

**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 146**

**Held at :**

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

Tuesday, October 9, 2007

**Tenue à:**

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

Mardi, le 9 octobre 2007

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Raija Pulkkinen	Commission Counsel
Ms. Mary Simms	
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	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
Mr. R. William Duncan	the United Counties
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and
Mr. James Foord	Scott Seguin and Father Charles MacDonald
Me Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Mr. Carson Chisholm
Mr. Ian Paul	

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1 --- Upon commencing at 9:59 a.m./

2 L'audience débute à 9h59

3 **THE REGISTRAR:** Order. All rise. A  
4 L'ordre. 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.

10 Good morning, all.

11 Mr. Engelmann.

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

13 Commissioner.

14 **THE COMMISSIONER:** Good morning.

15 **MR. ENGELMANN:** I have not spoken to Mr.

16 Dunlop, but I understand from one of my colleagues that he  
17 is present. I'm not sure if he's in the hearing room.

18 **THE COMMISSIONER:** I don't know. I don't  
19 see him.

20 Can the name be called then, please?

21 **MR. ENGELMANN:** Yes.

22 **THE COMMISSIONER:** Thank you.

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

24 **THE COMMISSIONER:** Good morning, Mr. Dunlop.

25 **PERRY DUNLOP, Resumed/Sous le même serment:**

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

2 PETER ENGELMANN :

3 MR. DUNLOP: Good morning.

4 THE COMMISSIONER: Have a seat.

5 MR. ENGELMANN: Good morning, Mr. Dunlop.

6 MR. DUNLOP: Good morning.

7 MR. ENGELMANN: Good morning, Mr.

8 Commissioner.

9 THE COMMISSIONER: Good morning.

10 MR. ENGELMANN: Start again.

11 THE COMMISSIONER: All right.

12 MR. ENGELMANN: Sir, when we left off on  
13 September 21st with Mr. Dunlop, he was ordered to come back  
14 here today. You asked him to seek some legal advice with  
15 respect to the position he had taken the last time he was  
16 here. And, Mr. Dunlop, at that time you agreed to do that  
17 before coming back.

18 Did you have an opportunity to seek some  
19 legal advice, sir?

20 MR. DUNLOP: I did so.

21 MR. ENGELMANN: All right.

22 And, sir, having had an opportunity to seek  
23 such advice, the last time you were here you refused to  
24 answer questions from me and I'm wondering if your position  
25 has changed with respect to that?

1                   MR. DUNLOP: I have a statement to read I'd  
2 like to read for the record, and then continue from there.

3                   MR. ENGELMANN: All right.

4                   MR. DUNLOP: Can I also get some water,  
5 please?

6                   MR. ENGELMANN: Absolutely.

7                   MR. DUNLOP: Thank you.

8                   MR. ENGELMANN: I think water seems to be  
9 missing all around.

10                  THE COMMISSIONER: It's okay.

11                  MR. DUNLOP: Thank you.

12                                 In the spring of the year 2000, I was  
13 ordered by the Cornwall Police Service to compile a will-  
14 state and a summary of my evidence concerning all my  
15 activities from September, 1993 until the year 2000. It  
16 took me four months to complete this task.

17                                 The will-state consisted of an 110-page  
18 statement along with approximately 300 pages of supporting  
19 documents. That will-state represents my best recollection  
20 of the events during that time. All of those matters were  
21 much fresher in my memory then.

22                                 I turned the copies of my will-state and the  
23 supporting documents over to the Cornwall Police Service,  
24 the Attorney General's office and the Solicitor General's  
25 office.

1 I have spent the last seven years of my life  
2 trying my best to forget those events. It has taken a  
3 serious toll on my health and the health of my family. The  
4 turmoil of those years between 1993 and 2000 caused my  
5 family and the victims unbearable stress and pain. It  
6 continues to this very day.

7 Whatever I might recall now would pale in  
8 comparison to my will-state. Any shortcomings, memory  
9 lapses or differences would be exploited by those parties  
10 implicated in the horrific sexual abuse of victims and by  
11 the institutions which failed those same victims so  
12 tragically.

13 I believe that the individuals and  
14 institutions represented here today would take full  
15 advantage of any of my faulty memories and use them against  
16 me in an attempt to cover-up, deny and minimize their  
17 actions and the events before this Inquiry.

18 Since Day One the focus of this Inquiry has  
19 been to aim the blame at me. These same institutions and  
20 individuals would work together to try and find one small  
21 crack, however insignificant, to absolve their clients of  
22 any wrongdoing.

23 This attack on me would compound the abuse  
24 on the victims and their families 100-fold. It will only  
25 serve to exacerbate not heal the wounds inflicted by those

1 abusers and the institutions that failed to protect our  
2 children. I will not be party to such a process.

3 I do not hold this Inquiry in contempt,  
4 though I have serious doubts that anything positive will be  
5 achieved at the end of the day.

6 I have provided in my will-state the very  
7 best evidence that I could possibly provide, four months of  
8 work, 110 pages of my recollection with 300 pages of  
9 documents.

10 I have been forced here against my will.  
11 This was not supposed to be a trial. I've been forced  
12 again here to leave my family, my home, my business and my  
13 community. I will testify by reading my will-state into  
14 evidence here today. I can do no more and I will do no  
15 more.

16 **THE COMMISSIONER:** Is that everything, sir?

17 **MR. DUNLOP:** Yes.

18 **THE COMMISSIONER:** Very well.

19 **MR. ENGELMANN:** Well, if I could have a  
20 minute.

21 Mr. Dunlop, you didn't indicate this to me  
22 before you read your statement this morning. Is that fair?

23 **MR. DUNLOP:** That's fair.

24 **MR. ENGELMANN:** And I take it then you're  
25 going to refuse to answer any questions I might want to put

1 to you, other than to read your will-state. Is that what  
2 you're saying?

3 **MR. DUNLOP:** I would like to read my will-  
4 state for the record.

5 **MR. ENGELMANN:** No.

6 **THE COMMISSIONER:** No, that's not what I'm  
7 interested in, sir. What I'm interested in finding out is  
8 whether or not you will answer questions from counsel.

9 **MR. ENGELMANN:** That's it. That's all, Mr.  
10 Dunlop. Are you prepared to answer questions from counsel;  
11 yes or no?

12 **MR. DUNLOP:** I would like to have a break  
13 and speak to my counsel for a second.

14 **THE COMMISSIONER:** Sure. No, that's fine.

15 I can tell you, sir, that I've listened to  
16 your comments and I respect the fact that those are your  
17 heartfelt belief. I can tell you that I'm disappointed.

18 Let's take a break.

19 **THE REGISTRAR:** Order. All rise. A  
20 L'ordre. Veuillez vous lever.

21 This hearing will resume at 10:25.

22 ---Upon recessing at 10:08 a.m./

23 L'audience est suspendue à 10h08

24 ---Upon resuming at 10:43 a.m./

25 L'audience est reprise à 10h43

1                   **THE REGISTRAR:** This hearing is now resumed.  
2                   Please be seated. Veuillez vous asseoir.

3                   **THE COMMISSIONER:** Thank you.  
4                   Mr. Engelmann.

5                   **MR. ENGELMANN:** Mr. Dunlop, you asked for a  
6                   few minutes to seek counsel, I understand to seek advice.  
7                   Can you tell us now whether you're prepared to answer  
8                   questions of Commission counsel and other counsel and fully  
9                   participate as a witness in this Inquiry?

10                  **MR. DUNLOP:** I would like to read my will-  
11                  state in.

12                  **MR. ENGELMANN:** Sir, I just want a yes or a  
13                  no answer. We have your will-state. We can put it into  
14                  evidence. We will put it into evidence. Are you prepared  
15                  to answer questions of Commission counsel and other counsel  
16                  and fully participate as a witness in this Inquiry?

17                  **MR. DUNLOP:** No, I'm not. I want to read my  
18                  statement into evidence.

19                  ---**STATEMENT BY THE COMMISSIONER/DÉCLARATION PAR LE**  
20                  **COMMISSAIRE:**

21                  **THE COMMISSIONER:** Thank you. That will be  
22                  fine. Thank you. You may step down, sir.

23                  All right, well, let me just say that I  
24                  would like to take this opportunity to talk about the  
25                  continuing work of the Cornwall Public Inquiry.

1                   This Inquiry summoned two individuals, Helen  
2                   and Perry Dunlop, to give testimony. They were asked to  
3                   give an account of their involvement in relation to  
4                   allegations of historical abuse of young people in this  
5                   community and to make recommendations to me on how to  
6                   improve institutional response to allegations of sexual  
7                   abuse of children and youth.

8                   On September 17<sup>th</sup>, 2007, Mr. Dunlop and Mrs.  
9                   Dunlop affirmed that they would tell the truth. Mrs.  
10                  Dunlop has come on to give her testimony and made  
11                  thoughtful recommendations, and I thank her for her  
12                  contribution to this public process. Mr. Perry Dunlop,  
13                  however, has continued to indicate that he will not respond  
14                  to questions of Commission counsel. I have listened  
15                  carefully to his reasons. Both Commission counsel and I  
16                  have made repeated efforts to ascertain if there was  
17                  anything that could be done to increase Mr. Dunlop's  
18                  comfort level in testifying. We have also engaged witness  
19                  support services. I understand that Mr. Engelmann has  
20                  explained the neutral role of Commission counsel and  
21                  offered to go to British Columbia to make preparations  
22                  convenient for him.

23                  I have explained, perhaps not well enough,  
24                  that this is not a trial. There is no finding of civil or  
25                  criminal liability. Our intent, my intent, is to

1 understand the past and in doing so to make recommendations  
2 for the future. The opportunity to make suggestions for  
3 the future and to better protect children is one  
4 constructively taken by many who have already testified  
5 before this Inquiry. Many survivors or alleged victims of  
6 sexual abuse as children or youth gave their accounts to  
7 this Inquiry regarding the institutional response to their  
8 particular circumstances. Their personal accounts added to  
9 the extensive documentary record and enhanced understanding  
10 of the lifelong impact of such childhood experiences.

11 Many individuals made a point of telling me  
12 that although talking at the Inquiry brought back painful  
13 memories, they also saw the value of telling their story.  
14 Several told us that testifying helped them turn a page in  
15 their lives and to look to the future.

16 I believe that these points about giving  
17 oral testimony have been made to Mr. Perry Dunlop. Today,  
18 it appears that Mr. Perry Dunlop has decided to continue  
19 his refusal to respond to questions of Commission counsel  
20 and has not augmented his reasons or explanation for  
21 refusal. I view this decision as unfortunate and a  
22 disappointment, particularly given the unnecessary  
23 expenditure of public funds in travel and in bringing  
24 everyone here today. We proceeded to make arrangements and  
25 payment in good faith and without indication that we would

1 not be going ahead, and I want to note that I would have  
2 welcomed having Mr. Dunlop's perspective and views as, I  
3 would believe, many others.

4 I will now turn to explaining how we will  
5 proceed to accomplish our work in completing the mandate of  
6 this Inquiry. Prior to the Dunlop's indication to us that  
7 they would attend personally at this Inquiry, Commission  
8 counsel had been working on presenting evidence related to  
9 Mr. Perry Dunlop. The evidence was logically part of what  
10 we term "community context evidence". I understand that  
11 Commission counsel had already been well advanced in terms  
12 of the process of drafting a summary of evidence about Mr.  
13 Perry Dunlop through the mechanism of an overview of  
14 documentary evidence, which we called as an ODE.

15 This involves a comprehensive oral review by  
16 Commission counsel of the written, oral and visual record  
17 and the various relevant events over time. It is my  
18 understanding that very shortly Commission counsel will be  
19 prepared to lead this evidence. At the conclusion of my  
20 remarks today, I will ask Mr. Engelmann to give us some  
21 specifics on scheduling and a high-level summary of the  
22 areas that he is likely to cover in this overview of  
23 documentary evidence in respect to Mr. Perry Dunlop.

24 We will be proceeding to implement our plans  
25 to move into the community context evidence starting

1 tomorrow and to call expert media testimony as part of that  
2 chapter of evidence. We will follow the plans I laid out  
3 on September 17<sup>th</sup>, 2007, and we will reach testimony of the  
4 institutional parties later this year, completing our plans  
5 in an orderly fashion.

6 I have set out what I think is the most  
7 important focus, the work that we will do to fulfil our  
8 mandate, to carry out our duty in the public interest and  
9 to move to constructive recommendations for the future.

10 In terms of Mr. Perry Dunlop, I will now  
11 turn to the independent process set out for situations in  
12 which individuals choose not to respond to the lawful  
13 requests of a public authority. The *Public Inquiries Act*,  
14 an Ontario law that binds all provincial inquiries, says  
15 that a Commissioner can provide the Divisional Court of  
16 Ontario with the facts about a witness's refusal to  
17 testify.

18 In this case, the facts would include the  
19 summons, the transcript of what was said, and all relevant  
20 documents. We intend to have the Divisional Court, as a  
21 matter of public interest, inquire into the situation, and  
22 we will be bound by the decision of that higher court. The  
23 Divisional Court will consider whether Mr. Perry Dunlop  
24 should answer for his refusal to give testimony. I will  
25 instruct Commission counsel to seek the parties' advice on

1           how to proceed in that court. The process that we will  
2           follow respects both the rights of individuals and the  
3           rights of the public to see respect for the law of this  
4           Province. We intend to follow the process available, to  
5           get the independent guidance available on this matter and  
6           to move forward. This is a measured response that will  
7           take some time to proceed.

8                           In terms of next steps here, we intend to  
9           proceed as we have planned and now I will call upon Mr.  
10          Engelmann to give some specifics on scheduling and a  
11          summary of the directions he intends to take in an overview  
12          of the documentary evidence related to Mr. Perry Dunlop as  
13          part of the community context evidence.

14                           Thank you.

15                           **MR. ENGELMANN:** Mr. Commissioner, I can  
16          advise that work on an overview of the documentary evidence  
17          is well underway. We will provide a draft to all counsel  
18          for the parties no later than tomorrow seeking their input.  
19          It is my hope that the overview can be submitted into  
20          evidence the week of October 22<sup>nd</sup>, so that we can deal with  
21          this in the context of this stage of Phase I, the community  
22          context stage.

23                           The areas that we would cover in the  
24          overview of documentary evidence would include the  
25          following: the personal and professional background of

1 Perry Dunlop; circumstances surrounding Mr. Dunlop's  
2 disclosure of Mr. Silmsker's statement to the Children's Aid  
3 Society; subsequent investigations into Mr. Dunlop's  
4 conduct, including charges brought against Mr. Dunlop under  
5 the *Police Services Act* that were later stayed and, in one  
6 case, dismissed; Mr. Dunlop's interactions with the media  
7 throughout this process; Mr. Dunlop's civil action against  
8 a number of institutions and individuals; Mr. Dunlop's  
9 contacts with victims and alleged victims and potential  
10 witnesses and the response Mr. Dunlop received from the  
11 Cornwall Police Service regarding these contacts; Mr.  
12 Dunlop's provision of documentations to others, including  
13 Mr. Fantino who then was the Chief of the London Police  
14 Force, the Ministry of the Attorney General and other  
15 Ministries; the disclosure of materials compiled by Mr.  
16 Dunlop to the Cornwall Police Service and to Project Truth;  
17 Mr. Dunlop's involvement and participation in criminal  
18 proceedings and criminal trials and processes and to some  
19 extent -- and I say some extent because it is documentary  
20 evidence -- some of what we know to be the impact of the  
21 above events on Mr. Dunlop personally and professionally.

22 So the overview of documentary evidence,  
23 sir, would touch upon all of those areas. They also touch  
24 upon a few others. It will, of course, include his will-  
25 state and many, many other documents that he had some

1 involvement in.

2 I'm hopeful that we can get it out to the  
3 parties for their comments. We can read it in with some  
4 documents the week of the 22<sup>nd</sup>.

5 What I would propose, sir, is we adjourn  
6 until tomorrow. Tomorrow afternoon, we had scheduled the  
7 Coalition's Application for Supplementary Funding for two  
8 o'clock. I would propose that we also start the evidence  
9 of Mr. Carson Chisholm at that time.

10 I know there's been some issue about  
11 documents and short notice and because of the uncertainty  
12 about whether Mr. Dunlop would be proceeding, we asked all  
13 counsel to be prepared to proceed with Mr. Chisholm. So my  
14 suggestion is that that evidence start tomorrow afternoon  
15 at two, together with the supplementary funding  
16 application.

17 We will conclude the chief and cross this  
18 week, and then the week of the 22<sup>nd</sup> go with the overview of  
19 documentary evidence; perhaps the evidence of Mr. Guzzo,  
20 Mr. Bourgeois. We have a number of witnesses that are  
21 lined up in this community context stage and I would ask  
22 that counsel stay behind a few minutes today so that I can  
23 explain some of that to them in a brief meeting.

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

25 **MR. ENGELMANN:** That's our present

1 intention, Mr. Commissioner, unless you have some  
2 questions.

3 **THE COMMISSIONER:** All right.

4 Any comments with respect to the schedule at  
5 this point?

6 No, great. So we have Mr. Chisholm who is  
7 under subpoena to be here today.

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

9 **THE COMMISSIONER:** All right.

10 Mr. Chisholm, you understand you are to  
11 return here at two o'clock tomorrow afternoon for  
12 testifying?

13 **MR. CHISHOLM:** Yes, sir.

14 **THE COMMISSIONER:** Thank you. All right.  
15 Is that everything then?

16 **MR. ENGELMANN:** Thank you, sir.

17 **THE COMMISSIONER:** Thank you.

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

20 This hearing is adjourned until tomorrow  
21 afternoon at 2:00 p.m.

22

23 --- Upon adjourning at 10:56 a.m. /

24 L'audience est ajournée à 10h56

25

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

I, Marc Demers a certified court reporter inthe 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, Marc Demers, 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.



---

Marc Demers, CVR-CM