well, okay.

14 MR. HALL: Okay. I ---

15 MR. ENGELMANN: What I'm concerned about is
16 what you remember from back then.

17 MR. HALL: That's right, and like I hadn't -
18 - this hadn't been discussed with me for years. So my
19 recollection was that I had heard a conversation regarding
20 the 11(b) and I don't know whether it was in the fall of
21 '97 or the spring of '98 because I wasn't involved in court
22 with Father Charles MacDonald at the early stages. I
23 didn't go to court. I never went to Ottawa on any of the
24 appearances. And my recollection is that there was a
25 conversation. I thought it was in a hallway between Mr.

1 Neville and Mr. Pelletier and there was some indication
2 that Mr. Neville was going to waive the 11(b).

3 **MR. ENGELMANN:** Who did you hear this from,
4 sir?

5 **MR. HALL:** I don't know. I think -- because
6 of what I'm going to tell you a little further and the
7 level of information, I think it came from Detective
8 Inspector Smith, but I'm not certain. What I had heard was
9 that this information was going to be put on the record at
10 a subsequent court appearance -- I couldn't give you a date
11 -- by Mr. Pelletier. And the next, whatever date it was,
12 Mr. Pelletier didn't go. He had an assistant go and it
13 didn't get put on for whatever reason. And I don't know
14 whether it was Pelletier's fault or the assistant's fault
15 but it never got put on.

16 So when I first met with Lorne McConnery, 3rd
17 of May, 4th of May of 2001 and I was briefing him on Project
18 Truth's investigation, I found I had a note in my notebook
19 saying that he should speak to Crown Attorney Pelletier
20 about Father Charles MacDonald but I didn't specifically
21 know why. When the court case started -- the trial started
22 in May 2002, Father Charles in Cornwall here ---

23 **MR. ENGELMANN:** This is the stay
24 application, 2002?

25 **MR. HALL:** No, I think it was -- well, I

1 think it was -- it may have been a stay application when it
2 first started, but prior to that I had met with McConnery
3 and Phillips when we were trying to discuss witnesses; who
4 would be witnesses. And then in February 15th of 2001, or
5 it would have been 2000, Tim Smith and Mike Fagan came down
6 to our office and we had another meeting about witnesses
7 for their case.

8 So when the trial started I recall
9 Mr. McConnery expecting Bob Pelletier to come to court and
10 I recall him going -- asked me one day to go out in the
11 hallway and check if Bob Pelletier was around. And I did
12 and I didn't see him and I know McConnery wasn't overly
13 happy he didn't show up. But I don't know what the reason
14 was for certain and I know ---

15 **MR. ENGELMANN:** Do you know if that's
16 connected to this issue?

17 **MR. HALL:** No, I don't know if it was
18 connected to this issue. And I didn't make any -- I can't
19 -- I checked my notes and I couldn't find any reference to
20 it in my notes, and I don't believe I would have put a note
21 in because it was a Crown matter really.

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

23 **MR. HALL:** And I think the level of the
24 information probably would have come from Inspector Smith
25 because he was in contact with Crown Attorney Pelletier on

1 a number of occasions. I don't think Constable Dupuis
2 would have that but he could have had. He could have
3 mentioned it to me. I don't know ---

4 **MR. ENGELMANN:** Okay. Let me just ask you a
5 couple of direct questions on it.

6 Do you recall ever just speaking to Joe
7 Dupuis about this?

8 **MR. HALL:** No.

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

10 Do you recall ever speaking to a Crown,
11 whether it's Lorne McConnery, Bob Pelletier or any other
12 Crown involved in the Father MacDonald matter about this?

13 **MR. HALL:** Not specifically 11(b), no.

14 **MR. ENGELMANN:** All right.

15 Sir, do you recall at all being involved in
16 adjournments of court dates or trial dates in the Father
17 MacDonald matter?

18 **MR. HALL:** I never came -- became involved
19 in Father Charles MacDonald until we arrested him in
20 January of '98 on our charges, processed him.

21 **MR. ENGELMANN:** Okay. Were you involved at
22 all in an adjournment that took place on May 28th, 2001
23 because of a tie-up with an ongoing homicide trial?

24 **MR. HALL:** Well, my first contact with court
25 and regarding Father Charles MacDonald would have been on

1 the 18th of April when we had an in-camera session. That's
2 the first that I ever attended any court involving Father
3 Charles MacDonald.

4 **MR. ENGELMANN:** Okay. So are you aware of
5 an adjournment from April 25th, 2001 -- sorry -- that a
6 matter that was set for May 28th was adjourned on April 25th,
7 2001 till sometime in 2002? And if so, did you have
8 anything to do with that?

9 **MR. HALL:** I was in court. I thought it was
10 maybe the 23rd of August, 2000 or maybe it was the 25th
11 because we made disclosure to Mr. Neville of Perry Dunlop's
12 will say. That's my recollection.

13 **MR. ENGELMANN:** Sir, were you ever involved
14 in a disclosure issue involving a CPS officer by the name
15 of Ron Lefebvre and his notes?

16 **MR. HALL:** Well, I interviewed Ron Lefebvre.

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

18 And there was some issue with notes that
19 were missing at the time; correct?

20 **MR. HALL:** Yes, he couldn't -- he couldn't
21 find his notes and I think for a period of time Cornwall
22 Police couldn't find them.

23 **MR. ENGELMANN:** And these were the notes of
24 his initial interview with David Silmsler on January 28th,
25 1993; correct?

1 **MR. HALL:** Well, it was his notes with his
2 involvement. I think that's -- I think he went and met
3 with Mr. Silmsler back in March of '93 as well, and he may
4 have had notes on that; him and Sebalj.

5 **MR. ENGELMANN:** Sir, were you aware that
6 those notes were actually in the *Police Service Act*,
7 materials that Officer Dunlop would have delivered to you
8 on or around July 31st, 1998?

9 **MR. HALL:** No, I couldn't have been aware of
10 it. I wouldn't be asking for them.

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

12 And were you aware that defence counsel for
13 Father MacDonald made arguments with respect to the
14 nondisclosure to him of those notes on the 11(b) argument
15 in May of 2002?

16 **MR. HALL:** No, I'm not aware of that.

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

18 And you still to this day were not aware
19 that they were in the *Police Service Act* documents?

20 **MR. HALL:** No.

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

22 Well, clearly, if they were there they
23 should have been disclosed; correct?

24 **MR. HALL:** Yes.

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

1 Sir, I want to ask you -- you asked me the
2 other day about -- I think we were dealing with the binders
3 issue and you said there were some letters right at the end
4 and you referred to a letter you wrote, I think sometime in
5 2004, which I found.

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** And I think it was in
8 response to a letter from Mr. Stewart in 2001.

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** So if you can just give me a
11 moment I think I have those two and that will be it.

12 **MR. HALL:** Yes.

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

14 **MR. ENGELMANN:** Sir, the first letter is
15 2814, Exhibit 2814, and I think we touched upon this
16 before. It's a letter that was written to you by
17 Mr. Stewart.

18 **THE COMMISSIONER:** Do we have it, Madam
19 Clerk?

20 **MR. ENGELMANN:** It's Exhibit -- sorry --
21 Document Number 732785 and I think we touched upon this,
22 Mr. Hall, and you said, "There was another letter I wrote
23 later", so just wanted you to have this one handy.

24 But this is after a number of exchanges
25 between yourself and Mr. Stewart.

1 **MR. HALL:** It's in regards to the material
2 of Mr. Dunlop delivered to the Ministry of the Attorney
3 General.

4 **MR. ENGELMANN:** Exactly.

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** All right. And, sir, I
7 don't think we have to go back into it but this letter then
8 you respond to at or about the time of your retirement, I
9 understand.

10 **MR. HALL:** Yes.

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

12 And that letter is Document Number 732780.

13 **THE COMMISSIONER:** Okay. Well, do we want
14 this letter of September 6? Do you want it as an exhibit?

15 **MR. ENGELMANN:** I just wanted the witness to
16 have it available because he responds to the letter.

17 **THE COMMISSIONER:** Well, I think we should
18 make it an exhibit then.

19 **MR. ENGELMANN:** It is an exhibit, sir.

20 **THE COMMISSIONER:** Oh, I'm sorry.

21 **MR. ENGELMANN:** It's Exhibit 2814.

22 **THE COMMISSIONER:** Okay, sorry.

23 **MR. HALL:** Can I have a copy of it?

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

25 **MR. HALL:** Can I have a copy of the exhibit?

1 **THE COMMISSIONER:** It's on the screen right
2 now and the clerk is working on that.

3 **MR. ENGELMANN:** Sorry, the response to 2814
4 is Document Number 732780.

5 **THE COMMISSIONER:** Exhibit Number 2832 is a
6 letter dated April 22nd, 2004, addressed to Mr. James
7 Stewart from Detective Inspector Hall.

8 **--- EXHIBIT NO./PIÈCE NO. P-2832:**
9 (732780) - Letter from Pat Hall to James
10 Stewart re: Project Truth - Your Memorandum
11 pertaining to Four Binders received from
12 Perry Dunlop dated 22 Apr-04

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

14 **MR. HALL:** Yes?

15 **MR. ENGELMANN:** All right. So, just for
16 context, sir, if we look back to the September 6th, 2001
17 letter, on the second page ---

18 **MR. HALL:** Yes.

19 **MR. ENGELMANN:** --- he's saying things like:
20 "A careful examination of the
21 circumstances surrounding the material
22 that was delivered to the ministry does
23 not support the suggestion that it was
24 somehow being withheld from the
25 police."

1 At the top of the page. He also said:

2 "It would appear as though the material
3 may never have been forwarded to the
4 OPP on the assumption that the
5 investigators already had it."

6 And he says:

7 "I do not believe the absence of the
8 material was relevant to the allegation
9 of conspiracy, et cetera."

10 **MR. HALL:** Yes.

11 **MR. ENGELMANN:** And now, you respond to
12 this, but it's now -- it's almost three years later.
13 You're just about to retire.

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** Why are you responding to
16 that letter with this letter in April of 2004?

17 **MR. HALL:** I just wanted to clean up the
18 investigation before I retire.

19 **MR. ENGELMANN:** All right. And, sir, on the
20 last page -- and there may be something else you want to
21 highlight.

22 **MR. HALL:** There may -- there may have been
23 other memos in between time, too. I'm not certain right
24 now.

25 **MR. ENGELMANN:** Okay. Well, the reason you

1 mentioned, when you talked about this first one, you said
2 there was a later letter ---

3 MR. HALL: Yes.

4 MR. ENGELMANN: --- that we found.

5 MR. HALL: Yes.

6 MR. ENGELMANN: So I'm just bringing it up
7 because it was something you wanted to speak to.

8 MR. HALL: The issue was that because of the
9 allegations that were out in the media, primarily by Mr.
10 Guzzo and other people that the material that went to the
11 ministry attorney -- the Ministry of the Attorney General
12 was being withheld to protect Murray MacDonald, basically,
13 is what the allegations were, that they weren't giving the
14 police the full information.

15 MR. ENGELMANN: Okay.

16 MR. HALL: Alls I wanted to do was get
17 something from the Ministry of the Attorney General to say
18 that's not the case. I want something in writing.
19 Whatever happened to them? No one ever told me what
20 happened to them, to the four binders that they got.

21 MR. ENGELMANN: Yes.

22 MR. HALL: So, as noted in this letter of
23 April 2004, when we made our press release in August 22nd of
24 2001 about the concluding our ---

25 MR. ENGELMANN: Let me just stop you. Are

1 you referring to the last page now?

2 **MR. HALL:** Yes.

3 **MR. ENGELMANN:** Because that's what I wanted
4 to ask you about, what you meant there.

5 **MR. HALL:** Yes.

6 **MR. ENGELMANN:** Yeah. So you're talking
7 about a press release in 2001, just after --

8 **MR. HALL:** Well, I drew up a press release
9 indicating the results of our investigation and I was
10 outlining the allegations against the Ministry of Attorney
11 General, the Archdiocese of Cornwall and the Cornwall
12 Police Service, that there's no evidence that there was a
13 conspiracy.

14 And I had to take that out, because John
15 Pearson, who was sitting in for Murray Segal, told us we
16 would get sued if we put that in there. I don't know how
17 you can conclude that they're going to sue the OPP for
18 clearing them, but that's the -- that's the intent.

19 So when the press release went out,
20 Detective Superintendent Miller, he went along with me and
21 said, "Now, we'll take it out." Because he does the final
22 approval on press releases for CIB. So the press release
23 went out that way. And when Lorne McConnery seen it, he
24 said, "Well, this is not what I investigated." And I
25 basically said, "Well, it's your press release on our

1 letterhead, because that's not what I wanted to convey
2 either."

3 MR. ENGELMANN: All right.

4 MR. HALL: That's what it basically says in
5 here.

6 MR. ENGELMANN: So you were advised that the
7 Ministry of the Attorney General would be suing the OPP if
8 the press release stayed in its fashion the way you had --

9 MR. HALL: Well, they were saying the OPP
10 would be sued for putting that in there, yes. And he
11 related some case in Nova Scotia or something. I talked to
12 him about it on the phone after it. I mean, he ---

13 MR. ENGELMANN: Mr. Stewart or Mr.
14 McConnery?

15 MR. HALL: No, Mr. Pearson.

16 MR. ENGELMANN: Oh, Mr. Pearson, I'm sorry.

17 MR. HALL: The direction came from him.

18 MR. ENGELMANN: Fair enough, fair enough.
19 All right. And you're still -- you're just -- that ---

20 MR. HALL: Well, I'm still getting --
21 because it never -- I had never had anything in my file to
22 indicate whatever happened. Like, in order for me to
23 address the allegations that somebody's going to ask me
24 "What did you do with this allegation about holding back
25 the material; is it fact or is it not?"

1 **MR. ENGELMANN:** All right.

2 **MR. HALL:** I could never get them to tell me
3 whatever happened to it.

4 **MR. ENGELMANN:** And you never did get a
5 response to that.

6 **MR. HALL:** The response I got: "It probably
7 went in the garbage."

8 **MR. ENGELMANN:** Okay.

9 Sir ---

10 **THE COMMISSIONER:** I'm sorry. You got a
11 response that said that it probably went in the garbage?

12 **MR. HALL:** Well, a verbal response from Ms.
13 Hallett. I didn't get nothing in writing. I mean, this --
14 this is going over a period of several years.

15 **THE COURT:** So, what did Ms. -- you're
16 saying Ms. Hallett told you?

17 **MR. HALL:** "Probably -- we get tons of
18 material; it probably went out in the garbage."

19 **THE COURT:** Okay.

20 **MR. ENGELMANN:** This would have been the
21 original Dunlop material that would have been delivered on
22 April 7th, 1997 ---

23 **MR. HALL:** Yeah.

24 **MR. ENGELMANN:** --- to the Ministry of the
25 Attorney General.

1 **MR. HALL:** Yes.

2 **MR. ENGELMANN:** All right.

3 Mr. Hall, we've asked all our witnesses a
4 couple of questions at the end of their evidence.

5 One of them is if they want to comment on
6 the impact that doing this type of work or being involved
7 in this type of investigation may have had on them or their
8 colleagues because of the nature of this work and the
9 allegations you have to deal with.

10 And the second question is, as an
11 experienced police officer, having worked in this area for
12 many years, if you have some suggestions and/or
13 recommendations for the Commissioner with respect to a
14 future institutional response.

15 **MR. HALL:** It's my turn, Mr. Commissioner?

16 **THE COMMISSIONER:** It's all yours.

17 **---STATEMENT BY/DÉCLARATION PAR MR. HALL:**

18 **MR. HALL:** All mine. Fine.

19 First of all, I'd like to address victims.
20 I would like to address those victims of sexual assault who
21 are unable to come forward with allegations due to the
22 adverse publicity surrounding Project Truth.

23 I say to them, I would have had the
24 opportunity to assist you in the criminal process. I hope
25 you are able to deal with your abuses and get on with your

1 life.

2 My recommendations revolve around Crown
3 attorney assistance. In these types of investigations,
4 where there are multiple suspects, multiple victims, I
5 would recommend that a team of three Crown attorneys be
6 assigned, with one being designated to be the lead Crown
7 attorney.

8 He would be available for consultation,
9 advice. No case manager should have to deal with 11 Crown
10 attorneys or assistant Crown attorneys as I have done in
11 this case.

12 My personal impact. This Inquiry has
13 affected me more than any investigation I have ever done,
14 but cannot be compared to the anguish sexual assault
15 victims have suffered. This Inquiry was called in November
16 of 2004.

17 I had retired in April of 2004. I obviously
18 knew I would be called to testify due to my involvement.
19 Interviews commenced in October 2005. I had additional
20 interviews in May, June and October of 2006.

21 My wife and I spend the winters in Texas
22 from November to April for the past four years. Interviews
23 continued in 2007 and in October, as we were about to leave
24 for Texas, Mr. Engelmann requested to interview me prior to
25 Mr. Guzzo's testimony.

1 This took place the first week of November 2007 over a
2 four-day period. At that time, I was asked if I would
3 return in January or February 2008 to testify, if required.
4 I said I would. He further indicated my evidence would be
5 complete no later than April/early May. Nothing happened.
6 Various dates were given, such as July, August, October.
7 Again, nothing happened. My travel plans have been
8 curtailed and our lives are put on hold. I am sure other
9 witnesses have felt the same thing. During the past week,
10 I have been continually asked why various investigations
11 took so long.

12 Mr. Commissioner, why is this Inquiry taking
13 so long? Is it possible your mandate was too broad and you
14 didn't stay within it? I believe you were told so by a
15 court.

16 Why did you choose a labour lawyer as your
17 lead counsel when all the matters surrounding this Inquiry
18 are criminal in nature?

19 It's nothing personal, Mr. Engelmann.

20 **MR. ENGELMANN:** That's fine, sir.

21 **MR. HALL:** Why is it that 27 OPP witnesses
22 were identified and less than half are being called?

23 When do we hear about the good work and
24 interaction of my officers as they were the backbone of
25 Project Truth?

1 It is obvious that you are on a fact --
2 fault-finding mission. It is clearly evident that you're
3 in a sprint to the finish line with this Inquiry at a time
4 when the most factual evidence could be heard.

5 It's a sad day when politics calls for an
6 Inquiry and politics shuts it down. There should be an
7 inquiry into the conduct of this Inquiry.

8 I just have one more item to mention. This
9 is a matter that is near and dear to my heart. It is
10 Detective Constable Don Genier, one of my investigators on
11 Project Truth. I would be remiss if I did not comment
12 about him.

13 He put his heart and soul into this
14 investigation. He was responsible for identifying most of
15 the members of the clergy and made many trips to Montreal
16 regarding the Quebec prosecutions and working with our
17 Quebec counterparts. We would not have accomplished the
18 success that we did without his efforts, particularly in
19 the French language.

20 He is presently on sick leave and has been
21 for some time. He is unable to testify at this Inquiry.
22 He is in the fight of his life as he has been diagnosed
23 with ALS, Lou Gehrig's disease. The prognosis is not good.
24 I can't help but wonder if the Project Truth investigation
25 and the stresses associated with it had any bearing on his

1 present condition.

2 Thank you.

3 **THE COMMISSIONER:** Thank you.

4 **MR. ENGELMANN:** Mr. Hall, could you please
5 answer questions that my friends will have for you? They
6 will identify themselves if you don't already know them,
7 and they'll be asking you some questions.

8 **MR. HALL:** Thank you.

9 **MR. ENGELMANN:** Thank you, sir.

10 **MR. HALL:** Are we done, Mr. Commissioner?

11 **THE COMMISSIONER:** It's not 4:30 yet, sir.

12 **MR. HALL:** Well, I think I need a break.

13 **THE COMMISSIONER:** Well, then, let's take a
14 break.

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

17 This hearing will resume at 4:05 p.m.

18 --- Upon recessing at 3:54 p.m./

19 L'audience est suspendue à 15h54

20 --- Upon resuming at 4:04 p.m./

21 L'audience est reprise à 16h04

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

24 This hearing is now resumed. Please be
25 seated. Veuillez vous asseoir.

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

2 **THE COMMISSIONER:** Here we go. All right.

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

4 **MS. DALEY:**

5 **MS. DALEY:** Good afternoon, sir. I'm Helen
6 Daley. My role here is counsel to the Citizens for
7 Community Renewal and that's a local citizens group that
8 has an interest in the reform of institutions.

9 The first area I want to speak to you about
10 comes from Exhibit 2681, which was your operational plan
11 for Project Truth; if Madam Clerk can help you have that
12 available -- 2681.

13 You remember this document, sir? I think
14 you spoke about this early on in your testimony here.

15 **MR. HALL:** Yes.

16 **MS. DALEY:** And this is a document which you
17 prepared, sir?

18 **MR. HALL:** I had input into it. It would
19 have been Detective Inspector Smith that actually submitted
20 it.

21 **MS. DALEY:** He put it forward for funding
22 but did you have significant input into the content of the
23 document, sir? And I'm principally interested in the
24 narrative part of the document, the first 10 or so pages.

25 **MR. HALL:** Okay, the narrative part would be

1 -- would have been put together by Detective Inspector
2 Smith.

3 MS. DALEY: All right, without your input?

4 MR. HALL: You're talking about the overview
5 of the investigation?

6 MS. DALEY: The executive summary part.

7 MR. HALL: Executive summary?

8 MS. DALEY: Yeah.

9 MR. HALL: Yes, I'm aware of it.

10 MS. DALEY: All right.

11 And it's an accurate reflection of the
12 project, is it, sir?

13 MR. HALL: Well, it's -- as far as I'm
14 concerned it's an actual reflection of what Peter Griffiths
15 had asked us to do.

16 MS. DALEY: All right.

17 And just one question arising from page 2;
18 that's the executive summary page, and I just noticed the
19 second sentence identifies alleged suspects being prominent
20 people. And the list of examples includes Catholic
21 priests, a Catholic bishop, teachers, probation officers,
22 businessmen, et cetera, and I'll stop there.

23 MR. HALL: Yes.

24 MS. DALEY: You see that, sir?

25 MR. HALL: Yes.

1 **MS. DALEY:** And I take it that the reason
2 why teachers was identified as a category was because there
3 were complaints in existence at that time alleging abuse
4 against teachers?

5 **MR. HALL:** I believe so, yes.

6 **MS. DALEY:** And indeed one such allegation
7 came from Mr. C-8, a complainant that you also worked with
8 in Project Truth.

9 **MR. HALL:** Yes.

10 **MS. DALEY:** And his complaint pertained to
11 Marcel Lalonde in his capacity as a teacher?

12 **MR. HALL:** Yes.

13 **MS. DALEY:** Now, if you could -- would you
14 look at page 10 of this with me, please? I have some
15 questions for you about the content on page 10.

16 **MR. HALL:** Yes.

17 **MS. DALEY:** And in particular -- and I don't
18 know if these are your words or Officer Smith's, but when I
19 read this portion of the document it seemed to me that you
20 were anticipating the type of difficulties that might be
21 experienced in a project or an investigation of this
22 nature, and in essence what you say here, what is said, is
23 that:

24 "Should an investigation be conducted
25 with haste, charges laid and legal

1 proceedings commenced, experience has
2 shown further victims will come
3 forward, causing extreme difficulties
4 with disclosure and problems within the
5 judicial process."

6 It then goes on to say:

7 "Many times the results are piecemeal
8 prosecutions which result in
9 acquittals, stays of prosecution or the
10 withdrawal of charges."

11 And it's for these reasons that this
12 particular investigation requires at least a year, right?

13 **MR. HALL:** Yes.

14 **MS. DALEY:** And I just wondered if you could
15 help us a little bit with some of those comments, because
16 it struck me that certain of the difficulties that we in
17 fact experienced were forecast in a sense in this document.

18 I take it, sir, the disclosure problems that
19 one might have contemplated would be the disclosure which
20 arises when there are multiple allegations pertaining to a
21 particular accused?

22 **MR. HALL:** Yes. This whole page on Bates
23 185 was put in by Detective Inspector Smith ---

24 **MS. DALEY:** All right, that's fine.

25 **MR. HALL:** --- based on his previous

1 investigations of Alfred Training School, St. John's,
2 St. Joe's.

3 MS. DALEY: I understand it, and he shared
4 that experience with you.

5 MR. HALL: Yes.

6 MS. DALEY: So I take it you had some
7 awareness of what he meant by this.

8 MR. HALL: Yes.

9 MS. DALEY: All right. So that's why I'm
10 asking you to help us with what this might mean.

11 The type of disclosure problems that you
12 foresaw what exactly did that relate to, the fact that
13 there would be multiple victims, multiple accuseds and a
14 lot of disclosure items to keep straight?

15 MR. HALL: Yes. You could say that.

16 MS. DALEY: Were there any other aspects,
17 sir, of this type of case that you and Officer Smith
18 visualized might create disclosure problems?

19 MR. HALL: Well, I think what he's getting
20 at here is that when you get the first complainant --
21 nobody really wants to be the first, so when you get a
22 complainant it's a good possibility that there's going to
23 be other allegations from other complainants come forward.

24 MS. DALEY: And precisely what happened in
25 Project Truth, right?

1 **MR. HALL:** Yes.

2 **MS. DALEY:** And in fact, at the very outset
3 of Project Truth when it's being formed in April of '97,
4 it's contemplated that there are existing charges against
5 Father MacDonald and there will be further charges;
6 correct?

7 **MR. HALL:** Yes.

8 **MS. DALEY:** Right. So you would have known,
9 going into Project Truth, that there was a substantial
10 likelihood that charges against the same accused might be
11 led -- sorry, might be brought forward at different points
12 in time as the complainants came forward?

13 **MR. HALL:** Well, I think because of the
14 information we were provided from Mr. Dunlop's material, we
15 had reason to believe there was going to be more charges.

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

17 And just trying to stay with what you were
18 visualizing at the outset might be an issue and how you
19 would be dealing with it, that situation where you have
20 successive charges against the same individual, you can see
21 that that might lead to delay or problems within the
22 judicial processes this document speaks to; correct?

23 **MR. HALL:** Yes.

24 **MS. DALEY:** Did that scenario present any
25 specific disclosure-type of problems that you were

1 conscious of going into this?

2 MR. HALL: Are you referring to disclosure
3 from the victims or disclosure to the Crown?

4 MS. DALEY: Sorry, I'm -- I took it that
5 this would mean disclosure by police to the Crown so that
6 there could be disclosure made to accused.

7 MR. HALL: Well, what -- what we --
8 basically, what we did was if -- say we had one victim come
9 forward and then we knew or had reason to believe there was
10 some other victims with the same suspect, then we would try
11 and interview all of them and just see what we had.

12 And then we would arrange a particular
13 charge date, if you will, could be months down the road
14 depending on how much work we would have had to do to do
15 those interviews and the subsequent interviews of
16 witnesses, relatives, friends; who could corroborate what
17 the victim was saying. So it could take a period of time.

18 MS. DALEY: Fair enough. And that could
19 potentially be a circumstance that would generate a delay
20 problem for the ultimate prosecution, just the ---

21 MR. HALL: Yes.

22 MS. DALEY: --- the fact that time was
23 required.

24 MR. HALL: Well, I think the -- the time
25 that it takes us to do the investigation doesn't have any

1 bearing on the delay. Once the charge is delayed then --
2 once the charge is laid before the courts, that's when
3 you've got to keep going because it's an ---

4 **MS. DALEY:** Let me ---

5 **MR. HALL:** --- unusual amount of time goes
6 by then ---

7 **MS. DALEY:** All right. On that very point,
8 let me ask you a quite specific question about the charges
9 against Father Charles.

10 Was it your understanding, sir, going into
11 Project Truth, that the charges which had already been laid
12 against Father Charles before Project Truth would be the
13 charges from which delay was measured in that case? Did
14 you understand that going in?

15 **MR. HALL:** Well, when I -- when I first
16 started, I thought that the initial charges involving the
17 first three alleged victims would have proceeded through
18 court. I didn't think they would be married up personally.
19 I thought that came at a later date and that was made -- a
20 decision was made by Crown attorneys not by the police.

21 **MS. DALEY:** I appreciate that.

22 When did you come to understand that the
23 Crowns in the MacDonald prosecution had made that decision
24 to join the charges?

25 **MR. HALL:** When did I learn that?

1 **MS. DALEY:** Yes.

2 **MR. HALL:** Without referring to some
3 documents or my notes, I would have believed it was in the
4 fall, probably, of '97; late fall of '97 ---

5 **MS. DALEY:** All right.

6 **MR. HALL:** --- because I think -- I think
7 the mindset, even though we hadn't laid the charges against
8 Father MacDonald in our January 26th, '98 round, that the
9 Crowns knew that there was more, probably, coming.

10 **MS. DALEY:** Yes.

11 **MR. HALL:** And -- but ---

12 **MS. DALEY:** And I take it, the Crown made
13 you aware that if there were to be additional charges, the
14 Crown would want them all to be heard together?

15 **MR. HALL:** I think that's the way they
16 wanted it, yes.

17 **MS. DALEY:** All right.

18 **MR. HALL:** But just in fairness, Detective
19 Inspector Smith, at that time, was dealing with most of
20 that -- with the Crown attorneys. I wasn't -- the only
21 time I became involved was, basically, after the first
22 charges of Project Truth laid and subsequent charges down
23 the road.

24 **MS. DALEY:** All right. So let's just see if
25 you can help us on this.

1 Without having to nail it to a precise date,
2 you did understand before the Project Truth charges were
3 laid against Father Charles ---

4 **MR. HALL:** Yes.

5 **MS. DALEY:** --- in all likelihood, the Crown
6 would want those joined with the initial set of charges
7 that had preceded Project Truth?

8 **MR. HALL:** Yeah, it was probably going to
9 happen, yeah.

10 **MS. DALEY:** All right. And the Crown would
11 want that to happen, I assume, because the Crown thought
12 that would benefit the prosecution of Father Charles?

13 **MR. HALL:** More allegations, I guess; more
14 likelihood of conviction.

15 **MS. DALEY:** And in fact, in the page that
16 we've looked at here, the operational plan document notes
17 that often piecemeal prosecutions result in acquittals.
18 And let me just draw you to some examples that occurred
19 here. Let's use Mr. Marleau and his allegations for
20 example.

21 **MR. HALL:** Yes.

22 **MS. DALEY:** We know that you laid a variety
23 of charges on Mr. Marleau's allegations ---

24 **MR. HALL:** Yes.

25 **MS. DALEY:** --- in each -- in most of those

1 cases, he was the sole complainant; correct?

2 MR. HALL: Yes.

3 MS. DALEY: And in virtually all of those
4 cases that went to trial, there were acquittals; correct?

5 MR. HALL: Yes.

6 MS. DALEY: All right. So your actual
7 experience on Project Truth proved this statement to be
8 correct ---

9 MR. HALL: Yes.

10 MS. DALEY: --- that often times if it's one
11 victim, one accused; an acquittal or some other adverse out
12 come from the Crown's perspective will be the result;
13 right?

14 MR. HALL: Yes.

15 MS. DALEY: Okay. So going into Project
16 Truth and I take it, you and your team would understand
17 that to the extent it was appropriate, if the Crown had
18 multiple charges against an individual accused, the Crown
19 would want them joined together because that would, as you
20 said, increase the likelihood of at least some convictions;
21 ---

22 MR. HALL: Yes.

23 MS. DALEY: --- fair?

24 And I take it, all of the Crowns with whom
25 you dealt -- and I know there were many, but they all had

1 that viewpoint.

2 MR. HALL: I believe so.

3 MS. DALEY: Now, let me ask you this, sir,
4 on the disclosure issue. At the time that you started up
5 Project or the time Project Truth started, of course, you
6 were aware and we've just spoken about the example, that
7 there were charges already in existence that had been
8 brought by the Cornwall Police Service; correct? Those
9 being the ones against Father Charles?

10 MR. HALL: Cornwall police brought charges?
11 I don't think so.

12 MS. DALEY: The first set of charges against
13 ---

14 MR. HALL: Were laid by the OPP.

15 MS. DALEY: --- sorry, were laid by the OPP.
16 So there was a set of OPP charges in place against Father
17 Charles. Were there -- there was a set of Cornwall charges
18 in place against the teacher, Mr. Lalonde.

19 MR. HALL: Are you referring to Marcel
20 Lalonde?

21 MS. DALEY: Yes.

22 MR. HALL: Yes.

23 MS. DALEY: Okay. And ---

24 MR. HALL: But they came well before Project
25 Truth.

1 **MS. DALEY:** I understand that.

2 So at the time Project Truth is up and
3 running, you folks would be aware that there are other OPP
4 charges of a similar nature in place and that there are
5 charges laid by Cornwall against an alleged abuser who's a
6 teacher; that's Mr. Lalonde?

7 **MR. HALL:** Yes.

8 **MS. DALEY:** Did you foresee at all, or did
9 anyone turn their mind to the possibility that disclosure
10 might have to take place jointly between the Project Truth
11 team and the other force which was involved in existing
12 prosecutions? Do you understand what I mean?

13 **MR. HALL:** Yes, well, Constable Genier, who
14 was also a member of Project Truth was the OPP investigator
15 on Marcel Lalonde so he was the go-between basically.

16 **MS. DALEY:** And -- and who was the go-
17 between with the first set of Father MacDonald charges?

18 **MR. HALL:** Well, I think that was handled
19 strictly by OPP. There was no involvement of Cornwall
20 police; that's why we were there.

21 **MS. DALEY:** All right. So are you -- do I --
22 -- should I understand that your team then essentially took
23 over responsibility for all aspects of the first set of ---

24 **MR. HALL:** Yes.

25 **MS. DALEY:** --- charges against ---

1 MR. HALL: Yes.

2 MS. DALEY: --- Father Charles?

3 MR. HALL: Yes.

4 MS. DALEY: Now ---

5 MR. HALL: Well, Inspector Smith was
6 initiated. He -- it was his charges originally back in
7 '95-'96 ---

8 MS. DALEY: Right.

9 MR. HALL: --- investigation. It was his
10 charges. He was also in charge of Project Truth.

11 MS. DALEY: So he was a coordinating mind --
12 -

13 MR. HALL: Yes.

14 MS. DALEY: --- on ---

15 MR. HALL: Yes.

16 MS. DALEY: --- both cases.

17 Now, as we've discussed, at a time fairly
18 early on, it's understood that subsequent charges against
19 Father Charles will be joined with the first set. So is it
20 therefore understood or explained to you folks that the
21 clock will tick from the date of the first set of charges -
22 --

23 MR. HALL: Yes.

24 MS. DALEY: --- in relation to this accused?

25 MR. HALL: Yes.

1 **MS. DALEY:** All right.

2 Now, I was looking at -- I hope it's in the
3 same book -- Exhibit 2775. That is your court appearance
4 log. Yeah, it's 702762.

5 And the information pertaining to Charles
6 MacDonald is at page 4 of 6 of that document, sir. It's
7 item 11 in your chart.

8 **MR. HALL:** Yes.

9 **MS. DALEY:** And under the court appearances
10 section, you're -- the first appearance -- well, sorry, you
11 record the arrest date of January 26th, 1998 and of course,
12 that's the arrest date on the Project Truth charges; right?

13 **MR. HALL:** Yes, the first -- the first
14 arrest date.

15 **MS. DALEY:** That's your first arrest date?

16 **MR. HALL:** Yes.

17 **MS. DALEY:** But that's not the date upon
18 which he was first arrested on the previous OPP charges; is
19 it?

20 **MR. HALL:** No, no, no, it was back in '96.

21 **MS. DALEY:** Correct.

22 And -- and the first court appearance noted
23 in your document is February 2nd, '98 and of course, that's
24 the first court appearance on the Project Truth set of
25 charges; right?

1 **MR. HALL:** Yes.

2 **MS. DALEY:** And this document does not
3 reference the court appearances that preceded that date on
4 the other OPP charges against this accused?

5 **MR. HALL:** No, we kept them separate.

6 **MS. DALEY:** Well, what I'm trying to
7 understand is, this document is part of your Access system,
8 which you've talked about.

9 **MR. HALL:** Yes.

10 **MS. DALEY:** This helps you do many different
11 tasks, including keeping on track of ---

12 **MR. HALL:** Yes.

13 **MS. DALEY:** --- court dates and times. This
14 document doesn't refer to the first date upon which this
15 accused was arrested for these charges; right?

16 **MR. HALL:** No.

17 **MS. DALEY:** And if you look at the
18 disposition, we see that these charges were stayed May 13
19 13th , '02, and you record that as a 73-month delay, but in
20 reality, the delay that the Court dealt with was a longer
21 period of delay, because the Court counted from 1996, or
22 whenever the first set of charges were laid. You came to
23 understand that ---

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

25 **MS. DALEY:** --- right?

1 MR. HALL: Yes.

2 MS. DALEY: Okay. So this system, for
3 whatever help it does do you, doesn't relate back to the
4 actual date upon which the clock started ticking for this
5 accused.

6 MR. HALL: Well, the dates start -- no. If
7 ---

8 THE COMMISSIONER: Ah, we have the soft feet
9 of Mr. Neville.

10 MR. NEVILLE: Seventy-six ('76),
11 Commissioner, to '02 is 73, 74 months. That is the
12 timeframe.

13 MS. DALEY: Is that right?

14 MR. NEVILLE: Yeah.

15 THE COMMISSIONER: From where? From when?

16 MR. NEVILLE: From the first charges in
17 March of '96 --

18 MS. DALEY: Oh ---

19 THE COMMISSIONER: You did say '76, but --

20 MS. DALEY: Okay. I may have ---

21 THE COMMISSIONER: Ninety-six.

22 MS. DALEY: --- misspoke. Your calculation
23 was correct, but you didn't in fact on this document ---

24 MR. HALL: No, we ---

25 MS. DALEY: --- actually incorporate ---

1 MR. HALL: --- only ---

2 MS. DALEY: --- the ---

3 MR. HALL: We only indicated the Project
4 Truth charges on this document.

5 MS. DALEY: I understand that, sir. I've
6 got that point. All right. Now, in terms of these --
7 these charges, sir, I take it -- and you may recall this;
8 I'm remembering it from your note -- but at your very first
9 meeting with the Crown, which I believe was April 24th, '97,
10 you folks were told that there was a preliminary inquiry
11 already set for this individual but it would be adjourned.

12 Do you remember knowing ---

13 MR. HALL: Yes.

14 MS. DALEY: --- being told that? And
15 there's a -- do you remember knowing, sir, that at a later
16 point in time there was a trial date scheduled for this
17 accused, in I believe April or May of the year 2000?

18 MR. HALL: First of May.

19 MS. DALEY: First of May. And you recollect
20 that that date was also vacated, was adjourned for a
21 variety of reasons. Do you recall ---

22 MR. HALL: Well ---

23 MS. DALEY: --- that, sir?

24 MR. HALL: --- the main reason, we had a new
25 allegation ---

1 **MS. DALEY:** Correct.

2 **MR. HALL:** --- that we didn't learn about
3 till two years later, basically.

4 **MS. DALEY:** I understand that. Do you have
5 the moniker list handy? That's the allegation of C-2;
6 correct? You might want to just ---

7 **MR. HALL:** Yeah, I think ---

8 **MS. DALEY:** --- check your list.

9 **MR. HALL:** --- I know who you mean, yeah.

10 **MS. DALEY:** And the main reason why the
11 Father MacDonald case didn't proceed in May of 2000 was
12 because Project Truth had recently learned from Dunlop
13 about C-2 as an individual who had allegations to make
14 against Father Charles.

15 **MR. HALL:** Yes. There also was another
16 reason. I think Mr. Neville had a conflict with a murder
17 trial in Perth at the same time.

18 **MS. DALEY:** All right. And a third reason
19 was that Dunlop was being investigated for perjury, if you
20 recall that.

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

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

23 **MR. NEVILLE:** Mr. Commissioner, there's an
24 entire set of transcripts dealing with all of this. It's
25 in my notice. The May adjournment, or the trial

1 adjournment for May 1st, was caused by ---

2 **THE COMMISSIONER:** What year? What year?

3 In what year? May 1st --

4 **MR. NEVILLE:** May 2000 ---

5 **THE COMMISSIONER:** Yes.

6 **MR. NEVILLE:** It took place because of the
7 C-2 charges, the Dunlop will say and nine boxes, and there
8 was an undisclosed investigation disclosed for the first
9 time on April 18th to myself in relation to Mr. Dunlop for
10 perjury. It was unresolved and an opinion was still being
11 awaited. Those are the three reasons that appears on the
12 transcripts.

13 **THE COURT:** And that's on May 1st. But there
14 was a preliminary --

15 **MR. NEVILLE:** Eighteenth of April 2000. All
16 those reasons are set out, sir.

17 **THE COMMISSIONER:** Yeah, no, but -- okay, I
18 --

19 **MR. NEVILLE:** And there was no preliminary
20 date. A date was set.

21 **THE COMMISSIONER:** Well, I'm just looking at
22 --

23 **MR. NEVILLE:** Yes.

24 **THE COMMISSIONER:** --- his document and it
25 says -- I can see "April 17th, 2000, first appearance, new

1 charges."

2 MR. NEVILLE: Yes, sir.

3 THE COMMISSIONER: Okay. And then I've got
4 "May 1st, 2000, preliminary from new charges."

5 MR. NEVILLE: Yes.

6 THE COMMISSIONER: But that didn't take
7 place.

8 MR. NEVILLE: That was a date to set a date,
9 sir, which became, I believe, around the 30th or so of
10 August 2000.

11 THE COMMISSIONER: Twenty-third of August
12 for a pre-trial?

13 MR. NEVILLE: And then the prelim itself on
14 the C-2 charges was about a week later.

15 THE COMMISSIONER: Yeah, the 28th, yeah.

16 MR. NEVILLE: For two days, perhaps two and
17 a half.

18 THE COMMISSIONER: Okay. And on the '01 --
19 28th of May, '01?

20 MR. NEVILLE: Twenty-eighth of May, '01?

21 THE COMMISSIONER: Yeah.

22 MR. NEVILLE: That trial was adjourned,
23 Commissioner, because of the murder case in Perth that
24 Inspector Hall referred to. And that was the transcript
25 Mr. Engelmann referred to in chief of the 18th of April,

1 2001 at which Mr. Selkirk, now Justice Selkirk, appeared on
2 my behalf.

3 **THE COMMISSIONER:** Okay.

4 **MS. DALEY:** Sir, I just want to direct you
5 to the adjournment that occurred ---

6 **MR. HALL:** Yes.

7 **MS. DALEY:** --- to the May 2000 trial.

8 **MR. HALL:** Yes.

9 **MS. DALEY:** And as we've heard, one of the
10 principal reasons that happened was the laying of
11 additional charges on the Information of Mr. C-2 ---

12 **MR. HALL:**

13 **MS. DALEY:** --- correct? And again, those
14 charges were to be joined up with the existing charges and
15 prosecuted at the same time.

16 **MR. HALL:** Yes.

17 **THE COMMISSIONER:** And again, that was a
18 decision that the Crown made, but that's consistent with
19 the decisions or the approach throughout to join charges
20 together wherever possible ---

21 **MR. HALL:** Correct.

22 **MS. DALEY:** --- right?

23 **MR. HALL:** And in relation to the C-2
24 allegations, what I had understood, and I just want your
25 help with, is I thought Officer Dunlop had told you that he

1 was aware of C-2's allegations for several years before he
2 made you aware of them.

3 MR. HALL: He was aware of them back in
4 1998.

5 MS. DALEY: Correct.

6 MR. HALL: And he didn't tell me until the
7 18th of January, 2000, when I was arranging an interview for
8 him.

9 MS. DALEY: All right. So just on that
10 small point, had you been -- had anyone at Project Truth
11 been aware from Mr. Dunlop about C-2's allegations in 1998,
12 presumably you would have seen it as relevant to your
13 mandate and it would have been investigated then.

14 MR. HALL: Right. If we had have heard
15 about it, we would have got on it.

16 MS. DALEY: And had you determined that
17 charges were viable, they would have been laid in '98 as
18 opposed to 2000.

19 MR. HALL: Yes.

20 MS. DALEY: And at least, if the world had
21 unfolded that way, there would have been potentially two
22 years less delay ---

23 MR. HALL: Yes.

24 MS. DALEY: --- for people to have to deal
25 with in that case.

1 **MR. HALL:** It would have been a priority
2 because of the time factor.

3 **MS. DALEY:** Now, on that point, did -- as
4 these events were unfolding in the MacDonald prosecution,
5 sir, did any of the responsible Crowns at any time ever
6 speak to you about concerns around delay?

7 **MR. HALL:** Well, Ms. Hallett was concerned
8 about delay. We discussed it. I think I have a note, I'm
9 thinking the 16th of April, because I was suggesting it
10 should go ahead, maybe delay for a short period, but should
11 proceed, I think, if I look at my notes for the 16 16th of
12 April, 2000.

13 **MS. DALEY:** I'm not going to be able to give
14 you the Bates page, but I can give you the exhibit
15 reference, sir. That should be in Exhibit 2754 and it
16 should be near the beginning, because that volume starts on
17 April 10th.

18 **MR. HALL:** Yes, it does.

19 **MS. DALEY:** Did you say the 26th of April?

20 **MR. HALL:** No, I believe it was the 16th.

21 **MS. DALEY:** Sixteenth?

22 **MR. HALL:** It was either the 16th or the 17th,
23 because we went to the Court on the 17th and then we went
24 back on an in-camera session.

25 **MS. DALEY:** All right. See if you can find

1 anything in Exhibit 2754 that helps you. It seems to be
2 Bates 490, sir.

3 MR. HALL: Four nine zero (490)?

4 MS. DALEY: Maybe you can read your --

5 MR. HALL: Yes.

6 MS. DALEY: Can you read your writing for
7 us?

8 MR. HALL: Yes, it was:

9 "A copy of notes for Hallett. Gave me
10 an opinion on MacDonald trial. Should
11 go ahead or at least put off for a short
12 period of time."

13 I'm giving the opinion that ---

14 MS. DALEY: Right, so I think --

15 MR. HALL: --- to her on that.

16 MS. DALEY: --- what you're saying is "gave
17 my opinion"?

18 MR. HALL: Yes, "Gave my opinion on
19 MacDonald". The copy of the notes I'm giving her, I
20 believe, is in relation to C-2.

21 MS. DALEY: That's certainly what was
22 happening on April 16th, ---

23 MR. HALL: Yes.

24 MS. DALEY: --- 2000: The C-2 charges were

25 ---

1 MR. HALL: I was ---

2 MS. DALEY: --- delayed.

3 MR. HALL: --- of the opinion it should go
4 ahead or at least put off for a short time only.

5 "Hallett was concerned about the
6 material from Dunlop. Wanted Dupuis
7 and Genier to go with her to view it
8 at Cornwall Police Service."

9 MS. DALEY: And that relates to the
10 disclosure that Dunlop had recently made ---

11 MR. HALL: Yes.

12 MS. DALEY: --- as of that date; right?

13 MR. HALL: Yes.

14 MS. DALEY: All right. So thank you for
15 identifying that note. So I take it you had a concern that
16 a further substantial delay at this point in time would be
17 detrimental to the MacDonald charge?

18 MR. HALL: I definitely had a concern.

19 MS. DALEY: Do you recollect how that was
20 resolved or whether Ms. Hallett did address your concern?

21 MR. HALL: Well, I think what Mr. Neville
22 just indicated a while ago, we had -- we went to court and
23 because of the various issues, because of the new
24 disclosure, because of the new charges, and the
25 investigation on Constable Dunlop, that it was going have

1 to be put over.

2 MS. DALEY: All right.

3 So even if you hadn't had the C-2 issue you
4 had other problems that necessitated adjournment at that
5 time?

6 MR. HALL: Yeah.

7 MS. DALEY: And there is -- assuming there
8 was nothing Ms. Hallett could do about that?

9 MR. HALL: No.

10 MS. DALEY: Nor you for that matter?

11 MR. HALL: Well, least of all me.

12 MS. DALEY: All right. Now -- all right.
13 Give me a second, sir, I'm going to turn to something else.

14 THE COMMISSIONER: Well it's 4:30 and the
15 witness doesn't wish to proceed past 4:30.

16 MS. DALEY: We can stop there for today.

17 THE COMMISSIONER: We'll stop there.

18 We'll see you tomorrow morning at 9:30,

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

21 This hearing is adjourned until tomorrow
22 morning at 9:30 a.m.

23 --- Upon adjourning at 4:33 p.m./

24 L'audience est ajournée à 16h33

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM