

**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 225

Held at :

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

Friday, May 2 2008

Tenue à:

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

Vendredi, le 2 mai 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Ian Stauffer	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Peter Manderville	Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M ^e Claude Rouleau	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
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
STUART McDONALD, Sworn/Assermenté	1
Examination in-Chief by/Interrogatoire en-chef par Mr. Ian Stauffer(cont'd/suite)	1
Cross-Examination by/Contre-interrogatoire par Mr. Allan Manson	76
Cross-Examination by/Contre-interrogatoire par Mr. Frank Horn	105
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	128
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	141
Cross-Examination by/Contre-interrogatoire par Mr. John Callaghan	160
Re-Examination by/Ré-interrogatoire par Mr. Ian Stauffer	164

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1568	(717055) Index Stuart McDonald	41
P-1569	(717056) Photo # 7 Stuart McDonald	43
P-1570	(717057) Photo # 9 Stuart McDonald	44
P-1571	(712989) Audio Taped Interview Report - Stuart McDonald with OPP J.B. Dupuis dated 16 Jul 99	129
P-1572	(712991) Audio Taped Interview Report - Stuart McDonald with OPP J.B. Dupuis and P. Hall dated 10 Feb 00	144
P-1573	(100333) Letter from Stuart McDonald to Emile Robert dated 22 Oct 90	150
P-1574	(728381) Internal Correspondence from J. St.Denis to C. Johnston dated 28 Apr 94	152

1 --- Upon commencing at 9:37 a.m./

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning, all.

11 **MR. STAUFFER:** Good morning, Mr.
12 Commissioner.

13 If we could ask Staff Inspector McDonald to
14 come forward?

15 **THE COMMISSIONER:** Certainly.

16 Good morning, sir.

17 **STUART McDONALD, Resumed/Sous le même serment:**

18 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
19 **STAUFFER (cont'd/suite):**

20 **MR. STAUFFER:** Good morning, Staff
21 Inspector.

22 **MR. McDONALD:** Good morning, sir.

23 **MR. STAUFFER:** Staff Inspector, I wanted to
24 return to a topic from yesterday, having thought about it
25 myself overnight and perhaps you were thinking about it as

1 well, but the topic is the question of when the complaint
2 came in to the station. And the complaint, of course, that
3 I'm talking about is the one from Mr. Silmsner that was
4 recorded by Sergeant Nakic in his internal correspondence
5 that we referred to yesterday.

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

7 **MR. STAUFFER:** Sir, I'm going to suggest a
8 few things to you to help you out here, if it helps you
9 with your memory and so on.

10 As we discussed yesterday, there's a
11 notation on the internal correspondence that says "11:55".

12 **MR. McDONALD:** Correct.

13 **MR. STAUFFER:** And we got into this thing as
14 to whether it's 11:55 in the morning or in the afternoon.
15 And I'm going to suggest to you, sir, that it's in the
16 morning, and the reason I'm going to suggest it is this.

17 The memo itself, as you quite rightly
18 pointed out is created, of course, after the fact; that is,
19 Sergeant Nakic has put down certain information and he's
20 put down your instructions to him and what he's done with
21 respect to the Silmsner matter.

22 So, sir, the date on -- and perhaps in
23 fairness again ---

24 **MR. McDONALD:** I recall it, and I won't
25 disagree with you. I think it probably was 11:55 a.m. that

1 he wrote.

2 **MR. STAUFFER:** Okay. Fair enough. Well, I
3 appreciate that, Staff Inspector. That saves us quite a
4 bit of time.

5 So, sir, a couple of other matters I want to
6 put to you to see if this refreshes your memory. It's our
7 understanding presently that Chief Shaver, when he
8 testifies, will say that both you and Sergeant Nakic came
9 to him contemporaneous with the complaint coming in.

10 Now, again, this is what we understand right
11 now. It may turn out different when he comes and actually
12 testifies, but do you have any recollection at all,
13 thinking back over the years, as to whether Sergeant Nakic
14 was in your presence and the Chief was in your presence?
15 So the three of you were all together at the same time in
16 some part of the building?

17 **MR. McDONALD:** No, sir, I don't. As far as
18 I recall, it was only the Chief and myself.

19 **MR. STAUFFER:** All right.

20 And, sir, it's again our understanding from
21 interviewing Sergeant Nakic that his evidence would be, if
22 he were called -- and there's no intention of calling him
23 at this point -- but if he were called, that he would say
24 that he did pass on to you obviously both alleged
25 perpetrators' names, namely, Father Charles MacDonald's

1 name and Ken Seguin's name.

2 So, again, having put that to you, have you
3 any recollection of that?

4 **MR. McDONALD:** I don't have any recollection
5 of it, but I wouldn't argue with it.

6 **MR. STAUFFER:** I'm sorry?

7 **MR. McDONALD:** I wouldn't argue with that.
8 I just don't have any recollection of it.

9 **MR. STAUFFER:** Okay. Because, again, sir -
10 - and I hope you would agree with me and I think you are --
11 the internal correspondence created by Sergeant Nakic seems
12 to be all pretty contemporaneous; that is, it's all within
13 a few hours of everything transpiring?

14 **MR. McDONALD:** Correct. M'hm.

15 **MR. STAUFFER:** And the reason I say that,
16 again, is because it's dated December 9th. The Deputy
17 Chief's inscription -- if that's indeed his inscription and
18 he will be called as a witness -- but it's our
19 understanding right now that's his inscription. It says
20 December 9th on it, that he passed it on and so on, or that
21 he noted Sergeant Lortie's potential involvement.

22 So am I right in thinking, sir, that you
23 would have known that Sergeant -- or sorry, that Ken
24 Seguin's name was on the internal correspondence probably
25 that day; that is, December the 9th, 1992?

1 **MR. McDONALD:** If I did, I don't have any
2 recollection of it.

3 **MR. STAUFFER:** Okay. Because again, just by
4 way of a little bit of further understanding of your
5 knowledge at that time back in '92, were you aware of Ken
6 Seguin?

7 **MR. McDONALD:** I'd known him for some time,
8 yes.

9 **MR. STAUFFER:** Surely.

10 **MR. McDONALD:** Yes.

11 **MR. STAUFFER:** That he was a probation
12 officer?

13 **MR. McDONALD:** That's correct. He was in
14 our building weekly.

15 **MR. STAUFFER:** Sure. So you knew of him and
16 so the name -- and perhaps it's a common name -- but it's
17 mentioned as probation officer here. You would have -- you
18 ought to -- if you'd seen it, you ought to have made the
19 connection that this was indeed the Ken Seguin probation
20 officer you knew?

21 **MR. McDONALD:** I certainly would have if I
22 had recalled seeing it.

23 **MR. STAUFFER:** All right. Thank you, sir.

24 **THE COMMISSIONER:** Well, all right.

25 Can we go in -- I don't know if you plan to

1 go into what he knew of Mr. Seguin in the sense that were
2 they friends or anything like that?

3 **MR. STAUFFER:** Sure. Yes, at some point,
4 but why don't we do that right now.

5 The Commissioner would like to know, I
6 think, Staff Inspector, how far back then did you and Mr.
7 Seguin go professionally? I guess you would have predated
8 him in terms of you becoming a police officer versus him
9 becoming a probation officer? I'm trying to remember when
10 he started.

11 **MR. McDONALD:** I knew Mr. Seguin before I
12 became a police officer.

13 **MR. STAUFFER:** Okay.

14 **MR. McDONALD:** My wife's family is from St.
15 Andrews area, as is Mr. Seguin. I knew a couple of his
16 brothers. I knew him. I would have seen them at dances we
17 attended or at church prior to marrying my wife and coming
18 to Cornwall.

19 **MR. STAUFFER:** Okay. So at some point are
20 you saying Mr. Seguin and yourself attended the same church
21 from time-to-time?

22 **MR. McDONALD:** Probably.

23 **MR. STAUFFER:** Okay. Which church would
24 that have been, just out of curiosity, if you can remember?

25 **MR. McDONALD:** St. Andrews Parish.

1 **MR. STAUFFER:** I see.

2 And that ---

3 **MR. McDONALD:** I didn't live here at the
4 time, but I would go to church there sometimes.

5 **MR. STAUFFER:** Is that the very large
6 structure at the corner of ---

7 **MR. McDONALD:** It is.

8 **MR. STAUFFER:** --- 138 and -- I'm not sure
9 what that road is, but ---

10 **MR. McDONALD:** Beside the traffic light in
11 St. Andrews.

12 **MR. STAUFFER:** Right. Where Quinn's is.
13 Okay.

14 And, sir, in terms of other professional
15 dealings, did he act as a probation officer on any of the
16 cases that you were dealing with as a police officer?

17 **MR. McDONALD:** No, sir. Most of the time --
18 I was in charge of administration for a great deal of the
19 time that I got to know him on a regular basis, and he
20 would be in on a daily or weekly basis looking at files.

21 **MR. STAUFFER:** Okay. So you would be a
22 manager, if I can put it that way, and administering
23 certain parts of the Department and he would be coming in
24 to check on -- for possible probationers' files?

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

1 **MR. STAUFFER:** Okay. And, sir, did you have
2 any socializing at all with Mr. Seguin? By that I mean it
3 could be as light as having a coffee with him or going to
4 dinner with him regularly?

5 **MR. McDONALD:** No, sir, I don't drink coffee
6 and I didn't associate with him.

7 **MR. STAUFFER:** All right.

8 With respect to -- perhaps we can just go
9 further here with Mr. Seguin. There are allegations from
10 sources, and I'm sure you know what I'm talking about, that
11 you had attended one or more -- on one or more occasions at
12 Mr. Seguin's residence.

13 So, first of all, I realize he's had more
14 than one residence, but do you remember ever being at any
15 house that was owned by Mr. Seguin or occupied by Mr.
16 Seguin?

17 **MR. McDONALD:** No, I never was.

18 **MR. STAUFFER:** Okay. So this is right up to
19 the time of his death, which I understand ---

20 **MR. McDONALD:** I had no idea where he lived
21 or ever lived, for that matter.

22 **MR. STAUFFER:** Okay. With respect to Mr.
23 Seguin and these allegations we've heard that he
24 potentially abused probationers under his care, when did
25 you become aware of those rumours or that type of

1 information coming forward? I appreciate you've said you
2 didn't -- you don't recall seeing it in Sergeant Nakic's
3 internal correspondence. So can you tell us when you first
4 became aware of those rumours and that information?

5 **MR. McDONALD:** Probably not until after his
6 death.

7 **MR. STAUFFER:** Okay. So we understand
8 that's late November of 1993, okay? Is that what you're
9 talking about in terms of the timeframe, sometime in '94?

10 **MR. McDONALD:** Sometime after his death. I
11 didn't even know he was -- as I say, I probably should have
12 known that his name was on that memo, but I don't recall
13 ever seeing it and I didn't ever recall hearing his name
14 mentioned in any of this.

15 **MR. STAUFFER:** Okay. Now, sir, I'd like to
16 take you to -- and Mr. Seguin's name may come up again, but
17 I'm going to now take you to some specific questions
18 relating to Mr. Dunlop, so Perry Dunlop.

19 So I understand the connections here, you
20 are married, as I understand it, to the sister of Helen
21 Dunlop?

22 **MR. McDONALD:** That's correct.

23 **MR. STAUFFER:** And Helen, of course, is
24 Perry Dunlop's wife?

25 **MR. McDONALD:** Correct.

1 **MR. STAUFFER:** And I understand that Carson
2 Chisholm also comes into the picture. Who is he?

3 **MR. McDONALD:** My wife's brother.

4 **MR. STAUFFER:** Okay. So he's your brother-
5 in-law?

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

7 **MR. STAUFFER:** And how long then, sir, would
8 you have known Perry Dunlop when you recollect first coming
9 in contact with him?

10 **MR. McDONALD:** I guess when he joined the
11 police department.

12 **MR. STAUFFER:** Okay. So my information is
13 August of 1983 when he came on the job. Does that sound
14 right to you?

15 **MR. McDONALD:** I couldn't tell you, to be
16 honest with you. I think.

17 **MR. STAUFFER:** But it's from the time anyway
18 he joined the police service.

19 **MR. McDONALD:** It is.

20 **MR. STAUFFER:** All right.

21 **MR. McDONALD:** I wouldn't argue with that.

22 **MR. STAUFFER:** All right. And sir, did you
23 ever, as a senior officer, evaluate Mr. Dunlop, Constable
24 Dunlop?

25 **MR. McDONALD:** In what respect?

1 **MR. STAUFFER:** Well, during the annual
2 reviews. You understand what I mean, there were
3 performance reviews undertaken. Did you ever review his
4 performance?

5 **MR. McDONALD:** I don't recall.

6 **MR. STAUFFER:** Okay. We've heard from
7 Inspector Trew that he did do a performance appraisal, if I
8 can put it that way, of Constable Dunlop back in the
9 earlier part of 1985. And again, I'm paraphrasing but
10 essentially he found Constable Dunlop certainly to have a
11 positive future at that point a couple of years or so after
12 joining up.

13 Do you have a recollection -- I know we're
14 going back over 20 years now, but do you have a
15 recollection of the early days as to your view of Mr.
16 Dunlop as a police officer?

17 **MR. McDONALD:** I think he was a hardworking
18 enthusiastic police officer.

19 **MR. STAUFFER:** All right.

20 **THE COMMISSIONER:** When he joined the force
21 -- when you joined the Force, were you related then or when
22 did the marriages take place? Can you help me out on that?

23 **MR. McDONALD:** I think he's been married
24 some 16 or 17 years, so ---

25 **THE COMMISSIONER:** So he was a single man

1 when he came on?

2 MR. McDONALD: Correct.

3 THE COMMISSIONER: You weren't related to
4 him then.

5 MR. McDONALD: No.

6 THE COMMISSIONER: All right. And was Mrs.
7 Dunlop and he dating when he joined?

8 MR. McDONALD: I think they have a very
9 short courtship. It was -- I'm not sure just how they met
10 but as I recall, she was working in the Yukon or something
11 and came home. They met and he went to the Yukon and they
12 rekindled their relationship and ended up getting married
13 within a short period of time.

14 THE COMMISSIONER: Okay. Thank you.

15 MR. STAUFFER: It's my understanding, Mr.
16 Commissioner, that Mr. Dunlop was married in 1989.

17 Does that sound right to you, Staff
18 Inspector?

19 MR. McDONALD: Yeah.

20 MR. STAUFFER: All right. Did you attend
21 the wedding, Staff Inspector?

22 MR. McDONALD: I think they got married out
23 west.

24 MR. STAUFFER: Really?

25 MR. McDONALD: I think so, but I ---

1 **THE COMMISSIONER:** Don't look over there.

2 Just ---

3 **MR. McDONALD:** Or maybe they came home and
4 got married. I don't recall, to be honest with you.

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

6 **MR. McDONALD:** I don't remember.

7 **MR. STAUFFER:** Okay. Well, let me suggest
8 something to you because, again, I appreciate it's almost
9 20 years ago.

10 **MR. McDONALD:** Now that I think -- I
11 remember hearing they got married at St. Columban's by
12 Father Charlie.

13 **MR. STAUFFER:** All right.

14 **MR. McDONALD:** I remember hearing that now
15 and if that was the case, I probably did attend the
16 wedding.

17 **MR. STAUFFER:** Okay. Because you'd be a
18 member of the family, if I can put it that way?

19 **MR. McDONALD:** My wife has 12 brothers and
20 sisters.

21 **MR. STAUFFER:** Fair enough. So there's a
22 lot of dates to remember there. Okay.

23 **MR. McDONALD:** I don't remember them all, I
24 can assure you.

25 **MR. STAUFFER:** All right. Staff Inspector,

1 in terms of any other church functions, did you attend the
2 baptism of any of Perry Dunlop's children?

3 **MR. McDONALD:** Probably. I believe my son
4 is the godfather of one of his children.

5 **MR. STAUFFER:** Okay. Do you know which one
6 that would be?

7 **MR. McDONALD:** Heather.

8 **MR. STAUFFER:** Okay. And because it's our
9 understanding, again to perhaps refresh your memory, that
10 Mr. Dunlop and Mrs. Dunlop's first born was baptized by
11 Father Charles MacDonald.

12 Does that sound right to you?

13 **MR. McDONALD:** I don't remember who baptized
14 my children.

15 **MR. STAUFFER:** Okay. So you don't have a
16 specific recollection of that event?

17 **MR. McDONALD:** No, I don't.

18 **MR. STAUFFER:** Or more accurately attending
19 that event?

20 **MR. McDONALD:** No, sir. I'm not saying I
21 wasn't there but I don't recall.

22 **MR. STAUFFER:** Okay. So, sir, from -- let's
23 start from the date of the marriage onwards. Did you and
24 Mr. Dunlop -- and I'll just deal with the two of you
25 gentlemen -- did you see each other on a family basis, if I

1 can put it that way, from that time onwards?

2 MR. McDONALD: Yes, sir.

3 MR. STAUFFER: Okay. So would that be a
4 relatively frequent contact; you get together for family
5 dinners or family functions of some kind?

6 MR. McDONALD: Yeah. I believe so, yeah.

7 MR. STAUFFER: Okay. Was there any time
8 when that stopped or changed in any radical fashion; that
9 is getting together as a family, you and Mr. Dunlop?

10 MR. McDONALD: After -- after this all
11 exploded and Perry was accused of -- by the police
12 department of misconduct or something, they thought that I
13 didn't support them and basically cut off my wife and
14 myself from family connections.

15 MR. STAUFFER: Okay. Let's see if we can
16 get this located in time as best we can. If we go to 1994,
17 is that the timeframe you're talking about as to when Mr.
18 Dunlop starts being disciplined by the Service?

19 MR. McDONALD: I think it might have been
20 maybe even sometime after that. There was a day that
21 Carson Chisholm, Helen, Perry and their lawyer came to my
22 place.

23 MR. STAUFFER: All right. Now, sir, my
24 understanding of that date is November 18th of 1996. So
25 again, let's just stop there for a moment.

1 **MR. McDONALD:** M'hm.

2 **MR. STAUFFER:** Does that date sound right to
3 you as the date of the visit that you were about to
4 describe?

5 **MR. McDONALD:** Quite possibly, yes.

6 **MR. STAUFFER:** Okay. If I could just take
7 you back in time for a moment, before that visit, what's
8 the status of Perry with the Service at that point? Is he
9 undergoing any kind of discipline?

10 **MR. McDONALD:** I don't know. I wasn't
11 there. I had already left the Service.

12 **MR. STAUFFER:** And I appreciate that. You
13 were telling us yesterday you formally, if you will,
14 retired in May of '95 but you were not in the building ---

15 **MR. McDONALD:** After this.

16 **MR. STAUFFER:** --- past the fall of '94.

17 **MR. McDONALD:** Correct.

18 **MR. STAUFFER:** So let's take you up to the
19 time that you're still in the building. What's happening
20 at that point with respect to Perry and the Service?

21 **MR. McDONALD:** Nobody communicated very much
22 with me, probably because they knew we were related, and
23 nobody from the Force would speak to me about Perry, not
24 from vindictive or mean reasons but just I wasn't in the
25 loop and they probably thought that it was best that I not

1 be in the loop, being related to him. And I didn't speak
2 to Perry on a regular basis about it either.

3 **MR. STAUFFER:** Okay. Well, we'll take this
4 step by step. You had at that point before you formally
5 leave the Service, you have two superior officers; you have
6 the Chief and the Deputy Chief.

7 Did either of those gentlemen say to you
8 something like "You know, Stuart, we're not going to really
9 be keeping you in the loop because of your relationship
10 with Perry. I hope you understand that, but you know,
11 you're the -- a relative. So we're just going to deal with
12 this without your involvement"?

13 **MR. McDONALD:** No.

14 **MR. STAUFFER:** Did they -- they didn't
15 something accurate like that? And again, those are my
16 words but I'm trying to get some sense of it.

17 **MR. McDONALD:** No, it wasn't -- I was never
18 informed formally that nobody would be doing this. It just
19 evolved, so to speak.

20 **MR. STAUFFER:** Okay. Because, again, I'm
21 assuming that if there was no obvious decision that you'd
22 be cut out of the loop, if I can put it that way, that
23 you'd be still working as the third ranking police officer
24 and you must have heard what was going on from time to time
25 there.

1 Is there anything you can tell us why you
2 wouldn't know what was going on?

3 **MR. McDONALD:** I didn't make a conscious
4 effort to try and find out what was going on between Perry
5 and the Force because I didn't want to be biased or
6 whatever. I did my work. I was in charge of Uniform
7 Branch at the time and I ---

8 **MR. STAUFFER:** And basically Perry I guess
9 would have come under your command, if I can put it that
10 way, because he was in uniform.

11 **MR. McDONALD:** Correct.

12 **MR. STAUFFER:** Okay. And again, I
13 appreciate he's off from time to time and so on, but he's
14 in the uniformed part of the Service while you are still
15 the Staff Inspector.

16 **MR. McDONALD:** Correct.

17 **MR. STAUFFER:** Okay. So did anyone approach
18 you, Staff Derochie or anybody at the -- that was somewhat
19 of your managerial level and tell you what was going on and
20 what the Service's feeling was as to what was to be done
21 with Perry?

22 **MR. McDONALD:** There might have been -- on a
23 couple of occasions, Staff Derochie might have mentioned
24 something to me but it wasn't official or it wasn't -- you
25 know, it was just that he was working doing things with

1 Perry and I didn't push it.

2 MR. STAUFFER: Well, were you aware, Staff
3 Inspector, of the allegation that Mr. Dunlop had taken the
4 Silmsler statement from your Service and given it to someone
5 at the CAS?

6 MR. MCDONALD: I was.

7 MR. STAUFFER: Okay. How did you find out
8 about that?

9 MR. MCDONALD: It might have been through
10 the media.

11 MR. STAUFFER: Okay, you don't remember that
12 coming up at any morning meeting or any other meeting of --
13 -

14 MR. MCDONALD: No, sir.

15 MR. STAUFFER: --- the management.

16 MR. MCDONALD: No, I don't remember.

17 MR. STAUFFER: With respect to Mr. Dunlop
18 going off on sick leave for a period of time in this
19 timeframe; do you remember him taking off work for awhile?

20 MR. MCDONALD: I remember that he -- he
21 wasn't around, but I couldn't give you specific times or
22 dates.

23 MR. STAUFFER: Okay. Are you speaking to
24 him at this point? And again, we're talking really in the
25 earlier part of 1994.

1 **MR. McDONALD:** Yeah, I -- I was speaking to
2 him, I believe, at family functions and stuff like that.

3 **MR. STAUFFER:** Okay.

4 **MR. McDONALD:** There was no -- never any
5 animosity on my part.

6 **MR. STAUFFER:** No, I appreciate that.

7 So at this point, before you formally leave
8 the building in the fall of '94, is your relationship with
9 Perry still more or less the same as it was in the earlier
10 years? Had there been any kind of ice or whatever come
11 into the relationship at this point?

12 **MR. McDONALD:** There wasn't any on my part,
13 I'll put it that way.

14 **MR. STAUFFER:** Okay. Well, tell us what you
15 mean then? What's Perry's attitude towards you?

16 **MR. McDONALD:** Well, at the present time,
17 and dating back some years, neither Perry or Helen cared to
18 talk to my wife or I and it has nothing to do with the wife
19 or I feel about him.

20 **MR. STAUFFER:** Did you hear that Helen
21 Dunlop had apparently gone over to Chief Shaver's office,
22 and this is in the latter part of '93, as I understand it?

23 **THE COMMISSIONER:** His home?

24 **MR. STAUFFER:** Yes, did I not ---

25 **THE COMMISSIONER:** You said office.

1 **MR. STAUFFER:** Yes, that Helen Dunlop went
2 over to Chief Shaver's house to talk to him directly about
3 her view as to how, so to speak, the Service was treating
4 Perry?

5 **MR. McDONALD:** I remember hearing about
6 that, yes.

7 **MR. STAUFFER:** Okay, how did you hear about
8 that?

9 **MR. McDONALD:** I don't know.

10 **MR. STAUFFER:** Okay. Did you do anything at
11 all about that? Did you talk to Helen or talk ---

12 **MR. McDONALD:** No, I didn't.

13 **MR. STAUFFER:** --- to your wife or talk to
14 Perry?

15 **MR. McDONALD:** No, I didn't.

16 **THE COMMISSIONER:** Did Chief Shaver come
17 over to you and say, you know, look at, you know what your
18 brother-in-law did ---

19 **MR. McDONALD:** No.

20 **THE COMMISSIONER:** --- or your sister-in-law
21 or whatever? No conversation like that?

22 **MR. McDONALD:** No.

23 **THE COMMISSIONER:** Okay.

24 **MR. STAUFFER:** So up until the time you
25 leave the building in the fall of 1994, is it your sense

1 that Perry is going to be disciplined or was in the process
2 of being disciplined or what was your understanding ---

3 **MR. McDONALD:** I had no understanding at
4 that point. I didn't know what was going on.

5 **MR. STAUFFER:** All right. And Perry had not
6 said anything, he had not confided in you as to what he
7 thought was going on?

8 **MR. McDONALD:** No, he hadn't.

9 **MR. STAUFFER:** Again sir, I appreciate all
10 families are different, but is there a reason why, from
11 your perspective, Constable Dunlop wasn't telling you what
12 was going on from his perspective?

13 **MR. McDONALD:** Away from the police
14 department, we didn't talk about police work.

15 **MR. STAUFFER:** Okay, but this is perhaps
16 more than police work; this is his career. You know, he's
17 now got a young family and ---

18 **MR. McDONALD:** I appreciate that, but I
19 didn't discuss those things with him.

20 **MR. STAUFFER:** Okay. Sir, you started to
21 tell us, and I stopped you, about this meeting which we
22 understand is in November of 1996, when a group of people
23 comes over to your house. Can you give us a tiny bit of
24 background, were you aware that anyone was coming over to
25 your house?

1 MR. MCDONALD: No, I wasn't.

2 MR. STAUFFER: So how did you find out?

3 MR. MCDONALD: Well, Carson showed up at the
4 door.

5 MR. STAUFFER: Sorry, Carson?

6 MR. MCDONALD: Carson Chisholm.

7 MR. STAUFFER: Yes, Carson Chisholm, yes.

8 MR. MCDONALD: Showed up at the door and he
9 showed me a statement by Mr. Leroux stating that I had been
10 at Ken Seguin's and that I had been at Malcolm MacDonald's
11 place and various things like that, and I was associating
12 with people who were there and I denied it. I said I'd
13 never been to Ken Seguin's place or Malcolm MacDonald's
14 place; I didn't know where they lived.

15 And then a short time later Perry and Helen
16 and their lawyer, Mr. Bourgeois, I think, came over and we
17 sat at the -- the dining room table and I told them that I
18 had never had anything to do with these people; I didn't
19 know where they lived; I'd never been there and that I'd
20 swear on the Bible; I'd take a lie detector test; I'd do
21 whatever they wanted to proved that I had never been there.
22 And I don't know whether it was Helen or Perry or Mr.
23 Bourgeois or whoever it was said they didn't believe me and
24 after a short period of time, I told them, I said, "You've
25 known me a lot longer than I think you've probably known

1 this Mr. Leroux and I've never done any of those things,"
2 and they rather insulted me by saying they didn't believe
3 me and I asked them to leave the house.

4 **MR. STAUFFER:** Okay, I'm just going to talk
5 to your counsel for one second ---

6 **MR. McDONALD:** Sure thing.

7 **MR. STAUFFER:** --- if you don't mind.

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

9 **MR. STAUFFER:** Staff Inspector, thank you.
10 Is there a document that you've been able to
11 locate in the paperwork that either we've provided or your
12 counsel has shown to you which is the document that you
13 referred to a moment ago when Mr. Chisholm came to speak to
14 you? Because there are many documents and I just don't
15 want to start muddying the waters here. Is there a
16 particular document that you've seen that you can identify
17 as being the one that Mr. Chisholm showed to you?

18 **MR. McDONALD:** No, I -- all I know, it was a
19 statement by a Mr. Leroux.

20 **MR. STAUFFER:** Right.

21 **MR. McDONALD:** And I couldn't tell you what
22 specific statement it was. It was one that was taken by
23 Perry or Carson.

24 **MR. STAUFFER:** Okay.

25 **THE COMMISSIONER:** Was Carson still there or

1 ---

2 MR. McDONALD: Yes, he was still at -- at
3 the house at that time.

4 THE COMMISSIONER: So Carson comes in first.

5 MR. McDONALD: Yes.

6 THE COMMISSIONER: And then does he retreat
7 and come back with the others or ---

8 MR. McDONALD: I think there might have been
9 a phone call or something.

10 THE COMMISSIONER: Okay.

11 MR. STAUFFER: Okay. Could I put this to
12 you at least, Staff Inspector, without showing you a
13 document right now, but tell me if this is what you
14 understand was being put to you, if you will, by Carson
15 Chisholm. Is it an allegation that there were several
16 parties at Ken Seguin's house, at Malcolm MacDonald's
17 summer residence and St. Andrew's Parish house and this is
18 what Mr. Leroux was saying in one of his documents where he
19 observed, among others -- and there's a whole list of names
20 and you're number 21 on the list; does that refresh your
21 memory at all as to what you were being shown by Mr. Leroux
22 -- or sorry, by Mr. Chisholm?

23 MR. McDONALD: I've seen several statements
24 in the last short period of time and I couldn't tell you
25 exactly which one of them it was. I -- I believe that I

1 was accused of being there with Chief Shaver and perhaps
2 Sergeant Brunet, but I'm not sure, to be honest with you.
3 I -- I -- it took me completely by surprise; I had no idea,
4 you know, I had never been there. I was flabbergasted; it
5 almost took my breath away whenever they showed me this.

6 **MR. STAUFFER:** Okay.

7 **THE COMMISSIONER:** Was your wife present?

8 **MR. McDONALD:** Yes, she was.

9 **MR. STAUFFER:** Okay, so if I could again,
10 Staff Inspector, back up just a little bit so now we're in
11 November of '96 when Mr. Chisholm's come over; before he
12 comes over -- and I'm talking about not just the day
13 before, but in the weeks and so on before -- has there been
14 any notion at all that you have been named in some document
15 ---

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

17 **MR. STAUFFER:** --- as -- I have to finish
18 the question here

19 **MR. McDONALD:** Okay.

20 **MR. STAUFFER:** that's all right -- named in
21 any document that would link you to some kind of illegal
22 activity or immoral activity?

23 **MR. McDONALD:** No, sir. This was the first
24 time I'd ever heard of it.

25 **MR. STAUFFER:** So this is -- November is the

1 first time that you've ever heard from any source that
2 you're potentially named in some document as having
3 committed an immoral act or been associated with people who
4 are accused of having immoral acts?

5 MR. McDONALD: Correct.

6 MR. STAUFFER: The -- so like you say,
7 you're taken aback, and the Commissioner's established your
8 wife's there. So are the three of you talking initially,
9 that is, you and your wife and Mr. Chisholm about this
10 allegation?

11 MR. McDONALD: I -- I don't recall my wife
12 being there when I first talked to Carson about it, but she
13 -- she was there whenever the rest of us ---

14 MR. STAUFFER: Okay.

15 MR. McDONALD: --- were sitting there
16 talking.

17 MR. STAUFFER: And so how much time -- and
18 again I appreciate this is over 10 years ago, but how much
19 time do you think passed between Mr. Chisholm's, if you
20 will, final discussions with you and then Mr. Dunlop and
21 his wife?

22 MR. McDONALD: Probably a couple of hours.

23 MR. STAUFFER: Okay ---

24 MR. McDONALD: Probably.

25 MR. STAUFFER: But Mr. Chisholm stays in the

1 house.

2 **MR. McDONALD:** M'hm.

3 **MR. STAUFFER:** And so Helen, Perry and Mr.
4 Bourgeois come; anybody else come during any of this
5 timeframe?

6 **MR. McDONALD:** I don't believe so.

7 **MR. STAUFFER:** Okay. And so you have the
8 discussion. Do they show you, that is, Helen, Perry or Mr.
9 Bourgeois, do they show you other documents besides what
10 Mr. Chisholm has brought?

11 **MR. McDONALD:** I don't think so. I know
12 they had papers with them but I -- I don't recall them
13 showing me anything.

14 **MR. STAUFFER:** Okay. At this meeting or
15 before this meeting, are you aware that Mr. Dunlop is
16 taking a statement or statements from people who are
17 alleging child abuse has taken place, either in their lives
18 or in the lives of others.

19 Are you aware that Mr. Dunlop's taking
20 statements?

21 **MR. McDONALD:** No, not really the taking
22 statements. I know he was doing work and tried to
23 investigate but I didn't what he was doing specifically.

24 **MR. STAUFFER:** Okay. Well, we'll get back
25 to that in a moment but just to continue on with the

1 meeting that you're having with these folks.

2 So you have no recollection of being
3 actually presented with any other document other than what
4 Mr. Chisholm shows to you?

5 **MR. McDONALD:** No, I don't recall.

6 **MR. STAUFFER:** There maybe other papers
7 spread out but you don't -- no one says, what about this,
8 you know ---

9 **MR. McDONALD:** No.

10 **MR. STAUFFER:** --- and thrusts it in your
11 face?

12 **MR. McDONALD:** Not that I recall.

13 **MR. STAUFFER:** Okay. So how long do you all
14 of you meet then? Now, we've got a whole group of people.
15 How long does this go on?

16 **MR. McDONALD:** I -- you know, it was more
17 than ten minutes but probably less than an hour. I really
18 -- I think I was a little upset, confused.

19 **MR. STAUFFER:** Right.

20 **MR. McDONALD:** And my wife and I were
21 talking about it and I remember saying that I would -- I'd
22 take a lie detector test to prove that it wasn't -- I
23 wasn't there and Carson seemed to think that was a good
24 idea. And then Mr. Bourgeois said no that wouldn't be a
25 good idea, you know.

1 **MR. STAUFFER:** Sorry, Mr. Bourgeois said it
2 would not be a good idea?

3 **MR. McDONALD:** Yeah, he wouldn't want that
4 to happen and ---

5 **MR. STAUFFER:** Why not?

6 **MR. McDONALD:** --- he didn't believe me. I
7 don't know why he said that but obviously they had their
8 reasons.

9 **MR. STAUFFER:** Okay. Do you know at this
10 point, sir, that a lawsuit had been started by Perry
11 against various individuals in the Police Service and so
12 on?

13 **MR. McDONALD:** I know that now.

14 **MR. STAUFFER:** But back then, in November of
15 1996, were you aware of any type of legal proceedings
16 having been started by Mr. Dunlop?

17 **MR. McDONALD:** I don't know when they
18 started or when I became aware of them. I couldn't give
19 you dates to be honest with you.

20 **MR. STAUFFER:** But did -- I'm assuming I
21 know the answer to this, but that did not come up then
22 during this November, 1996 meeting that you're talking
23 about?

24 **MR. McDONALD:** No, I don't believe so.

25 **MR. STAUFFER:** Did you ever form the

1 opinion, perhaps not at that meeting but either before or
2 after the meeting, that Mr. Dunlop was taking statements to
3 further a civil lawsuit?

4 **MR. McDONALD:** I can't say that -- at that
5 time, no, I don't think I made that association.

6 **MR. STAUFFER:** Okay. Did you ever make that
7 association?

8 **MR. McDONALD:** I might have had suspicions
9 in the last five years, but at that time I didn't.

10 **MR. STAUFFER:** Okay.

11 **MR. McDONALD:** I had a lot of wonderings and
12 thinking in my own mind and a lot of possibilities would be
13 kicked around, many of them viable or not viable but, you
14 know, you go through a whole list of possibilities. And
15 I'm not saying it didn't cross my mind at some point in the
16 last five or six years, but I haven't reached any
17 conclusions.

18 **MR. STAUFFER:** Right. So at the meeting,
19 does anything else come out than what you've told us? Any
20 other pertinent details at all as to what allegations are
21 being made against you or against others or other people's
22 names mentioned?

23 **MR. McDONALD:** There were other people's
24 names mentioned. I wouldn't -- I know Chief Shaver's name
25 was mentioned. I think Brunet's name was mentioned. I

1 remember hearing the Bishop, Malcolm MacDonald. Names like
2 that.

3 And since then I've seen several lists and I
4 would be wrong if I said I remembered all those names from
5 the initial meeting that November and I wasn't mixing them
6 up with names I've seen ---

7 **MR. STAUFFER:** Since.

8 **MR. McDONALD:** --- since then, sure.

9 **MR. STAUFFER:** So Mr. Dunlop and the rest of
10 them, do they ask you for a photo of yourself at any point?

11 **MR. McDONALD:** No, sir.

12 **MR. STAUFFER:** Are you aware that at some
13 point your photo does come into their hands?

14 **MR. McDONALD:** Yes, sir.

15 **MR. STAUFFER:** And do you know how that
16 happened?

17 **MR. McDONALD:** Yes, sir.

18 Apparently, sometime in the early
19 proceedings at this Inquiry, someone indicated that a
20 picture of myself of Mr. Ken Craibe was produced and I
21 don't think Ken's name was correct initially. It was some
22 other first name.

23 And I said to my wife never had my picture
24 taken with Mr. Craibe, and she said, yes. Mr. Ken Craibe
25 was a somewhat of a seamstress or tailor and my parents had

1 brought back some tartan from Scotland and I had had this
2 tartan for some time and I was -- I wanted to get a pair of
3 pants made and a vest.

4 And my wife suggested that Mr. Craibe make
5 them and I was reluctant because I knew -- I had been told
6 that Mr. Craibe was a homosexual and I didn't really want
7 to go and have my pants made by him. But she convinced me
8 to go, she said don't worry about it, you know, and so I
9 ended up getting a pair of pants and a vest made.

10 And then I believe sometime after that
11 another brother-in-law was getting married at St. Andrews
12 and Mr. Craibe was there and we had our picture taken
13 together by my wife and I was wearing my vest and my tartan
14 pants.

15 And then sometime after that, Helen had been
16 to our house and asked my wife if she could have the
17 picture. My wife said well, I guess so, you know, and she
18 gave it to her and not thinking anything of it at the time.

19 And I don't know when that was, but that's
20 how they got a picture of me and Mr. Ken Craibe apparently
21 in front of the Church in St. Andrews.

22 And I never remembered having a picture
23 taken. I didn't remember seeing the picture before but my
24 wife said, yes, Helen had asked for it and she had given it
25 to her.

1 **MR. STAUFFER:** Okay. Did you become aware
2 at any point that a picture of yourself, without anybody
3 else in the photo, also got into circulation somehow?

4 **MR. McDONALD:** I have seen statements where,
5 apparently, I was number 7 or number 9 or something in a
6 list -- in a lineup of pictures that was picked out by
7 whoever.

8 And I don't know where those pictures came
9 from and I don't know what those pictures are. Somebody
10 mentioned that they might have come from the Police
11 Department, but I -- again, I have never seen them so I
12 don't know.

13 **MR. STAUFFER:** Okay. If you can just bear
14 with me for one moment. Somewhere in all of these papers I
15 think there is a photo of yourself.

16 My friend advises me, Mr. Commissioner,
17 we've not actually put that photo into the list of
18 documents.

19 Let me ask you this, Staff Inspector, in
20 terms of your consent, if you will, to having a photo of
21 yourself circulated, did you ever give anyone consent?

22 **MR. McDONALD:** No, sir.

23 **MR. STAUFFER:** And, again, I'm talking about
24 a photo of yourself being made public in relation to, I
25 guess, investigations that Mr. Dunlop and others might have

1 undertaken?

2 **MR. McDONALD:** No, sir, I never did.

3 **MR. STAUFFER:** So if I could ask you, Staff
4 Inspector, in terms of your knowledge of Mr. Dunlop, I'd
5 just like to get this as clear as we can as to him
6 conducting what I call anyway a private investigation, when
7 did you first become aware that he was doing that?

8 **MR. McDONALD:** I don't know.

9 **MR. STAUFFER:** I think you've indicated, but
10 correct me if I'm wrong, that you knew of that before
11 November, '96, that is this meeting that we've been talking
12 about?

13 **MR. McDONALD:** I think I did but I couldn't
14 give you a specific year or a time.

15 **MR. STAUFFER:** Okay. Did you ever speak to
16 Constable Dunlop -- first of all, let's just deal with him
17 -- did you ever speak to Constable Dunlop about what he was
18 doing in terms of ---

19 **MR. McDONALD:** No, sir.

20 **MR. STAUFFER:** --- these private
21 investigations?

22 Could I ask you, sir, why you wouldn't do
23 that?

24 **MR. McDONALD:** I just didn't do it.

25 **MR. STAUFFER:** Okay, because again I don't

1 want to put words in your mouth, but would you agree with
2 me here you're quite a bit older chronologically and you're
3 certainly a much more senior officer than Perry Dunlop and
4 you've been around a long time by the time he come on the
5 force. Is that fair?

6 **MR. McDONALD:** Fair.

7 **MR. STAUFFER:** Yeah. And, again, I'm not
8 trying to age you up here.

9 **MR. McDONALD:** No.

10 **MR. STAUFFER:** But the long and the short of
11 it is Mr. Dunlop is a new officer coming on. By the '90s,
12 he's perhaps been on the job about 10 years or so.

13 Did you ever think what danger lurked here
14 in Mr. Dunlop carrying out these private investigations?
15 So let's start with that. Did you have any concerns as to
16 what the ramifications might be by his undertaking these
17 investigations?

18 **MR. MANDERVILLE:** I think it should be borne
19 in mind that Mr. McDonald had retired and had left the
20 Service, active duty, by late '94, and we do know the
21 timing of when Mr. Dunlop appears to be starting his
22 investigation.

23 **THE COMMISSIONER:** Yes.

24 **MR. STAUFFER:** No, no, and I appreciate
25 that. You're not really in authority ---

1 **MR. McDONALD:** No.

2 **MR. STAUFFER:** --- when Mr. Dunlop is
3 undertaking these private investigations.

4 But as someone who had gone through a long
5 service with the Cornwall Police Service and so on and as a
6 retired officer, did you ever think what ramifications
7 might come out of Mr. Dunlop carrying out the private
8 investigations?

9 **MR. McDONALD:** To be honest with you, I
10 really didn't know what he was doing. I know that he was
11 doing some investigating, but I didn't know what he was
12 doing.

13 **MR. STAUFFER:** But, sir, could I ask why
14 wouldn't you ask him what -- let me step back.

15 Would you agree with me that this was
16 something you'd never seen before as a police officer; that
17 is, some member, active member of a police service,
18 undertaking private investigations?

19 **MR. McDONALD:** They really didn't want to
20 hear from me, I don't believe.

21 **MR. STAUFFER:** No, but the question is had
22 you ever seen ---

23 **MR. McDONALD:** No, I didn't.

24 **MR. STAUFFER:** --- this type of behaviour
25 before ---

1 **MR. McDONALD:** No.

2 **MR. STAUFFER:** --- in all the years you had
3 ever been on the job?

4 So this is a unique situation; would you
5 agree with me?

6 **MR. McDONALD:** M'hm.

7 **MR. STAUFFER:** Okay. Yes.

8 So that's why I'm wondering, Staff
9 Inspector, did you not have any concerns as to what Mr.
10 Dunlop was doing? And I appreciate you're retired at this
11 point, but he's a family member and he's a younger officer,
12 and I'm just wondering what your thoughts are?

13 **MR. McDONALD:** I think I had some concerns
14 and I had -- I was concerned, but I don't believe they
15 wanted to hear from me at that point.

16 **MR. STAUFFER:** Okay. But why wouldn't they
17 want to hear from you? What is it that's stopping the
18 communication here?

19 **MR. McDONALD:** I believe they -- my belief
20 is that they believed I didn't support Perry when he first
21 got the statement of Mr. Silmsen and disseminated it to
22 whoever he disseminated it to, and they believed that I
23 should have -- and it's my belief, I should say, that they
24 believed that I should have been supportive -- more
25 supportive of Perry and backed him completely.

1 **MR. STAUFFER:** Well, did someone ask you;
2 that is, did Perry ask you, Helen ask you that, you know,
3 "Please, Stuart, go to bat for us with ---"

4 **MR. McDONALD:** No.

5 **MR. STAUFFER:** Because this would ---

6 **MR. McDONALD:** Those were impressions I got
7 after.

8 **MR. STAUFFER:** Okay. Because this would
9 have been, again, in fairness, while you're still serving
10 with the CPS at that point?

11 **MR. McDONALD:** Certainly.

12 **MR. STAUFFER:** Okay. So no one asked you to
13 support them?

14 **MR. McDONALD:** No.

15 **MR. STAUFFER:** But you have the view that
16 they thought you should have been supporting him?

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

18 **MR. STAUFFER:** Okay. But that's as far as
19 it went? There's no actual ---

20 **MR. McDONALD:** That's as far as it went.

21 **MR. STAUFFER:** --- request and denial from
22 them ---

23 **MR. McDONALD:** No, sir.

24 **MR. STAUFFER:** --- and you? Okay.

25 So, Staff Inspector, is there anything more

1 you can tell us as to after the November '96 meeting? Did
2 you continue to have a family relationship with the Dunlops
3 or did that bring everything to a screeching halt, or where
4 were we at after the meeting?

5 **MR. McDONALD:** I think it was very strained.
6 As I said, there was no animosity on the part of my wife or
7 myself. I viewed it as a very unfortunate situation and
8 that mistakes had probably been made, but that I had
9 empathy for their family, their children, and the lack of
10 communication, I believe, was one-sided.

11 **THE COMMISSIONER:** So before we leave the
12 meeting at your home, is there any alcohol involved?

13 **MR. McDONALD:** No, sir.

14 **THE COMMISSIONER:** Did they appear to be
15 under the influence of alcohol?

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

17 **THE COMMISSIONER:** They appeared serious and
18 convinced of their position?

19 **MR. McDONALD:** Apparently.

20 **THE COMMISSIONER:** And were there any
21 threats made?

22 **MR. McDONALD:** No, sir.

23 **THE COMMISSIONER:** All right. Thank you.

24 **MR. STAUFFER:** Okay. So, Staff Inspector,
25 do you have any communication anymore -- if I can take us

1 right through to the present day, do you have any
2 communication with the Dunlops anymore?

3 **MR. McDONALD:** No, sir.

4 **MR. STAUFFER:** Okay.

5 **MR. McDONALD:** We have a -- my wife and I
6 both have attempted to communicate with them, but they
7 don't want to meet with us.

8 **MR. STAUFFER:** Okay. Aply supported by my
9 friend, Ms. Simms, we've found a few documents. They
10 actually are in our binder. So perhaps if I could just ask
11 Staff Inspector McDonald to look at a few documents.

12 The first one, Mr. Commissioner, is 717055.

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

14 **THE COMMISSIONER:** Thank you.

15 Exhibit 1568 is a document with the name
16 Stuart McDonald on it.

17 **--- EXHIBIT NO./PIÈCE NO. P-1568:**

18 (717055) Index - Stuart McDonald

19 **MR. STAUFFER:** Okay. Staff Inspector, I'm
20 just wondering if you can identify the source for this
21 document? Now, I do note at the bottom it has what I've
22 come to understand to be an OPP designation, but can you
23 help us at all as to where this came from?

24 **MR. McDONALD:** I don't see a picture.

25 **MR. STAUFFER:** I'm sorry.

1 **THE COMMISSIONER:** No, there's no picture.
2 There's just a ---

3 **MR. STAUFFER:** Yes. The document that you
4 have in front of you right now, Staff Inspector, should be
5 a one-page document. It's just typewritten and it's on the
6 screen.

7 **MR. McDONALD:** M'hm.

8 **MR. STAUFFER:** Okay. Now, I'm just
9 wondering, sir, can you tell us where this came from? Can
10 you tell us the source of this document? And as I was
11 indicating to you to help you out, this may be an OPP-
12 generated document. I'm just wondering if you can identify
13 it?

14 **MR. McDONALD:** No, I can't.

15 **MR. MANDERVILLE:** It's not an OPP-generated
16 document. We believe it to be a Perry Dunlop-generated
17 document.

18 **MR. STAUFFER:** All right. Thank you very
19 much.

20 So, Staff Inspector, had you seen this
21 before preparing for your testimony?

22 **MR. McDONALD:** I think I have.

23 **MR. STAUFFER:** Okay. Did you give any of
24 this information to someone or is it someone collecting
25 information from other sources?

1 **MR. McDONALD:** I don't know. Like I say,
2 some of the stuff is correct. Some of it is inaccurate,
3 but who wrote it? I have no idea.

4 **MR. STAUFFER:** Okay.

5 **THE COMMISSIONER:** So could you go through
6 the list?

7 **MR. STAUFFER:** Yes, sir.

8 To help you out, Staff Inspector, there is
9 reference in this Exhibit 1568 to what's called Picture No.
10 7 and Picture No. 9.

11 So, Madam Clerk, I'm going to ask you to
12 come up with Document 717056 and as well, Madam Clerk,
13 Document 717057.

14 **THE COMMISSIONER:** Okay.

15 So Exhibit Number 1569 is a photograph --
16 photocopy of a photograph with number 7 beside it.

17 **--- EXHIBIT NO./PIÈCE NO. P-1569:**

18 (717056) Photo #7 - Stuart McDonald

19 **MR. STAUFFER:** Thank you.

20 So, Staff Inspector, if you look at that
21 document the Commissioner has just referred to, is that a
22 photocopy of a photograph of yourself?

23 **MR. McDONALD:** It is.

24 **MR. STAUFFER:** All right.

25 Could you give us any more detail as to when

1 you believe that was taken, the circumstances, where and
2 when it was taken?

3 **MR. McDONALD:** No, sir, I have no idea.

4 **MR. STAUFFER:** Okay. And, Mr. Commissioner,
5 I'd also like Staff Inspector McDonald to look at 717057,
6 which is -- the Clerk is saying she does not have a copy of
7 this right now.

8 **THE COMMISSIONER:** We'll put it on the
9 screen and then ---

10 **MR. STAUFFER:** Yes, sir.

11 **THE COMMISSIONER:** --- we'll give it an
12 exhibit number for now.

13 **MR. STAUFFER:** Thank you very much.

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

15 **THE COMMISSIONER:** So we have on the screen
16 a photograph with the Number 9 beside it ---

17 **MR. STAUFFER:** Yes.

18 **THE COMMISSIONER:** --- which will be Exhibit
19 1570.

20 --- **EXHIBIT NO./PIÈCE NO. P-1570:**

21 (717057) Photo # 9 Stuart McDonald

22 **THE COMMISSIONER:** Can you identify that
23 photograph for us, sir?

24 **MR. McDONALD:** It's me.

25 **MR. STAUFFER:** All right.

1 **THE COMMISSIONER:** And do you know what the
2 circumstances were when this photo was taken, that kind of
3 thing?

4 **MR. McDONALD:** No, sir, I have no idea.

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

6 **MR. STAUFFER:** Okay. So, Staff Inspector,
7 you've made reference to a photo of yourself with another
8 gentleman that Mrs. Dunlop asked for at some point.

9 Are either of these photographs, Number 7 or
10 Number 9, part of that photograph that you were talking
11 about?

12 **MR. McDONALD:** I don't believe so.

13 **MR. STAUFFER:** Okay. So these -- as far as
14 you can tell, anyway, and I know it's difficult because
15 there's just yourself in the picture, but you think these
16 are separate photographs than the one you were talking
17 about before?

18 **MR. McDONALD:** I think so. I think the one
19 that I was talking about before was taken outside the
20 church, type of thing, and -- but I don't recall ever
21 seeing that one either.

22 **MR. STAUFFER:** Okay. Well, just to try to
23 tie up a loose end, the one that you are talking about --
24 and it's difficult to talk about this in a vacuum, but did
25 you see that photograph at some point after it had left

1 your house?

2 MR. McDONALD: No.

3 MR. STAUFFER: So other than what you've
4 told us; that is, Mrs. Dunlop asking for the photograph --
5 -

6 MR. McDONALD: I didn't know it existed
7 until I heard about it here at the Inquiry.

8 MR. STAUFFER: Okay. Can you tell us what
9 circumstances you had heard it being used -- in what
10 circumstances had it been used?

11 MR. McDONALD: Again, I don't know whether
12 it was Mr. Leroux that was testifying or who it was, but he
13 identified me, I believe, from a picture that was taken by
14 -- with Mr. Craibe, and I believe it happened here at the
15 Inquiry, but I wasn't watching the Inquiry that day and I -
16 - it's what I was told.

17 MR. STAUFFER: Okay. Do you have any
18 further information at all as to how the -- that photograph
19 was used?

20 MR. McDONALD: No, I don't, other than
21 apparently Helen acquired it from my wife and it was used
22 to identify me to Mr. Leroux.

23 MR. STAUFFER: Okay. And with respect to
24 these two photographs we're looking at today, Number 7 and
25 Number 9, do you have any further information as to how

1 they were used, if any use was made of them?

2 **MR. McDONALD:** Other than I've seen in the
3 past short while where I was picked out of an apparent
4 line-up, identified as Number 7 or Number 9, or Number 21
5 or something by people who supposedly were at the Seguin or
6 MacDonald residence.

7 **MR. STAUFFER:** Okay. When -- again, try to
8 put your mind to this, when did you first become aware that
9 any of the three photographs you were talking about were
10 used in some fashion? I think you've told us about the
11 first one and that you only heard about it through the
12 Inquiry's testimony.

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

14 **MR. STAUFFER:** These two photographs 7 and
15 9, did you hear about them at any time around the time of
16 the meeting, the November ---

17 **MR. McDONALD:** I believe that's quite
18 possible that at the time of the meeting they indicated to
19 me that I had been picked out of a -- my picture had been
20 picked out of a book or a line-up or something.

21 **MR. STAUFFER:** Okay. I don't know if we'd
22 heard that before. If we had, I apologize.

23 **MR. McDONALD:** I might not have said it.

24 **MR. STAUFFER:** So when you have the meeting
25 in November of 1996, let me you ask you this to start.

1 Were you shown a photograph of yourself ---

2 **MR. McDONALD:** No.

3 **MR. STAUFFER:** --- any photograph, perhaps
4 not these photographs but any photographs of yourself?

5 **MR. McDONALD:** No.

6 **MR. STAUFFER:** And you weren't shown Number
7 7 or Number 9 at the meeting in November of 1996?

8 **MR. McDONALD:** No.

9 **MR. STAUFFER:** So -- but you're told that
10 your photograph -- some photograph of yourself had been
11 used to identify you when someone is taking a statement?

12 **MR. McDONALD:** I believe so.

13 **MR. STAUFFER:** And who is taking the
14 statement?

15 **MR. McDONALD:** Either Perry or Carson, I
16 guess. I don't know.

17 **MR. STAUFFER:** So ---

18 **MR. McDONALD:** Or Mr. Bourgeois.

19 **MR. STAUFFER:** Okay. So just so I've got it
20 clear here, Staff Inspector, in November of 1996, when
21 you're having this meeting, you're advised at this point
22 that someone has at least one photograph of you and they're
23 using it to show to people who are giving statements, "Is
24 this someone you recognize?"

25 **MR. McDONALD:** I think I -- that's ---

1 **MR. STAUFFER:** And you have no idea which
2 photograph that is?

3 **MR. McDONALD:** No, sir.

4 **MR. STAUFFER:** Well, did you ask them?

5 **MR. McDONALD:** No, sir.

6 **MR. STAUFFER:** Hold on now. You didn't ask
7 them where they got the photo of you that was being used to
8 ---

9 **MR. McDONALD:** No, sir.

10 **MR. STAUFFER:** --- pick you out of a photo
11 line-up?

12 **MR. McDONALD:** If their family is like my
13 family, we have many, many pictures of all the members of
14 the family.

15 **MR. STAUFFER:** Right.

16 **MR. McDONALD:** And there's many pictures of
17 Helen and Perry and all of my brothers and sisters and
18 their families and my wife's brothers and sisters and
19 families in albums throughout our house.

20 **MR. STAUFFER:** No, I appreciate that.

21 But I mean as a police officer, or retired
22 police officer in 1996, surely you must have asked "What
23 photo are you using of me to have me picked out of a photo
24 line-up?"

25 **MR. McDONALD:** It never entered my mind.

1 **MR. STAUFFER:** Okay.

2 **THE COMMISSIONER:** Can we -- will you be
3 going down Exhibit 1568 to give him the opportunity to
4 comment on those?

5 **MR. STAUFFER:** Yes, sir. Thank you. Thank
6 you for directing me in the right direction, Mr.
7 Commissioner. Let me get back to that.

8 **THE COMMISSIONER:** I don't know if it's the
9 right direction, but ---

10 **MR. STAUFFER:** Yes, sir.

11 So if you look, Staff Inspector, at this
12 Document -- 1568 is the exhibit number -- we dealt with
13 pictures 7 and 9. It shows you as ex-Staff Inspector,
14 Cornwall Police Service, which I guess is an accurate
15 comment.

16 **THE COMMISSIONER:** "Is an accurate." You've
17 got to be careful with the inaccurate and an accurate.

18 **MR. STAUFFER:** Yes, sir.

19 **MR. McDONALD:** It's correct. I admit to
20 that.

21 **MR. STAUFFER:** All right. Fair enough.
22 The third bullet is:

23 "Was involved in the initial intake
24 of David Silmsers' complaint."

25 **MR. McDONALD:** I admit to that.

1 **MR. STAUFFER:** The next one is:

2 "Was privy to morning meetings'..."

3 And they've got an apostrophe "s" there, so
4 a bit of a typo:

5 "...where the case was discussed."

6 What do you have to say about that bullet,
7 if anything, Staff Inspector?

8 **MR. McDONALD:** The only morning meeting that
9 I recall where the case was discussed was the instance
10 where Chief Shaver and Staff Inspector Brunet indicated
11 they would be going to Ottawa to speak to the Papal Nuncio.

12 **MR. STAUFFER:** Okay.

13 **MR. McDONALD:** And that was the first time.
14 I believe it was as a result of the payoff and -- the first
15 time I heard about it.

16 **MR. STAUFFER:** Could I go to the bullet that
17 says:

18 "Personal friend of Father Kevin
19 Maloney"?

20 **MR. McDONALD:** Well, he was our parish
21 priest at Blessed Sacrament Parish and, yeah, personal
22 friend.

23 **MR. STAUFFER:** Okay.

24 **MR. McDONALD:** Sure.

25 **MR. STAUFFER:** The next bullet:

1 "Heavily involved in the Catholic
2 Church as a layperson."

3 **MR. McDONALD:** I guess that's a quantitative
4 thing. I am involved with the Church, whether it's
5 heavily, that's somebody's opinion.

6 **MR. STAUFFER:** All right.

7 And then the next bullet I think we dealt
8 with, but I'll just put it to you again:

9 "Was seen at the residence of Ken
10 Seguin by several people."

11 **MR. McDONALD:** I was never there.

12 **MR. STAUFFER:** Okay. Staff Inspector, have
13 you been shown in the past various documents or statements
14 by people who have said you were at Ken Seguin's residence?
15 I gather you've had different documents put to you by
16 various people?

17 **MR. McDONALD:** I've seen them ---

18 **MR. STAUFFER:** Yes.

19 **MR. McDONALD:** --- in preparation for my
20 testimony.

21 **MR. STAUFFER:** Yes. And despite having seen
22 those, you're standing by that, that you were never at Ken
23 Seguin's residence ---

24 **MR. McDONALD:** Correct.

25 **MR. STAUFFER:** --- at any residence,

1 because, again, he had more than one?

2 **MR. McDONALD:** Never at any of his
3 residences nor Malcolm MacDonald's residence.

4 **MR. STAUFFER:** Okay. And this is a follow-
5 up, really, to the prior bullet:

6 "Denies ever being at Seguin's house
7 and further states that he does not
8 even know where it is."

9 **MR. McDONALD:** That's correct.

10 **MR. STAUFFER:** And then:

11 "Is the brother-in-law of Perry Dunlop
12 and believes that Cst. Dunlop was wrong
13 in reporting the incident to the
14 Children's Aid Society."

15 So perhaps we could just deal with that
16 bullet for a moment, Staff Inspector. Did you ever discuss
17 -- to start this, did you ever discuss with Constable
18 Dunlop his turning over of the Silmsner statement to someone
19 in the CAS?

20 **MR. McDONALD:** No, I don't believe I ever
21 did.

22 **MR. STAUFFER:** Okay. Do you have any idea
23 why this is written?

24 **MR. McDONALD:** No, I don't.

25 **MR. STAUFFER:** Okay. Do you -- today or at

1 any time, did you believe that Constable Dunlop was wrong
2 in reporting to the Children's Aid Society?

3 **MR. McDONALD:** I think under the
4 circumstances at that time, it was not correct. I'm not
5 saying that there might not have been a time or an instance
6 where it would have been incorrect, but I believe at that
7 time it was not the proper step -- procedure to take.

8 **MR. STAUFFER:** Okay. So again, I appreciate
9 this is a very bald statement, this bullet here, and it may
10 have all sorts of meanings in terms of belief. So are you
11 telling us that back in 1993, let's say, in late '93, it
12 was your view that legally Constable Dunlop should not have
13 turned over the statement to the CAS?

14 **MR. McDONALD:** I don't believe he had a
15 right to take it from the police station, to copy it and
16 that, as I say, there might have been a time and a case for
17 turning this statement over to the Children's Aid Society,
18 but I don't believe that it was under the proper
19 circumstances at that particular time.

20 **MR. STAUFFER:** Has your view changed at all
21 with the passage of time for any reason?

22 **MR. McDONALD:** No, sir.

23 **THE COMMISSIONER:** You ---

24 **MR. STAUFFER:** Yes, sir.

25 **THE COMMISSIONER:** There are other matters

1 on the page that you should address.

2 **MR. STAUFFER:** Yes. Mr. Commissioner, I'll
3 put them to Mr. -- or to Staff Inspector McDonald then.

4 Sir, if you look at the bullet that says
5 "was charged and convicted of possession of illegally
6 reporting liquor into Canada" ---

7 **THE COMMISSIONER:** "Importing".

8 **MR. STAUFFER:** Did I say something else?

9 **THE COMMISSIONER:** Yes.

10 **MR. STAUFFER:** "Importing".

11 **MR. McDONALD:** I was charged but not
12 convicted of that.

13 **MR. STAUFFER:** Okay. So that's one of the
14 errors in this summary, if I can put it that way?

15 **MR. McDONALD:** Correct.

16 **THE COMMISSIONER:** And did you resign from
17 the Cornwall Police during all of this?

18 **MR. McDONALD:** Yes, I did, but I was never
19 sentenced.

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

21 **MR. STAUFFER:** All right.

22 **MR. McDONALD:** Prior to sentencing, I was --
23 I paid a fine for -- under the provincial statutes as a
24 result of that liquor, but -- and I did resign prior to
25 paying the fine, but I was well aware of what the charge

1 was and what the fine was that I would be paying prior to
2 my resignation. And the resignation was for personal
3 reasons, not as a result of this.

4 **THE COMMISSIONER:** How much was the fine,
5 sir?

6 **MR. McDONALD:** A hundred dollars or
7 something like that.

8 **THE COMMISSIONER:** Thank you.

9 **MR. STAUFFER:** Okay. Again, I don't want to
10 -- oh, my friend wants to say something.

11 Staff Inspector, could you briefly go into
12 the circumstances then of the charge?

13 **MR. McDONALD:** What do you mean?

14 **MR. STAUFFER:** I guess what's involved, how
15 much liquor are we talking about and ---

16 **MR. McDONALD:** I don't know the number of
17 cases. I remember hearing or reading that there was a
18 couple of cases of liquor that were purchased that were
19 contraband. My name was on the *Liquor Licence Act*. When
20 the inspector came or the police officer came to the hall
21 where the function was being held, they discovered the
22 liquor. I was charged with importing liquor. Later on, it
23 was -- there was some agreement between my lawyer and the
24 authorities and I pled guilty to a *Liquor Control Act*
25 charge and it was about \$100 I think, a fine.

1 **MR. STAUFFER:** Okay. This was liquor for
2 some wedding?

3 **MR. McDONALD:** My daughter's.

4 **MR. STAUFFER:** Yeah. All right. Just bear
5 with me for one moment. Sir, just a couple more questions
6 concerning Constable Dunlop, as quickly as we can here.

7 Were you aware that Constable Dunlop had
8 been ordered to disclose material, and by that I mean that
9 someone in authority at the Cornwall Police Service had
10 ordered him to disclose?

11 **MR. McDONALD:** Not until long after it
12 happened apparently. I read about it but I wasn't aware of
13 those circumstances when I was with the Police Department.

14 **MR. STAUFFER:** Okay. This would be in 1997.
15 So you're retired, obviously, but this had never been
16 brought up in family discussions, Mr. Dunlop ---

17 **MR. McDONALD:** Again, the Dunlops were not
18 discussing much with my family.

19 **MR. STAUFFER:** All right.

20 **THE COMMISSIONER:** Mr. Stauffer?

21 **MR. STAUFFER:** Yes, sir.

22 **THE COMMISSIONER:** Maybe just quickly, if we
23 could pull up an affidavit or where it's alleged that this
24 gentleman has been together with other people, other -- and
25 I'd like to go through that list and ---

1 **MR. STAUFFER:** Yes, sir.

2 **THE COMMISSIONER:** --- and ask him what the
3 relationship was.

4 Mr. Manson?

5 **MR. MANSON:** I was just going to say I
6 intended to do this, Mr. Stauffer.

7 **THE COMMISSIONER:** Okay.

8 **MR. STAUFFER:** That's fine, of course.

9 **MR. MANSON:** I intended to do this.

10 **THE COMMISSIONER:** Okay, good.

11 **MR. STAUFFER:** I'll earn my pay here.

12 Let me get that document, and Mr.

13 Commissioner, I think one document that we could look at
14 would be 100507 which is already Exhibit 1076.

15 **THE COMMISSIONER:** One-zero-seven-six
16 (1076). Okay.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. STAUFFER:** Inspector, have you seen this
19 document before now?

20 **MR. McDONALD:** Yes, sir.

21 **MR. STAUFFER:** Okay. Because, again, in
22 fairness, we're always happy to have the person read
23 through the entire document. This is quite a long document
24 and if you've looked at it already, that will be much
25 appreciated because we can speed through it somewhat.

1 I was referring actually in one of my
2 earlier questions to you to paragraph 6 at the bottom of
3 this ---

4 **THE COMMISSIONER:** Sorry. Mr. Manson?

5 **MR. STAUFFER:** Oh, I'm sorry.

6 **MR. MANSON:** I just wanted to point out, Mr.
7 Commissioner, we have in the record various versions ---

8 **THE COMMISSIONER:** Yes.

9 **MR. MANSON:** --- purport to be the November
10 13th, 1996 Affidavit of Mr. Leroux.

11 **THE COMMISSIONER:** Yes.

12 **MR. MANSON:** This is one of them ---

13 **THE COMMISSIONER:** Yes.

14 **MR. MANSON:** --- taken off of ---

15 **THE COMMISSIONER:** The website.

16 **MR. MANSON:** --- the website.

17 **THE COMMISSIONER:** Yeah.

18 **MR. MANSON:** It's not one of the ones that
19 we put into evidence and that were identified as being
20 sworn by Mr. Leroux on November 13th, 1996.

21 **THE COMMISSIONER:** Okay.

22 **MR. MANSON:** I just wanted to point that out
23 for Mr. Stauffer so he -- well, my point is, if I recall,
24 in comparing them, there are one or two tiny changes
25 between this and the -- this is like a cut and paste job --

1 -

2 THE COMMISSIONER: M'hm.

3 MR. MANSON: --- going back to the original
4 November 13th.

5 THE COMMISSIONER: All right. So which one
6 do you suggest we use?

7 MR. MANSON: Well, I think there's two
8 purposes, Mr. Commissioner.

9 THE COMMISSIONER: Yeah.

10 MR. MANSON: If the question is about
11 anything Mr. McDonald saw from the website, this is the
12 right document because it was on the website.

13 THE COMMISSIONER: M'hm.

14 MR. MANSON: If we want to be accurate about
15 what existed in the world on November 13th, 1996, I wouldn't
16 put my money on this document.

17 THE COMMISSIONER: Okay. Good. So ---

18 MR. McDONALD: Your Worship, I didn't see
19 anything on the website.

20 THE COMMISSIONER: So you know, with ---

21 MR. STAUFFER: Yes, sir.

22 THE COMMISSIONER: You know, why don't -- if
23 Mr. Manson is -- he's coming up right after you.

24 MR. STAUFFER: Sure.

25 THE COMMISSIONER: So why don't we let Mr.

1 Manson do it? He's probably got questions all lined up for
2 ---

3 **MR. MANSON:** I was to go through both of
4 them, but I mean (off mic) ---

5 **THE COMMISSIONER:** No, so ---

6 **MR. MANSON:** --- because I'm not happy with
7 this (off mic).

8 **THE COMMISSIONER:** And we certainly want to
9 keep Mr. Manson happy.

10 **MR. STAUFFER:** Yes, sir.

11 **(LAUGHTER/RIRES)**

12 **MR. STAUFFER:** It's on a Friday, so I defer
13 to Mr. Manson, but I will ask one question about this
14 document while you have it in front of you, Staff
15 Inspector. So again, I'm referring to Exhibit 1076.

16 Had you ever had an opportunity -- did you
17 ever look at it? Did you ever look at any websites
18 relating to Project Truth to start with?

19 **MR. McDONALD:** No, I don't believe so.

20 **MR. STAUFFER:** Did you ever look at any
21 websites that might relate to allegations of child abuse,
22 the Sylvia MacEachern website, anything at all on the
23 internet that related to generally or specifically
24 historical sexual child abuse?

25 **MR. McDONALD:** My wife has brought them up

1 but I don't believe I've ever read any of them.

2 MR. STAUFFER: Okay.

3 MR. McDONALD: I've heard her talking about
4 it but I don't believe I have ever read any of it.

5 MR. STAUFFER: So this particular document
6 that we've got in front of us here, when, if ever, did you
7 first see this?

8 MR. McDONALD: I would have seen a hard copy
9 in the last few weeks.

10 MR. STAUFFER: Few weeks or a month,
11 something like that, but in preparation for today?

12 MR. McDONALD: That's correct.

13 MR. STAUFFER: But it's not something that
14 came to your attention. This seems to be July 2000, for
15 example, on the top of it. Did you see it back then?

16 MR. McDONALD: No, sir.

17 MR. STAUFFER: Okay. So what we're going to
18 do, Mr. Commissioner, if that's all right with everyone,
19 I'll certainly have Mr. Manson then ask Staff Inspector
20 McDonald questions.

21 THE COMMISSIONER: One last question about
22 recommendations.

23 MR. STAUFFER: Oh, no, I'm not quite -- not
24 quite done.

25 THE COMMISSIONER: Oh.

1 **MR. STAUFFER:** I'd like to say I was done,
2 but ---

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

4 **MR. STAUFFER:** No, I just got a few more.
5 Staff Inspector, we'll turn to one last
6 topic here and that is, I do want to get your view on how
7 the Cornwall Police Service was being managed back in the
8 latter part of the last century, and I'm talking
9 specifically 1989, 1990 and thereabouts when you were still
10 there.

11 And what I'd like to show to you, sir, very
12 quickly -- well, we're getting there.

13 **THE COMMISSIONER:** It's just -- it makes a
14 little older when we talk about the last century.

15 **MR. STAUFFER:** Yes. I appreciate that. I
16 don't mean to age anybody in this room more than they
17 already are.

18 In any event, Mr. McDonald, I wanted you to
19 look at what we have in our materials, if I can find it, is
20 the senior officer's report -- almost there. Thank you.

21 Here we go. Yeah, all right. What I would
22 like to deal with, Staff Inspector, is indeed Exhibit 1347.
23 And I'd like you to turn to what we call Bates page
24 7180586, which in my copy at least, is the first page after
25 the cover page. Are you with me?

1 **MR. McDONALD:** Yes, sir.

2 **MR. STAUFFER:** Thank you. And it's dated
3 April 4th, 1990. It's a memo to Chief Shaver and to Deputy
4 Chief St. Denis from the senior officers. And it says,
5 "re: report from the staff sergeants."

6 Sir, am I right then just by reading this to
7 start with that you and Inspector Burke and Inspector Trew
8 had received a report prepared by six staff sergeants. Is
9 that correct?

10 **MR. McDONALD:** Correct.

11 **MR. STAUFFER:** And you obviously had an
12 opportunity to read it and to discuss it. And you say in
13 the second paragraph of your memo to the Chief and Deputy
14 Chief:

15 "We are of the understanding that the
16 staff sergeants initiated their
17 comments in accordance with management
18 teams Administrative Directive Number
19 12. Our comments follow that format."

20 And then you go on to say:

21 "After lengthy deliberations, it is in
22 the atmosphere of sadness that we
23 concur with all their concerns."

24 So, sir their ---

25 **MR. McDONALD:** It doesn't say all their

1 concerns. It just says their concerns.

2 **MR. STAUFFER:** Did I say all their concerns?

3 **THE COMMISSIONER:** Mr. Stauffer edits from
4 time to time.

5 (LAUGHTER/RIRES)

6 **MR. STAUFFER:** Did I say all their concerns?

7 **MR. McDONALD:** Yes, you did, sir.

8 **MR. STAUFFER:** Well, let's see if you do
9 agree with all their concerns. All right. So now we're
10 going to go to the next page.

11 Now the next page is Bates page, the last
12 three numbers, 587. And again, I don't want to go through
13 all this unless you want to read every single word, but I
14 want to go to what's called the ---

15 **MR. McDONALD:** I'm sorry, sir, I don't have
16 -- the next page is 506.

17 **THE COMMISSIONER:** Oh, no, no, sir, you have
18 to look on the left-hand side on top.

19 **MR. McDONALD:** Oh, 58 -- okay, right, I'm --
20 -

21 **THE COMMISSIONER:** No, no it's okay.

22 **MR. STAUFFER:** Now in this case, Staff
23 Inspector, you are a rookie. You're a rookie at dealing
24 with these -- our system.

25 **MR. McDONALD:** I'll admit to that.

1 **MR. STAUFFER:** All right. So, sir, near the
2 middle of that page it says:

3 "The following consensus of opinions
4 was arrived at."

5 Are you with me?

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

7 **MR. STAUFFER:** Yes, sir. So it says:

8 "The Chief's actions have resulted in
9 the office of the Chief of Police
10 losing all credibility with the men and
11 women of the Force, the Police
12 Commission, and the community."

13 That's obviously one of the staff sergeants'
14 concerns. And am I right that the three inspectors
15 concurred with that concern?

16 **MR. McDONALD:** I think with the -- yes,
17 again, "losing all credibility with the men and women of
18 the Force" might have been a little more than was required
19 but they -- I think the credibility was definitely in
20 question.

21 **MR. STAUFFER:** Okay. And I'm not trying to
22 really cross-examine you here.

23 **MR. McDONALD:** No, I realize that.

24 **MR. STAUFFER:** I'm trying to -- I'm just
25 trying to get you obviously to agree that when you write

1 your memo to the Chief and the Deputy Chief, there's
2 nothing in that memo that says we agree with the staff
3 sergeants somewhat or we'd like them to edit some of their
4 comments. You just simply say we concur with that report
5 that they prepared.

6 MR. McDONALD: Correct.

7 MR. STAUFFER: Is that fair?

8 MR. McDONALD: That's correct.

9 MR. STAUFFER: And so without belabouring
10 this and going through every one of the concerns that they
11 have, the memo that you're -- that you and the other
12 inspectors have sent essentially adopts ---

13 MR. McDONALD: It was a consensus memo that
14 we agreed with -- agreed on.

15 MR. STAUFFER: Okay. And so then you
16 finalize your memo by saying:

17 "We would recommend one further
18 action..."

19 THE COMMISSIONER: No, it's an option.

20 MR. STAUFFER: Sorry, option.

21 "We would recommend one further
22 option..."

23 Are you with me there?

24 MR. McDONALD: Yes, sir.

25 MR. STAUFFER: Yes, sir.

1 "...that this matter remain 'in-house'
2 and the Board conduct their own
3 inquiry."

4 So, sir, could I ask you to start, who
5 actually wrote this memo?

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

7 **MR. STAUFFER:** Okay. Am I right in thinking
8 it would have been you as the senior inspector?

9 **MR. McDONALD:** It might have been.

10 **MR. STAUFFER:** Okay. Because again your
11 name appears at the top, I'm assuming because of the fact
12 that you're the senior of the three inspectors.

13 **MR. McDONALD:** Probably.

14 **MR. STAUFFER:** Okay. Well, you are the
15 senior.

16 **MR. McDONALD:** I was.

17 **MR. STAUFFER:** Yes, okay.

18 **MR. McDONALD:** I wasn't the senior, I was
19 the highest ranking.

20 **MR. STAUFFER:** All right. So you're saying
21 one of these fellows or both of them came on the job before
22 you did?

23 **MR. McDONALD:** Inspector Burke did.

24 **MR. STAUFFER:** Okay. Now the long and the
25 short of it is I want to deal with this recommendation of

1 one further option.

2 Is that the option that the three inspectors
3 recommended or ---

4 **MR. McDONALD:** I believe so.

5 **MR. STAUFFER:** --- is it another option?

6 **MR. McDONALD:** To be honest with you, I
7 don't really recall.

8 **MR. STAUFFER:** Okay. What came of this
9 process, then? Did anyone follow up with any option here?
10 Because essentially again, to help you out, the staff
11 sergeants had given two recommendations and I'm going on to
12 the next page, sir which is the number two page before the
13 signatures. Yeah.

14 And you see where the staff sergeants are
15 saying:

16 "It is out of a sense of loyalty to the
17 members of our Force and the community
18 and it is after much consideration with
19 sincere regret that we make the
20 following recommendations."

21 And the first one is that the Chief tender
22 his resignation. The second one is:

23 "...or failing this that the Cornwall
24 Police Commission invite the Ontario
25 Police Services Branch and the

1 Solicitor General's office to conduct
2 an inquiry in to the management of the
3 Cornwall Police Force."

4 So you'll see those are the two
5 recommendations, if you will, or options that the --
6 recommended options that the staff sergeants are putting
7 forward.

8 You fellows, the three inspectors have now
9 come up with another option. Are those the three options
10 then, to start with, that -- or recommended options that
11 are being put forward to the Chief and Deputy Chief?

12 **MR. McDONALD:** Yes, I guess so.

13 **MR. STAUFFER:** Okay. So which if any of
14 those was acted upon?

15 **MR. McDONALD:** Well, I believe -- and I
16 stand to be corrected again -- later that year the Ontario
17 Police Commission did come in and conduct an investigation
18 or an audit of our Force.

19 **MR. STAUFFER:** Okay.

20 **MR. McDONALD:** I think that later that year
21 the Chief initiated a strategic planning session of some
22 form to clarify his role as Chief of the Force and to give
23 to the members of the Police Force a comprehensive planning
24 document that ---

25 **MR. STAUFFER:** Okay.

1 **MR. McDONALD:** I think those things were as
2 a result of this.

3 **MR. STAUFFER:** Okay. Would you agree with
4 me, Staff Inspector, finally on these documents that the
5 recommendation then or the recommended option that it
6 actually happened was that someone came in from the
7 Solicitor General?

8 **MR. McDONALD:** I believe somebody came in.
9 I don't know if it was as a result of the Board asking them
10 to come in or if it was done on a regular basis.

11 I believe they were there; how they arrived
12 I couldn't tell you.

13 **MR. STAUFFER:** Okay. But again the three
14 options are, you know, resign; go to the outside source, or
15 stay in-house. And I guess the option that was ultimately
16 acted upon was the Solicitor General's team came in and did
17 an inspection or an audit.

18 **MR. McDONALD:** And again, I don't know at
19 whose request they were there or ---

20 **THE COMMISSIONER:** I don't know that that's
21 quite correct.

22 **MR. STAUFFER:** Okay, sir.

23 **THE COMMISSIONER:** I think it started off
24 with the Board, is it not? I mean, we've heard evidence
25 all about that, I don't know why we're going ---

1 **MR. MANDERVILLE:** You're correct, Mr.
2 Commissioner, and an outside consultant came in ---

3 **THE COMMISSIONER:** Oh, yes.

4 **MR MANDERVILLE:** --- to assist the Board and
5 the ---

6 **THE COMMISSIONER:** So ---

7 **MR. MANDERVILLE:** --- Police Service.

8 **THE COMMISSIONER:** --- we've heard from
9 others. We don't need to bother this gentleman with that.

10 **MR. STAUFFER:** That's fine.

11 I take it, just to wrap up on that point
12 then Staff Inspector, your name is shown as someone who
13 participated as part of the management team then in that
14 strategic planning session. So you were somebody who
15 participated in that?

16 **MR. McDONALD:** I was, yes.

17 **MR. STAUFFER:** Okay.

18 Sir, one of the concerns, obviously, that
19 was raised in different documents, not just the ones we're
20 talking about here but others, was the fact that morale was
21 an issue, an issue back in 1990.

22 By the time you retired in the fall of 1994
23 or May of 1995, would you say that morale was still an
24 issue within the Force or the Service?

25 **MR. McDONALD:** I've never been on a police

1 force -- or I've never seen any police force that there
2 wasn't some morale issues, whether it's a small percentage
3 of the police officers or a larger amount of police
4 officers, there's always some discord. There are always a
5 certain amount of -- or percentage of police officers who
6 feel they've been hard done by. They were passed over for
7 promotion, they weren't treated properly.

8 And, as I say, I was with the OPP, I was
9 with the city police, I worked in a hospital setting, and
10 there were always the complainers and those people that
11 were hard done by. The percentage sometimes rose or
12 sometimes was minimal, but there are always those who -- on
13 every squad, on every team -- who were naysayers, who were
14 malcontent.

15 **MR. STAUFFER:** M'hm. From all your
16 experience, both direct and indirect as a police officer,
17 have you ever been involved in a situation or heard of a
18 situation where, essentially, all of the staff sergeants
19 and the inspectors have recommended as an option that the
20 Chief resign?

21 **MR. McDONALD:** No, this was an -- this was
22 the first.

23 **MR. STAUFFER:** All right.

24 **THE COMMISSIONER:** And the last?

25 **MR. McDONALD:** Yes.

1 (LAUGHTER/RIRES)

2 MR. STAUFFER: Okay.

3 Now, Mr. Commissioner had talked, Staff
4 Inspector, about recommendations. Sir, do you have any
5 recommendations for the Commissioner to consider?

6 MR. McDONALD: I think that it's a very
7 unfortunate situation that has arisen with the Dunlop
8 family and I'm not saying that it's not somewhat, maybe
9 self-inflicted to a degree, but I feel that it's a very sad
10 situation for their family.

11 I don't want to assess blame or attach blame
12 to anybody. I just have a lot of empathy for a lot of
13 members of the Cornwall Police Department who have suffered
14 and had to work under these circumstances.

15 I have a lot of sympathy for a lot of
16 members of our community who have had some rather bad
17 memories brought back up and regurgitated and I have a lot
18 of sympathy for them.

19 It is my honest opinion that almost every
20 municipality in the world has a certain percentage of
21 deviants, and it's a sad situation when a spotlight is
22 brought to bear on the community because of a very small
23 percentage of people. And, unfortunately, I believe that
24 this small percentage of people has given our community a
25 black eye and it has, again, shone the spotlight on the

1 failings of a very few. And it's led to a lot of people's
2 name, mine included, being degraded, brought down, when
3 there's very little evidence other than the say of one of
4 two people whose motives I think are suspect.

5 And, as I say, I have a lot of sympathy for
6 a lot of people in this community, and I only hope that
7 they can put a lot of this behind them in a relatively
8 short period of time.

9 Thank you.

10 **THE COMMISSIONER:** All right, thank you.

11 We'll take the morning break and we'll come
12 back in 15 minutes.

13 **MR. McDONALD:** Thank you.

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

16 This hearing will resume at 11:15.

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

18 L'audience est suspendue à 11h02

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

20 L'audience est reprise à 11h18

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

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

25 **STUART McDONALD, Resumed/Sous le même serment:**

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

2 MANSON:

3 THE COMMISSIONER: The thread of your cross-
4 examination is, Mr. Manson?

5 MR. MANSON: I'll just start.

6 (LAUGHTER/RIRES)

7 MR. MANSON: Now witness ---

8 (LAUGHTER/RIRES)

9 MR. MANSON: Where were you on May the 3rd?

10 MR. McDONALD: I apologize.

11 THE COMMISSIONER: Not a problem. It's
12 okay.

13 MR. McDONALD: I apologize, sir.

14 THE COMMISSIONER: Not a problem.

15 Mr. Manson?

16 MR. MANSON: Mr. McDonald, my name's Alan
17 Manson. I'm one of the lawyers for the Citizens for
18 Community Renewal which is a group of Cornwall citizens who
19 support institutional reform and especially the protection
20 of young people.

21 Before I start out, I want to apologize to
22 you. In a few minutes, I'm going to have to talk to you
23 about some family matters. I know those are always
24 delicate and difficult, but I think you appreciate that
25 that's the nature of this exercise to some extent.

1 But talking about family, you said that your
2 wife has 12 brothers and sisters; correct?

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

4 **MR. MANSON:** Can you just situate her age
5 for me in relation to Helen Dunlop? You don't have to tell
6 me their ages, but who's older and by about how much
7 approximately?

8 **MR. McDONALD:** Well, my wife is -- she's
9 probably 10 to 15 years older than Helen.

10 **MR. MANSON:** Okay. And Carson Chisholm is
11 your wife's brother?

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

13 **MR. MANSON:** And can you tell me their ---

14 **MR. McDONALD:** He's a few -- she's a few
15 years older than Carson.

16 **MR. MANSON:** So Carson Chisholm would be in
17 between your wife and Helen.

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

19 **MR. MANSON:** And, again, just to be
20 completely clear about our timelines, you formally retired
21 early '95; correct?

22 **MR. McDONALD:** That's correct.

23 **MR. MANSON:** Do you have any recollection of
24 when your last operational duties were?

25 **MR. McDONALD:** In the fall,

1 September/October of '94.

2 MR. MANSON: September/October. So at that
3 time, September/October '94, Mr. Dunlop would be subject of
4 the Police Act charges; correct? Can you recall that?

5 MR. McDONALD: No sir, I don't.

6 MR. MANSON: Okay. You made it quite clear
7 in your evidence in-chief that you bore no personal
8 animosity towards Mr. Dunlop. Did he have any reasons to
9 have a grievance against you?

10 MR. McDONALD: You'd have to ask him that.

11 THE COMMISSIONER: To your knowledge ---

12 MR. MANSON: Were you ---

13 THE COMMISSIONER: To your knowledge?

14 MR. McDONALD: I don't know what it would
15 take to make somebody mad at me.

16 MR. MANSON: Okay. Well, let me ask you
17 another question.

18 I understand that you were involved in a
19 disciplining -- disciplinary matter involving Mr. Dunlop in
20 1985, prior to his marriage to your wife's sister; correct?

21 MR. McDONALD: I was involved in a couple of
22 disciplinary matters.

23 MR. MANSON: And the one involving the
24 damage to the vehicle, you were the hearing officer;
25 correct?

1 MR. McDONALD: That's correct.

2 MR. MANSON: Did he bear you any malice as a
3 result of that?

4 MR. McDONALD: I don't know.

5 MR. MANSON: Did you and he ever discuss it?

6 MR. McDONALD: No, sir.

7 MR. MANSON: Let's move to the November,
8 1996 attendance at your home by Carson Chisholm and others.

9 MR. McDONALD: Yes, sir.

10 MR. MANSON: You've got that fixed in your
11 mind; correct?

12 MR. McDONALD: As well as I can do.

13 MR. MANSON: But I mean, you recall that
14 event clearly?

15 MR. McDONALD: Oh, yeah.

16 MR. MANSON: This was an extraordinary event
17 and it's made an impression on you?

18 MR. McDONALD: Yes sir, a definite
19 impression.

20 MR. MANSON: Now, with respect to the date,
21 my friend asked you whether November 18, '96 sounded right.
22 Are you in agreement with that date?

23 MR. McDONALD: Sounds right. I couldn't
24 tell you the exact date or for that matter, I couldn't tell
25 you what year it was.

1 **MR. MANSON:** Well, can we just quickly look
2 at Exhibit 579, Mr. Commissioner? This is the Will State
3 prepared by Mr. Dunlop in the year 2000, and it's Bates
4 page ---

5 **THE COMMISSIONER:** Hold on. Hold on a
6 second. Not you, not you, Mr. Manson.

7 **MR. MANSON:** It's Bates -- I believe it's
8 579, Mr. Commissioner.

9 **THE COMMISSIONER:** I'm sure. It's just I
10 don't have the book here.

11 **MR. MANSON:** Oh. And it's Bates page ending
12 in 4952.

13 **THE COMMISSIONER:** All right. I'm sorry,
14 Bates page again?

15 **MR. MANSON:** Ending in 4952, and at the
16 bottom it says page 51 of 110.

17 **THE COMMISSIONER:** Okay. That's good.

18 **MR. MANSON:** Bottom right-hand corner.

19 **THE COMMISSIONER:** Yes.

20 **MR. McDONALD:** The bottom is 51 of 110?

21 **MR. MANSON:** Yes.

22 **MR. McDONALD:** I'm there.

23 **MR. MANSON:** And you'll see the date, 18
24 November 1996?

25 **MR. McDONALD:** Yes.

1 **MR. MANSON:** So it appears that according to
2 this document prepared by Mr. Dunlop, he's indicating the
3 meeting was November 18th, 1996; correct?

4 **MR. McDONALD:** Correct.

5 **MR. MANSON:** And if I can just read:

6 "Attend Stuart McDonald's house with
7 Helen, Carson Chisholm and my lawyer..."

8 And that lawyer was Charles Bourgeois;
9 correct?

10 **MR. McDONALD:** I believe so.

11 **MR. MANSON:** Had you ever met Mr. Bourgeois
12 before that time?

13 **MR. McDONALD:** No, sir.

14 **MR. MANSON:** And your evidence was that
15 Carson came first and maybe there was a phone call and then
16 the three others attended; correct?

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

18 **MR. MANSON:** And let me read on:

19 "Stuart denies knowing Ron Leroux."
20 That's correct?

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

22 **MR. MANSON:** "He denies ever going to Ken
23 Seguin's house."

24 That's correct?

25 **MR. McDONALD:** Yes, sir.

1 **MR. MANSON:** "He denies any knowledge of
2 the case other than being informed by
3 Sergeant Nakic."

4 **MR. McDONALD:** That's correct.

5 **MR. MANSON:** "Indicates he knows Ron
6 Leroux was in town."

7 I believe from your statements you've
8 indicated that you thought you knew an uncle of his ---

9 **MR. McDONALD:** That's correct.

10 **MR. MANSON:** --- who worked on the bridge?

11 **MR. McDONALD:** That's correct.

12 **MR. MANSON:** But you did not know Ron
13 Leroux?

14 **MR. McDONALD:** That's correct.

15 **MR. MANSON:** You'd never met Ron Leroux?

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

17 **MR. MANSON:** Can we turn the page?

18 **MR. McDONALD:** Yes, sir.

19 **MR. MANSON:** "Tells everyone to fuck off
20 and get out of his house."

21 **MR. McDONALD:** I don't normally use that
22 type of language. Whether I did that day or not, I
23 couldn't tell you. I did ask them to leave the house.
24 Whether I -- I'm not going to affirm or deny the fact that
25 I used those words.

1 **MR. MANSON:** I take it you recall asking the
2 group to leave your house in stern language?

3 **MR. McDONALD:** Yes, sir.

4 **MR. MANSON:** Then look at the next sentence,
5 Mr. McDonald:

6 "With the exception of me..."

7 That being Mr. Dunlop:

8 "...I left earlier because I no longer
9 wanted to be in his presence."

10 Can you recall that he left earlier?

11 **MR. McDONALD:** No, sir.

12 **MR. MANSON:** "...I no longer wanted to be in
13 his presence. I had heard enough. I
14 noticed he..."

15 I'm assuming that's you.

16 "...was visibly upset."

17 **MR. McDONALD:** Yes, sir, I was.

18 **MR. MANSON:** Shaken and upset?

19 **MR. McDONALD:** I was.

20 **MR. MANSON:** You told the Commissioner that
21 this group that attended your house were serious?

22 **MR. McDONALD:** I believe they were.

23 **MR. MANSON:** Were they hostile to you?

24 **MR. McDONALD:** Yes, sir, I guess maybe I
25 would indicate that they were probably hostile when I

1 indicated that I wasn't there and that I was telling them
2 the truth. They said they didn't believe me and I guess
3 that would equate to being hostile.

4 **MR. MANSON:** And this wasn't a casual,
5 "We're hearing some things about you, Stuart. What do you
6 have to say?" This was an accusation, wasn't it?

7 **MR. McDONALD:** Yes, sir.

8 **MR. MANSON:** And you were shown a document
9 that appeared to be a statement from Ron Leroux that made
10 various accusations against you, didn't he?

11 **MR. McDONALD:** Yes, sir.

12 **MR. MANSON:** Now, I know it's difficult to
13 recall exactly the document, but I want to show you one
14 document that we have on record. It's Exhibit 567.

15 **THE COMMISSIONER:** And that would be in the
16 same book, I hope. Yes, it is.

17 Madam Clerk? Okay. You're there, 567?

18 **MR. MANSON:** Five-sixty-seven (567).

19 And this purports to be an affidavit sworn
20 by Ron Leroux before the Commissioner of Oaths. The
21 signature is Charles Bourgeois. This is on page 8 and
22 dated November 13th, 1996. So this would seem to be just a
23 few days before their arrival at your house; correct?

24 **MR. McDONALD:** Apparently.

25 **MR. MANSON:** If it's accurate; correct?

1 **MR. McDONALD:** Apparently, yes.

2 **MR. MANSON:** Now, can we just look at page 1
3 for a minute?

4 **MR. McDONALD:** Yes, sir.

5 **MR. MANSON:** You'll see at the top a court
6 file number and what we, in the lawyer business, call a
7 style of cause; that is Perry Dunlop versus various people.

8 **MR. McDONALD:** Yes, sir.

9 **MR. MANSON:** Do you recall seeing this when
10 Carson Chisholm presented this to you -- a statement to
11 you?

12 **MR. McDONALD:** No, sir.

13 **MR. MANSON:** When Carson Chisholm attended
14 your house and presented a statement to you, were you aware
15 that there was any lawsuit between Mr. Dunlop and various
16 people involved with the Police Services and the Diocese?

17 **MR. McDONALD:** I don't remember knowing that
18 at that time. I couldn't tell you. No, I ---

19 **MR. MANSON:** Did any of the people present
20 that evening, Mr. Chisholm, Ms. Dunlop, Mr. Dunlop or Mr.
21 Bourgeois, tell you there is a lawsuit ongoing?

22 **MR. McDONALD:** No, sir, I don't believe so.
23 I don't recall that.

24 **MR. MANSON:** Can we just look at paragraph 6
25 on page 2?

1 **MR. McDONALD:** Yes, sir.

2 **MR. MANSON:** This is a long list of names
3 that starts with:

4 "I was at several parties at Ken
5 Seguin's house."

6 This is Mr. Leroux speaking.

7 "Malcolm MacDonald's summer residence
8 and St. Andrews parish house where I
9 observed, among others..."

10 And of the 33 named people, you're number 29; correct?

11 **MR. McDONALD:** Yes, sir.

12 **MR. MANSON:** You're 21 and 29. Somehow you
13 got double attention. I apologize.

14 **MR. McDONALD:** That's all right. I've seen
15 it before.

16 **MR. MANSON:** You've seen it.

17 Your evidence is you were never at parties
18 at Ken Seguin's house or Malcolm MacDonald's summer
19 residence or St. Andrews parish house; correct?

20 **MR. McDONALD:** No, sir, I've never been
21 there. I've been to the parish house in St. Andrews, but
22 not when Father Charles MacDonald was there.

23 **MR. MANSON:** And was it a party that you
24 attended?

25 **MR. McDONALD:** No, sir.

1 **MR. MANSON:** Can we look at paragraph 26 of
2 this statement?

3 "On or about June or July 1993, I
4 started to..."

5 And this again is Ron Leroux speaking.

6 "...I started to hear the name Stuart
7 McDonald being discussed by Malcolm and
8 Ken Seguin. Ken advised that the
9 allegations against him and Father
10 Charlie were not going to go anywhere
11 as Stuart McDonald was now looking into
12 it."

13 Were you ever asked by any of these people
14 to look into the allegations against Father Charlie?

15 **MR. McDONALD:** No, sir.

16 **MR. MANSON:** "I continued to hear the name
17 Stuart McDonald frequently from Ken
18 during the months of June, July and
19 August 1993."

20 Do you have any idea why someone would say
21 that?

22 **MR. McDONALD:** No, sir.

23 **MR. MANSON:** Paragraph 28 is a very long
24 paragraph about a meeting on a Sunday morning in September
25 on Stanley Island, attended by a large group of Cornwall

1 men.

2 Can we just start:

3 "On the Sunday morning at approximately
4 8:30 a.m. myself and Ken are having a
5 coffee in Ken's backyard. Malcolm
6 arrives and states that he has steaks,
7 beer and booze for an army.
8 Malcolm states that a lot of important
9 people are showing up for dinner today.
10 Malcolm stated that Ron Wilson, Claude
11 Shaver, Bishop Larocque, Stuart
12 McDonald, Brunet, a judge from his
13 drinking days, and Father Charlie would
14 be in attendance."

15 Later, on the next page, we see reference to
16 Claude Shaver arriving with two other males:

17 "They exited the car and I observed the
18 two other males to be Stuart McDonald
19 and another cop. They go to Ken's
20 wharf and get into Malcolm's boat.
21 They, Malcolm, Claude, Stuart and
22 another cop, head towards the island
23 and wave at me as they are leaving."

24 Is this account of a trip to Stanley Island
25 true, sir?

1 **MR. McDONALD:** No, sir, it's not.

2 **MR. MANSON:** At least you were not there; is
3 that correct?

4 **MR. McDONALD:** I was not there.

5 **MR. MANSON:** I want to take you to another
6 document, Exhibit 672.

7 Mr. Commissioner, this is the amended
8 Statement of Claim.

9 Now, if you look at the first page, Mr.
10 McDonald, you see the same Style of Cause, court file
11 number, Perry Dunlop and the number of defendants; correct?

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

13 **MR. MANSON:** Same one we just saw in the
14 Affidavit; correct?

15 **MR. McDONALD:** Okay.

16 **MR. MANSON:** Can you turn to the very last
17 page, which, Mr. Commissioner, is Bates page 7011022,
18 you'll note right at the bottom is Mr. Bourgeois' name;
19 correct?

20 **MR. McDONALD:** Yes, sir.

21 **MR. MANSON:** And just slightly above that
22 the date November 15th, 1996; correct?

23 **MR. McDONALD:** Yes, sir.

24 **MR. MANSON:** So this document it would
25 appear, if it's accurate, was issued just a few days before

1 the visit to your house; correct? It seems to be the case.
2 The visit was November 18th and this is a few days before
3 Mr. Bourgeois issued this document.

4 **MR. McDONALD:** Apparently.

5 **MR. MANSON:** Have you ever seen this
6 document before, an Amended Statement of Claim or anything
7 that looks like it, 64 pages long?

8 **MR. McDONALD:** No, sir, I don't think I have
9 ever seen it. No, I don't think I ever have seen it.

10 **MR. MANSON:** When the group of the Dunlops,
11 Carson Chisholm and Mr. Bourgeois came to your house,
12 you've told us they didn't tell you anything about a
13 lawsuit. Did they tell you anything that you were going to
14 be named in a lawsuit?

15 **MR. McDONALD:** No, sir, I don't believe so.

16 **MR. MANSON:** Let's look at paragraph 31.
17 The reason some of these words, phrases or sentences are
18 underlined is that reflects the amendment that was done
19 because this Action was actually started back in July.

20 Halfway down the paragraph:

21 "Dunlop further states that a lawful,
22 proper and legitimate investigation
23 into the allegations made by the victim
24 was never conducted by the Cornwall
25 Police, and more specifically,

1 Constable Sebalj, Brunet, Shaver, St.
2 Denis, Stuart McDonald, Wells, and
3 Johnston."

4 And later on, again, your name in the same
5 list and the allegation is you're:

6 "...liable at law and their
7 unconventional conduct in this case
8 stands alone as conspiracy and abuse of
9 process."

10 My question is, when they attended at your
11 house, was there any indication that you were, or were
12 about to be, named as a party to a conspiracy like that's
13 set out ---

14 **MR. McDONALD:** No, sir. This very moment is
15 the first time I have ever heard that I was named as a
16 conspirator or I was going to be sued. I had never heard
17 of it until ---

18 **THE COMMISSIONER:** Well, in fairness, you
19 weren't sued.

20 **MR. MANSON:** No, you weren't -- you're not
21 being sued. You're not a defendant.

22 **MR. McDONALD:** Oh.

23 **MR. MANSON:** I didn't say you were being
24 sued. I said you were named in the document.

25 **MR. McDONALD:** Oh, I'm sorry. I ---

1 **THE COMMISSIONER:** No, no, it's okay. So
2 your surprise can be that your name is in there but don't
3 be -- don't be ---

4 **MR. McDONALD:** I'm not being sued.

5 **THE COMMISSIONER:** You're not being sued.

6 **MR. McDONALD:** Okay.

7 **MR. MANSON:** No, you were never sued.
8 You're not one of the named defendants.

9 **MR. McDONALD:** No, sir, I don't recall them
10 ever telling me that I was named in a lawsuit.

11 **MR. MANSON:** There's an allegation in
12 paragraph 83 -- can we turn to that? It's on page 43,
13 Bates page 7011001, and I'm going to ask you your response
14 to the allegation, solely as it relates to you:

15 "Dunlop states that allegations made by
16 the victim against Father..."

17 **THE COMMISSIONER:** Hold it. Sorry, sorry.
18 Page 53?

19 **MR. MANSON:** Page 43, Mr. Commissioner.
20 It's paragraph 83.

21 **THE COMMISSIONER:** Right. Are you there,
22 sir?

23 **MR. McDONALD:** Yes, I am.

24 **THE COMMISSIONER:** All right. Go ahead.

25 **MR. MANSON:** "Dunlop states that

1 allegations made by the victim against
2 Father Charles MacDonald and Ken Seguin
3 were held in abeyance and left dormant
4 purposely by the senior management of
5 the Cornwall Police, specifically
6 Shaver, St. Denis, Stuart McDonald, and
7 Brunet."

8 **MR. McDONALD:** I think it's nonsense.

9 **MR. MANSON:** It's nonsense? Okay. Thank
10 you.

11 **MR. McDONALD:** I don't know of any police
12 officer that would condone that type of ---

13 **MR. MANSON:** But as far as the allegation
14 against you, it's nonsense?

15 **MR. McDONALD:** It's nonsense.

16 **MR. MANSON:** I want to turn you to one more
17 exhibit that we have in evidence. It's Exhibit 672 -- no,
18 I'm sorry -- 572A, Mr. Commissioner.

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

20 **MR. MANSON:** Have you got this, Mr.
21 McDonald?

22 **MR. McDONALD:** Five seven two (572), yes.

23 **MR. MANSON:** It's 572A, I believe. It
24 should be called "Videotaped interview report No. 1" and in
25 the middle of the page at the top 712799.

1 THE COMMISSIONER: Yeah.

2 MR. McDONALD: Seven nine nine (799)?

3 MR. MANSON: Is that ---

4 THE COMMISSIONER: No, he's referring to the
5 one on the top right-hand corner now.

6 MR. MANSON: Yeah.

7 THE COMMISSIONER: It is. It is.

8 MR. MANSON: Now, ---

9 MR. McDONALD: I'm sorry; I'm lost.

10 THE COMMISSIONER: Exhibit 572? Exhibit
11 572?

12 MR. McDONALD: Yes, I'm there.

13 THE COMMISSIONER: You're there.

14 MR. MANSON: Okay. I think that ---

15 MR. McDONALD: Five seven two (572).

16 MR. MANSON: Yeah, I think that's fine for
17 now, Mr. McDonald.

18 MR. McDONALD: Okay.

19 MR. MANSON: I just want to say, Mr.
20 Commissioner, you'll hear about this later during final
21 submissions but you'll recall there is an evolution to
22 these documents.

23 THE COMMISSIONER: Yes.

24 MR. MANSON: And at a later time, I'm sure
25 they'll all be put into sequence for you but that's not the

1 point of me putting it to this witness.

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

3 **MR. MANSON:** But there is a sequence that is
4 significant.

5 **THE COMMISSIONER:** I understand that.

6 **MR. MANSON:** Can we turn to Bates page
7 7048605? Mr. McDonald, this is an interview conducted by
8 the OPP with Ron Leroux at the Orillia detachment on
9 February 7th, 1997, and it's a very lengthy interview.

10 **MR. McDONALD:** I'm sorry. I missed the
11 page, Mr. Manson?

12 **MR. MANSON:** It ends in 8605.

13 **MR. McDONALD:** Eight six zero five (8605).

14 **MR. MANSON:** This will be in the top, the
15 little numbers in the top left corner.

16 **MR. McDONALD:** Okay.

17 **MR. MANSON:** And I'm reading partway through
18 the third line where it says "Leroux."

19 **MR. McDONALD:** Yes.

20 **MR. MANSON:** Again, I'm going to ask you to
21 comment on the accuracy of this statement:

22 "I know for a fact that Ken Seguin,
23 Stuart McDonald, Malcolm MacDonald and
24 Charlie MacDonald were homosexual
25 lovers."

1 MR. McDONALD: False.

2 MR. MANSON: Did you have any idea that Mr.
3 Leroux was saying this about you in February of 1997?

4 MR. McDONALD: No, sir.

5 MR. MANSON: When this group of people
6 visited you November 18th, 1996, did any of them make this
7 accusation against you?

8 MR. McDONALD: No, sir. To my knowledge,
9 all they said was that I was seen at MacDonald and Seguin
10 residences.

11 MR. MANSON: The parties at the various
12 residences?

13 MR. McDONALD: That's right.

14 MR. MANSON: During this conversation, Mr.
15 McDonald, was the word "paedophiles" used?

16 MR. McDONALD: I don't recall.

17 MR. MANSON: And this conversation would
18 have been somewhere, you thought, between 10 minutes and an
19 hour?

20 MR. McDONALD: M'hm.

21 MR. MANSON: And you were being confronted
22 with these accusations?

23 MR. McDONALD: That's correct. Only that I
24 was there.

25 MR. MANSON: Yes.

1 **MR. McDONALD:** They didn't accuse me of
2 doing anything improper other than showing up at the
3 residence.

4 **MR. MANSON:** But you can see that shortly
5 afterwards there are much more serious allegations ---

6 **MR. McDONALD:** Yes.

7 **MR. MANSON:** --- being made against you?

8 **MR. McDONALD:** I didn't know about this
9 until, again, a few weeks ago. I -- within the last couple
10 of weeks I saw the statement. Prior to that, I didn't know
11 I was accused of these things.

12 **MR. MANSON:** In your examination in-chief,
13 you mentioned the word "lists," you said "I've seen lists
14 of names before."

15 When Carson Chisholm attended at your house
16 on November 18th, 1996, did the document have a long list
17 similar to the one that I just showed you?

18 **MR. McDONALD:** I couldn't say, to be honest
19 with you.

20 **MR. MANSON:** So what do you mean when you
21 say "I've seen lists before"?

22 **MR. McDONALD:** I've seen statements like
23 this with those particular lists of names that you showed
24 me a little while ago on it, where I was number 21 and 29.
25 I've seen them all in the last few weeks again in getting

1 ready for my testimony.

2 MR. MANSON: In between November 18th, 1996
3 and getting ready for your testimony, did you ever see any
4 documents with lists of names like that on it?

5 MR. McDONALD: Not to my recollection, no.

6 MR. MANSON: Did you see lists making
7 allegations against other people that may not have included
8 you?

9 MR. McDONALD: No, sir. I didn't see any
10 lists that I recall.

11 MR. MANSON: Now, you told us that your wife
12 had seen the website ---

13 MR. McDONALD: Yes, sir.

14 MR. MANSON: --- which was called Project
15 Truth at the time.

16 MR. McDONALD: Yes, sir.

17 MR. MANSON: And did she mention that to
18 you, that she had looked at it?

19 MR. McDONALD: I heard her mention the name
20 of Ms. MacEachern. Some years back, apparently there was a
21 fellow by the name of Nadeau, is it?

22 MR. MANSON: Dick Nadeau, yes.

23 MR. McDONALD: That had a website address --
24 -

25 MR. MANSON: That's the one I'm speaking of.

1 Did your wife have a look at that; do you know?

2 MR. McDONALD: No, I don't recall. She
3 might have.

4 MR. MANSON: My question is did your wife or
5 any members of your family speak to you about having seen
6 your name on a website?

7 MR. McDONALD: Yes, sir, I think so.

8 MR. MANSON: Can -- was this your wife or
9 someone else who ---

10 MR. McDONALD: Quite possibly my wife. It
11 could have been some of my friends.

12 MR. MANSON: Can we now go back in time a
13 little bit? If we're using November 18th, 1996 as a cut-off
14 point, I take it that you've had virtually no communication
15 with Helen and Perry Dunlop since?

16 MR. McDONALD: Very little.

17 MR. MANSON: Have you seen them at any
18 family gatherings?

19 MR. McDONALD: No, I don't recall.

20 MR. MANSON: What about Carson Chisholm;
21 have you had communications with him?

22 MR. McDONALD: Oh yes.

23 MR. MANSON: Regularly?

24 MR. McDONALD: Yes, sir.

25 MR. MANSON: Family gatherings?

1 **MR. McDONALD:** Yes, sir.

2 **MR. MANSON:** Has he been to your home for
3 dinner since November 18th, '96?

4 **MR. McDONALD:** I don't know if he's been
5 there for dinner, but he's been there several times.

6 **MR. MANSON:** Have you been to his home?

7 **MR. McDONALD:** Yes, sir.

8 **MR. MANSON:** So your relationship with
9 Carson Chisholm has continued to be familial, to put it
10 that way?

11 **MR. McDONALD:** Yeah. As I say, I hold no
12 animosity towards anybody.

13 **MR. MANSON:** But you continue to speak with
14 Carson Chisholm on a familial level?

15 **MR. McDONALD:** Yes, sir.

16 **MR. MANSON:** Have you talked to him about
17 Perry Dunlop's situation?

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

19 **MR. MANSON:** Do you know that he was, back
20 in the period 1996 and 1997, working with Perry Dunlop,
21 attempting to get statements from witnesses and victims?

22 **MR. McDONALD:** It's my information that yes,
23 he worked with him.

24 **MR. MANSON:** Have you and he talked about
25 that?

1 **MR. McDONALD:** No, sir.

2 **MR. MANSON:** Did you know that he took a
3 trip to Florida with Ron Leroux in an effort to investigate
4 various allegations?

5 **MR. McDONALD:** I think I might have read it
6 someplace, but ---

7 **MR. MANSON:** So you've never talked to
8 Carson Chisholm about that?

9 **MR. McDONALD:** No, sir. I never talked to
10 any of them about this particular ---

11 **MR. MANSON:** Have you heard Carson Chisholm
12 -- in any of the conversations you've had with him, have
13 you heard him talk about paedophiles?

14 **MR. McDONALD:** No, I don't think so.

15 **MR. MANSON:** But you know that this is a big
16 concern for him?

17 **MR. McDONALD:** Well, I've seen things in the
18 paper, you know, where he's carried signs and placards, and
19 I've read articles in the paper, but I've never talked to
20 him directly about that.

21 **MR. MANSON:** So have you ever, at a family
22 gathering or other social gathering, overheard him speaking
23 about paedophiles?

24 **MR. McDONALD:** No, sir, I don't think so.

25 **MR. MANSON:** Have you ever heard him

1 speaking about homosexuals or homosexuality?

2 MR. McDONALD: No, sir.

3 MR. MANSON: If I suggested to you that
4 there's some indication that he's hostile towards
5 homosexuals, would you agree?

6 MR. McDONALD: I think from what I've read
7 in the newspapers, yes, I would agree.

8 MR. MANSON: Now, have you seen that
9 hostility in speaking with him personally?

10 MR. McDONALD: No, sir.

11 MR. MANSON: If we can talk about the
12 photographs for a minute? You mentioned a photograph that
13 your wife had taken of you in ---

14 MR. McDONALD: Company?

15 MR. MANSON: Well, no, I was just going to
16 say that you were wearing ---

17 THE COMMISSIONER: A vest.

18 MR. MANSON: --- a vest and pants made from
19 ---

20 MR. McDONALD: McDonald tartan.

21 MR. MANSON: That's the same tartan?

22 MR. McDONALD: Yes, sir.

23 MR. MANSON: And ---

24 THE COMMISSIONER: And yours, Mr. ---

25 MR. MANSON: Mine? Mine aren't bugs. This

1 is a "Save the Children" flag. Yes, this tartan comes from
2 Minsk, not quite the same.

3 But yours is a lovely tie, Mr. McDonald.

4 **MR. McDONALD:** Thank you, sir.

5 **MR. MANSON:** And a tailor made those for
6 you, Mr. Craive (sic).

7 **MR. McDONALD:** Craibe, C-R-A-I-B-E.

8 **MR. MANSON:** And I take it he did a good
9 job?

10 **MR. McDONALD:** Well, they didn't fit for
11 very long.

12 (LAUGHTER/RIRES)

13 **MR. MANSON:** Well, tailors can't do
14 miracles. There may be another reason for that, but
15 anyways.

16 When you were talking about Mr. Craibe, you
17 indicated that you were at first reluctant to hire him
18 because you had heard that he was a homosexual?

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

20 **MR. MANSON:** How many years ago would that
21 have been?

22 **MR. McDONALD:** Probably about 50 pounds ago.
23 Maybe the mid-'80s.

24 **MR. MANSON:** Mid-'80s.

25 Would you agree with me that in the mid-'80s

1 that may have been a common view amongst a segment of the
2 population in Cornwall?

3 **MR. McDONALD:** I wouldn't like to comment on
4 how other people felt.

5 **MR. MANSON:** But by common view, I'm talking
6 about a reluctance to associate with homosexuals?

7 **MR. McDONALD:** Probably.

8 **MR. MANSON:** On the Police Force, would you
9 hear comments about homosexuals?

10 **MR. McDONALD:** No, sir, I don't recall ever
11 hearing that.

12 **MR. MANSON:** We've seen some signs in
13 Cornwall linking paedophiles with homosexuals. You'd agree
14 with me that they're two very different groups of people?

15 **MR. McDONALD:** Yes, sir.

16 **MR. MANSON:** And you'd agree with me that it
17 would be a big mistake and quite injurious to make a link
18 between paedophiles and homosexuals?

19 **MR. McDONALD:** Yes, sir.

20 **MR. MANSON:** Thank you very much. Those are
21 all my questions, Mr. Manderville (sic).

22 **MR. McDONALD:** You're welcome.

23 **THE COMMISSIONER:** Thank you.

24 **MR. MANSON:** Mr. McDonald, I'm sorry.

25 **THE COMMISSIONER:** Thank you, sir.

1 Mr. Horn.

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

3 HORN:

4 MR. HORN: Have you ever had any
5 discussions with Helen Dunlop regarding ---

6 THE COMMISSIONER: Mr. Horn ---

7 MR. HORN: Oh, sorry, Frank Horn, Coalition
8 for Action.

9 And I'm just wondering if you've ever had
10 any discussions with Helen Dunlop regarding her views and
11 Perry's views on homosexuals?

12 MR. McDONALD: I don't recall ever having
13 that discussion, no.

14 MR. HORN: Are you aware that last night she
15 made a very public statement regarding these allegations
16 against her? Were you aware that that ---

17 MR. McDONALD: I know that there was a
18 meeting. I don't know what was said at that meeting.

19 THE COMMISSIONER: Why?

20 MR. HORN: Pardon?

21 THE COMMISSIONER: What are you doing?

22 MR. HORN: I'm just asking if he was aware
23 that that whole issue was discussed last night at a public
24 meeting in Cornwall.

25 THE COMMISSIONER: How is that relevant?

1 **MR. HORN:** Pardon?

2 **THE COMMISSIONER:** Mr. ---

3 **MR. MANSON:** Mr. Commissioner, I was very
4 careful in my questions of the witness. I spoke only of
5 Carson Chisholm.

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

7 **MR. HORN:** The reason why this came out the
8 way it did was because she was concerned about the ---

9 **THE COMMISSIONER:** Whoa, whoa ---

10 **MR. HORN:** --- suggestions that are being
11 made.

12 **THE COMMISSIONER:** What suggestions?

13 **MR. HORN:** Suggestions that are being made
14 that there's a homophobia by the Dunlops and the -- Carson
15 Chisholm, and that they're somehow -- they hate the -- or
16 they dislike homosexuals and they wanted to make the public
17 statement that that is not true.

18 **THE COMMISSIONER:** And are you making the
19 public statement for them?

20 **MR. HORN:** Well, I'm speaking on behalf of
21 the -- I was at the meeting last night. I heard the ---

22 **THE COMMISSIONER:** Sir, I don't need a
23 reporting of what happened last night. You're here to
24 cross-examine this gentleman on the evidence that he has to
25 give.

1 No questions were made of Helen Dunlop or
2 Perry Dunlop's views on homosexuality; none.

3 **MR. HORN:** Okay. The -- but it was
4 suggested that Mr. Stuart McDonald here would not have his
5 picture taken with Mr. Craibe because he was a homosexual.

6 **MR. McDONALD:** No, sir that's not correct.

7 **MR. MANSON:** (Off mic)...the evidence.

8 **THE COMMISSIONER:** Of course not, it isn't.
9 It's not.

10 **MR. McDONALD:** I had my picture taken with
11 him.

12 **THE COMMISSIONER:** Exactly.

13 **MR. HORN:** Pardon?

14 **MR. McDONALD:** I had my picture taken with
15 him.

16 **MR. HORN:** But initially you didn't want to
17 have it because he was homosexual.

18 **MR. McDONALD:** No, sir that was not true. I
19 had no ---

20 **MR. MANSON:** The evidence was with respect
21 to ordering a suit.

22 **MR. McDONALD:** The clothes.

23 **MR. MANSON:** Yeah.

24 **MR. HORN:** Ordering clothes then. But still
25 you had reservations about having any association with Mr.

1 Craibe ---

2 THE COMMISSIONER: Did you ---

3 MR. HORN: --- because of it.

4 THE COMMISSIONER: --- at the beginning?

5 MR. McDONALD: I had some reservations,
6 yeah.

7 MR. HORN: You had reservations about ---

8 MR. McDONALD: That was some 20 some years
9 ago.

10 MR. HORN: Okay. So maybe you should go get
11 some counselling from Helen Dunlop in regards to this.

12 THE COMMISSIONER: Oh, no, no. Mr. Horn,
13 that ---

14 MR. CALLAGHAN: That's way off.

15 THE COMMISSIONER: --- that is totally
16 inappropriate.

17 You are a barrister and solicitor. You are
18 an officer of this Inquiry. You have a duty to maintain
19 the decorum and the rules of this Inquiry.

20 And you've been around the block a couple of
21 times and you know that what you just did was improper.
22 And so ---

23 MR. HORN: I'm sorry. I'm sorry if I've
24 made a mistake and it won't happen again regarding this
25 issue.

1 **THE COMMISSIONER:** all right. Well, sir ---

2 **MR. HORN:** The ---

3 **THE COMMISSIONER:** --- I'm going to hold you
4 to that.

5 **MR. HORN:** Hey, well, one of the issues that
6 was a major concern of the Coalition was really canvassed
7 to quite an extent by many of the other people who have --
8 cross-examining Mr. Stuart McDonald. And it's in regards
9 to the meeting that took place when -- with the Chief of
10 Police and yourself, Mr. Wells and others.

11 Do you remember that meeting?

12 **MR. McDONALD:** I don't know what you're
13 talking about.

14 **MR. HORN:** I'm talking about the meeting
15 that was mentioned by Mr. St. Denis in his evidence.

16 **MR. MANSON:** We haven't heard from Mr. St.
17 Denis yet.

18 **THE COMMISSIONER:** Okay, Mr. Manson decorum.
19 If you want to object you get up and you do it properly.

20 **MR. MANSON:** I'm just saying we haven't
21 heard from Mr. St. Denis yet.

22 **THE COMMISSIONER:** I know that. I know
23 that.

24 **MR. HORN:** Okay, then we'll -- I'm talking
25 about that morning meeting. The morning meeting of the

1 staff where Mr. McDonald was there at the meeting and Mr.
2 Lortie was asking certain questions.

3 **THE COMMISSIONER:** Well, I don't know -- and
4 you might want to canvass that with him -- whether the
5 meeting that Lortie -- Sergeant Lortie described is the
6 same one that this gentleman was at. I don't know.

7 Do you see what I mean?

8 **MR. HORN:** Pardon?

9 **THE COMMISSIONER:** There are many morning
10 meetings.

11 **MR. HORN:** Okay.

12 **THE COMMISSIONER:** Lortie says that he went
13 to a meeting and he said what he said and what everybody
14 else said. You'd have to confirm with this gentleman
15 whether or not the meeting he was at where he heard that
16 the Police Chief and Brunet were going to see the Pope's
17 representative, right ---

18 **MR. HORN:** I understand that.

19 **THE COMMISSIONER:** --- is the same meeting.

20 **MR. HORN:** Okay. Was he at a meeting when
21 Mr. Lortie was -- came and there was some discussions
22 regarding the Silmsier matter?

23 **MR. McDONALD:** I don't recall Mr. Lortie or
24 Sergeant -- Staff Sergeant Lortie making any comments at
25 the meeting when I heard that the Chief and Staff Sergeant

1 Brunet were going to Ottawa.

2 I wouldn't -- I can't confirm or I don't
3 think it was the same meeting.

4 **MR. HORN:** Were you -- did you watch any of
5 the proceedings before the Commission in the last little
6 while, I believe it was when Mr. Lortie was testifying?

7 **MR. McDONALD:** No, sir I didn't.

8 **MR. HORN:** You didn't watch? Did you hear
9 about the -- him or read about it in the newspaper?

10 **MR. McDONALD:** Yes, sir I did.

11 **MR. HORN:** Okay. And did you know that he
12 was questioned about this issue about that meeting?

13 **MR. McDONALD:** Yes, sir, I believe so.

14 **MR. HORN:** And it was by my friend Mr.
15 Stauffer, and Mr. Lortie mentions -- this -- okay, we can
16 go to Volume 215.

17 **THE COMMISSIONER:** Just a sec. No, no.

18 **MR. HORN:** Page 26.

19 **THE COMMISSIONER:** Just a second. We'll get
20 that up on the screen and you'll get a copy in a moment,
21 sir.

22 **MR. HORN:** Page 26.

23 **THE COMMISSIONER:** All right. Page 26,
24 you're there. What line, sir?

25 **MR. HORN:** Yes. Line number 2 where Mr.

1 Stauffer was asking the question regarding that meeting and
2 it was supposed to have been the September the 28th meeting
3 in which Mr. Lortie answered and said that the Chief was
4 there, the Deputy Chief, Inspector Wells, and he mentioned
5 that you were there also. Do you remember that?

6 **MR. McDONALD:** No, sir.

7 **MR. HORN:** You don't remember that meeting?

8 **MR. McDONALD:** No, sir.

9 **THE COMMISSIONER:** Well, there were more
10 people than that I think, eh? Am I reading this right?
11 I'm guess Stan Willis was at the meeting.

12 So Wells, the Deputy -- the Chief, the
13 Deputy Chief, Wells, Mr. McDonald, Mr. Brunet, and maybe
14 Stan Willis.

15 **MR. HORN:** Yes. And later on at page 189 --

16 -

17 **THE COMMISSIONER:** One eighty-nine (189)?

18 **MR. HORN:** Yes.

19 **THE COMMISSIONER:** Okay, what page?

20 **MR. HORN:** When my -- this is when my

21 colleague ---

22 **MR. McDONALD:** What line, I'm sorry?

23 **MR. HORN:** It would be Mr. Paul was asking
24 Mr. Lortie about that meeting. I believe it would be the
25 line 5 -- yeah, 5.

1 (SHORT PAUSE/COURT PAUSE)

2 MR. HORN: Okay. The gist of what Mr. Paul
3 was dealing with is that he was under the impression that
4 the people who were at the meeting were giving the
5 impression to Mr. Lortie that they knew more than they were
6 telling him about the settlement that had taken place
7 previous to that.

8 MR. McDONALD: I knew nothing about the
9 settlement.

10 MR. HORN: You may not have, and that's the
11 impression that the Chief and others that were there also
12 gave to Mr. Lortie, but he believed that they knew more.

13 THE COMMISSIONER: Where do you see that?

14 MR. HORN: If you look at page 189, line 18
15 through to 21:

16 "And the conclusion today that you
17 would draw is that if for some reason
18 there were people at the meeting that
19 did not want to fill you in on the full
20 picture for some reason."

21 THE COMMISSIONER: And the answer was:

22 "Well, they may have thought it wasn't
23 any of my business at that point."

24 Yes, you're right, Mr. Horn.

25 MR. HORN: Pardon?

1 **THE COMMISSIONER:** You're right.

2 **MR. HORN:** Yeah, that's right.

3 But earlier on -- he said earlier on line
4 13, he says:

5 "And having heard that, you would
6 still maintain, obviously, that you
7 were given the impression that nobody
8 knew what was going on at the meeting?
9 That's the impression."

10 **THE COMMISSIONER:** I think you're on the
11 right track there, Mr. Horn.

12 **MR. HORN:** Yes. I'm just -- okay.
13 Whether it's -- for whatever reason though,
14 that's when -- when asked the question, really held back
15 information from you. Would you agree with that, that Mr.
16 Paul was asking that question?

17 **MR. McDONALD:** I'll make it easy on you; I
18 knew nothing about the settlement and I don't recall this
19 meeting and I don't recall Sergeant Lortie asking any
20 questions. So I couldn't give you an opinion one way or
21 the other.

22 **MR. HORN:** Okay. So you're saying that you
23 were not even at that meeting?

24 **MR. McDONALD:** I'm not saying that at all.
25 All I'm saying is I don't recall -- other than -- the only

1 discussion that is relative to the Silmsers case was that I
2 heard that the Chief and Staff Sergeant Brunet were going
3 to Ottawa to see the Papal Nuncio and I don't recall what
4 precipitated that statement. I don't know why it came up
5 other than probably somebody said that there was a payoff
6 by the Diocese, but I can't tell you any more than that.

7 **MR. HORN:** And would you -- so you're saying
8 that you would not have any understanding as to why this
9 was going on? You were outside the loop?

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

11 **MR. HORN:** So whatever was going on between
12 Shaver or anyone else who was going to the Nuncio, you
13 didn't have any idea about that?

14 **MR. McDONALD:** No, sir, I didn't.

15 **MR. HORN:** So you were basically left in the
16 dark, the same as Mr. Lortie, about what was really going
17 on?

18 **MR. McDONALD:** Well, I -- you can say
19 whatever you like. I don't know. I don't know whether it
20 was intentional or unintentional, but I was in the dark.

21 **MR. HORN:** You were in the dark? Did you
22 ask any questions as to why they were going to Ottawa to
23 see the Nuncio?

24 **MR. McDONALD:** I believe someone had
25 indicated that they -- there was a payout by the Diocese

1 but, again, I don't know who said it or under what
2 circumstances.

3 **MR. HORN:** So did you hear it then or
4 afterwards, or when did you hear that?

5 **MR. McDONALD:** Well, I definitely heard it
6 afterwards, but I probably heard it then for the first
7 time.

8 **MR. HORN:** Okay. So when you heard ---

9 **THE COMMISSIONER:** Ask -- I'm sorry ---

10 **MR. HORN:** Yes.

11 **THE COMMISSIONER:** --- you're losing me.
12 What afterwards? That they were gone to -- that there was
13 a settlement?

14 **MR. HORN:** A settlement. They were -- he
15 was under the impression that they were going to Ottawa to
16 see the Papal Nuncio because there was a settlement.

17 Is that what you learned afterwards or at
18 that time?

19 **MR. McDONALD:** At that time.

20 **MR. HORN:** At that time? You thought that
21 there was a settlement?

22 **MR. McDONALD:** Well, I heard that they
23 weren't happy with the Bishop because there was a payout of
24 some kind.

25 **MR. HORN:** Okay. Now, that was -- you knew

1 that at that meeting?

2 **MR. McDONALD:** I believe so.

3 **MR. HORN:** Okay. So you knew about the
4 settlement then?

5 **MR. McDONALD:** Only at that meeting.

6 **MR. HORN:** Pardon?

7 **MR. McDONALD:** I only found out about it at
8 that meeting. I didn't know about it prior to the meeting.

9 **MR. HORN:** Did you know anything about the
10 fact that there was a -- there was pending charges of any
11 kind against anybody?

12 **MR. McDONALD:** No, sir.

13 **MR. HORN:** So all you knew is that there was
14 a payout?

15 **MR. McDONALD:** Well, I'll say I did. I
16 don't recall the exact words or who might have said it.
17 All I remember is that the Chief announced that he and
18 Staff Sergeant Brunet would be going to Ottawa to speak to
19 the Papal Nuncio because they weren't happy with the
20 actions of the local Bishop.

21 **MR. HORN:** Did you inquire right then and
22 there or a little afterwards about -- a little bit more
23 about what was really going on?

24 **MR. McDONALD:** No, sir.

25 **MR. HORN:** What was your position at that

1 time?

2 MR. McDONALD: Staff Inspector in charge of
3 Field Operations.

4 MR. HORN: And you still -- were you still
5 working closely with the Chief of Police and Deputy Chief
6 on these morning meetings and going to all of them?

7 MR. McDONALD: I was going to them when I
8 was there. I don't know how closely I was working with the
9 Chief.

10 MR. HORN: So you're saying that the meeting
11 that took place that time and they were discussing this,
12 you had a suspicion that something was going on?

13 MR. McDONALD: No, sir, I had no suspicions.

14 MR. HORN: There was a payout?

15 MR. McDONALD: I didn't know anything about
16 a payout prior to that meeting.

17 MR. HORN: Okay. But when you heard it, you
18 knew that there was a payout then?

19 MR. McDONALD: Well, I guess if I heard it,
20 I would have known it, yes.

21 MR. HORN: Okay. At that moment you would
22 know that there was a payout?

23 MR. McDONALD: I guess so.

24 MR. HORN: Okay. So did you inquire or did
25 you say, "I don't want to know anything about this"?

1 **MR. McDONALD:** No, I think it came out in
2 the newspaper and it was fairly common knowledge within a
3 day or two that -- what had gone on, what had happened.

4 **MR. HORN:** So would -- are you suggesting
5 that you heard this; you suspected something?

6 **MR. McDONALD:** I didn't suspect anything.

7 **MR. HORN:** You said there was a payout. You
8 thought there was a payout?

9 **MR. McDONALD:** I was told ---

10 **MR. CALLAGHAN:** The witness was told -- said
11 there was a settlement. You keep on using "payout".

12 **MR. HORN:** Okay. I'm sorry, a settlement.

13 **MR. McDONALD:** I was told apparently that
14 there was a settlement, that the Chief and Staff Sergeant
15 Brunet were not happy with the fact that there was a
16 settlement. They were going to go to Ottawa to speak to
17 the Papal Nuncio because they were unhappy with the fact
18 that the Bishop or the Diocese had made a settlement with
19 Mr. Silmsler.

20 **MR. HORN:** Okay.

21 **MR. McDONALD:** Prior to that meeting, I knew
22 nothing about that.

23 **MR. HORN:** Okay. So now that you knew, were
24 you -- did you feel that it was none of your business to
25 get involved in it?

1 **MR. McDONALD:** No, I don't think so.

2 **MR. HORN:** Well, what would you -- what do
3 you think your responsibility was then?

4 **MR. McDONALD:** I don't think I particularly
5 had a strong feeling that I had a responsibility. The
6 Chief -- I wasn't involved with the case in any shape, form
7 or way and the Chief and Staff Sergeant Brunet were looking
8 after it. So there was no onus on me to do anything at
9 that point.

10 **MR. HORN:** And the -- did that -- were you
11 aware that Perry Dunlop was involved ---

12 **MR. McDONALD:** No, sir.

13 **MR. HORN:** --- at that point?

14 **MR. McDONALD:** No, sir.

15 **MR. HORN:** Did you -- were you aware of
16 anybody else being involved in that other than what you
17 heard there?

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

19 **MR. HORN:** And you only found out a little
20 bit more about what was going -- really going on a few days
21 later?

22 **MR. McDONALD:** Sometime after the meeting,
23 yes.

24 **MR. HORN:** So you didn't do anything for the
25 next few days regarding something like this, whether going

1 to the Papal Nuncio for a very major issue involving the
2 police? You didn't do anything yourself?

3 **MR. McDONALD:** Such as?

4 **MR. HORN:** Well, you knew this was going to
5 be a very, very controversial issue, wouldn't you say?

6 **MR. McDONALD:** I knew it was going to be a
7 controversial issue when I got the complaint about Father
8 Charlie.

9 **MR. HORN:** No, at the time when you heard
10 that they were going to have to go to Ottawa to the Papal
11 Nuncio dealing with a very controversial issue, did you
12 realize that it was going to be controversial then?

13 **MR. McDONALD:** I guess so.

14 **MR. HORN:** And so what was your response?

15 **MR. McDONALD:** I don't know where you're
16 leading me.

17 **MR. HORN:** Well, I'm just saying what's your
18 response?

19 **THE COMMISSIONER:** How did you feel? What
20 did you think, if anything?

21 **MR. McDONALD:** I guess I -- well, I didn't
22 know the circumstances of the settlement for that matter
23 and I guess I -- the Chief and Staff Sergeant Brunet were
24 going to find out from the Papal Nuncio what could be done.
25 So I guess my initial reaction probably would have been one

1 of shock or surprise.

2 It's not something that you hear of very
3 often happening and -- but again, the Chief was looking
4 after the situation and there was no onus on me other than
5 to perform my normal regular duties. I wasn't involved
6 with this case.

7 **MR. HORN:** Okay. So you didn't learn
8 anything on your own. You didn't go out and try to find
9 anything out prior to reading it in the newspaper?

10 **MR. McDONALD:** Well, no, I might have --
11 there might have been some discussion going on around the
12 station but I don't think very many people knew very much.
13 There weren't many details other than there had been a
14 settlement. I can't tell you anymore than that.

15 And to be honest with you, back then, some
16 15, 18 years ago, whenever it was, I don't have a
17 tremendous memory at best and I don't recall how I felt or
18 what I was doing at that time.

19 **MR. HORN:** How did you feel when it involved
20 your brother-in-law?

21 **THE COMMISSIONER:** At what point?

22 **MR. HORN:** A family member.

23 **THE COMMISSIONER:** At what point?

24 **MR. HORN:** I'm talking about the fact that
25 he was the one that opened this situation up.

1 **MR. McDONALD:** I didn't know it at that
2 time.

3 **MR. HORN:** But when you did find out?

4 **MR. McDONALD:** I was probably disappointed,
5 somewhat taken aback but, as I say, I -- mixed feelings
6 probably.

7 **MR. HORN:** Okay. So what was the -- why
8 would the family feel that you let them down?

9 **MR. McDONALD:** You'd have to ask them that.

10 **MR. HORN:** Did you -- did you feel that you
11 let them down?

12 **MR. McDONALD:** No, sir, I didn't.

13 **MR. HORN:** You don't feel that you let Perry
14 down?

15 **MR. McDONALD:** No, sir.

16 **MR. HORN:** My friend was asking you about
17 the situation back in the '80s when you were the one that
18 was involved in disciplining Perry. He may not have been
19 your brother-in-law yet but was he with Helen at the time?

20 **MR. McDONALD:** No, sir.

21 **MR. HORN:** And ---

22 **MR. McDONALD:** There was no relationship
23 then.

24 **MR. HORN:** There was no relationship at the
25 time?

1 MR. McDONALD: No, sir.

2 MR. HORN: And the -- was there a feeling of
3 anger afterwards between you and him?

4 MR. McDONALD: Not on my part.

5 MR. HORN: No, I'm talking about -- you must
6 have sensed something from him?

7 MR. McDONALD: No, sir.

8 MR. HORN: Or Helen.

9 MR. McDONALD: Helen wasn't around then.

10 MR. HORN: Oh, okay, I understand that.
11 Okay. But Perry, was there any feelings of animosity?

12 MR. McDONALD: You'd have to ask him that.

13 MR. HORN: Okay.

14 MR. McDONALD: I had none.

15 MR. HORN: Now, the situation that occurred
16 with the -- when you were charged because of the liquor
17 offence.

18 MR. McDONALD: Yes, sir.

19 MR. HORN: Was there suggestions that that
20 was Helen and Dunlop are behind that?

21 MR. McDONALD: No, sir.

22 MR. HORN: Or Carson?

23 MR. McDONALD: No, sir.

24 MR. HORN: You never suggested that?

25 MR. McDONALD: No, sir. I never had any

1 suspicions that they were involved any way -- any which
2 way.

3 **THE COMMISSIONER:** Wait a minute; we're
4 talking about your daughter's wedding.

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

6 **THE COMMISSIONER:** That you organized?

7 **MR. McDONALD:** That's -- well, it was a
8 reception prior, yeah. No, there was never any belief that
9 they were involved in any way whatsoever.

10 **MR. HORN:** You never thought that they were
11 the ones that went to -- and reported you?

12 **MR. McDONALD:** No, sir.

13 **MR. HORN:** There's just one other area.
14 Were you involved in any way with the Skinner
15 investigations?

16 **MR. McDONALD:** I believe that they
17 questioned me as to my role in the -- taking the complaint.

18 **MR. HORN:** How did you feel about the
19 suggestion that Sebalj was put into a position where she
20 was over her head?

21 **MR. McDONALD:** I believe it was a person's
22 opinion and I don't know whether she was over her head or
23 not. My only feeling was that when it was -- initially
24 that she didn't have enough experience. I believe that she
25 was a very intelligent, competent investigator, police

1 officer, but my only feeling at the time of the assigning
2 was that she didn't have the experience to -- maybe
3 required to handle that type of investigation. It wasn't a
4 slight on her personally and I had no feelings afterwards.
5 If it was reassigned, it was reassigned.

6 **MR. HORN:** Okay. Did you feel that when you
7 -- since you found out about the fact that the Chief had to
8 go see the Papal Nuncio that -- and this was going to
9 become a very controversial situation. How did you feel
10 about Mrs. Sebalj being put into the position of being
11 responsible for the investigation?

12 **MR. McDONALD:** I can't say I ever made the
13 connection, to be honest with you.

14 **MR. HORN:** You knew that there was going to
15 be lots of controversy, didn't you?

16 **MR. McDONALD:** I thought it had the
17 possibility for controversy. I shouldn't say controversy
18 but being a high profile investigation, I'll put it that
19 way.

20 **MR. HORN:** Okay. Do you think that they
21 should have assigned somebody with more experience to
22 something like this?

23 **MR. McDONALD:** I'm not going to second guess
24 anybody.

25 **MR. HORN:** Okay. So because it was out of

1 your hands, somebody else made that decision?

2 **MR. McDONALD:** That's correct.

3 **MR. HORN:** So you never -- you never thought
4 that that was -- you may have thought that it was wrong but
5 you didn't say anything about it?

6 **MR. McDONALD:** No, sir.

7 **MR. HORN:** You kept it to yourself?

8 **MR. McDONALD:** I didn't think it was wrong.
9 I kept it to myself. I -- I didn't have all the facts.
10 For whatever reason, it was assigned to her. It was
11 assigned to her. Again, I didn't know the circumstances.
12 I didn't know until many months later that she was
13 conducting the case. I thought for a long time it was
14 Staff Sergeant Lortie that was doing it. And to be honest
15 with you, it wasn't discussed and if it was given to
16 Inspector -- or Constable Sebalj, it was obviously felt by
17 the people that did it that she could handle it and I'm not
18 going to -- I didn't lose any sleep over that.

19 **MR. HORN:** That's all the questions I have.

20 **THE COMMISSIONER:** Thank you, Mr. Horn.

21 Can we canvass time to see how we're going
22 to manage our time from now until 2:00?

23 **MR. STAUFFER:** I have tried to do that
24 informally and Mr. Commissioner, Mr. Lee -- 10 to 15
25 minutes. Then Mr. Neville is saying of course depending on

1 what Mr. Lee asks, he won't be that long. I gather no
2 questions from the Ministry of the Attorney General or
3 Corrections, or from the OPP. I'm not sure about the OPPA;
4 no questions. No questions from the CAS.

5 And so I think we're looking pretty good, I
6 hope, in terms of the two o'clock deadline, Mr.
7 Commissioner.

8 **THE COMMISSIONER:** All right. Thank you.
9 Let's go.

10 Go ahead, Mr. Lee, and then we'll take a
11 short break and then we'll finish up.

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

13 **MR. LEE:** Staff Inspector McDonald, my name
14 is Dallas Lee. I'm counsel for the Victims' Group. I just
15 have a couple of areas that I want to touch on briefly with
16 you.

17 Do you recall being interviewed by the OPP
18 in the summer of 1999?

19 **MR. McDONALD:** I remember being interviewed
20 by the OPP on a couple of occasions. I couldn't tell you
21 what year it happened.

22 **MR. LEE:** Let me take you to a document
23 here.

24 Madam Clerk, it's a new document; 712989.

25 **MR. McDONALD:** There was one occasion I was

1 interviewed by Constable Dupuis and another officer.

2 **MR. LEE:** What I'm going to show you here is
3 an audio taped interview report of an interview dated July
4 16, '99 and conducted by Officer Dupuis.

5 **MR. McDONALD:** Okay.

6 **MR. LEE:** I just have on small point I want
7 to take you to on that.

8 **THE COMMISSIONER:** Thank you. Exhibit
9 Number 1571 is an audio taped interview report of Stuart
10 McDonald on 16th of July 1999.

11 **--- EXHIBIT NO./PIÈCE No. P-1571:**

12 (712989) Audio Taped Interview Report -
13 Stuart McDonald with OPP J.B. Dupuis dated
14 16 Jul 99

15 **MR. LEE:** Do you have that in front of you,
16 sir?

17 **MR. McDONALD:** Yes, sir.

18 **MR. LEE:** And it says here that the place of
19 the interview was the Long Sault Detachment OPP. Do you
20 recall that?

21 **MR. McDONALD:** I think so.

22 **MR. LEE:** It looks like it was about 24
23 minutes long; does that seem about right to you?

24 **MR. McDONALD:** Okay.

25 **MR. LEE:** The only part I want to take you

1 to is if you look down at the very bottom right hand on the
2 page there's -- page 9 of 16, I'd like to take you to.
3 It's a Bates page ending in 795 and the -- a little bit
4 lower than that, Madam Clerk; the second answer from the
5 Staff Inspector.

6 And what Officer Dupuis asks you is:

7 "Do you feel that there was any cover-
8 up by the senior management of the
9 Cornwall Police Department, to your
10 knowledge?"

11 And I'm interested in the first part of your
12 answer here, you answer:

13 "Not that I'm aware of. I'd never seen
14 any before and, um, of course, I had --
15 Chief Shaver and I weren't on the best
16 working relationships because I didn't
17 always feel that he was 100 percent
18 truthful in all his relations and
19 conversations."

20 Do you see that, sir?

21 **MR. McDONALD:** Yes, sir.

22 **MR. LEE:** And then you go on to something
23 else and over on the top of the next page, Officer Dupuis
24 follows up with you on that and he asks:

25 "When you said you didn't think Claude

1 Shaver was just always truthful in his
2 comments, was this pertaining to this
3 specifically or any other items through
4 your work relationship?"

5 And you answer:

6 "Other things through my work
7 relationship, putting out clearance
8 rates; I still see in the paper where
9 they're putting out clearance rates of
10 45 and 50 percent, and any police
11 department that can say that they're
12 solving 50 percent -- and I did
13 statistics for many, many years and I
14 know in the summer they get 2,000
15 bicycles and I know they don't solve
16 1,000 of them. And anybody, any police
17 department that says they're solving 50
18 percent of their caseload, I look at
19 with a wry eye, I'll put it that way."

20 Do you see that, sir?

21 **MR. McDONALD:** Yes, sir.

22 **MR. LEE:** And I won't ask you if you
23 specifically recall giving that answer to ---

24 **MR. McDONALD:** I do, sir.

25 **MR. LEE:** You do remember giving that

1 answer?

2 MR. McDONALD: Yes, sir.

3 MR. LEE: And was that true at the time?

4 MR. McDONALD: Yes, sir.

5 MR. LEE: And you still feel that way now?

6 MR. McDONALD: Yes, sir.

7 MR. LEE: Can you explain to us a little bit
8 exactly what your concern is with the clearance rates?
9 Possibly if you'd like to begin by explaining what -- your
10 understanding what clearance rates means.

11 MR. McDONALD: Every time you have a crime,
12 the crime is either cleared by charge or cleared otherwise
13 or unfounded and -- or not cleared at all. And a clearance
14 rate means that you've cleared the crime by laying a charge
15 or saying it was unfounded which means it didn't happen at
16 all or cleared otherwise meaning that there was
17 circumstances -- sometimes a person might be charged with
18 15 break and enters and you'll say, "Well, we'll only
19 charge you with five of them and we'll clear the other 10,"
20 otherwise not using up the court's time. Most of the time
21 the -- it's -- a guilty plea is going to be received on
22 five of them and the other 10 are just cleared otherwise.

23 So that for every crime you have, if you
24 have a clearance -- if you have 100 crimes and you have a -
25 - you clear 10 of them or you charge 10 people, you've got

1 a 10 percent clearance rate. If you've got 3,000 charges,
2 you'd have to clear -- 3,000 crimes, you'd have to clear
3 1,500 of them in order to get a clearance rate of 50
4 percent.

5 MR. LEE: One of the things you say in your
6 answer here is that you did statistics for many, many
7 years.

8 MR. McDONALD: That's correct.

9 MR. LEE: When you refer to statistics, do
10 you mean clearance rate statistics?

11 MR. McDONALD: That's correct.

12 MR. LEE: And what would you expect, based
13 on that experience, an accurate clearance rate to be?

14 MR. McDONALD: Somewhat less than that.

15 MR. LEE: Can you quantify that at all?

16 MR. McDONALD: No, sir.

17 MR. LEE: Ten (10) percent?

18 MR. McDONALD: Probably more than that, but

19 ---

20 MR. LEE: Ten (10)percent would be on the
21 low side.

22 MR. McDONALD: Probably, yes.

23 MR. LEE: How about 30 percent?

24 MR. McDONALD: Depending on the crime, but -

25 --

1 **MR. LEE:** One in every three.

2 **MR. McDONALD:** Well ---

3 **MR. LEE:** It sounds a little more reasonable
4 than 50 percent to you anyways?

5 **MR. McDONALD:** Yes.

6 **MR. LEE:** And do you recall ever having a
7 discussion with Chief Shaver at any point about these
8 clearance rates that were being put out there?

9 **MR. McDONALD:** Yes, sir.

10 **MR. LEE:** And can you tell us what was said?

11 **MR. McDONALD:** I objected to the way that
12 they were attempting to clear -- clear crimes merely to
13 have the statistics look good.

14 **MR. LEE:** And what was his response to that?

15 **MR. McDONALD:** I don't think he cared much
16 one way or another what my opinion was at that time.

17 **THE COMMISSIONER:** But did he respond to
18 you?

19 **MR. McDONALD:** Probably, but I -- I don't --
20 I don't recall the exact ---

21 **MR. LEE:** Do you recall at any point under
22 Chief Shaver there being a shift in the way that crime
23 statistics were reported?

24 **MR. McDONALD:** Could you ask that question
25 again, please?

1 **MR. LEE:** My question is whether or not
2 during the time you spent working with Chief Shaver whether
3 at any point there was a shift in the way those were
4 reported? In other words, did it appear to you that your
5 concerns were taken to heart and changes made?

6 **MR. McDONALD:** No, sir.

7 **MR. LEE:** In the first part of your answer
8 that I read to you, you said that, and I quote:

9 "I didn't always feel that he was 100
10 percent truthful in all his relations
11 and conversations."

12 And then when Officer Dupuis follows up with
13 you on that you talk about the clearance rate. Was there
14 anything else you were referring to there?

15 **MR. McDONALD:** I don't recall at the time.

16 **MR. LEE:** What about sitting here today
17 looking back on it, do you have any other concerns about
18 Chief Shaver's truthfulness in his relations and
19 conversations?

20 **MR. McDONALD:** Yes, sir.

21 **MR. LEE:** Can you expand on that, please?

22 **MR. McDONALD:** No, in general conversations,
23 I often -- I often felt that Chief Shaver used numbers to
24 his convenience, and where they came from was suspect.

25 **MR. LEE:** Was this with you generally that

1 you observed this?

2 **MR. McDONALD:** No, with everybody.

3 **MR. LEE:** Did you ever raise that issue with
4 Chief Shaver?

5 **MR. McDONALD:** A lot of people did. I think
6 that's what led to some of the correspondence we looked at
7 earlier.

8 **MR. LEE:** In terms of the memo from the
9 staff sergeants.

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

11 **MR. LEE:** And from the inspectors.

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

13 **MR. LEE:** You've been asked about certain
14 statements made by various individuals about having seen
15 you at certain places in your associations with certain
16 people. We've heard evidence from people at this Inquiry
17 who would have -- well, let me ask you this; are you aware
18 -- are you familiar with the names Gerald Renshaw or Robert
19 Renshaw?

20 **MR. McDONALD:** I've heard the names before.
21 I don't know those people.

22 **MR. LEE:** Do you know in what context you
23 would have heard those names, at this Inquiry or ---

24 **MR. McDONALD:** In relation to the Inquiry,
25 yes.

1 **MR. LEE:** Have you ever dealt with either
2 Gerald Renshaw or Robert Renshaw in your capacity as a
3 police officer?

4 **MR. McDONALD:** Not to my knowledge.

5 **MR. LEE:** Do you recall ever arresting
6 either one of them?

7 **MR. McDONALD:** No, sir.

8 **MR. LEE:** Never had anything to do with
9 anything like that with them?

10 **MR. McDONALD:** Not to my knowledge.

11 **MR. LEE:** Outside of your activities as a
12 police officer, do you know them at all?

13 **MR. McDONALD:** No, sir.

14 **MR. LEE:** Never lived in a neighbourhood
15 with them, anything like that.

16 **MR. McDONALD:** Not to my knowledge.

17 **MR. LEE:** Never had a dispute with them?

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

19 **MR. LEE:** Just -- you know their names
20 through the Inquiry and that's all?

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

22 **MR. LEE:** At the end of your examination in-
23 chief, you were asked whether or not you had any
24 recommendations and you talked to us a little bit about
25 some of your thoughts. And one of the things you told us

1 near the end was that there was little evidence to support
2 the allegations that we've been discussing here generally
3 that led to this Inquiry, and I took that as meaning, not
4 specifically the allegations of who you were involved with,
5 but generally what has surrounded Cornwall. Was that what
6 you were referring to?

7 **MR. McDONALD:** I -- I just think that -- I
8 was trying to say that there's a very small percentage of
9 the community that is involved in this paedophilia and that
10 it's a very unfortunate situation that the -- the whole
11 community is -- is tainted or painted by a small percentage
12 of -- of people that has received more notoriety than it
13 probably deserves. Not -- not the fact that there were
14 victims, but that the thing has become blown out of
15 proportion, I believe. And, again, not for -- not for the
16 victims, but it's just a spotlight has been put on a very
17 small percentage of this population and it's -- it's a very
18 unfortunate situation.

19 **MR. LEE:** And you understand there are a
20 couple of issues being dealt with; one is child abuse and
21 who was victimized and who was doing the victimizing, but
22 the other part of it and what really leads us here today is
23 the allegation of cover-up.

24 **MR. McDONALD:** That's correct.

25 **MR. LEE:** And you don't have any information

1 about what evidence exists in terms of supporting or not
2 supporting the idea of a cover-up, is that right?

3 **MR. McDONALD:** I -- I never believed that
4 there was any cover-up. I have no evidence to -- to
5 substantiate that there was or was not a cover-up. I have,
6 as I say, a firm belief that there never was a cover-up by
7 anyone within the Cornwall Police Department. Those people
8 that I know when I worked there would not do something like
9 that and it's -- it's insulting to me that anybody would
10 insinuate that any member of the Cornwall Police Department
11 would cover up this type of action.

12 **MR. LEE:** I am not going to bicker with your
13 personal opinion, sir. What I'm interested in is the basis
14 for them, I suppose.

15 You last worked at the Cornwall Police in
16 the fall of 1994.

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

18 **MR. LEE:** Your retirement date was in the
19 middle of 1995?

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

21 **MR. LEE:** You have never personally
22 investigated any matter relating to the allegations we're
23 dealing with here?

24 **MR. McDONALD:** No, sir.

25 **MR. LEE:** You've never supervised any such

1 investigation?

2 MR. McDONALD: No, sir.

3 MR. LEE: You never played any part in any
4 of the OPP investigations relating to these matters?

5 MR. McDONALD: No, sir.

6 MR. LEE: You've not been privy to the
7 details of any of those investigations?

8 MR. McDONALD: No, sir.

9 MR. LEE: So the information that you have
10 is based on conversations you've had with people?

11 MR. McDONALD: Yes, sir.

12 MR. LEE: It's based on media reports?

13 MR. McDONALD: Probably.

14 MR. LEE: Maybe based to some extent on what
15 you've heard at this Inquiry?

16 MR. McDONALD: Yeah, and the fact that I
17 knew most of the people that I worked with.

18 MR. LEE: And would you agree with me that
19 not only have you not had access to the actual fruits of
20 investigations, you personally have not had an opportunity
21 to assess the adequacy of those investigations?

22 MR. McDONALD: No, sir, I haven't.

23 MR. LEE: Thank you very much. Those are my
24 questions.

25 MR. McDONALD: You're welcome.

1 **THE COMMISSIONER:** Mr. Neville?

2 Oh, I'm sorry; why don't we take a short
3 break. We'll take a 10-minute break, then we'll come back.
4 Thank you.

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

7 This hearing will resume at 12:50.

8 --- Upon recessing at 12:34 p.m./

9 L'audience est suspendue à 12h34

10 --- Upon resuming at 12:54 p.m./

11 L'audience est reprise à 12h54

12 **THE REGISTRAR:** This hearing is now resumed.
13 Please be seated. Veuillez vous asseoir.

14 **THE COMMISSIONER:** Mr. Neville.

15 **MR. NEVILLE:** Good afternoon, Commissioner.

16 **STUART McDONALD, Resumed/Sous le même serment:**

17 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

18 **NEVILLE:**

19 **MR. NEVILLE:** Good afternoon, Mr. McDonald.

20 My name is Michael Neville and I represent
21 Father Charles MacDonald and the Estate of Ken Seguin and
22 his family, and I only have a -- just a few questions to
23 ask of you this afternoon to finish off.

24 Could I refer Inspector McDonald,
25 Commissioner, to the same document that Mr. Lee did, the

1 statement of July '99? And I may have missed whether it
2 was made an exhibit. I didn't hear a number. It was --
3 1571, Commissioner.

4 **THE COMMISSIONER:** Yes.

5 **MR. McDONALD:** I've got it here.

6 **THE COMMISSIONER:** Yes, we have it here.

7 **MR. NEVILLE:** And if I could just refer you
8 -- what the officers do here, Mr. McDonald, is they take
9 you through a series of names and ask you who you knew --
10 whom you knew, I should say; right?

11 **MR. McDONALD:** Okay.

12 **MR. NEVILLE:** And one of the persons they
13 asked you about was, for example, Murray MacDonald, this
14 fellow Leroux, et cetera, various numbers of priests and
15 how you knew them and the like; right?

16 **MR. McDONALD:** Correct.

17 **MR. NEVILLE:** So if I could refer you --
18 I'll use the little numbers at the bottom, page such-and-
19 such of 16. For Father MacDonald, it's on page 12 of 16.

20 **MR. McDONALD:** Yes.

21 **MR. NEVILLE:** It's at the bottom. Have you
22 found that?

23 **MR. McDONALD:** Yes, sir.

24 **MR. NEVILLE:** So Officer Dupuis asks you
25 about your knowledge of him, and you say:

1 "I've known Father Charles since I was
2 probably in Grade 7 or 8. I knew he
3 came from Glen Nevis."

4 That's a small area just outside Cornwall?

5 **MR. McDONALD:** Yeah, between -- near the
6 Quebec border.

7 **MR. NEVILLE:** Right.

8 "And he was a teacher before he went
9 into the priesthood. I know he went
10 out with Katherine Olive MacPhee on
11 occasion. I don't know. They would go
12 to dances and stuff like that. She was
13 from Alexandria."

14 And he asks you if that's part of Father
15 Charles being a priest and you say, "Yes".

16 Now, how did you have that degree of
17 knowledge of him?

18 **MR. McDONALD:** Well, I grew up in
19 Alexandria, a town of about 2,500 to 3,500 people.

20 **MR. NEVILLE:** Okay.

21 **MR. McDONALD:** You knew everybody.

22 **MR. NEVILLE:** Right.

23 **MR. McDONALD:** And when I was in Grade 7 or
24 8 I took a Christopher course. It's something like a Dale
25 Carnegie course.

1 **MR. NEVILLE:** Yes, speaking in the ---

2 **MR. McDONALD:** For public speaking, and I
3 believe Father Charles MacDonald or Charles MacDonald, at
4 that time, was one of the instructors.

5 **MR. NEVILLE:** Okay. So you've known him a
6 great deal of time then?

7 **MR. McDONALD:** After that, I wouldn't say
8 that I knew him personally or had very close contact
9 perhaps until I saw him occasionally as being a priest, but
10 I knew him on a first-name basis.

11 **MR. NEVILLE:** All right.

12 And the next reference I'd like to give you
13 to look at, Commissioner, it's a different statement done
14 by Mr. McDonald, and the Document Number, sir, is 712991.
15 It's a second interview with the Ontario Provincial Police
16 on the 10th of February, 2000, not yet an exhibit, sir.

17 **THE COMMISSIONER:** M'hm. Thank you.

18 Exhibit Number 1572 is an audio-taped
19 interview report of Stuart McDonald. The date of the
20 interview is the 10th of February, 2000.

21 **--- EXHIBIT NO./PIÈCE NO. P-1572:**

22 (712991) Audio-taped Interview Report -
23 Stuart McDonald with OPP J.B. Dupuis and P.
24 Hall dated February 10, 2000

25 **MR. NEVILLE:** And I just want to refer Mr.

1 McDonald, Commissioner, to page -- again using the bottom
2 numbers -- page 8 of 12.

3 Actually, the question is -- and I'll just
4 read it to save time. It comes on the bottom of page 7,
5 Commissioner, as follows. Inspector Hall says:

6 "Did Perry Dunlop ever discuss with you
7 his concerns about the investigation
8 being terminated?"

9 And your answer starts at the top of the
10 page as follows:

11 "No, not to my knowledge. Now, they --
12 there were some conversations. They
13 were at my place. Constable Dunlop and
14 his wife, Carson Chisholm and their
15 lawyer had come to my place to inform
16 me that, um, a Leroux chap had made
17 allegations that I was seen at some
18 cottage down in the east front and
19 there was a lot of conversation went on
20 that day. The gist of the thing was I
21 told them I had never been there and
22 I'd be glad to take a lie detector test
23 to prove that I'd never been there, and
24 they basically called me a liar and a
25 whole bunch of other things. So I

1 threw them out of the house."

2 So I take it there were more negative things
3 said to you and about you than simply the fact they felt
4 you were lying?

5 **MR. McDONALD:** Probably at that time, but I
6 ---

7 **MR. NEVILLE:** I'm asking you that because
8 one of the other lawyers asked you whether the word
9 "pedophile" -- Mr. Manson, I believe -- "pedophilia" had
10 been mentioned. I'm going to suggest that they may well
11 have even accused you of being a pedophile?

12 **MR. McDONALD:** I don't have a conscious
13 recollection of that, to be honest with you.

14 **MR. NEVILLE:** I understand.

15 **MR. McDONALD:** And what might have been
16 said, what those other things were, I can't consciously
17 recall at this time.

18 **MR. NEVILLE:** Certainly. But when you were
19 interviewed by these officers some eight years ago, you
20 were able to recall that there was more than just being
21 called a liar involved?

22 **MR. McDONALD:** Possibly. I don't recall at
23 this time.

24 **MR. NEVILLE:** Would you stand by this
25 version that you gave them?

1 **MR. McDONALD:** Probably, yes.

2 **MR. NEVILLE:** Fair enough.

3 **MR. McDONALD:** And just further down, sir,
4 in the middle of the page, there's a specific question
5 about the lawyer. Mr. Hall says:

6 "If I mention the name Charles
7 Bourgeois, would that sound ---"

8 Yourself:

9 "Could be, quite possibly could be. He
10 didn't enamour me to himself at that
11 particular interview."

12 Can you explain what you meant when you told
13 Officer Hall that?

14 **MR. McDONALD:** He probably -- I'm trying to
15 think of a nice word for what I want to say. He upset me.

16 **MR. NEVILLE:** All right.

17 I take it he was one of the ones being --
18 and don't -- please agree -- if you don't agree with me,
19 say so. He was one of the ones being particularly
20 accusatory of you?

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

22 **MR. NEVILLE:** Okay. So it isn't just family
23 members. It's this member of the Bar who's doing it?

24 **MR. McDONALD:** That's correct.

25 **MR. NEVILLE:** In your own home, at your own

1 dining room?

2 MR. McDONALD: That's correct.

3 MR. NEVILLE: Now, just on that particular
4 point, prior to what we'll call the Perry Dunlop
5 controversies, Perry and Helen Dunlop had been in your
6 home, I presume, on many occasions?

7 MR. McDONALD: Correct.

8 MR. NEVILLE: And you in theirs?

9 MR. McDONALD: That's correct.

10 MR. NEVILLE: And they are aunt and uncle to
11 your five children?

12 MR. McDONALD: That's correct.

13 MR. NEVILLE: And you and your wife are aunt
14 and uncle to their children?

15 MR. McDONALD: That's correct.

16 MR. NEVILLE: And your children knew their
17 children as they were growing up?

18 MR. McDONALD: Up until they left for the
19 west coast.

20 MR. NEVILLE: Right.

21 And I take it, sir, and we'll try to help
22 you with the date that things started going downhill, but
23 certainly all of that family foundation is gone as of now?

24 MR. McDONALD: With the Dunlops it is. It's
25 not gone with the rest of the family.

1 **MR. NEVILLE:** No, no, I mean just with Perry
2 and Helen and their family?

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

4 **MR. NEVILLE:** And that is not by your choice
5 or the choice of you and your wife?

6 **MR. McDONALD:** No, sir. We've tried on at
7 least a couple of occasions to see them and speak to them,
8 but we weren't able to do it.

9 **MR. NEVILLE:** All right.

10 Now, I just want to touch briefly, and I'll
11 come back to a couple of those points in a minute to close,
12 but I just want to make a reference to one professional
13 dealing you had with Mr. Seguin whom you knew as a
14 probation officer. You knew him a little bit from your
15 younger days and his in the St. Andrews area, is what I
16 understood?

17 **MR. McDONALD:** Correct.

18 **MR. NEVILLE:** And teen dances or young adult
19 dances, social events?

20 **MR. McDONALD:** Correct.

21 **MR. NEVILLE:** And you got to know him on a
22 social level albeit perhaps not well but certainly you've
23 talked to him and who he was.

24 **MR. McDONALD:** Correct. We didn't travel in
25 the same circles ---

1 **MR. NEVILLE:** Right.

2 **MR. McDONALD:** --- by any stretch of the
3 imagination but we definitely conversed.

4 **MR. NEVILLE:** All right. And if I
5 understood you correctly your wife is from the St. Andrews
6 area as is the Seguin family?

7 **MR. McDONALD:** Correct.

8 **MR. NEVILLE:** Fair enough. If I could refer
9 the witness, Commissioner, to Document 100333? This is a
10 letter authored by Staff Inspector McDonald, Commissioner,
11 on October 22nd, 1990.

12 And I'll leave it with you, sir. I'll just
13 simply have him identify it and confirm the topic.

14 **THE COMMISSIONER:** Well, it's to Emile
15 Robert.

16 **MR. NEVILLE:** It is, sir but yes I'll deal
17 with it briefly.

18 **THE COMMISSIONER:** One five seven three
19 (1573) is the exhibit.

20 **MR. NEVILLE:** Thank you, 1573.

21 **--- EXHIBIT NO./PIÈCE NO. P-1573:**

22 (100333) Letter from Stuart McDonald to
23 Emile Robert dated 22 Oct 90

24 **MR. NEVILLE:** And you're the author of this
25 letter, Staff Inspector?

1 **MR. McDONALD:** Yes, sir, I am.

2 **MR. NEVILLE:** And you sent it to Mr. Robert,
3 then the Area Manager of Corrections here in the city?

4 **MR. McDONALD:** Yes, sir.

5 **MR. NEVILLE:** And it deals with you
6 commending Mr. Seguin for an act of courage in helping to
7 resolve a hostage-taking situation?

8 **MR. McDONALD:** Yes, sir.

9 **MR. NEVILLE:** And you are a direct
10 participant with him?

11 **MR. McDONALD:** Yes, sir.

12 **MR. NEVILLE:** And much of that is actually -
13 - starts on the bottom paragraph on, I'll use the number of
14 the letter, page 3, through to the end of the letter
15 including the fact that the gentleman was clearly
16 emotionally disturbed, if not mentally disturbed, and was
17 eventually take for care at a hospital in the company of
18 yourself and Mr. Seguin in the cruiser.

19 **MR. McDONALD:** Correct.

20 **MR. NEVILLE:** And you were commending him
21 for recognition to his boss.

22 **MR. McDONALD:** It was a very touch
23 situation.

24 **MR. NEVILLE:** All right; thank you.

25 Now coming back to this question of timing

1 and the breakdown of the family connection between you and
2 your family and the -- and Mr. Dunlop and Helen, that is
3 Perry and Helen Dunlop, if I understood your evidence for
4 the Commissioner the -- things started to go bad, take a
5 downturn when you were felt to have been not supportive of
6 him in relation to a *Police Act* matter arising out of the
7 dealings he had had with the Silmsler statement and the CAS?

8 **MR. McDONALD:** Correct.

9 **MR. NEVILLE:** And we know from your evidence
10 to the Commissioner that you were effectively retired by
11 the fall of '94, as in not reporting to the station;
12 playing out the time basically.

13 **MR. McDONALD:** Correct.

14 **MR. NEVILLE:** All right. So if I could
15 refer the witness, Commissioner, to help us with a date to
16 Document 728381.

17 **THE COMMISSIONER:** Thank you. Exhibit
18 Number 1574, internal correspondence to Acting Chief
19 Johnston from Deputy Chief St. Denis dated April 28th, 1994.

20 --- **EXHIBIT NO./PIÈCE NO. P-1574:**

21 (728381) Internal Correspondence from J. St.
22 Denis to C. Johnston dated 28 Apr 94

23 **MR. NEVILLE:** You have the document there,
24 Staff Inspector?

25 **MR. McDONALD:** Yes, I do.

1 **MR. NEVILLE:** All right. And we can see on
2 the bottom left that you're cc'd on it. It's safe to
3 assume you likely got it, albeit it's a long time ago.

4 **MR. McDONALD:** Yes, sir.

5 **MR. NEVILLE:** All right. And we can see
6 what it's about. In essence it's an indication that Mr.
7 Silmser had filed a citizen's complaint, and our
8 Commissioner's heard a great deal about that and will
9 likely hear a bit more when Staff Sergeant Wells comes.

10 And it appears that there was a management
11 level discussion, so to speak, and that you declared a
12 conflict, I presume, because by that point you were in-
13 laws?

14 **MR. McDONALD:** Correct.

15 **MR. NEVILLE:** All right. And then it says
16 that the matter had clearly been decided upon as one
17 meriting a proceeding under the PSA and that's what this
18 memo indicates with a date of late April almost exactly 14
19 years ago, late April 1994.

20 So the breakdown in the relationship from
21 your purported non-support likely measured from roughly
22 this time, the spring of 1994. Because I think the
23 Commissioner will hear, sir, that -- if he hasn't already,
24 that Mr. Dunlop was served officially -- I believe Mr.
25 Wells will tell us that -- in May of '94.

1 **MR. McDONALD:** I was the Hearing Officer for
2 the Force and as such I would act as judge ---

3 **MR. NEVILLE:** Right.

4 **MR. McDONALD:** --- for any *Police Act*
5 charges. Prior to Constable Dunlop marrying Helen, I acted
6 as the Hearing Officer on a couple of occasions but that
7 was prior to his marriage.

8 **MR. NEVILLE:** Yes, we've heard -- we've had
9 some evidence on that, just so you know.

10 **MR. McDONALD:** So now what I was saying is
11 if I guess we probably met and I don't recall this
12 specifically but if we met, I indicated that now that Mr.
13 Dunlop was my brother-in-law that I would be in conflict
14 sitting as the Hearing Officer on any charges.

15 **MR. NEVILLE:** Of course. I'm more
16 interested in, sir -- and the reason I went to this
17 document is to try to help us with a date. Because what
18 you told the Commissioner was that your wife and yourself
19 were frozen out, pushed aside -- I forget the exact words
20 he used -- by Helen and Perry Dunlop because you were felt
21 to have not been of sufficient support to him on this
22 *Police Act* matter.

23 **MR. McDONALD:** Perhaps. I think it was a
24 gradual or an evolutionary thing and I don't know if
25 there's a specific date or time or month that you could put

1 your finger on when this took place.

2 As I say, I couldn't put a month or a two or
3 three or four month timeframe or a year. I think it was an
4 evolutionary thing and when it became known or realized by
5 myself and my wife -- my wife says I'm rather clueless in
6 things of that nature, that she would be much more attuned
7 to other people's feelings. If I found at all it probably
8 was from her.

9 **MR. NEVILLE:** All right. Let me just come
10 back here because here's what I took down in evidence. And
11 I believe this is actually with Mr. Stauffer. He confirmed
12 with you that you all would see each other on a family type
13 basis, dinners, et cetera and he asked you at what point --
14 if in fact and at what point things changed.

15 And your answer was much to this effect;
16 "after all of this -- after this all exploded when Perry
17 Dunlop was charged, they felt I didn't support him. They
18 cut off my wife and I from family matters."

19 **MR. McDONALD:** Yeah. And it was after but I
20 don't know ---

21 **MR. NEVILLE:** Okay, I know that. So it
22 would be after -- would it be not fair to say having seen
23 this memo with its date, it would be sometime after this
24 date, because up until this date or shortly after he wasn't
25 charged.

1 **MR. McDONALD:** I ---

2 **MR. NEVILLE:** Is that fair?

3 **MR. McDONALD:** It's fair.

4 **MR. NEVILLE:** Okay. So by the time you get
5 this very unpleasant visit at your dining room table in
6 November, 1996 there had been effectively no family
7 relations, no family rapport between your family and the
8 Perry Dunlop family for a couple of years?

9 **MR. McDONALD:** As I say, I don't know if it
10 was early '94 or late '94 or early '95. There was a
11 chilling of the relationship that my wife attempted to
12 visit their house and talk with them and there was a lack
13 of reception, perhaps.

14 **MR. NEVILLE:** Right. All I'm getting at,
15 sir, if you just listen to the question, is that by the
16 time the event happens in November, '96, which was not
17 pleasant, there had a very -- there had been a very chilled
18 relationship between the two families, let's say for some
19 time. Is that not accurate?

20 **MR. McDONALD:** It's possible it's accurate.
21 I wouldn't say very chilled. There was no animosity on the
22 part of my wife and myself.

23 **MR. NEVILLE:** But that's the point, sir,
24 there wasn't anything causing you to treat them
25 differently. But for some reason you were being treated

1 differently.

2 **MR. McDONALD:** That's correct.

3 **MR. NEVILLE:** All right.

4 Now I just want to finish off with one
5 point, briefly. Mr. Manson had you look at one of the
6 Statements of Claim in Mr. Dunlop's lawsuit, and in
7 particular had you look at a series of paragraphs which
8 said very nasty things about you.

9 **MR. McDONALD:** M'hm.

10 **MR. NEVILLE:** Now, am I correct -- and
11 please tell me if I'm not -- as part of preparing yourself
12 to assist us here at the Inquiry, you, I take it, saw some
13 of these documents in recent weeks?

14 **MR. McDONALD:** I did.

15 **MR. NEVILLE:** And read the statement of
16 claim that Ms. Manson showed you, which I think is our
17 Exhibit 672. You would have seen that prior to his showing
18 you paragraphs today?

19 **MR. McDONALD:** Probably.

20 **MR. NEVILLE:** And you certainly saw one or
21 more versions of Leroux's statements as part of ---

22 **MR. McDONALD:** Yes, I did.

23 **MR. NEVILLE:** Okay. So you're aware from
24 looking at that statement of claim and the Leroux documents
25 that the Leroux documents in particular, not exclusive but

1 in particular, are very much a foundation of the
2 allegations against you in the statement of claim that you
3 have now seen?

4 MR. McDONALD: I can understand that.

5 MR. NEVILLE: And against others?

6 MR. McDONALD: Yes, sir.

7 MR. NEVILLE: And when we look at the
8 statement of claim, or the style of cause as Mr. Manson
9 described it, we see -- apart from the former Chief in
10 that, we see Staff Sergeant Brunet?

11 MR. McDONALD: Yes, sir.

12 MR. NEVILLE: Staff Sergeant Wells?

13 MR. McDONALD: Yes, sir.

14 MR. NEVILLE: You knew those men?

15 MR. McDONALD: Yes, sir.

16 MR. NEVILLE: Worked with them for a number
17 of years?

18 MR. McDONALD: From the time they started on
19 the Police Department.

20 MR. NEVILLE: Honourable men?

21 MR. McDONALD: Yes, sir, very honourable.

22 MR. NEVILLE: Good police officers?

23 MR. McDONALD: Yes, sir.

24 MR. NEVILLE: You saw in the same statement
25 of claim equally devastating allegations about them; right?

1 MR. McDONALD: Yes, sir.

2 MR. NEVILLE: Corruption?

3 MR. McDONALD: Yes, sir.

4 MR. NEVILLE: Some of the worst allegations
5 you could make against a citizen, let alone a police
6 officer?

7 MR. McDONALD: Correct.

8 MR. NEVILLE: And the fallout that you spoke
9 so painfully and eloquently about in the end in your
10 recommendations and the tainting of the community flows
11 from this lawsuit and those statements, in part?

12 MR. McDONALD: Probably.

13 MR. NEVILLE: Thank you. That's all.

14 THE COMMISSIONER: Thank you. All right.
15 So Mr. Chisholm, you have no questions?

16 MR. CHISHOLM: No questions. Thank you.

17 THE COMMISSIONER: Thank you.
18 Monsieur Rouleau?

19 MR. ROULEAU: No questions.

20 THE COMMISSIONER: No questions.

21 Mr. Kloeze?

22 MR. KLOEZE: No questions. Thank you.

23 THE COMMISSIONER: Thank you.

24 Who do we have left here? So Mr. Kozloff?

25 MR. KOZLOFF: Good afternoon, sir.

1 **THE COMMISSIONER:** Good afternoon.

2 **MR. KOZLOFF:** I have no questions, Mr.
3 Commissioner.

4 I just wanted to reassure the witness that
5 my wife thinks exactly the same thing and I'm sure
6 everybody else in the room who has been married as long as
7 you and I have are in the same boat, sir. Thank you.

8 **MR. McDONALD:** Thank you.

9 **THE COMMISSIONER:** I wouldn't know because I
10 am much younger than you, Mr. Kozloff.

11 **(LAUGHTER/RIRES)**

12 **MR. KOZLOFF:** There will come a time, sir,
13 you will see.

14 **(LAUGHTER/RIRES)**

15 **THE COMMISSIONER:** Several years after
16 yours.

17 Mr. Wallace's partner?

18 **(LAUGHTER/RIRES)**

19 **MR. WALLACE:** Touché. Nothing. Thank you,
20 sir.

21 **THE COMMISSIONER:** Thank you.

22 Mr. Callaghan?

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

24 **CALLAGHAN:**

25 **MR. CALLAGHAN:** Inspector McDonald, I just

1 have a few questions.

2 If I could take you to Exhibit 1571 and Mr.
3 Neville was reviewing with you certain names -- when you
4 have that in front of you.

5 **MR. McDONALD:** Yes, I do.

6 **MR. CALLAGHAN:** In front of yourself; okay.
7 All right.

8 If we could go to page 11? You'll see that
9 Officer Dupuis says:

10 "I have a list of names here. Maybe
11 you can tell me if you know these
12 people."

13 Towards the top.

14 **MR. McDONALD:** Yes, sir.

15 **MR. CALLAGHAN:** And I'm going to take it
16 three lines from the bottom. I won't ask you to read the
17 name in that line. He says: "A person by the name of..."
18 And we call that person C-8. Do you see that?

19 **MR. McDONALD:** Yes, sir.

20 **MR. CALLAGHAN:** And then you answer, "I
21 don't recognize the name"."

22 Am I correct that you do not know who C-8
23 is?

24 **MR. McDONALD:** No, sir.

25 **MR. CALLAGHAN:** And if C-8 said that he saw

1 you at Ken Seguin's house, he'd be mistaken?

2 **MR. McDONALD:** Yes, sir, because I was never
3 there.

4 **MR. CALLAGHAN:** And would that apply to the
5 two people who Mr. Lee mentioned, that's Gerald Renshaw and
6 Robert Renshaw, they would be mistaken to put it
7 charitably, if they saw you -- said they saw you at Ken
8 Seguin's house?

9 **MR. McDONALD:** Yes, sir, because I was never
10 there.

11 **MR. CALLAGHAN:** All right.

12 And just to go back just on the issue of the
13 visit in November, it may be self-evident but just for the
14 record, Mr. Bourgeois had never been to your home before?

15 **MR. McDONALD:** No, I don't think so.

16 **MR. CALLAGHAN:** Not to your knowledge?

17 **MR. McDONALD:** No, sir.

18 **MR. CALLAGHAN:** And I take it Mr. Bourgeois
19 would have known ---

20 **MR. McDONALD:** Hasn't been there since
21 either.

22 **MR. CALLAGHAN:** All right. I can appreciate
23 that.

24 I take it Mr. Bourgeois appreciated that you
25 were related to Helen and Perry Dunlop?

1 **MR. McDONALD:** Oh, I think so.

2 **MR. CALLAGHAN:** All right. And he
3 participated in the conversations?

4 **MR. McDONALD:** Yes, sir.

5 **MR. CALLAGHAN:** And do you recall anything
6 in addition to what you've mentioned about his discussion?
7 He's the one that waived off the polygraph but ---

8 **MR. McDONALD:** That's correct. My wife made
9 particular note of that, that whenever I mentioned that I
10 would take it, Carson seemed to say, "Well, oh, okay", but
11 Mr. Bourgeois said, "No, we'll not have any that" I guess
12 or something to that effect.

13 **MR. CALLAGHAN:** And do you recall any other
14 specifics about Mr. Bourgeois' participation?

15 **MR. McDONALD:** No, sir.

16 **MR. CALLAGHAN:** All right.

17 And the last thing, and it's not
18 particularly relevant to the Inquiry but since it's been
19 raised, you talked about your daughter's wedding and that
20 you were the permit holder?

21 **MR. McDONALD:** Yes, sir.

22 **MR. CALLAGHAN:** Were you aware that there
23 was contraband alcohol at the event?

24 **MR. McDONALD:** Yes, sir.

25 **MR. CALLAGHAN:** All right. And that was the

1 charge?

2 MR. McDONALD: Yes, sir.

3 MR. CALLAGHAN: All right. Thank you.

4 THE COMMISSIONER: Mr. Stauffer?

5 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. STAUFFER:

6 MR. STAUFFER: Thank you, Mr. Commissioner.

7 Staff Inspector, just something arising from
8 a couple of my friends with respect to Gerald Renshaw.

9 Mr. Commissioner, if I could just ask Mr.
10 McDonald to look at Exhibit 548? This is Document 704055.

11 Staff Inspector, again, this is a fairly
12 lengthy document. I don't intend to go through this other
13 than to refer you first to the front page, and specifically
14 the paragraph that starts, "On or about 1989 to 1990". Do
15 you see that?

16 MR. McDONALD: Yes, sir.

17 MR. STAUFFER: Okay. So if we could just go
18 through this together, maybe that's the fastest thing
19 because there's some detail in here and I think I know the
20 answer to this already but I think in fairness this should
21 be put to you directly.

22 "On or about 1989 through 1990, I
23 observed Malcolm MacDonald, Claude
24 Shaver (ex-Chief of Police), and Stuart
25 McDonald at Ken Seguin's home in

1 Summerstown, Ontario.”
2 And then he goes on to say:
3 “All three of them were standing at the
4 northwest corner of Ken’s front yard in
5 front of Malcolm MacDonald’s car. The
6 car (Malcolm’s) was a 1987 Fifth
7 Avenue, gunmetal blue. It was a nice
8 summer afternoon and I was returning
9 from work at Richmond Die Casting in
10 Summerstown, Ontario. I was returning
11 from work to get a change of clothes.
12 I remember seeing either one or two of
13 them holding duffel bags. I said hello
14 to them and I don’t believe that they
15 responded. I go inside Ken’s home and
16 get my change of clothes. I stay
17 inside approximately five minutes and
18 exit through the back door. As I go to
19 my truck, I observed again Malcolm
20 MacDonald, Claude Shaver and Stuart
21 McDonald still standing and talking in
22 the same general area in the front yard
23 of Ken’s home. I then got into my
24 truck and left.”

25 And he closes, I think, with respect to

1 yourself by saying:

2 "I observed Stuart McDonald, police
3 officer, at Ken Seguin's home on other
4 occasions, at least twice."

5 So, sir, having looked at that, does that
6 refresh your memory at all as to being at Ken Seguin's
7 house?

8 **MR. McDONALD:** No, sir. I was never at Ken
9 Seguin's house.

10 **MR. STAUFFER:** All right.

11 And, sir, this statement, although not
12 sworn, seems to have been signed by Mr. Renshaw, and do you
13 recognize the individual -- and again, I appreciate it's a
14 poor photocopy. Do you recognize the individual who has
15 signed the last page?

16 **MR. McDONALD:** No, sir, I don't know the
17 signature and I don't know Mr. Renshaw.

18 **MR. STAUFFER:** No, but if I -- I'm looking
19 now at Bates page that ends with 4264 and there is a
20 signature "Gerald Renshaw". Again, I'm assuming it's
21 Gerald Renshaw's signature.

22 Underneath that, there's another signature
23 and that's what I'm referring to.

24 **MR. McDONALD:** I don't know whose signature
25 that is. It's not mine.

1 **MR. STAUFFER:** No, I appreciate that. If I
2 suggested to you that it's Perry Dunlop, would you agree or
3 do you not know?

4 **MR. McDONALD:** No, sir, I don't know. It
5 looks like a "P" and a "D", but I -- I wouldn't recognize
6 his signature I don't believe.

7 **MR. STAUFFER:** Okay. Let me put this to
8 you, Staff Inspector. Assuming -- and I'm just assuming
9 that this is taken, if you will, by Constable Dunlop -- do
10 you recollect him ever showing this to you?

11 **MR. McDONALD:** No, sir, I don't.

12 **MR. STAUFFER:** Okay. Can you give us any
13 reason -- again, assuming that this a statement that he
14 took from Mr. Renshaw, can you give us any reason as to why
15 he wouldn't have shown it to you?

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

17 **MR. STAUFFER:** Okay. And to put it in time
18 context, it appears that this is December 5th of 1996; so a
19 couple of weeks or so after that November meeting at your
20 house.

21 **MR. McDONALD:** Apparently.

22 **MR. STAUFFER:** Yeah. So I -- there's
23 nothing further you can help us with then as to why Mr.
24 Dunlop didn't raise this statement with you?

25 **MR. McDONALD:** No, sir. I had very little

1 contact with Mr. Dunlop and, again, I categorically deny
2 ever being at Ken Seguin's, Malcolm MacDonald's or anything
3 or around the house in St. Andrews when Father Charles
4 MacDonald was there.

5 **MR. STAUFFER:** Okay. Could I ask you one
6 final thing then with respect to Mr. Renshaw? Did
7 Constable Dunlop ever say his name? He may not have shown
8 you this statement ---

9 **MR. McDONALD:** I don't recall.

10 **MR. STAUFFER:** But again, what I'm saying is
11 at any time after the November 1996 meeting, did he say to
12 you something like "I've spoken with Mr. Renshaw. He's
13 accusing you of being at ---

14 **MR. McDONALD:** Again, we didn't discuss --
15 we didn't discuss this matter at all and I don't recall
16 hearing Mr. Renshaw's name probably until it was in the
17 newspaper or something with regard to the Inquiry.

18 **MR. STAUFFER:** Sir, I want to thank you very
19 much for coming here with your vacation pending. So thank
20 you, sir. Those are all my questions.

21 **THE COMMISSIONER:** Thank you very much, sir,
22 for your assistance. We'll wish you a good trip on the
23 other side of the pond and I appreciate you taking the time
24 to come and testify.

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

1 **THE COMMISSIONER:** Thank you.

2 All right. Let's go.

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

5 This hearing is adjourned until May 12th at
6 1:00 p.m.

7 --- Upon adjourning at 1:24 p.m./

8 L'audience est ajournée à 13h24

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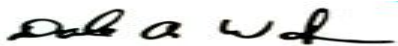
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM