

**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 177

Held at :

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

Thursday, December 13 2007

Tenue à:

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

Jeudi, le 13 décembre 2007

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Simon Ruel	Commission Counsel
Ms. Deirdre Harrington	
Mr. Ian Stauffer	
Mr. John E. Callaghan	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. Michael Neville	Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Mr. Carson Chisholm

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1 --- Upon commencing at 9:37 a.m./

2 L'audience débute à 9h37

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:** Good morning, all.

10 Maître Ruel.

11 **MR. RUEL:** Good morning.

12 Mr. Commissioner, two issues that I would
13 like to address before Mr. Stauffer starts with the next
14 witness.

15 First of all, you will recall yesterday that
16 I asked Ms. Loretta Eley, the last witness, if she recalled
17 speaking to Deputy Minister Michele Noble, and she
18 answered, "I really can't recall". And then I asked her,
19 "Would that be the type of situation that you would bring
20 to her attention?" And she answered, "I might have".

21 Just for the record, we -- through counsel
22 for the Ministry, we sent a list of questions, I believe
23 that was last summer, to former Deputy Minister Michele
24 Noble, and we -- based on the answers provided, we chose
25 not to call Ms. Noble as a witness. So I can just read a

1 few of the questions and answers for the record, and maybe
2 counsel for the Ministry can confirm that those were
3 obtained from Ms. Noble.

4 **THE COMMISSIONER:** Have counsel been advised
5 of this, all counsel? I see there's some ---

6 **MR. RUEL:** No.

7 **THE COMMISSIONER:** Well, I think that before
8 we decide to enter onto that procedure, we should advise
9 all of the lawyers and parties of what you intend to do and
10 see if they have any objections. So you might want to
11 stand that down and either do it at a break or sometime
12 next week.

13 **MR. RUEL:** Okay.

14 **THE COMMISSIONER:** All right?

15 **MR. RUEL:** The other matter is I gather Mr.
16 Neville made arguments before you yesterday on funding for
17 the Estate of Ken Seguin and Doug Seguin, and he referred
18 to some materials. As part of these materials there was an
19 affidavit from Doug Seguin. So this document has never
20 been entered as an exhibit. So I would ask if this -- ask
21 you to enter this exhibit as Exhibit 11.3.

22 I gather that Mr. Neville has issues to
23 raise with respect to confidentiality. So I would ---

24 **THE COMMISSIONER:** Thank you. Mr. Neville.
25 Good morning.

1 **MR. NEVILLE:** Based on the personal matters
2 set out there, I would ask that you give it some kind of
3 confidential designation.

4 **THE COMMISSIONER:** Well, we're looking at
5 the affidavit?

6 **MR. NEVILLE:** Yes.

7 **THE COMMISSIONER:** Okay. The only problem I
8 have with it is that the public has to see certain parts of
9 it.

10 **MR. NEVILLE:** Right.

11 **THE COMMISSIONER:** So what I was going to
12 suggest is that there be a publication ban on paragraphs 4,
13 5 -- 4 and 5.

14 **MR. NEVILLE:** That would be fine.

15 **THE COMMISSIONER:** All right?

16 **MR. NEVILLE:** Yes.

17 **THE COMMISSIONER:** Great. So this Exhibit
18 will be 11.3 and there will be a note that Tab 7, which is
19 an affidavit of Doug Seguin and the Estate of Ken Seguin,
20 sworn December 10th, 2007 will be subject to a publication
21 ban as it pertains to financial data of Mr. Doug Seguin
22 which are contained in paragraphs 4 and 5 therein.

23 Thank you.

24 **--- EXHIBIT NO./PIÈCE NO. P-11.3:**

25 Affidavit of Doug Seguin and the Estate

1 of Ken Seguin, sworn on December 10,
2 2007

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

4 **THE COMMISSIONER:** Thank you, Mr. Ruel.
5 Mr. Stauffer, good morning.

6 **MR. STAUFFER:** Good morning, Mr.
7 Commissioner.

8 We'd like to call as our next witness, Ron
9 Gendron.

10 **THE COMMISSIONER:** Thank you.
11 Good morning, sir.

12 **MR. GENDRON:** Good morning.

13 **RON GENDRON: Sworn/Assermenté:**

14 **THE COMMISSIONER:** Thank you.
15 Good morning, Mr. Gendron.

16 **MR. GENDRON:** Good morning. Thank you for
17 having me.

18 **THE COMMISSIONER:** Thank you for coming.
19 So a few things. I don't know if you've
20 heard this before, but the microphone, you have to speak
21 into the microphone and you have to vocalize your answers,
22 no "m'hms". We need yes or no's.

23 People will be asking you questions, and so
24 I want you to sit back and listen to the question and give
25 me your best answer. If you don't know the answer to

1 something, you can say "I don't know". And if you don't
2 understand something, just let me know and we'll clear it
3 up for you.

4 There's water and -- fresh water in the jug.

5 There's a small amplifier here, a speaker,
6 if you want to turn up the volume or down the volume to
7 suit your needs. The screen is there. If there are
8 documents to be shown, you will be shown documents through
9 hard copies and on the screen.

10 **MR. GENDRON:** Right.

11 **THE COMMISSIONER:** If there's anything that
12 you don't understand or you feel uncomfortable with, just
13 tell me.

14 **MR. GENDRON:** Okay. I will.

15 **THE COMMISSIONER:** All right? Thank you.

16 **MR. STAUFFER:** Yes. Thank you, Mr.

17 Commissioner.

18 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
19 **STAUFFER:**

20 **MR. STAUFFER:** Mr. Gendron, thank you for
21 coming this morning.

22 **MR. GENDRON:** You're welcome.

23 **MR. STAUFFER:** Mr. Gendron, I understand you
24 are a probation officer with the Cornwall Probation and
25 Parole Office. Is that correct?

1 MR. GENDRON: That's correct.

2 MR. STAUFFER: And as a gentleman in that
3 position, I gather you've been in court a number of times
4 prior to today ---

5 MR. GENDRON: That's right.

6 MR. STAUFFER: --- to testify?

7 MR. GENDRON: That's right.

8 MR. STAUFFER: So you understand how it's
9 done.

10 Could I ask you, sir, in terms of a little
11 background, you have been a probation officer then, I
12 guess, since 1981? Is that correct?

13 MR. GENDRON: That's right.

14 MR. STAUFFER: And that started out in
15 Alberta?

16 MR. GENDRON: That's right.

17 MR. STAUFFER: Prior to becoming a probation
18 officer, I understand you're a Kingston native?

19 MR. GENDRON: That's correct.

20 MR. STAUFFER: And that you were educated in
21 Kingston at St. Lawrence College and Queen's University?

22 MR. GENDRON: That's right.

23 MR. STAUFFER: And you received a degree in
24 criminology, sociology and psychology?

25 MR. GENDRON: That's right.

1 **MR. STAUFFER:** So when you left university,
2 you went immediately then into the Corrections world, if I
3 can put it that way?

4 **MR. GENDRON:** Yes.

5 **MR. STAUFFER:** Yes. And you spent three
6 years out in Alberta as a probation officer?

7 **MR. GENDRON:** Yes.

8 **MR. STAUFFER:** Did you work essentially with
9 young people at that time who were in the probations world?

10 **MR. GENDRON:** I would have worked with both
11 adults and young people.

12 **MR. STAUFFER:** All right. And at some point
13 you decided to come back to Ontario?

14 **MR. GENDRON:** That's right.

15 **MR. STAUFFER:** And you began work here in
16 1984?

17 **MR. GENDRON:** Correct.

18 **MR. STAUFFER:** And at that time, as I
19 understand it, the manager at this local office would have
20 been Peter Sirrs. Is that right?

21 **MR. GENDRON:** Yes.

22 **MR. STAUFFER:** And was it his decision, I
23 guess, to some extent in conjunction with you, that you
24 would devote your work to younger people; that is, 16 and
25 17 year-olds?

1 **MR. GENDRON:** Not immediately, but in 1985,
2 yes.

3 **MR. STAUFFER:** So within a year or so of
4 coming here, you began to work with those, and you did not
5 work for a number of years with adults?

6 **MR. GENDRON:** That's right.

7 **MR. STAUFFER:** When did you start working
8 with adults? When did that change?

9 **MR. GENDRON:** Approximately 1994, somewhere
10 in that neighbourhood.

11 **MR. STAUFFER:** Okay.

12 **MR. GENDRON:** I worked with young offenders
13 for about 10 years.

14 **MR. STAUFFER:** Okay. And so for roughly the
15 last 12 or 13 years you've been essentially working with
16 adults?

17 **MR. GENDRON:** Yes.

18 **MR. STAUFFER:** And so we're talking the same
19 language, is that somebody over 18?

20 **MR. GENDRON:** Yes.

21 **MR. STAUFFER:** All right. With respect to
22 the people who were here when you first joined in 1984, if
23 I could just give you the names and tell me if these are
24 the right individuals. Carole Cardinal?

25 **MR. GENDRON:** Yes.

1 **MR. STAUFFER:** Stu Rousseau?

2 **MR. GENDRON:** Yes.

3 **MR. STAUFFER:** Terry MacDonald?

4 **MR. GENDRON:** Yes.

5 **MR. STAUFFER:** Jos van Diepen?

6 **MR. GENDRON:** Yes.

7 **MR. STAUFFER:** Ken Seguin?

8 **MR. GENDRON:** Yes.

9 **MR. STAUFFER:** And Sue Larivière. Was she
10 here at that time?

11 **MR. GENDRON:** No, she was not.

12 **MR. STAUFFER:** So she came in sometime
13 later, or she ---

14 **MR. GENDRON:** She would have, I believe,
15 started in 1990.

16 **MR. STAUFFER:** All right. I appreciate
17 that.

18 Were there any other probation officers who
19 I've missed in that list at the time you started in 1984?

20 **MR. GENDRON:** No.

21 **MR. STAUFFER:** All right. And as I
22 understand it, in terms of support people, Marcelle Léger
23 and Louise Quinn ---

24 **MR. GENDRON:** Yes.

25 **MR. STAUFFER:** --- were there and, as well,

1 Lise Bourgon?

2 MR. GENDRON: Yes.

3 MR. STAUFFER: Were there any others that
4 you can remember in your first year or so of starting here?

5 MR. GENDRON: There was no others.

6 MR. STAUFFER: All right. And like we've
7 discussed, Mr. Sirrs was the manager in the office ---

8 MR. GENDRON: Yes.

9 MR. STAUFFER: --- and he continued in that
10 position for a period of time.

11 Who replaced him while you were there?

12 MR. GENDRON: Leo White.

13 MR. STAUFFER: And then after Mr. White it
14 was Emile Robert?

15 MR. GENDRON: Yes.

16 MR. STAUFFER: All right. Now, could you
17 help us, from your own personal perspective, as to the
18 working atmosphere as you found it when you first came into
19 the office in 1984?

20 MR. GENDRON: It was a good atmosphere but
21 there was some strain in the office at the time.

22 MR. STAUFFER: Could you give us some detail
23 as to what you thought that strain was about?

24 MR. GENDRON: I didn't know a lot about the
25 strain because I was a newcomer so -- the strain existed

1 before my arrival. However, I noticed some strain between
2 the manager and Mr. Rousseau and the manager and Jos van
3 Diepen.

4 **MR. STAUFFER:** All right. As you worked in
5 the next months and years, what evidence or what could you
6 tell us about that as to what you saw or heard? What was
7 causing the problem?

8 **MR. GENDRON:** I believe it was due to Mr.
9 Sirrs management style at the time. It seemed to have
10 created some conflict for some staff members.

11 **MR. STAUFFER:** Okay. Can you expand on that
12 at all as to what the management style was?

13 **MR. GENDRON:** Mr. Sirrs had a military
14 background so he brought that into the workforce where he
15 was known as a strict manager and he didn't have a lot of
16 flexibility. Everything was pretty much black and white
17 and the probation officers thought there was grey area.

18 **MR. STAUFFER:** All right. I gather that --
19 we've heard from Mr. Sirrs -- but he's a relatively large
20 man.

21 **MR. GENDRON:** Yes, Peter was very -- he was
22 a big man. He would have been, I don't know, six foot two,
23 240 pounds. He was a very imposing figure.

24 **MR. STAUFFER:** Okay. Would you describe him
25 as a hands-on manager or a hands-off manager?

1 **MR. GENDRON:** He was a -- he certainly knew
2 what was happening in the work environment. He kept in
3 touch with things, but the job brought him out of the job
4 on many occasions to supervise satellite offices at the
5 time. So if you're doing your job he was a hands-off
6 manager.

7 **MR. STAUFFER:** Okay. And, again, just to
8 refresh our memories, where were the satellite offices back
9 then in the '80s?

10 **MR. GENDRON:** I believe they would have been
11 Brockville and I believe Hawkesbury area.

12 **MR. STAUFFER:** Was Alexandria part of that
13 at the time?

14 **MR. GENDRON:** Yes, and Morrisburg.

15 **MR. STAUFFER:** Okay. And how were the cases
16 distributed back then under Mr. Sirrs' management?

17 **MR. GENDRON:** I believe at the time it was
18 done through Marcelle Léger.

19 **MR. STAUFFER:** Okay. And I'm not exactly
20 sure how this would work then. Would Madam Léger say to
21 you, "Here's a new case" or how did it work?

22 **MR. GENDRON:** Well, it depended on the
23 client and the geography. Like, obviously if it was in the
24 Alexandria area it would have gone to Carole Cardinal who
25 was a probation officer in that area.

1 If it was a Dundas County probationer it
2 would have gone to Jos van Diepen or Ken Seguin.

3 If it was a Cornwall probationer it would
4 have gone to a probation officer in Cornwall. It depended
5 on if it was a francophone client it would have gone to
6 Carole Cardinal.

7 **MR. STAUFFER:** Okay.

8 **MR. GENDRON:** If you had done the pre-
9 sentence report it would have been your client. So it all
10 depended on the situation but if it wasn't diverted for a
11 reason, it would have been randomly.

12 **MR. STAUFFER:** All right. Were you
13 considered a Cornwall probation officer, if I can put it
14 that way?

15 **MR. GENDRON:** Well, I would have been the
16 Cornwall youth officer. So I would have received all the
17 youth work.

18 **MR. STAUFFER:** All right.

19 **MR. GENDRON:** So it was just automatically
20 given to me.

21 **MR. STAUFFER:** All right. And you resided
22 in Cornwall at that time?

23 **MR. GENDRON:** Yes.

24 **MR. STAUFFER:** And I gather you still reside
25 here?

1 **MR. GENDRON:** Yes.

2 **MR. STAUFFER:** All right. There were some
3 audits, as I understand it, under Mr. Sirrs management.
4 Can you describe how those took place?

5 **MR. GENDRON:** It was an annual audit. I
6 believe it was in the fall. Approximately 10 percent of
7 your caseload would have been audited. So he would have
8 simply randomly picked files, simple as that, and he would
9 have advised you that, you know, an audit's coming up next
10 month, please be prepared, it's on such-and-such a date and
11 he would pull the files and sometime later you'd get a
12 report back.

13 **MR. STAUFFER:** Okay. So you'd know the date
14 when the audit was going to take place but you wouldn't
15 know which files he was going to be looking at with you?

16 **MR. GENDRON:** No, you never knew what files
17 he would look at. He would just randomly pick -- well, in
18 my case, you know, up to 10 files, somewhere in that
19 neighbourhood.

20 **MR. STAUFFER:** All right. Now, at some
21 point, as you've told us, Mr. White took over, on an
22 interim basis at least from Mr. Sirrs, and then there was a
23 competition, as I understand it, for the position?

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

25 **MR. STAUFFER:** Can you tell us your

1 knowledge of what went on there specifically in terms of
2 who competed and your view of the competition and how it
3 worked out?

4 **MR. GENDRON:** Emile Robert, Jos van Diepen,
5 Ken Seguin initially applied, and then it got complicated.
6 I'm not sure what happened, but I think then Ken Seguin
7 dropped out of the competition for some reason, I'm not
8 sure what, I think he just lost interest.

9 And then the competition was between Mr.
10 Robert and Mr. van Diepen. And I believe at the time the
11 Ministry made the designation that it be a bilingual
12 position and I think Jos felt at a disadvantage because he
13 wasn't fluent in French. And then the competition happened
14 and Mr. Robert was given the job.

15 **MR. STAUFFER:** All right. Do you have any
16 comments as to whether Mr. Robert and yourself got along?

17 **MR. GENDRON:** I got along with Mr. Robert
18 off and on; sometimes yes, sometimes no, depending on the
19 situation, depending on the year.

20 I had a 1985 to 19 -- I believe he left in
21 2000. I'm not sure. I had about a 15-year career with Mr.
22 Robert so there would have been good years, bad years.

23 **MR. STAUFFER:** Could you describe his
24 management style as compared to Mr. Sirrs's?

25 **MR. GENDRON:** It was quite different. It

1 was day and night.

2 Mr. Robert tended to micro-manage the
3 office. Their styles were completely different. Mr.
4 Robert tended to -- Peter was a very competent manager,
5 whereas Mr. Robert's competency was lacking. He was very
6 self-centred. Some of his decision-making was quite
7 questionable. I'm not sure how much more you want me to go
8 on.

9 MR. STAUFFER: Well, the relationship
10 between him and the probation officers, how did you view
11 the relationship in terms of productivity and work
12 efficiency?

13 MR. GENDRON: Well, in the 1980s -- excuse
14 me.

15 MR. STAUFFER: There's some water there I
16 think, Mr. Gendron, if you need a drink.

17 MR. GENDRON: Thank you, yes.

18 In the 1980's, we didn't have the workload
19 that we did in the '90s and that created much less stress
20 in the office and I think people were much more tolerant of
21 the manager, and there was no significant concerns with
22 management or at least with Mr. Robert in the '80s.

23 But in the '90s things began to change with
24 workload issues and his management style and his
25 personality and his management personality. It tended to

1 create a lot of conflict in the office.

2 **MR. STAUFFER:** In the '80s, and I appreciate
3 this is a difficult question to answer, but what would have
4 been your average caseload in that decade or from '84 when
5 you started?

6 **MR. GENDRON:** Well, mine would have been
7 different because I was a young offender specialist so I
8 would have naturally had a lower caseload than the other
9 officers so mine would have been approximately 40 to 50
10 young offenders, whereas the other officers would have had
11 an adult caseload probably averaging upwards of 100.

12 **MR. STAUFFER:** Okay. And when you switched,
13 if I can put it that way, to dealing with adult offenders,
14 is that what your caseload became then, somewhere in the
15 90's?

16 **MR. GENDRON:** It would have been 90ish to
17 100, and then in the '90s it varied but it would have
18 peaked at -- at one time it would have peaked at 150.

19 **MR. STAUFFER:** Okay. I gather this is a
20 stressful job dealing with that number?

21 **MR. GENDRON:** It was impossible to deal with
22 a caseload of 150; it was out of control.

23 **MR. STAUFFER:** Okay. With respect to the
24 relationship of Monsieur Robert, Emile Robert, and Ken
25 Seguin, can you tell us your perspective on that?

1 **MR. GENDRON:** They had a good relationship.
2 They had a close relationship.

3 **MR. STAUFFER:** Okay.

4 **MR. GENDRON:** There -- there appeared to be
5 a very -- very -- I don't recall any friction between the
6 two. They always got along. They always communicated.
7 They had a -- they had a good relationship.

8 **MR. STAUFFER:** Again, I know this may be
9 difficult to answer but I'm going to put it to you, did you
10 perceive any favouritism in the office; that is, did Mr.
11 Robert, in terms of Mr. Seguin, favour him over other
12 probation officers in any respect?

13 **MR. GENDRON:** Well, generally, Ken got
14 favoured, certainly, but then again Mr. Robert would favour
15 any probation officer at any given time for whatever given
16 reason. I think he was never consistent.

17 If you -- but generally Ken -- Ken was
18 always favoured. He -- I'm not sure exactly why that was
19 and -- but I think it's because Ken always gave Emile a lot
20 of respect and a lot of -- most of the other officers or --
21 or sometimes the officers did not give Mr. Robert the
22 respect that Mr. Robert thought he deserved.

23 **MR. STAUFFER:** Was there anyone in
24 particular who had more difficulties with Mr. Robert than
25 others?

1 **MR. GENDRON:** Mr. van Diepen would have had
2 more conflict with Mr. Robert than anybody else.

3 **MR. STAUFFER:** All right. And, again, I
4 should be clear here, sir, I gather you were always in the
5 Cornwall office, if I can put it that way, or ---

6 **MR. GENDRON:** That's right.

7 **MR. STAUFFER:** You worked there ---

8 **MR. GENDRON:** M'hm.

9 **MR. STAUFFER:** --- day in and day out,
10 basically, unless you were going to court or ---

11 **MR. GENDRON:** I went to court once a week,
12 so I would have been -- remained in the office
13 approximately four out of five days.

14 **MR. STAUFFER:** Oh.

15 **MR. GENDRON:** But one day out of the week I
16 was always out of the office.

17 **MR. STAUFFER:** All right.

18 **MR. GENDRON:** At court.

19 **MR. STAUFFER:** And, again, we've heard from
20 others but just your own perspective, what would the
21 working hours be for yourself at the Cornwall office?

22 **MR. GENDRON:** Standard office hours were
23 8:30 to 4:45.

24 **MR. STAUFFER:** All right.

25 **MR. GENDRON:** Monday to Friday.

1 **MR. STAUFFER:** And then I understand there
2 was a night of the week when there would be night
3 reporting?

4 **MR. GENDRON:** That's right.

5 **MR. STAUFFER:** What's your understanding,
6 when did that take place?

7 **MR. GENDRON:** That would have been the last
8 Thursday of every month for many, many years.

9 **MR. STAUFFER:** Okay. And what would the
10 hours be for the night reporting shift?

11 **MR. GENDRON:** Approximately 5:00 to 8:00
12 p.m.

13 **MR. STAUFFER:** Okay.

14 **MR. GENDRON:** It -- it never had an exact
15 time. It would vary depending on the workload, the
16 officer; various factors.

17 **MR. STAUFFER:** Would all the probation
18 officers who weren't on holidays come in for the night
19 shift?

20 **MR. GENDRON:** For the most part, yes.

21 **MR. STAUFFER:** Okay. And we heard from an
22 earlier witness this notion of kind of taking a break, you
23 know, the day would end, people would go off for supper and
24 then they'd come back for the nightshift. Did you
25 participate in that?

1 **MR. GENDRON:** No. I always went home for
2 supper.

3 **MR. STAUFFER:** You lived fairly close by?

4 **MR. GENDRON:** Five minutes.

5 **MR. STAUFFER:** Okay. With respect to locks
6 on the doors, the office doors -- and, again, we should
7 confirm the location where you worked, what was the address
8 of the office on Pitt Street for you?

9 **MR. GENDRON:** Five-zero-two (502) Pitt
10 Street.

11 **MR. STAUFFER:** All right. So at 502 Pitt,
12 from the time you started let's say until 1993, at least,
13 did you have any -- do you have any recollection or did you
14 have any recollection back then of having seen locks on the
15 doors of the office?

16 **MR. GENDRON:** I never saw a lock on any
17 door.

18 **MR. STAUFFER:** Okay. And again, just so
19 we're crystal clear on this, something that would keep the
20 door locked so that an individual couldn't get in without
21 being let in by the person inside the office. There was
22 nothing like that?

23 **MR. GENDRON:** No.

24 **MR. STAUFFER:** Okay. In terms of any policy
25 within the office, what was to be done when you were

1 meeting with a probationer; was the door to be left open,
2 shut or was there any policy?

3 **MR. GENDRON:** There was no policy but the
4 general practice was you had the door shut. You know, it
5 was a confidential interview and you didn't want to disturb
6 other staff.

7 However, on occasion, the door would be left
8 open if you felt there was a need -- if there was a
9 contentious issue with a client, then you'd want to leave
10 the door open so other staff were within earshot or they
11 could observe or see.

12 You know, it's for the protection of the
13 officer; it's a security issue, but that rarely happened,
14 but it -- it would on occasion. You'd have a probationer
15 that was a -- could be violent or you might have a female
16 client in your office and you thought it would be best
17 maybe to leave the door open.

18 **MR. STAUFFER:** Okay. Now, where was your
19 office at 502 Pitt Street in terms of Mr. Seguin's?

20 **MR. GENDRON:** I would have been down the
21 hall.

22 Between myself and Mr. Seguin would have
23 been Mr. Rousseau. So I was separated by one probation
24 officer and one office.

25 **MR. STAUFFER:** All right. And then Mr.

1 Robert, where would his office be in relation to yours and
2 Mr. Seguin's?

3 **MR. GENDRON:** He would have been at the
4 front of the building and Ken's office would have been next
5 to Emile's -- Robert's office. They would have side-by-
6 side.

7 **MR. STAUFFER:** All right. Can you describe,
8 Mr. Gendron, what relationship, if any, you had with Nelson
9 Barque?

10 **MR. GENDRON:** Prior to -- well, I arrived in
11 1998 -- 1984 and then it wasn't until, I believe, 1990 --
12 I'm guessing, 1995, 1996, he would have been placed on
13 probation to me.

14 **MR. STAUFFER:** All right. So you never
15 worked, so to speak, with Mr. Barque. He ---

16 **MR. GENDRON:** No.

17 **MR. STAUFFER:** --- had resigned by the time
18 you came in?

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

20 **MR. STAUFFER:** But he came under your
21 supervision as a probationer when he'd been put on
22 probation with regard to the Albert Roy matter?

23 **MR. GENDRON:** Yes.

24 **MR. STAUFFER:** And how long did you
25 supervise him?

1 **MR. GENDRON:** Twelve (12) or 18 months; I
2 can't remember.

3 **MR. STAUFFER:** And during that time, did you
4 and he talk about any sexual offences which he was involved
5 with other than Albert Roy?

6 **MR. GENDRON:** No.

7 **MR. STAUFFER:** Did you get any impression
8 from him as to whether he had concerns about Ken Seguin?

9 **MR. GENDRON:** No.

10 **THE COMMISSIONER:** When you joined -- excuse
11 me for just a minute.

12 **MR. STAUFFER:** Yes.

13 **THE COMMISSIONER:** When you joined the
14 probation office back in '84, was there ever any mention of
15 Mr. Barque and his reasons for leaving or anything like
16 that?

17 **MR. GENDRON:** I would have known about it,
18 yes.

19 **THE COMMISSIONER:** Okay, how did you come to
20 know about it?

21 **MR. GENDRON:** From the various staff, they
22 would have informed me.

23 **THE COMMISSIONER:** Okay. And what did you
24 know? What did they tell you?

25 **MR. GENDRON:** That he had sexual contact

1 with a probationer and resigned because of that.

2 **THE COMMISSIONER:** All right.

3 **MR. GENDRON:** That would have come from
4 probation officers, not from management.

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

6 **MR. STAUFFER:** All right. Thank you, Mr.
7 Commissioner.

8 Mr. Gendron, now let's deal with Mr. Seguin
9 for a few minutes more particularly.

10 When you arrived in 1984, did Mr. Seguin
11 help you in terms of being, to some extent, a mentor or a
12 guide through the probation system in Cornwall?

13 **MR. GENDRON:** Yes, very much so.

14 **MR. STAUFFER:** All right. How would you
15 describe your relationship with him over the next nine
16 years or so until his death?

17 **MR. GENDRON:** Very good. We had a good
18 working relationship. It was distant but I didn't, you
19 know, I had come into the job with three years experience
20 so I didn't rely on Ken very much, but when I did need to
21 know something or I wasn't sure about something or I -- I
22 would have sought his guidance.

23 He had a good reputation in the office and
24 he was senior staff and he was very much respected and
25 admired, so it was just natural to go to Mr. Seguin.

1 **MR. STAUFFER:** With respect to Mr. van
2 Diepen and Mr. Seguin, could you describe to the
3 Commissioner what you believe was the relationship between
4 them over time?

5 **MR. GENDRON:** It would have varied. They
6 would have had -- in -- in the early years, in the 80s,
7 they would have gotten along, but in the late eighties
8 things began to change and there was conflict between them
9 -- there was stress, strain -- and there was periods of
10 time where they would not have interacted, they would've
11 not really spoken to each other.

12 **MR. STAUFFER:** Is there anything in
13 particular you know that brought on this estrangement, if I
14 can put that way?

15 **MR. GENDRON:** Mr. van Diepen really took
16 exception to Ken's supervision style. He had concerns with
17 that.

18 **MR. STAUFFER:** What are you talking about
19 there?

20 **MR. GENDRON:** Mr. Seguin's approach to
21 probation was very much social work oriented, whereas Mr.
22 van Diepen's was not; it was more enforcement. And there
23 was a natural conflict there. And that bothered Jos, that
24 upset him, and it upset Jos that Ken was so close to
25 management and so close to Emile Robert and that sort of

1 upset him, and that led to more conflict.

2 They were the two main issues that Mr. van
3 Diepen had with Mr. Seguin.

4 **MR. STAUFFER:** Okay. I want to understand,
5 and I apologize for not following you here, is Emile Robert
6 concerned because Mr. van Diepen is having trouble with Mr.
7 Seguin. Is that what you're saying?

8 **MR. GENDRON:** No, I don't think ---

9 **MR. STAUFFER:** No.

10 **MR. GENDRON:** --- Mr. Robert was concerned
11 with that.

12 **MR. STAUFFER:** Okay.

13 **MR. GENDRON:** He did -- I'm not sure -- how
14 did I lose you? Sorry.

15 **MR. STAUFFER:** Sorry?

16 **MR. GENDRON:** Sorry. I ---

17 **(LAUGHTER/RIRES)**

18 **THE COMMISSIONER:** No. You said there were
19 two conflicts ---

20 **MR. STAUFFER:** Yeah.

21 **MR. GENDRON:** That's right.

22 **THE COMMISSIONER:** --- vis-à-vis Seguin and
23 van Diepen. One was their different philosophy on
24 probation?

25 **MR. GENDRON:** That's right.

1 **THE COMMISSIONER:** One was more social work
2 and one was more enforcement?

3 **MR. GENDRON:** That's right.

4 **THE COMMISSIONER:** And the second thing that
5 Mr. van Diepen didn't appreciate was the fact that Mr.
6 Seguin was close to management and that he didn't appear to
7 have any conflicts with Mr. Robert?

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

9 **MR. STAUFFER:** Okay. Thank you, Mr.
10 Commissioner, for that clarification. That answers my
11 question.

12 So, Mr. Gendron, at some point, I understand
13 from what you've told us in interviews that Mr. Seguin and
14 Mr. van Diepen had words over a file.

15 Can you tell us about that or what you
16 heard?

17 **MR. GENDRON:** Yes. They would've -- I
18 recall -- well, there was an incident where I remember Ken
19 getting quite angry that -- I'm really not sure what
20 happened, but they would've -- they had a heated exchange
21 where Ken was upset because Jos -- he felt that Jos was --
22 I'm not sure what the word is -- he was looking at Mr.
23 Seguin's supervision of his clients, and Ken thought that
24 he was interfering and he didn't appreciate it. He just
25 wanted Mr. van Diepen to, basically, you know, mind his own

1 business.

2 MR. STAUFFER: And what words did you hear?

3 MR. GENDRON: He said something to the fact,
4 you know, "Keep out of my -- keep the hell out of my
5 caseload" or something to that effect.

6 MR. STAUFFER: Do you know what year we're
7 talking about there?

8 MR. GENDRON: Late 1980s.

9 MR. STAUFFER: Okay. In your observations,
10 what did you see Mr. Seguin doing in terms of his clients?

11 MR. GENDRON: He was supervising his clients
12 like everybody else. Ken would really go beyond the call
13 of duty with his clients. He would spend -- he -- Ken
14 would just do things with his clients that no other
15 probation officer really did. He was admired and respected
16 for it because he went the extra mile for clients and other
17 probation officers didn't.

18 MR. STAUFFER: Could you give us some
19 examples of what you're talking about?

20 MR. GENDRON: Ken was very helpful. He was
21 always trying to assist them with their life. He would
22 drive them to job sites. He would -- I remember once a
23 client needed work boots and he had no -- if he didn't show
24 up with work boots, he wasn't getting the job, and that was
25 a concern to Ken.

1 At the time, we had a special needs
2 assistant fund, and Ken would access that fund for his
3 clients. You know, he -- if they needed work boots or
4 something like that, he'd be accessing this fund for
5 whatever need that they required and if they were -- they
6 had a substance abuse problem, and a lot of that in those
7 days, it was at St. Raphael's; it was at -- you know, it
8 was located 20 miles outside of the city and often
9 probationers didn't have transportation, they didn't have a
10 vehicle, and Ken would make sure they got there and he
11 would drive them there.

12 Other probation officers wouldn't do that.
13 They just -- they'd say, you know, "You're required to be
14 there; be there. That's your problem getting there." And
15 they were -- they would have to find their own
16 transportation there or ---

17 Ken wouldn't take that approach. He'd make
18 sure they'd get there because it's important to him to they
19 get substance abuse treatment.

20 **MR. STAUFFER:** All right. I gather -- we've
21 from others -- you would've seen out of your window Mr.
22 Seguin smoking with his clients from time-to-time.

23 **MR. GENDRON:** Yes. Ken was very friendly
24 with clients.

25 **MR. STAUFFER:** And in terms of actually

1 living with a client -- or a former client I guess more
2 accurately -- Gerry Renshaw, you were aware of that?

3 MR. GENDRON: Yes.

4 MR. STAUFFER: And what was your view on
5 that situation?

6 MR. GENDRON: That's ridiculous. That was
7 bizarre.

8 MR. STAUFFER: Why do you say that?

9 MR. GENDRON: Because it was.

10 (LAUGHTER/RIRES)

11 MR. STAUFFER: Okay.

12 MR. GENDRON: But how I ---

13 MR. STAUFFER: I gather you haven't done
14 that?

15 MR. GENDRON: No. I have never heard of a
16 probation officer ever doing that. It was quite startling
17 and I don't -- I didn't understand why that would happen.

18 MR. STAUFFER: Okay. With respect to going
19 out to Ken's house in Summerstown, did you go out there at
20 any time? I'm not talking about the day of his death yet,
21 but prior to that, had you been out there?

22 MR. GENDRON: Never.

23 MR. STAUFFER: All right. With respect to
24 Mr. Sheldon McMillan, who I understand was a probationer at
25 one point, can you give us your observations about him and

1 Mr. Seguin?

2 **MR. GENDRON:** Well, I was aware of -- I knew
3 Sheldon McMillan because I had supervised him in the past
4 and Ken had supervised him in the past also.

5 I recall one day Ken coming to me and saying
6 that Sheldon McMillan had dropped in to his residence and
7 they had a few beer and that Sheldon left.

8 **MR. STAUFFER:** Okay. Again, how would you
9 describe that from your perspective, that type of
10 behaviour?

11 **MR. GENDRON:** Unusual for a probation
12 officer, but more typical for Ken. Ken had a lot of social
13 interaction with clients.

14 But the reason I can remember it, it's
15 because, well, one, I knew the probationer he was referring
16 to. It was odd that Ken would tell me that because Ken was
17 very, very private, and I didn't have a sort of work
18 relationship with Ken that he would confide in me or he
19 would talk to me about his weekends. I didn't ask and he
20 didn't tell.

21 So I thought it was very odd that Ken would
22 mention that to me. So that's why I can remember it quite
23 clearly.

24 **MR. STAUFFER:** I gather -- just backing up
25 to what probation officers do -- you talked about the --

1 you've made an observation, perhaps, from Monsieur Robert
2 or someone that Mr. Seguin -- or Mr. van Diepen, I guess --
3 Mr. van Diepen saw Mr. Seguin as being more of a social
4 worker than an enforcement official?

5 **MR. GENDRON:** That's right.

6 **MR. STAUFFER:** What is the role of a
7 probation officer, from your perspective, having been at it
8 more than ---

9 **MR. GENDRON:** Well, we have a number of
10 roles.

11 **MR. STAUFFER:** Okay.

12 **MR. GENDRON:** I think number one would be an
13 officer of the court. We're writing a lot of pre-sentence
14 reports for the court; we're in court a lot.

15 Two would be enforcement of the probation
16 order; enforcement of the conditions, getting probationers
17 to comply with the law, the order.

18 And, three, probably would be the assessment
19 and supervision of probationers, people in the community.

20 **MR. STAUFFER:** All right.

21 **MR. GENDRON:** Those are the main roles.

22 **MR. STAUFFER:** And I gather you have the
23 authority to lay an Information that someone has breached
24 the term of probation, if it comes to that?

25 **MR. GENDRON:** Of course.

1 **MR. STAUFFER:** Yeah. And I gather as well,
2 Mr. Gendron, having been at it for, I guess, coming up to
3 30 years or so, that the -- you -- many of the individuals
4 you dealt with, males at least, would be coming from
5 families where there was no father, or at least no father
6 figure in the household?

7 **MR. GENDRON:** Broken homes are -- we see
8 that all the time, yes.

9 **MR. STAUFFER:** Yeah. Okay.
10 I'm going to take you to the background
11 leading up to Mr. Seguin's death. Now, you and Mr. van
12 Diepen, in 1993, had some concerns about Mr. Ken Seguin.
13 Is that correct?

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

15 **MR. STAUFFER:** What concerns did you have?

16 **MR. GENDRON:** That Ken was -- that his
17 social interaction with clients was too commonplace.

18 **MR. STAUFFER:** All right. Did you speak
19 with Mr. Seguin about your concerns?

20 **MR. GENDRON:** Yes.

21 **MR. STAUFFER:** How often; do you remember?

22 **MR. GENDRON:** Once.

23 **MR. STAUFFER:** Okay. Do you remember the
24 circumstances surrounding that discussion among the three
25 of you?

1 **MR. GENDRON:** Yes. Jos and I discussed
2 talking to Mr. Seguin about his social interactions with
3 clients, and we approached him, attended his office,
4 discussed those concerns with him and we left.

5 **MR. STAUFFER:** Okay. What reaction, if any,
6 did you get from Mr. Seguin?

7 **MR. GENDRON:** He had no reaction. He didn't
8 say a word. That's why I remember very clearly. He --
9 sorry, he thanked us, and that's all he said. He said,
10 "Thank you", and we left.

11 **MR. STAUFFER:** Okay. Without sounding too
12 thick here, why were you concerned about him socializing
13 with his clients?

14 **MR. GENDRON:** Because I was worried that Ken
15 was putting himself in a position of being vulnerable and
16 compromising himself.

17 **MR. STAUFFER:** Okay.

18 **THE COMMISSIONER:** In which way?

19 **MR. GENDRON:** Well, because Ken would do
20 these extraordinary things with his clients. You know,
21 it's great to be, you know, Mr. Perfect Probation Officer,
22 but at the same time, those things can really backfire on
23 you, and I was worried that that could happen with Ken.

24 **THE COMMISSIONER:** So what are the things
25 that led you to -- can you flesh that out a little bit?

1 MR. GENDRON: Sure.

2 THE COMMISSIONER: Can you flesh that out
3 for me?

4 MR. GENDRON: Absolutely.

5 THE COMMISSIONER: So, I mean, obviously you
6 spoke to van Diepen before you go to see Seguin?

7 MR. GENDRON: That's right.

8 THE COMMISSIONER: This thing has been
9 building for a number of ---

10 MR. GENDRON: Years.

11 THE COMMISSIONER: A period of years. All
12 right.

13 So what's the straw that breaks the camel's
14 back that says, "We've got to go in there and tell him"?

15 MR. GENDRON: It would have been a number of
16 things, but I think -- the Renshaw thing, Ken living with a
17 client was just ripe for abuse.

18 THE COMMISSIONER: Right.

19 MR. GENDRON: Or something.

20 THE COMMISSIONER: Right.

21 MR. GENDRON: You know, Ken driving to, you
22 know -- it's great to drive a client to a treatment centre,
23 but along the way, you're in a private vehicle with a
24 client.

25 THE COMMISSIONER: M'hm.

1 **MR. GENDRON:** Everything from liability to
2 an accident to -- a client could say anything. There's no
3 witnesses around. There's nobody around to see, to hear.

4 At least when you're in a probation office
5 you're surrounded by co-workers. There's safety issues.
6 What happens if the client, you know, before treatment
7 decides -- just -- you know, these are people that have
8 mental health issues and you're now in a vehicle with
9 somebody. You're not equipped to deal with that sort of
10 thing. Many things can happen. It was just something that
11 I felt that you put yourself in that position and bad
12 things can happen.

13 And so I think Mr. van Diepen and I felt
14 that it was necessary to approach Ken, that these things --
15 these social interactions kept happening. He was going to
16 get himself into some trouble.

17 **MR. STAUFFER:** I think you've agreed with
18 Mr. Commissioner that this had been going on for some time,
19 that is, it just didn't start in 1993, your concerns and
20 Mr. van Diepen's concerns about Mr. Seguin's behaviour?

21 **MR. GENDRON:** Right.

22 **MR. STAUFFER:** Is that right? Can you give
23 us your best estimate as to when you first had concerns
24 about Mr. Seguin?

25 **MR. GENDRON:** Well, it would have been off

1 and on over the years. It was never -- it wasn't something
2 in the office that was discussed constantly, but it was --
3 but Ken's -- the social interactions would just come up
4 once in a while, and a lot of times you'd just accept it
5 and then other times you just sort of -- you'd wonder and
6 think, "Sheesh, I wouldn't do that".

7 And so I think with the Renshaw incident and
8 then with the Varley homicide investigation, I think those
9 -- they were such huge significant events that -- and these
10 are the type of things that can sort of backfire on you.
11 And so we felt it was necessary to sort of say, "Ken, come
12 on, think".

13 **THE COMMISSIONER:** I'm sorry, can you help
14 me out? I like to visualize. Was it you and Mr. van
15 Diepen going into his office?

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

17 **THE COMMISSIONER:** Okay. So can you focus
18 on that and tell me, you know, as if we're playing a
19 videotape ---

20 **MR. GENDRON:** Yes.

21 **THE COMMISSIONER:** --- do you go in? How
22 long did you take? What exactly did you tell him? Did van
23 Diepen talk, that kind of thing?

24 **MR. GENDRON:** Sure, sure.

25 So we went into his office. We just said,

1 "Ken, can we talk to you for a few minutes?" He said,
2 "Sure". And I said -- and we said, "Listen, we have some
3 concerns that ---"

4 **THE COMMISSIONER:** Who is doing the talking
5 at this time?

6 **MR. GENDRON:** We both are.

7 **THE COMMISSIONER:** Okay.

8 **MR. GENDRON:** And we're saying, "Ken,
9 listen, you know, you should be careful. We're hearing
10 that you're spending time, social interactions with
11 clients, and some of those interactions are out of the work
12 site and you should be careful because these sort of things
13 can backfire on you."

14 It was a very quick conversation. It would
15 have -- in terms of timing, maybe a couple minutes. Mr.
16 van Diepen spoke to him. I briefly spoke to him and Ken
17 had no reaction. So he had no -- it wasn't that he was
18 indifferent to it, he just -- I think he didn't know what
19 to say, but he didn't want to offend us. I don't think he
20 appreciated it, but he -- I got the impression he wasn't
21 going to speak. He wasn't going to talk about this.

22 **THE COMMISSIONER:** Did you or van Diepen
23 mention the Renshaw matter or the homicide situation?

24 **MR. GENDRON:** No, no.

25 **THE COMMISSIONER:** Any specific examples?

1 MR. GENDRON: No.

2 THE COMMISSIONER: Okay. Okay.

3 MR. STAUFFER: So when was this, to the best
4 of your recollection, this meeting in Ken's office?

5 MR. GENDRON: I believe late '80s, 1990. I
6 don't know.

7 MR. STAUFFER: But we know Mr. Seguin died
8 in November of 1993.

9 MR. GENDRON: Right.

10 MR. STAUFFER: Was it in the '90s or have we
11 -- are you still in the '80s?

12 MR. GENDRON: I don't remember exactly.

13 MR. STAUFFER: All right.

14 MR. GENDRON: Late '80s, maybe around
15 1990ish.

16 THE COMMISSIONER: Okay.

17 MR. GENDRON: I don't know.

18 MR. STAUFFER: All right. Now, with respect
19 to concerns, you've told the Commissioner some details
20 about your concerns, Mr. van Diepen's concerns about Mr.
21 Seguin's behaviour. Did you have concerns at the time of
22 that meeting that Mr. Seguin was dealing with his clients
23 in an inappropriate manner, in a sexual manner?

24 MR. GENDRON: No.

25 MR. STAUFFER: With respect to the rumours

1 in the office at the time of that meeting, are there any
2 rumours that you're hearing from others? You may not have
3 had a concern, but were others concerned as to whether Mr.
4 Seguin was dealing with one or more of his probationers in
5 a sexual fashion?

6 **MR. GENDRON:** Oh, no. They had concerns
7 about social interaction but not in a sexual nature, no.

8 **MR. STAUFFER:** Now, we've got you dealing
9 with Mr. Seguin at that meeting. Can you give us your
10 impression of Mr. Seguin's behaviour in terms of habits?
11 Was he a creature of habit?

12 **MR. GENDRON:** Very much so.

13 **MR. STAUFFER:** And did he come in to the
14 office at a certain time?

15 **MR. GENDRON:** Never late. Always going to
16 lunch at the same time, always went to break at the same
17 time. It's just the way he was. He always dressed the
18 same, every day a suit and tie. He was very much a
19 creature of habit, extremely.

20 **MR. STAUFFER:** Did you see him go to lunch
21 with anybody?

22 **MR. GENDRON:** Yes.

23 **MR. STAUFFER:** And more specifically, did
24 you see him go to lunch with -- and I'll just give you some
25 names -- with Malcolm MacDonald?

1 MR. GENDRON: Yes.

2 MR. STAUFFER: All right. And I gather Mr.
3 MacDonald's office was in the same building as yours at 502
4 Pitt Street?

5 MR. GENDRON: Yes.

6 MR. STAUFFER: Did you -- how often would
7 Mr. MacDonald have gone to lunch with him, from your
8 observation?

9 MR. GENDRON: Pretty much daily ---

10 MR. STAUFFER: Okay.

11 MR. GENDRON: --- for years and years.

12 MR. STAUFFER: All right.

13 With respect to Father Charles MacDonald,
14 did you ever see Mr. Seguin go to lunch with him?

15 MR. GENDRON: No.

16 MR. STAUFFER: Did you ever see him with
17 Father MacDonald in any other setting?

18 MR. GENDRON: No.

19 MR. STAUFFER: With respect to a fellow
20 called David Silmser, did you ever see him in the -- either
21 in a lunch setting or just in the office with Mr. Seguin?

22 MR. GENDRON: No, but then again I would
23 never have recognized David Silmser.

24 MR. STAUFFER: Okay. No, I -- well, I think
25 you've answered that question but I'll ask it in any event.

1 Did you know him at all, even by name, up until Mr.
2 Seguin's death?

3 MR. GENDRON: No.

4 MR. STAUFFER: We are now going to deal with
5 the year 1993 some more.

6 You would be going down to the courthouse,
7 as you told us earlier, on a fairly regular basis. That
8 was part of your duties to go to the courthouse?

9 MR. GENDRON: Yes.

10 MR. STAUFFER: Okay. How often, again,
11 would you go to the courthouse on average?

12 MR. GENDRON: Once a week minimum.

13 MR. STAUFFER: Okay. So it could be more?

14 MR. GENDRON: It could be. It could vary,
15 but it was standard to go to youth court every Tuesday for
16 years and years.

17 MR. STAUFFER: Okay.

18 MR. GENDRON: So I would have done that.
19 But occasionally I would have gone for other matters, to
20 lay charges, to pay restitution, whatever. There would
21 have been many reasons for me to go to court. But it would
22 have been just to go and come back sort of thing, but I was
23 spending once a week there all day.

24 MR. STAUFFER: All right. When you are in
25 the courthouse or outside the courthouse, but when you are

1 in the courthouse area, do you speak with anyone and hear
2 rumours about Mr. Seguin?

3 **MR. GENDRON:** Yes, at one time. That would
4 have been in relation to Father Charlie and David Silmser.

5 **MR. STAUFFER:** All right. Now, from whom
6 did you hear this rumour?

7 **MR. GENDRON:** That would have come from the
8 court environment.

9 **MR. STAUFFER:** Okay. Now, I appreciate, I
10 guess, that expression, but is there someone in particular
11 that you remember speaking to about that?

12 **MR. GENDRON:** No, but it would have come
13 from the Cornwall police.

14 **MR. STAUFFER:** Okay. When, to the best of
15 your recollection, did you first hear a rumour about Mr.
16 Seguin, Mr. -- or Father MacDonald -- my apologies -- and
17 Mr. Silmser?

18 **MR. GENDRON:** Prior to Ken's death.

19 **MR. STAUFFER:** All right. Now, in an
20 earlier interview you've told us six months before Mr.
21 Seguin's death, which, again, we understand is November of
22 1993. So would it have been around May of 1993?

23 **MR. GENDRON:** It could have been. It's
24 probably up to six months, and I can't give you an exact
25 timeline.

1 **MR. STAUFFER:** Can you help the Commissioner
2 any further as to what the rumour was that was being told
3 to you by someone from the police?

4 **MR. GENDRON:** That there was a problem
5 between Father Charlie and David Silmser, and there was --
6 there may or may not have been a link to Ken. It was very
7 loose. The thing is nobody knew. It was very -- people
8 just didn't know, but there was something out there but
9 people didn't know what.

10 **MR. STAUFFER:** Who did you speak to after
11 you heard this rumour?

12 **MR. GENDRON:** I believe I would have spoken
13 to Mr. van Diepen and that would be all.

14 **MR. STAUFFER:** Okay.

15 **MR. GENDRON:** I didn't speak about it to
16 anybody else.

17 **THE COMMISSIONER:** So what did you tell van
18 Diepen?

19 **MR. GENDRON:** That I had heard this rumour
20 and I was interested in knowing if he had heard about it,
21 and I can't remember his response, if he had heard it or
22 not. I'm not sure if he had heard it.

23 **MR. STAUFFER:** All right. Why did you speak
24 with Mr. van Diepen?

25 **MR. GENDRON:** Because he was a co-worker and

1 he had shared concerns about Ken over the years. So it
2 would have been natural for me to speak to Mr. van Diepen.

3 **MR. STAUFFER:** Did you speak to any other
4 probation officer, and that obviously would include Mr.
5 Seguin?

6 **MR. GENDRON:** No.

7 **MR. STAUFFER:** Why not?

8 **MR. GENDRON:** Because I didn't know what I
9 was even speaking of. It was a rumour. It was -- there
10 was nothing to it, and plus I didn't want to participate in
11 that, you know, the gossip, the rumour. I didn't want to
12 further it, and plus I didn't -- there was really nothing
13 there other than there's something there but what is it.

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

15 **MR. GENDRON:** Nobody knew.

16 **MR. STAUFFER:** Okay. But, again, I'm just
17 trying to put myself back in that timeframe. When the
18 officer or officers are talking to you about this rumour --
19 -

20 **MR. GENDRON:** M'hm.

21 **MR. STAUFFER:** --- there must be more to it
22 than just saying the names Father MacDonald and David
23 Silmser and Ken Seguin?

24 **MR. GENDRON:** Yes, there was something about
25 financial settlement, the church. I recall that.

1 **MR. STAUFFER:** Okay.

2 **THE COMMISSIONER:** But concerning -- did the
3 words sexual abuse come up?

4 **MR. GENDRON:** No. No, nobody knew, that's
5 the thing. Nobody knew what it was about. It was -- but
6 we knew whatever it was it was being hushed and that's what
7 really made the rumours go, like, because nobody knew what
8 was the substance.

9 **THE COMMISSIONER:** What do you mean by
10 "hushed"?

11 **MR. GENDRON:** Everybody sort of knew
12 something was there but people -- it was like -- it was
13 sort of like there was this atmosphere of trying to keep it
14 confidential.

15 **THE COMMISSIONER:** So you're going to have
16 to flesh that one out for me.

17 **MR. GENDRON:** Well, we knew something was
18 there. What though?

19 **THE COMMISSIONER:** Who's "we"?

20 **MR. GENDRON:** The law enforcement
21 environment.

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

23 **MR. GENDRON:** The court. The -- well, the
24 police.

25 **THE COMMISSIONER:** And do you have any

1 recollection as to who those police officers would have
2 been?

3 **MR. GENDRON:** No. There's -- in those days
4 there would -- I would have known, like, almost all of the
5 police.

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

7 **MR. GENDRON:** You know. And you're seeing
8 those officers daily, you know, almost -- well, every --
9 once a week at court. And its too many officers, too many
10 years, unfortunately.

11 **THE COMMISSIONER:** Yes. So when you heard
12 this, was this in a group of people chitchatting and
13 saying, "Hey, did you hear about this" or ---

14 **MR. GENDRON:** No, it was -- it would have
15 been more, "Hey, what's going on with Seguin in your
16 office?" "I don't know. What's going on with Seguin in my
17 office?" "I don't know. You tell me."

18 **THE COMMISSIONER:** M'hm, right.

19 **MR. GENDRON:** And he doesn't know anything
20 so I'm thinking "M'hm, something's going on though".

21 **THE COMMISSIONER:** M'hm. So ---

22 **MR. GENDRON:** But it never comes out.

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

24 **MR. GENDRON:** We never learn.

25 **MR. STAUFFER:** It's just, Mr. Gendron, what

1 I'm having difficulty with is now you talk about a
2 settlement. Did you hear a number, a monetary amount?

3 MR. GENDRON: No, never.

4 MR. STAUFFER: But who is paying whom and
5 for what?

6 MR. GENDRON: It would have been the church,
7 Father Charlie, and Silmser.

8 MR. STAUFFER: All right. But where does
9 Ken Seguin fit into that?

10 MR. GENDRON: I don't know.

11 MR. STAUFFER: Okay.

12 MR. GENDRON: There's a link, or maybe
13 there's a link, I'm not sure.

14 MR. STAUFFER: Did you have any belief at
15 that time, when you hear the rumour, that there was
16 something of a sexual nature involved in that settlement?

17 MR. GENDRON: No.

18 MR. STAUFFER: What did you think it would
19 be for?

20 MR. GENDRON: This is it, I'm not sure.
21 Something happened and -- but the thing was it wasn't like
22 there was a settlement. It was just, is there a
23 settlement, isn't there a settlement, you know, you would
24 hear that maybe there was one or there wasn't one. It was
25 all over the map. And so you just didn't know if this was

1 even true. Was there a settlement?

2 **THE COMMISSIONER:** But if it's going around

3 ---

4 **MR. GENDRON:** It's going around.

5 **THE COMMISSIONER:** So how did you know it
6 was going around?

7 **MR. GENDRON:** Community. People just in
8 that -- that would have been more after -- after Ken's
9 death when it was really -- like, it was moving ---

10 **THE COMMISSIONER:** Right.

11 **MR. GENDRON:** --- at this point.

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

13 **MR. GENDRON:** It's pretty quiet prior to,
14 but boy, when it -- after the suicide is when you -- you
15 start to hear more.

16 **MR. STAUFFER:** Okay. Did you feel any
17 obligation to speak to Mr. Robert, the manager, after you
18 heard the rumour?

19 **MR. GENDRON:** No.

20 **MR. STAUFFER:** Why not?

21 **MR. GENDRON:** There was nothing to report.
22 What would I be reporting? I didn't know
23 anything.

24 **THE COMMISSIONER:** Well, you could have been
25 reporting that there's a concern that Mr. Seguin's name is

1 out there being bantered around in a hush-hush way.

2 MR. GENDRON: Yes. And I also believed that
3 Mr. Robert -- I believed he would have known.

4 THE COMMISSIONER: Okay. And what makes you
5 say that?

6 MR. GENDRON: If -- if there's something
7 going -- if there's -- you know, if there's a -- some sort
8 of investigation going on, I believed Emile, being the
9 manager in the office, would have known and that Cornwall
10 Police would have reported this to the manager, something
11 about their employee of that significance.

12 But obviously -- and if Emile didn't know,
13 then it wasn't of a significant nature. So it would have
14 been covered either way.

15 If it was nothing, then what am I reporting?
16 Nothing.

17 MR. STAUFFER: M'hm. No, it's just again
18 from my perspective, and it's just my own personal
19 perspective, if one of your fellow workers, his name is out
20 there and it's being bandied about in not a very good
21 fashion -- maybe first, I have to see if you agree with
22 this. I gather this is not being put forward in a positive
23 light; that is, the rumour ---

24 MR. GENDRON: That's right.

25 MR. STAUFFER: --- about Mr. Seguin?

1 **MR. GENDRON:** That's right.

2 **MR. STAUFFER:** When somebody's name is being
3 dragged through the mud, if I can put it that way, I would
4 have thought that you would at least have told Mr. Seguin
5 in order for him to then take steps, whatever he thought
6 would be appropriate, to talk to the police or whoever?

7 **MR. GENDRON:** No, I -- I didn't. No, at the
8 time I would have believed -- this is -- at the worst, this
9 would have been another of Ken's social interactions.

10 **THE COMMISSIONER:** Well, let's talk about
11 his sexual orientation then.

12 **MR. GENDRON:** Yes.

13 **THE COMMISSIONER:** Can you go there, sir?

14 **MR. STAUFFER:** Well, Mr. van -- I'm sorry,
15 Mr. Gendron, what was your impression of Mr. Seguin's
16 sexual orientation?

17 **MR. GENDRON:** I wondered if he was gay.

18 **MR. STAUFFER:** Why is that?

19 **MR. GENDRON:** I didn't -- I -- because I
20 also wondered if he was heterosexual as well.

21 Ken sort of led an ambivalent life. He --
22 he came across and he gave the impression that he was not
23 gay, but at the same time he -- you know, he was -- he was
24 a man of contradictions. He left you with the impression
25 that he was dating women. He would come into the office

1 and say he had a date on the weekend with some woman,
2 giving -- leaving you with the impression he wasn't gay but
3 -- but it was always said in a joking manner. I didn't
4 take it too seriously and we never saw any woman. I never
5 really -- I didn't follow Ken's personal life at all, but
6 he -- I'd never known him to -- to date women and that was
7 over a 10-year period, and most of his friends were men and
8 they weren't married. They were single men.

9 So you just wondered if he was gay, and I
10 did.

11 **MR. STAUFFER:** So Mr. Seguin would mention
12 that he had dated women, is that what you were saying ---

13 **MR. GENDRON:** That's right. M'hm.

14 **MR. STAUFFER:** But you never saw him with a
15 woman in a social setting that you'd consider to be ---

16 **MR. GENDRON:** No.

17 **MR. STAUFFER:** --- a date or some kind of a
18 one-on-one with a woman?

19 **MR. GENDRON:** No, I never saw that.

20 **MR. STAUFFER:** Okay. So we have you maybe
21 as much as six months before Mr. Seguin's death having
22 heard this rumour. You've told Mr. van Diepen. What do
23 you fellows do from then on? Because I gather at some
24 point you reach a stage where you're so concerned about Ken
25 that you follow him; is that right?

1 **MR. GENDRON:** That's right.

2 **MR. STAUFFER:** Okay. When do you follow Mr.
3 Seguin without his knowledge?

4 **MR. GENDRON:** I think it would have been
5 probably the summer or maybe a few months before his death.

6 **THE COMMISSIONER:** Well, you'll have to fill
7 me in here.

8 **MR. GENDRON:** Yes.

9 **THE COMMISSIONER:** What led up to that and
10 ---

11 **MR. GENDRON:** Because -- well, drew our
12 attention to it was -- well, once again, it was a
13 combination of factors.

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

15 **MR. GENDRON:** You know, Ken has a history of
16 social interactions with clients. We're concerned about
17 that.

18 So we see him. He's -- because my --
19 because our windows overlook the parking lot. We can see
20 him out there and he's chitchatting with clients. He's
21 smoking with clients. He's friendly with clients, and he
22 was a smoker, so, you know, that sort of made sense at the
23 same time and that's the way Ken was with clients; he was
24 just friendly.

25 But then he started leaving the office,

1 which was very unusual because I don't recall any of the
2 probation officers leaving the office for breaks. We just
3 didn't do that. We took a break with another co-worker or
4 you took a break in a lunchroom or whatever but you never
5 left the office. And he started leaving the office.

6 **MR. STAUFFER:** When would that have first
7 been noted, then, by you?

8 **MR. GENDRON:** Oh, I don't know. I don't
9 know. Mr. van Diepen or I.

10 But I think the whole staff would have
11 noticed it.

12 **MR. STAUFFER:** Oh no, I appreciate that, but
13 I'm just talking about when did that first come onto your
14 radar ---

15 **MR. GENDRON:** That he was leaving?

16 **MR. STAUFFER:** Yeah.

17 **MR. GENDRON:** The summer, a few months
18 before his death. I don't know. I really don't remember.

19 **MR. STAUFFER:** Okay. And so he's actually
20 physically leaving the site for periods of time?

21 **MR. GENDRON:** That's right. He gets in the
22 car and he leaves.

23 **MR. STAUFFER:** And how long would he be
24 away, on average?

25 **MR. GENDRON:** Fifteen (15), 20 minutes or

1 so.

2 MR. STAUFFER: Okay. Again, this is my
3 personal perspective; I don't know why that would be that
4 unusual, a 15 or 20-minute ---

5 MR. GENDRON: Well, the timing -- the time
6 wasn't unusual. It was just that he was leaving the office
7 and getting in his car and -- and that was more unusual.

8 MR. STAUFFER: Okay.

9 MR. GENDRON: Yeah.

10 MR. STAUFFER: So he'd broken his habit?

11 MR. GENDRON: Yes.

12 MR. STAUFFER: All right.

13 So at some point, I tried to help Mr.
14 Commissioner as much as possible ---

15 MR. GENDRON: M'hm.

16 MR. STAUFFER: --- you and Mr. van Diepen
17 decide that you need to look into this. So you have a
18 meeting, a discussion about this, about following ---

19 MR. GENDRON: Yes.

20 MR. STAUFFER: --- Ken?

21 MR. GENDRON: Yes. Yeah, exactly.

22 MR. STAUFFER: Can you help us as much
23 there, like who said what?

24 MR. GENDRON: Oh, I couldn't tell you who
25 said what, but I can tell you that "we" decided -- I can't

1 tell you whose idea it was, but I can tell if it was Mr.
2 van Diepen's, I willingly went along with it or if it was
3 my idea, he would have.

4 **MR. STAUFFER:** Okay.

5 **MR. GENDRON:** And we simply said, "Let's
6 find out where he's going." We were curious. So we did.

7 **THE COMMISSIONER:** So you got into a car?

8 **MR. GENDRON:** Ken got into his car.

9 **THE COMMISSIONER:** Yes.

10 **MR. GENDRON:** And he drove to the mall.
11 We got into -- I don't -- I really don't
12 remember who was driving ---

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

14 **MR. GENDRON:** --- and I don't -- so we got
15 into my car or his car, Mr. van Diepen's car -- I'm not
16 sure whose car it was -- and we simply followed behind him
17 in his car.

18 **THE COMMISSIONER:** So you didn't know he was
19 going to the mall?

20 **MR. GENDRON:** No, I had no idea where he was
21 going.

22 **THE COMMISSIONER:** M'hm. Okay.

23 **MR. STAUFFER:** So this is the Cornwall
24 Square Mall?

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

1 **MR. STAUFFER:** And what did you see once
2 he'd gone into the mall and you followed him? What did you
3 see?

4 **MR. GENDRON:** He parked his car. He went
5 into the mall. He walked up to the -- I think it was the
6 food court; had a coffee; sat there. He just sort of
7 looked around and we sort of looked around, watching him.

8 **MR. STAUFFER:** And that's basically it? You
9 -- he gets back into his car; you get back into yours?

10 **MR. GENDRON:** Yeah, he would have stayed 10
11 minutes maybe. He leaves the mall. He goes back to the
12 office directly. We get in our car. We go back to the
13 office directly.

14 **MR. STAUFFER:** Okay. Did you tell him at
15 any point that you'd followed him?

16 **MR. GENDRON:** No.

17 **MR. STAUFFER:** Did you have any other
18 meetings with him prior to his death to express your
19 concerns about his behaviour or this rumour that you'd
20 heard?

21 **MR. GENDRON:** No.

22 **MR. STAUFFER:** When you follow Mr. Seguin,
23 at that point are you concerned that he's having some kind
24 of sexual relations with one or more probationers?

25 **MR. GENDRON:** No.

1 **MR. STAUFFER:** So it is to see essentially
2 -- well, what did you think you might find when you
3 followed him?

4 **MR. GENDRON:** Didn't know.

5 **MR. STAUFFER:** Well, did you think ---

6 **MR. GENDRON:** That's why we followed him.

7 **MR. STAUFFER:** --- did you think ---

8 **MR. GENDRON:** Where is he going?

9 **MR. STAUFFER:** Okay. Did you just think
10 that you'd find him smoking with somebody at the mall or, I
11 don't know if they allowed smoking back then in a mall, but
12 just eating with somebody or having a coffee or ---

13 **MR. GENDRON:** I -- what we found is what I
14 thought we'd find, either that or he was meeting one of his
15 male friends somewhere, coffee -- to have a coffee.

16 **MR. STAUFFER:** And by male friends, you
17 don't mean necessarily a probationer; you mean ---

18 **MR. GENDRON:** A friend, friend, like a male
19 friend, one of his friends that he hung out with. But we
20 wondered if he was meeting ---

21 **MR. STAUFFER:** Well ---

22 **MR. GENDRON:** --- you know, a client. We
23 didn't know, but I thought what we would find was he was
24 meeting a friend.

25 **MR. STAUFFER:** Okay. But again, when you

1 and Mr. van Diepen got out of your car back at the office
2 after you've done this, I mean, how are you feeling? Are
3 you feeling like you're fools? What are you feeling at
4 this point?

5 **MR. GENDRON:** Well, yes, a combination of
6 things, a little silly. I mean, I'm hired to be a
7 probation officer, not -- I'm not a detective. I'm not an
8 investigator. It's not my role. It's not my function, you
9 know. Yeah, it was a bit silly. You know, it was -- yeah,
10 that's the best way to put it.

11 **THE COMMISSIONER:** Yeah, but come on now.
12 You did -- I mean, this is a highly unusual act.

13 **MR. GENDRON:** Absolutely.

14 **THE COMMISSIONER:** And it was out of
15 concern?

16 **MR. GENDRON:** Yes.

17 **THE COMMISSIONER:** So were you relieved?

18 **MR. GENDRON:** Yes. Sure. Sure, yeah,
19 absolutely.

20 **THE COMMISSIONER:** And afterwards, did you -
21 - you didn't do any -- did he continue to go on his breaks
22 as he did, leave the building and go away for 20 minutes?

23 **MR. GENDRON:** That's right, because he never
24 knew that we had followed him, at least I don't think he
25 knew. So he kept doing it, and we were satisfied that he

1 was having coffee, so there was no need to do it again. So
2 we didn't follow him again because -- well, you know, I
3 have a job to do and it's not to follow my co-workers,
4 especially to observe them having coffee. Well, you know,
5 so what?

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

7 **MR. STAUFFER:** Well, did Mr. van Diepen ever
8 say to you either before the drive or during your drive or
9 after the drive, you know, "I'm worried that Ken's
10 misbehaving with one of his clients". And by that, again,
11 I mean having some kind of sexual relations. Did he have
12 any -- did Mr. van Diepen express any concerns like that to
13 you?

14 **MR. GENDRON:** No. Again, it was over the
15 social interaction with clients, not the -- you know, Ken
16 did a wonderful job at hiding his private life. We just
17 didn't know. And it wasn't on the radar that he was
18 sexually being inappropriate with clients. It wasn't
19 discussed. It wasn't discussed in the office. It wasn't
20 discussed between Mr. van Diepen and I. We were concerned
21 that, again, here's Ken again going over that social line
22 with clients. And I think Mr. van Diepen was getting
23 frustrated and tired of it.

24 **MR. STAUFFER:** Okay. So in any event, you
25 never heard from Mr. van Diepen any concerns -- and I'll be

1 as clear as I can in dates -- up to the time of Ken's death
2 ---

3 MR. GENDRON: No.

4 MR. STAUFFER: Hold on.

5 MR. GENDRON: Sorry.

6 MR. STAUFFER: Up to the time of Ken's death
7 in November of 1993, you never heard any concerns from Mr.
8 van Diepen that he was concerned about Mr. Seguin having
9 any inappropriate sexual relations with a probationer or
10 probationers?

11 MR. GENDRON: That's right.

12 MR. STAUFFER: All right. And you and Mr.
13 van Diepen talked and so on. You got along fairly well, or
14 as much as co-workers can in that year or so before Mr.
15 Seguin's death?

16 MR. GENDRON: You're speaking about the year
17 before his death? My relationship with Mr. van Diepen was
18 satisfactory, if you're talking about the year before.

19 THE COMMISSIONER: Well, let's do an
20 overview then ---

21 MR. STAUFFER: Okay.

22 THE COMMISSIONER: --- of his relationship.

23 So you've known him from '84 to '93. What's
24 the relationship between you and he from the beginning to
25 the end, to '93?

1 **MR. GENDRON:** In the '80s it was a good
2 relationship. The '90s would have been a good
3 relationship. Well, early '90s. And then I had some
4 problems, some difficulties with Mr. van Diepen mid-'90s.

5 **THE COMMISSIONER:** What kind of problems?

6 **MR. GENDRON:** Philosophical work
7 differences.

8 **THE COMMISSIONER:** Is this on a social
9 worker enforcement theme or ---

10 **MR. GENDRON:** No, Mr. van Diepen and I were
11 on the same page on that. That was never an issue.

12 **THE COMMISSIONER:** All right.

13 **MR. GENDRON:** It would have been
14 specifically related to management and union issues.

15 **MR. STAUFFER:** Had Mr. van Diepen ever
16 expressed a concern to you that Father MacDonald had done
17 something inappropriate with Mr. Silmser and Mr. Silmser
18 was being overseen at that point by Mr. Seguin as the
19 probation officer? Had Mr. van Diepen ever talked to you
20 about that concern?

21 **MR. GENDRON:** I'm sorry ---

22 **MR. STAUFFER:** I'll try to repeat this here.

23 **MR. GENDRON:** I'm confused.

24 **MR. STAUFFER:** Yeah. So did Mr. van Diepen
25 ever talk to you about any concerns he had that Father

1 MacDonalld had done something inappropriate with Mr. Silmser
2 and that Mr. Seguin had done nothing about this
3 inappropriate behaviour in relation to his probationer,
4 being Mr. Silmser at the time?

5 MR. GENDRON: Prior to ---

6 MR. STAUFFER: Do you follow the scenario?

7 MR. GENDRON: I think I am. He never
8 mentioned anything about that prior to Ken's death. That
9 would have been spoken after his death.

10 MR. STAUFFER: Okay. I'm dealing with
11 before Mr. Seguin's death.

12 MR. GENDRON: Right.

13 MR. STAUFFER: Because, again, I'm trying to
14 get some idea as to why you fellows would have tailed Mr.
15 Seguin. And if it's because you're concerned that he's
16 having coffee or socializing with people offsite
17 inappropriately, I understand that, but if Mr. van Diepen
18 had said to you something like, "I'm worried that Ken is
19 having some kind of an affair", to put it that way, "with a
20 probationer or former probationer", that's what we need to
21 know?

22 MR. GENDRON: No, that -- no. There was no
23 mention of that. There was no discussion of that.

24 THE COMMISSIONER: Okay.

25 MR. STAUFFER: Before Mr. Seguin's death, I

1 gather from an earlier interview you had with Commission
2 staff that you were concerned that Ken Seguin was being
3 blackmailed. Is that correct?

4 **MR. GENDRON:** I had heard that.

5 **MR. STAUFFER:** And who had you heard that
6 from?

7 **MR. GENDRON:** The community. At that point,
8 it was one of those rumours that was going around. I think
9 -- I don't know who I would have heard it from. It would
10 have been from lots of people, lots of sources, lots of --
11 it was just out there. It was just circulating. Try to
12 find that. Good luck. It was like almost at this point
13 becoming common knowledge.

14 **MR. STAUFFER:** And, again, we're talking
15 about before Mr. Seguin's death. Okay? What ---

16 **MR. GENDRON:** Well, sorry ---

17 **MR. STAUFFER:** --- did you hear?

18 **MR. GENDRON:** Okay. Sorry.

19 **MR. STAUFFER:** What did you hear about the
20 blackmail? I mean, again, it's in connection with what?

21 **MR. GENDRON:** Well, okay, maybe we're
22 talking about semantics here. I would have heard about the
23 blackmail like years, years after. I heard the settlement
24 would have been before, or some sort of church or -- before
25 Ken's death. I would have heard it after Ken's death and

1 now somehow it involves Ken, but I don't -- but I hear --
2 but I don't hear the word "blackmail" until years later,
3 but I hear of some sort of legal process involving a
4 settlement, like months -- probably a few months after his
5 death. Yeah. I'm guessing. I don't mean to guess, but I
6 just don't know exactly when.

7 **MR. STAUFFER:** Because, again, in fairness,
8 the impression that was left with us when you were
9 interviewed back in June of this year by Commission staff
10 was that you had heard that Mr. Seguin was being
11 blackmailed and you had heard the word "blackmail" or you
12 formed the impression of blackmail before his death. Is
13 that your evidence now or is it different now?

14 **MR. GENDRON:** It's because you've heard so
15 much that -- and I've heard that blackmail was being -- at
16 what point do I realize that? I don't know, but it
17 wouldn't be before his death. It would've -- I'm not aware
18 of that.

19 **MR. STAUFFER:** Is there a reason that you
20 didn't go to Mr. Robert before Ken's death with any
21 concerns that you had about his behaviour? And I hope I've
22 got that fair. You never spoke with Mr. Robert about your
23 concerns?

24 **MR. GENDRON:** No, never.

25 **MR. STAUFFER:** All right.

1 Again, to put it to you straight, is that
2 because you just didn't think he would do anything about it
3 or that he knew all about it?

4 **MR. GENDRON:** Well ---

5 **MR. STAUFFER:** What -- why didn't you go to
6 him?

7 **MR. GENDRON:** Because I didn't realize there
8 was -- there was nothing to report. What am I reporting to
9 the manager at this point in time? There's nothing there.

10 **MR. STAUFFER:** But from your experience, Mr.
11 Gendron, with Mr. Robert for quite a number of years at
12 this point, in 1993 ---

13 **MR. GENDRON:** M'hm.

14 **MR. STAUFFER:** --- did you trust him?

15 **MR. GENDRON:** No, I did not. No. I had
16 trust -- we all had trust issues with Mr. Robert, including
17 me. I did not trust Mr. Robert on many levels.

18 **MR. STAUFFER:** Okay.

19 **MR. GENDRON:** He wasn't one to be trusted.
20 You know, you couldn't trust Mr. Robert. And not only
21 that, he would -- he would mismanage things. If I had gone
22 to Mr. Robert and said, "Mr. Robert, you know, I had
23 followed Ken Seguin to the mall," he would've -- I don't
24 know how he would've of reacted. Instead of seeing that as
25 a positive thing, he may have taken that as a negative

1 thing, saying, you know, "Why are you leaving the jobsite?"
2 You know, "Why are you doing that?" And he would turn it
3 around and he -- it would become -- you know, it was almost
4 like a reprimand.

5 But had something been there, if I had known
6 Ken Seguin was sexually being inappropriate with clients, I
7 don't care who the manager was, I would've gone to the
8 manager. That would, you know -- regardless of his
9 competency or not, it would've been reported.

10 **THE COMMISSIONER:** No, but I guess the point
11 is, given that you're dealing with a grey area of rumours,
12 had you had someone that you had faith in and had a good
13 relationship with as a manager, wouldn't it have been
14 easier for you to go in and say, "Listen, Charlie, you
15 know, there isn't much here, but I just wanted you to know
16 that."

17 So in the end the question is did your lack
18 of relationship or positive relationship affect in any way
19 you talking to a manager?

20 **MR. GENDRON:** Absolutely. Of course it did.

21 **THE COMMISSIONER:** Yes.

22 **MR. GENDRON:** With Mr. Robert, it -- he
23 wasn't a competent manager. It's that simple. You didn't
24 have faith in him. You didn't have confidence in him. You
25 know, you knew that he wasn't going to deal with this

1 appropriately.

2 But at the same time -- and, again, I'll --
3 you know, I'll say it -- I would've reported it to Mr.
4 Robert had Ken been sexually inappropriate with clients.
5 It would still had to be reported regardless of my feelings
6 towards management. It's got to be reported.

7 **THE COMMISSIONER:** Okay. On that note, why
8 don't we take the morning break? We'll come back in 15.

9 **MR. STAUFFER:** Thank you, sir.

10 **MR. GENDRON:** Thank you.

11 **THE COMMISSIONER:** Thank you.

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

14 This hearing will resume at 11:15.

15 --- Upon recessing at 11:01 a.m./

16 L'audience est suspendue à 11h01

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

18 --- L'audience est reprise à 11h23

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

21 This hearing is now resumed. Please be
22 seated. Veuillez vous asseoir.

23 **THE COMMISSIONER:** Mr. Stauffer?

24 **MR. STAUFFER:** Yes.

25 Thank you, Mr. Commissioner.

1 RON GENDRON, Resumed/Sous le même serment:

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

4 MR. STAUFFER: Mr. Gendron, a few more
5 questions before I turn this over to my friends.

6 We're at the point where you've done the
7 observations of Mr. Seguin in terms of that drive to the
8 mall.

9 Can you describe, at that point, your
10 perceptions of Mr. Seguin's behaviour? By that I mean, how
11 was he acting in the office, outside the office, whatever
12 you can tell us? What's his mental state in that timeframe
13 and up to his death?

14 MR. GENDRON: His mental state is good.
15 There's no significant change. He's reporting to work;
16 he's maintaining his daily habits; he's supervising his
17 clients; he's doing his job. There's not really a
18 difference.

19 MR. STAUFFER: All right.

20 MR. GENDRON: You know, there's just minor,
21 minor -- like, he -- the only thing I can remember is that
22 he was a little edgy, a little, like, maybe a little moody.
23 That's it.

24 MR. STAUFFER: Did you speak to him about
25 that as to why he ---

1 **MR. GENDRON:** No.

2 **MR. STAUFFER:** --- was feeling edgy or
3 moody?

4 **MR. GENDRON:** No.

5 **MR. STAUFFER:** Do you have any knowledge at
6 all, between the time of that tailing of Mr. Seguin and up
7 to his death as to what is happening in his life outside
8 the office? Do you know anything at all from discussions
9 with him as to whether he's having family troubles, money
10 troubles, anything at all?

11 **MR. GENDRON:** No. But that would be normal.
12 I would never have discussed Mr. Seguin's personal life
13 with him. I never did it over -- at any point in my 10-
14 year career with him. It was just not a discussion.

15 **MR. STAUFFER:** All right.

16 I'm going to take you to November 25th,
17 1993, which the date of Mr. Seguin's death, and I want you
18 to help us out as to what happened that day.

19 So I gather you go to work?

20 **MR. GENDRON:** That's right. It's a -- I'm
21 not sure what day of the week it is. It's November 25th.

22 **MR. STAUFFER:** All right.

23 **MR. GENDRON:** It's a normal office day for
24 me. I remember there being chatter in the office about,
25 "Where is Ken? Nobody seems to know where he is." I think

1 the secretaries may have asked me where he was at the time.
2 Did I know? No, I did not. Nobody knew where he was.

3 **MR. STAUFFER:** Okay. There's mention of a
4 dental appointment that he was to keep. What can you tell
5 us about that?

6 **MR. GENDRON:** I remember that was part of
7 the office talk at the time. It would've -- apparently he
8 had a dental appointment, I believe, in the morning. He
9 failed to attend it. So, again, people were saying, you
10 know, "Where's Ken? Did he tell any of the officers he
11 wouldn't -- did he phone in? Did he cancel his dental
12 appointment?" And nobody had heard from him. Nobody had
13 any knowledge of why he had missed his appointment,
14 nothing.

15 **MR. STAUFFER:** Okay. Who talks to you in
16 terms of Ken as the day goes by?

17 **MR. GENDRON:** I think a variety of people,
18 but it wasn't -- it wasn't a big thing. I think a
19 secretary talked to me. I remember her, Mr. Robert
20 speaking to me.

21 **MR. STAUFFER:** But at some point during the
22 day there's a decision that Ken's house needs to be visited
23 by somebody from your office?

24 **MR. GENDRON:** Well, I don't know who -- if
25 there was a discussion or a decision made. All I know is

1 that Mr. Robert attended my office, knocked on my door and
2 said, "Do you have a minute?" And I said, "Sure." And he
3 said, "Do you have time to go with me to Ken's residence?"
4 I said, "Yes. Yes, I do." I said, "When do you want to go
5 and why," sort of thing. And he says, "Well, Ken hasn't
6 come to work and I just want to go and check up on him."
7 And I said, "Yeah, let me know when."

8 So he -- I think it was -- I'm not sure what
9 time of day that would have been, but I do know we would
10 have left mid-afternoon. He finally came to my office and
11 said, "Okay. I'm ready to go. Are you ready?" And I
12 said, "Yeah. Sure. Let's go."

13 **MR. STAUFFER:** Well, had you ever done this
14 in the past, either personally gone to visit another
15 probation officer's house, you know, because there was a
16 concern about him or her not coming in to work?

17 **MR. GENDRON:** Never.

18 **MR. STAUFFER:** To the best of your
19 knowledge, had Mr. Robert ever gone off on his own or with
20 another probation officer to somebody else's house to check
21 up on them?

22 **MR. GENDRON:** Not that I'm aware of.

23 **MR. STAUFFER:** So, I mean, this is an
24 unusual experience, I gather?

25 **MR. GENDRON:** Yes.

1 **MR. STAUFFER:** Okay. So what is going
2 through your mind? If you can take your mind back to that
3 day, what's going through your mind when Mr. Robert makes
4 the request of you to go off with him to Mr. Seguin's
5 house?

6 **MR. GENDRON:** Well, that very thing was very
7 unusual. I was curious, wondering why he -- why would he
8 ask me? It was a -- looking back, I don't know, maybe I
9 was the only probation officer available? I don't know.

10 **MR. STAUFFER:** Do you know if he'd asked
11 anybody else and they'd said no or they were busy?

12 **MR. GENDRON:** I don't know.

13 **MR. STAUFFER:** What discussions do you have
14 with Mr. Robert between leaving and getting to Mr. Seguin's
15 house, because I understand you fellows eventually got to
16 the house? So what discussions did you have with him?

17 **MR. GENDRON:** It's about a 15-minute drive
18 and Mr. Robert explained to me the reasons we're attending.
19 He's saying, you know, "This is really weird. Ken always -
20 - is always punctual. If he was going to miss work, he
21 would phone. It's weird that he missed his dental
22 appointment. He never phoned in. We checked there. He
23 didn't cancel his appointment." He's just talking to me
24 about it. "It's just so unusual; it's just not Ken. So
25 where is he?" I'm saying, "I don't know. I don't know

1 where he is."

2 **MR. STAUFFER:** Do you recall him saying
3 words to the effect, "I'm worried Ken may be hurt or may be
4 sick"?

5 **MR. GENDRON:** He definitely was concerned
6 about Ken. There's no doubt about it. He did express
7 that, but I didn't get the feeling it was in terms of
8 suicide. I got the impression he was, you know -- Ken was
9 hurt as in an accident in his home. I remember him talking
10 to me about -- because he lived on the water -- about maybe
11 being -- like a boating accident. He was -- maybe he had
12 taken the boat out or that sort of nature.

13 **MR. STAUFFER:** Was it a mild winter?
14 Because this would be November 25th, a little late to be on
15 the water for some of us.

16 **THE COMMISSIONER:** For some of us.

17 **MR. STAUFFER:** Perhaps not if you're from
18 Northern Ontario.

19 **MR. GENDRON:** I don't know. I don't know
20 what Mr. Robert was -- what his rationale was or his
21 thinking, but it would have -- and I don't remember the --
22 I believe it would have been a nice day. I don't remember
23 it being cold. I don't remember it being rainy. In fact,
24 I can remember probably the opposite. I remember --
25 because I've never been to his residence and I was

1 thinking, "Geez, he lives in a nice home." And I remember
2 going into the boathouse and looking around, looking at his
3 boat and looking at his fishing equipment. It was a nice
4 day, and I was sitting there admiring the view, thinking,
5 "Gee, it must be nice to live on the water."

6 **MR. STAUFFER:** When you arrive, is there
7 anyone else outside the house?

8 **MR. GENDRON:** I don't think so. There may
9 have been, but I -- there may have been an OPP officer, but
10 I don't remember if the OPP officer was there when we got
11 there or he arrived when we got there, but I believe we
12 were the first.

13 **MR. STAUFFER:** Okay. What was going through
14 your mind when you see the OPP officer?

15 **MR. GENDRON:** Well, Mr. Robert had told me
16 he had concerns enough to phone the RCMP. So I wasn't
17 totally shocked that the OPP were there because I knew they
18 were en route.

19 **MR. STAUFFER:** Could I stop you there for a
20 second. I think you said RCMP.

21 **MR. GENDRON:** Did I say RCMP?

22 **THE COMMISSIONER:** Yes, you did.

23 **MR. GENDRON:** Sorry, OPP.

24 **MR. STAUFFER:** I just want to be sure.

25 **MR. GENDRON:** My mistake.

1 **MR. STAUFFER:** Mr. Robert said OPP?

2 **MR. GENDRON:** Yes.

3 **MR. STAUFFER:** All right.

4 And did he say anything more about the
5 police as to why he called them?

6 **MR. GENDRON:** No.

7 **MR. STAUFFER:** So when you see the police,
8 you're expecting the officer at that point? I gather it's
9 just one officer who is on site?

10 **MR. GENDRON:** That's right, one officer.

11 **MR. STAUFFER:** Okay. What do you do besides
12 what you've told us already?

13 **MR. GENDRON:** Well, I recall Mr. Robert
14 speaking to the officer and I went around the residence and
15 knocked on the door. You know, I checked -- you know, I
16 looked in the windows. I went into the boathouse. I just
17 sort of looked around.

18 **MR. STAUFFER:** Did there seem to be any
19 lights on inside?

20 **MR. GENDRON:** I don't remember.

21 **MR. STAUFFER:** And in terms of a car, was
22 there a car or cars in the driveway or by the house?

23 **MR. GENDRON:** I don't remember. I'm not
24 sure.

25 **MR. STAUFFER:** When you, and Mr. Robert, and

1 the police officer are there, was anyone able to get into
2 the house?

3 MR. GENDRON: No.

4 MR. STAUFFER: Why not?

5 MR. GENDRON: The doors -- front and back
6 door was locked. I remember checking.

7 MR. STAUFFER: All right.

8 What conversations did you hear between Mr.
9 Robert and the police officer?

10 MR. GENDRON: None.

11 MR. STAUFFER: Was there anyone else who
12 came on the scene? And let me put it to you, I understand
13 a neighbour was present at some point?

14 MR. GENDRON: A neighbour came over because
15 now there was a police car in the driveway, and I think the
16 neighbour was just curious as to what was going on, and I
17 remember him coming over and saying, "What's happening?"

18 MR. STAUFFER: Did you know the name of that
19 individual?

20 MR. GENDRON: At the time?

21 MR. STAUFFER: Yes.

22 MR. GENDRON: No.

23 MR. STAUFFER: And did you find out
24 subsequently?

25 MR. GENDRON: Yes, but I think it was much,

1 much later.

2 MR. STAUFFER: Okay. Was it Ron Leroux?

3 MR. GENDRON: Yes.

4 MR. STAUFFER: Okay. And what
5 conversations, if any, did you have with Mr. Leroux?

6 MR. GENDRON: I didn't speak to Mr. Leroux.

7 MR. STAUFFER: Okay.

8 MR. GENDRON: Mr. Robert did.

9 MR. STAUFFER: Did Mr. Leroux do anything
10 that you could see?

11 MR. GENDRON: No.

12 MR. STAUFFER: Okay.

13 MR. GENDRON: No, he spoke to Mr. Robert for
14 maybe -- very briefly, and then he went back to his
15 residence.

16 MR. STAUFFER: All right.

17 Did anyone else come while you were still
18 there?

19 MR. GENDRON: No.

20 MR. STAUFFER: And how long were you there?

21 MR. GENDRON: Maybe five -- about five
22 minutes, maybe 10 -- probably 10 minutes.

23 MR. STAUFFER: Okay. Was there any
24 discussion at all with Mr. Robert to break in, if I can put
25 it that way, since the doors were all locked?

1 **MR. GENDRON:** No.

2 **MR. STAUFFER:** Okay. Again, I think you've
3 said you didn't hear anything with the police officer, a
4 discussion between him and Mr. Robert, but did the police
5 officer seem to do anything other than check the doors and
6 look through the windows?

7 **MR. GENDRON:** The police officer didn't do
8 anything more than we did.

9 **MR. STAUFFER:** Okay. Who decided to then
10 leave it at that and just go back to the office?

11 **MR. GENDRON:** Mr. Robert.

12 **MR. STAUFFER:** Okay. Is that essentially
13 what happened, you get back into the car ---

14 **MR. GENDRON:** That is what happened, yes.

15 **MR. STAUFFER:** --- drive away?

16 So at that point, before you leave, in your
17 own mind again, have you got any different concerns than
18 when you were in the car on your way there? Had your mind
19 changed at all?

20 **MR. GENDRON:** Well, I'm getting more
21 concerned because now we have the OPP there and Mr. Robert
22 seems to be concerned.

23 **THE COMMISSIONER:** What about his car? Did
24 you see his car there?

25 **MR. GENDRON:** Ken Seguin's car?

1 **THE COMMISSIONER:** Yes.

2 **MR. GENDRON:** I don't know. I don't
3 remember seeing the car there. It might have been. I just
4 don't know.

5 **THE COMMISSIONER:** Okay. Right.

6 **MR. STAUFFER:** And so what's the next that
7 happens in the sequence, Mr. Gendron?

8 **MR. GENDRON:** We simply go back to the
9 office, and I carry on with my day, and we all carry on
10 with our day.

11 **MR. STAUFFER:** Okay.

12 **MR. GENDRON:** And -- sorry.

13 **MR. STAUFFER:** And then what happens? You
14 learn of Mr. Seguin's death, I gather?

15 **MR. GENDRON:** That's right. And then I
16 think we were at the residence around maybe one o'clock,
17 two o'clock, and I recall Mr. Robert asking staff to attend
18 the lunchroom, the conference room. I think that may have
19 been around 3:00ish. I don't really recall. He informed
20 us then of Ken's death.

21 **MR. STAUFFER:** Did he say how the body had
22 been found? Had the police gone in forcibly or someone was
23 able to find a key? Did he say how the ---

24 **MR. GENDRON:** I just remember him saying
25 that Ken had committed suicide and that I believe he had

1 hung himself.

2 **MR. STAUFFER:** Okay. So he actually gave
3 those details at that meeting in the office?

4 **MR. GENDRON:** Well, that would have been it.

5 **MR. STAUFFER:** Okay. Again, it's difficult
6 to speak about this, but if I could just ask you, what was
7 your reaction when you heard Mr. Robert give the word that
8 Mr. Seguin had killed himself?

9 **MR. GENDRON:** I was shocked. Complete
10 shock. So was ---

11 **MR. STAUFFER:** Sorry, go ahead.

12 **MR. GENDRON:** And so were the staff.

13 **MR. STAUFFER:** Was there any suspicion that
14 you had that he was thinking about killing himself ---

15 **MR. GENDRON:** None.

16 **MR. STAUFFER:** --- before you went out to
17 the house that day?

18 **MR. GENDRON:** None.

19 **MR. STAUFFER:** Now, in terms of the
20 aftermath, I gather you were asked questions by the police
21 as to your knowledge of Mr. Seguin and so on?

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

23 **MR. STAUFFER:** All right. Just give me just
24 one moment, Mr. Commissioner.

25 **THE COMMISSIONER:** Yes.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. STAUFFER: And just for the purposes of
3 the record, if we could enter some documents and, of
4 course, we'll have Mr. Gendron confirm these.

5 But I am looking at the statement that Mr.
6 Gendron apparently gave to the Ontario Provincial Police
7 dated February 14th, 1994. The typed version is 725501;
8 725501 is the Document Number. And the handwritten copy,
9 again the same date, February 14th, 1994, is 715471.

10 So if those documents, Madam Registrar,
11 could be produced to Mr. Gendron to see if he will identify
12 them?

13 THE COMMISSIONER: Thank you.

14 Exhibit 1113A is interview report of Ron
15 Gendron dated the 14th day of February '94, and the second,
16 which would be 1113B, is the same report but in a
17 handwritten statement.

18 ---EXHIBIT NO./PIÈCE NO. P-1113A:

19 (725501) Interview Report - Ron Gendron with
20 OPP D.C.'s D. Genier and C. McDonell dated
21 February 14, 1994

22 ---EXHIBIT NO./PIÈCE NO. P-1113B:

23 (715471) Handwritten Interview Report - Ron
24 Gendron with OPP D.C.'s D. Genier and C.
25 McDonell dated February 14, 1994

1 **MR. STAUFFER:** So, Mr. Gendron, if I could
2 ask you to look at the handwritten copy and turn to the
3 last page and tell me if that is your signature?

4 **MR. GENDRON:** Yes.

5 **MR. STAUFFER:** All right. I want to refer
6 you to the second page of the handwritten notes and this
7 would be Bates page 7057785. If you could just take a
8 moment and look through that.

9 I'm going to look at the paragraph that
10 starts with:

11 "I learned through Cornwall PS..." which
12 I assume is Police Service.

13 "...Ken was under investigation in the
14 summer of 1993 through rumours. I
15 heard Father Charlie and Silmsers was
16 involved. I didn't hear of the
17 pressure they were feeling or Ken felt
18 until a month before his death. There
19 was a settlement from the church. I
20 heard of an incident involving Silmsers
21 about 15 years ago between Father
22 Charlie and Ken."

23 I want to refer you to that last sentence,
24 "I heard of an incident involving Silmsers about 15 years
25 ago between Father Charlie and Ken".

1 Do you remember giving that comment to the
2 police?

3 MR. GENDRON: No.

4 MR. STAUFFER: All right. Do you have any
5 reason to doubt that that's what you said to the police
6 officer?

7 MR. GENDRON: No, I have no doubt. I have
8 no idea what that is referring to and I don't remember
9 saying it.

10 MR. STAUFFER: All right.

11 MR. GENDRON: Because that would go back to
12 1994? What's the math? In the '70s.

13 THE COMMISSIONER: Yeah, or 1980 or earlier.

14 MR. GENDRON: Yeah.

15 MR. STAUFFER: Yes. And I appreciate you
16 would not have been in the Cornwall police -- sorry, the
17 Cornwall probation office at that point or possibly even in
18 Cornwall at that point?

19 MR. GENDRON: That's right.

20 MR. STAUFFER: But I think the way this
21 could be interpreted, and please tell me if I'm wrong, is
22 that you heard of an incident that had occurred about 15
23 years before, not that 15 years before this statement was
24 given you heard it. Do you follow what I'm saying?

25 MR. GENDRON: No, I don't.

1 **MR. STAUFFER:** Okay. Let me try again.

2 This statement is given in February of 1994?

3 **MR. GENDRON:** Yes.

4 **MR. STAUFFER:** And so the question is, does
5 the 15 years refer back to roughly 1979 as to when you
6 actually were around and heard the statement, or does the
7 15 years refer to you hearing a statement sometime around
8 1994 about an event that occurred about 15 years before?

9 **MR. GENDRON:** Well ---

10 **MR. STAUFFER:** Do you follow the distinction
11 here?

12 **MR. GENDRON:** Yes, I do, and I can't tell
13 you what I'm referring to because I read that and I'm not
14 sure what I'm referring to.

15 **MR. STAUFFER:** Okay. Mr. Gendron, I'm going
16 to just follow along in time for a moment, but I just want
17 to be sure. This is the only statement that you recollect
18 giving to the police, if I can put it that way, following
19 Mr. Seguin's death?

20 **MR. GENDRON:** Yes.

21 **MR. STAUFFER:** And did you give a statement
22 to anyone within the Ministry following his death? Were
23 you questioned by anyone there?

24 **MR. GENDRON:** No.

25 **MR. STAUFFER:** Okay. And I gather there

1 would be no other authorities that you would be questioned
2 by following Mr. Seguin's death. So this is basically your
3 statement and one and only statement?

4 **MR. GENDRON:** That's right.

5 **MR. STAUFFER:** All right. With regard to
6 what has happened in the last several years, you've
7 continued obviously to be a probation officer in the
8 Cornwall office, and I gather that on two occasions
9 probationers have come forward and told you that they had
10 been inappropriately dealt with by Mr. Seguin. Is that
11 correct?

12 **MR. GENDRON:** Yes.

13 **MR. STAUFFER:** And, again, I'm not going to
14 go through their names obviously. And I should just say,
15 as advance warning, if they are going to be referred to
16 we'll be asking for a publication ban because there is some
17 paperwork dealing with them.

18 But without referring to the paperwork at
19 this point, what I understand is in 2001 an individual came
20 forward and in 2005 an individual came forward and told you
21 his problems with Mr. Seguin. Is that correct?

22 **MR. GENDRON:** Yes, they would have disclosed
23 to me that they had -- their alleging of sexual abuse
24 nature.

25 **MR. STAUFFER:** And that disclosure, it was

1 part of a policy, if I can put it that way, that the
2 Ministry had developed following Mr. Seguin's death and
3 concerns that he had abused other probationers?

4 **MR. GENDRON:** Yes, there was an evolving
5 policy.

6 **MR. STAUFFER:** All right. And, again, we'll
7 hear from other witnesses about this.

8 Am I right, sir, in saying you were not
9 involved in the formulation of that policy, that is you
10 didn't -- or were you?

11 **MR. GENDRON:** I would have been involved in
12 that policy.

13 **MR. STAUFFER:** Well, what I mean by that is
14 were you a part of a team or were you the author of the ---

15 **MR. GENDRON:** I was not the author. I was
16 not the leader. I would have been a probation officer who
17 is on -- you know, is seeing clients back in the late '70s
18 and this information is coming forward. Clients are now --
19 or in the late -- sorry -- 1990s, they are coming forward
20 and now we have a problem in the office and so we're trying
21 to determine how to deal most effectively with it. I would
22 have had input into that policy.

23 **MR. STAUFFER:** Right. No, and I don't want
24 to demean your role for a moment. I appreciate you're the
25 frontline person and so someone coming into you, you're the

1 one that they'd be reporting to typically, or one of the
2 other probation officers. So you're obviously part of the
3 process. I'm just talking about the decision in creating
4 this policy in the forms and so on, that would not have
5 been yourself?

6 **MR. GENDRON:** No.

7 **MR. STAUFFER:** No. So with respect to part
8 of the policy, if someone came forward and made an
9 allegation of having been abused by a probation officer,
10 what were you to do as a probation officer hearing that
11 allegation?

12 **MR. GENDRON:** Well, the policy sort of
13 developed over time but there was like three guiding
14 principles, in that if someone is making disclosure to you
15 this is a significant event in their life. They're often
16 at a point of a crisis or, you know, especially if it's
17 been a first disclosure. And at that time the strategy
18 would have been to make sure that they're comfortable, to
19 encourage them to come forward and to disclose this
20 information to us.

21 And then the next step would be -- at this
22 point we're not really judging the merit.

23 You know, that's not really my role, my job.
24 And so we simply took the information and then we made sure
25 when they left the office, that they had support systems in

1 place because it was essential -- especially for first
2 disclosure, because at this point in time, you know,
3 they're in a -- they could be in a mental health crisis.
4 So it's important that when they walk out the door, that
5 they have support systems in place, and that could be
6 anything. We make them aware that we have psychologists or
7 social workers on staff, that we refer them and give them
8 addiction services numbers because often, because of the
9 stress involved, they're prone to substance abuse. So we
10 make sure that they're aware that there's services in place
11 for them.

12 And if it's a male who is being abused by --
13 claiming -- you know, alleging that they're being abused by
14 a probation officer, refer them to the Men's Project,
15 because that's now in place.

16 And then the third step really is to make
17 sure that once that's done, that this needs to be
18 documented. This needs to be reported. And how do we do
19 that? And depending on who the probationer was and if it
20 was a probation officer versus somebody in the community,
21 it would involve phoning the police, informing your
22 management, inform -- making an incident report. There are
23 several steps that was required to make sure that this
24 information got to the manager, got to the police, got to
25 the Independent Investigation Branch.

1 **MR. STAUFFER:** All right.

2 Now, if you could just help us out here --
3 I'm almost done -- the report to the police, the two
4 individuals that came to you with allegations, did you then
5 send on to the police the allegations as you took them from
6 the complaining probationer?

7 **MR. GENDRON:** No, I would not have -- the
8 substance of the allegation, I would not have reported. I
9 would have made more mention that the probationer or this
10 person is stating that he was sexually -- for example,
11 sexually abused by Ken Seguin, but I wouldn't forward on,
12 you know, this is what the probationer is alleging, if you
13 understand what I'm saying.

14 **MR. STAUFFER:** M'hm. Yes.

15 **MR. GENDRON:** So you wouldn't get into
16 details of the -- it's a probationer saying, you know,
17 "This is how Ken Seguin sexually abused me." That
18 information would not have been forwarded on. It would
19 just have been informing the police that there's an
20 allegation of sexual abuse by a probation officer.

21 Because we didn't really also -- you know,
22 we didn't really want to pursue that, exactly what the
23 abuse was, because it was a difficult time for the client
24 and it's a slow process, but at the same time, we have to
25 take that information and forward it on.

1 **MR. STAUFFER:** All right.

2 And so to the best of your recollection,
3 with regard to the two probationers who made allegations
4 about Mr. Seguin, did you send the names of those
5 probationers then to the ---

6 **MR. GENDRON:** Oh, absolutely.

7 **MR. STAUFFER:** --- police so that the police
8 could follow up?

9 **MR. GENDRON:** Yes. In those days it would
10 have been the Project Truth investigators and then
11 subsequent, I believe, it would have been -- and once they
12 disbanded, it would have been to the local police, whoever
13 that would have been. That would have been Cornwall PD or
14 OPP. But at the time, for one of them, it would have been
15 the Project Truth investigator at the time, and I can't
16 recall his name.

17 **MR. STAUFFER:** So with respect to your
18 involvement, if I can put it that way or your office's
19 involvement, once that information is relayed on to the
20 appropriate police force, do you do anything further; that
21 is, you personally or someone else in your ministry do
22 anything as a follow up?

23 **MR. GENDRON:** I believe that there is an
24 investigation. The file is forwarded to -- I would forward
25 the file to the manager, and from there, he would take that

1 information and forward it on to the -- I believe it was
2 the IIU.

3 But in terms of an investigation at my
4 level, no. My concern would be for the client, for the
5 probationer who has now made the disclosure. What do I do
6 with this? How does that fit into the case plan, my
7 objective to work with him as a probationer under community
8 supervision. That's now my goal. That's my focus.

9 **MR. STAUFFER:** Okay. My last question is
10 with respect to what discussions took place in your office
11 in Cornwall when it was becoming apparent that Mr. Seguin
12 may have been involved with more than one probationer in
13 terms of acting inappropriately. What discussions, if any,
14 took place to contact all of the probationers who had been
15 supervised by him over the years?

16 **MR. GENDRON:** I'm not aware of any. I don't
17 believe -- I'm not aware of that. I don't think there was
18 any efforts made, not that I'm aware of.

19 **MR. STAUFFER:** Okay. Because, in fairness,
20 as I understand it, your approach was -- and by "your" I
21 mean your office's approach was to take in information if
22 someone volunteered it, you know, if someone said ---

23 **MR. GENDRON:** Right.

24 **MR. STAUFFER:** --- "I had a problem with Mr.
25 Seguin," you would note that and then you would follow up

1 as you told us earlier?

2 MR. GENDRON: Right.

3 MR. STAUFFER: But unless someone came
4 forward, there wasn't an active step being taken to alert
5 all of the probation ---

6 MR. GENDRON: Well, I guess I should
7 qualify. We didn't -- the office did not go back through a
8 history of Ken's clients.

9 However, for every client that would come
10 in, it would be policy to do a CPIC -- to do a criminal
11 record check on every probationer that would come into the
12 office. And having done so, the probation officer would
13 look at the criminal record specifically from 1968, I
14 believe, to 1993. You know, we really focussed on that
15 period of time. And if we saw there was a criminal record
16 relating to that period of time, the probationer before me,
17 it would be policy to simply ask the person "Who was your
18 probation officer?" They would either say "Ken Seguin" or
19 "I don't know." And if he says "It's Ken Seguin" the
20 follow-up question would be, "How did that go? How did the
21 supervision period go? Were there any problems?" And if
22 the person responded, "I don't know who my probation
23 officer was," you would guide them. "Do you remember if it
24 was Ken Seguin?" "I don't remember who it was." "Well,
25 did the person look like this? Did he look like that?" So

1 you sort of try and fish the information out.

2 In a lot of disclosures -- no, I don't know
3 of a lot, but some disclosures would have come from that
4 process, from saying, "Did anything inappropriate happen?"
5 You just kept pushing and pushing it and the person -- if
6 the person said no, then we'd proceed with the interview,
7 but immediately if the person said "Yes, something
8 inappropriate happened," "Would you like to discuss it, yes
9 or no?" Some would; some wouldn't. Some might say, "Well,
10 I do, but I don't want to talk about it."

11 **THE COMMISSIONER:** Are you saying that other
12 -- I'm sorry, are you saying that other than the two that
13 disclosed and went on to police, there's some people that
14 told you "Yes, things happened, but I don't want to talk
15 about it"?

16 **MR. GENDRON:** Yes, there would be
17 probationers that would have said that.

18 **THE COMMISSIONER:** Okay. So how ---

19 **MR. GENDRON:** So you just follow that up and
20 keep digging. What are they referring to? What do they
21 mean by that? And if it was something of a sexual nature,
22 then that information would have to be forwarded on to the
23 manager because, you know, okay, fine, the person is not
24 willing to talk about it; we accept that. We're not going
25 to push them ---

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

2 **MR. GENDRON:** --- into talking about this.

3 They're not there yet. They're not ready. But then you
4 still say, "Fine, we have social workers. We have people
5 that you should be talking to." And sometimes they'd say,
6 "No, I'm not talking about this."

7 **THE COMMISSIONER:** Okay. So how many --
8 from what I understand your evidence, there was two people
9 that came forward and that followed through with the
10 process?

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

12 **THE COMMISSIONER:** How many people in all
13 reported to you that something had happened?

14 **MR. GENDRON:** Two.

15 **THE COMMISSIONER:** So those two went with
16 the process?

17 **MR. GENDRON:** That's right.

18 **THE COMMISSIONER:** Some -- but you ---

19 **MR. GENDRON:** I'm speaking in an office
20 setting ---

21 **THE COMMISSIONER:** Okay. So ---

22 **MR. GENDRON:** --- in general; from other
23 probations officers. That would've happened with them.

24 **THE COMMISSIONER:** Okay. And so how many
25 unreported -- how many would've admitted but not want to go

1 forward with the process?

2 MR. GENDRON: I don't know.

3 THE COMMISSIONER: Well, one, two, a dozen,
4 a hundred?

5 MR. GENDRON: Well, I don't know. Sue
6 Larivière would know.

7 THE COMMISSIONER: M'hm.

8 MR. STAUFFER: Okay. Yes. And that, I
9 think, what my friend, Mr. Neuberger, would like to get
10 across is that, of course, we'll be calling other witnesses
11 ---

12 MR. GENDRON: Sure.

13 MR. STAUFFER: --- and Madame Larivière and
14 others will be able to give us a statistical analysis, but
15 I certainly appreciate the personal perspective of Mr.
16 Gendron here.

17 So, Mr. Gendron, essentially, and correct me
18 if I'm wrong, and I'll finish on this.

19 MR. GENDRON: Okay.

20 MR. STAUFFER: The people who are coming to
21 you -- and you've talked about going to the CPIC records
22 and so on -- these are all what might called recidivists;
23 that is someone who's been in the system once already and
24 is coming back again through probation. That's essentially
25 the population that you're dealing with in this exercise of

1 trying to find out if anyone had been abused by Mr. Seguin?

2 **MR. GENDRON:** That's right.

3 **MR. STAUFFER:** Okay. Thank you very much,
4 sir.

5 Those are all the questions I have ---

6 **MR. GENDRON:** Thank you.

7 **MR. STAUFFER:** --- and I'll turn this over
8 to my friends.

9 **THE COMMISSIONER:** Thank you.

10 Ms. Daley?

11 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

12 **DALEY:**

13 **MS. DALEY:** Hello, Mr. Gendron. My name is
14 Helen Daley and I'm a lawyer for the Citizens for Community
15 Renewal, a group principally interested in institutional
16 reform in Cornwall.

17 I have a number of questions for you and,
18 for the most part, I'm hoping that you can help us with
19 some further details about some of the things you told us
20 this morning. All right?

21 And I want to start with the last topic that
22 you addressed and that is the policy that you spoke about
23 in the Cornwall office. I understand other witnesses will
24 speak to it. But I had a few ---

25 **MR. GENDRON:** Sure.

1 **MS. DALEY:** --- questions for you about your
2 knowledge of it.

3 Is this a written policy?

4 **MR. GENDRON:** Yes. It's a protocol.

5 **MS. DALEY:** It's a written document called
6 "The Protocol" that outlines what you've spoken about here?

7 **MR. GENDRON:** Yes.

8 **MS. DALEY:** And I gather from you say, it's
9 specific to the Cornwall office? It's dealing with a
10 unique situation in Cornwall?

11 **MR. GENDRON:** Very, very much so.

12 **MS. DALEY:** All right. So this is a policy
13 that you folks in the office developed yourselves as
14 opposed to receiving it from the Ministry. Is that what
15 occurred?

16 **MR. GENDRON:** Yes, that's right.

17 **MS. DALEY:** And in terms of the timing of
18 this event, do you recall when this protocol was developed
19 in relation to Mr. Seguin's suicide in 1993?

20 **MR. GENDRON:** It would've been -- 1999 was
21 probably when I remember that we really recognized there
22 was a problem and what to do about it.

23 We started, probably in the year 2000,
24 actively coming with a plan and implementing it, which
25 included training and -- of that sort of nature. It then

1 evolved from 2000 and it continues to evolve.

2 But there is a set policy -- protocol in
3 place right now and it would've changed over time.

4 **MS. DALEY:** Were the changes to it recorded
5 as it evolved? In other words, was the document modified
6 when changes occurred?

7 **MR. GENDRON:** Yes.

8 **MS. DALEY:** Okay. And are new employees in
9 the Cornwall office made aware of this policy?

10 **MR. GENDRON:** Absolutely.

11 **MS. DALEY:** Now, I want to refer to another
12 event that you may or may not know about.

13 You didn't speak about it, but sometime in
14 or around the year 2000, possibly 2001, there was a website
15 called "Project Truth" that operated in this community.
16 Did you know about that?

17 **MR. GENDRON:** I'm aware of it.

18 **MS. DALEY:** And you're aware that on that
19 website was posted information that pertained to the
20 Cornwall Probation and Parole Office, including Mr. Seguin
21 and Mr. Barque?

22 **MR. GENDRON:** I'm aware of that.

23 **MS. DALEY:** Did you know about that?

24 **MR. GENDRON:** Well, I'm aware of it, yes.

25 **MS. DALEY:** Did that website coincide at all

1 with the policy or protocol that we've spoken about, from a
2 timing point of view?

3 **MR. GENDRON:** I believe -- I don't know
4 timelines, but I believe it would have been -- it would've
5 been close to the time of developing those policies, but I
6 believe -- I'm not sure, but I think Project Truth would've
7 -- I think the policies were starting to be developed
8 before Project Truth, but I could be wrong.

9 **THE COMMISSIONER:** Can I just stop you?

10 **MS. DALEY:** Please.

11 **THE COMMISSIONER:** Does the policy include
12 asking about Nelson Barque?

13 **MR. GENDRON:** Yes.

14 **THE COMMISSIONER:** Okay.

15 Thank you.

16 **MR. GENDRON:** Yes. All probation officers.
17 All probation officers, like -- because we don't know where
18 -- you know, this has now come to our attention. So if --
19 you know, there's now a general -- how would I say this?
20 Although the policy doesn't say this, but often when you
21 see a criminal record now -- because Cornwall probation
22 officers are very sensitive to this, whereas other
23 probation officers aren't in the province because they have
24 never dealt with this, right? At least certainly not to
25 this magnitude.

1 **MS. DALEY:** Right.

2 **MR. GENDRON:** So anytime I see a criminal
3 record, by habit now, by nature, "Oh, I see you're on
4 probation on Kingston, Toronto. How did you get along with
5 your probation officer in Toronto?" Because if it happens
6 in Cornwall, it can happen somewhere else.

7 **THE COMMISSIONER:** I understand that. But
8 do you -- and if they -- is there a set policy to
9 specifically name, like, Nelson Barque ---

10 **MR. GENDRON:** Yes.

11 **THE COMMISSIONER:** --- as it is with Ken
12 Seguin?

13 **MR. GENDRON:** That's right.

14 **THE COMMISSIONER:** Okay.

15 Thank you.

16 **MS. DALEY:** All right. And was there some
17 of it that precipitated the development of this policy?
18 Was it, in fact, the Project Truth investigation or the
19 website or do you know?

20 **MR. GENDRON:** No, it's disclosures. That's
21 precipitated everything.

22 **MS. DALEY:** The fact that individuals were
23 mentioned?

24 **MR. GENDRON:** Probationers were coming into
25 the office saying, "I was abused by Ken Seguin". Or you

1 would start to -- often the initial interview, you would
2 begin it by -- if it was a pre-sentence report or an
3 assessment of a person being placed on probation, you would
4 -- it's routine to discuss childhood. You know, "Were you
5 abused in childhood?" that sort of thing.

6 It's routine now for probation officers to
7 ask all clients, "Have you ever been abused in any way,
8 mentally, physically, sexually, emotionally, verbally?"

9 If the person's been on probation, then we
10 direct it, we come very focussed.

11 **MS. DALEY:** All right. I do want to speak
12 to you about Nelson Barque as my next topic, sir.

13 So this takes us back to sort of the
14 beginning of your time at the Cornwall Probation Office and
15 I know that you didn't work together with him.

16 But I took it that you learned shortly after
17 joining the office, the circumstances that led up to his
18 resigning?

19 **MR. GENDRON:** Yes.

20 **MS. DALEY:** And you understood that it
21 involved sexual improprieties, which he acknowledged, with
22 two probationers?

23 **MR. GENDRON:** I remember one -- two; I'm not
24 sure.

25 **MS. DALEY:** All right. And I take it you

1 did not learn about that circumstance from Mr. Sirrs or did
2 you?

3 MR. GENDRON: No, I did not.

4 MS. DALEY: From whom did you learn about
5 it?

6 MR. GENDRON: Co-workers.

7 MS. DALEY: All right.

8 THE COMMISSIONER: Who specifically?

9 MR. GENDRON: Jos van Diepen and I believe
10 Carole Cardinal.

11 THE COMMISSIONER: Do you know if the
12 support staff were aware of this?

13 MR. GENDRON: Well, for sure.

14 MS. DALEY: And by that, you mean Ms. Quinn
15 ---

16 MR. GENDRON: Everybody in the office
17 would've known.

18 MS. DALEY: And Ms. ---

19 MR. GENDRON: This was not a secret. This
20 was common knowledge when I arrived there.

21 MS. DALEY: All right. It was -- do I take
22 it from what you say that it was pretty openly discussed?

23 MR. GENDRON: Yes.

24 MS. DALEY: What was the tenor of that
25 discussion, if you can help me at all with details? I

1 mean, I'm just trying to appreciate, what would that feel
2 like? What kind of comments were being made?

3 MR. GENDRON: Well, there was minimal
4 comments being made because this would've happened in 1982
5 and ---

6 MS. DALEY: Yes.

7 MR. GENDRON: --- of course, I'm arriving in
8 1984.

9 MS. DALEY: Right.

10 MR. GENDRON: So, you know, the dust had
11 settled. You know, it's not really -- it's over; it's ---

12 MS. DALEY: All right.

13 MR. GENDRON: You know, there's been another
14 probation officer there. That would be a question for her.

15 MS. DALEY: That's Ms. Cardinal who replaced
16 Mr. Barque?

17 MR. GENDRON: That's right. She would be
18 better answering that question than me.

19 MS. DALEY: All right. No, that's fair.
20 I'm just wondering if by the time you arrived it was still
21 ---

22 MR. GENDRON: No, it wasn't ---

23 MS. DALEY: --- being discussed?

24 MR. GENDRON: It was not an issue and there
25 was minimal discussion.

1 **MS. DALEY:** The feeling was that the book
2 had closed on that chapter?

3 **MR. GENDRON:** That's right.

4 **MS. DALEY:** And I take it you -- it was
5 never brought to your attention that any efforts had been
6 made in that timeframe to speak to any of Mr. Barque's
7 other probation clients?

8 **MR. GENDRON:** Not that I'm aware of.

9 **MS. DALEY:** All right.

10 Now, you may or may not know this, and, of
11 course, that's fine, but did you know that Mr. Barque, when
12 he left Probation and Parole, went on to work for a local
13 agency called L'Equipe Psycho-Sociale and that he dealt
14 with children with disabilities?

15 **MR. GENDRON:** Well, yes, to half that
16 question. I knew he was working there but I did not know
17 his job function.

18 **MS. DALEY:** All right.

19 But I take it your coworkers in the office
20 told you that that's where he was employed?

21 I'm just wondering how you knew he was
22 working there, sir.

23 **MR. GENDRON:** I don't remember coworkers
24 saying that but I'm sure that's how I would have learned.

25 **MS. DALEY:** Do you remember if there was any

1 concern expressed by your coworkers about his employment at
2 L'Equipe given what had occurred at Probation and Parole?

3 **MR. GENDRON:** There was no discussion of
4 that.

5 **MS. DALEY:** Is it a matter that ever
6 occurred to you?

7 **MR. GENDRON:** I didn't follow Mr. Barque's
8 life, career, and that's normal for all probationers. Once
9 there's a terminate -- I was not Ken Seguin who -- you
10 know, we had different approaches. Ken's approach would be
11 to say to clients, you know, "Come see me afterwards" ---

12 **MS. DALEY:** Right.

13 **MR. GENDRON:** --- and, you know, "Let me
14 know how your life is going", and they would. And two or
15 three years later a probationer would pop in, and see Ken,
16 and talk to him about his life. I didn't have that
17 approach. When a probationer -- their supervision period
18 terminates it terminates. I don't follow their ---

19 **MS. DALEY:** I think you're telling me ---

20 **MR. GENDRON:** --- life, career, in any way.

21 **MS. DALEY:** I think you're telling me this
22 because you were, in fact, Mr. Barque's ---

23 **MR. GENDRON:** That's right.

24 **MS. DALEY:** Okay. But I'm focused on the
25 decade before that happened.

1 **MR. GENDRON:** Okay. Sorry.

2 **MS. DALEY:** Right. Because you supervised
3 him on parole in, I think, 1996?

4 **MR. GENDRON:** That's right.

5 **MS. DALEY:** All right.

6 So I apologize if I mislead you. But I'm
7 talking about the decade before. You're fairly new to the
8 Cornwall office; you know the circumstances that had
9 pertained to Mr. Barque.

10 **MR. GENDRON:** Right.

11 **MS. DALEY:** I'm just wondering if you ever
12 heard your coworkers express concern that Barque was
13 employed at L'Equipe Psycho-Sociale?

14 **MR. GENDRON:** No.

15 **MS. DALEY:** All right.

16 Did -- apart from conversation in the
17 office, was -- did you hear conversation in the community
18 about Mr. Barque and the circumstances that led to his
19 resigning at your office? Did you ever hear that when you
20 were out in the community?

21 **MR. GENDRON:** Sorry, repeat that again.

22 **MS. DALEY:** Yes. We've had some evidence
23 from Mr. Landry, who ran L'Equipe Psycho-Sociale, that he
24 received some phone calls from people, in 1986, talking
25 about Barque's departure from probation and why that

1 happened.

2 **MR. GENDRON:** Right.

3 **MS. DALEY:** So we could just give you that
4 piece of information.

5 So I'm wondering from you whether you heard
6 in the community, you know, up until 1986, a conversation
7 about Barque and the fact that he had, in fact,
8 misconducted himself sexually with some probationers?

9 **MR. GENDRON:** No.

10 **MS. DALEY:** Staying with the topic of Mr.
11 Barque, obviously, you supervised him as a result of a
12 criminal conviction, and the information we have here is
13 that the conviction would have occurred in August of 1995.

14 **MR. GENDRON:** Yes.

15 **MS. DALEY:** I'm wondering, do you know
16 whether your coworkers or support staff actually were
17 interviewed by the OPP in relation to the charges that were
18 brought against Mr. Barque?

19 **MR. GENDRON:** I don't know that.

20 **MS. DALEY:** We have evidence here in the
21 form of witness statements that Ms. Quinn, Ms. Leger, Mr.
22 Sirrs and Mr. van Diepen were interviewed in relation to
23 the charges that were laid against Mr. Barque that resulted
24 in his probation with you.

25 Did that conversation ever come up in the

1 office?

2 MR. GENDRON: No.

3 MS. DALEY: All right.

4 I'm going to change to another topic for a
5 second, if that's all right.

6 MR. GENDRON: Sure.

7 THE COMMISSIONER: No, before you do that
8 can we talk about the -- if there was a conflict or how did
9 it come about that you got Mr. Barque as a probationer.
10 Did you do the pre-sentence report for ---

11 MR. GENDRON: No, I did not, because -- at
12 that time, the office decided that it would be best that an
13 out of town -- an Ottawa probation officer in this case
14 prepare the report.

15 THE COMMISSIONER: Okay. So there was some
16 discussion about, "What are we going to do with this?"

17 MR. GENDRON: Exactly.

18 THE COMMISSIONER: All right.

19 MR. GENDRON: So that's what was decided by
20 management, that it would be best dealt with by an Ottawa
21 probation officer.

22 THE COMMISSIONER: Okay. And so then how
23 did you end up being his probation officer?

24 MR. GENDRON: Well, because I was, you know,
25 19 -- because it was 1984 I had very limited knowledge of

1 it, but I was aware of it, and I did not know Nelson; I did
2 not meet Nelson; I had no contact with Nelson and I was
3 considered -- it was a high-profile case and I think it
4 needed to be dealt with by an experienced probation officer
5 and one that was independent of the -- you know,
6 unfortunately, you know, the others in the office were not
7 in a position or were in a conflict position to deal with
8 him where I was independent of it or I could deal with him
9 independently and it wouldn't be a problem for me to
10 supervise Nelson because there is no conflict of interest
11 there.

12 **MS. DALEY:** Let me ask, was any thought
13 given to having his probation supervised by someone from
14 Ottawa?

15 **MR. GENDRON:** That would have been something
16 -- that would have been discussed at the time, sure. But
17 Mr. Barque's preference was not to go to Ottawa. He was
18 given that option, and his preference was to report in
19 Cornwall, if that would be possible.

20 **MS. DALEY:** I see.

21 **THE COMMISSIONER:** I know, but that's his
22 preference. What about the preference of the community to
23 know that, perception wise -- I mean, he's going to the
24 same office where he worked, although 13 years earlier.
25 Was that considered?

1 **MR. GENDRON:** Yeah, I understand. Yep, that
2 would have been a consideration. And what we tried to do
3 then is the secretaries were to immediately advise me as
4 soon as he entered the office so he would not be waiting,
5 he would not be sitting there, and as soon as he arrived he
6 was immediately taken into my office.

7 But I'm not aware of the decision of the
8 area manager at the time why he wasn't simply directed to
9 go to Ottawa.

10 **THE COMMISSIONER:** And who was the manager
11 at the time?

12 **MR. GENDRON:** That would have been Claude
13 Legault.

14 **THE COMMISSIONER:** Okay.
15 Thank you.

16 **MR. GENDRON:** Or ---

17 **MS. DALEY:** Can I help you with the date,
18 because by my math Mr. ---

19 **MR. GENDRON:** Hold on.

20 **MS. DALEY:** --- Barque's parole would have
21 started in ---

22 **MR. GENDRON:** Sorry.

23 **MS. DALEY:** --- January of '96.

24 **MR. GENDRON:** Emile Robert would have been
25 the manager.

1 **MS. DALEY:** All right.

2 Your understanding, when it all boils down,
3 is that it was Robert's call that Barque could be
4 supervised in Cornwall by you?

5 **MR. GENDRON:** Oh, it was absolutely his
6 call. He was the manager.

7 **MS. DALEY:** Just a few more questions. We
8 might as well complete talking about your dealings with Mr.
9 Barque.

10 Did you know the name of the probationer who
11 he had acknowledged having abused?

12 **MR. GENDRON:** Yes.

13 **MS. DALEY:** And did you know that that
14 individual also alleged sexual abuse by Ken Seguin?

15 **MR. GENDRON:** I would have known that at
16 some point much later but not during my supervision period.

17 **MS. DALEY:** How did you come to learn it?

18 **MR. GENDRON:** I don't know.

19 **MS. DALEY:** Did you come to know that at
20 different times both Barque and Seguin had supervised the
21 same probationer?

22 **MR. GENDRON:** Barque and Seguin.

23 **THE COMMISSIONER:** Well, we're talking about
24 -- the victim is Albert Roy.

25 **MS. DALEY:** Correct.

1 **THE COMMISSIONER:** Does that help?

2 The victim was Albert Roy.

3 **MR. GENDRON:** Yes.

4 **THE COMMISSIONER:** Okay. So you're
5 supervising Nelson Barque, and the question is: Did you
6 know that Mr. Roy had been supervised by Mr. Barque and Mr.
7 Seguin?

8 **MR. GENDRON:** No.

9 **MS. DALEY:** All right.

10 **THE COMMISSIONER:** But you did -- I think he
11 must have misunderstood the question because it's the
12 second time we've asked it ---

13 **MS. DALEY:** Right.

14 **THE COMMISSIONER:** --- and the first time he
15 said yes but much later and he didn't know who told him so.

16 **MR. GENDRON:** Yeah.

17 **MS. DALEY:** Let me try to help you.

18 **MR. GENDRON:** Okay. Sorry.

19 **MS. DALEY:** Because perhaps I'm not being
20 clear to you.

21 I take it that at some time you learned that
22 Mr. Roy alleged that he'd been abused by Seguin as well as
23 Nelson Barque?

24 **MR. GENDRON:** Yes, at some point, I don't
25 know when, but years later.

1 **MS. DALEY:** Years later.

2 When that information came to you -- came to
3 your attention, did you also learn that Mr. Roy had been
4 supervised by both Seguin and Barque while he was on
5 probation?

6 **MR. GENDRON:** I'm not sure.

7 **MS. DALEY:** All right. Did you ever discuss
8 your supervision of Mr. Barque with your manager, Mr.
9 Robert? And what I mean by that is seek direction from him
10 or inform him about your dealings with Barque?

11 **MR. GENDRON:** No.

12 **MS. DALEY:** When you supervised Mr. Barque,
13 I take it you'd talk to him about the circumstance that put
14 him in that position; correct?

15 **MR. GENDRON:** Yes.

16 **MS. DALEY:** What did you learn?

17 **MR. GENDRON:** Very little. I -- he admitted
18 to the offence, but I had the police report. So I pretty
19 much knew and he just admitted to it, but I didn't learn
20 anything, other than what was in the police report.

21 **MS. DALEY:** Well, did you discuss with him
22 the fact that the victim of this offence had been a
23 probationer?

24 **MR. GENDRON:** I would have known that and he
25 would have known I knew that.

1 **MS. DALEY:** I appreciate that, but is it
2 something that you and he talked about, the fact that he --
3 -

4 **MR. GENDRON:** We talked about the offence,
5 yes.

6 **MS. DALEY:** And can you help us at all with
7 what he had to say about it or what your concerns were when
8 you discussed it with him?

9 **MR. GENDRON:** My concerns with Mr. Barque
10 was no so much with -- was with the victim at the time.
11 Mine would have been from the point of supervision on, in
12 terms of re-offending, recidivism. There's a case plan.
13 There's probation conditions. That would have been my
14 focus. That would have been my concern.

15 **MS. DALEY:** So in Mr. Barque's case, because
16 he was no longer a probation officer, how did that factor
17 into his case plan for the future?

18 **MR. GENDRON:** His case plan?

19 **MS. DALEY:** Yes.

20 **MR. GENDRON:** I think his concern was
21 employment, finances, getting on with his life. That was
22 his concern. Those are his objectives.

23 **MS. DALEY:** I take it your objectives and
24 concern are to make sure he doesn't re-offend; right?

25 **MR. GENDRON:** That's the main one.

1 **MS. DALEY:** Right. Was there anything
2 specific that you put to him to address that concern? In
3 other words, for example, did you suggest that he shouldn't
4 be working with young men?

5 **MR. GENDRON:** I don't recall having that
6 conversation with him. He was unemployed at the time.

7 **MS. DALEY:** Sorry, he was unemployed?

8 **MR. GENDRON:** I believe he would have been
9 unemployed. Unfortunately, I've never -- I haven't read
10 the case supervision notes, but that's what I remember, him
11 being unemployed.

12 **MS. DALEY:** All right. Sir, did you ask Mr.
13 Barque during -- I guess it was about April ---

14 **MR. GENDRON:** Sorry, actually, I think I
15 remember him -- you know, this goes back so many years, but
16 I think he was looking at a real estate career when I was
17 supervising him. I think he may have been trying to get
18 that off the ground, and that didn't raise any red flags
19 with me.

20 **MS. DALEY:** Okay.

21 **MR. GENDRON:** But other than that, I haven't
22 read the supervision notes, so I'm going by my best
23 recollection.

24 **MS. DALEY:** In the 18 months that he was
25 your probationer, did you ask him about whether he'd had

1 sexual relationships with other probationers when he was
2 employed in Cornwall?

3 MR. GENDRON: I did.

4 MS. DALEY: You did?

5 MR. GENDRON: Yes.

6 MS. DALEY: What did he say?

7 MR. GENDRON: He said he did not.

8 MS. DALEY: Did you do anything to question
9 or challenge that statement?

10 MR. GENDRON: No, but I also knew when he
11 told me that, he was adamant. You know, he -- and to an
12 extent, there's very little I could have done to force him
13 to talk. That was his answer and I had to accept it.

14 MS. DALEY: I take it you didn't see it as
15 part of your role as his probation officer to try and
16 independently determine if what he had said was true or
17 not?

18 MR. GENDRON: Of course. Well, I mean, I
19 wanted to know, had he sexually abused other clients. Of
20 course I wanted to know that.

21 MS. DALEY: Okay. So if I've understood,
22 you've asked him that question?

23 MR. GENDRON: That's right.

24 MS. DALEY: And he's denied it except for
25 Albert Roy?

1 **MR. GENDRON:** Yeah, I believe so. Yeah.

2 **MS. DALEY:** Did you take any further steps
3 to determine if his denial was true or not?

4 **MR. GENDRON:** No. I'm not sure what steps I
5 could have taken either though.

6 **MS. DALEY:** Well, I suppose you or someone
7 could have randomly asked some of his other probation
8 clients, but I take it that didn't happen?

9 **MR. GENDRON:** I was never tasked with that.
10 That would not be -- that would not have been my
11 responsibility, unless I was directed by management to do
12 so. Then I would have gladly done so.

13 **MS. DALEY:** Whose responsibility was it?

14 **MR. GENDRON:** To do what?

15 **MS. DALEY:** Well, what we've just been
16 discussing, which is you independently questioning,
17 randomly perhaps, some of Barque's probationers to
18 determine if he had also ---

19 **MR. GENDRON:** I believe it would have been
20 management to give me that directive.

21 **MS. DALEY:** You mean Mr. Robert?

22 **MR. GENDRON:** Yes. And he did not.

23 **MS. DALEY:** Did you ever raise with him that
24 you thought it might be a worthwhile thing to do?

25 **MR. GENDRON:** No.

1 **MS. DALEY:** You didn't mention this in your
2 evidence in-chief, but did you become aware in 1998 that
3 additional charges were brought in relation to Mr. Barque
4 when he was a probation officer and that the victims were
5 also probationers?

6 **MR. GENDRON:** I had heard that.

7 **MS. DALEY:** Tell me what you knew about
8 that, if you don't mind?

9 **MR. GENDRON:** It was just a community thing.
10 I just heard, again through the court environment, the
11 enforcement environment, that he was back under
12 investigation and that he had been charged. I don't think
13 I had heard he was under investigation. I think I had just
14 heard that he was -- no, I'm not sure. I know that he --
15 there was charges pending.

16 **MS. DALEY:** And did you know that the
17 charges related to sexual offences in relation to two other
18 probationers; in other words, people other than Mr. Roy?

19 **MR. GENDRON:** Yeah, I heard that, yes, same
20 avenue, through the courts, that environment.

21 **MS. DALEY:** When you learned about that, did
22 you make others in the office aware of it? For example,
23 did you tell Mr. Robert about it?

24 **MR. GENDRON:** No, they would have known. It
25 was not a topic of conversation. I mean, it would have

1 come up for sure. It would be, "Oh, Nelson's back in
2 trouble". But, you know, I don't recall any formal
3 discussion of it or going to the manager.

4 **MS. DALEY:** I take it you understood though
5 this wasn't new conduct that had given rise to the charges.
6 This was conduct that had happened when he was a probation
7 officer; correct?

8 **MR. GENDRON:** Right.

9 **MS. DALEY:** All right. And you became aware
10 he killed himself?

11 **MR. GENDRON:** Yes.

12 **MS. DALEY:** In that context, sir, can you
13 tell me whether any thought was given in the office -- and
14 I'm not suggesting it's your job to do this -- but was any
15 thought given at that point to reviewing Nelson's caseload
16 to determine if others alleged sexual misconduct by him?

17 **MR. GENDRON:** I'm not aware of any such
18 thought.

19 **MS. DALEY:** Would you ---

20 **THE COMMISSIONER:** Yes, let's take the lunch
21 break. We'll come back at 2:00. Thank you.

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

24 This hearing will resume at 2:00 p.m.

25 --- Upon recessing at 12:27 p.m./

1 L'audience est suspendue à 12h27

2 --- Upon resuming at 2:11 p.m./

3 L'audience est reprise à 14h11

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

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

8 **THE COMMISSIONER:** Thank you. Good
9 afternoon, all. I'm sorry for the delay. I was delayed in
10 a meeting.

11 **RON GENDRON, Resumed/Sous le même serment:**

12 **THE COMMISSIONER:** Monsieur Gendron, how was
13 lunch?

14 **MR. GENDRON:** Fine.

15 **THE COMMISSIONER:** Great.

16 Ms. Daley is going to have some more
17 questions for you and then we'll finish up with your cross-
18 examination and get you on your way.

19 **MR. GENDRON:** Thank you.

20 **MS. DALEY:** Thank you.

21 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

22 **DALEY (continued/suite):**

23 **MS. DALEY:** Thank you, sir.

24 Another area I want to speak to you about --
25 and again, the intent of the question, sir, is just to see

1 if you have more details that you can help us with because
2 we've heard a lot of evidence about certain of these people
3 so far. So I'm just trying to see what you might know
4 about them.

5 But I want to ask you some questions about
6 Malcolm MacDonald; all right?

7 **MR. GENDRON:** Yes.

8 **MS. DALEY:** I take it he had a basement
9 office at 502 Pitt where the probation offices were
10 located?

11 **MR. GENDRON:** Yes.

12 **MS. DALEY:** And you made a point of letting
13 us know that as far as you could see, Mr. MacDonald and Ken
14 Seguin were pretty close friends and they had lunch
15 together almost every day?

16 **MR. GENDRON:** Yes.

17 **MS. DALEY:** Okay. Now, did you -- you
18 understood that Mr. MacDonald was also a lawyer in practice
19 and did he, from time-to-time, represent probationers as
20 far as you're aware?

21 **MR. GENDRON:** Yes.

22 **MS. DALEY:** Okay. Did you have dealings
23 with him in that capacity?

24 **MR. GENDRON:** On occasion.

25 **MS. DALEY:** All right.

1 **MR. GENDRON:** Not very often but sometimes.

2 **MS. DALEY:** All right. Did you come to know
3 that he was -- he had represented, as counsel, some of the
4 probationers that reported to Mr. Seguin?

5 **MR. GENDRON:** Yes.

6 **MS. DALEY:** And did you see probationers
7 visit Mr. MacDonald's office at 502, Cornwall, ever?

8 **MR. GENDRON:** I would've seen probationers
9 going in and out of that office, yes.

10 **MS. DALEY:** Did you ever go into that office
11 yourself?

12 **MR. GENDRON:** Once.

13 **MS. DALEY:** All right. Mr. MacDonald had a
14 private office did he or -- can you just help me with the
15 setup, as you recall it?

16 **MR. GENDRON:** I just remember the office
17 being located in the basement. I believe when you first
18 went it you were greeted by a secretary, and I don't recall
19 the office layout at all. I don't remember that.

20 **MS. DALEY:** All right. Now, you told us
21 that you actually observed Ken Seguin from time-to-time
22 perhaps having a cigarette break or something like that
23 with probationers.

24 Did you ever see Malcolm MacDonald doing the
25 same thing?

1 **MR. GENDRON:** No.

2 **MS. DALEY:** Did you ever see Malcolm and Ken
3 together outside the office with a probationer?

4 **MR. GENDRON:** No.

5 **MS. DALEY:** Did you become aware that
6 charges -- sexual offence charges were laid against Mr.
7 MacDonald in 1999 which involved probationers?

8 **MR. GENDRON:** I'm not aware of that.

9 **MS. DALEY:** All right. Did you ever become
10 aware that a probationer -- and this is a gentleman who's
11 testified here under a moniker so I'm not going to state
12 his name to you -- but did you become aware that a
13 probationer alleged that he'd been sexually abused both by
14 Mr. MacDonald and by Mr. Seguin?

15 **MR. GENDRON:** No.

16 **MS. DALEY:** If I showed you the name, might
17 it assist your recollection?

18 **MR. GENDRON:** It could.

19 **MS. DALEY:** Could you show this gentleman
20 the moniker list, please? I can take it over, Madam Clerk.

21 **THE COMMISSIONER:** You are referring to
22 which moniker?

23 **MS. DALEY:** C-10.

24 **THE COMMISSIONER:** C-10.

25 **MS. DALEY:** Sir, I just wrote down the name

1 of a gentleman who was here and he used a moniker, C-10.
2 We understand he was a probationer and that he alleged
3 sexual assault by Ken and by Malcolm.

4 Are you familiar with that individual, sir?

5 **MR. GENDRON:** Never heard that name before.

6 **MS. DALEY:** Okay. Thank you.

7 Is there anything that to you seemed
8 material that you observed about Mr. MacDonald in or around
9 the probation office, given what we're here to deal with?

10 **MR. GENDRON:** No.

11 **MS. DALEY:** Okay. I also now want to move
12 to a different area which you testified about and that was
13 the atmosphere in the office.

14 All right?

15 We understood from Mr. Sirrs that, as far as
16 he perceived it, there was tension in the office back at
17 the time you started in 1984 and 1985. I take it you would
18 concur with that?

19 **MR. GENDRON:** I observed that.

20 **MS. DALEY:** Mr. Sirrs told us about a team-
21 building exercise or a facilitation exercise that he
22 instituted in September of 1994(sic), to try to address
23 that. Do you recall that at all?

24 **MR. GENDRON:** Nineteen-ninety-four (1994)?

25 **MS. DALEY:** Eighty-four ('84).

1 **MR. GENDRON:** Eighty-four ('84)?

2 **MS. DALEY:** Yes.

3 **THE COMMISSIONER:** It was a weekend away at
4 a resort -- a night and morning at the resort?

5 **MR. GENDRON:** Yes, but I'm not aware of it.
6 I'm -- I know that happened but I was not there.

7 **MS. DALEY:** You were not there?

8 **MR. GENDRON:** It occurred prior to my ---

9 **MS. DALEY:** I see.

10 **MR. GENDRON:** I was hired in October and I
11 believe that would've been hire -- that would've of
12 occurred six months or so. I don't know. Before me
13 though.

14 **MS. DALEY:** All right. Thank you.

15 Does it follow from the testimony you gave
16 us in-chief this morning that you thought that -- well,
17 sir, let me put it in context for you.

18 I think your observation was that Mr. Seguin
19 and Mr. Robert had a good working relationship?

20 **MR. GENDRON:** Yes.

21 **MS. DALEY:** And that was probably one of the
22 only good working relationships that Mr. Robert had in the
23 office?

24 **MR. GENDRON:** It was the only one I
25 observed.

1 **MS. DALEY:** Right. And was it your
2 perception that as a result of that, Mr. Seguin perhaps
3 received special treatment from Mr. Robert?

4 **MR. GENDRON:** Yes.

5 **MS. DALEY:** I take it that if you -- yeah,
6 you did tell us that you did perceive, from time-to-time,
7 things that concerned you a little bit about Ken's conduct.

8 I take it you did not feel that those issues
9 could be raised with Mr. Robert?

10 **MR. GENDRON:** It depends what the issues
11 were. What are you referring to? What issues?

12 **MS. DALEY:** Well, the issues that you spoke
13 about. You were concerned about his social interaction
14 with probationers.

15 I take it you didn't feel you could raise
16 that with Mr. Robert?

17 **MR. GENDRON:** If it was important enough, I
18 would've raised the issue with Mr. Robert.

19 **MS. DALEY:** The issues that you spoke about
20 though, in fact, you didn't raise with him; correct?

21 **MR. GENDRON:** His social interaction?

22 **MS. DALEY:** Yes.

23 **MR. GENDRON:** No.

24 **MS. DALEY:** Did you ever consider ---

25 **MR. GENDRON:** But he would've been aware of

1 the social interaction.

2 MS. DALEY: How would he -- how would he ---

3 MR. GENDRON: There was no need for me to go
4 to Mr. Robert to tell him about the social interaction. He
5 would've been aware of it. I would -- it would be
6 pointless.

7 MS. DALEY: But just explain how it is you
8 say he would've been aware?

9 MR. GENDRON: Because he knew what I knew.

10 MS. DALEY: Meaning he should ---

11 MR. GENDRON: He could observe in the
12 parking lot the socialization, the smoking with clients.
13 He was aware of the Ken-Renshaw matter. He was aware of
14 the -- Ken socializing with clients in his home. There is
15 a homicide investigation. That would've all been brought
16 to his attention.

17 MS. DALEY: All right.

18 MR. GENDRON: He would've known more than
19 me.

20 MS. DALEY: All right. One of the things
21 we've heard other people say here, and perhaps you can
22 confirm this, did Ken also lend his car to probationers?
23 Did you see that happen?

24 MR. GENDRON: No, I did not see that happen.

25 MS. DALEY: Okay. All right.

1 In any event, your view is that Robert had
2 equal knowledge as anyone else did about Ken's interactions
3 outside the office with probationers?

4 **MR. GENDRON:** He had equal or greater
5 knowledge.

6 **MS. DALEY:** All right. Did it ever cross
7 your mind that maybe with respect to the concerns that you
8 had about Ken, all right, that you could go over Mr.
9 Robert's head and speak to his regional manager? I guess
10 that was Mr. Hawkins at the time?

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

12 **MS. DALEY:** Did you ever consider doing
13 that?

14 **MR. GENDRON:** Regarding what?

15 **MS. DALEY:** Regarding Ken and ---

16 **MR. GENDRON:** Which concern? Which ---

17 **MS. DALEY:** Any of the ones you had.

18 **MR. GENDRON:** Did I think about doing that
19 or could I or would I have done?

20 **MS. DALEY:** Well, let's take it a piece at a
21 time.

22 Did you think about doing that?

23 **MR. GENDRON:** No.

24 **MS. DALEY:** I take it that's not something
25 that you and Mr. van Diepen, who had the same concern, ever

1 spoke about?

2 MR. GENDRON: We would've spoken about that
3 but not -- I don't recall a conversation with Mr. van
4 Diepen about speaking to Roy Hawkins about Ken Seguin.

5 MS. DALEY: All right.

6 MR. GENDRON: I recall a conversation with -
7 - I remember Jos saying that he was going to speak to Mr.
8 Robert ---

9 MS. DALEY: Yes.

10 MR. GENDRON: --- directly about Ken's
11 socialization.

12 MS. DALEY: To your knowledge, did Mr. van
13 Diepen follow up on that and do so?

14 MR. GENDRON: Well, I believe he did speak
15 to him, but I'm not -- I don't know that to be fact because
16 I wasn't there. But I believe Mr. van Diepen -- I believe
17 he reported to me that he had done that.

18 MS. DALEY: Did he tell you what the outcome
19 was, what the response was that he received?

20 MR. GENDRON: No, I don't remember what Mr.
21 Robert's reaction to that was.

22 MS. DALEY: And in terms of a timeframe for
23 that event, sir, can you help us place it at all in
24 relation to Ken's suicide? Was it immediately before or do
25 you think it was in the late '80s?

1 **MR. GENDRON:** I would say around 1990, in
2 that period. I don't believe it was just before.

3 **MS. DALEY:** All right. Just a few questions
4 about office process and how clients were assigned to
5 probation officers and, you know, I understand your earlier
6 evidence, but if a person had been on probation in the past
7 and then had a subsequent term of probation, would he be
8 assigned the same probation officer, generally?

9 **MR. GENDRON:** Generally, yes.

10 **MS. DALEY:** Okay. And what if a person --
11 what if there was more than one person in a family who
12 ended up being on probation, say there's some brothers,
13 would they be assigned the same officer generally?

14 **MR. GENDRON:** Sometimes, because the
15 probation officer would have working knowledge of that
16 family so it would be beneficial.

17 **MS. DALEY:** All right. And to your
18 knowledge, did Mr. Seguin ever request the assignment of
19 specific probationers to him?

20 **MR. GENDRON:** No, it would have been the
21 other way around.

22 **MS. DALEY:** Probationers would ask for Ken?

23 **MR. GENDRON:** Yes.

24 **MS. DALEY:** And if they did ---

25 **MR. GENDRON:** Often.

1 **MS. DALEY:** What can you -- can you give us
2 some more detail on that?

3 **MR. GENDRON:** The general intake at the time
4 would have been a probationer walks from court with a
5 probation order in hand, has been instructed to report
6 immediately, does so, is greeted by the secretary and the
7 secretary would say from practice, "Have you been on
8 probation before?" They would say "yes" or "no". And the
9 purpose of that would be to -- to locate the old file and
10 bring it forward.

11 And probationers often would say, "Yes, I've
12 been on probation with Ken. I would like to have Ken
13 Seguin as a probation officer."

14 And they would also invariably say, "Yes,
15 I've been on probation with Mr. van Diepen"; "I've been on
16 probation with Ron Gendron", and they would make a comment
17 saying they would like that probation officer or they would
18 not.

19 In Mr. Seguin's case they would often say,
20 "I would like Mr. Seguin as probation officer".

21 I never heard once a probationer ever say,
22 "I don't want Ken Seguin as a probation officer".

23 **THE COMMISSIONER:** What happens when someone
24 said either, "I don't want him" or once we start the
25 process of the probation, "I want to change probation

1 officer"; that ever happen? And what would happen if
2 somebody said, "No, I don't want him"?

3 **MR. GENDRON:** If someone said that, the
4 secretary would advise them that they will be assigned a
5 probation officer and that matter would be dealt with
6 between the manager and probably the probation officer or
7 the assignment officer at the time.

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

9 **MR. GENDRON:** And they would make a
10 decision, would they -- does that answer your question?

11 **THE COMMISSIONER:** Not quite, but no
12 consultation with the probationer then as to, "Why don't
13 you want to be with him?" or anything like that?

14 **MR. GENDRON:** Not -- not at the front
15 office, at that time.

16 When they're presenting themselves with the
17 secretary, no, the -- the secretary would not ask that
18 question.

19 **THE COMMISSIONER:** Well, in the same way --
20 so what about the wishes of a probationer who wants Ken
21 Seguin, would he get his wish?

22 **MR. GENDRON:** It was a good chance, yes.

23 **THE COMMISSIONER:** Sounds like -- almost
24 like a double standard there?

25 **MR. GENDRON:** Well, yes.

1 **MS. DALEY:** You know, it's always easy to be
2 wise in hindsight and so I'm not placing any great weight
3 on this, but I'm just wondering, if looking back on it, did
4 it seem to you that a disproportionate number of
5 probationers did want to have Ken?

6 **MR. GENDRON:** Yes. Almost -- I don't recall
7 one probationer, ever, not wanting to have Ken Seguin as a
8 probation officer.

9 I recall many probation officers(sic) not
10 wanting Jos van Diepen as a probation officer or myself.

11 **MS. DALEY:** Right. And would that have to
12 do with the philosophical difference you talked about in
13 terms of social work ---

14 **MR. GENDRON:** Absolutely.

15 **THE COMMISSIONER:** Actually, don't know if
16 you said probation officers wanting you but ---

17 **MR. GENDRON:** Probationers. Sorry.

18 **THE COMMISSIONER:** No, no, just ---

19 **MR. GENDRON:** So would I take it from that
20 that Ken was more lenient in terms of enforcing ---

21 **MR. GENDRON:** Absolutely.

22 **MS. DALEY:** --- probation orders?

23 **MR. GENDRON:** Absolutely.

24 And he was also more helpful to
25 probationers.

1 **MS. DALEY:** Fair enough, but let's look at
2 it for a moment from the perspective of enforcing a
3 probation order.

4 **MR. GENDRON:** Right.

5 **MS. DALEY:** Was it fairly well known in the
6 office that he was the most lenient fellow when it came to
7 that?

8 **MR. GENDRON:** Yes.

9 **MS. DALEY:** Did that circumstance concern
10 yourself and your workmate, Mr. van Diepen?

11 **MR. GENDRON:** It concerned Jos a lot; it
12 concerned me a little. It wasn't my style; it wasn't my
13 approach. But it's not a right or wrong thing.

14 **THE COMMISSIONER:** Well, let's talk about it
15 a little bit -- and I'm sorry, but ---

16 **MS. DALEY:** No, please.

17 **THE COMMISSIONER:** Drinking. Thou shalt not
18 drink while on probation.

19 **MR. GENDRON:** Right.

20 **THE COMMISSIONER:** Alcoholic beverages.

21 **MR. GENDRON:** Right.

22 **THE COMMISSIONER:** Are you saying that it
23 was known that Ken wouldn't breach people on that kind of
24 stuff?

25 **MR. GENDRON:** No, I'm not saying that.

1 **THE COMMISSIONER:** Okay. So where was he
2 lenient as opposed to ---

3 **MR. GENDRON:** In terms of reporting.

4 **THE COMMISSIONER:** Yeah?

5 **MR. GENDRON:** In terms of just enforcing any
6 of the conditions on the order. It could be restitution,
7 it could be community work, it could have been pretty much
8 any condition. Ken was pretty ---

9 **THE COMMISSIONER:** Well, I asked about the
10 drinking one.

11 **MR. GENDRON:** Right.

12 **THE COMMISSIONER:** And you said, "No, no..."

13 ---

14 **MR. GENDRON:** But -- but I'm not also aware
15 of -- of knowing -- I only know -- I'm aware of one
16 situation where Ken was allowing alcohol to be consumed by
17 a probationer and that would have been brought to the
18 Ministry's attention.

19 **THE COMMISSIONER:** That's the one with the
20 homicide?

21 **MR. GENDRON:** Yes.

22 **MS. DALEY:** All right. Apart from that
23 situation, though, I take it from your evidence that he was
24 pretty lenient about the reporting requirements, community
25 service or restitution aspects of the order, meaning that

1 he didn't enforce them?

2 **MR. GENDRON:** Well, I wouldn't say he didn't
3 enforce them, but he accepted their explanation or he -- he
4 had a wider definition of "wilful failure" than most
5 probation officers and Ken had a very understanding
6 attitude towards, you know, for example, restitution.

7 You know, Ken would be lenient in that area
8 if the restitution wasn't paid and Ken felt that the person
9 was trying to get a job, trying to earn an income, trying
10 to make payment; whereas some probation officers, if you
11 didn't pay the restitution you're in default, you're in
12 breach of the order, therefore, you'll be taken to court.
13 Ken would -- would never take that approach.

14 **MS. DALEY:** To encapsulate what you say,
15 would it be right to say that he gave the benefit of the
16 doubt to the probationer when others wouldn't have?

17 **MR. GENDRON:** Absolutely.

18 **MS. DALEY:** I want to talk to you about the
19 circumstance of Gerry Renshaw coming to live with Ken and
20 you spoke about that in ---

21 **MR. GENDRON:** M'hm.

22 **MS. DALEY:** --- your evidence in-chief and
23 you were at a loss for words to explain why that was
24 problematic, but I take it ---

25 **MR. GENDRON:** I still am.

1 **MS. DALEY:** Right. Now, from your
2 perspective that's something that was so wrong it could
3 never be justified?

4 **MR. GENDRON:** Well, it just -- it defies
5 common sense. Like, how do you explain that? I don't -- I
6 don't know how you explain that.

7 **MS. DALEY:** You understood he'd received
8 Ministry approval for that to happen?

9 **MR. GENDRON:** Yes, that was -- that was
10 common knowledge in the office that he did the right thing,
11 because at the time the conflict of interest guidelines
12 stated that he was to bring that to the attention of the
13 manager, in writing, and from what I understand he did and
14 he somehow got approval.

15 **MS. DALEY:** Would this be an example of what
16 we spoke about a few moments ago where Ken seemed to get
17 preferential treatment from Mr. Robert?

18 **MR. GENDRON:** Yes.

19 **MS. DALEY:** To refer back to the
20 circumstance that was -- you raised a moment ago, and
21 that's the 1992 shooting where a probationer's -- at least
22 one probationer comes to his home, alcohol is consumed and
23 there's a fatality. Was there discussion about that
24 circumstance in the office amongst your co-workers?

25 **MR. GENDRON:** Yes.

1 **MS. DALEY:** And would I be right to say that
2 you and they were pretty concerned about it?

3 **MR. GENDRON:** Yes.

4 **MS. DALEY:** Did you ever speak to Ken
5 directly about it?

6 **MR. GENDRON:** No.

7 **MS. DALEY:** Do you know if Jos did?

8 **MR. GENDRON:** I'm not aware of it.

9 **MS. DALEY:** Did you ever speak to Mr. Robert
10 about it?

11 **MR. GENDRON:** No.

12 **MS. DALEY:** Did you come to learn how Mr.
13 Robert dealt with it in relation to Ken?

14 **MR. GENDRON:** Subsequently, yes. I learned
15 that he had submitted a report to his supervisor.

16 **MS. DALEY:** All right. I take it it would
17 have been obvious to everybody in the office that however
18 it was being dealt with, Ken wasn't being disciplined for
19 it?

20 **MR. GENDRON:** That was obvious.

21 **MS. DALEY:** And did that concern you?

22 **MR. GENDRON:** Yes.

23 **MS. DALEY:** Did it concern you because that
24 was another example of preferential treatment being
25 afforded to Ken by your manager?

1 **MR. GENDRON:** It concerned me for many
2 reasons.

3 **MS. DALEY:** Was that reason one of them?

4 **MR. GENDRON:** Yes.

5 **MS. DALEY:** What were the other reasons it
6 was concerning?

7 **MR. GENDRON:** Well, it just -- it shouldn't
8 be done. It's -- like why -- reverse it. Why would you
9 give approval to that? I don't understand that. You know,
10 it made no sense. It was a wrong decision. Unless there
11 was exceptional circumstances, and nobody in the office
12 knew what those circumstances were. We don't know. Nobody
13 in the office knew why it was granted and why there didn't
14 seem to be -- I mean, this is a flagrant violation. You
15 know, it's irresponsible of a probation officer to ever do
16 that.

17 **THE COMMISSIONER:** Even if it's an ex-
18 probationer?

19 **MR. GENDRON:** Even if it's an ex-
20 probationer. You know, it ---

21 **MS. DALEY:** I want to just ---

22 **MR. GENDRON:** It's just not as bad, but it's
23 bad.

24 **MS. DALEY:** All right. The last evidence
25 that you gave, was that in relation to Renshaw living with

1 Ken or was that in relation to the shooting?

2 MR. GENDRON: Both.

3 MS. DALEY: All right.

4 MR. GENDRON: There's -- it's inexcusable
5 for either.

6 MS. DALEY: All right. We've heard evidence
7 here from others and, to an extent, from you that Mr. van
8 Diepen and Ken Seguin fell out, so to speak ---

9 MR. GENDRON: Yes.

10 MS. DALEY: --- a few years before Ken died.

11 Do you have any perception or understanding
12 as to what caused that to occur?

13 MR. GENDRON: Mr. Seguin's supervision of
14 probationers.

15 MS. DALEY: That was the reason as you saw
16 it?

17 MR. GENDRON: That was one of the reasons.
18 There was his relationship with the manager. There was the
19 social interaction of Ken with clients. It was those three
20 things.

21 THE COMMISSIONER: What about his sexual
22 orientation, if that was an issue?

23 MR. GENDRON: Not an issue, no.

24 THE COMMISSIONER: Okay.

25 MR. GENDRON: No.

1 **MS. DALEY:** All right. I take it from what
2 you say that the things you mentioned, his supervision, his
3 socializing, these other occurrences, were things that Mr.
4 van Diepen just couldn't tolerate in a fellow probation
5 officer?

6 **MR. GENDRON:** That's right.

7 **MS. DALEY:** Okay. I want to now move to the
8 end of things and Mr. Seguin's suicide and the occurrences
9 around that.

10 I take it prior to that event, sir, from
11 what I took from your testimony, it was an open secret in
12 the office that Ken was under investigation?

13 **MR. GENDRON:** No, I don't believe that. I
14 think there would have been -- there would have been staff
15 in the office unaware of that, I think.

16 **THE COMMISSIONER:** That were what?

17 **MR. GENDRON:** That were unaware of that.

18 **MS. DALEY:** Okay. Fair enough.

19 **MR. GENDRON:** I think some knew and I think
20 some didn't. It wasn't going around the office.

21 **MS. DALEY:** But a number of probation
22 officers were aware of it, including yourself?

23 **MR. GENDRON:** I was aware of it.

24 **MS. DALEY:** Mr. van Diepen, was he aware?

25 **MR. GENDRON:** I believe he was aware of it.

1 **MS. DALEY:** Can you tell me who else ---

2 **MR. GENDRON:** I don't believe any other
3 probation officers were aware of it and I don't know if --
4 I don't believe support staff were aware of it. I never
5 discussed it with them and they never discussed it with me,
6 and I'm not aware of them discussing it with anybody else.

7 **MS. DALEY:** All right. You did believe that
8 the manager, Mr. Robert, knew about it?

9 **MR. GENDRON:** About which, sorry?

10 **MS. DALEY:** Sorry, you believed that Mr.
11 Robert knew about it?

12 **MR. GENDRON:** The which?

13 **MS. DALEY:** The investigation involving Mr.
14 Seguin?

15 **MR. GENDRON:** Well, I didn't know it to be
16 fact, but I believed he knew.

17 **MS. DALEY:** All right.

18 **THE COMMISSIONER:** And that belief is based
19 on?

20 **MR. GENDRON:** The Cornwall Police would have
21 contacted him.

22 **THE COMMISSIONER:** Okay. That's a
23 supposition on your part?

24 **MR. GENDRON:** Yes.

25 **THE COMMISSIONER:** Okay.

1 **MS. DALEY:** In other words, there was never
2 a discussion with him about it?

3 **MR. GENDRON:** No.

4 **MS. DALEY:** But I gather from what you've
5 said, there probably wasn't a lot that you did choose to
6 discuss with Mr. Robert?

7 **MR. GENDRON:** Me personally?

8 **MS. DALEY:** Yes.

9 **MR. GENDRON:** Or the office, or generally?

10 **MS. DALEY:** Well, you personally.

11 **MR. GENDRON:** No, I tended to avoid Mr.
12 Robert as much as possible.

13 **MS. DALEY:** And I take it Jos had the same
14 attitude?

15 **MR. GENDRON:** Well, he certainly would have
16 tried to avoid Mr. Robert as much as possible, but many
17 times he was very confrontational with Mr. Robert.

18 **MS. DALEY:** Okay. But you never saw him
19 discuss this investigation with Mr. Robert?

20 **MR. GENDRON:** No.

21 **MS. DALEY:** I just want to make sure I've
22 understood you correctly.

23 Apart from conversation about that in the
24 office and before Mr. Seguin killed himself, did you hear
25 people in the community at large talking about this?

1 MR. GENDRON: Before Ken's ---

2 MS. DALEY: Before Ken's suicide?

3 MR. GENDRON: No.

4 MS. DALEY: If you don't mind, could you
5 look very briefly at your statement? I'll give you the
6 reference, sir. It's Exhibit -- I'm going to take you to
7 the typewritten version, so that's 1113A.

8 Madam Clerk, I'm going to ask this gentleman
9 about something that's recorded at the bottom of the first
10 page.

11 So if you go seven lines up from the bottom,
12 sir, that's where you start -- that's it.

13 MR. GENDRON: Yes.

14 MS. DALEY: That's where you start talking
15 about this investigation and what you knew about it and
16 when?

17 MR. GENDRON: Right.

18 MS. DALEY: All right.

19 Now, you state to the officer:

20 "I didn't hear of the pressure they
21 were feeling or Ken felt until a month
22 before his death."

23 MR. GENDRON: Right.

24 MS. DALEY: Is the pressure you're referring
25 to there pressure to make a payment or what did you mean by

1 that?

2 **MR. GENDRON:** It was just pressure that
3 there was something going on with Father Charlie and
4 Silmser and Ken is somehow connected to this. I don't know
5 exactly what I'm referring to there other than ---

6 **MS. DALEY:** Is it possible you're referring
7 to demands for money from Ken?

8 **MR. GENDRON:** From Ken, no.

9 **MS. DALEY:** All right.

10 **THE COMMISSIONER:** But from what I gather,
11 the impression I get from that sentence is that you felt
12 that Ken was feeling some pressure about a month before his
13 death?

14 **MR. GENDRON:** That's right. And I think it
15 could be related to the Father Charlie/Silmser matter.

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

17 **MS. DALEY:** I know it's a long time ago, but
18 can you recall anything that you saw or observed that gave
19 you that feeling that Ken was under pressure?

20 **MR. GENDRON:** Well, it was minor. Other
21 than just a slight change in his personality, that was the
22 only thing that was noticeable. Otherwise, everything was
23 fine with Ken Seguin.

24 **MS. DALEY:** What was the nature of the
25 change?

1 **MR. GENDRON:** Just slightly moody, a little
2 edgy. Other than that, nothing.

3 **MS. DALEY:** Okay. Just give me a second.

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

5 **MS. DALEY:** Let me come back to something
6 that you spoke about in-chief, and this is, I guess, the
7 last area I want to canvass with you.

8 You were telling us how both yourself and
9 Mr. van Diepen felt it necessary to caution Ken about his
10 social interactions with probationers. That's what I want
11 to speak to you about.

12 And I take it that the nature of what you
13 were saying to him was pretty commonsensical, wasn't it,
14 that he was putting himself in potentially risky positions?

15 **MR. GENDRON:** Yes.

16 **MS. DALEY:** And he, at this time, was a
17 very, very experienced probation officer, wasn't he?

18 **MR. GENDRON:** Very.

19 **MS. DALEY:** More so in terms of years than
20 you because he had been in the occupation since ---

21 **MR. GENDRON:** He was the most senior.

22 **MS. DALEY:** He would be aware of those
23 risks, would he not?

24 **MR. GENDRON:** He should have been.

25 **MS. DALEY:** And I take ---

1 **MR. GENDRON:** I don't see why he wouldn't
2 be.

3 **MS. DALEY:** That's what I thought you would
4 say. I mean, it was an obvious and common sense thing that
5 any experienced probationer(sic) ---

6 **MR. GENDRON:** Probation officer?

7 **MS. DALEY:** --- probation officer would be
8 aware of?

9 **MR. GENDRON:** Yes, and I would think a new
10 probation officer.

11 **MS. DALEY:** Right.

12 **MR. GENDRON:** It's that apparent.

13 **MS. DALEY:** In other words, what you were
14 expressing to him was not a very sophisticated thought. It
15 was more along the lines of, "You know, Ken, you must
16 understand, this is not how we do things"; right?

17 **MR. GENDRON:** That's right.

18 **MS. DALEY:** Okay. And he completely
19 understood what you were saying?

20 **MR. GENDRON:** Completely.

21 **MS. DALEY:** Thank you.

22 **THE COMMISSIONER:** Thank you.

23 Mr. Paul.

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

25 **PAUL:**

1 **MR. PAUL:** Mr. Gendron, you already know me.
2 I'll just explain the group I represent.

3 I'm here on behalf of a group called the
4 Coalition for Action and on behalf of that group I'd like
5 to point you in the direction of that meeting in which you
6 and Mr. van Diepen have a discussion with Mr. Seguin about
7 issues of fraternization and socialization.

8 Just first of all, what I understand, is
9 there only one meeting of that nature; does it only happen
10 one time?

11 **MR. GENDRON:** Yes.

12 **MR. PAUL:** Okay. And it happens, to the
13 best of your recollection, maybe the late '80s or up to
14 1990 or late '80s?

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

16 **MR. PAUL:** And I understand that the purpose
17 of your approach to Mr. Seguin is that you, at that point,
18 have what perhaps you would agree would be a significant
19 concern in relation to professional standards surrounding
20 fraternization?

21 **MR. GENDRON:** Conflict of interest.

22 **MR. PAUL:** Yes. And socializing with
23 probationees?

24 **MR. GENDRON:** That's right.

25 **MR. PAUL:** And that's something that you a

1 joint or common interest with Mr. van Diepen because he had
2 the same concern?

3 MR. GENDRON: Yes.

4 MR. PAUL: So you basically joined in a
5 common cause?

6 MR. GENDRON: Yes.

7 MR. PAUL: And in approaching Mr. Seguin,
8 would you agree that in doing that it was not something
9 minor or inconsequential; what you did at the time is a
10 fairly significant step to approach Mr. Seguin about it?

11 MR. GENDRON: Yes.

12 MR. PAUL: Significant, because at that time
13 he was a fairly senior probation officer?

14 MR. GENDRON: Yes.

15 MR. PAUL: He had been around a lot longer
16 than you at the time?

17 MR. GENDRON: Yes.

18 MR. PAUL: Was it significant also in the
19 sense that you had some apprehension about approaching
20 someone who was viewed in some ways as a favourite of the
21 manager?

22 MR. GENDRON: Yes, I had a lot of
23 apprehension.

24 MR. PAUL: And you had apprehension in a
25 sense of how this could harm you or Mr. van Diepen?

1 **MR. GENDRON:** I wasn't worried about some
2 sort of -- my only concern would have been approaching Ken.
3 He doesn't take it the right way and this was someone I got
4 along with in the office, somebody I had a good working
5 relationship, and it -- that's affected by it, that -- you
6 know, that's a concern.

7 **MR. PAUL:** All right. But in terms of
8 apprehension, it was somewhat less because there's two of
9 you going in as opposed to one?

10 **MR. GENDRON:** That's right.

11 **MR. PAUL:** And in terms of it being serious
12 and having some apprehension, that's perhaps part of the
13 reason you go in as a twosome instead of one?

14 **MR. GENDRON:** Sure.

15 **MR. PAUL:** Okay. And I'm not sure if this
16 is the case, but just did you have any apprehension at all
17 about dealing with Mr. Seguin on an issue because he --
18 whether he was perceived as having influential friends
19 outside the office. Did that come into the mix or play?

20 **MR. GENDRON:** No, not at all.

21 **MR. PAUL:** But nevertheless, you did view
22 this as a situation where you had strong concerns about the
23 conduct of Mr. Seguin?

24 **MR. GENDRON:** Strong enough to report it to
25 Mr. Seguin ---

1 **MR. PAUL:** Okay.

2 **MR. GENDRON:** --- my concerns, yes.

3 **MR. PAUL:** And in addition to having strong
4 concerns, would you agree that you would characterize it as
5 a situation where you had very strong evidence backing up
6 those concerns as well?

7 **MR. GENDRON:** Depends what you mean by
8 "evidence".

9 **MR. PAUL:** Well, I suggest to you that when
10 you go in there, you don't go in there with the view of
11 coming out and asking him, "What's your side of it? Did
12 this happen?" That's not really the approach?

13 **MR. GENDRON:** Well, there was never a
14 dialogue, so -- it was just two probation officers
15 expressing a concern to a co-worker, but there was -- there
16 was no exchange so ---

17 **MR. PAUL:** But the approach is in the sense
18 of getting his side of the story to see if it's true,
19 because from your perspective you think you have
20 overwhelming evidence that the socializing is happening at
21 that point?

22 **MR. GENDRON:** Well, there's -- there's
23 examples of Mr. Seguin socializing with clients, yes.

24 **MR. PAUL:** So you think you have strong
25 enough evidence that you don't really have to ask him his

1 side of it. You believe it's occurring and you're going in
2 there to try to tell him ---

3 MR. GENDRON: Well, I don't have to ask him
4 about the examples that I know of because I know them to be
5 fact.

6 MR. PAUL: All right. And any examples that
7 Mr. van Diepen has that he's told you about, would you be
8 aware of situations where Mr. van Diepen is seeing things
9 that you haven't and he's explained them to you?

10 MR. GENDRON: He had some concerns ---

11 MR. PAUL: Okay.

12 MR. GENDRON: --- that I'm not aware of
13 because he -- I don't know all of what Jos knows.

14 MR. PAUL: And during -- I take this is a
15 fairly short conversation the way you describe it?

16 MR. GENDRON: Very short.

17 MR. PAUL: And you don't sense any anger
18 from Mr. Seguin?

19 MR. GENDRON: No, none.

20 MR. PAUL: He doesn't react in a hostile way
21 to either you or Mr. van Diepen?

22 MR. GENDRON: No.

23 MR. PAUL: But at the same time, there's not
24 much of a reaction either way?

25 MR. GENDRON: There is no reaction from Mr.

1 Seguin other than saying -- basically, he was thanking us
2 for our time and that was it.

3 MR. PAUL: And, for example, at no time does
4 he say that he's going to stop this type of activity?

5 MR. GENDRON: No, he makes no comment at
6 all.

7 MR. PAUL: All right. And he certainly
8 doesn't deny that this activity is happening?

9 MR. GENDRON: No.

10 MR. PAUL: So having met him and come away
11 with him simply saying, "Thank you", you're not exactly
12 satisfied that Mr. Seguin is going to change the way he's
13 acting?

14 MR. GENDRON: I'm satisfied with -- with
15 what I -- what I liked to have achieved and that was to
16 give him a warning.

17 MR. PAUL: All right. You're satisfied that
18 you made the point that you wanted to make?

19 MR. GENDRON: Right.

20 MR. PAUL: But whether it's sinking in with
21 him, you're not certain of that?

22 MR. GENDRON: He -- because he -- I don't
23 know, because he didn't give me any indication of how he
24 was feeling about my comments.

25 MR. PAUL: All right.

1 **MR. GENDRON:** So I did not come to the
2 conclusion that he was going to change his behaviour, if
3 that's what you're asking me.

4 **MR. PAUL:** Right. And subsequent events
5 certainly seemed to indicate to you that it appeared that
6 he didn't change his behaviour?

7 **MR. GENDRON:** No, he did not.

8 **MR. PAUL:** There was nothing in his
9 behaviour that seemed to change in terms of socializing
10 with clients, after that meeting?

11 **MR. GENDRON:** No, he did not change his
12 behaviour.

13 **MR. PAUL:** In fact, perhaps the most serious
14 incident occurred after the meeting in 1992?

15 **MR. GENDRON:** That's right.

16 **MR. PAUL:** That would be the situation where
17 an individual was killed or murdered?

18 **MR. GENDRON:** Yes.

19 **MR. PAUL:** Now, in terms of the aftermath of
20 that meeting you wouldn't yourself -- wouldn't have
21 contacted Mr. Emile Robert to take up anything with him?

22 **MR. GENDRON:** No.

23 **MR. PAUL:** And I understand some of the
24 reasons behind that was your impression, your
25 understanding, he seemed to be completely familiar or aware

1 with Mr. Seguin's socializing with probationees?

2 MR. GENDRON: He was very aware of it.

3 MR. PAUL: In fact, if I were to suggest at
4 that time, after the meeting, you in fact viewed Mr. Emile
5 Robert not as a -- part of any solution to the problem, you
6 viewed him as part of the problem?

7 MR. GENDRON: Yes.

8 MR. PAUL: And in a sense, the actions of
9 yourself and Mr. van Diepen were trying to come in and fix
10 something that really a manager should be doing but wasn't
11 doing?

12 MR. GENDRON: Yes.

13 MR. PAUL: Because there was, in that sense,
14 perhaps a bit of a vacuum that -- because Mr. Robert was
15 not doing what he was supposed to be doing with respect to
16 Mr. Seguin?

17 MR. GENDRON: Yes.

18 MR. PAUL: In your view anyways?

19 MR. GENDRON: Yes.

20 MR. PAUL: And I understand that even had
21 you taken up any concerns with Mr. Robert, it would have
22 been your impression, given the situation with Mr. Renshaw,
23 given what happened in terms of the death of the individual
24 in 1992, that it would have been your impression that
25 nothing would be done by Mr. Robert. That would be your

1 impression?

2 **MR. GENDRON:** Well, nothing would be done.
3 There certainly would be no meaningful action taken.

4 **MR. PAUL:** Did you even have the impression
5 that the opposite result might occur? It might end up in
6 reprisals against yourself and Mr. van Diepen?

7 **MR. GENDRON:** That would -- that would have
8 been a thought.

9 **MR. PAUL:** I only say that because you seem
10 to give the impression that your manager was a bit
11 difficult to predict in terms of how he would react to
12 situations?

13 **MR. GENDRON:** Sure, because I thought he was
14 showing favouritism to Ken and there were double standards
15 that this -- it could come back and have repercussions for
16 me. That's not why I didn't -- you know, I wasn't scared
17 of that. It was a thought I had.

18 **MR. PAUL:** Now, I know you didn't actually
19 report the situation after the meeting with Mr. Seguin and
20 Mr. van Diepen, but are you aware of whether Mr. van Diepen
21 went on and spoke to Mr. Robert?

22 **MR. GENDRON:** About our meeting?

23 **MR. PAUL:** Yes.

24 **MR. GENDRON:** I don't believe he did.

25 **MR. PAUL:** Okay. Are you aware of whether,

1 either from personal knowledge or from discussing it with
2 Mr. van Diepen, whether he ever took up any concerns with
3 Mr. Robert?

4 **MR. GENDRON:** The only think I know is that
5 Mr. van Diepen advised me that he would be speaking to
6 Emile Robert about Ken's social interactions with clients
7 and he reported to me that he had done so on one occasion.

8 **MR. PAUL:** Okay. And when would that have
9 been in relation to the meeting where the two of you met
10 Mr. Seguin?

11 **MR. GENDRON:** I believe it would have been
12 in the late 1980s.

13 **MR. PAUL:** And did you see any change or any
14 results as a result of that?

15 **MR. GENDRON:** No.

16 **MR. PAUL:** I believe that when you met
17 Commission counsel I believe you ---

18 **MR. GENDRON:** Oh, I'm sorry. Could you ask
19 that question again.

20 **MR. PAUL:** I'm just trying to get you to
21 pinpoint the timeframe of when you may have heard from Mr.
22 van Diepen that he forwarded any kind of complaint or
23 information about Mr. Seguin's socialization to the
24 manager, Mr. Emile Robert.

25 **MR. GENDRON:** Sorry, I think it was the late

1 1980s, yes.

2 **MR. PAUL:** Now, Mr. Emile Robert, I
3 understand that you had some concerns about his
4 qualification to function in that role as the manager of
5 the office?

6 **MR. GENDRON:** Well, I think he had the
7 qualifications. I just think he was a poor manager, if
8 that makes sense to you. I think he was qualified for the
9 job in terms of, you know, education, that sort of thing.

10 **MR. PAUL:** Did you have any concerns about -
11 - were you there when the competition took place?

12 **MR. GENDRON:** Yes.

13 **MR. PAUL:** And did you have any concerns
14 about the competition and the results? Were you involved
15 in that?

16 **MR. GENDRON:** No, I was not involved in the
17 competition in any way.

18 **MR. PAUL:** And did you have any concerns
19 about the results and the fairness of the competition?

20 **MR. GENDRON:** I had some concerns.

21 **MR. PAUL:** And what were those?

22 **MR. GENDRON:** I thought there was a small
23 talent pool for the position.

24 **MR. PAUL:** So your only concern is in terms
25 of the number of applicants?

1 **MR. GENDRON:** That was the main concern.
2 There was a language concern.

3 **MR. PAUL:** A language concern, I take it
4 whether language should be a criteria for the position?

5 **MR. GENDRON:** That's right.

6 **MR. PAUL:** Now, you were asked a number of
7 questions about associations of Mr. Seguin with different
8 people. I just wanted to ask -- I don't think you were
9 asked about if Mr. Seguin had any friendships or
10 associations outside the office with any police officers,
11 apart from business. Do you know if he socialized with any
12 police officers?

13 **MR. GENDRON:** No, I don't know that.

14 **MR. PAUL:** And you did indicate a close
15 friendship with Malcolm MacDonald?

16 **MR. GENDRON:** Yes.

17 **MR. PAUL:** Now, in terms of the socializing
18 outside the office, Mr. Seguin and Mr. MacDonald or others
19 in that group, did Mr. Emile Robert stay separate from that
20 or did he ever go and socialize with the group?

21 **MR. GENDRON:** He did not socialize with that
22 group.

23 **MR. PAUL:** I have a few questions about
24 standards. You have spoken about standards of a probation
25 officer and you indicated, for example, Mr. Renshaw, that

1 you had some concerns about contact with -- residing with
2 Mr. Renshaw, and that was ultimately approved by the
3 manager.

4 **MR. GENDRON:** Well, I'm not sure who it was
5 approved by. I know it would have gone through Emile
6 Robert and then he would have forwarded a report to the
7 region and I'm assuming it was approved at the regional
8 level.

9 **MR. PAUL:** Now, as far as your concerns
10 about that situation, would one of your concerns be that
11 the individual was a former probation client under Mr.
12 Seguin, is that concern?

13 **MR. GENDRON:** Yes.

14 **MR. PAUL:** Okay. And in terms of if the
15 individual isn't on probation anymore is your concern about
16 how recent they were a probation client, is that a concern?

17 **MR. GENDRON:** Yes.

18 **MR. PAUL:** And, for example, you wouldn't
19 necessarily say someone could never socialize with someone
20 who was on probation, it's in terms of -- you look at a
21 number of factors I take it?

22 **MR. GENDRON:** That's right.

23 **MR. PAUL:** You look at things like how
24 recently they were on probation?

25 **MR. GENDRON:** Yes.

1 **MR. PAUL:** You look at the nature of the
2 individual?

3 **MR. GENDRON:** Yes.

4 **MR. PAUL:** Whether their progress and
5 whether they're like to re-offend, those type of factors?

6 **MR. GENDRON:** Yes.

7 **MR. PAUL:** And this particular case it was
8 of concern to you and other probation officers in the
9 office?

10 **MR. GENDRON:** Yes.

11 **MR. PAUL:** In the same sense, you made
12 reference to another individual, I believe it was a Mr.
13 McMillan?

14 **MR. GENDRON:** Yes.

15 **MR. PAUL:** And as far as the details on that
16 individual, was that individual on probation when you say
17 Mr. Seguin was ---

18 **MR. GENDRON:** Former.

19 **MR. PAUL:** Okay, a former. And your concern
20 there again was that he was a client at some point of Mr.
21 Seguin's?

22 **MR. GENDRON:** Yes.

23 **MR. PAUL:** And was it a situation where it
24 was not so far in the distant past that it wouldn't be any
25 concern?

1 **MR. GENDRON:** I don't know the timeframe,
2 but it would have been probably within a, I believe, four-
3 or five-year period.

4 **MR. PAUL:** Now, the other type of issues
5 that you were concerned with in relation to Mr. Seguin, one
6 you mentioned would be the smoke breaks and socializing
7 outside the office?

8 **MR. GENDRON:** M'hm.

9 **MR. PAUL:** And you saw that yourself?

10 **MR. GENDRON:** Yes.

11 **MR. PAUL:** Did you ever hear anything about
12 Mr. Seguin drinking with probationees at bars?

13 **MR. GENDRON:** I had heard that.

14 **MR. PAUL:** And that have been from Mr. van
15 Diepen?

16 **MR. GENDRON:** Yes.

17 **MR. PAUL:** Okay. And that would have been a
18 concern to you?

19 **MR. GENDRON:** Yes.

20 **MR. PAUL:** In addition to that, did you hear
21 anything -- any kind of information indicating that police
22 were taking probationees at times to Mr. Seguin's residence
23 when they needed a place to stay overnight? Has that ever
24 come up?

25 **MR. GENDRON:** I've never heard of that.

1 **MR. PAUL:** Apart from the incident in 1992
2 where the individual was -- the situation where the
3 individual was killed, did you hear of any other incidents
4 where actual probationees were attending Mr. Seguin's
5 residence?

6 **MR. GENDRON:** No.

7 **MR. PAUL:** And I think you had indicated you
8 had never heard of any sexual improprieties of Mr. Seguin?

9 **MR. GENDRON:** No.

10 **MR. PAUL:** When you say you haven't heard of
11 any, are you saying you haven't even heard -- you never
12 even heard any gossip or rumour prior to his death?

13 **MR. GENDRON:** No.

14 **MR. PAUL:** Apart from that information of
15 socializing and fraternizing and apart from Mr. Renshaw,
16 were there any other bits of information you received
17 within the probation office or the court system, police
18 officers, or any other information before his death?

19 **MR. GENDRON:** Did you include the homicide
20 investigation, sorry?

21 **MR. PAUL:** Yes.

22 **MR. GENDRON:** You did include that?

23 **MR. PAUL:** Apart from that, yes.

24 **MR. GENDRON:** Apart from that, no.

25 **MR. PAUL:** Now, in terms of any breaches of

1 the Ministry's regulations with respect to fraternization,
2 what was your understanding in terms of whether there was
3 any duty to report mandated by the Ministry to probation
4 officers? Were you under any duty to report?

5 MR. GENDRON: What year are we speaking of?

6 MR. PAUL: Any times prior to '93.

7 MR. GENDRON: Well, back in the '80s the
8 only policy I was aware of then would be the conflict of
9 interest policy, which stated that there would be no
10 personal interest involving -- that could interfere with
11 your job responsibilities, your duties as a probation
12 officer.

13 MR. PAUL: And what is ---

14 MR. GENDRON: It was very broad. It's not
15 like it is now, it's very defined.

16 MR. PAUL: All right. So it wasn't
17 specified with very much precision I take it?

18 MR. GENDRON: No, it was extremely vague.

19 MR. PAUL: So it didn't specify exact types
20 of persons that one could ---

21 MR. GENDRON: It did not specify that, and
22 there was no -- under the conflict of interest guideline
23 there was no duty to report.

24 MR. PAUL: All right.

25 MR. GENDRON: But there would be an ethical,

1 maybe, responsibility.

2 **MR. PAUL:** Then you would understand that
3 now there is a specific duty to report?

4 **MR. GENDRON:** Yes.

5 **MR. PAUL:** Those are my questions, Mr.
6 Commissioner.

7 **THE COMMISSIONER:** Thank you.

8 Let's take the afternoon break.

9 Thank you.

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

12 This hearing will resume at 3:15.

13 --- Upon recessing at 3:02 p.m./

14 L'audience est suspendue à 15h02

15 --- Upon resuming at 3:21 p.m./

16 L'audience est reprise à 15h21

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

19 This hearing is now resumed. Please be
20 seated. Veuillez vous asseoir.

21 **THE COMMISSIONER:** Thank you.

22 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. HELEN DALEY

23 **MS. DALEY:** Mr. Commissioner, if I could
24 have just one second before Mr. Lee commences, I just want
25 to advise you of the following. Tomorrow you'll be hearing

1 a motion pertaining to the evidence IC-51.

2 Circumstances are such that it might be
3 impossible for either myself or Mr. Manson to be here.

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

5 **MS. DALEY:** I wanted to indicate that that
6 situation does not reflect indifference on the part of CCR
7 to the issue. We will, in fact, put our position in
8 writing so that Mr. Engelmann is apprised of it and he can
9 provide it to you tomorrow on that motion.

10 **THE COMMISSIONER:** Fine.

11 **MS. DALEY:** Thank you.

12 **MR. LEE:** Good afternoon, Mr. Commissioner.

13 **THE COMMISSIONER:** It's always nice to hear
14 surprises that we're going to have a motion tomorrow.

15 **(LAUGHTER/RIRES)**

16 **MR. LEE:** I think the rest of us just
17 learned that today as well, sir.

18 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

19 **MR. LEE:** Mr. Gendron, my name is Dallas
20 Lee. I'm counsel for the Victims Group.

21 You talked a little bit in-chief just very
22 briefly about the role of probation officers in laying an
23 information when there's been a breach of conditions. Do
24 you recall that?

25 **MR. GENDRON:** Yes.

1 **MR. LEE:** Can you give us some idea of how
2 often you would have occasion to lay an information ---

3 **MR. GENDRON:** Myself?

4 **MR. LEE:** --- as the result of a breach?
5 Yes, you.

6 **MR. GENDRON:** In the course of what time
7 span?

8 **MR. LEE:** A year.

9 **MR. GENDRON:** A year? Eight, approximately.

10 **MR. LEE:** Would you think that that would be
11 a fairly typical number for the average probation officer?

12 **MR. GENDRON:** There's variables. It depends
13 on a couple things; one, the probation officer; two, on the
14 clientele, the probationer. You could have -- in other
15 words, what I'm saying is you could get probationers -- you
16 could have a very good probation caseload that there's very
17 few breaches. In other words, they're doing what they're
18 supposed to be doing.

19 **MR. LEE:** You could have a month, I take it,
20 where for no apparent reason that you can tell you have six
21 breaches and you might have three months after that where
22 you have none; is that fair?

23 **MR. GENDRON:** It can vary like that, yes.

24 **MR. LEE:** But if we take a long enough
25 period of time, let's say five years ---

1 **MR. GENDRON:** Yes.

2 **MR. LEE:** --- that's a long enough period of
3 time that things have averaged out and your guess is you
4 would have, say, eight a year, on average within that time?
5 Is that a good guess?

6 **MR. GENDRON:** Yes, but like you say, that's
7 for me. It would depend very much on your caseload and the
8 probation officer. I -- that's not a high number, but then
9 again, I supervised my probationers very closely.
10 Therefore, they don't get to the point of breaching. And
11 so, therefore, I wouldn't have a high number of breaches
12 because they are -- because I'm strict with their
13 supervision.

14 So in other words, if they have restitution
15 to pay, community work to do, reporting to do, they do it.

16 **MR. LEE:** Could we ---

17 **MR. GENDRON:** Because I make sure they do
18 it.

19 **MR. LEE:** Could somebody examining the
20 frequency of breaches by various probation officers draw
21 some conclusion or some inference from somebody having
22 virtually no breaches or, in the alternative, somebody
23 having a very high number of breaches?

24 **MR. GENDRON:** Yes.

25 **MR. LEE:** Can you draw some conclusion from

1 that on what kind of probation officer you're dealing with?

2 MR. GENDRON: That caseload, strict
3 probation officer. Those are probably the two biggest
4 variables.

5 MR. LEE: Can you help us understand what
6 kind of documentation would accompany a breach, an
7 information being laid from the probation side you? What
8 files would there be in your office dealing with a breach
9 of probation?

10 MR. GENDRON: Well, there would be the
11 offender file. We would have the probation order. We
12 would have the police occurrence report. We would have the
13 criminal record. We would have a pre-sentence report, or
14 we would have a complete assessment. We would have what we
15 refer to is an LSI, which is an assessment risk of the
16 offender. We could have psychological reports in the file.
17 We could have a number of professional reports in that
18 file, and the information would be laid. You would have a
19 Crown Brief.

20 MR. LEE: Quite a bit of documentation?

21 MR. GENDRON: Quite a bit of documentation.

22 MR. LEE: Can you tell us whether or not
23 there is any audit process set up to deal with that
24 specifically?

25 MR. GENDRON: No.

1 **THE COMMISSIONER:** With what specifically?

2 **MR. LEE:** With breaches and with
3 informations being laid.

4 **MR. GENDRON:** It's not targeted
5 specifically.

6 **MR. LEE:** So presumably then when a manager
7 in the past was doing an audit of an individual officer and
8 he pulled his 10 files, he may have one with a breach; he
9 may have none with a breach or he may have more than that.
10 Is that right?

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

12 **MR. LEE:** And it was luck of the draw
13 essentially?

14 **MR. GENDRON:** Luck of the draw.

15 **MR. LEE:** You've been asked a couple of
16 times about the competition that led to Emile Robert being
17 appointed the officer manager -- or the area manager
18 rather.

19 Is it my understanding that at that time you
20 would have considered Ken Seguin to be an above-average
21 probation officer?

22 **MR. GENDRON:** He was probably the best
23 probation officer I ever met.

24 **MR. LEE:** We've heard and seen some
25 documents where he's been referred to as Mr. Probation in

1 Cornwall. Had you ever heard him described that way?

2 MR. GENDRON: Yes, I have.

3 MR. LEE: Do you have any thoughts on why he
4 was never promoted at any point during his career?

5 MR. GENDRON: He never applied. He never
6 expressed an interest except for that one time back in
7 1985, I think the interview process was.

8 MR. LEE: He was the most senior probation
9 officer in the office the entire time you worked there?

10 MR. GENDRON: He was.

11 MR. LEE: Did you ever discuss that issue
12 with Mr. Seguin?

13 MR. GENDRON: Which issue?

14 MR. LEE: Why he was never -- wasn't
15 applying for these positions, why he hadn't been promoted?

16 MR. GENDRON: No, no. But he -- I think he
17 expressed an interest -- he wasn't interested in a
18 management position, to me. I never discussed it with him.

19 MR. LEE: He did express an issue -- or an
20 interest with you, you said?

21 MR. GENDRON: He didn't -- he would have
22 advised that he was not interested in a management
23 position. When he withdrew from that competition, he had
24 made a comment that he withdrew because he wasn't
25 interested in being a manager.

1 **MR. LEE:** Was there any talk around the
2 office about why he may not have been interested?

3 **MR. GENDRON:** Some.

4 **MR. LEE:** Do you recall what that talk was?
5 Did people find it curious?

6 **MR. GENDRON:** Yes, and I think most people
7 had come to the conclusion that Ken had withdrawn because
8 he felt that if he had won the competition, he probably
9 would have been in a touchy situation with -- going from
10 probation officer to management and now he's dealing --
11 he's going from management and dealing with probation
12 officers. I don't think he was comfortable in that role.

13 **MR. LEE:** In what way would that have been a
14 touchy situation?

15 **MR. GENDRON:** Well, I think he would have
16 had difficulty supervising. One day he's been a coworker
17 with these probation officers for years and all of a sudden
18 now he's their boss. I think he knew that he would have
19 difficulty supervising probation officers in that capacity.

20 **MR. LEE:** Was it a difficulty supervising
21 probation officers or a difficulty supervising those
22 specific probation officers in his own office?

23 **MR. GENDRON:** I think in general, but there
24 would have been one particular probation officer that he
25 would have had difficulty supervising, and I think he was

1 aware of that.

2 **MR. LEE:** Who was that?

3 **MR. GENDRON:** Jos van Diepen.

4 **MR. LEE:** You've told us about a number of -
5 - I'll call them observations you made about Ken Seguin,
6 and one I'm talking about, him smoking on breaks with
7 clients and about Gerry Renshaw living with him and things
8 along those lines.

9 Did you tell us during your evidence-in-
10 chief that you noticed that probationers were coming by the
11 office when they didn't need to be coming by the office?

12 **MR. GENDRON:** Yes.

13 **MR. LEE:** That was something that you
14 noticed?

15 **MR. GENDRON:** Yes.

16 **MR. LEE:** Gerry Renshaw was one of those?

17 **MR. GENDRON:** Yes.

18 **MR. LEE:** Any of his brothers? I don't want
19 you to name the brothers necessarily, but ---

20 **MR. GENDRON:** Yes.

21 **MR. LEE:** Were there a few people like that?

22 **MR. GENDRON:** Yes.

23 **MR. LEE:** And you've told us obviously about
24 the shooting incident and everything else.

25 I want to take you to a document and get

1 your comments on something, please. It is Document Number
2 737495. You don't have this yet. Madam Clerk will give it
3 to you.

4 **R. LEE:** Madam Clerk, I think we just have
5 an excerpt with a few Bates pages here that was provided
6 also.

7 **THE COMMISSIONER:** Thank you.

8 **MR. LEE:** These are notes of Constable
9 McDonell, sir.

10 **MR. LEE:** All right.

11 Exhibit 1114 are excerpts of Constable
12 McDonell's notes.

13 **--- EXHIBIT NO./PIÈCE NO. P-1114:**

14 (737495) Handwritten notes of Cst. McDonell,
15 dated February 14th, 1994

16 **THE COMMISSIONER:** So where would you like
17 to ---

18 **MR. LEE:** If you can look at the first page,
19 it should -- the number in the top left-hand corner, sir,
20 should end in 067.

21 **THE COMMISSIONER:** Top left-hand corner.

22 **MR. LEE:** Is that the first page that you
23 have?

24 **THE COMMISSIONER:** Yes, it is. Top left-
25 hand corner.

1 **MR. GENDRON:** Top left-hand corner.

2 **MR. LEE:** There's a long number.

3 **THE COMMISSIONER:** It's 7157067. The other
4 left.

5 **MR. LEE:** Are you looking at what you ---

6 **MR. GENDRON:** Sorry ---

7 **MR. LEE:** --- see on the screen in front of
8 you, sir?

9 **THE COMMISSIONER:** Right here, sir.

10 **MR. GENDRON:** Oh, sorry. Yes.

11 **MR. LEE:** Okay. About a little less than
12 halfway down the page, you'll see the date, "Monday, 14
13 February '94."

14 Do you see that?

15 **MR. GENDRON:** Yes.

16 **MR. LEE:** If you turn the page over two
17 pages, to the Bates page ending 069, down at the bottom of
18 the page you'll see the date -- or the time "11:35."

19 **MR. GENDRON:** Yes.

20 **MR. LEE:** And you can see:
21 "Interview probation officer, Ron
22 Gendron."
23 You see that there?

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

25 **MR. LEE:** And I take it that's your date or

1 birth and your address?

2 MR. GENDRON: Yes.

3 MR. LEE: And so these are notes -- this is
4 the date of the OPP interview that you gave, and as I
5 understand it, you only ever gave one OPP interview; is
6 that right?

7 MR. GENDRON: Yes.

8 MR. LEE: So there were two officers there
9 on that date. One of them was Constable McDonell and then
10 Don Genier was the other.

11 MR. GENDRON: Yes.

12 MR. LEE: Do you recall that?

13 MR. GENDRON: Yes.

14 MR. LEE: So these are the notes of
15 Constable McDonell from that interview. So it's not a
16 word-for-word transcription of every word you said, but
17 they're ---

18 MR. GENDRON: Right.

19 MR. LEE: --- his notes of what he heard.
20 Okay?

21 MR. GENDRON: Right.

22 MR. LEE: And by and large, these notes
23 correspond with what we have in the typewritten interview
24 report. Okay?

25 But if you go to page -- the last page of

1 this bundle, which ends in 071, do you see the time "12:15"
2 on these notes?

3 **MR. GENDRON:** Hold on. I'm not there yet.

4 **MR. LEE:** The top left-hand corner you have
5 the number 7157071. It should be the very last page of
6 your bundle.

7 **MR. GENDRON:** That's the one.

8 **MR. LEE:** Yes.

9 So do you see the time "12:15"?

10 **MR. GENDRON:** Yes.

11 **MR. LEE:** Okay. So that's when the
12 interview ends. If you go -- I'm interested in the five
13 lines that precede "12:15".

14 And if you can read along with me here -- I
15 know these aren't your notes -- It looks to me like it
16 reads "Probation canadates". It looks like a misspelling
17 of candidates.

18 **MR. GENDRON:** Yes.

19 **MR. LEE:** "...would..." and a word I can't
20 make out:

21 "...talk about the homosexual probation
22 officer."

23 Meaning Ken.

24 Do you see what I'm looking at?

25 **MR. GENDRON:** Yes.

1 **MR. LEE:** Does that seem like a reasonable
2 reading of what those words are?

3 **MR. GENDRON:** Yes.

4 **MR. LEE:** Can you help us out with what that
5 means?

6 **MR. GENDRON:** That's a reference to a
7 probationer coming into my office and stating that there was
8 another probation officer (sic) meeting with a homosexual
9 probation officer in the office.

10 **MR. LEE:** I think you may have misspoke
11 there. There was another probationer meeting with a
12 homosexual probation officer?

13 **MR. GENDRON:** Sorry. There was -- there's a
14 probationer meeting -- having a meeting with a homosexual
15 probation officer.

16 **MR. LEE:** So in other words, a probationer
17 you were meeting with was ---

18 **MR. GENDRON:** Not mine. There was another -
19 - a probationer comes into my office ---

20 **MR. LEE:** Is this a one-time event? You
21 have a specific recollection of what you're talking about
22 here.

23 **MR. GENDRON:** Yes, it's a one-time event.

24 **MR. LEE:** Okay. Can you just tell us about
25 that?

1 **MR. GENDRON:** I know what this refers to.

2 **MR. LEE:** Okay. Please tell us about that?

3 **MR. GENDRON:** A probationer had come into my
4 office and said that she had -- she was accompanied by
5 another probationer friend who was meeting with a homosexual
6 probation officer.

7 **MR. LEE:** And can you -- was there anymore -
8 - was she expressing concern about the fact that he was
9 homosexual?

10 **MR. GENDRON:** No. No.

11 **MR. LEE:** Just simply commenting on the fact
12 that ---

13 **MR. GENDRON:** That's right.

14 **MR. LEE:** Can you help me understand why you
15 would have told the police that?

16 **MR. GENDRON:** I think because they asked me
17 if I thought Ken Seguin was homosexual ---

18 **MR. LEE:** And so you provided this ---

19 **MR. GENDRON:** --- and how did I know.

20 **MR. LEE:** And you provided this ---

21 **MR. GENDRON:** And what -- yes, and I
22 provided that -- and what sort of probationer evidence was I
23 aware of. That was the one time. That's the reference I'm
24 making there.

25 **MR. LEE:** So, essentially, you were telling

1 them you weren't the only one who had heard that he was gay;
2 is that right?

3 **MR. GENDRON:** Yes.

4 **MR. LEE:** You would agree with me that the
5 observations that you've told us about today all concern the
6 fact that Mr. Seguin was socializing with young male
7 probationers?

8 **MR. GENDRON:** Well, he was socializing with
9 probationers, not -- you know, I'm taking exception to the
10 word "young." It's not just young; it's probationers. It's
11 of any age. Ken was friendly and socially interacting with
12 probationers of all ages.

13 **MR. LEE:** Do you ever recall raising an
14 eyebrow about Ken socializing with a female probationer?

15 **MR. GENDRON:** No.

16 **MR. LEE:** It was male probationers that --
17 -

18 **MR. GENDRON:** Male.

19 **MR. LEE:** Would you agree, sir, that if you
20 had observed all of these observations that you've told us
21 today, by a male probation officer socializing with female
22 probationers, that you would have been greatly concerned?

23 **MR. GENDRON:** Yes.

24 **MR. LEE:** Your mind, I take it, right away
25 would have gone to the possibility of sexual contact in that

1 case?

2 MR. GENDRON: Yes.

3 MR. LEE: Can you ---

4 MR. GENDRON: Well, one concern.

5 MR. LEE: Can you help me understand why
6 your mind, as you tell it, didn't go there in the case of Ken
7 Seguin dealing with male probationers?

8 MR. GENDRON: Because I think Ken was very
9 good at what he did and that he was very good at hiding that
10 life. Ken was very skilled, very -- he had great social
11 skills, and not only that, he presented himself in the
12 community as an outstanding leader. He had that aura, that
13 persona. He came across as somebody that would not be doing
14 this type of behaviour. It was not in him, is not his
15 character.

16 He may have been perhaps homosexual, but
17 that didn't mean he was having sexual contact with clients.
18 That's a huge divide there. He was very well-respected and
19 somebody you admire, somebody you look up to, somebody you
20 respect and somebody who was so principled, somebody who was
21 religious, on and on.

22 You don't come to that conclusion, that you
23 think they're -- they do the right thing; they do the
24 honourable thing.

25 MR. LEE: But didn't the thought ever cross

1 your mind, sir?

2 MR. GENDRON: That ---

3 MR. LEE: You'd agree with me -- if we
4 reverse the situation and it's a male probation officer
5 socializing ---

6 MR. GENDRON: Yeah.

7 MR. LEE: --- with female probationers, the
8 thought is going to cross your mind?

9 MR. GENDRON: Sure. But I also believe
10 there's a double standard that exists.

11 MR. LEE: In what way?

12 MR. GENDRON: As you said, with male/female
13 but it would -- but Ken supervised all probationers, really,
14 equally. So if he was -- and he was socially interacting,
15 you know, with many. I don't -- so every time he's doing
16 something extraordinary, I would have to believe then -- was
17 he doing something sexually inappropriate with all of them?
18 No. I would not come to that conclusion.

19 MR. LEE: I'm not asking if you ever made a
20 sweeping generalization. I'm asking if the thought ever
21 entered your mind that maybe part of the reason he seems to
22 be socializing so much with male clients is because he's ---

23 MR. GENDRON: It entered my mind after his
24 suicide.

25 MR. LEE: But before the suicide?

1 **MR. GENDRON:** Not really. Perhaps I didn't
2 want to believe it, but ---

3 **THE COMMISSIONER:** Let's look at suspicion
4 in the sense that you've got a fellow like Ken Seguin,
5 outstanding, leader, whatever ---

6 **MR. GENDRON:** M'hm.

7 **THE COMMISSIONER:** --- and socializing --
8 doing a great job with all probationers, male and female ---

9 **MR. GENDRON:** M'hm.

10 **THE COMMISSIONER:** --- but socializing only
11 with females, that would raise a red flag for you, would it?

12 **MR. GENDRON:** It would have.

13 **THE COMMISSIONER:** Okay. And just to get it
14 straight, and put it the other, that he's a great guy, and
15 all you ---

16 **MR. GENDRON:** M'hm.

17 **THE COMMISSIONER:** --- said, and he does a
18 great job with both male and female probationers but hangs
19 out with men -- or males.

20 **MR. GENDRON:** Right. I understand exactly
21 what you're saying.

22 **THE COMMISSIONER:** Yeah.

23 **MR. GENDRON:** But I guess when you look at
24 Ken's life in an overall context, this was a man who was not
25 married, did not have a family. He did not have children.

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

2 **MR. GENDRON:** I think it was natural for him
3 to associate with people like himself -- single men, men --
4 I think it would be logical to assume.

5 And, you know, like I say, Ken was very
6 good at what he did and I got fooled. Like he fooled me.

7 **MR. LEE:** What do you mean by "what he did"?
8 At his job?

9 **MR. GENDRON:** No. Having sexual contact
10 with clients. I did not know that he was doing that, I did
11 not believe that, I did not suspect that.

12 He fooled me. He fooled many people.
13 Didn't he? He fooled his brother, his own brother. I had
14 his brother come into my office. Attended my office
15 saying, "This can't be true. Ken's not homosexual."

16 I'm thinking, "This man doesn't know that?"
17 Why doesn't he know that? This is his brother. Who knew -
18 - who knew Ken better? I would assume his brother.

19 **MR. LEE:** I take it you would agree with me,
20 though, that it's apples and oranges. What his brother may
21 have seen or may not have seen or may have believed, he's
22 coming from an entirely different place than a co-worker?

23 **MR. GENDRON:** Yes.

24 **MR. LEE:** You're much further removed from
25 the situation than Mr. Seguin's family would have been?

1 MR. GENDRON: Yes.

2 MR. LEE: You're in a better position to
3 look at what he's doing objectively, at work?

4 MR. GENDRON: At work, yes.

5 MR. LEE: You told us about the time that
6 you and Mr. van Diepen approached Mr. Seguin?

7 MR. GENDRON: Yes.

8 MR. LEE: And I'm not going to go back over
9 that whole story. My understanding of your evidence is
10 that he listened to you calmly. Is that right?

11 MR. GENDRON: Yes.

12 MR. LEE: There was no yelling or screaming?

13 MR. GENDRON: None.

14 MR. LEE: He thanked you?

15 MR. GENDRON: Yes.

16 MR. LEE: And that was the end?

17 MR. GENDRON: That was the end.

18 MR. LEE: And you told us today, a couple of
19 times, that it was just that one meeting?

20 MR. GENDRON: Yes.

21 MR. LEE: I'd like to take you to another
22 document, please; 711828.

23 THE REGISTRAR: Exhibit 1063.

24 MR. LEE: I'm sorry, Exhibit 1063.

25 (SHORT PAUSE/COURTE PAUSE)

1 **THE COMMISSIONER:** So this is an interview
2 report of the -- interview of Jos van Diepen, taken on the
3 14th of February, 1994?

4 **MR. LEE:** Yes.

5 **THE COMMISSIONER:** Is that what you want?
6 All right.

7 **MR. LEE:** And so, sir, you'll see that he's
8 interviewed by Detective Constable Genier and Constable
9 McDonell on February 14th, '94, so it was the same officers
10 that interviewed you and on the same date.

11 **MR. GENDRON:** Yes.

12 **MR. LEE:** Okay? If we can go to the third
13 page of this document, please?

14 **THE COMMISSIONER:** So 629 would be ---

15 **MR. LEE:** Yes.

16 **THE COMMISSIONER:** Six-two-nine (629)? So
17 if you look in the top, left corner again, "629" are the
18 last three digits -- "Said Ken gave a statement". There
19 you go.

20 **MR. LEE:** Yes. So if we can go to the first
21 full paragraph that begins, "I think Emile Robert".

22 **MR. GENDRON:** Yes.

23 **MR. LEE:** "I think Emile Robert knew that
24 Ken was a homosexual."

25 I'm not interested in that. This is the part I'm

1 interested in:

2 "Ron Gendron and I tried to talk to Ken
3 about his clients living there and that
4 -- but Ken would always tell us to get
5 out of his office."

6 Do you see that?

7 **MR. GENDRON:** Yes, I do.

8 **MR. LEE:** My reading of that suggests that
9 -- he says:

10 "Ken would always tell us to get out of
11 his office."

12 Mr. van Diepen seems to be suggesting here that this
13 occurred more than once.

14 **MR. GENDRON:** Yes.

15 **MR. LEE:** And that obviously contradicts
16 your recollection of what happened?

17 **MR. GENDRON:** Yes.

18 **MR. LEE:** Does seeing this refresh your
19 memory at all about the fact you may have talked to him
20 more than once?

21 **MR. GENDRON:** No.

22 **MR. LEE:** You're absolutely certain you were
23 only involved in one conversation?

24 **MR. GENDRON:** Absolutely certain.

25 **MR. LEE:** And it's after this time that --

1 am I correct that it's after this time that you follow him
2 to the mall or is it before this time?

3 MR. GENDRON: After.

4 MR. LEE: The meeting comes first and
5 afterwards you follow him to the mall?

6 MR. GENDRON: That's right.

7 MR. LEE: And as I understood your evidence
8 today, you were wondering whether he might be meeting with
9 a friend or perhaps meeting with a client?

10 MR. GENDRON: Right.

11 MR. LEE: And that's what you were wondering
12 before you left?

13 MR. GENDRON: Right.

14 MR. LEE: I don't understand, sir, why that
15 on its own would bring you to the point of following this
16 man. Meeting with a friend or meeting with a client and
17 doing what? What were you speculating you may find or what
18 were you hoping that you would prove or disprove when you
19 went?

20 MR. GENDRON: We went there -- we didn't
21 know. That's the thing, we didn't know. We wanted to find
22 out where Ken was going so we went there.

23 We learned nothing, so that was the end of
24 it.

25 If -- if we had thought he was really

1 meeting -- the main reason he was going or -- if he would
2 have met a client or say he didn't -- that day he did not
3 meet a client and we thought he was really meeting clients,
4 I would have said to Mr. van Diepen, "You know, it's
5 probably an off day. He didn't meet a client today but
6 let's go follow him tomorrow because he's going to meet a
7 client tomorrow". But that conversation never happened
8 because we thought, "Fine, he's not meeting clients. He's
9 having a coffee." So we stopped it.

10 **MR. LEE:** That -- you've touched on what I
11 was going to ask you next. I mean, is your evidence that
12 based on that one incident where you -- or the one time you
13 followed him and you saw him having a coffee, that allayed
14 all of the concerns you had had up to that point?

15 **MR. GENDRON:** Laid away? No. I -- I still
16 thought he may be meeting clients with some social
17 interaction but it would be out of the office. I wasn't
18 aware of it.

19 **MR. LEE:** Didn't your curiosity stem from
20 the fact that he was going off-site to do something and the
21 reason he would do that was because he couldn't do it on-
22 site? Isn't that what you were thinking?

23 **MR. GENDRON:** No.

24 **MR. LEE:** That didn't cross your mind that
25 there was something -- the reason he was leaving is because

1 he couldn't be seen doing whatever he was going to do at
2 the office?

3 MR. GENDRON: No.

4 MR. LEE: It didn't cross your mind?

5 MR. GENDRON: No.

6 THE COMMISSIONER: Did Mr. van Diepen tell
7 you that Mr. Barque used to meet people there at the mall?

8 MR. GENDRON: No. I've never heard of that.

9 THE COMMISSIONER: Okay.

10 MR. LEE: You've never heard that at all?

11 Or you didn't hear it at that time?

12 MR. GENDRON: Pardon?

13 MR. LEE: You didn't -- you've never heard
14 that at all about Mr. Barque or you just hadn't heard it by
15 that time?

16 MR. GENDRON: No, I've never heard where Mr.
17 Barque met his clients.

18 MR. LEE: Do you still have this statement
19 of Mr. van Diepen open in front of you?

20 MR. GENDRON: Yes, I do.

21 MR. LEE: Can you go to the bottom of the
22 second-last page, please? That's the page you're on, 629
23 at the top, and the last paragraph on this page begins with
24 a name?

25 MR. GENDRON: Yes.

1 **MR. LEE:** If you look above that, it begins:
2 "Jack Fraser and Ken worked closely
3 together. Fraser was a regional chair.
4 I think he's out of Ottawa."

5 Do you know who Jack Fraser is? Does name
6 mean anything?

7 **MR. GENDRON:** I believe he would have been
8 the Chair of the Parole Board at that time.

9 **MR. LEE:** Okay. It then continues. There's
10 a name and I don't know who this person is, I'm on to going
11 to read it.

12 **MR. GENDRON:** Right.

13 **MR. LEE:** "This person was always in and out
14 of jail. Ken was writing the parole
15 report on this person."

16 **MR. GENDRON:** Right.

17 **MR. LEE:** "Three times Fraser came in and
18 went to Ken's office and stayed for a
19 lengthy period of time and then just
20 left. Didn't say anything to anyone."

21 **MR. GENDRON:** Right.

22 **MR. LEE:** If you turn the page:
23 "I don't know why that went on. Ron
24 Gendron knows Fraser and he can tell
25 you more on everything."

1 Do you have any idea ---

2 MR. GENDRON: I'm glad ---

3 MR. LEE: --- shed any light ---

4 MR. GENDRON: --- van Diepen thinks that I'm
5 that smart.

6 However, I believe that was -- what he's
7 referring to is that -- the person we're not naming was
8 well-known. Very violent criminal, long, long criminal
9 record, serious offender, and he was in jail and he was
10 trying to get parole and we never learned why Mr. Fraser
11 was coming to Cornwall, but it was odd that a parole board
12 member would come to the office.

13 It just -- it was rare, but he was coming in
14 this case, but at the same time what we believed -- what I
15 believed and I can't speak for Mr. van Diepen - but what I
16 believed was that because this was such a -- this was a
17 very serious offender and there was probably something
18 unusual in the parole report, and I think it drew attention
19 to perhaps Ken's recommendations, and so Mr. Fraser took it
20 upon himself to come to Cornwall to discuss this in-person
21 rather than on the phone and through memos. It was that --
22 it was that high profile a criminal that warranted that
23 attention.

24 MR. LEE: Can you ---

25 MR. GENDRON: And I think that's -- because

1 Mr. van Diepen doesn't comment on anything more on that,
2 but that is what the "more" is.

3 MR. LEE: Can you help me understand why
4 this might be included in Mr. van Diepen's statement about
5 the suspicions about -- I mean, is there any sexual
6 connotation here? Am I missing something here? I don't
7 understand what this has to do with anything.

8 MR. GENDRON: Well, do you want me to guess?

9 THE COMMISSIONER: No.

10 MR. LEE: No, I don't want you to guess.

11 I'm asking ---

12 MR. GENDRON: Then I don't know.

13 MR. LEE: Were there any discussions at the
14 time between you and Mr. van Diepen about the relevance of
15 this man's visits?

16 MR. GENDRON: My discussion with Mr. van
17 Diepen would have been there was some concerns over the
18 content of the pre-parole report.

19 MR. LEE: And you didn't know what those
20 were?

21 MR. GENDRON: I can guess but I won't guess.

22 THE COMMISSIONER: Have you done parole
23 reports as well?

24 MR. GENDRON: Yes.

25 THE COMMISSIONER: Okay. A Parole Board

1 member, isn't he like an adjudicator?

2 MR. GENDRON: Similar.

3 THE COMMISSIONER: Is there anything wrong -
4 - or can you comment one way or the other, like is it
5 proper for him to be speaking with somebody who is writing
6 up a report on a parolee?

7 MR. GENDRON: No.

8 THE COMMISSIONER: That's done? You can
9 talk ---

10 MR. GENDRON: The normal process would be I
11 write a report making a recommendation to the Parole Board
12 ---

13 THE COMMISSIONER: Right.

14 MR. GENDRON: --- about this offender,
15 should he be released from jail; why, why not? That report
16 is forwarded to the Parole Board. The Parole Board looks
17 at that report and makes the decision.

18 THE COMMISSIONER: M'hm.

19 MR. GENDRON: Now, obviously there was some
20 concerns in that parole report, enough that Mr. Fraser
21 comes to the Cornwall office to discuss this with Ken
22 Seguin.

23 THE COMMISSIONER: I know, but if I were ---

24 MR. GENDRON: And then he makes his
25 decision. Right? And then he will decide, yes, he gets

1 out of jail or no, he does not.

2 **THE COMMISSIONER:** Yeah, but on a Parole
3 Board hearing, doesn't the accused have a right to a lawyer
4 and to ---

5 **MR. GENDRON:** In those days, no.

6 **THE COMMISSIONER:** In those days, no.

7 **MR. GENDRON:** Because he's already guilty.

8 **THE COMMISSIONER:** Okay. Well, did he have
9 a right to make representations at the Parole Board
10 hearing?

11 **MR. GENDRON:** I'm trying to think of the
12 year. This would have been '98 or when does this ---

13 **MR. LEE:** This interview report is 1994.

14 **MR. GENDRON:** In 1994 -- but I'm trying to
15 think when the -- or when the ---

16 **THE COMMISSIONER:** That person's name.

17 **MR. GENDRON:** That person -- when that
18 parole report was written and I have a feeling that would
19 have been done in the '80s, maybe the late '80s, and I'm
20 trying to think of what -- if inmates were entitled to
21 representations in the '80s and I don't believe they were.

22 **THE COMMISSIONER:** Never mind
23 representation, were they aloud to make -- plead their case
24 in front of the Parole Board?

25 **MR. GENDRON:** Oh, absolutely. Sorry. Yes.

1 The standard procedure would be the inmate
2 goes -- appears before the Parole Board; there's three
3 members; and they have a report, they have various reports,
4 one of them would have been from the parole officer with
5 regards to recommendation, and that the inmate would have
6 been given the opportunity to make whatever comments. I
7 don't think -- I don't believe they were entitled to a
8 lawyer ---

9 **THE COMMISSIONER:** No, no, but ---

10 **MR. GENDRON:** --- at that point.

11 **THE COMMISSIONER:** I guess if they're
12 adjudicating on something ---

13 **MR. GENDRON:** Yes.

14 **THE COMMISSIONER:** --- and I don't know,
15 maybe I'll learn about that later on, but I would think
16 that there would be some question of whether it's proper
17 for a parole member to have input on the preparation of the
18 parole report, which is a recommendation to an adjudicative
19 body.

20 **MR. GENDRON:** Well, I believe in this case
21 Mr. Fraser had some questions about that ---

22 **THE COMMISSIONER:** Okay. Well, ---

23 **MR. GENDRON:** --- the content of the report.
24 And so he went right to the source, the author of the
25 report, Ken Seguin.

1 **THE COMMISSIONER:** Okay.

2 **MR. LEE:** Changing topics, you talked to us
3 earlier today about some of the concerns you had about Mr.
4 Seguin and you gave us the example of him being alone in a
5 car with a probationer and some of the issues that had
6 raised from Mr. Seguin's point of view. Do you recall
7 that?

8 **MR. GENDRON:** Yes.

9 **MR. LEE:** Did you have any similar concerns
10 about the client being in the car alone with a probation
11 officer?

12 **MR. GENDRON:** No. Well, from a liability
13 point of view, from an accident point of view, sure.

14 **MR. LEE:** There are a number of reasons that
15 probation officers meet with probationers in an office.

16 **MR. GENDRON:** Yes.

17 **MR. LEE:** And it goes both ways, for the
18 safety of the probation officer.

19 **MR. GENDRON:** Yes.

20 **MR. LEE:** For the comfort and the security
21 of the probationer?

22 **MR. GENDRON:** Yes.

23 **MR. LEE:** And one of the things you told us
24 about was that if something happened in a car and an
25 allegation was made against Mr. Seguin, he'd have no

1 witnesses.

2 MR. GENDRON: That's right.

3 MR. LEE: And that flows the other way as
4 well, doesn't it?

5 MR. GENDRON: Equally.

6 MR. LEE: If an allegation were made by a
7 probationer against Mr. Seguin, again, no witnesses?

8 MR. GENDRON: Equally.

9 MR. LEE: And would you agree with me that
10 that's a problem, particularly because, in general, a
11 probation officer is going to be given the benefit of the
12 doubt in terms of credibility as opposed to a probationer?

13 MR. GENDRON: I believe that would be so.

14 MR. LEE: That isn't something you
15 considered back at the time?

16 MR. GENDRON: It wasn't a behaviour I
17 engaged in.

18 MR. LEE: No, but I mean, when you looked at
19 the situation your concern was that Mr. Seguin was putting
20 himself in a bad position?

21 MR. GENDRON: Very bad position.

22 MR. LEE: You told us about what you called
23 a special needs fund.

24 MR. GENDRON: Yes.

25 MR. LEE: You recall that? And the example

1 you gave us, for example, a probationer needed work boots
2 and Mr. Seguin would access that fund.

3 **MR. GENDRON:** M'hm.

4 **MR. LEE:** Do you know how withdrawals from
5 that fund are documented?

6 **MR. GENDRON:** I believe there was a form.
7 There was -- I believe cash was kept in the office on an
8 emergency contingency basis. The form had to be completed.
9 I believe it would have been approved by the manager and
10 then the money would have been given to the probation
11 officer to be provided to the offender.

12 **MR. LEE:** Do you know if a copy of that form
13 would be placed in the offender's file?

14 **MR. GENDRON:** Yes, it would have been. It
15 should have been.

16 **MR. LEE:** And I presume there would have
17 been some other -- a specific special needs fund file that
18 would have consolidated all of these in all likelihood?

19 **MR. GENDRON:** Yes.

20 **MR. LEE:** You've discussed the reasons why
21 you didn't at any point go and speak to Emile Robert about
22 some of these observations you had made. Again, I'm not
23 going to bring you through that.

24 What I do want to know though is in terms of
25 Mr. Robert's management style, as I understand it, he was a

1 bit of a taskmaster. Things were going to be done his way
2 and that was the end of the story. Is that right?

3 MR. GENDRON: Well, that was his preference.

4 MR. LEE: And is it fair to say that you
5 found Mr. Robert, at times, to be unwavering in his
6 demands?

7 MR. GENDRON: Yes.

8 MR. LEE: There were times where he pulled
9 rank and flatly told you things were -- told the office
10 staff that things were going to be done his way and that
11 was the end of it?

12 MR. GENDRON: Well, yes, but more than that,
13 he would -- a lot of times he knew he was going to get a
14 fight on his hands so he would take the heat off and simply
15 say, "It's not my decision. This is the regional managers
16 decision. Take it. What can I do?"

17 MR. LEE: Based on the time that you spent
18 working for Mr. Robert, had he, as an example, wanted Ken
19 Seguin to no longer take cigarette breaks with clients?
20 Would he have been in a position to make that happen?

21 MR. GENDRON: Could he have done that?

22 MR. LEE: Yes.

23 MR. GENDRON: Yes.

24 MR. LEE: He could have instituted a rule --

25 -

1 **MR. GENDRON:** A manager has the right to
2 control the employee break but not the lunch hour.

3 **MR. LEE:** And Ken Seguin would have
4 complied?

5 **MR. GENDRON:** Ken would have definitely
6 complied because Ken was a compliant person. He was not
7 confrontational with the manager.

8 **MR. LEE:** And, similarly, if Mr. Robert said
9 no more private car rides with probationers?

10 **MR. GENDRON:** That would have ended it.

11 **MR. LEE:** Would you agree then that at any
12 point had a probation officer, other than Mr. Seguin,
13 become sufficiently concerned about some of these
14 interactions, a suggestion to Mr. Robert that he put a stop
15 to some of them may well have ended those interactions?

16 **MR. GENDRON:** I don't believe that.

17 **MR. LEE:** You don't believe that?

18 **MR. GENDRON:** Emile had double standards.
19 He had one standard for one probation officer, another
20 standard for another. He had different standards for me;
21 he had different standards for van Diepen; he had different
22 standards for Seguin.

23 **MR. LEE:** Is it possible that aside from
24 your -- I don't know if unwillingness is the right word --
25 your desire to not bring these matters to Emile Robert,

1 another reason why you may not have is because it was
2 frankly just simply easier not to?

3 MR. GENDRON: No.

4 MR. LEE: Did you at any point think,
5 regardless of your concerns, you just weren't going to get
6 involved?

7 MR. GENDRON: No.

8 MR. LEE: Can we look briefly at Exhibit
9 1113A, please? That's your typewritten interview report
10 for the OPP.

11 THE COMMISSIONER: You've got that. That's
12 the -- that's your one-page document. It's not in the book
13 and it's on the screen now.

14 What part, Mr. Lee?

15 MR. LEE: We're going to look at the second
16 page.

17 THE COMMISSIONER: M'hm. It's back.

18 MR. LEE: The second-last full paragraph.
19 And that paragraph reads:

20 "I knew of Ken's lifestyle but I never
21 got involved. From what I understand,
22 this went on years before I got there."

23 Do you see that, sir?

24 MR. GENDRON: Yes, I do.

25 MR. LEE: Can you explain what "this" is?

1 You say "this went on years before I got there" -- "got
2 here"?

3 **MR. GENDRON:** Ken socializing with clients.

4 **THE COMMISSIONER:** So before somebody else
5 on cross-examination, it goes on:

6 "I think I was the one who replaced
7 Nelson. It's all hearsay what I know
8 about him."

9 That's about Nelson?

10 **MR. GENDRON:** Yes.

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

12 **MR. LEE:** And the last paragraph deals with
13 the incident with Sheldon McMillan that you told us about
14 where he arrived at Mr. Seguin's residence and drank with
15 him. Do you see that?

16 **MR. GENDRON:** Yes.

17 **MR. LEE:** And the last sentence of this
18 interview report is:

19 "I didn't try and find out anything. I
20 sort of took a backseat to this."

21 **MR. GENDRON:** M'hm.

22 **MR. LEE:** What do you mean by "took a
23 backseat to this"?

24 **MR. GENDRON:** Ken had a private life and I
25 respected that. I did not try and find out what was going

1 on in his private life. If he was gay, I respected that.
2 It wasn't an issue for me.

3 **MR. LEE:** Isn't this another way of saying
4 that you were going to just simply keep your head down, and
5 your mouth shut, and not do anything, sir?

6 **MR. GENDRON:** I did do something. I went to
7 Ken. I confronted Ken, didn't I?

8 You know, I work in Cornwall. I live in
9 Cornwall. I'm an excellent probation officer. Please ask
10 around. If there would have been any sexual impropriety, I
11 would have gone to the manager, the police, anybody,
12 everybody who would listen. I wouldn't put up with that.
13 I have to live in this community. I work in this
14 community. I'm a probation officer. I respect the law.
15 It's that simple. I did my job and I did it well. There
16 was nothing to report. I had nothing. I did not know Ken
17 was sexually involved with his clients. Had I known, I
18 guarantee you I would have reported it, guaranteed.

19 In fact, I believe every probation officer
20 in that office would have done the same thing.

21 **MR. LEE:** There are a couple of issues that
22 we're here to look at.

23 **MR. GENDRON:** Yes.

24 **MR. LEE:** Obviously, one issue is whether
25 anybody in that office knew that Ken Seguin was sexually

1 abusing clients.

2 MR. GENDRON: Right.

3 MR. LEE: Another issue is whether anyone in
4 that office knew that Ken Seguin was contravening Ministry
5 policy, and Ministry guidelines, and Ministry rules.

6 MR. GENDRON: Yes.

7 MR. LEE: We can leave the far end of the
8 spectrum for a moment, being knowledge of sexual abuse.

9 MR. GENDRON: Right.

10 MR. LEE: We move further down the spectrum;
11 we have knowledge that Ken Seguin was not behaving
12 appropriately towards clients.

13 MR. GENDRON: Yes.

14 MR. LEE: And that's where we run into
15 trouble, sir.

16 MR. GENDRON: Darn right.

17 MR. LEE: And one of the things we're here
18 to determine is what people knew, and when they knew it,
19 and what they should have done with that information.

20 MR. GENDRON: Right. And they knew he was
21 inappropriately having improper social interaction with
22 clients but not sexual contact. They did not know that in
23 the office.

24 MR. LEE: And it's not just "they"; you knew
25 he was having inappropriate social contacts?

1 **MR. GENDRON:** I knew that. Yes.

2 **MR. LEE:** The question then is why did
3 nobody do anything? Why does it have to get to sexual
4 abuse? Why wasn't this guy out the door when everybody
5 realized that he was breaking the rules?

6 **MR. GENDRON:** He was breaking the rules
7 socially. He was breaking a conflict of interest rule that
8 the manager knew about. He knew. Emile Robert knew that.
9 He knew more than I did. He knew more than the probation
10 officers did.

11 **MR. LEE:** And if anybody was going to do
12 anything, it was Emile Robert?

13 **MR. GENDRON:** In that context, yes. He had
14 a duty to report it to his supervisor. That was his duty.
15 He failed to do that. And when he did do that, there was
16 no consequences.

17 **MR. LEE:** Sorry, when he did do what?

18 **MR. GENDRON:** When he did report a conflict
19 of interest, there was no consequences for Mr. Seguin.

20 **MR. LEE:** What are you referring to?

21 **MR. GENDRON:** I'm referring to Renshaw. I'm
22 referring to the homicide investigation. There was clear
23 violation of rules there. What consequence was there?

24 **MR. LEE:** And those went up the chain of
25 command as far as you understood?

1 **MR. GENDRON:** Everybody knew about it.

2 **MR. LEE:** You told us during your
3 examination in-chief and a little bit in cross-examination
4 that -- you talked about the rumours you had heard about
5 the Silmser and Charlie MacDonald -- it was very much a
6 rumour, wasn't it, that there was something going on there?

7 **MR. GENDRON:** Yes.

8 **MR. LEE:** And so as I understood your
9 evidence in-chief, when you heard this rumour, you heard
10 David Silmser and you heard Charlie MacDonald?

11 **MR. GENDRON:** Yes.

12 **MR. LEE:** And they were the crux of this
13 thing. That was where the real dispute was?

14 **MR. GENDRON:** That's right.

15 **MR. LEE:** And then Ken Seguin was thrown in

16 ---

17 **MR. GENDRON:** Somehow.

18 **MR. LEE:** --- some way, somehow?

19 **MR. GENDRON:** Somehow, somehow, not sure
20 what.

21 **MR. LEE:** And part of the rumour was
22 something about a financial settlement?

23 **MR. GENDRON:** Yes.

24 **MR. LEE:** And you understood the financial
25 settlement part to be between Silmser and MacDonald. Is

1 that right?

2 **MR. GENDRON:** I believe so, yes.

3 **MR. LEE:** Something about money, anyway?

4 **MR. GENDRON:** Something about money.

5 **MR. LEE:** And you didn't know the details,
6 but you knew, as you put it, it was being hushed?

7 **MR. GENDRON:** Right.

8 **MR. LEE:** But what you didn't hear were the
9 words "sex abuse"?

10 **MR. GENDRON:** No, I did not hear that.

11 **MR. LEE:** You didn't hear "sexual
12 misconduct"?

13 **MR. GENDRON:** No.

14 **MR. LEE:** Nothing along those lines?

15 **MR. GENDRON:** No. I would have heard about
16 it definitely after Ken's suicide.

17 **MR. LEE:** Right. The story broke
18 eventually.

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

20 **MR. LEE:** I'm talking about before that.

21 Can you help me out with when you heard that
22 rumour about Silmsler, and a priest, and some money being
23 paid, what could have possibly come to your mind other than
24 that this must be an allegation of something to do with
25 sexual misconduct?

1 **MR. GENDRON:** I thought probably -- there
2 was probably -- that could have been one explanation, yes.

3 **MR. LEE:** I mean, that would have been your
4 initial reaction? You wouldn't have thought a contractual
5 dispute?

6 **MR. GENDRON:** I don't know if it was my
7 initial reaction. It would have been one.

8 **MR. LEE:** It crossed your mind?

9 **MR. GENDRON:** It crossed my mind.

10 **MR. LEE:** And you knew that Seguin was being
11 lumped in there somehow?

12 **MR. GENDRON:** Somehow, but I knew -- I
13 understood it to be mainly Father ---

14 **MR. LEE:** The priest.

15 **MR. GENDRON:** The priest and Silmser, and
16 somehow Seguin was involved in that.

17 **MR. LEE:** And you knew something about how
18 money was being discussed?

19 **MR. GENDRON:** Yes.

20 **MR. LEE:** And that it was being hushed?

21 **MR. GENDRON:** Yes.

22 **MR. LEE:** Did you think to yourself that
23 there must be something to the allegation if money is being
24 discussed and things are being hushed?

25 **MR. GENDRON:** I was thinking that Emile

1 Robert should -- must be aware of this if I'm aware of
2 this.

3 MR. LEE: But that's what drives the story.
4 It's not a rumour and it's not a story -- if it's some guy
5 off the streets demanding money of the Church and they
6 flatly refuse to pay it, that's not a story.

7 MR. GENDRON: I don't know what the story
8 was. I don't know. I didn't know. Even now I don't know
9 all the facts to that, and here we are in 2007. You know,
10 I ---

11 MR. LEE: Did you at any point prior to his
12 death think that perhaps Mr. Seguin should no longer be a
13 probation officer?

14 MR. GENDRON: Prior to his death?

15 MR. LEE: Prior to his death.

16 MR. GENDRON: Did I ever think that?

17 MR. LEE: With the observations you had made
18 ---

19 MR. GENDRON: No ---

20 MR. LEE: --- did you think maybe he was in
21 the wrong line of work?

22 MR. GENDRON: No.

23 MR. LEE: It never crossed your mind?

24 MR. GENDRON: No, he was in the right line
25 of work. He was doing great work with offenders.

1 **MR. LEE:** He was still Mr. Probation.

2 **MR. GENDRON:** He was still Mr. Probation.

3 **MR. LEE:** Can I take you to Exhibit 1093,
4 please. I'm changing topics here. Exhibit 1093. These
5 are some emails that went back and forth, sir.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. LEE:** Let me know when you have that up,
8 Mr. Gendron.

9 **MR. GENDRON:** I'm there.

10 **MR. LEE:** So, typically, as I'm sure you
11 know, with these email exchanges, the earliest email comes
12 at the end of the chain. So if you flip to the second page
13 you'll see that there's a message being sent from Claude
14 Legault to Deborah Newman on Friday August 11th, 2000.

15 Do you see that?

16 **MR. GENDRON:** Yes, I do.

17 **MR. LEE:** And you would have understood that
18 in 2000 Deborah Newman was the regional director?

19 **MR. GENDRON:** Yes.

20 **MR. LEE:** You knew -- that was a name
21 familiar to you?

22 **MR. GENDRON:** Yes.

23 **MR. LEE:** And then if you flip back to the
24 first page you have a reply email from two days later going
25 from Deborah Newman to Claude Legault.

1 Do you see that?

2 MR. GENDRON: Yes.

3 MR. LEE: And then the final chain in the
4 email is Ms. Newman forwarding this correspondence to Paul
5 Downing, who was a special investigator for the Ministry.
6 Okay?

7 MR. GENDRON: Yes.

8 MR. LEE: So that's the content.

9 If we can go to the first email in that
10 chain from Claude Legault. And this, to give you some
11 context, Mr. Downing was ultimately appointed to do an
12 administrative review on the heels of a website being
13 discovered, the Project Truth website, with allegations
14 about several probation workers on it. Okay?

15 MR. GENDRON: M'hm.

16 MR. LEE: And if you look at the fourth
17 paragraph of Mr. Legault's email it begins "The general
18 mood..."

19 MR. GENDRON: Yes.

20 MR. LEE: "The general mood around the
21 office was quite dejected this week and
22 I had further discussions with some
23 staff. Their concern is not only and
24 not mainly over the fact that this is
25 again in the news but especially over

1 the fact that it raises doubts about
2 the credibility of Jos' claim that he
3 never knew anything about Ken Seguin's
4 sexual abuses. Things could get worse
5 next week when many staff members are
6 back from vacation, including Don
7 Billard, Carole Cardinal and Ron
8 Gendron. Discussions and questions
9 will continue about the allegations on
10 this website. And to make matters
11 worse Jos will be absent all week as
12 they'll be in Toronto for IJ training.
13 Since his return to work, Jos has not
14 discussed this website with staff, thus
15 creating their doubts."

16 Okay, do you see that part?

17 **MR. GENDRON:** Yes.

18 **MR. LEE:** I'm going to read -- I'm going to
19 continue on at the bottom of the page with the section
20 starting "Discussions with staff...":

21 "Discussions with staff raised some
22 questions in their minds and here are
23 the main ones. Have we been duped by
24 Jos when he claimed that he had no
25 knowledge of any of the abuse by Ken

1 Seguin and others? Why is he not
2 talking to his colleagues to reassure
3 them that there is no truth to the
4 allegation in the website? Staff were
5 confident that with the efforts made by
6 everyone to be above board it would be
7 clear for everyone who the good guys
8 and bad ones were. This only serves to
9 once again blur the distinction and
10 create doubts over everyone or, as they
11 say, everyone is 'painted with the same
12 brush'."

13 And then:

14 "What is the Ministry's position on
15 these allegations? Is it business as
16 usual as if nothing happened? Should
17 Jos be suspended as a result of these
18 allegations, as other staff have been
19 following allegations against them and
20 until an investigation cleared them of
21 any wrongdoing? Should or have police
22 been contacted to see if they have or
23 are investigating these allegations?"

24 And I want to read you one more paragraph
25 before I ask you some questions, and we'll skip one and go

1 to the next:

2 "I think that the rest of the staff
3 would also like to hear what the
4 Ministry's position or intentions are
5 as a result of these
6 allegations/revelations. The present
7 silence leads them to wonder where we
8 stand. I have repeated my position
9 that we must continue to demonstrate a
10 transparent and consistent approach in
11 which we never try to tuck this under
12 the carpet but instead are forthcoming
13 with information and encourage our
14 clients to disclose any abuse and to
15 seek counselling through the Men's
16 Project or other service agencies. It
17 is the only way for our clients and the
18 public to see that we are not involved
19 in any form of cover-up and that the
20 rest of us are different from Ken,
21 Nelson and the rest. But I feel that
22 it is not my position that they are
23 after at this time, it is the regions
24 and the Ministry's. I would like to
25 suggest that an email from you or a

1 visit to this office would be
2 welcomed."

3 Okay?

4 **MR. GENDRON:** Yes.

5 **MR. LEE:** So that's Claude Legault reporting
6 to Deborah Newman what he's hearing from his staff. Right?

7 **MR. GENDRON:** Right.

8 **MR. LEE:** And that staff includes you?

9 **MR. GENDRON:** That's right.

10 **MR. LEE:** Does Mr. Legault accurately
11 capture some of the feelings going around in that office at
12 that time?

13 **MR. GENDRON:** I was on vacation and I'm --
14 this is news to me. This -- I'm not aware of this letter.
15 This was never a discussion in the office that I'm aware
16 of. This was -- according to this we have two staff
17 members going to the manager with their concerns. That's
18 my interpretation of this, two staff members.

19 **MR. LEE:** Right.

20 **MR. GENDRON:** It was not my concern. I did
21 not have a concern with the website. I mean, I was
22 concerned but I never read the website. I didn't know what
23 was on it. I've never seen the website. I've never been
24 disclosed what was on the website. It was never a concern
25 to me. But afterwards I know the website was a topic of

1 conversation in the office about Jos and his position, but
2 that was not a concern to me.

3 MR. LEE: Do you remember the talk in the
4 office being "Oh, no, here we go again"?

5 MR. GENDRON: Well, they would have ---

6 MR. LEE: I just want ---

7 MR. GENDRON: I don't know about the talk
8 but there would have been that feeling.

9 MR. LEE: Is it your belief that a complete
10 and thorough investigation and review of the files would
11 have been something that the staff in general would have
12 welcomed to clear the air?

13 MR. GENDRON: That would have been
14 beneficial.

15 MR. LEE: And that didn't happen at any
16 point; is that right?

17 MR. GENDRON: That did not happen.

18 MR. LEE: You did get an administrative
19 review conducted by Paul Downing?

20 MR. GENDRON: Yes.

21 MR. LEE: That's your understanding now?

22 MR. GENDRON: That's my understanding.

23 MR. LEE: Did you know anything about that
24 at the time?

25 MR. GENDRON: That there was an

1 investigation?

2 MR. LEE: That he was undertaking an
3 administrative review?

4 MR. GENDRON: I was aware of that.

5 MR. LEE: Were you ever provided with a copy
6 of the Downing report?

7 MR. GENDRON: No.

8 MR. LEE: Are you aware of his findings at
9 all?

10 MR. GENDRON: No.

11 MR. LEE: Can I take you to Exhibit 958,
12 please? That's the Downing report. I don't now if this
13 will be in a binder or not. Madam Clerk will let us know.

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. LEE: The cover page should read
16 "Administrative Review, Cornwall Probation and Parole
17 Office".

18 Do you see that?

19 MR. GENDRON: Yes, I do.

20 MR. LEE: And we have down at the bottom
21 "October 2000."

22 MR. GENDRON: Yes.

23 MR. LEE: We know from Mr. Downing's
24 evidence that this was prepared -- or completed on October
25 10th, 2000. Okay?

1 MR. GENDRON: Right.

2 MR. LEE: If you flip in a couple of pages
3 you'll see a title "Executive Summary".

4 MR. GENDRON: Yes.

5 MR. LEE: And he summarizes some of the
6 things that he found. And if you can go down at the bottom
7 right-hand corner of these pages you'll see page numbers.
8 If you can go to page 5, please.

9 Are you there?

10 MR. GENDRON: Yes.

11 MR. LEE: And you see "Conclusion". And
12 this is Mr. Downing's conclusion as a result of his review:

13 "Information gathered during the
14 administrative review revealed that for
15 some time prior to PPO Seguin's death
16 in 1993 a number of Cornwall Probation
17 and Parole staff suspected, while other
18 staff ought reasonably to have known,
19 that PPO Seguin was contravening
20 Ministry rules and policies governing
21 employee contact with offender/ex-
22 offenders."

23 Do you see that?

24 MR. GENDRON: I do.

25 MR. LEE: You weren't interviewed by Mr.

1 Downing in the course of his review; is that right?

2 **MR. GENDRON:** No, I was not.

3 **MR. LEE:** And he doesn't set out for us
4 exactly who suspected and who ought reasonably to have
5 known here.

6 **MR. GENDRON:** No.

7 **MR. LEE:** And I want to draw particular
8 attention to the last part of his conclusion, the last part
9 of that first paragraph. They suspected or ought
10 reasonably to have known that he was contravening Ministry
11 rules and policies governing employee contact.

12 And that goes back to the spectrum I was
13 talking about. Mr. Downing doesn't make any comment on
14 whether or not they knew -- or, sorry, in this paragraph he
15 doesn't say they knew he was having sex with clients.

16 **MR. GENDRON:** Right.

17 **MR. LEE:** He's focused on policies, and
18 procedures, and guidelines, and rules.

19 **MR. GENDRON:** Right.

20 **MR. LEE:** Based on what you've told us
21 today, do you agree with me that you would fit into the
22 category of staff who suspected or ought reasonably to have
23 known that he was contravening Ministry rules?

24 **MR. GENDRON:** No, I don't think that applies
25 to me, but I think he's implying it.

1 How would Mr. Downing come up with that
2 conclusion? I would like to know.

3 **MR. LEE:** We had Mr. Downing here.

4 **MR. GENDRON:** I suppose if I read the report
5 I could maybe find that out.

6 **MR. LEE:** Perhaps.

7 **MR. GENDRON:** Do I get to keep it?

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

9 **MR. GENDRON:** It ---

10 **THE COMMISSIONER:** Just a second. Just a
11 second.

12 First of all, you said that you don't fit
13 within that category of a person who knew or ought to have
14 known that Mr. Seguin was breaching policy by contact with
15 offender and ex-offenders.

16 **MR. GENDRON:** Which policy is he referring
17 to?

18 **THE COMMISSIONER:** Well let's assume for a
19 minute that it was the social interaction with ---

20 **MR. GENDRON:** Okay.

21 **THE COMMISSIONER:** So you would agree with
22 him that ---

23 **MR. GENDRON:** Yes, I would.

24 **THE COMMISSIONER:** Okay. That's what you
25 wanted to get at, Mr. Lee?

1 **MR. LEE:** Yes, thank you.

2 I just have a couple of areas I want to
3 canvass.

4 **MR. GENDRON:** Can I make a comment on that,
5 though?

6 I don't know if it's still -- if Mr. Downing
7 -- I'm not aware of Mr. Downing contacting anybody ---

8 **THE COMMISSIONER:** Well, just ---

9 **MR. GENDRON:** --- in -- he did not contact
10 me.

11 **THE COMMISSIONER:** Okay, okay, just a
12 second. Don't take offence.

13 **MR. GENDRON:** I'm trying not to.

14 **THE COMMISSIONER:** Okay, no, no, don't,
15 don't, don't. Not at all.

16 Mr. Downing did an investigation pursuant to
17 his instructions?

18 **MR. GENDRON:** Right.

19 **THE COMMISSIONER:** He did what he was asked
20 to do. He made a report, so just leave it at that, please.

21 **MR. GENDRON:** Okay.

22 **THE COMMISSIONER:** Mr. Lee, how much longer
23 do you think you're going to be?

24 **MR. LEE:** I would hope 5 to 10 minutes, at
25 most.

1 I want to switch focus and I want to bring
2 us closer to the present time here and talk about some of
3 the dealings you've had with people making allegations of
4 abuse.

5 MR. GENDRON: Yes.

6 MR. LEE: Okay? And I want to start that by
7 going to an email that is Document Number 104894.

8 And Mr. Commissioner, Mr. Stauffer earlier
9 today noted that Mr. Gendron had dealt with a couple of
10 alleged victims of abuse ---

11 THE COMMISSIONER: M'hm.

12 MR. GENDRON: --- who came forward and that
13 there may be some confidentiality measures needed.

14 This email is about the first one of those
15 persons that Mr. Gendron dealt with.

16 I do not know anything about this man; I
17 don't represent him, but I think ---

18 THE COMMISSIONER: He's not on the list
19 already?

20 MR. LEE: No. I think at the very least
21 that ---

22 THE COMMISSIONER: Ban on publication?

23 MR. LEE: Well, actually, Mr. Commissioner,
24 if I can have one moment.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. LEE:** I would think -- I don't know what
2 my friends propose, but I would think that we would, at the
3 very least want a publication ban on this man's name.

4 **THE COMMISSIONER:** Yes, we do.

5 So there will be a publication ban on the
6 name that is included on the "Re" line.

7 All right.

8 **MR. LEE:** Do we have any exhibit numbers?

9 **THE COMMISSIONER:** I'm sorry ---

10 **MR. LEE:** Well, I guess maybe a moniker
11 first and then we -- no, we don't need a moniker.

12 **THE COMMISSIONER:** We don't need a moniker.

13 **MR. LEE:** Okay, good enough.

14 **THE COMMISSIONER:** I'm sorry, is he in here
15 already? He is already in here.

16 **MR. NEVILLE:** I believe, sir, is number
17 C-50.

18 **THE COMMISSIONER:** Yeah, C-50. C-5-0.

19 **MR. LEE:** I apologize, sir, I have no
20 recollection of him coming up before.

21 **THE COMMISSIONER:** There's a lot people who
22 have no recollection, Mr. Lee.

23 **MR. LEE:** I've noticed that, as well, sir.
24 And, sorry, did we get an exhibit number?

25 **THE COMMISSIONER:** One-one-one-five (1115).

1 **MR. LEE:** Thank you.

2 **--- EXHIBIT NO./PIÈCE NO. P-1115:**

3 (104894) E-mail from Claude Legault to Lori
4 Potter, date N/A

5 **MR. LEE:** Do you have this email, Mr.
6 Gendron?

7 **MR. GENDRON:** I do.

8 **MR. LEE:** So as we can see, it is from a
9 Lori Potter -- or no, I'm sorry, it is from Claude Legault
10 to Lori Potter and copied to yourself and Cathy Johnston.
11 Can you refresh my memory on who Lori Potter is?

12 **MR. GENDRON:** I believe her title would have
13 been Regional Director.

14 **MR. LEE:** Where does she fit on the chain of
15 command? Is she superior to Claude Legault?

16 **MR. GENDRON:** Yes.

17 **MR. LEE:** Okay. And who is Cathy Johnston?

18 **MR. GENDRON:** I don't know.

19 **MR. LEE:** Okay. And the subject line is
20 "Incident Report dated March 13, 2001" and we'll refer to
21 the person identified in the "Re" line as C-50; okay?

22 And so what we have Mr. Legault telling us
23 here is that you prepared an employee/other information
24 report on March 13th, which refers to the disclosure by one
25 of his clients, C-50, that he had been sexually abused in

1 1976 while he was being supervised by Ken Seguin. So as I
2 understand it, you received a disclosure on March 13th, 2001
3 about abuse that had taken place in 1976?

4 **MR. GENDRON:** Yes.

5 **MR. LEE:** So this is one of the two men that
6 you were telling us about earlier who had come forward to
7 you. Is that right?

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

9 **MR. LEE:** And if we can go down to the
10 bottom of the email, you'll see that Mr. Legault first
11 addresses a message to Lori and then he starts anew with
12 "Ron". Do you see that?

13 **MR. GENDRON:** Yes.

14 **MR. LEE:** And he writes:

15 "Thanks for bringing this matter to our
16 attention. I also appreciate the
17 efforts you made with Welfare
18 concerning the restitution. Because of
19 the sensitive nature of this situation
20 and the possibility that this person
21 may decide to be part of the civil
22 action against the Ministry, we need to
23 have documented evidence to support our
24 actions. I realize that you already
25 discussed some of these items with the

1 offender but I strongly recommend that
2 you contact Project Truth to make them
3 aware of the disclosure that you
4 received. You should also send a
5 letter to the client to make him aware
6 of his options including to report the
7 abuse to police. Your letter should
8 also make him aware of the services for
9 victims through the Men's Project in
10 Cornwall. You may even make him aware
11 of the fact that some victims have
12 initiated civil action against the
13 Ministry and that their lawyer's Howard
14 Yegendorf from Ottawa. In this way, we
15 can not be accused down the road of any
16 cover-up nor of not informing the
17 offender of his options. Thanks."

18 Did I read that accurately?

19 **MR. GENDRON:** Yes.

20 **MR. LEE:** And as I understood your evidence,
21 in 2001 these issues would have been in the fore in that
22 Cornwall office?

23 **MR. GENDRON:** Yes, it's starting.

24 **MR. LEE:** Some lawsuits were pending?

25 **MR. GENDRON:** I -- 2001? I -- I didn't know

1 ---

2 MR. LEE: The information Mr. Legault
3 provides here is that ---

4 MR. GENDRON: That's what I knew.

5 MR. LEE: It wasn't something you were
6 dealing with?

7 MR. GENDRON: No.

8 MR. LEE: People were starting to come
9 forward by 2001; he wasn't the only one, Mr. C-50?

10 MR. GENDRON: No, he was not.

11 MR. LEE: Would you agree that this
12 paragraph I've just read you from Mr. Legault is a very
13 stark contrast to how things would have been dealt with
14 when you first joined this office in 1984?

15 MR. GENDRON: Very much so.

16 MR. LEE: Or even in 1993 when the ---

17 MR. GENDRON: Even in 1993.

18 MR. LEE: Mr. Legault's advocating
19 transparency?

20 MR. GENDRON: Very much.

21 MR. LEE: Counselling support?

22 MR. GENDRON: Yes.

23 MR. LEE: Contacting the police?

24 MR. GENDRON: Yes.

25 MR. LEE: He's suggesting you may even tell

1 the offender who a Plaintiff lawyer is that's initiated --
2 initiating contact?

3 MR. GENDRON: M'hm.

4 MR. LEE: And your understanding is this is
5 not how things were traditionally handled; this was
6 something new that was being done in 2001?

7 MR. GENDRON: Very new.

8 MR. LEE: The last area I want to deal with
9 is some of your dealings with victim reviews in your role
10 as a probation officer; okay?

11 You spoke in-chief a little bit about some
12 of the issues that you faced dealing with these two men, in
13 particular, and I got the impression a little more
14 generally in terms of what you know has occurred in the
15 office of other POs. You told us, as an example, that
16 disclosure is often a significant event in the person's
17 life?

18 MR. GENDRON: Very much so.

19 MR. LEE: You described it as a crisis?

20 MR. GENDRON: Sometimes.

21 MR. LEE: You used the words "mental health
22 crisis"?

23 MR. GENDRON: Sometimes.

24 MR. LEE: You told us that these people can
25 be prone to substance abuse particularly at that time,

1 given the stress?

2 MR. GENDRON: That's correct.

3 MR. LEE: Let's talk about specific cases a
4 little bit; okay?

5 We know that two victims of Mr. Seguin
6 disclosed their abuse to you?

7 MR. GENDRON: Yes.

8 MR. LEE: Did you make any observations
9 about how the abuse had affected these men, in your
10 dealings with them?

11 If we can take C-50 first?

12 MR. GENDRON: M'hm.

13 MR. LEE: As I understand it, you did indeed
14 tell him that he could report this abuse to the police. Is
15 that right?

16 MR. GENDRON: That's right.

17 MR. LEE: And he refused to do that?

18 MR. GENDRON: That's right.

19 MR. LEE: I understand he also told you that
20 you were only the second person he had ever told of his
21 abuse, the first being a psychiatrist?

22 MR. GENDRON: That's right.

23 MR. LEE: Do you recall that?

24 MR. GENDRON: Yes.

25 MR. LEE: Was it your impression from this

1 man that he was damaged as a result of what had happened to
2 him?

3 **MR. GENDRON:** I believe he had some -- he
4 had some problems definitely. Was it the result of that?
5 I couldn't draw that conclusion, but certainly if the
6 allegation was true, no doubt.

7 **MR. LEE:** What you can tell us is that many,
8 many years after the abuse he still didn't want to talk
9 about it?

10 **MR. GENDRON:** That's right. But as I said,
11 we -- when an offender is disclosing abuse, we're not --
12 we've been now instructed -- we've now learned not to judge
13 the merits of that abuse but to take it seriously.

14 **MR. LEE:** You have said you deal with --

15 **MR. GENDRON:** And so I wasn't --

16 **MR. LEE:** --- is that right?

17 **THE COMMISSIONER:** I'm sorry? I can't hear
18 the ---

19 **MR. GENDRON:** That is -- we deal with that,
20 that it could be true.

21 **MR. LEE:** Right. You give him the benefit
22 of the doubt and you ---

23 **MR. GENDRON:** That's right.

24 **MR. LEE:** --- accordingly.

25 **MR. GENDRON:** Absolutely.

1 **MR. LEE:** It's not your job to disbelieve?

2 **MR. GENDRON:** It's not my job; that's
3 someone else's job.

4 **MR. LEE:** Am I right that C-50, one of the
5 issues with him was that he didn't want to report to that
6 Cornwall office?

7 **MR. GENDRON:** Yes, I believe so.

8 **MR. LEE:** My understanding ---

9 **MR. GENDRON:** I -- I'd have to actually see
10 the notes, but I'm just going by memory.

11 **MR. LEE:** Let me take you to a document,
12 sir. Can we go to Document Number 104895.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **THE COMMISSIONER:** Thank you.

15 Exhibit Number 1116 is the employee/other
16 information reports, dated ---

17 **MR. LEE:** Down at the bottom left-hand
18 corner.

19 **THE COMMISSIONER:** March 13th, '01, at 11:30
20 a.m.?

21 **--- EXHIBIT NO./PIÈCE NO. P-1116:**

22 (104895) Employee/Other Information Report
23 Form

24 **MR. LEE:** And we should note that C-50 --
25 for the media's sake, we should note that C-50 is

1 referenced in this document as well.

2 **THE COMMISSIONER:** Sure.

3 **MR. LEE:** This was prepared by you, sir?

4 **MR. GENDRON:** Yes, it was.

5 **MR. LEE:** And if we look at the narrative
6 under the details and circumstances of the incident, the
7 second line reads:

8 "This probationer had not reported for
9 three months until today. He was
10 advised that as a result a breach of
11 probation charge would result unless he
12 could provide a reasonable excuse for
13 failing to report. He states that he
14 did not report to the office because he
15 had been sexually assaulted by
16 probation officer Ken Seguin when he
17 was 15-years-old, after being placed on
18 probation. He does not want to make a
19 complaint to the police or speak to
20 Ministry officials with respect to this
21 matter. I advised him that he would
22 not be breached under the
23 circumstances."

24 Is that your recollection of how that
25 situation happened?

1 MR. GENDRON: Exactly.

2 MR. LEE: And you also received a disclosure
3 from a second man. Is that right?

4 MR. GENDRON: Yes.

5 MR. LEE: And do you recall that that man
6 didn't want to do anything about the abuse; he didn't want
7 to forward his complaint to anybody either?

8 MR. GENDRON: I believe so.

9 MR. LEE: And that he just wanted to forget
10 the whole thing?

11 MR. GENDRON: That's correct.

12 MR. LEE: Told you it was too painful to
13 deal with?

14 MR. GENDRON: That's correct.

15 MR. LEE: The man was having a very, very
16 hard time with the situation, wasn't he?

17 MR. GENDRON: Yes.

18 MR. LEE: Both of these men were?

19 MR. GENDRON: Yes.

20 MR. LEE: And that was apparent to you all
21 those years later when you were dealing with them?

22 MR. GENDRON: Yes.

23 MR. LEE: Thank you very much, sir.

24 Those are my questions.

25 THE COMMISSIONER: Thank you.

1 That will be it for the day.

2 What I'd like to do though is find out how
3 much more time we should set aside for this witness
4 tomorrow.

5 Mr. Neville, how much time do you think?

6 **MR. NEVILLE:** Fifteen (15) minutes, I would

7 ---

8 **THE COMMISSIONER:** All right.

9 Mr. Chisholm?

10 **MR. CHISHOLM:** No questions, sir.

11 **THE COMMISSIONER:** Mr. Scharbach?

12 **MR. SHARBACH:** I'll have no questions, sir.

13 **THE COMMISSIONER:** Mr. Callaghan?

14 **MR. CALAGHAN:** Five minutes to ten minutes.

15 **THE COMMISSIONER:** All right.

16 Mr. Kozloff?

17 **MR. KOZLOFF:** I don't anticipate any
18 questions.

19 **THE COMMISSIONER:** All right.

20 Mr. Carroll?

21 **MR. CARROLL:** Maybe five minutes.

22 **THE COMMISSIONER:** Mr. Neuberger?

23 **MR. NEUBERGER:** I won't have any because I'm
24 not here tomorrow. So I'll have to see who can attend.

25 **THE COMMISSIONER:** Right. But based on what

1 you see now ---

2 **MR. NEUBERGER:** One question.

3 **THE COMMISSIONER:** Just one. I like that.

4 Okay.

5 Thank you.

6 **MR. NEUBERGER:** Yeah.

7 So we'll start tomorrow morning at 9:30.

8 Mr. Chisholm?

9 **MR. CHISHOLM:** Mr. Commissioner, Ms. Daley
10 spoke of the name of a -- spoke to the motion for tomorrow
11 and mentioned a name, and I'm not sure if that name will be
12 the subject of -- if that witness will be seeking a
13 confidentiality protection. So I don't know if you want to
14 make any mention on -- with respect to the transcript
15 that's going to come out tonight.

16 **THE COMMISSIONER:** All right.

17 So any comments; any suggestions what we
18 should do?

19 Such a helpful gang here today.

20 So what we'll do is we'll give that person a
21 temporary moniker; so that will be C-51. So if the record
22 can show that? You just put IC-51. It sounds like a bingo
23 and we'll deal with the matter tomorrow.

24 Thank you very much, Mr. Gendron. We'll see
25 you tomorrow morning.

1 **MR. GENDRON:** You're welcome.

2 **THE REGISTRAR:** Order. All rise. À
3 l'ordre. Veuillez vous lever.

4 This hearing is adjourned until tomorrow
5 morning at 9:30 a.m.

6 --- Upon adjourning at 4:34 p.m./

7 L'audience est ajournée à 16h34

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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