

**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 162

Held at :

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

Monday, November 19 2007

Tenue à:

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

Lundi, le 19 novembre 2007

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Christine Morris	Commission Counsel
Ms. Mary Simms	
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
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 Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Mr. Carson Chisholm

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1 --- Upon commencing at 1:10 p.m./ L'audience débute à 13h10

2 **THE REGISTRAR:** This hearing of the Cornwall
3 Public Inquiry is now in session. The Honourable Mr.
4 Justice Normand Glaude, Commissioner, presiding.

5 Please be seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you.

7 Good afternoon, all.

8 Good afternoon, Ms. Simms.

9 **MS. SIMMS:** Good afternoon.

10 **THE COMMISSIONER:** It might be time to put
11 on heating. Does anybody agree with that?

12 **MS. SIMMS:** I would appreciate that.

13 **THE COMMISSIONER:** Okay. Sure.

14 Mind you, I was in the lake myself this
15 weekend.

16 All right. Are you ready? We can begin.

17 ---EXHIBITS PRESENTATION BY/PRÉSENTATIONS D'ÉXHIBITS PAR

18 **MS. SIMMS:**

19 **MS. SIMMS:** Mr. Commissioner, I'm here this
20 afternoon seeking to introduce an overview of documentary
21 evidence ---

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

23 **MS. SIMMS:** --- with respect to an
24 individual named Nelson Barque.

25 **THE COMMISSIONER:** Yes.

1 **MS. SIMMS:** For context, Mr. Barque was
2 employed as a probation officer in Cornwall. He left
3 Probation in the context of an investigation into his
4 conduct with probationers. He later pled guilty to the
5 charge of indecent assault with respect to one former
6 probationer, and there were further allegations made
7 against him. Mr. Barque died on June 28th 1998, so
8 obviously he is not available to give evidence.

9 We are seeking to introduce this overview to
10 give yourself and the public a better understanding of Mr.
11 Barque's place in this Inquiry. The overview has, once
12 again, been circulated and we've received comments from
13 counsel and incorporated many of them into the final
14 document. And so what we're seeking to do today is
15 introduce the overview as an exhibit subject to a
16 publication ban, and also introduce the accompanying
17 documents and then read the overview into the record.

18 **THE COMMISSIONER:** Okay. And the overview
19 would be subject to a publication ban why?

20 **MS. SIMMS:** It is subject to the publication
21 ban, and this is actually another issue that has to be
22 addressed, there's one individual in particular -- there's
23 more than one individual named in the ode who has a
24 publication ban ---

25 **THE COMMISSIONER:** Right.

1 **MS. SIMMS:** --- on their identity. There's
2 one individual in particular who is named in the ode who
3 has been granted a publication ban by you on November 8th of
4 last year.

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

6 **MS. SIMMS:** He has not yet been assigned a
7 moniker but I would ask that he be assigned a moniker
8 today.

9 **THE COMMISSIONER:** We'll have to do that in
10 camera.

11 **MS. SIMMS:** Well, we could. If it's
12 acceptable to you, I could direct you to where he is
13 identified in the ode and we can do it that way.

14 **THE COMMISSIONER:** Well, I'd prefer not to.
15 I'd prefer to have it live and in the flesh.

16 **MS. SIMMS:** Okay.

17 **THE COMMISSIONER:** But we can do is at the
18 end of the day when everyone is gone, I can just go on the
19 record and confirm in camera what it is so we have a
20 visual.

21 **MS. SIMMS:** Absolutely. Okay.

22 **THE COMMISSIONER:** And an auditory.

23 **MS. SIMMS:** So if there are no comments,
24 I'll just start by introducing the ode ---

25 **THE COMMISSIONER:** Very well.

1 MS. SIMMS: --- as the next exhibit.

2 THE COMMISSIONER: M'hm.

3 MS. SIMMS: And that's Exhibit 866.

4 THE COMMISSIONER: Thank you. Eight-six-six
5 (866) is the overview of documentary evidence of Nelson
6 Barque.

7 ---EXHIBIT NO./ PIÈCE NO P-866:

8 Overview of Documentary Evidence -
9 Nelson Barque

10 MS. SIMMS: And it is subject to a
11 publication ban.

12 THE COMMISSIONER: It is subject to a
13 publication ban.

14 Now, again, why we say that there is a
15 publication ban is simply as an aid to media so that they -
16 - or the public when they come in so that they're aware
17 that there is a publication ban and it's up to them to do
18 their due diligence to ensure that the ban is respected.

19 MS. SIMMS: That's right.

20 THE COMMISSIONER: Thank you.

21 MS. SIMMS: All right.

22 Shall we proceed to the next exhibit?

23 THE COMMISSIONER: Yes.

24 MS. SIMMS: Okay. The next exhibit is Doc
25 Number 100079.

1 **THE COMMISSIONER:** So I take it you're going
2 to file all of the exhibits and then we're going to read
3 through it?

4 **MS. SIMMS:** Yes, Mr. Commissioner.

5 **THE COMMISSIONER:** All right.

6 So Exhibit 867 is an Ontario Superior Court
7 of Justice decision ---

8 **MS. SIMMS:** Mr. Commissioner, sorry, I have
9 a note in here that it's an excerpt from a larger document
10 as well.

11 **THE COMMISSIONER:** So.

12 **MS. SIMMS:** So I should give you the excerpt
13 number. It's 1000317 to 32.

14 **THE COMMISSIONER:** Okay. In any event, what
15 it is, it's not a decision. It's an amended amended
16 statement of claim of a bunch of folks who are known under
17 initials against Her Majesty the Queen in Right of Ontario.

18 **---EXHIBIT NO./ PIÈCE NO P-867:**

19 (100079 1000317-32) Amended Statement
20 of Claim

21 **MS. SIMMS:** Yes, and that is subject to the
22 publication ban from that proceeding.

23 **THE COMMISSIONER:** Okay.

24 **MS. SIMMS:** The next is document number
25 100288 and it will be marked as Exhibit 868.

1 **THE COMMISSIONER:** And that's a copy of the
2 -- for the first page of an information where Nelson Barque
3 is the named accused.

4 **---EXHIBIT NO./ PIÈCE NO P-868:**

5 (100288) Information, R. v. Barque

6 **MS. SIMMS:** The next Document Number is
7 100572 and it is -- asking that it be marked as Exhibit
8 869.

9 **THE COMMISSIONER:** Yes. That's a letter
10 from Mr. Peter Sirrs to Pierre Landry, Executive Director
11 of L'Équipe Psycho-Sociale dated August 23rd, 1982.

12 **---EXHIBIT NO./ PIÈCE NO P-869:**

13 (100572) Letter from Sirrs to Landry
14 dated 23 Aug 1982 with handwritten
15 notes

16 **MS. SIMMS:** The next is Document Number
17 100703 and we ask that it be made Exhibit 870.

18 **THE COMMISSIONER:** This is a letter dated
19 May 3rd, 1982 delivered by hand to Mr. Nelson Barque from
20 Dickson Taylor, Director of Probation and Parole Services.

21 **---EXHIBIT NO./ PIÈCE NO P-870:**

22 (100703) Letter from Dickson E. Taylor
23 to Nelson Barque dated 3 May 1982

24 **MS. SIMMS:** The next is Document Number
25 100719 and we ask that it be Exhibit 871.

1 **THE COMMISSIONER:** That is an employee
2 annual appraisal report form for Mr. Barque, August -- when
3 is this dated -- April, 1981.

4 **---EXHIBIT NO./ PIÈCE NO P-871:**

5 (100719) Employee Annual Appraisal
6 Report Form dated Apr. 1981

7 **MS. SIMMS:** The next is Document Number
8 100725 and we ask that it be Exhibit 872.

9 **THE COMMISSIONER:** Again, an employee annual
10 appraisal report form for Nelson A. Barque dated March,
11 1980.

12 **---EXHIBIT NO./ PIÈCE NO P-872:**

13 (100725) Employee Annual Appraisal
14 Report Form dated May 1980

15 **MS. SIMMS:** The next document is 100727 and
16 we ask that it be Exhibit 873.

17 **THE COMMISSIONER:** This is a group insurance
18 application or change form for Nelson Barque April -- no,
19 no -- some kind of group insurance application form. In
20 any event, it's dated April 17th, 1980, signed by P.L.
21 Couture.

22 **---EXHIBIT NO./ PIÈCE NO P-873:**

23 (100727) Group Insurance Application or
24 Change Form dated 17 Apr 80

25 **MS. SIMMS:** The next is Document Number

1 100728 and we ask that it be Exhibit 874.

2 **THE COMMISSIONER:** Now, what is this? What
3 do we call this? This is a ---

4 **MS. SIMMS:** It's another appraisal report --
5 -

6 **THE COMMISSIONER:** Yes, yes.

7 **MS. SIMMS:** --- form.

8 **THE COMMISSIONER:** And it's dated April 23rd,
9 1979.

10 ---EXHIBIT NO./ PIÈCE NO P-874:

11 (100728) Employee Annual Appraisal
12 Report Form dated 23 Apr 1979

13 **MS. SIMMS:** The next is Document Number
14 100732 and we ask that it be Exhibit 875.

15 **THE COMMISSIONER:** This is a memo to Mr.
16 Toffelmire, Regional Administrator, from Mr. Mitchell dated
17 June 2nd, 1978.

18 ---EXHIBIT NO./ PIÈCE NO P-875:

19 (100732) Memorandum from Mitchell to
20 Toffelmire dated 31 May 1978

21 **MS. SIMMS:** I think it's dated May 31st,
22 1978. It's stamped received on a different date.

23 **THE COMMISSIONER:** Okay. You're right, May
24 31st, 1978. Thank you.

25 **MS. SIMMS:** The next is Document Number

1 100734 and we ask that be Exhibit 876.

2 **MS. SIMMS:** All right.

3 This is an inter-office memo to personnel
4 from someone regarding Nelson Barque, removal of under
5 fill, and -- I don't know. Anyways, it's an office memo
6 and it's dated June 29th, 1978?

7 **MS. SIMMS:** Yes.

8 **THE COMMISSIONER:** Thank you.

9 **---EXHIBIT NO./ PIÈCE NO P-876:**

10 (100734) Inter-office memo to personel
11 from unknown re: Nelson Barque, dated
12 June 29th, 1978

13 **MS. SIMMS:** The next is Document Number
14 100736 and we ask that it be Exhibit 877.

15 **THE COMMISSIONER:** This is another employee
16 annual appraisal report form on Mr. Barque and it's dated
17 the 1st of February 1978.

18 **---EXHIBIT NO./ PIÈCE NO P-877:**

19 (100736) Employee Annual Appraisal
20 Report Form dated 1 Feb 1978

21 **MS. SIMMS:** The next is Document Number
22 100738 and we ask that it be Exhibit 878.

23 **THE COMMISSIONER:** Again, an employee annual
24 appraisal report form dated August 7th, 1977.

25 **---EXHIBIT NO./ PIÈCE NO P-878:**

1 (100738) Employee Annual Appraisal
2 Report Form date 7 Aug 1977

3 **MS. SIMMS:** The next is Document Number
4 100740 and we ask that it be Exhibit 879.

5 **THE COMMISSIONER:** The same employee annual
6 appraisal report form dated February, 1977.

7 **---EXHIBIT NO./ PIÈCE NO P-879:**

8 (100740) Employee Annual Appraisal
9 Report Form dated 1 Feb 1978

10 **MS. SIMMS:** The next is Document Number
11 100745 and we ask that it be marked as Exhibit 880.

12 **THE COMMISSIONER:** Again, an employee annual
13 appraisal report form dated July 28th, 1976.

14 **---EXHIBIT NO./ PIÈCE NO P-880:**

15 (100745) Employee Annual Appraisal
16 Report Form dated 28 Jul 1976

17 **MS. SIMMS:** The next is Document Number
18 100750 and we ask that it be Exhibit 881.

19 **THE COMMISSIONER:** An employee status change
20 form dated March 18th, 1976.

21 **---EXHIBIT NO./ PIÈCE NO P-881:**

22 (100750) Employment Status Change
23 Form, dated 18 Mar 1976

24 **MS. SIMMS:** The next document is document
25 100752 and we ask that it be Exhibit 882.

1 **THE COMMISSIONER:** Employee annual appraisal
2 report form dated January, 1976.

3 **---EXHIBIT NO./ PIÈCE NO P-882:**

4 (100752) Employee Annual Appraisal
5 Report Form dated Jan 1976

6 **MS. SIMMS:** The next is 100753 and we ask
7 that it be Exhibit 883.

8 **THE COMMISSIONER:** Employee annual appraisal
9 report form, dated June, 1975.

10 **--- EXHIBIT NO./PIÈCE NO 883**

11 (100753) Employee Annual Appraisal
12 Report Form dated June 1975

13 **MS. SIMMS:** The next document is document
14 100756 and we ask that it be Exhibit 884.

15 **THE COMMISSIONER:** Employee status change,
16 and no date? There's a stamp dated June 16, 1975.

17 **---EXHIBIT NO./PIÈCE NO 884:**

18 (100756) Employee Status Change Form

19 **MS. SIMMS:** There are now two documents that
20 we would ask that they be marked as one exhibit. They've
21 been changed into two document numbers but it's really one
22 document.

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

24 **MS. SIMMS:** So those are Document Numbers
25 100758 and 100759 and we ask they be marked jointly as

1 Exhibit 885.

2 **THE COMMISSIONER:** Right. All right, so
3 it's an employee annual appraisal report form.

4 **MS. SIMMS:** I think it's dated January 20th,
5 1975.

6 **THE COMMISSIONER:** Yes, you're right, thank
7 you.

8 --- **EXHIBIT NO./PIÈCE NO 885:**

9 (100759) Employee Annual Appraisal
10 Report Form dated 20 Jan 1975

11 **MS. SIMMS:** The next document is 100760 and
12 we ask that be Exhibit 886.

13 **THE COMMISSIONER:** This is a letter to Mr.
14 K. Mitchell from J. B. Whibbs, W-H-I-B-B-S, dated
15 August 2nd, 1974.

16 --- **EXHIBIT NO./PIÈCE NO 886:**

17 (100760) Letter to Mr. K. Mitchell from
18 J.V. Whibbs dated 2 August 1974

19 **MS. SIMMS:** The next is Document Number
20 100770 and we ask that be Exhibit 887.

21 **THE COMMISSIONER:** All right. This is a
22 diploma from the University of Montreal, Arts Faculty, for
23 Nelson Barque dated September 3rd, 1970.

24 --- **EXHIBIT NO./PIÈCE NO 887:**

25 (100770) Copy of degree, University of

1 Montreal, dated 3 September 1970.

2 MS. SIMMS: The next is document 100771 and
3 we ask that be Exhibit 888.

4 THE COMMISSIONER: Okay. This is another
5 ---

6 MS. SIMMS: I believe this is an application
7 for employment.

8 THE COMMISSIONER: Okay. And can we see a
9 date on this?

10 MS. SIMMS: It appears to be undated.

11 THE COMMISSIONER: Okay, undated.

12 So, just a second, it's an application by
13 Nelson Barque to the Ontario Public Service.

14 So that will give us a little bit of a
15 description for it in any event.

16 --- EXHIBIT NO./PIÈCE NO 888:

17 (100771) Application for Employment

18 MS. SIMMS: And the next document is 100772.
19 We ask that it be Exhibit 889.

20 THE COMMISSIONER: This is Mr. Barque's
21 resume I take it?

22 MS. SIMMS: Yes, it is.

23 THE COMMISSIONER: All right.

24 --- EXHIBIT NO./PIÈCE NO 889:

25 (100772) CV of Nelson Barque

1 **MS. SIMMS:** The next document is Document
2 Number 109067 and we ask that be Exhibit 890.

3 **THE COMMISSIONER:** All right. This is an
4 order from the Superior Court of Justice dealing with --
5 that gentleman's name is not subject to a ban ---

6 **MS. SIMMS:** I believe it's been ---

7 **THE COMMISSIONER:** --- lifted? Yes.

8 He testified in here, in any event, I
9 thought.

10 So *Mr. Albert Roy and Her Majesty the Queen*
11 *v. Mr. Nelson Barque et al*, and just take out "Ken Seguin".

12 --- **EXHIBIT NO./PIÈCE NO 890:**

13 (109067) Order -- Mr. Albert Roy v.
14 Estate of Nelson Barque et al

15 **MS. SIMMS:** The next document is Document
16 Number 115435.

17 **THE COMMISSIONER:** This is a case note with
18 respect to Mr. Barque and ---

19 **MS. SIMMS:** Dated November 28th, 1994.

20 **THE COMMISSIONER:** Where do you see -- yes,
21 yes, thank you very much.

22 **MS. SIMMS:** And that's Exhibit 891.

23 **THE COMMISSIONER:** Yes.

24 --- **EXHIBIT NO./PIÈCE NO 891**

25 (115435) Case note of Bill Carriere

1 dated 28 November 1994

2 **MS. SIMMS:** The next document is 115508 and
3 we ask that it be Exhibit 892.

4 **THE COMMISSIONER:** Yes. this is Stormont
5 Dundas & Glengarry Child Abuse Prevention Council
6 Newsletter, dated October 1985.

7 --- **EXHIBIT NO./PIÈCE NO 892:**

8 (115508) Stormont, Dundas and Glengarry
9 Child Abuse Prevention Council Bulletin
10 dated October 1985

11 **MS. SIMMS:** The next document is Document
12 Number 115910 and we ask that it be Exhibit 893.

13 **THE COMMISSIONER:** This is a statement of
14 claim in the Ontario Court (General Division), between
15 *Albert Roy and Her Majesty the Queen v. the Estate of Ken*
16 *Seguin and Nelson Barque*. It is dated the 15th of July,
17 1996.

18 --- **EXHIBIT NO./PIÈCE NO 893:**

19 (115910) Statement of Claim, Roy v. the
20 Crown et al., dated 15 July 1996

21 **MS. SIMMS:** The next is Document Number
22 115942 and we ask that it be Exhibit 894.

23 **THE COMMISSIONER:** This is a letter of
24 resignation from Mr. Barque, I believe, to Mr. Peter Sirrs,
25 the Ministry of Correction Services, dated May 5th, 1982.

1 --- EXHIBIT NO./PIÈCE NO 894:

2 (115942) Letter of Resignation dated 5
3 May 1982

4 **MS. SIMMS:** The next document is Document
5 Number 115943 and we would ask that it be Exhibit 895.

6 **THE COMMISSIONER:** This is an attachment,
7 number 4, it says, dated May 6th, 1982. It appears to be a
8 statement of Mr. Barque -- Nelson Barque.

9 --- EXHIBIT NO./PIÈCE NO 895:

10 (115943) Statement, Nelson Barque to
11 Inspector C.L. McMaster dated 6 May
12 1982

13 **MS. SIMMS:** The next document is Document
14 Number 115944 and we ask that it be Exhibit 896.

15 **THE COMMISSIONER:** This is an in-take
16 information? The name's been erased, I guess?

17 Oh, wait a minute, wait a minute. This
18 looks like a probation order.

19 **MS. SIMMS:** I think it's an in-take sheet
20 with an attached probation order.

21 **THE COMMISSIONER:** Yes. Okay, and I just
22 want to get it -- all right ---

23 **MS. SIMMS:** I can confirm that this
24 individual hasn't requested any confidentiality measures.

25 **THE COMMISSIONER:** Is he aware of these

1 proceedings?

2 **MS. SIMMS:** My friend advises that he
3 represents Mr. Sheets and he doesn't want any
4 confidentiality measures.

5 **THE COMMISSIONER:** Fine.

6 So this is a probation order and in-take
7 sheet where Mr. Sheets has a probation order dated the 14th
8 of January, 1982.

9 --- **EXHIBIT NO./PIÈCE NO 896:**

10 (115944) Intake Sheet and Probation
11 Order, Robert Sheets, dated 14 January
12 1982

13 **MS. SIMMS:** The next document is document
14 115945. The subject in this document is -- or the
15 individual is subject to a probation order -- I'm sorry,
16 publication ban, so it should be marked as subject to
17 publication ban and Exhibit 897.

18 **THE COMMISSIONER:** So we're just going to
19 say that this is a statement taken in respect to Mr.
20 Barque's investigation?

21 **MS. SIMMS:** Well, if you would like us to
22 use the next moniker ---

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

24 **MS. SIMMS:** --- this is the individual who
25 will be assigned a moniker, so ---

1 THE COMMISSIONER: Right.

2 MS. SIMMS: --- it could be the statement of
3 C-44.

4 THE COMMISSIONER: C-44.

5 Madam Clerk, please remind to go in camera
6 at one point and put the note on this?

7 Thank you.

8 --- EXHIBIT NO./PIÈCE NO 897:

9 (115945) Statement C-44 to Inspector C.

10 L. McMaster

11 MS. SIMMS: The next ---

12 THE COMMISSIONER: Just a second now.

13 MS. SIMMS: Sorry.

14 THE COMMISSIONER: Have we granted him --
15 how does he come about his confidentiality measures?

16 MS. SIMMS: I've reviewed -- my friend had
17 mentioned it and I reviewed the transcripts for
18 November 8th ---

19 THE COMMISSIONER: Yes.

20 MS. SIMMS: --- of 2006, and at that time
21 this Inquiry granted him ---

22 THE COMMISSIONER: Okay.

23 MS. SIMMS: --- an application ban.

24 THE COMMISSIONER: Fine.

25 MS. SIMMS: So the next document is 115946.

1 We'd ask that it be subject to a full publication ban and
2 that it be marked Exhibit 898.

3 **THE COMMISSIONER:** And the publication ban's
4 in favour of the person who is the subject of this
5 probation order?

6 **MS. SIMMS:** Yes.

7 **THE COMMISSIONER:** Okay, do we have a
8 moniker for this person?

9 **MS. SIMMS:** This is the same.

10 **THE COMMISSIONER:** The same person?

11 **MS. SIMMS:** The same person.

12 **THE COMMISSIONER:** I'm sorry. Okay, so C-44
13 and this document is dated the 23rd of December, 1981.

14 --- **EXHIBIT NO./PIÈCE NO 898:**

15 (115946) Intake Information C-44 dated
16 23 December 1981

17 **MS. SIMMS:** The next document is 115948 and
18 we would ask that be Exhibit 899.

19 **THE COMMISSIONER:** All right. Well, there
20 are two things on this document, is that right? There's a
21 memo -- an action memo, like a telephone message, and
22 there's a back page. Is that right?

23 **MS. SIMMS:** That's right.

24 **THE COMMISSIONER:** So the memo is dated June
25 28th or 29th, 1982 to Mr. A. Campbell -- or Teggert, and

1 there's a letter at the back dated June 22nd, 1982, from
2 Mr. Johnson, Crown Attorney, to Correction Services.

3 **--- EXHIBIT NO./PIÈCE NO 899:**

4 (115948) Letter from Don Johnson to C.
5 L. McMaster dated 22 June 1982

6 **THE COMMISSIONER:** Ms. Simms, are you the
7 one who last time put in a whole bunch of exhibits as well?

8 **MS. SIMMS:** Yes, Mr. Commissioner, and
9 that's a process I have to be going through to ---

10 **THE COMMISSIONER:** Oh, no, no, no. You
11 might be getting a reputation.

12 **MS. SIMMS:** No, no, those are -- the name
13 marked as "Interim" and you'll find there are far fewer
14 documents here than last time.

15 **THE COMMISSIONER:** All right.

16 **MS. SIMMS:** I hope.

17 The next is Document Number 115952.

18 **THE COMMISSIONER:** This is Exhibit 900.
19 It's a letter -- it's a memorandum to Mr. Dickson Taylor
20 from the Regional Administrator, Mr. Toffelmire, T-O-F-F-E-
21 L-M-I-R-E and that's Exhibit 900.

22 **--- EXHIBIT NO./PIECE NO 900:**

23 (115952) Memo to Taylor from Toffelmire
24 re: Sirrs initial investigation of
25 Nelson Barque

1 **MS. SIMMS:** The next is Document Number
2 115953. We ask that it be subject to a publication ban;
3 there's mention of C-44.

4 **THE COMMISSIONER:** Okay. So this is a
5 statement of C-44 dated May 4th, 1982?

6 **MS. SIMMS:** It's actually a statement of
7 Robert Sheets.

8 **THE COMMISSIONER:** Oh, it is?

9 **MS. SIMMS:** But there are other names there.

10 **THE COMMISSIONER:** All right, I'm sorry.
11 Okay, sorry. It is a statement of Robert Sheets. It's
12 dated May 4th, 1982.

13 --- EXHIBIT NO./PIÈCE NO 901:

14 (115953) Handwritten Statement by
15 Robert Sheets to Clair McMaster dated 4
16 May 1982

17 **MS. SIMMS:** The next document is Document
18 Number 115954 and we ask that it be Exhibit 902 and subject
19 to a publication ban.

20 **THE COMMISSIONER:** All right. But this is
21 the statement of Mr. Nelson Barque?

22 **MS. SIMMS:** Yes.

23 **THE COMMISSIONER:** May 6th, 1982.

24 ---EXHIBIT NO./PIÈCE NO P-902:

25 (115954) Handwritten Statement by

1 Nelson Barque to Insp. C. McMaster
2 dated May 6, 1982

3 **MS. SIMMS:** The next is Document Number
4 115960 and we ask that it be Exhibit 905. Oh, sorry, 903.

5 **THE COMMISSIONER:** That's a letter to Mr.
6 Don Johnson, Crown Attorney, dated June 14th, 1982, signed
7 by C.L. McMaster, Ministry of Correction Services.

8 **---EXHIBIT NO./PIÈCE NO P-903:**

9 (115960) Letter fr C.L. McMaster to Don
10 Johnson dated 14 Jun 1982

11 **MS. SIMMS:** The next document is 115961. It
12 should be subject to a publication ban and we ask that it
13 be Exhibit 904.

14 **THE COMMISSIONER:** Confidential report to
15 Mr. Toffelmire dated April 20th, 1982 from Mr. Sirrs, S-I-R-
16 R-S, Area Manager, Cornwall.

17 **---EXHIBIT NO./PIÈCE NO P-904:**

18 (115961) Confidential Report to Mr.
19 Toffelmire fr Mr. Sirrs

20 **MS. SIMMS:** The next is Document Number
21 115979 and we ask that it be Exhibit 905.

22 **THE COMMISSIONER:** This is a work
23 performance record of Nelson Barque, dated May 11th, 1982.

24 **---EXHIBIT NO./PIÈCE NO P-905:**

25 (115979) Work Performance Record dated 11

1 May 1982

2 **MS. SIMMS:** The next document is document
3 116128 and we ask that it be Exhibit 906.

4 **THE COMMISSIONER:** All right. And this one
5 has publication ban on it, on this transcript. Has that
6 been lifted or is it continued?

7 **MS. SIMMS:** It's my belief that it has been
8 lifted, but if you'd like to mark it on an interim basis I
9 could check that.

10 **THE COMMISSIONER:** In any event, it's the
11 plea of guilt before Mr. Justice Renaud on the 10th day of
12 July, 1995 and it's a plea of guilt of Mr. Barque.

13 ---EXHIBIT NO./PIÈCE NO P-906:

14 (116128) Transcript, *R. v. Nelson*
15 *Barque* dated 10 Jul 1995 (Guilty Plea)

16 **MS. SIMMS:** The next is Document Number
17 117613. It should be subject to a publication ban and it
18 is -- we're asking that it be Exhibit 907.

19 **THE COMMISSIONER:** All right. And the
20 person who is giving this statement ---

21 **MS. SIMMS:** This person -- I believe is
22 subject to a publication ban in a civil matter; the person
23 who's giving this statement.

24 **THE COMMISSIONER:** Okay.

25 **MS. SIMMS:** He doesn't have a moniker in

1 these proceedings, so ---

2 **THE COMMISSIONER:** Then we should ---

3 **MS. SIMMS:** Sorry.

4 **THE COMMISSIONER:** Then we should give him a
5 moniker as well; right?

6 **MS. SIMMS:** We can do that, yes.

7 **THE COMMISSIONER:** So C-45 and we'll confirm
8 that.

9 And so C-45's video-taped interview report
10 on the 3rd of October 1997 at the Kanata OPP Detachment.

11 ---EXHIBIT NO./PIÈCE NO P-907:

12 (117613) Video-taped Interview Report
13 C-45

14 **MS. SIMMS:** The next document is Document
15 Number 124027 and we ask that be Exhibit 908.

16 **THE COMMISSIONER:** Coroner's investigation
17 statement. I'm just trying to find a date. Can you help
18 me out here?

19 **MS. SIMMS:** I think the date's illegible
20 from ---

21 **THE COMMISSIONER:** Well, let's put -- it
22 doesn't matter -- it's Coroner's investigation statement of
23 Mr. Barque, and that should be enough. And just for the
24 record, the Coroner's case number is 9808137. That'll be
25 enough.

1 **---EXHIBIT NO./PIÈCE NO P-908:**

2 (124027) Coroner's Investigation
3 Statement

4 **MS. SIMMS:** Next document is Document Number
5 124030 and we'd ask that be Exhibit 909.

6 **THE COMMISSIONER:** This is a letter
7 from Mr. Barque to le Directeur exécutif -- I don't know
8 what -- dated the 12th day of July, 1982.

9 **MS. SIMMS:** I think it does refer to the
10 L'Équipe Psycho-Sociale in the letter.

11 **THE COMMISSIONER:** Oh yes, it does. Yes.

12 **---EXHIBIT NO./PIÈCE NO P-909:**

13 (124030) Letter from N. Barque to
14 Directeur exécutif dated 12 Jul 1982

15 **MS. SIMMS:** The next document is document
16 124031 and we ask that be Exhibit 910.

17 **THE COMMISSIONER:** It's a curriculum vitae
18 of Nelson Barque, undated.

19 **---EXHIBIT NO./PIÈCE NO P-910:**

20 (124031) Curriculum Vitae of Nelson Barque

21 **MS. SIMMS:** The next is Document Number
22 124032 and we ask that be Exhibit 911.

23 **THE COMMISSIONER:** It's a letter to Mr.
24 Peter Sirrs from Pierre Landry dated August 12th, 1982.

25 **---EXHIBIT NO./PIÈCE NO P-911:**

1 (124032) Letter from Pierre Landry to
2 Peter Sirrs dated 12 August 1982

3 **MS. SIMMS:** The next is Document Number
4 124034 and we ask that be Exhibit 912.

5 **THE COMMISSIONER:** Letter to Mr. Pierre
6 Landry dated the 11th day of July, 1986 from Nelson Barque.

7 ---EXHIBIT NO./PIÈCE NO P-912:

8 (124034) Letter from N. Barque to P.
9 Landry dated 11 Jul 1986

10 **MS. SIMMS:** The next document is 703124 and
11 we ask that that be Exhibit 913.

12 **THE COMMISSIONER:** All right. So this is a
13 -- what do you call that now -- notice of deceased or --
14 anyway it's printed in the -- is it -- I don't know where
15 it's printed actually.

16 **MS. SIMMS:** I don't think it refers to where
17 it was printed and we've just described it as a Notice of
18 Death.

19 **THE COMMISSIONER:** Notice of Death, all
20 right, of Mr. Nelson Barque; 913.

21 ---EXHIBIT NO./PIÈCE NO P-913:

22 (703124) Announcement, Notice of Death
23 of Nelson A. Barque

24 **MS. SIMMS:** The next is Document Number
25 703126. We ask that this be marked subject to a

1 publication ban and be Exhibit 914.

2 **THE COMMISSIONER:** Yes, and this is a
3 statement form 1, an interview with Mr. Barque taken on the
4 18th day of June 1988 at his residence by -- it doesn't say.
5 Okay.

6 ---EXHIBIT NO./PIÈCE NO P-914:

7 (703126) Statement Form 1 of Nelson A.
8 Barque

9 **MS. SIMMS:** I'm sorry. Just a moment Mr.
10 Commissioner.

11 **THE COMMISSIONER:** Sure.

12 **MS. SIMMS:** Sorry, I'm just making sure I'm
13 in the right spot with my many exhibits, so ---

14 **THE COMMISSIONER:** You're at the Cornwall
15 Public Inquiry ---

16 **MS. SIMMS:** That was the -- that was 703127,
17 that we just made? Okay.

18 **THE COMMISSIONER:** So Exhibit 915 is a
19 statement form number 2. A statement taken by Ms. -- from
20 Mr. Nelson A. Barque on the 18th of June 1998 at his
21 residence.

22 **MS. SIMMS:** So if that could be Exhibit 915
23 and subject to publication ban.

24 **THE COMMISSIONER:** Certainly.

25 ---EXHIBIT NO./PIÈCE NO P-915:

1 (703127) Statement of Nelson Barque
2 dated 18 Jun 1998

3 **MS. SIMMS:** The next is 703133. If that
4 could be Exhibit 916 and also subject to the publication
5 ban.

6 **THE COMMISSIONER:** This is a letter from
7 Heidi Sebalj to Murray MacDonald, Crown Attorney, dated the
8 7th of February 1996.

9 **---EXHIBIT NO./PIÈCE NO P-916:**

10 (703133) Letter from H. Sebalj to M.
11 MacDonald dated 07 Feb 1996

12 **MS. SIMMS:** The next is Document Number
13 703134. That could be marked as Exhibit 917 and subject to
14 publication ban.

15 **THE COMMISSIONER:** Letter dated March 5th,
16 1996 to Constable Heidi Sebalj from Murray MacDonald.

17 **---EXHIBIT NO./PIÈCE NO P-917:**

18 (703134) Letter from M. MacDonald to H. `
19 Sebalj dated 05 Mar 1996

20 **MS. SIMMS:** The next is document 703143. It
21 could be marked as Exhibit 918 and subject to publication
22 ban.

23 **THE COMMISSIONER:** This is a copy of an
24 information, charging Nelson Barque and -- let's see now --
25 it doesn't have the back -- I don't see any date for it,

1 but in any event, it's a copy of an information.

2 ---EXHIBIT NO./PIÈCE NO P-918:

3 (703143) Form Charge Against Nelson A.
4 Barque

5 MS. SIMMS: The next is Document Number
6 703152. We'd ask that be Exhibit 919 and subject to a
7 publication ban.

8 THE COMMISSIONER: All right. And so this
9 is a statement of Robert A. Sheets, video-taped interview
10 report, dated the 2nd of June, 1998 at the London Detachment
11 of the OPP.

12 ---EXHIBIT NO./PIÈCE NO P-919:

13 (703152) Video-taped Interview Report -
14 Robert Sheets w/ OPP D.C. Genier dated
15 02 Jun 98

16 MS. SIMMS: And the next is 734142; if it
17 could be marked as Exhibit 920.

18 THE COMMISSIONER: This is a recommendation
19 for appointment of Nelson Barque dated -- undated.

20 MS. SIMMS: Undated, yeah.

21 ---EXHIBIT NO./PIÈCE NO P-920:

22 (734142) Recommendation for Appointment Form
23 dated 02 Aug 1974

24 MS. SIMMS: Those are the exhibits.

25 THE COMMISSIONER: Oh, great.

1 **MS. SIMMS:** Sir, I will read in the overview
2 and where there are names subject to publication ban I will
3 replace those so that they are not broadcast.

4 **THE COMMISSIONER:** Thank you. Appreciate
5 that.

6 **MS. SIMMS:** So Nelson Joe L.C. Barque was
7 born on December 28th, 1938 in Cornwall, Ontario. The
8 reference is Exhibit 888. He was the second eldest in a
9 family of four children. According to a pre-sentence
10 report created on August 14th, 1995, Barque reported "a
11 stable upbringing in a home environment characterized by
12 significant poverty, solid pro-social values and close-knit
13 family ties".

14 The reference is Exhibit 113.
15 Barque attended grade school at Ecole St. Louis de Gonzague
16 from 1945 to 1953. According to his application for
17 employment and curriculum vitae, he completed Grades 9 and
18 10 at Cornwall Classical College at Windmill Point in
19 Cornwall from 1953 to 1955.

20 According to his pre-sentence report,
21 created on August 14th 1995, he completed Grades 9 and 10 at
22 the Catholic boarding school Ecole Secondaire les Frères du
23 Sacré-Cœur in Sommerstown.

24 References are Exhibits 888, 889 and 113.

25 According to his pre-sentence report, Barque

1 left school following completion of Grade 10 to enter the
2 workforce because:

3 "Work was perceived as more important
4 than education by his parents."

5 According to the pre-sentence report,
6 Barque's academic performance was weak.

7 Exhibits 889 and 113.

8 Barque went on to hold several positions,
9 first as a mill-hand, then a sales clerk and then as a
10 storekeeper for Bell Canada.

11 Exhibit 888 and Exhibit 889.

12 According to his curriculum vitae, Barque
13 was a scout master from 1960 to 1964. He also listed
14 experience with Dom Remy; rehabilitation of alcoholics;
15 Crèche St. Francois Nelson; Institution for Unadopted
16 Children; Catholic Boy Scouts; and St. Vincent de Paul
17 Underprivileged Families.

18 Exhibit 889.

19 Barque left the workforce in 1964, returning
20 to school as a full-time student.

21 From 1964 to 1970 he attended College St.
22 Jean Marie Vianney in Montreal, which was a college
23 affiliated with the University of Montreal for students
24 interested in the priesthood.

25 He received a Baccalaureate Des Arts from

1 the University of Montreal on September 3rd, 1970. From
2 1970 to 1971, Barque studied Theology at the University of
3 St. Paul in Ottawa.

4 Barque set out his reasons for leaving St.
5 Paul in his curriculum vitae as follows:

6 "Did not think that priesthood was for
7 me."

8 And:

9 "L'apprenti ne semble pas satisfaire
10 mes désirs"

11 The references to that are 889, 887 and 113.

12 In 1971, Nelson Barque worked as a
13 substitute teacher at La Citadelle High School for a month-
14 and-a-half under the supervision of Jeannine Seguin before
15 securing full-time employment with the City of Cornwall,
16 Department of Social Services, as a case worker.

17 As a case worker, he assumed
18 responsibilities for singles, employable, unemployable,
19 students from four high schools, drug addicts, alcoholics
20 and daycare psychiatric patients.

21 The reasons cited for leaving this position
22 was a lack of advancement in the department. Barque wrote
23 in his curriculum vitae:

24 "Could do better as a counsellor. I
25 would like to work with the young

1 people."

2 The Exhibits are 888 and 889.

3 In Barque's curriculum vitae, he listed the
4 following as other interests and activities:

5 "Attend provincial and family courts
6 regularly. In charge of public
7 relations for the Department of Social
8 Services. Member of the Board of
9 Directors, Friendship Welcome Centre.
10 Liaison man between Canada Manpower and
11 Unemployment Insurance Commission.
12 Member of the Big Brothers Association.
13 Regular consultation with mental health
14 clinic as duty of present function.
15 Member of Ensemble Musique et Harmonie.
16 Member of the inter-disciplinary
17 committee. Member of the Knights of
18 Columbus."

19 That's Exhibit 889.

20 At the time that Barque applied to become a
21 probation and parole officer, he was living at 606 St.
22 Felix Street, was 35 years old and was married to Anita
23 Marie Louise.

24 Exhibit 889.

25 On August 2nd 1974, Mr. Whibbs, regional

1 personnel administrator, adult institutions, Ministry of
2 Correctional Services, wrote to Mr. Mitchell, supervising
3 probation parole officer, adult probation and parole
4 services, acknowledging that he had received Mitchell's
5 recommendation to appoint Barque to the probationary staff
6 of his area.

7 Whibbs confirms that Barque would be
8 appointed as a probationary staff -- to the probationary
9 staff as a Probation and Parole Officer 1, effective August
10 19th 1974.

11 It's reference to Exhibits 886 and 920.

12 While a probationary staff member, Barque
13 was evaluated by Mitchell and-or Mr. K.P. Connolly, senior
14 probation parole officer, approximately every six months.

15 The three appraisals conducted while Barque
16 was on probation indicated that Barque was performing at a
17 satisfactory level. In the comments, among other things,
18 it is noted that Barque was, "Quickly saddled" with a large
19 caseload at a very busy, two-man office.

20 Barque demonstrated very professional warmth
21 towards his clients. Barque was functioning at a very high
22 standard. Barque was taking part in a establishing a
23 volunteer program and several other community programs and
24 Barque had established and maintained respectable rapport
25 with his peers, court personnel and agencies. It was

1 further noted that Barque was having difficulty passing his
2 social work examinations.

3 These are Exhibits 885, 883 and 882.

4 As of June 1st 1975, Barque had moved from
5 St. Felix in Cornwall to Island Road in St. Andrews West.

6 This is Exhibit 884.

7 On March 18th 1976, Barque's position as a
8 Probation Officer Level 1 was changed from a probationary
9 to a regular appointment.

10 It's Exhibit 881.

11 As a regular Probation and Parole officer
12 Level 1, Barque was evaluated approximately every six
13 months by Mitchell and-or Connolly and his performance was
14 consistently rated as satisfactory.

15 Barque continued to experience difficulty
16 with the social work examination. Comments on Barque's
17 evaluations included that Barque functioned as a very
18 responsible officer; Barque was able to establish
19 meaningful and excellent relationships with his cases; and
20 his cases benefited from his sincere and attentive interest
21 in their lives. Barque maintained a strong interest in
22 community involvement and maintained close contact with
23 agencies and resource persons. The July, 1976 appraisal
24 also noted Barque's involvement in a joint training
25 initiative with Canada Manpower.

1 This is reference to Exhibits 880, 879, 878
2 and 877.

3 On May 31st 1978, Mitchell wrote a memorandum
4 to Mr. E. B. Toffelmire, regional administrator, eastern,
5 recommending that Barque receive a promotion to group 2.

6 On July 29th 1978, Barque was reclassified to
7 a Probation and Parole Officer 2.

8 The exhibits are Exhibits 875 and 876.

9 In January 1980, Barque had a son.

10 That's Exhibit 873.

11 As a regular Probation and Parole Officer,
12 Level 2, Barque was evaluated on an annual basis and his
13 overall performance was consistently rated as satisfactory.

14 The 1979 appraisal was completed by Connolly
15 and Mitchell and the 1980 and the 1981 appraisals were
16 completed by W.A Groten, area manager, Kingston.

17 Comments made on the appraisals included
18 that Barque maintained the volunteer program. Barque is
19 quick to request a direction from his supervisor. Barque
20 develops a very effective relationship and the clients
21 thereby gain confidence in his direction and counselling of
22 them. Barque conscientiously monitors the observance of
23 conditions and Barque takes pride in having developed good
24 rapport with the police department, court officials,
25 members of the bar and various agencies in the community.

1 This is Exhibits 874, 872 and 871.

2 On January 30th 1980, C-44, who was then 18
3 years of age, commenced a 9-month probation period having
4 been convicted of four criminal charges.

5 Barque is listed on the intake information
6 as C-44's probation officer.

7 That's reference to 898.

8 On December 11th 1980, C-44 was convicted of
9 break-and-enter and was sentenced to one month of jail and
10 19 months probation.

11 The conditions included to report to and be
12 under the supervision of a probation officer; to abstain
13 from the use of alcohol and non-medicinal drugs; to make
14 efforts to find employment or attend school as approved by
15 his probation officer; and to continue treatment for
16 psychological problem.

17 Barque is listed on the intake information
18 as C-44's probation officer.

19 It's exhibit 898.

20 On December 23rd 1981, C-44 was convicted of
21 theft under \$200 and given a suspended sentence and
22 probation for six months concurrent.

23 The conditions included to report to and be
24 under the supervision of a probation officer; to refrain
25 from the use of alcohol and non-medicinal drugs; not to

1 change place of residence without consent of probation
2 officer; and to undergo any psychiatric and-or
3 psychological assessment and treatment as may be arranged
4 by his probation officer. Barque is listed on the intake
5 information at C-44's probation officer.

6 Exhibit 898.

7 On January 14th 1982, Robert Sheets, who was
8 then 19 years-of-age, was convicted of "Assault peace
9 officer" and sentenced to three months at a reformatory and
10 two years probation. The conditions included to report to
11 and be under the supervision of a probation officer; not to
12 enter any licensed premises save restaurant; not to
13 purchase alcoholic beverages; to refrain from the non-
14 medicinal use of drugs and the consumption of all alcoholic
15 beverages; and to undergo such psychological treatment as
16 may be arranged by his probation officer.

17 Barque is listed as his probation officer in
18 the probation intake sheet.

19 That's Exhibit 896.

20 On April 20th 1982, Peter Sirrs, area
21 manager, Cornwall, prepared a confidential report to Mr.
22 Toffelmire, regional administrator, eastern region,
23 regarding allegations of misconduct against Barque. The
24 report contained the following information.

25 On April 8th 1982, Sirrs received a complaint

1 from Ronald St. Louis about Barque's supervision of Sheets.
2 St. Louis advised that Sheets had been living in his
3 residence as a boarder since approximately mid-March, 1982.
4 St. Louis alleged that Sheets had initiated a fight with C-
5 44 and another individual causing considerable damage to
6 his residence and that the police had not taken any action
7 against Sheets at that time -- at the time -- but referred
8 St. Louis to Barque as Sheets' probation officer.

9 St. Louis further alleged that he had
10 contacted Barque to complain about Sheets flagrant use of
11 alcohol and drugs and that Barque had provided alcohol and
12 drugs to Sheets. St. Louis further alleged that Barque was
13 sexually involved with Sheets and consequently was not
14 pursuing Sheets' failure to comply with his probation
15 orders.

16 Sirrs spoke to Sergeant Wayne Isbester of
17 the Royal Canadian Mounted Police who acknowledged he'd
18 rumours of Barque's relationship with Sheets and with his
19 overlooking Sheets' use of alcohol and drugs.

20 Sirrs spoke to Sergeant Masson and Sergeant
21 Laroche of the Cornwall Police Service and was advised that
22 the CPS had received information alleging a sexual
23 relationship between Barque and Sheets. Sergeant Masson
24 further indicated that he had been aware of rumours for
25 some time, but had no specific information by which to

1 proceed with criminal charges, particularly since the
2 individual who had provided information had subsequently
3 indicated that he would not act as a witness. Sgt Masson
4 indicated he had informally counselled Barque at the
5 probation offices open house in October, 1981, in regard to
6 the rumours and Barque's too close association with
7 probationers, including Sheets.

8 Sergeant Masson said that Barque
9 acknowledged he had to do something about it. Sergeant
10 Masson further indicated that Barque had, on several
11 occasions, intervened with the police on behalf of
12 probationers using his position as a probation officer to
13 avoid official action.

14 An informal complaint about Barque's conduct
15 was made to the CPS by a janitorial staff at the former
16 probations office location. Sirrs spoke to janitorial
17 staff who indicated that unusual activity involving Barque
18 and young male persons at night in and around the office
19 had been observed. The janitorial staff reported one
20 incident when a young male was observed in a secured area
21 during the evening hours and the young male advised that
22 Barque had let him in.

23 The janitorial staff reported that
24 pornographic magazines featuring nude males had been found
25 in the washroom located in the secured area. The

1 janitorial staff reported that Barque had been observed at
2 11:45 p.m., shirtless and barefoot, carrying two jugs of
3 water to the probation office.

4 Sirrs spoke with C-44 who reported that
5 Barque provided himself and Sheets with alcohol and that he
6 had engaged in sexual activity with Barque at both Barque's
7 home and the probation office. Sirrs reported that
8 following the incident of April 6th, Barque met with
9 Sergeant Maurice Allaire at the Cornwall Police Service and
10 Mr. Keith Jodouin,(as read), Justice of the Peace and the
11 Administrator of the Provincial Court and discouraged
12 further police action, indicating that he would act on the
13 matter.

14 And that is all from Exhibit 904.

15 In his report, Sirrs recommended that the
16 matter be referred to the investigations branch of the
17 Ministry of Correctional Services. He also recommended
18 that should Barque acknowledge that the allegations were
19 indeed founded, he be afforded an opportunity to resign and
20 that should he resign no further action be initiated by the
21 Ministry.

22 That's Exhibit 904.

23 Toffelmire, under cover of a memorandum
24 dated April 20th 1982, referred the report to Mr. Taylor,
25 the Director of Parole and Probation Services. Handwritten

1 notes on the memorandum indicated that Inspectors C.L.
2 McMaster and R. Porter of the Ministry's Inspections and
3 Investigations Branch were assigned to investigate the
4 matter.

5 That is Exhibit 900.

6 On May 3rd 1982, Taylor wrote a letter to
7 Barque informing him that, effective immediately, he was
8 suspended with pay for 20 working days pending the outcome
9 of the investigation into his conduct.

10 That's Exhibit 870.

11 On May 4th 1982, C-44 provided a statement to
12 Inspector C.L. McMaster regarding Barque. In the
13 statement, C-44 stated that Barque provided him with
14 alcohol while he was on probation and that he'd been
15 involved sexually with Barque for about one year. He
16 stated that the last time he was with Barque was on March
17 21st, 1982 in the probation office.

18 That's Exhibit 897.

19 On May 4th 1982, Sheets gave a statement to
20 Inspector C.L. McMaster regarding his relationship with
21 Barque. Sheets stated that he had known Barque for four or
22 five years and that Barque had been his probation officer
23 since March 13th 1982. Sheets stated that Barque had been
24 informed that Sheets had used alcohol and drugs since being
25 on probation. Sheets denied any sexual relationship with

1 Barque.

2 That's Exhibit 901.

3 On May 5th 1982, Barque wrote a letter to
4 Sirrs submitting his resignation as an employee of the
5 Ministry of Corrections effective May 4th, 1982.

6 That's Exhibit 894.

7 On May 6th 1982, Barque gave a statement to
8 Inspector C. McMaster. According to Inspector C.
9 McMaster's handwritten notes, Barque admitted to having
10 instigated sexual relationships with C-44 and Sheets while
11 they were on probation. He stated that these relationships
12 had been going on for one year. He further admitted to
13 providing his probationers with alcoholic beverages. He
14 stated that he did not feel that he interfered with the
15 police.

16 These are Exhibits 902 and 895.

17 On May 11th, 1982, Sirrs completed a work
18 performance record form for Barque which was marked as
19 "Classified". The record indicated that his work was good
20 but he would not be re-hired because:

21 "Mr. Barque submitted his resignation
22 as a consequence of inquiries into his
23 professional conduct and over
24 involvement with clients."

25 That's Exhibit 905.

1 McMaster and Porter conducted an
2 investigation and submitted a report dated May 13th, 1982 to
3 Mr. Teggart, Director of the Inspection and Investigations
4 Branch. The report concluded that since Barque had
5 resigned, no further action on the part of the Ministry was
6 necessary. Mr. Teggart forwarded the report to Mr. A.
7 Campbell, Deputy Minister of the Ministry of Correctional
8 Services.

9 That's Exhibit 124 -- sorry, 125.

10 On June 14th 1982, McMaster wrote a letter to
11 the Crown Attorney for Cornwall, Don Johnson, which
12 referenced a telephone call of the same day. The letter
13 enclosed a copy of the investigation report and requested
14 that Crown Attorney Johnson advise of his decision in the
15 matter.

16 On June 22nd 1982, Crown Attorney Don Johnson
17 wrote to McMaster advising that criminal charges against
18 Barque would not be warranted and the reasons for that
19 decision.

20 The reference is to Exhibits 903 and 899.

21 By way of letter dated July 12th 1982, Barque
22 applied for a position at Equipe Psycho-Sociale, a group
23 which provides services to disabled youth.

24 The enclosed curriculum vitae listed Sirrs
25 as a reference and stated that Barque had left the position

1 due to, "Un conflit face au règlement du ministère".

2 The Exhibits are 909 and 910.

3 The executive director of Equipe Psycho-
4 Sociale, Pierre Landry, wrote a letter to Sirrs dated
5 August 12th 1982. The letter referred to a telephone
6 conversation at that date and requested a recommendation
7 for Barque.

8 That's Exhibit 911.

9 There's a letter dated August 23rd 1982
10 titled "Employment Reference, Nelson Barque" from Sirrs to
11 Pierre Landry, the executive director of Equipe Psycho-
12 Sociale.

13 That is Exhibit 869.

14 According to the pre-sentence report, Barque
15 was employed as a social worker with Equipe Psycho-Sociale
16 commencing in 1982.

17 That's Exhibit 113.

18 While at Equipe Psycho-Sociale, Barque
19 became a member of the Stormont, Dundas and Glengarry Child
20 Abuse Prevention Council.

21 The reference is to Exhibit 892.

22 According to the pre-sentence report, Landry
23 reported receiving repetitive communication from parents
24 and the community expressing their concern and their desire
25 not to have Barque assigned to their file due to

1 information they had heard regarding Barque's conduct while
2 employed at the Ministry of Correctional Services.

3 Barque resigned from his position at Equipe
4 Psycho-Sociale, effective August 18th 1986.

5 It's reference to Exhibits 113 and 912.

6 According to the pre-sentence report, Barque
7 completed a real estate course at Algonquin College in
8 Ottawa in 1987 and worked as a real estate agent from 1986
9 to 1992.

10 Exhibit 113.

11 According to the pre-sentence report,
12 Barque obtained a supply teaching contract with the Conseil
13 des Écoles Séparées de Stormont, Dundas, Glengarry in 1992.
14 Barque left that employment one year later.

15 That is Exhibit 113.

16 According to the pre-sentence report, Barque
17 secured part-time employment as an assistant administrator
18 with L'Arche La Caravane, a residential facility for
19 disabled adults, from 1993 to 1994.

20 According to the report, his lawyer
21 concluded that no complaints were received regarding
22 inappropriate conduct.

23 That's Exhibit 113.

24 At the time of the pre-sentence report dated
25 August 14th 1995, Barque had been employed part-time as a

1 cleaner with the Parish Christ-Roi since 1993.

2 That's Exhibit 113.

3 On November 23rd 1994, Albert Roy contacted
4 the CPS regarding allegations of sexual abuse by Nelson
5 Barque and Ken Seguin while he was on probation in the mid-
6 1970s. Roy gave a statement to Constable Heidi Sibalj the
7 following day.

8 That's Exhibit 115.

9 On November 28th 1994, Bill Carriere of the
10 Children's Aid Society noted that he had called Staff
11 Sergeant Brunet of the CPS to advise him of information
12 that the CAS had on record regarding Barque. According to
13 Carriere's case notes, CAS had a record that in 1986 the
14 mother of a sexual abuse victim had indicated to CAS that
15 she would not allow Barque, who was then working for Equipe
16 Psycho-Sociale, to counsel her son as she had heard rumours
17 that he had molested a child.

18 CAS met with the organization's director,
19 Mario Sarda, and was advised that Barque had recently left
20 his employment with the organization and:

21 "His departure was not related to any
22 reports that he had sexually molested a
23 child under the age of 16."

24 Carriere further advised CPS Staff Sergeant
25 Brunet that he had heard rumours that Barque had previously

1 left Probation Services under a threat of an investigation
2 into allegations that he had sexually molested an older
3 adolescent and that Barque had left incriminating
4 information in his desk.

5 That's Exhibit 891.

6 On December 6th 1994, Albert Roy, a former
7 probationer, gave a statement to Detective Constable
8 McDonnell of the OPP. Roy alleged he was sexually assaulted
9 by Barque when Barque was his probation officer.

10 That's Exhibit 117.

11 On January 3rd 1995, Barque was charged with
12 indecent assault and gross indecency in relation to
13 incidents involving Albert Roy in 1977.

14 That's Exhibit 868.

15 On July 10th 1995, Barque pled guilty to the
16 indecent assault of Albert Roy.

17 It's Exhibit 906.

18 On August 14th 1995, a pre-sentence report
19 was prepared by the probation and parole officer Nicole
20 Barbeau for the purpose of Barque's sentencing.

21 That's Exhibit 113.

22 On August 18th 1995, the sentencing hearing
23 was held and Barque received a sentence of 4 months
24 incarceration and 18 months probation.

25 That is Exhibit 114.

1 On July 15th 1996, Albert Roy commenced a
2 civil action against the Ministry of Correctional Services,
3 the estate of Ken Seguin, and Nelson Barque.

4 That's Exhibit 893.

5 In 1995, an investigation was also conducted
6 by Constable Heidi Sibalj into allegations against Barque
7 made by C-44. Constable Sibalj requested Crown Attorney
8 Murray MacDonald's opinion on the case. Crown attorney
9 MacDonald referred the matter to the Regional Director of
10 Crown Attorneys, Peter Griffiths.

11 According to Crown Attorney MacDonald's
12 letter, Griffiths determined the proposed charge lacked
13 essential elements and advised that criminal proceedings
14 were not available with respect to Barque's conduct with C-
15 44.

16 Those are Exhibits 916 and 917.

17 On October 3rd 1997, C-45 gave a statement to
18 OPP Detective Constables Dupuis and Seguin, alleging that
19 he had been sexually assaulted by Barque while on
20 probation.

21 It's Exhibit 907.

22 On June 2nd 1998, Sheets was interviewed by
23 Detective Constable Don Genier and provided a statement
24 containing allegations that he had been abused by Barque
25 while a probationer.

1 That's Exhibit 919?

2 On June 18th 1998, Barque met with Detective
3 Constable Genier and Detective Constable Joe Dupuis to
4 provide a statement regarding allegations of abuse made by
5 C-45 and Sheets. Barque denied having any sexual contact
6 with C-45.

7 With respect to his involvement with Robert
8 Sheets, Barque provided the following information.

9 Barque engaged in sexual activity with
10 Sheets beginning when he was on probation. He estimated
11 that the sexual conduct was over one to one-and-one-half
12 years. He stated that at the time he was under the
13 impression that Sheets was 18 or 19 years of age but it was
14 possible that he was younger. The sexual contact occurred
15 at Sheets' apartment, at Sheets' parents' house, in the
16 probation office and at Barque's house. When asked if he
17 had had sex with Sheets at Ken Seguin's residence, Barque
18 replied, "Not that I can remember".

19 He admitted to providing Sheets with
20 homemade wine and money. He stated the contact began
21 because Sheets cried a lot at the office about problems
22 with his family and Barque would comfort him by hugging
23 him. He admitted to showing Sheets pornographic movies
24 that were obtained by Barque from the RCMP following a
25 bust.

1 Barque borrowed an 8 mm projector, probably
2 from Seguin, and watched these movies with Sheets either at
3 Seguin's house or at the office. The movies were then
4 returned to the RCMP.

5 Sheets disclosed to Barque that he was
6 allegedly previously abused by Richard Hickerson from
7 Canada Manpower. He also alleged to Barque that Hickerson
8 took pictures of him. Barque admitted to having sexual
9 relationships with Sheets, C-44 and Roy.

10 In response to being asked if there was
11 anyone else, Barque replied:

12 "Not that I can recall. In my mind,
13 there was only three."

14 Those are Exhibit 915 and 342.

15 On June 18th 1998, Barque was formally
16 charged with indecently assaulting C-45 and Robert Sheets.

17 Those are Exhibits 918 and 914.

18 On June 28, 1998, Barque was found dead from
19 a self-inflicted gunshot wound to the head.

20 Those are Exhibits 908 and 913.

21 On December 7th, 1999, the civil action
22 brought by Roy was dismissed without costs.

23 That's Exhibit 890.

24 On December 1st 2000, the Crown is named as a
25 defendant in an action for damages arising from the alleged

1 abuse at the hands of three probation officers. The
2 amended amended statement of claim contains allegations
3 that Barque abused 4 of the 20 plaintiffs.

4 That's Exhibit 867.

5 **THE COMMISSIONER:** Thank you.

6 Did any of the parties wish to make any
7 comments at this point on this ODE? No. Mr. Lee?

8 **MR. LEE:** No, thank you.

9 **THE COMMISSIONER:** Mr. Horn?

10 **MR. HORN:** Just a couple.

11 **--- COMMENTS BY/COMMENTAIRES PAR MR. HORN:**

12 **MR. HORN:** I would be interested to know if
13 -- when he was working as a probation officer, is there any
14 screening mechanism that was in place to determine these
15 kinds of problems that he had? If there was any
16 psychological testing that was done prior to being
17 employed? Does that exist when an individual makes an
18 application for a job in probation where they are working
19 with young people? Prior to being employed, was there any
20 kind of screening mechanism that was in place and should
21 there be that kind of mechanism?

22 **THE COMMISSIONER:** All right.

23 **MS. SIMMS:** Mr. Commissioner, if I may, I
24 think these are issues that Mr. Horn can raise as we go
25 through the probation evidence.

1 **THE COMMISSIONER:** The institutional
2 response?

3 **MS. SIMMS:** That's right.

4 **THE COMMISSIONER:** Yes. That will be
5 starting shortly.

6 **MR. HORN:** I'm just wondering if he,
7 himself, when he was employed, if he had to go through
8 that?

9 **THE COMMISSIONER:** Okay.

10 **MR. HORN:** He was asked or to participate in
11 any kind of psychological testing ---

12 **THE COMMISSIONER:** Right.

13 **MR. HORN:** --- to see if he -- and also I
14 would have asked him when did he realize that he had this
15 problem, that he was in this position, and when did he
16 begin to have these kinds of difficulties when he was
17 dealing with these young people? Because ---

18 **THE COMMISSIONER:** Wait a minute.

19 First of all, after we finish with these
20 ODEs, I'm told that the Corrections institutional response
21 will begin. At that point, I suspect we're going to have
22 someone from Corrections come in and you're going to be
23 able to ask them all of those questions. So it's not the
24 time now for that.

25 As for asking Mr. Barque any questions, I

1 think the time for that has passed.

2 **MR. HORN:** Oh, I understand that. But I
3 mean if he were here, this is what I would have asked him.

4 **THE COMMISSIONER:** Oh well, yes, but I'm not
5 ---

6 **MR. HORN:** Yes, if he were here, I would
7 have asked him, you know ---

8 **THE COMMISSIONER:** I think we would have a
9 lot ---

10 **MR. HORN:** --- when did you find out that
11 you had these problems? And was there any mechanism in
12 place to find out, so that he couldn't continue to work in
13 that position?

14 **THE COMMISSIONER:** Okay.

15 **MR. HORN:** That's what I would have asked.

16 **THE COMMISSIONER:** Well, I don't really want
17 to know what we would have asked Mr. Barque.

18 Mr. Chisholm?

19 **MR. CHISHOLM:** No comment, sir, thank you.

20 **THE COMMISSIONER:** Thank you.

21 Mr. Rose?

22 **MR. ROSE:** None, sir.

23 **THE COMMISSIONER:** Thank you.

24 The Attorney General isn't here.

25 No one for Mr. Leduc.

1 No one for --- Mr. Manderville.

2 **MR. MANDERVILLE:** I have nothing to add.

3 **THE COMMISSIONER:** Thank you.

4 Mr. Kozloff?

5 **MR. KOZLOFF:** Thank you.

6 **THE COMMISSIONER:** Mr. Carroll?

7 **MR. CARROLL:** Thank you.

8 **THE COMMISSIONER:** Thank you.

9 All right, let's take the afternoon break
10 and then we'll come back for another ODE.

11 **THE REGISTRAR:** Order; all rise. À l'ordre;
12 veuillez vous lever. This hearing will resume at 2:30 p.m.

13 --- Upon recessing at 2:14 p.m. /

14 L'audience est suspendue à 14h14

15 --- Upon resuming at 2:32 p.m. /

16 L'audience est reprise à 14h32

17 **THE REGISTRAR:** This hearing has now
18 resumed. Please be seated. Veuillez vous asseoir.

19 **THE COMMISSIONER:** All right.

20 Good afternoon.

21 --- **EXHIBITS PRESENTATION BY/PRÉSENTATIONS D'EXHIBITS PAR**
22 **MS. MORRIS(cont'd/suite):**

23 **MS. MORRIS:** Good afternoon, Mr.

24 Commissioner. We are seeking to introduce an Overview of
25 Documentary Evidence, known informally as an ODE, as well

1 as accompanying documents for Mr. Kenneth Seguin.

2 **THE COMMISSIONER:** All right.

3 **MS. MORRIS:** Mr. Seguin was employed as a
4 probation officer in Cornwall. There have been numerous
5 allegations of sexual assault made against him by former
6 probationers. Mr. Seguin passed away in 1993, and in our
7 view the filing of the ODE would assist in the public and
8 your understanding of the events in issue.

9 **THE COMMISSIONER:** Thank you.

10 **MS. MORRIS:** We have circulated the draft
11 ODE. We've received comments from many of the parties
12 following the circulation of the overview.

13 Counsel have made comments and we have
14 incorporated some. Some parties expressed concerns that
15 the ODE did not tell the entire Seguin story.

16 For these reasons, in consultation with the
17 parties, we are proposing that the ODE be filed along with
18 a note. The note would be titled, "Preface to the Overview
19 of Documentary Evidence, Ken Seguin". It would indicate
20 that the overview is based on documents that relate to Ken
21 Seguin. Allegations for the most part were disclosed after
22 his death and, consequently, there have been very few
23 investigations of the specific allegations.

24 We have omitted references to the evidence
25 already given by witnesses who alleged were victims of

1 Seguin. That evidence and the exhibits filed during that
2 testimony is already in evidence as part of the record.

3 We have also admitted from the Overview of
4 Documentary Evidence, documents that refer to historical
5 allegations against Ken Seguin that were made post-mandate.

6 These documents and a summary of all the
7 numerous allegations will be introduced by witnesses we're
8 calling as part of the institutional response of the
9 Ministry of Community and Social Services. These documents
10 will be filed in evidence at that time.

11 And lastly, the Overview of Documentary
12 Evidence only tells part of the story and should be
13 considered together with evidence that has previously been
14 heard and that remains to be called to get a complete
15 picture of the story.

16 We're proposing that this preface be filed
17 along with the Overview of Documentary Evidence.

18 **THE COMMISSIONER:** All right.

19 **MS. MORRIS:** So that the preface would be
20 Exhibit 921A and the Overview of Documentary Evidence
21 itself would be Exhibit 921B.

22 **THE COMMISSIONER:** Thank you.

23 --- **EXHIBIT NO./PIÈCE No. P-921A:**

24 Overview Preface - Ken Seguin

25 --- **EXHIBIT NO./PIÈCE No. P-921B:**

1 Overview of Anticipated Evidence - Ken
2 Seguin

3 **MS. MORRIS:** There is one individual named
4 in paragraph C of the Overview of Documentary Evidence who
5 is the subject of a moniker, C-10.

6 **THE COMMISSIONER:** Which paragraph?

7 **MS. MORRIS:** Paragraph 6.

8 **THE COMMISSIONER:** Six.

9 **MS. MORRIS:** As a result, I would request
10 that the Overview of Documentary Evidence be subject to a
11 publication ban.

12 **THE COMMISSIONER:** Thank you, it shall.

13 **MS. MORRIS:** Thank you.

14 There are 53 accompanying documents that we
15 would seek to tender.

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

17 **MS. MORRIS:** Some of the exhibits contain
18 names of probationers that are subject to confidentiality
19 under the *Youth Criminal Justice Act*. I'll be asking that
20 these documents be stamped as having publication bans, and
21 I'll point those out as we go.

22 So the first accompanying document then is
23 Document Number 100105.

24 **THE COMMISSIONER:** This is a memorandum to
25 Bill Roy from Emile Robert dated November 25th, 1993.

1 --- EXHIBIT NO./PIÈCE No. P-922:

2 (100105) Memo from Emile Robert to Bill
3 Roy dated 25 Nov 1993

4 **MS. MORRIS:** The second is document 100157.

5 **THE COMMISSIONER:** The exhibit is an inter-
6 office memorandum; the first one is to Mr. Toffelmire from
7 Mr. Brillinger, B-R-I-L-L-I-N-G-E-R, dated November 20th,
8 1972.

9 --- EXHIBIT NO./PIÈCE No. P-923:

10 (100157) Memo re: Reassignment Prescott
11 Criminal Division Court Coverage

12 **MS. MORRIS:** Thank you.

13 The next document, document 100191, contains
14 names of probationers and I would seek that it be stamped
15 please as having a publication order ban.

16 **THE COMMISSIONER:** All right. This is a
17 document entitled, "Mr. Kenneth Seguin, Supervision by R.S.
18 Tear", T-E-A-R, and it's dated October 18th, 1971.

19 --- EXHIBIT NO./PIÈCE No. P-924:

20 (100191) Supervision Report dated Sep
21 1969 to Oct 1971

22 **MS. MORRIS:** The next document is number
23 100192. It also contains names of probationers.

24 **THE COMMISSIONER:** It's a record of
25 supervision, name Ken Seguin, and the last report would

1 have been June 1st 1972.

2 --- EXHIBIT NO./PIÈCE No. P-925:

3 (100192) Record of Supervision dated Jan
4 1972 to Jun 1972

5 MS. MORRIS: The next document is document
6 100310.

7 THE COMMISSIONER: Memorandum to Mr. Roy
8 Hawkins from Emile Robert re Ken Seguin, dated February 5th,
9 1993.

10 --- EXHIBIT NO./PIÈCE NO 926:

11 (100310) Memo from Emile Robert to Roy
12 Hawkins dated 05 Feb 1993

13 MS. MORRIS: The next document is document
14 100311. It contains names of probationers, Mr.
15 Commissioner.

16 THE COMMISSIONER: It's an incident report,
17 dated January 16th, 1992.

18 --- EXHIBIT NO./PIÈCE NO 927:

19 (100311) Incident Report

20 MS. MORRIS: The next document is document
21 100312, and it contains names of probationers.

22 THE COMMISSIONER: Memo from Ken Seguin --
23 I'm sorry; memo to Ken Seguin from Emile Robert and dated
24 November 12th -- November 10th, sorry, 1992.

25 --- EXHIBIT NO./PIÈCE NO 928:

1 (100312) Memo from Emile Robert to Ken
2 Seguin dated 10 Nov 1992

3 **MS. MORRIS:** The next document is document
4 number 100313, which also contains names of probationers.

5 **THE COMMISSIONER:** Yes, this seems to be
6 some kind of note from Detective Constable Miller to Emile
7 Robert, dated the -- I don't know if there's a date on
8 this.

9 **MS. MORRIS:** September 3rd, 1992.

10 **THE COMMISSIONER:** Yes, I'm sorry; September
11 3rd, 1992.

12 --- **EXHIBIT NO./PIÈCE NO 929:**

13 (100313) Letter from D/Cst. Millar to
14 Emile Robert dated 03 Sept 1992

15 **MS. MORRIS:** The next document is document
16 number 100314.

17 **THE COMMISSIONER:** October 16th, 1992 a
18 memorandum to Emile Robert from Mr. H. R. Hawkins, re Ken
19 Seguin.

20 --- **EXHIBIT NO./PIÈCE NO 930:**

21 (100314) Memo from Roy Hawkins to Emile
22 Robert dated 16 Oct 1992

23 **MS. MORRIS:** The next document is document
24 100315. It contains names of probationers.

25 **THE COMMISSIONER:** Thank you.

1 This is a memorandum to Roy Hawkins from
2 Emile Robert, re Ken Seguin, dated September 8th, 1992.

3 --- **EXHIBIT NO./PIÈCE NO 931:**

4 (100315) Memo from Emile Robert to Roy
5 Hawkins dated 08 Sep 1992

6 **MS. MORRIS:** I'll be referring to documents
7 which have already been filed as exhibits.

8 **THE COMMISSIONER:** Yes.

9 **MS. MORRIS:** So the next three documents
10 I'll be referring to have been filed; they are I-560, I-559
11 and 556.

12 **THE COMMISSIONER:** Okay.

13 **MS. MORRIS:** The next document we would seek
14 to tender is document number 100352.

15 **THE COMMISSIONER:** Thank you.

16 A letter to Mr. Dalgleish, D-A-L-G-L-E-I-S-
17 H, from Ken Seguin, dated February 11th, 1985.

18 --- **EXHIBIT NO./PIÈCE NO 932:**

19 (100352) Letter from Kenneth Seguin to
20 D. Dalgleish dated 11 Feb 1985

21 **MS. MORRIS:** The next document is document
22 100353.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit 933 is a letter to, again, Mr.
25 Dalgleish, from Leo W. White, dated January 25th, 1985.

1 --- EXHIBIT NO./PIÈCE NO 933:

2 (100353) Letter from Leo V. White to M.
3 D. Dalglish dated 25 Jan 1985

4 **MS. MORRIS:** The next document is document
5 100354.

6 **THE COMMISSIONER:** This is an application
7 for employment and it's from Mr. Ken Seguin. I don't know
8 a date, so we'll leave it like that.

9 Oh, I'm sorry, there is a date; January 24th
10 -- well, 1980 but -- there's an eight but I don't know what
11 the other dates are.

12 **MS. MORRIS:** M'hm.

13 --- EXHIBIT NO./PIÈCE NO 934:

14 (100354) Application for employment
15 from Mr. Ken Seguin

16 **THE COMMISSIONER:** Okay.

17 **MS. MORRIS:** The next document is 100362.

18 **THE COMMISSIONER:** Yes, this is a document
19 dated April 22nd, 1981, which is memorandum to Ken Seguin
20 from T. Kelly, Competition -- okay, 935.

21 --- EXHIBIT NO./PIÈCE NO 935:

22 (100362) Memo from T. Kelly to Kenneth
23 Seguin

24 **MS. MORRIS:** The next document is 100367.

25 **THE COMMISSIONER:** Memorandum dated the 18th

1 of March, 1981, to Mr. Kelly, from Mr. Groten, G-R-O-T-E-N.

2 --- EXHIBIT NO./PIÈCE NO 936:

3 (100367) Memo from W.A. Groten to T.

4 Kelly dated 18 March 1981

5 MS. MORRIS: The next document is 100368.

6 THE COMMISSIONER: Thank you.

7 A letter dated March 11th, 1981 addressed to
8 Mr. Groten from Ken Seguin.

9 --- EXHIBIT NO./PIÈCE NO 937:

10 (100368) Letter from Kenneth Seguin to

11 W.A. Groten dated 11 March 1981

12 MS. MORRIS: The next document is document
13 number 100369.

14 THE COMMISSIONER: Letter -- resume from Ken
15 Seguin, undated.

16 --- EXHIBIT NO./PIÈCE NO 938:

17 (100369) Resume of Kenneth Gordon

18 Seguin

19 MS. MORRIS: The next document is document
20 number 100382.

21 THE COMMISSIONER: I don't know what this is
22 -- oh, a notice of change of address, effective date the
23 19th of September 1975.

24 --- EXHIBIT NO./PIÈCE NO 939:

25 (100382) Notice of change of address

1 **MS. MORRIS:** The next document is document
2 number 100397.

3 **THE COMMISSIONER:** This is the announcement
4 dated June 10th, 1968 appointing Mr. Seguin as a probation
5 officer for the area.

6 **--- EXHIBIT NO./PIÈCE NO 940:**

7 (100397) Notice of Ken Seguin as new
8 Probation Officer for Cornwall Area

9 **MS. MORRIS:** The next document is 100405.

10 **THE COMMISSIONER:** A letter dated
11 February 20th, 1968 to Mr. Seguin from Mr. Marks,
12 Supervising Probation Officer.

13 **--- EXHIBIT NO./PIÈCE NO 941:**

14 (100405) Letter from V.M. Marks to Ken
15 Seguin re offer of employment

16 **MS. MORRIS:** The next document is document
17 number 100411.

18 **THE COMMISSIONER:** Memo to personnel,
19 appointment of Peel Probation Office Cornwall, dated
20 February 6th, 1968.

21 **--- EXHIBIT NO./PIÈCE NO 942:**

22 (100411) Memo to personnel, appointment
23 of Peel Probation Office Cornwall,
24 dated 06 Feb 1968

25 **MS. MORRIS:** The next document is document

1 number 100412.

2 **THE COMMISSIONER:** A letter dated January
3 15th, 1968 to Mr. D. Coughlan, C-O-U-G-H-L-A-N, from W. M.
4 Marks, Probation Officer.

5 --- **EXHIBIT NO./PIÈCE NO 943:**

6 (100412) Letter from Marks to Coughlan
7 re Application Ken Seguin

8 **MS. MORRIS:** And the next document is
9 document number 100413.

10 **THE COMMISSIONER:** Ontario Provincial
11 Probation Service. It's dated June 24th, 1968;
12 examinations, April 1969.

13 --- **EXHIBIT NO./PIÈCE NO 944:**

14 (100413) Ontario Provincial Probation
15 Service dated 24 June 1968;
16 examinations April 1969

17 **MS. MORRIS:** The next document is document
18 number 100414.

19 **THE COMMISSIONER:** Personal history of
20 probation officer, dated 23rd day of September, 1970.

21 --- **EXHIBIT NO./PIÈCE NO 945:**

22 (100414) Personal History of Probation
23 Officer form for John Kenneth Gordon
24 Seguin

25 **MS. MORRIS:** The next document is document

1 number 100427. It contains names of probationers.

2 **THE COMMISSIONER:** This is a memorandum to
3 Mr. Seguin from Emile Robert, case audit, dated
4 September 4th, 1987.

5 **MS. MORRIS:** I would ask that this be
6 subject to a publication ban, please.

7 --- **EXHIBIT NO./PIÈCE NO 946:**

8 (100427) Case Audit

9 **MS. MORRIS:** The next document is document
10 number 100431. It also contains names of probationers and
11 should be subject to a publication ban.

12 **THE COMMISSIONER:** Letter dated November
13 25th, 1985, to Mr. Ken Seguin from Emile Robert; again, a
14 case audit.

15 --- **EXHIBIT NO./PIÈCE NO 947:**

16 (100431) Letter to Ken Seguin from
17 Emile Robert dated 25 Nov 1985 - case
18 audit

19 **MS. MORRIS:** The next document is document
20 number 100441.

21 **THE COMMISSIONER:** Okay, what's this? This
22 is a performance planning and review document for Ken
23 Seguin.

24 **MS. MORRIS:** The period -- yes?

25 **THE COMMISSIONER:** Review period from July

1 1992 to June 1993?

2 **MS. MORRIS:** Yes.

3 **THE COMMISSIONER:** Thank you.

4 --- **EXHIBIT NO./PIÈCE NO 948:**

5 (100441) Performance Planning and
6 Review dated Jul 1992 to Jun 1993

7 **MS. MORRIS:** The next document is document
8 number 100443.

9 **THE COMMISSIONER:** Again, performance and
10 planning and review document, Mr. Ken Seguin, from July '91
11 to June '92.

12 --- **EXHIBIT NO./PIÈCE NO 949:**

13 (100443) Performance Planning and
14 Review dated Jul 1991 to Jun 1992

15 **MS. MORRIS:** The next is document number
16 100445.

17 **THE COMMISSIONER:** This is again a
18 performance planning and review of Ken Seguin, July '90 to
19 June '91.

20 --- **EXHIBIT NO./PIÈCE NO 950:**

21 (100445) Performance Planning and
22 Review dated Jul 1990 to Jun 1991

23 **MS. MORRIS:** And the next document number is
24 100447.

25 **THE COMMISSIONER:** Again a Performance

1 Planning and Review for Ken Seguin, July '89 to July '90.

2 --- EXHIBIT NO./PIECE NO 951:

3 P-951: (100447) Performance and
4 Planning Review dated July 1989 to July
5 1990

6 MS. MORRIS: The next document is document
7 number 100449.

8 Again, a performance planning and review for
9 Ken Seguin, July '88 to July '89.

10 --- EXHIBIT NO./PIECE NO 952:

11 (100449) Performance and Planning
12 Review dated Jul 1988 to Jul 1989

13 MS. MORRIS: And the next document is
14 Document Number 100451.

15 THE COMMISSIONER: Thank you.

16 Again, a performance and planning review,
17 Ken Seguin, July '87 to June '88.

18 --- EXHIBIT NO./PIECE NO 953:

19 (100451) Performance Planning and
20 Review dated Jul 1987 to Jun 1988

21 MS. MORRIS: The next document is document
22 100456.

23 THE COMMISSIONER: Performance and planning
24 review, Ken Seguin, August '85 to June '86.

25 --- EXHIBIT NO./PIECE NO 954:

1 (100456) Performance Planning and
2 Review dated Aug 1985 to Jun 1986

3 **MS. MORRIS:** The next document is Document
4 Number 100458.

5 **THE COMMISSIONER:** It's a document dated
6 September 9th 1985. It's a report made by Emile Robert
7 regarding Ken Seguin.

8 --- **EXHIBIT NO./PIECE NO 955:**

9 (100458) Annual Appraisal Report dated
10 Jun 1984 to Sep 1985

11 **MS. MORRIS:** The next document is Document
12 Number 100462.

13 **THE COMMISSIONER:** Again, an appraisal,
14 employee, an annual appraisal report of Ken Seguin dated
15 April, 1983.

16 --- **EXHIBIT NO./PIECE NO 956:**

17 (100462) Annual Appraisal Report dated
18 April 1983

19 **MS. MORRIS:** The next document is Document
20 Number 100483.

21 **THE COMMISSIONER:** It's a probation officer
22 employment history and evaluation form of Ken Seguin. I
23 don't think there's a date. It's okay.

24 --- **EXHIBIT NO./PIECE NO 957:**

25 (100483) Probation Officer Employment

1 History and Evaluation Form

2 **MS. MORRIS:** The next document is Document
3 Number 100498. It contains the name of a person who is to
4 be assigned a moniker, C-44, the person dealt with during
5 the Barque overview and it also contains names of persons -
6 - of probationers.

7 **THE COMMISSIONER:** Yes. So this is an
8 administrative review, Cornwall Probation and Parole Office
9 Project Truth website publication, prepared by Paul Downing
10 and dated October, 2000.

11 **MS. MORRIS:** It should be subject to a
12 publication order.

13 **THE COMMISSIONER:** Okay.

14 --- **EXHIBIT NO./PIECE NO 958:**

15 (100498) Administrative Review, Downing
16 Report

17 **MS. MORRIS:** Now, the next document is
18 document 103587.

19 **THE COMMISSIONER:** Document dated 21st
20 January, 1995, Memorandum to -- from Mr. Hamelink to the
21 Director of Criminal Investigation Branch. Okay.

22 --- **EXHIBIT NO./PIECE NO 959:**

23 (103587) CIB Memorandum re: Extortion
24 dated 21 Jan 1995

25 **MS. MORRIS:** The next document is Document

1 Number 109657.

2 **THE COMMISSIONER:** Okay. This is a
3 statement of Ken Seguin dated November 15th, 1993.

4 --- **EXHIBIT NO./PIECE NO 960:**

5 (109657) Handwritten Statement signed
6 Ken Seguin dated 15 Nov 1993

7 **MS. MORRIS:** The next document is Document
8 Number 109658.

9 **THE COMMISSIONER:** Again, dated November 15th
10 1993, a note signed by Ken Seguin.

11 --- **EXHIBIT NO./PIECE NO 961:**

12 (109658) Handwritten Statement signed
13 Ken Seguin dated 15 Nov 1993

14 **MS. MORRIS:** And the next document is
15 Document Number 109659.

16 **THE COMMISSIONER:** Statement by Ken Seguin
17 dated August 24th, 1993.

18 --- **EXHIBIT NO./PIECE NO 962:**

19 (109659) Handwritten Statement signed
20 Ken Seguin dated 24 Aug 1993

21 **MS. MORRIS:** The next Document Number is
22 116055.

23 **THE COMMISSIONER:** Funeral Director's
24 Statement of Death of Ken Seguin dated the 1st day of
25 December 1993.

1 --- EXHIBIT NO./PIECE NO 963:

2 (116055) Funeral Director's Statement
3 of Death

4 MS. MORRIS: The next document is 116082.

5 THE COMMISSIONER: It's a performance and
6 planning review of Ken Seguin for the year July '87 to June
7 '88.

8 --- EXHIBIT NO./PIECE NO 964:

9 (116082) Performance Planning and
10 Review dated Jul 1987 to Jun 1988

11 MS. MORRIS: Next document is Document
12 Number 116085.

13 THE COMMISSIONER: Performance planning and
14 review for Ken Seguin August '85 to June '86.

15 --- EXHIBIT NO./PIECE NO 965:

16 (116085) Performance Planning and
17 Review dated Apr 1985 to Jun 1986

18 MS. MORRIS: Next Document Number is 116088.

19 THE COMMISSIONER: Employment -- employee
20 annual appraisal report of Ken Seguin dated June '84.

21 --- EXHIBIT NO./PIECE NO 966:

22 (116088) Employee Annual Appraisal
23 Report dated Apr 1983 to Jun 1984

24 MS. MORRIS: The next document is Document
25 Number 116092.

1 **THE COMMISSIONER:** Employee annual appraisal
2 report of Ken Seguin dated May, 1982.

3 **--- EXHIBIT NO./PIECE NO 967:**

4 (116092) Employee Annual Appraisal
5 Report dated Apr 1981 to May 1982

6 **MS. MORRIS:** And the next document is
7 Document Number 116099.

8 **THE COMMISSIONER:** Employee annual appraisal
9 report form, Ken Seguin, 19 -- no date. Okay.

10 **--- EXHIBIT NO./PIECE NO 968:**

11 (116099) Employee Annual Appraisal
12 Report undated

13 **MS. MORRIS:** The next document is Document
14 Number 123984.

15 **THE COMMISSIONER:** Coroner's Investigation
16 Statement dated December 7th, 1993.

17 **--- EXHIBIT NO./PIECE NO 969:**

18 (123984) Coroner's Investigation
19 Statement

20 **MS. MORRIS:** Next document is Document
21 Number 123989.

22 **THE COMMISSIONER:** It's a report of post-
23 mortem examination of Ken Seguin and we'll leave it -- I
24 don't know the date. Okay.

25 **--- EXHIBIT NO./PIECE NO 970:**

1 (123989) Report of Post-Mortem
2 Examination

3 **MS. MORRIS:** The next document is Document
4 Number 123992.

5 **THE COMMISSIONER:** Medical Certificate of
6 Death of Ken Seguin dated December 3rd, 1993.

7 --- **EXHIBIT NO./PIECE NO 971:**

8 (123992) Medical Certificate of Death

9 **MS. MORRIS:** The next document is Document
10 Number 704018.

11 **THE COMMISSIONER:** This is an Ontario
12 Provincial Police occurrence report dated November 25th,
13 1993.

14 --- **EXHIBIT NO./PIECE NO 972:**

15 (704018) Occurrence Report dated 25 Nov
16 1993

17 **MS. MORRIS:** The next document to be
18 referred to has already been entered as Exhibit 315.

19 **THE COMMISSIONER:** Which is what? So I
20 don't need it.

21 **MS. MORRIS:** As well as the next document
22 has already been entered as an Exhibit 297.

23 The next document we'll be tendering is
24 Document Number 715456.

25 **THE COMMISSIONER:** And this is? Oh, an

1 interview report of Malcolm MacDonald dated the 21st of
2 December, 1993.

3 --- EXHIBIT NO./PIECE NO 973:

4 (715456) Handwritten Interview Report
5 Malcolm MacDonald to OPP dated 21 Dec
6 1993

7 MS. MORRIS: Next document to be referred to
8 has already been tendered as an Exhibit 271.

9 THE COMMISSIONER: Which one's that?
10 Internal correspondence?

11 MS. MORRIS: Two-seventy-one (271),
12 interview report of David Silmser.

13 THE COMMISSIONER: Okay, I don't need it.

14 MS. MORRIS: Okay. And the next document as
15 well has been referred to -- has been entered as an Exhibit
16 295, as well as the following document, Exhibit 270.

17 THE COMMISSIONER: So that's it?

18 MS. MORRIS: And there's one more. We'll be
19 referring to Exhibits 542, 262 and 296 also, and the last
20 document we will be tendering is Document Number 725229.

21 THE COMMISSIONER: Yes, that's an internal
22 correspondence to Staff Inspector S. MacDonald from Sgt S.
23 Nakic, December 9th, 1992.

24 --- EXHIBIT NO./PIECE NO 974:

25 (725229) Memo re: David Silmser

1 complaint dated 09 Dec 1992

2 **MS. MORRIS:** That completes the documents to
3 be tendered.

4 **THE COMMISSIONER:** Thank you.

5 **MS. MORRIS:** I'll proceed with the reading
6 of the Overview of Documentary Evidence then ---

7 **THE COMMISSIONER:** Thank you.

8 **MS. MORRIS:** --- for Kenneth Seguin.
9 Exhibit 921B.

10 **MS. MORRIS:** John Kenneth Gordon Seguin was
11 born on February 7th, 1944 in Cornwall. He attended Island
12 Public School and the Cornwall Collegiate and Vocational
13 School.

14 The reference is to Exhibit 945.

15 In 1967, he obtained a Bachelor of Arts from
16 the University of Ottawa and a Bachelor of Philosophy from
17 St. Paul University. In 1968, he studied Theology at St.
18 Paul University.

19 Exhibit 938.

20 In September of 1970, Seguin lived at 1345
21 3rd Street East, Apartment 101, in Cornwall. In September
22 of 1975, Seguin moved from 3rd Street East to 1758 Alguire
23 Street. He purchased a property in Summerstown on May 30th,
24 1986.

25 The references are to Exhibits 945, 939 and

1 958.

2 In January of 1968, Seguin applied to work
3 as a probation officer in Cornwall.

4 He was offered the position of a Group 1
5 probation officer on February 20th, 1968 to commence
6 employment on June 3rd, 1968.

7 Seguin worked as a probation officer from
8 June 3rd, 1968 until his death on November 25th, 1993.

9 On June 10th, 1968, V.M. Marks, the Area
10 Probation Supervisor, announced Seguin's appointment as a
11 probation officer with primary responsibility in juvenile
12 court, noting Seguin's studies into the causes of deviant
13 behaviour of deprived juveniles.

14 On June 24th, 1969, Seguin was promoted to
15 Probation Officer, Group 2, effective June 1st, 1969.

16 The references are to Exhibits 943, 942,
17 941, 940 and 944.

18 Seguin primarily worked as a probation
19 officer in the Cornwall area, although he did have some
20 additional responsibilities outside of Cornwall.

21 In 1971, he worked out of an office in
22 Chesterville twice a week and, in or around the end of
23 1972, he worked in the Prescott area.

24 In Prescott, he temporarily assumed the
25 preparation of Prescott Criminal Division Court pre-

1 sentence reports for new probationers, having assumed
2 responsibility for 10 existing cases in that area.

3 The references are to Exhibits 924 and 923.

4 R.S. Tear wrote supervision reports relating
5 to Seguin from June 3rd, 1968 to March 5th, 1973.

6 Seguin's supervision report from September
7 1969 refers to probationer C-10 being supervised by Seguin.

8 In November of 1969, Tear noted in her
9 supervision report that Seguin:

10 "...works hard with his cases and is not
11 afraid of enforcing the order.

12 However, on occasion, he is inclined to
13 let his sympathy for the probationer
14 overrule his discretion as a probation
15 officer."

16 The reference is to Exhibit 924.

17 J.R MacEachern wrote her supervision report
18 relating to Seguin for the period of January to June of
19 1972.

20 One of the entries indicates that Seguin had
21 taken a trip to Florida. E.R. Brillinger wrote in a 1972
22 employment history and evaluation form that:

23 "Seguin's case load had almost
24 doubled."

25 The references are to Exhibits 925 and 957.

1 In a case audit review from May of 1975,
2 Seguin was found to be lacking in his use of the reporting
3 record that he had previously agreed to use. It was
4 indicated that the size and demand of Seguin's caseload was
5 a factor. The reference is to Exhibit 923.

6 In his annual employee appraisal for the
7 period of July 1978 to April of 1979, Seguin's relationship
8 with his probationers was described as "Open and honest."
9 This appraisal was completed by K.P. Connolly. The
10 reference is to exhibit 968.

11 On March 11th, 1981, Seguin applied to be
12 placed on an eligibility list for future area manager
13 positions.

14 On March 18th, 1981, area manager W.A. Groten
15 put Seguin's name forward to be considered for the position
16 of area manager.

17 Groten described Seguin as having the
18 respect and confidence of all staff. He noted that Seguin
19 had acted in the capacity of office manager since 1974 and
20 described him as "tending to be a quiet and thoughtful
21 person."

22 He further noted that during the period of
23 his employment, Seguin had built an excellent reputation in
24 the community regarding the quality of his work which had
25 persistently been rated as superior by his previous

1 supervisors.

2 He also noted that people in the community
3 recognized Ken Seguin's leadership abilities and found it
4 rewarding to be associated with him.

5 On April 22nd, 1981, Seguin was notified that
6 he had not been selected for the eligibility list for
7 future area manager positions. The references are to
8 Exhibits 937, 936 and 935.

9 P.H. Sirrs conducted Seguin's annual
10 employee appraisal report for the period of April of 1981
11 to May of 1982. Sirrs indicated that:

12 "In his approach with clients, Mr.
13 Seguin is very humanistic, too much so
14 perhaps, although he seems to achieve a
15 rapport with results that are not
16 usually associated with other
17 approaches. Mr. Seguin agrees he could
18 develop an increased firmness in
19 dealing with clients which should not
20 impair these other valued qualities."

21 The report also noted an above average
22 quality of service. The reference is to Exhibit 967.

23 Sirrs also completed Seguin's annual
24 employee appraisal for the period of May 1982 to June of
25 1983. Sirrs noted that Seguin continued to maintain an

1 excellent reputation built over his 15 years in his
2 position and maintained a good rapport with clients, fellow
3 staff and outside community agencies. The report also
4 noted that Seguin:

5 "...has an insightful appreciation into
6 his role as a probation officer and
7 demonstrates a thoughtful,
8 conscientious and sincere approach."

9 The reference is to Exhibit 956.

10 In Seguin's annual appraisal report for the
11 period of April of 1983 to June of 1984, Sirrs reiterated
12 some of his earlier comments about Seguin and noted that he
13 is:

14 "...a capable experienced officer who, by
15 his conscientious, competent and quiet
16 style, provides a good role model for
17 other staff."

18 The reference is to Exhibit 966.

19 On January 24th, 1985, Seguin applied for the
20 position of area manager.

21 On January 25th 1985 L.V. White recommended
22 Seguin for the position of area manager. White he noted
23 that Seguin was:

24 "A warm human being with an excellent
25 force in interpersonal relationships."

1 He further noted that he:

2 "...had occasion to meet a couple of
3 lawyers, the acting Crown attorney and
4 other businesspeople in Cornwall and
5 was amazed at the esteem in which these
6 people hold ken Seguin."

7 On February 11th, 1985, Seguin withdrew from
8 the competition. The references are to Exhibits 933, 934,
9 and 932.

10 In Seguin's Annual Appraisal Report from
11 June of 1984 to September of 1985, Emile Robert, Area
12 Manager, wrote that he had:

13 "...observed Mr. Seguin to be an
14 extremely fine gentleman, dedicated to
15 his duties and responsibilities as a
16 probation and parole officer."

17 The reference is to Exhibit 955.

18 A case audit on several of Seguin's
19 probationer files was conducted on November 14th, 1985. A
20 memorandum to Seguin from Emile Robert concerning the audit
21 indicated the following concerns:

22 "Case notes not being completed or
23 initialed in some instances; the
24 absence of legal warnings and
25 explanations to clients; the absence of

1 supervision plans being included during
2 initial interviews with clients and the
3 lack of recording of the review of
4 conditions with clients."

5 References are to Exhibit 947.

6 Seguin's annual appraisal report for the
7 period of April of 1985 to June of 1986, Emile Robert noted
8 that Seguin:

9 "...is the mainstay of this office and
10 holds a high level of stabilizing
11 influence on his coworkers. Mr. Seguin
12 is an asset to this office and I am
13 pleased with his work performance."

14 The reference is to Exhibits 965 and 954.

15 A case audit conducted by Emile Robert in
16 September of 1987 in relation to one of Seguin's cases
17 referred to the need for sufficient monthly collateral
18 and/or parental contacts and suggested that Seguin review
19 the probation and parole standards for case supervision and
20 recording. The reference is to Exhibit 946.

21 In Seguin's performance review for the
22 period of July 1987 to June of 1988, Emile Robert indicated
23 that Seguin acted appropriately in monitoring and applying
24 probation rules and regulations. The reference is to
25 Exhibit 964.

1 Seguin's performance review for the period
2 of July of 1987 to June of 1988 notes:

3 "I am pleased with the progress of Mr.
4 Seguin's work performance."

5 This review was also completed by Emile
6 Robert. The reference is to Exhibit 953.

7 On March 10th, 1989, Seguin wrote to his
8 supervisor Emile Robert, advising him that, in accordance
9 with Ministry policies and procedures, as of March 11th,
10 1989 he would be renting a room in his home to Gerald
11 Renshaw had been under Seguin's supervision from October of
12 1984 to April of 1986.

13 On March 20th, 1989 Robert wrote to Roy
14 Hawkins Regional Manager, about Seguin's request.

15 On March 29th, 1989 H.R. Hawkins, the
16 Regional Manger wrote to Emile Robert, the Area Manager,
17 concerning Ken Seguin's letter. Hawkins wanted four steps
18 followed but did not advise against the arrangement.

19 On April 3rd, 1989 Robert received a reply to
20 his request for guidance from Hawkins.

21 On April 7th, 1989 all of the pre-conditions
22 identified by Hawkins had been met and Robert advised Ken
23 Seguin of the approval on the same date.

24 Robert gave a statement to Paul Downing
25 Special Investigator, in 2000, that he had told Ken Seguin

1 his request was approved on the condition that Ken Seguin
2 must report any change in Renshaw's circumstances and,
3 should that occur, he would review the situation.

4 Earlier that year, on February 27th, 1989,
5 Seguin had co-signed a loan for Renshaw. Terry Renshaw
6 testified that he moved in with Ken Seguin late in 1988 and
7 lived with him for approximately a year and a half.

8 The references are to Exhibits 556, I-559,
9 I-560, 542 and 958.

10 In Seguin's performance reviews for the
11 periods of July of 1988 to June of 1989 and July of 1989 to
12 June of 1990, Emile Robert noted that Seguin was well
13 motivated and demonstrated a high-level of proficiency in
14 his work. He added that he was pleased with his work
15 performance.

16 References are to Exhibits 952 and 951.

17 In Seguin's performance review for the
18 period of July 1990 to June of 1991, Emile Robert noted
19 that Seguin enforced all conditions in a professional
20 manner and that he was a very good employee.

21 The reference is to Exhibit 950.

22 During the evening of January 8th, 1992, one
23 of Seguin's clients and three other young males attended
24 Seguin's residence.

25 On January 9th, 1992, at approximately 4:00

1 a.m., one of the males who had earlier attended Seguin's
2 residence fatally shot another of the males. He was
3 subsequently convicted of manslaughter in relation to the
4 occurrence.

5 Seguin was interviewed by Detective
6 Constable R.L. Miller of the Ontario Provincial Police in
7 relation to the events leading up to the shooting.

8 During the interview, Seguin advised that he
9 had given the young males beer while they were at his
10 residence and that he didn't make a habit of having clients
11 at his residence.

12 The reference is to Exhibit 927 and also
13 929.

14 On January 16th, 1992 Seguin submitted a
15 Ministry of Correctional Services Incident Report in
16 relation to the shooting incident.

17 In the report he described that the young
18 males had attended his residence and noted that the family
19 of the alleged shooter lived nearby and was known to him on
20 a casual basis.

21 He indicated that the males had arrived
22 unannounced and uninvited and that he had attempted to
23 proceed quickly and professionally with the concern at
24 hand; that his probation client was to attend for his pre-
25 sentence report interview the next day, in relation to a

1 break, enter and theft occurrence and was agitated and
2 concerned about the possible outcome of his court case.

3 In the report Seguin described how he had
4 advised his probation clients that he could not address his
5 concerns properly before seeing the file and that it would
6 be best discussed at the office the following day.

7 Seguin added that the males left after he
8 had advised them to get the probation client home, so he
9 wouldn't be breaching his curfew.

10 Seguin wrote that the next day, his
11 probation client advised him that after the males had
12 dropped him off they had gone to a hotel and then to the
13 residence where the shooting had occurred.

14 The alleged shooter was being detained on a
15 charge of second-degree murder.

16 Seguin noted that he had provided a witness
17 statement to the Lancaster OPP on January 9th, 1992.

18 The reference is to Exhibit 927.

19 On August 27th, 1992 Emile Robert and
20 Detective Constable Miller discussed Seguin's involvement
21 in the shooting incident.

22 On September 3rd, 1992 Detective Constable
23 Miller sent Emile Robert a letter describing Seguin's
24 January 9th, 1992 statement to the OPP.

25 On November 10th, 1992 Seguin met with Emile

1 Robert in relation to the incident and received a
2 memorandum from Robert indicating that it was:

3 "Improper to allow Ministry clients to
4 visit your residents and to offer them
5 alcoholic beverages."

6 A copy of the Ministry policy on employee
7 contact with offenders/ex-offenders was enclosed. Seguin
8 was warned if a similar situation should arise disciplinary
9 action could be imposed.

10 The references are to Exhibits 928, 929,
11 931, 930 and 926.

12 In Seguin's annual performance review for
13 the period of July 1991 to June of 1992, Emile Robert noted
14 that Seguin is a very good employee; he has demonstrated a
15 high-level of initiative and proficiency in his work.

16 The reference is to Exhibit 949.

17 On December 9th, 1992 David Silmsner first
18 reported his allegations of historical sexual assault by
19 Father Charles MacDonald and Seguin to the Cornwall
20 Community Police Service.

21 The reference is to Exhibit 974 and 271.

22 On January 28th, 1993 Sergeant Ron Lefebvre
23 of the Cornwall Police Service interviewed Silmsner in
24 relation to his allegation of historical sexual assault by
25 Father MacDonald and Ken Seguin.

1 Constables Kevin Malloy and Heidi Sibalj
2 from the Cornwall Police Service were present during the
3 interview.

4 The references are to Exhibits 315, 295, and
5 297.

6 On February 16th, 1993 Silmsers gave the
7 Cornwall Police a written statement describing his
8 allegations of abuse by Father MacDonald. The statement
9 also indicated that Ken Seguin had sexually assaulted him.

10 The references are to Exhibits 295, 297, and
11 262.

12 On March 10th, 1993 Constable Sibalj and
13 Sergeant Lefebvre attended Silmsers residence and Silmsers
14 signed his statement. There was some discussion about
15 Silmsers allegations against Seguin and he told the police
16 officers that he didn't think he could deal with the Seguin
17 issue at that time.

18 The references are to Exhibits 295 and 297.

19 In Seguin's annual performance review for
20 the period of July of 1992 to June of 1993, Emile Robert
21 noted:

22 "All enforcement matters are handled in
23 a professional manner."

24 And:

25 "Mr. Seguin is a dedicated employee; he

1 shows initiative and proficiency in his
2 work. I'm pleased with his work
3 performance."

4 The reference is to Exhibit 948.

5 On August 24th, 1993, and twice on November
6 15th, 1993, Seguin purportedly wrote three "statements".
7 These statements set out some contacts Seguin allegedly had
8 with Silmser.

9 According to Malcolm MacDonald's statement
10 to the Ontario Provincial Police on December 21st, 1993,
11 Seguin approached Malcolm MacDonald on November 15th, 1993
12 and discussed with him the allegations by Silmser against
13 Seguin.

14 Malcolm MacDonald asked Seguin to provide
15 him with "some documentation as to his story and to
16 document the times he received calls from Silmser."

17 The references are to Exhibits 962, 961, 960
18 and 973.

19 On November 2nd 1993 Gregory Bell and Pina
20 DeBellis of the Children's Aid Services interviewed
21 Silmser. During the interview, Silmser alleged that Father
22 Charles MacDonald, his former probation officer Seguin, and
23 a school teacher, Marcel Lalonde, had sexually assaulted
24 him.

25 The reference is to Exhibit 270.

1 According to a Cornwall Police Service
2 Supplementary Report, on November 4th, 1993 Silmsers
3 contacted Constable Sibalj of the Cornwall Police.

4 The report indicates that when Silmsers was
5 asked whether he wished to pursue the Seguin matter Silmsers
6 declined and stated that he no longer wanted to talk about
7 "all of this".

8 The reference is to Exhibit 296.

9 On November 26th, 1993 OPP Detective
10 Constables R. Miller and C. MacDonnell interview David
11 Silmsers. During the interview, Silmsers said that about
12 three weeks earlier, Gregory Bell from the Children's Aid
13 Services had called him and said that he was conducting
14 investigation in relation to Father Charles MacDonald and
15 Ken Seguin and that he wanted to see Silmsers.

16 Silmsers went on to explain that he had a
17 number of telephone conversations with Malcolm MacDonald
18 and Seguin to discuss a financial settlement in the days
19 preceding Seguin's death. The last of these calls occurred
20 that morning when he spoke to Malcolm MacDonald and was
21 advised of Seguin's death. The reference is to Exhibit
22 271.

23 Seguin passed away on November 25th, 1993.
24 His neighbour, Ron Leroux, found Seguin after gaining entry
25 into his residence using a spare key. The Coroner's

1 Investigation Statement completed by Coroner D. Conway,
2 M.D. indicated that Seguin had committed suicide and that
3 he had had episodes of depression. The references are to
4 Exhibits 972, 970, 969, 971, 963 and 922.

5 Following Ken Seguin's death, the Ontario
6 Provincial Police conducted an investigation into
7 allegations that Silmsler had attempted to extort money from
8 Seguin. No charges were laid as a result of this
9 investigation. The reference is to Exhibit 959.

10 Following the death of Seguin, many former
11 probation clients came forward alleging sexual abuse by
12 Seguin. Some commenced civil suits in relation to the
13 alleged sexual abuse. The facts related to these
14 allegations do not form part of this document.

15 **THE COMMISSIONER:** Great. Thank you.

16 **MS. MORRIS:** That completes the reading of
17 the overview.

18 **THE COMMISSIONER:** All right. Does anybody
19 wish to make a comment on this ODE at this time? No. All
20 right. Thank you.

21 Mr. Manderville?

22 **--- COMMENTS BY/COMMENTAIRES PAR MR. MANDERVILLE:**

23 **MR. MANDERVILLE:** Good Afternoon, Mr.
24 Commissioner.

25 More or less, I'm going to reiterate what

1 I've said to you before about ODEs and I was remiss in not
2 raising it in respect of Mr. Barque, and I know you will
3 accept or reject these points as you wish, but I wish to
4 make them.

5 The ODE itself, as opposed to the exhibits
6 of which it is comprised -- the ODE itself, I suggest, is
7 unavoidably Commission counsel's interpretation of what the
8 documents appended to it say and I would submit the ODE
9 cannot be used as a basis for a finding of misconduct nor
10 to assist in making a finding of misconduct.

11 Similarly, the ODE cannot be proffered for
12 the truth of its contents or used to bolster or detract
13 from the credibility of a live witness.

14 And those are the points that I wish to make
15 on that. And I'm happy to answer any questions that you
16 might have about it.

17 **THE COMMISSIONER:** No. No. I'll just go
18 back to what I said to you before about those comments. So
19 that's it. Thank you.

20 Mr. Horn, did you wish to say something?

21 **--- COMMENTS BY/COMMENTAIRES PAR MR. HORN :**

22 **MR. HORN:** This has been a subject of some
23 discussion regarding the appropriateness of the way -- the
24 manner in which these -- the ODEs have been done. I agree
25 with the fact that they are -- should be in a kind of

1 narrative form. There has to be some way in which the
2 public can read and understand the contexts, and I think
3 that by just giving the public documents to peruse and look
4 at is just going to just confuse them and I think that it's
5 necessary that the Commission counsel do something in order
6 to give some cohesion into how these things came together
7 and how they were put the way they were, and I think -- I
8 agree with the manner in which it was put in.

9 **THE COMMISSIONER:** Thank you.

10 Anyone else? No.

11 Ms. Morris, is that everything for today?

12 **MS. MORRIS:** Yes, it is, Mr. Commissioner.

13 **THE COMMISSIONER:** So I take it we're coming
14 back tomorrow morning at 9:30 with Mr. Guzzo?

15 **MS. MORRIS:** Yes.

16 **THE COMMISSIONER:** Mr. Lee?

17 **MR. LEE:** I'm not sure whether your
18 intention is still to go in camera this afternoon in order
19 to get a moniker assigned?

20 **THE COMMISSIONER:** Absolutely.

21 **MR. LEE:** Okay. Thank you.

22 **THE COMMISSIONER:** So we'll break and I will
23 not be offended if people take their leave. It will only
24 be for the purposes of going in camera and putting a name
25 to the moniker that we've given -- the one or two monikers

1 we've given.

2 Thank you.

3 **MS. MORRIS:** Thank you.

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

6 This hearing will resume at 3:40.

7 --- Upon adjourning at 3:23 p.m. to resume in camera/

8 L'audience est ajournée à 15h23 pour reprendre à huis

9 clos

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM