

**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 306

Held at :

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

Tuesday, November 18, 2008

Tenue à:

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

Mardi, le 18 novembre 2008

ERRATA
Volume 305
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Transcript

Page 222, line 24

MR. MacLENNAN: --- I want to be positive, and I guess in my application of withdrawal, in effect I said in my view you made me a victim and not an offender of some of these -- whatever I feel may have been missteps.

Should have read:

MR. MacLENNAN: --- I want to be positive, and I guess in my application of withdrawal, in effect I said in my view you **may be** a victim and not an offender of some of these -- whatever I feel may have been missteps.

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
Ms. Karen Jones	Commission Counsel
Ms. Kelly Doctor	
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDougald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. Larry O'Brien	D/Insp. Randy Millar
D/Insp. Randy Millar	

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1 --- Upon commencing at 9:42 a.m./

2 L'audience débute à 9h42

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 **RANDOLPH MILLAR, Resumed/Sous le même serment:**

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

13 **DET. INSP. MILLAR:** Good morning.

14 **THE COMMISSIONER:** Do you understand you're
15 still under oath?

16 **DET. INSP. MILLAR:** I do.

17 **THE COMMISSIONER:** Thank you.

18 Ms Jones?

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

20 **JONES (Cont'd/Suite):**

21 **MS. JONES:** Thank you.

22 Yesterday, when we left, we were just
23 starting questions about the Ken Seguin suicide in
24 November, 1993 and I believe the last area of my question
25 had to do with your contact with Staff Sergeant McWade. Do

1 you recall that?

2 **DET. INSP. MILLAR:** Yes.

3 **MS. JONES:** And I'm wondering if you're able
4 to advise us, besides the two notations that you had in
5 your notes of when you talked to Staff Sergeant McWade, can
6 you recall having any other discussion with him discussing
7 your finding?

8 **DET. INSP. MILLAR:** No.

9 **MS. JONES:** Can you recall if you had made
10 the decision that this was a suicide rather than something
11 else? When was it you came to that decision? Was it on
12 November 25th or was it in the days after?

13 **DET. INSP. MILLAR:** Formally, it would have
14 been after the post mortem.

15 **MS. JONES:** Informally though you ---

16 **DET. INSP. MILLAR:** Informally, I would say
17 after the examination of the scene by ident and just what
18 the scene showed. It didn't -- it was -- it suggested
19 suicide.

20 **MS. JONES:** Do you recall telling Staff
21 Sergeant McWade, at any time, that it appears that Ken
22 Seguin committed suicide?

23 **DET. INSP. MILLAR:** No. It's possible I
24 did, but I just don't remember that and I don't believe
25 it's in my notes. No, I don't ---

1 MS. JONES: No, it's not in your notes.

2 DET. INSP. MILLAR: No.

3 MS. JONES: Could we please put Document
4 715637 ---

5 (SHORT PAUSE/COURTE PAUSE)

6 MS. JONES: Two-five-two-nine (2529), thank
7 you.

8 THE COMMISSIONER: Two-five-two-nine (2529)?

9 MS. JONES: Officer Millar, I understand
10 that this is a document that you would have prepared?

11 DET. INSP. MILLAR: Yes.

12 MS. JONES: And that's your handwriting?

13 DET. INSP. MILLAR: It is.

14 MS. JONES: And it appears to be a
15 handwritten summary of your investigation into the death of
16 Ken Seguin?

17 DET. INSP. MILLAR: Yes.

18 MS. JONES: And the date and time of report
19 is up in the right-hand side of the document, 25th November,
20 '93. The time is 15:10. Do you see that, sir?

21 DET. INSP. MILLAR: Yes.

22 MS. JONES: And we clearly have already seen
23 your handwritten notes. I'm just wondering if you could
24 describe the chronology of when you would have compiled
25 this particular document. Is it at the same time that

1 you're doing your handwritten notes?

2 **DET. INSP. MILLAR:** No, it would have been
3 after.

4 **MS. JONES:** So do you finish your
5 handwritten notes completely and then hand write this
6 occurrence report?

7 **DET. INSP. MILLAR:** Yes.

8 **MS. JONES:** There are just a couple of dates
9 in here. Presumably, the very first few pages are devoted
10 to November 25th, 1993 and what your findings were and, you
11 describe what you've described already; the scene, who you
12 talked to.

13 And if we go to Bates page 8232, the date
14 changes there to the 26th of November '93?

15 **DET. INSP. MILLAR:** Yes.

16 **MS. JONES:** Do you see that, sir?

17 **DET. INSP. MILLAR:** Yes.

18 **MS. JONES:** And then it describes what you
19 did the next day following the suicide. I'm wondering,
20 again, were these relatively contemporaneous to the 26th of
21 November, 1993?

22 **DET. INSP. MILLAR:** I believe so, yes.

23 **MS. JONES:** And if we flip over to the next
24 pages, Bates pages 8234 and 8235, it appears on 8235 --
25 this is page number 4 and it appears to be the last page?

1 DET. INSP. MILLAR: Yes.

2 MS. JONES: Now, at the bottom right-hand, I
3 believe that's your signature?

4 DET. INSP. MILLAR: Yes.

5 MS. JONES: And there's a handwritten date
6 there, 26th November, 1993?

7 DET. INSP. MILLAR: Yes.

8 MS. JONES: Is that the date that the
9 majority of this document then would have been completed by
10 the 26th of November, '93?

11 DET. INSP. MILLAR: Yes.

12 MS. JONES: There's one other entry on that
13 last page; it's actually dated the 29th of November, '93.
14 All it says is:

15 "DL and letter of transmittal forwarded
16 to MTO."

17 -- I believe?

18 DET. INSP. MILLAR: Yes.

19 MS. JONES: There's no other entry after
20 that. That's the last thing?

21 DET. INSP. MILLAR: Yes.

22 MS. JONES: So is it fair to say that you
23 had completed this document completely on the 26th of
24 November, save -- or but for that last entry?

25 DET. INSP. MILLAR: Yes.

1 **MS. JONES:** So your decisions that you made
2 or the findings that you made then on the 26th of November
3 are consistent with the date that you've put on the bottom
4 right-hand corner?

5 **DET. INSP. MILLAR:** Yes.

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

7 Now, there's a typewritten version of this
8 that might be a bit easier to read. It's Document 704418
9 which is Exhibit 972.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MS. JONES:** Now, I understand this is just a
12 typewritten version of what we just saw a moment ago?

13 **DET. INSP. MILLAR:** That's correct.

14 **MS. JONES:** That there really are not
15 substantive additions or deletions between the handwritten
16 version and this version?

17 **DET. INSP. MILLAR:** I didn't actually
18 compare them word-for-word in preparation for this Inquiry,
19 but I would say that they would agree.

20 **MS. JONES:** All right.

21 **DET. INSP. MILLAR:** Be accurate.

22 **MS. JONES:** And, again, if we could just go
23 to the last page of the document; it's Bates page 3763. It
24 actually says page number 5 which is actually more accurate
25 than saying page number 4 because the other one, I believe,

1 was page number 5.

2 At the bottom, there's half of a signature
3 and a portion of the date, but I believe that is still your
4 signature?

5 **DET. INSP. MILLAR:** Yes.

6 **MS. JONES:** And would it be fair to say that
7 the date there is probably still the 26th of November, 1993?

8 **DET. INSP. MILLAR:** Yes.

9 **MS. JONES:** Okay.

10 And, again, just to be clear, the only other
11 entry after the 26th of November, again, is the 29th
12 November, '93 and, again, it says:

13 "Driver's licence and letter of
14 transmittal forwarded to MTC"?

15 **DET. INSP. MILLAR:** Yes.

16 **MS. JONES:** Okay.

17 Now, we talked yesterday about the process
18 you went through on November 25th. I just wanted to have a
19 couple of additional questions on that.

20 On the 25th of November, the coroner, Dr.
21 Conway, was there. Do you recall any discussion with the
22 coroner on the scene about whether this was a suicide or a
23 homicide?

24 **DET. INSP. MILLAR:** No, I do not.

25 **MS. JONES:** Do you recall when Dr. Conway

1 ruled that this was actually a suicide?

2 **DET. INSP. MILLAR:** No.

3 **MS. JONES:** So just to clarify things then,
4 when the coroner is doing his work there on the scene,
5 that's what he does and he just takes care of that himself
6 and you don't really interact with him to discuss findings
7 at that point?

8 **DET. INSP. MILLAR:** Sometimes we do, but
9 when he initially attends, he a) declares death and then he
10 orders an autopsy and gives us authority to search for
11 items that would help explain what caused the death, and
12 then we do the investigation for him and, in addition to
13 the autopsy results, he draws his conclusions and puts them
14 in writing.

15 **MS. JONES:** And at the scene, do you recall
16 having any discussions with Dr. Conway?

17 **DET. INSP. MILLAR:** No, I don't remember
18 having any discussions with him.

19 **MS. JONES:** Do you recall seeing or hearing
20 Dr. Conway having discussions with the Seguin family?

21 **DET. INSP. MILLAR:** No.

22 **MS. JONES:** Do you recall hearing anything
23 inappropriate being said to the Seguin family either by Dr.
24 Conway or anyone else at the scene?

25 **DET. INSP. MILLAR:** No.

1 **MS. JONES:** Had you ever met Ken Seguin
2 personally before this investigation?

3 **DET. INSP. MILLAR:** I don't believe so.

4 **MS. JONES:** You were aware obviously though
5 that he was a probation officer ---

6 **DET. INSP. MILLAR:** Yes.

7 **MS. JONES:** --- given the last item we
8 talked about yesterday ---

9 **DET. INSP. MILLAR:** Yes.

10 **MS. JONES:** --- with regards to the letter
11 and such.

12 **DET. INSP. MILLAR:** And I don't recall
13 having any cases with Ken Seguin.

14 **MS. JONES:** And prior to this investigation
15 of the sudden death, did you have any information that Mr.
16 Seguin had had allegations of a sexual nature against him
17 specifically from David Silmser?

18 **DET. INSP. MILLAR:** No.

19 **MS. JONES:** If we could please go to Bates
20 page 3761 of the exhibit in front of you, which is Exhibit
21 972; that's your death investigation.

22 **DET. INSP. MILLAR:** Sorry, what was the
23 Bates page again?

24 **MS. JONES:** Three-seven-six-one (3761), page
25 3.

1 **DET. INSP. MILLAR:** Yes.

2 **MS. JONES:** It appears that on the 25th you
3 finished your investigation for that day; this is now the
4 next day on the 26th of November, and it appears that you
5 attended Cornwall Police. Do you see that ---

6 **DET. INSP. MILLAR:** Yes.

7 **MS. JONES:** --- where I am, halfway down the
8 page?

9 **DET. INSP. MILLAR:** Yes.

10 **MS. JONES:** And apparently you spoke with
11 Staff Sergeant Lucien Brunet and Staff Sergeant Garry
12 Durochie?

13 **DET. INSP. MILLAR:** That's correct.

14 **MS. JONES:** And this I would then understand
15 is the first time that you've heard about any allegations
16 levied against Ken Seguin?

17 **DET. INSP. MILLAR:** Yes.

18 **MS. JONES:** And is this the first time
19 you've heard of David Silmsen?

20 **DET. INSP. MILLAR:** Formally, yes.

21 **MS. JONES:** Formally?

22 **DET. INSP. MILLAR:** I think it would -- it
23 was obvious that the word was out about this \$32,000
24 settlement and -- but I didn't pay much attention to it to
25 be honest with you.

1 **MS. JONES:** Okay. But it's the first time
2 you connected those -- that there was ---

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** --- some sort of a linkage
5 between those two people?

6 **DET. INSP. MILLAR:** Exactly.

7 **MS. JONES:** And it appears that Brunet and
8 Derochie provided you, according to your notes here:

9 "Details of an ongoing investigation
10 relating to Ken Seguin and Father
11 Charles MacDonald of St. Andrew's.
12 Statements and reports were obtained,
13 originals to be retained by Staff
14 Sergeant Derochie."

15 Do you see that?

16 **DET. INSP. MILLAR:** Yes.

17 **MS. JONES:** And presumably those were
18 statements of David Silmser, some of the investigation
19 between Silmser and Seguin. Is that what you were looking
20 at?

21 **DET. INSP. MILLAR:** I believe so, yes.

22 **MS. JONES:** Now, it appears that Brunet and
23 Derochie were describing in a nutshell what the allegations
24 were as proposed by David Silmser. And, again, partway
25 down the page it said:

1 "Silmser provided a written statement
2 which was subsequently analyzed by
3 Cornwall Police Department as being
4 truthful."

5 **DET. INSP. MILLAR:** Yes.

6 **MS. JONES:** So again that was just part of
7 your note-taking at the time ---

8 **DET. INSP. MILLAR:** Yes.

9 **MS. JONES:** --- when you were meeting with
10 the police?

11 And the very last sentence had to do with
12 the fact that Mr. Silmser said he was going to deal with
13 the Father Charles MacDonald investigation first and not
14 the Ken Seguin on the initial report, as he couldn't deal
15 with both at the same time?

16 **DET. INSP. MILLAR:** Yes.

17 **MS. JONES:** You recall that? If we just
18 turn the page, please?

19 It would appear too that Brunet and Derochie
20 also said to you:

21 "Cornwall Police Department
22 investigators felt corroboration was
23 required on the statement..."

24 Presumably of David Silmser:

25 "...due to the lengthy criminal record

1 of Silmser, which included crimes of
2 deceit."

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** Do you see that?

5 **DET. INSP. MILLAR:** Yes.

6 **MS. JONES:** Did you actually get out a CPIC
7 check of David Silmser when you were picking up materials
8 from Cornwall Police?

9 **DET. INSP. MILLAR:** I don't recall.

10 **MS. JONES:** You also learned at that meeting
11 that on the 24th of November, the evening prior to the
12 suicide:

13 "Staff Sergeant Dupuis of the Cornwall
14 Police Department had received a call
15 from David Silmser who stated that if
16 anything happened to him that Charlie
17 MacDonald or Ken Seguin could be
18 considered suspects."

19 Do you see that?

20 **DET. INSP. MILLAR:** Yes.

21 **MS. JONES:** Was this the first time that
22 you'd heard of any allegations against Father Charles
23 MacDonald?

24 **DET. INSP. MILLAR:** Yes.

25 **MS. JONES:** And it's probably fair to say

1 then it's the first time you've heard of any linkage
2 between Father Charles MacDonald, Ken Seguin and David
3 Silmsers?

4 **DET. INSP. MILLAR:** Yes. I had -- like I
5 say, I had heard about this \$32,000 that involved Father
6 MacDonald and Silmsers just through the grapevine. Like I
7 say, I didn't pay much attention to it.

8 **MS. JONES:** Now, also on the 26th of November
9 after you had spoken to Cornwall Police then, you met with
10 David Silmsers?

11 **DET. INSP. MILLAR:** That's correct.

12 **MS. JONES:** If we could please go to
13 Document 715498, Exhibit 271.

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

15 **MS. JONES:** This interview here appears to
16 be conducted by yourself and Officer McDonnell at the same
17 time. Is that ---

18 **DET. INSP. MILLAR:** That's correct.

19 **MS. JONES:** --- your recollection as well?

20 **DET. INSP. MILLAR:** Yes.

21 **MS. JONES:** And the date of the interview is
22 the 26th of November, '93?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** Is this your handwriting,
25 Inspector?

1 **DET. INSP. MILLAR:** Yes, it is.

2 **MS. JONES:** And is this the typical sort of
3 format that you -- do you sit there and write while the
4 person talks?

5 **DET. INSP. MILLAR:** Yes.

6 **MS. JONES:** And so these are
7 contemporaneously made at the time of the interview?

8 **DET. INSP. MILLAR:** Yes. What we do is
9 initially upon making contact with the witness, he or she
10 will give us his or her version of the story or what they
11 have to say and often they're bouncing all over the place.
12 So when we get to this point, they're giving it to us in an
13 understandable and logical format so it has a flow to it.

14 **MS. JONES:** And I notice that there's
15 signatures on the side of each page. You have the person
16 you're interviewing sign the page and any officer that's
17 present as a witness?

18 **DET. INSP. MILLAR:** Yes, that's my normal
19 practice, yes.

20 **MS. JONES:** Now, it appears from the time,
21 1:50 to 3:57, that you were with him a little over two
22 hours?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** Can you recall his demeanour at
25 the time? Was he cooperative? Was he calm?

1 **DET. INSP. MILLAR:** He seemed cooperative,
2 yes. I remember that.

3 **MS. JONES:** He was not unwilling to talk to
4 you?

5 **DET. INSP. MILLAR:** No.

6 **MS. JONES:** Now, I was wondering if I could
7 please turn to Bates page 7873 and about -- the paragraph
8 that starts, "I phoned Malcolm MacDonald".

9 Thank you, Madam Clerk.

10 Looking at that particular portion -- it's
11 the paragraph starting, "I phoned Malcolm MacDonald" that
12 I'm looking at -- the next sentence states:

13 "I phoned Ken Seguin around a week or
14 so ago at work. I told him I wanted a
15 settlement from him also for what he
16 had done for me. He told me to talk to
17 Malcolm MacDonald, his lawyer. I
18 called Malcolm. He asked me if I had a
19 lawyer. I said 'No'. He said he would
20 not be involved in the case if I had a
21 lawyer."

22 This is after he's called -- it's Malcolm
23 he's talking to now at this point:

24 "He said he would not be involved in
25 the case if I had a lawyer. Then he

1 asked me how much I wanted. I didn't
2 tell him till the next day I wanted
3 \$100,000. Malcolm said that was a lot
4 of money. I said that if he didn't
5 have the money I was going to sue the
6 Ministry of Probations and Parole.
7 That was it for that conversation."

8 So those are words that you're writing down
9 as David Silmsner is pretty well saying them?

10 **DET. INSP. MILLAR:** Yes. Not pretty well,
11 that's what he's saying.

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

13 **DET. INSP. MILLAR:** Not pretty well, that is
14 what he's saying.

15 **MS. JONES:** That is what he was saying at
16 the time?

17 **DET. INSP. MILLAR:** Yes.

18 **MS. JONES:** It's closest to a quote as you
19 can get?

20 **DET. INSP. MILLAR:** Yeah.

21 **MS. JONES:** So if we go back to your report,
22 which is Exhibit 972, if you can just keep that handy
23 because I'm going to be referring to that a couple of
24 times.

25 Go to the last page of your report. Right

1 at the top, there seems to be a couple of very significant
2 conclusions that you draw after talking to Cornwall Police
3 and David Silmser. And, again, this is still November 26th,
4 1993.

5 And these I believe would be your words, and
6 you state:

7 "There is no doubt David Silmser was
8 accusing Ken Seguin of sexually
9 assaulting him in years previous.
10 David Silmser telephoned Ken Seguin the
11 night prior to finding Seguin deceased,
12 and threatened to sue him if he did not
13 a make settlement by Friday, November
14 26, '93. After investigation and
15 autopsy, there is no foul play
16 suspected in Seguin's death. Extortion
17 does not exist against Silmser as per
18 Section 346(2) of the *Criminal Code of*
19 *Canada.*"

20 At that particular time, I'd say those are
21 quite significant findings. Do you still stand by those
22 findings today?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** I'm wondering if you could
25 explain specifically the extortion finding that you made.

1 **DET. INSP. MILLAR:** The fact that he was
2 going to sue Ken does not amount to extortion, from what I
3 -- if you read the section of the *Code*. It says
4 threatening to institute civil action or liability does not
5 amount to extortion. That's a conclusion I drew, based
6 solely on David Silmser's statement.

7 **MS. JONES:** And you found him credible on
8 that issue?

9 **DET. INSP. MILLAR:** On that issue, yes. He
10 seemed to be telling the truth about his dealings with Ken
11 Seguin.

12 **MS. JONES:** Okay. So just to be clear, at
13 no time did he say he was going to go to the press ---

14 **DET. INSP. MILLAR:** Not that ---

15 **MS. JONES:** --- if Ken Seguin didn't pay?

16 **DET. INSP. MILLAR:** Not that I recall.

17 **MS. JONES:** At no time did he say he was
18 just going to tell his boss about it if he didn't pay?

19 **DET. INSP. MILLAR:** I don't recall that
20 either.

21 **MS. JONES:** And at no time did he say, "If
22 you don't pay I'm going to go to the police and make a
23 complaint"?

24 **DET. INSP. MILLAR:** I don't recall that.

25 **MS. JONES:** So on November 26th, 1993 you

1 have made the decision that there was no extortion at that
2 time.

3 **DET. INSP. MILLAR:** That's correct.

4 **MS. JONES:** Now, as far as you're concerned,
5 you've made the finding that you don't think that there was
6 any foul play and you've made the finding you don't think
7 there's an extortion. From your point of view, maybe
8 technically from November 29th, 1993, is this investigation
9 complete?

10 **DET. INSP. MILLAR:** I don't believe it was
11 complete. I think that District Headquarters heard about
12 the case, and I have in my notes going to speak to Staff
13 Sergeant Duhamel and I don't know what it was about.
14 That's a problem; I can't remember what it's about. I'm
15 just guessing that it's about this case because I see in my
16 notes that we -- Chris McDonell and I go and interview
17 Malcolm MacDonald quite a bit after November 26th.

18 **MS. JONES:** Okay. We'll get to that in a
19 moment though. But at that particular point had certainly
20 the majority of your investigation been completed ---

21 **DET. INSP. MILLAR:** Yes.

22 **MS. JONES:** --- from your standpoint and you
23 were satisfied with that finding?

24 **DET. INSP. MILLAR:** Yes.

25 **MS. JONES:** Do you recall if anyone was

1 dissatisfied with that report or that finding?

2 **DET. INSP. MILLAR:** No.

3 **MS. JONES:** At the time that you made it, I
4 mean.

5 **DET. INSP. MILLAR:** No.

6 **MS. JONES:** Now, I want to talk about an
7 issue that came up again around the same timeframe
8 concerning Perry Dunlop, and I want, please, to refer you
9 to Document 728943, Exhibit 579, excerpt 4931.

10 Did Madam Clerk get all that? Yes?

11 **THE COMMISSIONER:** So it's an exhibit, Madam
12 Clerk.

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

14 **MS. JONES:** Now, I'm specifically looking at
15 paragraph 30, Inspector, and what you have in front of you
16 is a ---

17 **THE COMMISSIONER:** Just a second. Just a
18 second.

19 **MS. JONES:** I'm sorry.

20 **THE COMMISSIONER:** You want to go to
21 paragraph 30?

22 **MS. JONES:** Yes, Bates page 4931.

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

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MS. JONES:** Thank you, Madam Clerk.

1 This is a Will-State of Constable Perry
2 Dunlop dated April 7th, 2000, and in paragraph 30 on that
3 page Mr. Dunlop describes an event that he states happened
4 on November 25th, 1993, which is the date of Mr. Seguin's
5 suicide.

6 **DET. INSP. MILLAR:** Yes.

7 **MS. JONES:** Now, according to Mr. Dunlop, on
8 the date of Ken Seguin's suicide you and Officer McDonell
9 came to a restaurant in Cornwall and Mr. Dunlop was eating
10 dinner with a Crown attorney, an Ontario Provincial Police
11 officer and a professional engineer. And according to Mr.
12 Dunlop, you came over to him and told him that Ken Seguin
13 had committed suicide and the body had been located at his
14 residence on that particular date, and that you also had
15 asked him if he had a copy of David Silmser's statement.

16 Do you recall this event ever happening?

17 **DET. INSP. MILLAR:** No.

18 **MS. JONES:** Did it happen?

19 **DET. INSP. MILLAR:** No.

20 **MS. JONES:** Did you know Officer MacDonald,
21 as he then was, the serving police officer?

22 **DET. INSP. MILLAR:** I'm sorry, who?

23 **MS. JONES:** Did you ever know Officer --
24 sorry, I misspoke a word there -- Officer Perry Dunlop when
25 he was serving as a police officer?

1 **DET. INSP. MILLAR:** Yes. I worked with him
2 in the drug unit.

3 **MS. JONES:** How long did you work with him?

4 **DET. INSP. MILLAR:** I don't recall.
5 Approximately a year.

6 **MS. JONES:** And do you recall when you would
7 have worked with him?

8 **DET. INSP. MILLAR:** I believe it was in
9 1991. If you look at my ---

10 **THE COMMISSIONER:** Profile.

11 **DET. INSP. MILLAR:** --- my profile, you'll
12 see when I worked jointly with Cornwall Police Service. I
13 think it was two years I worked with them. The first year
14 was not with him, 1989, and in '91 and '92 I would have
15 worked with him for one of those years, as I recall.

16 **MS. JONES:** So you do know each other by
17 sight?

18 **DET. INSP. MILLAR:** Absolutely, yes.

19 **MS. JONES:** And you state that you did not
20 go to a restaurant and see Perry Dunlop?

21 **DET. INSP. MILLAR:** I don't remember going
22 to a restaurant, no.

23 **MS. JONES:** Is it possible it happened and
24 you don't recall it?

25 **DET. INSP. MILLAR:** I don't see why I would.

1 I can tell you this; I do recall either him calling me or
2 me calling him about this statement -- okay, about a
3 statement or a file that he had taken from the Cornwall
4 Police Service, and it made no sense for me to call him
5 because we were en route to Cornwall to get the statement.
6 So we never -- we didn't need his statement that he took
7 from Cornwall P.D.

8 MS. JONES: Do you recall discussing the
9 suicide with Mr. Dunlop ---

10 DET. INSP. MILLAR: No.

11 MS. JONES: --- around the time of the
12 suicide?

13 DET. INSP. MILLAR: No, I don't remember
14 that. I would have no reason to discuss it with him.

15 MS. JONES: And just to be clear the --
16 David Silmser's statement that seems to be referred to in
17 Mr. Dunlop's Will-State is the statement you did get from
18 Cornwall Police on November 26th when you met with Brunet
19 and Derochie. Is that right?

20 DET. INSP. MILLAR: As far as I'm concerned,
21 when we went to Cornwall Police Service they gave us
22 everything -- a copy of everything they had that would
23 relate to our investigation ---

24 MS. JONES: At this ---

25 DET. INSP. MILLAR: --- and David Silmser.

1 MS. JONES: I'm sorry?

2 DET. INSP. MILLAR: And David Silmser.

3 MS. JONES: At this particular time period
4 were you aware of Mr. Dunlop's own efforts, personal
5 efforts, to do investigation in this area?

6 DET. INSP. MILLAR: I was just starting to
7 get aware of that.

8 THE COMMISSIONER: I'm sorry, you were --
9 you were just what?

10 DET. INSP. MILLAR: I was just starting to
11 get aware of that. I was starting to have some concerns
12 about him.

13 MS. JONES: What do you mean by "concerns"?

14 DET. INSP. MILLAR: He was totally -- what's
15 the right word I'm looking for here -- infatuated with this
16 \$32,000 settlement, and he was believing there was cover-
17 ups and so on and so forth.

18 MS. JONES: Could I please go to Document
19 721672? It's Exhibit 2324 and I'm specifically looking at
20 excerpts 1873 -- I'm sorry, 1983.

21 THE COMMISSIONER: I'm sorry?

22 MS. JONES: Excerpt 1983 ---

23 THE COMMISSIONER: Well, we're not there
24 yet.

25 MS. JONES: --- and 1984.

1 **THE COMMISSIONER:** Exhibit number again?

2 **MS. JONES:** Exhibit Number 2324.

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

4 **MS. JONES:** Bates page 1983 and 1984.

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

6 **THE COMMISSIONER:** So these are Mr. Bell's
7 notes from the Children's Aid Society?

8 **MS. JONES:** Correct. And I only need 1983
9 for the date actually. It appears that the date of this
10 particular reference that I'm making here is the 29th of
11 November, 1993 and the time is 1405. Do you see that at
12 the bottom of Bates page 1983, sir?

13 **DET. INSP. MILLAR:** Yes.

14 **MS. JONES:** Okay. And it appears from Mr.
15 Bell's notes that the topic is a conversation with Perry
16 Dunlop and it appears too that there's another worker
17 there, Pina DeBellis, that appears to be perhaps, present
18 for that conversation. Can you see that, sir?

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** Okay. I'm actually going to be
21 referring to the notes made on the following page at the
22 top, the first four bullet points.

23 Again this is the 29th of November. It seems
24 to be the same conversation and it appears that the way
25 that Greg Bell writes his notes, he recounts -- because

1 we've seen many of Mr. Bell's notes. He recounts exactly
2 what he is being told on the other side of the
3 conversation. That's the way that he writes the notes. So
4 it's kind of in the third person. And it appears on Bates
5 page 1984, that Mr. Bell is recounting the conversation he
6 had with Mr. Dunlop. It says at point three:

7 "He indicated..."

8 And he would be Perry Dunlop:

9 "He indicated that Randy Millar and
10 Chris McDonell of OPP Lancaster are
11 investigating the matter of Ken
12 Seguin's suicide and possibly the issue
13 of whether there is an extortion.

14 4. That Randy Millar will want to
15 speak with Pina and I and he indicated
16 we are investigating this case and that
17 David Silmsner has given them a
18 statement which they will give us.

19 5. That there are other perpetrators
20 involved in a ring and we will be
21 heavily hearing them."

22 I'm not sure about that.

23 **THE COMMISSIONER:** "...we will be hearing
24 about them."

25 **MS. JONES:** About them?

1 "...we will be hearing about them.
2 That this includes Malcolm MacDonald.
3 6. He will still come in to review his
4 notes with us but suggested we wait a
5 couple of weeks until we've spoken to
6 Randy Millar, who can tell us more
7 about what we need to know."

8 So this is Perry Dunlop's viewpoint and sort
9 of his side of the conversation and Mr. Bell has
10 transcribed what apparently Mr. Dunlop is telling him over
11 the phone.

12 Do you recall having any sort of a
13 conversation such as this with Mr. Dunlop?

14 **DET. INSP. MILLAR:** No.

15 **MS. JONES:** Do you recall if Mr. Dunlop ever
16 told you about -- directly told you about that there's
17 other perpetrators, there's a ring, that there's going to
18 be more investigation into this on your part?

19 **DET. INSP. MILLAR:** Not on my part, no. He
20 did tell me about this ring. That's why I'm saying, I had
21 started to get concerns about him because he was totally
22 infatuated with this notion that he had about this cover-up
23 and this ring. And you can see it right there.

24 **MS. JONES:** Okay.

25 Were you aware -- the date of this

1 particular conversation appears to be the 29th of November
2 '93.

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** And it appears that Mr. Dunlop
5 is stating that Malcolm MacDonald is alleged to be a
6 perpetrator at this particular point. Were you aware of
7 that at this time?

8 **DET. INSP. MILLAR:** No.

9 **MS. JONES:** If we could please stay with the
10 same exhibit but go to Bates page 2029, please?

11 Is the entry the 13th of December? Thank
12 you, Madam Clerk.

13 So it appears on the 13th of December, 1993
14 at 8:38, a call from Randy Millar, OPP Lancaster. And
15 again, the way that Greg Bell writes his notes, he does it
16 in the third person again so when he says "he," I believe
17 he's referring to you.

18 So it appears that this is his side of
19 recounting the conversation with you:

20 "1. That he became involved over the
21 death of Ken Seguin, which was clearly
22 suicide, and that the connection to
23 Father Charlie MacDonald came out of
24 this.

25 2. That the case has now gone to Ron

1 Wilson at OPP Lancaster.
2 3. That David Silmsers gave him, Randy
3 Millar, another statement but that when
4 Ken Seguin killed himself he didn't
5 want to go further with it.
6 4. That there is another name in
7 Silmsers's statement of an alleged perp
8 and that Ron Wilson has the statement
9 now and is working on it.
10 5. That he knows from CPS there are
11 two other alleged victims of Father
12 Charles but CPS will not give them the
13 names."

14 Do you recall having this conversation with
15 Mr. Bell?

16 **DET. INSP. MILLAR:** No, I don't. Obviously
17 I did but I don't remember that.

18 **MS. JONES:** Can you possibly think of why
19 you would be contacting the CAS?

20 **DET. INSP. MILLAR:** No.

21 **MS. JONES:** Because it appears it's a call
22 from Randy Millar ---

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** --- so it appears you were the
25 one who made the contact.

1 **DET. INSP. MILLAR:** I'm surprised I don't --
2 if I did this, I'm surprised I don't have it in my notes.
3 But obviously I've spoken to him.

4 **MS. JONES:** But there's no explanation you
5 can give for why you would be contacting Greg Bell with
6 this information?

7 **DET. INSP. MILLAR:** No.

8 **MS. JONES:** Do you recall the fact that
9 Cornwall Police had in fact given you two other alleged
10 victims of Father Charles?

11 **DET. INSP. MILLAR:** No, I don't.

12 **MS. JONES:** Alerted you to that ---

13 **DET. INSP. MILLAR:** I don't remember that
14 either.

15 **MS. JONES:** --- didn't give the names.

16 **DET. INSP. MILLAR:** No.

17 **MS. JONES:** That doesn't appear to be in the
18 notes of your conversation with him on the 26th of November.

19 **DET. INSP. MILLAR:** No.

20 **MS. JONES:** Was there any other conversation
21 you had with Cornwall Police concerning this, besides the
22 26th of November?

23 **DET. INSP. MILLAR:** Yes, I have in my notes,
24 "attending Cornwall Police Service" but I don't have in
25 there why.

1 **MS. JONES:** So that's the reference you made
2 to earlier about Duhamel?

3 **DET. INSP. MILLAR:** And Duhamel.

4 **MS. JONES:** And Duhamel?

5 **DET. INSP. MILLAR:** As well, yes. From the
6 -- it would have been from the 26th of November until around
7 the end of December. I have in there, "going to Long
8 Sault" a couple of times and I don't have in there why.
9 And I have in my notes, "going to Cornwall Police Service"
10 but I don't have in there why.

11 And now that I think about this, what we
12 have up on the screen here now, that could have been Greg
13 Bell calling the office looking for me and me getting a
14 message to call him and I called him. That's what it could
15 have been.

16 **MS. JONES:** Do you recall ---

17 **DET. INSP. MILLAR:** Then this would be as a
18 result of him asking me the questions, not me volunteering
19 this information, because I can't imagine why I would call
20 him.

21 **MS. JONES:** Okay.

22 It appears from Mr. Bell's notes anyway,
23 that Ron Wilson had been given anything to do with the
24 Father Charlie matter.

25 **DET. INSP. MILLAR:** Yes, I would -- but I

1 don't recall that either.

2 MS. JONES: Do you recall at any time ever
3 speaking to Helen Dunlop about this matter?

4 DET. INSP. MILLAR: Not about this matter;
5 no.

6 MS. JONES: No. And what about Carson
7 Chisholm?

8 DET. INSP. MILLAR: No. I've never spoken
9 to Carson Chisholm that I can remember.

10 MS. JONES: Now you said you didn't speak to
11 Helen Dunlop about this matter. Was there anything related
12 to any of these proceedings we've heard about in the
13 Inquiry ---

14 DET. INSP. MILLAR: No.

15 MS. JONES: --- that you talked to her
16 about?

17 DET. INSP. MILLAR: No.

18 MS. JONES: Did you know Helen Dunlop?

19 DET. INSP. MILLAR: Yes.

20 MS. JONES: And how was that?

21 DET. INSP. MILLAR: Through working with
22 Perry.

23 MS. JONES: So what sort of relationship
24 could you describe with Helen Dunlop?

25 DET. INSP. MILLAR: Sometimes after work --

1 he was very talented on the guitar and sometimes after
2 work, we would go to his house for a beer and he would play
3 the guitar. So I got to know Helen that way.

4 MS. JONES: So it was purely on a personal
5 level, rather -- nothing to do with ---

6 DET. INSP. MILLAR: No, nothing to do with
7 any of this.

8 MS. JONES: --- investigations, or ---

9 DET. INSP. MILLAR: No.

10 MS. JONES: I just want to talk now about
11 the contact that you had with the Seguin family; and I
12 understand that you met with the Seguin family on
13 approximately December 15th, 1993 to talk about the sudden
14 death. Do you recall that?

15 DET. INSP. MILLAR: Yes.

16 MS. JONES: And besides seeing the Seguin
17 family at the death scene in November and this meeting on
18 December 15th, had you had any other contact or conversation
19 with the Seguin family?

20 DET. INSP. MILLAR: I don't recall having
21 any contact with them, no.

22 MS. JONES: Now by December 15th, presumably
23 your investigation is well over. Do you recall why it is
24 that you were talking with them that date?

25 DET. INSP. MILLAR: If I recall correctly,

1 they asked for the meeting.

2 **MS. JONES:** And do you recall why they asked
3 for the meeting and what ---

4 **DET. INSP. MILLAR:** They wanted ---

5 **MS. JONES:** --- they wanted to talk about?

6 **DET. INSP. MILLAR:** They wanted an update
7 about the investigation. They wanted to know what we
8 learned from the investigation. I guess they had been
9 hearing rumours.

10 **MS. JONES:** Can you recall specifically what
11 sort of things they wanted to talk to you -- you said they
12 heard rumours -- did they want to talk about those rumours
13 with you?

14 **DET. INSP. MILLAR:** As I remember, they just
15 wanted to know what we found.

16 **MS. JONES:** So what was it you told them
17 then?

18 **DET. INSP. MILLAR:** I told them that Ken
19 Seguin committed suicide and -- now, this is in response to
20 their questions.

21 I told them that I was told that Ken Seguin
22 was gay, or I think the word I used was "homosexual," and I
23 told them I believed that he committed suicide because
24 David Silmser threatened to sue him for sexually assaulting
25 him a number of years ago and wanted money.

1 **MS. JONES:** And can you recall their
2 reaction to that?

3 **DET. INSP. MILLAR:** They were floored,
4 absolutely. They were upset, very upset. I don't think
5 they knew any of this.

6 **MS. JONES:** I think you understand or know
7 now anyway that Doug Seguin wrote a document that outlined
8 the meeting from his perspective, and one of the things he
9 said was that you had said, to use his word, "atrocious"
10 things to him on that day, and that he was very upset by
11 that?

12 **DET. INSP. MILLAR:** He was upset with what I
13 had to say, yes. Now, if you'd want to call those -- it's
14 the truth, is what I told him. I wasn't going to hide it;
15 I wasn't going to tone it down. I told him the truth.
16 They asked, I told them the truth.

17 **MS. JONES:** Were you aware that Doug Seguin
18 had met with Superintendent Fougère in February, 1994, and
19 made a complaint about your comments to them on that
20 December 15th meeting?

21 **DET. INSP. MILLAR:** No, I was not aware of
22 that.

23 **MS. JONES:** If I could just take you,
24 please, to Document 733050, specifically Bates page 7408;
25 733050?

1 **THE COMMISSIONER:** Thank you.
2 Exhibit 2597 is -- these are your notes,
3 sir?

4 **DET. INSP. MILLAR:** Yes.

5 **THE COMMISSIONER:** All right. So these are
6 Officer Millar's notes and the first date on the first page
7 is the 22nd of April, 1996.

8 **---EXHIBIT NO./PIÈCE NO. P-2597:**
9 (733050) - Notes of Randy Millar dated April
10 22, 1996 & April 23, 1996 and December 30,
11 2004

12 **MS. JONES:** And if I could specifically go
13 to Bates page 7408, please?

14 Officer Millar, these appear to be your
15 notes again, handwritten notes?

16 **DET. INSP. MILLAR:** That's correct.

17 **MS. JONES:** And I'm specifically looking at
18 the entry that you have dated 30th of December, '04.

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** And it appears that a message
21 was left on your answering machine, on your home phone, by
22 Doug Seguin?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** You see that? And then you
25 returned the call it appears at 13:26?

1 **DET. INSP. MILLAR:** Yes.

2 **MS. JONES:** And I wonder if you'd just
3 describe that conversation in your own words?

4 **DET. INSP. MILLAR:** Doug Seguin -- I guess
5 it came on TV, through Charlie Greenwell -- I'm only
6 guessing after this Inquiry was announced, and he had -- he
7 talked about -- well, just read my notes.

8 He talked about Charlie Greenwell and Guzzo.
9 He talked about some OPP tapes being destroyed, that these
10 tapes came out of Ken's house, that the tapes were
11 destroyed illegally.

12 He questioned me as to whether there were
13 tapes taken from Ken's house when we did the death
14 investigation and I couldn't recall seizing any tapes, and
15 that Ken's death was a suicide.

16 Doug wanted me to issue a press release
17 telling the public that there were no tapes in the house,
18 and I didn't feel that was -- obviously wasn't appropriate
19 for me to do that when there's -- when I think Colleen
20 McQuade had carriage -- well, I notified Colleen, so she
21 had carriage of this inquiry so I directed him to her, or I
22 think I called her and she called him, one or the other,
23 and that was the end of my involvement. And I also
24 notified Don Genier, one of the investigators.

25 **MS. JONES:** Now, this is relatively

1 recently, compared to all the other events ---

2 **DET. INSP. MILLAR:** Yes.

3 **MS. JONES:** --- it was at 2004. Can you
4 recall if there was any other contact with the Seguin
5 family between December 15th, 1993, and this phone call, the
6 30th of December, 2004?

7 **DET. INSP. MILLAR:** Not that I can recall,
8 no. This was -- I was surprised by this call.

9 **MS. JONES:** Do you have any ---

10 **DET. INSP. MILLAR:** I don't even know how he
11 got my number.

12 **MS. JONES:** That was my next question
13 because it was a home number ---

14 **DET. INSP. MILLAR:** Yes.

15 **MS. JONES:** --- that he'd called.

16 Now, just to be clear too for your own mind,
17 I want to put the summary of what Doug Seguin actually told
18 Superintendent Fougère about ---

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** --- the meeting because I think
21 that would be useful for you. It's Document 124187,
22 Exhibit 1051.

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

24 **MS. JONES:** I'm looking at Bates page 1473,
25 please.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. JONES: Bates page 1473 at the bottom.

3 This is the document I'd referred to a bit
4 earlier that Doug Seguin had written because of the civil
5 lawsuit, but it's a summary from his perspective of that
6 conversation that he had with you in December, 1993 ---

7 DET. INSP. MILLAR: Yes.

8 MS. JONES: --- and at the very bottom, it
9 describes that particular meeting.

10 And he says that he met with yourself and
11 officer McDonell at Lancaster:

12 "And then gave an atrocious description
13 of what they said my brother and others
14 had been doing to young boys. When
15 questioned, their suspicions turned out
16 to be nothing more than innuendo, with
17 the notion that Ken was homosexual and
18 could not back up any of their
19 accusations, and made some vague
20 references to other investigations
21 going on in the area at the time."

22 Is that a fair description from your
23 perspective as to what ---

24 DET. INSP. MILLAR: I don't ---

25 MS. JONES: --- the conversation entailed?

1 **DET. INSP. MILLAR:** --- remember him -- I
2 don't remember saying anything about young boys. I think I
3 made -- specific to David Silmser.

4 **MS. JONES:** So at that particular point on
5 December 15th, your only knowledge of any accusations
6 levelled against Ken Seguin had to do with David Silmser?

7 **DET. INSP. MILLAR:** That's all I can recall,
8 yes.

9 **MS. JONES:** Okay.

10 And then at the very bottom of that same
11 page, Bates page 1474, the very last paragraph, it states
12 that the Seguin family -- although it may have been just
13 Doug Seguin, I'm not certain -- this happened about
14 February 2nd, 1994:

15 "The Seguin family made a complaint to
16 Superintendent Fougère at Long Sault of
17 the disreputable conduct of his
18 officers. He immediately called the
19 East Regional Headquarters in Orillia
20 and started a formal investigation of
21 Silmser for extortion. Unfortunately,
22 they used Chris McDonell, one of the
23 same officers who we had complained
24 about and who was also involved in
25 Inspector Tim Smith's investigation of

1 Father Charles MacDonald."

2 Again, just to be very clear, when did you
3 become aware that any sort of a complaint, even -- not a
4 public complaint, necessarily, but just any sort of a
5 complaint had been made against you by the Seguin family to
6 Superintendent Fougère?

7 **DET. INSP. MILLAR:** I think it was in
8 preparing for this Inquiry. That's -- I was never aware of
9 that. If he would have made a complaint, we would have
10 been notified of it, for certain.

11 **MS. JONES:** So you were never contacted by
12 Professional ---

13 **DET. INSP. MILLAR:** No.

14 **MS. JONES:** --- Standards, or anyone
15 else ---

16 **DET. INSP. MILLAR:** No.

17 **MS. JONES:** --- with regards to that ---

18 **DET. INSP. MILLAR:** No.

19 **MS. JONES:** --- specific incident?

20 Now, going next in time then, we have the
21 Seguin meeting on December 15th. I want to now go, please,
22 to Document 100558, which is Exhibit 1083.

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

24 **MS. JONES:** I'm specifically looking at
25 Bates page 1859.

1 Now, these notes are actually handwritten
2 notes of a person called Lenna Bradburn, and it would
3 appear that she had a conversation with you on the 20th of
4 December at 8:35. Do you recall this conversation?

5 **DET. INSP. MILLAR:** No.

6 **MS. JONES:** Do you know who Lenna Bradburn
7 is?

8 **DET. INSP. MILLAR:** I do now.

9 **MS. JONES:** And what's your understanding of
10 who she is?

11 **DET. INSP. MILLAR:** She's with the
12 Children's Aid Society, CAS.

13 **MS. JONES:** Well, she's with the Ministry of
14 the Solicitor General and Ministry of Correctional
15 Services, I believe.

16 **DET. INSP. MILLAR:** Oh, I'm sorry. I'm
17 getting her mixed up with -- is it Ms. Stanley with CAS?

18 **MS. JONES:** Okay. Now, it appears on the
19 20th of December that she had a conversation with you about
20 the Ken Seguin situation.

21 **DET. INSP. MILLAR:** I don't recall that.

22 **MS. JONES:** Don't recall that? Just looking
23 at the notes that she made here, it seems to be consistent
24 with what your findings were in any event.

25 **DET. INSP. MILLAR:** Yes.

1 **MS. JONES:** First of all:

2 "Death by hanging. Have concluded it
3 was suicide."

4 **DET. INSP. MILLAR:** Yes.

5 **MS. JONES:** So that's consistent.

6 "Ron Wilson in Long Sault is looking
7 into sexual abuse by priest."

8 **DET. INSP. MILLAR:** Yes.

9 **MS. JONES:** That's consistent with what you
10 said before. And lastly:

11 "Have looked at issues of extortion by
12 Silmser but have been discounted."

13 And that's consistent with what you said
14 before as well.

15 **DET. INSP. MILLAR:** Yes.

16 **MS. JONES:** So certainly by December 20th, it
17 appears the suicide issue has been resolved, and it also
18 appears the extortion issue has been resolved -- I'd
19 suggest for some time actually on the extortion issue?

20 **DET. INSP. MILLAR:** Yes. As far as I'm
21 concerned, yes.

22 **MS. JONES:** Do you recall at that time
23 anyone asking you to keep investigating anything to do with
24 extortion?

25 **DET. INSP. MILLAR:** I must have been asked

1 to go and speak to Malcolm MacDonald because when Chris and
2 I went and interviewed him that was quite a while after the
3 26th, if I remember right.

4 MS. JONES: It was actually ---

5 DET. INSP. MILLAR: I think it was in
6 December.

7 MS. JONES: Yes, the 21st of December.

8 DET. INSP. MILLAR: Yes.

9 MS. JONES: When you go there next,
10 actually.

11 DET. INSP. MILLAR: Okay.

12 MS. JONES: But on the 20th of December, it
13 seems clear that there's no issue on extortion and yet --
14 I'm going to take you now to the statement of Malcolm
15 MacDonald which is dated the exact next day.

16 DET. INSP. MILLAR: Okay.

17 MS. JONES: And that is Document 715456,
18 Exhibit 973.

19 THE COMMISSIONER: Nine-seven-three (973).

20 MS. JONES: Just look at the first page for
21 now.

22 THE COMMISSIONER: Nine-seventy-three (973).
23 Yes, okay.

24 MS. JONES: So this particular document
25 seems to be the statement of Malcolm MacDonald dated the

1 21st of December, 1993. And it appears that yourself and
2 McDonell did the interview?

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** And the interview was a little
5 over two hours long?

6 **DET. INSP. MILLAR:** Yes.

7 **MS. JONES:** And, again, it's the same
8 format, I think, as what we discussed last time with the
9 Silmser statement; that it seems to be your handwriting and
10 you're writing as things are going along, and then
11 everybody signs the pages to be sure it's ---

12 **DET. INSP. MILLAR:** Yes.

13 **MS. JONES:** --- correct.

14 Now, if you recall the notes of Greg Bell,
15 those notes that I put to you are dated the -- the Perry
16 Dunlop conversation is actually dated November 29th and the
17 conversation that apparently you had with Greg Bell was
18 dated December 13th.

19 Were you aware at that time that Malcolm
20 MacDonald was a possible perpetrator?

21 **DET. INSP. MILLAR:** No. We were
22 interviewing him regarding David Silmser.

23 **MS. JONES:** So when you're meeting with him
24 on the 21st of December, '93, what is the purpose then of
25 this particular statement?

1 **DET. INSP. MILLAR:** He was -- he received a
2 phone call from David Silmser.

3 **MS. JONES:** Okay. But what is the purpose
4 of the statement? If your extortion investigation is over
5 and he's, according to you, not an alleged perp in your
6 mind, what is the purpose of the statement?

7 **DET. INSP. MILLAR:** I'm just -- the only
8 thing that would make sense is that somebody in -- above me
9 has said, "It's not over. Go and interview Malcolm
10 MacDonald and see what he has to say about this case."

11 **MS. JONES:** Do you recall who said that?

12 **DET. INSP. MILLAR:** No.

13 **MS. JONES:** Now, in this particular
14 statement, we've looked at this statement through other
15 witnesses, and he clearly has a different version of what
16 David Silmser said at the end of the phone when he had a
17 conversation with Malcolm MacDonald. Probably the key
18 thing is that according to Malcolm MacDonald's statement,
19 if we go to Bates page 7742, about halfway down it says,
20 "In the afternoon of"?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. JONES:** "In the afternoon of" -- this is
23 Malcolm MacDonald's words, talking about the conversation
24 that I think David Silmser also described from his
25 perspective. And from Malcolm MacDonald's perspective,

1 he's stating:

2 "In the afternoon of November 15th,
3 1993, I telephoned Silmsers at a number
4 that Ken had given me. Silmsers wanted
5 money and told me if he didn't get any
6 money he was going to the Ministry with
7 a complaint."

8 And then later on Malcolm says, "I told Mr.
9 Silmsers I'd get to him by the end of the week", or words to
10 that effect.

11 You'd agree with me that there's a
12 difference between this version of that conversation, which
13 is, "I'll go to the Ministry with a complaint" and David
14 Silmsers's version, which was, "I'll sue the Ministry"?

15 **DET. INSP. MILLAR:** Yes.

16 **MS. JONES:** Did you not want to clarify that
17 at that point in the interview?

18 **DET. INSP. MILLAR:** I don't know. I don't
19 remember.

20 **MS. JONES:** The paragraph above that states:

21 "I was trying to convince Ken to lay
22 charges against Silmsers for extortion
23 and if he didn't want to go that far,
24 to tell his boss at work."

25 Do you see that paragraph there?

1 **DET. INSP. MILLAR:** Yes.

2 **MS. JONES:** Again, did you ask any questions
3 to sort of flesh that out, why Malcolm MacDonald would have
4 thought it was extortion?

5 **DET. INSP. MILLAR:** No.

6 **MS. JONES:** Now, typically -- you may know
7 this, I'm sure you do -- lawyers take notes of phone calls.
8 When they're on the phone with somebody they're writing
9 notes as they go along?

10 **DET. INSP. MILLAR:** Yes.

11 **MS. JONES:** Did you ask Malcolm MacDonald if
12 he had any notes of those conversations made at the time?

13 **DET. INSP. MILLAR:** I don't remember. I
14 think he told us he had writings or -- did I not see that
15 on the first page or somewhere?

16 **MS. JONES:** And Malcolm MacDonald also
17 stated that he had a statement prepared by Ken Seguin?

18 **DET. INSP. MILLAR:** Yes.

19 **MS. JONES:** Did you get a copy of that
20 statement?

21 **DET. INSP. MILLAR:** I don't recall.

22 **MS. JONES:** Do you recall if you asked him
23 why these statements had not been provided sooner to the
24 police; for instance, when they were investigating the
25 suicide?

1 **DET. INSP. MILLAR:** I don't remember.

2 **MS. JONES:** Could I please go to Document
3 733045, Exhibit 2515.

4 **THE COMMISSIONER:** Two-five-one-five (2515)?

5 **MS. JONES:** Two-five-one-five (2515),
6 Document 733045.

7 **THE COMMISSIONER:** When you went over to
8 interview Malcolm MacDonald, did you know of the phone call
9 that Silmsler had made to the Cornwall Police about,
10 "Anything happens to me the suspects should be..." ---

11 **DET. INSP. MILLAR:** Yes, I believe we were
12 made aware of that on the day of -- the day that we went to
13 the Cornwall Police Service. It was the 26th of November I
14 think we were made aware of that.

15 **THE COMMISSIONER:** Sir, did you have any
16 conversations about that with Malcolm MacDonald?

17 **DET. INSP. MILLAR:** Sir, any conversations
18 that I had with Malcolm MacDonald I could only go by the
19 statement. It's too long ago.

20 **THE COMMISSIONER:** Yeah, okay.

21 **DET. INSP. MILLAR:** I can't remember.

22 **THE COMMISSIONER:** Okay, fair enough.
23 What exhibit again, 23? No.

24 **MS. JONES:** Exhibit 2515.

25 **THE COMMISSIONER:** Two-five-one-five (2525),

1 yes.

2 **MS. JONES:** I'm specifically looking at
3 Bates page 7371.

4 **DET. INSP. MILLAR:** Yes.

5 **MS. JONES:** And this is an excerpt from a
6 Will State that you provided to the Project Truth people on
7 the 27th of June, 2005?

8 **DET. INSP. MILLAR:** Yes.

9 **MS. JONES:** And just to refresh your memory,
10 on Bates page 7371, on the 21st of December, 1993 -- that's
11 it. It states there:

12 "Malcolm turns over copies of statement
13 given to him by Seguin prior to death,
14 initialled."

15 **DET. INSP. MILLAR:** Yes. So ---

16 **MS. JONES:** So ---

17 **DET. INSP. MILLAR:** --- I guess we did get
18 copies of the statement given to him by Seguin.

19 **MS. JONES:** Now that you had this statement
20 from Malcolm MacDonald and you had something from Ken
21 Seguin, what did you do with those documents?

22 **DET. INSP. MILLAR:** I don't remember.

23 **MS. JONES:** Were you ---

24 **DET. INSP. MILLAR:** At this point, I'm
25 guessing that somebody above me is in control of this

1 investigation, but I just don't remember who it was.

2 **MS. JONES:** Did you provide any of this
3 information to Ron Wilson who was looking after the Father
4 Charlie part?

5 **DET. INSP. MILLAR:** I don't remember.

6 **MS. JONES:** Were you aware that on February
7 3rd, 1994, which is a couple of months after this or a
8 month-and-a-half after this, that there was actually an
9 extortion investigation launched at that time against David
10 Silmsner?

11 **DET. INSP. MILLAR:** Yes, either Tim Smith
12 did that one or -- Tim Smith and Fred Hamelink were doing -
13 - one was investigating Father Charlie and one was
14 investigating the extortion. I can't remember who was
15 doing what.

16 **MS. JONES:** Do you recall when you were made
17 aware of that?

18 **DET. INSP. MILLAR:** No.

19 **MS. JONES:** Was it at the time of the
20 extortion investigation, i.e. around February, 1994 or was
21 it much later?

22 **DET. INSP. MILLAR:** On the 15th of -- or the
23 17th of January, I went to Akwesasne for a homicide and I
24 was there until April as we came in upon another homicide.
25 So I was over there for two homicides.

1 So I had nothing to do with what was
2 happening in Lancaster or Long Sault. I was strictly in
3 Akwesasne on the 17th of January.

4 **MS. JONES:** If we go to your notes, still on
5 the same page that we have there in front of us, the entry
6 dated the 22nd of April, 1996 -- remember this is 1996 not
7 1994 -- there's a mention of a briefing with Fred Hamelink?

8 **DET. INSP. MILLAR:** Yes.

9 **MS. JONES:** And that has to do re. the Ken
10 Seguin suicide. As I say, this is April '96 ---

11 **DET. INSP. MILLAR:** Yes.

12 **MS. JONES:** --- not '94.

13 There's no other reference to Inspector
14 Hamelink other than that reference in 1996.

15 **DET. INSP. MILLAR:** Yes.

16 **MS. JONES:** Is it fair to say you did not --
17 for the reasons that you also just talked about -- that you
18 did not have any conversation with Inspector Hamelink at
19 the time about the extortion investigation?

20 **DET. INSP. MILLAR:** No, I don't remember
21 having any conversation with Hamelink about that.

22 **MS. JONES:** Were you aware that Chris
23 McDonnell was tasked as the lead investigator on this
24 extortion investigation?

25 **DET. INSP. MILLAR:** I know he was now but I

1 don't -- like I say, I was totally occupied on Akwesasne.
2 I would have had -- I wasn't paying attention at all to
3 what was happening here.

4 MS. JONES: What about when you came back in
5 April '94?

6 DET. INSP. MILLAR: I'd have to go to my
7 notes; April '94.

8 MS. JONES: But you don't recall having any
9 sort of discussion about it certainly at the time ---

10 DET. INSP. MILLAR: No.

11 MS. JONES: --- but you learned about it
12 after?

13 DET. INSP. MILLAR: No. After meeting with
14 Dr. Bouchard, it would have been a courtesy call to Fred
15 Hamelink, who I would have known was in charge of the
16 extortion investigation as I see it now.

17 MS. JONES: And when was that? When would
18 that have been?

19 DET. INSP. MILLAR: The 22nd of April, which
20 you have up on the screen.

21 MS. JONES: In 1996 though?

22 DET. INSP. MILLAR: In 1996, yes.

23 MS. JONES: Okay. Right. I'm asking more
24 specifically though about 1994.

25 DET. INSP. MILLAR: I don't -- like I say, I

1 don't remember. I'd have to go to my notes.

2 I don't remember having anything to do with
3 this case after the 17th of January or after the last entry
4 in my notebook which is December. Actually, I think I have
5 one in January going to Long Sault. I don't remember
6 having anything to do with this case again until having to
7 go and see Dr. Bouchard, the regional coroner.

8 **MS. JONES:** And were you ever aware that
9 Superintendent Fougère had actually -- he testified to this
10 in the Inquiry as well -- that he had actually at one point
11 asked for a reinvestigation into the suicide. Were you
12 aware of that?

13 **DET. INSP. MILLAR:** No, I don't remember
14 that.

15 **MS. JONES:** Did you ever hear about that
16 before preparation for the Inquiry?

17 **DET. INSP. MILLAR:** I don't remember that,
18 no.

19 **MS. JONES:** We're going to move on now to a
20 different topic.

21 I'd like to take you please to Document
22 714184.

23 **THE COMMISSIONER:** Exhibit 2598 is an
24 interview report of Officer Millar, 15th of February, '94,
25 statement taken by Hurlbut and Beatty. Is that -- yeah,

1 Hurlbut and Beatty -- thank you -- Exhibit 2598.

2 --- EXHIBIT NO./PIÈCE NO. P-2598:

3 (714184) - Interview Report of Randy Millar
4 re. C-91 dated February 15, 1994

5 MS. JONES: Thank you very much.

6 Mr. Commissioner, there should be a
7 publication ban on this document. I would also be asking
8 for a moniker given the nature of this particular statement
9 and what it discusses.

10 THE COMMISSIONER: Okay. Just a second.

11 Okay.

12 MS. JONES: I can refer you to the actual
13 name that I would wish to have monikered. It's on the
14 second page, I believe.

15 THE COMMISSIONER: Well, there's an alleged
16 victim on the first page.

17 MS. JONES: Is there, on the first page?
18 Yes, that's -- actually that's correct. It's in the first
19 paragraph. It's a description of -- the allegation's on
20 the second page in more detail.

21 THE COMMISSIONER: So there will be a ban on
22 publication of the name that is found on the fifth line of
23 7054011 which will be confirmed in the in camera hearing.

24 MS. JONES: Thank you.

25 And what's the moniker number please, Madam

1 Clerk?

2 THE REGISTRAR: C-91.

3 MS. JONES: Six-nine-one?

4 THE COMMISSIONER: C-91.

5 MS. JONES: C-91.

6 THE COMMISSIONER: So do you see that, sir,
7 the person that we're referring to on the fifth line?

8 DET. INSP. MILLAR: Yes.

9 THE COMMISSIONER: That will be C-91.

10 DET. INSP. MILLAR: C-91.

11 MS. JONES: Now, there's also reference to
12 C-91's father.

13 DET. INSP. MILLAR: Yes.

14 MS. JONES: And because they have the same
15 surname, could you please refer to that person as C-91's
16 father rather than using ---

17 DET. INSP. MILLAR: Okay.

18 MS. JONES: --- the surname because there
19 can't be any identifying feature as well.

20 DET. INSP. MILLAR: Okay.

21 MS. JONES: Now, this statement was made by
22 you on the 15th of February, 1994, and this was a police
23 statement given to police officers because apparently on
24 the previous Friday, February 11th, 1994, you had learned
25 from your brother-in-law, Crown attorney Murray MacDonald,

1 that your father-in-law, Milton MacDonald, had received a
2 phone call from a person alleging sexual misconduct on
3 Milton MacDonald's part.

4 Is that correct?

5 **DET. INSP. MILLAR:** Yes.

6 **MS. JONES:** It appears from your statement
7 that obviously this is very upsetting for the family?

8 **DET. INSP. MILLAR:** It was indeed, yes.

9 **MS. JONES:** And a family meeting was
10 arranged for the Saturday morning?

11 **DET. INSP. MILLAR:** Yes.

12 **MS. JONES:** And this is when all of you had
13 discussed Milton's previous dealings with the criminal
14 justice system in a similar sort of a situation. Again,
15 this obviously upsetting to everyone involved, including
16 yourself?

17 **DET. INSP. MILLAR:** Yes.

18 **MS. JONES:** And on the Sunday then, you met
19 again with your brother-in-law, Murray MacDonald, and I'd
20 just like to refer you to the second page of your
21 statement, Bates page 4012, and it's the second last
22 paragraph that I'm looking at starting with the words, "I
23 told them". And this is again your statement, saying:

24 "I told them that I thought we should
25 get hold of the victim's father and ask

1 him if he had any knowledge of any
2 wrongdoing by Milton towards C-91. I
3 called C-91's father and he came to my
4 house. I asked C-91's father if he was
5 aware of any problems between C-91 and
6 Milton. C-91's father replied, 'My
7 wife had a problem with him once', but
8 that he wasn't aware of any problems
9 between C-91 and Milton."

10 It appears that he then went on to tell you
11 that one time his wife found C-91 and Milton in the house
12 and she was suspicious and told Milton to stay away from
13 her son. And as far as C-91's father knew, nothing had
14 happened between C-91 and Milton of a sexual nature.

15 "I told C-91's father that I was
16 concerned that maybe something had
17 happened and that I wanted to get to
18 the truth to find out if this was a
19 criminal or moral issue. I told him
20 that it hinged on the age of C-91 at
21 the time; that if they were adults, it
22 would be a moral issue, but if C-91 was
23 younger that perhaps it would be a
24 criminal issue. C-91's father asked
25 what I wanted him to do. I told him

1 that I wanted to get to the bottom of
2 it so he would know whether it had
3 happened or not. I told him that if it
4 was criminal that I would request that
5 someone from outside come in to conduct
6 the investigation. C-91's father left.
7 I was feeling very bad about the
8 situation so I called Superintendent
9 Carson Fougère and advised him what had
10 occurred to date. Carson said it would
11 have to be investigated, but no
12 arrangements were made."

13 And a little while later -- down, it says:
14 "C-91's father told me that C-91 told
15 him that Milton had molested him when
16 he was 14 years old. I told C-91's
17 father that I shouldn't hear any more
18 and that I would arrange for some
19 outside investigators to interview C-
20 91. I called Superintendent Fougère
21 back to tell him what C-91's father had
22 told me."

23 Is that an accurate reflection of what
24 happened in those days?

25 **DET. INSP. MILLAR:** Yes.

1 **MS. JONES:** And I would like to refer you
2 now to Document 714173 together with Document 714177.

3 There's two documents, but it's actually one
4 statement. If the whole statement could be made one
5 exhibit, please?

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

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 2599 is a statement from Murray
9 Gerard MacDonald taken the 16th of February, 1994.

10 **--- EXHIBIT NO./PIÈCE NO. P-2599:**

11 (714173) Interview Report of Murray
12 MacDonald re. C-91 dated February 16, 1994

13 **MS. JONES:** Thank you. I'd ask for a
14 publication ban on this for the same reasons the previous
15 statement, Mr. Commissioner.

16 **THE COMMISSIONER:** Thank you, yes.

17 **MS. JONES:** Now, on the first page of Mr.
18 MacDonald's statement, the last paragraph talks about when
19 he had first learned of this particular allegation and it
20 appears what his initial thoughts were on it. And in his
21 statement, he stated:

22 "I hung up and tried to make sense of
23 the information that I had received. I
24 wondered if the man may be trying to
25 extort money. I wondered why anyone

1 would say something like this and I was
2 trying to think what motive C-91 would
3 have."

4 Do you see that?

5 **DET. INSP. MILLAR:** Yes.

6 **MS. JONES:** Then at the bottom of the second
7 page of his statement, which is Bates page 3998, there's
8 actually a recounting of the conversation he had with you,
9 now from his perspective, in the last paragraph. It starts
10 with the words, "I told them" and it states:

11 "I told them there was a previous
12 incident in the late sixties. I asked
13 Randy if he knew about this. Randy
14 replied yes, that he had and that he
15 presumed that everyone in the family
16 knew about it. He said that he
17 remembered a rumour at that time, but
18 he didn't believe that there had been
19 anything to it. We didn't think that
20 it had ever progressed past the police
21 investigation."

22 I'm just a bit confused. Was it you who
23 thought it hadn't proceeded past the police investigation
24 or ---

25 **DET. INSP. MILLAR:** Yes.

1 **MS. JONES:** --- was it Mr. MacDonald?

2 **DET. INSP. MILLAR:** Me.

3 **MS. JONES:** Then at the top of the next
4 page, which is Bates page 4003, it states:

5 "Randy tried to calm me down by saying
6 that a complaint may not be made at
7 this point and that it may indeed be an
8 extortion attempt. Randy and I talked
9 about the precarious position that he
10 and I would be in being a police
11 officer and a Crown Attorney, so I told
12 him to be sure to keep his distance."

13 So in these two conversations and even in
14 your own notes, the issue of whether this was actually an
15 extortion had come up; from your side and from Mr.
16 MacDonald's side?

17 **DET. INSP. MILLAR:** Yes, it was a
18 possibility.

19 **MS. JONES:** Is it fair to say that that was
20 one of the motivations that caused you to want to talk to
21 the victim's father -- the alleged victim's?

22 **DET. INSP. MILLAR:** I wanted to talk to the
23 victim's father to get to the truth.

24 **MS. JONES:** It further states in Mr.
25 MacDonald's statement later on in that same paragraph:

1 "If Randy found there wasn't a
2 complaint then I told him he should
3 still keep his distance. I told Randy
4 that I had already instructed Dad to
5 stay away from C-91 and not to try to
6 take the law into his own hands."

7 It further states at the bottom of that
8 page:

9 "Randy and I talked about the events.
10 Randy felt the matter should be brought
11 to a head and be dealt with. I told
12 him to be careful and not jeopardize
13 his position. He said that he felt he
14 could contact the father of C-91
15 without compromising his position. I
16 told him to be careful."

17 Do you recall this conversation?

18 **DET. INSP. MILLAR:** Yes.

19 **MS. JONES:** Now, when you did meet with C-
20 91's father, he knew you were a police officer or serving
21 police officer?

22 **DET. INSP. MILLAR:** We were neighbours for a
23 number of years. He lived behind me.

24 **MS. JONES:** So he had known for some time
25 that you were a police officer?

1 **DET. INSP. MILLAR:** Oh, yes.

2 **MS. JONES:** On the last page of Mr.
3 MacDonald's statement, about halfway down the page, it's
4 stated:

5 "Randy indicated that he was going to
6 see the boy's father. I told him that
7 I trusted his judgment and that was his
8 call."

9 Again, is that how you remember it, that you
10 made the decision not to go and that Mr. MacDonald did not
11 have any input into that?

12 **DET. INSP. MILLAR:** No, I made the decision.

13 **MS. JONES:** Now, it appears that later on we
14 learned that Mr. MacDonald was actually -- Milton MacDonald
15 -- was actually convicted of this particular offence.

16 **DET. INSP. MILLAR:** Yes.

17 **MS. JONES:** Is that your recollection as
18 well?

19 And would you agree that by your contacting
20 of C-91 -- C-91's father, it could be perceived as perhaps
21 using your position as a police officer in an inappropriate
22 way?

23 **DET. INSP. MILLAR:** No, I don't see that at
24 all. I saw it as me trying to get to the truth of whether
25 this actually happened or not and it did happen and we

1 turned him in.

2 **MS. JONES:** Just a moment, please.

3 **THE COMMISSIONER:** Do you know what the
4 sentence was when Mr. MacDonald ---

5 **DET. INSP. MILLAR:** I don't remember
6 exactly, sir, but he went -- he went to jail.

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

8 **MS. JONES:** My last question before we take
9 a break.

10 I'm wondering if you can be given the
11 moniker list and I just want to ask you if you are familiar
12 with this particular person; C-4?

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

14 **DET. INSP. MILLAR:** No.

15 **MS. JONES:** You don't know this person?

16 **DET. INSP. MILLAR:** I know of the last name.
17 There's not too many families around with that last name,
18 but I don't know that first name. I know his brother if
19 it's the same family.

20 **MS. JONES:** I wonder if maybe you could look
21 at the moniker list to see if you recognize if there's -- I
22 think there's one other person -- no.

23 **DET. INSP. MILLAR:** Can you tell me what he
24 does for a living?

25 **THE COMMISSIONER:** No.

1 **DET. INSP. MILLAR:** No?

2 **MS. JONES:** I'll leave it at that. Thank
3 you very much. This might be a good time ---

4 **THE COMMISSIONER:** Let's take a break.

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

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

8 --- Upon recessing at 11:01 a.m./

9 L'audience est suspendue à 11h01

10 --- Upon resuming at 11:23 a.m./

11 L'audience est reprise à 11h23

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

14 This hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

16 **RANDOLPH MILLAR, Resumed/Sous le même serment:**

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

18 **MS. JONES (cont'd/suite):**

19 **MS. JONES:** Can we please go to Document
20 714159?

21 Before you describe whose statement this is,
22 Mr. Commissioner, this refers to a monikered person, C-80,
23 and they would probably share the same surname.

24 **THE COMMISSIONER:** Yes. So we're going to
25 say that this is an interview report of ---

1 **MS. JONES:** It's the mother of C-80.

2 **THE COMMISSIONER:** --- mother of C-80. It's
3 a statement taken on May 9th, 1994 by Hurlbut and Beatty.

4 **MS. JONES:** Thank you.

5 **THE COMMISSIONER:** It should be a
6 publication ban.

7 **--- EXHIBIT NO./PIÈCE NO. P-2600:**

8 (714159) - Interview Report of the mother of
9 C-80 dated 09 May 94

10 **MS. JONES:** Thank you.

11 Do you have that in front of you, sir?

12 **DET. INSP. MILLAR:** Yes.

13 **MS. JONES:** Thank you.

14 Now, the incident involving yourself and
15 your father-in-law date from February 1994. This statement
16 is dated May 1994 so presumably this is -- and these are
17 the same officers that interviewed you and Mr. Murray
18 MacDonald, so presumably this is part of that ongoing
19 investigation. And this is a person that's the mother of
20 C-80. Can you recognize who C-80 would be from this
21 document?

22 **DET. INSP. MILLAR:** Yes.

23 **MS. JONES:** Okay. And I just want to refer
24 you -- just generally speaking, the statement refers to the
25 contact between C-80 and Milton MacDonald. Would you

1 agree?

2 **DET. INSP. MILLAR:** Yes.

3 **MS. JONES:** And on the very last paragraph
4 it states, "Terry Seguin" -- if you can see that sentence,
5 yes.

6 "Terry Seguin and Al Millar of the
7 local OPP came to see me. They were
8 investigating Milton MacDonald, who had
9 apparently been molesting young boys."

10 I'm wondering, the "Al Millar" that they're
11 talking about, that's not you, is it?

12 **DET. INSP. MILLAR:** No, that's my father.

13 **MS. JONES:** That's your father?

14 **DET. INSP. MILLAR:** Yes. I would have been
15 12 or 13 years old at the time.

16 **MS. JONES:** My next question was the
17 relationship, but you say it's your father.

18 **DET. INSP. MILLAR:** Yes.

19 **MS. JONES:** He was a member of the OPP as
20 well?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. JONES:** And did you know Terry Seguin as
23 well?

24 **DET. INSP. MILLAR:** Yes.

25 **THE COMMISSIONER:** So at that time you

1 weren't related to Milton MacDonald then?

2 **DET. INSP. MILLAR:** No.

3 **THE COMMISSIONER:** Just to be clear.

4 **MS. JONES:** Nor was your father, right ---

5 **DET. INSP. MILLAR:** No.

6 **MS. JONES:** --- by marriage ---

7 **DET. INSP. MILLAR:** No.

8 **MS. JONES:** --- shall we say. Okay. Thank
9 you very much.

10 Were you aware that your father had done
11 this investigation ---

12 **DET. INSP. MILLAR:** No.

13 **MS. JONES:** --- at the time?

14 **DET. INSP. MILLAR:** No, he never spoke about
15 work.

16 **MS. JONES:** I want to move on to ---

17 **THE COMMISSIONER:** Just a second.

18 So as you were about to enter into the
19 Milton MacDonald family, did your dad have a chat with you
20 about Milton at some point?

21 **DET. INSP. MILLAR:** No.

22 **THE COMMISSIONER:** Never?

23 **DET. INSP. MILLAR:** No. There was rumours
24 circulating, and I can remember playing hockey and being in
25 the dressing room, and the talk going on between myself and

1 my friends, "Did you hear what happened with the Boy Scout
2 leader, Milton?"

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

4 **DET. INSP. MILLAR:** And that was it; that
5 was the end of it.

6 **THE COMMISSIONER:** Okay.

7 **DET. INSP. MILLAR:** That's how I knew about
8 it. I didn't -- I don't remember him being charged but I
9 do know now that he was.

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

11 **MS. JONES:** We're now going to move on to
12 the Jean-Luc Leblanc investigation, and I'd like to please
13 start off by looking at Document 736432.

14 **THE COMMISSIONER:** Thank you.

15 Exhibit 2601 is a General Occurrence Report
16 from the Cornwall Police Service. The author is Cameron S.

17 **MS. JONES:** Yes.

18 **THE COMMISSIONER:** And the report time was
19 in 1998/08/07.

20 **MS. JONES:** August 7th, 1998. Is that what
21 you said, Mr. Commissioner?

22 **THE COMMISSIONER:** No. I said 1998/08/07.
23 I didn't know which one was the month or the day.

24 **MS. JONES:** Okay. I believe it's August 7th
25 is the way that it's interpreted.

1 **THE COMMISSIONER:** Probably is.

2 **--- EXHIBIT NO./PIÈCE NO. P-2601:**

3 (736432) General Occurrence Report of Jean
4 Luc Leblanc dated 07 Aug 98

5 **MS. JONES:** It appears from this General
6 Occurrence Report that a complainant, who was a mother of
7 two children at the time that had been Jean-Luc Leblanc
8 victims, contacted the Cornwall police and the gist of the
9 complaint was that she and her daughters had seen Jean-Luc
10 Leblanc in the company of young boys and they had estimated
11 the boys to be between the ages of eight and 12.

12 And it appears that the sightings -- one of
13 the sightings was in Wal-Mart, where Mr. Leblanc was buying
14 the boys running shoes. Another sighting was at the
15 Cornwall speedway, where there were three young boys
16 between eight and 12, and he was paying their way into it,
17 and apparently the complainant's other daughter had seen
18 him, to use the words, "on various occasions in and around
19 town," apparently always with young boys.

20 The complainant was very concerned because
21 the suspect, Mr. Leblanc, may be continuing his previous
22 behaviour of sexually abusing young boys. So that was the
23 gist of the complaint there. Would you agree with that?

24 **DET. INSP. MILLAR:** Yes.

25 **MS. JONES:** Now, this General Occurrence

1 Report also says that when the person who received this
2 incident did checks there was no information on OMPPAC or
3 CPIC to confirm the date of birth or address of Leblanc,
4 and the complainant said that she would check her old court
5 papers to see if she could get a date of birth, at least to
6 help out.

7 Now, does this General Occurrence Report get
8 filed into the OMPPAC system, and is this something, if it
9 does get put into OMPPAC, that you would have access to?

10 **DET. INSP. MILLAR:** I'd have to use the
11 Cornwall's org number, they call it.

12 **MS. JONES:** The -- I'm ---

13 **DET. INSP. MILLAR:** It's a different org
14 number. Organization number I guess is what it stands for.

15 **MS. JONES:** But ---

16 **DET. INSP. MILLAR:** So certainly I could
17 access it, yes.

18 **MS. JONES:** All right. I'm saying this is a
19 Cornwall police thing, you're an OPP ---

20 **DET. INSP. MILLAR:** Yes.

21 **MS. JONES:** --- thing, but you can actually
22 access these each other's reports ---

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** --- if you request to look at
25 the Cornwall document?

1 **DET. INSP. MILLAR:** Yeah.

2 **THE COMMISSIONER:** Do you need a permission
3 or do you have ---

4 **DET. INSP. MILLAR:** No, no, it's -- if
5 you're on the OMPPAC system -- I think you can even go "all
6 organizations," if I remember right.

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

8 **MS. JONES:** And at this particular time
9 period, 1998, the OPP was on the OMPPAC system?

10 **DET. INSP. MILLAR:** Yes, I believe so.

11 **MS. JONES:** Would you agree with me by the
12 general tenor of this complaint that, to summarize, this
13 mother is very upset about what she has seen with Jean-Luc
14 Leblanc and wants the police to do something about him?

15 **DET. INSP. MILLAR:** She's certainly upset
16 enough to notify them of what she's seen. She's concerned,
17 obviously.

18 **MS. JONES:** And would you agree with me that
19 some of the descriptions of what she's describing happening
20 between Leblanc and these children is consistent with
21 possible inappropriate behaviour?

22 **DET. INSP. MILLAR:** Possibly.

23 **MS. JONES:** It could be possible legitimate
24 behaviour as well but ---

25 **DET. INSP. MILLAR:** Yes, yes.

1 **MS. JONES:** --- also could be possible
2 inappropriate ---

3 **DET. INSP. MILLAR:** Yeah.

4 **MS. JONES:** If we could please go to
5 Document 736431, please.

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

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 2602 is a supplementary occurrence
9 report. The author is G. Tyo. The report time is the 11th
10 of August, 1998.

11 **---EXHIBIT NO./PIÈCE NO. P-2602:**

12 (736431) - Supplementary Occurrence Report
13 dated 11 Sep 98

14 **MS. JONES:** Now, it would appear that this
15 is the next dealing, shall we say, of Cornwall Police with
16 this Leblanc issue, and it appears Constable Tyo of the
17 Cornwall Police commenced a follow-up investigation into
18 the report that was initially taken on the 11th of August.

19 Efforts were made to contact the complainant
20 to get the date of birth but that was unsuccessful, so
21 Officer Tyo got a copy of the criminal information and he
22 was able, it would appear, to find more information on Mr.
23 Leblanc, such as an address, and also had confirmed that
24 Mr. Leblanc was convicted of two counts of gross indecency
25 on November 6th, 1986, and that he was convicted and

1 sentenced on those offences.

2 **DET. INSP. MILLAR:** Yes.

3 **MS. JONES:** The other thing that was
4 revealed, that there weren't any conditions concerning his
5 activities.

6 **DET. INSP. MILLAR:** That's correct.

7 **MS. JONES:** Of course, the conviction was
8 1986. This is now 1998, so it's some 12 years later.

9 Once the information had been received, it
10 was noted that the address was actually in your
11 jurisdiction, the OPP, and it appears that Officer Tyo then
12 contacted you?

13 **DET. INSP. MILLAR:** That's correct.

14 **MS. JONES:** Could you just describe -- what
15 was your job at the time when this call would have come
16 through?

17 **DET. INSP. MILLAR:** I was an area crime
18 supervisor, so I was supervising detectives that
19 investigated crimes such as murder, attempt murder,
20 robbery, if it came to the top of the pile, break-and-
21 enter, which didn't happen very often, that sort of thing.
22 So I was supervising them.

23 **MS. JONES:** And how many detectives did you
24 have at the time?

25 **DET. INSP. MILLAR:** I can tell you this,

1 five detectives were seconded to other projects and, as I
2 recall, I had three full-time and three that were seconded
3 in from uniform.

4 MS. JONES: So making a total of six
5 detectives?

6 DET. INSP. MILLAR: Yes.

7 MS. JONES: And, as you said, three of them
8 were seconded in, so that ---

9 DET. INSP. MILLAR: Five.

10 MS. JONES: --- they're not experienced ---

11 DET. INSP. MILLAR: That's right, yes.

12 MS. JONES: --- is that right?

13 And I'm wondering if you could describe what
14 is the OPP policy with regards to deciding what priority
15 some particular item will take over another?

16 DET. INSP. MILLAR: I don't think it's
17 actually policy; it's common sense.

18 First of all, crimes against persons will be
19 dealt with before crimes against property, and then you
20 just go in priority, like homicide gets number one, attempt
21 murder would get number two, and robbery, and so on and so
22 forth.

23 MS. JONES: And what about possible
24 pedophile activity, on-going at the time? What sort of
25 priority would that be given?

1 **DET. INSP. MILLAR:** You mean historical
2 sexual cases?

3 **MS. JONES:** No, current; on-going at the
4 moment.

5 **DET. INSP. MILLAR:** Any fresh sexual
6 assaults are given high priority.

7 **MS. JONES:** Okay.

8 **DET. INSP. MILLAR:** Obviously not as high as
9 murder and not as high as attempt murder, but any fresh
10 sexual assault, for sure.

11 **MS. JONES:** What about sexual assaults
12 against children?

13 **DET. INSP. MILLAR:** The same thing.

14 **MS. JONES:** So it would appear from Officer
15 Tyo's notes that you were contacted on September 10th, 1998
16 and it says, according to Officer Tyo:

17 "Relayed all information to him so that
18 they can conduct the appropriate checks
19 on Leblanc in their jurisdiction."

20 Do you see that?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. JONES:** Do you recall that conversation
23 with Officer Tyo?

24 **DET. INSP. MILLAR:** Not to that degree. I
25 remember him calling me and telling me that this man was

1 living in our area; gave us the address.

2 He told me that he had been seen with young
3 boys, that there -- but there was no offence and he wasn't
4 under any conditions. That's it.

5 MS. JONES: Okay.

6 DET. INSP. MILLAR: So I was not made aware
7 of any offence.

8 MS. JONES: But you were given the
9 information that a complaint had been made?

10 DET. INSP. MILLAR: Yes.

11 MS. JONES: And I believe your evidence is
12 that you would have had access to Exhibit 2601, which is
13 the initial general occurrence report where the initial
14 complaint would have come in?

15 DET. INSP. MILLAR: Yes, I would have, but I
16 did not query it.

17 MS. JONES: Okay. That was my next
18 question. Did you, yourself, or did you direct anyone to
19 look up the details, a more detailed ---

20 DET. INSP. MILLAR: No.

21 MS. JONES: --- description on ---

22 DET. INSP. MILLAR: No.

23 MS. JONES: --- Leblanc, specifically,
24 Exhibit 2601 ---

25 DET. INSP. MILLAR: No.

1 **MS. JONES:** --- the general occurrence
2 report?

3 **DET. INSP. MILLAR:** Ideally, if we would
4 have had the manpower and this -- there would have been a
5 number of other cases that took priority over this -- it
6 would be ideal to go up to Newington and set-up
7 surveillance on Leblanc and see if he -- if he is in the
8 company of boys. If he is, identify the boys and interview
9 them.

10 **MS. JONES:** M'hm?

11 **DET. INSP. MILLAR:** It just never made it to
12 the top of the list.

13 **MS. JONES:** Do you agree though that as a
14 starting point, it could have been useful to look at that
15 original general occurrence report that we just looked at,
16 which is Exhibit 2601?

17 **DET. INSP. MILLAR:** I don't think it would
18 have given me any more information than what he told me.

19 **MS. JONES:** So ---

20 **DET. INSP. MILLAR:** I could have, yes, I
21 could have.

22 **MS. JONES:** Okay. So from your
23 understanding when you read that general occurrence report
24 then, is it your recollection that Officer Tyo told you
25 everything that was in that original complaint?

1 **DET. INSP. MILLAR:** Just what I told you, is
2 that he told me that -- it's Leblanc, right?

3 **THE COMMISSIONER:** Yes.

4 **MS. JONES:** Yes.

5 **DET. INSP. MILLAR:** Leblanc was seen with
6 young boys in the City of Cornwall and in our area, and
7 that he had done his investigation and there's no offence.
8 There's no offence, and there's no conditions on him.

9 That's the end of it, unless you have time
10 to go and do surveillance on him, sure. I mean, Cornwall
11 could be doing surveillance on him as well. I mean, it
12 just never got done.

13 **MS. JONES:** Now, I'd like to take you,
14 please, to Document 115409 which is Exhibit 2302.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MS. JONES:** At the bottom of Officer Tyo's
17 notation, the phone call to you, the last sort of excerpt
18 that he wrote there, was that he contacted the CAS?

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** So what we're looking at here
21 appears to be the CAS perspective of the Leblanc file that
22 was opened, and the worker is Lise Stanley.

23 I just want to refer you to the third page,
24 which is Bates page 4131, and it would appear that Ms.
25 Stanley's handwritten notes are at the bottom there and the

1 description there is consistent with what Officer Tyo
2 had ---

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** --- talked about when he -- when
5 the complaint was originally made, about what he had seen,
6 that the sisters of the victim had recently seen Mr.
7 Leblanc in the company of young boys, once at a shopping
8 mall and the other time at the speedway.

9 It appears the other times were not actually
10 listed there, but the last sentence:

11 "Unknown if Mr. Leblanc is currently
12 living with children."

13 Do you agree that perhaps finding that, just
14 that one point out might have been useful to seeing if Mr.
15 Leblanc was having legitimate access to children?

16 **DET. INSP. MILLAR:** I don't know if that
17 would have changed anything.

18 **MS. JONES:** Without even having to do
19 surveillance on him, just going up and knocking on the door
20 and talking to him to find out if there are children that
21 live in the house, could that have been something that
22 could have been done?

23 **DET. INSP. MILLAR:** I don't remember ever
24 doing anything like that. We respond to offences and we
25 prioritize offences, but to go and knock on a guy's door to

1 see if he's living with children, I mean, we don't -- I
2 don't remember doing that.

3 **MS. JONES:** Okay. And ---

4 **DET. INSP. MILLAR:** Doesn't the Children's
5 Aid do that?

6 **THE COMMISSIONER:** We'll call that a
7 rhetorical question.

8 **MS. JONES:** And on Bates page 4133, the next
9 page, Madam Clerk. The typewritten paragraph there, the
10 last sentence says -- it's obviously talking about the
11 contact that they had with Officer Tyo and the last
12 sentence is:

13 "Officer Tyo further stated that since
14 Mr. Leblanc resides in the Newington
15 area that they have also passed on this
16 information to the Long Sault OPP,
17 Randy Millar."

18 **DET. INSP. MILLAR:** Yes.

19 **MS. JONES:** Do you see that?

20 In previous dealings that you've had with
21 CAS, is it typical that you will contact them if your
22 investigation is ongoing on a certain individual, rather
23 than there being continual phone calls, say from the CAS,
24 saying "Has anything happened yet"?

25 **DET. INSP. MILLAR:** No, that doesn't happen.

1 **MS. JONES:** Okay. So do you contact CAS if
2 there is a concern on your part?

3 **DET. INSP. MILLAR:** I don't, the detectives
4 do; whoever's assigned the case is quite familiar with the
5 process and they would contact CAS.

6 **MS. JONES:** All right. So that contact with
7 CAS would occur ---

8 **DET. INSP. MILLAR:** Through the detectives.

9 **MS. JONES:** --- presumably from your
10 detectives ---

11 **DET. INSP. MILLAR:** Yes.

12 **MS. JONES:** --- if they felt that there was
13 some sort of a situation they were concerned with?

14 **DET. INSP. MILLAR:** Yes.

15 **MS. JONES:** Okay.
16 Just a moment, please.

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

18 **MS. JONES:** Can we please go to Document
19 733047?

20 **THE COMMISSIONER:** Thank you. Exhibit 2603
21 are notes of Randy Millar, first date September 10th --
22 don't know the year -- at 9:43.

23 **--- EXHIBIT NO./PIÈCE NO. P-2603:**

24 (733047) Notes of Randy Millar dated 10
25 Sep 98

1 **MS. JONES:** Now these appear to be your
2 handwritten notes, Inspector?

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** And it says 10th of September,
5 but assuming it's the phone call with Tyo, which is written
6 there, it would be September 10th, 1998?

7 **DET. INSP. MILLAR:** Yes.

8 **MS. JONES:** Okay. And these appear to be
9 the only handwritten notes you have with regards to the
10 initial complaint that you got with Tyo?

11 **DET. INSP. MILLAR:** That's right.

12 **MS. JONES:** And it appears the only
13 information you're writing down here is that the
14 complainant was the mother of two boys, twelve years old,
15 seen at speedway. There's not a lot of detail ---

16 **DET. INSP. MILLAR:** No.

17 **MS. JONES:** --- in other words.

18 **DET. INSP. MILLAR:** No.

19 **MS. JONES:** And it would appear that there
20 was nothing done with that information after September 10th,
21 '98.

22 **DET. INSP. MILLAR:** No.

23 **MS. JONES:** Is that fair to say?

24 **DET. INSP. MILLAR:** That's fair to say.

25 **MS. JONES:** And -- so what happens then to

1 that, if the file is already open on OMPPAC, do you not
2 open up a file yourself ---

3 **DET. INSP. MILLAR:** No.

4 **MS. JONES:** --- on this person? How does
5 that work?

6 **DET. INSP. MILLAR:** No, there'd be --
7 there's no offence, like -- the only other thing I could
8 have done and this was subject to a PSB investigation,
9 internal investigation is -- they recommended that I could
10 have put, made a report -- in other words, put out a zone
11 alert telling the other officers in the area that this man
12 is living in our area and if he's seen in the company of
13 young boys, identify them.

14 **MS. JONES:** And what is a zone alert?

15 **DET. INSP. MILLAR:** It's just a -- it's
16 something that goes out that they can all read when they
17 come in to do their shift. It's printed out. I think we
18 had an eight-day board then. It's printed out and all the
19 officers in Long Sault area would read that or should read
20 it.

21 **MS. JONES:** Is there a board up in the
22 police station or something that you can post that people
23 can ---

24 **DET. INSP. MILLAR:** Yes.

25 **MS. JONES:** --- read while they're going by?

1 **DET. INSP. MILLAR:** Yes.

2 **MS. JONES:** Is that another possibility?

3 **DET. INSP. MILLAR:** It's the same sort of
4 thing, yes. Some way of notifying the officers that he's
5 living there.

6 **MS. JONES:** But that was not done?

7 **DET. INSP. MILLAR:** No.

8 **MS. JONES:** In hindsight, do you think that
9 could have been done or should have been done?

10 **DET. INSP. MILLAR:** If I had to do it over
11 again, I would have done that, yes.

12 **MS. JONES:** Okay. And just for the sake of
13 completeness, why would you not have referred this to
14 Project Truth, for example, for them to investigate?

15 **DET. INSP. MILLAR:** Again, there's no
16 offence. I mean, what am I going to tell them?

17 **MS. JONES:** Now if we could please go to
18 Document 738883? It's already Exhibit 2510.

19 **THE COMMISSIONER:** You'd have that one, sir,
20 in the book with the 25s; 2510.

21 **DET. INSP. MILLAR:** Two-five-one-zero
22 (2510).

23 **THE COMMISSIONER:** Got to watch that
24 microphone.

25 **DET. INSP. MILLAR:** Sorry about that.

1 **MS. JONES:** And I'm specifically looking at
2 Bates page 4338.

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** Now this particular document,
5 we've had entered before into the Inquiry here. It's the
6 Professional Standards Bureau investigation report.

7 **DET. INSP. MILLAR:** Yes.

8 **MS. JONES:** And the investigation was done
9 in September 2005. And the complainant was actually
10 Detective Inspector Colleen McQuade and it was
11 investigating essentially the Leblanc situation ---

12 **DET. INSP. MILLAR:** Yes.

13 **MS. JONES:** --- and, specifically, you.

14 **DET. INSP. MILLAR:** Yes.

15 **MS. JONES:** And on the page that I've
16 referred you to, this is a portion of your position or your
17 statement about what, from your perspective had happened --
18 -

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** --- on that particular time.
21 And I just want to refer you just to the
22 middle portion there, where it states your vacation and
23 training dates.

24 **DET. INSP. MILLAR:** Yes.

25 **MS. JONES:** I'm presuming that you would

1 have gotten those dates from your own employment records at
2 the time, because this is talking historically in 1998 ---

3 **DET. INSP. MILLAR:** Yes.

4 **MS. JONES:** --- so there would be some
5 documentation to verify when you ---

6 **DET. INSP. MILLAR:** In my notes.

7 **MS. JONES:** --- were on vacation.

8 **DET. INSP. MILLAR:** My notes.

9 **MS. JONES:** On your notes; okay. So when
10 you're away on a seminar -- something documentary anyway,
11 to verify that. And so those were the dates that you were
12 on vacation and on training?

13 **DET. INSP. MILLAR:** Yes.

14 **MS. JONES:** There's also times where you
15 were out of the office because you were investigating other
16 larger matters, such as homicides and such?

17 **DET. INSP. MILLAR:** Yes. In another ---

18 **MS. JONES:** In other jurisdictions.

19 **DET. INSP. MILLAR:** --- area, other than my
20 own.

21 **MS. JONES:** Correct; okay. And that's still
22 an accurate reflection, though, of that?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. JONES:** The only other phrase I just
25 wanted to draw your attention to is right underneath your

1 last vacation notation. It states:

2 "Cannot recall advising Chris McDonell
3 about the Leblanc report."

4 **DET. INSP. MILLAR:** Yes.

5 **MS. JONES:** Do you see that?

6 **DET. INSP. MILLAR:** M'hm.

7 **MS. JONES:** And I believe your testimony
8 here today is you didn't tell anyone about Leblanc on
9 September 10th or September 11th?

10 **DET. INSP. MILLAR:** I don't recall telling
11 anybody, no.

12 **MS. JONES:** Now when you were out of the
13 office and on vacation in the months following, in October,
14 November, December, is it also fair to say that you didn't
15 tell anybody before you left, "Oh, by the way keep an eye
16 on this situation"?

17 **DET. INSP. MILLAR:** No.

18 **MS. JONES:** Okay. And I also understand
19 that when you're on vacation or seminars, it is Officer
20 McDonell that's the OIC?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. JONES:** There's another phrase just
23 after the one I just read out, that -- in your words, even
24 if you had told Officer McDonell about Leblanc, there was
25 nothing that you could do with it anyway.

1 **DET. INSP. MILLAR:** Not given ---

2 **MS. JONES:** That was your position.

3 **DET. INSP. MILLAR:** Not given the caseload
4 that we had. That would not have hit a priority -- we
5 would have had to put actual sexual assaults aside to go
6 and do surveillance on Leblanc when there's no offence. We
7 couldn't do that.

8 **MS. JONES:** Now I want to refer you please
9 to the same document and it's Bates page 4531.

10 **THE COMMISSIONER:** Four-five-three-one
11 (4531)?

12 **MS. JONES:** Four -- I'm sorry; 4351.

13 And this particular excerpt of the
14 investigation report is actually statements taken from Pat
15 Hall.

16 **DET. INSP. MILLAR:** Yes.

17 **MS. JONES:** So this is from his perspective,
18 as to what happened?

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** And I just want to put a couple
21 of his statements to you, for your comments.

22 It would appear that both Smith and Hall
23 were informed that there was something going on, on
24 December 16th, 1998 because they were interviewing a
25 potential victim of another perpetrator when this potential

1 victim also brought up the name of Jean-Luc Leblanc.

2 DET. INSP. MILLAR: I read a statement that
3 was given to them on December 16th.

4 MS. JONES: That's the one.

5 DET. INSP. MILLAR: Initials J.B. I read
6 that statement.

7 MS. JONES: Yes.

8 DET. INSP. MILLAR: It's a very lengthy ---

9 MS. JONES: That's right. And that ---

10 DET. INSP. MILLAR: --- audiotaped
11 interview. And that's -- they didn't learn about Leblanc
12 at this time.

13 MS. JONES: All right.

14 And if the witness could please be shown the
15 moniker attached to C-21, please?

16 DET. INSP. MILLAR: Okay.

17 MS. JONES: And that person had contacted
18 Project Truth or had spoken to Project Truth people on
19 December 16th of that year, and that's when the name of
20 Jean-Luc Leblanc came up. Is that your understanding as
21 well?

22 DET. INSP. MILLAR: That's what I've learned
23 in preparation for this Inquiry, yes.

24 MS. JONES: Okay. And it would appear that
25 on this Bates page 4531, that the following day Leblanc was

1 run on CPIC and OMPPAC and that's when they came up with
2 the occurrence reports and such from Tyo, and the other
3 data that had been inputted by Cornwall Police?

4 **DET. INSP. MILLAR:** Yes.

5 **MS. JONES:** And that's your understanding as
6 well?

7 Now, if we continue further on down that
8 page -- I'm assuming it's still December 17th -- about
9 halfway down the page it starts with, "Both Smith and
10 Hall". Yes, Madam Clerk has it on the screen. Thank you.

11 "Both Smith and Hall were surprised
12 that we had not heard about Leblanc
13 before, as both Detective Constables
14 Dupuis and Genier were part of the
15 crime unit and under Millar's
16 supervision while at their detachments.
17 They were aware that Millar had at
18 least six other detective constables
19 that he could assign to investigate
20 Leblanc."

21 You say those aren't your words, those are -
22 --

23 **DET. INSP. MILLAR:** Those aren't my words.

24 **MS. JONES:** --- Officer Hall's.

25 What is your comment then in response to

1 that, please?

2 **DET. INSP. MILLAR:** Genier and Dupuis worked
3 strictly for Project Truth. I had nothing to do with
4 supervising them. And, yes, I had six detectives. And,
5 yes, my workload was such that I couldn't do surveillance
6 on Leblanc.

7 **MS. JONES:** Now, further down, about three
8 bullet points down later, it states, "Smith" -- presumably
9 Tim Smith by the way:

10 "Smith called Millar the same day that
11 they received the information. Hall
12 could only hear Smith's side of the
13 conversation. It was obvious from the
14 conversation that Millar took no action
15 apparently because officers were tied
16 up on other investigations and they,
17 Project Truth, had two of his
18 officers."

19 **DET. INSP. MILLAR:** Yes.

20 **MS. JONES:** Comments on that? You agree
21 with that?

22 **DET. INSP. MILLAR:** That's -- our workload
23 was such that we couldn't take -- do any surveillance on
24 Leblanc.

25 **MS. JONES:** Do you recall talking to Smith -

1 --

2 DET. INSP. MILLAR: No ---

3 MS. JONES: --- on or about the 16th or 17th
4 of December?

5 DET. INSP. MILLAR: I don't remember that
6 now, no.

7 MS. JONES: You don't remember that?

8 DET. INSP. MILLAR: No.

9 MS. JONES: And ---

10 DET. INSP. MILLAR: I'm not saying it didn't
11 happen. I'm just saying I don't remember.

12 MS. JONES: Okay. You don't have to have
13 any -- you don't happen to have any notes of that
14 conversation, so ---

15 DET. INSP. MILLAR: No.

16 MS. JONES: The next bullet point:

17 "Millar assigned two officers to assist
18 the surveillance of Leblanc."

19 Do you recall assigning them?

20 DET. INSP. MILLAR: Yes.

21 MS. JONES: I believe it was Julie Cyr and
22 Charlene Davidson were the two officers?

23 DET. INSP. MILLAR: Yes.

24 MS. JONES: And what was the understanding
25 of what that surveillance was going to entail, from your

1 perspective?

2 **DET. INSP. MILLAR:** Exactly what we wanted
3 to do, go and sit on Leblanc's house and see if he's in the
4 company of young boys. If he is, then identify the boys
5 and move ahead.

6 **THE COMMISSIONER:** So what prompted this
7 change of heart that you were going to do some
8 surveillance?

9 **DET. INSP. MILLAR:** The statement given by
10 whatever C number he is.

11 **MS. JONES:** C-21.

12 **DET. INSP. MILLAR:** C-21.

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

14 **MS. JONES:** Had you trained or learned if
15 there was training done with regards to Officers Cyr or
16 Davidson on how to conduct surveillance?

17 **DET. INSP. MILLAR:** No. I don't believe
18 they -- they didn't have any training -- formal training.
19 We did surveillance, I guess learn-as-you-go type thing.

20 **MS. JONES:** Were there any specific
21 instructions that you gave them before they went off?

22 **DET. INSP. MILLAR:** No. I don't even think
23 I sent them. I know they went and I -- I guess I do
24 remember that because I gave -- I was going on holidays and
25 I gave Julie Cyr my car and I remember the Julie Cyr

1 incident because she, while doing surveillance, ended up in
2 Ottawa and subsequently was off for quite a while as a
3 result of a threat against her that has nothing to do with
4 this. That's the only reason I remember that.

5 MS. JONES: Okay. And ---

6 DET. INSP. MILLAR: And other than that, I
7 was on holidays.

8 MS. JONES: The next entry said:

9 "By December 23rd, Leblanc had not been
10 observed with any young boys and it was
11 decided to do surveillance on him
12 between Christmas and New Year's."

13 By this point, according to your notes, you
14 were on holidays in any event. You started your holidays
15 on the 23rd of December and you were gone until the 3rd of
16 January?

17 DET. INSP. MILLAR: Yes.

18 MS. JONES: So between Christmas and New
19 Year's you would have been on holidays?

20 DET. INSP. MILLAR: Yes.

21 MS. JONES: "On December 29th, 1998,
22 Constable Dupuis saw Leblanc leave his
23 residence with a young boy in his
24 vehicle."

25 And this boy was subsequently located. Were

1 you aware of this particular person? It's -- the moniker
2 is C-82.

3 **DET. INSP. MILLAR:** I'm sorry, what was the
4 question?

5 **MS. JONES:** Were you aware that there was an
6 interview with C-82?

7 **DET. INSP. MILLAR:** Only after I came back
8 from holidays and Pat Hall told me of the success.

9 **MS. JONES:** All right, so that was the --
10 that was a result of the surveillance on December 29th?

11 **DET. INSP. MILLAR:** Yes.

12 **MS. JONES:** Okay. So you were made aware of
13 that after you came back?

14 **DET. INSP. MILLAR:** Yes.

15 **MS. JONES:** And do you recall how you were
16 made aware of that?

17 **DET. INSP. MILLAR:** Pat Hall told me. I
18 think it was just prior to the arrest. They arrested him
19 the next day if I remember right.

20 **MS. JONES:** Yeah, Mr. Leblanc was arrested
21 on January 5th, 1999 for numerous sexual offences on the two
22 most recent victims that we just talked about, C-21 and C-
23 82.

24 **DET. INSP. MILLAR:** Yes.

25 **MS. JONES:** He was again arrested and

1 charged on March 11th, 1999 with a further 16 sex-related
2 counts involving 6 additional victims. He was again
3 arrested and charged on June 27th, 1999 with 13 additional
4 sex-related charges involving 4 victims. So it came to a
5 total of 51 charges and 13 victims?

6 **DET. INSP. MILLAR:** Yes.

7 **MS. JONES:** Is that consistent with your
8 recollection?

9 **DET. INSP. MILLAR:** I don't recall that. I
10 recall him -- I recall seeing all that when I was preparing
11 for this Inquiry, but all he made me aware of was the --
12 whatever the C number was that Dupuis saw on the 28th and
13 interviewed.

14 **MS. JONES:** Okay.

15 Can I please refer you to Document 738882?

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2604 is an information
18 charging Jean-Luc Leblanc with a number of offences;
19 Document Number 738882.

20 **--- EXHIBIT NO./PIÈCE NO. P-2604:**

21 (738882) Information of charges on Jean-Luc
22 Leblanc by Steve Seguin - various dates

23 **MS. JONES:** This is just a compilation of
24 the different offences that Mr. Leblanc was eventually
25 charged with.

1 It's actually very difficult to read because
2 some of it is highlighted or blocked out, but it would
3 appear that when you look at this information -- there are
4 other informations as well with regard to this case but, in
5 this particular information, it appears that there were
6 three victims, 1 aged 13, 2 aged 14, where they're making
7 allegations that happened between April, 1998 and December
8 31st, 1998. These are the ones that are actually
9 highlighted in the information.

10 **DET. INSP. MILLAR:** Yes.

11 **MS. JONES:** Were you aware at the time,
12 around the 1998-1999 timeframe I'm talking about, that
13 after Leblanc had been arrested and was actually convicted
14 of some of these offences that Pat Hall was not happy with
15 the way you had handled the case between September and
16 December?

17 **DET. INSP. MILLAR:** No.

18 **MS. JONES:** Had you had any conversations
19 with him about that?

20 **DET. INSP. MILLAR:** No.

21 **MS. JONES:** It would appear from the report,
22 the investigative report, that he was very unhappy with the
23 fact that you had not done something between September and
24 December 1998. Can you comment on the relationship that
25 you had with Inspector -- I think it was Inspector Hall --

1 at the time? Did the two of you get along fine together or
2 was there a problem?

3 **DET. INSP. MILLAR:** There was no problem
4 that I was aware of. And he worked in the city here and I
5 was working out of Long Sault and we had very little
6 contact, actually. And he was from Perth, I barely knew
7 him when he got here.

8 **MS. JONES:** Those are actually all my
9 questions for you, Inspector Millar.

10 At this particular stage I'd like to ask you
11 if you have any recommendations for the Commissioner to
12 consider and if you wish to share a sort of impact, any
13 issues surrounding this Inquiry have had on you; if you
14 wish to share that this is your opportunity to do so.

15 Thank you.

16 **DET. INSP. MILLAR:** I have no
17 recommendation, Your Honour.

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

19 **DET. INSP. MILLAR:** Thank you.

20 **THE COMMISSIONER:** Thank you.

21 Ms. Daley.

22 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

23 **DALEY:**

24 **MS. DALEY:** Sir, my name is Helen Daley.
25 I'm here as counsel to a citizens group called The Citizens

1 for Community Renewal whose principal mandate is the reform
2 of institutions. There are a few areas I want to canvass
3 with you.

4 Firstly, I wanted you to direct your mind
5 back to the timeframe 1992-1993, and that was prior to your
6 promotion as -- to the position of Detective Inspector. Is
7 that correct?

8 **DET. INSP. MILLAR:** Yes.

9 **MS. DALEY:** You gave some evidence about
10 being involved in both the Varley shooting and Mr. Seguin's
11 death. And I take it, sir, those were viewed as major
12 crimes because they involved violence and death in both
13 cases?

14 **DET. INSP. MILLAR:** Yes.

15 **MS. DALEY:** And I just wondered if you could
16 expand on something. I thought that what you said was in
17 both of those cases or in any major crime your expectation
18 was that the responsible detective inspector, whoever that
19 might be, would receive and review the fruits of your
20 investigation; in other words, your statements. Is that
21 correct, sir?

22 **DET. INSP. MILLAR:** Yes.

23 **MS. DALEY:** And using the Varley shooting
24 and the Seguin death as examples, in both of those cases
25 your expectation was that the responsible detective

1 inspector would, for instance, read your statements when
2 you took witness statements?

3 DET. INSP. MILLAR: Actually the Seguin
4 death did not meet the CIB mandate.

5 MS. DALEY: Did it not?

6 DET. INSP. MILLAR: It would have had -- if
7 it was a homicide ---

8 MS. DALEY: Yes.

9 DET. INSP. MILLAR: --- we would have had a
10 detective inspector.

11 MS. DALEY: Oh, I see. So for Seguin there
12 was no detective inspector who sort of oversaw that work?

13 DET. INSP. MILLAR: No, the next rank up
14 would have been the detective sergeant out of district
15 headquarters and he actually attended the scene.

16 MS. DALEY: Is that the name that starts
17 with a "V", Vander ---

18 DET. INSP. MILLAR: No, he's a detachment
19 sergeant.

20 MS. DALEY: Yes.

21 DET. INSP. MILLAR: This would have been
22 Detective Sergeant Wes Lackey.

23 MS. DALEY: Oh, I see. So was he the
24 officer superior to you on the Seguin death?

25 DET. INSP. MILLAR: Yes.

1 **MS. DALEY:** And again in that instance was
2 it your expectation as to how things worked that he would
3 be reviewing any statements that you received or any
4 evidence that you developed?

5 **DET. INSP. MILLAR:** Not necessarily. The
6 reason they read the statements is they -- it sends them in
7 the direction that the statement is sending. So if it
8 brings up names of people that did something then you're
9 obviously going to make an assignment to go and interview
10 those people. That's why -- and often the statements are
11 gone through as a team.

12 **MS. JONES:** One question I have about the
13 statements -- because we've heard some evidence that often
14 times there's a delay between taking the statement and
15 having a transcript available -- were the handwritten
16 statements in those cases the ones that either the
17 detective inspector or any supervisor would have seen?

18 **DET. INSP. MILLAR:** Yes.

19 **MS. JONES:** And just to help us then, if a
20 detective inspector is playing a role in supervising an
21 investigation part of what he is to do, I take it, is to
22 analyze the statements and determine if the statements
23 disclose any other investigative leads that should be
24 pursued?

25 **DET. INSP. MILLAR:** Yes.

1 **MS. JONES:** And then he communicates that to
2 persons such as yourself who are conducting the
3 investigation?

4 **DET. INSP. MILLAR:** Yes. Actually they make
5 assignments. They're called assignments. It's written out
6 on a piece of paper.

7 **MS. JONES:** All right. So as a detective
8 you would be expecting to be told, for instance, by a
9 detective inspector who to see next ---

10 **DET. INSP. MILLAR:** Yes.

11 **MS. JONES:** --- as a person of relevance to
12 an investigation?

13 **DET. INSP. MILLAR:** Yeah.

14 **MS. JONES:** Just help me with this if you
15 could. And you did give some testimony this morning. In
16 relation to the Seguin death ---

17 **DET. INSP. MILLAR:** Yes.

18 **MS. JONES:** --- and the possibility that
19 extortion might have been associated with that death, were
20 you -- did you become aware that Officer McDonell
21 essentially reworked that issue under Detective Inspector
22 Hamelink as his superior? Did you know that that had
23 occurred?

24 **DET. INSP. MILLAR:** Yes, I'm sure I did.

25 **MS. JONES:** Were you consulted at all by

1 either of those individuals about the so-called
2 reinvestigation of extortion? Did they come to you at all
3 for any information?

4 **DET. INSP. MILLAR:** I don't recall that, but
5 it was all in the report.

6 **MS. JONES:** All right.

7 **DET. INSP. MILLAR:** And actually McDonell
8 worked with me on the case so ---

9 **MS. JONES:** During that same timeframe?

10 **DET. INSP. MILLAR:** Well, when we went and
11 interviewed Silmsler, which was the basis for my conclusions
12 of extortion. So he would already know that.

13 **MS. JONES:** He was present for that ---

14 **DET. INSP. MILLAR:** Yeah.

15 **MS. JONES:** --- interview?

16 **DET. INSP. MILLAR:** He was there for the
17 interview.

18 **MS. JONES:** All right.

19 Is there any other way in relation to a
20 major case that a detective inspector provides his
21 supervision to the folks who are actually doing the
22 investigation, apart from looking at statements? Do you
23 have supervision sessions?

24 **DET. INSP. MILLAR:** We have briefing and
25 debriefing sessions, yes.

1 **MS. DALEY:** So that's another vehicle for
2 supervision?

3 **DET. INSP. MILLAR:** Yes.

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

5 Let me direct some questions to you
6 specifically then about the Varley shooting if ---

7 **DET. INSP. MILLAR:** Yes.

8 **MS. DALEY:** --- we can go back there for a
9 moment. Firstly, you recall that ultimately you wrote a
10 letter to Mr. Seguin's supervisor ---

11 **DET. INSP. MILLAR:** Yes.

12 **MS. DALEY:** --- about that; correct?

13 And just to refresh your mind, you also had
14 a face-to-face interview with Mr. Seguin about that?

15 **DET. INSP. MILLAR:** Yes. Well, we were
16 interviewing him about his visitors coming to his house.

17 **MS. DALEY:** Correct. Correct. That's what
18 I want to focus on here.

19 **DET. INSP. MILLAR:** Yeah.

20 **MS. DALEY:** In the course of that activity,
21 sir, was it your understanding that Mr. Seguin's supervisor
22 at the Cornwall Probation and Parole -- firstly I'll give
23 you his name. His name was Emile Robert; you remember him?

24 **DET. INSP. MILLAR:** Yes.

25 **MS. DALEY:** Was it your understanding that

1 Mr. Robert knew prior to your September 3rd, '92 letter that
2 Kenneth had some involvement in the occurrence? Do you
3 have any information about that?

4 **DET. INSP. MILLAR:** I believe that Ken told
5 us he was going to notify his supervisor.

6 **MS. DALEY:** And that's something he said to
7 you in the interview that you conducted?

8 **DET. INSP. MILLAR:** I can't remember if it
9 was in the -- no, it would have been after the interview.

10 **MS. DALEY:** All right. So I take it you
11 learned some further information from Mr. Seguin after your
12 formal interview was finished?

13 **DET. INSP. MILLAR:** We were talking about
14 his providing beer to the boys and how it was not right.

15 **MS. DALEY:** Just refresh my mind. It was
16 you and who else that was present; was that Officer
17 McDonnell?

18 **DET. INSP. MILLAR:** Yes.

19 **MS. DALEY:** So you had a bit of a
20 conversation with him afterwards and you gave him your view
21 that ---

22 **DET. INSP. MILLAR:** Well, he knew it. He
23 was embarrassed.

24 **MS. DALEY:** Right. Right. But I take it
25 you reemphasized that providing beer to those people had

1 been a very bad judgment call on his part?

2 **DET. INSP. MILLAR:** Yes, and like I say, he
3 knew it.

4 **MS. DALEY:** Now, let me ask you this
5 question, sir. And I don't particularly need to refer to
6 it but if you feel comfortable having the statement handy,
7 just for your reference it's 1199. That's Mr. Seguin's
8 statement. So you look there if you need to.

9 But did his statement about exactly what had
10 occurred at his home ---

11 **DET. INSP. MILLAR:** Can I just get the
12 statement, please?

13 **MS. DALEY:** Sure.

14 It's 1199 it should be, Madam Clerk.

15 **THE COMMISSIONER:** No, no. I have it. I'm
16 sorry.

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

18 **MS. DALEY:** My question is this, because in
19 this statement, sir, he gives you some information about
20 how much alcohol he provided to ---

21 **DET. INSP. MILLAR:** Yes.

22 **MS. DALEY:** --- kids who were involved in
23 the event.

24 My question was simply this. Did that
25 information check out with the other witnesses who you

1 interviewed concerning this occurrence? I guess that would
2 be Mr. Varley and potentially Mr. Woods.

3 **DET. INSP. MILLAR:** Yes, it was Bob Varley.

4 **MS. DALEY:** Yes.

5 **DET. INSP. MILLAR:** Mark Woods.

6 **MS. DALEY:** Yes.

7 **DET. INSP. MILLAR:** They -- that's how we
8 ended up at Ken Seguin's. They told us they went there.

9 **MS. DALEY:** I understand that, but Ken is
10 now giving you some specific information about ---

11 **DET. INSP. MILLAR:** About the beer.

12 **MS. DALEY:** "I gave them two beer."

13 **DET. INSP. MILLAR:** Yeah.

14 **MS. DALEY:** Did that check out with what the
15 other witnesses said or do you recall?

16 **DET. INSP. MILLAR:** I can't remember. I'd
17 have to look at their statements.

18 **MS. JONES:** All right.

19 And did Ken's account of their visit at his
20 house generally check out with what other witnesses told
21 you?

22 **DET. INSP. MILLAR:** Yes.

23 **MS. DALEY:** I have a question specific to
24 this occurrence, sir, and I take it, in general terms,
25 this shooting was, in my words, fuelled by alcohol in the

1 sense that alcohol played a huge factor in what happened,
2 right?

3 **DET. INSP. MILLAR:** Yes.

4 **MS. DALEY:** And, indeed, in Exhibit 929 and
5 that is the letter you wrote to Mr. Robert?

6 **DET. INSP. MILLAR:** Yes.

7 **MS. DALEY:** So have a look if you need to,
8 but I'm going to quote from that letter to the effect that:

9 "The people involved had been drinking
10 liquor and beer heavily for 17 hours
11 before the shooting."

12 Do you recall that detail?

13 **DET. INSP. MILLAR:** Yes.

14 **MS. DALEY:** So I'm doing some math in my
15 mind. The shooting happened at about 4:00 a.m. on January
16 9th?

17 **DET. INSP. MILLAR:** Yes.

18 **MS. DALEY:** And they were therefore at Ken's
19 house eight hours prior to that shooting because they were
20 there at 8:00 p.m., right?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. DALEY:** And according to the known
23 facts, it follows that by the time they arrived at Ken's at
24 8:00 p.m., they must have been drinking for about 8 hours
25 to make up the 17 that you knew about, right?

1 **DET. INSP. MILLAR:** I'd have to do the math.
2 I -- I know they were drinking heavily all day.

3 **MS. DALEY:** Right and so ---

4 **DET. INSP. MILLAR:** And right through until
5 the shooting occurred.

6 **MS. DALEY:** Correct.

7 **DET. INSP. MILLAR:** Yeah.

8 **MS. DALEY:** So all day the prior day, and
9 that's the day where they come to Ken's place at about 8:00
10 p.m.?

11 **DET. INSP. MILLAR:** Yeah.

12 **MS. DALEY:** So if I just stop the clock
13 there, obviously those people had been drinking ---

14 **DET. INSP. MILLAR:** Okay.

15 **MS. DALEY:** --- the majority of that day ---

16 **DET. INSP. MILLAR:** Heavy.

17 **MS. DALEY:** --- before they arrived at
18 Ken's, right?

19 And you would have known -- or I take it you
20 would have discovered that they must have arrived at Ken's
21 and left Ken's by car because of his location and where
22 they came from?

23 **DET. INSP. MILLAR:** I would think so, yes.

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

25 **DET. INSP. MILLAR:** But I can't remember.

1 **MS. DALEY:** And I guess I'm just wondering,
2 sir. Ken had nonetheless given you the impression when you
3 interviewed him that he didn't think they were drunk, he
4 saw no signs of impairment. Do you recall that?

5 **DET. INSP. MILLAR:** That's what he said,
6 yes.

7 **MS. DALEY:** Were you not somewhat sceptical
8 of that report?

9 **DET. INSP. MILLAR:** That's what he saw.
10 That's what he said, you know.

11 **MS. DALEY:** Fair enough.

12 **DET. INSP. MILLAR:** He didn't -- he didn't
13 have the information that they'd been drinking all day and
14 -- and you say that, but what were they drinking and how
15 much?

16 **MS. DALEY:** I take it that's information you
17 eventually ---

18 **DET. INSP. MILLAR:** I -- I don't know.

19 **MS. DALEY:** --- obtained in the
20 investigation?

21 **DET. INSP. MILLAR:** I know we tracked them
22 for the entire day right up until 4:00 a.m.

23 **MS. DALEY:** In any event, you didn't
24 question Mr. Seguin's observation?

25 **DET. INSP. MILLAR:** No, I did not question

1 him about that, no.

2 **MS. DALEY:** All right.

3 Now, in terms of, sir, the letter that gets
4 written to Emile Robert, I'm going to refer you to some
5 evidence that Tim Smith gave about that here just to see if
6 it helps your recollection at all.

7 **DET. INSP. MILLAR:** Yeah.

8 **MS. DALEY:** I'd understood from his evidence
9 that essentially what happened is the matter was in court
10 on -- according to Exhibit 2593 and those are your notes --
11 it looks like the matter is in court for sentencing August
12 26th, '97, and it seems Smith recalled that he, you and the
13 Crown talked about sending a letter to Ken's employer at
14 that time. So do you recollect a Crown Attorney being
15 involved in that conversation?

16 **DET. INSP. MILLAR:** No.

17 **MS. DALEY:** And have you ---

18 **DET. INSP. MILLAR:** I'm not saying it didn't
19 happen, I'm just saying I don't remember that. I'm going
20 strictly by my notes.

21 **MS. DALEY:** That fine, sir.

22 Do you have a recollection who the Crown was
23 who dealt with the Varley sentencing matter?

24 **DET. INSP. MILLAR:** I don't remember, but I
25 know now. I believe it was Guy Simard.

1 MS. DALEY: Simard?

2 DET. INSP. MILLAR: Yes.

3 MS. DALEY: And I take it what happened is
4 when Varley was sentenced, it was -- and do you recollect
5 that the judge was Desmarais?

6 DET. INSP. MILLAR: No.

7 MS. DALEY: No?

8 Do you recollect that when Varley was
9 sentenced, part of the agreed statement of facts that was
10 the foundation for his sentence included reference to their
11 visit to Ken and to Ken's role in the occurrence? Do you
12 have a recollection of that?

13 DET. INSP. MILLAR: No, no.

14 MS. DALEY: You have no recollection that
15 Ken's involvement found its way into the public record in a
16 court proceeding?

17 DET. INSP. MILLAR: No.

18 MS. DALEY: I'm just wondering whether, sir,
19 the fact that the matter was exposed in a -- on the public
20 record played a factor in the decision that was made to
21 have you write to his boss. Do you know anything about
22 that?

23 DET. INSP. MILLAR: I don't know. I don't
24 know.

25 MS. DALEY: All right. Just one or two more

1 questions on this whole subject and then I'm going to move
2 to the next subject.

3 These are in the nature of hindsight
4 questions so deal with them as you choose. When you
5 interviewed Mr. Seguin, one of the things that you would
6 have learned was he was a 47 year-old socializing with --
7 he calls them boys, but I think they are fellows who are
8 about 18 years of age, right?

9 **DET. INSP. MILLAR:** M'hm.

10 **MS. DALEY:** That's a fact that was brought
11 home to you, that there would be roughly a 30-year age
12 difference between them?

13 **DET. INSP. MILLAR:** Yes.

14 **MS. DALEY:** And I guess the other factor
15 that you did focus on and it troubled you was that one of
16 them was a probationer -- a person for whom Ken was
17 preparing a report; correct?

18 **DET. INSP. MILLAR:** Yes.

19 **MS. DALEY:** And it troubled you that a
20 person in that situation would be attending at Ken's home
21 for any purpose. Is that fair?

22 **DET. INSP. MILLAR:** Yeah, that's fair. He
23 shouldn't be socializing with somebody that he has on
24 probation for sure.

25 **MS. DALEY:** Precisely. So here he is, he's

1 socializing generally with fellows of the age of about 18,
2 one of whom he has a professional responsibility for, and I
3 take it that bothered you?

4 **DET. INSP. MILLAR:** Yes.

5 **MS. DALEY:** And clearly the fact he's giving
6 out alcohol to at least the probationer who's prohibited
7 from drinking alcohol; that bothered you very much, I take
8 it?

9 **DET. INSP. MILLAR:** Yes.

10 **MS. DALEY:** And, in your mind, those were
11 the salient features that you learned about the occurrence
12 at Ken's home; the things that troubled you?

13 **DET. INSP. MILLAR:** The death of Andrew
14 MacDonald troubled me more than that.

15 **MS. DALEY:** I understand.

16 Focussing simply on the role that Seguin
17 played?

18 **DET. INSP. MILLAR:** Yes.

19 **MS. DALEY:** Those were the troubling aspects
20 of his role?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. DALEY:** Had you at any time, sir, before
23 or after this, heard any community rumours about Ken
24 inappropriately socializing with probationers?

25 **DET. INSP. MILLAR:** No.

1 **MS. DALEY:** Had you at any time heard any
2 information in the community about another probation
3 officer socializing or having sexual relationships with
4 probationers? I'm referring to Nelson Barque.

5 **DET. INSP. MILLAR:** No.

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

7 Let's talk briefly then about your next
8 encounter with Mr. Seguin. Unfortunately, that's the death
9 investigation.

10 Sir, you might like to have Exhibit 972
11 handy. Nine-seven-two (972) ---

12 **THE COMMISSIONER:** Before ---

13 **MS. DALEY:** --- should be the typewritten
14 occurrence report.

15 **THE COMMISSIONER:** So before we go to his
16 death, were you aware that he gave his -- he reported this
17 to his employer?

18 **DET. INSP. MILLAR:** No, I don't believe I
19 was.

20 **THE COMMISSIONER:** Okay. And were you --
21 did you ever become aware that -- and I'm going from memory
22 now -- that in his report to his employer, he didn't
23 mention the matter of alcohol?

24 **DET. INSP. MILLAR:** No, I wasn't aware of
25 that.

1 **THE COMMISSIONER:** Okay.

2 **MS. DALEY:** We're just going to have 972
3 handy for his convenience if he needs it.

4 Now, sir, I'm trying to understand and maybe
5 help you if I can step us through how the Seguin death
6 investigation continues past your conclusion that it was
7 suicide. You recall you said you know it continued past to
8 some degree. You thought you were being directed by
9 someone to do further work, but it's not clear to you who
10 or what the directions were. That's ---

11 **DET. INSP. MILLAR:** Yes, I would -- I'm
12 guessing it was Staff Sergeant Duhamel.

13 **MS. DALEY:** Duhamel?

14 **DET. INSP. MILLAR:** You're talking about the
15 -- in the December time period when we're ---

16 **MS. DALEY:** Yeah, for an example, yes, the
17 work that you do subsequent to, say, November 26 when
18 you've got the coroner's report and you're clear in your
19 mind this is a death by suicide.

20 **DET. INSP. MILLAR:** Yes.

21 **MS. DALEY:** The work subsequent to that you
22 think was likely directed by Duhamel?

23 **DET. INSP. MILLAR:** Someone from
24 headquarters. That's the only reason I can figure that we
25 went to interview Malcolm MacDonald, and that's the only

1 work that I did subsequent that I can recall. And that's
2 only because it's in my notes.

3 **MS. DALEY:** Do you have any recollection as
4 to what direction was given? I take it the answer is no.

5 **DET. INSP. MILLAR:** Other than to interview
6 Malcolm MacDonald.

7 **MS. DALEY:** Is there anything that you can
8 tell us as to what you thought you were trying to do? In
9 other words, what you thought you were looking for; what
10 you thought needed further investigation as a subject
11 matter.

12 **DET. INSP. MILLAR:** In Silmser's statement
13 he refers to Malcolm MacDonald, and it would have been wise
14 to interview Malcolm MacDonald.

15 **MS. DALEY:** All right. I guess though in
16 terms of -- my question is to what end, what are we looking
17 for? And I take it it's not really clear to you, as you
18 sit here today ---

19 **DET. INSP. MILLAR:** No.

20 **MS. DALEY:** --- what you were looking for.

21 **DET. INSP. MILLAR:** No.

22 **MS. DALEY:** Is that fair?

23 **DET. INSP. MILLAR:** No.

24 **MS. DALEY:** Did you feel ---

25 **THE COMMISSIONER:** Wait a minute. No, no.

1 It is fair that you didn't really know?

2 **DET. INSP. MILLAR:** I'm sorry?

3 **THE COMMISSIONER:** Well, for the record you
4 were answering, "No." She asked you is it fair that you
5 really didn't know exactly what you were going after there,
6 and is that true -- is that fair? Is that a fair comment?

7 **DET. INSP. MILLAR:** Yes.

8 **THE COMMISSIONER:** Okay. Thank you.

9 **MS. DALEY:** You're obviously a very
10 experienced investigator. Did it trouble you at all that
11 you were on a quest but you weren't sure what the purpose
12 was?

13 **DET. INSP. MILLAR:** I can see it -- I'm
14 saying I don't know now, and the only thing that would make
15 any sense at all would be the extortion part of it ---

16 **MS. DALEY:** Right, okay. That's fair.

17 **DET. INSP. MILLAR:** --- does Malcolm
18 MacDonald -- can he offer any evidence to support extortion
19 on behalf of David Silmsen?

20 **MS. DALEY:** All right. On that point I
21 wanted to take you just to one item within 972, sir, and if
22 you look at Bates page 762, roughly in the centre of that
23 page. My friend Ms. Jones took you to the passage that
24 starts -- it says, "On November 23, evening prior to death"
25 -- I don't know if you see that, about the eighth line

1 down. If you could ---

2 DET. INSP. MILLAR: Oh, I see it there.

3 Okay, sorry.

4 MS. DALEY: Do you see that?

5 DET. INSP. MILLAR: Yeah, I see it now.

6 MS. DALEY: Just take a second and refresh
7 your mind as to the next few lines there, what that is all
8 about.

9 DET. INSP. MILLAR: Okay.

10 MS. DALEY: Do you see that, sir?

11 DET. INSP. MILLAR: Yeah, yeah.

12 MS. DALEY: I take it that information would
13 potentially be relevant to an extortion investigation?

14 DET. INSP. MILLAR: How do you figure that?

15 MS. DALEY: Would you agree?

16 DET. INSP. MILLAR: Would it be relevant to
17 an extortion investigation?

18 MS. DALEY: Yes.

19 DET. INSP. MILLAR: I think it would be
20 relevant if Silmsner was murdered, they would be suspects.
21 That's the way I take it; if anything happened ---

22 THE COMMISSIONER: Well, couldn't you take
23 it that ---

24 DET. INSP. MILLAR: --- to him.

25 THE COMMISSIONER: --- the rest of the

1 statement talks about him getting money from Seguin and
2 there was going to be a big settlement and things like
3 that?

4 **MS. DALEY:** I'm focusing on the last line.
5 It says:

6 "Silmser stated if they don't pay in
7 the next 48 hours he'll be going to the
8 press with his story. There's a lot of
9 money at stake."

10 Just looking at that little item of
11 information ---

12 **DET. INSP. MILLAR:** Yes.

13 **MS. DALEY:** --- as you see it now, would
14 that be potentially relevant to extortion?

15 **DET. INSP. MILLAR:** Yes.

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

17 **DET. INSP. MILLAR:** I see what you're saying
18 there now, yes.

19 **MS. DALEY:** Do you recall, sir, at the time
20 -- and I appreciate this is long ago. Do you recall at the
21 time whether that item of information factored in your
22 thinking about extortion?

23 **DET. INSP. MILLAR:** No.

24 **MS. DALEY:** And ---

25 **DET. INSP. MILLAR:** All I based my final

1 result on extortion on, whatever day it was in the report,
2 was simply Silmsers's statement.

3 MS. DALEY: Right. And I take it, sir, it
4 follows that this information is coming from a staff
5 sergeant in Cornwall ---

6 DET. INSP. MILLAR: Yes.

7 MS. DALEY: --- whose name is D'Arcy Dupuis.
8 Did you know D'Arcy?

9 DET. INSP. MILLAR: Yes.

10 MS. DALEY: I take it you didn't, at this
11 point, follow up with D'Arcy and ask him for more
12 information about this contact he's had with Silmsers ---

13 DET. INSP. MILLAR: No.

14 MS. DALEY: --- to try and develop this
15 information?

16 DET. INSP. MILLAR: No.

17 MS. DALEY: Okay.

18 Now, one other topic I can finish before the
19 break, sir, and we've talked about the statement that you
20 received from Mr. Silmsers. That's Exhibit 271. There's
21 just one aspect of that I want to review with you.

22 DET. INSP. MILLAR: Okay.

23 MS. DALEY: I'm going to ask you to look,
24 when you find -- sorry, Madam Clerk is going to help you
25 with the exhibit.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. DALEY: I'm going to ask you please to
3 look at page 3 of the statement. The Bates number is 872,
4 and just to refresh your mind, this is Silmsers talking and
5 you're recording what Silmsers is telling you; right?

6 DET. INSP. MILLAR: Yes.

7 MS. DALEY: And at the very bottom of that
8 page -- let me just tell you how I read this.

9 Silmsers has been talking about the \$32,000
10 settlement, you see, that he gets from the Church. And
11 then he says:

12 "In the agreement I had to go to the
13 police station and sign some papers
14 saying I wanted all charges and
15 investigations dropped."

16 You see that?

17 DET. INSP. MILLAR: Yes.

18 MS. DALEY: So that's an item of information
19 he gave you?

20 DET. INSP. MILLAR: Yes.

21 MS. DALEY: Now ---

22 DET. INSP. MILLAR: But that's in relation
23 to Father Charlie MacDonald; right?

24 MS. DALEY: I understand.

25 DET. INSP. MILLAR: Yes.

1 **MS. DALEY:** And what he is communicating to
2 you is that part of his settlement was that he had to
3 discontinue any police complaint about Father Charlie;
4 right?

5 **DET. INSP. MILLAR:** That's what ---

6 **MS. DALEY:** You understood that's what he
7 meant?

8 **DET. INSP. MILLAR:** Yes.

9 **MS. DALEY:** So sir, I guess my question is
10 this; when you heard that information from him did it occur
11 to you that that might be evidence of a wrongful or an
12 illegal settlement or a crime in and of itself?

13 **DET. INSP. MILLAR:** I didn't give it any
14 thought. It's Cornwall's problem, not mine.

15 **THE COMMISSIONER:** I know, but in those
16 quiet moments it didn't flow through your mind and ---

17 **DET. INSP. MILLAR:** Oh, absolutely.

18 **THE COMMISSIONER:** Pardon me?

19 **DET. INSP. MILLAR:** I say it's not right.
20 In my opinion it's not right.

21 **THE COMMISSIONER:** Right. So in those ---

22 **DET. INSP. MILLAR:** But as far as a criminal
23 aspect of it?

24 **THE COMMISSIONER:** Well, think about it.
25 Think about it.

1 **DET. INSP. MILLAR:** Think about it now but
2 I'm talking about ---

3 **THE COMMISSIONER:** Pardon me?

4 **DET. INSP. MILLAR:** I say I'm thinking about
5 it then.

6 **THE COMMISSIONER:** Right, and what I want to
7 know is back then did you make that connection that a guy
8 gets money then goes to the police station, says, "I have
9 to do this because I got some money. I don't want the
10 criminal thing to go on." So that rang a bell in your head
11 in the sense that that's not right, but it didn't ring a
12 bell that that might be illegal?

13 **DET. INSP. MILLAR:** No.

14 **THE COMMISSIONER:** Okay.

15 **DET. INSP. MILLAR:** I never heard of it
16 happening before.

17 **MS. DALEY:** You'd never heard of a situation
18 where a potential crime victim had received money to
19 withdraw a criminal complaint?

20 **DET. INSP. MILLAR:** Yeah, I never heard of
21 it.

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

23 **DET. INSP. MILLAR:** Until then, and it just
24 obviously didn't seem right.

25 **MS. DALEY:** It strikes me, based on the

1 evidence you gave about learning about Ken's role with the
2 boys, you have a pretty strong sense in your gut about
3 what's right and what's wrong in matters of this nature.

4 **DET. INSP. MILLAR:** M'hm.

5 **MS. DALEY:** Is that a fair ---

6 **DET. INSP. MILLAR:** Yes.

7 **MS. DALEY:** --- depiction of you?

8 So this information obviously from Silmsers,
9 whether it's criminal -- I don't need that label. It just
10 seemed wrong to you, did it not?

11 **DET. INSP. MILLAR:** Yes.

12 **MS. DALEY:** Now, did you ask at all to see a
13 copy of the document, the settlement document that Silmsers
14 was referring to?

15 **DET. INSP. MILLAR:** No, I didn't ask him to
16 see it.

17 **MS. DALEY:** At any time, sir, did you share
18 your feelings about this with anyone at Cornwall -- in the
19 Cornwall Police Service? For instance, might you have said
20 to them, "Listen, Silmsers tells me he was paid money to
21 terminate a police complaint and I think you guys should
22 look at it"?

23 **DET. INSP. MILLAR:** I think ---

24 **MS. DALEY:** Did you communicate that to
25 anyone?

1 **DET. INSP. MILLAR:** I think they already
2 knew that.

3 **MS. DALEY:** And what's that thought based
4 on? Had you heard that they knew about this already, or
5 can you elaborate on that?

6 **DET. INSP. MILLAR:** I can't remember. I
7 know that we went to Cornwall Police Service and got
8 documents and they gave us all the documents that they had,
9 but I can't remember what they are.

10 **MS. DALEY:** Fair enough. Can you remember
11 that a settlement agreement between Silmsler and ---

12 **DET. INSP. MILLAR:** I think ---

13 **MS. DALEY:** --- whoever was part of what you
14 received or not?

15 **DET. INSP. MILLAR:** I think it was out
16 there, yeah.

17 **MS. DALEY:** All right.

18 **DET. INSP. MILLAR:** Whether it was in those
19 documents I can't remember, but I think it was known at
20 that time that this \$32,000 settlement had been made.

21 **MS. DALEY:** If I could just have a little
22 bit of indulgence, there's one final aspect of this I
23 wanted to talk to you about, and it's in your notes. It's
24 in Exhibit 2596, if you could have that handy.

25 **THE COMMISSIONER:** That's why we have lunch

1 breaks and breaks, so we can clear the desks of all the
2 books.

3 **MS. DALEY:** Do you think you have enough
4 books there? Would you like some more?

5 **DET. INSP. MILLAR:** I'm sorry, what was the
6 ---

7 **MS. DALEY:** You're looking for 2596, and I'm
8 just going to take you to the passage in your notes where
9 the Silmsler statement is taken, and then you make a note
10 subsequent to that that I want to ask you about. So just
11 to help you, sir, if you look at Bates 427 what you'll see
12 is your entry for Friday, November 26th and the taking of
13 the Silmsler statement. Bates 427; do you have that?

14 **DET. INSP. MILLAR:** I'm just waiting for it
15 to come up. Okay.

16 **MS. DALEY:** And then just go to the page and
17 you see the statement has ended at 1557 and your notes
18 says, "Contact Crown..."

19 **DET. INSP. MILLAR:** Yeah.

20 **MS. DALEY:** "...re policy on sexual assault
21 victims."

22 **DET. INSP. MILLAR:** Yes.

23 **MS. DALEY:** Do you remember that instance
24 and can you describe it to us, please?

25 **DET. INSP. MILLAR:** Victims of sexual

1 assault -- in that time there was new policy coming out
2 pretty much daily, and I wasn't aware of any policy
3 regarding sexual assault victims at that time. So there's
4 no doubt David Silmsen was telling us that he was sexually
5 assaulted, so that makes him a victim of sexual assault.

6 **MS. DALEY:** Right.

7 **DET. INSP. MILLAR:** So I called the Crown's
8 office to see if they had any policy on sex assault
9 victims, can I send them somewhere to get counselling or
10 whatever?

11 **MS. DALEY:** So you were looking for that
12 information with a view to providing it to Mr. Silmsen for
13 his benefit?

14 **DET. INSP. MILLAR:** Yeah. I don't think I
15 got any, if I remember right.

16 **MS. DALEY:** Those are my questions up to
17 this point. I have a few more areas to canvass but we can
18 do that after lunch.

19 **THE COMMISSIONER:** Yeah. So Ms. Jones,
20 could you canvass the parties to see what the estimated
21 time will be? Thank you.

22 Thank you. Have a good lunch.

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

25 This hearing will resume at 2:00 p.m.

1 --- Upon recessing at 12:36 p.m./

2 L'audience est suspendue à 12h36

3 --- Upon resuming at 2:07 p.m./

4 L'audience est reprise à 14h07

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

7 This hearing is now resumed. Please be
8 seated. Veuillez vous asseoir.

9 **RANDOLPH MILLAR, Resumed/Sous le même serment:**

10 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

11 **MS. DALEY (cont'd/suite):**

12 **MS. DALEY:** Carrying on, sir, moving to a
13 different topic, just a few questions for you about your
14 role on February 9 -- sorry, February 10th, '93 when the
15 search warrant is executed at Mr. Leroux's home.

16 **DET. INSP. MILLAR:** Yes.

17 **MS. DALEY:** Right? You said in your
18 testimony in-chief -- and I'm not sure in response to what
19 question, but you did say that you were aware that C-8 and
20 Ron Leroux had been an item at one time.

21 **DET. INSP. MILLAR:** Yes.

22 **MS. DALEY:** Do you recall that? And I take
23 it what you meant by that was you came to learn that they
24 had a sexual relationship and they'd lived together?

25 **DET. INSP. MILLAR:** That they'd lived

1 together, yes.

2 **MS. DALEY:** All right. And I take it -- did
3 you have that information in your mind at the time of the
4 search of Leroux's home?

5 **DET. INSP. MILLAR:** I don't remember but I
6 probably did, yes.

7 **MS. DALEY:** And the source of that
8 information or the source of that knowledge, would that
9 come from Steve McDougald?

10 **DET. INSP. MILLAR:** Yes, probably.

11 **MS. DALEY:** All right. So again that's
12 information that Mr. McDougald had developed in his
13 previous investigation and that he made you aware of at
14 about the time of the search?

15 **DET. INSP. MILLAR:** I don't ---

16 **MS. DALEY:** Is that the gist?

17 **DET. INSP. MILLAR:** Well, I don't remember
18 him making me aware of that, but it's possible. It could
19 have happened, yes.

20 **MS. DALEY:** All right. But whatever the
21 source, you're reasonable confident that when you walked
22 into Leroux's home on February 10th you knew that he and C-
23 8, who was also present, had been in a homosexual
24 relationship together?

25 **THE COMMISSIONER:** Well, that is contested,

1 I think.

2 MS. DALEY: All right, had been in a
3 relationship together.

4 That was your frame of mind? That's what
5 you believed?

6 DET. INSP. MILLAR: Yeah, C-8 -- is it? He
7 let us in.

8 MS. DALEY: That's right.

9 DET. INSP. MILLAR: So he had a key,
10 obviously; right?

11 MS. DALEY: All right. And you went there
12 knowing in your mind or believing that there'd been some
13 relationship between them previously in the past?

14 DET. INSP. MILLAR: Yes.

15 MS. DALEY: Now, understanding that -- and I
16 take it, as you said, this was a very small home.

17 DET. INSP. MILLAR: Yes, it was.

18 MS. DALEY: Small footprint.

19 DET. INSP. MILLAR: Yeah.

20 MS. DALEY: Was there any conversation that
21 you had with C-8 at any point during the execution of the
22 warrant?

23 DET. INSP. MILLAR: I don't remember having
24 any conversation with C-8.

25 MS. DALEY: Do you remember hearing any

1 conversation that C-8 had with Officer McDougald?

2 **DET. INSP. MILLAR:** No.

3 **MS. DALEY:** Now, with respect to the tapes
4 which you found in the suitcase, if we could talk about the
5 tapes for a second, sir?

6 **DET. INSP. MILLAR:** Yes.

7 **MS. DALEY:** Are you able to confirm that the
8 tapes, as you saw them, all had commercial labels with
9 commercial titles on them?

10 **DET. INSP. MILLAR:** I don't remember if they
11 all had labels.

12 **MS. DALEY:** I missed ---

13 **DET. INSP. MILLAR:** If they all had labels.
14 I know some of them did.

15 **MS. DALEY:** All right.

16 And can you help me with this, sir, when, in
17 relation to the finding of the suitcase and the opening of
18 the suitcase, did the search terminate? In other words ---

19 **DET. INSP. MILLAR:** You'd have to look at my
20 notes.

21 **MS. DALEY:** Do your notes indicate what time
22 the search was terminated?

23 **DET. INSP. MILLAR:** Yeah, when we left the
24 house ---

25 **MS. DALEY:** One second.

1 **DET. INSP. MILLAR:** --- I believe.

2 **THE COMMISSIONER:** The search warrant
3 permitted you to look at the garage and the boathouse. Did
4 you do that as well?

5 **DET. INSP. MILLAR:** I don't recall, sir.

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

7 **MS. DALEY:** Your counsel kindly lent me his
8 copy. Just give me one second. I think I can help with
9 this question I've asked.

10 **MR. O'BRIEN:** That's Exhibit 2594.

11 **MS. DALEY:** Would you like to have a look at
12 2594, sir?

13 **DET. INSP. MILLAR:** Please.

14 **MS. DALEY:** Those are your notes. Do you
15 have that handy?

16 **THE COMMISSIONER:** He should.

17 **MS. DALEY:** Two five nine four (2594).
18 So looking at Bates page 413 of that
19 document, sir, it looks like you locate the tapes and you
20 contact Project P at 1442?

21 **DET. INSP. MILLAR:** Yes.

22 **MS. DALEY:** And by 1540, you're leaving the
23 residence, so an hour later?

24 **DET. INSP. MILLAR:** Yes.

25 **MS. DALEY:** All right. Sir, was it your

1 decision to terminate the search at that time or was it
2 McDougald's or do you recall?

3 **DET. INSP. MILLAR:** I don't recall.

4 **MS. DALEY:** And there's been some evidence
5 from McDougald that his warrant encompassed both the
6 boathouse and the garage in relation to the weapon search.
7 Is it your recollection that that was the case?

8 **DET. INSP. MILLAR:** I've read that document
9 preparing for this Inquiry and yes, it does.

10 **MS. DALEY:** Can you confirm, sir, that you
11 didn't search either of those other locations; either the
12 boathouse or the garage for weapons?

13 **DET. INSP. MILLAR:** I have no notes of
14 searching those locations and I don't remember if I did or
15 not.

16 **MS. DALEY:** All right. Have you a
17 recollection that McDougald did or not?

18 **DET. INSP. MILLAR:** No.

19 **MS. DALEY:** Now I want to just understand
20 something from you concerning the seizure of the tapes and
21 can you help me at all? What were you hoping for from
22 Project P, when you called them; what type of information
23 or guidance were you looking for?

24 **DET. INSP. MILLAR:** What would the offence
25 be, if there was child pornography in the tapes. That's --

1 and/or is there any intelligence information on Ron Leroux?

2 **MS. DALEY:** So had you connected, you would
3 have asked both those questions?

4 **DET. INSP. MILLAR:** I can't remember why,
5 but I'm just saying logically that's what I would have been
6 looking for.

7 **MS. DALEY:** All right. So in your mind
8 then, the tapes were seized because there was potentially
9 evidence of child pornography on them?

10 **DET. INSP. MILLAR:** Yes.

11 **MS. DALEY:** And if that was the rationale
12 for the seizure, I take it it would be necessary to view
13 the contents of those tapes in full to ascertain one way or
14 the other whether that was the case. Do you know?

15 **DET. INSP. MILLAR:** No. You'd have to sit
16 there and watch 24 tapes. Is that right?

17 **MS. DALEY:** Yes. That's my understanding.
18 If the concern was that potentially there is child
19 pornography there somewhere, one would have to view all of
20 the tapes in their entirety to determine that one way or
21 the other. Do you agree?

22 **DET. INSP. MILLAR:** Yes.

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

24 I have a few questions for you now on
25 Constable Dunlop. You gave some testimony ---

1 **DET. INSP. MILLAR:** Yes.

2 **MS. DALEY:** --- in-chief about him. I just
3 wonder if you could elaborate on something that I heard you
4 say. I understood you to say that towards -- by the time
5 you had investigated Mr. Seguin's death and you'd come to
6 your conclusions about extortion, you'd talked to the
7 Cornwall Police. I thought you said that by that point of
8 time, you were beginning to have a little bit of a concern
9 about Officer Dunlop and in particular what you said was
10 his total infatuation with the notion of a pedophile ring
11 that had been covered up by law enforcement. Is that
12 correct, sir?

13 **DET. INSP. MILLAR:** Yes. He was -- or he
14 believed that there was a cover-up within the Cornwall
15 Police Service.

16 **MS. DALEY:** Yes.

17 **DET. INSP. MILLAR:** And I just don't
18 remember if he was at the pedophile ring at that point. I
19 don't know.

20 **MS. DALEY:** How is it you came to have
21 knowledge about Officer Dunlop's belief? Was that
22 something that was being discussed?

23 **DET. INSP. MILLAR:** That's me talking to
24 him.

25 **MS. DALEY:** That's you talking to him?

1 **DET. INSP. MILLAR:** Yes.

2 **MS. DALEY:** All right. So he expressed that
3 directly to you.

4 **DET. INSP. MILLAR:** Yes.

5 **MS. DALEY:** And why were you concerned about
6 that? What concern did that cause you?

7 **DET. INSP. MILLAR:** I couldn't believe that
8 there'd be such a cover-up. And he was, like I say, he was
9 infatuated. It was time for me to separate myself from him
10 and move on.

11 **MS. DALEY:** By using the word "infatuated,"
12 are you suggesting that he was very emotional about the
13 issue?

14 **DET. INSP. MILLAR:** Yes, he was emotional.

15 **MS. DALEY:** And did you understand that he
16 had no direct professional involvement in any of these
17 matters? In other words, he wasn't an assigned officer to
18 investigate anything.

19 **DET. INSP. MILLAR:** I don't know that.

20 **MS. DALEY:** You don't know that?

21 **DET. INSP. MILLAR:** No.

22 **MS. DALEY:** Was it something about the
23 emotionality of his presentation to you that disturbed you
24 or caused your concern?

25 **DET. INSP. MILLAR:** It's just what he was

1 saying and his -- I use the word "infatuation." He was
2 completely engulfed in this belief.

3 MS. DALEY: I take it from your perspective,
4 rightly or wrongly, you thought that that wasn't a
5 reasonable belief?

6 DET. INSP. MILLAR: No.

7 MS. DALEY: Did you ever express that
8 thought to Officer Dunlop?

9 DET. INSP. MILLAR: No.

10 MS. DALEY: On this topic, sir, did you have
11 any conversations with your superiors about the concern
12 that you had around this officer?

13 DET. INSP. MILLAR: No. No, that's a
14 Cornwall P.D. problem, that wasn't ---

15 MS. DALEY: On that point, did you have any
16 conversation with any of your Cornwall counterparts about
17 this concern?

18 DET. INSP. MILLAR: No. I think they had
19 their own thoughts.

20 MS. DALEY: All right.

21 I appreciate that as you said earlier, you
22 were very occupied with investigations in Akwesasne, the
23 beginning of '94. Were you nonetheless aware though, that
24 this matter had become presented in the media in January of
25 '94?

1 **DET. INSP. MILLAR:** I don't recall that or
2 would I have known that? I don't know. It didn't interest
3 me, let's put it that way.

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

5 Did you have knowledge at any time in '94 or
6 subsequent years that Officer Dunlop's belief, which is
7 that there had been a pedophile ring covered up, was
8 getting a lot of attention in local media?

9 **DET. INSP. MILLAR:** Well, yes.

10 **MS. DALEY:** I guess you knew that because in
11 part it touched upon some of your family members
12 ultimately.

13 **DET. INSP. MILLAR:** Yes.

14 **MS. DALEY:** All right. Let me --
15 notwithstanding that it was in the media, I take it nobody
16 ever came back to you for your impressions or for
17 information about your involvement in the story back in the
18 latter months of '93?

19 **DET. INSP. MILLAR:** No.

20 **MS. DALEY:** I want to move on to my next
21 topic which is your father-in-law, Milton, and just a few
22 questions about that.

23 Sir, I take it that the community where your
24 in-laws live, Lancaster, was a very small village?

25 **DET. INSP. MILLAR:** Yes.

1 **MS. DALEY:** And did you live there also?

2 **DET. INSP. MILLAR:** Yes.

3 **MS. DALEY:** Would the population be in the
4 hundreds? Is it that ---

5 **DET. INSP. MILLAR:** Six hundred (600).

6 **MS. DALEY:** Six hundred (600).

7 **DET. INSP. MILLAR:** Roughly.

8 **MS. DALEY:** And your father-in-law, Milton,
9 was he in fact a former Reeve of that village?

10 **DET. INSP. MILLAR:** That is correct.

11 **MS. DALEY:** Was that in the '70s or do you
12 recollect?

13 **DET. INSP. MILLAR:** I can't recall. It
14 wasn't the '70s. I think it was -- I can't recall. I
15 don't know.

16 **MS. DALEY:** If I could just help you a bit.
17 We know it's 1994 that Milton is eventually investigated
18 again for these matters. In relation to '94, had he
19 recently been the Reeve?

20 **DET. INSP. MILLAR:** Yes, just prior to that.

21 **MS. DALEY:** Thank you. And he'd also been a
22 boy scout leader in that village, as well?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. DALEY:** And can you help us with the
25 time frames on that activity? When was he a boy scout

1 leader?

2 DET. INSP. MILLAR: I'm just guessing I was
3 about -- well, it was when he was being investigated.

4 MS. DALEY: So again, it was ---

5 DET. INSP. MILLAR: Late '60s, as I recall.

6 MS. DALEY: So in that instance, you're
7 referring to the first set of charges that ---

8 DET. INSP. MILLAR: Yes.

9 MS. DALEY: --- were brought against your
10 father-in-law?

11 DET. INSP. MILLAR: Yes.

12 MS. DALEY: Okay. Now I just want to try to
13 understand your knowledge or otherwise about his history.
14 I take it you were aware that he was convicted of sexual
15 offences involving young boys in either the late '60s or
16 sometime in the early '70s?

17 DET. INSP. MILLAR: I can't really say too
18 much about the '60s. I just remember it being talk in a
19 hockey dressing room and whether he was convicted or not, I
20 can't remember that. In other words, when I entered into
21 the MacDonald family it's not something that was ever
22 talked about and it's nothing like ---

23 MS. DALEY: You never raised it with him
24 obviously?

25 DET. INSP. MILLAR: Yes, exactly. It's a

1 long time ago.

2 MS. DALEY: And you never -- they never
3 spoke about it amongst themselves?

4 DET. INSP. MILLAR: No. I don't think they
5 knew. In fact I know they didn't know.

6 MS. DALEY: All right.

7 THE COMMISSIONER: Well, the wife knew.

8 DET. INSP. MILLAR: Yes, the wife knew and
9 Milton knew obviously.

10 THE COMMISSIONER: M'hm.

11 MS. DALEY: As far as you're aware, the
12 siblings including your spouse and Murray, they weren't
13 aware?

14 DET. INSP. MILLAR: I'm positive they
15 weren't aware.

16 MS. DALEY: But would I be right to say
17 this, sir; obviously Lancaster, a very small village and we
18 have heard evidence here from a resident that suggested
19 that there were rumours about your step-father -- sorry,
20 your father-in-law in relation to these offences current in
21 the community, would you agree with that?

22 DET. INSP. MILLAR: I never ---

23 MS. DALEY: You never heard them?

24 DET. INSP. MILLAR: No.

25 MS. DALEY: Let me use a different

1 timeframe. Let's say in the five or more years before
2 Milton is investigated again in 1994 and charged, so back
3 up five years from that, did you ever hear any rumour or
4 any talk in the community that he might be involved with
5 young boys?

6 **DET. INSP. MILLAR:** No.

7 **MS. DALEY:** Does it follow that you were
8 taken completely by surprise in 1994, in February, '94,
9 when the allegation came forward from, I believe it's C-91?

10 **DET. INSP. MILLAR:** Absolutely.

11 **MS. DALEY:** It was shocking?

12 **DET. INSP. MILLAR:** Shocking.

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

14 Moving to my last topic, sir, that's the
15 Jean-Luc Leblanc matter.

16 **DET. INSP. MILLAR:** Yes.

17 **MS. DALEY:** And I'm going to ask you to look
18 at Exhibit 2510. That's the investigation report that Ms.
19 Jones discussed with you this morning.

20 **DET. INSP. MILLAR:** Yes.

21 **MS. DALEY:** And, if you would, going by the
22 numbers on the lower right-hand side, would you look at
23 page 52 for me, please?

24 **THE COMMISSIONER:** Fifty-two (52)?

25 **MS. DALEY:** Yes, 5-2.

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

2 **MS. DALEY:** Do you have that passage, sir?

3 **DET. INSP. MILLAR:** I'm just waiting for it
4 to come up on the screen there.

5 **MS. DALEY:** Okay.

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

7 **MS. DALEY:** Madam Clerk, if you could just
8 expand for us that -- do you see where it says, "Neglect of
9 duty"? Just take that paragraph down to where the boldface
10 is and expand that if you would, please? It's 52 of the
11 document.

12 **THE COMMISSIONER:** Thank you.

13 **MS. DALEY:** So I'm going to ask you a
14 question -- sorry, take your time and review that.

15 **DET. INSP. MILLAR:** Yes.

16 **MS. DALEY:** All right. Some questions about
17 this, sir.

18 Firstly, you appreciate that the complaint
19 that gave rise to this report was a complaint pertaining to
20 neglect of duty in relation to your handling of the
21 information that came from Constable Tyo of Cornwall
22 Police; correct?

23 **DET. INSP. MILLAR:** That's correct.

24 **MS. DALEY:** Right. Now, I looked at this
25 and it struck me that what's being said here is that

1 although it might be accepted that you were beyond busy
2 with other matters at the same time, nonetheless, you were
3 not precluded from making a telephone call, either to a
4 supervisor or sharing the information with any of your
5 subordinates. And the author of this report says that it
6 might have had the desired effect you were looking for
7 because if a supervisor was aware that you weren't
8 being -- you weren't able to get to Leblanc, maybe a
9 supervisor would have taken a step.

10 In any event, just taking your attention to
11 this conclusion in the report, my question for you is, did
12 you accept that conclusion?

13 **DET. INSP. MILLAR:** No.

14 **MS. DALEY:** And why not?

15 **DET. INSP. MILLAR:** Because I had notified
16 my supervisors a number of times that I needed more
17 resources. I do accept that I could have put a zone alert
18 out.

19 **THE COMMISSIONER:** I'm sorry, that you what?

20 **MS. DALEY:** I just missed ---

21 **DET. INSP. MILLAR:** I do accept that I could
22 have put out a zone alert.

23 **THE COMMISSIONER:** Okay.

24 **DET. INSP. MILLAR:** But I had been in
25 contact with my supervisors in -- towards the end of that

1 year a number of times, and they were very well aware of my
2 lack of resources.

3 MS. DALEY: Would that include Carson
4 Fougère?

5 DET. INSP. MILLAR: Yes.

6 MS. DALEY: And who else, if anyone else?

7 DET. INSP. MILLAR: Terry Bladon. Mike
8 Hopkins. I'd have to go to my notes to -- for the rest of
9 them.

10 MS. DALEY: Of those people you've just
11 named, which was your direct supervisor?

12 DET. INSP. MILLAR: It would have been Terry
13 Bladon filling in for -- I can't remember if it was Jeff
14 Bahm or Ian Grant -- one of them.

15 MS. DALEY: So my question for you, sir, is
16 this. In your contacts with either of those gentlemen ---

17 DET. INSP. MILLAR: Yes.

18 MS. DALEY: --- did you tell them that you
19 had information about Leblanc?

20 DET. INSP. MILLAR: No.

21 MS. DALEY: Is there any particular reason
22 why you didn't mention that you hadn't been able to get to
23 Leblanc?

24 DET. INSP. MILLAR: I was telling him that I
25 didn't have sufficient resources to deal with real

1 occurrences, actual offences. There is no offence. It
2 would have been a nicety to be able to do surveillance on
3 Leblanc.

4 **MS. DALEY:** But I take it -- I appreciate
5 what you've said -- you didn't say to any of your
6 supervisors, "Listen, I don't have an offence, I've got
7 some information..."

8 **DET. INSP. MILLAR:** No, I didn't say that.

9 **MS. DALEY:** "...and I don't have the ability
10 to surveil this man"?

11 **DET. INSP. MILLAR:** No.

12 **MS. DALEY:** That didn't come up?

13 **DET. INSP. MILLAR:** No. We were talking
14 about actual offences -- murder, attempt murder, sexual
15 assaults, robberies, those types of offences.

16 **MS. DALEY:** I understand.

17 Just some questions then about Project Truth, and your
18 knowledge about that.

19 Again, if you stay with this exhibit, sir,
20 if you look at the page that's numbered -- I'm not using a
21 Bates number, I'm using a lower right-hand number, page 8?
22 Have a look there.

23 Just to help you out a little bit, sir, on
24 the prior page what you'll see is that this is a synopsis
25 of a statement that you gave to them, January 11th, '06?

1 **DET. INSP. MILLAR:** Yes.

2 **MS. DALEY:** All right. So the aspect of it
3 wanted to talk to you about was the seventh bullet and
4 eighth bullet on page 8, where you say, "Was aware of
5 Project Truth". And just -- all I'm interested in ---

6 **DET. INSP. MILLAR:** Oh, sorry, I'm on
7 page 9. Sorry.

8 **MS. DALEY:** Oh, sorry. Are you on page 8?

9 **DET. INSP. MILLAR:** There we go.

10 **MS. DALEY:** Do you have that?

11 **DET. INSP. MILLAR:** Yes.

12 **MS. DALEY:** I'm going to ask you about your
13 understanding of what Project Truth was all about, and I
14 just brought this up for you because it seemed to bear on
15 it.

16 Was this generally your understanding that
17 Project Truth was meant to look into allegations that there
18 was a pedophile ring, historically, in the Cornwall area
19 involving high-profile people?

20 **DET. INSP. MILLAR:** Yes.

21 **MS. DALEY:** Is that your understanding of
22 it, sir?

23 **DET. INSP. MILLAR:** Yes.

24 **MS. DALEY:** And I take it having that
25 understanding then you would also understand that Leblanc

1 didn't fit Project Truth?

2 **DET. INSP. MILLAR:** Yes.

3 **MS. DALEY:** And that was ---

4 **DET. INSP. MILLAR:** Unless he was -- I don't
5 know what he -- he was a school bus driver, but I didn't
6 know that at the time.

7 **MS. DALEY:** All right. He wasn't prominent?

8 **DET. INSP. MILLAR:** No.

9 **MS. DALEY:** And he isn't historical either
10 in the sense that if he's a problem, he's a current
11 problem, right?

12 **DET. INSP. MILLAR:** Yes.

13 **MS. DALEY:** Now, there's another statement
14 of the Project Truth mandate in this document I'd ask you
15 to look at and it's on the third page and, Madam Clerk,
16 this is the two paragraphs where it says, "The mandate of
17 Project Truth is as follows".

18 **DET. INSP. MILLAR:** Yes.

19 **MS. DALEY:** Directing you particularly to
20 the very first sentence of that definition, it suggests
21 that the Project Truth investigation is being conducted
22 into pedophile activity, both historic and on-going. So,
23 stressing that, was that part of your understanding of
24 Project Truth or not?

25 **DET. INSP. MILLAR:** What I understood

1 Project Truth to be is what we just read prior to that.

2 MS. DALEY: All right. So I take it in
3 respect to this definition, you did not understand that it
4 was any part of Project Truth's mandate to look into on-
5 going pedophile activity?

6 DET. INSP. MILLAR: No.

7 MS. DALEY: And, again, that's the reason
8 why did didn't perceive Leblanc to be a Project Truth
9 issue?

10 DET. INSP. MILLAR: Yes.

11 MS. DALEY: Now, in terms of the selection
12 of officers for Project Truth, we understand that Joe
13 Dupuis and Officer Genier were within your area ---

14 DET. INSP. MILLAR: Yes.

15 MS. DALEY: --- and they were taken away to
16 be on Project Truth. Is that correct?

17 DET. INSP. MILLAR: Yes.

18 MS. DALEY: Did you have any input into the
19 selection of those officers for the Project Truth team?

20 DET. INSP. MILLAR: No, they were gone when
21 I got there.

22 MS. DALEY: Were they two of your more
23 senior, more reliable officers?

24 DET. INSP. MILLAR: Yes.

25 MS. DALEY: But obviously nobody asked you

1 whether you could spare them or ---

2 **DET. INSP. MILLAR:** I wasn't there.

3 **MS. DALEY:** You weren't there at the time?

4 **DET. INSP. MILLAR:** No.

5 **MS. DALEY:** Who was your predecessor there?

6 **DET. INSP. MILLAR:** My brother.

7 **MS. DALEY:** Your brother?

8 **DET. INSP. MILLAR:** Yeah, Tim Millar.

9 **MS. DALEY:** Okay. All right.

10 Let me ask you this question, sir, about
11 Project Truth, as you perceived it. Obviously Project
12 Truth, as you understood it, was focussed on historic
13 crimes and in my language that would be crimes that are not
14 real time crimes. Are we in agreement?

15 **DET. INSP. MILLAR:** Yes.

16 **MS. DALEY:** And you gave a hierarchy of
17 importance, if you will, to my friend Ms. Jones in your
18 testimony in-chief, with personal crimes being first,
19 depending on violence, then property crimes. And I take it
20 what you were referring to were real time crimes. In other
21 words, that's how you would prioritize resources to deal
22 with crimes that were occurring in the here and now;
23 correct?

24 **DET. INSP. MILLAR:** Even an historical
25 sexual assault that came in. So if it came into me as a

1 historical sexual assault, it would not get -- it would get
2 a lower priority than a sexual assault that had just
3 occurred.

4 MS. DALEY: I understand. So an historic
5 crime of any sort would likely be lower ranking on the
6 scale of importance than a current crime?

7 DET. INSP. MILLAR: Yes.

8 MS. DALEY: And an ---

9 DET. INSP. MILLAR: Against persons.

10 MS. DALEY: And an historic crime of a
11 sexual assault nature would be lower ranking than a current
12 sexual assault crime, right?

13 DET. INSP. MILLAR: Yes.

14 MS. DALEY: Was there a bit of a culture or
15 a feeling about Project Truth that since it was not dealing
16 with real time crime it was of lesser importance or value?

17 DET. INSP. MILLAR: No, I wouldn't say that.

18 MS. DALEY: And did it ever seem to you that
19 officers were reluctant to be involved with Project Truth
20 for any reason?

21 DET. INSP. MILLAR: No. I suppose I
22 wouldn't want to be involved with my brother-in-law being
23 the Crown Attorney.

24 MS. DALEY: But that's for a unique reason -
25 --

1 **DET. INSP. MILLAR:** Yes.

2 **MS. DALEY:** --- to you.

3 **DET. INSP. MILLAR:** Yeah.

4 **MS. DALEY:** Did you ever hear amongst
5 officers that Project Truth was not a desirable assignment,
6 not a good thing to be involved in?

7 **DET. INSP. MILLAR:** No, the subject never
8 really came up. They were doing their own thing in the
9 City of Cornwall here and we were very busy doing ours.

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

11 One final question concerning the Leblanc
12 matter.

13 **DET. INSP. MILLAR:** M'hm.

14 **MS. DALEY:** Was it your thought that any
15 Leblanc offences, if there were any, were likely to be
16 within the Cornwall Police Services jurisdiction as opposed
17 to yours?

18 **DET. INSP. MILLAR:** You mean if ---

19 **MS. DALEY:** Yes, if.

20 **DET. INSP. MILLAR:** If there were offences?

21 **MS. DALEY:** Right. Based on the information
22 that came to you from Tyo about Leblanc.

23 **DET. INSP. MILLAR:** Yes.

24 **MS. DALEY:** What he was telling you was he
25 was seen with children in Cornwall.

1 **DET. INSP. MILLAR:** Yes.

2 **MS. DALEY:** So it led me to ask you whether
3 or not you thought that Leblanc was principally a problem
4 for the Cornwall Police Service to investigate?

5 **DET. INSP. MILLAR:** Well, they did
6 investigate it first, yes.

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

8 And I take it it was a surprise to you that
9 Project Truth would take a role in that because that was
10 contrary to what you thought Truth was meant to be dealing
11 with?

12 **DET. INSP. MILLAR:** I thought it was good
13 when I heard they did surveillance and the outcome.

14 **MS. DALEY:** All right. A good outcome ---

15 **DET. INSP. MILLAR:** Yes.

16 **MS. DALEY:** --- because someone was charged,
17 but from the point-of-view simply of the process, who
18 undertook that investigation? I take it it would have
19 surprised you that it was Project Truth that did that?

20 **DET. INSP. MILLAR:** Not necessarily, no.

21 **MS. DALEY:** Is there a reason why not?

22 **DET. INSP. MILLAR:** Well, I didn't know Mr.
23 Leblanc. I didn't -- maybe they had a reason for doing it.
24 I don't know.

25 **MS. DALEY:** Let me ask a better question.

1 In terms of the mandate of Project Truth as we've described
2 it, there didn't seem to be a fit between Leblanc and that
3 mandate?

4 **DET. INSP. MILLAR:** Not that I was aware of,
5 no.

6 **MS. DALEY:** Those are my questions. Thank
7 you.

8 **THE COMMISSIONER:** Thank you.
9 Mr. Paul?

10 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL:**

11 **MR. PAUL:** Good afternoon, Inspector Millar.
12 My name is Ian Paul. I appear for the Coalition for
13 Action, which is a citizen's group.

14 I have a few brief questions on the Varley
15 topic which has previously been discussed. And I
16 understand that the Varley investigation, that homicide
17 investigation, Inspector Tim Smith would have been the
18 overall case manager?

19 **DET. INSP. MILLAR:** That's correct.

20 **MR. PAUL:** And I think in terms of the
21 suggested delay in terms of writing, the probation officer
22 indicated that it would have been primarily his
23 responsibility to take it up with Probation?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. PAUL:** Because he was the overall case

1 manager who would have access to all the witness
2 statements?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. PAUL:** Now, Inspector Smith indicated in
5 his evidence at some point that he was under the impression
6 that the probation office early on, within a day or two of
7 the commencement of the homicide investigation, had
8 knowledge of the Ken Seguin association with that case.

9 And I was going to ask you was that your
10 belief back at the time that within a day or two the
11 Probation office had knowledge -- general knowledge of the
12 situation?

13 **DET. INSP. MILLAR:** I believe Ken Seguin
14 told us he was going to tell his supervisor.

15 **MR. PAUL:** Now, apart from his self-
16 reporting to you, did you believe that there was a general
17 knowledge from any other sources like probation officers at
18 court or other officers?

19 **DET. INSP. MILLAR:** I don't recall that, no.

20 **MR. PAUL:** Now, I think that when you did
21 write to the Probation office to the manager there, Mr.
22 Robert, you had some -- there was some aspects of sympathy
23 that you showed to Ken Seguin's situation?

24 **DET. INSP. MILLAR:** It was stating facts the
25 way I saw them.

1 **MR. PAUL:** Okay. And in terms of those you
2 viewed as sympathetic to him would be his expression of
3 feeling intimidated. You expressed that?

4 **DET. INSP. MILLAR:** That's what he said,
5 yes.

6 **MR. PAUL:** And you also expressed his almost
7 remorse about the incident?

8 **DET. INSP. MILLAR:** He was embarrassed, yes.

9 **MR. PAUL:** Embarrassment, yes.

10 Now, he was an individual I think that you
11 had little knowledge of at the time?

12 **DET. INSP. MILLAR:** That's correct.

13 **MR. PAUL:** And I assume that you had little
14 knowledge of his personal life?

15 **DET. INSP. MILLAR:** That's correct.

16 **MR. PAUL:** And you had also probably not a
17 great deal of knowledge of the inner workings of that
18 probation office, his interactions with other people, what
19 was going on there?

20 **DET. INSP. MILLAR:** No.

21 **MR. PAUL:** So you were -- in some ways you
22 were writing to Mr. Robert about something that you had, in
23 terms of Mr. Seguin's situation, very limited knowledge
24 that was really limited to the Varley incident; correct?

25 **DET. INSP. MILLAR:** Yes, so I was told to

1 write a letter and I did ---

2 MR. PAUL: Right.

3 DET. INSP. MILLAR: --- based on a statement
4 that Ken Seguin gave.

5 MR. PAUL: Do you think that given your
6 limited knowledge of Mr. Seguin's situation, that you were
7 maybe a bit too sympathetic to him in your correspondence?

8 DET. INSP. MILLAR: I told him -- I put in
9 there the way it was; what he said and what came across as
10 -- he came across as embarrassed and he said he was
11 intimidated.

12 MR. PAUL: Did you consider suggesting to
13 Mr. Robert that given that you have limited knowledge of
14 him that they should consider conducting their own
15 appropriate investigations or did you assume he would do
16 that?

17 DET. INSP. MILLAR: That's -- that was his
18 business. It's his employee. He can do whatever he wants.

19 MR. PAUL: One aspect about Mr. Robert, I
20 wanted to show you one document. It's 100315 and I believe
21 it's Exhibit 931. I believe it's a one-page memorandum.

22 I wanted to ask you, I believe this is an
23 internal memorandum and I would assume that I don't see it
24 cc'd to you, so I would assume that he never sent this to
25 you?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. PAUL:** And he makes one comment that I'm
3 interested in getting your views whether you agree with his
4 comments so I'll get your side of it.

5 He makes the comment towards the end which I
6 find kind of unusual. It indicates:

7 "Constable Millar and I recommend that
8 no further action be taken."

9 I didn't see that in your letter. I didn't
10 see any specific reference to discipline action. And I
11 wanted to ask you do you agree with that comment that's
12 attributed to you?

13 **DET. INSP. MILLAR:** No.

14 **MR. PAUL:** I understand that it doesn't seem
15 to surface in the letter. I wanted for clarification to
16 ask you whether that kind of comment -- if you have any
17 recollection that that kind of comment could have surfaced
18 in an earlier discussion, because I think in August there
19 was a verbal discussion with Mr. Robert.

20 **DET. INSP. MILLAR:** The only thing I can see
21 him taking from that is me saying, "He's your man. You
22 discipline him as you see fit." I can't make
23 recommendations as a constable how to discipline him.

24 **MR. PAUL:** So you don't believe you would
25 have either -- you don't believe you would have -- in

1 verbal telephone discussions, Mr. Robert made a suggestion
2 along those lines that no action should be taken?

3 **DET. INSP. MILLAR:** I wouldn't say that.

4 **MR. PAUL:** Right.

5 **THE COMMISSIONER:** I'm sorry?

6 **DET. INSP. MILLAR:** I say I would not say
7 that.

8 **THE COMMISSIONER:** You would not say that?
9 Right.

10 **DET. INSP. MILLAR:** No.

11 **MR. PAUL:** So would your interpretation be
12 that Mr. Robert is taking your letter, your correspondence,
13 and maybe reading too much into it or exaggerating?

14 **DET. INSP. MILLAR:** I don't know, sir.

15 **THE COMMISSIONER:** Well, does that comment
16 sit well with you that Emile Robert is writing to Roy
17 Hawkins and saying, "Constable Millar and I recommend that
18 no further action be taken"?

19 **DET. INSP. MILLAR:** I didn't recommend that,
20 sir.

21 **THE COMMISSIONER:** No, no. So if you were
22 reading this letter ---

23 **DET. INSP. MILLAR:** Yes.

24 **THE COMMISSIONER:** --- you would have said,
25 "Wait a minute, I didn't recommend this"?

1 **DET. INSP. MILLAR:** Exactly.

2 **THE COMMISSIONER:** Okay.

3 **MR. PAUL:** Going to another area, I want to
4 ask you a few clarifying questions in relation to the Jean-
5 Luc Leblanc investigation.

6 **DET. INSP. MILLAR:** Yes.

7 **MR. PAUL:** Now, I heard you say a couple of
8 times -- make reference to there being no offence
9 originally, I believe, when you get this information that
10 Mr. Leblanc may have been seen with some minors.

11 **DET. INSP. MILLAR:** Yes.

12 **MR. PAUL:** But there's no obvious evidence
13 of an offence.

14 I want to clarify. Are you saying -- are
15 you saying that there is no offence? Is that significant
16 for the use and distribution of investigative --
17 investigators in terms of ---

18 **DET. INSP. MILLAR:** Yes.

19 **MR. PAUL:** --- assigning work, or are you
20 saying that there's no offence so you would not investigate
21 that, period? I'm just not understanding your comment.

22 **DET. INSP. MILLAR:** It would be in the
23 prioritized category, so he -- and that would be way down
24 at the bottom.

25 **MR. PAUL:** Right.

1 **DET. INSP. MILLAR:** And there's no offence.
2 The only thing you could do was do surveillance on the
3 house, and if you happen to have him found with children,
4 ident -- exactly what they did.

5 **MR. PAUL:** Right.

6 **DET. INSP. MILLAR:** Identify the child and
7 interview him.

8 **MR. PAUL:** The fact that there's no offence
9 proven at that point ---

10 **DET. INSP. MILLAR:** Yeah.

11 **MR. PAUL:** --- you're not saying that you're
12 barred from commencing an investigation, obviously?
13 Obviously you don't need proof of an offence to commence an
14 investigation.

15 **DET. INSP. MILLAR:** No. We would respond to
16 an offence though. You can't respond to information.

17 **MR. PAUL:** Would you agree that even in the
18 absence of reasonable probable grounds for an offence, as
19 long as you have some legitimate suspicion of an offence
20 that as a police officer you have the right or the
21 discretion to investigate if you want to?

22 **DET. INSP. MILLAR:** Yes. If you have the
23 resources, yeah.

24 **MR. PAUL:** So this was a situation where it
25 was an issue of prioritizing resources but you had -- once

1 you get that report from the Cornwall Police you had the
2 discretion to investigate, based on that level of
3 suspicion?

4 **DET. INSP. MILLAR:** I guess we're -- when I
5 think about "investigate" you are responding to a criminal
6 offence and you're going to investigate it. Now, this is
7 information and if you want to call surveillance an
8 investigative technique, yes.

9 **MR. PAUL:** So based on the level of
10 suspicion you had, you felt you had authority to commence
11 an investigation if you wished?

12 **DET. INSP. MILLAR:** I had no suspicion. It
13 was a -- he could have been -- could have been his
14 relatives with him. I don't know.

15 **MR. PAUL:** Right. But it's just this is not
16 a situation where you're randomly, for example, pulling a
17 name out of a phone book. You have an individual who has a
18 history of similar offences and they're seen with minors,
19 so the constellation of those two facts, I would suggest,
20 would in fact give you the suspicion to commence an
21 investigation in your discretion if you wish.

22 **DET. INSP. MILLAR:** Any investigation that
23 was done was already done by Constable Tyo.

24 **THE COMMISSIONER:** Well -- and that's why he
25 phoned you.

1 **DET. INSP. MILLAR:** Yeah.

2 **MR. PAUL:** But it gave you the discretion to
3 follow it up and conduct further investigation surveillance
4 if you wished.

5 **DET. INSP. MILLAR:** What would I follow up
6 further on?

7 **MR. PAUL:** I'm just suggesting that you had
8 authority to conduct surveillance on him in the
9 circumstances.

10 **DET. INSP. MILLAR:** I would have liked to
11 have done that, yes, if we could have done that. I didn't
12 have the resources to do that.

13 **MR. PAUL:** Now, just on the resources, I
14 understand that you indicated there was a resource problem.
15 You had inquired about resources in the past?

16 **DET. INSP. MILLAR:** Yes. It was a very,
17 very busy year.

18 **MR. PAUL:** Did you have the impression,
19 based on those past requests, that if you made another
20 specific one to this case that it would be refused because
21 of your past history of requests? Is that ---

22 **DET. INSP. MILLAR:** I had made enough
23 requests and I would have to say that the wheels were in
24 motion to get me more resources, but they can't just pull
25 them out of a hat. You can't take uniformed officers off

1 the road and not be able to respond to car accidents
2 because they're doing surveillance up on Leblanc.

3 MR. PAUL: So the fact that you didn't make
4 another specific request was due to the fact that you
5 didn't feel that it would be approved, given the past
6 record?

7 DET. INSP. MILLAR: I would have kept making
8 the requests until I got the resources. I got them in
9 January.

10 MR. PAUL: I have just a couple of questions
11 about the interview of Malcolm MacDonald.

12 DET. INSP. MILLAR: Yes.

13 MR. PAUL: Now, in terms of Malcolm
14 MacDonald, given you're the one conducting -- involved in
15 the interview, you're seeing him, are you tasked with
16 making some kind of assessment of his credibility that you
17 pass on to your -- to other officers? Or are you just
18 taking a statement?

19 DET. INSP. MILLAR: No, I just take the
20 statement. I mean, if -- he was a lawyer, I mean, I guess
21 that's such a credible thing.

22 MR. PAUL: I realize that.

23 (LAUGHTER/RIRES)

24 DET. INSP. MILLAR: Sorry.

25 MR. PAUL: It certainly is.

1 **THE COMMISSIONER:** It's okay. In this room
2 it's okay.

3 **MR. PAUL:** I certainly wouldn't disagree
4 with that but the only comment I'd add is that he's also a
5 lawyer who -- well, I guess I'll ask you the question.

6 Was he a lawyer, in your mind, that was also
7 a friend of Ken Seguin? Did that affect the credibility
8 issue?

9 **DET. INSP. MILLAR:** I don't ---

10 **MR. PAUL:** Or did you know that?

11 **DET. INSP. MILLAR:** I didn't -- I don't
12 remember if I knew that or not.

13 **MR. PAUL:** Did you know at that point that
14 there was an issue perhaps of whether he might be
15 investigated in relation to obstruction in relation to the
16 settlement?

17 **DET. INSP. MILLAR:** No.

18 **MR. PAUL:** I have a few questions in
19 relation to the search of the Leroux residence, and I
20 thought I heard you make reference to legal authorities
21 being Section 49 of the *Criminal Code*.

22 **DET. INSP. MILLAR:** Yes.

23 **MR. PAUL:** And I was going to ask you if you
24 meant 489 of the *Criminal Code*.

25 **DET. INSP. MILLAR:** Four eighty-nine (489)

1 yes.

2 **MR. PAUL:** Yes. And 489 -- in your
3 understanding 489 of the *Criminal Code* would be a section
4 that authorizes police officers to, in some cases, seize
5 items that are not named in a warrant?

6 **DET. INSP. MILLAR:** Yes, as long as you have
7 reasonable belief that they're evidence of a criminal
8 offence, yes.

9 **MR. PAUL:** So they'd have to be -- you have
10 reasonable grounds to believe that they're offence-related
11 property?

12 **DET. INSP. MILLAR:** Yes.

13 **MR. PAUL:** And generally it would have been
14 your understanding that there wouldn't necessarily be
15 authority to specifically go out and search out for other
16 items, but if you come across them in the course of looking
17 for what you're supposed to be looking for ---

18 **DET. INSP. MILLAR:** Yes.

19 **MR. PAUL:** --- then you can take them,
20 basically?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. PAUL:** Your understanding would be
23 something in the nature of a codification of what was
24 referred to as the "plain view" doctrine?

25 **DET. INSP. MILLAR:** Yes.

1 **MR. PAUL:** Were you aware of any -- and in
2 terms of preparing for the proceedings did you review the
3 *Criminal Code*? Or is the first time ---

4 **DET. INSP. MILLAR:** Oh yes. No, and -- I
5 mean that's pretty much known right from Aylmer.

6 **MR. PAUL:** Now, in terms of application in
7 this case, in terms of these tapes, obviously when the
8 suitcase or briefcase is seized and it's opened, the
9 officers are still looking for tapes because they don't
10 know what's inside it? I'm sorry, still looking for a gun
11 ---

12 **DET. INSP. MILLAR:** Yes.

13 **MR. PAUL:** --- because they don't know
14 what's inside. And then they come across the tapes.

15 **DET. INSP. MILLAR:** Yes.

16 **MR. PAUL:** Correct?

17 **DET. INSP. MILLAR:** I came across the tapes.

18 **MR. PAUL:** Yes. Now, in terms of the tapes,
19 just seeing the labels, I'd suggest, wouldn't necessarily
20 identify it as criminal pornography.

21 **DET. INSP. MILLAR:** No, but they were well
22 hidden and there had to be a reason for that.

23 **MR. PAUL:** So apart from the issue of being
24 hidden, you would have viewed them as possibly as legal
25 pornography if they were just lying about?

1 **DET. INSP. MILLAR:** I thought it was
2 reasonable to believe that they contained evidence of a
3 criminal offence.

4 **MR. PAUL:** And that was not based on ---

5 **DET. INSP. MILLAR:** Based simply on the fact
6 that they were hidden.

7 **MR. PAUL:** Okay. And that was not based on
8 how they appeared ---

9 **DET. INSP. MILLAR:** No.

10 **MR. PAUL:** --- or the labelling? Okay.

11 **DET. INSP. MILLAR:** No.

12 **MR. PAUL:** And would you not have considered
13 that coming into a household, that the occupants of that
14 household, as normal reasonable people, might want to hide
15 any form of pornography from visitors coming into the
16 house; that that might be a usual thing to do?

17 **DET. INSP. MILLAR:** Well, it's up in the
18 bedroom closet.

19 **MR. PAUL:** I'm just suggesting that hiding
20 something like pornography which by its nature whether it's
21 legal or not could be embarrassing, does not necessarily
22 indicate criminal pornography; the fact that it's hidden.
23 Would you not agree with that?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. PAUL:** So in terms of the grounds, do

1 you not agree that the grounds for seizing tapes based on
2 the fact that they're hidden somewhere is shaky in terms of
3 the plain view doctrine?

4 **DET. INSP. MILLAR:** I believed it. If we
5 would have went to trial, it would have been up to the
6 judge to decide.

7 **MR. PAUL:** Now, in terms of those tapes,
8 were you aware that any of the tapes were viewed at the
9 house by any officers?

10 **DET. INSP. MILLAR:** No.

11 **MR. PAUL:** So you -- if Constable McDougald
12 viewed one, you weren't present or involved in that at all?

13 **DET. INSP. MILLAR:** I don't remember that,
14 no.

15 **MR. PAUL:** Now, you did indicate that the
16 allegations that had been out there in the public about
17 whether there was any homemade tapes or child pornography,
18 you commented on that, and were you aware that the source
19 of some of that information would have been from statements
20 of Ron Leroux?

21 **DET. INSP. MILLAR:** No.

22 **MR. PAUL:** In terms of the exact content, I
23 understand that you yourself never actually viewed any of
24 the tapes?

25 **DET. INSP. MILLAR:** Actually, I never seized

1 them.

2 **MR. PAUL:** All right.

3 **DET. INSP. MILLAR:** Steve McDougald seized
4 the. It was his warrant. I never saw the tapes.

5 **MR. PAUL:** All right. So I understand what
6 you objected to in your evidence the other day was the
7 suggestion that you went in there deliberately to take
8 tapes?

9 **DET. INSP. MILLAR:** That's not true.

10 **MR. PAUL:** But in terms of what was on the
11 tapes, you never really had any idea what was on them?

12 **DET. INSP. MILLAR:** I had no idea what was
13 on them.

14 **MR. PAUL:** There was a suggestion at one
15 point in Mr. Leroux's evidence that there was a large drum
16 or barrel, 45-gallon barrel, it was used for laundry, that
17 had ripped-up tapes in it and I want to ask you, did you
18 ever have any recollection of coming across ripped-up tapes
19 in a barrel?

20 **DET. INSP. MILLAR:** No.

21 **MR. PAUL:** Do you know if the house would
22 have been exhaustively searched or would it have stopped
23 once the two handguns were located?

24 **DET. INSP. MILLAR:** No, I think it would
25 have been searched completely. Not to the -- not to the

1 way we do things today. We would search it twice today
2 with another team.

3 **MR. PAUL:** Yes.

4 Now, I want to show the witness another
5 document in a moment. I believe it's Exhibit 2522.

6 **THE COMMISSIONER:** Two-five-two-two (2522).
7 It's in your book. It's your statement to ---

8 **MR. PAUL:** I believe it's -- I'd like to
9 show him page 1 at first so he can identify it.

10 **THE COMMISSIONER:** --- from Hall's statement
11 ---

12 **MR. PAUL:** This would be a statement from
13 the 3rd of December, 1998?

14 **DET. INSP. MILLAR:** Yes.

15 **MR. PAUL:** And is that Detective Sergeant
16 Hall conducting the interview?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. PAUL:** I wanted to ask you about a
19 portion of the second page. If you look at the second
20 page, there's a series of questions and answers in the
21 middle.

22 **DET. INSP. MILLAR:** Yes.

23 **THE COMMISSIONER:** Can you blow that up,
24 Madam Clerk? Thank you.

25 **MR. PAUL:** This question:

1 "Q. Describe the contents and number
2 of tapes.

3 A. I never saw the contents of the
4 suitcase, but believe the suitcase
5 contained videotapes..."

6 **DET. INSP. MILLAR:** Yes.

7 **MR. PAUL:** "...and who viewed the
8 Videotapes, I don't know.

9 Q. What was recorded on the
10 videotapes?

11 A. I don't know."

12 You did confirm to me the last part of that,
13 that you never viewed the videotapes, but the first part of
14 that ---

15 **DET. INSP. MILLAR:** Yes.

16 **MR. PAUL:** --- about not seeing the contents
17 of the suitcase seems to me to be at odds with what you
18 said to me just a few moments ago and ---

19 **DET. INSP. MILLAR:** Yes.

20 **MR. PAUL:** --- what was said to the
21 Commission counsel.

22 **DET. INSP. MILLAR:** It is.

23 **MR. PAUL:** I'm wondering if you can -- if
24 you've reviewed that statement if you can explain the
25 contradiction which I think is there?

1 **DET. INSP. MILLAR:** The only thing I can see
2 is I didn't make reference to my notes and it was a cold
3 interview, if you will have that. And in preparing for
4 this Inquiry, there's no doubt in my mind that I probably
5 popped that lock -- there's a -- and I obviously knew that
6 they contained tapes because I went out to the car and
7 called Project P.

8 **MR. PAUL:** Now, when Detective Sergeant Hall
9 was questioning you, was it specifically about the tapes
10 and what happened to the tapes? Was that your
11 understanding of what ---

12 **DET. INSP. MILLAR:** Yes.

13 **MR. PAUL:** Okay. So that was the specific
14 reason for the interview?

15 **DET. INSP. MILLAR:** Yes.

16 **MR. PAUL:** And were you told in advance or
17 were you surprised that this is the purpose of ---

18 **DET. INSP. MILLAR:** I don't recall.

19 **MR. PAUL:** All right. And you were not
20 given the opportunity to have your notes available and
21 review them before?

22 **DET. INSP. MILLAR:** I'm just telling you why
23 I believe this contradiction is here, is that it was a cold
24 interview without my notes. Because it's pretty obvious
25 when you look at my notes, I've gone out to the car to call

1 Project P so I know there's tapes in there.

2 MR. PAUL: But are you speculating or are
3 you certain that you did not have your notes available?

4 DET. INSP. MILLAR: I don't know.

5 MR. PAUL: Is it -- were you in any way
6 trying to distance yourself from the tapes ---

7 DET. INSP. MILLAR: No.

8 MR. PAUL: --- for some reason during the
9 interview?

10 DET. INSP. MILLAR: No.

11 MR. PAUL: Were you ---

12 DET. INSP. MILLAR: No, no.

13 MR. PAUL: In terms of the opening of the
14 suitcase, who else would have been present? Would Officer
15 McDougald been present?

16 DET. INSP. MILLAR: I don't remember.

17 MR. PAUL: And you don't know if C-8 was
18 present?

19 DET. INSP. MILLAR: I don't remember.

20 MR. PAUL: Now, C-8's presence and
21 involvement, he was present when you arrived?

22 DET. INSP. MILLAR: Yes.

23 MR. PAUL: And had he already found one of
24 the handguns?

25 DET. INSP. MILLAR: Yes, I believe so. He

1 turned it over to McDougald.

2 MR. PAUL: And was it your understanding
3 that Officer McDougald contacted him at some point to try
4 to find a key?

5 DET. INSP. MILLAR: I don't know. I know
6 now, but I didn't know then.

7 MR. PAUL: Was it your understanding that C-
8 8 was not a resident of that house at that time?

9 DET. INSP. MILLAR: I didn't -- I don't
10 know.

11 MR. PAUL: You weren't aware of his
12 connection to the residents?

13 DET. INSP. MILLAR: No, I was simply there
14 to help him search.

15 MR. PAUL: Was there any concern by you or
16 Constable McDougald at the time about the idea of having a
17 civilian present with evidence during the execution of the
18 search?

19 DET. INSP. MILLAR: I don't know about
20 McDougald, but obviously I didn't pay much attention to it.
21 And certainly if it's not his house, yeah, there's reason
22 for concern for a civilian to be in there without being
23 named in the warrant.

24 MR. PAUL: In terms of continuity of the
25 evidence that it's found with somebody else who's perhaps

1 almost in the nature of a complainant; that's perhaps of
2 concern?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. PAUL:** And then in terms of execution of
5 the search warrant with someone who is not named in the
6 warrant and ---

7 **DET. INSP. MILLAR:** Yes.

8 **MR. PAUL:** --- there would be an issue of
9 whether they lived there or not. That might be an issue?

10 **DET. INSP. MILLAR:** Or whether they're a
11 peace officer or not, they're not.

12 **MR. PAUL:** Right. In terms of actually
13 executing the search, was there some discussion or a
14 meeting between you and Constable McDougald in terms of
15 who's going to be exhibit officer and who's going to ---

16 **DET. INSP. MILLAR:** No.

17 **MR. PAUL:** --- conduct the search?

18 **DET. INSP. MILLAR:** No.

19 **MR. PAUL:** Just one did one and one did the
20 other?

21 **DET. INSP. MILLAR:** Sorry?

22 **MR. PAUL:** He was the exhibit officer, I
23 take it?

24 **DET. INSP. MILLAR:** No, I -- I don't know
25 what he did.

1 **MR. PAUL:** Okay, well ---

2 **DET. INSP. MILLAR:** I know what I did. I
3 went upstairs and searched.

4 **MR. PAUL:** Okay.

5 In terms of search, was there any particular
6 pattern that was going to be used to conduct the search in
7 terms of, you know, the order of searching the residence?

8 **DET. INSP. MILLAR:** No, not that I can
9 remember.

10 **MR. PAUL:** Was the bathroom the first
11 location that was searched?

12 **DET. INSP. MILLAR:** I don't know. I don't
13 remember.

14 **MR. PAUL:** In terms of searching rooms such
15 as the bathroom or other rooms, were there any particular
16 search techniques that were used to search the rooms?

17 **DET. INSP. MILLAR:** No.

18 **MR. PAUL:** I mean, do you have -- do you
19 just search randomly or do you have particular methods such
20 as searching in a spiral or in a grid form or do you have
21 particular methods that you use to search rooms?

22 **DET. INSP. MILLAR:** Not necessarily, no.

23 **MR. PAUL:** And it was your recollection that
24 the suitcase with the tapes was found within approximately
25 about 11 minutes of entry?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. PAUL:** I've got a couple of questions in
3 relation to Mr. Dunlop; you indicated some concerns with
4 Mr. Dunlop.

5 I just want to ask you, are you talking
6 primarily about -- I'm not sure the timeframe -- were you
7 talking about the fall of '93 as the contact you had with
8 Mr. Dunlop where he was explaining the situation?

9 **DET. INSP. MILLAR:** He didn't really come
10 out and explain it. It was more in contacts with him. He
11 was -- he was -- I had to start distancing myself from him.

12 **MR. PAUL:** Well, is it -- when you say you
13 discussed matters with him, is this around November of '93?
14 Is that what you're ---

15 **DET. INSP. MILLAR:** We didn't -- I didn't
16 discuss matters with him. We were just -- we would just
17 bump into each other and, I'm telling you, he was
18 infatuated with this theory that he had of a cover-up.

19 **MR. PAUL:** A theory of conspiracy and cover-
20 up?

21 **DET. INSP. MILLAR:** Cover-up as I recall.

22 **MR. PAUL:** All right.

23 **DET. INSP. MILLAR:** I don't know. I mean, I
24 distanced myself and he just carried on.

25 **MR. PAUL:** You would agree that some of

1 those theories were ultimately investigated by other
2 officers within the Ontario Provincial Police?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. PAUL:** Some of the officers involved in
5 the Project Truth investigations you've indicated, would
6 have come actually from your organization?

7 **DET. INSP. MILLAR:** Yes.

8 **MR. PAUL:** And they would have been
9 subordinates to you?

10 **DET. INSP. MILLAR:** Yes. In 1998, yes.

11 **MR. PAUL:** In terms of your feelings about
12 Mr. Dunlop's view, did you keep those to yourself or did
13 you express those to the subordinates, such as Constable
14 Genier and Constable Dupuis?

15 **DET. INSP. MILLAR:** He wouldn't have been a
16 subordinate at that time and no, I don't remember ---

17 **MR. PAUL:** You don't remember expressing any
18 of those opinions?

19 **DET. INSP. MILLAR:** No, like I say, it
20 didn't interest me. It was a Cornwall problem.

21 **MR. PAUL:** Just a few other questions. I've
22 asked most witnesses about contact with some various
23 people, I just wanted to ask you in terms of associations.
24 The interview with Malcolm MacDonald; is he someone that
25 you had limited knowledge or interaction with at the time?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. PAUL:** So other than knowing he was a
3 lawyer, you didn't know much about him?

4 **DET. INSP. MILLAR:** He may have cross-
5 examined me on a few cases; I can't recall.

6 **MR. PAUL:** Some of the other individuals
7 that were prominent in terms of the situation, the civil
8 settlement involving Charles MacDonald; did you have any
9 relationship with either Charles MacDonald or Bishop
10 Laroque?

11 **DET. INSP. MILLAR:** No.

12 **MR. PAUL:** And were you familiar with Chief
13 Shaver on a personal basis?

14 **DET. INSP. MILLAR:** No.

15 **MR. PAUL:** Those are my questions, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Thank you.

18 We'll take the break, please.

19 **THE REGISTRAR:** Order; all rise. À l'ordre;
20 veuillez vous lever. This hearing will resume at 3:20 p.m.

21 --- Upon recessing at 3:04 p.m./

22 L'audience est suspendue à 15h04

23 --- Upon resuming at 3:24 p.m./

24 L'audience est reprise à 15h24

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 **THE COMMISSIONER:** Mr. Lee.

5 **MR. LEE:** Good afternoon, sir.

6 **THE COMMISSIONER:** Good afternoon, sir. Go
7 ahead, Mr. Lee.

8 **RANDOLPH MILLAR, Resumed/Sous le meme serment:**

9 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

10 **MR. LEE:** Officer Millar, good afternoon.

11 My name is Dallas Lee. I'm counsel for the
12 Victims Group. I have just a few areas to canvass with
13 you.

14 I'd like to start please, Madam Clerk. I
15 passed up Document 126413.

16 Mr. Commissioner, I'd like to address you
17 after you look at the document, before you describe it on
18 the record, please.

19 **THE COMMISSIONER:** Sure.

20 **MR. LEE:** You'll recall, Mr. Commissioner,
21 we've looked a couple of times at discovery transcripts
22 arising from a large civil action launched against Her
23 Majesty the Queen in Right of Ontario relating to abuses
24 alleged against Nelson Barque and Ken Seguin.

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

1 **MR. LEE:** Robert Renshaw would have been a
2 good example where we looked at some of the discovery
3 transcript of that. This is another one of the plaintiffs
4 from this Action. You'll notice in the Style of Cause that
5 the plaintiffs are referred to by initial.

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

7 **MR. LEE:** I recall from memory that there
8 was an order at some point in that Action permitting the
9 claim to be filed with the plaintiffs referred to by
10 initials. I am not certain and wasn't able to find a
11 document that tells me whether or not there was another
12 order that accompanied that requiring a ban on identity or
13 anything along those lines. The person whose discovery
14 transcript this is, to the best of my knowledge, has never
15 been publicly identified as a victim of abuse. I didn't
16 appreciate that he was a victim of abuse until I came
17 across this transcript and this was something I provided
18 late notice on because I didn't know. My suggestion, sir,
19 is that we provide a moniker for this person in the context
20 of his role here as an alleged victim of abuse and as a
21 litigant.

22 I believe I can ask my questions of Officer
23 Millar respecting the confidentiality of that person should
24 you grant a moniker, and it's a little bit tricky in the
25 sense that there are some areas that will make my

1 questioning a little bit touchy, I suppose. But I think I
2 can do it. And I think that we have an interest here in
3 protecting this person's identity as a victim of abuse.

4 **THE COMMISSIONER:** Okay. Does anybody have
5 any comments?

6 **MR. NEVILLE:** Part of the problem,
7 Commissioner, having received notice I guess, last night or
8 this morning, of this document, I've not had throughout
9 today's hour, the chance to look at it.

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

11 **MR. NEVILLE:** I don't know if you've seen
12 it, but the person we're talking about figures prominently
13 in one of the investigations testified to by Inspector
14 Millar.

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

16 **MR. NEVILLE:** And in the light of what I've
17 now read in the content, I would certainly do some cross-
18 examination, particularly in comparison to earlier
19 statements -- sorry, as compared to earlier statements. So
20 how we finesse this, I'm not sure.

21 **THE COMMISSIONER:** Well, that's a lot of
22 help.

23 **(LAUGHTER/RIRES)**

24 **THE COMMISSIONER:** I know, you've hit the --
25 the issue is right there. I don't know what folks think

1 about that. I really haven't -- I'm trying to think.

2 **MR. NEVILLE:** Well, I'm content if you give
3 him the moniker, it may be ignoring the elephant in the
4 corner, at this point, is the problem given the extensive
5 exploration of the particular investigation from 1992.

6 **THE COMMISSIONER:** M'hm. What do you mean,
7 the investigation in '92?

8 **MR. NEVILLE:** A certain homicide
9 investigation.

10 **THE COMMISSIONER:** Yes. Yes. Oh, that was
11 in '92, okay.

12 **MR. NEVILLE:** Yes.

13 **MR. LEE:** There was a purpose to me not
14 identifying exactly the dealings. My suggestion is that I
15 can put to Officer Millar the fact that he has had some
16 contact with this person in the past; that he's interviewed
17 this person in the past and I have very few questions on
18 this document. I essentially want to know whether Officer
19 Millar received certain information from this person that
20 he relays to the examining lawyer in this discovery. And I
21 want to ask him whether or not he's ever heard anything
22 prior to testifying at the Inquiry about this. I suspect
23 frankly, he may say no. And those will be the end of my
24 questions. But this is not an easy thing to figure out how
25 to do this well. I'm sensitive to what Mr. Neville says.

1 **THE COMMISSIONER:** I'm just trying to see
2 all of the ramifications here and whether or not the public
3 is entitled to know this.

4 **MR. LEE:** I mean, for what it's worth, sir,
5 I don't represent this person. I have no knowledge of what
6 his wishes are. I can only tell you as far as I know he's
7 never been identified publicly.

8 I don't know whether or not there might be
9 an order of the Superior Court that requires a ban on
10 publication. I genuinely have no information about that.

11 My suggestion of a moniker here is based
12 solely on the fact that just on the face of the document
13 he's an alleged victim and we've taken some protections
14 where we could.

15 **THE COMMISSIONER:** So if he's not your
16 client ---

17 **MR. LEE:** No.

18 **THE COMMISSIONER:** --- how'd you get this?

19 **MR. LEE:** I presume -- it's on the Inquiry
20 hard drive.

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

22 **MR. LEE:** It was produced to us, I presume,
23 by the Ministry of the Attorney General.

24 **THE COMMISSIONER:** Okay. Okay, thank you.
25 Well, first of all, does anyone have any

1 comments or words of wisdom at this point?

2 **MR. NEVILLE:** Another practical problem,
3 Commissioner, is until this issue came to light through Mr.
4 Lee's notice there is a statement by this person in 1994
5 which is, to put it mildly, at odds with this transcript.
6 But Inspector Millar didn't take that statement and I don't
7 think it would -- I don't think it was even taken under his
8 supervision.

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

10 **MR. NEVILLE:** It was taken by Officer
11 McDonell whose been and gone.

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

13 **MR. NEVILLE:** And the significance of what
14 appears to have happened here, both civilly and in relation
15 to the '94 events, is quite considerable, and I of course
16 could not have anticipated this happening. And what may be
17 required is simply putting off what I would ask on this
18 topic for the possible return of Constable McDonell. I
19 don't want to waste Inspector Millar's time if it's
20 something he's never seen before, didn't take, or didn't
21 even supervise.

22 **THE COMMISSIONER:** Well, ---

23 **MR. NEVILLE:** I just want to give you that
24 practical whatever it's worth, which is probably little.

25 **THE COMMISSIONER:** Thank you.

1 What I'll do, given the avalanche of words
2 of wisdom, I'll give this gentleman a moniker at this point
3 for this purpose. How's that?

4 **MR. LEE:** Yes. Thank you.

5 **THE COMMISSIONER:** All right. So that's --
6 did I say interim? Did I say for the time being? So it
7 will be an interim one -- well, we'll give a moniker for
8 this and I'm saying it's subject to coming back and talking
9 about it ---

10 **MR. LEE:** Certainly.

11 **THE COMMISSIONER:** --- at some later point
12 if it takes on life.

13 So the person who's named in Exhibit 2605 as
14 the person being examined for discovery will have moniker
15 number ---

16 **THE REGISTRAR:** Ninety-two (92).

17 **THE COMMISSIONER:** --- 92.

18 So now you can see this document, Mr.
19 Millar?

20 **MR. LEE:** Does the witness have the
21 document, Madam Clerk?

22 **THE COMMISSIONER:** Wait a minute. Wait a
23 minute now. Does that go in the public ---

24 **MR. LEE:** I presume the moniker would relate
25 to a publication ban only on name and identity ---

1 THE COMMISSIONER: Yes.

2 MR. LEE: --- in which case it could go on
3 public.

4 THE COMMISSIONER: Okay. Thank you.

5 MR. LEE: And what was the exhibit number,
6 sir?

7 THE COMMISSIONER: C-92, yes. Yes, yes.

8 MR. LEE: And the exhibit was 26 ---

9 THE COMMISSIONER: Two six zero five (2605).

10 --- EXHIBIT NO./PIÈCE NO. P-2605:

11 (126413) - Ontario Superior Court of
12 Justice Examination for Discovery dated
13 20 Jan 04

14 MR. LEE: Thank you, sir.

15 Officer Millar, you have this document in
16 front of you?

17 DET. INSP. MILLAR: Yes.

18 MR. LEE: Just by way of brief explanation,
19 an examination for a discovery is a series of questions and
20 answers given under oath during the context of a civil
21 proceeding.

22 DET. INSP. MILLAR: Yes.

23 MR. LEE: Okay. So what's happened is that
24 in 2004, Mr. C-92 attended to be examined for discovery by
25 a lawyer for the agency defending a lawsuit in which he

1 alleged having been twice sexually abused by Mr. Seguin.

2 **DET. INSP. MILLAR:** Okay.

3 **MR. LEE:** Okay. Now, you know who C-92 is,
4 you have the moniker there?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. LEE:** And you would have met this person
7 in the past?

8 **DET. INSP. MILLAR:** Yes.

9 **MR. LEE:** And you certainly would have met
10 this person before January 20th of 2004 when this was taken?

11 **DET. INSP. MILLAR:** Yes.

12 **MR. LEE:** And you had occasion to interview
13 this person on at least one occasion?

14 **DET. INSP. MILLAR:** Yes.

15 **MR. LEE:** And at any point during your
16 interactions with C-92 did he allege abuse by Mr. Seguin?

17 **DET. INSP. MILLAR:** No.

18 **MR. LEE:** Did he allege any problems of any
19 nature with Mr. Seguin?

20 **DET. INSP. MILLAR:** No.

21 **MR. LEE:** Can you take a look, please, at
22 transcript page 39? And that's Bates page ending 338. And
23 if you see -- if you look at question and answer number 305
24 the witness confirms that Mr. Seguin was never his
25 probation officer.

1 **DET. INSP. MILLAR:** Yes.

2 **MR. LEE:** Can you see that?

3 And there's a discussion between counsel and
4 in response to question 306 C-92 says, "But I did confront
5 Ken."

6 **DET. INSP. MILLAR:** Yes.

7 **MR. LEE:** The question:

8 "You confronted Ken?"

9 Answer:

10 "One time that I was going to go to the
11 police about it."

12 **DET. INSP. MILLAR:** Yes.

13 **MR. LEE:** Question:

14 "When was that?"

15 Answer:

16 "That was when I was on parole."

17 Question:

18 "What year?"

19 Answer:

20 "I think in '92."

21 Question:

22 "Okay. And what did you tell him?"

23 Answer:

24 "He threatened me outside of his office
25 that he'd get my parole revoked."

1 Question:

2 "What did you tell him?"

3 Answer:

4 "I told him that I was going to go to
5 the police from what he did to me
6 because it was coming out that he'd
7 done this to other people. I thought
8 that I was the only one that this was
9 done to at the time, you know."

10 Question:

11 "Yes. So you said 'I'm going to tell
12 the police', and what did he say to
13 you?"

14 Answer:

15 "I said I was going to go to the
16 police."

17 Question:

18 "And what did he say to you?"

19 Answer:

20 "He told me that if I do anything about
21 it that he'll get my parole revoked and
22 I'll be back in jail."

23 Question:

24 "Did you ever report it to the police?"

25 Answer:

1 "No, I didn't. He hung himself the
2 next day."

3 Do you see that, sir?

4 **DET. INSP. MILLAR:** Yes.

5 **MR. LEE:** Now, we have one fairly obvious
6 inconsistency on this page, given that at the top of the
7 page in answer 309 he says that he believes this occurred
8 in 1992 and below he says that it was the day before Mr.
9 Seguin's death, which we know was November of 1993.

10 **DET. INSP. MILLAR:** Yes.

11 **MR. LEE:** Okay. Leave that aside for a
12 minute, at the bottom of the page what he says is that he
13 threatened to expose Mr. Seguin; that Mr. Seguin returned
14 with a threat saying that if you do that I'll have your
15 parole revoked and then Mr. Seguin died the next day.

16 **DET. INSP. MILLAR:** Yes.

17 **MR. LEE:** Okay. So that's the gist of the
18 evidence there.

19 Is any of this familiar to you?

20 **DET. INSP. MILLAR:** This is all brand new to
21 me.

22 **MR. LEE:** You've never heard anything
23 relating to this?

24 **DET. INSP. MILLAR:** No.

25 **MR. LEE:** Never heard any suggestion of

1 this?

2 **DET. INSP. MILLAR:** No.

3 **MR. LEE:** At no point during your
4 investigation of Mr. Seguin's death was any of this brought
5 to your attention?

6 **DET. INSP. MILLAR:** No.

7 **MR. LEE:** And at no point during that
8 investigation when you turned your mind to the question of
9 Mr. Silmsler having possibly extorted Mr. Seguin did any of
10 this come to your mind?

11 **DET. INSP. MILLAR:** No.

12 **MR. LEE:** And did you, during the course of
13 turning your mind to the extortion part of the
14 investigation, learn of anybody other than Mr. Silmsler who
15 had made threats, I suppose, to Mr. Seguin?

16 **DET. INSP. MILLAR:** No.

17 **MR. LEE:** At any time after 1993 when you
18 were conducting those investigations up to today, have you
19 ever been contacted by any police force in relation to
20 this?

21 **DET. INSP. MILLAR:** No.

22 **MR. LEE:** You can put that document away,
23 sir.

24 Can you just very briefly turn up Exhibit
25 2598 please? That may be in a binder in front of you. I'm

1 not certain.

2 Should the witness have that document
3 already, Madam Clerk?

4 **THE COMMISSIONER:** Which ---

5 **MR. LEE:** Two five nine eight (2598).

6 **THE COMMISSIONER:** Yeah.

7 **DET. INSP. MILLAR:** I'll just go by the
8 screen, if that's all right.

9 **MR. LEE:** Okay. Sure.

10 This is your statement of February 15th, 1994
11 given by Officers Hurlbut and Beatty, it looks like, in
12 relation to the Milton MacDonald matter.

13 **DET. INSP. MILLAR:** Yes.

14 **MR. LEE:** And if you can turn over to the
15 second page, Madam Clerk, to the middle paragraph.

16 On the screen there it speaks of a meeting
17 that the family had with Milton MacDonald. Do you see
18 that?

19 **DET. INSP. MILLAR:** Yes.

20 **MR. LEE:** Who would that have included, when
21 you say "the family"?

22 **DET. INSP. MILLAR:** I'm sure it would have
23 included Murray, Margaret, Marvin, Moira, Mary -- I'm not --
24 --

25 **MR. LEE:** Are these all Milton's children?

1 DET. INSP. MILLAR: Yes, and wife.

2 MR. LEE: And spouses?

3 DET. INSP. MILLAR: Yes.

4 MR. LEE: And would that ---

5 DET. INSP. MILLAR: I don't know if the in-
6 laws were all there or not. I can't remember.

7 MR. LEE: Okay. And Murray MacDonald was
8 present?

9 DET. INSP. MILLAR: Yes.

10 MR. LEE: And if we look down towards the
11 middle of that paragraph you say that:

12 "The feeling I got was that something
13 had happened with C-91 but Milton was
14 questioned specifically about that."

15 Should that read he was not questioned
16 specifically about that?

17 DET. INSP. MILLAR: Where do you see that?

18 MR. LEE: If you look towards the end of the
19 seventh line down it begins ---

20 DET. INSP. MILLAR: Oh, yes. Okay.

21 MR. LEE: --- "The feeling I got..."

22 DET. INSP. MILLAR: Gotcha. Yeah, I think
23 that should have read not.

24 MR. LEE: Should not?

25 DET. INSP. MILLAR: Yeah.

1 **MR. LEE:** And the last sentence in that
2 paragraph:

3 "I suggested that we had better go to
4 C-91..."

5 C-91's father, I believe:

6 "...and confront him to see what he was
7 going to do with his complaint, but
8 everyone else seemed to think that
9 since there had been no formal
10 complaint that it might be best to
11 leave it alone for now."

12 **DET. INSP. MILLAR:** Yes.

13 **MR. LEE:** Do you recall that discussion?

14 **DET. INSP. MILLAR:** No, I don't recall the
15 discussion but I can see that this is my statement.

16 **MR. LEE:** Sorry, this is?

17 **DET. INSP. MILLAR:** My statement.

18 **MR. LEE:** And Murray MacDonald would have
19 been part of any discussions that were had that day?

20 **DET. INSP. MILLAR:** Yes.

21 **MR. LEE:** The last area I want to discuss is
22 the Jean-Luc Leblanc matter.

23 **DET. INSP. MILLAR:** Yes.

24 **MR. LEE:** And can we take a look, please, at
25 Exhibit 2601? This is the general occurrence report coming

1 from the Cornwall Police Service.

2 Was it your understanding, based on your
3 conversation with Officer Tyo, that Vivian Burgess, who was
4 the mother of a couple of victims of Jean-Luc Leblanc in
5 the past, was it your understanding that Vivian Burgess was
6 expressing a clear concern that Jean-Luc Leblanc was
7 abusing children again?

8 DET. INSP. MILLAR: Yes.

9 MR. LEE: That was her concern?

10 DET. INSP. MILLAR: That was her concern,
11 yes.

12 MR. LEE: And you understood that?

13 DET. INSP. MILLAR: Yes.

14 MR. LEE: And you would ---

15 DET. INSP. MILLAR: Not that she was -- that
16 she was worried that he was. She didn't have any knowledge
17 ---

18 MR. LEE: No, no.

19 DET. INSP. MILLAR: --- that he was.

20 MR. LEE: She had no proof of anything.

21 DET. INSP. MILLAR: Yeah.

22 MR. LEE: But it was clearly her concern and
23 that was her reason for contacting the police.

24 DET. INSP. MILLAR: Yes.

25 MR. LEE: And did you appreciate at that

1 point-in-time that she was the mother of two earlier
2 victims?

3 **DET. INSP. MILLAR:** Yes, I believe so.

4 **MR. LEE:** So you knew that she had had some
5 experience in dealing with Jean-Luc Leblanc?

6 **DET. INSP. MILLAR:** Yes. That's why she was
7 calling.

8 **MR. LEE:** And you appreciated that Jean-Luc
9 Leblanc had been convicted for sexually abusing those kids?

10 **DET. INSP. MILLAR:** Yes. I believe it was
11 12 years prior.

12 **MR. LEE:** As a general principle, as a
13 police officer, is it fair to say that a convicted child
14 abuser would not receive the benefit of the doubt relating
15 to contact with kids down the road?

16 **DET. INSP. MILLAR:** Twelve years?

17 **MR. LEE:** Yes.

18 **DET. INSP. MILLAR:** With nothing in between?

19 **MR. LEE:** Yes.

20 **DET. INSP. MILLAR:** I'd say it's fifty-
21 fifty. You're back to no offence but information. We
22 didn't know who the boys were.

23 **MR. LEE:** On its face, when you received the
24 information, the fact that he had prior convictions was at
25 least concerning?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. LEE:** And if you turn over to Exhibit
3 2602, this is the Cornwall Police supplementary occurrence
4 report that details Officer Tyo's conversation with you.
5 And we know from the last document that we looked at was
6 that the CPS received information on August the 5th, '98.
7 And from this document we know that Officer Tyo first
8 follows up on August 11th, 1998 and that he then notifies
9 you on September 10th, '98?

10 **DET. INSP. MILLAR:** That's correct.

11 **MR. LEE:** Did you have any conversation with
12 Officer Tyo at any point about why there was approximately
13 a five-week delay between their receipt of the information
14 and your notification?

15 **DET. INSP. MILLAR:** No.

16 **MR. LEE:** That's not something you discussed
17 with him?

18 **DET. INSP. MILLAR:** No.

19 **MR. LEE:** You've suggested a couple of times
20 that the Cornwall Police had investigated the matter first
21 and then turned it over to you. What do you mean by
22 "Cornwall Police investigated"?

23 **DET. INSP. MILLAR:** There wasn't too much to
24 investigate by the looks of it. He found his criminal past
25 through the courts and I don't think there was too much

1 else done with that.

2 MR. LEE: And that was your understanding of
3 the extent of the CPS efforts?

4 DET. INSP. MILLAR: Yeah. What else can you
5 do? And he was notifying me that Mr. Leblanc was living in
6 our area.

7 MR. LEE: Right.

8 DET. INSP. MILLAR: And the fact that this
9 lady had seen him with boys.

10 MR. LEE: Can we next, Madam Clerk, take a
11 look at Exhibit 2515?

12 So Officer Millar, this -- if we can blow up
13 just the top of the screen for Officer Millar, please?

14 You see that this is the Project Truth
15 Inquiry officer report that you filed on ---

16 DET. INSP. MILLAR: Yes.

17 MR. LEE: --- June 27th, 2005. What was the
18 purpose of this document, as you understand it?

19 DET. INSP. MILLAR: They had sent out a
20 request for any possible contacts with -- anything to do
21 with Project Truth; to your notes, for example, or reports
22 or whatever you had in your possession, to forward them.
23 This was my officer report.

24 MR. LEE: So at this stage this had nothing
25 to do specifically with the Leblanc matter?

1 **DET. INSP. MILLAR:** No.

2 **MR. LEE:** This was a general "an inquiry is
3 coming and the OPP team needs all the information you
4 have"?

5 **DET. INSP. MILLAR:** Yeah, yeah.

6 **MR. LEE:** "Send it over to us." And you
7 would have prepared this yourself?

8 **DET. INSP. MILLAR:** Yes.

9 **MR. LEE:** And you would have reviewed your
10 notes and turned your mind to the various issues that might
11 be canvassed at this Inquiry?

12 **DET. INSP. MILLAR:** M'hm.

13 **MR. LEE:** And this, I take it, was done for
14 the benefit of the OPP team who would be representing the
15 OPP here?

16 **DET. INSP. MILLAR:** Yes.

17 **MR. LEE:** Now, if you can turn, please, to
18 Bates page 373, and if we look at the second underlined
19 heading, Madam Clerk.

20 **DET. INSP. MILLAR:** Yes.

21 **MR. LEE:** And it reads -- the next entry
22 relates to Jean-Luc Leblanc. You see that?

23 **DET. INSP. MILLAR:** Yes.

24 **MR. LEE:** And in the beginning parts of that
25 paragraph, you chronicle your contact from Officer Tyo and

1 generally the information you received?

2 **DET. INSP. MILLAR:** Yes.

3 **MR. LEE:** And one of the things you note is
4 that Officer Tyo did not request any assistance to the
5 Cornwall Police Service?

6 **DET. INSP. MILLAR:** Yes. He didn't request
7 assistance from us.

8 **MR. LEE:** Meaning he wasn't asking for OPP
9 help in doing an investigation?

10 **DET. INSP. MILLAR:** No.

11 **MR. LEE:** He was turning this matter over to
12 the OPP.

13 **DET. INSP. MILLAR:** He was just telling me
14 that this guy was living in our area.

15 **MR. LEE:** Right. Was it your understanding
16 at the time you were contacted by Officer Tyo that CPS
17 wouldn't be involved any further in this?

18 **DET. INSP. MILLAR:** Yes.

19 **MR. LEE:** And the last sentence of that
20 paragraph reads:

21 "My plan of action was to have
22 detectives set up surveillance on the
23 Leblanc residence and observe his
24 activities."

25 Do you see that?

1 **DET. INSP. MILLAR:** That's correct.

2 **MR. LEE:** And so I take it then at this
3 point, in June of 2005 when you're preparing the Will
4 State, your recollection of this matter was that upon
5 receiving the complaint you made a decision that you would
6 set up surveillance?

7 **DET. INSP. MILLAR:** In the ideal world
8 that's what I would like to have done, yes.

9 **MR. LEE:** And I take it from that you
10 recognized that there was at least some value in pursuing
11 this matter?

12 **DET. INSP. MILLAR:** Setting up surveillance
13 would have been the ideal way to go.

14 **MR. LEE:** I take it implicit in that is the
15 fact that you recognize there was some cause for concern?

16 **DET. INSP. MILLAR:** Oh, yes.

17 **MR. LEE:** And you've told us a number of
18 times that, in your words, you were -- you had real
19 offences ---

20 **DET. INSP. MILLAR:** Yes.

21 **MR. LEE:** --- to take care of, as opposed to
22 matters like this that hadn't gone to the offence stage ---

23 **DET. INSP. MILLAR:** That's right.

24 **MR. LEE:** --- at this point. Is that right?

25 **DET. INSP. MILLAR:** Yes.

1 **MR. LEE:** And would you agree with me that a
2 police officer looking at the information that you had at
3 that time and applying some -- my term would be "healthy
4 scepticism" to it, would become reasonably concerned with
5 the information received from Mrs. Burgess?

6 **DET. INSP. MILLAR:** Concerned enough to do
7 surveillance, yes.

8 **MR. LEE:** And you've told us that the
9 information you had did not amount to an offence?

10 **DET. INSP. MILLAR:** That's correct.

11 **MR. LEE:** Did you at any point contact Mrs.
12 Burgess to see if she had any additional information?

13 **DET. INSP. MILLAR:** No.

14 **MR. LEE:** Would that have been possible?

15 **DET. INSP. MILLAR:** I suppose it would have
16 been possible. George Tyo tried to get a hold of her and
17 couldn't.

18 **MR. LEE:** Sorry, say that again?

19 **DET. INSP. MILLAR:** The way I understood it,
20 George Tyo had tried to get a hold of her and couldn't
21 reach her.

22 **MR. LEE:** Did you discuss with Mr. Tyo at
23 any point what efforts he made to reach Ms. Burgess?

24 **DET. INSP. MILLAR:** No.

25 **MR. LEE:** If we go forward, Madam Clerk, to

1 Exhibit -- sorry, back I guess to Exhibit 2510.

2 So what we've just looked at, Officer
3 Millar, is your general Project Truth officer report in
4 June of '05, and now we have the Professional Standards
5 Bureau Investigative Report, the date of the complaint
6 being September 26, '05 dealing specifically with the
7 Leblanc issue. So this is a ---

8 **DET. INSP. MILLAR:** Yes.

9 **MR. LEE:** By this point-in-time you
10 understand that there's been a complaint?

11 **DET. INSP. MILLAR:** Seven years later, yes.

12 **MR. LEE:** And you understand that the OPP is
13 now looking ---

14 **DET. INSP. MILLAR:** Yes.

15 **MR. LEE:** --- into what happened in relation
16 to the Leblanc matter?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. LEE:** And you've had a chance, I take
19 it, to review the Phase 1 Report and the Phase 2 Report?

20 **DET. INSP. MILLAR:** Yes.

21 **MR. LEE:** And you understand that throughout
22 the course of its investigation of this matter, the
23 Professional Standards Bureau comments on the Cornwall
24 Police response? Not in great detail, but it mentions
25 the ---

1 DET. INSP. MILLAR: Yes.

2 MR. LEE: --- the length of time ---

3 DET. INSP. MILLAR: Yes.

4 MR. LEE: --- it took to do something?

5 DET. INSP. MILLAR: Yes. I don't remember
6 that exactly, no.

7 MR. LEE: And it certainly focuses very
8 intently on what your role in this was?

9 DET. INSP. MILLAR: Okay, yes.

10 MR. LEE: And it continues on past that to
11 what happens when Project Truth learns of Leblanc ---

12 DET. INSP. MILLAR: Yes.

13 MR. LEE: --- and it discusses, as an
14 example, the timing of charges being laid ---

15 DET. INSP. MILLAR: Yes.

16 MR. LEE: --- and whether or not that could
17 have been done earlier or later?

18 DET. INSP. MILLAR: M'hm.

19 MR. LEE: So, this, as you understood it,
20 was quite a full look at the OPP's interactions with Jean-
21 Luc Leblanc, in this time frame.

22 DET. INSP. MILLAR: Yes.

23 MR. LEE: Is that right?

24 And, if we go, Madam Clerk, to page 337,
25 this is a synopsis of an audio statement that you gave,

1 Officer Millar, on January 11th, 2006, at the old district
2 headquarters in Belleville.

3 And, if you look at page 337, Madam Clerk,
4 the third bullet, this again details the information you
5 received from Officer Tyo and what Vivian Burgess had
6 reported, and the bullet below that reads:

7 "They did not know who the boys were,
8 didn't recall George telling them that
9 Leblanc was befriending these boys.
10 There was no criminal offence here."

11 That being said, the plan of action was to
12 surveil Leblanc?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. LEE:** And that's consistent with what
15 you've told us, that in a perfect world that would have
16 been your action?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. LEE:** And if you go down, Madam Clerk,
19 to the second-last bullet on the page, and again this is a
20 summary of your statement, Tyo was telling him the guy was
21 living in his area, and he's seen with kids, certainly
22 "going to spin the guy," and find out that he was seen by
23 the mother with young boys?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. LEE:** What did you mean by "going to

1 spin the guy?"

2 DET. INSP. MILLAR: Surveil him.

3 MR. LEE: Surveil him? That's just a ---

4 DET. INSP. MILLAR: Yes.

5 MR. LEE: --- cool field term for ---

6 DET. INSP. MILLAR: I guess so.

7 MR. LEE: And that doesn't suggest anything
8 more than surveillance?

9 DET. INSP. MILLAR: No.

10 MR. LEE: It doesn't -- it doesn't suggest
11 approaching Jean-Luc Leblanc?

12 DET. INSP. MILLAR: No.

13 MR. LEE: Were the police, and the OPP
14 specifically, in late 1997, prohibited in any way from
15 being proactive in fighting crime, rather than being
16 reactive?

17 DET. INSP. MILLAR: In 1997?

18 MR. LEE: Yes.

19 DET. INSP. MILLAR: I'd have to go through
20 my notes to see what the workload demand was, because that,
21 really, is what dictates whether you can become proactive.

22 MR. LEE: I take it, where possible, there
23 is recognized value in attempting to stop crime before it
24 occurs ---

25 DET. INSP. MILLAR: Well, yes.

1 **MR. LEE:** --- as opposed to investigating
2 crime after it occurs?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. LEE:** And you certainly would have been
5 cognizant of that in 1997?

6 **DET. INSP. MILLAR:** Yes.

7 **MR. LEE:** Ms. Daley asked you during her
8 cross-examination about requests for resources you made to
9 the OPP, and you've reviewed this document and, I take it,
10 you will agree there's quite an extensive list set out ---

11 **DET. INSP. MILLAR:** Yes.

12 **MR. LEE:** --- of contacts that you have with
13 supervisors? I'll let your counsel likely characterize
14 exactly what you were doing there, but you were not shy
15 about asking for resources?

16 **DET. INSP. MILLAR:** No.

17 **MR. LEE:** And you recognized that there was
18 a real problem ---

19 **DET. INSP. MILLAR:** Yes.

20 **MR. LEE:** --- with staffing?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. LEE:** And you told us you didn't make a
23 specific request for help on this matter ---

24 **DET. INSP. MILLAR:** No.

25 **MR. LEE:** --- but, rather, a general

1 request for help?

2 DET. INSP. MILLAR: Yes.

3 MR. LEE: And, fairly consistently, is that
4 right?

5 DET. INSP. MILLAR: Yes.

6 MR. LEE: Would it have been possible for
7 you, relating to this matter, to seek the assistance of the
8 Cornwall Police in surveilling Mr. Leblanc?

9 DET. INSP. MILLAR: Yes, that would have
10 been possible.

11 MR. LEE: Would it have been possible to
12 -- I don't know the exact geography around here, but we're
13 close enough to Ottawa -- would it have been possible to
14 ask the Ottawa Police for some assistance?

15 DET. INSP. MILLAR: That's not -- it's not
16 done, let's put it that way, but it's possible.

17 MR. LEE: Cornwall would have been the more
18 likely ---

19 DET. INSP. MILLAR: Yes, and I doubt that
20 they would have done it; they've got their own stuff to
21 look after.

22 MR. LEE: Do you have any direct ---

23 DET. INSP. MILLAR: I don't -- I don't
24 remember them ever coming into our area to do surveillance
25 for us.

1 **MR. LEE:** Do you have any recollection of
2 ever requesting it?

3 **DET. INSP. MILLAR:** No.

4 **MR. LEE:** And you've given us your thoughts
5 on the Project Truth mandate, and how you saw Leblanc not
6 fitting in there. That aside, would it have been possible
7 to request assistance from Project Truth, for surveillance?

8 **DET. INSP. MILLAR:** Yes, it would have been.

9 **MR. LEE:** And that didn't happen?

10 **DET. INSP. MILLAR:** No.

11 **MR. LEE:** You've told us a couple of times
12 that Leblanc, in the grand scheme of things, simply wasn't
13 at the top of the list.

14 **DET. INSP. MILLAR:** He was at the bottom of
15 the list.

16 **MR. LEE:** And can I take from that -- let me
17 put it this way; I'm not clear whether you're telling us
18 that you recognized the risk and decided it was less
19 important than other more pressing matters, or whether you
20 say the info you received didn't suggest a risk at all.

21 **DET. INSP. MILLAR:** What I'm suggesting,
22 that the possibility was there, that there was risk.

23 **MR. LEE:** Can we look, Madam Clerk, at page
24 352 of this document?

25 And, sir, I can tell you that this is a

1 synopsis of a statement received from Pat Hall in March of
2 2006, okay?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. LEE:** And if we look, Madam Clerk, below
5 the centre of the page, the fifth bullet up -- the sixth
6 bullet up, rather -- we have -- just a little bit above
7 that, please, Madam Clerk. There is fine.

8 You see the second bullet on the screen
9 right now, on March 11th? That just sets out that on March
10 11th, '99, Leblanc was again arrested and charged with a
11 further 16 counts relating to six victims. Do you see
12 that?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. LEE:** And Mr. Hall goes on to say that
15 on that date he was:

16 "...contacted by Crown Murray MacDonald
17 and advised that his office would no
18 longer be involved in the prosecution
19 of Leblanc. Hall felt this sudden
20 change was because Macdonald became
21 aware of the fact that his brother-in-
22 law, Randy Millar, took no action."

23 And, so, in fairness, this is Pat Hall's
24 read of the situation.

25 **DET. INSP. MILLAR:** Yes.

1 **MR. LEE:** My question for you is whether Pat
2 Hall ever brought that to your attention.

3 **DET. INSP. MILLAR:** No.

4 **MR. LEE:** And, secondly, whether Murray
5 MacDonald ever discussed anything like that ---

6 **DET. INSP. MILLAR:** No.

7 **MR. LEE:** --- with you. Do you recall ever
8 having any discussion with Murray MacDonald, at any point,
9 about your action or inaction ---

10 **DET. INSP. MILLAR:** No.

11 **MR. LEE:** --- in relation to Leblanc? This
12 isn't something you've discussed with him?

13 **DET. INSP. MILLAR:** No.

14 **MR. LEE:** And if we look, Madam Clerk, over
15 the page, please, the bullet at the top reads:

16 "The following is a chronological
17 order of who and when he..."

18 Meaning Pat Hall:

19 "...advised about Randy Millar."

20 It goes on to say:

21 "Some of the dates can't be certain..."

22 But we have a rather long list of who
23 Officer Hall says he spoke to about his concerns, and we
24 have Mike Hopkins -- and it was determined he was not your
25 supervisor -- we have Larry Edgar, and it goes on.

1 I take it you've reviewed this list as part
2 of ---

3 **DET. INSP. MILLAR:** Yes.

4 **MR. LEE:** --- your preparation here? Do you
5 have any recollection of any of these people ever at any
6 point coming to you with concerns?

7 **DET. INSP. MILLAR:** No.

8 **MR. LEE:** Did anybody ever suggest to you
9 that they weren't concerned, but they knew that somebody
10 else was?

11 **DET. INSP. MILLAR:** No, I -- nobody ever
12 talked about it.

13 **MR. LEE:** When did this issue, the fact that
14 there was any concern from anybody out there, in relation
15 to you, first become known to you?

16 **DET. INSP. MILLAR:** It was in 2005, I
17 believe, when I was served notice, and maybe just prior to
18 that, somebody telling me that it's coming down the pipe,
19 so get ready.

20 **MR. LEE:** What do you mean by ---

21 **DET. INSP. MILLAR:** I assume ---

22 **MR. LEE:** --- by "serve notice" under
23 the *Police Services Act*?

24 **DET. INSP. MILLAR:** Well, when a complaint
25 goes in against you, PSB serves you notice that

1 there's -- this is -- there's a complaint filed against
2 you.

3 **MR. LEE:** And if we turn over to page 371,
4 Madam Clerk, the second paragraph at the top of the page?

5 I mentioned a little bit earlier that the
6 report seems to comment on the delay at the Cornwall Police
7 Service. Do you see that there?

8 **DET. INSP. MILLAR:** Yes.

9 **MR. LEE:** And in the paragraph that begins
10 below the centre of the page, "The above information
11 therefore," Madam Clerk, at the bottom of your screen now?

12 It makes the first reference here to the
13 fact that the author of the report expresses some opinion
14 that charges perhaps should have been laid earlier by the
15 Project Truth team ---

16 **DET. INSP. MILLAR:** Yes.

17 **MR. LEE:** --- do you see that?

18 **DET. INSP. MILLAR:** Yes.

19 **MR. LEE:** And you understand that, from
20 having read the report that that was a concern?

21 **DET. INSP. MILLAR:** M'hm.

22 **MR. LEE:** Did you at any point read the
23 statements taken from the victims that were ultimately
24 uncovered in this?

25 **DET. INSP. MILLAR:** Have I ever?

1 MR. LEE: Yes.

2 DET. INSP. MILLAR: Yes, I did.

3 MR. LEE: In preparation for the Inquiry
4 again?

5 DET. INSP. MILLAR: I read -- I forget the
6 guy's C number there. Can I use the initials, Your Honour?

7
8 THE COMMISSIONER: Of what now? Just a
9 second.

10 DET. INSP. MILLAR: Of the victim's.

11 MR. LEE: Likely C-21 I think, Madam Clerk.
12 Can you show him that name?

13 DET. INSP. MILLAR: The one that was taken
14 on December 16th that was quite lengthy. I read that one in
15 preparation for this Inquiry ---

16 MR. LEE: Yes, C-21.

17 DET. INSP. MILLAR: --- and I did not read
18 the other one.

19 THE COMMISSIONER: Just show him just for
20 the record.

21 MR. LEE: Is that the person you were
22 thinking of?

23 DET. INSP. MILLAR: Yes.

24 MR. LEE: And so that's the only statement
25 that you've read?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. LEE:** Madam Clerk, on page 381, the
3 final determination I suppose of the PSB is in the first
4 full paragraph on the page. Yeah, there.

5 And this is where Ms. Daley took you to
6 during her cross-examination?

7 **DET. INSP. MILLAR:** Yes.

8 **MR. LEE:** And as I understood this, you do
9 not accept this final conclusion?

10 **DET. INSP. MILLAR:** I do part of it; that I
11 could have sent a zone alert. There's no reason why I
12 couldn't.

13 **MR. LEE:** And ---

14 **DET. INSP. MILLAR:** It only takes a few
15 minutes.

16 **MR. LEE:** The first part of this reads:

17 "No matter how busy Millar was at the
18 time that he received the information,
19 it cannot possibly preclude him from
20 making a telephone call to his
21 supervisors and reporting this
22 information to them and also sharing
23 the information with his subordinates."

24 Do you disagree with that sentence?

25 **DET. INSP. MILLAR:** Yes.

1 **MR. LEE:** You disagree that ---

2 **DET. INSP. MILLAR:** Notifying ---

3 **MR. LEE:** Well, why don't you tell me why
4 you disagree with that sentence?

5 **DET. INSP. MILLAR:** Because I've notified my
6 supervisors enough about lack of resources.

7 **MR. LEE:** I ---

8 **DET. INSP. MILLAR:** And the reporting to the
9 subordinates, well that was the zone alert.

10 **MR. LEE:** Right. I understand that part of
11 it. Let's stick with the supervisor's part.

12 **DET. INSP. MILLAR:** Yes.

13 **MR. LEE:** If this sentence had been revised
14 to read that you should have notified your supervisors of
15 the specific information you had relating to Jean-Luc
16 Leblanc?

17 **DET. INSP. MILLAR:** Yes, I had information a
18 lot more serious than that that needed resources and I
19 didn't call him about that.

20 **MR. LEE:** My question for you is simply, do
21 you agree or disagree that you should have notified your
22 superiors of the specific information relating to Jean-Luc
23 Leblanc?

24 **DET. INSP. MILLAR:** I disagree.

25 **MR. LEE:** Disagree, okay.

1 **THE COMMISSIONER:** So you're saying that
2 when they say Randy Millar that he failed to report a
3 matter that was his duty to report ---

4 **DET. INSP. MILLAR:** Yes.

5 **THE COMMISSIONER:** --- you're saying you
6 didn't have any duty?

7 **DET. INSP. MILLAR:** I should have put out a
8 zone alert. I agree with that.

9 **THE COMMISSIONER:** Yeah, but I think that's
10 ---

11 **DET. INSP. MILLAR:** No, I would have sat
12 down with my supervisor after this was done ---

13 **THE COMMISSIONER:** Yes.

14 **DET. INSP. MILLAR:** --- and that's the way
15 it was explained to me, because I'm saying what report.

16 **THE COMMISSIONER:** So it's to your
17 subordinates and not -- your zone report ---

18 **DET. INSP. MILLAR:** Yeah, zone alert; to
19 make people in that area aware that this guy is living in
20 our area and has been seen with young boys.

21 **THE COMMISSIONER:** Okay. But this paragraph
22 fails to report the matter that it is his or her duty to
23 report.

24 In that paragraph, they're talking about you
25 should have -- they're saying that you -- your supervisors

1 -- you should have advised your -- okay, right, reporting
2 this information to your supervisors and also sharing it
3 with your subordinates.

4 **DET. INSP. MILLAR:** Yes.

5 **THE COMMISSIONER:** "His supervisors may
6 have felt that this matter was
7 sufficiently important to provide the
8 resources."

9 Okay. Sorry. Thank you.

10 **MR. LEE:** Sir, what is your understanding of
11 -- the pertinent section here is the Neglected Duty section
12 of the *Police Services Act*. You understand that?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. LEE:** And one of the subsections
15 specifically being dealt with here is "Fails to report a
16 matter that it is his or her duty to report"?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. LEE:** What is your understanding of who
19 you are to report to under that section? What does that
20 refer to?

21 **DET. INSP. MILLAR:** The way it was explained
22 to me was that I should have put out a zone alert. That is
23 the report. Make my subordinates know that this man is
24 living in our area and has been seen with young children.

25 **MR. LEE:** So your understanding of the

1 section of the *Police Services Act* is that you can be found
2 to be in neglect of duty for failing to report to
3 subordinates and not just superiors?

4 **DET. INSP. MILLAR:** Yes.

5 **MR. LEE:** Okay. And who was it that
6 explained that to you?

7 **DET. INSP. MILLAR:** That was Mark Van Zant.

8 **MR. LEE:** Mark Van Zant?

9 **DET. INSP. MILLAR:** Yes, Superintendent.

10 **MR. LEE:** And who was he?

11 **DET. INSP. MILLAR:** Detective
12 Superintendent. Director of Criminal Investigation Branch
13 at that time.

14 **MR. LEE:** So not a -- he's not somebody from
15 PSB, he's your ---

16 **DET. INSP. MILLAR:** He's my boss, yes.

17 **MR. LEE:** Having had an opportunity to
18 review these documents and the Leblanc matter and to put
19 some thought into it, would you agree with me that in
20 hindsight the assaults that occurred between September 10th
21 and December of 1999 were preventable?

22 **DET. INSP. MILLAR:** Given the information
23 that I had?

24 **MR. LEE:** Yes.

25 **DET. INSP. MILLAR:** I can't see that. I

1 mean, I would need a crystal ball to know that they were
2 happening.

3 **THE COMMISSIONER:** No, but he's talking
4 about hindsight. So there you have your crystal ball.

5 **DET. INSP. MILLAR:** Well, sure. I'd set
6 surveillance up on the guy right away and I'm sure he would
7 have been seen in the presence of kids and then we would
8 have identified the children and interviewed them. Sure it
9 could have been prevented from the date that I got the
10 information.

11 **MR. LEE:** The issue I'm having here is that
12 some might say -- and I want to know whether you agree with
13 this or not -- some might say that based solely on the
14 information you had you should have concluded possibly that
15 it was even likely that Jean-Luc Leblanc was abusing these
16 kids?

17 **DET. INSP. MILLAR:** I disagree with that.

18 **MR. LEE:** And at the bottom of this page,
19 just the very next paragraph actually -- the bottom three
20 paragraphs, Madam Clerk -- this is where the report gets
21 into the details of what they seem to identify as a failure
22 by Project Truth to lay charges early enough. And that's
23 not an issue I'm going to get into with you at all.

24 The only question I have for you is, are you
25 aware of any discipline or any Professional Standards

1 Bureau investigation into the Project Truth officers ---

2 **DET. INSP. MILLAR:** No.

3 **MR. LEE:** --- who are related to this?

4 So as far as you know out of the entire
5 Leblanc affair, you're the only officer who is subject to
6 proceedings?

7 **DET. INSP. MILLAR:** I'm it.

8 **MR. LEE:** Thank you, sir. Those are my
9 questions.

10 **THE COMMISSIONER:** Thank you, Mr. Lee.

11 Mr. Neville?

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

13 **NEVILLE:**

14 **MR. NEVILLE:** Thank you, Commissioner.

15 Afternoon, Inspector Millar. My name is
16 Michael Neville. We've met.

17 **DET. INSP. MILLAR:** Yes.

18 **MR. NEVILLE:** I represent Father Charles
19 MacDonald and the Estate of Ken Seguin, his brother, Doug,
20 and the Seguin family.

21 I just have a few short topic areas I'd like
22 to ask you some questions about.

23 Can we start, Inspector, with -- it will
24 make it easy if we start with I guess three exhibits,
25 Commissioner. One is 1199, which is Inspector Millar's

1 interview statement of Ken Seguin in the homicide matter
2 that I'll just refer to in that fashion for now. Also 929
3 and 931.

4 **THE COMMISSIONER:** Nine-two-nine (929).

5 **MR. NEVILLE:** And 931.

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

7 **MR. NEVILLE:** Inspector, I'd like to refer
8 you if I could, please, to the second page of the actual
9 statement, Bates page 157. Do you have it there?

10 **DET. INSP. MILLAR:** Yes, I'm watching the
11 screen, sir.

12 **MR. NEVILLE:** All right. Very good.

13 And you can see about seven or eight lines
14 from the top, the narrative starts with the reference to
15 the 8th of January at approximately 7:00 p.m. Have you
16 found my spot?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. NEVILLE:** All right. And Mr. Seguin
19 receives a telephone call that this person wishes to come
20 and speak to him?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. NEVILLE:** All right. Do you agree with
23 me he doesn't say he's coming at that point, other than
24 himself.

25 **DET. INSP. MILLAR:** Yes.

1 **MR. NEVILLE:** And he's told that Mr. Seguin
2 has to go out. About five lines down, Seguin returns at
3 about 7:45, gets a second call and this individual confirms
4 he's now home and says, "We are on our way"?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. NEVILLE:** Now, you know from the
7 interview that Mr. Seguin knew on a social basis, this
8 family?

9 **DET. INSP. MILLAR:** That's correct.

10 **MR. NEVILLE:** And had associated with them
11 socially on a number of occasions in the past?

12 **DET. INSP. MILLAR:** Yes.

13 **MR. NEVILLE:** There's no suggestion on this
14 second phone call that other than this person and one other
15 is coming over?

16 **DET. INSP. MILLAR:** No.

17 **MR. NEVILLE:** And when we look at the
18 statement, it's not entirely clear one way or the other but
19 if we look at the sentence at 8:00 p.m., "Four individuals
20 came through my door".

21 **DET. INSP. MILLAR:** Yes.

22 **MR. NEVILLE:** It reads as if the person has
23 just walked in?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. NEVILLE:** Right? And now Mr. Seguin

1 finds himself facing not the two persons he expected, but
2 four?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. NEVILLE:** Now, I guess -- can we agree
5 on this, sir? Then events happen over the next 30 or 40
6 minutes, including 1 in particular person requesting on a
7 couple of occasions some beer ---

8 **DET. INSP. MILLAR:** Yes.

9 **MR. NEVILLE:** --- four pints are put on the
10 counter and taken, right?

11 And then there's the discovery of a person
12 being on a curfew and they're instructed they better leave
13 to get that person home?

14 **DET. INSP. MILLAR:** Yes.

15 **MR. NEVILLE:** All right. And one of the
16 individuals returns or doesn't leave immediately and
17 basically helps himself to three more beer?

18 **DET. INSP. MILLAR:** I thought it was when
19 they were all on their way out.

20 **MR. NEVILLE:** Yes. That's the way it seems
21 to say.

22 **DET. INSP. MILLAR:** Yes.

23 **MR. NEVILLE:** Now, I guess the perfect
24 reaction on Mr. Seguin's part, because you described this
25 as wrong and I'm not disagreeing ---

1 DET. INSP. MILLAR: Yes.

2 MR. NEVILLE: --- with you, is bad
3 judgement.

4 The best thing you should and could have --
5 could and should have done was to say when four walked in
6 the door, "Hold it, this is not what I expected. You have
7 to leave"?

8 DET. INSP. MILLAR: Yes.

9 MR. NEVILLE: Right?

10 DET. INSP. MILLAR: Yeah.

11 MR. NEVILLE: And a bit of an awkward
12 situation, right?

13 DET. INSP. MILLAR: Yes.

14 MR. NEVILLE: Now, you're then able to
15 finish off the homicide case ---

16 DET. INSP. MILLAR: Yes.

17 MR. NEVILLE: --- in question and you're
18 then essentially instructed by Inspector Smith to bring
19 this incident to Mr. Robert's attention?

20 DET. INSP. MILLAR: Yes.

21 MR. NEVILLE: Could we then look briefly at
22 your notes?

23 Commissioner, they're now Exhibit 2593.
24 They were a new document, sir. The Document Number is
25 200312. It was sent through the Commission by pdf and it's

1 now an exhibit, sir. There we are -- no ---

2 **THE COMMISSIONER:** No, 2593?

3 **MR. NEVILLE:** Two-five-nine-three (2593) is
4 what I have, sir.

5 **THE COMMISSIONER:** You have that exhibit,
6 sir. It's in the 25 ---

7 **MR. NEVILLE:** It should be in the ---

8 **THE COMMISSIONER:** Mr. Neville said he would
9 refer to three exhibits, but ---

10 **MR. NEVILLE:** I left one out. Oh, sorry.
11 My bad.

12 Do you have your notes there, Inspector?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. NEVILLE:** If you'd look for me, I
15 believe the first relevant entry -- probably it being a new
16 document, we should just have it on the screen, but you've
17 got the hard copy version there?

18 **DET. INSP. MILLAR:** Yes, I do.

19 **MR. NEVILLE:** So you have an entry for
20 August 26th?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. NEVILLE:** Is that when you're instructed
23 to do what you do?

24 **DET. INSP. MILLAR:** That's correct.

25 **MR. NEVILLE:** And what is it actually you

1 did that day?

2 DET. INSP. MILLAR: On that particular day,
3 I don't think I did anything about it.

4 MR. NEVILLE: Okay, let's go to the 27th of
5 August.

6 DET. INSP. MILLAR: Yes.

7 MR. NEVILLE: On the 26th, is there not an
8 attendance at Probation? I don't have my copy. It's not
9 on the screen.

10 THE COMMISSIONER: When you say ---

11 DET. INSP. MILLAR: It says:

12 "Request Tim Smith to notify probation
13 supervisor of Ken Seguin's statement."
14 That's all I have here for my notes.

15 THE COMMISSIONER: No, there's another -- at
16 11:35, "Attend probation"?

17 MR. NEVILLE: Yes.

18 DET. INSP. MILLAR: Oh, okay.

19 MR. NEVILLE: That's the ---

20 DET. INSP. MILLAR: Oh, okay, you're right.

21 Yes. Yes.

22 MR. NEVILLE: That's the entry I was talking
23 about.

24 DET. INSP. MILLAR: Yes.

25 MR. NEVILLE: Is it not likely it was on

1 this topic?

2 **DET. INSP. MILLAR:** Oh, yes.

3 **MR. NEVILLE:** So is it possible you actually
4 may have spoken to Mr. Robert or someone on that date and
5 it's just not recorded?

6 **DET. INSP. MILLAR:** I believe it's in my
7 notes and it's got cut off here that he wasn't there.

8 **MR. NEVILLE:** All right. So we're missing
9 something. Fair enough. So let's go to the 27th.

10 **DET. INSP. MILLAR:** Yes.

11 **MR. NEVILLE:** You actually have a
12 conversation with Mr. Robert?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. NEVILLE:** How long did the conversation
15 take?

16 **DET. INSP. MILLAR:** Not more than 10
17 minutes.

18 **MR. NEVILLE:** Did you record any of the
19 details of it?

20 **DET. INSP. MILLAR:** No.

21 **MR. NEVILLE:** I take it you would have given
22 him a verbal briefing, if I can use the term, of why you
23 were calling him and what eventually became put in text
24 form in your memo to him, our Exhibit 929?

25 **DET. INSP. MILLAR:** Yes.

1 **MR. NEVILLE:** All right. So is it likely
2 you would have said to him, among other things because it's
3 not in your text, that Seguin was clearly embarrassed?

4 **DET. INSP. MILLAR:** I put that in my ---

5 **MR. NEVILLE:** Yes, you did. Is it likely
6 you may have said things like that to him over the phone?

7 **DET. INSP. MILLAR:** It's possible, yes.

8 **MR. NEVILLE:** And that he felt somewhat
9 intimidated by the dynamics?

10 **DET. INSP. MILLAR:** Yes, that's what he told
11 me.

12 **MR. NEVILLE:** And is it possible, Inspector,
13 that at that point Robert may have said, "Well, what do you
14 think we should do here"?

15 **DET. INSP. MILLAR:** I don't remember that.

16 **MR. NEVILLE:** Okay. Possible?

17 **DET. INSP. MILLAR:** Possible.

18 **MR. NEVILLE:** So when we look at our Exhibit
19 931, which is Robert's memo to Hawkins ---

20 **DET. INSP. MILLAR:** Yes.

21 **MR. NEVILLE:** --- where he seems to be
22 saying you agree with the idea of no further action, is it
23 possible he interpreted what you were telling him and your
24 reaction to how Seguin felt as an agreement that he'd paid
25 enough?

1 **DET. INSP. MILLAR:** It's possible he
2 interpreted that, yes, but I didn't say that.

3 **MR. NEVILLE:** Right. Fine.

4 Can we next look -- I want to just deal with
5 the extortion topic briefly, Inspector.

6 **DET. INSP. MILLAR:** Okay.

7 **MR. NEVILLE:** Can we start, Commissioner,
8 with Exhibit 1439? These are notes of Staff Sergeant
9 Brunet. The Document Number is 729601. You now have it
10 there?

11 **DET. INSP. MILLAR:** Yes.

12 **MR. NEVILLE:** Now, if we look at the bottom
13 of that page, this is Officer Brunet -- Staff Sergeant
14 Brunet -- essentially recording in his notes what his
15 colleague, Staff Sergeant Dupuis, had been told by Mr.
16 Silmsers over the phone?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. NEVILLE:** Are you with me?

19 **DET. INSP. MILLAR:** Yes.

20 **MR. NEVILLE:** And Mr. Silmsers -- and we have
21 actually a memo that I won't trouble taking the time with
22 of Dupuis's where he records exactly what we read here.
23 All right?

24 **DET. INSP. MILLAR:** Okay.

25 **MR. NEVILLE:** That Silmsers calls the

1 station, speaks to Dupuis and says to him:

2 "If they [presumably meaning Seguin]
3 did not pay within the next 48 hours,
4 he would be going to the press with his
5 story."

6 **DET. INSP. MILLAR:** Yes.

7 **MR. NEVILLE:** Now that's not threatening to
8 sue?

9 **DET. INSP. MILLAR:** No, that's extortion.

10 **MR. NEVILLE:** Exactly.

11 **DET. INSP. MILLAR:** Yes.

12 **MR. NEVILLE:** Now, let's look further down.

13 This is happening on the 25th of November.

14 **DET. INSP. MILLAR:** Yes.

15 **MR. NEVILLE:** If we look at the bottom of
16 the next page -- or that page, the word "press" at the top
17 -- there's a message left to have someone, possibly you,
18 contact Brunet?

19 **DET. INSP. MILLAR:** Yes.

20 **MR. NEVILLE:** And then we move on the top of
21 the next page to the 26th of November and in the mid-page
22 starting at 9:40, there's a briefing of yourself about
23 these circumstances?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. NEVILLE:** And, in fact, that's the day,

1 if we look at Exhibit 271, that you and Detective Constable
2 McDonnell take Mr. Silmsers statement at 1:50 p.m.?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. NEVILLE:** And I don't see anything in
5 the statement addressing the fact that his own words to the
6 Cornwall Police the night before were, "If I don't get the
7 money within 48 hours, I'm going to the press". And what
8 you told the Commissioner was, based on this statement of
9 Silmsers, Exhibit 271, from your standpoint any issue of
10 extortion was over?

11 **DET. INSP. MILLAR:** Based solely on his
12 statement, yes.

13 **MR. NEVILLE:** Right.

14 **DET. INSP. MILLAR:** So that would suggest I
15 didn't have that information.

16 **MR. NEVILLE:** So when you were given a
17 briefing a few hours earlier that date ---

18 **DET. INSP. MILLAR:** Yes.

19 **MR. NEVILLE:** --- it didn't include what I
20 just read out?

21 **DET. INSP. MILLAR:** I don't remember.

22 **MR. NEVILLE:** You don't remember?

23 **DET. INSP. MILLAR:** No.

24 **MR. NEVILLE:** Well, did you have that
25 information by the 21st of December when you interviewed

1 Malcolm MacDonald?

2 **DET. INSP. MILLAR:** I don't remember.

3 **MR. NEVILLE:** You don't remember?

4 Well, can we look next, Commissioner, at
5 Exhibits 973 and 960?

6 **THE COMMISSIONER:** Nine-seventy-three (973).

7 **MR. NEVILLE:** Actually, Commissioner, it
8 will be 973, 960 and 962.

9 And if you wouldn't mind, Inspector, we'll
10 start by putting -- does the witness, Commissioner, have
11 hard copy there? Because it's ---

12 **THE COMMISSIONER:** He should.

13 **MR. NEVILLE:** What I'd like you to do if you
14 could, Inspector, is put Malcolm MacDonald's statement,
15 Exhibit 973, side by side with you, so to speak, with
16 Exhibit 960.

17 **DET. INSP. MILLAR:** Which is what?

18 **MR. NEVILLE:** This is the written narrative
19 by Mr. Ken Seguin of his dealings with Silmsen, which it
20 would appear from your notes you obtained at the time of
21 the interview.

22 **DET. INSP. MILLAR:** Oops. Okay. I'm having
23 an awful time with that mike. Go ahead.

24 **THE COMMISSIONER:** There's a sound guy over
25 there who's going to want to talk to you afterwards.

1 (LAUGHTER/RIRES)

2 MR. NEVILLE: Do you have the two there,
3 Inspector?

4 DET. INSP. MILLAR: Yes.

5 MR. NEVILLE: All right. And if we look at
6 the -- have you had an occasion recently, as part of your
7 preparation, to read through Exhibit 960, the Seguin
8 handwritten document?

9 DET. INSP. MILLAR: No.

10 MR. NEVILLE: Okay. Have you ever read it?

11 DET. INSP. MILLAR: I don't remember.

12 MR. NEVILLE: I suggest you ---

13 DET. INSP. MILLAR: I know what's in it.

14 MR. NEVILLE: Well, I suggest you must have
15 read it on or about the 21st of December.

16 DET. INSP. MILLAR: Could have been, yes.

17 MR. NEVILLE: Well, why don't we look --
18 I'll save us time ---

19 DET. INSP. MILLAR: Is this the document
20 that was given ---

21 MR. NEVILLE: Yeah, yeah.

22 DET. INSP. MILLAR: --- to us by Malcolm
23 MacDonald?

24 MR. NEVILLE: Yeah, that's right.

25 DET. INSP. MILLAR: Okay.

1 **MR. NEVILLE:** Which is reflected in two
2 places that you got it that day.

3 **DET. INSP. MILLAR:** Yes.

4 **MR. NEVILLE:** It's reflected in Exhibit
5 2515.

6 **DET. INSP. MILLAR:** Yes.

7 **MR. NEVILLE:** And it's reflected in your
8 handwritten notes, Exhibit 692.

9 **DET. INSP. MILLAR:** Yes.

10 **MR. NEVILLE:** All right?

11 **DET. INSP. MILLAR:** So ---

12 **MR. NEVILLE:** You got the document.

13 **DET. INSP. MILLAR:** Yes, and I'm certain I
14 would have read it, yeah.

15 **MR. NEVILLE:** Right. And we can all do the
16 comparison, but if we look at Mr. MacDonald's statement to
17 you, page 2 of the statement, it's actually the bottom of
18 page 1, Mr. MacDonald is able to describe for you, starting
19 in the second line from the bottom, contacts apparently by
20 Silmsler to Seguin, starting in January of '93; right?

21 **THE COMMISSIONER:** Page 2.

22 **MR. NEVILLE:** And I'm looking at Malcolm
23 MacDonald's statement.

24 **DET. INSP. MILLAR:** Oh, sorry.

25 **THE COMMISSIONER:** Well, it says page 2 but

1 really it's page 1, sir.

2 MR. NEVILLE: Nine seventy-three (973).

3 It's page 1 of the written document. The writing that's on
4 the document, is that your writing?

5 DET. INSP. MILLAR: No.

6 MR. NEVILLE: Whose writing is it?

7 DET. INSP. MILLAR: I don't know.

8 MR. NEVILLE: Okay. Is it Malcolm
9 MacDonald's or is it Chris McDonell?

10 DET. INSP. MILLAR: It's not Chris McDonell.

11 THE COMMISSIONER: Wait a minute. Wait a
12 minute, wait a minute.

13 DET. INSP. MILLAR: Wouldn't it be ---

14 THE COMMISSIONER: Well, it looks like
15 Chris ---

16 MR. NEVILLE: Nine seventy-three (973), an
17 interview statement of Malcolm MacDonald.

18 THE COMMISSIONER: It's on the screen now.

19 DET. INSP. MILLAR: Okay, that's my writing.

20 MR. NEVILLE: Okay, so the text ---

21 DET. INSP. MILLAR: Okay, we're talking
22 about the interview report?

23 THE COMMISSIONER: The text is your writing?

24 DET. INSP. MILLAR: Yes.

25 MR. NEVILLE: Fair enough. All right.

1 So at the bottom of page 1 of that statement

2 ---

3 DET. INSP. MILLAR: Okay, got you.

4 MR. NEVILLE: --- the second-last line,

5 January '93 ---

6 DET. INSP. MILLAR: Yes.

7 MR. NEVILLE: --- there's an apparent of

8 Seguin by Silmsers.

9 DET. INSP. MILLAR: Yes.

10 MR. NEVILLE: Right? Next page, please,

11 third line. Another one in February. Do you see that?

12 DET. INSP. MILLAR: Yes. That doesn't make

13 much sense, I don't think.

14 MR. NEVILLE: Well, it does in a minute.

15 DET. INSP. MILLAR: Okay.

16 MR. NEVILLE: Then six lines from the top:

17 "In August '93..."

18 DET. INSP. MILLAR: Okay, got you.

19 MR. NEVILLE: "...Ken advised me of

20 another phone call."

21 DET. INSP. MILLAR: Yes.

22 MR. NEVILLE: And two lines below that:

23 "In September '93, Ken Seguin advised

24 me of another phone call."

25 DET. INSP. MILLAR: Yes.

1 **MR. NEVILLE:** And then the middle of the
2 page:

3 "On November 15th he approached me
4 around noon hour [et cetera]."

5 **DET. INSP. MILLAR:** Yes.

6 **MR. NEVILLE:** Now, I'm going to suggest if
7 we take a moment -- I don't want to use up unduly the time,
8 but if we look into Mr. Seguin's text, Exhibit 960 ---

9 **DET. INSP. MILLAR:** Yes.

10 **MR. NEVILLE:** --- you will see those exact
11 references.

12 **DET. INSP. MILLAR:** Okay.

13 **MR. NEVILLE:** Okay? Now, let's look at
14 Exhibit 962.

15 **DET. INSP. MILLAR:** Okay.

16 **MR. NEVILLE:** Actually we can also see the
17 same event as well in Exhibit 960. Sorry to jump around a
18 bit on you. If you go to Roman numeral five at the top of
19 the 9 -- Exhibit 960.

20 **DET. INSP. MILLAR:** Yes.

21 **MR. NEVILLE:** Do you have it?

22 **DET. INSP. MILLAR:** Yes.

23 **MR. NEVILLE:** Okay. So Mr. MacDonald in his
24 narrative talks about a contact in August '93 that Seguin
25 advises him of, and if we look at this one on August 21st,

1 '93:

2 "David again called me at home at
3 11:30. He awoke me and I was
4 confronted with anger over the
5 Diocese's lack of response to him
6 regarding a financial settlement, and
7 it was up to him to lay charges or not
8 but he preferred to settle for money.
9 He stated, 'Consider this a threat'
10 that if they don't come across that he
11 would say harmful things to the police,
12 my employer and the newspapers."

13 **DET. INSP. MILLAR:** Yes.

14 **MR. NEVILLE:** That is extortion.

15 **DET. INSP. MILLAR:** Yes.

16 **MR. NEVILLE:** Now, this is the document you
17 left Mr. MacDonald's office with.

18 **DET. INSP. MILLAR:** Yes.

19 **MR. NEVILLE:** You also had, at some point,
20 the reports and material from the Cornwall Police Service
21 that at the very least, on the night before Seguin's death,
22 he tells the Cornwall Police the threat was, "I'm paid in
23 48 hours or I go to the press."

24 **DET. INSP. MILLAR:** Yes.

25 **MR. NEVILLE:** Now, I don't see any part of

1 your investigation of the extortion where Mr. Silmser was
2 questioned or confronted with any of this.

3 **DET. INSP. MILLAR:** No.

4 **MR. NEVILLE:** Why is that?

5 **DET. INSP. MILLAR:** As far as I was
6 concerned that was done, the extortion.

7 **MR. NEVILLE:** My question was why was he not
8 brought in and questioned as a suspect, albeit under
9 caution or otherwise, and confronted with this material to
10 see what he would say? For example, "Did you contact Mr.
11 Seguin in January, February, August, November? Did you say
12 to him the following..."

13 **DET. INSP. MILLAR:** Yes.

14 **MR. NEVILLE:** "...you intervene and get me
15 my settlement or I'll turn on you." I'm paraphrasing.

16 **DET. INSP. MILLAR:** Yes.

17 **MR. NEVILLE:** All of that could have been
18 done. It wasn't done.

19 **DET. INSP. MILLAR:** Yes.

20 **MR. NEVILLE:** Right?

21 **DET. INSP. MILLAR:** It's very obvious, sir,
22 that after November 26th this investigation was reviewed by
23 command staff, and obviously my thoughts on the 26th were
24 changed. I was told to go and interview Malcolm MacDonald
25 ---

1 **MR. NEVILLE:** I understand that.

2 **DET. INSP. MILLAR:** --- so ---

3 **MR. NEVILLE:** And what came from the
4 interview of Malcolm MacDonald is Mr. Seguin's statement --
5 -

6 **DET. INSP. MILLAR:** Yes.

7 **MR. NEVILLE:** --- with very, very detailed
8 things that Silmsler was saying to him, many of them in the
9 nature of extortion.

10 **DET. INSP. MILLAR:** Yes.

11 **MR. NEVILLE:** None of which was Silmsler
12 confronted with ever.

13 **DET. INSP. MILLAR:** Yes.

14 **MR. NEVILLE:** Right?

15 **DET. INSP. MILLAR:** Yeah.

16 **MR. NEVILLE:** Okay.

17 Let's look next, if we could briefly, at
18 Exhibit 2594. These are your notes of the Leroux search.

19 Inspector, as I follow your evidence for us,
20 and your notes, C-8 is there on the premises when you and
21 Constable McDougald arrive.

22 **DET. INSP. MILLAR:** Yes.

23 **MR. NEVILLE:** He's there throughout the
24 search somewhere in the premises ---

25 **DET. INSP. MILLAR:** Yes.

1 **MR. NEVILLE:** --- as far as you know.

2 **DET. INSP. MILLAR:** Far as I know.

3 **MR. NEVILLE:** And when you leave he's there
4 and indeed you describe him in your notes as securing the
5 premises.

6 **DET. INSP. MILLAR:** Yes.

7 **MR. NEVILLE:** Okay. Now, can you tell us in
8 what condition you left Mr. Leroux's house after the
9 search?

10 **DET. INSP. MILLAR:** I don't remember, sir.

11 **MR. NEVILLE:** Did you leave it in disarray?

12 **DET. INSP. MILLAR:** I don't believe so. I
13 just don't remember. I can't imagine why we would.

14 **MR. NEVILLE:** Well, let's see what you were
15 looking for. You were looking for two guns.

16 **DET. INSP. MILLAR:** Yes.

17 **MR. NEVILLE:** C-8 hands you one when you get
18 there.

19 **DET. INSP. MILLAR:** Yes.

20 **MR. NEVILLE:** Fairly limited search
21 required.

22 **DET. INSP. MILLAR:** M'hm.

23 **MR. NEVILLE:** Right? I'm not being
24 facetious but it's handed to you; right?

25 **DET. INSP. MILLAR:** Wasn't handed to me.

1 MR. NEVILLE: Well, whatever.

2 DET. INSP. MILLAR: Yeah.

3 MR. NEVILLE: It's handed to your brother
4 officer.

5 DET. INSP. MILLAR: Yes.

6 MR. NEVILLE: All right. He's waiting with
7 the gun.

8 DET. INSP. MILLAR: Yes.

9 MR. NEVILLE: Another one is found,
10 apparently by you ---

11 DET. INSP. MILLAR: Yes.

12 MR. NEVILLE: --- in a downstairs, near the
13 front door, closet.

14 DET. INSP. MILLAR: Yes.

15 MR. NEVILLE: Okay. I take it that didn't
16 require a great deal of disruption of the premises?

17 DET. INSP. MILLAR: I don't believe so, no.

18 MR. NEVILLE: All right.

19 Now, can I ask you to look for me -- having
20 talked about the state of the premises as you recall them
21 ---

22 DET. INSP. MILLAR: I don't recall them, to
23 be ---

24 MR. NEVILLE: Well ---

25 DET. INSP. MILLAR: You mean the size of it?

1 **MR. NEVILLE:** No, no, no. What condition
2 you left the place in, what ---

3 **DET. INSP. MILLAR:** I just don't remember.

4 **MR. NEVILLE:** Was it trashed, as far as
5 you're concerned?

6 **DET. INSP. MILLAR:** As far as I'm concerned,
7 it wasn't trashed, no.

8 **MR. NEVILLE:** All right. Well, let's look
9 then at Exhibit 567, Document Number 719664.

10 **THE COMMISSIONER:** Exhibit 567.

11 **MR. NEVILLE:** That would be Bates page,
12 Commissioner, ending in 1763.

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

14 **MR. NEVILLE:** The Bates page, Commissioner,
15 and for the witness's assistance, it ends in 1763,
16 Inspector. This is an affidavit by Mr. Leroux. If we can
17 just have it on the screen, sir? I don't have a hard copy.

18 **THE COMMISSIONER:** Sure. So you're looking
19 at paragraph 20?

20 **MR. NEVILLE:** I believe it is, sir.

21 **THE COMMISSIONER:** The bottom one, Madam
22 Clerk?

23 **MR. NEVILLE:** Right at the bottom of the
24 page, sir. Can you read it well enough there, Inspector?

25 **DET. INSP. MILLAR:** Yes.

1 **MR. NEVILLE:** Is it big enough?

2 So this is Mr. Leroux's version of what
3 happens, all right?

4 **DET. INSP. MILLAR:** Yes.

5 **MR. NEVILLE:** He says in paragraph 20 that
6 he went back to Fort Lauderdale on or about February 3rd, so
7 shortly before you and Officer McDougald did the search:

8 "I returned to Canada on or about early
9 March '93, to find my home in a
10 complete mess, as if someone had
11 searched my home. I received a
12 telephone call from the OPP Lancaster
13 advising they had done a search of my
14 house and they found a leather suitcase
15 and weapons."

16 My only point to you is, did you
17 leave -- when you left that house, would you describe it as
18 a complete mess?

19 **DET. INSP. MILLAR:** No.

20 **MR. NEVILLE:** Now, during the cross-
21 examination of Mr. Lee, he referred you to what is now
22 Exhibit 2605. It's a discovery transcript of a person that
23 we're now calling C-90, I believe?

24 **THE COMMISSIONER:** No.

25 **DET. INSP. MILLAR:** Ninety-two (92)?

1 **THE COMMISSIONER:** Ninety-two (92).

2 **MR. NEVILLE:** Ninety-two (92)? Sorry. Do
3 you have that there, sir?

4 **DET. INSP. MILLAR:** Yes.

5 **MR. NEVILLE:** All right. And he's started
6 by referring you to page -- I'm using the numbers of the
7 transcript itself, in the top right, Commissioner, 39.

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

9 **MR. NEVILLE:** Now, this individual whom you
10 obviously know quite a bit about is alleging in this
11 lawsuit, filed on or about 2004, two acts of sexual
12 touching by Mr. Seguin of him. All right?

13 **DET. INSP. MILLAR:** Okay.

14 **MR. NEVILLE:** And he joins a lawsuit against
15 the Ministry, or for the Province of Ontario, the Ministry
16 representing probation officers, although he says on page
17 39, as you see it right in front of you, that Mr. Seguin
18 was never his probation officer.

19 **DET. INSP. MILLAR:** Yes.

20 **MR. NEVILLE:** Okay? And then he talks about
21 a passage referred to by Mr. Lee at the bottom of that
22 page, through to the next page, right to the bottom to
23 line -- question 314, that he confronted Seguin the day
24 before he committed suicide and told him he was going to go
25 to the police.

1 **DET. INSP. MILLAR:** Yes.

2 **MR. NEVILLE:** Right? Can we now look -- and
3 just for background information, when we turn to the final
4 document about this topic, if we turn to page 47 of this
5 volume -- is it in front of you?

6 **DET. INSP. MILLAR:** Not yet.

7 **MR. NEVILLE:** Not yet? Here we go.

8 Starting at question 365 through to question 367 ---

9 **DET. INSP. MILLAR:** Yes.

10 **MR. NEVILLE:** --- he claims he advised his
11 wife of these alleged abuses in 1992.

12 **DET. INSP. MILLAR:** Yes.

13 **MR. NEVILLE:** All right? Let's look, if we
14 can, at Exhibit -- Document Number 113745? And this will
15 require, Commissioner, a publication ban. It's by the same
16 person, C-92 ---

17 **THE COMMISSIONER:** M-hm.

18 **MR. NEVILLE:** --- which I don't believe at
19 the moment is an exhibit.

20 **THE COMMISSIONER:** Thank you. Exhibit
21 Number 2606 is an interview report of C-92, taken on April
22 27th, 1994 by Detective Constable McDonell.

23 **---EXHIBIT NO./PIÈCE NO P-2606:**

24 (113745) - Interview Report of C-92 dated 27
25 Apr 94

1 **MR. NEVILLE:** He was your -- Detective
2 McDonnell, Inspector, was your colleague at Lancaster?

3 **DET. INSP. MILLAR:** That's correct.

4 **MR. NEVILLE:** And we know from previous
5 testimony, if we look at the occurrence with the number
6 there, that it's the second branch of the extortion
7 investigation headed up by Inspector Hamelink ---

8 **DET. INSP. MILLAR:** Yes.

9 **MR. NEVILLE:** --- right? And he was being
10 assisted, we understood, by Officers Genier and McDonnell?

11 **DET. INSP. MILLAR:** Yes.

12 **MR. NEVILLE:** So, the redoing of what you
13 had closed off a few months earlier?

14 **DET. INSP. MILLAR:** I think somebody else
15 above me closed that off, in between ---

16 **MR. NEVILLE:** Whatever.

17 **DET. INSP. MILLAR:** --- my closing it off.

18 **MR. NEVILLE:** All we know ---

19 **DET. INSP. MILLAR:** Yes.

20 **MR. NEVILLE:** Don't trouble yourself with
21 that. We just know that it got redone ---

22 **DET. INSP. MILLAR:** Yes.

23 **MR. NEVILLE:** --- under the supervision --
24 all right, fair enough. And so this is the same person
25 we're talking about, that we've looked at a transcript and

1 the like, right?

2 DET. INSP. MILLAR: Yes.

3 MR. NEVILLE: All right. Let's look at the
4 bottom of the first page.

5 DET. INSP. MILLAR: Yes.

6 MR. NEVILLE: "It was rumoured" -- and this
7 is in 1994, April 27th, sir?

8 DET. INSP. MILLAR: Yes.

9 MR. NEVILLE: Approximately two years after
10 he allegedly tells his wife about his abuse?

11 DET. INSP. MILLAR: Yes.

12 MR. NEVILLE: This is in the context of an
13 extortion investigation where Seguin is supposed to be a
14 victim, right?

15 DET. INSP. MILLAR: M'hm.

16 MR. NEVILLE: "It was rumoured that Ken
17 Seguin was gay, and this was picked up
18 at the marina and the hotel. He never
19 approached myself or did I know anyone
20 else he made advances to."

21 Right?

22 DET. INSP. MILLAR: Yes.

23 MR. NEVILLE: Let's look near the bottom of
24 the page.

25 In the middle of the page he talks about an

1 incident where Mr. Seguin had difficulty at a local bar, by
2 virtue of being allegedly gay, and was being intimidated by
3 people, and this man and others came to his aid, it would
4 appear, right?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. NEVILLE:** Right? Let's go about eight
7 lines from the bottom:

8 "After we left the house, we talked
9 about Ken being gay, but we all
10 remained friends with Ken. Ken never
11 approached me as a homosexual, or as
12 far as I know, he never made advances
13 to Brian or Robert. He was just a good
14 friend."

15 Right?

16 **DET. INSP. MILLAR:** Yes.

17 **MR. NEVILLE:** Let's look at the last page.

18 Mr. Lee took you to a passage of the
19 discovery where this man confronted Mr. Seguin the day
20 before he committed suicide with a warning or threat to go
21 to the police and expose him, right?

22 **DET. INSP. MILLAR:** Yes.

23 **MR. NEVILLE:** Let's look at the last
24 paragraph on the last page:

25 "I saw Ken about five days before he

1 died, and every time I went in to see
2 my probation officer I would stop and
3 talk to Ken. I was shocked when I
4 heard he hung himself, as I never
5 suspected that of him. I never saw any
6 women around Ken's house."

7 Any mention of the threat to go to the
8 police for the alleged abuse, in that statement?

9 **DET. INSP. MILLAR:** Sorry?

10 **MR. NEVILLE:** Any suggestion of being an
11 abuse victim in that statement?

12 **DET. INSP. MILLAR:** I'm not familiar with
13 the statement.

14 **MR. NEVILLE:** No, this statement ---

15 **DET. INSP. MILLAR:** I didn't ---

16 **MR. NEVILLE:** --- we just looked at.

17 **DET. INSP. MILLAR:** I didn't take it.

18 **MR. NEVILLE:** I know you didn't. We just
19 looked at it together.

20 **DET. INSP. MILLAR:** Yes.

21 **MR. NEVILLE:** The paragraph I just read to
22 you last appears to be more or less the same event in the
23 transcript at the discovery that ---

24 **DET. INSP. MILLAR:** Yes.

25 **MR. NEVILLE:** Does it appear to be different

1 here?

2 DET. INSP. MILLAR: I'd have to compare.

3 MR. NEVILLE: He says he confronted him and
4 said, "For what he did to me, I'm going to go to ---"

5 DET. INSP. MILLAR: Oh, okay, I see.

6 MR. NEVILLE: --- "go to the police?"

7 DET. INSP. MILLAR: Yes, okay. There is a
8 difference, obviously.

9 MR. NEVILLE: Is there a difference?

10 DET. INSP. MILLAR: Yes.

11 MR. NEVILLE: Yes. Thank you, that's all.

12 THE COMMISSIONER: Thank you.

13 Mr. Chisholm? Thank you.

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

15 MR. CHISHOLM:

16 MR. CHISHOLM: Detective Inspector, my name
17 is Peter Chisholm. I'm counsel for the CAS.

18 Ms. Jones took you to Exhibit 2324 this
19 morning. That's the -- that would be the notes of Greg
20 Bell.

21 We'll just wait for that to come up. Bates
22 page 2022.

23 Detective Inspector, Ms. Jones was speaking
24 to you of the phone call that you made to Greg Bell on
25 December the 13th of 1993.

1 DET. INSP. MILLAR: Yes.

2 MR. CHISHOLM: Do you recall that?

3 DET. INSP. MILLAR: Yes.

4 MR. CHISHOLM: And you had suggested that
5 you couldn't think of any reason why you would have called
6 him except for the fact that you may have been returning
7 Greg Bell's ---

8 DET. INSP. MILLAR: His call, yes.

9 MR. CHISHOLM: --- phone calls.

10 If I could take you to 1126 entry on that --

11 -

12 DET. INSP. MILLAR: Yes.

13 MR. CHISHOLM: --- on that page, which is
14 December the 8th of 1993. That appears to be a note
15 indicating that Greg Bell called and left a message for you
16 ---

17 DET. INSP. MILLAR: Okay.

18 MR. CHISHOLM: --- on that date. And is it
19 a Munroe -- is that a Sergeant Munroe? Do you know that
20 name Munroe?

21 DET. INSP. MILLAR: No.

22 MR. CHISHOLM: Who relayed, "Randy Millar
23 off until 1500 hours today." Do you see that?

24 DET. INSP. MILLAR: Yes.

25 MR. CHISHOLM: Then if I can take you,

1 please, to Bates page 2024, the 1505 entry.

2 And you'll see there Mr. Bell has made a
3 note indicating he called for you at that time and was told
4 that you were off sick that afternoon. Do you see that?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. CHISHOLM:** Do those two passages that I
7 took you to fit within your theory that perhaps it was Mr.
8 Bell that called you?

9 **DET. INSP. MILLAR:** Yes.

10 **MR. CHISHOLM:** Thank you, sir.

11 **THE COMMISSIONER:** Okay. Mr. Rose.

12 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. ROSE:**

13 **MR. ROSE:** Good evening, Inspector Millar.
14 My name is David Rose. I'm counsel for the Ministry of
15 Community Safety and Correctional Services.

16 I just have a few questions, narrow
17 questions about your contact with probation staff as a
18 result of the Travis Varley incident.

19 I've seen your notes and I take it that the
20 day after the murder -- after the homicide you attend at
21 the Probation office in Cornwall. Is that right?

22 **DET. INSP. MILLAR:** Yes.

23 **MR. ROSE:** Okay. I have your notes and it
24 says 2:23 p.m. Does that sound about right?

25 **DET. INSP. MILLAR:** Yes.

1 **MR. ROSE:** So in other words mid-afternoon?
2 Sir, you have to verbalize your answers.

3 **DET. INSP. MILLAR:** Yes.

4 **MR. ROSE:** It doesn't pick up the head nod.

5 **DET. INSP. MILLAR:** Yes.

6 **MR. ROSE:** And you're with your partner,
7 Chris McDonnell.

8 **DET. INSP. MILLAR:** Is there any chance I
9 can get my notes?

10 **MR. ROSE:** I don't actually have the exhibit
11 number.

12 **MR. O'BRIEN:** Twenty-five ninety-two (2592).

13 **MR. ROSE:** Twenty-five ninety-two (2592).

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

15 **MR. ROSE:** Right. So it says:

16 "1423 attend Probation office, meet
17 Ken Seguin, interview in office."

18 **DET. INSP. MILLAR:** Yes.

19 **MR. ROSE:** I take it the 7th of February '44
20 is his date of birth, right?

21 **DET. INSP. MILLAR:** That's correct.

22 **MR. ROSE:** Okay. So you're with Constable
23 McDonnell at the time?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. ROSE:** Okay. And would I be correct in

1 saying that at that time that the Probation office would
2 have been fully staffed?

3 **DET. INSP. MILLAR:** I can't recall, sir.

4 **MR. ROSE:** Sense -- well, I don't have the
5 date but I take it it wasn't a Saturday or a Sunday.

6 **DET. INSP. MILLAR:** No.

7 **MR. ROSE:** Okay. So it's a weekday.

8 **DET. INSP. MILLAR:** Yeah.

9 **MR. ROSE:** Okay. In other words, there's no
10 secret about you meeting Ken Seguin that day. You walk in
11 and it's an operational daytime office.

12 **DET. INSP. MILLAR:** Yes.

13 **MR. ROSE:** Okay. And can you give me a
14 sense -- do you have a recollection of how many people
15 would have been around?

16 **DET. INSP. MILLAR:** No.

17 **MR. ROSE:** Fair enough.

18 And that I take it that it's at that time
19 that Ken Seguin says that he's going to notify his
20 superiors. Is that right?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. ROSE:** Okay. And do you recall what you
23 would have said with -- talked with Mr. Seguin about that
24 issue?

25 **DET. INSP. MILLAR:** No.

1 **MR. ROSE:** In other words, did he say he was
2 going to file the specific report or ---

3 **DET. INSP. MILLAR:** No.

4 **MR. ROSE:** It was just left that he was
5 going to report it to his superior?

6 **DET. INSP. MILLAR:** Yes.

7 **MR. ROSE:** Okay. And at that time do you
8 recall that his superior was Emile Robert?

9 **DET. INSP. MILLAR:** Yes.

10 **MR. ROSE:** Have you known Mr. Robert before
11 that time -- in other words, January 9th of 1992?

12 **DET. INSP. MILLAR:** That's difficult to say.

13 **THE COMMISSIONER:** He wasn't your best of
14 friend?

15 **DET. INSP. MILLAR:** No.

16 **THE COMMISSIONER:** You didn't play cards
17 with him?

18 **DET. INSP. MILLAR:** No.

19 **THE COMMISSIONER:** You didn't see him
20 socially?

21 **DET. INSP. MILLAR:** No.

22 **THE COMMISSIONER:** If you would have seen
23 him would you have seen him professionally?

24 **DET. INSP. MILLAR:** Yes.

25 **THE COMMISSIONER:** And how often do you

1 think, if ---

2 **DET. INSP. MILLAR:** Not very often.

3 **THE COMMISSIONER:** All right.

4 **MR. ROSE:** Okay. But I'm simply
5 establishing that you would have known him to be the
6 manager of the Probation office in Cornwall at the time?

7 **DET. INSP. MILLAR:** I don't know, sir.

8 **MR. ROSE:** Would you have at least
9 understood that there would be a manager ---

10 **DET. INSP. MILLAR:** Yes.

11 **MR. ROSE:** --- above Ken Seguin?

12 **DET. INSP. MILLAR:** Well, yes.

13 **MR. ROSE:** Okay. And if we could put up on
14 the screen, then, Exhibit 929. And this is the letter that
15 you wrote or the memo to Emile Robert September 3rd, 1992.
16 And the first paragraph, it's been covered earlier in some
17 of the questioning, it says:

18 "As you are aware I had occasion to
19 interview Ken Seguin as a result of a
20 fatal shooting at Summerstown on the 9th
21 of January 1992."

22 **DET. INSP. MILLAR:** Yes.

23 **MR. ROSE:** Okay. And when it says "As you
24 are aware," are you referring to the conversation that
25 you've had -- I think you've given testimony now -- was it

1 on August 27th?

2 **DET. INSP. MILLAR:** Yes.

3 **MR. ROSE:** Okay.

4 **DET. INSP. MILLAR:** Yes, that would make
5 sense.

6 **MR. ROSE:** So was there any time prior to
7 August 27th you would have had contact with Emile Robert?

8 **DET. INSP. MILLAR:** On the 26th. I think it
9 was on the 26th, wasn't it?

10 **MR. ROSE:** Okay. But let's ---

11 **DET. INSP. MILLAR:** No, sorry, it was the
12 27th. You're right. No, I don't believe so.

13 **MR. ROSE:** Okay. So that's the first time
14 you get in contact with Emile Robert about this incident?

15 **DET. INSP. MILLAR:** As I recall, yes.

16 **MR. ROSE:** Okay. Now, do you recall when
17 you spoke with Mr. Robert did you have any discussions with
18 him about Ken Seguin reporting the incident as between Ken
19 Seguin and Emile Robert?

20 **DET. INSP. MILLAR:** I don't recall it, sir.
21 I just have in my notes that I spoke with him and I'm just
22 guessing that I was given the heads up that this letter was
23 coming to him.

24 **MR. ROSE:** Okay.

25 **DET. INSP. MILLAR:** But I don't recall what

1 the conversation that I had with him in 1992. I don't have
2 any notes of it.

3 **MR. ROSE:** Fair enough.

4 Do you recall when you first spoke with Mr.
5 Robert on August 27th, would you have been satisfied that
6 Emile Robert knew something about this?

7 **DET. INSP. MILLAR:** I don't recall.

8 **MR. ROSE:** In other words, let's look at it
9 another way. Do you recall, for instance, when you spoke
10 with Mr. Robert on August 27th that wow, he seems to be
11 finding out about this for the very first time, or was it
12 that Mr. Robert actually knew about this?

13 **DET. INSP. MILLAR:** I don't -- I can't
14 remember, to be honest with you.

15 **MR. ROSE:** And you called Mr. Robert, I take
16 it, to state the obvious, because you knew that he was Ken
17 Seguin's superior?

18 **DET. INSP. MILLAR:** Yes.

19 **MR. ROSE:** And in other words, what I want
20 to ask you about is it's really Ken Seguin's superior's
21 business, his boss' business as opposed to anyone else's
22 business, this idea that he is a probation officer, has
23 placed himself in this position.

24 **DET. INSP. MILLAR:** Yes.

25 **MR. ROSE:** Right. So -- and I'm not being

1 critical.

2 DET. INSP. MILLAR: M'hm.

3 MR. ROSE: I just want to establish that in
4 other words it's not your business, for instance, to go to
5 the staff of the Probation office and start talking with
6 them about it.

7 DET. INSP. MILLAR: No.

8 MR. ROSE: It's not their business at all.

9 DET. INSP. MILLAR: No.

10 MR. ROSE: It's Emile Robert's business.

11 DET. INSP. MILLAR: Yeah.

12 MR. ROSE: And it's Emile Robert's business,
13 in other words, to decide what is appropriate to do with
14 Ken Seguin as a result of this incident. Would I be fair
15 about that?

16 DET. INSP. MILLAR: Yes. It's not my
17 business, let's put it that way.

18 MR. ROSE: Okay. Well, it's more than that,
19 it's -- I just want to make sure the chain of command that
20 you're reporting to is clear and you're going to his
21 superior ---

22 DET. INSP. MILLAR: Exactly.

23 MR. ROSE: --- for that reason?

24 DET. INSP. MILLAR: Yes.

25 MR. ROSE: Okay. Now, over and above that

1 there's been some discussion about how broadly understood
2 or what was out there in the community with respect to the
3 Travis Varley case or the MacDonald homicide, if we can
4 phrase it. Would that be fair?

5 **DET. INSP. MILLAR:** In relation to what?

6 **MR. ROSE:** Well, it's a small community,
7 isn't it? Homicides don't happen all the time, do they?
8 Thankfully.

9 **DET. INSP. MILLAR:** Yes.

10 **MR. ROSE:** Okay. And so if we go back, for
11 instance, to January the 9th, 1992 I take it that you would
12 have fairly quickly understood that Ken Seguin had some
13 involvement or some knowledge about what was going on with
14 this Travis Varley case. Would that be fair?

15 **DET. INSP. MILLAR:** Sorry?

16 **MR. ROSE:** Well, you came to see Mr. Seguin,
17 I take it, within what, 12 hours ---

18 **DET. INSP. MILLAR:** Yes.

19 **MR. ROSE:** --- of the death?

20 **DET. INSP. MILLAR:** Yes.

21 **MR. ROSE:** And you would have understood
22 fairly rapidly that ---

23 **DET. INSP. MILLAR:** Yes.

24 **MR. ROSE:** --- he was a witness to this?

25 **DET. INSP. MILLAR:** Yes. I've already

1 testified that that came from some of the boys that were
2 with him -- Mark Woods and Bob Varley.

3 **MR. ROSE:** Right. And was Mr. Varley
4 appearing in court that morning, January 9th, do you recall?
5 Was he arrested very quickly?

6 **DET. INSP. MILLAR:** Yes, he was arrested on
7 the spot.

8 **MR. ROSE:** Okay, so he would have been taken
9 and what -- to court in Cornwall literally that morning for
10 his first appearance?

11 **DET. INSP. MILLAR:** I'm not sure. We were
12 quite a while with him at the detachment.

13 **MR. ROSE:** And I just want to explore what
14 you recall at the time about how widely discussed this was
15 in the community, the fact that there was this terrible
16 incident. And judging by the look on your face, it would
17 have been the topic of conversation around town. Would
18 that be fair?

19 **DET. INSP. MILLAR:** Certainly around
20 Summerstown.

21 **MR. ROSE:** Okay. And about Cornwall as
22 well?

23 **DET. INSP. MILLAR:** Yes.

24 **MR. ROSE:** It would be reported in the
25 newspaper?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. ROSE:** And do you recall in the courts
3 was this discussed? In other words, there was this
4 homicide?

5 **DET. INSP. MILLAR:** I don't recall, sir.

6 **MR. ROSE:** Okay.

7 If we go to the conclusion of the case
8 against Mr. Varley, you've talked about speaking to the
9 Crown Attorney, Mr. Simard, about the -- as the case is
10 winding to the position of sentencing. Do you recall that?

11 **DET. INSP. MILLAR:** I didn't -- I don't
12 remember speaking to him, no.

13 **MR. ROSE:** Okay. Do you recall having
14 discussions as the matter is proceeding to sentencings
15 with, for instance, the person preparing a pre-sentence
16 report? Is that possible?

17 **DET. INSP. MILLAR:** It depends on who it
18 was.

19 **MR. ROSE:** Carole Cardinal.

20 **DET. INSP. MILLAR:** I don't recall
21 discussing it, no.

22 **MR. ROSE:** Because Carole Cardinal has
23 testified before this Inquiry that she recalls speaking
24 with your partner, Chris McDonell, and possibly you ---

25 **DET. INSP. MILLAR:** Yes.

1 **MR. ROSE:** --- about the case for purposes
2 of preparing a pre-sentence report.

3 **DET. INSP. MILLAR:** Yes. I have checked my
4 notes in regards to that and I have no notes of speaking to
5 Carole Cardinal in relation to a pre-sentence report.

6 **MR. ROSE:** Is it possible that she might
7 have had those discussions and it's simply nothing that you
8 considered noteworthy?

9 **DET. INSP. MILLAR:** Sure, it's possible.

10 **MR. ROSE:** And is it common for you to speak
11 with a probation officer for the purposes of preparing a
12 pre-sentence report about someone that you've arrested?

13 **DET. INSP. MILLAR:** If you're the lead
14 investigator, yes.

15 **MR. ROSE:** And did you consider yourself
16 like that ---

17 **DET. INSP. MILLAR:** No.

18 **MR. ROSE:** --- in the MacDonald case?

19 **DET. INSP. MILLAR:** Chris McDonell was.

20 **MR. ROSE:** He's your partner?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. ROSE:** You often travelled around with
23 him from time-to-time?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. ROSE:** So it's possible that if the lead

1 investigator was speaking to the probation officer, you
2 might very well have been there?

3 **DET. INSP. MILLAR:** Might have been.

4 **MR. ROSE:** Thank you, Mr. Commissioner.

5 Those are my questions.

6 **THE COMMISSIONER:** Okay.

7 Mr. Thompson?

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

9 **MR. THOMPSON:**

10 **MR. THOMPSON:** Good afternoon. My name is
11 Christopher Thompson. I'm counsel for the Ministry of the
12 Attorney General.

13 **DET. INSP. MILLAR:** Yes.

14 **MR. THOMPSON:** And I have a few questions
15 for you just in relation to one subject matter, and that's
16 the subject matter of Milton MacDonald.

17 **DET. INSP. MILLAR:** Yes.

18 **MR. THOMPSON:** And I'd ask you to please
19 turn up Exhibits 2598 and 2599.

20 **DET. INSP. MILLAR:** I'll just go by the
21 screen if that's all right.

22 **THE COMMISSIONER:** We'll do one at a time.
23 Which one do you want first, sir?

24 **MR. THOMPSON:** Two-five-nine-eight (2598).
25 So this is your interview report dated

1 February 20 -- sorry, February 15th, 1994?

2 DET. INSP. MILLAR: That's correct.

3 MR. THOMPSON: And in it you discuss a
4 telephone conversation you had on February 11th, '94 with
5 Murray MacDonald?

6 DET. INSP. MILLAR: Yes.

7 MR. THOMPSON: And he's the local Crown
8 Attorney?

9 DET. INSP. MILLAR: Yes.

10 MR. THOMPSON: And your brother-in-law?

11 DET. INSP. MILLAR: Yes.

12 MR. THOMPSON: And he called your residence.

13 Is that right?

14 DET. INSP. MILLAR: Yes.

15 MR. THOMPSON: And at the time he would have
16 of course known that you were a police officer?

17 DET. INSP. MILLAR: Yes.

18 MR. THOMPSON: And he tells you that he
19 spoke with his father that same day?

20 DET. INSP. MILLAR: Yes.

21 MR. THOMPSON: And that his father, that's
22 Milton MacDonald, told him that C-91 had made allegations
23 against his father of a sexual nature?

24 DET. INSP. MILLAR: Yes.

25 MR. THOMPSON: And that his understanding

1 was that C-91 was going to make a complaint to Constable
2 McClements ---

3 **DET. INSP. MILLAR:** That's correct.

4 **MR. THOMPSON:** --- that evening; later that
5 same evening?

6 **DET. INSP. MILLAR:** Yes.

7 **MR. THOMPSON:** And he asked you whether you
8 had had any knowledge of any previous incidents, and I
9 think you've told us today that you had a bit of fuzzy
10 knowledge that there may have been something in the past.
11 That's correct, right?

12 **DET. INSP. MILLAR:** In the late sixties,
13 yes.

14 **MR. THOMPSON:** Right. And this was -- fair
15 to say that he was surprised that people knew about this?

16 **DET. INSP. MILLAR:** Absolutely.

17 **MR. THOMPSON:** And I just want you to take a
18 look at the second paragraph of that exhibit. It says
19 here:

20 "Murray told me that he had questioned
21 Milton about the allegations that was
22 made and that Milton hadn't done very
23 well in his response to Murray's
24 questions."

25 **DET. INSP. MILLAR:** Yes.

1 **MR. THOMPSON:** Do you see that? So when it
2 was suggested to you earlier that Milton MacDonald hadn't
3 been questioned, that was in respect of one other -- that
4 was another event, that family meeting?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. THOMPSON:** Right. You weren't saying
7 that he wasn't questioned at all. It was just at that one
8 occasion?

9 **DET. INSP. MILLAR:** Well, yes.

10 **MR. THOMPSON:** Right.

11 So we know that you testified earlier that
12 there was the family meeting on the Saturday. I'm going to
13 skip to the Sunday ---

14 **DET. INSP. MILLAR:** Okay.

15 **MR. THOMPSON:** --- two days later, and
16 Murray MacDonald attended your residence on the Sunday. Do
17 you recall that?

18 **DET. INSP. MILLAR:** I'll have to go by this.
19 I don't know if it was Sunday or I don't know if he came to
20 my house. Whatever I said there is the way it happened.

21 **MR. THOMPSON:** If we could take a look at
22 it, it's on -- and I don't think it's controversial.

23 **DET. INSP. MILLAR:** No.

24 **MR. THOMPSON:** It's on page 2 of your
25 interview report that you've discussed ---

1 **THE COMMISSIONER:** You can lead him.

2 **MR. THOMPSON:** Pardon?

3 **THE COMMISSIONER:** You can lead.

4 **MR. THOMPSON:** Sure. It's on page 2 of your
5 report. We can go to it. It's at paragraph 1, 2, 3, 4.
6 And it says here:

7 "In the afternoon on Sunday, Margaret,
8 Murray and my wife..."

9 Sorry, it says here:

10 "Murray and I got together with Marlene
11 before they left for Ottawa. I told
12 him that I thought we should get hold
13 of C-91's father and ask him if he had
14 knowledge of any wrongdoing."

15 All right?

16 **DET. INSP. MILLAR:** Yes.

17 **MR. THOMPSON:** And can you please turn up
18 2599? And what I'm looking at is on page 4, which is Bates
19 4004. I'm looking at paragraph 4. And it states here:

20 "We felt that the matter should be
21 dealt with. Randy indicated that he
22 was going to see the boy's father. I
23 told him that I trusted his judgment
24 and that was his call."

25 And you spoke -- you were taken to that

1 passage earlier and I believe you said that that was an
2 accurate recollection of the discussion you had?

3 **DET. INSP. MILLAR:** Yes.

4 **MR. THOMPSON:** And so you both agree at that
5 point that it needed to be dealt with?

6 **DET. INSP. MILLAR:** Absolutely.

7 **MR. THOMPSON:** And at that point you still
8 didn't have a complaint, but you both felt it needed to be
9 ---

10 **DET. INSP. MILLAR:** Yes.

11 **MR. THOMPSON:** --- dealt with?

12 **DET. INSP. MILLAR:** Yes.

13 **MR. THOMPSON:** I just want to clarify one
14 thing.

15 There's some discussion in these statements
16 about sort of being careful or keeping your distance and
17 compromising your position, and I take it that that was
18 expressed to you by Murray MacDonald. You understood that
19 that was out of concern because of your position and his
20 position, both as the son and the brother-in-law?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. THOMPSON:** And you both agreed that were
23 there to be a criminal allegation, that would be something
24 that would need to be investigated by -- outside the
25 district?

1 **DET. INSP. MILLAR:** Exactly.

2 **MR. THOMPSON:** And that is in fact what
3 happened?

4 **DET. INSP. MILLAR:** Yes.

5 **MR. THOMPSON:** Is it fair to say that there
6 was that initial disclosure from Murray MacDonald that set
7 into motion these events that led to the investigation and
8 prosecution?

9 **DET. INSP. MILLAR:** Yes.

10 **MR. THOMPSON:** Okay, thank you. Those are
11 all my questions.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Crane?

14 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

15 **MR. CRANE:**

16 **MR. CRANE:** Detective Inspector Millar, my
17 name is Mark Crane and I'm counsel for the Cornwall
18 Community Police Service. I know you've had a long day,
19 sir, so I don't intend to be very long but I do have a few
20 questions about budget and resource requests.

21 **DET. INSP. MILLAR:** Yes.

22 **MR. CRANE:** Following that vein, I'm going
23 to review with you some of your resource requests that
24 arose out of the Leblanc matter and compare these to some
25 other resource issues that were identified by members of

1 the Cornwall Police Service that testified at this Inquiry.
2 All right?

3 And you told us this morning that you worked
4 with the Cornwall Police Service during the early 1990s?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. CRANE:** And I take it that was in
7 regards to some joint force operations?

8 **DET. INSP. MILLAR:** Yes.

9 **MR. CRANE:** And speaking broadly at a high
10 level, we know that police services, whether it's the OPP
11 or the Cornwall Police Service are publicly funded by the
12 taxpayers.

13 **DET. INSP. MILLAR:** Yes.

14 **MR. CRANE:** And they operate within a
15 budget.

16 **DET. INSP. MILLAR:** Yes.

17 **MR. CRANE:** And these budgets assist to
18 define the strength or the number of officers that can be
19 accommodated?

20 **DET. INSP. MILLAR:** That is correct.

21 **MR. CRANE:** And if officers that are -- the
22 size of the complement that has been assigned may be
23 impacted by officers who are on sick leave ---

24 **DET. INSP. MILLAR:** Yes.

25 **MR. CRANE:** --- or on secondment?

1 **DET. INSP. MILLAR:** Yes.

2 **MR. CRANE:** And the actual strength of a
3 detachment or a criminal investigation bureau may be less
4 than what's been authorized. Is that fair?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. CRANE:** And in your experience out of
7 the Leblanc matter, you testified this morning that five
8 officers were on secondment.

9 **DET. INSP. MILLAR:** Yes.

10 **MR. CRANE:** You were -- and looking at
11 Exhibit 2510 and you can just have that handy; I don't have
12 a specific question. But having reviewed that, you spoke
13 about in terms of some of the strains on your officers,
14 that there were a number of homicides ongoing at that time.

15 **DET. INSP. MILLAR:** Yes.

16 **MR. CRANE:** And if those homicides propel
17 forward that that will be a brief to be prepared?

18 **DET. INSP. MILLAR:** Yes.

19 **MR. CRANE:** Preliminary inquiries to be
20 attended to?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. CRANE:** Motions, potentially, for the
23 officers to attend to?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. CRANE:** And in that respect, to the

1 extent the officers are tied up in those arenas, it will
2 limit their ability to progress forward their assignment
3 list?

4 **DET. INSP. MILLAR:** Not just homicides.
5 There was attempt murders and or one attempt murder,
6 robberies and actual sexual assaults and so on.

7 **MR. CRANE:** Right. You were experiencing a
8 busy time?

9 **DET. INSP. MILLAR:** Yes, very busy time.

10 **MR. CRANE:** And it's not only going to
11 impact their ongoing assignment list but also incoming
12 assignments ---

13 **DET. INSP. MILLAR:** Exactly.

14 **MR. CRANE:** --- to be allocated?

15 **DET. INSP. MILLAR:** Yes.

16 **MR. CRANE:** And ultimately you testified
17 that there were a high level of occurrences, right?

18 **DET. INSP. MILLAR:** Yes.

19 **MR. CRANE:** And this is similar to what we
20 heard from Staff Sergeant Brunet when he testified here ---

21 **DET. INSP. MILLAR:** Okay.

22 **MR. CRANE:** --- that when he first arrived
23 in CIB in 1993, that he was experiencing a high level of
24 occurrences and a limited number of resources and as a
25 result, he had choices to make and he prioritized.

1 **DET. INSP. MILLAR:** Yes.

2 **THE COMMISSIONER:** Hold on a minute. Hold
3 on a minute now.

4 **MR. CRANE:** Yes, sir.

5 **THE COMMISSIONER:** Where's the question in
6 there?

7 **MR. CRANE:** I'm getting to my question, sir.

8 **THE COMMISSIONER:** Okay.

9 **MR. CRANE:** Staff Sergeant Brunet testified
10 that he had to prioritize and you testified this morning
11 that you'd had to prioritize as well. Is that correct?

12 **DET. INSP. MILLAR:** Yes, that's correct.

13 **MR. CRANE:** And in fact you stated -- if we
14 turn to Bates page 340 of Exhibit 2510 with regards to
15 prioritization -- Madam Clerk, we're at the top of the
16 second bullet.

17 And this is in regards, just for the record,
18 Detective Inspector Millar, to your interview at the old
19 district headquarters in Belleville on January 11th of '06.

20 **DET. INSP. MILLAR:** Yes.

21 **MR. CRANE:** And you stated at that time,
22 "he" being yourself:

23 "...could not possibly assign
24 investigators to investigate all
25 benchmark crimes as laid down in the

1 crime management plan. It was
2 impossible. So as a manager, he had to
3 prioritize; he had no choice."

4 And that's your recollection of what you
5 would have said?

6 **DET. INSP. MILLAR:** Yes.

7 **MR. CRANE:** And I want to touch on now,
8 Detective Inspector Millar, on how that impacts on some of
9 the officers subordinate to you, that you were overseeing.
10 I take it that those detectives who are available if
11 there's a depleted force, ultimately take on a longer
12 assignment list?

13 **DET. INSP. MILLAR:** Absolutely.

14 **MR. CRANE:** And this can impact upon the
15 strain and the morale of these officers?

16 **DET. INSP. MILLAR:** Yes.

17 **MR. CRANE:** And based upon a review of
18 Exhibit 2520 or 2510, we know of at least one detective
19 constable who asked to be reassigned because she was
20 feeling overworked and overstressed.

21 **DET. INSP. MILLAR:** That is correct.

22 **MR. CRANE:** And you identified her as being
23 burnt out and ready to snap according to this ---

24 **DET. INSP. MILLAR:** Yes, she was tired.

25 **MR. CRANE:** Is it fair to say then that the

1 policing in this region of Ontario is challenging, given
2 its proximity to smuggling and organized crime?

3 **DET. INSP. MILLAR:** Absolutely.

4 **MR. CRANE:** But you still go out and do your
5 job as a professional as best you can with the resources
6 that are available?

7 **DET. INSP. MILLAR:** Yes.

8 **MR. CRANE:** And when people seek to review
9 the conduct of the policing community, it needs to keep in
10 mind that this industry works within the framework of a
11 public budget?

12 **DET. INSP. MILLAR:** That is correct.

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

14 **THE COMMISSIONER:** Is there anything else
15 you want to add after that cross-examination, Mr. Kozloff
16 or Ms. Lahaie?

17 **MR. KOZLOFF:** Do you want me to subject
18 myself to cross-examination by you or do you want me to --
19 good afternoon, Mr. Commissioner.

20 **THE COMMISSIONER:** Good afternoon, sir.

21 **MR. KOZLOFF:** Detective Inspector Millar,
22 you know who I am?

23 **DET. INSP. MILLAR:** Yes, sir.

24 **MR. KOZLOFF:** Neil Kozloff; I represent the
25 Ontario Provincial Police. You will be delighted to know I

1 have no questions for you. Thank you for your evidence.

2 DET. INSP. MILLAR: Thank you, sir.

3 THE COMMISSIONER: Mr. Wallace.

4 MR. WALLACE: Good afternoon, Mr.

5 Commissioner.

6 Inspector Millar, I'll take a pass as well.

7 Thank you.

8 DET. INSP. MILLAR: Thank you.

9 THE COMMISSIONER: Mr. O'Brien.

10 MR. O'BRIEN: I'll be brief, Your Honour.

11 THE COMMISSIONER: We have all night.

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

13 O'BRIEN:

14 MR. O'BRIEN: Can we have Exhibit 2594

15 brought up?

16 THE COMMISSIONER: M'hm.

17 MR. O'BRIEN: That's Document Number 733051.

18 Detective Inspector, I want to take you

19 briefly to the Ron Leroux search.

20 DET. INSP. MILLAR: Yes.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. O'BRIEN: If we could go to the Bates

23 number 712 -- 7412, namely page 2, the diagram?

24 DET. INSP. MILLAR: Yes.

25 MR. O'BRIEN: This is a diagram you prepared

1 during the search?

2 DET. INSP. MILLAR: Yes.

3 MR. O'BRIEN: Just to give us some
4 indication of the size, I take it the upstairs area, that's
5 a one bedroom?

6 DET. INSP. MILLAR: Yes.

7 MR. O'BRIEN: You simply go up the stairs,
8 there's a bedroom, a tub and a closet.

9 DET. INSP. MILLAR: As I recall from my
10 notes here, yes.

11 MR. O'BRIEN: Can you give us any indication
12 of the size of that bedroom; small, medium?

13 DET. INSP. MILLAR: Small.

14 MR. O'BRIEN: And you've noted on this
15 diagram, there's tub and then to the right there's a north-
16 south line.

17 DET. INSP. MILLAR: Yes.

18 MR. O'BRIEN: Do you see that?

19 DET. INSP. MILLAR: Well, actually ---

20 MR. O'BRIEN: Does that say tapes?

21 DET. INSP. MILLAR: --- it's an east-west
22 line.

23 MR. O'BRIEN: Well, I won't debate the
24 directions.

25 DET. INSP. MILLAR: So where it has tapes?

1 **MR. O'BRIEN:** Where it has tapes.

2 **DET. INSP. MILLAR:** Yes.

3 **MR. O'BRIEN:** All right. That's where the
4 tapes were indeed found?

5 **DET. INSP. MILLAR:** Yes.

6 **MR. O'BRIEN:** And you made note of that in
7 the diagram?

8 **DET. INSP. MILLAR:** Yes. Yes.

9 **MR. O'BRIEN:** So we heard evidence yesterday
10 about -- from various people about whether you had an
11 intention of looking for anything other than firearms when
12 you went into that house.

13 **DET. INSP. MILLAR:** No, I did not.

14 **MR. O'BRIEN:** Right.

15 You found tapes and you noted tapes.

16 **DET. INSP. MILLAR:** That's correct.

17 **MR. O'BRIEN:** Correct. And you've noted in
18 the diagram, "Tapes"?

19 **DET. INSP. MILLAR:** Yes.

20 **MR. O'BRIEN:** It doesn't seem to make a lot
21 of sense that if you're trying to find and hide or destroy
22 tapes, that you're leaving a trail in your notes of tapes
23 being found and diagrams of tapes, does it?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. O'BRIEN:** There's been questions about

1 the amount of time you were involved in doing this search -
2 --

3 THE COMMISSIONER: The 11 minutes?

4 MR. O'BRIEN: I'm sorry?

5 THE COMMISSIONER: The 11 minutes, you mean,
6 in finding the ---

7 MR. O'BRIEN: Not only the 11 minutes but
8 the time from finding the tapes to the departure.

9 THE COMMISSIONER: Okay.

10 MR. O'BRIEN: And if we go to the last page
11 of your notes, you're searching at 1435. You find the
12 tapes; correct?

13 DET. INSP. MILLAR: That's correct.

14 MR. O'BRIEN: Forty-two (42), you go
15 outside, you make a call to Project P.

16 DET. INSP. MILLAR: Yes.

17 MR. O'BRIEN: There's no answer. You
18 return. I take it that's relatively shortly, 1443 or
19 whatever.

20 DET. INSP. MILLAR: Yes.

21 MR. O'BRIEN: And you then search for the
22 next 25 minutes or so?

23 DET. INSP. MILLAR: Yes.

24 MR. O'BRIEN: Is that correct?

25 DET. INSP. MILLAR: Yes.

1 **MR. O'BRIEN:** And you then locate a handgun?

2 **DET. INSP. MILLAR:** Yes.

3 **MR. O'BRIEN:** So we now have two handguns.
4 You continue searching to 15:40 when you leave the
5 premises?

6 **DET. INSP. MILLAR:** That's correct.

7 **MR. O'BRIEN:** You went in looking for two
8 handguns and you came out with two handguns?

9 **DET. INSP. MILLAR:** Yes. Not exactly the
10 two that we were looking for, but we came out with two.

11 **MR. O'BRIEN:** And if I could take you
12 briefly to Exhibit 1144; that's the property report.
13 Again, it's conceded that this was not prepared by you?

14 **DET. INSP. MILLAR:** That's correct.

15 **MR. O'BRIEN:** Correct? But it certainly
16 reveals the pornographic tapes were reduced to writing on a
17 report that was visible for others to see, as was the
18 suitcase?

19 **DET. INSP. MILLAR:** Yes.

20 **MR. O'BRIEN:** Correct?

21 **THE COMMISSIONER:** I think I've heard -- you
22 made the point on -- I don't need to hear any more about
23 that he did what he was -- what he intended to do when
24 getting the search. He brought it back and he didn't take
25 any steps with the destruction or anything like that. So I

1 think you're on safe ground now.

2 MR. O'BRIEN: The reference to the statement
3 that Pat Hall took of you in December '98.

4 DET. INSP. MILLAR: Yes.

5 MR. O'BRIEN: That was some five-and-a-half
6 years after the February 10, '93 search?

7 DET. INSP. MILLAR: Yes.

8 MR. O'BRIEN: And your recollection is that
9 you didn't have the assistance of notes. It was, in
10 essence, a cold interview?

11 DET. INSP. MILLAR: That's the only thing I
12 can see. I mean, it's pretty obvious I knew the tapes were
13 there when I go and call Project P.

14 MR. O'BRIEN: All right.

15 If I can move on to the final area, and that
16 deals with Exhibit 2510.

17 THE COMMISSIONER: Twenty-five-ten (2510).

18 MR. O'BRIEN: It's the PSB report. If you
19 could go to page 9 of the report, which is Bates 4338?

20 DET. INSP. MILLAR: Okay.

21 MR. O'BRIEN: And I just want to highlight
22 this briefly, Mr. Commissioner.

23 The predicament you found yourself in in the
24 fall of '98, if you go to the top, we have five of your
25 qualified detectives were seconded to other projects;

1 correct?

2 DET. INSP. MILLAR: Yes.

3 MR. O'BRIEN: And that on the 15th of
4 September, you were sent to Hawkesbury by your superior,
5 Bahm, to deal with a missing female and that ultimately
6 turned into a homicide; correct?

7 DET. INSP. MILLAR: That's correct.

8 MR. O'BRIEN: And you were full-time on that
9 until the 5th of ---

10 THE COMMISSIONER: October.

11 MR. O'BRIEN: --- October?

12 DET. INSP. MILLAR: Yes.

13 MR. O'BRIEN: And then you were further
14 taken away on that particular investigation on October 8th,
15 15th, 16th, November 19th; correct?

16 DET. INSP. MILLAR: Correct.

17 MR. O'BRIEN: We then have heard about your
18 vacation and seminar and training schedules from October
19 through ---

20 DET. INSP. MILLAR: Yes.

21 MR. O'BRIEN: There's also a reference
22 midway down that you had a priority of an attempt murder?

23 DET. INSP. MILLAR: Yes.

24 MR. O'BRIEN: There's an issue of an
25 individual fleeing to the Carolinas; you worked with the

1 FBI to apprehend. He was subsequently apprehended,
2 released, and you did a great deal of work in ensuring his
3 review and he was re-arrested again; correct? That was
4 occupying your time?

5 **DET. INSP. MILLAR:** Yes. Actually, he was
6 put up for a bail review.

7 **MR. O'BRIEN:** Then we had the regular
8 serious variety of matters involving sexual assaults,
9 organized crime, of kidnapped drivers ---

10 **DET. INSP. MILLAR:** Yes.

11 **MR. O'BRIEN:** --- that was occurring;
12 correct?

13 I want to take you now to your supervisors
14 and that's at page 12 of that report and it's at 74341
15 Bates, and this deals with Detective Inspector Jeff Bahm.

16 **DET. INSP. MILLAR:** Actually it's Bahm
17 (Bame).

18 **MR. O'BRIEN:** Sorry.

19 **DET. INSP. MILLAR:** Yes.

20 **MR. O'BRIEN:** And if we go down to the
21 second bullet that's in 1998, he was detective sergeant in
22 the east region and responsible for supervising yourself
23 during September to November of '98?

24 **DET. INSP. MILLAR:** Yes.

25 **MR. O'BRIEN:** See that?

1 He makes reference in the third bullet to
2 the homicides that were in the area and he characterized
3 the east region as being very busy. See that?

4 **DET. INSP. MILLAR:** Yes.

5 **MR. O'BRIEN:** And that you -- on the next
6 bullet that:

7 "Randy approached [him] on a continual
8 basis regarding resources, overworked
9 and undermanned."

10 **DET. INSP. MILLAR:** Yes.

11 **MR. O'BRIEN:** Do you agree with that
12 assessment of that?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. O'BRIEN:** Further on, that he was not
15 aware of the incident regarding Mr. Leblanc at the time but
16 learnt of it from Pat Hall prior to his retirement?

17 **DET. INSP. MILLAR:** Yes.

18 **MR. O'BRIEN:** I want to go to the next
19 supervisor that took over, and that's Terry Bladon, who's
20 at the bottom of that page.

21 **DET. INSP. MILLAR:** Yes.

22 **MR. O'BRIEN:** If we go to the top of
23 page 13, third bullet, we indicate he came on board
24 essentially November 9th to the crime unit.

25 **DET. INSP. MILLAR:** Yeah.

1 **MR. O'BRIEN:** See that?

2 **DET. INSP. MILLAR:** Yes.

3 **MR. O'BRIEN:** And the fourth bullet:

4 "He became aware of the complaint
5 against Randy Millar about one year to
6 a year-and-a-half ago and that Millar
7 had been..."

8 I'm sorry, the next bullet is he had made
9 notes when he came into the unit that:

10 "...Millar had been under severe strain
11 over staffing."

12 **DET. INSP. MILLAR:** Yes.

13 **MR. O'BRIEN:** Further, in the next bullet:

14 "That there were a continuous of number
15 of incidents in Millar's jurisdiction,
16 basically running from one call to the
17 other and asking for help."

18 **DET. INSP. MILLAR:** Yes.

19 **MR. O'BRIEN:** You agree with that
20 assessment?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. O'BRIEN:** Further on, there's a
23 reference on November 16th about receiving a call from
24 yourself and that you were having staffing problems due to
25 four different homicides and attempt murders that you were

1 working on?

2 **DET. INSP. MILLAR:** Yes.

3 **MR. O'BRIEN:** And you advised that you were
4 going to meet with Superintendent Fougère on the 21st about
5 the staffing issues?

6 **DET. INSP. MILLAR:** Yes.

7 **MR. O'BRIEN:** The next bullet talks about --
8 November 25th and Bladon talking to you, and that you had a
9 number of cases and there were major concerns regarding the
10 high-profile cases and, again, staffing issues?

11 **DET. INSP. MILLAR:** Yes.

12 **MR. O'BRIEN:** Two more bullets down, that on
13 November 26th he references that you had a lot of staffing
14 issues and concerns because of the number of detectives
15 that you had available?

16 **DET. INSP. MILLAR:** Yes.

17 **MR. O'BRIEN:** And he indicates various ones
18 who have been seconded to Project Toy, Project Truth; that
19 in essence you had two acting detectives.

20 And the last bullet at the bottom of the
21 page is that the contract at the time called for eight
22 detectives:

23 "On paper, Millar had seven detectives
24 but actually full-time detectives he
25 only had three and three were acting."

1 See that?

2 DET. INSP. MILLAR: Yes.

3 MR. O'BRIEN: If we could go to the next
4 page, he references that those three latter detectives were
5 still trying to learn the job; you had four full-time
6 detectives seconded away from the unit?

7 DET. INSP. MILLAR: Yes.

8 MR. O'BRIEN: Do you agree with his
9 assessment of your situation?

10 DET. INSP. MILLAR: Yes.

11 MR. O'BRIEN: He then references again the
12 various homicides, motions, shootings, outstanding
13 homicides again, through these various bullets. Do you see
14 that?

15 DET. INSP. MILLAR: Yes.

16 MR. O'BRIEN: Including an attempt murder,
17 shootings. Midway down he indicates:

18 "Millar indicated that all the major
19 cases that were under investigation or
20 in court were under control but
21 barely."

22 DET. INSP. MILLAR: Yes.

23 MR. O'BRIEN: See that reference?

24 He further talks about the other shopping
25 list of cases that were going on: heavy equipment thefts,

1 various firearm offences, involvement with Hells Angels?

2 **DET. INSP. MILLAR:** Yes.

3 **MR. O'BRIEN:** Do you see that?

4 Second-last bullet, he notes that:

5 "Randy had several discussions with
6 both Carson Fougère and Ian Grant over
7 the issues of staffing. Fougère had
8 made it clear that he had no more
9 bodies available to put in the crime
10 unit and Bladon reiterated that
11 statement to Randy."

12 Do you agree with that assessment?

13 **DET. INSP. MILLAR:** Yes.

14 **MR. O'BRIEN:** On the last page,

15 Mr. Commissioner, page 15 of this report, 344 Bates, Bladon
16 in the first bullet explains some of the issues of the
17 region regarding budget and staffing, and that they would
18 try to get him some more officers for the next contract.

19 **DET. INSP. MILLAR:** Yes.

20 **MR. O'BRIEN:** The next bullet indicates that
21 people -- that you had been using various people where you
22 could to assist with surveillance:

23 "...but there were so many cases on the
24 go, he didn't have any more resources
25 to assign anything."

1 **DET. INSP. MILLAR:** Yes.

2 **MR. O'BRIEN:** Do you agree with that
3 assessment ---

4 **DET. INSP. MILLAR:** Yes.

5 **MR. O'BRIEN:** --- of your predicament?

6 If we go down to the fifth bullet, it is
7 Bladon's observations that every time Bladon turned around:

8 "...Millar had a death investigation in
9 the middle of the night. He was
10 running, literally, over time trying to
11 keep up with his unit, and very little
12 resources to do the job. He ran out of
13 people to assign things to."

14 **DET. INSP. MILLAR:** Yes.

15 **MR. O'BRIEN:** Two further bullets down,
16 Bladon indicates that they eventually got up to ten
17 detectives; around 2001.

18 They talk in the second last bulletin
19 (sic) -- this is after he reviews the OMPPAC and believes
20 there's no indication of criminal activity.

21 He also indicates that when he heard about
22 the OMPPAC incident, his observations of Randy Millar was
23 that:

24 "He has always been very conscientious,
25 involved in a number of investigations

1 that Bladon had experience with." He
2 was not one to shirk his duties. He
3 was quite concerned that he couldn't
4 keep a lid on things, that he needed
5 more resources, and that he had made
6 those efforts, talking to all the
7 people he could to try and find
8 resources." Bladon had a hard time
9 finding fault with Millar, as he had
10 worked in the crime units most of his
11 career. Detective sergeants have a lot
12 of pots on the stove at any given time.
13 Resource issues are often the biggest
14 frustration."

15 And, finally, he concludes:

16 "As far as Randy's abilities, he would
17 never make a conscious decision to
18 neglect something, particularly
19 something of this nature."

20 Would you agree with that assessment?

21 **DET. INSP. MILLAR:** Yes.

22 **MR. O'BRIEN:** Thank you, sir. Those are my
23 questions.

24 **THE COMMISSIONER:** Ms. Jones, do you have
25 any questions?

1 **MS. JONES:** I have no questions, thank you.

2 **THE COMMISSIONER:** Mr. Millar, thank you
3 very much for your attendance. I appreciated your
4 testimony and I certainly will consider it when writing up
5 my report.

6 **DET. INSP. MILLAR:** Thank you, sir.

7 **THE COMMISSIONER:** Thank you very much.
8 We can call it a night? Thank you.

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

11 This hearing is adjourned until tomorrow
12 morning at 9:30.

13 --- Upon adjourning at 5:22 p.m./

14 L'audience est ajournée à 17h22

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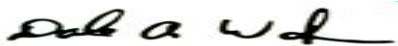
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM