SUBMISSIONS OF THE COALITION FOR ACTION
PHASE I CORNWALL PUBLIC INQUIRY
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The Coalition for Action believes that there was a general failure of the institutions to adequately deal with allegations of sexual abuse, and in particular the allegations of David Silmser and Jeanette Antoine, and the allegations against Earl Landry Junior. The Coalition believes that there was a combination of deliberate conspiracy and cover-up, combined with negligence, and in some cases a reluctance to take action against other institutions.

The Coalition will be making suggested changes with respect to each of the institutions. The motivation behind these proposals is to try to ensure that the community is safe from sexual offenders. The program that we are proposing is one that is designed to protect the community, and it is our view that this program and only this program can obtain the goal of community safety. Our recommendations will be based upon the following ten points:

1. **An independent and impartial body is needed to investigate allegations of conspiracy and corruption against high level public officials.** The Coalition takes the view that the Ontario Provincial Police and Ottawa Police investigations, of allegations of conspiracy, were so poor that the public can have no confidence in those investigations or their conclusions. There has to date been no adequate investigations of the issue of

whether there ever was a conspiracy. The Coalition for Action is suggesting that in the rare cases where there are conspiracy allegations against high level public officials, then they should be investigated either by a police force from outside the Province of Ontario, by a separate agency that has special protection in relation to tenure and salary, or by an outside police force under the direction of a judicial official or a retired judicial official.

2. **That the Diocese of Alexandria and Cornwall be subject to strict internal and external audits**. It is submitted that the Diocese has demonstrated, by its actions and inactions in the past, and by virtue of the fact that they have presented to the Commission an incredible version of the process of the Silmser settlement, that there is a public need to have a strict supervision. The Coalition acknowledges that the Diocese has guidelines dealing with complaints and that there is a provision for external audits. However, the present process is inadequate. There is a need for strict internal self-auditing and independent external audits that would go further than the present system by mandating audits of sexual abuse detection and compliance programs. Publication of policies, training programs, and criminal record checks of staff and volunteers must not only be in place but there must be auditing in place to ensure that these and other detection mechanisms are in place. Discipline measures in relation to the failure to implement these detection methods must also be in place and must be audited. Strong consideration should be given to imposing a statutory regime on the Diocese that would be a reasonable limit on religious freedom as it would be narrowly focused on the protection of children through means such as criminal records checks, proper record keeping, and audits. It would also be supported by the large body of historical evidence relating to the actions of

the Diocese. Such a statutory program is not without precedent; there is currently a proposed bill to govern the protection of minors in amateur sports which is proposed bill (Bill 30) that has passed first reading.

3. That Probation Services maintain regulations that define clear fraternization guidelines and obligations of all probation officers to report violations, and be subject to mandatory investigations in any serious sexual misconduct and serious fraternization cases involving probation officers, and mandatory reporting in relation to both the incident and the investigative conclusions to the Minster. In the event that there is a case of sexual abuse involving a probation officer then there should be a comprehensive review of the probation officer's files. The Coalition for Action believes that there should be increased political accountability in the system as it appears that the 1993 decision not to investigate Ken Seguin's action was contrary to the public interest. It is the position of the coalition that sexual misconduct cases should not only be reported to managers or Deputy Ministers, but they should also be reported to the Minister; in addition there should be a reporting of the outcome of such cases to the Minister. The Coalition has been of the view that Ministry regulations should make it clear that there is a duty of all probation officers to report violations of conflict of interest policies, whether it is their own conflict or a conflict of a co-worker. The Ministry appears to have made appropriate regulations to address this concern. The Ministry also appears to have addressed the issue of reviewing and auditing files in cases similar to those of Ken Seguin.

4. Confidentiality Clauses, in favour of institutions, that bind victims of sexual abuse should be banned in the Province of Ontario, or subject to judicial oversight. The Coalition for Action recognizes that there is a public interest in promoting the settlement of civil litigation; the cost of pursuing a matter to trial if a factor to consider. It is also important to consider the freedom of parties to resolve disputes without excessive government interference. On the other hand there is a societal interest in the public having as much information as possible in relation to the sexual abuse of minors. The public has an interest in knowing whether a possible child molester may be living in their community. The Church in the past has pursued a policy of secrecy in relation to the handling of sexual abuse allegations. The motivation, behind the policy of secrecy, has been to avoid scandal to the Church. This past policy has been contrary to the general public interest. The Coalition for Action believes that victims of abuse should have a statutory right to discuss any settlements with public institutions. Victims should also retain the right to seek confidentiality clauses, but they should also have a right to waive their right to confidentiality if they wish to do so.

5. Steps should be taken to minimize secrecy and lack of cooperation by public institutions. There should be some formal mechanism that promotes the sharing of information between public institutions such as the police, probation services and the Children's Aid Society. There should also be greater efforts to share information with the public. There were many examples of the failure to share information between institutions such as the failure of the Cornwall Police to advise Probation Services or the

Children's Aid Society of the allegations against Ken Seguin, and the failure of the Children's Aid Society to report the Second Street group home situation to the police.

6. The duty to report child abuse in cases of historical sexual assaults should be clarified in legislation. There should also be consideration to a broader duty to report risks of child abuse between government agencies than between members of the general public and the Children's Aid Society. The case of Police Complaints Commissioner v. Dunlop (1995), 26 O.R. 582 (Ont. Ct. Gen. Div. Divisional Court) seems to suggest that there is a duty to report historical sexual abuse. The Coalition suggests that this duty be clearly codified by amendments to the Child and Family Services Act.

7. Conflicts of interest of police departments, investigating crimes, should be subject to formal guidelines. There should also be a mechanism, for members of the public, to object to the actions of a police force that is investigating a matter where they have a conflict of interest. The Coalition for Action takes the position that there should be a clearly articulated guideline that indicates when a police force or police officer is in conflict of interest. The guideline should be available to the public and there should be a process by which a complainant, such as Shelley Price, Keith Ouellette, or one of the victims of Earl Landry Junior, can object to the police acting in an apparent conflict of interest. There have been multiple cases where the Cornwall Police insisted on investigating serious allegations against present or former members of the Cornwall Police, or in the case of Earl Landry Junior they investigated the son of a former Chief of the Cornwall Police. Inevitably the result will be a loss of trust by complainants when

there are no charges or, in the case of Earl Landry Junior where there are initially no charges and then there were further allegations of abuse.

8. Persons who were in the care of the Children's Aid Society, and in particular those who alleged abuse while in care, should have statutory right to request their records. There is no doubt that there will be debate over what precisely can be released, but this debate should be dealt within the context of a statutory scheme that sets out timelines for which there must be responses by the Children's Aid Society. There is presently a statutory system within the Child and Family Services Act that sets out timelines similar to freedom of information legislation. However, this portion of the Child and Family Services Act is not in force. The Coalition suggests that it should be in force with any appropriate modifications. In the cross-examination by the Coalition of Bill Carriere, of the Children's Aid Society, Mr. Carriere appeared to support some form to statutory right to records. The testimony of a number of witnesses dealt with difficulties in obtaining information from the Children's Aid Society. This difficulty was acknowledged by Ian MacLean in his evidence. (volume 288, page 166)

9. Crown attorneys or police officers, who are the subject of misconduct allegations in the course of criminal proceedings, should in some cases have the right to apply for legal standing in order that they may defend their reputations. The Coalition is not suggesting that every courtroom dispute should result in orders of standing. However, in the rare cases where there are serious allegations of misconduct, which are being used as the basis to stay a charge, then standing should be considered. The case of Shelley Hallett is one where the Ontario Court of Appeal commented on the failure of the trial

judge, Justice Chadwick, to advise Shelley Hallett that she might consider the need to remove herself and possibly testify if the unworn explanation of Ms. Hallett was not going to be accepted by the court. Perhaps a new Crown Attorney could have protected Shelly Hallett's interests. On the other hand a new Crown Attorney would still have to prosecute the case and deal with Inspector Hall who was potentially odds with Ms. Hallett. In these very unusual circumstances, where the police appear to be hostile to the Crown Attorney, perhaps Shelley Hallett should have had standing. In the case of Perry Dunlop, in the second Leduc trial, it is certainly debatable whether Perry Dunlop's interests were in any way protected by the Crown Attorney who agreed to call him in chief so that he could be cross-examined by the defence, and who did not call any Crown Attorneys as witnesses. While all witnesses have the protection of the Charter of Rights and the Canada Evidence Act, this does not necessarily protect the reputation of a public officer who is being challenged in order to stay a criminal charge. It is reasonable to conclude that the prosecution, in the second Leduc trial, was at best indifferent to the interests of Perry Dunlop. In exceptional circumstances such as this case where the delay at issue is either at the hands of Crown Attorneys, Ontario Provincial Police Officers or Perry Dunlop, the Crown Attorney is not necessarily in a position to present the matter free from some appearance of bias. Limited standing, should have been available as an option to persons such as Ms. Hallett and Mr. Dunlop who find themselves in exceptional circumstances.

10. Whistleblowers protection should be clearly extended to police officers. Presently it is unclear what statutory remedy, if any, someone in the position of Perry Dunlop

would have. The Public Service Act protections do not appear to apply to police officers. It is in the public interest that public servants or police officers report any serious misconduct by other public servants or police officers. It is suggested that a statutory process is needed to protect police officers who are acting as whistleblowers. The components of such a process would have to include a statutory body responsible for complaints, powers of investigation, penalties for non-compliance, and protection for whistleblowers. The Coalition also supports the creation by statute of a legal cause of action to sue for damages, in a trial by judge and jury, caused to a police officer who is wrongfully treated as a result of whistleblower activity.

PERRY DUNLOP

No analysis, of the events following the David Silmser settlement fiasco, would be complete without reference to Perry Dunlop. We make reference to the events following the settlement because no arguments by any of the other parties can change the fact that Perry Dunlop had no impact on events prior to the David Silmser settlement. Whatever errors were made in the Charles Macdonald investigation by the Cornwall Police were made without the involvement of Perry Dunlop. The same could be said of the Earl Landry Junior investigation in which the Cornwall Police determined that it was appropriate to deal with the matter despite the fact the suspect was the son of a recently retired Chief of the Cornwall Police. The same could be said of numerous other dismal responses to sexual abuse ranging from the responses of the Diocese of Alexandria-Cornwall to Father Stone, Father Deslauriers, and Father MacDonald to the failure of the Ministry of Community and Correctional Services to do anything about the Ken Seguin case for almost seven years from 1993 to 2000. As much as some of the parties have tried to shift responsibility onto Perry Dunlop, they can not change the fact that in many cases there was a pattern of questionable conduct that went back long before any hint of involvement of Perry Dunlop.

There in fact appears to be a widespread consensus that Perry Dunlop did do the right thing when he reported the David Silmser allegations to the Children's Aid Society. Both Bill Carriere and Richard Abell of the Children's Aid Society agreed that the David Silmser allegations were reportable to the Children's Aid Society. Inspector Tim Smith agreed with the suggestion of the Coalition for Action that Perry Dunlop had done the

community a positive service by exposing the illegal settlement. The reality is that the illegal settlement may never have come to light within the community had it not been for the actions of Perry Dunlop. Perry Dunlop was vindicated ultimately at the Board of Inquiry dealing with a public complaint against him, and subsequently by the Divisional Court.

In assessing the events that followed during the course of investigations, of the Ontario Provincial Police, it is important to keep in mind the following issues:

-Most of the Project Truth cases came to legal conclusions without any impact from Perry Dunlop. Two cases can be identified where there are allegations that Perry Dunlop had a negative impact; these are the cases of Jacques Leduc and Charles Macdonald. In the initial trial of Jacques Leduc it appears clear that contact between a victim's mother and Perry Dunlop was innocuous and was something that the Ontario Provincial Police was completely aware of and that they had officer notes relating to the issue. While the Ontario Court of Appeal found that the Dunlop connection was innocuous, Justice Platana subsequently found that there was more information pointing to relevant connections between Perry Dunlop and the Jacques Leduc case. Justice Platana did point to disclosure problems that were the fault of the prosecution and that were unrelated to Perry Dunlop. The actual additional connections to Perry Dunlop that Justice Platana referred to were associated with the "nine banker's boxes" that the Ontario Provincial Police and the Crown Attorney had long before the first Jacques Leduc trial. A

compelling case can be made that delays and non-disclosure in the Jacques Leduc case were the fault of the prosecution and the Ontario Provincial Police and not Perry Dunlop With regards to the Charles Macdonald case, there were issues surrounding information in the possession of Perry Dunlop's counsel. Perry Dunlop's counsel specifically advised the Cornwall Police that solicitor and client information may have been held back; there was never any request seeking clarification or a list of what was being withheld. The prosecution or defence should have brought an application to court seeking directions on what should or should not have been disclosed. The Attorney General should also have properly secured and maintained the materials that Perry Dunlop provided to the Attorney General. No adequate answer has ever been provided to explain why some of these materials went missing. Finally, the prosecution should not, in the absence of a waiver of delay by the defence, have joined the new series of charges in the Charles Macdonald case.

-Did Perry Dunlop's own investigations, looking into issues of conspiracy and cover-up, have any impact on the actions of authorities. There is every indication that, in the initial stages, the Ottawa Police Services and the Ontario Provincial Police had no serious intention to look into issues of conspiracy and cover-up. It would have been preferable if the Ottawa Police Service had conducted a more thorough investigation. It would also have been preferable if Inspector Smith had not stopped his initial conspiracy investigation after speaking to Chief Shaver. Why would it be surprising that someone else should take up the cause when two successive police forces appear to show no interest? Similarly why one would be surprised that materials appear on Mr. Nadeau's

website when the Ministry of Community and Correctional Services appear to show indifference to the Ken Seguin case for almost seven years? Perhaps the lesson to be learned is that when public authorities refuse to act or ignore their responsibilities then it is conceivable that others will try to take their place.

MINISTRY OF COMMUNITY AND CORRECTIONAL SERVICES

The position of the Coalition for Action is that the evidence of the MCCS should be evaluated in three different stages. The first stage is the period prior to the death of Probation Officer Ken Seguin. The Coalition takes the position that, during this period of time, there was a failure of MCCS to identify various warning signs that pointed to potential difficulties with regards to Mr. Seguin. There was also a failure to effectively manage and discipline discipline Mr. Seguin during this period of time. The second period of time would cover the period from the death of Mr. Seguin until the matter was investigated by Paul Downing, on behalf of the Ministry, in 2000. During this period, it is the position of the Coalition for Action that the MCCS failed to investigate or act in a decisive way in the face of overwhelming evidence that suggested the need for an investigation or some form of decisive action. During the final stage, after the Downing investigation, it is the position of the Coalition for Action that the MCCS began to take appropriate steps to deal with victims of sexual abuse in the Cornwall area. We will address the evidence supporting our views of the actions of the MCCS during the three stages and we will conclude with some general recommendations relating to the MCCS.

MCCS ACTIONS PRIOR TO DEATH OF KEN SEGUIN

Leading up to the death of Ken Seguin the MCCS failed to act decisively when confronted with a number of warning signs that should not have been ignored.
The most notable examples would be the approval of Mr. Seguin to reside with a former client and the fact that Mr. Seguin had served alcohol to persons who visited his house,

including a client who Mr. Seguin was in the midst of preparing a pre-sentence report on, and one of those persons shot and killed another of the party. Alcohol appeared to be a significant factor in this incident. These events all followed the resignation of Mr. Barque, another Probation Officer in the same Office, as a result of allegations of sexual misconduct.. We will briefly discuss the performance of the different levels, Mr. Seguin's co-workers to the different levels of management, when confronted with these issues relating to Mr. Seguin.

The Regional Managers who dealt with Mr. Seguin would have been Mr. Roy Hawkins and then Mr. Bill Roy. Mr. Hawkins would have been the Regional Manager when approval was given to Mr. Seguin to reside with a former client by the name of Gerald Renshaw. The Coalition for Action would note the following in relation to the approval of the residence with a former client:

-Mr. Hawkins did not appear to know what Mr. Renshaw had been on probation for or what his criminal record consisted of (Volume 188, page 109);

-Mr. Hawkins was not clearly advised of whether there had been an assessment of the likelihood of re-offending in relation to Mr. Renshaw (Volume 188, page 110-111);

-Only three years had passed since Mr. Renshaw was on probation (Volume 188, page 108).

It would appear that the Regional manager had insufficient information to make a decision on the proposal of Mr. Seguin that he reside with a former client. The request should have been denied or at least there should have been a request to Mr. Robert to provide further details in relation to the background of Mr. Renshaw and why it was necessary for him to live with a Probation Officer who did not appear to be a relative.

Mr. Hawkins was also the Regional Manager during the Varley incident. Mr. Hawkins indicated that there appeared to be a credibility problem with Mr. Seguin's version of the events and that in hindsight there should have been a Ministry investigation. He accepted responsibility for not ordering an investigation. Mr. Hawkins did write to Mr. Robert, the Area manager, and indicated Mr. Seguin's actions should be looked at more seriously. Mr. Hawkins felt that the response of Mr. Robert was to take the minimal amount of action possible. When questioned about whether he could have overruled Mr. Robert, Mr. Hawkins was equivocal in that he at first indicated that he could not do so and then indicated that it was "within the realm of possibility" but he had never heard of it being done (See volume 188 pages 120-121). Former Deputy Minister Zbar believed that the regional manager would have absolute authority and could overrule a local manager. (see volume 189, page 104) It was also clear that there was no briefing, on the Seguin situation or the Varley matter, with the new Regional Manager Mr. Roy. (See volume 188, pages 117-118).

Mr. Roy confirmed that he first found out about the allegations, against Ken Seguin, through Mr. Silmser and not through the Cornwall Police. (see volume 175, page 143 lines 10-18). Mr. Silmser tells Mr. Roy that Mr. Silmser is not the only victim and that there are more (see Volume 175, page 61). Mr. Roy contacts the Cornwall Police and is advised, by Staff Sgt Brunet that Mr. Silmser withdrew his complaint. Staff Sgt Brunet makes no reference, while speaking to Mr. Roy, to a civil settlement (see volume 175 pages 74-75). Mr. Roy confirmed that he referred the matter to the IIU, in 1993, for an investigation. He thought that it would be automatic that there would be an

investigation (see volume 175, page 148, lines 21-25). The matter was instead referred to the Legal Department and Mr. Roy did not believe that there was an investigation done at the Cornwall Office (see volume 175, page 153, lines 16-25 and page 154 lines 1-8).

The Cornwall Office had two local managers during the relevant period of time. The first local manager was Peter Siirs who was the local office manager when Nelson Barque resigned, as a probation officer, after being accused of having sexual relations with probation clients. Mr. Siirs wondered, at the time, whether Ken Seguin was involved also but he concluded that there was no evidence to support Mr. Seguin being involved with the Barque allegation (see volume 169, pages 59 and 64). Mr. Siirs was quoted a statement of Jos Van Diepen suggesting that he told Ken Seguin, after Nelson Barque resigned, that he should go to Montreal if he had "those tendencies". Mr. Siirs denied the comment but he also said "well I said approximately the words that you reiterated"(see volume 169, pages 65-66, and 71). Mr. Siirs told Carol Cardinal to look out for anything wrong with Barque's files. Mr. Siirs said that a review of Nelson Barque's files would have been of no value:

"Because who would be foolish enough, engaging in this type of behaviour to make note of it, "Oh, I diddled the client. I diddled him on such a night. "I mean let's be reasonable." (see volume 169, page 212)

Mr. Siirs also confirmed that the RCMP told him, after Barque's resignation, that they had heard rumours of Mr. Barque's activities with a client by the name of Sheets.

The final local manager to testify was Mr. Robert who was manager when the residence of Ken Seguin with Gerry Renshaw was approved, when the Varley incident occurred and when Ken Seguin committed suicide. With regards to the approval of the Renshaw residence with Ken Seguin, Mr. Robert accepted no responsibility or obligation to provide detailed information, about Mr. Renshaw, to Mr. Roy Hawkins. (See volume 194, page 128-129) With regards to the Travis Varley incident, Mr. Robert was impressed by the fact that Ken Seguin reported the event to Mr. Robert. It was pointed out, in cross-examination by the Coalition for Action, that the incident was known to the police and arguably Ken Seguin would have had no choice but to report the matter. The Coalition suggested, in cross-examination, that Mr. Robert was exaggerating the honesty of Mr. Seguin because of the fact that Mr. Robert himself was implicated in a long delay in taking action against Mr. Seguin. (see volume 194 pages 99-104). Mr. Robert agreed that he was aware, when he became manager, of the Barque case (see volume 194, page 107). He was aware that it involved the abuse of male clients, and that another person might have been involved in the abuse. Mr. Robert remembered it as another "person" being involved, but he had previously given a statement indicating that another "officer" was involved (volume 194, pages 107-111). This knowledge of Barque came from another employee at the Office by the name of Marcel Leger. The Coalition suggested to Mr. Robert that he should have been suspicious of Mr. Seguin as a result of the combination of the Barque case and the comments of Marcel Leger. (see volume 194, pages 125-126.)

The Inquiry heard the evidence of probation officers Ron Gendron, Carol Cardinal, Sue Lariviere, Marcel Leger, and Jos Van Diepen. There was also testimony from support staff worker Louis Quinn and overviews of documentary evidence relating to Nelson Barque and Ken Seguin. The probation officers appeared to generally disagree with the decision to approve the Gerry Renshaw residence with Ken Seguin, and they generally were negative in relation to the management style of Mr. Robert. Mr. Robert appeared to show favouritism to Ken Seguin. The probation officers at the Cornwall Office, at the time of the Varley incident, all generally appeared to feel that the Varley incident was a very serious infraction by Ken Seguin.

Ron Gendron testified that hew was aware of the Barque resignation and the reasons behind the resignation. (see volume 178 page 24-25). He indicated that he was aware of and was concerned over the Renshaw residence situation the Varley case. In the late 80s or 1990 he and Ron Gendron went to see Ken Seguin about concerns over his social interactions with clients. Mr. Gendron indicated that this was a significant step to approach Mr. Seguin because he was a favourite of the manager (see volume 178, page 151). When they approached him they did not have to inquire about what was going on because there was strong evidence of social interaction with clients. (volume 178, page 153) He indicated that he was not aware of any sexual aspect at that time. However, about six months before Ken Seguin's death there were rumours relating to Charles MacDonald and David Silmser and these rumours may have involved Ken Seguin. (see volume 178, pages 44-45) Mr. Seguin does not say that he will stop the suspected activity. (volume 178, page 155) He testified that he was not aware of a sexual aspect of

the rumours and that he did not report the rumors to Mr. Robert because of the lack of detail behind them and because he assumed the Cornwall Police would have advised Mr. Robert. (see volume 178, pages 50-51). Mr. Gendron and Mr. Van Diepen were suspicious, in the summer of 1993, and they followed Ken Seguin to the Cornwall Square. When they saw Ken Seguin, at the Cornwall Square, he was alone drinking coffee. Mr. Gendron and Mr. Van Diepen were essentially filling a void left by a manger that was unwilling to take any meaningful action against Ken Seguin. (volume 178, page157-158) Mr. Gendron recalled that Jos Van Diepen was intending to raise his concerns, about Ken Seguin, with Mr. Robert. (see volume 178, page 159) Mr. Gendron did not recall telling the police about an incident involving Charles MacDonald, Ken Seguin and David Silmser, but he had not reason to doubt the accuracy of his statement to the police. (volume 178, page 84)

Carol Cardinal was a probation officer in the Cornwall Office at the time of Mr. Seguin's death. Ms. Cardinal testified that she advised the manager, Mr. Robert, that the police and the Crown Attorney were dissatisfied over the Travis Varley incident and that correspondence would be sent on the matter. (see page 140, lines 10-18, volume 179). Ms. Cardinal commented on Perry Dunlop:

"Ms. Cardinal: He was a friend of my husband, through their work and Police Association matters. However, I believe that my personal opinion of Mr. Dunlop is that his interest in pursuing this was never malicious. It was very genuine. I believe

that he wanted to do what he thought was right and, unfortunately, he certainly paid a very personal and professional price for it. " (see volume 179, page 145)

Ms. Cardinal indicated that the Regional Manager, could have overruled Mr. Robert and imposed discipline. (see page 136, lines 4-22, volume 179) Ms. Cardinal was asked, in cross-examination, if there should have been suspicion of Ken Seguin in light of the past case of Nelson Barque in the same Office and in light of the residence issue involving Mr. Renshaw and the Varley incident. . Ms. Cardinal reluctantly conceded that there should have been stronger action in the case of Mr. Seguin:

"Mr. Paul: And I'm not just asking about concluding that, I'm asking about whether it ever crossed your mind in any way that the Barque situation might be repeating itself?
Ms. Cardinal: No, it never did.
Mr. Paul: In hindsight, do you think given what occurred with Mr. Barque and the signs of what was going on with Mr. Seguin that someone should have suspected that maybe abuse was a possibility?
Ms. Cardinal: In hindsight I think that what should have been done is should have been to have Mr. Seguin properly maybe followed up on an and maybe disciplined and look into his situation a bit further." (see volume 179, page 135)

Louis Quinn, a secretary at the Probation Office, indicated that she saw homosexual pornography in Nelson Barque's desk, that Barque said he had a homosexual

relationship when younger, and that Barque had a client's clothes in his Office and he loaned money and his car to a client. She and other probation staff confirmed that Ken Seguin was associated with Charles MacDonald. Marcel Leger, a former probation officer, did not deny but did not remember telling Constable Zebruck that Nelson Barque liked the younger clients and ones that had been charged with sexual offences.

The Overviews of Documentary evidence dealt with the two Probation Officers, Ken Seguin and Nelson Barque, who committed suicide when confronted with allegations of sexual abuse against their own clients. The ODEs indicated that Nelson Barque attended Classical College and both Barque and Seguin attend St. Paul's seminary

Sue Lariviere was a probation Officer at the time of Ken Seguin's death. It did not appear to her that anything was being done by the Ministry, at the time of Ken Seguin's death, to investigate the circumstances relating to Ken Seguin.

Jos Van Diepen suggested, in his testimony, that he advised Emile Robert of his concerns over Ken Seguin. This was denied by Emile Robert. His testimony, in relation to making his concerns known to Ken Seguin, is inconsistent with the evidence of Ron Gendron. Ron Gendron suggests that this meeting was in the late 1980s or 1990. Mr. Van Diepen places it after the Varley incident or from 1992-1993. Mr. Van Diepen describes an angry reaction by Ken Seguin while Ron Gendron describes Ken Seguin as being polite. It is suggested that Mr. Gendron's evidence should be preferred. The general

impression of Jos Van Diepen's evidence is that he initially, in 1994, describes more knowledge of the activities of Ken Seguin. He describes Ken Seguin and Gerry Renshaw as lovers. He describes his concerns over placing a client, on the recommendation of Ken Seguin, with Charles MacDonald. The client returned complaining that Charles MacDonald had come into his room at night. He also described an incident where Ken Seguin was rumoured to have been present when David Silmser was sodomized by Charles MacDonald. Mr. Van Diepen was aware that Mr. Sirrs had made some comment suggesting that if Ken Seguin was homosexual then he should go to Montreal, and Mr. Van Diepen had originally told the police that he thought that Nelson Barque and Ken Seguin had a "little thing going on".

MCCS ACTIONS AFTER DEATH OF KEN SEGUIN

The Regional manager, Bill Roy, contacted a number of authorities to advise them of the allegations of Ken Seguin that had been related to him initially by David Silmser himself and not by the Cornwall Police. Mr. Roy appeared to have acted appropriately in the circumstances and carried out his duties by his contacts with persons in his own Ministry, including the IIU, and other agencies. The IIU took no meaningful action other than to refer the matter to the legal department. It was not clear if the IIU was aware that David Silmser had told Mr. Bill Roy that there were other victims. In addition the IIU was unaware that Ken Seguin had been a probation officer for 20 years. (volume 176, page 22-23) This wait and see approach ensured that the extent of Ken Seguin's sexual abuse of clients and the needs of victims would go unaddressed for years. The fault

appears to be with a decision made by Ms. Bradburn of the IIU and the Ms. Eley. These two Ministry staff members made the decision not to conduct an investigation and to refer the matter to the Legal Department. The more general problem appeared to be a focus on the narrow interests of the MCCS as an entity as opposed to the more general public interest. The IIU was eventually ordered to be replaced, by a more independent process, by the Human Right Tribunal. (see volume 191, page 125-126). Ms. Deborah Newman, who had been a Deputy Minister within the MCCS, testified that there should have been a Ministry investigation in 1993. (see volume 191 page 116)

MCCS ACTIONS AFTER YEAR 2000

The MCCS finally, after almost seven years, decided to investigate the circumstances of Ken Seguin. It must be noted that the cause of the investigation was allegations on a website managed by Dick Nadeau. The reason for the investigation was not because anyone within MCCS was pushing to have such an investigation. (volume 189 page 85, evidence of Morris Zbar). The MCCS should bare some of the responsibility for the fact that a Cornwall Probation Officer was being criticized on the internet. The failure to act responsibly and conduct an independent investigation of Ken Seguin left a void that was filled by members of the public. If the MCCS had acted responsibly in 1993 then it is not clear that there would have been a need for members of the public to intervene to try to force action. Criticisms, by the institutions, of the Nadeau website are in part criticisms of themselves because the institutions clearly created the

environment that led to the creation of the website. When a Ministry investigation was conducted, it ended up confirming the main core of what was referred to on the website, namely that probation officers had abused clients. (see Deborah Newman's evidence at page 110-112, volume191) The allegation, on the internet, that some probation officers had suspicions of Ken Seguin's misconduct, tended to be confirmed by the Downing investigation. The position of the Coalition is that the decision to conduct an investigation was motivated by the interests of the MCCS and not necessarily by broader public interests such as the needs of victims. There are two reasons for this conclusion. Firstly, the decision not to proceed with a more detailed phase two investigation was arguably contrary to the public interest of trying to exhaustively explore this issue to avoid it occurring again. Mr. Gary Commeford would not agree that there should have been a phase two investigation because it could interfere with a police investigation. He made this assertion despite the fact that both Barque and Seguin were dead, and despite the fact that he claimed to not even have knowledge of what was involved in a phase two investigation:

"Mr. Paul: All right. But I would presume that if it proceeded to a stage 2 investigation it would have been a more extensive investigation?
Mr. Commeford : I have no idea. You will have to ask Mr. Downing." (volume 174 page 107)

The initial phase one investigation did achieve some results. The investigator conducted the interview of Jos Van Diepen like a police interrogation, unlike most of the

OPP Project Truth interviews. The result was a number of inconsistencies in Mr. Van Diepen's positions on the facts. In particular the interview showed that Jos Van Diepen tended to minimize his knowledge of Ken Seguin's misconduct. The level of admitted knowledge of Ken Seguin's activities was not consistent with earlier police interviews of Mr. Van Diepen. Paul Downing concluded as follows:

"I believe that he did have significant knowledge with regard to Ken's association with offenders within the community contrary to Ministry rules." (see volume 172, page 24).

Mr. Downing also appeared to have uncovered inconsistencies in Mr. Robert's version of the events. Mr. Robert tried to suggest to him that he was unaware of the Varley incident for 7-8 months. Mr. Downing located a report, initialed by Emile Robert, which showed that he was aware of the incident soon after it occurred.. (see volume 172 pages 25 & 20) Paul Downing concluded that Emile Robert strongly suspected that Ken Seguin was contravening Ministry rules. (see volume 172, page 43). The Coalition for Action believes that Paul Downing was an effective investigator who was making progress, and that he should have been allowed to continue to a more comprehensive phase two investigation.

Secondly, if the MCCS was truly motivated by the concerns of victims then they would have acted in 1993 and not only in the year 2000:

"Mr. Paul : Okay. And the concern is about whether the information is true or not. Is that the concern?

Mr. Commeford: The concern was to ensure that none of the present clients would have been at risk as a result of the information that was there.

Mr. Paul: All right. So sir, that would be the concern that would have existed back in 1993, correct?

Mr. Commeford: I wasn't around in 1993, so it's very difficult for me to comment on that." (Volume 104, page 95-96)

The Coalition for Action supports the positive changes, made by the MCCS, since the year 2000. The Coalition supports the steps taken by MCCS to identify victims of Ken Seguin or Nelson Barque. While the Coalition has criticisms of actions taken up until the year 2000, we are also of the view that MCCS has been more willing to change, in a positive way, than some of the other institutions.

CONCLUSIONS

The Coalition for Action has identified the following problems with the institutional response of MCCS , to sexual abuse by probation officers, and we have proposed the following solutions:

1. The Coalition for Action believes that there were sufficient warning signs, between the resignation of Nelson Barque and the death of Ken Seguin, to justify earlier action being taken by MCCS against Ken Seguin. Excuses were given for failure to act and these

excuses included a lack of confidence in the local manager, and with regards to the Regional Manager, he felt that his ability to act was limited by virtue of the fact that Mr. Robert has already taken action in regards to the Varley incident. In relation to the Renshaw residence approval there appeared to be a decision without the necessary facts to support the decision. As possible solutions the Coalition for Action suggests as follows:

-that probation officer conduct and fraternization regulations, and the information required for a probation officer seeking an exemption, should be very clear and detailed, and they should be made available to the general public in some manner;

-that all probation officers (whether in management or not) have a mandatory duty to report breaches of fraternization regulations. The extension of the duty to report violations to all employees appears to have been recently adopted by the Ministry.

2. The Coalition for Action believes that the response of the MCCS had the potential to have been affected by the failure of the Cornwall Police Service to advise probation of the allegations against Ken Seguin. The Coalition for Action suggests that MCCS should be advised by the police of allegations of sexual misconduct against a probation officer.

3. The Coalition for Action believes that Mr. Robert should have been overruled by the Regional manager when Mr. Robert failed to take significant action against Ken Seguin over the Varley incident. It is proposed that the authority of regional managers to overrule a local manager should be clearly set out in written directions to regional managers. It is also suggested that the reporting of significant incidents, of potential

misconduct by probation officers, should be to the Minister and there should be a mandatory requirement that the results of subsequent investigations be reported to the Minister and all other appropriate levels of authority from the regional manager to the Minister.

4. The Coalition for Action believes that, at least from 1993 to the year 2000, there may have existed within MCCS a general failure to appreciate the distinction between the narrow interests of the MCCS or segments of the MCCS, and the more general public interest that would include the interests of victims of Ken Seguin and Nelson Barque. There may be no clear or easy way to solve this problem. However, the Coalition would suggest that incidents of violations of Probation Officer fraternization guidelines, and sexual misconduct with probation clients should be the subject to mandatory investigations and that there should be a mandatory report to the Minister. In this way, if there were to be a future repetition of a complete failure to investigate a case of sexual abuse by a probation officer, then the Minister would be personally accountable and therefore it is hoped that political accountability would give assurance that the general public interest would be given fair consideration.

5. The Coalition for Action would suggest that, in future sexual misconduct investigations, there should be more focus on reviewing client files for suspicious patters, and in obtaining information from victims on how the abuse occurred. These steps might help in identifying other victims and in determining how the abuse wet undetected for periods of time. This is an areas that was subject to cross-examination by

the Coalition for Action and by other parties; the Ministry appears to have responded to this concern by enacting new policies.

CORNWALL POLICE SERVICE

The Coalition for Action is concerned primarily with three cases involving the Cornwall Police namely the David Silmser allegations, the allegations against Earl Landry Junior and the allegations of Jeanette Antoine.

ALLEGATIONS OF DAVID SILMSER

The allegations of David Silmser were reported to the Cornwall Police in December of 1992. In September of 1993 there was a civil settlement between the Dioceses and David Silmser. As a result of the civil settlement, and directions from David Silmser, the Cornwall Police suspended the criminal investigation relating to Charles MacDonald. Mr. Silmser's second complaint, against Ken Seguin, was never investigated by the Cornwall Police as they claimed that he did not want to proceed with charges against Seguin. Despite a secrecy clause in the settlement agreement itself, and despite the refusal the Chief of Police to even discuss the David Silmser with fellow senior officers at a daily meeting, the matter entered the public arena mainly due to the persistence of Perry Dunlop who reported the allegation of David Silmser to the Children's Aid Society. Remarkably, nobody in the Cornwall Police had seen fit to advise either the Children's Aid Society or Probation Services of a potential risk to the public. One of the first actions taken by the Cornwall Police Services to respond to the repercussions of the David Silmser settlement fiasco was to request an investigation by the Ottawa Police Service.

OTTAWA POLICE SERVICE INVESTIGATION

The allegations of cover-up and conspiracy, by the Cornwall Police, were purportedly investigated Superintendent Skinner of the Ottawa Police Service. Mr. Skinner knew Chief Shaver from Police College. Mr. Skinner acknowledged that he never interviewed Mr. Silmser or Perry Dunlop. (volume 196, pages 139-142) Mr. Skinner believed that the entire system, including the Chief of Police, failed in the investigation of Silmser's allegations. (volume 196, page 143) He faulted Constable Sebalj for not interviewing some witnesses in person but then acknowledged that he did not record any of his interviews in what he acknowledged was an investigation of a serious matter. (volume 196 pages 120-123) Mr. Skinner could not rule out there could have been a cover-up. (volume 196 page 126) He also agreed an ineffective investigation, and the failure to conduct a polygraph of the accused, and the failure to file reports could be circumstantial evidence of a cover-up. (volume 196 page 123-127) When asked why he did not investigate the alleged comments of Staff Sgt Lortie at a morning meeting (allegedly actually referring to a cover-up) Mr. Skinner appeared to state that he had already made up his mind on the issue of a cover-up so it was not necessary to investigate Lortie's comments and interview the persons present at the morning meeting. (see volume 196, pages 134-137)

It is submitted that it is clear that an appropriate investigation, of whether a conspiracy or a cover-up, was not done by the Ottawa Police. The investigation was very limited in scope and did not involve all of the necessary parties such as Perry Dunlop,

David Silmser and Staff Sgt Lortie. The investigator also appeared to have pre-judged the issue to the point that he did not even see fit to investigate the possibility that the case was actually called a "cover-up" at a morning executive meeting. The Ottawa Police Service investigation was seriously flawed and the only value that it has it to provide some support for the conclusion that there was an ineffective investigation in the David Silmser case. The fact that the investigation was ineffective provides some circumstantial evidence of a cover-up or a conspiracy. In addition there are aspects of the evidence, of a number of the key Cornwall Police personnel, which provide circumstantial evidence of a cover-up or a conspiracy. The most important of those witnesses is former Chief of Police Claude Shaver.

EVIDENCE OF CLAUDE SHAVER

The Coalition for Action suggests that the following evidence should be considered as circumstantial evidence of the possible involvement of Chief Shaver in a cover-up:

1. Chief Shaver initially tried to suggest that there was only a complaint against Charles MacDonald and not against Ken Seguin when this was clearly not the case. (volume 243, page 67-70) David Silmser initially made a complaint against both Seguin and MacDonald.

2. Chief Shaver was an experienced Chief of Police who had actually trained chiefs of police at the Police College. It is suggested that he was well equipped to deal with a crisis and therefore it is more difficult to believe that shortcomings in the Silmser investigation

were as a result of negligence. (volume 243 pages 70-71, 86-87) The shortcomings of the investigation were identified in the Ottawa Police Services report and would include the failure to conduct a polygraph. In addition the failure to attempt to interview the suspect is also a serious deficiency in the investigation.

3. Chief Shaver was described as a micromanager by Tim Smith. (see volume 302, page 99)

4. The Silmser file at all times was either a project file or a confidential file. It is suggested practice was not consistent with an intention to thoroughly investigate the Silmser allegations which would require that alter boys and other members of the public be interviewed. A thorough investigation would have been inconsistent with a secret investigation. (volume 243, pages 79-84) It also is suspicious that the case was put in a project file when the investigation appeared to be over; the purpose appeared to be to protect the reputations of the suspects.

5. Chief Shaver originally assigned the file and he obtained periodic updates. Despite his active involvement in the file from the beginning to the end he claimed to be unaware that Charles MacDonald was never interviewed by the police.

6. The Cornwall Police at no point contacted Probation Services to advise them of the Silmser complaint. (volume 243, page 88). No action was taken even after the Crown Attorney suggested that Probation Services could be contacted.

7. Chief Shaver was asked repeatedly why he did not have the CPS press Silmser for details on why, after Silmser spoke to Ken Seguin on the telephone, he was withdrawing his complaint. The position of the Coalition is that Chief Shaver was evasive in responding to these questions. (see volume 243, pages 96-102) The Ken Seguin

allegations were significant allegations that had the potential to affect the proper administration of justice. It was also a significant file that the Chief of Police was directly involved in from the inception of the investigation. One would expect some inquiry into the issue of why Mr. Silmser wanted to abandon the allegation. Mr. Shaver finally responded as follows:

"Mr. Paul:……I'm just asking you, did you not want to know why he doesn't want to proceed?
Mr. Shaver: Do I want to –no—personally, do I want to know why? No. If he says he doesn't want to proceed; he doesn't want to proceed."
(see volume 243, page 102)

It was clear that Mr. Silmser was not refusing to give any explanation for abandoning a criminal allegation against Ken Seguin. The final answer suggests that Chief Shaver had no interest in determining why Mr. Silmser was withdrawing him complaint against a local Probation Officer.

8. Chief Shaver was trained in various strategies of deception such as non-verbal communication and neuron-linguistic programming. He also had some experience in undercover work in the former RCMP Security Branch.

9. -Mr. Shaver was allegedly seen associating with Ken Seguin at Ken Seguin's residence, or in Florida, by a number of persons including Miss Hesse, Mr. Leroux, Gerry Renshaw, and C-8. There may be challenges to some of this evidence such as the

evidence of Ron Leroux. However, the number of witnesses, including some such as Carol Hesse and Gerry Renshaw who were credible witnesses, can not be ignored.

10. Mr. Shaver failed to conduct any investigation to establish whether the Silmser civil settlement amounted to an obstruction of justice.

11. The Cornwall Police, under the leadership of Chief Shaver, did not advise the Children's Aid Society of the allegations against Ken Seguin and Charles MacDonald.

12. Chief Shaver placed fault on David Silmser for the investigation being delayed. It is suggested that Mr. Silmser provided statements in a fairly prompt fashion and that it was the Cornwall Police who delayed the matter. (see volume 243, pages 126-128)

13. Chief Shaver denied making a statement, to Richard Abell of the CAS, criticizing Staff Sgt Brunet. He was confronted by the fact that he made a public statement in a newspaper that appeared to imply that there was fault with Staff Sgt Brunet. (see volume 243, pages 131-133)

14. The Cornwall Police, under the leadership of Chief Shaver, refused to give the CAS the names of two possible victims. It appeared clear that there was only confidentiality in their statements and not in their names as there names had not been given in confidence. (see volume 243, page 134)

15. Chief Shaver denied that he had challenged the jurisdiction of the CAS to investigate the Silmser case. The Coalition suggests that the evidence of Richard Abell should be preferred on this point. Richard Abell indicated that Chief Shaver questioned the authority of the Children's Aid Society to act on "out of channel" information. (see volume 294, pages 131 & 133)

16. Staff Sgt Lortie raises the Silmser case at a morning meeting. There are various accounts of whether Lortie referred to it as a shame or as a cover-up. Chief Shaver only goes to the Children's Aid Society as a result of Lortie's comments.

"Mr. Paul: Did you go to Children's Aid because Sergeant Lortie was raising this matter as an issue at the morning meeting?
Mr. Shaver: That was the precipitating factor that started the process in my head, yes." (see volume 243, page 137)

Staff Sgt Lortie was the officer who was originally assigned to investigate the Silmser case. Despite the fact that there would appear to be no obvious reason to withhold information from the original investigator, Lortie is not told of the legal opinion of Murray MacDonald (volume 243 page 137-138). He was not told of any intended action, and despite the fact that Chief Shaver believes that there is an intention to embarrass Brunet, nobody comes to the defence of Staff Sgt Brunet. (volume 243, page 139-144). Mr. Shaver described the Lortie comments as a bomb despite the fact that Shaver knew of the settlement at the time of the morning settlement. (volume 243, page144)
17. Chief Shaver was eager to put the blame, for the failing of the Silmser investigation, on others such as the Diocese who he claimed had tied his hands. The Diocese no doubt were guilty of some form of misconduct, however it is not clear that this tied Chief Shaver's hands. The Silmser investigation had been dormant for months and Chief Shaver could point to no investigative evidence gathering steps that had been cut off by

the settlement. (volume 243, pages 147-152). It appeared that there was no intention to continue the investigation in the time leading up to the settlement:

"Mr. Paul: That would suggest that there wasn't any plan or any intention to take any particular step in the fall or thereafter?

Mr. Shaver: I would disagree with that.

Mr. Paul: But you can't point to any specific step other than an outside Crown?

Mr. Shaver: No I can't.

Mr. Paul: Do you agree with the idea of going to an outside Crown or any Crown prior to taking the step of at least making an effort to interview the suspect?

Mr. Shaver: Yes. Yes, that's what the officers decided to do, sir. I agree with what they did.

Mr. Paul: You don't think it was premature to do it at that point without the final step of seeing if the suspect would give a statement?

Mr. Shaver: No. No, I don't think it's premature at all, sir.

Mr. Paul: You do agree that the interview of a suspect certainly has a potential to completely change the idea of whether there is reasonable probable grounds?

Mr. Shaver: Yes, it does."

EVIDENCE OF ST. DENIS

Former Deputy Chief St. Denis testified as follows:

1. The purpose of the project file appeared to be to keep names from circulating and to avoid rumours. (volume 243, page 91) This appears to suggest that the project file was to protect the suspects.

2. Deputy Chief St. Denis appeared to have been somewhat evasive in dealing with the OPP, on January 20, 2000, in that he did not advise them of his involvement in a assigning the Silmser file, and his involvement in the morning meeting at which Lortie raises concerns about the Silmser case. (see volume 243, pages 93-99)

3. The concerns raised, by Staff Sgt Lortie at the morning meeting, were not raised at the very end of the meeting as suggested by Chief Shaver. (see volume 243, pages 103-105)

4. Staff Sgt Brunet did not defend himself nor did anyone else come to his defence. (volume 243, pages 107-108)1.

EVIDENCE OF STAFF SGT LUC BRUNET

Staff Sgt Luc Brunet testified as follows:

1. When interviewed by the Ontario Provincial Police, he said that the reason there was not a cover-up was because he and Chief Shaver had gone to see the Papal Nuncio. This visit occurred after the civil settlement and after the Cornwall Police had decided not to proceed with charges. Chief Shaver's evidence appeared to suggest that he only took action after hearing Staff Sgt Lortie's concerns. Staff Sgt Brunet did not indicate to the OPP that there was no cover-up because there had been a good investigation conducted. It is suggested that he was fully aware that he had supervised a sub-standard investigation

and that is why he only referred to the Papal Nuncio visit that occurred after the investigation was over. (see volume 213, page 165-166.)

2. He was responsible for a high priority investigation in which there was no effort to interview the suspect or take up his offer to do a polygraph.

3. He gave evidence with respect to the failure to reach reasonable and probable grounds. He suggested that he had to wait, to interview a suspect, until a Crown Attorney had been consulted. He gave two different reasons for this approach. He at first stated that he needed to know if he had grounds to proceed. It should have been obvious to a senior officer that reasonable and probable grounds were not required to interview a suspect. (volume 213, page 170) In law only a reasonable suspicion would be needed to investigate a suspect and it would have been obvious from Constable Sebalj's investigation that the reasonable suspicion standard had been met. Staff Sgt Brunet then went on to provide a second explanation that arguably would contradict the first explanation. He stated that he needed to speak to a Crown Attorney to review what information could be used at an interview. (see volume 213, page 171). There are three reasons that this explanation is not credible. Firstly, it contradicts the earlier explanation that he needed to see if he had grounds to conduct an interview. Secondly, it would see unusual to the Crown Attorney giving directions on how a senior officer should have an interrogation conducted. Thirdly, the Cornwall Police took no action on the Silmser file for about five months during which time a Crown Attorney could have been contacted. If there was a legitimate wish to speak to an outside Crown and if that caused the delay,

then why was the Cornwall Police able to have the local Crown Attorney give an opinion on the same case very soon after the civil settlement?

4. In June of 1993 he is suggesting to Constable Sebalj to complete her cases and in late August he is telling her to finish up the Charles MacDonald case. One has to question why Staff Sgt Brunet is taking action so close to the civil settlement and why the directions are not more specific such as to suggest an interview of Charles MacDonald. Staff Sgt Brunet denied that he or Chief Shaver became aware of the pending civil settlement. The Coalition suggests that it is reasonable to conclude, that the lack of specific direction, together with the timing of the direction to Constable Sebalj, would indicate knowledge of a pending civil settlement.

5. He had no recollection of advice from the Crown Attorney that Probation Services could be contacted about Ken Seguin. He relied upon the advice of Sgt Lefebvre and made no effort to obtain legal advice when he decided not to contact Probation Services about Ken Seguin. He did this despite the fact that Perry Dunlop had advised him of the Travis Varley incident. (volume 213, 175-178)

6. Staff Sgt Brunet was reluctant to reveal, to the CAS, the identity of C-3 and C-56 on the basis of confidentiality. It appeared that Cst Sebalj had located their names and they had not come forward to the Cornwall Police. The issue of confidentiality appeared to apply only to their statements and not to their identity. (volume 213, pages 178-180)

7. He denied any knowledge of a connection, involving Ken Seguin, between the Silmser and Antoine cases. However, he did not take any action to determine why David Silmser, after speaking to Ken Seguin, was attempting to withdraw or delay his complaint against Ken Seguin. In addition he gave no consideration to continuing the Ken Seguin investigation up until the time that charges would be considered. This would appear to have been in the public interest and could have led to inculpatory admissions if Ken Seguin was interviewed. (volume 213, page 186)

8. Superintendent Skinner described Constable Sebalj as being thrown into the deep end. Staff Sgt Brunet disagreed with Superintendent Skinner on this point.

9. Staff Sgt Brunet could not confirm whether David Silmser was told that he had the right to continue with the criminal case even if there was a civil settlement. (volume 213, page 205)

EVIDENCE OF INSPECTOR WELLS

Inspector Wells testified that when Staff Sgt Lortie raised the issue of the Silmser settlement, at the morning meeting, there was no information given on the status of the case. (volume 237, pages 226-228) Inspector Wells also indicated that it was unheard of to place a sexual assault case in a project file (volume 237, page 229-232), and that he was concerned about the civil settlement and the possibility of obstruction of justice did cross his mind. (see volume 237, page 241-242)

EVIDENCE OF STAFF SGT LORTIE

Staff Sgt Lortie was the original investigator in the Silmser case for a very brief period of time. There would appear to be no obvious reason for senior management to hide the outcome of the Silmser case from Staff Sgt Lortie, unless they were embarrassed by their role in the outcome. Staff Sgt Lortie believed that management was upset by the fact that Staff Sgt Lortie brought up the Silmser case at a morning meeting in the fall of 1993. (volume 215, page 165). Staff Sgt Lortie has the impression, at the morning meeting, that nobody knew what was going on with the Silmser case, and nobody volunteered any information about the civil settlement or any information about the opinion of the Crown Attorney on the case. (volume 215, page 189-90)

Staff Sgt Lortie gave his comments on the conduct of the Silmser investigation. He believes that there should have been efforts to interview Ken Seguin and Charles MacDonald. (volume 215, page 170) He also indicated that he had never heard of going to the Crown before efforts were made to interview the suspects. (volume 215, page 171) He felt bad for Constable Sebalj due to the fact that she was on her own. (volume 215, page 176). He believed, after hearing some of the Inquiry evidence, that Constable Sebalj may have had reasonable and probable grounds or may have been very close to having reasonable and probable grounds. (volume 215, pages 178, 185) Staff Sgt Lortie was opposed to the settlement. He felt that there should have been an investigation to determine if there had been an obstruction of justice:

“Mr. Lortie: There’s one --- there’s one or two choices here. That you had to talk to Mr. Silmser to find out who initiated the settlement and then you’ll know who committed the next criminal offence.” (volume 215, page 186)

Staff Sgt Lortie testified that he had the sense that Perry Dunlop’s superiors were not supporting him. (volume 215, page 167-168) . He also indicated that he dropped off someone at Ken Seguin’s house, in the1970s, on one occasion (not knowing it was Ken Seguin’s residence until his arrival) (volume 216, pages 19-20)

INSPECTOR MACDONALD

Inspector MacDonald indicated that he objected to the manner in which Chief Shaver dealt with statistics of crime clearance rates. He appeared to cast doubt on the honesty of the methods used by Chief Shaver. He also indicated that he did not know Gerald or Robert Renshaw and he was not aware of any personal dispute between him and them.

STAFF SGT SNYDER

Staff Sgt Snyder was a Constable at the time of Silmser investigation. He was approached by Cst Sebalj, at his home residence, for a statement analysis of the Silmser statement. The statement analysis supported the credibility of Mr. Silmser. The analysis

results were not presented at Perry Dunlop's Board of Inquiry despite the fact that those results may have been of assistance to Mr. Dunlop. The actions of Cst. Sebalj, in approaching a fellow officer at his home residence, were consistent with the actions of an officer who was having doubts about the advice being given by her superiors. It is also consistent with the evidence of Geraldine Fitzpatrick who described Cst. Sebalj as being upset with her superior and the Crown Attorney.

Staff Sgt Snyder also reviewed the complaints of Keith Ouellette against the Cornwall Police. This appeared to be a blatant conflict of interest. Keith Ouellette made serious allegations that he had been threatened with death by members of Cornwall Police and possibly a civilian member of the Cornwall Police. The allegations were dismissed on the basis that Mr. Ouellette alleged that Chief Shaver was involved at a time when Chief Shaver was not with the Cornwall Police. At no time was a photo of Chief Landry or Chief Shaver shown to Mr. Ouellette. There was no effort to determine whether he was actually making the allegation against Chief Landry but had the name wrong.

CONCLUSIONS – DAVID SLMSER INVESTIGATION

The David Silmser investigation was a severely flawed investigation. It is inconceivable that any reasonable competent investigation would fail to take up a potential opportunity to interview a suspect in a case involving multiple allegations of sexual abuse. The failure to notify the Children's Aid Society of the case at any point, and the failure to contact Probation Service even after a recommendation to that affect

stand out as damaging indictments of the actions and inactions of the Cornwall Police Services. It must be pointed out that the Children's Aid Society only became aware, of a potential risk to the public, as a result of the actions of Perry Dunlop. Incredibly, Probation Services only find out from David Silmser himself as the Cornwall Police do not even take up the suggestion of the Crown Attorney that Probation Services be contacted. There are numerous other potential pieces of evidence that may have amounted to a circumstantial evidence of a cover-up. They have been referred to above and some of the other most prominent ones would include the suspicious conduct of senior management when Staff Sgt Lortie raises the issue, the complete failure to look into why David Silmser wanted to withdraw the allegations against Ken Seguin, post Silmser settlement conduct that involved investigating Perry Dunlop and not fully cooperating with the Children's Aid Society, and the fact that the Cornwall Police made no effort to investigate the David Silmser settlement as a possible obstruction of justice. In the end, the only reason that there may be doubts over what actually transpired in the Cornwall Police would not be as a result of any credible evidence from the Cornwall Police testimony, but only because the conspiracy investigations of the Ottawa Police and the Ontario Provincial Police may have been even less effective than the David Silmser investigation. The result of a complete failure of subsequent police forces, to adequately investigate whether there was a conspiracy or cover-up, did not assist in restoring confidence in the Cornwall Police Services.

JEANETTE ANTOINE INVESTIGATION

The Jeanette Antoine investigation was a potentially very complicated investigation. It involved allegations of physical and sexual abuse at a Children's Aid Society group home in Cornwall. It was a case that was potentially embarrassing to a number prominent people who served on the Children's Aid Society Board at the time of the allegations that would have taken place in the 1970. It was potentially embarrassing because the police were contacted by the Children's Aid Society as a result of the allegations.

The case surfaced not because of any intervention by the Children's Aid Society, but because Jeanette Antoine made a complaint to the Cornwall Police in 1989. The extent of the Cornwall Police investigation was to obtain a statement from Ms. Antoine. The Crown Attorney was contacted and the case was left in limbo when correspondence was sent from the Crown Attorney to the Regional Crown Attorney. The matter was taken up again secretly by Cst Sebalj who appeared to have an interest in the involvement of Ken Seguin in the investigation. It was later discovered by Cst Sebalj that Ken Seguin was Ms. Antoine's probation officer. The Cornwall Police then somehow discovered Cst Sebalj's clandestine activities shortly after she discovered the connection between Ken Seguin and the Second Street group home case, and the Cornwall Police saw fit to continue the investigation with Shawn White as the investigating officer. Staff Sgt Derochie suggested that Cst Sebalj may not have been impartial as she may have had a grudge against the Children's Aid society. Shawn White in his evidence did not agree

with the suggestion that Cst Sebalj may have been biased. The main witness in the first Jeanette Antoine investigation was Cst Malloy.

KEVIN MALLOY

Kevin Malloy was the investigating officer in the 1989-1990 investigation of the Jeanette Antoine case. He also was involved, to a lesser extent, in the David Silmser allegations; he was involved in the original interview of David Silmser. Kevin Malloy indicated a number of difficulties with the Antoine case. However, it was pointed out to him that he met the Crown Attorney and these alleged difficulties did not seem to appear in the letter that the Crown Attorney sent to the Regional Crown Attorney. Kevin Malloy received a copy of the letter and did not register any objections to its contents. (see volume 217, pages 166-167). The following discrepancies were pointed out between his evidence and the letter by the Crown Attorney:

Six Month Limitation Period: It was suggested that there were common assaults which were barred by the six month limitation period. A common assault was a straight summary conviction offence at the relevant time. It was pointed out to Kevin Malloy in cross-examination that the six month time limit was not referred to in the letter written by the Crown Attorney. It was also pointed out that the allegations seem to raise complaints of sexual assault and assault causing bodily harm which would not be statute barred. (See Volume 217, pages 167-168)

Credibility: Kevin Malloy indicated that there were problems with the credibility of the Antoine allegations. He took only one statement from her and he appeared to base his

assertions on unrecorded statements that he could not relate to the Inquiry because he lacked memory of them. He gave the following evidence on this point:

"Mr. Paul: Okay, is it possible then that the discrepancies were so – of such a minor nature that they were not worthy of bringing up with the Crown Attorney at this meeting where reasonable and probable grounds were the actual topic?
Mr. Malloy: I can't say for sure.
Mr. Paul: Okay. But it's possible they were too innocuous or minor to actually bring up to a Crown Attorney?
Mr. Malloy: Well, in – a discrepancy is a discrepancy, in my mind, I mean, minor or major, I would have discussed them, I suppose.
Mr. Paul: All right. And at this point you can't say –
Mr. Malloy: I can't.
Mr. Paul: ---whether it's major or minor?
Mr. Malloy: No."
(See Volume 217, pages 169-70)

Corporal Punishment: Kevin Malloy suggested that there may have been issues of corporal punishment and a defence of correction. There was no reference in the Crown Attorney's letter to a defence of correction. In addition, Kevin Malloy agreed that there were aspects of the allegations (a broken wrist, elements of humiliation and sexual assault) that appeared to go beyond a defence of correction. (see volume 217, page 170)

Complainant's Wishes: Kevin Malloy indicated that Ms. Antoine did not wish to proceed with sexual assault charges. It was pointed out to him that the Crown Attorney's letter to the Regional Crown did not make reference to the issue of the wishes of the complainant. (see volume 217, page 171). It was also pointed out that Ms. Antoine said that she was only mad about the beatings, but did no clearly say that she did not want to proceed with sexual assault charges. (see volume 217, pages 173-174)

Reasonable and Probable Grounds: Kevin Malloy agreed that there was no reference, in the Crown Attorney's letter to the Regional Crown, to the issue of reasonable and probable grounds. (see volume 217, page3 173-75)

The letter, from the Crown Attorney to the Regional Crown Attorney, indicated that there were difficulties with the case because the complainant could was not able to give dates of offences or names some of the group home staff. It would be expected that a complainant would have difficulties with precise dates. Officer Malloy should have conducted further investigation by getting a general range of dates or school years from Ms. Antoine, and by obtaining the names of employees from the Children's Aid Society. (see volume 217, pages 175-177).

In three cases, involving sexual allegation against prominent people, Officer Malloy did not interview the accused; these were the cases of accusations Marcel Lalonde, and accusations by Jeanette Antoine and David Silmser (the Silmser case involved Malloy to a lesser extent). Kevin Malloy acknowledged membership in the Knight's of Columbus at St. Columban's church. He denied any reluctance to initiate charges, in the Antoine case, because of a reluctance to be seen to be going against the CAS Board of Directors of their legal advisor.

CONCLUSIONS – JEANETTE ANTOINE INVESTIGATION

The reasons provided by Cst Malloy, for not proceeding with charges, were clearly not consistent with the correspondence from the local Crown Attorney to the Regional Crown Attorney. The testimony by Cst Malloy, with regards to why charges were not initiated, would leave one in doubt as to the intentions of the Cornwall Police. In addition the alleged difficulties set out in the Crown Attorney's correspondence, which was copied to Cst Malloy, did not appear to be logical. The reference to problems with dates and names of suspects appeared to be reasons to conduct further investigations and not reasons for inaction. One is left with the impression that the authorities did not want to proceed. The illogical explanations and evidence leave the impression that there is a possibility that there was a desire not to embarrass or go against the Children's Aid Society or prominent people who had been on their board. It was clear in subsequent investigations that there was a connection between Ken Seguin and the group home. There was an allegation of both abuse and blackmail against Ken Seguin by a former female resident of the home, and in addition Ken Seguin had been the probation officer for Jeanette Antoine. The possibility of knowledge on the part of Ken Seguin (by virtue of his role as probation officer for Ms. Antoine) of embarrassing information relating to the Children's Aid Society (failure to report the case), and the Cornwall Police (failure to properly investigate 1989-90), and the possibility of a propensity to blackmail people,

were issues that should have been explored by the Ontario Provincial Police. These issues could have been explored as possible reasons why there may have been reluctance on the part of the Children's Aid Society or the Cornwall Police to conduct investigations, relating to Ken Seguin, in the David Silmser case.

EARL LANDRY JUNIOR

The Cornwall Police had no hesitation to investigate the son of a former Chief of Police. Earl Landry Junior faced serious allegations of sexual assault which were dealt with by Sgt. Ron Lefebvre and Staff Sgt Stan Willis. Both officers served under Chief of Police Landry and Stan Willis was a friend of Earl Landry Junior's brother. The only evidence provided appeared to suggest contradictory positions being taken by Sgt. Lefebvre. Sgt. Lefebvre's statement to Staff Sgt Derochie and Constable Snyder suggested that there was a problem with identification and that Earl Landry Junior was arrested and then the arrest was cancelled after Stan Willis spoke on the telephone to former Chief of Police Earl Landry senior. Sgt Lefebvre's notes suggest that there was a positive identification of the suspect and that there was no arrest. There was some suggestion that the complainant in 1985 would not be fit to testify; there was no medical evidence supporting this position. In addition the subsequent investigation, by Constable Snyder revealed that the mother of the complainant was claiming to have received an admission of guilt from the suspect which would suggest that it was a case that could have led to charges in 1985 if properly investigated. Chief Shaver appeared to be

sympathetic to the Landry family as he called the former Chief of Police and spent a long period of time talking to him and consoling him. The fact that the former Chief of Police was called, and given the opportunity to speak to his son, appeared to be favouritism that may have inhibited the suspect from giving a statement of taking a polygraph..

Even when further complaints were received in the 1990's, there was a lengthy delay by the Cornwall Police in dealing with the case. It appears clear that the Cornwall Police were in a position of conflict and should not have investigated the case in 1985. The fact that charges were eventually brought against Earl Landry Junior was because at that point the evidence of guilt was overwhelming. Despite the further allegations the Cornwall Police not only delayed the investigation, they also contacted one of the complainants while the Inquiry was in progress and attempted to discuss the evidence surrounding the delays. The purpose was purportedly to assist with officer Snyder's recollection of the events. This action casts further doubt on the legitimacy of the review conducted by the Cornwall Police of the Earl Landry Junior case. It is difficult to have any confidence in an organization that acts in the face of an obvious conflict of interest, is responsible for lengthy delays in the case, investigates itself in relation to the 1985 case (rather than using an external police agency), and then contacts a key witness in the middle of the Inquiry evidence and attempts to discuss evidence that is prejudicial to the Cornwall Police.

CONCLUSIONS

The position of the Coalition for Action is that there is a substantial body of circumstantial evidence pointing to a desire to frustrate the complaints of David Silmser against Ken Seguin and Charles Macdonald. There has not been an adequate and credible explanation put forward by the Cornwall Police to rebut this substantial body of evidence. The circumstantial evidence of a possible cover-up or conspiracy certainly provided the necessary legal grounds to commence and complete a proper police conspiracy investigation. It is the position of the Coalition for Action that such a proper investigation never occurred due to the inadequacies of subsequent investigations by the Ottawa Police and the Ontario Provincial Police.

With regards to the Antoine investigation, the Coalition suggests that a completely inadequate investigation took place in 1989-90. The case is one where one would have a suspicion of favouritism towards the Children's Aid Society or prominent people who had been on their Board of Directors. It is also a case that was associated with Ken Seguin and should have been fully explored by the Ontario Provincial Police.

With regards to the Earl Landry Junior investigation, the Coalition takes the position that the Cornwall Police were in an obvious conflict of interest. The actions of Chief Shaver during the 1985 investigations, the inconsistencies in the notes and statements of Sgt Lefebvre, the failure to initiate charges, subsequent successful prosecutions, and the contact with a complainant during the Inquiry are all highly

suspicious of actual favouritism towards Earl Landry Junior. The Coalition is recommending that clear conflict of interest guidelines be implemented to prevent a similar case from taking place in the future.

DIOCESE OF ALEXANDRIA-CORNWALL

The position of the Coalition for Action is that the Diocese of Alexandria-Cornwall has had a history of not acting responsibly with regards to allegations of sexual abuse by priests against parishioners. There has been a focus on secrecy and avoiding embarrassment. The Coalition also takes the position that the version of the Silmser settlement proceedings, as presented by the Diocese, is not a believable version of events. The Coalition for Action believes that the past history, together with the failure to provide a forthright explanation surrounding the Silmser case, justifies public intervention designed to monitor the actions of the Diocese.

SILMSER CASE

The Coalition for Action suggests that the following evidence suggests that the Diocese did not give an honest and forthright explanation of the circumstances surrounding the Silmser settlement:

-The actions of Diocese in releasing a press release that falsely stated that they had followed their own guidelines in the case of Mr. Silmser's allegations when in fact they had not followed their own guidelines. (see volume 270, page 4-5 & page 8)

-When questioned about whether the actions of the Diocese would leave an impression of a cover-up with the public, Bishop Larocque's original response was that he could not

answer the question and only later did he deny any “cover-up”. The first reaction was not to deny a cover-up:

“Mr. Wardle: And so it would be fair to say that ---and I want to just listen to my words carefully---that citizens at large would have been left with the impression that this institution has been acting in a secretive, and heavy –handed manner to cover up real allegations of sexual abuse involving one of their employees and priests? Would that be fair for a community member to think that way, given what had taken place?
Msg. Larocque: I can’t answer that question, I’m sorry.
Mr. Wardle: All right. And would you agree with me to this extent, that anyone, you know sitting back on a Saturday reading their newspaper reading their newspaper and watching these events unfold, it wouldn’t have been unreasonable for that person to think, “Well there may be others. There may be others that have been kept secret or slipped under the rug. There may have been other cover-ups of this kind.” That wouldn’t be an unreasonable conclusion for a citizen to reach?
Msgr. Larocque: I object to the word “cover-up” because that means deliberateness and there was no deliberate cover-up, and I don’t know what they would be thinking as they read their paper on Saturday morning, I’m sorry.”
(see volume 270, page 15)

There is no denial that the facts would have appeared like a cover-up and initially there is an expression of inability to even respond to the question.

-The failure of the Diocese to notify their insurers or auditors. The auditors would require information to prepare proper financial statements that would be shown to parishioners. These financial statements require disclosure of potential liabilities such as lawsuits or claims. (see volume 261, pages 101-103 evidence of Gordon Bryan). The bursar, Gordon Bryan, claimed that he did not look at the settlement documents even though he was the individual responsible for financial issues relating to the Diocese. (volume 261, pages 108-109)

-Gordon Bryan denied the suggestion that the documents may have been sealed to avoid having the Bishop read them. He did however agree that the Bishop's filing system would have been the natural place to place the settlement documents. This system was only accessible to the Bishop unlike the safe at the Diocese which could be accessed by an accountant, secretaries or parish priests. Gordon Bryan testified as follows:

"Mr. Paul: Now, in contrast to that system, is the Bishop's filing system, is the Bishop's filing system more secure?
Rev. Bryan: That's right.
Mr. Paul: So that would have been the natural place to deposit a document.
Rev. Bryan: You're right."
(see volume 261, page 111)

-Gordon Bryan was confronted with the fact that he is quoted in the newspaper as saying that the Diocese sealed and filed the release documents because that was the normal practice for those types of documents. Mr. Bryan confirmed the fairness and accuracy of the depiction of his comments in the newspaper. (see volume 261 page 113) Mr. Bryan is appearing at a second news conference within a month. The purpose is to correct the misrepresentations from the first news conference. Presumably there would be some effort to ensure the accuracy of the information when the parties know there has already been one major misrepresentation at a news conference. Mr. Bryan testified as follows:

"Mr. Paul: Now, in terms of what was presented at the news conference, was it your recollection that you presented, as far as the release documentation, that it was filed and sealed because that was the normal course of what would be done with those types of documents?

Rev. Bryan With the private and confidential, yes.

Mr. Paul: And would it be fair to say that you didn't come right out and say in the news conference that Jacques Leduc – the individual seems to be beside you at the news conference – "Jacque Leduc was the one that instructed me to leave it unopened"? You didn't say that at the news conference?

Rev. Bryan: I don't think so.

Mr. Paul: And you wouldn't have come right out and indicated at the news conference that Jacques Leduc told you to write "confidential" on the documentation?

Rev. Bryan: I don't remember but I don't think so.

Mr. Paul: Would you agree that perhaps at the news conference a full accounting of how the matter proceeded wasn't given at the news conference, there were some details that were left out?

Rev. Bryan: I would say they were drafted by the Bishop so it would have been his decision where – what he wanted to put into it. I believe the second news conference, if I'm not mistaken, he sent a copy to Mr. Leduc. I didn't get one.

Mr. Paul: I'm not talking about a news release at this point; I'm talking about a news conference.

Rev. Bryan: The conference. Sorry. Okay, at the conference.

Mr. Paul: If there was a suggestion to the effect that it was a normal course to file those types of documents in a sealed fashion ---

Rev. Bryan: Yeah, it would have been the first for me.

Mr. Paul: -- would you think that that would have been somewhat misleading, given that there was an instruction, a specific instruction from Mr. Leduc?

Rev. Bryan: I never thought of it that way."

(volume 261, pages 114-116)

The evidence of Gordon Bryan points to a misrepresentation by suggesting that it was a common practice to file and seal documents when there was no such common practice. Mr. Bryan in his evidence suggests that it was not a common practice and that it was a specific direction of Mr. Leduc. The Bishop makes no inquiries to Gordon Bryan about what other unknown potential bombshells have been filed away and sealed. (see volume 271, pages 81-86). The Coalition for Action suggests that the Bishop's lack of concern

over the possibility of other sealed documents, and the inconsistent evidence of Gordon Bryan should be taken very seriously. At this point in time there has already been one prior news conference with a serious misrepresentation to the public about the Silmser settlement. The second news conference is to correct the earlier misrepresentation of the truth by the Diocese. As a result of the inconsistent evidence of the Diocese relating to the second news conference, the Coalition suggests that the evidence of the Diocese, relating to the Silmser settlement, is completely unbelievable and should be rejected.

-Bishop Larocque testified that he initially refused to agree with Jacques Leduc and Malcolm Macdonald on the proposed settlement with David Silmser. A second meeting was held with the same legal counsel and he at that point agreed with the settlement at their insistence. In between the two meetings the only apparent new information was a unanimous recommendation by other Bishops, at a conference, to oppose the settlement. It is unusual that the Bishop would then agree with the settlement and changed his mind when the only intervening event would have given him a strong reason to continue to oppose a settlement. (see volume 271, pages 69-70, and 126-127). He claimed that he accepted the rationale that Mr. Silmser needed money for counseling despite the fact that he was not convinced that liability had been established. (see volume 271page 131) While he was convinced of the need for counseling, but not necessarily of liability, he did not insist on any receipts or any information about the counseling in any way. (see volume 271, page 129-130) He also claimed that he was pressured or influenced by the two lawyers despite the fact that he barely knew Malcolm MacDonald and Malcolm

Donald did not represent the diocese, and despite the fact that Mr. Leduc was only a part-time agent for the Diocese. (see volume 271, page128-129)

-The Diocese had high level contacts with senior management in the Children's Aid Society and the Cornwall Police about the Silmser settlement. Despite these high level discussions the Diocese and the Bishop claim ignorance of the settlement documents. A news conference is then held to discuss the settlement with the general public and the Diocese claims that despite entering the public arena, by a press conference, they remained in ignorance of the contents of the settlement documents:

"Mr. Paul: But you don't think it might be appropriate, given the highest ranking police officer in the City had some concerns about the case, that you might want to get the actual file material and see what is says?
Msgr. Larocque: He seemed to be satisfied with my explanation that it was a civil settlement.
…….
Mr. Paul: All right. Now, following that, also in October, '93, you have contact with senior Children's Aid Society personnel; correct?
Msgr. Larocque: I believe so. I can't – the dates are not that clear in my mind but –
Mr. Paul: All right, do you meet three individuals, I believe Mr. Carriere, Mr. Towndale and Mr. Abell, the three –
Msgr. Larocque: That's right.

Mr. Paul: And, again, prior to meeting these individuals did you make any efforts to find documentation regarding the settlement to Mr. Silmser?

Msgr. Larocque: As you know, I did not until I was – the document was brought up to my desk.

Mr. Paul: What I am suggesting though that perhaps, given the level of seniority of those Children's Aid officers and the knowledge that they're there to discuss Silmser, would that not lead you to perhaps make some inquiries and find out what written materials there are in the case?

Msgr. Larocque: I took it for granted that the lawyers had acted in a way in which I had instructed them.

Mr. Paul: And I presume that when it gets to early January and there's a press conference in early January, the initial press conference, again there's no effort to actually find the documentation; correct?

Msgr. Larocque: No once again, I had put my trust in the lawyers.

Mr. Paul: And this point, in terms of going to the press, I would suggest, given the concerns over scandal and publicity, it's a fairly serious step to go to the public with a press conference and press release at that point?

Msgr. Larocque: It certainly was, yes.

Mr. Paul: And would not be a step that would perhaps justify some thorough search of the files to find out exactly what transpired in terms of written documentation?

Msgr. Larocque: Well, if you – if I recall correctly, the lawyer at the first press conference explained it was a civil settlement.

Mr. Paul: Right.

Msgr. Larocque: I took his word for it.

Mr. Paul: But you didn't make any request that they find the actual documents that were signed in the settlement?

Msgr. Larocque: No, I did not.

Mr. Paul: And any of those three significant steps prior to the last news conference, I understand that there were no efforts to find the actual settlement documents?

Msgr. Larocque: Not on my part, no.

Mr. Paul: And in any way would that have been because there was already knowledge within the Diocese of the contents of the documents?

Msgr. Larocque: If there was, I wasn't aware of it, and I don't see how it could have been since the document was sealed.

(see volume 271, pages 74-77)

The Coalition for Action submits that it is not believable or consistent with common sense that the Diocese would have discussions, about the Silmser case, with the Chief of the Cornwall Police and senior management at the Children's Aid Society, and then hold a press conference, yet make no effort to obtain or reveal the relevant documents. This sequence of events, combined with Gordon Bryan's misrepresentation at the final news conference on the reason why the documents were sealed, leaves the evidence of the Diocese, on the settlement, in a totally unbelievable state.

-The Diocese appeared to take no action to discipline anyone over the Silmser case. Despite the fact that relevant documents were destroyed (notes of Father Vaillancourt)

they took no action to advise persons within the Diocese of the importance of maintaining records. (see volume 271, pages 78-80).

-Bishop Laroque's mental process, of remembering what happened with the settlement discussions is potentially faulty. He initially indicated in his evidence, by a non-leading question, that he first remembered the events when they were dealt with by the media which would have been about four months later. When counsel for the Diocese objected, counsel's objection made reference to the earlier discussions with person's such as Chief Shaver. Not surprisingly Bishop Larocque then added the Chief Shaver meeting as another point in time when he may have remembered the settlement terms. He may well have been in error about his recollections of the settlement discussions because of the amount of time that had passed. (see volume 271, pages 121-125)

-Bishop Larocque admitted to using "mental reservation" (a process of deliberately limiting the information provided to someone) when sending a letter to seek immigration status for a convicted sex offender Carl Stone:

"Mr. Talach: Okay. It is fair to say that what happens in this letter would qualify as mental reservation?

Msgr. Larocque: It would look – it would appear that way, yes."

(see volume 270, page 115)

The mental reservation technique was further described by Bishop Larocque in volume 270 at page 117:

“Mr. Talach: And mental reservation, if I can use this term, is a tool that can be used to reduce scandal. I mean, it definitely helps to have a doctrine that limits what information you have to give when you’re trying to limit information.
Msgr. Larocque: Correct.”

-Bishop Larocque Larocque failed to provide the police with information indicating that a sexual offence may have been committed by Father Scott and not by Father Dube. (see volume 271, pages 46-47)

-Bishop Larocque admitted that he failed to provide information to civil authorities about accused priests:

“Mr. Talach: And would you agree with me that you failed to fully inform civil authorities, ranging from Immigration to police services, what you knew about accused priests?
Msgr. Larocque: About certain accused priests, I could have been more explicit.” (see volume 271, page 46)

The Coalition for Action suggests that the credibility of Bishop Larocque should also consider his dealings with the case of Father Carl Stone. Extensive steps were taken,

including contacts with high level government officials, to obtain permission to have a convicted sex offender reside in Cornwall. Bishop Larocque agreed to be responsible for Carl Stone but there appeared to be a failure to advise personnel at the Villa and at Mount Carmel of the extent of the potential risk. As a result of this failure it would appear that Carl Stone had been causing difficulties for about six months prior to it coming to the attention of Bishop Larocque. (see Volume 271 pages 98-100) One must question whether potential negligence on the part of the Diocese led the Bishop to fail to reveal to Immigration authorities the extent of the difficulties caused by Carl Stone and the fact that seventeen year old boys were in his room.

The Coalition for Action suggests that the actions of Bishop Laroque in the Deslauriers case should cast serious doubts about his credibility. There appeared to be initially a reluctance to accept the allegations until the number of allegations became overwhelming. There was also a clear lack of cooperation with authorities which went to the point of a proposed refusal to testify in court in the face of legal advice to the contrary. Bishop Larocque's suggestion that he was under the control or influence of Deslauriers is not credible because the failure to act responsibly continued after Father Deslaurieres left the jurisdiction. Bishop Larocque did not use his authority to require that restrictions be imposed on Deslauriers and that parishioners in Hull be made aware of the allegations against Deslaurieres. He did not use his control or authority over Deslauriers by forcing him to return to the Diocese of Alexandria-Cornwall or by cutting off his pay if he did not agree to restrictions. Bishop Laroque admitted that once Father Deslauriers left the jurisdiction there was no issue of being under Deslauriers' control:

"Mr. Paul: so you say that once he leaves the Diocese and that order is given, there's no control by him over you?

Msgr. Larocque: By him over me?

Mr. Paul: Yes.

Msgr. Larocque: That's correct, yes.

Mr. Paul: So presumably any – at that point, any failure by you to bring him back to the Diocese is basically your own decision. It's not a result of any control over him; control by him over you?

Msgr. Larocque: To a certain extent, that's true, yes.

Mr. Paul: So I guess what I'm saying is, once he's told to leave the Diocese any decisions you make after that are decisions on your own free will. They are not things that are being done as a result of manipulation by Father Deslauriers ---

Msgr. Larocque: That's true, yes."

Msgr. Larocque:

(see volume 271, page 108)

Bishop Larocque acknowledged that in the 1970s and 1980s priests would be transferred to avoid embarrassment as opposed to public safety purposes. (see volume 271, page 117)

Jacques Leduc represented the Diocese in relation to the Silmser civil settlement. Mr. Leduc had represented C-69 in an unrelated civil settlement involving sexual abuse

by a priest. C-69 claimed that she had to sign documents indicating that she could "never talk about the abuse from Sherbrooke priest ever again", and that there was a two year limitation on reporting sexual abuse in Quebec. (see volume 256 pages 184, 189-190). Mr. Leduc did not admit giving these instructions but he had no notes or file material. Jacques Leduc also testified that he did not review the release document after it was signed and that he did not even review it before the first press conference:

"Mr. Lee: And that press conference is where you tell the country that there was nothing in the release preventing Mr. Silmser from proceeding criminally. Is that right?

Mr. Leduc: Yes.

Mr. Lee: And your evidence is that you didn't pull and review that release clause before this national press conference?

Mr. Leduc: That's right."

(see volume 256, page 202)

Mr. Leduc also wrote to Bishop Larocque in response to correspondence from Mr. Silmser's lawyer Bryce Geoffrey. Mr. Leduc responded to Mr. Geoffrey's claim, that the bar on criminal proceedings was against public policy, by saying "I would suggest that the matter is not as clearly defined as is suggesting (sic) Mr. Geoffrey." (see volume 256, page 227)

The institutional response of the Diocese to sexual abuse issue can be summarized by Bishop Larocque himself when he stated as follows:

“Mr. Talach: Bishop, would you not agree with me that on its whole the institutional response of the Diocese while you were Bishop to allegations of sexual abuse against young people was poor?
Msgr. Larocque: It could have been better”
(see volume 271, page 49)

Bishop Durocher also agree that the Diocese has had a significant problem with sexual abuse. (see volume274, pages 164-165)

The Coalition for Action believes that a sexual abuse compliance program is needed within the Diocese. The necessary elements of such a program should be dictated by the magnitude of the past problems, the history of poor performance, and the lack of a credible explanation for the Silmser settlement fiasco. The Coalition for Action believes that a sexual abuse compliance program within the Diocese should have the following elements

-compliance standards that are capable of reducing the prospect of criminal activity before it occurs;
-oversight by high level personnel within the Diocese;
-effective communication to all levels of staff, volunteers and parishioners;

-steps to ensure compliance such as monitoring, auditing and reporting of suspected wrongdoing;
-enforcement of policies including discipline;
-steps to respond to offences in order prevent similar offences in the future.

While there is not doubt that the Diocese has taken some steps to improve internal policies, the Coalition believes that it would be of assistance to have a compliance officer designated within the diocese who would have an ongoing function of taking a pro-active role in educating staff and parishioners in the Diocese, promoting a culture of compliance, attending local parishes to ensure compliance and the dissemination of policy information, and in carrying out audits of the Diocese to ensure compliance with regulations and policies surrounding sexual abuse. The Coalition for Action furthermore takes the position that there should be subject to random external audits by a designated branch of the Ontario government (such as the Attorney General or the Children's Aid Society) to ensure that sexual abuse guidelines and regulations are being followed.

While the Diocese has a form of bi-annual audit in place, it appears to be an audit in relation to the policy relating to dealing with abuse allegations once they have been reported. The Coalition would wish to have auditing also in place in relation to internal controls that are designed to prevent abuse from occurring. The auditing would monitor compliance and record keeping with respect to the following:
-ensuring that all Diocese personnel are fully trained in to be able to identify and report sexual abuse;

-publication of methods of reporting abuse, and Diocesan policies;

-random testing of self-reported information from local parishes;

-ensuring proper identification of all personnel, volunteers, and others who have contact with minors;

-ensuring that criminal record and sex offender registry checks are done; the Coalition also believes that three should be a broader screening form that seeks disclosure of other sexual abuse allegations such as Children's Aid investigations;

-ensuring that any concerns about sexual abuse are fully disclosed when a priest is excardinated or incardinated..

The Coalition supports a program involving both internal self-auditing and external independent auditing. The auditing should include ensuring that records are properly maintained of training, publication of policies, criminal record checks and other screening checks, and the transfer of files when priests are excardinated or incardinated. There should also be in place consequences and methods of discipline for any failures to follow detection methods such as criminal records checks, training staff and publicizing policies.

The fact that Bishop Durocher was reluctant to overturn any decisions of Bishop Larocque, would cast some doubt on the present ability to put in place adequate early detection programs. (see volume 274, page 173) In addition, Bishop Durocher was unable to indicate whether the Leroux affidavit allegations were passed on to a receiving Diocese for a priest who was excardinated. (see volume 274 pages 185-187). If proper detection and audit policies were in place he would have been in place he would have

been able to respond more clearly. Policies should have dictated that the allegation be forwarded to the new Diocese, and that records of the transfer of information be in place and subject to audits.

CHILDREN'S AID SOCIETY

The Coalition for Action views the Second Street group home case as being key to understanding the evidence of the Children's Aid Society. The Second Street Group Home and the Silmser case would appear, to a casual observer, to be two distinct cases. However, when one closely examines the two cases they give one the impression that they are in fact connected. There can be no doubt that they are connected by aspects of involvement by Ken Seguin in both and intervention, as an investigator, by Hedi Sebalj in both. The Coalition for Action views these two cases, and the connection between them, as being central in relation to various motivations to fail to properly investigate the allegations of David Silmser. The Coalition also views the evidence of the Society as being valuable in terms of circumstantial evidence demonstrating guilty behaviour by representatives of the Cornwall Police and the Diocese.

The Director of the Children's Aid Society, Richard Abell, made it clear that he advised Perry Dunlop that he had a duty to report in the case of Father Charles MacDonald:

Mr. Engelmann: Did you think at that time that another option that you could have pursued was not to take the statement from him but to simply go to the Chief or a higher-up at the Cornwall Police Service and demand the statement?

Mr. Abell: I don't believe I thought of that option at the time, and the reason I don't think I thought of it was because I had the understanding that I'd discussed

earlier with Perry, that he had an obligation under the duty to report and we went through that in detail. He had the duty not only to provide me with the allegation as such but also the information on which he had founded those allegations, which meant a copy of the report.

(see volume 294, page 97)

Richard Abell himself wondered if there was a cover-up. Although he states that he did not find proof of a cover –up, he did confirm the following behaviour of Chief Shaver:

-During the first post Silmser settlement meeting between the CAS and the Cornwall Police, Chief Shaver was described as being "really angry", and "very angry". (see volume 294, page 104). This anger was as a result of Perry Dunlop going outside the police service. (see volume 294, page 105). Richard Abell does not agree that there was a banging of the fist but nevertheless he describes Chief Shaver as follows:

Mr. Abell:…..As I said, he was angry and exploded and saying, "He's got no right to do that" or something along that line.

(see volume 294, page 106)

The first response of Chief Shaver at the meeting was one of anger towards Perry Dunlop. (not anger towards the Diocese or Charles MacDonald or their counsel).

(see volume 294, pages 125-126)

-Chief Shaver acknowledged that the Cornwall Police had "screwed up big time" (see volume 294, page 129) and he was critical of the officers involved in the investigation (volume 294, pages 131 & 133)

-Chief Shaver made a comment that questioned the authority of the CAS to proceed based upon “out-of-channel” information. (see volume 294 page 134-135)

-Chief Shaver told Mr. Abell that there had been stories about Ken Seguin for some time. (see volume 294, page 205-206)

-The Cornwall Police did not, in the course of the Father MacDonald investigation, provide the names of two possible victims of abuse to the Children’s Aid Society.

Richard Abell confirmed the following behaviour of Bishop Larocque:

-Bishop Larocque was concerned about publicity. (see volume 294, pages 170-171)

-Bishop Larocque was taking Father MacDonald out of the parish for only a week and reluctantly agreed to two weeks. (see volume 294, pages 172-173)

-Bishop Larocque indicated that Charles MacDonald was denying the allegations but admitted to having sexual relations, more than four years ago, with adults and teenage males. (see volume 294, page 181-182 & 185)

-Bishop Larocque did not answer when he was asked for permission to speak to Jacques Leduc about the case, and at the end of the meeting the Bishop looked worried. (see volume 294, page 189)

Mr. Bill Carriere confirmed some of the above observations and indicated that they were given two weeks for their investigation and the Bishop look distressed. (see volume 281, pages 149-150), and that the settlement documents were not provided by

Jacques Leduc when they were requested. They were provided by Malcolm MacDonald. (see volume 281, page 151)

Geraldine Fitzpatrick testified in relation to Constable Sebalj's actions and reasons relating to the Jeanette Antoine investigation. Ms. Fitzpatrick may have had differences with Carol Leblanc, but there was no evidence of ill will towards the Cornwall Police. Ms. Fitzpatrick's evidence has a substantial amount of corroborating evidence such as the follows:

-the video taped statements of Ms. Antoine establish beyond any doubt that there was an investigation conducted by Cst. Sebalj with the assistance of Ms. Fitzpatrick;

-Ms. Fitzpatrick is a public official carrying out her duties;

-Ms. Sebalj's statements questioning her superiors and the Crown Attorney are consistent with her prior actions in secretly obtaining a statement analysis from Constable Snyder;

-the evidence of tension with her superiors and the Crown Attorney is consistent with the evidence of Richard Abell which suggested that Chief Shaver was disciplining Ms. Sebalj in some fashion;

-the evidence of the Cornwall Police and the Children's Aid Society witnesses that suggested that the Sebalj/Fitzpatrick investigation was not approved by anyone;

-Fitzpatrick relates comments of Cst Sebalj that are both negative to her superiors and also negative to Cst Dunlop. This increases the credibility of Ms. Fitzpatrick as in the circumstances that Cst Sebalj found herself in it would be expected that she might be upset with all sides. She relates that Cst Sebalj was upset at her file being taken by Cst Dunlop (see volume 282, page 25);

-she provided clear information on how Cst Sebalj knew Ms. Antoine (see volume 282, page 25);
-Ms. Fitzpatrick's evidence is corroborated by the fact that Cst Sebalj specifically asks Ms. Antoine about Ken Seguin and by the fact that the Cornwall Police remove Cst Sebalj from the investigation shortly after Ms. Sebalj and Ms. Fitzpatrick conduct the interview that refers to Mr. Seguin;
-Ms. Fitzpatrick's evidence that she was directed by Cst Sebalj not to tell her boss about the case is corroborated by the fact that she did not tell her boss about the case.
The Coalition for Action suggests that it is irrelevant that at some earlier point Constable Sebalj notes a lack of reasonable and probable grounds. It is clear that she is taking the advice of the Crown Attorney and her superiors. It is also clear that she is conducting the Antoine investigation secretly and not telling her superiors about it. She certainly may have had doubt about the advice she had received after the fall-out of the Silmser settlement and it is not likely that she would record either the Antoine investigation or her concerns with the Crown or her superiors in her notes.
-Ms. Fitzpatrick's evidence, that she heard that Cst Sebalj was being disciplined and being made to be a scapegoat, (see volume 282, page 77) is corroborated by the evidence of Richard Abell who testified that Chief Shaver indicated that Cst Sebalj was being disciplined.

Ms. Fitzpatrick testified in relation to Ms. Antoine's impressions from the 1989-1990 Cornwall Police and CAS investigation. Ms. Antoine felt that Greg Bell believed Ms. Antoine but she was under the impression that upper management had pressured him

and the investigation had been called off. She was left "hanging". (see volume 282 pages 80-81) The actual facts of the 1989-90 investigation show that the complainant was left hanging with no clear decision. It also shows a very minimal level of investigation from the Cornwall Police. Ms. Fitzpatrick gave compelling and credible evidence that explained the perspective of Cst Sebalj. Cst Sebalj appeared to have become disillusioned with her superiors and with the Crown Attorney and questioned their role and motives. The acceptance of the Silmser settlement as a fait accompli, by both the Crown Attorney and the Cornwall Police, without any real effort to investigate a possible obstruction of justice, would certainly justify some cynicism or change of heart on behalf of Constable Sebalj.

Constable Sebalj's identification of the possible connection, through Ken Seguin between the Jeanette Antoine Group home case and the David Silmser case, is one of the most intriguing aspects of the fiasco that is known as the David Silmser settlement. Perhaps the closest anyone came to the truth was when Constable Sebalj asked Jeanette Antoine if she knew Ken Seguin. Jeanette Antoine's appearance changed and she was not able to discuss the matter at the time. It was only later that Jeanette Antoine revealed to Constable Sebalj that in fact that Ken Seguin was her probation officer. Cornwall Police then shortly after that removed Constable Sebalj from the investigation of the Antoine matter and formally notified the Children's Aid Society that they were investigating the Second Street group home case.

Richard Abell received correspondence from the Cornwall Police, dated January 12, 1994, indicating that an investigation was about to be conducted of the Second Street group home. (see volume 296, pages 82-83) Until this point in time Richard Abell had been very clear and unequivocal in stating that "anyone reading the statement has a duty to report" to the Children's Aid Society. (see volume 296, page 71) This strong statement is not equivocal in any ways and can only be interpreted as suggesting that the Cornwall Police should have reported the David Silmser allegations from the beginning. This view was also supported by the evidence of Mr. Carriere when he testified that there was a clear duty to report. (volume 281, page 154). Mr. Abell appeared, after receiving the notice from the Cornwall Police that the Jeanette Antoine case would be investigated, to take a public position that was more favourable to the Cornwall Police. Instead of saying that anyone reading the Silmser statement would have had a duty to report, he appears to be sympathizing with the Cornwall Police and suggesting that it is a judgment call. Instead of the clear position that anyone reading the statement would have a duty to report, Mr. Abell suggests it is not as clear:

"Mr. Horn: So if Mr. Dunlop were to read this article and – or just any police officer, would you be giving them the feeling that you're telling them that they don't have to report historical sexual abuse; it's a judgment call; it's not mandatory? Mr. Abell: the issue, Mr. Horn, has to do whether an officer as was the case with Mr. Dunlop, believes that the historical event has implications for children in the present. That's the issue. That's where the judgment call comes in.

The Commissioner: But isn't it the duty – if the police officer comes up and he's got an allegation of historical sexual abuse by an adult but when he was a child, isn't the judgment call yours as to whether or not you will investigate?

Mr. Abell: Ultimately, yes. You are correct.

The Commissioner: All right. And that his duty, if those facts come up, the bare facts, that it's up to you and your Society to evaluate whether there is any risk to any children, so that in fact –

Mr. Abell: Correct.

The Commissioner: --- if a – the police officer would have an obligation, because he doesn't know whether or not the person is with children or what he's doing?

Mr. Abell: That's true, but as you're aware in the legislation, sir, there is no – that, I'll call it a line, has not been drawn."

(see volume 296, pages 86-87)

The issue is not whether Mr. Abell is correct but the fact that he is altering his position and that he is publicly announcing the altered position shortly after being notified of the intent of the Cornwall Police to re-open a case that is potentially extremely embarrassing to the Children's Aid Society.

It was also pointed out, by the Coalition for Action during the cross-examination of Mr. Carriere, that the Children's Aid Society did not appear to be taking very strong action in pursuing Perry Dunlop for a further statement. While there was a telephone call to the Dunlop residence, there were no letters or personal visits.

"Mr. Paul: Just another point on this – attempts to contact Dunlop -- Was there any attempt to contact his supervisor, even the Chief of Police, to ask that they make him available and request that he come and see Children's Aid? I mean during the time period where there was difficulty.

Mr. Carriere: No, there wasn't actually at that time. In, you know – later, and even as I'm preparing for this Inquiry, I was thinking in terms of what else could we have done with Mr. Dunlop, or Officer Dunlop, and the only two things that that I could think of were to send the letter to him and the other was to contact his supervisor and say this is what's been happening. He tells us that he's got more information and he is not forthcoming with that information. Is there any way that you can assist us in that regard? Those are the only two things that I could think of.

Mr. Paul: What I'm suggesting is that the Society may not have contacted the Chief of Police or the Police Department because perhaps that might be viewed as something that would get the Children's Aid involved in the politics of the Cornwall Police and possibly strain the relationship between the two agencies.

Mr. Carriere: I don't think our concern was about the straining of the relationship. I think we were aware and I think it's reflected in Greg Bell's notes that we didn't want to cause any harm to Mr. Dunlop. One of the things that I know that we did was, and I'm not sure, I think it was Greg that may have spoken to Staff Sergeant Garry Derochie in terms of getting permission to speak to Mr. Dunlop……."

(see volume 281, page 160-161)

One would have to wonder why at this very point in time the Cornwall Police, after leaving the Jeanette Antoine case in limbo since 1990, would decide to begin to conduct an investigation. Would it be possible that the Cornwall Police misunderstood Constable Sebalj's intentions. Is it possible that they, as suggested by Staff Sgt Derochie, saw it as Cst Sebalj using an opportunity to get even with Richard Abell (people in glass houses shouldn't throw rocks). If the purpose was to get revenge against the Children's Aid Society then why recruit Ms. Fitzpatrick from the Children's Aid Society? The question is did the Cornwall Police fail to understand the true motives of Cst Sebalj but decide that the perceived objective, of embarrassing the Children's Aid Society, was a worthwhile goal now that the Children's Aid Society was intent on investigating the Charles MacDonald case. It is certainly possible and maybe even likely that perhaps Cst Sebalj's goals were more altruistic than those of her superiors in the sense that the questions to Jeanette Antoine about Ken Seguin would logically be aimed at uncovering why both the Children's Aid Society and the Cornwall Police were so reluctant to pursue Mr. Seguin. No contact was made by the Children's Aid Society with either Mr. Seguin his superiors in the short period before his death when the Children's Aid Society was investigating. Similarly, no effort was made to interview Mr. Seguin by the Cornwall Police, notify his employer (even after the Crown Attorney suggested this as a possible course of action), or determine why David Silmser did not want to proceed with his complaint after speaking to Ken Seguin by telephone.

When the Cornwall Police re-investigated the Jeanette Antoine matter the Cornwall Police did not provide Ms. Antoine's prior statements to either Ms. Antoine or

the Crown Attorney reviewing the case. Ms. Antoine's prior statement to Kevin Malloy was available to the Cornwall Police through OMPAC when they reviewed the Antoine case in 1994.The prior statement from the 1990 investigation made reference to a sexual touching in a bedroom while sexual comments were being made. This was certainly more compelling information than the pinching of breasts in what may have been a discipline context and not a sexual context. While it was for the police to decide on reasonable and probable grounds, why would they leave out vital information when they are asking the Crown Attorney for his views on reasonable and probable grounds? Did it have anything to do with Richard Abell's public comments that appeared to be taking a more lenient stance with the Cornwall Police Services. If the complainant had, in 1990, expressed a desire to only proceed on the physical assaults and not the sexual assaults, would it be logical to conclude that she might not volunteer information on the sexual assaults but only volunteer information on sexual touching in a disciplinary context. Certainly this was an issue that should have been explored with Ms. Antoine through a review of her statement and through a review by the Crown Attorney. Officer White took the unusual position that the prior statements were of value to himself but not to the Crown Attorney:

"Mr. Paul: ….Are you saying that you didn't consider Constable Malloy's statement or are you saying that you did review it and you did consider it as a part of your investigation?

Sgt. White: I did review the statement. I did get – I did get some information from the statement.

Mr. Paul: So, essentially, what you'd be saying is that Kevin Malloy's statement was of value for you for investigative purposes but it was not of value for the Crown. That's what you're saying?

Sgt. White: Yes."

(see volume 290, page 86-87)

It is not articulated in the legal opinion of the Crown Attorney as to why the focus was on limitation periods for common assaults when in fact there is some evidence of allegations, by Ms. Antoine, of an assault with a weapon and a broken arm or wrist. These allegations appeared to have been ignored.

Sgt White indicated little knowledge of why Cst Sebalj was replaced by himself in the Antoine investigation. However, he did contradict Staff Sgt Derochie by indicating that he perceived no impartiality or improper motive on the part of Cst Sebalj. (see volume 290, pages 98-99) The theory of the Coalition for Action in relation to the Antoine investigation was put to Sgt White in the following series of questions:

"Mr. Paul: There's a portion towards the bottom I wanted to ask you about. It's a reference to:

"Constable Sebalj's interest in Jeanette Antoine's history surfaced again in November of 1993. Constable Sebalj had been advised that the Children's Aid Society would not investigate allegations made against a Cornwall probation officer, suggesting that Probation was not within the Children's Aid Ministry."

Were you aware of any suggestion at any point that there was not going to be an investigation by Children's Aid of Ken Seguin because he was not in their ministry? Did that kind of comment ever come to your attention?

Sgt White: I don't believe so.

Mr. Paul: But you were aware that – of course, you would have been aware that Constable Sebalj at some point was the lead investigator in the case of Mr. Silmser; correct?

Sgt White: Yes.

Mr. Paul: And you would obviously have been aware at some point – likely back then, you would have been aware that the Silmser case dealt with two individuals including one being Ken Seguin; correct?

Sgt White: At some point.

Mr. Paul: Would you have been aware of that back in early '94?

Sgt White: I'm not sure.

Mr. Paul: Now, towards the end of this document, page 4, which is Bates page 556, there's a reference towards the middle of the paragraph:

"At no time in Constable Sebalj's meeting with Antoine did Ken Seguin's name surface. At the end of the audiotaped interview, Constable Sebalj asked Antoine if his name meant anything to her. Constable Sebalj observed Antoine's colour fade, however, Antoine could not explain it nor did she provide any information on the male."

I understand that you may not have had this document, but you indicated that you did at some point review the tapes?

Sgt White: Yes.

Mr. Paul: Do you have a recollection – and I assume that you would have listened to the whole tape, including the part where there's some question about Ken Seguin?

Sgt White: I don't remember that part.

Mr. Paul: Now, you yourself are a fairly experienced investigator?

Sgt White: I am now.

Mr. Paul: Even at that point, you would have been – you had some experience in criminal investigations?

Sgt White: Yes.

Mr. Paul: And to your understanding, normally, a police officer normally doesn't ask questions unless they have some purpose in your experience?

Sgt White: No, that's not always the case

Mr. Paul: Did it strike you as unusual there was some question about Ken Seguin?

Sgt White: I am not sure I can answer that question. I don't know what you're asking me and that—

The Commissioner: Well, do you have any recollection during your travels in this investigation of the name Ken Seguin coming up?

Sgt White: Yes, I do

The Commissioner: And that he was -- there was allegations of wrongdoing against him?

Sgt White: Yes.

The Commissioner: All right. Did you know who Ken Seguin was at the time?

Sgt White: I knew he was probation officer, but more than that, I didn't know.

The Commissioner: Okay. But would that not – did that surprise you that there's an allegation against the probation officer?

Sgt White: Yes.

Mr. Paul: I just want to ask you, was it your impression when you took over the investigation in early 1994, was it your impression that Constable Sebalj was embarking on some theory by approaching Miss Antoine – was it your impression she was embarking on some theory that the Antoine case and Silmser case were connected and that that connection was Mr. Seguin, and that was what she was pursuing?

Sgt White: No.

Mr. Paul: Did you have knowledge of that?

Sgt White: No, I didn't.

Mr. Paul: Did you have any knowledge back then as to whether Constable Sebalj was pursuing some theory that the Children's Aid or other authorities were reluctant to pursue Mr. Seguin because of his knowledge of the Antoine case ---

Sgt White: No.

Mr. Paul: --- or the group home case? Did you have any knowledge of any fear by authorities to pursue Mr. Seguin because of some connection or knowledge he had with the Antoine group home case?

Sgt White: No.

Mr. Paul: No knowledge of that. Now this – would your understanding be that Miss Sebalj was on this matter – as you look at the OMPAC report, it makes reference to the 6th of January 1994. It indicates:

"On Thursday, January 6th, 1994, Constable Sebalj met with Antoine at her residence on which date Antoine advised that Ken Seguin had been her probation officer."

Is that consistent with your knowledge being that Miss Sebalj or Constable Sebalj was on the case up until the 6th of January, 1994?

Sgt White: I don't recall.

Mr. Paul: Okay. Was it your recollection that she was still doing something with respect to that case up until early 1994?

Sgt White: My memory is that I had knowledge she was involved with an investigation concerning Mrs. Antoine until the end of '93. Whether it would have spilled over until '94, I can't say

Mr. Paul: Okay. And you would have taken over the case somewhere around the 18th of January?

Sgt White: That's correct.

…..

Mr. Paul: What I wanted to ask you is, in terms of your involvement around January 18, 1994 in becoming involved, did that have anything to do with any concern by authorities or police that Miss Sebalj was directing questions about Mr. Seguin that were making people or authorities uncomfortable?

Sgt White: No, not at all. I had no knowledge of anything like that."

(see volume 290 pages 99-106)

The series of questions above expresses the position of the Coalition for Action in relation to the interaction between the David Silmser and Jeanette Antoine cases. The Cornwall Police appear to have had no interest in the Jeanette Antoine case for years. Suddenly, the case is re-opened by Cst Sebalj who inquires specifically about Ken Seguin. It is revealed by Cst Sebalj that Ken Seguin was in fact the Probation Officer for Ms. Antoine and as a result of that he would be expected to have some knowledge of the Second Street group home. It was later revealed by investigations by Sgt White and the Ontario Provincial Police that Ken Seguin was accused of blackmailing and abusing a lady who had lived in the group home at the same time as Jeanette Antoine.(see volume 290, pages 107-108). It was also revealed by the investigations of Sgt White that there were numerous prominent people on the Children's Aid Society Board of Directors, at the time original group case arose, and none of them reported the matter to the police. Ms. Sebalj is removed from the Antoine matter within a few weeks of her inquiries about the Ken Seguin connection. Ken Seguin's connection to the group home case is never fully explored once Ms. Sebalj is removed from the case. It is a curious coincidence that the Jeanette Antoine case is a potential embarrassment to both the Cornwall Police and the Children's Aid Society, due to the failure of the Children's Aid Society to report the matter in the 70's and the actions of the Cornwall Police in 1990 in leaving the case in limbo and completely abandoning the complainant Ms. Antoine. The other curious coincidence is that arguably both the Children's Aid Society and the Cornwall Police Service were extremely reluctant to investigate Ken Seguin in the David Silmser case. Are these coincidences or were the authorities fearful of pursuing Mr. Seguin because of his knowledge and information that he had in relation to the group home case and other

cases. These questions are questions that were obvious questions in relation to issues of conspiracy and cover-up. The fact that some of these questions are unanswered today is not an absolution of the public institutions, but is an indictment of the investigators of the Ottawa Police and Ontario Provincial Police who never addressed these issues.

The idea that the Children's Aid Society was reluctant to investigate Ken Seguin has some support in the evidence of the Children's Aid testimony. Mr. Carriere acknowledged that the Children's Aid Society did not contact Ken Seguin or his supervisor in the roughly two month period from the time the investigation was opened until the time that Mr. Seguin died. He also acknowledged that the Society had not conclusively established that Mr. Seguin's work could not place him with minors. (see volume 281, pages 137-138) The Society had some information suggesting that Mr. Silmser may have been 13-14 at the time of the alleged assaults by Ken Seguin. (see volume 281, page 139-140). The explanation of the Society, that the Society did not contact Mr. Seguin's employer out of concern for his reputation or liability, is difficult to follow because 1) there is a statutory protection for workers acting in good faith, 2) the employer at Probation Services would presumably be governed by confidentiality regulations, and 3) if there was a legitimate investigation of Ken Seguin, through witness interviews, then it would be expected that some information about the allegation would filter out within the community:

"Mr. Paul: In terms of, for example, contact with Mr. Seguin's employer, the Probation officer, you had some concern because of the Dawson Report and potential civil liability?

Mr. Carriere: Mr. Dawson definitely felt, as part of his review, that we were launching investigations without sufficient grounds to do so and that more effort needed to be put into obtaining information from referral sources or -- -- well, in this case would be people like Mr. Silmser before we would – before we should proceed with an investigation.

Mr. Paul: All right. In that regard, I just wanted to ask you, at the time were you familiar with any statutory protections for Children's Aid Society workers who were acting in good faith investigating a report; any provisions of the Child and Family Services Act that would bar a civil action?

Mr. Carriere: Yeah, I believe that they were, but I think that you have to – I think the language suggests that you had to have the grounds to do it and if you – anyway, yeah, I believe that I was aware of that.

Mr. Paul: You were aware that if workers were acting in good faith, it would be difficult for there to be civil liability?

Mr. Carriere: Yes.

Mr. Paul: All right. And did you not think that perhaps a good faith action would have been contacting the employer just to verify for certainty that there would not be any access to minors while the investigation was being conducted?

Mr. Carriere: I think the other issue that would have come into play at that time, sir, was without determining whether or not we had sufficient information go to the

employer could potentially destroy someone's career and we felt that we needed sufficient information before we could proceed.

Mr. Paul: All right.

Mr. Carriere: This is a small community and word travels very quickly, and sometimes people don't recover from these things.

Mr. Paul: Right. And you didn't have confidence that a supervisor at Probation could keep the matter confidential until the results were in?

Mr. Carriere: The difficulty is that you face is that when information gets into the hands of another party, you cannot control it. We can't go over and say, you know, you can't let this information leak out. It's out of our control.

Mr. Paul: You don't agree that that's part of the natural process of investigating a report, that part of the natural process is in order to investigate, some information will often get out?

Mr. Carriere: It's part of the natural process, but it's a process that you want to control as much as you can. We don't want to create unnecessary harm to people." (see volume 281, pages 143-145)

In conclusion it is submitted that the evidence of the Children's Aid Society provides circumstantial evidence indicating that the Cornwall Police Services and the Diocese may have been involved in some type of cover-up of the David Silmser case. The Children's Aid Society testimony also provides evidence, relating to the Jeanette Antoine case, that should have been investigated and pursued by the Ontario Provincial Police during the conspiracy investigations.

. ONTARIO PROVINCIAL POLICE

The initial investigations of a possible conspiracy were conducted by the Ontario Provincial Police under the leadership of Inspector Tim Smith. It is obvious that it would not have been an easy task to prove a conspiracy when the objective of any conspiracy (the Silmser settlement) was already completed. Certainly approaching one suspect informally would not likely have proven a conspiracy. The refusal to take the conspiracy issue seriously came from the leadership in the investigation so there was never any prospect that a conspiracy was going to be uncovered when the idea of a conspiracy was not taken seriously be investigators. Inspector Smith's explanations were at times absurd such as the suggestion that in a complicated conspiracy allegation that you interview everyone or nobody, and that the justification for not interviewing Constable Dunlop and Constable Sebalj was that they could have called Inspector Smith. Inspector Smith was investigating homicide cases at the same time that he was involved in the Cornwall investigations. Would he justify not interviewing witnesses in a homicide case because they did not call him? An analysis of this severely flawed conspiracy investigation must begin with the meeting between Chief Shaver and Inspector Smith.

Inspector Smith met Chief Shaver at Chief Shaver's residence, in July of 1994, and determined that Chief Shaver could not have been involved in a conspiracy because he had been involved in a dispute with Bishop Larocque in 1986. If Inspector Smith actually believed in this rationale then his thinking was an example of tunnel vision which completely ignored other motives behind a conspiracy. Bishop Larocque was not a

suspect in the criminal investigation of David Silmser's complaints to the Cornwall Police. The suspects were Charles MacDonald and Ken Seguin. There were no investigations conducted by Inspector Smith into possible contacts between Ken Seguin or Charles MacDonald and Chief Shaver. Even in 2008, when Tim Smith testified at the inquiry he still appeared to be mired in the same tunnel vision that caused him to be incapable of even conceiving possibility of a connection between Chief Shaver and Ken Seguin. It has to be remembered that when Inspector Smith originally becomes involved in the conspiracy allegations, Perry Dunlop has not at this point interviewed witnesses. Perry Dunlop's own investigations are likely a result of a failure of the Ontario Provincial Police to give any serious consideration to conspiracy allegations. If there are flaws in Perry Dunlop's investigations then one has to ask whether those flaws, if any, are the fault of the Ontario Provincial Police for failing to do any serious investigation initially. One also has to ask whether there would have been any subsequent conspiracy investigation had it not been for Perry Dunlop's actions in distributing the Fantino brief.

Had Inspector Smith taken the conspiracy allegations seriously he could have only looked for witnesses like Gerry Renshaw, C-8, and Carole Hesse. Inspector Smith was either not taking the conspiracy allegations seriously or he was suffering from tunnel vision. Not only did he fail to investigate whether there was a connection between Chief Shaver, he refused to even contemplate the possibility and suggested that was "reaching for stars":

"Mr. Paul: ….And I'm wondering if you ever considered that the Cornwall Police may have had -- looking at motivations, the motivations may have been – if there was one -- may have been more associated with Ken Seguin as opposed to Charles Macdonald. I wondered if you ever considered that?
Insp. Smith: I couldn't see that. You're reaching for stars, sir with that one."
(see volume 312, pages 129-130)

It does not give one a great deal of confidence that a proper investigation of conspiracy was done when the officer is only asked if he ever "considered" the possibility of a connection between Chief Shaver and Ken Seguin and he gives the impression that he believes that it is absurd even to consider such a possibility. This is hardly a speculative question when one considers the number of different witnesses who later placed Chief Shaver at Ken Seguin's residence. If the Ontario Provincial Police had done a proper conspiracy investigation originally then perhaps they would have uncovered witnesses themselves instead of failing to act until they received Perry Dunlop's Fantino brief . Inspector Smith could also have challenged Chief Shaver in a number of areas such as:

"Circumstantial evidence of conspiracy existed in the form of a negligent investigation in the David Silmser case:

"Mr. Paul: And I'm just wondering, as part of that, would you have looked at whether there was circumstantial evidence in the sense of a – evidence of a poor investigation might support, either negligence or, on the other hand, conspiracy?

Insp. Smith: Well, he readily admitted it was a poor investigation.

Mr. Paul: All right. And ---

Insp. Smith: But does that – that doesn't make a conspiracy.

Mr. Paul: All right. But in terms of trying to establish a conspiracy, it's not necessarily an easy thing to do; correct?

Insp. Smith: Would you repeat that?

Mr. Paul: Trying to establish a conspiracy is not an –not always an easy task; correct?

Insp. Smith: No, not at any time."

(see volume 312, pages 117-118)

Inspector Smith presents as a partisan witness during the above exchange in that he can not even concede, in the context of the obvious difficulties in proving a conspiracy of this nature, that a negligent investigation in the David Silmser case might afford circumstantial evidence. Even retired Superintendent Brian Skinner, with all of the flaws in his investigation, readily admitted that negligence would be potentially circumstantial evidence of a cover-up or conspiracy. The sequence above is one of numerous exchanges that should lead one to be left with no confidence in the evidence of Inspector Smith surrounding the conspiracy issues. Is the fact that Chief Shaver admits that others, not necessarily himself, bungled an investigation a defence to the claim of a conspiracy or

was it an explanation that was given early on to the Children's Aid Society to defect any hint of a cover-up?

The failure of the Cornwall police to interview Charles MacDonald.

"Mr. Paul: All right. But in terms of -- in terms of the polygraph or the failure to conduct an interview of Father Charles, did you find that troubling?
Insp. Smith: He should have been interviewed, but at what stage, I don't know."
(see volume 312, page 119)

Again Inspector Smith is more reluctant to criticize, the Cornwall police, than the authors of the seriously flawed Ottawa Police Services report. Why would he refer to "what stage, I don't know". It is likely because there had never been any serious analysis or thought of challenging Chief Shaver or the Cornwall Police approach to the David Silmser investigation. If there had been a serious analysis of the investigation then surely there would have been some concern about not taking up the possibility of a polygraph or an interview, and some question about why the Crown Attorney would be approached prior to attempting to interview the suspect. Of course the Ontario Provincial Police perspective on the potential benefits of a Charles MacDonald interview must also be questioned. When the Ontario Provincial Police did themselves interview Charles MacDonald, they failed to conduct a vigorous and probing interrogation.

The placing of the David Silmser file in a project file.

When former Superintendent Skinner testified he indicated that it would be unusual to use a project file to protect an accused. He also agreed that if the accused was offering to do a polygraph then the project file would not be used to hide the investigation from the accused. (See volume 196, pages 130-131) In the case of inspector Smith he appears to have had little knowledge of how the project file was used in the David Silmser case:

"Mr. Paul: What about the level of secrecy of the file that the evidence seemed to show that originally it didn't appear on any OMPAC reports and then after the settlement it's put on a project file. Is that something you took into account in terms of circumstantial evidence of a conspiracy?
Insp. Smith: It's not unusual when you get a high-profile investigation in the early stages. To give it a file number, but keep it sort of under wraps that the general – the general office doesn't find it. If it ends up in a typing basket, before you know it, it – in this town, you don't need a newspaper. It would be all over the place and that could inhibit the investigation.
Mr. Paul : Ultimately, would you agree that if that type of investigation was looked at thoroughly – witnesses, alter boys being tracked down – that there's a very good chance as a result of the investigation itself, it's going to get out in the community?
Insp Smith: Oh, it does eventually.
Mr. Paul: Right. Particularly in ---

Insp. Smith : But not in the initial stages.

Mr. Paul: All right. So is there necessarily a reason to keep it secret throughout the whole time, not on OMPAC and then on a project file?

Insp. Smith: We kept ours under wrap – Project Truth under wraps. We didn't leave that in the general files for every police officer to see, to discuss with his wife at night so it ends up in coffee shops allover the place. And trust me, that happens. So, I – I don't take great issue with that.."

(see volume 312 pages 119-120)

Did Inspector Smith give so little thought to the idea of a conspiracy that he did not appreciate the fact that Chief Shaver, the person he referred to as a micro-manager, ordered the case to be put into a project not in the early stages of the investigation but only when the investigation appeared to have ended. When the project file direction was given, the Crown Attorney had given their final opinion on the matter and no real investigative work had been done for months. Would it not have been appropriate to have given some consideration to the fact that the creation of the project file coincided not with the opening of the investigation but with was in fact more close in time to the illegal settlement, and to have given some consideration that the project file had the affect of protecting two suspects who were never interviewed by the police or asked to attend an interview. In the circumstances it appears to be wrong to refuse to weigh this piece of evidence and to simply to reject it out of hand.

The Failure to co-operate with the Children's Aid Society, and the failure to notify the Children's Aid Society and Mr. Seguin's employer.

Inspector Smith did appear to concede that there were some questionable areas relating to Chief Shaver and the Cornwall Police. Inspector Smith appeared to agree that cooperation with the Children's Aid Society and Probation Services is an area he could have pursued with Chief Shaver:

"Mr. Paul: What about the fact that Children's Aid and Probation were not notified? Is that some cause of concern when you were looking at the file that might have been something that you could have looked at further?
Insp. Smith: Yeah, I agree with you on that.
Mr. Paul: And then subsequent, when the fallout of the settlement occurs, there's some evidence suggesting in the Fall of '93 that there were two complainants, C-56 and C-3. There was an issue that the Cornwall Police did not want to give the names, for confidentiality reasons, to the Children's Aid?
Insp. Smith: I –would.
Mr. Paul: And there was another issue in terms of evidence at the initial stages when Mr. Abell of the Children's Aid meets Claude Shaver, there's some suggest in the evidence that Mr. Claude Shaver may have done something to question the authority or the right to proceed. Is that something – that evidence would cause you some concern?

Insp. Smith: I don't quite understand the question, I'm sorry. I'm sorry, would you ---

Mr. Paul: Lack of – if there was any evidence of lack of cooperation of the Chief of Police with Children's Aid authorities, would that be something you'd be concerned about?

Insp. Smith: Yes. I don't think there – I think there should be open communication both ways ---"

(see volume 312, pages 120-121)

In the end Inspector Smith maintains that there was not sufficient cause to conduct inquiries beyond speaking informally to Chief Shaver. His rationale was essentially that everyone in the Cornwall Police would have known if there had been a conspiracy so he did not have to inquire about it because naturally someone would come forward and speak to him if there was any wrongdoing:

"Mr. Paul: I'm just asking you generally, given the state of what circumstantial evidence there was about the investigation and concerns, do you think there was enough circumstantial evidence to warrant some more inquiries in relation to Claude Shaver and the Cornwall Police then simply meeting him informally?

Insp. Smith: And inquiries in which way, sir? By who and where?

Mr. Paul: Conducting further interviews of other persons in the Cornwall Police beyond Claude Shaver.

Insp. Smith: Well, we've – I addressed that earlier. When you investigate a police force, you either interview everybody on the police force or nobody. There were a number of officers that were involved with the Cornwall Police then that had – there was dissension. And although some people may mot agree with me, it's been my experience that people will come forward and give information it they're aware of what's going on. I received no information whatsoever. The second go-about there were more officers interviewed and the same results came out."
(see volume 312, pages 122-123)

This issue was also addressed by commission counsel at volume 302 pages 101-105. At page 103 of volume 302 part of Inspector Smith response to commission counsel indicates "There were too many people -- just too many people knew what was going on to really carry on, in my opinion, a conspiracy". This answer is full of contradictions. What did too many people know about. Knowledge that a priest is being investigated does not necessarily equate to knowledge of why the matter was not proceeding to charges. The truth is that when the issue was raised at the daily morning meeting, not a single senior officer came forward to tell Sgt Lortie what was going on in the case; nor did any of those senior officers come to the defence of Staff Sgt Brunet in the face of what appeared to be comments that might be critical of his handling of the case.

"Mr. Paul: In terms of everybody in the police department knowing what's going on, wouldn't it be your impression that Sergeant Lortie was raising the issue because he, in fact, appeared not to know what was going on?

Insp. Smith Sergeant Lortie what?

Mr. Paul: Appeared not to know what's going on, that's why he was asking what's going on with that file.

Insp. Smith: I'm not aware of that."

(see volume 312, pages 139-140)

Inspector Smith had no valid response to the suggestion that in fact a senior officer was questioning what was going on in the Silmser case and he was not being given any answers. Apart from the issue raised by Staff Sgt Lortie, a claim that everyone in the Cornwall Police would be aware of a conspiracy is not logical and contradicts Inspector Smith's own evidence. It is Inspector Smith who indicated that the project file would keep knowledge within a select group of officers and now he believes that with a project file in place everyone in the Cornwall Police would be aware of the intricacies of the case that might point to a conspiracy. In fact it appears on the evidence that the ultimate opinion of the Crown Attorney was a closely guarded secret that was not released at the morning meeting in which Staff Sgt Lortie raised the issue. Despite this fact, and despite the evidence that Staff Sgt Lortie had complained about the David Silmser case being either a "cover-up" or a "shame", Inspector Smith insisted that it was not necessary to interview Staff Sgt Lortie.

Inspector Smith maintained, throughout his evidence, the notion that witnesses, whether they be Staff Sgt Lortie, Perry Dunlop, or Heidi Sebalj, did not have to be actively pursued. They would appear on their own if they had information. This belief

was in the face of the knowledge that there was an ongoing discipline proceeding involving Perry Dunlop. Incredibly, Inspector Smith was able to give four reasons for not interviewing Perry Dunlop. The numerous different reasons may indicate that the witness was uncomfortable over the fact that this was not done. The first reason given for not interviewing Perry was some form of suggestion that he would not have any relevant information:

"Mr. Paul: Did you want to meet him or interview him?
Mr. Paul: Perhaps given that some of these matters seemed to stem from him, would it have been appropriate to, if not speaking to everybody in the Cornwall Police, at least interview him and see his side of it?
Insp. Smith: He's the one that made the allegations against he police force. He wanted the matter investigated. We investigated. What other information did he have at that point other than what I already had? And that was that he disclosed the statement to the CAS and that was it."
(see volume 312, ,page 124)

Did Inspector Smith fail to see that the conduct of management, towards Perry Dunlop, might be considered as potential circumstantial evidence. Inspector Smith failed to see that Perry Dunlop was an obvious potential source of information:

"Ins. Smith: --- I work with Perry Dunlop when he's making accusations against his own police force?

Mr. Paul: Well, this was 1994.

Insp. Smith: Ninety –four ('94), I'm talking, yes, but he's making accusations against his own police force of a cover-up, so I'm going to have him come on my investigation to investigate them? That doesn't work, sir.

Mr. Paul: Well, I'm not suggesting ---

Insp. Smith: Well, that's what you were saying.

Mr. Paul: I'm suggesting you interview him and take a statement which, I would suggest, is not him being on your side, it's doing the same thing you do with Claude Shaver's taking a statement ---

Insp. Smith: Well ---

Mr. Paul: --- getting the other side.

Insp. Smith: --- that wasn't done.

The Commissioner: In other words, treat him as a complainant?

Insp. Smith: Yes. If he wanted to a file a complaint with me, yes, and that's what the investigation was.

The Commissioner: Well, no, but I guess what – is that if he is a complainant, you'd want to sit down, talk to him, and say, "listen, give me everything you've got so that I can look into it. Give me the ins and outs of the Cornwall Police and I'm going to go in and do an investigation"?

Insp. Smith: I felt that I had what – everything he had ---

The Commissioner How do you know ---

Insp. Smith: --- at that point.

The Commissioner: How do you know if you don't ask him?

Insp. Smith: Well, the other thing is, what did he have? I'm in the early stages. He's taken a statement; he's given it to the CAS. People are trying to say, "Stay out of the investigation", so all of a sudden he's saying, "Okay, there's a cover-up," and away he goes and that's it? Where's his evidence? I've got ---
The Commissioner: If you don't ask him, you won't know."
(see volume 312, pages134-135)

Inspector Smith again refers to the excuse that Perry Dunlop may have had no information so there was no need to interview him. It is clear that Inspector Smith had not idea whether Perry Dunlop had any relevant information or not because he made no inquiries to Perry Dunlop. At the beginning of the exchange of questions and answers above Inspector Smith provides another excuse for not interviewing Perry Dunlop. Perry Dunlop is accusing his own police force of misconduct and therefore it would be inappropriate to have any contact with him. This is likely the real reason Perry Dunlop was not interviewed; there was an obvious bias in favour of Chief Shaver and against Perry Dunlop. It was pointed out that Inspector Smith would not be taking sides, he would be simply interviewing a complainant. At that point Inspector fell back to the second excuse which was the claim that he knew Perry Dunlop would have no relevant information even though he had not spoken to him. Inspector Smith then proceeded to provide a third and fourth excuse:

"Insp. Smith: Well, even to this day, Mr. Commissioner, when he – when I look at everything he had, I don't see any evidence there, 18 years, 14 years later.

The Commissioner: No, no, no, but at least if you – in hindsight, if you sit the fellow down and say, "Give me everything you've got" and then you start picking away and you say, "Okay, are you saying the Bishop and the Chief of police are in cahoots"?

Okay, well, you go out and find out that a few years ago the Cornwall Police Service wiretapped or put – had somebody go in there with a recorder to talk to the Bishop. I mean, that doesn't show a conspiracy, it shows the opposite, that the police force and the bishop weren't seeing eye-to-eye about things and you kind of clip them one at a time as you go down.

Insp. Smith: That could be done, but, then again, too he was on sick leave by the time I got there, and I'll tell you what happens with sick leave, is that we don't – when they go off on stress, when an officer goes off on stress and there's an investigation, we wait until they return. I'll tell you why, is that if I went and for example interviewed Perry Dunlop when he was no stress, he could easily say that -- I'm not saying he would – but it could exacerbate the matter, and the next thing I know I'm into a suit and I'm into difficulty in that way."

(see volume 312, pages 136-137)

The third excuse of Inspector Smith looking at all of the evidence after the fact today, he does not see a conspiracy. At this point the excuses are becoming absurd; obviously the results of a subsequent investigation have no relevance to why he did not interview Perry Dunlop. His bias is also apparent by the reference to Perry Dunlop's investigations not showing "any" evidence of conspiracy. He still refuses to consider that

the evidence, uncovered by Perry Dunlop, placing Chief Shaver at the Ken Seguin residence would amount to some circumstantial evidence of a conspiracy particularly where Chief Shaver is denying these visits to the Ken Seguin residence. The fourth excuse is not particularly credible. Firstly, the fact that it comes fourth in order gives the impression that it was not really the reason for not interviewing Perry Dunlop but is only referred to because the other three excuses were not effective. Secondly, Perry Dunlop did not have to be forced to attend an interview; perhaps he could be extended the option, that was given to Claude Shaver, of writing out his own statement if he wished to do so. Thirdly, an officer might go on stress eave because they are accused of wrongdoing and it might be stressful to be interviewed about the alleged wrongdoing. In this case Inspector Smith is not there to interview Perry Dunlop about complaints, of releasing information, against Perry Dunlop. He is there to investigate complaints against others so why would he presume that Perry Dunlop would not want to cooperate.

The credibility of the "stress leave" excuse is left in further doubt when one reviews how it surfaced with the evidence of efforts to obtain information from Cst Sebalj. Inspector Smith did not have any recollection of what he discussed with Cst Sebalj in 1994. In response to a question about why a formal statement was not taken, Inspector Smith said as follows:

"Mr. Engelmann: All right. Did you consider taking a statement from her?
Mr. Smith: At some time I did, but then my contact with Heidi was terminated, I guess, at one point later on. It may have been in the following year that when she

went off on sick, she wouldn't talk to me anymore. The last conversation I had with Heidi was a telephone conversation indicating that – alleging that Father MacDonald was leaving the country. And at the same time, I recall, while I was speaking to her I received a call from either John – I believe it was John Macdonald to give me the same information. So I was going to call her back and she never responded to any calls again."
(see volume 301, pages 212-213)

Cst Sebalj was available in 1994 to speak to Inspector Smith. The Overview of Documentary Evidence puts her carrying out police duties even in December of 1997. The following portion of Inspector Smith's evidence reveals that there was no effort to explore conspiracy issues with Cst Sebalj:

"Mr. Paul: And she gave some testimony that --- suggesting that Ms. Sebalj seemed to open up to her and make a number of complaints known to the CAS worker, Ms. Fitzpatrick. Were you aware of this?
Insp. Smith: Only from what I heard here in the Inquiry
Mr. Paul: And I'm just wondering, do you think that if you had approached Ms. Sebalj and requested that she provide information on an anonymous basis, do you think that might have assisted the conspiracy aspect of the investigation?
Insp. Smith: Well, I don't believe Ms. Fitzpatrick, to tell you the truth. Ms. Sebalj, when I did speak to her and I was able to speak to her, a very honest individual,

very concerned, gave me everything she had. I tried to get back to her when she went off on sick leave and she didn't want to speak any more. She was very fragile.

Mr. Paul: Did you specifically speak to her about the topics that were raised by Ms. Fitzpatrick, the concern she had with superiors, for example?

Insp. Smith: No.

Mr. Paul: And given the nature of her position in the police force, do you think it might have assisted in seeking her out on an anonymous basis – that that information could be provided on an anonymous basis as an informant or something of that nature?

Insp. Smith: She had my phone number. She called me. If she wanted to give me information she could do that very easy rather than me seek it out.

Mr. Paul: All right. Did you ---

Insp. Smith: And I had no reason to disbelieve that she had any hidden agenda or any hidden information.

Mr. Paul: Did you ever have a concern that the Dunlop discipline proceedings might be having some effect on the willingness of officers to come forward.

Insp. Smith: No.

Mr. Paul: I mean, you did indicate, at least on that part of Mr. Dunlop's case, you thought he was getting a bit of a raw deal?

Insp. Smith: No. No, I –no.

Mr. Paul: So you didn't think that that might have had a chilling effect on officers coming forward?

Insp. Smith: To speak to me when this – when the investigation been called?

Mr. Paul: Yes.

Insp. Smith: No, they'd have the blessing of their superiors to cooperate with me, give me any information they had.

Mr. Paul: Was that announced somehow to the – within the Cornwall Police at a meeting or somehow or through publication.

Insp. Smith: Not to my knowledge, but I'm sure that with Carl Johnson they wanted to get to the bottom of this. He was the Chief. I'm sure that every police officer in the police department knew I was there and why I was there.

Mr. Paul: I was just wondering, when you say the blessing was given – by the Chief at the time, I mean , are you speculating on that or do you know he specifically told constables and other officers to cooperate?

Insp. Smith: I don't know"

(see volume 312, pages 126-129)

This is another example of Inspector Smith making bold conclusions, which was firstly the assertion that Ms. Fitzpatrick was not to be believed because Cst Sebalj was very honest with Inspector Smith. When challenged on this bold conclusion it was clear that there was no basis for the conclusion because he had never discussed the topic of concerns with superiors with Ms. Sebalj. He also showed his bias in favour of Chief Shaver by apparently assuming that she would not say anything against her superiors because she was "honest"; having not raised the topic with her it appears that he is assuming that she would have been dishonest if she had spoken against her superiors. His second bold assertion is the suggestion that the "superiors" within the Cornwall Police

had given their blessing to the idea of full cooperation with Inspector Smith. When challenged on this point against it was clear that there was no information supporting this bold conclusion. He ultimately concluded that notwithstanding the discipline proceedings involving Perry Dunlop, Cst Sebalj had his telephone number and she could call Inspector Smith. She could call the officer who had decided, after one informal talk with Chief Shaver, that there was no conspiracy. The failure to gain the confidence of Cst Sebalj was a lost opportunity. Cst Sebalj's opening of the Jeanette Antoine investigation and questioning Ms. Antoine about Ken Seguin was likely the last real attempt by any law enforcement official to find out what connections there may have been involving Ken Seguin, the Cornwall Police, the David Silmser and the Children's Aid Society group home. The fact that Inspector Smith had no knowledge of Cst Sebalj's actions in the Jeanette Antoine case again should lead one to have little confidence in his conspiracy investigation. (See volume 312, pages 129-130). Even without any legitimate investigation, there was certainly enough evidence to arouse suspicion and commence a proper investigation. Yet despite all of the evidence involving contacts between the Diocese, the Cornwall Police, the Crown Attorney, and Malcolm MacDonald, the Ontario Provincial Police concluded that there was not only a lacking of reasonable and probable grounds there was in their view no evidence of a conspiracy. (see volume 311, pages 3-4)

Inspector Smith was also was involved in the conspiracy and obstruct aspect of the case pertaining to the Diocese. He was involved in interviews with Jacques Leduc, Gordon Bryan, Bishop Larocque, Sean Adams and Malcolm MacDonald. Malcolm Macdonald was charged with the offence of obstruction of justice. It did not appear that

Father Charles MacDonald was interviewed in relation to the obstruct aspect of the case although he was interviewed in relation to the allegations of sexual assault. At the time of that interview Inspector Smith was not available. The interview was not conducted in an aggressive manner and there was an absence of any standard police interrogation strategies or tactics. The Coalition does not intend to discuss at great lengths the ruse used by investigators by interviewing David Silmser as a complainant while, unknown to David Silmser, an extortion investigator is watching the interview. We would simply point out that at this stage it appeared that the tough tactics were being reserved for David Silmser and not for Father MacDonald. The interviews of the various participants varied in effectiveness. Examples of some of the key interviews were as follows:

Jacques Leduc: Inspector Smith appeared to be unaware that Jacques Leduc had declined to provide copies of the settlement documents to the Children's Aid Society. This was highly suspicious as it occurred prior to the first news conference and Jacques Leduc claimed that he did not even look at the documents prior to the first Diocese news conference. Inspector Smith agreed that this information would have been relevant to an interview of Jacque Leduc:

"Mr. Paul: If you'd known that at the interview, at the time of the interview with Mr. Leduc, would you have wanted to challenge him on why the documents – what his reasoning was for not giving up the documents; number one and number two? So I'll let you answer that first.

Insp. Smith: Oh, the answer to that is yes.

Mr. Paul: And, secondly, perhaps you may have wanted to ask him if he'd been asked specifically about the documents by Children's Aid, why they wouldn't have been opened at that point and left sealed?

Insp. Smith: I would have asked that.

Mr. Paul: Yes."

(volume 312, page 107)

Bishop Larocque: Inspector Smith believed that both Bishop Larocque and Chief Shaver were credible. It is hard to reconcile this conclusion with the discrepancy between the two of them over whether Bishop Larocque had received an admission of an offence from Father MacDonald or only an admission of consensual homosexual sexual activity. Not only is it difficult to find both clearly credible with this discrepancy, it is even more difficult to understand why this difference wasn't fully exploited by interrogators.

"Mr. Paul: I mean, did the Bishop's response on that point, do you cast doubt on Claude Shaver's credibility?

Insp. Smith: No.

Mr. Paul: But at the end of the day, it would – his answer that would leave you in some doubt as to which side is telling the truth or accurate?

Insp. Smith: I think -- and I don't have it here -- but there are documents that indicated somewheres that Shaver retracted that at some later point.

Mr. Paul: But at the time of the interview you wouldn't have known that, I would take it?

Insp. Smith: No.

Mr. Paul: Okay. So at the time of the interview you're just left with a discrepancy – two discrepancies between what the Bishop is saying and two people, Mrs. Seguin and the former Chief; correct?

Insp. Smith: That's right.

The Commissioner: And they're not slight. In this case, it's not a slight difference." (see volume 312, pages 109-110)

Inspector Smith also did not appear to grasp the significance of the fact that there were several point in time when it would have been reasonable for the Diocese to review the settlement documents:

"Mr. Paul: ….was it your understanding at the time of the interview that in between the time of the settlement and the news conference, the first news conference in January where the Diocese is involved and presenting their version of the events, in between these two timeframes, would you understand that the Bishop would have met both Claude Shaver and discussed the settlement and also discussed the settlement with Children's Aid officials. In the fall of ---

Insp. Smith: Yes.

Mr. Paul: Okay. And I'm wondering if the combination of the fact that the Bishop is meeting Chief Shaver, he's meeting CAS officials, then he's going to the point of even having a press conference in early January about the very topic of the settlement, and the Diocese is suggesting that the documents, the very documents

remain sealed all that time. Is that something that you as an investigator looked at very suspiciously at the time: The sequence?

Insp. Smith: No.

Mr. Paul: Would you agree that looking at it that way, being in contact with significant officials, the Chief of Police, Children's Aid Officials, and then presenting the situation at a press conference, just looking at it as an investigator, normal behaviour of people, you would have expected him to open the documents at some point?

Insp. Smith: That would have been prudent.

Mr. Paul: And perhaps thinking of it that way, that might be something that interviewer might have wanted to challenge the Bishop forcefully and ask why in those -- in that situation why the documents would not have been opened at some point before the press conference?

Insp. Smith: I think we likely approached that during my interview if I'm not mistaken. He was embarrassed, I recall, over the – over the first news release and then subsequently found that it was a different – differed from the settlement, he made a – he recanted and gave a secondary one. It's easy to be suspicious about everything, but – but people make honest mistakes.

Mr. Paul: All right. True, but the scenario provided is plausible or possible; is a possibility, but you'd agree that interaction with all those authorities in a press conference and not opening the very documents is something that would cause some suspicion?

Insp. Smith: Yes, it could."

(see volume 312, page 111-113)

Inspector Smith only grudgingly agrees that the conduct of the Diocese, referred to above, would cause suspicion. He appeared to be too ready to accept any excuses offered by the Bishop instead of challenging him on difficult areas such as this.

Gordon Bryan: Inspector Smith appeared to have no knowledge that Gordon Bryan was quoted in the Standard Freeholder as saying that it was a standard practice that documents like the settlement documents would be sealed and filed away. Gordon Bryan did not, at the press conference, point to Jacques Leduc as the one who told him to seal and file the documents for posterity. In his statements to the Ontario Provincial Police and in his evidence at the Inquiry Gordon Bryan suggested that the direction came from Jacques Leduc. This discrepancy is very significant as it goes to the honesty of the explanation of the Diocese that they were unaware of the contents of the settlement documents. It is simply beyond belief that there would have been an honest mistake when Diocese officials set a second news conference, the purpose of which was to correct a significant misrepresentation to the public, and then make second significant misrepresentation to the public. This discrepancy was not exploited by the Ontario Provincial Police during interviews of officials from the Diocese.

The Ontario Provincial Police investigations, that started in 1994, were seriously flawed. The interview of Charles MacDonald was not what would be suspected in a police interrogation. The tougher forms of interrogation tactics were saved for David

Silmser who was secretly observed by extortion investigators while Mr. Silmser is giving a statement as a complainant. The obstruction investigation appeared to ignore Charles MacDonald as a suspect. While it ultimately resulted in charges against Malcolm MacDonald, there were a number of lost opportunities to ask more probing questions; some examples have been referred to above in the cases of Bishop Larocque, Gordon Brian and Jacque Leduc. The conspiracy issue appears not to have been taken seriously in 1994. There was a completely inadequate investigation that involved an informal talk with Chief Shaver with no effort to look into any possible links between Chief Shaver and Ken Seguin or Charles MacDonald. The Ontario Provincial Police likely believed that they had put the conspiracy issue to rest in 1994. The matter only surfaced again because Perry Dunlop did some of the work that the Ontario Provincial Police should have done in 1994.

The delivery of the Fantino brief to the Attorney General in December of 1996 marked the beginning of the second conspiracy investigation. The file would eventually find its way to the Ontario Provincial Police in early 1997 and would be investigated by police force that did not take it seriously in 1994. One would expect that it would be an uphill battle to have the Ontario Provincial Police conduct an appropriate investigation after they had so abruptly ended it in 1994. Perhaps the matter should have been dealt with another police force that could look at the matter from scratch with an open mind. If one had this type of concern at the outset then one would not be given confidence by the initial approach to the second conspiracy investigation.

It appears clear, from Inspector Pat Hall's evidence, that the conspiracy investigation was not given a priority. The priority was to individual sexual assault cases as indicated by Inspector Hall in his evidence:

"Mr. Horn: Okay. There's another area that I'm interested in. You've mentioned that you were going to investigate sexual assaults rather than getting into the conspiracy part of your mandate; right?
Mr. Hall: Yes, there were crimes against a person. I couldn't have a potential victim contact me or me contact them and say, "Look, we got to wait eight months because we've got to do this other investigation first. Also, the possibility of obtaining information that would be helpful in the conspiracy investigation."
(see volume 322, pages 23-24)

Inspector Hall was given directions to investigate both the sexual assault allegations and the conspiracy allegations. He decided on his own, without consulting the superiors who gave him the original directions, that the conspiracy investigation would be postponed:

"Mr. Horn: Okay. So when you put the conspiracy investigation on hold until you got the others, who made that decision; was it you or did you go through your superior officer and ask him should we do this?
Mr. Hall: I made the decision."
(see volume 322, page 30)

The conspiracy investigation would have proceeded more quickly if there had been a dedicated team of investigators assigned only to the conspiracy. There was a failure to recognize that delay could seriously prejudice the conspiracy investigation. The investigation of an alleged conspiracy of this nature would not be an easy task. Inspector Smith had made a serious error in not trying to obtain more information from Cst Sebalj. The overview of documentary evidence relating to Cst Sebalj indicated that she was performing police duties even in late 1997. The Fantino brief was in the hands of the Attorney General by December of 1996 and at least some portion of it had been sent to the Ontario Provincial Police by the spring of 1997. There was a second lost opportunity when Cst Sebalj is not interviewed before she goes on leave. Had she been contacted earlier there may have been an opportunity to explore the kinds of issues that Ms. Fitzpatrick raised in her evidence; issues surrounding whether Cst Sebalj distrusted her superiors and the Crown Attorney. It would also been possible to fully explore why she was conducting what appeared to be a secret investigation of Ken Seguin and the Second Street group home. The fact that these opportunities were lost may demonstrate something beyond just setting priorities and the allocation of resources.

The Coalition for Action suggests that in addition to issues of allocation of scarce resources, there was a bias within the Ontario Provincial Police against the concept of a conspiracy. At times it appeared that the prosecution was more favourable to the theory of a ring or a conspiracy that the Ontario Provincial Police:

"Mr. Lee: I know that. And what I'm talking about is, at the time this airs the way the story is being presented is we have a senior official with the OPP saying there's no evidence of any kind of ring or organization, and we have the CBC saying, "not so, according to a Crown attorney who's in court right now." That's what you see in front of you here.

Mr. Hall: Yes.

Mr. Lee: And she goes on, and I understand you say in violation of a ban but let's leave that for a moment. She goes on to say that Alain Godin, who was the Crown on the Marleau matter – that was your understanding?

Mr. Hall: That's right.

Mr. Lee: In the middle of the next paragraph:

"Alain Godin says there is a connection between these various persons and that they, in his words, groom the boys to become victims of abuse. He says in some cases more than one person was present when the abuse is alleged to have occurred. His exact words to the judge were, 'There was a type of grooming that went on from one to another"

And Godin went on to say that, "This continued from party to party." And he was referring to the other accused. Do you see that?

Mr. Hall: Yes.

Mr. Lee: And you would have read this soon in time after it was aired on May 21st; is that fair?

Mr. Hall: Yes.

Mr. Lee: And did you have any concerns when you read the transcript of this report of the apparent conflicting messages, I suppose, being sent out by the OPP and the Crown in this trial in relation to whether or not there was a ring and whether or not there was any organization?
Mr. Hall: Yes, I spoke to Mr. Godin personally about it. I spoke to Ms. Hallett personally about it, and at one point, in order to satisfy my queries, they were going to speak to the Judge about it. They didn't want to do that. We didn't want to -- in the context it came up, Mr. Godin was trying to, I think, indicate to the Judge that there was a connection so that all the preliminary hearings could take place at the same time. That was, in my understanding, I think, of how it came out."
(see volume 321 pages 159-160)

Later in the same cross-examination it is pointed out that Inspector Smith appears, in correspondence to the Attorney General dated July 12, 200, to be taking issue with the fact that a reporter is "insinuating" that there was a ring.

"Mr. Lee: But it's more than that. It sounds like what you're doing in this conversation with Ms. Brosnahan is essentially advising her that she's mistaken to insinuate there's a paedophile ring and, in fact, that there is not a paedophile ring. Is that what I should take from what I'm hearing here?
Mr. Hall: You're question again?
Mr. Lee: Given the -- in the letter you use the word, "She's insinuating there was a pedophile ring."

Mr. Hall: Yes.

Mr. Lee: And you then have a conversation with Ms. Brosnahan. Was the gist of that conversation to educate her about your feelings as to the existence of a ring?

Mr. Hall: Well, the primary reason was to get the names of the victims that she was alleging in the news broadcasts that she had. And then I discussed this. There was several items I discussed with her that weren't correct that they were reporting. So this memorandum went to Freedom of Information. I'm speaking to Freedom of Information here. I'm just giving them my take on what I perceive what happened. CBC made several requests to Freedom of Information for our files or parts of our files or documents.

Mr. Lee: Would you have left Ms. Brosnahan during your conversation with her with the impression that the OPP was not looking into whether or not there was a ring or clan or connection between paedophiles?

Mr. Hall: She knew we were – I mean, we're in '99 here.

Mr. Lee: Yes.

Mr. Hall: I didn't actively – we had done some interviews, but I wasn't going fulltime on the conspiracy investigation until early 2000 when I started with Constable Dunlop himself.

Mr. Lee: And I suppose that's part of my point; was that what you were communicating to Ms. Brosnahan, that it was all – the question was still unanswered and it was up in there and subject to investigation or are you telling Ms. Brosnahan that there's nothing to the allegation in the first place?

Mr. Hall: I'd like to refer to my notes for that interview with Ms. Brosnahan because I have notes on that interview.

……

Mr. Lee: I don't think we're going to need the audiotape of Ms. Brosnahan. What I'm asking you is whether or not in the wake of this interview being aired and your discussions with Ms. Brosnahan, whether you were communicating to her that it was premature for her to be suggesting there was or was not a paedophile ring because Project Truth had made no such determination or whether you were trying to tell her that she should back off the story because there's nothing to it?

Mr. Hall: Well, Mr. – Detective Inspector Grasman may have been commenting about the investigation that Detective Inspector Smith had done when he found no evidence of a paedophile ring. I don't know exactly which one he was referring to." (see volume 321, pages 168-170)

`The evidence of Inspector Hall was somewhat evasive at times but he did not accept the option that perhaps he was telling the reporter that the investigation was still open and that there had been no conclusions. The use of the word "insinuation" and the reference to Inspector Smith's 1994 investigation suggests that the Ontario Provincial Police were not taking the conspiracy issue seriously when a second investigation was directed. This conclusion would be consistent with the fact that the conspiracy investigation was delayed until the year 2000.

While the delays in the conspiracy investigation likely irreparably damaged the investigation, the next question did the Ontario Provincial Police make up for the poor start by vigorously pursuing the conspiracy investigation. The answer to the question should clearly be that even the final conspiracy investigation was seriously flawed. It is not the intention of the Coalition to exhaustively explore every statement that was taken in the conspiracy investigation but we will analyze a few of the statements from the most important suspects or witnesses.

The July 9, 1999 Project Truth interview of Claude Shaver is a good example of a seriously deficient interview that was conducted as a part of the conspiracy investigation. When one reads the transcript of the interview it is obvious that the interview was not approached in the manner of an aggressive interrogation of a suspect. It is approached more in a non-confrontational style with the purpose being only to obtain the former Chief's side in an non-leading way that does not give any discomfort to former Chief Shaver. He is given a list of people and asked if he knows them and he is asked about various locations such as the Ken Seguin residence, the Malcolm MacDonald cottage, and the Saltaire Motel. He is asked for comments on the allegations of C-8, Gerry Renshaw and Carol Hesse about being seen at some of those locations and he is asked about the David Silmser case being put in a project file. He is not vigorously challenged on any of those issues. More importantly there were numerous areas that could have been addressed that would have pointed to circumstantial evidence of a conspiracy or cover-up. Seventeen of these items are listed above under the review of Claude Shaver 's evidence. Apart from brief references to project files and to the evidence of Gerry

Rensahaw, C-8 and Carole Hesse, the Ontario Provincial Police do not address the numerous elements of circumstantial evidence. The interview does not address the failure to report the David Silmser case to Probation Services (even after the Crown Attorney suggested it as a possible course of action), the failure to notify the Children's Aid Society and subsequent problems with cooperation with the Society, the failure to conduct an obstruction of justice investigation in the Fall of 1993, the failure to make any real inquiries about why the complainant wanted to withdraw the allegation against Ken Seguin, the morning meeting involving Staff Sgt Lortie, and the fact that Chief Shaver was involved in the David Silmser file from the very beginning of the case. The flaws and circumstantial evidence of cover-up relating to the Cornwall Police became the flaws of the Ontario Provincial Police investigation when they failed to raise these issues. The approach to the interviewing gives the impression that the investigators did not believe that there was a conspiracy so they were going to limit their approach to the investigation.

There were similar difficulties with the interview of Bishop Larocque on December 18, 1998. Again there is a shopping list of persons that is put to the Bishop and he is asked about whether he attended various locations. However, if there was a conspiracy the conspiracy would have related in part to the David Silmser case. It is true that there was a prior interview of the Bishop in relation to the obstruction of justice case. However, there were many deficiencies in that interview. The Ontario Provincial Police should have explored any lack of cooperation with the Children's Aid Society. They should also have questioned why the Bishop and Chief Shaver were giving different version of an alleged admission by Charles Macdonald to the Bishop. They should also

have vigorously challenged the suggestion that the Diocese met with the Chief of Police, met with Children's Aid officials, and held a news conference and at no time looked at the settlement documents despite being asked for copies of them by the Children's Aid Society. Again the flaws of another institution, the Diocese, became the flaws of the Ontario Provincial Police investigation when they were not addressed.

The investigation was also flawed in that the various linkages between different suspects were not clearly set to the Crown Attorney and information relating to allegations against Father MacDonald and Marcel Lalonde were not clearly set out in the conspiracy brief. Finally, Inspector Hall repeatedly made reference to the need for conviction for sexual assault before a ring could be established. This gave the impression that he was more focused on the sexual assault cases than the conspiracy allegation.

For the most part Perry Dunlop's information regarding a conspiracy was confirmed. It was confirmed that there was a settlement that led to the suspension of the criminal allegations of David Silmser. It was confirmed that the case was put on OMPAC at the very end only after the settlement. The sequence of the matter being put onto OMPAC is not consistent with a suggestion that secrecy was needed to preserve the integrity of the investigation. It was confirmed that there was a very unusual search of the residence of Leroux residence in which tapes were seized. There was no return to the Justice of the peace referring to tapes. The search also did not appear to comply with the plain view doctrine. In addition it was not clear that all of the tapes were viewed in their

entirety and it is not clear that the allegation, by Leorux, that there were tapes in a laundry barrel was ever addressed.

The Coalition for Action takes the position that in 1994 the conspiracy allegations were not investigated by the Ontario Provincial Police. They only reluctantly re-open the issue in 1997 as a result of the actions of Perry Dunlop in creating the Fantino brief. Having already made a conclusion in 1994, based on no investigations, the Ontario Provincial Police were biased against the suggestion of a conspiracy. They further delayed the conspiracy investigation. The delays since 1994 prejudiced any hope of conducting a thorough investigation and in fact an aggressive and thorough investigation of the conspiracy issue was never conducted. As a result of the manner that the Ontario Provincial Police conducted the investigation, the public is still left without a proper assessment of the conspiracy issue

JUSTICE PETER GRIFFITHS

PETER GRIFFITHS ASKED BY CORNWALL CROWN FOR LEGAL OPINION – DO WE LAY CHARGES?

In October 1994 Peter Griffiths was the Eastern Ontario Regional Crown, and as such he was given a request by The Local Crown and the police to give a legal opinion as to whether the Cornwall Police Services should lay criminal charges against worker Bryan Keough for abusing Jeanete Antoine in 1976. He worked at a group home run by Cornwall CAS. We have to look back, to when the incident took place. Back in 1975-76, when Jeanette Antoine, as a young girl, lived in the CAS run Group Home. She was alleging that the staff, Mr. Tanger and Mr. Bryan Keough had been beating and abusing physically and sexually her and other children at the 2nd Street Group Home.

In 1989 Jeanette Antoine came forward 13 years after the 1976 abuses to make complaints about those abuses, Norm Douglas in 1989 was the head crown for Eastern Region of Ontario. Peter Griffiths in 1994 gave a legal opinion that no charges should be laid.

1. BROKEN WRIST

   Even though Ms. Antoine stated she had a broken wrist, (referred to in volume 332, page 227, lines 7-9). In the brief sent to him, Peter Griffiths said there was no proof connecting the staff to the abuse (volume 332, page 220-231). If she had a broken wrist which is assault causing bodily harm, than the 6 months limitations wouldn't have run out. The charges could have been still laid 13 years later

(referred to in volume 332, page 229, lines 10-13,19). He said that the time limit had run out, because the injuries were just common assault.

2. THOROUGH INVESTIGATION NEEDED

The opinion he gave is based upon the information he was given by the crown and police (volume 332, p. 235). He indicates that he can't look behind the brief given to him. Yet, he knew that there are serious allegations of Assault Causing Bodily Harm (broken wrist), still he never told the police to go re-investigate this matter, to get to the bottom of these allegations. He should have ordered police get more information He received only Ms. Antoine's statement and the investigation report by Sean White requesting an opinion.

HE NEVER TOLD POLICE TO GET MORE EVIDENCE

He said what was needed was reasonable and probable grounds to lay charges. (volume 332, p.236) If the police had done a thorough investigation, since he depended upon their investigation (volume 332, p. 238), he might have had enough evidence to lay charges.

3. A WILLING WITNESS

Peter Griffiths also said that Jeanette Antoine, if she was willing to lay charges and testify in court, that would have been good enough to go ahead with the charges. She wanted to go all the way with this. She was adamant she wanted justice (volume 332, p.235-236). He said one witness is enough.

"OPP ACTED INAPPROPRIATELY WITH SILMSER:

Peter Griffiths also indicated that the methods used by the OPP when interviewing Silmser were improper, "That just…it doesn't seem fair or appropriate to me".

OPP officer Hamlink was investigating Silmser for extortion. He was allegedly extorting money from former probation officer Ken Seguin for past abuse at the hands of Mr. Seguin.

Tim Smith (OPP) was doing a parallel investigation into 3 other charges; where Silmser was the complainant.

When Silmser was interviewed, without the need of a caution by Smith, Silmser felt he was a witness for the police, giving an un-cautioned statement.

While he was giving this un-cautioned statement to Smith, Hamelink stood behind a one-way mirror watching and listening to Silmer give the statement. Remember, Hamelink is trying to trap Silmser, who had no idea he was being watched by Hamelink.

This was so that Silmser could be caught in some discrepancy, maybe even a minor one, when Silmser is giving an un-cautioned statement. That statement could be than used against him in the extortion prosecution by Hamelink.

OPP CONFLICT IS OK

Peter Griffiths does not think there is anything wrong with having the same police force (OPP) doing both an investigation against Silmser, and the other investigation where he is the complainant. It is difficult but o.k. (volume 332, p. 24).

OPP COULD PRESSURE SILMSER TO BACK OFF

It was suggested in cross-examination to Peter Griffiths that the OPP might pressure Silmser. If he backs-off on his allegations against Father MacDonald, the OPP might back-off on the extortion charges against Silmser. He agrees that "—its very difficult for everybody to keep the separate roles and understand the separate roles" (volume 332, p. 242).

OTTAWA POLICE SAY CORNWALL POLICE DID POOR INVESTIGATION - YET NO CONSPIRACY

Peter Griffiths also did no think there was any problem in the conspiracy investigation of collusion between the Cornwall Crown's office, the Cornwall Police, and the local Roman Catholic Diocese. The Ottawa Police Department investigation reports made mention that:

1. Constable Sebalj was too inexperienced an investigator to be assigned by her senior officers to do such a high-profile and complex investigation;
2. The record keeping by the Cornwall Police Department was poor;
3. That a polygraph could have been used, but wasn't;

IN CONFLICT – YET NO CONSPIRACY

Judge Griffith said, no conspiracy (volume 332, p. 247) even though he was aware that the Crown Attorney, Murray MacDonald, (Justice Pelletier was also aware, volume 342, p.5), knew he had a conflict. Yet he continued to be involved with the investigation. The Cornwall Crown office was being accused of being in collusion with The Diocese, and the Cornwall Police Department, yet he continued to give Constable Sabalj legal advice in her investigation. He also had been on a Diocese Committee, as a lawyer giving his opinion to the Diocese. This committee was deciding on how to avoid future problems involving allegations against priests for molesting young boys.

CIRCUMSTANTIAL EVIDENCE OF CONSPIRACY WAS THERE

Peter Griffiths review should have found there was circumstantial evidence of a conspiracy between the crown's office in its dealing with the Cornwall Police and The Diocese. He should have requested a deeper investigation, with proper interrogation techniques used, rather than the friendly discussions that took place.

SHELLEY HALLETT

SHELLEY HALLETT RIGHT FOR THE JOB

As a senior crown, with a great deal of experience in prosecuting major crimes (and in particular against high profile institutional personalities), it was obvious she was right for the job. She was experienced in persecuting sexual crimes.

She said she was “volun-told” (volume 339, p. 194) to do the prosecution. She had no choice in the matter.

She never thought that she was stepping into a hornets nest of intrigue! That she would face difficulties from the lead investigator on the Project Truth investigation team. It seems also she would not be fully backed up by her bosses at the Attorney General’s office. It seemed as though as the tide turned against her she was the one who would be investigated. Was it because she wanted convictions? It was alleged she deliberately withheld disclosure from the defence in the Leduc prosecution. Pat Hall wrote an e-mail to her boss, James Stewart, (Exh. 2828, Doc. #105593) making allegations. She was investigated by the York Regional Police, to see if she might be charged with deliberately withholding disclosure, a criminal offence. Her boss Murray Segal withheld the report The York Regional Police gave to him. This hurt her in her efforts to defend herself in a fight to exonerate herself.

<u>CROWN HAD A STRONG CASE</u>

She stated in her testimony: (volume 339, p. 222)

Mr. Horn: “And you believe that you had a strong case?”

Ms. Hallett: “Yes, I did.”

Mr. Horn: And you believe that if it had gone to court that there would have (been) convictions?

Ms. Hallett: "Yes".

These words speak volumes. She thought she was going to convict a priest, Father MacDonald, and a lawyer, Jacques Leduc. What were the problems she faced?

SOME PROBLEMS SHE FACED

For one thing she was asked to prosecute two major cases against two high profile individuals in a town where authority people work together to protect their own. Even if these persons allegedly did some very nasty sexual things against young men in the area. (at volume 224, p. 194) she said, "I expected a special prosecution, which are … they're always very difficult because they do generally involve high-profile offenders and sensational allegations."

It's like she was being told, "It's our little secret. So butt out!"

DISCLOSURE CONCERNS

One interesting thing that came out was how Ms. Hallett was very cautious before releasing disclosure in such high-profile cases. Initially it seems that she saw Perry Dunlop as what he really was, a local hero because he was courageous enough to stand up to the establishment. He blew the lid off a scandal. He was the classical "whistle-blower".

Shelley Hallett was very aware that the perception of Perry Dunlop might be manipulated by those who would benefit from a change in perception of Dunlop.

At (volume 339, p. 167) she speaks about such manipulation:

Ms. Hallett: "That perception evolved over the course of three years and so what Constable Dunlop was perceived as being at the end of that period was much different than he was perceived at the beginning."

"And one must always be on guard for manipulation of a person's perception by the media, and others who have an interest in manipulating that perception.

Ms. Daley: "I take it you would consider that defence counsel would have an interest in manipulating that perception?"

Ms. Hallett: "Yes."

HALLETT WANTED TO STOP IMPROPER USE OF DISCLOSURE

At (volume 339, p. 206) when Ms. Hallett was asked how statements that would be the subject of disclosure requests could be improperly used by the defense.

She stated:

Ms. Hallet: (volume 339, p. 206, lines 11 to 14) "Oh, Mr. Horn, there's been --- there are many examples of where those disseminated in order to influence the decision of the witness to come forward and testify."

"It is the source of great humiliation in a small community that a videotape of a complainant talking about such things as anal intercourse or any sort of sexual conduct, it can cause great damage to a successful prosecution, the improper dissemination of that kind of information, that kind of videotape."

Hallett wanted to put strict conditions on the use of any disclosed material that she would release to the defence. She was being very careful.

DEFENCE SCREAMING TO GET DISCLOSURE

(volume 339, p.208) Ms. Hallett acknowledged that the Defence counsel were "screaming for disclosure". But she was not going to be bull-dozed into giving disclosure on anyone else's terms, no matter how aggressive the defence counsel were. Pat Hall head of the Project Truth team was the one who described the way the Defence Counsels were "screaming" at the police to get the crown to give them disclosure.
The crown must make the judgment call, whether certain evidence is relevant, whether it is necessarily discloseable. Initially Ms. Hallett thought the Perry Dunlop contact with C-16's mother was irrelevant. It really did need to be disclosed. In fact the Court of Appeal said it was an "innocuous" contact.

PAT HALL TAKES DISCLOSURE DIRECTLY TO DEFENCE-BY-PASSING HALLETT

It looks like Pat Hall, the Project Truth lead investigator, was either intimidated by Defence counsel into going directly to the defence counsel behind Shelly Hallett's back, to give the disclosure directly to Steve Skurka and Campbell, or Pat Hall might have deliberately wanted the case to fall apart.
Pat Hall's actions showed that he was afraid that he would be accused of deliberately withholding disclosure, and he had to put the blame onto Shelley Hallett? The other reason could have been, he was deliberately throwing the case by dealing directly with

the defence. He was by-passing an honest crown, who really wanted to get real convictions.

DUNLOP TRUSTS HALLETT

Perry Dunlop certainly had to be aware that he would be accused of withholding evidence. He also understood that if he gave evidence to the wrong party, it would somehow mysteriously be lost.

It seems Dunlop's strategy to protect himself was to do the following:

1. He made many copies of his evidentiary material .
2. He took one copy to different officials, such as government officials who keep records when they are served documents such as:

   (a) The Attorney Generals Department/office;

   (b)The Solicitor Generals Department/office
3. He took it to persons he trusted such as:

   (a) Julian Fantino, The London Police Chief, who has a track record of prosecuting child molesters;

   (b) Shelley Hallett, the Crown Attorney, who has proven herself to be an uncompromising prosecutor of child molesters.

DUNLOP VISITS HALLETT'S OFFICE

(volume 339, p.214) When she was answering Mr. Horn's questions regarding Dunlop's visit to Shelley Hallet's office in Toronto because he trusted her, she answered;

Mr. Horn: "But the way it was written, it sounds like he was coming to you because he trusted you, and he wanted to give you the material because he didn't trust anybody else."

Ms. Hallett: "I think that may have been the case."

Mr. Horn: "Because he's already given material to other people and he doesn't know whether it's going to get to the right hands."

Ms. Hallett: "Yes, I believe that he thought that, --- He may have trusted me, but to bring the information in, in that way --- was ill-advised"

She thought it was ill-advised, but he had no one else in the Crown's office he trusted. He wanted his material to be used properly in the prosecution, and not be lost.

DUNLOP AND HALLETT FACE TREMENDOUS OPPOSITION

When asked about Dunlop and the difficulties he faced as a "whistle-blower" and why he had to take these unusual steps to get his evidence into her hands. The exchange between Ms. Hallett and Mr. Horn was interesting:

Mr. Horn: "Did you get the impression that when he (Dunlop) was doing this that he must have been through a lot to – must have been through a lot of difficult times to get to that point where he'd have to do it this way than other ways?"

Ms. Hallett: "I believe that he had been through a lot."

Mr. Horn: "And some very difficult circumstances because he was a whistleblower."

Ms. Hallett: "Yes, that's right."

Mr. Horn: "So you could identify with him and what happened to him and what happened to you."

Ms. Hallett: "Yes, perhaps so. There are some similarities."

It seems that when you want to do what is right, against the so-called institutional establishment, you will feel its venomous wrath, as Mr. Dunlop and Ms. Hallett found out.

WORK PILED ONTO HALLETT

What is really interesting are the observations by Sgt. Pat Hall in Document #726646 about how Shelley Hallett was overworked. In this E-mail from Pat Hall to Jim Miller (April 16, 2001) he said:

"Since Hallett has been removed from Project Truth as Jim Steward is in the process of getting three crowns together to review these cases"

Shelley Hallett was expected to prosecute two major high-profile cases, and at the same time do legal opinions on 5 other complex files. These files required 3 crowns to finish them off for her.

It certainly looks like these prosecutions were supposed to fail.

The idea was, give Shelley so much work so that she can't properly prosecute her cases.

ROBERT PELLETIER

CARSON CHISHOLM SAYS HE WAS TOLD, "YOU'RE DELUSIONAL"

Carson Chisholm may not be a lawyer, but he knew enough to be fearful that Father Charles MacDonald's prosecution could possibly fail due to the delay argument to be used by the defence. The Askov Rule was going to be invoked.

Justice Pelletier was asked about a conversation he had with Carson Chisholm. (volume 342, p.186)

Mr. Lee: Sir, you're familiar with the name Carson Chisholm, I take it.

Mr. Justice Pelletier: I am.

Mr. Lee: Mr. Chisholm testified here in October of 2007 and what he told us is that he spoke with you during a break, during the course of the Charles MacDonald proceedings, and said to you, "Charlie is going to walk under Askov," and Mr. Chisholm told us, and I quote, "And I quote, "And he just sneered at me, "You're delusional."

Justice Pelletier denied saying this to Carson Chisholm.

Askov – section 11(b) of The Charter

Basically the Askov rule is that an accused is entitled to a trial as soon as practical without delay. If the delay is not the defendants fault, but is due to the prosecutions actions, or the delay can be attributed to the judicial process, than the accused can argue he did not have a trial in a reasonable time. If argued successfully than the Judge can stay the charge. Basically the accused is set free. This is what happened to Father Charles MacDonald.

DECISION TO CONSOLIDATE CHARGES DOOMS FATHER CHARLIE MACDONALD'S PROSECUTION

Basically what happened was as follows:

1, The initial of first set of charges were in danger of being stayed due to violation of s.11(b) of Charter to Rights – The Askov Rule.

2. New victims come forward making it necessary for separate charges to be laid. A new prosecution started. These had a long time to run before the Askov Rule could be invoked. There was little likelihood of the delay

argument being successful for the new charges, if they remained separate from the older prosecutions that looked like they were failing.

3. The new charges were consolidated with the older charges. So that when the older charges were stayed, all the charges were than stayed together. The new complainants were left with no possibility of getting a conviction against their alleged abuser, they were denied justice.

When questioned by the lawyer for The Victims Group, Dallas Lee, about this consolidation of the charges against Father Charles MacDonald, Judge Pelletier admitted it was a calculated risk: (volume 342, p. 181-182)

Mr. Lee: "I believe I understand your evidence as relates to your desire from the outset, really, to join the second set of charges with the first set of charges."

Mr. Justice Pelletier: "Yes, sir."

Mr. Lee: "And that's a decision made very early on, I take it."

Mr. Justice Pelletier: "As soon as I found out there were going to be five other complainants, my mind was made up to conduct one trial with eight complainants".

Mr. Lee: "Do you recall whether or not there was any weighing in your mind of pros and cons dealing specifically with the delay issue?"

Mr. Justice Pelletier: "Well, it was certainly an issue. <u>It was certainly a risk</u> that I was taking but in my view, it was a <u>calculated risk</u> and one that favored the prosecution ultimately."

Mr. Lee: "That's one of the questions I wanted to ask you. You just described that a calculated risk."

WHO WAS RIGHT – CARSON CHISHOLM OR JUSTICE PELLETIER??

DONALD JOHNSON

CORNWALL CROWN ATTORNEY LATER BECOMES DEFENCE COUNSEL

Don Johnson became the Crown Attorney in Cornwall 1972 and he remained at that position until 1991. Between 1975 and 1976 he was the Cornwall Crown.

SECOND STREET GROUP HOME – (1975-'76 PROBLEMS)

A very serious situation occurred in Cornwall, involving the abuse of a number of children at the Second Street Group Home, run by the Children Aid Society. These children were allegedly beaten and abused, even sexually by the staff at the home.

JOHNSON WAS THE CROWN IN 1976 WHEN INCIDENTS OCCURRED

JOHNSON WAS STILL CROWN IN 1989 WHEN INCIDENTS CAME TO LIGHT

Don Johnson was the lone Crown Attorney in Cornwall in 1976 when the incidents at the Group Home took place. He would have been the only Crown who would have dealt with it, if it had been revealed to the Crown's office.

Guy Demarco, who now sits as a Judge, was either an Assistant Crown Attorney, in Don Johnson's office, or he may have been still in private practice in Cornwall in 1976 when these happenings occurred at the group home.

What really matters is that Don Johnson was working with Mr. Demarco who was aware of the occurrences at the group home.

This is because he was on the personnel committee of the CAS Board in April 1976. (volume 329, p. 128-129) He was on the committee that received the tendered resignations of the Group Home staff at a meeting of the committee.

<u>DEMARCO KNEW BUT NEVER TOLD JOHNSON WHAT HAPPENED AT THE GROUP HOME</u>

When this issue what brought up to Mr. Johnson at the Inquiry, (at volume 329, p.131-132) the following exchange took place:

Mr. Horn: "Could have been, but there's .. but there's a possibility that he was on the Board of Directors in 1976 when all of the incidents took place. Were you on good terms with Mr. DeMarco?"

Mr. Johnson: "I used to talk to him, yeah."

Mr. Horn: "And something as.. as serious as this ..as what happened at the group home, would that be something that would be discussed with you?"

Mr. Johnson: "No."

Mr. Horn: "He would have kept it away from you?"

Mr. Johnson: "Don't know if he kept it away from me or not, but <u>we never talked about it.</u>"

Mr. Horn: "Never discussed it with you in any way whatsoever?"

Mr. Johnson: "No, not that I can recall, no.

In fact Mr. Johnson says, "I didn't even know he was on the Board of Directors". (volume 329, p. 132) Mr. Johnson was never told between 1976 o 1989 that these abuses took place. Yet he had an Assistant Crown in his office who knew all about the alleged abuses that took place.

FOR 13 YEARS DAMAGING ALLEGATIONS NEVER TOLD TO JOHNSON

The head of the CAS, Mr. O'Brien, had a meeting with Mr. Johnson, and Deputy Chief, Joe St. Denis, and Insp. Rick Trew of the Cornwall Police to discuss the Antoine allegations. (Doc. #739308) In Mr. O'Brien's notes it was later decided in discussions with Don Johnson that "There was not point in circulating a lot of damaging documents"

(volume 329, p.137)

Obviously it was agreed that the allegations made by Jeanette Antoine were very "damaging" to people who knew but did nothing about what happened in 1976.

In fact Mr. Johnson states at (volume 329, p.117-118):

Mr. Johnson: "The allegations were pretty strong."

Mr. Horn: "'The allegations were pretty serious, weren't they?"

Mr. Johnson: "Sure they were".

Mr. Horn: "And yet you .. and you were also the Crown Attorney back at that time in 1975 and 1976?"

Mr. Johnson: "Okay. Yes I was."

Mr. Horn: "And were you never approached, back then at that time, regarding whether charges should be laid back in 1975 or '76?"

Mr. Johnson: "Not that I can recall, no".

Mr. Horn: "So 13 years later, you finally get wind of it?"

Mr. Johnson: "It appears that way, yes, sir".

Mr. Horn: "Okay. And you realized that 13 years before, these were pretty serious charges from another period of time in which you were .. you should have known about back then if you'd been told."

Mr. Johnson: If I'd been told, yeah."

Mr. Horn: If you'd been told; but you weren't told?"

IN 1990 JOHNSON SEND LETTER TO HIS BOSS IN OTTAWA

Mr. Johnson sends a letter with Jeanette Antoine's statement attached to Norm Douglas, the Regional Crown Attorney to deal with this matter. (Doc.#739109) Johnson said his decision was because, since it involved another Ministry besides The Attorney General, protocol required it be dealt by the Regional Crown. Mr. Johnson also said specific dates, names, and addresses of witnesses were not given, there is no case to prosecute. Mr. Johnson also mentioned the firings of staff in the letter. He left the decision to prosecute in the hands of the Regional Crown. Mr. Douglas wrote back to Mr. Johnson and said get Const. Keven Malley to dig deeper. (Doc. #739143) Mr. Johnson said he never received this letter. He never followed up on his own letter to Norm Douglas.

Actually Mr. Horn suggested that since CAS Director, Mr. O'Brien was retiring soon he wanted a legal opinion letter from the Crown, so that responsibility for not doing anything for 13 years would be placed upon the Crown. The local Crown was going to give this issue to The Regional Crown, Norm Douglas, and let him take the heat. I suggested everyone was passing the "hot potato" (volume 329, p.147) around, so each wouldn't be burnt. Especially when they had a complainant who was adamant. Jeanette Antoine wanted justice.

(volume 329, p.143-144)

Mr. Horn: "Because she wanted justice"

The Commissioner: "Right".

Mr. Horn "And so she was very adamant".

The Commissioner: "Yes".

Mr. Horn: "Now, it comes into his ballpark. It's in his area. Now, he's got to do something about it, He wants to hand it over to somebody else because maybe he's deciding he's going to be leaving the department, or he's going to be leaving the Crown's office."

"Is that possibly what you were doing?"

Mr. Johnson: "No."

Mr. Horn: "So is everybody passing the buck, passing it to somebody else?"

Mr. Johnson: "Not that I'm aware of."

Mr. Horn: "A hot potato like this?"

Mr. Johnson: "Not that I'm aware of."

Mr. Horn: "Pardon?"

Mr. Johnson: "I wouldn't suggest that at all."

Mr. Horn: "The Crown .. you wanted to hand it to your boss. The CAS wanted to hand it to somebody else and have a letter from you so that it wouldn't fall on them. They wanted somebody else to take the ... because they knew this was a hot situation."

MR. JOHNSON DENIES CLAUDE MACINTOSH – DIRECTS CLIENTS TO HIM

Claude MacIntosh, a writer for The Standard Freeholder has been a strong critic of The Cornwall Public Inquiry since its inception. Don Johnson, when asked if he knew Mr. McIntosh, Mr. Johnson said, "I know him well" (volume 329, p.149) Mr. Roth, of The Seaway News, wanted and inquiry, but Mr. McIntosh of The Standard Freeholder was in opposition. The media expert, Miss Young, who testified at The Inquiry, made mention of the conflict the Cornwall media (volume 329, p.150) when questioned by Mr. Horn, as to whether Claude McIntosh was steering Dr. Peachey, the alleged pedophile, to him as a client. Mr. Horn suggested that the news item (exhibit 2955) indicated this. Mr. Johnson's answer: "No. Dr. Peachey came to me the day he was charged."

MAJOR CONCERN

These were serious allegations regarding what happens to the complainant, for the abuse that took place in The Second Street Group Home in 1975-'76 were not small matters. Was Jeanette Antoine left with nothing?

FOR 13 YEARS MANY PEOPLE KNEW ABOUT THESE ABUSES - THEY KNEW THESE WERE SERIOUS FACTS TO CONSIDER!!

1. The abusers were fired by the CAS Board;
2. An Assistant Crown Attorney knew about it;
3. The police were aware;
4. The CAS staff were aware;
5. A prominent lawyer, Ron Adams, who gave advise to the CAS, knew about the abuse.

Yet nothing was ever done for 13 years. And when it was revealed in 1989, again nothing was done. It was swept under the rug.

LORNE MCCONNERY

Lorne McConnery was the Crown who came in to replace Shelley Hallett, to finish the Jacque Leduc case.

The Coalition for Action was concerned about the impression that was being put before the commission by CCR. CCR was giving the impression that since charges are stayed, this meant nothing happened. (volume 334, p. 256-257)

In fact Justice Peter Griffiths in his final statement to the Commission alluded to this. He thought that because charges are not proven doesn't really mean they didn't happen.

More evidence can come forth after the initial charge is laid, and what was un-provable case becomes a viable case against the accused.

Also if the accused charges are stayed it just means the allegations have not been proven. The criminal acts could still have occurred. It just means there isn't a conviction. The Coalition wanted this to be put on the record.

RON LEROUX WAS COURAGEOUS ENOUGH TO COME FORWARD TO SAY SOMETHING ABOUT THE ABUSE IN CORNWALL - THIS HELPED OTHERS GET THE COURAGE TO ALSO COME FORWARD!

(volume 334, p.258-260)

ONE LOOK AT LAROUX IN A VIDEO INTERVIEW AND MCCONNERY SAYS, he doubts Ron Laroux's credibility. (volume 334, p.264)

RON LAROUX TESTIFIES AT BAIL HEARING

Lorne McConnery did not know about Ron Laroux's work with the poor, his weekly Bible studies at church, his activity in a local church in Maine, USA. This background "was of no consequence to me I didn't think, really." (volume 334, p.264) Later McConnery says, "it sounds like he's trying to mislead the court." (volume 334, p.264) He was referring to when Ron Laroux is testifying under oath at a bail hearing. He made this determination by reading the transcript of the bail hearing at which Mr. Laroux was testifying to get a friend out of jail.

MCCONNERY BELIEVES RON LAROUX CAN'T CHANGE

McConnery wouldn't come out and say it directly, but he is trying to say as a Crown he never heard of jail-house conversions to Jesus Christ. (volume 334, p. 268-269) He

wants to say that he wouldn't believe Ron Laroux no matter what he heard about him. (volume 334, p. 270)

CORROBORATING EVIDENCE WOULDN'T CHANGE HIS MIND

Even the evidence given by Mr. Renshaw and C-8 which corroborated Ron Laroux evidence regarding the close relationship between Bishop Larocque, Malcolm MacDonald, Father Charlie, and Ken Seguin didn't change his mind. These men were seen together crossing to Malcolm's cottage from Ken Seguin 's home. This meant nothing to Mr. McConnery as to Laroux's credibility. Mr. McConnery made an initial judgment call. No matter what Laroux did, said, or what he heard from other people, this wasn't going to change his first impression.

DUNLOP'S DELIVERY OF EVIDENCE TO ATTORNEY GENERAL'S

McConnery was confronted about the "tons of material" Dunlop delivered to The Attorney General. He was asked if Dunlop did his best to get his evidence into the hands of the right people who would use it property in the prosecutions. McConnery didn't want to say Dunlop did his best, instead says:

Mr. McConnery: "I .. I had no impression of Mr. Dunlop was giving everything. I knew he had delivered material to the Ministry of the Attorney General that should have gone to the Ontario Provincial Police".

DUNLOP'S DISTRUST OF POLICE

And when asked, if he knew why Dunlop was hesitant about giving disclosure to the police. Was it because he didn't trust the police? (volume 334, p.25-26) He was

encouraged by the Commission and MAG'S counsel not to answer the question. Instead it was suggested he be asked if he ever talked to Dunlop.

WHY NOT PUT ROBERT PELLETIER ON THE STAND?

He was asked questions regarding putting Pelletier on the stand to clarify what really happened in the hallway conversations between Mr. Neville and Robert Pelletier. This was in regards to officer Dupuis suggestion that he overheard Neville offer to waive s.11(b). McConnery said Pelletier's recollection was so vague, that he would not be a good witness on the stand. That's why he wasn't used (volume 335, p. 27-29). If Neville had waived 11(b) the prosecution against Father Charles MacDonald wouldn't have been stayed.

CROWNS DISCLOSES EVIDENCE – NOT THE POLICE

McConnery also made it abundantly clear the ultimate responsibility for disclosure rests with the crown, and not the police. (volume 335, p.34-36)

WAS MCCONNERY AFRAID OF PAT HALL?

Even though McConnery was told by Hallett about Pat Hall, that his actions stressed her out. (doc.# 109244), it was Hall who sent the Email to Stewart that got her investigated for allegedly deliberately withholding disclosure from the defence, McConnery was reluctant to criticize Pat Hall He denied fearing Pat Hall. (volume 335,p.38) Look at the things Hall did to Ms. Hallett. Anybody with any brains would be afraid when dealing Pat Hall.

MALE CHAUVENISM OF PAT HALL

There was some suggestion that McConnery was treated with greater respect, because he was a male. Ms. Hallett was called a "princess" (volume 335, p.39) by Pat Hall. In his

answer, at the Commission McConnery seemed almost fearful when using the term "princess", which had been used by Hall when describing Ms. Hallett . I would suggest that McConnery is still looking over his shoulder, fearful that Pat Hall might be standing there ready to pounce (volume 335, p. 39).

MCCONNERY TO REFUSED LAY ANY NEW CHARGE AGAINST FATHER CHARLES MACDONALD

The most telling part of the cross examination was when the Albert Lalonde matter came up. McConnery refused to endorse a prosecution, even though there were numerous interviews done by police over the years.

Lalonde came forward to give evidence against Father Charles MacDonald, after the previous charges were stayed. Lalonde was watching TV. and something he saw on TV. jogged his memory about past abuses at the hands of Father Charlie.

Mr. Horn asked if the "recovery memory syndrome" was considered to explain why he suddenly remembered the past abuse. (volume 335, p.44) McConnery said that idea was never followed up.

The charges were never pursued even though in one of his statements "Lalonde indicated that he froze and Father Charlie placed his hand on his head and said repeatedly, "It will please God". Lalonde also said, "I was serving God, and he was like God to me". (volume 335, p.46-47) This is the kind of control Father Charlie had over Albert Lalonde. Yet no prosecution was recommended by Mr. McConnery.

COSETTE CHAFE – VICTIM WITNESS ASISTANCE PROGRAM (VWAP)

The main concern for The Coalition for Action was that there was that no protection for victims from being intimidated while waiting for trial, so they wouldn't testify against their perpetrators. She said this was not part of VWAP's mandate. The VWAP program was not there to protect witnesses. This is due to the workers not discussing evidence. They do some counseling, but mostly they refer victims to counselors. Many of the complainants were broken men, and their ability to carry through to the end in a prosecution was very difficult. They had to confront the man who dominated them, who controlled them and took advantage of them. VWAP was more a referral agency to counselors and other agencies. They were there to familiarize the victims about the court process. To familiarize victims to the process, so they will be more comfortable in court. Mrs. Chafe also said she wouldn't work with Perry Dunlop because of the allegations and circumstances of the cases. This was even if Dunlop was helping victims to face perpetrators who abused them. This is actually the kind of help that VWAP should have been anxious to get from Dunlop.

JEAN-PAUL SCOTT - SCHOOL SUPERINTENDANT

He was the superintendant of the School Board, when Mr. Sabourin was supposedly abusing boys while Mr. Sabouring was a teacher at St. Lawrence High and La Citadelle High School.

Mr. Sabourin was the personal photographer of Bishop Proulx of The Diocese in Hull, Quebec. He was certainly closely connected to the powerful Church hierarchy.
He took pornographic pictures that his wife found at their home, but she tore them up. She did report her husband Mr. Sabourin's abuse of children to the principal of the school. He lost his job at the school. No one was warned about this pedophile after he left the school. As far as Mr. Scott was concerned it was someone else's problem, not his, once Mr. Sabourin left their school system. He had no obligation to warn anyone about this pedophile. Even though later Mr. Sabourin was charged with abusing children. The school and School Board never followed up to find out where he went, to see if he was still around children, to warn others about this pedophile.

MURRAY SEGAL

LONG ARM OF ONTARIO'S TOP PROSECUTOR REACHED WAY DOWN TO FLORIDA

A main concern with Mr. Segal's actions was the effort he took to give Mr. Guzzo the message that the long arm of the top Crown in Ontario has a long reach. It stretched itself all the way down to Florida. (volume 345, p. 184-186)
Mr. Guzzo became very reluctant to speak to him. Mr. Horn suggested it may be fear that made him cautious. Was Mr. Segal actually a probe for the Premier's office, to see if he could talk Conservative back-bencher Guzzo out of pushing for an Inquiry? Open up dialogue with this Maverick, to find out why Guzzo was so gung-ho about this Inquiry, (volume 345, p.184-188)

THE DUNLOP BOXES

Mr. Horn also wanted to know about what happened to the boxes of material Perry Dunlop delivered to the Attorney Generals. Mr. Dunlop did get a receipt for the servicing the AG's Department. Mr. Horn wanted to know if this was a smart thing to do? So the material wouldn't get lost and Dunlop wouldn't be blamed for delays. (volume 345, p. 189-195) Mr. Segal admitted the documents got to where they were supposed to go in time. (volume 345, p.195)

SEGAL MAKES PROMISE TO DUNLOP

A major concern for The Coalition was, the Crown's did not keep Segal's promise to Dunlop in a letter. Dunlop was to be given time to prepare himself before being put on the stand in a prosecution. The letter may refer specifically to prosecutions that were conducted by Ms. Hallett. (volume 345, p.195) The Coalition showed Mr. Segal the letter of complaint by Dunlop. Segal's was answering these complaints of Mr. Dunlop. Dunlop said, "that he had little or no guidance or assistance from the Crown Attorney's office … I would have thought that at some time over the past seven years The Crown Attorney's office would have contacted me for a consultation" (volume 345, p.201-202). Segal was writing in response to this complaint.

This would seem to Dunlop this was a blanket promise. It would apply to all occasions when Dunlop got on the stand. He would always be in consultation with the crown assigned to a case, before he was put on the stand.

DUNLOP SET-UP TO BE CHARGED WITH PERJURY

Mr. Segal was not aware that when Ms. Norozniak put Mr. Dunlop on the stand, Sgt. Snyder was in the court room taking notes, so that he could charge Mr. Dunlop with perjury. He wasn't aware that the Cornwall Police Service sent a letter to Ms. Norozniak to request a Legal opinion, to see if the police could charge Mr. Dunlop.

SEGAL KNEW OF DUNLOP'S VISIT TO HALLETT - DUNLOP TRUSTED HER

Mr. Segal also was aware that Perry Dunlop went to Hallett's office to deliver documents. (volume 345, p.204)

Segal didn't admit that Dunlop went because he trusted Hallett, but agreed she does convey trust to those dealing with her. He could see Dunlop trusting her (p.206)

WHY NOT USE HALLETT TO MAKE FRIENDS WITH DUNLOP?

Segal couldn't explain why the crown's office, couldn't have used Dunlop's trust of Hallett to get Dunlop on side, to win the prosecutions. (volume 345, p.206-208)

The Coalition also felt that Segal and his department didn't put out a "hand of friendship" (p.209) to Dunlop, and for that reason their prosecutions failed. (volume 345, p. 206-210)

Ms. Hallett said she could have gotten a conviction; she had a strong case. (volume 345, p. 210)

JAMES STEWART - EASTERN ONTARIO REGIONAL CROWN

PAT HALL TRIES TO MAKE A DEAL WITH STEWART

A letter was sent to Mr. Stewart from Pat Hall (OPP), and in it there is some suggestion that because a public inquiry is just over the horizon, the OPP and the AG's office better get their stories straight, so there is no discrepancies, no differences. Especially when it comes to the Dunlop boxes of material. James Stewart at (volume 343, p.228-229) said, "I didn't take much stock in it, sir." He is talking about the letter from Hall. He admits he "was almost dismissive of that letter." (volume 343, p.230) The Regional Crown was being tempted by Sgt. Hall, with a juicy offer Hall in effect is saying, lets make a deal, lets pull the wool over the publics eyes. Mr. Stewart says, 'he didn't bite.'

A.G. HAD NO FEAR OF PUBLIC INQUIRY

Mr. Stewart says he was not afraid of a public inquiry (volume 343, p.233).

The public was pushing. Hallett mentions it in her appeal application. She describes this public interest in this way, "A group of concerned observers who want a greater accountability by the Catholic Church, the clergy who committed sexual assaults against young people are extremely interested in the outcome of this case. " (volume 343, p. 234), She must have been talking about The Coalition for Action members who had been agitating for an inquiry.

STEWART SENDS DUNLOP CASE TO OUTSIDE CROWN

Mr. Stewart says that it was his personal decision not to have his office give an opinion on whether to lay charges against Perry Dunlop. He got an outside crown to do that, to avoid the appearances of bias, because Dunlop was making accusation against local

Crown, Murray MacDonald. Dunlop was saying that Murray was involved in a cover-up, or conspiracy. (volume 343, p. 244-246)

DUNLOP DOCUMENTS

Mr. Stewart also thought that Dunlop must have given a master copy of his documents to Pat Hall, who was ready to take them. (volume 343, p. 247)

STEWART TELLS NEWS PAPER "HE WILL TRY TO CONSOLIDATE FATHER CHARLIE'S CHARGES"

Mr. Stewart also did admit he may have given the statement to the press that gave rise to this quote, "James Stewart, Eastern Director of Operations for The Attorney Generals office say he will try to have all 15 charges combined into one trial." But he says he was only a parrot for Robert Pelletier, the decision was his since he was the crown assigned to the Father Charles MacDonald case. (volume 343, p. 249-)

STEWART SIGNS LETTER – BUT NEVER REALLY READS IT

James Stewart signed a letter, he says he may have been briefed on it, but he just basically says he signs documents that are placed in front of him. The letter said, "over the years, searches have been made for MAG documents, without success." This is about the Dunlop documents. He doesn't know how many years the search took place, yet he said this in the letter. (volume 343, p.252-253) No wonder Dunlop was scared of government officials, when the one deciding who is to prosecute him is actually only a rubber stamp, who signs letters without asking any questions. He signs what's in front of him.

LIDIA NAROZNIAK

CROWN ATTORNEY REPLACING SHELLEY HALLETT TO COMPLETE THE PROSECUTION OF JACQUE LEDUC

SHE PUTS PERRY DUNLOP ON STAND AS A CROWN WITNESS - SO DEFENCE COULD CROSS-EXAMINE DUNLOP

Ms. Narozniak admitted that if Perry was not called for the Crown as a witness, the defence could have called him as a witness for the defence. The Defence could not cross-examine their own witness, unless given leave to do so by the Judge.

Defence would have to make an application to have Perry Dunlop declared a hostile witness, if Dunlop was called by the Defence.

If the Defence were successful in their application, than they could cross examine their own witness. The crown would have the right to cross-examine Parry Dunlop if he was called by the Defence. (volume 341, p.139-140)

THE CROWN WANTED DUNLOP CROSS EXAMENED BY THE DEFENCE. (volume 341, p. 140-142)

It all sounds so 'right and proper' when Ms. Narozniak says:

> "…The crown was equally interested in fleshing out the involvement Mr. Dunlop had in the Leduc case. We were equally interested in ensuring there was a fulsome exploration of not only the contact, but also to ensure there was no other material in his possession toughing my case that I was obliged to disclose." (volume 341, p. 140)

She was getting the Defence to do her job to find out what Perry knows. She is in effect saying "I am putting Perry up there because I never talked to him, I never prepared him, I

never properly prepared myself about his knowledge. I just put him up to be cross-examination by the defence, not myself". Document No. 733306, Exhibit 3268 spoke about a telephone conference, a Judicial Pre-trial with the defence counsel, a judge and Ms. Narozniak. It was clear in that document that the defence was pushing for the right to cross-examine Perry Dunlop.

CROWN MAKES CASE EASY FOR DEFENCE

Ms. Narozniak states it would be "a more efficient way of getting to the truth and I was equally interested in exploring that, and cross-examination is the only method by which you can do that" (volume 341, p. 142)

NAROZNIAK DID NOT WANT TO CROSS-EXAMINE DUNLOP

If the defence had to call him, the crown would have to cross-examine Mr. Dunlop. That wouldn't look good to the public. She wanted Dunlop to be Crown witness, so she wouldn't have to cross-examine him. Let the defence do my job for me. Its obvious Ms. Narozniak is saying she wasn't going to protect Perry from Defence cross examination, by opposing any application for an order declaring Mr. Dunlop a hostile witness, so the Defence could cross-examine Mr. Dunlop.

WAS THE PROCESS FAIR TO DUNLOP?

At (volume 341, p.142) Ms. Norozniak made a comment that the crowns job was to make sure "the process is fair." How fair was she when she made it easy for the defence to cross-examine Perry Dunlop, not to properly prepare him before putting him on the stand, and not defending him when he was put on the stand. Not to get him a lawyer to give

him independent advise. She had to be fair. Fair to the defence by making their job easy, but not fair to Perry Dunlop by not defending him.

MS. NAROSNIAK DID NOT PUT BEST WITNESS ON STAND

She admits that she is supposed to put best evidence before the court. (volume 341, p. 143) Yet she did not put up Ms. Hallett as a witness to explain issues such as:

1. Why the delay;
2. What happened to the disclosure, and many other pieces of the puzzle;

She as the crown knew the case like the back of her hand. Mr. Dunlop wouldn't be privy to a lot of what occurred between the defence counsel, the crown, and the police.

Ms. Heinon at (volume 341, p. 144) made it abundantly clear she only wanted to cross-examine Perry Dunlop and Carson Chisholm on the stand, no one else. It is obvious that Ms. Narozniak was serving them up on a silver platter to the defence.

DEFENCE/CROWN STRATEGY - MAKE CARSON LOOK LIKE A PRIVATE DETECTIVE

The strategy was to establish the idea that Carson Chisholm was really posing as either an official Private Detective or as a police officer. This is so that evidence he gathered can be tainted, alleging that he was misrepresenting himself as a P.I. or a police officer. Carson denies all these allegations

"DUNLOPS TEAM" DOES JOB POLICE SHOULD HAVE DONE

Actually what Carson Chisholm, Perry Dunlop, and Helen Dunlop were doing was the job the police should have been doing. Cornwall Police with its over 100 officers, the

OPP with its 1000's of officers, the CAS with its many investigators couldn't gather the evidence needed to lay charges. That's why the Ministry of the Attorney General spent years trying to locate the Dunlop Files, and the O.P.P. were desperately trying to get all of the Dunlop notes, his witnesses, and witness statements, because the O.P.P. had no leads without Dunlop. Only Dunlop was trusted by the victims. Without Dunlop leads the OPP investigation was going nowhere.

Yet the CORNWALL POLICE and OPP couldn't co-operate with Dunlop, instead they attack him, they scare him and his family, and they attack Carson Chisholm. This is certainly no way to get convictions. Ms. Narozniak admits, Perry Dunlop and Carson Chisholm are a two-man, actually it was a three-man one woman team of investigators (Helen, Perry, Carson, and Guzzo). These four people did more than all the police, CAS investigators, and crown's ever did to track down witnesses and victims to get statements, to put a case together.

A case that was botched because the OPP, CPS, CAS, and other agencies didn't do their job right, they couldn't follow through with a case handed to them by this tiny group of dedicated sincere hard working investigators. The OPP, CPS, Ottawa Police, Crowns, Attorney General, and others paid for by the state to put cases together should be thanking Perry's team for the work they did.

<u>FOR TACTICAL REASONS JACQUE LEDUC IS SHIELDED FROM CROSS EXAMINATION BUT IT'S OPEN SEASON ON DUNLOP</u>

When questioned about why Mr. Leduc wasn't put on the stand to be cross-examined on his affidavit, Ms. Narozniak said the court "… high lighted his affidavit, supported the

element and the factor required to be considered by the trier of fact on an 11(b) Motion … The issue was prejudice." (volume 341, p. 152) No cross-examination was needed. Ms. Narozniak in effect is saying, "she took a self-serving affidavit at face value, and she wasn't going to look behind it by cross examination."

Leduc's evidence wasn't tested for credibility, whether it would have stood up to close scrutiny.

Yet Dunlop was not given the same consideration. Was Ms. Narozniak Jacque Leduc's lawyer? Was she really prosecuting Leduc or Dunlop?

DISCLOSING DUNLOP'S CONFIDENTIAL DOCUMENTS SHOULD HAVE BEEN SCRUTINIZED BY JUDGE

Ms. Narozniak gave these confidential documents to defence because she had them, and never sought third-party application by defence to justify the disclosure.

DUNLOP WAS PUT ON THE STAND BY NAROZNIAK WITHOUT PREPRARATION

At (volume 341, p. 154-159) Ms. Naroniak states Mr. Dunlop was flown in from British Columbia on a Sunday and was put on the stand Monday morning. She never met him. He is blamed, because he didn't want to come in earlier. She herself spent a good deal of time study the documents. It wasn't an easy task for her to grasp the complexities involved in his notes, the witness statements, and all the other evidence he was to be questioned on.

He is blamed. It was said he should have come in early, he should have read the document he was sent. How does he know what was disclosed to the defence? What

evidence the Defence might have that was not part of the disclosure? He would walk into the court "cold", no prep, no help, no lawyer, and being watched by police officer to catch him in some discrepancy, some slight mistake, so he could be charged with perjury. At (volume 341, p. 155) she says when asked how much time did she spend with him to prepare?

Ms. Narozniak: "I spent as much time as he would allow me"

Put the blame on him. She could have asked the court for time to speak to Mr. Dunlop. The court would have had to give time, so the process would be fair.

THIS WAS NO ROUTINE CASE

(volume 341, p. 155) It was suggested that experienced police office in routine cases go on the stand without any formal preparation. Ms. Narozniak certainly knew this was no routine case.

The only contact she had with Mr. Dunlop was by phone. No face-to-face talk to go over documents.

SGT. SNYDER IN COURT TO CATCH DUNLOP IN DISCREPANCY TO CHARGE HIM WITH PERJURY

(volume 341, p. 159-163) The evidence shows that Ms. Narozniak, knew Sgt. Snyder of the Cornwall Police Services, was in the court to observe Dunlop on the stand. Later Mr. Aikman, who is presently the Deputy Chief of Police wrote a letter to Ms. Narozniak asking her to give a legal opinion, as to whether the police had grounds to lay criminal charges for perjury against Perry Dunlop." "Brian Snyder, our Professional Standards

Officer, advises me that the nature of Mr. Dunlop's testimony may constitute perjury on his part." (volume 341, p. 161-162)

ALAIN GODIN

GROOMING - (volume 330, p. 257-)

Mr. Godin explained the idea of grooming very well. Persons in positions of trust can subtly cause a younger person to actually consent to sexual activity, by a gradual process of conditioning, gaining control by subtle acts of kindness, like giving presents, treating the victim like a younger brother. This is done till the youth puts his guard down, and submits to sexual play, eventually full sexual activity. Some men are very good at using this method of gaining control of youth. That is why it's called "grooming". It's a gradual process.

DEFENCE COUNSELS USED DUNLOP AS A RED HERRING

(volume 330, p. 267-268)

Dunlop's contact with Godin's witnesses was minimal. He called it a "red herring". When describing this defence ploy, he said "They're trying to blow smoke into the judge's face to raise a reasonable doubt, and in this case it didn't work. It was a red herring, because he had no contact." (volume 330, p. 267) Godin said, " contact was minimal, it was a red herring." (volume 330, p. 268)

CURT FLANAGAN

SETTLES CASE AGAINST MALCOLM MACDONALD

He was the Crown Attorney from Brockville, who came in and settled the prosecution against Malcolm MacDonald who was charged with obstruction of justice. He received an absolute discharge. A gift.

Malcolm MacDonald was one of the lawyers who negotiated the settlement between David Silmser, Father Charles MacDonald, and the Cornwall Roman Catholic Diocese. He was close to the Church and he represented Fr. Charles MacDonald, the alleged perpetrator. Silmser was the victim of a historical sexual abuse.

In the deal worked out, had Silmser agreeing to stop his pursuit of having Father Charlie charged, plus dropping any civil lawsuit he was contemplating. He was paid-off by Father Charlie and the Church $32,000.00. Malcolm was charged for being one of masterminds behind this deal.

MURRAY MACDONALD DISCUSSED DEAL WITH MALCOLM MACDONALD

At (volume 331, p. 113) in the statement by Malcolm MacDonald he stated, “I explained the whole situation to him (Murray), and I want to put a full disclosure to you”. (p.1113-114)

Mr. Flanagan did not want to say he thought this meant that Murray MacDonald knew about the settlement, and basically Murray MacDonald should have said to Malcolm "Hey this is illegal, you can't do that."

DID MALCOLM MACDONALD GET AN ABSOLUTE DISCHARGE, THIS SWEET DEAL, BECAUSE FLANAGAN DIDN'T WANT TO DRAG HIS EASTERN ONTARIO CROWN COLLEGUE, MURRAY MACDONALD, INTO COURT IF IT WENT TO TRIAL?

This is what The Coalition for Action were interested in finding out. (volume 331, p.112-118)

MALCOLM MACDONALD COULD ARGUE MURRAY'S DISCUSSIONS LED HIM TO BELIEVE THE CROWN WAS SANCTIONING THE DEAL – THEREFORE THIS GIVES MALCOLM A DEFENCE OF "OFFICIALLY INDUCED ERROR"? See (volume 331, p. 118)

FLANAGAN ALSO INVITED COLIN MCKINNON TO HIS FATHER'S ROAST - HIS FATHER WAS THE FORMER POLICE CHIEF OF OTTAWA – CURT FLANAGAN ARTICLED IN JUDGE COLIN MCKINNON'S LAW FIRM (volume 33, p. 121-125)

Judge Colin McKinnon was the lawyer who represented the Cornwall Police Commission, who went after Perry Dunlop when Cornwall Police was trying to discipline

Dunlop. He also represented Shaver against Carson Chisholm. He also had to recuse himself during the Leduc trial because of a conflict of interest.

CONCLUSIONS

The Coalition for Action believes that action is necessary to restore the public's confidence in the ability of public institutions to respond to cases of historical sexual abuse. The Coalition for Action believes that the ten recommendations put forward by the Coalition are a reasonable approach to the problems that have been identified.