

**THE CORNWALL  
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE  
SUR CORNWALL**

**Public Hearing**

**Audience publique**

**Commissioner**

The Honourable Justice /  
L'honorable juge  
G. Normand Glaude

**Commissaire**

**VOLUME 171**

**Held at :**

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

Monday, December 4 2007

**Tenue à:**

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

Lundi, le 4 décembre 2007

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M <sup>e</sup> Simon Ruel	Commission Counsel
Ms. Dierdre Harrington	
Ms. Reena Lalji	Cornwall Police Service Board
Mr. David Rose	Ontario Ministry of Community
Mr. Joe Neuberger	and Correctional Services and
	Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
	the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Bennett	The Men's Project
Mr. Michael Neville	The Estate of Ken Seguin and
	Scott Seguin and Father Charles
	MacDonald
Mr. William Carroll	Ontario Provincial Police
	Association
Mr. Frank T. Horn	Mr. Carson Chisholm

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1 --- Upon commencing at 2:02 p.m./

2 L'audience débute à 14h02

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann.

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

14 Good afternoon, Mr. Downing.

15 Mr. Downing will be the next witness for the  
16 Commission. My colleague, Maître Ruel, will be leading  
17 that evidence.

18 Sir, just before the witness is sworn ---

19 **THE COMMISSIONER:** Yes.

20 **MR. ENGELMANN:** --- could I just speak to a  
21 couple of housekeeping matters?

22 **THE COMMISSIONER:** Yes. If you could just  
23 wait a few seconds, sir? Thank you.

24 Yes.

25 **MR. ENGELMANN:** There are three issues that

1 I wanted to deal with very quickly, Mr. Commissioner. One  
2 is a supplementary application for funding by the Diocese  
3 of Alexandria-Cornwall.

4 **THE COMMISSIONER:** Yes.

5 **MR. ENGELMANN:** The second issue is the  
6 issue of the Coalition and whether they are still in or not  
7 before this Inquiry, and the third issue is some scheduling  
8 issues that I promised my friends that I would deal with at  
9 two o'clock today.

10 **THE COMMISSIONER:** Right.

11 **MR. ENGELMANN:** Perhaps I could deal with  
12 the scheduling issue first because it's brief.

13 Mr. Downing will testify today ---

14 **THE COMMISSIONER:** Yes.

15 **MR. ENGELMANN:** --- and tomorrow.

16 **THE COMMISSIONER:** Right.

17 **MR. ENGELMANN:** Hopefully he'll be finished  
18 by the end of the day tomorrow. If not, it might roll into  
19 Thursday morning, but in any event, he will finish this  
20 week and he will be followed by a Ms. Léger and a Ms.  
21 Quinn, two administrative support people that you would  
22 have heard about ---

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** --- when we led the evidence  
25 of Mr. Sirrs.

1                   Next week we will be calling a Mr. Commeford  
2                   on the Monday afternoon. I expect his evidence will be  
3                   brief. Hopefully he'll be finished Monday afternoon, if  
4                   not Tuesday morning. We will then start with the probation  
5                   officers from the office, Mr. Jos van Diepen on Tuesday and  
6                   either Ms. Cardinal, Carol Cardinal or Ron Gendron. I'm  
7                   not sure of the order there. They will follow.

8                   Then we have a non-related witness, non-  
9                   related to Corrections, who will testify on the 14<sup>th</sup> and, as  
10                  well, we have possibly a motion or two from Mr. Manson from  
11                  the CCR dealing with a couple of issues that are still  
12                  percolating. So that may be something to deal with on the  
13                  14<sup>th</sup>.

14                  **THE COMMISSIONER:** On the 14<sup>th</sup>. The 14<sup>th</sup> is  
15                  what day of the week?

16                  **MR. ENGELMANN:** That would be the Friday.

17                  **THE COMMISSIONER:** Friday. Okay.

18                  **MR. ENGELMANN:** As well, sir, on Monday, the  
19                  17<sup>th</sup> and Tuesday the 18<sup>th</sup>, we have Ms. Newman from the  
20                  Ministry, and we are still talking about who we will have  
21                  for the 19<sup>th</sup> and who we will have for the week of the 14<sup>th</sup> as  
22                  back-up witnesses. As you know, we have Mr. Dunlop  
23                  scheduled to appear that week.

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

25                  **MR. ENGELMANN:** So that's -- that is the



1 immediate plan.

2 **THE COMMISSIONER:** I think we should explain  
3 why Mr. Guzzo isn't here.

4 **MR. ENGELMANN:** Yes. Last night at around  
5 5:00 p.m. I was contacted by Mr. Guzzo, Garry Guzzo, who,  
6 as you know, is under cross-examination. He was just  
7 leaving his doctor's office and reported to me that he was  
8 ill and going for further medical assessment. I did get a  
9 short note from the clinic indicating he would not be able  
10 to testify today, and I am seeking to follow up with that.

11 **THE COMMISSIONER:** All right.

12 **MR. ENGELMANN:** I had spoken to all counsel.  
13 We had an all-counsel meeting this morning to address this  
14 issue, and I know that there are certain parties that need  
15 to be here to cross-examine him, so I'm keeping that in  
16 mind when we're looking at dates for rescheduling.

17 So that is what we have for scheduling.

18 There is one other matter, sir. Mr. Adams'  
19 counsel, Mr. McLellan ---

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

21 **MR. ENGELMANN:** --- wanted to make an  
22 application for limited standing. He has filed some  
23 documents with the Commission and, with your indulgence,  
24 sir, I would suggest that we schedule that for Thursday  
25 morning, first thing. He's available then. It should not

1 take long.

2 **THE COMMISSIONER:** Okay.

3 **MR. ENGELMANN:** And what I would indicate is  
4 if we are able to finish Mr. Downing, Ms. Leger and Ms.  
5 Quinn by the end of the day Thursday, then counsel will not  
6 have to be here on Friday. Perhaps that will make sure  
7 that we do things efficiently and we get through these  
8 witnesses.

9 Obviously, if we can't, we will sit on  
10 Friday until we finish those witnesses.

11 **THE COMMISSIONER:** Okay.

12 **MR. ENGELMANN:** Sir, perhaps I could just  
13 deal with Mr. Sherriff-Scott's application.

14 **THE COMMISSIONER:** Yes.

15 **MR. ENGELMANN:** In the past, I have been  
16 asked on occasion to speak for counsel for parties. I  
17 understand they let me do it once, and depending on how it  
18 goes, they may never let me do it again, but Mr. Sherriff-  
19 Scott has filed with us a letter dated November 5<sup>th</sup>, 2007.  
20 It should be marked as Exhibit 10.9.

21 **THE COMMISSIONER:** Thank you.

22 **--- EXHIBIT NO./PIÈCE NO. P-10.9:**

23 Exhibit 10.9 Application to amend  
24 funding (letter form) by Mr. Sherriff-  
25 Scott on behalf of the Diocese of

Alexandria-Cornwall

1  
2                   **MR. ENGELMANN:** And just to speak to it  
3 briefly then, sir, the letter is fairly self-explanatory.  
4 Mr. Sherriff-Scott explains that in February of 2007, the  
5 Diocese was granted a further 400 hours of paralegal  
6 support. He is telling us that he will shortly reach the  
7 limit of that 400 hours and for all I know, sir, he may be  
8 there now because this letter was written on November 5<sup>th</sup>,  
9 and that was four weeks ago.

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

11                   **MR. ENGELMANN:** And through -- the reason  
12 I'm speaking to this is he was unavailable today. We have  
13 set up a number of times to do that. We've never gotten to  
14 him and he asked if it could either be dealt with in  
15 writing or if I could speak to it briefly, and I said I  
16 would.

17                   He sets out some of the tasks that the  
18 paralegals perform for them over the next few months, and  
19 you'll see the bullet points that are listed, including  
20 searching the database to isolate documents specific to  
21 particular witnesses, decoding preliminary search results,  
22 to review and eliminate duplications, and we've had many,  
23 and some of the other matters that he deals with there,  
24 including briefing hard copies of relevant documents  
25 prepared by Commission counsel and other parties pursuant

1 to section 38, preparing electronic versions of briefs for  
2 laptops -- and he's indicated to us he's now using his  
3 laptop more frequently -- importing future disclosures, et  
4 cetera. And it carries right over onto the following page.

5 He gives an estimate of 465 hours being  
6 required to finish with witnesses, and he does note in his  
7 letter that that excludes an estimate of work relating to  
8 the preparation of final written submissions or any other  
9 interim proceedings.

10 Just by way of background, Mr. Commissioner,  
11 just to refresh your memory, the Diocese was granted  
12 funding -- or was recommended for funding by you after --  
13 they had to come back on one occasion -- and December 6<sup>th</sup>  
14 you recommended funding for up to one senior counsel, one  
15 intermediate counsel, one junior counsel, limited to one  
16 counsel attendance fee.

17 June 30<sup>th</sup>, 2006, requested it's complement be  
18 one senior counsel, one intermediate, one junior counsel,  
19 two paralegals, an extra senior counsel to act as a  
20 substitute and a dual counsel attendance in certain  
21 circumstances. This would have been after they were made a  
22 public institution.

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

24 **MR. ENGELMANN:** So there was an amendment  
25 made. There was a recommendation that you made for

1 additional funding for one paralegal, limited to a maximum  
2 of 400 hours. That was on June 30<sup>th</sup>, 2006. There were a  
3 number of other parties that also asked for it given the  
4 bulk disclosure, and you had indicated at that time that  
5 should further hours be required, the Diocese could reapply  
6 for a further amendment.

7 There were other things that you said with  
8 respect to other counsel and a second counsel fee, and  
9 there was recommendations that were made that aren't  
10 relevant to what he's doing today.

11 On February 20<sup>th</sup>, 2007, the Diocese made  
12 another application for supplementary funding for an  
13 additional 760 hours of time for a paralegal. Those --  
14 that request was again in writing and I believe that's  
15 10.8. But in any event, it's a previous exhibit. Mr.  
16 Ducasse spoke to it at that time. There were no parties  
17 opposed.

18 You decided to recommend further  
19 supplementary funding at that time. You noted that they  
20 had used up about 400 hours in seven-and-a-half months.  
21 You were not convinced that 760 hours of additional time  
22 was required and, therefore, you recommended an additional  
23 400 hours, and you did say that they could reapply with a  
24 full explanation of what had been done with the 400 hours  
25 thus ordered. They were also to provide further

1 explanation as to why the additional resources would be  
2 required.

3 Well, Mr. Sherriff-Scott, in his letter, has  
4 provided reasons for why he requires this extra time. I'm  
5 not sure if there's enough information about how it's been  
6 used in the past. I will leave that to you to decide.

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

8 **MR. ENGELMANN:** But in any event, what he's  
9 requesting is 400 hours for the preparation for the  
10 institutional witness evidence, 25 for the remaining  
11 community witnesses and 40 hours for technical requirements  
12 up to a total of 465 hours.

13 And I said that I would put this forward on  
14 his behalf this afternoon.

15 **THE COMMISSIONER:** Thank you.

16 Does anyone wish to comment on this  
17 application?

18 No. Very well. I'll give my decision  
19 tomorrow.

20 **MR. ENGELMANN:** All right.

21 Sir, lastly, there's the issue of Mr. Horn.  
22 He's here. I spoke to him briefly over the lunch hour and  
23 I believe he has some short submissions to make to you with  
24 respect to the involvement of his client, the Coalition for  
25 Action, in these proceedings.

1                   **THE COMMISSIONER:** Thank you.

2                   Good afternoon, sir.

3                   **MR. HORN:** Good afternoon.

4                   Before I say anything regarding this, I know  
5                   that this is an emotional matter and sometimes people will  
6                   say things that may be taken in the wrong way, but if  
7                   there's been any hard feelings that arose out of this  
8                   situation in the words that were said, I wish to indicate  
9                   to this Commission that there is nothing -- there is no  
10                  animosity towards yourself or anybody here in the  
11                  Commission or anyone that's here.

12                  **THE COMMISSIONER:** I'm sorry? What are you  
13                  referring to now?

14                  **MR. HORN:** I'm talking about Mr. -- the  
15                  statement that was made the other day.

16                  **THE COMMISSIONER:** Ah, okay. All right.

17                  **MR. HORN:** I've had a meeting with my people  
18                  and right now their decision is that they are going to  
19                  continue to participate in the Inquiry, and they have  
20                  standing, and they want us to continue participating.

21                  **THE COMMISSIONER:** All right.

22                  **MR. HORN:** Thank you.

23                  **THE COMMISSIONER:** Thank you.

24                  Let me just say, sir, that there is  
25                  absolutely no -- I didn't take anything the wrong way.

1           There are things that are said. What I appreciate is that  
2           they're said in the hearing room so that they go down as  
3           fact as to what was said.

4                       I have indicated throughout -- and I'd like  
5           to correct one little thing, is that people still say that  
6           I denied your client participation, and I think I've been  
7           fairly consistent throughout my discourse is that I asked  
8           them to provide me with further details at one point. They  
9           sent a letter and said they weren't participating and then  
10          throughout my state of the union, if I could, I always  
11          bemoaned the fact that the Coalition wasn't here.

12                      I can tell you that I'm heartened by the  
13          position that your clients have decided to take now. I  
14          think there's a place for them here, within the rules, and  
15          as long as we play within the rules -- as long as we act  
16          within the rules, you will always be welcome here, sir.

17                      **MR. HORN:** Thank you very much.

18                      **THE COMMISSIONER:** Maître Ruel.

19                      **MR. RUEL:** Good afternoon, Mr. Commissioner.

20                      **THE COMMISSIONER:** Good afternoon.

21                      **MR. RUEL:** Good afternoon, Mr. Downing.

22                      So today we have Mr. Paul Downing as a  
23          witness for the -- in the context of the institutional  
24          evidence of the Ministry of Community Safety and  
25          Correctional Services.



1                   So I don't know if the witness has been  
2                   sworn?

3                   **PAUL DOWNING, Sworn/Assermente**

4                   **THE COMMISSIONER:** Good afternoon, sir.  
5                   Welcome to the Inquiry.

6                   You have a pen and paper. You have water.  
7                   The screen is used to bring up some exhibits, although we  
8                   will provide you with the hard copies if you prefer one or  
9                   the other.

10                  If at any time there is a question that you  
11                  do not understand, please just stop everything and we'll go  
12                  back. The important thing is to make sure you understand  
13                  and that we get the best evidence possible.

14                  At any time you need a break or you're  
15                  unsure of something, please let me know and we'll try to  
16                  accommodate your needs.

17                  All right?

18                  **MR. DOWNING:** Thank you.

19                  **THE COMMISSIONER:** So you'll have to speak  
20                  up into the microphone. Come on up. And there's a -- oh,  
21                  yes, Mr. Engelmann always refers you. There's a little  
22                  microphone -- not a microphone, a speaker, in front of you.  
23                  If you have trouble hearing there's a volume that you can  
24                  either increase or decrease the volume.

25                  All right. Thank you.

1       **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
2       **RUEL:**

3                   **MR. RUEL:** So, Mr. Downing, we're going to  
4 discuss today and tomorrow your role as a Special  
5 Investigator for the Ministry between -- in 2000 and 2001  
6 with respect to some events and information that came to  
7 your attention concerning the Cornwall probation and parole  
8 office.

9                   And the first thing I'd like to do is ask  
10 you to go through your CV and your professional experience.

11                   So the first document, Madam Clerk, that I'd  
12 like to refer to is Mr. Downing's CV.

13                   **THE COMMISSIONER:** Do we have a document  
14 number?

15                   **MR. RUEL:** Unfortunately, I was not given a  
16 document number but I see the document on Madam Clerk's  
17 pile here.

18                   **MR. MANSON:** One-two-three-six-six-six  
19 (123666).

20                   **THE COMMISSIONER:** One-two-three-six-six-six  
21 (123666). Thank you.

22                   This is the curriculum vitae of Paul  
23 Downing, Exhibit 1070.

24       **---EXHIBIT NO./ PIÈCE NO P-1070:**

25                   (123666) Curriculum Vitae of Paul

1 Downing

2 MR. RUEL: Mr. Downing, I would ask you to  
3 go to page 5 and maybe I can ask you to go through your  
4 professional experience yourself.

5 So you started in 1981 as a probation  
6 officer in Chatham in Ontario. That's correct?

7 MR. DOWNING: That's correct.

8 MR. RUEL: And then following that?

9 MR. DOWNING: I took on an assignment as the  
10 area manager of the Windsor Probation and Parole Office.

11 MR. RUEL: And you did that for a year?

12 MR. DOWNING: That's correct.

13 MR. RUEL: And then?

14 MR. DOWNING: And then from there I took on  
15 an assignment as the manager of the Young Offenders Unit at  
16 the Windsor jail and I was there for approximately a year.

17 MR. RUEL: Before we continue, what's your  
18 professional training and professional -- can you give a  
19 bit of information about your studies and your professional  
20 training?

21 MR. DOWNING: Prior to joining the Ministry,  
22 I was a police constable with the Woodstock City Police,  
23 and prior to that I was a graduate from Brock University  
24 with a Bachelor of Arts.

25 MR. RUEL: Okay. So then in 1988 you moved

1 to -- or you became the lieutenant of adult jail. That's an  
2 institution in Sarnia. That's correct?

3 MR. DOWNING: That's correct.

4 MR. RUEL: And then following that?

5 MR. DOWNING: I moved from the Windsor jail  
6 and took on a uniformed position as a lieutenant at the  
7 Sarnia jail.

8 MR. RUEL: Oh, I see. Okay.

9 MR. DOWNING: And from the Sarnia jail, I  
10 went into administration as an area personnel administrator  
11 at the western regional office in London, Ontario. And  
12 after my assignment there of approximately a year, I then  
13 was assigned as the manager of the Young Offenders Unit at  
14 the Elgin Middlesex Detention Centre located in London.

15 MR. RUEL: M'hm.

16 MR. DOWNING: And then while at Elgin  
17 Middlesex, I was moved to another position as the deputy  
18 superintendent of operations, and following my assignment  
19 at Elgin Middlesex I was then appointed in an assignment as  
20 a superintendent of the Stratford jail. Then upon  
21 completion of that assignment, I was asked to take a  
22 position on a secondment basis as the Chief in 1994 of the  
23 Ministry's Inspections and Investigations Unit located in  
24 Mississauga.

25 MR. RUEL: Did you have any prior experience

1 in investigations prior to taking this position here within  
2 the Inspections and Investigations Unit?

3 **MR. DOWNING:** Well, my previous training as  
4 a police officer obviously prepared me for some  
5 investigative techniques and skills and how investigations  
6 were to be conducted.

7 As a probation and parole officer, you're  
8 trained on interviewing skills and the writing of reports  
9 for the courts.

10 In my role as an area personnel  
11 administrator I was involved in a number of audits that  
12 would take place. So they would again have transferable  
13 skills as an investigator.

14 So there were a number of my secondments had  
15 components of what would assist me as my role as the Chief  
16 of the Inspections and Investigations Unit.

17 **MR. RUEL:** And in 1995, you became the  
18 Provincial Coordinator for Preventative Security Standards  
19 and Compliance?

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

21 **MR. RUEL:** What's the reason why you left  
22 your position as Chief of the Inspections and  
23 Investigations Unit?

24 **MR. DOWNING:** In 1995, the Ministry's  
25 Inspections and Investigations Unit was disassembled, for

1 the most part, and was moved over to the Professional  
2 Standards Bureau with the Ontario Professional Police.

3 So at that point, I had made a decision I  
4 did not want to go that direction and I returned back to  
5 the western region where I was then asked to take this  
6 position as the Provincial Coordinator for Preventive  
7 Security Standards and Compliance.

8 **MR. RUEL:** Okay, just a couple of questions  
9 on that.

10 The Professional Standards Bureau was, I  
11 don't know if still is, but was within the OPP?

12 **MR. DOWNING:** That's correct.

13 **MR. RUEL:** But the OPP was under the same  
14 ministry as Corrections, so it was under -- or was it at  
15 the time under the same ministry as Corrections?

16 **MR. DOWNING:** It was under the same ministry  
17 but in a different division.

18 **MR. RUEL:** I see. So this new unit, the  
19 Professional Standards Bureau, did it offer services to  
20 Corrections?

21 **MR. DOWNING:** PSB or the Professional  
22 Standards Bureau was not a new unit. Basically what they  
23 did, though, was they increased their size by taking in the  
24 Correctional Investigation and Security Unit to conduct  
25 investigations, and those employees remained as civilian

1 inspectors and worked alongside the police officers in the  
2 PSB, the OPP police officers.

3 MR. RUEL: So in 1997 you became a Special  
4 Investigator to the Director -- Assistant Deputy Minister.  
5 Can you explain -- that's correct?

6 MR. DOWNING: That's correct.

7 MR. RUEL: So can you explain what that  
8 position was?

9 MR. DOWNING: Well, during the period of  
10 time between 1995 and 2001, there were a number of, I'll  
11 say, high profile or complex incidents or investigations  
12 that I was asked to conduct and I reported directly to that  
13 -- to the Assistant Deputy Minister and the Director in  
14 that area. So I would be asked from time-to-time to  
15 conduct those investigations within the Correctional  
16 division of the Ministry.

17 MR. RUEL: So should I understand that this  
18 is because, as you indicated, the Inspections and  
19 Investigations Unit was moved to the Professional Standards  
20 Bureau so there was no investigative unit specifically  
21 dedicated to Corrections essentially so, therefore, the  
22 creation of this position of Special Investigator -- is  
23 that a proper understanding of what happened?

24 MR. DOWNING: That would be fair. At the  
25 time, I was the only Ministry inspector that reported

1 directly to our division. The other inspectors who had  
2 moved in 1995 to PSP did not report directly. They  
3 provided a service to that division, that being  
4 Correctional Services.

5 MR. RUEL: Following that, in 2000, you  
6 became the Chief of the Correctional Investigation and  
7 Security Unit, the CISU, as it's been called. That's  
8 correct?

9 MR. DOWNING: That's correct, m'hm.

10 MR. RUEL: And can you explain what were  
11 your functions there?

12 MR. DOWNING: As previously mentioned,  
13 between 1995 and 2001, the Correctional Division did not  
14 have an investigative unit resource other than myself that  
15 reported directly to the division. There was a realization  
16 at the time that there were reduced resources available to  
17 the Correctional Division to conduct a prompt investigation  
18 of situations that take place within the division.

19 In 2001, the corporate office decided to  
20 establish a new investigations unit and that's what  
21 happened in April, 2001. I was hired as the first Chief of  
22 the Correctional Investigation and Security Unit.

23 MR. RUEL: So you -- from 2001, this  
24 Correctional Investigation and Security Unit, did it have  
25 some staffing apart from yourself?



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

2                   We were located in Mississauga and I believe  
3 I had a staff of seven or eight inspectors. We were fully  
4 supplied with computers, cars, investigative tools, to  
5 carry out the investigations that were required and needed  
6 to be done.

7                   **MR. RUEL:** So between 1997 and 2001 when you  
8 were a Special Investigator, should I understand that you  
9 were essentially by yourself; you didn't have any staff?

10                  **MR. DOWNING:** That's correct. I worked by  
11 myself with no support staff or colleagues.

12                  **MR. RUEL:** And as Special Investigator and -  
13 - well, let's start with that, a Special Investigator, what  
14 type of cases would you be dealing with; what type of  
15 investigations?

16                  **MR. DOWNING:** Those investigations that I'll  
17 say that main office or corporate office saw as complex or  
18 had potential for high profile that needed a prompt  
19 response to report -- to be reported upon to the  
20 administration so they could take action. So they would --  
21 that include a variety of different situations, each one  
22 looked at separately and apart.

23                  **MR. RUEL:** For example?

24                  **MR. DOWNING:** There could be maybe a leak of  
25 information about young offenders into the general public.

1           There could be a sudden death that -- that information may  
2           have suggested foul play. There could be a significant  
3           allegation of an association between an employee and a  
4           client of our Ministry's. Those would -- might be  
5           examples.

6                         **MR. RUEL:** Okay. And, again, I'm still  
7           covering this period when you were Special Investigator,  
8           could other investigative units within the Ministry deal --  
9           also deal with such situations, for example, the PSB?

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

11                        **MR. RUEL:** Professional Standards Bureau?

12                        **MR. DOWNING:** They could, yes.

13                        **MR. RUEL:** So there was potential overlap  
14           between your functions and the function of the Professional  
15           Standards Bureau?

16                        **MR. DOWNING:** Their -- their mandate was  
17           very similar. The mandate that I followed with regards to  
18           the type and nature of the incidents I investigated would  
19           have been very similar to what the civilian inspectors and  
20           PSB would have carried out.

21                        **MR. RUEL:** So why having this -- if I can  
22           use the term "duplication of functions" -- there was you  
23           carrying investigative functions for Corrections and the  
24           Professional Standards Bureau also providing investigative  
25           functions for the OPP as I understand, and also for

1 Corrections, so why having two separate tracks,  
2 essentially?

3 **MR. DOWNING:** I think initially, like I had  
4 mentioned previously, in 1995 I think there was a belief in  
5 corporate office that the same level of services could be  
6 offered through the PSB to our division, Corrections.

7 I think through a period of time it was  
8 recognized that that was not happening, that there were  
9 reduced resources on that side of the Ministry, and there  
10 was a need to -- more or less a stopgap to get somebody  
11 else in position quickly to carry out those complex and  
12 high-profile investigations in a prompt fashion. So  
13 therefore they created that position Special Investigator.

14 **MR. RUEL:** Okay. And then as Chief of the  
15 Correctional and Investigation Security Unit, can you  
16 describe what your functions were?

17 **MR. DOWNING:** Well, basically was a case  
18 manager. Over the period of years that I was the Chief,  
19 between 2001 and 2006, there were approximately 85 to 100  
20 investigations being conducted, so I would case manage  
21 those investigations with the assigned inspectors.

22 I would provide advice and consultation to  
23 corporate office and the field with regards to  
24 investigative situations or incidents, and I would also be  
25 involved in consultation during those -- the requests of

1 those incidents to be -- have investigations conducted.

2 MR. RUEL: So in terms of the type of  
3 investigation that you would conduct when you were at --  
4 within the Correctional Investigation and Security Unit,  
5 are we talking about the same type of investigations that  
6 you were carrying while you were a Special Investigator?

7 MR. DOWNING: That would be fair, yes.

8 MR. RUEL: So serious cases, violation of  
9 Ministry policy by employees, riots; would that be the type  
10 of incidents you would investigate?

11 MR. DOWNING: That's correct. And a  
12 complexity that required a higher skill level other than a  
13 manager to conduct an investigation. There may be  
14 incidents that were not high profile or may not have been  
15 of the nature you've described like a sudden death,  
16 however, were very complex in nature that needed a skilled  
17 investigator to go in and take a look at.

18 MR. RUEL: Okay. And then you accepted, I  
19 guess, a new position in 2006. Can you tell us more about  
20 that?

21 MR. DOWNING: That's correct. In 2006, I  
22 took on an assignment as the Deputy Regional Director in  
23 the Western Region and that was -- position was responsible  
24 to assist the Regional Director in charge of Adult  
25 Institutional Services.

1                   **MR. RUEL:** That's still with the same  
2           Ministry?

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

4                   **MR. RUEL:** And what are you doing now?

5                   **MR. DOWNING:** I'm currently, I'm on a  
6           secondment to another Ministry. I'm with Youth Justice  
7           Services as the Superintendent of the Bluewater Youth  
8           Centre located just outside of Goderich.

9                   **MR. RUEL:** So just -- I think we've covered  
10          that in part, but I just want to understand some of the  
11          framework of how the Ministry of Community Safety and  
12          Correctional Services functions.

13                   So there's the -- in that structure, the  
14          current structure, I guess, there's community safety, which  
15          is essentially -- which comprises the OPP, so policing  
16          services?

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

18                   **MR. RUEL:** And there's also correctional  
19          services, and that includes correctional facilities,  
20          prisons. So that's one branch, if I can say. Is that  
21          correct?

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

23                   **MR. RUEL:** And the second branch is  
24          community corrections, which includes probation services?

25                   **MR. DOWNING:** That's correct.

1                   **MR. RUEL:** And what else?

2                   **MR. DOWNING:** It would be involved with both  
3 adult and youth services at the time with regards to  
4 community supervision and, like you previously mentioned,  
5 adult and youth facilities at the time on that correctional  
6 side.

7                   **THE COMMISSIONER:** Would it include parole?

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

9                   **MR. RUEL:** And there would be, within the  
10 organizational structure of the Ministry, those two  
11 branches, I guess. The Institutional Branch and the  
12 Community Branch would have separate reporting  
13 relationships to the Deputy Minister; right?

14                   **MR. DOWNING:** That's correct.

15                   **MR. RUEL:** And when you were the special  
16 investigator in -- between 1997 and 2001, I guess the  
17 Ministry was called differently but had essentially the  
18 same structure?

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

20                   **MR. RUEL:** So it was, at the time, the  
21 Ministry of the Solicitor General and Correctional  
22 Services?

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

24                   **MR. RUEL:** And Correctional Services, again,  
25 had two components, the same components I described

1 earlier. That's correct?

2 MR. DOWNING: Correct.

3 MR. RUEL: So we talked a bit earlier and  
4 you talked a bit earlier about the Ministry investigations,  
5 capacities -- investigation capacities within the Ministry.

6 So I'm going to focus on the period when you  
7 were a special investigator, and especially when you  
8 conducted a review concerning some incident in Cornwall.

9 So that was between August 8<sup>th</sup>, 2000 and September 6<sup>th</sup>, 2001.  
10 Is that correct?

11 MR. DOWNING: Correct.

12 MR. RUEL: So at the time, there was you, as  
13 special investigator. There was also the Professional  
14 Standards Bureau in existence, and we talked about the  
15 respective functions of those two entities, if I can say.

16 Is it not correct to say that there was also  
17 another unit carrying investigations within the Ministry  
18 which was called the Independent Investigations Unit?

19 MR. DOWNING: That's correct.

20 MR. RUEL: The IIU?

21 MR. DOWNING: Correct.

22 MR. RUEL: So can you explain what the  
23 mandate of the Independent Investigations Unit ---

24 MR. DOWNING: My understanding, in the early  
25 '90s that that unit was established to implement an

1       investigative resource to look into workplace  
2       discrimination and harassment and also looked into sexual  
3       improprieties involving employees and clients within the  
4       Ministry. They had a separate set of investigators and a  
5       separate mandate from the -- from PSB.

6                   **MR. RUEL:** So, again, in some cases there  
7       could be overlap -- potential overlap between those three  
8       investigative groups within Corrections in some specific  
9       cases.

10                   For example, a case where there could be  
11       allegations of employee contact with offender with a  
12       potential sexual component could be potentially  
13       investigated by the IIU, the Independent Investigation  
14       Unit. It could be investigated as well by you and could  
15       potentially also be investigated by the Professional  
16       Standards Bureau. Is that correct?

17                   **MR. DOWNING:** I would say two of the three,  
18       it could happen. If the PSB or myself were assigned to  
19       investigate an alleged association between an employee and  
20       a client, and during the conduct of that investigation  
21       either by myself or the PSB, that we became aware of a  
22       suggestion of sexual impropriety, not just association,  
23       myself or PSB would normally contact the IIU and  
24       communicate with that unit.

25                   **MR. RUEL:** And who would have the lead



1 typically in the example you're giving?

2 MR. DOWNING: It depends. If I was the one  
3 who was assigned, obviously I would be the one that would  
4 make the call to the manager of the IIU. If PSB had an  
5 inspector assigned, I would assume that they would contact  
6 the IIU.

7 MR. RUEL: So the person carrying the  
8 investigation would be the person initially assigned to the  
9 investigation. Is that correct?

10 MR. DOWNING: I have to go back. I've got  
11 my dates mixed up here. In 1992, the civilian inspectors  
12 were not there. They weren't there until 1995. So it would  
13 have been the IIU and, traditionally, the Inspections  
14 Branch.

15 MR. RUEL: Okay. I see.

16 MR. DOWNING: And I would not have been in  
17 my position as Special Investigator back in 1992.

18 MR. RUEL: Yes. But I'm talking during the  
19 period you were Special Investigator. So that's 2000.

20 MR. DOWNING: Okay.

21 MR. RUEL: Or between 1997 and 2000.

22 MR. DOWNING: So if we're talking the  
23 timeframe of 1996 or '97, my initial statements are  
24 accurate.

25 MR. RUEL: Okay.

1                   **THE COMMISSIONER:** So who would decide who  
2 to assign?

3                   **MR. DOWNING:** Well, that would take place on  
4 the basis of the initial information that was received. So  
5 if the information received suggested an association,  
6 simply someone having some dealings on the outside with a  
7 client, that would be -- there would be a suggestion it  
8 would go to, for instance, myself, depending on the profile  
9 of it, the complexity, or PSB.

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

11                   **MR. DOWNING:** If, during the conduct of  
12 that, more information came out, which it could, then that  
13 might cause that contact with the IIU to discuss who would  
14 be more suitable to continue with the investigation.

15                   **THE COMMISSIONER:** Okay.

16                   **MR. RUEL:** So before moving to your review  
17 in Cornwall -- sorry, I just wanted to flesh out a few more  
18 points concerning your position as Special Investigator.

19                   So who were you reporting to between 1997  
20 and 2001 when you acted as Special Investigator within  
21 Correctional Services?

22                   **MR. DOWNING:** There were a number of people  
23 that I reported to. I think initially it was Louie Di  
24 Palma and Neil McKerrell, and then it moved through to  
25 Denis Phillipson as the Director and Neil McKerrell as the

1 ADM, and then finally it was Gary Commeford who I reported  
2 to.

3 MR. RUEL: So Gary Commeford was the person,  
4 or your boss, if I may say, when you undertook the review  
5 of the Cornwall incidents between August 8<sup>th</sup>, 2000 and  
6 September 6<sup>th</sup>, 2001?

7 MR. DOWNING: That was my direct report,  
8 yes.

9 MR. RUEL: Okay. And his position was  
10 Director, Operational Support and Standards?

11 MR. DOWNING: That's correct.

12 MR. RUEL: That was his position. And in --  
13 when you were a Special Investigator, you had been  
14 designated under the -- as an Inspector under the *Ministry*  
15 *of Correctional Services Act*. Is that correct?

16 MR. DOWNING: That's correct.

17 MR. RUEL: So that's section 22 of the Act?

18 MR. DOWNING: Yes, it is.

19 MR. RUEL: Can you explain what that  
20 designation entails?

21 MR. DOWNING: Well, actually, section 22 and  
22 section 11. I was designated as a peace officer for the  
23 administration of the Act and also under section 22 as a  
24 Ministry inspector for the purposes of carrying out  
25 inquiries or investigations on behalf of the Ministry. It

1 gave me powers to seize without warrant any information,  
2 documents, on Ministry property or of Ministry --  
3 associated to Ministry business, and it also gave me the  
4 authority, on reasonable grounds, to compel employees to  
5 provide a statement regarding any matter that may be under  
6 investigation.

7 **MR. RUEL:** So what would happen if an  
8 employee refused, hypothetically, to meet with you if you  
9 called that person to give a statement to you?

10 **MR. DOWNING:** Well, first of all, they'd  
11 have to understand the potential consequences if they  
12 didn't cooperate with me. If they decided not to, then  
13 they could be disciplined up to and including dismissal  
14 from their employment with the Ministry.

15 **MR. RUEL:** And, Madam Clerk, I wish to refer  
16 to Document Number 100576.

17 **THE COMMISSIONER:** Thank you. Exhibit  
18 Number 1071 is a designation, I suppose of -- dated January  
19 30<sup>th</sup>, 1997 and signed by Elaine Todres, Deputy Solicitor  
20 General and Deputy Minister of Correctional Services.

21 **---EXHIBIT NO./ PIÈCE NO 1071**

22 (100576) Exhibit 30 The Downing Report  
23 - section 22 Authority

24 **MR. RUEL:** Mr. Downing, do you recognize  
25 this document?

1                   MR. DOWNING: Yes, I do.

2                   MR. RUEL: This is the designation under  
3 section 22 we were just talking about?

4                   MR. DOWNING: Correct.

5                   MR. RUEL: So this is the instrument that  
6 makes you an Inspector -- that made you an Inspector under  
7 the Act for the purpose of your Cornwall review?

8                   MR. DOWNING: That's correct.

9                   MR. RUEL: And for other investigations?

10                  MR. DOWNING: Correct.

11                  MR. RUEL: I don't see here any reference to  
12 the designation under section 11. Was that done  
13 separately?

14                  MR. DOWNING: That's correct.

15                  MR. RUEL: So, again, on your position of  
16 Special Investigator to the -- I'm going to refer now to  
17 the Director, Operational Support and Standards. So you  
18 indicated that you had -- you were by yourself, you had no  
19 staff, right? No secretary?

20                  MR. DOWNING: That's correct.

21                  MR. RUEL: You didn't have any other  
22 inspector or investigator working with you?

23                  MR. DOWNING: Correct.

24                  MR. RUEL: Did you have a budget? Research  
25 budget of any kind?

1                   **MR. DOWNING:** Whatever I needed. I had no  
2 budget.

3                   **MR. RUEL:** Was that a problem for you, you  
4 being the -- well, was that a problem? Did you ever feel  
5 that this was a problem, having limited staffing resources  
6 to carry out your functions?

7                   **MR. DOWNING:** Not with the investigations  
8 that I had been assigned. I felt very comfortable  
9 conducting them and I believe that I was a skilled  
10 investigator that was conducting investigations in an  
11 objective and transparent manner.

12                   **MR. RUEL:** How many investigations have you  
13 carried between 1997 and 2001 as Special Investigator?

14                   **MR. DOWNING:** I was probably averaging  
15 between 12 and 14 investigations per year.

16                   **MR. RUEL:** So you had to -- since you were  
17 alone, I guess, you had to devote your time -- I mean, you  
18 were -- for a specific investigation you had to devote your  
19 -- I mean, you were the only person within the office to do  
20 the investigation, so you would be full time on each  
21 investigation, essentially?

22                   **MR. DOWNING:** Yes, that's correct. And  
23 there would be consultation with corporate office too. I  
24 would keep them apprised at where my work load was at so  
25 they would be able to make those decisions with regards to

1 assigning me investigations.

2 MR. RUEL: Did you ever refer investigations  
3 that were assigned to you to other units within the  
4 Ministry, whether it be the Professional Standards Bureau  
5 or the Independent Investigation Unit because of workload  
6 issues?

7 MR. DOWNING: I might provide advice to  
8 corporate office that the matter could be dealt with by  
9 another unit and, again, that would be on a case-by-case.

10 For instance, if there had been a suggestion  
11 of sexual impropriety, I might provide my guidance that it  
12 should go to the IIU. If it was a matter that I thought  
13 didn't need my expertise, my specific expertise, I might  
14 suggest that the PSB might be able to handle it.

15 MR. RUEL: And in 2001 this unit you  
16 referred to, the Correctional Investigation and Security  
17 Unit was formally created, so was that at the -- and you  
18 became the Chief, right. Correct?

19 MR. DOWNING: Correct.

20 MR. RUEL: So was there -- did you make any  
21 representation as to the need to have this new unit to be  
22 set up?

23 MR. DOWNING: It's my understanding that  
24 Gary Commeford put forward a strong business case to senior  
25 administration that there was a need to acquire funds and

1 personnel to establish the unit, and I was asked to make  
2 proposals on the structure of the unit and the format of  
3 the unit to the Director.

4 **MR. RUEL:** And did you express any concerns  
5 to the Director as to the functioning of your previous  
6 office as being a Special Investigator?

7 **MR. DOWNING:** I think it was understood by  
8 most of the senior administrators that they were under-  
9 resourced, generally speaking, to carry out investigations  
10 within the division and that this was an appropriate manner  
11 to respond to that, to increase the resources and to get a  
12 dedicated investigation unit as had been in place prior to  
13 1995.

14 **MR. RUEL:** So that unit still, to your  
15 knowledge, still exists today?

16 **MR. DOWNING:** Correct.

17 **MR. RUEL:** That new unit. The Correctional  
18 Investigation and Security Unit still exists today;  
19 correct?

20 **MR. DOWNING:** It does, yes.

21 **MR. RUEL:** I would like to refer you to a  
22 document, Madam Clerk, which is -- may be found in the Book  
23 of Documents and of the corporate presentation of the  
24 Ministry of Community Safety and Correctional Services,  
25 Volume 8, Tab 53.



1                   **THE COMMISSIONER:** Merci. Thank you.

2                   **MR. RUEL:** So, Madam Clerk, I don't know if  
3 I should wait until you -- the document appears on the  
4 screen or should carry on?

5                   **THE COMMISSIONER:** What's the Clerk say?

6                   **THE REGISTRAR:** Go ahead.

7                   **MR. RUEL:** Go ahead, okay. Thank you.

8                   Mr. Downing, this is a directive dated  
9 August 14<sup>th</sup>, 1998. The subject is Internal Administrative  
10 Investigations. And it's -- it was forwarded or signed --  
11 it was signed by Louie Di Palma, Director of Adult  
12 Institutional Operations, Paul Fleury, Director of Young  
13 Offenders Operations and Adam Borgida, Director of Adult  
14 Community Operations to district administrators,  
15 superintendents, area managers. Do you recognize this  
16 document?

17                   **MR. DOWNING:** I recall it, yes.

18                   **MR. RUEL:** Did you have any role in  
19 preparing this document?

20                   **MR. DOWNING:** I provided advice to the  
21 policy writers of this document, yes.

22                   **MR. RUEL:** So can you explain what this  
23 directive is exactly?

24                   **MR. DOWNING:** In 1998, as we've discussed,  
25 it was prior to the establishment in 2001 of the

1 Correctional Investigation and Security Unit. I would say,  
2 generally speaking, that was right in the middle of the  
3 division realizing that they did not have sufficient  
4 investigative resources.

5 MR. RUEL: When you say the division, you're  
6 referring to?

7 MR. DOWNING: Correctional Services.

8 MR. RUEL: Okay.

9 MR. DOWNING: And their first decision was  
10 to place me on assignment as an Inspector to try to fill  
11 that gap.

12 MR. RUEL: So this is the position of  
13 Special Investigator?

14 MR. DOWNING: No. This -- basically came  
15 next. There was a realization that even with putting me in  
16 the position as a Special Investigator, it still wasn't  
17 providing enough investigative resource within the Ministry  
18 at that time.

19 So they asked me to make a proposal of how  
20 to provide that resource, to carry out less complex or  
21 profile investigations within the division of Corrections.  
22 And that's what came about with the Level 2 investigators,  
23 trained investigators.

24 MR. RUEL: Okay. Who are those people?  
25 Level 2 trained investigators.

1                   **MR. DOWNING:** They're managers. They were  
2 identified managers throughout the division, both in the  
3 Community and Institutional side and they went through some  
4 training to prepare them, how to conduct interviews and how  
5 to keep records and document those interviews and write  
6 reports.

7                   **MR. RUEL:** So that we understand here, what  
8 is a Level 1 investigation and what is a Level 2  
9 investigations, and if you -- maybe you can turn to page 2,  
10 there's some definitions of Level 1 investigation, if you -  
11 - you may want to start there.

12                   **MR. DOWNING:** Well, in this policy they've  
13 actually used examples of what would be considered a high-  
14 profile or Level 1 investigation.

15                   I would respectfully suggest that that was  
16 not the intent though of this directive when I proposed it.  
17 In general terms, it's the more complex investigations  
18 versus the less complex investigations which would dictate  
19 the Level of expertise required by an investigator to  
20 become involved. However, they actually used examples, so  
21 in the definitions under Level 1, for instance you might  
22 have a sudden death that required an experienced or skilled  
23 investigator, which in this case would require an inspector  
24 who is seen as skilled and at a high level. There may be  
25 suspicion of foul play. Or another death might be where

1 someone has actually left an institution and gone into a  
2 hospital and has been suffering from a long-term disease  
3 and dies in the care of the hospital but "is still in our  
4 custody".

5 So even though you have the same type or  
6 nature of event you may assign a Level 2 investigator to  
7 conduct that investigation in the hospital versus a Level  
8 1. So it's basically the complexity of the skill set  
9 that's required.

10 **MR. RUEL:** So the more complex the more  
11 chances the investigation should be conducted by a Level 1  
12 investigator?

13 **MR. DOWNING:** Inspector. That's correct.

14 **MR. RUEL:** Inspector.

15 **MR. DOWNING:** That's correct.

16 **MR. RUEL:** And a Level 1 investigation as  
17 defined here:

18 "...includes employee association with  
19 offender, ex-offenders (suspicion of  
20 significant involvement that could  
21 threaten the security and operation of  
22 an institution as well as public  
23 confidence in the correctional  
24 system)."

25 That's correct?

1                   **MR. DOWNING:** Correct.

2                   **MR. RUEL:** So a Level 1, back to page 1, the  
3                   investigative body according to this directive, would be  
4                   the Professional Standards Bureau.

5                                 And would it be fair to say that between  
6                   1997 and 2001 that would also include you as a Special  
7                   Investigator?

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

9                   **MR. RUEL:** So you were bound -- you felt you  
10                  were bound by this directive as well?

11                  **MR. DOWNING:** That's correct.

12                  **MR. RUEL:** And Level 2, as you've indicated,  
13                  were managers and -- or designated persons at the Ministry,  
14                  but those persons would not be necessarily Ministry  
15                  employees designated as inspector under the *Ministry of*  
16                  *Correctional Services Act*?

17                                 **MR. DOWNING:** That's correct. They would be  
18                  managers who had full-time positions, who from time-to-time  
19                  would be taken out of that position to conduct an  
20                  investigation, and they were not empowered -- or delegated  
21                  the authority under section 22 as an inspector.

22                  **MR. RUEL:** Now, under the heading Policy,  
23                  the second paragraph, I'm going to read it to you:

24   "Based on the investigator's finding,  
25   the cost centre manager shall develop

1 an action plan which requires DA  
2 approval prior to implementation."

3 What is "DA", Mr. Downing?

4 **MR. DOWNING:** Can I ask what page you're  
5 referring to, please?

6 **MR. RUEL:** I'm referring to page 1, first  
7 page of the document, second paragraph under Policy.

8 **MR. DOWNING:** I think what was happening --  
9 there was actually a form that was created to provide a  
10 tracking process with regards to investigations that took  
11 place and to ensure that appropriate action was taken  
12 following those investigations.

13 So once an investigation was conducted and a  
14 report was created, the administrator of that workplace was  
15 to prepare an action plan of what they were going to do  
16 regarding that matter or their determinations, and then  
17 that form would have to be signed off corporately to ensure  
18 as a second catch that it was being done properly.

19 **MR. RUEL:** And just coming back on that  
20 sentence here, it reads the, "Action plan which requires DA  
21 approval". What is "DA"?

22 **MR. DOWNING:** That would be the District  
23 Administrator in each region. Through the years they went  
24 through different titles, District Administrator, Regional  
25 Manager, Regional Director. It would be the lead senior

1 administrator in the region.

2 MR. RUEL: And final closure, sign off, of  
3 Level 1 investigation rests with the ADM, that's correct,  
4 under this directive?

5 MR. DOWNING: That's correct.

6 MR. RUEL: And at the next page:

7 "An action plan is normally comprised  
8 of the following components: findings,  
9 response, implementation plan, targeted  
10 date of completion and responsibility."

11 Is that correct?

12 MR. DOWNING: That's correct.

13 MR. RUEL: So now, Mr. Downing, I want to  
14 cover the facts related to your review of the incidents  
15 that were brought to your attention concerning the Cornwall  
16 Probation Parole Office, if you want.

17 So do you remember being contacted when you  
18 were Special Investigator to conduct a review of -- with  
19 respect to some incidents that happened in Cornwall?

20 MR. DOWNING: Yes, I do recall.

21 MR. RUEL: And can you give some more  
22 details?

23 MR. DOWNING: Could I refer to my notes, my  
24 case notes?

25 MR. RUEL: Yes.

1 So, Mr. Commissioner, this is Exhibit 1064.

2 **THE COMMISSIONER:** Thank you.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. RUEL:** So there's an entry on August 8<sup>th</sup>,  
5 2000. Can you read that, Mr. Downing?

6 **MR. DOWNING:** Yes, I can.

7 On August 8<sup>th</sup> I received a telephone call  
8 from Michael Stephenson, who was the Regional Director in  
9 the Eastern Region, along with Deborah Newman, also a  
10 Regional Director, and they called me regarding what I  
11 recall being described as Project Truth in Cornwall. And  
12 they shared with me that there had been a website that made  
13 a number of allegations regarding past and current  
14 employees.

15 **MR. RUEL:** Of the?

16 **MR. DOWNING:** Of the Corrections Division.

17 **MR. RUEL:** Was it in Cornwall?

18 **MR. DOWNING:** That's correct.

19 **MR. RUEL:** So the probation office. Is that  
20 correct?

21 **MR. DOWNING:** At that point, I think it was  
22 employees within the eastern region. I'm not sure whether  
23 there was that detail, whether it was probation or  
24 institutional. It was employees.

25 **MR. RUEL:** So do you remember if any details



1           were given to you by Ms. Newman and Mr. Stephenson  
2           concerning the allegations made on the website?

3                       **MR. DOWNING:** I don't think there were a lot  
4           of details. I think that our discussion -- my suggestion  
5           was that first of all I had to get a hold of the website or  
6           documents to actually review what was being said. My  
7           understanding was that it was a -- it was shared, it was a  
8           large document, and so at that point, my starting point, I  
9           thought I needed to take a look at it.

10                      But there were some allegations, briefly  
11           discussed, with regards to sexual improprieties, I believe.

12                      **MR. RUEL:** So was a mandate given to you on  
13           August 8<sup>th</sup>, 2000 with respect to any review investigation or  
14           other action that you should be undertaking?

15                      **MR. DOWNING:** Not at that date. Again, I  
16           think I provided my advice that a good starting point would  
17           be for me to have access to that information to assess it  
18           and I believe that a few days later I was actually  
19           assigned.

20                      So it was more of a consultation on August  
21           the 8<sup>th</sup> between myself and directly with the two regional  
22           directors in the eastern region.

23                      **MR. RUEL:** Did you review -- at some point I  
24           gather that you obtained a copy of the information that  
25           appeared on the website. Is that correct?

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

2                   **MR. RUEL:** And was that before or after your  
3 formal assignment to the case?

4                   **MR. DOWNING:** Most probably after.

5                   **MR. RUEL:** So the next entry here in your  
6 notes ---

7                   **THE COMMISSIONER:** Before we go further, Mr.  
8 Ruel.

9                   **MR. RUEL:** Sorry.

10                  **THE COMMISSIONER:** These notes, are they --  
11 was this your police officer's notebook, so to speak?

12                  **MR. DOWNING:** Yes.

13                  **THE COMMISSIONER:** All right. So these are  
14 original notes?

15                  **MR. DOWNING:** That's correct, and made at  
16 the time.

17                  **THE COMMISSIONER:** Made at the time.

18                  **MR. DOWNING:** Correct.

19                  **THE COMMISSIONER:** And so any -- there had  
20 not been any revisions or anything like that on this?

21                  **MR. DOWNING:** That's correct.

22                  **THE COMMISSIONER:** All right.

23                  **MR. DOWNING:** Each page was numbered and  
24 initialled by myself.

25                  **THE COMMISSIONER:** All right. Good. Thank

1           you.

2                       **MR. RUEL:** So they've been made along the  
3 way as the review of the -- of your review of the Cornwall  
4 issues progressed. Is that correct?

5                       **MR. DOWNING:** As best I could. The soonest  
6 available time I would make the notes, correct.

7                       **MR. RUEL:** And those notes only covered the  
8 specific review? You don't include notes on other  
9 subjects?

10                      **MR. DOWNING:** No, that's correct.

11                      **MR. RUEL:** So on August 11<sup>th</sup>, 2000, that's  
12 the second entry on the first page, you were assigned by  
13 Gary Commeford to act as a case manager on behalf of the  
14 Ministry. Is that accurate?

15                      **MR. DOWNING:** That's correct.

16                      **MR. RUEL:** So there's -- I'd like to refer  
17 you to ---

18                      **THE COMMISSIONER:** And are these all of the  
19 notes that you have with respect to this matter?

20                      **MR. DOWNING:** I may have made some other  
21 handwritten notes following interviews, but these would be  
22 my only case notes that I would actually have a running --  
23 what I was doing or who I was talking to, but there may be  
24 some other notes I may have made following an interview  
25 with someone, and they would be included. They would have

1           been submitted for the Inquiry.

2                         **THE COMMISSIONER:** Okay. Good.

3                         Mr. Ruel.

4                         **MR. RUEL:** We're going to come to that --  
5           some of those notes, Mr. Commissioner.

6                         **THE COMMISSIONER:** Okay.

7                         **MR. RUEL:** The document -- next document is  
8           100514.

9                         **THE COMMISSIONER:** Thank you. Exhibit 1072  
10           is an email communication from Gary Commeford to Paul  
11           Downing, dated Friday, August 11<sup>th</sup> at 8:30 -- 2000.

12                         **--- EXHIBIT NO./PIÈCE NO. P-1072:**

13                                 (100514) Email communication from Gary  
14                                 Commefford to Paul Downing dated Friday,  
15                                 August 11, 2000

16                         **MR. RUEL:** Mr. Downing, do you remember  
17           receiving this email from Mr. Commeford?

18                         **MR. DOWNING:** Yes, I do. That's my writing  
19           indicating the exhibit number and the date and time.

20                         **MR. RUEL:** So it reads:

21                                 "This will confirm our conversation of  
22                                 Friday, August 11<sup>th</sup> in respect of the  
23                                 above-noted subject. Please take the  
24                                 appropriate steps to contact the  
25                                 authorities involved in this

1 investigation. As discussed, your role  
2 at this particular time is to establish  
3 a liaison for the purpose of protecting  
4 the interest of the organization.  
5 Following your inquiries, please  
6 provide the writer with a status  
7 report."

8 That's correct?

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

10 **MR. RUEL:** So was that the understanding of  
11 your mandate at this point, to establish a liaison for the  
12 purpose of protecting the interest of the organization?

13 **MR. DOWNING:** It was to establish those  
14 connections or linkages with other law enforcement agencies  
15 that might have information regarding our employees.

16 I believe -- of course, you'd have to ask  
17 Mr. Commeford -- my understanding of protecting the  
18 interests of the Ministry were intended for me to establish  
19 what risk management was there right there and then with  
20 regards to current employees.

21 Generally speaking, it was my understanding  
22 that the senior administration at the time had very little  
23 or no knowledge of the events that had been described on a  
24 Project Truth website and needed some sort of grounding or  
25 status to make decisions. So they needed to know quickly

1 and promptly, and I think that's why I was asked to become  
2 involved, to establish if they had any employees that  
3 suggested wrongdoing that may put clients or the Ministry  
4 at risk.

5 **MR. RUEL:** But at that point -- and correct  
6 me if I'm wrong -- this didn't seem to be a formal  
7 investigation into the allegations made on the website.  
8 This seemed to be more a case management role?

9 **MR. DOWNING:** It was -- the purpose was to  
10 establish a start line, what information was out there; was  
11 the information valid or had some sort of credibility and  
12 would it warrant further action after that?

13 **MR. RUEL:** So before we move on, I just want  
14 to show you an organizational chart -- an organization  
15 chart of the Ministry at the time of the senior levels just  
16 to see the reporting lines.

17 So, Madam Clerk, this is Document Number  
18 123668.

19 **THE COMMISSIONER:** Thank you. This is  
20 Exhibit 1073, which is a Ministry of Correction Services  
21 Organizational Chart dated July 16<sup>th</sup>, 2001.

22 --- **EXHIBIT NO./PIÈCE NO. P-1073:**

23 (123668) Ministry of Correction  
24 Services Organizational Chart dated  
25 July 16<sup>th</sup>, 2001

1                   **MR. RUEL:** So, Mr. Downing, I guess this is  
2                   a -- this one is dated -- this organization chart is dated  
3                   July 16, 2001, but some of the players or the key players  
4                   you've dealt with appear in that chart. I believe so.  
5                   We're going to go through some of the boxes.

6                                 So the second -- I don't know if you can see  
7                   from that -- it's written -- it's pretty small.

8                   **MR. DOWNING:** I have to be honest with you;  
9                   I can't.

10                   **THE COMMISSIONER:** Well, let's go to the  
11                   screen then and, Madam Clerk, if you can enlarge it a  
12                   little bit? So which section of the screen?

13                   **MR. RUEL:** It's on the right side, the  
14                   second column from the right. No, the second column on the  
15                   right side of the document. Yes, thank you. A little bit  
16                   below. There's a box with "Operational Support and  
17                   Standards, Gary Commeford, Director". I don't know if you  
18                   can see it. The second column, and it's the second box  
19                   from the bottom.

20                   **THE COMMISSIONER:** Oh yeah. Okay. There  
21                   you go, "Operational Support and Standards, Gary  
22                   Commeford".

23                   **MR. RUEL:** So this is the unit, if I can  
24                   call it, that you were reporting to. So it's Mr. Commeford  
25                   and his Operational Support and Standard Unit or Division;

1 correct?

2 MR. DOWNING: That's correct.

3 MR. RUEL: And Mr. Commeford was reporting  
4 to two assistant deputy ministers?

5 MR. DOWNING: That's correct.

6 MR. RUEL: He was reporting to the Assistant  
7 Deputy Minister for Adult Institutional Services. So on  
8 that chart it's John Rabeau; is that correct?

9 MR. DOWNING: Correct.

10 MR. RUEL: And he was also reporting to a  
11 second Assistant Deputy Minister for Community and Young  
12 Offenders, and on that chart it's Deborah Newman.

13 MR. DOWNING: That's correct. I have to be  
14 honest; I'm going by memory and I cannot read this chart.

15 MR. RUEL: Okay. That's fine.

16 Mr. Commeford -- I'm being suggestive in my  
17 approach -- but I gather he was providing services,  
18 including institutional services, to both divisions of the  
19 Ministry, the institutions and the community and young  
20 offender services, including the probation services?

21 MR. DOWNING: That's correct.

22 MR. RUEL: And when we see, for example, on  
23 this email the name Deborah Newman, I gather that initially  
24 when she became involved, she, as you indicated, was the  
25 Regional Director for the Eastern Region on the Community



1 and Young Offender side of Corrections?

2 MR. DOWNING: That's correct.

3 MR. RUEL: And she moved up to become  
4 Assistant Deputy Ministry, Community and Young Offender  
5 Services, sometime in September?

6 MR. DOWNING: That's correct.

7 MR. RUEL: So you've dealt mainly with Ms.  
8 Newman through your review; is that correct?

9 MR. DOWNING: I dealt with her during the  
10 review, yes, correct.

11 MR. RUEL: Is it mainly or she was one of a  
12 number of others you dealt with?

13 MR. DOWNING: I didn't quite understand the  
14 question. I knew Ms. Newman prior to my involvement in  
15 this investigation, but, yes, I dealt with Ms. Newman in  
16 this investigation.

17 MR. RUEL: But the reporting line was Mr.  
18 Commeford. He was your supervisor, if I can say -- direct  
19 supervisor?

20 MR. DOWNING: He was my direct supervisor.  
21 However, there are many times that I provided advice or  
22 consultation that included a number of senior managers.

23 So, in fact, Mr. Commeford might ask me to  
24 provide a briefing that would include himself and his  
25 superiors. So the direct report was to Gary, but I would

1 still have communications with other positions either  
2 parallel or above him.

3 **MR. RUEL:** So there's the name of Michael  
4 Stephenson here. Where does he -- where did he fit on that  
5 chart?

6 **MR. DOWNING:** At that time my understanding  
7 was that Michael Stephenson was the Regional Director of  
8 Adult Institutional Services in the Eastern Region.

9 **MR. RUEL:** I see.

10 And the Deputy Minister, through your review  
11 of the issues in Cornwall, was Morris Zbar?

12 **MR. DOWNING:** Yes, he was, yes.

13 **MR. RUEL:** Had you dealt with him directly?

14 **MR. DOWNING:** On this case?

15 **MR. RUEL:** On this case, yes.

16 **MR. DOWNING:** Yes, by directly, during  
17 telephone conference calls, yes.

18 **MR. RUEL:** So, Mr. Downing, I'd like to  
19 refer you now to some of the website information that you  
20 were provided with, and there's -- Madam Clerk, there's  
21 four documents, and some of them -- and I can, Mr.  
22 Commissioner, go to each of them individually. Some of  
23 them contain names of persons that were assigned monikers  
24 or that have protection.

25 **THE COMMISSIONER:** There will be a

1 publication ban printed on it as a reminder to the media.

2 **Me. RUEL:** So the first document is 100499;  
3 the second one is 100504; then, 100507; and 100523.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **THE COMMISSIONER:** Thank you.

6 Exhibit number 1074 is a faxed document from  
7 Michael ---

8 **Me. RUEL:** Stephenson.

9 **THE COMMISSIONER:** --- Stephenson to Paul  
10 Downey, dated August 8th, 2000.

11 **--- EXHIBIT NO./PIÈCE NO 1074:**

12 (100499 Publication ban) Exhibit 1  
13 Website Information page 1-10 - faxed  
14 document from Michael Stephenson to  
15 Paul Downey, dated August 8th, 2000.

16 **THE COMMISSIONER:** And Exhibit 1075 are more  
17 faxed documents, the title page is "July 2000 Project  
18 Truth".

19 **--- EXHIBIT NO./PIÈCE NO 1075:**

20 (100504 publication ban) Exhibit 2  
21 Website Information page 1-21 - faxed  
22 documents, the title "July 2000 Project  
23 Truth"

24 **THE COMMISSIONER:** And the third document is  
25 Exhibit 1076 which is again a Project Truth, it looks like

1 the website, and this one is called "Affidavit of Ron  
2 Leroux".

3 --- EXHIBIT NO./PIÈCE NO 1076:

4 (100507 publication ban) Exhibit 3  
5 Website Information page 1-30 - Project  
6 Truth Website called "Affidavit of Ron  
7 Leroux"

8 THE COMMISSIONER: Oh, and the last one,  
9 it's Exhibit 1077, which is covered by an email  
10 correspondence from Laurie Potter to Paul Downey, dated  
11 September 5th, 2000.

12 --- EXHIBIT NO./PIÈCE NO 1077:

13 (100523 publication ban) Exhibit 11  
14 Website Information page 1-173 - email  
15 correspondence from Laurie Potter to  
16 Paul Downey, dated September 5th, 2000

17 Me. RUEL: Thank you, Mr. Commissioner.

18 Mr. Downing, were -- I gather you had  
19 prepared at the time a summary of your review of the  
20 information appearing on the website in question; is that  
21 correct?

22 MR. DOWNING: That's correct.

23 Me. RUEL: But I just want to show you some  
24 excerpts of the four documents that were just entered in  
25 exhibit.

1                   The first one is Exhibit 1074 and it's -- as  
2                   Mr. Commissioner indicated, this is a fax sent to you on  
3                   August 8th -- I believe it's -- well, August 8th, 2000, and  
4                   it contains a printout of a website called "Project Truth";  
5                   is that correct?

6                   **MR. DOWNING:** That's correct.

7                   **Me. RUEL:** Had you reviewed this document,  
8                   at the time?

9                   **MR. DOWNING:** Seven years ago I did, yes.

10                  **Me. RUEL:** So there's some information on  
11                  this printout about a pedophile network in Cornwall; is  
12                  that correct? That's at page 7 of the document. There's  
13                  some handwritten pages -- that are handwritten and in the  
14                  left -- the bottom left corner.

15                  **MR. DOWNING:** Are you talking ---

16                  **Me. RUEL:** Yes.

17                  **MR. DOWNING:** --- about the coversheet on  
18                  the fax?

19                  **Me. RUEL:** Sorry?

20                  **MR. DOWNING:** I'm -- I'm sorry, I'm not sure  
21                  what you're referring to?

22                  **Me. RUEL:** It's at -- maybe Madam -- you  
23                  have the page, the college -- maybe if you can look on the  
24                  screen, the "College Connection", it's mentioned here on  
25                  the website:

1 "I believe that the pedophile network  
2 started its operation in the 1950s and  
3 began with a college coming to  
4 Cornwall."

5 So there was some allegation about a  
6 pedophile network in Cornwall on those -- on this website?

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

8 **Me. RUEL:** And that at the following page  
9 there were also allegations of cover-up and Ken Seguin, who  
10 was a probation officer, being part of the cover-up; that's  
11 right?

12 **MR. DOWNING:** That's correct.

13 **Me. RUEL:** And at the last page of the  
14 document, there's mention of the supporting cast, number of  
15 people who shared the boys together and there's mention of  
16 Nelson Barque, who was a probation officer in Cornwall, as  
17 well?

18 **MR. DOWNING:** That's correct.

19 **Me. RUEL:** And at the second -- or the third  
20 paragraph from the bottom there's a mention about Jos  
21 van Diepen and I can read:

22 "So did Jos van Diepen know, as he was  
23 a co-worker and he, too, did nothing?"

24 So there's a mention or suggestion here that  
25 Mr. van Diepen knew about some of the activities of the

1 group?

2 MR. DOWNING: That's correct.

3 Me. RUEL: So Mr. van Diepen was a local  
4 probation officer in Cornwall, as well?

5 MR. DOWNING: That's correct.

6 Me. RUEL: So the following document and  
7 this is -- it's dated August 18, 2000, and it seems to be  
8 your initials "P.D."; is that correct?

9 MR. DOWNING: That's the one that's marked  
10 Exhibit number 1?

11 Me. RUEL: Yes.

12 MR. DOWNING: That's correct.

13 Me. RUEL: So does this mean that you  
14 received this document on August 18, 2000?

15 MR. DOWNING: That's correct.

16 Me. RUEL: And at page 7 of this document,  
17 under the heading the "Suspects the Pedophile Clan", it  
18 reads, it says:

19 "The first information leaked out in  
20 1992, suspicious that the ring of  
21 pedophiles was operating in/and around  
22 the City of Cornwall began to gain  
23 momentum. The pedophile ring  
24 consisting of prominent businessmen,  
25 clergy, judicial and political





1                                   of pedophiles which were comprised of  
2                                   the following people..." ,  
3       and Mr. Ken Seguin was listed as one of the people; do you  
4       remember that?

5                                   **MR. DOWNING:** That's correct.

6                                   **Me. RUEL:** Had you heard about those  
7       allegations prior to becoming involved in this situation?

8                                   **MR. DOWNING:** Nothing prior to August the  
9       8th.

10                                  **Me. RUEL:** Then at page 12 and 13 and, Mr.  
11       Downing, my understanding is this: There were some  
12       statements posted on the website of various people,  
13       including people that were alleging being the victims of  
14       abuse by a number of people; was that your understanding,  
15       as well?

16                                  **MR. DOWNING:** That's correct.

17                                  **Me. RUEL:** And this is one of those  
18       statements?

19                                  **MR. DOWNING:** Correct.

20                                  **Me. RUEL:** And there's mention again about  
21       parties at Ken Seguin's house and mention about the  
22       presence of Jos van Diepen?

23                                  **MR. DOWNING:** Correct.

24                                  **Me. RUEL:** And at page 19, this seems to be  
25       a statement of Perry Dunlop and under the heading "What

1 Started"; maybe you want to take a few seconds to read it?

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. RUEL: So, Mr. Downing, this person was  
4 alleging in this statement having been the victim of sexual  
5 misconduct, I would say, by Mr. Ken Seguin while this  
6 person was on probation. Is that correct? Was that your  
7 understanding?

8 MR. DOWNING: That's correct.

9 MR. RUEL: And the same -- the last document  
10 contained -- we won't go through it, but that's Exhibit  
11 1077. That's some more information that was provided to  
12 you on September 5, 2000.

13 So do you remember receiving that?

14 MR. DOWNING: That's correct.

15 MR. RUEL: That's from Lori Potter?

16 MR. DOWNING: Yes, I do.

17 MR. RUEL: So she was the Deputy Regional  
18 Director for Community Services?

19 MR. DOWNING: Correct.

20 MR. RUEL: So was that the information you  
21 looked at to start your work in relation to the Cornwall  
22 issues?

23 MR. DOWNING: That's correct.

24 MR. RUEL: Is there more?

25 MR. DOWNING: No, at that time, initially,

1 that was the advice I provided, for me to be provided all  
2 information that was on the website that made mention of  
3 employees and past employees, so that I could actually  
4 digest it and start to formulate some sort of plan of  
5 action as an investigator.

6 MR. RUEL: But did you look at the website  
7 yourself or you just relied on those copies?

8 MR. DOWNING: I don't recall looking at the  
9 website. I believe the website was taken off prior to me  
10 being able to see it. That's my recollection.

11 MR. RUEL: So is it your recollection that  
12 there was two appearances, if I can use the term, of the  
13 website, one which disappeared and another one that the  
14 website came back later? Is that what happened? Is that  
15 your understanding?

16 MR. DOWNING: That's my understanding.

17 MR. RUEL: And did you review both?

18 MR. DOWNING: The one package I got was the  
19 second sort of website, the information on that website.

20 MR. RUEL: So which one was that?

21 MR. DOWNING: I believe that's Exhibit  
22 Number 11 or, for the Inquiry ---

23 MR. RUEL: Ten-seventy-six (1076)?

24 MR. DOWNING: That's correct.

25 MR. RUEL: Okay. And the first one would be

1 from the first website?

2 **MR. DOWNING:** That's correct.

3 **MR. RUEL:** So if I may -- and we're going to  
4 come back to this document later, but you mentioned a  
5 summary of the information that you found on the website  
6 that you prepared. So this document is 123487.

7 **THE COMMISSIONER:** Whenever you want to take  
8 a break, Monsieur Ruel?

9 **MR. RUEL:** I'm fine, but we can take a break  
10 if you want, Mr. Commissioner.

11 **THE COMMISSIONER:** Well, then pick your spot  
12 then. Yeah, I'd like to have a break.

13 **MR. RUEL:** Okay.

14 **THE COMMISSIONER:** I was just wondering if  
15 this would be an appropriate time.

16 **MR. RUEL:** It's an appropriate time. I'm  
17 sorry.

18 **THE COMMISSIONER:** You see, Mr. Downing,  
19 they just won't let us take a break around here. We'll  
20 take the afternoon break. Thank you.

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

23 This hearing will resume at 3:45 p.m.

24 --- Upon recessing at 3:26 p.m./

25 L'audience est suspendue à 15h26

1 --- Upon resuming at 3:47 p.m./

2 L'audience est reprise à 15h47

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

5 This hearing is now resumed. Please be  
6 seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 Yes, Monsieur Ruel.

9 **MR. RUEL:** Thank you, Mr. Commissioner.

10 **PAUL DOWNING, Resumed/Sous le même serment:**

11 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
12 RUEL (continued/suite):

13 **MR. RUEL:** Mr. Downing, before Madam Clerk  
14 enters the next exhibit, I would like to come back to  
15 Exhibit 1076. That's the ---

16 **THE COMMISSIONER:** Affidavit of Ron Leroux -  
17 --

18 **MR. RUEL:** Yes.

19 **THE COMMISSIONER:** --- on the Project Truth  
20 matter. Yeah.

21 **MR. RUEL:** So, Mr. Downing ---

22 **THE COMMISSIONER:** Do you have that  
23 affidavit, sir?

24 **MR. DOWNING:** Yes, I do.

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

1                   **MR. RUEL:** The names you saw on those  
2                   websites of employees or former employees of the Ministry  
3                   were Nelson Barque, Ken Seguin and Jos van Diepen; that's  
4                   correct?

5                   **MR. DOWNING:** That's correct.

6                   **MR. RUEL:** But there's also the name of  
7                   another person that was on contract with the Ministry. Is  
8                   that correct?

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

10                  **MR. RUEL:** So who -- is this Mr. -- Father  
11                  Kevin Maloney?

12                  **MR. DOWNING:** Correct.

13                  **MR. RUEL:** So there's reference to Father  
14                  Maloney in Ron Leroux's affidavit?

15                  **MR. DOWNING:** Correct.

16                  **MR. RUEL:** So the allegations made as  
17                  against those four individuals were reviewed by you in the  
18                  course of your mandate?

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

20                  **MR. RUEL:** So I'd like to come -- to go back  
21                  to your notes, which is Exhibit 1064, and I'm at the first  
22                  page.

23                                I gather that you've had some -- the first  
24                                steps you took to fulfill your mandate were to contact Pat  
25                                Hall from the Ontario Provincial Police and Shelley Hallett

1 from the Crown Attorney's Office?

2 MR. DOWNING: That's correct.

3 MR. RUEL: So can you explain exactly what  
4 you wanted to obtain from those two individuals?

5 MR. DOWNING: Well, it was my understanding  
6 that Pat Hall had been involved in a criminal investigation  
7 for some time with regards to Project Truth, and as  
8 previously discussed or identified, there were four  
9 employees or former employees that had been identified on  
10 the website, so I wanted to make a contact with Detective  
11 Pat Hall to see whether I could have any information that  
12 they may have gathered concerning those four individuals.

13 MR. RUEL: So there's reference to Pat Hall.  
14 There's an entry here at the bottom of the page, August 11.  
15 So you talked to Pat Hall on that day?

16 MR. DOWNING: That's correct.

17 MR. RUEL: And do you remember what was  
18 discussed?

19 MR. DOWNING: Just as I described, a request  
20 to meet with him.

21 MR. RUEL: And then on August 14, that's the  
22 next page -- well, August 11, sorry, is -- you left a  
23 telephone message to Shelley Hallett?

24 MR. DOWNING: That's correct.

25 MR. RUEL: And then on August 14<sup>th</sup>, you sent

1 an email?

2 MR. DOWNING: Correct.

3 MR. RUEL: So that email is Document 100516.

4 THE COMMISSIONER: Thank you.

5 Exhibit Number 1078 is an email message from  
6 Paul Downing to Shelley Hallett dated Monday, August 14<sup>th</sup>,  
7 2000.

8 --- EXHIBIT NO./PIÈCE NO. P-1078:

9 (100516) Email message from Paul  
10 Downing to Shelley Hallett dated August  
11 14, 2000

12 MR. RUEL: So do you remember sending that  
13 email, Mr. Downing, to Ms. Hallett?

14 MR. DOWNING: Yes, I do.

15 MR. RUEL: And do you remember the reason  
16 why?

17 MR. DOWNING: Yes, I do.

18 MR. RUEL: And what was it?

19 MR. DOWNING: As stated in the email, it was  
20 to make a contact with her, to introduce myself as the case  
21 manager for the Corrections Division and to get her  
22 approval to contact Detective Pat Hall and to establish a  
23 link or cooperation so that I could obtain any documents  
24 that might be relevant to the former employees or employees  
25 that were referred to in the website.



1                   **MR. RUEL:** So just to backtrack a second,  
2                   you were seeking her approval to meet with Mr. Hall?

3                   **MR. DOWNING:** My understanding was that she  
4                   was involved with the criminal investigation and that she  
5                   was providing advice to, in this case, Pat Hall, I believe.

6                   **MR. RUEL:** Okay.

7                   And the third paragraph you mention, the  
8                   second sentence -- or the third sentence:

9                                    "It was Pat Hall's opinion that to date  
10                                   no significant information has been  
11                                   discovered that might implicate  
12                                   improper conduct (non-criminal) on the  
13                                   part of Ministry staff."

14                   And then you indicate:

15                                   "However, it would be my responsibility  
16                                   to gather, either to find and/or  
17                                   determine as to whether information  
18                                   regarding Ministry employees falls  
19                                   within the parameters of Ministry  
20                                   policies and rules that govern employee  
21                                   conduct."

22                   What did you mean by that? There seem to  
23                   have been -- is this a disagreement with Mr. Hall as to the  
24                   information that should be obtained from him?

25                   **MR. DOWNING:** No, absolutely not. It's

1 actually the opposite. Mr. Hall is a skilled criminal  
2 investigator and I see myself as a skilled administrative  
3 investigator; two different skill sets, two different  
4 mandates and what he might determine as no information to  
5 suggest employee misconduct I might interpret differently  
6 based on my skill set, so I had to make that assessment not  
7 him.

8 **MR. RUEL:** So in other words, should this  
9 mean that you wanted to obtain from Mr. Hall more than just  
10 information on criminal activity but broader information  
11 that could assist you in fulfilling your mandate in  
12 determining whether or not employees had breached Ministry  
13 policies?

14 **MR. DOWNING:** That's correct.

15 **MR. RUEL:** So coming back to your notes, and  
16 that's at page 3, at the bottom of the page, there's  
17 mention -- do you have it, Mr. Downing?

18 **MR. DOWNING:** Yes, I do.

19 **MR. RUEL:** So there's a mention August 24,  
20 2000, "spoke to Shelley Hallett"; can you read what's  
21 there?

22 **MR. DOWNING:** "Spoke to Shelley Hallett  
23 regarding access to investigation  
24 information. Shelley said she wanted  
25 to review case law and speak to a

1 lawyer from our Ministry prior to  
2 permitting me to discuss and/or speak  
3 to OPP investigators. Telephone  
4 Deborah Newman and left voicemail  
5 regarding this matter."

6 **MR. RUEL:** So did you get a response or a  
7 further communication from Ms. Hallett on this point?

8 **MR. DOWNING:** I not -- I can't recall  
9 whether it was with Shelley or Detective Pat Hall, but the  
10 outcome was that, yes, I was given permission or Pat was  
11 given permission to meet with me.

12 **MR. RUEL:** Okay. I just want to go through  
13 another couple of documents dealing with some of the  
14 information you were given. This is document number 100 --  
15 100518.

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

17 **THE COMMISSIONER:** Thank you.

18 Exhibit 1079 is an email transmission from  
19 Deborah Newman to Paul Downing, dated August 21st, 2000.

20 **--- EXHIBIT NO./PIÈCE NO 1079:**

21 (100518) E-mail from Deborah Newman to  
22 Paul Downing dated August 21st, 2000

23 **MR. RUEL:** So, Mr. Downing, do you remember  
24 receiving this email?

25 **MR. DOWNING:** Yes, I do.

1                   **MR. RUEL:** So that Ms. Downing was  
2                   expressing concerns with respect to the information found  
3                   on the website concerning Mr. van Diepen; that's correct?

4                   **THE COMMISSIONER:** Ms. Newman. You said  
5                   "Ms. Downing".

6                   **MR. RUEL:** Sorry, Ms. Newman.

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

8                   **MR. RUEL:** And asking you to interview Mr.  
9                   van Diepen?

10                  **MR. DOWNING:** She made a comment of that  
11                  nature, yes.

12                  **MR. RUEL:** And you did interview Mr.  
13                  van Diepen?

14                  **MR. DOWNING:** That's correct.

15                  **MR. RUEL:** Okay. I'd like to show you now,  
16                  document 100521.

17                  **THE COMMISSIONER:** Thank you.

18                  Exhibit number 1080 is a two -- well, first  
19                  of all, there is an email correspondence from Paul Downing  
20                  to Deborah Newman, dated September 3<sup>rd</sup>, 2000 and another one  
21                  from Deborah Newman to Paul Downing dated September 4<sup>th</sup>,  
22                  2000.

23                  --- **EXHBIIT NO./PIÈCE NO 1080:**

24   (100521) E-mail from Paul Downing to  
25   Deborah Newman dated September 3rd,

1 2000

2 MR. RUEL: Mr. Downing, do you remember  
3 sending this email to Ms. Newman?

4 MR. DOWNING: Yes, I do.

5 MR. RUEL: So what did you mean by the  
6 sentence at the first paragraph:

7 "It would appear that a more formal and  
8 structured approach should be  
9 implemented to properly manage this  
10 matter",

11 What did you mean by that?

12 MR. DOWNING: Based on my experience,  
13 there's a tendency for administrators to want to push  
14 forward very quickly on matters; however, as a skilled  
15 investigator, you need to slow the pace down so you can  
16 properly digest what information is available; once that is  
17 digested, then to put a plan of action in place that makes  
18 sense.

19 So I think I would be referring to that,  
20 that we need to slow down, I need to digest all the  
21 information on the website and then propose some sort of  
22 plan of action.

23 MR. RUEL: And the back page of this is the  
24 response and I guess you got the green light to conduct a  
25 formal investigation into the matter; is that right?

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

2                   **MR. RUEL:** So now, Madam Clerk, there's two  
3 documents I wish to refer to. The first is 100525.

4                   **THE COMMISSIONER:** Yes. Exhibit number 1081  
5 is an email transmission from Paul Downing to Gary  
6 Commeford, dated September 9<sup>th</sup>, 2000.

7                   **--- EXHIBIT NO./PIÈCE NO 1081:**

8                                   (100525) E-mail from Paul Downing to  
9 Gary Commeford dated September 9th,  
10 2000

11                   **MR. RUEL:** And the next one is 123487.

12                   **THE COMMISSIONER:** Exhibit 1082 is Case  
13 Management Administrative Summary Review. It's dated  
14 September 9<sup>th</sup>, 2000.

15                   **--- EXHIBIT NO./PIÈCE NO 1082:**

16                                   (123487) Case Management Administrative  
17 Summary Review dated September 9th,  
18 2000

19                   **MR. RUEL:** So, Mr. Downing, on September 9<sup>th</sup>,  
20 you sent to Mr. Commeford and copied Ms. Newman a case  
21 management Administrative Summary Review; is that correct?

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

23                   **MR. RUEL:** And this document is  
24 Exhibit 1082.

25                                   And can you explain the reason for preparing

1 this document, first?

2 And second, go through the document and  
3 explain to Mr. Commissioner what can be found in this  
4 document?

5 **MR. DOWNING:** Well, what I did was --  
6 following my advice to the senior administration back in  
7 August was to get the documents that had been previously  
8 referred to the website as exhibits and to actually go  
9 through them and whenever one of the employees or former  
10 employees were mentioned by an individual or in a document,  
11 I tried to, on the right-hand side, reference where it was  
12 and in a summary, write from the document what it said.

13 That -- my intent was to get all the  
14 information out of the documents that were provided to me  
15 then assess them and use them -- use that information as  
16 possible questions and inquiries that I may put forward to  
17 anyone I might interview with regards to former employee or  
18 employees.

19 **MR. RUEL:** So can you give an example,  
20 starting, I don't know -- any example of your notes here?

21 **MR. DOWNING:** I -- to be honest, I'm having  
22 a difficult time reading this document again.

23 **THE COMMISSIONER:** We can ---

24 **MR. RUEL:** Enlarge.

25 **THE COMMISSIONER:** --- magnify it on the --

1           there you go, does that help you?

2                       **MR. RUEL:** Thank you.

3                       **MR. DOWNING:** So, for example, if I -- the  
4 documents on the screen in front of me right now reference  
5 Exhibit number 3, so it would have been my document that  
6 was previously alluded to, it would be from that exhibit,  
7 it would be from page 11, line 1, and then I would take the  
8 information directly from there into that summary portion  
9 and where this -- if it was a source, I'd actually put the  
10 source in and who was referred to in the subject area.

11                      **MR. RUEL:** So the first entry on the two --  
12 I mean, there's the first entry, if I can call it like  
13 that, deals with Father Kevin Maloney and Jos van Diepen  
14 and the source was the affidavit of Ron Leroux?

15                      **MR. DOWNING:** That's correct.

16                      **MR. RUEL:** And that's the third document or  
17 the third printout that we've been referring to earlier,  
18 which is Exhibit 1076 that you were reviewing?

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

20                      **MR. RUEL:** So and then there's more  
21 information on the following pages concerning Nelson  
22 Barque, Ken Seguin, Father Maloney and Jos van Diepen.  
23 That's correct?

24                      **MR. DOWNING:** That's correct.

25                      **MR. RUEL:** So reviewing all of those



1 websites, or those printouts, what did you think you had in  
2 front of you?

3 **MR. DOWNING:** There were a lot of  
4 allegations and information that claimed wrongdoing on  
5 behalf of the people mentioned.

6 **MR. RUEL:** Did you categorize wrongdoing in  
7 different ways?

8 **MR. DOWNING:** No, I took the documents as  
9 they were presented from the website and it gave me a  
10 better understanding of the allegations surrounding each  
11 individual identified and where they were coming from.

12 **MR. RUEL:** But, for example, the allegations  
13 against Mr. van Diepen were not the same in nature as the  
14 ones made by Mr. Seguin; correct?

15 **MR. DOWNING:** That's accurate, yes.

16 So one might be -- in Jos's case there were  
17 allegations surrounding that he knew that things were going  
18 on, that he failed to take any action, versus another  
19 employee who was alleged to have done wrong.

20 **MR. RUEL:** So at page 7 of your document  
21 there are recommendations, and as can be seen from this  
22 page, there is two suggested stages that you were proposing  
23 to, or recommending I guess, to your superiors.

24 So can you explain the two stages that you  
25 were recommending to go through?

1                   **MR. DOWNING:** Well, the first stage was  
2                   basically to be able to interview people who were currently  
3                   employed, with the exception of -- or employees with the  
4                   exception of Nelson Barque of course -- or Ken Seguin, I'm  
5                   sorry, and to gather information to prepare a status report  
6                   for the senior administrators so that they could get a  
7                   grasp of what was actually alleged. Some sort of  
8                   understanding or format that they could then make decisions  
9                   on what they wanted to do next.

10                   **MR. RUEL:** So current employees at the time?

11                   **MR. DOWNING:** That's right.

12                   I think I had mentioned earlier that they  
13                   wanted to quickly assess what I term as -- and it's my term  
14                   -- risk management. In other words are clients at risk, is  
15                   the Ministry at risk, the general public at risk.

16                   **MR. RUEL:** So as stated here, you were  
17                   recommending that Jos van Diepen be interviewed, Father  
18                   Maloney, the area manager and the district administrator?

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

20                   **MR. RUEL:** And then there is the Stage 2.  
21                   And can you explain what was the purpose of your  
22                   recommendation to proceed with a Stage 2?

23                   **MR. DOWNING:** Well, it wasn't a  
24                   recommendation it was a suggestion again for them to  
25                   consider, that if -- depending on what happened after Stage

1       1 -- that's important. If information was determined that  
2       gave credibility to the allegations then the next step  
3       would be, in my own terms, a more thorough and complex  
4       investigation would be required, and that would be to reach  
5       out, start to reach out to other sources of information,  
6       other than our employees.

7               **MR. RUEL:** And just to come back, you say it  
8       was a suggestion, but at the top of the page it writes  
9       "Recommendations". And as I see it, it's recommendation  
10      for Stage 1 and Stage 2. Am I mistaken in understanding  
11      that?

12              **MR. DOWNING:** No, you're not. However, in  
13      the same note you'll see under my title "Stage one,  
14      suggested action" and "Stage two, suggested action".

15              **MR. RUEL:** So can you go through the  
16      proposed -- what you were recommending to do in Stage 2  
17      exactly?

18              **MR. DOWNING:** Well, in this case to  
19      interview Jos van Diepen.

20              **MR. RUEL:** No, Stage 2.

21              **MR. DOWNING:** Stage two.

22              **MR. RUEL:** The bottom of the page.

23                      I don't know if you can read it. Maybe  
24      Madam Clerk can enlarge this portion.

25              **MR. DOWNING:** Could you pose the question

1 again, please?

2 MR. RUEL: What were you planning to -- or  
3 what were you recommending to do for Stage 2 exactly?

4 MR. DOWNING: Well, with those individuals  
5 that I identified, I would be seeking more of the specific  
6 information that they claim to have possessed. In other  
7 words, the who, the what, the where, the when, that type of  
8 detailed information. And that's according to the website  
9 that they shared.

10 MR. RUEL: So, for example, you were -- I'm  
11 going to use the term recommending -- but you were  
12 recommending that Perry Dunlop be met and that he provides  
13 his -- the names of unnamed sources on the website. Is  
14 that correct?

15 MR. DOWNING: That's correct.

16 MR. RUEL: And the other page, the next  
17 page:

18 "Locate Ron Leroux; request statement  
19 and secure relevant evidence."

20 MR. DOWNING: Correct.

21 MR. RUEL: And four:

22 "Find and obtain statements from  
23 unnamed sources."

24 MR. DOWNING: Correct.

25 MR. RUEL: "Contact Pat Hall and Shelley

1 Hallett."

2 **MR. DOWNING:** Correct.

3 **MR. RUEL:** And then seven:

4 "Contact Ministry of the Solicitor  
5 General, Correctional Services Office,  
6 and request information provided by  
7 Perry Dunlop relevant to Ministry  
8 employees."

9 So what was that?

10 **MR. DOWNING:** I assume by that that there  
11 must have been some sort of package of information or file  
12 of information that had been provided to the Project Truth  
13 investigation team. There must have been some reference in  
14 his statement or statements on the website that alluded to  
15 that.

16 **MR. RUEL:** Did you mean by that reviewing  
17 the caseload of Mr. Seguin or Mr. Barque to identify any  
18 other potential victim. Is that the intent?

19 **MR. DOWNING:** No, there's no mention of that  
20 name in that area. It's Perry Dunlop.

21 **MR. RUEL:** So am I correct to understand  
22 that this Stage 2 was to assess the truthfulness of the  
23 allegations that were made against Ministry employees,  
24 whether alive or deceased?

25 **MR. DOWNING:** That would have been the

1 outcome. However, it was the beginning of obtaining that  
2 information. Again, the drill-down details of who, what,  
3 where, when and then assessing the credibility of that  
4 information, which would then lead to some -- possibly some  
5 determination.

6 **MR. RUEL:** What kind of determination would  
7 have been expected following your conduct of the phase two  
8 -- or Stage 2?

9 **MR. DOWNING:** I couldn't predict that  
10 without doing the first part.

11 **MR. RUEL:** So should I understand that you  
12 only got approval to proceed with Stage 1?

13 **MR. DOWNING:** That's correct.

14 **MR. RUEL:** And that's -- this is mentioned  
15 in the email -- sorry?

16 **MR. DOWNING:** Can I go back? When I  
17 mentioned that I can't predict, what I mean is there is a  
18 process to be followed and, at the end of the day, you  
19 might be able to substantiate wrongdoing or you might not  
20 be able to substantiate. So that's what I meant by not  
21 predetermining, based on the information gathered.

22 **MR. RUEL:** But did you feel it was important  
23 to substantiate wrongdoing against former Ministry  
24 employees, employees that were now deceased? Did you feel  
25 this was an important part of your job?

1                   **MR. DOWNING:** I felt it was an important  
2 part to gather all information to make that assessment.

3                   **MR. RUEL:** So as indicated in Exhibit 1081,  
4 Stage 1 was -- you only got approval to proceed with Stage  
5 1; correct?

6                   **MR. DOWNING:** That's correct.

7                   **MR. RUEL:** And were -- who gave you this  
8 confirmation? Was this Mr. Commeford?

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

10                  **MR. RUEL:** Was anyone else involved? Was  
11 Ms. Newman involved in this decision?

12                  **MR. DOWNING:** I don't recall.

13                  **MR. RUEL:** And was there any explanation as  
14 to why only Stage 1 would be undertaken and not Stage 2?

15                  **MR. DOWNING:** Well, Stage 1 resulted in the  
16 written report that has been submitted to the Inquiry.  
17 When that report was submitted to senior administration,  
18 there was a conference call that discussed that report and  
19 no further conversation took place with regards to  
20 proceeding to Stage 2.

21                  **MR. RUEL:** So you never got the go-ahead to  
22 proceed with Stage 2 at any time?

23                  **MR. DOWNING:** There was no discussion about  
24 that, no.

25                  **MR. RUEL:** Was there any discussion about

1 the fact or the decision not to proceed with Stage 2  
2 because this could interfere with a police investigation?

3 **MR. DOWNING:** No.

4 **MR. RUEL:** So from that time, September 9,  
5 to the time you submitted your report and your report was  
6 submitted to senior management on, I believe, October 10,  
7 2000, so you've obtained information and you've interviewed  
8 a number of individuals; that's correct?

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

10 **MR. RUEL:** So maybe we can just go through  
11 quickly your notes to establish a chronology. For example,  
12 at page 5 of your notes, which is Exhibit 1064, on  
13 September 12 you called the Cornwall jail and spoke with  
14 Acting Superintendent Bob Nixon?

15 **MR. DOWNING:** That's correct.

16 **MR. RUEL:** So why did you call Mr. Nixon?

17 **MR. DOWNING:** My understanding was that  
18 Kevin -- Father Maloney was in the employ of the Cornwall  
19 jail or a Father Maloney was.

20 **MR. RUEL:** In what capacity?

21 **MR. DOWNING:** As contract chaplain, I  
22 believe.

23 **MR. RUEL:** Okay. At page 6 -- well, before  
24 we go there, at page 5 we can see that you've placed  
25 various calls to Bill Roy. Who is Bill Roy?



1                   **MR. DOWNING:** He was, I believe, a regional  
2 manager in 1992 who received a complaint from a citizen  
3 regarding Ken Seguin.

4                   **MR. RUEL:** So at page 6 -- I won't read all  
5 of the entries; it's just to have a general outline of what  
6 you did -- page 6, you had discussions with Father Kevin  
7 Maloney. Is that correct?

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

9                   **MR. RUEL:** So can you tell us what was the  
10 nature of the discussion with Father Maloney?

11                   **MR. DOWNING:** It was with regards to the  
12 allegations that were on the website.

13                   **MR. RUEL:** And what did he tell you?

14                   **MR. DOWNING:** He denied any involvement.

15                   **MR. RUEL:** And what did you say?

16                   **MR. DOWNING:** What did I say?

17                   **MR. RUEL:** What did you discuss with Mr.  
18 Maloney?

19                   **MR. DOWNING:** Well, I provided the  
20 information that was on the website and asked him to  
21 respond as to whether he had any knowledge or involvement,  
22 and his response was, "Absolutely not".

23                   **MR. RUEL:** Okay. And you scheduled an  
24 interview with him on September 27<sup>th</sup>? That's still at page  
25 6.

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

2                   **MR. RUEL:** And then at page -- the following  
3 page, which is page 7, you had a discussion with Michael  
4 Stephenson concerning Father Maloney. What was that about?  
5 Can you explain what was discussed with Mr. Stephenson?

6                   **MR. DOWNING:** I believe there was a brief  
7 discussion as to whether there was any credible information  
8 at that time that would suggest that Father Maloney could  
9 place current clients at risk during his employment at the  
10 Cornwall jail, and at that time there was an assessment at  
11 that particular time that there wasn't credible information  
12 that would lead you to that conclusion.

13                   **MR. RUEL:** Do you know if Father Maloney  
14 remained in his position as chaplain between the moment you  
15 spoke to him and the moment he was interviewed?

16                   **MR. DOWNING:** My understanding is he  
17 continued.

18                   **MR. RUEL:** Based on the risk assessment that  
19 was made. Is that correct?

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

21                   **MR. RUEL:** September 13 -- that's at page 8  
22 -- you had discussion with Jos van Diepen?

23                   **MR. DOWNING:** Correct.

24                   **MR. RUEL:** And requested to have an  
25 interview with him?

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

2                   **MR. RUEL:** Page 10, at the bottom of the  
3 page, September 14, you had a discussion with Emile Robert?

4                   **MR. DOWNING:** That's correct.

5                   **MR. RUEL:** Who was Emile Robert at the time?

6                   **MR. DOWNING:** He was the area manager for --  
7 he was -- I'm not sure -- I believe he was the area manager  
8 of the Ottawa Probation and Parole Office, but he had been  
9 the manager of the Cornwall Probation and Parole Office.

10                   **MR. RUEL:** At page 13, on September 25 you  
11 had a discussion -- you telephone Claude L. So it's Claude  
12 Legault. Is that correct?

13                   **MR. DOWNING:** Correct.

14                   **MR. RUEL:** He was the Cornwall Probation and  
15 Parole Office area manager at the time?

16                   **MR. DOWNING:** Correct.

17                   **MR. RUEL:** And you had discussions with  
18 Brian Scott from the IIU, the Independent Investigation  
19 Unit?

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

21                   **MR. RUEL:** What did you want from Mr. Scott?

22                   **MR. DOWNING:** I believe I may have been  
23 requesting any information or documents surrounding a  
24 decision that had been reportedly made in 1992, following a  
25 complaint by a citizen to Bill Roy, who was a regional

1 manager at the Eastern Regional Office and who reportedly  
2 had contact with the manager of the IIU at the time.

3 MR. RUEL: Do you remember the citizen's  
4 name?

5 MR. DOWNING: I believe it was David  
6 Silmser.

7 MR. RUEL: And at the next page you --  
8 there's an entry, "September 25, Met with Bill Roy". So  
9 was that an interview?

10 MR. DOWNING: That's correct.

11 MR. RUEL: On September 25 again, you had  
12 another discussion with Brian Scott?

13 MR. DOWNING: That's correct.

14 MR. RUEL: And there's some mention here,  
15 names: L. Bradburn, Loretta Elley. Who are those people?

16 MR. DOWNING: I believe at the time Lorna  
17 Bradburn was the manager of the Independent Investigations  
18 Unit.

19 MR. RUEL: At the time? Which time?

20 MR. DOWNING: In 1992.

21 MR. RUEL: Okay. That's in relation to the  
22 complaint made by David Silmser?

23 MR. DOWNING: Correct.

24 MR. RUEL: And Loretta Elley?

25 MR. DOWNING: I believe her position was as

1 an executive assistant to the Deputy Minister.

2 MR. RUEL: Then you mention here:

3 "Notes from conversation record that  
4 Loretta Elley from DM's office said  
5 that Legal Branch would deal with the  
6 matter. No further action was  
7 required."

8 So should I understand that this is notes  
9 from a conversation between Ms. Bradburn -- you said Lorna;  
10 I think it's Lena Bradburn?

11 MR. DOWNING: Correct.

12 MR. RUEL: And Loretta Elley from the DM's  
13 office?

14 MR. DOWNING: Correct.

15 MR. RUEL: So what did you understand from  
16 that?

17 MR. DOWNING: I believe at the time that  
18 Brian was reading the notes to me, and my understanding was  
19 that the IIU had direction from the Deputy Minister's  
20 office through Loretta Ealey to not -- at that point in  
21 time not to investigate the complaint of David Silmsler.

22 MR. RUEL: Do you know what was the nature  
23 of the complaint of Mr. Silmsler?

24 MR. DOWNING: My understanding it was an  
25 allegation of sexual impropriety by the deceased, Ken

1 Seguin against Mr. Silmsers.

2 MR. RUEL: So on September 26<sup>th</sup> -- and we're  
3 almost done for your notes, September 26<sup>th</sup> you interviewed  
4 Emile Robert.

5 MR. DOWNING: That's correct.

6 MR. RUEL: And September 27<sup>th</sup>, you met with  
7 Pat Hall.

8 MR. DOWNING: Correct.

9 MR. RUEL: Can you explain what you learned  
10 through your meeting with Mr. Hall, from the OPP?

11 MR. DOWNING: At that time, there were no  
12 current employees under investigation by -- criminal  
13 investigation by Project Truth. And I was provided access  
14 to a statement provided by Jos van Diepen.

15 MR. RUEL: You write here:

16 "Took summary of statements provided by Jos  
17 van Diepen."

18 Is that what it -- is that what happened?

19 MR. DOWNING: I was provided a statement  
20 that reportedly was provided by Jos and I took notes myself  
21 from that statement. That's correct.

22 MR. RUEL: He didn't give you or leave you a  
23 copy of the statement?

24 MR. DOWNING: No, he did not.

25 MR. RUEL: Did you ask for a copy?

1 MR. DOWNING: Yes I did.

2 MR. RUEL: What did he reply?

3 MR. DOWNING: He couldn't provide me a copy.

4 MR. RUEL: Did he explain why?

5 MR. DOWNING: No.

6 THE COMMISSIONER: Did you ask why?

7 MR. DOWNING: I don't recall asking that  
8 question.

9 THE COMMISSIONER: M'hm.

10 MR. RUEL: Is there anything else that  
11 you've -- or is there anything else you wanted to obtain  
12 from Mr. -- Mr. Hall?

13 MR. DOWNING: If I can go back and answer  
14 that question.

15 MR. RUEL: Yes.

16 MR. DOWNING: I probably made the assumption  
17 that it was part of a criminal investigation. Again, it  
18 was my assumption -- and that he wasn't being provided  
19 permission to release that to me. That was my assumption.

20 MR. RUEL: So was there anything else you  
21 wanted to obtain from Mr. Hall?

22 MR. DOWNING: Any other documents or  
23 information that would assist me in investigating the  
24 matters or the allegations against the current employees.

25 MR. RUEL: And were you given anything else?

1                   **MR. DOWNING:** No, I was not.

2                   **MR. RUEL:** Any other statements?

3                   **MR. DOWNING:** No. I was not.

4                   **THE COMMISSIONER:** Well, you were given the  
5 rather interesting statement from Pat Hall that he was of  
6 the opinion that Jos knows much more than he is saying.

7                   **MR. DOWNING:** I recall that, yes.

8                   **THE COMMISSIONER:** So, did you ask him what  
9 that would be or what he thought it was?

10                  **MR. DOWNING:** I think we had a brief  
11 conversation. He didn't tell me the nature of it. His  
12 statement to me was that he didn't believe that Jos was  
13 being completely forthright and truthful but he didn't tell  
14 me the nature of that.

15                   I assumed that it would have been about  
16 knowledge or information about the office and his **co-**  
17 workers.

18                  **THE COMMISSIONER:** M'hm. You didn't push  
19 him any further on that?

20                  **MR. DOWNING:** No, I did not.

21                  **THE COMMISSIONER:** Okay.

22                  **MR. RUEL:** Then there's a mention with  
23 respect to this conversation:

24                                 "Pat said that the Cornwall..."

25                   Sorry. Maybe I'll let you read it. It's at the top of



1 page 16.

2 **THE COMMISSIONER:** "Pat said, the criminal  
3 investigation has found no evidence of  
4 wrongdoing by Father Maloney."

5 **MR. DOWNING:** Correct.

6 **MR. RUEL:** So the rest, Mr. Downing reads,  
7 can you read it?

8 **MR. DOWNING:** Following that sentence?

9 **MR. RUEL:** Yes.

10 **MR. DOWNING:** "Based upon current  
11 investigation no charges against Father  
12 Maloney have proceeded with. An  
13 administrative summary was prepared  
14 from a statement provided by Jos van  
15 Diepen to OPP officers investigating  
16 the circumstances surrounding the death  
17 of Ken Seguin in November of 1993."

18 **MR. RUEL:** So what you did essentially, you  
19 were shown a statement from Mr. van Diepen, and you took  
20 notes.

21 **MR. DOWNING:** I took notes, yes, quick  
22 notes.

23 **MR. RUEL:** Quick notes or were you able to -  
24 - to essentially write down all of the information that  
25 appeared in the statement.

1                   **MR. DOWNING:** I made the assumption that,  
2                   based on the nature of our meeting, that he was showing me  
3                   the statement but wasn't providing it to me. So, therefore,  
4                   I wouldn't be permitted to copy it word for word. I did  
5                   the best I could as an investigator to gather as much  
6                   information off that statement as I could at the time  
7                   without the statement being removed from me.

8                   **MR. RUEL:** So how did that -- just to -- to  
9                   understand the process. Were you with Mr. Hall during the  
10                  -- when you reviewed Mr. van Diepen's statement.

11                  **MR. DOWNING:** He was probably a couple of  
12                  feet away from me in my hotel room.

13                  **MR. RUEL:** How long did the meeting last?

14                  **MR. DOWNING:** About 20 minutes.

15                  **MR. RUEL:** On September 27<sup>th</sup>, I'm at page 16.

16                  **THE COMMISSIONER:** Would it have helped you  
17                  do have obtained a copy of that statement?

18                  **MR. DOWNING:** Absolutely.

19                  **MR. RUEL:** Sorry, just before we -- we go to  
20                  the next entry, did you know that the OPP had taken various  
21                  statements from a number of member of the staff of the  
22                  Cornwall Probation and Parole Office?

23                  **MR. DOWNING:** No, I did not.

24                  **MR. RUEL:** Mr. Hall, didn't tell you that?

25                  **MR. DOWNING:** No.

1                   **MR. RUEL:** September 27, the bottom of page  
2                   16, you interviewed Father Maloney and you met with Claude  
3                   Legault, the Area Manager of the Cornwall Probation and  
4                   Parole Office.

5                   **MR. DOWNING:** That's correct.

6                   **MR. RUEL:** And it's mentioned here:

7                                   "Attended Summertown and a number of  
8                                   other sites in Cornwall."

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

10                   **MR. RUEL:** Can you explain what you did  
11                   there?

12                   **MR. DOWNING:** Well, not being familiar with  
13                   Cornwall I'm going to go back and -- remember -- I believe  
14                   what Claude did for me was take me to different sites. I  
15                   think in Summertown I wanted to actually see where Mr.  
16                   Seguin had resided. I wanted to see a couple of other  
17                   sites in town that had been referred to on the website, so  
18                   I could kind of visualize what they were talking about. I  
19                   had only been to Cornwall previously once in my life. So I  
20                   was not familiar with the town.

21                   **MR. RUEL:** Then it's written here, the last  
22                   sentence, I guess, on the page:

23                                   "Claude Legault advised me that he  
24                                   learned through Carol Cardinal that Jos  
25                                   van Diepen telephoned Marcelle Leger.

1                                   So -- who-- you remember who Carol  
2                                   Cardinal was?

3                   **MR. DOWNING:** I'm sorry, I -- where are you  
4                   referring to?

5                   **MR. RUEL:** I'm at the bottom of page 16.  
6                   "Claude Legault...", the last line.

7                                   "Claude Legault advised me that he  
8                                   learned through Carol Cardinal that Jos  
9                                   van Diepen telephoned Marcelle Leger."

10                   So do you know who Carol Cardinal and  
11                   Marcelle Leger were? Do you remember?

12                   **MR. DOWNING:** According to my notes Claude  
13                   told me that she was an administrative clerk at the  
14                   Cornwall Probation and Parole Office.

15                   **MR. RUEL:** And Carol Cardinal?

16                   **MR. DOWNING:** My understanding was that she  
17                   was a probation and parole officer.

18                   **MR. RUEL:** And did you have any concern  
19                   subsequently -- or sorry, I'll rephrase -- did this cause  
20                   any concern that Mr. van Diepen was speaking with his co-  
21                   worker concerning the facts under review by yourself?

22                   **MR. DOWNING:** I -- without referring to my  
23                   notes I think at this point I hadn't interviewed Jos and --

24                   **MR. RUEL:** Well, the entry here September  
25                   28<sup>th</sup>, is the next entry, it is the interview of Jos van

1 Diepen, because that's before.

2 **MR. DOWNING:** Okay. So I hadn't interviewed  
3 him and I would be concerned with any person who I was  
4 going to interview who might be reaching out to other  
5 people. I'd like to know why.

6 **MR. RUEL:** Did you tell either the Probation  
7 Parole Office employees in Cornwall or the Area Manager or  
8 both that the employees should not discuss the matter as  
9 they may be interviewed by you?

10 **MR. DOWNING:** No. No.

11 **MR. RUEL:** So October 2<sup>nd</sup>, at 2:00, that's  
12 the bottom of page 7.

13 "Spoke to Pierre Landry."

14 So can you explain the context of this  
15 conversation? Who is Pierre Landry and what was discussed?

16 **MR. DOWNING:** I think my contact with Pierre  
17 would have been caused by my review of Nelson Barque's file  
18 with regards to his leaving the employment of the Ministry  
19 back in, I believe, in '82 -- 1982 and his subsequent  
20 employment with Pierre Landry's organization and my  
21 understanding was there was -- there were -- Mr. Barque  
22 left the employment, resigned but there was cause to  
23 dismiss him, and I was curious as to the reference that had  
24 been provided to Pierre by Mr. Sirrs surrounding Nelson  
25 Barque's employment with the Ministry.

1                   **MR. RUEL:** So the notes that you've made  
2 here, did you write down those notes as the conversation  
3 with Mr. Landry was going on or you did that after?

4                   **MR. DOWNING:** That would have been right  
5 after the conversation.

6                   **MR. RUEL:** So how long after?

7                   **MR. DOWNING:** As soon as I hung the phone  
8 up.

9                   **MR. RUEL:** And October 10<sup>th</sup>, page 18 ---

10                   **THE COMMISSIONER:** Well, just a minute now.

11                   **MR. RUEL:** Sorry.

12                   **THE COMMISSIONER:** Yeah, let's go back to  
13 the October 2<sup>nd</sup>, where you say, at 1400 hours:

14                                 "Spoke to Pierre Landry. Said he  
15                                 received a positive reference from  
16                                 Peter Sirrs, dated August 23<sup>rd</sup>, '82."

17                   Do you have any independent recollection of  
18 that?

19                   **MR. DOWNING:** Do I recall that?

20                   **THE COMMISSIONER:** Yeah.

21                   **MR. DOWNING:** Absolutely.

22                   **THE COMMISSIONER:** Okay. And so what do you  
23 mean by "a positive reference dated August 23<sup>rd</sup>, '82"?

24                   **MR. DOWNING:** Well, Pierre had -- actually,  
25 Pierre was -- even during my conversation, was -- appeared,

1 I assumed, or presented himself as being upset during our  
2 telephone call about that incident or that communication  
3 with Peter Sirrs back in '82 or '84, I'm not sure the year  
4 of that employment. And he was adamant that he had told  
5 Peter what the job was going to be about, working with  
6 children, and that -- or associated with that type of  
7 service, and that he had received a, I'll say, a positive  
8 reference.

9 **THE COMMISSIONER:** M'hm. And that's -- do I  
10 understand your note to mean that that "positive reference"  
11 was the letter of August 23<sup>rd</sup>?

12 You see, it says "a positive reference from  
13 Peter Sirrs dated August 23rd, '82".

14 **MR. DOWNING:** Well, there was also a  
15 telephone conversation between -- according to Pierre and  
16 Peter; it was also during the telephone conversation that  
17 there was a -- according to Pierre, a positive reference.

18 **THE COMMISSIONER:** Okay. Did you ever speak  
19 to Peter Sirrs?

20 **MR. DOWNING:** Yes, I did.

21 **THE COMMISSIONER:** Okay. And is that  
22 covered in your notes later on?

23 **MR. DOWNING:** I believe so, yes.

24 **THE COMMISSIONER:** Okay.

25 **MR. RUEL:** It's covered later, Mr.

1 Commissioner. I intended to break this down to events  
2 before the report and events after the report.

3 **THE COMMISSIONER:** Thank you. No, I  
4 understand that.

5 **MR. RUEL:** On October 10, 2000, that's the  
6 last entry on page 18, it writes, "Final written report"  
7 and correct me, Mr. Downing, if I don't read this  
8 correctly:

9 "Final written report..."

10 **THE COMMISSIONER:** Submitted.

11 **MR. RUEL:** "...submitted to Gary Commeford,  
12 Deborah Newman and Michael Stephenson"?

13 **MR. DOWNING:** That's correct.

14 **MR. RUEL:** So that's your report, which is  
15 Exhibit 958.

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

17 **THE COMMISSIONER:** Thank you.

18 **MR. RUEL:** Mr. Downing, is this -- this is  
19 your report? This is your report that -- the one you make  
20 reference in your notes, so the report that you submitted  
21 on October 10, 2000?

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

23 **MR. RUEL:** Before going to the what's called  
24 the "Executive Summary", I'd like to go through some of the  
25 interviews that you conducted of the various individuals we



1 mentioned -- you mentioned in your notes.

2 So the first one is the interview of Mr.  
3 Bill Roy.

4 So the easiest way -- I think this is those  
5 interview reports are attached as appendices to your  
6 report.

7 Maybe, Madam Clerk, the best way to go at  
8 this is would be to give you the Bates page, which is  
9 1001527.

10 So just before going through the interview  
11 reports, can you explain how the interviews -- how you  
12 proceeded with those interviews? What was the procedure  
13 you followed to conduct those interviews?

14 **MR. DOWNING:** I'm not sure I understand your  
15 question.

16 **MR. RUEL:** Well, did you -- were you alone  
17 with the witness?

18 **MR. DOWNING:** That's correct.

19 **MR. RUEL:** Were they tape-recorded or  
20 videotaped?

21 **MR. DOWNING:** No, in this case -- what I  
22 normally try to do was take a typed statement, but Mr. Roy  
23 was a former employee. I had no authority over him. I  
24 asked him whether I could take a typed statement from him  
25 and he said, "No."

1                   **THE COMMISSIONER:** What do you mean by a  
2 "typed statement"?

3                   **MR. DOWNING:** It means that he would tell --  
4 he would speak to me. I would type what he's saying. I  
5 would print it off and have him review it and sign each  
6 page as an accurate account of what he had told me.

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

8                   **MR. RUEL:** So this is what you mean, then,  
9 is that for Mr. Roy, this is essentially the transcript of  
10 your personal notes of the interview with Mr. Roy?

11                   **MR. DOWNING:** That's correct, it would be my  
12 -- without him reviewing this; he would not have reviewed  
13 this. This is my documenting of what I heard him say to  
14 me.

15                   **MR. RUEL:** So this interview was done on  
16 September 25, 2000, correct?

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

18                   **MR. RUEL:** And that Mr. Roy was a former --  
19 as indicated at page -- well, the first page of the report,  
20 was a former regional manager for the eastern region?

21                   **MR. DOWNING:** Correct.

22                   **MR. RUEL:** So what did you learn -- I won't  
23 ask you to read the whole thing, but what did you learn  
24 from Mr. Roy?

25                   **MR. DOWNING:** Well, I learned that in 1993,

1 he became aware of a citizen making a complaint surrounding  
2 the conduct of Ken Seguin and, in summary, once he received  
3 that information, it's my understanding from my interview  
4 with him and confirmed through other investigative  
5 documents I received, that he followed, at the time, the  
6 Ministry protocol.

7 In other words, because the information  
8 suggested a sexual impropriety, he followed the Ministry  
9 policy by contacting the Independent Investigations Unit  
10 and because the activity that was suggested could possibly  
11 have been criminal also, again based on documents and  
12 notes, he contacted, I believe, the Ontario Provincial  
13 Police.

14 **THE COMMISSIONER:** Did he give you any  
15 reason why he wouldn't want to have a typed interview?

16 **MR. DOWNING:** Not that I recall.

17 I will say it's not unusual for former  
18 employees who have dealt with investigators of -- like  
19 myself, not to provide audio-taped or typed statements.

20 **THE COMMISSIONER:** A good sense of  
21 confidence, I see.

22 **MR. DOWNING:** I'm not sure. I think that  
23 they -- I'm not sure, exactly. Each one has a different  
24 reason why.

25 **THE COMMISSIONER:** Okay.

1                   **MR. RUEL:** So was it your understanding that  
2                   Mr. Roy was asking that an investigation be conducted into  
3                   the matter, into the complaint he received?

4                   **MR. DOWNING:** My understanding was that he  
5                   reported the manner -- matter as requested by policy.

6                   **MR. RUEL:** So I'm just going to refer you to  
7                   the -- at page 2 of the interview report. The paragraph  
8                   starts by "Bill said that he informed Silmser", and it's  
9                   the last sentence:

10                                   "Bill said he telephoned the IIU either  
11                                   the same day, December 15, '93, or the  
12                                   next day, December 16, '93, for the  
13                                   purpose of informing them of the  
14                                   telephone call he had received from  
15                                   Silmser and to ask for the  
16                                   investigation to be conducted."

17                   That's correct?

18                   **MR. DOWNING:** Correct.

19                   **Me. RUEL:** That's what he told you?

20                   **MR. DOWNING:** Correct.

21                   **MR. RUEL:** And the paragraph starting, it's  
22                   the second from the bottom:

23                                   "Bill said that because he reported the  
24                                   matter to the OPP and the IIU he did  
25                                   not have anything further to do with

1 the matter."

2 MR. DOWNING: That's correct.

3 MR. RUEL: And essentially what he was  
4 telling you is that no action was taken on this complaint;  
5 is that your understanding?

6 MR. DOWNING: No. I think that his  
7 statement to me was that he was following the policy; that  
8 he received the complaint and contacted the appropriate  
9 parties and from his point of view, at that point, unless  
10 someone like myself came to see him, he had done what he  
11 was supposed to do.

12 MR. RUEL: So you've taken some additional  
13 steps to verify this information. That's correct?

14 MR. DOWNING: That's correct.

15 MR. RUEL: So I'd like to refer you to --  
16 well, what steps did you take?

17 MR. DOWNING: As mentioned previously in my  
18 personal notes, I recall saying that I had talked to Brian  
19 Scott with regards to accessing any documents or  
20 information surrounding that possible phone call.

21 MR. RUEL: I'd like to refer you to Document  
22 Number 100558.

23 THE COMMISSIONER: And are you, in your  
24 investigative capacity, able to form an opinion as to  
25 whether Mr. Roy did what he was supposed to do, mandated by

1 policies?

2 **MR. RUEL:** Actually I thought he did a great  
3 job.

4 **THE COMMISSIONER:** Okay.

5 So, Maître Ruel, if we can finish off with  
6 these documents and call it a day?

7 **MR. RUEL:** Sure.

8 **THE COMMISSIONER:** If it's okay with you?

9 **MR. RUEL:** Absolutely.

10 **THE COMMISSIONER:** So Exhibit 1083 is a  
11 letter dated September 26<sup>th</sup>, 2000 addressed to Mr. Paul  
12 Downing from Brian Scott.

13 **---EXHIBIT NO./ PIÈCE NO P-1083:**

14 (100558) Letter addressed to Paul  
15 Downing from Brian Scott dated  
16 September 26, 2000

17 **MR. RUEL:** Mr. Downing, do you remember or  
18 do you recall receiving this -- those documents from Mr.  
19 Brian Scott on September 26, 2000?

20 **MR. DOWNING:** Yes, I do.

21 **MR. RUEL:** So am I correct in understanding  
22 that those are the notes of Ms. Lena Bradburn, then the  
23 manager of the Independent Investigation Unit?

24 **MR. DOWNING:** That was my understanding,  
25 yes.

1                   **MR. RUEL:** So, for example -- well, instead  
2 of doing that, what did you understand from reading those  
3 documents?

4                   **MR. DOWNING:** I have to read them again.  
5 It's been a number of years.

6                   **MR. RUEL:** Sure, if you want to take a few  
7 seconds.

8                   **THE COMMISSIONER:** Monsieur Ruel, he is a  
9 task master, isn't he?

10   **(LAUGHTER/RIRES)**

11                   **THE COMMISSIONER:** Take the time that you  
12 need, Mr. ---

13                   **MR. ROSE:** I was about to say generous.

14                   **THE COMMISSIONER:** Generous.

15   **(SHORT PAUSE/COURTE PAUSE)**

16                   **MR. DOWNING:** With respect, I could speak to  
17 each one as I go through. Clearly, Ms. Bradburn had  
18 documented the conversation she had with Bill Roy, as he  
19 had said he had made that call and the information that he  
20 said he had provided her is confirmed in that document, and  
21 that's on page 100-1854. Again, additional notes regarding  
22 this matter made by Ms. Bradburn on page 100-558.

23                   **MR. RUEL:** So just before you go there, the  
24 previous page you mentioned you talked about -- Ms.  
25 Bradburn seemed to refer to a conversation she had with Mr.

1 Roy and she says:

2 "Mr. Roy called to advise that a PNP  
3 officer committed suicide about three  
4 weeks ago. Subsequent to that a male  
5 party contacted Mr. Roy advising the  
6 officer had sexually abused him when he  
7 was a young offender and that he had  
8 been privately seeking restitution  
9 through his lawyer from the deceased  
10 party. On December 17<sup>th</sup>, I spoke to  
11 Loretta Elley who advised Legal Branch  
12 with lead and there was no action  
13 required of the IIU at this time."

14 So that's what you got. So from your  
15 knowledge of the mandate of the IIU, the Independent  
16 Investigation Unit, at the time, was this type of complaint  
17 within the mandate of the IIU to investigate?

18 **MR. DOWNING:** Sexual -- alleged sexual  
19 improprieties between employees and clients, yes.

20 **MR. RUEL:** So do you have an issue here with  
21 respect to -- that's covered in your report. Maybe I  
22 should cover it there. But I can ask you now.

23 On December 17, it seems that Ms. Bradburn  
24 spoke to Ms. Elley from the Deputy Minister's office and  
25 the matter was referred to Legal instead of being handled



1 by the Independent Investigation Unit.

2 So is that -- that's your understanding?

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

4 **MR. RUEL:** So do you have any issue with  
5 that?

6 **MR. DOWNING:** My humble opinion would be  
7 that not knowing exactly -- not knowing that it most  
8 probably fell under the IIUs mandate, I'm not quite sure  
9 why Legal Branch would be dealing with it. It would be my  
10 opinion that they are not skilled and trained  
11 investigators.

12 **MR. RUEL:** And then you were about to  
13 discuss the next page and, again, those are -- seem to be  
14 references or notes of Ms. Bradburn of a discussion with  
15 Bill Roy. That's your understanding?

16 **MR. DOWNING:** That's correct.

17 **MR. RUEL:** And there's a mention at the last  
18 portion of the page, "Caller" was a probation client:

19 "Caller, looking for Grandview  
20 resolution, looking for counselling  
21 support."

22 Do you remember that?

23 **MR. DOWNING:** Correct.

24 **MR. RUEL:** So, Mr. Commissioner, I would now  
25 move to another area.

1                   **THE COMMISSIONER:** You will, tomorrow  
2 morning. Thank you.

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

5                   This hearing is adjourned until tomorrow  
6 morning at 9:30 a.m.

7 --- Upon adjourning at 4:49 p.m./

8                   L'audience est adjournée à 16h49

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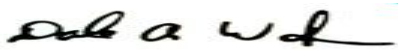
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Dale Waterman, CVR-CM