

**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 321

Held at :

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

Tuesday, December 9, 2008

Tenue à:

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

Mardi, le 9 décembre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
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 9:36 a.m./

2 L'audience débute à 9h36

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 **MS. DALEY:** Good morning.

12 **THE COMMISSIONER:** Ms. Daley, before you
13 begin I -- no, no. Well, it won't be long. Given the
14 weather, what I suggest we do is we take half an hour less
15 for lunch and that we finish at 3:30 so that those of us
16 who are travelling can do that in some daylight at least,
17 and that's subject to change. We'll keep an eye out on the
18 weather. All right. Thank you.

19 Good morning, sir.

20 **PATRICK HALL, Resumed/assertment:**

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

22 **THE COMMISSIONER:** Ready to go, Ms. Daley?

23 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. DALEY
24 (Cont'd/Suite):

25 **MS. DALEY:** How are you today, Mr. Hall?

1 **MR. HALL:** Fine, thank you.

2 **MS. DALEY:** Now, sir, the -- when 4:30
3 arrived yesterday you and I had just been speaking about
4 the charges against Charles MacDonald and the adjournment
5 that occurred in the spring of 2000 of that trial. I'm
6 just going to put you back in that context.

7 And we talked about the effect of the
8 additional C-2 charges on that situation. Do you recall
9 that?

10 **MR. HALL:** Yes.

11 **MS. DALEY:** But I understood that there were
12 two additional reasons which related to Constable Dunlop
13 that had a bearing on the need for the adjournment;
14 correct?

15 **MR. HALL:** Yes.

16 **MS. DALEY:** And I want to review those with
17 you. One of them we've touched upon already, and that was
18 the Ottawa Police investigation of Mr. Dunlop.

19 **MR. HALL:** Yes.

20 **MS. DALEY:** The second one, which I want to
21 spend a bit more time with you on, has to do with late
22 disclosure.

23 **MR. HALL:** Yes.

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

25 And we're agreed, both of those were reasons

1 which caused the Crown to require an adjournment.

2 MR. HALL: Yes.

3 MS. DALEY: Now, let's talk about the
4 disclosure aspect for a minute, and to take the most
5 general proposition first, I think you've told us here
6 throughout that as far as you were concerned it was the
7 Cornwall Police Service that somehow had to find the means
8 to obtain disclosure from Constable Dunlop; correct?

9 MR. HALL: That's correct.

10 MS. DALEY: And that's because you had no
11 direct authority in relation to Constable Dunlop?

12 MR. HALL: That's correct.

13 MS. DALEY: So the situation which occurred,
14 I would suggest to you, was a difficult one for you and
15 here's why: In relation to the Project Truth charges you
16 had the obligation to make disclosure to the Crown;
17 correct?

18 MR. HALL: Correct.

19 MS. DALEY: But it was -- but you had not
20 the ability to control the disclosure that would come from
21 Officer Dunlop?

22 MR. HALL: Yes.

23 MS. DALEY: Some other force had that
24 ability, not you?

25 MR. HALL: That's correct.

1 **MS. DALEY:** Had you ever found yourself in a
2 circumstance similar to that before?

3 **MR. HALL:** No.

4 **MS. DALEY:** So it was unique in your
5 experience?

6 **MR. HALL:** It certainly was.

7 **MS. DALEY:** And would we be right to
8 understand, sir, that that unique situation was a big
9 problem for Project Truth?

10 **MR. HALL:** It became a big problem because
11 due to the fact we didn't know what he had.

12 **MS. DALEY:** Understood.

13 Now, one thing I wanted to ask you about,
14 and this is specific to the March -- or, sorry, to the
15 spring adjournment that was necessary in the MacDonald
16 case. Obviously MacDonald was -- that was a set of Project
17 Truth charges. So my question, sir, is did the Cornwall
18 Police Service know the court schedule for the MacDonald
19 case?

20 **MR. HALL:** Well, it would have been in the
21 media. Yes, they would have known.

22 **MS. DALEY:** I guess my question -- the
23 better question is do you recall if you directly told your
24 counterpart at the Cornwall Police Service what the court
25 dates were on MacDonald?

1 **MR. HALL:** I would have discussed it with --
2 it would have been Inspector Trew, I believe, at that time.

3 **MS. DALEY:** And you're confident in telling
4 us that you informed Trew of the court dates?

5 **MR. HALL:** Well, he knew the progress of the
6 court cases, yes.

7 **MS. DALEY:** From what ---

8 **MR. HALL:** From a verbal ---

9 **MS. DALEY:** From what source, from you?

10 **MR. HALL:** Well, he knew -- he knew both
11 from Inspector Smith and myself in our various meetings
12 right beginning in early '97.

13 **MS. DALEY:** All right.

14 So we can take it that a Cornwall Police, in
15 the person of Inspector Trew, knew that there was a spring
16 trial planned for the MacDonald charges?

17 **MR. HALL:** Yes, he may not have known the
18 specific dates but he knew what was happening.

19 **MS. DALEY:** Would he have known that the
20 expectation was that MacDonald would be going to trial in
21 the spring of 2000?

22 **MR. HALL:** Would he have known that?

23 **MS. DALEY:** Yes.

24 **MR. HALL:** He was retired by that time, I
25 believe.

1 **MS. DALEY:** Sorry. Would staff Sergeant
2 Derochie have known that?

3 **MR. HALL:** Yes, because in early 2000 when
4 they issued the order for him to produce his documents on
5 January 10th, subsequent to that he was bringing in
6 disclosure.

7 **MS. DALEY:** Here's what I'm trying to get
8 you to help us with, all right? We know that the Cornwall
9 Police issued an order around disclosure to Dunlop in, I
10 believe, January 10th, 2000; correct?

11 **MR. HALL:** Correct.

12 **MS. DALEY:** At that time did Cornwall know
13 that the MacDonald charges would be before the court in the
14 spring of that year?

15 **MR. HALL:** Yes, and the reason I say that is
16 because when I contacted Constable Dunlop on the 18th of
17 January 2000 he advised me of C-2 -- okay, information from
18 C-2.

19 **MS. DALEY:** Yes.

20 **MR. HALL:** And Cornwall Police would have
21 been aware of that because I discussed them. And I do have
22 notes on that but I can't give it an exact date.

23 **MS. DALEY:** Let me just try again, because
24 I'm not sure we're on the same page here. All I really
25 need to know from you is whether it's your evidence that

1 Cornwall knew -- forget C-2 for a second. Cornwall knew
2 that you intended to proceed to trial on the existing
3 charges against MacDonald in the spring of 2000; did they
4 know that?

5 MR. HALL: Well, the reason I believe they
6 knew is because of our discussions as a result of C-2.
7 They knew there was going to be a trial in the first of May
8 and we were going to have to probably put it over because
9 of that new information.

10 MS. DALEY: All right.

11 So here's what I'm interested in, sir. We
12 know that Dunlop makes disclosure on or about April -- mid-
13 April of 2000, right?

14 MR. HALL: Oh, he's making disclosure before
15 that. I mean, there's stuff ---

16 MS. DALEY: He's gives them notes in March.

17 MR. HALL: The 14th of March.

18 MS. DALEY: And then he gives his Will-Say
19 in April; correct?

20 MR. HALL: Yes.

21 MS. DALEY: And that is too close in time to
22 the commencement date of the MacDonald charges -- sorry, to
23 the commencement date of the MacDonald trial for that trial
24 to go ahead, right?

25 MR. HALL: Yes.

1 MS. DALEY: All right.

2 So ---

3 MR. HALL: But much -- I have to say, that
4 much of what he was giving us at that time we already had.

5 MS. DALEY: That may be the case but the
6 fact is it had to be disclosed to defence ---

7 MR. HALL: Yes.

8 MS. DALEY: --- and by the time it was
9 received it was too close in time to the commencement date
10 of the trial for that trial to go ahead, in fairness to the
11 defence, right?

12 MR. HALL: Well, that's -- the argument was
13 put forward, yes.

14 MS. DALEY: And obviously you're ---

15 MR. HALL: That wouldn't be my decision.

16 MS. DALEY: No, but the Crown had to accept
17 that ---

18 MR. HALL: Yes.

19 MS. DALEY: --- and that's what occurred,
20 right?

21 MR. HALL: Yes.

22 MS. DALEY: So does it not follow that if
23 Dunlop had been ordered much earlier than January 2000 to
24 produce his notes and to give his Will-Say, the possibility
25 exists that those materials would have been on the table in

1 time for the spring charges to be heard?

2 MR. HALL: Yes, but I can go further. I
3 think it was -- as I indicated last week, it was the summer
4 of 1998 Inspector Smith and myself had a conversation with
5 Inspector Trew about having them do something and he went
6 to his chief and he came back and said they wanted
7 something in writing and at that point we weren't prepared
8 to put stuff in writing.

9 MS. DALEY: But the something that was
10 contemplated at that point would involve an investigation
11 of Dunlop on some basis, right?

12 MR. HALL: Yes.

13 MS. DALEY: Okay. So what I -- set aside
14 that notion for a second and let's focus on the fact that
15 the Cornwall Service can issue direct orders to Dunlop,
16 right? Let's just talk about that for a second.

17 MR. HALL: Well, they already had issued him
18 letters of direct orders.

19 MS. DALEY: I understand that. And I think
20 we're all agreed that by the latter part of 1999, if not
21 much sooner, we know that Dunlop hasn't, in fact, abided by
22 that order, right?

23 MR. HALL: Yes.

24 MS. DALEY: And that -- just for the sake of
25 the record, that's the September 25th, '97 order, which you

1 know about; correct?

2 MR. HALL: Yes, and there was one other.

3 MS. DALEY: The August 7th, '97?

4 MR. HALL: Yes.

5 MS. DALEY: As between those two documents,
6 sir, it's the September 25th, '97 order that requires
7 production of all relevant materials; correct?

8 MR. HALL: Yes.

9 MS. DALEY: And it's known to all, yourself
10 and Cornwall, that Dunlop has not, in fact, complied with
11 the production order of September '97?

12 MR. HALL: Yes.

13 MS. DALEY: So all I'm trying to see if you
14 can help us with is this, sir; by the time Cornwall issues
15 a subsequent order to Dunlop in January of 2000, are we
16 agreed that it's too late to then be able to proceed with
17 the MacDonald charges because Dunlop doesn't comply with
18 that order until March or April of 2000?

19 MR. HALL: Correct.

20 MS. DALEY: And does it follow that had that
21 order been issued to him sooner, the possibility exists
22 that he would have complied in time to allow the spring
23 2000 trial of Father MacDonald to proceed?

24 MR. HALL: The possibility certainly
25 existed, yes.

1 **MS. DALEY:** We can't rule it out, right?

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

3 **MS. DALEY:** Now, I had asked you whether
4 Cornwall was aware of the court schedule for the Project
5 Truth cases. I want to flip that coin and now ask you a
6 question.

7 Did you know the court schedule that related
8 to the charges against Marcel Lalonde?

9 **MR. HALL:** The only -- no, I didn't know the
10 exact schedule. It wasn't a Project Truth case ---

11 **MS. DALEY:** I understand that.

12 **MR. HALL:** ---but because of the -- because
13 of the difficulties, when it was adjourned, that's when I
14 became involved at the request of Crown Attorney Claudette
15 Wilhelm.

16 **MS. DALEY:** Prior to that adjournment, sir,
17 I take it you weren't aware that the Lalonde charges were
18 in court?

19 **MR. HALL:** I knew they were in court because
20 they had been laid back in 1996. I knew they were in the
21 court process from Constable Genier telling me so, but I
22 didn't have a personal knowledge and I didn't look into it
23 personally.

24 **MS. DALEY:** Now, had you made any personal -
25 - when I say personal, I mean Project Truth related ---

1 **MR. HALL:** Yes.

2 **MS. DALEY:** --- disclosure of materials that
3 you had that might have been relevant to Lalonde -- to the
4 Crown in that case?

5 **MR. HALL:** Well, I had a request. Constable
6 Genier provided me a memorandum from him and it was the
7 result of Dunlop's disclosure at the Marcel Lalonde trial
8 and wanting to know if there was any further -- and I
9 contacted Constable Dunlop about that. I think there's a
10 document that's in evidence here because I seen it last
11 week.

12 **MS. DALEY:** One of the things I just wanted
13 to clarify, and then I'm going to move to another subject,
14 but do you remember when we talked about the yellow brief
15 that you received in or about October of '97?

16 **MR. HALL:** Yes.

17 **MS. DALEY:** And we discussed the fact or you
18 discussed with Mr. Engelmann that that brief did contain
19 some disclosure pertinent to Lalonde?

20 **MR. HALL:** C-8, I believe, maybe.

21 **MS. DALEY:** Right.

22 **MR. HALL:** Yes.

23 **MS. DALEY:** It contained a statement of C-8
24 which was pertinent to Lalonde?

25 **MR. HALL:** Yes.

1 **MS. DALEY:** Did you deliver that binder to
2 the Cornwall Police Service?

3 **MR. HALL:** I ---

4 **MS. LAHAIE:** Sorry, Mr. Commissioner, if you
5 look at the documents in the yellow binder, there's no
6 information about C-8 disclosing abuse by Marcel Lalonde in
7 that yellow binder. So that's just a misstatement of the
8 evidence. The documents we went through with Mr. Engelmann
9 in the yellow binder don't disclose abuse by C-8. There's
10 only a bold statement in the statement of Ron Leroux ---

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

12 **MS. LAHAIE:** --- which indicates Marcel
13 Lalonde is a child molester.

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

15 **MS. LAHAIE:** And there's a chart with
16 initials with the letters F.C.M. or K.S. or M.L. written
17 beside it.

18 **THE COMMISSIONER:** Right.

19 **MS. LAHAIE:** And those are the only
20 pertinent items of disclosure, if you can even call them
21 that for the Marcel Lalonde matter.

22 **THE COMMISSIONER:** All right.

23 Well, let's see, is that ---

24 **MR. ENGELMANN:** I just -- they were, of
25 course, documents that the defence requested in the Lalonde

1 case though. That was the point.

2 **THE COMMISSIONER:** Yes. Okay. Just a
3 minute; we're having a ---

4 **MR. CALLAGHAN:** I don't -- I'm not sure even
5 that statement is correct. I think that they requested two
6 little notes and then there was an issue as to whether they
7 were relevant. Whether they got disclosed, I don't know if
8 we've canvassed, but I think the OPP counsel is correct
9 that the bulk of that had nothing to do with the Lalonde
10 matter and the yellow binder.

11 **MS. DALEY:** There's an exhibit that's going
12 to help us. If we look at 2819?

13 **THE COMMISSIONER:** Two eight one nine
14 (2819).

15 **MS. DALEY:** And, sir, just -- Madam Clerk
16 will bring it to you, but just to remind you, this is the
17 investigative report that Rolly Lalonde prepared in
18 relation to the work he did looking into Dunlop and
19 disclosure. That's what I'm going to take you to, 2819.

20 And once you have that, sir, I'm just going
21 to ask you to look at Bates 356 and 357. And you'll see a
22 passage where he states:

23 "The notes that Dunlop did give to Pat
24 Hall on October 11, '97 consisted of
25 the following pages..."

1 And then he itemizes them. And you see on Bates 356 he's
2 itemizing some disclosure pertaining to C-8?

3 MR. HALL: Yes.

4 MS. DALEY: And then if you look on the next
5 page, he's itemizing some further disclosure pertaining to
6 C-8?

7 MR. HALL: Yes.

8 MS. DALEY: So there was material pertaining
9 to C-8 within that book; correct, sir?

10 MR. HALL: Yes.

11 MS. DALEY: And was it your understanding
12 that that material had some potential bearing on the
13 Lalonde charge?

14 MR. HALL: Well, Detective Constable Genier
15 would have determined that. He was reviewing this material
16 as well and he was directly connected with the Marcel
17 Lalonde case.

18 MS. LAHAIE: I'm sorry, Mr. Commissioner. I
19 understand the value of the index which has just been put
20 before the Court, but if you go to the yellow binder, there
21 are statements of C-8 ---

22 THE COMMISSIONER: M'hm.

23 MS. LAHAIE: --- and there are no
24 allegations against Marcel Lalonde by C-8 in the yellow
25 binder documents.

1 So to put that to this officer who is not
2 the investigating officer on that file, does not consider
3 it a Project Truth file, perhaps this isn't the appropriate
4 witness to ask that question to.

5 **THE COMMISSIONER:** So hold on, hold on.
6 Don't go away.

7 What you're saying is that notwithstanding
8 the fact that there's the index, the documents that were in
9 that document pertained to accusations against who, Father
10 MacDonald?

11 **MS. LAHAIE:** Correct.

12 **THE COMMISSIONER:** All right.
13 And that there's no mention of Lalonde?

14 **MS. LAHAIE:** That's correct.

15 **THE COMMISSIONER:** Okay. What say we?

16 **MS. DALEY:** Excuse me?

17 **THE COMMISSIONER:** What say we about that?

18 **MS. DALEY:** Well, I would -- I'm going to
19 come with the connections amongst the alleged victims in a
20 moment. All right?

21 **THE COMMISSIONER:** All right.

22 **MS. DALEY:** There are connections amongst
23 these alleged victims of which the witness is aware.

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

25 **MS. DALEY:** But for present purposes, I just

1 need to understand what you're telling me, sir, and that is
2 that you tasked Genier with reviewing this material and
3 delivering it to Cornwall if it was relevant to the Lalonde
4 matter?

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

6 Also, a Constable René Desrosiers would have
7 viewed this material as well and possibly made a decision
8 whether it should have been disclosed or not because him
9 and Genier were working together.

10 **MS. DALEY:** Right.

11 Now, sir, do you know the outcome of what it
12 was you had asked Officer Genier to do? In other words, do
13 you know whether or not at that time, October '97, these
14 materials from the yellow brief were in fact taken into the
15 custody of CPS?

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

17 **MS. DALEY:** Do you know whether in October
18 of 1997, as a result of the instructions you gave Genier,
19 that Cornwall took possession of the yellow brief?

20 **MR. HALL:** I wouldn't have known that
21 personally. I wouldn't have known what was done until my
22 involvement basically in '99.

23 **MS. DALEY:** All right.

24 Did you ever learn that Cornwall had
25 possession of the yellow brief dating back from October of

1 '97?

2 MR. HALL: Well, the only way I could answer
3 that is I'd have to see their brief and see if it's there
4 and determine where it came from.

5 MS. DALEY: As you sit with us today, you
6 don't know the answer to that?

7 MR. HALL: No, I don't have a conscious
8 recollection of it, no.

9 MS. DALEY: That's fine.

10 Let's now then talk about the linkages
11 between the complainants that you were working with and
12 other matters.

13 Now, sir, you're aware, certainly, that
14 there were some complainants in the MacDonald matter who
15 were also complainants against Marcel Lalonde; correct?

16 MR. HALL: Yes.

17 MS. DALEY: And that would include C-8, for
18 one? Do you need the moniker list, sir?

19 MR. HALL: Pardon?

20 MS. DALEY: Do you need the moniker list?

21 MR. HALL: Well, if you're going to give me
22 numbers, I will, yes.

23 MS. DALEY: I'm going to just do it one at a
24 time. C-8 was one person who was a complainant in both?

25 MR. HALL: Yes. I know who C-8 is.

1 **MS. DALEY:** Yes.

2 And David Silmsner, we know he was a
3 complainant in both?

4 **MR. HALL:** Yes.

5 **MS. DALEY:** Is there anyone else from your
6 recollection who was a complainant in both?

7 **MR. HALL:** You would have to take me to the
8 document. I don't have a conscious recollection at the
9 moment.

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

11 If I identify names, can you -- does that
12 help you? Was C-4 a complainant in both?

13 **MR. HALL:** I don't recall -- I don't recall
14 specifically, but, like I say, I would have to go to his
15 interview report to find out.

16 **MS. DALEY:** In any event, obviously C-4 is a
17 person you're working with, as are Mr. Silmsner and Mr. C-8;
18 right?

19 **MR. HALL:** Yes.

20 **MS. DALEY:** Let me just step back a second
21 and talk to you about the January 2000 disclosure order
22 that was made against Officer Dunlop; right?

23 **MR. HALL:** Yes.

24 **MS. DALEY:** Did you have any conversations
25 with your counterparts at CPS about the need for such an

1 order prior to January 2000?

2 MR. HALL: Yes. It would have been -- well,
3 first of all, when the issue arose in October of '99 ---

4 MS. DALEY: Yes.

5 MR. HALL: --- due to the memo, I believe
6 the 3rd of October, to me from Claudette Wilhelm, the
7 regional director from London got involved; Marc Garson.

8 MS. DALEY: Can I help you with that?
9 Because you're out by one year. The Wilhelm matter
10 surfaces in October of '98, just to help you with that.

11 MR. HALL: Yes.

12 MS. DALEY: Okay. So clearly in October of
13 '98 ---

14 MR. HALL: Yes.

15 MS. DALEY: --- you're aware of problems.
16 And are you discussing with Cornwall, your counterpart at
17 Cornwall, the need for them to take a step?

18 MR. HALL: I don't agree with you on that
19 one.

20 MR. CALLAGHAN: Sorry. It's October '99 if
21 we're talking about the request. The letter from Ptak is
22 sometime in September.

23 MS. DALEY: I misspoke; you were right --
24 October '99. At that point is there a conversation with
25 your counterpart at Cornwall about the need for an order?

1 **MR. HALL:** Well, we talked about more than
2 that. We discussed the possibility of a search warrant.
3 They asked me -- Staff Sergeant Carter and Staff Sergeant
4 Derochie -- I went down and met with them. They were
5 contemplating, I believe to do a search warrant and they
6 wanted my input, and at that time, from my knowledge of Mr.
7 Dunlop and from what he had told me, I didn't think there
8 was sufficient reasonable and probable grounds to do a
9 search warrant on his house.

10 **MS. DALEY:** And that's because you'd become
11 aware he was moving his materials to other locations?

12 **MR. HALL:** Well, he said he had it at his
13 lawyer's place, Mr. Bourgeois' in Newmarket, and I know on
14 one occasion when I went over to his residence he wasn't
15 there. He was next door and he came back with a banker's
16 box, so he was storing stuff next door.

17 **MS. DALEY:** As though he might have been
18 anticipating a warrant?

19 **MR. HALL:** He could very well. I don't know
20 what his mindset was but, you know, in order to get a
21 warrant you have to have reasonable and probable grounds to
22 believe the items you're looking for are there then.

23 **MS. DALEY:** I'm with you on all of that,
24 sir.

25 **MR. HALL:** Yeah.

1 **MS. DALEY:** So when it's obvious that -- to
2 you at least that the search warrant can't work ---

3 **MR. HALL:** Yes.

4 **MS. DALEY:** --- it's equally obvious that he
5 is determined to withhold materials; right?

6 **MR. HALL:** Determined to withhold material?

7 **MS. DALEY:** Well, that ---

8 **MR. HALL:** He's withholding materials, in my
9 view. That's what this ---

10 **MS. DALEY:** He's withholding materials and
11 you don't think that the search warrant is a remedy that
12 will help anyone; right?

13 **MR. HALL:** Not from my point of view, no.

14 **MS. DALEY:** I understand that.

15 So appreciating that, that he's withholding
16 materials and that a warrant mightn't be helpful to us, is
17 there a conversation -- is there ever a focused
18 conversation that you can recall about the need for
19 Cornwall to issue him more orders?

20 **MR. HALL:** Well, at that point Ms. Hallett
21 was involved more directly than I was, and I know from
22 Mr. Garson's memorandum he indicated the possibility of a
23 judge's order to get the material, and I don't know what
24 discussions took place between Staff Sergeant Derochie and
25 Crown Attorney Shelley Hallett. As you recall, my -- their

1 memo of the 14th of December, '99 kind of outlined the
2 procedure that they were going to do, so I took from that
3 that there must have been some discussion as to what they
4 were going to do.

5 **MS. DALEY:** Do you know, sir, whether at any
6 time prior to the latter part of 1999 -- so let's think
7 about 1998, 1997. Do you know whether there was -- was
8 there ever any discussion you were privy to about either
9 Cornwall issuing a further order on -- in relation to
10 Dunlop and disclosure, or Cornwall attempting to obtain a
11 judge's order to that effect?

12 **MR. HALL:** No. The only discussion would
13 have taken place in late October, early November.

14 **MS. DALEY:** Of '99?

15 **MR. HALL:** Of '99.

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

17 Now, sir, as you pointed out to us --
18 correctly, I might add -- many of us here are not criminal
19 lawyers, so there's one issue I want you to help us with;
20 all right? And that has to do with the role of Dunlop in
21 the multi-victim cases. So let me just start with the
22 basics here and I'll give some examples.

23 Your MacDonald prosecution, your Leduc
24 prosecution, those are multi-victim cases; correct?

25 **MR. HALL:** Yes.

1 **MS. DALEY:** Multi-complainants. Let's use a
2 neutral term.

3 **MR. HALL:** Leblanc as well.

4 **MS. DALEY:** Leblanc is also a multi-
5 complainant case.

6 **MR. HALL:** Yes.

7 **MS. DALEY:** And the reason -- and we
8 discussed this yesterday evening or afternoon, if you
9 recall. The Crown, as you understood it, thought that the
10 conviction chances were better if a trier of fact could see
11 a pattern in the conduct of the accused, based of evidence
12 from more than one complainant. Do you agree with that?

13 **MR. HALL:** I would agree with that.

14 **MS. DALEY:** At least that's your operational
15 understanding of what the Crown is deciding and why; right?

16 **MR. HALL:** Well, just to step back, once a
17 charge is laid by the police it then is turned effectively
18 over to another ministry, namely the Ministry of the
19 Attorney General, so any decisions from that day on is
20 really theirs.

21 **MS. DALEY:** I know.

22 **MR. HALL:** I mean I may be privy to it or
23 either agree or disagree, but it's really their call.

24 **MS. DALEY:** And this we understand, sir.
25 You're not making the decision but you're the officer

1 tasked with disclosure responsibilities ---

2 **MR. HALL:** Yes.

3 **MS. DALEY:** --- so I'm just trying to make
4 sure that we're on the same page here.

5 **MR. HALL:** Yes.

6 **MS. DALEY:** So in the cases that were
7 brought by Project Truth, the multi-victim cases -- let's
8 just work this through. If Witness A, standing alone,
9 might not be convincing but if -- particularly if he's
10 talking about an event that's many years old; right?

11 **MR. HALL:** Yes.

12 **MS. DALEY:** But if Complainant B and
13 Complainant C say the accused did something similar in
14 relation to them, all charges are put on a higher footing;
15 correct? In other words, it's easier for the trier of fact
16 to conclude it happened.

17 **MR. HALL:** If the pattern of the abuse is
18 similar, yes.

19 **MS. DALEY:** Right. And that's why, from the
20 Crown's perspective, it's desirable to join charges and
21 it's desirable to bring multi-victim cases.

22 **MR. HALL:** Correct.

23 **MS. DALEY:** Now, what I've just spoken to
24 you about requires that A, B, and C have not colluded in
25 their evidence and are totally independent of each other;

1 right?

2 MR. HALL: Presumably, yes.

3 MS. DALEY: Because if they are not
4 independent of one another and they have, in a behind-the-
5 scenes manner, worked out their stories or shared
6 information ---

7 MR. HALL: Yes.

8 MS. DALEY: --- the entire scenario is not
9 convincing in the same manner, is it?

10 MR. HALL: If that can be shown, yes.

11 MS. DALEY: If that can be shown. And in
12 fact this is precisely what Mr. Leduc's counsel,
13 Mr. Campbell, explained to the Court at the inception of
14 the motion where you were a witness; right?

15 MR. HALL: Yes.

16 MS. DALEY: And you remember his
17 explanation?

18 MR. HALL: Yes.

19 MS. DALEY: Now, if the multiple
20 complainants are not independent or if they have been
21 influenced by a third party, then the defence is entitled
22 to know about that; correct?

23 MR. HALL: Yes.

24 MS. DALEY: In fact, the defence is entitled
25 to know anything that might be probative of whether the

1 complainants have colluded or spoken to a third party.

2 MR. HALL: Yes.

3 MS. DALEY: And Officer Dunlop's contacts
4 with the complainants and the witnesses in your Project
5 Truth cases therefore is a live issue, is it not?

6 MR. HALL: Definitely, definitely.

7 MS. DALEY: And in fact you'll acknowledge
8 it's a live issue in all of your multiple-victim Project
9 Truth cases; correct?

10 MR. HALL: Well, it wasn't a live issue in
11 the Leblanc case because that was different.

12 MS. DALEY: Because he didn't know any of
13 those people and he hadn't been in contact; right?

14 MR. HALL: Not before we laid the charges,
15 no.

16 MS. DALEY: In relation to the multiple-
17 victim charges you laid, Dunlop's contact with any
18 complainants or witnesses was a live issue; right?

19 MR. HALL: Well, in the Marcel Lalonde case
20 he wasn't aware of Mr. Lalonde being a victim.

21 MS. DALEY: I'm talking about your Project
22 Truth cases.

23 MR. HALL: Excuse me, I meant to say Marleau
24 case.

25 THE COMMISSIONER: In the Marleau case?

1 **MR. HALL:** In the Marleau case. Mr. Dunlop
2 wasn't aware that Mr. Marleau was a victim, because when
3 Mr. Marleau initially contacted Mr. Dunlop he was a lawyer
4 with some victims. It wasn't until he reported to us -- so
5 in that particular case Mr. Dunlop knew nothing about the
6 alleged suspects. He may have known of them and where they
7 were, but ---

8 **MS. DALEY:** Let me take two pieces:
9 multiple-victim cases, so those -- that's not Marleau
10 because the charges that are laid for Marleau are all just
11 single charges.

12 So let's set him to the side just for one
13 minute. Let's talk about MacDonald and Leduc. Those are
14 multiple victim cases; correct?

15 **MR. HALL:** Yes.

16 **MS. DALEY:** So in those cases whether Dunlop
17 had any contact with either complainants or witnesses you
18 recognize as a live issue?

19 **MR. HALL:** Whether he had contact or not?

20 **MS. DALEY:** Yes.

21 **MR. HALL:** If he had no involvement ---

22 **MS. DALEY:** Have we not just agreed that if
23 a third party is in contact with complainants in a multiple
24 victim case that's relevant, right?

25 **MR. HALL:** Yes.

1 **MS. DALEY:** Okay. So it's relevant to you
2 whether Dunlop is having contact with your complainants or
3 your witnesses in the multiple victim charges that Project
4 Truth has laid?

5 **MR. HALL:** Yes.

6 **MS. DALEY:** Thank you.

7 **MR. HALL:** And we're asking him about his
8 contacts ---

9 **MS. DALEY:** Understood.

10 **MR. HALL:** --- in our meetings.

11 **MS. DALEY:** I understand that.

12 And I think what you were telling me about
13 Mr. Marleau is that he wasn't involved in a multiple victim
14 case but there was some evidence that you came across that
15 Dunlop had had contact with him too?

16 **MR. HALL:** Well, contact with C-16's mother.

17 **MS. DALEY:** Which is relevant to the Leduc
18 case, which we've just agreed upon ---

19 **MR. HALL:** Yeah.

20 **MS. DALEY:** --- that's relevant. Okay.

21 **MR. HALL:** Yeah.

22 **MS. DALEY:** All I was trying to tell you --
23 all I was trying to take you to was think about Mr. Marleau
24 for a second as a complainant; right?

25 **MR. HALL:** Yes.

1 **MS. DALEY:** He was a complainant in a number
2 of separate cases where he was the only complainant;
3 correct?

4 **MR. HALL:** I believe so, yes.

5 **MS. DALEY:** Right. And you became aware, as
6 you've testified here at length, that he -- Dunlop also had
7 some contact with Mr. Marleau?

8 **MR. ENGELMANN:** Just for the record, there
9 was the Landry matter, that there were multiple victims,
10 correct, Mr. Hall, with Mr. Marleau?

11 **MR. HALL:** I wouldn't disagree.

12 **MS. DALEY:** There's one charge where there's
13 more than one victim. There's other charges where it's
14 simply Marleau. But you did know that Marleau had contact
15 with Officer Dunlop as well?

16 **MR. HALL:** Yes, the 16th of November ---

17 **MS. DALEY:** Ninety-eight ('98).

18 **MR. HALL:** --- 2000, to be specific.

19 **MS. DALEY:** Well, I think he's ---

20 **MR. HALL:** Well, I mean, the first contact
21 was in '97.

22 **MS. DALEY:** Right. Okay.

23 **MR. HALL:** But, I mean, in the interest of
24 getting documents going one way or the other in my phone
25 call I found out that there was contact.

1 **MS. DALEY:** All right.

2 So let me just talk to you for a moment
3 about Cornwall, because Cornwall also has brought a
4 multiple victim case, at least one, and that's the Lalonde
5 prosecution ---

6 **MR. HALL:** Yes.

7 **MS. DALEY:** And you know that fact.

8 **MR. HALL:** Yes.

9 **MS. DALEY:** So you and Cornwall have the
10 same issue in terms of Dunlop's involvement with
11 complainants or witnesses in your respective multiple
12 victim cases, right?

13 **MR. HALL:** Yes.

14 **MS. DALEY:** And I take it, sir, for our
15 benefit here, right, the issue with Dunlop is not whether
16 he is, in fact, having people tailor their statements, the
17 issue is that any contact at all might be seen that way by
18 a defence counsel and defence counsel would want to
19 investigate it; correct?

20 **MR. HALL:** I agree.

21 **MS. DALEY:** So whether or not the contact is
22 benign, it's something that defence needs to know about;
23 right?

24 **MR. HALL:** Yes.

25 **MS. DALEY:** And if, for whatever reason, the

1 defence doesn't know an encounter has occurred between
2 Dunlop and a complainant or a witness then the defence has
3 no means to investigate what the substance of that contact
4 was, right?

5 **MR. HALL:** Well, if they don't know about
6 it, it would be hard.

7 **MS. DALEY:** Precisely. And that's why the
8 police services appreciate -- or at least yours -- that it
9 was important to disclose any such information to the Crown
10 so that a judgment could be made about disclosure to
11 defence?

12 **MR. HALL:** Yes.

13 **MS. DALEY:** Now, I take it, sir, the fact is
14 even before Project Truth started, Mr. Dunlop had become
15 what I will call the "go to" man in Cornwall for
16 allegations of male sexual abuse?

17 **MR. HALL:** I wouldn't disagree with that.

18 **MS. DALEY:** And, sir, you recall giving
19 testimony in the Leduc matter in the defence motion, and
20 there's some aspects of what you said, I'm sure you're
21 going to agree with them here, and I'm just going to
22 paraphrase what you said, but he was, in fact, the vehicle
23 in the community for that purpose. In other words, the
24 community had come to believe that Dunlop was the man you
25 had to talk to or you should talk to if you were a male

1 victim of historical abuse.

2 MR. HALL: Well, I wouldn't go so far as to
3 say he was the only one in the community. There was people
4 ---

5 MS. DALEY: I didn't suggest that. He was
6 the vehicle in the community because of the media
7 surrounding the issue, right?

8 MR. HALL: He was known to be receptive to
9 people who had issues.

10 MS. DALEY: And as a result of that you
11 folks on Project Truth became aware that many, many such
12 people had gone to Dunlop and had made disclosures to him
13 pertaining to abuse in the past?

14 MR. HALL: Yes, and there was those that
15 didn't -- only wanted to go to him specifically. They
16 didn't want to go any further than that. I know of some
17 that didn't take part in the criminal process.

18 MS. DALEY: Whether they did or they didn't,
19 it was generally known that people in this community were
20 speaking to Dunlop about their allegations?

21 MR. HALL: Yes.

22 MS. DALEY: Some of which become the subject
23 of criminal charges; right?

24 MR. HALL: Yes.

25 MS. DALEY: And I take it, sir, we're agreed

1 that notwithstanding the Cornwall order of disclosure
2 September 25th, '97 and your subsequent efforts with him,
3 you knew that he had potentially relevant material that had
4 not been disclosed to any police service; correct?

5 **MR. HALL:** I suspected he did because in
6 some of the -- how I arrived at that is because when I
7 viewed some of the videotapes that was turned over to us,
8 particularly the one where they're doing a photo line up,
9 he's writing stuff down on paper, so I'm saying "Well,
10 where is this? Where's your notes?"

11 **MS. DALEY:** Right.

12 **MR. HALL:** So ---

13 **MS. DALEY:** And I would have thought, sir,
14 the fact that you made great efforts to get him to formally
15 acknowledge that he had given you disclosure -- do you
16 recall that circumstance where you've got the document that
17 you're expecting him to sign because ---

18 **MR. HALL:** Yes.

19 **MS. DALEY:** --- if it's true he should sign
20 it? You make efforts to modify the document; you go back
21 to him several times, he tells you he's going to sign it
22 and he doesn't. That's the circumstance that I'm trying to
23 draw to your mind. Do you remember all that?

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

25 **MS. DALEY:** As a result of his behaviour on

1 that occasion surely you must have concluded that indeed
2 you didn't have everything?

3 **MR. HALL:** Yes.

4 **MS. DALEY:** All right.

5 Now, I guess here's what I'm struggling
6 with, sir, knowing that -- knowing that, that there was a
7 chance you don't have everything; we know the man is
8 speaking to people and continuing to do so -- I'm trying to
9 just help us in this Commission come to some
10 recommendations, some ways to avoid this problem in the
11 future.

12 One of the things I wonder about is this;
13 was there ever any thought given to speaking to your
14 complainants about this and determining from them what they
15 said about contacts with Dunlop?

16 **MR. HALL:** Well, we did. I ---

17 **MS. DALEY:** Was that a standard question
18 that ---

19 **MR. HALL:** Well, it was ---

20 **MS. DALEY:** --- all the complainants were
21 asked?

22 **MR. HALL:** I think it came along the lines
23 of when we -- when Mr. Dunlop had taken various statements
24 and the material eventually came to us, then we made
25 contact with these people.

1 And I can recall one in specific and I think
2 he has a C -- a moniker here. And he -- it was Constable
3 Genier that was dealing with him. We wanted to interview
4 him. And in the course of the conversation he said he
5 didn't want any more to do with it because he wasn't
6 comfortable with what Mr. Dunlop was telling him to put in
7 his statement and he wanted no further contact with the
8 police, and I think there's a note in my file control
9 register to that effect.

10 **MS. DALEY:** That was an individual who had
11 spoken with Dunlop and who told you that Dunlop was trying
12 to direct ---

13 **MR. HALL:** He had given a statement to
14 Dunlop.

15 **MS. DALEY:** I'm sorry?

16 **MR. HALL:** He had given a statement to
17 Dunlop.

18 **MS. DALEY:** And he told you that the
19 statement had been manipulated somehow by Officer Dunlop?

20 **MR. HALL:** I don't think the statement had
21 been manipulated, his information in the -- his information
22 that he provided in the statement was influenced by Mr.
23 Dunlop and what he actually said.

24 **MS. DALEY:** If you look at the moniker list,
25 it's alphabetized on the right-hand column. Maybe you

1 could tell us who this individual is, if his name is on
2 that list.

3 **MR. HALL:** Is there a list I can go through?

4 **THE COMMISSIONER:** Hang on; hang on.

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

6 **THE COMMISSIONER:** You understand, sir, that
7 the people that are on that moniker list, I guess the
8 reason why we're permitting you to look through the whole
9 list of them is because you are a former police officer and
10 you understand the need for confidentiality and you
11 understand you are bound by that confidentiality after you
12 leave here?

13 **MR. HALL:** Yes, Mr. Commissioner.

14 **THE COMMISSIONER:** Thank you.

15 **MR. HALL:** C-18 I believe is the one ---

16 **MS. DALEY:** C-18 is the individual that you
17 just described?

18 **MR. HALL:** Yes.

19 **MS. DALEY:** All right.

20 **MR. HALL:** I'm fairly certain, but I'd have
21 to ---

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

23 **MR. HALL:** I'm reasonably certain that's who
24 it is.

25 **MS. DALEY:** And the gist of what he's

1 telling you is that he feels that Dunlop has tried to
2 influence him?

3 **MR. HALL:** Yes.

4 **MS. DALEY:** All right.

5 And can you tell me whether C-18 was a
6 complainant in any Project Truth charges that you know of,
7 sir?

8 **MR. HALL:** No, he didn't want to become
9 involved.

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

11 So we got into this discussion because I was
12 trying to see if you could help us at all with steps that
13 were available to mitigate the Dunlop problem, if you will.

14 Let me ask you this question. Was any
15 thought given to putting out a press release informing
16 people that it would be much better to come to Project
17 Truth first or the Cornwall Police if they need to disclose
18 an allegation of this sort; in other words, inform the
19 public that for the sake of the process and the fairness of
20 any process, they should not be speaking to Dunlop but,
21 rather, should come to the appropriate authority?

22 **MR. HALL:** Well, first of all, we had no
23 authority to tell people they couldn't speak to Mr. Dunlop.

24 Secondly, I think we made a press release in
25 July of '97 basically announcing Project Truth, and I know

1 I received calls. Some of them would call even Smith
2 Falls, our headquarters. I received messages of calls --
3 people from there who became potential victims.

4 MS. DALEY: I appreciate some people
5 followed the press release ---

6 MR. HALL: Yeah. Lancaster Detachment, Long
7 Sault Detachment. I mean, I don't think it would be
8 appropriate to say -- to go out in the public and say
9 "Don't speak to Mr. Dunlop. Call us."

10 MS. DALEY: All right.

11 For example, after Project Truth is
12 operating for a while, it's quite clear that regardless of
13 your initial press release, people are going to Dunlop,
14 right? We all know that.

15 MR. HALL: Some are.

16 MS. DALEY: Some are.

17 MR. HALL: Some are.

18 MS. DALEY: Okay. And those are the people
19 who, in essence, to the extent they become complainants,
20 their contact with Dunlop is problematic, right?

21 MR. HALL: Yes.

22 MS. DALEY: All right.

23 So was any thought given, for example, to
24 speaking directly to those complainants and saying, "Please
25 understand the situation; it's much better that you not

1 speak to Dunlop again until the charges are finished"? Did
2 any officers ever give those directions to your
3 complainants?

4 **MR. HALL:** Well, I think -- I think that
5 Detective Constable Dupuis conveyed that message to C-16's
6 mother when he happened to be there on the phone call. I
7 know of -- I can't give the exact names of the people, but
8 I know the officers had told him that they didn't have to
9 speak to Dunlop. There was -- I know there was people,
10 both media and I think efforts by Mr. Leduc's counsel to
11 speak to some of the victims, and I remember discussing
12 with Detective Constable Seguin. He was basically telling
13 me that I should be calling the press and say "You can't"
14 and I'm telling him that no, we can't do that. We can tell
15 the person they don't have to speak to him; they don't have
16 to say anything, but we can't tell people you can't talk to
17 people.

18 **MS. DALEY:** I'm not suggesting that you
19 would issue an order to them. I appreciate that, but what
20 about informing them about the problem that was being
21 created by this contact and requesting them not to do that;
22 was that a standard feature of every interaction?

23 **MR. HALL:** There was no formal request in
24 the media of that nature.

25 **MS. DALEY:** All right.

1 **MR. HALL:** To my knowledge. And bearing in
2 mind it wasn't my decision to release media issues; it came
3 out of our headquarters in Orillia.

4 **MS. DALEY:** Did you ever discuss with
5 Orillia whether it might be a good thing to consider, given
6 the Dunlop issue?

7 **MR. HALL:** No, I didn't.

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

9 Are we agreed, sir, that between the
10 commencement date of Project Truth in 1997 and April of
11 2000 when the will say is finally received, that throughout
12 that period there are continuing efforts on the part of
13 your force to do the following: one, to obtain any form of
14 document or tape or material of that nature that Dunlop has
15 relevant to his dealings with complainants or witnesses?

16 **MR. HALL:** Yes.

17 **MS. DALEY:** You're continually doing that?

18 **MR. HALL:** Continually.

19 **MS. DALEY:** And secondly, I take it your
20 force and perhaps also CPS is continually trying to get him
21 to stop interviewing alleged victims?

22 **MR. HALL:** Yes. It wasn't just him
23 interviewing them. He was providing names to the media,
24 CBC Radio in particular, local radio stations, and they
25 were -- victims were actually calling in and speaking over

1 the radio.

2 MS. DALEY: All right.

3 MR. HALL: And they -- it's my view the only
4 way they got those names is through Mr. Dunlop.

5 MS. DALEY: All right.

6 So not only are both forces trying to get
7 him to stop dealing with complainants; it's also coming to
8 your attention that he's disobeying. He's speaking to
9 complainants and he's also speaking about them to the
10 media?

11 MR. HALL: That's true. And in my dealings
12 with Mr. Dunlop, it became quite apparent nobody is going
13 to tell Mr. Dunlop what to do. He's going to make up his
14 mind and he's going to do what he wants to do.

15 MS. DALEY: Right.

16 MR. HALL: And that's quite obvious.

17 MS. DALEY: So essentially you had a
18 situation of a person who was not going to be governed by
19 your wishes or those of his force?

20 MR. HALL: That's right.

21 MS. DALEY: Was there ever any discussion
22 that you had with his service about discipline or
23 terminating his employment?

24 MR. HALL: No. They knew we had a problem.
25 I mean, it was quite obvious there was a problem. I know

1 Staff Sergeant Derochie and I discussed at different times
2 what could be done. I think, quite frankly, they didn't
3 know what to do with him. That's my view. Okay?

4 **MS. DALEY:** And ---

5 **MR. HALL:** And it wasn't up to me to tell
6 them what they should do.

7 **MS. DALEY:** Were you able to offer them any
8 suggestions as to what they could consider doing?

9 **MR. HALL:** Investigation. That's what we
10 asked for back in the summer of '98, Inspector Smith and
11 myself in a conversation with Inspector Trew, but they
12 wanted something on paper. So in my view, being forced to
13 do something, to say "Now we've got an official complaint
14 in writing; we've got to do something." We discussed it
15 with our headquarters in Orillia and that would be
16 construed as we were investigating Mr. Dunlop, which we
17 didn't want to do.

18 **MS. DALEY:** I understand that.

19 So as you saw it, the only real potential
20 remedy would have been an investigation and perhaps the
21 mounting of charges, but for the reasons you've given us,
22 your service wasn't in a position to request Cornwall to do
23 that?

24 **MR. HALL:** No. I mean, even if you'd
25 investigated him and laid charges, it was still no

1 guarantee he was going to give us what we -- we didn't know
2 what he had.

3 **MS. DALEY:** I understand.

4 **MR. HALL:** So, I mean, it's hard to
5 determine at the end of the day, yeah, he's given us
6 everything when we don't know what he had.

7 **MS. DALEY:** You must have been extremely
8 concerned about being able to successfully get the Project
9 Truth cases to trial given that problem?

10 **MR. HALL:** Yes. I think it became more
11 evident when we received his disclosures in 2000,
12 particularly his will say and his notes. I mean, there was
13 notes clearly in there involving the Jacques Leduc case. I
14 mean, we had arrested and charged Mr. Leduc on the 22nd of
15 June of '98 and we were meeting with Mr. Dunlop on the 23rd
16 of July '98, a month and a day, and I'm telling him that,
17 you know, defence is screaming for disclosure. I mean,
18 he's got that in there because he's tape recording us. If
19 you read it, it's rather lengthy.

20 **MS. DALEY:** Right.

21 **MR. HALL:** So I meet with him on the 31st of
22 July and get the binders. He could have gave me those
23 notes pertaining to the conversations with C-16's mother in
24 May right then and they would have been in our volume of
25 briefs. So, I mean ---

1 **MS. DALEY:** But he didn't?

2 **MR. HALL:** --- if you're asking me, it's my
3 view that Mr. Dunlop is directly responsible for Mr.
4 Leduc's ultimate case. We would have had it. We would
5 have been in there. Everybody would have had knowledge of
6 it, right from the get go.

7 **MS. DALEY:** Apart from this criminal
8 investigation that you've spoken about, your thought that
9 that might be a way forward but it didn't happen because
10 your Force wasn't prepared to request it.

11 Did you ever talk to ---

12 **MR. HALL:** Just a minute.

13 **THE COMMISSIONER:** No, no, let her finish
14 the question.

15 **MS. DALEY:** Did you ever, or Officer Smith
16 or anyone else connected with Project Truth, ever go up as
17 high as you could in the Crown's office to say, "Listen,
18 this is a problem and we don't have a solution for it. We
19 know that charges are being imperilled because of this
20 officer. His Force can't control him. We can't control
21 him. Help. Let's have a brainstorming session and try to
22 get some ideas on the table that might possibly save these
23 prosecutions"?

24 **MR. HALL:** At that particular time we didn't
25 have a go-to Crown assigned. I mean, basically, we were --

1 when I completed a brief and forwarded it to the regional
2 Crown's office I never know where it was going or who was
3 going to be doing the review, so ---

4 **MS. DALEY:** What about Mr. Stewart? Was he
5 involved throughout the piece?

6 **MR. HALL:** Well, Mr. Stewart -- Mr.
7 Pelletier was Acting Director of Crown Attorney. He was
8 wearing two hats. He was a Crown in L'Original and he was
9 the Acting Director.

10 **MS. DALEY:** Could you have gone to either
11 Mr. Pelletier or Mr. Stewart and just said, "We have a
12 crisis and we need some strategizing about how to deal with
13 it"?

14 **MR. HALL:** I met with Mr. Pelletier on one
15 occasion. I can't give you the specific date. I'd have to
16 go to my notes but I don't have a constant recollection of
17 broaching that specifically to say, "You know, you call
18 Cornwall Police and have them do something."

19 **MS. DALEY:** All right.

20 **MR. HALL:** But I think in ---

21 **MS. DALEY:** In hindsight that's something
22 that could ---

23 **MR. HALL:** The ultimate decision, I think,
24 even from Mr. Garson's letter, it was really up to the
25 Chief of Police to do something. I mean the Crown

1 attorney's office wasn't going to tell them and they
2 basically were saying, "Well, you provide us with a brief
3 and we'll review it but it's up to you to find the police
4 force or you to take the actions you deem necessary."

5 **MS. DALEY:** All right.

6 And so up until the year 2000 the Chief of
7 Police of course is Mr. Johnston, right, the Cornwall
8 Chief?

9 **MR. HALL:** Pardon?

10 **MS. DALEY:** Is it not Mr. Johnston who is
11 the Chief of Police up until Mr. Repa?

12 **MR. HALL:** No. Well, Mr. Johnston was the
13 Acting Chief in 1998 -- January of '94; correction.

14 **MS. DALEY:** Right.

15 **MR. HALL:** Carl Johnston was the Acting
16 Chief in January '94. I don't know what date Chief Repa
17 took over but I know he was the Chief when we commenced
18 Project Truth and he was all the way through Project Truth.

19 **MS. DALEY:** All right.

20 But I guess what you're telling us is that
21 as you saw it, it was the Chief's responsibility to go get
22 help from the Crown or to take some further steps?

23 **MR. HALL:** Well, I think ultimately it was.
24 I mean, my discussion with Staff Sergeant Derochie and
25 Inspector Trew and what we wanted to do, they didn't take

1 it upon themselves. They obviously sought direction from a
2 higher authority and their Chief, at least as I was told.
3 He made the decision as to what they were going to do with
4 Dunlop.

5 **MS. DALEY:** All right.

6 In any event, I think just to move on from
7 this topic, would you agree using the benefit of hindsight,
8 that it might have been an idea for Project Truth officers,
9 with or without Cornwall officers in attendance, to go to
10 the highest level of legal advice you can obtain from the
11 Crown and to raise the Dunlop problem and ask for help?

12 **MR. HALL:** I could have, yes.

13 **MS. DALEY:** All right.

14 Now, certainly, sir, by -- and not to
15 reiterate this but by the latter part of 1999, if not much
16 earlier, you have good reason to believe that Dunlop has
17 not complied with outstanding orders, disclosure orders?

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

19 **MS. DALEY:** And you've also alluded to
20 correspondence that you had with Ms. Wilhelm who was the
21 prosecutor in Marcel Lalonde's case?

22 **MR. HALL:** Yes.

23 **MS. DALEY:** And as a matter of fact, I think
24 you've looked at her October 5th, 1999 letter to you, which
25 would be Exhibit 501?

1 MR. HALL: Yes.

2 MS. DALEY: I don't know if you have -- do
3 you have ---

4 MR. HALL: I have a recollection of it, yes.

5 MS. DALEY: You recall that letter quite
6 well?

7 MR. HALL: Yes, I do.

8 MS. DALEY: And essentially what she is
9 telling you in that letter is that Dunlop is meeting with
10 her complainants and she names them; they are C-8, C-65 --
11 you might need to check that moniker, C-65, sir?

12 MR. HALL: I see the name but it's not known
13 to me. That would be a Cornwall ---

14 MS. DALEY: Well, sir, what -- just a
15 second, sir.

16 (SHORT PAUSE/COURTE PAUSE)

17 MS. DALEY: I'm sorry; I made an error.
18 I've made an error; I gave you the wrong number. One
19 second. I meant to say C-68.

20 MR. HALL: Sixty-eight (68)?

21 MS. DALEY: Yes, my mistake.

22 MR. HALL: Yes.

23 MS. DALEY: Okay. So let's just get clear,
24 C-8, C-68, those are both Lalonde complainants and Ms.
25 Wilhelm is telling you Dunlop is having contact with them.

1 And she also tells you he's having contact with two other
2 Lalonde complainants, one of whom is C-45?

3 MR. HALL: Yes.

4 MS. DALEY: And the other of whom is an un-
5 monikered person named Kevin Upper.

6 MR. HALL: Yes.

7 MS. DALEY: And I don't want you to discuss
8 the connection but you know there's a relationship between
9 Mr. Upper and C-45?

10 MR. HALL: Yes.

11 MS. DALEY: Okay. So what Wilhelm tells you
12 in Exhibit 501 is that those four people are her
13 complainants and she's concerned that Dunlop is having
14 contact with them, right?

15 MR. HALL: Yes.

16 MS. DALEY: Now, I'd like you, please, to
17 look at Exhibit 2818 which is your letter back to Ms.
18 Wilhelm.

19 MR. HALL: Twenty-eighth (28th) of October?

20 MS. DALEY: Two eight one eight (2818).

21 THE COMMISSIONER: Twenty-eighth (28th) of
22 October, yeah.

23 MS. DALEY: And the first point I want to
24 draw from this, sir, is that your Service has also brought
25 charges against Father MacDonald based upon the allegations

1 of C-8, a Lalonde complainant; C-45, a Lalonde complainant;
2 and Kevin Upper, a Lalonde complainant; right? Are we
3 agreed?

4 **MR. HALL:** I agree.

5 **MS. DALEY:** So there is the overlap between
6 your MacDonald charges and Ms. Wilhelm's Lalonde charges;
7 correct?

8 **MR. HALL:** Yes.

9 **MS. DALEY:** At least three common
10 complainants. Now, what you tell Ms. Wilhelm in this
11 letter at the very bottom of the first page is that:

12 "While dealing with Project Truth
13 matters [et cetera] I had contact with
14 Dunlop on numerous occasions regarding
15 his disclosure on our matters. He has
16 assured Project Truth officers that he
17 has provided all disclosure relating to
18 our investigation. I have no reason to
19 believe otherwise at that time."

20 Did I read that right?

21 **MR. HALL:** Yes.

22 **MS. DALEY:** And sir, this is more than a
23 year after his refusal to acknowledge to you that he has
24 given you everything; right?

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

1 **MS. DALEY:** Why would you tell her that?
2 Because it really doesn't seem to be correct.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. HALL:** I am ---

5 **MR. KOZLOFF:** Good morning, Mr.
6 Commissioner.

7 I'm not sure a whole lot turns on it but
8 just to keep the record pristine, only one of the two
9 individuals that my friend named -- only two of the three
10 that my friend named are complainants against Father
11 Charlie, not all three.

12 **MS. DALEY:** Do you remember my question,
13 sir?

14 **MR. HALL:** Okay. What I'm saying there;
15 he's indicated to me, we've had his disclosure, okay, and
16 I'm saying I have no reason to believe him but ---

17 **MS. DALEY:** I'm sorry?

18 **MR. HALL:** I'm saying there I had no reason
19 to believe him otherwise, but ---

20 **MS. DALEY:** But that's not correct.

21 **MR. HALL:** No, that's right. I agree with
22 you.

23 **MS. DALEY:** So my question is; you've said
24 something to Ms. Wilhelm and you know it's important to
25 her. It's not correct. Why did you not tell her that you

1 did have reason to believe otherwise?

2 MR. HALL: Well, for the simple reason I
3 said I didn't have.

4 MS. DALEY: I'm sorry?

5 MR. HALL: If I would have worded it the
6 other way, obviously I would have said that I had reason to
7 believe otherwise.

8 MS. DALEY: I'm not on the same page with
9 you, sir. What you're telling her is that Dunlop has told
10 you you've got everything and you have no reason to
11 disbelieve him.

12 MR. HALL: In Project Truth matters, yes.

13 MS. DALEY: Right. But that's not correct.

14 MR. HALL: Well, we find out later it isn't
15 correct.

16 MS. DALEY: But, sir, you knew a year before
17 this, or you had your suspicion a year before this ---

18 MR. HALL: Had suspicions, yes.

19 MS. DALEY: --- that it wasn't correct.

20 MR. HALL: Yes.

21 MS. DALEY: Why would you not share that
22 with the Crown in the Lalonde prosecution?

23 MR. HALL: I made a memo that's there. I
24 live with it. Why I put it there that way I can't tell you
25 today. Maybe we should read further on in the memo.

1 MS. DALEY: Be my guest.

2 MR. HALL: Well, I can't see it.

3 MS. DALEY: I'll ask Madam Clerk to show you
4 the page.

5 MR. HALL: I'm speaking strictly of Project
6 Truth matters at the time when I make that comment.

7 MS. DALEY: I'm sorry, sir?

8 MR. HALL: I say I'm speaking strictly about
9 Project Truth matters at that time.

10 MS. DALEY: Yes.

11 MR. HALL: He may have had more disclosure
12 for Marcel Lalonde; I don't know. The issue is just
13 surfacing now whether there is more or not, because of what
14 he said in his court case, I believe the preliminary
15 hearing, and then he subsequently comes with more notes.

16 MS. DALEY: Sir, I'd understood you to say
17 that in October of '98, when you asked him as a fellow
18 officer ---

19 MR. HALL: Yes.

20 MS. DALEY: --- to tell you that you've got
21 everything, and he won't do that, that's a reason to
22 believe you don't have everything you require as a Project
23 Truth officer.

24 MR. HALL: Yes.

25 MS. DALEY: Okay.

1 **MR. HALL:** Yes.

2 **MS. DALEY:** One thing, just to clarify, sir.
3 Mr. Kozloff was correct that not all of the people
4 mentioned in Exhibit 2818 were MacDonald complaints but Mr.
5 C-45, he was certainly a Project Truth complainant, wasn't
6 he?

7 **MR. HALL:** The question again?

8 **MS. DALEY:** Mr. C-45; Project Truth did
9 bring charges based on his allegations; correct?

10 **MR. HALL:** C-45?

11 **MS. DALEY:** Yes.

12 **MR. HALL:** Yes.

13 **MS. DALEY:** All right. So it wasn't
14 MacDonald but it was another case.

15 All right, sir. Well, when you went and
16 spoke with Crown Garson, did you make sure he understood
17 that a number of the Project Truth charges had the same
18 complainants as the Lalonde charges?

19 **MR. HALL:** I don't recall discussing that
20 with him. I'd have to go to my notes ---

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

22 **MR. HALL:** --- for that day. It would have
23 been in March of -- when did I meet with him?

24 **MS. DALEY:** Well, I took it from Exhibit
25 2818 that you had consulted Mr. Garson prior to the end of

1 October '99.

2 **MR. HALL:** Yes. I didn't arrange it. It
3 was arranged for me.

4 **MS. DALEY:** All right. All I'm trying to
5 understand, sir, is ---

6 **MR. HALL:** It was because of the Marcel
7 Lalonde case that I was meeting with Garson; nothing to do
8 with Project Truth matters.

9 **MS. DALEY:** Understood. But in that context
10 did you make it known to him that you have the same
11 complainants in a number of Project Truth charges?

12 **MR. HALL:** I may have. I don't recall.

13 **MS. DALEY:** Okay. I guess one thing we can
14 agree upon, I hope, is that if Wilhelm has a Dunlop problem
15 in Lalonde in relation to the individuals who are named in
16 Exhibit 2818, then Project Truth is going to inevitably
17 have the same problem in its cases where those gentlemen
18 are complainants; correct?

19 **MR. HALL:** Could have, yes.

20 **MS. DALEY:** Isn't it inevitable?

21 **MR. HALL:** Yes.

22 **MS. DALEY:** And at least one of those other
23 Project Truth charges is the Father MacDonald one; correct?

24 **MR. HALL:** Yes.

25 **MS. DALEY:** Now, did you show the MacDonald

1 prosecutor Exhibit 2818?

2 MR. HALL: Which prosecutor?

3 MS. DALEY: Who would have been the -- well,
4 it would have been Ms. Hallett in October of '99.

5 MR. HALL: Well, there was three of them
6 ultimately.

7 MS. DALEY: Did you show any of the
8 MacDonald prosecutors your exchange of correspondence with
9 Crown Wilhelm?

10 MR. HALL: Shelley Hallett was very aware of
11 it. She was involved in the Marcel Lalonde matter. She
12 was instrumental in getting the meeting, I believe, with
13 Garson, because she was talking to Claudette Wilhelm.

14 MS. DALEY: So your evidence, sir, is that
15 Ms. Hallett is aware that there's an indication that Dunlop
16 has contacted Lalonde victims and that at least three of
17 those gentlemen are also complainants in Project Truth
18 charges?

19 MR. HALL: She was involved with it. Now,
20 whether -- I can't say whether -- what she was told by
21 Claudette Wilhelm or whether she reviewed the brief.

22 MS. DALEY: No, no, I appreciate that. Did
23 you ever directly bring home to Ms. Hallett or any other
24 MacDonald prosecutor that Dunlop had had contact with the
25 complainants?

1 **MR. HALL:** The complainants in a Project
2 Truth case?

3 **MS. DALEY:** Yes.

4 **MR. HALL:** Oh yes, definitely. I mean Lorne
5 McConnery knew very well.

6 **MS. DALEY:** All right.

7 **MR. HALL:** Kevin Phillips knew very well.
8 Bob Pelletier would have known as well.

9 **MS. DALEY:** So the linkage right now, the
10 linkage we're looking at right here, are three individuals
11 who are Lalonde victims -- alleged victims -- who are
12 Project Truth complainants whom Dunlop is dealing with;
13 right?

14 **MR. HALL:** Yes.

15 **MS. DALEY:** And why, from a Project Truth
16 perspective, would you not involve yourself in trying to
17 rectify that situation? In other words, you tell
18 Ms. Wilhelm, "We're not going to do anything."

19 **MR. HALL:** I didn't say that. I said I
20 wasn't going to do anything. It wasn't my call.

21 **MS. DALEY:** Was someone else -- all right,
22 so that's the call -- whose call is that?

23 **MR. HALL:** Well, it was Cornwall police.
24 He's -- Dunlop, he's under their control. He's a member of
25 the police force.

1 **MS. DALEY:** But it's your charges that are
2 now being imperilled; right?

3 **MR. HALL:** Which ones are you referring to?

4 **MS. DALEY:** Project Truth charges.

5 **MR. HALL:** Well, I'm already dealing with
6 Mr. Dunlop on our cases.

7 **MS. DALEY:** All right.

8 Sir, you were also aware that Ms. Wilhelm
9 wrote to Constable Genier, to the same effect that she did
10 you, and asked for some -- asked for him to make enquiries
11 of Dunlop. Did you know that?

12 **MR. HALL:** Do you have the document, please?

13 **MS. DALEY:** Yeah, it's Exhibit 1713.

14 **THE COMMISSIONER:** Seventeen thirteen
15 (1713)?

16 **MS. DALEY:** Sorry, I misspoke: 1737.

17 **THE COMMISSIONER:** Thirty-seven (37).

18 **MS. DALEY:** It's 116908.

19 My only question for you, sir, about this
20 piece of correspondence is whether you were aware of it.

21 **MR. HALL:** Ms. Wilhelm is saying his only --
22 Constable Dunlop's only involvement was speaking to C-8,
23 third paragraph.

24 **MS. DALEY:** Keep reading. At the bottom of
25 the first page she's asking him to enquire of Dunlop and

1 get back to her.

2 MR. HALL: Yes.

3 MS. DALEY: Were you aware she'd made that
4 request of Officer Genier?

5 MR. HALL: Constable Genier would have
6 discussed it with me because I was a person to go to to get
7 information from Constable Dunlop. He wouldn't have done
8 that on his own.

9 MS. DALEY: No, I appreciate that. So I'm
10 assuming that -- did you instruct him to do what she had
11 asked or you said, "I'm going to handle it," and you
12 handled it by means of your October 28th letter? Is that
13 what happened?

14 MR. HALL: Well, this -- my October 28th
15 letter was before this one.

16 MS. DALEY: Fair enough.

17 MR. HALL: Okay.

18 MS. DALEY: You ---

19 MR. HALL: This is November 8th.

20 MS. DALEY: You're quite right.

21 MR. HALL: Okay.

22 MS. DALEY: So did you give any instructions
23 to Genier in relation to her letter to him of November 8th?

24 MR. HALL: Well, I think what was happening
25 at that time, there was efforts being made by Ms. Hallett

1 and Ms. Wilhelm to have the Cornwall Police take further
2 action against Mr. Dunlop, which resulted in the January
3 10th order.

4 **MS. DALEY:** Okay. Fair enough.

5 So it follows then that, rather than having
6 Genier do what Ms. Wilhelm had asked, it was dealt with in
7 another manner?

8 **MR. HALL:** It was dealt with -- it was going
9 to be dealt with ultimately once and for all, I believed,
10 with the action that was taken.

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

12 So let's move to a related but slightly
13 different subject, and that is this. You spoke to us here
14 in chief about your interview with Mr. Silmsler on August
15 1st, 1997?

16 **MR. HALL:** Again, please?

17 **MS. DALEY:** On August 1st, '97, you and
18 Officer Genier had an interview with Mr. Silmsler and his
19 wife was present?

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

21 **MS. DALEY:** Okay?

22 **MR. HALL:** Yes.

23 **MS. DALEY:** That's what I want to take you
24 to now, and ---

25 **MR. HALL:** Document?

1 MS. DALEY: --- yeah, it's Exhibit 395.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. HALL: Yes.

4 MS. DALEY: And just to refresh your mind,
5 this is the interview you do in connection with the death
6 threat, right?

7 MR. HALL: Yes.

8 MS. DALEY: And what you're trying to follow
9 up on here is the assertion that Dunlop has spoken to Mr.
10 Silmsler in July of '96 and has told Mr. Silmsler about a
11 death threat by Father Charles against both himself, that
12 is, Dunlop and Mr. Silmsler. That's what you're -- that's
13 the purpose of this interview; correct?

14 MR. HALL: Yes.

15 MS. DALEY: So I want to look at some of the
16 things that you learn ---

17 MR. HALL: Well, the -- just to back up, if
18 I could expand on that, the purpose of the interview is I
19 believe he had called Cornwall Police complaining.

20 MS. DALEY: Trust me, we'll get there. It's
21 right in here.

22 MR. HALL: Okay.

23 MS. DALEY: So let's just look at what you
24 learn ---

25 MR. HALL: That was the reason though.

1 MS. DALEY: All right.

2 So I just want to review what he tells you,
3 Officer Genier. First of all, it's obvious from the first
4 answer on the first page that Dunlop is having continued
5 contact with Mr. Silmser, right?

6 MR. HALL: Bates number?

7 MS. DALEY: The first page, Bates 402.

8 MR. HALL: Yes.

9 MS. DALEY: And at this time Silmser is your
10 complainant in charges against Father MacDonald; correct?

11 MR. HALL: Yes.

12 MS. DALEY: So -- and if you go to the top
13 of the next page, page 2 of the interview, sir, he's saying
14 that:

15 "Another time the subject came up with
16 Dunlop was when he was visiting John
17 MacDonald in July of '96 and Perry was
18 there visiting as well."

19 Do you see that, sir?

20 MR. HALL: Yes.

21 MS. DALEY: So stopping there, that's
22 another complainant that you have in the MacDonald matter;
23 correct?

24 MR. HALL: Yes.

25 MS. DALEY: And ---

1 **MS. LAHAIE:** I just want to be clear with
2 respect to the dates. This statement is taken in 1997, and
3 at that time there were the three charges that are
4 currently before the court by David Silmser, John MacDonald
5 and C-3. Those -- that brief was assembled by Officer
6 Fagan and it was something that began before Project Truth.

7 So just to situate Officer Hall in terms of
8 -- that these are complainants and prosecutions that he's
9 handling at that time. The new allegations don't come into
10 play until the end of that calendar year.

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

12 **MS. DALEY:** I appreciate that, but once the
13 new allegations come into play, of course, you do take
14 responsibility for the prior allegations as well, right?

15 **MR. HALL:** Yes.

16 **MS. DALEY:** And those include Mr. Silmser
17 and Mr. MacDonald, and what you're here being told is that
18 Dunlop is in contact with both, right?

19 **MR. HALL:** Yes.

20 **MS. DALEY:** And again, if you go down to the
21 third answer he gives you on that page, he is saying that
22 John MacDonald, the other victim, was told the same
23 information by Perry Dunlop. And let's just stop. The
24 information that's being told is Perry is telling these
25 individuals that Father Charles is part of death threats,

1 right?

2 MR. HALL: Yes.

3 MS. DALEY: And these individuals are
4 complainants against Father Charles in OPP-laid charges,
5 right?

6 MR. HALL: Yes.

7 MS. DALEY: And further on down the page,
8 he's asked the question:

9 "Well, why do you think these threats
10 happened?"

11 And he gives a response that refers to two
12 other names which I'm not going to read aloud because I
13 don't know their status, but he says:

14 "These [two other names] know what
15 happened about all the abuse Ken Seguin
16 did because they were on probation, but
17 they won't come forward for their own
18 reasons."

19 So there he's disclosing information about
20 two other individuals who may know something about Mr.
21 Seguin, the probation officer, right?

22 MR. HALL: Yes.

23 MS. DALEY: And to the top of the next page,
24 sir, he gives you some information about a monikered
25 individual, and that is Mr. C-89?

1 **MR. HALL:** Yes.

2 **MS. DALEY:** And he tells you that this
3 person says he has been abused by Father MacDonald and Ken
4 Seguin, and then he says:

5 "I believe he's scared to come forward
6 because I heard he's a homosexual now
7 and that could be why."

8 Do you see that, sir?

9 **MR. HALL:** Yes.

10 **MS. DALEY:** Now, first of all, did Project
11 Truth ever investigate any allegations made by Mr. C-89?

12 **MR. HALL:** He was interviewed. I think --
13 my recollection, I think the suspect was deceased, but I'd
14 have to go to my records to find that out.

15 **MS. DALEY:** That's fine. I'm not going to
16 consume time with that, but you say you did follow up on
17 this information?

18 **MR. HALL:** Yes, I know he was interviewed.

19 **MS. DALEY:** All right.

20 **MR. KOZLOFF:** Mr. Commissioner, you'll
21 recall C-89 was interviewed during the course of the 1994
22 investigation ---

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

24 **MR. KOZLOFF:** --- and his statement was
25 included in the brief provided to Mr. Griffiths.

1 **MS. DALEY:** Is that the interview you're
2 thinking of, sir?

3 **MR. HALL:** Yes.

4 **MS. DALEY:** Can I ask you about the other
5 piece of what he's told you there? In the course of being
6 involved in Project Truth, was it difficult for people who
7 were in fact homosexual to talk about that?

8 **MR. HALL:** I'm sure it was.

9 **MS. DALEY:** And is that because of a certain
10 atmosphere in this -- a local atmosphere that was somewhat
11 homophobic?

12 **MR. HALL:** It could be, yes.

13 **MS. DALEY:** Did you detect that in your
14 work?

15 **MR. HALL:** Well, I didn't have a lot of
16 direct contact with the interviews. My officers had done
17 the majority. I mainly interviewed police officers, Crown
18 attorneys, the Bishop. So I didn't do a lot of victims or
19 alleged victims.

20 **MS. DALEY:** I understand.

21 But you were obviously in close contact with
22 the officers who did?

23 **MR. HALL:** Yes.

24 **MS. DALEY:** And is it your -- was it your
25 impression that homophobia was a bit of an impediment to

1 Project Truth in the sense that people found it very hard
2 to discuss that orientation?

3 MR. HALL: Yes, it could very well have
4 been, yes.

5 MS. DALEY: Moving down the page here, then,
6 again what Mr. Silmsler is now telling you about this
7 individual, C-89, is he says, towards the end of that long
8 answer, he says:

9 "I told Perry and John MacDonald and
10 they went to talk to him."

11 All right? So again, here's a circumstance
12 where Mr. Dunlop and another alleged victim of Father
13 Charles are talking to yet an additional potential victim
14 of Father Charles.

15 MR. HALL: Yes.

16 MS. DALEY: Did you pick -- you were aware
17 that Silmsler had told you folks that in ---

18 MR. HALL: Yes.

19 MS. DALEY: --- '97? All right.

20 So, sir, my question for you then about this
21 interview, in part, is this. Certainly this interview
22 provided some evidence of contact that Dunlop is having
23 with OPP victims of MacDonald, right?

24 MR. HALL: Yes.

25 MS. DALEY: And it appears that there's some

1 active seeking out on his part of other potential victims
2 of MacDonald; correct?

3 MR. HALL: Yes.

4 MS. DALEY: And that he's telling both Mr.
5 Silmser and Mr. John MacDonald that the accused, Father
6 Charles, has been threatening them, right?

7 MR. HALL: Yes, yes.

8 MS. DALEY: And if that fact were true --
9 and that's a big if -- but if that were true that a threat
10 had been made, that would be probative, wouldn't it, in the
11 MacDonald case?

12 MR. HALL: Yes.

13 MS. DALEY: And if it's not true, in other
14 words no threat but Dunlop has nonetheless told the victims
15 that there was, that's also probative in the MacDonald
16 case, isn't it?

17 MR. HALL: Yes.

18 MS. DALEY: And would that not raise a
19 concern that Dunlop is in fact attempting to influence
20 complainants in the charge that's before the court? That's
21 the existing charge against Father Charles.

22 MR. HALL: It could, yes.

23 MS. DALEY: Right.

24 And do you know, sir, if this interview
25 report was disclosed ultimately to the defence in the

1 MacDonalld prosecution?

2 MR. HALL: I'm fairly certain it was but I
3 would need to see the index of the brief.

4 MS. DALEY: All right. You certainly
5 realize that it should have been; right?

6 MR. HALL: Yes.

7 MS. DALEY: And I'm not going to consume the
8 time to look at the brief index but we can do that later,
9 and if it's there it's going to be identified as such. If
10 it's not listed in the index then it was not given. Is
11 that how we can leave it?

12 MR. HALL: Yes, yeah.

13 MS. DALEY: All right.

14 MR. HALL: I would think so.

15 MS. DALEY: Now, given that the importance
16 of the information that you've learned from Mr. Silmser
17 here -- and I'm not talking simply about the fact of the
18 death threat but the circumstances, the fact that Dunlop is
19 telling other complainants about it, what I don't quite
20 understand is this: When you sit down with Dunlop after
21 this interview, the decision made -- and I guess it's
22 Officer Smith's decision but your notes reflect that what
23 Dunlop is told that he can go to Silmser and he can set him
24 straight. Do you remember that?

25 MR. HALL: Yes. We get in a bit of a heated

1 discussion about that in the meeting.

2 MS. DALEY: Right. Dunlop got angry when
3 you raised the issue about Silmser; right?

4 MR. HALL: Yes, he did.

5 MS. DALEY: And Smith dealt with it by
6 saying, "Mr. Dunlop, listen, calm down. You go set it
7 straight with him."

8 MR. HALL: Correct.

9 MS. DALEY: That's how it was left.

10 Does that suggest that Dunlop was to go back
11 to Silmser and get him to change his story about when the
12 death threats had been discussed?

13 MR. HALL: Well, I wouldn't say it changed
14 his story. I think they were supposed to confirm whether
15 in fact it took place or not, and then get back to me and
16 tell me which way it was.

17 MS. DALEY: Did you ever hear back?

18 MR. HALL: Yes, there's a note, but I didn't
19 get any information ---

20 MS. DALEY: In essence, what ---

21 MR. HALL: --- he just basically said they
22 cleared it up, if I recall from my notes.

23 MS. DALEY: In essence, what Smith is doing
24 is directing Dunlop to have further contact with Silmser
25 about a fairly material issue; no?

1 **MR. HALL:** Well, due to the situation that
2 presented itself in that meeting, yes.

3 **MS. DALEY:** All right.

4 **MR. HALL:** I think he was more inclined to
5 calm him down and -- you know.

6 **MS. DALEY:** Well, did you ever see any
7 subsequent notes of a subsequent -- or any notes of a
8 subsequent conversation between Dunlop and Silmser in which
9 Dunlop set him straight?

10 **MR. HALL:** No. No notes, no.

11 **MS. DALEY:** All right. And that would have
12 been disclosable, had it happened and had it been noted?

13 **MR. HALL:** Well, if he made a note of it.
14 He could have very well had a conversation with him.
15 That's a ---

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

17 All right, I'm going to move to another
18 topic in a moment, but can we just conclude on this point?
19 Are we agreed that there was an inability to control the
20 actions of Officer Dunlop in relation to Project Truth
21 matters?

22 **MR. HALL:** I would agree with that.

23 **MS. DALEY:** And are we agreed that that
24 inability affected both the -- or certainly affected a
25 number of Project Truth charges; correct?

1 **MR. HALL:** Yes.

2 **MS. DALEY:** And you think that there was a
3 direct connection between that inability to control Dunlop
4 and the failure of some of those charges?

5 **MR. HALL:** Yes.

6 **MS. DALEY:** And would you also agree that
7 the inability to control Dunlop affected the CPS charges?

8 **MR. HALL:** It probably did but I -- yeah,
9 like I -- I wasn't familiar with all the complainants in
10 the Marcel Lalonde case, and just ---

11 **MS. DALEY:** You can see ---

12 **MR. HALL:** --- dealing with C-8 would have
13 been enough.

14 **MS. DALEY:** All right. You can see
15 certainly the potential for them to have been an ---

16 **MR. HALL:** Yes.

17 **MS. DALEY:** --- for there to have been an
18 impact.

19 **MR. HALL:** Yes.

20 **MS. DALEY:** And one of the things I just
21 wanted to get straight with you before we take our morning
22 break is this: You remember at the very end of the piece,
23 when all is said and done, there are almost no Project
24 Truth charges that have succeeded. In other words, they've
25 either resulted in acquittals, they've been withdrawn or

1 there have been stays; correct?

2 **MR. HALL:** Well, not in Ontario.

3 **MS. DALEY:** Right.

4 **MR. HALL:** And ---

5 **MS. DALEY:** Am I right, sir, that the one
6 set of charges that was laid under the Project Truth banner
7 that did succeed were those against Jean-Luc Leblanc?

8 **MR. HALL:** Yes.

9 **MS. DALEY:** And, as far as you're aware,
10 Dunlop had no interest in that case and had nothing to do
11 with any complainants?

12 **MR. HALL:** Mr. Dunlop had anything to do
13 with complainants?

14 **MS. DALEY:** Yes.

15 **MR. HALL:** Yes, he met one of them, who was
16 also a victim of Malcolm MacDonald. He met him in the mall
17 at the shopping centre here and had a discussion with him
18 one day, because he had knew him because he taught him the
19 VIP program in the school ---

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

21 **MR. HALL:** --- if I recall.

22 **MS. DALEY:** And do you know whether or not
23 the charge that was laid at the instance of that
24 individual, that complainant, succeeded or failed?

25 **MR. HALL:** Yeah, Mr. Leblanc pled guilty to

1 it.

2 MS. DALEY: All right, there was a guilty
3 plea?

4 MR. HALL: Yes.

5 MS. DALEY: Right.

6 Why don't we take our break and I'll finish
7 when we come back?

8 THE COMMISSIONER: Sure.

9 THE REGISTRAR: Order; all rise. À l'ordre.
10 Veuillez vous lever.

11 This hearing will resume at 11:20 a.m.

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

13 L'audience est suspendue à 11h02

14 --- Upon resuming at 11:22 a.m./

15 L'audience est reprise à 11h22

16 THE REGISTRAR: This hearing is now resumed.

17 Please be seated. Veuillez vous asseoir.

18 THE COMMISSIONER: Thank you. Ms. Daley.

19 PATRICK HALL, Resumed/Sous le même serment:

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

21 MS. DALEY (cont'd/suite):

22 MS. DALEY: Are you all right for water and
23 anything you might need there, sir?

24 MR. HALL: Yeah, I'm fine.

25 MS. DALEY: All right.

1 Moving to a slightly different area, I want
2 to talk about -- I guess it's a variation on a theme
3 because it still involves Officer Dunlop and the issues
4 that presented themselves, but let me come at it this way.

5 You've already spoken in your testimony in-
6 chief, and we don't need to go back in any depth, but this
7 -- your project started off with the Fantino brief, which
8 encompassed an amended Statement of Claim that -- in which
9 Perry Dunlop was the plaintiff; correct?

10 **MR. HALL:** Yes.

11 **MS. DALEY:** And you certainly were aware
12 that in that amended -- in that claim he was personally
13 suing his present -- sorry, some of his present commanding
14 officers at the Cornwall Police. He had sued Acting Chief
15 Johnston. He had sued Detective -- sorry, Acting Chief
16 Johnston; he had sued the Deputy Chief, which was Mr. St.
17 Denis; he had sued Inspector Trew, all of whom had been
18 commanding officers at Cornwall Police; correct?

19 **MR. HALL:** Yes.

20 **MS. DALEY:** And his allegations against
21 these men were that they had essentially intentionally
22 protected criminal conduct by preventing a proper
23 investigation of Mr. Silmsler's complaint; right?

24 **MR. HALL:** Yes.

25 **MS. DALEY:** And you made a point of telling

1 us in-chief that I think what you'd done is you'd added up
2 all the numbers in that claim and you had appreciated that
3 the monetary amount he was claiming was \$70 million; right?

4 MR. HALL: Approximately around that area.

5 MS. DALEY: Approximately.

6 MR. HALL: Yeah.

7 MS. DALEY: And I take it, sir -- did you
8 know Chief Johnston and Deputy Chief St. Denis and
9 Inspector Trew? You knew these men?

10 MR. HALL: I knew Inspector Trew because of
11 an investigation I was conducting here prior to Project
12 Truth starting.

13 MS. DALEY: Right.

14 MR. HALL: I may have had a meeting with
15 Chief Repa in regards to that investigation, but the
16 others, other than Sergeant Claude Lortie, I did not know.

17 MS. DALEY: All right. But Inspector Trew,
18 certainly you knew him.

19 MR. HALL: Yes.

20 MS. DALEY: And I'm going to assume that you
21 found him to be an officer of integrity?

22 MR. HALL: Yes, I did.

23 MS. DALEY: And I take it, sir, in your mind
24 there was no realistic probability that he had been
25 involved in corrupt practices?

1 **MR. HALL:** Well, if my recollection serves
2 me, he was on off on sick leave in the period of time I
3 think ---

4 **THE COMMISSIONER:** Mr. Callaghan.

5 **MR. CALLAGHAN:** I think we need to correct
6 the record. Officer Trew was never sued. So if you're
7 assuming he started the claim and then went to Officer
8 Trew; he was not sued.

9 **MS. DALEY:** If we could just have -- if I'm
10 wrong I'll stand corrected. I think it's 672 is the
11 amended claim. I just want to look at the Title of
12 Proceeding on 672. If I'm wrong, I'm wrong.

13 In any event, sir, you did appreciate that
14 his suit was aimed at some -- not just his own Force but
15 some of the senior commanding officers in his Force?

16 **MR. HALL:** I don't recall him -- anything
17 where he was sued personally, and I think, initially he was
18 my contact person because he had no involvement.

19 **MS. DALEY:** All right. So then I stand
20 corrected. I made an error. But you see that he has sued
21 his Force and he's sued some senior officers in his Force?

22 **MR. HALL:** A Bates page you're referring to
23 or ---

24 **MS. DALEY:** Title of Proceeding. The very
25 first sheet of that page ---

1 MR. HALL: Yes.

2 MS. DALEY: --- should give you the names.

3 MR. HALL: Yes.

4 MS. DALEY: So he has sued a former chief,
5 and that's Mr. Shaver. He sued Carl Johnston, who also
6 occupied the role of chief.

7 MR. HALL: Yes.

8 MS. DALEY: The mistake I made was I was
9 mixing up Trew and Wells. He sues Officer Wells, right?

10 MR. HALL: Yes.

11 MS. DALEY: And I take it you knew Officer
12 Wells?

13 MR. HALL: No.

14 MS. DALEY: But you -- did you know him to
15 be a senior officer on the Force?

16 MR. HALL: Yes, I interviewed him.

17 MS. DALEY: All right.

18 And he also has sued Mr. St. Denis
19 personally, and that was the Deputy Chief?

20 MR. HALL: Yes.

21 MS. DALEY: And the premise of him suing
22 those individuals is essentially they had prevented an
23 appropriate investigation of Mr. Silmser's complaint and
24 they were trying to cover up a paedophile ring -- that's
25 the gist of what he said?

1 **MR. HALL:** I believe that's the allegation,
2 yes.

3 **MS. DALEY:** Precisely. And all I want to
4 know about from you, sir, is when you thought about that,
5 did you think there was any real live possibility that
6 those officers had, in fact, been corrupt and done the
7 things that Mr. Dunlop alleged?

8 **MR. HALL:** No.

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

10 And if I ask you to go back to the very
11 first meeting in which you and Smith and others are meeting
12 with the Crown and Project Truth is being born, if you
13 will; in that context the decision made is that all of
14 Dunlop's allegations will be investigated; correct, sir?

15 **MR. HALL:** Correct.

16 **MS. DALEY:** Now, do you recollect whether at
17 that meeting either yourself or Smith or anyone else put
18 their hand in the air and said, "Excuse me, Mr. Crown, but
19 the allegations of corruption on his own Force, we just
20 don't think those are plausible"?

21 **MR. HALL:** No, no one said that.

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

23 Is there a reason why not?

24 **MR. HALL:** Well, at that particular time --
25 and I believe we're talking about the 24th of April of '97 -

1 - I had very little knowledge of what had even transpired.
2 Even this document I can't say for certain I'd even had
3 read it at that particular time.

4 **MS. DALEY:** All right.

5 **MR. HALL:** I basically was there at the
6 request of Detective Inspector Smith and I had little
7 input.

8 **MS. DALEY:** Fair enough, sir.

9 Let's not limit it to the very first
10 meeting. After the project is formed and while you're in
11 your initial stages of deciding how you're going to plan
12 it, how you're going to do the work, were you ever present
13 for a conversation in which yourself or Smith or anyone
14 else said to a Crown, "Listen, we don't believe for a
15 minute that the senior officers of the Cornwall Force are
16 involved in the criminal activity that Dunlop alleges"?

17 **MR. HALL:** No, because we didn't have a
18 Crown at that point and I didn't do the conspiracy
19 investigation till some time later and there was no
20 discussions whatsoever.

21 **MS. DALEY:** Let me also just get you to
22 confirm that the civil action that Dunlop brought also
23 pleaded and relied upon the death threats?

24 If you want to look at that it should be
25 paragraph 92 of the document, sir, somewhere around there.

1 **MR. HALL:** I wouldn't disagree.

2 **MS. DALEY:** You have a recollection he's
3 pleading the death threats as part of his civil action?

4 **MR. HALL:** He states in 92 -- states that:

5 "The death threats were uttered
6 against the victims or about the 24th of
7 November '93 by Father Charles
8 MacDonald and Ken Seguin."

9 **MS. DALEY:** Right. So that's an element of
10 his claim, the death threats?

11 **MR. HALL:** Yes.

12 **MS. DALEY:** And another element of his claim
13 is the allegation that a clan of paedophiles exist in
14 Cornwall, right?

15 **MR. HALL:** Yes.

16 **MS. DALEY:** And a further element of his
17 claim is of course that there was a VIP meeting of some
18 sort prior to the Silmsler settlement in which all of these
19 matters were covered up?

20 **MR. HALL:** Yes.

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

22 Now, let me just step back for a second.
23 Had you ever been involved in a situation in which an
24 officer such as Dunlop has made allegations of this nature
25 against his own Force in a civil claim?

1 **MR. HALL:** No.

2 **MS. DALEY:** And does it follow from the fact
3 that he did -- that his own Force was going to have great
4 difficulty obtaining his cooperation?

5 **MR. HALL:** Well, I think you could conclude
6 that, yes.

7 **MS. DALEY:** All right.

8 And did you draw an inference, sir, from
9 this situation -- did you draw perhaps the following
10 inference or did this occur to you, that the death threat
11 allegation, the clan allegation, the conspiracy allegation
12 all are elements of Mr. Dunlop's civil claim; correct?

13 **MR. HALL:** Yes.

14 **MS. DALEY:** And your Force is being asked to
15 use its resources to investigate those allegations;
16 correct?

17 **MR. HALL:** Yes.

18 **MS. DALEY:** Did it ever occur to you that
19 effectively what you would be doing would be obtaining
20 evidence, if there was any, to support Mr. Dunlop's civil
21 action?

22 **MR. HALL:** Well, if we were successful in
23 obtaining evidence that would lead to a charge and there
24 was a conviction it would be no different than an alleged
25 victim going through the court process and using his

1 statements for Criminal Injuries Compensation Board. I
2 mean ---

3 **MS. DALEY:** But in this situation the cart
4 and the horse are in different places. Dunlop has made the
5 allegation, right?

6 **MR. HALL:** Yes.

7 **MS. DALEY:** And then it is tasked to your
8 Force essentially to do an investigation on those
9 allegations?

10 **MR. HALL:** Well, I'm not -- I don't believe
11 at any point I was concerned with any of the civil matters.
12 My mandate was to investigate criminal matters and that's
13 what I was doing.

14 **MS. DALEY:** Fair enough.

15 Did it occur to you that by chasing down the
16 death threat allegation for instance, which you did, you
17 were potentially assisting the Dunlops in proving their
18 case, should there have been evidence of a death threat?

19 **MR. HALL:** I don't think that was a
20 conscious thing in my mind at the time.

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

22 **MR. HALL:** Like I say, I'm doing criminal.

23 **MS. DALEY:** That's not something you thought
24 about?

25 **MR. HALL:** No. No.

1 **MS. DALEY:** All right.

2 Now, sir ---

3 **MR. HALL:** And I never really knew what
4 stage these proceedings were. I never really followed the
5 civil matters up.

6 **MS. DALEY:** Did you get the impression at
7 all in speaking with Mrs. Dunlop about the death threats
8 that in part she was -- and she kept on you and on you and
9 on you about the death threats; right, sir?

10 **MR. HALL:** Yes.

11 **MS. DALEY:** And did you ever get the
12 impression that she was doing that because it was helpful
13 in her husband's civil claim?

14 **MR. HALL:** Well, I think our whole
15 investigation, their view would have been helpful in their
16 matters, because in the meeting of the 5th of January, 6th of
17 January '99 when I'm explaining Mr. Pelletier's decision
18 not to proceed with charges, they were inquiring from me
19 how long it was going to take to conclude and I said
20 "Probably a year" and Mr. Dunlop said "Well, we can't wait
21 that long."

22 **MS. DALEY:** That's exactly the comment I was
23 thinking about. So did it occur to you that they're
24 saying, "I don't want to wait that long..."

25 **MR. HALL:** Well, ---

1 **MS. DALEY:** "...because it's inconvenient in
2 my civil suit"?

3 **MR. HALL:** It certainly crossed my mind on
4 many occasions. Mr. Dunlop was interested in charges
5 basically to verify what they were saying. He was
6 interested in charges. As far as convictions, I'm not -- I
7 don't believe he really cared if they were convicted or
8 not, because once the charges were laid he'd basically
9 stated his case. I think that was probably one of the
10 reasons why we never received the disclosure we did because
11 he didn't really care. That's my view. I mean, I may be
12 wrong but that's what I felt.

13 **MS. DALEY:** Help me understand what you've
14 just said. Just spell it out a little bit further.

15 **MR. HALL:** Okay. Mr. Dunlop makes
16 allegations against several people. We investigate. We
17 lay charges. And at the point the charges were laid he can
18 say "Yeah, charges are here now. I was right in what I
19 said." Whether they're ever convicted or not I don't think
20 was a major concern of his.

21 **MS. DALEY:** Now, when you say "charges" are
22 you referring to charges relative to historic sexual abuse
23 matters?

24 **MR. HALL:** Yes.

25 **MS. DALEY:** All right.

1 **MR. HALL:** The information he provided in
2 his material.

3 **MS. DALEY:** All right.

4 So the laying of charges validated his
5 position, and your thought was he doesn't care about the
6 convictions?

7 **MR. HALL:** Well, he's a police officer of 14
8 years; he's very experienced; he's well thought of; he's a
9 member of CISO, and you know, I can't -- understood for the
10 life of me why he wouldn't want to give us his disclosure,
11 because he knew that was effective and we needed that ---

12 **MS. DALEY:** Precisely.

13 **MR. HALL:** --- to get convictions.

14 **MS. DALEY:** So you came up with a working
15 theory of what his motivation was?

16 **MR. HALL:** Well, due to what he was telling
17 me and his actions over the period of time I dealt with him
18 I come to that conclusion. I'm sure he wanted them
19 convicted as well but I don't think it was a priority. The
20 priority was getting the charges laid.

21 **MS. DALEY:** And is that because ---

22 **MR. HALL:** Even in the same meeting when
23 he's saying,

24 "Arrest the people in this building,
25 arrest these police officers, arrest

1 C-8?

2 MR. HALL: Yes.

3 MS. DALEY: And indeed, there is some
4 indication that that allegation had been made to Mr. Dunlop
5 as well, that his informant if you will, Mr. Leroux, could
6 also be an abuser of a young man; right?

7 MR. HALL: Yes.

8 MS. DALEY: The Dunlop materials would
9 reveal that Dunlop was aware of that allegation as well;
10 correct?

11 MR. HALL: Yes.

12 MS. DALEY: But it appears though that Mr.
13 Leroux was Dunlop's inside man, if you know what I mean?
14 In other words, Dunlop is relying on Leroux as an informant
15 about clan activities.

16 MR. HALL: Yes.

17 MS. DALEY: Correct? Did it trouble you
18 that Mr. Leroux was a potential abuser in addition to being
19 Mr. Dunlop's source of this information?

20 MR. HALL: Yes, he was also a witness in
21 some matters.

22 MS. DALEY: Fair enough. Was there ever any
23 investigation conducted into Mr. Leroux's status as a
24 potential abuser?

25 MR. HALL: Yes, a court brief was provided

1 and a legal opinion obtained.

2 **MS. DALEY:** Okay. And that was based upon
3 Mr. C-8's information?

4 **MR. HALL:** Yes.

5 **MS. DALEY:** Okay, thank you.

6 It would appear that that's not something
7 that Mr. Dunlop -- sorry, let me come at it a different
8 way. Dunlop was giving full faith and credit to Mr.
9 Leroux, notwithstanding an allegation that he himself, i.e.
10 Leroux, could have been an abuser?

11 **MR. HALL:** Yes.

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

13 Now, sir, I want to just talk to you very,
14 very briefly because you've given a lot of evidence already
15 and I think it's fairly clear to us. But just a few
16 questions about this, the paedophile ring allegation; all
17 right?

18 **MR. HALL:** Yes.

19 **MS. DALEY:** And what I'm not -- what I'd
20 like to hear from you about is this; it's obvious in the
21 evidence you have given that you had a difficulty in your
22 own mind with that concept; in other words, it's a vague
23 concept; right?

24 **MR. HALL:** Yes.

25 **MS. DALEY:** Was the existence of a

1 paedophile ring in Cornwall a reasonable premise for a
2 police investigation in your view, sir?

3 **MR. HALL:** Well, it was part of the
4 allegations.

5 **MS. DALEY:** I appreciate that. I understand
6 that.

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

8 **MS. DALEY:** But just from a policing point
9 of view, set aside that Dunlop has made this allegation.

10 **MR. HALL:** Well ---

11 **MS. DALEY:** Is that a reasonable thing that
12 one can investigate as a police officer?

13 **MR. HALL:** Well, you try to investigate it
14 as a police officer and I think that was one of the things
15 we would have liked -- well, we covered it. But I mean
16 with all the media attention that was a focal point;
17 there's a paedophile ring in Cornwall? And that was one of
18 our mandates to try and either dispel that or evidence that
19 there was one.

20 **MS. DALEY:** I guess one of the difficulties,
21 as you yourself said, is, "What's a ring? How do I know it
22 if I see it," right?

23 **MR. HALL:** Exactly.

24 **MS. DALEY:** And that would have made ---

25 **MR. HALL:** And the evidence you need to show

1 it as a ring.

2 MS. DALEY: Correct. And that would have
3 made it a very difficult thing to investigate?

4 MR. HALL: Well, it was. I mean, we're
5 dealing with historic sexual assaults. I mean, when you
6 look at the Marleau investigation, his allegations took
7 place between '64 and '68. We're now in '97. I mean, you
8 know, somebody could ask, "Well, why didn't you do
9 surveillance or something?" I mean, the perpetrators were
10 already retired and they were in retirement houses at this
11 point.

12 MS. DALEY: Sir, to take you back just for a
13 second to the comments you made in one of your previous
14 answers about the media, I take it that it was recognized
15 to be important to try to tell this town in a reliable way
16 either that there was no paedophile ring or indeed there is
17 and we're going to deal with it. It was important to get
18 closure on that, right?

19 MR. HALL: Yes.

20 MS. DALEY: And that's because there had
21 been many, many years of media hype, for want of a better
22 word, about the existence of a ring of paedophiles in this
23 town?

24 MR. HALL: I think Mr. Guzzo was a proponent
25 of that very loudly and I think people would believe that a

1 person of his stature, being a lawyer, being a former judge
2 and a member of the parliament and a member of the
3 government even though he acted as an opposition member, in
4 my view, that people would believe him if he's saying these
5 things. Like I can recall police officers I had worked
6 with who had retired coming to me and saying: "Did you
7 really destroy evidence? You do illegal search warrants?"

8 **MS. DALEY:** I understand.

9 **MR. HALL:** I mean, it got to that point
10 where people were really wondering.

11 **MS. DALEY:** So you can well appreciate why
12 members in the community were very upset and worried about
13 the allegation of a possible ring?

14 **MR. HALL:** Yes.

15 **MS. DALEY:** And I take it that in part your
16 mandate was to deal with that worry, to either put an end
17 to it once and for all or to validate it in some way?

18 **MR. HALL:** Yes.

19 **MS. DALEY:** And if I've understood your
20 evidence -- I think you gave this evidence yesterday to Mr.
21 Engelmann -- that in your mind at least in order to be able
22 to investigate a possible ring of wrongdoers, paedophiles,
23 you had to have as your starting point at least two
24 convictions of people who were involved in this type of
25 sexual activity, two if not more.

1 **MR. HALL:** Yes.

2 **MS. DALEY:** And I don't know if you will
3 recognize the words I'm going to use but I want to say that
4 that would be a condition precedent to starting an
5 investigation; in other words, unless you had two -- at
6 least two, if not more, verified abusers, i.e. convicted
7 men ---

8 **MR. HALL:** Yes.

9 **MS. DALEY:** --- you couldn't start really
10 investigating the ring idea. Are we agreed?

11 **MR. HALL:** Well, it wouldn't be prudent to
12 do it, I didn't have the resources. I mean, the end would
13 be futile if you didn't have the convictions.

14 **MS. DALEY:** Right, right. So from your mind
15 at least, to the extent that this was part of the Project
16 Truth mandate, it couldn't start until such time as there
17 were at least two convictions on these charges?

18 **MR. HALL:** Well, my mandate was to find
19 evidence and that's the course I would take.

20 **MS. DALEY:** All I'm -- yeah, that's all I'm
21 asking you for. Your mandate is to find evidence and in
22 your mind it makes no sense to start looking for evidence
23 unless and until you have at least two people who have been
24 convicted of these offences?

25 **MR. HALL:** Yes.

1 **MS. DALEY:** Now, I take it, sir, that by the
2 time Officer Smith retired and you became the manager of
3 Project Truth, that condition didn't exist because there
4 had certainly been no convictions of any alleged abusers,
5 right?

6 **MR. HALL:** True.

7 **MS. DALEY:** And in fact, I don't know if you
8 can help me, the one alleged abuser who pleaded guilty as
9 you mentioned, that's Mr. Lalonde, that doesn't happen
10 until ---

11 **THE COMMISSIONER:** Sorry, I don't think he
12 pleaded guilty. I think he was found guilty.

13 **MS. DALEY:** I'm sorry, found guilty.
14 That conviction didn't occur until sometime
15 in the year 2001?

16 **MR. HALL:** Yes.

17 **MS. DALEY:** So he would have been at least
18 one potential person you could look at as a member of a
19 ring if you had other people convicted of that offence?

20 **MR. HALL:** Are you referring to Mr. Lalonde?

21 **MS. DALEY:** Correct.

22 **MR. HALL:** Well, he wasn't a Project Truth
23 matter. I mean, the Cornwall Police could have looked at
24 it from that perspective.

25 **MS. DALEY:** All right.

1 So your thinking is that Lalonde's
2 conviction is something that Cornwall could have looked at
3 if there were other convicted men?

4 **MR. HALL:** Yes.

5 **MS. DALEY:** And you could try to examine the
6 existence of a ring that way but it required the actual
7 conviction before you could start it, right?

8 **MR. HALL:** Yes.

9 **MS. DALEY:** Now, sir, I just want to take
10 you to one or two media pieces that deal with this.

11 The first thing I'd like you to look at --
12 and it's better to do this on the screen because it's a bit
13 difficult -- Exhibit 2516. And that is a newspaper article
14 that came out when the first set of your Project Truth
15 charges were laid on July 9th, 1998.

16 So Madam Clerk will put that on the screen
17 for us.

18 **MR. HALL:** I believe our first charges were
19 in January of '98 -- 26th of January '98.

20 **MS. DALEY:** Sorry, I'm referring to the non-
21 Charles MacDonald charges.

22 **MR. HALL:** Okay.

23 **MS. DALEY:** I'm referring to the individuals
24 that were charged as a result of Mr. Marleau's allegations
25 and the other individual.

1 **MR. HALL:** Fair enough.

2 **MS. DALEY:** Two five one six (2516) it
3 should be.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MS. DALEY:** Madam Clerk, I'm going to be
6 interested in the second column looking from the left. I
7 think that's where it's found. Go to the bottom of that
8 column, and we're quoting Carson Fougère. Do you see that?

9 **MR. HALL:** Yes.

10 **MS. DALEY:** So this is -- I guess he's a
11 superintendent Fougère?

12 **MR. HALL:** Yes.

13 **MS. DALEY:** Commenting on the charges that
14 are laid in July of 1998; correct, sir?

15 **MR. HALL:** Yes.

16 **MS. DALEY:** And what he's saying at that
17 time is that these people are linked with the Catholic
18 Church, some of them -- I'm sorry, I'm just kind of waiting
19 for -- I don't have a hardcopy to look at myself. They're
20 friends. They've been friends since birth. They have
21 other links to each other beyond their Catholicism. You
22 see all of that.

23 So this is information that Fougère is
24 putting on the public record in the summer of 1998. Do you
25 see that, sir?

1 **MR. HALL:** Yes. If he's quoted correctly,
2 yes.

3 **MS. DALEY:** Right.
4 He's been here and he's testified about
5 this.

6 **MR. HALL:** Yes.

7 **MS. DALEY:** Were you aware that that
8 information had been put forward to the public at this
9 time, sir?

10 **MR. HALL:** I probably would have been. I
11 probably would have read the article at the time.

12 **MS. DALEY:** Was that factually correct based
13 on your knowledge of these charges?

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

15 **MS. DALEY:** Just the quote from Mr. Fougère
16 that these people are associated one with the other for a
17 very long time and ---

18 **MR. HALL:** Well, I think he -- I think the
19 assumption would be that the priests would know of each
20 other. They're part of the Church. Now, he wouldn't have
21 had direct knowledge of, for instance, that one introduced
22 -- for instance, Sandy Lawrence introduced Mr. Marleau to
23 Peachey and that was the only connection. He wouldn't have
24 intimate knowledge of the connection.

25 **MS. DALEY:** And he doesn't say that.

1 **MR. HALL:** No.

2 **MS. DALEY:** He just says they're all
3 connected one to the other.

4 **MR. HALL:** Yes.

5 **MS. DALEY:** My only question for you, sir,
6 was that factually right?

7 **MR. HALL:** No, based on my evidence
8 yesterday, I think I explained how the Marleau cases, they
9 didn't know each other.

10 **MS. DALEY:** Were you spoken to by the media
11 person or anyone else in relation to this press conference
12 or that statement?

13 **MR. HALL:** No. I had absolutely nothing to
14 do with this press conference. I had no involvement
15 whatsoever.

16 **MS. DALEY:** I presume from your perspective
17 as the person who was directly involved in the
18 investigation, you would not have wished to have seen that
19 said because it wasn't factually correct?

20 **MR. HALL:** Well, that's what he said.

21 **MS. DALEY:** Right.

22 Now, can you please look with me at Exhibit
23 2524? And that is Document 121104. And while Madam Clerk
24 is finding it for you, I'm just going to try to move things
25 along by telling you this is the article that Michael

1 Harris wrote that you spoke about here ---

2 MR. HALL: Yes.

3 MS. DALEY: --- I think earlier on.

4 MR. HALL: Yes.

5 MS. DALEY: And just to situate you time-
6 wise, this is the article that coincides with Smith's
7 retirement and you're taking over the project, more or
8 less?

9 MR. HALL: Yes, this is shortly after Mr.
10 Guzzo's articles in the Ottawa Sun.

11 MS. DALEY: Correct.

12 And one of the reasons why I think you
13 suggested it was important that the OPP speak to Mr. Harris
14 about this is to try to rectify errors in the Guzzo
15 position and to be able to lay out your own position as to
16 what you're doing and how; correct?

17 MR. HALL: Yes.

18 MS. DALEY: Now, would you please look at
19 Bates 313?

20 And, Madam Clerk, I'm going to be focusing
21 on the fifth and sixth full paragraph. So we'll just let
22 the witness have a look at that.

23 (SHORT PAUSE/COURTE PAUSE)

24 MS. DALEY: Sir, I understood that you were
25 present when the interview occurred. Is that correct?

1 **MR. HALL:** Yes.

2 **MS. DALEY:** And is the quote attributed to
3 Inspector Smith correct? Is that what he said?

4 **MR. HALL:** I wouldn't disagree with it, no.

5 **MS. DALEY:** All right.

6 Now, just a few questions about this
7 information that's being put forward in April of '99.
8 First of all, it starts by saying:

9 "After investigating the case for five
10 years, Smith is not convinced that
11 there ever was a paedophile clan."

12 Stopping there, the five years spans 1994
13 through 1999; correct?

14 **MR. HALL:** Yes.

15 **MS. DALEY:** So we're going back prior to
16 Project Truth and Smith is talking about his 1994
17 investigation of the clan and the so-called conspiracy;
18 right?

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

20 **MS. DALEY:** And he's saying that based on
21 that, he was not convinced that there ever was a paedophile
22 clan in Cornwall of the sort that Dunlop and others talk
23 about; right?

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

25 **MS. DALEY:** And he then says in the second

1 direct quote:

2 "There is no evidence of a group or
3 clan of active paedophiles operating
4 today."

5 There's a further sentence, and then he
6 says:

7 "Only five of the accused to date know
8 each other."

9 He says -- on top of that, he says:

10 "There is no evidence of common
11 victims."

12 Do you see that?

13 **MR. HALL:** Yes.

14 **MS. DALEY:** But that was not factually
15 correct, was it, sir? There were common victims amongst a
16 number of the charges that you laid?

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

18 **MS. DALEY:** So that was -- to the extent
19 that the public is being told in 1999 that there's no
20 evidence of common victims, that's not right?

21 **MR. HALL:** Correct.

22 **MS. DALEY:** And these statements are being
23 made by Inspector Smith in 1999, long before there's even a
24 convicted abuser whom you could investigate as part of a
25 clan, right?

1 **MR. HALL:** Correct.

2 **MS. DALEY:** So naturally, that part of your
3 investigation hadn't happened at the time this statement
4 was made?

5 **MR. HALL:** Some interviews may have been
6 done, but certainly nothing of any magnitude, no.

7 **MS. DALEY:** Right.

8 You certainly wouldn't, under oath, say that
9 you'd investigated a clan by that time?

10 **MR. HALL:** No. No.

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

12 **MR. HALL:** And I wasn't involved in the
13 first investigation at all.

14 **MS. DALEY:** I understand.

15 Can I ask you to look at one more document
16 on this subject? It is -- and I think it's best that we
17 see it on the screen. It's another media piece. It would
18 be 701291.

19 **THE COMMISSIONER:** It's a new exhibit?

20 **MS. DALEY:** It is, yes. I think it's in the
21 cross documents, sir, not necessarily my own, but someone's
22 -- 701291. It may even have been in the original documents
23 that Commission counsel referred to. We'll provide copies.
24 I know I've seen a hardcopy somewhere. It's a one-page
25 document and we, I think, can see it best on the screen, in

1 any event.

2 (SHORT PAUSE/COURTE PAUSE)

3 THE COMMISSIONER: So what's the exhibit
4 number, Madam Clerk. Madam Clerk?

5 THE REGISTRAR: P-2833.

6 THE COMMISSIONER: Exhibit 2833 is a CBC
7 Radio 1 document dated February 21st -- Friday, 21st of May
8 1999 on the World Report with Maureen Brosnahan.

9 --- EXHIBIT NO./PIÈCE NO. P-2833:

10 (701291) - CBC Radio 1 Headline 'Cornwall
11 paedophile ring)' from Maureen Brosnahan
12 dated 21 May 99

13 MS. DALEY: I only have one or two questions
14 for you on this, sir. First of all, we notice that the
15 date of this publication is May 21, 1999, and you've
16 actually spoken about Maureen Brosnahan in your evidence.
17 You realize she was a radio reporter who had an interest in
18 the matter?

19 MR. HALL: I interviewed her, yes.

20 MS. DALEY: All right.

21 THE COMMISSIONER: You interviewed her?

22 MR. HALL: Yes, I did.

23 THE COMMISSIONER: Okay.

24 MS. DALEY: As opposed to vice versa.

25 MR. HALL: Well, everything was on the

1 record and her tape recorder was running.

2 MS. DALEY: Fair enough.

3 Just take a minute for me, if you will, and
4 all I want you to do is read up until the point where Mr.
5 Grasman is quoted.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. HALL: Yes.

8 MS. DALEY: And Mr. Grasman was the person
9 to whom you reported. Was he your immediate supervisor?

10 MR. HALL: He was a Deputy Director of
11 Criminal Investigation Branch.

12 MS. DALEY: All right.

13 And what has been -- what's being discussed
14 here is again the ring allegation; correct, sir? That
15 there is a ring and it's been operating here for a while.
16 Right? That's what she's interested in?

17 MR. HALL: Let's put it in context. This
18 was the preliminary hearing in the Marleau cases, and there
19 were several preliminary hearings being held at the same
20 time because he was in Costa Rica at the time. And there
21 was a publication ban on and ---

22 MS. DALEY: Right.

23 MR. HALL: --- what Ms. Brosnahan is
24 reporting is what Crown Attorney Alain Godin was saying to
25 the Court.

1 **MS. DALEY:** And he was saying that, in aid
2 of obtaining a ruling that the charges could be heard
3 together?

4 **MR. HALL:** He was trying to bring a
5 connection so they could all be heard together, yes.

6 **MS. DALEY:** I understand, okay. So it's in
7 that context that Mr. Grasman is approached for a quote and
8 what he says is:

9 "There is no evidence at all that there
10 was any type of organized ring or
11 common thread through any of this."

12 **MR. HALL:** Yes, key word "evidence".

13 **MS. DALEY:** Did I read that correctly?

14 Now, sir, again this is well before there
15 had been any convictions of anyone such that you could in
16 fact be investigating a ring; right?

17 **MR. HALL:** Well, at that point there was no
18 evidence, I think, is merely what he's saying.

19 **MS. DALEY:** All right. So you take it all
20 he's saying is that there is no evidence at this point
21 about a ring?

22 **MR. HALL:** Yes.

23 **MS. DALEY:** Okay.

24 If one is a member of the public who -- a
25 Cornwall resident who's worried about this whole issue of a

1 ring, could you not take what Grasman is saying to mean
2 there's no ring; stop worrying?

3 MR. HALL: Not knowing the circumstances and
4 what evidence we require to determine there's a ring, sure
5 they can conclude that.

6 MS. DALEY: Certainly it wouldn't be
7 unreasonable if a member of the public drew that inference
8 or conclusion from hearing this ---

9 MR. HALL: No, I wouldn't disagree.

10 MS. DALEY: --- interview?

11 All right. Moving to one last -- two more
12 topics and this is a very brief topic. I just want you to
13 think for a moment about the Project Truth website.
14 Remember we -- you talked about that in in-chief?

15 MR. HALL: Yes.

16 MS. DALEY: And all I need you to help us
17 with is this.

18 I take it, sir, that the operation of
19 Mr. Nadeau's website in your mind was a very, very negative
20 thing from the perspective of the Project Truth charges?

21 MR. HALL: Are you speaking about the first
22 or second or both?

23 MS. DALEY: Let's say both.

24 MR. HALL: Both, yes.

25 MS. DALEY: Both of them were negative;

1 correct?

2 MR. HALL: Yes.

3 MS. DALEY: And I take it, sir, that they
4 were negative for several reasons, one of which would be
5 that they, in your mind at least -- the idea that one's
6 personal intimate information could be on a website might
7 deter people from bringing allegations forward in the
8 appropriate way to the police.

9 MR. HALL: Definitely.

10 MS. DALEY: And the last thing you wanted to
11 do was deter complainants but the website had that effect.

12 MR. HALL: Yes.

13 MS. DALEY: And I take it another negative
14 effect of the website was -- arose within the Leduc matter
15 itself, and that is by disseminating this information very
16 broadly it made it difficult for the Crown to maintain a
17 jury as the trier of fact in Leduc.

18 MR. HALL: It had a definite effect on a
19 jury, yes.

20 MS. DALEY: Right. So the Crown -- now, we
21 know the charge didn't go forward for other reasons, but it
22 impaired the Crown's ability to maintain a jury trial?

23 MR. HALL: Yes.

24 MS. DALEY: And I think a third element of
25 the problem that the website caused you is Mr. Nadeau

1 seemed to be almost threatening one of your alleged
2 victims, and that's Mr. C-8, with posting his allegations
3 on the site, and that was a problem for C-8.

4 **MR. HALL:** The context of that threat was
5 Mr. Nadeau was organizing a class action law suit and he
6 wanted C-8 to be part of it, and C-8 ---

7 **MS. DALEY:** Right.

8 **MR. HALL:** --- wasn't too eager to be, and
9 he was threatened for that reason.

10 **MS. DALEY:** Right.

11 **MR. HALL:** We did an investigation on that
12 as well, and a brief and an opinion.

13 **MS. DALEY:** I understand.

14 But in terms of the impact on the charges,
15 that impacted Mr. C-8, who was an important witness in at
16 least one Project Truth charge, and we know he was also
17 involved in the Lalonde charges; right?

18 **MR. HALL:** Yes.

19 **MS. DALEY:** So that was another activity
20 that Nadeau had engaged in that was hurtful to your
21 objective.

22 **MR. HALL:** Correct.

23 **MS. DALEY:** Were there any other aspects of
24 these websites that you considered to be hurtful to your
25 objectives?

1 **MR. HALL:** Well, it was incorrect
2 information on them. For instance, the allegation that
3 Malcolm MacDonald had committed suicide, which wasn't true.
4 There was several other things that I corrected him on and
5 he removed them.

6 **MS. DALEY:** So the disseminating of
7 incorrect information also was a problem because that would
8 inflame the community, that would get the community
9 thinking ---

10 **MR. HALL:** Yeah.

11 **MS. DALEY:** --- incorrectly about the real
12 situation.

13 **MR. HALL:** Correct. And he received the
14 interview reports directly from Constable Dunlop that he
15 put on the website.

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

17 All right, so the Nadeau piece, the website,
18 is a good object lesson in why websites of that nature can
19 be detrimental to a community and detrimental to charges?

20 **MR. HALL:** Detrimental to people.

21 **MS. DALEY:** Because he named many, many
22 people who were not suspected pedophiles; correct?

23 **MR. HALL:** Yes.

24 **MS. DALEY:** And that was hurtful to them.

25 **MR. HALL:** Well, certainly. Once that goes

1 on the worldwide web, allegations against somebody, people
2 could just read it once and they don't read whatever
3 happened -- whether there was or wasn't. They got that
4 impression in their mind.

5 **MS. DALEY:** Did you ever in your own mind --
6 and I'm not saying you needed to, because it wasn't your
7 job, but did you ever form any conclusions as to why this
8 had happened; why the Nadeau website was out there?

9 **MR. HALL:** Well, I had great compassion for
10 Mr. Nadeau -- Mr. Nadeau when he first dealt with Constable
11 Genier, and the suspect in his case was deceased and he was
12 on a bit of a mission and he wanted to -- I mean even after
13 I retired I developed a very good relationship with him. I
14 gave him my home phone number. He called me -- he called
15 me after I retired and, quite frankly, what he was after me
16 for was the names of the members of the clergy who had been
17 deceased. He was interested in that and I wouldn't give it
18 to him, and I didn't, so we agreed to disagree on several
19 things.

20 Then even up until 2006 -- I mean he passed
21 away in -- couple of weeks before I got home. I called his
22 wife after and offered my condolences. I mean I had great
23 compassion for the man, and he believed what he was doing
24 was right and, you know, he just took it too far.

25 **MS. DALEY:** Does it remind you a little bit

1 about Officer Dunlop, who may also have believed what he
2 was doing was right but unfortunately ---

3 MR. HALL: There's no doubt he believed.

4 MS. DALEY: --- it had a bad impact on what
5 you were trying to do.

6 MR. HALL: The train went off the rails.

7 MS. DALEY: Fair enough.

8 Final topic, and I'm going to be very, very
9 brief with you about this because you've given much
10 evidence about your conflict with Ms. Hallett in Leduc. My
11 question is this.

12 Obviously you believe, and you've testified
13 here, that what you did in handing over the document to the
14 Crown directly -- you thought that was justified. And if
15 I've understood you correctly, you felt that that was
16 justified for two reasons. First reason, you believed that
17 she had lied to defence counsel in your presence; correct?

18 MR. HALL: I would say the primary reason I
19 turned it over to defence counsel, because I was going to
20 be questioned under oath the next morning and I wasn't
21 going to lie in either cases.

22 MS. DALEY: And you turned it over without
23 letting her know about it because you thought she'd been
24 deceitful with them on February 7th, '01?

25 MR. HALL: Well, it was her decision to

1 disclose it in the first place. She already had it for at
2 least two weeks at this point, so I didn't know what she
3 did with it. We had met many times in the course of
4 answering defence counsel's disclosures. She was at her
5 office and she never once asked me, "What did you want me
6 to do with this? Why did you give it to me?" and I didn't
7 broach the subject, and I think I mentioned the reasons why
8 earlier on.

9 MS. DALEY: Right.

10 MR. HALL: And I didn't involve my officers
11 in any discussions.

12 MS. DALEY: That's all -- all I'm interested
13 in is what, in your mind, justified your act in handing it
14 over, and I take it one of the things that justified your
15 act in handing it over was you felt she'd lied to them on
16 February 7th ---

17 MR. HALL: Well, there was no doubt. When
18 we received the first memorandum from defence counsel dated
19 the 12th of February, there was no doubt in their mind --
20 and they were asking for this type of material.

21 MS. DALEY: All I care about is Mr. Hall's
22 mind. So in your mind, handing the document to them
23 directly, without vetting it through her, is the
24 appropriate thing to do because you think she's lied to
25 them on February 7th, '01. Fair?

1 MR. HALL: I don't think; I know she has.

2 MS. DALEY: Right. And ---

3 MR. HALL: And I'm going to be questioned
4 under oath.

5 MS. DALEY: Understood. And if you wish to
6 check the note, please do, but the fact that you believed
7 she'd lied, or knew she'd lied, is not outlined in your
8 personal note of that day, is it, sir?

9 MR. HALL: On -- are you referring to
10 February 20th?

11 MS. DALEY: February 7th is the meeting with
12 defence counsel where you ---

13 MR. HALL: February 7th, no, no.

14 MS. DALEY: It's not referred to. And if I
15 ---

16 MR. HALL: Well, if you look at my notes, we
17 went back and -- could I see my notes for February ---

18 MS. DALEY: Two seven five six (2756).

19 MR. HALL: Two seven ---

20 MS. DALEY: And you'll find that the entire
21 day, February 7, is at Bates 789.

22 (SHORT PAUSE/COURTE PAUSE)

23 MS. DALEY: And keep in mind I have a very,
24 very narrow question for you. And the question is this;
25 the notes you took of that meeting with defence do not

1 reflect that Ms. Hallett lied to them?

2 MR. HALL: Not in a meeting with defence
3 counsel ---

4 MS. DALEY: Right.

5 MR. HALL: --- but when we returned to the
6 room immediately after.

7 MS. DALEY: Yes. Your notes don't reflect
8 confronting Ms. Hallett about a lie. Am I right?

9 MR. HALL: No, I never did confront her is
10 why.

11 MS. DALEY: I understand that.

12 MR. HALL: No, I told her she had the
13 material and I told her the 27th of June 2000 when Mr.
14 Dunlop had delivered it.

15 MS. DALEY: I understand all of that.

16 MR. HALL: But if you go to when I was asked
17 by York Regional Police to give the details of what
18 happened, I outlined it quite clearly.

19 MS. DALEY: I understand that. Another
20 counsel will take you there.

21 MR. HALL: Okay.

22 MS. DALEY: I have a very limited interest
23 and that is to get you to acknowledge that your February 7,
24 '01 note does not reflect your belief that she had lied
25 directly to defence counsel.

1 **MR. HALL:** Well, I think when the fact I'm
2 indicating to you had all of this stuff, obviously she was
3 denying she did that by saying, "It's all news to me."

4 **MS. DALEY:** All right.

5 **MR. HALL:** I mean, that's how you can
6 interpret the way I wrote it. I didn't ---

7 **MS. DALEY:** You didn't say, "Ms. Hallett
8 lied in my presence"?

9 **MR. HALL:** No.

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

11 **MR. HALL:** No.

12 **MS. DALEY:** And I understood, sir, that
13 prior to this ---

14 **MR. HALL:** I didn't note that Ms. Hallett
15 lied.

16 **MS. DALEY:** Pardon me?

17 **MR. HALL:** I didn't note that Ms. Hallett
18 lied.

19 **MS. DALEY:** That's exactly what I thought
20 you would agree with, sir. And in a prior conversation --
21 sorry, let's backup.

22 You also told us that you didn't confront
23 Ms. Hallett about the lie because you had had some
24 information about her emotional state.

25 **MR. HALL:** Yes.

1 MS. DALEY: Correct?

2 MR. HALL: Yes, yes.

3 MS. DALEY: And that is information you say
4 came from Superintendent Lewis?

5 MR. HALL: Yes.

6 MS. DALEY: And again, your note ---

7 MR. HALL: And it also goes along the lines
8 that I have been requesting her to do the reviews for some
9 time and she just kept putting it off and putting it off
10 and ---

11 MS. DALEY: All right.

12 And so what happens on a day shortly before
13 February 1, Lewis tells you, "Listen, I've been told Mr.
14 Segal that Ms. Hallett has some emotional problems"?

15 MR. HALL: Yes.

16 MS. DALEY: All right.

17 But that ---

18 MR. HALL: They didn't want to push her.

19 MS. DALEY: That specific piece of
20 information is not in your note either; right?

21 MR. HALL: Well, I think I explained that
22 because Crown attorneys -- while Mr. McConnery had asked
23 for my notebook at one time to look at one of my
24 conversations I had with Mr. Guzzo. So it's not something
25 -- it would be rather embarrassing if Ms. Hallett was going

1 through my notes and seen that.

2 **MS. DALEY:** I appreciate. You've given us
3 an explanation for why you didn't note it.

4 **MR. HALL:** Yes.

5 **MS. DALEY:** But we are agreed that there is
6 no note that you've made reflecting that piece of
7 information about her emotional state?

8 **MR. HALL:** Well, no, I think you've got to
9 go back to who knew what and when. No one was -- no one
10 was going to believe what was going to happen on February
11 the 7th. I mean there wasn't a reason at that time for me
12 to put it in my notes, in my view.

13 **MS. DALEY:** We're in agreement, though, the
14 fact of that information coming to you on that date; it's
15 not noted?

16 **MR. HALL:** Yes.

17 **MS. DALEY:** Those are my questions. Thank
18 you.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Lee.

21 Is Mr. Horn here or -- I saw him wander in
22 but ---

23 **MR. LEE:** Mr. Horn is here somewhere, sir.
24 I don't know where he is at this exact moment. We've
25 agreed that it may be more efficient for me to go first and

1 try to cut down some of what he needs to do in cross.

2 THE COMMISSIONER: Terrific, thank you.

3 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

4 MR. LEE: Mr. Hall, my name is Dallas Lee.
5 I'm counsel of The Victims Group.

6 MR. HALL: Yes.

7 MR. LEE: I have a number of areas I'd like
8 to canvass with you, and I'll try to move through it as
9 quickly as I can.

10 I'd like to start by asking you to grab the
11 moniker list, please, and take a look at C-9.

12 MR. HALL: Yes.

13 MR. LEE: Okay. Do you recognize that name?

14 MR. HALL: Yes.

15 MR. LEE: And if I can take you to your
16 notes, please, at Exhibit 2744?

17 MR. HALL: Yes.

18 MR. LEE: And can we go to Bates page ending
19 519, please?

20 MR. HALL: Yes.

21 MR. LEE: Do you have that there? So you
22 have a large redaction for most of the page and then at the
23 bottom you have, "Call to Racine and C-9." Do you see
24 that?

25 MR. HALL: Yes.

1 **MR. LEE:** Are you able to determine flipping
2 -- or flipping back in the book what date that might be? I
3 think it may have been caught by a redaction but you may
4 have more luck than I did trying to figure it out.

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

6 **MR. LEE:** Mr. Engelmann believes it may be
7 June 27, '97.

8 **MR. HALL:** Yes.

9 **MR. LEE:** Okay. That makes some sense?

10 **MR. HALL:** Yes.

11 **MR. LEE:** And so we have "Call to Racine,"
12 I take it that would be Tom Racine of the Cornwall Police?

13 **MR. HALL:** Yes.

14 **MR. LEE:** And he was the intelligence
15 officer at the time?

16 **MR. HALL:** Yes.

17 **MR. LEE:** And you had a number of contacts
18 throughout your dealings on Project Truth with Officer
19 Racine?

20 **MR. HALL:** No. It was due to another
21 matter.

22 **MR. LEE:** Oh.

23 **MR. HALL:** The internal investigation I was
24 doing.

25 **MR. LEE:** Okay. And as I read it:

1 "Call to Racine. C-9 aware of
2 investigation; has been molested but
3 won't come forward. Doesn't want to
4 get involved.

5 MR. HALL: Yes.

6 MR. LEE: Did you see that?

7 MR. HALL: Yes.

8 MR. LEE: Do you have any recollection of
9 this conversation?

10 MR. HALL: Specifically, no, but I know
11 there is a note in our file control Action Taken Book as
12 well.

13 MR. LEE: And do you know whether or not you
14 would have specifically being calling -- it says "Call to
15 Racine" -- whether you would have been specifically calling
16 about C-9 or whether or not that was information simply
17 volunteered to you by Racine?

18 MR. HALL: Well, the call -- I'm speaking to
19 Inspector Trew, right? At 10:20 you're referring to?

20 MR. LEE: No, I'm back at page 519. That
21 note begins "Call to Racine" and then we have the
22 information that C-9 ---

23 MR. HALL: Five one nine (519), okay.

24 MR. LEE: --- has been molested but won't
25 come forward.

1 And my question for you is whether or not
2 you were making a specific inquiry of Officer Racine about
3 C-9 or whether or not this was something that just came up
4 in conversation.

5 **MR. HALL:** I think it would have been -- my
6 recollection it was something that would have come up in
7 conversation because there was a direct contact with him
8 subsequently ---

9 **MR. LEE:** Okay. And it reads ---

10 **MR. HALL:** --- by one of my officers.

11 **MR. LEE:** Yes, he's interviewed later on,
12 you're right.

13 **MR. HALL:** Yes.

14 **MR. LEE:** It reads:

15 "C-9 has been molested."

16 Was your understanding the allegation was
17 that he had been molested by Charles MacDonald?

18 **MR. HALL:** Yes.

19 **MR. LEE:** And you would have appreciated at
20 that time that C-9 had some role to play in the initial
21 investigation of David Silmser's allegations? He was
22 identified as somebody who may have been at the retreat and
23 may have had some information, do you recall?

24 **MR. HALL:** Yes, I recall.

25 **MR. LEE:** And do you recall whether or not

1 you asked Officer Racine about his source of information?

2 **MR. HALL:** No, I believe the information
3 about this individual came to us in an interview of other
4 persons. His name was mentioned as a potential victim.

5 **MR. LEE:** Yes.

6 **MR. HALL:** That's how it came.

7 **MR. LEE:** And we know that ---

8 **MR. HALL:** My conversation, I think, with
9 Constable Racine at the time didn't involve a Project Truth
10 matter. It was another matter I was dealing with at the
11 time.

12 **MR. LEE:** And as you say, Detective
13 Constable Dupuis interviewed C-9 in June of 2000. And so
14 we know there was some follow up with C-9 directly. What
15 I'm asking you about is whether or not you pursued this any
16 further with Officer Racine to flesh out how he received
17 this information, what he knew, anything like that.

18 **MR. HALL:** I talked to Tom Racine about it
19 sometime after and my recollection is that this individual
20 didn't want to come forward, and that was basically it.

21 **MR. LEE:** Do you have any specific
22 recollection of asking Racine where he got this information
23 as reflected in this note from him?

24 **MR. HALL:** No. It may have been -- like I
25 say, it's my recollection that this information came to us

1 in an interview that we did of other persons.

2 MR. LEE: And ---

3 MR. HALL: And I may have asked -- I may
4 have initiated the conversation with Racine in, "What do
5 you know about this? Have you ever heard about this?"

6 MR. LEE: Right.

7 It's just the wording of the note on 519,
8 "C-9 aware of investigation; has been molested but hasn't
9 come forward." It's a little bit more definitive sounding
10 than: "Somebody alleges he may have been molested or he's
11 somebody we may want to talk to." I'm just curious whether
12 or not you fleshed out with Officer Racine exactly what he
13 knew and exactly what he had been told?

14 And if the answer is that you went directly
15 to C-9, then that's the answer.

16 MR. HALL: Yes.

17 MR. LEE: And ---

18 MR. HALL: The bottom line is C-9 didn't
19 want to get involved. So what he knew didn't really
20 matter.

21 MR. LEE: That was clear from the outset
22 from ---

23 MR. HALL: Exactly.

24 MR. LEE: --- Heidi Sebalj's dealings with
25 him?

1 MR. HALL: Yes.

2 MR. LEE: You'll remember her describing him
3 as becoming outraged when she ---

4 MR. HALL: Yes.

5 MR. LEE: --- went to him the first time?

6 MR. HALL: Yes.

7 MR. LEE: And if we can look, please, at
8 another set of your notes, Exhibit 2746.

9 SHORT PAUSE / COURTE PAUSE

10 MR. LEE: And, sir, if you can start at page
11 701?

12 MR. HALL: Yes.

13 MR. LEE: And I'm not exactly clear on the
14 status of this name. I don't see a moniker. I'm just
15 going to avoid saying it.

16 But you see that you've made a telephone
17 call to somebody at 9:00 a.m. and then at 10:00 a.m. you're
18 meeting with that same person?

19 MR. HALL: Yes.

20 MR. LEE: Do you see that?

21 Now, if you turn over -- and my information
22 is this is November 7th, 1997. Okay? And if you turn the
23 page ---

24 MR. HALL: No, that's December.

25 MR. LEE: December 7, 1997. Okay.

1 **MR. HALL:** It would be in the week of
2 December 19th probably.

3 **MR. LEE:** Mid-December '97; correct?

4 **MR. HALL:** Yes, we're in Edmonton.

5 **MR. LEE:** Nothing specifically turns on the
6 date of this.

7 If you can turn to the bottom of the next
8 page, Bates page 702, the last four lines on that page
9 read:

10 "He indicated he had spoken to C-9 who
11 he knows was an altar boy..."

12 **MR. HALL:** Yes.

13 **MR. LEE:** "...but C-9 was noncommittal about
14 abuse."

15 **MR. HALL:** Yes.

16 **MR. LEE:** And do you recall whether this was
17 a follow-up by you in relation to the information you had
18 received a couple of months earlier from Officer Racine?

19 **MR. HALL:** It would have been a follow-up.
20 I think we may have interviewed somebody that also
21 indicated that, as I said before, that we should speak to -
22 - in other words, we had an interview someplace. I can't
23 recall who it was that suggested that we should speak to C-
24 9.

25 **MR. LEE:** Okay. Let's move -- you can leave

1 that issue aside. I want to talk about Richard Hickerson
2 briefly.

3 Mr. Kozloff tells me the last note we were
4 looking at was December 12, 1997.

5 So I want to talk about Richard Hickerson.
6 Can you look at the moniker for C-11, please?

7 Madam Clerk, I'm going to ask for Exhibits
8 515 and 518.

9 Have you looked at C-11?

10 **MR. HALL:** Yes.

11 **MR. LEE:** And you recognize that name?

12 **MR. HALL:** Yes.

13 **MR. LEE:** You recognize that as one of the
14 complainants against Richard Hickerson?

15 **MR. HALL:** Yes.

16 **MR. LEE:** Okay. I'm going to show you an
17 initial letter that comes in from C-11 to ---

18 **THE COMMISSIONER:** Are these just letters
19 you're going to be showing?

20 **MR. LEE:** The first is the original letter,
21 the original contact from C-11 where he outlines his
22 allegations and then the statement from Mr. Hickerson.

23 **THE COMMISSIONER:** Okay. Why don't we put
24 it on the ---

25 **MR. LEE:** So the first is 515, Madam Clerk.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE REGISTRAR: Do you happen to have the
3 document number?

4 MR. LEE: I can give you the first Bates
5 page, if that helps, 7014368. That's the document.

6 So as you can see, sir, this is an October
7 7, '97 letter addressed to Detective Constable Joe Dupuis
8 from C-11, okay?

9 MR. HALL: Yes.

10 THE COMMISSIONER: Okay.

11 MR. LEE: And he begins by saying:

12 "Per our conversation this morning,
13 herein are the details of my story."

14 MR. HALL: Yes.

15 MR. LEE: Okay? And he outlines his
16 allegations and his contacts with Richard Hickerson.

17 Madam Clerk, if we can go to the bottom of
18 the first page, five lines up, he writes:

19 "However, Richard Hickerson had an
20 extensive pornography collection,
21 everything from foreign language
22 museums to nudist material, including
23 child pornography."

24 Do you see that, sir?

25 MR. HALL: Yes.

1 **MR. LEE:** And I take it that would have been
2 recognized at the time, that Mr. Hickerson had an extensive
3 pornography collection that included child pornography, as
4 a serious allegation?

5 **MR. HALL:** Yes.

6 **MR. LEE:** And in 1997 child pornography
7 would have been taken seriously?

8 **MR. HALL:** Yes. When is he saying that he
9 had knowledge of this, though? Are we talking historic
10 here?

11 **MR. LEE:** Oh, this would have been in the
12 1960s.

13 **MR. HALL:** Okay.

14 **MR. LEE:** He's speaking of when he was a
15 child and when he was actively involved with Richard
16 Hickerson.

17 And we have at, Madam Clerk, Exhibit 518 --
18 and the first Bates page I can give you is 7014532.

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

20 **MR. LEE:** Five -one-eight (518).
21 Seven-zero-one-four-five-three-two
22 (7014532).

23 So you see this is a statement taken from
24 Richard Hickerson on June 11th, '98?

25 **MR. HALL:** Yes.

1 **MR. LEE:** And it begins with a caution
2 statement that he may be charged in relation to C-11?

3 **MR. HALL:** Yes.

4 **MR. LEE:** And we have on page 5 of this
5 statement, Madam Clerk, the second half of the page -- Mr.
6 Hickerson is asked:

7 "Did you have a pornographic collection
8 at the 4th Street residence?"

9 And he answers:

10 "Not really. Not that I know of.
11 Maybe Playboy or Playgirl, but nothing
12 more serious than that."

13 **MR. HALL:** Yes.

14 **MR. LEE:** "Would you have ever shown
15 [C-11] these magazines?

16 MR. HICKERSON: I don't think so. Not
17 that I recall."

18 Do you see that?

19 **MR. HALL:** Yes.

20 **MR. LEE:** And I can tell you I've read
21 through the interview. There's nothing more about
22 pornography, nor is there any specific question relating to
23 child pornography.

24 And I'm wondering if you can assist me with
25 why it doesn't appear that that specific allegation was

1 pursued any more vigorously than what we have here?

2 **MR. HALL:** Which allegation?

3 **MR. LEE:** That he had, at least in the past,
4 been in possession of an extensive pornography collection
5 that included child pornography.

6 **MR. HALL:** Back in the '60s?

7 **MR. LEE:** And we have to keep in mind that's
8 coupled with an allegation that he's sexually abusing
9 children.

10 **MR. HALL:** But you're referring to back in
11 the '60s when he had this ---

12 **MR. LEE:** That's the extent of C-11's
13 knowledge.

14 **MR. HALL:** Yes. Yes.

15 **MR. LEE:** And I'm asking you whether or not
16 that might have been something that should have been
17 followed up on a little bit more diligently than it was in
18 this interview at least?

19 **MR. HALL:** Well, I don't believe there was
20 enough reasonable and probable grounds to do a search
21 warrant, if that's what you're referring to.

22 **MR. LEE:** It's kind of an easy answer, isn't
23 it, sir, that ---

24 **MR. HALL:** Well, the allegation is that it
25 was there back in the '60s and we're taking a statement

1 under caution, and he's denying, you know, to a certain
2 degree. He says "I had Playboy." I mean, I don't think
3 I'd get a search warrant based on that information.

4 **MR. LEE:** He's not pressed on his answer
5 there at all, is he?

6 **MR. HALL:** No, he's not. But I wasn't there
7 either, sir.

8 **MR. LEE:** Well, no, and I appreciate that.

9 What I'm asking you is whether or not this
10 should have been -- that line of -- we have essentially two
11 allegations: one, that he's sexually abused somebody many
12 years ago ---

13 **MR. HALL:** Yes.

14 **MR. LEE:** --- and one that he's been in
15 possession of child pornography.

16 **MR. HALL:** Yes.

17 **MR. LEE:** And it seems to me that if some
18 investigation is done, it may be easier to prove that he
19 may still be in possession of child pornography than it
20 would be to prove the sexual assault allegation. I mean,
21 is this something that could have been pursued? When you
22 hear that allegation from C-11, does it make you think that
23 there's a distinct possibility that he would still be in
24 possession of those materials?

25 **MR. HALL:** Well, at this particular time

1 we're gathering evidence to lay charges is what we're
2 doing.

3 **MR. LEE:** Yes.

4 **MR. HALL:** Right? Could we have done a
5 search warrant when we charged him? Possibly, but I don't
6 think I would have had the grounds to get one.

7 **MR. LEE:** I suppose my question is -- we've
8 heard a lot of evidence here about in and around 1993 about
9 a Project P that the OPP was running dealing with
10 pornography, and that OPP officers who conduct a search of
11 Ron Leroux's residence come upon tapes and make a call to
12 Project P.

13 **MR. HALL:** No, Project P wasn't doing an
14 investigation. The officers were doing a search warrant
15 and they found some videotapes and they called Project P.

16 **MR. LEE:** That's what I said, sir. I'm
17 suggesting that there were -- we know that Project P was in
18 place in 1993; that they were contacted ---

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

20 **MR. LEE:** --- about possible pornography. I
21 don't know. Do you have any idea whether Project P was
22 still in place in 1998 -- 1997 when ---

23 **MR. HALL:** Yes, it was.

24 **MR. LEE:** And was there any contact made
25 about that?

1 **MR. HALL:** No.

2 **MR. LEE:** We know from other evidence here
3 that after Mr. Hickerson's death child pornography is
4 found; magazines relating to it; books relating to it ---

5 **MR. HALL:** Yes.

6 **MR. LEE:** --- photographs. Charges are
7 ultimately laid against an acquaintance of Mr. Hickerson
8 after his death for possession of materials given to him --
9 -

10 **MR. HALL:** Are you referring to when he
11 committed suicide?

12 **MR. LEE:** Yes.

13 **MR. HALL:** Yes.

14 **MR. LEE:** And so presumably -- you know, and
15 granted, with the benefit of hindsight, it's easy for me to
16 stand here ---

17 **MR. HALL:** Yeah.

18 **MR. LEE:** --- and say, "We know they were
19 there so you should have done something about it."

20 **MR. HALL:** Yes.

21 **MR. LEE:** And that's not the way I want to
22 come at it. The way I want to come about it -- at it is,
23 based on what you knew about Richard Hickerson and based on
24 the information from C-11 that he had in the past been in
25 possession of those materials, somebody on your team must

1 have considered the possibility that there was a pretty
2 good chance he was still in possession of child
3 pornography?

4 **MR. HALL:** He could have been, yes.

5 **MR. LEE:** From what you knew of Mr.
6 Hickerson, it wouldn't have been your thought that he'd
7 likely outgrown that phase and that he'd given that
8 lifestyle up?

9 **MR. HALL:** Not likely.

10 **MR. LEE:** And you know that when the OPP --
11 when Project Truth went to Mr. Hickerson he was unusually
12 cooperative with them?

13 **MR. HALL:** Well, he said quite a bit under
14 caution, yes.

15 **MR. LEE:** He went so far as to give them the
16 name of somebody else they should speak to?

17 **MR. HALL:** Yes.

18 **MR. LEE:** And would you agree with me that
19 perhaps in hindsight this pornography issue could have been
20 pushed a little more seriously and seen whether something
21 may have come of that at this time?

22 **MR. HALL:** I wouldn't disagree.

23 **MR. LEE:** You, during your time on Project
24 Truth, would have had contact with both Richard Abell and
25 William Carriere of the CAS?

1 MR. HALL: Yes.

2 MR. LEE: You weren't present for any of
3 their evidence here, I take it?

4 MR. HALL: No, I wasn't.

5 MR. LEE: Did you have a chance to view it,
6 via the webcast or on television?

7 MR. HALL: I don't recall reviewing it, no.

8 MR. LEE: Do you recall looking at the
9 transcripts at all?

10 MR. HALL: I may have read some things in
11 the course of preparing for the Inquiry here after I
12 arrived here, but I don't specifically recall.

13 MR. LEE: Okay.

14 MR. HALL: The other day we discussed his
15 allegations of whether Dunlop was saying he said there was
16 a cover up and Mr. Abell was saying "No, I didn't say
17 that."

18 MR. LEE: Right. I'm -- when Mr. Abell and
19 Mr. Carriere were here I asked them about a meeting they
20 had with you on May 21st, 1998 in relation to pending
21 charges against Richard Hickerson and Jacques Leduc.

22 MR. HALL: Yes.

23 MR. LEE: Okay. And I suppose I should show
24 you your notes on this.

25 MR. HALL: It would help.

1 MR. LEE: Madam Clerk, Exhibit 2747.
2 MR. HALL: Page?
3 MR. LEE: Bates page ending 627.
4 I'll need this on the screen, Madam Clerk.
5 MR. HALL: The document again?
6 MR. LEE: Two seven four seven (2747).
7 MR. HALL: And the Bates page?
8 MR. LEE: Ending 627.
9 MR. HALL: Six two seven (627).
10 The full Bates page, Madam Clerk, 7109827.
11 Oh, that may be my problem. It may be 827, not 627.
12 MR. HALL: It's not in 2747 that I can see.
13 MR. LEE: Eight two seven (827), sir.
14 MR. HALL: Eight two seven (827).
15 MR. LEE: Sorry, I had the wrong reference.
16 (SHORT PAUSE/COURTE PAUSE)
17 MR. HALL: Yes.
18 MR. LEE: The bottom of the page, please.
19 MR. HALL: "Attended CAS office. Met
20 with Richard Abell and Bill Carriere."
21 MR. LEE: Yes, you see at 1615.
22 MR. HALL: Yes.
23 MR. LEE: My reading:
24 "Attended CAS office. Meet with
25 Richard Abell and Bill Carriere.

1 Detective Superintendent Smith outlined
2 some aspects of our investigations.
3 Notified about Jacques Leduc and
4 Richard Hickerson. Discussed pending
5 charges."

6 **MR. HALL:** Yes.

7 **MR. LEE:** Do you see that?

8 **MR. HALL:** It was Detective Inspector Smith.

9 **MR. LEE:** Yes.

10 Do you have a recollection of this meeting
11 with the CAS?

12 **MR. HALL:** Not in great detail. I know we
13 went there and we discussed what I put in my notes. I
14 don't recall ---

15 **MR. LEE:** And this would have been -- I'm
16 not concerned with the Richard Hickerson pending charges at
17 this point. I'm concerned about the Leduc charges that are
18 pending.

19 Is it your recollection that you would have
20 attended at the CAS pursuant to the duty to report? Is
21 that the reason for this?

22 **MR. HALL:** For what?

23 **MR. LEE:** Pursuant to the *Child and Family*
24 *Services Act* duty to report.

25 **MR. HALL:** Yes, we notify them on all cases.

1 **MR. LEE:** And we know that by -- you recall
2 with Leduc you have three complainants; C-16, C-17 and C-
3 22?

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

5 **MR. LEE:** Sixteen (16) and 17 you initially
6 lay charges on and C-22 the charges in relation to him come
7 after the fact. Do you recall that?

8 **MR. HALL:** Yes.

9 **MR. LEE:** So at the point of -- at the time
10 of this meeting you know only of C-16 and C-17, okay, to
11 help orient you a little bit. And at the time of this
12 meeting both of those persons are over 16 years of age.

13 **MR. HALL:** Yes.

14 **MR. LEE:** Okay. And my question for you is
15 given that they were older than 16 would you have been
16 reporting to the CAS because you had concerns about
17 potentially other persons under 16 being at risk?

18 **MR. HALL:** Yes.

19 **MR. LEE:** And that was a live issue with Mr.
20 Leduc in particular, and it's part of the reason that a
21 Crown brief wasn't submitted prior to charges?

22 **MR. HALL:** Exactly. We acted quickly.

23 **MR. LEE:** And you only did that twice?
24 Leblanc which ---

25 **MR. HALL:** Yeah.

1 **MR. LEE:** Is that right? And the
2 distinction between those cases and others were present
3 risk?

4 **MR. HALL:** There were current allegations.

5 **MR. LEE:** And we know that Mr. Leduc was
6 charged with numerous offences relating to C-16 and 17 on
7 June 22nd, '98.

8 **MR. HALL:** Yes.

9 **MR. LEE:** So about a month after this
10 meeting. And then we had charges relating to C-22 laid in
11 November of '98.

12 **MR. HALL:** Yes.

13 **MR. LEE:** So my first question for you,
14 during your preparation for the Inquiry, have you found --
15 seen any other notes or documents relating to this meeting?
16 I can tell you I haven't found any but I want to make sure
17 that you haven't seen anything.

18 **MR. HALL:** No, I wouldn't disagree. I don't
19 recall any.

20 **MR. LEE:** Do you have any specific
21 recollection of what information you provided to the CAS in
22 relation to Mr. Leduc?

23 **MR. HALL:** I think we would have --
24 Inspector Smith would have advised them the reasons why we
25 had a concern with him hiring some people for the summer.

1 It was near the end of the school year. I think he would
2 have been given that information.

3 MR. LEE: I went through, in a great amount
4 of detail with Mr. Carriere, each of the statements ---

5 MR. HALL: Yeah.

6 MR. LEE: --- from each of the three
7 complainants and took him to all of the information that I
8 saw in those statements that was relevant to the CAS and
9 their determination of whether Mr. Leduc was a caregiver.

10 MR. HALL: Yeah.

11 MR. LEE: And Mr. Carriere essentially pled
12 ignorance in relation to all of that. He had no
13 recollection of any of that information having been shared
14 with him during this meeting.

15 MR. HALL: Well, that would have been one of
16 the purposes for the meeting.

17 MR. LEE: I would have thought so too.

18 MR. HALL: Yes.

19 MR. LEE: And he told us here that he didn't
20 believe they were given the names of the complainants.

21 MR. HALL: Oh, yes, they were given the
22 names.

23 MR. LEE: And this ---

24 MR. HALL: They may not have been given the
25 names right that day, I couldn't say for sure, but I know

1 they definitely were given the names.

2 **MR. LEE:** And Mr. Abell told us that at this
3 meeting the CAS was specifically told that children were
4 not presently at risk in relation to Mr. Leduc.

5 **MR. HALL:** Were not presently at risk?

6 **MR. LEE:** Were not presently at risk.

7 **MR. HALL:** Well, I think the whole issue we
8 had was there could be some children at risk, because ---

9 **MR. LEE:** Presumably that's why you're
10 there.

11 **MR. HALL:** Well, that's right. Our
12 information was that he hired these young people in the
13 summertime because he has, I think, several acres of land.
14 I think he had horses. And they'd pile wood and cut grass,
15 that sort of thing.

16 **MR. LEE:** Because what we know is that
17 whatever information was provided at this meeting the CAS
18 did not open a file in relation to Mr. Leduc. They didn't
19 contact any of these complainants. They didn't contact Mr.
20 Leduc. They didn't do any research. They didn't do any
21 investigation. There was no action taken in relation to
22 Mr. Leduc, coming out of this meeting.

23 And so I suppose the question I have for you
24 is can you help me out at all with what the discussion at
25 this meeting would have been so that I can try to figure

1 out whether or not -- I mean, to be perfectly blunt with
2 you, either the OPP didn't share the information it should
3 have, or the CAS didn't act on proper information being
4 received, and I don't know which it is. Can you help me
5 out with that at all and what your recollection is?

6 **MR. HALL:** We shared the information.
7 Actually Inspector Smith shared the information.

8 **MR. LEE:** And I take it the reason you can
9 say that with some confidence is the fact that there would
10 have been no other reason to go to the CAS?

11 **MR. HALL:** Well, exactly, and because I have
12 a note of it.

13 **THE COMMISSIONER:** That's the 22nd of May
14 note?

15 **MR. HALL:** Yes.

16 **THE COMMISSIONER:** Okay.

17 **MR. HALL:** "Notified about Jacques Leduc."

18 **MR. LEE:** Twenty-first (21st) of May.

19 **THE COMMISSIONER:** I'm sorry?

20 **MR. LEE:** Twenty-second (22nd) of May is the
21 following day below the notes.

22 **THE COMMISSIONER:** Okay.

23 **MR. LEE:** And I suppose -- I understand you
24 don't have a distinct memory of this meeting, but what you
25 do have a distinct memory of the fact is that Leduc was

1 being charged as soon as he could be charged because of the
2 current -- because of a perceived present risk.

3 MR. HALL: He was charged within a month of
4 this meeting.

5 MR. LEE: Without submitting a Crown brief?

6 MR. HALL: Yes.

7 MR. LEE: Which was the ---

8 MR. HALL: And we notified CAS at that time,
9 and I believe I have notes to that effect, if I can go to
10 June 22nd or thereabouts. I would have -- we would have
11 notified them again.

12 MR. LEE: And there's absolutely no doubt,
13 and it was clear from the evidence of Mr. Carriere and
14 Mr. Abell that once Mr. Leduc is charged, that story is out
15 there. I mean they're ---

16 MR. HALL: They know.

17 MR. LEE: Clearly they know about that.

18 I take it you don't recall any specific
19 discussion with CAS about what their actions would be in
20 relation to Mr. Leduc?

21 MR. HALL: No.

22 MR. LEE: And I take it that wouldn't be
23 your usual practice, to concern yourself with what they
24 were going to do with the information you were providing?

25 MR. HALL: No. It would be their

1 prerogative.

2 MR. LEE: If we're taking half an hour less
3 do you want to start at one o'clock or do you want to take
4 ---

5 THE COMMISSIONER: No, no, we'll go till
6 quarter to.

7 MR. LEE: Okay.

8 And I want to turn very briefly to an issue
9 that came out of Bishop LaRocque's testimony here.

10 MR. HALL: Yes.

11 MR. LEE: Okay. You're aware he testified,
12 I take it?

13 MR. HALL: Yes.

14 MR. LEE: And you told us in-chief that
15 Project Truth didn't at any point seek a search warrant
16 relating to Diocese files or documents.

17 MR. HALL: We didn't need to.

18 MR. LEE: And I think the way you put it was
19 that you advised the Bishop he could do this the easy way
20 or the hard way?

21 MR. HALL: Yeah, maybe not the exact words,
22 but he got the message, yes.

23 MR. LEE: And I take it you to chose to
24 trust that Bishop LaRocque would provide you with full
25 disclosure of the materials you were requesting?

1 **MR. HALL:** Yes. Most of the materials we
2 were requesting basically revolved around pictures from --
3 of members of the clergy, their background, where they had
4 served. We attempted to get lists of altar boys that would
5 have served at the various churches at the times we were
6 interested in -- those sort of things that I was getting
7 from Bishop LaRocque.

8 **MR. LEE:** Have you had an opportunity to
9 review his evidence here in any detail at all?

10 **MR. HALL:** No. I've been retired and I
11 haven't reviewed much.

12 **MR. LEE:** Fair enough.

13 What came out during his evidence on various
14 points is that there was information in his possession, be
15 it documents or things he knew, about sexual misconduct by
16 priests that he didn't share with Project Truth.

17 **MR. HALL:** There could have been. I mean he
18 provided us what we asked for.

19 **MR. LEE:** That was very much his explanation
20 in relation to these matters.

21 **MR. HALL:** I think that, you know, he's
22 probably not going to give us a bunch of stuff that's going
23 to be detrimental to them -- voluntarily I mean.

24 **MR. LEE:** And did you appreciate that at the
25 time?

1 **MR. HALL:** Oh yeah. I think I did because
2 he -- you know, he was cooperative but he didn't go
3 overboard.

4 **MR. LEE:** Are you saying that with the
5 benefit of hindsight or did you recognize that at the time?

6 **MR. HALL:** Well, he was making every effort
7 to provide his -- the material we were asking, and some of
8 it he just clearly couldn't. He referred us to several
9 places in Montreal which Constable Genier pursued, getting
10 old books where pictures were contained in to identify,
11 because there was a problem with one of the priests in the
12 Marleau case. He identified the wrong one and we had a
13 concern about that.

14 So that's mainly what we were doing.

15 **MR. LEE:** And I understand that there was a
16 lot of exchange of information back and forth about
17 curriculum vitae and ---

18 **MR. HALL:** Yes.

19 **MR. LEE:** --- and about photographs and
20 about posting histories and things along that nature.

21 **MR. HALL:** Church bulletins, all kinds of
22 things we looked for.

23 **MR. LEE:** Lists of altar boys and things of
24 that ---

25 **MR. HALL:** Yeah, and without seeing the

1 documents of my actual requests -- and I did most of them
2 in writing if -- pretty well all of them in writing.

3 **MR. LEE:** Yes. And I suppose my question
4 for you is; all of those documents relate to potential
5 leads, I suppose, that you could take the information there
6 and you could pursue avenues of investigation in order to
7 determine -- to find witnesses ---

8 **MR. HALL:** Yes.

9 **MR. LEE:** --- find alleged complainants,
10 things along those -- or alleged victims?

11 Did you ever make a more specific request of
12 Bishop LaRocque to provide you with whatever information he
13 had about sexual misconduct of priests?

14 **MR. HALL:** No.

15 **MR. LEE:** And did Bishop LaRocque ever
16 indicate to you that he had information specifically
17 relating to sexual misconduct by priests?

18 **MR. HALL:** No.

19 **MR. LEE:** Thinking back to your mindset at
20 the time, was it your expectation that if he had any such
21 information he would provide it to Project Truth?

22 **MR. HALL:** The question again?

23 **MR. LEE:** Did you expect that if Bishop
24 LaRocque had specific information relating to sexual
25 misconduct -- sexual abuse of young persons by priests,

1 that he would provide it to Project Truth?

2 **MR. HALL:** I don't think he would have
3 provided it voluntarily.

4 **MR. LEE:** And so I suppose I'm back to where
5 I started. Why not get a search warrant?

6 **MR. HALL:** Well, I'd have to know what I was
7 looking for. I mean you have to have some expectation
8 there's a document there that you want to achieve by way of
9 a search warrant, so if you're writing up your Information
10 to obtain a search warrant you have to have some reasonable
11 and probable grounds that it's there and there now, and --
12 I mean it's a fishing trip. I mean, what would I be asking
13 for?

14 **MR. LEE:** I suppose you may well start with
15 -- if you have an allegation against this priest, for his
16 file.

17 **MR. HALL:** Which priest?

18 **MR. LEE:** Don Scott ---

19 **MR. HALL:** All of them?

20 **MR. LEE:** --- Paul Lapierre, Charles
21 MacDonald.

22 **MR. HALL:** Could have.

23 **MR. LEE:** Do you recall that being discussed
24 at any point? Amongst your team I mean; not with the
25 Bishop.

1 **MR. HALL:** No, no. I don't recall -- I know
2 Inspector Smith had received documents back in his
3 investigation.

4 **MR. LEE:** Were you involved in the Alfred
5 investigations at all?

6 **MR. HALL:** No, none whatsoever.

7 **MR. LEE:** Did you ever discuss with
8 Inspector Smith some of the methods he used during the
9 course of those training school investigations?

10 **MR. HALL:** Yes.

11 **MR. LEE:** The use of search warrants, as an
12 example?

13 **MR. HALL:** Did he use search warrants?

14 **MR. LEE:** Yes.

15 **MR. HALL:** I don't know if he did, but when
16 I met with Bishop LaRocque, Detective Inspector Smith was
17 with me when we outlined the policy we were going to use:
18 We either do search warrants or he provide it. I mean
19 Smith was there. That was the initial stages of our
20 investigation.

21 **MR. LEE:** Were you satisfied during the
22 course of your investigation that you had all of the
23 relevant information you needed from Bishop LaRocque, or
24 did you have some doubts?

25 **MR. HALL:** Well, if you review the documents

1 where I requested information, I think he did his best to
2 provide it. I mean if he said they weren't available --
3 like we're going back years for some of this stuff, I mean
4 especially the Church bulletins. We had some difficulty
5 getting things. Lists of altar boys weren't available
6 from, you know, 15, 20 years, 30 years ago. So I took him
7 at his word for what he provided to me, that he was making
8 his best effort.

9 **MR. LEE:** I just -- you know, Bishop
10 LaRocque said countless times here, "I gave them what they
11 specifically asked for."

12 **MR. HALL:** What he could, yes.

13 **MR. LEE:** No, "I gave them what I specific -
14 - what they specifically asked for." And you've sort of
15 echoed those comments and I get the feeling that you sort
16 of appreciated at the time that that was his way of -- his
17 manner of proceeding.

18 **MR. HALL:** I think if we go to the document
19 and just see what he wrote on it -- if it wasn't available
20 he couldn't give it to me, so he can't say that he gave us
21 everything we asked for.

22 **MR. LEE:** The only issue I'm trying to get
23 straight in my mind is it seems to me, from your answers,
24 that you had at least a sense that Bishop LaRocque wasn't
25 going to provide you with absolutely everything he had.

1 **MR. HALL:** I don't know if I could conclude
2 that or not, because I was -- I wasn't thinking of anything
3 other than what we were requesting.

4 **MR. LEE:** The concern I have is you're not
5 dealing with your typical CEO of a corporation here.
6 You're dealing with a Bishop of a Catholic Diocese where
7 there's a much, much closer relationship between the Bishop
8 and his employees, the priests, than there would be at your
9 nameless, faceless corporation.

10 **MR. HALL:** Yeah.

11 **MR. LEE:** I mean, did you appreciate at any
12 point that this was a guy who would have had a lot more
13 knowledge, in all likelihood, as the head of that
14 corporation than somebody running a car parts manufacturing
15 plant would have?

16 I mean, did you appreciate that this guy
17 knew what was going on and this guy had information? This
18 guy would have undoubtedly had a very good idea of who was
19 up to what in this organization.

20 **MR. HALL:** Well, I don't know if I'd go that
21 -- so far. I mean, he may not know what priests were doing
22 in their off-hours or whatever. I mean you can't conclude
23 that because he's the boss he knows what everybody is
24 doing.

25 **MR. LEE:** We've seen a number of documents

1 that you never saw during Project Truth that suggest he
2 knew a fair number of things, sir.

3 **MR. HALL:** Oh.

4 **MR. LEE:** And my question for you is whether
5 or not there was ever a serious discussion amongst Project
6 Truth officers of pressing Bishop LaRocque and the Diocese
7 a lot harder than he got pressed.

8 **MR. HALL:** No. We were investigating
9 allegations from individuals about certain suspects, namely
10 priests, so that was the crux of our investigation.
11 Whether they had dealt with a priest internally or not
12 wasn't a concern of mine. I'm interested in criminal
13 investigations, criminal matters.

14 **MR. LEE:** I think I understand your answer,
15 sir.

16 That's a good time, Mr. Commissioner.

17 **THE COMMISSIONER:** Thank you. Let's take
18 lunch and come back at 10 to 2:00.

19 **THE REGISTRAR:** Order. All rise. À
20 l'ordre. Veuillez vous lever.

21 This hearing will resume at 1:50 p.m.

22 --- Upon recessing at 12:48 p.m./

23 L'audience est suspendue à 12h48

24 --- Upon resuming at 1:52 p.m./

25 L'audience est reprise à 13h52

1 **THE REGISTRAR:** Order. All rise. À
2 l'ordre. Veuillez vous lever.

3 This hearing is now resumed. Please be
4 seated. Veuillez vous asseoir.

5 **THE COMMISSIONER:** Thank you. Mr. Lee.

6 **PATRICK HALL Resumed/Sous le même serment:**

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

8 **MR. LEE (cont'd/suite):**

9 **MR. LEE:** Mr. Hall, can I start by having
10 you turn up Exhibit 2833? That may be the last exhibit
11 entered by Ms. Daley during her cross.

12 **THE COMMISSIONER:** This is the letter from
13 Bill's wife?

14 **MR. LEE:** No, this is the CBC radio
15 broadcast.

16 **THE COMMISSIONER:** Two eight two three
17 (2823) you're saying?

18 **MR. LEE:** Two eight three three (2833).

19 **THE COMMISSIONER:** Three three (33, sorry.
20 Oh, brand-new one. There we go.

21 **MR. LEE:** Ms. Daley asked you some questions
22 about this from, I suppose, a community or public
23 standpoint, and I want to ask you a couple of questions
24 from different point of view.

25 You see in the middle of the page the quote

1 from Klancy Grasman reading, "There's no evidence at all
2 that there was any type of organized ring or common thread
3 through any of this"?

4 **MR. HALL:** Yes.

5 **MR. LEE:** And this is aired May 21st, '99.

6 Do you recall whether or not you had any
7 conversation with Mr. Grasman prior to this broadcast?

8 **MR. HALL:** I would have had ongoing
9 conversations with him on various topics in Project Truth
10 but to be specific to that date or the day before, I don't
11 have a recollection.

12 **MR. LEE:** Do you recall whether you would
13 have by this point in time had an extensive discussion with
14 him about Project Truth and where it was at and where it
15 was going by this point?

16 **MR. HALL:** Well, he would have -- I
17 addressed reports to my director periodically and he would
18 have read them, I'm sure.

19 **MR. KOZLOFF:** Mr. Commissioner, good
20 afternoon.

21 **THE COMMISSIONER:** Good afternoon, sir.

22 **MR. KOZLOFF:** What we're dealing with, sir,
23 is a CBC edition of World Report. We have no way of
24 knowing from this when Klancy Grasman would have made the
25 comment that is included in this piece.

1 **THE COMMISSIONER:** Well, on or before May
2 21st.

3 **MR. KOZLOFF:** Certainly.

4 **THE COMMISSIONER:** Okay.

5 **MR. KOZLOFF:** It could have been within a
6 week of the broadcast. It could have been a year before
7 the broadcast. We have no way of knowing that. So I think
8 that should be clarified.

9 **THE COMMISSIONER:** Okay, but it's still out
10 there as of that date.

11 **MR. KOZLOFF:** It's being put out there as of
12 that date.

13 **THE COMMISSIONER:** It's being put out as of
14 that date, so I don't know where we're going with this. If
15 it's a question of should the OPP have responded to this or
16 changed it around, then whether it depends on what use it's
17 going to be put to.

18 **MR. KOZLOFF:** I understand. Thank you, sir.

19 **THE COMMISSIONER:** All right.

20 **MR. KOZLOFF:** Thanks.

21 **THE COMMISSIONER:** Okay.

22 So does that help or change anything that
23 you wanted to say?

24 **MR. LEE:** Not specifically, I don't think,
25 but I'll ---

1 **THE COMMISSIONER:** All right.

2 **MR. LEE:** I'll listen for Mr. Kozloff if ---

3 **THE COMMISSIONER:** He's wearing different
4 shoes today.

5 **MR. LEE:** They squeak a little bit. I'll
6 hear him coming.

7 **THE COMMISSIONER:** Okay.

8 **MR. LEE:** Cheap shoes, I think.

9 **(LAUGHTER/RIRES)**

10 **MR. KOZLOFF:** Be sure I'm not going to walk
11 out there -- I'm not going to expect you to protect me.

12 **THE COMMISSIONER:** I think, sir, he noticed
13 the colour of your tie today ---

14 **MR. LEE:** He did.

15 **THE COMMISSIONER:** --- and I think he
16 changed shoes appropriately.

17 **(LAUGHTER/RIRES)**

18 **MR. LEE:** I'm going to move on for fear of
19 this.

20 Sir, do you recall at any point having a
21 detailed discussion of the Project Truth investigation with
22 Klancy Grasman prior to May 21, '99?

23 **MR. HALL:** No, I don't. I don't recall a
24 detailed discussion but I had submitted reports
25 periodically, outlining the progress of the investigation,

1 and I would have been talking to him probably on a number
2 of occasions. I'd have to check my notebook to -- I mean
3 he was a Deputy Director. Mostly I dealt with the Director
4 but, I mean, if he was filling in then I spoke to him.

5 MR. LEE: Do you recall at any point having
6 -- prior to this date having a discussion with Mr. Grasman
7 that he may make this -- a comment of this nature to the
8 media?

9 MR. HALL: No.

10 MR. LEE: So this wasn't something he ran by
11 you ---

12 MR. HALL: No.

13 MR. LEE: --- prior ---

14 MR. HALL: All media stuff was done through
15 our headquarters in Orillia.

16 MR. LEE: And certainly you would have been
17 consulted at times for status reports and updates on what
18 was happening and things like that?

19 MR. HALL: Well, as I just explained, I put
20 status reports in, and if there was a question that they --
21 well, I'll give you an example. The usual request would
22 come from Jacki Leroux of the Ottawa Sun. She would call
23 Detective Superintendent Edgar and ask a question. He
24 would say, "Well, I'll check it and call you back." He
25 would call me and ask me what the situation was, and then

1 he would subsequently call her back.

2 MR. LEE: And the focus of this piece that
3 we're looking at is the quote from Klancy Grasman to set
4 the story up, and the next line we see from Ms. Brosnahan
5 is, "Not so, according to the Crown attorneys trying the
6 cases of these six men."

7 MR. HALL: Well, the context of this radio
8 review, to start with, there was a publication ban and, in
9 my view, this reporter violated that publication ban. I
10 had a transcript ordered. I spoke to both Crown Attorney
11 Alain Godin, Bob Pelletier and Shelley Hallett -- the only
12 time I ever had the three of them together -- and they
13 agreed that she shouldn't be reporting this stuff. She
14 should have been charged under the *Criminal Code*.

15 MR. LEE: And there is some discussion about
16 that and you make some efforts to determine exactly what
17 happened.

18 MR. HALL: Yes, and if you check my notes,
19 there's lots of efforts.

20 MR. LEE: I know that. And what I'm talking
21 about is, at the time this airs the way the story is being
22 presented is we have a senior official with the OPP saying
23 there's no evidence of any kind of ring or organization,
24 and we have the CBC saying, "Not so, according to a Crown
25 attorney who's in Court right now." That's what you see in

1 front of you here.

2 MR. HALL: Yes.

3 MR. LEE: And she goes on, and I understand
4 you say in violation of a ban but let's leave that for a
5 moment. She goes on to say that Alain Godin, who was the
6 Crown on the Marleau matter -- that was your understanding?

7 MR. HALL: That's right.

8 MR. LEE: In the middle of the next
9 paragraph:

10 "Alain Godin says there is a connection
11 between these various persons and that
12 they, in his words, groom the boys to
13 become victims of abuse. He says in
14 some cases more than one person was
15 present when the abuse is alleged to
16 have occurred. His exact words to the
17 judge were, 'There was a type of
18 grooming that went on from one to
19 another to another.'"

20 And Godin then went on to say that, "This
21 continued from party to party."

22 And he was referring to the other accused.
23 Do you see that?

24 MR. HALL: Yes.

25 MR. LEE: And you would have read this soon

1 in time after it was aired on May 21st; is that fair?

2 MR. HALL: Yes.

3 MR. LEE: And did you have any concerns when
4 you read the transcript of this report of the apparent
5 conflicting messages, I suppose, being sent out by the OPP
6 and the Crown in this trial in relation to whether or not
7 there was a ring and whether or not there was any
8 organization?

9 MR. HALL: Yes, I spoke to Mr. Godin
10 personally about it. I spoke to Ms. Hallett personally
11 about it, and at one point, in order to satisfy my queries,
12 they were going to speak to the judge about it. They
13 didn't want to do that. We didn't want to -- in the
14 context it came up, Mr. Godin was trying to, I think,
15 indicate to the judge that there was a connection so that
16 all the preliminary hearings could take place at one time.
17 That was, in my understanding, I think, of how it came out.

18 MR. LEE: But you spoke to all these people
19 about the publication ban issue?

20 MR. HALL: I certainly did.

21 MR. LEE: And what I'm asking you is did you
22 have any concerns about the fact that the CBC is reporting
23 that Clancy Grasman is saying there's no evidence of any
24 kind of ring or linkages and Alan Godin is in court saying
25 exactly the opposite?

1 **MR. HALL:** Well, I ---

2 **MR. LEE:** And that's the gist of the story.
3 That's the point of the story, isn't it?

4 **MR. HALL:** That's the gist of the story, but
5 you're going to have to ask Mr. Grasman why he made that
6 statement, what knowledge he had to base it on and Mr.
7 Godin, why he was making his representations to the Court
8 at the time.

9 **MR. LEE:** Were you concerned at any point
10 that the comments, as set out in this story, could
11 undermine what Mr. Godin was trying to do in this trial?

12 **MR. HALL:** Yes, I think too in subsequent
13 interviews Ms. Brosnahan was saying they had 50 victims,
14 and I went and interviewed her personally and I think
15 there's a document that could outline that interview. I
16 mean, there was a lot of issues there.

17 **MR. LEE:** Let me take you -- why don't we do
18 it this way. Can we go to Exhibit 660A, please?

19 **THE COMMISSIONER:** I have it.

20 **MR. LEE:** "A" as in alpha.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. LEE:** And this is titled "The Following
23 are the Contacts with Helen and Perry Dunlop re: Project
24 Truth" and these are a typed version of your notes relating
25 to various matters.

1 Do you see that, sir?

2 MR. HALL: Yes.

3 MR. LEE: And if you go to Bates page, near
4 the back, ending 784, you have an entry, 25 May '99, 1615
5 hours that you spoke to Hallett and Pelletier about the CBC
6 and the comments of Crown Godin:

7 "Hallett said she would bring the
8 matter before the judge tomorrow if I
9 wanted her to. I said I would speak to
10 Godin first about the matter before
11 deciding."

12 Do you see that?

13 MR. HALL: Yes.

14 MR. LEE: And that relates to the
15 publication ban matter; correct?

16 MR. HALL: Yes. If you go up just above
17 that to 1045 hours ---

18 MR. LEE: Yeah.

19 MR. HALL: --- I spoke to Julie Delaney of
20 the CBC Radio and I was discussing the same ban.

21 MR. LEE: Delaney had called you asking for
22 a radio interview, and I take it you told her that there
23 had been an issue and a ban had possibly been breached?

24 MR. HALL: Well, I believe there's -- I made
25 an initial call to somebody because I was concerned about

1 it. I wanted them to put a retraction in, basically, as I
2 understand it. Then I called -- I received a call back
3 from her requesting I do a live radio interview and answer
4 questions in regards to information at the pre-trial
5 hearings of suspects. Apparently a reporter had sat in
6 court and had reported on matters even though the judge had
7 issued an order banning publication.

8 **MR. LEE:** As it goes on, you end up speaking
9 with the Crowns. You -- at the bottom of the page you
10 speak with Godin, as you said you would, and you write:

11 "Godin felt they had a good rapport
12 with the CBC and he also had a concern
13 that we might upset the judge if we
14 brought an application forward. I felt
15 they should carry on the way they were
16 for now."

17 **MR. HALL:** Yes.

18 **MR. LEE:** The following day there's some
19 further discussion and you make a telephone call to CBC
20 Radio essentially putting them on notice that there may
21 have been a violation of the ban ---

22 **MR. HALL:** Yes.

23 **MR. LEE:** --- that there may be a violation
24 of Section 517 and that you were ordering a transcript.

25 **MR. HALL:** Yes.

1 **MR. LEE:** Is that right?

2 **MR. HALL:** Correct.

3 **MR. LEE:** And I'd like to take you to a
4 letter.

5 This is, Madam Clerk, a late notice
6 document. I have copies for you. It is Document 700983.
7 This would have been passed out to my friends last week,
8 sir.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 2834 is a letter dated July
11 12th, 2000 to Marlene Gillis of the Ministry of the Attorney
12 -- of the Solicitor General, and that's from Mr. Pat Hall.

13 --- **EXHIBIT NO./PIÈCE NO. P-2834:**

14 (700983) - Letter from Pat Hall to Marlene
15 Gillis dated 12 Jul 00

16 **MR. LEE:** So do you see that, sir?

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

18 **MR. LEE:** And if I can -- this is dated July
19 12th, 2000. And if you can turn over to the second page,
20 you can see in the second full paragraph you write about
21 CBC Radio broadcast by Maureen Brosnahan and quoting Godin
22 and you refer to that issue. Do you see that?

23 **MR. HALL:** Yes.

24 **MR. LEE:** And it says:

25 "The CBC, specifically Brosnahan, tried

1 to insinuate there was a paedophile
2 ring and was attempting to have
3 Detective Inspector Clancy Grasman of
4 CIB confirm her belief."

5 Do you see that?

6 **MR. HALL:** Yes.

7 **MR. LEE:** And then you carry on:

8 "I personally discussed the breach with
9 three Crown attorneys..."

10 So Hallett, Pelletier and Godin?

11 **MR. HALL:** Yes.

12 **MR. LEE:** "...who all agree that Brosnahan
13 had violated the order. The CBC was
14 made aware of this fact..."

15 As we just looked at:

16 "...and I personally advised
17 Brosnahan."

18 **MR. HALL:** Yes.

19 **MR. LEE:** Do you see that?

20 **MR. HALL:** Yes.

21 **MR. LEE:** And it continues on:

22 "Since May of '99, CBC has said very
23 little about this investigation."

24 When did you personally advise Brosnahan; do
25 you recall?

1 **MR. HALL:** I did an interview report with
2 her. There would be a document. I interviewed her at the
3 Best Western.

4 **MR. LEE:** In relation to the possible
5 violation of ---

6 **MR. HALL:** Well, part of the -- Document
7 2833 is just one. There were several in either the day
8 before or proceeding days after, indicating that they had
9 the names of 50 victims.

10 **MR. LEE:** Yes.

11 **MR. HALL:** And I interviewed her for that
12 reason. I wanted to know, well, we're in the business of
13 investigating sexual assaults or whatever, and I wanted the
14 names of the victims.

15 **MR. LEE:** And you discussed that during your
16 evidence in-chief.

17 **MR. HALL:** Yes. And she wouldn't give them
18 to me. It was privileged. But she also said they all came
19 from Dunlop.

20 **MR. LEE:** And the wording you used in this
21 letter is that:

22 "The CBC, specifically Brosnahan, tried
23 to insinuate there was a paedophile
24 ring."

25 Do you see that?

1 **MR. HALL:** Yes.

2 **MR. LEE:** Do you recall discussing with her
3 what you say is an insinuation she had made that there was
4 a paedophile ring? Is that something you spoke to her
5 about?

6 **MR. HALL:** Yes, I did. I discussed what, in
7 my mind, Mr. Godin was trying to do. The Crown attorney,
8 he was trying to explain to the judge so that all of these
9 could be heard at the same time.

10 **MR. LEE:** But it's more than that. It
11 sounds like what you're doing in this conversation with Ms.
12 Brosnahan is essentially advising her that she's mistaken
13 to insinuate there's a paedophile ring and, in fact, that
14 there is not a paedophile ring. Is that what I should take
15 from what I'm hearing here?

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

17 **MR. LEE:** Given the -- in the letter you use
18 the word, "She's insinuating there was a pedophile ring."

19 **MR. HALL:** Yes.

20 **MR. LEE:** And you then have a conversation
21 with Ms. Brosnahan. Was the gist of that conversation to
22 educate her about your feelings as to the existence of a
23 ring?

24 **MR. HALL:** Well, the primary reason was to
25 get the names of the victims that she was alleging in news

1 broadcasts that she had. And then I discussed this. There
2 was several items I discussed with her that weren't correct
3 that they were reporting. So this memorandum went to
4 Freedom of Information. I'm speaking to Freedom of
5 Information here. I'm just giving them my take on what I
6 perceive what happened.

7 CBC made several requests to Freedom of
8 Information for our files or parts of our files or
9 documents.

10 **MR. LEE:** Would you have left Ms. Brosnahan
11 during your conversations with her with the impression that
12 the OPP was not looking into whether or not there was a
13 ring or clan or connection between paedophiles?

14 **MR. HALL:** She knew we were -- I mean, we're
15 in '99 here.

16 **MR. LEE:** Yes.

17 **MR. HALL:** I didn't actively -- we had done
18 some interviews, but I wasn't going fulltime on the
19 conspiracy investigation until early 2000 when I started
20 with Constable Dunlop himself.

21 **MR. LEE:** And I suppose that's part of my
22 point; was that what you were communicating to Ms.
23 Brosnahan, that it was all -- the question was still
24 unanswered and it was up in there and subject to
25 investigation or are you telling Ms. Brosnahan that there's

1 nothing to the allegation in the first place?

2 MR. HALL: I'd like to refer to my notes for
3 that interview with Ms. Brosnahan because I have notes on
4 that interview.

5 MR. LEE: I have absolutely no idea where
6 those notes would be, sir, but we can ---

7 MR. HALL: Well, I'm sure you can find the
8 date of the interview. Her name would be indexed and you
9 give me the date. It was an interview and I'm sure if it
10 was absolutely necessary Ms. Brosnahan will still have a
11 copy of the audiotapes she made with her interview.

12 MR. LEE: I don't think we're going to need
13 the audiotape of Ms. Brosnahan. What I'm asking you is
14 whether or not in the wake of this interview being aired
15 and your discussions with Ms. Brosnahan, whether you were
16 communicating to her that it was premature for her to be
17 suggesting there was or was not a paedophile ring because
18 Project Truth had made no such determination or whether you
19 were trying to tell her that she should back off the story
20 because there's nothing to it?

21 MR. HALL: Well, Mr. -- Detective Inspector
22 Grasman may have been commenting about the investigation
23 that Detective Inspector Smith had done when he found no
24 evidence of a paedophile ring. I don't know exactly which
25 one he was referring to.

1 **MR. LEE:** Okay, one moment.

2 Can we look, please, at Exhibit 2807? This
3 is your Will-State to the York Regional Police.

4 **MR. HALL:** Yes.

5 **MR. LEE:** So just to situate you in time,
6 you'll recall that C-16's mother testified about her
7 contacts with Perry Dunlop on February 7th, 2001, okay?

8 **MR. HALL:** Yes.

9 **MR. LEE:** So if you can hold that, that's
10 really where this issue really comes to a head; February
11 '01. If you can turn to Bates page 571 of the Will-State,
12 please?

13 **MR. HALL:** Yes.

14 **MR. LEE:** At the top of the page -- so this
15 is several months prior to that testimony being given --
16 you write that:

17 "On 17 April '00 the writer met with
18 Ms. Hallett at the Project Truth office
19 to discuss the recent disclosure of
20 Dunlop, including the Dunlop/C-16
21 entries as we were surprised to see
22 them in Dunlop's material. Ms. Hallett
23 was provided with a copy of the Dunlop
24 Will-State. A copy of Dunlop's notes
25 had already been forwarded to her. Ms.

1 Hallett had a concern about the
2 material from Dunlop that was in
3 banker's boxes at Cornwall Police
4 Services and requested that Constables
5 Dupuis and Genier go with her to view
6 the boxes."

7 Do you see that?

8 **MR. HALL:** Yes.

9 **MR. LEE:** So what you're writing in your
10 Will-State here is that on April 17th you meet with Ms.
11 Hallett at the Project Truth offices to discuss Dunlop's
12 recent disclosure, including the Dunlop C-16 entries ---

13 **MR. HALL:** Yes.

14 **MR. LEE:** --- on April 17th, 2000.

15 **MR. HALL:** Yes.

16 **MR. LEE:** And do you have a specific
17 recollection of that meeting, sir?

18 **MR. HALL:** Yes, I do, because what I was
19 pointing out to her was the size of it and I had discussion
20 with her previously about whether he was tape recording us
21 or not, and I think it came home to me that when I received
22 a document and looked at the July 23rd one in particular, it
23 was rather lengthy and I had come to the conclusion that he
24 had been tape recording us. If you look on my notes for
25 the 10th of April, the day I received this, I spent a couple

1 of hours that evening reviewing this document for myself.

2 MR. LEE: Right.

3 MR. HALL: So I had ordered -- well, I
4 didn't order but I asked Detective Constable Dupuis to make
5 several copies for disclosure purposes.

6 Now, when I -- I didn't point out
7 specifically the Dunlop/C-16 conversation but it was in the
8 context of all of this material in the volumes.

9 THE COMMISSIONER: Careful about the
10 monikers, please.

11 MR. HALL: Yes, I'm sorry.

12 MR. LEE: As you say, you receive the Will-
13 State on April 17th and so a week later you're having your -
14 - in your Will-State you're recounting a conversation or a
15 meeting, rather, with Ms. Hallett at the Project Truth
16 offices and you specifically note in your Will-State:

17 "...including the Dunlop/C-16 entries
18 as we were surprised to see them in
19 Dunlop's material."

20 MR. HALL: It was April 10th, not 17th that I

21 ---

22 MR. LEE: You received the Will-State on the
23 10th.

24 MR. HALL: Yeah. Could I go to my notes for
25 the 17th?

1 **MR. LEE:** What's that?

2 **MR. HALL:** My notes for the 17th of April.
3 You've got the typed version here in the Will-State.

4 **MR. LEE:** This isn't a typed version. This
5 is your Will-State, sir.

6 **MR. HALL:** Yes, but I have handwritten notes
7 on the 17th of April that I would like to see.

8 **MR. LEE:** Mr. Engelmann is quicker than I am
9 -- Exhibit 2754 and Bates page, I think, 489.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MR. LEE:** So we have some redaction issues
12 here but I'm told that this is the date we're looking at.
13 And so you see 11:15 checking in at the Best Western and
14 going on if you ---

15 **MR. HALL:** Yes, 11:25?

16 **MR. LEE:** And so at 1530 it appears:

17 "Office, discussed recent disclosure
18 with Hallett."

19 **MR. HALL:** Yes, that would be the Will-Say.

20 **MR. LEE:** And then we have a redaction and
21 we have on the next page:

22 "Copies of notes for Hallett..."

23 **MR. HALL:** "Given my opinion on MacDonald
24 trial, should go ahead, at least put
25 off..."

1 **MR. LEE:** "...for short time only. Hallett
2 concerned about material from Dunlop.
3 Wants Dupuis and Genier to go with her
4 to view material at Cornwall P.S."

5 **MR. HALL:** Yes.

6 **MR. LEE:** "Concerned about box 6. Dunlop
7 has same, will..."

8 **MR. HALL:** "...bring items in, apparently
9 original."

10 **MR. LEE:** And then at 1425 there is an
11 unrelated matter and that person is monikered, so don't say
12 that name.

13 And it appears that just before on the next
14 page, just before your 1630 entry you have:

15 "Review material with Hallett..."
16 Presumably relating to that other matter.

17 **MR. HALL:** I think I -- I believe I have it
18 on the next day, the 18th, after court.

19 **MR. LEE:** Where you attend court with her?
20 And you have in your Will-State, you have a
21 long paragraph relating to April the 18th so seemingly
22 nothing in your notes.

23 **MR. HALL:** No, it was in the context of the
24 volume of the material and the tape recording of it that I
25 was making the comments.

1 **MR. LEE:** And your notes clearly indicate on
2 April 17th you met with Hallett at the Project Truth office.
3 Clearly, you discussed the recent disclosure of Dunlop.
4 It's the next part in your Will-State that I'd like some
5 explanation of:

6 "...including the Dunlop/C-16 entries
7 as we were surprised to see them in
8 Dunlop's material."

9 So this tells us two things, (a) you're
10 telling the York Regional Police there was a specific
11 discussion of the entries that later become so relevant;
12 and (b) you seemingly have an active recollection of that
13 because you explain:

14 "...we were surprised to see them in
15 Dunlop's material."

16 **MR. HALL:** Yes.

17 **MR. LEE:** So question one, I suppose, why
18 would you have been surprised to see anything about the
19 contacts between Dunlop and C-16 at this point, given that
20 you were advised by Officer Dupuis at the time of the
21 contact that it occurred?

22 **MR. HALL:** I wasn't advised at the time of
23 the contact.

24 **MR. LEE:** Very near to it, I thought, sir.
25 Is that not the evidence?

1 **MR. HALL:** Well, the contact was on the 15th
2 of June '98. We met with Constable Dunlop on the 23rd of
3 July '98.

4 **MR. LEE:** I mean by Officer Dupuis, though.
5 Officer Dupuis advised after having been at the C-16
6 residence ---

7 **MR. HALL:** Yeah, yeah, oh, yeah.

8 **MR. LEE:** --- of the contact.

9 **MR. HALL:** Yeah.

10 **MR. LEE:** So you knew the contact had
11 occurred?

12 **MR. HALL:** Oh, I knew it had occurred, yes.

13 **MR. LEE:** And so by the time you get the
14 Dunlop Will-State and you notice that entry in there that
15 wouldn't have been a complete shock to you. You knew it
16 had happened. You may have forgotten about it but ---

17 **MR. HALL:** I knew it happened, sure, I knew.
18 I mean the other -- the other times I had met with him were
19 in there too as well. So I mean I wasn't -- that didn't
20 stand out in my mind anyways.

21 **MR. LEE:** And so when on April 17th, 2000
22 you're discussing this specific entry and you're surprised
23 to see them, would that not have been an obvious time to
24 question Officer Dupuis about his notes or his recollection
25 of that contact?

1 **MR. HALL:** No. No.

2 **MR. LEE:** Why not?

3 **MR. HALL:** Because the contact Dupuis had
4 was in the course of picking up the victim witness
5 statement.

6 **THE COMMISSIONER:** No, it was in the context
7 of picking up a video.

8 **MR. HALL:** A video. That's right.

9 **MR. LEE:** Project Guardian video.

10 **MR. HALL:** Project Guardian video.

11 So then on the 23rd of July it's brought up
12 by Inspector Smith and it's the context of he's contacting
13 victims. Whether it was Joe Blow he was contacting wasn't
14 the concern in my mind, it was the fact, here he is, he's
15 contacting victims again, against what he was ordered not
16 to do.

17 **MR. LEE:** I don't quarrel with that in the
18 least. What I'm bringing you forward to is April 17th of
19 2000 when you've had the Will-State for a week, you've
20 reviewed it and you have a specific discussion, according
21 to your Will-State, with Hallett about the C-16/Dunlop
22 entries, presumably because you recognized that they were
23 relevant to Leduc in some way.

24 **MR. HALL:** Pardon?

25 **MR. LEE:** Well, presumably the only reason

1 on April 17th, 2000 you would be having a discussion with
2 Hallett about Dunlop/C-16 entries is because you recognized
3 they were relevant to Leduc.

4 **MR. HALL:** Well, back on the 17th of April I
5 would have had no idea to make specific notes about
6 anything other than we were discussing the material. It
7 wasn't until I'm asked by York Regional Police and several
8 things happen that I am doing a Will-State and I'm going to
9 my memory from what -- extension of my notes.

10 I mean, there's a lot of things I said you
11 wouldn't have done because nothing's happened. Nothing
12 became an issue until the 7th of February 2001.

13 **MR. LEE:** Let's flip to Bates 573, just to
14 give you a date. The second-last paragraph on the page
15 begins:

16 "On January 9th, '01 the writer had a
17 telephone conversation with Ms. Hallett
18 concerning Phil Campbell..."

19 Et cetera, et cetera. Do you see that?
20 And you continue on, on that date ---

21 **MR. HALL:** What Bates page?

22 **MR. LEE:** Sorry, 573.

23 **MR. HALL:** Yes.

24 **MR. LEE:** The second-last paragraph begins
25 on 9 January '01. I'm just giving you that for the date.

1 I'm interested in the next page, the top of the next page.
2 Presumably still January 9, '01 Ms. Hallett asked the
3 writer to go through the circumstances pertaining ---

4 MR. HALL: Which document are you on, sir?

5 MR. LEE: Sorry, I'm on your Will-State
6 still.

7 MR. HALL: Oh, okay.

8 MR. LEE: Sorry, the York Regional Will-
9 State, which is Exhibit 2807. Hopefully just a little
10 there.

11 MR. HALL: Back in my notes.

12 MR. LEE: Sorry, sir.

13 MR. HALL: And the Bates page?

14 MR. LEE: Five seven three (573).

15 MR. HALL: Yes.

16 MR. LEE: I'm looking at what Madam Clerk
17 has on the screen here. You'll see the second-last
18 paragraph, on January 9th, '01.

19 MR. HALL: Yes.

20 MR. LEE: See that? And if you turn the
21 page over, I think we're still on January 9, '01.

22 MR. HALL: Yes.

23 MR. LEE: You see:

24 "Ms. Hallett asked the writer to go
25 through the circumstances pertaining to

1 how the Leduc allegations came to the
2 police attention and that Dunlop was
3 involved in reporting the allegations."

4 Et cetera. Do you see that?

5 **MR. HALL:** Yes.

6 **MR. LEE:** In the last line of that
7 paragraph:

8 "We discussed the comments Perry Dunlop
9 had made in his notes and Will-State
10 and the fact there was no evidence
11 Dunlop ever talked to the victims."

12 **MR. HALL:** Yes.

13 **MR. LEE:** And, again, this is in the context
14 of the Leduc prosecution, clearly. And what you're telling
15 the York Regional Police via the Will-State is that you had
16 a specific discussion with Ms. Hallett on January 9, '01.

17 **MR. HALL:** Yes, I noted the various things
18 she was telling me.

19 **MR. LEE:** So essentially what I take from
20 this is, this is the second conversation you say you had
21 with Ms. Hallett prior to C-16's mother testifying where
22 you specific discussed the entries of interest in the
23 Dunlop materials.

24 **MR. HALL:** Yes.

25 **MR. LEE:** And is that your recollection

1 today, that twice prior to C-16's mother testifying, you
2 had a specific discussion with Ms. Hallett about the
3 materials in the -- relating to C-16's mother and Dunlop
4 being in touch with each other, in the Will-State?

5 **MR. HALL:** On the 9th of January I discussed
6 it. She asked me to go through it; I did.

7 **MR. LEE:** Right. And ---

8 **MR. HALL:** She verifies that in her
9 statement.

10 **MR. LEE:** What I'm asking is, do you confirm
11 the accuracy of what you set out in your Will-State on
12 those two points?

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

14 **MR. LEE:** And we know that C-16's mother
15 then testified on February 7th, '01, and obviously there's
16 some pretty major fallout from that that you've been asked
17 a number of questions about, and you're called as a witness
18 for the defence ---

19 **MR. HALL:** Yes.

20 **MR. LEE:** --- on the application that they
21 bring relating to wilful non-disclosure?

22 **MR. HALL:** Yes.

23 **MR. LEE:** And you're questioned about all of
24 the various non-disclosure issues?

25 **MR. HALL:** Relating to Mr. Leduc's case?

1 **MR. LEE:** Relating to the Leduc case, right.

2 **MR. HALL:** Yes.

3 **MR. LEE:** You're questioned about when the
4 information in the ---

5 **MR. HALL:** Yes.

6 **MR. LEE:** --- Dunlop Will-State came into
7 the possession of the police.

8 **MR. HALL:** Yes.

9 **MR. LEE:** When it came into the possession
10 of the Crown.

11 **MR. HALL:** Yes.

12 **MR. LEE:** What discussions you had between
13 you. When the -- and the end game is trying to figure out,
14 from a defence perspective, when Ms. Hallett knew and what
15 she knew.

16 **MR. HALL:** Correct.

17 **MR. LEE:** Is that right?

18 And you understood at the time of that
19 application that the Crown position -- Ms. Hallett's
20 position was that she simply missed it?

21 **MR. HALL:** The defence's application?

22 **MR. LEE:** Ms. Hallett's -- yeah, Ms.
23 Hallett's response to the defence's allegation of wilful
24 non-disclosure was, it wasn't wilful.

25 **MR. HALL:** Yes.

1 **MR. LEE:** "I had the Dunlop Will-State but I
2 just missed the entries that we're concerned about."

3 **MR. HALL:** That's what she said.

4 **MR. LEE:** And you understood that was her
5 position?

6 **MR. HALL:** Well, I didn't know it then and I
7 didn't know it until -- she apparently indicated that to
8 the Court on the 14th of February and I wasn't there.

9 **MR. LEE:** And when she questioned you she
10 puts that ---

11 **MR. HALL:** I subsequently learned that
12 later.

13 **MR. LEE:** Well, she puts it to you during
14 your testimony, right?

15 **MR. HALL:** Yes, but I mean she indicated on
16 the 14th of February but she could have said it on the 7th of
17 February as well ---

18 **MR. LEE:** And I ---

19 **MR. HALL:** --- when the issue came up.

20 **MR. LEE:** And I understand your point on
21 that.

22 You -- if we can look -- I don't believe
23 we've yet entered Document 101842, Madam Clerk.

24 **THE REGISTRAR:** The number again?

25 **MR. LEE:** One zero one eight four two

1 (101842). This is the transcript of Mr. Hall's evidence on
2 February 22nd, '01 before Justice Chadwick.

3 **THE COMMISSIONER:** It has been put in. Wait
4 a minute now. Are we talking about the interchange about
5 were you here in court on this day turned ---

6 **MR. LEE:** Not at the two-page excerpt I
7 have. I don't know if it's part of the same ---

8 **THE REGISTRAR:** Twenty-six forty-eight
9 (2648).

10 **MR. LEE:** Twenty-six forty-eight (2648).

11 **THE COMMISSIONER:** Okay.

12 **MR. LEE:** Sorry, sir.

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

14 **MR. HALL:** Yes.

15 **MR. LEE:** And I'm looking at page 12, sir,
16 rather than looking at the Bates, because I think I may
17 have the wrong document. If we can just look at page 12.

18 **MR. HALL:** Yes.

19 **MR. LEE:** And you'll see at about line 17 --
20 this is Ms. Hallett cross-examining you because you were a
21 defence witness. Do you recall that?

22 **MR. HALL:** Yes.

23 **MR. LEE:** And we have -- at about line 17
24 she asked:

25 "Did you ever prepare a memorandum

1 similar to this one directing my
2 attention to the existence in the
3 Dunlop notes and Will-Say of the Dunlop
4 contact with C-16's mother in May and
5 June of 1998?"

6 **MR. HALL:** Yes.

7 **MR. LEE:** And you answer:

8 "The notes were received on the 14th of
9 March 2000."

10 **MR. HALL:** Yes.

11 **MR. LEE:** And you go on to say that you
12 reviewed them and copied them and forwarded them to her
13 office. And that all goes to when she received the Will-
14 State, when she received Dunlop's notes and things along
15 those lines; right?

16 **MR. HALL:** Yeah, the notes came before the
17 Will-State.

18 **MR. LEE:** Right. And if you turn over to
19 page 13 you say at line 7:

20 "And also we had conversations about
21 disclosure on the phone in April after
22 I received the Will-State."

23 And you answer at line 11:

24 "And our particular focus was Father
25 Charles MacDonald because it was quite

1 obvious there was a considerable amount
2 of material related to the MacDonald
3 matter."

4 Do you see that?

5 **MR. HALL:** Yes.

6 **MR. LEE:** And what I don't see anywhere in
7 your evidence on that application is any mention of the
8 April 17th meeting or of the January 9th meeting with Ms.
9 Hallett where you've told us here that you have specific
10 discussions with her about those references in the Will-
11 State.

12 **MR. HALL:** Yes, I see.

13 **MR. LEE:** And how do you explain that, sir?

14 **MR. HALL:** I also had -- around line 6, we
15 had conversations about disclosure on the phone ---

16 **MR. LEE:** Yes.

17 **MR. HALL:** --- yes, in April after I
18 received the Will-Say.

19 **MR. LEE:** Yes.

20 **MR. HALL:** Well ---

21 **MR. LEE:** And you continue:

22 "And our particular focus was Father
23 MacDonald."

24 **MR. HALL:** Yes.

25 **MR. LEE:** What you don't say is "And, Ms.

1 Hallett, you'll recall that I specifically pointed you the
2 references in the Will-State about Perry Dunlop contacting
3 C-16's mother."

4 **MR. HALL:** I didn't specifically point her
5 to the reference on April 17th.

6 **MR. LEE:** And, sir, the problem I have is,
7 at these meetings, if the meeting on April 17th, 2000 and
8 January 9th, 2001 happened as you say they did in this Will-
9 State they very directly contradict Ms. Hallett's
10 submissions to the Court on the application. She says it
11 was inadvertent. These two recollections you have of these
12 meetings suggest that it was anything but inadvertent. You
13 twice discussed it with her.

14 **MR. KLOEZE:** Excuse me, Mr. Commissioner, I
15 may be missing something but I just heard the witness say
16 that on April 17th he didn't directly point Ms. Hallett to
17 the C-16 contact.

18 **THE COMMISSIONER:** Yeah, you may have ---

19 **MR. KLOEZE:** So there's no contradiction.

20 **THE COMMISSIONER:** Well, for the 16th.

21 During the conversation on the 16th, Mr.
22 Hall, are you saying that in your conversation -- telephone
23 conversation in April ---

24 **MR. KLOEZE:** Seventeenth (17th).

25 **MR. HALL:** Yes.

1 **THE COMMISSIONER:** --- 17th that you didn't
2 discuss the C-16 and mother's conversation with ---

3 **MR. HALL:** No, not directly. No.

4 **THE COMMISSIONER:** Not directly? Okay.

5 **MR. LEE:** The Will-State reads:

6 "On 17 April 2000 the writer met with
7 Ms. Hallett at the Project Truth office
8 to discuss the recent disclosure of
9 Dunlop, including the Dunlop/C-16
10 entries as we were surprised to see
11 them in Dunlop's material. Ms. Hallett
12 was provided with a copy of the Dunlop
13 Will-State. A copy of his notes had
14 already been forwarded to her."

15 **MR. HALL:** What I made reference to, as I
16 said earlier, I'm making reference to the fact that Dunlop
17 had an extensive entry for July 23rd and the context was he
18 was photocopy -- he was tape-recording us. That's the
19 reference I was making. I didn't say specifically what was
20 in the content of the July 23rd meeting. I just said that
21 it was under the fact that he had been, I suspected,
22 recording, and because of the amount of material there it
23 was no doubt in my mind; he used exact words that I had
24 used.

25 **THE COMMISSIONER:** You mentioned a

1 recording. There's nothing illegal with it, is there?

2 MR. HALL: No.

3 THE COMMISSIONER: Okay.

4 MR. HALL: As long as one party has
5 knowledge, there's nothing illegal.

6 THE COMMISSIONER: Did it bother you that he
7 was taping it?

8 MR. HALL: Well, I think in -- you know,
9 you're dealing with a police officer -- police officer to
10 police officer. You know, you're pretty well aboveboard. I
11 mean, you know, if he wanted to do that he could have told
12 us. I mean at least his wife had the courtesy of putting
13 the tape recorder on the table and saying, "Can I record
14 you?"

15 THE COMMISSIONER: No, but it seems to
16 bother you. You keep bringing it up as -- is it -- were
17 you ---

18 MR. HALL: Well, I think where it bothers me
19 is the fact -- it's the repercussions it had on the cases;
20 the fact that now he's coming in 2000 and he's got all this
21 documented notes and stuff that he could have gave us back
22 originally.

23 THE COMMISSIONER: The notes? You mean the
24 recordings he made of your conversation with him?

25 MR. HALL: Yes, with the disclosure. I mean

1 he's noting everything. If he had have given us his notes
2 on the 23rd of July conversation -- if he had given it me on
3 the 31st of July when I picked up the binders, they would
4 have been in our brief. There would have been no issue.

5 **THE COMMISSIONER:** But you had the same
6 discussions with him, obviously, so you had your notes.

7 **MR. HALL:** I had my notes, yes.

8 **THE COMMISSIONER:** Right.

9 **MR. HALL:** But they weren't as comprehensive
10 as his.

11 **THE COMMISSIONER:** Okay.

12 **MR. LEE:** Sir, you'll recall the entry in
13 the Dunlop Will-State relating to this is in the context of
14 a meeting that Constable Dunlop has with Inspector Wells
15 and Inspector Trew, and it reads:

16 "Inspector Tim Smith wants to know
17 about C-16's mother. I stated that I
18 spoke to her and directed her to
19 Project Truth. Inspector Tim Smith
20 indicated that I called her back.
21 Three weeks later I called C-16's
22 mother back out of concern. She was
23 very upset the first time she called
24 me. Out of concern that a normal,
25 caring person has, I called her back to

1 make sure she was okay."

2 MR. HALL: Yes.

3 MR. LEE: The Will-State that you prepare
4 for the York Regional Police in the context of a criminal
5 investigation of Shelley Hallett speaks of receiving the
6 Will-State on April 10th, of meeting with Hallett on April
7 17th, of having a specific discussion of the Dunlop C-16
8 entries ---

9 MR. HALL: I didn't say that.

10 MR. LEE: "On April 17th, 2000 the writer
11 met with Ms. Hallett at the Project
12 Truth office to discuss the recent
13 disclosure of Dunlop, including the
14 Dunlop C-16 entries, as we were
15 surprised to see them in Dunlop's
16 material."

17 That's explicit, sir.

18 MR. HALL: Yes. But I explained before I
19 was directing her to the fact that Dunlop had tape-recorded
20 us on the 23rd of July '98.

21 MR. LEE: By the time you prepare this Will-
22 State are you out to get Shelley Hallett, sir?

23 MR. HALL: Definitely not.

24 MR. LEE: You recall that the Leduc charges
25 were stayed in March of 2001?

1 **MR. HALL:** Yes.

2 **MR. LEE:** And you had a conversation with a
3 man named Brian Saunderson, who was counsel for the
4 Diocese? Do you recall having conversations with counsel
5 for the Diocese at various points?

6 **MR. HALL:** Well, he represented Bishop
7 LaRocque when I interviewed him. I do recall having
8 telephone calls, but if you have a document ---

9 **MR. LEE:** Let's look at one in particular
10 that I'm interested in. It is Exhibit 2757, and I'm
11 looking at Bates page ending 829, sir, and we have a ---

12 **THE COMMISSIONER:** Top or bottom?

13 **MR. LEE:** Top, please.

14 This is a March 2nd, '01 page by Brian
15 Saunderson about Dunlop's private investigation:

16 "Was that authorized? Was he a
17 police officer?"

18 And a phone number. You see that?

19 **MR. HALL:** Yes.

20 **MR. LEE:** And I take it, based on a
21 recording in your note, that was a specific inquiry that
22 Mr. Saunderson was making of you?

23 **MR. HALL:** Yes.

24 **MR. LEE:** I'd like to take you, if I could,
25 to a memo to file drafted by Brian Saunderson about that

1 phone call.

2 Madam Clerk, it's Document 109006.

3 **THE COMMISSIONER:** Thank you. Exhibit 2835
4 is a memorandum dated March 2nd, 2001 to the file from Brian
5 Saunderson, telephone conversation with Inspector Pat Hall.

6 --- **EXHIBIT NO./PIÈCE NO. P-2835:**

7 (109006) - Letter from Brian Saunderson to
8 Pat Hall re: Telephone conversation with
9 Inspector Pat Hall dated 02 Mar 01

10 **MR. LEE:** Have you seen this, sir?

11 **MR. HALL:** Pardon?

12 **MR. LEE:** Have you seen this in preparation
13 for the Inquiry?

14 **MR. HALL:** I believe I have.

15 **MR. LEE:** Can I just give you a minute to
16 read that over, please?

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. HALL:** Yes.

19 **MR. LEE:** Is this an accurate recording of -
20 - a reflection of your conversation with Mr. Saunderson?

21 **MR. HALL:** I would say so.

22 **MR. LEE:** Do you know why Mr. Saunderson was
23 interested in Mr. Dunlop's role as an investigator,
24 specifically between January '94 and May '97?

25 **MR. HALL:** Well, he was a lawyer for the

1 Diocese, I believe.

2 MR. LEE: If we look at the memo, this ---

3 MR. HALL: He may have been something to do
4 with the civil suits. I don't know what ---

5 MR. LEE: The specific client reference on
6 the memorandum is Maloney and a file number, but you
7 understood that ---

8 MR. HALL: Okay, yeah. Would be Father
9 Maloney.

10 MR. LEE: You understood that Mr.
11 Saunderson's law firm acted more globally ---

12 MR. HALL: Yes.

13 MR. LEE: --- for the Bishop, the Diocese --
14 -

15 MR. HALL: Yes.

16 MR. LEE: --- the priests that were
17 involved?

18 MR. HALL: Yes. I think it was specifically
19 Father Maloney at this time.

20 MR. LEE: And as we saw in your notes, the
21 original question was, was Dunlop authorized as a police
22 officer during his private investigation? And you'd agree
23 with me, based on the contents of this memo, that you
24 provide considerably more information than a response to
25 that question?

1 **MR. HALL:** Yes.

2 **MR. LEE:** And ---

3 **MR. HALL:** There may have been other phone
4 calls too. I don't know.

5 **MR. LEE:** There's a fair amount of
6 information you share here. In the first paragraph he
7 writes:

8 "Inspector Hall confirmed that Dunlop's
9 investigation between January '94 and
10 May '97, when he was on sick leave, was
11 unauthorized and indicated that when
12 Dunlop returned to duty, he was
13 specifically ordered not to continue
14 any type of investigative activities."

15 Do you see that?

16 **MR. HALL:** Yes.

17 **MR. LEE:** And you continue on:

18 "Dunlop's investigative techniques were
19 substandard."

20 **MR. HALL:** In my view, yes.

21 **MR. LEE:** "His coaching of witnesses with
22 respect to encouraging them to commence
23 civil actions was, in Inspector Hall's
24 opinion, criminal and he feels Dunlop
25 should be charged as a result."

1 **MR. HALL:** Yes.

2 **MR. LEE:** In the next paragraph you set out
3 that Dunlop refused to hand over materials relevant to the
4 Leduc trial?

5 **MR. HALL:** Yes.

6 **MR. LEE:** And if you look on the second page
7 towards the bottom, you go into some detail about the
8 amount of time that Ms. Hallett has taken making a decision
9 on the Maloney charges.

10 **MR. HALL:** Yes. It was his clients.

11 **MR. LEE:** That's -- that was my next
12 question, sir. You appreciated at the time you were
13 speaking with Father Maloney's lawyer?

14 **MR. HALL:** The question?

15 **MR. LEE:** Did you appreciate at the time
16 that you were speaking with Father Maloney's lawyer when
17 you were giving him this information?

18 **MR. HALL:** Yes.

19 **MR. LEE:** What was the purpose of telling
20 him all of this?

21 **THE COMMISSIONER:** All this meaning the
22 delay part of it with the Crowns?

23 **MR. LEE:** The information about Dunlop, the
24 delay with the Crown; pretty much the entirety of what we
25 have here. Why are you telling this to Mr. Saunderson?

1 **MR. HALL:** Well, I think at that particular
2 time I think even the Bishop had made some inquiry as to
3 why it was taking so long to get opinions. I mean, he was
4 left hanging as well as the others. And Saunderson, I
5 think, was trying to find out why, what was happening, what
6 was taking so long. So I shared information with him.

7 **MR. LEE:** "Inspector Hall advises me that
8 he has complained to senior Crown
9 attorney for the area approximately
10 seven months ago with respect to the
11 fact that this decision remained
12 outstanding."

13 **MR. HALL:** Yes, I did.

14 **MR. LEE:** You would have been aware at this
15 point that a number of cases involving priests were
16 outstanding? If I can give you a little bit of a list,
17 Romeo Major is in pretrial at this point? Charles
18 MacDonald is still outstanding?

19 **MR. HALL:** Yes.

20 **MR. LEE:** And Dunlop is certainly an issue
21 in that trial?

22 **MR. HALL:** Yes.

23 **MR. LEE:** The Rene Dubé trial has been put
24 over. Kenneth Martin has not yet gone to trial. Father
25 Maloney has not yet been charged, as we see here, and we

1 have the possibility of appeals still open in relation to
2 the Leduc stay.

3 So I suppose my question is, were you
4 concerned that commenting this freely on these internal
5 matters could be detrimental to those prosecutions?

6 **MR. HALL:** This memo is dated March 2nd,
7 2001.

8 **MR. LEE:** Yes.

9 **MR. HALL:** Could I see the court disposition
10 log, please?

11 **MR. LEE:** See the?

12 **MR. HALL:** Court disposition log.

13 **MR. LEE:** If ---

14 **MR. HALL:** You're quoting various cases
15 being concluded or not concluded. I just want to check the
16 log.

17 **MR. LEE:** And I suppose I do that at my
18 peril, sir. If I'm wrong, your answer is not going to be
19 worth much, is it? I can tell you the Chilcott stay
20 decision was the day before.

21 **MR. HALL:** Okay.

22 **MR. LEE:** And I can tell you I've checked
23 the record to ensure that the other issues I've just -- can
24 you at least agree with me that there would have been
25 outstanding matters involving the Diocese ---

1 MR. HALL: Yes, yes.

2 MR. LEE: --- who you knew to be represented
3 by the man you were speaking to?

4 MR. HALL: There would be outstanding
5 matters, yes.

6 MR. LEE: And I take it you would have been
7 aware that all of these things that you were saying about
8 Dunlop could have been used by Father Maloney's counsel had
9 that matter ever gone to trial?

10 MR. HALL: Could have been.

11 MR. LEE: Were you always this candid with
12 defence counsel?

13 MR. HALL: No. I wasn't always asked that
14 amount of information by defence counsel.

15 MR. LEE: You appreciated at the time that
16 you were free to decline to answer, didn't you?

17 MR. HALL: Yes.

18 MR. LEE: You strike me as rather strong-
19 minded and I'm sure you wouldn't have had any problem not
20 answering a question from defence counsel.

21 MR. HALL: I was trying to be cooperative.

22 MR. LEE: Why?

23 MR. HALL: Well, he's -- his case -- I think
24 he was -- part of the reason he wanted the matter resolved
25 with Father Maloney in particular was because Father

1 Maloney was the chaplain at the county jail and there was
2 allegations that surfaced around him, and it was affecting
3 him personally in his profession as a clergyman, and Mr.
4 Saunderson was trying to speed up the process.

5 MR. LEE: He was trying to keep his client
6 out of trouble, wasn't he, sir?

7 MR. HALL: Well, sure, defence counsel,
8 that's their job.

9 MR. LEE: You spoke earlier about Mr.
10 Dunlop's priority not being getting convictions. Do you
11 think you can say the same yourself at this point in time,
12 sir?

13 MR. HALL: I'm sorry?

14 MR. LEE: You spoke earlier about Mr.
15 Dunlop's priority being charges and not getting
16 convictions, and as of March 2nd, 2001, can we say the same
17 of you?

18 MR. HALL: No.

19 MR. LEE: Does ---

20 MR. HALL: I mean, that was my opinion of
21 him. I don't know whether he -- he may very well wanted to
22 get convictions. It's just his actions led me to believe
23 that that's -- he was only concerned with the charges.

24 MR. LEE: Does your willingness to speak
25 this freely with Mr. Saunderson have something to do with

1 the fact that you're talking about Perry Dunlop and Shelley
2 Hallett?

3 **MR. HALL:** The question again?

4 **MR. LEE:** The two people who you're speaking
5 very openly to defence counsel about in this conversation
6 are Perry Dunlop and Shelley Hallett, and I would suggest
7 to you by March 2nd, 2001 there's not a lot of love lost
8 between you and those two people. Does that play a role in
9 the reason you're giving him this much information?

10 **MR. HALL:** Absolutely not because Shelley
11 Hallett was the designated Crown to do the reviews. We had
12 every expectation she was going to perform that duty, which
13 she ultimately did not.

14 **MR. LEE:** So looking back on it, upon having
15 just read this memo, you don't have any concerns about the
16 amount of information you provided with -- Mr. Saunderson?

17 **MR. HALL:** Personally, no.

18 **MR. LEE:** The ---

19 **MR. HALL:** I gave information to Mr. Downing
20 from Correctional Services as well. I gave information to
21 various people. So if you feel it's inappropriate, so be
22 it.

23 **MR. LEE:** I can turn up the mandate --
24 moving on, I can turn up the mandate if you need it, but do
25 you recall that the Project Truth mandate included specific

1 mention of teachers?

2 MR. HALL: Yes.

3 MR. LEE: And I want to take you, if I
4 could, to an exhibit, Exhibit 368, Madam Clerk?

5 And once you have this in front of you, sir,
6 I need to explain something about an order of the
7 Commissioner. So before you say anything, I just need to
8 explain something about the document.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. LEE: Do you have that before you, sir?

11 MR. HALL: Yes.

12 MR. LEE: This relates to one of my clients,
13 Marc Latour, who testified here as a witness. Can you take
14 a look at the second paragraph? I don't want you to read
15 it aloud. I just want you to look at it, just the one
16 sentence there.

17 MR. HALL: Yes.

18 MR. LEE: The information contained in that
19 paragraph is subject to an order of the Commissioner and I
20 won't be referencing it. I won't be referring to it. I
21 won't be alluding to it and I would ask that you not do the
22 same either, okay?

23 MR. HALL: Okay.

24 MR. LEE: I'm not going to reference any of
25 that information at all. We're going to talk about the

1 allegation against Mr. Greggain, okay?

2 MR. HALL: Yes.

3 MR. LEE: Thank you, sir.

4 Now, what this -- this is, as you can see, a
5 letter from you to the Chief of the Cornwall Police on June
6 19th, 2000 re: -- attention to Rick Carter, re: Report of
7 Sexual Assault, City of Cornwall, approximately 1968. The
8 victim set out is Marc Latour. Do you see that?

9 MR. HALL: Yes.

10 MR. LEE: And the first paragraph you have:

11 "On 19 June 2000, the above-noted
12 victim called the offices of Project
13 Truth to advise of being sexually
14 assaulted while a student of Gilf
15 Greggain who was his Grade 3 teacher at
16 St. Peter's school, 2nd Street East,
17 Cornwall, Ontario. The victim was
18 approximately eight or nine years old."

19 And you continue:

20 "These alleged offences occurred in the
21 City of Cornwall. The exact nature of
22 the allegations was not solicited as it
23 was felt it would be more appropriate
24 for your police service to conduct the
25 investigation."

1 **MR. HALL:** Yes.

2 **MR. LEE:** "Latour advises the suspect
3 Greggain was recently observed in
4 Cornwall, but it unknown what his
5 employment status is at the time and
6 Latour was advised CPS would contact
7 him."

8 **MR. HALL:** Yes.

9 **MR. LEE:** You see all that?

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

11 **MR. LEE:** So you'd agree with me that the
12 call that came in from Mr. Latour was rather basic? You
13 got the -- I suppose the critical information in terms of
14 who he was and who he alleged abuse by, and that's about
15 it. It specifically says that the details, the exact
16 nature of the allegations, was not solicited.

17 **MR. HALL:** Yes.

18 **MR. LEE:** So what you learned was he alleged
19 historic sexual abuse against a teacher in Cornwall.

20 **THE COMMISSIONER:** And another person.

21 **MR. LEE:** Yes.

22 **MR. HALL:** There may have been a bit more
23 information in the contact that's not included in the memo
24 here. I'd have to go to our file control -- Action Taken
25 file.

1 **MR. LEE:** I've checked the notebook entries
2 and there's not much else here. I mean it's just ---

3 **MR. HALL:** Did you check our File Control
4 Register?

5 **MR. LEE:** No.

6 **MR. HALL:** Well, that's where it would be,
7 because everything is entered in the file control book, and
8 then the Action Taken section would have a notation as to
9 how we handled that matter.

10 **MR. LEE:** I mean the gist of what I'm
11 concerned about, the exact nature of the allegations, was
12 not solicited. I'm not suggesting that Mr. Latour went
13 into his life story here.

14 **MR. HALL:** No.

15 **MR. LEE:** You got the basic information, you
16 decided it wasn't Project Truth and you forwarded it that
17 very same day to Cornwall Police.

18 **MR. HALL:** Yes.

19 **MR. LEE:** You advised Mr. Latour he'd get a
20 call back from Cornwall Police. You advised Cornwall
21 Police they should call Mr. Latour.

22 **MR. HALL:** Yes.

23 **MR. LEE:** Right?

24 Can you tell me, based on the information
25 you had, what made you decide it was not part of Project

1 Truth?

2 MR. HALL: I didn't consider it to be within
3 the mandate.

4 MR. LEE: And why is that?

5 MR. HALL: Well, the information wasn't part
6 of Mr. Dunlop's material.

7 MR. LEE: This is June of 2000. By June of
8 2000, how tightly did you tie your mandate back to the
9 Fantino brief?

10 MR. HALL: Very tightly. That was my
11 mandate.

12 MR. LEE: And ---

13 MR. HALL: I wasn't there to investigate
14 every sexual assault that happened in Cornwall. I was also
15 advised in person by Chief Tony Repa he wanted any
16 opportunity, he felt, to investigate the occurrence if it
17 was in his jurisdiction.

18 MR. LEE: The problem we have -- well,
19 perhaps not a problem. We'll talk about that. But the ---

20 MR. HALL: It's a decision I made, sir, and
21 that's it.

22 MR. LEE: The reason I'm bringing you to it
23 is you have information he's a Grade 3 teacher at a
24 Catholic school, St. Peter's School. So does that not, on
25 its own deserve, a little bit of scrutiny from Project

1 Truth?

2 MR. HALL: It didn't fall within our
3 mandate. Cornwall Police had very capable officers to do
4 an investigation and it was turned over to them.

5 MR. LEE: I understand you say it didn't
6 fall in the mandate. I don't understand why you say it
7 didn't fall in the mandate.

8 MR. HALL: Well, you'll have to trust me;
9 decision I made. My mandate was framed fairly tightly and
10 we stuck with it.

11 THE COMMISSIONER: No. No, no. No, no. If
12 he asks you why, you give us an answer as to why.

13 MR. HALL: Because I felt it didn't fall
14 within our mandate.

15 THE COMMISSIONER: Okay.

16 MR. LEE: Did only teachers named in the
17 Dunlop brief fall in the mandate?

18 MR. HALL: Pretty well.

19 MR. LEE: What if -- I mean there's
20 seemingly no investigation of ---

21 MR. HALL: There had to be -- it depended a
22 lot on who was making the allegations and what other
23 connections they were. If they were connected to other
24 investigations we were doing within our mandate, then we
25 may have kept it in our mandate.

1 **MR. LEE:** But it doesn't seem that any of
2 that investigation is done at all. There doesn't seem to
3 be any scrutiny of it; simply a matter that you received
4 the allegation, it's not somebody -- the name you
5 recognize, presumably, and it goes to Cornwall Police.

6 **MR. HALL:** Yes.

7 **MR. LEE:** Does the period of time that this
8 occurs, June of 2000, play a role here? Is this a matter
9 of Mr. Latour just making a phone call too late?

10 **MR. HALL:** No, no. We were there for any
11 allegation that came in. It didn't matter. Even after
12 Project Truth was concluded, if somebody came with an
13 allegation after, the officers were prepared to investigate
14 it.

15 **MR. LEE:** Project Truth was or the OPP was?

16 **MR. HALL:** Well, I mean if we were
17 effectively shut down -- I mean if the allegation happened
18 in Stormont, Dundas, Glengarry or Lancaster area, the same
19 officers who work at those detachments were working for me,
20 so I mean to me who did the investigation didn't really
21 matter. The point is as long as it got done and got done
22 properly and the proper action was taken.

23 **MR. LEE:** And you didn't think it important,
24 upon receiving an allegation of historic abuse by a teacher
25 in Cornwall, to investigate linkages, as an example? You

1 know, whether or not this guy ever knew Marcel Lalonde is a
2 question that jumps out in my mind.

3 **MR. HALL:** No, I was leaving that up to
4 Cornwall Police to make a distinction. If they got into it
5 -- they knew pretty well what our mandate was, and if there
6 was some reason that they couldn't do it, they had two
7 options. They could ask us to do it or they could go to
8 the Director of Criminal Investigation Branch in Orillia,
9 and another inspector or other officers would be assigned
10 and it would be investigated.

11 **MR. LEE:** May I have just one moment?

12 **THE COMMISSIONER:** Certainly.

13 **MR. HALL:** If it's possible, could we have a
14 break, Mr. Commissioner?

15 **THE COMMISSIONER:** Yes. What time is it
16 now?

17 **MR. HALL:** Five to three.

18 **THE COMMISSIONER:** Sure.

19 Let's take a 10-minute break.

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

22 This hearing will resume at 3:05 p.m.

23 --- Upon recessing at 2:55 p.m./

24 L'audience est suspendue à 14h55

25 --- Upon resuming at 3:08 p.m./

1 L'audience est reprise à 15h08

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

4 This hearing is now resumed. Please be
5 seated. Veuillez vous asseoir.

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

7 **THE COMMISSIONER:** Mr. Lee, I'll have to
8 hold you to the 3:30, not to stop your complete cross-
9 examination; just the weather outside is frightful.

10 **MR. LEE:** I'll be done before 3:30, sir.

11 **THE COMMISSIONER:** You will?

12 **MR. LEE:** I will.

13 **THE COMMISSIONER:** Okay.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE
15 (cont'd/suite):

16 **MR. LEE:** Mr. Commissioner, I have a
17 document I want to take the witness to. It's a case
18 manager's assignment form. It's several hundred pages
19 long.

20 **THE COMMISSIONER:** Really?

21 **MR. LEE:** Late notice was provided and
22 Ms. Lahaie has told me that she has copies of it that she
23 can provide, but not until tomorrow. So what I'd like to
24 do is ---

25 **THE COMMISSIONER:** No, I think she's got

1 them right now.

2 **MS. LAHAIE:** They're on their way. They'll
3 be here in about five minutes.

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

5 **MR. LEE:** So if we could, I'd like to take
6 the witness to it. I want to take him to a few pages.
7 Hopefully we'll just do it on the screen.

8 **THE COMMISSIONER:** Sure.

9 **MR. LEE:** And then we can enter them. The
10 Document Number is 702727. And if we can start with Bates
11 -- so you recognize this, sir, as the ---

12 **THE COMMISSIONER:** Sorry, just before you
13 go, we'll give it an exhibit number ---

14 **MR. LEE:** Sure.

15 **THE COMMISSIONER:** --- so it won't get lost
16 in the shuffle.

17 **THE REGISTRAR:** Two eight three six (2836).

18 **THE COMMISSIONER:** Two eight three six
19 (2836)? All right, and this is a case manager's assignment
20 form.

21 --- **EXHIBIT NO./PIÈCE NO. P-2836:**

22 (702727) - Case Manager's Form

23 **THE COMMISSIONER:** Okay.

24 **MR. LEE:** Mr. Hall, can you explain to us
25 briefly what this document is?

1 **MR. HALL:** There's another -- there's
2 another book, if I could call it that, that we put
3 assignments in and they're numbered. For instance, the top
4 of this would be 44, and if you went to that book it would
5 probably just enter the name Marcel Lalonde. So this part
6 is the action taken.

7 **MR. LEE:** Okay.

8 **MR. HALL:** And all of the ones from the
9 assignment book have some kind of an entry and the action
10 taken to say how it was disposed of -- cleared off, mostly
11 by me.

12 **MR. LEE:** So you would have Assignment
13 Number 1 and Assignment Number 50 and Assignment Number
14 100.

15 **MR. HALL:** They went up to 1,064 I believe.

16 **MR. LEE:** Okay.

17 So if we can start then, Madam Clerk, at
18 Bates page 311, so 7006311.

19 And so we have here -- I've just taken one
20 of them partway through, number 76. Do you see that?

21 **MR. HALL:** Yes.

22 **MR. LEE:** And you have somebody's name and
23 then you have the officer, Genier/Truth, and the date
24 18 July '00. Do you see that?

25 **MR. HALL:** Yes.

1 **MR. LEE:** And under Information

2 Basis/Background we have:

3 "Above mentioned in original Father
4 MacDonald brief or in Dunlop binders."

5 **MR. HALL:** Yes.

6 **MR. LEE:** And action taken:

7 "Above was previously spoken to in
8 original Father MacDonald brief or is
9 mentioned in Perry Dunlop's binders as
10 a person related to persons aware of
11 abuse. Considering time lapse and
12 opportunity to report abuse since
13 original brief, above will not be
14 interviewed. D.C. Genier."

15 You see that?

16 **MR. HALL:** Yes.

17 **MR. LEE:** And, as I said, the date of the
18 entry is July 18th, 2000.

19 And Madam Clerk, if I can just get you to
20 scroll back to show us the entire page? And if you can
21 flip to the next page, Madam Clerk?

22 Number 77, different name, same writing.

23 You see that?

24 **MR. HALL:** Yes.

25 **MR. LEE:** July 18, 2000 and everything I've

1 just read to you identical. And number 78 and number 79,
2 and it goes on and it goes on, and there are several dozen
3 of these entered on this date, July 18th, 2000, with the
4 gist of the information being that this person's name was
5 mentioned either in the MacDonald brief or in the Dunlop
6 binders; that they may have been spoken to in the past but
7 they may not have. And given the time lapse and the
8 opportunity they would have had to come forward if they had
9 anything to offer, they're not going to be interviewed. Do
10 you see that?

11 MR. HALL: Yes.

12 MR. LEE: And July of 2000 is the month that
13 the conspiracy brief is submitted?

14 MR. HALL: Yes.

15 MR. LEE: And can I assume then that what's
16 happening here with all of these assignments is that you're
17 wrapping things up?

18 MR. HALL: Well, I think those assignments,
19 if I recall, were names of altar boys.

20 MR. LEE: Some were, some weren't.

21 MR. HALL: And we had a very extensive list
22 of altar boys and we made a decision we weren't going to go
23 knocking on doors soliciting complaints.

24 MR. LEE: We have -- there's -- some people
25 would certainly fall into that. There are a number of ---

1 **MR. HALL:** Yes.

2 **MR. LEE:** A number of girls and a number of
3 women that are in here -- a number of people that just
4 haven't been interviewed to this point and aren't going to
5 be interviewed. Because, as I see it, and what I'm
6 wondering, if you'll tell me, is that the conspiracy brief
7 has been submitted, it's in the hands of the Crown, let's
8 shut this thing down; is that where you're at on July 18th,
9 2000?

10 **MR. HALL:** We're still waiting for reviews
11 on several clergy members at this point.

12 **MR. LEE:** I'm wondering about ongoing
13 investigations and further efforts at this point. I
14 understand that it's not -- you're waiting on Crown
15 opinions. Obviously you've just submitted ---

16 **MR. HALL:** These people didn't contact us.
17 These were names we derived from a list. And I believe
18 Detective Constable Seguin acquired a list of potential
19 altar boys, the people that we thought were altar boys at
20 one time.

21 And I made a decision that we weren't going
22 to go knocking on doors because we had contacted some
23 people and they were very upset at a police officer
24 knocking on the door, even though they had nothing -- the
25 neighbours, everybody suspect if the police is here there's

1 something unusual going on. So we made a decision that we
2 weren't going to go out and start soliciting complaints, so
3 to speak; that if somebody had a complaint they would
4 either call us or call somebody, maybe even Mr. Dunlop, to
5 bring it forward. That's mainly why these weren't
6 addressed.

7 And we had been going from '97 at this point
8 so they had, you know, a few years to think about it.

9 **MR. LEE:** And Detective Constable Genier
10 outlines the rationale:

11 "Considering time lapse and opportunity
12 to report abuse since original brief,
13 above will not be interviewed."

14 **MR. HALL:** Yes.

15 **MR. LEE:** And my only question for you is
16 these people weren't being closed off essentially in the
17 assignment forms because you knew they had no information
18 to give, it was -- sounds to me like a little bit of a cost
19 benefit analysis, and some point ---

20 **MR. HALL:** Well, it would have took
21 considerable time to go, like I say, knocking on doors and
22 soliciting. Some of them we didn't even know where they
23 were. Some of them had moved out west. Some of them were
24 deceased. I mean, if I had a big team of investigators and
25 we wanted to contact every person that's name came to us to

1 determine why it was in the material; sure.

2 MR. LEE: By the summer of 2000 you weren't
3 looking for work. Is that fair to say?

4 MR. HALL: I wasn't looking for work?

5 MR. LEE: Yes.

6 MR. HALL: I had all kinds of work. I was
7 case managing homicides.

8 MR. LEE: I meant with Project Truth,
9 specifically.

10 MR. HALL: No, I wasn't looking for work but
11 we would have addressed it if it came. I mean, we were
12 there. People knew we were there. There was lots of
13 publicity on it, both the media. Good publicity. Adverse
14 publicity. I mean, if anybody wanted to come forward --
15 and I suggest because of the publicity probably didn't want
16 to come forward.

17 I was constantly being asked to -- when the
18 investigators would be returned to their detachment --
19 Inspector Hawkins; I had several conversations with him
20 about, "When can we get the men back? When can we get the
21 men back?" So as a responsible supervisor and management
22 of resources I made a decision, we weren't going to go any
23 further unless they came to us.

24 MR. LEE: And that decision was reached in
25 the summer of 2000?

1 **MR. HALL:** Pardon?

2 **MR. LEE:** And that was reached -- that
3 decision was made in the summer of 2000?

4 **MR. HALL:** Well, I can't tell you the exact
5 date but it would have been probably later than that.

6 **MR. LEE:** Well, sir ---

7 **MR. HALL:** Because I mean they still --some
8 of those entries were there but there was nothing
9 preventing this individual from picking up the phone and
10 calling us even though we had a note in our action taken
11 that we're not going to contact them.

12 **MR. LEE:** I understand that, and presumably
13 today there would be nothing preventing anybody with
14 information ---

15 **MR. HALL:** No, none.

16 **MR. LEE:** --- from contacting the police.

17 My question is by July 18th, 2000 certainly
18 you've decided that you'll be available to receive
19 information if anybody wishes to provide it but the active
20 investigation is on hold?

21 **MR. HALL:** Pretty well.

22 **MR. LEE:** Okay. Thank you, sir. Those are
23 my questions.

24 **THE COMMISSIONER:** All right. Thank you.
25 Rather than start someone else, I'd like to

1 know briefly time estimates. Are we going to be able to
2 finish by tomorrow, late tomorrow night? Any chance of
3 that? So let's go through.

4 Mr. Horn, how long are you going to be, do
5 you think?

6 **MR. HORN:** Half an hour, maybe a little
7 more.

8 **THE COMMISSIONER:** All right.

9 Mr. Neville?

10 **MR. NEVILLE:** An hour to an hour and a half.

11 **THE COMMISSIONER:** All right.

12 Mr. Chisholm?

13 **MR. CHISHOLM:** Fifteen (15) minutes, sir.

14 **THE COMMISSIONER:** Right. Mr. Rose?

15 **MR. ROSE:** Ten (10) minutes at best.

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

17 **MR. KLOEZE:** No more than an hour, sir.

18 **THE COMMISSIONER:** An hour. Okay.

19 And Madam Robitaille?

20 **MS. ROBITAILLE:** I have (off microphone)
21 questions.

22 **THE COMMISSIONER:** The Diocese? No. All
23 right.

24 Mr. Callaghan?

25 **MR. CALLAGHAN:** An hour.

1 **THE COMMISSIONER:** Mr. Kozloff or Lahaie?

2 **MS. LAHAIE:** I have several hours at this
3 point. I will endeavour to scale that back, Mr.
4 Commissioner, but it will be around two or three hours.

5 **THE COMMISSIONER:** Well, we won't be
6 finished tomorrow.

7 And OPPA, Mr. Carroll -- Wallace?

8 **MR. CARROLL:** An hour and a half.

9 **THE COMMISSIONER:** Okay.

10 Mr. Engelmann?

11 **MR. ENGELMANN:** Sir, I believe and I know
12 that the Diocese have documents they wish to put in through
13 Mr. Hall. I've had some discussions with Madam Levesque
14 and Mr. David Sherriff-Scott. So I don't know how long
15 that will be but I know they have a brief of documents that
16 they just want to put in and hopefully that won't take
17 long. I just wanted to point that out.

18 **THE COMMISSIONER:** All right.

19 So safe drive. We'll start at 9:30 tomorrow
20 morning.

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

23 This hearing is adjourned until tomorrow
24 morning at 9:30 a.m.

25 ---Upon adjourning at 3:19 p.m./

1 L'audience est ajournée à 15h19

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C E R T I F I C A T I O N

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7 I, Dale Waterman a certified court reporter in the Province
8 of Ontario, hereby certify the foregoing pages to be an
9 accurate transcription of my notes/records to the best of
10 my skill and ability, and I so swear.

11

12 Je, Dale Waterman, un sténographe officiel dans la province
13 de l'Ontario, certifie que les pages ci-hautes sont une
14 transcription conforme de mes notes/enregistrements au
15 meilleur de mes capacités, et je le jure.

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Dale Waterman, CVR-CM

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