

**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 175

Held at :

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

Tuesday, December 11 2007

Tenue à:

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

Mardi, le 11 décembre 2007

Appearances/Comparutions

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Ms. Julie Gauthier	Registrar
M ^e Simon Ruel	Commission Counsel
Ms. Raija Pulkkinen	
Ms. Dierdre Harrington	
Mr. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Mr. Carson Chisholm
Mr. Ian Paul	

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1 --- Upon commencing at 9:39 a.m./

2 L'audience débute à 9h39

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann.

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

14 Good morning, Mr. Roy.

15 Mr. Commissioner, the next witness before
16 the Public Inquiry will be Bill Roy or William Roy. If the
17 witness could be affirmed?

18 **THE COMMISSIONER:** Good morning, sir.

19 **WILLIAM ROY, Affirmed/Sous affirmation solennelle:**

20 **THE COMMISSIONER:** Good morning, sir.

21 **MR. ROY:** Good morning.

22 **THE COMMISSIONER:** How are you doing today?

23 As I explained, you're here to answer some
24 questions today. So I would ask that people would speak up
25 and give you your questions. So please wait until all of

1 the question is posed and give me your best answer.

2 If you don't understand the question, just
3 tell me. If you don't know the answer, that's okay too.

4 So you'll have some water there with a
5 glass. There's a speaker in front of you, so if you want
6 to -- no, that's a microphone.

7 **MR. ROY:** This -- okay.

8 **THE COMMISSIONER:** Yeah, there's a little
9 volume control there.

10 **MR. ROY:** Okay.

11 **THE COMMISSIONER:** So if you want to tune
12 out the lawyers, you can do that too.

13 There's a screen in front of you.

14 **MR. ROY:** Okay. Yes.

15 **THE COMMISSIONER:** There you go. And the
16 screen will throw up the documents if we refer to documents
17 and you will also be provided with hard copies.

18 The important thing is if at any time you
19 don't feel comfortable or you need a break, just let me
20 know and we'll take care of that for you.

21 **MR. ROY:** Okay.

22 **THE COMMISSIONER:** All right. Thank you.
23 Mr. Engelmann.

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

25 I just wanted to indicate to you, Mr.

1 Commissioner, that after Mr. Roy ---

2 THE COMMISSIONER: Yes.

3 MR. ENGELMANN: --- the next witness will be
4 Loretta Eley.

5 THE COMMISSIONER: Yes.

6 MR. ENGELMANN: And depending on how we do,
7 possibly starting Lenna Bradburn as well today.

8 THE COMMISSIONER: Thank you.

9 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
10 ENGELMANN:

11 MR. ENGELMANN: Mr. Roy, I understand that
12 you've been retired for approximately 10 years?

13 MR. ROY: Ten (10) years, yeah.

14 MR. ENGELMANN: And that prior to that, you
15 were an employee of the Ministry of Corrections?

16 MR. ROY: That's correct, yeah.

17 MR. ENGELMANN: All right.

18 Mr. Commissioner, I don't believe it has a
19 document number, but we do have a short-form curriculum
20 vitae and I just ask that it be marked as the next exhibit.

21 THE COMMISSIONER: Tell me, sir, is
22 retirement good?

23 MR. ROY: It's okay?

24 THE COMMISSIONER: Yeah? All right. Good.
25 Exhibit 1105 is the CV of William H. Roy.

1 --- EXHIBIT NO./PIÈCE NO. P-1105:

2 Curriculum Vitae of William H. Roy

3 MR. ENGELMANN: There's not something we
4 should know by that question?

5 THE COMMISSIONER: Pardon me?

6 MR. ENGELMANN: No, nothing.

7 (LAUGHTER/RIRES)

8 THE COMMISSIONER: Something to look forward
9 to.

10 MR. ENGELMANN: Yes.

11 Mr. Roy, this is a short-form curriculum
12 vitae. Is that fair?

13 MR. ROY: M'hm.

14 MR. ENGELMANN: To your knowledge, is it
15 accurate, sir?

16 MR. ROY: I think so, yes.

17 MR. ENGELMANN: Yes. And I believe you
18 wanted to explain one thing to me about the distinction
19 between a regional manager and a senior regional manager,
20 because you're listed as a regional manager in Sudbury and
21 then a senior regional manager in Kingston.

22 MR. ROY: Yeah.

23 MR. ENGELMANN: Is there anything we need to
24 know about the difference or not between those titles?

25 MR. ROY: Am I or am I not a senior?

1 MR. ENGELMANN: Yes.

2 MR. ROY: Anyway, no, that word "senior"
3 doesn't have any meaning. It just doesn't need to be
4 there. It's redundant. Regional manager was the title.

5 MR. ENGELMANN: All right.

6 So regional manager is the title ---

7 MR. ROY: Yes.

8 MR. ENGELMANN: --- and regional managers
9 report to a regional director?

10 MR. ROY: Yes.

11 MR. ENGELMANN: Is that fair?

12 MR. ROY: Yes.

13 MR. ENGELMANN: All right.

14 So just by way of background, sir, if we
15 can, I understand you began your career with the Ministry
16 of Correctional Services in Guelph, Ontario and originally
17 as a psychometrist. Is that correct?

18 MR. ROY: Guelph Correctional Centre, yeah.

19 MR. ENGELMANN: Correctional centre, yes,
20 and you're working as a psychometrist originally?

21 MR. ROY: Psychometrist, yes.

22 MR. ENGELMANN: And you started in 1968?

23 MR. ROY: Yes.

24 MR. ENGELMANN: And prior to that you had
25 obtained a Bachelor of Arts in 1967?

1 MR. ROY: Yes.

2 MR. ENGELMANN: And, sir, I understand you
3 also obtained a Masters in Correctional Administration?

4 MR. ROY: M'hm.

5 MR. ENGELMANN: And that would have been in
6 approximately 1971?

7 MR. ROY: In '71, finished, yeah.

8 MR. ENGELMANN: And that was with the
9 University of Ottawa?

10 MR. ROY: Yes.

11 MR. ENGELMANN: All right. And you were
12 already an employee of the Ministry of Corrections at that
13 time?

14 MR. ROY: Yes.

15 MR. ENGELMANN: All right. And you worked
16 with the Ministry from 1968 through 1997; fair enough?

17 MR. ROY: One five-year break with ---

18 MR. ENGELMANN: That's correct; you had a
19 five-year break where you worked at Cambrian College in
20 Sudbury, Ontario?

21 MR. ROY: Cambrian College, yes.

22 MR. ENGELMANN: All right. And as part of
23 your work experience, you were an Assistant Superintendent
24 at the Hillcrest Training School for Boys?

25 MR. ROY: Yes.

1 **MR. ENGELMANN:** Can you tell us what type of
2 facility that is, sir?

3 **MR. ROY:** Well, it was sort of a sad
4 facility. It was a maximum security facility for boys
5 under 16. It has since been retooled. I think it became
6 Wellington Detention Centre.

7 **MR. ENGELMANN:** All right. And, sir, then
8 you were a Staff Training and Development Coordinator for
9 the Northern Region?

10 **MR. ROY:** Yes.

11 **MR. ENGELMANN:** And you worked out of
12 Sudbury?

13 **MR. ROY:** Yes.

14 **MR. ENGELMANN:** And, sir, then as you've
15 told us, you spent about five years at Cambrian College?

16 **MR. ROY:** That's right.

17 **MR. ENGELMANN:** And what did you do there,
18 sir?

19 **MR. ROY:** I was a department chairman. I
20 had 13 programs, seven English and six in French, sort of
21 like law and security administration, social service
22 worker, that type of program.

23 **MR. ENGELMANN:** All right. And then you
24 returned to the Ministry of Corrections as a Classification
25 Officer, and that was at the Sudbury Jail?

1 **MR. ROY:** Sudbury Jail. The -- up until
2 then, the Ministry -- our ministry didn't have social work
3 positions in the adult facilities and some of us thought we
4 really should. Anyway, when the day came that they had
5 them, I switched back to Corrections, which is, after all,
6 what I had trained for, from the college setting, and went
7 into the Sudbury Jail as a first Classification Counsellor.

8 **MR. ENGELMANN:** All right. And after that,
9 sir, you were a Regional Training Advisor and then a
10 Regional Vice-Chairman, all in -- first in the Northern
11 Region for the Ministry of Correctional Services?

12 **MR. ROY:** Yeah.

13 **MR. ENGELMANN:** And then you worked for the
14 Ontario Board of Parole from '84 to '87?

15 **MR. ROY:** That's when I was the Regional
16 Vice-Chair for the North, yeah.

17 **MR. ENGELMANN:** Okay. And then lastly, sir,
18 a Regional Manager from '87 to '93?

19 **MR. ROY:** Yeah.

20 **MR. ENGELMANN:** And from '93 to '97 a
21 Regional Manager, Eastern Regional Office, in Kingston?

22 **MR. ROY:** Yes.

23 **MR. ENGELMANN:** All right. So let's talk
24 briefly about the role as Regional Manager. Was it much
25 different in the Northern Region than from the Eastern

1 Region, the type of work?

2 MR. ROY: The type of work was the same --
3 anyway, the same role expected, yeah.

4 MR. ENGELMANN: All right. And as the
5 Regional Manager, were you responsible for or did you have
6 staff reporting to you that had the title area manager,
7 sir?

8 MR. ROY: Yes.

9 MR. ENGELMANN: And would these have been
10 area managers from Probation and Parole offices?

11 MR. ROY: That's where area managers are
12 located, in charge of supervising our Probation and Parole
13 offices.

14 MR. ENGELMANN: And, sir, do you have a
15 sense as to how many area managers would have been
16 reporting to you when you were a Regional Manager for the
17 Eastern Regional Office from 1993 to 1997?

18 MR. ROY: Well, when I first arrived I had
19 exclusively supervision of probation, parole and youth
20 community facilities, open custody facilities, and that was
21 because each of them was attached to a local area office.
22 Where we had one of the youth facilities, it was always
23 directly supervised by the local area manager. So that
24 would be six area managers initially and whatever numbers -
25 - five or six youth facilities as well.

1 **MR. ENGELMANN:** All right. And can you give
2 us some sense as to the responsibilities of a Regional
3 Manager in the Ministry of Corrections when you held that
4 title?

5 **MR. ROY:** Well, essentially, I think I
6 described -- it's kind of like running the business, I
7 suppose. The director would oversee a budget and, you
8 know, argue for our importance at the larger table for the
9 Ministry-wide discussions that were being held. And then
10 as a Director I was able to execute -- put into place
11 certain changes in staffing, in facilities and so on.

12 As managers, we oversaw those operations,
13 tried to maximise what we could with the resources
14 available, work with area managers and facilities'
15 superintendents -- jail or detention superintendents to get
16 the most out of our dollars to provide programming -- new,
17 innovative programming, if possible, try to make things --
18 for example, before I left, when I had a different -- a
19 little bit different workload, I had an idea that we could
20 put together a crew of inmates to clean up our highways
21 without the chains that you'd find in the States.

22 And so we did that and we had a highway
23 cleaning crew in Eastern Ontario for a period of time.
24 That was very successful. We got a fair amount of pleasant
25 media, better media for us than maybe we got normally.

1 **MR. ENGELMANN:** So ---

2 **MR. ROY:** We were able to do that at the
3 regional manager level, come up with an idea, follow
4 through with the resources required, get approval from the
5 director, and then ---

6 **MR. ENGELMANN:** How many regional managers
7 were there for the Eastern Region?

8 **MR. ROY:** Two.

9 **MR. ENGELMANN:** All right. And who was
10 working as a regional manager when you were, sir?

11 **MR. ROY:** Deborah Newman was my colleague.

12 **MR. ENGELMANN:** And who of the two of you
13 would have been responsible for the probation and parole
14 offices and who would have been responsible for
15 correctional institutes?

16 **MR. ROY:** Initially, I had all the
17 probation/parole offices and she had all the institutions.

18 **MR. ENGELMANN:** All right. And did that
19 change at all during the four years or so ---

20 **MR. ROY:** Yeah, we changed a couple of times
21 in the four years but I -- you know.

22 **MR. ENGELMANN:** So you switched
23 responsibilities?

24 **MR. ROY:** For a time I had institutions and
25 probation offices as opposed to just probation offices in

1 the east, and then I had a similar workload in the western
2 part of the region.

3 And then at the end, the whole names change,
4 we became districts and I had a different district. I was
5 going over as far as Whitby to the Whitby Jail and covering
6 institutions that far.

7 **MR. ENGELMANN:** When you were the Regional
8 Manager for the Eastern Regional Office your office was
9 located in Kingston. Is that correct?

10 **MR. ROY:** Yes.

11 **MR. ENGELMANN:** And who was your predecessor
12 in that position?

13 **MR. ROY:** Well there were two. Roy Hawkins,
14 I guess I took -- specifically took his type of workload,
15 yeah.

16 **MR. ENGELMANN:** All right. And when you
17 took over the position from Mr. Hawkins would there have
18 been some overlap?

19 **MR. ROY:** No, unfortunately there wasn't.

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

21 **MR. ROY:** When I came down he was gone. We
22 were in touch by phone but he had vacated.

23 **MR. ENGELMANN:** And, sir, I understand that
24 you reported to a regional director.

25 **MR. ROY:** Yes.

1 **MR. ENGELMANN:** And who was the regional
2 director when you were the Regional Manager in Eastern
3 Ontario?

4 **MR. ROY:** John O'Brien. John O'Brien was
5 our Director.

6 **MR. ENGELMANN:** And, sir, would he have
7 reported then to an Assistant Deputy Minister?

8 **MR. ROY:** That's right.

9 **MR. ENGELMANN:** All right. So the area
10 managers would have reported to you?

11 **MR. ROY:** Yes.

12 **MR. ENGELMANN:** For example, the Area
13 Manager in Cornwall at that time from the Probation and
14 Parole Office, would that have been a Mr. Robert?

15 **MR. ROY:** Emile Robert, yes.

16 **MR. ENGELMANN:** And there would have been
17 several individuals at his rank, depending on which area
18 they were responsible for; correct?

19 **MR. ROY:** Yes, five more.

20 **MR. ENGELMANN:** And I just want to show you
21 an exhibit that we've put in here before. It just has a
22 bit of an org chart. Just see if it brings back just a
23 recollection of what the Cornwall office looked like at the
24 time.

25 It's Exhibit 1061. If that could be brought

1 up on the screen for Mr. Roy.

2 I'm particularly interested in the page that
3 has "Cornwall 1993, 502 Pitt Street". It's Bates page
4 1107904. And the paper copy is poor. I'm hoping it might
5 be better on the screen actually.

6 Exhibit 1061, Bates page 1107904.

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. ENGELMANN: It doesn't look much better.

9 THE COMMISSIONER: It will get better.

10 There we go.

11 MR. ENGELMANN: So we've got -- this is
12 1993. This is when you become the Eastern Regional
13 Manager?

14 MR. ROY: M'hm.

15 MR. ENGELMANN: Correct?

16 MR. ROY: Okay.

17 MR. ENGELMANN: And we've got Mr. Robert in
18 the area manager position.

19 MR. ROY: Yes.

20 MR. ENGELMANN: Did you know other members
21 of his staff, sir?

22 MR. ROY: Yes.

23 MR. ENGELMANN: Did you get to the Cornwall
24 office from time-to-time?

25 MR. ROY: From time-to-time I would attend

1 staff meetings. There might be union management grievance
2 procedures to take part in.

3 MR. ENGELMANN: Okay.

4 MR. ROY: And it might be volunteer
5 celebrations of some kind or other.

6 MR. ENGELMANN: Do you have a sense as to
7 how often you got to the Cornwall office?

8 MR. ROY: Well, initially I guess I was
9 probably there more often than later as the workloads
10 changed. I guess I was for sure four times a year. I
11 mean, you know, with six offices I think probably ---

12 MR. ENGELMANN: Okay.

13 MR. ROY: It depends on what was going on,
14 but for the most part probably four times a year.

15 MR. ENGELMANN: So some of the probation
16 officers that are there, you can see the names on the left,
17 those would have been people you would have been familiar
18 with?

19 MR. ROY: Yes.

20 MR. ENGELMANN: All right. And some of the
21 other names that we can't see well that are sort of in
22 white would have included people like Ken Seguin when you
23 started?

24 MR. ROY: Yeah, Ken Seguin.

25 MR. ENGELMANN: Jos van Diepen?

1 **MR. ROY:** Yes.

2 **MR. ENGELMANN:** And, unfortunately, I don't
3 know if I can make out other names, the names in white. We
4 have Ken Seguin and Jos van Diepen at the bottom there.

5 **THE COMMISSIONER:** Mr. Neuberger, can you
6 help us out?

7 **MR. NEUBERGER:** Give me a little bit of time
8 and I'll ---

9 **THE COMMISSIONER:** Okay. Fine.

10 **MR. ENGELMANN:** In any event, sir, you would
11 have met these people at least quarterly is what you're
12 telling us?

13 **MR. ROY:** Yeah.

14 **MR. ENGELMANN:** All right. And when you
15 started your job, as I said, I guess you didn't have an
16 opportunity to meet with Mr. Hawkins to have sort of an
17 overlap. Did he brief you at all about the situation in
18 the Cornwall office as he knew it at the time, do you
19 recall?

20 **MR. ROY:** No, there were no details about --
21 really not only the Cornwall office, I didn't get a chance
22 to get many details. Like I said, I'd phone him if he was
23 over in the Western Region. He was reachable so I was able
24 to get him if I needed him -- information. But no we
25 didn't have a briefing.

1 **MR. ENGELMANN:** You'd agree with me that
2 sometimes that might be a useful thing to have when taking
3 over new responsibilities?

4 **MR. ROY:** It would have been useful, m'hm.

5 **MR. ENGELMANN:** And Mr. Robert was the area
6 manager. Would you have regular meetings with him?

7 **MR. ROY:** Well, yeah, I suppose with the
8 manager you not only have the meetings on his site but also
9 we had meetings at the regional office, you know, for area
10 managers, that he would be called in with other managers
11 for meetings, that way too.

12 **MR. ENGELMANN:** How often would those
13 meetings occur?

14 **MR. ROY:** Similar -- probably a similar kind
15 of thing, you know. I mean, for budget, year ends and in
16 the fall, you know, the start of the new season after the
17 summer breaks and so on. Probably the same kind of
18 routine, more likely would come down to four times a year,
19 and at least one annual, everybody kind of meeting at the
20 regional office, superintendents, yeah.

21 **MR. ENGELMANN:** So if you were seeking
22 information on the goings on in the Cornwall office your
23 source of information would typically be Mr. Robert?

24 **MR. ROY:** Yeah, typically yes, definitely.

25 **MR. ENGELMANN:** I mean, did you have

1 probation officers report to you from time-to-time and go
2 around him or do you recall?

3 **MR. ROY:** I don't recall any such, no.

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

5 **MR. ROY:** And when I would visit, you know,
6 he was always able to informally move around from office to
7 office and wasn't there just to do the meeting. We tried
8 to work some time in, you know.

9 **MR. ENGELMANN:** All right. Did you have any
10 knowledge or understanding of the relationship that Mr.
11 Robert had with your predecessor, Mr. Hawkins?

12 **MR. ROY:** I don't think it was a good
13 relationship, particularly. I mean, I think it was a
14 working -- you know, they were able to work together but --
15 -

16 **MR. ENGELMANN:** Do you know why -- or why do
17 you have the view that it wasn't the best of relationships?

18 **MR. ROY:** Well, comments from either I
19 guess, you know, but I don't think I ever heard sort of a -
20 - you know, a very difficult relationship described by
21 Emile Robert at all, but I did understand that the
22 relationship that Roy described was very good.

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

24 **MR. ROY:** But I mean, again, it was a
25 working relationship.

1 **MR. ENGELMANN:** Had you been briefed by
2 either of them about an incident that had occurred back in
3 the 80s involving Nelson Barque?

4 **MR. ROY:** No, no.

5 **MR. ENGELMANN:** So you were not aware that
6 he had essentially been asked to resign as a result of
7 alleged sexual impropriety?

8 **MR. ROY:** I didn't hear from them. I
9 eventually heard the story from another -- an area manager,
10 other than those two, who was in the regional office on a
11 kind of assignment who had worked at some point in his
12 career in Cornwall and he told me the sort of story that --
13 -

14 **MR. ENGELMANN:** Who is that?

15 **MR. ROY:** Ted Morris -- Ed Morris was his
16 name, sorry.

17 **MR. ENGELMANN:** And when was that?

18 **MR. ROY:** I think it would probably be '95.

19 **MR. ENGELMANN:** All right. And would that
20 have been about the issues in 1982 or would that have been
21 about current charges in or around '95 involving another
22 victim, in this case a victim who then is confirmed through
23 a criminal process, or do you remember?

24 **MR. ROY:** I think -- I don't -- well, I
25 think it was about -- I didn't know anything further about

1 Barque, in fact -- anyway, it was about the first instances
2 because he described how investigators were called in; they
3 talked with the subject and shortly after resigned. He
4 just left.

5 MR. ENGELMANN: All right. So it would have
6 been about what happened in 1982?

7 MR. ROY: In '82, yeah.

8 MR. ENGELMANN: All right.

9 Okay. And I've just -- Mr. Neuberger's been
10 very helpful, as he always is. He's given me the other
11 names -- Mr. Gendron, Ron Gendron, and Don Billard. Were
12 you familiar with them as other probation officers along
13 with Ken Seguin ---

14 MR. ROY: Yeah, I ---

15 MR. ENGELMANN: --- and Jos van Diepen?

16 MR. ROY: --- I had thought about them but
17 I didn't -- yeah, I do remember the names now.

18 MR. ENGELMANN: All right.

19 MR. ROY: Yeah.

20 MR. ENGELMANN: Now, sir, just going back to
21 Nelson Barque for a minute. In 1995, he was convicted of
22 sexually assaulting a former probationer by the name of
23 Albert Roy. Were you advised of that at that time, sir?

24 MR. ROY: No, I think -- now that I know the
25 name, I think I probably would have remembered that.

1 **MR. ENGELMANN:** Okay.

2 **MR. ROY:** No, I -- no, I seriously did not.

3 **MR. ENGELMANN:** All right. Well, were you
4 aware, sir, that at or around Christmas of 1994, a number
5 of your staffers in Cornwall were contacted by an OPP
6 officer who was investigating Mr. Roy's allegations against
7 Nelson Barque?

8 **MR. ROY:** No, I don't remember that at all,
9 no.

10 **MR. ENGELMANN:** Well, we know from the
11 officer's notes that in or around early January he would
12 have spoken with Carole Cardinal, who was one of your
13 probation ---

14 **MR. ROY:** Yes.

15 **MR. ENGELMANN:** --- staff in Cornwall.

16 **MR. ROY:** Yes.

17 **MR. ENGELMANN:** She would not have advised
18 you of that?

19 **MR. ROY:** I don't remember it, I really
20 don't. It's the first I've heard right now.

21 **MR. ENGELMANN:** We know, as well, that a
22 former area manager by the name of Peter Sirrs was
23 contacted. Are you familiar with him?

24 **MR. ROY:** Oh yeah, m'hm.

25 **MR. ENGELMANN:** All right. No advice from

1 him or others about that?

2 MR. ROY: I -- no, not on that. I do
3 remember calling Peter Sirrs.

4 MR. ENGELMANN: Okay. And do you recall why
5 you would have done that, sir?

6 MR. ROY: When I get the phone call, you
7 know -- when I get the phone call from David Silmsen and --
8 and I was phoning around to see if I could get some idea of
9 what we were -- what I was dealing with.

10 MR. ENGELMANN: Okay, well we'll come to
11 that.

12 So you would have spoken to Mr. Sirrs at or
13 about that time?

14 MR. ROY: About that, yeah.

15 MR. ENGELMANN: All right. And I know I'm
16 jumping around in time. We're in '95 and we'll go back to
17 '93, but I understand as well that Marcelle Léger and
18 Louise Quinn, who were two support staff in the Cornwall
19 office were both contacted by an OPP officer, again in
20 early January of '95. You have no knowledge of that, sir?

21 MR. ROY: No -- well, I mean I -- seriously,
22 if I did, I don't -- don't remember it.

23 MR. ENGELMANN: And that as well in January,
24 Stewart Rousseau and Jos van Diepen, two of your probation
25 officers in Cornwall were contacted by the OPP. You

1 weren't advised of that?

2 MR. ROY: I'm just saying I don't remember
3 it; I -- I may have been but I really don't remember.

4 MR. ENGELMANN: All right. And a former
5 probation officer by the name of Hector Lavoie?

6 MR. ROY: No. No, I don't.

7 MR. ENGELMANN: All right. And, sir, you'd
8 agree with me that a conviction of a probation officer -- a
9 former probation officer, particularly a conviction for
10 sexually abusing a probationer, a young probationer -- I
11 think Albert Roy was 16 at the time -- that's a significant
12 event, is it not?

13 MR. ROY: Oh yeah, very much.

14 MR. ENGELMANN: And that would be something
15 that would be troubling for Ministry officials? It would
16 be a concern?

17 MR. ROY: Yeah, yeah, m'hm.

18 MR. ENGELMANN: Do you have any sense, sir,
19 why you wouldn't have been kept abreast of that or made
20 aware of that?

21 MR. ROY: No, I don't.

22 MR. ENGELMANN: Okay. So are you -- for
23 example, are you saying to us that Mr. Robert would not
24 have briefed you on that? Are you saying you just -- do
25 you remember whether or not you were made aware of this,

1 sir?

2 MR. ROY: I don't remember, that's what I'm
3 saying. I -- and it hasn't come up in all the pre-inquiry
4 discussions I've had. It never even occurred to me until
5 right now.

6 MR. ENGELMANN: Well, it's pretty, pretty
7 significant, though ---

8 MR. ROY: Yes, m'hm.

9 MR. ENGELMANN: --- that a former probation
10 officer, convicted in 1995 of abusing a probationer out of
11 your Cornwall office?

12 MR. ROY: M'hm.

13 MR. ENGELMANN: Fair enough?

14 MR. ROY: That's -- that's significant, for
15 sure, yes.

16 MR. ENGELMANN: All right. I'm going to
17 come back to it in the context of the whole David Silmsen
18 matter that you had direct dealing with, if I can.

19 Now, you had meetings from time-to-time with
20 Emile Robert and you would have had discussions from time-
21 to-time with some members of his staff. Can you give us a
22 sense as to your working relationship with them, whether
23 you had direct discussions with them and just a sense as to
24 how they were when you would have met with probation and/or
25 parole officers out of that office?

1 **MR. ROY:** Yeah, well, visiting them --
2 visiting their office and going sort of like door-to-door
3 in the office, walking through as I usually did, they were
4 very -- I would call them a high energy group. They were
5 very interested in their clients, at least they -- you
6 know, they showed me they were. We would perhaps take a
7 file aside and show me what they were working on at that
8 time and there may have been a problem. Very often there
9 was getting a client into anger management, for example, or
10 into alcohol treatment or some kind of -- and they would
11 probably say something like, you know, if we could do
12 anything here, maybe we would help the community to provide
13 more of the -- I mean, those kind of discussions, and
14 those were all business-related, but I thought they were --
15 -

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

17 **MR. ROY:** --- on the target and on the mark.

18 **MR. ENGELMANN:** So you would have had
19 discussions with some of the officers?

20 **MR. ROY:** Hopefully most of them, you know -
21 --

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

23 **MR. ROY:** --- yeah.

24 **MR. ENGELMANN:** Now, you had not worked as a
25 probation and parole officer, correct?

1 **MR. ROY:** No, m'hm.

2 **MR. ENGELMANN:** Nor had you been area
3 manager ---

4 **MR. ROY:** No.

5 **MR. ENGELMANN:** --- of probation and parole
6 officers.

7 So what did you do, sir, to become more
8 acquainted or more informed about the type of work they
9 were doing?

10 **MR. ROY:** Well ---

11 **MR. ENGELMANN:** Did you find that to be
12 necessary?

13 **MR. ROY:** Well, the first, I guess, as a
14 grad student in Corrections, the first thing that you get a
15 field placement there is a probation or in this case a
16 parole caseload. I was introduced there to the probation
17 side although I hadn't had any experience at that point. I
18 had only worked at the Correctional Centre in Guelph.

19 And then -- and I just had an interest in
20 the community side of Corrections as a -- over the time of
21 my career, I put together a federal halfway house in
22 Sudbury, which lasted a couple of years, finding jobs for
23 guys coming out. I had founded a youth -- an organization,
24 Sudbury Youth Services, which is now Northern Youth
25 Services, spreads across Sudbury and Sault Ste. Marie.

1 So I had a pretty active volunteer life and,
2 you know, in the community working with that side of
3 Corrections or either in prevention or in dealing with --
4 with youth or adults in -- in the community.

5 So I had that interest and I -- it didn't
6 take an awful lot, I think, to find out what kind of work a
7 probation officer did and which ones were putting time in
8 and ---

9 **MR. ENGELMANN:** Okay. Now, you would have
10 had some interaction with inmates in your background?

11 **MR. ROY:** Oh, yes.

12 **MR. ENGELMANN:** But not supervising
13 probationers, per se?

14 **MR. ROY:** No.

15 **MR. ENGELMANN:** No. And, sir, just with
16 respect to staffing -- well, let's start with Mr. Robert.
17 What was your relationship like with him?

18 **MR. ROY:** I thought it was good.

19 **MR. ENGELMANN:** All right. Do you think it
20 was better than the relationship that was described to you,
21 that he had with your predecessor?

22 **MR. ROY:** I think so, yeah.

23 **MR. ENGELMANN:** All right. And do you
24 recall any specific staffing issues in that office?

25 **MR. ROY:** Well they -- yeah, there were --

1 there were personality issues, I guess. There were -- I
2 don't -- I don't remember any work directly -- quality of
3 work or that kind of thing, issues from the area manager
4 about his staff. I think Emile, on the work side, thought
5 very highly of his staff. He knew they were -- well, at
6 least my impression was the same as his impression from my
7 outside look at them.

8 There were issues, though, in dealing with
9 him. They -- meetings often -- formal meetings were, I
10 don't know, less than full business meetings. There was,
11 you know, sometimes asides and snickering and/or -- or
12 sarcasm kind of thing. I kind of thought it was really not
13 necessary considering most of the offices ran pretty
14 smoothly and I didn't really even have time to get into --
15 kind of thing.

16 **MR. ENGELMANN:** Well, were there behavioural
17 or attitude issues that were ---

18 **MR. ROY:** I guess ---

19 **MR. ENGELMANN:** --- of concern in the
20 office?

21 **MR. ROY:** I guess there would be attitude.
22 yeah, I suppose they are or there were attitude issues
23 underneath it because they expressed themselves that way,
24 but they didn't -- they didn't come in and come to me and
25 say, you know, "This is what I have to deal with". They

1 kind of -- everybody was, I guess, letting me come to my
2 own conclusion, I don't know.

3 MR. ENGELMANN: Well, who was reporting
4 these issues to you?

5 MR. ROY: No, I was seeing, you know ---

6 MR. ENGELMANN: Okay.

7 MR. ROY: --- like going door-to-door or in
8 the meetings or -- or over union. There were very, very
9 few -- I don't remember any -- any union issues at that
10 office, so -- except, unless they were system-wide issues
11 that, yeah.

12 MR. ENGELMANN: Well, behaviour and attitude
13 issues involved whom? Who was involved in behaviour or
14 attitude issues that you knew of? Where was the problem?

15 MR. ROY: I don't know. The story, I guess,
16 was that at last one of the people working there had --
17 this may not have anything to do with anything, but anyway,
18 had an interest in becoming the area manager when the job
19 changed hands, and when Emile got it, it kind of left this
20 person or maybe more than one, kind of on the outs and, I
21 don't know, sniping, sort of, from the side, sort of thing,
22 but at the same time always doing the job required, never
23 putting their position at risk, just enough to show that
24 they weren't going to listen to every word this manager
25 said, sort of thing.

1 **MR. ENGELMANN:** Is this something you would
2 have heard from him then, from Mr. Robert?

3 **MR. ROY:** He'd tend to play it down. I
4 mean, you know, I would have seen it with my own eyes and
5 we'd talk about it, and I'd say ---

6 **MR. ENGELMANN:** Who was the difficulty then
7 with, which officer?

8 **MR. ROY:** Well, Jos van Diepen, I guess was
9 the most difficult, but then -- yeah.

10 **MR. ENGELMANN:** Did you see that as
11 undermining Mr. Robert's authority in any way?

12 **MR. ROY:** Yeah, I did. I thought that he
13 was trying for attention or getting in a -- not just in an
14 immature way, but also just, "How come you don't listen to
15 me?" I mean, I guess he got the feeling that maybe he felt
16 he wasn't listened to and by having me or someone like me
17 there, it was an opportunity to give his position, so I'd
18 listen.

19 **MR. ENGELMANN:** You would have observed some
20 of this? Did that -- did the behaviour concern you about
21 how the office was being run and what effect that might
22 have on issues in the office?

23 **MR. ROY:** Sure, we talked about it. Yeah,
24 sure.

25 **MR. ENGELMANN:** And was any action taken as

1 a result?

2 MR. ROY: Well, Emile had talked -- he said
3 he was talking to these individual staff members about the
4 relationship, about the work, but as for what exact action,
5 I don't remember what he was doing, but he certainly wasn't
6 totally ignoring it. He couldn't.

7 MR. ENGELMANN: All right.

8 MR. ROY: It was sort of like there all the
9 time, I think.

10 MR. ENGELMANN: Did you get a sense, sir,
11 from your meetings in Cornwall whether or not certain
12 Probation and Parole officers knew each other well?

13 MR. ROY: They all seemed to know each other
14 very well, but there was ones, I guess Jos and some -- two
15 or three were there from the beginning, like in time,
16 chronologically, they'd been there longer than others. But
17 ---

18 MR. ENGELMANN: Mr. Seguin would have been
19 there for a long time?

20 MR. ROY: Yes, Seguin was there for a while.

21 MR. ENGELMANN: Mr. van Diepen had been
22 there for a long time?

23 MR. ROY: Yeah. M'hm.

24 MR. ENGELMANN: To your knowledge, how would
25 you describe their relationship?

1 **MR. ROY:** I thought they were -- I thought
2 they were friends. You know, I really did. I was -- the
3 first meeting I was there, I guess is -- the first meeting
4 I visited the office is shortly I arrived probably in '93.
5 You know, you get a new manager; everybody is fooling
6 around. It's a new thing. And I thought in that context
7 they were quite good.

8 Seguin was a very quiet -- to me, quieter,
9 kind of shyer guy, but he was having a laugh too.

10 **MR. ENGELMANN:** All right. But you would
11 have observed them together?

12 **MR. ROY:** M'hm, yeah.

13 **MR. ENGELMANN:** Were you aware that they
14 would go for lunch often?

15 **MR. ROY:** Yeah, m'hm.

16 **MR. ENGELMANN:** And were you aware of
17 whether or not they socialized outside of the office as
18 well?

19 **MR. ROY:** No, I don't know about that so
20 much, but I did get the feeling that they did have a
21 camaraderie, a sort of feeling, yes.

22 **MR. ENGELMANN:** Do you know whether their
23 close relationship caused Mr. Robert any difficulties with
24 his management of them?

25 **MR. ROY:** I don't think there was any

1 trouble. I don't think there was any problem managing Ken
2 Seguin.

3 **MR. ENGELMANN:** Okay.

4 **MR. ROY:** I mean, so I -- and I don't know,
5 like in managing of -- it's hard to -- I don't have a term
6 for it, but managing that type of probation officer, the
7 van Diepen type is -- I don't know if it's called
8 management or not, but it's a challenge, kind of an ongoing
9 challenge to get through what it is you're trying to say
10 and build your case maybe a little more deeply and more
11 completely than you would if you didn't have a critic built
12 in, I suppose, in your group.

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

14 Sir, you were interviewed in or around the
15 year 2000 by a Ministry investigator by the name of Paul
16 Downing.

17 **MR. ROY:** Yes.

18 **MR. ENGELMANN:** Do you recall that?

19 **MR. ROY:** Yes, m'hm.

20 **MR. ENGELMANN:** If the witness could be
21 shown Exhibit 958?

22 **THE COMMISSIONER:** Nine-hundred-and-fifty-
23 eight (958)?

24 **MR. ENGELMANN:** Yes, sir.

25 And the portion of 958 that I'm particularly

1 interested in is the interview report with him, and that
2 starts at Bates page 1001527.

3 **THE COMMISSIONER:** Sir, the Bates pages are
4 on the top left-hand corner of the -- if you look at -- are
5 you at 558 (sic), sir -- 958, sorry.

6 **MR. ROY:** Nine-fifty-eight (958), yes.

7 **THE COMMISSIONER:** Okay. Look on the top
8 left-hand corner.

9 **MR. ROY:** Yes.

10 **THE COMMISSIONER:** There are these small
11 numbers there and it's written "front".

12 **MR. ROY:** Yes.

13 **THE COMMISSIONER:** Those are our pages.

14 **MR. ROY:** Okay.

15 **THE COMMISSIONER:** So if you could go to --
16 what is it again?

17 **MR. ENGELMANN:** Well, his interview report
18 starts at 1001527.

19 **MR. ROY:** Okay.

20 **THE COMMISSIONER:** So 1527.

21 **MR. ROY:** Thank you. Okay. Oh, it's here
22 anyway. Yeah.

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

24 And, sir, it would appear that you were
25 interviewed at a hotel in Kingston on September 25th, 2000?

1 **MR. ROY:** Yeah.

2 **MR. ENGELMANN:** Do you have a recollection
3 of meeting with Mr. Downing and being interviewed?

4 **MR. ROY:** Yes, I do.

5 **MR. ENGELMANN:** All right. And, sir, on the
6 last page of your interview, it's page 3 at the bottom,
7 there's a note that says:

8 "Bill said it was his opinion that
9 people..."

10 **THE COMMISSIONER:** Where are you now?

11 **MR. ROY:** At the top.

12 **MR. ENGELMANN:** The top of the page, sir.

13 **THE COMMISSIONER:** Okay. Thank you.

14 **MR. ROY:** Yeah, I see it.

15 **MR. ENGELMANN:** "Bill said that it was his
16 opinion that PPO Jos van Diepen and PPO
17 Ken Seguin were close friends.
18 According to Bill, Jos and Ken went out
19 for lunch all the time and associated
20 together outside the office. Bill said
21 this was based upon his observations
22 during meetings at the Cornwall
23 Probation and Parole Office and
24 comments/statements the two made."

25 Right?

1 MR. ROY: Yeah.

2 MR. ENGELMANN: That would appear to be
3 something you said to Mr. Downing?

4 MR. ROY: Yeah, right. That sounds ---

5 MR. ENGELMANN: Is that accurate, sir?

6 MR. ROY: I think so.

7 MR. ENGELMANN: All right. This is
8 something you would have said to him about 7 years ago.
9 Now, these are about events that occurred maybe 14 years
10 ago; fair enough?

11 MR. ROY: Yeah.

12 MR. ENGELMANN: And would it be fair to say
13 that your memory of those events might have been better in
14 the year 2000 than they are today?

15 MR. ROY: They might have been.

16 MR. ENGELMANN: Okay. And, sir, in the next
17 paragraph it says:

18 "Bill said he thought it was odd that
19 Jos was a good friend of PPO Ken
20 Seguin. However, he, Jos, was very
21 negative about homosexual behaviour
22 (Ken was homosexual). Bill said that
23 he heard Jos express his feelings about
24 homosexual conduct during a number of
25 meetings at the Cornwall Probation and

1 Parole Office."

2 Do you recall saying this to Mr. Downing, or
3 words to this effect?

4 MR. ROY: I don't recall it but, you know --
5 -

6 MR. ENGELMANN: All right.

7 MR. ROY: --- that was his business to
8 record what I was saying. So I guess -- but as to what I
9 meant by that and exactly what situations, I'm afraid I
10 don't have any examples.

11 MR. ENGELMANN: All right. Were you aware
12 at the time, sir, of Mr. Seguin's sexual orientation?

13 MR. ROY: Yeah. M'hm.

14 MR. ENGELMANN: All right. And how were you
15 aware of that back when you were the area manager? Had he
16 indicated that to you or was that just common knowledge?

17 MR. ROY: I guess it was common knowledge
18 because, no, I don't think -- I think I only saw Ken one
19 time and it was at that meeting, the first meeting that I
20 attended that they called because there was a new manager,
21 sort of thing. I don't think I saw him after.

22 MR. ENGELMANN: When did you become the area
23 manager for the -- sorry, the Regional Manager for the East
24 Region?

25 MR. ROY: August '93, I guess -- August or

1 September. It may be early September.

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

3 But did you actually hear Mr. van Diepen
4 make comments in Mr. Seguin's presence?

5 **MR. ROY:** I must have. They must have had a
6 banter going that either I didn't understand or maybe I put
7 the wrong meaning on it, but they -- because they were
8 close, and as I'm saying I'm sort of surprised between what
9 close means and what they were doing in the meetings.

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

11 **MR. ROY:** There's something about that that
12 I was surprised about.

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

14 **MR. ROY:** But they did seem close, yes.

15 **MR. ENGELMANN:** All right. And you were
16 surprised because of some of the comments van Diepen had
17 made that ---

18 **MR. ROY:** Well, maybe he was just used to --
19 you know, maybe that was part of the banter or whatever of
20 that office and I just didn't get it at the time.

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

22 **MR. ROY:** I don't know.

23 **MR. ENGELMANN:** So he may have been just
24 trying to get a rise out of him or trying to get him
25 excited?

1 **MR. ROY:** Yeah. Yeah, just a comment to him
2 that he made often. I don't know.

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

4 **MR. ROY:** It didn't affect -- you know, it
5 didn't affect Ken Seguin's -- if there was any kind of
6 negative or sarcastic, didn't do anything to him. He was
7 the same person throughout the meeting as far as I know.

8 **MR. ENGELMANN:** Can you really say that
9 though, sir, if ---

10 **MR. ROY:** Well, I just sort of have a photo
11 picture of him, I mean, just sitting there and looking at
12 the group in their meeting and where he was sitting in
13 relation to the others.

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

15 **MR. ROY:** I guess I remember it because of
16 the suicide. It fixed me back to ---

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

18 **MR. ROY:** --- the one time I was there.
19 Yeah.

20 **MR. ENGELMANN:** He didn't file a human
21 rights complaint or an harassment complaint about a
22 homophobic comments?

23 **MR. ROY:** No. Not to me.

24 **MR. ENGELMANN:** All right. I'll just be a
25 moment, sir.

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

2 **MR. ENGELMANN:** If we could turn back to the
3 first page of your interview report, Mr. Roy, this is just
4 about meetings with Mr. Seguin.

5 The bottom of the page, the last bullet you
6 say -- you are purported to have said:

7 "Bill said that he attended PPO
8 Seguin's funeral at the St. Andrew's
9 Parish."

10 Do you remember actually doing that, sir?

11 **MR. ROY:** Yes. M'hm.

12 **MR. ENGELMANN:** All right. I'm just at the
13 very bottom of the first page ---

14 **MR. ROY:** Okay, I see it.

15 **MR. ENGELMANN:** Then it say:

16 "Bill said that he met Ken Seguin on a
17 number of occasions during his business
18 meetings at the Cornwall Probation and
19 Parole Office. Bill said that PPO
20 Seguin presented himself as a quiet and
21 sincere individual.'

22 Just having read that, you've just told us
23 that you think you only met him once, but in this interview
24 with Mr. Downing you are purported to have said that you
25 had met him on a number of occasions. Is it possible, sir,

1 that you met him on several occasions?

2 MR. ROY: Well, the one time -- when I have
3 this picture I see him in a staff meeting because they were
4 thrown together mostly because I was the new Regional
5 Manager and I was coming up to meet the staff in that
6 office. So he's there.

7 MR. ENGELMANN: Right.

8 MR. ROY: There are other -- I was probably
9 in Cornwall two more times between then and Christmas for
10 their meetings or for other reasons and each time, as I
11 said, I tried to get around the office and drop in on a
12 couple of POs and there -- anyway it was a good thing to do
13 I thought and so I might have seen him, you know, I would
14 have seen him if he was there, I would have definitely ---

15 MR. ENGELMANN: All right. So there was one
16 formal meeting but there may have been informal meetings as
17 well?

18 MR. ROY: Yes because if there were no more
19 than two other, there wasn't time to get up there more than
20 two more times ---

21 MR. ENGELMANN: Yes.

22 MR. ROY: --- in that first while.

23 MR. ENGELMANN: We know that he committed
24 suicide on November 25th, '93. So it would have been about
25 three months after you started.

1 MR. ROY: Yeah.

2 MR. ENGELMANN: All right.

3 MR. ROY: There were five other offices and
4 they were between Peterborough and Cornwall, and two in
5 Ottawa, so you know there was quite a bit of driving to get
6 to see them all in that first while.

7 MR. ENGELMANN: All right. And, sir, had
8 you heard anything at all about Mr. Seguin from Mr. Robert
9 or from any of his colleagues?

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

11 MR. ENGELMANN: All right. And you became
12 aware did you not, sir, that he committed suicide?

13 MR. ROY: Oh, yes.

14 MR. ENGELMANN: And how was it you became
15 aware of that?

16 MR. ROY: What I remember is Emile Robert
17 phoned -- phoned the office and told me -- whether he -- I
18 don't know if he told me first but anyway I do remember
19 hearing it from Emile Robert.

20 MR. ENGELMANN: All right. And would that
21 have been on the same day that he in fact killed himself?

22 MR. ROY: I think so, yeah.

23 MR. ENGELMANN: All right. And did he
24 describe for you what occurred?

25 MR. ROY: Well, he said that he had been

1 with a police officer to Seguin's house when he didn't show
2 up for work or he -- anyway -- for whatever reason he --
3 and he got a phone call from someone, a dentist or someone
4 had phoned and said that -- there were a couple of things
5 that made him think that he should go to Seguin's house and
6 ---

7 **MR. ENGELMANN:** I wanted to ask you about
8 that. I believe that what happens is Mr. Robert actually
9 gets the police involved because Mr. Seguin doesn't come to
10 work, he doesn't show up at a dentist appointment and then
11 he actually asks an OPP officer to go out to the house
12 earlier in the day before they discover that he's committed
13 suicide.

14 **MR. ROY:** M'hm.

15 **MR. ENGELMANN:** Do you have any idea why Mr.
16 Robert would have contacted the police because one of his
17 employees didn't show up for a dentist appointment?

18 **MR. ROY:** No, as I was telling you earlier I
19 have no idea why. When you put it together again, thinking
20 at the time I guess I didn't think much of it, but because
21 you know what happened after because more the story than
22 why he was there, but it's true. I don't know why he would
23 suspect that he would needed to have the police there.

24 **MR. ENGELMANN:** Well, did he indicate to
25 you, or did any of the officers indicate to you, that they

1 were concerned that Mr. Seguin might be ready to kill
2 himself for any reason?

3 **MR. ROY:** No, I never heard that.

4 **MR. ENGELMANN:** It just strikes me as
5 strange that he'd ask the police to go check on one of his
6 employees because he misses a dentist appointment.

7 **MR. ROY:** Well, I have found out since that
8 he was -- that Ken Seguin was under police investigation.
9 I didn't know at the time but I found out ---

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

11 **MR. ROY:** --- from a briefing here. That
12 maybe had some extra police interest in Seguin. I don't
13 know.

14 **MR. ENGELMANN:** Okay, but -- had Mr. Robert
15 told you about that at the time?

16 **MR. ROY:** No. There was no indication, so I
17 don't really know why he had a police officer with him when
18 he went to ---

19 **MR. ENGELMANN:** To your knowledge, had the
20 police told any Ministry officials at that time that Mr.
21 Seguin had been under investigation or was under
22 investigation?

23 **MR. ROY:** I have no idea. I certainly
24 didn't know.

25 **MR. ENGELMANN:** All right. Now, did Mr.

1 Robert indicate to you that he'd been out to the scene of
2 the suicide?

3 MR. ROY: M'hm.

4 MR. ENGELMANN: Did he -- you don't need to
5 get into description of it, but did he provide you some
6 description at the time?

7 MR. ROY: He was pretty graphic. From what
8 he saw, yeah.

9 THE COMMISSIONER: How was he emotionally
10 when he was talking to you?

11 MR. ROY: He was really upset. He hadn't --
12 he was prepared -- he wasn't prepared for what he saw, I
13 don't think and so it was not a lot -- I mean, it was hard
14 to get the full idea from him because he'd said, "I'll have
15 to phone you back, I've got to think about this and --" he
16 had to talk to the police officer, I guess.

17 MR. ENGELMANN: Did he appear to be quite
18 upset about it?

19 MR. ROY: Yeah. M'hm.

20 MR. ENGELMANN: Sir, if you could -- Madam
21 Clerk if the witness could be shown Exhibit 922.

22 THE COMMISSIONER: That would be in your
23 book, sir.

24 MR. ROY: Okay.

25 THE COMMISSIONER: I believe. The same

1 book; 922.

2 MR. ROY: Yep. Oh boy, I'm getting good at
3 this.

4 MR. ENGELMANN: Good. All right.
5 If you could just have -- is this a note
6 that you would have seen before, sir?

7 MR. ROY: Yes, I think so.

8 MR. ENGELMANN: It should have been in a
9 package of documents that you hopefully had a chance to
10 look at recently, but this is a memo from Emile Robert to
11 yourself on the very day, on November 25th, 1993. Do you
12 see that?

13 MR. ROY: Yes.

14 MR. ENGELMANN: All right. And he's saying
15 that he's called you earlier? He's confirming the
16 conversation; correct?

17 MR. ROY: Yes. M'hm.

18 MR. ENGELMANN: And he's saying he suspected
19 that Mr. Seguin committed suicide and that he's going to
20 give you more information as he becomes aware of it?

21 MR. ROY: Right.

22 MR. ENGELMANN: Okay. Now he also says:
23 "I would appreciate it if a debriefing
24 team would come to our office and help
25 our staff through this incident."

1 What's he asking for there, sir? What's a
2 debriefing team?

3 **MR. ROY:** Right off the top, I don't know. I
4 don't remember anything with that title. I think you could
5 -- what we would do is get -- very often there was an area
6 manager on sort of an assignment within our office -- with
7 non-specific duties to see the operation, to do this kind
8 of thing, to be available to his colleagues. We could --
9 we probably would take a psychologist out of Rideau
10 Correctional Centre or, you know, put together a team to
11 help -- just to visit the site and see if there's anyone
12 who is particularly traumatized and talk it through.

13 I don't remember -- I just don't remember it
14 as being anything official, and I haven't seen this by the
15 way and in whatever number of years, but that's probably
16 what we did. We'd want to reach out and --

17 **MR. ENGELMANN:** I assume that meant
18 counselling -- a team of professionals to see if your staff
19 needed counselling or other support. Is that a ---

20 **MR. ROY:** Yeah, and the thing about that is
21 that it would be -- you know, you have to have -- you have
22 to be careful because you don't want to enter into what's a
23 crime, you know, and with your briefing team end up perhaps
24 changing what people really thought they saw, you know,
25 just because of conversations, unless it was a -- unless

1 the area was prepared to deal with that at the time and
2 that the legal aspects would be -- we'd be concerned about
3 making sure that we didn't do that too quickly and didn't
4 start getting to people. If they had something to say to
5 the police they should say it to the police not to a team.

6 **MR. ENGELMANN:** All right. But he's writing
7 to you; do you then have to report this to your superiors,
8 something like this?

9 **MR. ROY:** Oh, I would -- definitely I would
10 be telling the Director, you know, we want to give this a
11 try.

12 But as far as an actual -- I don't remember
13 anything with that title but that was what do, reached a --
14 used the resources in a different way.

15 **MR. ENGELMANN:** And do you recall if a
16 debriefing team or counselling team was sent to your
17 Cornwall office to assist staff?

18 **MR. ROY:** I don't -- I don't remember who
19 they would be if -- if they did, no.

20 **MR. ENGELMANN:** So you don't remember?

21 **MR. ROY:** No.

22 **MR. ENGELMANN:** All right. What was your
23 reaction to this news that Mr. Seguin had killed himself?

24 **MR. ROY:** Well, it was sad. I mean, you
25 know I don't think I'd ever had anything, you know, I'd

1 never had a staff member die under these circumstances.

2 MR. ENGELMANN: All right. And at that
3 particular time, you did not know that Mr. Seguin had been
4 the subject of a criminal investigation?

5 MR. ROY: No. No, I didn't.

6 MR. ENGELMANN: Now, you attended Mr.
7 Seguin's funeral?

8 MR. ROY: Yes, what -- the office, yeah.

9 MR. ENGELMANN: Was the whole office there?
10 All of your probation officers?

11 MR. ROY: Senior people -- oh yeah, yeah,
12 sure, m'hm.

13 MR. ENGELMANN: Now, again just looking at
14 Exhibit 958 for a minute, it's the second page of your
15 interview with Mr. Downing, the first bullet.

16 THE COMMISSIONER: Again, sir, 1527?

17 MR. ROY: Two-seven (27)?

18 THE COMMISSIONER: Yeah.

19 MR. ROY: Okay.

20 MR. ENGELMANN: So it will actually be the
21 next page, sir, 1528; the second page.

22 Right at the top, the next page, Madam
23 Clerk.

24 MR. ROY: Okay, seven, yeah.

25 MR. ENGELMANN: All right. It appears

1 you're purported to have told Mr. Downing that soon after
2 Ken Seguin's death, his family appeared on television and
3 claimed that Ken did not commit suicide, rather that --
4 rather he'd been murdered.

5 **MR. ROY:** Yeah, that's -- that's right.

6 **MR. ENGELMANN:** Just take yourself back,
7 sir, do you recall there being some issue about whether
8 this was a suicide?

9 **MR. ROY:** Well, to me -- to me it just
10 refers back to Emile Robert's description of -- of having
11 seen the scene. It was just something like he had never
12 seen or imagined before and I thought, well, when I heard
13 the -- well, I didn't hear it, I saw these -- I'm pretty
14 sure I saw these people on a news clip sort of thing and --
15 the family, I mean -- and it kind of threw me back to
16 Emile's reaction.

17 **MR. ENGELMANN:** All right. Well, did the
18 Ministry do anything as a result of that television clip,
19 to your knowledge?

20 **MR. ROY:** No, I don't think -- I don't know.

21 **MR. ENGELMANN:** Now, shortly after this,
22 sir, a couple of weeks after -- two-to-three weeks after
23 Mr. Seguin's death, I understand that your office received
24 a phone call from an individual claiming to know why Mr.
25 Seguin killed himself. Is that correct?

1 MR. ROY: Yes.

2 MR. ENGELMANN: And this phone call was from
3 a fellow by the name of David Silmser?

4 MR. ROY: Right.

5 MR. ENGELMANN: And, sir, as I understand
6 it, you particularly would have had some dealings with this
7 individual over the days December 15th, 16th and 17th ---

8 MR. ROY: M'hm

9 MR. ENGELMANN: --- 1993?

10 MR. ROY: Right.

11 MR. ENGELMANN: And you would have talked
12 about those dealings when you met with Mr. Downing in
13 September of 2000; correct?

14 MR. ROY: I think so. I have ---

15 MR. ENGELMANN: Well, let's take a quick
16 look.

17 MR. ROY: Okay.

18 THE COMMISSIONER: Sir, I don't want to
19 interfere, but you ask him why and if you look at the third
20 bullet -- third paragraph, it says:

21 "Bill said that Silmser claimed that he
22 knew who killed..."

23 So you might want to cover that with the
24 witness. Do you see what I mean?

25 MR. ENGELMANN: Oh, okay.

1 **THE COMMISSIONER:** All right.

2 **MR. ROY:** Yeah.

3 **MR. ENGELMANN:** The description of your
4 dealings with Mr. Silmsler can be found on the second page
5 of your interview with Mr. Downing; correct?

6 **MR. ROY:** Okay.

7 **MR. ENGELMANN:** And it can also be found --
8 and I'm just going to have these both turned up, sir, and
9 I'll come back to the question.

10 **THE COMMISSIONER:** Sure.

11 **MR. ENGELMANN:** Exhibit 373.

12 **THE COMMISSIONER:** That you won't have, sir.
13 Hold on.

14 **MR. ENGELMANN:** Madam Clerk, I'd like to as
15 well have you pull two more documents and they are -- sorry
16 -- Documents 715445 and 725220.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. ENGELMANN:** Mr. Roy, what I'm trying to
19 do now is, to the best of your recollection, get you to
20 recount what happened in those three days in December of
21 1993 and what I would like you to have before you, both a
22 copy of your interview report with Mr. Downing and also the
23 copy of your interview report with an OPP officer.

24 **MR. ROY:** M'hm.

25 **MR. ENGELMANN:** And you would have seen both

1 of these fairly recently. Is that fair?

2 MR. ROY: Yes.

3 MR. ENGELMANN: All right.

4 THE COMMISSIONER: Thank you, exhibit ---

5 MR. ENGELMANN: Before you make it an
6 exhibit, sir, I have a suggestion.

7 THE COMMISSIONER: It's already an exhibit.
8 I'm sorry, just a second.

9 I have a -- okay, sorry, Exhibit 373 is a
10 typed version, I take it, of what I have in my hand, which
11 is presently Exhibit 1106.

12 MR. ENGELMANN: It's close.

13 THE COMMISSIONER: Oh, it's close.

14 MR. ENGELMANN: Exhibit 373 is more fulsome
15 than the handwritten version and I just wanted to show you
16 that, if I may, Mr. Commissioner?

17 THE COMMISSIONER: Sure.

18 MR. ENGELMANN: If you look at the
19 handwritten version ---

20 THE COMMISSIONER: M'hm.

21 MR. ENGELMANN: --- and you flip it over
22 onto the second page ---

23 THE COMMISSIONER: M'hm.

24 MR. ENGELMANN: --- you will see at the end
25 of the first paragraph it says "Lawsuit on your desk

1 tomorrow"?

2 THE COMMISSIONER: Yes.

3 MR. ENGELMANN: And if you look at

4 Exhibit 373 ---

5 THE COMMISSIONER: Right.

6 MR. ENGELMANN: --- that is found about four
7 lines from the bottom of the first page.

8 THE COMMISSIONER: Yes.

9 MR. ENGELMANN: Then you have something that
10 says "December 15th, 11:00 p.m." and it goes on?

11 THE COMMISSIONER: Yes.

12 MR. ENGELMANN: And it really should be
13 11:00 a.m., but we'll get to that.

14 THE COMMISSIONER: Right.

15 MR. ENGELMANN: And if you follow the typed
16 version ---

17 THE COMMISSIONER: M'hm.

18 MR. ENGELMANN: --- onto the third page of
19 the typed version, go right to the bottom of the typed
20 version where it says "On January 5th, 1994" ---

21 THE COMMISSIONER: Right.

22 MR. ENGELMANN: --- you'll see that's where
23 the handwritten note picks up again.

24 THE COMMISSIONER: Yes.

25 MR. ENGELMANN: So there's an attached note,

1 probably handwritten, that I wasn't able to find in our
2 database and I've talked to Corrections' counsel about that
3 and they're not aware of it either.

4 I haven't had a chance to speak to my
5 colleagues from the OPP. Perhaps we can turn that up.

6 But essentially the handwritten note is a
7 subset of Exhibit 373.

8 Then, sir, Document Number 725220 ---

9 **THE COMMISSIONER:** Which will be Exhibit ---

10 **MR. ENGELMANN:** It's identical to
11 Exhibit 373, except that it has some handwritten notations.

12 **THE COMMISSIONER:** Right.

13 **MR. ENGELMANN:** And I've already -- Mr. Roy,
14 the handwritten notations, I don't think -- does Mr. Roy
15 have a copy of that one as well?

16 **THE COMMISSIONER:** Are we going to make this
17 an exhibit?

18 **MR. ENGELMANN:** I'd like to.

19 **THE COMMISSIONER:** Okay, well, hang on,
20 let's make it an exhibit. What ---

21 **MR. ENGELMANN:** I have a proposal, sir, if
22 ---

23 **THE COMMISSIONER:** I'm always open to
24 proposals.

25 **MR. ENGELMANN:** --- if it's acceptable.

1 of Downing?

2 MR. ROY: Right.

3 MR. ENGELMANN: All right. And, sir, would
4 it be fair to say that your memory of the events of
5 December of '93 would be fresher in March of '94 than they
6 would be in September of 2000?

7 MR. ROY: Yeah.

8 MR. ENGELMANN: All right. And, sir, if we
9 look at 373B, which is the typed version, there's a
10 reference to a -- to this contact with Mr. Silmsner about
11 halfway down the first page; correct?

12 MR. ROY: Okay.

13 MR. ENGELMANN: You say:

14 "The first time we got concerned was
15 when Silmsner called on 15 December
16 '93."

17 MR. ROY: M'hm. Yes, that ---

18 MR. ENGELMANN: All right.

19 And when you're talking about the concern
20 you're referring to the previous paragraph. You say:

21 "There has never been any investigation
22 by our department on Ken Seguin. We
23 were concerned about the suicide but
24 were waiting for the police report."

25 Then you say:

1 "The first time we got concerned was
2 when Silmsner called on 15 December
3 '93."

4 Do you see that?

5 **MR. ROY:** Right, yes.

6 **MR. ENGELMANN:** All right. So you've had an
7 opportunity to review this statement and your statement to
8 Mr. Downing, what is your recollection as to what happens
9 on December 15, 1993?

10 **MR. ROY:** Well, I'm in my office in Kingston
11 in the late afternoon, I don't know if it's Thursday or
12 Friday, but anyway, late afternoon, and I was on the phone
13 with someone and in came my secretary and the woman who was
14 the Youth Services Coordinator. We had two coordinators in
15 the office, one for adult and one for probation and one for
16 youth.

17 The two of them came in together in a very
18 agitated state. They were kind of gesturing that I should
19 hang up on the call I was involved with and that I should -
20 - they had a message of some kind to give me and they
21 slipped -- thinking now, I remember a pink slip of paper
22 saying, you know, there's a phone call.

23 So I hung up. And I've never seen anyone
24 like that in our office. There was never any real problem.
25 So they said there was a man on the phone and he was saying

1 that he had been abused as a probationer years before by
2 the probation officer who had recently committed suicide
3 and that he was very agitated, very angry, and they thought
4 I should take the call.

5 And the reason it followed that is the
6 secretary took it; she detected right away it was not to be
7 -- you know, it was a real call so she passed it to the
8 youth coordinator because of the reference to probation and
9 abuse as a child sort of thing. And then she found it
10 wasn't her thing and it was an uncomfortable kind of call.

11 Anyway, so I ended up -- it would have been
12 my call anyway it just so happened I think I was probably
13 the only manager there at the time.

14 So I took the call and it was very, very
15 upsetting. You know, because of the regional description
16 earlier of what regional managers do, we hardly ever talk
17 directly -- spoke directly with clients. They work with
18 their probation officer or the superintendent of the jail
19 or whatever, and we would take -- if a call came we
20 certainly would take it seriously and pass it back through
21 to the system.

22 This was different. He was very upset. He
23 was talking about a sum of money, talking about he had -- I
24 don't even know if I can paraphrase, but I do want to keep
25 -- I mean, I'm remembering that it's 14 years. But it was

1 something like, you know, "I had a deal worked out for a
2 lot of money" -- he might even have mentioned an amount but
3 I can't be sure -- "and the son of a bitch killed himself".
4 And I said, "Oh, I don't think I want to talk to you" or
5 something like that, and I didn't mean I wouldn't talk to
6 him; I meant really we should be talking a little bit
7 differently. And he said "Well, that's just the way it is
8 and, you know, I'm going -- if I can't get it from him I'll
9 get it from you".

10 Well, you know I -- 30 years and I still had
11 never been, you know, invited to pay ransom or any kind of
12 payment to someone over the phone and I said -- I really
13 started to get worked up myself and I said that I was not
14 inclined to write any cheques. I said something silly like
15 that. But I would follow his call through if I could get
16 his name and phone number because obviously I didn't know
17 who he was or where he was calling from. And he said
18 "Sure. I'll give you mine".

19 So he gave me his name and phone number and
20 I said I would follow the procedures that were in place
21 that we had for this kind of call, and it was to call the
22 Independent Investigation Unit and ask them to look into
23 this allegation, that we would in fact take it very
24 seriously.

25 It didn't end there. There was more talk

1 about, you know, there needed to be some counselling, some
2 support for people because he said something like, "I'm not
3 the only one" or "There are more of us" or something like
4 that, and I said, "Well, let's get on the case here. It's
5 late. I'll phone. I'll make the calls and do what I can
6 for you."

7 And I think by the time the phone call had
8 ended he was mellower and I was, and I had to try to get
9 those calls in because we had been trained I think pretty
10 intensely to follow this line if there's a -- to follow the
11 trail I mean into the head office to report these things
12 immediately and to keep it confidential, of course, from
13 anybody else because the client would expect that. So I
14 started phoning.

15 **MR. ENGELMANN:** So let me just understand.
16 When the conversation starts it's fairly heated, he's upset
17 and you may have been upset as well?

18 **MR. ROY:** Yeah, well, I was, yeah.

19 **MR. ENGELMANN:** The temperature falls during
20 the call, and at the end of the call how is it left?

21 **MR. ROY:** Well, that I would be passing this
22 on to the team, you know, to the office that would
23 investigate it, and failing that, because of how I guess I
24 had behaved I said, "I'll phone you back". I didn't want
25 to lose him. You know, I really did take it seriously but

1 I also knew that I had got hot fast because of his threats
2 with the money and so on.

3 MR. ENGELMANN: All right. So did he
4 identify who it was that he said had abused him?

5 MR. ROY: Yeah, well, he just said, you
6 know, that he had committed suicide.

7 MR. ENGELMANN: All right. So who was that,
8 sir, then?

9 MR. ROY: Oh, Ken Seguin.

10 MR. ENGELMANN: All right. And do you
11 recall if he said something like he knew who killed Ken
12 Seguin?

13 MR. ROY: Well, I see that there. It may
14 have come in from the way the secretary said he says he
15 knows -- maybe he says he knows why or something to that --
16 -

17 MR. ENGELMANN: All right.

18 MR. ROY: Because I see the comment there
19 and he never talked about, you know, a specific person or -
20 --

21 MR. ENGELMANN: All right. Did he talk
22 about anything but suicide? Did he suggest it was anything
23 but suicide with Mr. Seguin when you spoke to him?

24 MR. ROY: No, I don't think so.

25 MR. ENGELMANN: All right. So he talked to

1 you about money and the fact that he had negotiated
2 something and now that wasn't going to happen; correct?

3 **MR. ROY:** Yeah, that's right.

4 **MR. ENGELMANN:** And he talked to you about
5 the fact that he wasn't alone, that there was others?

6 **MR. ROY:** Victims. Other victims, yeah.

7 **MR. ENGELMANN:** And he mentioned counselling
8 for him and for others?

9 **MR. ROY:** Yes, he said -- yes, he talked
10 about some kind of centre or service, you know, that maybe
11 would be available to him in his type of situation and
12 family members.

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

14 **MR. ROY:** But it was all very frantic. You
15 know, it was -- I'm talking about it as a reasonable
16 conversation but he was still in a demanding mode so I was
17 taking notes of it and I couldn't disagree with him.

18 **MR. ENGELMANN:** All right. He was agitated?

19 **MR. ROY:** M'hm.

20 **MR. ENGELMANN:** In fact, I think he told us
21 -- he being Mr. Silmser -- that he was upset and angry when
22 he called.

23 **MR. ROY:** I'm still puzzled as to how -- why
24 he would -- like, as I said, in 30 years I hadn't had such
25 a phone call -- why he -- he wouldn't have had my name. He

1 just phoned a government office -- no, no, I mean a
2 correctional Ministry office and I guess he was reaching
3 out for something.

4 It's sort of puzzling how it all went flying
5 from there because probably on the local scene you might
6 have had a quicker direct involvement, but -- because I had
7 to go around the hoops, sort of thing. I had to make phone
8 calls.

9 **MR. ENGELMANN:** You were surprised the call
10 came in to you, into your office?

11 **MR. ROY:** Yeah. Well, yeah, I was because
12 it hadn't before and it didn't after.

13 **MR. ENGELMANN:** Do you recall if he would
14 have told you if he had already been to the Cornwall Police
15 about Mr. Seguin?

16 **MR. ROY:** Yes, he did. You know, I said to
17 him, "The first thing you would do usually is report this
18 to the police" and he said, "Well, I've done that. I went
19 to the Cornwall Police. I started the investigation and
20 they were jerking me around," he said. So I said, "Forget
21 it. Drop the investigation. I'm going to go -- I think he
22 called -- the civil route." He had a lawyer. At that
23 point he mentioned for the first time that he had a lawyer.

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

25 **MR. ROY:** And so that was dropped from what

1 he said.

2 MR. ENGELMANN: Was there any discussion as
3 a result of the agitated state at the beginning of the call
4 that you might call the OPP as a result of his call to you?

5 MR. ROY: Well, I might have. Maybe I did,
6 you know, that I might have said something like, "Keep this
7 up and I'll report you". I mean, he's threatening me at
8 this point. He's saying I did something and I better pay
9 him. That's what I thought I heard. I said -- but I
10 eventually did call the OPP but more to report his
11 complaint.

12 MR. ENGELMANN: Right. Not to report him
13 but ---

14 MR. ROY: No.

15 MR. ENGELMANN: --- to find out more about
16 the complaint?

17 MR. ROY: I think I made the same reference
18 to head office people when I first phoned in the comments
19 because it was still fresh enough. I was still rattled
20 enough that -- you know, I think there's the other side of
21 this.

22 Not only am I reporting what he's saying
23 happened to him as a victim, but he's got a tone that
24 indicates that he's threatening or at least intimidating me
25 too that I -- and also, the threat includes an article in

1 the Ottawa Citizen, a half million dollar lawsuit. By the
2 17th, he's jacked it up to half a million dollar lawsuits.

3 **MR. ENGELMANN:** All right. There were at
4 least three or four calls with Mr. Silmsler that you had?

5 **MR. ROY:** Three, yeah. I remember three.

6 **MR. ENGELMANN:** All right. And do you
7 remember which of those calls he would have talked about
8 the Ottawa Citizen and the half million dollar lawsuit?

9 **MR. ROY:** The second one, I guess.

10 **MR. ENGELMANN:** All right. Which would have
11 been December 16th; correct?

12 **MR. ROY:** Yes. The next day, yeah.

13 **MR. ENGELMANN:** All right. Now, in Exhibit
14 373B, you talk about a number of people that you attempted
15 to contact, and I'm looking at the third page of that
16 statement.

17 **MR. ROY:** Yeah. M'hm.

18 **MR. ENGELMANN:** You see a number of
19 references there?

20 **MR. ROY:** Yes.

21 **MR. ENGELMANN:** Did you, sir, attempt to
22 contact all of those individuals?

23 **MR. ROY:** Oh, yeah.

24 **MR. ENGELMANN:** To your knowledge?

25 **MR. ROY:** Yes, I did, yeah. What I'm

1 hesitating for is I think there's a more complete list.
2 And I can't believe that I made this many phone calls, but
3 anyway, I did, in another -- I documented it. These people
4 definitely on there, yeah.

5 **MR. ENGELMANN:** All right. And, sir, do you
6 remember why it was you were contacting specific
7 individuals that are listed there? For example, can you
8 tell us who Tom O'Connell is?

9 **MR. ROY:** At the time -- Tom O'Connell, at
10 the time, would have been the Assistant Deputy Minister's
11 executive assistant. I'm pretty sure that's what the role
12 was at the time.

13 So anyway, I'd be notifying our -- the head
14 of our division through the ADM's office, in other words.

15 **MR. ENGELMANN:** All right. And who is
16 Geoff; do you know?

17 **MR. ROY:** Yeah, that's Nanciville, and he's
18 a -- at the time, he was working in a team of people who
19 did briefing notes on behalf of -- information coming from
20 the field would be put into a briefing note format to be
21 given to the executives in head office.

22 **MR. ENGELMANN:** And Loretta Eley, who is
23 that?

24 **MR. ROY:** Loretta, at the time, was -- would
25 be -- I think she was the executive assistant to the Deputy

1 Minister.

2 MR. ENGELMANN: And did you contact her?

3 MR. ROY: Yes.

4 MR. ENGELMANN: Do you recall for what
5 purpose?

6 MR. ROY: Well, it's all for the -- they're
7 all being contacted for the same purpose. We've had this
8 phone call. It's about abuse and so on. That would be ---

9 MR. ENGELMANN: Well, who, if any, of these
10 individuals are you talking to about this independent
11 investigation?

12 MR. ROY: Lenna Bradburn, the next name.

13 MR. ENGELMANN: All right. And did you
14 request of her that she or her unit investigate this
15 matter?

16 MR. ROY: Well, that would be -- that's what
17 I assumed. Like, the unit's title would be independent
18 investigator and be able to -- would be looking into
19 allegations of misconduct with a sexual aspect to them,
20 whether it involves staff, non staff or whether it was with
21 clients or whatever.

22 MR. ENGELMANN: All right. And if the
23 witness could be shown Document Number 117894?

24 THE COMMISSIONER: That will be a new one,
25 sir.

1 **MR. ENGELMANN:** It's perhaps in the cross
2 documents, Madam Clerk.

3 **THE COMMISSIONER:** Thank you. Exhibit 1106
4 is the Terms of Reference from the Ministry of Correctional
5 Services, Independent Investigations Unit. There's no date
6 on that.

7 **--- EXHIBIT NO./PIÈCE NO. P-1106:**

8 (117894) Terms of Reference from the
9 Ministry of Correctional Services
10 Independent Investigations Unit

11 **MR. ENGELMANN:** No, there's no date, sir,
12 and there's a handwritten note that says:

13 "Superceded by Terms of Reference dated
14 January '94".

15 That's all I -- there's no date.

16 Mr. Roy, I'm looking under "Purpose". I
17 understand that this was sent out in September of '92 to
18 Corrections officials.

19 **MR. ROY:** Okay.

20 **MR. ENGELMANN:** Presumably officials at your
21 level as well, sir, so that you were aware of the
22 Independent Investigation Unit?

23 **MR. ROY:** Oh, yeah. M'hm.

24 **MR. ENGELMANN:** And, sir, under its
25 "Purpose" it says:

1 "This unit will investigate the
2 following:..."

3 And there are three bullets. And the third one says:

4 "All complaints of sexual impropriety
5 alleged to have been committed by
6 employees of the Ministry of
7 Correctional Services towards offenders
8 who come within the responsibility of
9 the Ministry."

10 Do you see that?

11 **MR. ROY:** Yes.

12 **MR. ENGELMANN:** All right. And would you
13 agree with me, sir, that the complaint that you'd been
14 given by Mr. Silmsler would fit in that category?

15 **MR. ROY:** Yes.

16 **MR. ENGELMANN:** All right. And was it your
17 view that this matter should be investigated by the IIU?

18 **MR. ROY:** Yes.

19 **MR. ENGELMANN:** All right. And in keeping
20 with that view, you brought this to the attention of many
21 Ministry officials?

22 **MR. ROY:** Well, some of the phoning was a
23 routine with any kind of incident of a serious nature and
24 some of it, in this case, the IIU, was specific to the kind
25 of -- this kind of complaint.

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

2 **MR. ROY:** Sexual.

3 **MR. ENGELMANN:** And then just to go back to
4 our list, you also spoke to someone by the name of Claire
5 McMaster?

6 **MR. ROY:** Yes.

7 **MR. ENGELMANN:** And do you know why you
8 would have spoken to him?

9 **MR. ROY:** Well, he was one of the in-house
10 investigators or inspectors. So probably that would be the
11 reason.

12 **MR. ENGELMANN:** All right. To bring it to
13 his attention?

14 **MR. ROY:** Yes. But I knew that he and his
15 unit wouldn't be doing the investigation. It would be the
16 IIU's responsibility because of these terms you just showed
17 me.

18 **MR. ENGELMANN:** All right. Well, was Mr.
19 McMaster not part of the IIU, sir?

20 **MR. ROY:** That's a good question. I don't
21 remember. I know he was part of the in-house team, but
22 whether the IIU ever used people ---

23 **MR. ENGELMANN:** Who was in charge of the
24 IIU, to your knowledge?

25 **MR. ROY:** Gwen Boniface was the head.

1 **MR. ENGELMANN:** At that time?

2 **MR. ROY:** Yeah.

3 **MR. ENGELMANN:** And what was the role of
4 Lenna Bradburn?

5 **MR. ROY:** Well, the -- well, she'd be the
6 onsite representative of the OPP who were responsible for
7 conducting the work of the IIU.

8 **MR. ENGELMANN:** And who is Betty Bran, sir,
9 another individual that you purported to have spoken with.
10 Do you know?

11 **MR. ROY:** I really don't know, right off the
12 top.

13 **MR. ENGELMANN:** And there's some police
14 officers apparently that you would have spoken to?

15 **MR. ROY:** Definitely each of the OPP and
16 Cornwall Police, both, yeah.

17 **MR. ENGELMANN:** All right. And would it
18 have been the Cornwall Police that would have advised you
19 that Mr. Silmsers' allegations against Mr. Seguin had been
20 the subject of their investigation?

21 **MR. ROY:** Yes.

22 **THE COMMISSIONER:** Could you follow up as
23 well with respect to the policy?

24 **MR. ENGELMANN:** I'm sorry, sir?

25 **THE COMMISSIONER:** If you look further down

1 -- if you don't mind -- you recall having a conversation
2 with the officer, Sergeant Brunet?

3 **MR. ROY:** Yes.

4 **THE COMMISSIONER:** All right.

5 It says here that:

6 "He stated they were upset at ..."

7 Just a minute.

8 "He later told police to stop their
9 investigation. He would not support
10 charges against a priest and wanted no
11 investigation into Mr. Seguin."

12 Do you recall that comment?

13 **MR. ROY:** Yes.

14 **THE COMMISSIONER:** Then he goes on and says:

15 "Sergeant Brunet of the Cornwall Police
16 stated they were upset at Silmser's
17 change of heart, but their policy is if
18 a complainant refuses to support
19 charges, they will not pursue charges
20 either."

21 Do you recall that?

22 **MR. ROY:** Yes, yes.

23 **THE COMMISSIONER:** Okay.

24 **MR. ENGELMANN:** Just as a follow-up to that,
25 sir. Do you remember if Sergeant Brunet would have told

1 you how it was that the Silmsler investigation came to an
2 end?

3 **MR. ROY:** No.

4 **MR. ENGELMANN:** Well, let me put the
5 question another way. Would he have told you anything
6 about a settlement ---

7 **MR. ROY:** Oh, yeah -- no, no.

8 **MR. ENGELMANN:** --- that would have been
9 involved between Mr. Silmsler and others?

10 **MR. ROY:** No, that was end -- that was the
11 end of his comment that it was policy to discontinue the
12 investigation.

13 **MR. ENGELMANN:** All right. Sir, I don't
14 know if it's an appropriate time to ---

15 **THE COMMISSIONER:** It would be.

16 We'll take a morning break, sir.

17 We'll come back in fifteen.

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

20 This hearing will resume at 11:15.

21 --- Upon recessing at 11:00 a.m./

22 L'audience est suspendue à 11h00

23 --- Upon resuming at 11:27 a.m./

24 L'audience est reprise à 11h27

25 **THE REGISTRAR:** All rise. Veuillez vous

1 lever.

2 This hearing is now resumed. Please be
3 seated. Veuillez vous asseoir.

4 **WILLIAM ROY : Resumed/Sous le même serment**

5 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
6 **ENGELMANN (Continued/Suite):**

7 **MR. ENGELMANN:** Mr. Roy, I want to go back
8 to discuss a little bit more of December 15th, 16th and 17th
9 but just before I do, it's my understanding that the IIU
10 was set up in approximately 1992. Does that seem about
11 right to you?

12 **MR. ROY:** Yes, I think so, yeah.

13 **MR. ENGELMANN:** My understanding was that it
14 was not part of the OPP but it was actually part of the
15 Ministry but operated at arm's length?

16 **MR. ROY:** Right, okay. Yes.

17 **MR. ENGELMANN:** Okay?

18 **MR. ROY:** M'hm.

19 **MR. ENGELMANN:** And it's also my
20 understanding that Gwen Boniface was the first person in
21 charge of that but then she was succeeded by Lenna
22 Bradburn?

23 **MR. ROY:** Okay.

24 **MR. ENGELMANN:** Does that seem fair to you?

25 **MR. ROY:** Yes, yes, yeah.

1 **MR. ENGELMANN:** All right. And then at the
2 time you were dealing with the Silmsers complaint or
3 concern, it would have been Lenna Bradburn who was in
4 charge?

5 **MR. ROY:** Okay.

6 **MR. ENGELMANN:** Right?

7 **MR. ROY:** Yeah.

8 **MR. ENGELMANN:** And she was one of the
9 individuals you would have called in your efforts to get an
10 investigation of his complaint?

11 **MR. ROY:** Yes.

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

13 **MR. ROY:** Yes.

14 **MR. ENGELMANN:** All right. And just to go
15 back briefly to your discussion with the police officer,
16 McDonnell, 3733, on the second page of the statement which
17 is Bates page 7098545, towards the bottom of the page.
18 Yeah, you talk about 3:45 the next day?

19 **MR. ROY:** Yes.

20 **MR. ENGELMANN:** So you had a call with --
21 Mr. Silmsers called you on the 16th?

22 **MR. ROY:** Yes.

23 **MR. ENGELMANN:** It seems from the notes that
24 there may have actually been two calls on the 15th; the
25 first one from him and then a follow-up from you reporting

1 on what you'd done. Do you remember, sir, on the 15th?

2 MR. ROY: I -- I didn't remember the first
3 call. I remembered just what I said, that I thought I got
4 the first call but ---

5 MR. ENGELMANN: Okay.

6 MR. ROY: --- could be ---

7 MR. ENGELMANN: On the 16th, you're calling
8 him?

9 MR. ROY: Yes.

10 MR. ENGELMANN: Sorry, on the 16th ---

11 MR. ROY: But it's looks like ---

12 MR. ENGELMANN: --- he called you?

13 MR. ROY: He called again, yeah.

14 MR. ENGELMANN: Right. And he's upset. And
15 do you recall anything about the call on the second day
16 other than what we see here?

17 MR. ROY: No, that's it.

18 MR. ENGELMANN: All right. And then on the
19 third day, on the 17th, you called Mr. Silmsler; correct?

20 MR. ROY: Yes.

21 MR. ENGELMANN: If we go a little bit
22 further down on the page, you say:

23 "I called Silmsler at five
24 approximately. Had a very short
25 conversation. Silmsler said he was not

1 an asshole sitting by the phone and
2 again threatened to call the Citizen.
3 I left a record of these call..."

4 perhaps "calls"

5 "... on Lenna's voicemail. Also, that
6 he really did not want to hear from me
7 again since he expected an investigator
8 to call."

9 Had that come up in that third call, that he
10 had expected it wouldn't be you, Mr. Roy, but actually an
11 investigator to talk to him?

12 **MR. ROY:** That's how I remembered it, that
13 he said there really wasn't any point in my phoning him
14 again. He was waiting and expecting to hear from an
15 investigator and it hadn't happened so he wasn't too
16 surprised because of the way he had been treated, he said,
17 by the police, and that was it. Just don't bother calling
18 me.

19 **MR. ENGELMANN:** All right. So he was
20 expecting an investigator to call?

21 **MR. ROY:** Yeah.

22 **MR. ENGELMANN:** Is that -- all right.

23 **MR. ROY:** Well, that's -- that's from me. I
24 had ---

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

1 **THE COMMISSIONER:** That was from you?

2 **MR. ROY:** Yes, I had indicated he would be
3 getting a call or I would call him with some news about an
4 investigator, yeah.

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

6 Now, if we look onto the next page of your
7 statement, towards the bottom of that page. Still a little
8 higher.

9 **MR. ENGELMANN:** You say:

10 "The matter was left with an indication
11 from Lenna Bradburn that Silmsers should
12 be telephoned by me and instructed to
13 put his complaint in writing to the
14 Deputy Minister, in detail."

15 Do you see that?

16 **MR. ROY:** Yes, oh yeah.

17 **MR. ENGELMANN:** So would that have been an
18 instruction from Ms. Bradburn to you?

19 **MR. ROY:** Yes.

20 **MR. ENGELMANN:** All right. And it says:

21 "Up to now, Silmsers has been very vague
22 and general in his complaints to police
23 and to me."

24 Do you see that?

25 **MR. ROY:** Yes.

1 **MR. ENGELMANN:** Now, did you expect him to
2 go into great detail with you or is that something he
3 should have done with an investigator?

4 **MR. ROY:** Well, no, I didn't want to guide
5 what he was going to say to me at all, but I did expect
6 that the details would come from an investigator.

7 **MR. ENGELMANN:** Right. And the comment that
8 he might have been vague to the police, that's presumably
9 something that one of the police officers would have told
10 you?

11 **MR. ROY:** Possibly, yeah.

12 **MR. ENGELMANN:** You wouldn't have known that
13 otherwise?

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

15 **MR. ENGELMANN:** And then you say:

16 "I suggested to Lenna that a further
17 call from me would be less than useful.
18 Perhaps I should write to him."

19 I guess that turned out to be correct, that
20 the further call from you on the 17th was less than useful?

21 **MR. ROY:** Right.

22 **MR. ENGELMANN:** "She thought that would be
23 acceptable and reviewing with J.
24 O'Brien..." --

25 that's your boss?

1 MR. ROY: Yes.

2 MR. ENGELMANN: "... we decided to not write
3 until a letter could be written by K.
4 Hogg."

5 Do you know who that is?

6 MR. ROY: Yeah, he was a lawyer with the
7 Ministry.

8 MR. ENGELMANN: All right. All right.
9 "As well, we do not formally known
10 (sic) Silmser's address, he never
11 offered it to me."

12 But did you ask him for it, sir?

13 MR. ROY: Yes, I must have. I -- I didn't
14 get it. I ---

15 MR. ENGELMANN: Well, you asked him for his
16 name and his phone number ---

17 MR. ROY: Name and phone number.

18 MR. ENGELMANN: --- gave that to you right
19 away?

20 MR. ROY: Right.

21 MR. ENGELMANN: Did you actually tell him
22 that he should now put the complaint in writing to the
23 Deputy Minister?

24 MR. ROY: I told him that the -- the
25 suggestion I had was to do that and -- but I had some

1 misgivings about that because, I mean, I -- it's kind of
2 what it is it's indicating to an alleged victim that he
3 didn't complain correctly that, you know, if you follow the
4 right complaint procedure your complaint's dealt with and I
5 didn't and at any point in talking to him indicate any such
6 thing. I took the call right off the top as ---

7 **MR. ENGELMANN:** Right.

8 **MR. ROY:** --- as being real and so on.

9 **MR. ENGELMANN:** So that was something you
10 were asked to do in your third call?

11 **MR. ROY:** Yeah, m'hm.

12 **MR. ENGELMANN:** And you did it but it --
13 you, I presume, didn't feel it was useful?

14 **MR. ROY:** No, I didn't think it would lead
15 to anything further, no.

16 **MR. ENGELMANN:** Right. And you personally
17 didn't think it was necessary for him to put a complaint in
18 writing? You wanted it to be investigated?

19 **MR. ROY:** Yes, yeah.

20 **MR. ENGELMANN:** Now, sir, just to flip over
21 to Exhibit 958, which is the interview with Paul Downing.

22 **MR. ROY:** Okay.

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

24 **MR. ENGELMANN:** And I'm on the second page
25 of your interview. It's Bates page 1001528.

1 **MR. ROY:** Okay.

2 **MR. ENGELMANN:** There's again some further
3 discussion of this and the third bullet from the bottom ---

4 **MR. ROY:** M'hm.

5 **MR. ENGELMANN:** --- you're referring to:
6 "Telephoned the Lancaster OPP
7 Detachment the same time as the IIU and
8 informed a Sergeant B of the
9 information he'd received."

10 Now, we know from earlier documents that you
11 did speak to a Sergeant Brunet from the Cornwall Police ---

12 **MR. ROY:** Cornwall.

13 **MR. ENGELMANN:** --- Service and you spoke
14 to, I think, Randy Millar and/or Sergeant Vanderwoude from
15 the OPP. "Sergeant B", was that -- would that be Sergeant
16 Brunet from the Cornwall Police Service?

17 **MR. ROY:** It could be that, yeah.

18 I remembered the Millar name when I started
19 to review these documents but I didn't remember at the
20 time.

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

22 **MR. ROY:** So "Sergeant B", you know, I guess
23 I carried that over from ---

24 **MR. ENGELMANN:** I'm sorry?

25 **MR. ROY:** The "Sergeant B" must be from the

1 other office. I don't -- it must have carried it over in
2 my mind.

3 **MR. ENGELMANN:** So you think that's the
4 Cornwall Police Service, Sergeant Brunet?

5 **MR. ROY:** Yeah.

6 **MR. ENGELMANN:** Because it says a little bit
7 down that paragraph:

8 "According to Bill, the sergeant said
9 something like Silmsers was not reliable
10 and had been working with them for some
11 time."

12 Do you see that?

13 **MR. ROY:** Okay. So that comment I'm
14 interpreting to the talk with the OPP, that they knew who
15 Silmsers was and that -- I don't know, I have said here that
16 he's been working with them but I didn't know what -- what
17 that meant. I just -- I just more is like they had known
18 him for a long time -- or for some time.

19 **MR. ENGELMANN:** So do you know which officer
20 you're referring to there?

21 **MR. ROY:** Well, it would be the OPP contact
22 and there's no "B" over there so I made a mistake in
23 remembering who is who.

24 **MR. ENGELMANN:** All right. So it would have
25 been either Officer Millar or Vanderwoude?

1 **MR. ROY:** Yeah, probably Randy Millar, yeah.

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

3 And it says:

4 "According to Bill, he said the
5 sergeant said that they knew all about
6 his allegations regarding PPO Seguin.
7 Bill said the sergeant's comments
8 caught him off guard."

9 I think you told us earlier, sir, that you
10 were surprised or you said the police knew about this and
11 you didn't, and being the police, the OPP and the Cornwall
12 Police Service?

13 **MR. ROY:** Yeah, and to describe, like the
14 call comes; I start making the phone calls and I'm trying
15 to tell the world that there's something needs to be looked
16 into, it's serious here.

17 **MR. ENGELMANN:** Right.

18 **MR. ROY:** So then I follow the rest of the
19 protocol, which is to contact the police in Cornwall first
20 and I hear that they are aware of it and they've worked on
21 it and it stopped. Then I call Lancaster and they seem to
22 know too.

23 So now I'm wondering why did this fellow
24 call? I mean, I'm kind of getting put off because I've
25 done all this phoning around on his behalf but he has

1 already reported. And it's none of my business but it
2 makes me wonder why has he phoned here when he's already
3 known to the police.

4 Later, as I do the reading, just preparing
5 for here, I find from Lenna Bradburn's comments that she
6 too phoned Cornwall Police and OPP in Lancaster and was
7 told -- I guess from those notes -- that they were aware
8 and that those charges were unsubstantiated -- or his
9 allegations were unsubstantiated.

10 I didn't hear that from them but I did hear
11 that they both knew about it which really surprised me.

12 **MR. ENGELMANN:** Someone in the police
13 actually said to you that the charges were unsubstantiated
14 or are you saying they said that to Ms. Bradburn?

15 **MR. ROY:** Yeah, I read that in notes from --

16 -

17 **MR. ENGELMANN:** Okay. I just want to ---

18 **MR. ROY:** --- Ms. Bradburn.

19 **MR. ENGELMANN:** All right. So let's just
20 talk about what you were told.

21 **MR. ROY:** Okay, yeah.

22 **MR. ENGELMANN:** Were you told that he had
23 come to the Cornwall Police about a year before he
24 committed suicide and complained ---

25 **THE COMMISSIONER:** You've got two "he's" in

1 there.

2 **MR. ENGELMANN:** Were you told by Sergeant
3 Brunet of the Cornwall Police Service that Mr. Silmser had
4 come to their police service about a year before he
5 committed suicide and complained about ---

6 **THE COMMISSIONER:** Before Seguin committed
7 suicide.

8 **MR. ROY:** Yes, he -- yes, Brunet told me
9 that -- Sergeant Brunet had told me that David Silmser had
10 been to their office, he had laid a complaint, and that
11 they were investigating it, only to be told after it had
12 started to discontinue he had changed his mind. He didn't
13 want to have a further investigation, he was going to use a
14 civil suit or go the civil route or something.

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

16 **MR. ROY:** But in that case I thought it
17 important was that he had a lawyer. He indicated he was
18 working with a lawyer on that and a lawyer was going to
19 help him through this other way.

20 **MR. ENGELMANN:** Did you have any indication
21 in his calls with you that Mr. Silmser was working with a
22 lawyer?

23 **MR. ROY:** I don't. That's the thing. I
24 never heard from a lawyer. I never -- he didn't refer to
25 one. And the way his tone was it made me feel as if he was

1 feeling vulnerable and on his own kind of thing. But no, I
2 never heard again.

3 **MR. ENGELMANN:** So finding out in or around
4 December of '93 that both the OPP and the CPS, the Cornwall
5 Police Service, had been contacted by Mr. Silmsler about
6 allegations against one of your former employees, did it
7 surprise you at all that your Ministry wasn't aware of that
8 or apparently wasn't aware of that?

9 **MR. ROY:** Well, it sure did. It surprised
10 me and I passed that on into Lenna too, that here I've
11 talked to them and -- because I was put off in a way that I
12 was trying to do something that had already been done but
13 had stopped, you know, that hadn't followed through.

14 But, you know, he still phoned, he still
15 needed some help and he was looking for something, and I
16 was just surprised that it wasn't new.

17 **MR. ENGELMANN:** And I think you told us in
18 the first call with you that Silmsler said something to the
19 effect that he'd been jerked around by the police.

20 **MR. ROY:** He felt that they either weren't
21 taking him seriously, whatever he meant by that, but it was
22 like they had just not gone further. And then later I
23 found that -- when I talked to Brunet, that he stopped it,
24 that Silmsler was the one that actually stopped it.

25 **MR. ENGELMANN:** Did you get back to Silmsler

1 and tell him what the police had told you, or do you
2 remember?

3 **MR. ROY:** I don't think so, no.

4 **MR. ENGELMANN:** Now, after the call on
5 December 17th with Mr. Silmsler, did you have any further
6 conversations with him?

7 **MR. ROY:** No, I didn't.

8 **MR. ENGELMANN:** And after this call, are you
9 aware of anyone else from the Ministry had any follow-up
10 with Mr. Silmsler?

11 **MR. ROY:** No, I don't think so. It didn't -
12 - no.

13 **MR. ENGELMANN:** All right. At the time did
14 you expect an investigator would be following up with it?

15 **MR. ROY:** Yeah, well, I did expect. I mean,
16 that was the protocol. Or at least some communication,
17 because as it shows here there was a reference -- his case
18 was referred over to Ken Hogg or someone over in Legal to
19 follow-up with something in writing to him. So that would
20 be another outreach.

21 **MR. ENGELMANN:** All right. If the witness
22 could be shown Document Number 123488.

23 **THE COMMISSIONER:** That's a new one, sir.

24 **MR. ENGELMANN:** This one I think you've
25 seen, sir, in the recent past, but I'll ---

1 **THE COMMISSIONER:** Thank you.

2 Exhibit 1107 is a memorandum dated December
3 22nd, 1993 to Loretta Eley from Lenna Bradburn re: David
4 Silmsers.

5 **---EXHIBIT NO./PIÈCE NO P-1107:**

6 (123488) Letter from Lenna Bradburn to
7 Loretta Eley dated December 22nd, 1993

8 **MR. ENGELMANN:** Now, sir, this was not
9 copied to you, or at least not officially copied to you.

10 **MR. ROY:** No.

11 **MR. ENGELMANN:** Just have a look at it.

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

13 **MR. ROY:** Okay.

14 **MR. ENGELMANN:** Do you recall if you would
15 have received this at or about that time?

16 **MR. ROY:** I don't remember. I don't
17 remember this, no.

18 **MR. ENGELMANN:** All right. But the thing
19 that confuses me a little is in the last paragraph it says:

20 "As a result of our conversation on
21 December 20th, 1993..."

22 and presumably that's Bradburn to Eley but:

23 "I spoke to Bill Roy this date..."

24 and "this date", the memo is dated December 22nd.

25 **MR. ROY:** December 22nd, yeah.

1 **MR. ENGELMANN:** "...requesting he contact
2 Mr. Silmsers to advise him that if he
3 wished to pursue his allegation with
4 the Ministry to forward his complaint
5 to the Deputy Minister's office. Bill
6 indicated that he would try to contact
7 Mr. Silmsers by telephone with follow-up
8 correspondence."

9 Now, we looked at this earlier, and help me
10 out here. The last time you called Silmsers was the 17th of
11 December?

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

13 **MR. ENGELMANN:** So when I looked at your
14 interview notes it would seem that, at least according to
15 you, that this advice would have been given to you on
16 either December 15th or 16th and you would have said
17 something about this to Silmsers on the 17th?

18 **MR. ROY:** Right. That's right, yeah.

19 **MR. ENGELMANN:** You didn't make any effort
20 to contact him later?

21 **MR. ROY:** No, I don't think so, no.

22 **MR. ENGELMANN:** And ---

23 **MR. ROY:** It was pretty definite that last
24 call. We agreed, you know.

25 **MR. ENGELMANN:** All right. And you had

1 spoken to Lenna Bradburn before you made that call on the
2 17th?

3 MR. ROY: Yes. M'hm.

4 MR. ENGELMANN: All right. So just to
5 retrace events a bit, after you received the information
6 from Mr. Silmsler on the 15th, you contacted a number of
7 Ministry officials, some because of the nature you had to
8 report this up the line to your superiors ---

9 MR. ROY: Right.

10 MR. ENGELMANN: --- and some because you
11 were following what you believed to be policy and reporting
12 it to the IIU ---

13 MR. ROY: Right.

14 MR. ENGELMANN: --- with the anticipation of
15 an investigation; correct?

16 MR. ROY: Because of the sexual nature.

17 MR. ENGELMANN: Right, sexual impropriety.

18 And do you have any idea about the scope of
19 an investigation if it's the IIU; how far they would go,
20 what they would look at?

21 MR. ROY: No, I wouldn't. I guess ---

22 MR. ENGELMANN: Is that something that
23 specialized investigators do as opposed to people like you
24 or your delegates?

25 MR. ROY: Well, my understanding was that's

1 why the unit -- that particular unit was put in, because it
2 did have extra skills and resources to apply to these kind
3 of situations -- these kind of allegations, as opposed to
4 the kind of things that are reported in an institution or,
5 you know, just not like -- not sexually related anyway.

6 **MR. ENGELMANN:** All right. And, sir, were
7 you advised at some point, either then or recently, that
8 there was no follow-up investigation by the IIU?

9 **MR. ROY:** Well, yes, in reviewing these
10 materials in the last month or so, it became clear that
11 nothing did happen. It didn't go any further.

12 **MR. ENGELMANN:** All right. Is that when you
13 first became aware that ---

14 **MR. ROY:** Yes.

15 **MR. ENGELMANN:** --- nothing happened
16 afterwards?

17 **MR. ROY:** Right.

18 **MR. ENGELMANN:** All right. Did you see this
19 as a serious complaint when it came in to you?

20 **MR. ROY:** Oh, yeah. M'hm.

21 **MR. ENGELMANN:** And you've talked to us
22 about who you spoke to. You also contacted your regional
23 director, presumably?

24 **MR. ROY:** M'hm.

25 **MR. ENGELMANN:** Mr. O'Brien?

1 **MR. ROY:** Yes.

2 **MR. ENGELMANN:** And do you recall what he
3 would have told you to do?

4 **MR. ROY:** No. He would have just -- he
5 would have known, I guess, what it is I would be doing and
6 just get back to him, you know, keep him apprised of what
7 was happening. The only contact that I remember with him
8 was over the advice to write a letter.

9 **MR. ENGELMANN:** All right. Now, in speaking
10 to either Lenna Bradburn or anybody else -- and I apologize
11 if I've asked this -- but did you make any suggestions as
12 to who they might interview or what they might do?

13 **MR. ROY:** No, I don't think so.

14 **MR. ENGELMANN:** All right. Now, sir, you've
15 indicated to us that you were not aware in 1995 that
16 several members of your staff in the Cornwall office were
17 interviewed by the OPP with respect to charges that were
18 then being investigated against Nelson Barque. That's
19 right?

20 **MR. ROY:** That's right. Yeah.

21 **MR. ENGELMANN:** And you also told us that
22 you were not aware, or you don't believe you were aware
23 that he was actually convicted in 1995 of abusing an ex-
24 probationer by the name of Albert Roy?

25 **MR. ROY:** No, I think I was made aware

1 after. Someone clipped it. Somebody, as I mentioned, Ed
2 Morris -- Ted Morris in our office brought it in and said,
3 you know, "I've worked with this guy" sort of thing.

4 **MR. ENGELMANN:** All right. So when you
5 found out about Silmser's allegations, you thought an
6 investigation was appropriate; correct?

7 **MR. ROY:** Yes.

8 **MR. ENGELMANN:** And would you agree with me
9 that then finding out about Mr. Barque's conviction, that
10 might be another reason to have an investigation?

11 **MR. ROY:** There would have -- yes, there was
12 an investigation at the time Barque left, but that didn't
13 have to do with his ---

14 **MR. ENGELMANN:** No, that was in 1982 ---

15 **MR. ROY:** That's right.

16 **MR. ENGELMANN:** --- and it had nothing to do
17 with Albert Roy?

18 **MR. ROY:** So he was already on file, in
19 other words, as having been investigated.

20 **MR. ENGELMANN:** But you're the Regional
21 Manager. So if you had known about the conviction, having
22 already had the complaint in from Silmser, you'd agree that
23 that would yet be another reason to have an investigation
24 of some sort?

25 **MR. ROY:** Yeah.

1 **MR. ENGELMANN:** Is that fair?

2 **MR. ROY:** Sure.

3 **MR. ENGELMANN:** And on top of an
4 investigation, can there also be a review done of a
5 particular probation office?

6 **MR. ROY:** I would imagine, yes.

7 **MR. ENGELMANN:** Yeah. Is there something
8 called an operational review that can be done from time-to-
9 time if there are concerns?

10 **MR. ROY:** M'hm.

11 **MR. ENGELMANN:** And to your knowledge, was
12 that ever done during your tenure?

13 **MR. ROY:** I don't think so, no.

14 **MR. ENGELMANN:** So we've asked witnesses who
15 have appeared here if they have recommendations or
16 suggestions for the Commissioner.

17 The Commissioner has to write a report at
18 the end of this Inquiry and, as you know, the Inquiry is
19 looking into the institutional response to allegations of
20 historical abuse against young persons here in the Cornwall
21 area. The report will hopefully be of use to other
22 communities in this province.

23 **MR. ROY:** Yes.

24 **MR. ENGELMANN:** Do you have any suggestions
25 or recommendations that you might want to leave with us

1 given what the Commission is doing?

2 **MR. ROY:** Not at the moment. I guess I
3 could -- if it would be possible to put something together
4 and forward it to you, I would be interested in thinking
5 about it, but this is so rare at the time -- it was just so
6 out of ---

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

8 **MR. ROY:** --- out of what I normally had
9 been experiencing from anyone or the fallout from it, every
10 aspect of it.

11 **THE COMMISSIONER:** Okay.

12 **MR. ROY:** So it would have to be something -
13 - some kind of generic comment, but it would be coming from
14 a specific situation.

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

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

17 **MR. ROY:** No, I don't have at this time.

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

19 Sir, if you could please answer any
20 questions that my friends may have for you? They will
21 identify themselves and tell you which party they represent
22 when they ask you questions.

23 Thank you.

24 **THE COMMISSIONER:** Ms. Daley.

25 **MS. DALEY:** Thank you.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

2 DALEY:

3 MS. DALEY: Hello, Mr. Roy.

4 MR. ROY: Hello.

5 MS. DALEY: My name is Helen Daley and I'm
6 here on behalf of the Citizens for Community Renewal, and
7 that is a local Cornwall citizens group interested in
8 reforming institutions.

9 I just want to spend a few moments with you
10 on one of the last points you made in your testimony to Mr.
11 Engelmann, and that had to do with the circumstance in
12 1995.

13 And I take it you did become aware sometime
14 that year that Mr. Barque had indeed pleaded guilty to a
15 sexual offence with Mr. Roy, a probationer? You did know
16 about that in 1995?

17 MR. ROY: When it was reported, when the
18 conviction was reported, I heard, yes.

19 MS. DALEY: My friend, Mr. Engelmann, asked
20 you if that in itself might be another reason to
21 investigate and you indicated that you thought it was.

22 I take it you were still Regional Manager of
23 the Eastern Region at that time, 1995?

24 MR. ROY: Yes, I was still in the regional
25 office.

1 **MS. DALEY:** I take it you did not recommend
2 an investigation as a result of the Barque conviction?

3 **MR. ROY:** No, I didn't.

4 **MS. DALEY:** And in your mind, who within the
5 Ministry might appropriately have done so in 1995 when the
6 conviction came to light?

7 Sorry, I should back up. Did you consider
8 it to be your role to have recommended an investigation in
9 '95?

10 **MR. ROY:** I can't say it would be. It's not
11 specific to me. It's not a part of my role, sort of thing,
12 to initiate investigations.

13 What would have happened with that story is
14 that it would be -- because it was a former client, it
15 would have been clipped and circulated as an incident, sort
16 of thing, reported to all levels of the Ministry.

17 So apart from my eyes, there would be a lot
18 of other people who -- investigators and otherwise -- would
19 have seen this.

20 **MS. DALEY:** Including up to the Deputy
21 Minister level?

22 **MR. ROY:** Probably. If it didn't get done -
23 - I mean, if it didn't result in an investigation, then
24 there must be some sort of reason and we all felt the same
25 way about it, and it was -- maybe there was closure. I

1 don't know really what others were thinking, but a lot of
2 people would have seen it, would have known about it.

3 **MS. DALEY:** From your perspective though in
4 1995, I take it your perspective on the issue was that it
5 was a very serious issue and it did merit an investigation;
6 correct?

7 **MR. ROY:** It was -- definitely, it was
8 connected to what had just recently transpired. So, yeah.

9 **MS. DALEY:** Right.

10 **MR. ROY:** I mean in '93.

11 **MS. DALEY:** But you continued to take it
12 seriously and thought it should be investigated in '95?

13 **MR. ROY:** I don't remember, but I probably
14 was considering it serious when I saw that the allegations
15 were dating -- from our own area.

16 **MS. DALEY:** Correct.

17 And in your mind, would an investigation,
18 had one occurred at that point, need to encompass looking
19 at Mr. Barque's other probationers?

20 **MR. ROY:** That's what an investigation -- it
21 would seem to me that would include -- I remember phoning a
22 former area manager from the days -- from the time in the
23 past, and some of these things were occurring when Barque
24 was still a probation officer, and who I think has already
25 given testimony, Peter Sirrs, and talked with him about

1 what he knew, what he remembered, anything about the early
2 days and, of course, he referred to the fact that there was
3 an investigation in '82 about the conduct of Barque which
4 led not to charges, not to criminal charges, but it led to
5 his resignation.

6 **MS. DALEY:** Right.

7 **MR. ROY:** I guess that's where I left it. I
8 mean, I know he was investigated.

9 **MS. DALEY:** Just so I understand, did you
10 have that conversation with Mr. Sirrs in '95 as a result of
11 the Barque conviction?

12 **MR. ROY:** I'm not sure what the date would
13 be. Probably, because it prompted, you know -- it was, as
14 they say, news to me and it had come in as a clipping and
15 it was passed. So you kind of wonder why.

16 **MS. DALEY:** Did you ever learn that that
17 complainant, Albert Roy, also alleged sexual abuse by Ken
18 Seguin?

19 **MR. ROY:** No.

20 **MS. DALEY:** I'd like to go to another topic,
21 and that has to do with your supervisory role relative to
22 Emile Robert. If we could talk about that for a few
23 minutes? I take it he reported to you directly?

24 **MR. ROY:** Yes.

25 **MS. DALEY:** And he had been an area manager

1 at the time you came on the scene, since about July of
2 1985?

3 MR. ROY: Yeah, right.

4 MS. DALEY: What was the nature of the
5 supervisory work you did with Mr. Robert?

6 MR. ROY: Well, it was to review his role,
7 you know, as area manager. All the -- like the regional
8 director is the person responsible for all operations in a
9 region in government, at least in our ministry.

10 People like regional managers, which were
11 us, have some authority, but we are -- in a way, we're
12 really assisting the direct responsibility that the
13 director has. So if I find something that's of concern or
14 I'm going to need to change officers around or I want a
15 change of staff or something, I'm going to be talking with
16 the director about that because he is responsible for who
17 is where, how much budget there is and what kind of work
18 gets done and all that, as a director.

19 MS. DALEY: You ---

20 MR. ROY: So ---

21 MS. DALEY: Sorry.

22 MR. ROY: So there's a dual -- I'm doing
23 something for the director at the same time as I'm
24 developing a role as regional manager.

25 As a manager, I'm helping another manager,

1 albeit at a different level and with more day-to-day
2 responsibilities for the service, helping him to do that
3 and to hear whether he has enough resources or not enough,
4 getting that to the director, getting whatever needs to be
5 done to the director and working with a colleague, another
6 regional manager, to see if we can maybe help each other.

7 **MS. DALEY:** Well, what about job performance
8 issues?

9 **MR. ROY:** Yeah, that ---

10 **MS. DALEY:** Did you supervise the
11 performance of his job by Mr. Robert?

12 **MR. ROY:** Yes.

13 **MS. DALEY:** And I just need to understand
14 how you did that. How did you evaluate his efficacy as an
15 area manager?

16 **MR. ROY:** How he related to us, the number
17 of, you know, the office visits, the kind of work that was
18 coming from that office.

19 There were, you know -- if there were
20 complaints from related agencies, that sort of thing, you
21 know, the whole sort of picture. There were no -- that I
22 remember, there were no ongoing kind of training events or
23 something for managers, but whatever was available, if he
24 was interested, making sure that he could get a chance to
25 go to them for updating, for upgrading, that sort of thing.

1 **MS. DALEY:** So I take it from what you've
2 told us here today that one circumstance that you saw in
3 the office that would have concerned you, I presume, was
4 potentially a poor relationship between Mr. Robert and one
5 or more of his staff?

6 **MR. ROY:** I thought there was some
7 personality issue there, some kind of -- yeah.

8 **MS. DALEY:** And, in fact, people were ---

9 **MR. ROY:** I wasn't the first to note that,
10 but anyway ---

11 **MS. DALEY:** No, no.

12 **MR. ROY:** --- it was true.

13 **MS. DALEY:** I'm just trying to explore how
14 you thought about it and what, if anything, you did about
15 it?

16 **MR. ROY:** Well, I want to make sure he's
17 doing -- you know, they're both doing their jobs and that
18 the probation officer that we talked about was recognized
19 as being, you know, a good probation officer. No question
20 about it; he had done his work.

21 **MS. DALEY:** What I'm interested in focusing
22 on is this, sir. I took it from your testimony that there
23 was a bit of an undermining of Mr. Robert's authority in
24 the office that you observed. Is that fair?

25 **MR. ROY:** He was challenged -- he would be

1 challenged on some topics when I was there anyway, "What
2 did you mean by that?" sort of thing. So there would be a
3 longer discussion maybe than, you know, on another topic or
4 in another office.

5 **MS. DALEY:** But I thought what you told us
6 is you overheard comments they were somewhat derogatory
7 about Mr. Robert. People were sarcastic in their comments,
8 or maybe ---

9 **MR. ROY:** Yes.

10 **MS. DALEY:** --- they rolled their eyes when
11 he spoke, that type of behaviour. You saw that?

12 **MR. ROY:** Some of that. Some of that, yeah.

13 **MS. DALEY:** So that wasn't just Mr. van
14 Diepen? I take it that was other folks as well in the
15 office?

16 **MR. ROY:** I remember more van Diepen.

17 **MS. DALEY:** All right. But you did have a
18 concern at some level that that might make it difficult for
19 Mr. Robert to function as their area manager?

20 **MR. ROY:** I don't think he had any
21 difficulty functioning as the area manager at all.

22 **THE COMMISSIONER:** Well, just a minute now.
23 When you're saying you're doing an assessment and you say,
24 "Well, van Diepen was doing his work as a probation
25 officer", do we not look, as an employee, not only how he

1 does his work with the clients ---

2 MR. ROY: Yeah.

3 THE COMMISSIONER: --- but also how he
4 interacts with his fellow employees and his supervisors?

5 MR. ROY: Yes.

6 THE COMMISSIONER: So that would be a little
7 checkmark on the evaluation there somewhere along the line.

8 And from Emile Robert's point of view,
9 wouldn't a supervisor such as you be looking and saying,
10 "Well, how good are you at facing these challenges and
11 trying to mend fences?" if that has to be, or provide
12 insight to the employee on how to act with the manager?
13 Wouldn't that also be part of the evaluation, or should it
14 not?

15 MR. ROY: It should, yes.

16 THE COMMISSIONER: Was it?

17 MR. ROY: Well, Emile, we would talk about
18 what he was doing to appraise his staff, the way he was
19 doing it, the forms he used and so on, the kind of weight
20 he put on various behaviours, and that clearly was one that
21 stood out.

22 THE COMMISSIONER: Well, would he have put
23 down on Jos -- you know, would you have had any involvement
24 and say, "Look, you should sit down with Jos and have it
25 out and iron it out one way or the other", or in the

1 evaluation say, "Look, you're a great PO, but you're
2 lacking in respect for authority"?

3 **MR. ROY:** Right.

4 **THE COMMISSIONER:** So is that -- was that
5 going on or should it have been going on?

6 **MR. ROY:** No, I think it should have been
7 going on. There should have been some corrective work for
8 sure, at least to put it into context. If it was
9 disrupting the general meetings, then it needed to be dealt
10 with.

11 **THE COMMISSIONER:** There you go.

12 Sorry, go ahead.

13 **MS. DALEY:** No, no, I appreciate the
14 questions, sir.

15 Do I understand that at the end of that
16 interchange, that you didn't take any formal steps with Mr.
17 Robert to help him deal with the problem he had?

18 **MR. ROY:** Well, we talked about it
19 constantly. I mean, if it came up at the meeting and I
20 would be, after the meeting, talking with the manager about
21 the dynamics of the meeting.

22 **MS. DALEY:** So you flagged for him that
23 there was obviously an issue, at least with Mr. van Diepen?

24 **MR. ROY:** Yes. Well, he knew that. I mean,
25 he knew there was an issue. He had been there eight years

1 before I had.

2 **MS. DALEY:** Did you suggest to him the steps
3 he might take to deal with it properly?

4 **MR. ROY:** I don't remember what they were,
5 but we certainly would have worked together on a plan to --
6 and I think offering myself, you know, to mediate, to be
7 part of a discussion if it came to that, I don't think
8 either side indicated it was necessary, that they would
9 work it out.

10 **MS. DALEY:** I'm wondering if what you might
11 have taken away from the Cornwall office, as you came to
12 know it, was the thought that it might be an environment in
13 which if a parole officer had difficulties, they wouldn't
14 necessarily take them to their area manager. Did you form
15 that impression or concern?

16 **MR. ROY:** I didn't see that. I thought they
17 did. Actually, I did think that they went to the area
18 manager.

19 **MS. DALEY:** All right.

20 **MR. ROY:** But maybe we're not talking each
21 and every person but, you know, from what I remember, he
22 would take conclusions they had about, for example, needing
23 more services or different tactics, strategies, readings
24 that were available, he would make them available and ---

25 **THE COMMISSIONER:** No, but I think what

1 we're trying to talk about is the ambiance in the office,
2 not about programs or anything like that, but to come up
3 and talk about things that are going on in the office,
4 rumours that we're hearing, that affect the reputation of
5 the office. And at that point we're talking about
6 intangibles.

7 **MR. ROY:** Yeah.

8 **THE COMMISSIONER:** So, you know, if we've
9 got this culture of, I don't know, distrust or animosity or
10 whatever, it's not conducive to that kind of thing.

11 What are your thoughts about that?

12 **MR. ROY:** There definitely wouldn't have
13 been much chance with some of the POs -- probation officers
14 for that kind of discussion. They certainly could have
15 been included in a bigger discussion with everyone in the
16 office ---

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

18 **MR. ROY:** --- but to call them aside, I
19 don't see that they would want to participate in that or
20 feel very comfortable in it, no.

21 **THE COMMISSIONER:** Okay.

22 **MS. DALEY:** I mean, one circumstance that
23 might occur, and it would be uncomfortable for people, but
24 if one probation officer has knowledge that another one is
25 misconducting himself, and in that circumstance, would the

1 probation officer who had come across that information feel
2 that it was appropriate to bring it to the area manager?

3 Can you comment, given the dynamic that you
4 saw in that office, whether you thought that that would
5 occur or not?

6 **MR. ROY:** I don't know if it would occur or
7 not. I mean, they knew that there were regional managers
8 and they knew there was a regional director, and I guess it
9 would be really easy too to get in touch with us directly
10 or with a director directly as well if there was a -- it
11 depends on the level of concern. It's a small number of
12 people, really, we're talking about. So we could reach
13 each other quickly if we needed to or if they needed to.

14 **MS. DALEY:** And I take it that never
15 happened? No one ever went over Mr. Robert's head to speak
16 with you or anyone else at that office?

17 **MR. ROY:** Not to me.

18 **MS. DALEY:** All right. I want to move to a
19 different topic now. And you told us in-chief that
20 unfortunately you didn't have any period of overlap with
21 your predecessor, Mr. Hawkins. Were you able to read his
22 files?

23 **MR. ROY:** Well, yeah, specific to the
24 offices and so on, sure.

25 **MS. DALEY:** Did he have a file that was

1 specific to issues he had dealt with recently in Cornwall?

2 MR. ROY: I don't remember one, no.

3 MS. DALEY: All right.

4 MR. ROY: I didn't see one, no.

5 MS. DALEY: Did you ever come to know that
6 in early 1992 there had been a fairly serious employment
7 incident involving Mr. Seguin and probationers?

8 MR. ROY: There was an incident prior --
9 just before we came but I -- or he's -- I guess he's -- was
10 with probationers when he -- and off times or after hours.

11 MS. DALEY: What would ---

12 MR. ROY: It would have been dealt with
13 already by -- by the area manager, I think.

14 MS. DALEY: Did you know how?

15 MR. ROY: It was '92.

16 MS. DALEY: Did you know how it had been
17 dealt with?

18 MR. ROY: I hadn't thought about it until
19 now but -- I imagine he cautioned him. He would have
20 written something. Emile, I think, was -- was quick to put
21 those cautions out but I -- I don't remember seeing it,
22 though.

23 THE COMMISSIONER: Which one was it, now?
24 Was it the one that ---

25 MS. DALEY: It's the one involving four

1 young men who come to his home one evening, some beer is
2 served. One of them, he's writing a presentence report
3 for. Later that evening, one kills the other with a gun.
4 That's the one we're talking about.

5 **THE COMMISSIONER:** Okay. But there's also
6 the second one where Seguin asked permission to have an
7 ex-probationer live with him; I don't know if you were
8 aware of that.

9 Maybe you want to cover that as well.

10 **MS. DALEY:** That's an earlier event that
11 comes -- well, let's cover that first.

12 And I don't know if you'd have knowledge,
13 but the evidence we've heard here is that in the year 1989,
14 Mr. Seguin approached Mr. Robert for permission to have an
15 ex-probationer live in his home; did you ever know about
16 that?

17 **MR. ROY:** Emile told me that, yes.

18 **MS. DALEY:** When did Emile tell you that?

19 **MR. ROY:** I don't know, but I do remember
20 him telling me that -- that he wondered, you know, what was
21 going through his mind because he -- he just -- I guess he
22 was surprised by the request.

23 **THE COMMISSIONER:** Before or after Mr.
24 Seguin's death?

25 **MS. DALEY:** Thank you.

1 **THE COMMISSIONER:** Sorry.

2 At the time the ---

3 **MR. ROY:** Well, I wasn't there very long
4 before -- it would have to be after the death because, I
5 mean, I just wasn't there very long to talk about that.

6 **THE COMMISSIONER:** Okay.

7 **MS. DALEY:** Do I take it ---

8 **MR. ROY:** I don't -- I don't remember.

9 **MS. DALEY:** No, no, that's fair.

10 What I'm taking from your last comment is
11 you were installed in the job say in September of '93 and
12 by the end of November, Mr. Seguin was dead.

13 So I take it in that window of time, prior
14 to his suicide, had Mr. Robert raised any issues with you
15 concerning Mr. Seguin?

16 **MR. ROY:** No issues.

17 **MS. DALEY:** All right.

18 So you learned about the fact that he was
19 living with an ex-probationer after he had killed himself;
20 correct?

21 **MR. ROY:** People -- yes, there was
22 information around after that incident, sure.

23 **MS. DALEY:** And did Mr. Robert give you the
24 impression that he had thought it was an abnormal or an
25 unusual occurrence, that that would have happened?

1 **MR. ROY:** I think so, yeah.

2 **MS. DALEY:** Did you know it had been
3 approved by the Ministry?

4 **MR. ROY:** Well, it must have been part of
5 his telling me, you know, I mean I -- I don't remember
6 exactly what he told me but I mean I do know that he said
7 that the -- Seguin had made this request.

8 Whether it was actually approved, I just
9 hadn't thought about it until now, so -- but -- but he
10 would have added that as part of his comment, I suppose.

11 **MS. DALEY:** Setting aside the issue about
12 approval, did you know that, in fact, this ex-probationer
13 did live with Mr. Seguin?

14 **MR. ROY:** I didn't know that, no.

15 **MS. DALEY:** All right.

16 And then moving to the event that happened
17 in January of 1992, the one I had mentioned ---

18 **MR. ROY:** M'hm.

19 **MS. DALEY:** --- to you a few moments ago
20 where probationers come to his home, they have some beer,
21 later that evening there's a death by gunfire, that
22 occurrence; is that something that Mr. Robert spoke to you
23 about after the Seguin suicide?

24 **MR. ROY:** It -- I don't know. I really
25 can't remember.

1 He did -- he did tell me about it but as to
2 when -- it seems to me, when I think back, it's a very
3 short time. You know, I go to Cornwall and then I'm --
4 like I said earlier, somewhere else the next day, so -- but
5 he did tell me that. He -- yeah.

6 **MS. DALEY:** Did you ever ask Mr. Hawkins for
7 his information about that situation?

8 **MR. ROY:** No.

9 **MS. DALEY:** Madam Clerk, could you show us
10 Exhibit 930, please, and that should be a letter or
11 memorandum from Mr. Hawkins to Mr. Robert.

12 **THE COMMISSIONER:** That would be in your
13 binder, sir.

14 **MR. ROY:** Oh.

15 **THE COMMISSIONER:** I believe.

16 **MS. DALEY:** It should be 930.

17 **THE COMMISSIONER:** Nine three zero (930).

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MS. DALEY:** And -- sorry.

20 **MR. ROY:** Okay.

21 **MS. DALEY:** Do you have that, sir?

22 And it might be easier for you to do this
23 manually with the paper.

24 But 930 appears to be Mr. Hawkins' response
25 to something that he's received from Mr. Robert, and the

1 Robert correspondence is 930; so you might want to take a
2 moment and read those two things together.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. ROY: Okay.

5 MS. DALEY: Okay. So you've looked at your
6 predecessor's memo to Mr. Robert and, of course, what Mr.
7 Hawkins is suggesting is that the matter itself needs
8 further review; correct?

9 MR. ROY: Yes.

10 MS. DALEY: And that the evidence or the
11 facts need to be sorted out and perhaps some discipline
12 action taken if warranted. That is your predecessor's view
13 of the situation. Is that a fair read of it?

14 MR. ROY: Yes.

15 MS. DALEY: And then if you look back
16 briefly to Exhibit 931, that's Mr. Hawkins' memo to -- I'm
17 sorry, that should be Mr. Robert's memo to Mr. Hawkins that
18 gave rise to the document we just looked at.

19 MR. ROY: Okay.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. ROY: Okay. That one -- that one comes
22 first and then the ---

23 MS. DALEY: That's correct.

24 MR. ROY: Okay.

25 MS. DALEY: And Mr. Hawkins' response.

1 So it would appear to be Mr. Robert's view
2 of the situation that because Ken was embarrassed and had
3 said he didn't do this habitually, that nothing further
4 should occur and that the regional manager of the day, it
5 was Mr. Hawkins, disagreed with that?

6 **MR. ROY:** Yeah, he's quoting the policy.

7 **MS. DALEY:** Correct.

8 **MR. ROY:** Yes.

9 **MS. DALEY:** And I take it from where you sit
10 and things, would you be in agreement with Mr. Hawkins'
11 approach?

12 **MR. ROY:** Yes, I think so.

13 **MS. DALEY:** Would this be an instance in
14 which Hawkins and Mr. Robert were at odds about how things
15 should be conducted?

16 **MR. ROY:** I mean they are at odds here, but
17 I mean it's a -- it's a business kind of discrepancy. I
18 mean, they're talking about what should be done over an
19 incident that our policy is there to be followed. So the
20 manager's job here is to remind him what the policy is
21 simply and to ---

22 **THE COMMISSIONER:** Well, in fairness, the
23 last -- on 931, Robert is saying last:

24 "And I recommend that no further action
25 be taken."

1 And Hawkins, in his last comment is this:

2 "A very serious matter and must be
3 dealt with fairly quickly and with a
4 view of ensuring no recurrence."

5 **MR. ROY:** No. No.

6 **THE COMMISSIONER:** So they are diametrically
7 opposed and one's minimizing -- well.

8 **MR. ROY:** Yeah, you'd -- you'd think that as
9 a result of these, these two would get together and -- I
10 mean Hawkins and Robert.

11 **THE COMMISSIONER:** So the question from Ms.
12 Daley was: Would you agree with the position Hawkins took?

13 **MR. ROY:** Oh yeah. Sure. If it's a policy
14 that needed to be obviously re- -- they needed to be
15 reminded of and followed up on and it can lead to some
16 further discipline.

17 **MS. DALEY:** Particularly in light of what
18 comes after and the allegations of other improprieties
19 against Mr. Seguin and, in fact, the drama of his own
20 suicide, this situation, had it been examined further early
21 in 1992 might have shed some light on what was happening
22 with him? Might it not?

23 **THE COMMISSIONER:** Well, it's speculation.

24 **MS. DALEY:** All right.

25 In any event, when you took over from Mr.

1 Hawking -- Hawkins, I take it you weren't aware of this
2 particular conflict between he and Robert as to how Ken
3 Seguin should be dealt with?

4 **MR. ROY:** Not -- no, not that -- nothing
5 specific like that.

6 **MS. DALEY:** Okay.

7 **THE COMMISSIONER:** Well, would you not have
8 come across Hawkins' correspondence on this?

9 **MR. ROY:** I could have if it -- if it --
10 well, I don't -- I don't -- it was likely available because
11 it's here, so...

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

13 **MR. ROY:** But there wasn't any review done.
14 I don't remember going, you know, into that office and each
15 and every -- in the -- in the material that was there.

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

17 **MS. DALEY:** No, but Mr. Hawkins' copy of
18 this correspondence would have been in your office; would
19 it not?

20 **MR. ROY:** That's -- that's what I'm saying,
21 it must have been available there ---

22 **MS. DALEY:** Right.

23 **MR. ROY:** --- but I don't remember going
24 through these, no.

25 **MS. DALEY:** Certainly, Mr. Robert never

1 raised this with you after the fact and said, "Oh, yeah, by
2 the way, I spoke to Hawkins about this;" is that correct?

3 MR. ROY: No.

4 MS. DALEY: Before you heard from Mr.
5 Silmser, did the fact of Mr. Seguin's suicide by hanging
6 trigger any other actions or investigations?

7 MR. ROY: No, just the police -- no,
8 nothing. I don't think so. I don't remember any of our
9 investigators being there.

10 MS. DALEY: All right. And I take it you
11 were waiting to hear from the police what their findings
12 were as to the circumstances of his death; correct?

13 MR. ROY: Yes.

14 MS. DALEY: And apart from being at the
15 funeral, were you also in the Cornwall office after his
16 death?

17 MR. ROY: Probably. I don't remember for
18 sure. I must have. This was down in St. Andrew's. I
19 don't know whether we -- you mean, like literally the same
20 day, the same ---

21 MS. DALEY: Well, within ---

22 MR. ROY: Oh, in the next little while,
23 sure.

24 MS. DALEY: Yes.

25 MR. ROY: But I don't remember that day if

1 we did or not.

2 MS. DALEY: That's fine.

3 MR. ROY: I'm just wondering if you -- in
4 that window of time between the Seguin suicide and funeral
5 and hearing from Mr. Silmser, did you hear from any other
6 employees of the Cornwall office with concerns about why he
7 killed himself?

8 MR. ROY: No.

9 MS. DALEY: Did you hear from Mr. Robert
10 with any information about that?

11 MR. ROY: I don't think so. No, and just
12 the comment that he made about getting some team in there
13 to help out with debriefing but ---

14 MS. DALEY: All right.

15 MR. ROY: And even that was something that
16 we would talk about and try to put together. It wasn't
17 anything that existed but we would do something to help,
18 you know.

19 MS. DALEY: I take it you can't recall that
20 any counselling was, in fact, provided?

21 MR. ROY: No, I don't recall.

22 MS. DALEY: All right. Certainly no one
23 went in and spoke to employees of the office as to whether
24 they had any insight into Ken's action?

25 MR. ROY: Well, you know, that's what I was

1 saying, you'd want to have that -- if there is something
2 like that available you'd want that said to the
3 investigators, to people who are -- the police or whoever
4 was doing it.

5 **MS. DALEY:** Yes.

6 **MR. ROY:** I was there. I mean, I went to
7 the office after. And not many offices have a probation
8 officer suicide, and it's a small place, small office,
9 everybody seemed to know everybody very well. So I would
10 have been there, again, very shortly after, but just to be
11 available but certainly not to do what I would call
12 counselling but just to be available.

13 **MS. DALEY:** I take it though you don't
14 recall any interactions in which anyone spoke to you as to
15 difficulties that Ken was having or reasons for his
16 actions?

17 **MR. ROY:** No, just -- the comments were
18 always just "He was a good guy" and, you know, I mean, it's
19 that kind of supportive feeling, which is what I felt
20 anyway about him in that office.

21 **MS. DALEY:** From your own direct
22 observation?

23 **MR. ROY:** Yeah.

24 **MS. DALEY:** Let me ask you just a few
25 questions about your interactions with Mr. Silmsler.

1 I take it that -- and I suspect you didn't
2 do this and I'm not being judgmental or critical, but when
3 you received the call from him did you look into his
4 probation records to determine when he had been on
5 probation and in what circumstances?

6 **MR. ROY:** No. No, I didn't.

7 **MS. DALEY:** All right. In part, I take it,
8 what Mr. Silmser was raising with you was not just monetary
9 but a request for counselling and support. Is that fair?

10 **MR. ROY:** Yes, that did get into the end of
11 the conversation, yeah.

12 **MS. DALEY:** And he was asking not just for
13 himself but also for others who he stated had been sexually
14 abused by Mr. Seguin; correct?

15 **MR. ROY:** He said there were "others like
16 me" I think is what he said, yeah.

17 **MS. DALEY:** Now, the fact that he claimed
18 that others were in a similar situation, I take it that
19 would have been one of -- at least one reason why you
20 thought it was appropriate to go the investigatory route
21 and to find out what was happening here; correct?

22 **MR. ROY:** No, it was just a complaint about
23 sexual impropriety with an employee of ours, a former
24 employee in this case, and it needed to be reported. It
25 definitely needed to be reported.

1 **MS. DALEY:** That's fair enough, but he's
2 also suggesting that he's not the only one in that
3 situation. Did you focus on that assertion as well?

4 **MR. ROY:** No, I was getting his case -- I
5 think I was trying to get attention to the fact that I was
6 phoning for him, yeah.

7 **MS. DALEY:** All right. That's fair enough.
8 I take it, from what you heard, there was
9 absolutely no doubt in your mind that an investigation was
10 the appropriate response?

11 **MR. ROY:** It's what was -- it's what the
12 policy dictated should happen as a result of this kind of
13 complaint.

14 **MS. DALEY:** And if I could take it to
15 another level, apart from the fact that it's what the
16 policy dictated, it was the right thing to do in this
17 circumstance?

18 **MR. ROY:** Oh, I agreed with the policy. It
19 was definitely good to have that unit there, yeah, sure.

20 **MS. DALEY:** All right. By all means, if you
21 wish, refer to the statement that we've looked at; that's
22 Exhibit 737B.

23 But I just want to clarify one thing that
24 you said in that statement, and that is by the end of your
25 discussion with Sergeant Brunet of the Cornwall Police you

1 would have had the clear understanding that they were not
2 going to take any further steps in relation to Mr.
3 Silmser's complaint concerning Ken Seguin?

4 I'm taking that from Bates page 7098546,
5 about the centre of the page.

6 **MR. ROY:** Yeah.

7 **MS. DALEY:** I'm sorry; I might have
8 misspoken. I'm referring to Exhibit 373B. Do you have
9 that?

10 **THE COMMISSIONER:** That's what you said,
11 yeah.

12 **MR. ROY:** Yeah, okay.

13 **MS. DALEY:** And I took you to the Bates page
14 ending 46, and there's -- presumably this is you
15 recollecting what you've been told by Mr. Brunet; correct?
16 Officer Brunet.

17 **MR. ROY:** Yes.

18 **MS. DALEY:** So you're ---

19 **MR. ROY:** To someone. To a police officer I
20 guess. Yeah, okay.

21 **MS. DALEY:** That's correct.

22 **MR. ROY:** Okay.

23 **MS. DALEY:** So you're understanding from
24 that point is that the Cornwall Police Service was not
25 conducting any investigation on Silmser's assertion of

1 sexual assault by Mr. Seguin?

2 MR. ROY: It looks like I have here:

3 "They will not pursue charges either."

4 MS. DALEY: Right.

5 MR. ROY: Yeah.

6 MS. DALEY: And wholly apart from everything
7 else, by this point in time Mr. Seguin is dead so there
8 would be no point to doing that; correct? Is that right?

9 MR. ROY: I don't know if that's a reason to
10 stop investigating. I mean ---

11 MS. DALEY: Well, that's ---

12 MR. ROY: But he wasn't the person who was -
13 - the perpetrator, whatever the word is, was no longer
14 available for sure.

15 MS. DALEY: All right.

16 THE COMMISSIONER: Well, from a police
17 perspective that would be a pretty good reason to stop
18 investigating.

19 MR. ROY: About him, yeah.

20 THE COMMISSIONER: Right.

21 MR. ROY: M'hm.

22 THE COMMISSIONER: But from your Ministry's
23 point of view, just because someone died we'll have to look
24 at whether or not that closes the book on your
25 investigations.

1 **MS. DALEY:** Do you have a view on that?

2 **MR. ROY:** Well ---

3 **MS. DALEY:** In other words, the fact that
4 the officer about whom the allegations were made was dead,
5 is that -- in your mind, would that be a reason to
6 terminate any investigation of wrongdoing during his tenure
7 as an officer?

8 **MR. ROY:** Well, no, when David Silmsen
9 phoned me I took his complaint seriously. I knew that Ken
10 Seguin was dead.

11 **MS. DALEY:** Right. Would I be right to
12 think also, sir, that by early 1994, after Mr. Seguin has
13 died, you have had some conversations with the OPP, but
14 would you not also understand from a policing perspective
15 that they wouldn't be likely to be doing any further
16 investigation concerning a person who was deceased?

17 **MR. ROY:** I see it now, but I guess at the
18 time I probably didn't put much thought into what the
19 police think or don't think; pursuing our own investigator,
20 yeah.

21 **MS. DALEY:** I take it you did know that by
22 the early months of 1994 the local media was interested in
23 this story; correct?

24 **MR. ROY:** Oh, yeah. Yes.

25 **MS. DALEY:** In fact, when you were

1 interviewed by Officer McDonell in March you made reference
2 to that towards the bottom of the page we're just looking
3 at. Emile Robert is calling you and a camera crew is
4 outside his building.

5 MR. ROY: Yeah. That's right. Yeah, that's
6 what it says, yeah.

7 MS. DALEY: So you were aware that the
8 matter had become public?

9 MR. ROY: Yes.

10 MS. DALEY: All right. Now, I just want to
11 -- I have a few concluding questions for you about what
12 happened after this matter left your hands.

13 I take it, sir, I just want to be clear on
14 it, the decision that there would be no further
15 investigation, that was obviously not a decision that you
16 made?

17 MR. ROY: No.

18 MS. DALEY: And you don't know who did?

19 MR. ROY: No.

20 MS. DALEY: And did you come to understand
21 that in lieu of an investigation or as an alternative there
22 was going to be some activity by Legal Branch?

23 MR. ROY: Just on the follow-up to the -- I
24 guess once it was determined there was not going to be our
25 own investigation ---

1 **MS. DALEY:** Yes.

2 **MR. ROY:** --- the alternative, although it
3 wasn't presented that way at the time, the alternative was
4 to contact the complainant and ask him to put his complaint
5 in writing to the Deputy Minister and make it some more
6 official, formal complaint.

7 **MS. DALEY:** Now I take it from what you said
8 about that in-chief, that you didn't have any great
9 expectation that Mr. Silmsler would even do that? In other
10 words, I thought what you were saying is that you didn't
11 think that that was an appropriate message to give to
12 someone who claimed to be a victim of abuse, that they were
13 complaining in the wrong manner?

14 **MR. ROY:** That was my own editorial spin on
15 it, that I suggested that that -- putting another hoop in
16 front of someone who's already complained about being
17 abused wasn't exactly something I wanted to do, so ---

18 **MS. DALEY:** Did you voice that thought to
19 the other people at the Ministry who were dealing with
20 this?

21 **MR. ROY:** Well, I did think it was a little
22 cumbersome. I mean, you know, you're going to add another
23 layer of -- this has already been registered. I phoned and
24 ---

25 **MS. DALEY:** Right.

1 **MR. ROY:** You know, I'm re-phoning -- I'm
2 not sure if we needed, as a regional manager, to keep
3 phoning David Silmser the way I did.

4 **MS. DALEY:** I take it ---

5 **MR. ROY:** Somebody should have, but I don't
6 know that it needed to be me, but it was so I did phone
7 him.

8 **MS. DALEY:** In any event, the editorial
9 comment that you had, which was asking him to put it in
10 writing seemed unnecessary, that didn't prevail? That
11 wasn't the direction chosen?

12 **MR. ROY:** Right. Not -- not that I know of.
13 It went to the Legal Branch and I mentioned
14 one lawyer's name there that may have generated a letter;
15 I'm not sure.

16 **MS. DALEY:** You never saw a letter, I take
17 it?

18 **MR. ROY:** I never saw anything.

19 **MS. DALEY:** I take it since you had his name
20 and phone number, it wouldn't have been all that difficult
21 to try to ascertain his address?

22 **MR. ROY:** I guess not.

23 **MS. DALEY:** Just give me one minute and I'm
24 almost finished.

25 You mentioned the name Ed or Ted Morris a

1 time or two to us and he's the person who finally told you,
2 I take it ---

3 MR. ROY: Yes.

4 MS. DALEY: --- in 1995 about Barque's
5 history in '82.

6 MR. ROY: M'hm.

7 MS. DALEY: Is that right?

8 MR. ROY: M'hm.

9 MS. DALEY: And just can you help me
10 understand where he fits in the piece? How did he come to
11 have knowledge of this and why did he raise it with you?

12 MR. ROY: He clipped it and he read it in
13 the paper, I guess, in the newspaper, and he recognized the
14 name as someone he had worked with in the Cornwall office
15 many years before, sort of thing.

16 MS. DALEY: And he worked there in '82, was
17 that your understanding?

18 MR. ROY: I don't think he was there at the
19 very start, but -- but he did -- he did work in Cornwall
20 and then moved eventually to, I think, Kingston, and then
21 on to Trenton.

22 When I refer to him, he's in the regional
23 office as a -- oh, on a kind of temporary assignment from
24 his area manager job to assist in the office and to -- with
25 our role, sort of thing, and do what he did. Keep his eye

1 out for news and sort of things that are happening.

2 MS. DALEY: He appeared, though, to you to
3 have direct knowledge of what had occurred in Cornwall in
4 1982 when Barque was investigated and then resigned. Did
5 he know about that?

6 MR. ROY: He -- yeah, he remembered -- well,
7 he remembered working with him, for sure, and I don't
8 remember how much more, and then I'm pretty sure that I
9 phoned -- the manager at the time was not Morris, but Sirrs
10 ---

11 MS. DALEY: Yes.

12 MR. ROY: --- and asked ---

13 MS. DALEY: So you got in touch with Mr.
14 Sirrs as a result of hearing about these events through Mr.
15 Morris?

16 MR. ROY: I'm pretty sure -- I know I called
17 him, yeah.

18 MS. DALEY: Did you ever wonder why no one
19 else had told you about this between '82 and '95?

20 MR. ROY: I'm wondering now, for sure, but
21 there were lots of other things to know, but, you know, but
22 this particular case I'm -- yeah.

23 MS. DALEY: Did you ever form the view that
24 perhaps Mr. Robert wasn't as forthcoming with you as he
25 should have been about some of the issues pertaining to

1 Seguin?

2 MR. ROY: Possibly, yeah.

3 MS. DALEY: All right. You made a point of
4 telling us that you were quite perturbed that Silmsler would
5 phone you directly because that just wasn't ---

6 MR. ROY: No, no.

7 MS. DALEY: --- wasn't done.

8 MR. ROY: No, I was perturbed by the tone
9 and language and ---

10 MS. DALEY: Right. But also the fact that
11 he was calling somebody in a regional manager's position?

12 MR. ROY: Oh no, no, I take any calls any
13 time, but that was the only one I'd had in 20 years.

14 MS. DALEY: I'm just wondering, sir, whether
15 -- did you have the impression that he had called the
16 Cornwall office at that time to speak about it before he
17 came to you?

18 MR. ROY: No. His only references were to
19 other police to -- to the police I mean.

20 MS. DALEY: All right. Those are my
21 questions for you.

22 I thank you very much.

23 MR. ROY: M'hm. Thank you.

24 THE COMMISSIONER: I think we'll take the
25 lunch break, Mr. Engelmann.

1 Could you canvass the parties to find out
2 how much time, so that we can plan the witnesses?

3 **MR. ENGELMANN:** Yes, we have witnesses
4 waiting, so I will for sure.

5 **THE COMMISSIONER:** All right. Thank you.
6 We'll see you at 2:00.

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

9 This hearing will resume at 2:00 p.m.

10 --- Upon recessing at 12:30 p.m./

11 L'audience est suspendue à 12h30

12 --- Upon resuming at 2:04 p.m./

13 L'audience est reprise à 14h04

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

16 This hearing is now resumed. Please be
17 seated. Veuillez vous asseoir.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Paul.

20 **WILLIAM ROY:** Resumed/Sous le même serment

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

22 **PAUL:**

23 **MR. PAUL:** Hello, Mr. Roy, my name is Ian
24 Paul.

25 I'm one of the lawyers representing a

1 citizen's group by the name of the Coalition for Action.

2 I'd like to ask you a few questions, first
3 of all, about the individual referred to as "Mr. Barque", a
4 former probation officer who had been convicted of a sexual
5 assault, and I think that you indicated that that wasn't
6 brought to your attention that he had been convicted?

7 **MR. ROY:** It -- it was brought to my
8 attention, when he was -- when he was convicted.

9 **MR. PAUL:** Okay. And in terms of the
10 conviction, was it brought to your attention that he was
11 going to be put on probation?

12 **MR. ROY:** I don't remember, though; I don't
13 think so.

14 **MR. PAUL:** Okay. I was just wondering, were
15 you aware -- your tenure as a manager in the Eastern Region
16 would have been up to '97, was it?

17 **MR. ROY:** Yeah.

18 **MR. PAUL:** Okay. Were you aware of whether
19 Mr. Barque would have been on probation at the Cornwall
20 Probation Office during that period of time?

21 **MR. ROY:** No, I'm not aware of that. Was
22 he?

23 **MR. PAUL:** My understanding, he would have
24 been convicted in August of 1995, received four months
25 jail, I believe. So depending on his release date, 18

1 months probation somewhere in late 1995, but you believe
2 you'd still be Manager of the Eastern Region at that point?

3 **MR. ROY:** Yeah, well, it didn't come to my
4 attention but it -- it would have, I imagine, if he was on
5 our case log.

6 **MR. PAUL:** Was your advice ever sought
7 whether it would be appropriate for the local Cornwall
8 office to manage that individual given that he had been a
9 probation officer in that office?

10 **MR. ROY:** That -- no, that never came up.

11 **MR. PAUL:** I realize that's somewhat of a
12 unique situation but, from your perspective, would there be
13 guidelines in terms of conflicts that might indicate that
14 that person should be dealt with elsewhere?

15 **MR. ROY:** It kind of makes sense that he
16 should be. I mean, I don't -- it's been a long time since
17 I looked at the guidelines, but anyway.

18 **MR. PAUL:** In terms of perception,
19 perception to both the public and the victims who'd been
20 attending -- or the victim in that case, the one victim who
21 had attended that office, it might, for purposes of
22 perception it might have been better that he be dealt with
23 by another office, would you think?

24 **MR. ROY:** It just an opinion; I suppose,
25 yes, it should be a ---

1 **THE COMMISSIONER:** But keeping in mind --
2 and I don't want to steal anything -- is that actually he
3 left in 1982, we're now into 1995; he hasn't been a
4 probation officer for 13 years.

5 **MR. ROY:** Yes. Yes.

6 **THE COMMISSIONER:** But it doesn't take
7 anything, it just -- we want to make sure that it's factual
8 and put into perspective.

9 **MR. ROY:** Yes.

10 **THE COMMISSIONER:** Because when I'm thinking
11 of it, I think, Oh, my God, how can a probation officer be
12 probationed by a co-worker but might not necessarily have
13 been a co-worker; however, there are still some people that
14 were working there that would have been his co-workers.

15 **MR. ROY:** Yes.

16 **THE COMMISSIONER:** So, you know, and then my
17 question is, wouldn't, as a matter of policy, there be some
18 kind of directive that if ever a probation officer, past or
19 present, is put on probation that there be some special
20 mechanism to take care of those things?

21 **MR. ROY:** I'm not familiar with it if there
22 is. I mean, it's been a while again, I mean ---

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

24 **MR. ROY:** It seems to me that even with --
25 well, even with institution workers, you know, you have to

1 -- there's only so many jails and if you've worked in a
2 jail and now you're in trouble, you know, and convicted,
3 then ---

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

5 **MR. ROY:** --- we are -- we're also charged
6 with keeping that person safe and secure and ---

7 **THE COMMISSIONER:** All right.

8 **MR. ROY:** If -- if -- I suppose if there
9 were compelling reasons for the individual to be back in
10 that town, then I guess he'd have to make the case, but ---

11 **THE COMMISSIONER:** Let's put it this way ---

12 **MR. ROY:** --- but I don't ---

13 **THE COMMISSIONER:** There must have been, in
14 1995, more than one probation officer in the history of the
15 Corrections that has been in trouble before and has been
16 put on probation. Were you aware of any ---

17 **MR. ROY:** No.

18 **THE COMMISSIONER:** --- during your tenure?

19 No?

20 **MR. ROY:** No.

21 **THE COMMISSIONER:** Oh.

22 **MR. ROY:** But ...

23 **THE COMMISSIONER:** Okay.

24 Sorry, I'll stay quiet now.

25 **MR. PAUL:** Another area I was interested in

1 was this relationship, Mr. van Diepen and Mr. Seguin. Now
2 you had -- from your contact with the two individuals, they
3 seemed to be on a friendly basis?

4 MR. ROY: M'hm. Yes.

5 MR. PAUL: Did you ever perceive any
6 hostility or breakdown in that relationship at some point?

7 MR. ROY: I didn't, no.

8 MR. PAUL: But you did indicate that it
9 appeared that Mr. van Diepen made comments about
10 homosexuals?

11 MR. ROY: As I was saying, they could be in
12 the context of just sort of in-house jokes. I have no idea
13 between friends who have known each other for, you know,
14 20-some years.

15 MR. PAUL: Could it ---

16 MR. ROY: But I ---

17 MR. PAUL: But you weren't certain?

18 MR. ROY: No.

19 MR. PAUL: Could it also have been ---

20 MR. ROY: But I did hear the jokes but I
21 don't know whether they were ---

22 MR. PAUL: Could it also have been the
23 opposite, sarcastic comment to someone that thought that
24 the other individual wouldn't do anything. Is that
25 possible?

1 **MR. ROY:** Well, I don't know.

2 **THE COMMISSIONER:** And it could have been
3 possibly a call for help that trying to show that Mr.
4 Seguin should be investigated. I don't know.
5 Suppositions.

6 **MR. PAUL:** I'm just wondering, now, there
7 are harassment guidelines within the workplace?

8 **MR. ROY:** Oh, yeah.

9 **MR. PAUL:** Did you consider inquiring about
10 what was meant by the comment or why that kind of comment
11 was being made in the workplace?

12 **MR. ROY:** No, not anymore than just sort of
13 reacting at the time, you know, being there with it.

14 **THE COMMISSIONER:** Well, how did you react?

15 **MR. ROY:** How did I react to the comments?

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

17 **MR. ROY:** Well, I watched to see what
18 Seguin's reaction was because it looked like he would be
19 the -- and it was just -- and it was only one meeting and
20 only one time, but it would seem to me to be just shrugged
21 off.

22 **THE COMMISSIONER:** No, but ---

23 **MR. ROY:** He just was the kind of person --
24 I don't even remember what exactly the comment was, but, I
25 mean, it was sort of a wide-ranging, generalized sort of

1 things I think.

2 **THE COMMISSIONER:** Yeah, but in a workplace
3 as a supervisor, would you not consider saying, "Oh my God,
4 that's against -- maybe we should try to" -- advise them to
5 temper that kind of thing or was it just in the --
6 something you take during an every days work?

7 I guess what I'm saying is there is non-
8 harassment policies in 1995, were there not?

9 **MR. ROY:** Yes.

10 **THE COMMISSIONER:** All right. So ---

11 **MR. ROY:** There must -- yeah.

12 **THE COMMISSIONER:** So we hear this off-
13 colour kind of joke. Is it not your role or somebody's
14 role to say "Hey, guys, you've got to stop that because
15 we're public servants and stuff"?

16 **MR. ROY:** There may have been. I just have
17 a hard time remembering, but there may have been that exact
18 comment. I got to be known -- I mean my name was already
19 known when I arrived. I didn't know them all, you know,
20 individually but -- so I had a way of operating which
21 would, I guess, indicate to them that wasn't acceptable but
22 there was never -- no, there was nothing officially
23 submitted.

24 **MR. PAUL:** All right. And you didn't
25 inquire to Mr. Emile Robert about the comment; didn't take

1 it up with him?

2 MR. ROY: Well, he would have been at the
3 meeting.

4 MR. PAUL: Okay. But you didn't discuss it
5 with him? It was just left?

6 MR. ROY: I don't know. You know, I really
7 don't know whether I -- I must have talked to Emile about
8 it because it was unnecessary, but I don't remember the
9 conversation.

10 MR. PAUL: I have a few questions about your
11 interaction with the Cornwall Police.

12 Now, I understand that you were the one that
13 contacted the Cornwall Police about the situation with Mr.
14 Silmser and Mr. Seguin, correct? They didn't initiate
15 contact with you?

16 MR. ROY: No, I had the phone call from
17 David Silmser and I started to follow the policy to report
18 that.

19 MR. PAUL: I just want to understand, in
20 terms of your first knowledge that Mr. Silmser had
21 contacted the Cornwall Police and complained on Mr. Seguin,
22 is your first knowledge from Sergeant Brunet or did you
23 already know about that situation from Mr. Silmser?

24 MR. ROY: No, I -- well, Silmser had
25 generally said he had been dealing with the police, but he

1 didn't mention the specific policeman or force until I
2 phoned there as part of the policy and that was the answer
3 I got.

4 **MR. PAUL:** And then you spoke to Sergeant
5 Brunet about the fact that they were dealing with a
6 complaint from Mr. Silmsler against Mr. Seguin; correct?

7 **MR. ROY:** That David Silmsler had reported
8 being abused to the Cornwall Police. They had started an
9 investigation into Seguin and then Silmsler asked them to
10 stop the investigation.

11 **MR. PAUL:** And were you given some sense or
12 some idea of how long, how old that investigation was?

13 **MR. ROY:** Oh, no. No, I don't. But it
14 seemed, you know, not a long time ago because it seemed to
15 be fresh in the sergeant's mind.

16 **MR. PAUL:** And your reaction to that -- was
17 your reaction -- did you think it was appropriate for the
18 Cornwall Police not to give you the information because it
19 wasn't a charge at that point or did you have an
20 expectation that the police would give you that kind of
21 information?

22 **MR. ROY:** I didn't really have any
23 expectation. I was just -- like, I was reporting this
24 complaint and that was a response I got. I hadn't anything
25 in mind or anything ready for Sergeant Brunet when he gave

1 me that answer. I said "Oh, Okay". But I've reported it.
2 That's what I was doing, I was reporting it. So I went on
3 to report it to others.

4 **MR. PAUL:** As far as you're aware, is there
5 any protocol or arrangements between police and probation
6 in terms of at what stage they would be reporting to
7 probation that there's either a charge or an investigation
8 against an employee?

9 **MR. ROY:** No, I'm not familiar with that.
10 What was in place then I don't know, but there wasn't any -
11 - as far as I know, there wasn't any report from the
12 police.

13 **MR. PAUL:** Now, you were asked a number of
14 questions in relation to Mr. Seguin and issues of
15 socializing or fraternizing with either probationees or
16 former probation clients and I won't repeat those
17 questions, but there are a few areas that I wanted to ask
18 about.

19 My understanding is there are two areas
20 perhaps where you had some knowledge. You had some
21 knowledge that Mr. Seguin was approved to live with a
22 former probationee. Is that correct? A Mr. Renshaw?

23 **MR. ROY:** Yeah, that had been Ministry
24 approved, I guess.

25 **MR. PAUL:** All right. But the more serious

1 incident that you were aware of obviously would be the
2 incident where an individual who was on probation, or there
3 was a pre-sentence report actually about to be prepared by
4 Mr. Seguin, and he's serving alcohol to him I believe, and
5 then there's an incident followed by that by a shooting.
6 That would be the incident that resulted in his discipline;
7 correct?

8 **THE COMMISSIONER:** Well, we don't know that
9 he was disciplined.

10 **MR. PAUL:** I believe it was a -- my
11 recollection is there was some kind of written warning by
12 Mr. Emile Robert. That was my recollection.

13 **THE COMMISSIONER:** Is there?

14 **MR. NEUBERGER:** The evidence reflects that
15 there was some letter months later and there was a debate
16 in the evidence between it was a letter of counsel remember
17 versus ---

18 **THE COMMISSIONER:** Okay. Yes, yes, yes.

19 **MR. NEUBERGER:** And it was a bit conflicting
20 because there is a comment about discipline.

21 **THE COMMISSIONER:** Exactly. Thank you.

22 **MR. PAUL:** Now, in terms of that incident,
23 the giving alcohol to a probation client followed by the
24 shooting, you were aware of that when you took over the new
25 job?

1 **MR. ROY:** None of those incidents. No, I
2 was not aware of those.

3 **MR. PAUL:** Okay. But you became aware at
4 some point?

5 **MR. ROY:** When Seguin committed suicide.

6 **MR. PAUL:** All right. Did you perceive when
7 you took over as the Manager of the eastern area, did you
8 perceive there was any difficulty or problem with
9 fraternization in the office. Was that perceived by you to
10 be a problem?

11 **MR. ROY:** What do you mean,
12 "fraternization"?

13 **MR. PAUL:** Socializing. As far as your
14 knowledge ---

15 **MR. ROY:** Oh, between clients and ---

16 **MR. PAUL:** Yes, in terms of Mr. Seguin.

17 **MR. ROY:** No, I didn't know there was any
18 such problem.

19 **MR. PAUL:** Okay. So the only knowledge you
20 had would be the incident that was approved to reside with
21 the former probationee?

22 **MR. ROY:** Yeah.

23 **MR. PAUL:** And in terms of any other
24 allegations of fraternization, you were not informed of
25 those?

1 **MR. ROY:** No.

2 **MR. PAUL:** Were you familiar with an
3 individual, Father Maloney, while you were ---

4 **MR. ROY:** No.

5 **MR. PAUL:** Were you familiar with any
6 services being provided by a priest to a local jail?
7 You're not familiar with that, through Probation?

8 **MR. ROY:** No, I'm not.

9 **MR. PAUL:** And you yourself didn't have any
10 connection to a Catholic Church or any association such as
11 the Knights of Columbus in Cornwall?

12 **MR. ROY:** No.

13 **MR. PAUL:** No?

14 **MR. ROY:** No, I don't have any.

15 **MR. PAUL:** And you don't have any contact
16 with Father Maloney or any other individuals associated
17 with the Catholic Church?

18 I understand that it would be ---

19 **THE COMMISSIONER:** That's a no, sir?

20 **MR. ROY:** That's a no, yeah.

21 **MR. PAUL:** I would understand that it would
22 be your action that sent the matter forward to the
23 Independent Investigation Unit? You sent the report on to
24 that unit? Is that yes?

25 **MR. ROY:** Yes.

1 **MR. PAUL:** And it was your expectation that
2 there would be an investigation?

3 **MR. ROY:** Yes.

4 **MR. PAUL:** And was it your understanding
5 that when a referral is made the investigation -- by a
6 manager, if you're referring an investigation, that
7 normally it's done automatically, or is there a discretion
8 to say, no, we don't need an investigation?

9 **MR. ROY:** No. I consider it to be
10 automatic. I mean, I'm not an investigator and I thought
11 there was something that needed to be investigated so I ---

12 **MR. PAUL:** Had you ever heard of a case
13 where a manager requested it and it was not done?

14 **MR. ROY:** No, I haven't, no.

15 **MR. PAUL:** And ---

16 **MR. ROY:** But I mean I wouldn't have that
17 kind of feedback anyway.

18 **MR. PAUL:** All right.

19 Now, in terms of your questions, in terms of
20 the issues to be addressed, the situation where Mr. Seguin
21 committed suicide amidst some allegations, what was your
22 expectation in terms of what matters you were hoping to
23 have investigated in the office? Did you have an
24 expectation of certain issues to be addressed?

25 **MR. ROY:** I'm sorry; I'm not following that

1 question.

2 **MR. PAUL:** Did you have an expectation that
3 certain areas were going to be covered in the investigation
4 or was it your idea that would just be left to the unit to
5 decide on their own?

6 **MR. ROY:** Yeah, well, the investigation is
7 done by the investigators. I was reporting this complaint,
8 and with some detail, not a lot, and it was up to them.

9 **MR. PAUL:** For example, was it your hope
10 that perhaps the investigation might shed some light on
11 whether there was any difficulties with management in the
12 office, specifically Mr. Robert, was that ---

13 **MR. ROY:** No, I wasn't expecting that.

14 **MR. PAUL:** Okay. Was your expectation that
15 an investigation might look at whether any of the files
16 handled by Mr. Seguin were compromised as a result of any
17 actions by him?

18 **MR. ROY:** Well, you see, I think this -- I
19 mean, really it's speculation. It's the investigators to
20 decide what they're going to look at. I have no
21 expectations. I have to know that I reported the complaint
22 from an alleged abused person.

23 **MR. PAUL:** But you were aware that there
24 was, around the time shortly after Mr. Seguin's death, that
25 there was an OPP investigation dealing with extortion

1 against Mr. Silmsler. Were you aware of that?

2 MR. ROY: No, I wasn't.

3 MR. PAUL: Okay. Were you concerned as a
4 result of the circumstances surrounding Mr. Seguin's death
5 that there may well have been a possibility that some of
6 his files might have been compromised if he was socializing
7 with probation clients?

8 MR. ROY: Well, that would be a fear if, you
9 know, sure, that's one of the reasons. You wouldn't
10 encourage probationers or clients to be familiar with their
11 supervisor but I didn't know in this case that that was a
12 concern, but it would seem to me ---

13 MR. PAUL: Specifically, were you concerned
14 that those types of circumstances might give rise to
15 concern about situations of either favouritism to probation
16 clients or blackmail by probation clients, that that would
17 be a concern?

18 MR. ROY: This really is not anything that I
19 thought about or worked with at all. So it's kind of like
20 two guys talking here. I have no real expertise in this
21 area.

22 MR. PAUL: I realize that, but ---

23 MR. ROY: But, of course, it sounds like
24 something I'd be aware of.

25 THE COMMISSIONER: No, I guess, sir, you're

1 the regional manager.

2 MR. ROY: Yeah.

3 THE COMMISSIONER: All right.

4 And you were faced with the situation; you
5 did what you thought was best and was in the policy. So up
6 it goes and then you're there another two years.

7 So did you not get any feedback or did you
8 not question, "Well, how come these investigations aren't
9 coming; isn't there a follow through?" Were you concerned
10 about the staff at Cornwall office and how they were doing,
11 that kind of thing?

12 MR. ROY: I was still going to the Cornwall
13 office. Like, it was still part of the usual load. And
14 for a while there were still comments about what had
15 happened. But then there was changes in the
16 responsibilities; the different geographic responsibilities
17 changed, the titles changed so I just lost contact with
18 that area.

19 But during the time that I was looking after
20 the probation office nothing further came to me about
21 either David Silmser or any of this, and he didn't phone
22 me, and I didn't phone him sort of thing, so it just was
23 everything else that needed to be done.

24 MR. PAUL: So in terms of the failure to
25 conduct that investigation and the referral to the Legal

1 Department, would you agree that perhaps you were
2 disappointed -- or you are disappointed by that decision?

3 MR. ROY: To refer the case to the Legal
4 Department?

5 MR. PAUL: Yes, and the failure to conduct
6 the investigation by what you call the ---

7 MR. ROY: Well, I mean, the Legal Department
8 had made all kinds of sense. I mean, they were -- I think
9 the Ministry was concerned. I'm not an investigator. I'm
10 only receiving one phone call from a complete stranger.
11 I'm really in no position to write any letters unless
12 they're very, very form style of some kind. So if there's
13 a chance of more liability or confusion to that person it
14 should come from someone who does that sort of, you know --
15 -

16 MR. PAUL: To your knowledge did the Legal
17 Department conduct an investigation equivalent to what
18 would be done by the IIU?

19 MR. ROY: I doubt it very much. I don't
20 know though but I doubt it.

21 MR. PAUL: But to your knowledge they didn't
22 come in and have people questioned ---

23 MR. ROY: No.

24 MR. PAUL: --- and investigated during your
25 tenure?

1 **MR. ROY:** No.

2 **MR. PAUL:** And so you'd agree that in terms
3 of whether any files were compromised by Mr. Seguin's
4 socializing with clients, the failure to refer the file
5 onto the IIU or to investigate through IIU perhaps left
6 that issue unaddressed. Do you agree with that?

7 **MR. ROY:** Well, I suppose, any possibility,
8 you know, there was no one else looking so, yeah.

9 **MR. PAUL:** And as a manager, would you not
10 agree that that situation certainly would be unsatisfactory
11 to you, you would want that issue addressed?

12 **MR. ROY:** The possibility that some other --
13 -

14 **MR. PAUL:** Sure.

15 **MR. ROY:** --- confidential files would come
16 into the ---

17 **THE COMMISSIONER:** No, no. Let's -- that
18 other boys had been abused. That's basically what he's
19 getting at.

20 **MR. ROY:** Okay. Well I'm on the wrong line
21 then. I'm thinking that he's asking me if a guy's going to
22 go through Seguin's drawers and find file or information
23 that could be of use for extortion. I'm sorry.

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

25 **MR. ROY:** Okay.

1 **THE COMMISSIONER:** What we're looking at is
2 this. I get the sense that when you send it over to Legal
3 that deals with liability issues.

4 **MR. ROY:** Probably, yeah. That's the main -
5 - yeah.

6 **THE COMMISSIONER:** Right. And that's good.
7 I mean, you have to look at that. But on the other side
8 somebody's got to be looking after the probationers.

9 So what happens if there were 20 others who
10 are just going through life; and what he's asking is
11 shouldn't people from Probations, through their
12 investigation, gone through an audit and followed up with
13 the probationers from Ken Seguin's from 20 years and say
14 "Sir, I've got a question for you. Have you ever been
15 abused by him? Let's come forward and let's deal with
16 this." So remedial, offering care and compassion, you
17 know, that other side of Corrections.

18 **MR. ROY:** Yeah.

19 **THE COMMISSIONER:** So that's what he's
20 getting at.

21 **MR. ROY:** So it wasn't done. I mean, if
22 that's what you mean. It wasn't done.

23 **MR. PAUL:** And as a manager that would be
24 unsatisfactory to you if that wasn't done?

25 **MR. ROY:** Well, I was there at the time too.

1 I mean, I must have felt that the assurances I was getting
2 from around me were enough to -- for what were required at
3 the time.

4 MR. PAUL: Mr. Silmsen did -- in his phone
5 call, did he not allude to the fact that there may be other
6 complainants or victims as well? He made a comment that --
7 -

8 MR. ROY: Yeah, he made it, yeah.

9 MR. PAUL: That by itself perhaps would be
10 another reason to proceed with an investigation to find out
11 if that's accurate?

12 MR. ROY: Well, like I said, I did tell the
13 investigators that he had called and he had mentioned there
14 were others, but it's kind of up to the investigators to
15 investigate.

16 MR. PAUL: Yes, and ---

17 THE COMMISSIONER: Don't take this
18 personally, sir.

19 MR. ROY: I'm having trouble following where
20 it's going so, you know, I kind of have to ---

21 MR. PAUL: I'm not suggesting there is any
22 blame on you. I'm just simply suggesting that the failure
23 to follow-up by the IIU as to whether there are these other
24 complainants would be something that you as the manager
25 would find to be unsatisfactory?

1 **MR. ROY:** Well, it wasn't to me, I don't
2 think, to say it was satisfactory or not. I had done the
3 part I did and others were -- they're in business to look
4 after the -- that's all I can say. It seems like some kind
5 of dereliction but I mean, I had a lot of other stuff going
6 on -- to do I mean, that I didn't follow this particular
7 case, no.

8 **MR. PAUL:** Those are my questions.
9 Mr. Commissioner.

10 **THE COMMISSIONER:** Thank you very much.
11 Mr. Lee.

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

13 **MR. LEE:** Mr. Roy, my name is Dallas Lee. I
14 represent the Victims Group here.

15 Can I take you to document 115930, please?
16 You don't have this one yet.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **THE COMMISSIONER:** Thank you.

19 Exhibit number 1108 is ---

20 **MR. LEE:** These are notes of Lenna Bradburn.

21 **THE COMMISSIONER:** Okay.

22 And they're dated the 17th of December,
23 1993.

24 **--- EXHIBIT NO./PIÈCE NO P-1108:**

25 (115930) Handwritten notes of Lenna Bradburn

1 dated December 17th, 1993

2 **MR. LEE:** Do you have that document, Mr.
3 Roy?

4 **MR. ROY:** Yes, I do.

5 **MR. LEE:** So you'll see it's as Mr.
6 Commissioner said, it's dated December 17th, 1993, and in
7 the top, left-hand corner is your name, and eastern region,
8 and a phone number; do you see that?

9 **MR. ROY:** Yes.

10 **MR. LEE:** And at the bottom, right-hand
11 corner we have Lenna Bradburn's signature?

12 **MR. ROY:** Yes. Yeah.

13 **MR. LEE:** And she begins by setting out
14 that:

15 "At 11:00 a.m. yesterday his office
16 received a call from a citizen about
17 why a probation officer in Cornwall
18 committed suicide."

19 and it's a male caller. And she goes on.

20 The third bullet point reads:

21 "Ken Seguin committed suicide two and a
22 half weeks ago. Homosexual, former
23 priest."

24 Do you see that?

25 **MR. ROY:** Yes.

1 **MR. LEE:** Do you know where you would have
2 received that information from?

3 **THE COMMISSIONER:** Well, first of all, did
4 you -- these are notes from Ms. Bradburn.

5 **MR. ROY:** Yes.

6 **THE COMMISSIONER:** Did you give her that
7 information that Ken Seguin was a homosexual and a former
8 priest?

9 **MR. ROY:** I'm going to say I did because
10 it's here but I don't recall that.

11 **MR. LEE:** You don't recall that information,
12 sir?

13 Forget for a moment whether or not you told
14 Ms. Bradburn; did you ever, at any point, learn that Ken
15 Seguin was a homosexual and former priest?

16 **MR. ROY:** Did I learn that? Yes, I knew --
17 I mean I learned that.

18 **MR. LEE:** This isn't the first time you've
19 heard that information?

20 **MR. ROY:** No.

21 **MR. LEE:** You heard it somewhere in the
22 past?

23 **MR. ROY:** Yeah.

24 **MR. LEE:** Do you remember if Mr. Silmser
25 would have given you that information?

1 **MR. NEUBERGER:** Can I just ---

2 **THE COMMISSIONER:** Yes.

3 **MR. NEUBERGER:** I'm sorry.

4 I understand it's -- there's a comma there,
5 so -- and we have to be careful.

6 Did he, at any time, understand that Mr.
7 Seguin was a homosexual, and not "homosexual and a former
8 priest"; it might be referring to something else.

9 I think before we get -- when we get the
10 answer from the witness we've got to put it in parts to the
11 witness ---

12 **THE COMMISSIONER:** Okay.

13 **MR. NEUBERGER:** --- to find out what he
14 knew.

15 **THE COMMISSIONER:** Fine. Let's break it
16 down, then.

17 When did you -- what was your question,
18 again?

19 **MR. LEE:** The initial question that Mr.
20 Neuberger has asked me to clarify is whether or not he, at
21 any point, learned -- or came into information that Mr.
22 Seguin may have been a homosexual; did you ever hear that,
23 Mr. Roy?

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

25 **MR. LEE:** And the second part: Did you ever

1 come into information that Mr. Seguin was a former priest?

2 **MR. ROY:** Yes.

3 **MR. LEE:** Do you recall where ---

4 **MR. ROY:** As to when, no. That's another
5 question.

6 **MR. LEE:** Do you recall who you heard that
7 information from?

8 **MR. ROY:** I don't -- I really don't.

9 And a homosexual, I mean, I think that was
10 at the staff meeting I'm describing earlier, the kind of
11 banter that went on and the things that were going on there
12 that followed up talking with the manager, but ---

13 **MR. LEE:** So your own impression was that he
14 was a homosexual?

15 **MR. ROY:** My impression, definitely, was
16 that he was a homosexual but that was based on knowing that
17 he was, too.

18 **MR. LEE:** Right.

19 **MR. ROY:** I mean he was -- I don't know, it
20 was just the way the meeting went. It -- yeah, so ---

21 **MR. LEE:** But with respect to the
22 information ---

23 **MR. ROY:** People mentioned it. Yeah, I
24 guess it must have been mentioned.

25 **MR. LEE:** With respect to the information

1 that he was a former priest, obviously you would have had
2 to have specific information at some point on that? That's
3 not something you could have gleaned from interactions ---

4 **MR. ROY:** No, no.

5 **MR. LEE:** --- with Mr. Seguin?

6 **MR. ROY:** No, no, yeah.

7 **MR. LEE:** You just have no idea ---

8 **MR. ROY:** And it's right at the start, too.
9 It's right in the -- well, the 17th. Close enough to the
10 start.

11 **MR. LEE:** So just to be clear, you just
12 don't recall where you got that information?

13 **MR. ROY:** I don't recall, but knew it; yes,
14 I knew it.

15 **MR. LEE:** Following up on something Mr. Paul
16 asked you a moment ago about Mr. Silmser's suggestion that
17 there may be other victims; do you recall that, his
18 suggestion that he was seeking counselling for himself and
19 others like him?

20 **MR. ROY:** He said there were "more of us",
21 something like that.

22 **MR. LEE:** And do you recall relaying that
23 information to Ms. Bradburn?

24 **MR. ROY:** I don't recall whether I did or
25 not but if it's -- you know, these are so -- these notes

1 are -- it seems to me very comprehensive, so if it's in
2 there.

3 **MR. LEE:** In the document you have in front
4 of you now, the third last bullet reads, "looking for
5 counselling support" and this note here doesn't say
6 anything at all about other victims or others like him.

7 **MR. ROY:** Yeah, okay.

8 **MR. LEE:** Do you see that?

9 **MR. ROY:** Yes, I see it, yes.

10 **MR. LEE:** If she has notes from later in
11 that day, though, document 115931.

12 You don't have this yet, Madam Clerk.

13 **MR. ROY:** Okay.

14 **MR. LEE:** I'll give it to you.

15 **THE COMMISSIONER:** What's a "Grandview
16 Resolution"; do you know what that is -- that means, sir?

17 **MR. ROY:** It's from the times there were --
18 it turned out to be a substantiated allegations by
19 residents who were girls at a training school in Galt,
20 called "Grandview", and some of them -- I don't know how
21 many -- some, and maybe many, came forward and said they
22 had had been approached sexually in one form or another
23 inappropriately while they were residents at that Ministry
24 facility.

25 And -- so there was unofficially -- I mean

1 like a government-approved, I think, agreement --
2 settlement with those complainants on compensation, on some
3 -- it involved some money but I think it was heavily loaded
4 with counselling available at any time and at any place and
5 that kind of thing.

6 So it would have -- it would refer to --
7 unfortunately, the Ministry at the time was -- you know,
8 they're allegations from a few youth centres, including
9 Grandview, but others that were boys only sort of thing.

10 So it was in the news, I guess, at the time.

11 **THE COMMISSIONER:** Okay. Thank you.

12 The next exhibit, then. Exhibit number 1109
13 are notes dated the 17th of December, 1993, and again from
14 Lenna Bradburn?

15 **MR. LEE:** I believe so, sir.

16 **--- EXHIBIT NO./PIÈCE NO P-1109:**

17 (115931) Handwritten notes of Lenna
18 Bradburn dated December 17th, 1993 at
19 3:45 p.m.

20 **MR. LEE:** Do you have that in front of you,
21 Mr. Roy?

22 **MR. ROY:** Okay, yeah.

23 **MR. LEE:** And you'll see again on the right-
24 hand side, December 17, '93; this time it's marked 3:45
25 p.m.

1 **MR. ROY:** Okay.

2 **MR. LEE:** So it's at some point on that same
3 day.

4 If you go to the last bullet on that page,
5 Ms. Bradburn notes:

6 "Silmsers has suggested that the
7 Ministry should be offering counselling
8 to him and others like him."

9 Do you see that?

10 **MR. ROY:** Yes.

11 **MR. LEE:** So you'll agree from that that you
12 must have told Ms. Bradburn that part of the conversation.

13 And if I can just briefly take you to
14 Exhibit 373B, that's your OPP interview.

15 **MR. ROY:** Yes.

16 **MR. LEE:** You have that one already.

17 **MR. ROY:** Okay. Yes.

18 **MR. LEE:** Let me know when you have that up,
19 sir.

20 **MR. ROY:** Okay.

21 **MR. LEE:** If I could take you to the second
22 page, please. About halfway down there is the word
23 "Silmsers" at the start of a paragraph, in capitals.

24 **MR. ROY:** Just on the over-page?

25 **MR. LEE:** Yeah.

1 **MR. ROY:** Okay, yes.

2 **MR. LEE:** You see it says:

3 "Silmser said he thought about what to
4 do for a couple of weeks then decided
5 to call the Ministry to demand help for
6 others like him who were abused by this
7 man."

8 And then in parenthesis "Seguin"?

9 **MR. ROY:** M'hm. I see that, yes.

10 **MR. LEE:** So you would agree with me that
11 you advised both Ms. Bradburn and the OPP that Mr. Silmser
12 had suggested there were other victims?

13 And you would agree with me that -- sorry,
14 was that a "yes"?

15 **MR. ROY:** Yes, I do.

16 **MR. LEE:** And you would agree with me that
17 that was important information that you had received from
18 Mr. Silmser?

19 **MR. ROY:** It was important but it wasn't --
20 how to put it? -- it wasn't spontaneous; it was as a result
21 of continuing to speak with him because he was a very
22 agitated person at the first part of it, so as we spoke, as
23 we got talking about what we should do, how are we going --
24 you know, because I knew what I had to do, but he said,
25 "After all, there are others like me," and there -- it was

1 that kind of context, but it's still important information.

2 **MR. LEE:** And you picked up on it?

3 **MR. ROY:** Yes.

4 **MR. LEE:** You recognized at the time of that
5 phone call that was an important statement; would you agree
6 with that?

7 **MR. ROY:** Yes.

8 **MR. LEE:** And this isn't something that you
9 personally followed up on, you consulted -- you referred
10 the matter to the IIU; is that correct?

11 **MR. ROY:** Right.

12 **MR. LEE:** And it's the suggestion that there
13 were other victims something you would have presumed that
14 the IIU would follow up on?

15 **MR. ROY:** Well, it would -- the whole -- the
16 whole issue was passed on to them so, you know, hopefully
17 he would be able to follow up and give details on what it
18 is that he had told me.

19 I didn't get any more detail from him, but -
20 --

21 **MR. LEE:** As far as you were ---

22 **MR. ROY:** In an investigation, they would
23 get more detail.

24 **MR. LEE:** And that would have been an
25 important part of the investigation, as far as you were

1 concerned?

2 **MR. ROY:** I think he was ready to tell them.
3 You know, I think he would tell them who was -- who he
4 meant.

5 **MR. LEE:** Can you explain to me again what
6 John O'Brien's role was, at the time of this matter?

7 **MR. ROY:** Each of the regional offices had a
8 director in charge of all the operations in that region and
9 that was John O'Brien's role when I worked with him and
10 there were two regional managers in each of those offices
11 to assist with either geographic or a functional kind of
12 support for that region.

13 **MR. LEE:** On a flow chart, would he have
14 been one step above you?

15 **MR. ROY:** Yeah. M'hm.

16 **MR. LEE:** Can I take you to document --
17 another new one you haven't seen yet -- 715276.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** Thank you.

20 Exhibit 1110 is an interview report of John
21 O'Brien interviewed by Detective Constable McDonnell on
22 March 1st, 1994.

23 **--- EXHIBIT NO./PIÈCE No. P-1110:**

24 (715276) Interview report - John O'Brien
25 with D. C. McDonnell dated March 1st, 1994

1 **MR. LEE:** You have that in front of you, Mr.
2 Roy?

3 **MR. ROY:** Yes, yeah.

4 **MR. LEE:** This is just a very short
5 interview report of John O'Brien, as Mr. Commissioner said,
6 conducted by the OPP on March 1st, 1994.

7 **MR. ROY:** M'hm.

8 **MR. LEE:** And if you look halfway through
9 this interview report, it reads:

10 "I was working the day that Silmsers called our
11 office and spoke to Bill Roy. It appeared that
12 Silmsers just wanted money and no investigation."

13 Do you see that?

14 **MR. ROY:** Yes, I see it.

15 **MR. LEE:** Was that your understanding of
16 what Mr. Silmsers wanted from your phone call?

17 **MR. ROY:** He never mentioned an
18 investigation, but I mean he was calling to say he had been
19 abused and the policy in place to deal with that complaint
20 is to ask for an investigation.

21 **MR. LEE:** But it went further than that;
22 didn't it?

23 **MR. ROY:** Whether he actually, I don't think
24 he mentioned the word "investigation", no.

25 **MR. LEE:** You mentioned the word

1 "investigation", is that right?

2 MR. ROY: I must have, yeah.

3 MR. LEE: And at some point, in a subsequent
4 conversation, he was upset that you were calling him back
5 rather than an investigator?

6 MR. ROY: By the third phone call.

7 MR. LEE: So it was pretty clear by that
8 point that he was expecting an investigation and that's
9 what he wanted?

10 MR. ROY: He definitely was looking forward
11 to hearing from an investigator, and when he didn't hear by
12 the 17th, two days after the first phone calls, he just
13 said, "Forget it. I want to hear from an investigator not
14 from you, and I haven't heard from one, so I'll just have
15 to..." whatever he said, "I'll just take care of it myself"
16 or whatever his comment was; "but don't call me back."

17 MR. LEE: Can I take you to your interview
18 with Paul Downing, please? That's Exhibit 958.

19 THE COMMISSIONER: You have that.

20 MR. ROY: I have that.

21 THE COMMISSIONER: It's in the three-ring
22 binder.

23 MR. LEE: This is your interview of
24 September 25th, 2000?

25 MR. ROY: M'hm.

1 **MR. LEE:** Okay. You have that up? Do you
2 have your interview or do you just have the larger
3 document? You recall that your interview is partway
4 through? Bates page number 1001527, that little number in
5 the top left-hand corner.

6 **MR. ROY:** Two, seven (27), okay.

7 Yeah, there I am, okay.

8 **MR. LEE:** If you look at the second page of
9 your interview, there are little numbers at the bottom
10 right-hand corner of the page.

11 **MR. ROY:** Yes.

12 **MR. LEE:** This starts detailing your contact
13 with Silmsers, and the second full bullet on that page, the
14 last sentence reads:

15 "According to Bill, Silmsers complained
16 that he was to get a large sum of
17 money, \$110,000, from PPO Seguin but
18 that because he, Seguin, committed
19 suicide, he would not get the money."

20 Do you recall Silmsers specifically telling
21 you that he was to receive \$100,000?

22 **MR. ROY:** That number, yeah, that's the
23 number.

24 **MR. LEE:** Sorry?

25 **MR. ROY:** That is the number he used, yes.

1 **MR. LEE:** I don't, in any of the notes of
2 Ms. Bradburn or in other notes related to the issue or in
3 your OPP interview, see any mention to this number,
4 \$100,000.

5 **MR. ROY:** Yeah. Mmphm.

6 **MR. LEE:** Is it your recollection, sitting
7 here today, that that is what Mr. Silmsler told you?

8 **MR. ROY:** Yes, it is, yeah.

9 **MR. LEE:** You have a recollection of that?

10 **MR. ROY:** The only other number -- well, he
11 used another number the next couple of days, but much
12 bigger but ---

13 **THE COMMISSIONER:** The half million?

14 **MR. ROY:** Yeah. So, but before that, he
15 used, I think, 30,000 at one time, referring to either a
16 settlement he has made or something he heard about, I'm not
17 sure how that goes. But then 100,000 was in between and I
18 said, "Wow, that's..." you know -- anyway.

19 **MR. LEE:** That stood out to you.

20 **THE COMMISSIONER:** You have to keep
21 answering "yes" or "no".

22 **MR. ROY:** Yes, okay. If I get closer maybe.

23 **MR. LEE:** I'm going to set the record today
24 and take you to another new document here. It is document
25 number 725543.

1 **THE COMMISSIONER:** And what record is that?

2 The largest number?

3 **MR. LEE:** The largest number of new
4 exhibits.

5 **THE COMMISSIONER:** Oh.

6 **MR. LEE:** Being that I'm the third person to
7 cross, I hadn't expected to take in quite this many.

8 **THE REGISTRAR:** Seven, two, five, five,
9 four, three (725543)?

10 **MR. LEE:** Yes.

11 **THE REGISTRAR:** That will be 1098B.

12 **MR. LEE:** Ten, ninety-eight B (1098-B)?

13 **THE COMMISSIONER:** Sorry?

14 **MR. LEE:** Exhibit 1098-B.

15 **THE COMMISSIONER:** I don't know if the
16 witness has that one, Madam Clerk.

17 **MR. ROY:** I stop at 974.

18 **THE COMMISSIONER:** Say it again, Mr. Lee,
19 1098?

20 **MR. LEE:** One, zero, nine, eight, B (1098B)

21 **THE COMMISSIONER:** Yes, okay.

22 So, Mr. Roy, we are looking at an interview
23 report of Emile Robert.

24 **MR. ROY:** Okay.

25 **THE COMMISSIONER:** Done by Detective

1 Constable Genier and McDonnell in February of 1994. Just
2 to help you situate yourself.

3 Mr. Lee?

4 **MR. LEE:** Can you turn to the last page of
5 that document please? You will see about a third of the
6 way down, there is a sentence beginning:

7 "On December 14th..."

8 **MR. ROY:** Okay, yes.

9 **MR. LEE:** "On December 14th, 1993, Silmsers
10 contacted my boss, Bill Roy, to lodge a
11 complaint on Ken. The first thing
12 Silmsers said is that he knew why Ken
13 killed himself. Silmsers was very
14 upset. He said he was sexually
15 assaulted by Ken a long time ago. Bill
16 asked him to be specific, and he
17 didn't. Bill told Silmsers to go to any
18 office and be specific and lodge a
19 complaint. He never did."

20 So again, this is an interview being given
21 by Mr. Robert.

22 **MR. ROY:** Yeah.

23 **MR. LEE:** I would like to break this down.
24 Do you recall David Silmsers telling you that he knew why
25 Ken had killed himself?

1 **MR. ROY:** Well, it got reported on an
2 earlier form that he said that he knew who killed him.

3 **MR. LEE:** Who killed him, yes.

4 **MR. ROY:** But I don't remember it being that
5 way. I mean he never mentioned to me, on the phone, he
6 didn't -- Dave Silmser didn't say, "Why I'm calling is
7 'cause I want to tell you I know who killed him."

8 It never came up that way. So I don't know
9 why I reported it that way or it got that way, but he did
10 talk about -- he did preface his talk by saying, "You know,
11 you must be wondering why he killed himself" or something
12 to that effect and -- because he was pretty boisterous and
13 he was kind of arrogant and he -- so he said some things
14 like that and I said, "Yeah, well, of course, we're
15 interested."

16 But this is maybe, I don't know, he never
17 did say why, except that he -- I thought he was linking his
18 pressure, you know, the story he told me about wanting
19 money and that that somehow was linked to it, but he never
20 did say that, and I never pursued it that way.

21 **MR. LEE:** What about:

22 "Bill told Silmser to..."

23 -- or sorry:

24 "Bill asked him to be specific, and he
25 didn't."

1 Do you recall asking Mr. Silmsers for
2 specific details?

3 **MR. ROY:** Well, that's what I just said. I
4 tried to get him to -- you know, I tried to say, "Well,
5 what are you calling about? Who is it that you're thinking
6 of" or whatever, and he didn't answer. He didn't get to
7 that at all.

8 **MR. LEE:** You knew it was an allegation of
9 sexual abuse?

10 **MR. ROY:** Oh, yes. No, he phoned to say he
11 had been abused, yes.

12 **MR. LEE:** By Ken Seguin?

13 **MR. ROY:** By his -- yes, probationer.

14 **MR. LEE:** While a probationer.

15 **MR. ROY:** The probation officer while a
16 probationer and that that probation officer had killed
17 himself.

18 **MR. LEE:** Do you recall what other details
19 he may have been seeking from Mr. Silmsers that he refused
20 to provide?

21 **MR. ROY:** No, it's been pointed out, I
22 didn't get his home address, but I don't remember asking
23 that. I did want his name and phone number, so I could
24 follow up on it because I didn't know anything about him or
25 whatever, but anyway I did get that. No, I don't remember

1 any other ---

2 MR. LEE: What about:

3 "Bill told Silmser to go to any office
4 and be specific and lodge a complaint."

5 MR. ROY: I have no idea what that means.

6 MR. LEE: That doesn't ring a bell to you?

7 MR. ROY: I had the call. I was seized with
8 it, so I didn't -- no, I just ---

9 MR. LEE: Do you remember discussing the
10 details of your telephone calls with Silmser with Emile
11 Robert?

12 MR. ROY: Long after. I certainly --
13 there's a confidentiality aspect initially, and I had to
14 talk about the fact that there was a complaint from that
15 office. I mean, you can't not talk about it, but I
16 couldn't get into the details, and I didn't know his status
17 at that time, but I told Emile that there was a complaint,
18 in general terms, and that he should stay ready. You know
19 I would tell him when we had more to go on that we would
20 include him sort of thing.

21 MR. LEE: Did you, at some point, include
22 him?

23 MR. ROY: At some -- yeah, at some point,
24 yeah.

25 MR. LEE: You briefed him?

1 **MR. ROY:** All the managers would have
2 included in on how the -- what came down and -- but then
3 you know other -- all kinds of other things were going on,
4 but anyway, so ---

5 **MR. LEE:** During your ---

6 **MR. ROY:** Yes, he was told.

7 **MR. LEE:** Sorry, go ahead.

8 **MR. ROY:** He was told. I did tell Emile it
9 was Silmsner ---

10 **MR. LEE:** You don't know exactly when that
11 would have happened.

12 That's a "no"?

13 **MR. ROY:** No, I didn't know.

14 **MR. LEE:** During your examination in-chief,
15 you were brought to your statement to the OPP, and that's
16 the statement that had the long list of people that you had
17 contacted within the Ministry.

18 **MR. ROY:** Yeah.

19 **MR. LEE:** Do you recall that? One of those
20 people was a man named Clair McMaster. Do you recall that?

21 **MR. ROY:** He was -- yeah.

22 **MR. LEE:** Are you aware that Mr. McMaster
23 conducted an investigation into the Nelson Barque affair in
24 1982?

25 **MR. ROY:** I don't think I was, no. But I

1 did talk to Clair McMaster, yes.

2 MR. LEE: The evidence we have here is that
3 Mr. Sirrs was the area manager ---

4 MR. ROY: That's right.

5 MR. LEE: --- he was asked about the
6 preliminary investigation. It was then referred to the
7 Investigation Branch in the Ministry. Clair McMaster ---

8 MR. ROY: Yeah.

9 MR. LEE: --- was the investigator who came
10 in and did some investigation on that. You weren't aware
11 of that?

12 MR. ROY: I don't, no. I don't remember
13 that it was Claire McMaster, but I know, like I said I
14 recognized the name and I phoned him, yeah.

15 MR. LEE: When you were speaking with Mr.
16 McMaster, did you discuss his role in the Nelson Barque
17 investigation?

18 MR. ROY: I don't think so. We must have
19 got -- I'm really trying to reach back -- we must have got
20 the investigation out, I mean, the result of it was Barque
21 left. I don't have any details about the investigation
22 that McMaster did though, so I just, I don't think I ever
23 saw it, no.

24 MR. LEE: Well, would you have pulled the
25 results of the Barque investigation on December 15th or 16th,

1 right after receiving the Silmsers call?

2 I guess my question is, why do you call
3 Claire McMaster on either the 15th or the 16th after speaking
4 to David Silmsers?

5 **MR. ROY:** No, that was -- because he was the
6 one who answered the phone. I was calling the
7 investigation unit.

8 **MR. LEE:** You weren't tracking him down as a
9 result of his ---

10 **MR. ROY:** No, no I was just following the
11 Ministry policy to call the various offices and people that
12 I was required to phone to let them know there was an
13 incident to report.

14 And when I phoned the -- you know -- the
15 investigation office, not the IIU office, that was later
16 on, but the other office that's who answered the phone,
17 that's who was there. So, no, I wasn't looking for Claire
18 McMaster at that time, no.

19 **MR. LEE:** And I'm not sure I have an answer
20 to my question as to whether or not you discussed the
21 Barque situation with Mr. McMaster on that phone call?

22 **MR. ROY:** I don't think it did, I just
23 reported the Silmsers phone call and that it was being
24 looked after according to the policy. But there were five
25 or six investigators available, I think it being late in

1 the day I don't know, maybe he's the only one there, I
2 don't know what happened.

3 MR. LEE: Are you aware that Peter Sirrs has
4 testified at this Inquiry?

5 MR. ROY: Yes, yeah I knew, well, from the
6 list, you know.

7 MR. LEE: And part of what he told us when
8 he was here was that by the time he learned anything about
9 anything that was going on with Nelson Barque, at least one
10 officer from the RCMP and more than one officer from the
11 Cornwall Police Service had already heard rumours about
12 what was going on. Are you aware of that?

13 MR. ROY: No.

14 MR. LEE: He expressed, I think it's fair
15 for me to say, disappointment and concern that he was not
16 told by the police what was going on at that time.

17 MR. ROY: Well, no, I didn't know that.
18 Yeah.

19 MR. LEE: And were you similarly
20 disappointed and concerned about what the police seemed to
21 know about the Seguin situation when you telephoned them?

22 MR. ROY: I don't have a full explanation of
23 why I reacted the way that I did, but I really was
24 surprised and initially I called it shock when I heard that
25 they already knew that both the city police and the OPP

1 knew about these allegations and I really didn't know what
2 to do next. Although I had already reported it to most of
3 the Ministry people that needed to know and I was following
4 the trail, but yeah, I don't know, I guess I was
5 disappointed, but I was just completely taken aback by the
6 fact that it's out there and yet here's this fellow calling
7 sometime later to sort of report again what he's already
8 reported. It didn't make any sense but I did report.

9 **MR. LEE:** You can appreciate one of the
10 problems that this raises from my client's perspective of
11 looking at this where we have -- we have Peter Sirrs in
12 1982 finding out that there's a problem with his employee.
13 He goes to the police and he finds out they had heard
14 rumours, they had -- we know they -- one of the police
15 forces had received an informal complaint. It had gone
16 that far.

17 **MR. ROY:** Yeah.

18 **MR. LEE:** And then we fast forward 11 years
19 and we have a manager at the Cornwall Probation Office
20 learning of allegations against a probation officer and
21 again we have the police having some knowledge of it.

22 **MR. ROY:** Yeah.

23 **MR. LEE:** Can you help me out with whether
24 anything was done between 1982 and 1993 to try to make sure
25 that that situation didn't happen?

1 **MR. ROY:** Better communication, you mean,
2 between -- I don't know ---

3 **MR. LEE:** Was there a policy? Were there
4 efforts made as far as you know to deal with the police and
5 have better communication?

6 **MR. ROY:** I don't know of any policy, no.

7 **MR. LEE:** That might have been helpful I
8 take it to you in 1993?

9 **MR. ROY:** There was -- would have been
10 helpful for sure, but I mean it was an effort on the
11 Ministry part by putting the IIU in. It looks to me like
12 we were trying to deal more with the issues more
13 effectively within the Ministry and, you know, sort of
14 almost guarantee a link even though at arms length, they
15 were still police officials inside the Ministry and in a
16 location within the Ministry.

17 **MR. LEE:** As I understand it ---

18 **MR. ROY:** I don't know if that's to answer
19 the same problem or not but, you know ---

20 **MR. LEE:** As I understand it, when you
21 received word of the allegations of David Silmser, that's
22 the first you've ever heard of any of this?

23 **MR. ROY:** Yeah.

24 **MR. LEE:** You pick up the phone and you
25 start making calls?

1 MR. ROY: Yeah.

2 MR. LEE: You call the IIU?

3 MR. ROY: First.

4 MR. LEE: You called the police?

5 MR. ROY: Yes. Yeah.

6 MR. LEE: And that's exactly what you would
7 have done had you learned about the David Silmsler complaint
8 three weeks earlier, or three months earlier, isn't that
9 right?

10 MR. ROY: Oh yeah. M'hm.

11 MR. LEE: Today during your examination in-
12 chief you suggested that you had read -- I think you used
13 the word "notes" from Ms. Bradburn -- that Mr. Silmsler's
14 allegations were unsubstantiated. Do you recall that?

15 MR. ROY: Yes.

16 MR. LEE: Can I -- can you take a look at
17 Exhibit 1107, please?

18 THE COMMISSIONER: That would be ---

19 MR. ROY: Do I have that?

20 THE COMMISSIONER: Yeah, oh, you do. I
21 don't know if it's in a binder yet though.

22 MR. ROY: Okay.

23 MR. LEE: No, I think it was marked today,
24 so ---

25 MR. ROY: Okay, I have it.

1 **MR. LEE:** It's a December 22nd, 1993 memo,
2 Mr. Commissioner. Do you have that, sir?

3 **THE COMMISSIONER:** Oh, yeah.

4 **MR. LEE:** So this is the memo from Lenna
5 Bradburn to Loretta Eley re. David Silmser. Do you have
6 that, Mr. Roy?

7 **MR. ROY:** Yes, I do.

8 **MR. LEE:** If you look at the third
9 paragraph, she writes:

10 "I've spoken to Staff Sergeant Luc
11 Brue(sic), Cornwall City Police and
12 Constable Randy Millar, Lancaster OPP,
13 who were both unable to provide any
14 information which would substantiate
15 Mr. Silmser's allegations against the
16 deceased probation officer."

17 You see that?

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

19 **MR. LEE:** Is that what you were referring to
20 earlier today in your testimony?

21 **MR. ROY:** It wasn't because I hadn't seen
22 this until today, but I was talking about -- I don't know,
23 it's in the package what little I -- what I had initially
24 before this.

25 **MR. LEE:** Something you had to review in

1 preparation for your testimony?

2 MR. ROY: Yeah, but it was a report from one
3 of Bradburn.

4 MR. LEE: Did ---

5 MR. ROY: No, it's the Chief, I think.

6 MR. LEE: Did you have any information back
7 in 1993 that the police had been unable to substantiate Mr.
8 Silmsers' allegations? You personally?

9 MR. ROY: No. No.

10 MR. LEE: Did the police ever tell you that?

11 MR. ROY: No, I was telling you -- no, they
12 never told me that. Cornwall police said that they had
13 started and stopped and OPP seemed to know about it or
14 about David Silmsers and that was where it ended. I mean, I
15 didn't get any more detail than that.

16 MR. LEE: You can't help us with where Ms.
17 Bradburn got this information from? We'll need to ask her
18 that. Is that right?

19 MR. ROY: No. I don't know.

20 MR. LEE: You have no idea ---

21 MR. ROY: You mean, is this from me?

22 MR. LEE: No, no, I'm asking, did you at any
23 point in 1993 have any information that the CPS and the OPP
24 were unable to provide any information which would
25 substantiate Mr. Silmsers' allegation? You didn't get into

1 that with them, did you?

2 **MR. ROY:** No. No, I didn't.

3 **MR. LEE:** Thank you. Those are my
4 questions.

5 **THE COMMISSIONER:** Thank you, Mr. Lee.
6 Mr. Chisholm?

7 **MR. CHISHOLM:** Good afternoon, sir.

8 Mr. Roy, my name is Peter Chisholm, counsel
9 for the local CAS. I have no questions for you. Thank
10 you.

11 **THE COMMISSIONER:** Okay.

12 Mr. Scharbach?

13 **MR. SCHARBACH:** Good afternoon, Mr.
14 Commissioner.

15 Good afternoon, Mr. Roy. My name is Stephen
16 Scharbach. I am counsel to the Ministry of the Attorney
17 General. We have no questions for you. Thank you.

18 **THE COMMISSIONER:** Ms. Lalji.

19 **MS. LALJI:** I have no questions, Mr.
20 Commissioner.

21 **THE COMMISSIONER:** Thank you.

22 OPP? Mr. Kozloff?

23 How long do you think you'll be,

24 Mr. Kozloff? Okay.

25 **MR. KOZLOFF:** Good afternoon, Mr. Roy.

1 **MR. ROY:** Good Afternoon.

2 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

3 **KOZLOFF:**

4 **MR. KOZLOFF:** My name is Neil Kozloff and
5 I'm counsel for the Ontario Provincial Police. I just want
6 to clarify some things.

7 As I understand your evidence, either the
8 15th or the 16th of December you get put onto Mr. Silmser who
9 has called your office in Kingston?

10 **MR. ROY:** That's right.

11 **MR. KOZLOFF:** And he had earlier spoken to a
12 secretary and then subsequently the youth worker in your
13 office and they were upset?

14 **THE COMMISSIONER:** You have to answer.

15 **MR. ROY:** Yes. Okay.

16 **MR. KOZLOFF:** And you began to speak to Mr.
17 Silmser and would it be fair to say that what he said to
18 you and how he said it was upsetting to you?

19 **MR. ROY:** It was, yeah.

20 **MR. KOZLOFF:** All right. I take it that you
21 tried to make some notes of what he was telling you?

22 **MR. ROY:** Yes.

23 **MR. KOZLOFF:** Because it became apparent
24 pretty quickly that what he was saying was pretty serious;
25 right?

1 MR. ROY: Yes it was serious.

2 MR. KOZLOFF: But what he made clear
3 initially were a couple of things. First of all, that he
4 had already reported the matter of his sexual abuse by Mr.
5 Seguin to the police.

6 MR. ROY: That's right.

7 MR. KOZLOFF: And, subsequently, you found
8 out that the police force to whom he had made that report
9 was the Cornwall police?

10 MR. ROY: Yes.

11 MR. KOZLOFF: If he did not make that clear
12 in that phone call, at some time subsequent to that you
13 confirmed that it was with Cornwall; correct?

14 MR. ROY: Yes, that's right.

15 MR. KOZLOFF: All right. And he also told
16 you that he was in the process of -- to use a euphemism --
17 negotiating a settlement with Mr. Seguin?

18 MR. ROY: That's right, yeah.

19 MR. KOZLOFF: And punctuated that by saying,
20 "But the son of a bitch killed himself"?

21 MR. ROY: That's what I remember.

22 MR. KOZLOFF: All right. And that would
23 have been extremely upsetting to you?

24 MR. ROY: It was, yeah.

25 MR. KOZLOFF: All right. Because if I

1 understand your evidence, sir, you had been the director --
2 the Regional Manager only since August; right?

3 MR. ROY: And, yes, in Cornwall -- in
4 Kingston.

5 MR. KOZLOFF: Right. And so this was within
6 four months of your having assumed that position?

7 MR. ROY: That's right.

8 MR. KOZLOFF: Cornwall is one of the six
9 offices that you're supervising?

10 MR. ROY: Right.

11 MR. KOZLOFF: On the 25th of November, you
12 would have received a phone call advising you of the death
13 of one of your probation officers?

14 MR. ROY: M'hm, that's right.

15 MR. KOZLOFF: Right?

16 MR. ROY: Yes.

17 MR. KOZLOFF: It was a probability I think
18 in your mind, would it be fair to say, that that death was
19 a suicide?

20 MR. ROY: Yes.

21 MR. KOZLOFF: Mr. Robert had advised you on
22 the 25th of what he had observed at Mr. Seguin's home?

23 MR. ROY: That's right.

24 MR. KOZLOFF: And that in itself would have
25 been pretty upsetting to you. It's a pretty gory scene

1 that was described to you; correct?

2 MR. ROY: It's -- graphically, yes.

3 MR. KOZLOFF: All right. And you hadn't any
4 reason to suspect other than that it was a suicide up to
5 the time that you get this phone call?

6 MR. ROY: Right.

7 MR. KOZLOFF: Right. And what Mr. Silmsen
8 said to you was pretty clear that it was a suicide?

9 MR. ROY: Right.

10 MR. KOZLOFF: So there's no suggestion that
11 Mr. Silmsen would have said at the same time, "I know who
12 killed him"?

13 MR. ROY: Yeah, m'hm. That's right.

14 MR. KOZLOFF: That makes no sense, does it?

15 MR. ROY: No.

16 MR. KOZLOFF: No. He may have said to you,
17 "I know why he killed himself".

18 MR. ROY: M'hm.

19 MR. KOZLOFF: Right?

20 MR. ROY: Yes, that's ---

21 MR. KOZLOFF: Or you might have inferred
22 that from what he was saying to you about his efforts to
23 negotiate a settlement; right?

24 MR. ROY: Right.

25 MR. KOZLOFF: And I'm going to suggest to

1 you, sir, that you were intent on following policy and
2 procedure?

3 **MR. ROY:** I was.

4 **MR. KOZLOFF:** And so it was initially
5 important for you to notify the people within your
6 Ministry; correct?

7 **MR. ROY:** Right.

8 **MR. KOZLOFF:** Right. And there's a number
9 of people recorded in the statement that you provided to
10 the OPP in March of 1994; that's Exhibit 373B at the Bates
11 page 709546?

12 **MR. ROY:** Yes.

13 **MR. KOZLOFF:** Initially -- and is this the
14 order in which you made your phone calls, sir?

15 **MR. ROY:** No, the IIU would be first.

16 **MR. KOZLOFF:** All right. Who was Tom
17 O'Connell?

18 **MR. ROY:** He was the executive assistant to
19 the Assistant Deputy Minister at the time.

20 **MR. KOZLOFF:** All right. That wasn't the
21 first call?

22 **MR. ROY:** I don't think so ---

23 **MR. KOZLOFF:** And Geoff, is he the gentleman
24 that does the briefing notes?

25 **MR. ROY:** Briefing notes, yeah. M'hm.

1 **MR. KOZLOFF:** That wasn't the second call?
2 I'm just wondering why the ---

3 **MR. ROY:** It might have been, yes.

4 **MR. KOZLOFF:** All right. Loretta Eley is
5 the executive assistant to the Deputy Minister?

6 **MR. ROY:** Yes.

7 **MR. KOZLOFF:** Then Lenna Bradburn is the IIU
8 ---

9 **MR. ROY:** She should have been -- that's at
10 the top, actually.

11 **MR. KOZLOFF:** Sorry. And there's a Mr.
12 McMaster. Did you speak to him first or Ms. Bradburn
13 first?

14 **MR. ROY:** Bradburn was the first call.

15 **MR. KOZLOFF:** All right. If you spoke to
16 Ms. Bradburn at the IIU, why were you calling Mr. McMaster?

17 **MR. ROY:** Just kind of like a -- it's rote.
18 I don't know. I just was ---

19 **MR. KOZLOFF:** All right.

20 **MR. ROY:** --- filling in all the blanks.

21 **MR. KOZLOFF:** Betty Bran?

22 **MR. ROY:** And I don't know who that is,
23 sorry.

24 **MR. KOZLOFF:** Okay.

25 **MR. ROY:** I've never heard that name before

1 I don't think.

2 This is from the officer, I guess, that I
3 was being interviewed by, right? There is another
4 somewhere and, again, in the material that I looked at
5 there's a list of people like this ---

6 MR. KOZLOFF: Yeah.

7 MR. ROY: But, you know, and it's a little
8 more inclusive and maybe the order's straighter. I never
9 thought of the order on this one.

10 MR. KOZLOFF: All right.

11 MR. ROY: Okay.

12 MR. KOZLOFF: And then there's Sergeant
13 Brunet and his telephone number at the Cornwall Police?

14 MR. ROY: Okay.

15 MR. KOZLOFF: And then there's Lancaster
16 OPP, initially a Sergeant Andrew Vanderwoude and then Randy
17 Millar and a telephone number?

18 MR. ROY: Yes.

19 MR. KOZLOFF: All right. And what you had
20 heard from Mr. Silmsler, sir, would I suggest to you be at
21 the time you heard it, an explanation for Mr. Seguin's
22 suicide. Would that be fair?

23 MR. ROY: What I thought I was hearing?

24 MR. KOZLOFF: Yes.

25 MR. ROY: It's -- yeah, it's a possible -- I

1 suppose it's a possible explanation.

2 **MR. KOZLOFF:** Well, here's a fellow telling
3 you that he had been abused by Mr. Seguin; right?

4 **MR. ROY:** M'hm.

5 **MR. KOZLOFF:** That he'd reported it to the
6 police?

7 **MR. ROY:** Yes.

8 **MR. KOZLOFF:** That he'd been jerked around?

9 **MR. ROY:** Yeah.

10 **MR. KOZLOFF:** That he had then decided to
11 deal with it on a civil basis; right?

12 **MR. ROY:** Right, yes.

13 **MR. KOZLOFF:** That he had directed the
14 police to stop their investigation; right?

15 **MR. ROY:** Right.

16 **MR. KOZLOFF:** That he had settled with the
17 priest; said he got \$30,000?

18 **MR. ROY:** Yeah.

19 **MR. KOZLOFF:** And that he was trying to
20 settle with Mr. Seguin, but the son of a bitch killed
21 himself; right?

22 **MR. ROY:** Right.

23 **MR. KOZLOFF:** All right. So this would, I
24 suggest to you, put in your head during that conversation
25 while -- we've been wondering why Mr. Seguin would kill

1 himself. You had been, hadn't you?

2 **MR. ROY:** Sure. Yeah.

3 **MR. KOZLOFF:** Yes. And so far as you were
4 aware on the 15th or 16th of December, you didn't know why
5 Mr. Seguin had killed himself?

6 **MR. ROY:** No.

7 **MR. KOZLOFF:** You didn't know that he was
8 being -- to put it in the vernacular perhaps -- "shaken
9 down" by somebody; right?

10 **MR. ROY:** No, I didn't know that.

11 **MR. KOZLOFF:** All right. So your response,
12 I suggest, to you in calling the police as opposed to the
13 IIU, was to provide the police with an explanation for why
14 Mr. Seguin might have killed himself, as opposed to
15 reporting it as a victim of a sexual assault reporting to
16 you?

17 **MR. ROY:** No, I reported the sexual assault
18 for sure but, you know, there's no question on my mind
19 that's what I was doing and that's what I did.

20 **MR. KOZLOFF:** But Mr. ---

21 **MR. ROY:** I'm not a cop, you know.

22 **MR. KOZLOFF:** Mr. Roy, if I may, Mr. Silmser
23 has made it very clear to you he's already reported it to
24 the police.

25 **MR. ROY:** To the police, and I didn't know

1 who he meant ---

2 **MR. KOZLOFF:** Right.

3 **MR. ROY:** --- and which police, you know ---

4 **MR. KOZLOFF:** So you called the Cornwall
5 Police?

6 **MR. ROY:** All right.

7 **MR. KOZLOFF:** And Staff Sergeant Brunet is
8 the one you speak to?

9 **MR. ROY:** Right.

10 **MR. KOZLOFF:** Correct?

11 **MR. ROY:** Right, yeah.

12 **MR. KOZLOFF:** And he's the head of the
13 Criminal Investigation Bureau at the Cornwall Police, and
14 he gives you some information to explain what Mr. Silmsen
15 had been talking to you about; right?

16 **MR. ROY:** M'hm. Yes.

17 **MR. KOZLOFF:** He tells you that they had
18 been investigating it for some period of time?

19 **MR. ROY:** M'hm.

20 **MR. KOZLOFF:** Yes?

21 **MR. ROY:** Yes, m'hm.

22 **MR. KOZLOFF:** And that he had directed them
23 to stop their investigation?

24 **MR. ROY:** Right.

25 **MR. KOZLOFF:** And, in fact, he told you that

1 he didn't like that but their policy wasn't to force
2 victims to testify?

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

4 **MR. KOZLOFF:** Right? All right.

5 And then, sir, I suggest you're still
6 concerned about what Mr. Silmsler has told you and it's at
7 that point that you find out it's not the Cornwall Police
8 that are investigating the suicide, it's the Ontario
9 Provincial Police and that would explain why you called the
10 OPP?

11 **MR. ROY:** It's interesting, but it's not why
12 I called the OPP.

13 **MR. KOZLOFF:** Well ---

14 **MR. ROY:** I called them because I was
15 supposed to. Believe it or not. Like, I did everything
16 that I -- everyone that I called, I called because I was
17 supposed to, so.

18 **MR. KOZLOFF:** In any event, whatever the
19 reason why, the OPP told you, "We're already aware of Mr.
20 Silmsler, sir, because we're investigating the suicide and
21 we've spoken to Mr. Silmsler and we know all about his
22 efforts to get money from Mr. Seguin."

23 **MR. ROY:** Okay, it wasn't -- it wasn't quite
24 that clear, but I suppose I can put that together, yeah.

25 **MR. KOZLOFF:** Is that the gist of what

1 Constable Millar ---

2 MR. ROY: Well, he said he knew all about
3 him and, "He's no stranger to us and we're working with
4 him," and that kind of thing, but -- yeah.

5 MR. KOZLOFF: But did you understand that
6 the OPP was investigating Mr. Seguin's suicide at that
7 point?

8 MR. ROY: I don't think I did.
9 No, that was right away, though, you know.
10 That was -- oh, I see what you mean.

11 No, no I didn't understand that they were
12 the one investigating, no.

13 MR. KOZLOFF: If you look at the paragraph
14 below those names, sir, at Bates page 7098546.

15 MR. ROY: Yep.

16 MR. KOZLOFF: It says:
17 "After calling police on December 16, I
18 learned that police were already aware
19 of Silmsen or somebody possibly behind
20 the suicide of Mr. Seguin."

21 Right?

22 MR. ROY: Yeah, that's what it ---

23 MR. KOZLOFF: And that's something you would
24 have learned from Constable Millar?

25 MR. ROY: Well, yeah, there's two. I mean,

1 you know, you're right, it's one of those two people I
2 talked to, yeah.

3 **MR. KOZLOFF:** And also as someone who had,
4 during December, 1992 -- that was a year before ---

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

6 **MR. KOZLOFF:** --- complained to Cornwall
7 City police about the arrest and Seguin, right?

8 I think "arrest" should be "priest"; is that
9 fair?

10 **MR. ROY:** Okay.

11 **MR. KOZLOFF:** That's a mistake; it should be
12 "priest and Seguin"?

13 **MR. ROY:** Okay, let -- where ---

14 **MR. KOZLOFF:** Did you know there was an
15 allegation against a priest, when you gave your statement
16 in March of '94?

17 Did you know Silmser had made two
18 allegations: One against a priest and one against Mr.
19 Seguin?

20 **MR. ROY:** He -- well, like I said, he
21 mentioned a number -- in the phone call, \$30,000, which ---

22 **MR. KOZLOFF:** Right.

23 **MR. ROY:** --- I could have attributed it to
24 a priest, a comment he made, but I -- it was just a rushed
25 part of the first part of the conversation, so -- but he

1 did use the number "30,000" and -- but ---

2 MR. KOZLOFF: Did the newspapers in Kingston

3 ---

4 MR. ROY: No, it's in the -- sorry, the
5 Cornwall police mentioned ---

6 MR. KOZLOFF: Right.

7 MR. ROY: --- that there was -- there had
8 been a case against a priest ---

9 MR. KOZLOFF: Involving ---

10 MR. ROY: --- and that ---

11 MR. KOZLOFF: Involving Mr. Silmser?

12 MR. ROY: Right.

13 And that brought up Seguin's name somehow in
14 that investigation and then they started to do that
15 investigation; he asked them to stop. I think that's where
16 it came from, from the Cornwall police.

17 MR. KOZLOFF: "He later told police to stop
18 their investigation. He would not
19 support charges against the priest and
20 wanted no investigation into Mr.
21 Seguin. Sergeant Brunet of the
22 Cornwall police stated they were upset
23 at Silmser's change of heart."

24 That's all coming from Staff Sergeant
25 Brunet?

1 **MR. ROY:** Well, yes, it must be, yeah.
2 Okay, there's -- so it's clearer there,
3 yeah, there was a -- there was a priest, they were
4 investigating that and in that -- course of that
5 investigation, Seguin's name came up, yeah.

6 **MR. KOZLOFF:** If you look at the fourth last
7 line on that page, it says:

8 "A call to ? on December 24 and
9 December 29 was unsuccessful."

10 Do you see that?

11 **MR. ROY:** Yeah. M'hm.

12 **MR. KOZLOFF:** Is it possible that you tried
13 to call Mr. Silmsler on the 24th and the 29th of December?

14 **MR. ROY:** It's possible.

15 **MR. KOZLOFF:** Do you recall being ---

16 **MR. ROY:** On the ---

17 **MR. KOZLOFF:** Do you recall being shown
18 today the reference in Lenna Bradburn's notes to you being
19 asked after the 20th of December to attempt to reach him?

20 **MR. ROY:** Okay. And so here it says that I
21 did, but I didn't get through to him.

22 I know on the last time I talked to him ---

23 **MR. KOZLOFF:** Well, in fairness to you,
24 there's a question mark.

25 **MR. ROY:** Yeah.

1 **MR. KOZLOFF:** It doesn't include the name
2 "Silmser"; is it possible that's Mr. Silmser?

3 **MR. ROY:** It's possible, sure. I ---

4 **MR. KOZLOFF:** Can you flip over to the last
5 page of that ---

6 **MR. ROY:** Yeah, I noticed that earlier, too.
7 I don't know what that's from.

8 **MR. KOZLOFF:** Can you help us with that?

9 **MR. ROY:** No. I have no idea.

10 I mentioned it to Peter there.

11 **THE COMMISSIONER:** So let's read it into the
12 record:

13 "Our department decided it didn't fit
14 our investigative unit so we would
15 leave it to the OPP."

16 **MR. ROY:** And this is supposedly, you know,
17 a report ---

18 **MR. KOZLOFF:** This is ---

19 **MR. ROY:** --- of my interview with an OPP --

20 -

21 **MR. KOZLOFF:** Right.

22 **MR. ROY:** --- officer, so.

23 **MR. KOZLOFF:** "In March of 1994", do you
24 know what that means?

25 **MR. ROY:** No, I don't. I have no idea what

1 that is.

2 I noticed it when I was talking with Peter.
3 I said, "I don't know what this is."

4 **MR. KOZLOFF:** I just take you back to
5 Exhibit 958 at Bates page 1001528.

6 **MR. ROY:** Okay.

7 **MR. KOZLOFF:** This is Mr. Downing's
8 administrative review, which would be an interview with you
9 conducted in the year 2000, right?

10 **MR. ROY:** Yes.

11 **MR. KOZLOFF:** And that's some seven years
12 after the event?

13 **MR. ROY:** Yes.

14 **MR. KOZLOFF:** And did you have an
15 opportunity to review Mr. Downing's ---

16 **MR. ROY:** No, I was already retired and I --
17 I never saw this again -- I never saw this until now.

18 **MR. KOZLOFF:** Let me just finish the
19 question.

20 I think you understood where I was going but
21 I just want to be clear.

22 He's preparing an interview report
23 purporting to be a summary of his interview with you and
24 purporting to include what you said, right?

25 **MR. ROY:** Yes.

1 **MR. KOZLOFF:** That's what you understand
2 this document to be?

3 **MR. ROY:** Yes.

4 **MR. KOZLOFF:** All right.

5 And he says, at page 1001528, the third full
6 -- sorry, second full bullet:

7 "Bill said that Kristen Hendrickson and
8 Cathy Johnston attended his office on
9 December 15, 1993, and said that an
10 individual was on the telephone and was
11 talking about PPO Ken Seguin."

12 That's correct, right?

13 **MR. ROY:** Yes.

14 **MR. KOZLOFF:** All right.

15 "Bill said he spoke with an individual
16 who identified himself as David
17 Silmser."

18 That's correct, right?

19 **MR. ROY:** M'hm.

20 **MR. KOZLOFF:** "Bill said" -- I'm sorry,
21 "According to Bill, Silmser complained
22 that he was to get a large sum of
23 money, \$100,000 from probation officer
24 Seguin but that because he, Seguin,
25 committed suicide, he would not get the

1 money."

2 Right?

3 **MR. ROY:** Right.

4 **MR. KOZLOFF:** That's correct?

5 **MR. ROY:** Yes.

6 **MR. KOZLOFF:** "Bill said that Silmser
7 claimed he had met with PPO Seguin a
8 number of times and that PPO Seguin had
9 agreed to pay him money for the sexual
10 abuse that he had caused him, Silmser."

11 Is that what he told you?

12 **MR. ROY:** Yeah, I guess so.

13 **MR. KOZLOFF:** All right.

14 "Bill said that Silmser claimed that he
15 knew who killed PPO Seguin."

16 That's wrong, right?

17 **MR. ROY:** Yeah, it's back to the first
18 opening comment in his phone call, I guess, that I still
19 can't attribute to -- it never came up again and he never
20 mentioned that, so ---

21 **MR. KOZLOFF:** All right.

22 **MR. ROY:** --- it can't be right.

23 **MR. KOZLOFF:** The reference at the third
24 last paragraph that begins "Bill said that he also
25 telephoned the Lancaster OPP detachment"?

1 MR. ROY: Yeah. M'hm.

2 MR. KOZLOFF: All right.

3 In that paragraph, it says:

4 "According to Bill, the sergeant said
5 something like 'Silmser was not
6 reliable and had been working with them
7 for some time.'"

8 MR. ROY: That's what I remember, yeah.

9 MR. KOZLOFF: All right.

10 I'm going to suggest to you, sir, if you
11 heard that from anybody, it was from Staff Sergeant Brunet
12 and not from Constable Millar.

13 MR. ROY: Yeah, it could -- well, the -- you
14 know, we already have said that there's no "Sergeant B" in
15 ---

16 MR. KOZLOFF: Right.

17 MR. ROY: --- in the OPP, so I'm using
18 "Sergeant B" there, but ---

19 MR. KOZLOFF: It was Constable Millar that
20 you had your conversation with ---

21 MR. ROY: Yeah, was it.

22 MR. KOZLOFF: --- wasn't it? He's the one
23 whose telephone number you recorded?

24 MR. ROY: M'hm.

25 MR. KOZLOFF: He was the one who was

1 investigating the suicide? Were you aware of that?

2 **MR. ROY:** No, no.

3 **MR. KOZLOFF:** If you were, maybe it's been
4 14 years.

5 **MR. ROY:** Yeah, well I think the comment he
6 was not -- something about he's not reliable as a comment
7 like, "Oh, you know, we already know him," sort of thing
8 but -- and which, 'cause it -- it wasn't what I was
9 expecting to hear, so.

10 Anyway, but then at the end -- yeah, well it
11 says it, the comments caught me off guard, but I've got the
12 two mixed, then, because it definitely was the OPP that I
13 expressed the surprise I did, not at the Cornwall police.

14 The Cornwall police ---

15 **MR. KOZLOFF:** That's -- the surprise that
16 you're talking about, sir, you expressed in 2000, not in
17 1993; that's my point. I'm suggesting you may be confused,
18 seven years later, about which officer told you what.

19 **MR. ROY:** Well, I know that the Cornwall
20 presentation, in answer to my question when I called the
21 report ---

22 **MR. KOZLOFF:** Right.

23 **MR. ROY:** --- was the one that's recorded;
24 there's no question that's the way they said they had
25 started, they stopped and all that.

1 When I talked to OPP was an entirely
2 different type of conversation; didn't have anywhere near
3 that operational sort of element to it. It was more, you
4 know, "We know who this is." It's that kind of thing
5 rather than "We recognize the name, we know what", you know
6 that ---

7 **MR. KOZLOFF:** Because you were telling
8 Constable Millar something you had just learned ---

9 **MR. ROY:** Right.

10 **MR. KOZLOFF:** --- which was to be -- which
11 was that -- Silmsler was telling you that he had been
12 negotiating with Mr. Seguin and that he'd killed himself.

13 **MR. ROY:** Yes.

14 **MR. KOZLOFF:** And so when you told that to
15 Millar, Millar said "We already know that" because he was
16 investigating the suicide.

17 **MR. ROY:** That is what he said.

18 **MR. KOZLOFF:** Right. All right.

19 Thank you.

20 **THE COMMISSIONER:** Mr. Wallace?

21 **MR. WALLACE:** Good afternoon sir.

22 My name is Mark Wallace. I am counsel for
23 the Ontario Provincial Police Association. I have no
24 questions for you. Thank you.

25 **THE COMMISSIONER:** How long will you be Mr.

1 Neuberger?

2 MR. NEUBERGER: One question.

3 THE COMMISSIONER: One question. All right.

4 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
5 NEUBERGER:

6 MR. NEUBERGER: Good afternoon Mr. Roy.

7 THE COMMISSIONER: Was that a question?

8 (LAUGHTER/RIRES)

9 MR. NEUBERGER: Just a comment sir.

10 THE COMMISSIONER: Oh, okay.

11 MR. NEUBERGER: Regarding the discussion you
12 had with Ms. Bradburn on/or about the 17th or the 20th,
13 somewhere around there, or the 22nd about contacting David
14 Silmsler to request that he put his complaint in writing and
15 forward to the Deputy Minister's office.

16 After that conversation, did you have any
17 further discussions with Ms. Bradburn about your misgivings
18 about doing that?

19 In other words, did you call her back and
20 say "This is just one more hoop, as you described, for Mr.
21 Silmsler to jump through and I don't think it's going to be
22 very effective or helpful or generate what you're looking
23 for."

24 MR. ROY: Probably not. I don't remember
25 doing that, no.

1 MR. NEUBERGER: Okay.

2 Thank you. Thank you very much.

3 THE COMMISSIONER: Will you be any length
4 Mr. Engelmann?

5 MR. ENGELMANN: Sorry?

6 THE COMMISSIONER: How long will you be?

7 MR. ENGELMANN: One issue. It will be two
8 or three questions, I believe.

9 THE COMMISSIONER: All right.

10 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

11 MR. ENGELMANN: Sir you have Exhibit 373 or
12 373B?

13 MR. ROY: Yes. Yes, I do.

14 MR. ENGELMANN: You were just taken to a
15 line by Mr. Kozloff, I just want to take you back there for
16 a moment. It's the bottom of the third page.

17 MR. ROY: M'hm. Okay.

18 MR. ENGELMANN: That's not the page.
19 Yes, this is the page, bottom paragraph.

20 MR. ROY: Okay.

21 MR. ENGELMANN: That line, it says:

22 "A call to ? on December 24th and
23 December 29th, was unsuccessful."

24 MR. ROY: M'hm.

25 MR. ENGELMANN: Do you have any idea what's

1 being talked about there?

2 MR. ROY: It just stands there by itself; I
3 don't know why that's there or ---

4 MR. ENGELMANN: Well, you were pretty clear
5 when you talked to us that you had, I believe, three or
6 four conversations with Mr. Silmsler between December 15th
7 and December 17th.

8 MR. ROY: Yes.

9 MR. ENGELMANN: And on that last call, I
10 believe you indicated to us that he didn't really want to
11 hear your voice.

12 MR. ROY: He didn't want to hear from me
13 again, no.

14 MR. ENGELMANN: Yeah. He was expecting an
15 investigator, not to hear from you.

16 MR. ROY: That was when I told him what
17 happened, I didn't -- I did that.

18 MR. ENGELMANN: So do you have any
19 recollections of trying to call him after that day?

20 MR. ROY: I don't. But there was -- you
21 know, there was a sort of link there. I mean like I said
22 this is the only call of its kind; it was a very emotional
23 thing; it was -- it's possible that I tried but I mean and
24 I don't know why, if I did, why it didn't go through
25 because I had talked to him at his number before. So, no,

1 I don't know.

2 It might be to reinforce this idea of
3 putting it in writing or something but I can't -- no, I
4 can't remember.

5 **MR. ENGELMANN:** But didn't you mention that
6 to him on the 17th?

7 **MR. ROY:** Yes, yeah. But nothing had come
8 as far as I knew.

9 **MR. ENGELMANN:** All right.

10 So do you have any idea who else that might
11 be or whether that's even you that's making the call?

12 **MR. ROY:** No, I don't.

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

14 **MR. ROY:** Twenty-fourth (24th) -- anyway.

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

16 Thank you very much. sir.

17 **THE COMMISSIONER:** Thank you for coming sir.

18 You're free to go.

19 And we're going to take the afternoon break.

20 Okay.

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

23 This hearing will resume at 3:40 p.m.

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

25 --- L'audience est suspendue à 15h24

1 --- Upon resuming at 3:45 p.m./

2 --- L'audience est reprise à 15h45

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

5 This hearing is now resumed.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you, Maître Ruel.

8 Yes, can the witness come forward, please.

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

10 **THE COMMISSIONER:** Good afternoon.

11 And who do we have here?

12 **MR. RUEL:** We have Ms. Lenna Bradburn.

13 **THE COMMISSIONER:** Thank you.

14 Would you like to be sworn in or affirmed?

15 **MS. BRADBURN:** Affirmed please.

16 **THE COMMISSIONER:** Thank you.

17 **LENNA BRADBURN, Affirmed/Sous affirmation solennelle**

18 **THE COMMISSIONER:** Thank you.

19 Ms. Bradburn, there is water there for you.

20 **MS. BRADBURN:** Thank you.

21 **THE COMMISSIONER:** There is a speaker if you
22 want -- if you have problems with the volume.

23 **MS. BRADBURN:** Okay.

24 **THE COMMISSIONER:** I'd like you to answer by
25 vocalizing your answers, no "m'hms" and speak directly into

1 the microphone. If there is something you don't understand
2 about the questions, let me know. At any time you need a
3 break, let me know as well.

4 **MS. BRADBURN:** I will.

5 Thank you.

6 **THE COMMISSIONER:** All right.

7 Thank you.

8 Go ahead.

9 --- EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.
10 RUEL:

11 **MR. RUEL:** Ms. Bradburn, good afternoon.

12 **MS. BRADBURN:** Good afternoon.

13 **MR. RUEL:** We are going to discuss with you
14 your involvement with the Independent Investigation Unit
15 and I gather you were the manager of that unit between
16 September 1993 and December 1994?

17 **MS. BRADBURN:** That's correct.

18 **MR. RUEL:** And you had involvement in a
19 complaint made by Mr. David Silmser through Mr. Bill Roy in
20 December of 1993?

21 **MS. BRADBURN:** That's correct.

22 **MR. RUEL:** So we're going to talk about
23 those points. But before that, Madam Clerk, I would want
24 to put to the witness her C.V.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit number 1111 is the C.V. of Lenna
2 Bradburn.

3 **---EXHIBIT NO./PIÈCE NO P-1111:**

4 C.V. of Lenna Bradburn

5 **MR. RUEL:** So, Ms. Bradburn, I'd like you to
6 go through your professional background, starting with your
7 education and the various positions you've occupied within
8 the Ministry of Community, Safety and Correctional Services
9 previously called the Ministry of the Solicitor General and
10 Correctional Services, and other employments or significant
11 positions you've held through the years.

12 **MS. BRADBURN:** Certainly.

13 I hold an undergraduate degree from the
14 University of Toronto in Criminology and Sociology and a
15 Masters degree in Public Administration from Queen's
16 University.

17 I've also attended a variety of other
18 courses, including program on negotiations from Harvard Law
19 School, the executive leader forum at the Niagara Institute
20 and other leadership and management programs.

21 **MR. RUEL:** So that's at the last page of
22 your C.V.?

23 **MS. BRADBURN:** That's correct.

24 **MR. RUEL:** Okay.

25 **MS. BRADBURN:** As far as employment goes, my

1 first employment after my Undergraduate degree was as a
2 Police Constable with the then Metropolitan Toronto Police
3 Service. During my 10 years with the police service, I was
4 a front line police officer for six years.

5 I then served for three years on the board
6 of the Toronto Police Association, an elected position as a
7 corporate secretary, followed by one year in the police
8 service in the Corporate Planning Unit.

9 I then left the Toronto Police Service to
10 join the then Ministry of Solicitor General and then
11 Correctional Services. My first position there was as a
12 police services' advisor, followed by my 10-year with the
13 Independent Investigations Unit, for approximately 14
14 months.

15 **MR. RUEL:** Just before you give some more
16 details about the Independent Investigations Unit, can you
17 explain a bit what were your functions within the policing
18 services division of the Ministry of Solicitor General and
19 Correctional Services?

20 **MS. BRADBURN:** Yes, I was hired as a police
21 services' advisor. We had primarily two functions. One
22 was to conduct audits or inspections of police services for
23 the Minister under the *Police Services Act*.

24 And the other function was to act as a
25 consultant, if you will, to police services boards, police

1 associations and police chiefs dealing with the
2 administration and operational issues of policing.

3 **MR. RUEL:** Did you ever provide advice
4 through your duties within the policing services division
5 to the Cornwall Police Service?

6 **MS. BRADBURN:** I don't have any specific
7 recollection. It is possible. I did present strategic
8 planning workshops and there may have been members of that
9 service present but I don't have any specific recollection.

10 **MR. RUEL:** And audits of that service, do
11 you remember?

12 **MS. BRADBURN:** Not that I recall, no.

13 **MR. RUEL:** So then in 1993 -- is this
14 September of 1993 you became the manager of the Independent
15 Investigations Unit?

16 **MS. BRADBURN:** That's correct. And I held
17 that position until December of 1994, at which time I
18 became the Chief of Police for the Guelph Police Service, a
19 position I held until 2000.

20 **MR. RUEL:** It's indicated here that you
21 became the first female police chief in Canada. Is that
22 correct?

23 **MS. BRADBURN:** That's correct.

24 **MR. RUEL:** And then following that position,
25 I guess, you became the Director of Complaint Services with

1 the Ombudsman of Ontario?

2 **MS. BRADBURN:** That's correct.

3 **MR. RUEL:** So what did you do there?

4 **MS. BRADBURN:** I was responsible for all of
5 the complaint services processes. From the intake we
6 operated a call centre, an early resolution team, as well
7 as investigations. I was a member of the Ombudsman Senior
8 Management Team and had responsibility for about three
9 quarters of the staff of the office.

10 **MR. RUEL:** And from 2000 (sic) until now you
11 have been with the Municipal Licensing and Standards
12 Division for the City of Toronto. Is that correct?

13 **MS. BRADBURN:** Just to clarify, since 2006 -
14 --

15 **MR. RUEL:** Sorry.

16 **MS. BRADBURN:** --- until now. Yes, that's
17 correct.

18 **MR. RUEL:** And what -- can you explain what
19 your duties are with this organization?

20 **MS. BRADBURN:** The division that I lead is
21 responsible for the bylaw enforcement related to property
22 standards, business licensing, zoning and a number of other
23 issues, as well as responsible for the issuance processes
24 for business licensing and other permits that the city
25 issues.

1 **MR. RUEL:** Thank you.

2 Now, I would like you to give us some
3 details about the Independent Investigations Unit. We've
4 called it here, the IIU. So do you know when this unit was
5 created?

6 **MS. BRADBURN:** I believe it was created in
7 1992.

8 **MR. RUEL:** And do you know the reason why
9 this unit was created?

10 **MS. BRADBURN:** It's my understanding that it
11 was created as a result of some complaints that arose from
12 employees of the Ministry of Correctional Services, female
13 employees who were attending the Bell Cairn Training Centre
14 and there were complaints about sexual harassment while at
15 the training centre.

16 As a result of those complaints being lodged
17 there were a number of other complaints that were lodged by
18 Ministry employees, significant number that, at the time,
19 it was felt that a separate unit should be established
20 within the Ministry as opposed to having those complaints
21 dealt with the unit within Management Board Secretariat
22 that investigated complaints across the government.

23 **THE COMMISSIONER:** Sorry, what training
24 centre was it?

25 **MS. BRADBURN:** The Bell Cairn Training

1 Centre, which is the Correctional Services officers
2 training centre in Hamilton.

3 **THE COMMISSIONER:** Yes.

4 **MR. RUEL:** So the creation of the IIU, would
5 that be in September of 1992?

6 **MS. BRADBURN:** I don't know exactly what
7 month it was. I wasn't involved with the unit at the time.

8 **MR. RUEL:** Do you know who the first manager
9 of the IIU was?

10 **MS. BRADBURN:** Yes, it was Gwen Boniface.

11 **MR. RUEL:** And then followed by?

12 **MS. BRADBURN:** I don't know the name of the
13 woman that was the second manager. They were both there
14 for about six months. I do know she was a Crown attorney.

15 **MR. RUEL:** Okay. And then you followed that
16 person.

17 **MS. BRADBURN:** That's correct.

18 **MR. RUEL:** And that's in September of 1993.

19 **MS. BRADBURN:** That's correct.

20 **MR. RUEL:** When the IIU was created was that
21 intended to be a permanent unit within the Ministry?

22 **MS. BRADBURN:** Well, again, I wasn't there
23 at the time it was created, but it's my understanding it
24 was thought that it would be a temporary unit to deal with
25 the volume of complaints that arose following the Bell

1 Cairn incident.

2 **MR. RUEL:** So when you were appointed in
3 1993 -- or first of all, who appointed you to that
4 position?

5 **MS. BRADBURN:** I was asked to take on the
6 role by the Assistant Deputy Minister that I worked for at
7 the time. He was the one who came to me and asked if I
8 would go to the unit.

9 **MR. RUEL:** So were you given a specific
10 mandate as it relates to the functioning or the
11 organization of the IIU?

12 **MS. BRADBURN:** I was asked to go in and put
13 in place the operating procedures, as I understood at the
14 time that because the unit was set up quickly, and not
15 expected to have a long life that some of the operating
16 procedures and business practices had not been put in
17 place, and that, I guess, there had been a view then that
18 the unit was going to last longer than people anticipated,
19 and that those things needed to be put in place.

20 **THE COMMISSIONER:** And who was the Deputy
21 Minister?

22 **MS. BRADBURN:** The Deputy Minister at the
23 time was Michele Noble and the Assistant Deputy Minister
24 that offered me to go to the position was Don Evans.

25 **THE COMMISSIONER:** Okay.

1 **MR. RUEL:** When you came in -- or you became
2 the head of the IIU in September of 1993, how much staff
3 did you have there, investigators and other staff members?

4 **MS. BRADBURN:** There was one administrative
5 support position and I'm not sure exactly on the number, it
6 was four to six investigators. I'm not sure what the
7 number was at that particular time.

8 **MR. RUEL:** Okay. Did that evolve through
9 your time with the IIU?

10 **MS. BRADBURN:** That was the number that was
11 the time -- for the duration of the time that was the
12 staffing level.

13 **MR. RUEL:** I would like to refer you now to
14 Exhibit 1106.

15 **THE COMMISSIONER:** All right.

16 **MR. RUEL:** So, Ms. Bradburn, I understand
17 that those are the Terms of Reference of the IIU that were
18 adopted in 1992 when the IIU was created. And it's my
19 understanding that those are the Terms of Reference that
20 were in force in December of 1993 when the complaint by Mr.
21 Silmsen was dealt with.

22 Is that your understanding as well?

23 **MS. BRADBURN:** I believe they are.

24 **MR. RUEL:** And it's written and there's a
25 handwritten note here:

1 "Superseded by Terms of Reference dated
2 January of 1994."

3 So there were -- there was an amendment to
4 the Terms of Reference in 1994. Is that correct?

5 **MS. BRADBURN:** That's correct. The Terms of
6 Reference were redrafted and they were then subsequently
7 reissued by the Deputy Minister in March of 1994.

8 **MR. RUEL:** And did you have an involvement
9 in the revision of the Terms of Reference?

10 **MS. BRADBURN:** Yes, I did.

11 **MR. RUEL:** So I'd like to go through the
12 document with you. Under "Purpose" it reads:

13 "To demonstrate its genuine commitment
14 to zero tolerance with respect to
15 workplace discrimination, workplace
16 harassment, the Ministry of
17 Correctional Services is establishing a
18 separate unit to provide neutral,
19 independent and specialized
20 investigatory capacity."

21 So was it your understanding that the IIU
22 had an independence vis-à-vis the Ministry?

23 **MS. BRADBURN:** Yes, the intent was for it to
24 be independent from management and the union, given that
25 the primary focus of this unit was to deal with workplace

1 harassment and discrimination complaints.

2 **MR. RUEL:** But going to the mandate, the
3 following paragraph reads:

4 "This unit will investigate the
5 following: complaints of workplace
6 discrimination..."

7 The second point is:

8 "...complaints of workplace harassment
9 committed by employees..."

10 And the third bullet is:

11 "...all complaints of sexual impropriety
12 alleged to have been committed by
13 employees of the Ministry of
14 Correctional Services towards offenders
15 who come within the responsibility of
16 the Ministry."

17 So the mandate was three-fold, if I'm not
18 mistaken?

19 **MS. BRADBURN:** That is correct. There is
20 the three provisions. However, I would say close -- 99
21 percent plus of the work dealt with the workplace
22 harassment and discrimination policy.

23 **MR. RUEL:** Okay.

24 **THE COMMISSIONER:** I'm sorry; what
25 percentage again?

1 **MS. BRADBURN:** Well over 99 percent. I
2 personally don't recall any other sexual impropriety event.

3 **THE COMMISSIONER:** Okay.

4 **MR. RUEL:** While you were ---

5 **THE COMMISSIONER:** Excuse me. Before -- it
6 says here:

7 "Superseded by Terms of Reference dated
8 January '94."

9 Are we looking at the old one or at the --
10 or the one that was current in 1994?

11 **MS. BRADBURN:** This would have been the one
12 that existed in December of 1993.

13 **THE COMMISSIONER:** Right.

14 **MS. BRADBURN:** And then new revised Terms of
15 Reference are drafted that were dated January 1994 and were
16 issued by the Deputy Minister in March of '94.

17 **THE COMMISSIONER:** Okay. So are we covered
18 by ---

19 **MS. BRADBURN:** These ones.

20 **THE COMMISSIONER:** These ones?

21 **MS. BRADBURN:** Yeah.

22 **THE COMMISSIONER:** Is that the idea?

23 **MS. BRADBURN:** Yeah.

24 **THE COMMISSIONER:** Okay. Fair enough.

25 **MR. RUEL:** Under "Membership", it reads:

1 "The Independent Investigation Unit
2 will be headed by Inspector Gwen
3 Boniface. Six other investigators will
4 be appointed. None of the
5 investigators will be chosen from the
6 existing employees of the Ministry of
7 Correctional Services."

8 So is that an indication of the independence
9 of the unit, the fact that the investigators would be
10 chosen from -- or would not come from the Ministry
11 ,essentially?

12 **MS. BRADBURN:** Yes, that's my understanding,
13 that the intent was they did not want to use Correctional
14 Services staff. By the time that I went to the unit, the
15 Solicitor General's Ministry and Correctional Services I
16 believe were merged at that point-in-time, so the text
17 wouldn't necessarily apply.

18 **MR. RUEL:** Oh, I see.

19 So did the IIU provide services only to
20 Correctional Services or it also provided the services to
21 the Public Safety Branch of the Ministry being the OPP and
22 some of its civilian members?

23 **MS. BRADBURN:** As I mentioned, at the time I
24 went the ministries were merged so we did have
25 responsibility for the public safety portion of what was

1 the Solicitor General's Ministry as well as civilian staff
2 complaints regarding OPP.

3 **MR. RUEL:** Okay, and going back to "Purpose"
4 under the second paragraph:

5 "This Unit will investigate the
6 following..."

7 And going through the three bullets, this seems to leave no
8 discretion for the unit to investigate complaints. For
9 example, under the third bullet of "Sexual Improprieties":

10 "...alleged to have been committed by
11 employees of the Ministry."

12 So it seems to be a mandatory investigative
13 role once a complaint has been filed. Is that your
14 understanding as well?

15 **MS. BRADBURN:** In practice, once a complaint
16 came in, we would determine whether or not it was within
17 the mandate. So, for example, with respect to the
18 workplace harassment discrimination complaints, we'd have
19 to look to see whether or not there was prohibited grounds
20 cited that would comply with the policy.

21 So there -- it didn't mean that just because
22 everything came in the door, it would get investigated. We
23 would have to make an analysis of whether or not it would
24 be appropriate to do so.

25 **MR. RUEL:** But once there was a

1 determination that a matter was of a sexual -- a complaint
2 was of a sexual nature or that a sexual impropriety was
3 alleged to have been committed and there was a
4 determination by your unit, the matter, according to the
5 policy at least, had to be investigated?

6 **MS. BRADBURN:** Well, again, in the case of
7 sexual impropriety, with the exception of the matter that
8 brings us here today, I am not aware of other cases that we
9 would have had.

10 **MR. RUEL:** Okay.

11 **MS. BRADBURN:** But again the practice would
12 be to determine whether or not the scope of the complaint
13 was within the mandate and then we would determine what to
14 do next with the issue.

15 **MR. RUEL:** I am just trying to clarify your
16 understanding of the policy ---

17 **THE COMMISSIONER:** M'hm, yes.

18 **MS. BRADBURN:** --- in terms of the practices
19 -- were going to come to that -- but the policy seemed to
20 say, you would agree with me, that it seems to mandate the
21 IIU to investigate a complaint of sexual impropriety
22 committed by an employee once the determination was made
23 that this was within the mandate?

24 **MS. BRADBURN:** Yes, it's clear the policy
25 says "will" and it is clear that the sexual impropriety

1 complaints are within the mandate of this unit, yes.

2 MR. RUEL: At the second page, there is
3 reference to criminal activity:

4 "...and if in the course of an
5 investigation, the investigators
6 uncover allegations of sexual assault
7 or any other serious criminal activity,
8 they shall determine whether the
9 manager has notified the police and, if
10 not, the Unit shall notify the police
11 pursuant to the Ministry's protocol for
12 contacting the police."

13 Do you see that?

14 MS. BRADBURN: Yes.

15 MR. RUEL: And should -- I understand that
16 if criminal activity was uncovered, the matter would be
17 referred to the police according to the policy, but the IIU
18 would also investigate the matter for its own purposes?

19 MS. BRADBURN: That's true, subject to us
20 not wanting to cause any interference to any police
21 investigation or jeopardize any prosecution. So we would
22 be guided by the police or Crown attorneys with respect to
23 proceeding.

24 MR. RUEL: Okay. Then under "Reporting
25 Relationships", it reads:

1 "The Unit will report to the Deputy
2 Minister of Management Board
3 Secretariat and to the Deputy Minister
4 of Correctional Services."

5 So there is a dual reporting relationship?

6 **MS. BRADBURN:** That's correct.

7 **MR. RUEL:** Can you explain how that -- well,
8 what should be understood from this paragraph in terms of
9 this dual reporting relationship?

10 **MS. BRADBURN:** It's my understanding that
11 the dual reporting relationship was there because it was
12 the Deputy Minister of Management Board Secretariat that
13 was responsible for the WDHP policy, the Workplace ---

14 **MR. RUEL:** What is the WDHP policy?

15 **MS. BRADBURN:** Sorry. The Workplace
16 Harassment Discrimination Policy, but because the Ministry
17 of Correctional Services at the time decided to set up its
18 own unit to deal with that policy, to investigate
19 complaints, that this dual reporting relationship was
20 established within the Terms of Reference.

21 **MR. RUEL:** With respect to the Deputy
22 Minister of Correctional Services, how would the reporting
23 relationship work in practice?

24 **MS. BRADBURN:** Well, in practice, I would
25 report to the Deputy Minister with respect to budgetary or

1 resource needs of the unit.

2 MR. RUEL: Sorry to interrupt. It was a
3 direct reporting relationship? There was no -- I mean,
4 your boss, if I can put it like that, was the Deputy
5 Minister.

6 MS. BRADBURN: My boss was the Deputy
7 Minister. That's correct, yes.

8 MR. RUEL: Okay.

9 MS. BRADBURN: And so further it was from a
10 budget or resource perspective. As well, again, under the
11 Workplace Harassment Discrimination Policy, we had
12 timelines under which we had to complete our investigations
13 and any recommendations would be made to the Deputy
14 Minister. So it was up to the Deputy Minister to review
15 the recommendations and determine any further course of
16 action.

17 MR. RUEL: In terms of investigative work,
18 who would do that? Would it be -- I mean, would the Deputy
19 Minister get involved in investigative work?

20 MS. BRADBURN: No, not to my knowledge.

21 MR. RUEL: And in terms of determining if a
22 complaint fell within the Terms of Reference of the IIU,
23 who would do that? Would it be you or and/or the Deputy
24 Minister?

25 MS. BRADBURN: It would be through the --

1 through my office.

2 **MR. RUEL:** The reporting relationship to the
3 Deputy Minister of Management Board Secretariat, can you
4 explain what that was?

5 **MS. BRADBURN:** It was quite notional in the
6 sense of sending information relating to the number of
7 complaints that we would have under the Workplace
8 Harassment Discrimination Policy. It was annual reporting
9 that we had to do to that particular Deputy Minister.

10 **MR. RUEL:** So the day-to-day reporting, if I
11 can call it like that, was to the Deputy Minister of
12 Correctional Services?

13 **MS. BRADBURN:** I think that's a fair
14 characterization.

15 **MR. RUEL:** Under "Mandate", it reads that:
16 "The investigators will be designated
17 as inspectors under the *Ministry of*
18 *Correctional Services Act.*"

19 That's correct. So ---

20 **MS. BRADBURN:** Yes.

21 **MR. RUEL:** So the investigators had some
22 legal powers to fulfil their duties?

23 **MS. BRADBURN:** Yes.

24 **MR. RUEL:** And there's a process here, and
25 it reads:

1 "Working under the government's
2 approved directives and guidelines on
3 workplace discrimination and harassment
4 prevention, the Unit will receive and
5 investigate all complaints of workplace
6 harassment and discrimination."

7 Third bullet:

8 "Develop an investigation plan with
9 respect to each complaint."

10 Do you read that?

11 **MS. BRADBURN:** Yes.

12 **MR. RUEL:** And it seems to -- those
13 guidelines or those provisions seem to apply only to the
14 workplace discrimination and harassment complaints. Is
15 that the case or it applied both to -- it also applied to
16 complaints of sexual impropriety?

17 **MS. BRADBURN:** They are the provisions that
18 came out of the Management Board Policy for workplace
19 harassment and discrimination, and they were the provisions
20 that we applied to the workplace harassment and
21 discrimination investigations.

22 **MR. RUEL:** There's no provision in those
23 Terms of Reference with respect to complaints that would be
24 made against employees that would be deceased or that would
25 not be still -- or not employed by the Ministry anymore.

1 That's correct?

2 MS. BRADBURN: That's correct.

3 MR. RUEL: And there is no provision in this
4 policy dealing with the fact that a complaint had to be
5 made in writing?

6 MS. BRADBURN: That's correct.

7 MR. RUEL: So what was the practice in terms
8 of having complaints to -- you know, the form of the
9 complaint?

10 MS. BRADBURN: Well, again, as mentioned
11 earlier, the work that we did was very much focussed on the
12 Workplace Harassment Discrimination Policy and as part of
13 that we would require there to be a written complaint as
14 part of the process so that we would have something for the
15 respondent to respond to.

16 So it was -- my recollection is that it was
17 a standard practice that we would have a written complaint.

18 MR. RUEL: In terms of complaints, and you
19 have indicated that the bulk of the complaints if not all
20 of the complaints you receive except for the Silmsner
21 complaint, were complaints related to workplace
22 discrimination, harassment. That's correct?

23 MS. BRADBURN: Correct.

24 MR. RUEL: So where would those complaints
25 come from?

1 **MS. BRADBURN:** They would come from
2 employees of the Ministry.

3 **MR. RUEL:** So directly to you or your unit?

4 **MS. BRADBURN:** They would call us or they
5 would send in a letter with their complaint, yes.

6 **MR. RUEL:** And then for a hypothetical
7 example once you receive a complaint, what type of
8 interactions would you have with the Deputy Minister's
9 office, typically?

10 **MS. BRADBURN:** Typically, it would be at the
11 time where if we had concluded our investigation and found
12 that there were recommendations warranted, that we would
13 send the report to the Deputy Minister, and they would have
14 the recommendations, and the Deputy Minister would make a
15 determination what to do with the recommendations.

16 We did not, through our unit, actually apply
17 discipline to employees or take any kind of action against
18 employees that were found to have substantiated complaints.

19 **MR. RUEL:** Would you make recommendations in
20 that regard ---

21 **MS. BRADBURN:** Yes.

22 **MR. RUEL:** --- as relates to potential
23 discipline?

24 **MS. BRADBURN:** Yes.

25 **MR. RUEL:** And in terms of investigations,

1 typically, what type of investigations would your unit
2 undertake following the receipt of a complaint?

3 **MS. BRADBURN:** As far as the process goes of
4 the investigation?

5 **MR. RUEL:** Process, meeting with potential
6 witnesses, the complainant and any other people.

7 **MS. BRADBURN:** There would be either in
8 person or telephone interviews with complainants,
9 respondents, witnesses; may require site visits by -- by
10 the investigators; information would be gathered; put
11 together analysis of the documentation and a report
12 drafted.

13 **MR. RUEL:** And it would be up to the Deputy
14 Minister to decide on the course of action following the
15 issuance of a report?

16 **MS. BRADBURN:** Of the recommendations, yes.

17 **MR. RUEL:** On the recommendation.

18 In terms of your role within that unit, can
19 you describe what it was?

20 **MS. BRADBURN:** My role was to manage the
21 workflow, assign the cases to investigators.

22 It was typically myself and my
23 administrative assistant who were in the office. We had
24 implemented a hotelling concept so that the investigators
25 actually worked from home offices, and would come into the

1 office periodically as they needed to, to pick up files or
2 drop them off.

3 I would respond to telephone inquiries.
4 Provide advice to managers who may call with a concern
5 about a workplace harassment, discrimination complaint that
6 had been brought to them, as they would have
7 responsibilities to respond to that under the Ontario Human
8 Rights Code.

9 MR. RUEL: Would you conduct investigations
10 yourself and interview ---

11 MS. BRADBURN: No, I did not.

12 MR. RUEL: How many files per year would you
13 have dealt with when you were the manager of the IIU?

14 MS. BRADBURN: I don't have a firm
15 recollection, but an estimate, I believe, would be around
16 200, based on the 60 day turnaround time. We generally had
17 a backlog of a few files at any given time. So I believe
18 it was around 200.

19 MR. RUEL: And during the period you were
20 manager of the IIU, so that's between September of 1993 to
21 December 1994 ---

22 MS. BRADBURN: M'hm.

23 MR. RUEL: --- can you explain -- you've
24 indicated that the Deputy Minister was Michelle Noble?

25 MS. BRADBURN: That's correct.

1 **MR. RUEL:** So was there anyone else in the
2 Deputy Minister's office you and your unit would be dealing
3 with?

4 **MS. BRADBURN:** Yes, there was always a
5 liaison person within the Deputy Minister's office that was
6 associated to the IIU and over the course of that time it
7 was Loretta Eley or Jean Lindsay.

8 **MR. RUEL:** Ms. Eley, was she -- who was the
9 primary contact?

10 **MS. BRADBURN:** I believe when I first
11 started it was Loretta Eley and then as time went on, it
12 was Jean Lindsay.

13 **MR. RUEL:** Okay. And in December of 1993,
14 who would have been the contact within the Deputy
15 Minister's office?

16 **MS. BRADBURN:** I don't know whether -- who
17 was the primary one at that particular point in time.

18 I know with respect to the incident before
19 us today, it was Loretta Eley who was the contact that I
20 was dealing with.

21 **MR. RUEL:** So who would be -- what would be
22 the role of that person?

23 **MS. BRADBURN:** The -- the role there was if
24 -- if there was some unusual situation that I needed
25 information -- because I was not from the Corrections side

1 of the Ministry, needing information about who to call,
2 what -- where information might be housed within the
3 Ministry.

4 And again, the investigators that worked in
5 my unit were not from the Ministry, as well, so this would
6 -- the liaison person would assist in sort of giving us
7 some guidance on who to call and where, and if there was
8 some unusual issue that I wasn't sure about what might have
9 been the past practice or past history, I would talk to the
10 liaison about it.

11 **MR. RUEL:** Would you have any direct
12 dealings with the Deputy Minister, Michelle Noble?

13 **MS. BRADBURN:** On a file?

14 **MR. RUEL:** On a file.

15 **MS. BRADBURN:** I don't recall any direct
16 dealings with her on a file.

17 **MR. RUEL:** I would ask you to go to Exhibit
18 1083.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. RUEL:** And first I'm going to ask you if
21 you have any recollection of a complaint being referred to
22 you by Mr. Bill Roy on -- in December of 1993, of a sexual
23 impropriety on an individual called Mr. David Silmser by a
24 former Ministry employee from the Probation and Parole
25 Office, Mr. Ken Seguin; do you have any recollection of

1 that?

2 **MS. BRADBURN:** I have no independent
3 recollection of it, only from what's in the notes here.

4 **MR. RUEL:** So the document that you have in
5 front of you was -- it's an attachment to a letter from Mr.
6 Brian Scott; do you know Mr. Scott?

7 **MS. BRADBURN:** Yes, he was one of the
8 investigators in the unit when I was there.

9 **MR. RUEL:** One of your investigators?

10 **MS. BRADBURN:** That's correct.

11 **MR. RUEL:** So he became the manager of the
12 IIU and he forwarded the notes -- your notes to Mr.
13 Downing; is that your understanding?

14 **MS. BRADBURN:** Based on the information in
15 the September 26th memo, yeah.

16 **THE COMMISSIONER:** Okay. Well, let's talks
17 about your notes a little bit about how -- when you made
18 them, that kind of thing if she has no present recollection
19 at all, none.

20 **MS. BRADBURN:** I -- no.

21 **THE COMMISSIONER:** None?

22 **MS. BRADBURN:** None, I'm sorry.

23 **THE COMMISSIONER:** So you might want to go
24 through ---

25 **MR. RUEL:** Yes.

1 **THE COMMISSIONER:** --- the
2 contemporaneusness of the notes and that kind of thing.

3 **MR. RUEL:** So in -- there's four pages of --
4 more than that, in fact -- six pages of notes; have you had
5 a chance to review them before testifying today?

6 **MS. BRADBURN:** Yes, I have.

7 **MR. RUEL:** Did this refresh your memory in
8 any way?

9 **MS. BRADBURN:** No, I just have the
10 information that's in these notes, I'm afraid.

11 **MR. RUEL:** So going to the first page of
12 your notes -- well, first of all, is this your writing; are
13 those your notes?

14 **MS. BRADBURN:** Yes, this is my writing.

15 **MR. RUEL:** And would you have taken them at
16 the same time that the matters would be discussed with the
17 various people that are mentioned in those notes?

18 **MS. BRADBURN:** They would have been made up
19 at the time or shortly thereafter, yes.

20 **MR. RUEL:** Okay. On the first page of the
21 notes, there's -- it seems to be a record of a verbal
22 transaction; is that your understanding?

23 **MS. BRADBURN:** Yes.

24 **MR. RUEL:** Dated December 16, 1993?

25 **MS. BRADBURN:** Yes.

1 **MR. RUEL:** And can you go through that and
2 explain what this document is?

3 **MS. BRADBURN:** It's -- it's denoting that
4 there was an incoming call from Bill Roy of the Eastern
5 Region, and indicating the date, and a summary of the issue
6 that was brought forward, and actions taken.

7 **THE COMMISSIONER:** Are these the originals?

8 **MS. BRADBURN:** Yes.

9 **THE COMMISSIONER:** But you didn't make any
10 side notes and then copy it up on this? This is ---

11 **MS. BRADBURN:** Well, there are other notes
12 that this -- I believe this is over a -- either over a
13 two-day period or at the 16th of December date may have
14 been in error, given that the other notes are on the 17th.

15 It is a summary, though, of the events that
16 took place.

17 **THE COMMISSIONER:** Right. No, but what I
18 want to know --

19 **MS. BRADBURN:** Yes.

20 **THE COMMISSIONER:** --- is this based on
21 other notes that you made and if sop did ---

22 **MS. BRADBURN:** The other -- the other notes
23 would be the ones that are in the package ---

24 **THE COMMISSIONER:** All right.

25 **MS. BRADBURN:** --- yes.

1 **MR. RUEL:** So ---

2 **THE COMMISSIONER:** Sorry.

3 Are those all of the notes that you have
4 with respect to this matter?

5 **MS. BRADBURN:** I assume that this was all
6 that the Commission was able to obtain from the records of
7 the Ministry.

8 I have no knowledge of any other notes.

9 **THE COMMISSIONER:** Okay. Go ahead.

10 **MR. RUEL:** So the second -- going to the
11 second page of the document -- we'll come back to the first
12 page ---

13 **MS. BRADBURN:** Sure.

14 **MR. RUEL:** --- but the second page, there's
15 a reference to a Bill Roy, Eastern Region, then ---

16 **MS. BRADBURN:** Correct.

17 **MR. RUEL:** --- there's a telephone number
18 and the note is dated December 17, 1993, and there's
19 reference to a -- seems from a discussion you had with Bill
20 Roy; is that accurate?

21 **MS. BRADBURN:** Yes. Yes, I believe so.

22 **MR. RUEL:** So those would be your notes of a
23 discussion with Mr. Roy?

24 **MS. BRADBURN:** That's correct.

25 **MR. RUEL:** And at the first page of the

1 document, should we understand that this was a summary of
2 the incident prepared after you had spoken to the various
3 individuals, we're going to discuss, that are mentioned in
4 your notes; is that what this is?

5 **MS. BRADBURN:** I -- I would suspect that
6 these were notes that were made at the time. I was either
7 on the phone with him or shortly thereafter, yes.

8 **MR. RUEL:** Okay, but there seems to be a
9 summary or --

10 **MS. BRADBURN:** -- short form of the issues
11 that were being talked about, yes.

12 **MR. RUEL:** So let's go to the note. We'll
13 come back to the first page, but can you go through your
14 notes and indicate to us what you got from Mr. Roy through
15 this conversation on December 17th from the notes or any
16 recollection you may have had?

17 **THE COMMISSIONER:** Well, just a minute now.
18 I want to make sure.

19 Are you going to have any recollections or
20 are you just going to be reading through the notes?

21 **MS. BRADBURN:** It's the notes.

22 **THE COMMISSIONER:** Okay.

23 **MS. BRADBURN:** It's all I have, I'm sorry.
24 Do you wish me to read through them?

25 **MR. RUEL:** Well, sure, maybe you can

1 pinpoint to -- you've read the notes. What are the -- you
2 felt were the important elements that were revealed to you
3 by Mr. Roy?

4 **MS. BRADBURN:** Well, again, just going
5 through them that ---

6 **THE COMMISSIONER:** No, no, I'm sorry. One
7 second.

8 If you -- if she has no independent
9 recollection, right, I can read just as well as she can and
10 with all due respect ---

11 **MS. BRADBURN:** No, I understand.

12 **THE COMMISSIONER:** So why don't we just go
13 to the end, unless -- and just talk about the
14 recommendation she made and whether that was consistent
15 with the IIU.

16 **MR. RUEL:** Mr. Commissioner, maybe for the
17 record if I may, it would be useful to point out to some
18 content of those notes just to understand for the view and
19 the public to understand what ---

20 **THE COMMISSIONER:** Okay, well let's go
21 through them briefly, but don't -- don't subject this lady
22 to asking her what her recollection is or her impressions
23 because she has none.

24 **MR. RUEL:** So it appears from your notes
25 that you received a call from Mr. Roy and he was reporting

1 to you that he had a received a call from a person who was
2 alleging to have been abused by his probation officer. Is
3 that your take from your notes? After reviewing your
4 notes?

5 **MS. BRADBURN:** Yes, that it was a former
6 employee.

7 **MR. RUEL:** And that the complainant was a --
8 Mr. Roy told you that the complainant had been pressuring
9 his probation -- his former probation officer, Mr. Seguin,
10 for a resolution, financial resolution. Is that what you -
11 - your understanding?

12 **MS. BRADBURN:** As it says, the caller said
13 he had been pressuring Seguin for a resolution. Yes.

14 **MR. RUEL:** There's reference to a
15 counselling support?

16 **MS. BRADBURN:** Yes, there is reference to
17 that.

18 **MR. RUEL:** And the following page there is -
19 --

20 **THE COMMISSIONER:** Just a minute -- just a
21 minute -- one point that I do think is important.

22 On the first page it says:

23 "On December 17th, I spoke with Loretta
24 Eley who advised Legal Branch would
25 lead and there was no action required

1 of IIU at this time."

2 **MS. BRADBURN:** Yes, that's on the verbal
3 transaction document. Yes.

4 **THE COMMISSIONER:** So what I have to ask you
5 is, you know, if we were going back to the independence of
6 the IIU and all of that, what is Legal Branch doing telling
7 you not to do an investigation?

8 **MS. BRADBURN:** I don't think that it's
9 correct to interpret this that Legal Branch was telling us
10 not to do something.

11 As mentioned, I would contact the liaise in
12 the Deputy Minister's office to basically bounce issues off
13 if I was not sure, given the short term of time I had been
14 with the unit. And I think that this is best to be
15 described that it was an agreement or a shared view that
16 given the circumstances of the information that we had
17 obtained, that Legal Branch would take a lead on this issue
18 given the references to the alleged criminal activity and
19 the settlement, the financial settlement.

20 **THE COMMISSIONER:** Well, okay, but it does -
21 - "And there was no action required of IIU at this time".

22 **MS. BRADBURN:** That's correct.

23 **THE COMMISSIONER:** Is that your decision?

24 **MS. BRADBURN:** That would be my decision.

25 **THE COMMISSIONER:** But you don't have any

1 independent recollection?

2 **MS. BRADBURN:** No. That's why I'm saying,
3 there's just this information but it's the information was
4 the IIU would not investigate at that time. With the
5 expectation as I recall from the December 22nd memo, that's
6 the last document in here, was that the request had been
7 made for communication to go to Mr. Silmsler to provide a
8 written complaint.

9 **THE COMMISSIONER:** Well, again, you know,
10 you stated you don't have any independent memory but the
11 way that I can read this, and I guess we are all free to
12 read it the way we want to ---

13 **MS. BRADBURN:** Certainly.

14 **THE COMMISSIONER:** --- is that she's telling
15 you that there is no direct action required of you at this
16 time as if that is the advise that you are getting. And
17 you can't help me one way or the other, can you?

18 **MS. BRADBURN:** I can't. No.

19 **THE COMMISSIONER:** Well, there you go. But
20 then I come back philosophically, wouldn't -- since the IIU
21 is independent and if this was a workplace harassment, all
22 right, and the Minister's office was coming down and
23 advising you, no, no we're going to take care of this,
24 would you not say, "Wait a minute here. The mandate says
25 this is supposed to be independent".

1 Would there not be a conflict there at some
2 place that you'd have to ---

3 **MS. BRADBURN:** I think it's the analogy that
4 you're raising and it's quite clear that the mandate with
5 respect to the workplace harassment and discrimination
6 issues was the independence of that function and that's
7 what the role of the office was.

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

9 **MS. BRADBURN:** That the focus on the sexual
10 impropriety issues was really not a focus of this office in
11 the volume of complaints or issues, as I recall them, and I
12 can only go by what's in the notes here, that -- and
13 knowing from my own -- not specific to this but how I would
14 have operated in my relationship with the liaison staff
15 within the Deputy Minister's office. It would have been
16 something that I would have mutually agreed to in order for
17 it to proceed.

18 **THE COMMISSIONER:** You would have mutually
19 agreed to what?

20 **MS. BRADBURN:** The course of action that was
21 set out here, that I would have agreed to the course of
22 action, given the information and the circumstances that
23 was before me.

24 **MR. RUEL:** So it's not a direction from the
25 Deputy Minister's office, it's a joint agreement?

1 **MS. BRADBURN:** That was my comment earlier
2 that -- but, again, I can't -- as the Commissioner is
3 raising, the text that's here is what it is and I don't
4 have any other recollection that I can provide to you,
5 other than that I know what my -- I know how my
6 relationship worked with the office and I can only offer
7 that to you.

8 **MR. RUEL:** So you have no independent
9 recollection of those events, but reading your notes and
10 the documents that were provided to you, can you explain
11 the reason why this matter was not investigated by the IIU,
12 based on your review of the documents, of your notes and of
13 other documents that were provided to you in preparation
14 for this testimony?

15 **MS. BRADBURN:** Well, again I go to the memo
16 of December 22nd, 1993 and ---

17 **MR. RUEL:** It says -- I'm sorry, Ms.
18 Bradburn ---

19 **MS. BRADBURN:** --- this is a memorandum ---

20 **MR. RUEL:** --- this is the last page?

21 **MS. BRADBURN:** ---it is the last page. A
22 memorandum addressed to Loretta Eley from myself and
23 setting out some of the information that was obtained which
24 I believe would give rise to the conclusion that there was
25 an intent to get a written complaint and then a

1 determination to be made at that point what would happen
2 with the information.

3 **MR. RUEL:** So the last paragraph reads --
4 well, it's indicated here. You don't recall sending that
5 letter do you?

6 **MS. BRADBURN:** No, sorry.

7 **MR. RUEL:** But this is your signature?

8 **MS. BRADBURN:** That is correct.

9 **MR. RUEL:** And that you indicate at the
10 third paragraph:

11 "I have spoken to Staff Sergeant Luc
12 Brue."

13 I believe it's "Luc Brunet"?

14 **MS. BRADBURN:** I believe so, based on the
15 other --

16 **MR. RUEL:** From the Cornwall Police. So you
17 had some contacts with the Cornwall Police it appears and
18 with the OPP as well?

19 **MS. BRADBURN:** That's correct and there's
20 notes in here to that effect.

21 **MR. RUEL:** Who were both unable to provide
22 any information which would substantiate Mr. Silmsers
23 allegations against the deceased probation officer. That's
24 what you got?

25 **MS. BRADBURN:** That's what I understand,

1 yes.

2 **MR. RUEL:** Do you -- from reviewing this
3 material, do you -- can you say if you had a chance to meet
4 with Mr. Silmser or speak with Mr. Silmser?

5 **MS. BRADBURN:** I have no recollection of
6 speaking to or meeting him. And there's nothing in the
7 notes to indicate so.

8 **MR. RUEL:** And based on the information that
9 is being made available to you in your notes, is there any
10 reason you would think that Mr. Silmser wouldn't be met by
11 you or someone in your office?

12 **MS. BRADBURN:** Again, I don't have any notes
13 in here to that end, other than to the extent that I can
14 say that I would probably believe that because Bill Roy had
15 been the contact with the complainant, the information was
16 sent back through. The intent was for the information to
17 go back through Mr. Roy who had, for want of another word,
18 a relationship with the complainant and to be able to share
19 that information.

20 **MR. RUEL:** And coming back to this letter of
21 December 22, the last paragraph reads:

22 "As a result of our conversation of
23 December 20 ..."

24 You don't remember any conversation with a Ms. Eley, do
25 you?

1 **MS. BRADBURN:** I don't have any notes or any
2 other recollection.

3 **MR. RUEL:** "I spoke to Bill Roy this date
4 requesting that he contact Mr. Silmsen
5 to advise him that if he wished to
6 pursue his allegations with the
7 Ministry to forward this complaint to
8 the Deputy Minister's office. Bill
9 indicated that he would try and contact
10 Mr. Silmsen by telephone with follow-up
11 correspondence."

12 That's what you indicated there.

13 In reviewing this again, is there any reason why you would
14 ask Mr. Roy to tell Mr. Silmsen to put his complaint to the
15 Deputy Minister's office directly?

16 **MS. BRADBURN:** Well again, in reviewing the
17 information that's in the notes, I would suggest it was as
18 a result of the fact that there had been criminal
19 allegations, the information that had been shared by the
20 police services as well as the reference to -- that there
21 was a lawyer involved, the reference to Grandview, that the
22 inference being a financial settlement that was being
23 looked at and wanting to have the specific details of the
24 person's complaint in order to proceed.

25 **MR. RUEL:** The reference to a lawyer, that's

1 in your notes when you spoke to Staff Sergeant Luc Brunet
2 from the Cornwall police; that's correct?

3 **MS. BRADBURN:** Yes, it is.

4 **THE COMMISSIONER:** Tell me this, when you
5 were doing investigations of harassment in the workplace,
6 if somebody had come forward and said, "You know, I've been
7 harassed and I'm not the only one," would it be incumbent
8 on your investigators to go through and go speak to
9 coworkers and to ensure that the harassment hasn't spread
10 to others or do you just work on, "I get a complaint; I
11 investigate that one complaint and I don't care about the
12 rest of the folk"?

13 **MS. BRADBURN:** In the context of the
14 workplace harassment and discrimination policy, if a
15 complainant came forward and in their evidence to us and
16 their information, that they identified others or indicated
17 a poison work environment within their workplace, the
18 investigator would generally go and interview the other
19 people that the complainant had identified.

20 **THE COMMISSIONER:** Right.

21 **MS. BRADBURN:** Yes.

22 **THE COMMISSIONER:** So if I look at this --
23 not legislation, but this whole thing, it's really there to
24 protect the vulnerable; the people that are harassed or the
25 people who are sexually abused by people in authority, I

1 mean that's what the third prong is really, right?

2 **MS. BRADBURN:** M'hm.

3 **THE COMMISSIONER:** So if you get a report
4 that says, "I was abused and so were others," and wouldn't
5 you want to go and look at other probationers to see if
6 others had been hurt? I mean given the -- what I've just
7 explained as the reasoning for Management Board to have
8 this to protect the innocent and the vulnerable?

9 **MS. BRADBURN:** Well, with respect to the --
10 a sexual impropriety, yes, and if we had the detailed
11 information to be able to go forward and get that and
12 that's as indicated in the notes, I don't think there was
13 any expectation that the matter would not be dealt with.

14 **MR. RUEL:** And following up on this, it
15 seems that -- and again, this is in reviewing those
16 documents, but it seems that the complaint that was made by
17 Mr. Silmsler fell, and you would agree or disagree with me,
18 but it fell squarely within the mandate of the IIU, which
19 dealt with complaints of sexual impropriety alleged to have
20 been committed by employees of the Ministry towards
21 offenders who came within the responsibility of the
22 Ministry, so would you agree with me?

23 **MS. BRADBURN:** I would agree that it was
24 appropriate for the complaint to be brought forward.

25 We obviously would not investigate any

1 criminal activity and the information, as I believe was
2 referenced to the sexual abuse, so that was certainly
3 something that would be -- we would be mindful of.

4 **THE COMMISSIONER:** I'm sorry, but I'm going
5 -- so you had his phone number; what stopped any -- just
6 send it to the investigator and say, "Phone this fellow.
7 Meet with him and get to the bottom of it"?

8 **MS. BRADBURN:** Again, as I mentioned
9 earlier, I believe that the -- the thinking, as indicated
10 in the memo of the 22nd, was that there was a relationship
11 that already existed between Mr. Roy and the complainant
12 and so that was the course of action that was taken at that
13 time.

14 Whether or not a different course of action
15 could have been taken, given other information that's now
16 available to me, that may have happened.

17 **MR. RUEL:** But Mr. Roy was the contact with
18 Mr. Silmsen, that's what you're saying?

19 **MS. BRADBURN:** Yes.

20 **MR. RUEL:** But Mr. Roy -- do you know if Mr.
21 Roy had any training background -- any investigative
22 background?

23 **MS. BRADBURN:** The expectation was not for
24 him to investigate; the expectation was for him to contact
25 Mr. Silmsen and ask him to forward his complaint in

1 writing.

2 **THE COMMISSIONER:** But you see -- I'm going
3 to go back to this -- is that if someone would have opened
4 an investigative file and said, "Well, let's look at Mr.
5 Seguin's documentation. Oh, he had an ex-probationer live
6 with him. Oh, there were some young lads that came over to
7 his place and someone was shot afterwards and that there
8 was liquor involved," and so at least if someone would have
9 opened that up and then phoned Mr. Silmser.

10 So you're saying, "Well, if we had the
11 information that we had today."

12 And I'm saying, "No, no, no. No, no, no,
13 let's look back at the evidence you had at that time. At
14 that time."

15 **MS. BRADBURN:** Yeah.

16 **THE COMMISSIONER:** And if someone would have
17 taken the lead -- and I guess we go back to if there is a
18 complaint made to the IIU, or whatever it's called, should
19 you not have investigated it?

20 **MS. BRADBURN:** If I can just go back to an
21 earlier ---

22 **THE COMMISSIONER:** Yes.

23 **MS. BRADBURN:** --- point that you made ---

24 **THE COMMISSIONER:** Yes, I make too many.

25 **MS. BRADBURN:** --- the evidence that we had,

1 I had no knowledge of the other events involving Mr.
2 Seguin.

3 **THE COMMISSIONER:** Absolutely. Absolutely.

4 But if an investigation had begun, one of
5 the first things I would have thought is that someone would
6 have looked at his personnel record.

7 **MS. BRADBURN:** I'm sure if the investigation
8 had commenced, those matters would have been looked at,
9 yes.

10 **THE COMMISSIONER:** Sorry, Mr. Ruel, it's
11 getting late and I guess I ---

12 **MR. RUEL:** That's fine, Mr. Commissioner.

13 Coming back to your notes on December 16,
14 1993, there's a reference -- and that's the last
15 paragraph, and Mr. Commissioner, I believe, has read it
16 or has made reference to it, is:

17 "On December 17, I spoke to Loretta
18 Eley who advised Legal Branch would
19 lead and there was no action
20 requirement of the IIU at this time."

21 So my question is; from your -- from memory
22 or from your notes or any other ---

23 **THE COMMISSIONER:** No, no, not from memory.
24 She has no independent recollection.

25 **MR. RUEL:** Do you know -- would you have

1 spoken, yourself, to Legal Branch?

2 **MS. BRADBURN:** I have no recollection of
3 whether I spoke to them or not and there's no notes to that
4 effect.

5 **MR. RUEL:** And to your knowledge, would it
6 be the role of the Legal Branch to investigate a complaint
7 like this?

8 **MS. BRADBURN:** I don't believe that they
9 would investigate; I think this would be in the context of
10 the concern around the settlement being sought after.

11 **MR. RUEL:** And coming back on your notes,
12 when Mr. Roy mentioned that Mr. Silmsler was looking for
13 counselling support and at the second page of your
14 discussion with Mr. Roy, it's written:

15 "Silmsler has suggested that the
16 Ministry should be offering counselling
17 to him and others like him."

18 So when you look at that now, if you replace
19 yourself, if I can ask you to do that, in 1993, what type
20 of reaction that should provoke in your mind getting this
21 information that this gentleman was seeking for counselling
22 support?

23 **MS. BRADBURN:** Well, if I'm looking at this
24 today knowing other information about that, that the
25 gentleman's looking to be implying that there are other

1 people that he personally knows that are -- have the same
2 allegations that he was bringing forward or it could be in
3 a general context that he's making the statement.

4 **MR. RUEL:** Because the way it's framed, it
5 seems to suggest that there were other people that had
6 suffered the same issues, so it seems to suggest that maybe
7 a broader, you know, investigation should have taken place;
8 is that not what we could reasonably conclude now?

9 **MS. BRADBURN:** You may be able to conclude
10 that.

11 Again, it could be that he's -- he's making
12 a general statement or that he, in fact, knows that there's
13 others that are -- have the same allegations.

14 **MR. RUEL:** Have you come -- any record of a
15 complaint being filed by Mr. Silmsler to the Ministry in
16 writing?

17 **MS. BRADBURN:** Do I have any knowledge?
18 No, I have no knowledge.

19 **MR. RUEL:**

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. RUEL:** Did Mr. Roy -- Mr. Commissioner
22 alluded to that but ever told you that in any discussion
23 you might have had with him, that another probation and
24 parole officer in Cornwall had left the Ministry in 1982 in
25 relation to allegations of sexual involvement with

1 probationers under his supervision?

2 **MS. BRADBURN:** I have no knowledge of that.

3 **MR. RUEL:** At the time of this ---

4 **MS. BRADBURN:** I have no knowledge of it. I
5 have no recollection of ever having that -- such
6 information.

7 **MR. RUEL:** Any mention of an incident where
8 four individuals attended Mr. Seguin's home, one of which
9 being a Ministry client, and that following the visit, the
10 murder was one of the individuals were -- was fatally shot
11 by another member of the group.

12 **MS. BRADBURN:** No.

13 That was mentioned to you by ---

14 **MS. BRADBURN:** I have no recollection, and
15 nothing in my notes to that effect.

16 **MR. RUEL:** While you were manager of the
17 IIU, have you ever -- have you -- did you receive any other
18 complaints related to the Cornwall probation and parole
19 office?

20 **MS. BRADBURN:** I have no recollection of
21 any.

22 **MR. RUEL:** And in hindsight, reviewing those
23 documents now, would you do things differently?

24 **MS. BRADBURN:** I think there probably would
25 have been different issues discussed.

1 Again, these issues that you've raised with
2 respect to the previous year's events, I had no knowledge
3 that I'm aware of, of those events, and they weren't
4 discussed in the conversations with Mr. Roy in my telephone
5 notes, otherwise, they would have been noted.

6 **MR. RUEL:** We're asking all witnesses if
7 they have any recommendations to make to the Commissioner.
8 I'm asking you the same question: Do you have any
9 recommendation to make to the Commissioner with respect to
10 the fulfilment of his mandate?

11 **MS. BRADBURN:** I think the only thing that I
12 would comment on is that, with respect to the clarity that
13 needs to be there in the -- as, we've talked about with the
14 Terms of Reference, the clarity around what words mean with
15 respect to sexual impropriety, what is it we mean by it.

16 As you've noted in the mandate, much of the
17 text that's in the mandate, relates to the workplace
18 harassment and discrimination policy, and I think providing
19 -- because of the seriousness of the issues and the
20 importance of them, that there needs to be more clarity in
21 mandates.

22 **MR. RUEL:** Okay.
23 Thank you, Mr. Commissioner.
24 Those will be my questions.

25 **THE COMMISSIONER:** Thank you.

1 All right.

2 So, let's talk about cross-examination. The
3 issue is, do we complete the cross-examination tonight or
4 do we start tomorrow morning?

5 So the question is, how long are we going to
6 be? So, if we can do it in 15, 20 minutes or, if it's --
7 Ms. Daley, how long do you think you're going to be?

8 **MS. DALEY:** I think I'll be no longer than 5
9 to 10.

10 **THE COMMISSIONER:** All right.

11 And Mr. Horn?

12 **MR. HORN:** I can be some -- I should go half
13 an hour.

14 **THE COMMISSIONER:** We'll do it tomorrow,
15 then.

16 Thank you.

17 **THE REGISTRAR:** Order, all rise; a l'ordre,
18 veuillez vous levez.

19 This hearing is adjourned until tomorrow
20 morning at 9:30 a.m.

21 --- Upon adjourning at 4:43 p.m./

22 --- L'audience est ajournée à 16h43

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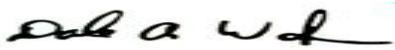
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C E R T I F I C A T I O N

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