

**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 307

Held at :

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

Wednesday, November 19, 2008

Tenue à:

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

Mercredi, le 19 novembre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Suzanne Sinnamon	
Ms. Kelly Doctor	
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and
Mr. Norman Boxall	Doug Seguin and Father Charles MacDougald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Mr. Larry O'Brien	D/Insp. Randy Millar
Mr. Joseph (Joe) Dupuis	

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1 --- Upon commencing at 9:50 a.m./

2 L'audience débute à 9h50

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann?

12 **MR. ENGELMANN:** Good morning, Mr.
13 Commissioner.

14 **THE COMMISSIONER:** Yes, sir.

15 **MR. ENGELMANN:** You know the next witness
16 for the Inquiry is Mr. Joseph Dupuis ---

17 **THE COMMISSIONER:** Yes.

18 **MR. ENGELMANN:** --- who is a retired officer
19 of the Ontario Provincial Police. My colleague, Maître
20 Dumais, will be leading that evidence, not I. We've had
21 some discussions with counsel about other issues that have
22 arisen.

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

24 **MR. ENGELMANN:** Mr. Norn Boxall is here.
25 He's counsel to Michael Neville, one of the lawyers before

1 this Inquiry, and he wishes to address you before we start
2 with this witness.

3 **THE COMMISSIONER:** Okay, thank you.

4 Good morning, sir.

5

6 ---**STATEMENT BY/DÉCLARATION PAR MR. NORMAN BOXALL:**

7 **MR. BOXALL:** Good morning, Mr. Commissioner.

8 It's my first appearance here so hopefully I can get the
9 procedure somewhat right.

10 I'm acting as your counsel just indicated
11 for Mr. Neville ---

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

13 **MR. BOXALL:** --- who you're familiar with.
14 He's obviously here as counsel for two parties with
15 standing.

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

17 **MR. BOXALL:** And he's been involved in the
18 case, as I understand it, since late November of 2005.

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

20 **MR. BOXALL:** An issue arose last week, I
21 believe Thursday, with the release of an anticipated
22 evidence of the next witness, Mr. Dupuis.

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

24 **MR. BOXALL:** I became involved in the matter
25 on Thursday and trying to appraise myself of the facts and

1 circumstances, and on Sunday delivered a letter setting out
2 concerns to lead counsel and to Mr. Dumais and it was
3 copied, hopefully, electronically to everyone else. And
4 that was being done at the earliest possible time; it was
5 done over the weekend so persons could be aware.

6 The concern is such that I am asking you,
7 sir, to consider a brief in camera proceeding so that we
8 can make submissions in its entirety on this issue. It's
9 one of those situations where if everything's done in
10 public at the outset then the harm you're seeking to avoid
11 is complicated and it defeats the purpose.

12 Essentially what the issue is has arisen as
13 a result of that anticipated evidence. There's a
14 possibility, if not a probability, that Mr. Neville himself
15 would become a witness. I think it's fairly trite that
16 counsel cannot be counsel for a party and a witness in the
17 same proceeding and it would be indeed unfortunate if Mr.
18 Neville was required at this late stage in the proceeding
19 to be removed; unfortunate for the client who he represents
20 and unfortunate for the important work that the Inquiry is
21 doing.

22 And the Inquiry has been proceeding for a
23 lengthy period of time and I'm well aware that the
24 extraordinary efforts that are going right now to complete
25 the Inquiry within the mandated time that's allowed. So in

1 order for the Inquiry to complete its work, things have to
2 progress. And I am certainly aware of that -- not making
3 the application lightly to -- I'm not making the
4 application lightly to go in camera and I certainly
5 wouldn't want to use up valuable time, but I think it's an
6 important situation to canvas the potential evidence to
7 determine its admissibility, relevance towards these
8 proceedings, and also determine the -- if that is going to
9 require the necessity of Mr. Neville to testify and also of
10 course, Father MacDonald to obtain alternate counsel.

11 I could go through the rules and procedure
12 but you, sir, have been doing this for years and you're
13 well familiar with them so I'm not going to bore you with
14 reading your own rules to you, but I understand that in
15 these proceedings that in certain cases in camera
16 proceedings have taken place. It's not projected that --
17 intended that this would keep anything from the public
18 that's properly for the public, however, in order to
19 proceed and to allow the issue to be fairly put and the
20 circumstances put out without prejudicing anyone, I am
21 asking to be permitted to make the submissions.

22 It may even be necessary to hear a short
23 *voir dire* of the evidence in camera so that you, sir, would
24 be aware of what the prospective evidence. We may be able
25 to do that in summary fashion, but it may not be. It may

1 require actually a short *voir dire*, but as I understand the
2 rules, certainly under rule 39, you have the discretion, in
3 appropriate circumstances, to conduct hearings in private.
4 And it indicates having regard to the circumstances the
5 desirability of avoiding disclosure outweighs the
6 desirability of the hearing to the general principle that
7 the hearing should be open to the public.

8 And in my submission, it would be desirable
9 to have this in camera proceeding to hear it. If it's all
10 done in public, then I think out of necessity it's going to
11 push us to the situation where Mr. Neville's no longer in a
12 position to act and that is, indeed, not where I want to
13 go. And I would hope that all matters should be explored
14 prior to getting that and it's certainly in everyone's
15 interest that this Inquiry continue with persons that have
16 standing before it represented and proceed expeditiously.

17 **THE COMMISSIONER:** I see -- we should go
18 back one step though. You don't have a motion record or
19 it's not in writing---

20 **MR. BOXALL:** Okay.

21 **THE COMMISSIONER:** --- so you might want to
22 address the that as well.

23 **MR. BOXALL:** Okay, I was going to ask to. I
24 also noticed there's a rule that it's to be in writing. If
25 I could just turn to the ---

1 **THE COMMISSIONER:** It has to be in writing
2 unless ---

3 **MR. BOXALL:** Unless you exercise your
4 discretion otherwise and in this particular case, I'd like
5 to point out the short notice that's been received. The
6 notice of the issue didn't arise until Thursday at the
7 earliest and then there's been really fairly extraordinary
8 efforts to set out the circumstances.

9 The letter that was delivered to all counsel
10 involved is fairly extensive. Since that time, there's
11 been telephone conferences with counsel. I've had
12 discussions with Commission counsel. There's also been at
13 least two telephone conferences yesterday where all counsel
14 were invited to discuss the procedures.

15 Time doesn't permit to put it in -- in
16 writing. The issues are certainly in the knowledge of your
17 counsel and all the other counsel that are here. So the
18 purpose, and a large part for writing, is so that people
19 know and have notice of what's being done and it proceeds
20 expeditiously. In this case, everyone that would have
21 reason to know has been informed of the circumstances and
22 the issues involved, either through my letter or through
23 the telephone conferences, and I would be asking you to
24 exercise the discretion that you have to waive a necessity
25 for a written notice. Any time that would be taken to put

1 it in writing would once again defeat the purpose.

2 If the witness was to be adjourned and so on
3 and then given time to put it in writing, I could, but I'd
4 like to proceed expeditiously and I know the time
5 pressures. That having been said, time is a factor, but
6 things have got to be done properly.

7 **THE COMMISSIONER:** So what exactly would we
8 be doing in camera if I gave you that?

9 **MR. BOXALL:** I'd start initially in camera
10 with some submissions. I'd like to file -- I suppose I
11 could file with you, the letter that I've delivered to
12 Commission counsel in an in camera way, if that ---

13 **THE COMMISSIONER:** But what are we -- what's
14 the issue in camera?

15 **MR. BOXALL:** What is the issue? The issue
16 is some anticipated evidence of the witness in which he
17 would, if his evidence were delivered, could require Mr.
18 Neville to give evidence on the same issue and make Mr.
19 Neville a witness. And I could go into greater detail but
20 if I do that in public, it sort of defeats the request to
21 do it in camera.

22 So the issue is that the anticipated
23 evidence may require counsel on these very proceedings, who
24 has been counsel for now three years, to become a witness
25 at this very late stage. That's the issue.

1 **THE COMMISSIONER:** Okay.

2 So what we have on the floor now then is a
3 request -- you may sit down, sir; thank you -- a request
4 that I waive the necessity of filing written material and
5 that we go in camera to find out more about this and see
6 where we go.

7 So Ms. Daley, do you have a position on
8 this?

9 ---**STATEMENT BY/DÉCLARATION PAR MS. DALEY:**

10 **MS. DALEY:** On the first of your two issues,
11 sir; what Mr. Boxall said to you is in fact correct. I
12 feel that we have adequate notice of the issues. We
13 understand what we're dealing with. So I would certainly
14 think it's appropriate for you to waive that notice.

15 On the second issue, being in camera; again
16 I have to agree with Mr. Boxall's position that if this
17 issue is not dealt with in camera, it defeats the
18 overarching purpose. And as I see it, that purpose is if
19 possible to avoid a situation in which Mr. Neville has to
20 withdraw as counsel because that has an impact on the
21 conclusion of the Inquiry that obviously we would like to
22 avoid, if humanly possible. Again on that point, I
23 appreciate the overarching need to be public with these
24 proceedings but I do feel that at the conclusion of the in
25 camera session, you will be able to render a ruling,

1 perhaps with input from counsel here, that will be
2 informative enough to the public so that they will
3 understand what has occurred and why it has occurred.

4 **THE COMMISSIONER:** Thank you.

5 Coalition? Who wishes to ---

6 ---**STATEMENT BY/DÉCLARATION PAR MR. HORN:**

7 **MR. HORN:** We ---

8 **THE COMMISSIONER:** No, no; can't hear you.

9 I'm not trying to be difficult it's just the
10 translators and the interpreters can't get that.

11 **MR. HORN:** Okay.

12 We agree with the position of the CCR.

13 Thank you.

14 ---**STATEMENT BY THE COMMISSIONER/DÉCLARATION PAR LE**
15 **COMMISSAIRE:**

16 **THE COMMISSIONER:** Thank you.

17 Anybody in -- okay, then why don't we do it
18 this way? Anybody in opposition to having it done in
19 camera? No. All right.

20 Well, let me just say this then; first of
21 all, with respect to the written material, I think that
22 we're at a stage now counsel have indicated that they are
23 aware to some degree of what the application is all about
24 and given the tight time frames that we have, I think that
25 we are able to do this orally. And if it gets too

1 complicated, I can always ask for written submissions.

2 The second thing is with respect to whether
3 it should be in camera or not. I have always taken the
4 position that where at all possible this matter should be
5 heard in public, however given the circumstances of this
6 matter, I'm going to err on the side of caution and I'm
7 going to permit the matter to be heard in camera with the
8 understanding that afterwards when we come back, I will be
9 in a position to advise the public as much as possible as
10 what went on.

11 It's a balancing of interests and in the
12 circumstances I think that erring on the side of caution is
13 the proper procedure. So we'll adjourn for the 15 minutes
14 it takes and then we'll come back in-camera.

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

17 This hearing will resume in camera at 10:20
18 a.m.

19 --- Upon recessing at 10:04 a.m./

20 L'audience est suspendue à 10h04

21 --- Upon resuming in public session at 3:19 p.m./

22 L'audience publique est reprise à 15h19

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **MR. DUMAIS:** Mr. Commissioner, did you want
3 to summarize the events of the in camera ---

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

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

7 For those of you who are joining us on the
8 webcast, we spent a better of the day in a *voir dire* to
9 determine certain aspects of evidence that would be
10 canvassed with this witness.

11 What I've decided to do is I will permit
12 Commission counsel and the others to canvass this bit of
13 evidence, and when we get to it I will have some comments
14 to make with respect to its applicability to the -- within
15 the whole of the Inquiry and where it fits in.

16 Thank you.

17 **MR. DUMAIS:** All right, if we can then begin
18 with the evidence of Mr. Joe Dupuis.

19 **THE COMMISSIONER:** Yes, sir.

20 **JOSEPH (JOE) DUPUIS, Resumed/Sous le même serment:**

21 **THE COMMISSIONER:** You understand you're
22 still under oath, sir?

23 **MR. DUPUIS:** Yes, sir.

24 **THE COMMISSIONER:** Thank you.

25 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

1 **DUMAIS:**

2 **MR. DUMAIS:** Now Mr. Dupuis, I understand
3 that a career profile was prepared on your behalf and I'm
4 going to ask that you take a quick look at Document Number
5 200247.

6 **THE COMMISSIONER:** Thank you.

7 Two six zero eight (2608) is a career
8 profile of Joseph Dupuis. Exhibit 2608.

9 **--- EXHIBIT NO./PIÈCE NO. P-2608:**

10 (200247) Career Profile of Joseph
11 Dupuis

12 **MR. DUMAIS:** Now, Mr. Dupuis, I understand
13 that you became a probationary constable on February 28th,
14 1972 and that was at the Woodstock detachment?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. DUMAIS:** And on February 1st, 1973 you
17 became a provincial constable, again at the same
18 detachment?

19 **MR. DUPUIS:** Yes, sir.

20 **MR. DUMAIS:** You transferred out to the
21 Lancaster detachment on April 4th, 1977.

22 **MR. DUPUIS:** Yes, sir.

23 **MR. DUMAIS:** And you became a senior
24 provincial constable at the Lancaster detachment on January
25 1990.

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

2 **MR. DUMAIS:** Then on October 16th, 1995 you
3 became a detective senior constable with the SD&G Crime
4 Unit, East Region.

5 **MR. DUPUIS:** Yes, sir.

6 **MR. DUMAIS:** And you were seconded to the
7 Project Truth investigation in September of 1997.

8 **MR. DUPUIS:** Yes, sir.

9 **MR. DUMAIS:** You stayed as an investigator
10 with Project Truth until you retired on May 31st, 2003.

11 **MR. DUPUIS:** At the end of my career, sir,
12 it was a limited -- I was back at the crime unit and doing
13 kind of both when it was necessary.

14 **MR. DUMAIS:** But you'd have spent a very
15 short period of time back at the crime unit?

16 **MR. DUPUIS:** Approximately a year, I
17 believe, maybe a year and a half. I'm not sure exactly.

18 **MR. DUMAIS:** Would it coincide with the --
19 did you transfer back at the unit after the proceeding in
20 the Father Charlie MacDonald matter?

21 **MR. DUPUIS:** I'm not sure exactly when the
22 project was terminated. I'm sure there's documentation of
23 it some place.

24 **MR. DUMAIS:** All right. Fair enough.

25 On page two of the career profile is set out

1 the different courses that you have completed over the
2 years. I'd like to note two of them, the first one being
3 the criminal investigation course completed at the OPP
4 Academy on June 3rd, 1991; and as well the Ontario Major
5 Case Management course which you completed on September
6 17th, 2001.

7 **MR. DUPUIS:** Yes, sir. Well, I think it was
8 from the 17th till the 26th.

9 **MR. DUMAIS:** From the 17th until September
10 26th?

11 **MR. DUPUIS:** Yes.

12 **MR. DUMAIS:** Thank you.

13 Now, I understand, Mr. Dupuis, that you were
14 assigned to Project Truth on September the 2nd, 1997. Is
15 that correct?

16 **MR. DUPUIS:** Yes, sir. Yes, sir.

17 **MR. DUMAIS:** And you received the assignment
18 from your staff sergeant which was Gord Luloff?

19 **MR. DUPUIS:** Yes, sir.

20 **MR. DUMAIS:** And I understand he gave you a
21 certain period of time to clear up your schedule before you
22 actually started working with the investigation of Project
23 ---

24 **MR. DUPUIS:** From the 2nd till I believe the
25 11th of September there was correlation between the two, to

1 try to clean up some of my detachment work, but try get
2 myself up to speed also with the Project Truth matter.

3 MR. DUMAIS: All right.

4 So were you able to clear up most of your
5 ongoing investigations that the -- you were at the SD&G
6 Crime Unit?

7 MR. DUPUIS: Yes, sir. No, I was not.

8 MR. DUMAIS: So you kept ongoing files as
9 you were working on the Project Truth project?

10 MR. DUPUIS: Yes, sir. That probably lasted
11 no less than a year.

12 MR. DUMAIS: Okay.

13 MR. DUPUIS: Maybe up to a year and a half.

14 MR. DUMAIS: So then your first day of work
15 is September 11th, 1997. You get to the Project Truth
16 office. Who do you meet there?

17 MR. DUPUIS: Well, I had met them prior to
18 because they had started before I did but basically it was
19 Tim Smith was the Detective Inspector, Detective Sergeant
20 Pat Hall, Constable Seguin and Constable -- Detective
21 Constable Genier.

22 MR. DUMAIS: Okay. So is anyone at this
23 point in time briefing you as to what the mandate of
24 Project Truth is?

25 MR. DUPUIS: It was discussed.

1 **MR. DUMAIS:** Do you recall what you're being
2 told at that time?

3 **MR. DUPUIS:** The exact mandate? No. It
4 was, if I can remember, the allegations of historic sexual
5 assault involving clergy and other persons in the Cornwall
6 and surrounding area. But I think it was more expanded
7 than that but I can't remember the totality of the couple
8 of paragraphs that was given to me.

9 **MR. DUMAIS:** By the time you get there, some
10 of the other investigators have already been working on
11 this.

12 **MR. DUPUIS:** Yes, sir.

13 **MR. DUMAIS:** And I understand that there was
14 some sort of an assignment sheet that had been prepared.

15 **MR. DUPUIS:** Yes, sir.

16 **MR. DUMAIS:** Can you just give us an idea of
17 what that was and what it represented?

18 **MR. DUPUIS:** One of the other officers or
19 both would go through the documents that they had prior to
20 my arrival, and they would assign issues that was not
21 either clear to them or they felt there was follow-up to it
22 or people to be interviewed. And they were put in an
23 assignment register.

24 **MR. DUMAIS:** And did this assignment sheet
25 essentially direct the work that you would have to do on a

1 day-to-day basis?

2 MR. DUPUIS: Yes, sir.

3 MR. DUMAIS: And who was supervising or
4 directing the work when you first got there in 1997?

5 MR. DUPUIS: For the most part it was Pat
6 Hall. A detective inspector's case load, as you know, is
7 very intensive. So Pat was there on a day-to-day basis,
8 advising us, directing us.

9 MR. DUMAIS: And can you give us a sense of
10 what type of supervision or direction you were getting from
11 Inspector Smith at that time?

12 MR. DUPUIS: He would show up for when his
13 workload permitted but no less than one or two days a week
14 and whenever he felt that we needed direction. And he
15 would coach us and get us onto the right avenue, shall we
16 say.

17 MR. DUMAIS: Now, I understand that you
18 worked on a number of investigations and that one of those
19 was the investigation regarding allegations versus Father
20 Charlie MacDonald. And I understand that when you got
21 there that investigation had already been ongoing and
22 charges had been laid. Is that correct?

23 MR. DUPUIS: Yes, sir, by other officers
24 other than in Project Truth.

25 MR. DUMAIS: But certainly you had been

1 assigned the task to be the lead investigator on this file?

2 MR. DUPUIS: Eventually I was, yes.

3 MR. DUMAIS: Okay. And were you asked to
4 review any material at that time?

5 MR. DUPUIS: Yes, sir.

6 MR. DUMAIS: Do you recall what materials
7 you reviewed?

8 MR. DUPUIS: Whatever was in our files at
9 that time pertaining to whatever case you'd be working on.
10 It was up to you to go through those files and make
11 yourself aware of what was there in materials and continue
12 from there.

13 MR. DUMAIS: All right. But my
14 understanding is that this initial investigation would have
15 begun with Inspector Smith back in 1994. They would have
16 conducted a number of interviews. Charges were not laid
17 until 1996 but these matters were all before the Court.
18 And my understanding is that it was Officer Fagan who had
19 carriage of this investigation at this point in time. Am I
20 correct?

21 MR. DUPUIS: That's correct. I didn't learn
22 that -- I don't know when I learned that, pertaining to
23 that. It would have been fairly close to around when I
24 started or very shortly thereafter.

25 MR. DUMAIS: Okay. But this file with the

1 statements and the Crown brief, are they at the Project
2 Truth office or are they in the hands of Officer Fagan?

3 **MR. DUPUIS:** They were not at Project Truth.
4 I can only assume that a copy would have been in Fagan's
5 possession.

6 **MR. DUMAIS:** All right.

7 So certainly when you first started working
8 on the investigation on new allegations made against Father
9 MacDonald, you did not have the chance to review this file.
10 Am I correct?

11 **MR. DUPUIS:** Yes. That's correct.

12 **MR. DUMAIS:** Okay. And as a matter of fact,
13 by the time that you first arrive at Project Truth in
14 September of 1997 the preliminary inquiries have been
15 completed and shortly thereafter there's an indictment that
16 is prepared, transferring the matter to the Superior Court.

17 **MR. DUPUIS:** Okay. I'm not aware of that.

18 **MR. DUMAIS:** All right. Perhaps we'll get
19 there shortly.

20 Regarding the specific investigation as well
21 I understand that everything initially started with a
22 Cornwall Police Service's investigation following an
23 allegation that had been made in -- initially in December
24 of 1992. Did you have a copy of that file to look at
25 before you began your work on this investigation?

1 **MR. DUPUIS:** I don't know when I became
2 aware of that, if it was in the files when I started or
3 shortly thereafter, but I do know what you're talking
4 about. But when I first read it, I'm not sure.

5 **MR. DUMAIS:** All right.

6 Now, can you just give us a sense of how the
7 investigative team organized itself on a daily basis;
8 whether or not you started the morning with some type of
9 investigative meeting or whether you were -- was there set
10 meetings, set briefings? Just give us a sense generally.

11 **MR. DUPUIS:** There was no set meetings.
12 There was only four of us. Maybe over coffee we would
13 discuss what we're going to do that day, which possible
14 interview would take priority over others, whether it be a
15 written or an audio or a video statement. Obviously, if it
16 was a victim we tried to put him on video, just for the
17 true fact of the statement, shall we say, a true version of
18 what he had to say.

19 **MR. DUMAIS:** And just speaking of
20 statements, you conducted a number of interviews, and
21 statements were taken in different format. Is that
22 correct?

23 **MR. DUPUIS:** That's correct.

24 **MR. DUMAIS:** There were written statements,
25 audiotaped statements and videotaped statements

1 **MR. DUPUIS:** Yes.

2 **MR. DUMAIS:** What was the distinction
3 between the three and how did you decide what type of
4 statement you were taking?

5 **MR. DUPUIS:** If it was possibly a witness
6 that didn't have a lot of information for us, it would
7 probably be written. Audio -- a person had more
8 information, more to say, but not necessarily a victim.
9 And then the victims were audiotaped. People in ill health
10 were audiotaped because we didn't know if they would be
11 around till court periods -- court time.

12 **MR. DUMAIS:** And from time-to-time you would
13 meet with a witness and you would not necessarily know if
14 that particular witness had anything of importance to tell
15 you. You'd take a written statement and perhaps sometimes
16 you would follow that up with an audio or videotaped
17 statement?

18 **MR. DUPUIS:** As soon as we felt that it was
19 more appropriate that it should be on audio or video, then
20 we would ask them if they would go that route. A lot of
21 times the video recorders were with us -- not video --
22 audio recording unit was with us, but the video equipment
23 is at a detachment, so we'd ask them to come to the
24 detachment. Sometimes it had to be made at a later time
25 due to family issues or travel periods and such like this.

1 **MR. DUMAIS:** All right.

2 So let's say that you're going on an
3 assignment, you're taking a statement from this particular
4 witness. You get back to the office after the statement is
5 taken. Can you just give us a sense of what's happening
6 once you come in? Does someone take the information from
7 the statements and do something with it or do you do that?

8 **MR. DUPUIS:** No. We had a secretary. I
9 would proofread the statement, take major portions that was
10 important or we felt was important, and we also had a book
11 that these items were put into. I can't recall what -- it
12 was in relationship to the assignment book.

13 **MR. DUMAIS:** Was it the central database for
14 Project Truth statements?

15 **MR. DUPUIS:** No. I'm sorry, I can't recall,
16 but it was with regards to the assignment book. It was
17 just a more detailed version of it and that information was
18 documented in point form there.

19 Then the statement was given to the
20 secretary and she typed it for us. She put it on our
21 access file and cross-referenced it to whatever file or
22 person it was pertinent to. Sometimes it was one,
23 sometimes it was more than one.

24 **MR. DUMAIS:** All right.

25 Am I correct in understanding that there

1 were essentially three detectives going around taking
2 statements from different people? That would be yourself,
3 Detective Genier and Detective Seguin?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. DUMAIS:** All right. So you are
6 essentially the intelligence gatherers here?

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

8 **MR. DUMAIS:** All right. And when the
9 information comes to the Project Truth office, does someone
10 look at everything that's been recorded that day in
11 statements and make informed decisions as to where you're
12 going next?

13 **MR. DUPUIS:** That would have been Pat Hall.

14 **MR. DUMAIS:** Okay. And is Pat Hall doing
15 only this?

16 **MR. DUPUIS:** Pardon?

17 **MR. DUMAIS:** Is Pat Hall's principal
18 responsibility looking at the intelligence that was
19 gathered and making decisions as to who is to next be
20 interviewed?

21 **MR. DUPUIS:** That would have been one of his
22 tasks, yes.

23 **MR. DUMAIS:** All right. And is the work at
24 the beginning, when you first get there, divided between
25 different investigations, different allegations, or at this

1 point-in-time are you just going around and taking
2 statements from a number of different people?

3 **MR. DUPUIS:** I think each one of us were
4 given sort of assignments and a direction of where they
5 wanted us to go to, and then each one would work on that
6 assignment.

7 **MR. DUMAIS:** All right.

8 And the decision to interview or re-
9 interview someone or to follow up on an allegation, would
10 that decision rest solely with Inspector Hall?

11 **MR. DUPUIS:** It was discussed with him and
12 the decisions basically came from him to -- which direction
13 to go in.

14 **MR. DUMAIS:** And so he would have the
15 authority then to ask you to follow up on an allegation or
16 not follow up on an allegation. Is that fair?

17 **MR. DUPUIS:** If there was an allegation, we
18 followed up on them all. It's just we -- I guess at times
19 that some may be more important to get done in a quicker
20 fashion, so then our energy was channelled maybe there.

21 **MR. DUMAIS:** Okay. And the focus on a
22 certain investigation, that decision was being made by
23 Inspector Hall?

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

25 **MR. DUMAIS:** All right. And what about the

1 allegations and whether or not that allegation fit within
2 the mandate or did not fit within the mandate?

3 **MR. DUPUIS:** That would be Inspector Hall's
4 decision.

5 **MR. DUMAIS:** Okay. Did you yourself have
6 the authority to make that decision?

7 **MR. DUPUIS:** No, sir.

8 **MR. DUMAIS:** All right.

9 And so whenever you receive a new
10 allegation, am I correct in understanding that you would
11 take this allegation, go and meet with Inspector Hall,
12 brief him on it and ask him whether or not this fits in
13 your mandate?

14 **MR. DUPUIS:** Most of them he would have been
15 at the office and he would have received the original
16 allegation, and I think there is -- because a lot of times
17 the three of us were on the road and he manned the office,
18 along with our secretary.

19 **MR. DUMAIS:** Right. All right.

20 In 1997, when you first started and when the
21 first Crown briefs were being prepared, did you have the
22 practice of having to meet with a Crown Attorney or an
23 assistant Crown Attorney before charges were being laid?

24 **MR. DUPUIS:** When the briefs were compiled
25 they were sent -- now, the sending off of the brief was

1 done by Inspector Hall, so I believe they would be sent to
2 Jim Stewart's office in Ottawa, and then he would farm them
3 out to a Crown somewhere in regards to those briefs.

4 **MR. DUMAIS:** Do you recall whether or not
5 there was a dedicated Crown or assistant Crown Attorney
6 that was tasked to review your initial briefs?

7 **MR. DUPUIS:** When I started, I think the
8 only Crown that was involved with it -- because he was
9 Crown for Charles MacDonald and some of the briefs directly
10 went to him because he was already involved.

11 **MR. DUMAIS:** Yes.

12 **MR. DUPUIS:** Other than him, I don't believe
13 there was a Crown assigned to us at that time.

14 **MR. DUMAIS:** Okay.

15 **THE COMMISSIONER:** I'm sorry, who was that
16 person?

17 **MR. DUPUIS:** Robert Pelletier. Mr. Bob
18 Pelletier.

19 **MR. DUMAIS:** And would you at times make the
20 decision to lay a particular charge against someone prior
21 to a Crown Attorney or assistant Crown Attorney reviewing a
22 file?

23 **MR. DUPUIS:** I think that only happened
24 twice.

25 **MR. DUMAIS:** Okay. So for the majority of

1 the cases, you were seeking an opinion from the Crown
2 Attorney?

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

4 **MR. DUMAIS:** All right.

5 **THE COMMISSIONER:** On what two occasions did
6 you not seek the advice of the Crown?

7 **MR. DUPUIS:** In the matter of Jacques Leduc
8 and Jean-Luc Leblanc.

9 **THE COMMISSIONER:** Okay.

10 **MR. DUMAIS:** And is there a particular
11 reason why you would not seek an opinion on these two
12 files?

13 **MR. DUPUIS:** I think there was the -- a case
14 had to be put together quick because there was offences
15 taking place right at the time.

16 **MR. DUMAIS:** And do you recall whether or
17 not it was an issue, at least in 1997 or early 1998, that
18 you were waiting for Crown opinions before proceeding to
19 lay charges in a particular file?

20 **MR. DUPUIS:** See, that would have been an
21 administration issue that Inspector Hall would take care
22 of. That wasn't for us. I think Inspector Hall would be
23 able to answer that better for you.

24 **MR. DUMAIS:** Okay. So if you're working on
25 a particular investigation, you complete your statements,

1 follow up with your leads, you prepare a Crown brief and
2 once that's prepared it's given to Inspector Hall, and then
3 he is in charge of getting the Crown opinion and getting
4 the process rolling for laying a charge or not?

5 MR. DUPUIS: That's correct.

6 MR. DUMAIS: Okay.

7 Now, I'm going to ask you some questions on
8 a particular investigation that you worked on, and we're
9 going to start with the Father Charles MacDonald
10 investigation, and you would have started working on this
11 investigation almost as soon as you got into the office in
12 September of '97. Is that correct?

13 MR. DUPUIS: That's correct.

14 MR. DUMAIS: And you would have been
15 specifically assigned to this investigation by Tim Smith or
16 Pat -- Inspector ---

17 MR. DUPUIS: Well, Inspector Smith at the
18 time and it was Sergeant Hall.

19 MR. DUMAIS: Yes.

20 MR. DUPUIS: And then he was promoted later
21 to inspector.

22 MR. DUMAIS: Thank you.

23 MR. DUPUIS: I don't know, but it was
24 probably Inspector Hall.

25 MR. DUMAIS: Okay. And my understanding is

1 in September of 1997 there were a number of new allegations
2 that had been made against Father MacDonald. Is that
3 correct?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. DUMAIS:** All right. And would it be
6 then Sergeant Hall who would have briefed you on this file?

7 **MR. DUPUIS:** Well, he directed me to which
8 files that I should be drawing my attention to to bring me
9 up to speed to assist me in my investigation.

10 **MR. DUMAIS:** All right. Because certainly
11 in early September 1997 you didn't have a physical copy of
12 the file at the Project Truth office. Is that right?

13 **MR. DUPUIS:** Pardon?

14 **MR. DUMAIS:** You didn't have a physical copy
15 of the Project Truth -- sorry, of the Father Charlie
16 initial investigation file at the office?

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

18 **MR. DUMAIS:** All right.

19 Now, Mr. Commissioner, before we move on,
20 since we're getting into the specific investigations, I'm
21 going to be referring to the notes that Mr. Dupuis
22 prepared. They're quite voluminous and my suggestion would
23 be that we file all of them at this point in time I'm going
24 to be make reference to.

25 **THE COMMISSIONER:** Certainly.

1 **MR. DUMAIS:** So the first document is
2 Document Number 733614.

3 **THE COMMISSIONER:** Is it an exhibit already?

4 **MR. DUMAIS:** I don't believe it is. Oh,
5 excerpts. So I'm going to be putting in the document in
6 its entirety.

7 **THE COMMISSIONER:** Sure. So how many
8 exhibits are we making here; just one?

9 **MR. DUMAIS:** There are six.

10 **THE COMMISSIONER:** Okay.

11 **THE REGISTRAR:** So 733614 is the first one?

12 **MR. DUMAIS:** That's the first one. The
13 second one is 733621, and then 622, 623, 626, and 629.

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

15 **THE COMMISSIONER:** All right, the biggest
16 single exhibit so far. Exhibit 2609 are notes of Officer
17 Dupuis and the first note is on the 11th of September.
18 That's '97?

19 **MR. DUPUIS:** Yes, sir.

20 **THE COMMISSIONER:** Thank you.

21 **--- EXHIBIT NO./PIÈCE NO. P-2609:**

22 (733614) - Notes of Joe Dupuis dated 11 Sep
23 97 to 04 Jul 98

24 **MR. DUMAIS:** They all have different
25 document numbers, Mr. Commissioner.

1 **THE COMMISSIONER:** I'm sorry, they're all --
2 okay, sorry. So the first one is 2609. The second bundle,
3 which is 2610, are notes that are starting with the 6th of
4 July, '98.

5 **--- EXHIBIT NO./PIÈCE NO. P-2610:**

6 (733621) - Notes of Joe Dupuis dated 06 Jul
7 98 to 30 Dec 98

8 **THE COMMISSIONER:** Two six one one (2611) is
9 another bundle of notes of Constable Dupuis from December
10 30th, 1998 to the 6th of September, 1999.

11 **--- EXHIBIT NO./PIÈCE NO. P-2611:**

12 (733622) - Notes of Joe Dupuis dated 30 Dec
13 98 to 06 Sep 99

14 **THE COMMISSIONER:** Two six one two (2612)
15 are notes of Constable Dupuis from September 7th, 1999 to
16 March 21st, 2000.

17 **--- EXHIBIT NO./PIÈCE NO. P-2612:**

18 (733623) - Notes of Joe Dupuis dated 07 Sep
19 99 to 21 Mar 00

20 **THE COMMISSIONER:** And then 2613 are notes
21 of Constable Dupuis from the 22nd of May, 2000 to the 8th of
22 February, 2001.

23 **--- EXHIBIT NO./PIÈCE NO. P-2713:**

24 (733626) - Notes of Joe Dupuis dated 22 May
25 00 to 08 Feb 01

1 **THE COMMISSIONER:** And finally, Exhibit 2614
2 are notes of Constable Dupuis with the first date being the
3 9th of February, '01.

4 **--- EXHIBIT NO./PIÈCE NO. P-2614:**

5 (733629) - Notes of Joe Dupuis dated 09 Feb
6 01 to 16 Jun 03

7 **MR. DUMAIS:** Now, as you can imagine,
8 Mr. Commissioner, these are notes on all of the
9 investigations that Mr. Dupuis conducted from 1997 to 2002.
10 There are numerous allegations that have been made. Some
11 were proceeded with with charges; some were not some are
12 victims, some are alleged victims. There are names of
13 alleged perpetrators as well.

14 For different reasons, all of the
15 investigations did not come to the same result so -- and
16 it's -- it was just impossible for Commission staff to
17 identify each and every one of these names throughout all
18 of these documents.

19 So I'm asking that they be marked with a
20 publication ban with the -- with I guess a generic
21 protection for names of victims and alleged victims,
22 alleged perpetrators. Same arguments that we've been
23 having, Mr. Commissioner, over the last three years. They
24 have just not been identified in all of these notes.

25 **THE COMMISSIONER:** But are they names that

1 already have bans on publication?

2 **MR. DUMAIS:** Some of the names have
3 publication -- specific publication bans already and we're
4 going to be referring to a number of them that already have
5 monikers, and I'll be identifying them as we move along.

6 **THE COMMISSIONER:** Well, I can stamp them
7 with a publication ban if they are -- again, the reason why
8 we put a stamp on is simply as a reminder ---

9 **MR. DUMAIS:** Yes.

10 **THE COMMISSIONER:** --- to members of the
11 public or to media that there are some names in there that
12 they have to be careful with and it's their responsibility
13 to check and make sure that they're not, but I can't put a
14 publication ban on names that are unidentified and I can't
15 just say alleged victims and victims. It would be very
16 difficult for them to understand and impossible to enforce.

17 **MR. DUMAIS:** Yes, and the difficulty that
18 we're then faced with, Mr. Commissioner, is that some
19 allegations that had been made and were not followed up for
20 different reasons, for example, if the alleged victim did
21 not want to proceed with the allegation after making a
22 statement and if it's a specific investigation that we're
23 not looking at or that I'm not specifically looking at with
24 Mr. Dupuis, it would not necessarily be flagged. So, I
25 mean, that's my only concern.

1 **THE COMMISSIONER:** I can't do anything
2 unless you give me the names.

3 **MR. DUMAIS:** All right.

4 So then we'll identify as much as possible -
5 --

6 **THE COMMISSIONER:** But there is a ban on
7 publication of those names and, of course, with respect to
8 these exhibits, an extra care should be taken and for the
9 media, when in doubt, they should be calling Commission
10 counsel to make sure.

11 **MR. DUMAIS:** Thank you.

12 All right, Mr. Dupuis, if I can just then
13 take you back to the Father Charlie MacDonald investigation
14 and if I could just ask that a further document be put to
15 you and that document is not in evidence yet, and that's
16 Document Number 703890.

17 **THE COMMISSIONER:** Thank you.

18 Exhibit Number 2615 is a Will Say of J. B.
19 Dupuis dated -- do we have a date? Is this a Will-Say
20 statement or just notes?

21 **MR. DUMAIS:** This is a Will-Say statement
22 which I believe, and correct me if I'm wrong Mr. Dupuis,
23 that was prepared in your conspiracy to obstruct justice
24 investigation. Is that correct?

25 **MR. DUPUIS:** That's correct. There does not

1 appear to be a date on that statement. Do you recall
2 approximately when you would have prepared that?

3 **MR. DUMAIS:** Most of the times my Will Says
4 were ongoing. When I had time, I'd work on them.

5 **MR. DUMAIS:** And perhaps I can clarify that,
6 Mr. Commissioner. That's one of the investigations that we
7 are looking at and when we get there I will identify when I
8 think this document was prepared.

9 **THE COMMISSIONER:** Okay.

10 **--- EXHIBIT NO./PIÉCE NO. P-2615:**

11 (703890) - Will Say of Joseph Dupuis re
12 Conspiracy to Obstruct Justice

13 **MR. DUMAIS:** If you can just look then at
14 Bates page 915 of that document.

15 **THE COMMISSIONER:** Where?

16 **MR. DUMAIS:** Oh, I apologize, Mr.
17 Commissioner. I forgot there should be a publication ban
18 on this document ---

19 **THE COMMISSIONER:** Very well.

20 **MR. DUMAIS:** --- as well. Just as an
21 example on the first page, there's the name of C-8 that
22 appears.

23 **THE COMMISSIONER:** All right.

24 So on 2915 ---

25 **MR. DUMAIS:** So do you -- you're at that

1 page, Mr. Dupuis?

2 MR. DUPUIS: It starts at 9:33?

3 THE COMMISSIONER: Yep.

4 MR. DUMAIS: Nine-thirty-three (933) hours,
5 that's correct.

6 So I'm just going to ask you to look at the
7 entry at 14:40 hours. It reads as follows:

8 "Received from Staff Sergeant Luc
9 Brunet pages of notes, memo, et cetera
10 re the Silmsers matter."

11 So that's something you received on January
12 24th, 2000.

13 The second entry is on January 25th at 9:30
14 hours:

15 "Met with Kevin Malloy. Requesting a
16 copy of his notes re the Silmsers
17 matter."

18 Then the next entry that's relevant is on
19 January 26, 2000 at 9:26 hours of you contacting Ron
20 Lefebvre requesting time and day for interview.

21 "Requested a copy of notes re the
22 Silmsers matter."

23 And then the last entry at 14:50 hours --
24 the last two lines on that page:

25 "Met with Ron Lefebvre. Requesting

1 date, time for interview. He advised
2 still had not got his notes."

3 So I'm assuming that the notes you are
4 seeking here, Mr. Dupuis, are the original notes that these
5 officers would have prepared with regards to the initial
6 David Silmser allegation that had been made at Cornwall
7 Police Services. Is that correct?

8 **MR. DUPUIS:** Yes, sir.

9 **MR. DUMAIS:** All right. So you're seeking
10 their notes to find out the different steps or different
11 roles that they played in this initial investigation. Is
12 that correct?

13 **MR. DUPUIS:** Yes, yes, sir.

14 **MR. DUMAIS:** All right. So am I correct
15 then in understanding that if you're requesting these notes
16 in the year 2000, you would not have them in 1997?

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

18 **MR. DUMAIS:** Okay.

19 And do you recall whether or not there was
20 an issue with respect to Officer Lefebvre's notes?

21 **MR. DUPUIS:** If memory serves me right, I
22 think he had trouble finding his notebook or notebooks.

23 **MR. DUMAIS:** All right. And at the time
24 that you conducted your interview with him, he did not have
25 his notes. He had not located his notes. Am I correct in

1 understanding that?

2 MR. DUPUIS: I believe that's what happened.

3 MR. DUMAIS: All right.

4 Now, the initial charges in the -- the
5 initial charges that were laid against Father Charlie
6 MacDonald were on March the 6th, 1996 and I'm going to have
7 -- I'm going to ask you to look at the initial information
8 and that's Exhibit Number 2262.

9 MR. DUPUIS: Thank you.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. DUMAIS: I believe I misspoke. It
12 should be 2254.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. DUMAIS: So do you recognize this
15 information as being the charge against Father Charlie
16 MacDonald in the three initial complainants?

17 MR. DUPUIS: I think this is the first time
18 I've seen this document.

19 MR. DUMAIS: You've never seen this document
20 before?

21 MR. DUPUIS: I'm not 100 per cent sure. I'm
22 sure I went through the brief but ---

23 MR. DUMAIS: Does it appear to have been the
24 information on the initial counts, by your review of the
25 dates and the names?

1 **MR. DUPUIS:** Well, it starts with Constable
2 Fagan and seven counts, and it has the names that I
3 recognize in regards to those first charges.

4 **MR. DUMAIS:** All right.

5 So then if you can just look at the second
6 page of that document, so that's the Court's endorsement.
7 So if you look at the first couple of dates -- February
8 24th, 25th, 26th, 27th; so these appear to be the initial
9 dates where they would have conducted or started the
10 initial preliminary inquiries for these first three
11 complainants.

12 **MR. DUPUIS:** Yes, sir.

13 **MR. DUMAIS:** Do you recall having been
14 advised of that, that the initial prelim were earlier that
15 year in '97?

16 **MR. DUPUIS:** I wasn't even involved with
17 Project Truth at the time.

18 **MR. DUMAIS:** Fair enough. But if you look
19 at the sixth line -- I believe that's the 28th day of
20 February. I think it's rubbed out. On the fourth day of
21 the preliminary inquiry there appears to have been an
22 application for an adjournment that had been denied but
23 time had been granted to deal with an extraordinary remedy.

24 So do you recall in the initial preliminary
25 inquiries that they had to be adjourned for a certain

1 reason?

2 **MR. DUPUIS:** Sir, again, I wasn't involved
3 with this at that time.

4 **MR. DUMAIS:** You were not briefed on that
5 when you first took over the Father Charlie MacDonald
6 investigation?

7 **MR. DUPUIS:** No, sir.

8 **MR. DUMAIS:** All right.

9 Because it appears that the continuation of
10 the preliminary inquiries would have been continued on
11 September 9th, 10th and 11th; right at about the time that
12 you first started with Project Truth.

13 Do you recall being advised of that, that
14 the preliminary inquiries were ongoing as you were
15 starting?

16 **MR. DUPUIS:** I don't recall that.

17 **MR. DUMAIS:** Okay.

18 And you don't recall either being advised
19 that the reason for the initial adjournment would have been
20 because there had been a new allegation that had been made
21 by a new complainant?

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

23 **MR. DUMAIS:** All right.

24 Now, shortly thereafter on October 24th, 1997
25 Father Charlie MacDonald was committed to stand trial on

1 the first set of criminal charges, and if you can just have
2 a look at document number -- or Exhibit Number 2257.

3 Do you recall ever seeing this document
4 before, Mr. Dupuis?

5 **MR. DUPUIS:** No, I don't.

6 **MR. DUMAIS:** All right. So this appears to
7 be the indictment traversing the charges against a
8 Mr. Charles MacDonald against the three named complainants,
9 and that is dated the 30th day of October, 1997. And I
10 believe the signature at the bottom there is the signature
11 of the then Crown attorney, Robert Pelletier.

12 **MR. DUPUIS:** I can't totally make the
13 signature out, but I think you're correct.

14 **MR. DUMAIS:** All right. But am I correct in
15 understanding that when you first started working on this
16 file that shortly thereafter -- so at the end of the month
17 of October 1997 everything had been completed with respect
18 to preliminary inquiries and the matter was now before the
19 Superior Court of Justice waiting to set a trial date. Was
20 that your understanding?

21 **MR. DUPUIS:** Again, sir, like I was on my
22 investigation. That was Mr. Fagan's investigation. And we
23 did have some communication but he was still in charge of
24 his own investigation.

25 **MR. DUMAIS:** Okay. So then am I correct in

1 understanding that your principal role was dealing with the
2 new allegations and essentially you had nothing to do with
3 the initial counts?

4 **MR. DUPUIS:** That is correct.

5 **MR. DUMAIS:** All right. And was there ever
6 a point in time where everything was transferred to you?

7 **MR. DUPUIS:** Yes, sir. Fagan still would
8 have been involved but it was probably -- Court appearances
9 would have been my responsibility.

10 **MR. DUMAIS:** All right. Do you recall if at
11 one point in time Officer Fagan got off the file or stopped
12 working on this file?

13 **MR. DUPUIS:** I'm not 100 per cent sure but I
14 think Constable Fagan may have retired in that timeframe
15 but I'm not positive about that.

16 **MR. DUMAIS:** Okay. And would that then make
17 sense that the file on the initial complainants would then
18 be transferred to your responsibility?

19 **MR. DUPUIS:** Into one package, yes.

20 **MR. DUMAIS:** Okay. Now -- all right, so if
21 you can then just have a look at your notes. That's
22 Exhibit 2609 and the first entry I'd like you to look at is
23 the entry on September 18th, 1997. That's at Bates pages
24 138. So do you see the entry there?

25 And my understanding is you would have

1 conducted -- you were starting to conduct some of the
2 interviews of the different -- the five new complainants,
3 if I can call them that way. Just be careful there; the
4 name of the complainant here is known as C-4 in the
5 hearings room.

6 So my understanding is ---

7 **THE COMMISSIONER:** Do you understand who C-4
8 is?

9 **MR. DUPUIS:** No.

10 **THE COMMISSIONER:** No. Just a second.

11 **MR. DUPUIS:** Thank you.

12 **MR. DUMAIS:** All right. So my understanding
13 is you're conducting interviews of C-4's brothers on that
14 day. Is that correct?

15 **MR. DUPUIS:** That is correct.

16 **MR. DUMAIS:** So there is one entry that's
17 there. It's the last three lines on that Bates page. So I
18 believe it reads:

19 "Carson Chisholm coming to his
20 residence. Tried to interview me.
21 This occurred, he believed, in February
22 of 1997. Chisholm wanted to know if he
23 was a victim of Father Charlie."

24 So do you recall C-4's brothers telling you
25 this?

1 **MR. DUPUIS:** No, I don't see that here.

2 **THE COMMISSIONER:** Okay. So we're on 138,
3 are we?

4 **MR. DUPUIS:** Seven one three one one three
5 eight (7131138).

6 **THE COMMISSIONER:** Is that where we are, Mr.

7 ---

8 **MR. DUMAIS:** That's correct.

9 **THE COMMISSIONER:** Okay, so now you see
10 about three, four, five lines down? Six, seven.

11 "He talked about Carson Chisholm."

12 **MR. DUPUIS:** Okay. Okay.

13 **THE COMMISSIONER:** That's where he is.

14 **MR. DUPUIS:** All right. Thank you.

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

16 **MR. DUPUIS:** And your question, sir, is?

17 **MR. DUMAIS:** My question is, did that mean
18 anything to you at that time, that Carson Chisholm was
19 attempting to interview them?

20 **MR. DUPUIS:** No.

21 **MR. DUMAIS:** Did you know who Carson
22 Chisholm was?

23 **MR. DUPUIS:** I don't know if I knew then, I
24 know who he is now.

25 **MR. DUMAIS:** You later found out -- you

1 found out later who he was?

2 MR. DUPUIS: Somewhere through ---

3 MR. DUMAIS: Somewhere through one of your
4 investigations?

5 THE COMMISSIONER: No, no.

6 MR. DUMAIS: All right.

7 But certainly you did not know who he was at
8 that time?

9 MR. DUPUIS: I don't believe I did.

10 MR. DUMAIS: Okay. Do you recall whether or
11 not you had flagged that at the time or you had -- that
12 caused concern to you and you would have spoken to someone
13 about this?

14 MR. DUPUIS: I'm sure it would have come up
15 somewhere, like either an assignment would have been made
16 to find out who Carson Chisholm was and what involvement he
17 had in this.

18 MR. DUMAIS: Okay. So then typically when
19 there's an occurrence like this while you're conducting an
20 interview, that would be flagged in your statement -- on
21 the statement?

22 MR. DUPUIS: If a statement was given and he
23 mentioned it, that would be cross-referenced someplace.

24 MR. DUMAIS: Okay. But I mean if you only
25 take the information down and mark it in your notes, does

1 that get on the assignment list?

2 MR. DUPUIS: It may or may not. In this
3 case I believe it would have.

4 MR. DUMAIS: Okay.

5 MR. DUPUIS: Because I don't know who he is.

6 MR. DUMAIS: Okay. Fair enough.

7 Now, if you can turn to your entry at -- on
8 October 14, 1997, and that's at Bates page 165.

9 So I'm looking at the entry at 10:58. Do
10 you have that?

11 MR. DUPUIS: Yes, sir.

12 MR. DUMAIS: And perhaps I'll just read it
13 out:

14 "Mr. Pelletier requests list of other
15 victims for the 24 of October 1997 to
16 assist him with matter before the
17 courts."

18 I'm assuming he's making reference to the
19 other Father Charlie MacDonald matters. Is that correct?

20 MR. DUPUIS: I believe so.

21 MR. DUMAIS: All right. And he appears to
22 be requesting a list of victims here. Do you know what
23 he's referring to?

24 MR. DUPUIS: I don't know. I can only
25 assume that it was the victims that I was dealing with.

1 **MR. DUMAIS:** Okay. Do you recall whether or
2 not that was an issue for Mr. Pelletier, the other victims
3 or the status of the second investigation and where you
4 were at in the identity of these victims?

5 **MR. DUPUIS:** I don't know, sir.

6 **MR. DUMAIS:** Okay.

7 **MR. DUPUIS:** But I do believe there's
8 documentation prior to me joining Project Truth with some
9 names on it, and possibly this may have been what he was
10 referring to.

11 **MR. DUMAIS:** All right.

12 Perhaps we can look at another entry and
13 that's at -- shortly thereafter at Bates pages 170.

14 **THE COMMISSIONER:** One seven zero (170)?

15 **MR. DUMAIS:** Yes.

16 **THE COMMISSIONER:** One two seven zero
17 (1270)?

18 **MR. DUMAIS:** Bates pages 170, so the date is
19 October 17th, 1997.

20 **THE COMMISSIONER:** Is it on the screen now?

21 **MR. DUMAIS:** It's the entry at 10:30. I
22 believe, as Mr. Dupuis indicated, he was working on other
23 investigations not related to Project Truth, at least at
24 the initial stages of his involvement, so that would
25 explain these redactions.

1 Am I correct, Mr. Dupuis?

2 **MR. DUPUIS:** You mean the blacked-out
3 portion?

4 **MR. DUMAIS:** Yes.

5 **MR. DUPUIS:** Yes, sir.

6 **MR. DUMAIS:** So then I'm looking at the
7 entry at 1030 hours:

8 "Assigned to get witness list and
9 victim list from Crown Pelletier re
10 Father Charlie MacDonald who we know
11 he's before the courts at this time."

12 So who's assigning you to get this witness
13 list, and where ---

14 **MR. DUPUIS:** I would assume it would be
15 Inspector Hall.

16 **MR. DUMAIS:** Okay. And do you know what
17 he's -- do you recall what he's referring to here?

18 **MR. DUPUIS:** No, sir.

19 **MR. DUMAIS:** All right. Do you recall
20 whether or not you were getting any information from
21 Officer Fagan or from Mr. Pelletier on a possible witness
22 list or were you seeking to get a witness list that had
23 been interviewed by them in their initial investigation?

24 **MR. DUPUIS:** I don't know, sir,

25 **MR. DUMAIS:** Okay. All right.

1 There's another entry that relates to this
2 matter; it's at Bates pages 171. It's your entry on
3 October 20th, 1997. So the entry at 750 hours for the first
4 entry on that day reads as follows at the top of the page:

5 "Working on lists of persons to be
6 interviewed. Father Charlie
7 MacDonald."

8 At 830 hours:

9 "Called Mr. Pelletier for list of
10 witnesses. He advised to call
11 Detective Constable Mike Fagan.
12 Contacted Mike Fagan at the number.
13 Appointment to meet Fagan in Ottawa."

14 So do you recall then meeting Detective
15 Constable Fagan and being briefed on a list of witnesses
16 that he would have had for you?

17 **MR. DUPUIS:** Well, it would appear by my
18 notes that that appointment was kept.

19 **MR. DUMAIS:** And if we could just move just
20 a little down at Bates pages 172, your entry at 930 hours.

21 **MR. DUPUIS:** Yes.

22 **MR. DUMAIS:** So it reads as follows:

23 "Meet with Detective Constable Mike
24 Fagan re lists of witnesses interviewed
25 by him."

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

2 **MR. DUMAIS:** Do you recall this?

3 **MR. DUPUIS:** I don't recall it but it's
4 there, so I ---

5 **MR. DUMAIS:** Well, I guess do you recall
6 what was on that list; what were the names on that list?

7 **MR. DUPUIS:** No. But I was thinking here
8 that if they'd already been interviewed do they have to be
9 re-interviewed? Don't cover the same ground twice.

10 **MR. DUMAIS:** That's your recollection? All
11 right.

12 Now, if I can just ask you to look then at
13 the entry at Bates pages 177, so the entry at 11:10 that
14 morning.

15 **MR. DUPUIS:** Yes, sir.

16 **MR. DUMAIS:** You see that it reads as
17 follows:

18 "Meeting with Crown Pelletier re
19 possible further charges. He requested
20 disclosure as soon as we can supply
21 same."

22 **MR. DUPUIS:** Yes, sir.

23 **MR. DUMAIS:** So do you recall that you were
24 meeting from time to time with the Crown on this matter and
25 he was asking for an update to your investigation?

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

2 **MR. DUMAIS:** All right. And do you recall
3 whether or not in October of 1997, whether or not you had
4 an idea at that time that there would be charges coming --
5 additional charges?

6 **MR. DUPUIS:** It would be logic that there
7 would be additional charges.

8 **MR. DUMAIS:** You don't have an independent
9 recollection?

10 **MR. DUPUIS:** But I don't -- no, I don't.

11 **MR. DUMAIS:** All right. Fair enough.

12 And October 24th, 1997 would be the date that
13 the matter, the initial charges, would be returnable before
14 the Court. Do you recall, when we look at the Information
15 that the matter was returnable on October 24th, '97?

16 **MR. DUPUIS:** I was reading notes here, sir;
17 I'm sorry.

18 **MR. DUMAIS:** Do you recall at that meeting -
19 - this appears to be your initial meeting with Crown
20 Pelletier, that this would have been at the same time that
21 you had a Court appearance -- or would you have appeared in
22 Court on October 24th?

23 **MR. DUPUIS:** On a previous page, sir, you'll
24 see that I was attending to Court re Father Charlie
25 charges.

1 **MR. DUMAIS:** All right. That's on the
2 following page?

3 **MR. DUPUIS:** One seventy-six (176).

4 **MR. DUMAIS:** Yes, all right. So you
5 remember attending Court then?

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

7 **MR. DUMAIS:** And these would have been on
8 the initial charges because you were -- you still had not
9 sworn the new information. Is that correct?

10 **MR. DUPUIS:** That's correct.

11 **MR. DUMAIS:** All right. And am I correct
12 then in understanding that in the latter months of that
13 year -- so in September, October, November and December of
14 1997 -- you were essentially interviewing a number of
15 witnesses and you would have been working on assembling a
16 Crown brief. Is that correct?

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

18 **MR. DUMAIS:** All right.

19 And do you recall whether or not in any of
20 those meetings Mr. Pelletier was providing you with
21 instructions and directions as to where you should be going
22 with this file?

23 **MR. DUPUIS:** Protocol would call that Mr.
24 Pelletier would be dealing with Inspector Hall, who would
25 in turn instruct me.

1 **MR. DUMAIS:** Okay. So you're essentially
2 taking most of your directions from Inspector Hall?

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

4 **MR. DUMAIS:** All right.

5 Now, my understanding is that the Crown
6 brief for Father Charles MacDonald would have been
7 prepared, ready, and given to Mr. Pelletier on or about the
8 6th day of January, 1998?

9 **MR. DUPUIS:** I believe that's correct.

10 **MR. DUPUIS:** And at one point-in-time you
11 would have received direction as to what charges should be
12 laid?

13 **MR. DUPUIS:** Again, it would go to Inspector
14 Hall, and then to me.

15 **MR. DUMAIS:** Okay. And Inspector Hall would
16 instruct you. Is that correct?

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

18 **MR. DUMAIS:** All right. In any event, my
19 understanding is that on January 26th, 1998, you would have
20 completed your information and had this information sworn?

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

22 **MR. DUMAIS:** Do you have a specific
23 recollection of the date or do you want me to take you
24 through the document book?

25 **MR. DUPUIS:** I don't have a specific

1 recollection; I'm just going ---

2 **MR. DUMAIS:** Perhaps we can just have look
3 then at Exhibit 2258?

4 **THE COMMISSIONER:** Excuse me -- I'll be
5 calling it a day at around 4:30.

6 **MR. DUMAIS:** All right. So is that the
7 information that you prepared? I see your name there on
8 the top page, Detective J.B. Dupuis from the OPP Lancaster
9 Detachment.

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

11 **MR. DUMAIS:** So then if you'll look at the
12 back page, I think it appears to be the 26th day of
13 January, 1998. Do you agree with me?

14 The top of the page. At Bates
15 page 055 -- do you see that?

16 **MR. DUPUIS:** The date on my copy is mixed up
17 with the others, but I have to say it's the 26th.

18 **MR. DUMAIS:** All right.

19 And am I correct in understanding that
20 Father Charlie MacDonald would have been arrested on these
21 charges on the following day?

22 And, again, you can look at your notes, the
23 entry on -- the entry on January 27th, '98? And, actually,
24 perhaps your notes provide some assistance as to where the
25 information was sworn. So the entry of January 26th is at

1 Bates page 221.

2 MR. DUPUIS: Yes, I have that, sir.

3 MR. DUMAIS: You have that?

4 THE COMMISSIONER: Would you look at the
5 back of that Information? One more page; you've got to the
6 flip to the end of it. And you'll see that it's
7 return -- return dates of summons, January 26th.

8 MR. DUMAIS: So do you see that, January
9 26th?

10 MR. DUPUIS: I'm looking ---

11 MR. DUMAIS: The Commissioner took you back
12 to the last page of the Information, but do your notes
13 assist you?

14 THE COMMISSIONER: Oh, all right, sorry.

15 MR. DUPUIS: Yes, it's January 26th on the
16 Information ---

17 MR. DUMAIS: And if you look at ---

18 MR. DUPUIS: --- and the 26th on
19 the -- "Working on Information re. charge of Charles
20 MacDonald", and it's blacked out, and then, 10, I'm on my
21 way to court to swear to the Information.

22 MR. DUMAIS: All right.

23 And then if you look at the entry on January
24 27th, 1998, at 10:00 in the morning, the entry is as
25 follows, "To Long Sault".

1 **MR. DUPUIS:** That reads, "Re. interviews of
2 Charles Finlay..."

3 **MR. DUMAIS:** "Re. interview of Charles
4 Finlay MacDonald. Meet with Charles F.
5 MacDonald. Taken to interview in
6 basement of Long Sault, address."

7 So is that the date that ---

8 **MR. DUPUIS:** He was arrested and cautioned
9 and ---

10 **MR. DUMAIS:** --- he was placed under arrest?
11 All right.

12 And my understanding is that arrangements
13 had been made for him to surrender himself to you. Is that
14 correct?

15 **MR. DUPUIS:** Yes, sir.

16 **MR. DUMAIS:** All right.

17 So this essentially starts the process on
18 the second set of charges. Is that correct?

19 **MR. DUPUIS:** That's correct.

20 **MR. DUMAIS:** And if you look at the Bates
21 page 055 of Exhibit 2258, that's -- I'm back at the
22 information, Mr. Dupuis.

23 **MR. DUPUIS:** And the number again, please?

24 **MR. DUMAIS:** Bates page 055.

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

1 **MR. DUMAIS:** So if you'll look at the
2 endorsement, it appears that the preliminary inquiry was
3 set to proceed in March of 1999. Is that correct?

4 **MR. DUPUIS:** Yes, sir.

5 **MR. DUMAIS:** And you would have attended the
6 preliminary inquiry?

7 **MR. DUPUIS:** I would assume so, sir. It
8 should indicate that in my notes though.

9 **MR. DUMAIS:** Yes. You don't have a
10 recollection? The entry in your notes is at Bates page 436
11 of Exhibit 2611.

12 **MR. DUPUIS:** Sir, could you assist me in
13 which volume of notes that would be?

14 **MR. DUMAIS:** This will be Exhibit 2611, so
15 it's in the third set, yes.

16 **MR. DUPUIS:** And the Bates page you were
17 referring to, please?

18 **MR. DUMAIS:** It's 436.

19 **MR. DUPUIS:** Yes, sir.

20 **MR. DUMAIS:** So you see at 10:00 hours,
21 "Start prelim with the witness"?

22 **MR. DUPUIS:** Yes, sir.

23 **MR. DUMAIS:** So then after the prelim was
24 completed, so on May 3rd, 1999, he would have been
25 committed to stand trial on a second set of charges?

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

2 **MR. DUMAIS:** And that date, to assist you,
3 is confirmed for us again at the Bates page 055, the
4 endorsement.

5 **MR. DUPUIS:** Yes, sir, I see that.

6 **MR. DUMAIS:** You have that?

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

8 **MR. DUMAIS:** All right. So it appears that
9 he would have been committed to trial on all counts. Is
10 that correct?

11 **MR. DUPUIS:** That's what appears here, sir.

12 **MR. DUMAIS:** Right. And then the matter is
13 forwarded to the assignment court on May 12, 1990. Is that
14 correct?

15 **MR. DUPUIS:** Yes, sir.

16 **THE COMMISSIONER:** A good place to stop, Mr.

17 ---

18 **MR. DUMAIS:** Yes, that's a good part, thank
19 you.

20 **THE COMMISSIONER:** So for those of you who
21 are wondering about Friday.

22 The idea is to finish Me. Dupuis, so if we
23 finish tomorrow night we don't sit on Friday. If we don't,
24 we sit on Friday. All right?

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever. This hearing is adjourned until
2 tomorrow morning at 9:30 a.m. L'audience est ajournée.

3 --- Upon adjourning at 4:31 p.m./

4 L'audience est ajournée à 16h31

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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