

**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 303

Held at :

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Cornwall, Ontario
K6H 7K7

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709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 13 novembre 2008

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Karen Jones	
Ms. Kelly Doctor	
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Ms. Gina Saccoccio Brannan, Q.C.	
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Leslie McIntosh	Attorney General for Ontario
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
M ^e Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDougald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. Fred Havelink	

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
Submissions by the Commissioner/Représentations par le Commissaire	1
Submissions by/Représentations par Ms. Leslie McIntosh	2
FRED HAMELINK, Sworn/Assermenté	4
Examination in-Chief by/Interrogatoire en-chef par Ms. Karen Jones	4
Statement by/Déclaration par Mr. Fred Hamelink	154

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2568	(200216) - Career Profile of Fred Hamelink	6
P-2569	(725189) - Letter from N. J. Duhamel to Supt. W. Frechette dated 02 Feb 94	27
P-2570	(725250) - Hamelink CIB initial report re: Extortion of Ken Seguin	68
P-2571	(715455) - Statement of Malcolm MacDonald re: death of Ken Seguin dated 12 May 94	107
P-2572	(725205) - Notes of Fred Hamelink of Summary points of Jos van Diepen statement dated 1 Jun 94	126
P-2573	(715260) - Interview Report of Ron Lefebvre dated 07 Sep 94	143
P-2574	(725155) - Letter from Peter Griffiths to Fred Hamelink dated 12 Oct 94	146
P-2575	(725571) - E-mail from Len Aitchison to Pat Hall dated 17 Jul 01	150
P-2576	(733126) - Will State of Chris Lewis re: 'Project Truth Inquiry Officer Report' dated 27 Jul 05	151

1 --- Upon resuming at 9:45 a.m./

2 L'audience est reprise à 9h45

3 **THE REGISTRAR:** This hearing is now resumed.

4 Please be seated. Veuillez vous asseoir.

5 ---**SUBMISSIONS BY THE COMMISSIONER/REPRÉSENTATIONS PAR LE**
6 **COMMISSAIRE:**

7 **THE COMMISSIONER:** Thank you.

8 For members of the public that are joining
9 us on the webcast or in the body of the hearings room, we
10 started this morning on a continuation of the motion to
11 have Officer Lefebvre excused from testifying. After
12 hearing the material from all parties -- I should tell you
13 that Mr. Paul and Mr. Lee questioned the sufficiency of the
14 material presented to excuse Mr. Lefebvre. I've indicated
15 that for reasons that I will give later on, I will be
16 excusing Officer Lefebvre from testifying.

17 And I've indicated in camera, and I wish to
18 do it on the record, that there was some suggestion in one
19 of the medical reports as to whether or not the condition
20 that Mr. Lefebvre suffers from was genuine, and I can point
21 out for the record that at no point did I ever suggest nor
22 think that Officer Lefebvre's condition was anything but
23 genuine.

24 As well, I offered my regret for the delay
25 in having this matter dealt with. I am sure that it has

1 caused great discomfort to Mr. Lefebvre, as indicated in
2 the medical reports, and I do regret that and it is a
3 problem that our system -- oftentimes we forget the
4 emotions that are attached to this kind of situation and we
5 let it linger overly, and for that I do regret very much
6 that there were delays in presenting the evidence in this
7 matter. Thank you.

8 Next witness please, Ms. Jones.

9 **MS. JONES:** Yes. Thank you, Mr.
10 Commissioner.

11 Before we start, just a couple of
12 housekeeping matters, but first of all Ms. McIntosh from
13 the Ministry of the Attorney General has a couple of words
14 for you, Mr. Commissioner.

15 **THE COMMISSIONER:** Really?

16 Yes, good morning.

17 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. McINTOSH :**

18 **MS. McINTOSH:** Good morning, Mr.
19 Commissioner.

20 I rise on behalf of the Ministry and Murray
21 MacDonald to express concern about the serious misstatement
22 that was made yesterday concerning Mr. MacDonald. That is,
23 that there had been allegations that he was a child
24 molester. I'm here, Mr. Commissioner, just to ask that the
25 records show clearly and unequivocally that there was never

1 any such allegation and, as Commission counsel said
2 yesterday and you acknowledged, Mr. Commissioner, it was a
3 misstatement to say that.

4 I cannot overstate the damage and distress
5 that such a misstatement causes and I'm obliged to advise
6 you, Mr. Commissioner, that the Ministry and Mr. MacDonald
7 will reserve the rights to raise the issue should they be
8 so advised. Thank you.

9 **THE COMMISSIONER:** Should they be so advised
10 what?

11 **MS. McINTOSH:** We're considering our
12 position with respect to the issue, Mr. Commissioner.
13 That's all I'm instructed to say at the moment. Thank you.

14 **THE COMMISSIONER:** All right. Thank you.
15 No, no. For the record, I think that yesterday that
16 misunderstanding arose out of something that I would have
17 said. I think it was quickly rectified. I certainly
18 regret any distress that may have caused. However, given
19 the length of this Inquiry and given the complexity of it,
20 I would hope that one would be forgiven for a misstatement,
21 especially when it is corrected -- especially when it is
22 corrected as quickly and promptly as it has been, and I'll
23 leave it at that and we'll consider our positions.

24 **MS. JONES:** Thank you, Mr. Commissioner.
25 There's just one other small administrative

1 issue I'd like to raise. An exhibit yesterday had the
2 wrong date attached to it. It's Exhibit 2548, Document
3 103587.

4 **THE COMMISSIONER:** Yes.

5 **MS. JONES:** And in the index or the
6 cataloguing of it I think that the wrong date was actually
7 stated on the record. The date of the document is actually
8 the 21st of January 1995. It's recorded as the 23rd of
9 February, 1995 and that's incorrect.

10 I'd like to call Mr. Hamelink, please.

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

12 **MS. JONES:** Mr. Hamelink, just have a seat,
13 please.

14 **FRED HAMELINK, Sworn/Assermenté:**

15 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

16 **JONES:**

17 **MS. JONES:** Good morning, Mr. Hamelink.

18 **MR. HAMELINK:** Good morning, Ms. Jones.

19 **MS. JONES:** Before we start your giving the
20 evidence, I just want to put your mind at ease that should
21 at any time you require any sort of a break or if you
22 require some refreshment, water or such, please make sure
23 that you tell either myself or Madam Clerk or Mr.
24 Commissioner that you would wish to have that, at any time.
25 Okay?

1 **MR. HAMELINK:** Thank you very much.

2 **THE COMMISSIONER:** And I would like to
3 welcome you aboard. There is fresh water. I'd like you to
4 speak into the microphone because that helps a lot. So
5 just bend it to your -- and again, if there is anything you
6 need just let me know.

7 **MR. HAMELINK:** Thank you, Mr. Commissioner.

8 **MS. JONES:** Also, too, as you know, we will
9 be referring to documents throughout your testimony and,
10 just to remind you, a hard copy of the document will be
11 given to you and a version of the document will appear on
12 your computer screen. And sometimes you may prefer to wait
13 'til it's on the computer screen but there's always a bit
14 of a delay in getting the document in what you're referring
15 to, so if you just bear with us. Before you want to
16 comment on a document, just wait till everybody has that
17 document on the screen. It is very useful to have that as
18 well. Okay?

19 **MR. HAMELINK:** Thank you.

20 **MS. JONES:** Mr. Hamelink, the first thing
21 that we do is go through your career background and the
22 first document we filed is the career profile, Document
23 200216.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 2568 is a career profile of Fred

1 Hamelink; Exhibit 2568.

2 --- EXHIBIT NO./PIÈCE NO. P-2568:

3 (200216) - Career Profile of Fred Hamelink

4 MS. JONES: Mr. Hamelink, I understand you
5 joined the Ontario Provincial Police on April 28th, 1969 and
6 were initially assigned to Sharbot Lake Detachment. In
7 1970, you were made permanent staff and promoted to
8 provincial constable and in '73 you transferred to
9 Belleville where you were stationed until 1988.

10 MR. HAMELINK: That's correct.

11 MS. JONES: And from February '88 to July
12 '88, you were assigned to the Technical Investigation
13 Coordination Section, Technical Support Branch in the
14 General Headquarters and from '88 to '92 you were holding
15 the rank of sergeant and promoted in 1993 to the rank of
16 detective staff sergeant.

17 And at that particular point you were
18 assigned to Criminal Investigations Branch, what we call
19 CIB, in OPP General Headquarters. When you were
20 transferred from CIB you were transferring from the
21 Polygraph Unit. Is that correct?

22 MR. HAMELINK: That's incorrect.

23 MS. JONES: That's incorrect?

24 MR. HAMELINK: Yes, I transferred from the
25 Technical Support Branch into CIB. Polygraph came under

1 Technical Support Branch.

2 MS. JONES: Okay. Now, before you were
3 transferred into CIB, had you had any training in
4 conducting and managing criminal investigations?

5 MR. HAMELINK: I had been part of
6 investigative teams under the direction of numerous CIB
7 inspectors.

8 MS. JONES: But had you received any
9 training, specialized training, at Aylmer or anywhere else
10 with regards to specifically how to manage a criminal
11 investigation?

12 MR. HAMELINK: Not specific management of
13 criminal investigations but how to conduct criminal
14 investigations.

15 MS. JONES: So you had received training on
16 that?

17 MR. HAMELINK: Yes, I had.

18 MS. JONES: And in 1993, you were promoted
19 to the rank of detective inspector in CIB where you
20 remained until 2001. According to your career profile, you
21 took two major case management courses in 1996 and 1999.

22 MR. HAMELINK: Could you backup, Ms. Jones,
23 because there is a critical area that you didn't address?

24 MS. JONES: Certainly.

25 MR. HAMELINK: There was a time when I was

1 in CIB that I went to Professional Standards Branch where I
2 became a prosecutor for Police Act hearings.

3 MS. JONES: I have that from September, '97
4 to March, 1998?

5 MS. JONES: It doesn't appear to be on your
6 career profile that I understand, but from September 1st,
7 1997 to March 1st, 1998 you were seconded to be Assistant
8 Prosecutor of the Ethical Standards Branch, Professional
9 Standards Bureau. Is that what you're recalling?

10 MR. HAMELINK: That's what I'm telling you,
11 ma'am, yes.

12 MS. JONES: Okay.
13 You retired from the OPP on July 31st, 2001?

14 MR. HAMELINK: That would be correct.

15 MS. JONES: And I understand you're an
16 instructor currently at Georgian College teaching in the
17 criminal justice program?

18 MR. HAMELINK: I am.

19 MS. JONES: Okay. Had you received any
20 specialized training in looking at historical sexual
21 assaults or child abuse?

22 MR. HAMELINK: No specialized training in
23 that avenue, no.

24 MS. JONES: Now, I'm going to be asking you
25 questions here today concerning the David Silmsler extortion

1 investigation and I understand that you were involved in
2 that. And that is really the only topic that we're going
3 to be looking at here today.

4 I'm wondering if you could please refer
5 first to Exhibit 1031 which are your handwritten notes?
6 It's Document 725119.

7 **THE COMMISSIONER:** One-zero-three-nine
8 (1039)?

9 **MS. JONES:** One-zero-three-one (1031).

10 **THE COMMISSIONER:** Three-one (3-1), sorry.
11 Okay.

12 **MS. JONES:** And I understand these are your
13 handwritten notes?

14 **MR. HAMELINK:** They are, ma'am.

15 **MS. JONES:** And if I'm reading your
16 handwritten notes correctly, on February 1st, 1994, which is
17 on the very first page, you were dispatched by
18 Superintendent Frechette to Long Sault concerning
19 allegations of extortion. And the next day you spoke to
20 Detective Staff Sergeant Duhamel, presumably about the same
21 topic. Is that a fair description?

22 **MR. HAMELINK:** It was about the same topic.

23 **MS. JONES:** Okay. And it appears that on
24 the next line under February 2nd, it has "Complainant, David
25 John Silmsen"?

1 **MR. HAMELINK:** That's incorrect.

2 **MS. JONES:** Pardon me?

3 **MR. HAMELINK:** That is incorrect.

4 **MS. JONES:** Okay, because he was actually
5 the suspect?

6 **MR. HAMELINK:** That is correct. That's my
7 mistake.

8 **MS. JONES:** Okay. Now, in your notes it
9 does clearly state, though, this was an extortion
10 investigation and that was your understanding from February
11 1st onwards. Is that true?

12 **MR. HAMELINK:** That's what I was dispatched
13 to investigate, that's correct.

14 **MS. JONES:** Do you recall how it was that
15 Superintendent Frechette actually made contact with you?
16 Was it by telephone? Did you meet with him in person?

17 **MR. HAMELINK:** My best recollection of that
18 day was that Superintendent Frechette would have given me a
19 page on my pager which would lead me to call him at
20 Headquarters and then he would give me verbally his
21 instructions as to what he wanted me to do and where to go.

22 **MS. JONES:** And do you know why he would
23 have chosen you? Was there a case rotation system in
24 place?

25 **MR. HAMELINK:** I have no idea why I was

1 chosen for this.

2 MS. JONES: And when you were assigned this
3 case, was your office physically located in Orillia at the
4 time?

5 MR. HAMELINK: Yes, it was.

6 MS. JONES: And this is the same location
7 where the office of the Director of CIB is also located?

8 MR. HAMELINK: That's correct.

9 MS. JONES: Now, did you have to relocate to
10 Cornwall or did you commute back and forth? How did that
11 work?

12 MR. HAMELINK: How that works, ma'am, is you
13 get the call and you drive there or if it's a further
14 distance you fly. I drove.

15 MS. JONES: And so you would just drive down
16 to Cornwall on a need-to basis?

17 MR. HAMELINK: Well, actually I didn't drive
18 to Cornwall. I drove to Long Sault ---

19 MS. JONES: Sorry, to Long Sault.

20 MR. HAMELINK: --- which was the district
21 headquarters of the day, Number 11 District Headquarters.

22 MS. JONES: Now, did you at this point ever
23 have any discussion with either Superintendent Frechette or
24 Duhamel about Superintendent Fougère or his involvement, or
25 did you have any knowledge about that with regards to any

1 sort of extortion?

2 MR. HAMELINK: No, I had no knowledge of
3 that with Superintendent Fougère of the day.

4 MS. JONES: Now, on the February 2nd when you
5 were meeting with Duhamel, if we just go to Bates page
6 8220, it would appear that you've got here "Lead
7 Investigator, PC C. McDonell". Do you see that?

8 MR. HAMELINK: Bates 220?

9 MS. JONES: Yes.

10 MR. HAMELINK: Yes, I do see that.

11 MS. JONES: Now, were you assigned Officer
12 McDonell on that day?

13 MR. HAMELINK: His name would have been told
14 to me by Staff Sergeant Duhamel and Chris McDonell became
15 my lead investigator on this case.

16 MS. JONES: And I'm wondering if you could
17 just describe basically what a lead investigator does in a
18 situation like this; what role does he have?

19 MR. HAMELINK: The lead investigator's
20 responsibility would be to gather the evidence that would
21 lead towards a possible prosecution of a suspect. That
22 gathering of evidence would include taking of statements;
23 seizing, by judicial authorization, evidence that was
24 pertinent to the investigation that we were on. In this
25 case, extortion.

1 **MS. JONES:** Do you know if there was any
2 reason why Officer McDonell was particularly assigned or
3 did you just say okay, he's my lead investigator and leave
4 it at that?

5 **MR. HAMELINK:** There was no particular
6 reason that I was aware of why McDonell was assigned.

7 **MS. JONES:** And had you ever worked with
8 Chris McDonell before?

9 **MR. HAMELINK:** On several occasions.

10 **MS. JONES:** So you knew him?

11 **MR. HAMELINK:** I knew him from when we were
12 constables together.

13 **MS. JONES:** Now, on February 2nd when you're
14 having this conversation -- I mean February 1st -- are you
15 aware of Tim Smith's parallel investigation going on?

16 **MR. HAMELINK:** I was aware there was another
17 investigation ongoing into sexual assaults in the Cornwall
18 area that was headed by Smith -- Inspector Smith.

19 **MS. JONES:** And were you told about the
20 overlap between Smith's investigation and yourself; in
21 other words, David Silmser?

22 **MR. HAMELINK:** I don't believe that was
23 available to me at that particular time.

24 **MS. JONES:** So when you started off this
25 investigation, it would appear that the information that is

1 written in your notes on February 2nd is pretty well the
2 information you had on that date from Duhamel. Is that a
3 fair assessment?

4 **MR. HAMELINK:** That would be a fair
5 assessment, ma'am.

6 **MS. JONES:** And I do notice that in that
7 conversation on February 2nd, there were a few things that
8 were discussed, clearly that it was Kenneth Seguin that had
9 died by suicide; the date of the suicide; that he was a
10 probation officer; that the -- you've written "complainant"
11 again but I think you mean suspect? I'm referring
12 specifically to 8219, Bates page 8219.

13 **MR. HAMELINK:** Yes, that is correct. That's
14 another -- I should have written suspect in that.

15 **MS. JONES:** So you've got:

16 "Complainant alleged sexual assaults on
17 his person by Seguin while he was on
18 probation."

19 You talk about the cash settlement with
20 Silmsler and that that cash settlement was with regards to
21 similar allegations he made against Father Charlie
22 MacDonald and that they occurred when Silmsler was an altar
23 boy.

24 Then it gave the contact details for the
25 Seguin family, which specifically was Keith Seguin and Doug

1 Seguin. You also learned that the lawyer acting for the
2 Seguin family was Malcolm MacDonald?

3 MR. HAMELINK: That's correct.

4 MS. JONES: So that appears to be the
5 totality of the information you had on that first date?

6 MR. HAMELINK: From what I have recorded,
7 yes.

8 MS. JONES: Was there anything else that you
9 recall that you were told on that date that's not recorded
10 in your notes?

11 MR. HAMELINK: There obviously was other
12 information that was passed that I did not make a record
13 of. Had it have been significant, I would have, but I
14 haven't got a record of that and I don't have a clear
15 recollection of other issues that were discussed or other
16 things that were discussed on that date.

17 MS. JONES: But you'll agree, you would have
18 put down the highlights, to use your word, or the important
19 points that would have been relevant to your investigation
20 to get it started and off the ground?

21 MR. HAMELINK: I would be collecting
22 information, that's correct, to get it going.

23 MS. JONES: So at this particular point
24 then, you have -- although you've classified David Silmser
25 twice as a complainant you're maintaining that's actually

1 just an error on your part, he was your suspect, and at
2 this particular point you didn't know that he was actually
3 a complainant in another similar parallel investigation?

4 **MR. HAMELINK:** Well, no, that would be
5 incorrect.

6 If you go back to Bates 219, because my
7 notes clearly indicate there that "the complainant" which
8 should be "suspect", alleged sexual assaults on his person
9 by Seguin while he was a probation -- while he was on
10 probation. That's ---

11 **MS. JONES:** No. Okay, maybe I -- let me try
12 asking this again.

13 It would appear that you're not aware of Tim
14 Smith's parallel investigation where in fact David Silmser
15 is the complainant? That's what I'm referring to.

16 **MR. HAMELINK:** It would appear from my notes
17 as that, yes.

18 **MS. JONES:** There's no record of any
19 documents being given to you at this meeting. Do you
20 recall if there were any documents?

21 **MR. HAMELINK:** I don't believe there was.

22 **MS. JONES:** Now, on February 3rd, which is
23 the very next day, it's Bates page 8220, the assignment of
24 Officer Genier takes place to assist as well. Do you see
25 that?

1 **MR. HAMELINK:** Yes, I do.

2 **MS. JONES:** And then if you turn the page to
3 Bates page 8221, it appears that the first person that you
4 talk to in your extortion investigation is actually Nancy
5 Seguin, and you spoke to her on the phone?

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

7 **MS. JONES:** And the very first entry you
8 have there is:

9 "Spoke with Nancy Seguin on the phone.
10 Explained to her I had talked to
11 Superintendent Fougère and I had been
12 sent down to investigate allegations of
13 extortion involving Ken Seguin and
14 David Silmser."

15 Do you see that?

16 **MR. HAMELINK:** I do.

17 **MS. JONES:** Now, previously I just asked you
18 -- I see notes from Frechette and Duhamel, and I had asked
19 you if you'd had any contact with Fougère. And I don't see
20 any notes about Fougère but there you actually make
21 specific reference to the fact that you talked to
22 Superintendent Fougère.

23 **MR. HAMELINK:** Yes.

24 **MS. JONES:** So did you talk to
25 Superintendent Fougère then ---

1 **MR. HAMELINK:** That ---

2 **MS. JONES:** --- about this matter?

3 **MR. HAMELINK:** That conversation, if you can
4 call it a conversation, might have been in passing. The
5 Superintendent's office was upstairs in District
6 Headquarters.

7 It's a courtesy from CIB inspectors that go
8 into the district that we always touch base with the
9 superintendent and if he or she isn't available, we touch
10 base with the inspector and that would have been my
11 practice -- I'm here, I've been dispatched to investigate
12 this extortion, and that's what I would have done.

13 During that time perhaps Superintendent --
14 that I don't have a recollection of right now -- might have
15 passed information on to me about the Seguin family.

16 **MS. JONES:** Is it possible that when you did
17 speak to Superintendent Fougère there had been a discussion
18 about the Seguin family and their concerns that they had
19 raised with him previously?

20 **MR. HAMELINK:** It is possible, Ms. Jones.

21 **MS. JONES:** But you don't have any notes of
22 that?

23 **MR. HAMELINK:** I do not.

24 **MS. JONES:** Now, the other curious thing
25 here, of course, is that ---

1 **THE COMMISSIONER:** Well, just a minute, just
2 a minute. I'm sorry.

3 I'm just looking at 221; am I going ahead
4 or?

5 **MS. JONES:** No.

6 **THE COMMISSIONER:** Okay. It says here, "We
7 spoke with Nancy" -- I'm looking at page 220:

8 "We spoke with Nancy Seguin on the
9 phone explaining to her that I had
10 talked with Superintendent Fougère and
11 I had been sent down to investigate
12 allegations of extortion involving Ken
13 Seguin and David Silmsers."

14 **MR. HAMELINK:** Correct, Mr. Commissioner.

15 **THE COMMISSIONER:** Okay. So at least, we've
16 got that part.

17 **MR. HAMELINK:** Yes.

18 **THE COMMISSIONER:** Okay.

19 **MS. JONES:** Do you recall there being any
20 issue, when you talked to Superintendent Fougère, about the
21 possibility of a reinvestigation into the suicide of Ken
22 Seguin versus an extortion?

23 **MR. HAMELINK:** There was no discussion of
24 that at all.

25 **MS. JONES:** Now, when you're doing this

1 extortion investigation, you've got David Silmsner as your
2 suspect. I'm wondering if you could explain if that is --
3 if it is typical to discuss an investigation that you've
4 just undertaken with someone that is actually not even
5 involved in the investigation itself directly, i.e. Nancy
6 Seguin?

7 **MR. HAMELINK:** At the time, Ms. Jones, I was
8 dealing with a grieving family, I was aware of that, a
9 grieving family that had difficulty in coming to terms with
10 the death of a loved one, a brother and brother-in-law. A
11 grieving family that had difficulty in coming to terms with
12 the fact that there was community rumours about his
13 alternate lifestyle. And a grieving family that had
14 difficulty in coming to terms with the fact that their
15 brother was tied in in some fashion to pedophilia.

16 So, in answer to your question, it was my
17 intent to ease the family's grief or assist them.

18 **MS. JONES:** And this was your way of easing
19 their grief?

20 **MR. HAMELINK:** By sharing information, yes.

21 **MS. JONES:** Sharing information though
22 before an investigation even begun, possibly alerting your
23 suspect that you're doing this investigation?

24 **MR. HAMELINK:** I don't see the connection,
25 Ms. Jones.

1 **MS. JONES:** You don't think that there's any
2 way that perhaps Nancy Seguin or someone else involved with
3 her could have informed David Silmser in some way that he
4 was under investigation for extortion?

5 **MR. HAMELINK:** There's always a way. I
6 didn't see that that would happen.

7 **MS. JONES:** Would you agree with me that
8 could compromise your investigation?

9 **MR. HAMELINK:** Like I said, I don't see how
10 that would happen and why it would happen.

11 **THE COMMISSIONER:** Well, a simple way.
12 Mrs. Seguin has -- and I'm just giving this
13 as an example -- that Mrs. Seguin is frustrated and
14 whatever and happens to meet Mr. Silmser on the street and
15 says, "The police are going to get you; they're
16 investigating you for extortion". That's one of the
17 possibilities where it would occur.

18 **MR. HAMELINK:** There's always -- anything's
19 possible, Mr. Commissioner, and that is a possibility.

20 **MS. JONES:** And I understand too that on
21 that first day, it would appear the very first witnesses
22 that you interview with respect to the extortion are, in
23 fact, Nancy Seguin and I believe Keith Seguin. Is that
24 right?

25 **MR. HAMELINK:** That is correct.

1 **MS. JONES:** And you spent some time on the
2 phone with them but then you meet them -- at Bates page
3 8222 -- at 13:20 hours?

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

5 **MS. JONES:** And it would appear that your
6 meeting lasts well over three hours with the Seguin family.
7 Is that fair?

8 **MR. HAMELINK:** That's fair.

9 **MS. JONES:** And there were the very --
10 literally, the very first statements you got on the
11 extortion investigation?

12 **MR. HAMELINK:** I didn't take any statements
13 from Nancy or Keith Seguin.

14 **MS. JONES:** So who would have taken those
15 statements on your behalf then?

16 **MR. HAMELINK:** That would have been the job
17 of the lead investigator.

18 **MS. JONES:** So let's talk about this for a
19 moment then. What was your role and who decided who got
20 interviewed and by whom?

21 **MR. HAMELINK:** My role, I don't quite
22 understand what the question is?

23 **MS. JONES:** What was your role in deciding
24 who got interviewed and who would do the interview?

25 **MR. HAMELINK:** Well, at this time, I had two

1 investigators, Genier -- Constable Genier and Constable
2 McDonell. It would be as a result of my assisting them in
3 gathering information that they would be designated to take
4 a statement.

5 **MS. JONES:** So was it your role to tell your
6 officers or your investigators which statements should be
7 taken?

8 **MR. HAMELINK:** That would be one of my
9 roles, yes.

10 **MS. JONES:** In other words, it wasn't their
11 decision as to who should be interviewed, it was your
12 decision?

13 **MR. HAMELINK:** Well, if they came across a
14 subject or a person that they were interviewing, and in
15 that interview there was another statement that was -- or
16 another name that was supplied, if they went out and
17 interviewed the person, I wouldn't have a difficulty with
18 that provided that the person being interviewed was
19 relevant to the investigation.

20 **MS. JONES:** So you did allow your
21 investigators some latitude in that regard?

22 **MR. HAMELINK:** Absolutely.

23 **MS. JONES:** Did you make that known to them,
24 especially Officer McDonell, the lead investigator?

25 **MR. HAMELINK:** With the quality of Chris

1 McDonnell, I didn't have to make that known to him; he would
2 just do that on his own.

3 MS. JONES: Okay.

4 THE COMMISSIONER: I take it you had worked
5 with him before?

6 MR. HAMELINK: I had, Mr. Commissioner.

7 MS. JONES: Now, before you had this meeting
8 with the Seguins, you described what sounds like to be at
9 the most a very brief meeting with Superintendent Fougère?

10 MR. HAMELINK: That would be fair.

11 MS. JONES: Basically, a courtesy call on
12 your part?

13 MR. HAMELINK: It's a courtesy.

14 MS. JONES: So you were not aware therefore
15 about the meeting that Officer Fougère had had with the
16 Seguin family and the concerns that they had raised with
17 him at that meeting?

18 MR. HAMELINK: No, I was not.

19 MS. JONES: So you were not aware that,
20 according to Officer Fougère, that there was an allegation
21 that Officers Millar and McDonnell were predisposed to the
22 results of the suicide finding and that this might have
23 coloured their investigation. You weren't aware of that?

24 MR. HAMELINK: No, I was not.

25 MS. JONES: And you were not aware that

1 according to the Seguin family in their discussion with
2 Officer Fougère, that they may have been an extortion by
3 David Silmser against Ken Seguin in the weeks or days
4 leading up to the suicide. You were not aware of that?

5 MR. HAMELINK: Well, that's what I was there
6 for.

7 MS. JONES: But were you aware of the
8 discussion with the Seguin family with Fougère?

9 MR. HAMELINK: No.

10 MS. JONES: And were you aware that,
11 according to the Seguin family in their discussion with
12 Officer Fougère, that in their opinion there had not been a
13 thorough investigation of Seguin's sudden death conducted
14 by Officers Millar and McDonell?

15 MR. HAMELINK: I was not aware of that.

16 MS. JONES: So you were not aware in any
17 sense that the Seguin family had expressed concerns about -
18 - specifically about Officer McDonell who's the very same
19 officer now that's tasked with this extortion
20 investigation? You've never been told that before?

21 MR. HAMELINK: No, I was not.

22 THE COMMISSIONER: There's, I think, one
23 more comment, that I believe the Seguins had complained to
24 Superintendent Fougère that McDonell had reached the
25 conclusion, to them, that he was -- that Ken Seguin was a

1 homosexual.

2 You weren't -- were you aware of that
3 concern on behalf of the Seguin family?

4 **MR. HAMELINK:** I don't believe at that
5 stage, Mr. Commissioner.

6 **THE COMMISSIONER:** Okay.

7 **MS. JONES:** We heard Officer Fougère testify
8 here at the Inquiry and he said that he had actually
9 requested a reinvestigation into the sudden death of Ken
10 Seguin and not actually extortion. Were you aware of that?

11 **MR. HAMELINK:** No, ma'am.

12 **MS. JONES:** If you had been advised ahead of
13 time of the conversation the Seguins had with Officer
14 Fougère, specifically about the alleged conduct of Officer
15 McDonnell, would you have raised this concern and possibly
16 discussed it when you found out that he was assigned to
17 this case?

18 **MR. HAMELINK:** In hindsight, with what I
19 know today, perhaps I might have addressed that, yes.

20 **MS. JONES:** If I could just refer you,
21 please, to Document 725185?

22 **THE COMMISSIONER:** That's a new one, sir.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** Thank you. Exhibit 2569
25 is a letter dated February 2nd, 1994 to the Director of CIB,

1 Superintendent Wayne Frechette from N.J. Duhamel.

2 --- EXHIBIT NO./PIÈCE NO. P-2569:

3 (725185) - Letter from N. J. Duhamel to
4 Supt. W. Frechette dated 02 Feb 94

5 MS. JONES: Had you seen this document
6 before you started your investigation or was that just an
7 internal document, do you think, that would not have been
8 brought to your attention?

9 MR. HAMELINK: I had never seen this
10 document until I prepared for this Inquiry.

11 MS. JONES: But just to make it clear here,
12 it would appear, certainly from Officer Duhamel's
13 perspective, and he's writing to Frechette, that he is very
14 clear on February 2nd, '94 that this is extortion, Lancaster
15 Department -- Detachment, I should say?

16 MR. HAMELINK: Yes.

17 MS. JONES: And at the very bottom of the
18 letter -- it's basically the penultimate paragraph
19 actually, the only larger paragraph -- it appears in
20 description of the so-called extortion it said:

21 "The suspect wanted money, \$10,000 a
22 year for 10 to 20 years, and if he
23 didn't get the money he was going to
24 the Ministry of Correctional Services."

25 Do you see that?

1 **MR. HAMELINK:** Yes, I do.

2 **MS. JONES:** Okay.

3 **THE COMMISSIONER:** So were you aware of
4 that, of this?

5 **MR. HAMELINK:** No, Mr. Commissioner, I
6 wasn't aware of that. I never saw this memo at all.

7 **THE COMMISSIONER:** Okay, right, the memo.
8 Did you ever -- did you subsequently come to learn that
9 about this \$10,000 a year for 10 to 20 years?

10 **MR. HAMELINK:** Subsequently I did come to
11 learn about it as the investigation went on.

12 **THE COMMISSIONER:** Terrific, thank you.

13 **MS. JONES:** Okay.

14 Now, if we could please go back to your
15 notes I'm going to be referring quite a bit to your notes,
16 if you can just keep those handy?

17 Again, that's Exhibit 1031. And again, we
18 were at Bates page 8222 and it just states just to sum it
19 up that:

20 "Doug and Keith expressed concerns
21 about what persons were saying about
22 Ken's sexual preferences in the
23 community."

24 Would it be fair to say that was a recurring
25 theme whenever you met with the Seguin family, that that

1 seemed to be their biggest concern about this whole
2 situation?

3 **MR. HAMELINK:** That's a fair statement, yes.

4 **MS. JONES:** Not minimizing the suicide.
5 Obviously, that would be the most -- is a concern but
6 besides that that was their biggest problem here.

7 **MR. HAMELINK:** That was a huge concern for
8 them.

9 **MS. JONES:** Okay.

10 So what was the purpose, actually, of
11 learning more about the extortion in talking to the Seguin
12 family? What information were you hoping actually to get
13 from them, because it doesn't appear that they were
14 involved in any way in the actual extortion situation.

15 **MR. HAMELINK:** The purpose of talking to the
16 Seguin family was to elicit information from them that may
17 have been shared to them by their brother about what was
18 happening to him by way of him having money extorted. That
19 was the purpose.

20 **MS. JONES:** And I see you spent quite a long
21 time with him and I understand that you were helping them
22 deal with their loss at the time.

23 Was there any, perhaps, hope held out to the
24 Seguin family that in fact you were reinvestigating the
25 suicide?

1 **MR. HAMELINK:** Never.

2 **MS. JONES:** Had Superintendent Fougère or
3 any other senior officers said anything to you ahead of
4 time of something about, "Take care of the Seguin family.
5 Spend lots of time with them. We don't want any complaint
6 coming from them," any words to that effect?

7 **MR. HAMELINK:** That was solely my decision.

8 **MS. JONES:** I also understand -- if we go to
9 Bates page 8223 which is the next page, in reading the
10 notes on February 8th, you have contacted the coroner and
11 explained that Nancy Seguin wanted to see the photos of the
12 deceased brother-in-law. Is it fair to say that she
13 brought that up in the first meeting that you had with her?

14 **MR. HAMELINK:** I really can't say at this
15 moment, Ms. Jones, when she actually brought that up unless
16 there is a note someplace in my ---

17 **MS. JONES:** There isn't a note.

18 **MR. HAMELINK:** No.

19 **MS. JONES:** That's why I was asking you.

20 **MR. HAMELINK:** I can't tell you today
21 because I don't have a clear recollection as to when that
22 topic was brought up by her.

23 **THE COMMISSIONER:** Well, let's just put it
24 this way. You phoned the -- oh, on February 8th. You
25 phoned Tuesday, February 8th, the coroner, to talk about the

1 photograph issue. And you had met with her on February 4th

2 ---

3 **MR. HAMELINK:** Yes.

4 **THE COMMISSIONER:** --- for three hours. So
5 is it reasonable -- unless you had other conversations with
6 her in between, would it be reasonable to conclude that it
7 was during this conversation?

8 **MR. HAMELINK:** The latter conversation of
9 February the 8th or the previous one when I made the initial
10 phone call to her?

11 **THE COMMISSIONER:** No, I thought the
12 question was when did you -- well, I don't know. You can
13 go ahead.

14 **MS. JONES:** You had been asked at some point
15 anyway prior to February 8th by Nancy Seguin that she wanted
16 to see the death scene photographs; is that fair to say?

17 **MR. HAMELINK:** Like I say, Ms. Jones, there
18 is no other memo or note in my notes previous to February
19 the 8th that would relate to those photographs. So did that
20 conversation take place previous to February the 8th? It
21 may have but on February the 8th is when I took action on
22 that and it could have been discussed at that time because
23 I met her at 0950 hours on that date.

24 **MS. JONES:** On February 8th you met with her?
25 I've got 0950 ---

1 **MR. HAMELINK:** I'm sorry, I'm sorry.

2 **MS. JONES:** --- February 8 you're phoning
3 the coroner.

4 **MR. HAMELINK:** I retract that statement.
5 That's a mistake -- a misspeak on my part.

6 On February the 8th I phoned the coroner;
7 that's correct.

8 **MS. JONES:** Okay. It says:

9 "I explained Nancy Seguin's request to
10 view the photos of the deceased, Ken
11 Seguin."

12 **MR. HAMELINK:** Correct.

13 **MS. JONES:** So prior to February 8th she had
14 made such a request of you?

15 **MR. HAMELINK:** That is quite possible, yes.

16 **MS. JONES:** And the response it would appear
17 from the coroner is:

18 "Unless there is a criminal proceeding,
19 the Crown has no objection to sharing
20 the photos."

21 **MS. SACCOCCIO BRANNAN:** Excuse me, Mr.
22 Commissioner. That's not the Crown. That word is the
23 coroner.

24 **THE COMMISSIONER:** M'hm, okay, "coroner."

25 **MS. JONES:** The coroner.

1 **THE COMMISSIONER:** That's your handwriting?

2 **MS. JONES:** That is my handwriting.

3 **THE COMMISSIONER:** Okay. So you have to
4 claim credit. Is it the Crown or the coroner?

5 **MS. JONES:** Coroner.

6 **THE COMMISSIONER:** Thank you.

7 **MS. JONES:** The coroner has no objection to
8 us sharing her the photos?

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

10 **MS. JONES:** Now, is this a typical request
11 of persons in this sort of a situation, wanting to see
12 death scene photos?

13 **MR. HAMELINK:** Very unusual, my first such
14 request other than in a courtroom.

15 **MS. JONES:** Again, could it possibly be
16 misinterpreted by the Seguins that you're actually
17 reinvestigating the suicide, going to these lengths that
18 you're going to?

19 **MR. HAMELINK:** I can't speak for their
20 interpretations.

21 **THE COMMISSIONER:** Did she ever mention why
22 she wanted to see the photographs to you?

23 **MR. HAMELINK:** Yes, she did, Mr.
24 Commissioner.

25 **THE COMMISSIONER:** So what did she say?

1 **MR. HAMELINK:** She, to the best of my
2 recollection, she had attended the death scene and she was
3 concerned with the amount of blood that was on the banister
4 that was leading up to the spot or the bathroom where Mr.
5 Seguin had committed suicide.

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

7 **MR. HAMELINK:** That was her concern and she
8 wanted to see the photographs, and photographs tell a story
9 as to how the crime scene or the scene unveiled itself.

10 **THE COMMISSIONER:** M'hm, okay. So were you
11 able to conclude was she -- so she had some questions in
12 her mind about the scene. Do you know -- were you able to
13 assess whether or not it was she was wondering whether it
14 was suicide or not, or that she wanted to have it re-
15 examined or that she wanted to come to some conclusions
16 herself?

17 **MR. HAMELINK:** I didn't come to that
18 conclusion.

19 **THE COMMISSIONER:** What conclusion did you
20 come to?

21 **MR. HAMELINK:** It had been investigated.

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

23 **MR. HAMELINK:** I wasn't there for the death
24 scene. I was there for the extortion and that's the way I
25 left it. I was not going to reinvestigate ---

1 **THE COMMISSIONER:** No, I'm sorry. You're
2 quite correct.

3 I guess what we're trying to look at is --
4 you say it's very unusual for somebody to want to look at
5 the photographs, right, so did you ask yourself, "Why does
6 she want to do this"?

7 **MR. HAMELINK:** I asked myself that, yes.

8 **THE COMMISSIONER:** And did you come to any
9 conclusion?

10 **MR. HAMELINK:** No, I did not.

11 **THE COMMISSIONER:** Okay, fair enough.

12 **MS. JONES:** Was there not an issue with
13 regards to Nancy Seguin about whether the body had been
14 moved or not by the coroner? That when she looked up the
15 stairs, there was an issue if she could see the body or
16 not. Do you recall that being an issue for Nancy Seguin?

17 **MR. HAMELINK:** Yes, but you said "by the
18 coroner". She never explained to me at any time who might
19 have moved that body.

20 **MS. JONES:** But you were aware she did have
21 an issue about that particular issue?

22 **MR. HAMELINK:** Yes, I am.

23 **MS. JONES:** Okay. So is that partially why
24 she wanted to see the photographs as well?

25 **MR. HAMELINK:** Could have been, yes.

1 **MS. JONES:** Did you ask her?

2 **MR. HAMELINK:** I did not.

3 **MS. JONES:** Now, you said just a moment ago
4 that you very clearly had already accepted that was a
5 suicide, you were not there to investigate that.

6 I'm just going to refer you, please, to
7 Exhibit 972, Document 704018.

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

9 **MS. JONES:** Now, we've seen this before in
10 the Inquiry and I just want to identify it for you. This
11 is the report made by Officer Randy Millar, who was the
12 lead investigator into Ken Seguin's suicide, and this was
13 his finding, shall we say, of his investigation and his
14 conclusions that he made.

15 Now, I understand that you did not actually
16 have this document with you when you started off this
17 extortion investigation; correct?

18 **MR. HAMELINK:** Not initially, no.

19 **MS. JONES:** And when you met the Seguins you
20 didn't have that document either?

21 **MR. HAMELINK:** I wouldn't go so far as to
22 say that. I don't know when I came into possession of this
23 particular document -- the particular date. I may have had
24 it or I may have read it.

25 **MS. JONES:** Is it fair to say there's

1 absolutely no reference to any document that you've read
2 regarding the Millar final report, certainly in the time
3 that we're talking about here now, which is February 8th
4 we're up to? There's no reference whatsoever to the fact
5 that you've received a file or reviewed a file.

6 **MR. HAMELINK:** That's fair.

7 **MS. JONES:** And you'd agree with me that
8 this would be a pretty significant document if in fact you
9 were going to be referring to it?

10 **MR. HAMELINK:** Very significant document.

11 **MS. JONES:** And later on you make -- you do
12 refer it. So is it fair to say certainly at this point of
13 time, at February 8th, you still don't have this document?

14 **MR. HAMELINK:** Like I said, I could have
15 read it. I don't have a recollection whether I did or not.

16 **MS. JONES:** Now, the lead investigator of
17 the suicide, being Randy Millar, would you agree with me it
18 might have been a good idea to talk to Officer Millar to
19 get his viewpoint of what happened at the scene that day,
20 and his investigation?

21 **MR. HAMELINK:** I was there for the
22 extortion, Ms. Jones. I wasn't there for the death scene.
23 Did that play into it eventually? Yes. Did I have to talk
24 to Millar immediately about it? No.

25 **MS. JONES:** If I could please refer you to

1 the last page of Exhibit 972 that you have there in front
2 of you. It's Bates page 3763. Thank you.

3 One of the findings of Officer Millar -- and
4 unfortunately we don't have a definitive date of when this
5 report was actually made but it would appear -- we're going
6 to hear from Mr. Millar next week, but it would appear that
7 this typewriting I'm referring to was probably inputted on
8 November 26th, which is the day after the suicide.

9 But in any event, Officer Millar's finding
10 on that last page is:

11 "Extortion does not exist against
12 Silmsler as per section 346 of Section 2
13 of the *Criminal Code of Canada*."

14 Do you see that?

15 **MR. HAMELINK:** I do.

16 **MS. JONES:** Do you not think that that
17 finding would have been relevant to your extortion
18 investigation?

19 **MR. HAMELINK:** First of all, Ms. Jones,
20 let's put it in perspective. Millar is there investigating
21 a suicide. I'm investigating an extortion. I'm going to
22 go by what I find, not what I'm told by somebody else.
23 That's why I'm independent of Millar to do the extortion
24 investigation. I'm not going to rely on what Millar says.
25 My superintendent sent me down there to do a job. That's

1 what I'm going to do.

2 **MS. JONES:** But on that date you weren't
3 aware actually that Officer Millar had even made that
4 finding?

5 **MR. HAMELINK:** Like on what date, ma'am?

6 **MS. JONES:** On February 8th.

7 **MR. HAMELINK:** Like I said, I may have read
8 this report. I can't tell you when I read the report.
9 It's possible that I did.

10 **MS. JONES:** Certainly in February, though,
11 there's no conversation with Officer Millar about his
12 findings or how he determined that finding. Would you
13 agree with me on that?

14 **MR. HAMELINK:** Well, I'd have to check my
15 notes from February the 1st when I was dispatched until the
16 28th of February, whether I had any contact with Millar. I
17 don't know what's in -- I didn't memorize the dates that I
18 had contact with people. So I could have.

19 **MS. JONES:** Did you review your notes before
20 coming here today?

21 **MR. HAMELINK:** I most certainly did.

22 **MS. JONES:** Did you see any reference to
23 Officer Millar, certainly in the month of February? All we
24 have left is Bates page 8224 in any event, if you just want
25 to quickly look at the remainder ---

1 **MR. HAMELINK:** Where are we, ma'am? At
2 Bates ---

3 **MS. JONES:** I'm back at your notes, Exhibit
4 1031. Your February notes end on 8224.

5 **MR. HAMELINK:** Yes, that's correct.

6 **MS. JONES:** So there doesn't seem to be any
7 reference to Randy Millar in the month of February?

8 **MR. HAMELINK:** Not that I see.

9 **MS. JONES:** There's actually no notes for
10 the month of March either, so one would presume there's no
11 contact that you've made note of for the month of March
12 with Randy Millar?

13 **MR. HAMELINK:** There are no notes for the
14 month March about contact with Randy Millar, correct.

15 **MS. JONES:** Okay, thank you.

16 Now, if I could please refer you to Exhibit
17 372, Document 714011.

18 **THE COMMISSIONER:** Document Number 714011.

19 **MS. JONES:** This is -- it's not easy to
20 describe actually -- but it's a supplementary report
21 written by an Officer Dupuis, and this is an incident that
22 he created on the 24th of November, 1993; created at 2100
23 hours and essentially is a phone call -- describing a phone
24 call from a male person who identified himself as David
25 Silmsers, who said that if there was anything that happened

1 to him that Ken Seguin or Charlie MacDonald were to be
2 considered suspects. Do you see that?

3 **MR. HAMELINK:** I do.

4 **MS. JONES:** Now, when I review your notes
5 for February and there are no notes for March and we're
6 into April, in any event. There doesn't seem to be any
7 reference that you were made aware of that phone call or
8 any sort of information from Cornwall Police on that. Is
9 that a fair statement?

10 **MR. HAMELINK:** There doesn't appear to be
11 any information in my notes on it. It doesn't mean that I
12 didn't know about it.

13 **THE COMMISSIONER:** No, no, no. That's fair
14 enough. The question is, okay, it's not in the notes. Did
15 you know about this?

16 **MR. HAMELINK:** I read that, Mr.
17 Commissioner, at some point, yes.

18 **THE COMMISSIONER:** Do you know when?

19 **MR. HAMELINK:** No, I don't.

20 **THE COMMISSIONER:** Would it have been in the
21 spring of '94 or was it three or four years later?

22 **MR. HAMELINK:** No, it would have been after
23 my dispatch to the location after February the 1st, 1994.

24 **MS. JONES:** If you look at the notes that
25 you have on April 5th, 1994 -- I'm on Bates page 8224 of

1 your notes. As I say, never say your notes. It's always
2 Exhibit 1031.

3 Again, it's:

4 "Received call from Nancy Seguin. They
5 inquired as to the establishment of the
6 investigation."

7 And there is a conversation there that takes
8 place.

9 It seems that you're very detailed when it
10 comes to contact that you have with the Seguin family, yet
11 according to your evidence, it's possible you read reports
12 from Officer Millar about the suicide; it's possible that
13 you read Cornwall Police dispatches from Officer Dupuis. I
14 guess I can't reconcile the conversations that you detail
15 very specifically with Nancy Seguin which, in my mind, has
16 a limited impact really on the extortion investigation
17 whereas key ---

18 **MS. SACCOCCIO BRANNAN:** I want to interrupt
19 for a second here, Mr. Commissioner.

20 Ms. Jones is Commission counsel.

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

22 **MS. SACCOCCIO BRANNAN:** She's now given us
23 her opinion as to what she thinks is important to an
24 extortion investigation. I don't know that Ms. Jones is an
25 expert in the area of extortion investigations. I

1 understand that her role here is to ask the questions and
2 not to provide an opinion and I think that is
3 inappropriate.

4 **THE COMMISSIONER:** Can you rephrase the
5 question, please?

6 **MS. JONES:** Yes.

7 What did you consider to be important in
8 this extortion investigation, items that you put in your
9 notes or were there other extraneous factors?

10 **MR. HAMELINK:** What's important is to put in
11 evidence in my notes. The Seguin family, I kept apprised,
12 and I decided to make notes as to when I met with them.

13 **MS. JONES:** And is it your evidence that if
14 you met with police officers, for instance Randy Millar, to
15 discuss this matter or reviewed his notes, that that is not
16 something that might have made its way into your notes?

17 **MR. HAMELINK:** Again, Ms. Jones, your -- my
18 investigation was on the extortion. Millar's investigation
19 was on a suicide. Millar's investigation was completed.
20 I'm there on a fresh -- a fresh investigation, so to speak,
21 dealing with a totally different matter, the consistency or
22 the common thread in that being the deceased, Ken Seguin,
23 related to Nancy by marriage. So when I spoke with the
24 Seguin family I made a record of it.

25 **MS. JONES:** If we look at the entry at Bates

1 page 8224, the entry of April 5th where you received a call
2 from Nancy Seguin ---

3 MR. HAMELINK: I'm sorry, what Bates ---

4 MS. JONES: Bates page 8224.

5 MR. HAMELINK: Okay.

6 MS. JONES: Your notes again.

7 MR. HAMELINK: Yes.

8 MS. JONES: The Monday, April 5th:

9 "Received call from Nancy Seguin. She
10 inquired as to the status of the
11 investigation and I advised her I would
12 be in Cornwall later this week and she
13 could try and contact me then."

14 Do you see that?

15 MR. HAMELINK: I do.

16 MS. JONES: And then the next entry you have
17 is April 13th and at 14:40 you're meeting with Nancy Seguin.
18 Do you see that?

19 MR. HAMELINK: That's correct.

20 MS. JONES: All right.

21 And at 16:15 it says:

22 "We spoke of the extortion portion of
23 the investigation. I explained that
24 because the sexual assault
25 investigation was intertwined, the

1 extortion part had not been proceeded
2 with full time because I didn't want
3 the other portion of the investigation
4 jeopardized."

5 Do you see that?

6 **MR. HAMELINK:** I do.

7 **MS. JONES:** I'm going to ask you a couple of
8 questions about that later on, but at this particular
9 point-in-time it seems that you are keeping the Seguin
10 family quite up-to-date as to the intricacies of this
11 investigation?

12 **MR. HAMELINK:** I'm not clear on what you
13 mean by "the intricacies".

14 **MS. JONES:** Well, it appears from what you
15 told them in April that your investigation is actually on
16 hold because there is another investigation intertwined
17 with it.

18 **MR. HAMELINK:** And I'd like to clarify that
19 for the Inquiry at this point.

20 "On hold" is a poor choice of words on my
21 part. Our investigation was continuing as is quite evident
22 from the interviews that were conducted between or in
23 concert with McDonell and Fagan. So it was ongoing. "On
24 hold" is a poor choice.

25 **MS. JONES:** If we could go back, please, to

1 Bates page 8223, which is dated February 8th? I want to
2 talk, please, for a moment about the meeting at 13:00 hours
3 where it says you met with Detective Inspector Tim Smith at
4 Bells Corners. You have here:

5 "Exchanged files re investigation."

6 **MR. HAMELINK:** Yes, I see that.

7 **MS. JONES:** Was this your first meeting with
8 Tim Smith about this? It's the first in your notes but is
9 this the first meeting you had with him?

10 **MR. HAMELINK:** To the best of my
11 recollection, yes.

12 **MS. JONES:** And it says:

13 "Exchanged files re investigation."

14 Can you just flesh that out a bit?

15 **MR. HAMELINK:** At this point-in-time there
16 would be very few files and, once again, that could be a
17 very poor choice of words on my part in my notebook. There
18 was an exchange of information. That would be better put.

19 **MS. JONES:** And what information would you
20 be providing him because, at that point, I think all you've
21 done is talk to the Seguin family?

22 **MR. HAMELINK:** Well, the information that I
23 would be providing him is the fact that I now had two lead
24 -- or two investigators, one being the lead, McDonnell, and
25 the other one being Genier, and that they would be working

1 collecting evidence, taking statements for the extortion
2 investigation.

3 **MS. JONES:** Okay. And what arrangements
4 were made between you and Inspector Smith with regards to
5 the contact the two of you would be having through this
6 investigation?

7 **MR. HAMELINK:** I don't know whether there
8 was any specific arrangement that was made between Smith
9 and myself. Our paths crossed continuously, especially in
10 this region. He was involved, I was involved, and there
11 was never any schedule as to when we were going to contact
12 one another.

13 **MS. JONES:** Would a proposed meeting, say
14 once a month, have been something that could have been
15 discussed?

16 **MR. HAMELINK:** That was not proposed, Ms.
17 Jones, because it didn't work that way.

18 **MS. JONES:** And do you recall Officer Smith
19 making it clear to you that he wanted anything that your
20 investigators happened to find about Father Charles
21 MacDonald to be forwarded to him right away?

22 **MR. HAMELINK:** No, I don't recall that.

23 **MS. JONES:** Does it make sense that if your
24 investigators found something on Father Charles MacDonald
25 that it would be forwarded to the Smith side of the

1 investigation as that's what he was looking at?

2 MR. HAMELINK: Absolutely it makes sense.

3 MS. JONES: And also at that meeting, do you
4 recall that you and Inspector Smith agreed to finish your
5 respective investigations, then get together, compare
6 notes, and then go to the Crown with a Crown brief, if
7 that's what you were going to be doing, i.e. going through
8 Crown? Do you recall that organized approach?

9 MR. HAMELINK: I think you're a little out
10 of sync. Prior to that, there had been a meeting with the
11 Regional Crown Attorney for Ottawa-Carleton, Peter
12 Griffiths.

13 MS. JONES: I've got a meeting actually on
14 February 21st with Peter Griffiths.

15 MR. HAMELINK: Yes, you do.

16 MS. JONES: Is that the one you mean?

17 MR. HAMELINK: That's the one I mean.

18 MS. JONES: Okay. But I'm talking about the
19 meeting you had with Tim Smith on February 8th.

20 MR. HAMELINK: M'hm.

21 MS. JONES: Do you recall there being a
22 discussion of that effect that you would -- as you're
23 planning for your meeting with the Crown, that you would do
24 your respective investigations, get together, compare notes
25 when you're finished, and then prepare your Crown briefs

1 for Mr. Griffiths for his recommendations?

2 MR. HAMELINK: I think what you're referring
3 to, Ms. Jones, came after the fact; came after the 21st of
4 February and not on the 8th of February at the meeting at
5 Bell's Corners.

6 MS. JONES: All right, that's fine.

7 THE COMMISSIONER: So can you explain that
8 though? How did it come about then?

9 MR. HAMELINK: To arrange the meeting?

10 THE COMMISSIONER: No. How did -- so you're
11 saying that there was some agreement to share information
12 at some point. You're saying it wasn't in early February,
13 it was after -- it was on February 21st, right, at the
14 meeting with Griffiths?

15 MR. HAMELINK: Correct.

16 THE COMMISSIONER: Okay, so tell me about
17 that. So what was agreed upon when you met with Griffiths?

18 MR. HAMELINK: With Griffiths? By this
19 time, at that particular meeting on the 21st of February,
20 1994 we had a -- more focus on the extortion investigation
21 and at that point in time our officers, McDonell and Fagan,
22 were already joined to do interviews.

23 THE COMMISSIONER: M'hm.

24 MR. HAMELINK: And that type of information
25 would have been exchanged between the two teams. At our

1 meeting with Crown Peter Griffiths it was decided that once
2 we had our information together that our briefs would go in
3 to him for his analysis to give recommendations as to
4 whether there would be a possibility for prosecution.

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

6 **MR. HAMELINK:** The common thread between the
7 two investigations was David Silmsler, a victim allegedly of
8 a sexual assault, a suspect in an extortion. My
9 investigation circled around getting all the background
10 information that we could, staying away specifically from
11 David Silmsler. Obviously the sexual assault has to take
12 priority.

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

14 **MR. HAMELINK:** My victim is deceased. There
15 could be live other complainants out there that needed to
16 be addressed; more important, in my view, than to be
17 waiting in the wings to go and arrest Silmsler for
18 extortion.

19 **MS. JONES:** Okay, if I could please refer
20 you to Exhibit 1803, Document 111109. It's an excerpt 42 -
21 - sorry, Bates page 1054214.

22 **THE COMMISSIONER:** Thank you; 1803, you
23 said?

24 **MS. JONES:** That's correct; Bates page 4214.

25 **THE COMMISSIONER:** These are Smith's notes?

1 **MS. JONES:** That's correct; Smith's notes of
2 the February 8th meeting.

3 It's very handy to have these on the screen,
4 Mr. Hamelink, because the writing is quite small.

5 **MS. SACCOCCIO BRANNAN:** If Mr. Hamelink
6 feels more comfortable with paper, we have a paper copy.

7 **MS. JONES:** He has it.

8 **THE COMMISSIONER:** He has both. It was
9 simply an offer to look at the screen because it might be
10 more legible.

11 **MS. JONES:** It's Bates page 4214 and I'm
12 looking at the time starting at 12 o'clock; if you could
13 include the 12:10 conversation as well, please? Thank you.

14 So we have here Officer Smith's notes and at
15 12 o'clock he says:

16 "Meet Fred Hamelink and obtain further
17 info re investigation."

18 And you had actually started talking about
19 that to the Commissioner and I just wanted to clarify this.
20 At this point obviously you realize you have a situation
21 where there's David Silmser the victim and David Silmser
22 the suspect, and I understand that part of that meeting was
23 a discussion of that very fact; how you're going to handle
24 that. Is that a recollection on your part?

25 **MR. HAMELINK:** That would be very fair, Ms.

1 Jones.

2 MS. JONES: Okay. And it appears on the 10th
3 of February Officer Smith called Peter Griffiths, and we
4 heard Officer Smith testify to this, and apparently part of
5 the discussion you had had on the 8th was that you had asked
6 him, when he was talking to Crown Griffiths, if he could
7 also ask on your behalf about this whole issue concerning
8 the extortion as you were planning your interview with
9 David Silmser.

10 MR. HAMELINK: If my colleague has said that
11 then I have no quarrel with that.

12 MS. JONES: Okay.

13 MR. HAMELINK: That would be accurate.

14 MS. JONES: And I'll just describe to you --
15 as I say, it's hard to read but I think I've got the
16 correct words here. At 12:10, halfway down:

17 "Discussed method of interview with
18 Silmser and whether he should be
19 cautioned on possible extortion. Don't
20 know if what he's alleged to do with
21 Seguin is extortion per *Criminal Code*.
22 Peter Griffiths to research and
23 advise."

24 Do you see that?

25 MR. HAMELINK: Yes, I do.

1 **MS. JONES:** As I say, Officer Smith said
2 that he had had that conversation particularly upon your
3 request to find out, "What are we going to do about this
4 issue, because we have Silmsers suspect, Silmsers victim?"
5 Does that meld with your understanding of what your
6 position was at that time? You were trying to figure out
7 how you were going to do this interview as well?

8 **MR. HAMELINK:** The interview on the
9 extortion with Silmsers?

10 **MS. JONES:** Well, the interview with David
11 Silmsers that was being planned; how you were going to
12 handle this dichotomy of the fact that he was a victim on
13 one part of the investigation and a suspect on the other.

14 **MR. HAMELINK:** I would say that's fair.

15 **MS. JONES:** Okay.

16 I'm trying to do things in sequence here, so
17 we're going to look at a statement that was taken, which is
18 next in time, which is Exhibit 1085, Document 725557.

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

20 **MS. JONES:** Madam Clerk, is there already a
21 publication ban on this?

22 **THE COMMISSIONER:** Yes, there is.

23 **MS. JONES:** Thank you.

24 There's a publication ban on this document,
25 Mr. Hamelink, and so there are names of people that I think

1 in your good judgment you'll understand should not be
2 revealed on the record, and I don't think we need to name
3 these people specifically but they're alleged victims
4 possibly.

5 **THE COMMISSIONER:** So in any event, this is
6 the interview report of Jos van Diepen.

7 **MR. HAMELINK:** Yes.

8 **THE COMMISSIONER:** He's a probation officer.

9 **MR. HAMELINK:** Yes, Mr. Commissioner.

10 **THE COMMISSIONER:** And his statement was
11 taken by Genier and McDonell.

12 **MS. JONES:** Now, the date of this interview
13 was the 14th of February, 1994 and in this interview -- have
14 you read over this interview recently?

15 **MR. HAMELINK:** I have.

16 **MS. JONES:** You'll agree with me that in
17 this interview there is a lot of allegations involving Ken
18 Seguin and a person named Nelson Barque. Would you agree?

19 **THE COMMISSIONER:** A lot of allegations?

20 **MR. HAMELINK:** I don't think there were any
21 allegations.

22 **THE COMMISSIONER:** A lot of comments made.

23 **MS. JONES:** A lot of comments being made
24 that were not necessarily favourable to these people. Put
25 it that way.

1 **MR. HAMELINK:** I would agree with that.

2 **MS. JONES:** Okay. And on the very first
3 page it says:

4 "I always felt Ken and Nelson Barque
5 had a little thing going on. I always
6 felt left out. I don't know if they
7 were gay but they acted different."

8 He talks about going through Nelson's desk
9 and finding an inappropriate book. And then on the next
10 page, Bates page 9300, there's comments that are made
11 actually about Father Charles MacDonald as well. Do you
12 see that?

13 **THE COMMISSIONER:** Where?

14 **MS. JONES:** At the end of the first
15 paragraph.

16 **MR. HAMELINK:** Yes, I see that.

17 **MS. JONES:** Yes. All right.

18 And in the statement Mr. Van Diepen says:

19 "He said that Father Charlie..."

20 "He said," and when he's talking about "he"
21 he means Nelson Barque:

22 "He said that Father Charlie was a
23 queer, he liked little boys but never
24 specified." (As read)

25 **THE COMMISSIONER:** No, I don't think that's

1 right.

2 MS. SOCCACCIO BRANNAN: Not, that's not
3 correct.

4 Thank you, Mr. Commissioner.

5 THE COMMISSIONER: No, that wasn't ---

6 MS. JONES: I'm sorry; it was ---

7 THE COMMISSIONER: It was -- what we're
8 talking in the statement there is one of the probationers -
9 --

10 MS. JONES: I'm sorry.

11 THE COMMISSIONER: --- who had gone over to
12 Father Charlie's -- he says to Father Charlie's -- Mark had
13 sent him over to Father Charlie's rectory because the
14 person didn't have a place to stay, and this is what that
15 probationer is saying about.

16 MS. JONES: That probationer said. I'm
17 sorry. I apologize for that.

18 There was also a comment that Ken Seguin had
19 had a lot of probationers that stayed with him in the late
20 1970s. It's about halfway down the page. There's an arrow
21 actually there on the screen version.

22 MR. HAMELINK: Could you give me a moment to
23 read that, please?

24 MS. JONES: Certainly.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. HAMELINK:** Yes.

2 **MS. JONES:** Then at the bottom of the page -
3 - if Madam Clerk could just scroll down to the bottom --
4 there is also a mention, talking about Malcolm, which is
5 Malcolm MacDonald. Do you see that?

6 **MR. HAMELINK:** Yes, I do.

7 **MS. JONES:** It's at the bottom of the page.
8 And it goes on. There's also a mention of more people on
9 the right-hand side of the page, about halfway down.

10 **MR. HAMELINK:** I'm going to take a moment,
11 Ms. Jones, so that I can answer your question accurately.
12 I need to read this again to refresh my memory.

13 **THE COMMISSIONER:** So we'll do that during
14 the break and then we'll resume.

15 Thank you.

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

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

19 ---Upon recessing at 11:03 a.m./

20 L'audience est suspendue à 11h03

21 ---Upon resuming at 11:24 a.m./

22 L'audience est reprise à 11h24

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 THE COMMISSIONER: Thank you.

3 FRED HAMELINK, Resumed/Sous le même serment:

4 ---EXAMINATION IN-CHEIF BY/INTERROGATOIRE EN-CHEF PAR MS.

5 JONES (Cont'd/Suite):

6 MS. JONES: So, Officer Hamelink, having
7 reviewed now the statement of Jos van Diepen would you
8 agree that there are fairly significant allegations being
9 made against several people there contained within his
10 statement? One of the person's allegations are made
11 against is Nelson Barque.

12 MR. HAMELINK: Yes.

13 MS. JONES: And when I say allegations I
14 mean of sexual inappropriate conduct.

15 MR. HAMELINK: Yes, that's correct.

16 MS. JONES: And there are also allegations
17 of inappropriate sexual conduct on the part of Father
18 Charles MacDonald listed there as well. Would you agree
19 with me on that?

20 MR. HAMELINK: I would.

21 MS. JONES: And there are also names of a
22 few possible victims of sexual assault named in the
23 statement as well. Would you agree with me on that?

24 MR. HAMELINK: Yes, I would.

25 MS. JONES: Now, when this statement was

1 taken it was February 14th and I haven't asked you this
2 question yet but what was the arrangement with respect to
3 your investigators when they took statements; when would
4 they be sharing these statements with you, on the same day
5 they were taken or the next day, or would they accumulate a
6 week at a time, or how did that work?

7 **MR. HAMELINK:** That would vary as to my
8 availability at the location where the investigation was
9 being conducted. If the statement came in during -- for an
10 example, they took a statement -- they took a statement at
11 12 o'clock and they had it on the desk, say, by 4:00 I
12 might read it that day. I might read it the following day.
13 It all depended on my availability and what was going on at
14 the time.

15 **MS. JONES:** Is it possible that they would
16 accumulate in a small pile and then you would read a bunch
17 together, if that's how it just happened to transpire?

18 **MR. HAMELINK:** That's very possible.

19 **MS. JONES:** Now, -- just a moment, please --
20 in this particular statement essentially there are at least
21 two, possibly even three, institutions actually named here.
22 We have the probation office, which is mentioning two
23 probation officers. We have a priest being mentioned. We
24 have a former Crown attorney and possibly even a current
25 one. I'm not sure when Guy DeMarco was there or not. But

1 there are names here mentioned of these various
2 institutions.

3 Did that -- was that something that your
4 investigators had been told about beforehand to look for,
5 or what sort of instructions had you sent them off to do
6 their interviews with, if any?

7 **MR. HAMELINK:** My instructions would have
8 been to them to allow them to tell their story and ask
9 clarifying questions at the end. My instructions to all
10 investigators were always don't ask Q and A questions. Let
11 the person, the witness tell their story and if you need
12 clarification, clarify at the end once their story is
13 finished. That would be simplistic instructions.

14 **MS. JONES:** Now, if we go back to your
15 notes, which is Exhibit 1031, and I'm specifically looking
16 at the dates on Bates page 8224.

17 **MR. HAMELINK:** Okay. I'll go with the
18 screen then.

19 **MS. JONES:** Okay.

20 **THE COMMISSIONER:** Only if you want to, sir.
21 Only if you want to. We don't want to upset counsel.

22 **MS. JONES:** The statement of Jos van Diepen
23 is taken the 14th of February '94. You'll agree with me
24 there's no notation here of any discussion on February 14th,
25 1994?

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

2 **MS. JONES:** The actual first reference I see
3 in your notes where you refer to the Jos van Diepen
4 statement is much later, it's actually in May, May 16th. It
5 appears on May 16th that you reviewed a lot of statements
6 and made small summaries of these statements. There's no
7 other mention between these two dates. Do you recall just
8 waiting till all the statements were together and then
9 reviewing them all on May 16th?

10 **MR. HAMELINK:** My practice, Ms. Jones, was
11 once I read an original statement, on the back page I would
12 put my initial and a date that I read that. So is it
13 possible that I read it prior to this summarization of the
14 statements that you refer to, that's very possible, or did
15 I wait until that particular date, that's also possible.

16 **MS. JONES:** One thing that seems to be clear
17 though is that there didn't seem to be any direction from
18 you or any initiative on McDonell or Genier's part to do
19 any sort of follow-up on the Jos van Diepen statement.
20 Would you agree with that?

21 **MR. HAMELINK:** What specifically are you
22 referring to ---

23 **MS. JONES:** Well, there doesn't seem ---

24 **MR. HAMELINK:** --- in the Jos van Diepen
25 statement?

1 **MS. JONES:** In the Jos van Diepen statement
2 there are allegations being made against at least two other
3 individuals, Nelson Barque and Father Charles MacDonald,
4 and there doesn't seem to be any follow-up on those two,
5 just to name two of the things?

6 **MR. HAMELINK:** But what specific allegations
7 are you referring to by Father Charles MacDonald?

8 **MS. JONES:** Well, if you go to Bates page
9 9300 of the statement ---

10 **MR. HAMELINK:** Yes.

11 **MS. JONES:** Nine-three-zero-zero (9300)
12 right at the top. I'm sorry. Yes, that was the statement
13 of Jos van Diepen, 1085. I'm sorry.

14 The statement made at the top of the
15 paragraph where I actually got the person wrong, the
16 probationer's claim about, "Father Charlie liked little
17 boys but never specified," perhaps there could have been
18 follow-up with that particular individual to see what
19 information he had about that?

20 **MR. HAMELINK:** What was the allegation
21 though? He liked little boys, I mean, I didn't draw a
22 nexus there.

23 **MS. JONES:** Well, how about on page 9301?

24 **THE COMMISSIONER:** I'm sorry. Do we have
25 this in paper form? Obviously, we do. It's Exhibit Number

1 ---

2 MS. JONES: Ten eighty-five (1085).

3 THE COMMISSIONER: Ten eighty-five (1085).

4 Do you have that, sir?

5 MR. HAMELINK: I have it, sir, yes.

6 THE COMMISSIONER: Fine. Okay.

7 MR. HAMELINK: And where are we Ms. Jones,
8 I'm sorry?

9 MS. JONES: At the bottom of 9301 where it
10 starts off, "I heard once at a dinner party."

11 And there's an allegation there that Father
12 Charlie had sexually assaulted David Silmser; perhaps that
13 could have been followed up on?

14 MR. HAMELINK: Well, when I read that
15 statement, I read:

16 "I heard once at a dinner party Silmser
17 was there and Father Charlie sodomized
18 Silmser and then Ken didn't do
19 anything."

20 I didn't have an age of Silmser at that
21 time; hearsay at best. Could it have been followed up on?
22 Yes.

23 MS. JONES: To determine things like who
24 said it? What was the age at the time? Where were they?
25 Those sorts of details?

1 **MR. HAMELINK:** Yes.

2 **MS. JONES:** Okay. So you agree there could
3 have been follow-up in any event?

4 **MR. HAMELINK:** On that particular issue,
5 yes, there could have been.

6 **MS. JONES:** Okay. And you'd asked about
7 Nelson Barque, if you go to the first page of the
8 statement. There was -- it's perfect Madam Clerk -- Jos
9 van Diepen, who's a former coworker, raised issues about
10 Nelson's reading material at work that perhaps it was
11 inappropriate and then he talked about how Nelson Barque's
12 career ended because there was sexual involvement with a
13 probationer. Perhaps that could have been explored
14 further?

15 **MR. HAMELINK:** Yes, it could have been.

16 **MS. JONES:** And it seemed as well that
17 Nelson Barque had a friendship with Ken Seguin and you're
18 looking into the background of Ken Seguin; perhaps more
19 follow-up could have been done on that, on the events
20 leading up?

21 **MR. HAMELINK:** Follow-up on Ken Seguin and
22 Nelson Barque's friendship?

23 **MS. JONES:** Just to see if there was
24 anything to that?

25 **MR. HAMELINK:** I didn't draw a nexus there

1 either; how that would advance my extortion investigation.

2 **MS. JONES:** If you're looking for issues
3 leading up to the suicide; would you not be interested to
4 interview friends of the person?

5 **MR. HAMELINK:** That's where it's not clear
6 to me, Ms. Jones. I wasn't looking into issues leading up
7 to the suicide; I was looking into allegations of
8 extortion. Suicide is not a crime.

9 **MS. JONES:** But I thought you'd said earlier
10 that when you talked to the Seguin family it was to find
11 out the state of mind of Mr. Seguin leading up to the day
12 of the suicide. Was that not one of the reasons you gave?

13 **MR. HAMELINK:** I kept the Seguin family in
14 mind because they had terms -- they had difficulty in
15 coming to terms with the death of their brother and the
16 rumours that were going on about him in the community.

17 **MS. JONES:** But wasn't one of the reasons
18 you also talked -- you said here today because I had asked
19 you why would you talk to them about extortion, you said
20 they may be able to provide information about Ken Seguin in
21 the days leading up to the suicide that could be useful.

22 **MR. HAMELINK:** If there had had been
23 conversations that could have been used that Ken shared
24 with his family, yes.

25 **MS. JONES:** Could you not also equate that

1 to something he would share with friends?

2 MR. HAMELINK: You could; I didn't.

3 MS. JONES: Given the allegations, though,
4 raised about Father Charlie, apparently and according to
5 Mr. Smith's evidence as well, you didn't actually share
6 this statement with the Smith side of the investigation.

7 MR. HAMELINK: I wouldn't agree with that.

8 MS. JONES: So -- just a minute.

9 I'm just reviewing Mr. Smith's evidence of
10 yesterday and the day before -- stated he did not have
11 access to the statement, it was not part of his Crown brief
12 when he submitted the Crown brief. So it would appear that
13 you didn't bring this to the attention of Tim Smith's side
14 of the investigation, according to Tim Smith.

15 MR. HAMELINK: According to Tim Smith.

16 MS. JONES: So is it your evidence then that
17 you did share this information with Mr. Smith?

18 MR. HAMELINK: This would have been one of
19 the statements that Genier and McDonnell took that would
20 have been included in the brief to go to the Crown attorney
21 for a decision.

22 THE COMMISSIONER: Right. But the question
23 is, obviously it went to the Crown, but Smith is saying
24 that -- did you share that statement with Smith before it
25 went to the Crown's office?

1 **MR. HAMELINK:** I don't believe I did.

2 **THE COMMISSIONER:** Okay. And the whole idea
3 and this is no rocket science, is that Smith is saying that
4 he thought you would be sharing statements. He expected
5 to. And he was disappointed that that didn't happen.

6 So somewhere along the line, someone is
7 going to ask you a question about, "Well, what's your side
8 of the story for all of that?"

9 **MR. HAMELINK:** Thank you.

10 **THE COMMISSIONER:** All right.

11 **MS. JONES:** So do you recall sharing the
12 statement or not?

13 **MR. HAMELINK:** No, I don't.

14 **MS. JONES:** Would you agree that it would
15 have been or could have been useful to his side of the
16 investigation as it did mention Father Charlie?

17 **MR. HAMELINK:** Yes, I would.

18 **MS. JONES:** Did you do any sort of a CPIC
19 check on Nelson Barque at the time?

20 **MR. HAMELINK:** I would not have, no.

21 **MS. JONES:** And at that time too, when
22 you're hearing about -- in Jos van Diepen's statement
23 anyway, there seems to be sexual misconduct going on that
24 he's describing.

25 Had it occurred to you at this point to

1 investigate any sort of sexual impropriety on the part of
2 Ken Seguin even though he already was deceased? But did
3 that occur to you at all during your investigation that
4 this is something that should be looked into?

5 MR. HAMELINK: No, because I was there for
6 the extortion. Smith was there for the sexual assault.
7 That was his stream of the investigation.

8 MS. JONES: But if you had information that
9 might be useful or a suggested avenue of investigation,
10 even if you don't do it yourself, could you have shared
11 that with somebody and said maybe we should be looking at
12 this instead of that?

13 MR. HAMELINK: Sure, I could have.

14 MS. JONES: But you didn't share that at
15 that point? Or did you think of it at that point?

16 MR. HAMELINK: I didn't do it at that point.

17 MS. JONES: If we could please go to
18 Document 725250.

19 THE COMMISSIONER: It's a new document, sir.

20 MR. HAMELINK: Okay.

21 (SHORT PAUSE/COURTE PAUSE)

22 THE COMMISSIONER: Thank you. Exhibit 2570
23 is a document dated February 17th, 1994, I guess to the
24 Director of CIB from Detective Inspector Hamelink.

25 --- EXHIBIT NO./PIÈCE NO. P-2570:

1 (75250) Hamelink CIB initial report re:
2 Extortion of Ken Seguin

3 **MS. JONES:** I believe this is also written
4 by -- well, the signature of Inspector Hamelink anyway
5 appears at the end, so it seems to be his document and
6 signature in any event. I can say this, a portion of this
7 document has already been entered as another exhibit,
8 Mr. Commissioner, but this is a complete version. The
9 other one was missing a page.

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

11 **MR. HAMELINK:** Just if I can just say
12 something about that document. You said it was my
13 signature. Edgar signed it for me.

14 **THE COMMISSIONER:** There you go. And Edgar
15 is?

16 **MR. HAMELINK:** Edgar is a director at that
17 point in time, Mr. Commissioner, of the Criminal
18 Investigation Branch at general headquarters in Orillia.

19 **THE COMMISSIONER:** And that's his last name?

20 **MR. HAMELINK:** Edgar.

21 **MS. JONES:** Were you familiar with this
22 document before it went out?

23 **MR. HAMELINK:** I authored it.

24 **MS. JONES:** So the answer is yes?

25 **MR. HAMELINK:** Yes.

1 **MS. JONES:** Okay. So in this particular
2 opening paragraph then, this seems to be the initial report
3 of the extortion charge and the very first sentence says:

4 "The suspect was attempting to extort
5 money from the victim, who had
6 allegedly sexually assaulted the
7 suspect a number of years ago."

8 Can you see that?

9 **MR. HAMELINK:** Yes.

10 **MS. JONES:** The sentence seems to have a
11 conclusion already attached to it. In other words, it
12 sounds like you've made the decision that the extortion
13 actually existed. Would that be a fair assessment?

14 **MR. HAMELINK:** Absolutely not.

15 **MS. JONES:** So how would you describe it
16 then?

17 **MR. HAMELINK:** I would say that it's an
18 allegation. My investigation hadn't even been completed at
19 that point in time. I'm working on it. I'm keeping people
20 advised by -- my director advised by submitting an initial
21 report.

22 **THE COMMISSIONER:** I know, but in reading
23 it, you know, back to English 101, "The suspect was
24 attempting to extort money from the victim," as opposed to,
25 "It is alleged that the suspect was attempting to extort

1 money," that kind of thing.

2 MR. HAMELINK: That's fair, Mr.

3 Commissioner, but the way that I wrote it was that he --
4 the victim, who had allegedly sexually assaulted the
5 suspect a number of years ago.

6 THE COMMISSIONER: Okay.

7 MS. JONES: But you don't use the word
8 "alleged" in the first sentence. You use it later on.

9 MR. HAMELINK: I use that in the first
10 sentence, ma'am.

11 MS. JONES: Well ---

12 THE COMMISSIONER: Just keep going.

13 MS. JONES: The description of your
14 investigation to date -- that's February 17th, the date of
15 that -- if you go to the second-last page, Bates page 8786,
16 the third paragraph, it states that:

17 "In August 1993 Ken Seguin was
18 contacted by Silmser and made a further
19 demand for money or he would go to
20 Seguin's boss and the media with his
21 story. Negotiations were ongoing
22 between Silmser and Mr. M. MacDonald, a
23 lawyer representing Seguin, to come to
24 a monetary agreement to again withdraw
25 his complaint."

1 Do you see that?

2 MR. HAMELINK: Yes.

3 MS. JONES: Okay. Where were you getting
4 your information from at this particular point, February
5 17th?

6 MR. HAMELINK: That would have been
7 background information that I received from February the 1st
8 up to and including the time that I authored this report.

9 MS. JONES: Okay. But at this point you had
10 not spoken to David Silmser?

11 MR. HAMELINK: That's correct.

12 MS. JONES: Just to be clear.

13 And then we've got a sentence:

14 "Mr. Malcolm MacDonald, the lawyer
15 involved in negotiation for a monetary
16 payout to Silmser, is of the opinion
17 that his client was being extorted by
18 David Silmser to remain mute about the
19 sexual assault allegations."

20 See that?

21 MR. HAMELINK: Yes, I do.

22 MS. JONES: Again you hadn't talked to
23 Mr. Silmser at this point and your team, your extortion
24 team, had actually not talked to Malcolm MacDonald at that
25 point either, so I'm wondering what was your source of your

1 information for that?

2 MR. HAMELINK: That would have been
3 information that I received from the investigators that --
4 when we had our briefings and when I read information and
5 heard things. That's where I summarized that from.

6 MS. JONES: But you don't have any notation
7 of where this comes from.

8 MR. HAMELINK: No, I do not.

9 MS. JONES: Is it possible it came from a
10 statement given by Malcolm MacDonald in December ---

11 THE COMMISSIONER: Hold on, hold on.

12 MS. JONES: Sorry.

13 MR. NEVILLE: Commissioner, you have -- and
14 it's been referred to on previous occasions -- Exhibit 973,
15 which is an interview statement of Malcolm MacDonald on the
16 21st of December '93 taken by Detective Constables Millar
17 and McDonell.

18 THE COMMISSIONER: Nine seven ---

19 MR. NEVILLE: Nine seven three (973), sir.

20 THE COMMISSIONER: Yes, yes, yes. Hang on.
21 Okay. Nine seven three (973) is an interview for Malcolm
22 MacDonald by Millar and McDonell, yeah. So what you're
23 saying is that that evidence was available before then, and
24 so ---

25 MS. JONES: That's actually where I was

1 going next.

2 Is it possible you got your information from
3 this statement that was actually from December 21st, 1993
4 interview of Malcolm MacDonald?

5 **MR. HAMELINK:** Absolutely possible.

6 **MS. JONES:** Okay.

7 And there was not a subsequent interview of
8 Malcolm MacDonald between February 17th and December 21st,
9 1993?

10 **MR. HAMELINK:** No, there wasn't.

11 **MS. JONES:** Now, if we could go back to your
12 notes, please, Exhibit 1031 and I'm looking at Bates page
13 8224.

14 **MR. HAMELINK:** Two two four (224), ma'am?

15 **MS. JONES:** That's right. It's a February
16 21st meeting with the Crown attorney.

17 **MR. HAMELINK:** Yes.

18 **MS. JONES:** And we have other -- we have
19 actually Officer Genier's notes that seem to show that this
20 meeting was about two and a half hours long. Is that
21 consistent with your recollection?

22 **MR. HAMELINK:** That would be ---

23 **MS. JONES:** A fairly lengthy meeting?

24 **MR. HAMELINK:** It was a lengthy meeting,
25 yes.

1 **MS. JONES:** And after the meeting there was
2 a debrief as well with the officers, which is probably a
3 logical thing to do anyway. Do you recall that there was
4 some sort of a debriefing after?

5 **MR. HAMELINK:** It would be standard practice
6 to have a debriefing and, although I don't have that
7 notation in my notes for that particular day, I would not
8 argue with that.

9 **MS. JONES:** I do have one small note. It's
10 Exhibit 2544, Document 725224.

11 I understand that's your handwriting,
12 Mr. Hamelink.

13 **MR. HAMELINK:** It sure is.

14 **MS. JONES:** Okay. And the date of that
15 notation seems to be 21st February, 1994, "Monday, Ottawa
16 meeting," and you mention the people present at the Crown
17 meeting -- what I call the Crown meeting. And the notation
18 says:

19 "Extortion on hold for time being until
20 Smith completed obstruct investigation.
21 Need Silmsner as witness against Father
22 MacDonald."

23 Do you see that?

24 **MR. HAMELINK:** I do.

25 **MS. JONES:** So this meeting, amongst other

1 things, talked again about this coordination that was
2 required because you have David Silmser suspect and David
3 Silmser victim.

4 **MR. HAMELINK:** Correct.

5 **MS. JONES:** And I think you talked about
6 that earlier, that your investigation was put on hold while
7 the sexual assault investigation was being conducted.

8 **MR. HAMELINK:** What I said, ma'am, that "on
9 hold" was a poor choice of mine to put in my notebook. Our
10 investigation continued. We stayed away from David
11 Silmser. That note would tell you that, that I have to
12 stay -- in my mind, reading that, stay away from Silmser
13 because he's also a victim of a sexual assault.

14 **MS. JONES:** So it wasn't the extortion
15 investigation as a whole on hold; it was just maybe on hold
16 as far -- in regards to David Silmser.

17 **MR. HAMELINK:** Avoid David Silmser until
18 Smith had what he needed for his sexual assault
19 investigation; correct.

20 **MS. JONES:** Now, besides that small note on
21 your part, was there any form of written operational plan
22 that you devised that you coordinated with Smith in any way
23 on how you were going to handle these two investigations?

24 **MR. HAMELINK:** There was no operational
25 plan.

1 **MS. JONES:** Now, the next day on February
2 22nd, you don't have notes actually on it, but it appears
3 that was the day of the David Silmser interview?

4 **MR. HAMELINK:** Correct.

5 **MS. JONES:** And perhaps I can go to that.
6 It's Exhibit 267, Document 715059.

7 **THE COMMISSIONER:** What exhibit again?

8 **MS. JONES:** Exhibit 267.

9 **THE COMMISSIONER:** Thank you.

10 **MS. JONES:** Now, this is the statement -- a
11 typewritten version of the statement given by David Silmser
12 on February 22nd, 1994. It shows the people present at the
13 interview as Officers Smith, Fagan and then Bryce Geoffrey
14 the lawyer and then Mr. Silmser present. But I understand
15 that you were also present but behind the glass watching
16 the interview. Do you recall that?

17 **MR. HAMELINK:** Yes, I do.

18 **MS. JONES:** Now, I also understand that
19 there had been a dialogue between yourself and Officer
20 Smith -- this is Officer Smith speaking by the way -- that
21 there had been a plan between the two of you that he was
22 not going to be cautioning Mr. Silmser about extortion when
23 he started the interview. Do you recall that?

24 **MR. HAMELINK:** I believe that's correct.

25 **MS. JONES:** And that he didn't want to have

1 this extortion issue brought up during the interview
2 because he wanted to have a good interview with Mr. Silmsers
3 and get the facts and the issues out from him and didn't
4 want this extortion thing to mar that in any way?

5 **MR. HAMELINK:** Are you telling me then that
6 he wanted to get the facts and issue out as a victim of a
7 sexual assault?

8 **MS. JONES:** Yes.

9 **MR. HAMELINK:** That would be accurate.

10 **MS. JONES:** Okay. And in this interview,
11 there was actually one or two questions with regards to the
12 extortion where he was asked whether or not he was going to
13 go to the police with a complaint about Ken Seguin and the
14 money. Do you recall that?

15 **THE COMMISSIONER:** What portion of it is it?

16 **MS. JONES:** Yes, Bates page 6845 ---

17 **THE COMMISSIONER:** Yes.

18 **MS. JONES:** --- and 6846. It's a rather
19 long portion of it actually, but in those two pages there's
20 a discussion about the possible extortion.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. HAMELINK:** Yes.

23 **MS. JONES:** Okay. The conclusion was,
24 according to Mr. Silmsers anyway, he was going to pursue
25 civilly if he didn't get the money. That was the basic end

1 of the line?

2 MR. HAMELINK: That's what I got out of
3 that, yes.

4 MS. JONES: Now, another statement that was
5 taken was from a person, Ron Leroux, on March 22nd, 1994.
6 And I'm going to go to Exhibit 562 please, 725219 --
7 Document 725219.

8 (SHORT PAUSE/COURTE PAUSE)

9 MS. JONES: Did you have any knowledge about
10 this individual before this date? Had you had any contact
11 with him?

12 MR. HAMELINK: I didn't have any personal
13 contact with him, no.

14 MS. JONES: Did you have any knowledge about
15 him though -- what's the word I'm trying to look for here -
16 - had you done a bit of homework on this person to see what
17 the whole relationship was and how he fit into the scheme
18 of things with Ken Seguin and such?

19 MR. HAMELINK: Yes, I was aware of that.

20 MS. JONES: Now, it appears that you
21 reviewed this statement on April 13th and you may have
22 reviewed it earlier, I don't know.

23 THE COMMISSIONER: Just a second.

24 MS. SACCOCCIO BRANNAN: Excuse me, Mr.
25 Commissioner.

1 I don't know the basis for that. I have
2 just pulled up the document with Officer Hamelink's
3 signature on it as the date he did read it.

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

5 **MS. SACCOCCIO BRANNAN:** I did not put it in
6 my rule 38 notice. It's not in the list of documents, but
7 I'm happy to provide that number and I can tell you the
8 date.

9 **MS. JONES:** I actually have no issue.
10 That's fine. If he reviewed it earlier that's not an issue
11 to be honest.

12 **MS. SACCOCCIO BRANNAN:** The Document Number,
13 Mr. Commissioner, is 715264.

14 And what we have found with some of the
15 scanning is that sometimes they don't scan the back page,
16 and in this case this document didn't have the backed page
17 scanned, but 715264 did.

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

19 **MS. SACCOCCIO BRANNAN:** And the date read is
20 May 21st of 1994.

21 **THE COMMISSIONER:** Do you agree with that,
22 sir? Do you accept that?

23 **MR. HAMELINK:** I accept that, Mr.
24 Commissioner.

25 **MS. JONES:** Well, if I go to your notes --

1 it's Exhibit 1031 and Bates page 8225 -- the entry for
2 April 13th at 11:30 is, "Read the statement obtained from
3 Leroux".

4 **MR. HAMELINK:** Yes.

5 **MS. JONES:** So I'm assuming this is the
6 Leroux statement you mean?

7 **MR. HAMELINK:** But there was two Leroux
8 statements.

9 **MS. JONES:** So it could have been the other
10 one?

11 **MR. HAMELINK:** Yes.

12 **MS. JONES:** Now, with Mr. Leroux, one of the
13 things that he mentions in his statement, if we go back to
14 his statement, which is Exhibit 562 ---

15 **MR. HAMELINK:** Yes.

16 **MS. JONES:** One of the items that he brings
17 up in the statement, which is consistent with the Jos van
18 Diepen statement, is linking the same people together that
19 Jos van Diepen had actually mentioned two, and that being
20 Ken Seguin and Father Charles MacDonald.

21 Do you agree that there seems to be that
22 same linkage that is mentioned in the Ron Leroux statement?

23 **MR. HAMELINK:** What linkage are you
24 referring to, by name or ---

25 **MS. JONES:** That they knew each other, they

1 socialized with each other.

2 MR. HAMELINK: Yes, I would agree with that.

3 MS. JONES: Okay. Also, too, Mr. Leroux
4 mentions a person named Gerry Renshaw and his girlfriend,
5 Cara Lee Berry?

6 MR. HAMELINK: That's correct.

7 MS. JONES: Now, had it occurred to you to
8 perhaps explore that avenue in any way?

9 MR. HAMELINK: To the best of my knowledge
10 Gerry Renshaw was interviewed.

11 MS. JONES: Okay. But what about the
12 relationship between the Gerry Renshaw and the Cara Lee
13 Berry situation?

14 MR. HAMELINK: She was -- my information was
15 that she was Gerry Renshaw's common-law wife.

16 MS. JONES: M'hm.

17 MR. HAMELINK: There was -- from what I knew
18 at the time, there was no connection between Cara Lee Berry
19 and Ken Seguin.

20 MS. JONES: That's why I'm asking. We learn
21 later on there actually is, so that's why I'm wondering of
22 the follow-up with those two names; if it had occurred to
23 you to follow up more, say, with the Cara Lee Berry side of
24 things?

25 MR. HAMELINK: My focus was Gerry Renshaw.

1 **MS. JONES:** Okay.

2 If we could please return to your notes,
3 Exhibit 1310, and please go ---

4 **THE COMMISSIONER:** Thirteen-thirty (1330), I
5 mean 1030?

6 **MS. JONES:** I'm sorry, 1031.

7 **THE COMMISSIONER:** Yeah, 1031, okay.

8 **MS. JONES:** Bates page 8226.

9 **MR. HAMELINK:** Yes.

10 **MS. JONES:** And this is the meeting I
11 touched on briefly before. Now, we're at April 13th, the
12 meeting with Nancy Seguin. And on Bates page 8226 -- I'm
13 sorry. Now, we're at Bates page 8225.

14 If I could just revisit that issue because I
15 had skipped ahead a little bit, would you agree that you
16 were, again, telling Ms. Seguin that -- Mrs. Seguin that
17 the extortion investigation was not proceeding full -time
18 because it was intertwined with the sexual assault
19 investigation?

20 **MR. HAMELINK:** Yes.

21 **MS. JONES:** I'm wondering now if you could
22 explain that a little fuller.

23 **MR. HAMELINK:** Once again, by April the 13th,
24 we'd had that meeting on the 21st of February, 1994 with
25 Regional Crown Attorney Peter Griffiths, Smith et al, and

1 at that point-in-time decisions had been made as to how
2 this investigation was going to progress.

3 I agree with you, Ms. Jones, I could have
4 used better language in my notes. Our investigation into
5 the extortion was never put on hold or delayed. It
6 continued. The portion that was delayed was the interview
7 with David Silmsers.

8 **MS. JONES:** That was my point. You've
9 already had the interview with David Silmsers which you had
10 said was the only part that you were going to sort of stay
11 back from because you weren't going to want to interfere
12 with that?

13 **MR. HAMELINK:** You had the interview with
14 David Silmsers at the Kanata Detachment with my colleague,
15 Mr. Smith, for sexual assault, not extortion. He was a
16 victim, an alleged victim of a sexual assault which took
17 priority.

18 **MS. JONES:** Correct. In your handwritten
19 note of the 21st, though, when you said it was bad wording
20 on your part, "extortion on hold", you said that it only
21 had to do with not interviewing David Silmsers about the
22 extortion. You wanted him left for the sexual assault
23 investigation?

24 **MR. HAMELINK:** Right.

25 **MS. JONES:** I believe that was your

1 testimony?

2 MR. HAMELINK: That's correct.

3 MS. JONES: So he's already been interviewed
4 but you're using the same terminology here, "Extortion not
5 being proceeded with full-time"?

6 MR. HAMELINK: It's incorrect. The
7 extortion was being proceeded with full-time. At that time
8 there was a blending of Officers Fagan and McDonell.

9 MS. JONES: Yeah, I understand that, but I'm
10 just saying that's what you say in your notes.

11 MR. HAMELINK: Yeah.

12 MS. JONES: And so we have two times that
13 you said that, but you're saying very clearly that was not
14 actually the case?

15 MR. HAMELINK: That was actually not the
16 case.

17 MS. JONES: And you say here too:

18 "I didn't want the other portion of the
19 investigation jeopardized."

20 MR. HAMELINK: Where are you now, Ms. Jones?

21 MS. JONES: I'm at the bottom of Bates page
22 8225.

23 MR. HAMELINK: That's correct.

24 MS. JONES: So you've already told Mrs.
25 Seguin -- you said:

1 "I explained that because the sexual
2 assault investigation was
3 intertwined..."

4 And then if I jump to the bottom, you didn't
5 want that other portion of the investigation to be
6 jeopardized.

7 I'm just wondering, what was the purpose of
8 including Mrs. Seguin into what seems to be purely a police
9 investigation? What was the purpose of sharing that
10 information with her?

11 **MR. HAMELINK:** I decided as the case manager
12 to keep the Seguin family included; not to share specific
13 details as to who was interviewed and when or why, but to
14 keep them advised as to how we were progressing on the
15 extortion portion. That was my decision.

16 **MS. JONES:** I understand that, but you
17 actually went and explained about the sexual assault
18 investigation as well. You actually said:

19 "I explained that because the sexual
20 assault investigation was intertwined,
21 the extortion investigation is not
22 being proceeded full-time."

23 So you are discussing the sexual assault
24 investigation as well?

25 **THE COMMISSIONER:** No, stop there.

1 Yes?

2 **MS. SACCOCIO BRANNAN:** Mr. Commissioner, I'm
3 looking at these words as well and unfortunately I'm (off
4 mic).

5 **THE COMMISSIONER:** Can't hear you.

6 **MS. SACCOCIO BRANNAN:** "I didn't want the
7 other portion of the investigation
8 jeopardized."

9 Ms. Jones is taking these words and
10 expanding them as if -- and suggesting to Officer Hamelink
11 that he's filling them in on every part of the sexual
12 assault investigation being carried out by Detective
13 Inspector Smith.

14 That is not what these words say. And in
15 fairness to this witness, we should stick to the words that
16 are in his notes. This was 14 years ago after all.

17 **THE COMMISSIONER:** Any comments?

18 **MS. JONES:** I'm not suggesting that you ---

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

20 **MS. JONES:** I'm sorry, I'm sorry.

21 **THE COMMISSIONER:** They made an objection.

22 Do you want me to rule in favour of it?

23 **MS. JONES:** No.

24 **THE COMMISSIONER:** So why shouldn't I?

25 **MS. JONES:** Because I'm not actually saying

1 that every detail of the sexual investigation was being
2 made. What I'm saying is that there seems clearly to be a
3 discussion about it of some, sort and the appropriateness
4 of any discussion of any sort is really what I'm trying to
5 explore with this witness.

6 **THE COMMISSIONER:** Okay.

7 So what's the question?

8 **MS. JONES:** The question is: It would seem
9 from your own words here that you had at least informed
10 Mrs. Seguin that there was a sexual assault investigation
11 involving Mr. Silmsler that was intertwined. I'm using your
12 words.

13 **MR. HAMELINK:** Right. Did I tell them that
14 there was a sexual assault investigation going on? I would
15 not have disclosed to them who the victim of this sexual
16 assault investigation was and I may have shared that
17 information that there was a sexual assault investigation
18 going on, yes.

19 **MS. JONES:** And it was intertwined. What
20 did you mean by that?

21 **MR. HAMELINK:** Again, a very poor choice of
22 words on my -- in my notebook. What I meant by it, ma'am,
23 is that there was two separate investigations going on at
24 the time.

25 **THE COMMISSIONER:** Let's move on, please.

1 **MS. JONES:** On the next page, Bates page
2 8226, you had asked Mrs. Seguin for any strange items such
3 as letters, photos, videos in Seguin's possession and could
4 she please turn them over to you.

5 I'm just curious what you meant by that?

6 **MR. HAMELINK:** Were there any photographs?
7 Were there any letters that were exchanged between the
8 alleged extortionist? Was there anything that would
9 benefit my investigation to form reasonable grounds to lay
10 a charge and arrest Silmsen? That's what I meant by that.

11 **MS. JONES:** The net result of that was --
12 did you get anything from her?

13 **MR. HAMELINK:** Not at that time, no.

14 **MS. JONES:** Did you get something from her
15 eventually?

16 **MR. HAMELINK:** To the best of my
17 recollection, there was a letter authored by Father Charlie
18 but that was not at this time.

19 **MS. JONES:** Well, actually let me just turn
20 over the page to Bates page 8227, and Nancy Seguin said,
21 according to you:

22 "She showed me two letters written by
23 Father MacDonald and Woods [?] to Mrs.
24 Seguin after Ken's death. She said
25 Father MacDonald lied in that letter

1 when he said he had surgery and
2 therefore couldn't attend Ken's
3 funeral. Nancy said MacDonald didn't
4 have surgery."

5 Did you take those letters?

6 **MR. HAMELINK:** I don't believe I did.

7 **MS. JONES:** Did you take a photocopy of
8 them?

9 **MR. HAMELINK:** I can't recall.

10 **MS. JONES:** Do you think that possibly
11 having those letters might be useful to Tim Smith's
12 investigation as he's investigating Father Charles
13 MacDonald?

14 **MR. HAMELINK:** Yes, I do.

15 **MS. JONES:** Then on the right-hand side of
16 the ---

17 **MS. SACCOCCIO BRANNAN:** Mr. Commissioner,
18 just so that it's clear what this letter is about ---

19 **THE COMMISSIONER:** Well ---

20 **MS. SACCOCCIO BRANNAN:** You know, "She said
21 Father MacDonald lied in that letter when he said he had
22 surgery and therefore couldn't attend Ken's funeral."
23 There's nothing written in these notes to suggest that the
24 letter had anything to do with respect to allegations
25 against Father Charles MacDonald, you know.

1 **THE COMMISSIONER:** No.

2 **MS. SACCOCCIO BRANNAN:** So I really think
3 that in fairness to this witness, if Ms. Jones wants to
4 refer to his notes and then ask him what he means by it,
5 that's fair but let's use the words that are in the notes.
6 That's my recommendation.

7 **THE COMMISSIONER:** Okay, thank you. Thank
8 you. Comments?

9 **MS. JONES:** I don't believe that I had
10 misstated the notes in any way whatsoever, Mr.
11 Commissioner.

12 **THE COMMISSIONER:** No, I don't think so
13 either, but I think the question still happens -- if she
14 had the letters did you ask for them, you said no.

15 **MR. HAMELINK:** Correct.

16 **THE COMMISSIONER:** Okay.

17 **MS. JONES:** Just a moment.

18 On the next page ---

19 **THE COMMISSIONER:** I'm sorry.
20 She showed you the two letters?

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

22 **THE COMMISSIONER:** Did you read them?

23 **MR. HAMELINK:** That's how I got -- yes, I
24 did.

25 **THE COMMISSIONER:** Okay, well, that's a

1 different story. Okay, thank you.

2 **MS. JONES:** Bates page 8229. At this
3 particular point you actually had Officer Rusten, who was
4 the Ident officer at the suicide, explain to Mrs. Seguin
5 what his role was at the suicide, what he did at the scene,
6 what his opinion was about things. Is that a fair
7 description of what you've got written there?

8 **MR. HAMELINK:** That's a fair description.

9 **MS. JONES:** And certainly at this point it's
10 very clear that Mrs. Seguin was concerned about the body
11 placement at the time of the suicide.

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

13 **MS. JONES:** And that's the reason why you
14 brought Officer Rusten there?

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

16 **MS. JONES:** I have -- I believe it was
17 probably Officer Rusten's notes. He was there about an
18 hour, a little over an hour. Does that gel with your
19 recollection of that?

20 **MR. HAMELINK:** If that's what his notes say,
21 I would not argue with that.

22 **MS. JONES:** Okay. But he gave a fairly
23 comprehensive description of his role and what he saw?

24 **MR. HAMELINK:** Yes, he did.

25 **MS. JONES:** And what was your purpose for

1 bringing in Officer Rusten to do that?

2 MR. HAMELINK: Mrs. Seguin, at the meetings
3 that I had with her, was very concerned about Ken's death.
4 She had difficulty coming to terms with the fact that he
5 met his death at his own hands. I wanted to alleviate that
6 as best I could by bringing in the identification officer
7 that was present at the death scene.

8 MS. JONES: All right.

9 MR. HAMELINK: I was being compassionate in
10 my own way towards a victim.

11 MS. JONES: Well, a relative of -- married
12 to a relative of the victim.

13 THE COMMISSIONER: No, no, no. A victim of
14 circumstances, of a situation.

15 MS. JONES: Yeah, okay.

16 THE COMMISSIONER: She is in grief, there is
17 no doubt about that.

18 MS. JONES: But one of the issues I have,
19 she's actually not the next of kin.

20 THE COMMISSIONER: Well ---

21 MR. HAMELINK: I know that, Ms. ---

22 MS. JONES: But is that an issue for you as
23 a police officer in sharing information? That's the reason
24 why I ask that.

25 MR. HAMELINK: No, it wasn't an issue in

1 this particular circumstance.

2 **MS. JONES:** Okay.

3 **THE COMMISSIONER:** Yes?

4 **MS. SACCOCCIO BRANNAN:** I'm sorry to rise
5 again, Mr. Commissioner, but I think he's answered the
6 question. We have an understanding of why Officer Hamelink
7 did what he did and if I go back to the mandate, I'm not
8 certain how this line of questioning advances the mandate.
9 Sorry, that would be your mandate, not the Project Truth
10 mandate.

11 **THE COMMISSIONER:** Anyhow ---

12 **MS. JONES:** Well, there's been -- sorry.

13 **THE COMMISSIONER:** Go ahead.

14 **MS. JONES:** There has been an issue as to
15 what was actually being investigated by Officer Hamelink,
16 and I think that this is just some remarks or some
17 questions, not a lot of questions, about what was the
18 purpose of interviewing and meeting with the Seguin family
19 during this investigation. There's many, many notes
20 devoted to it.

21 **THE COMMISSIONER:** Right, and I think we've
22 gone over what we had to go over with this gentleman about
23 that up to this point. There may be other questions.

24 **MS. JONES:** That's fine.

25 **THE COMMISSIONER:** With respect to the

1 objection about the mandate, it is clear that we're looking
2 at institutional response. It is clear that there is some
3 question as to the interchange of information between the
4 two investigative teams and what effect that would have had
5 on the progression -- advancing of the investigation by
6 either team.

7 So I think it is clearly within the mandate
8 but I think we've overdone -- we've done with the Seguins
9 up to here.

10 **MS. JONES:** Okay.

11 There was also a telephone call to
12 Dr. Conway ---

13 **MR. HAMELINK:** Yes.

14 **MS. JONES:** --- during that meeting, and on
15 Bates page 8231 Dr. Conway, about halfway down the page --
16 he raised the issue that Mrs. Seguin is not the next of
17 kin. Do you see that?

18 **MR. HAMELINK:** Yes, I do.

19 **MS. JONES:** Because there can be an issue
20 with sharing certain information about certain people.

21 **MR. HAMELINK:** Yes.

22 **MS. JONES:** Okay. Thank you.

23 **MR. HAMELINK:** But not in this case.

24 **MS. JONES:** Okay.

25 **THE COMMISSIONER:** And why is that, sir?

1 **MR. HAMELINK:** Because her and her husband,
2 sir -- I had meetings with both of them; not only with her
3 husband, who was the next of kin, but the other brother,
4 who was also next of kin; Keith Seguin.

5 **THE COMMISSIONER:** So she was privy to all
6 of that and you understood that from the other two
7 brothers, by implication or whatever, that you could share
8 information with her as with them?

9 **MR. HAMELINK:** I did.

10 **THE COMMISSIONER:** Thank you.

11 Carry on.

12 **MS. JONES:** Now, you then met with Doug
13 Seguin for some time, and I just want to refer you, please,
14 to Bates page 8234 -- actually the bottom of 8233; I
15 apologize. At the very bottom it appears that Doug Seguin
16 told you:

17 "He felt T. Smith may have a slanted
18 view regarding the sexual assault
19 investigation because of comments he
20 made."

21 And it ends there. Were you aware of what
22 comments Mr. Seguin was saying that Tim Smith made?

23 **MR. HAMELINK:** I have a recollection of that
24 and it was to do with alternative lifestyles,
25 homosexuality.

1 **MS. JONES:** Did you contact Officer Smith
2 and say that the Seguin family had these concerns?

3 **MR. HAMELINK:** I don't believe I did.

4 **THE COMMISSIONER:** Help me out here. He
5 felt that Officer Smith may have a slanted view regarding
6 the sexual assault investigation. So what sexual assault
7 investigation are we talking about here?

8 **MR. HAMELINK:** The sexual assault
9 investigation that Tim Smith was conducting now involving
10 David Silmser as a victim of an alleged sexual assault.

11 **THE COMMISSIONER:** Of who -- by whom?

12 **MR. HAMELINK:** That I didn't know, but the
13 overall context of that statement, Mr. Commissioner, was
14 that the sexual assault on our victim, or the victim David
15 Silmser, was by another male person.

16 **THE COMMISSIONER:** Right, okay, and what I'm
17 getting at is that -- in your mind there was no -- the
18 Seguins weren't thinking that the sexual assault
19 investigation was Silmser versus Seguin?

20 **MR. HAMELINK:** No, they weren't -- that's
21 clear that ---

22 **THE COMMISSIONER:** Okay. That's all I
23 wanted to know.

24 **MS. JONES:** On Bates page 8235, there's a
25 meeting on May 9th, '94 that you state that you met with

1 Inspector Smith and that his team was in the process of
2 putting a brief together for presentation to Mr. Griffiths.
3 Do you see that?

4 MR. HAMELINK: Yes, I do.

5 MS. JONES: At that particular junction, was
6 there still an understanding on your part that your two
7 briefs, yours being -- Mr. Smith's and yourself would be
8 putting a brief together for a united presentation to the
9 Crown?

10 MR. HAMELINK: That was still my
11 understanding.

12 THE COMMISSIONER: Yes?

13 MS. SACCOCCIO BRANNAN: That's a little bit
14 misleading that there'll be two -- there'll be one Crown
15 brief.

16 THE COMMISSIONER: M'hm.

17 MS. SACCOCCIO BRANNAN: I don't think that
18 was ever a suggestion; there would be two Crown briefs, not
19 one.

20 MS. JONES: Two Crown briefs but presented
21 together to the Crown.

22 MR. HAMELINK: Yes, one dealing with the
23 sexual assault, Tim's responsibility; one dealing with the
24 extortion, my responsibility.

25 MS. JONES: Right. But that was still your

1 understanding at that time?

2 MR. HAMELINK: Yes, it was.

3 MS. JONES: Now, if we could please go to
4 Bates page 8240?

5 THE COMMISSIONER: No, same document, sir,
6 the last Bates pages are 240.

7 MR. HAMELINK: Yes.

8 MS. JONES: Now, on the previous page it
9 actually says you're meeting with Keith Seguin at 10:35 but
10 I'm actually referring to the notes on 8240. And ---

11 MR. HAMELINK: Ms. Jones to put ---

12 MS. JONES: Yes?

13 MR. HAMELINK: --- it properly, I met with
14 Helena Wheeler and Keith Seguin. Helena Wheeler is Keith
15 Seguin's spouse.

16 MS. JONES: Okay. So met with Helena
17 Wheeler and Keith Seguin and you met them between 9:20 and
18 10:35 that morning.

19 And at the top of Bates page 8240, you said
20 you were explaining to Helena that, "We had heard that Ken
21 was homosexual." Helena wanted to know if that was proven.
22 These are your words:

23 "I explained it was hearsay at this
24 point but it didn't matter in any event
25 except if children were involved."

1 **MR. HAMELINK:** That's ---

2 **MS. JONES:** I'm wondering if you could just
3 explain what you meant by that phrase, please?

4 **MR. HAMELINK:** As far as I know, Ms. Jones,
5 homosexuality isn't an offence between adult consenting
6 persons. It becomes an offence when children of tender
7 years or children that aren't able to consent, and I don't
8 know whether there is a consent even in law that a child
9 could consent to be involved with homosexuality.

10 **MS. JONES:** Now, on the next page, 8241,
11 about halfway down, it states here that:

12 "Keith wanted to know the vehicle
13 Silmser drove and his licence number.
14 I explained I wouldn't supply him with
15 that kind of information but that he
16 could try the MTO and see if they would
17 supply him with that information."

18 Is there a reason why you were providing
19 sort of some guidance to Keith Seguin on how he could find
20 out personal information on David Silmser?

21 **MR. HAMELINK:** Once again, I thought it was
22 a kind thing to do. If you come up against a stumbling
23 block, what's your alternative route? And I gave it to
24 him.

25 That's public knowledge if you want to go to

1 MTO and get information and if they want to supply it, it's
2 up to them. I wasn't going to use the police computer
3 system to supply him that information.

4 **MS. JONES:** But it could be interpreted
5 that you're facilitating the Seguins trying to find out how
6 they can get in contact with David Silmser.

7 **MR. HAMELINK:** But that wasn't the context
8 as to why he wanted the licence number to my recall.

9 **MS. JONES:** What was your recollection? It
10 seems that he wants to know what the ---

11 **MR. HAMELINK:** Well, let's go back and read
12 it in context. On ---

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

14 **MR. HAMELINK:** --- the top of 241:

15 "Keith Seguin told me his mother will
16 be 90 years this May -- May the 26th and
17 she had heard things that Silmser was
18 spreading about Ken -- around about
19 Ken. She didn't even want an ad in the
20 paper celebrating her 90th birthday
21 because she didn't want Silmser to find
22 out where she lived. Keith wanted to
23 know the vehicle Silmser drove and his
24 licence number. I explained I wouldn't
25 supply him with that kind of

1 information but that he could try MTO
2 and see if they would supply the
3 information."

4 The import of that was that the mother, the
5 elderly mother who lived in the area was concerned that
6 maybe Silmsers might be trying to contact her.

7 **MS. JONES:** Where does it say that?

8 **MR. HAMELINK:** It doesn't say that. That's
9 my independent recollection as to why I made these notes.

10 **MS. JONES:** So what would be the purpose
11 then or what legitimate purpose would there be of Keith
12 Seguin trying to track down Mr. Silmsers?

13 **MR. HAMELINK:** If Mr. Silmsers had a vehicle
14 and he's seen around the mother's house and they had this
15 information, he could call up and notify the local police
16 office or whoever.

17 **MS. JONES:** Will you agree with me nothing
18 about that is in your notes though, about possible driving
19 by and contact with the 90-year-old mother?

20 **MR. HAMELINK:** Yes, I would agree with you.

21 **MS. JONES:** On 8244, at 14:17, you'll see
22 that this particular point, you're meeting with Nancy
23 Seguin?

24 **MR. HAMELINK:** Yes.

25 **MS. JONES:** Can you see that?

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

2 **MS. JONES:** "She requested an update on
3 the investigation. I explained to her
4 that we were pursuing new tips learned
5 from other family members and
6 attempting to locate a former cellmate
7 of Silmser."

8 And you give a name there.

9 **MR. HAMELINK:** Yes.

10 **MS. JONES:** I'm wondering what the purpose
11 was of revealing that particular name to Nancy Seguin on
12 that day?

13 **MR. HAMELINK:** If you go back to page 236,
14 Bates 236, Tuesday, May the 10th, '94, "Received call from
15 Helena Wheeler," it gives an address. And there's:

16 "Indicated she had not been at any of
17 the previous meetings with the Seguin
18 family. Her daughter Barbara Bouvier,
19 now living in Ken Seguin's house, had
20 made -- told her that Judy Boyce, the
21 girlfriend to Jos -- John McIntosh from
22 Johnny Mac's Motel, Martintown, had
23 told her, Barbara, that about a month
24 ago a conversation was overhead that
25 David Silmser had bragged to the

1 cellmate in prison how he would extort
2 money. It wasn't clear to Helena
3 Wheeler whether Silmser stated how the
4 fact -- or how the fact he had extorted
5 money."

6 She provided that name. She -- Nancy Seguin
7 is again the person that came to me most often during this
8 investigation. And I decided to give her an update.

9 **MS. JONES:** On the previous page, on Bates
10 page 8243, you're meeting with Keith Seguin at that time
11 and it states here:

12 "Keith Seguin advised he had been to
13 see Father Charlie at the treatment
14 centre in Aurora a few weeks ago."

15 Do you see that?

16 **MR. HAMELINK:** Yes, I do.

17 **MS. JONES:** Do you think this would have
18 been useful information to pass on to Inspector Smith that
19 a person that he's involved investigating has now spoken to
20 Keith Seguin just a few weeks earlier?

21 **MR. HAMELINK:** Of course it would have been.

22 **MS. JONES:** Is there anywhere here where it
23 shows that you shared that information with Inspector
24 Smith?

25 **MR. HAMELINK:** Not in there but my

1 recollection is that he was aware of that information.

2 **THE COMMISSIONER:** Ms. Jones, it's 12:30 so
3 we should break for lunch.

4 **MS. JONES:** That's fine, thank you.

5 **THE COMMISSIONER:** How much longer do you
6 think you're going to be in-chief?

7 **MS. JONES:** Just a moment. Approximately
8 one hour.

9 **THE COMMISSIONER:** All right. So it's my
10 intention to finish this witness this week, so could you
11 canvass to see how long the cross-examination will be ---

12 **MS. JONES:** I will.

13 **THE COMMISSIONER:** --- and whether the
14 timing is that we sit later tonight or tomorrow?

15 **MS. JONES:** Thank you.

16 **THE COMMISSIONER:** All right. Thank you.
17 Let's take a break.

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

20 This hearing will resume at 2:00 p.m.

21 --- Upon recessing at 12:32 p.m./

22 L'audience est suspendue à 12h32

23 --- Upon resuming at 2:06 p.m./

24 L'audience est reprise à 14h06

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing is now resumed. Please be
3 seated. Veuillez vous asseoir.

4 **FRED HAMELINK, Resumed/Sous le même serment:**

5 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF BY MS.**

6 **JONES (cont'd/suite):**

7 **THE COMMISSIONER:** Good afternoon, sir.

8 **MR. HAMELINK:** Good afternoon,
9 Mr. Commissioner.

10 **THE COMMISSIONER:** How was lunch?

11 **MR. HAMELINK:** Very good, thank you.

12 **THE COMMISSIONER:** Did the OPP pick up the
13 tab?

14 **MR. HAMELINK:** No, I picked that up, but
15 eventually they'll pay.

16 **THE COMMISSIONER:** Oh, that's good. That's
17 good.

18 **(LAUGHTER/RIRES)**

19 **MS. JONES:** We're going to move on now to
20 the interview that you had with Malcolm MacDonald, and I'd
21 like you please to look at Document 715455.

22 **THE COMMISSIONER:** It's a new document.
23 Thank you.

24 Exhibit 2571 is a document dated May 12th,
25 1994. It's called Statement Made by Malcolm MacDonald in

1 Relation to the Death of Ken Seguin, and it's signed by --
2 purported to be signed by Malcolm MacDonald on 13th of May,
3 1994.

4 --- EXHIBIT NO./PIÈCE NO. P-2571:

5 (715455) Statement of Malcolm MacDonald re:
6 death of Ken Seguin dated May 12, 1994

7 MS. JONES: Now, I understand that on the
8 12th of May then you met with Malcolm MacDonald as well. It
9 was, I believe, you and Officer McDonell that did the
10 statement?

11 MR. HAMELINK: That would be correct, that
12 Officer McDonell and I met with Mr. Malcolm MacDonald.

13 MS. JONES: And I understand too that you
14 had a conversation with him first, and I will refer you to
15 your notes as well if you can keep those at the side as
16 well. I'm going back then to Exhibit 1031 and I'm looking
17 specifically at Bates page 8248.

18 MR. HAMELINK: I'm there, Ms. Jones.

19 MS. JONES: Okay. So from now 9:05 in the
20 morning till 10 o'clock it seemed that you and Officer
21 McDonell met with Mr. MacDonald?

22 MR. HAMELINK: That's correct.

23 MS. JONES: And he said that -- during the
24 course of that meeting, he said that he was involved with
25 the Church and the allegations of the sexual assault that

1 was alleged by Silmser as against Father Charlie, and
2 that's on Bates page 8249.

3 And also on 8250, that Malcolm was a go-
4 between for the Church and Silmser, and that the other
5 lawyers involved were Adams, representing Silmser, and
6 Leduc, representing the Church. Do you see that?

7 **MR. HAMELINK:** Yes, I do.

8 **MS. JONES:** Now, I know that there had been
9 coordination with Tim Smith on the David Silmser interview,
10 and I'm wondering if there was any coordination with Mr.
11 Smith about the Malcolm MacDonald interview because clearly
12 those were areas that Tim Smith was also looking after?

13 **MR. HAMELINK:** Yes, there was.

14 **MS. JONES:** And so what -- I don't see any
15 notes to that regard. I'm just wondering what was the
16 arrangement?

17 **MR. HAMELINK:** Well, as I previously stated,
18 there was a sharing of lead investigators; Fagan and
19 McDonell. And naturally there would be an expectation on
20 my part that information that these officers gathered
21 during their interviews of the various witnesses would be
22 shared amongst one another and it would be Fagan's
23 responsibility to make sure that his inspector -- in this
24 case Tim Smith -- would be advised as to what was happening
25 in the investigation.

1 So, yes, there was a sharing of information.

2 MS. JONES: But in this particular case,
3 Officer Fagan was not involved?

4 MR. HAMELINK: That's correct; McDonnell was.

5 MS. JONES: But, as I say, there were seen
6 to be extensive discussions about Silmser, and that's in
7 some part documented here, but I don't see any
8 documentation about a conversation you might have had about
9 Malcolm MacDonald, but you do recall that there were
10 conversations with Mr. Smith about that? What sort of
11 approach to take with Malcolm MacDonald?

12 MR. HAMELINK: With the approach to take
13 towards Malcolm MacDonald?

14 MS. JONES: Yes.

15 MR. HAMELINK: I'm sorry, I don't understand
16 the context of your question.

17 MS. JONES: Were you aware that Mr. Smith
18 was involved in investigations that could have involved
19 Malcolm MacDonald?

20 MR. HAMELINK: Yes, I was.

21 MS. JONES: So was there any coordination
22 between the two of you as to how to approach an interview
23 with Malcolm MacDonald on May 12th?

24 MR. HAMELINK: I guess you and I walk on
25 different sides of the street in that regard, Ms. Jones.

1 There would be no coordination that I would
2 require in order to go and interview someone. I would just
3 do it as a natural course from my past experience. I mean,
4 I had to interview this gentleman and that's exactly what I
5 did. At the time when I interviewed him he chose not to
6 give a statement. He said he would provide his own, which
7 he did the following day, and that's your document that you
8 refer to here.

9 **MS. JONES:** So then there wasn't any sort of
10 coordination with Mr. Smith or dialogue about it?

11 **MR. HAMELINK:** Of course there was. There
12 was dialogue with Mr. Smith through his investigator,
13 Fagan, who was involved with my investigator, McDonnell, and
14 there is an expectation that those two officers would share
15 information.

16 On this particular date, during the
17 interview with Mr. Malcolm MacDonald, I would naturally
18 assume that McDonnell, the next time he met up with Fagan,
19 would share that information with him.

20 **MS. JONES:** Right. I'm looking at
21 preparation though before you actually interviewed Malcolm
22 MacDonald, not a sharing of information after the interview
23 is done. I'm talking about beforehand.

24 **MR. HAMELINK:** With Smith?

25 **MS. JONES:** Yes.

1 **MR. HAMELINK:** I didn't keep Inspector Smith
2 advised each time that I did something, no.

3 **MS. JONES:** Okay.

4 Now, in the interview, which is Exhibit 2571

5 ---

6 **THE COMMISSIONER:** Well, it's not an
7 interview.

8 **MS. JONES:** I'm sorry, in the statement;
9 you're right.

10 **THE COMMISSIONER:** This is a statement that
11 Malcolm MacDonald prepared afterwards on his own.

12 **MS. JONES:** That's right.

13 In the statement he says, and I quote --
14 it's sort of halfway down:

15 "From what I can remember from the
16 conversation, he was demanding money or
17 he would go to the police concerning
18 Ken's behaviour. I asked him for
19 details of his claim and asked him to
20 get to me later."

21 Do you see that about halfway through the
22 statement?

23 **MR. HAMELINK:** Yes. Could you just hold on
24 a moment, Ms. Jones. I want to read that entire paragraph,
25 if you don't mind.

1 MS. JONES: Okay.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. HAMELINK: Yes.

4 MS. JONES: From your understanding,
5 however, you knew that Mr. Silmsler had already been to the
6 police concerning Ken Seguin? You learned that back in
7 February?

8 MR. HAMELINK: That's correct.

9 MS. JONES: And a little further down:

10 "He indicated at that time..."

11 "He" referring to Silmsler:

12 "He indicated at that time that he had
13 an appointment with City Police on
14 Friday and he was prepared to cancel it
15 and wait for my reply next week."

16 Do you see that?

17 MR. HAMELINK: I do.

18 MS. JONES: Was any follow-up done on that
19 point to see if, in fact, Mr. Silmsler did have an
20 appointment?

21 MR. HAMELINK: I believe there was.

22 MS. JONES: Is there anywhere in your notes
23 or anyone else's notes that shows that?

24 MR. HAMELINK: If you look at the statement
25 from Heidi Sebalj, it's in there.

1 **MS. JONES:** Is it?

2 **MR. HAMELINK:** And I took the statement from
3 Heidi Sebalj.

4 **MS. JONES:** Okay. We'll be looking at her
5 statement in just a moment.

6 **THE COMMISSIONER:** Just a second now.
7 What you're saying is that you followed up
8 and that notation of you following up will be in Sebalj's
9 notes; is that what you're saying?

10 **MR. HAMELINK:** About -- concerning Mr.
11 Silmser, yes, I am saying that.

12 **THE COMMISSIONER:** Good, thank you.

13 **MS. JONES:** Now, after this statement was
14 completed or provided to you by Mr. MacDonald, do you
15 recall providing a copy of that to Mr. Smith?

16 **MR. HAMELINK:** Directly, no, but a copy of
17 that statement would have been included in my Crown brief
18 that went to Mr. Peter Griffiths.

19 **MS. JONES:** But you didn't specifically
20 provide a copy of that to Mr. Smith?

21 **MR. HAMELINK:** No, I did not.

22 **MS. JONES:** Okay. Now, on Bates page 8254
23 of your notes, which is Exhibit 1031; 8254 ---

24 **MR. HAMELINK:** Yes.

25 **MS. JONES:** --- on the last paragraph, full

1 paragraph just before he left it seems to be his parting
2 words in fact:

3 "It seems Malcolm MacDonald indicated
4 that he had met with the Seguin family
5 and was keeping them abreast of what
6 was going on."

7 **MR. HAMELINK:** Yes.

8 **MS. JONES:** At this particular point in
9 time, are you concerned at all that Mr. Silmsler is going to
10 find out he's being investigated by yourself for extortion?

11 **MR. HAMELINK:** No, I had no concern about
12 that.

13 **MS. JONES:** Now, if we go back to that
14 statement, 2571, the very first quote that I read out to
15 you said that the threat was he was going to get money or
16 go to the police. And I'm wondering if we could please
17 refer to Exhibit 973, Document 715456?

18 Now, in this particular statement -- this is
19 the Malcolm MacDonald statement of the 21st of December '93.

20 **THE COMMISSIONER:** And that's taken by
21 Millar and McDonell.

22 **MS. JONES:** Right.

23 **THE COMMISSIONER:** Okay.

24 **MS. JONES:** You were not involved in that.
25 That happened before your time?

1 MR. HAMELINK: Yes.

2 MS. JONES: If you look at the two
3 statements, the issue of where the complaint would go to if
4 he didn't get the money seems to be different. In that May
5 12th statement he was threatening to go to the police but
6 I'm wondering if you would just read over that statement
7 just to refresh your memory, nowhere in this statement does
8 he say that he's going to go to the police if he doesn't
9 get the money.

10 MR. HAMELINK: Could you give me a moment,
11 please?

12 MS. JONES: Certainly.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. HAMELINK: Yes, Ms. Jones.

15 MS. JONES: In fact, on the third page of
16 the statement, which is 7742, he says:

17 "Silmser wanted money and told me if he
18 didn't get any money he was going to
19 the Ministry with a complaint."

20 About halfway down the page.

21 MR. HAMELINK: Yes.

22 MS. JONES: In your notes, which is Exhibit
23 1031 at Bates page 8252 ---

24 MR. HAMELINK: Yes.

25 MS. SACCOCCIO BRANNAN: Mr. Commissioner,

1 maybe in fairness to the witness so that the paragraph that
2 Ms. Jones is referring to is put into context, that the
3 prior paragraph should also be reviewed with the witness?

4 **THE COMMISSIONER:** M'hm. Well, let's see
5 what the question is first of all and then we'll see.

6 **MS. JONES:** Do you have Bates page 8252?

7 **MR. HAMELINK:** I do.

8 **MS. JONES:** About halfway down the page this
9 is the conversation you're having with Malcolm MacDonald on
10 May 12th and these are the notes I presume you're taking at
11 the time and he's describing his version:

12 "Silmser indicated to MacDonald that he
13 could wait before he went to the
14 police."

15 And he's talking in the context of the
16 money. So it appears that there is a difference of where
17 Malcolm MacDonald was saying David Silmser threatened to go
18 to. One was to the police or to -- in his statement and
19 his conversation with you it was the police, but here it
20 seems to be the Ministry of Parole or Probation.

21 **THE COMMISSIONER:** Okay. So now we should
22 be reading the paragraph before because in the paragraph
23 before there is the word "extortion" but that -- and it
24 reads:

25 "I was..."

1 And this is Malcolm MacDonald and I'm
2 reading from Exhibit Number 973:

3 "I was trying to convince Ken to lay
4 charges against Silmsler for extortion.
5 And if he didn't want to go that far to
6 tell his boss at work."

7 **MS. JONES:** In any event, you have one
8 version in the statements that he's giving you on the 12th
9 and then there is another version, which was the earlier
10 statement on the 21st of December, '93. Would you agree
11 with me on that?

12 **MR. HAMELINK:** I would not.

13 **MS. JONES:** You would say going to the
14 police and going to the Ministry are the same?

15 **MR. HAMELINK:** I think he provided an option
16 in that statement from '93. Malcolm MacDonald, from my
17 reading of that particular statement, was trying to
18 convince Ken to lay charge extortion or he would go to his
19 boss.

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

21 **MS. JONES:** Pardon me?

22 **MR. HAMELINK:** "I was trying to convince Ken
23 to lay charges against Silmsler for
24 extortion and if he didn't want to, to
25 go that far, to tell his boss at work."

1 So that was my error.

2 **THE COMMISSIONER:** I don't understand.

3 **MR. HAMELINK:** I made an error here, Mr.
4 Commissioner. I read that wrong when I was reading the
5 statement over, when you gave me the time here to read it -
6 --

7 **THE COMMISSIONER:** Yes.

8 **MR. HAMELINK:** --- just a few moments ago.
9 I misread that.

10 **THE COMMISSIONER:** So what do you now
11 understand it to be?

12 **MR. HAMELINK:** Could she repeat her question
13 to me, please?

14 **THE COMMISSIONER:** Yes.

15 **MS. JONES:** In the December 21st statement,
16 Malcolm MacDonald said that if Silmser didn't get the
17 money, he was going to go to the Ministry with a complaint.
18 That's what he says in December.

19 **MR. HAMELINK:** Yes.

20 **MS. JONES:** Then when he's meeting with you
21 in May 12th in your office, or wherever it is you're meeting
22 him, he says to you verbally, if we go by your notes:

23 "Silmser indicated to MacDonald that he
24 could wait before he went to the
25 police."

1 And that comes in the context, the head of
2 it; they're talking about the money.

3 In Malcolm MacDonald's May 12th statement, he
4 also says that, from what I can remember from the
5 conversation, he was demanding money or he would go to the
6 police concerning Ken's behaviour.

7 **MR. HAMELINK:** Right.

8 **MS. JONES:** So in December, he's saying
9 David Silmser threatened to go to the Ministry; in May,
10 he's saying he threatened to go to the police. Would you
11 agree those are two different things?

12 **MR. HAMELINK:** Yes, I would.

13 **MS. JONES:** It would appear though in your
14 conversation with Mr. MacDonald you didn't ask him any
15 follow-up questions on that or bring that discrepancy
16 forward to him for comment?

17 **MR. HAMELINK:** That's correct. When I went
18 to see Mr. MacDonald, I didn't have the statement from
19 December the 21st, '93 with me.

20 **MS. JONES:** Did you read it before you
21 talked to him?

22 **MR. HAMELINK:** I sure did.

23 **MS. JONES:** You're certain you read it
24 beforehand?

25 **MR. HAMELINK:** I'm pretty sure I did.

1 **MS. JONES:** But there's a possibility you
2 didn't?

3 **MR. HAMELINK:** There's always a possibility.

4 **MS. JONES:** Okay. Now on May 16th, you are
5 reviewing your statements and that's on Bates page 8255.
6 And it seems there's a long list of statements that you
7 reviewed, and you put down salient points I imagine that
8 are relevant to your investigation. Is that a fair
9 description?

10 **MR. HAMELINK:** When this investigation was
11 ongoing, Ms. Jones, I didn't have the -- a laptop. So this
12 was my way of condensing statements so that if I was not in
13 this particular area that I was at some other point or some
14 other location in the province, and an issue came up that I
15 would have to refresh my mind, I had a synopsis of the
16 statements that my investigators had taken to that point.
17 That's why this was done.

18 **MS. JONES:** So just to repeat my question
19 then, you put in the highlights of each statement that were
20 relevant to your investigation just for ease of reference?

21 **MR. HAMELINK:** Highlights and other points
22 of interest that I picked out out of the statements, yes.

23 **MS. JONES:** Were you satisfied overall with
24 the quality of the statements that had been provided to
25 you?

1 **MR. HAMELINK:** By the investigators?

2 **MS. JONES:** Yes.

3 **MR. HAMELINK:** I sure was.

4 **THE COMMISSIONER:** Sir, was there any -- in
5 your mind at that time, when we're talking about extortion,
6 is there a difference between someone saying, "If you don't
7 give me the money, I'm going to go to the police" or "If I
8 don't give you -- if you don't give me the money that I
9 want, I'm going to talk to your boss," and "If you don't
10 give me the money, I'm going to sue you;" did you see any
11 difference in those three with respect to criminal
12 responsibility?

13 **MR. HAMELINK:** Yes, I did.

14 **THE COMMISSIONER:** Okay. So what was your
15 understanding at that time?

16 **MR. HAMELINK:** I read the section in the
17 *Criminal Code*.

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

19 **MR. HAMELINK:** And Subsection (2) of 346
20 always gave me concern because of the civil matter that was
21 already outstanding that I was aware of.

22 **THE COMMISSIONER:** So what does that mean?
23 Help me out some more? Was there -- is there one of the
24 three that I told you not illegal?

25 **MR. HAMELINK:** One of the three I gave you?

1 **THE COMMISSIONER:** Well, obviously if
2 someone comes up to you and say, "You give me money or I'm
3 going to go to the police;" right, that would be extortion.
4 Is that fair?

5 **MR. HAMELINK:** That's fair.

6 **THE COMMISSIONER:** Okay. If somebody says
7 "I'm going to go and tell your boss about this." In your
8 mind back then, what was that?

9 **MR. HAMELINK:** I'm not so sure that that
10 would fall within the definition of extortion.

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

12 **MR. HAMELINK:** Going to the police and if
13 the salient points are proven that meet the criteria of
14 extortion ---

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

16 **MR. HAMELINK:** --- it's going to lead to a
17 prosecution.

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

19 **MR. HAMELINK:** Going to the boss,
20 necessarily doesn't mean that it's going to lead to a
21 prosecution, not in my mind.

22 **THE COMMISSIONER:** Okay. You were -- okay,
23 so you were aware of that issue whether or not it was right
24 or not, you know the three examples, but you were aware
25 that -- of those niceties at that time?

1 **MR. HAMELINK:** I was.

2 **THE COMMISSIONER:** Okay.

3 So you would know that if MacDonald, at one
4 point, says he's going to see the boss, and Malcolm
5 MacDonald says he's going to see the boss, and in another
6 interview or wherever, he says, "Silmser was going to go
7 see the police," that -- which one between the two was more
8 accurate -- would be very important to you?

9 **MR. HAMELINK:** And that's correct, Mr.
10 Commissioner. And that's why I went to the Regional Crown
11 attorney.

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

13 Okay. But did you think of going back to
14 Malcolm MacDonald and say, "Wait a minute here. You know,
15 here you say criminal, he's going to go to the police and
16 here he's saying he's going to his boss. Now which one was
17 it?"

18 **MR. HAMELINK:** I did not think about doing
19 that.

20 **THE COMMISSIONER:** Okay.

21 Ms Jones?

22 **MS. JONES:** Thank you.

23 Could I please go to your notes, Bates page
24 8278? And this is your summary of the Jos van Diepen
25 interview that we talked about earlier, on February 14th.

1 **MR. HAMELINK:** Yes.

2 **MS. JONES:** Okay. And you've put down three
3 or four bullet points of what you thought was significant
4 or relevant, shall we say, to Ken Seguin.

5 "Knew Ken Seguin since 1968. Ken
6 Seguin had lots of probationers who
7 stayed with him in the late '70s. I
8 told him to be aware of client
9 interactions. I knew Ken's
10 boyfriends." [As read]

11 **THE COMMISSIONER:** Boyfriend, singular.

12 **MS. JONES:** Boyfriend, sorry. "I knew Ken's
13 boyfriend." Do you see that?

14 **MR. HAMELINK:** Yes, I do.

15 **MS. JONES:** Would you agree that none of
16 those points encompass some of the other facts that we
17 talked about earlier today; other allegations involving
18 specifically Nelson Barque or Father Charles MacDonald?

19 **MS. SACCOCCIO BRANNAN:** Mr. Commissioner?

20 **THE COMMISSIONER:** Yes?

21 **MS. SACCOCCIO BRANNAN:** In fairness to the
22 witness, I think that Ms. Jones should put to him Document
23 Number 725205 which is part of the Victim Groups Rule 38
24 because there it's also Officer Hamelink's review of the --
25 I'm in the wrong statement, sorry.

1 Sorry, I'm going to look at the other
2 document, that's the Jos van Diepen review not the Malcolm
3 MacDonald. Is that the one you're up?

4 So that's it, sorry, I'm right then; 725205,
5 you got that? Sorry?

6 **THE COMMISSIONER:** Okay. So can we pull
7 that up? Do you have it?

8 **MS. JONES:** That's fine; 725205.

9 **THE COMMISSIONER:** Just a second.

10 Thank you. So you're saying this is --
11 these are your notes, sir?

12 **MR. HAMELINK:** Those are my notes.

13 **THE COMMISSIONER:** All right. Just a
14 second.

15 So, Exhibit 2572 is Inspector Hamelink's
16 statement -- what would you call that? A summary of his
17 statements?

18 **MR. HAMELINK:** Summary, salient points that
19 were ---

20 **THE COMMISSIONER:** Salient points in the
21 statement of John (sic) van Diepen that was -- okay. There
22 you go.

23 ---EXHIBIT NO./PIÈCE NO P-2572:

24 (725205) - Notes of Fred Hamelink of Summary
25 points of Jos van Diepen statement dated 1

1 Jun 94

2 MS. JONES: Just a moment, I need Mr. van
3 Diepen's statement.

4 THE COMMISSIONER: Are we out of power?

5 MS. JONES: Oh is it? Is that better?
6 Sorry about that.

7 Do you know when these latest notes, this
8 725205 would have been written, sir?

9 MR. HAMELINK: Obviously during my review of
10 the Jos van Diepen statement.

11 THE COMMISSIONER: All right. But ---

12 MS. JONES: Do you know when that would have
13 been, sir? The statement was taken February 14th.

14 MR. HAMELINK: The exact date, no, I
15 couldn't tell you that. A ballpark ---

16 MS. SACCOCCIO BRANNAN: I can help you with
17 that, Mr. Commissioner. That's in the rule 38 notice of
18 the Ontario Provincial Police. That's Document Number
19 715491. That is the handwritten report, interview report.
20 And you'll see that Officer Hamelink signed the last page
21 having reviewed it June the 1st of 1994. So that's 715491.

22 THE COMMISSIONER: So did you make these
23 notes at the time that you reviewed the statement on June
24 4th or was it some time after or before, do you know?

25 MR. HAMELINK: I would say, Mr.

1 Commissioner, that that would be the date in June that I
2 made these notes.

3 **THE COMMISSIONER:** Okay. Do you have an
4 independent recollection of that?

5 **MR. HAMELINK:** No, I do not.

6 **MS. JONES:** I'm just trying to clarify, Mr.
7 Hamelink, because I'm actually at May 16th in your notes and
8 that notation's June 1st, which is subsequent to that.
9 That's fine, but we don't have anything before May 16th so
10 this presumably would be after May 16th?

11 **MR. HAMELINK:** The more detailed notes ---

12 **MS. JONES:** The more detailed notes.

13 **MR. HAMELINK:** --- about the salient points
14 from the Jos van Diepen statement?

15 **MS. JONES:** Yes.

16 **MR. HAMELINK:** Yes, that would have been in
17 June after the May 16th review.

18 **MS. JONES:** All right.

19 **THE COMMISSIONER:** Okay. Now, I'm confused
20 now. The notes that you have in your Exhibit 1031, on page
21 31 of those notes, Bates page 7098278, when was that
22 written in there?

23 **MR. HAMELINK:** That would have been written
24 in there, sir, if you go back ---

25 **THE COMMISSIONER:** I'm trying and I didn't

1 see where ---

2 MR. HAMELINK: Okay.

3 (SHORT PAUSE/COURTE PAUSE)

4 THE COMMISSIONER: I've got Monday May 16th
5 on page 255, sir.

6 MR. HAMELINK: Two five five (255), yes.

7 THE COMMISSIONER: There's Monday May 16th.

8 MR. HAMELINK: Yes.

9 THE COMMISSIONER: So that's when those
10 notes would have been taken -- made?

11 MR. HAMELINK: Yes, that's correct.

12 THE COMMISSIONER: Okay. So now when was
13 this statement from Jos van Diepen?

14 MS. JONES: February 14th.

15 THE COMMISSIONER: Okay. February 14th. Of
16 '94?

17 MS. JONES: Yes.

18 THE COMMISSIONER: Okay. So on February 14th
19 there's a statement from Jos van Diepen. In May you make
20 your notes in your notebook and those are the notes that
21 we're looking at, 7098278, and this Document 2572 you say
22 was done in June, June 4th.

23 MS. JONES: June 1st ---

24 THE COMMISSIONER: Whatever ---

25 MS. JONES: --- 1994.

1 **THE COMMISSIONER:** June 1st, 1994.

2 **MR. HAMELINK:** Yes.

3 **THE COMMISSIONER:** Okay. Now go ahead.

4 **MS. JONES:** Thank you.

5 The first notes that you make though you
6 said was for your own reference to -- as a quick reference
7 as to what the evidence was or what the evidence was being
8 collected by your officers was.

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

10 **MS. JONES:** When I look at the longer
11 version of your notes, which is the new document ---

12 **THE COMMISSIONER:** Two five seven two
13 (2572)?

14 **MS. JONES:** Yes. Thank you.

15 There is one notable omission I would
16 suggest. If we go down approximately a third down the page
17 -- and there are names in this that should be a publication
18 ban.

19 **THE COMMISSIONER:** Publication ban, yes,
20 stamp.

21 **MS. JONES:** And one of the possible victims
22 in your notes said Father Charlie was queer. That's what
23 you've written in your notes. In the original statement
24 Jos van Diepen's statement had added on that sentence
25 saying, "he liked little boys but never specified," and

1 that actually is not in your handwritten summary. Can you
2 see that?

3 MR. HAMELINK: Yes, I can.

4 MS. JONES: Now, if we move to Bates page
5 8280, this is when you're speaking with Officer Sebalj.
6 And it appears on June 9th that you attended at Cornwall
7 Police and met with Officer Sebalj.

8 MR. HAMELINK: That's correct.

9 MS. JONES: And you made a request for her
10 to find out some information about an individual.

11 And then on July 13th at 1510 you again
12 attended at Cornwall Police and spoke with Chief Johnston
13 and Deputy Chief St. Denis and said that you wanted a
14 statement from Sebalj regarding any conversations she had
15 with Silmsler regarding sexual assault charges being laid
16 against Ken Seguin.

17 MR. HAMELINK: Correct.

18 MS. JONES: And at that point it appears
19 that the Chief said that they would have to get a legal
20 opinion before they could allow that to happen, according
21 to your notes.

22 MR. HAMELINK: Yes.

23 MS. JONES: Is that right?

24 MR. HAMELINK: That's correct.

25 MS. JONES: And July 20th, which is the next

1 entry in your notes, which is a week later, you attended to
2 interview Heidi Sebalj.

3 MR. HAMELINK: I did.

4 MS. JONES: Were you aware that it was Chief
5 Johnston that actually had initiated the request that OPP
6 do these investigations?

7 MR. HAMELINK: No.

8 MS. JONES: Were you given any reason why
9 you couldn't just speak to Officer Sebalj?

10 MR. HAMELINK: Yes, I was.

11 MS. JONES: And what was the reason for
12 that?

13 MR. HAMELINK: That there was a pending
14 lawsuit involving the Cornwall Police Service and that's
15 why they wanted a legal opinion before I interviewed any of
16 their officers.

17 MS. JONES: For your interview that you had
18 with her on July 20th were there any restrictions given to
19 you or were you just allowed to interview as you wished?

20 MR. HAMELINK: There were no restrictions.

21 MS. JONES: Did you get any input from Tim
22 Smith before conducting this interview with Heidi Sebalj?

23 MR. HAMELINK: Not that I recall.

24 MS. JONES: Do you think it might have been
25 helpful to get some input from Tim Smith just to see how

1 the conduct of his investigation was going at that time,
2 considering Heidi Sebalj was quite involved in this
3 incident right from the start?

4 **MR. HAMELINK:** And your question was?

5 **MS. JONES:** Do you think it would have been
6 helpful to you to get an update as to where this
7 investigation was going on his part?

8 **MR. HAMELINK:** I don't see how that would
9 have been helpful to me.

10 **MS. JONES:** Now, you said earlier when -- I
11 believe it was the Malcolm MacDonald statement, he said
12 that David Silmser had an appointment with Cornwall Police
13 that he would cancel if he got the money from Ken Seguin.
14 Do you recall me asking you that just a few moments ago?

15 **MR. HAMELINK:** Yes, I do.

16 **MS. JONES:** And you said you did follow it
17 up with Heidi Sebalj. I'm wondering if you could just
18 point me to that area, please.

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

20 **MR. HAMELINK:** I'm sorry; Ms. Jones, could
21 you please repeat your question for me?

22 **MS. JONES:** In Malcolm MacDonald's statement
23 that he gave you on May 12th he said that he had been told
24 by David Silmser if he paid the money he would cancel the
25 appointment he had with Cornwall Police the following week.

1 And I'd asked you if there was a follow-up to that and you
2 said you had followed that up with Heidi Sebalj.

3 **MR. HAMELINK:** I know that there is a
4 document that relates to Heidi Sebalj's interaction with
5 meetings and schedule of meetings that had been set up
6 between her and David Silmsler, and cancellations of certain
7 meetings that he said he would keep. I know that's some
8 place, Ms. Jones. I know I read that. It's not in my
9 notes.

10 **MS. JONES:** Okay. If we could move on then
11 to the next topic, which is getting the Crown brief
12 completed, and the very next Bates page, 8284.

13 July 21st, 1994 you've spoken with Mr.
14 Griffiths, who's the Senior Regional Crown, and you
15 provided him with an update and said that you still had a
16 few interviews left to complete. And it would appear from
17 the interview list that there were two more interviews that
18 were conducted after July 21st. One was Cornwall Police
19 Officer Luc Brunet and that was done on August 18th, and
20 then the second was Ron Lefebvre, September 7th, and I'm
21 wondering if we could please go to Officer Brunet's
22 statement, Exhibit 1437.

23 **THE COMMISSIONER:** What page, please?

24 **MS. JONES:** One-four-three-seven (1437) and
25 I haven't gotten to a page yet. It's the statement of Luc

1 Brunet.

2 **THE COMMISSIONER:** Yeah. So what page?

3 **MS. JONES:** Page 1.

4 **THE COMMISSIONER:** Page 1.

5 **MS. JONES:** Now, in this particular
6 statement, it appears that it was Officer McDonell that did
7 the statement by himself. It also appears the substance of
8 this is far more relevant to the investigation Tim Smith
9 was doing rather than the extortion investigation.

10 What role did you think that Officer Brunet
11 had in the extortion investigation? I'm just curious why
12 McDonell would have been doing the interview.

13 **MR. HAMELINK:** My memory of this statement
14 was that Brunet had completed his own statement and
15 Constable McDonell caused this statement to be put onto an
16 interview report, and from my memory there are LE 135s and
17 LE 135As, supplementary reports.

18 **THE COMMISSIONER:** And you'll have to help
19 me out. What's this LE thing?

20 **MR. HAMELINK:** LE is a Law Enforcement form;
21 135 is a number, sir, that they go by.

22 **THE COMMISSIONER:** I think your -- well, and
23 to bolster your thought on that is that we have as an
24 exhibit -- in that exhibit we have the Will Say of Staff
25 Sergeant Brunet behind the interview report, and I think

1 they are -- just a minute. Yeah, I think they're
2 identical. So you're probably right.

3 **MR. HAMELINK:** From my knowledge, sir, they
4 are identical, with the exception of that the interview
5 report -- or the interview that Brunet provided, our
6 officer had to put onto an LE 135.

7 **THE COMMISSIONER:** So while Ms. Jones is
8 looking that up or collecting her thoughts, let's go back
9 to the idea of Sebalj, and you say you went back to her and
10 you checked to see if, in fact, what Malcolm MacDonald had
11 said about Silmsen having an appointment -- so regardless
12 of what the note said, do you have a memory of what the
13 result of that was? Was there an appointment that he
14 cancelled or was there not one? Do you have any
15 information on that?

16 **MR. HAMELINK:** I believe there was, sir. I
17 do have an independent recollection that there was an
18 appointment that he had cancelled with Constable Sebalj.

19 **THE COMMISSIONER:** We know there were many
20 but at the relevant time when MacDonald said ---

21 **MR. HAMELINK:** Yes, I believe I was aware of
22 that.

23 **THE COMMISSIONER:** No, no, no, I'm not
24 saying that that was a fact. What I'm asking you is, you
25 did the work and you came to the conclusion that Silmsen

1 had an appointment with Sebalj a couple of days before the
2 suicide, or in that timeframe? Do you understand what I'm
3 saying?

4 **MR. HAMELINK:** Oh, I understand what you're
5 saying, Mr. Commissioner, but I don't know that I can be
6 that specific as to ---

7 **THE COMMISSIONER:** Okay, okay. Well, we'll
8 look at it.

9 kay, Ms. Jones?

10 **MS. JONES:** Thank you.

11 If we could just back to Exhibit 2570,
12 please? This is the February 17th initial report that was
13 submitted by yourself. It was entered this morning;
14 Document 725250.

15 And underneath the date there's a file
16 number, 955-10-17-94, and it appears that's the extortion
17 file number.

18 **MR. HAMELINK:** It is the extortion file
19 number.

20 **MS. JONES:** Right. So if we now go back to
21 Officer Brunet's statement, which is Exhibit 1437, the
22 occurrence number is the extortion file number. Can you
23 see that?

24 **MR. HAMELINK:** Yes.

25 **MS. JONES:** So the appearance is that this

1 is being done for the extortion investigation, so that's
2 what I was basing the questions on. Are you able to
3 explain that?

4 **MS. SACCOCCIO BRANNAN:** Mr. Commissioner,
5 I'm having a great deal of difficulty with this line of
6 questioning, and the difficulty I'm having is the lack of
7 understanding that there were a number of Crown briefs.
8 One was for *R. v. MacDonald*, one was for *R. v. Silmser* and
9 then there was the agreement not to lay charges. And in
10 fairness to this ---

11 **THE COMMISSIONER:** The agreement not to lay
12 charges?

13 **MS. SACCOCCIO BRANNAN:** Sorry, the
14 investigation into the alleged agreement; the settlement
15 investigation.

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

17 **MS. SACCOCCIO BRANNAN:** And what I find
18 difficult to understand is -- you know, and I have to do
19 this to a Rule 38, so I don't get to do this to the very
20 end, but in fairness to this witness, if you look and
21 compare those indexes from the Crown briefs and you go to
22 the database and you find the same statement of Luc Brunet,
23 and you'll find a different doc number, and when you look
24 at the source you'll see that that statement is found in
25 both *R. v. Silmser* and in the Crown brief regarding the

1 settlement.

2 So, you know, we're 14 years beyond when
3 this investigation took place and, it seems to me, in order
4 to assist you to understand whether or not there's
5 coordination amongst these investigations, that you should
6 be aware of the fact that that statement finds its place --
7 finds itself in two places. So there was -- the statement
8 was shared, notwithstanding -- notwithstanding that the
9 extortion file number is on it.

10 **THE COMMISSIONER:** Well, okay.

11 **MS. SACCOCCIO BRANNAN:** And that's all in
12 the documents and the databases there.

13 **THE COMMISSIONER:** Then when you come, when
14 it's your turn, you can tell me that.

15 **MS. SACCOCCIO BRANNAN:** But by then,
16 Mr. Commissioner, it's too late. You're looking at it from
17 a -- well, I'll leave it 'til when it's my turn.

18 **THE COMMISSIONER:** No, no, what do you mean?
19 No, no.

20 **MS. SACCOCCIO BRANNAN:** I really think that
21 in fairness to a witness in a process called an Inquiry,
22 this isn't about how to get the witness. This is about,
23 let's find out what really happened.

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

25 **MS. SACCOCCIO BRANNAN:** And what happened in

1 this particular case with respect to Officer Brunet's
2 report is it landed in two Crown briefs where it should
3 have landed.

4 **THE COMMISSIONER:** Well, maybe Ms. Jones
5 isn't aware of that. Maybe you're going to be able to fill
6 it in.

7 **MS. SACCOCCIO BRANNAN:** But my expectation
8 is she's Commission counsel.

9 **THE COMMISSIONER:** Yes.

10 **MS. SACCOCCIO BRANNAN:** She should be aware
11 of it.

12 **THE COMMISSIONER:** Oh.

13 **MS. SACCOCCIO BRANNAN:** She should be aware
14 of it.

15 **THE COMMISSIONER:** Of everything?

16 **MS. SACCOCCIO BRANNAN:** Yes, because she's
17 Commission counsel and she's looking at an Inquiry with a
18 very large mandate, I'll admit, but yes, she should be.
19 This is her witness. She should be aware of whether -- and
20 if she's taking the position there was no sharing, then she
21 should have looked to see if there was sharing.

22 That's my point. It shouldn't be left -- it
23 shouldn't necessarily have to be left to Mr. Hamelink's
24 counsel. If we're following the way an Inquiry is supposed
25 -- we're looking into, we're not trying to "get people".

1 **THE COMMISSIONER:** Are you insinuating that
2 Ms. Jones is trying to get this witness?

3 **MS. SACCOCCIO BRANNAN:** I'm not insinuating.

4 **THE COMMISSIONER:** Are you telling me?

5 **MS. SACCOCCIO BRANNAN:** I am making the
6 statement that in my view the way in which the questioning
7 is approached is that it wasn't shared.

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

9 **MS. SACCOCCIO BRANNAN:** We're 14 years out;
10 I don't know how much this officer can remember. But the
11 documents speak for themselves.

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

13 **MS. SACCOCCIO BRANNAN:** And where the
14 documents landed, the source of those documents speak to
15 themselves.

16 **THE COMMISSIONER:** Thank you.

17 Let me make one comment. You may sit down.

18 In an Inquiry of this sort -- and it's been
19 going on for a long time. I've been reminded of that often
20 enough -- I would be very surprised if anyone could be the
21 master of all of the facts in this Inquiry. In fact, this
22 morning I was told in no uncertain words that I made a
23 mistake when I was speaking about Murray MacDonald, which
24 was probably fixed within 30 seconds, but in any event.
25 And so I think I'm going to give people some leeway about

1 how we're going to deal with this matter.

2 If this gentleman feels that he is being
3 picked on I would assure you, sir, that that is not the
4 case as far as I'm concerned, and that we're all prone to
5 make some mistakes and maybe overlook something. And I
6 would think because Commission counsel have got to look at
7 everything in the world with respect to this Inquiry, that
8 the OPP, who have been focusing on their part of the
9 Inquiry, would be more than willing to assist and help
10 Commission counsel if they flounder or if they make a
11 mistake. And I'm very happy that you've indicated that
12 they have made an error in that regard and I'm sure that
13 when your turn comes you will be able to set everything
14 straight.

15 **MS. SACCOCCIO BRANNAN:** Mr. Commissioner ---

16 **THE COMMISSIONER:** Yes.

17 **MS. SACCOCCIO BRANNAN:** --- I made a
18 telephone call to Ms. Simms to discuss this very issue with
19 her.

20 **THE COMMISSIONER:** Yes.

21 **MS. SACCOCCIO BRANNAN:** And she said she
22 couldn't discuss it with me and she would have to get
23 someone else to get back to me.

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

25 **MS. SACCOCCIO BRANNAN:** Nobody got back to

1 me. So I did make an effort to bring this to the attention
2 of ---

3 **THE COMMISSIONER:** Well, of course you did.

4 **MS. SACCOCCIO BRANNAN:** --- Commission
5 counsel.

6 **THE COMMISSIONER:** Of course you did.

7 **MS. JONES:** I actually don't believe I had
8 even asked the question about sharing. I was merely
9 wondering why Officer McDonell had done the statement. I
10 hadn't actually gone the next step yet, but in any event.

11 I'm sorry, OPP counsel were talking. Did
12 you wish to say something on the record?

13 **THE COMMISSIONER:** Did you want say
14 something, Mr. Kozloff?

15 **MS. SACCOCCIO BRANNAN:** He had not prepared
16 the statement. He picked the statement up. You're just
17 talking about Constable McDonell preparing the statement.
18 He did not prepare the statement. You can look at his
19 Will-Say. He picked it up from Sergeant Brunet.

20 **THE COMMISSIONER:** First of all, those
21 people who are sitting in the front will either come to the
22 microphone to speak or lower their voices.

23 Number two, Officer McDonell did not prepare
24 the statement. Well, he did prepare the statement in the
25 sense that he took the Will-Say and he put it on an OPP

1 document. Now, I don't know how many hairs we're going to
2 split here. I don't have too many left. What I want to do
3 is finish the examination of this witness in a respectable
4 and proficient manner.

5 **MS. JONES:** Now, we'll move onto Officer
6 Lefebvre's statement, Document 715260.

7 **THE COMMISSIONER:** Thank you. Exhibit 2573
8 is an interview report of Ron Lefebvre taken by Detective
9 Constable McDonell on September 7th, 1994.

10 --- **EXHIBIT NO./PIÈCE NO. P-2573:**

11 (715260) - Interview Report of Ron Lefebvre
12 dated 7 Sep 94

13 **MS. JONES:** This is a similar situation, Mr.
14 Hamelink, where this officer's statement or interview
15 report -- it says, "Interviewed by Detective Constable
16 McDonell." The CIB number is the extortion number. Was
17 this a statement taken by Officer McDonell of Officer
18 Lefebvre?

19 **MR. HAMELINK:** To the best of my
20 recollection, Ms. Jones, it's the same scenario as with the
21 Brunet statement.

22 **MS. JONES:** So these were -- in both cases
23 it's your evidence that the statement had already been
24 prepared. It was just Officer McDonell doing the
25 paperwork, shall we say?

1 **MR. HAMELINK:** To the best of my
2 recollection, yes.

3 **MS. JONES:** Now ---

4 **MR. HAMELINK:** I'm sorry.

5 **MS. JONES:** Yeah?

6 **MR. HAMELINK:** Doing the paperwork?

7 **MS. JONES:** Well, getting it in the system
8 and putting it in a typed format that's accessible?

9 **THE COMMISSIONER:** Taking it from a Will-Say
10 to an interview is what you're saying he did?

11 **MR. HAMELINK:** That's what I'm saying.

12 **THE COMMISSIONER:** Thank you.

13 **MS. JONES:** Thank you.

14 Now, after your conversation with the Crown
15 attorney in July you had made the statement, according to
16 your notes anyway, that the Crown -- you still had some
17 interviews to conduct. These were the only two interviews
18 after July 21st before you actually submitted your Crown
19 brief. Were there any other statements that had come to
20 mind or were you just preparing the Crown brief at this
21 point?

22 **MR. HAMELINK:** After -- if these were the
23 last two statements that were taken the Crown brief would
24 go in for preparation for delivery to the Crown attorney;
25 that's correct.

1 **MS. JONES:** All right. Now, in Brunet's and
2 Lefebvre's statement would you agree with me -- I think you
3 agreed with me on the Brunet statement, but in Lefebvre's
4 statement it also deals predominantly with the issues
5 surrounding Father Charlie MacDonald rather than the
6 extortion?

7 **MR. HAMELINK:** Yes, I would.

8 **MS. JONES:** Thank you. If we could go back
9 to your notes, please, Bates page 8285, the date is
10 September 29th and this is the date that you met, it would
11 appear, with -- it says B. Griffiths but I think you mean
12 Peter Griffiths at his Ottawa office.

13 **MR. HAMELINK:** Yes.

14 **MS. JONES:** And that's when you presented
15 him with the brief for his consideration; correct?

16 **MR. HAMELINK:** Correct.

17 **MS. JONES:** And on that same date you also
18 spoke to Doug Seguin, just for the sake of completeness,
19 and said you'd given the Crown your brief. And then on
20 October 12th you got a response from Mr. Griffiths, and that
21 is Document 725155.

22 **THE COMMISSIONER:** Thank you. Exhibit
23 Number -- this hasn't been made an exhibit yet?

24 **MS. JONES:** No.

25 **THE COMMISSIONER:** Two five seven four

1 (2574) is a letter dated October 12th, 1994 to then Staff
2 Sergeant Fred Hamelink from Peter Griffiths.

3 --- EXHIBIT NO./PIÈCE NO. P-2574:

4 (725155) - letter from Peter Griffiths to
5 Fred Hamelink dated 12 Oct 94

6 MS. JONES: Seven two five one five five
7 (725155).

8 And I just wish to go to the second page of
9 that document and Mr. Griffiths says at the top:

10 "The only witness statement that I can
11 find that provides any evidence of an
12 extortion threat comes from Malcolm
13 MacDonald. Mr. MacDonald related
14 inadmissible hearsay evidence from Ken
15 Seguin and relates the following about
16 a conversation he had with Mr. Silmser:
17 'From what I can remember from the
18 conversation, he was demanding money or
19 he would go to the police concerning
20 Ken's behaviour. I asked him for
21 details in his claim and asked him to
22 get to me later.' In my opinion, that
23 is a very thin statement on which to
24 rest a criminal charge."

25 You'll agree with me that there is no

1 referenced here in Mr. Griffiths' letter at least to the
2 other Malcolm MacDonald statement that he had said the
3 threat was actually to go to the Ministry, just this one on
4 the police which is the May 12th.

5 **MR. HAMELINK:** I would agree with that.

6 **MS. JONES:** Okay.

7 "Mr. MacDonald," the next line:

8 "Mr. MacDonald starts by indicating his
9 memory may be faulty and concludes by
10 referring to Mr. Seguin's claim, a word
11 which has civil connotations to a
12 lawyer. Malcolm MacDonald has been a
13 defence counsel in Cornwall for 20
14 years and before that was the Crown
15 attorney for Cornwall. If Malcolm
16 MacDonald believed that Mr. Seguin was
17 committing a criminal extortion against
18 his client then I would expect him to
19 report the offence to the police or
20 warn off Mr. Silmser. He did neither."

21 I think he meant Mr. Silmser rather than Mr.
22 Seguin earlier in the paragraph.

23 The conclusion therefore by Mr. Griffiths
24 was that there was not sufficient evidence to provide
25 reasonable probable grounds to support a criminal charge of

1 extortion against David Silmsler. That's his final finding
2 on the matter. Do you agree with that?

3 **MR. HAMELINK:** I do.

4 **MS. JONES:** Now, when this was given to Mr.
5 Griffiths in September, on September 29th, it appears that
6 you didn't go with the original plan that you had with Mr.
7 Smith, and that was to have two Crown briefs or the two
8 parallel investigations going to the Crown at the same
9 time. Is there a reason for that?

10 **MR. HAMELINK:** There was no specific reason.
11 There was no intent for me to mislead Inspector Smith. My
12 brief was ready. I had made a previous phone call to Mr.
13 Griffiths, made arrangements to meet and presented my
14 brief.

15 **THE COMMISSIONER:** So I guess now's the time
16 -- we've heard from Mr. Smith. He says that -- I'll be
17 careful -- that there was some kind of an arrangement
18 between you and he that you would do your investigations
19 and at some point you would get together, look at your
20 notes to see if there was anything that you had raised or
21 he had raised that would benefit each other and that you
22 would go together to the Crown attorney. I think that's
23 what he said. Is that fair?

24 **MR. HAMELINK:** That's fair, Mr.
25 Commissioner.

1 **THE COMMISSIONER:** All right.

2 So what's your answer to that?

3 **MR. HAMELINK:** I went ahead of him. There's
4 really no explanation as to why I did. I was finished.

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

6 **MR. HAMELINK:** Resources being what they
7 were, my investigation was finished; I now have two other
8 officers or at least Genier at that time that can go on to
9 another investigation. I was being fiscally responsible as
10 far as I was concerned.

11 **THE COMMISSIONER:** Okay. We heard yesterday
12 from Mr. Smith that he was somewhat displeased by that and
13 that he would have discussed it with the superior. Were
14 you ever aware of anything like that?

15 **MR. HAMELINK:** Never.

16 **MS. JONES:** I don't know if this was
17 actually entered yesterday or not, Document 725571.

18 **THE COMMISSIONER:** How much longer?

19 **MS. JONES:** Not long. Two minutes.

20 **THE COMMISSIONER:** Okay. Then we'll take a
21 break.

22 **MS. JONES:** Was that an exhibit, Madam
23 Clerk?

24 **THE COMMISSIONER:** Thank you.

25 Exhibit Number 2575 is an email from Len

1 Aitchison to Patrick Hall and the date is July 17th, 2001.

2 --- EXHIBIT NO./PIÈCE NO. P-2575:

3 (725571) - E-mail from Len Aitchison to Pat
4 Hall dated 17 Jul 01

5 MS. JONES: That's right. There's a second
6 email below but that's a good identifier.

7 THE COMMISSIONER: Well, at least by
8 identification purposes.

9 MS. JONES: If we go to the second email,
10 the first in time, this is an email from Pat Hall to Len
11 Aitchison about the Project Truth extortion investigation.
12 And partway through the paragraph it states:

13 "I am told Tim Smith and Fred Hamelink
14 had a big blow up and Fred concluded
15 his investigation without Tim's
16 knowledge."

17 Do you recall having something that would be
18 considered the "big blow up" with Mr. Smith over this
19 issue?

20 MR. HAMELINK: I do not have any recall
21 whatsoever of any blow up at any time with Tim Smith or any
22 other detective inspector within CIB.

23 MS. JONES: Okay. There's ---

24 MR. HAMELINK: This document, Ms. Jones, in
25 fairness, was authored the 16th of July 2001. I retired in

1 July 2001.

2 MS. JONES: Okay. And if I could please go
3 to Document 733126.

4 THE COMMISSIONER: Who's Len ---

5 MR. HAMELINK: Aitchison.

6 THE COMMISSIONER: --- Aitchison?

7 MR. HAMELINK: Sir, he was a staff sergeant
8 in CIB who was in charge of making sure that the inspectors
9 had the equipment that they needed, vehicles, cell phones,
10 whatever. He was in charge of doing stuff like that.

11 THE COMMISSIONER: Okay. Exhibit 2576 is a
12 Project Truth Inquiry officer report and the name is Chris
13 Lewis and the date is July 27th, 2005, a Will-State.

14 --- EXHIBIT NO./PIÈCE NO. P-2576:

15 (733126) - Will State of Chris Lewis re:
16 'Project Truth Inquiry Officer Report' dated
17 27 Jul 05

18 MS. JONES: Thank you.

19 If we could just go to the second page
20 please, Bates page 7649, in the first complete paragraph it
21 describes that:

22 "There was some alleged conflict
23 between Smith and Detective Inspector
24 Fred Hamelink who'd been working in the
25 Cornwall area on an investigation that

1 I believe related to the suicide of a
2 male who'd been a suspect in the
3 Project Truth matter. Edgar was
4 concerned about the potential
5 implications of these two CIB members
6 not cooperating with one another and
7 asked me to go down and speak to them
8 to ensure the conflict wasn't serious."

9 And in the next paragraph Lewis states that
10 he did go down to Whitby and Ottawa to meet with you and
11 Smith and generally discussed the interaction, the fact
12 they needed to work together in a cooperative fashion.
13 Then he stated:

14 "I did not feel the matter was a
15 serious conflict or a threat to the
16 quality of their investigations but it
17 was merely a case of differing
18 personalities."

19 Do you recall having such a conversation
20 with Chris Lewis -- Chief Superintendent Chris Lewis around
21 that time concerning any conflict between yourself and Tim
22 Smith?

23 **MR. HAMELINK:** There was never any
24 conversation between myself and then-Inspector Lewis about
25 this issue or any other issue dealing with Project Truth.

1 On the date that he says he met with me, December the 6th,
2 1995, I have checked my notes and I was working in the
3 Ottawa area on the Troy Emerson Inquest. On those
4 particular dates I was working with then-Inspector Ken
5 Smith on a totally unrelated issue and I was giving him
6 assistance in his investigation dealing with an officer
7 alleged to have given portions of a cocaine seizure to a
8 girlfriend. I never met with Lewis on that date or any
9 other date concerning this matter.

10 **MS. JONES:** If Chief Superintendent Lewis
11 maybe has the date wrong, and this does happen that the
12 years are wrong, it says 1995 and maybe it should be 1994
13 because that would be in the timeframe, would that be a
14 date that would be more applicable to such a conversation
15 rather than 1995?

16 **MR. HAMELINK:** No, because I have my notes
17 present here from December of 1994 and there's no
18 indication in my notes that I met with Lewis or discussed
19 that at all.

20 **MS. JONES:** Those are my questions, Mr.
21 Hamelink.

22 **MR. HAMELINK:** Thank you, Ms. Jones.

23 **MS. JONES:** At this particular point I ask
24 any witness if you have any recommendations for the
25 Commissioner to consider or if you wish to share any

1 personal sort of an impact that this Inquiry or the events
2 leading up to the Inquiry has had on yourself. This is
3 your opportunity for that, sir.

4 **MR. HAMELINK:** May I, Mr. Commissioner?

5 **THE COMMISSIONER:** Certainly. And just
6 before you -- while you're opening that up, I do believe it
7 may be an error, because if this Project Truth report,
8 which is dated July 27th, 2000 -- no, no, that doesn't help
9 out. Sorry. It's still a mystery.

10 All right. Go ahead, sir. I'm sorry.

11 ---**STATEMENT BY/DÉCLARATION PAR MR. HAMELINK:**

12 **MR. HAMELINK:** Mr. Commissioner, thank you
13 for the opportunity to provide you with my comments
14 regarding the Inquiry process and to make recommendations.

15 This has been a very long, difficult and
16 stressful process for the OPP and in particular for its
17 officers, both retired and active, who were involved in the
18 pre-Project Truth and Project Truth investigations.

19 In my case, in preparing for today, I
20 reviewed the extortion investigation that I case-managed
21 some 14 years ago. This has not been easy. I believe that
22 we all did our job and discharged our responsibilities and
23 duties to the best of our ability

24 However, I have watched some of the evidence
25 of other police officers, both Cornwall Police Service and

1 the OPP, and I knew that when I took the stand today that
2 the questions that would be posed that I would have to
3 answer would be questions that would be critical of the
4 extortion investigation I conducted in 1994.

5 I knew I would find it difficult to respond
6 when that criticism is largely based on an analysis of
7 words and documents that were recorded in 1994, long after
8 memories of the details and the contents have since faded.
9 This is all the more so when such criticism is being made
10 with the benefit of all the documents representing the time
11 period of approximately six years and, of course, with the
12 benefit of hindsight.

13 It is for this reason that I ask you not to
14 judge my 1994 investigation or any of the historical
15 investigations which are subject of this Inquiry by today's
16 standards. Much has changed in policing since 1994 and it
17 is for this reason that I believe the standards against
18 which the police must be judged in this Inquiry are the
19 standards in place at the time their investigations were
20 conducted. Nonetheless, I have answered the questions put
21 to me to the best of my ability. I know my fellow officers
22 have and will do so as well.

23 There is one recommendation that I offer you
24 today. As you have heard, case managers in the Ontario
25 Provincial Police hold a rank of detective inspector.

1 These commissioned officers are assigned major cases to
2 investigate. The problem is that these officers carry from
3 10 and sometimes up to 20 cases at a time, ranging from
4 homicides, missing persons where foul play is suspected,
5 sexual assaults, multi-jurisdictional transient crimes and
6 so on.

7 In my respectful opinion, it is unreasonable
8 to expect one person to case-manage this many major cases
9 and also have an expectation that those investigations will
10 be able to bear the scrutiny of an Inquiry such as this
11 some 10, 15 and 20 years from now. Remember, too,
12 Mr. Commissioner, the case manager is not restricted to any
13 one region in the Province. These 10, 15 or 20 cases could
14 range in location, for example, from Windsor to Cornwall,
15 Thunder Bay and other points in the Province.

16 I would recommend in your considerations
17 that a cap be put on the number of cases a detective
18 inspector is assigned to manage at one time. While I
19 recognize that this will require some additional resources
20 for the OPP from the Government of Ontario, it seems to me
21 that cases will be better managed if the case manager's
22 caseload is a reasonable one.

23 Mr. Commissioner, I hope that the small part
24 I have played in this Inquiry here today will assist you in
25 making your recommendations that will benefit all members

1 of policing services in Ontario to better discharge their
2 responsibilities and duties in concert with other public
3 institutions and stakeholders with whom they work.

4 Thank you, sir.

5 **THE COMMISSIONER:** Thank you very much, sir.
6 Let's take a short break.

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

9 This hearing will resume at 3:35 p.m.

10 --- Upon recessing at 3:19 p.m./

11 L'audience est suspendue à 15h19

12 --- Upon resuming at 3:38 p.m./

13 L'audience est reprise à 15h38

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

16 This hearing is now resumed. Please be seated. Veuillez
17 vous asseoir.

18 **THE COMMISSIONER:** Thank you.

19 **MS. JONES:** Mr. Commissioner, something has
20 just come to my attention and I wonder if we could just
21 have a brief recess, please?

22 **THE COMMISSIONER:** Sure.

23 **MS. JONES:** Thank you.

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

1 This hearing will resume at 3:45 p.m.

2 --- Upon recessing at 3:39 p.m./

3 L'audience est suspendue à 15h39

4 --- Upon resuming at 3:45 p.m./

5 L'audience est reprise à 15h45

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

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

10 **THE COMMISSIONER:** Thank you.

11 **MS. SACCOCCIO BRANNAN:** Mr. Commissioner, I
12 have not spoken directly with Officer Hamelink, obviously,
13 because it would be inappropriate for me to do so, but our
14 instructing officer, Acting Detective Superintendent
15 Colleen McQuade and Deputy Commissioner Hawkes have spoken
16 with Officer Hamelink, and they have told me that it is
17 really impossible for him to continue today.

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

19 **MS. SACCOCCIO BRANNAN:** And he says he will
20 stay, and if we can finish tomorrow he would do that. If
21 that's not convenient to you, Mr. Commissioner, and to the
22 Inquiry lawyers, then we're happy to pick another day.
23 We're in your hands. He says he believes he'll be able to
24 continue tomorrow.

25 **THE COMMISSIONER:** All right. I'm intent on

1 finishing the witness tomorrow, subject to his health. We
2 have been given deadlines and so we have to strive to
3 honour those deadlines and so we'll start tomorrow morning
4 at 9:30.

5 Thank you.

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

8 This hearing is adjourned until tomorrow
9 morning at 9:30 a.m.

10 --- Upon adjourning at 3:47 p.m. /

11 L'audience est ajournée à 15h47

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM