

**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 168

Held at :

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

Wednesday, November 28 2007

Tenue à:

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

Mercredi, le 28 novembre 2007

ERRATA
November 27th, 2007
Volume 167

Transcript

Page 63, line 5

MR. RUEL: And you were complaining about Mr. -- well, who is Mr. Abel? Well, it's written here, Executive Director of the Glengarry, Stormont and Dundas Children's Aid Society. Is that -- was your understanding?

Should have read:

MR. RUEL: And you were complaining about Mr. -- well, who is Mr. **Abell**? Well, it's written here, Executive Director of the Glengarry, Stormont and Dundas Children's Aid Society. Is that -- was your understanding?

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M ^e Simon Ruel	Commission Counsel
Ms. Raija Pulkkinen	
Ms. Maya Hamou	
Mr. Mark Crane	Cornwall Police Service Board
Mr. Peter Manderville	
Ms. Reena Lalji	
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Joe Neuberger	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. Giuseppe Cipriano	Scott Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Mr. Carson Chisholm
Mr. John M. Rosen	Mr. Peter Sirrs

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1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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 Before we continue with the evidence and
12 conclusion of Mr. Seguin's evidence, I had indicated that I
13 would be giving some comments at the beginning of the
14 Corrections evidence.

15 However, I have also indicated to the media
16 and on the website that I would do this, the statement, at
17 9:30, so it will be a little bit out of order, and that's
18 why I've asked Mr. Seguin to sit not in the witness stand
19 until we begin.

20 And so let me begin by saying that many of
21 you in attendance here today know that I like to keep
22 communications open. At key intervals in the calendar of
23 this Inquiry I take the opportunity to let people know what
24 to expect and when to expect it, where we stand as the
25 public's Public Inquiry.

1 Now, there is always the risk that you will
2 hear me repeat myself in giving updates, but some things
3 are worth saying more than once and sometimes it's
4 necessary to say more than once.

5 So I will say a few things worthy of
6 repetition and then move on to new matters.

7 This Inquiry was established by the
8 Government of Ontario because there was community demand,
9 and that demand was met. That is one of the many reasons
10 we take our obligations to the public interest so
11 seriously, including giving clear and factual information,
12 as I will do today.

13 There is much more than the demand for an
14 inquiry involved. There is also consideration of whether
15 an inquiry is the right way to respond to public demand.

16 What public inquiries do is take the time to
17 thoroughly examine complex and sensitive issues without
18 making findings of civil or criminal liability.

19 Looking at the institutional response to
20 allegations of historical sexual abuse is clearly something
21 that is complex and very sensitive and, therefore, a task
22 well suited to a public inquiry.

23 When there are complex and sensitive
24 matters, members of the public rightly say, "Let's not
25 repeat any mistakes. Let's learn from the past and get the

1 best ideas for the future, whatever our individual views
2 towards past events may be.”

3 So this Public Inquiry also has the mandate
4 to look to the future for the long-term benefit of this
5 community and many other communities.

6 When we look at our progress over time, I
7 always go back to what we came for, why we were asked to
8 come, and we came to be thorough and balanced, to listen
9 respectfully to men and women who come, in the public
10 interest, to talk about painful life experiences, to listen
11 respectfully to the perspectives of community members and
12 institutional representatives in explaining their responses
13 to allegations of childhood sexual abuse, to share
14 knowledge and awareness of issues that affect everyone
15 everywhere, to hear ideas for change and identify
16 recommendations for a better future.

17 Knowing what we came for, we stick to it.
18 Our principles and our schedule have been consistent.

19 L'enquête a commencé par le témoignage
20 d'éminents experts sur les questions complexes et délicates
21 qui forment la toile de fond de l'enquête, une vue
22 d'ensemble de ce que nous savons et, ce qui est tout aussi
23 important, de ce que nous ne savons pas. La connaissance
24 des experts croît sans cesse. Nous avons encore beaucoup à
25 apprendre.

1 Avant de commencer l'enquête, nous avons
2 reçu des preuves de chaque institution sur le contexte dans
3 lequel elles se trouvaient à l'époque. Nous avons entendu
4 ce que des victimes et des victimes présumées d'abus sexuel
5 contre des enfants avaient à dire. Dans certains cas, nous
6 avons aussi entendu des membres de leur famille proche.

7 Comme nous l'avions annoncé, nous sommes
8 ensuite passés aux éléments permettant d'établir le
9 contexte communautaire. Nous avons entendu le témoignage
10 de personnes qui s'intéressaient aux allégations de mauvais
11 traitement à Cornwall. Ces personnes sont intervenues de
12 diverses façons.

13 Dans certains cas, elles ont publiquement
14 dévoilé leur crainte que des renseignements au sujet d'abus
15 sexuel contre des enfants à Cornwall aient été négligés ou
16 incorrectement traités ou que dans des cas de violence
17 contre des enfants et des adolescents aient été
18 volontairement dissimulés.

19 Nous avons aussi reçu des témoignages au
20 sujet de l'influence des médias sur les perceptions et
21 réponses communautaires dans l'espoir que ceci nous
22 aiderait à comprendre le contexte communautaire.

23 As part of this community context evidence,
24 Mr. Perry Dunlop has been ordered by the Divisional Court
25 of this province to return to Cornwall on January 14th, 2008

1 to respond to questions of Commission counsel and counsel
2 of the parties.

3 We have provided opportunity for those
4 alleged to be perpetrators of abuse or their family members
5 to give their viewpoint and to describe the impact of these
6 allegations on their lives and those of their family.

7 Now we are starting the last major stage of
8 this Inquiry's work, hearing directly from the institutions
9 before this Inquiry.

10 In previous updates I indicated that this
11 last part of the Inquiry's hearing schedule would begin in
12 November and, indeed, it is starting today.

13 The order of review of the response of
14 institutions remains unchanged since earlier announcements
15 last spring. To go over this, we start today with the
16 Ministry of Community Safety and Correctional Services.

17 In the New Year we will hear from the
18 Cornwall Police, the Diocese of Alexandria-Cornwall, the
19 two school boards, the Children's Aid Society of Stormont,
20 Dundas and Glengarry and the Ontario Provincial Police.
21 Our final institution will be the Ministry of the Attorney
22 General.

23 Nous prévoyons de terminer l'audition des
24 témoignages sur l'intervention des institutions en juillet
25 2008. Pour nous aider à respecter ce calendrier de

1 travail, nous avons ajouté du temps d'audience, comme nous
2 l'avons indiqué dans nos précédentes communications et sur
3 notre site web. Nous avons pris l'habitude de siéger plus
4 tard les jours d'audiences ou les vendredis afin de
5 terminer le travail prévu ou de permettre à un témoin
6 particulier de poursuivre son témoignage. Nous allons
7 maintenir cette attitude.

8 We have been methodically working through
9 the elements of a thorough and balanced review of the
10 matters that brought the Inquiry into being.

11 Because there is a natural human tendency to
12 focus on the most immediate witness or the most recent
13 information, I am going to repeat what I said last spring
14 because I think it's worth saying again.

15 Evidence at an inquiry is provided over a
16 long time. The full picture is not in place until all
17 evidence is concluded. It is essential to maintain an open
18 mind until all evidence is received. It is important to be
19 receptive to the full evidentiary record in all its
20 complexity and consisting of the full range of
21 perspectives.

22 Now, as we reach our final stage in the
23 hearings, I remind all counsel and future witnesses of the
24 existence of both witness support and counseling support at
25 this Inquiry. When we make a point of saying that we are

1 aware of the sensitive nature of issues for many
2 individuals, for both personal and professional reasons,
3 these are not just words. We act on our words by providing
4 needed support for those affected by this Inquiry.

5 While moving through our planned schedule in
6 Phase 1 of this Inquiry, we are also moving ahead with
7 Phase 2, healing and reconciliation. While we carried out
8 our expected progress in Phase 1, we have had both expected
9 and unexpected events in Phase 2.

10 Nous avons prévu qu'un leadership
11 émergerait à l'égard de l'objectif de guérison et de
12 réconciliation.

13 Ce que nous n'avions pas prévu c'était la
14 force de la vision, la rapidité avec laquelle elle s'est
15 formée et la créativité des idées proposées.

16 De plus, la communauté commence à faire
17 participer les survivants aux solutions d'avenir et à
18 comprendre l'importance de leur participation. La
19 communauté est profondément engagée.

20 Bien entendu, il y aura des hauts et des
21 bas, mais tout le monde est tourné vers l'avenir. Le thème
22 d'un grand nombre de nos réunions de la Phase 2 était
23 instaurer l'espoir, la confiance et la fierté.

24 La réaction du public nous confirme que ce
25 sont des mots qui ont touché la collectivité de Cornwall.

1 J'ai demandé à mon comité consultatif et aux
2 personnel de la Commission de contribuer à notre mandat
3 exigent et unique afin de favoriser la guérison et la
4 réconciliation.

5 Nous avons planifié un ordre du jour
6 ambitieux et nous sommes en train de l'exécuter.

7 Nous avons prévu, notamment, des séances de
8 formation professionnelle qui ont débuté avec un grand
9 nombre d'inscriptions, des réunions de quartier et des
10 réunions publiques, une formation de mentors, la création
11 d'un comité de transition des services de counselling,
12 ainsi que des ateliers sur des sujets importants.

13 Throughout their work in Phase 2, we have
14 emphasized that we must have made-in-Cornwall approaches.
15 So while the Advisory Panel and our staff have been active
16 and engaged, they've also stepped back to respect local
17 views and community expertise.

18 On October 18, 2007, I challenged this
19 community by asking for development of a viable five-year
20 plan as part of Phase 2.

21 The PrevAction Group has emerged from the
22 community and is working on ideas coming from people of the
23 community. We were asked by PrevAction for assistance from
24 our action research funds to support development of a five-
25 year plan for my consideration as part of Phase 2

1 recommendations. This plan will also have feasibility
2 assessments for some of the ideas from this community, such
3 as a youth centre, first-response centre and safe house for
4 men. We look forward to the work of this independent group

5 C'est avec plaisir que j'ai ajouté cette
6 recherche au calendrier existant des recherches actives de
7 la Phase 2. Cela faisait longtemps que nous attendions des
8 initiatives communautaires pour contribuer au programme de
9 recherches actives.

10 En fait, nous avons indiqué que certains
11 travaux ne pourraient pas être exécutés en l'absence d'un
12 soutien communautaire.

13 Nous avons voulu aussi souligner
14 l'importance que nous accordons aux principes qui ont guidé
15 nos dépenses prélevées sur le budget de recherche de la
16 Phase 2.

17 Nous avons donné la priorité à des travaux
18 pratiques et non théoriques et incité pour que les
19 ressources soient affectées à des questions considérées
20 comme importantes par ceux et celles qui ont joué un rôle
21 dans la collectivité ou qui sont directement affectés par
22 l'enquête publique sur Cornwall.

23 As part of previous Phase 2 updates by me
24 and my Commission staff, we have referenced our intention
25 to have a consultation on that aspect of the Phase 2

1 mandate which provides for non-evidentiary, informal
2 opportunities for individuals to discuss their experiences
3 and the impact on their lives of allegations of childhood
4 sexual abuse. We had been of the view that developing some
5 concrete examples of how things could work would result in
6 better feedback.

7 We have done a paper. It's posted online
8 and circulated to parties in our Phase 2 mailing list. The
9 deadline for response is February 4th, 2008.

10 We're also looking forward to any written or
11 emailed responses, but my Advisory Panel is also having an
12 in-person consultation session on November 29th and 30th.
13 There's a public drop-in the evening of November 29th and
14 the morning of the 20th. All are welcome. Private
15 consultations can be slotted into an appointment just by
16 asking. Details are on the website or people can call the
17 Cornwall Public Inquiry.

18 Je n'ai pas encore pris de décision sur la
19 façon d'exécuter le volet du mandat de l'enquête consacré
20 aux séances informelles du témoignage. J'attends le compte
21 rendu des consultations. Je prévois de prendre une
22 décision vers la fin février ou le début mars 2008.

23 I started today by talking about public
24 expectations for public inquiries. I walk you through our
25 plans, how they were completed and where we are going.

1 I'm going to talk about more than activities
2 or plans carried out. Part of accountability to the public
3 interest that propels the establishment of a public inquiry
4 is to talk frankly about the value of an inquiry.

5 Inquiries are designed to address complex
6 issues, and this takes time. They grapple with sensitive
7 matters, and this touches on dispute and conflict and
8 heartbreak, and this also takes time and time costs money.

9 I'm well aware that a public inquiry is
10 publicly funded. My decisions and approach balance
11 thoroughness in addressing complex and sensitive matters
12 with efficiency and economy, but we have to look to the
13 value of the following: clearing the air; understanding
14 what happened; allowing those who were there the
15 opportunity to tell their story and say what they think
16 would make for a better future whether this opportunity is
17 taken or not.

18 Seeing those who carry the burden of abuse
19 in their childhood or youth saying, "I feel I carry a
20 lighter burden. I have made a difference in my own life
21 and I hope to make a difference in the lives of others by
22 coming forward." We have to look at the value of learning
23 that some people who felt outside the community feel more
24 included.

25 We have to value that hearing so many in the

1 community say, "I will not turn away because my awareness
2 and actions can prevent abuse and deal with it more
3 compassionately and effectively when it does happen."

4 And finally, there is value in knowing that
5 future changes pioneered here can affect communities
6 elsewhere because, sadly, we know that today a child or
7 young person in Ontario was abused and needs the best that
8 we can offer. Having the time to consider what that best
9 will be is the task of this Inquiry and all of you involved
10 in the work of this Inquiry.

11 J'ai parlé de valeurs et je vais
12 probablement revenir sur ce sujet dans mes prochains
13 comptes rendus. Je sais qu'un grand nombre d'entre vous
14 pensez que tout ça est bien beau mais qu'il faut tenir
15 compte des coûts.

16 Tout le monde connaît le vieux dicton qui
17 parle de l'homme qui sait le prix de chaque chose mais n'y
18 connaît pas sa valeur. Et bien, j'espère que nous
19 connaissons les deux.

20 Les membres du personnel de la Commission,
21 Maître Peter Engelmann, notre avocat principal, et Colleen
22 Parish, notre directrice des politiques, peuvent vous
23 donner tous les renseignements que vous souhaitez et vous
24 tenir au courant de l'avancement des Phases 1 et 2.

25 Je vais, quant à moi, vous présenter

1 quelques données financières.

2 The total expenditure for the Inquiry itself
3 to the end of October of this year is about \$11.96 million.
4 This includes all the Commission's lawyers and staff, this
5 hearing room, document management, transcripts, webcast,
6 translation, website, experts, research, training courses
7 and counselling and witness support.

8 Our forecast to March 31, 2008, the end of
9 the government's fiscal year, based on actual expenditures
10 since inception and this year's budget, is \$16.1 million.

11 Counselling support is a first for a public
12 inquiry. Since inception, payment made for counselling
13 support, including transportation costs, are about \$1.1
14 million. Its costs are within our overall expenditures of
15 \$11.96 million. This is an added expense that we carried
16 that is not found in past inquiries, but I would say that
17 we have heard from -- people say that counselling has
18 changed their lives or even saved their lives.

19 Of course, you must decide what that is
20 worth.

21 In addition, I have recommended to the
22 Ministry of the Attorney General that eight parties at this
23 Inquiry receive funding for their counsel and related
24 support staff to participate at this Inquiry as parties.

25 Those who have full or partial standing and

1 related funding recommended by me are the following: the
2 Citizens for Community Renewal; the Victims Group; the
3 Diocese of Alexandria-Cornwall; Father Charles MacDonald;
4 Mr. Jacques Leduc; the Men's Project; the Estate of Ken
5 Seguin and Mr. Doug Seguin and the Coalition for Action.

6 From time to time, I have also recommended,
7 and the Ministry of the Attorney General has approved
8 counsel for witnesses who do not have standing. The total
9 payments by the Ministry of the Attorney General for all
10 parties or individuals recommended by me to receive funding
11 who had submitted payments for funded services by the end
12 of October 31, 2007 was \$2.75 million.

13 I understand that in addition to this
14 funding, the Government of Ontario has provided assistance
15 to the Cornwall Police Services Board and there are other
16 parties who carry their own costs. This finishes this
17 update. I will return for another update early next year
18 and continue as we have in the past to keep the public
19 current with progress and plans.

20 We will, later today, be turning to the
21 start of the final hearing stage, which is the
22 institutional response evidence. I hope that we can do
23 work together as we have done in the last months.

24 Thank you.

25 Madam Clerk, I think I'll take a 10-minute

1 break, all right?

2 Thank you.

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

5 This hearing will resume at five after ten.

6 --- Upon recessing at 9:55 a.m./

7 L'audience est suspendue à 9h55

8 --- Upon resuming at 10:08 a.m./

9 L'audience est reprise à 10h08

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

12 This hearing is now resumed.

13 Please be seated. Veuillez vous asseoir.

14 **THE COMMISSIONER:** Thank you.

15 Good morning, Mr. Lee.

16 **MR. LEE:** Good morning, sir.

17 **THE COMMISSIONER:** Good morning, Mr. Seguin.

18 **MR. SEGUIN:** Good morning.

19 **THE COMMISSIONER:** How are you doing this
20 morning?

21 **MR. SEGUIN:** Good.

22 **THE COMMISSIONER:** Good.

23 So Mr. Lee has some questions for you, then
24 we should finish you off fairly quickly, all right?

25 **MR. SEGUIN:** Thank you.

1 **THE COMMISSIONER:** Mr. Lee.

2 **DOUGLAS SEGUIN, Resumed/Souse le même serment:**

3 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE**

4 **(Continued/suite):**

5 **MR. LEE:** Mr. Seguin, you'll recall
6 yesterday we finished looking at entries in one of your
7 notebooks.

8 **MR. SEGUIN:** Okay.

9 **MR. LEE:** Where I took you through a number
10 of those. Do you recall that?

11 **MR. SEGUIN:** Yes.

12 **MR. LEE:** For example, we looked at some of
13 the entries about Albert Roy and his connections to Perry
14 Dunlop that you were looking into?

15 **MR. SEGUIN:** Yes, m'hm.

16 **MR. LEE:** And some of your contacts with
17 Perry Dunlop and Carson Chisholm?

18 **MR. SEGUIN:** Yes, okay.

19 **MR. LEE:** On the street and in the
20 courthouse ---

21 **MR. SEGUIN:** Yeah.

22 **MR. LEE:** --- and things like that?

23 **MR. SEGUIN:** M'hm.

24 **MR. LEE:** About a suspicious truck outside
25 and you told us that you were a bit paranoid at that time.

1 Do you recall that?

2 MR. SEGUIN: Yeah, I wouldn't take too much
3 into the word "paranoid". I'm just saying that ---

4 THE COMMISSIONER: No, no, you were taking
5 precautions.

6 MR. SEGUIN: Yes.

7 THE COMMISSIONER: Okay.

8 MR. LEE: Do you recall telling us in-chief
9 about your concern for facts, and one of the issues I
10 picked up on, you told us as an example, that media reports
11 about all of these issues are fine so long as they're
12 verified and accurate. Do you recall that?

13 MR. SEGUIN: Yes, that's right.

14 MR. LANE: And you agree with that
15 statement?

16 MR. SEGUIN: Yes, m'hm.

17 MR. LEE: And one of the things, one of the
18 themes, I think, of your testimony is then people shouldn't
19 jump to conclusions?

20 MR. SEGUIN: That's correct.

21 MR. LEE: They should deal in facts not in
22 rumours. Is that right, sir?

23 MR. SEGUIN: Yes.

24 MR. LEE: And I take it, as I understood,
25 one of the issues you had with Dunlop and Carson Chisholm

1 was that they did not deal in facts and ---

2 MR. SEGUIN: Yes, that's correct.

3 MR. LEE: They dealt in rumours, they dealt
4 in innuendo, that's the way you saw it. Is that right?

5 MR. SEGUIN: That's correct.

6 MR. LEE: They took the matter into their
7 own hands and they should not have; those are your
8 feelings?

9 MR. SEGUIN: Yes, m'hm.

10 MR. LEE: You, on the other hand,
11 endeavoured to deal in facts. Is that right?

12 MR. SEGUIN: As I found them, yes.

13 If you mean conversations of what people
14 told me as facts, well, yes.

15 MR. LEE: And when you were dealing with
16 others, when you were dealing with government officials, as
17 an example, with the police, you dealt in facts?

18 MR. SEGUIN: Yes, whatever they told me
19 then.

20 MR. LEE: Well, not only what they told you,
21 what you told them. You were relaying information, at
22 times?

23 MR. SEGUIN: Yes.

24 MR. LEE: You would receive it from someone

25 ---

1 **MR. SEGUIN:** Correct.

2 **MR. LEE:** --- you would relay it ---

3 **MR. SEGUIN:** That's right, m'hm.

4 **MR. LEE:** --- interpret what you were
5 hearing and making conclusions. Is that right?

6 **MR. SEGUIN:** Well, if it was a conversation,
7 I'd tell what the conversation was. If it was a conclusion
8 I made, sure, I would give them my conclusion.

9 **MR. LEE:** Can I take you to document 124187,
10 please? I don't think it's ---

11 **THE COMMISSIONER:** It's a new one, sir.

12 **MR. LEE:** So this is a new one, then.

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

14 **THE COMMISSIONER:** Thank you.

15 Exhibit 1051.

16 What is this, sir?

17 **MR. LEE:** I think we may have to have the
18 witness identify exactly ---

19 **THE COMMISSIONER:** All right.

20 **MR. LEE:** --- what this document is.

21 **THE COMMISSIONER:** All right.

22 Anyways, it's a document dated March 5th,
23 1997, re file *Dunlop v. Seguin*.

24 **MR. LEE:** Are these notes that you would
25 have prepared, sir?

1 MR. SEGUIN: Yes.

2 THE COMMISSIONER: All right, thank you.

3 So notes prepared by Mr. Doug Seguin.

4 --- EXHIBIT NO./PIÈCE NO 1051:

5 (124187) Notes prepared by Douglas

6 Seguin re. file *Dunlop v. Seguin*, March

7 5, 1997

8 MR. LEE: Mr. Seguin, what was the purpose
9 of this document? Who was the intended recipient?

10 MR. SEGUIN: I believe the lawyers for the -
11 - in the civil -- civil lawsuit; our lawyers.

12 MR. LEE: Your lawyers or the Corrections
13 lawyer?

14 MR. SEGUIN: Well, it would be our -- I
15 think it was *Dunlop v. Seguin et al*, so I would assume it
16 was the large lawsuit that he had against ---

17 MR. LEE: The Dunlop action where you were
18 one of the ---

19 MR. SEGUIN: Yes, that's right, yeah, m'hm.

20 MR. LEE: And these are notes and your
21 thoughts and some ---

22 MR. SEGUIN: Yes, that's right.

23 MR. LEE: And if we look at number 2 on the
24 first page, an example, "Points to Consider"?

25 MR. SEGUIN: Yes, m'hm.

1 **MR. LEE:** If you look down under number 2 on
2 the page, at "D".

3 **MR. SEGUIN:** "D", yes.

4 **MR. LEE:** "D" as in David; this is one of
5 the points to consider and reads:

6 "Dunlop's Divisional Appeal Court
7 ruling in December '95 upheld the
8 police inquiry tribunal staying of
9 charges against him. I was present at
10 the Appeal Court when one of the judges
11 said, 'I don't think anyone here
12 believes that Dunlop did not have
13 reasonable and probable grounds to give
14 a statement to the CAS or that he did
15 it maliciously, do they.' Dunlop's
16 lawyer, Allen O'Brien said, 'No', when
17 in fact the CAS and Dunlop already knew
18 there were no children abused or in
19 danger of abuse. The CAS had found no
20 child abuse and Dunlop had questioned
21 his own family and friends and found
22 nothing in the St. Andrews West area."

23 Is that what you wrote at the time, sir?

24 **MR. SEGUIN:** Yes, that's right.

25 **MR. LEE:** Can you flip to page 5, please?

1 Just to continue on with that CAS theme. At the top, back
2 one page. Up at the top it's titled "Richard Abell":

3 "He had unprofessionally accepted
4 Dunlop's reasoning and Silmser's
5 statement. He backed Dunlop's actions
6 up by making unprofessional statements
7 to the press, refusing to make public
8 the results of the CAS investigation,
9 making stupid allegations against the
10 police and the church, helped to obtain
11 \$20,000 from the Catholic diocese for a
12 new project, demanded and got \$6,000
13 from the diocese to supposedly get John
14 MacDonald psychological counselling,
15 which was probably given to the new
16 project, got out of Silmser's lawsuit
17 against the CAS, ignored my complaint
18 of his conduct and survived provincial
19 cutbacks. As he said at year-end, 'We
20 survived a very tough year'."

21 You wrote that, sir?

22 **MR. SEGUIN:** Yes.

23 **MR. LEE:** Not much doubt from this, I take
24 it you would agree, that your thought at the time was that
25 Dunlop had done the wrong thing when he disclosed the

1 statement to the CAS?

2 **MR. SEGUIN:** I'm not -- I don't really think
3 that the -- that point was necessarily what I was getting
4 at.

5 As I said before, if the CAS accepted it,
6 fine, but supposedly he had done it unprofessionally under
7 his, you know, from his own police force, so that was my
8 understanding.

9 **MR. LEE:** He broke the chain of command,
10 that was your understanding?

11 **MR. SEGUIN:** That's right, yeah.

12 **MR. LEE:** Just very quickly, at page 6 of
13 that same document.

14 **THE COMMISSIONER:** But, I'm sorry -- but he
15 had been acquitted and you knew that, though?

16 **MR. SEGUIN:** By this ---

17 **THE COMMISSIONER:** By the Divisional Court.

18 **MR. SEGUIN:** Yes, I believe so, yes.

19 **THE COMMISSIONER:** So ---

20 **MR. SEGUIN:** Well, I was still -- this was
21 points to consider, so I was ---

22 **THE COMMISSIONER:** Okay, points to consider.
23 And this wasn't made public, this ---

24 **MR. SEGUIN:** No, no, this, no.

25 **THE COMMISSIONER:** This was just prepared

1 for litigation purposes?

2 MR. SEGUIN: Yes.

3 THE COMMISSIONER: Okay.

4 MR. SEGUIN: Right, yeah.

5 MR. LEE: If you look at page 6, the second
6 paragraph. It reads:

7 "Very soon after, I talked to C-8
8 about..." ---

9 THE COMMISSIONER: I'm sorry -- yes, second
10 paragraph, yes.

11 MR. LEE: Are you with me?

12 THE COMMISSIONER: Well, you're a little
13 quick on the uptake there; let the witness and I -- you had
14 all night to prepare this. We've ---

15 MR. LEE: I had other witnesses to prepare
16 last night, as well.

17 THE COMMISSIONER: I'm sure you did. All
18 right.

19 Sir, so on page 6, second paragraph, "Very
20 soon after".

21 MR. LEE: Are you with me, Mr. Seguin?

22 MR. SEGUIN: Yes.

23 THE COMMISSIONER: Okay.

24 MR. LEE: "Very soon after, I talked to C-8
25 about Ken and his death. He used the

1 same vague descriptions, as did the two
2 OPP officers, of boys being taken out
3 for boat rides by Ken, Father MacDonald
4 and Malcolm MacDonald. I checked the
5 details of his story and found them to
6 be complete nonsense. The OPP knew
7 this as well, but still told the
8 grieving family this vicious nonsense."

9 How did you go about checking details of
10 that story, sir?

11 **MR. SEGUIN:** Well, I talked to Malcolm
12 MacDonald and -- and later Father MacDonald, but I just
13 knew that that just wouldn't be the case, so I -- that's
14 how I put that down in the "Points to Consider", and the
15 fact that it really only came up when Millar and Chris
16 McDonell had mentioned it and we thought it was, "How did
17 they substantiate that?"

18 **MR. LEE:** So Millar and McDonell had
19 mentioned to you that there were boys being taken out for
20 boat rides ---

21 **MR. SEGUIN:** That's right.

22 **MR. LEE:** --- by these three men?

23 **MR. SEGUIN:** Right. But they -- I think
24 that was one of the things that insulted us, shall we say
25 at that time was, well, how did you get that information?

1 So it's ---

2 **MR. LEE:** So as we noted at the start, this
3 letter is March 5, '97, so about three years and a little
4 bit since your brother's death. Is that right?

5 **MR. SEGUIN:** Yes, that's right.

6 **MR. LEE:** And the next paragraph reads:

7 "Family and Ken's friends still have
8 concerns about C-8's possible
9 involvement in Ken's death,
10 particularly since we heard that
11 someone who knows C-8 was saying that
12 he murdered Ken. We also remember the
13 afternoon of Ken's death. My wife, my
14 brother and I had arrived after the OPP
15 had entered Ken's home. As we arrived,
16 C-8 was leaving the house and said to
17 no one in particular that he expected
18 this to happen."

19 You see that there, sir?

20 **MR. SEGUIN:** Yes, yes.

21 **MR. LEE:** So this is more than three years
22 after your brother's death and you're still bandying around
23 the idea it may have been murder?

24 **MR. SEGUIN:** I'm only -- this is a sort of
25 synopsis of what happened at that time, and I'm just

1 putting those concerns down as we had back then. I mean,
2 it's ---

3 **THE COMMISSIONER:** Well, sir ---

4 **MR. SEGUIN:** I'm trying to cover all ---

5 **THE COMMISSIONER:** --- in fairness, you say:

6 "...family and Ken's friends still have
7 concerns."

8 **MR. SEGUIN:** Oh, they still, today, have
9 concerns.

10 **THE COMMISSIONER:** You still have concerns
11 about it?

12 **MR. SEGUIN:** Sure. It -- about -- you know,
13 it's not that we're going to cause an investigation to
14 happen or something like that, but that -- of course, this
15 is a normal thing for families to have concerns in cases
16 like this. And -- so, sure.

17 **MR. LEE:** Can I take you to Exhibit 1042,
18 please? That should be one you'll have in a binder in
19 front of you, I believe; 1042. That's your letter of
20 September 20, '01, to Mike Harris.

21 **MR. SEGUIN:** Okay.

22 **MR. LEE:** If we look at the first page, the
23 very first -- are you there, Mr. Commissioner?

24 **MR. SEGUIN:** Yes.

25 **THE COMMISSIONER:** Yes, I am.

1 **MR. LEE:** Okay. If we look at the first
2 page, the very first line:

3 "Dear Mr. Harris:
4 I wrote this letter to inform you of
5 grievous misconduct by Mr. Garry Guzzo,
6 MPP for Ottawa West Nepean."

7 And the second paragraph:

8 "On June 27, '01, Mr. Guzzo rose in the
9 legislature during Question Period, and
10 knowingly made false and fabricated
11 statements."

12 Do you see that?

13 **MR. SEGUIN:** Yes.

14 **MR. LEE:** So I take it, the purpose of this
15 letter was, first, to inform Mr. Harris of Mr. Guzzo's
16 contact -- or conduct, rather, then ask that something be
17 done about it. Is that right?

18 **MR. SEGUIN:** That's correct, yeah.

19 **MR. LEE:** You were setting the record
20 straight with Mr. Harris to point out the errors ---

21 **MR. SEGUIN:** Yes. Yes, that's ---

22 **MR. LEE:** --- that Mr. Guzzo had made?

23 **MR. SEGUIN:** --- right.

24 **MR. LEE:** We've already dealt -- you dealt -
25 - I don't intend to take you back over the issue with the

1 videotapes that were found and whether there were two or
2 more than two. You now know that it was more than two. Is
3 that right, sir?

4 **MR. SEGUIN:** I still don't know that. I've
5 never been ---

6 **MR. LEE:** That ---

7 **MR. SEGUIN:** --- you know, you're saying
8 that ---

9 **MR. LEE:** That's fine.

10 **MR. SEGUIN:** Fine. And I don't know where
11 it came from, and I have no official ---

12 **MR. LEE:** You haven't followed this Inquiry
13 day in, day out. You haven't heard all the evidence here?

14 **MR. SEGUIN:** Yes. But can you ---

15 **MR. LEE:** Okay. Fair enough.

16 **MR. SEGUIN:** Could you tell me who said it?
17 I don't know.

18 **MR. LEE:** We -- I'm certain Commission
19 counsel could assist you with some of the evidence we've
20 heard, if you're interested, after your testimony.

21 On page 3 of your letter, you discuss some
22 of these issues with the tapes, up at the top, in points
23 number 5 and 6.

24 Point number 7 you raise -- so as I
25 understand at number 7 -- and then you have a section in

1 bold which is what Mr. Guzzo had said, and then you've set
2 out to respond to it. Is that right?

3 **MR. SEGUIN:** That's correct, yes.

4 **MR. LEE:** So in number 7, where you have in
5 quotes:

6 "He, Detective Inspector Hall, couldn't
7 explain the 115 charges that were
8 missed three times."

9 That's something Mr. Guzzo said?

10 **MR. SEGUIN:** Yes, that's right.

11 **MR. LEE:** And that's something you're
12 pointing out as an inaccuracy ---

13 **MR. SEGUIN:** Yes, yes.

14 **MR. LEE:** --- and they're going to comment
15 on.

16 **MR. SEGUIN:** Well, as to my brother, I had
17 no idea how many of -- well, he wasn't charged. So I don't
18 ---

19 **MR. LEE:** Right. The 115 charges have
20 nothing to do with your brother?

21 **MR. SEGUIN:** That's right. Well ---

22 **MR. LEE:** He was dead by the time ---

23 **MR. SEGUIN:** That's right. M'hm.

24 **MR. LEE:** --- Project Truth came along.
25 That's right.

1 **MR. LEE:** The first paragraph under number 7
2 reads:

3 "Mr. Guzzo repeats his notion of 115
4 charges not having been made until 1997
5 by Project Truth. There were no abused
6 children, no reliable statements of
7 abuse, no pedophile ring, no cover-up
8 and, therefore, no charges."

9 **MR. SEGUIN:** I think I was really referring
10 to my brother and I may have -- when I said, "115 charges",
11 I think I probably assumed that charges were allegations in
12 a sense, and that's -- I was trying to clarify, I suppose,
13 that point.

14 **MR. LEE:** So your statement that:
15 "There were no abused children, no
16 reliable statements of abuse, no
17 pedophile ring, no cover-up and,
18 therefore, no charges."

19 -- all relates to your brother?

20 **MR. SEGUIN:** Yes, that's right. M'hm.

21 **THE COMMISSIONER:** Do you realize though
22 that people could read that differently?

23 **MR. SEGUIN:** Well, I suppose they could. I
24 just thought the idea of 115 charges, but I was looking at
25 it as allegations.

1 **THE COMMISSIONER:** No. Oh, no. I
2 understand your explanation. All I'm trying to do is see
3 if ---

4 **MR. SEGUIN:** Sure, sure.

5 **THE COMMISSIONER:** --- can understand ---

6 **MR. SEGUIN:** If someone ---

7 **THE COMMISSIONER:** --- if somebody else
8 reads -- for example, someone who was either neutral or ---

9 **MR. SEGUIN:** Yes. Sure.

10 **THE COMMISSIONER:** --- in the other camp is
11 looking at this and would say this is outrageous, what
12 you're saying?

13 **MR. SEGUIN:** Yes. I suppose, yes, because
14 it's 115 charges by the police; there are 115 charges by
15 the police.

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

17 **MR. SEGUIN:** Sure.

18 **MR. LEE:** This letter was sent to the
19 Premier of the province and copied to the Office of the
20 Speaker, and the Leader of the Opposition, and the Leader
21 of the NDP. Is that right?

22 **MR. SEGUIN:** Yes. M'hm.

23 **MR. LEE:** Can I have you turn to page 4,
24 please, the second full paragraph?

25 "Another quandary for Dunlop and his

1 group had now developed. Their scam
2 did not fly. A third person, a friend
3 of John MacDonald and D.S., has
4 contacted and offered the chance of
5 making a lot of money. This person has
6 already officially acknowledged the
7 offer and that the priest had not
8 abused him. In the face of three
9 complainants and pressure from the
10 Citizens' Group and the media, the OPP
11 charged the priest even though it was
12 known that the complainants were
13 unreliable."

14 Do I take it from that, sir, that you
15 believed that the OPP charges innocent people, based on the
16 allegations of unreliable complainants in the face of
17 pressure from the community?

18 **MR. SEGUIN:** No, I don't -- like, ask the
19 question again and the ---

20 **MR. LEE:** Let's read that last sentence
21 again.

22 "In the face of three complainants and
23 pressure from the Citizens' Group and
24 the media, the OPP charged the priest
25 even though it was known that the

1 complainants were unreliable."

2 **MR. SEGUIN:** Well, "Unreliable", yes, that's

3 ---

4 **MR. LEE:** Well, you'd agree with me you're
5 calling into question the decision of the OPP to charge
6 these people. You're suggesting that they were caving to
7 pressure from the media and the Citizens Group?

8 **MR. SEGUIN:** I would agree with that, that I
9 thought that, yes.

10 **THE COMMISSIONER:** Do you still think that
11 today?

12 **MR. SEGUIN:** Looking back on that particular
13 -- but I would say yes; I thought that at the time, yes.

14 **THE COMMISSIONER:** No -- right, right.

15 Do you -- today, with the passage of time
16 and whatever knowledge, you maintain that that is still
17 true, that the OPP charged the -- and I'm not trying to --
18 there's no trick here. I just want to see if your opinion
19 has changed today.

20 **MR. SEGUIN:** Well, there were -- no. About
21 those three particular people?

22 **THE COMMISSIONER:** Yes.

23 **MR. SEGUIN:** I would still agree with it.

24 **THE COMMISSIONER:** All right. Okay.

25 Thank you.

1 **MR. LEE:** I'm particularly interested in
2 this next paragraph:

3 "But that was not enough for Dunlop and
4 his Citizens Group. They had already
5 been working on a much larger scam. In
6 the summer and fall of 1996, they
7 recruited friends of the D.S. and John
8 MacDonald. These recruits, the 'bad
9 boys' they called themselves, had been
10 involved in theft, drugs and
11 prostitution; some in jail at the time
12 or have gone in since. They were
13 promised high payout civil lawsuits
14 against the Catholic Church to make
15 these statements."

16 Do you see that there, sir?

17 **MR. SEGUIN:** Yes.

18 **MR. LEE:** Who are these bad boys that you
19 speak of?

20 **MR. SEGUIN:** Well, I think this was a term
21 used in the newspapers, and I just used it here as a -- it
22 was used and I think by -- they used those terms I think in
23 articles through the newspapers and so on. So I just used
24 it as I put the quotes -- had little quotes around it.

25 **MR. LEE:** Well, the ---

1 **THE COMMISSIONER:** So who are they then?

2 **MR. SEGUIN:** oh, well, who are they? Well,
3 it would involve probationers that were making these
4 allegations.

5 **MR. LEE:** And they were referring to
6 themselves in the newspapers as the "bad boys"?

7 **MR. SEGUIN:** I -- some -- either they did or
8 other people that -- I remember the term.

9 **MR. LEE:** Is it -- I'd never heard this
10 before, that's why I'm asking. Is this a gang? I mean, is
11 this an organized group of people?

12 **MR. SEGUIN:** No. No, I don't believe so.
13 It's just that they're -- they were calling themselves bad
14 boys. I believe it -- even Silmsen and some of his -- some
15 of the material in the newspapers. I just remember it back
16 then as a term used.

17 **MR. LEE:** Can you turn the page over to page
18 5, please, sir? And you have the bold heading at the top:

19 "Perry and Helen Dunlop."

20 **MR. SEGUIN:** Yes.

21 **MR. LEE:** Your first sentence is:

22 "Prior to 1992, the Dunlops involved
23 themselves in the investigations of
24 such high profile cases such as Mount
25 Cashel and Shelbourne."

1 Can you explain that one, please?

2 **MR. SEGUIN:** I don't know about Mount
3 Cashel. I think I was not sure that the difference between
4 them -- but the reason why I said Shelbourne was -- there
5 was a Fifth Estate program, and I just happened to be
6 watching it, and it had to do with the Shelbourne Youth
7 Centre problem, and they were -- they taped a conference or
8 something going on down in Halifax, whatever, and I could
9 see in the -- I was surprised to see in the front seats
10 what I thought was Helen Dunlop writing notes, and over on
11 the sort of the side, Perry Dunlop. If you would like to
12 see that tape I think I have it. But, you know, that's ---

13 **MR. LEE:** You didn't have a police officer
14 complain to you that the Dunlop's had interfered in the
15 investigation?

16 **MR. SEGUIN:** No, no.

17 **MR. LEE:** You didn't have a Crown attorney -
18 --

19 **MR. SEGUIN:** No.

20 **MR. LEE:** --- say that?

21 **MR. SEGUIN:** No, no, no.

22 **MR. LEE:** There was no media report of that?

23 **MR. SEGUIN:** No.

24 When I say "involved themselves in
25 investigations", I just meant that they were obviously

1 following it.

2 MR. LEE: Can you turn to the bottom of page
3 8, sir, and there's a heading "Charles Bourgeois".

4 MR. SEGUIN: Yes.

5 MR. LEE: Can you just read that to
6 yourself, please. And again, let's remember a moniker
7 there, C-8, if you do need to refer to what we're dealing
8 with.

9 MR. SEGUIN: Oh, right.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. SEGUIN: Okay.

12 MR. LEE: Do you have any information that
13 C-8 ever made an allegation of abuse against your brother?

14 MR. SEGUIN: During -- I think I heard that
15 C-8 in his trial that he had -- and he had mentioned as an
16 excuse for his actions that my brother had abused him.
17 Like, I've seen those statements that way, but I believe
18 from the trial that was the case.

19 MR. LEE: Were you present at the trial?

20 MR. SEGUIN: No. But I believe the -- there
21 was a preliminary -- in the preliminary hearings I believe
22 for Father MacDonald and I'm not sure, I think it might
23 have been in Cornwall, but I believe he was up on the stand
24 and this information sort of came out.

25 MR. LEE: You don't know that?

1 **MR. SEGUIN:** Well, no, I wasn't there, no.
2 Okay.

3 **MR. LEE:** Just a couple more references,
4 sir. Page 10, please.

5 **THE COMMISSIONER:** So, sir, would it change
6 your opinion if, in fact, he never said that he was abused
7 by your brother? He never said that. Let's assume that's a
8 fact.

9 **MR. SEGUIN:** Okay. That's ---

10 **THE COMMISISONER:** Would that kind of change
11 your allegation here against him?

12 **MR. SEGUIN:** Well, sure, if he -- I just
13 assumed that -- but, no, it certainly would, yes.

14 **THE COMMISISONER:** Okay. All I'm saying is,
15 you're writing to the Premier.

16 **MR. SEGUIN:** M'hm.

17 **THE COMMISSIONER:** You're alleging things
18 that -- you're writing very forcefully that these are
19 facts, right?

20 **MR. SEGUIN:** M'hm.

21 **THE COMMISSIONER:** And if in the light of
22 day, when we get down to the bottom line, that in fact the
23 judge found that he was abused beyond reasonable doubt by a
24 school teacher.

25 **MR. SEGUIN:** Okay.

1 **THE COMMISSIONER:** All right. By reasonable
2 doubt. And so, you know, you use the word "the rules
3 actually worked", well, if part of it was true do you think
4 that maybe that shakes the foundation of your argument a
5 little bit?

6 **MR. SEGUIN:** Yes, in this -- yeah, sure.

7 **THE COMMISSIONER:** Okay.

8 **MR. SEGUIN:** Okay.

9 **THE COMMISSIONER:** Thank you.

10 I'm sorry; Mr. Lee, go ahead.

11 **MR. SEGUIN:** You know, as it happened -- you
12 know, as I said, these are -- in this particular case --
13 conclusions based on what I knew at the time, and I think I
14 sort of have the right to have some conclusions. I don't
15 think I was making a blanket statement, but at least as
16 soon -- there should have been more investigation into
17 these matters in any case.

18 **THE COMMISSIONER:** Right. No, no, no, it
19 just -- what I'm getting at, sir, is you're accusing Mr.
20 Dunlop of saying some untruths or things that are based on
21 conclusions without facts, and I'm looking at your letter
22 and I'm saying aren't you doing a little bit of the same.

23 **MR. SEGUIN:** It would look like in this
24 case, but I wouldn't have -- the difference would be I
25 wouldn't have known at the time.

1 **THE COMMISSIONER:** You wouldn't have
2 knowingly done it?

3 **MR. SEGUIN:** That's right.

4 **THE COMMISSISONER:** This was your heartfelt
5 belief ---

6 **MR. SEGUIN:** That's right.

7 **THE COMMISSIONER:** --- at the time?

8 **MR. SEGUIN:** At the time, right.

9 **THE COMMISSIONER:** Right. Okay.
10 Mr. Lee.

11 **MR. LEE:** Can you turn to page 10, please,
12 the second full paragraph that starts "For almost." Do you
13 see that?

14 **MR. SEGUIN:** Yes.

15 **MR. LEE:** "For almost eight years my
16 family and I have watched closely
17 without interference the nasty
18 stupidity that started with one man's
19 greed for money progress into one of
20 the largest scams in Canada of false
21 statements, coercion, perjury and
22 finally into a full-blown anti-charter
23 witch hunt."

24 Who is the one man you're speaking of there,
25 sir?

1 **MR. SEGUIN:** Silmser.

2 **MR. LEE:** Would you agree with me that
3 you're -- it's not entirely accurate to say that for eight
4 years you and your family have watched closely without
5 interference? You had been quite actively involved for the
6 past eight years, hadn't you?

7 **MR. SEGUIN:** I didn't interfere with any
8 investigations, but I had a right to make any complaints or
9 whatever.

10 **MR. LEE:** Finally, page 11, the last page of
11 the letter, please.

12 **MR. SEGUIN:** Where is this again?

13 **MR. LEE:** The last page of the letter, page
14 11, please, the second paragraph:

15 "If an inquiry is to be conducted as
16 Mr. Guzzo is requesting, it would
17 unveil the exact opposite of Mr.
18 Guzzo's claims. It would clearly show
19 that no pedophile ring existed then or
20 now, no police cover-up occurred and no
21 group of wealthy and high-profile
22 people existed to curtail the
23 investigation. An inquiry would show
24 that an influential group from the
25 Ottawa area, along with the

1 aforementioned Cornwall Citizens Group
2 influenced the media, solicited and
3 suborned perjury and scammed the OPP
4 into charging innocent people."

5 You wrote that, sir?

6 **MR. SEGUIN:** Yes, I did.

7 **MR. LEE:** Who is the influential group from
8 Ottawa?

9 **MR. SEGUIN:** Well, let's put it this way,
10 they were saying that no one supported them or you know,
11 that was one of the things, no one supported them in the
12 group looking into this, when in fact they had contacted or
13 -- I have no idea who contacted who -- but then Mr.
14 Chiarelli was the -- I think in the opposition at that time
15 and was the first one really to mention any of this in the
16 legislature, and then in the -- and I believe he was the
17 MPP in that area of Nepean. And then after that it became
18 Mr. Guzzo, I believe. In that area they -- the CJOH was in
19 that area. There were -- it's sort of -- there were a lot
20 of people from that area it seemed that became part of
21 looking into this or even parroting Guzzo's or Dunlop's
22 assertions.

23 **MR. LEE:** They were working in concert with
24 the Cornwall Citizens Group, I take it that would mean ---

25 **MR. SEGUIN:** Well, I have no idea about

1 "concert". I'm just saying that people contacted these
2 people, people to influence and say certain things in the
3 media, in the legislature, and they just had a lot of
4 support and it seemed to come from that particular area in
5 Ottawa.

6 **MR. LEE:** "An inquiry would show that an
7 influential group from the Ottawa area,
8 along with the aforementioned Cornwall
9 Citizens Group, influenced the
10 media..." --

11 et cetera.

12 **THE COMMISSIONER:** "Solicited and suborned
13 perjury and scammed the OPP..."

14 So you're saying influential group of people
15 from Ottawa and the people from Cornwall, the Citizens
16 Group.

17 **MR. SEGUIN:** Okay.

18 **THE COMMISSIONER:** So ---

19 **MR. SEGUIN:** Well, I ---

20 **MR. LEE:** But are you suggesting it may not
21 have been in concert; they could have been acting
22 independently, both towards the same goal? Is that what
23 you're telling me?

24 **MR. SEGUIN:** That's -- yeah. When I say --
25 essentially what's happening, from my point of view was

1 they were parroting what Perry Dunlop and the Citizens
2 Group were really saying and these people were giving them
3 these informations -- information -- and then these people
4 would just go along.

5 Now, I'm not saying, although it looks that
6 way -- but I'm not really saying that the media soliciting
7 and suborned perjury or the ---

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

9 **MR. SEGUIN:** That type of thing.

10 **THE COMMISSIONER:** Oh no, come on, sir, in
11 fairness, let's look at the letter. I'm sorry, Mr. Lee,
12 but this ---

13 **MR. LEE:** No.

14 **THE COMMISSIONER:** You're saying:

15 "An inquiry would show that an
16 influential group from the Ottawa area,
17 along with the aforementioned Citizens
18 Group..."

19 So both of them together.

20 "...influenced the media, solicited and
21 suborned..."

22 I don't know what suborned means, but:

23 "...perjury and scammed the OPP into
24 charging innocent people."

25 **MR. SEGUIN:** It's pretty strong, yes.

1 Pretty strong.

2 **THE COMMISSIONER:** Pretty strong.

3 **MR. SEGUIN:** M'hm.

4 **THE COMMISSIONER:** So who are the
5 influential people, group from Ottawa, that you're accusing
6 of having assisted in committing perjury?

7 **MR. SEGUIN:** No, I'm not -- well, it looks
8 that way, but only in the sense that I took the -- from
9 talking to Gerald Renshaw, and Ron Leroux, and their
10 description of what was going on. So I'm saying that once
11 that material got into the public domain and how it was
12 brought in, then in a sense they became an essential part
13 of it because they didn't check out their facts. They
14 didn't -- they just assumed this, accepted it and didn't
15 check into it. So in that sense, I took it as well, they
16 then are somewhat liable for what then came out.

17 **THE COMMISSIONER:** Mr. Lee.

18 **MR. LEE:** I want to take you to one more
19 letter, and the reason I'm taking you to it is it's the
20 last letter I could find that we have in our database that
21 was written by you. It's Document Number 124211. You
22 won't have this yet, Mr. Seguin, the letter I'm referring
23 to.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit Number 1052 is a letter dated

1 January 3rd, 2005 to Nicole Lafrance, CBSC correspondence
2 officer for the Canadian Broadcast Council from Doug
3 Seguin.

4 --- EXHIBIT NO./PIÈCE NO. P-1052:

5 (124211) Letter dated January 3, 2005
6 to Nicole Lafrance, CBSC correspondence
7 officer for the Canadian Broadcast
8 Standards Council from Doug Seguin

9 MR. SEGUIN: Okay.

10 MR. LEE: Do you have that in front of you,
11 Mr. Seguin?

12 MR. SEGUIN: Yes. M'hm.

13 MR. LEE: I'm not going to take you through
14 the whole letter. At the bottom of page 1 and up onto page
15 2 there's some more discussion of the tapes and the search
16 of the home that we've dealt with already.

17 If I could take you to the bottom of page 2,
18 please, the last paragraph, it reads:

19 "I have been sued by Cst. Perry Dunlop,
20 Albert Roy -- CJOH stated he accused
21 Ken of abuse on CBC -- cross-suited by
22 David Silmser -- Greenwell told me in
23 1994 that he had recanted his
24 accusation against my brother; and
25 cross-suited by the 20 claimants and

1 the Ontario government as the supposed
2 executive of my brother's estate. I
3 have won in all of those proceedings.
4 To put it mildly, I have full knowledge
5 of all statements and actions not only
6 of the claimants, but also of other
7 people, Mr. Guzzo, for example, and
8 organizations, CJOH, for example, that
9 have tried, with extreme bias, to
10 influence the criminal and civil
11 actions."

12 You're really selling yourself as the one
13 source for the truth here, aren't you, sir?

14 **MR. SEGUIN:** That's what you -- it looks
15 like it that way, but for information from another
16 perspective, I would say.

17 **MR. LEE:** Well, sir, you write that you have
18 full knowledge of all statements and actions. This has
19 nothing to do with another perspective. You're selling
20 yourself as the authority. You know ---

21 **MR. SEGUIN:** No, I'm not saying I was the
22 authority. I'm just saying I have, because of all these --
23 I'm sort of saying in the first part that I was in the
24 lawsuits, that I have a lot of information, that I've
25 picked up a lot of information along the way and,

1 therefore, obviously I would have a lot of documents and
2 information, as obvious, with all the ---

3 **MR. LEE:** Page 3 please. Page 3, please,
4 sir, right from the top of the page:

5 "I was legally involved and informed
6 (meetings with the Attorney General's
7 civil lawyers) and regularly talked to
8 those claimants that I already knew. I
9 know without question that the
10 assertion by Mr. Guzzo and CJOH that \$4
11 million were paid to 14 claimants is
12 entirely false and deliberately meant
13 to mislead. I was informed by the
14 civil lawyers that they seldom ever
15 went to court in these types of cases.
16 Given the investigations and research
17 they had accumulated of false claims,
18 the government lawyers had no
19 intentions of acquiescing to the
20 claimants' demands but would settle
21 with a minimal amount to close the
22 legal proceedings. That minimal amount
23 was no more than \$5,000 to \$10,000 a
24 piece, i.e. a factor of \$20,000 less
25 than asserted by Mr. Guzzo and Mr.

1 Greenwell. The CRTC would be well
2 advised to take my informed word and
3 not Mr. Guzzo's fabricated and
4 uninformed word."

5 Do you see that, sir?

6 **MR. SEGUIN:** Yes.

7 **MR. LEE:** You had no information at that
8 time about the civil settlements reached by the government
9 relating to your brother, did you?

10 **MR. SEGUIN:** Not officially, no.

11 **MR. LEE:** Well, not at all, really?

12 **MR. SEGUIN:** Yes, I did. I talked to Ron --
13 I think it was John MacDonald had -- I had talked to. I
14 had talked to a brother of one of the complainants -- I
15 don't know whether he's on the list or not -- and he had
16 told me that it was very little and he had already --
17 probably already spent it. Even John MacDonald told me
18 that -- he said the -- Silmser's action had been closed,
19 which I didn't know, and I asked him, "Well, did he do well
20 in it or how much did he get?" And he said, "Ah, okay."
21 As if it wasn't very much, but you know, I just got the
22 general impression that that wasn't -- that the idea that
23 it was \$4 million, and on top of that, if you look at the
24 complainants, what they were asking for, is well over
25 \$200,000. I think it was maybe -- I forget how much, maybe

1 \$300 -- \$300,000, whatever, total, and if you calculate --
2 if you multiply that by, let's say, 15 or whatever, you'd
3 come out to around \$4 million. So I just assumed, well,
4 all he did was take what they were asking, multiplied it
5 and came out -- but from what people told me, it was the
6 opposite to that.

7 **MR. LEE:** You assumed and it was your
8 general impression. Is that what you're telling us?

9 **MR. SEGUIN:** Yes, that's true.

10 **MR. LEE:** As opposed to when you write in
11 the second sentence:

12 "I know without question that the
13 assertion by Guzzo and CJOH is entirely
14 false."

15 **MR. SEGUIN:** Well, it's -- yeah, I would say
16 it without question because the idea that they would get
17 their full amount is highly unlikely from even what the
18 civil lawyers had told me in the beginning. So I just
19 would automatically assume that he was incorrectly --
20 unless you know otherwise.

21 **MR. LEE:** Sir, I'm going to suggest to you
22 that the documents we've just looked at leave absolutely no
23 doubt that truth and facts were not your concern while
24 dealing with the investigation you were conducting.

25 Do you agree with that?

1 **MR. SEGUIN:** No, I don't.

2 **MR. LEE:** Your concern is now and has always
3 been clearing your brother's name by any means necessary.
4 Isn't that true?

5 **MR. SEGUIN:** No, it's not true.

6 **MR. LEE:** Sir, I would suggest that you
7 would do or say almost anything if the end result would be
8 to clear your brother's name.

9 **MR. SEGUIN:** Absolutely not true.

10 **MR. LEE:** Sir, you have lied time and again,
11 and we've looked at some of these, and you will continue to
12 lie in order to advance your interests. Do you agree with
13 that?

14 **MR. SEGUIN:** I have not seen any indication
15 by you that I have lied in any of these things. I may
16 have, in summarizing, given my conclusions when I'm writing
17 to these people that are not going to any investigation
18 that, you know, I might have made conclusions, but I've
19 never lied.

20 **MR. LEE:** None of what we just looked at
21 were lies?

22 **MR. SEGUIN:** No, not at all.

23 **MR. LEE:** Can you -- you won't have this
24 document yet.

25 Madam Clerk, Doc Number 124226.

1 **THE COMMISSIONER:** Thank you.

2 Exhibit 1053 is a document -- is this your
3 document, Mr. Seguin?

4 **MR. SEGUIN:** Yes, probably, yeah.

5 **THE COMMISSIONER:** And these notes were made
6 by you -- does it say -- when were they made?

7 **MR. SEGUIN:** I ---

8 **THE COMMISSIONER:** Post- '95, I would guess.

9 **---EXHIBIT NO./PIÈCE NO P-1053:**

10 (124226) Notes made by Mr. Seguin.

11 **MR. LEE:** Can you help us out with the
12 purpose of this document, sir?

13 **MR. SEGUIN:** Well, I'm just reading through
14 it to see what ---

15 **MR. LEE:** Please.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. SEGUIN:** Yeah, I forget why I was -- I'm
18 not sure why I made this up, but the ---

19 **MR. LEE:** I mean, I think from the tone of
20 it, it must have been -- you must have been thinking at the
21 time of litigation or at least interested in understanding
22 what your rights may have been?

23 **MR. SEGUIN:** Yes.

24 **MR. LEE:** Question number four:

25 "What are the time limitations on civil

1 litigation?"

2 I mean, these are legal questions that you
3 pose; is that right?

4 **MR. SEGUIN:** Yes. M'hm.

5 **MR. LEE:** Do you recall whether or not you
6 ever gave this to a lawyer? I mean, did you ever go
7 anywhere with it or was it just something that you did; do
8 you know?

9 **MR. SEGUIN:** I don't know whether I sent
10 this to a lawyer to ask him about these things or not.

11 **MR. LEE:** Can you look at the second page,
12 sir, under -- the title on the first page is "Civil
13 Litigation" and then in parenthesis "(if possible)" and you
14 list 10 possible actions.

15 Number nine:

16 "Action against Richard Abell, Director
17 of the Cornwall Children's Aid Society
18 for unprofessionally permitting and
19 publicly concurring with the actions of
20 Constable Dunlop."

21 What do you mean by "unprofessionally
22 permitting"? Does that -- are you suggesting there that he
23 facilitated the turning over of the statement to the CAS?
24 Is that what you're referencing there?

25 **MR. SEGUIN:** No, I'm just saying that in

1 public he was sort of concurring with what -- well, he was
2 actually, I think, in favour of what Constable Dunlop had
3 done and I just assumed -- and was publicly saying so,
4 which was, I thought, unprofessional, given that I had
5 already sort of gotten information from the Coroner's
6 Office that somebody in those positions shouldn't publicly
7 be making that type of statements.

8 **MR. LEE:** You're not sure what you meant by
9 "permitting Constable Dunlop"?

10 **MR. SEGUIN:** No, I don't.

11 **MR. LEE:** But you're ---

12 **MR. SEGUIN:** Well, I suppose accepting what
13 he had done, I guess.

14 **MR. LEE:** Then on the ---

15 **MR. SEGUIN:** I was just making up a list of
16 things that in a way just follows with some of the
17 complaints and so on that I had made or I had thought of at
18 that time and I was just making up -- wondering what legal
19 choices we would have when all of this was coming out.

20 **MR. LEE:** And if you look on the first page
21 under civil litigation number one and two, the first is:

22 "Action against Albert Roy and/or CBC's
23 Fifth Estate. The basis is published
24 on December 12th, '95, unfounded
25 accusations against Ken Seguin showing

1 picture and stating name of both
2 accused and accuser. Accusations were
3 made one year after the officer's
4 death."

5 "Officer" I take it you mean probation
6 officer?

7 **MR. SEGUIN:** Yes.

8 **MR. LEE:** Number two:

9 "Action against Albert Roy and/or the
10 Standard Freeholder. The basis is
11 published unfounded accusations against
12 a probation officer known as Ken Seguin
13 from above telecast. Published
14 assertion of civil litigation against
15 the probation officer's estate."

16 If you look up at the "re:" line of this
17 letter, it's a lengthy re: line, but the last two lines
18 read:

19 "Results of OPP investigation after his
20 death: No evidence to substantiate
21 allegations by David Silmser or Albert
22 Roy."

23 Can you help us out with the facts you rely
24 on in support of that statement, please?

25 **MR. SEGUIN:** Well, we had -- in '94 we had

1 gone in to have a little conference with Mr. -- or
2 Inspector Hamelink and he had mentioned that they couldn't
3 substantiate. And at that time there was no -- they just
4 mentioned an allegation by Albert Roy, but they didn't --
5 there were no charges being laid or -- you know, obviously
6 there wouldn't be, so they weren't going to go anywhere
7 with it.

8 **MR. LEE:** Because your brother was dead?

9 **MR. SEGUIN:** That's right.

10 **MR. LEE:** You had no knowledge of Roy's
11 allegations or the veracity of them?

12 **MR. SEGUIN:** No, I didn't, no.

13 **MR. LEE:** Sir, I'm going to take you to one
14 last letter and I promise you it will be the last letter I
15 take you to. It's Document Number 124220.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit 1054 is a letter to the Crown Office
18 dated April 26th, 2004 from Douglas Seguin.

19 **---EXHIBIT NO./PIÈCE NO P-1054:**

20 (124220) Letter to the Crown Office
21 from Douglas Seguin dated 26 April 2004

22 **MR. LEE:** And this relates to one of the
23 civil actions -- or several of the civil actions, I
24 suppose, based on the re: line?

25 **MR. SEGUIN:** M'hm.

1 **MR. LEE:** One by Silmsier and one by a long
2 list of complainants?

3 **MR. SEGUIN:** That's right.

4 **MR. LEE:** You're familiar with that claim?
5 Everybody is identified by initials, or several of them?

6 **MR. SEGUIN:** Yes, that's right.

7 **MR. LEE:** Down at the bottom of page 1, the
8 second last paragraph, you write:

9 "Any payment of claims in the civil
10 action against my deceased brother Ken
11 Seguin will result in the forever
12 lingering assumption of wrongdoing by
13 our brother. The plaintiffs' claims
14 are provably false and the Crown is
15 aware that they are false. The
16 complainants have made fraudulent
17 claims for monetary gains."

18 Do you see that, sir?

19 **MR. SEGUIN:** Yes.

20 **MR. LEE:** Over on page 2, the second
21 paragraph:

22 "In one month our mother will turn 100
23 years old. Those of us left of her 10
24 children find it unacceptable that she
25 and us are to live on with this easily

1 correctable sham of the false
2 accusation against our deceased
3 brother. We don't appreciate being set
4 up as targets by our own state
5 institutions for self-serving
6 individuals and so-called citizens'
7 groups."

8 Sir, you have no clue who many of these
9 complainants even are at this point; isn't that true?

10 **MR. SEGUIN:** That's right, yeah.

11 **MR. LEE:** You have absolutely no idea
12 whether the allegations are true or not?

13 **MR. SEGUIN:** That's correct. Well, given my
14 extrapolation from what Gerald Renshaw said and Ron Leroux,
15 and there were other -- as I don't know whether I should
16 mention his name -- but there were others that I knew --
17 did know, and I could tell from talking to their families
18 or brother, whatever, that even they realized that they
19 weren't true, so I just extrapolated from there.

20 **MR. LEE:** Sir, the only thing that mattered
21 to you, I would submit, is the fact that these complaints
22 were against your brother and, in your mind, they could not
23 have been true. You required no evidence beyond that?

24 **MR. SEGUIN:** No, from the beginning I'd
25 always said that what I was doing was trying to verify one

1 way or the other and even now, fine, you'll do your best
2 and we'll find out.

3 MR. LEE: You have mentioned a number of
4 times here, sir, the name Gerry Renshaw.

5 MR. SEGUIN: Yes.

6 MR. LEE: You knew Gerry when your brother
7 was still alive?

8 MR. SEGUIN: That's correct, yes.

9 MR. LEE: You knew that he had lived with
10 your brother? You knew that at the time?

11 MR. SEGUIN: M'hm.

12 MR. LEE: That wasn't something you learned
13 after the fact. That's right?

14 MR. SEGUIN: Correct.

15 MR. LEE: You knew that he had at one time
16 been on probation to your brother?

17 MR. SEGUIN: Yes.

18 MR. LEE: You had met his girlfriend and you
19 had met his children; is that right?

20 MR. SEGUIN: I believe so. I've seen them.
21 Right.

22 MR. LEE: I take it it must have come as
23 quite a shock to you when you learned that Mr. Renshaw was
24 making allegations about sexual abuse at the hands of your
25 brother?

1 MR. SEGUIN: That's correct.

2 MR. LEE: Those allegations stunned you,
3 didn't they, sir, coming from Gerry Renshaw?

4 MR. SEGUIN: You're using words that are --
5 you know, they're your words. They were surprising.

6 MR. LEE: You had never met David Silmser?

7 MR. SEGUIN: No, no.

8 MR. LEE: The name didn't mean anything to
9 you at the time you first heard it?

10 MR. SEGUIN: No, not the first time, no.

11 MR. LEE: You'd never met Albert Roy?

12 MR. SEGUIN: No, no.

13 MR. LEE: You'd certainly never sat down to
14 a meal with either of those men?

15 MR. SEGUIN: No. No, I hadn't.

16 MR. LEE: Gerry Renshaw was different,
17 wasn't he?

18 MR. SEGUIN: Yes.

19 MR. LEE: You knew this man?

20 MR. SEGUIN: Yes.

21 MR. LEE: He was a -- certainly a friend of
22 your brother's as ---

23 MR. SEGUIN: Yes, that's right.

24 MR. LEE: --- you saw it? Would you have
25 considered him your friend at the time?

1 **MR. SEGUIN:** Not really, more of an
2 acquaintance. I never -- you know, except for coffees and
3 seeing him around Ken's, that was it. I wouldn't call him
4 a real friend.

5 **MR. LEE:** You would agree with me that it
6 was an entirely different situation hearing an allegation
7 of abuse from somebody you knew, somebody to put a face to,
8 somebody that you knew had been friends with your brother
9 as compared to two people you had never met?

10 **MR. SEGUIN:** In the sense that I knew them
11 before and knew that there were no signs or allegations
12 before and the circumstances under which he started coming
13 out with them, after talking to Perry Dunlop, yes, that was
14 surprising to me.

15 **MR. LEE:** Gerry Renshaw attended your
16 brother's funeral?

17 **MR. SEGUIN:** Yes.

18 **MR. LEE:** The wake?

19 **MR. SEGUIN:** Yes.

20 **MR. LEE:** His kids were there?

21 **MR. SEGUIN:** Yes.

22 **MR. LEE:** The kids looked sad? Your mother
23 had made ---

24 **MR. SEGUIN:** Yes, yes, yes.

25 **MR. LEE:** --- a comment about that?

1 MR. SEGUIN: M'hm.

2 MR. LEE: They send flowers?

3 MR. SEGUIN: Yes.

4 MR. LEE: And at no time, at the funeral, at
5 the wake or before that time had Gerry Renshaw told you
6 that he was being abused by your brother; is that right?

7 MR. SEGUIN: No, he's never mentioned that.

8 MR. LEE: And at the funeral and at the
9 wake, he didn't look like he had any complaints?

10 MR. SEGUIN: No.

11 MR. LEE: You didn't look at him and think,
12 "Oh, there's something going on there?"

13 MR. SEGUIN: Well, of course.

14 MR. LEE: He looked sad like everybody else;
15 is that right?

16 MR. SEGUIN: That's correct.

17 MR. LEE: And that's a big part of your
18 theory about Mr. Renshaw, isn't it? That's -- you point to
19 that repeatedly as the fact that he sent flowers, as an
20 example; the fact that he was at the funeral; the fact that
21 he hadn't disclosed to you ---

22 MR. SEGUIN: That's just -- that's just one
23 observation, right?

24 MR. LEE: Were you here -- are you aware
25 that Mr. Renshaw testified here?

1 **MR. SEGUIN:** Yes.

2 **MR. LEE:** Were you present for that
3 evidence?

4 **MR. SEGUIN:** No.

5 **MR. LEE:** You weren't here when he talked
6 about when he told his own family about the abuse?

7 **MR. SEGUIN:** No, I don't know.

8 **MR. LEE:** One of the stories that you told
9 us during your examination-in-chief involved your brother's
10 phonebook or address book, or whatever you want to call it;
11 is that right?

12 **MR. SEGUIN:** That's right.

13 **MR. LEE:** Ms. Daley, for the Citizens for
14 Community Renewal, asked you a little bit about that during
15 her cross-examination and I was a little bit confused about
16 exactly what your evidence was on that point.

17 When did you first learn that there was an
18 issue with this phonebook having been removed from the
19 home?

20 **MR. SEGUIN:** I believe it was Ron or Gerry
21 Renshaw, but I don't know how soon he had mentioned it,
22 whether ---

23 **MR. LEE:** I thought what you ---

24 **MR. SEGUIN:** --- it was at wake or I'm not
25 sure.

1 **MR. LEE:** I thought what you told us
2 yesterday was that Ron Leroux and his wife Cindy had
3 mentioned to you that they used the book to get your phone
4 number and Father MacDonald's?

5 **MR. SEGUIN:** Yes, that's right. They had
6 mentioned that to us.

7 **MR. LEE:** And you thought that you should
8 have that book?

9 **MR. SEGUIN:** Yes.

10 **MR. LEE:** As a family member ---

11 **MR. SEGUIN:** Yes.

12 **MR. LEE:** --- that was something you wanted.

13 **MR. SEGUIN:** Yes.

14 **MR. LEE:** And then you asked for it?

15 **MR. SEGUIN:** M'hm.

16 **MR. LEE:** And that Leroux gave it to you?

17 **MR. SEGUIN:** I -- as I mentioned, I'm not
18 sure whether Gerry had -- was the one that picked it up
19 from Ron or not. I'm not quite sure.

20 **MR. LEE:** When Mr. Renshaw testified here,
21 his evidence was that Ron Leroux took the book from your
22 brother's house.

23 **MR. SEGUIN:** Okay.

24 **MR. LEE:** That Leroux and Gerry Renshaw
25 discussed the book.

1 **MR. SEGUIN:** Okay.

2 **MR. LEE:** That Renshaw suggested that he
3 would take it and give it to you.

4 **MR. SEGUIN:** Okay.

5 **MR. LEE:** That he took the book and he gave
6 it to you and, again, he reiterated in cross-examination he
7 was the one who suggested to Mr. Leroux that he would take
8 the book ---

9 **MR. SEGUIN:** Okay.

10 **MR. LEE:** --- and give it to you.

11 **MR. SEGUIN:** Fine.

12 **MR. LEE:** You weren't privy to any of those
13 discussions between ---

14 **MR. SEGUIN:** No, no.

15 **MR. LEE:** --- Leroux and Renshaw?

16 **MR. SEGUIN:** No, no.

17 **MR. LEE:** You didn't know anything about the
18 book being removed from the house until you were told about
19 it ---

20 **MR. SEGUIN:** That's correct.

21 **MR. LEE:** --- after the fact?

22 **MR. SEGUIN:** Right.

23 **MR. LEE:** What you know is that at some
24 point you were made aware; you expressed an interest in
25 having the book and it was delivered to you; is that right?

1 **MR. SEGUIN:** Yes.

2 **MR. LEE:** I want to take you briefly to
3 Exhibit 1029. That's your interview with the OPP in
4 February of '94. Should be in your binder, I would think,
5 sir. Are you there?

6 **MR. SEGUIN:** Yes.

7 **MR. LEE:** Page 5, please. Well, I suppose
8 bottom of page 4 for some context, sir. The last question
9 on that page is:

10 "What can you tell us about this
11 phonebook?"

12 And you answer:

13 "That night I went to Ron Leroux's to
14 talk to Gerry Renshaw. Gerry was a
15 probationer at one time, but he was a
16 friend."

17 Over on the next page:

18 "He stayed with Ken a couple of years
19 ago. It was all done through work.
20 Anyway, I was in the garage with him.
21 Gerry told me they had Ken's telephone
22 book. He mentioned sort of funny way.
23 Gerry said he was going to burn it. I
24 told him you're going to give it to us
25 and he did."

1 Question:

2 "Did he say when he got it?"

3 Answer:

4 "No, I just assumed he got it that
5 night. They used it to look up the
6 number for Father Charlie. At first,
7 it seemed like they didn't want to give
8 it."

9 Do you see those questions and answers there, sir?

10 **MR. SEGUIN:** Yes. Yes, I do.

11 **MR. LEE:** That's not what you told us here.

12 **MR. SEGUIN:** No, because as I said, I don't
13 -- wasn't quite sure what -- how that happened, how I got
14 the book.

15 **MR. LEE:** Well, when you read the OPP --
16 your statement to the OPP, does that ring a bell? Does
17 that refresh your memory?

18 **MR. SEGUIN:** Yes, very likely that's -- of
19 course it -- probably if I -- this was back early on and I
20 probably -- that's probably what happened.

21 **MR. LEE:** Well, look back on the night, sir;
22 is that what you remember happening?

23 **MR. SEGUIN:** At the moment, I don't
24 remember, no, that. That's why I was vague about why or
25 how I got it.

1 **MR. LEE:** Do you recall any resistance to
2 your request for the book?

3 **MR. SEGUIN:** I don't remember. Again, I
4 don't remember. From what I said here, it looks like
5 possibly I did.

6 **MR. LEE:** You knew nothing of the book until
7 either Leroux or Renshaw mentioned it to you; is that
8 right?

9 **MR. SEGUIN:** That's correct, yeah.

10 **MR. LEE:** And it was delivered to you?

11 **MR. SEGUIN:** Well, I don't know whether it
12 was given to me or delivered, but ---

13 **MR. LEE:** You received it from one of them?

14 **MR. SEGUIN:** Yes, received it.

15 **MR. LEE:** There was not a -- you didn't
16 wrestle it away from them?

17 **MR. SEGUIN:** No, no.

18 **MR. LEE:** They handed it over quite
19 willingly?

20 **MR. SEGUIN:** That's right.

21 **MR. LEE:** It doesn't make a whole lot of
22 sense that they would do that if Mr. Renshaw's intention
23 was to destroy the book, does it?

24 **MR. SEGUIN:** Well, say that again.

25 **MR. LEE:** If Mr. Renshaw wanted to destroy

1 the book, he wouldn't have told you about it in the first
2 place. He would have just destroyed it. That's not what
3 happened, is it?

4 MR. SEGUIN: That's right.

5 MR. LEE: He told you about it. You asked
6 for it and he gave it to you?

7 MR. SEGUIN: Yes, that's right.

8 MR. LEE: That's -- you recall that?

9 MR. SEGUIN: Yes.

10 MR. LEE: Another part of your evidence
11 dealing with Gerry Renshaw in-chief relates to a couple of
12 meetings you had with Gerry where you discussed his
13 statement to Perry Dunlop. Do you recall that?

14 MR. SEGUIN: Where is this?

15 MR. LEE: It's not in this statement, sir.

16 MR. SEGUIN: Oh.

17 MR. LEE: You told us in-chief that you had
18 met with Gerry Renshaw a couple of times and talked about
19 his statement to Perry Dunlop?

20 MR. SEGUIN: Yes, that's correct. Yeah.

21 MR. LEE: You told us your thoughts on that.
22 Can we look at your notebook for a minute please, sir,
23 which is Exhibit 1050?

24 THE COMMISSIONER: What page?

25 MR. LEE: It's the Bates page 1151108 back -

1 - 108 back.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. LEE: Are you there, sir?

4 MR. SEGUIN: Yes.

5 MR. LEE: It's a little bit difficult to
6 read but it looks like the date we have there is
7 January 23rd, '97?

8 MR. SEGUIN: Sorry, which page now?

9 MR. LEE: If you look at the top left-hand
10 -- of your notes, it's page 36, if that helps. In the top,
11 right-hand corner of your handwritten notes you have page
12 numbers, on the notebook itself, sir, if you're looking.

13 If you want to look at the top, left-hand
14 computer-written page, it's "108 back".

15 MR. SEGUIN: Oh, okay.

16 MR. LEE: Are you there?

17 MR. SEGUIN: Well, I'm ---

18 MR. LEE: If you look on the screen, sir, is
19 that the same page you're looking at in the book?

20 MR. SEGUIN: No, it's not. It must be this
21 one. Okay, it's -- it's this one, yeah. Okay.

22 MR. LEE: The rest of us have had a couple
23 of years of getting used to the system here, sir.

24 So you're on the same page as shown on the
25 screen?

1 **MR. SEGUIN:** Yes, that's right.

2 **MR. LEE:** And does that date look like
3 January 23rd, '97 to you?

4 **MR. SEGUIN:** Yes.

5 **MR. LEE:** It reads:

6 "Thursday evening, Gerry Renshaw. I
7 picked him up at 831 Amelia and went to
8 Northway, downstairs. Had two beers
9 apiece. He told me/..."

10 Is that right?

11 **MR. SEGUIN:** That's right, yeah.

12 **MR. LEE:** If you turn the page over, it
13 would appear to be marked number 37, so that's the next
14 page in the sequence, and at the top we have a date,
15 February 8. Is that right?

16 **MR. SEGUIN:** Yes, m'hm.

17 **MR. LEE:** And we have the name "Sue
18 Larivière" and "probation officer" and it goes on and talks
19 about that?

20 **MR. SEGUIN:** Right.

21 **MR. LEE:** Is that right?

22 So back at page 36 of your notebook, that's
23 the note you have about your first meeting with Gerry
24 Renshaw?

25 **MR. SEGUIN:** That's right.

1 **MR. LEE:** You suggested earlier in your
2 evidence that you recall that you later have a couple of
3 typewritten documents you make up relating to these two
4 conversations with Mr. Renshaw?

5 **MR. SEGUIN:** That's right.

6 **MR. LEE:** Do you recall looking at those?
7 You suggested during your evidence earlier
8 that you had notes of these two conversations when you
9 composed those later typewritten?

10 **MR. SEGUIN:** Yes, m'hm.

11 **MR. LEE:** I haven't found those, sir? Is
12 this all you had for this meeting?

13 **MR. SEGUIN:** No.

14 **MR. LEE:** Can you help me out with where we
15 might ---

16 **MR. SEGUIN:** Well, it's -- it's just the way
17 the pages go here. The rest of that is ---

18 **THE COMMISSIONER:** Do we have the original
19 notebook here?

20 **MR. SEGUIN:** They're in there, but ---

21 **MR. RUEL:** I'm sorry, the original was
22 scanned and given back to the witness.

23 **THE COMMISSIONER:** You wouldn't happen to
24 have the originals here with you?

25 **MR. SEGUIN:** No, I haven't no.

1 **THE COMMISSIONER:** But what you're saying is
2 they're someplace in the notes?

3 **MR. SEGUIN:** Yes, there's more in -- in the
4 notes. It's just the way the sequence of how this was --
5 you know, you can't go from 37 to 38. In fact, it may be
6 backwards. I don't know the -- this was a -- a ringed book
7 and ---

8 **MR. LEE:** On that page 36, we can see the
9 ring on the right-hand side of it?

10 **MR. SEGUIN:** --- and I would -- a lot of
11 times I would actually be writing from the back of the book
12 going frontwards and sometimes from the frontwards going
13 the other way. You would have to -- I'd have to look
14 through these to see at which point ---

15 **MR. LEE:** Well, can you turn to page 32,
16 sir? That would be forward in the book.

17 **MR. SEGUIN:** Thirty-two (32).

18 **MR. LEE:** Are you there?

19 **MR. SEGUIN:** Oh, okay.

20 **MR. LEE:** And we have December 6, '96, and a
21 name I don't recognize so I'm not going to say it:

22 "Met him at St. Andrews at a flea
23 market after telephoning him."

24 And it goes on and it looks like you're describing on the
25 next page is a continuation of these notes ---

1 MR. SEGUIN: Yes.

2 MR. LEE: --- of a conversation. You would
3 agree with that?

4 MR. SEGUIN: Yes.

5 MR. LEE: All the way through page 35?

6 MR. SEGUIN: Yep.

7 MR. LEE: That's December 6th, '96. We get
8 to page 36, and we have January 23, '97?

9 MR. SEGUIN: M'hm.

10 MR. LEE: You get to page 37, and now it's
11 February 8, that seems to be sequential. Wouldn't you
12 agree, sir?

13 MR. SEGUIN: Yes.

14 MR. LEE: Next page after that, February 26,
15 '97. You move on, after that to March 25th?

16 MR. SEGUIN: Yes.

17 MR. LEE: I mean surely if you were taking
18 notes of this meeting in this book, they would have
19 followed page 36, would they not?

20 MR. SEGUIN: You would think so. I know
21 that it's -- it's here, but I just don't know where.

22 MR. LEE: You believe it's in this notebook?

23 MR. SEGUIN: I believe it's in this
24 notebook. It's -- I just don't know why it's in that
25 sequence, but I would have to -- I'd have to get the book

1 and check.

2 MR. LEE: Well, anyway, sir, you have a --
3 in the end, you have a theory that Dunlop influenced
4 Renshaw into having to make untrue allegations about ---

5 MR. SEGUIN: It's not a theory; he told me
6 that.

7 MR. LEE: That's what Gerry Renshaw told
8 you?

9 MR. SEGUIN: Yeah.

10 MR. LEE: Is that your evidence?

11 MR. SEGUIN: Yes.

12 MR. LEE: And ---

13 MR. SEGUIN: Well, he didn't say those
14 words, but his description of what transpired, that's what
15 ---

16 MR. LEE: Well, we have some recording of
17 you of what you allege he told you at Document 124186. You
18 won't have this one yet, sir.

19 MR. SEGUIN: Oh, okay.

20 MR. LEE: Sorry, sir, I may have some
21 assistance for you here. If we can go back to the notes
22 for just one moment. If we can go to page 76 of your
23 notes; that's 128 back. Are you there, sir?

24 MR. SEGUIN: Yes.

25 MR. LEE: And, "Gerry Renshaw, 715B

1 Augustus, in B.C.", and then an address?

2 MR. SEGUIN: Yes.

3 MR. LEE: Those aren't the notes you're
4 talking about, are you?

5 MR. SEGUIN: No, no.

6 MR. LEE: That's just another reference to
7 Gerry Renshaw in your notes?

8 MR. SEGUIN: That's correct.

9 MR. LEE: Madam Clerk, do we have the
10 document, 124186?

11 While the clerk's looking for that, Mr.
12 Seguin, it's an earlier version of a later document you've
13 already looked at, which is Exhibit 1043. If you want to
14 get that ready because I'll be asking you about that as
15 well.

16 You produced all of your relevant documents
17 to this Commission?

18 MR. SEGUIN: Yes, m'hm.

19 THE COMMISSIONER: All right. So Exhibit
20 Number 1055 is a document, it looks like a letter, dated
21 February 10th, 1997, and it's "Attention John Dempster ---

22 MR. SEGUIN: Yes.

23 THE COMMISSIONER: --- and Timothy Ray" and
24 signed by you.

25 --- EXHIBIT NO./PIÈCE NO 1055:

1 (124186) Letter from Douglas Seguin to
2 John Dempster and Timothy Ray dated
3 February 10, 1997

4 **MR. LEE:** And did you pull up 1043 --
5 Exhibit 1043 that I had asked you to look for? That's
6 Exhibit 1043 and that's the document dated February 24th,
7 '97?

8 **MR. SEGUIN:** Okay.

9 **MR. LEE:** So we have the one -- the document
10 you were just handed is February 10th, '97, and the one you
11 looked at yesterday being Exhibit 1043, is February 24th,
12 '97.

13 Do you see the two documents I'm looking at,
14 sir?

15 **MR. SEGUIN:** Yes, m'hm.

16 **MR. LEE:** It looks to me like the
17 February 10th document is an earlier version of the February
18 24th document. Would you agree with that?

19 **MR. SEGUIN:** Yes, probably, yeah.

20 **MR. LEE:** So let's go to the early one,
21 February 10th, Exhibit 1055.

22 So the file is *Dunlop v. Seguin*; John
23 Dempster and Timothy Ray are your lawyers. Am I right?

24 **MR. SEGUIN:** Yes, that's right.

25 **MR. LEE:** Then number 2, you begin talking

1 about a five-page signed statement by Gerald Renshaw and
2 you start:

3 "In a face-to-face conversation on
4 January 23rd, '97, Gerald Renshaw
5 indicated that he had made a statement
6 to Dunlop which I had not previously
7 known about. Without any request by
8 me, he freely offered the statement to
9 me."

10 And you go on and you describe some of that
11 conversation. Is that right?

12 **MR. SEGUIN:** That's right.

13 **MR. LEE:** And then in the fourth paragraph
14 under bullet number 2:

15 "In the conversation of February 5th,
16 Renshaw stated that he was surprised
17 that I had not gone back to him sooner
18 to discuss the statement. He stated
19 that he would make a statement to my
20 lawyer if I wished."

21 And you go through and you detail that
22 statement; Is that right?

23 **MR. SEGUIN:** M'hm.

24 **MR. LEE:** As an example, if you go a few
25 more down with the paragraph starting, "In fact":

1 "In fact, Renshaw told my wife and I
2 that he personally knew of no sexual
3 misconduct by my brother, Ken, or
4 Father Charles MacDonald."

5 Then we have a number of handwritten notes.
6 Is that right?

7 **MR. SEGUIN:** That's correct.

8 **MR. LEE:** With respect to the January 23rd
9 meeting with Gerald Renshaw where we looked at the brief
10 entry in your notes, you'd agree with me that there's
11 considerably more detail here about what was in that
12 conversation than there are in your notes?

13 **MR. SEGUIN:** There is more. Yeah, there is,
14 from what I can see in the ---

15 **MR. LEE:** Sir, as far as the February 5, '97
16 conversation with Gerry Renshaw goes, we have no notes from
17 you on that?

18 **MR. SEGUIN:** I think you do. I -- there's a
19 -- sure I read them in the book, but in -- 'cause I was
20 looking at the book, but I would have to look back in the
21 book.

22 **THE COMMISSIONER:** All right.

23 Well, why does he ---

24 **MR. SEGUIN:** Because I remember writing this
25 down after I was talking to him and ---

1 **MR. LEE:** We have a few notebooks that
2 you've produced, sir. The longest one is the one I've just
3 shown you. You looked at one yesterday dealing with Mr.
4 Leroux ---

5 **MR. SEGUIN:** M'hm.

6 **MR. LEE:** --- exclusively. We have another
7 one that has absolutely no mention of Gerry Renshaw in it
8 all.

9 **MR. SEGUIN:** That's right.

10 **MR. LEE:** Are we missing something, sir?

11 **MR. SEGUIN:** I think so. M'hm. But I'm not
12 sure what it is, where that comes from. I know I wrote
13 this material down.

14 **MR. LEE:** You read those ---

15 **MR. SEGUIN:** The first meeting I wrote in
16 that book, and at length I believe, and ---

17 **MR. LEE:** And what about the second meeting?

18 **MR. SEGUIN:** And the second one, I didn't
19 write it in the book. What I did was I had his statement
20 and I was making notes on the statement with a pencil. I
21 typed and -- and asking him questions.

22 **MR. LEE:** Do you have a copy of that for us,
23 sir?

24 **MR. SEGUIN:** No. I don't think it was ---

25 **MR. LEE:** But you would've had both of

1 those. If you made notes, you would've had them when you
2 were drafting this document. Is that right?

3 **MR. SEGUIN:** That's right.

4 **MR. LEE:** And when were these handwritten
5 notes added, sir?

6 **MR. SEGUIN:** I guess -- well, I would get on
7 the computer and I would make this out, and then I would
8 look it over, and if I hadn't been complete, then I would
9 add and ---

10 **THE COMMISSIONER:** So on or about February
11 10th, 1997, is that when you were to make those notes?

12 **MR. SEGUIN:** Yeah. M'hm.

13 **MR. LEE:** And, in any event, before February
14 24th, the next version of this document. Is that right?
15 Because if we look at that document -- that's Exhibit 1043
16 -- that will be in your binder; it will be the one that you
17 had turned up. Do you see that, sir, the February 24th
18 document?

19 **MR. SEGUIN:** Yes.

20 **THE COMMISSIONER:** Mr. Lee, how much longer
21 do you think you'll be?

22 **MR. LEE:** Hopefully, 15 minutes.

23 **MR. SEGUIN:** Yeah. It was in January that I
24 had talked to him first. And then it was, I think,
25 February the 5th or whatever that I -- and something like

1 that, when I had talked to him the second time, I believe.
2 So this would've been made after, as I remember those
3 conversations.

4 **MR. LEE:** The point I'm trying to make, sir,
5 is we have a very brief notebook entry from you relating to
6 the January 23rd conversation. We have no notes from you
7 relating to the February 5th is it -- February 5th
8 conversation.

9 And at some point on February 10th, we end up
10 with a fairly lengthy document outlining all kinds of
11 allegations and your story of what Mr. Renshaw told you.

12 Two weeks later on February 24th, we have a
13 considerably longer version with a number of new details
14 added.

15 Sir, the point is that from your purposes --
16 or for your purposes and from your perspective, this story
17 just keeps on getting better as we go through these
18 documents?

19 **MR. SEGUIN:** I think it's based on what he
20 told us.

21 **MR. LEE:** Well, it's based on what he told
22 you or is it what he told you?

23 **MR. SEGUIN:** Now, I'm sure I -- a lot of
24 these are -- you know, there are my words in here as well,
25 but he told us -- told us this -- based on what he told us.

1 **MR. LEE:** Sir, you're making this up as you
2 go along, aren't you?

3 **MR. SEGUIN:** No, I'm not. I'll find that
4 book for you, the -- where I wrote about his first.

5 **MR. LEE:** You added a new wrinkle to your
6 story yesterday, sir. You told us of a conversation you
7 had with Gerry Renshaw where he said, and what you told us
8 was:

9 "What kind of person do you think I am?
10 Would I take my kids there?"

11 **MR. SEGUIN:** Yes.

12 **MR. LEE:** You recall that?

13 **MR. SEGUIN:** Yes.

14 **MR. LEE:** We've never heard or seen that
15 before, sir. You made that up on the stand while here to
16 bolster your story, didn't you, sir?

17 **MR. SEGUIN:** No, I did not. He told me
18 that.

19 **MR. LEE:** Am I to understand that your
20 evidence here is that you have endeavoured at all times to
21 tell the truth?

22 **MR. SEGUIN:** Yes.

23 **MR. LEE:** Throughout this entire episode,
24 over the past 14 years, you have never intentionally lied
25 to advance your interests?

1 **MR. SEGUIN:** That's right.

2 **MR. LEE:** That's your evidence here?

3 **MR. SEGUIN:** Yes.

4 **MR. LEE:** Those are my questions.

5 **THE COMMISSIONER:** Thank you.

6 We'll take the morning break.

7 Thank you.

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

10 This hearing will resume at 11:40 a.m.

11 --- Upon recessing at 11:24 a.m./

12 L'audience est suspendue à 11h24

13 --- Upon resuming at 11:44 a.m./

14 L'audience est reprise à 11h44

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

17 This hearing is now resumed.

18 Please be seated. Veuillez vous asseoir.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Chisholm?

21 **MR. CHISHOLM:** Good morning, sir.

22 **THE COMMISSIONER:** Good afternoon. Good
23 morning, still.

24 **DOUGLAS SEGUIN:** Resumed/Sous le même serment

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

1 CHISHOLM:

2 MR. CHISHOLM: Good morning, Mr. Seguin. I
3 don't need to introduce myself to you.

4 MR. SEGUIN: Yeah.

5 MR. CHISHOLM: I act for the CAS -- about
6 the CAS.

7 During the course of your evidence there
8 have been a number of documents that have arisen in which
9 you made complaints or negative comments with respect to
10 the CAS or Richard Abell?

11 MR. SEGUIN: Yes.

12 MR. CHISHOLM: I'm wondering if today, for
13 the purposes of the CAS and Richard Abell, not Perry Dunlop
14 or not anyone else, if you still hold any of those views?

15 MR. SEGUIN: No, that's past. I have no
16 complaint against them. That was taken care of way back
17 then.

18 MR. CHISHOLM: And is it fair to say that
19 you may have been wrong in some of your writings with
20 respect to the CAS and Richard Abell?

21 MR. SEGUIN: Well, at that -- I would say I
22 don't think that I was wrong about the -- if someone comes
23 out and publicly talks about things that are under
24 investigation and -- after that I talked with the Coroner's
25 office, they did seem to think that -- even in their case,

1 that that was somewhat -- that's not something a
2 professional should do.

3 So I probably still hold that, but I -- that
4 was all taken care of. So ---

5 **MR. CHISHOLM:** But you're not backing out
6 from your views that you expressed in the various exhibits
7 that have been filed here in the course of your evidence?

8 **MR. SEGUIN:** I don't think so, no, I
9 wouldn't back ---

10 **MR. CHISHOLM:** Okay. Now, if I understand,
11 Exhibit 1048 was your complaint to the Board of Directors
12 of the CAS? And you have that in front of you?

13 **MR. SEGUIN:** Yes. M'hm.

14 **MR. CHISHOLM:** And it's probably going to
15 appear on the screen; I'll just wait for it to appear.
16 There it is on the screen, Mr. Seguin.

17 **MR. SEGUIN:** Yes. Okay.

18 **MR. CHISHOLM:** Am I correct in summarizing
19 your complaint to be Mr. Abell's comments to the media and
20 that the CAS did not have the grounds to commence an
21 investigation once Perry Dunlop provided the Silmsler
22 statement to the CAS?

23 **MR. SEGUIN:** Yes, that's ---

24 **MR. CHISHOLM:** Okay.

25 **MR. SEGUIN:** Okay.

1 **MR. CHISHOLM:** And do I understand your
2 position to be that you were of the view that this
3 settlement reflected poorly upon your brother?

4 **MR. SEGUIN:** Yes, that's correct. Yeah.

5 **MR. CHISHOLM:** And the reason for that is in
6 the eyes ---

7 **MR. SEGUIN:** Yes.

8 **MR. CHISHOLM:** --- of some members of the
9 public, the settlement would make Father Charlie look
10 guilty and ---

11 **MR. SEGUIN:** Yes.

12 **MR. CHISHOLM:** --- by association, make your
13 brother look guilty. Is that right?

14 **MR. SEGUIN:** That's correct, right.

15 **MR. CHISHOLM:** Now, if I could take you
16 please to a new document, and it's -- I just want, for the
17 purposes of the record, to have you identify it. It's
18 Document Number 115524.

19 **THE COMMISSIONER:** Thank you.

20 Exhibit 1056 is a photocopy of the Standard
21 Freeholder, Wednesday, January 12th, 1994.

22 **--- EXHIBIT NO./PIÈCE NO. P-1056:**

23 (115524) Photocopy of the Standard
24 Freeholder, Wednesday, January 12th,
25 1994

1 **MR. CHISHOLM:** An article by itself:
2 "CAS to discuss with bishop allegations
3 of abuse..."

4 That's what you have, Mr. Seguin?

5 **MR. SEGUIN:** Yes. M'hm.

6 **MR. CHISHOLM:** And yesterday you touched
7 upon one of the quotes from your complaint letters, and if
8 I can take you to the fifth column, the last paragraph of
9 the fifth column of the Standard Freeholder article?

10 **MR. SEGUIN:** Okay.

11 **MR. CHISHOLM:** And onto the top of the next
12 column, the paragraph starts "Abell said".

13 So, Madam Registrar, I believe you have to
14 go over -- come over five -- the fifth column.

15 **THE COMMISSIONER:** Before the last column,
16 Madam Clerk. Go over to your right -- no, the other right.
17 Keep going. Keep going.

18 **MR. CHISHOLM:** Keep going. There you go.

19 **THE COMMISSIONER:** Bottom of that one.

20 **MR. CHISHOLM:** Bottom of that one:

21 "Abell said the CAS..."

22 **MR. SEGUIN:** Yes.

23 **MR. CHISHOLM:** Okay. So I'm just going to
24 read this paragraph to you, Mr. Seguin:

25 "Abell said the CAS has some concerns

1 if there was in fact a settlement."

2 And then onto the next column:

3 "An inference of guilt on the part of
4 the alleged offender is virtually
5 guaranteed if this settlement comes to
6 light," he added. "This inference then
7 readily extends to all other
8 individuals in similar roles by way of
9 guilt by association."

10 **MR. SEGUIN:** Yeah.

11 **MR. CHISHOLM:** You touched upon that in your
12 complaint; isn't that right?

13 **MR. SEGUIN:** Yes, I did, yeah.

14 **MR. CHISHOLM:** And you would agree with me
15 that Mr. Abell, in his language, used the words "alleged
16 offender"?

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

18 **MR. CHISHOLM:** Would it be possible, Mr.
19 Seguin, that you and Mr. Abell were on the same page with
20 respect to -- in terms of disagreeing with the Silmser
21 settlement?

22 **MR. SEGUIN:** Yes, it would seem so, yes.

23 **MR. CHISHOLM:** And would you agree that Mr.
24 Abell may have been expressing the same concerns that you
25 have with respect to the public inferring the guilt of the

1 alleged offender?

2 **MR. SEGUIN:** Yes, I think it was just that
3 the way I took it was it was an inference that he would
4 also take from this, and so that's why I put it in there.

5 **MR. CHISHOLM:** But ---

6 **MR. SEGUIN:** I just thought talking to the
7 media this way, that it actually was bolstering the idea
8 that the inference -- not that they were true, but that it
9 would influence the public. He may have been explaining in
10 the same manner. I just took it differently at the time.

11 **MR. CHISHOLM:** He's sharing the same
12 concerns that you expressed?

13 **MR. SEGUIN:** Yes.

14 **MR. CHISHOLM:** Is that fair to say?

15 **MR. SEGUIN:** That's right, yeah.

16 **MR. CHISHOLM:** Okay. Onto the next
17 document, please. It's Document 117941.

18 And just going back, Mr. Seguin, that
19 Standard Freeholder article is one of the articles you
20 complained of, one of three articles -- one of three
21 newspaper articles, right?

22 **MR. SEGUIN:** Okay. Right. Yeah.

23 **MR. CHISHOLM:** The next document that's
24 going to be put in front of you is a July 22, 1995 Globe
25 and Mail article.

1 **THE COMMISSIONER:** Exhibit 1057.

2 **--- EXHIBIT NO./PIÈCE NO. P-1057:**

3 (117941) Globe and Mail article dated
4 July 22, 1995 by Sean Fine

5 **MR. CHISHOLM:** Thank you. By Sean Fine.

6 **MR. SEGUIN:** Yes. M'hm.

7 **MR. CHISHOLM:** And this is one of the
8 newspaper articles that you found to be offensive and
9 formed the subject matter of your complaint with respect to
10 Mr. Abell. Is that right?

11 **MR. SEGUIN:** I guess, yes. Yes.

12 **MR. CHISHOLM:** Okay. And the next document
13 -- I'm not going to take you to any quote -- I just want to
14 put it into the record. The next document I would have you
15 look at is Document 122560.

16 **THE COMMISSIONER:** Thank you.
17 Exhibit Number 1058.

18 **MR. CHISHOLM:** And that would be a July 29,
19 1995 Standard Freeholder article, again by Sean Fine.

20 **--- EXHIBIT NO./PIÈCE NO. P-1058 :**

21 (122560) Standard Freeholder article by
22 Sean Fine, dated July 29, 1995

23 **MR. CHISHOLM:** The pages may be out of
24 sequence in this exhibit, Mr. Seguin. The first page of
25 the article may actually be four pages in with a picture of

1 -- the article would be entitled "Policeman's Career in
2 Jeopardy".

3 MR. SEGUIN: Oh yes, okay.

4 MR. CHISHOLM: Do I take it, sir, that this
5 was also one of the articles that was the basis of your
6 complaint to the CAS? And again, I'm taking these -- I'm
7 looking at the dates that were in your complaint letter and
8 I pulled out these articles.

9 MR. SEGUIN: Okay. Is this the ---

10 MR. CHISHOLM: And they all quote Mr. Abell.

11 MR. SEGUIN: Okay. Well, okay, I think
12 that's ---

13 MR. CHISHOLM: You would identify this
14 article as being one of the ---

15 MR. SEGUIN: There's no dates on this.

16 MR. CHISHOLM: Well, if you go back to the
17 first page in terms of the way in which it was presented to
18 you, Bates page 1139 ---

19 MR. SEGUIN: Oh yeah, okay.

20 MR. CHISHOLM: --- 641. It's a Saturday,
21 July 29, 1995 article ---

22 MR. SEGUIN: Correct.

23 MR. CHISHOLM: --- from the Standard
24 Freeholder.

25 Is that one of the ---

1 **MR. SEGUIN:** Yes.

2 **MR. CHISHOLM:** Okay. And would you agree
3 with me that nowhere in these three articles does Mr. Abell
4 ever make reference to your brother by name or indeed to
5 any probation officer?

6 **MR. SEGUIN:** That's correct. Right.

7 **MR. CHISHOLM:** With respect, Mr. Ruel
8 touched upon your understanding of the mandate of the CAS.

9 Would you agree that one of the functions of
10 the Children's Aid Society is to investigate allegations or
11 evidence that children who are under the age of 16 years
12 might be in need of protection?

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

14 **MR. CHISHOLM:** You understand ---

15 **MR. SEGUIN:** I understand that, yeah, and
16 that was exactly the point that I thought, in this case,
17 that he worked with adults and I ---

18 **MR. CHISHOLM:** Well, if I can stop you
19 there, the Silmsler statement referred to other people
20 beyond your brother. Would you agree with that? Father
21 Charles?

22 **MR. SEGUIN:** The statement ---

23 **MR. CHISHOLM:** The witness statement?

24 **MR. SEGUIN:** I haven't seen the full
25 statement about Father Charles.

1 MR. CHISHOLM: You understand ---

2 MR. SEGUIN: Only one.

3 MR. CHISHOLM: You understand it relates to
4 Father Charles though; is that fair to say?

5 MR. SEGUIN: This ---

6 MR. CHISHOLM: The Silmser statement.

7 MR. SEGUIN: Yes, yes, it does.

8 MR. CHISHOLM: And you understand Father
9 Charles was in a parish?

10 MR. SEGUIN: Yes.

11 MR. CHISHOLM: And you understand a wide
12 range of people would attend the church. Is that fair to
13 say?

14 MR. SEGUIN: Yes. M'hm.

15 MR. CHISHOLM: Including children. Is that
16 fair to say?

17 MR. SEGUIN: Yes.

18 MR. CHISHOLM: Okay.

19 MR. SEGUIN: I was really thinking of my
20 brother here, and I took a lot of what he was saying would
21 also apply to, you know, the probation officer. So that's
22 why I would try to clarify this.

23 MR. CHISHOLM: You could see Mr. Abell's
24 position if you look at it from a little broader
25 perspective in terms of his position as Executive Director

1 of CAS?

2 MR. SEGUIN: Yes, yes, sure.

3 MR. CHISHOLM: Would you agree that one of
4 the -- it's a valid attempt to educate the public by way of
5 speaking to the media with respect to ---

6 MR. SEGUIN: Well, it's just when you
7 educate and say that you're thinking of or you deal with
8 people under 16, then -- and you're talking about this
9 statement which also includes my brother ---

10 MR. CHISHOLM: Well, in fairness, your
11 brother is not mentioned by Mr. Abell, is he?

12 MR. SEGUIN: No, no, not at all.

13 MR. CHISHOLM: Okay.

14 MR. SEGUIN: I'm saying implication.

15 MR. CHISHOLM: Okay. If I could move on,
16 the next document I would put to you is Document 124192.

17 This is a letter dated November 2, 1995 from
18 Jean-Louis Rochette, the President of the Board of
19 Directors of the Children's Aid Society in the counties of
20 Storemont, Dundas and Glengarry addressed to Douglas
21 Seguin.

22 Did you receive that letter, Mr. Seguin?

23 MR. SEGUIN: Yes. M'hm.

24 THE COMMISSIONER: Exhibit 1059.

25 ---EXHIBIT NO./ PIÈCE NO P-1059:

1 (124192) Letter from Jean-Louis
2 Rochette to Douglas Seguin dated
3 November 2, 1995

4 **MR. CHISHOLM:** Thank you.

5 And you received that before you received
6 Exhibit 1049, which was the February 6, '96 letter from Mr.
7 Rochette where he concluded his ---

8 **MR. SEGUIN:** Yes, yes. M'hm.

9 **MR. CHISHOLM:** If I could take you please to
10 an exhibit that was filed earlier this week, Exhibit 1042.
11 That's Document 124083, Madam Clerk.

12 **THE COMMISSIONER:** One-zero-four-two (1042)
13 is a letter to the Premier?

14 **MR. CHISHOLM:** Yes, it is. It's a September
15 20, 2001 letter to the Honourable Mr. Michael Harris from
16 Doug Seguin.

17 I'm interested in the fourth page, Mr.
18 Seguin, the second paragraph from the bottom starting
19 "Groups or agencies"?

20 **MR. SEGUIN:** Yes.

21 **MR. CHISHOLM:** Do you have that in front of
22 you?

23 **MR. SEGUIN:** M'hm.

24 **MR. CHISHOLM:** I'll just read the paragraph.
25 "Groups or agencies, although good in

1 themselves like the Children's
2 Treatment Centre, the Men's Project and
3 the local CAS, immediately receive
4 provincial funding to extend services
5 to the Cornwall area. These same
6 groups are now supporters of the
7 Citizens Group. To date, they refuse
8 to believe any conclusions from the OPP
9 investigations and self-servingly
10 continue to make spurious statements
11 about a pedophile ring."

12 I'm interested not in the other groups that
13 you mention but the CAS for the purpose of this cross-
14 examination.

15 What is the basis of your statement that the
16 CAS was now a supporter of the Citizens Group?

17 **MR. SEGUIN:** I think just the general media.
18 They sort of implied that, and I got no other reason to
19 believe otherwise.

20 **MR. CHISHOLM:** Well, let's go back. The
21 general media; what specific media are you referring to;
22 the articles that have been made an exhibit during my
23 cross-examination?

24 **MR. SEGUIN:** Yes, yes. I'm probably
25 referring to that.

1 **MR. CHISHOLM:** Okay. There's nothing in
2 there that would suggest the CAS was supporting any ---

3 **MR. SEGUIN:** No groups, no.

4 **MR. CHISHOLM:** Citizens group?

5 **MR. SEGUIN:** No.

6 **MR. CHISHOLM:** And you heard nothing in
7 opposition of that. Was that the rest of your answer? The
8 media and -- you formed this opinion based upon the three
9 media articles that I put to you?

10 **MR. SEGUIN:** Well, I think there's more than
11 -- there were a lot of media articles. I just used those
12 particular ones, but my general idea of what was going on
13 with -- there were a lot of different people putting their
14 perspectives in the newspapers and so on, so it was just a
15 general idea.

16 **MR. CHISHOLM:** Okay. And what conclusions
17 from the OPP investigations are you referring to when you
18 state that the CAS refused to believe the conclusions?

19 **MR. SEGUIN:** Well, when I say "they" I think
20 I'm not necessarily talking about the CAS.

21 **MR. CHISHOLM:** So can I conclude you were
22 not referring to the CAS?

23 **MR. SEGUIN:** That's right.

24 **MR. CHISHOLM:** Thank you.

25 And with respect to the "spurious

1 statements", were you making comment upon the CAS --
2 "spurious statements about a pedophile ring"?

3 MR. SEGUIN: No, I don't think -- no, C-8
4 didn't say anything like that.

5 MR. CHISHOLM: So you did not include the
6 CAS?

7 MR. SEGUIN: No.

8 MR. CHISHOLM: You did not mean to include
9 the CAS when you referred ---

10 MR. SEGUIN: No. But there were members of
11 the -- some of the other -- and when interviewed, you
12 know, the Children's Treatment Centre and the Men's
13 Project, some people did mention ---

14 MR. CHISHOLM: Okay. But I'm interested
15 only in the CAS and you're telling me today that that ---

16 MR. SEGUIN: No, no.

17 MR. CHISHOLM: --- has no application to the
18 CAS?

19 MR. SEGUIN: No.

20 MR. CHISHOLM: Okay. You spoke yesterday of
21 the Divisional Courts. This is in respect of Constable
22 Dunlop's matter.

23 MR. SEGUIN: Yes, that's right.

24 MR. CHISHOLM: Do you take issue with the
25 Divisional Court's decision that concluded that Constable

1 Dunlop was under a duty to make the report to the CAS?

2 MR. SEGUIN: Well, my complaint I think was
3 what he was saying in the media and so on.

4 MR. CHISHOLM: What Constable Dunlop was
5 saying?

6 MR. SEGUIN: Yes, that's right.

7 MR. CHISHOLM: But with respect to the
8 conclusion that the Divisional Court reached, that
9 Constable Dunlop had a duty to report to the CAS. Do you
10 take issue with that?

11 MR. SEGUIN: Well, I did take issue with the
12 fact that they based it on the fact that he was saying
13 there were children and that wasn't, as far as I know and
14 it still hasn't to this date, been proved or whatever.

15 MR. CHISHOLM: You don't take issue with the
16 Divisional Court's ---

17 MR. SEGUIN: No, no. If they decided that -
18 --

19 MR. CHISHOLM: Now, yesterday you -- I'll
20 just read -- I'm reading from yesterday's transcript, page
21 203. You state:

22 "I don't think it was necessary for him
23 to do that..."

24 "Him" meaning Dunlop:

25 "...but the Children's Aid Society

1 problem did. I think supposedly they
2 already knew it so he probably didn't
3 have to disclose it to them."

4 You're indicating yesterday that the CAS
5 already knew of Mr. Silmser's complaint ---

6 **MR. SEGUIN:** But I think that ---

7 **MR. CHISHOLM:** --- before Dunlop came to see
8 Mr. Abell?

9 **MR. SEGUIN:** I think that was in the
10 newspapers that the -- that Silmser had said it in an
11 article; that he had already gone to them or given them a
12 statement.

13 **MR. CHISHOLM:** So the basis of you saying
14 this yesterday -- you used the word "supposedly". Is ---

15 **MR. SEGUIN:** Yeah, right.

16 **MR. CHISHOLM:** --- that to suggest you're
17 not quite certain that that was the case?

18 **MR. SEGUIN:** Of course, right.

19 **MR. CHISHOLM:** And that Mr. Silmser -- the
20 basis of this then is some media article according to Mr.
21 Silmser?

22 **MR. SEGUIN:** That's right, yeah.

23 **MR. CHISHOLM:** And if Mr. Silmser in his
24 evidence -- forgive me because I'm relying upon my memory,
25 but when Mr. Silmser testified at the Public Inquiry if he

1 said his first contact with the CAS was when he was
2 interviewed by Pina DeBellis and Greg Bell ---

3 **MR. SEGUIN:** After or ---

4 **MR. CHISHOLM:** It would have been after
5 Constable Dunlop provided the information to Mr. Abell.

6 You have no other information to ---

7 **MR. SEGUIN:** No, no, no.

8 **MR. CHISHOLM:** To suggest otherwise?

9 **MR. SEGUIN:** No, no.

10 **MR. CHISHOLM:** So if Mr. Silmsers were to say
11 -- does not suggest he was -- had gone to the CAS prior to,
12 you have no other basis for that ---

13 **MR. SEGUIN:** No ---

14 **MR. CHISHOLM:** --- conclusion?

15 **MR. SEGUIN:** --- I don't have any other
16 basis.

17 **MR. CHISHOLM:** If I could take you to
18 Exhibit 1051. This was filed during Mr. Lee's cross-
19 examination today. It's document 124187. The fifth page,
20 first paragraph.

21 This is what you wrote on this page:

22 "Richard Abell, he had unprofessionally
23 accepted Dunlop's reasoning and
24 Silmsers's statement. He backed
25 Dunlop's actions up by making

1 unprofessional statements to the press;
2 refusing to make public the results of
3 the CAS investigation; making stupid
4 allegations against the police and the
5 church; helped to obtain \$20,000 from
6 the Catholic diocese for a new project;
7 demanded and got \$6,000 from the
8 diocese to supposedly get John
9 MacDonald psychological counselling
10 (which is probably given to the new
11 project); got out of Silmsers lawsuit
12 to the CAS; ignored my complaint of his
13 conduct; and survived provincial
14 cutbacks. As he said at year-end, 'We
15 survived a very tough year'."

16 You wrote that, sir?

17 **MR. SEGUIN:** Yes. M'hm.

18 **MR. CHISHOLM:** And when you say,
19 "unprofessionally accepted Dunlop's reasoning and Silmsers
20 statement."

21 Would you agree with me this statement is
22 what it is and Mr. Abell was duty-bound to accept it from
23 Constable Dunlop?

24 **MR. SEGUIN:** Yes.

25 **MR. CHISHOLM:** You would agree with that?

1 **MR. SEGUIN:** Right.

2 **MR. CHISHOLM:** You say:

3 "He backed Dunlop's actions up by
4 making [up] unprofessional statements
5 to the press..."

6 **THE COMMISSIONER:** Not "by making up", "by
7 making unprofessional".

8 **MR. CHISHOLM:** Oh, sorry.

9 "...actions up by making..."

10 You're right.

11 The unprofessional statements to the press
12 that you allude to there ---

13 **MR. SEGUIN:** Well ---

14 **MR. CHISHOLM:** --- were the three ---

15 **MR. SEGUIN:** Yeah, yeah, that was my
16 impression at that time, so, yeah.

17 **MR. CHISHOLM:** That's not necessarily your
18 impression today; is that fair to say?

19 **MR. SEGUIN:** Well, as I said, I still feel
20 that what was said in the public probably -- it probably
21 would have been best not to say, but since he -- it looks
22 like he said exactly what I was getting at, I guess it's
23 okay. I would say yes.

24 **MR. CHISHOLM:** Would you agree that there
25 are no other statements outside of what we've got on the

1 record now that ---

2 MR. SEGUIN: No, I would have put down a ---

3 MR. CHISHOLM: --- formed the basis for that
4 statement?

5 MR. SEGUIN: That's right.

6 MR. CHISHOLM: Okay.

7 "Refusing to make to make public
8 results of the CAS investigation"

9 Mr. Seguin, do you understand the need for
10 confidentiality whenever an agency, such as the ---

11 MR. SEGUIN: Yeah.

12 MR. CHISHOLM: --- police department or the
13 CAS is conducting an investigation?

14 MR. SEGUIN: Yes.

15 MR. CHISHOLM: You understand the reasons
16 behind that?

17 MR. SEGUIN: I think -- see, a lot of this
18 right here is something I actually got out of the
19 newspapers, very likely.

20 MR. CHISHOLM: In terms of ---

21 MR. SEGUIN: Over the -- over time, you
22 know.

23 MR. CHISHOLM: When you say you got this out
24 of the newspapers, are you saying someone else had printed
25 this in a newspaper?

1 **MR. SEGUIN:** I believe so, right.

2 **MR. CHISHOLM:** You don't share these views,
3 or did not share ---

4 **MR. SEGUIN:** Well, I didn't know the --
5 whether they were true or not, but I'm just saying they
6 were in the newspaper.

7 **MR. CHISHOLM:** But today -- is it fair to
8 say, sir, that today you don't share these views with
9 respect to that paragraph that I put to you?

10 **MR. SEGUIN:** No, I wouldn't today, no.

11 **MR. CHISHOLM:** Okay. It's not a bad thing.
12 It was just someone getting psychological counselling.
13 Would you agree with that?

14 **MR. SEGUIN:** No, I think what I was talking
15 about was it seemed to be that the money came in at the
16 very time that these unfounded -- not proven charges were
17 being made and yet they were getting money sort of for
18 money that -- money that -- \$6,000 seemed to be a lot.

19 **MR. CHISHOLM:** And the basis of that
20 information is? What basis do you have for that
21 information?

22 **MR. SEGUIN:** The newspapers as well, I
23 believe.

24 **MR. CHISHOLM:** Local newspapers?

25 **MR. SEGUIN:** I believe so.

1 **MR. CHISHOLM:** Would that be the Standard
2 Freeholder and/or the Seaway --

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

4 **MR. CHISHOLM:** --- the Seaway News?

5 **MR. SEGUIN:** I believe so.

6 **MR. CHISHOLM:** And what portion of the
7 Seaway News -- if it was in that newspaper, what portion of
8 the Seaway News would you have been referring to, do you
9 know?

10 **MR. SEGUIN:** Probably the Perspective.

11 **MR. CHISHOLM:** Not the Scuttlebutt?

12 **MR. SEGUIN:** Oh, maybe them too, right.

13 It's possible, yeah.

14 **MR. CHISHOLM:** You suggested Mr. Abell
15 ignored the complaint -- your complaint of his conduct?
16 You'd agree that your complaint was addressed by the CAS?

17 **MR. SEGUIN:** Yes, it was addressed. I think
18 it was ---

19 **MR. CHISHOLM:** In a timely fashion?

20 **MR. SEGUIN:** Yes. I think I was just saying
21 that they sort of -- and it was very succinct or it wasn't
22 very specific or it didn't really go into my complaint. It
23 just sort of looked like it was sort of blown off, type
24 thing, but it was still a decision and I left it at that.

25 **MR. CHISHOLM:** And the Board disagreed with

1 ---

2 MR. SEGUIN: Yeah, of course.

3 MR. CHISHOLM: --- your view; is that fair
4 to say?

5 MR. SEGUIN: That's right.

6 MR. CHISHOLM: And with respect, and the
7 last document I'll take you to is Exhibit 1053. Mr. Lee
8 put this document to you this morning.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. CHISHOLM: The second page of the
11 document is what I'm interested in, paragraph 9. Do you
12 have that, Mr. Seguin?

13 MR. SEGUIN: One fifty-three (153).
14 Would it be in here or ---

15 THE COMMISSIONER: No, it's in the loose
16 material.

17 MR. SEGUIN: Oh, here it is.

18 THE COMMISSIONER: Paragraph 9. You're
19 considering an action against Richard Abell, Director of
20 the Cornwall Children's Aid Society for unprofessionally
21 permitting and publicly concurring with the actions of
22 Constable Dunlop.

23 MR. SEGUIN: I wasn't -- my intentions
24 weren't to go into civil actions. In fact, we've never --
25 the family or I never wanted to do that.

1 **THE COMMISSIONER:** Right. It said "civil
2 litigation if possible" on the front of it.

3 **MR. SEGUIN:** Well, that's -- well, it's just
4 that ---

5 **THE COMMISSIONER:** It doesn't mean what it
6 says?

7 **MR. SEGUIN:** No, it doesn't mean that I --
8 we were intending to. I was -- this was put down there as
9 questions about ---

10 **THE COMMISSIONER:** Okay.

11 **MR. SEGUIN:** --- our rights or whatever,
12 that's all.

13 **MR. CHISHOLM:** And, Mr. Seguin, during your
14 cross-examination with Mr. Lee this morning, if I
15 understood your evidence correctly, you indicated that you
16 were concerned with Mr. Abell, in public, was -- was saying
17 in public that he was in favour of what Mr. -- of what
18 Constable Dunlop had done. Is that fair to say?

19 **MR. SEGUIN:** I had said?

20 **MR. CHISHOLM:** Your view was that Richard
21 Abell made public statements supporting what Constable
22 Dunlop ---

23 **MR. SEGUIN:** At the time, I construed it
24 that way, right.

25 **MR. CHISHOLM:** Okay. And you made quite --

1 maybe it's not quite correct. What Constable Dunlop did, I
2 would suggest to you, at that point in time, was comply
3 with his duty to report, as set out in the *Child and Family*
4 *Services Act* and that is what Mr. Abell makes reference to
5 in the media. Would you agree with that?

6 **MR. SEGUIN:** Yes, I -- I believe that's
7 probably what he was getting at, yes.

8 **MR. CHISHOLM:** Those are my questions, Mr.
9 Seguin.

10 Nice to see you again. Good luck.

11 **MR. SEGUIN:** Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Cipriano, do you have any questions?

14 **MR. CIPRIANO:** Mr. Commissioner, I'm going
15 to go last as I'm here on behalf of Mr. Seguin.

16 **THE COMMISSIONER:** You're not here on behalf
17 of Mr. Seguin.

18 Corrections.

19 **MR. CIPRIANO:** No, I was -- I'm here on --
20 -

21 **MR. NEUBERGER:** Mr. Neville was looking
22 after the interests of Mr. Seguin.

23 **THE COMMISSIONER:** He doesn't have standing.

24 **MR. CIPRIANO:** He wanted counsel to be
25 present as a witness.

1 **THE COMMISSIONER:** Has this all been agreed
2 by counsel?

3 **MR. CIPRIANO:** I've been meeting with
4 Commission counsel and Mr. Seguin for some time now.

5 **THE COMMISSIONER:** That's good.
6 It doesn't mean anything to me, though.

7 **MR. CIPRIANO:** I believe the witness,
8 though, requested to have counsel present during his
9 examination.

10 **THE COMMISSIONER:** Has there been agreement
11 between counsel that Mr. Cipriano would go out of order?

12 **MR. CIPRIANO:** I think that was the
13 consensus. I don't know. I can't speak for the others but
14 ---

15 **THE COMMISSIONER:** Does anybody have any
16 disagreement with that procedure?

17 No? Okay. Thank you.

18 **MR. CIPRIANO:** Thank you.

19 **THE COMMISSIONER:** Oh, I see, Mr. Chisholm
20 went ahead.

21 Okay. Mr. Neuberger, do you have any
22 questions?

23 **MR. NEUBERGER:** I can be very brief. I can
24 squeeze in.

25 **THE COMMISSIONER:** Well, no need to squeeze.

1 **MR. NEUBERGER:** Good afternoon, Mr.
2 Commissioner.

3 **THE COMMISSIONER:** Good afternoon, sir.

4 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
5 **NEUBERGER:**

6 **MR. NEUBERGER:** Mr. Seguin, we've met
7 before.

8 **MR. SEGUIN:** Yes.

9 **MR. NEUBERGER:** Just as a refresher, I
10 represent ---

11 **MR. SEGUIN:** Yes.

12 **MR. NEUBERGER:** --- Corrections and
13 Probation Services.

14 I just have a couple of brief questions.

15 Up to November 25th of 1993, I take it what
16 you knew of Ken Seguin was that he was a loving and caring
17 brother?

18 **MR. SEGUIN:** Yes.

19 **MR. NEUBERGER:** A loving and caring son to
20 your mother?

21 **MR. SEGUIN:** Yes. M'hm.

22 **MR. NEUBERGER:** And that he was a dedicated
23 probation officer; is that right?

24 **MR. SEGUIN:** That's right, yeah.

25 **MR. NEUBERGER:** And subsequent to

1 November 25th, 1993, the allegations and rumours that you
2 heard were very much at odds with the Ken Seguin ---

3 MR. SEGUIN: Yeah.

4 MR. NEUBERGER: --- the brother that you
5 knew; is that fair?

6 MR. SEGUIN: That's correct, yeah.

7 MR. NEUBERGER: So I'd like to focus, just
8 for a moment, on the time prior to November 25th, 1993.

9 MR. SEGUIN: Okay.

10 MR. NEUBERGER: As we heard in your
11 evidence, you were fairly close with your brother, Ken
12 Seguin; is that correct?

13 MR. SEGUIN: That's right.

14 MR. NEUBERGER: You would see him at least
15 once a week, most commonly twice a week?

16 MR. SEGUIN: Yes, that's right.

17 MR. NEUBERGER: You would speak to him often
18 by telephone?

19 MR. SEGUIN: Yes.

20 MR. NEUBERGER: You would even visit him at
21 his office?

22 MR. SEGUIN: Yes.

23 MR. NEUBERGER: And you were familiar at
24 least with his colleagues at the office; is that fair?

25 MR. SEGUIN: That's correct, yeah.

1 **MR. NEUBERGER:** And you described your
2 relationship as close brothers; is that fair?

3 **MR. SEGUIN:** Yeah, that's correct.

4 **MR. NEUBERGER:** And assuming for a moment if
5 your brother had this other side to his life, throughout
6 the long time that you were with him as a close brother,
7 there was no signs or information or suspicions that came
8 to your knowledge about this other side of his life; is
9 that fair?

10 **MR. SEGUIN:** That's right.

11 **MR. NEUBERGER:** Thank you very much, Mr.
12 Seguin. I know it's been difficult. Thank you.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Thompson.

15 **MR. THOMPSON:** Good afternoon. My name is
16 Chris Thompson. I'm counsel for the Ministry of the
17 Attorney General and I don't have any questions. Thank
18 you.

19 **THE COMMISSIONER:** Mr. Crane or Ms. Lalji?
20 Oh, I'm sorry. Musical chairs back there.

21 **MR. MANDERVILLE:** The resemblance is a poor
22 one, Mr. Commissioner.

23 (LAUGHTER/RIRES)

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

25 **CRANE:**

1 **MR. CRANE:** Good afternoon, Mr. Seguin.

2 **MR. SEGUIN:** Good afternoon.

3 **MR. CRANE:** My name is Mark Crane. I'm
4 counsel for the Cornwall Police Service.

5 Mr. Seguin, I don't anticipate being very
6 long, but there are a couple of areas I'd like to canvass
7 with you, and the first area are your discussions that you
8 had with Gerry Renshaw and Ron Leroux.

9 **MR. SEGUIN:** Okay.

10 **MR. CRANE:** Okay?

11 **MR. SEGUIN:** Madam Clerk, can we pull up
12 Exhibit 1055?

13 **THE COMMISSIONER:** That would be a loose
14 document there. It would be your notes of February 10th,
15 1997 or a letter -- 1055.

16 **MR. CRANE:** Mr. Seguin, it's a letter dated
17 February -- or a document dated February 10, 1997.

18 **MR. SEGUIN:** M'hm.

19 **MR. CRANE:** Mr. Lee reviewed the details --
20 some of the details in this letter with you?

21 **MR. SEGUIN:** Yes.

22 **MR. CRANE:** And what I'd like to do, Mr.
23 Seguin, is review some of the consistencies that I see in
24 this letter and then compare them to the document dated
25 February 24, 1997, which is Exhibit 1043.

1 But for the moment why don't we look at
2 Exhibit 1055? Do you have that now, sir?

3 **MR. SEGUIN:** Yes, M'hm.

4 **MR. CRANE:** And if I can draw your attention
5 to the third paragraph on page 1, beginning -- under number
6 2.

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

8 **MR. CRANE:** And in that paragraph there,
9 beginning "At no time".

10 **MR. SEGUIN:** Yes.

11 **MR. CRANE:** Do you see that? You seem to
12 reference two conversations, the first one being on Jan 23
13 and the second one on February 5?

14 **MR. SEGUIN:** Yes, that's correct.

15 **MR. CRANE:** Do you see that?

16 **MR. SEGUIN:** M'hm.

17 **MR. CRANE:** Okay. Beginning with the first
18 paragraph under (2) beginning with "A five-page statement",
19 in those following two paragraphs you seem to be informed
20 by Mr. Renshaw that he has prepared a statement, and that
21 was prepared with the assistance of Mr. Dunlop and Mr.
22 Bourgeois?

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

24 **MR. CRANE:** Does that seem correct to you?

25 **MR. SEGUIN:** M'hm.

1 **THE COMMISSIONER:** Well, he just says
2 "Dunlop" but that's okay.

3 **MR. CRANE:** The paragraph underneath it, Mr.
4 Commissioner, would reference Mr. Bourgeois.

5 **THE COMMISSIONER:** Oh yeah, right. Sorry.

6 **MR. CRANE:** And if I can draw your attention
7 to the last paragraph on page 1, Mr. Seguin?

8 **MR. SEGUIN:** M'hm. Yes.

9 **MR. CRANE:** Okay. I'll just wait for it to
10 come up on the screen.

11 **MR. SEGUIN:** Oh, okay.

12 **MR. CRANE:** You write:

13 "When asked about what was in his
14 statement, he said it was an impression
15 he had gotten from others, the
16 newspapers and Mr. Dunlop."

17 Do you see that there, sir?

18 **THE COMMISSIONER:** Last paragraph.

19 **MR. SEGUIN:** Oh, last -- yes, okay.

20 **MR. CRANE:** Okay? And if I can turn the
21 page, Mr. Seguin and Madam Clerk?

22 Mr. Seguin, it's the second paragraph on
23 this page that I'd like to draw your attention to. And in
24 this paragraph it appears that Mr. Renshaw has informed you
25 that he has received an offer of employment with Clancy

1 Chisholm?

2 MR. SEGUIN: That's right.

3 MR. CRANE: And that was secured with the
4 assistance of Carson Chisholm.

5 MR. SEGUIN: That's right.

6 MR. CRANE: That's your recollection?

7 MR. SEGUIN: That's my recollection.

8 MR. CRANE: Okay. And if we can turn back
9 to the first page, Madam Clerk?

10 At the bottom of the page, the last typed
11 paragraph, including the notations on the right-hand
12 border, you've caught -- it's actually the notations on the
13 right-hand border that parallel that last paragraph that
14 I'm most interested in. If we could focus on that? And
15 it's perhaps clearer -- but it appears to suggest "ad about
16 C-8, top of page 2".

17 Do you see that, sir ---

18 MR. SEGUIN: Yes.

19 MR. CRANE: --- in the notation border?

20 Okay.

21 Madam Clerk, can we turn to Exhibit 1043,
22 please?

23 And that's your document dated February 24,

24 Mr. Seguin?

25 MR. SEGUIN: Four-three (43)?

1 **MR. CRANE:** One-zero-four-three (1043).

2 **MR. SEGUIN:** Where do I ---

3 **MR. CRANE:** It would have been entered as an
4 exhibit yesterday. So it's likely in your book.

5 **THE COMMISSIONER:** Yeah, it's in the binder,
6 1043.

7 **MR. CRANE:** Do you have that there, sir?

8 **MR. SEGUIN:** Yes.

9 **MR. CRANE:** If I can draw your attention on
10 the first page, and the fourth and fifth paragraphs under
11 number 1?

12 **MR. SEGUIN:** Okay.

13 **MR. CRANE:** And in those paragraphs you seem
14 to have written that Mr. Renshaw has advised you of a
15 statement?

16 **MR. SEGUIN:** Yes.

17 **MR. CRANE:** That he's offered for you that
18 you can review it?

19 **MR. SEGUIN:** M'hm.

20 **MR. CRANE:** And that that statement was
21 prepared with the assistance of Mr. Bourgeois and Mr.
22 Dunlop?

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

24 **MR. CRANE:** If we can turn to the second
25 page of the document, Madam Clerk?

1 We're now reviewing your discussions with
2 Mr. Renshaw from February 5th, of 1997?

3 **MR. SEGUIN:** M'hm.

4 **MR. CRANE:** The eighth and ninth paragraph
5 on that page, so the last two paragraphs on that page,
6 Madam Clerk.

7 **MR. SEGUIN:** Yes.

8 **MR. CRANE:** The second-last paragraph, you
9 write that you were advised by Mr. Renshaw that the
10 contents of his statement were based upon impressions he
11 had received from others ---

12 **MR. SEGUIN:** Yes.

13 **MR. CRANE:** --- from newspapers and from Mr.
14 Dunlop?

15 **MR. SEGUIN:** Yes, that's correct.

16 **MR. CRANE:** Okay. And if we can scroll up to
17 the fourth paragraph of the letter, Madam Clerk, on the
18 second page -- or the document, rather, beginning with "He
19 said he will be moving in March".

20 **MR. SEGUIN:** The fourth?

21 **MR. CRANE:** The fourth paragraph, yes. And
22 in that paragraph, sir, you've noted that Mr. Renshaw
23 advised you that he has been offered employment with Clancy
24 Chisholm and that that employment was secured through the
25 assistance of Carson Chisholm?

1 **MR. SEGUIN:** Yeah. Yes, that's true. Where
2 are you?

3 **MR. CRANE:** I'm on the second page of the
4 document, sir, under the heading Number 2 which you're
5 referencing your discussions with Mr. Renshaw from February
6 5th?

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

8 **MR. CRANE:** And it's the fourth paragraph
9 from the top.

10 **MR. SEGUIN:** Okay.

11 **MR. CRANE:** Do you see that, sir?

12 **MR. SEGUIN:** Yes, m'hm.

13 **MR. CRANE:** And then, Madam Clerk, if we can
14 scroll down to the last paragraph on page 2?

15 I'll read into the record:

16 "Renshaw said to my wife and I that the
17 information in his statement about
18 people seen with Malcolm MacDonald or
19 in Fort Lauderdale came from C-8 but
20 not from Gerald himself."

21 Do you see that, sir?

22 **MR. SEGUIN:** That's correct, yeah.

23 **MR. CRANE:** And is it fair to assume, sir,
24 that the notation that you had written in the right-hand
25 border referencing C-8 in your document from February 10th

1 is in relation to that comment about C-8?

2 MR. SEGUIN: Yes, I believe so.

3 MR. CRANE: So would you agree with me, sir,
4 then that these two documents -- well, let me rephrase.

5 If I can summarize your meetings with Mr.
6 Renshaw in January and February of 1997, you appear to have
7 been advised that he prepared a statement; correct?

8 MR. SEGUIN: Yes, that's right.

9 MR. CRANE: That the contents of his
10 statement were the result of impressions he'd received from
11 others?

12 MR. SEGUIN: Yes, that's right.

13 MR. CRANE: From Mr. Dunlop?

14 MR. SEGUIN: That's right.

15 MR. CRANE: And from the newspaper?

16 MR. SEGUIN: That's right.

17 MR. CRANE: That he had secured employment,
18 or an offer of employment, through the assistance of Mr.
19 Chisholm?

20 MR. SEGUIN: That's right.

21 MR. CRANE: And that -- and perhaps in
22 particular allegations or information relating to whom Mr.
23 Renshaw had observed relating to Malcolm MacDonald did not
24 come from Mr. Renshaw's personal knowledge?

25 MR. SEGUIN: That's correct. Right.

1 **MR. CRANE:** Okay. Sir, these documents that
2 we've been reviewing, the two documents, these were
3 prepared for the purpose of your lawyer?

4 **MR. SEGUIN:** Yeah, I ---

5 **MR. CRANE:** To give to your lawyer?

6 **MR. SEGUIN:** I think so. I don't even know
7 whether they were sent, but I would ---

8 **MR. CRANE:** And I understand they were based
9 upon rough notes. Is that correct?

10 **MR. SEGUIN:** Yes. M'hm.

11 **MR. CRANE:** Madam Clerk, can we pull up
12 Exhibit 548, please?

13 We're going to be pulling up the December
14 5th, 1996 statement of Mr. Renshaw, Mr. Seguin.

15 Do you have that there, sir?

16 **MR. SEGUIN:** Yes, I do.

17 **MR. CRANE:** While we're waiting for the
18 clerk, if you could review the fourth paragraph of that
19 statement, sir, on page 1.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. CRANE:** Now, Mr. Seguin, you confirmed
22 for us yesterday that this was the document that you
23 reviewed with Mr. Renshaw during your meetings in January
24 and February of '97?

25 **MR. SEGUIN:** That's right.

1 **MR. CRANE:** And have you had a chance to
2 read the fourth paragraph, sir?

3 **MR. SEGUIN:** Yes.

4 **MR. CRANE:** And it pertains to people whom
5 Mr. Renshaw allegedly observed with Malcolm MacDonald?

6 **MR. SEGUIN:** That's correct, yeah.

7 **MR. CRANE:** So as far as you are aware,
8 based on your meetings with Mr. Renshaw, is it your
9 understanding that none of this information came from Mr.
10 Renshaw's personal knowledge?

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

12 **MR. CRANE:** And if you canvass through
13 quickly pages 1, 2 and 3, it contains paragraphs relating
14 to who Mr. Renshaw has observed and, in some cases, where.
15 Do you see that, sir?

16 **MR. SEGUIN:** Yes. M'hm.

17 **MR. CRANE:** It's your understanding, based
18 on your conversations with Mr. Renshaw, that this
19 information may very well be based upon information that he
20 had learned from others ---

21 **MR. SEGUIN:** Yes, that's right.

22 **MR. CRANE:** --- from Mr. Dunlop?

23 **MR. SEGUIN:** M'hm.

24 **MR. CRANE:** I want to switch gears now, Mr.
25 Seguin, and ---

1 **THE COMMISSIONER:** Hold it. Before you do
2 that. Are you saying to me that you took this statement
3 and you asked him -- you went through paragraph by
4 paragraph?

5 **MR. SEGUIN:** Yes, yes, sort of went -- yeah.

6 **THE COMMISSIONER:** And you went, "So I have
7 observed Kevin Maloney, Catholic Priest, at Ken Seguin's
8 home at least twice" and you would have said, "Okay. Is
9 that true?" and he said, "No, no, no"?

10 **MR. SEGUIN:** That's right. Now, but there
11 are people that I wouldn't have -- like Fern Touchette who
12 lives beside him ---

13 **THE COMMISSIONER:** Right.

14 **MR. SEGUIN:** --- you know, I'm not going to
15 question that. There are some people that actually didn't
16 know.

17 **THE COMMISSIONER:** Right.

18 **MR. SEGUIN:** As far as I know, the name like
19 C-18 or Norm Robertson -- sorry, I don't know those, but --
20 so I wouldn't have asked about those, but ---

21 **THE COMMISSIONER:** But you asked about
22 specific names?

23 **MR. SEGUIN:** Yes, I did.

24 **THE COMMISSIONER:** Okay.

25 **MR. SEGUIN:** Yeah.

1 **THE COMMISSIONER:** Thank you.

2 Change gears.

3 **MR. CHISHOLM:** I'll just canvass a few more
4 questions on the document, Mr. Seguin.

5 So you wouldn't have taken particular
6 attention of every detail within the statement but you did
7 take note of the fact that ---

8 **MR. SEGUIN:** Yeah, right.

9 **MR. CHISHOLM:** --- who he had observed with
10 Malcolm MacDonald were not based upon his own ---

11 **MR. SEGUIN:** That's right, yeah.

12 **MR. CHISHOLM:** --- experiences?

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

14 **MR. CHISHOLM:** Now, on Monday, Mr. Seguin,
15 you suggested when you first met Mr. Shaver that he advised
16 you that he couldn't really speak about any investigation.
17 Do you recall that?

18 **MR. SEGUIN:** That's right, yeah.

19 **MR. CHISHOLM:** And yesterday you stated that
20 Mr. Shaver may have stated something indirectly that led
21 you to believe that Mr. Dunlop had provided the statement
22 to the media. Do you recall that, sir?

23 **MR. SEGUIN:** Yes, I did say that.

24 **MR. CHISHOLM:** Was it fair to say that this
25 was merely an inference on your part?

1 MR. SEGUIN: Yes, it was.

2 MR. CHISHOLM: That Mr. Shaver didn't tell
3 you anything directly?

4 MR. SEGUIN: No, he didn't. He didn't, no.
5 He was reluctant to -- you know, I had those questions but
6 he was reluctant to say anything about them.

7 MR. CHISHOLM: Mr. Seguin, those are my
8 questions.

9 MR. SEGUIN: Okay.

10 MR. CHISHOLM: Thank you, sir.

11 THE COMMISSIONER: Thank you.

12 Mr. Kozloff, how long do you think you'll be
13 with this witness?

14 MR. KOZLOFF: Just a few minutes.

15 THE COMMISSIONER: Pardon me?

16 MR. KOZLOFF: Just a few minutes.

17 THE COMMISSIONER: Do you want to do it now?

18 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
19 KOZLOFF:

20 MR. KOZLOFF: Good afternoon, Mr. Seguin.

21 My name is Neil Kozloff. I'm counsel for the Ontario
22 Provincial Police.

23 I just want to ask you a couple of
24 questions, perhaps put some things into context and clarify
25 some things.

1 You recall Mr. Neuberger asked you his
2 questions; he started out by saying that up until the 25th
3 of November, 1993, you had a view and an understanding and
4 an appreciation for your brother ---

5 **MR. SEGUIN:** Yes.

6 **MR. KOZLOFF:** --- as a brother, as a son, as
7 an uncle ---

8 **MR. SEGUIN:** Yes, that's correct.

9 **MR. KOZLOFF:** --- and as a member of the
10 community.

11 **MR. SEGUIN:** Yes. M'hm.

12 **MR. KOZLOFF:** And the first thing that
13 happens on the 25th of November is that you are shocked by
14 his death.

15 **MR. SEGUIN:** Yes. M'hm.

16 **MR. KOZLOFF:** And I'm going to suggest to
17 you that your initial response would have been shock and
18 grief?

19 **MR. SEGUIN:** Yes.

20 **MR. KOZLOFF:** And I'm sure that over the
21 next few days you searched your soul to try to understand
22 why your brother ---

23 **MR. SEGUIN:** Yes, of course.

24 **MR. KOZLOFF:** --- had died?

25 **MR. SEGUIN:** Right. M'hm.

1 **MR. KOZLOFF:** And if it was a suicide why he
2 had taken his own life?

3 **MR. SEGUIN:** Yes, that's correct.

4 **MR. KOZLOFF:** And maybe what you could have
5 done while he was alive?

6 **MR. SEGUIN:** Sure.

7 **MR. KOZLOFF:** And you and the other members
8 of your family carry this grief through until your meeting
9 on the 15th of December with the officers?

10 **MR. SEGUIN:** Yes. M'hm.

11 **MR. KOZLOFF:** And that was a meeting at your
12 request?

13 **MR. SEGUIN:** I believe so, right.

14 **MR. KOZLOFF:** And at that time they gave you
15 the results of their investigation to that point?

16 **MR. SEGUIN:** M'hm.

17 **MR. KOZLOFF:** And they told you and your
18 brother, Keith, and your sister, Helena ---

19 **MR. SEGUIN:** That's right.

20 **MR. KOZLOFF:** --- that it was their opinion,
21 as police officers, that your brother had committed
22 suicide?

23 **MR. SEGUIN:** Yes, that's correct.

24 **MR. KOZLOFF:** And that was a difficult piece
25 of information ---

1 MR. SEGUIN: Yes. Yes, it was.

2 MR. KOZLOFF: --- to take ---

3 MR. SEGUIN: Right.

4 MR. KOZLOFF: --- because it was your
5 brother, because I take it you're Catholics?

6 MR. SEGUIN: Yes. M'hm.

7 MR. KOZLOFF: And that would be very -- just
8 an additional weight on an already grief-stricken family?

9 MR. SEGUIN: Right.

10 MR. KOZLOFF: And you asked a number of
11 questions of the officers, didn't you?

12 MR. SEGUIN: Yes.

13 MR. KOZLOFF: And do you remember your
14 brother, Keith, saying, "If you don't want to hear the
15 answers don't ask the questions"? Do you remember him
16 saying that at some point during that period of 1993?

17 MR. SEGUIN: He may have. I don't ---

18 MR. KOZLOFF: You were getting some answers
19 that were painful ---

20 MR. SEGUIN: Yes.

21 MR. KOZLOFF: --- and confusing?

22 MR. SEGUIN: Yes. M'hm.

23 MR. KOZLOFF: And you've used the word
24 "insulting"; right?

25 MR. SEGUIN: Right.

1 **MR. KOZLOFF:** In fact, what the officers
2 were telling you was that their investigation to that point
3 had uncovered at least some information that suggested that
4 your brother had a lifestyle that you were unaware of?

5 **MR. SEGUIN:** Yes.

6 **MR. KOZLOFF:** That he was an homosexual?

7 **MR. SEGUIN:** Yes, I ---

8 **MR. KOZLOFF:** And that came as an additional
9 shock to you and the members of your family?

10 **MR. SEGUIN:** Yes.

11 **MR. KOZLOFF:** And it wasn't something that
12 you were prepared to accept on the basis of the information
13 you were being offered?

14 **MR. SEGUIN:** No, it didn't -- no.

15 **MR. KOZLOFF:** And he also told you, sir,
16 that he had come into some information that your brother
17 had been accused by Mr. Silmsler of sexual abuse?

18 **MR. SEGUIN:** That's correct, I believe.

19 **MR. KOZLOFF:** And that was even more of a
20 shock to you ---

21 **MR. SEGUIN:** Yes.

22 **MR. KOZLOFF:** --- and the members of your
23 family. Is that fair?

24 **MR. SEGUIN:** Yes. Actually, I can't
25 remember them mentioning Silmsler at that time, but sure, if

1 they said so ---

2 **MR. KOZLOFF:** Let me just tell you a little
3 bit about what they had done before they met you.

4 **MR. SEGUIN:** Okay.

5 **MR. KOZLOFF:** Constable Millar had spoken to
6 Mr. Leroux on the date of your brother's death.

7 **MR. SEGUIN:** Right.

8 **MR. KOZLOFF:** He had interviewed him. He
9 had been told by Mr. Leroux that your brother was gay.

10 **MR. SEGUIN:** Yeah.

11 **MR. KOZLOFF:** Constable Millar had then met
12 with members of the Cornwall Police Service and had been
13 given the fruits of their investigation concerning Father
14 MacDonald and your brother, and that investigation
15 contained an allegation that your brother had sexually
16 abused Mr. Silmser.

17 You know that now?

18 **MR. SEGUIN:** Right. M'hm.

19 **MR. KOZLOFF:** So they had that information
20 as of the 26th of November.

21 **MR. SEGUIN:** Right.

22 **MR. KOZLOFF:** And then following the autopsy
23 and their continued investigation, they shared that with
24 you because you asked the questions.

25 **MR. SEGUIN:** That's ---

1 **MR. KOZLOFF:** And --- following the autopsy
2 and their continued investigation, they shared that with
3 you because you asked the questions.

4 **MR. SEGUIN:** That's ---

5 **MR. KOZLOFF:** And that was the first you
6 learned about these ---

7 **MR. SEGUIN:** Yes, that's right.

8 **MR. KOZLOFF:** --- allegations and about your
9 brother's lifestyle; right?

10 **MR. SEGUIN:** That's correct. Yes.

11 **MR. KOZLOFF:** And you're learning that in
12 the context of the grief that you're feeling as ---

13 **MR. SEGUIN:** Yes.

14 **MR. KOZLOFF:** --- for the loss of your
15 brother. Fair, fair?

16 **MR. SEGUIN:** Yes, fair.

17 **MR. KOZLOFF:** And you're not taking notes at
18 this point, are you?

19 **MR. SEGUIN:** No.

20 **MR. KOZLOFF:** Your notes don't start really
21 until 1995.

22 **MR. SEGUIN:** That's correct. Right.

23 **MR. KOZLOFF:** And so concerned are you about
24 what you've been told, that you request a meeting with
25 Inspector Fougere?

1 **MR. SEGUIN:** That's correct. Right.

2 **MR. KOZLOFF:** But at the same time, sir,
3 you've also had a meeting with Malcolm MacDonald?

4 **MR. SEGUIN:** Yes. M'hm.

5 **MR. KOZLOFF:** And that was because, I'm
6 going to suggest to you, Mr. Wilson had made a comment at
7 the wake regarding who he held responsible.

8 **MR. SEGUIN:** Yes. Okay.

9 **MR. KOZLOFF:** And that didn't mean a whole
10 lot to you at that point, did it?

11 **MR. SEGUIN:** No, it didn't.

12 **MR. KOZLOFF:** Because you had no knowledge
13 of the allegation against your brother at that point?

14 **MR. SEGUIN:** That's right.

15 **MR. KOZLOFF:** And C-8 had made a comment
16 even on the day of your brother's death that didn't mean
17 anything at the time, did it?

18 **MR. SEGUIN:** That's right. Yeah.

19 **MR. KOZLOFF:** So all this is kind of
20 confusing?

21 **MR. SEGUIN:** Very confusing, yes.

22 **MR. KOZLOFF:** And when you meet with
23 Mr. MacDonald -- and I suggest to you that you met with
24 Mr. MacDonald because Ron Wilson spoke to Nancy?

25 **MR. SEGUIN:** That could possibly ---

1 **MR. KOZLOFF:** And Nancy told you that your
2 brother had made some notes for Mr. MacDonald. That ring a
3 bell?

4 **MR. SEGUIN:** That's very possible, yes. I
5 don't remember exactly how that ---

6 **MR. KOZLOFF:** Nancy is kind of an
7 independent agent from time-to-time, isn't she?

8 **MR. SEGUIN:** Yes, she is.

9 **MR. KOZLOFF:** And so you have your meeting
10 with Inspector Fougere and at that point you learn that
11 there's going to be an investigation of Mr. Silmsler for
12 extortion?

13 **MR. SEGUIN:** That's correct. Right.

14 **MR. KOZLOFF:** And then I'm going to suggest
15 to you during the course of 1994, you have numerous
16 meetings with Inspector Hamelink whose handling this
17 extortion investigation?

18 **MR. SEGUIN:** Yes. That's right.

19 **MR. KOZLOFF:** You have numerous telephone
20 calls with him?

21 **MR. SEGUIN:** Yes, I believe so.

22 **MR. KOZLOFF:** Some of considerable length?

23 **MR. SEGUIN:** Possibly.

24 **MR. KOZLOFF:** Over an hour.

25 **MR. SEGUIN:** Okay.

1 **MR. KOZLOFF:** Your wife is having meetings
2 with Inspector Hamelink in your absence.

3 **MR. SEGUIN:** Oh ---

4 **MR. KOZLOFF:** You know that now?

5 **MR. SEGUIN:** Yes. M'hm.

6 **MR. KOZLOFF:** And your brother, Keith, and
7 your sister, Helena, are also having meetings with
8 Inspector Hamelink in your absence. You know that now?

9 **MR. SEGUIN:** Well, that's -- yes, very
10 possible.

11 **MR. KOZLOFF:** And there report -- eventually
12 you guys, you talk about these things, so you are getting a
13 raft, a full raft of information, aren't you?

14 **MR. SEGUIN:** Yes. I would suppose so.

15 **MR. KOZLOFF:** And you're not making notes?

16 **MR. SEGUIN:** No. Not at that time.

17 **MR. KOZLOFF:** So would it be fair to say
18 that you might be confused about the timing of when you
19 might have received certain information?

20 **MR. SEGUIN:** Very possible.

21 **MR. KOZLOFF:** And would it be fair to say
22 that you might be mistaken about the exact details that you
23 received?

24 **MR. SEGUIN:** Given that there were no notes.
25 Very possible. Yes.

1 **MR. KOZLOFF:** Those are my questions.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Wallace, do you plan on being very long?

4 **MR. WALLACE:** No time at all, in fact.

5 Good afternoon, Mr. Seguin. My name is Mark
6 Wallace, I'm counsel for the Ontario Provincial Police
7 Association and I have no questions for you. Thank you.

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

9 We'll resume after lunch.

10 Thank you.

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

13 This hearing will resume at 2:00 p.m.

14 --- Upon recessing at 12:42 p.m./

15 L'audience est suspendue à 12h42

16 --- Upon resuming at 2:05 p.m./

17 L'audience est reprise à 14h05

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

20 This hearing is now resumed, please be
21 seated. Veuillez vous asseoir.

22 **THE COMMISSIONER:** Thank you.

23 **MR. ROSEN:** I just wanted to introduce
24 myself.

25 **THE COMMISSIONER:** Yes.

1 **MR. ROSEN:** John Rosen. I'm here for Peter
2 Sirrs, who I understand is the next witness.

3 **THE COMMISSIONER:** Thank you.

4 **MR. ROSEN:** Just thought I'd let you know.

5 Okay, so rule number one, sir, is whenever
6 you wish to speak other than standing up you have to come
7 to the microphone.

8 **MR. ROSEN:** I understand that sir, I ---

9 **THE COMMISSIONER:** It's just that the
10 interpreter back there who is there providing the
11 simultaneous translation is waving frantically and I'm the
12 only one who sees her so I don't want to get in her bad
13 books.

14 **MR. ROSEN:** Very good.

15 **THE COMMISSIONER:** All right?

16 **MR. ROSEN:** All right. So for the record,
17 my name is John Rosen and I am counsel for Peter Sirrs, who
18 I understand is the next witness.

19 **THE COMMISSIONER:** Thank you.

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

21 **GIUSEPPE CIPRIANO:**

22 **MR. CIPRIANO:** Good afternoon, Mr.

23 Commissioner.

24 Good Afternoon Mr. Seguin. We know each
25 other, I don't think we need an introduction.

1 MR. SEGUIN: M'hm.

2 MR. CIPRIANO: Mr. Seguin, I am going to
3 touch on a few topics and I may jump around but I'll tell
4 you where I'm going with the questions.

5 You were asked in the past couple of days
6 about your brother and depression?

7 MR. SEGUIN: Yes. M'hm.

8 MR. CIPRIANO: And am I correct in that
9 there is a history of depression in your family?

10 MR. SEGUIN: Yes, there is.

11 MR. CIPRIANO: In fact, you also lost
12 another brother to suicide as a result of depression?

13 MR. SEGUIN: In '73. Yes.

14 MR. CIPRIANO: I'm sorry, in what year?

15 MR. SEGUIN: In '73.

16 MR. CIPRIANO: Okay. You've already made
17 this clear, but before Ken had taken his life in November
18 of '93, you and your family were not aware of allegations -
19 --

20 MR. SEGUIN: That's correct.

21 MR. CIPRIANO: --- of an alternative
22 lifestyle?

23 MR. SEGUIN: That's correct.

24 MR. CIPRIANO: And you made this clear that
25 after the funeral, allegations started to come forward and

1 this took your family by surprise and you were shocked and
2 ---

3 **MR. SEGUIN:** Yes.

4 **MR. CIPRIANO:** --- distraught about it
5 because you were close to Ken and you weren't aware of all
6 of this?

7 **MR. SEGUIN:** That's correct, yeah.

8 **MR. CIPRIANO:** And the allegations, or at
9 least the fact that allegations were being made, were being
10 reported in the media?

11 **MR. SEGUIN:** Yes, starting, yes.

12 **MR. CIPRIANO:** And is it fair to say that as
13 a result of the media reporting the allegations, you felt
14 that some in the public might take that as -- that the
15 allegations are receiving a gloss of truth to them?

16 **MR. SEGUIN:** Yes, that's correct, yeah.

17 **MR. CIPRIANO:** And because this happened, if
18 I can say "all of a sudden", in the weeks and months after
19 your brother's death and not knowing about this,
20 essentially, what you and your family wanted to do was you
21 wanted to find out what was going on?

22 **MR. SEGUIN:** That's correct. Right.

23 **MR. CIPRIANO:** And some of the parties used
24 the word "investigation". Do you recall them using that?

25 **MR. SEGUIN:** Yes. M'hm

1 **MR. CIPRIANO:** If I could just take you to
2 the years before 1993. Have you ever been involved in law
3 suits before 1993?

4 **MR. SEGUIN:** No.

5 **MR. CIPRIANO:** Okay. And this coming as a
6 surprise, is it fair to say that what you wanted to do was
7 enter into some sort of dialogue to find out what happened?

8 **MR. SEGUIN:** Yes, to check out the veracity
9 or the -- one way or another what had happened here or
10 whether there was anything to it, either way.

11 **MR. CIPRIANO:** Is it fair to say that if
12 someone was alleging something he -- your view was, okay,
13 well show me the proof?

14 **MR. SEGUIN:** That's right.

15 **MR. CIPRIANO:** You talked a bit about the --
16 you used the phrase "integrity of the process"?

17 **MR. SEGUIN:** Yes, I thought that just the
18 way that this had progressed, that there didn't seem to be
19 that idea of before you say something you should have some
20 sort of facts before you say it in public, and that's
21 pretty well what I meant by integrity. And if it happens
22 to be any professional person or whatever then, you know,
23 they should be responsible for that.

24 **MR. CIPRIANO:** Okay. What you and your
25 family were trying to do was to understand by entering into

1 this dialogue ---

2 **MR. SEGUIN:** Yes.

3 **MR. CIPRIANO:** --- with the people you knew?

4 **MR. SEGUIN:** Yes. That's right.

5 **MR. CIPRIANO:** Because you knew some of the
6 people making allegations?

7 **MR. SEGUIN:** That's correct.

8 **MR. CIPRIANO:** You knew Gerald Renshaw?

9 **MR. SEGUIN:** Yes.

10 **MR. CIPRIANO:** You knew Ron Leroux?

11 **MR. SEGUIN:** Right.

12 **MR. CIPRIANO:** And you had some ---

13 **THE COMMISSIONER:** Just a minute, how did
14 you know Ron Leroux?

15 **MR. SEGUIN:** I knew through Ken because he
16 lived next -- or two doors away.

17 **MR. CIPRIANO:** And when I say you knew them,
18 I mean you knew them as acquaintances through your brother?

19 **MR. SEGUIN:** Yes. Right.

20 **MR. CIPRIANO:** You know also of C-8?

21 **MR. SEGUIN:** Yes. M'hm.

22 **MR. CIPRIANO:** And so since -- you heard of
23 the terms "clan of pedophiles"?

24 **MR. SEGUIN:** Right.

25 **MR. CIPRIANO:** And cover-ups and

1 conspiracies. Is that correct?

2 **MR. SEGUIN:** Yes.

3 **MR. CIPRIANO:** Since you were hearing all
4 these things, you went to some of the sources of that
5 information to say, "Where are you getting this information
6 from?"

7 **MR. SEGUIN:** Yes, that's right.

8 **MR. CIPRIANO:** It was a dialogue you were
9 attempting to get into?

10 **MR. SEGUIN:** Yes, that's correct.

11 **MR. CIPRIANO:** Okay. In one of your
12 meetings, you met with Gerry Renshaw and you talked a
13 little bit about that?

14 **MR. SEGUIN:** That's right.

15 **MR. CIPRIANO:** You told us that you knew
16 Gerry since the late '80s?

17 **MR. SEGUIN:** Yes, yes.

18 **MR. CIPRIANO:** And he had told you that he
19 had been provided a statement by Perry Dunlop. Is that
20 correct?

21 **MR. SEGUIN:** That's right.

22 **MR. CIPRIANO:** Do you remember how it is you
23 came into the possession of that statement?

24 **MR. SEGUIN:** Well, I had called him and went
25 over to a friend of his, Berry, he said he was, and picked

1 him up and we went to a bar and just sat down and talked
2 about it, and within that conversation he mentioned that he
3 had made a statement.

4 MR. CIPRIANO: Okay.

5 MR. SEGUIN: And, yeah, that's when I first
6 ---

7 MR. CIPRIANO: And when he physically
8 produced the statement, can you tell us how was -- what did
9 it come in; was it in an envelope?

10 MR. SEGUIN: Yes, it was in an envelope,
11 brown envelope, with Perry Dunlop printed on the -- in
12 black.

13 MR. CIPRIANO: And you provided to the
14 Commission ---

15 MR. SEGUIN: Yes, m'hm ---

16 MR. CIPRIANO: --- correct?

17 MR. SEGUIN: Right.

18 MR. CIPRIANO: If I could ask you, Mr.
19 Seguin, to look at -- and this is probably in your binder -
20 - Exhibit 1043. One thousand forty three.

21 You wrote down in these notes -- firstly,
22 these notes were -- there's a title on the top of these
23 notes that says, "*File Dunlop v. Seguin et al*".

24 MR. SEGUIN: M'hm.

25 MR. CIPRIANO: And I think you've said this,

1 that these notes were prepared for the process of
2 litigation?

3 **MR. SEGUIN:** That's right, yeah. Defence of
4 -- yeah, okay.

5 **MR. CIPRIANO:** And they were not -- you
6 didn't go distribute these notes to the media, did you?

7 **MR. SEGUIN:** No, no.

8 **MR. CIPRIANO:** In a sense, you may have
9 provided them to your lawyer, but that's about it?

10 **MR. SEGUIN:** Yes, yeah, that's it.

11 **MR. CIPRIANO:** And you're meeting with Gerry
12 Renshaw and you're having a conversation with him and up
13 until now he's an acquaintance of yours?

14 **MR. SEGUIN:** Yes, m'hm.

15 **MR. CIPRIANO:** And so he's really talking to
16 you about what his interaction was with Perry Dunlop?

17 **MR. SEGUIN:** Yes, that's correct.

18 **MR. CIPRIANO:** And you had a look at his
19 statement?

20 **MR. SEGUIN:** Yes, he gave it to me so I took
21 it home and read it.

22 **MR. CIPRIANO:** Okay.

23 **THE COMMISSIONER:** I'm sorry, you what? You
24 took it home and read it?

25 **MR. SEGUIN:** Yes, correct, m'hm.

1 **MR. CIPRIANO:** He actually let you have it?

2 **MR. SEGUIN:** Yes.

3 **MR. CIPRIANO:** And you had known Gerry
4 Renshaw for about three to four years now?

5 **MR. SEGUIN:** Yes, at least.

6 **MR. CIPRIANO:** Okay. Was the wording of the
7 statement, the language in the statements, were those his
8 own words? Like did you feel from what you knew of him
9 that that was him speaking?

10 **MR. SEGUIN:** No, I didn't think that -- the
11 words were somewhat -- a bit more larger than -- you know,
12 like ---

13 **MR. CIPRIANO:** Okay.

14 **MR. SEGUIN:** --- word -- okay.

15 **MR. CIPRIANO:** And if you look at the last
16 paragraph -- well, before you do that, you eventually you
17 got sued by Perry Dunlop?

18 **MR. SEGUIN:** That's correct, yeah.

19 **MR. CIPRIANO:** Okay. You made us well aware
20 of what you thought Perry Dunlop and Carson Chisholm and
21 his group were all about?

22 **MR. SEGUIN:** Yes.

23 **MR. CIPRIANO:** Okay. And when you're being
24 sued, it's an adversarial system; correct?

25 **MR. SEGUIN:** Yes, that's correct.

1 **MR. CIPRIANO:** It's "us versus them" or
2 "them versus you"?

3 **MR. SEGUIN:** Right.

4 **MR. CIPRIANO:** Would it be fair to say that
5 when you're in a system like that, it's difficult to get
6 into a dialogue to determine what happened?

7 **MR. SEGUIN:** I would say so, yes. Yes, you
8 ---

9 **MR. CIPRIANO:** If you can look at the last
10 paragraph of the first page of Exhibit 1043?

11 **MR. SEGUIN:** M'hm.

12 **MR. CIPRIANO:** Do you see that, it says:
13 "Perry Dunlop told him that any
14 individual who would not want...",
15 and I think it says:

16 "...to talk to Dunlop or Carson
17 Chisholm were hiding information of a
18 cover-up and likely involved
19 themselves."

20 Do you see that?

21 **MR. SEGUIN:** Yes, m'hm.

22 **MR. CIPRIANO:** That's some of the "us versus
23 them" attitude; correct?

24 **THE COMMISSIONER:** Considering it's a double
25 hearsay?

1 **MR. CIPRIANO:** If -- this is what you wrote
2 down as Gerry Renshaw telling you?

3 **MR. SEGUIN:** Yes, that's right.

4 **MR. CIPRIANO:** And is this an example of
5 that "us versus them" attitude?

6 **MR. SEGUIN:** I would -- I'm not sure what
7 you mean by who's ---

8 **MR. CIPRIANO:** Well, it's either you're with
9 Perry Dunlop or you're ---

10 **MR. SEGUIN:** Oh yes, I see what you mean,
11 yes, that's true. The actual statement, right.

12 **MR. CIPRIANO:** And that makes it difficult
13 for you trying to get into a dialogue to determine what
14 happened, that kind of attitude; correct?

15 **MR. SEGUIN:** That's -- that's certainly
16 true, yeah.

17 **MR. CIPRIANO:** You talked yesterday, you
18 used the word "scam". Do you remember that?

19 **MR. SEGUIN:** Yes, m'hm.

20 **MR. CIPRIANO:** And you know that certain
21 witnesses have testified at this Inquiry and some of them
22 have recanted some of the allegations?

23 **MR. SEGUIN:** Yes.

24 **MR. CIPRIANO:** You know that Ron Leroux has
25 ---

1 **MR. SEGUIN:** Yes, m'hm.

2 **MR. CIPRIANO:** --- changed some of his
3 stories and allegations about a clan of pedophiles and so
4 on?

5 **MR. SEGUIN:** That's right.

6 **MR. CIPRIANO:** When you use the word "scam",
7 is it fair to say that if members of the public were
8 relying on information provided by Ron Leroux and C-8 that
9 we know now from their evidence is not correct, do you
10 believe that the public might have been scammed ---

11 **MR. SEGUIN:** Yes.

12 **MR. CIPRIANO:** --- those who put weight into
13 those things?

14 **MR. SEGUIN:** That's right, yeah.

15 **MR. CIPRIANO:** Gerry Renshaw attended the
16 funeral of your brother?

17 **MR. SEGUIN:** Yes, that's right.

18 **MR. CIPRIANO:** And he also provided a card?

19 **MR. SEGUIN:** Yes, yes, that's right.

20 **MR. CIPRIANO:** And you provided that card to
21 the Commission?

22 **MR. SEGUIN:** Yes.

23 **MR. CIPRIANO:** Do you remember what it said
24 in the card?

25 **MR. SEGUIN:** "We will miss him very..." --

1 "We will all miss him very much. The Renshaws and Berry."

2 MR. CIPRIANO: And this was before he had
3 advised you that he had made a statement about Mr. Ken
4 Seguin?

5 MR. SEGUIN: Yes. Two years or whatever,
6 yes, a year-and-a-half before.

7 MR. CIPRIANO: You were being sued by 1997?

8 MR. SEGUIN: Yes, I believe so, right.

9 MR. CIPRIANO: As a result, you started
10 making these notes and so on?

11 MR. SEGUIN: Yes, yeah.

12 MR. CIPRIANO: And not only that, would it
13 be fair to say that your family's life, in the sense of the
14 allegations, had changed somewhat?

15 MR. SEGUIN: Certainly, yes. I mean family
16 members, anyone who's out in the public, you know, and this
17 sort of reasoning of pedophile rings and so on, that was
18 damaging to the family, you know, as -- when you're out
19 there. I've had instances with, you know, my sister
20 telling me about certain instances and her daughter and,
21 you know, that type of thing, which were not very good.

22 And, yes, certainly it did affect us
23 personally.

24 MR. CIPRIANO: It's fair to say it's not a
25 usual thing for a family to go through?

1 **MR. SEGUIN:** No, I wouldn't say so, no.

2 **MR. CIPRIANO:** And in that case, you being
3 interested in finding out what happened is not an unusual
4 ---

5 **MR. SEGUIN:** Not at all.

6 **MR. CIPRIANO:** --- thing to do on your part?

7 **MR. SEGUIN:** Not at all, right.

8 **MR. CIPRIANO:** This morning you were being
9 asked some questions about the first three complainants
10 against Father MacDonald?

11 **MR. SEGUIN:** Yes, m'hm.

12 **MR. CIPRIANO:** We know David Silmser and
13 John MacDonald; we won't mention the third name.

14 **MR. SEGUIN:** Okay.

15 **MR. CIPRIANO:** But we'll refer to him as
16 C-3.

17 **MR. SEGUIN:** Okay, C-3.

18 **MR. CIPRIANO:** Were you made -- did you
19 follow the preliminary inquiries of these individuals?

20 **MR. SEGUIN:** Yes, I wasn't allowed in but
21 either my cousin, Jack Seguin, or my sister, Helena
22 Wheeler, or -- but I think a couple of times my brother,
23 Keith, they were in there at one -- this was over, what, a
24 period of a week, I think?

25 **THE COMMISSIONER:** It wasn't really their

1 preliminary inquiry.

2 MR. SEGUIN: No.

3 THE COMMISSIONER: It was Father MacDonald's
4 preliminary inquiry.

5 MR. CIPRIANO: Yes. What I meant was you
6 were told from other family members of what was ---

7 MR. SEGUIN: Yes, yes.

8 MR. CIPRIANO: What was transpiring?

9 MR. SEGUIN: Transpiring, right.

10 MR. CIPRIANO: And was it told to you that
11 C-3 indicated during the preliminary inquiry he was in it
12 for the money?

13 MR. SEGUIN: I think that -- yes, that did
14 come out. That was told to me, yes.

15 MR. CIPRIANO: Okay. And that their
16 credibility had been severely challenged?

17 MR. SEGUIN: Yes, that's right.

18 MR. CIPRIANO: And ---

19 THE COMMISSIONER: And that he was committed
20 to trial?

21 MR. CIPRIANO: Yes.

22 THE COMMISSIONER: Okay.

23 MR. CIPRIANO: And Exhibit 228 of this
24 Inquiry -- I don't know if you're aware of that -- it's a
25 memo written by the Crown attorney during -- who conducted

1 those prelims.

2 **THE COMMISSIONER:** What's the purpose of all
3 of this?

4 **MR. CIPRIANO:** I'm just trying to establish
5 -- because Mr. Lee had questioned Mr. Seguin's credibility
6 when he said that -- when he questioned Mr. Seguin as
7 doubting whether the police had reasonable probable grounds
8 to lay a charge and whether he still maintains that view.

9 So I think I'm entitled to ask him how he
10 arrives at that view.

11 **THE COMMISSIONER:** Say that again?

12 **MR. CIPRIANO:** Mr. Lee questioned Mr. Seguin
13 this morning as to whether he was questioning the OPP's, I
14 suppose, integrity in laying the charge on incredible
15 witnesses.

16 **THE COMMISSIONER:** Right.

17 **MR. CIPRIANO:** And I want to ask Mr. Seguin
18 how he comes to that conclusion.

19 **THE COMMISSIONER:** Okay. But that was
20 before the charges or when the charges were laid. Now
21 we're at the preliminary inquiry. So what you're asking is
22 giving him -- arming him with knowledge after the fact to
23 go back in history to the original position, which I don't
24 think is relevant here.

25 **MR. CIPRIANO:** Well, I just wanted to ask

1 him how he comes to that conclusion since it's the
2 conclusion he still holds.

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

4 **MR. CIPRIANO:** When you met with some of the
5 people who you knew, such as Gerald Renshaw and Ron Leroux
6 and C8, did you ever show photo line-ups to them?

7 **MR. SEGUIN:** Did I?

8 **MR. CIPRIANO:** Yes.

9 **MR. SEGUIN:** No, I didn't.

10 **THE COMMISSIONER:** What's the relevance in
11 that?

12 **MR. CIPRIANO:** Again, other parties were
13 trying to show that he was conducting an investigation
14 similar to Carson Chisholm and Perry Dunlop, and I want to
15 ask him if it was similar or not.

16 **THE COMMISSIONER:** I think I've heard enough
17 about that to come to a conclusion. I don't see any use in
18 it or any relevance.

19 **MR. CIPRIANO:** I don't know if he properly
20 explained himself, that's why I'm asking.

21 **THE COMMISSIONER:** I'm telling you that I
22 don't want to hear the answer.

23 **MR. CIPRIANO:** Okay.

24 You said that one of the things yesterday
25 that made you happy was the judicial process?

1 **MR. SEGUIN:** Yes, yes.

2 **MR. CIPRIANO:** So you're aware that the
3 charges against Father MacDonald had been stayed?

4 **MR. SEGUIN:** Yes.

5 **MR. CIPRIANO:** Do you know of the reasons
6 why they were stayed?

7 **MR. SEGUIN:** Yes.

8 **THE COMMISSIONER:** What's the relevance of
9 that? Like, this is with respect to Ken Seguin, not Father
10 MacDonald.

11 **MR. CIPRIANO:** Well, he said yesterday that
12 one of the things he liked was the judicial process.

13 **THE COMMISSIONER:** Right.

14 **MR. CIPRIANO:** So I want to ask him about
15 what it was about the judicial process.

16 **THE COMMISSIONER:** What is it about the
17 judicial process that you enjoyed?

18 **MR. SEGUIN:** Only that they seemed to follow
19 the rule of law. Like, it may not have been the best
20 outcome for, you know, a stay. It never quite gets things
21 absolute, but at least there was good reason to do that and
22 they had to go follow the law, the letter of the law, and
23 that's what they did.

24 **THE COMMISSIONER:** Okay.

25 **MR. CIPRIANO:** You wrote a letter of

1 complaint to Garry Guzzo?

2 MR. SEGUIN: Yes.

3 MR. CIPRIANO: And you knew that Garry Guzzo
4 had formerly been a lawyer ---

5 MR. SEGUIN: Yes, that's correct.

6 MR. CIPRIANO: --- and a judge?

7 MR. SEGUIN: Yes.

8 MR. CIPRIANO: And now he was a Member of
9 Provincial Parliament?

10 MR. SEGUIN: Yes.

11 MR. CIPRIANO: Being a politician he's
12 accountable to the people?

13 MR. SEGUIN: Yes.

14 MR. CIPRIANO: And you had heard him make
15 certain assertions in the media and in the House?

16 MR. SEGUIN: That's correct, yeah.

17 MR. CIPRIANO: You asked of him to show you
18 the proof of those assertions?

19 MR. SEGUIN: Right.

20 MR. CIPRIANO: Did you expect him to respond
21 to you?

22 MR. SEGUIN: Well, yes, I did, because he
23 was being so open about it in the public and would always
24 say he had the interest of the public in mind. I thought
25 there would be no reason of why he shouldn't reply to this.

1 **MR. CIPRIANO:** And, Mr. Guzzo, being a
2 politician and formerly a lawyer and judge, you would know
3 that you'd probably be aware that he's aware of the
4 presumption of innocence?

5 **MR. SEGUIN:** Yes, of course.

6 **THE COMMISSIONER:** And did he ever answer
7 you?

8 **MR. SEGUIN:** No, he didn't.

9 **MR. CIPRIANO:** Yesterday we filed a copy of
10 some of your notes, Exhibit 1044. It's probably in your
11 binder, Mr. Seguin.

12 **THE COMMISSIONER:** What page?

13 **MR. CIPRIANO:** Well, I'm just going to refer
14 him to the notes generally. I'm just trying to pull up my
15 copy here.

16 Do you have the notes, Mr. Seguin?

17 **MR. SEGUIN:** Yes.

18 **MR. CIPRIANO:** Okay. The first page after
19 the cover is dated March 31st, 2001?

20 **MR. SEGUIN:** That's right.

21 **MR. CIPRIANO:** The next page is blank but
22 the page after that is dated May 26th, 2001?

23 **MR. SEGUIN:** M'hm.

24 **MR. CIPRIANO:** The page after has a little
25 bit of writing on it. And there's another entry on the

1 page following which is June 2, 2001.

2 MR. SEGUIN: That's correct.

3 MR. CIPRIANO: And so on.

4 These were notes made by you in your own
5 handwriting?

6 MR. SEGUIN: Yes, that's right.

7 MR. CIPRIANO: And I take it, were they made
8 shortly after you would have conversations with Mr. Leroux?

9 MR. SEGUIN: Yes, that would -- yeah.

10 MR. CIPRIANO: You haven't added or deleted
11 anything from them, I take it?

12 MR. SEGUIN: No, no, those are the ---

13 MR. CIPRIANO: What we see here is a
14 photocopy of virtually what you took?

15 MR. SEGUIN: Yes, what I wrote down at that
16 time.

17 MR. CIPRIANO: Do you remember this morning
18 Mr. Lee was asking you questions and he was suggesting to
19 you that -- or he was challenging your credibility because
20 of your interactions with Gerald Renshaw and because there
21 was nothing that he found in your notes ---

22 MR. SEGUIN: Right, right.

23 MR. CIPRIANO: --- that would suggest what
24 you ---

25 MR. SEGUIN: That's right.

1 **MR. CIPRIANO:** --- had typed out. And I
2 think he suggested to you that he had looked through all of
3 your documents and notes and found nothing?

4 **MR. SEGUIN:** That's right.

5 **MR. CIPRIANO:** And you said that you had
6 made notes of this?

7 **MR. SEGUIN:** Yes, I'm sure I did.

8 **MR. CIPRIANO:** And is it fair to say that
9 you may have made notes but not in that particular
10 notebook?

11 **MR. SEGUIN:** That's true, yeah.

12 **MR. CIPRIANO:** And I think you also made
13 notes on the back of the statement of Gerald Renshaw?

14 **MR. SEGUIN:** Yes, I did that, I believe so.

15 **MR. CIPRIANO:** And, Mr. Commissioner, I have
16 a document here which no one gave notice of but I provided
17 copies to Madam Registrar which comes from the database of
18 the Inquiry which I'd like to put to the witness?

19 **THE COMMISSIONER:** Say that again.

20 **MR. CIPRIANO:** I have a document here that I
21 ---

22 **THE COMMISSIONER:** It's in the database?

23 **MR. CIPRIANO:** It's in the database. No one
24 gave notice of it, but I found it this morning with the
25 help of Commission staff, and I've given sufficient copies

1 to Madam Registrar.

2 **THE COMMISSIONER:** Mr. Ruel, any comments?

3 **MR. RUEL:** We don't object to the filing of
4 this document. This is an important document which escaped
5 our attention apparently. So those are -- I mean, Mr.
6 Cipriano will explain them. Those are additional notes of
7 the witness.

8 **THE COMMISSIONER:** All right.

9 Mr. Lee?

10 **MR. LEE:** I don't at this point object to
11 the introduction of a document but I've had no notice of
12 it, I haven't seen a copy.

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

14 **MR. LEE:** Over the lunch hour, as an
15 example, I wasn't provided with a copy. I'd like to at
16 least take a look at it before I ---

17 **THE COMMISSIONER:** Before you?

18 **MR. LEE:** Before I decide whether I have any
19 objection before I ---

20 **THE COMMISSIONER:** Let's all look at it
21 then.

22 **MR. LEE:** Thank you.

23 **THE COMMISSIONER:** Madam Clerk, can I have
24 one?

25 When did you find this, Mr. Cipriano?

1 **MR. CIPRIANO:** In the database. This
2 document ---

3 **THE COMMISSIONER:** No, when? When?

4 **MR. CIPRIANO:** This morning, when he was
5 being cross-examined as to ---

6 **THE COMMISSIONER:** So is there any reason
7 you couldn't have given it to him on the lunch break?

8 **MR. CIPRIANO:** It had to be photocopied. I
9 don't know. I don't keep track where everyone goes for
10 lunch so I wasn't going to go across the city to try and
11 find people.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** Are there any names in
14 here that cause concerns of confidentiality, Mr. ---

15 **MR. CIPRIANO:** Yes, Mr. Commissioner, it
16 should be a P -- there are, I think, one name that has a
17 moniker.

18 **THE COMMISSIONER:** A "P"?

19 **MR. CIPRIANO:** A "P" exhibit, I mean
20 publication ban.

21 **THE COMMISSIONER:** Publication ban?

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

23 **THE COMMISSIONER:** Okay.

24 **MR. CIPRIANO:** And as I said, these were in
25 the database of the Inquiry.

1 Do you have those, Mr. Seguin?

2 **MR. SEGUIN:** Yes, I have.

3 **MR. CIPRIANO:** Okay.

4 **THE COMMISSIONER:** So, Mr. Lee, what I'm
5 going to do is permit him to cross-examine, and then if you
6 have any -- or should you have a right to ask further
7 questions now? I don't know how we're going to do that.

8 **MR. LEE:** I think it unlikely I would have
9 further questions, so long as the witness' attention is
10 drawn to the final paragraph of this document for the
11 purposes of authenticating when it was made, the date of
12 this document.

13 I thought, from Mr. Cipriano's introduction
14 to it, he was suggesting these were contemporaneous notes
15 made by the witness at the time of the meeting with Gerald
16 Renshaw. I see on the final page a reference to 2003. So
17 I trust the witness will be asked to explain when these
18 were made. If they were made ---

19 **THE COMMISSIONER:** Okay.

20 **MR. LEE:** --- after 2003, I don't have any
21 questions.

22 **THE COMMISSIONER:** So Exhibit 1060 are
23 handwritten notes of Mr. Doug Seguin.

24 --- **EXHIBIT NO./PIÈCE NO. P-1060:**

25 (124120) Handwritten notes of Doug

1 Seguin re: Renshaw

2 **THE COMMISSIONER:** Carry on, sir.

3 **MR. CIPRIANO:** So do you have those, Mr.

4 Seguin?

5 **MR. SEGUIN:** Yes. M'hm.

6 **MR. CIPRIANO:** Okay. And it looks like

7 you're drafting these notes from something else.

8 **MR. SEGUIN:** Yes.

9 **MR. CIPRIANO:** Is that correct?

10 And if we look at the first page of the

11 notes, you talk about Gerry Renshaw being offered a job by

12 Carson Chisholm's brother in British Columbia?

13 **MR. SEGUIN:** That's correct, right.

14 **MR. CIPRIANO:** It indicates that you've

15 known Gerry Renshaw since the '80s or '90s?

16 **MR. SEGUIN:** Yeah. M'hm.

17 **THE COMMISSIONER:** So bottom line is what

18 this does is it kind of curtails Mr. Lee's point that he

19 had no notes when he prepared the typed documents.

20 **MR. CIPRIANO:** Yes.

21 **THE COMMISSIONER:** And, in fact, here are

22 some notes?

23 **MR. CIPRIANO:** Yes.

24 **THE COMMISSIONER:** Okay. Point done.

25 But these notes -- whoa, no, not quite. Not

1 quite.

2 When were these notes made, sir?

3 **MR. SEGUIN:** Well, in -- well, it must have
4 been in 2004 maybe.

5 **THE COMMISSIONER:** Okay. Well, then ---

6 **MR. SEGUIN:** This was, I think -- I think it
7 was Mr. Leduc's investigator was asking questions ---

8 **THE COMMISSIONER:** Okay.

9 **MR. SEGUIN:** --- and so ---

10 **THE COMMISSIONER:** So I take that back. I
11 think Mr. Lee's comment is still up in the air for
12 discussion because these are not necessarily the notes that
13 were made at the time ---

14 **MR. SEGUIN:** No.

15 **THE COMMISSIONER:** --- that you spoke to
16 Gerald Renshaw. Okay. Sorry.

17 **MR. CIPRIANO:** And what I was getting at is
18 I asked him that it looks like he's taking these from other
19 -- another set of notes or some sort.

20 **MR. SEGUIN:** Yes.

21 **MR. CIPRIANO:** Okay. And it says in there,
22 if you look at the second page of the notes ---

23 **MR. SEGUIN:** Yes.

24 **MR. CIPRIANO:** --- you'll see there's a
25 circled 5. It says you called Gerry. He said to pick him

1 up at his friends', the Berrys, 831 Amelia.

2 MR. SEGUIN: M'hm.

3 MR. CIPRIANO: That seems to -- and it says
4 underneath January 23, '97?

5 MR. SEGUIN: That's right.

6 THE COMMISSIONER: But it says Book 1, page
7 36.

8 MR. CIPRIANO: Yes.

9 THE COMMISSIONER: So what exhibit is that?

10 MR. CIPRIANO: I think that's Exhibit 1050.

11 THE COMMISSIONER: So if we go to page 36 --
12 right. So -- okay. That brings us back to Mr. Lee's
13 cross-examination.

14 MR. CIPRIANO: And ---

15 THE COMMISSIONER: Right.

16 MR. CIPRIANO: --- you also mention in here
17 that Gerry told you about two weeks later Perry Dunlop and
18 his lawyer from Newmarket, Bourgeois, had a meeting with
19 him and they showed him many pictures?

20 MR. SEGUIN: Yes. M'hm.

21 MR. CIPRIANO: And if I can ask you to turn
22 to -- I think it's the third page of those notes under
23 number 7, it says:

24 "A couple of days later, Nancy and I
25 met at the MacDonald's on 13th Street

1 West. I phoned him and he agreed to
2 meet up there..."

3 **MR. SEGUIN:** Yes.

4 **MR. CIPRIANO:** "We discussed his
5 statement. I asked him why he made
6 this statement. He said he didn't make
7 this statement. Perry and Bourgeois
8 wrote it, said it was true, so he
9 signed it."

10 Can you tell us what you mean by that?

11 **MR. SEGUIN:** Let's see where I'm ---

12 **THE COMMISSIONER:** What he means by that?

13 **MR. CIPRIANO:** What he means, yes.

14 **THE COMMISSIONER:** Yes.

15 **MR. SEGUIN:** Now, let's see -- oh, up here.

16 Okay. Bourgeois said it was true. I think he sort of said
17 well, a lawyer is telling him this, therefore, that's okay.
18 "Then I'll believe that."

19 **MR. CIPRIANO:** Okay. And the very last
20 paragraph of that page, it says:

21 "Gerry said he signed the statement
22 as it was because he -- all this from
23 Dunlop, C-8 and what they said in
24 newspapers and TV."

25 **MR. SEGUIN:** Yeah, he sort of added that,

1 well, there's something that -- an impression he got from
2 them and what was being said, and so he thought it was fine
3 to leave it in the statement.

4 **MR. CIPRIANO:** So we have here another set
5 of notes then that indicate, from your dealings with Mr.
6 Renshaw, that his statement was prepared by Dunlop and
7 Bourgeois?

8 **THE COMMISSIONER:** Well, wait a minute.
9 Wait a minute. It's different notes that he's made at
10 different times.

11 **MR. CIPRIANO:** I said another set of notes.

12 **THE COMMISSIONER:** Yeah, I know, but -- so
13 if he makes five notes, does it make it more credible?

14 **MR. CIPRIANO:** I'm just showing the
15 consistencies in the notes.

16 **THE COMMISSIONER:** Okay. Well, then the
17 point has been made and we can go on to something else.

18 **MR. CIPRIANO:** Okay. Thank you, sir, I have
19 no further ---

20 **THE COMMISSIONER:** Thank you.

21 **MR. CIPRIANO:** I'll just one second here. I
22 thought I missed something. No. Thank you.

23 **THE COMMISSIONER:** Thank you.

24 Back to Maître Ruel. Do you have any
25 questions, sir?

1 **MR. RUEL:** Just one.

2 **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. RUEL:**

3 **MR. RUEL:** Mr. Seguin, based on the Exhibit
4 1060, based on which notes did you -- which notes did you
5 use to prepare this -- those notes that seem to have been
6 prepared in 2003?

7 **MR. SEGUIN:** I would have -- right now it's
8 unclear from this exactly where I got them, but I had made
9 notes right in '97, and I'm not sure if -- when I put in
10 there that I was meeting him, I'd have to look to see if I
11 made notes somewhere else about that meeting, but, you
12 know, obviously I got the statement and I gave you his
13 statement that he gave me in the envelope with Perry
14 Dunlop. The rest of it means that I did meet him. He told
15 me this. He gave me the statement, and so on.

16 **THE COMMISSIONER:** All I want to know is in
17 this document it says, for example, at number 5, that you
18 got that from Book 1, page 36.

19 **MR. SEGUIN:** Yes.

20 **THE COMMISSIONER:** And I've got the Book 1,
21 page 36. So it's obvious you went back to some of your
22 books?

23 **MR. SEGUIN:** Yes.

24 **THE COMMISSIONER:** All right.

25 And then it says Doc 2, Doc 2 on page 3, I

1 don't know what that means. Do you know what that means?

2 **MR. SEGUIN:** Doc 2, well, I -- I think I had
3 put like Book 3 ---

4 **THE COMMISSIONER:** Okay.

5 **MR. SEGUIN:** Oh, document there -- I think
6 there's probably other -- another document of some sort
7 that had been written out instead of in the book, so maybe
8 that's ---

9 **MR. RUEL:** Do you have this document? I
10 mean we haven't found -- everything you've given us has
11 been put to you, so is there anything else?

12 **MR. SEGUIN:** Well, there was another box of
13 materials that I -- when I think of it, I didn't really go
14 through, because I thought it was newspapers and so on.
15 I'd have to go through to see if there's anymore.

16 **MR. RUEL:** Mr. Seguin, I think we'll -- Mr.
17 Commissioner, maybe I can undertake, on behalf of the
18 Commission, to meet with Mr. Seguin and see if there's
19 anything else that was not disclosed to us despite our
20 clear request to produce all the relevant documents.

21 **THE COMMISSIONER:** Great.

22 **MR. RUEL:** And if so we'll, you know,
23 address the matter and we may have to call back the witness
24 if necessary.

25 **THE COMMISSIONER:** All right.

1 **MR. SEGUIN:** I just would have thought that
2 everything would have been in those little books and ---

3 **THE COMMISSIONER:** To err is to be human.

4 **MR. SEGUIN:** Yeah.

5 **THE COMMISSIONER:** Thank you, sir.

6 **MR. SEGUIN:** Okay.

7 **THE COMMISSIONER:** Thank you very much for
8 your assistance. I certainly will take your comments in
9 consideration.

10 **MR. SEGUIN:** Okay.

11 **THE COMMISSIONER:** All the best to you, sir.
12 Thank you.

13 **MR. SEGUIN:** Thank you.

14 **THE COMMISSIONER:** Mr. Engelmann.

15 **MR. ENGELMANN:** Good afternoon, Mr.
16 Commissioner.

17 We have two motions ---

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

19 **MR. ENGELMANN:** --- to deal with this
20 afternoon.

21 It's a motion by Mr. Neville on behalf of
22 Doug Seguin in the Estate of Ken Seguin.

23 And, sir, we also have a motion on behalf --
24 brought by Mr. Horn on behalf of the Coalition for Action.
25 This is another request by the Coalition for supplementary

1 funding.

2 There has been a request, as well, filed
3 with the Commission on behalf of the Diocese ---

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

5 **MR. ENGELMANN:** --- for supplementary
6 funding. That's been with us for some time.

7 I've spoken to Mr. Sherriff-Scott; he will
8 be here on Friday when we expect we'll be back with Mr.
9 Guzzo ---

10 **THE COMMISSIONER:** Sure.

11 **MR. ENGELMANN:** --- and I advised him that
12 he could speak to it then.

13 **THE COMMISSIONER:** All right.

14 **MR. ENGELMANN:** In that case, it's very
15 similar to other ones; it's an extension of paralegal
16 funding, essentially, for research purposes.

17 So the two, today, Mr. Neville has filed a
18 Notice of Motion. I don't know if you have a copy of it,
19 sir?

20 **THE COMMISSIONER:** Yeah.

21 **MR. ENGELMANN:** Maybe I'll just introduce
22 the two, to start, and then perhaps we could start with Mr.
23 Neville's motion.

24 **THE COMMISSIONER:** Sure.

25 **MR. ENGELMANN:** A Notice of Motion, I

1 believe it was filed on Friday afternoon with the
2 Commission; if it could be marked 11.2?

3 **THE COMMISSIONER:** Sure.

4 **--- EXHIBIT NO./PIÈCE NO. 11.2:**

5 Application for Standing, Estate of Ken
6 Seguin and Doug Seguin

7 **MR. ENGELMANN:** And on behalf of the
8 Coalition, Mr. Horn -- and I apologize to him -- I don't
9 remember the date. I believe this was filed, as well, on
10 Friday, the 23rd, Notice of Application for Supplementary
11 Funding, if it could be marked Exhibit 631G.

12 **THE COMMISSIONER:** All right.

13 **--- EXHIBIT NO./PIÈCE NO. 631G:**

14 Notice of Application for Supplementary
15 Funding

16 **MR. ENGELMANN:** Perhaps I'll turn the floor
17 over to Mr. Neville.

18 I don't think any parties have filed any
19 submissions on either of these motions.

20 **THE COMMISSIONER:** Okay.

21 Mr. Neville.

22 **--- MOTION BY/REQUÊTE PAR MR. NEVILLE:**

23 **MR. NEVILLE:** Good afternoon, Mr.
24 Commissioner.

25 **THE COMMISSIONER:** Good afternoon.

1 **MR. NEVILLE:** The Notice of Motion, I don't
2 expect to be any length of time with you, sir, but it more
3 or less speaks for itself.

4 As you know, and it's been reproduced in
5 paragraph 2 of the notice, we made an initial application
6 approximately two years ago before you on behalf of Mr.
7 Seguin's estate and his family, who was represented by the
8 last witness, Douglas Seguin, and at that point you ruled,
9 sir, that the Ministry, until belief in a conflict existed,
10 would protect his interests or represent his interests.

11 Since that time, of course, among other
12 things, the most significant development, from our
13 standpoint and the primary reason we are back, is the
14 delivery of the anticipated evidence summaries for the ---

15 **THE COMMISSIONER:** Yes.

16 **MR. NEVILLE:** --- Ministry witnesses.

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

18 **MR. NEVILLE:** And I'll let Mr. Neuberger
19 speak for himself, but I've spoken to both him and Mr.
20 Engelmann, and it's now, as I understand it, clear that the
21 Ministry's position will be not to question the validity or
22 accuracy of anything that's said about Mr. Seguin -- the
23 late Mr. Seguin, but the timing of it, vis-à-vis any
24 responsibilities they may have had.

25 And it is clear, sir, from the AEs, as we

1 have seen them, that many people will now be expressing
2 various opinions, some of them in retrospect about Mr.
3 Seguin, none of which was apparent or known before until
4 those documents were delivered.

5 Interestingly, sir, if I can refer to the
6 transcript of November 19th, and this was when Commission
7 counsel presented to you the ODE in relation to Ken Seguin.

8 **THE COMMISSIONER:** Yeah.

9 **MR. NEVILLE:** And Commission counsel, at
10 that point Ms. Morris, advised you this, sir, and I'm
11 reading from page 56:

12 "We have circulated the draft ODE. We
13 received comments from many of the
14 parties following the circulation of
15 the overview. Counsel have made
16 comments and we have incorporated some.
17 Some parties express concerns that the
18 ODE did not tell the entire Seguin
19 story. For these reasons, in
20 consultation with the parties, we are
21 proposing that the ODE be filed along
22 with a note. The note would be
23 entitled 'Preface to the Overview of
24 Documentary Evidence, Ken Seguin'. It
25 would indicate that the overview is

1 based on documents that relate to Ken
2 Seguin. Allegations for the most part
3 were disclosed after his death and
4 consequently there had been very few
5 investigations of the specific
6 allegations. We have omitted
7 references to the evidence already
8 given by witnesses who alleged were
9 victims of Seguin. The evidence and
10 the exhibits filed during that
11 testimony is already in evidence as
12 part of the record."

13 **THE COMMISSIONER:** Right.

14 **MR. NEVILLE:** And then at line 6 -- I'm now
15 on page 57, sir.

16 **THE COMMISSIONER:** Yeah.

17 **MR. NEVILLE:** "These documents and a summary
18 of all the numerous allegations will be
19 introduced by witnesses we're calling
20 as part of the institutional response
21 of the Ministry of Community and Social
22 Services. These documents will be
23 filed in evidence at that time."

24 And as I -- just stopping there briefly, as
25 I indicated to you, sir, my understanding from Ministry

1 counsel is they will not be questioning the content, as
2 opposed to the timing.

3 **THE COMMISSIONER:** All right.

4 **MR. NEVILLE:** Continuing on:

5 "And lastly, the overview of
6 documentary evidence only tells part of
7 the story and should be considered
8 together with evidence that has
9 previously been heard and that remains
10 to be called, to get a complete picture
11 of the story."

12 And that, in effect, sir, is what I
13 anticipate, having read the AEs, will happen.

14 So that Mr. Seguin is in a position where,
15 by virtue of his reputation and the concerns of his family,
16 there will be matters that were not known and could not
17 have been known until these interviews were conducted and
18 brought forward in the form of the AEs and that's why we
19 make the request today that we do.

20 I'm advised that, indeed, three members of
21 the Ministry, still living, are now separately represented
22 by counsel; Mr. Sirrs, the next witness you may hear later
23 today, a Mr. van Diepen and a Mr. Robert.

24 **THE COMMISSIONER:** Right. But that's
25 nothing to do with us.

1 You're asking ---

2 **MR. NEVILLE:** No, no, all to say to you,
3 sir, that there are situations that have clearly arisen ---

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

5 **MR. NEVILLE:** --- certainly since November
6 of 2005 ---

7 **THE COMMISSIONER:** Right.

8 **MR. NEVILLE:** --- resulting in the Ministry
9 not representing by choice, or by choice perhaps of the
10 former members, or some may be current members, actually,
11 I'm not sure, independent representation.

12 So Mr. Seguin, for example, were he still
13 alive today, I would suggest to you quite strongly would be
14 an appropriate candidate for separate representation.

15 That, being the Ministry's position, and
16 given what I've read to you, subject to any questions from
17 you, sir, would be our position.

18 **THE COMMISSIONER:** Okay. Well, I've got a
19 couple.

20 **MR. NEVILLE:** Yes.

21 **THE COMMISSIONER:** First of all, I learned
22 yesterday that the Estate of Ken Seguin does no longer
23 exist; it was finished, wrapped up in 1994 ---

24 **MR. NEVILLE:** Yes, well ---

25 **THE COMMISSIONER:** And -- no, my turn, my

1 turn -- and I also know now that Doug Seguin is not the
2 executor, so he really has no ---

3 **MR. NEVILLE:** Well, we provided all that,
4 sir, back in November of '05.

5 **THE COMMISSIONER:** Yeah.

6 **MR. NEVILLE:** We filed the estate documents
7 ---

8 **THE COMMISSIONER:** Right, right.

9 **MR. NEVILLE:** --- showing who the named
10 executor was.

11 **THE COMMISSIONER:** Sure.

12 **MR. NEVILLE:** And you, in fact, granted
13 standing for Phase 2 ---

14 **THE COMMISSIONER:** I know.

15 **MR. NEVILLE:** --- to Mr. Doug Seguin.

16 **THE COMMISSIONER:** Absolutely.

17 **MR. NEVILLE:** --- albeit incorrectly
18 identified, but it is Doug.

19 **THE COMMISSIONER:** Yeah.

20 **MR. NEVILLE:** And to the estate.

21 **THE COMMISSIONER:** Yeah. For Phase 2.

22 **MR. NEVILLE:** Yes.

23 **THE COMMISSIONER:** And, you know, in the
24 end, the estate -- the estate isn't a legal entity.

25 **MR. NEVILLE:** Well, may I say, this is for

1 want of a better name.

2 **THE COMMISSIONER:** Right. Okay.

3 **MR. NEVILLE:** If it's better that I put it
4 on behalf of "the late Mr. Seguin" as opposed to his estate
5 in the legal formality thereof, I'll put it that way.

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

7 **MR. NEVILLE:** But I would simply say to you
8 that your ruling ---

9 **THE COMMISSIONER:** Yes.

10 **MR. NEVILLE:** --- in '05 was premised on no
11 difference between the Ministry and Mr. Seguin.

12 **THE COMMISSIONER:** All right. Now, let's -
13 --

14 **MR. NEVILLE:** You're now taking a different
15 position.

16 **THE COMMISSIONER:** Okay. Let's talk about
17 the conflict.

18 **MR. NEVILLE:** Yes.

19 **THE COMMISSIONER:** You see, what -- I just
20 want to make sure we're not going into -- you see, you're
21 saying that you want to have standing for the purposes of
22 examining or cross-examining their witnesses.

23 **MR. NEVILLE:** Certain named ones, as ---

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

25 **MR. NEVILLE:** --- you see from the motion;

1 not them all.

2 **THE COMMISSIONER:** Okay. And it's with
3 respect to whether or not they're going to talk about his
4 sexual orientation. Well ---

5 **MR. NEVILLE:** Among other things.

6 **THE COMMISSIONER:** Well, okay. Well, you
7 see, for van Diepen there was some issue as to criminal
8 activity, possibility of a section 5 Notice because he --
9 you know, there was some allegation that he coerced getting
10 the outlining district because of what he knew about
11 Seguin, and so that was -- there was some quasi-criminal or
12 criminal conduct.

13 Are you telling me that those witnesses that
14 you are going to allege criminal or quasi-criminal actions
15 on behalf of the late Ken Seguin?

16 **MR. NEVILLE:** Well, it's more perhaps by
17 inference or implication, sir, than anything.

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

19 **MR. NEVILLE:** In addition, there appear to
20 be suggestions that he was somewhat less than compliant
21 with ministry policies or good ministry practice on how he
22 related with his probationers, how he personally interacted
23 with them.

24 **THE COMMISSIONER:** Right.

25 **MR. NEVILLE:** And this type of material, to

1 my knowledge, never surfaced prior to the AEs and the
2 document lists that have just recently been generated.

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

4 **MR. NEVILLE:** And that's why I had the
5 concerns I did and I raised them with Commission counsel
6 and with Mr. Neuberger and I'm raising them now with you.

7 **THE COMMISSIONER:** All right.

8 But we're not going anywhere near the truth
9 of whether or not those allegations are true.

10 **MR. NEVILLE:** Right.

11 **THE COMMISSIONER:** We're clear on that?

12 **MR. NEVILLE:** Yes.

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

14 So why would you have to bring an
15 application in Mr. -- this gentleman's here to represent
16 somebody and his interests. So if you want to represent
17 his interests -- oh no, he's here for the witness, you're
18 right. Mr. Seguin -- Mr. Doug Seguin testified.

19 **MR. NEVILLE:** Right.

20 **THE COMMISSIONER:** All right.

21 And so ---

22 **MR. NEVILLE:** I mean, he's simply the family
23 representative, sir, so that there was a live person ---

24 **THE COMMISSIONER:** Yes.

25 **MR. NEVILLE:** --- and he had certain

1 personal interests which now, in effect, he has to a large
2 degree testified.

3 **THE COMMISSIONER:** Yes, but, you know, we
4 always have to be careful about ---

5 **MR. NEVILLE:** Yes.

6 **THE COMMISSIONER:** He's a concerned
7 individual, obviously.

8 **MR. NEVILLE:** Yes.

9 **THE COMMISSIONER:** Now, if Mr. Seguin came
10 over and asked for standing for himself, isn't he like Ron
11 Leroux who was denied standing here because mere concern is
12 not enough?

13 **MR. NEVILLE:** I agree. On that level, I --
14 he's the instructing person, if you will, on behalf of the
15 family and I'd put it no higher than that.

16 **THE COMMISSIONER:** Yes.

17 **MR. NEVILLE:** And he did, as you've heard --
18 you've heard his evidence, so I'm not going to ---

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

20 **MR. NEVILLE:** --- go over it in great detail
21 about how he did interact with his brother; knew some of
22 his professional colleagues and he's touched on that in his
23 testimony and may indeed, should you see fit to grant this,
24 be of some source of knowledge and instructions in terms of
25 certain witnesses and his knowledge of them. I don't

1 expect it will be in great detail. I'm not telling you it
2 will.

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

4 **MR. NEVILLE:** I'm just more concerned about
5 the areas I've touched on already ---

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

7 **MR. NEVILLE:** --- and you see the material
8 that has been filed.

9 **THE COMMISSIONER:** Thank you.

10 **MR. NEVILLE:** Thank you.

11 **THE COMMISSIONER:** Mr. Neuberger?

12 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NEUBERGER:

13 **MR. NEUBERGER:** Good afternoon.

14 **THE COMMISSIONER:** Good afternoon, sir.

15 **MR. NEUBERGER:** The Ministry is going to
16 focus on the institutional response ---

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

18 **MR. NEUBERGER:** --- as a whole and then also
19 as its individual employees who are potential witnesses
20 acted based upon information that they knew at the time of
21 the events as they unfolded. So we're focused on the
22 institutional response.

23 Those base facts may be interpreted
24 differently by Mr. Seguin -- Doug Seguin -- than us. So
25 there may be certain facts which will come out in the

1 evidence that we just accept as is, as testified to or will
2 be testified to by our employees.

3 If those base facts are to be challenged as
4 not being completely accurate, for example ---

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

6 **MR. NEUBERGER:** --- and without giving
7 evidence ---

8 **THE COMMISSIONER:** Right.

9 **MR. NEUBERGER:** --- it's hard to talk in the
10 abstract ---

11 **THE COMMISSIONER:** Right.

12 **MR. NEUBERGER:** --- like this, but let's say
13 there's some evidence of contact with probationers who are
14 clients of Mr. Ken Seguin at the time and that contact was
15 known by other probation officers, we may not challenge
16 that actual contact which was known. If, however, another
17 party such as Doug Seguin wants to challenge that that
18 wasn't the type of contact, that wasn't how he was
19 portraying it or how he was dealing with clients, that will
20 not be something we're going to pursue.

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

22 **MR. NEUBERGER:** So we interpret our mandate
23 differently than he may and I would -- and viewed in a
24 different respect, one of the uniquenesses, I guess, of the
25 situation is being deceased, nobody specifically can speak

1 on his behalf and he is viewed in some light, although we
2 do not -- the merits of the allegations are not an issue.
3 Nevertheless, he's still cast in the light of a perpetrator
4 and so there is a unique interest in that regard which is
5 not an interest that we are going to be pursuing ---

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

7 **MR. NEUBERGER:** --- as part of our -- the
8 unfolding of our evidence either in examination or cross-
9 examination of other witnesses.

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

11 **MR. NEUBERGER:** But I don't think we have up
12 until now ---

13 **THE COMMISSIONER:** Guilt or innocence has
14 nothing to do with this.

15 **MR. NEUBERGER:** I understand. It's a
16 position though that I -- without arguing the point for Mr.
17 Neville, it's not unlike other parties who are here, who
18 are individuals who are accused of doing various things.

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

20 **MR. NEUBERGER:** Our perspective is different
21 given the institutional response based upon the evidence.

22 So if somebody from the family wants to
23 speak up to say, "Well, that's not necessarily how that
24 fact was or that was known to those persons," it's
25 certainly not a line of questioning that we're pursuing and

1 I think our -- the manner in which we've been carrying on
2 our case has been fairly consistent throughout. We intend
3 to continue that way.

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

5 **MR. NEUBERGER:** So in that regard, I agree
6 with Mr. Neville that there is a divergence in our
7 interests which, for us, if we were to cross-examine him in
8 a manner that he would like would raise a conflict and ---

9 **THE COMMISSIONER:** They will be all your
10 witnesses -- well, not your witnesses, but they will all be
11 Ministry witnesses right now.

12 **MR. NEUBERGER:** Fifteen (15) of them which
13 are slated or are former and current.

14 **THE COMMISSIONER:** Right.

15 **MR. NEUBERGER:** There are three, as one of
16 them which is being started hopefully very soon ---

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

18 **MR. NEUBERGER:** --- where there's individual
19 counsel like Mr. Rosen, who's here for Mr. Sirrs, where we
20 identify potential conflicts. So we'll have a limited role
21 in questioning, but we'll still have a role, but the
22 balance of them are our witnesses and we wouldn't be free
23 to cross-examine and examine those facts. Plus, we don't
24 interpret in the same way as in our interest in the overall
25 way that we conduct our mandate.

1 **THE COMMISSIONER:** Thank you.

2 **MR. NEUBERGER:** It sounded a bit abstract,
3 but I hope that helped.

4 **THE COMMISSIONER:** No. No, it helped.
5 Anyone else wish to make any comments at
6 this time? No. No. No.

7 Mr. Engelmann?

8 **MR. ENGELMANN:** My colleagues, Mr. Ruel and
9 Mr. Neuberger, are more familiar with some of the evidence
10 of the witnesses that are to follow.

11 However, having said that, I only know of
12 one who's going to be called who deals with a factual
13 overview, if I can call it, that sets out in some detail a
14 great number of allegations or complaints that have been
15 made ---

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

17 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

18 **MR. ENGELMANN:** --- subsequent to Mr.
19 Seguin's death about him, and so with that witness who will
20 review complaints made or civil actions taken and settled,
21 et cetera, there may be some conflict -- I say may be.

22 We don't have a situation like that of Jos
23 van Diepen where: 1) he's not only alive, but he's working
24 at the Ministry -- I think he may be retired now, but
25 certainly he was at the time this arose. Mr. Leroux gave

1 evidence of what, in effect, could be an allegation of
2 extortion, a threat to reveal the abuse issue and, as a
3 result, receiving a territory which was a perk and, as it
4 turned out, even though that was anticipated evidence, it
5 didn't really pan out that way in any event. So you gave
6 him very limited standing.

7 I don't know of any of the witnesses that
8 are coming forward that deal with any allegation like that.

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

10 **MR. ENGELMANN:** The only one who deals with
11 the issue that Mr. Neville brought up about -- if I can
12 call it reputation after the fact and things that wouldn't
13 have been known, to my knowledge, is Ms. Larivière who will
14 be the Corrections witness who talks about just some of the
15 scope of these claims and when they arose and the period of
16 time and how it fits in with Mr. Seguin's career at
17 Probation.

18 So I just wanted to make that point because
19 if Mr. Neville and/or Mr. Neuberger wanted to add anything
20 on that, but that's -- that's the one example I could think
21 of, if that is a conflict.

22 **THE COMMISSIONER:** Thank you.

23 All right. Next matter? Mr. Horn?

24 **MR. HORN:** Yes.

25 --- MOTION BY/REQUÊTE PAR MR. FRANK HORN:

1 **MR. HORN:** Yes.

2 Mr. Chisholm is here. Carson Chisholm is
3 present in the chambers, and as you can see in our
4 application, what we're really wanting to do is have at our
5 disposal someone who has basically lived with this process
6 for the last 15 years on a continuing basis, and even
7 continues to do so now.

8 Even right now people are still approaching
9 him with information on a regular basis, telling him about
10 situations that happened in the past and talking to him on
11 a regular basis. It's just like everywhere he goes, he is
12 a focus of a great deal of interest because they know that
13 -- the position that he has taken over the years in having
14 this Inquiry established.

15 I know that he didn't agree with the manner
16 in which it was established, but now that we've got an
17 Inquiry it's here and we're going to have to live with it.
18 He wants to participate in the process in helping us to
19 make sure that whatever that we represent and whatever we
20 convey to the Inquiry will be as pertinent and as well
21 researched as possible.

22 He, over those 15 years, has established a
23 great deal of contacts. He knows all of the different
24 players. He knows how this entire process came into
25 existence and, as a result, he is a resource for us that we

1 could never, ever buy in any other way.

2 So we're asking that Mr. Carson Chisholm be
3 -- because right now we are allowed to have a paralegal,
4 but the paralegal could never duplicate what Mr. Chisholm
5 can do. He can give us an insight into the whole process
6 for the last 15 years that nobody else could do because he
7 has been so closely involved in this whole process.

8 And so we're asking that -- and one of the
9 difficulties that Mr. Chisholm has in helping us is that he
10 is -- he has to work full time. He is a -- he sells real
11 estate. He does a lot of different kinds of things. He's
12 an auctioneer and he has great difficulty -- it's difficult
13 for him to take time to be able to come and work with us on
14 a regular -- but he wants Mr. Paul and myself to be working
15 with him because he trusts us. He feels comfortable with
16 us.

17 He feels that we can represent his point of
18 view and his position well because of the -- basically the
19 nature of our practices have been. We are sole
20 practitioners. We work for individuals and we're not part
21 of a larger law firm. We're basically on our own, and he
22 kind of feels comfortable with that type of individual that
23 he can work with, because we're basically not part of any
24 established law firm or large firms, or connected in any
25 way. So we're basically the type of individuals that he

1 can work with.

2 So we can work well as a team, and I think
3 that Mr. Chisholm can be helpful not only to us, but to
4 make sure that whatever we present to the Commission will
5 be the best information and the best questioning that could
6 be possibly done by either myself or Mr. Paul.

7 And I know that it will make it easier for
8 us also that he could go over -- for the last two years
9 there's transcripts of hundreds and hundreds of pages of
10 documentation that's already there that he could go over
11 and look at and summarize and help us to pinpoint the
12 important points that have to be brought forth in the
13 future in summations, in cross-examinations, and I think
14 that he would be an invaluable asset not only to us but to
15 the Commission.

16 We're just asking for him rather than having
17 a paralegal -- but have Mr. Chisholm be working with us.

18 **THE COMMISSIONER:** Thank you.

19 Anybody wish to comment? Ms. Daley.

20 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. DALEY:**

21 **MS. DALEY:** Thank you, Mr. Commissioner.

22 On behalf of CCR, I'd like to say that they
23 certainly accept it's important for community interest
24 groups to be appropriately funded so their participation
25 here is effective.

1 The trouble we have with the application is
2 that I do not believe the funding guidelines would permit a
3 person who is not a qualified paralegal to utilize the
4 funds that you have already granted my friend for
5 assistance.

6 So that's the stumbling block, in our view.
7 Thank you.

8 **THE COMMISSIONER:** Thank you.

9 Anyone else? Mr. Engelmann?

10 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:

11 **MR. ENGELMANN:** Sir, I just wanted to say I
12 know of no such recommendation ever having been made at a
13 public inquiry.

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

15 **MR. ENGELMANN:** Likewise, no such funding
16 ever having been granted, to my knowledge, sir.

17 Citizens' groups get funding when they meet
18 -- get funding once they meet a standing test and a funding
19 test. This funding is for counsel, typically. Sometimes,
20 in cases like this, where there are exceptional documents,
21 for help in navigating a database with paralegal assistance
22 or otherwise.

23 I don't think there is a line item for this.
24 I think there's a good reason for that. Citizens' groups
25 do so because they are citizens' groups and they

1 participate with hard work and on a voluntary basis.

2 I know it's difficult when people have jobs,
3 but what ends up happening is people meet in the evenings
4 or weekends. It's a big time commitment, but that's why
5 they get involved in inquiries, because they think they're
6 important and they're willing to make that time commitment.

7 So as I said, sir, I know of no such
8 recommendation ever having been granted. It would be very
9 difficult then to decide how to fund, which groups to fund
10 and which people to fund. I think there are all sorts of
11 reasons why recommendations like this are not typically
12 made -- are not made, sorry.

13 **THE COMMISSIONER:** Thank you.

14 Very well. Thank you.

15 **--- RULING BY THE COMMISSIONER/DÉCISION PAR LE COMMISSAIRE:**

16 **THE COMMISSIONER:** On the Coalition's
17 request, that motion will be denied. The reason for it is
18 probably twofold.

19 First of all, I think that the Citizens for
20 Community Renewal, Ms. Daley, has properly set it out, that
21 as Commissioner, I have to look at the expenditure of
22 public funds not in a vacuum but with the guidelines that
23 exist, and there are no guidelines, as far as I'm
24 concerned, to allow a party to be paid for giving advice or
25 helping counsel get ready for the hearings.

1 Secondly, if I'm wrong, I echo Mr.
2 Engelmann's comments that with respect to citizens' groups
3 -- I look at the Citizens for Community Renewal, those
4 folks that have been here day in and day out. It is a big
5 commitment. It's something that is -- the backbone of
6 communities is the volunteer work that people do, and I
7 think that there is no inquiry that has ever given funding
8 in that manner, and I think that it would bode ill if we
9 opened that door at this point-in-time and I don't know
10 that the material before me has given me anywhere near to
11 open that door.

12 So again, with regret, I think that that
13 will be denied.

14 With respect to Mr. Doug Seguin's -- or the
15 Estate of Ken Seguin's matter, I am going to grant standing
16 as requested for the purposes of cross-examining only those
17 folks mentioned in paragraph 8, and only to the extent that
18 the position of Corrections is adverse to the memory of Ken
19 Seguin.

20 So we'll take the afternoon break, come back
21 at 3:30.

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

24 This hearing will resume at 3:30 p.m.

25 --- Upon recessing at 3:10 p.m./

1 L'audience est suspendue à 15h10

2 --- Upon resuming at 3:30 p.m./

3 L'audience est reprise à 15h30

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

6 This hearing is now resumed. Please be
7 seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Good afternoon, once
9 again.

10 The crowd thins at 3:30.

11 ---REMARKS BY/REMARQUES PAR MR. PETER ENGELMANN:

12 **MR. ENGELMANN:** Sir, I know it was just an
13 afternoon break but we are starting a new stage of Phase I
14 of this Inquiry.

15 I want to welcome Peter Sirrs to Cornwall --
16 to the Cornwall Public Inquiry.

17 Good afternoon, sir.

18 **MR. SIRRS:** Good afternoon.

19 **MR. ENGELMANN:** And Mr. Sirrs is represented
20 by Mr. Rosen ---

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** --- who is immediately to my
23 right. I believe he may have introduced himself earlier.

24 **THE COMMISSIONER:** Yes, thank you.

25 **MR. ENGELMANN:** Mr. Sirrs, I just want to

1 explain a couple of things to you. One is there is a
2 screen to your left. We will have some documents that will
3 go up on the screen. You will also be provided with a
4 hardcopy of these documents. So you use either one you're
5 more comfortable with.

6 There's a speaker just in front of you, sir.
7 If I'm not speaking loudly enough or you can't hear someone
8 you can turn that up.

9 **MR. SIRRS:** Okay.

10 **MR. ENGELMANN:** There's water to your right.

11 And if you have any questions at any time --
12 well, the Commissioner will have a couple of words for you
13 before I get started, so maybe I'll turn it over to him.

14 **THE COMMISSIONER:** Well, thank you.

15 **MR. ROSEN:** And he also has a right to
16 consult with his counsel I understand?

17 **MR. ENGELMANN:** No witness has ever done
18 that, sir, in these hearings. The counsel rights are set
19 out in Rule 22. I just advised Mr. Rosen of those rights.

20 If he wants to object to a question he can
21 do so ---

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** --- but I think the -- if
24 Mr. Rosen wants me to explain those rules to him at the
25 break I will.

1 **MR. ROSEN:** No, no, I'm familiar with that.
2 But, Mr. Sirrs, my understanding, sir, was -

3 --

4 **MR. ENGELMANN:** No, no, sir, rule number one
5 ---

6 **MR. ROSEN:** My understanding, sir, is if Mr.
7 Sirrs feels that he needs a break he can ask you for a
8 break.

9 **THE COMMISSIONER:** Not to consult with you
10 though.

11 **MR. ROSEN:** Why not?

12 **THE COMMISSIONER:** Well, the practice has
13 been that once a witness is on the stand ---

14 **MR. ROSEN:** Yes.

15 **THE COMMISSIONER:** --- that witness does not
16 speak to anyone concerning his evidence and none comes
17 back.

18 **MR. ROSEN:** Except that the witness has a
19 right to consult with counsel in order to get advice.

20 **THE COMMISSIONER:** With my permission.

21 **MR. ROSEN:** Yes.

22 **THE COMMISSIONER:** On an issue. On a
23 specific issue.

24 **MR. ROSEN:** Yes, on a specific issue.

25 **THE COMMISSIONER:** Sure. Right. I think

1 we're at ---

2 **MR. ROSEN:** I think we're all on the same
3 page.

4 **THE COMMISSIONER:** Yeah. It's just you
5 can't go out on a break and discuss what's going to happen
6 next, and this and that. If there is an issue that arises
7 ---

8 **MR. ROSEN:** Absolutely.

9 **THE COMMISSIONER:** And as an officer of the
10 court we all ---

11 **MR. ROSEN:** We know what the rules are.

12 **THE COMMISSIONER:** We know what the rules
13 are and away we go. All right.

14 **MR. ROSEN:** Precisely.

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

16 Mr. Engelmann, are you done stealing my
17 thunder with the witness now?

18 **(LAUGHTER/RIRES)**

19 **MR. ENGELMANN:** Oh, I am. It's your turn.

20 **THE COMMISSIONER:** Sir, these fellows, they
21 ask questions sometimes that are longer than this hall, and
22 so if you don't understand the question just ask them to
23 repeat it or change it around a little bit.

24 If at any time you feel uncomfortable or
25 you're unsure about something and your lawyer hasn't

1 objected already just look over to me and say, "You know, I
2 feel a little uncomfortable here" and we'll stop everything
3 and we'll talk about things.

4 If ever you need a break, let me know. We
5 intend to go until about 5:00 tonight and so -- or maybe a
6 little later or a little earlier. It depends on where we
7 are in the examination.

8 Do you have any questions, sir?

9 **MR. SIRRS:** Not at this time, sir.

10 **THE COMMISSIONER:** So I'll remind you to
11 speak into the microphone.

12 **MR. SIRRS:** Okay. May you clarify how I
13 address you?

14 **THE COMMISSIONER:** Well, I've been addressed
15 in many ways in the past.

16 **(LAUGHTER/RIRES)**

17 **MR. SIRRS:** What's the appropriate way, sir?

18 **THE COMMISSIONER:** Mr. Commissioner would be
19 fine.

20 **MR. SIRRS:** Mr. Commissioner. Thank you.

21 **THE COMMISSIONER:** All right.
22 Thank you.

23 **MR. ENGELMANN:** That's one of the more
24 polite ways that I can recall, sir.

25 Mr. Sirrs, before I -- you were an area

1 manager.

2 Has he not been affirmed?

3 **THE COMMISSIONER:** No, he hasn't.

4 **MR. ENGELMANN:** Oh, I'm sorry. Yes, if the
5 witness could be affirmed.

6 **PETER SIRRS, Affirmed/Sous affirmation solennelle:**

7 **THE COMMISSIONER:** Go ahead, sir.

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

9 **ENGELMANN:**

10 **MR. ENGELMANN:** Mr. Sirrs, I understand that
11 you were formerly an employee of the Government of Ontario?

12 **MR. SIRRS:** Yes.

13 **MR. ENGELMANN:** Ministry of Corrections?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** And that you were at one
16 point in your career the area manager for their office here
17 in Cornwall?

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

19 **MR. ENGELMANN:** And that was for an office
20 that dealt with probation and parole?

21 **MR. SIRRS:** Correct.

22 **MR. ENGELMANN:** All right.

23 Before I ask you questions about your work
24 experience here in Cornwall, I'd just like to ask you a few
25 questions about your background and your education, if I

1 may?

2 Sir, I understand that you were formerly in
3 the Air Force?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** And that you were with the
6 Air Force as an enlisted man until approximately 1958?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** And I understand after that,
9 that -- well, you started with them in 1958 and after
10 approximately 10 years you retired from the Air Force?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** And that would have been at
13 the rank of corporal?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** And that would have been in
16 approximately 1968?

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** And after that I understand,
19 sir, you went back to school and got a further education?

20 **MR. SIRRS:** There was a brief period of
21 employment prior to that.

22 **MR. ENGELMANN:** Okay. And as far as the
23 schooling, that you studied at Nipissing College in North
24 Bay?

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** And after the first year
2 there transferred to Carleton University?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** That you obtained a Bachelor
5 of Arts degree in 1973?

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

7 **MR. ENGELMANN:** And further, that you
8 obtained a Masters in Criminology in 1975?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** And, sir, I understand that
11 you worked, prior to 1975, part-time with the Ministry of
12 Community Safety and Corrections in 1973 and '74?

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** In what capacity, sir?

15 **MR. SIRRS:** As a probation officer.

16 **MR. ENGELMANN:** And, sir, I understand that
17 you worked with the Ministry from 1975 on a full-time
18 basis?

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** You were posted in North Bay
21 as a probation and parole officer?

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** And that you were there for
24 approximately six years?

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** After that, sir, you were
2 promoted to area manager here in Cornwall?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** And you worked here for
5 approximately three years?

6 **MR. SIRRS:** Yeah, plus a bit.

7 **MR. ENGELMANN:** Plus a bit. 1981 -- do you
8 remember when in 1981?

9 **MR. SIRRS:** September 1, 1981 to December
10 31st, 1984.

11 **MR. ENGELMANN:** All right. And that after
12 those three plus years here, sir, did you then go on and
13 work in the City of Ottawa?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** And your title there was
16 what, sir?

17 **MR. SIRRS:** Deputy Superintendent at the
18 Ottawa Carleton Detention Centre.

19 **MR. ENGELMANN:** And, sir, how long did you
20 work in that capacity?

21 **MR. SIRRS:** Just a little over two years.

22 **MR. ENGELMANN:** And, sir, after that?

23 **MR. SIRRS:** Oh, I resumed my position as an
24 area manager in Ottawa.

25 **MR. ENGELMANN:** All right. And how long did

1 you do that, sir?

2 **MR. SIRRS:** Until 1992.

3 **MR. ENGELMANN:** Right. And, sir, where you
4 then transferred somewhere else after that?

5 **MR. SIRRS:** Transferred to North Bay.

6 **MR. ENGELMANN:** And would that again be as
7 an area manager?

8 **MR. SIRRS:** No, I was a policy analyst.

9 **MR. ENGELMANN:** And still with the Ministry
10 of Corrections?

11 **MR. SIRRS:** Still with the Ministry of
12 Corrections.

13 **MR. ENGELMANN:** And I understand, sir, you
14 retired from the Ministry in or around 1997?

15 **MR. SIRRS:** In '96 - '97, yes.

16 **MR. ENGELMANN:** And you've been retired
17 since?

18 **MR. SIRRS:** Yes.

19 **MR. ENGELMANN:** I understand, sir, that
20 although you retired from work you're raising two teenage
21 daughters?

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** On your own?

24 **MR. SIRRS:** Now, yes.

25 **MR. ENGELMANN:** Yes.

1 Sir, I want to then just go back for a
2 little bit to talk about your career first in North Bay as
3 a probation officer and then your work here as an area
4 manager.

5 With respect to your work as a probation
6 officer, probation and parole officer in North Bay, and
7 this would have been from '75 to '81, did you work with
8 both adults and adolescents?

9 **MR. SIRRS:** No. I never supervised
10 adolescents.

11 **MR. ENGELMANN:** All right.

12 **MR. SIRRS:** They were totally adults, 16 and
13 over.

14 **THE COMMISSIONER:** Well, whoa, whoa, whoa.
15 Sixteen (16) and over?

16 **MR. SIRRS:** At that time, yes.

17 **THE COMMISSIONER:** Okay. Well, they're not
18 adults, but ---

19 **MR. SIRRS:** Well, they were at that time,
20 sir, according to the Ministry.

21 **THE COMMISSIONER:** Okay.

22 **MR. SIRRS:** Juveniles were under 16.

23 **MR. ENGELMANN:** Okay. So this would have
24 been under the then *Juvenile Delinquents Act*? This WAS
25 before the advent of the *Young Offenders Act*, sir?

1 **MR. SIRRS:** Yes.

2 **MR. ENGELMANN:** All right. And so you dealt
3 with probationers who were 16 or over?

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

5 **MR. ENGELMANN:** All right. And, sir, while
6 you were there, did you obtain any management or
7 supervisory training?

8 **MR. SIRRS:** No.

9 **MR. ENGELMANN:** Did you have any management
10 or supervisory experience?

11 **MR. SIRRS:** Not at that time, no.

12 **MR. ENGELMANN:** All right. And, sir, can
13 you tell us how it is you came to get the position in
14 Cornwall in 1981?

15 **MR. SIRRS:** I attended an assessment centre
16 in 1981, early in 19 -- in the spring of 1981.

17 **MR. ENGELMANN:** And is that something one
18 does if one wants a promotional position within the
19 Ministry? It was at that time?

20 **MR. SIRRS:** I think that was a unique
21 experience. They had something like about 28 individuals
22 who attended that. Normally it was done through
23 competition.

24 **MR. ENGELMANN:** All right. So these 28
25 individuals, were several of you then promoted into

1 manager-type positions?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: And the one that you were
4 assigned or you were successful in getting was here in
5 Cornwall?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: So when you started in
8 Cornwall as an area manager, did the Ministry give you some
9 training before you started? Or was the training on the
10 job?

11 MR. SIRRS: On the job and subsequent
12 training sessions from time-to-time.

13 MR. ENGELMANN: All right.
14 Were you sent for courses?

15 MR. SIRRS: Yes.

16 MR. ENGELMANN: And would they have been
17 within the Ministry, sir, or external-type courses or do
18 you recall?

19 MR. SIRRS: Within the Ministry.

20 MR. ENGELMANN: All right.

21 And can you give us some sense of the
22 management or supervision training you would have received?

23 MR. SIRRS: That was quite a number of years
24 ago.

25 MR. ENGELMANN: I know.

1 **MR. SIRRS:** You'll have to forgive me.

2 **MR. ENGELMANN:** That's fine. Just to the
3 best of your knowledge.

4 **MR. SIRRS:** Yeah.

5 **MR. ENGELMANN:** This is about 25 years ago
6 that we're talking about.

7 **MR. SIRRS:** That's right. That's right.
8 And I don't recall specifically the courses that I
9 attended.

10 **MR. ENGELMANN:** All right.

11 **MR. SIRRS:** The Ministry may have it on my
12 file. I don't know.

13 **MR. ENGELMANN:** All right.

14 But, in any event, they would have been in-
15 service training-type courses?

16 **MR. SIRRS:** That's correct. That's correct.

17 **MR. ENGELMANN:** All right.

18 Do you recall, sir, if you had -- if you
19 received any training on doing investigations if there were
20 criminal or quasi-criminal activity being alleged against
21 any of your employees?

22 **MR. SIRRS:** I prepared numerous presentence
23 reports and pre-parole reports, which constituted a form of
24 investigation.

25 **MR. ENGELMANN:** Okay. So that would've

1 always have been with probationers, when you were a
2 probation officer?

3 MR. SIRRS: That's correct.

4 MR. ENGELMANN: Did you continue to do any
5 of that work when you became area manager or is that
6 something that your employees did?

7 MR. SIRRS: That's something that the staff
8 did.

9 MR. ENGELMANN: All right.

10 But with respect to any training on doing an
11 investigation of criminal or quasi-criminal activity of
12 staff, given any training of that sort by the Ministry?

13 MR. SIRRS: No.

14 MR. ENGELMANN: All right.

15 And were you told about policies and/or
16 procedures with respect to that, to your knowledge?

17 MR. SIRRS: Yes. I would be familiar with
18 the Ministry policies.

19 MR. ENGELMANN: Okay. So there would have
20 been a policy or procedure book to follow?

21 MR. SIRRS: Not with respect to
22 investigations of which I'm aware.

23 MR. ENGELMANN: Okay. With respect to what
24 then, sir?

25 MR. SIRRS: The Ministry policies for

1 behaviour of staff, certainly.

2 MR. ENGELMANN: Okay. All right.

3 Now, sir, do you have some knowledge about
4 who was supervising the staff here in Cornwall before you
5 started?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: Who would that have been?

8 MR. SIRRS: Bill Groten immediately.

9 THE COMMISSIONER: I'm sorry, Bill?

10 MR. SIRRS: Bill Groten.

11 MR. ENGELMANN: That's G-R-O-T-E-N?

12 MR. SIRRS: That's my understanding.

13 MR. ENGELMANN: All right.

14 And you were an on-site manager, were you
15 not.

16 MR. SIRRS: In Cornwall?

17 MR. ENGELMANN: Yes.

18 MR. SIRRS: Yes.

19 MR. ENGELMANN: Was Mr. Groten an on-site
20 manager?

21 MR. SIRRS: No.

22 MR. ENGELMANN: So how did he supervise the
23 Cornwall office, to your knowledge?

24 MR. SIRRS: He would travel to Cornwall one
25 or two times a month or otherwise, as required.

1 **THE COMMISSIONER:** From Ottawa?

2 **MR. SIRRS:** I'm sorry, from Kingston.

3 **THE COMMISSIONER:** Kingston, all right.

4 Okay.

5 **MR. ENGELMANN:** And this you would have
6 gleaned either from him or from the staff when you started?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** All right.

9 Was there any overlap in your supervision
10 and his?

11 **MR. SIRRS:** He took time to brief me on the
12 situation of Cornwall, and I think I had about a week with
13 him here in Kingston and in Cornwall.

14 **MR. ENGELMANN:** All right.

15 And briefing about what?

16 **MR. SIRRS:** The nature of the staff, the
17 issues that were ongoing, administrative factors that I had
18 to perform.

19 **MR. ENGELMANN:** Was this important for you?

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** I mean, you hadn't had that
22 experience before, managing staff. So I assume that that
23 would have been helpful?

24 **MR. SIRRS:** Yes, very helpful.

25 **MR. ENGELMANN:** All right.

1 And was he someone that you could call now
2 and then ---

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** And did you, in fact, avail
5 yourself of that?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** Sir, perhaps we could take a
8 look at an org chart, because I just want to get a sense as
9 to who was in the office, how many positions you were
10 dealing with. And rather than just rely on your memory,
11 maybe I can just show you a document.

12 **MR. SIRRS:** Okay.

13 **THE COMMISSIONER:** Can I ask: Is this in
14 the '81-'84 or is this throughout whenever he was manager
15 in Cornwall?

16 **MR. ENGELMANN:** I'm going to have the
17 witness look at three different time frames, sir.

18 **THE COMMISSIONER:** Right. Okay.

19 As well, can you help us out when the youth
20 -- *Young Offenders Act*?

21 **MR. ENGELMANN:** *Young Offenders Act*.

22 **MR. SIRRS:** Yes.

23 **THE COMMISSIONER:** When did that come in?

24 **MR. SIRRS:** In 1985.

25 **THE COMMISSIONER:** Okay. Okay. So not for

1 the first time. Okay.

2 **MR. ENGELMANN:** If the witness could be
3 shown document number 116745.

4 **THE COMMISSIONER:** Thank you. That will be
5 -- whoops, yes, Exhibit 1061 ---

6 **MR. ENGELMANN:** Okay.

7 **THE COMMISSIONER:** --- is when the Cornwall
8 PMP -- what's "PMP"? Probation and Parole Organizational
9 chart. Okay.

10 --- **EXHIBIT NO./PIÈCE NO 1061:**

11 Probation and Parole Organizational
12 Chart

13 **MR. ENGELMANN:** Mr. Commissioner, these were
14 documents that were prepared by someone in the recent past,
15 so they were -- they were not prepared at the time.

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

17 **MR. ENGELMANN:** But they were provided to us
18 by -- through Corrections' counsel.

19 **THE COMMISSIONER:** It's a reconstruction, I
20 guess.

21 **MR. ENGELMANN:** Yes, it is.

22 And you'll note, for example, and let's turn
23 to, just for a minute, sir, to the page that has "Cornwall
24 1984" on it?

25 **MR. SIRRS:** I have "Cornwall 1974" -- '80?

1 Eighty-four (84), okay.

2 MR. ENGELMANN: Yeah.

3 So there should be a page with that ---

4 MR. SIRRS: Yes.

5 MR. ENGELMANN: --- and you'll note, for
6 example, it says at the bottom, and I'm sure this is a
7 typo, "Peter Sirrs left to go Ottawa East in late 2004".

8 MR. SIRRS: Yes, that's an error, yes.

9 MR. ENGELMANN: And that should say "1984."

10 MR. SIRRS: That's correct.

11 MR. ENGELMANN: Right. Just like in the box
12 -- the top box where you see "Leo White, area manager"?

13 MR. SIRRS: Yes.

14 MR. ENGELMANN: Did he replace you, sir, in
15 '84?

16 MR. SIRRS: Temporarily, yes.

17 MR. ENGELMANN: All right.

18 And again there's an error there where it
19 says ---

20 MR. SIRRS: That's right.

21 MR. ENGELMANN: --- "late 2004"?

22 MR. SIRRS: That's correct.

23 MR. ENGELMANN: Okay. All right.

24 So we know that those should say 1984.

25 MR. SIRRS: Yes.

1 MR. ENGELMANN: All right.

2 So let's look at the one that says 1980.

3 THE COMMISSIONER: I'm sorry, 1980?

4 MR. ENGELMANN: Right.

5 And you tell us, sir, that you arrived in
6 September of '81?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: And can you tell us, aside
9 from the top box, which presumably would have your name in
10 it, that says "Bill Groten"?

11 MR. SIRRS: Yes.

12 MR. ENGELMANN: Were those other staff there
13 in the Cornwall office when you arrive?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: And was there anyone else
16 there?

17 MR. SIRRS: No.

18 MR. ENGELMANN: All right.

19 So you had four Probation and Parole
20 officers?

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: And you had two admin staff?

23 MR. SIRRS: Yes.

24 MR. ENGELMANN: All right.

25 And, sir, do you have a sense -- and you

1 were located at 340 Pitt Street?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: And can you tell us who else
4 was located at 340 Pitt Street?

5 MR. SIRRS: Well, that was considered the
6 court building. So the courts were in that building, as
7 well as the police on the main floor and then we occupied
8 an office on the fourth floor.

9 MR. ENGELMANN: And did anyone else share
10 the fourth floor with you?

11 MR. SIRRS: I don't recall.

12 MR. ENGELMANN: All right.

13 So you were on the fourth floor; the police
14 are on the first floor?

15 MR. SIRRS: Yes.

16 MR. ENGELMANN: And who's -- do you recall
17 who was on the second and third floors?

18 MR. SIRRS: I believe those were the courts.

19 MR. ENGELMANN: All right.

20 MR. SIRRS: And the admin -- the court
21 administration offices.

22 MR. ENGELMANN: All right.

23 And did the building have a name, sir?

24 MR. SIRRS: I only knew it as the Court
25 Building.

1 **MR. ENGELMANN:** All right.

2 And do you know how long the office had been
3 in the Court Building?

4 **MR. SIRRS:** Oh, no, I'm sorry. I have no
5 knowledge of that.

6 **MR. ENGELMANN:** All right.

7 Would it be fair to say that it had been
8 there for some time?

9 **MR. SIRRS:** Some time, yes.

10 **MR. ENGELMANN:** All right.

11 And what about the staff that you had just
12 inherited, that you were coming in to supervise, if we look
13 at the list there: Ken Seguin?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** He'd been there for many
16 years?

17 **MR. SIRRS:** He was the longest serving
18 probation officer in the office, yes.

19 **MR. ENGELMANN:** And to my understanding, he
20 would have been there since perhaps the late 60s?

21 **MR. SIRRS:** My understanding is that he was
22 14 years at that point a probation officer.

23 **MR. ENGELMANN:** All right.

24 And so that would take us to the mid- 'till
25 late sixties?

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: Because you come in '81.

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: And Nelson Barque?

5 MR. SIRRS: I understand that he was there
6 about nine years; eight to nine years.

7 MR. ENGELMANN: All right.

8 Jos van Diepen?

9 MR. SIRRS: I wouldn't be able to say. I
10 can't -- I don't recall.

11 MR. ENGELMANN: All right.

12 Do you know -- these officers had levels,
13 did they not?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: PO1, PO2?

16 MR. SIRRS: Yes, yes.

17 MR. ENGELMANN: Do you know if he had been
18 there long enough to be at the PO2 level?

19 MR. SIRRS: Mr. ---

20 MR. ENGELMANN: van Diepen.

21 MR. SIRRS: --- van Diepen?

22 Yes.

23 MR. ENGELMANN: Yeah. Okay. So he had been
24 there for a few years, you're just ---

25 MR. SIRRS: That's correct.

1 MR. ENGELMANN: --- not sure how many?

2 MR. SIRRS: I'm not sure how many.

3 MR. ENGELMANN: All right.

4 And Stewart Rousseau?

5 MR. SIRRS: He was a PO1.

6 MR. ENGELMANN: All right.

7 So he was relatively new?

8 MR. SIRRS: That's difficult to answer,
9 because his situation, if I could explain?

10 MR. ENGELMANN: Sure.

11 MR. SIRRS: His situation was one where he
12 was assigned as a probation officer from the Cornwall jail.
13 There was an issue at the jail that resulted in his being
14 assigned to the probation office and he had some difficulty
15 in completing the PO2 qualifications.

16 MR. ENGELMANN: All right.

17 So it's not just seniority; you have to pass
18 certain qualifications ---

19 MR. SIRRS: That's correct.

20 MR. ENGELMANN: --- to go from PO1 ---

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: --- to a PO2?

23 MR. SIRRS: That's correct.

24 MR. ENGELMANN: Fair enough.

25 What about your support staff, you have

1 Marcelle Leger fulltime?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: Was there a specific title
4 that she held that you can recall, sir?

5 MR. SIRRS: Not at that time, other than
6 support staff.

7 MR. ENGELMANN: All right.

8 Do you have some sense as to how many years
9 she had been there?

10 MR. SIRRS: Oh, no. Quite a while, but I
11 don't recall exactly, no.

12 MR. ENGELMANN: Do you know if she'd been
13 there as long as Mr. Seguin, or longer?

14 MR. SIRRS: I would think so, yes.

15 MR. ENGELMANN: All right.

16 And what about Louise Quinn?

17 MR. SIRRS: She was a newer employee.

18 MR. ENGELMANN: All right.

19 MR. SIRRS: And at the time I arrived, I
20 think she was part time.

21 MR. ENGELMANN: That is what the chart is
22 saying. Did she become full time at some point, sir?

23 MR. SIRRS: Shortly thereafter.

24 MR. ENGELMANN: All right.

25 MR. SIRRS: I can't give a date, but shortly

1 thereafter.

2 **MR. ENGELMANN:** All right.

3 And she'd been there for a while as well?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** You just don't know how many
6 years?

7 **MR. SIRRS:** I'm not sure what her length of
8 time was?

9 **MR. ENGELMANN:** All right.
10 Can you give us a sense -- it's not a large
11 office?

12 **MR. SIRRS:** No.

13 **MR. ENGELMANN:** Correct?

14 **MR. SIRRS:** No.

15 **MR. ENGELMANN:** Can you give us some sense
16 as to how well these individuals would know each other?

17 **MR. SIRRS:** As colleagues, I would think
18 fairly well. They socialized in the office and I suspect
19 that they had Christmas parties, those sorts of things.

20 **MR. ENGELMANN:** All right.

21 Do you know if they -- if the whole of them,
22 or groups of them would socialize outside of the office,
23 sir?

24 **MR. SIRRS:** Yes.

25 **MR. ENGELMANN:** Do you have a sense as to

1 who that would be?

2 **MR. SIRRS:** Well, I know that Mrs. Legere --

3 -

4 **MR. ENGELMANN:** Yes.

5 **MR. SIRRS:** --- and her husband would go out
6 to dinner occasionally with Mr. Barque and his wife.

7 **MR. ENGELMANN:** All right.

8 And what about others?

9 **MR. SIRRS:** Outside the office, I can't say.

10 **MR. ENGELMANN:** All right.

11 Were there any clicks in your office that
12 you noticed when you arrived?

13 **MR. SIRRS:** It was my thought that Mr.
14 Seguin and Mr. van Diepen were fairly close in the office.

15 **MR. ENGELMANN:** And why did you -- why do
16 you say that, sir? What were your observations at the
17 time?

18 **MR. SIRRS:** They tended to consult with one
19 another quite regularly.

20 **MR. ENGELMANN:** To your knowledge, would
21 they go on breaks together, on lunch together, things of
22 that nature?

23 **MR. SIRRS:** I've come to understand that,
24 yes.

25 **MR. ENGELMANN:** All right.

1 You didn't know that when you were
2 supervising them?

3 **MR. SIRRS:** It's not something that comes
4 immediately to my mind.

5 **MR. ENGELMANN:** All right.
6 Looking back?

7 **MR. SIRRS:** Looking back, yes.

8 **MR. ENGELMANN:** And would that be
9 frequently, sir, or can you recall?

10 **MR. SIRRS:** I would think it would be
11 frequently.

12 **MR. ENGELMANN:** Were any of the other
13 officers as close as Mr. van Diepen and Mr. Seguin?

14 **MR. SIRRS:** I didn't think so.

15 **MR. ENGELMANN:** All right.

16 And the admin staff, do you know if they
17 socialized together or aside from Ms. Legere and Mr. Barque
18 as couples?

19 **MR. SIRRS:** I'm not aware.

20 **THE COMMISSIONER:** Will you be dealing with
21 the other folks from COMSOC, Mr. Engelmann, at the bottom
22 there, they had Hector Lavoie and Brenda Rosenthal.

23 **MR. ENGELMANN:** Can you tell us, sir -- do
24 you know what PACO means, sir ---

25 **MR. SIRRS:** Yeah.

1 **MR. ENGELMANN:** --- at the bottom of the
2 page?

3 **THE COMMISSIONER:** "Said they were sharing
4 office space and support staff at 340
5 Pitt Street but reported to COMSOC."

6 **MR. SIRRS:** That was prior to my arrival.

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

8 **MR. ENGELMANN:** Okay. So that situation
9 wasn't in existence, sir, when you became the area manager?

10 **MR. SIRRS:** No, I don't recall that.

11 **MR. ENGELMANN:** All right.

12 So lets look at the org chart then for 1982.

13 The first thing we note, sir, is that the office moves.

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** Did that happen during your
16 tenure?

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** So would that have happened
19 shortly after you arrived?

20 **MR. SIRRS:** October '81.

21 **MR. ENGELMANN:** All right.

22 And so that move was in place before you
23 became the area manager?

24 **MR. SIRRS:** That's correct. That's correct.

25 **MR. ENGELMANN:** And 502 Pitt Street ---

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: --- that would have been
3 close to your previous office?

4 MR. SIRRS: Yes.

5 MR. ENGELMANN: A block or two?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: And who was in that
8 building, sir?

9 MR. SIRRS: On the first floor it was
10 occupied by the RCM Police. And the juvenile under COMSOC
11 occupied an office, I guess, to the -- I'm trying to figure
12 out the layout of the building -- to the west of our office
13 on the second floor.

14 MR. ENGELMANN: So they shared the second
15 floor with you?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: Was there a third floor to
18 the building, sir?

19 MR. SIRRS: No.

20 MR. ENGELMANN: What about the basement?
21 Was there anybody renting office space in the basement?

22 MR. SIRRS: I've subsequently learned that
23 Mr. MacDonald had an office in that floor, in that building
24 -- in the basement.

25 MR. ENGELMANN: What was Mr. MacDonald's

1 first name?

2 MR. SIRRS: Malcolm MacDonald.

3 MR. ENGELMANN: So he had a law office
4 there?

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: All right.

7 And, sir, you say that's something you
8 learned subsequently?

9 MR. SIRRS: Yes.

10 MR. ENGELMANN: Looking back, do you
11 remember him having a law office in the building?

12 MR. SIRRS: I remember him being around the
13 building quite frequently, but I don't recall him being in
14 a law office in the building.

15 MR. ENGELMANN: Would he be at your office
16 occasionally, sir?

17 MR. SIRRS: I would think occasionally,
18 yeah.

19 MR. ENGELMANN: And would he be there to see
20 anyone in particular?

21 MR. SIRRS: Probably Ken Seguin.

22 MR. ENGELMANN: Why probably Ken Seguin?

23 MR. SIRRS: Because they were good friends.

24 MR. ENGELMANN: All right.

25 Were there other good friends of Ken Seguin

1 that would frequent the office from time to time, sir, that
2 you can recall?

3 MR. SIRRS: Not that I recall.

4 MR. ENGELMANN: Now, when you were at 340
5 Pitt Street, you had four probation officers?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: Did they all have private
8 offices?

9 MR. SIRRS: No, that was part of the
10 problem. There was only three private offices for
11 probation officers.

12 MR. ENGELMANN: All right.

13 And so were the senior people in those
14 offices, or how did that work?

15 MR. SIRRS: I'm not sure how it worked.
16 Quite frankly, I was there just about a month or even less
17 than that and we moved to further down Pitt to 502 and
18 everybody had a private office there.

19 MR. ENGELMANN: All right.

20 So let's talk about 502. When you moved
21 there, that would have been in October of 1981?

22 MR. SIRRS: Of '81, yes.

23 MR. ENGELMANN: So the probation officer
24 complement would be as we looked at Cornwall 1980, that org
25 chart?

1 **THE COMMISSIONER:** Well, the numbers, yes.

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** Let's go back to the 1980
4 org chart.

5 **MR. SIRRS:** Yes.

6 **MR. ENGELMANN:** Were those four officers
7 there when you moved in 1981?

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** All right.

10 And so those four officers would have all
11 had their own office in the fall of 1981?

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

13 **MR. ENGELMANN:** And what about your support
14 staff; did they have their own offices or were they in a
15 common area?

16 **MR. SIRRS:** They were in a common area in
17 both locations.

18 **MR. ENGELMANN:** All right.

19 Now, if we look at the 1982 org chart we see
20 a couple of changes. I mean you're there, obviously. We
21 see Carol Cardinal's name.

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** Replacing Nelson Barque in
24 May of 1982.

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

1 **MR. ENGELMANN:** Okay. And you recall her
2 joining your staff then?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** All right.

5 And we also have Louise Quinn down no longer
6 with a part-time status.

7 **MR. SIRRS:** That's correct.

8 **MR. ENGELMANN:** And there's a third support
9 staff.

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

11 **MR. ENGELMANN:** And what was her function?

12 **MR. SIRRS:** She was also support staff doing
13 the same work as Louise.

14 **MR. ENGELMANN:** All right.

15 Now, we have these other individuals named
16 again, Hector Lavoie and Angela Mazzio.

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** Separate office space with a
19 connecting door?

20 **MR. SIRRS:** That's correct.

21 **MR. ENGELMANN:** And they now had their own
22 support staff?

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

24 **MR. ENGELMANN:** So those names are familiar
25 to you?

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: And it was adjoining ---

3 MR. SIRRS: Adjacent, yes.

4 MR. ENGELMANN: All right.

5 And we'll talk about that shift between
6 Nelson Barque and Carol Cardinal when we get to that, okay?

7 MR. SIRRS: Yes, okay.

8 MR. ENGELMANN: And then likewise if we look
9 at 1984 on the next page, the office remains at 502 Pitt
10 Street. You are replaced, sir, and I think that you told
11 us that would have been right at the end of 1984?

12 MR. SIRRS: That's correct.

13 MR. ENGELMANN: In December?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: All right.

16 And we also see some other names. And I
17 just want to ask you whether they came onboard before you
18 left. You see the name Ron Gendron?

19 MR. SIRRS: Yes.

20 MR. ENGELMANN: Do you recall when he would
21 have started with you?

22 MR. SIRRS: I can't give you a date, but he
23 started with me during my tenure there.

24 MR. ENGELMANN: All right.

25 And did he replace someone in particular or

1 was that just a new guy?

2 MR. SIRRS: No, that was a new position.

3 MR. ENGELMANN: All right.

4 We still have Stewart Rousseau?

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: You also have someone by the
7 name of Terry McDonald?

8 MR. SIRRS: Yes.

9 MR. ENGELMANN: Is that a male or a female?

10 MR. SIRRS: That's a male.

11 MR. ENGELMANN: And did he replace someone
12 or is that a new position?

13 MR. SIRRS: No, that's a new position as
14 well.

15 MR. ENGELMANN: And then we have Mr. Seguin?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: And Mr. van Diepen?

18 MR. SIRRS: That's correct.

19 MR. ENGELMANN: All right.

20 So you've gone from four officers to six?

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: Did the workload increase
23 significantly over your tenure, sir?

24 MR. SIRRS: I would say yes, but part of
25 that replacement arises out of just normal growth in the

1 workload, and so the four officers were carrying a large
2 part of that increased workload until the additional staff
3 came onboard.

4 **MR. ENGELMANN:** Now, did you continue to
5 have office space for all of your parole and probation
6 officers?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** All right.

9 And when I say office space, private
10 offices?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** And, sir, aside from the
13 Cornwall office, were you supervising any other location?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** Because it says area
16 manager.

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** So where were those
19 locations?

20 **MR. SIRRS:** There was one area office in
21 Hawkesbury-1'Original. I had one staff person there, and
22 there was another office in Brockville.

23 **MR. ENGELMANN:** And how many staff there,
24 sir?

25 **MR. SIRRS:** Three probation officers and one

1 support staff.

2 MR. ENGELMANN: And the one staff in
3 Hawkesbury was a probation officer?

4 MR. SIRRS: Yes.

5 MR. ENGELMANN: And how often would you
6 actually visit those offices, sir?

7 MR. SIRRS: Once to twice a month or
8 otherwise as required.

9 MR. ENGELMANN: And, sir, when you were the
10 area manager in Cornwall between the fall of -- September
11 of '81 and December of 1984, did your probation clients --
12 what would their ages have been? From what age to what
13 age?

14 MR. SIRRS: Well, from age 16 ---

15 MR. ENGELMANN: Right up?

16 MR. SIRRS: Right up. I don't know what the
17 uppermost age would be, but ---

18 MR. ENGELMANN: You didn't deal with any
19 teenagers younger than 16?

20 MR. SIRRS: No.

21 MR. ENGELMANN: All right.

22 And the *Young Offenders Act* was just coming
23 into force at/or about the time you left the Cornwall
24 office?

25 MR. SIRRS: There was discussion while I was

1 there, but it came into force in '85.

2 **MR. ENGELMANN:** And the age restrictions
3 continued to be that the office saw 16 and up?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** When was it, to your
6 knowledge, that the Cornwall office or other offices in
7 Ontario would have worked with teenagers under 16?

8 **MR. SIRRS:** That would have gone back to
9 probably the area of about 1975, when a new division or a
10 new section was created for juveniles.

11 **MR. ENGELMANN:** And that would have been
12 about the time -- just shortly after you would have started
13 with the Ministry on a full-time basis?

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

15 **MR. ENGELMANN:** All right.

16 So before then, probation officers would
17 have seen teenagers under 16?

18 **MR. SIRRS:** Yes.

19 **MR. ENGELMANN:** As young as?

20 **MR. SIRRS:** I don't know that there's a
21 minimum age. I can't recall.

22 **MR. ENGELMANN:** All right.

23 But after that, another ministry of the
24 government ---

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** --- saw them?

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** And which ministry was that?

4 **MR. SIRRS:** I'm not sure at that point
5 whether they transferred over to COMSOC or stayed within
6 the Ministry of Corrections only as a separate entity.

7 **MR. ENGELMANN:** All right.

8 But there was a split at that point in time?

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

10 **MR. ENGELMANN:** So after the mid-'70s, the
11 Cornwall office and other probation and parole officers
12 would have been dealing with teenagers who were 16 and up?

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** Sir, can you give us a
15 sense, at least when you started in Cornwall, how the
16 officers' workload would have been assigned?

17 **MR. SIRRS:** I must -- I can't recall that I
18 knew how they were assigned prior to my arrival.

19 **MR. ENGELMANN:** Okay. When you arrived ---

20 **MR. SIRRS:** Normally -- well, perhaps I
21 could elaborate a bit for your benefit, sir.

22 **MR. ENGELMANN:** Certainly.

23 **MR. SIRRS:** Normally, cases for which there
24 was a pre-sentence report with a subsequent period of
25 probation went to the officer who had prepared the pre-

1 sentence report and the other clients that came to our
2 attention were assigned randomly, depending on the
3 caseload.

4 **MR. ENGELMANN:** Okay. And were there
5 certain officers responsible for certain courts within the
6 area?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** And can you remember, for
9 example, was there someone responsible for Morrisburg?

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** Who would that have been?

12 **MR. SIRRS:** That would have been Ken Seguin.

13 **MR. ENGELMANN:** And was Mr. Seguin
14 responsible for Morrisburg throughout your tenure?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** All right.

17 And what about the North Dundas area?

18 **MR. SIRRS:** That would be Mr. van Diepen.

19 **MR. ENGELMANN:** And there were a number of
20 French communities ---

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** --- around the Cornwall
23 area. Was there an officer responsible for them?

24 **MR. SIRRS:** That was Mr. Barque.

25 **MR. ENGELMANN:** And you haven't mentioned

1 Mr. Rousseau. Did he have a specific court or would that
2 have been here in the City of Cornwall?

3 MR. SIRRS: Primarily in the Cornwall area.

4 MR. ENGELMANN: And would he do all of that
5 work or would all officers have some responsibility?

6 MR. SIRRS: Well, again, based on caseloads,
7 other officers would pick up some clients out of Cornwall.

8 MR. ENGELMANN: So if it was a Cornwall
9 client, it could have been any of the four officers?

10 MR. SIRRS: That's correct.

11 MR. ENGELMANN: But, typically, if an
12 officer did the pre-sentence report, he ended up seeing
13 that probationer?

14 MR. SIRRS: That's correct.

15 MR. ENGELMANN: Did your probation and
16 parole officers have fixed hours at that time?

17 MR. SIRRS: Generally, yes.

18 MR. ENGELMANN: All right.

19 Do you remember generally what those hours
20 were?

21 MR. SIRRS: They would run from 8:30 to
22 between 4:30 and five o'clock.

23 MR. ENGELMANN: So typically a day shift, if
24 I can call it that?

25 MR. SIRRS: Yes. Yes.

1 **MR. ENGELMANN:** Would there from time-to-
2 time be weekend or evening work?

3 **MR. SIRRS:** There could be.

4 **MR. ENGELMANN:** And what would those
5 circumstances be?

6 **MR. SIRRS:** They might -- the evening -- or
7 the weekend, rather -- the weekend work might constitute
8 telephone calls that a probation officer received from
9 probationers or perhaps the police.

10 **MR. ENGELMANN:** Evening work?

11 **MR. SIRRS:** Evening work, perhaps the same,
12 but also including -- it was no uncommon in offices to have
13 evening reporting dates, and usually these were dates that
14 were known, scheduled. There would be a secretary on site
15 then to welcome clients coming into the office.

16 **MR. ENGELMANN:** All right.

17 So if you knew in advance, there would be a
18 probation officer and also one of your admin support ---

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** --- people there?

21 **MR. SIRRS:** Well, probation officers who had
22 clients scheduled to come in would be in the office. If
23 they didn't have clients scheduled, they wouldn't be there.

24 **MR. ENGELMANN:** And do you recall, sir,
25 looking back, whether there were certain probation officers

1 who were more likely to see their clients after hours?

2 MR. SIRRS: It wasn't something that I took
3 note of.

4 MR. ENGELMANN: Presumably, that's something
5 that your support staff might know because they would have
6 to stay in those circumstances?

7 MR. SIRRS: One of them, yes.

8 MR. ENGELMANN: All right.

9 And was that a hard and fast rule, sir, that
10 if a probation officer was seeing a client after normal
11 hours, that you had a support staff stay on as well?

12 MR. SIRRS: Not in every case.

13 MR. ENGELMANN: All right.

14 But was that supposed to be the practice, or
15 do you recall?

16 MR. SIRRS: That was the preferred practice.

17 MR. ENGELMANN: Would that have been a
18 practice that you would have emphasized with your staff?

19 MR. SIRRS: Yes.

20 MR. ENGELMANN: All right.

21 And would there be some time tracking of
22 extra hours worked?

23 MR. SIRRS: No.

24 MR. ENGELMANN: All right.

25 How would you deal with pay and issues like

1 that?

2 MR. SIRRS: Probation officers had a rather
3 unique compensation as a result of potential hours worked
4 over and beyond their regular hours, and they received
5 annually one week's supplemental leave over and above their
6 regular annual vacation leave, and that was to compensate
7 them for evening reporting or whatever.

8 MR. ENGELMANN: All right.

9 So aside from that one week management leave
10 or comp leave, or whatever we want to call it ---

11 MR. SIRRS: Yes.

12 MR. ENGELMANN: --- there was no overtime
13 paid?

14 MR. SIRRS: No.

15 THE COMMISSIONER: What about support staff?

16 MR. SIRRS: Usually support staff received
17 time off if they came in for the evening reporting.

18 MR. ENGELMANN: So would there have to have
19 been some tracking of that so that you would know ---

20 MR. SIRRS: Oh yes. Yeah.

21 MR. ENGELMANN: --- when to give them time
22 off, et cetera?

23 MR. SIRRS: Yes, they would be scheduled.

24 MR. ENGELMANN: Was there an appointment
25 book for after-hours reporting, or how would that work?

1 **MR. SIRRS:** Each officer had their own
2 appointment book.

3 **MR. ENGELMANN:** All right.

4 So how would you, as the area manager, be
5 aware of after-hours reporting?

6 **MR. SIRRS:** Well, I would know the schedule
7 for the after-hours reporting, but if it was a non-
8 scheduled after-hours, I may not know about it.

9 **MR. ENGELMANN:** And would there be any
10 notation in files as to when probationers were being seen?

11 **MR. SIRRS:** Probation officers were required
12 to make those notations.

13 **MR. ENGELMANN:** All right.

14 So would it be fair to say they were
15 required to say who they were seeing, because presumably
16 they would write it in that person's file ---

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** --- what day they were
19 seeing them ---

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** --- what time they were
22 seeing them ---

23 **MR. SIRRS:** Yes.

24 **MR. ENGELMANN:** --- how long they were
25 seeing them?

1 MR. SIRRS: Possibly.

2 MR. ENGELMANN: From such and such a time to
3 such and such a time?

4 MR. SIRRS: It should have been noted.

5 MR. ENGELMANN: That was the preferred
6 practice?

7 MR. SIRRS: Yeah.

8 MR. ENGELMANN: And some description about
9 what happened?

10 MR. SIRRS: Yes.

11 MR. ENGELMANN: Did all of them have keys?

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: And I'm thinking back then
14 there weren't a whole lot of pass cards. You could just
15 use a key?

16 MR. SIRRS: There were no pass cards.

17 MR. ENGELMANN: No combinations to memorize?

18 MR. SIRRS: No, none of that.

19 MR. ENGELMANN: All right. Did the support
20 staff have keys as well, sir?

21 MR. SIRRS: Yes.

22 MR. ENGELMANN: And you, of course, had one?

23 MR. SIRRS: Yes.

24 MR. ENGELMANN: Did you have to work now and
25 then after hours?

1 **MR. SIRRS:** Not in the office.

2 **MR. ENGELMANN:** All right. You took it
3 home?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** Now, aside from meeting with
6 clients, and-or taking telephone calls, were there other
7 reasons why your probation officers would have to be in the
8 office, to your knowledge?

9 **MR. SIRRS:** No.

10 **MR. ENGELMANN:** And aside from the preferred
11 practice of having a support staff there, there was no
12 requirement to have a second probation officer in the
13 office if you were seeing a client?

14 **MR. SIRRS:** No.

15 **MR. ENGELMANN:** Do you know if that happened
16 from time-to-time that rather than the support staff there
17 would be an extra probation officer?

18 **MR. SIRRS:** I don't recall specifically, but
19 it's conceivable that it may have happened.

20 **MR. ENGELMANN:** All right. And, sir, let's
21 just talk briefly about your responsibilities as the area
22 manager. If you were to describe them, best of your
23 recollection, I know it was a long time ago, but your
24 general responsibilities.

25 **MR. SIRRS:** The major responsibility was

1 doing case audits. For PO1s it was done every six months
2 and their total case files would be reviewed to ensure that
3 they were properly seeing to clients; that they were making
4 proper notation; and that their notations and supervision
5 were in compliance with the probation order.

6 MR. ENGELMANN: So, sir, when you say "all
7 of their files" so every probationer they were seeing ---

8 MR. SIRRS: Every probationer they were
9 seeing ---

10 MR. ENGELMANN: --- you would review?

11 MR. SIRRS: --- I would review.

12 MR. ENGELMANN: And back then are we talking
13 about hand-written notes, are we talking about typed notes?

14 MR. SIRRS: At that time it was handwritten
15 notes.

16 MR. ENGELMANN: All right. So you would
17 meet with them twice a year?

18 MR. SIRRS: Yes, or otherwise as required.

19 MR. ENGELMANN: All right. And the PO1 was
20 Mr. Rousseau?

21 MR. SIRRS: Yes, at that time, yeah.

22 MR. ENGELMANN: What about the three PO2s?

23 MR. SIRRS: They were required to have a
24 case audit annually.

25 MR. ENGELMANN: All right.

1 **MR. SIRRS:** And their sample was taken of
2 about 10 percent of their files. But I also welcomed them
3 to identify files that they might have wished me to review
4 for whatever reason.

5 **MR. ENGELMANN:** All right. So you had 10
6 percent random, if I can call it that?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** And then others where they
9 could choose some?

10 **MR. SIRRS:** That's right.

11 **MR. ENGELMANN:** Were there sometimes files
12 that you wanted to see?

13 **MR. SIRRS:** There could have been but I
14 don't recall.

15 **MR. ENGELMANN:** All right. So case audit is
16 one of your functions?

17 **MR. SIRRS:** One of the functions.

18 **MR. ENGELMANN:** What else?

19 **MR. SIRRS:** Well, the other one, of course,
20 is the administration of the office itself; budgets,
21 expenditures, reviewing travel expenses, traveling to and
22 from Brockville and L'Orignal. I would see them perhaps
23 from two to four days a month.

24 We had regular area manager meetings with
25 our regional administrator and that would usually be

1 monthly. So that might constitute another two to three
2 days.

3 And then, of course, to supervise the
4 support staff.

5 I also reviewed probation pre-sentence
6 reports as well on a random basis.

7 **MR. ENGELMANN:** So you were providing
8 supervision to probation officers and support staff?

9 **MR. SIRRS:** Oh, yes.

10 **MR. ENGELMANN:** You were providing direction
11 from time-to-time?

12 **MR. SIRRS:** Yes.

13 **MR. ENGELMANN:** Would you mentor from time-
14 to-time, sir?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** What about -- and you would
17 report to more senior public servants?

18 **MR. SIRRS:** I reported to the regional
19 administrator.

20 **MR. ENGELMANN:** And you would have been
21 responsible for performance appraisals from time-to-time?

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** And do you have a sense as
24 to how often? Were those annual?

25 **MR. SIRRS:** Well, the performance appraisals

1 were done in conjunction with the case audit.

2 MR. ENGELMANN: All right. So if it was a
3 PO1 it would be every six months?

4 MR. SIRRS: That's correct.

5 MR. ENGELMANN: A PO2, every year?

6 MR. SIRRS: That's correct.

7 MR. ENGELMANN: And, sir, you'd also be
8 responsible for the office environment, if I could call it
9 that?

10 MR. SIRRS: Yes.

11 MR. ENGELMANN: So for ensuring the safety
12 of staff?

13 MR. SIRRS: All of that, yes.

14 MR. ENGELMANN: Presumably the safety of
15 clients?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: And you've talked about
18 budgeting and admin-type expense work?

19 MR. SIRRS: That's correct.

20 MR. ENGELMANN: All right. And ensuring,
21 presumably, that Ministry guidelines, policies and
22 procedures were followed?

23 MR. SIRRS: That's correct.

24 MR. ENGELMANN: And that would not just be
25 for the Cornwall office but the other office ---

1 **MR. SIRRS:** The other offices as well.

2 **MR. ENGELMANN:** All right.

3 **MR. SIRRS:** And I took it upon myself to
4 informally -- or to meet with the probation officers
5 themselves, whether it was over coffee or we may come
6 across each other in the general office area and have
7 occasion to chat, not necessarily always about probation
8 activities, but sometimes.

9 **MR. ENGELMANN:** Would your responsibilities
10 have also included interacting with other agencies or
11 institutions ---

12 **MR. SIRRS:** Yes.

13 **MR. ENGELMANN:** --- within the criminal
14 justice system?

15 **MR. SIRRS:** That's correct, yes.

16 **MR. ENGELMANN:** And do you recall some of
17 those?

18 **MR. SIRRS:** Well, I certainly tried to
19 establish a relationship with the courts and with the
20 police.

21 **MR. ENGELMANN:** Would you also attempt to
22 establish a relationship with the Crown attorney's office?

23 **MR. SIRRS:** I don't recall, no.

24 **MR. ENGELMANN:** And was that a relationship
25 you were trying to establish just personally or was that

1 for your office and your officers?

2 MR. SIRRS: Well, that was primarily for
3 myself because the officers already had established
4 contacts with each of those agencies and -- satisfactorily
5 so ---

6 MR. ENGELMANN: Right. So your officers,
7 especially those who were more senior, would have had a
8 great deal of experience dealing with either the local
9 police or the court system?

10 MR. SIRRS: That's correct.

11 MR. ENGELMANN: And they would know
12 individuals at both of those agencies?

13 MR. SIRRS: Yes.

14 MR. ENGELMANN: Is that fair?

15 MR. SIRRS: That's correct.

16 MR. ENGELMANN: What about with the Ontario
17 Provincial Police. I presume now and then there would be
18 interactions with some of those detachments in the Cornwall
19 area?

20 MR. SIRRS: Yes.

21 MR. ENGELMANN: Would there have been any
22 interactions with the RCMP as well?

23 MR. SIRRS: Well, I did have one contact
24 with the RCMP police, and once in a while we would see each
25 other coming and going.

1 **MR. ENGELMANN:** Now, we talked about this
2 briefly, the probation officers -- when I say probation
3 officer I'm using that interchangeably ---

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** --- with probation parole.
6 Do you understand that?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** They would have -- they were
9 required to record their contacts with clients?

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** Those would be both the in-
12 person notations we talked about and also telephone
13 communications?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** And if there were
16 communications from the police and-or the courts with
17 respect to particular probationers, would they be recorded
18 on their files as well?

19 **MR. SIRRS:** That was expected.

20 **MR. ENGELMANN:** All right. And was there a
21 standard procedure for this type of note-keeping; were
22 there standard rules or just that it be done?

23 **MR. SIRRS:** Just that it be done. That
24 whatever information was applicable be recorded.

25 **MR. ENGELMANN:** Did you ask that it be done

1 legibly or in some way that you could review it?

2 MR. SIRRS: Well, as best they could, yes.

3 MR. ENGELMANN: All right. Did you ever sit
4 in on meetings that they had with clients?

5 MR. SIRRS: No.

6 MR. ENGELMANN: Do you know if they ever sat
7 in on each others meetings?

8 MR. SIRRS: Not to my knowledge.

9 MR. ENGELMANN: Were these meetings
10 typically closed or open door?

11 MR. SIRRS: When they were meeting with
12 clients they would be closed door.

13 MR. ENGELMANN: And was there any policy or
14 protocol with respect to open or closed door after hours,
15 to your knowledge?

16 MR. SIRRS: If they were meeting with a
17 client they would close their door.

18 MR. ENGELMANN: All right. No matter what
19 time of day?

20 MR. SIRRS: No matter what time of day.

21 MR. ENGELMANN: Did any of their doors have
22 locks?

23 MR. SIRRS: Yes.

24 MR. ENGELMANN: All right. Were they
25 supposed to have locks?

1 MR. SIRRS: No.

2 MR. ENGELMANN: Whose door can you remember
3 that would have had a lock?

4 MR. SIRRS: Mr. Barque.

5 MR. ENGELMANN: And when was it, sir, that
6 you discovered that?

7 MR. SIRRS: After I received the complaint.

8 MR. ENGELMANN: So that would have been in
9 or around April of 1982?

10 MR. SIRRS: That's correct.

11 MR. ENGELMANN: And you would have been his
12 supervisor for approximately six or seven months?

13 MR. SIRRS: Yes.

14 MR. ENGELMANN: Did you, at that time, check
15 any of the other offices to see if there were locks, or do
16 you recall?

17 MR. SIRRS: I don't recall specifically but
18 I would expect that I would have.

19 MR. ENGELMANN: And this lock would not have
20 been ministry issue?

21 MR. SIRRS: No.

22 MR. ENGELMANN: What kind of a lock was it?

23 MR. SIRRS: Well, I'd describe it as a
24 standard bathroom door lock handle.

25 MR. ENGELMANN: Which is like a latch, sir,

1 of some sort or ---

2 **THE COMMISSIONER:** No, that's an outhouse
3 one, Mr. Engelmann.

4 **(LAUGHTER/RIRES)**

5 **MR. ENGELMANN:** It depends on your bathroom,
6 sir.

7 **MR. SIRRS:** Yeah, I guess so.

8 **MR. ENGELMANN:** One of the ones that you
9 turn in the ---

10 **MR. SIRRS:** From the inside it has a little
11 knob that you turn to lock it and it's a round handle on
12 both sides.

13 **THE COMMISSIONER:** We won't comment about
14 your home, Mr. Engelmann.

15 **MR. ENGELMANN:** Lots of renovations.

16 So, sir, that is something that you would
17 not have authorized; it's installation?

18 **MR. SIRRS:** No.

19 And it wouldn't have been observable from
20 the hall.

21 **MR. ENGELMANN:** No, you would have had to be
22 in the office to notice it?

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

24 **MR. ENGELMANN:** Sir, can you recall -- you
25 told us you did case audits, when you did the case audits

1 would you review -- you would review the notes that were
2 made by the probation officers?

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: Would you also review when
5 they were seeing clients, can you remember?

6 MR. SIRRS: I'm sorry, I don't understand.

7 MR. ENGELMANN: Would you also review --when
8 you were reviewing the file for case audit purposes ---

9 MR. SIRRS: Oh, the frequency?

10 MR. ENGELMANN: Frequency and also the time
11 of day they were doing this?

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: All right.

14 So you would have some sense with particular
15 clients if they were coming in after hours?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: If they happened to be the
18 random number you chose?

19 MR. SIRRS: Well, if they were noted, yes.

20 MR. ENGELMANN: Okay. What about off-site
21 reporting, would that ever happen?

22 MR. SIRRS: Well, it happened in Morrisburg
23 and in Upper Dundas for those who went outside the office
24 and had court responsibilities outside the office; they
25 would usually have a location where they could meet their

1 clients in that area.

2 MR. ENGELMANN: All right.

3 So would there be possibly an office in a
4 courthouse where they could do that?

5 MR. SIRRS: There could be.

6 MR. ENGELMANN: Were there other occasions
7 when they would meet elsewhere?

8 MR. SIRRS: I wasn't too familiar with how
9 they had their reporting arrangements in the outer areas.

10 MR. ENGELMANN: All right.

11 When they met off-site ---

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: --- were they to mark that
14 or note that?

15 MR. SIRRS: Well, they would make their
16 notation that -- where they met them.

17 MR. ENGELMANN: What about ever meeting a
18 probationer at your home?

19 MR. SIRRS: No, that would not be
20 acceptable.

21 MR. ENGELMANN: All right.

22 And would that have been made clear to
23 staff, that that was not acceptable?

24 MR. SIRRS: I would expect it was, yes.

25 MR. ENGELMANN: All right.

1 I mean, was it so obvious that you didn't
2 have to make it clear, sir, or do you recall actually
3 making that clear?

4 MR. SIRRS: I think it's commonsense.

5 MR. ENGELMANN: All right.

6 THE COMMISSIONER: But there's nothing in
7 the policy manual that said "Thou shalt not meet
8 probationers at home"? That you ---

9 MR. SIRRS: Not to my recall, no.

10 MR. ENGELMANN: We have a lot of documents,
11 sir, and I can perhaps check that for you.

12 MR. SIRRS: Yeah.

13 MR. ENGELMANN: But you don't recall that
14 being ---

15 MR. SIRRS: I don't recall.

16 I mean documents are -- but I wouldn't
17 accept that as acceptable practice.

18 MR. ENGELMANN: All right.

19 So, sir, let's talk about climate, for a
20 minute, and I don't mean the climate outside, but sort of
21 the mood in the office.

22 When you started ---

23 MR. SIRRS: Yes.

24 MR. ENGELMANN: --- can you give us a
25 description as to how you were received by your staff?

1 Just thinking back.

2 MR. SIRRS: Yeah. Well, generally I think I
3 was received reasonably well, although there was some
4 tension between myself and Mr. van Diepen that emerged
5 quite quickly on.

6 MR. ENGELMANN: And, sir, did you have a
7 sense as to why that might have started, that tension?

8 MR. SIRRS: I -- it was my conclusion that
9 it was because Mr. Barque -- or rather, Mr. van Diepen and
10 Mr. Seguin had applied for that position.

11 MR. ENGELMANN: So they'd both applied for
12 the position?

13 MR. SIRRS: They both applied for the
14 position for ---

15 MR. ENGELMANN: Of the area manager?

16 MR. SIRRS: That's correct.

17 MR. ENGELMANN: And did you notice that same
18 degree of tension from Mr. Seguin ---

19 MR. SIRRS: No.

20 MR. ENGELMANN: --- when you started?

21 MR. SIRRS: No.

22 MR. ENGELMANN: It was just Mr. van Diepen?

23 MR. SIRRS: Yeah.

24 And initially Mr. Seguin felt a little
25 awkward but that passed quickly.

1 **MR. ENGELMANN:** He would have been senior to
2 you, with the department?

3 **MR. SIRRS:** A number of years, yes.

4 **MR. ENGELMANN:** Yeah.

5 **MR. SIRRS:** Yeah.

6 **MR. ENGELMANN:** Was that awkward for you?

7 **MR. SIRRS:** No.

8 **MR. ENGELMANN:** All right.

9 But initially awkward for him?

10 **MR. SIRRS:** I think so.

11 **MR. ENGELMANN:** All right.

12 And this tension with Mr. van Diepen, did
13 that stop right away or did that carry on over time?

14 **MR. SIRRS:** I think it emerged from time to
15 time.

16 **MR. ENGELMANN:** All right.

17 And did it continue throughout your tenure?

18 **MR. SIRRS:** Yes.

19 **MR. ENGELMANN:** And was that then just an
20 issue with him or did that spill over and become an issue
21 with others, to your knowledge?

22 **MR. SIRRS:** I think he was influential with
23 some of the newer staff coming on.

24 **MR. ENGELMANN:** In what sense?

25 **MR. SIRRS:** Well, he was a very personable

1 individual.

2 MR. ENGELMANN: Yes.

3 MR. SIRRS: And he established friendships,
4 colleague relationships and some of the younger staff might
5 go to him or to Ken for advice on dealing with clients and
6 so I think he was able to establish a rapport with them.

7 MR. ENGELMANN: Now, did that have any
8 effect on your authority or your relations with those
9 staff?

10 MR. SIRRS: Yes, to some degree.

11 MR. ENGELMANN: In what sense?

12 MR. SIRRS: Well, they tended to be somewhat
13 resistant and supported, if not outwardly, certainly
14 supported Ken -- or, sorry, Jos, in some respects, yes.

15 MR. ENGELMANN: Can you give us some
16 examples of what you would have noted?

17 MR. SIRRS: Not specifically, no.

18 MR. ENGELMANN: All right.

19 But you have a distinct recollection?

20 MR. SIRRS: Just -- yeah, just a tendency
21 that I felt.

22 MR. ENGELMANN: And how did the -- how did
23 some of this tension that you said you noted from Mr.
24 van Diepen, how would it manifest itself? It was -- like
25 just some examples of your exchanges or work together.

1 **MR. SIRRS:** Well, the one that immediately
2 comes to mind -- because the assignment of cases was a
3 rather routine exercise and it was primarily predicated on
4 caseloads.

5 **MR. ENGELMANN:** Right.

6 **MR. SIRRS:** So if one had a fewer number of
7 clients, then incoming clients then would be assigned to
8 that individual. And I didn't see that as necessary to
9 cross my desk and so I assigned it to Ms. Quinn as new
10 orders came in, and again if there was no presentence
11 report involved, then she would ---

12 **MR. ENGELMANN:** You would have her hand out
13 the work?

14 **MR. SIRRS:** She would just put an officer's
15 name on the file and put it in the box and Mr. van Diepen
16 took exception to being directed by a secretary and I
17 explained that she was doing that under my direction. He
18 still was not prepared to accept that.

19 **MR. ENGELMANN:** Were there any issues with
20 case audits or other forms of your work?

21 **MR. SIRRS:** He didn't particularly like some
22 of my comments.

23 **MR. ENGELMANN:** All right.

24 If the witness could be shown Exhibit --
25 sorry, document number 101173.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: Sir, I'd like -- although
3 this can be a "P" exhibit there's a name of a probationer
4 mentioned here.

5 MR. SIRRS: M'hm.

6 MR. ENGELMANN: I would like to give that
7 name a moniker, like a publication ban -- it may not need a
8 moniker if we -- we don't have to mention the name, but the
9 document should be subject to a publication ban.

10 I don't know if anybody has any objection to
11 that. It's the name of a probationer that I don't think is
12 involved in this matter in any way.

13 THE COMMISSIONER: Do people know who you're
14 referring to?

15 MR. ENGELMANN: Only if they see the
16 document.

17 They've been given -- everybody was given
18 notice on this.

19 Sir, it will be up on the screen any minute;
20 101173.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. SIRRS: Oh yeah.

23 THE COMMISSIONER: Okay. So this is Exhibit
24 1062. It's a memorandum, dated August 9th, 1984, to Mr. P.
25 J. van Diepen from Mr. P. H. -- P. H. Sirrs?

1 **MR. SIRRS:** Yes.

2 **THE COMMISSIONER:** All right. Okay, well --

3 --

4 **MR. ENGELMANN:** We'll just avoid using the
5 name of the probationer.

6 **THE COMMISSIONER:** There's a publication ban
7 on the name of the probationer mentioned in this document.
8 Okay.

9 **--- EXHIBIT NO./PIÈCE NO 1062:**

10 (101173) Letter from Peter Sirrs to Jos
11 van Diepen dated August 9th, 1984

12 **MR. ENGELMANN:** Sir, it's only really
13 mentioned in the subject line.

14 **THE COMMISSIONER:** No, no, the second -- the
15 first line, as well.

16 **MR. ENGELMANN:** You're right.

17 So, sir, this is well into your tenure?

18 It's August of 1984?

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** And you had received a
21 complaint, am I correct, from a probationer?

22 **MR. SIRRS:** That's my understanding, yes.

23 **MR. ENGELMANN:** About this particular
24 probation officer?

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** And you had investigated
2 that complaint?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** And you had satisfied
5 yourself that the complaint was without merit?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** And you advised your
8 probation officer, Mr. van Diepen of that?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** And what happened?

11 **MR. SIRRS:** Well, he was -- he was difficult
12 when he learned of the complaint, but I -- from this letter
13 it doesn't -- may I read this just to myself again ---

14 **MR. ENGELMANN:** Yes, absolutely.

15 **MR. SIRRS:** --- to refresh myself?

16 **MR. ENGELMANN:** Yes.

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

18 **MR. SIRRS:** I would understand from the last
19 two paragraphs that he was very much demanding that I
20 transfer this client to someone else. In my judgment, this
21 is part of the role, to accept complaints and deal with
22 clients as the situation arises and emerges.

23 But this was an example -- this was an
24 example of his -- hostility might be too strong a word, but
25 certainly his objection to my supervision of the matter.

1 **MR. ENGELMANN:** All right.

2 **MR. SIRRS:** I think he would have presumed
3 that I just simply discount the whole thing without even
4 consulting with him.

5 **MR. ENGELMANN:** I note in the middle
6 paragraph you say:

7 "In order that the credibility and
8 reputation of our service and staff is
9 maintained at the highest possible
10 level, it is most important that such
11 complaints be heard and aired without
12 any semblance of avoidance or cover-up
13 on our part."

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** This is a fundamental
16 principle.

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** And you would have explained
19 that to Mr. van Diepen in this memo?

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** And I don't know, sir,
22 perhaps you would have explained that in other ways to your
23 staff?

24 **MR. SIRRS:** I would have expected I would
25 have told him verbally.

1 **MR. ENGELMANN:** So this would be one example
2 of some of that friction or tension you would have
3 mentioned?

4 **MR. SIRRS:** Yes.

5 **THE COMMISSIONER:** He was concerned that
6 your comments in respect of:

7 "My seeing [C-47]..."

8 I mean somebody:

9 "...and hearing his complaint merit
10 comment from you.

11 So I guess he objected to you having met
12 with the probationer and come to your own conclusion and
13 then -- and that's why he felt that his authority was
14 undermined, because you would have spoken to the
15 probationer?

16 **MR. SIRRS:** Yes.

17 **THE COMMISSIONER:** Is that the idea?

18 **MR. SIRRS:** And made my own inquiries in that
19 regard.

20 **THE COMMISSIONER:** All right.

21 **MR. ENGELMANN:** You mentioned, sir, that he
22 was personable and had some influence over younger staff
23 members.

24 **MR. SIRRS:** Yes.

25 **MR. ENGELMANN:** Do you feel that this

1 situation undermined in any way your ability to effectively
2 manage in the office?

3 MR. SIRRS: Perhaps to some degree.

4 MR. ENGELMANN: As a consequence, sir, did
5 you attempt to bring in an outside facilitator ---

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: --- to try and help some of
8 the problems?

9 MR. SIRRS: Yes. Yes.

10 MR. ENGELMANN: And were these problems just
11 between you and Mr. van Diepen or you and others?

12 MR. SIRRS: Well, I was concerned with the
13 influence to the other staff, and so it was a total office
14 session that we held at a resort just down the way on the
15 St. Lawrence River, and so even the staff from L'Orignal
16 and Brockville attended.

17 MR. ENGELMANN: When was that, sir; do you
18 remember?

19 MR. SIRRS: Oh, no, I can't recall
20 specifically.

21 MR. ENGELMANN: Okay. Did that resolve all
22 of the issues, or some of them?

23 MR. SIRRS: Some of them. I think some of
24 the staff were quite surprised.

25 MR. ENGELMANN: About?

1 **MR. SIRRS:** The facilitator was really very,
2 very good, and he raised all my issues without my having
3 made any comment whatsoever during the course of this
4 session. It lasted about -- well, it was an afternoon and
5 the following morning, and my read on it was that a couple
6 of the staff were really quite taken with his presentation
7 in terms of what the issues were for me.

8 **MR. ENGELMANN:** Okay. So that would have
9 helped with your ability to manage at least some of your
10 staff?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** There was still tension
13 afterwards with ---

14 **MR. SIRRS:** With Mr. van Diepen, yeah.

15 **MR. ENGELMANN:** All right.

16 Did you ever involve your regional manager
17 in dealing with this tension issue and trying to resolve
18 things?

19 **MR. SIRRS:** It was a course of discussion at
20 our regional meetings.

21 **MR. ENGELMANN:** And were you given advice as
22 to how to handle the problem?

23 **MR. SIRRS:** No, but they concurred with my
24 request to have this session.

25 **MR. ENGELMANN:** And, sir, during the time

1 you were the area manager, was there ever a review
2 conducted of your work at that time or the work of the
3 office?

4 **MR. SIRRS:** What kind of a review?

5 **MR. ENGELMANN:** By a senior person.

6 **THE COMMISSIONER:** A performance review.

7 **MR. SIRRS:** Well, they did performance
8 reviews but not of the office itself, of my performance.

9 **MR. ENGELMANN:** All right.

10 So your regional manager would have done ---

11 **MR. SIRRS:** That's right.

12 **MR. ENGELMANN:** And would that have been an
13 annual review, sir?

14 **MR. SIRRS:** It was supposed to be.

15 **MR. ENGELMANN:** And would that have been a
16 Mr. Toffelmire?

17 **MR. SIRRS:** Initially.

18 **MR. ENGELMANN:** And then that changed?

19 **MR. SIRRS:** And then Mr. Roy Hawkins came
20 into the region.

21 **MR. ENGELMANN:** All right.

22 Sir, I may have a couple more questions for
23 you about your relationship with Mr. van Diepen, but I'd
24 like to spend a little bit of time now talking to you about
25 your relationship with Mr. Barque.

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: Now, he was not your
3 employee for nearly as long?

4 MR. SIRRS: No.

5 MR. ENGELMANN: You would have been his
6 supervisor from September 1st, 1981 until approximately May
7 of 1982?

8 MR. SIRRS: That's correct.

9 MR. ENGELMANN: And how would you describe
10 his performance as a probation officer under your
11 supervision before the end?

12 MR. SIRRS: Well, until the complaint
13 arrived on the 8th of April, I was under the impression that
14 his performance was satisfactory.

15 MR. ENGELMANN: Right.
16 Would you have described him as punctual?

17 MR. SIRRS: Yes.

18 MR. ENGELMANN: Cooperative?

19 MR. SIRRS: Yes.

20 MR. ENGELMANN: Receptive to suggestions?

21 MR. SIRRS: Yes.

22 MR. ENGELMANN: Was he generally fairly easy
23 to supervise?

24 MR. SIRRS: Very easy to supervise.

25 MR. ENGELMANN: So did you have any concerns

1 with him prior to April 8th that you can remember?

2 MR. SIRRS: Not that I recall specifically.
3 And if there were, they weren't serious.

4 MR. ENGELMANN: So when you became aware of
5 a complaint, how did you first react?

6 MR. SIRRS: I became very upset when
7 receiving the complaint.

8 MR. ENGELMANN: Okay.

9 MR. SIRRS: I responded to my regional
10 administrator, Mr. Toffelmire, and advised him of the
11 situation and he directed me to Mr. Teggart, who was the
12 Director of Investigations and Inspections for the
13 Ministry.

14 MR. ENGELMANN: And was that the same day
15 that ---

16 MR. SIRRS: That was the same day.

17 MR. ENGELMANN: You actually spoke to
18 someone, that being April 8th ---

19 MR. SIRRS: Yes.

20 MR. ENGELMANN: --- of 1982? And you
21 received some direction, sir?

22 MR. SIRRS: That's correct.

23 MR. ENGELMANN: And what was that for? What
24 were you asked to do?

25 MR. SIRRS: Well, Mr. Teggart suggested that

1 I should conduct a preliminary investigation myself and
2 that I should speak to the complainant and other people who
3 may have some information with respect to this matter.

4 **MR. ENGELMANN:** And, sir, you became aware
5 of this complaint through one of your support staff
6 initially?

7 **MR. SIRRS:** Well, I was out of the office
8 when the first phone call came in and Ms. Leger took that
9 call. On my return, a phone call came in and she advised -
10 - and she directed it to me.

11 **MR. ENGELMANN:** All right.

12 Sir, I believe your report and a further
13 report by the Ministry are both contained in Exhibit 125,
14 which is Document Number 10548.

15 **MR. ENGELMANN:** Do you have the exhibit,
16 sir?

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

18 **MR. ENGELMANN:** And there should be two
19 reports there. The one on top is the Ministry -- or the
20 one done by the Inspection and Investigation Unit.

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** The one before that should
23 be your report. Are they both there?

24 **MR. SIRRS:** I believe so, yes.

25 **MR. ENGELMANN:** Okay.

1 **THE COMMISSIONER:** C-125?

2 **MR. ENGELMANN:** All right. C-125.

3 **THE COMMISSIONER:** Or is it -- well, there's
4 publication ban. I don't know. See, for some reason I've
5 got the interpreter's binder of exhibits. So I don't know
6 -- in any event, there's at least a publication ban.

7 **MR. ENGELMANN:** There is a publication ban,
8 sir. I can assure you of that. For example, C-44 is
9 mentioned in the report.

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

11 **MR. ENGELMANN:** So, sir, I am looking at a
12 document that is seven pages long.

13 **MR. SIRRS:** Yeah, I would think
14 approximately that, without counting.

15 **MR. ENGELMANN:** And it bears your signature
16 on the final page?

17 **MR. SIRRS:** Yes, that's correct.

18 **MR. ENGELMANN:** All right.

19 And this report you would have prepared and
20 forwarded to Mr. Toffelmire on or about April 20th of 1982?

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** I'm just looking at the
23 front cover.

24 **MR. SIRRS:** Yes.

25 **MR. ENGELMANN:** And you describe in this

1 report your involvement. You describe who you spoke to,
2 when you spoke to them, things of that nature?

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: And you've had an
5 opportunity to review this report to refresh your memory?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: I realize this was 25 years
8 ago.

9 MR. SIRRS: Thank you.

10 MR. ENGELMANN: Had you ever had to do
11 anything like this before?

12 MR. SIRRS: No.

13 MR. ENGELMANN: Had you ever had to do
14 anything like this since?

15 MR. SIRRS: A little more routine one, yes.

16 MR. ENGELMANN: All right.

17 That was not while you were in Cornwall?

18 MR. SIRRS: But not in Cornwall, no.

19 MR. ENGELMANN: So it starts by your
20 receiving a phone call on April 8th?

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: And you had indicated that
23 the person who phoned you had also called the day before to
24 speak to Ms. Leger?

25 MR. SIRRS: Yes, or some days prior.

1 **MR. ENGELMANN:** All right.

2 And just so that we're all on the same page,
3 I'm looking at Bates page 1001830, Madam Clerk.

4 **MR. SIRRS:** Okay.

5 **MR. ENGELMANN:** Now, the complainant is
6 indicating to you, at least on the first page, and this is
7 in your first call, I presume, interaction between Mr.
8 Barque and a probationer?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** And he's indicating to you
11 the probationer's flagrant use of alcohol and drugs?

12 **MR. SIRRS:** Yes.

13 **MR. ENGELMANN:** And he's also indicating
14 that an incident was reported to the police?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** The local police?

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** And you would have -- can
19 you help us out here, sir? Do you remember, at the time,
20 whether you would have prepared some kind of a note when
21 you would have taken these calls or met with people?

22 **MR. SIRRS:** I have to assume that I made
23 notes as I inquired with these people, but I don't have
24 them at my disposal.

25 **MR. ENGELMANN:** Right.

1 And within a few days, you would have used
2 those notes to make this report?

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

4 **MR. ENGELMANN:** All right.

5 And if those notes were kept, they weren't
6 kept by you, I would assume?

7 **MR. SIRRS:** No.

8 **MR. ENGELMANN:** All right.

9 And so you document on the first page the
10 contents of the call you get from the complainant?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** And you comment at the
13 bottom of that page the police not taking any action
14 against the particular probationer at the time but referred
15 the complainant to Mr. Barque. That would have been advice
16 you received from your complainant, not from the police?

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

18 **MR. ENGELMANN:** All right.

19 This complainant also advised you that Mr.
20 Barque was not only aware of the probationer's use of
21 alcohol and drugs, but that he had, in fact, provided the
22 alcohol and drugs to the probationer?

23 **MR. SIRRS:** Yes.

24 **MR. ENGELMANN:** I'm just at the top of the
25 second page, Bates page 1001831.

1 MR. SIRRS: Okay.

2 MR. ENGELMANN: He would have also involved
3 -- he would have also told you that Mr. Barque was
4 homosexually involved with that probationer?

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: And, in addition, was not
7 pursuing a wilful failure of probation against that
8 individual?

9 MR. SIRRS: That's correct.

10 MR. ENGELMANN: And you noted that this
11 particular probationer was, in fact, under Mr. Barque's
12 supervision?

13 MR. SIRRS: Yes.

14 MR. ENGELMANN: And that as part of that
15 probation, he was to abstain from the use of alcohol and
16 drugs?

17 MR. SIRRS: Yes.

18 MR. ENGELMANN: And, sir, as a result of
19 obtaining that information, you had already got -- you got
20 your advice from people in the Ministry to conduct your
21 preliminary investigation?

22 MR. SIRRS: Yes.

23 MR. ENGELMANN: And, sir, did you contact
24 the police?

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** And I understand, sir, that
2 you contacted not only one police force, but two?

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

4 **MR. ENGELMANN:** And I want to ask a little
5 bit about that. First of all, you contacted someone at the
6 RCMP?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** And according to the report,
9 that's a Sergeant Wayne Isbester?

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

11 **MR. ENGELMANN:** Why would you have contacted
12 him?

13 **MR. SIRRS:** Well, they are in the same
14 building.

15 **MR. ENGELMANN:** All right.

16 **MR. SIRRS:** And they operate 24/7, and so if
17 there was anything going on in the building, they might
18 have an opportunity to be aware of it.

19 **MR. ENGELMANN:** All right.

20 And do you know if you called people in this
21 order, or can you remember?

22 **MR. SIRRS:** I think I spoke to the Cornwall
23 Police initially ---

24 **MR. ENGELMANN:** All right.

25 **MR. SIRRS:** --- and then with the RCM

1 Police.

2 **MR. ENGELMANN:** All right.

3 So what did you glean from Sergeant
4 Isbester, if anything, about what this complainant had told
5 you?

6 **MR. SIRRS:** Well, he had heard the rumours
7 with respect to Mr. Barque's behaviour with clients, but he
8 couldn't put any substance to it. I asked him why he
9 hadn't advised me, because we were right upstairs, and his
10 comment was, "Well, we didn't know you."

11 **MR. ENGELMANN:** Let me just stop you there.
12 You had told us earlier that part of what you had wanted to
13 do, at least at some point in your tenure, was to develop a
14 rapport with officials from the courts and the police.

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** Did you attempt to do that?

17 **MR. SIRRS:** I hadn't spoken to the RCM
18 Police, but I had with the Cornwall Police and with the
19 courts.

20 **MR. ENGELMANN:** All right.

21 And do you recall some of the officials that
22 you would have attempted to develop a rapport with?

23 **MR. SIRRS:** That would be primarily the
24 Chief of Police in Cornwall.

25 **MR. ENGELMANN:** And do you recall which or

1 was there more than one Chief of Police you attempted to do
2 that with?

3 MR. SIRRS: Over my tenure there were two
4 chiefs.

5 MR. ENGELMANN: Okay. Do you remember
6 either of their names, sir?

7 MR. SIRRS: Well, one was Shaver.

8 MR. ENGELMANN: Okay.

9 MR. SIRRS: And the other one's name escapes
10 me.

11 MR. ENGELMANN: Would that have been the
12 chief before Claude Shaver?

13 MR. SIRRS: Yes.

14 MR. ENGELMANN: Would that have been a Chief
15 Landry perhaps?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: All right.

18 And how had you attempted to develop that
19 rapport; do you recall?

20 MR. SIRRS: Well, I would -- I called him to
21 simply arrange an appointment or an opportunity to see him,
22 and then attended at his office at that time, and
23 introduced myself, and gave him a little background as to
24 who I was, and that I would welcome, you know, good
25 communication.

1 **MR. ENGELMANN:** Did you do that with one of
2 these men or both of them?

3 **MR. SIRRS:** Just one, I believe.

4 **MR. ENGELMANN:** And which one was that?

5 **MR. SIRRS:** I don't recall at the moment.
6 I've had some time to think about it and I now can't
7 recall.

8 **MR. ENGELMANN:** All right.
9 Do you remember what year it would have been
10 in?

11 **MR. SIRRS:** Oh, it was 1981.

12 **MR. ENGELMANN:** Oh, right at the beginning?

13 **MR. SIRRS:** Fairly close to the beginning,
14 yes.

15 **MR. ENGELMANN:** Okay. I think at that point
16 in time it might have been Chief Landry.

17 **MR. SIRRS:** Well, that may be.

18 **MR. ENGELMANN:** All right.

19 Did you have any dealings with Chief Shaver?

20 **MR. SIRRS:** If it was Mr. Landry that I saw,
21 then no.

22 **MR. ENGELMANN:** Okay. So you would have
23 just made an effort when you started and you wouldn't have
24 made another effort to try and develop that rapport?

25 **MR. SIRRS:** Not that I recall.

1 **MR. ENGELMANN:** Was it important to you to
2 develop a rapport, sir?

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

4 **MR. ENGELMANN:** Why is that?

5 **MR. SIRRS:** Well, they're part of the
6 justice system and the situation that developed emphasizes
7 why it was important.

8 **MR. ENGELMANN:** All right.

9 And you said your probation officers had
10 contacts with the police.

11 **MR. SIRRS:** They had regular contact with
12 the police, yeah.

13 **MR. ENGELMANN:** But why was it important for
14 you to develop a rapport with the Chief?

15 **MR. SIRRS:** For agency-to-agency issues.

16 **MR. ENGELMANN:** All right.

17 Would your probation officers have had a
18 rapport with someone at that level or would they have been
19 only at lower levels, or do you know?

20 **MR. SIRRS:** Primarily at lower levels, but
21 they may have occasion to be involved with the Chief at one
22 point or another.

23 **MR. ENGELMANN:** Do you have any recollection
24 of that, sir?

25 **MR. SIRRS:** No.

1 **MR. ENGELMANN:** Were you satisfied with the
2 rapport that you were able to develop with the Chief of
3 Police and/or police officials?

4 **MR. SIRRS:** No.

5 **MR. ENGELMANN:** Why is that?

6 **MR. SIRRS:** I never found out about Mr.
7 Barque.

8 **MR. ENGELMANN:** Right.

9 Do you believe ---

10 **MR. SIRRS:** Or anyone else.

11 **MR. ENGELMANN:** Do you believe you would
12 have been provided more information?

13 **MR. SIRRS:** I should have been.

14 **MR. ENGELMANN:** All right.

15 Well, let's talk a little bit about that
16 then. The fellow from the RCMP, Sergeant Isbester, said he
17 didn't know you?

18 **MR. SIRRS:** That's right.

19 **MR. ENGELMANN:** That's why he didn't give
20 you information?

21 **MR. SIRRS:** That's right.

22 **MR. ENGELMANN:** He knew something about one
23 of your staffers that apparently you didn't know?

24 **MR. SIRRS:** That's correct.

25 **MR. ENGELMANN:** And he knew something about

1 his relationship with a particular probationer?

2 MR. SIRRS: He wasn't specific, only that
3 he'd heard the rumours.

4 MR. ENGELMANN: All right.

5 MR. SIRRS: Because I asked him specifically
6 about Mr. Barque and he had heard the rumours.

7 MR. ENGELMANN: All right.

8 But in your report there were rumours about
9 his relationship with a particular probationer?

10 MR. SIRRS: It could be, yes.

11 MR. ENGELMANN: That's in your report, sir.

12 MR. SIRRS: Is it? Okay. Then if that's
13 the case, then ---

14 MR. ENGELMANN: Well, look at the second
15 page, third paragraph. You're saying:

16 "He had heard rumours..."

17 And this is not a name with a moniker.

18 "He had heard rumours of Mr. Barque's
19 relationship with Sheets."

20 Correct?

21 MR. SIRRS: Yes. Okay.

22 MR. ENGELMANN: "And with his overlooking
23 Sheets' use of alcohol and drugs."

24 MR. SIRRS: Yes.

25 MR. ENGELMANN: Did he tell you about other

1 individuals who were not named?

2 MR. SIRRS: No.

3 MR. ENGELMANN: All right. And, sir, then
4 you had some contact with the Cornwall City police?

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: And did you call them?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: And did you see them in
9 person or was this all on the phone?

10 MR. SIRRS: In person.

11 MR. ENGELMANN: And your report says you met
12 with or suggests that you spoke with Sergeants Masson and
13 Laroche?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: And what do you recall of
16 that, sir?

17 MR. SIRRS: It was a fairly brief meeting.
18 They shared with me some information in
19 particular to reports that they had -- incident reports
20 that they had.

21 They referred me to the maintenance
22 supervisor because they had had complaints with regard to
23 Mr. Barque's behaviour while they were still in the office
24 at 340 Pitt Street.

25 MR. ENGELMANN: All right. So before your

1 move, they had received a complaint or complaints?

2 MR. SIRRS: Complaints.

3 MR. ENGELMANN: From whom?

4 MR. SIRRS: The maintenance staff.

5 MR. ENGELMANN: All right.

6 MR. SIRRS: Through their -- through their
7 supervisor, likely.

8 MR. ENGELMANN: And is that a name you
9 reference on page 3 of your report, a Gerald Levert?

10 MR. SIRRS: Yes, I think ---

11 MR. ENGELMANN: Near the bottom of the page,
12 sir?

13 MR. SIRRS: Oh yes, Mr. Levert.

14 MR. ENGELMANN: Building superintendent at
15 the Justice Building?

16 MR. SIRRS: That's correct, yeah.

17 MR. ENGELMANN: Okay, so they'd advised you
18 that they had received some complaints from him?

19 MR. SIRRS: Or from the staff in
20 particularly.

21 MR. ENGELMANN: About whom?

22 MR. SIRRS: About Mr. Barque.

23 MR. ENGELMANN: All right. And it appears,
24 at least on page 2 in your bottom paragraph, that they were
25 also aware of rumours that were circulating concerning Mr.

1 Barque's relationship with Mr. Sheets?

2 MR. SIRRS: That's correct.

3 MR. ENGELMANN: There's a reference to
4 occurrence reports; do you have any recollection as to what
5 that's referring to?

6 MR. SIRRS: Well, the report here talks
7 about theft, I think. Thefts in the area.

8 MR. ENGELMANN: All right. Then there's a
9 name, sir, and I don't want you to mention it ---

10 MR. SIRRS: Yeah, I know, I understand.

11 MR. ENGELMANN: --- because I don't know it,
12 but there's something about information from another
13 probationer?

14 MR. SIRRS: That's correct.

15 MR. ENGELMANN: And is that person giving
16 information to you or did he give the information to the
17 police?

18 MR. SIRRS: He gave the information to the
19 police.

20 MR. ENGELMANN: All right. And did you ever
21 interview that person?

22 MR. SIRRS: No, I did not.

23 MR. ENGELMANN: All right. So you just
24 accepted what the police told you about that person?

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** All right. And then, as
2 well, and I'm looking at page 3 now, which is Bates
3 page 1001832?

4 **MR. SIRRS:** I might qualify the last answer.

5 **MR. ENGELMANN:** Yes, certainly.

6 **MR. SIRRS:** Because that particular
7 probationer indicated to the police that he wasn't prepared
8 to give evidence.

9 **MR. ENGELMANN:** All right. And that, again,
10 was told to you by the police?

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

12 **MR. ENGELMANN:** All right. And when I said
13 "by the police", we're talking about either Sergeant Masson
14 or Sergeant Laroche?

15 **MR. SIRRS:** Yes, I believe so.

16 **MR. ENGELMANN:** And, again, and I'm just
17 looking at page 3, Bates page 1001832, you describe some of
18 what Sergeant Masson is telling you?

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** And I'm looking at the
21 middle of that paragraph. It says:

22 "Sergeant Masson informally counselled
23 Mr. Barque on the occasion of our open
24 house in regard to these rumours and
25 his too close association with

1 probationers, particularly Sheets."

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** "Mr. Barque is said to have
4 acknowledged to Sergeant Masson that he
5 realized he had to do something about
6 it."

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** All right. So Sergeant
9 Masson is telling you this?

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** What do you think?

12 **MR. SIRRS:** I was very disappointed with the
13 police. Extremely disappointed with the police.

14 **MR. ENGELMANN:** So he's telling you that he
15 actually -- how did he describe what he did, "informal
16 counselling", how did he describe that, or did he?

17 **MR. SIRRS:** Rather routinely. Almost like
18 doing a favour.

19 **MR. ENGELMANN:** Now did he give you any
20 indication as to why they didn't talk to you or anybody
21 from your office?

22 **MR. SIRRS:** No.

23 **MR. ENGELMANN:** You would have just started
24 just before then?

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

1 **MR. ENGELMANN:** Had you ever met either or
2 these officers before?

3 **MR. SIRRS:** No.

4 **MR. ENGELMANN:** What about the next
5 paragraph, he seems to be -- and, again, this is something
6 that Sergeant Masson is telling you?

7 **MR. SIRRS:** Yes?

8 **MR. ENGELMANN:** And he's talking about, in
9 effect, as I -- if I read it correctly, Mr. Barque
10 interfering or obstructing the police ---

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** --- in dealings with his
13 probationers?

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

15 **MR. ENGELMANN:** And, sir, I take it you'd
16 agree that's a serious matter?

17 **MR. SIRRS:** Very much so.

18 **MR. ENGELMANN:** And, again, what was your
19 reaction when you were told that?

20 **MR. SIRRS:** Well, I was upset about this
21 whole thing, as you can perhaps appreciate, so identifying
22 one feeling for one situation and -- and opposed as the
23 other, it's -- it's difficult to do.

24 **MR. ENGELMANN:** All right. But you had ---

25 **MR. SIRRS:** But in form that -- yeah, in the

1 form that it's -- it was expressed by Sergeant Masson it --
2 it was not acceptable.

3 MR. ENGELMANN: What was not acceptable?

4 MR. SIRRS: His pushing to try and get the
5 probationers removed from the police inquiry.

6 MR. ENGELMANN: Barque's action was
7 unacceptable?

8 MR. SIRRS: Yes.

9 MR. ENGELMANN: Or Masson's lack of telling
10 you ---

11 MR. SIRRS: Well, Masson's lack of telling
12 me was unacceptable as well.

13 MR. ENGELMANN: All right. And what you're
14 saying, sir, is that neither you, nor to your knowledge,
15 anyone from your office was told about this?

16 MR. SIRRS: That's correct.

17 MR. ENGELMANN: You don't know, though, sir,
18 if Mr. van Diepen or Mr. Seguin or your officers were
19 actually told this?

20 MR. SIRRS: No.

21 MR. ENGELMANN: But you weren't?

22 MR. SIRRS: I wasn't.

23 MR. ENGELMANN: Do you recall if the police,
24 either Masson or Laroche, told you they'd spoken to anybody
25 about this?

1 **MR. SIRRS:** No. Other than the counselling
2 that Mr. Masson -- Sergeant Masson did with Nelson Barque.

3 **MR. ENGELMANN:** Directly?

4 **MR. SIRRS:** Directly.

5 **THE COMMISSIONER:** Mr. Engelmann, whenever
6 you can find a convenient spot, it would be time for us to
7 ---

8 **MR. ENGELMANN:** Okay.

9 Well, sir, maybe it's a good time.

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

11 We'll come back at 9:30 tomorrow morning.

12 **MR. SIRRS:** Nine thirty? Yes, sir.

13 **THE COMMISSIONER:** So in the meantime, you
14 are not to discuss your testimony with anyone. If anybody
15 tries, you're to report back to me tomorrow morning. All
16 right?

17 **MR. SIRRS:** I can't even consult with my
18 lawyer?

19 **THE COMMISSIONER:** Consult? No.

20 **MR. SIRRS:** I beg your pardon?

21 **THE COMMISSIONER:** Consult? No, you're not
22 to discuss your testimony. There's nothing to consult
23 about yet.

24 Is there anything you wanted to talk to him
25 about?

1 **MR. SIRRS:** Not specifically at this time
2 about what I've testified, but maybe what I may be
3 testifying about later on.

4 **THE COMMISSIONER:** No. No, I don't think
5 so.

6 **MR. SIRRS:** Okay.

7 **THE COMMISSIONER:** Unless someone has any
8 strong position, no, you're not supposed to.

9 All right?

10 Thank you.

11 **MR. SIRRS:** Okay.

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

14 This hearing is adjourned until tomorrow
15 morning at 9:30 a.m.

16 --- Upon adjourning at 4:58 p.m./

17 L'audience est ajournée à 16h58

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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