

**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 294

Held at :

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

Friday, October 24, 2008

Tenue à:

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

Vendredi, le 24 octobre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Jordan Glick	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Richard Abell	CAS

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann.

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

14 **RICHARD ABELL, Resumed/Sous le même serment:**

15 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**
16 **ENGELMANN (cont'd/suite):**

17 **MR. ENGELMANN:** Good morning, Mr. Abell.

18 **MR. ABELL:** Good morning, sir.

19 **MR. ENGELMANN:** Yesterday we were talking
20 about some of the work the CAS was doing here, responding
21 to some allegations by Jeannette Antoine, and I'd like to
22 take you to a note referring to a contact you had with
23 Staff Sergeant Derochie in January of 1994. And it's
24 Document Number 739343.

25 Mr. Abell, again, these are some notes of

1 yours. Unfortunately, the photocopy is not very good.

2 **MR. ABELL:** Okay.

3 **MR. ENGELMANN:** Mr. Commissioner, these are
4 notes responding to a call, and I believe the date is
5 January 19th.

6 **THE COMMISSIONER:** Thank you.

7 **MR. ABELL:** Thank you.

8 **THE COMMISSIONER:** Exhibit 2456 is a
9 photocopy of Document Number 739343.

10 **--- EXHIBIT NO./PIÈCE NO. P-2456:**

11 (739343) Notes of Richard Abell re Jeannette
12 Antoine - January 19, 1994

13 **MR. ENGELMANN:** And, sir, sorry, the year
14 would have been 1994.

15 **THE COMMISSIONER:** Is that correct?

16 **MR. ENGELMANN:** Mr. Abell, I don't know if
17 you're able to help us with that, but it's my understanding
18 it would have been in 1994. This is when -- just after --
19 we just talked about the media interest in the story.

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** And this is about a week
22 after that.

23 **MR. ABELL:** Okay.

24 **MR. ENGELMANN:** All right?

25 And it appears that Staff Sergeant Derochie

1 has called you. Perhaps you call him back, and he's
2 informing you about discussions they've had with Jeannette
3 Antoine?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And among other things, he's
6 telling you that Ms. Antoine wants criminal action taken
7 against CAS staff regarding physical and sexual abuse?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: Okay? Were you aware at
10 this time or around this time that Staff Sergeant Derochie
11 was conducting an internal review of the CPS's handling of
12 her complaint from back in '89-'90?

13 MR. ABELL: I can't recall if I knew at this
14 time, I'm not sure.

15 MR. ENGELMANN: Okay. But you would have
16 become aware of that during the course of Staff Sergeant
17 Derochie's internal review?

18 MR. ABELL: Yes, I believe he spoke to me
19 about it.

20 MR. ENGELMANN: In fact, we've looked at a
21 document a few times yesterday, Exhibit 1286, which
22 culminates with his final product in '95, but it's his
23 review of their work on the matter?

24 MR. ABELL: Yes.

25 MR. ENGELMANN: All right.

1 And, sir, on the following Bates page, which
2 is 7177299, you have three points near the top. These
3 appear to be specific requests of you by Staff Sergeant
4 Derochie. He's looking for release of information to
5 police from the Antoine file?

6 **MR. ABELL:** Yes.

7 **MR. ENGELMANN:** He's asking about sitting
8 members in 1989?

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** And sitting member in '76?

11 **MR. ABELL:** I believe that could be a Board
12 Member.

13 **MR. ENGELMANN:** Yes. And he's actually --
14 and you flesh this out by looking at his notes --
15 particularly interested in whether or not there's a member
16 of his Force on your Board ---

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** --- in either of those
19 years?

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** All right.

22 Were you aware of the allegation of possible
23 cover up -- cover up by either the police or the CAS --
24 based in part on information that the officer initially
25 investigating her complaint, Kevin Malloy, was sitting on

1 the CAS Board at the time of his investigation?

2 MR. ABELL: I don't believe so. I don't
3 have a clear -- a recollection ---

4 MR. ENGELMANN: All right.

5 MR. ABELL: --- of hearing that.

6 MR. ENGELMANN: You don't remember that
7 allegation being made or that concern being brought up?

8 MR. ABELL: I don't. I don't have a
9 recollection of it, no.

10 MR. ENGELMANN: All right.

11 Now, sir, it appears after your conversation
12 with Staff Sergeant Derochie you would have consulted with
13 legal counsel?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: And then responded to Staff
16 Sergeant Derochie?

17 MR. ABELL: I did.

18 MR. ENGELMANN: Providing him with
19 information but also telling him that if he wanted to look
20 at material, that he should get a warrant to remove it from
21 you?

22 MR. ABELL: This says that our position was
23 that he could come and view our material.

24 MR. ENGELMANN: Okay.

25 MR. ABELL: And the warrant would be

1 requested if he wanted to remove anything.

2 MR. ENGELMANN: Fair enough.

3 And was that consistent with your policy at
4 the time?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: All right.

7 MR. ABELL: This wasn't an abuse
8 investigation. The statute and the policy were clear that
9 we were to cooperate fully in releasing information to a
10 police service that had an abuse or abuse-related
11 investigation underway. This wasn't that. So we wanted
12 some documentation.

13 MR. ENGELMANN: All right.

14 I want to just very quickly look at his
15 notes about the conversation with you.

16 MR. ABELL: Okay.

17 MR. ENGELMANN: And they would be at Exhibit
18 1337. It's Document Number 739111.

19 MR. ABELL: I note that we do have a record
20 of Constable Malloy being on our Board. It's in that ---

21 MR. ENGELMANN: Yes.

22 MR. ABELL: It's here. I see it now.

23 MR. ENGELMANN: Yes, I was going to come to
24 that when I asked you yesterday.

25 MR. ABELL: Okay.

1 **MR. ENGELMANN:** Sir, if you'll turn to Bates
2 page 7175689, it's also page 34 of his investigation notes.

3 **MR. ABELL:** Six-eight-nine (689)?

4 **MR. ENGELMANN:** Yes.

5 He describes the call with you. Do you see
6 that on his notes, January 19th, '94?

7 **MR. ABELL:** "Called Mr. Richard Abell"?

8 **MR. ENGELMANN:** Yes.

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** "Going to reinvestigate
11 Antoine's allegations. Looking for
12 access."

13 You advised him:

14 "Check with the agency's attorney.
15 Get back to me. Check his records to
16 determine which members of the service
17 were on the CAS Board of Directors."

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** And he's got that there. So
20 you don't recall a question about why that was important to
21 him?

22 **MR. ABELL:** Sorry, would you repeat that
23 please? I was looking ---

24 **MR. ENGELMANN:** You don't recall him saying,
25 "We're concerned about these allegations of cover up and

1 that's why we need to have this information about who was
2 sitting on the Board"?

3 **MR. ABELL:** It would certainly be logical
4 from this that he would have, but I don't recall it.

5 **MR. ENGELMANN:** All right.

6 "Abell did get back to me and reported
7 the following..."

8 If we flip over to the next page ---

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** "We could see and make
11 notes from anything they had on file.
12 Should we wish to remove any documents,
13 he would like us to do so with a
14 warrant."

15 So that's exactly your recollection as well.

16 "On the matter of members of our
17 Service sitting on the Board of
18 Directors, '75-'76, no record of
19 anyone. Believes that it would be
20 unlikely that anyone did '89-'90.
21 Malloy served from March of '90 until
22 April of '92. Having trouble
23 establishing who, if anyone, prior to
24 that date. Will get back to me."

25 Okay?

1 **MR. ABELL:** Yes.

2 **MR. ENGELMANN:** So notes are consistent with
3 your own. Is that fair?

4 **MR. ABELL:** Yes, it is, yes.

5 **MR. ENGELMANN:** And presumably the dates
6 that you would have given him with respect to Malloy, you
7 would have been able to obtain those from a review of Board
8 minutes or files?

9 **MR. ABELL:** That's correct.

10 **MR. ENGELMANN:** All right.

11 And March of '90 to April of '92, were Board
12 members typically appointed during annual general meetings?

13 **MR. ABELL:** Typically, although there is a
14 process for appointment of replacement Board members during
15 a Board year.

16 **MR. ENGELMANN:** All right.

17 But would people typically be appointed or
18 leave in or around March or April?

19 **MR. ABELL:** Typically, but it was not at all
20 uncommon for Board members to have to step down during a
21 Board year.

22 **MR. ENGELMANN:** All right.

23 So it would appear at least back in early
24 1990, when Constable Malloy had carriage of Jeannette
25 Antoine's complaint, he was a Board member of the CAS?

1 **MR. ABELL:** The records say that, yes.

2 **MR. ENGELMANN:** Yeah. And did that occur to
3 anybody at the time, that you know of? I realize that you
4 were not quite the Executive Director. You were the
5 Clinical Director. But did it occur that -- any concern,
6 possibly Constable Malloy conducting a criminal
7 investigation against CAS staff and/or foster parents while
8 a sitting member of the Board?

9 **MR. ABELL:** I never remember it being made
10 an issue or any note being taken of it.

11 **MR. ENGELMANN:** All right. So you don't
12 remember any discussion about a conflict of interest or
13 perceived conflict being raised?

14 **MR. ABELL:** None.

15 **MR. ENGELMANN:** All right.

16 **MR. ABELL:** None.

17 **MR. ENGELMANN:** They were also advised in
18 the conversation with Staff Sergeant Derochie that the
19 police were in possession of a letter from Jeannette
20 Antoine's sister. This was in a further telephone
21 conversation, and I just want to turn you to your note on
22 that.

23 That would be Document Number 739352.

24 Mr. Abell, this is a note again of a
25 conversation you have with Garry Derochie on January 26th,

1 1994.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2457 is part of Mr. Abell's notes
4 dated January 26th, 1994.

5 --- **EXHIBIT NO./PIÈCE NO. P-2457:**

6 (739352) Notes of Richard Abell - January
7 26, 1994

8 **MR. ENGELMANN:** And, sir, just to perhaps
9 refresh your memory if I may, there's a reference to a
10 foster family ---

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** --- at the top of the page
13 of your notes?

14 **MR. ABELL:** Yes.

15 **MR. ENGELMANN:** And do you recall
16 Ms. Antoine's sister, Suzanne Lapointe, making allegations
17 of physical and sexual abuse while in the care of that
18 family?

19 **MR. ABELL:** I was made aware of it.

20 **MR. ENGELMANN:** Okay. You were made aware
21 of it here by Staff Sergeant Derochie?

22 **MR. ABELL:** That's correct.

23 **MR. ENGELMANN:** All right.

24 And he advised you that the police were in
25 possession of a letter as well?

1 **MR. ABELL:** Yes.

2 **MR. ENGELMANN:** All right. And he asked
3 you, I believe -- if you look at the bottom of the page --
4 to check to see if you'd received a call from Constable
5 Malloy concerning this letter in 1993.

6 Do you see that question at the bottom of
7 the page?

8 **MR. ABELL:** Did I get a call from -- excuse
9 me -- did I get a call from Kevin Malloy on the Suzanne
10 Lapointe letter? Yes, I see ---

11 **MR. ENGELMANN:** And given that you put it
12 out as a question, it strikes me that perhaps you didn't
13 know the answer even then.

14 **MR. ABELL:** Correct.

15 **MR. ENGELMANN:** So even less likely you'd
16 know it today.

17 **MR. ABELL:** Yeah. Correct.

18 **MR. ENGELMANN:** All right. But Staff
19 Sergeant Derochie's notes on this point indicated you
20 responded and you had no record or recollection of
21 Constable Malloy contacting you on this complaint in 1993?

22 **MR. ABELL:** That's correct. I recall that.

23 **MR. ENGELMANN:** All right.

24 So let's -- I won't go to his notes then.
25 Let's just go to her letter if we can.

1 It's Exhibit 1456, Madam Clerk.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ABELL: I have it.

4 MR. ENGELMANN: All right. Sir, have you
5 ever seen this before or just in the preparation for this
6 Inquiry?

7 MR. ABELL: In preparation.

8 MR. ENGELMANN: All right. Because you'd
9 indicated you had no record or recollection of being
10 contacted by Constable Malloy back in '93 about this.

11 What about the contents of the letter? Do
12 you recall being advised of some of these allegations,
13 other than of course by Staff Sergeant Derochie?

14 MR. ABELL: I don't.

15 MR. ENGELMANN: All right. And was it your
16 understanding, sir, that the Cornwall Police Service would
17 be looking into this matter?

18 MR. ABELL: I believe so, yes.

19 MR. ENGELMANN: All right.

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And you did become aware, as
22 you've indicated, that a Constable or Detective Shawn White
23 was assigned to reinvestigate Ms. Antoine's complaints?

24 MR. ABELL: I was.

25 MR. ENGELMANN: Was it your understanding

1 that he would also look into Suzanne Lapointe's complaints
2 or concerns as well?

3 MR. ABELL: I'm not sure on that point. His
4 brief, as I understood it, was to investigate allegations
5 arising out of the Second Street Group Home.

6 MR. ENGELMANN: All right.

7 MR. ABELL: So I'm not sure.

8 MR. ENGELMANN: Fair enough.

9 And, in particular, some concerns that
10 Ms. Antoine had with respect to Mr. Keough?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: One of your workers. Well,
13 at least he was one of your workers in 1990?

14 MR. ABELL: At that time, yes.

15 MR. ENGELMANN: And would you have been in
16 communication from time-to-time with Constable White during
17 the course of his investigation in 1994?

18 MR. ABELL: He would initiate contact with
19 me. It wasn't a great deal. He dealt with my staff,
20 interviewed staff, looked at our records.

21 MR. ENGELMANN: But from time-to-time he
22 would seek information and/or documents from the CAS?

23 MR. ABELL: That was the contact I had with
24 him.

25 MR. ENGELMANN: And he would keep you and/or

1 your colleagues apprised of his findings during the course
2 of his investigation?

3 MR. ABELL: No, certainly not with me.

4 MR. ENGELMANN: Okay.

5 MR. ABELL: It was -- the findings really
6 were presented to me in, I guess, a wrap-up session I had
7 with he and his chief.

8 MR. ENGELMANN: All right. And that wrap-up
9 session I believe -- so that was the first time that
10 findings were actually presented to you and/or your
11 colleagues, to your knowledge?

12 MR. ABELL: To my knowledge, yes.

13 MR. ENGELMANN: All right. And I believe
14 that was on November 3rd, 1994. We have notes of a meeting:
15 Chief Johnston, Inspector Trew, Angelo Towndale and
16 yourself at the CAS office?

17 MR. ABELL: That's correct.

18 MR. ENGELMANN: And was Constable White
19 there as well, to your knowledge?

20 MR. ABELL: Yes, he was. Yes.

21 MR. ENGELMANN: All right.

22 Perhaps we could very briefly then refer to
23 his notes. That's Exhibit 2214.

24 I'm not sure if you have that binder, sir.

25 THE COMMISSIONER: No.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: Mr. Commissioner, I'm only
3 going to look at the very last page of the document.

4 THE COMMISSIONER: Of 2214? M'hm.

5 MR. ENGELMANN: It's Bates page 7176179.

6 THE COMMISSIONER: Well, we do have 2214A
7 now. I'm sorry, what Bates page again? The 7166179, did
8 you say?

9 MR. ENGELMANN: Yes.

10 THE COMMISSIONER: Thank you.

11 MR. ENGELMANN: Sure. Sir, I'm not sure
12 what 2214A is.

13 THE COMMISSIONER: That was done in your
14 absence. You need not worry about it.

15 MR. ENGELMANN: All right. Oh, that's
16 right, there were some additional pages. Well, I think
17 this page, though, is the same.

18 THE COMMISSIONER: Yes.

19 MR. ABELL: Thank you.

20 MR. ENGELMANN: Sir, do you have the very
21 last page?

22 MR. ABELL: Do I? I do, and that's 125 --
23 no, excuse me, 126, Bates?

24 MR. ENGELMANN: It should be 7176179.

25 MR. ABELL: No.

1 **THE COMMISSIONER:** No, you're right. Just
2 flip back two more pages because there was an addition. It
3 should be -- so if you look in the top left-hand corner,
4 6179.

5 **MR. ABELL:** I don't have that. I have --
6 6179? No, I'm up to -- 6126 is as far as I go, sir.

7 **MR. ENGELMANN:** Right. If you flip back a
8 few pages, sir, and you might actually see ---

9 **THE COMMISSIONER:** We added a ---

10 **MR. ENGELMANN:** There was something added at
11 the end.

12 **THE COMMISSIONER:** --- 2148.

13 **MR. ABELL:** There's seven-five.

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

15 **MR. ABELL:** Sorry, sir.

16 **THE COMMISSIONER:** No, no, it's okay. It's
17 quite understandable.

18 Are we on 2214? Okay, remember we added an
19 exhibit to this thing. It was 2214A?

20 **THE REGISTRAR:** Yes.

21 **THE COMMISSIONER:** Okay, so then we've got
22 to go backwards a little bit into the document, about four
23 pages.

24 **MR. ENGELMANN:** It has an original Bates
25 page stamp by someone else of 000278.

1 **THE REGISTRAR:** Can you give me the Bates
2 page again, please?

3 **MR. ENGELMANN:** The Bates page from our
4 system is 7176179.

5 It's very brief. Perhaps we could just have
6 it on the screen, sir. I don't think you'll have a problem
7 with that. It's five or six lines.

8 **MR. ABELL:** Yes.

9 **THE COMMISSIONER:** No, that's not it.

10 **MR. ENGELMANN:** That's the very beginning.
11 So Bates page 7176179.

12 **THE COMMISSIONER:** Madam Clerk, if you
13 promise to give it back right away, show this to the
14 witness, please.

15 **MR. ABELL:** Thank you. I have 179.

16 **MR. ENGELMANN:** All right. So it indicates
17 Thursday, November 3rd, 1994, 9 o'clock:

18 "Chief Johnston, Inspector Trew, myself
19 met with Rick Abell and Angelo Towndale
20 at CAS. Were advised of our findings
21 in the case."

22 **MR. ABELL:** Yes.

23 **MR. ENGELMANN:** It's not very descriptive of
24 what happened. Fair enough?

25 **MR. ABELL:** Fair enough.

1 **MR. ENGELMANN:** But apparently the meeting
2 took 40 minutes?

3 **MR. ABELL:** That would be about my
4 recollection.

5 **MR. ENGELMANN:** All right. So do you
6 actually have some independent recollection of this
7 meeting?

8 **MR. ABELL:** I do.

9 **MR. ENGELMANN:** All right. And those were
10 the people involved?

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** Who was it, do you know,
13 sir, that was explaining the findings?

14 **MR. ABELL:** Constable -- excuse me;
15 Detective White.

16 **MR. ENGELMANN:** All right. And do you
17 recall, generally speaking, what you were advised?

18 **MR. ABELL:** Detective White explained that
19 he had conducted an extensive investigation into the
20 allegations that he had received from Ms. Antoine. He
21 didn't go into any great detail but certainly talked about
22 having done a considerable amount of travelling, tracking
23 down a variety of individuals who he felt could provide
24 information.

25 With that he said that he didn't -- he

1 hadn't been able to find sufficient evidence, I guess, to
2 support charges arising from the allegations. And he
3 finished with saying that some or -- I can't remember his
4 exact wording -- but a number of the children in the home
5 had been abuse victims -- had been abused, but that there
6 would be no follow-up activity by the police, that the
7 matter sat there.

8 So that was the gist of the message that I
9 got.

10 **MR. ENGELMANN:** Okay. So would he have,
11 just to pick up on that, advised you that he had received
12 multiple disclosures of both physical and sexual abuse made
13 by former wards against either foster parents and/or CAS
14 staff?

15 **MR. ABELL:** I remember him -- as I say, I
16 remember him saying that the children in the home had been
17 abused. He may have spoken about abuse in prior foster
18 placements. I don't have a clear recollection of that.

19 **MR. ENGELMANN:** All right.

20 **MR. ABELL:** What struck me was the comment,
21 you know, that it wasn't just Jeannette, in other words, it
22 was others who had suffered abuse.

23 **MR. ENGELMANN:** Right, and not just physical
24 abuse but sexual abuse?

25 **MR. ABELL:** Yes. He mentioned sexual abuse,

1 yeah.

2 **MR. ENGELMANN:** All right. And do you
3 recall if you were advised of any of the names of the
4 workers or any of the foster parents who ---

5 **MR. ABELL:** No.

6 **MR. ENGELMANN:** --- allegedly committed this
7 abuse?

8 **MR. ABELL:** No, my recollection is that the
9 only name that was used was Ms. Antoine who was the
10 complainant.

11 **MR. ENGELMANN:** That was going to be my next
12 question. Was there -- did you receive any of the names of
13 the former wards who alleged the abuse?

14 **MR. ABELL:** Not that I recall, no.

15 **MR. ENGELMANN:** Okay.

16 **MR. ABELL:** No, the discussion that I can
17 remember was in quite general terms.

18 **MR. ENGELMANN:** All right.
19 Were you ever provided with their
20 investigative brief, their Crown brief, on this matter?

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

22 **MR. ENGELMANN:** All right.

23 I'd like just to refer you to a memo to
24 file, and I believe it's your own. It's dated November 7th,
25 '94. It's Exhibit 2391.

1 **THE COMMISSIONER:** Madam Clerk, could you
2 just retrieve my page there before we go any further?

3 Thank you very much.

4 All right. What exhibit, again, Mr.
5 Engelmann?

6 **MR. ENGELMANN:** Twenty-three-ninety-one
7 (2391).

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. ABELL:** I have it.

10 **MR. ENGELMANN:** Okay. Just before I go to
11 it, sir, and just to go back to the meeting on November 3rd,
12 and you told us you weren't advised of names of former
13 wards alleged to have been abused and that you weren't
14 provided with names of alleged abusers either?

15 **MR. ABELL:** No, I don't believe so.

16 **MR. ENGELMANN:** Did either you or Mr.
17 Towndale ask for that information?

18 **MR. ABELL:** I didn't.

19 **MR. ENGELMANN:** All right. And neither at
20 that meeting or at any follow up?

21 **MR. ABELL:** No.

22 **MR. ENGELMANN:** All right.

23 Sir, the memo of November 7th, would that
24 have perhaps been your next action on this matter, follow-
25 up to the meeting on November 3rd where you appear to be

1 meeting with Ian MacLean?

2 MR. ABELL: I would presume so.

3 MR. ENGELMANN: Okay. And why, sir, would
4 you be meeting with him?

5 MR. ABELL: Well, he -- my presumption is
6 that since he was in charge of our foster system it was
7 important for him to know what had come out of that
8 discussion with the police.

9 MR. ENGELMANN: All right, because there had
10 been allegations arising out of foster homes and the Second
11 Street Group Home?

12 MR. ABELL: In particular the Second Street
13 Group Home, yes.

14 MR. ENGELMANN: All right.

15 MR. ABELL: And you're right, and also
16 foster care.

17 MR. ENGELMANN: All right. And you say you
18 gave him the results of the police investigation? You've
19 given us your best effort to explain what those were?

20 MR. ABELL: Yeah, yeah.

21 MR. ENGELMANN: Okay.

22 MR. ABELL: That's correct.

23 MR. ENGELMANN: And then you specifically
24 asked him about allegations of sexual abuse or misconduct
25 by group home staff?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: And he told you he wasn't
3 aware of any but then he explained an issue about John ---

4 MR. ABELL: Mr. Primeau, that's correct.

5 MR. ENGELMANN: All right. And some
6 concerns he had there?

7 MR. ABELL: Yes.

8 MR. ENGELMANN: And Mr. Primeau, was he
9 still on your staff at this time or had he since left?

10 MR. ABELL: No, he had long been gone.

11 MR. ENGELMANN: All right.

12 MR. ABELL: I never met the gentleman.

13 MR. ENGELMANN: All right.

14 And with respect to the other fellow, Mr.
15 Houde or Houde?

16 MR. ABELL: Mr. Houde?

17 MR. ENGELMANN: Yeah. Was he still on
18 staff?

19 MR. ABELL: No, he had long gone.

20 MR. ENGELMANN: All right. You did follow
21 up with him, though, according to this ---

22 MR. ABELL: I did, that's correct.

23 MR. ENGELMANN: Do you know if you made any
24 attempt to follow up with Mr. Primeau?

25 MR. ABELL: No, and I -- there was a

1 particular reason which escapes me at the moment but I
2 didn't follow up with Mr. Primeau. I did with Mr. Devlin,
3 the other individual named in this memo.

4 **MR. ENGELMANN:** All right.

5 Do you recall taking any other steps, based
6 on the information you received at the meeting with the
7 police?

8 For example, you were aware about Suzanne
9 Lapointe having made allegations of abuse within a certain
10 foster home. Did you follow up on that at all, sir, that
11 you know of?

12 **MR. ABELL:** Not that I can recall, no.

13 **MR. ENGELMANN:** Were you advised, sir, that
14 Constable White had actually spoken to the adoptive
15 daughter of that foster family, the Matte's, who advised
16 that a number of female wards who went through that home
17 complained to the foster family of sexual abuse by the
18 foster father?

19 **MR. ABELL:** I wasn't aware of it at the
20 time, no.

21 **MR. ENGELMANN:** Were you advised, sir, that
22 based on the information that Constable White had gathered
23 during his investigation, that he expressed concerns that
24 there had been a systemic breakdown in the CAS during the
25 1970s?

1 **MR. ABELL:** No, nothing that strongly
2 worded.

3 **MR. ENGELMANN:** And by systemic breakdown,
4 sir, he testified here that he was referring to the number
5 of former wards who complained of being physically and
6 sexually abused while in the care of CAS.

7 **MR. ABELL:** Yes, yes. Well, I have now seen
8 the Crown brief that you referred to earlier and that's a
9 fair characterization based on what I saw in there.

10 **MR. ENGELMANN:** There were a great number?

11 **MR. ABELL:** There was extensive abuse
12 situations.

13 **MR. ENGELMANN:** Yeah.

14 **MR. ABELL:** Allegations of abuse.

15 **MR. ENGELMANN:** Do you think that is
16 something that you should have reviewed at that time?

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** Given the extent of those
19 allegations?

20 **MR. ABELL:** Yeah. I can tell you, to do it
21 over again I would have pressed and pressed much harder to
22 get the details of his findings. I didn't and that was a
23 failing of mine.

24 **MR. ENGELMANN:** What do you think you could
25 have done, sir, if you had all of those names, all of those

1 alleged victims given to you back then?

2 **MR. ABELL:** Well, we would have had a
3 record. We would have known what the allegations were. I
4 mean, we clearly, based on what I saw in that Crown brief,
5 really did not have a full picture. We didn't have a full
6 idea. I mean, you saw the response of Mr. MacLean. Mr.
7 MacLean was actually in that home after the incident
8 occurred.

9 **MR. ENGELMANN:** Yes.

10 **MR. ABELL:** And he up to this point in '94
11 didn't know the depth or the breadth of that. I mean, none
12 of us did. And like I say ---

13 **MR. ENGELMANN:** He's told us he had some
14 concerns about a certain worker not following rules, being
15 with female ---

16 **MR. ABELL:** That's a long, long way. That's
17 a long way from extensive reporting of sexual molestation
18 of youth in that home. It's a long way and we just -- we
19 didn't have that picture.

20 **MR. ENGELMANN:** Sorry.

21 **MR. ABELL:** Sorry, I just found it shocking
22 when I read it.

23 **MR. ENGELMANN:** Well, with that very worker,
24 I believe there was at least two if not three allegations
25 of sexual abuse.

1 **MR. ABELL:** Serious allegations, yes.

2 But to answer your question, sir, what would
3 we have done, we would have known. My belief is that it
4 really would have prompted a serious re-think of any
5 actions that we had taken up 'til that time.

6 In looking back and guessing what we would
7 have done, I hope we would have mounted an effort to
8 connect with those people ourselves, try to get some more
9 information from them about what happened and certainly be
10 there in a more supportive way. These were young people
11 that were struggling as adults, clearly.

12 **MR. ENGELMANN:** Do you think it would have
13 given you perhaps a slightly different picture of Jeannette
14 Antoine as well?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** Perhaps a more sympathetic
17 picture?

18 **MR. ABELL:** It would have given me a more
19 sympathetic picture of the entire situation. She was part
20 of, you know, a larger event, a set of circumstances that
21 happened, and certainly it called for a -- much more
22 interest and activity on my part than I gave it at the
23 time. I just didn't realize what I was dealing with.

24 **MR. ENGELMANN:** All right. Sir, back then,
25 as you say, you didn't have the full knowledge of the Crown

1 brief.

2 MR. ABELL: That's correct.

3 MR. ENGELMANN: You did ---

4 MR. ABELL: But in fairness, I didn't ask
5 for -- I didn't know such a thing as a Crown brief existed,
6 sir. I have only recently heard the term.

7 MR. ENGELMANN: All right.

8 Well, whether we call it a Crown brief or
9 whether we call it the investigative file ---

10 MR. ABELL: The report or whatever, yeah.

11 MR. ENGELMANN: Yes.

12 MR. ABELL: I didn't ask for it.

13 MR. ENGELMANN: Right. And that very day,
14 November 3rd, you sent out a memo to your staff.

15 MR. ABELL: Correct.

16 MR. ENGELMANN: And that memo is 739274. If
17 we could look at that.

18 THE COMMISSIONER: Thank you.

19 Exhibit Number 2458 is a memo to all staff
20 from Richard Abell dated the 3rd of November 1994.

21 --- EXHIBIT NO./PIÈCE NO. P-2458:

22 (739274) Memo from Richard Abell to all
23 staff - 03 Nov 94

24 MR. ENGELMANN: Now, sir, in the memo you're
25 advising staff about the commencement of a lawsuit by Ms.

1 Antoine.

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And also about the report
4 you received from the CPS about their criminal
5 investigation.

6 MR. ABELL: Yes.

7 MR. ENGELMANN: And although it indicates
8 that the CPS brief was exhaustive and detailed, all it says
9 about its findings really are that there is no substance on
10 which to base criminal charges.

11 MR. ABELL: And that was my impression that
12 I left the meeting with.

13 MR. ENGELMANN: All right.

14 And that's essentially what you were told?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: All right.

17 Were you ever told that the allegations were
18 without substance or without merit or were you simply told
19 there was insufficient evidence to proceed, or do you
20 recall?

21 MR. ABELL: I don't have -- I can't recall
22 the words or the term that was used by Detective White. I
23 believe that is my -- that's my wording; there's no
24 substance on which to base criminal charges.

25 MR. ENGELMANN: And you do indicate a bit

1 later that with respect to the civil lawsuit, that the
2 allegations will once again be found to be without merit.

3 MR. ABELL: Yes.

4 MR. ENGELMANN: Do you see that?

5 MR. ABELL: I do.

6 MR. ENGELMANN: So you are suggesting, are
7 you not, that essentially this whole issue, this whole
8 concern is without merit?

9 MR. ABELL: Well, the ---

10 MR. ENGELMANN: I mean, that's the
11 impression your staff could reach from this.

12 MR. ABELL: Regarding the sexual abuse
13 allegations, keep in mind that the physical mistreatment
14 had been confirmed by the Board of Directors back when that
15 issue was first brought to light. So really my intent was
16 to speak to the specific allegations that had been
17 subsequently made by Ms. Antoine regarding sexual
18 molestation while in the home.

19 We had -- I mean, this was the second
20 criminal investigation that had looked into her concerns
21 and my understanding, as I say, was that after this
22 supposedly -- well, not supposedly, but this -- what
23 evidently was, I think, a very, very exhaustive piece of
24 work, they weren't able to proceed. So that's the
25 impression that I took away.

1 **MR. ENGELMANN:** Well, were you -- again, I
2 don't know how much you knew about the first investigation
3 and about how complete it might have been.

4 **MR. ABELL:** I didn't. I didn't.

5 **MR. ENGELMANN:** All right.

6 And with respect to the second one, were you
7 advised that in part the reason that a criminal charge
8 could not be laid against Mr. Keough was because of a
9 limitation period?

10 **MR. ABELL:** Absolutely not, because that
11 would have raised the question in my mind, well, if it is
12 simply -- not simply, if it's a matter of a timeline issue
13 then that still leaves a question and a doubt.

14 **MR. ENGELMANN:** Yeah.

15 **MR. ABELL:** So I know I did not hear that,
16 Mr. Engelmann.

17 **MR. ENGELMANN:** And that would go back to
18 perhaps it should have been reported at the time and the
19 timeline issue wouldn't have existed. Anyway, we'll move
20 on.

21 You also, sir, used or issued a press
22 release at or about that time I believe, and that is --
23 it's Document Number 739281. It is a statement of
24 Executive Director dated 4 November, '94.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit Number 2459 is a Statement of
2 Executive Director dated November 4th, 1994.

3 --- EXHIBIT NO./PIÈCE NO. P-2459:

4 (739281) Statement of Executive Director
5 "Press Release" - 04 Nov 94

6 MR. ENGELMANN: Sir, was this, in fact, a
7 press release that you would have authored?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: All right.

10 And, sir, again it refers to a decision not
11 to charge following a lengthy and exhaustive criminal
12 investigation.

13 MR. ABELL: Yes.

14 MR. ENGELMANN: Now, neither in the
15 statement to your staff or in the press release is there
16 any indication of alleged abuse against a number of wards
17 in CAS care.

18 MR. ABELL: No.

19 MR. ENGELMANN: Sir, you did have some
20 information about that at the time.

21 MR. ABELL: I did. I did.

22 MR. ENGELMANN: Why did you not share that
23 either with your staff or with the public?

24 MR. ABELL: I was focused on the issue that
25 had been raised with the civil suit that had been brought

1 against Ms. Antoine and that's what I was speaking to, so
2 it frankly didn't occur to me to address the other.

3 **MR. ENGELMANN:** I can perhaps understand not
4 doing so publicly with the press but did you not think it
5 would be important to share with your staff at the time?

6 **MR. ABELL:** I didn't at the time or I would
7 have.

8 **MR. ENGELMANN:** All right.

9 Then let's look at a couple more documents
10 from that timeframe, and they're documents that were
11 entered during the evidence of Angelo Towndale. We'll look
12 at them briefly. One is Exhibit 2224 and the other is
13 Exhibit 2225. These are very brief documents, sir, they're
14 one page each.

15 And just to put it into context for you, Mr.
16 Abell, these are documents that are authored by Mr.
17 Towndale reporting on conversations he has with Bryan
18 Keough and with Bill McNally. He testified that he
19 believed that these calls and the questions put to both Mr.
20 Keough and Mr. McNally were done so at your request; that
21 you were seeking this information.

22 So if you could just have a quick look at
23 both and tell us whether or not you would have asked him to
24 make those inquiries.

25 **MR. ABELL:** No, I have one document.

1 MR. ENGELMANN: I'm sorry?

2 MR. ABELL: I have one document.

3 MR. ENGELMANN: Certainly. The first one is
4 Exhibit 2224 ---

5 MR. ABELL: I have that.

6 MR. ENGELMANN: --- and the next one --
7 probably the next tab in your binder -- will be 2225.

8 MR. ABELL: Excuse me. I have that. Thank
9 you.

10 MR. ENGELMANN: All right. So maybe just
11 look at them both briefly.

12 And the question is Mr. Towndale has
13 testified he believed that these calls were at your
14 request, you were seeking this information and I just want
15 to know whether you can confirm that for us.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. ABELL: I've read them.

18 MR. ENGELMANN: Do you recall, sir, asking
19 Mr. Towndale to make these inquiries?

20 MR. ABELL: I think I have a recollection of
21 it, yes, sir.

22 MR. ENGELMANN: All right.

23 And would this have had something to do with
24 your seeking information because of the civil lawsuit?

25 MR. ABELL: It's possible. I am not sure

1 what prompted this. I'm not sure.

2 MR. ENGELMANN: The reason I'm asking that,
3 sir, is previously you hadn't really taken active steps to
4 investigate, that had been left with the police.

5 MR. ABELL: M'hm.

6 MR. ENGELMANN: I'm wondering if the reason
7 for these active steps was therefore the lawsuit.

8 MR. ABELL: It's possible. I don't know.

9 MR. ENGELMANN: All right.

10 MR. ABELL: I mean, the lawsuit was
11 obviously put in the hand of our counsel, but I just don't
12 recall ---

13 MR. ENGELMANN: All right.

14 MR. ABELL: --- what prompted this.

15 MR. ENGELMANN: All right.

16 Let's talk a little bit about Earl Landry,
17 Jr., if we can. I have a few questions for you about him,
18 and in particular the involvement of the CAS in the
19 investigation of allegations made against him over a number
20 of years.

21 We've heard in evidence that one of your
22 workers, a woman named Fran Lepage, received a call from a
23 local psychologist, Wayne Nadler, on September 13th, 1993.

24 MR. ABELL: Yes.

25 MR. ENGELMANN: Dr. Nadler was reporting

1 that a patient -- and the patient was anonymous; the name
2 wasn't given to the CAS -- that he had disclosed that he
3 had been sexually abused as a child by Earl Landry, Jr.

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** And prior to this complaint
6 the CAS had received an application from the Landrys, from
7 Mr. Landry Jr. and his wife Lucy, to become -- well, an
8 application for provisional foster status?

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** And this involved a ward who
11 is referred to in these proceedings by a moniker. And I'm
12 going to be using monikers for all victims of Earl Landry,
13 Jr. He is C-54.

14 If that name could be shown to Mr. Abell?

15 That name is familiar to you, sir?

16 **MR. ABELL:** It is.

17 **MR. ENGELMANN:** All right.

18 And he's the ward that has to deal with the
19 provisional foster home status application?

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** All right.

22 And, sir, at that time, in 1993, we had both
23 -- we had the information from Dr. Nadler. We also had
24 this provisional foster home application happening
25 concurrently.

1 MR. ABELL: Yes.

2 MR. ENGELMANN: All right.

3 And, sir, at that time, would it be fair to
4 say that you were not aware -- you were not aware
5 personally of a previous complaint that had come into the
6 Society in 1985 involving Earl Landry, Jr.?

7 MR. ABELL: That's correct.

8 MR. ENGELMANN: And as we understand it, the
9 other staff dealing with both of these issues, the '93
10 complaint and the '93 foster home application, were
11 likewise not aware?

12 MR. ABELL: So I understand, yes.

13 MR. ENGELMANN: All right.

14 And, sir, we're aware that on the
15 provisional foster home side, a letter was written by a
16 social worker, one of your colleagues, advising the Landrys
17 that their home had been approved as a provisional foster
18 home on September 20th, '93 and you yourself also wrote a
19 letter to that effect.

20 MR. ABELL: That's correct. It was a form
21 letter ---

22 MR. ENGELMANN: Yes.

23 MR. ABELL: --- to acknowledge approval of a
24 home.

25 MR. ENGELMANN: All right.

1 **MR. ABELL:** That's correct.

2 **MR. ENGELMANN:** And is it often you send one
3 and a worker sends one? I note there are two.

4 **MR. ABELL:** I can't recall.

5 **MR. ENGELMANN:** All right.

6 And, sir, at the time that that letter was
7 sent on September 20th -- and there's one with your
8 signature on it, September 20th -- presumably you were not
9 aware of the intake on the Nadler complaint on September
10 13th?

11 **MR. ABELL:** I presume I wasn't aware.

12 **MR. ENGELMANN:** Right.

13 You wouldn't have signed that letter?

14 **MR. ABELL:** That's correct. I mean, a bell
15 would have gone off, yes.

16 **MR. ENGELMANN:** Right.

17 And, in fact, we heard from Mr. Carriere
18 that shortly after the letter was written, in fact, the
19 following day, September 21st, 1993, your staff made the
20 connection between the provisional foster home application
21 ---

22 **MR. ABELL:** That's correct.

23 **MR. ENGELMANN:** --- and the complaint
24 recently received?

25 **MR. ABELL:** That's what I understand, yes.

1 **MR. ENGELMANN:** All right.

2 And, sir, in 1993, was there a way to
3 conduct an internal check on potential foster parents to
4 determine if there were any previous complaints about them
5 to the CAS?

6 **MR. ABELL:** Yes, there was a procedure to do
7 so.

8 **MR. ENGELMANN:** All right.
9 That was not a computerized procedure, I
10 presume?

11 **MR. ABELL:** This is '93.

12 **MR. ENGELMANN:** Yes.

13 **MR. ABELL:** No, I don't believe so.

14 **MR. ENGELMANN:** In any event, the internal
15 checks that were in place did not -- certainly, they didn't
16 identify the 1985 complaint; correct?

17 **MR. ABELL:** Correct.

18 **MR. ENGELMANN:** Nor did they identify the
19 1993 complaint until approximately eight days after a
20 complaint came in?

21 **MR. ABELL:** There was a gap, no question.

22 **MR. ENGELMANN:** All right.

23 And given what happened with Earl Landry,
24 Jr. at the time, the fact that he was successful in
25 applying for provisional foster home status despite the

1 prior report of sexual abuse of a minor, was there any kind
2 of review at that time about the efficacy of these internal
3 checks; do you know?

4 **MR. ABELL:** I can't recall a specific one.
5 That's -- I mean, we've long had systems for checking
6 records and files when actions had to be taken or decisions
7 made. They suffer from -- most systems do -- which is
8 either they're not accurate or not kept up or individuals
9 just -- you know, there's human error.

10 So what I'm wanting to say is there would
11 have been a "Whoops, what happened there?" kind of thing
12 and "Let's make sure that doesn't happen again."

13 **MR. ENGELMANN:** But do you know if there was
14 actually any change in policy or procedure as a result?

15 **MR. ABELL:** No, because my presumption is
16 that in almost all cases it worked quite well. We had an
17 extensive system of records and indexes and people spent a
18 lot of time checking them. In fact, it was one of our
19 concerns that the amount of time our admin support staff
20 were spending going through microfilms, records, going
21 through card indexes, and later even the computer system.
22 So, I mean, there was a lot of work done on it.
23 Occasionally there would be a blip like this. This wasn't
24 common.

25 **MR. ENGELMANN:** All right.

1 Well, we had the blip of the eight-day gap.

2 MR. ABELL: Yeah.

3 MR. ENGELMANN: But we also had the larger
4 blip of ---

5 MR. ABELL: There was a larger one, yes.

6 MR. ENGELMANN: The 1985 matter not being
7 found at all.

8 MR. ABELL: I agree.

9 MR. ENGELMANN: And in fact we've heard from
10 Mr. Carriere that it was the Cornwall Police Service who,
11 after the September 13th complaint came in from Dr. Nadler,
12 would have notified the CAS about the previous complaint
13 involving Earl Landry, Jr. ---

14 MR. ABELL: Yeah.

15 MR. ENGELMANN: --- which had been made back
16 in 1985.

17 MR. ABELL: There's no question, Mr.
18 Engelmann, I take your point.

19 MR. ENGELMANN: Yeah.

20 MR. ABELL: That was a miss.

21 MR. ENGELMANN: All right.

22 MR. ABELL: All I'd like to put out is that
23 misses weren't typical of our system.

24 MR. ENGELMANN: All right.

25 And that complaint, sir, involved an

1 individual who goes by the moniker C-51. And I'm going to
2 use that name again, so I just want to make sure you're
3 aware of who I'm talking about.

4 MR. ABELL: Okay.

5 THE COMMISSIONER: C-51?

6 MR. ENGELMANN: Yeah. This was the original
7 complaint that came in to the CAS and the CPS back in '85,
8 okay?

9 MR. ABELL: Okay.

10 MR. ENGELMANN: Now, sir, there were a
11 number of risk management conferences held on this matter
12 over a number of years.

13 MR. ABELL: Yes.

14 MR. ENGELMANN: I'm going to refer you to
15 just a few.

16 MR. ABELL: Okay.

17 MR. ENGELMANN: But there were a couple
18 early in October of '93 and then the first one we see you
19 in attendance at is the third meeting on October 29th, 1993.

20 MR. ABELL: Okay.

21 MR. ENGELMANN: And an issue that appears in
22 those minutes is whether or not to notify the City of
23 Cornwall, who is Earl Landry, Jr.'s employer.

24 MR. ABELL: Employer.

25 MR. ENGELMANN: All right?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: And at that point you don't
3 have any verified abuse. You have the anonymous
4 complainant from Dr. Nadler.

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And you have information now
7 from the CPS about the complaint from 1985?

8 MR. ABELL: Correct.

9 MR. ENGELMANN: That document is Exhibit
10 2287. I'm just going to look at a couple of these, Mr.
11 Abell. I don't think we have to go to many -- 2287.

12 Do you have that, sir?

13 MR. ABELL: I have it.

14 MR. ENGELMANN: I see now familiar
15 handwriting. I assume that's your own?

16 MR. ABELL: It is, sir.

17 MR. ENGELMANN: "Summary of facts
18 discussed: Earl Landry continues with
19 Bob Turner Arena, has access to
20 children."

21 Do you see that?

22 MR. ABELL: Yes, I do.

23 MR. ENGELMANN: Question:

24 "Can we approach his employer with a
25 request for information? One alleged

1 victim is saying he first met Earl
2 through the arena."

3 Okay?

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** And it's agreed on the
6 following page:

7 "We will speak to the head of Parks and
8 Rec with information that we have a
9 serious allegation that may put
10 children at risk who are in contact
11 with him. Also, do they have knowledge
12 of any special relationship between
13 Earl Landry and youths at the arena?"

14 **MR. ABELL:** Yes.

15 **MR. ENGELMANN:** All right?

16 So there's two issues. One is -- there's
17 two issues. One is the issue of children at risk, the
18 safety issue?

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** And the second one appears
21 to be an effort to get more information about others ---

22 **MR. ABELL:** Yes.

23 **MR. ENGELMANN:** --- who may have been
24 abused?

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** All right.

2 So a risk issue and an issue to garner
3 further information?

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** And we've heard, sir, that
6 decisions to notify an employer were made on a case-by-case
7 basis.

8 **MR. ABELL:** Yes.

9 **MR. ENGELMANN:** And would that have been
10 true throughout your tenure as Executive Director?

11 **MR. ABELL:** Yes, it was.

12 **MR. ENGELMANN:** All right.

13 And in situations where there was an
14 allegation of abuse that occurred in the course of
15 employment and where the alleged abuser had access to
16 children in the course of the employment, was it more
17 likely than not that there would be notification?

18 **MR. ABELL:** I would say yes.

19 **MR. ENGELMANN:** All right.

20 And presumably after verification, and
21 certainly after verification of more than one alleged
22 victim, the chances of that notification would presumably
23 increase?

24 **MR. ABELL:** You're right.

25 **MR. ENGELMANN:** All right. And, again, it's

1 all a concern about present risk to children ---

2 MR. ABELL: Correct.

3 MR. ENGELMANN: --- or youths?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And what you're really
6 concerned is, you're concerned about people under the age
7 of 16?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: All right.

10 And this practice of notifying employers in
11 situations like this, that would have been something that
12 would have happened prior to October of '93?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: And probably well before
15 your tenure even as Executive Director?

16 MR. ABELL: That's correct.

17 MR. ENGELMANN: Because we'd seen some
18 examples from back in the mid-eighties.

19 MR. ABELL: Yes.

20 MR. ENGELMANN: All right.

21 MR. ABELL: It's a long-established
22 practice. It is case by case.

23 MR. ENGELMANN: Right.

24 MR. ABELL: It is a decision that's taken
25 seriously. It would usually be preceded by some

1 considerable discussion and reflection.

2 MR. ENGELMANN: Fair enough.

3 MR. ABELL: It's a ---

4 MR. ENGELMANN: And -- sorry.

5 MR. ABELL: It's a decision that needs to be
6 made very carefully.

7 MR. ENGELMANN: Right.

8 MR. ABELL: Not that there aren't many that
9 way but ---

10 MR. ENGELMANN: Right.

11 MR. ABELL: --- that one particularly.

12 MR. ENGELMANN: And often you would consult
13 with your internal legal counsel on this practice?

14 MR. ABELL: Correct; very much so.

15 MR. ENGELMANN: All right. And it would
16 never be a decision of one person alone?

17 MR. ABELL: That's correct.

18 MR. ENGELMANN: And, typically, would the
19 Executive Director be involved in those decisions?

20 MR. ABELL: I don't know how typical that is
21 but that certainly wasn't uncommon.

22 MR. ENGELMANN: All right. But in any event
23 it's not a decision a worker would made on his or her own?
24 There would certainly be someone at the level of Mr.
25 Carriere ---

1 **MR. ABELL:** That's the point I was trying to
2 make. It is very much a considered decision.

3 **MR. ENGELMANN:** Fair enough.

4 **MR. ABELL:** It's not your routine casework
5 decision.

6 **MR. ENGELMANN:** All right.

7 And when the CAS took the step of notifying
8 an employer, I'm interested in what information would be
9 provided to the employer.

10 For example, would the employer simply be
11 advised that information had been received relating
12 possible misconduct of an employee?

13 **MR. ABELL:** This is following verification?

14 **MR. ENGELMANN:** All right, following
15 verification.

16 **MR. ABELL:** We would be informing the
17 employer that an allegation had been made, we had
18 investigated and that we had -- whatever we had come to.
19 If we had confirmed that, we would let them know.

20 We then were in, let's say -- we'd be
21 particularly careful about how much we shared with respect
22 to the concern that we'd investigated and verified, but
23 certainly the employer would be notified that we had been
24 involved and that we had concerns that were verified.

25 **MR. ENGELMANN:** All right. So if

1 verification had -- if that process had gone through, you
2 would acknowledge or you would give them the information
3 that it had been verified?

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** Would it simply say ---

6 **MR. ABELL:** Well, I'm -- when you say "give
7 the information that it had been verified".

8 **MR. ENGELMANN:** Right.

9 **MR. ABELL:** Again, we would have to be
10 highly circumspect about how much we were able to share.

11 **MR. ENGELMANN:** Okay, fair enough.

12 **MR. ABELL:** Clearly, we're trying to balance
13 off a number of issues here. We want ---

14 **MR. ENGELMANN:** Would you share -- sorry. I
15 didn't mean to interrupt; I apologize.

16 **THE COMMISSIONER:** You're balancing a number
17 of interests, which would be?

18 **MR. ABELL:** First and foremost, the safety
19 of children, which was the top priority, and the privacy
20 interests of a number of people, including victims. And, I
21 guess, latterly the interest of the person who was accused.

22 So I mean primarily we want the employer to
23 know and we want the employer to have enough information
24 that they're able to act, but always being cognizant that
25 there are other interests in a situation like that.

1 MR. ENGELMANN: All right.

2 So would the employer be advised whether the
3 abuse verified was of a physical or sexual nature?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: All right.

6 MR. ABELL: Yeah.

7 MR. ENGELMANN: And clearly they'd be
8 notified the name of the employee but not necessarily the
9 name of the victim or victims?

10 MR. ABELL: I'm not sure on that. I didn't
11 personally handle that, so that's part of the reason I'm
12 struggling.

13 MR. ENGELMANN: All right.

14 MR. ABELL: I know this in principle and I'm
15 certainly hearing reports from people like Bill Carriere
16 and others.

17 MR. ENGELMANN: All right.

18 MR. ABELL: So having not actually done
19 that, I'm frankly not precise for you.

20 MR. ENGELMANN: And I -- presumably it might
21 vary on a case-by-case basis ---

22 MR. ABELL: Right.

23 MR. ENGELMANN: --- the amount of detail
24 that's actually given?

25 MR. ABELL: Very much so, yes.

1 **MR. ENGELMANN:** All right.

2 Now, in a case like this one ---

3 **MR. ABELL:** And that would -- sorry, if I
4 may, that would depend on the degree to which we were
5 concerned about risk to children.

6 **MR. ENGELMANN:** All right. In a case like
7 this one, the verification decision had not been made in
8 October of '93?

9 **MR. ABELL:** That's correct. That's correct.

10 **MR. ENGELMANN:** But a decision was made to
11 notify the employer. What would you notify about in a
12 circumstance like that?

13 **MR. ABELL:** Well, as the notes indicate, we
14 were looking for information at this point.

15 **MR. ENGELMANN:** I realize that, but you're
16 also -- it says:

17 "Speak to the head of Parks and
18 Recreation with information that [oh]
19 that we have a serious allegation that
20 may put children at risk."

21 **MR. ABELL:** So that's a --

22 **MR. ENGELMANN:** Okay, would ---

23 **MR. ABELL:** That's putting that individual
24 on notice; this has come in and as a consequence of that
25 happening we're looking for information from you.

1 **MR. ENGELMANN:** All right.

2 **THE COMMISSIONER:** So was this ever actually
3 done with Mr. -- was it Mr. Miller of Parks and Recreation?

4 **MR. ENGELMANN:** We've heard evidence of that
5 and Mr. Abell perhaps -- but what we heard was that one of
6 the workers who was tasked in calling made a call, didn't
7 get through, and that shortly after the call a decision was
8 made in consultation with Mr. Carriere to put off making a
9 further call until after a meeting with C-51. That's the
10 evidence we've heard.

11 **MR. ABELL:** Okay.

12 **MR. ENGELMANN:** And we've also heard that
13 the call then was never made.

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

15 **MR. ABELL:** It wasn't followed; that's
16 correct.

17 **MR. ENGELMANN:** Right.

18 **MR. ABELL:** That's my understanding.

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

20 **MR. ENGELMANN:** And in fact, again, despite
21 the initial decision to notify, which was pre-verification,
22 when Mr. Landry, Jr.'s abuse of C-51 and the anonymous
23 patient or client of Dr. Nadler were verified in January of
24 '94, there were a couple of risk management conferences and
25 the question of notification was revisited, and it

1 indicated, "The CAS intends to seek the advice of the
2 Ministry before notifying the employer".

3 Do you recall that, sir?

4 **MR. ABELL:** I do, yes.

5 **MR. ENGELMANN:** All right. And certainly at
6 one or both of those meetings, I know you were in
7 attendance, and the case history would have been reviewed;
8 verification abuse process took place.

9 We know the employer had not been notified
10 at that stage in January of '94 and there is -- I think one
11 of the ones that perhaps did not go in is Document Number
12 115684, so maybe we'll just look at that one instead of
13 Exhibit 2290. So let's just look at Document Number
14 115684.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit 2460 is Risk Management Conference
17 Minutes. Case name is Landry and the date is the 12th of
18 January, 1994.

19 --- **EXHIBIT NO./PIÈCE NO. P-2460:**

20 (115684) Risk Management Conference Minutes
21 re Landry - January 12, 1994

22 **MR. ENGELMANN:** Again, sir, these would be
23 your handwritten notations?

24 **MR. ABELL:** They are.

25 **MR. ENGELMANN:** If you want, sir, the other

1 reference is -- it's Exhibit 2290 is the January 11th note.
2 I don't know if you'll need it, but I don't know if it's in
3 that -- is it in one of the binders, Madam Clerk, that the
4 witness has? Okay.

5 There are two risk management conferences,
6 Mr. Abell. One is on the 11th; one is on the 12th. On the
7 11th the abuse is verified. There's a note that the
8 employer has not been notified. The following day there's
9 a further discussion regarding this issue and we have your
10 notes here.

11 We know that a decision had been made back
12 in October to notify. On January 11th, we have the
13 verification. Then we have the risk management conference
14 on the 12th and it's indicating that "we should revisit and
15 get an opinion from the Ministry"?

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** All right. And I'm just
18 wondering if you can recall, sir, why a decision that's
19 made pre-verification to consult, and an effort is then
20 backtracked upon, so to speak, after verification. It just
21 seems unusual that, you know, you have more information and
22 yet here there's a decision not to do it.

23 Do you remember?

24 **MR. ABELL:** I don't have a precise
25 recollection but I certainly recall these discussions in

1 general terms.

2 First of all, it's not uncommon to reverse
3 course once a decision's made in an RMC. I mean, in the
4 nature of the work that we do, developments arise all the
5 time that would change course. I mean, I can even think of
6 a couple of occasions where we were sitting in a risk
7 management conference and somebody walked in to announce
8 that, you know, there had been a further development which
9 sort of blew up our plan.

10 So just as sort of a matter of, I guess,
11 process. I just want you to know it's not uncommon that we
12 would change course as we proceeded along.

13 **MR. ENGELMANN:** I can appreciate that but in
14 this case, of course, it's unusual?

15 **MR. ABELL:** Okay. I'm just giving you that
16 context.

17 **MR. ENGELMANN:** Oh, sorry.

18 **MR. ABELL:** Okay, just simple context. All
19 right.

20 In this case, we -- I mean, I've looked
21 extensively at this whole record and I can tell you, and I
22 believe my former colleagues have told you as well, we
23 didn't notify that employer -- should have. When I look at
24 the record now, the question is why on earth didn't we pull
25 the trigger and do it?

1 The best I can give you, to my
2 recollection, and I've thought a lot about this, is that we
3 have a group decision-making process. It's a strong
4 process. It's got a lot of merits to it but occasionally
5 the downside of a group decision-making process is group
6 think, and I think we talked ourselves into a blind alley,
7 quite early on this one, around the issue of the identity
8 of this abuser. We had the information but for some reason
9 we just seemed to keep coming back to that like homing
10 pigeons.

11 Anyway, that's not particularly useful to
12 you, perhaps, but that's the best I can think of, that we
13 just simply got ourselves down a blind alley and just never
14 seemed to be able to pull out of it.

15 **MR. ENGELMANN:** All right.

16 Well, the reference to your consulting with
17 MCSS, get a legal opinion, that never seemed to happen
18 either?

19 **MR. ABELL:** No. But I mean what it does --
20 when I read that, again, I mean it just said to me why -- I
21 don't recall in any other case where we ever did that. I
22 mean, MCSS would typically -- that's the Ministry of
23 Community and Social Services -- would typically say we pay
24 you to do that, do it. You know, you've got to grasp the
25 nettle, whatever it is. That's your job.

1 So, I mean, it certainly wasn't common for
2 us to go to the Ministry and say, "Gee, we don't know what
3 to do".

4 So to me it's just typical. We really
5 struggled with this one.

6 **MR. ENGELMANN:** All right.

7 Well, given the fact that you reversed
8 course even though there's verification now ---

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** --- I have to ask whether
11 this change in position -- and I know it's a group decision
12 -- but whether the change in position on behalf of the CAS
13 had anything to do with influence from the Cornwall Police
14 or others in the community because the individual you were
15 dealing with was the son of a former police chief?

16 **MR. ABELL:** We've -- I've asked myself that
17 and I'm sure we all have. I can say categorically no. And
18 the reason I can say that, in all of my career of 30-plus
19 years, in the work that I did, I can never recall an
20 instance where the personal or otherwise connections of an
21 alleged abuser played into decision-making, and I'm
22 absolutely rock solid on that.

23 There's no way that that came -- I mean, we
24 were aware of it, obviously we weren't naive. We knew who
25 the connections were. That did not enter into our decision

1 making.

2 MR. ENGELMANN: All right.

3 THE COMMISSIONER: One thing I have to ask -

4 --

5 MR. ABELL: Certainly.

6 THE COMMISSIONER: --- we have this note in
7 October of 1993 saying, "Let's go ahead and advise the
8 employer".

9 MR. ABELL: Yeah.

10 THE COMMISSIONER: I don't see, and I may be
11 wrong, any other note saying, "We have discussed it and
12 we've agreed not to do this and these are the reasons why"?

13 MR. ABELL: You're right; you're right.

14 THE COMMISSIONER: And why is that?

15 MR. ABELL: I don't know. I don't know

16 I mean, typically -- it's a very good point
17 -- typically, we were as careful to document a negative-
18 type decision like that as we were, we will go ahead and do
19 this. I mean, obviously, that's good record keeping and
20 good decision making. It's not here.

21 MR. ENGELMANN: I think, Mr. Commissioner,
22 Mr. Carriere in his evidence talked about the fact that
23 they decided to pull back after their effort to speak with
24 C-51 and then, as Mr. Abell has told us and Mr. Carriere
25 acknowledged, they were overly focused on the individual's

1 name. Then we have the verification, however, and still --
2 -

3 **THE COMMISSIONER:** No, no, I understand all
4 of that.

5 **MR. ENGELMANN:** Yeah, right.

6 **THE COMMISSIONER:** Thank you.

7 **MR. ENGELMANN:** All right.

8 Sir, just briefly to follow, Carole Leblanc,
9 one of your workers, gets a third intake, third victim,
10 Earl Landry, Jr. This is late 1995. You're advised of
11 that, presumably?

12 **MR. ABELL:** I was.

13 **MR. ENGELMANN:** It's a referral from a
14 healthcare professional?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** To your agency.

17 We know, sir, and I don't need to take you
18 to her Will Say I don't think, but she addresses the fact
19 that she actually speaks to you about this in early January
20 of '96. I think Mr. Carriere is away for a couple of days.

21 **MR. ABELL:** Correct.

22 **MR. ENGELMANN:** You then turn the matter
23 over to the Cornwall Police Service ---

24 **MR. ABELL:** Yes.

25 **MR. ENGELMANN:** --- to investigate. We've

1 looked at that issue.

2 There doesn't appear to be an RMC on this
3 until May the 6th, '96. Perhaps we could look at that very
4 briefly? It is Exhibit 2294. I don't know if that's in a
5 binder you have handy.

6 **THE COMMISSIONER:** It should be, 2294, near
7 the end.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. ABELL:** I have it.

10 **MR. ENGELMANN:** And just to summarize,
11 perhaps what's there, sir, it was determined at this RMC
12 that there was verified abuse yet again, this time a third
13 victim.

14 **MR. ABELL:** You've got a name on the screen
15 here.

16 **MR. ENGELMANN:** That's fine.

17 **MR. ABELL:** That's okay?

18 **MR. ENGELMANN:** Yeah.

19 **MR. ABELL:** Okay, sorry.

20 **MR. ENGELMANN:** We won't refer to any of
21 those names.

22 **MR. ABELL:** Okay.

23 **MR. ENGELMANN:** But it's fine that it's on
24 the screen. Thank you, though, for pointing that out.

25 So, sir, we've got a third victim. We have

1 a verification. If you want to flip to the second page,
2 you'll see that. Once again, the issue of notification of
3 the employer is discussed. There appears to be debate as
4 to whether the CAS has sufficient grounds to notify the
5 employer.

6 And, sir, I'm just wondering -- and if you
7 don't have an explanation, it's fine, but it appears that
8 we still have a contentious issue now even after we have
9 three verified victims of abuse, all allegedly in the
10 course of employment, and he continues to be employed with
11 access to children?

12 **MR. ABELL:** We dropped the ball.

13 **MR. ENGELMANN:** All right.

14 The employer should have been notified?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** Fair enough?

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** All right.

19 **THE COMMISSIONER:** And I don't mean to
20 belabour the point, but on an explanation as to why it
21 wasn't done before, it says:

22 "We would have been on shaky grounds to
23 go to the employer with the two
24 previous allegations."

25 **MR. ABELL:** Yes, this is another one.

1 **THE COMMISSIONER:** Okay.

2 **MR. ABELL:** Yeah.

3 **MR. ENGELMANN:** And, sir, just one last
4 point. There was a further RMC about a year later in April
5 of '97, issues again discussed. Again, the employer's not
6 notified. It is -- it really doesn't appear anything
7 happens. If you want to look at it, it's Exhibit 1605
8 which won't be in that binder, but this has been
9 acknowledged by Mr. Carriere.

10 **THE COMMISSIONER:** Sixteen (16)?

11 **MR. ENGELMANN:** Sixteen-oh-five (1605).

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. ABELL:** I have it.

14 **MR. ENGELMANN:** Sir, so we have one on May
15 6th and we have one about 11 months later. It doesn't
16 really look like anything's happened because we seem to be
17 back at -- you know, the agency's at the point of making a
18 decision as to whether to contact, et cetera.

19 What we do know is the investigation, that
20 was passed over to the Cornwall Police in January of '96,
21 that there is someone now assigned and looking at this
22 issue from their part. But, again, it doesn't appear that
23 anything's happening at your agency?

24 **MR. ABELL:** Well, other than we're still
25 trying to decide whether to inform the employer.

1 **MR. ENGELMANN:** Yeah.

2 **THE COMMISSIONER:** I have a note that Mr.
3 Carriere indicated in his testimony he doesn't understand
4 why they even had this meeting or this conference. Do you
5 recall what prompted this meeting 11 months later on this
6 risk management conference?

7 **MR. ABELL:** I couldn't help you with that,
8 sir, I'm sorry.

9 **THE COMMISSIONER:** All right.

10 **MR. ENGELMANN:** We find out, sir, that in
11 the fall of '97 he's charged, the employer is notified by
12 the police and, as you are probably aware, he then pleads
13 guilty to a number of these charges?

14 **MR. ABELL:** Yes, sir.

15 **MR. ENGELMANN:** All right. And, in fact,
16 one of the victims that he turns out pleading to is C-54;
17 correct?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** And in reviewing this case,
20 despite the delays; the lack of notification; the
21 reversals; focus on name, on identification, perhaps wasn't
22 really an issue; and some of the other matters we talked
23 about; are you still satisfied that the fact that Earl
24 Landry, Jr.'s father was the former Chief of Police and had
25 nothing to do or had no impact on the CAS response?

1 **MR. ABELL:** That's correct.

2 **MR. ENGELMANN:** All right.

3 Perhaps, sir, we could turn then to another
4 matter?

5 I'll just be a moment.

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

7 **MR. ENGELMANN:** Just before we start on
8 Project Blue I'd like to ask you a few questions about your
9 relationship with Perry Dunlop.

10 **MR. ABELL:** Sure.

11 **MR. ENGELMANN:** And what I'm really
12 interested now -- we can talk about how the relationship
13 evolves a bit later, but what I'm really interested right
14 now is your relationship with him and his wife in 1993.
15 It's my understanding, sir, at that point you considered
16 yourself friends?

17 **MR. ABELL:** We were close friends.

18 **MR. ENGELMANN:** Close friends?

19 **MR. ABELL:** That's right.

20 **MR. ENGELMANN:** And that you and your wife
21 and Mr. Dunlop and his wife would socialize together from
22 time to time?

23 **MR. ABELL:** We would and with our children.

24 **MR. ENGELMANN:** All right.

25 And can you tell us how the relationship

1 started?

2 MR. ABELL: We met them at a training event
3 for church volunteers who were involved in marriage
4 preparation weekends.

5 MR. ENGELMANN: And this was in the Catholic
6 Church?

7 MR. ABELL: That's correct.

8 MR. ENGELMANN: Which parish, sir?

9 MR. ABELL: St. Columban.

10 MR. ENGELMANN: All right.

11 And do you remember approximately what year
12 -- perhaps you do because of significance of marriage
13 preparation but ---

14 MR. ABELL: It was probably ---

15 MR. ENGELMANN: It's proximity to marriage
16 typically.

17 MR. ABELL: Oh, I'm sorry; I think I missed
18 your point. Sorry.

19 (LAUGHTER/RIRES)

20 MR. ABELL: What was your question?

21 MR. ENGELMANN: I just wonder -- I'm trying
22 to ---

23 THE COMMISSIONER: No, no, he thinks you
24 were getting prepared to get married ---

25 MR. ABELL: Oh, excuse me.

1 **THE COMMISSIONER:** --- and so therefore you
2 would know the date.

3 **MR. ENGELMANN:** Oh, you were -- I didn't
4 realize you were an instructor, sir.

5 **MR. ABELL:** No, we were volunteer trainers.
6 This is something that my wife and I had done for many
7 years in another community ---

8 **MR. ENGELMANN:** Fair enough. I apologize.

9 **MR. ABELL:** --- and then when -- no, not at
10 all. When we came here we volunteered again in our church
11 here and so that's where we -- and Perry and Helen were
12 also doing that work.

13 **MR. ENGELMANN:** They were volunteering or
14 they were preparing to be married?

15 **MR. ABELL:** No, they were volunteers as
16 well.

17 **MR. ENGELMANN:** Fair enough.

18 **MR. ABELL:** We met them on a weekend for
19 volunteers who were assisting with the church's marriage
20 preparation program.

21 **MR. ENGELMANN:** All right. And your
22 relationship developed from there?

23 **MR. ABELL:** It did.

24 **MR. ENGELMANN:** And would that have been in
25 the early '90s or back in the '80s?

1 **MR. ABELL:** Yes, it would have, it had been
2 in the early '90s, yes.

3 **MR. ENGELMANN:** All right.

4 And do you have a sense as to how often you
5 might have socialized together; and I'm talking about in
6 1993?

7 **MR. ABELL:** You're now talking '93?

8 **MR. ENGELMANN:** Yes.

9 **MR. ABELL:** Well, we would drop by each
10 other's houses. Certainly we would see them on a weekly
11 basis, I would say.

12 **MR. ENGELMANN:** All right.

13 **MR. ABELL:** Perry was performing at that
14 time -- he was a singer -- and from time to time we would
15 go and watch one of his performances.

16 **MR. ENGELMANN:** He would typically play on
17 weekends?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** At local establishments?

20 **MR. ABELL:** Pubs, or he'd do events. People
21 would hire him to -- you know, for a party or whatever.

22 **MR. ENGELMANN:** All right.

23 And at that point in time did you have any
24 professional relationship?

25 **MR. ABELL:** No.

1 **MR. ENGELMANN:** To your knowledge, did he do
2 any work for the CAS in a volunteer or other capacity?

3 **MR. ABELL:** No.

4 **MR. ENGELMANN:** All right.

5 And you hadn't come across each other as a
6 result of a child abuse case of any sort?

7 **MR. ABELL:** No, I believe the first -- I
8 know the first time I met him was at the training event.

9 **MR. ENGELMANN:** But -- and we're going to go
10 to late September of '93 in a moment, but prior to then no
11 involvement in a child abuse case of any sort, whether
12 physical ---

13 **MR. ABELL:** No.

14 **MR. ENGELMANN:** --- sexual, neglect ---

15 **MR. ABELL:** I don't believe so, no.

16 **MR. ENGELMANN:** So if he had some
17 involvement he might have had some involvement with some of
18 your colleagues but not with you directly?

19 **MR. ABELL:** Yeah, he knew our Agency, knew
20 our staff, and I might have seen his name on a report or
21 something but I -- the first time I laid eyes on him was,
22 as I say, at the training event.

23 **MR. ENGELMANN:** All right.

24 So we've heard from Mr. Carriere and Mr.
25 Bell about Project Blue.

1 MR. ABELL: Yes.

2 MR. ENGELMANN: We know that it started on
3 or about the 14th of October 1993.

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And, sir, I just want to ask
6 you a little bit about the genesis here of just how this
7 gets going, and I understand that that really happens as a
8 result of some interactions you have with Perry Dunlop in
9 late September of '93.

10 MR. ABELL: Yes.

11 MR. ENGELMANN: And I think although some of
12 the notes aren't that legible I think the best exhibit for
13 me to take you to is 1441. And if we really have some
14 problems reading there's another place where some of these
15 notes are as well. I'm not sure if you have that binder,
16 sir.

17 THE COMMISSIONER: He should.

18 MR. ABELL: No.

19 THE COMMISSIONER: I think you do.

20 MR. ABELL: I have it.

21 MR. ENGELMANN: Okay. I'd like to start, if
22 we could, on Bates page 7080662. It says, "Case notes -
23 Silmser."

24 MR. ABELL: I have it.

25 MR. ENGELMANN: All right.

1 And given your note-keeping practice I note,
2 sir, am I correct, you're taking -- you're writing these
3 notes on October 1st but you're relating them to events that
4 happened in the days preceding October 1st?

5 **MR. ABELL:** You're correct, yes.

6 **MR. ENGELMANN:** And can you tell us why you
7 would have started taking notes on October 1st?

8 **MR. ABELL:** Well, it was -- I was aware it
9 was a matter that was going to -- that needed some
10 attention and priority and so I wanted to start keeping a
11 record so I sat down the 1st and pulled together everything
12 that had happened.

13 **MR. ENGELMANN:** Would it be fair to say by
14 that time that you had made a decision that your Agency was
15 going to be investigating this matter?

16 **MR. ABELL:** October the 1st, it would be
17 thereabouts.

18 **MR. ENGELMANN:** Okay.

19 **MR. ABELL:** Yes, thereabouts.

20 **MR. ENGELMANN:** All right. Or you would
21 have been fairly certain at least that you would have been
22 taking some action?

23 **MR. ABELL:** Yeah. Well, I mean, the
24 decision was made internally but when I received the
25 statement ---

1 MR. ENGELMANN: Right.

2 MR. ABELL: --- of Mr. Silmser and was able
3 to give it to my staff and consult a decision was made.

4 MR. ENGELMANN: And that statement was
5 picked up by you the day before October 1st, on September
6 30th?

7 MR. ABELL: I'd have to look at the record
8 but it was ---

9 MR. ENGELMANN: Fair enough.

10 MR. ABELL: --- thereabout.

11 MR. ENGELMANN: Fair enough.

12 Okay. So -- well, in your notes they start
13 at the evening of Saturday, September 25th ---

14 MR. ABELL: They do.

15 MR. ENGELMANN: --- and you're referring to
16 an incident which occurs in the parking lot at Quinn's Inn
17 in St. Andrews.

18 MR. ABELL: That's correct. This was -- the
19 event was -- as I said earlier, he was -- there was a
20 little pub, there's a little pub in the basement and he was
21 ---

22 MR. ENGELMANN: Yes.

23 MR. ABELL: --- a performer so we said
24 "We'll go out and see you." So as we were going in and he
25 was unloading his equipment he came over to see me, and

1 Helen stayed and talked with my wife, and they were both
2 telling us in considerable detail about what had happened.

3 MR. ENGELMANN: All right.

4 MR. ABELL: He was very upset.

5 MR. ENGELMANN: And you actually -- you
6 remember this ---

7 MR. ABELL: Oh, yeah.

8 MR. ENGELMANN: --- this meeting?

9 MR. ABELL: Yes.

10 MR. ENGELMANN: Yeah.

11 MR. ABELL: Well, it wasn't a meeting; it
12 was I met a friend in a parking lot.

13 MR. ENGELMANN: This encounter.

14 MR. ABELL: I met him in a parking lot and
15 he unloaded. I mean ---

16 MR. ENGELMANN: All right.

17 And some of what he was upset about you set
18 out in your notes on Bates page 662.

19 MR. ABELL: Six-six-two (662).

20 MR. ENGELMANN: Seven-zero-eight-zero-six-
21 six-two (7080662).

22 MR. ABELL: Oh, I've got it. Yes, thank
23 you.

24 MR. ENGELMANN: And this is a summary of
25 what you remembered from that conversation that you jotted

1 down a few days after it occurred?

2 MR. ABELL: That's correct.

3 MR. ENGELMANN: And you said he was upset.

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And some of the reasons he
6 was upset, sir, that you can recall, either independently
7 or from your notes?

8 MR. ABELL: Well, the gist of it was that
9 the matter hadn't been properly handled, the investigation
10 wasn't going forward, and he believed that something needed
11 to be done. He was concerned about the risk to children if
12 this thing wasn't further looked at.

13 MR. ENGELMANN: All right.

14 And he would have indicated to you at that
15 time that he had actually seen the victim's statement or
16 the alleged victim's statement?

17 MR. ABELL: Yes. Yes, he had it at that
18 time. He had a copy at that time.

19 MR. ENGELMANN: And he was interested in
20 your views or your opinions as someone in the child welfare
21 field?

22 MR. ABELL: I don't believe so at that
23 point, Mr. Engelmann. I think he was -- he just was so
24 upset he just let it off, and it was at that point -- I
25 mean, he had to go in and perform. One of us would have

1 said "Well, look, let's sit down and talk tomorrow." Like,
2 we couldn't talk then. This conversation wouldn't have
3 lasted 10 to 15 minutes max, and it really wasn't a
4 conversation, it was Perry just pouring it out.

5 **MR. ENGELMANN:** The reason I made my last
6 comment was if you look at your notes, sir, about three-
7 quarters of the way down the page, it says:

8 "He seen a victim statement; has a
9 copy; wants me to see it as a child
10 welfare official..."

11 **MR. ABELL:** Correct. That's true.

12 **MR. ENGELMANN:** "...feels he has a duty to
13 report; concerned that children may be
14 presently at risk."

15 **MR. ABELL:** Okay. Well, then he formalized
16 it more than I recall. You're right, yeah.

17 **MR. ENGELMANN:** All right.

18 And again, sir, these notes -- I mean, these
19 were done within days ---

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** --- of this happening.

22 **MR. ABELL:** Yeah.

23 **MR. ENGELMANN:** So your memory would have
24 been much better then?

25 **MR. ABELL:** Better then, of course.

1 **MR. ENGELMANN:** Yeah. But if there's
2 anything that you think you might have said incorrectly in
3 your notes or something that just isn't there that you can
4 remember, feel free to add or subtract, but your note seems
5 to indicate that that's an issue?

6 **MR. ABELL:** You're right.

7 **MR. ENGELMANN:** All right.

8 And do you recall, sir, it appears he may
9 have told you who the alleged perpetrators were?

10 **MR. ABELL:** Yes.

11 **MR. ENGELMANN:** And was that a concern of
12 his, the positions these men were in?

13 **MR. ABELL:** Very much.

14 **MR. ENGELMANN:** All right.

15 **MR. ABELL:** I mean, Father MacDonald --
16 well, in fact, we were standing next to the church --
17 Father MacDonald ---

18 **MR. ENGELMANN:** Quinn's is right across from
19 the ---

20 **MR. ABELL:** Correct.

21 **MR. ENGELMANN:** St. Andrews' Parish?

22 **MR. ABELL:** Right at the main intersection
23 in -- well, the only intersection in St. Andrews. Quinn's
24 Inn is across the street. No, there would be the
25 individual -- the alleged perpetrator, Father MacDonald,

1 was an active priest in the parish, knew him well. Perry
2 and Helen had been married by him and children baptized.
3 So, I mean, this was very close to home for Perry,
4 extremely close to home, and he was rocked by it.

5 MR. ENGELMANN: And so he would have --
6 well, you knew he knew Father MacDonald?

7 MR. ABELL: Yes.

8 MR. ENGELMANN: Did you know Father
9 MacDonald as well?

10 MR. ABELL: No, I didn't.

11 MR. ENGELMANN: All right.

12 What about Ken Seguin; is that someone Perry
13 indicated he knew?

14 MR. ABELL: I don't know if he knew -- well,
15 he would have known him. He names him. I see it here,
16 yeah.

17 MR. ENGELMANN: Yeah. Did you know him?

18 MR. ABELL: No, I didn't.

19 MR. ENGELMANN: All right. All right.

20 And at that particular time, and again from
21 your notes, he appears to have some concerns about his own
22 police service?

23 MR. ABELL: Indeed.

24 MR. ENGELMANN: And what was the gist of
25 that, sir?

1 **MR. ABELL:** To use my earlier phrase, they
2 dropped the ball. I don't know if he framed it that way,
3 but that was gist.

4 **THE COMMISSIONER:** Well, there's a
5 difference between dropping a ball and a conspiracy or --
6 so can you help me? At this initial time, how was he
7 characterizing? Was it, again, dropping the ball or was
8 there something darker that he was talking about?

9 **MR. ABELL:** Let me just go back to my notes
10 for a minute.

11 **THE COMMISSIONER:** Sure. Take your time.

12 **MR. ABELL:** I don't see anything in my
13 notes, Mr. Commissioner, or I can't recall him raising the
14 conspiracy spectre the first night in the parking lot. I
15 do have recollections of him raising it in our discussions
16 the next day when he came to my home.

17 **THE COMMISSIONER:** Okay.

18 **MR. ABELL:** By then, yes, he may have stated
19 it. He may have alluded to it that first evening. I don't
20 recall.

21 **THE COMMISSIONER:** And perhaps -- you know,
22 I don't want to be -- let's stop the word "conspiracy" for
23 a moment; more sinister as opposed to dropping the ball.
24 So when we go down to the next day when you talk about it,
25 we'll revisit that question.

1 **MR. ABELL:** More sinister.

2 **THE COMMISSIONER:** Well, sinister as opposed
3 to dropping the ball. I don't want to use the word
4 "conspiracy" because that word has a special meaning in
5 this Inquiry.

6 **MR. ABELL:** I appreciate that.

7 **THE COMMISSIONER:** So, you know, feel free
8 to use either one of them if you want to. Okay?

9 **MR. ABELL:** Okay.

10 **THE COMMISSIONER:** Thank you.

11 **MR. ABELL:** I think I've got you. Are you
12 cautioning about the use of the word ---

13 **THE COMMISSIONER:** No, I'm not cautioning.

14 **MR. ABELL:** --- the "C" word?

15 **THE COMMISSIONER:** I'm just ---

16 **MR. ABELL:** Okay. All right.

17 **THE COMMISSIONER:** No, no, no, I was just
18 taking back the word "conspiracy" because I don't want -- I
19 want it to be your words and not mine. So what I was
20 asking, I guess -- let's go back to my original question --
21 on the first evening, you used the words "dropped the ball"
22 and I asked you to characterize it, whether it was dropping
23 the ball or a conspiracy. I'd like to take that back a
24 little bit and say dropping the ball or something more
25 sinister.

1 **MR. ABELL:** I don't recall a more sinister
2 tint to the discussion. Again, it wasn't a discussion. It
3 was Perry unloading.

4 **THE COMMISSIONER:** Sure.

5 **MR. ABELL:** I don't recall that.

6 **THE COMMISSIONER:** Thank you.

7 **MR. ENGELMANN:** You understand, sir, that
8 sometimes people can allegedly be inept or incompetent?

9 **MR. ABELL:** I get the distinction.

10 **MR. ENGELMANN:** And sometimes it can be more
11 intentional, the desire not to proceed with an
12 investigation.

13 **MR. ABELL:** I -- let's -- I'll use another
14 word. I'll use the word "malicious." I don't recall that
15 there was any malicious intent ascribed to what Perry told
16 me the first night.

17 **THE COMMISSIONER:** Fair enough. Thank you.

18 **MR. ABELL:** Okay.

19 **MR. ENGELMANN:** So at least -- and I'm
20 looking at your notes from the first day -- there's some
21 concerns about certain work not being done, files not being
22 recorded in the way they should be, stuff like that?

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** All right.

25 **MR. ABELL:** Which is procedural ---

1 MR. ENGELMANN: Yes.

2 MR. ABELL: --- stuff.

3 MR. ENGELMANN: All right.

4 So then there's a note that you do in fact
5 meet the next day and you remember that?

6 MR. ABELL: We did. I invited him. I said,
7 "Why don't you come over the next day and we'll sit down
8 without the time pressure and we can talk."

9 MR. ENGELMANN: Now, at this point both the
10 Dunlops are present for this meeting?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: And your wife is present as
13 well?

14 MR. ABELL: She was.

15 MR. ENGELMANN: All right.

16 And you're talking in your home?

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And it says:

19 "Various options to see that the matter
20 moves ahead."

21 MR. ABELL: Yes.

22 MR. ENGELMANN: All right.

23 And that certainly was his concern?

24 MR. ABELL: Yes.

25 MR. ENGELMANN: Was it also your concern?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: All right.

3 "Perry's position in giving me this
4 information..."

5 And then there's some discussion about
6 whether there's some support for what he's doing or not.
7 Do you see that?

8 MR. ABELL: Where on ---

9 MR. ENGELMANN: If we look on to ---

10 MR. ABELL: Are you down at the bottom of --

11 -

12 MR. ENGELMANN: --- Bates page 662.

13 MR. ABELL: Six six two (662), yes.

14 MR. ENGELMANN: And then you need to go over
15 to 664.

16 MR. ABELL: Over to 664?

17 MR. ENGELMANN: Yeah, 663 is the repeat of
18 662.

19 MR. ABELL: Okay. Now I've got it. So the
20 top paragraph on 664 is the finish of the piece of the
21 second day. Okay. Thank you.

22 MR. ENGELMANN: All right.

23 THE COMMISSIONER: So before we go away from
24 that meeting, what were the dynamics? Was it you and Perry
25 discussing or were the women and Mrs. Dunlop and your wife

1 contributing to the conversation? Do you recall?

2 MR. ABELL: It was largely Perry and I.

3 THE COMMISSIONER: Okay.

4 MR. ENGELMANN: And, sir, is it at that
5 meeting that you first see the statement?

6 MR. ABELL: I did.

7 MR. ENGELMANN: All right.

8 So it's after seeing that statement that not
9 just Mr. Dunlop but you as well think this matter should be
10 investigated or moved ahead?

11 MR. ABELL: Moved ahead. What I had at that
12 point was an historical allegation.

13 MR. ENGELMANN: Right.

14 MR. ABELL: So a judgment call on the part
15 of our Society as to whether we would act on it, but I
16 certainly would have finished that conversation with it
17 clear in my mind that there was a decision to be made on
18 our part.

19 MR. ENGELMANN: Right.

20 MR. ABELL: And you see there, I tell him
21 I'm going to move on the matter. I mean, that was alluding
22 to there's a decision to be made by my Society.

23 MR. ENGELMANN: Right.

24 And this is after some discussion about
25 whether he has support within the police department to see

1 this -- do you see that? You say ---

2 **MR. ABELL:** Yeah, I see it.

3 **MR. ENGELMANN:** "Perry says there are "a
4 couple of sergeants"..."

5 You've got that in quotes.

6 **MR. ABELL:** Yeah.

7 **MR. ENGELMANN:** "...who are with him on
8 this, but otherwise he's stuck. I tell
9 him I'm going to move on the matter."

10 **MR. ABELL:** Yeah. My recollection is that
11 he's saying he's stuck in terms of persuading his own force
12 to pursue the investigation. And then I go on to say I'm
13 going to pursue it in my own organization.

14 **MR. ENGELMANN:** Now, sir, you don't take a
15 copy of the statement at that time?

16 **MR. ABELL:** No.

17 **MR. ENGELMANN:** All right.

18 And do you recall whether or not Mr. Dunlop
19 was going to follow up with someone at the CPS ---

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** --- about this matter at
22 that time?

23 **MR. ABELL:** Yeah. The reason that I didn't
24 take it was he asked me to give him some time. He wanted
25 to see if he could, I guess, take another -- make another

1 effort to persuade his force to do what he thought should
2 be done. He wanted to go and speak to his immediate
3 superior, Staff Sergeant Brunet. And then he said -- I
4 guess where we left it was -- the understanding was that if
5 he could -- if he was successful, fine and dandy; if not,
6 that he would give the statement to me ---

7 **MR. ENGELMANN:** All right.

8 **MR. ABELL:** --- so that I could proceed with
9 my own decision making.

10 **MR. ENGELMANN:** So he was going to meet with
11 Staff Sergeant Luc Brunet?

12 **MR. ABELL:** Yes.

13 **MR. ENGELMANN:** To see if Brunet would take
14 this up again, this investigation?

15 **MR. ABELL:** He was very, very aware -- I
16 recall this clearly from that meeting, he was very aware of
17 the situation he was putting himself in with his own force
18 in coming to me, talking to me the way he had and being
19 prepared to give me the statement. He knew that there were
20 going to be consequences to that. He wanted to make one
21 more effort, as he saw it, to try to move things ahead
22 within his own organization.

23 **MR. ENGELMANN:** All right.

24 So he asked for that extra time?

25 **MR. ABELL:** He did.

1 **MR. ENGELMANN:** And you backed off to see
2 how he could do with Staff Sergeant Brunet?

3 **MR. ABELL:** We had an understanding that his
4 meeting was scheduled with in a day or two and we had an
5 understanding that one way or the other I was going to move
6 on it, and I gave him that amount of time. But it wasn't
7 going to be long.

8 **THE COMMISSIONER:** Can we stop there for a
9 moment, and have a break?

10 **MR. ENGELMANN:** Oh, certainly, yes.

11 **THE COMMISSIONER:** Let's have the morning
12 break, sir.

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

15 The hearing will resume at 11:20 a.m.

16 --- Upon recessing at 11:03 a.m. /

17 L'audience est suspendue à 11h03

18 --- Upon resuming at 11:25 a.m. /

19 L'audience est reprise à 11h25

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

22 This hearing is now resumed.

23 Please be seated. Veuillez vous asseoir.

24 **THE COMMISSIONER:** Okay.

25 **MR. ENGELMANN:** Thank you, Mr. Commissioner.

1 RICHARD ABELL, Resumed/Sous le même serment:

2 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
3 ENGELMANN, (cont'd/suite):

4 MR. ENGELMANN: Mr. Abell, just before the
5 break I was taking you through an exhibit and I mistakenly
6 took you to the top of page 664 thinking that was the
7 remainder of your notes from September 26th. It is not and
8 664 is missing a page. It's missing the continuation of
9 your September 26 note and your September 29th note. So
10 the note about Perry says there are:

11 "...a couple of sergeants who are with
12 him on this but otherwise he's stuck.
13 I tell him I'm going to move on the
14 matter."

15 That's actually what happens on the 29th.

16 MR. ABELL: Oh, okay.

17 MR. ENGELMANN: This is after he had already
18 gone to see Staff Sergeant Brunet.

19 MR. ABELL: Okay.

20 MR. ENGELMANN: So the best way to look at
21 this is let's look in another exhibit that has your
22 complete note.

23 MR. ABELL: Thank you.

24 MR. ENGELMANN: And that would be Exhibit
25 2322.

1 Counsel, that's Document Number 721638.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ENGELMANN: Now, even though you didn't
4 have the remainder of the notes, sir, you got it right and
5 if we turn over to Bates page 067 ---

6 MR. ABELL: I have it.

7 MR. ENGELMANN: All right?

8 You've got -- your note says -- and this is
9 the meeting the afternoon of the 26th; the Dunlops are at
10 your house:

11 "I tell Perry I'm duty bound to act on
12 the information. I read the statement,
13 very credible, looks to be consistent
14 with SVA criteria."

15 MR. ABELL: Statement validity analysis.

16 MR. ENGELMANN: All right.

17 "I give it back. Perry is going to
18 Sergeant Luc Brunet, head of CIB,
19 Heidi's boss, to ask him to get the
20 investigation going."

21 MR. ABELL: Yes.

22 MR. ENGELMANN: All right.

23 And that's consistent with your
24 recollection, sir, of what happened that next day?

25 MR. ABELL: It is, and particularly that

1 first piece that I can recall clearly saying to Perry and
2 he had told me this. He had shown me the information. I
3 was in effect seized with it and it would have to proceed
4 in someway.

5 MR. ENGELMANN: All right.

6 But this is the meeting where he says, "Let
7 me try and go see Luc Brunet first"?

8 MR. ABELL: Correct.

9 MR. ENGELMANN: All right.

10 So then the next note you have is a note
11 dated the 29th, which is the Wednesday?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: And presumably you're
14 waiting to hear back from Perry Dunlop about what happens
15 with Luc Brunet?

16 MR. ABELL: Yes.

17 MR. ENGELMANN: All right.

18 And you haven't heard so it indicates you
19 call him at home and you speak with Helen Dunlop?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And your notes suggest that
22 she's upset. So you go over to the Dunlops' house to see
23 her.

24 MR. ABELL: Yes.

25 MR. ENGELMANN: Do I have that right?

1 **MR. ABELL:** That appears to be the case,
2 yes.

3 **MR. ENGELMANN:** Yeah. So if you want to
4 just have a look at that note? And I'm interested in what
5 you remember of the meeting with Helen Dunlop that
6 afternoon.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. ABELL:** Okay, I have it.

9 **MR. ENGELMANN:** Okay. So is it fair to say,
10 sir, that Mrs. Dunlop is essentially recounting what her
11 husband has told her?

12 **MR. ABELL:** Yes.

13 **MR. ENGELMANN:** All right.

14 For example, his meeting with Luc Brunet?

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

16 **MR. ENGELMANN:** And the fact that presumably
17 Perry had indicated to her and she indicated to you that he
18 was threatened with a charge under the *Police Act*?

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** And essentially told to drop
21 the matter?

22 **MR. ABELL:** He was.

23 **MR. ENGELMANN:** All right.

24 And I'm just wondering, sir, there's a note
25 here as well that says not only that he went to Luc Brunet

1 but also that he saw the Crown prosecutor.

2 MR. ABELL: Yes.

3 MR. ENGELMANN: I don't know if the name
4 Murray MacDonald was mentioned but is that whom you would
5 have presumed?

6 MR. ABELL: That would have been my
7 presumption.

8 MR. ENGELMANN: All right.

9 MR. ABELL: That it was Mr. MacDonald.

10 MR. ENGELMANN: All right.

11 MR. ABELL: Mr. Murray MacDonald.

12 MR. ENGELMANN: All right.

13 The note indicates Helen had tried to see
14 David Silmser.

15 MR. ABELL: Yes.

16 MR. ENGELMANN: Do you see that?

17 MR. ABELL: I see that.

18 MR. ENGELMANN: And that she'd actually
19 spoken with him on the telephone and arranged to meet with
20 him?

21 MR. ABELL: Yes.

22 MR. ENGELMANN: And that Mr. Silmser had
23 been to the Cornwall Police Service station asking about
24 who she was?

25 MR. ABELL: Yes.

1 **MR. ENGELMANN:** I'm just wondering if you
2 reacted to that at all at the time -- the involvement by
3 Helen Dunlop in actually contacting an alleged victim of
4 child sexual abuse?

5 **MR. ABELL:** I remember being surprised.

6 **MR. ENGELMANN:** All right.

7 Would it concern you at all because of
8 issues about interference or contamination or privacy
9 issues that she would have been involved?

10 **MR. ABELL:** That would have been my
11 surprise, those kinds of issues, yeah.

12 **MR. ENGELMANN:** Do you recall if you would
13 have said anything to her about that?

14 **MR. ABELL:** I don't. I was wondering when I
15 saw that. I can't recall if I raised it with her or not.

16 **MR. ENGELMANN:** Do you recall if you might
17 have said anything to Perry about that?

18 **MR. ABELL:** I don't, no.

19 **MR. ENGELMANN:** Now, sir, there's a note at
20 the bottom of the page. Six p.m., 29, you get a call from
21 Perry Dunlop?

22 **MR. ABELL:** Yes.

23 **MR. ENGELMANN:** And does he in effect repeat
24 what you've already heard from his wife?

25 **MR. ABELL:** Apparently.

1 **MR. ENGELMANN:** Okay.

2 And that's when he talks about other things
3 as well about whether he has support at the police station?

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** And the comment about a
6 couple of sergeants. It's after the recounting of the
7 meeting with Brunet, the Crown, et cetera.

8 **MR. ABELL:** So that's the piece that we
9 looked at before the break.

10 **MR. ENGELMANN:** Right.

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** So it's at this point, the
13 evening of the 29th, that you tell him, "I'm going to move
14 on the matter"?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** Okay. Because at that point
17 in time he's advised you that the Cornwall Police Service
18 is not going to move on it.

19 **MR. ABELL:** That's right. And our
20 understanding was that I would get the information, the
21 written information, and be able to do my own piece once
22 he'd taken that step.

23 **MR. ENGELMANN:** All right.

24 And did you ask him, then, to provide you
25 with a copy of that statement?

1 **MR. ABELL:** I can't remember if I asked him
2 or how it transpired but we both -- we had the
3 understanding that that was what was going to happen.

4 **MR. ENGELMANN:** All right.

5 **MR. ABELL:** And I did pick it up.

6 **MR. ENGELMANN:** And that happened the next
7 morning?

8 **MR. ABELL:** Yes.

9 **MR. ENGELMANN:** You went to his home and
10 picked it up?

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** And did you tell him that
13 you yourself were going to be in touch with senior officers
14 within the police service to move on this, or had you made
15 that decision?

16 **MR. ABELL:** Well, what I -- what I believe I
17 discussed with Perry back at the time we came to our
18 understanding was that, I mean, if his force had responded
19 in a positive way and said, "Okay, fine, we're going to
20 pick this up," I still would have had to go to the force.

21 **MR. ENGELMANN:** Right.

22 **MR. ABELL:** I still would have, in order to
23 follow through on my obligations I would have had to -- if
24 I wasn't getting the statement from him I would go to the
25 police and say, "Look, I've had a look at it. Here's the

1 circumstances. I need to know if this is something we have
2 to follow up on."

3 **MR. ENGELMANN:** So if they had moved on it
4 you would have either tried to do a joint investigation or
5 at least do parallel investigations?

6 **MR. ABELL:** Well, I at least would have gone
7 and said, "I've been apprised of this by your officer."

8 **MR. ENGELMANN:** Yes.

9 **MR. ABELL:** "I would like to see the
10 information on which he first approached me." Again, I had
11 seen it informally in my house, and then the wheels would
12 have turned from there.

13 **MR. ENGELMANN:** All right.

14 And in your note indicates after you pick up
15 the statement from him at his home, "Tell him I'm going to
16 put together a plan...", and I'm not sure ---

17 **MR. ABELL:** "And move on it".

18 **MR. ENGELMANN:** "And move on it." Okay.

19 **MR. ABELL:** The move on it, as I said
20 earlier, was the need for me to have it looked at. I
21 wasn't going to make that decision on my own; consult with
22 my staff and then come to a decision.

23 **MR. ENGELMANN:** Right.

24 **MR. ABELL:** Again, this is historical abuse.

25 **MR. ENGELMANN:** I'm sorry?

1 **MR. ABELL:** Again, this is historical abuse.

2 **MR. ENGELMANN:** All right. And you want to
3 talk to some of your senior staff about how to proceed?

4 **MR. ABELL:** That's correct.

5 **MR. ENGELMANN:** All right. And, in fact, do
6 you share a copy of your statement with some of those
7 senior staff members that same day in the morning?

8 **MR. ABELL:** I did; three.

9 **MR. ENGELMANN:** All right. And you wanted
10 them to have some knowledge of the statement before your
11 meeting with the staff in the afternoon?

12 **MR. ABELL:** I wanted them to have a look at
13 it independently and come back and tell me whether they
14 felt there was sufficient substance in there for us to
15 proceed with an investigation.

16 **MR. ENGELMANN:** All right.

17 So let's just go back to the morning when
18 you get the statement from Mr. Dunlop, for a minute.

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** He's indicated to you a
21 conversation he would have had with Staff Sergeant Brunet?

22 **MR. ABELL:** Yes.

23 **MR. ENGELMANN:** He's talked to you about
24 support within the Force and how limited that is for him,
25 and he's essentially told you that there could be *Police*

1 *Service Act* charges, et cetera?

2 **MR. ABELL:** Yes.

3 **MR. ENGELMANN:** Did you think at that time
4 that another option that you could have pursued was not to
5 take the statement from him but to simply go to the Chief
6 or a higher-up at the Cornwall Police Service and demand
7 the statement?

8 **MR. ABELL:** I don't believe I thought of
9 that option at the time, and the reason that I don't think
10 I thought of it was because I had the understanding that
11 I'd discussed earlier with Perry, that he had an obligation
12 under the duty to report and we went through that in
13 detail. He had the duty not only to provide me with the
14 allegation as such but also the information on which he had
15 founded those allegations, which meant a copy of the
16 report.

17 So that was what I had in mind and that's
18 what I pursued.

19 **MR. ENGELMANN:** And it was something you'd
20 read before and you had told him that there was a duty
21 arising from it?

22 **MR. ABELL:** Yeah, "Either I'm getting from
23 you or I'm going to go get it from the Force".

24 **MR. ENGELMANN:** All right.

25 **MR. ABELL:** So in answer to your question --

1 and I know I've seen it in police notes, sort of the
2 question about this issue, why didn't I go to them right
3 away -- I had an understanding with him and that's what we
4 followed through with.

5 **MR. ENGELMANN:** All right. Well, you knew
6 and he knew that this whole process of him contacting you
7 could in fact put him in some jeopardy?

8 **MR. ABELL:** Oh yeah, he was very clear on
9 that.

10 **MR. ENGELMANN:** And by the 29th, Staff
11 Sergeant Brunet had been pretty clear to him about that, at
12 least according to Perry Dunlop?

13 **MR. ABELL:** Definitely.

14 **MR. ENGELMANN:** And did you think at all
15 about how the actual handing over of the statement might
16 increase the jeopardy?

17 **MR. ABELL:** It was clear. It was clear that
18 the risk to him had gone up.

19 **MR. ENGELMANN:** All right.

20 **MR. ABELL:** He was determined to follow
21 through with it.

22 **MR. ENGELMANN:** All right.

23 **MR. ABELL:** He was absolutely determined to
24 follow through it with our course of action.

25 **MR. ENGELMANN:** All right. And you would

1 have apprised him of the fact that you thought he had a
2 duty to report?

3 **MR. ABELL:** Oh, he -- no, I didn't need to.
4 He was very, very clear. I mean, Perry could quote the
5 Act.

6 **MR. ENGELMANN:** All right. But you would
7 agreed with his view on that?

8 **MR. ABELL:** Yeah, yeah.

9 **MR. ENGELMANN:** All right.
10 I'm just wondering at that point what, if
11 any, continuing role you thought he might have, if any;
12 "he" being Perry Dunlop?

13 **MR. ABELL:** Continuing role? Can you help
14 me?

15 **MR. ENGELMANN:** Well, you've had -- you
16 know, he's let you see the statement. Now he's given you
17 the copy of the statement. Did you expect him to have any
18 role in your investigation, the CPS investigation -- the
19 CAS investigation?

20 **MR. ABELL:** I didn't anticipate that he
21 would. I didn't know because I -- at that point, I didn't
22 even know if we really were going to have an investigation.
23 But I don't think I would have anticipated it, Mr.
24 Engelmann, because he hadn't handled the investigation in
25 the CPS. I mean, it wasn't his piece of work.

1 **MR. ENGELMANN:** Did you sense any
2 expectation from him that he wanted to have some kind of
3 continuing role?

4 **MR. ABELL:** No, no.

5 **MR. ENGELMANN:** All right.

6 Sir, I want to just very quickly look at a
7 document that Mr. Dunlop prepared, and it was a Will State
8 that he prepared several years later. It is Exhibit 579.

9 **THE COMMISSIONER:** Five-seven-nine (579)?

10 **MR. ENGELMANN:** It's Document Number 728943,
11 counsel.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. ENGELMANN:** Perhaps we could just do
14 this on the screen. It's not long and it's legible. If
15 you don't mind, Mr. Abell, I don't think it will take long.
16 I'm looking -- oh, is that fine?

17 **THE COMMISSIONER:** I usually make notes in
18 my files.

19 **MR. ENGELMANN:** Sir, do you want the
20 document?

21 **THE COMMISSIONER:** It's okay. Five-seven-
22 nine (579) is the Exhibit Number?

23 **MR. ENGELMANN:** Right, and the Bates page is
24 7114909.

25 I'm just going to have the witness look at

1 two quick paragraphs, I if I may, there. It's paragraphs
2 16 and 17.

3 **THE COMMISSIONER:** There you go.

4 **MR. ABELL:** I see that.

5 **MR. ENGELMANN:** Do those paragraphs
6 generally accord with your view about what happened on
7 those two days?

8 **MR. ABELL:** Well, I see in 17, Perry's
9 comment that:

10 "Mr. Abell informed me that I had a
11 duty to report."

12 As I say, I may well have, but he was clear
13 from the get-go on what his duty was, or what he saw as his
14 duty.

15 **MR. ENGELMANN:** He does say:

16 "I was aware of the statutory duty to
17 report already, and believed that I was
18 acting in accordance with it."

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** All right.

21 And then just one other reference, if I may.
22 It's at Bates page 7114913, paragraph 22. This is, again,
23 a reference to you, Mr. Abell.

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

25 **MR. ENGELMANN:** You should note, sir, this

1 is written in early 2000.

2 MR. ABELL: Okay. So this is some seven
3 years after the event?

4 MR. ENGELMANN: Yeah.

5 MR. ABELL: Okay.

6 MR. ENGELMANN: Apparently in some cases
7 from notes, but I want to ask you about this notation.

8 MR. ABELL: Certainly.

9 MR. ENGELMANN: The first sentence accords
10 with your note?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: The second sentence
13 describes Chief Shaver. It says:

14 "...went wild when he found out I had
15 visited the Children's Aid Society. In
16 fact went to CAS to confront Mr. Abell.
17 Was furious that I'd gone outside the
18 Police Service."

19 Now, you had a meeting with Chief Shaver on
20 the 1st of October, and we'll go to that.

21 MR. ABELL: Yes.

22 MR. ENGELMANN: Was that a meeting that you
23 had asked for or a meeting that he had asked for?

24 MR. ABELL: I asked for it.

25 MR. ENGELMANN: All right.

1 And how would you -- would you comment on
2 his note that "Went wild when he found out" or that he
3 confronted -- "He went to the Children's Aid Society to
4 confront Mr. Abell"?

5 **THE COMMISSIONER:** I don't know that he can
6 answer whether or not the Chief went wild.

7 **MR. ENGELMANN:** Yeah, I asked him "if you
8 can".

9 **THE COMMISSIONER:** Did he tell you, "I went
10 wild when I found out about this"? Can you comment about
11 that?

12 **MR. ABELL:** Well, I can't tell from this
13 wording, sir, whether he's referring to his reaction in my
14 office or at some point earlier.

15 **THE COMMISSIONER:** Yeah, some point earlier.

16 **MR. ABELL:** Yeah, I don't know.

17 **THE COMMISSIONER:** So you don't know unless
18 he would have told you about that.

19 **MR. ABELL:** Although ---

20 **THE COMMISSIONER:** Did he ever tell you?

21 **MR. ABELL:** Although -- sorry, excuse me for
22 interrupting.

23 **THE COMMISSIONER:** Go ahead.

24 **MR. ABELL:** I believe -- okay, as I think
25 back, I believe that the first time he heard that Perry had

1 provided the statement to me, yes, it was in the meeting I
2 had with him on the 1st. So this would be referring to his
3 reaction to my news to him.

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

5 **MR. ABELL:** I've got this.

6 **THE COMMISSIONER:** Okay.

7 **MR. ABELL:** That's what makes sense to me.

8 **THE COMMISSIONER:** So what was -- so do you
9 recall what the Chief's reaction was in your office during
10 that meeting?

11 **MR. ABELL:** He was really angry.

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

13 **MR. ENGELMANN:** He was really angry with
14 Perry Dunlop?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** For what?

17 **MR. ABELL:** For coming to me and providing
18 me with the statement.

19 **MR. ENGELMANN:** All right.

20 **MR. ABELL:** He was very angry.

21 **MR. ENGELMANN:** And, sir, I'm just going to
22 take you to something else and ---

23 **MR. ABELL:** If I may, just ---

24 **MR. ENGELMANN:** Yeah.

25 **MR. ENGELMANN:** Mr. Engelmann, sorry. The

1 next sentence "He went to the Society to confront Mr.
2 Abell." That's not accurate. The Chief didn't confront me
3 around this. I mean, we had a discussion; I told him what
4 I had, what we planned to do, but I -- I don't know if it's
5 relevant, but it certainly wasn't a case of Chief Shaver
6 confronting me.

7 **MR. ENGELMANN:** Right. But the remainder of
8 the sentence, "was furious that I'd gone outside the police
9 service" is accurate?

10 **MR. ABELL:** That's accurate. Correct.

11 **MR. ENGELMANN:** And, sir, just one other
12 point and it's on page Bates page 7114915. It's difficult
13 to -- this starts on the previous page, a note on October
14 12th, 1993. If we flip onto 7114915 it says in the middle
15 of the page:

16 "Sometime prior to this date, Chief
17 Shaver attended Children's Aid Society
18 and spoke to Richard Abell. I'm
19 informed that Chief Claude Shaver was
20 very agitated on this visit."

21 Now, I'm not sure which visit because you
22 had two visits ---

23 **MR. ABELL:** We did.

24 **MR. ENGELMANN:** --- from Chief Shaver, one
25 on the 1st and one on the 8th; correct?

1 **MR. ABELL:** Correct.

2 **MR. ENGELMANN:** The 1st he was on his own,
3 the 8th he was with Luc Brunet.

4 **MR. ABELL:** That's correct.

5 **MR. ENGELMANN:** It says:

6 "He banged his fist on Richard Abell's
7 desk and stated that he would get
8 Constable Dunlop for his action in
9 taking this matter out of house.
10 Richard Abell attended my house to
11 inform me to keep low, 'It appears
12 they're coming for your head'. The
13 message I received from Richard Abell
14 was that my job was on the line if not
15 over."

16 This was around the end of October '93 prior
17 to Ken Seguin committing suicide. Do you have any comment
18 on any of that paragraph, sir?

19 **MR. ABELL:** Well, I do. First off, the
20 banging of his fist, I think that's an elaboration over
21 time. I don't recall him banging his fist. As I said, he
22 was angry and exploded and saying, "He's got no right to do
23 that" or something along that line.

24 **MR. ENGELMANN:** Yeah.

25 **MR. ABELL:** That was the reaction.

1 As far as me telling him to keep low, that's
2 nonsense. I mean, I tried very, very hard to maintain a
3 professional line and it got increasingly difficult and
4 then it got impossible.

5 Right from the beginning of our discussions,
6 going back to the discussion in my house on the Sunday, the
7 second time we talked about this, I talked to Perry about
8 the need for us to be really, really clear that we have a
9 social relationship but this was professional, this was
10 business, and that there was a line, a very clear line for
11 me, and I was not going to cross it.

12 So this implies that I, you know, did my
13 business and then scuttled off to his house to tell him
14 what he needed to do. That is not what I did.

15 **THE COMMISSIONER:** But you did go to his
16 home?

17 **MR. ABELL:** Oh, yeah. Yeah. No, we were
18 still friends and I would drop by on an ongoing basis.

19 **THE COMMISSIONER:** And you would have told
20 him about the visit by the Chief, would you, or would you
21 not have?

22 **MR. ABELL:** I don't have a specific
23 recollection of it. To tell him that I had a visit from
24 the Chief, I mean, I'm starting to get into business
25 information, privileged information. So I may have said

1 something. I certainly -- this business of, you know,
2 watch yourself -- Perry was very quickly into a self
3 protective mode and he didn't need anybody to tell him
4 about that. So that concerns me. This business that
5 they're coming for your head, that's not my words.

6 **MR. ENGELMANN:** It's not something you would
7 have said?

8 **MR. ABELL:** No. No, I believe that is not
9 what I said.

10 **MR. ENGELMANN:** All right.

11 **MR. ABELL:** "The message I received from
12 Richard Abell that my job was on the line if not over,"
13 this was something Perry was telling me. This was -- these
14 are things he said to me right from the start; you know "I
15 could lose my job over this," So, I mean, I didn't need to
16 go and tell Perry he was in deep water.

17 **MR. ENGELMANN:** So let's go back then, sir,
18 to September 30th, your notes. I'm in Exhibit 2322 Bates
19 page 7081068. You give a copy of the statement to Mr.
20 Carriere and Mr. Towndale, possibly to Elizabeth MacLennan.

21 **MR. ABELL:** I did to all three.

22 **MR. ENGELMANN:** And then you were to have a
23 meeting that afternoon, the afternoon of the 30th ---

24 **MR. ABELL:** Correct.

25 **MR. ENGELMANN:** --- to make some decisions.

1 MR. ABELL: That's correct.

2 MR. ENGELMANN: All right.

3 And, in fact, you meet, according to your
4 note, at 1:15 in your office.

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And it says, "Elizabeth
7 reads the statement." Does she read it aloud to all of
8 you?

9 MR. ABELL: No.

10 MR. ENGELMANN: Okay. "The three of them
11 each agree." So you're talking about Towndale, Carriere
12 and MacLennan?

13 MR. ABELL: Correct.

14 MR. ENGELMANN: "It presents as a highly
15 credible statement, very likely that
16 there was other abuse of Silmser not
17 mentioned in the statement; likely
18 other victims; good possibility of
19 present abuse of children by Charlie
20 MacDonald."

21 So that's the kind of discussion that's
22 happening; is that ---

23 MR. ABELL: I just got it on my screen, Mr.
24 Engelmann.

25 MR. ENGELMANN: Oh, I'm sorry.

1 **MR. ABELL:** If I can just take a quick ---

2 **MR. ENGELMANN:** You should have a hardcopy
3 as well, sir. It might be easier for you. It is Exhibit
4 2322.

5 **THE COMMISSIONER:** And it's Bates page 068,
6 the last three numbers.

7 **MR. ABELL:** Thank you. I have it. I may
8 actually figure out your system.

9 **THE COMMISSIONER:** Usually by the time it's
10 time to leave you'll have it down.

11 **MR. ABELL:** Thank you. That's encouraging.
12 It means I'll be here briefly?

13 **THE COMMISSIONER:** Depends what you mean by
14 briefly.

15 **MR. ABELL:** Meeting in my office.

16 **THE COMMISSIONER:** So that 1:15 minute there
17 ---

18 **MR. ABELL:** Yes.

19 **THE COMMISSIONER:** --- at the bottom.

20 **MR. ABELL:** Thank you.

21 Okay. Thank you.

22 **THE COMMISSIONER:** The question was, Mr.
23 Engelmann?

24 **MR. ENGELMANN:** Well, sir, do you remember
25 the meeting with ---

1 MR. ABELL: Yes, I do.

2 MR. ENGELMANN: --- the senior managers?

3 MR. ABELL: I do.

4 MR. ENGELMANN: And they were all concerned
5 about the possibility of other victims.

6 MR. ABELL: Yes.

7 MR. ENGELMANN: And do you agree with the
8 statement at the bottom of the page, sir:

9 "Strong consensus we have duty to open
10 an investigation based on concern for
11 present abuse of children."

12 MR. ABELL: Yes.

13 MR. ENGELMANN: So did that really become
14 the focus or mandate of Project Blue?

15 MR. ABELL: That's it.

16 MR. ENGELMANN: All right.

17 And just before I go further onto the
18 following page I forgot to deal with one matter. The
19 evening of the 29th -- I just want to take you back to
20 Exhibit 1441, if I may, for a minute, and I hope you still
21 have that handy.

22 THE COMMISSIONER: What page in 1441?

23 MR. ENGELMANN: I'll just be a moment, sir.

24 THE COMMISSIONER: M'hm.

25 MR. ENGELMANN: It's Bates page 7080665.

1 I apologize, sir. We could have actually
2 stayed in 2322, it's there as well.

3 **MR. ABELL:** Okay. I have it.

4 **MR. ENGELMANN:** You have it. There's a
5 reference at the bottom of the page:

6 "On evening of Wednesday September 29th
7 I called Susan Abell of Youth Link in
8 Toronto."

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** Do you see that?

11 **MR. ABELL:** Yes, I do.

12 **MR. ENGELMANN:** Who is Susan Abell?

13 **MR. ABELL:** She's my sister.

14 **MR. ENGELMANN:** All right.

15 And what line of work was she in?

16 **MR. ABELL:** She's a social worker and she
17 had been Executive Director of a number of organizations
18 including two Children's Aid Societies.

19 **MR. ENGELMANN:** And would she have had a lot
20 of experience in child protection work?

21 **MR. ABELL:** Yes, extensive.

22 **MR. ENGELMANN:** And why were you calling her
23 that night?

24 **MR. ABELL:** I was calling her because of her
25 experience; on two counts, one, the involvement of the City

1 of Kingston Children's Aid Society and the St. George's
2 matter, and ---

3 **MR. ENGELMANN:** Had she been involved in
4 that, sir?

5 **MR. ABELL:** Yeah, she was the Director of
6 the Agency when that matter came to light.

7 **MR. ENGELMANN:** All right.

8 **MR. ABELL:** Or for part of it. So that too
9 was a church-related multiple victim situation that had
10 some parallels, I thought, to what we were getting into.
11 And also, she had had -- as Director, she had had
12 experience with managing public information and media, and
13 I wanted to talk to her about the best way to handle
14 things.

15 **MR. ENGELMANN:** All right.

16 So you're getting some advice from her?

17 **MR. ABELL:** That's correct, as a colleague.
18 She happened to be my sister, but she also was an
19 experienced colleague.

20 **MR. ENGELMANN:** Right.

21 And you mentioned that further phone
22 discussion with Susan the morning of Thursday, the 30th.
23 Did you in fact have a follow-up as well or not? I'm just
24 looking at the note.

25 **MR. ABELL:** Yes, apparently I did.

1 **MR. ENGELMANN:** All right.

2 So it was advice in preparation for this
3 meeting you were going to have with your colleagues and
4 seeking their advice as well?

5 **MR. ABELL:** Yes.

6 **MR. ENGELMANN:** All right.

7 So just to go back further up the page on
8 either one of the exhibits -- which one are you in, sir?

9 **MR. ABELL:** I'm in 1440 ---

10 **MR. ENGELMANN:** Fourteen forty-one (1441).

11 **MR. ABELL:** Fourteen two six (1426)? No,
12 that's not right -- 1441, I'm sorry.

13 **MR. ENGELMANN:** You're on Bates page
14 7080665?

15 **MR. ABELL:** Six six five (665).

16 **MR. ENGELMANN:** Yeah. And at the top of the
17 page, this is the discussion you were having with your
18 peers, with your senior managers?

19 **MR. ABELL:** It would appear, yes.

20 **MR. ENGELMANN:** The afternoon of the 30th.
21 And you're talking about a number of things, about how
22 you're going to proceed?

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** So, for example, the make-up
25 of the team, selection of best staff, male/female team,

1 other assignments, et cetera?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: Correct?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And you've got a note here
6 about whether you approach first the Crown or Chief Shaver?

7 MR. ABELL: Yes.

8 MR. ENGELMANN: And you come to a consensus
9 that you should start with the Chief?

10 MR. ABELL: I felt that was a professional
11 courtesy.

12 MR. ENGELMANN: Okay. And there's also a
13 reference too, I believe, involving the Long Sault OPP?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: Because of the place of
16 Father MacDonald's employment?

17 MR. ABELL: That's correct. His parish
18 assignment was out of the city.

19 MR. ENGELMANN: All right.

20 And ---

21 MR. ABELL: His current parish assignment.

22 MR. ENGELMANN: All right.

23 And there appears to be a question
24 presumably that's going to be posed to Chief Shaver. Does
25 his force want to reopen the matter and do a joint

1 investigation?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And you say:

4 "If no, we proceed anyway."

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And that was a consensus

7 decision?

8 MR. ABELL: It was.

9 MR. ENGELMANN: All right.

10 MR. ABELL: Strong.

11 MR. ENGELMANN: And you also talk about

12 notifying your Ministry about some of these issues?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: All right.

15 And it's at that ---

16 MR. ABELL: This would be considered by them

17 a contentious issue.

18 MR. ENGELMANN: All right.

19 MR. ABELL: We did.

20 MR. ENGELMANN: Now, did the information you

21 had received from Mr. Dunlop about his dealings with Staff

22 Sergeant Luc Brunet and trying to get this matter reopened,

23 did that have any impact on your decision to commence the

24 investigation or is the investigation something you would

25 have done in any event?

1 **MR. ABELL:** I believe we would have done it
2 in any event. It was certainly a factor. It would have
3 been in the back of my mind, but keep in mind we wouldn't
4 have spoken -- we hadn't spoken to -- I hadn't spoken to
5 the police at this point. So I didn't have a position from
6 them. I had Perry's opinion on what was going on and only
7 that.

8 **MR. ENGELMANN:** And despite what he had told
9 you, you still wanted to contact the Chief and get them
10 involved?

11 **MR. ABELL:** Well, I wanted to raise the
12 issue. I mean, our preference would have -- we had decided
13 to go on it. Our preference would be that the police
14 pursue it because obviously there were criminal
15 implications. If they were prepared to, the preference is
16 always to do a joint investigation or almost always to do a
17 joint. So we wanted to make sure that when I met with him,
18 that was on the table right from the start.

19 **MR. ENGELMANN:** All right.
20 And your note indicates:
21 "I call station; leave message for
22 Chief. I want to meet with him Friday
23 morning. Also leave same message on
24 his machine at home."

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** All right.

2 And, of course, the Friday morning is
3 October 1st?

4 **MR. ABELL:** October 1st, yes.

5 **MR. ENGELMANN:** And any record or any
6 recollection of Chief Shaver actually trying to initiate
7 the contact and call you first?

8 **MR. ABELL:** No.

9 **THE COMMISSIONER:** Were you friends with
10 Chief Shaver?

11 **MR. ABELL:** No.

12 **THE COMMISSIONER:** Did you know him?

13 **MR. ABELL:** Well, I know him to speak to
14 him, professionally.

15 **THE COMMISSIONER:** I'm just looking that
16 you've called him at home.

17 **MR. ABELL:** Yeah.

18 **THE COMMISSIONER:** Is this a small-town
19 thing that you can phone the Chief at home?

20 **MR. ABELL:** Sure. This is Cornwall, sir.

21 **THE COMMISSIONER:** Okay.

22 **MR. ENGELMANN:** So again, you try to reach
23 him. You don't know of any effort he was making to try and
24 reach you?

25 **MR. ABELL:** None that I was aware of at the

1 time, no.

2 MR. ENGELMANN: All right.

3 Did he indicate to you that ---

4 MR. ABELL: If I just may -- I'm not trying
5 to be flip, sir, but this is a very small town and it
6 operates on -- many professional relationships work on that
7 basis and, frankly, I think work for the better.

8 THE COMMISSIONER: I'm also from a small
9 town, so I understand.

10 MR. ABELL: Okay. Thank you.

11 THE COMMISSIONER: I just wanted to make it
12 clear whether or not you had a personal relationship with
13 this fellow ---

14 MR. ABELL: A fair question.

15 THE COMMISSIONER: --- because you phoned
16 him at home. Some people might not understand.

17 MR. ABELL: A fair question.

18 THE COMMISSIONER: Thank you.

19 MR. ENGELMANN: So perhaps we can talk about
20 your first meeting then with Claude Shaver?

21 MR. ABELL: Certainly.

22 MR. ENGELMANN: The first meeting with
23 respect to this matter.

24 MR. ABELL: October 1st.

25 MR. ENGELMANN: Yeah. And just before we go

1 there, you had some professional relationship; correct?

2 **MR. ABELL:** We had had dealings. Matters
3 came up between the two organizations. I can remember him
4 calling me on one occasion. They had had some arrest the
5 night before and a child was in the home and our after-
6 hours service had been slow to respond. So we talked it
7 over and I followed it up, like that kind of thing that
8 senior people would do in order to smooth out bumps between
9 the organizations. That's what we did.

10 **MR. ENGELMANN:** Did you, from time to time,
11 do charitable or other community work on the same boards or
12 same organizations as the Chief?

13 **MR. ABELL:** It's possible, but nothing
14 specific comes to mind, Mr. Engelmann, but it's possible,
15 again, in this town.

16 **MR. ENGELMANN:** All right.

17 So there was the odd telephone call or
18 meeting as a result of professional habit?

19 **MR. ABELL:** But it would have been
20 professional. That's right.

21 **MR. ENGELMANN:** All right.

22 And did he in fact respond and agree to meet
23 with you on Friday, October 1st?

24 **MR. ABELL:** Yes, we ended up meeting, so he
25 would have responded, yes.

1 **MR. ENGELMANN:** All right.

2 And my understanding, sir, is that Chief
3 Shaver came to your office on his own?

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** But that you had Angelo
6 Towndale present with you?

7 **MR. ABELL:** I did.

8 **MR. ENGELMANN:** And can you explain to us
9 why you would have asked him to be there? Angelo Towndale,
10 that is.

11 **MR. ABELL:** Angelo Towndale, yes. I see in
12 the -- it was part of our planning. We saw in the notes
13 from when the four us met, the four Agency people met, that
14 was in there. I can't remember the specific purpose of
15 that. Angelo is an individual with an incredible
16 background and, particularly, he's got an extensive
17 involvement with the Diocese, the local Catholic diocese.
18 That may have been the reason. I don't know. Frankly, I
19 can't recall.

20 **MR. ENGELMANN:** Okay. So he had extensive
21 involvement with the Diocese?

22 **MR. ABELL:** He had quite a background, yeah.

23 **MR. ENGELMANN:** I'm sorry?

24 **MR. ABELL:** Quite a background. He's a very
25 active Catholic, and that might have been it. I'm not

1 sure, quite honestly.

2 **MR. ENGELMANN:** Okay. He was also on the
3 Police Services Board, was he not?

4 **MR. ABELL:** He was, yes.

5 **MR. ENGELMANN:** Was that at all a factor?

6 **MR. ABELL:** I don't recall it being, no. I
7 know it got raised later, but I don't recall it being a
8 factor at all. I mean, that was separate and apart from
9 his work with us.

10 **MR. ENGELMANN:** Were you in any way,
11 intentionally or otherwise -- or intentionally, I guess, is
12 the right question -- trying to intimidate Claude Shaver by
13 having a member of your Board at the meeting?

14 **MR. ABELL:** I know that's been raised; I've
15 seen it in records. No, that wasn't my intention. That's
16 not the way I play, or not the way I conduct my business.

17 **MR. ENGELMANN:** All right.

18 And would either you and/or Angelo Towndale
19 have spoken in any kind of an intimidating fashion at that
20 meeting, raised your voice or ---

21 **MR. ABELL:** You've met Mr. Towndale?

22 **MR. ENGELMANN:** I have.

23 **MR. ABELL:** Okay. That's the answer.

24 **THE COMMISSIONER:** Well, for the record --

25 -

1 **MR. ENGELMANN:** I guess the answer would be
2 no?

3 **MR. ABELL:** The answer is no. It was polite
4 and professional.

5 **MR. ENGELMANN:** Very well.
6 I just need the answer for the record,
7 that's all.

8 **MR. ABELL:** Fair enough.

9 **MR. ENGELMANN:** Now, you have extensive
10 notes of this meeting. You've had an opportunity to review
11 them, sir, at some point?

12 **MR. ABELL:** Yes.

13 **MR. ENGELMANN:** All right.

14 And did you have an opportunity to review or
15 hear the evidence that Chief Shaver gave at this Inquiry?

16 **MR. ABELL:** No, I didn't look at his
17 testimony.

18 **MR. ENGELMANN:** All right.

19 Okay. If you just ---

20 **MR. ABELL:** I'm aware of a claim that he had
21 been trying to reach me at the same time I was trying to
22 reach him. That's about as much as I'm aware of.

23 **MR. ENGELMANN:** All right.

24 And that doesn't accord with your
25 recollection?

1 **MR. ABELL:** I don't recall that, no.

2 **MR. ENGELMANN:** Yeah. I'm just going to try
3 and find the most legible copy of this, sir, between these
4 two exhibits. I'll just be a moment.

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

6 **MR. ENGELMANN:** I think the version in
7 Exhibit 1441 is fairly good. It starts at Bates page
8 7080659.

9 Again, counsel, that's Document Number
10 721621.

11 **MR. ABELL:** Six-five-nine (659), 01 October?

12 **MR. ENGELMANN:** Yes.

13 **MR. ABELL:** Thank you. Yes, I have it.

14 **MR. ENGELMANN:** Again, these are your notes,
15 sir?

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

17 **MR. ENGELMANN:** And you have about two-and-
18 a-half pages of notes of this meeting?

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** All right.

21 And just -- I'm just wondering, sir, if you
22 can tell us -- the order of your notes, would you attempt
23 to follow the order of the meeting?

24 **MR. ABELL:** Yes. Yes, I would.

25 **MR. ENGELMANN:** So:

1 "Chief visits my office. Angelo
2 present. I ask if he knows the case
3 name. Yes. He spent a lot of time
4 yesterday on this."

5 This is how the meeting starts?

6 **MR. ABELL:** Yes.

7 **THE COMMISSIONER:** Do you have an
8 independent recollection of the meeting?

9 **MR. ABELL:** I do, sir.

10 **THE COMMISSIONER:** Thank you. Okay.

11 **MR. ENGELMANN:** Well, you've told us that
12 you remember him being quite angry?

13 **MR. ABELL:** When I told him that I had been
14 approached by Perry Dunlop, yes.

15 **MR. ENGELMANN:** All right. Well, sir, he
16 says -- sorry, you say:

17 "I told him what I had, from whom,
18 when. Claude, he's got a big issue to
19 deal with re Perry Dunlop going outside
20 channels."

21 **MR. ABELL:** And that was his response to me.

22 **MR. ENGELMANN:** All right.

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** And this is the expression
25 of anger very early in the meeting?

1 MR. ABELL: Yeah.

2 MR. ENGELMANN: All right.

3 MR. ABELL: Yes.

4 MR. ENGELMANN: And would this have been the
5 first significant issue of concern to the Chief at the
6 meeting?

7 MR. ABELL: Well, that was his first
8 response, yes. I mean, we went on from there but ---

9 MR. ENGELMANN: All right.

10 MR. ABELL: But in fairness to him, that's
11 also what he got presented with first.

12 MR. ENGELMANN: Yes. And if we go down a
13 little further, in the middle of the page ---

14 MR. ABELL: Yes.

15 MR. ENGELMANN: --- the Chief appears to be
16 expressing to you that he's upset about the financial
17 settlement?

18 MR. ABELL: Yes.

19 MR. ENGELMANN: This is another concern that
20 he has?

21 MR. ABELL: Yes. He said he wasn't happy
22 about it at all.

23 MR. ENGELMANN: Right. And did he explain
24 why he wasn't happy about that?

25 MR. ABELL: I can't recall if he went in

1 detail. The implication I picked up was that he was
2 prepared to proceed with the criminal investigation.

3 **MR. ENGELMANN:** I'm sorry?

4 **MR. ABELL:** I assumed -- sorry, I assumed
5 from what he had to say, and he may have said it directly,
6 that he would like to have seen the criminal investigation
7 proceed.

8 **MR. ENGELMANN:** All right. And was the
9 suggestion that the financial settlement got in the way?

10 **MR. ABELL:** Yes.

11 **MR. ENGELMANN:** All right.

12 And if you look down a little further on the
13 page, there appears to be another concern that the Chief
14 has.

15 **MR. ABELL:** And that is?

16 **MR. ENGELMANN:** Well, there's a comment
17 there. It says:

18 "Chief says his department 'screwed up
19 big time'."

20 **MR. ABELL:** Yes. He said that, yeah.

21 **MR. ENGELMANN:** And it goes on, "On this"
22 and then it says:

23 "Investigation not done. Put on 'back
24 burner'."

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** And the "back burner" is a
2 single quote but the "screwed up big time" is a double
3 quote?

4 **MR. ABELL:** Correct.

5 **MR. ENGELMANN:** Do you remember him talking
6 about this?

7 **MR. ABELL:** Well, I remember him saying
8 that. I mean, it was striking, so that's why it stayed in
9 my mind.

10 **MR. ENGELMANN:** And what was he referring to
11 when he said, "Screwed up" -- his department, "Screwed up
12 big time"?

13 **MR. ABELL:** He didn't go into specifics, I
14 don't think. What he -- I took it from him -- if you
15 remember, he made an earlier comment about he'd spent the
16 day before looking at this matter.

17 **MR. ENGELMANN:** Yeah.

18 **MR. ABELL:** So I assume from that that he'd
19 looked at it and wasn't happy. I've been there, so ---

20 **MR. ENGELMANN:** Okay. Well, your notes
21 indicate, "Investigation not done"?

22 **MR. ABELL:** Yes.

23 **MR. ENGELMANN:** "Put on backburner"?

24 **MR. ABELL:** M'hm.

25 **MR. ENGELMANN:** And then he refers to a

1 couple of his officers?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: One facing discipline and
4 "Luc Brunet did not supervise adequately"?

5 MR. ABELL: Yeah. So he did give me some
6 specifics about what he wasn't happy about, yes.

7 MR. ENGELMANN: Sir, the "screwed up big
8 time" that you have here, you refer to the investigation
9 and things that weren't done and people that might have
10 made mistakes.

11 MR. ABELL: Yes.

12 MR. ENGELMANN: Is there any doubt in your
13 mind as to what it was that he was concerned about there?
14 For example, did you believe the "screwed up big time"
15 referred to the fact that Perry Dunlop had given you a copy
16 of the statement?

17 MR. ABELL: No. My understanding was, as I
18 see it in my notes, it was that the screw-up was referring
19 to the conduct of the investigation.

20 MR. ENGELMANN: All right. And you actually
21 recall him giving you negative comments about two of his
22 officers?

23 MR. ABELL: He was critical, yes.

24 MR. ENGELMANN: All right. Did that
25 surprise you in any way?

1 **MR. ABELL:** Yes.

2 **MR. ENGELMANN:** Why is that, sir?

3 **MR. ABELL:** To me, one -- and you've got to
4 be candid with professional colleagues, but to take
5 criticisms of your own people outside your shop is, I guess
6 -- in my view, senior people don't typically do that.

7 **MR. ENGELMANN:** All right. Well, in fact he
8 suggested to us that that isn't something he would do, and
9 I'm just going to ask you very directly.

10 Is this something you heard from Claude
11 Shaver or is this something that Perry Dunlop might have
12 told you earlier and you put into your note with your
13 meeting with Claude Shaver?

14 **MR. ABELL:** These notes here that we're
15 looking at are what -- a record of what I heard in that
16 meeting with Chief Shaver. I can tell you that clearly and
17 I can also say that I made a very conscious effort -- I can
18 recall making a conscious effort not to take Perry's view
19 on this into my own workings. I was aware of them but I
20 wasn't carrying any brief for Perry or his views. I was
21 doing my job.

22 And so what's recorded here was what I was
23 told by Chief Shaver.

24 **MR. ENGELMANN:** All right.

25 "He also says he doesn't have a file.

1 No record on OM?."

2 MR. ABELL: I didn't know what OMPPAC was at
3 that time. I didn't know the acronym and so I had to sort
4 of put that query in there.

5 MR. ENGELMANN: You now know it's OMPPAC.
6 Did you know at the time it was even OMPPAC?

7 MR. ABELL: I didn't know what an OMPPAC was
8 or looked like or ---

9 MR. ENGELMANN: All right.

10 THE COMMISSIONER: But you go in your
11 sentence to say, "The police computer film record system".

12 MR. ABELL: Yeah, so I had a sense of it but
13 I just did not know what it really meant; what he was
14 referring to when he said OMPPAC.

15 MR. ENGELMANN: So he was critical of the
16 fact that his officers hadn't done that?

17 MR. ABELL: Yes. And that is something that
18 Perry had said to me; that when he went looking there was
19 no record. So ,I mean, frankly, the Chief confirmed
20 Perry's ---

21 MR. ENGELMANN: All right.

22 MR. ABELL: --- Perry's issue on that.

23 MR. ENGELMANN: All right.

24 MR. ENGELMANN: And he indicated to you that
25 the file was being put together now, right then?

1 **MR. ABELL:** Yes.

2 **MR. ENGELMANN:** And did you think that was
3 strange, sir?

4 **MR. ABELL:** Well, not strange, but it's -- I
5 say it didn't look good but he was being candid.

6 **MR. ENGELMANN:** Just to go back up the page
7 again, sir, in the middle of the page. After "the
8 financial settlement, it says:

9 "Wanted the matter to proceed. Talked
10 to the Crown. His position is that if
11 the complaint is withdrawn then no
12 basis to proceed."

13 **MR. ABELL:** Yes.

14 **MR. ENGELMANN:** See that?

15 **MR. ABELL:** I do.

16 **MR. ENGELMANN:** Did you take it from
17 Mr. Shaver that he wanted to proceed but he didn't because
18 of advice from the Crown Prosecutor?

19 **MR. ABELL:** I can't recall if he put it that
20 directly to me, Mr. Engelmann.

21 **MR. ENGELMANN:** All right. So you don't
22 have any recollection outside of what you put in those
23 notes on that issue?

24 **MR. ABELL:** That's correct.

25 **MR. ENGELMANN:** Fair enough.

1 **THE COMMISSIONER:** What about the last
2 sentence, "Possible charge of malicious prosecution"? Does
3 that ring a bell with you?

4 **MR. ABELL:** I believe that's a continuation
5 of him reporting what the Crown had said. At least that
6 was my assumption.

7 **THE COMMISSIONER:** Okay.

8 **MR. ENGELMANN:** The comments about the
9 officers and the criticism, was that something you would
10 have asked or was that unsolicited?

11 **MR. ABELL:** That was unsolicited.

12 **MR. ENGELMANN:** And would the same be true
13 of his comments about the computer file system and other
14 issues of that nature?

15 **MR. ABELL:** That's correct. I wasn't there
16 to dig into the workings of his organization.

17 **MR. ENGELMANN:** All right.

18 On the next page, sir, you indicate that
19 you're going to be proceeding with an investigation. You
20 have a question or you have the comment, "Wanted to know
21 how we would proceed".

22 **MR. ABELL:** Yes, I see that.

23 **MR. ENGELMANN:** And you tell him what you're
24 going to be doing; correct?

25 **MR. ABELL:** Correct.

1 **MR. ENGELMANN:** And did he appear to be
2 supportive of these efforts at that time or was there
3 questioning of those efforts, do you recall?

4 **MR. ABELL:** Well, you can see in the
5 following paragraph he raised the question of my being able
6 to go ahead on what he termed as "out-of-channel
7 information". I think actually that's what he said, but
8 it's words to that effect.

9 And so that was really the only, I guess,
10 question I would call it, that he raised about the basis on
11 which we were going ahead. I certainly wasn't confronted.
12 I certainly wasn't challenged by Chief Shaver on the
13 decision that we had made.

14 **MR. ENGELMANN:** Do you know what that would
15 have meant, "Questioned my ability to proceed on basis of
16 out-of-channel information"?

17 **MR. ABELL:** That's me getting the
18 information through Perry Dunlop.

19 **MR. ENGELMANN:** And because of how you got
20 it ---

21 **MR. ABELL:** Right.

22 **MR. ENGELMANN:** --- you didn't have the
23 right to proceed?

24 **MR. ABELL:** I don't think it was put that
25 way. It was just -- either the term or the implication was

1 that it was out of channels.

2 **MR. ENGELMANN:** I'm just wondering,

3 "...questioned my ability to proceed..."

4 You can't help us out more on what that
5 meant?

6 **MR. ABELL:** I'm missing -- sorry, could you
7 just ask it again?

8 **MR. ENGELMANN:** Well, it says:

9 "He questioned my ability to proceed on
10 the basis of out of channel
11 information."

12 **MR. ABELL:** Yes, got it.

13 **MR. ENGELMANN:** Almost looks like some kind
14 of jurisdictional challenge, if I was to use a legal term.
15 But he's saying you can't proceed with an investigation
16 because of how you received -- or you might not be able to
17 proceed with an investigation because of how you received
18 the information?

19 **MR. ABELL:** Mr. Engelmann, I just recall it
20 as a comment that he made almost in passing.

21 **MR. ENGELMANN:** All right.

22 **THE COMMISSIONER:** So Chief Shaver, I
23 believe, testified that after you told him that, that he
24 agreed that -- he agreed with your investigation. Do you
25 recall whether ---

1 **MR. ABELL:** I don't recall that, sir.

2 **THE COMMISSIONER:** Okay.

3 **MR. ENGELMANN:** Now, in the next paragraph
4 you have, I believe, they're his comments about the
5 complainant?

6 **MR. ABELL:** Yes, there was some commentary.

7 **MR. ENGELMANN:** Again, would those have been
8 solicited or unsolicited comments from him?

9 **MR. ABELL:** Unsolicited.

10 **MR. ENGELMANN:** So he's saying Silmser was a
11 questionable character and motive?

12 **MR. ABELL:** Yes.

13 **MR. ENGELMANN:** And then you're responding?

14 **MR. ABELL:** Well, I came back with a social
15 work context in terms of profile.

16 **MR. ENGELMANN:** Okay. It also says:

17 "Chief feels his Force was used by
18 Silmser to get money from the Church."

19 Do you recall him making that comment or
20 words to that effect?

21 **MR. ABELL:** I don't have an independent
22 recollection of that comment, no, but it's there so he
23 would have said it.

24 **MR. ENGELMANN:** Was that something you would
25 have asked about it or, again, something that might have

1 been unsolicited?

2 **MR. ABELL:** That I would have asked about?

3 **MR. ENGELMANN:** Yeah.

4 **MR. ABELL:** No, I wouldn't have asked about
5 that.

6 **MR. ENGELMANN:** So he appears to have some
7 concern about Silmsers's motivation.

8 **MR. ABELL:** Yes, and character, yeah.

9 **MR. ENGELMANN:** All right.

10 Did he raise any concerns of that nature
11 about the conduct of the Church or the lawyers who might
12 have been involved in the settlement to your knowledge --
13 at least at this time?

14 **MR. ABELL:** Did he raise any concerns about
15 the conduct of the Diocese or the lawyers involved?

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

17 **MR. ABELL:** I don't recall.

18 **MR. ENGELMANN:** Okay.

19 And then, sir, at the bottom you appear to
20 be giving him some reasons as to why you're going to
21 proceed.

22 **MR. ABELL:** I did, yes.

23 **MR. ENGELMANN:** Based on the facts as you
24 knew them and cases that had taken place in some other
25 jurisdictions.

1 **MR. ABELL:** Yeah, I see I referenced Mount
2 Cashel St. Georges.

3 **MR. ENGELMANN:** All right.

4 You also say -- and I just want to confirm
5 that you said this to Claude Shaver that:

6 "When these situations aren't brought
7 out in the open, they don't stop; kids
8 continue to be molested."

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** Do you remember indicating
11 that about -- as one of the reasons for you wanting to
12 investigate this matter?

13 **MR. ABELL:** Yes.

14 **MR. ENGELMANN:** Why did you feel the need to
15 explain that, the importance of that?

16 **MR. ABELL:** I obviously went to some lengths
17 to convince him of our decision and so I was reviewing. I
18 probably had the discussion with my sister in mind.

19 **MR. ENGELMANN:** All right.

20 **MR. ABELL:** That would have been fresh in my
21 memory.

22 **MR. ENGELMANN:** Just to get back to my
23 earlier question about whether he was supportive of your
24 investigation, you've got questioning of ability to proceed
25 on basis of outer channel information; comments about

1 Silmsner being a questionable character, using his force for
2 money.

3 **MR. ABELL:** Yeah, I hear you.

4 **MR. ENGELMANN:** Do you think he was
5 encouraging or discouraging you from investigating this
6 matter or neither?

7 **MR. ABELL:** I would -- neutral. I would
8 characterize him neutral. I mean he wasn't critical. He
9 wasn't, "rah, rah, go for it, go get 'em." I would say
10 somewhere in between.

11 **MR. ENGELMANN:** Okay.

12 Now, at the end of it ---

13 **THE COMMISSIONER:** Just a second, could we -
14 - sorry, Mr. Engelmann.

15 How about if you saw it as a man who has
16 been confronted with a shocking revelation that is just
17 throwing out ideas as he is going? Could that have been
18 the way you saw him or does that help at all?

19 **MR. ABELL:** No, sorry.

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

21 **MR. ABELL:** My recollection, sir, was that -
22 - I mean, after the initial upset he regained his
23 composure.

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

25 **MR. ABELL:** And the discussion was calm and

1 professional after that.

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

3 **MR. ENGELMANN:** At the end of it, this
4 meeting, he asked you to hold off though in your
5 investigation for a while does he not, so that he can
6 review his file?

7 **MR. ABELL:** Yes. Yes, he did. He wanted to
8 go back and take a look at what he had, yeah.

9 **MR. ENGELMANN:** And you did that, right?
10 You held off for about a week?

11 **MR. ABELL:** Yeah.

12 **MR. ENGELMANN:** Until he came back and met
13 with you a week later?

14 **MR. ABELL:** M'hm, on the 8th, yes.

15 **MR. ENGELMANN:** All right.

16 Because I note your comment here:

17 "Chief asked for time to see the file;
18 deal with Sean Adams, lawyer for
19 Silmsen. Get the letter notifying that
20 the complaint is being withdrawn. We
21 agreed to meet next Friday p.m. Said I
22 would have to take a decision at that
23 time on our investigation."

24 **MR. ABELL:** Yes.

25 **MR. ENGELMANN:** You essentially gave him a

1 week to do stuff.

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And then you said you were
4 going to go ahead?

5 MR. ABELL: Yeah. Well, our wheels were
6 turning in the meantime but, I mean, we weren't going to
7 send anybody out before then.

8 MR. ENGELMANN: And sir, any discussion at
9 all -- he's talking about going to see the lawyer, looking
10 for a letter about the withdrawal. Was there any
11 discussion at all about looking at the settlement itself?

12 MR. ABELL: I don't recall that there was.
13 In fact, I don't think there was.

14 MR. ENGELMANN: All right.

15 So the second meeting with Mr. Shaver occurs
16 the following Friday, October the 8th; correct?

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And I don't see anything in
19 your notes between the 1st and the 8th with respect to
20 ongoing work. That's why I said did you put things on hold
21 for a week?

22 MR. ABELL: Well, again, Mr. Carriere would
23 have been setting up his team and getting his arrangements
24 in place for the investigation itself but apart from that,
25 no. If there's no record then I wouldn't have had an

1 activity in that time.

2 MR. ENGELMANN: All right.

3 Well, if there was work being done there --
4 may have been some setup work being done by Mr. Carriere
5 who was going to be principally responsible for the
6 investigation?

7 MR. ABELL: Correct, he was and he did, yes.

8 MR. ENGELMANN: And he would have perhaps
9 been looking for staff?

10 MR. ABELL: Correct.

11 MR. ENGELMANN: All right.

12 And we'll talk in a minute about staffing
13 and other things about Project Blue.

14 MR. ABELL: Okay.

15 MR. ENGELMANN: The meeting of October 8th --
16 I'm just going to check the two exhibits again. We'll use
17 the better one.

18 THE COMMISSIONER: The 1141 exhibit doesn't
19 have -- so we have to go back to the ---

20 MR. ENGELMANN: Sir, it's a poor copy. It
21 is in 1441 at 7080656.

22 THE COMMISSIONER: Oh, okay.

23 MR. ENGELMANN: And it runs ---

24 THE COMMISSIONER: Okay, fine.

25 MR. ENGELMANN: --- through 0658 but I'm not

1 sure if that's -- let me just check the other one for the
2 copy quality. I'll just be a moment.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. ENGELMANN:** It's not different.

5 So let's just stick with where we are, 1441,
6 Bates page 7080656.

7 **MR. ABELL:** I have it.

8 **THE COMMISSIONER:** My only comment is that
9 this exhibit is out of order.

10 **MR. ENGELMANN:** It is.

11 **THE COMMISSIONER:** So as long as everybody
12 realizes that.

13 **MR. ENGELMANN:** The other one is in order,
14 sir, and it is 2322.

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

16 **MR. ENGELMANN:** But I think the copy quality
17 may be even a little worse.

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

19 **MR. ENGELMANN:** So we may be better to stay
20 where we are.

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

22 **MR. ENGELMANN:** So sir, there's a notation
23 of the meeting in your office. Again, there are extensive
24 notes of this meeting.

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** Again, your note-keeping is
2 as you've indicated. So what's -- at the beginning of your
3 notes is the beginning of the meeting and you follow it
4 through?

5 **MR. ABELL:** More or less, right.

6 **MR. ENGELMANN:** But you're not taking the
7 notes at the time?

8 **MR. ABELL:** No.

9 **MR. ENGELMANN:** Or immediately thereafter?

10 **MR. ABELL:** These are after the fact.

11 **MR. ENGELMANN:** Right. And you're referring
12 to -- if I could just have a moment?

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

14 **MR. ENGELMANN:** This meeting we have --
15 Chief Shaver has with him Staff Sergeant Luc Brunet.

16 **MR. ABELL:** He did.

17 **MR. ENGELMANN:** And are you on your own or
18 are you with Angelo Towndale, sir?

19 **MR. ABELL:** I believe I was on my own.

20 **MR. ENGELMANN:** The only -- I think if you
21 look at the top right.

22 **MR. ABELL:** Hang on, I see Angelo there.

23 **MR. ENGELMANN:** I think it says, "Angelo
24 joins us"?

25 **MR. ABELL:** "Joins us", yes.

1 MR. ENGELMANN: All right.

2 MR. ABELL: Yes, thank you.

3 MR. ENGELMANN: All right.

4 And so as we're looking through the note, we
5 have a reference in the first half of the page, the first
6 page, 656, to a -- this is presumably either the Chief or
7 Luc Brunet reporting?

8 MR. ABELL: It was, I believe -- well, it
9 was Chief Shaver.

10 MR. ENGELMANN: All right. And he's
11 reporting about a visit they had to the Pope's
12 representative in Ottawa?

13 MR. ABELL: That's correct.

14 MR. ENGELMANN: Did he indicate to you why
15 he would have gone there before simply going to the local
16 Bishop?

17 MR. ABELL: If he did I can't recall the
18 rationale he gave me. I'm sorry.

19 MR. ENGELMANN: There's a note in the second
20 paragraph that might assist:

21 "Chief told him of Bishop's reaction
22 during last incident. Five years ago
23 two officers ordered out of Bishop's
24 office."

25 MR. ABELL: Okay. Yes, it looks like --

1 yeah, he was basing it on prior experience with the then
2 Bishop.

3 **MR. ENGELMANN:** Okay. And the Bishop was
4 the same, right?

5 **MR. ABELL:** That's correct.

6 **MR. ENGELMANN:** It was Bishop Larocque?

7 **MR. ABELL:** You got it, yes.

8 **MR. ENGELMANN:** All right.

9 And it would appear that he describes a
10 cooperative meeting with the Papal Nuncio in Ottawa;
11 correct?

12 **MR. ABELL:** Correct.

13 **MR. ENGELMANN:** He then talks about -- and
14 the Papal Nuncio, apparently what's being reported to you
15 is that that person was surprised to learn of the payment -
16 --

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** --- because apparently
19 Bishop Larocque had just gotten back from a Conference of
20 Bishops that dealt with handling these matters. And
21 there's comment, "Implication that pay-off wasn't accepted
22 practice"?

23 **MR. ABELL:** Correct.

24 **MR. ENGELMANN:** This is being reported to
25 you by Claude Shaver?

1 MR. ABELL: It was.

2 MR. ENGELMANN: And then he then reports to
3 you what he and Mr. Brunet did in the afternoon of -- and
4 this is all happening the day before; correct?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: October 7th?

7 MR. ABELL: The 7th, yes.

8 MR. ENGELMANN: And he indicates to you
9 about their visit with Bishop Larocque?

10 MR. ABELL: Yes.

11 MR. ENGELMANN: And it starts by describing
12 him as "open"?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: Was he relating to you that
15 the Bishop was cooperative?

16 MR. ABELL: Yes.

17 MR. ENGELMANN: As far as he was concerned?

18 MR. ABELL: That was my recollection, yes.

19 MR. ENGELMANN: And he describes some of his
20 interaction with -- and some of the comments and
21 discussions he has with the Bishop?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And indicates that the
24 Bishop is going to be going off to see Charlie MacDonald?

25 MR. ABELL: Yes.

1 **MR. ENGELMANN:** And you're advised that
2 Father MacDonald will be -- apparently, the advice he
3 receives is that he will be moving him out of the parish,
4 send him to a church program in Barrie where priests are
5 assessed and treated?

6 **MR. ABELL:** Yes.

7 **MR. ENGELMANN:** All right.

8 And this is Claude Shaver relaying this
9 information to you?

10 **MR. ABELL:** It was.

11 **MR. ENGELMANN:** All right.

12 Sir, I'm not sure when you intend to take
13 our second break. Would this be an appropriate time?

14 **THE COMMISSIONER:** Yes, it would.

15 So I don't know if you know, sir, but we'll
16 go until 2:00 o'clock. We go till 2:00 o'clock on Fridays
17 so that people can travel but we don't have a lunch time at
18 this time. All right?

19 **MR. ABELL:** Thank you.

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

22 This hearing will resume at 12:45 p.m.

23 --- Upon recessing at 12:28 a.m./

24 L'audience est suspendue à 12h28

25 --- Upon resuming at 12:49 p.m./

1 L'audience est reprise à 12h49

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

4 This hearing is now resumed. Please be
5 seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you.

7 **RICHARD ABELL, Resumed/Sous le même serment:**

8 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
9 **ENGELMANN (cont'd/suite):**

10 **MR. ENGELMANN:** Mr. Abell, when we left off
11 we were looking at Exhibit 1441 and your notes of a meeting
12 with Claude Shaver ---

13 **MR. ABELL:** Yes.

14 **MR. ENGELMANN:** --- the then Chief of the
15 Cornwall Police ---

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** --- on October 8th, 1993.
18 And I had just turned to Bates page 7080657, and it's
19 probably easier to read on the screen, or at least it is
20 for me.

21 So it appears, sir, that Chief Shaver is
22 continuing to relate to you information that he's been
23 given by the Bishop?

24 **MR. ABELL:** Yes.

25 **MR. ENGELMANN:** For example, at the

1 beginning there's talk of an investigation that the Diocese
2 had done about the matter?

3 MR. ABELL: Yes.

4 MR. ENGELMANN: And presumably during the
5 course of that investigation, it talks about -- I think
6 it's a -- is that December of '92?

7 MR. ABELL: It looks to me to be '92, yes.

8 MR. ENGELMANN: Okay. And there's a
9 reference to Father McDougald ---

10 MR. ABELL: Yes.

11 MR. ENGELMANN: --- at St. Raphael's?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: Do you recall if you were
14 advised that he was somehow involved in a Diocese
15 investigation?

16 MR. ABELL: Not prior to this point.

17 MR. ENGELMANN: All right. No, no, but at
18 this meeting?

19 MR. ABELL: Yes.

20 MR. ENGELMANN: All right.

21 And Charlie denied that in the framework of
22 the investigation, to your knowledge?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: All right.

25 And then there's a "but" and it says:

1 "Charlie put in \$10,000..."

2 Is it "of his own money"?

3 **MR. ABELL:** "Of his own money", yes.

4 **MR. ENGELMANN:** "Bishop put in \$10,000
5 from the Diocese for treatment and
6 someone else puts in \$10,000 or
7 \$12,000."

8 **MR. ABELL:** Yes.

9 **MR. ENGELMANN:** And this is being related to
10 you by the Chief?

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** Who's indicating to you he's
13 hearing this from the Bishop?

14 **MR. ABELL:** Correct.

15 **MR. ENGELMANN:** The day before?

16 **MR. ABELL:** Correct.

17 **MR. ENGELMANN:** All right.

18 "And Bishop says he was against the
19 pay-off but took the advice of his
20 lawyers, Leduc, Malcolm MacDonald."

21 **MR. ABELL:** Yes.

22 **MR. ENGELMANN:** All right. And this is, to
23 the best of your knowledge, how this is being explained to
24 you?

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** All right. With respect --
2 and this use of the term "payout", that's the term that
3 Chief Shaver uses?

4 **MR. ABELL:** Pay-off.

5 **MR. ENGELMANN:** "Bishop says he was
6 against the pay-off..."

7 **MR. ABELL:** Payout, okay.

8 **MR. ENGELMANN:** Is it payout or payoff?

9 **MR. ABELL:** I read it as pay-off, but it's
10 not a good copy.

11 **THE COMMISSIONER:** The decision to pay off?

12 **MR. ENGELMANN:** Yes.

13 **THE COMMISSIONER:** I'll read it as O-F-F.

14 **MR. ENGELMANN:** That's what it looks like,
15 pay-off?

16 **MR. ABELL:** I believe so, sir, yes.

17 **MR. ENGELMANN:** All right. So this is, as
18 you say, being described to you by Chief Shaver?

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** All right.

21 And just on this whole issue about the
22 settlement, whether it's \$30,000 or \$32,000, you're being
23 told it's coming from three sources?

24 **MR. ABELL:** Yes.

25 **MR. ENGELMANN:** One being the Diocese, one

1 being Father MacDonald ---

2 MR. ABELL: Yes.

3 MR. ENGELMANN: --- and one being a third
4 party?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: Unnamed?

7 MR. ABELL: Yes.

8 MR. ENGELMANN: And I'm wondering, did you
9 ask who the third party might be at the time?

10 MR. ABELL: I can't recall if I did or not.
11 I don't think so.

12 MR. ENGELMANN: All right.

13 MR. ABELL: I can't recall.

14 MR. ENGELMANN: Did it concern you at all
15 that a third party might be contributing to this
16 settlement?

17 MR. ABELL: Well, I mean, I see I underlined
18 the "someone else", so it was obviously of interest to me.

19 MR. ENGELMANN: All right.

20 MR. ABELL: But I don't recall whether I
21 pursued it or whether it came up in the discussion.

22 MR. ENGELMANN: And were you aware at this
23 time that -- you were aware at this time that Mr. Silmsen
24 had made allegations against Mr. Seguin as well?

25 MR. ABELL: Yes.

1 **MR. ENGELMANN:** Were you aware as to whether
2 or not Malcolm MacDonald was also acting for Mr. Seguin at
3 this time?

4 **MR. ABELL:** I don't know if I knew that.
5 I'm not sure.

6 **MR. ENGELMANN:** All right. Okay.
7 Do you know if the Chief was at all
8 concerned about a third party, an unnamed third party,
9 contributing to this?

10 **MR. ABELL:** I don't recall any discussion in
11 that respect.

12 **MR. ENGELMANN:** All right.
13 Now, the notes appear to end up -- do you
14 recall if you had asked him further information about the
15 third party or to ---

16 **MR. ABELL:** I don't. Sorry.

17 **MR. ENGELMANN:** All right.

18 **MR. ABELL:** I don't.

19 **MR. ENGELMANN:** And, again, the Chief is
20 still indicating to you that he feels his hands are tied?

21 **MR. ABELL:** Yes.

22 **MR. ENGELMANN:** And, again, still a
23 reference to the lawyer for Silmsen and wanting some
24 communication from him?

25 **MR. ABELL:** Mr. Adams, yes.

1 **MR. ENGELMANN:** Yeah. Nothing about the
2 settlement, the release documents, that you can recall?

3 **MR. ABELL:** Sorry, nothing about?

4 **MR. ENGELMANN:** Nothing about wanting to see
5 the release documents, the settlement, anything of that
6 nature?

7 **MR. ABELL:** Well, I believe that's what he's
8 referring to.

9 **MR. ENGELMANN:** Well, it says a letter,
10 waiting for a letter from Sean Adams?

11 **MR. ABELL:** Oh, sorry, yeah, that's a letter
12 -- I see now -- from Mr. Silmsler, so see in what way Mr.
13 Silmsler -- or if Silmsler is going to state he doesn't want
14 the matter to proceed. Okay. So yes, that doesn't relate
15 to the settlement document.

16 **MR. ENGELMANN:** And he's still asking you
17 what you're doing?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** Is that fair?

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** And you indicate to him that
22 you're going to see the Bishop?

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** And you had told him that
25 earlier, that that was your plan?

1 **MR. ABELL:** I believe so.

2 **MR. ENGELMANN:** Yeah. And, in fact, we know
3 he -- we know he's testified that he told the Bishop that
4 you were intent on investigating and meeting with him?

5 **MR. ABELL:** There's an earlier reference to
6 that in my notes.

7 **MR. ENGELMANN:** And it says:

8 "We agree someone at least needs to
9 talk to the present altar boys in St.
10 Andrews."

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** So it appears from that
13 that, at least at this point-in-time, Claude Shaver is very
14 much aware of the fact that someone should be talking to
15 the current altar boys?

16 **MR. ABELL:** This is me reporting on my
17 comment to him, as I read it. So I'm saying to him,
18 someone needs to get out and talk to those altar children
19 or altar servers.

20 **MR. ENGELMANN:** Okay. But I took the "we
21 agreed" to mean that he was agreeing with you, or is that
22 an internal "we agree"?

23 **MR. ABELL:** Yes, you're correct. Yeah, "we
24 agree".

25 **MR. ENGELMANN:** "We" being you and the

1 police officers present?

2 MR. ABELL: Yes. I'm sorry, yes.

3 MR. ENGELMANN: Yeah. And on the following
4 page there's a reference to the need for a joint
5 CAS/Police/Church protocol?

6 MR. ABELL: Correct.

7 MR. ENGELMANN: Because the protocol that
8 you had already in place did not include the Diocese. Is
9 that correct?

10 MR. ABELL: That's correct, yes.

11 MR. ENGELMANN: All right.

12 And you had heard -- from the previous page
13 at the top -- that the Diocese had done some kind of an
14 investigation on their own?

15 MR. ABELL: Yes, in '90.

16 MR. ENGELMANN: I'm sorry?

17 MR. ABELL: I think that was in -- it was
18 '92.

19 MR. ENGELMANN: Yeah, December of '92.

20 MR. ABELL: Of '92, yes.

21 MR. ENGELMANN: Yeah. But you don't really
22 have a description of what that was?

23 MR. ABELL: No, I don't.

24 MR. ENGELMANN: And it certainly didn't
25 involve reporting to the CAS?

1 MR. ABELL: It didn't.

2 MR. ENGELMANN: Okay.

3 Now, I'm having trouble reading the next
4 paragraph and I'd like your assistance, if you can. I
5 believe it relates to Ken Seguin.

6 MR. ABELL: "I ask about what they are
7 doing re: Ken Seguin. I am about
8 to..."

9 MR. ENGELMANN: "...tell them..."?

10 THE COMMISSIONER: No.

11 MR. ABELL: No.

12 "I'm about" -- I think that's maybe "notify
13 MCSS of the matter."

14 MR. ENGELMANN: "I am about to inform
15 MCSS..."

16 MR. ABELL: "...MCSS of the matter".

17 MR. ENGELMANN: Okay.

18 MR. ABELL: That's my ---

19 MR. ENGELMANN: That's the Ministry?

20 MR. ABELL: My Ministry; correct.

21 MR. ENGELMANN: "They are waiting..."

22 MR. ABELL: "...to hear from the Crown on
23 where to go with..."

24 THE COMMISSIONER: "...with that"?

25 MR. ENGELMANN: "...where to go with that,"

1 perhaps?

2 MR. ABELL: "...with that. Luc agreed to
3 keep me informed." I'm not clear on what I was getting at
4 there.

5 MR. ENGELMANN: "Luc" being Luc Brunet?

6 MR. ABELL: Luc Brunet, but I ---

7 MR. ENGELMANN: Okay. So, "They're waiting
8 to hear from the Crown on where to go with that. Luc
9 agreed to keep me informed." Or something similar to that?

10 MR. ABELL: But I'm not clear,
11 Mr. Engelmann, what "that" refers to. We start out with --
12 okay, yeah, I've got it now. I'd asked them about Ken
13 Seguin and so they're pursuing that; sorry.

14 MR. ENGELMANN: All right.

15 So they're going to wait to hear from the
16 Crown prosecutor apparently.

17 MR. ABELL: Apparently so, yes.

18 MR. ENGELMANN: Okay.

19 MR. ABELL: And they were going to let us
20 know.

21 MR. ENGELMANN: All right.

22 And then you talk about meeting with Angelo
23 afterwards.

24 MR. ABELL: Yes.

25 MR. ENGELMANN: And you're planning to meet

1 with the Bishop the following week?

2 MR. ABELL: We were.

3 MR. ENGELMANN: All right.

4 And you just note your position, and those
5 are some of the points that you're going to want to cover
6 with the Bishop. Is that how I understand it?

7 MR. ABELL: That's it. We're preparing for
8 that meeting.

9 MR. ENGELMANN: "Want to know what is
10 happening to Charlie MacDonald, where
11 he is."

12 MR. ABELL: Yes.

13 MR. ENGELMANN: "Will begin an
14 investigation in St. Andrew's."

15 MR. ABELL: Yes.

16 MR. ENGELMANN: "We are open to a joint
17 CAS-Church team to do the
18 interviewing."

19 MR. ABELL: Yes.

20 MR. ENGELMANN: "We begin immediate
21 development of a protocol. We begin
22 planning to inform priests of the issue
23 and the Church's..."

24 Is that "new"?

25 MR. ABELL: "New" query, exclamation mark.

1 I don't know what I ---

2 **MR. ENGELMANN:** Do you know what you're
3 referring to there?

4 **MR. ABELL:** "We begin planning to inform
5 priests of the issue and the
6 Church's..."

7 I don't know what I was getting at there;
8 sorry. Yeah, I don't know what that's referring to.

9 **MR. ENGELMANN:** All right.

10 And apparently after the meeting you have a
11 discussion with your in-house lawyer as well?

12 **MR. ABELL:** Yes.

13 **MR. ENGELMANN:** All right.

14 So sir, the following week on Monday -- sir,
15 I'm not sure about the date. Well, the Friday was the 8th,
16 so on the Tuesday the 12th you would be meeting with Bishop
17 LaRocque; correct?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** And those notes start same
20 Exhibit 1441, Bates page 7080653. And again we have the
21 caption "Silmser, 12 October, '93."

22 **MR. ABELL:** I have that.

23 **MR. ENGELMANN:** All right.

24 So just give us a sense, sir. We asked you
25 about your previous relationship with Claude Shaver. Can

1 you tell us about your relationship -- previous
2 relationship, if any, with the Bishop prior to your meeting
3 on October 12th, '93?

4 **MR. ABELL:** I don't recall having any
5 contact with Bishop LaRocque prior to this. I may have but
6 it doesn't come to mind.

7 **MR. ENGELMANN:** All right. So no
8 professional contact that you can think of?

9 **MR. ABELL:** I can't think of any, no.

10 **MR. ENGELMANN:** Any contact through
11 involvement in the Church?

12 **MR. ABELL:** Not that I can recall, no.

13 **MR. ENGELMANN:** All right.

14 **MR. ABELL:** No.

15 **MR. ENGELMANN:** And at the time you were a
16 parishioner at St. Columban's?

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

18 **MR. ENGELMANN:** Here in Cornwall.

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** But that Bishop not in
21 regular attendance there, sir?

22 **MR. ABELL:** No, no.

23 **MR. ENGELMANN:** All right.

24 Do you recall how the meeting would have
25 been arranged?

1 **MR. ABELL:** I don't. The specifics of how
2 we set it up I don't recall.

3 **MR. ENGELMANN:** Okay, but you were asking to
4 see him?

5 **MR. ABELL:** Yes.

6 **MR. ENGELMANN:** And he made himself
7 available?

8 **MR. ABELL:** He did.

9 **MR. ENGELMANN:** All right.
10 And Claude Shaver had reported to you about
11 not only his meetings with the Bishop on the 7th but also a
12 meeting with the Bishop he had years earlier?

13 **MR. ABELL:** Yes.

14 **MR. ENGELMANN:** And different level of
15 cooperation more recently.

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** Correct?

18 And Shaver would have told you that he had
19 told the Bishop that you were informed of the allegations
20 and that they should -- that he, the Bishop, should expect
21 to hear from you?

22 **MR. ABELL:** Yes, he did.

23 **MR. ENGELMANN:** All right.

24 And with respect to those previous
25 allegations -- and I think they were more than five years

1 earlier; they were about seven years earlier with Father
2 Deslauriers ---

3 MR. ABELL: Yes.

4 MR. ENGELMANN: --- were you aware of any
5 involvement on the part of the local CAS in that matter? I
6 know it was before your time.

7 MR. ABELL: I know I was briefed on it. I
8 don't believe we had an active involvement in that but I
9 could stand to be corrected.

10 MR. ENGELMANN: All right.

11 But in any event, that whole matter occurred
12 before you started to work for the CAS here in Cornwall?

13 MR. ABELL: It did.

14 MR. ENGELMANN: And did any of your
15 colleagues relate to you their own dealings with him? For
16 example, Angelo Towndale; he would have had a number of
17 dealings with the Diocese.

18 MR. ABELL: Oh yes, yes.

19 MR. ENGELMANN: He was very active ---

20 MR. ABELL: Yes.

21 MR. ENGELMANN: --- in the Church?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: Not just in the parish but
24 in the Diocese?

25 MR. ABELL: I'd say that, yeah, Diocesan

1 level; yes.

2 MR. ENGELMANN: Yeah.

3 So did he give you any indication about his
4 relationship with the Bishop?

5 MR. ABELL: Not that I can recall.

6 MR. ENGELMANN: All right.

7 MR. ABELL: Not that I ---

8 MR. ENGELMANN: And other colleagues who had
9 a relationship with him that you know of?

10 MR. ABELL: No.

11 MR. ENGELMANN: All right.

12 MR. ABELL: I don't believe so.

13 THE COMMISSIONER: So did you have a -- I'm
14 not going to say "preconceived" but any idea or image of
15 the man before you went and met him?

16 MR. ABELL: He -- I believe I was aware. He
17 had a community representation as a somewhat distant
18 individual.

19 THE COMMISSIONER: M'hm.

20 MR. ABELL: He -- I mean, he carried out his
21 offices, sir, in I guess we'd call it a pretty traditional
22 way. He was very much the Bishop. He was a figure of some
23 controversy. I'd heard that he had been involved, as
24 bishops do, in some closing of parishes and there had been
25 some unhappiness. Language had played into it; French and

1 English.

2 THE COMMISSIONER: M'hm.

3 MR. ABELL: So I was aware of some of that
4 but nothing much beyond that, sir.

5 THE COMMISSIONER: Okay.

6 MR. ENGELMANN: And sir, for this meeting
7 you not only had Mr. Towndale but you had Mr. Carriere.

8 MR. ABELL: Correct.

9 MR. ENGELMANN: By this point in time would
10 you have decided that Mr. Carriere would be in charge of
11 this investigation or this process?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: And was that the reason he
14 came with you?

15 MR. ABELL: It was.

16 MR. ENGELMANN: And the reason for
17 Mr. Towndale then, sir?

18 MR. ABELL: He'd been with me in decision-
19 making from the start. And again, with his background in
20 the Diocese ---

21 MR. ENGELMANN: All right.

22 MR. ABELL: --- I presume that's why he was
23 there.

24 MR. ENGELMANN: That it might make things
25 easier to start your dialogue?

1 **MR. ABELL:** I think that's probably likely,
2 yes.

3 **MR. ENGELMANN:** Fair enough.
4 And the Bishop was alone at the meeting?

5 **MR. ABELL:** Yes, he was.

6 **MR. ENGELMANN:** He did not have any members
7 of his staff with him?

8 **MR. ABELL:** I don't recall anybody else
9 being there and I believe I would have noted it in my ---

10 **MR. ENGELMANN:** All right.

11 **MR. ABELL:** --- my opening there.

12 **MR. ENGELMANN:** And again, sir, you say:

13 "2:30 p.m., visit Bishop in his
14 office with Angelo, Bill Carriere."

15 **MR. ABELL:** Yeah. I'm quite sure there was
16 nobody else from the Diocese there.

17 **MR. ENGELMANN:** All right.

18 And again you have fairly extensive notes
19 that cover about three pages.

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** And again they follow the
22 order of the meeting?

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** All right.

25 And your notes indicate that you start out

1 by telling him that your issue is, "present/recent abuse of
2 children."

3 MR. ABELL: Yes.

4 MR. ENGELMANN: And that was the mandate or
5 the purpose for ---

6 MR. ABELL: It was the raison d'être for our
7 involvement.

8 MR. ENGELMANN: All right.

9 And it's -- he starts by saying he
10 understands your role and said something like, "What can I
11 do to help?"

12 MR. ABELL: Yes.

13 MR. ENGELMANN: So you start on the right
14 foot.

15 MR. ABELL: Positive.

16 MR. ENGELMANN: Yes. And you refer that he
17 was expecting your visit and the fact that you would be
18 advising him that the CAS was investigating, at least to
19 some extent, these allegations against Father MacDonald?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: All right.

22 I just note just under that there's a
23 suggestion:

24 "He's taken aback that we will
25 investigate."

1 **MR. ABELL:** Yes.

2 **MR. ENGELMANN:** And I just want to
3 understand the juxtaposition there. He's saying, "what can
4 I do to help?" understands, and then is, "...taken aback
5 that we will investigate." Do you remember why? Did he
6 express a reason for that?

7 **MR. ABELL:** I don't have a clear
8 recollection. Looking at the notes, I'd almost put it down
9 to -- well, to naivety on his part that we would be
10 involved and yet not do some very careful looking into it.
11 I just think he just didn't seem to understand what it
12 meant to have the CAS get involved in an investigation.

13 **MR. ENGELMANN:** All right. So he perhaps
14 didn't expect the -- I don't know if I want to say the
15 thoroughness but the type of work that might be involved if
16 you were to investigate something?

17 **MR. ABELL:** Yes, yeah. Well, again, I'm
18 going to draw from my notes, you know, he says he wants to
19 monitor -- I've underlined "monitor". I believe that's the
20 level at which he would have -- he expected the whole thing
21 would be handled. It would be kind of, "Let's watch and
22 see" kind of a stance.

23 **MR. ENGELMANN:** All right.

24 **MR. ABELL:** Rather than, "Let's go dig.
25 We're going to go dig."

1 **MR. ENGELMANN:** Now, did you ever have
2 investigations at various workplaces where your work was
3 monitored by the employer or that organization?

4 **MR. ABELL:** No, no.

5 **MR. ENGELMANN:** Would you have indicated to
6 the police that -- sorry, to the police -- to the Bishop
7 that that is something that just wasn't on?

8 **MR. ABELL:** No, we -- yeah, we did indicate
9 that we were going to do a full investigation.

10 **MR. ENGELMANN:** All right. And that he was
11 not going to be monitoring it?

12 **MR. ABELL:** That's correct.

13 **MR. ENGELMANN:** All right. Did you indicate
14 to him, however, that there would be dialogue and
15 discussions between your officials and Diocesan officials
16 throughout the course of your work?

17 **MR. ABELL:** I can't recall specifically but
18 that would have come up. I mean, that's again the reason
19 that Mr. Carriere was there and he and/or I would have
20 talked about how it would likely unfold, and that we would
21 be needing to speak to a number of his people.

22 **MR. ENGELMANN:** All right. Now, he does
23 note on that first page -- he indicates concern about
24 publicity?

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** And also the reputation of
2 the priest involved, Father MacDonald?

3 **MR. ABELL:** Yes, yeah. And that was a very,
4 very clear concern for him; very clear.

5 **MR. ENGELMANN:** And, sir, that's not
6 something that would have surprised you?

7 **MR. ABELL:** Not at all.

8 **MR. ENGELMANN:** And perhaps a natural
9 reaction?

10 **MR. ABELL:** Yes, of course.

11 **MR. ENGELMANN:** Now, you were advised, and I
12 think you had been advised earlier, that the priest in
13 question, Father MacDonald, was near Barrie. And I'm just
14 trying to -- yes, at the bottom of the page he's indicating
15 to you, is he not:

16 "Charlie sent to the
17 treatment/assessment facility last
18 Sunday p.m."

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** Coming back Friday?

21 **MR. ABELL:** Yes.

22 **MR. ENGELMANN:** Was it your understanding
23 that this was what had been referred to earlier as him
24 being at Barrie for treatment and/or assessment?

25 **MR. ABELL:** That was my understanding, the

1 Southdown facility.

2 **MR. ENGELMANN:** Right. And it says:

3 "We say we want him out of the parish
4 to allow us to investigate. Bishop,
5 very reluctant."

6 Do you see that?

7 **MR. ABELL:** I do. I recall that discussion
8 well.

9 **MR. ENGELMANN:** All right. And did you in
10 fact indicate that you wanted him out of the parish?

11 **MR. ABELL:** Yes, sir.

12 **MR. ENGELMANN:** And did you give him some
13 reasons for that?

14 **MR. ABELL:** Well, we actually wanted him to
15 stay out of the parish. He was out at that point, was my
16 understanding. And we were being given the news that the
17 Bishop was really putting him out and bringing him back
18 within a week and we had not even begun to do our work in
19 that parish.

20 And so we had to say to him, "Bishop, this
21 is not going to work. So we've got to find some way to
22 work our way through this."

23 **MR. ENGELMANN:** All right. So let's be
24 clear then.

25 Was the only reason that you didn't want

1 Father MacDonald back in the parish that you wanted to be
2 able to investigate?

3 MR. ABELL: Well, first and foremost would
4 be a concern about safety of children.

5 MR. ENGELMANN: Okay.

6 MR. ABELL: And then moving on from that we
7 needed to do our investigation, and it certainly wasn't
8 going to be helpful for the parishioners that we were going
9 to be approaching to have their pastor there.

10 MR. ENGELMANN: All right. So there were
11 two reasons then?

12 MR. ABELL: Correct.

13 MR. ENGELMANN: Concern about safety and
14 ability to investigate if the pastor was there?

15 MR. ABELL: Correct, yes.

16 MR. ENGELMANN: All right.

17 Why two weeks? There's a reference to two
18 weeks.

19 MR. ABELL: I believe that was a saw-off
20 that we agreed to at the time. It wasn't going to be
21 enough; we certainly knew that. I mean, he held his ground
22 on this for a while. We really had to bat this one around
23 for a while. He really wanted to bring Father MacDonald
24 back relatively quickly. And, again, it had to do with the
25 rumour mill getting started and, you know, the public image

1 of him as an accused. So that was his position.

2 MR. ENGELMANN: So you recall some
3 discussion on that issue for some time?

4 MR. ABELL: It was -- yeah, it was -- what
5 do the diplomats say -- a lively exchange for a while, yes.

6 MR. ENGELMANN: All right. And at the end
7 the two weeks was the saw off, but you didn't think it was
8 enough time?

9 MR. ABELL: It wasn't going to be enough.

10 MR. ENGELMANN: Did you tell him you didn't
11 think it was enough time?

12 MR. ABELL: I don't know if we told him that
13 but we had come to it -- in our mind it was a start point.

14 MR. ENGELMANN: All right.

15 MR. ABELL: Actually, I have six weeks in
16 mind, but I see two in the notes.

17 MR. ENGELMANN: You have six weeks in mind,
18 sir?

19 MR. ABELL: In the back of my mind I thought
20 we had worked out six weeks, but anyway.

21 MR. ENGELMANN: The note indicates two.

22 MR. ABELL: Two is here so that's what it
23 was.

24 MR. ENGELMANN: And we know from Mr. Bell
25 that -- I think he was initially or he was seconded for

1 approximately 10 weeks of full-time work.

2 MR. ABELL: Okay.

3 MR. ENGELMANN: We'll come to that.

4 MR. ABELL: Okay.

5 MR. ENGELMANN: Sir, the note at the bottom
6 says:

7 "Said Silmsner spoke to someone in
8 Ottawa originally."

9 MR. ABELL: Yes.

10 MR. ENGELMANN: "The matter was referred
11 onto this Bishop."

12 MR. ABELL: Yes.

13 MR. ENGELMANN: So this was information that
14 he would have given you?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: And it says:

17 "I asked for the report."

18 Do you see that?

19 MR. ABELL: Yes.

20 MR. ENGELMANN: Now, you had been advised
21 earlier by Chief Shaver that the Bishop had told him about
22 an investigation that the Diocese had done in December of
23 '92?

24 MR. ABELL: Yes.

25 MR. ENGELMANN: What were you seeking there?

1 You say:

2 "I asked for the report."

3 Were you seeking the referral letter or some
4 kind of an investigation report or did you know what it was
5 you were seeking?

6 **MR. ABELL:** What I recall was that the
7 Bishop said that Mr. Silmsler had been to an individual --
8 he had been directed to an individual in Ottawa. My
9 recollection is that it was a cleric who had been assigned
10 the job of managing abuse allegations for that Diocese. I
11 may be wrong, but I think that's what it was. And the
12 Bishop let us know in our discussion that he had a letter
13 from that individual about that contact with Mr. Silmsler
14 and his impression of Mr. Silmsler or whatever.

15 And I recall we said to him -- one of us --
16 one of the three of us said to the Bishop, could we please
17 see the letter. So he went and pulled it out of a file and
18 brought it back and we were able to read it. And then we
19 asked him for a copy.

20 **MR. ENGELMANN:** Now, I understand at that
21 point-in-time, although he let you read it, he didn't want
22 you to have a copy?

23 **MR. ABELL:** He declined, yes.

24 **MR. ENGELMANN:** Yeah. And there was a
25 comment about his concern that it was confidential?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: Now, later on are you aware,
3 sir, of the fact that a Diocesan official would have turned
4 that over to Mr. Bell?

5 MR. ABELL: I am aware, yes.

6 MR. ENGELMANN: All right.

7 MR. ABELL: Yeah.

8 MR. ENGELMANN: That very same letter.

9 And, sir, are you aware that that letter was
10 from a Monsignor Schonenbach from Ottawa dated
11 approximately December 11th?

12 MR. ABELL: That's the name I recall.

13 MR. ENGELMANN: All right.

14 MR. ABELL: Of the individual who wrote the
15 letter.

16 MR. ENGELMANN: All right.

17 And, sir, just on Bates page 654 there's a
18 note, second paragraph:

19 "Bishop says he didn't want to pay off
20 Silmser."

21 MR. ABELL: Yes.

22 MR. ENGELMANN: Those were his words,
23 "payoff Silmser"; do you recall? We saw that before.

24 MR. ABELL: Yes, we did. Since I don't have
25 it in quotes I can't say for sure those were his words.

1 **MR. ENGELMANN:** All right. It says:
2 "He was advised to do so by Jacques
3 Leduc."

4 Do you see that?

5 **MR. ABELL:** Yes, I do. Yes.

6 **MR. ENGELMANN:** Did he explain to you that
7 Jacques Leduc was a lawyer for the Diocese?

8 **MR. ABELL:** I was aware of that.

9 **MR. ENGELMANN:** All right. And was he also
10 a lawyer from time-to-time for the Children's Aid Society?

11 **MR. ABELL:** On occasion he was -- he acted
12 as community counsel for our agency, yes.

13 **MR. ENGELMANN:** He acted as?

14 **MR. ABELL:** Community counsel.

15 **MR. ENGELMANN:** And did you have several
16 community counsels or was he ---

17 **MR. ABELL:** Yeah, there were, over time.
18 It's probably still the case. There are -- there's a small
19 group of people we would go to if our own lawyers get
20 overloaded and we need representation in Child Welfare
21 Court to present some matter, we will approach community
22 counsel.

23 **MR. ENGELMANN:** All right.

24 And so in that second paragraph he's
25 relating the fact that he didn't want to pay. The lawyers

1 wanted him to pay. Goes to a conference; again, advised
2 not to pay. Comes back and again the lawyers -- not just
3 Jacques Leduc but also the lawyer for Charlie MacDonald and
4 Malcolm MacDonald, both convince him to pay and to
5 participate in this settlement?

6 MR. ABELL: That's what he told us.

7 MR. ENGELMANN: Right.

8 MR. ABELL: Yes, sir.

9 MR. ENGELMANN: Now, there is a reference to
10 "nuisance settlement". So that would have been a term he
11 would have used?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: As something that the
14 lawyers would have suggested to him, presumably?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: And there's also something
17 about Mr. Silmser. We saw this with ---

18 MR. ABELL: Chief Shaver.

19 MR. ENGELMANN: --- Chief Shaver. We're
20 seeing it again here.

21 MR. ABELL: Correct.

22 MR. ENGELMANN: Not the best of characters?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: And then these single
25 quotes, "in and out of jail". And do you know, sir, was he

1 relating that as something the lawyers were telling him,
2 either Mr. Leduc or Malcolm MacDonald, or do you recall?

3 MR. ABELL: I can't recall if he -- that he
4 sourced that comment.

5 MR. ENGELMANN: All right.

6 Now, at the bottom of the page, there
7 appears to be some reference to comments he's making to you
8 about things he's told by Father MacDonald. Do you see
9 that?

10 MR. ABELL: Yes.

11 MR. ENGELMANN: Just before I go there, the
12 paragraph before refers to two letters of reference.

13 MR. ABELL: Yes.

14 MR. ENGELMANN: Do you know if that's
15 something you would have asked for at the time or is that
16 something that he proffered to you unsolicited?

17 MR. ABELL: Well, he would have initiated
18 that because we wouldn't have known of their existence.

19 MR. ENGELMANN: All right.

20 MR. ABELL: So he would have informed us
21 that he had them. As to whether we asked for them, I don't
22 recall. I don't see a reference to us asking or not
23 asking.

24 MR. ENGELMANN: Well, we know that they're
25 turned over later as well.

1 MR. ABELL: Yeah.

2 MR. ENGELMANN: But he brought it to your
3 attention?

4 MR. ABELL: He did, yes.

5 MR. ENGELMANN: All right.

6 And then it appears at the bottom of the
7 page to be bringing something to your attention about
8 comments made to him by Father MacDonald.

9 MR. ABELL: Yes, he did.

10 MR. ENGELMANN: And it says:

11 "Bishop saying Charlie strongly denying
12 Silmser allegation."

13 Do I read that right?

14 MR. ABELL: Yes, I do -- you have.

15 MR. ENGELMANN: "Admitting to being a
16 homosexual."

17 MR. ABELL: Yes.

18 MR. ENGELMANN: "Not while he was
19 teaching; not for the last four years."

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And, sir, were you aware
22 that Father MacDonald had been a teacher before he was a
23 priest?

24 MR. ABELL: I had -- to that point, no.

25 MR. ENGELMANN: Okay. So again just

1 following up with that sentence:

2 "Not while he was teaching; not for
3 last four years."

4 And, sir, were you aware that he'd been at
5 St. Andrew's Parish for a few years?

6 **MR. ABELL:** I believe I was, yes.

7 **MR. ENGELMANN:** All right.

8 And then it says:

9 "Only with teens/adults."

10 **MR. ABELL:** Yes.

11 **MR. ENGELMANN:** "Comments to Bishop..." --
12 and this is "(Charlie)":

13 "...that the partners sometimes
14 initiate."

15 Do I have that right, initiate?

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** "We jump on that and deal
18 with responsibilities."

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** All right.

21 So I want to ask you a few questions about
22 that. First of all, do you recall him referring to the
23 fact that Father MacDonald was having sexual relations both
24 with teens and adults?

25 **MR. ABELL:** Yes, I recall him making that

1 statement.

2 MR. ENGELMANN: And that is something you
3 have independent recollection of?

4 MR. ABELL: I can recall that, yes, because
5 it's pretty striking.

6 MR. ENGELMANN: How was it said to you, was
7 it said of any sort of concern on his part; do you
8 remember?

9 MR. ABELL: I would say it was relayed to us
10 in a matter of fact way.

11 MR. ENGELMANN: Matter of fact.

12 MR. ABELL: This is something I learned from
13 my discussion with Father MacDonald and this is what he
14 said. I don't recall it being with any particular
15 emotional overlay on his part.

16 MR. ENGELMANN: Now, do you recall, did he
17 set a context as to when he would have had this
18 conversation with Father Charles MacDonald?

19 MR. ABELL: He may have. I recall him
20 telling us about going and meeting with Father MacDonald
21 prior to our discussion. The specifics I don't recall.

22 MR. ENGELMANN: Do you have a sense that it
23 was fairly recent?

24 MR. ABELL: Yes.

25 MR. ENGELMANN: All right.

1 And did you -- do you recall if either you
2 or one of your colleagues might have asked him to elaborate
3 on that, in particular the, "only with teens/adults"?

4 **MR. ABELL:** No, I don't recall us doing it,
5 and for the reason, Mr. Engelmann, that really -- I mean
6 that was going to fall to the investigators to pursue
7 anything along that line. I mean, we were there to advise
8 him and to really get things going.

9 **MR. ENGELMANN:** So any questions, for
10 example, about whether these individuals were altar boys at
11 the time?

12 **MR. ABELL:** No, we didn't pursue that with
13 him at the time.

14 **MR. ENGELMANN:** Okay. No questions about
15 whether these were parishioners?

16 **MR. ABELL:** No. No.

17 **MR. ENGELMANN:** Okay.

18 **MR. ABELL:** Just other than the context
19 about -- no. No, he had -- no.

20 **MR. ENGELMANN:** All right.

21 Now, what you do say ---

22 **MR. ABELL:** What I ---

23 **MR. ENGELMANN:** Sorry.

24 **MR. ABELL:** I was going to say, I mean, what
25 I recall, Mr. Engelmann, was when -- and I'm struck with

1 the notation there "We jumped on it." I mean, we did, and
2 not an impolite way but -- not in an impolite way but we
3 wanted him to know that if we were being presented a
4 rationale that, "I only did it with teens," wasn't going to
5 -- wasn't, frankly, going to wash with us. I mean, that's
6 why we had a -- we gave him a very clear message about
7 people in roles of trust and responsibility and that we
8 were going to proceed.

9 **MR. ENGELMANN:** Well, that's what I wanted
10 to ask. Because you said after the sex with teens/adults,
11 the comments that the partners sometimes initiate, ---

12 **MR. ABELL:** Yes.

13 **MR. ENGELMANN:** --- meaning the others:
14 "We jump on that and deal with
15 responsibilities."

16 And I'm wondering what you meant by that.

17 **MR. ABELL:** Well, it frankly smacked of a
18 rationale and it's a rationale that we've heard in our
19 business all too often, you know, including small children
20 -- you know, they enticed me and she cuddled up to me, and
21 you know, we've -- it's not at all uncommon to hear
22 victimizers victimize those children in that way.

23 So just because of our professional
24 orientation and background it's just something we couldn't
25 let go, and we didn't. That's where the conversation went.

1 **MR. ENGELMANN:** Do you remember who it was
2 who might have responded back to the Bishop at that point
3 out of the three of you?

4 **MR. ABELL:** I don't remember specifically.
5 If I had to put some money on it I would say it would be
6 Bill. I mean, he's got very extensive background in that
7 area and it would be Bill who probably would have carried
8 that, but both Angelo and I certainly could have provided a
9 chorus.

10 **MR. ENGELMANN:** All right.
11 So after that you talk about the need for a
12 protocol.

13 **MR. ABELL:** Yes.

14 **MR. ENGELMANN:** And is that something -- it
15 appears that he agrees that that would be helpful ---

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** --- and that you should do
18 some work on that with the police.

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** And you advise him that Bill
21 will be taking over the investigation.

22 **MR. ABELL:** That's correct.

23 **MR. ENGELMANN:** And does he tell you that it
24 will be Father McDougald on his side?

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** And that he will be -- and
2 you've got this in one -- single quotes, 'stepping back'.

3 **MR. ABELL:** Yes.

4 **MR. ENGELMANN:** And there's some discussion
5 about the fact that you're going to be receiving names of
6 altar boys.

7 **MR. ABELL:** Yes.

8 **MR. ENGELMANN:** And this is in the St.
9 Andrew's Parish, at least to start?

10 **MR. ABELL:** Yes.

11 **MR. ENGELMANN:** And there's no discussion
12 about -- or is there some discussion about possibly going
13 back to former altar boys or is it simply the current ones
14 at this point?

15 **MR. ABELL:** I see that it got raised.

16 **MR. ENGELMANN:** Yes.

17 **MR. ABELL:** There was no -- we didn't take
18 any final position on it because I don't think we had one
19 ourselves at that point.

20 **MR. ENGELMANN:** All right.

21 **MR. ABELL:** I know we had subsequent
22 discussions in our team meetings about the scope of that
23 investigation.

24 **MR. ENGELMANN:** Well, we know later on that
25 you confirm that the scope is only going to be ---

1 MR. ABELL: That's correct.

2 MR. ENGELMANN: --- in effect, current altar
3 boys.

4 MR. ABELL: Correct.

5 MR. ENGELMANN: Sir, there's a reference to
6 the two weeks.

7 MR. ABELL: Yes, you're right.

8 MR. ENGELMANN: And there's a comment:
9 "We will begin the investigation; do
10 what we can in two weeks."

11 MR. ABELL: Yes.

12 MR. ENGELMANN: Would that have been told to
13 the Bishop or is that just something you would have written
14 down?

15 MR. ABELL: I believe that's what I told
16 him.

17 MR. ENGELMANN: All right.

18 MR. ABELL: Probably my way to signal that
19 there would be wiggle room -- two weeks.

20 MR. ENGELMANN: It may not happen ---

21 MR. ABELL: Yeah.

22 MR. ENGELMANN: --- within that timeframe?

23 MR. ABELL: Yeah.

24 MR. ENGELMANN: You also make a reference to
25 letting the OPP know about this.

1 **MR. ABELL:** Yes, correct.

2 **MR. ENGELMANN:** And I'm just -- I'm looking
3 at the bottom. Can you tell us what that last paragraph
4 says?

5 **MR. ABELL:** "I ask him" -- that one?

6 **MR. ENGELMANN:** Yeah.

7 **MR. ABELL:** "I ask him to allow Jacques
8 Leduc to speak openly to me about his
9 role. I tell him he's representing us.
10 [That would be CAS]; no answer."

11 And "End on..." -- I guess that note ---

12 **MR. ENGELMANN:** Positive note?

13 **MR. ABELL:** That's correct. Thank you.
14 Yes, it's right.

15 "End on a positive note; Bishop looked
16 worried."

17 **MR. ENGELMANN:** Okay. So let's just break
18 that down for a minute. The issue about Jacques Leduc and
19 representing, did that get resolved?

20 **MR. ABELL:** It did. Shortly thereafter I
21 went to Mr. Leduc and told him that he wouldn't be
22 representing our Society anymore.

23 **MR. ENGELMANN:** All right. Since you had to
24 make a choice or you were concerned about a conflict?

25 **MR. ABELL:** There was no choice. I just

1 said to him "I've made a decision."

2 **MR. ENGELMANN:** All right.

3 **MR. ABELL:** I had spoken to my Board Chair.
4 I had concerns about Mr. Leduc's role in the settlement,
5 the so-called settlement, and I felt that frankly
6 compromised -- I realize he did it professionally but it
7 compromised our ability to use him ---

8 **MR. ENGELMANN:** Yes.

9 **MR. ABELL:** --- in a child protection role
10 and particularly given the position we had taken on this
11 investigation. So I spoke to him and he accepted it.

12 **MR. ENGELMANN:** He understood that?

13 **MR. ABELL:** He said he did.

14 **MR. ENGELMANN:** And your comment about -- so
15 the meeting ended positively, according to your note.

16 **MR. ABELL:** It was on a positive note, yes.

17 **MR. ENGELMANN:** And you say the Bishop
18 looked worried?

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** Is it just an observation of
21 yours at the time or ---

22 **MR. ABELL:** Humanity, I guess. I don't
23 know; I just looked at him and I remember thinking he
24 looked -- I probably put myself in his shoes. I mean, he
25 said initially in the meeting -- I think it's in one of my

1 notes -- he had a mess on his hands. I mean, he did have a
2 mess on his hands.

3 MR. ENGELMANN: All right.

4 MR. ABELL: He also was open with us that he
5 had a role in creating it in terms of the decision-making
6 he made.

7 MR. ENGELMANN: All right.

8 MR. ABELL: So. I mean, I think he was
9 honest with us and I think that's the background to that
10 comment.

11 MR. ENGELMANN: And I think you also said
12 that perhaps he'd been a bit naïve early on about what you
13 might actually be doing?

14 MR. ABELL: I mean, I do think he was naïve.

15 MR. ENGELMANN: All right.

16 Now, after this meeting -- and I'm just
17 going to follow your notes just before we start formally
18 with Project Blue -- at the Bates page 7080652, so if you
19 flip back a page -- these are in reverse order.

20 I'm still in Exhibit 1441, Mr. Commissioner.

21 THE COMMISSIONER: Yes.

22 MR. ENGELMANN: And there's a reference to
23 calling Lyle?

24 MR. ABELL: Correct.

25 MR. ENGELMANN: Is he the -- is this Lyle,

1 the President of your Board of Directors?

2 MR. ABELL: Correct. This is Mr. Lyle Van
3 Allen.

4 MR. ENGELMANN: All right. And are you
5 keeping him up to date from time-to-time about this file?

6 MR. ABELL: I did.

7 MR. ENGELMANN: All right.

8 And he says -- you say:

9 "Called Lyle. Briefed him on
10 developments. Got his support (told
11 him may be strong political pressure on
12 us if other victims/offenders are
13 discovered). We'll talk weekly."

14 What did you mean by that, "strong political
15 pressure"? What did you think at the time? Can you
16 remember?

17 MR. ABELL: That may be strongly worded,
18 actually. What I had in mind, I believe, Mr. Engelmann,
19 was I had -- you know, I had had the questioning from Chief
20 Shaver. It was gentle, but it was questioning. You know,
21 "How are you able to do this on this backchannel
22 information business?" Certainly, the Bishop wasn't
23 pleased. I mean, none of it amounted to anything.

24 We have a very clear legal mandate and could
25 proceed, but I wasn't -- I'm not naïve and was aware that

1 certainly based on the experiences in other jurisdictions
2 in situations like this, that there could be a pushback
3 from various sources regarding opening up potentially a
4 very, very major can of worms.

5 And so I just -- part of my job as Executive
6 Director is to keep the Board not only informed but to try
7 to give them a sense of where controversy or risk may
8 arise, and that was what I was doing, or attempting to do.

9 **MR. ENGELMANN:** Despite some of the concerns
10 expressed by Chief Shaver and the Bishop, I don't think
11 from your notes we see any concern about the mandate to
12 deal with the historical type of allegation. Was that
13 something that was still a concern of yours as well?

14 **MR. ABELL:** Well, given the nature of that
15 mandate, there's always a -- it's always open to question.

16 **MR. ENGELMANN:** Yeah.

17 **MR. ABELL:** It is clearly a judgment call on
18 the part of any society to involve themselves in what
19 presents to them as a historical allegation. It's always a
20 judgment call. There's no hard and fast guidelines on it.

21 **THE COMMISSIONER:** Well, speaking of
22 guidelines, wasn't there a provincial guideline talking
23 about that?

24 **MR. ABELL:** There is.

25 **THE COMMISSIONER:** Okay. And doesn't it say

1 that you have some kind of duty to look at -- to see
2 whether or not there are some children at risk?

3 **MR. ABELL:** If a child -- yes, I've looked
4 at the wording. You're right, Commissioner.

5 **MR. ENGELMANN:** I'll just be a moment, sir.

6 **THE COMMISSIONER:** I'm sorry. We can
7 continue.

8 **MR. ABELL:** Oh, sorry. I mean, you're quite
9 right. In my experience -- and I've talked to colleagues
10 about it -- it's just not for us a good, solid -- you've
11 got to apply a lot of judgment to every situation.

12 **THE COMMISSIONER:** All right.

13 And I forget what exhibit or where it is. I
14 know that I've ---

15 **MR. ENGELMANN:** Sir, if I can just -- I
16 remember Mr. Crane -- my friend, Mr. Crane, brought this up
17 to the other day. It's Exhibit 25, Tab 5, if you want to
18 go there, sir.

19 **MR. ABELL:** It would be helpful if we could
20 look at it.

21 **THE COMMISSIONER:** Okay.

22 **MR. ABELL:** If you'd like to?

23 **MR. ENGELMANN:** I think that's what you're
24 referring to.

25 **THE COMMISSIONER:** Yes. And my question

1 would be would that not give you some comfort as to your
2 jurisdiction?

3 **MR. ABELL:** When we look at the wording,
4 I'll show you why I didn't have total comfort, sir.

5 **THE COMMISSIONER:** Okay. But I said "some
6 comfort".

7 **MR. ABELL:** Yes, you did.

8 **THE COMMISSIONER:** It's III, "Response to
9 Reports of Child Abuse". I'm sorry, I don't have a page
10 number. It's about seven or eight pages in.

11 **MR. ABELL:** Sorry, sir, I'm not finding
12 this.

13 **MR. ENGELMANN:** This was before we had Bates
14 pages, early on, corporate presentations. I'm waiting for
15 it to come up on the screen.

16 **THE COMMISSIONER:** Tab 5.

17 **MR. ABELL:** Tab 5.

18 **THE COMMISSIONER:** And so that's ---

19 **MR. ABELL:** Okay. I've got Tab 5, yes.

20 **THE COMMISSIONER:** --- "Revised Standards".
21 So go in about eight pages, let's say.

22 **MR. ABELL:** Thank you.

23 **THE COMMISSIONER:** And it's III, "Response
24 to Reports of Child Abuse".

25 **MR. ABELL:** That's it, and past abuse.

1 **THE COMMISSIONER:** And past abuse. If you
2 look at the bottom of the second -- well, the second
3 paragraph, I guess.

4 **MR. ABELL:** Okay. The last sentence, sir --
5 -

6 **THE COMMISSIONER:** Yes.

7 **MR. ABELL:** "The Society will initiate a
8 further investigation only if there is
9 an allegation or evidence that a child
10 under the age of 16 may be at risk."

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

12 **MR. ABELL:** So the specificity of "a child".

13 **THE COMMISSIONER:** Yes.

14 **MR. ABELL:** So the debate there, at least as
15 I've heard it ---

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

17 **MR. ABELL:** --- has been, do we have a child
18 in terms of Mary Jones. Do you have a Mary Jones? If you
19 don't, then the question arises, do you really have the
20 grounds to move ahead. We didn't have a -- obviously this
21 is a moniker. We didn't have a Mary Jones.

22 **THE COMMISSIONER:** Right.

23 **MR. ABELL:** We had a concern and a suspicion
24 that a group ---

25 **THE COMMISSIONER:** Right.

1 **MR. ABELL:** --- based on the statement we
2 had from Mr. Silmser. He was an altar boy. The individual
3 he was alleging had abused him had care and control of
4 altar -- I should say an altar server because they were
5 both sexes -- altar servers today. So we didn't have that
6 specificity. I take your earlier comment. We had some
7 comfort, but we also knew that we were open to challenge.

8 **THE COMMISSIONER:** Okay. Thank you.

9 **MR. ENGELMANN:** The reference to -- and I've
10 just got it on the screen now -- reference to a child under
11 the age of 16 may be at risk ---

12 **MR. ABELL:** Correct.

13 **MR. ENGELMANN:** --- or may have been abused
14 gives you some discretion, clearly?

15 **MR. ABELL:** It definitely does.

16 **MR. ENGELMANN:** All right.

17 **MR. ABELL:** So to my point, it's always --
18 in our view, it's always a question of professional
19 judgment.

20 **MR. ENGELMANN:** Right. And that's why in
21 decisions like this one you would have taken that decision
22 together with others who were senior managers in your
23 agency?

24 **MR. ABELL:** That's exactly the reason, yes.

25 **MR. ENGELMANN:** All right.

1 **THE COMMISSIONER:** So one last question.

2 **MR. ABELL:** Certainly.

3 **THE COMMISSIONER:** And this is more -- do
4 you -- up until your retirement, is this still the same
5 policy or has that changed?

6 **MR. ABELL:** I'm trying not to look at my
7 colleague, Mr. Carriere. He could answer that, sir. I'm
8 not sure.

9 **THE COMMISSIONER:** Okay.

10 **MR. ABELL:** I'm not sure.

11 **MR. ENGELMANN:** Well, perhaps we can get
12 that information to you jointly.

13 **THE COMMISSIONER:** Let's try another way.
14 Since this time, since the Silmsner thing and during your
15 tenure as -- I forget what the name -- Executive Director --
16 - have you had to tackle this question again?

17 **MR. ABELL:** I don't recall so, no.

18 **THE COMMISSIONER:** Okay. Thank you.

19 **MR. ENGELMANN:** All right.

20 Mr. Abell, let's move then to the next note
21 from -- and I think we can do this as well in 1441 if we
22 don't just mind going backwards. The notes are clear, sir
23 -- Mr. Commissioner. So I think we'll stay in this exhibit
24 if we can.

25 But at Bates page 7080650 and 7080651, we

1 have about a page-and-a-half of your notes of a visit you
2 had from Staff Sergeant Garry Derochie on October 14th,
3 1993?

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** All right. And, sir, had
6 you had any previous dealings with Staff Sergeant Derochie
7 before October 14th, 1993?

8 **MR. ABELL:** I don't recall.

9 **MR. ENGELMANN:** Did you know him personally
10 from anything outside of professional dealings?

11 **MR. ABELL:** No, we didn't have outside
12 contact.

13 **MR. ENGELMANN:** And do you recall the
14 purpose of the meeting and who had arranged it, et cetera?

15 **MR. ABELL:** I see that at the top of the
16 page there's a cut-off, a photocopy of something. I
17 suspect that's a phone message that I might have stuck on
18 the page to say who was calling whom, but I don't recall.

19 And the first paragraph says that he
20 explained to me he was -- he'd be given the job of looking
21 into the circumstances of Perry Dunlop giving me the
22 information about David Silmser.

23 **MR. ENGELMANN:** Well, the phone message
24 actually is found -- let me just read it to you just for
25 the record; 2322 is the exhibit and it's at Bates page

1 7081083:

2 "Message to Rick Abell from Staff
3 Sergeant Derochie October 13th, 1993,
4 Time 15:17. Cornwall Police, his phone
5 number. Message, Wants to see me on
6 Perry Dunlop, providing information on
7 the Silmsier matter."

8 Okay?

9 **MR. ABELL:** Okay, thank you.

10 **MR. ENGELMANN:** So apparently he would have
11 initiated contact?

12 **MR. ABELL:** He did.

13 **MR. ENGELMANN:** And you meet with him for
14 just under half-an-hour the morning of October 14th?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** And you were advised by him
17 -- again, notes follow the usual order?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** Correct?

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** You were advised by him, at
22 least right up at the beginning of the meeting, that he was
23 investigating Perry Dunlop?

24 **MR. ABELL:** Correct.

25 **MR. ENGELMANN:** And, in particular,

1 investigating Dunlops providing you with the statement?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And that there were possible
4 *Police Act* charges?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: Now, you indicate in your
7 notes at least letting him know right from the get go that
8 you and Dunlop are friends?

9 MR. ABELL: Yes.

10 MR. ENGELMANN: And you give him information
11 about how you came into possession of this information and
12 the statement?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: And he as well shares a
15 personal perspective with you?

16 MR. ABELL: He did.

17 MR. ENGELMANN: All right.

18 And I want to ask you about the middle
19 paragraph then. It says:

20 "He says what I'm saying concerns him."

21 And then it goes on:

22 "He's been feeling the police
23 investigation was poorly done. I've
24 confirmed that."

25 And you have in brackets:

1 “(I tell him of Chief’s remark: ‘We
2 screwed up’.)”

3 So are you having a discussion about his own
4 views and you’re relating the views that Chief Shaver has
5 given you as well?

6 **MR. ABELL:** Well, he gives me his take on
7 the investigation and is critical of it and I say, “Well,
8 your own Chief told me this”.

9 **MR. ENGELMANN:** Do you recall the nature of
10 the criticism? It’s not really fleshed out here.

11 **MR. ABELL:** I can’t recall, Mr. Engelmann,
12 whether he went into specifics.

13 **MR. ENGELMANN:** Now, the comment about:
14 “Says he can’t see grounds for *Police*
15 *Act* charge, misconduct if anything,
16 says an officer’s highest duty is to
17 safety of community.”

18 What is he saying to you there, sir? How
19 did you understand that?

20 **MR. ABELL:** I would -- I took it from that
21 he’s saying substantially Perry did the right thing.

22 **MR. ENGELMANN:** And that *Police Act* charges
23 may well not be necessary?

24 **MR. ABELL:** Yes. It says he can’t see
25 grounds.

1 **MR. ENGELMANN:** I'm sorry?

2 **MR. ABELL:** I'm just reading my notes where
3 he says:

4 "Says he can't see grounds for *Police*
5 *Act* charges."

6 **MR. ENGELMANN:** All right.
7 And misconduct if anything, do you take it
8 from that that was some kind of lesser penalty or
9 punishment?

10 **MR. ABELL:** Some kind of administrative
11 penalty, yes.

12 **MR. ENGELMANN:** Now, did you have a sense at
13 least at that time that Staff Sergeant Derochie was
14 interested in his own Force investigating this matter once
15 again?

16 **MR. ABELL:** I'm just going to take a quick
17 look at my notes.

18 **MR. ENGELMANN:** Sure.

19 **MR. ABELL:** Well, I see towards the bottom
20 of the page, the second-last paragraph says -- now, this
21 would be Staff Sergeant Derochie:

22 "If we made mistakes, we should do
23 damage control, get busy and do a
24 proper investigation."

25 I take it from that he was saying to me if

1 we messed up, we should `fess up and get on with it.

2 **MR. ENGELMANN:** Did it seem that was more an
3 issue for him than *Police Service Act* charges for Mr.
4 Dunlop?

5 **MR. ABELL:** I would say that's fair. I
6 mean, he struck a very clear note when he talked about the
7 higher duty, one that I took a lot of comfort in. It was
8 nice to hear, frankly.

9 So, yeah, that was his concern, that if
10 there was something here that wasn't right there was a
11 responsibility on the part of the CPS to get on with it and
12 deal with it.

13 **MR. ENGELMANN:** The reference to -- is this
14 reference, third-last paragraph on the page -- says:

15 "Our Crown declared a conflict of
16 interest initially."

17 Is this something he's reporting to you?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** "Then gave the position
20 that the police couldn't proceed."

21 He questions that?

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

23 **MR. ENGELMANN:** Did he tell you which Crown
24 or to whom he was referring there?

25 **MR. ABELL:** I don't recall him naming the

1 Crown. I believe I would have assumed Mr. Murray MacDonald
2 but I don't know.

3 **MR. ENGELMANN:** And he's indicating to you,
4 at least at the bottom of the page, that he's essentially
5 going to be recommending no charges under the *Police*
6 *Service Act* for Mr. Dunlop?

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

8 **MR. ENGELMANN:** That's what he's going to be
9 telling his chief or deputy?

10 **MR. ABELL:** Yes.

11 **MR. ENGELMANN:** All right.

12 Now, on the following page, Bates page
13 7080651, there's a reference right at the top of the page
14 in your notes. It says -- and again, this is -- you're
15 referring to Staff Sergeant Derochie, right?

16 **MR. ABELL:** Correct, yes.

17 **MR. ENGELMANN:** "Something should be done
18 to investigate allegations against Ken
19 Seguin."

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** "Repeats Chief's comment
22 that there have been 'stories' about
23 Seguin for some time."

24 Do you see that?

25 **MR. ABELL:** Yes, I do.

1 **MR. ENGELMANN:** And I just want to
2 understand what you're saying there.

3 Had Chief Shaver said something similar to
4 you or is he telling you that he's heard these stories from
5 the Chief?

6 **MR. ABELL:** I don't recall that comment
7 about rumours and Ken Seguin coming up, coming from the
8 Chief.

9 **MR. ENGELMANN:** Because the way you've
10 written that is, "Repeats Chief's comment" ---

11 **MR. ABELL:** Yeah, but I --

12 **MR. ENGELMANN:** "...that there have been
13 'stories'..."

14 **MR. ABELL:** Yeah, I don't have the specific
15 recollection of it. We'd have to take a look at my notes
16 of those two meetings with the Chief to see if there is
17 anything in there. I mean, but clearly -- well, this says
18 I did hear because if he's repeating it then I heard it
19 before, yeah.

20 **MR. ENGELMANN:** Yeah. I just wondered if
21 you're meaning that the Chief has told you that as well or
22 if he's saying ---

23 **THE COMMISSIONER:** The Chief told me.

24 **MR. ABELL:** The Chief told me.

25 **MR. ENGELMANN:** --- Chief told me?

1 **MR. ABELL:** The way I read that, sir, is
2 that I heard it from the Chief and then from Staff Sergeant
3 Derochie but I'm not clear on that.

4 **MR. ENGELMANN:** Now, did you inquire about
5 what he meant by stories?

6 **MR. ABELL:** I don't recall that I did. I
7 don't recall.

8 **MR. ENGELMANN:** Do you recall if you asked
9 for any further detail?

10 **MR. ABELL:** About Ken Seguin?

11 **MR. ENGELMANN:** Yes.

12 **MR. ABELL:** No, no, we didn't -- that really
13 -- we didn't pursue that. We didn't keep at that.

14 **MR. ENGELMANN:** Because he's using it in the
15 same context as "something should be done to investigate
16 the allegation against him"?

17 **MR. ABELL:** Yes. There's been stories.

18 **MR. ENGELMANN:** And there have been stories
19 about him?

20 **MR. ABELL:** Yes. No, I see that.

21 **MR. ENGELMANN:** What did that suggest to
22 you?

23 **MR. ABELL:** He wants it looked into or he is
24 prompting us to get at it. I mean, it was certainly on our
25 radar coming out of the statement that we had from Mr.

1 Silmsner. So, I mean, he knew we were going to be dealing
2 with it. I'm quite sure that I mentioned that to the
3 Chief, that that would be -- whatever we got from Mr. --
4 whatever we got in that statement we were going to look
5 into. So it might have been, "You guys get on with it". I
6 don't know. I'm not sure.

7 **MR. ENGELMANN:** So he didn't tell you about
8 other allegations of sexual abuse that he knew of in
9 relation to ---

10 **MR. ABELL:** No.

11 **MR. ENGELMANN:** --- Ken Seguin at that time?

12 **MR. ABELL:** No, I know we subsequently --
13 our investigators talked to the police. But no, at that
14 time, no, he and I didn't pursue it.

15 **MR. ENGELMANN:** And, sir, had you been at
16 all aware of an incident where Ken Seguin had had some
17 young people at his home and some alcohol involved, and
18 later on that evening there had been a shooting.

19 **MR. ABELL:** I believe I only learned of that
20 incident some time later. I really didn't have any
21 background on Ken Seguin.

22 **MR. ENGELMANN:** All right.

23 **MR. ABELL:** It just wasn't on my radar.

24 **MR. ENGELMANN:** All right.

25 So you may have heard from the Chief and

1 from Staff Sergeant Derochie that there had been stories
2 about him for some time.

3 MR. ABELL: That there were stories and that
4 was it at that point.

5 MR. ENGELMANN: But you weren't aware of
6 them?

7 MR. ABELL: No, I wasn't. No.

8 MR. ENGELMANN: And you didn't know of him?

9 MR. ABELL: And I didn't know Mr. Seguin,
10 no.

11 MR. ENGELMANN: All right.

12 So let's talk very briefly, and I just want
13 to give you some sort of background facts about Project
14 Blue and how it started. But you advised the Chief and the
15 Bishop that the CAS would be commencing an investigation;
16 correct?

17 MR. ABELL: That's correct.

18 MR. ENGELMANN: And I understand that the
19 active investigation which became called Project Blue
20 commenced on the same day as your meeting with Staff
21 Sergeant Derochie; October 14th, 1993?

22 MR. ABELL: Is that the date of the first
23 minutes?

24 MR. ENGELMANN: Well, not the first minutes.

25 MR. ABELL: Whatever, but it ---

1 **MR. ENGELMANN:** It was two meetings later
2 but it's ---

3 **MR. ABELL:** Okay.

4 **MR. ENGELMANN:** It's the day when certainly
5 Greg Bell starts his notes.

6 **MR. ABELL:** Well, then that would be the
7 beginning of it.

8 **MR. ENGELMANN:** All right.

9 **MR. ABELL:** The active component of it.

10 **MR. ENGELMANN:** And we've certainly heard
11 from both Mr. Carriere and Mr. Bell about the investigation
12 and we've looked at a number of Mr. Bell's notes.

13 **MR. ABELL:** Okay.

14 **MR. ENGELMANN:** And I think we've already
15 talked about the principal purpose or mandate.

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** And you were looking at
18 whether there was any present risk to children posed by
19 Father MacDonald?

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

21 **MR. ENGELMANN:** Bill Carriere was in charge?

22 **MR. ABELL:** Correct.

23 **MR. ENGELMANN:** There were two
24 investigators?

25 **MR. ABELL:** Correct.

1 **MR. ENGELMANN:** Greg Bell initially as the
2 lead?

3 **MR. ABELL:** Correct.

4 **MR. ENGELMANN:** And Pina DeBellis assigned a
5 few days later?

6 **MR. ABELL:** That's correct.

7 **MR. ENGELMANN:** And we've heard that
8 Mr. Bell was assigned to this investigation on a full-time
9 basis, commencing in mid-October and continuing for
10 approximately 10 weeks.

11 **MR. ABELL:** Correct.

12 **MR. ENGELMANN:** And he did tell us he did
13 some part-time work thereafter.

14 **MR. ABELL:** Yes. There was follow-up work.

15 **MR. ENGELMANN:** We've also heard that you
16 and the CAS in-house lawyer, Elizabeth MacLennan, were part
17 of the broader Project Blue team.

18 **MR. ABELL:** We were part of the team.

19 **MR. ENGELMANN:** Right.

20 **MR. ABELL:** Correct.

21 **MR. ENGELMANN:** And typically your role on
22 the team was to chair regular team meetings?

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** And as well, when you
25 chaired those meetings you were the official minute-keeper?

1 MR. ABELL: I was the note-taker, yes.

2 MR. ENGELMANN: The note-taker; all right.

3 MR. ABELL: Yeah.

4 MR. ENGELMANN: And these meetings, as I
5 understand it, started weekly but then spread out to some
6 extent.

7 MR. ABELL: That's correct.

8 MR. ENGELMANN: The day-to-day operations of
9 the investigation; Mr. Carriere would have been in charge?

10 MR. ABELL: That's correct.

11 MR. ENGELMANN: And the investigators would
12 have been dealing with him on a regular basis?

13 MR. ABELL: Almost exclusively, but very
14 occasionally if Bill wasn't around they would consult with
15 me.

16 MR. ENGELMANN: All right.

17 And the primary source of your receiving
18 information about the progress of the investigation, would
19 that have been the team meetings?

20 MR. ABELL: Exactly.

21 MR. ENGELMANN: All right.

22 Nothing about those facts you'd disagree
23 with?

24 MR. ABELL: None.

25 MR. ENGELMANN: All right.

1 Let's just take a look at a couple of more
2 notes then, if we can. Sir, at Bates page -- I'm still in
3 Exhibit 1441, Bates page 7080649.

4 **MR. ABELL:** I have that.

5 **MR. ENGELMANN:** Do you have a reference to
6 some -- well, first of all you have a reference to a phone
7 call ---

8 **MR. ABELL:** Yes.

9 **MR. ENGELMANN:** --- from Staff Sergeant
10 Brunet?

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** And this is in follow-up, is
13 it, sir, to information you received in your meeting with
14 him and the Chief, where you were advised that they were
15 awaiting instructions from the Crown?

16 **MR. ABELL:** Regarding, Mr. Seguin, yes.

17 **MR. ENGELMANN:** Right.

18 Okay, and that's why you were trying to get
19 a hold of him?

20 **MR. ABELL:** Yes, apparently so.

21 **MR. ENGELMANN:** Right.

22 There's also a reference to -- there's a
23 reference to Father MacDougald coming in and providing some
24 information.

25 **MR. ABELL:** Yes.

1 **MR. ENGELMANN:** And there's a reference to
2 briefing Lenore Jones.

3 **MR. ABELL:** Yes.

4 **MR. ENGELMANN:** And, again, we've heard that
5 she's the Program Supervisor at the Ministry.

6 **MR. ABELL:** Yes.

7 **MR. ENGELMANN:** And it indicates there that
8 she agrees to see if Seguin is with their Ministry.

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** "I will keep her informed
11 of major developments."

12 All right, do you know why there was some
13 effort to find out -- or what the significance of this was,
14 whether or not Ken Seguin was with your Ministry?

15 **MR. ABELL:** It was really just a point of
16 clarification, as I recall, Mr. Engelmann. In early
17 discussions -- I mean his name had come up and so we were
18 wanting to start to gather some more information. And
19 somebody questioned whether or not -- I mean he was a
20 parole officer, whether or not his service was within our
21 Ministry. So it was just a matter I agreed to follow up
22 on.

23 **MR. ENGELMANN:** Well, if it was, would there
24 have been some sort of internal investigation procedure
25 that should have been followed, or do you know?

1 **MR. ABELL:** No, no. And I know this comes
2 to confound the issue a bit later, but no, there was no --
3 it didn't have implications for the investigation
4 procedurally. It was a fact. It was an informational
5 piece that we were looking for.

6 **MR. ENGELMANN:** Was it a community profile
7 point perhaps, or do you know ---

8 **MR. ABELL:** No, it was more just wanting to
9 -- I guess somebody said, "Well, who's he with?" and we
10 wanted to find out.

11 **THE COMMISSIONER:** And the reason for that,
12 I take it, is because at that time young offenders were
13 being dealt -- the probation officers for young offenders
14 were coming from your -- from ---

15 **MR. ABELL:** MCSS.

16 **THE COMMISSIONER:** --- the Ministry, MCSS --
17 -

18 **MR. ABELL:** Correct.

19 **THE COMMISSIONER:** --- as opposed to
20 Corrections?

21 **MR. ABELL:** Corrections, yes.

22 **MR. ENGELMANN:** I can't remember the --
23 there was a term for that, but the --

24 **MR. ABELL:** Youth justice.

25 **MR. ENGELMANN:** Kids who were ---

1 MR. ABELL: Youth justice?

2 THE COMMISSIONER: No, no.

3 MR. ENGELMANN: --- 15 and 16, I believe.

4 Phase ---

5 MR. ABELL: Phase 1 ---

6 MR. ENGELMANN: Phase 1 and Phase 2.

7 THE COMMISSIONER: Phase 1 and Phase 2 ---

8 MR. ABELL: Yes, that's correct.

9 THE COMMISSIONER: --- but that was ---

10 MR. ABELL: Yeah.

11 THE COMMISSIONER: Right. So I don't know
12 if Phase 1 were just from the Ministry and Phase 2 was from
13 -- in any event there were some ---

14 MR. ENGELMANN: We have some evidence on
15 that.

16 THE COMMISSIONER: There's some
17 dysfunctionality there or separation of powers between ---

18 MR. ABELL: And that's exactly the puzzling-
19 through that we did. I mean you just did the conversations
20 we had: "Well, where is it and what is it? So let's find
21 out."

22 MR. ENGELMANN: All right.

23 THE COMMISSIONER: Exactly.

24 MR. ENGELMANN: Now, eventually you
25 determine that he's not a Ministry employee?

1 **MR. ABELL:** That's correct, yes.

2 **MR. ENGELMANN:** And did that have any impact
3 on the approach your Agency took with Mr. Seguin?

4 **MR. ABELL:** None whatsoever, no. No.

5 **MR. ENGELMANN:** Did it influence a decision
6 as to whether we investigate or don't investigate?

7 **MR. ABELL:** No.

8 **THE COMMISSIONER:** Well, okay, let's step
9 back now.

10 If he would have been with Phase 1, that
11 would have meant that he was dealing with children under
12 16.

13 **MR. ABELL:** You're correct, sir. No; good
14 point. Yeah, correct.

15 **THE COMMISSIONER:** And if he's with
16 Corrections then he's dealing with adults.

17 **MR. ABELL:** Over -- yes. Correct. No,
18 that's a fair point. Thank you.

19 **MR. ENGELMANN:** And we hopefully will get to
20 a point where we know when you became aware of that, but
21 that wasn't something that you were aware of at the start
22 of this investigation?

23 **MR. ABELL:** No, we didn't ---

24 **MR. ENGELMANN:** All right.

25 **MR. ABELL:** --- have a fix on that.

1 And the Commissioner is right; that was
2 predominantly the issue.

3 **MR. ENGELMANN:** All right.

4 Well, in his testimony here and certainly
5 aided by refreshing himself from his own notes, Staff
6 Sergeant Derochie told us that he recalled being advised by
7 you that the CAS was not going to investigate Ken Seguin
8 because he was not part of your Ministry.

9 **MR. ABELL:** That was a misunderstanding and
10 I -- I don't know whether something I said wasn't clear, or
11 whatever, but you know, I've seen that since and ---

12 **MR. ENGELMANN:** There's no need for me to
13 take you there.

14 **MR. ABELL:** Well, whoever ---

15 **MR. ENGELMANN:** It's what he told us.

16 **MR. ABELL:** Whoever missed it, it wasn't
17 correct, and he had it figured out. I mean I saw some
18 subsequent notes where he worked out that it shouldn't make
19 a difference. And he was right, it didn't make a
20 difference, so we missed on that one.

21 **MR. ENGELMANN:** All right.

22 So you would say that there was some
23 misunderstanding on that issue?

24 **MR. ABELL:** Yeah, yeah.

25 **MR. ENGELMANN:** Because I was just going to

1 ask you if you told Staff Sergeant Derochie that because
2 Seguin was not in your Ministry you would not be
3 investigating.

4 **MR. ABELL:** No, I definitely did not. I
5 mean that's just absolutely out of the question. So as I
6 say, there was a miss.

7 **MR. ENGELMANN:** Would you have suggested
8 that because he was not in your Ministry you would be
9 taking a different approach with him?

10 **MR. ABELL:** No, no.

11 **MR. ENGELMANN:** All right.

12 Now, at Bates page 645 -- Mr. Commissioner,
13 do you want me to stop now or do you want me ---

14 **THE COMMISSIONER:** It might be wise to stop
15 now, Mr. Engelmann.

16 **MR. ENGELMANN:** Okay.

17 Mr. Abell, we're on again Monday at 9:30.

18 **MR. ABELL:** All right.

19 **THE COMMISSIONER:** Have a good weekend.
20 We'll see you then. Thank you.

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

23 This hearing is adjourned until Monday
24 morning at 9:30 a.m.

25 --- Upon adjourning at 1:56 p.m. /

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L'audience est ajournée à 13h56

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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, CM