

**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 324

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709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Tuesday, December 16, 2008

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709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Mardi, le 16 décembre 2008

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Volume 302, November 12, 2008
Volume 303, November 13, 2008
Volume 304, November 14, 2008
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Mr. Michael Neville

The Estate of Ken Seguin and
Doug Seguin and Father Charles
MacDougald

Should have read:

Mr. Michael Neville

The Estate of Ken Seguin and
Doug Seguin and Father Charles
MacDonald

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Mr. Peter Manderville Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie Ms. Gina Saccoccio Brannan, Q.C.	Ontario Provincial Police
Mr. Darrell Kloeze	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	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Larry O'Brien	Mr. Randy Millar
Mr. Pat Hall	
Dep. Comm. Christopher Lewis	

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1 --- Upon commencing at 9:31 a.m./

2 L'audience débute à 9h31

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 **PATRICK HALL, Resumed/Sous le même serment:**

10 **THE COMMISSIONER:** Thank you.

11 Good morning, all.

12 Mr. Hall.

13 **MR. HALL:** Good morning, Mr. Commissioner.

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

15 **MR. HALL:** Fine, thank you.

16 **THE COMMISSIONER:** Last day.

17 **MR. HALL:** Hopefully.

18 **THE COMMISSIONER:** Oh, no. No, no.

19 **MR. HALL:** Good.

20 **THE COMMISSIONER:** Last day.

21 **MR. HALL:** I'm good to go.

22 **THE COMMISSIONER:** Good to go. All right.

23 Do you understand you're still under oath, sir?

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

25 **THE COMMISSIONER:** Thank you.

1 MS. LAHAIE: Good morning, Mr. Commissioner.

2 THE COMMISSIONER: Good morning.

3 ---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MS.

4 LAHAIE (Cont'd/Suite):

5 MS. LAHAIE: Good morning, Officer Hall.

6 MR. HALL: Good morning.

7 MS. LAHAIE: I hope you enjoyed our Canadian
8 weather this weekend.

9 MR. HALL: Yes.

10 MS. LAHAIE: The next few weekends promise
11 to be warmer for you.

12 MR. HALL: I would hope so.

13 MS. LAHAIE: When we left off last week I
14 indicated to you that I would be covering eight areas and
15 we got through two of them. So just to bring you back to
16 where we were, we're starting the third area and that is
17 the area of following up on information which Mr. Dunlop
18 gave you in September of 1997. So I just want to go
19 through a couple of examples of when that was done.

20 When Mr. Engelmann put that question to you,
21 you indicated that those names on the list which Mr. Dunlop
22 provided on September 17th, 1997 were followed up on.

23 MR. HALL: Yes.

24 MS. LAHAIE: And I'd just like to go through
25 an example of that follow-up in detail to show that point

1 and also to get people used to using the registers as well.
2 Okay? So we're going to go through that exercise.

3 So one of the individuals on the list is C-
4 89. If you could take your moniker list please, sir.

5 MR. HALL: Yes.

6 MS. LAHAIE: If we go to Exhibit 2836, which
7 is Document Number 702727 ---

8 THE COMMISSIONER: I'm sorry; what's the
9 exhibit number?

10 MS. LAHAIE: It's 2836.

11 THE COMMISSIONER: Thank you.

12 THE REGISTRAR: The document number, please?

13 MS. LAHAIE: It's 702727.

14 MR. HALL: Yes.

15 MS. LAHAIE: At Bates page 7006240.

16 MR. HALL: Yes.

17 MS. LAHAIE: You'll see there that
18 assignment number five is in relation to C-89. Is that
19 correct?

20 MR. HALL: Yes.

21 MS. LAHAIE: And C-89 was one of the names
22 that Officer Dunlop gave you on September 17th, 1997;
23 correct?

24 MR. HALL: Yes.

25 MS. LAHAIE: And that is indicated both in

1 the date section and the information basis background
2 section; correct?

3 MR. HALL: Yes.

4 MS. LAHAIE: And I see that an interview
5 was, in fact, conducted with this individual as indicated
6 in the Action Taken section on the 17th of November 1997;
7 correct?

8 MR. HALL: Yes.

9 MS. LAHAIE: I have a document to file,
10 Madam Clerk. It is -- I have eight copies for the court,
11 Mr. Commissioner -- 710088.

12 THE COMMISSIONER: Thank you.

13 Exhibit 2870 is an interview report of C-89
14 taken on the 17th of November 1997.

15 --- EXHIBIT NO./PIÈCE NO. P-2870:

16 (710088) - Interview Report of C-89 dated 17
17 Nov 97

18 MS. LAHAIE: And so we see the follow-
19 through on that case assignment form resulting in an actual
20 interview, and that is the interview. Is that correct,
21 sir?

22 MR. HALL: That's correct.

23 MS. LAHAIE: All right.

24 Now, we see from that document that C-89 did
25 not want to proceed with charges against Father Charles

1 MacDonalld. Is that correct?

2 MR. HALL: That's correct.

3 MS. LAHAIE: And I see that there is an
4 actual -- there's an error made in -- I believe Officer
5 Genier put to him his former -- his previous statement
6 given to Officers Fagan and McDonell, and he indicated that
7 the year of that statement was 1997 but it was, in fact,
8 1994.

9 And I would ask, please, that you be shown
10 Exhibit 2564, which is Document Number 110226.

11 MR. HALL: Yes.

12 MS. LAHAIE: And so if you refer back to the
13 statement taken by Officer Genier you'll see that he refers
14 to the 5th of April '97. That should be the 5th of April '94
15 if we cross-check that against 110226; correct?

16 MR. HALL: That's correct.

17 MS. LAHAIE: All right.

18 And if we go to -- this has been covered
19 before but I just want to recall that for the Court. If we
20 go to the second page of that statement at 110226, reading
21 from the second paragraph:

22 "We had a couple of drinks. Father
23 Charlie started to rub my leg. I let
24 him under my pants, pulled my fly down,
25 took my penis out and jerked me off. I

1 had an erection but I don't think I
2 ejaculated. This lasted less than half
3 an hour. I can't remember if he said
4 anything. I got up, pulled up my
5 pants, left and went home and I have
6 not told anyone about this."

7 And at the time, if we look at the date of
8 birth at the front of that statement he would have been 19
9 years of age.

10 MR. HALL: Yes.

11 MS. LAHAIE: And it appears when he
12 indicates, "I let him under my pants" this was something
13 which occurred on consent.

14 MR. HALL: Yes.

15 MS. LAHAIE: And then he later confirms to
16 Officer Genier that he does not want to proceed with
17 charges against Father Charles MacDonald.

18 MR. HALL: Correct.

19 MS. LAHAIE: All right.

20 And so this was an individual that Mr.
21 Dunlop indicated to you is a name that you should follow up
22 on, and it was done?

23 MR. HALL: Yes.

24 MS. LAHAIE: All right.

25 We'll be going through another one of these

1 statements, going through that exercise with Robert
2 Renshaw, another name given to you by Officer Dunlop, when
3 we review the Malcolm MacDonald investigation, but I
4 propose to leave that area now and to move to the next area
5 which is the Crown briefs and indexes for each of the
6 investigations conducted by Project Truth.

7 **MR. HALL:** Yes.

8 **MS. LAHAIE:** Mr. Commissioner, I spoke with
9 Mr. Engelmann this morning and you have before you a number
10 of registers -- document registers, cases -- managers'
11 registers, statement registers. And I think in order to
12 close the loop and to give the Court a complete idea of
13 these investigations in Project Truth I think in order to
14 do that, rather than file Crown briefs, which are tens of
15 thousands of documents, I propose to now go through the
16 exercise of filing the indexes for each of those
17 investigations to give you a sense of what was involved in
18 the investigations and the number of statements.

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

20 **MS. LAHAIE:** Through the use of cross-
21 checking with the names of the people who were interviewed
22 with these registers you would be able to see the work done
23 during the period of time in question.

24 **THE COMMISSIONER:** Okay.

25 **MS. LAHAIE:** Beginning with the

1 investigation of Father Bernard Cameron, Madam Clerk.

2 Thank you.

3 **THE COMMISSIONER:** Exhibit Number 2871 is
4 the index to the Crown brief for Father Bernard Cameron.

5 **MS. LAHAIE:** Yes. Thank you, Mr.
6 Commissioner.

7 And they are made -- the index is made up of
8 two Document Numbers and they are 703219 and 703240.

9 **THE COMMISSIONER:** Thank you.

10 --- **EXHIBIT NO./PIÈCE NO. P-2871:**

11 (703219-703240) - Crown Brief Index of
12 *Regina vs. Bernard Cameron*

13 **MS. LAHAIE:** Does this look like the index
14 for that investigation, sir?

15 **MR. HALL:** Yes, it does.

16 **MS. LAHAIE:** And so we see that it was a
17 two-volume Crown brief. And many of the indexes are set up
18 in a similar fashion, in that there are calendars and
19 synopsis and perhaps miscellaneous items like a map, the
20 information and then victim -- alleged victim witness
21 statements, perhaps statements of an accused person, and
22 then other witness statements followed by officer will says
23 and notes. So this is what would go into a Crown brief, I
24 take it?

25 **MR. HALL:** Correct.

1 **MS. LAHAIE:** And if there were criminal
2 records they would be added also?

3 **MR. HALL:** Yes, they would.

4 **MS. LAHAIE:** All right. And so ---

5 **THE COMMISSIONER:** We should be putting a
6 publication ban stamp on the document as well.

7 **MS. LAHAIE:** Thank you, Mr. Commissioner.
8 Yes, on all of them which are going to follow as well,
9 please.

10 **THE COMMISSIONER:** Good. Thank you.

11 **MS. LAHAIE:** And so I take it if you went
12 through each of the statements taken in this one -- and I'm
13 just -- in terms of witness statements, I count 20 witness
14 statements.

15 I take it that for this investigation those
16 20 names, if they were looked up -- if we looked them up on
17 the statement register you would see the date that each of
18 those statements was taken; correct?

19 **MR. HALL:** Yes, you would.

20 **MS. LAHAIE:** And that would go for any
21 statement from an accused person or an alleged victim as
22 well?

23 **MR. HALL:** Any statement taken for any
24 reason.

25 **MS. LAHAIE:** And so the timeline for the

1 investigation could be tracked if you go from point -- the
2 first interview which is taken to the final interview?

3 **MR. HALL:** Yes.

4 **MS. LAHAIE:** Very well.

5 The next, sir, is the Crown brief for
6 Brother Carriere, and this is one document number only,
7 703321. I would ask that it be marked as an exhibit,
8 please, Mr. Commissioner.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 2872 will be the Index to the
11 Carriere Crown brief.

12 --- **EXHIBIT NO./PIÈCE NO. P-2872:**

13 (703321) - Crown Brief Index of *Regina v.*
14 *Carriere*

15 **MS. LAHAIE:** Next is the Crown brief for
16 Brian Dufour. One document number, 703466.

17 **THE COMMISSIONER:** Thank you.

18 Exhibit Number 2873 will be the Crown Index
19 for *Regina v. Brian Dufour*; to the Crown brief, yes.

20 --- **EXHIBIT NO./PIÈCE NO. P-2873:**

21 (703466) Crown Brief Index of *Regina v.*
22 *Brian Dufour*

23 **MS. LAHAIE:** Next is the Crown brief Index
24 for Father Dubé. One document number, 732122.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit Number 2874 is the Crown brief Index
2 for *Regina v. Dubé*.

3 --- EXHIBIT NO./PIÈCE NO. P-2874:

4 (732122) Crown Brief Index for *Regina v.*
5 *Dubé*

6 MS. LAHAIE: Next is the conspiracy to
7 obstruct justice allegations made by Constable Perry
8 Dunlop, and this Index is one document number, 12 pages in
9 length.

10 Could we verify -- I'm sorry, Mr. Engelmann
11 is just telling me this may be in evidence already --
12 703627.

13 THE REGISTRAR: Twenty-six-thirty-one
14 (2631).

15 THE COMMISSIONER: Exhibit 2631? Thank you.

16 MS. LAHAIE: If we could just have the
17 officer look at this document number, which is Exhibit
18 2631, and just confirm whether this is in fact the Index
19 for that Crown brief, please?

20 MR. HALL: Yes, it is.

21 I might add there was other requests from
22 Crown Attorney Lorne McConnery done by way of memorandum
23 that actually would have formed Volume 10 or 11.

24 MS. LAHAIE: Thank you.

25 Next is the Index for the Crown brief for

1 Keith Jodoin, and this is made up two document numbers,
2 704168, 704193. I would ask that they be collectively
3 marked as one exhibit, please.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit 2875 is the Crown brief Index for
6 *Regina v. Jodoin*.

7 --- **EXHIBIT NO./PIÈCE NO. P-2875:**

8 (704168/704193) Crown Brief Index for *Regina*
9 *v. Keith Jodoin*

10 **MS. LAHAIE:** The next Crown brief is in the
11 matter of Father Lapierre and it is made up of documents
12 numbered 704641, 704683, 704713, 704738, 704771, 704779 and
13 the Quebec portion of that investigation, 704806, and I
14 would ask that they collectively be marked as one exhibit,
15 please. That is Paul Lapierre, Mr. Commissioner.

16 **THE COMMISSIONER:** M'hm. Thank you.

17 Exhibit 2876 is the Crown brief Index for
18 *Regina v. Lapierre*. Exhibit 2876.

19 --- **EXHIBIT NO./PIÈCE NO. P-2876:**

20 (704641-704683-704713-704738-704771-704779-
21 704806) Crown Brief Index of *Regina v. Paul*
22 *Lapierre*

23 **MS. LAHAIE:** You can confirm that, Officer
24 Hall, that this is in fact the Index for those Crown
25 briefs, both for Ontario and Quebec, sir?

1 MR. HALL: Yes, it is.

2 MS. LAHAIE: Thank you.

3 The next Crown brief Index is for Roch
4 Landry, which is made up of Documents 704230, 704262,
5 704328, 704344, 704379, 704386, a six-volume Crown brief.

6 THE COMMISSIONER: Thank you.

7 Exhibit Number 2877 is the Crown brief Index
8 for *Regina v. Landry*.

9 --- EXHIBIT NO./PIÈCE NO. P-2877:

10 (704230-704262-704328-704344-704379-704386)

11 - Crown Brief Index of *Regina v. Roch*
12 *Landry*

13 MS. LAHAIE: You can confirm that, sir, that
14 this is the Index for that Crown brief?

15 MR. HALL: Yes, it is.

16 MS. LAHAIE: Another interesting use that
17 can be made of this document, sir, if I may, would be the
18 victims' statements. You can identify that there would be
19 three alleged victims of this accused person?

20 MR. HALL: Yes.

21 MS. LAHAIE: Thank you.

22 Next would be a brief which was prepared for
23 Crown opinion. I understand there were no charges laid but
24 it was a brief assembled by the Project Truth officers for
25 Bishop Eugene Larocque, made up of three documents, 707305,

1 707328, 707391. I would ask that they collectively be
2 marked as one exhibit, please.

3 **THE COMMISSIONER:** Thank you.

4 Exhibit 2878 is the Crown brief Index for
5 *Regina v. Larocque*.

6 --- **EXHIBIT NO./PIÈCE NO. P-2878:**

7 (707305-707328-707391) Crown Brief Index of
8 *Regina v. Eugène LaRocque*

9 **MS. LAHAIE:** You can confirm, sir, that this
10 is the Index for that Crown brief?

11 **MR. HALL:** Yes, it is.

12 **MS. LAHAIE:** And this is one of the five
13 that you were waiting on legal opinions for ---

14 **MR. HALL:** Yes.

15 **MS. LAHAIE:** --- in the latter part of the
16 Project Truth mandate?

17 **MR. HALL:** Yes.

18 **MS. LAHAIE:** Yes?

19 Next would be the Crown brief for Harvey
20 Latour, the Index, three pages in length, one document
21 number, 704438.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Thank you.

24 Exhibit Number 2879 is the Crown brief Index
25 of *Regina v. Latour*.

1 --- EXHIBIT NO./PIÈCE NO. P-2879:

2 (704438) Crown Brief Index of *Regina v.*

3 *Latour*

4 MS. LAHAIE: That is, in fact, the Index for
5 that Crown brief, sir?

6 MR. HALL: Yes, it is.

7 MS. LAHAIE: Thank you.

8 Next is the Index for *Regina v. Sandy*
9 *Lawrence* made up of Documents 704530, 704564, 704571,
10 704606, 704615, and I would ask that they collectively be
11 marked with one exhibit number, please.

12 THE COMMISSIONER: Thank you.

13 Exhibit Number 2880 is the Crown Index brief
14 on *Regina v. Lawrence*.

15 --- EXHIBIT NO./PIÈCE NO. P-2880:

16 (704530-704564-704571-704606-704615) - Crown
17 Brief Index of *Regina v. Sandy Lawrence*

18 MS. LAHAIE: This is, in fact, the Crown
19 brief Index?

20 MR. HALL: Yes, it is.

21 MS. LAHAIE: Thank you.

22 Next is the Index for the Crown brief for
23 Jean-Luc Leblanc made up of Documents 708357, 708358,
24 708359, 708360, 708361, 708362 -- a six-volume Crown brief.
25 I would ask that all be marked collectively with one

1 exhibit number, please.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit Number 2881 is a copy of the Crown
4 brief Index for *Regina v. Leblanc*.

5 --- **EXHIBIT NO./PIÈCE NO. P-2881:**

6 (708357-708358-708359-708360-708361-708362)

7 Crown Brief Index of *Regina v. Jean Luc*
8 *Leblanc*

9 **MR. HALL:** Yes, it is.

10 **MS. LAHAIE:** That is in fact -- thank you.

11 Next is the Crown brief Index for *R. v.*
12 *Jacques Leduc*, Documents 704882, 704960, 705020, 705056,
13 705143, 705159, 705260, 705654, 705660, 705671, 705685,
14 705383 and 705297, a nine-volume brief.

15 And there are some additional pages and
16 perhaps we can talk about that when you see the document.
17 I would ask that they be collectively marked with one
18 exhibit number, please.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **THE COMMISSIONER:** Thank you.

21 Exhibit 2882 is the Crown brief Index for
22 *Regina v. Leduc*.

23 --- **EXHIBIT NO./PIÈCE NO. P-2882:**

24 (704882-704960-705020-705056-705143 705159-
25 705260-705654-705660-705671-705685-705383-

1 705297) Brief Index of *Regina v. Jacques*
2 *Leduc*

3 **MS. LAHAIE:** The last four pages, sir, are
4 somewhat different than the other pages. Could you
5 explain?

6 **THE COMMISSIONER:** The last three pages of
7 Exhibit 2882?

8 **MS. LAHAIE:** They had the heading "Index"
9 but if they weren't indexed to the Crown brief itself, you
10 can indicate that. I wasn't certain whether they actually
11 made up a volume or were included in the Leduc materials to
12 your knowledge.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. HALL:** This appears to be an Index
15 dealing with Constable Dunlop's involvement.

16 **MS. LAHAIE:** And so would not -- those three
17 pages at 705383 would not be part of the Crown brief then,
18 or all four pages?

19 **MR. HALL:** Not initially.

20 **MS. LAHAIE:** Not initially?

21 **MR. HALL:** They may have been at some point
22 in the subsequent trials. I'm not sure.

23 **MS. LAHAIE:** I understand that this could
24 possibly be subsequent material which was disclosed after
25 C-16's mother's testimony on the 7th of February, 2001.

1 **MR. HALL:** Correct.

2 **MS. LAHAIE:** And that would be also for the
3 final page of 705297?

4 **MR. HALL:** Again, please?

5 **MS. LAHAIE:** Seven-zero-five-two-nine-seven
6 (705297) the final document number in that exhibit,
7 Dunlop's testimony of ---

8 **MR. HALL:** Yes.

9 **MS. LAHAIE:** Yes?

10 **MR. HALL:** Yes.

11 **MS. LAHAIE:** All right. Thank you.

12 The next Crown brief *R. v. Ron Leroux* made
13 up of 707461, 707481, 707542, 707548, 707561, a five-volume
14 Crown brief. I would ask that they be collectively marked
15 with one exhibit number, please?

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2883 is a Crown brief Index
18 for *Regina v. Leroux*.

19 --- **EXHIBIT NO./PIÈCE NO. P-2883:**

20 (707461-707481-707542-707548-707561) Crown
21 Brief Index of *Regina v. Ron Leroux*

22 **MS. LAHAIE:** These charges were not
23 proceeded, I take it?

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

25 **MS. LAHAIE:** And is this in fact the five-

1 volume Index for that Crown brief?

2 MR. HALL: Yes, it is.

3 MS. LAHAIE: Thank you.

4 The next is the Crown brief Index for Father
5 Roméo Major made up of one document, 707650.

6 THE COMMISSIONER: Thank you.

7 Exhibit Number 2884 is a Crown brief Index
8 for *Regina v. Major*.

9 --- EXHIBIT NO./PIÈCE NO. P-2884:

10 (707650) Crown Brief Index of *Regina v.*

11 *Romeo Major*

12 MS. LAHAIE: Was this also one of the briefs
13 you were waiting for an opinion from the Crown in the
14 latter part of Project Truth's mandate?

15 MR. HALL: No.

16 MS. LAHAIE: No. This was one that was
17 proceeded with and discontinued for health reasons?

18 MR. HALL: That's correct. The alleged
19 victims had some difficulties.

20 MS. LAHAIE: And this is in fact the Index
21 for that Crown brief?

22 MR. HALL: Yes.

23 MS. LAHAIE: Thank you.

24 The next is the brief for Father Charles
25 MacDonald; the Project Truth brief beginning with the

1 fourth complainant. In other words, not the first three
2 complainants, not that original brief but the second, and
3 it is made up of Documents 709918, 709970, 710042, 710055,
4 710123, 710166, 710224, 710321, 710369 and 710498; a ten-
5 volume Crown brief. I would as that they collectively be
6 given one exhibit number, please.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit Number 2885 is the Crown brief Index
9 for *Regina v. Charles MacDonald*.

10 --- **EXHIBIT NO./PIÈCE NO. P-2885:**

11 (709918-709970-710042-710055-710123-
12 710166-710224-710321-710369-710498)
13 Crown Brief Index of *Regina v. Charles*
14 *MacDonald*

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. HALL:** Yes.

17 **MS. LAHAIE:** And this takes us all the way
18 to the final complaint by C-2?

19 **MR. HALL:** Correct.

20 **MS. LAHAIE:** Thank you.

21 And this is in fact the Index for that
22 brief, sir?

23 **MR. HALL:** Yes, it is.

24 **MS. LAHAIE:** I take it that the disclosure
25 in the volumes were provided incrementally as the case

1 developed and as further disclosure became available?

2 MR. HALL: Yes.

3 MS. LAHAIE: And that is the situation for
4 all these Crown briefs; if further disclosure was made
5 available, perhaps a new volume was started and provided to
6 the Crown for disclosure?

7 MR. HALL: Yes.

8 MS. LAHAIE: Okay.

9 The next is *R. v. Father* ---

10 THE COMMISSIONER: Hold it. I didn't get
11 the *R. v.* -- which brief did we just do?

12 MS. LAHAIE: *Father Charles MacDonald* ---

13 THE COMMISSIONER: Okay. Fine.

14 MS. LAHAIE: --- all the way to C-2.

15 THE COMMISSIONER: Right.

16 MS. LAHAIE: The final allegations.

17 THE COMMISSIONER: Okay. I see.

18 MS. LAHAIE: The next Crown brief Index is
19 *R. v. Father Kevin Maloney* made up of Documents 709542,
20 709576, 709609. I would ask that they be filed and marked
21 with one exhibit number, please.

22 THE COMMISSIONER: Thank you.

23 Exhibit 2886 is the Crown brief Index for
24 *Regina v. Maloney*.

25 --- EXHIBIT NO./PIÈCE NO. P-2886:

1 (709542-709576-709609) Crown Brief Index of
2 *Regina v. Kevin Maloney*

3 **MR. HALL:** That is the Index.

4 **MS. LAHAIE:** And this is one that you had
5 submitted for Crown opinion later on in the mandate;
6 correct?

7 **MR. HALL:** Twenty-second (22nd) of September,
8 '99.

9 **MS. LAHAIE:** Thank you.

10 Next is *R. v. Kenneth Martin* made up of
11 Documents 709703, 709744, 709761, 709795, 709802,
12 collectively marked as Exhibit 2887, please, Mr.
13 Commissioner?

14 **THE COMMISSIONER:** Thank you.

15 Exhibit 2887 is the Crown brief Index for
16 *Regina v. Martin*.

17 --- **EXHIBIT NO./PIÈCE NO. P-2887:**

18 (709703-709744-709761-709795-709802) Crown
19 Brief Index of *Regina v. Martin*

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

21 **MS. LAHAIE:** Thank you.

22 The next is *R. v. Jacques Martell*, one
23 Document Number 708666; next exhibit, please?

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 2888 is Crown brief Index for *Regina*

1 *v. Martell.*

2 --- EXHIBIT NO./PIÈCE NO. P-2888:

3 (708666) Crown Brief Index of *Regina v.*

4 *Jacques Martell*

5 MR. HALL: Correct.

6 MS. LAHAIE: Was this matter proceeded with,
7 sir?

8 MR. HALL: No, it was not. It was based on
9 a legal opinion.

10 MS. LAHAIE: Thank you.

11 The next Crown brief is *R. v. Donald*
12 *McDougald*, made up of Documents 709819 and 709847;
13 collectively Exhibit 2889, please, Mr. Commissioner?

14 THE COMMISSIONER: M'hm. Thank you.

15 Exhibit Number 2889 is the Crown brief Index
16 for *Regina v. Douglas B. McDougald*.

17 MS. LAHAIE: Donald, I believe?

18 THE COMMISSIONER: Sorry?

19 MS. LAHAIE: Donald?

20 THE COMMISSIONER: What did I say?

21 MS. LAHAIE: Douglas.

22 THE COMMISSIONER: Oh. Donald. Donald.

23 MS. LAHAIE: Thank you.

24 --- EXHIBIT NO./PIÈCE NO. P-2889:

25 (709819-709847) Crown Brief Index of *Regina*

1 *v. Donald McDougald*

2 **MR. HALL:** Yes, it is.

3 **MS. LAHAIE:** Thank you.

4 Was this one of the briefs submitted in the
5 latter part of the mandate?

6 **MR. HALL:** Yes, 22nd of September, '99.

7 **MS. LAHAIE:** I'm sorry, 20?

8 **MR. HALL:** Twenty-second (22nd) of September,
9 '99.

10 **MS. LAHAIE:** Thank you.

11 The next brief is *R. v. Richard Nadeau*. This
12 would have been -- well I'll let you explain -- made up
13 collectively as 727009, 726835 and 708686, and I would ask
14 that they be collectively marked as the next exhibit,
15 please?

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2890 is a Crown Brief Index
18 for *Regina v. Nadeau*.

19 --- **EXHIBIT NO./PIÈCE NO P-2890:**

20 (727009-726835-708686) - Crown Brief Index
21 of *Regina v. Richard Nadeau*

22 **MR. HALL:** This was in regards to the
23 contempt of court investigation relation to the website.

24 **MS. LAHAIE:** Thank you.

25 The next index is in *Regina v. Gary Ostler*

1 made up collectively as Documents 710584, 710608. Next
2 exhibit, please?

3 **THE COMMISSIONER:** Thank you.

4 Exhibit Number 2891 is a Crown Brief Index
5 *Regina v. Gary Ostler*

6 --- **EXHIBIT NO./PIÈCE NO P-2891:**

7 (710584-710608) - Crown Brief Index of
8 *Regina v. Gary Ostler*

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

10 **MS. LAHAIE:** And is this one of the Crown
11 briefs submitted later on in the mandate?

12 **MR. HALL:** It was part of the September 22nd,
13 '99 delivery.

14 **MS. LAHAIE:** Thank you.

15 The next Crown Brief Index *R. v. Peachey*
16 made up of Documents 708727, 708762, 708798, 708828. I
17 would ask that they be collectively marked with one exhibit
18 number, please?

19 **THE COMMISSIONER:** Thank you.

20 Exhibit 2892 is the Crown Brief Index for *R.*
21 *v. Peachey*.

22 --- **EXHIBIT NO./PIÈCE NO. P-2892:**

23 (708727-708762-708798-708828) - Crown Brief
24 Index of *Regina v. Arthur Peachey*

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

1 **MS. LAHAIE:** Thank you.

2 Next *R. v. Racine*; one Document Number
3 709212.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit 2893 is the Crown Brief Index for
6 *Regina v. Racine*.

7 --- **EXHIBIT NO./PIÈCE NO P-2893:**

8 (709212) - Crown Brief Index of *Regina v.*
9 *Richard Racine*

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

11 **MS. LAHAIE:** Next is the Crown Brief Index
12 in *R. v. Bernard Sauvé*, Document Numbers 710760, 710761,
13 710762, and I would ask that they be collectively marked as
14 Exhibit 2894, please?

15 **THE COMMISSIONER:** Thank you.

16 Exhibit 2894 is Crown Brief Index for *Regina*
17 *v. Bernard Sauvé*.

18 --- **EXHIBIT NO./PIÈCE NO P-2894:**

19 (710760-710761-710762) - Crown Brief Index
20 of *Regina v. Bernard Sauvé*

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

22 **MS. LAHAIE:** Now, I see with this brief and
23 many of the others that often the notes and Will-Says of
24 officers will be referred to on a number of pages. I take
25 it that that's because as new complainants come in and as

1 the events unfold and new volumes are created, the updates
2 of notes and Will-Says are done as we go through the
3 process. Is that correct?

4 **MR. HALL:** Yes, it would be the result of
5 subsequent investigation.

6 **MS. LAHAIE:** So a whole new Will-Say is
7 often not recreated. It just takes off from the previous -
8 --

9 **MR. HALL:** Just the part that's missing from
10 the front one ---

11 **MS. LAHAIE:** Okay.

12 **MR. HALL:** --- first one.

13 **MS. LAHAIE:** The next Crown Brief, *R. v.*
14 *John Christopher Wilson*, one page, 710897. Next exhibit,
15 please?

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2895 is the Crown Brief Index
18 for *Regina v. John Christopher Wilson*.

19 --- **EXHIBIT NO./PIÈCE NO P-2895:**

20 (710897) - Crown Brief Index of *Regina v.*
21 *John Wilson*

22 **MR. HALL:** It's correct.

23 **MS. LAHAIE:** Thank you.

24 Next is the Crown Brief Index in *R. v.*
25 *Malcolm MacDonald*, Documents 708858, 708947, 708976, 709042,

1 709085, 709140. I would ask that they be marked
2 collectively as the next exhibit number, please?

3 **THE COMMISSIONER:** Thank you.

4 Exhibit Number 2896 is the Crown Brief Index
5 for *Regina v. Malcolm MacDonald*

6 --- **EXHIBIT NO./PIÈCE NO P-2896:**

7 (708858-708947-708976-709042-709085-709140)

8 - Crown Brief Index of *Regina v. Malcolm*
9 *MacDonald*

10 **MS. LAHAIE:** Is this six-volume brief, in
11 fact, the index for that Crown brief, sir?

12 **MR. HALL:** Yes, it is.

13 **MS. LAHAIE:** Now, sir, I am going to move
14 out of this area and into the next by taking the final
15 brief that I put to you, the Malcolm MacDonald brief and
16 going through the exercise of looking at what goes into a
17 representative brief. It's difficult to find one which
18 would be representative, but Mr. Engelmann questioned you
19 quite a bit about your involvement with this particular
20 brief and so I've selected that one, and we'll go through
21 the process with the Court's indulgence and go through some
22 of the registers involved in the statements and the follow-
23 up which was done in this investigation. Time simply
24 doesn't permit us to go through all of the investigations
25 that were conducted during your time with Project Truth.

1 But turning to this particular brief ---

2 **THE COMMISSIONER:** This is 2896, Malcolm
3 MacDonald?

4 **MS. LAHAIE:** Yes, please.

5 **THE COMMISSIONER:** Okay.

6 **MS. LAHAIE:** Now, sir, sexual assault
7 allegations are very serious, and I take it that you follow
8 up on all the information that you gathered throughout the
9 investigation and information given to you through other
10 witness statements before you make a decision with respect
11 to reasonable and probable grounds, and submit the brief
12 for a Crown opinion; correct?

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

14 **MS. LAHAIE:** Now, in addition I understand
15 that -- from hearing the evidence of Inspector Smith, that
16 there's some value to keeping some of these investigations
17 going as long as possible before laying the information
18 because oftentimes when one person has the courage to come
19 forward it will open up the floodgates and other alleged
20 victims will come forward and provide statements as well.
21 Is that correct?

22 **MR. HALL:** Yes. That in fact did happen.

23 **MS. LAHAIE:** Oftentimes through Project
24 Truth?

25 **MR. HALL:** Yes.

1 **MS. LAHAIE:** All right. And, of course,
2 with Section 11(b) of the Charter the delay issue doesn't
3 begin to run until the Information is sworn.

4 **MR. HALL:** Correct.

5 **MS. LAHAIE:** All right. And so that it's
6 important to have as much information as possible prior to
7 that date ---

8 **MR. HALL:** Yes, it is.

9 **MS. LAHAIE:** --- because that's when the
10 clock starts to run; correct?

11 **MR. HALL:** Correct.

12 **MS. LAHAIE:** Now, when Mr. Engelmann put to
13 you this particular investigation he indicated that March
14 of '97 through to August of '98 was a long time to keep an
15 investigation going prior to laying charges, so I just want
16 to dissect that time period slightly.

17 March of '97 is the starting point for your
18 investigation of Malcolm MacDonald with respect to the
19 complaint that was filed by Helen Dunlop. Is that correct,
20 March of '97?

21 **MR. HALL:** Yes.

22 **MS. LAHAIE:** But I understand that the first
23 alleged victim of sexual abuse at the hands of Malcolm
24 MacDonald did not come forward until the 30th of September,
25 1997, and that would be C-5. And if you're unsure about

1 the date I'll just show you that statement, if I may. If
2 we look at Exhibit 2896, the index, we see under the victim
3 statements there are two names there.

4 **THE COMMISSIONER:** Mr. Engelmann, you're
5 standing.

6 **MR. ENGELMANN:** I'm just concerned. The
7 questions are very leading and if they're going to be
8 leading they should be accurate as possible. As far as
9 coming forward, this name was given much earlier. This is
10 when he was interviewed; on September 30th.

11 **MS. LAHAIE:** Well, perhaps we'll get to the
12 date when the name was given. It wasn't clear from my
13 friend's questions in-chief, but maybe through -- when we
14 go through some of these statements it will become clear
15 when that information was given.

16 **THE COMMISSIONER:** Okay.

17 **MS. LAHAIE:** In fairness, I think my friend
18 may be referring to the fact that Malcolm MacDonald was
19 referred to in the Dunlop materials as being one of the
20 alleged paedophiles. But in terms of having a concrete
21 complainant come forward, this is the 30th of September, '97
22 is the initial date for that particular matter, so I'm just
23 -- if we can just go through ---

24 **THE COMMISSIONER:** We'll see.

25 **MS. LAHAIE:** --- the statements. Thank you.

1 **THE COMMISSIONER:** So I'm sorry, you were at
2 26 ---

3 **MS. LAHAIE:** I just wanted the officer to
4 confirm at 2896, which is the index to the Crown brief, the
5 first page, we see that there are two alleged victims of
6 this individual; C-5 and C-10.

7 **MR. HALL:** Yes.

8 **MS. LAHAIE:** Okay.

9 And just to be clear, you testified in-chief
10 that you submitted your brief to Ms. Hallett for an opinion
11 on this brief on the 7th of July, 1998. So in terms of
12 timing -- and we'll return to it but we're really talking
13 about the first complainant coming forward in September of
14 '97 and the Crown brief being submitted for a Crown opinion
15 on the 7th of July, '98. Does that sound right?

16 **MR. HALL:** Yes.

17 **MS. LAHAIE:** Okay.

18 All right, so if we go to the Document
19 702725; that has an exhibit number which I believe is 2668.

20 **THE COMMISSIONER:** No, that's a Case
21 Manager's Assignment Register, 2668.

22 **MS. LAHAIE:** Yes.

23 I promise you that this will be the most
24 painful part of my cross-examination, Mr. Commissioner, but
25 I think you'll find the exercise useful after we go through

1 some of these statements, just to work with the registers.

2 THE COMMISSIONER: M'hm. Okay, so it's not
3 2668.

4 MS. LAHAIE: It's not 2668?

5 THE COMMISSIONER: I'm sorry, that's a Case
6 Manager's Assignment Register.

7 MS. LAHAIE: Assignment Register, yes. I'm
8 just tracking how this first comes to their attention and
9 when an assignment is created.

10 THE COMMISSIONER: All right.

11 MS. LAHAIE: So if we go to Bates page
12 number 7006180.

13 THE COMMISSIONER: Okay.

14 MS. LAHAIE: You see number 53 there, sir?

15 MR. HALL: I don't believe I -- I can see it
16 on the screen.

17 MS. LAHAIE: Number 53; that's the name of
18 C-5?

19 MR. HALL: Yes.

20 MS. LAHAIE: And the assignment is created.
21 It's an interview on the 30th of September, 1997; correct?

22 MR. HALL: Yes.

23 MS. LAHAIE: Now, if we go to Exhibit 2836.

24 THE COMMISSIONER: Two eight three six
25 (2836).

1 **MS. LAHAIE:** Document 702727, for counsel.

2 **THE COMMISSIONER:** Okay, 2836, what page?

3 **MS. LAHAIE:** I'm sorry, Mr. Commissioner?

4 **THE COMMISSIONER:** Do we go to -- then we go
5 to assignment number 53. Is that ---

6 **MS. LAHAIE:** Correct, yes.

7 **THE COMMISSIONER:** See, I can learn.

8 **MS. LAHAIE:** Now, one of these case
9 manager's assignment forms is the continuation of that
10 earlier exhibit where there's just a one-line entry, and if
11 we take the same number 53, we find a corresponding number
12 53, a form; correct?

13 **MR. HALL:** Correct.

14 **MS. LAHAIE:** And that's a summary of the
15 statement in this case?

16 **MR. HALL:** Yes, the action taken.

17 **MS. LAHAIE:** All right, and we see
18 allegations by C-5 here against Malcolm MacDonald?

19 **MR. HALL:** Yes.

20 **MS. LAHAIE:** And there's a tape -- an
21 audiotaped interview conducted on the 30th of September, '97
22 we see in the Action Taken section?

23 **MR. HALL:** Yes.

24 **MS. LAHAIE:** Okay.

25 Now, if we go to the Statement Register

1 document, which is 703093.

2 **THE COMMISSIONER:** Seven -- okay, now you've
3 lost me.

4 **MS. LAHAIE:** I'm sorry, it's a document
5 number. I'm not using an exhibit number; I apologize.
6 Seven zero three zero nine three (703093). And if we go to
7 Bates page 7008340.

8 **THE COMMISSIONER:** Sorry, sorry.

9 **MR. ENGELMANN:** We'd better stop because I'm
10 concerned about the record now. I'm not sure if this is an
11 exhibit.

12 **THE COMMISSIONER:** No, it's not.

13 **MR. ENGELMANN:** And if it isn't, it should
14 be entered ---

15 **THE COMMISSIONER:** Yes.

16 **MR. ENGELMANN:** --- and we should have a
17 document.

18 **THE COMMISSIONER:** So what's on the screen
19 now?

20 **MS. LAHAIE:** This should be entered -- this
21 should be -- and I'm pleased to see it on the screen. I
22 was under the impression that it had been entered. It's the
23 Case Manager's Statement Register.

24 **THE COMMISSIONER:** Right. We must have that
25 as an exhibit, do we not?

1 **MR. HALL:** I believe the typed version was
2 introduced when I first started to testify.

3 **MS. LAHAIE:** But the typed version only goes
4 up to a certain number, doesn't it?

5 **THE COMMISSIONER:** Okay. Is this the one
6 you want to use?

7 **MS. LAHAIE:** Yes, please.

8 **THE COMMISSIONER:** All right.

9 So Document Number 7008339 will become
10 Exhibit Number 2896.

11 **MS. LAHAIE:** Could we instead have all of
12 703093, the document as opposed to the Bates page? You'll
13 find it useful in the exercise of tracking statements.

14 **THE COMMISSIONER:** No, I understand that
15 part. I'm just trying to make sure that we don't get glued
16 up with statements. So how many pages does that document
17 have? Are we sure it's not an exhibit now?

18 **MR. KOZLOFF:** The typed version is 703092,
19 which is Exhibit 2774.

20 **THE COMMISSIONER:** Two seven seven four
21 (2774).

22 **MS. LAHAIE:** Well, if it's typed through to
23 the end I'm content with using the typed version.

24 **THE COMMISSIONER:** Okay, we'll just look --
25 2774. Okay, so we've got it. So okay.

1 **MS. LAHAIE:** So Exhibit 2774, if we could
2 just refer to that one as opposed to entering the other.

3 **MR. ENGELMANN:** I just want to make sure
4 they're the same. Does it have -- do we know if the
5 handwritten one ends at number 683? And if that's the case
6 then this is fine. We can just ---

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

8 **MS. LAHAIE:** Well, let's see if we can work
9 with the typed one.

10 So Exhibit?

11 **THE COMMISSIONER:** Two-seven-seven-four
12 (2774).

13 **MS. LAHAIE:** Two-seven-seven-four (2744),
14 thank you, Mr. Commissioner.

15 If we go to statement number 22, this
16 confirms that this statement was taken and the date that it
17 was taken; correct?

18 **MR. HALL:** Yes.

19 **MS. LAHAIE:** And, finally, the access
20 register. I wonder whether this is an exhibit; 702751?

21 **THE COMMISSIONER:** Two-seven-seven-one
22 (2771). That's called ---

23 **MS. LAHAIE:** And that should be at Bates
24 page 7007302.

25 So we see from this document that the

1 designation given is "Victim Number 22" on top. Do you see
2 that, the first entry on that page?

3 MR. HALL: Yes.

4 MS. LAHAIE: And the designation is given as
5 "Victim"; correct?

6 MR. HALL: Yes.

7 MS. LAHAIE: All right.

8 Now, if we can go to C-10, his statement is
9 given I understand on February 3rd, 1998 and his interview
10 assignment is 466.

11 So if we go to -- I'm going to skip -- in
12 the interests of time, Mr. Commissioner -- the case
13 manager's assignment register, but the same links can be
14 done as what we just went through with C-5.

15 So I'm just going to skip right ahead to the
16 case manager's assignment form, the longer form, if I may,
17 and that is Exhibit 727 -- pardon me, Exhibit 2836,
18 Document 702727.

19 If I may just have one moment, please?

20 (SHORT PAUSE/COURTE PAUSE)

21 MS. LAHAIE: And that is at Bates page
22 7006586. And this is C-10; correct?

23 MR. HALL: Yes.

24 MS. LAHAIE: And it confirms that there was
25 a telephone call from him and an interview is set up?

1 **MR. HALL:** Yes.

2 **MS. LAHAIE:** For the 7th of February -- the
3 week of the 1st to the 7th of February, 1998?

4 **MR. HALL:** Yes.

5 **MS. LAHAIE:** And that a video interview is
6 conducted at the Kanata OPP Detachment on the 3rd of
7 February, 1998?

8 **MR. HALL:** Yes.

9 **MS. LAHAIE:** And now I take it if we go to
10 the statement register -- which I don't propose to do -- or
11 the access register, we are going to be able to see this
12 statement and be able to track, as we did with C-5, that
13 these statements are located in those registers?

14 **MR. HALL:** Yes. It'll indicate the type of
15 statement, whether it was audio-taped, whether it was
16 transcribed, whether there was a synopsis done.

17 **MS. LAHAIE:** And if we go to the assignment
18 register, the case manager's assignment form -- we'll stay
19 at Exhibit 2836, it seems to be the most user friendly for
20 our purposes -- assignment number 30 which is at Bates page
21 7006266.

22 **MR. HALL:** Yes.

23 **MS. LAHAIE:** We see here that on the 8th of
24 June, 1998 there is a caution statement taken in relation
25 to the allegations of both C-5 and C-10, statement taken

1 from Angus Malcolm MacDonald; correct?

2 MR. HALL: Four caution statements.

3 MS. LAHAIE: Four caution statements.

4 Now, again, if we track the statement
5 register, the access register, we would be able to track
6 those documents, right?

7 MR. HALL: Yes, you would.

8 MS. LAHAIE: Okay. Now, I take it that
9 these registers are used to gather up the relevant
10 disclosure for the various Crown briefs?

11 MR. HALL: Yeah, the access register is,
12 definitely.

13 MS. LAHAIE: And is that the reason, just to
14 shed light on your earlier answers about the *R. v. Jacques*
15 *Leduc* matter, is that the reason that Officer Dupuis'
16 contact with C-16's mother is not captured because there's
17 no statement that flows from that meeting?

18 MR. HALL: That's correct.

19 MS. LAHAIE: You tried to describe that a
20 bit and I think it was lost in ---

21 MR. HALL: Well, when every interview is
22 done, whether it's on the phone, we make a statement for
23 it, audiotaped, written, videotaped, our secretary enters
24 it on. She attaches it to a suspect or a witness,
25 depending on the circumstances and who it is.

1 So for instance, if we go to do a brief on,
2 say, Malcolm MacDonald for instance, the secretary will run
3 off a sheet, "Suspect, Malcolm MacDonald" and it will
4 indicate all the interviews we've done that are associated
5 to him, whether it's a victim, a witness or other, et
6 cetera.

7 **MS. LAHAIE:** And because there was no
8 statement or assignment form for picking up the Project
9 Guardian tape, obviously that's why that was lost?

10 **MR. HALL:** Well, that's correct, but when
11 the officer goes to do his will say she basically gives him
12 the same sheets. All the people that are connected to him,
13 he will go into his notes for those interviews and he
14 comprises or complete his will say from the interviews he's
15 done.

16 But in the case of Constable Dupuis, there
17 was no interview, there was no reason, there was no record
18 made of his visit picking up the videotape from C-16's
19 mother.

20 **MS. LAHAIE:** So returning to Exhibit 2896,
21 this is the Index for the Malcolm MacDonald brief, if you
22 just take a look at that, sir, I see that there are
23 approximately 80 witness statements that were printed off.
24 In addition to the complainant's and the statement of the
25 accused, there are 80 witness statements in this brief and

1 this, I take it, is determined by the registers, as you've
2 indicated that the secretary would print off everything of
3 relevance to Malcolm MacDonald?

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

5 **MS. LAHAIE:** All right.

6 Now, I don't want to go through all 80 of
7 them, but I will follow -- just to cover a bit of the
8 follow-up and the technique that was used when someone
9 would provide you with information and give you certain
10 names in their statements, that there was a system in place
11 to follow up on that information.

12 **MR. HALL:** Yes.

13 **MS. LAHAIE:** From the various statements.
14 And so I'm going to go through a couple of those.

15 Now, in the second page -- the second volume
16 rather -- of that Index to the Crown brief, Exhibit 2896,
17 the one that has Document 708947 at the top, we see that
18 there was an interview of David -- it's indicated Morpaw
19 but it's Merpaw (sic), the third from the bottom?

20 **MR. HALL:** What's the Bates page?

21 **MS. LAHAIE:** This is Bates page number
22 7032293.

23 **MR. HALL:** Yes.

24 **MS. LAHAIE:** All right.

25 Now, that statement is assignment number 36,

1 so if we go to Exhibit 2836, Document 702727?

2 MR. HALL: Yes.

3 MS. LAHAIE: That's Bates page 7006272.

4 MR. HALL: Yes.

5 MS. LAHAIE: Now, we see that this is one of
6 -- I'll wait for Madam Clerk to put it up on the screen.
7 It's Bates 7006272. So this is assignment number 36. We
8 see the individual's name, David Morpaw, the date September
9 17th, '97. Now, that's the date of creation of the
10 assignment?

11 MR. HALL: Yes.

12 MS. LAHAIE: And that's the date that you
13 met with Mr. Dunlop and received a list of names of people
14 that you should follow-up with?

15 MR. HALL: Yes.

16 MS. LAHAIE: All right. And it says that an
17 information basis:

18 "Info received from Dunlop to speak to
19 above re. abuse."

20 MR. HALL: Yes.

21 MS. LAHAIE: And then we see at the date of
22 the interview 7, April '98 he indicates:

23 "Had Malcolm MacDonald as a lawyer less
24 than 10 years ago; saw Malcolm
25 MacDonald on a boat a few times with

1 kids approximately four years ago,
2 unknown kids."

3 He indicates:

4 "Knows C-5 and C-19 were on probation."

5 **MR. HALL:** Yes.

6 **MS. LAHAIE:** "Recalls rumours that Seguin
7 and Malcolm MacDonald were queer and
8 liked kids."

9 Other than that, no other references to Mr.
10 MacDonald.

11 **MR. HALL:** Yes.

12 **MS. LAHAIE:** But here we see the name of C-
13 19 in his statement; correct?

14 **MR. HALL:** Yes. Some of the other
15 difficulties we had that these witnesses didn't live
16 locally.

17 **MS. LAHAIE:** Right.

18 **MR. HALL:** Throughout Ontario.

19 So I arranged what I referred to as a field
20 trip. So some of them would be delayed until the officers
21 would go, say, up the Sudbury area and they would do a
22 circle, and we would have to arrange with the local
23 detachments to use their equipment to do our videotaping.
24 So that's part of the reason why some of them didn't take
25 place as early as they could have if they were all locally.

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MS. LAHAIE: Okay.

Now, if we go back to the index, 2896,
Volume 2, which is the same Bates page number we looked at
before; that's 7032293 ---

MR. HALL: Yes.

MS. LAHAIE: We see a name in the middle
there, which is C-19, at page 634 to 659 of the brief. You
see the name of C-19?

MR. HALL: Yes.

MS. LAHAIE: Now, there's a statement which
is recorded at -- or an assignment at number 63. So we'll
have to go back to 2836 -- Exhibit 2836.

MR. HALL: Yes.

MS. LAHAIE: Bates page 7006299.

MR. HALL: Yes.

MS. LAHAIE: We see there was an audio-taped
interview on the 23rd of October '97.

MR. HALL: Yes.

MS. LAHAIE: So actually prior to Mr.
Merphaw's statement, this individual comes to your
attention.

MR. HALL: Yes.

MS. LAHAIE: The information basis says
"Named in statement", and the action taken, there's an

1 audio-taped interview on the 23rd of October '97. And
2 midway we see that he would have said:

3 "That while working at the town line,
4 offered \$100 from Malcolm MacDonald to
5 sleep with him."

6 MR. HALL: Yes.

7 MS. LAHAIE: And then there's a reference to
8 C-5 at the bottom.

9 MR. HALL: Yes.

10 MS. LAHAIE: C-5 told C-19 about getting \$75
11 for blow jobs for Malcolm MacDonald; correct?

12 MR. HALL: Correct.

13 MS. LAHAIE: So you're getting some
14 corroboration ---

15 MR. HALL: Yes.

16 MS. LAHAIE: --- for the allegations from C-
17 5?

18 MR. HALL: Yes.

19 MS. LAHAIE: Now, I'd like to turn to
20 another example of follow-up from Mr. Dunlop's information,
21 a statement taken from Robert Renshaw on November 5th, 1997.
22 And if we turn to -- we're looking at the index again,
23 Exhibit 2896, Bates page 7032667. It's Volume 3 of the
24 Crown brief. The sixth name down.

25 MR. HALL: Yes.

1 **MS. LAHAIE:** Now, the Affidavit, that would
2 be something that was taken from the Dunlop brief; correct?

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

4 **MS. LAHAIE:** And there's also a follow-up
5 statement taken by your officers on November 5th, 1997, and
6 I'll just point you to that assignment. If you go to
7 Exhibit 2836, Bates page 7006250.

8 **MR. HALL:** Yes.

9 **MS. LAHAIE:** You see that that was
10 assignment number 15 ---

11 **MR. HALL:** Correct.

12 **MS. LAHAIE:** --- which was done on the 15th
13 of September '97:

14 "Information from Perry Dunlop, above
15 person is someone we should talk to."

16 And after this a video statement is taken on
17 the 5th of November '97 at the Walkerton OPP Detachment by
18 Officers Seguin and Dupuis; correct?

19 **MR. HALL:** Yes.

20 **MS. LAHAIE:** And again if we follow the
21 statement register and the access register, there will be
22 some follow-through there?

23 **MR. HALL:** Yes.

24 **MS. LAHAIE:** Just a couple more.

25 If we return to Exhibit 2836 -- oh, I'm

1 sorry -- I'm in 2896, is the index. We see a reference to
2 Carl Stone in Volume 5, which is at Bates page 7033392,
3 about midway through the list of interviews on that page.

4 Do you see the reference to Carl Stone
5 there?

6 **MR. HALL:** Yes.

7 **MS. LAHAIE:** Okay. And if we go back to the
8 exhibit which is up on the screen now, 2836, it's
9 assignment 234 at Bates page 7006386.

10 **MR. HALL:** Yes.

11 **MS. LAHAIE:** And we see that the information
12 basis for this assignment is from C-19's statement and the
13 Dunlop brief, number 14, ---

14 **MR. HALL:** Yes.

15 **MS. LAHAIE:** --- that Stone used to hang out
16 with Seguin. C-5's statement states that Stone would be
17 around Malcolm and spent time with him.

18 **MR. HALL:** Yes.

19 **MS. LAHAIE:** And then following up on all of
20 this information a statement -- a written interview is
21 conducted at Stone's apartment at the Century Motel on the
22 2nd of April 1998; correct?

23 **MR. HALL:** Correct.

24 **MS. LAHAIE:** By Officer Seguin?

25 **MR. HALL:** Correct.

1 **MS. LAHAIE:** If we go to the index, 2896,
2 Bates page 7032293, the first name under "Witness
3 Interviews" Marcel Lalonde, an assignment was created in
4 Malcolm's -- which went into Malcolm's brief, and that is
5 assignment -- if we go to 2836 -- Exhibit 2836, Bates page
6 7006280, we see that the basis of the information -- there
7 was information received from case against Lalonde that he
8 was a Deacon at St. Columban's.

9 **MR. HALL:** Correct.

10 **MS. LAHAIE:** And there's a statement taken -
11 - we've already spoken about this statement -- on May 11th,
12 1998. And in there Malcolm MacDonald's name is canvassed
13 and he indicates that he knows he's a lawyer, nothing
14 further.

15 **MR. HALL:** Correct.

16 **MS. LAHAIE:** So no link that was being
17 sought there perhaps?

18 **MR. HALL:** Correct.

19 **MS. LAHAIE:** So I take it that all
20 statements are gathered -- these 80 statements, in addition
21 to the victim statements and the accused statement, they're
22 gathered as you've described, and whether the information
23 that's gathered is inculpatory or exculpatory, it's
24 included in the Crown brief?

25 **MR. HALL:** Yes, everything is included.

1 **MS. LAHAIE:** We're ready to move to the next
2 issue, which is the investigation of Richard Hickerson.
3 Unfortunately, Mr. Commissioner, Richard Hickerson and
4 Nelson Barque passed away prior to the briefs' indexes
5 being created. Those prosecutions never went forward; they
6 were never charged.

7 And so I'm going to go through -- as these
8 were investigations that Mr. Engelmann questioned Officer
9 Hall on, I'm just going to go through briefly the
10 Assignment Register with respect to some assignments of
11 relevance with respect to these. We don't have an index to
12 tie it back to, so it's really the only way we can go
13 through this process.

14 So we're going to just -- rather than go
15 through the Access Register and the Statement Register and
16 flip back and forth, I'm going to concentrate just on this
17 one user-friendly exhibit, which is Exhibit 2836, Document
18 702727, and if we could go to Bates 7006618.

19 **THE COMMISSIONER:** Six six one eight (6618)?

20 **MS. LAHAIE:** No, I'm on the wrong one;
21 sorry. It's Bates 7006522. This was the starting point
22 for this particular accused person and it would be the
23 allegations of C-11. Seventh (7th) of October, 1997 C-11
24 called, spoke with Officer Dupuis, and he indicated that he
25 had been sexually abused by Richard Hickerson in the late

1 sixties for two and a half to three years.

2 **MR. HALL:** Yes.

3 **MS. LAHAIE:** Hickerson was in a band
4 associated to Sisters of Holy Cross and was a former
5 priest, apparently kicked out for being a paedophile.

6 **MR. HALL:** Correct.

7 **MS. LAHAIE:** And we see at the bottom of
8 this form, "Victim of Richard Hickerson, deceased." I take
9 it the form is continuously updated as information comes
10 in, because he passes away in June of '98, so this would be
11 an entry later on after his death; correct?

12 **MR. HALL:** Yes. I go through it
13 periodically and give assignments to the officers and close
14 them off to ensure everything is done.

15 **MS. LAHAIE:** Okay.

16 The next alleged victim of Richard
17 Hickerson, if we turn to Bates page 7006525, assignment
18 391. So here we see Keith Oullette.

19 **MR. HALL:** Yes.

20 **MS. LAHAIE:** And you get that information
21 from Jos van Diepen at Probation Services?

22 **MR. HALL:** Yes.

23 **MS. LAHAIE:** And he reports that he was
24 sexually assaulted by Ken Seguin, Richard Hickerson, Chris
25 Wilson, and that he was currently -- Mr. Oullette was

1 currently at the Cornwall Jail?

2 MR. HALL: Yes.

3 MS. LAHAIE: And an audio statement is taken
4 from Mr. Oullette on the 30th of October, '97?

5 MR. HALL: Correct.

6 MS. LAHAIE: Next, if we can go to Bates
7 page 7006751; this is C-94. The information basis for this
8 one, information is received from C-11.

9 MR. HALL: Yes.

10 MS. LAHAIE: And there's also reference
11 there to -- in the body of the typed portion to C-93, if
12 you want to look at your moniker list, sir.

13 MR. HALL: Yes.

14 MS. LAHAIE: Now, this individual, there was
15 some confusion because C-11 had changed his name at a point
16 in time and it was to track that information when he was
17 being questioned about C-11, using C-11's name as we know
18 it. He knew him under a different name.

19 MR. HALL: Yes.

20 MS. LAHAIE: Okay. And then there are two
21 interviews with this individual and we see that on the 13th
22 of May, '98 there's a reference there that he doesn't know
23 the name Hickerson, recalls Ecole Musica being called
24 l'Academie de Sainte-Croix, and doesn't recall a male
25 person teaching violin there. So you're following up on

1 information that was given by C-11 and C-93 by speaking
2 with C-94 on this occasion; correct?

3 MR. HALL: Yes, I ---

4 MS. LAHAIE: And when I say "you" I mean
5 your officers.

6 MR. HALL: Can you scroll down a little bit?
7 All as I can say is a date.

8 MS. LAHAIE: Okay.

9 MR. HALL: Yes, that's correct.

10 MS. LAHAIE: Mr. Commissioner, do you need a
11 break? I'm in your hands.

12 THE COMMISSIONER: I think we should take a
13 break at this time.

14 MS. LAHAIE: Thank you.

15 THE COMMISSIONER: Thank you.

16 THE REGISTRAR: Order; all rise. À l'ordre;
17 veuillez vous lever.

18 This hearing will resume at 11:15 a.m.

19 --- Upon recessing at 10:58 a.m./

20 L'audience est suspendue à 10h58

21 --- Upon resuming at 11:21 a.m./

22 L'audience est reprise à 11h21

23 THE REGISTRAR: Order; all rise. À l'ordre;
24 veuillez vous lever.

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **PATRICK HALL, Resumed/Sous le même serment:**

3 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

4 **MS. LAHAIE (Cont'd/Suite):**

5 **MS. LAHAIE:** If we can go back to the case
6 manager's assignment form at Bates 7006751 where we left
7 off? If we could scroll up, please, Madam Clerk? That's
8 fine, thank you.

9 The last bullet under the May 22nd -- sorry,
10 April 22nd, '98 interview, we see there another friend was
11 Roger Laframboise and he hasn't seen him in 30 years.

12 **MR. HALL:** Yes.

13 **MS. LAHAIE:** You see that? All right.

14 Now, if we can turn to Bates page 7006753,
15 assignment 657, Roger Laframboise.

16 **MR. HALL:** Yes.

17 **MS. LAHAIE:** Information received from the
18 gentleman that we just -- whose statement we just reviewed.

19 **MR. HALL:** Yes.

20 **MS. LAHAIE:** And if -- I'll let you read the
21 Action Taken section under the 23rd of April, '98 and the
22 24th of April, '98.

23 **MR. HALL:** Yes.

24 **MS. LAHAIE:** So these are two interviews
25 taken with this individual, I take it.

1 **MR. HALL:** Yes.

2 **MS. LAHAIE:** And we note here that C-94's
3 name is mentioned in the second bullet from the bottom, on
4 April 23rd, '98.

5 **MR. HALL:** Yes.

6 **MS. LAHAIE:** And on April 24th:

7 "Never heard of the name Richard
8 Hickerson. Doesn't know the name [C-
9 11]."

10 Correct?

11 **MR. HALL:** Yes.

12 **MS. LAHAIE:** Okay.

13 So this statement, presumably, would be in
14 the Hickerson brief; correct?

15 **MR. HALL:** Yes.

16 **MS. LAHAIE:** I understand that a brief was
17 assembled but there just was no index for that brief
18 because it never got to the charging stage?

19 **MR. HALL:** Yeah, it never got to the --
20 because of his death, we never proceeded any further.

21 **MS. LAHAIE:** The next Bates page 754; this
22 is a name which was mentioned in the previous statement we
23 just reviewed.

24 **MR. HALL:** Yes.

25 **MS. LAHAIE:** So Jacques Lavoie is followed

1 up on and there is an interview there on the 23rd of April
2 '98.

3 MR. HALL: Yes.

4 MS. LAHAIE: Do you see that at the bottom?
5 If we could just enlarge that for him, please?

6 "Was an altar boy at St. Croix Parish
7 from 1962 to 1969. Recalls various
8 priests and their names."

9 MR. HALL: Yes.

10 MS. LAHAIE: And there are other names in
11 the final bullet, André Boucher, Fern Hamelin, Guy Lalonde,
12 Jalbert Gionet?

13 MR. HALL: Yes.

14 MS. LAHAIE: Okay. If we could turn to the
15 next page, Bates page 755? This individual was followed up
16 on, Pierre Lavoie, based on the statement of Jacques
17 Lavoie?

18 MR. HALL: Yes.

19 MS. LAHAIE: And you'll see on the bottom
20 there -- if we could enlarge -- the date of the interview
21 was May 14th, 1998?

22 MR. HALL: Correct.

23 MS. LAHAIE: He was also an altar boy until
24 he was 18 years old at St. Croix?

25 MR. HALL: Yes.

1 **MS. LAHAIE:** And at the bottom:

2 "Knew Hickerson to work at
3 Manpower."

4 **MR. HALL:** Yes.

5 **MS. LAHAIE:** "Attended École Musica;
6 doesn't recall Hickerson teaching
7 there."

8 **MR. HALL:** Correct.

9 **MS. LAHAIE:** Bates page 758, please?
10 You see assignment 662, Guy Lalonde:
11 "The basis of this interview is the
12 information received from Jacques
13 Lavoie to speak to above-noted about
14 Holy Cross."

15 And we see that an interview was conducted
16 on the 15th of May 1998; correct?

17 **MR. HALL:** Yes.

18 **MS. LAHAIE:** And the last bullet:
19 "He knows Hickerson; provided job
20 information on the radio 15 years ago."

21 **MR. HALL:** Yes.

22 **MS. LAHAIE:** And he was also an altar boy?

23 **MR. HALL:** Yes.

24 **MS. LAHAIE:** And he never went to École
25 Musica?

1 **MR. HALL:** Correct.

2 **MS. LAHAIE:** Okay.

3 The next Bates page, 759:

4 "Bertin G. Gionet, the basis for this
5 interview is information received from
6 Jacques Lavoie to speak to the above-
7 noted re: Holy Cross."

8 **MR. HALL:** Yes.

9 **MS. LAHAIE:** And there's indication there
10 that on the date of his interview, on the 13th of May '98,
11 he indicated that he didn't know Hickerson; correct?

12 **MR. HALL:** Correct.

13 **MS. LAHAIE:** Seven sixty (760), the next
14 Bates page number. Assignment 664 was to speak with
15 Jalbert Gionet based on information received from Jacques
16 Lavoie. We see that that interview is conducted on the 15th
17 of May 1998?

18 **MR. HALL:** Yes.

19 **MS. LAHAIE:** If I could ask Madam Clerk to
20 go to the bottom, please? This individual indicates that
21 he went to St. Croix for Grade 1 to 8. He never went to
22 École Musica and he doesn't know Richard Hickerson;
23 correct?

24 **MR. HALL:** Correct.

25 **MS. LAHAIE:** All this to show that you're

1 following up on the leads and following through with
2 interviewing these individuals; correct?

3 MR. HALL: Correct.

4 MS. LAHAIE: Okay.

5 Next Bates page, 761. This is an interview
6 of C-90. It's assignment 665 and if we go to the bottom,
7 there's an interview on the 11th of May 1998. And we see a
8 connection here which we've spoken of before between
9 Richard Hickerson and Nelson Barque.

10 MR. HALL: Yes.

11 MS. LAHAIE: And he met Nelson Barque at age
12 of 17 when he was on probation?

13 MR. HALL: Yes.

14 MS. LAHAIE: "Common knowledge throughout
15 probationers that Ken Seguin and Nelson
16 Barque would get sexual favours for not
17 ratting on clients."

18 MR. HALL: Yes.

19 MS. LAHAIE: C-90's brother is mentioned as
20 being a victim of Ken Seguin ---

21 MR. HALL: Yes.

22 MS. LAHAIE: --- and Richard Hickerson and
23 Nelson Barque?

24 MR. HALL: Yes.

25 MS. LAHAIE: And there is a final bullet

1 there:

2 "Doesn't know Malcolm MacDonald but
3 heard rumours that he was a
4 paedophile."

5 Would this type of statement be included in
6 Malcolm's brief?

7 **MR. HALL:** Yes.

8 **MS. LAHAIE:** Because he's mentioned?

9 **MR. HALL:** Yes.

10 **MS. LAHAIE:** Okay.

11 **MR. HALL:** I took part in that interview.

12 **MS. LAHAIE:** Next Bates page, 762. This is
13 C-90's brother. Because he was mentioned by his brother,
14 the previous statement that we just looked at, there's an
15 interview conducted of this individual on the 2nd of June
16 '98; correct?

17 **MR. HALL:** Yes.

18 **MS. LAHAIE:** And it's discovered that he was
19 abused by both Nelson Barque and Richard Hickerson and a
20 video statement is taken on June 2nd, '98; correct?

21 **MR. HALL:** You have to scroll down a little
22 bit.

23 Correct.

24 **MS. LAHAIE:** Next Bates page, 763. Oh no,
25 pardon me, 765. Based on the information from C-90's

1 brother, there's an interview taken of Richard Hickerson
2 and this is the assignment form, it records assignment
3 number 669 and he provides an unculpatory (sic) statement
4 to Constable Genier on the 11th of June '98; is that
5 correct?

6 **MR. HALL:** Yes. It was a cautioned
7 statement.

8 **MS. LAHAIE:** These are some of the
9 assignments from the Hickerson file, sir, and we see that
10 that investigation spanned from the 7th of October '97, the
11 first statement I took you to, to the date of his death in
12 June of 1998.

13 **MR. HALL:** Yes.

14 **MS. LAHAIE:** And were you comfortable that
15 the leads that you had in that matter were followed up on?

16 **MR. HALL:** Yes.

17 **MS. LAHAIE:** A similar situation, we don't
18 have an index for Nelson Barque's Crown brief either, I'm
19 not going to go through all of the statements again because
20 time is of the essence at this point. But I would like to
21 just draw your attention to Bates page 248.

22 This is C-45, who was an alleged victim of
23 Nelson Barque. I'll wait for that to come up on the
24 screen; 248, 7006248.

25 **MR. HALL:** Yes.

1 **MS. LAHAIE:** And similar to the Hickerson
2 matter if we were to go through all of the statements, this
3 is one of the alleged victims of Mr. Barque and the
4 starting point for that investigation would be in the fall
5 of '97 as well?

6 **MR. HALL:** Yes.

7 **MS. LAHAIE:** And he also passed away in June
8 of 1998; correct?

9 **MR. HALL:** Yes.

10 **MS. LAHAIE:** Okay. The final issue I'd like
11 to -- well, before I turn to the final issue, I just want
12 to review -- at the break, something was brought to my
13 attention of the briefs when we filed the indexes, the mass
14 indexes for the various briefs that were prepared, and I
15 just want to review the ones that were not proceeded with,
16 with you.

17 And I'll give you a list and you can confirm
18 whether these are briefs where charges were not proceeded
19 with: Father Cameron, Bishop LaRocque, Father Maloney,
20 Father Ostler, Brother Racine, Chris Wilson, Father
21 McDougald, Ron Leroux, and Jacques Martell?

22 **MR. HALL:** Correct.

23 **MS. LAHAIE:** Okay.

24 Turning to the final issue, sir, is the
25 issue of C-21 -- if you could go to your moniker list,

1 please?

2 MR. HALL: Yes.

3 MS. LAHAIE: That individual provided a
4 statement to police, to the OPP, in December of 1998?

5 MR. HALL: Yes.

6 MS. LAHAIE: You recall that?

7 MR. HALL: Yes.

8 MS. LAHAIE: Now, my friend, Mr. Engelmann,
9 when he questioned you about linkages, indicated that there
10 were linkages because of this individual's statements
11 between Malcolm MacDonald and Jean-Luc Leblanc. I
12 understand that C-21 was never able to provide satisfactory
13 evidence to give you reasonable and probable grounds to lay
14 charges against Malcolm MacDonald. Is that correct?

15 MR. HALL: Yes, I believe that's correct,
16 but I'd need to read the interview again just to be sure,
17 but I'm fairly certain that's correct.

18 MS. LAHAIE: If we go to the Malcolm
19 MacDonald brief at 2896?

20 MR. HALL: I don't have that any longer.

21 MS. LAHAIE: Okay.

22 THE COMMISSIONER: Just a second.

23 MS. LAHAIE: This was the one, as Madam
24 Clerk is getting it for you, this is the one that listed
25 two victims only, C-5 and C-10.

1 **MR. HALL:** Yes.

2 **MS. LAHAIE:** And C-21's name is not listed
3 as a victim of Malcolm MacDonald. Is that correct?

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

5 **MS. LAHAIE:** I understand that C-21 was of
6 the view that perhaps a lawyer had been there but was never
7 able to satisfactorily identify Malcolm MacDonald as one of
8 his alleged perpetrators or abusers. Do you recall that?

9 **MR. HALL:** Yes, I recall that. I also
10 recall that this brief would have been compiled before C-
11 21's interview was done and also Mr. MacDonald died that
12 month as well. I think his preliminary hearing was to take
13 place in January of '99.

14 **MS. LAHAIE:** I know there was some
15 confusion. I reviewed the transcript on that as well over
16 the weekend and I think it's confusion as to whether it was
17 2000 or '99, but at any rate, do you recall that C-21's
18 allegations were also a stumbling block in the prosecution
19 of Jean-Luc Leblanc?

20 **MR. HALL:** Yes.

21 **MS. LAHAIE:** And there were charges that Mr.
22 Leblanc would not plead to with respect to C-21's
23 allegations. Is that correct?

24 **MR. HALL:** Yes, exactly.

25 **MS. LAHAIE:** And C-21 is the one complainant

1 that Perry Dunlop had spoken to in the Jean-Luc Leblanc
2 prosecution. Is that correct?

3 **MR. HALL:** Yes, he met him in the mall
4 because he had taught him in school.

5 **MS. LAHAIE:** Right. And he had spoken to
6 him prior to him coming forward in December of '98?

7 **MR. HALL:** I think it was after he came
8 forward. I'm not sure. I'd have to -- I can't recall
9 whether it was before or after.

10 **MS. LAHAIE:** All right. But at any rate,
11 never were charges laid against Malcolm MacDonald with
12 respect to C-21's allegations?

13 **MR. HALL:** No.

14 **MS. LAHAIE:** And so there really was no link
15 per se between Jean-Luc Leblanc and Malcolm MacDonald was
16 there?

17 **MR. HALL:** Malcolm, I believe, attended the
18 cottage in Quebec.

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

20 **MR. HALL:** On at least one occasion.

21 **MS. LAHAIE:** As alleged only by C-21;
22 correct?

23 **MR. HALL:** Yes.

24 **MS. LAHAIE:** There were no other links
25 between these two individuals other than what C-21

1 indicated. Isn't that right?

2 MR. HALL: No, that's correct.

3 MS. LAHAIE: All right. And charges were
4 not laid in the Province of Quebec based on those
5 allegations either were they?

6 MR. HALL: I approached the police
7 department in that area and they didn't want to entertain
8 any charges.

9 MS. LAHAIE: Thank you. Those are all my
10 questions.

11 Thank you, Officer Hall.

12 THE COMMISSIONER: Thank you.

13 Mr. Carroll?

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

15 CARROLL:

16 MR. CARROLL: Good morning, sir. Good
17 morning, Mr. Hall.

18 MR. HALL: Good morning, sir.

19 MR. CARROLL: I almost did it again. I seem
20 to have a habit of standing there.

21 Mr. Hall, I'm going to canvass a number of
22 areas with you and I hope to do so before the end of the
23 lunch -- before the lunch hour commences and, in many
24 respects, you have been over some of this ground but I want
25 to get your perspective on the various issues that have

1 been raised with you.

2 The genesis of this investigation in Project
3 Truth really is the letter from Peter Griffiths, right?

4 **MR. HALL:** Correct.

5 **MR. CARROLL:** Requesting the investigation
6 into what he referred to as the "Dunlop-Bourgeois Brief"?

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

8 **MR. CARROLL:** And as a result of that
9 request to Orillia, you were tasked, along with others, to
10 undertake this investigation in the Cornwall area; correct?

11 **MR. HALL:** Yes.

12 **MR. CARROLL:** And I want to ask you a bit
13 about the mandate. Do I have it right that you and Smith
14 constructed the mandate?

15 **MR. HALL:** Yes.

16 **MR. CARROLL:** We know even with legal
17 draftsmen, sometimes the drafting of a mandate can pose
18 problems. Did you have any legal assistance, sir, in
19 developing this mandate?

20 **MR. HALL:** No.

21 **MR. CARROLL:** Perhaps that was a good thing.

22 **THE COMMISSIONER:** Only -- it's only
23 difficult for those who have to interpret it.

24 **(LAUGHTER/RIRES)**

25 **MR. CARROLL:** That's a good thought to keep

1 in mind as go through this, sir.

2 (LAUGHTER/RIRES)

3 MR. CARROLL: And, sir, in drafting the
4 mandate, was it an equal partnership, you and Smith putting
5 your heads together and generating this document? Three-
6 three-one (331) is the exhibit number.

7 MR. HALL: I probably did most of it because
8 I was going through the material and identifying the
9 different people and crafting the mandate so we could cover
10 those individuals.

11 MR. CARROLL: All right. And was it done
12 with the idea of making it as broad as possible to make
13 sure Dunlop's information was captured in the mandate?

14 MR. HALL: Yes.

15 MR. CARROLL: All right.

16 And did you have any idea at the time the
17 mandate was being drafted of how many potential victims
18 there were or witnesses that would be required to be
19 interviewed?

20 MR. HALL: I had no idea really.

21 MR. CARROLL: All right.

22 MR. HALL: Other than what was in the --
23 like we had names that we knew we had to do but, for
24 instance, we never realised that Mr. Marleau would be
25 coming forward or various other people.

1 **MR. CARROLL:** No, of course not. And of
2 course victims led to other victims in some instances;
3 correct?

4 **MR. HALL:** Correct.

5 **MR. CARROLL:** Did you make the Crown
6 Attorneys aware, as the were various Crowns that were
7 assigned to it, of the mandate, as you drafted it?

8 **MR. HALL:** Yeah, they would have been aware
9 of it, yeah, they ---

10 **MR. CARROLL:** All right. And did you ever
11 have any feedback from them, sir, with respect to any
12 problems with the drafting of it or anything of that sort?

13 **MR. HALL:** None whatsoever.

14 **MR. CARROLL:** Did you ever have any
15 questions from the Crown Attorneys about whether somebody
16 should be in or out of the Project Truth prosecutions or
17 did they raise that at all with you?

18 **MR. HALL:** No, not really. Like, there's
19 cases I turned over to Cornwall Police. I had discussed
20 some of those with the Crown Attorneys. They were aware
21 when we received the information on some of them. I
22 couldn't say all of them, but the Crowns would have been
23 aware that we were turning stuff over to Cornwall Police.
24 We also turned things over to the local detachment, and I
25 recall turning things over to Eastern Region Headquarters

1 because it was out of the local detachment's area.

2 MR. CARROLL: And when those files were
3 turned over to the different agencies, did any Crown
4 attempt to block that or say that that was a bad idea?

5 MR. HALL: No, none whatsoever.

6 MR. CARROLL: All right.

7 And you did keep them abreast -- you kept
8 the relevant Crowns abreast of that, of the transfers of
9 files?

10 MR. HALL: Well, it would come up in
11 conversation. I would write the memo, it'd gone, and they
12 never inquired after that about it.

13 MR. CARROLL: All right.

14 I'm going to ask you a little bit about the
15 ACCESS program.

16 MR. HALL: Yes.

17 MR. CARROLL: I'm not particularly computer
18 literate, but was this a program developed specifically for
19 Truth or was it an existing program that was adapted to
20 Truth?

21 MR. HALL: It was an existing program that
22 the OPP had, but we had a technician come down from Orillia
23 and adapt it to what we wanted.

24 MR. CARROLL: And, of course, the
25 technician, in order to develop the program, would have

1 needed input from police officers ---

2 **MR. HALL:** Yes.

3 **MR. CARROLL:** --- specifically you and ---

4 **MR. HALL:** Yes.

5 **MR. CARROLL:** Was Smith also involved in
6 that?

7 **MR. CARROLL:** Marion Burns was the biggest
8 one involved, because she was going to be the one using it.

9 **MR. CARROLL:** But you ---

10 **MR. HALL:** But all the officers were
11 involved in it.

12 **MR. CARROLL:** And just give us idea of what
13 your involvement was in terms of how you assisted in the
14 development of this program.

15 **MR. HALL:** Well, we basically told him that
16 we wanted to divide all our people we spoke to up into four
17 categories, and we also wanted a search capability; if
18 somebody's name came up in a statement, we could enter that
19 name and we could search and find out where it came up.
20 And we were able to cross-reference to suspects.

21 **MR. CARROLL:** And had you ever participated
22 in the development of such a program before, sir?

23 **MR. HALL:** No.

24 **MR. CARROLL:** To your knowledge, had Smith
25 ever participated in the development of such a program?

1 **MR. HALL:** I don't believe so.

2 **MR. CARROLL:** Did the OPP have in its IT
3 department an existing program that dealt with sexual
4 assault, historical sexual assault investigations, or was
5 this the first one in that area, once it was produced?

6 **MR. HALL:** It was the first one, but, I
7 mean, this could be used for different investigation, not
8 necessarily just sexual assaults. You could use it for
9 break and enters or whatever, but it was -- we had it
10 developed specifically for our purpose.

11 **MR. CARROLL:** For Truth.

12 **MR. HALL:** Yes. And I had no knowledge of
13 -- it may have been used in some other areas of the
14 province; I have no idea of that.

15 **MR. CARROLL:** Okay. I'd like to ask you a
16 little bit about Mr. Guzzo, and the issue has been quite
17 thoroughly canvassed by previous counsel. There's just one
18 area I wanted to deal with, and that is I -- it's
19 Exhibit 983. I provided the copies to you, sir.

20 And this was the letter that Mr. Guzzo sent
21 to the then-Premier Michael Harris, on -- dated September
22 18, '98. All right? And without going into all the
23 details of the letter, there is an indication in the
24 letter, a claim in the letter that as of the date of the
25 writing, being, as I said, September 18, '98, there were

1 victims that you had not interviewed in connection with the
2 Dunlop-Bourgeois brief.

3 MR. HALL: Yes.

4 MR. CARROLL: And, sir, when Mr. Guzzo was
5 here, David Sheriff Scott cross-examined him and Mr. Guzzo
6 was not able to provide even one name of a victim who had
7 not been interviewed by this date.

8 Can you confirm for us -- and access can be
9 had to the statement register that was mentioned earlier,
10 but can you confirm that all victims in the Dunlop brief,
11 as of September 18th, '98, had indeed been interviewed?

12 MR. HALL: All victims interviewed by
13 September of '98?

14 MR. CARROLL: Your people. By September
15 18th, '98, the victims contained in the Dunlop brief, had
16 they been interviewed, contrary to what Mr. Guzzo said?

17 MR. HALL: I'm thinking we had some out in
18 British Columbia, we had some of them were quite far away,
19 and I know we did some in December of '97. I think they
20 would have been all interviewed by that time, but I'd have
21 to check the records.

22 MR. CARROLL: Well, we can have access to
23 the case manager statement register to confirm that.

24 MR. HALL: Yes.

25 MR. CARROLL: I'm not going to go through

1 that process at this point, it would be too lengthy.

2 **MR. HALL:** But Mr. Guzzo never at any time
3 gave me the name of a victim.

4 **MR. CARROLL:** No, you've made that quite
5 clear, and that was despite your best efforts to get names
6 from him, I take it.

7 **MR. HALL:** Yes. Particularly when he was
8 indicating he had names.

9 **MR. CARROLL:** All right. I want to deal
10 with a couple of aspects now of the Jacques Leduc
11 prosecution, and specifically around the issue of C-16's
12 mother's evidence and the aftermath of that.

13 **MR. HALL:** Yes.

14 **MR. CARROLL:** And once the -- and I'm not
15 going to take it detail by detail, but we know that you
16 were notified as to the evidence that had been given in
17 court, you assembled materials and you came -- you were not
18 in the -- right in Cornwall at the time. You assembled
19 materials and met with Ms. Hallett, correct, and other
20 members of your service?

21 **MR. HALL:** Yes.

22 **MR. CARROLL:** And you turned those materials
23 over to Ms. Hallett?

24 **MR. HALL:** Are you referring to February
25 7th?

1 MR. CARROLL: Yeah.

2 MR. HALL: Yes.

3 MR. CARROLL: Yeah. And following a brief
4 meeting with her, there was a meeting with the defence
5 counsel.

6 MR. HALL: Yes.

7 MR. CARROLL: And again, without going into
8 all of the details of that, the defence counsel was
9 provided with the documentation you had given Ms. Hallett
10 in the meeting?

11 MR. HALL: They were shown the documentation

12 ---

13 MR. CARROLL: Shown?

14 MR. HALL: --- yes.

15 MR. CARROLL: And as a result of that and a
16 brief review of it, there were accusations made about
17 wilful withholding of disclosure by the police.

18 MR. HALL: Yes.

19 MR. CARROLL: And in a number of
20 examinations, the phrase "it's all news to me," or words to
21 that effect, were attributed to Ms. Hallett in relation to
22 this disclosure. Do you recall that actually happening?

23 MR. HALL: Yes.

24 MR. CARROLL: All right. Then the next
25 thing -- and you have told previous counsel you interpreted

1 that as her advising the lawyers, "I didn't know about that
2 stuff."

3 **MR. HALL:** Correct.

4 **MR. CARROLL:** All right. Now, the next
5 thing that happens in sequence is a meeting with you and
6 Hallett without the defence counsel there, right? And
7 other officers and ---

8 **MR. HALL:** Immediately, yes.

9 **MR. CARROLL:** Yeah. And at that point --
10 again, without going into all the detail -- you reviewed
11 from Ms. Hallett what she got and when she got it.

12 **MR. HALL:** Yes.

13 **MR. CARROLL:** And she indicates to you,
14 "Yes, I know," or words to that effect.

15 **MR. HALL:** "Yeah, yeah, yeah, I know."

16 **MR. CARROLL:** And did you take that, sir, to
17 be an acknowledgement that what she'd said earlier was
18 inaccurate, in front of the defence lawyers?

19 **MR. HALL:** Yes.

20 **MR. CARROLL:** All right.

21 **MR. HALL:** I indicated to her I didn't want
22 to embarrass her in front of defence counsel, that's why I
23 waited.

24 **MR. CARROLL:** All right.

25 **MR. HALL:** I hadn't been in court and I

1 didn't know exactly what had been said.

2 **MR. CARROLL:** There are three documents to
3 which I'm going to make very brief reference, sir, in
4 connection with this issue.

5 Twenty-eight forty-eight (2848) is a
6 letter that's already -- it was introduced on December the
7 11th here. It's a letter to Mr. Stewart from -- James
8 Stewart from Ms. Hallett. I just want to track, if I can,
9 through these documents her knowledge of the materials in
10 question. Do you have that document ---

11 **MR. HALL:** I have it on the screen.

12 **MR. CARROLL:** --- on the screen, sir?

13 **MR. HALL:** Yes.

14 **MR. CARROLL:** And the substance of it, the
15 initial part of it is the adjournment of a -- of Father
16 MacDonald's trial as a result of a new complainant coming
17 forward. And you'll note that this letter is dated April
18 19th, 2000. And if you flip over to page ---

19 **MR. HALL:** Correction; I have the 30th of
20 March 2000.

21 **THE COMMISSIONER:** Yeah, it says ---

22 **MR. CARROLL:** Have I -- oh, I'm sorry. It's
23 28 -- may I just have a moment?

24 **THE COMMISSIONER:** Sure.

25 **MR. CARROLL:** Twenty-eight forty-eight

1 (2848). I'm looking at this. I'm just looking at the
2 exhibit list that was generated by the Commission, sir, and
3 it ---

4 **THE COURT:** Sure, blame it on us.

5 **MR. CARROLL:** No, no, no, no, no, no.

6 **MR. HALL:** It wouldn't be the 19th of April
7 2000?

8 **MR. CARROLL:** It's the -- yeah, it is the
9 19th of April ---

10 **THE COMMISSIONER:** Yeah, we're just trying
11 to ---

12 **MR. CARROLL:** --- 2000. That's the date ---

13 **THE COMMISSIONER:** --- find that.

14 **MR. CARROLL:** --- but we're trying to find
15 it, because I have it listed here as -- well, that may be
16 the wrong date. April 19th, 2000.

17 **MR. HALL:** I believe it's one I requested
18 and it's entered as an exhibit.

19 **MR. CARROLL:** Mr. Engelmann's assisting,
20 sir. I wonder if you could call it up from the Bates page
21 number, 1069750. One zero -- my arms aren't long enough
22 1069750.

23 **THE REGISTRAR:** It's Exhibit 244.

24 **MR. CARROLL:** That's it.

25 **THE COMMISSIONER:** Exhibit?

1 **THE REGISTRAR:** Two-forty-four (244).

2 **THE COMMISSIONER:** Two-hundred-and-forty-
3 four (244); okay.

4 **MR. CARROLL:** Two-hundred-and-forty-four
5 (244).

6 **THE COMMISSIONER:** Two-four-four (244),
7 April 19th, 2000.

8 **MR. CARROLL:** Thank you. Thank you, Madam
9 Clerk.

10 All right, you have that now, sir?

11 **MR. HALL:** Yes.

12 **MR. CARROLL:** All right.

13 At page 2, Ms. Hallett talks about:

14 "...returning to Cornwall next week to
15 review the contents of nine boxes of
16 material that Dunlop brought into the
17 Cornwall Police Service on April 5th
18 pursuant to the order of Derochie.
19 Preliminary inventory of the contents
20 of the boxes by a Project Truth
21 investigator suggested the materials
22 are either duplicates of materials
23 already in possession of Project Truth
24 or irrelevant to Project Truth
25 prosecutions. I will satisfy myself as

1 to whether any new and relevant
2 material is contained in the boxes and
3 make the necessary disclosure to the
4 defence in the prosecutions for which I
5 am responsible and advise Crown counsel
6 on the other Cornwall prosecutions as
7 to the results of my review."

8 That letter, although sent to Mr. Stewart,
9 was cc'd to you, and you recall receiving that letter, sir?

10 **MR. HALL:** Yes.

11 **MR. CARROLL:** Did you take from her comments
12 in the second-last paragraph there that she was going to
13 review it to see what materials were relevant for any of
14 the prosecutions she was doing?

15 **MR. HALL:** That was my understanding from
16 the letter.

17 **MR. CARROLL:** All right, all right.

18 The next document -- and hopefully have
19 better luck with this one -- is the Document 2623, which is
20 the letter, also referred to as memo, that you ultimately
21 turned over to the defence on the stay application?

22 **MR. HALL:** Yes.

23 **MR. CARROLL:** Just wait till it's brought
24 up.

25 **MR. HALL:** Fourth (4th) of July, 2000?

1 **MR. CARROLL:** Yes, it's on the screen now.
2 Now, in this document, which was sent to
3 Dupuis but cc'd to you, Ms. Hallett makes reference to the
4 Perry Dunlop statement. She had received from Project
5 Truth a copy of this statement on April the 17th but then he
6 shows up in June with a copy. You recall the contents of
7 this memo, of course?

8 **MR. HALL:** Yes.

9 **MR. CARROLL:** Right. And, again, she says
10 in the second paragraph:

11 "I will review the statement and
12 appendices brought in by P.C. Dunlop on
13 June the 27th to ensure that they are
14 duplicates."

15 Did you take that to mean duplicates of the
16 material you had -- I'll just finish this question. Did
17 you take that to mean duplicates of the material that you
18 had already supplied to her?

19 **MR. HALL:** Yes.

20 **MR. CARROLL:** All right.

21 **MR. KOZLOFF:** Excuse me, Mr. Commissioner.

22 My friend seems to be going over areas that
23 were fully covered in the decision of obviously Justice
24 Chadwick and then the decision of the Court of Appeal.
25 Several objections were made last week as to whether or not

1 they should be revisited or not, and I think this matter
2 has been fully covered by the Court of Appeal decision.

3 **MR. CARROLL:** It is not for purposes of
4 challenging the findings of the Court of Appeal, it's for
5 purposes of establishing his mindset when he did what he
6 did.

7 **THE COMMISSIONER:** Okay.

8 Yes, sir?

9 **MR. KOZLOFF:** I maintain my objection. I
10 think we're going over areas that have already been fully
11 canvassed by a prior Court decision.

12 **THE COMMISSIONER:** Okay, thank you.

13 Your question again now?

14 **MR. CARROLL:** I'm sorry?

15 **THE COMMISSIONER:** What's your question?

16 Where are you going?

17 **MR. CARROLL:** Where I'm going with it is he
18 was aware of the contents of the previous document, this
19 document, and there's one further document that was
20 authored by Mr. Skurka.

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

22 **MR. CARROLL:** And it's in the context of his
23 knowledge of those documents, I want to establish why he
24 did what he did. It's not -- and what his thinking was.
25 It's not challenging the Court of Appeal at all.

1 **THE COMMISSIONER:** All right, okay. Before
2 -- so I'm going to stop you there.

3 You will be able to continue but I had one
4 comment to make with respect to Ms. Lahaie's cross-
5 examination -- yeah, just hold on one second -- and it was
6 when she stated that the time on an Askov 11(b) application
7 starts when the charge is laid and -- I'm sorry, that's
8 what you said.

9 **MS. LAHAIE:** When the information is sworn.

10 **THE COMMISSIONER:** When the information is
11 sworn, right. Well, I don't know. I think in the vast
12 majority of cases that's correct, but it's not to the
13 exclusion of pre-charge time. There are cases that have
14 dealt with pre-charge time as being -- forming part of the
15 11(b), and so I just -- and so I throw that out to you that
16 it has been counted on other occasions, so there you go.

17 Go ahead.

18 **MR. CARROLL:** In Ms. Hallett's review -- you
19 read this memo, I assume, when you got it and then before
20 turning it over to her and then turning it over to Skurka?

21 **MR. HALL:** I knew exactly it existed because
22 I discussed it verbally with Ms. Hallett.

23 **MR. CARROLL:** All right.

24 In your mind, from reading this, did you
25 form the opinion -- what view did you form with respect to

1 her review of the documentation that's mentioned in here?

2 MR. HALL: Well, it was my view that she was
3 doing a very careful review, going through page-by-page
4 basically, and that's further -- I know our offices we had
5 at the time was a small room in a basement of Headquarters,
6 and there was a boardroom adjacent to it, and I recall
7 seeing her going through the boxes and Constable Genier was
8 beside her when she did.

9 MR. CARROLL: All right.

10 And then the next document is 2646, Document
11 Number 105808, and it's a letter from Mr. Skurka -- signed
12 by Skurka. And, again, this has been entered into evidence
13 on a prior occasion, and this is -- I suppose, sir, to
14 capture the whole letter without reading it, crystallises
15 the accusations that were being made on February 7th; that
16 is, blaming the police?

17 MR. HALL: Well, there's no doubt in my mind
18 he's blaming myself and the officers for ---

19 MR. CARROLL: All right, all right.

20 MR. HALL: --- fail to disclose.

21 MR. CARROLL: Okay. So with those three
22 documents in mind, I'd just like to go back to after the
23 second meeting. That is the one with you and Hallett, the
24 other Crown, after the Skurka meeting.

25 MR. HALL: Yes.

1 **MR. CARROLL:** Were you instructed by
2 Ms. Hallett to do anything?

3 **MR. HALL:** No.

4 **MR. CARROLL:** All right.

5 And were you told at any point during that
6 meeting after the Skurka meeting that she was going to
7 clear up this issue of the accusations against the police?

8 **MR. HALL:** No. We had given her a copy of
9 the complete will say. I took the complete will say with
10 me.

11 **MR. CARROLL:** Right.

12 **MR. HALL:** So she had that after the
13 meeting.

14 **MR. CARROLL:** All right. And we know that
15 over the next couple of weeks you're certainly in and
16 around the Cornwall area; correct?

17 **MR. HALL:** Yes, we -- after this memo you're
18 referring to on the 12th of February, there was subsequent
19 memos, 14th of February, 15th of February ---

20 **MR. CARROLL:** Right.

21 **MR. HALL:** --- from defence counsel,
22 requesting various things. And I sat down with Ms. Hallett
23 and assisted her in compiling the information.

24 **MR. CARROLL:** All right.

25 Was there ever an indication from her during

1 those meetings, sir, that she was going to clear up the
2 issue of wilful withholding by the police?

3 MR. HALL: No.

4 MR. CARROLL: I understand that you had a
5 meeting with Mr. Skurka and perhaps Mr. Campbell prior to
6 your testimony.

7 MR. HALL: Yeah, requested by ---

8 MR. CARROLL: On the 20th.

9 MR. HALL: --- Inspector Smith, yes.

10 MR. CARROLL: Right. And Ms. Hallett was
11 aware of that meeting?

12 MR. HALL: Yeah. She told us to go and meet
13 with him.

14 MR. CARROLL: Okay. And was it at this
15 meeting, sir, that they again raised the issue of wilful
16 withholding by the police of disclosure?

17 MR. HALL: Yes. They wanted to know --
18 well, they were asking about what memorandums or
19 correspondence we had. They were wanting to know when we
20 received the Dunlop material and they were clearly going to
21 ask me under oath the next morning.

22 MR. CARROLL: I take it you had seen by that
23 day -- that was the 20th, I think, that meeting?

24 MR. HALL: That's the 20th.

25 MR. CARROLL: By then you had certainly seen

1 and reviewed the letter that he -- that Skurka had sent on
2 the 12th?

3 MR. HALL: Yes. We worked on it.

4 MR. CARROLL: Requiring or ---

5 MR. HALL: Yes.

6 MR. CARROLL: --- requesting, amongst other
7 things, the correspondence ---

8 MR. HALL: Actually, the court was adjourned
9 on the morning of the 20th and it was identified that I
10 would be defence witness, as well as Inspector Smith and
11 Detective Constable Dupuis, and I believe Mr. Nadeau.

12 MR. CARROLL: All right.

13 So in the course of that meeting you just
14 mentioned the memo or the July 4th letter/memo?

15 MR. HALL: I mentioned that there was
16 correspondence, yes.

17 MR. CARROLL: Okay.

18 MR. HALL: And I didn't know at that time
19 whether I thought they may have even already had it because
20 I didn't know what action Ms. Hallett had taken, if she did
21 any action on it at that point.

22 MR. CARROLL: All right.

23 In terms of what further materials she
24 turned over?

25 MR. HALL: Well, particularly that memo.

1 **MR. CARROLL:** Okay. All right.

2 **MR. HALL:** I didn't know whether she did or
3 she didn't. She never asked me anything about it and I
4 never asked her about it.

5 **MR. CARROLL:** All right.

6 And so you talked about the fact that by
7 that point you were aware you were going to have to testify
8 under oath the next day?

9 **MR. HALL:** Definitely.

10 **MR. CARROLL:** What was the purpose in
11 handing over that memo then?

12 **MR. HALL:** Because I wasn't going to lie to
13 them. They asked me if there is, I said yes, there is, so
14 it says can we have it, of course.

15 **MR. CARROLL:** All right.

16 **MR. HALL:** So, I mean, I was between a rock
17 and a hard place, you might say. And I went back to get
18 it; I intended to deliver it personally myself and
19 unfortunately we couldn't find it and I had to involve my
20 officers in that.

21 **MR. CARROLL:** Did you ever -- on that point
22 about retrieving -- giving Ms. Hallett the memo and then
23 retrieving a copy of it from her, did you give any
24 instructions to your officers to not tell her why you
25 wanted it?

1 **MR. HALL:** No, none whatsoever. Actually I
2 was in transit. I was returning home to Perth at the time
3 when I got the cell phone call that they couldn't find it
4 so I told them to go and see if they can get a copy from
5 Ms. Hallett.

6 **MR. CARROLL:** All right.

7 And, again, up to that point, did you get
8 any indication, either from Ms. Hallett or from
9 Skurka/Campbell, that Ms. Hallett had addressed the issue
10 of wilful withholding of disclosure by the police?

11 **MR. HALL:** Well, I learned on the 14th of
12 April that she had ---

13 **MR. CARROLL:** The 14th of?

14 **MR. HALL:** The 14th of February -- correction
15 -- that she had given the court indication that she was
16 taking responsibility for having it. But I wasn't there
17 that day.

18 **MR. CARROLL:** All right.

19 And when did you learn that, sir?

20 **MR. HALL:** I learned it sometime after.
21 Actually I never learned the full contents until she
22 addressed it in the stay application on February 22nd, I
23 believe, when she was -- she went through what she had said
24 to Judge Chilcott. She wanted to get to -- you know, she
25 kept asking me "Well, you were here. You heard me say

1 that." I said three times I wasn't here.

2 **MR. CARROLL:** Okay. And -- all right.

3 Well, let's leave it there.

4 There's another area I'd like to move onto
5 now, sir, and that deals with this concept of linkages and
6 clans and a ring. All right?

7 Those concepts of clan or ring are not
8 criminal concepts, are they, at least not what you're used
9 to investigating?

10 **MR. HALL:** No.

11 **MR. CARROLL:** No. And you've already given
12 us an explanation of what you thought you'd need before you
13 could publicly announce that there was a paedophile ring or
14 clan, and that is at least a couple of convictions, if not
15 more, of people acting in concert ---

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

17 **MR. CARROLL:** --- to commit acts of sexual
18 assault.

19 **MR. HALL:** Yes.

20 **MR. CARROLL:** You never did get those
21 convictions, did you?

22 **MR. HALL:** No.

23 **MR. CARROLL:** All right.

24 But in addition -- and perhaps a more
25 traditional way of looking at clans or linkages or rings is

1 the concept of conspiracy. And we know you were charged
2 with investigating a conspiracy that you -- obstruct
3 justice; that was part of the Dunlop brief, right?

4 MR. HALL: Yes.

5 MR. CARROLL: Did you uncover, from a
6 conspiracy perspective, any evidence that would support a
7 charge of conspiracy to commit sexual assault? And by that
8 I mean two or more paedophiles or alleged paedophiles
9 working in common together to achieve an unlawful purpose,
10 to wit, sexual assault?

11 MR. HALL: There was no evidence of that.

12 MR. CARROLL: There was some addressing of
13 linkages by Mr. Godin; you recall that?

14 MR. HALL: Yes.

15 MR. CARROLL: Did he ever suggest, sir, as a
16 result of those comments or his review of the files, that
17 there be conspiracy charges laid?

18 MR. HALL: No, that occurred, I believe, on
19 the 18th of May of '99 ---

20 MR. CARROLL: Yes.

21 MR. HALL: --- there was a preliminary
22 hearing. And I was -- well, we heard earlier, the media
23 got involved and I was a little upset so I discussed it
24 with him and he was just trying to articulate, I think, to
25 the judge so that they all could take place at the same

1 time, ---

2 MR. CARROLL: Right.

3 MR. HALL: --- the preliminary hearings.

4 MR. CARROLL: But at no time -- I should ask
5 you, what about McConnery or Godin or Hallett, did any of
6 them ever suggest, "We've got material here to lay a
7 conspiracy charge against two or more of these men"?

8 MR. HALL: No.

9 MR. CARROLL: Did you ever form reasonable
10 and probable grounds to believe that you could lay a
11 conspiracy charge to commit sexual assault against two or
12 more of these men?

13 MR. HALL: No.

14 MR. CARROLL: Did you ever participate in
15 any conferences or discussions with Crown counsel with
16 respect to taking Marcel Lalonde and joining him up with
17 Father MacDonald or any other accused?

18 MR. HALL: The only conversation I would
19 have had with the Crown attorney would have been Claudette
20 Wilhelm when she was requesting my involvement, and my
21 subsequent memo to her on the 28th of October of '99
22 clarified that.

23 MR. CARROLL: And we know that Lalonde
24 stayed with Ms. Wilhelm; correct ---

25 MR. HALL: Yes.

1 **MR. CARROLL:** --- as opposed to becoming
2 part of Truth?

3 **MR. HALL:** Yes.

4 **MR. CARROLL:** And we know he got two years
5 incarceration?

6 **MR. HALL:** Yes.

7 **MR. CARROLL:** Any efforts to investigate the
8 conspiracy notion that I have been talking about -- not the
9 obstruct but the sexual assault -- traditional methods of
10 investigating and detecting conspiracies would they have
11 worked in a case such as -- historical assaults such as
12 this?

13 **MR. HALL:** Well, not really. I mean ---

14 **MR. CARROLL:** For example, wiretaps or
15 whatever.

16 **MR. HALL:** Well, the allegations were 30, 40
17 years before. I mean, if you take Mr. Sauv  as an example,
18 he was legally blind at the time we charged him. We had to
19 pick him up, he couldn't get around.

20 **MR. CARROLL:** All right.

21 **MR. HALL:** We didn't have the manpower to
22 start with. I don't think I would have got authorization
23 based on something historic.

24 **MR. CARROLL:** Authorization for a wire?

25 **MR. HALL:** For a wire or any other ---

1 MR. CARROLL: Or surveillance?

2 MR. HALL: Exactly.

3 MR. CARROLL: All right.

4 And I guess the notion of using agents or
5 undercover people would not be appropriate in an
6 investigation such as this?

7 MR. HALL: No. No.

8 MR. CARROLL: And those are, as we've gone
9 through it now, some of the more traditional ways of
10 investigating a conspiracy; correct?

11 MR. HALL: Correct.

12 MR. CARROLL: I'd like to move very briefly
13 now to Jean-Luc Leblanc. And I just need to confirm -- it
14 may already be in the records, sir, but from your
15 perspective, upon receiving the information from C-21 -- if
16 you have the moniker list there I think you know who he is.

17 MR. HALL: I know who he is, yeah.

18 MR. CARROLL: On, I think, December the 17th,
19 at that point did you feel that you had reasonable and
20 probable grounds to lay a charge?

21 MR. HALL: No, it was historic in nature and
22 I wanted to do further investigation to corroborate it.

23 MR. CARROLL: All right.

24 And, sir, in December of '98 into the early
25 part of January '99 you held the rank of what, Detective

1 Sergeant?

2 MR. HALL: Yes.

3 MR. CARROLL: And the lead on this -- or the
4 chief investigator then would have been Detective Inspector
5 Smith?

6 MR. HALL: Yes.

7 MR. CARROLL: Whether you agreed with him or
8 not it was his call as to when the arrest of Jean-Luc
9 Leblanc would take place?

10 MR. HALL: Yes, he was directly involved in
11 that.

12 MR. CARROLL: I'm going to ask you a couple
13 of questions about Mr. Petepiece.

14 MR. HALL: Yes.

15 MR. CARROLL: You're familiar with that
16 name?

17 MR. HALL: I guess I was the muscle,
18 apparently, for a while.

19 MR. CARROLL: Well, that was a mistake that
20 he made, an honest mistake based on identification.

21 MR. HALL: Yes.

22 MR. CARROLL: You were aware of his
23 allegation, in effect, what it would be -- not to put too
24 fine a point on it -- it would be an invitation to sexual
25 touching today. That seems to be the thrust of his

1 evidence and his complaint; correct?

2 MR. HALL: Yes.

3 MR. CARROLL: And you were aware that that
4 was not a criminal offence known to law in Canada, at least
5 back in the '50s when this allegation apparently took
6 place?

7 MR. HALL: Yes, and I believe I articulated
8 that to him in a memo.

9 MR. CARROLL: But before sending that memo
10 out, sir, you also tasked your officers to go and do some
11 investigations?

12 MR. HALL: Yeah, I believe we went further
13 than I really was required to do because there was no
14 offence, and he had indicated there was a young person in
15 the bed next to him, he gave us the name. So I asked the
16 officer to check that out and they did and it turned out it
17 was a different hospital and no connection according to ---

18 MR. CARROLL: And you also asked them to
19 check out hospital records to see what they could do?

20 MR. HALL: Yes.

21 MR. CARROLL: All right. And the only
22 indication that this person was a member of any clergy, and
23 specifically non-Catholic clergy, was how he described
24 himself, as I understand it.

25 MR. HALL: He believed it was an Anglican

1 minister.

2 MR. CARROLL: Based on what that person
3 said.

4 MR. HALL: Yes.

5 MR. CARROLL: Now, in your letter to him --
6 I don't need it, it's 326 -- but you spoke of the alleged
7 perpetrator being a non-Catholic ---

8 MR. HALL: Yes.

9 MR. CARROLL: --- clergy as another reason
10 why you didn't think it fell within the Truth mandate. Is
11 that because you specified Roman Catholic clergy in the
12 mandate?

13 MR. HALL: Yes.

14 MR. CARROLL: And that's over and above the
15 fact that, in your view at least, there was no crime
16 committed as of that date.

17 MR. HALL: Yeah, that was -- it was derived
18 from the information from Mr. Dunlop.

19 MR. CARROLL: Right. And nonetheless, sir,
20 you didn't just write this fellow off, you told him to go
21 to Cornwall police if he wanted to further pursue it,
22 correct?

23 MR. HALL: Yes, I did. And there was
24 another complaint came in to me regarding an Anglican
25 priest and it was in Niagara falls, and I did the same

1 action: I told him to go to the Niagara Falls ---

2 MR. CARROLL: Go to the Niagara ---

3 MR. HALL: --- police.

4 MR. CARROLL: --- Falls police?

5 MR. HALL: Yes.

6 MR. CARROLL: And, sir, did you make the --
7 it seems from Mr. Petepiece's evidence, he did not go to
8 Cornwall police, he let it go there. Did you ever have a
9 request for the material that you had assembled in this
10 investigation by Cornwall?

11 MR. HALL: Not to my knowledge.

12 MR. CARROLL: Okay. Just moving to Perry
13 Dunlop for a moment -- and this may be self-evident to
14 those of us who understand the workings of a police
15 service, but for the benefit of those perhaps watching in
16 Russia or elsewhere -- the control over Dunlop, that was
17 strictly the province of the Cornwall Police; correct?

18 MR. HALL: Yes.

19 MR. CARROLL: You had no authority under the
20 *Police Act* to do anything with respect to him.

21 MR. HALL: None whatsoever.

22 MR. CARROLL: You've already described why
23 you didn't think a search warrant would be appropriate.

24 MR. HALL: That's correct.

25 MR. CARROLL: So, effectively, you were

1 relying upon the Cornwall police to try and bring this man
2 in line with respect to disclosure, interviewing victims
3 and media contacts; correct?

4 **MR. HALL:** Yes. And I recall, I think I
5 reviewed the transcript of Chief Tony Repa, and he made a
6 comment about, "We put them on notice and left them
7 hanging," and I had a little bit of difficulty with that,
8 because Cornwall Police had all the information on an
9 ongoing basis. Now, they didn't have it on a letterhead
10 from the OPP.

11 **MR. CARROLL:** Right.

12 **MR. HALL:** So it was my view that they could
13 have, anytime, taken action; they didn't have to wait as
14 long as they did.

15 **MR. CARROLL:** There's been a fair bit of
16 comment from one source or another about delays in the
17 court proceedings that actually ---

18 **MR. HALL:** Yes.

19 **MR. CARROLL:** --- got to court. In any of
20 the adjournment applications, whether it be on consent or
21 contested, did the Crown ever consult you to see what your
22 view was as to whether or not an adjournment should be
23 granted, or were you just advised of what was going to
24 happen?

25 **MR. HALL:** Well, in the Charles MacDonald

1 case, because of C-2 coming forward, I had a discussion
2 with Ms. Hallett; I preferred it would have been -- went
3 ahead or at least adjourn for a short period of time, and I
4 think that's reflected in my notes. But because of ---

5 MR. CARROLL: Yes.

6 MR. HALL: --- the issues at hand, it went a
7 lot longer.

8 MR. CARROLL: All right. Ultimately, it was
9 the Crown's call?

10 MR. HALL: Definitely.

11 MR. CARROLL: Or I guess, to be precise,
12 ultimately it was the presiding judge's call as to whether
13 to grant the adjournment or not, but ---

14 MR. HALL: Well, I ---

15 MR. CARROLL: --- it was the Crown's call as
16 to what position the prosecution took.

17 MR. HALL: The police would have the least
18 input into a decision.

19 MR. CARROLL: All right. I want to ask you
20 a couple of questions about the interviewing and
21 investigation of the OPP officers and the tapes, you recall
22 ---

23 MR. HALL: Yes.

24 MR. CARROLL: --- the videotapes? Just to
25 refresh people's memory with respect to your experience,

1 sir, I noticed you didn't -- I didn't see anything in your
2 CV about being a member of Professional Standards with the
3 OPP.

4 **MR. HALL:** Well, I never really was. It was
5 just prior to Professional Standards having specified
6 officers in the region, I was called upon to do those
7 investigations.

8 **MR. CARROLL:** So, did you in fact do
9 internal investigations, sir, for the OPP?

10 **MR. HALL:** Yes, I did, both criminal and
11 *Police Service Act.*

12 **MR. CARROLL:** That's what I was going to ask
13 you. And from time to time, did those investigations
14 result in charges being laid against your fellow officers?

15 **MR. HALL:** Yes.

16 **MR. CARROLL:** And in addition to the
17 Professional Standards duties within the OPP, did you also
18 conduct or take part in external investigations into
19 members of other police services?

20 **MR. HALL:** I did several investigations of
21 municipal police officers, some of them resulting in
22 criminal charges as well.

23 **MR. CARROLL:** All right. So that when you
24 were tasked with interviewing and checking to see if there
25 was any wrongdoing with respect to the videotapes, be it

1 with Millar or with McWade or Dussault, did you have any
2 problem approaching that task in an even-handed manner?

3 MR. HALL: No, none whatsoever.

4 MR. CARROLL: And if the evidence had led
5 you to the conclusion that there was criminal activity on
6 the part of any of the police officers involved, what steps
7 would you have taken?

8 MR. HALL: That question again, please?

9 MR. CARROLL: If the evidence as you
10 discerned it led you to the conclusion that the police --
11 the OPP had been involved in criminal activity, what would
12 you have done?

13 MR. HALL: I would have proceeded with
14 whatever was appropriate: Investigation or report it to
15 the people who could do an investigation.

16 MR. CARROLL: All right. Briefly with
17 respect to surveillance, we know that surveillance was
18 conducted with respect to Jean-Luc LeBlanc and I believe
19 there was a brief period of surveillance between Leduc
20 Number 1 and Leduc Number 2.

21 MR. HALL: Yes.

22 MR. CARROLL: All right. Was there any
23 other useful purpose that you saw, sir, in conducting
24 surveillance in any of these investigations?

25 MR. HALL: No, they were all, for the most

1 part, historic in nature.

2 MR. CARROLL: All right. With respect to
3 resources, and that's been canvassed by Commission counsel
4 in some depth, but I noted in your evidence that you said
5 from 1999 on, you spent upwards of 50 percent of your time
6 on other assignments. Sir, were those assignments that you
7 decided to do in preference to Cornwall or were they
8 mandated by Orillia, that you had to do those other
9 assignments.

10 MR. HALL: They were mandated by Orillia,
11 namely a homicide in the Collins Bay Penitentiary; a
12 homicide in a Brockville psychiatric hospital; a double
13 homicide north of Kingston. I think I laid four
14 first-degree murder charges in the first four months I was
15 in Criminal Investigation Branch.

16 MR. CARROLL: I want to ask you a little bit
17 about -- thank you. I want to ask you a little bit about
18 coordination and co-operation with other public
19 institutions.

20 MR. HALL: Yes.

21 MR. CARROLL: And specifically start with
22 the Children's Aid Society.

23 MR. HALL: Yes.

24 MR. CARROLL: I'm going to be referring, sir
25 -- it's their notice -- I'll just put them here -- Mr.

1 Abell's notes at some point. Sir, dealing with the
2 Children's Aid Society, we heard from Mr. Abell, and we
3 have a -- it's Exhibit 7 -- the Document Number is 721620,
4 and Exhibit 2462.

5 And specifically, when I take you to it, it
6 will be Bates page 705 -- sorry, 7080513 and one -- just
7 for the sake of clarity, the meeting takes place on May the
8 21st, and Mr. Abell captures the results of that meeting in
9 a note on May the 22nd.

10 MR. HALL: Yes.

11 MR. CARROLL: And, sir, we understand that
12 just -- I'll refer you to the document in a moment, but
13 there never was a written protocol established with the
14 Children's Aid Society and Project Truth; is that correct?

15 MR. HALL: We didn't establish one for
16 Project Truth, no.

17 MR. CARROLL: No.

18 MR. HALL: But I believe the detachments
19 have protocols in place.

20 MR. CARROLL: And in looking at the document
21 that has now been referred to, specifically Bates page
22 0513, you see the heading at the top there, handwritten,
23 "May 22nd, '97 Summary"?

24 MR. HALL: Yes.

25 MR. CARROLL: It's on the screen. And this

1 is, as I said, summarizing a meeting that actually took
2 place on the 21st.

3 MR. HALL: Yes.

4 MR. CARROLL: --- it's on the screen. And
5 this is, as I said, summarizing a meeting that actually
6 took place on the 21st and ---

7 MR. HALL: I would have attended but I was
8 in New Brunswick, I believe, at the time.

9 MR. CARROLL: Yeah. I take it though you
10 would have -- it's indicated that Smith, Seguin and Genier
11 attended this meeting along with Mr. Abell. You would have
12 been made aware from your officers about what was talked
13 about?

14 MR. HALL: I was aware they were there and
15 it was discussed.

16 MR. CARROLL: Okay. And specifically, sir,
17 this document outlines areas of agreement with -- as to --
18 and levels of cooperation. And I just want to ask you
19 about whether or not, in writing or not, whether these aims
20 were accomplished as between the OPP and the CAS, okay?

21 MR. HALL: Yes.

22 MR. CARROLL: The first one is that:

23 "The OPP will interview Ron Leroux
24 without us present. We can provide
25 them with questions we want answered."

1 And, in fact, that did take place; correct?

2 MR. HALL: Yes.

3 MR. CARROLL: All right. And the b) is:

4 "The OPP will give us all records of
5 interviews."

6 In fact, that was also something that was
7 done, sir? With the Children's Aid Society?

8 MR. HALL: Gave them copies of interviews?

9 THE COMMISSIONER: No, no.

10 MR. CARROLL: It says "give us records of
11 the interviews".

12 MR. HALL: Yes, yes.

13 MR. CARROLL: Yeah.

14 "c) We [being the CAS] keeping close
15 contact and OPP so as not to create any
16 coordination difficulties."

17 Did you during the currency of the Project
18 Truth investigations encounter any problems with the CAS in
19 terms of coordination or any interference from them in your
20 investigations?

21 MR. HALL: No, not to my knowledge.

22 MR. CARROLL: There was an acknowledgement
23 that they would be allowed to do their work in d):

24 "...without fear of causing any
25 problems for the police

1 investigation."

2 And you had no difficulty with the CAS
3 proceeding with the tasks that they had, sir?

4 **MR. HALL:** No.

5 **MR. CARROLL:** All right. There's -- e)
6 really is not of any moment. And f) is:

7 "We will speak to senior church
8 officials re. access of the accused to
9 kids."

10 That was a concept that you approved of,
11 sir, that the CAS would do that?

12 **MR. HALL:** Yes.

13 **MR. CARROLL:** All right. And g) is:

14 "CAS to explore treatment resources for
15 any victims who come forward."

16 And indeed the Children's Aid was of
17 assistance in getting help for those victims who did come
18 forward, sir?

19 **MR. HALL:** I believe so, yes.

20 **MR. CARROLL:** All right. And h) deals with
21 media response. And it's:

22 "CAS response to media will include a
23 public invitation to victims and
24 possible victims to come forward either
25 to the police or CAS."

1 And to your knowledge, the CAS followed up
2 on that?

3 **MR. HALL:** Yes.

4 **MR. CARROLL:** And:

5 "If the CAS is approached by victims,
6 we will take statement and encourage
7 individuals to speak to the police."

8 And:

9 "j) Police will inform victims that
10 they speak to, that they're aware that
11 police are working with CAS and the the
12 victims should talk with them."

13 So was there a mutual encouragement from
14 both agencies to assist victims as they came forward?

15 **MR. HALL:** Yes.

16 **MR. CARROLL:** And, sir, these aims that
17 we've talked about, did you encounter any difficulties with
18 the Children's Aid Society in accomplishing those aims?

19 **MR. HALL:** None whatsoever.

20 **MR. CARROLL:** Did a lack of a written
21 protocol for Truth and the Children's Aid Society cause any
22 difficulties to your knowledge?

23 **MR. HALL:** No.

24 **MR. CARROLL:** You explained, I think, in
25 detail the arrangement that you had with the Bishop as far

1 as cooperation with the Diocese as a public institution and
2 you talked about the hard way or the easy way. The hard
3 way was a bit of a hollow threat though wasn't it in the
4 sense of -- you're talking about search warrants there
5 aren't you?

6 MR. HALL: Yes.

7 MR. CARROLL: Truth be told, not to be make
8 a pun of it, but you really didn't have much in way of
9 grounds to get search warrants did you?

10 MR. HALL: No, but he didn't know that.

11 MR. CARROLL: No. I'm not criticizing you
12 for it. And I see that Justice Glaude is pondering the
13 issue of search warrant issues. Perhaps you would issue
14 it, sir.

15 I suppose it would depend on the judicial
16 officer before whom the information was brought and there
17 may be some other materials that could have been again by
18 search warrants, but for the information you were trying to
19 get, you needed the Bishop's cooperation, right?

20 MR. HALL: Yes. And I think if I had
21 determined that I -- that he wasn't really cooperating, I
22 wouldn't have hesitated to use a search warrant if it
23 became necessary.

24 MR. CARROLL: And I suppose part of the
25 information to obtain would include the fact that he's not

1 cooperating?

2 MR. HALL: That's correct.

3 MR. CARROLL: Yeah.

4 MR. HALL: Also, another reason we didn't
5 want to use search warrants is because, as you know, we
6 have file them with the court, and I had media people on a
7 number of occasions checking on them almost on a daily
8 basis to see what we were doing.

9 MR. CARROLL: Right.

10 MR. HALL: And that was one of the
11 complaints of Mr. Dunlop, that we didn't do any search
12 warrants.

13 MR. CARROLL: Okay.

14 Another institution that from-to-time you
15 had interacted with was the school boards in terms of
16 obtaining records. And I take it, sir ---

17 MR. HALL: Yes.

18 MR. CARROLL: --- the two ways of getting
19 records were either the consent of the former student or by
20 search warrant?

21 MR. HALL: Correct.

22 MR. CARROLL: When you did deal with the
23 school boards, did they put up any road blocks to your
24 investigations or intentionally try to thwart you?

25 MR. HALL: Not to my knowledge, and I'm sure

1 my officers would have advised me because they were the
2 ones doing the actual contact.

3 MR. CARROLL: All right.

4 THE COMMISSIONER: Mr. ---

5 MR. CARROLL: I was -- I'm in your hands. I
6 anticipate -- if at this pace -- I'll be done in about 15
7 to 20 minutes.

8 THE COMMISSIONER: Yes. And Mr. Engelmann's
9 got to ask some questions.

10 MR. CARROLL: Oh, yeah.

11 THE COMMISSIONER: And I have a meeting at
12 12:30, so ---

13 MR. CARROLL: Well, I guess we'll be rising.

14 THE COMMISSIONER: I guess we'll be rising.
15 Come back at 2:00.

16 THE REGISTRAR: Order; all rise. À l'ordre;
17 veuillez vous lever.

18 This hearing will resume at 2:00 p.m.

19 --- Upon recessing at 12:30 p.m./

20 L'audience est suspendue à 12h30

21 --- Upon resuming at 2:04 p.m./

22 L'audience est reprise à 14h04

23 THE REGISTRAR: Order; all rise. À l'ordre;
24 veuillez vous lever.

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 THE COMMISSIONER: Thank you. Good
3 afternoon.

4 MR. CARROLL: Good afternoon, sir.

5 THE COMMISSIONER: Yes, sir, go ahead.

6 PATRICK HALL, Resumed/Sous le même serment:

7 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

8 MR. CARROLL (cont'd/suite):

9 MR. CARROLL: Mr. Hall, I have just a very
10 few brief areas to review with you and I'll be done; I
11 expect no more than 15 to 20 minutes.

12 When you'd made a determination, sir, that a
13 given case was not going to be part of Project Truth, you
14 would refer it to another policing agency or a detachment
15 of the OPP in this area?

16 MR. HALL: Yes.

17 MR. CARROLL: Did you have any difficulties
18 in dealing with either the CPS or other OPP detachments in
19 taking those cases?

20 MR. HALL: No, none whatsoever. We would
21 also forward them any notes that we had taken in the course
22 of determining that it wasn't in our mandate.

23 MR. CARROLL: All right.

24 MR. HALL: That would be forwarded as well.

25 MR. CARROLL: And so that you did share the

1 information that your team had gathered to date with
2 respect to that individual or individuals?

3 MR. HALL: Yes. Sometimes it was a complete
4 interview.

5 MR. CARROLL: Right. And how would you --
6 and leave aside for the moment the problem with the Leduc
7 case and Ms. Hallett in February -- aside from that, how
8 would you describe the relationship, communication and
9 cooperation you had with various members of the Crown
10 Attorney's Office?

11 MR. HALL: Well, I had some difficulties
12 with Mr. Stewart.

13 MR. CARROLL: Mr. Stewart was sort of -- the
14 way it was set up was because there was no dedicated single
15 Crown on these cases, he was sort of the one that funnelled
16 them out to Crowns who would actually proceed with the
17 cases. Is that the way it worked?

18 MR. HALL: Yeah, that's correct, but what
19 I'm specifically referring to is when I was trying to get
20 some answers on where the material went to that went to the
21 Ministry of the Attorney General. I ran into some
22 roadblocks with Mr. Stewart.

23 MR. CARROLL: All right. Aside from
24 Mr. Stewart and dealing specifically with the hands-on
25 Crowns who prosecuted the various cases, how was that --

1 how were those relationships?

2 **MR. HALL:** Excellent.

3 **MR. CARROLL:** Okay. And did you have any
4 difficulty in communicating or reaching the various Crowns
5 for specific things you wanted to make inquiries about?

6 **MR. HALL:** No. No, Mr. Godin, for instance,
7 because he was from up north, he would leave his files with
8 us and we'd store them for him and, you know, if he called
9 and wanted some information we'd give it to him.

10 **MR. CARROLL:** What about the use of pagers
11 and cell phones? You of course, as police officers, would
12 be equipped with those devices.

13 **MR. HALL:** Yes.

14 **MR. CARROLL:** Did you make those numbers
15 available to the Crowns, so they could get ---

16 **MR. HALL:** Oh yes, definitely.

17 **MR. CARROLL:** All right.

18 You've told us on a couple of occasions I
19 think -- I just want to make sure -- when you say that the
20 investigations of sexual assaults was the highest priority,
21 again, why is that?

22 **MR. HALL:** Well, it's a crime against a
23 person.

24 **MR. CARROLL:** And is that a matter of OPP
25 policy that that's the highest-ranking offence?

1 **MR. HALL:** I think it should be any police
2 department's policy really.

3 **MR. CARROLL:** All right. But is it in fact
4 OPP policy, sir?

5 **MR. HALL:** I would say so, yes.

6 **MR. CARROLL:** All right.

7 With the obvious exception of Joe Dupuis'
8 notes concerning C-16's mother and that encounter they had
9 when he was picking up the tape, to your knowledge was all
10 of the disclosure, all of the materials gathered by the
11 Crowns -- by the police, rather, turned over to the
12 respective Crowns in the prosecutions?

13 **MR. HALL:** Yes.

14 **MR. CARROLL:** I'd like to ask you just a
15 couple of things about your dealings with complainants or
16 victims, or alleged victims.

17 Sir, there have been some questions about
18 keeping persons advised of the status of an investigation.
19 I'm not talking about court appearances now, I'm talking
20 about the status. Are there some inherent difficulties in
21 keeping somebody right up-to-date about the status of an
22 investigation?

23 **MR. HALL:** Some of the alleged victims moved
24 around.

25 **MR. CARROLL:** Yes.

1 **MR. HALL:** We had some difficulty locating
2 them on occasions.

3 **MR. CARROLL:** All right.

4 And would it be prudent police practice to
5 reveal the status of an investigation when it's not
6 concluded and no charges have been laid?

7 **MR. HALL:** That question again, please?

8 **MR. CARROLL:** Yes. I'm just wondering about
9 the advisability of revealing where you are in an
10 investigation to non-police personnel until the
11 determination has been made about whether charges will be
12 laid or not.

13 **MR. HALL:** Yeah, they were kept advised and
14 I know of no-one that complained about the length of time,
15 other than the Dunlops.

16 **MR. CARROLL:** All right.

17 **MR. HALL:** As the progress of the case.

18 **MR. CARROLL:** Once matters were in court,
19 did you directly or through your team members keep the
20 complainants advised of significant court dates as matters
21 moved along?

22 **MR. HALL:** Yes. I had put out a memorandum
23 to that effect to the officers.

24 **MR. CARROLL:** All right. And to your
25 knowledge did they follow the instructions to do that, sir?

1 **MR. HALL:** Yes, they did.

2 **MR. CARROLL:** And lastly in dealing with
3 victims, unlike Alfred, this project did not have a
4 dedicated victim witness assistance coordinator?

5 **MR. HALL:** No, it had none at all.

6 **MR. CARROLL:** And so I take it then that
7 those responsibilities were left to your team to the extent
8 that you could do it?

9 **MR. HALL:** Inspector -- Detective Inspector
10 Smith initiated the first contact and it was with the Men's
11 Group out of Ottawa, and they came down and then we
12 eventually got in contact with a fellow by the name of
13 Denis Lessard, who was a victim assistance coordinator out
14 of Kingston, for Eastern Ontario.

15 **MR. CARROLL:** You said "men's group", you
16 mean The Men's Project, sir?

17 **MR. HALL:** Yes.

18 **MR. CARROLL:** All right. And then ---

19 **MR. HALL:** Richard Goodwin I believe was the
20 person.

21 **MR. CARROLL:** Yes, all right. And what was
22 the purpose in contacting those gentlemen?

23 **MR. HALL:** Well, to get some organization
24 within Cornwall here so that the victims could be attended
25 to right here in the community.

1 **MR. CARROLL:** Just, sir, by way of
2 background, when you were heading that part of this project
3 up you had experience as a victim assistance sexual assault
4 coordinator for 10 District from '90 to '96, I think?

5 **MR. HALL:** Yes.

6 **MR. CARROLL:** All right. And did that
7 position, having occupied that position, make you aware of
8 some of the resources that you were able to access?

9 **MR. HALL:** Definitely.

10 **MR. CARROLL:** And, sir, in addition to that
11 assistance to complainants, we've also heard some evidence
12 about applications to the Criminal Injuries Compensation
13 Board. Did you or your team members assist alleged victims
14 in making those applications and filling out those forms?

15 **MR. HALL:** We did several of those
16 applications assistance. There was Freedom of Information
17 requests as well that we dealt with.

18 **MR. CARROLL:** On behalf of complainants?

19 **MR. HALL:** Yes.

20 **MR. CARROLL:** All right.

21 Sir, dealing with -- the team stayed
22 consistent throughout the project. Once Genier was in,
23 Dupuis was in and Seguin were in, the team stayed -- aside
24 from Smith retiring -- stayed consistent throughout the
25 project. Is that right?

1 **MR. HALL:** No. Detective Constable Seguin
2 went back to his regular duties for several months.

3 **MR. CARROLL:** And then came back?

4 **MR. HALL:** Exactly. At one point, actually
5 Dupuis and Genier went back to Lancaster because we had a
6 kind of a lull before the Court cases.

7 **MR. CARROLL:** I suppose really I should have
8 phrased it this way. There were no new members added to
9 the team?

10 **MR. HALL:** No, no.

11 **MR. CARROLL:** All right.

12 **MR. HALL:** None at all.

13 **MR. CARROLL:** All right.

14 And as their supervisor, sir, did you ever
15 have occasion to impose discipline or threaten discipline
16 to any of the team members as a result of lack of
17 performance?

18 **MR. HALL:** I wouldn't call it discipline.

19 We coached them and directed them on how to
20 take statements properly and provide briefs ---

21 **MR. CARROLL:** Get some evidence -- sorry, go
22 ahead.

23 **MR. HALL:** Provided briefs for them to -- as
24 an example.

25 **MR. CARROLL:** I think we heard some evidence

1 about Genier being counselled in particular about that
2 issue.

3 MR. HALL: Yes, it was in the course of
4 leading questions.

5 MR. CARROLL: Was there ever any time when
6 you thought a neglect of duty charge under the *Police Act*
7 would be appropriate for any of your team members?

8 MR. HALL: No, they were dedicated people.

9 MR. CARROLL: The last matter I wish to deal
10 with, sir, is actually in the form of a letter. Notice was
11 given, Madam Clerk. If I could give you those, please.
12 It's Document 705983.

13 Who is Rosalyn Train, to your knowledge?
14 What's her -- what is she?

15 MR. HALL: She's with the Ministry of the
16 Attorney General in the civil end of it, I believe.

17 MR. CARROLL: And is she a counsel?

18 MR. HALL: Yes.

19 MR. CARROLL: All right.

20 And I have produced for the Commission
21 Document 705983, which is the letter from her concerning
22 assistance that you offered in relation to cases similar to
23 Project Truth, and the letter was copied to you and to
24 Denise Dwyer, Counsel for the Legal Services Branch, MPSS.

25 THE COMMISSIONER: Exhibit 2897.

1 **MR. CARROLL:** Thank you, sir.

2 **--- EXHIBIT NO./PIÈCE NO P-2897:**

3 (705983) - Letter from Rosalyn Train to Ross
4 Bingley re. Pat Hall dated October 27, 2003

5 **MR. CARROLL:** And if I could just read from
6 the second last penultimate paragraph.

7 Having identified herself as a counsel
8 involved in related civil cases that are similar to the
9 Project Truth investigation, she says:

10 "Detective Inspector Pat Hall has been
11 of immeasurable assistance to me. His
12 knowledge of the Project Truth
13 investigation and his memory of people,
14 places and events is second to none.
15 He is recognised as the definitive
16 expert in this area and has been
17 referred to me as such by a number of
18 different police and Crown Attorney
19 sources. More importantly, he is as
20 generous, supportive, and cooperative
21 as he is knowledgeable."

22 Do you recall receiving that letter, sir?

23 **MR. HALL:** Yes, I do.

24 **MR. CARROLL:** What were you doing actually
25 together to get this letter? What support were you

1 offering?

2 MR. HALL: Well, it was in -- part of it was
3 obtaining briefs and statements that they required and some
4 of the briefs they got had been provided through Freedom of
5 Information. Of course, there's -- they're vetted to a
6 certain degree. So as to get a complete, unaltered brief,
7 I had all of them, really.

8 MR. CARROLL: All right.

9 And with the filing of that last exhibit,
10 those are the questions that I have for you, sir. Thank
11 you very much.

12 THE COMMISSIONER: Thank you.

13 Mr. Engelmann?

14 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

15 MR. ENGELMANN: Good afternoon, Mr. Hall.

16 MR. HALL: Good afternoon, sir.

17 MR. ENGELMANN: I have three very brief
18 issues to deal with just for clarification.

19 This morning, my friend, Mr. Carroll, asked
20 you a question about the notes of Mr. Abell from a meeting
21 on May 21st, 1997.

22 MR. HALL: Yes.

23 MR. ENGELMANN: And I know you weren't
24 there, but he took you through it.

25 MR. HALL: Yes.

1 **MR. ENGELMANN:** So if we could just have it
2 handy perhaps. It's Exhibit 2462, and the Bates page is
3 7080513.

4 **THE REGISTRAR:** The Bates page again,
5 please?

6 **MR. ENGELMANN:** I'm sorry, the last three
7 digits are 513.

8 **MR. HALL:** Yes.

9 **MR. ENGELMANN:** You recall, sir, Mr. Carroll
10 took you through this list, the subparagraphs that are
11 lettered?

12 **MR. HALL:** Yes, he did.

13 **MR. ENGELMANN:** And asked you whether you
14 had done this or not.

15 And with respect to number B:

16 "OPP will give us [being CAS] all
17 records of interviews."

18 You indicated that was something you did.
19 When Mr. Abell was here, he said that was something that
20 didn't happen.

21 So I'm just wondering what it is, sir, you
22 were referring to when you said "yes".

23 **MR. HALL:** How do you define records? I
24 mean, I think I asked at the time; we didn't give them any
25 statements.

1 **MR. ENGELMANN:** Okay.

2 **MR. HALL:** But the record could be the name,
3 the address, the age, the vital statistics regarding the
4 individual we're talking about.

5 **MR. ENGELMANN:** All right. So you didn't
6 give them interview reports or interview statements;
7 correct?

8 **MR. HALL:** Not to my knowledge, we didn't.
9 They may have come and reviewed them. The officers may
10 have discussed them with them, but I don't recall giving
11 them any personally.

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

13 But I recall you would have given names at
14 or about the time people were being arrested?

15 **MR. HALL:** Yes.

16 **MR. ENGELMANN:** We went through that.

17 **MR. HALL:** Yes.

18 **MR. ENGELMANN:** Okay.

19 **MR. HALL:** Some before, some after, some
20 both times.

21 **MR. ENGELMANN:** All right, thank you.

22 Sir, you were asked by Mr. Neville a
23 question about whether or not Exhibit 660A had, in fact,
24 been updated. Six-sixty-A (660A) was the typewritten
25 version of your notes, where you had transcribed your

1 contacts with the Dunlops?

2 MR. HALL: Yes.

3 MR. ENGELMANN: If you want to have it
4 handy, but it went through about sometime in the spring of
5 1999.

6 MR. HALL: That one did, but there's other
7 contacts that went to 2001.

8 MR. ENGELMANN: Okay, well, I just wanted to
9 show you another one.

10 MR. HALL: Yes.

11 MR. ENGELMANN: To ask you if that, in fact,
12 is something you prepared and ---

13 MR. HALL: Okay, yes.

14 MR. ENGELMANN: --- just for clarification,
15 and that is Exhibit 1544. I'm just wondering if the
16 witness could be shown that because I recall when we went
17 through it, Exhibit 660A, went until about May of 1999.

18 MR. HALL: Yes, it did.

19 MR. ENGELMANN: And I was certain there was
20 something that went a bit further.

21 MR. HALL: I know there were discussions
22 regarding the boxes, getting his authority to release the
23 boxes because it's privileged information. And that would
24 have been, I believe, April, 2001.

25 MR. ENGELMANN: Well, the particular one

1 that I have goes 'til April of 2000. So this may not be
2 the last version, but let's take a look at it in any event.

3 Counsel, it's Document Number 111130. It's
4 also Document 703900.

5 Sir, this one takes us past May of 1999.

6 **MR. HALL:** Yes.

7 **MR. ENGELMANN:** I think 660A would have left
8 us about three or four pages earlier.

9 **MR. HALL:** Yes.

10 **MR. ENGELMANN:** And just -- I have two
11 questions.

12 One, this would be your work; correct?

13 **MR. HALL:** Yes.

14 **MR. ENGELMANN:** I mean, you might have had
15 someone actually do the typing for you, but you would have
16 instructed ---

17 **MR. HALL:** Well, my secretary actually typed
18 it and put it on, but I think what happened is when they
19 ran it off, they got a -- they didn't use an updated
20 version.

21 **MR. ENGELMANN:** Right. And, sir, do you
22 know if this is the last copy or do you think there was one
23 that even went further?

24 **MR. HALL:** This would be the last copy, but
25 I know there was contact with him in April of 2001 because

1 of his privileged information with the boxes when the Crown
2 Attorneys were going to reproduce the nine boxes.

3 MR. ENGELMANN: All right.

4 And, sir, it's my understanding that this
5 document, 1544 was, in effect, you will say for the
6 conspiracy brief?

7 MR. HALL: Yeah, it could have been. I
8 would have to see the brief to be sure, but ---

9 MR. ENGELMANN: Well, it does say, just as
10 you'll see at the bottom of each page, it says, "will say"?

11 MR. HALL: Yes.

12 MR. ENGELMANN: "Detective/Inspector P.R.
13 Hall"?

14 MR. HALL: Yes.

15 MR. ENGELMANN: I'm not saying it's the only
16 one, but ---

17 MR. HALL: No.

18 MR. ENGELMANN: --- it certainly was a will
19 say of yours forming the conspiracy ---

20 MR. HALL: Dealing with the Dunlops, yes.

21 MR. ENGELMANN: I'm sorry?

22 MR. HALL: Dealing with the Dunlops.

23 MR. ENGELMANN: Yes. And, sir, just one
24 last area.

25 Mr. Sherriff-Scott, the lawyer for the

1 Diocese ---

2 MR. HALL: Yes.

3 MR. ENGELMANN: --- asked you several
4 questions. And one of them dealt with a phone conversation
5 I think Mr. Lee had asked you about as well dealing with
6 one of his colleagues, a Mr. Saunderson?

7 MR. HALL: Yes.

8 MR. ENGELMANN: And you might want to just
9 have handy Exhibit 2835. And you recall, sir, this is a
10 note to file that Mr. Saunderson had taken.

11 MR. HALL: I recall seeing it here, yes.

12 MR. ENGELMANN: Yes.

13 All right. Do you have that handy?

14 MR. HALL: Yes, 2nd of March, 2001?

15 MR. ENGELMANN: Right.

16 MR. HALL: Yes.

17 MR. ENGELMANN: And so Mr. Lee took you
18 through it and Mr. Sherriff-Scott took you through it. And
19 essentially at the end of his questions of you, Mr.
20 Sherriff-Scott asked you the question:

21 "So the suggestion that you were giving out information not
22 otherwise available in giving a heads-up to defence counsel
23 is simply unfounded, is it not so?"

24 And you answered, "That's true". All right?

25 And, sir, you went through a number of the

1 items in there, but the items right at the end on the
2 second page ---

3 MR. HALL: Yes.

4 MR. ENGELMANN: --- starting with:

5 "What he did indicate is that Shelley
6 Hallett, the Crown Attorney who
7 prosecuted the Leduc matter and will
8 be prosecuting the Father Charles
9 MacDonald matter, is the one who was
10 in possession of the file and will
11 ultimately make a decision as to
12 whether or not Father Maloney and
13 other members of the Diocese of
14 Alexandria-Cornwall are charged.
15 Inspector Hall advises me he's
16 complained to senior Crown Attorney
17 for the area approximately seven
18 months ago with respect to the fact
19 this decision remains outstanding."

20 And then it goes on about you indicating
21 when you provided the report to her and no decision had
22 been made.

23 Would you agree with me, sir, that at least
24 those last seven or eight lines, that's information that
25 would not have been in the public domain? Is that fair?

1 **MR. HALL:** The date's the 2nd of March 2001?
2 It would have been in the public domain because our brief
3 log was made available to CBC Radio in regards to the -- in
4 regards to the reviews that did not get done. It wasn't
5 put in a publication ban on the -- in the stay application.

6 **MR. ENGELMANN:** All right, so ---

7 **MR. HALL:** That was in February, prior to
8 that.

9 **MR. ENGELMANN:** But the fact that, for
10 example, you had complained to the senior Crown Attorney
11 about the delay, about her delay in the matter, that wasn't
12 ---

13 **MR. HALL:** No, the complaint wasn't entered,
14 but the subject of the comments was available.

15 **MR. ENGELMANN:** Those are all my questions.

16 **MR. HALL:** Thank you.

17 **MR. ENGELMANN:** Thank you.

18 **THE COMMISSIONER:** Mr. Hall, thank you very
19 much for your lengthy stay here. I wish you a good trip
20 home.

21 **MR. HALL:** Thank you.

22 **THE COMMISSIONER:** Thank you.

23 So we'll take five to switch things around. Thank you.

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

1 This hearing will resume at 2:30 p.m.

2 --- Upon recessing at 2:25 p.m./

3 L'audience est suspendue à 14h25

4 --- Upon resuming at 2:34 p.m./

5 L'audience est reprise à 14h34.

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

8 This hearing is now resumed. Please be seated. Veuillez
9 vous asseoir.

10 **MR. DUMAIS:** Mr. Commissioner, our next
11 witness for the OPP is Deputy Commissioner Chris Lewis.

12 **THE COMMISSIONER:** Thank you. Good
13 afternoon, sir.

14 **DEP. COMM. LEWIS:** Good afternoon.

15 **THE COMMISSIONER:** So welcome aboard. Yes,
16 we should swear him in.

17 **DEP. COMM. CHRISTOPHER LEWIS:** Sworn/Assermenté

18 **THE COMMISSIONER:** Thank you. Welcome
19 aboard, Mr. Lewis.

20 **DEP. COMM. LEWIS:** Thank you, sir.

21 **THE COMMISSIONER:** We provide water and
22 fresh glasses. We also provide a microphone that I'd like
23 you to keep in front of you. There is a speaker there to
24 help you hear the questions.

25 If at any time you feel uncomfortable or you

1 need a break, let me know. If there's something you don't
2 understand about what's going on, just stop and we will
3 explain it to you.

4 **DEP. COMM. LEWIS:** Thank you.

5 **THE COMMISSIONER:** All right? Thank you.
6 Go ahead.

7 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**

8 **MR. DUMAIS:**

9 **MR. DUMAIS:** All right, Deputy, if we can
10 get started by having Madam Clerk put a document in front
11 of you, which is Document Number 200304 which is your
12 career profile.

13 **THE COMMISSIONER:** Thank you.

14 That will be Exhibit 2898, personal profile of Chris Lewis
15 -- Or career profile, rather.

16 **--- EXHIBIT NO./PIÈCE NO. 2898:**

17 (200304) - Career Profile of Chris
18 Lewis

19 **MR. DUMAIS:** Now, Deputy, if we can just
20 have a quick look at some of the highlights of your career
21 with the Ontario Provincial Police, starting on September
22 25th, 1978 when you were a probationary constable with the
23 Kapuskasing Detachment. Is that correct?

24 **DEP. COMM. LEWIS:** That's correct.

25 **THE COMMISSIONER:** Excuse me. Have you ever

1 met this man?

2 MR. DUMAIS: I have. In a much different
3 time and place, sir.

4 THE COMMISSIONER: All right, okay. Some
5 things will remain unsaid.

6 (LAUGHTER/RIRES)

7 MR. DUMAIS: That's right.
8 And actually, Deputy, you must have graduated top of your
9 class to get that type of a posting right?

10 (LAUGHTER/RIRES)

11 DEP. COMM. LEWIS: Exactly, yes. It was my
12 preferred posting.

13 MR. DUMAIS: Now, you stayed a short while
14 in Kapuskasing. You were transferred as a provincial
15 constable to the Smooth Rock Falls Detachment shortly
16 afterwards. Is that correct?

17 DEP. COMM. LEWIS: That's correct.

18 THE COMMISSIONER: Was that seen as a
19 promotion?

20 (LAUGHTER/RIRES)

21 MR. DUMAIS: And then with the London
22 Detachment, where you stayed from 1982 to 1985?

23 DEP. COMM. LEWIS: That's correct.

24 MR. DUMAIS: And you were then made a
25 corporal on January 1st, 1986?

1 DEP. COMM. LEWIS: I was.

2 MR. DUMAIS: And then a detective sergeant
3 from 1988 to 1990?

4 DEP. COMM. LEWIS: That's correct.

5 MR. DUMAIS: Where you then became a
6 detective staff sergeant from September 1st, 1990 to
7 February 2nd, 1993, the first year as a -- with the
8 technical operations section and the second year with the
9 Criminal Investigative Branch.

10 DEP. COMM. LEWIS: That's correct.

11 MR. DUMAIS: On February 3rd, 1993, you
12 became a detective inspector, again with the CIB unit?

13 DEP. COMM. LEWIS: Yes.

14 MR. DUMAIS: And then on December 15th, 1997,
15 you were promoted to the rank of superintendent.

16 DEP. COMM. LEWIS: That's correct.

17 MR. DUMAIS: You became a detective
18 superintendent, again with the CIB branch, in October,
19 2000?

20 DEP. COMM. LEWIS: I did.

21 MR. DUMAIS: And remained in that position
22 until February 9, 2001, when you then became the chief
23 superintendent.

24 DEP. COMM. LEWIS: That's correct.

25 MR. DUMAIS: Stayed at that position until

1 January 18, 2004 and then you transferred from the regional
2 commander to the Administration unit. Is that correct?

3 **DEP. COMM. LEWIS:** Yes, I left Smiths Falls
4 as a regional commander and went back to Headquarters and I
5 was in charge of the Government Mobile Communications
6 Project.

7 **MR. DUMAIS:** And then in January, on January
8 1st, 2006, you became the detective chief superintendent,
9 so essentially you were a commander in Orillia.

10 **DEP. COMM. LEWIS:** That's correct.

11 **MR. DUMAIS:** Stayed there until December
12 31st, 2006. Then you became the acting deputy commissioner
13 on January 1st, 2007?

14 **DEP. COMM. LEWIS:** That's correct. I had a
15 few months of Acting Deputy Commissioner in another role
16 prior to, and January 1st, 2007 I was Acting Deputy
17 Commissioner in my present role, but I was still acting at
18 that time.

19 **MR. DUMAIS:** All right. Until you were made
20 the actual Deputy Commissioner?

21 **DEP. COMM. LEWIS:** That's correct.

22 **MR. DUMAIS:** Where you remain at that
23 position now?

24 **DEP. COMM. LEWIS:** I do, yes.

25 **MR. DUMAIS:** All right. Thank you.

1 I'll ask that you -- a new document be put
2 to you. Actually, it's a document that's already an
3 exhibit, Deputy, it's Exhibit 2576. Madam Clerk is going
4 to put -- is going to give a binder with that exhibit.

5 DEP. COMM. LEWIS: Thank you. Yes, sir?

6 MR. DUMAIS: Now, as I understand it, this
7 is an officer's report that you prepared in July, 2005. Is
8 that correct?

9 DEP. COMM. LEWIS: That is correct.

10 MR. DUMAIS: And, essentially, it sets out
11 what your involvement has been either with Project Truth
12 investigations or related investigations?

13 DEP. COMM. LEWIS: That's correct.

14 MR. DUMAIS: So if we can then just start
15 with your role in 1995 as a deputy director of the CIB
16 unit.

17 DEP. COMM. LEWIS: Yes.

18 MR. DUMAIS: I understand that you were the
19 Deputy Director and you were acting under Detective
20 Superintendent Larry Edgar at that time?

21 DEP. COMM. LEWIS: I was, yes.

22 MR. DUMAIS: And at one point-in-time, the
23 superintendent came to you and asked you to go to Cornwall
24 or to meet with Inspectors Smith and Hamelink. Is that
25 correct?

1 **DEP. COMM. LEWIS:** That is correct.

2 **MR. DUMAIS:** Can you recall what the
3 superintendent asked you to do?

4 **DEP. COMM. LEWIS:** Just to put it into
5 context, as part of my job as Deputy Director, when I
6 could, I got out and visited the inspectors of CIB just to
7 touch base and see if their needs were being met and get a
8 feel for what was going on in their investigations.
9 Didn't do that as much as I would like, but I did do it.

10 So Superintendent Edgar asked me if I -- as
11 part of my travels, I would go to meet with Detective
12 Inspector Tim Smith and Detective Inspector Fred Hamelink
13 to ensure that they were working together as they were
14 working on related investigations. I wrongfully referred
15 to these as Project Truth in my statement but they were
16 pre-Project Truth investigations, as I now know.

17 Larry Edgar's feeling was he had some
18 information that there was some discord between these two
19 CIB inspectors and that somehow they weren't working
20 cooperatively together, so I did go and meet with them
21 both.

22 **MR. DUMAIS:** Did he tell you how he had been
23 made aware of this part of the problem?

24 **DEP. COMM. LEWIS:** He did not.

25 **MR. DUMAIS:** All right. And essentially he

1 was asking you to meet with them?

2 **DEP. COMM. LEWIS:** He was.

3 **MR. DUMAIS:** And did he tell you to meet
4 with them separately?

5 **DEP. COMM. LEWIS:** He didn't give me any
6 instructions, just to speak to them, and I made the
7 decision to meet with them separately.

8 **MR. DUMAIS:** Okay.

9 And so you came down and initially met with
10 Inspector Smith firstly. Is that correct?

11 **DEP. COMM. LEWIS:** I did.

12 **MR. DUMAIS:** And perhaps it's an appropriate
13 time to file your notes, which is Document Number 733127.
14 So if we can file the new document then, Madam Clerk, thank
15 you.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2899 is police officer's
18 notes -- and whose are those notes? Are these your notes,
19 sir?

20 **DEP. COMM. LEWIS:** Yes, they are, sir.

21 **THE COMMISSIONER:** All right. And the first
22 date on them is December 6th, 1995?

23 **DEP. COMM. LEWIS:** It's actually '95, sir.
24 The document shows the second half of a diary showing the
25 calendar for the following year, but it was actually '95 --

1 -

2 THE COMMISSIONER: Right.

3 DEP. COMM. LEWIS: --- on the other page.

4 THE COMMISSIONER: Okay. Thank you.

5 --- EXHIBIT NO./PIÈCE NO. P-2899:

6 (733127) - Handwritten notes of Chris Lewis
7 dated December 6, 1995

8 MR. DUMAIS: Right, so that would be -- the
9 first relevant portion of your notes regarding this matter
10 are actually on the first page, so my understanding is you
11 would have met with Inspector Smith in Whitby on December
12 6th, 1995.

13 DEP. COMM. LEWIS: I did. Inspector Smith
14 was involved in other investigations in the Whitby area, so
15 I chose to meet him there as part of my visit and see what
16 that was all about, and subsequently have some discussion
17 with him about this other issue.

18 MR. DUMAIS: My understanding is you would
19 have met with Inspector Smith on the following day as well.
20 Is that correct, in Ottawa?

21 DEP. COMM. LEWIS: Actually that is not
22 correct. In my original statement I said that I had met
23 with both Smith and Hamelink the following day in Ottawa.
24 After I've gone through that in my mind a million times, I
25 recall now that I did not meet with them together ever.

1 I actually met with Inspector Hamelink in
2 Ottawa on the following day, December the 7th. However, he
3 was with another inspector named Detective Inspector Ken
4 Smith.

5 MR. DUMAIS: I see.

6 DEP. COMM. LEWIS: So therein lies the
7 confusion when I first made my statement from my notes, but
8 when I thought about it, I recall Ken Smith being with Fred
9 Hamelink in Ottawa.

10 MR. DUMAIS: Right. So do you recall what
11 the gist of your conversation was with both inspectors?

12 DEP. COMM. LEWIS: Well, firstly with Tim
13 Smith, based on the discussion I had with Superintendent
14 Edgar, there was no suggestion by Edgar this was a serious
15 discord issue. Otherwise he would have taken it upon
16 himself to deal with it because I really was not of higher
17 rank than these two individuals; I was of the same rank and
18 just in a little different role as deputy-director.

19 So I met with Tim and said, "What's going
20 on? You're doing an investigation in the Cornwall area.
21 Fred is, and we understand that you two are having some
22 problems of some sort." He explained the situation to me
23 and I don't recall the conversation so much as I do the
24 gist of it -- was that Fred Hamelink had upset him, in that
25 he hadn't shared some documentation with him that he had

1 promised to share with him. I don't even recall what that
2 was, other than what I've heard in recent days.

3 **MR. DUMAIS:** Right.

4 **DEP. COMM. LEWIS:** And he wasn't mad, he
5 wasn't really upset; he just was concerned that Fred had
6 made this promise and it hadn't occurred.

7 **MR. DUMAIS:** All right.

8 And were both Inspector Smith and Inspector
9 Hamelink of equal rank?

10 **DEP. COMM. LEWIS:** They were, yes.

11 **MR. DUMAIS:** All right.

12 So then you meet with Inspector Hamelink on
13 the following day?

14 **DEP. COMM. LEWIS:** I did. And in the
15 conversation with Tim Smith as well, I wanted to be sure
16 that they could continue working together. It wasn't a
17 case where, you know, "I don't want to talk to that
18 individual or I don't want to work with that individual".
19 That wasn't the case at all. I was very comfortable that
20 they could work together and work cooperatively, and that
21 this thing would be just put behind them.

22 So I met with Inspector Hamelink the
23 following day in Ottawa at the Bells Corners office that we
24 had at that time. I explained the same situation to Fred,
25 that I had been advised that there was this issue, and I

1 don't recall specifically what Fred's response to that was
2 in terms of kind of Tim's allegation that Fred didn't share
3 something with him.

4 I don't even remember that much of the
5 conversation, but once again left there with the feeling
6 that this was an issue that was behind them and there was
7 no -- I had no concern whatsoever going back and telling
8 Superintendent Edgar that there was no compromise in terms
9 of their relationship and their willingness to work
10 together. It was just a glitch of some sort along the way
11 and that it was behind them.

12 **MR. DUMAIS:** All right. And you don't
13 recall whether or not you had asked either of them to do
14 anything or to share specifically any information or any
15 briefs or any statements?

16 **DEP. COMM. LEWIS:** No. I remember
17 specifically I did not look at anything, nor did I ask them
18 to. It was just -- once again, it wasn't a case that there
19 was a huge turmoil. It was just something the
20 superintendent asked me to look into, so I did it in the
21 course of my travels, and was comfortable that it was a
22 one-off that wouldn't occur again.

23 **MR. DUMAIS:** All right.

24 And just so that we're clear, your officer's
25 report refers here to rough notes that you would have taken

1 on these two meetings. You were not able to locate any of
2 these rough notes?

3 **DEP. COMM. LEWIS:** No, I just recall
4 scribbling something on a piece of paper, and when I
5 returned to Orillia I did type out just on a piece of paper
6 for Superintendent Edgar, who wasn't in the office -- just
7 a summary of what the conversation was about and that I had
8 no concerns and we could forget about it really for all
9 intents and purposes. I gave that to him and did not keep
10 any copies of that.

11 **MR. DUMAIS:** Okay.

12 **DEP. COMM. LEWIS:** It was just a personnel
13 issue as opposed to something of an evidentiary value, in
14 my mind.

15 **MR. DUMAIS:** And, Deputy, was that the
16 extent of your reporting, simply handing the memo over or
17 do you recall meeting with the superintendent and
18 discussing the case?

19 **DEP. COMM. LEWIS:** We did have a brief
20 discussion sometime after during the course of one of our
21 workdays, but nothing in particular sticks out in my mind
22 about that.

23 **MR. DUMAIS:** All right.

24 Now, the next issue or item you identified
25 in your officer's report is a telephone conversation you

1 would have had on the 18th day of March, 1996, and if I can
2 refer you to your notes and that's at Bates page 653.

3 **DEP. COMM. LEWIS:** Yes.

4 **MR. DUMAIS:** So my understanding is you
5 would have received this call while at the CIB office. Is
6 that correct?

7 **DEP. COMM. LEWIS:** That's correct. I was
8 still the deputy director at that time.

9 **MR. DUMAIS:** And was this a chance call or
10 was the call directed to you, do you recall?

11 **DEP. COMM. LEWIS:** I don't recall.

12 **MR. DUMAIS:** Okay. My understanding is that
13 you did spoke to Mr. Silmser. Before you spoke to him, did
14 you know that name?

15 **DEP. COMM. LEWIS:** The name meant nothing to
16 me at all.

17 **MR. DUMAIS:** Right, so you take the call.
18 My understanding is he was actually looking for the
19 superintendent. Is that correct?

20 **DEP. COMM. LEWIS:** Yes. He was looking for
21 Superintendent Edgar and he wanted me to give him a
22 message.

23 **MR. DUMAIS:** And what was his concern or
24 what did he tell you?

25 **DEP. COMM. LEWIS:** Well, he mentioned that

1 he had himself been a victim of sexual assault. He said
2 that -- of course he identified himself as David Silmsen.
3 I had no idea who the gentleman was. He mentioned that
4 Chris McDonell and Mike Fagan, who were both OPP detectives
5 that I was familiar with, were going around interviewing
6 altar boys and slandering him. This was his allegation.

7 **MR. DUMAIS:** Yes.

8 **DEP. COMM. LEWIS:** He went on -- sorry, he
9 went on to say that Chris McDonell was a first cousin to
10 Father Charlie MacDonald, who I also did not know, and
11 shouldn't even be on the case and had no right to interview
12 altar boys.

13 **MR. DUMAIS:** And from that -- from the
14 information he was giving you, were you made to understand
15 that these allegations or facts or events were all stemming
16 from Cornwall?

17 **DEP. COMM. LEWIS:** Well, knowing Chris
18 McDonell and Mike Fagan, and I was aware that Mike Fagan at
19 least was working with Tim Smith in these what I call now
20 pre-Project Truth investigations in the Cornwall area I
21 knew of course that that was the case. And Chris McDonell
22 was a detective in the Long Sault area so it all made sense
23 to me that it was Cornwall based.

24 **MR. DUMAIS:** All right.

25 **DEP. COMM. LEWIS:** Or Cornwall area based I

1 should say.

2 **MR. DUMAIS:** And my understanding is that
3 you provided or you indicated to him that you did not see
4 that anything was wrong with interviewing altar boys and
5 you indicated to him that they were probably essentially
6 just following instructions from their supervisor. Is that
7 correct?

8 **DEP. COMM. LEWIS:** That's right. I made it
9 clear that they would interview who their boss, being
10 Detective Inspector Tim Smith, told them to interview, and
11 that would be Tim Smith's decision and not Mr. Silmsers.

12 **MR. DUMAIS:** But Inspector Smith's name came
13 up from Mr. Silmsers. Is that correct?

14 **DEP. COMM. LEWIS:** That's right.

15 **MR. DUMAIS:** All right. Now ---

16 **DEP. COMM. LEWIS:** Although, as I said, I
17 did know, and to be honest, right off the top of my head
18 now I don't recall whether I just put Tim Smith's name to
19 it at the time because I was familiar with what Tim was
20 doing or if he mentioned specifically Smith in the
21 beginning of that conversation. I don't recall.

22 **MR. DUMAIS:** And was Mr. Silmsers asking of
23 you that anything be done?

24 **DEP. COMM. LEWIS:** Well, he was really --
25 what he was saying was that they were slandering him, and

1 which made me think that ultimately he was making a public
2 complaint against these officers.

3 **MR. DUMAIS:** Yes.

4 **DEP. COMM. LEWIS:** So we had some -- in fact
5 I see now he did mention Tim Smith's name. But he -- I
6 asked him if he wanted to make a complaint, that I'd be
7 willing to look after that, and he didn't want to make a
8 complaint; made some other comments about Tim Smith in
9 terms of why these officers were slandering him and maybe
10 it was Smith's direction.

11 He said he would be putting in a formal
12 complaint at some point, and a lawsuit potentially, and I
13 said I could take the complaint right then and there and he
14 said he would do it later.

15 **MR. DUMAIS:** All right.

16 And some of the follow-up action that you
17 did following this call is you did communicate with
18 Inspector Smith. Is that correct?

19 **DEP. COMM. LEWIS:** I did. I advised
20 Superintendent Edgar and Inspector Smith of the call. I
21 subsequently called our Professional Standards Bureau as
22 well to let them know in case the individual called them,
23 and I also asked for some direction as to whether or not I
24 needed to initiate a complaint based on what he had said to
25 me.

1 **MR. DUMAIS:** And that would have been a
2 conversation you would have had with Mr. Thom. Is that
3 correct?

4 **DEP. COMM. LEWIS:** Mr. Don Thom, yes, who
5 was an inspector at that time.

6 **MR. DUMAIS:** And was his advice that no
7 formal complaint had actually been made?

8 **DEP. COMM. LEWIS:** Exactly.

9 **MR. DUMAIS:** Yeah.

10 **DEP. COMM. LEWIS:** And specifically
11 Mr. Silmsler had said he would complain later and that
12 Mr. Thom said that was fine, that it could go that route.

13 **MR. DUMAIS:** Do you recall your telephone
14 conversation with Inspector Smith?

15 **DEP. COMM. LEWIS:** I do not.

16 **MR. DUMAIS:** And do you recall whether or
17 not you took up with him whether Father Charlie was a
18 cousin to one of the investigating officers?

19 **DEP. COMM. LEWIS:** I do not recall
20 discussing that with Inspector Smith.

21 **MR. DUMAIS:** And then was this the extent of
22 your dealings with Mr. Silmsler on that day; he never called
23 back?

24 **DEP. COMM. LEWIS:** That was the extent of my
25 dealings, yes. No further discussions.

1 **MR. DUMAIS:** Okay.

2 Now, my understanding is that you would have
3 remained in the position of deputy director until December
4 of 1997. Is that correct?

5 **DEP. COMM. LEWIS:** No, I'll have to think
6 about that for a moment. I guess officially yes, I was
7 seconded to the Criminal Intelligence Service of Ontario
8 from April of 1996 till September of '97 but I was really
9 still the Deputy Director of the Criminal Investigation
10 Branch on paper and someone else was doing the job and I
11 was seconded to the Ministry at the CISO.

12 So my dealings with CIB over those years
13 were very -- more social and just the odd meeting. I
14 didn't actively participate in the bureau whatsoever.

15 **MR. DUMAIS:** I see. So then let me ask you
16 this then: in the summer of 1997 we know that there was a
17 meeting and Project Truth was starting up. Did you have
18 any involvement in that?

19 **DEP. COMM. LEWIS:** I did not.

20 **MR. DUMAIS:** Okay.

21 **DEP. COMM. LEWIS:** I was aware of it but I
22 did not ---

23 **MR. DUMAIS:** Okay.

24 **DEP. COMM. LEWIS:** --- have involvement.

25 **MR. DUMAIS:** Now, I understand you left then

1 in late 1997; you went to the Emergency Management Bureau.
2 Is that correct?

3 **DEP. COMM. LEWIS:** That's correct. I was
4 promoted to superintendent and started a new bureau called
5 Emergency Management Bureau.

6 **MR. DUMAIS:** Came back to the CIB unit as
7 director in October of 2000. Is that correct?

8 **DEP. COMM. LEWIS:** That's correct.

9 **MR. DUMAIS:** And my information is that you
10 would have started on October 10th. Is that ---

11 **DEP. COMM. LEWIS:** That is correct.

12 **MR. DUMAIS:** All right.

13 Now, when you become the director of the CIB
14 is there anyone that's briefing you on the outstanding
15 investigations that the CIB unit is carrying across
16 Ontario?

17 **DEP. COMM. LEWIS:** Well, the deputy director
18 of the day was Detective Inspector Klancy Grasman ---

19 **MR. DUMAIS:** Yes.

20 **DEP. COMM. LEWIS:** --- and he had been the
21 deputy director for a number of years and was really up to
22 speed on all the cases.

23 So I had several meetings with Klancy over
24 the first couple of days to get a feel for what was going
25 on, and the Project Truth jumped out at me as something

1 that was fairly significant in terms of the director's
2 position at that bureau and getting up to speed on the
3 issues within Project Truth.

4 And so I subsequently had discussions with
5 Detective Inspector Hall regarding Project Truth, just to
6 get up to speed, given there was a lot of media attention
7 to it at that time. It was heating up significantly in the
8 media.

9 **MR. DUMAIS:** There was a lot of media
10 attention when you first started up as the director;
11 correct?

12 **DEP. COMM. LEWIS:** Exactly. That first week
13 was really starting to consume me in terms of Project Truth
14 happenings.

15 **MR. DUMAIS:** All right.

16 If we can just have a look at your notes --
17 the notes you would have taken on one of these days, and
18 that's on October 12th, 2000, and that's Exhibit -- I think
19 it's 2559, the last exhibit we filed.

20 **THE REGISTRAR:** Two eight nine nine (2899).

21 **MR. DUMAIS:** Two eight nine nine (2899),
22 sorry.

23 So Bates page is 656.

24 **DEP. COMM. LEWIS:** Yes. And this --
25 unfortunately in the photocopying of this page there's no

1 date on it, so I ---

2 **MR. DUMAIS:** Correct. And actually perhaps
3 I can correct that right now.

4 There's a new document, Madam Clerk, which
5 is Document Number 200313. That, Mr. Commissioner, is just
6 to correct the fact that in the photocopying the date had
7 been cut off.

8 **THE COMMISSIONER:** So this will be Exhibit
9 2900, this officer's notes dated Thursday the 12th of
10 October, 2000.

11 --- **EXHIBIT NO./PIÈCE NO. P-2900:**

12 (200313) - Handwritten notes of Chris Lewis
13 dated 12 Oct 00

14 **MR. DUMAIS:** So just so that it's clear for
15 the record, Mr. Commissioner, that is another photocopy of
16 the original of Bates page 7127656 of Exhibit 2899.

17 **THE COMMISSIONER:** Right. Thank you.

18 **MR. DUMAIS:** All right, so on October 12th,
19 Deputy, you get to the office and then you have a telephone
20 conversation, that you noted down here on October 12th at
21 8:50, with a gentleman by the name of Frechette.

22 **DEP. COMM. LEWIS:** That's correct.

23 Frechette is Chief Wayne Frechette of the Barrie Police
24 Service ---

25 **MR. DUMAIS:** Yes.

1 **DEP. COMM. LEWIS:** --- at that time and
2 presently. He had just retired a month or so prior to that
3 as the Chief Superintendent of the Investigation Bureau, so
4 ultimately was responsible for CIB, amongst other things.

5 **MR. DUMAIS:** And do you recall whether or
6 not you initiated the call or whether the retired
7 superintendent did?

8 **DEP. COMM. LEWIS:** I don't recall who called
9 who there.

10 **MR. DUMAIS:** Okay. And what was the
11 conversation about?

12 **DEP. COMM. LEWIS:** Well, I -- and of course
13 this is my second day in the CIB director role, so once
14 again I was into Project Truth already in a big way. But
15 the gist of the conversation was that Frechette had spoken
16 to Guzzo -- I assume -- and my recollection is that that
17 was then MPP Garry Guzzo. He was not familiar with the
18 alleged four boxes of material that Guzzo spoke of. And I
19 recall that Mr. Guzzo had made some public comments
20 regarding these four boxes of material that were in the
21 possession of the OPP regarding Project Truth material.

22 **MR. DUMAIS:** All right.

23 So shortly before this telephone
24 conversation with the retired superintendent Mr. Guzzo had
25 circulated a letter, which I believe is dated October 4,

1 2000, to all members or all MPPs. Do you recall whether or
2 not you had seen a copy of that letter before your
3 conversation with ---

4 **DEP. COMM. LEWIS:** I don't recall whether or
5 not I have.

6 **MR. DUMAIS:** All right.

7 **DEP. COMM. LEWIS:** I seem to recollect I
8 did, but I really can't say for certain. I certainly have
9 seen it since.

10 **MR. DUMAIS:** All right. So then if we look
11 at the second line from the bottom, you noted the
12 following:

13 "Edgar and Fitches went to meet with
14 Guzzo."

15 **DEP. COMM. LEWIS:** That's correct.

16 **MR. DUMAIS:** So Edgar would be the
17 Superintendent Edgar, Larry Edgar. Is that correct?

18 **DEP. COMM. LEWIS:** That's correct. And
19 Fitches would have been Superintendent Bob Fitches, who
20 since retired from the OPP, and I don't remember
21 specifically what his role was at that time or why he would
22 have been involved. I know he was right around that time
23 conducting a review of our corporate communications area,
24 so maybe he was involved for some media relations
25 perspective, but I'm just guessing.

1 **MR. DUMAIS:** Okay. And was it your
2 understanding from this telephone conversation that they
3 would have actually met with Mr. Guzzo?

4 **DEP. COMM. LEWIS:** That was what
5 Superintendent -- Retired Chief Superintendent Frechette
6 was telling me.

7 **MR. DUMAIS:** Okay. And the next line after
8 that reads as follows:

9 "Saw no point in meeting with Guzzo as
10 Hall assured him he had the documents,
11 four binders, not boxes Guzzo was
12 referring to."

13 **DEP. COMM. LEWIS:** That's correct. And that
14 was Frechette saw no point in him meeting with Guzzo. I
15 recall that Guzzo had said something in some documentation
16 or publicly around Chief Superintendent Frechette not
17 meeting with him, and Frechette was explaining he didn't
18 see any point in meeting with him.

19 **MR. DUMAIS:** Okay. Do you recall whether or
20 not you were asking him whether or not you should meet with
21 Mr. Guzzo, or whether or not that was on your mind at that
22 time?

23 **DEP. COMM. LEWIS:** I don't know if it was on
24 my mind that day but within hours it was, but I certainly
25 don't recall whether or not I asked Frechette his opinion

1 on that.

2 **MR. DUMAIS:** All right, okay.

3 Is it fair to say that after your telephone
4 conversation with Mr. Frechette that you're satisfied that
5 he did not have to meet with Mr. Guzzo?

6 **DEP. COMM. LEWIS:** That he did not; he had
7 seen no point, but that was back in his time as an OPP
8 officer.

9 **MR. DUMAIS:** Okay.

10 **DEP. COMM. LEWIS:** I certainly was thinking
11 very shortly thereafter that I would meet with Mr. Guzzo
12 myself to try and bring some clarity to these things.

13 **MR. DUMAIS:** Okay.

14 **DEP. COMM. LEWIS:** And I do recall as well
15 that the comment about the binders, not boxes -- and I
16 recall getting this information from Detective Inspector
17 Hall that although Guzzo was referring to boxes of
18 material, it was actually binders of material ---

19 **MR. DUMAIS:** Yeah.

20 **DEP. COMM. LEWIS:** --- in reference to
21 whatever the specific instance was.

22 **MR. DUMAIS:** All right. I am going to ask
23 you to look at another document, Deputy, which is Document
24 Number 726268.

25 And perhaps, Madam Clerk, the following

1 document as well; so 726269.

2 **THE COMMISSIONER:** Thank you.

3 So Exhibit 2901 is a memorandum dated
4 October 12th, 2000 to the Bureau Commander, Investigative
5 Bureau, and signed C.D. Lewis.

6 --- **EXHIBIT NO./PIÈCE NO P-2901:**

7 (726268) - Memorandum from Chris Lewis to
8 Bureau Commander re: Memorandum from Gary
9 Guzzo dated 12 Oct 00

10 **THE COMMISSIONER:** And then the next exhibit
11 is Exhibit 2901, which is OPP response to the "Facts"
12 portion of document.

13 --- **EXHIBIT NO./PIÈCE NO p-2902:**

14 (726269) - OPP Response to the 'Facts'
15 Portion of Document undated

16 **MR. DUMAIS:** So if we can start with the
17 first document first, which is your memo, and you'll note,
18 Deputy, that it has the same date as the note of your
19 conversation with Mr. Frechette, October 12th, 2000. Do you
20 recall that memo?

21 **DEP. COMM. LEWIS:** I do.

22 **MR. DUMAIS:** And you would have sent it to
23 the bureau commander, which I believe was Superintendent
24 Crane. Is that correct?

25 **DEP. COMM. LEWIS:** It was Chief

1 Superintendent Dave Crane, yes.

2 **MR. DUMAIS:** Chief Superintendent.

3 Was he chief at that time? Do you recall?

4 **DEP. COMM. LEWIS:** He was. He had just been
5 the director of CIB and was promoted to chief
6 superintendent and I took his job.

7 **MR. DUMAIS:** Okay.

8 And essentially your memo does not contain a
9 lot of information other than the fact that it refers to
10 Mr. Guzzo, but it does indicate that there are attachments.
11 And if you can just look at the second document and perhaps
12 tell us whether or not this is what you would have attached
13 to your memo.

14 **DEP. COMM. LEWIS:** I recall the second
15 document. I don't remember whether -- because there was at
16 least two iterations of this very similar material -- I
17 can't say without a doubt this was the attachment, but it
18 was very similar, in that it was something Pat Hall had
19 prepared or had prepared for me. And it was -- basically
20 related to the Guzzo letter that outlined a lot of things
21 that were critical of the OPP and the Project -- the
22 investigations in the Cornwall area, and Pat had actually
23 outlined the reality behind the different statements or
24 associated to those different statements. So I was
25 saying to my Chief Superintendent, "Here's kind of the

1 allegations that were made and here's Pat's responses to
2 that."

3 **MR. DUMAIS:** All right.

4 And I'm not going to ask you to go through
5 the -- well, all the issues that were raised by Mr. Guzzo.
6 Mr. Guzzo has testified and Inspector Hall has testified as
7 well on his position on all of these issues.

8 But certainly, was there a decision made at
9 one point in time to have you addressing some of these
10 issues directly with Mr. Guzzo?

11 **DEP. COMM. LEWIS:** Well, I was -- my
12 suggestion to my chief was that we needed to meet with Mr.
13 Guzzo and we needed to point out to him that the public
14 statements he was making were not accurate.

15 **MR. DUMAIS:** M'hm.

16 **DEP. COMM. LEWIS:** For a variety of reasons
17 we needed to point out the inaccuracies to him and
18 hopefully in an attempt to have him stop saying things that
19 were inaccurate to the public.

20 **MR. DUMAIS:** All right.

21 **DEP. COMM. LEWIS:** That was part of the
22 thinking. So this was really in preparation for that and
23 as well it was in preparation for -- my other thought was
24 that we need to make some public statements around the
25 OPP's involvement in Project Truth and ultimately clear the

1 air because there was misinformation being put out by Mr.
2 Guzzo that caused me a lot of concern.

3 Number one, victims in the community that we
4 had been dealing with, hearing things that really said the
5 OPP didn't have a clue what they were doing, and totally
6 false statements, and confusing victims and potential
7 witnesses and potential victims that had yet to come
8 forward.

9 And I was very concerned that these
10 statements were being made and causing these misperceptions
11 out there. And, as well, our own people were tired of
12 being beaten up by the media by Mr. Guzzo -- and all the
13 inaccuracies.

14 So my plan was let's go out ourselves.
15 Let's have a press conference and let's correct everything
16 he has said and point out to the public that it's not
17 accurate. I shouldn't say everything, but the vast
18 majority of what he said was inaccurate.

19 **MR. DUMAIS:** And is this part of a larger
20 discussion? Are you exchanging these thoughts with anyone
21 else from the CIB?

22 **DEP. COMM. LEWIS:** Pat Hall, Klancy Grasman,
23 the deputy director; Marilyn Murray, who was the director
24 of our Corporate Communications and Media Relations area at
25 the time, a former media employee; and Dave Crane, my boss.

1 And of course he was having discussions with his boss, the
2 deputy commissioner, and there was a lot of -- not an easy
3 thing to do to go out and really publicly challenge someone
4 who is a former judge and a Member of Provincial
5 Parliament, but it needed to be done, in my view.

6 **MR. DUMAIS:** All right.

7 **DEP. COMM. LEWIS:** So I was starting to pave
8 the way for that to occur.

9 **MR. DUMAIS:** And my understanding is that in
10 preparation for such a meeting you did set up a meeting
11 with Inspector Hall on October 16th. Is that correct?

12 **DEP. COMM. LEWIS:** Yes.

13 **MR. DUMAIS:** I'm looking at your notes
14 again, Deputy, at Bates pages 658.

15 **DEP. COMM. LEWIS:** That's correct, Monday
16 the 16th of October, my second week as the director of CIB.

17 **MR. DUMAIS:** Do you recall whether or not
18 this meeting would have occurred at head office?

19 **DEP. COMM. LEWIS:** It did; it occurred in my
20 office at General Headquarters in Orillia.

21 **MR. DUMAIS:** All right.

22 And a number of people were involved in this
23 meeting?

24 **DEP. COMM. LEWIS:** That's correct.

25 **MR. DUMAIS:** And essentially the meeting

1 would have started out with Inspector Hall briefing you on
2 some of the events or occurrences in his Project Truth
3 investigation over the last couple of years?

4 **DEP. COMM. LEWIS:** That's right. He walked
5 me through time basically from his role under Tim Smith and
6 then his role as the case manager of Project Truth.

7 **MR. DUMAIS:** So then he started up with some
8 of the events that occurred in 1994, so the investigation
9 that Inspector Hamelink conducted and the investigations
10 that Inspector Smith conducted as well.

11 **DEP. COMM. LEWIS:** That's ---

12 **MR. DUMAIS:** And you were somewhat familiar
13 with that, in that you had dealt with both Inspector
14 Hamelink and Smith way back when, in 1995, right?

15 **DEP. COMM. LEWIS:** Yeah, very loosely
16 familiar with it; just the gist of what they were doing,
17 but not nothing more than that. But he did walk me through
18 that and right through from 1994-95 up 'til 2000.

19 **MR. DUMAIS:** And if I can then just ask you
20 to look at the second -- or the entry at 659, it's about
21 six or seven lines down. You'll note there's a little star
22 there. It reads as follows:

23 "Detective Inspector Hall is confident
24 that Hamelink and Smith's investigation
25 was quite thorough."

1 So this is something that Inspector Hall was
2 telling you?

3 **DEP. COMM. LEWIS:** That's correct.

4 **MR. DUMAIS:** All right.

5 And then a couple of lines down, there's a
6 date there, '97, and the next lines read as follows:

7 "Also on February 7th, '97, Ron Leroux
8 comes to Orillia OPP with lawyer.
9 Gives video statement. Implicate
10 Bishop, other clergy, Cornwall citizen,
11 PSB person..."

12 -- et cetera, et cetera.

13 So this is all news to you at that time,
14 Deputy?

15 **DEP. COMM. LEWIS:** Yes, it is.

16 **MR. DUMAIS:** So if I can just ask you to
17 look at the next page, so Bates page 660.

18 And about mid-page he would then have
19 explained to you that Inspector Smith had been assigned as
20 project manager and that Inspector Hall at one point-in-
21 time had taken over from him?

22 **DEP. COMM. LEWIS:** That's correct.

23 **MR. DUMAIS:** And towards the bottom of that
24 page there's a few comments made by a gentleman by the name
25 of Perry Dunlop. So if I'm reading your notes, it's the

1 third bullet from the bottom:

2 "Victim came forward either through
3 Perry Dunlop, media publicity, etc."

4 Next bullet:

5 "Some controversy around at least one
6 of the victims Dunlop found. Claims
7 Dunlop put words in his mouth. Said so
8 under oath."

9 So here Inspector Hall is explaining to you
10 some of his views on a gentleman by the name of Perry
11 Dunlop. And, again, did you know that name before
12 Inspector Hall was giving you this summary?

13 **DEP. COMM. LEWIS:** I was familiar with Perry
14 Dunlop, yes. I spent two years here in Cornwall, from '93
15 to '95, working a joint forces operation involving
16 smuggling issues and worked closely with Cornwall Police
17 and the RCMP.

18 And, of course, that '93 to '95 period,
19 there was some activity here in the media in terms of some
20 ongoing investigations, and I don't know if I heard Perry's
21 name at that time or just through my in-and-out of the
22 Cornwall Police building on a regular basis, but I knew
23 right away when he was and that he was a Cornwall police
24 officer.

25 **MR. DUMAIS:** All right.

1 And then on the next page, about five lines
2 down from the top, again Inspector Hall is relating some of
3 the facts with respect to Perry Dunlop and victims:

4 "He indicates very few came to the
5 intention of Paul..."

6 I believe that word is "via Dunlop". Is that
7 correct?

8 **DEP. COMM. LEWIS:** That's correct.

9 **MR. DUMAIS:** All right. And then he
10 continues on:

11 "Two suspects relate to Dunlop, 10 or
12 12 count, 7 victims of..."

13 I believe that's "35". Is that correct?

14 **DEP. COMM. LEWIS:** It is, yes.

15 **MR. DUMAIS:** All right. So, again, he's
16 continuing on summarizing what Project Truth is all about.
17 Is that correct?

18 **DEP. COMM. LEWIS:** Correct.

19 **MR. DUMAIS:** And then the second bullet from
20 the bottom he's indicating as follows:

21 "Accused persons knew each other in
22 some cases. No evidence of any
23 organized pedophile ring."

24 And then parentheses:

25 "(Passing kids between them, etc.)"

1 **DEP. COMM. LEWIS:** That's correct.

2 **MR. DUMAIS:** Do you recall what Inspector
3 Hall was saying on that matter?

4 **DEP. COMM. LEWIS:** Well, that's a four-line
5 summary of a much longer conversation, of course. But
6 there were some allegations, of course, by Mr. Guzzo that
7 there was an organized pedophile ring in Cornwall.

8 So I was asking Pat to explain that to me.
9 What the investigation found, was there any elements of
10 conspiracy or, you know, people working together to commit
11 these things. And he explained to me that there was not.

12 **MR. DUMAIS:** All right. But I mean --

13 **DEP. COMM. LEWIS:** In his view.

14 **MR. DUMAIS:** Yes.

15 I guess my more specific question is, I'm
16 just trying to understand what you put in parentheses
17 there. Is he saying -- is he saying, "No, there's no
18 organized pedophile ring, there's passing kids between
19 them", or "There's none of that, so therefore there's no
20 pedophile ring"? Do you understand my question?

21 **DEP. COMM. LEWIS:** Well, just knowing the
22 way I make notes, the "no evidence" was there was no
23 passing of kids between them, et cetera.

24 **MR. DUMAIS:** Okay. So that's your
25 recollection then?

1 **DEP. COMM. LEWIS:** Exactly.

2 **MR. DUMAIS:** Now, I'm looking at the
3 following page, so that's Bates page 662.

4 **DEP. COMM. LEWIS:** Yes.

5 **MR. DUMAIS:** Last four lines. So I'll just
6 read them out:

7 "Need a legal opinion from Crown law.
8 Briefs left 22 September '99 with Crown
9 law, Shelley Hallett; others in July,
10 2000. Promised to be done by end of
11 October. Need to meet with Guzzo as
12 soon as possible."

13 So were you made to understand that
14 Inspector Hall was waiting for a number of opinions from
15 Crown law?

16 **DEP. COMM. LEWIS:** I was. In fact, we had
17 considerable conversation about that and on a number of
18 occasions, including that day.

19 **MR. DUMAIS:** And was Inspector Hall
20 essentially telling you that essentially Project Truth was
21 winding down their investigation and they were simply
22 waiting for the opinion letters from Crown law?

23 **DEP. COMM. LEWIS:** That's correct, sir.

24 His -- what he explained to me, and I
25 remember it well, was that we had done -- we, the OPP, have

1 investigated all we can at this point.

2 Unless further victims or witnesses come
3 forward, there is nothing else we can do investigatively
4 and that we are waiting for the legal decision on these
5 briefs he had submitted before any next steps in terms of
6 any judicial process or any other work in preparation for a
7 trial, if that occurred.

8 **MR. DUMAIS:** All right. And were you made
9 to understand that the hold-up, according to Inspector
10 Hall, appeared to have been the opinions from Crown law
11 that were delayed?

12 **DEP. COMM. LEWIS:** That's correct.

13 **MR. DUMAIS:** All right.

14 **DEP. COMM. LEWIS:** And Pat also advised
15 me -- and I wasn't familiar with this process until he
16 explained it to me -- that there was an agreement in the
17 case of Project Truth that investigative briefs would go to
18 Crown law for review.

19 And that agreement was with Mr. Peter
20 Griffiths, who I was familiar with from Crown law, and that
21 they would be reviewed in terms of, if my memory serves me
22 correct, reasonable -- or, whether or not there was
23 reasonable and probable grounds to lay a charge and whether
24 there was a likelihood of conviction.

25 **MR. DUMAIS:** All right.

1 **DEP. COMM. LEWIS:** Which was new to me and I
2 certainly -- I always felt strongly, and still do, the
3 police make decisions whether there's reasonable and
4 probable grounds. But in that case, it was an agreement
5 between Crown -- the Crown Attorneys and the OPP to go that
6 route.

7 **MR. DUMAIS:** And just if I can ask you to go
8 just a couple of bullets down, so that's the fourth bullet
9 on that same page, Bates pages 663. It reads as follows:

10 "Pat Hall to prepare chart on Guzzo
11 issues and our facts in response..."

12 And then it reads as follows:

13 "...possibly for internet and intranet
14 posting."

15 Can you just explain to me what that means,
16 "internet and intranet postings"?

17 **DEP. COMM. LEWIS:** Intranet is an internal
18 version of the web basically within the Ontario government
19 and within the OPP that only employees can access, so it's
20 not a public domain issue like the internet would be.

21 As part of my thinking around a
22 communications strategy on this, we needed to touch a
23 variety of audiences, one being the public -- potential
24 victims, those actual victims, witnesses and suspects --
25 who needed to get the message loud and clear out there that

1 the OPP were doing a thorough job and had done a thorough
2 job.

3 And we needed to reassure victims and
4 witnesses that they were in good hands with us as opposed
5 to what was being said publicly, as well as send a message
6 to any suspects out there that we're out there doing our
7 job effectively and we will be coming for them.

8 **MR. DUMAIS:** All right.

9 **DEP. COMM. LEWIS:** And so to get that
10 message out, with our own internal audience, I thought
11 maybe he could actually put some responses to Guzzo's
12 allegations on both the internet for public consumption and
13 the intranet for our own internal consumption.

14 **MR. DUMAIS:** All right. And do you know
15 whether or not that was ever discussed again or was
16 anything ever posted on your web site?

17 **DEP. COMM. LEWIS:** I don't know that it was
18 ever posted on the web site. We didn't do as much of that
19 then as we do now. It was a little rarer then. But some
20 months later, of course, I left and got a little bit out of
21 touch with the communication strategy that we were
22 developing. And I'm sure we'll get to what happened to the
23 development of that in the next few minutes.

24 **MR. DUMAIS:** And when you're mentioning this
25 internet posting, by that you mean the OPP has a website

1 and anyone can access that web site and you can post -- you
2 can post issues or answers or replies on that website. Am
3 I ---

4 **DEP. COMM. LEWIS:** On the intranet website,
5 yes. On both, no, you can't. It's just the audience is
6 different, so what we put on our own internal may be things
7 our own people need to know about -- the social functions,
8 retirements or policy issues.

9 On the internet we have recruiting
10 information, information about the organization, and media
11 releases do go out on our website.

12 **MR. DUMAIS:** I see.

13 **DEP. COMM. LEWIS:** Once again, not as often
14 then as now.

15 I was really gearing up for a media strategy
16 here. I wanted to get the facts out as opposed to the
17 misinformation that was out there.

18 **MR. DUMAIS:** And clearly by that time -- and
19 by that I mean December, sorry, October 16, 2000 -- a
20 decision had been to meet with Mr. Guzzo. Is that correct?

21 **DEP. COMM. LEWIS:** That's correct.

22 **MR. DUMAIS:** And my understanding is that
23 arrangements were made to meet with him on November 22nd of
24 that year. Is that correct?

25 **DEP. COMM. LEWIS:** That is correct.

1 **MR. DUMAIS:** And do you know who made the
2 arrangements?

3 **DEP. COMM. LEWIS:** Pat Hall ultimately did.
4 I asked him to specifically talk to our Queen's Park
5 security people to let them know we'd be in the building
6 because that was an established protocol. You just didn't
7 show up and interview Members of Parliament as the police
8 without the Speaker of the House knowing, so that would --
9 I asked Pat to do that and to make arrangements and he got
10 back to me with a time and we arranged to meet and carry
11 forth.

12 **MR. DUMAIS:** Okay. You actually did meet
13 with him?

14 **DEP. COMM. LEWIS:** We did.

15 **MR. DUMAIS:** And if I could just ask you to
16 take a quick look at your notes at Bates page 665.

17 **DEP. COMM. LEWIS:** Yes, sir.

18 **MR. DUMAIS:** So it appears that at 10:30
19 you're at Queen's Park. At 11:00, you're meeting with MPP
20 Garry Guzzo. You would have met in his office. Is that
21 correct?

22 **DEP. COMM. LEWIS:** We did.

23 **MR. DUMAIS:** And at the following Bates
24 page, 666, there's an entry that reads as follows:

25 "11:20: Ottawa-Orleans Riding MPP

1 attended and sat in."

2 **DEP. COMM. LEWIS:** That's correct.

3 **MR. DUMAIS:** And do you recall whether or
4 not that would have been Mr. Coburn?

5 **DEP. COMM. LEWIS:** It was. I didn't know
6 him at the time but it was Brian Coburn.

7 **MR. DUMAIS:** And do you recall what the
8 purpose for him attending the meeting was?

9 **DEP. COMM. LEWIS:** I don't recall the
10 purpose. I recall thinking that Mr. Guzzo just wanted
11 someone else in the room to ---

12 **MR. DUMAIS:** Yes.

13 **DEP. COMM. LEWIS:** --- be a witness.

14 **MR. DUMAIS:** Right. And you're indicating
15 here 11:20, so he came in a little after the meeting
16 started?

17 **DEP. COMM. LEWIS:** That's right. We'd
18 already begun.

19 **MR. DUMAIS:** And can you just give us a
20 general idea of the tone of the meeting and what issues
21 were being discussed with Mr. Guzzo?

22 **DEP. COMM. LEWIS:** I certainly can. The
23 tone of the meeting -- well, I started the conversation off
24 with Mr. Guzzo. I explained that -- who Pat was -- of
25 course he was aware; what my role was in the organization

1 and that we were very concerned about him giving
2 misinformation out to the legislature, to the public and
3 the media; and that I wanted to -- I wasn't being
4 accusatory with him. My goal was to get him to stop.

5 So the conversation was very friendly and
6 professional. I just said, "Sir, you've been fed
7 misinformation". I wasn't suggesting he was lying; I was
8 suggesting someone was giving him information that wasn't
9 true and he was in turn passing it on, and that I wanted to
10 walk him through what he had been saying and walk him
11 through what the truth was in relation to those different
12 things.

13 And then I turned that over to Pat. Of
14 course, Pat knew the case inside and out, intimately, and
15 so anything to do with the subject matter of what had been
16 done and what not, Pat carried that conversation.

17 **MR. DUMAIS:** Am I correct in understanding
18 that you would have dealt with the issues that are found in
19 Mr. Guzzo's letter?

20 **DEP. COMM. LEWIS:** That's right, in that
21 chart that we looked at a few moments ago.

22 **MR. DUMAIS:** Okay. So as you're -- and
23 you're dealing with some of these issues. Some of these
24 issues, you're providing no response.

25 Like, for example, he wanted to know why two

1 of his letters to the Premier had not been answered, and
2 you indicated that you guys had nothing to do with that.
3 Is that correct?

4 **DEP. COMM. LEWIS:** And I don't recall that
5 specifically but that would have been my response if that
6 question had come up.

7 **MR. DUMAIS:** All right. And as you're
8 dealing with these different issues with Mr. Guzzo, is he
9 agreeing with you or is he disagreeing with you?

10 **DEP. COMM. LEWIS:** Just to describe the --
11 kind of the feeling in the room, initially, Mr. Guzzo was
12 fairly -- I could tell he seemed fairly uptight that we
13 were coming to speak to him, even though it was a very
14 professional, very nice conversation really. But as we
15 started to explain things, to be very candid, he was
16 slumping in the chair the more Pat talked and explained the
17 facts as opposed to what he was saying.

18 He said very little. Pat walked him through
19 it. He asked the odd question but really did not talk
20 much. He listened and Pat and I talked; mostly Pat.

21 Asked a couple of little questions that I
22 recall. Pat answered them with confidence and the gist of
23 the conversation was at the end that he apologized for
24 saying the things he'd said about the OPP.

25 **MR. DUMAIS:** M'hm. And one of the comments

1 that you noted down at the end of this meeting is that he -
2 - and let me just read you the actual notation.

3 So the second bullet from the bottom:

4 "At the end, he apologized for publicly
5 criticizing the OPP. Admitted had
6 reviewed the tape of his speech and was
7 critical of OPP but meant to criticize
8 CPS."

9 Is that essentially what he was telling you?

10 **DEP. COMM. LEWIS:** Yes. He'd reviewed the
11 tape of his public statement and that he meant to be
12 critical of Cornwall Police is what he was saying, not us.

13 **MR. DUMAIS:** But certainly the issues that
14 he was bringing up was directly related to Project Truth
15 and its investigation; correct?

16 **DEP. COMM. LEWIS:** That's correct.

17 **MR. DUMAIS:** All right.

18 **DEP. COMM. LEWIS:** And Pat encouraged him
19 and explained to him that unless more victims come forward
20 we've done a very thorough job and there's nothing more we
21 can do, and encouraged him to bring victims' names forward
22 because he'd publicly said that there was more victims that
23 he was aware of.

24 **MR. DUMAIS:** And did you ask him to provide
25 you with those names on that day?

1 **DEP. COMM. LEWIS:** Pat did. He said that he
2 had a few names but he wasn't sure whether they wanted to
3 come forward, so he wanted to check further into that, and
4 Pat left that door open to come back any time with any more
5 information that Pat could actually verify and deal with,
6 as opposed to just these outrageous comments, to be frank,
7 publicly, that we had dropped the ball on all this.

8 **MR. DUMAIS:** All right. And how did you
9 leave matters after you left that meeting?

10 **DEP. COMM. LEWIS:** We shook hands. We left
11 very cordially and Pat and I went and made notes and had
12 our lunch and talked about it, and we felt comfortable that
13 we had got the message across that we'd wanted to get
14 across.

15 **MR. DUMAIS:** All right. So we've talked a
16 bit about your dealings with Mr. Guzzo and how you dealt
17 with that.

18 My understanding is that the Project Truth
19 investigation was getting pressure from other groups and
20 other people as well at about the same time. Is that
21 correct?

22 **DEP. COMM. LEWIS:** Certainly questions were
23 being asked; things were being said. Whether or not that
24 was really pressure so much, but ultimately -- I mean,
25 Guzzo was the main source of pressure, if there was

1 pressure, and that certainly was. But there was other
2 phone calls to me, to Pat, from other people, from the
3 media, et cetera, asking questions, "Where does this stand,
4 this Project Truth investigation?"

5 **MR. DUMAIS:** And speaking of phone calls, if
6 you can just have a look at Bates page 68 (sic) of your
7 notes?

8 **DEP. COMM. LEWIS:** Yes.

9 **MR. DUMAIS:** So this is a notation of
10 December 6, 2000, the entry at 13:30 hours. It reads as
11 follows:

12 "Call from Chief Tony Repa, Cornwall
13 P.S., concerning the Crown law is
14 taking so long to review Project Truth
15 info. CPS getting beaten up in the
16 press. Told him I'd called Jim Stewart
17 and not heard back. I'll call again."

18 **DEP. COMM. LEWIS:** Correct.

19 **MR. DUMAIS:** So, of course, at that time
20 Chief Repa is the Chief of the Cornwall Police Service. Is
21 that correct?

22 **DEP. COMM. LEWIS:** That's right.

23 **MR. DUMAIS:** So is this something that he's
24 telling you? He's telling you Crown law is taking way too
25 long to get back with these opinion letters?

1 **DEP. COMM. LEWIS:** That's the way I read my
2 notes, yes.

3 **MR. DUMAIS:** Okay. So he appeared at that
4 time to know that. Is that correct?

5 **DEP. COMM. LEWIS:** He did.

6 **MR. DUMAIS:** All right.

7 And then I gather from your notes here that
8 you had previously spoken to Jim Stewart, and perhaps you
9 could just indicate to us who Jim Stewart is.

10 **DEP. COMM. LEWIS:** Jim Stewart at the time
11 was the Regional Director for Crown Law out of Ottawa. I
12 knew Jim personally and I note that I had called him. I
13 don't recall when, I didn't make a note of it, but I'd left
14 him a message and that I hadn't heard back at that point.
15 So I said I'd call again, and did.

16 **MR. DUMAIS:** So following your conversation
17 with Chief Repa, you call the -- Mr. Stewart once again and
18 you left a message with him; correct?

19 **DEP. COMM. LEWIS:** He left a voicemail for
20 Mr. Stewart that same day at 7 o'clock at night.

21 **MR. DUMAIS:** All right.

22 I'm going to ask that another document be
23 put to you, Deputy. It's Document Number 701386.

24 **THE COMMISSIONER:** Thank you. Exhibit
25 Number 2903 is an email correspondence from Nancy Mansell

1 to a number of people, starting with Rick Deering, and the
2 date of that is Wednesday, the 13th of December, 2000.

3 ---EXHIBIT NO./PIÈCE NO P-2903:

4 (701386) - Chris Lewis E-mail from Nancy
5 Mansell to Chris Lewis re: Bill 103 dated 13
6 Dec 00

7 **MR. DUMAIS:** So, Deputy, you appear to be
8 copied on this email on December 13th, 2000 and perhaps you
9 can just start by explaining who Nancy Mansell is.

10 **DEP. COMM. LEWIS:** Nancy Mansell is an
11 employee of our Corporate Communications Bureau and she
12 looks after issues around media clips, issue notes for
13 Ministry, and she monitors the media for us.

14 **MR. DUMAIS:** And she appears to have taken a
15 newspaper article from the Standard Freeholder from the
16 December 13th edition, and it appears that Mr. Guzzo is
17 discussing the contents of his suggested Bill 103. Is that
18 correct?

19 **DEP. COMM. LEWIS:** That is correct.

20 **MR. DUMAIS:** And then he indicates that he
21 would have written a letter to the Premier on December 8th,
22 2000. And then a little further down, indicates that he's
23 having some difficulty in obtaining a report from Peter
24 Sirrs that would have been filed 15 years ago. Is that
25 correct?

1 **DEP. COMM. LEWIS:** Yes, that's correct.

2 **MR. DUMAIS:** Okay. So do you recall
3 receiving copy of this email?

4 **DEP. COMM. LEWIS:** I don't, no.

5 **MR. DUMAIS:** You don't? All right.

6 **DEP. COMM. LEWIS:** There were so many
7 articles at the time that I received from Nancy Mansell
8 that I don't recall this one specifically.

9 **MR. DUMAIS:** But certainly it does appear
10 from this article that Mr. Guzzo appears to be going
11 forward with his bill. Is that correct?

12 **DEP. COMM. LEWIS:** That's correct. And this
13 is about a month after we'd met him, and he had been fairly
14 quiet for the month after we met him, but this was the
15 beginning of more comments to the press.

16 **MR. DUMAIS:** I'm going to ask Madam Clerk to
17 put to you Document Number 701385.

18 **THE COMMISSIONER:** Thank you. Exhibit
19 Number 2904 is an email from Nancy Mansell to Chris Lewis;
20 Monday, January 8th, 2001.

21 **---EXHIBIT NO./PIÈCE NO P-2904:**

22 (701385) - E-mail from Nancy Mansell to
23 Chris Lewis dated 08 Jan 01 re: Standard
24 Freeholder Article

25 **MR. DUMAIS:** So my understanding is that

1 your communications person would have sent this article
2 that came out of the Standard Freeholder on January 8th,
3 2001, and essentially they're quoting here Bishop Eugene
4 LaRocque. Is that correct?

5 **DEP. COMM. LEWIS:** That's correct.

6 **MR. DUMAIS:** And if you look at the -- where
7 the article starts, the third and fourth line. and I'll
8 just read it out for you:

9 "This investigation by the police
10 can't continue forever,' he said in an
11 interview on a wide range of topics
12 Sunday. 'We have been promised the
13 final report many times.'"

14 So Bishop LaRocque appears to be concerned
15 with the length of the investigation. Is that correct?

16 **DEP. COMM. LEWIS:** It appears so, yes.

17 **MR. DUMAIS:** He makes reference here to a
18 final report that had been promised. Did you know anything
19 about that at that time?

20 **DEP. COMM. LEWIS:** I did not. I recall --
21 vaguely recall reading this article. And certainly,
22 looking at it now, he'd be referring to a final report out
23 of Pat Hall in Project Truth, which couldn't be finalized
24 at that point because we were still awaiting legal
25 decisions on some briefs.

1 **MR. DUMAIS:** And what did you understand
2 that to mean: final report?

3 **DEP. COMM. LEWIS:** I don't -- I'm only
4 surmising now.

5 **MR. DUMAIS:** M'hm.

6 **DEP. COMM. LEWIS:** I don't know. The OPP
7 normally doesn't hand out final reports to bishops, or
8 anybody for that matter, so I don't know what the
9 expectation or promises were there.

10 **MR. DUMAIS:** All right.

11 **DEP. COMM. LEWIS:** Certainly a final report
12 could have been a verbal report that were done as well; I
13 don't know.

14 **MR. DUMAIS:** Right.

15 I'm going to ask you to look at Document
16 Number 720371.

17 **THE COMMISSIONER:** Thank you. Exhibit 2905
18 is a Standard Freeholder article dated Tuesday, January 9th,
19 2001.

20 ---EXHIBIT NO./PIÈCE NO P-2905:

21 (720371) - Standard Freeholder Article
22 'Mayor wants update on Project Truth' dated
23 09 Jan 01

24 **MR. DUMAIS:** So this is an article that
25 would have appeared on the Seaway Valley newspaper on

1 January 9th, 2001 and I believe someone from the newspaper
2 would have spoken to you, and perhaps -- there's just a
3 couple lines; I can read it in:

4 "Even though Cornwall City Council was
5 calling on the Attorney General's
6 Office to come up with an interim
7 report on their Project Truth
8 investigation, it may not happen soon,
9 according to the police."

10 And then:

11 "Director of the OPP Criminal
12 Investigation Branch, Chris Lewis,
13 says, 'It's a long process delving back
14 into incidents that may or may not have
15 happened years ago.'"

16 **DEP. COMM. LEWIS:** Sir, I don't know if we
17 have the same article. This is a Standard Freeholder
18 article; you refer to the Seaway article?

19 **MR. DUMAIS:** This -- I'm reading from
20 Document Number 714433.

21 **THE COMMISSIONER:** No, wrong one.

22 **DEP. COMM. LEWIS:** No.

23 **THE COMMISSIONER:** We have the Standard
24 Freeholder article, Tuesday, January 9th, 2001: "Mayor
25 wants update on Project Truth."

1 upcoming report.

2 **DEP. COMM. LEWIS:** He appears to be. I have
3 no idea what that was. Maybe there was some agreement on
4 some executive summary type of report at some point but I'm
5 not aware of that.

6 **MR. DUMAIS:** I think one thing is clear,
7 Deputy, that there is a lot of pressure being put on both
8 the OPP, the Project Truth investigation and the OPP as an
9 institution to at least finalize this investigation. Is
10 that a fair statement?

11 **DEP. COMM. LEWIS:** Well, there is certainly
12 a will by a number of people to have this over and done
13 with, including us and the OPP.

14 **MR. DUMAIS:** All right. So the article that
15 I jumped to just a minute ago is Document Number 714433.

16 **THE COMMISSIONER:** All right. Exhibit 2906
17 is an article in the Seaway Valley News, I guess, January
18 9th, 2001.

19 ---EXHIBIT NO./PIÈCE NO P-2906:

20 (714433) - Cornwall Seaway News Article 'OPP
21 Say Interim Report Unlikely' dated 09 Jan 01

22 **MR. DUMAIS:** All right. So I'll start over.
23 So the article reads as follows:

24 "Even though Cornwall City Council is
25 calling on the Attorney General's

1 Office to come up with an interim
2 report on the Project Truth
3 investigation, it may not happen soon,
4 according to the police."

5 So it appears that they were making
6 reference here to Mayor Sylvester calling for a report to
7 be submitted to town council. And then it looks from the
8 next couple of lines that someone would have spoken to you.
9 It reads as follows:

10 "Director of the OPP's Criminal
11 Investigation Branch, Chris Lewis, says
12 it's a long process delving back into
13 incidents that may or may not have
14 happened years ago. He says the full
15 investigation is not over yet. Lewis
16 says an interim report could only state
17 what everyone already knows, that 15
18 people have been charged with a total
19 of 115 counts."

20 Is that correct?

21 **DEP. COMM. LEWIS:** That's what the article
22 says; that's correct.

23 **MR. DUMAIS:** All right. So do you recall at
24 that time thinking at the very least an interim report
25 would not be very useful?

1 **DEP. COMM. LEWIS:** And I don't recall the
2 conversation about an interim report. That still confuses
3 me and certainly I'm not quoted here. There's no quotation
4 marks, but it says that the full investigation is not over
5 yet, which I would not have said. And that was well
6 ingrained in me in terms of media key messages that our
7 investigation was complete and that we're -- if further
8 victims didn't come forward, et cetera. And that -- so I
9 would not have said that that way, and obviously
10 coincidentally there's no quotation marks around it.

11 The comment about an interim report, I still
12 don't know where that comes from. I don't recall any
13 discussion about that. As well, I note that the Attorney
14 General's Office is to come up with an interim report and
15 I'm not quite sure if that's what they meant or it was we
16 were doing the investigation at the request of the Attorney
17 General. So maybe they were going to come up with some
18 interim report. I don't know.

19 **MR. DUMAIS:** All right, but certainly your
20 recollection is you don't -- no-one from the OPP was
21 considering at that time issuing an interim report or a
22 report; a final report?

23 **DEP. COMM. LEWIS:** No, and that's just not
24 common that we would ever do that. I mean only certain
25 people are entitled to reports of that nature, including

1 Crown attorneys. It's not something we would give City
2 Council. We may give them a verbal report and make their,
3 you know, a public statement in terms of where it stands,
4 but that wouldn't be something that we'd hand to somebody
5 in a written document.

6 **MR. DUMAIS:** All right.

7 **DEP. COMM. LEWIS:** This is -- be unheard of.

8 **MR. DUMAIS:** If you can just -- I'm going to
9 ask Madam Clerk to put to you Document Number 726237.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit 2907 is a letter dated November 10th,
12 2000 to Commissioner Gwen Boniface from Paul Scott.

13 --- **EXHIBIT NO./PIÈCE NO P-2907:**

14 (726237) - Letter from Paul Scott to Gwen
15 Boniface dated 10 Nov 00

16 **MR. DUMAIS:** Now, this appears to be a
17 letter that is addressed to your commissioner, dated
18 November 10th, 2000, signed by Mr. Paul Scott, who appears
19 to be part of a Committee for Renewal, and my understanding
20 is that your commissioner would have asked you to respond
21 to this correspondence. Do you recall that?

22 **DEP. COMM. LEWIS:** That's correct. She
23 would have asked me through someone else and not directly,
24 likely our Corporate Communications people would involve
25 me, but I do recall this letter and I do recall responding.

1 **MR. DUMAIS:** All right.

2 And if you'll just look at the third
3 paragraph here, it reads as follows:

4 "Subsequently, on October 12th the CBC
5 'World at Six' carried a statement
6 attributed to Detective Inspector
7 P. Hall, Director of Project Truth,
8 stating that an announcement would be
9 made in a matter of three to four
10 weeks, putting that, at the latest,
11 November 9th."

12 So it appears that Mr. Scott is requesting
13 for the announcement that appears to have been promised by
14 Inspector Hall on October 12th. Is that correct?

15 **DEP. COMM. LEWIS:** That's correct. And
16 coincidentally, October 12th was the day that I met with Pat
17 Hall and our communications people. We were planning then
18 a release and/or a press conference. So that may be
19 relating to that work that we had undertaken at that point.

20 **MR. DUMAIS:** Okay. So you recall that
21 Inspector Hall was to hold this press conference?

22 **DEP. COMM. LEWIS:** I recall that Inspector
23 Hall and I and others were going to host a press
24 conference, yes. That was the plan.

25 **MR. DUMAIS:** All right.

1 **THE COMMISSIONER:** So Mr. Dumais, what I
2 propose to do today is to sit until about 5:30, maybe catch
3 up a little bit, so I'm wondering if we could take a break
4 now, come back at 4:00 and then go until 5:30?

5 Would that be satisfactory to you, sir?

6 **DEP. COMM. LEWIS:** That's fine, sir.

7 **THE COMMISSIONER:** Thank you. Why don't we
8 do that.

9 **MR. DUMAIS:** Thank you.

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

12 This hearing will resume at 4:00 p.m.

13 --- Upon recessing at 3:47 p.m./

14 L'audience est suspendue à 15h47

15 --- Upon resuming at 4:02 p.m./

16 L'audience est reprise à 16h02

17 **THE REGISTRAR:** This hearing is now resumed.
18 Please be seated.

19 Veuillez vous asseoir.

20 **CHRISTOPHER LEWIS, Resumed/Sous le même serment:**

21 **THE COMMISSIONER:** All right.

22 **MR. DUMAIS:** Mr. Commissioner, just before I
23 get back to the area where I was asking questions on, I am
24 going to ask that another document be filed, and it's
25 another correction of the deputy's notes. So it is

1 Document Number 200314.

2 **THE COMMISSIONER:** Thank you. Exhibit 2908
3 are notes of Wednesday, November 22nd, 2000.

4 **--- EXHIBIT NO./PIÈCE NO P-2908:**

5 (200314) - Handwritten Notes of Chris Lewis
6 dated 22 Nov 00

7 **MR. DUMAIS:** That's correct,
8 Mr. Commissioner. If you'll look at the other version of
9 the notes at Bates pages 7127665, the photocopy cut down
10 the last line. So this new document I guess gives us the
11 last line.

12 **THE COMMISSIONER:** Yes, okay.

13 **MR. DUMAIS:** Thank you.

14 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
15 **DUMAIS (Cont'd/Suite):**

16 **MR. DUMAIS:** So Deputy, we were talking
17 about your commissioner asking to respond to Paul Scott and
18 your response is Document Number 737863.

19 **THE COMMISSIONER:** Thank you.

20 Exhibit Number 2909 is the letter dated
21 December 15th, 2000 addressed to Mr. Paul Scott from
22 Mr. Chris Lewis, the detective superintendent.

23 **--- EXHIBIT NO./PIÈCE NO P-2909:**

24 (737863) - Letter from Chris Lewis to Paul
25 Scott dated 15 Dec 00

1 **MR. DUMAIS:** So then would this have been
2 your response to Mr. Scott, Deputy?

3 **DEP. COMM. LEWIS:** Yes, it is. I recall
4 this letter.

5 **MR. DUMAIS:** All right. So if you look at
6 the second-last paragraph, the last four lines or so, which
7 reads as follows:

8 "The alleged conspiracy involving the
9 Diocese of Alexandria-Cornwall, the
10 Crown attorney's Office and the
11 Cornwall Police Service is one of those
12 being reviewed. The OPP is still
13 waiting for a decision on several of
14 those cases before charges can be
15 filed."

16 So you are explaining here to Mr. Scott that
17 you have outstanding opinions waiting from MAG. Is that
18 correct?

19 **DEP. COMM. LEWIS:** That's correct.

20 **MR. DUMAIS:** All right.

21 So then if we could just have a look at what
22 your involvement has been with MAG regarding this issue,
23 and I'm going to ask that Document Number 701199 be put to
24 you.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit Number 2910 is a memo from -- or an
2 email correspondence from Chris Lewis to Patrick Hall dated
3 Sunday, January 14, 2001.

4 **--- EXHIBIT NO./PIÈCE NO P-2910:**

5 (701199) - E-mail response from Chris Lewis
6 to Pat Hall dated 14 Jan 01

7 **MR. DUMAIS:** So Deputy, that document
8 contains both your response and the original email that had
9 been sent to a number of people, including yourself, on
10 January 14th, 2001. Just so that we can situate ourselves,
11 this would have been on the Sunday preceding the start of
12 the Jacques Leduc trial, which was scheduled to start on
13 January 15th, 2001. Do you recall that?

14 **DEP. COMM. LEWIS:** I do.

15 **MR. DUMAIS:** So if we look firstly at
16 Inspector Hall's email to you, essentially he's relating to
17 you that the Attorney General is requesting a briefing from
18 him on the following morning, so on the 15th day of January
19 2001; that's about the fourth line?

20 **DEP. COMM. LEWIS:** Right.

21 **MR. DUMAIS:** You see that?

22 **DEP. COMM. LEWIS:** Yes.

23 **MR. DUMAIS:** And then further, four lines
24 down, there's a sentence that starts with, "As far," so it
25 says -- it reads as follows:

1 "As far as our investigation -- our
2 invest being complete, I told her..."
3 And her being Susan Kyle from the ADAG's
4 Office.

5 "...I told her we were waiting for
6 legal opinions from Shelley Hallett and
7 the length of time we had been
8 waiting."

9 And then he confirms further down that
10 Ms. Hallett is scheduled to start the Jacques Leduc trial,
11 which is, at this point in time, still a judge and jury
12 trial on the same day, so on January 15th, 2001.

13 So then your response back to him -- that's
14 top of the page, so you're expressing your concerns that
15 Guzzo appears to be back into the press on this issue, and
16 then you're speaking in the first line about a press
17 conference and/or press release for Monday, the week
18 following.

19 So is that still in your mind at that time
20 that you're considering a -- either a press conference or
21 press release to announce the end of Project Truth
22 investigations, subject to the last opinions from the
23 Crown's Office?

24 **DEP. COMM. LEWIS:** That's right, and subject
25 to more victims coming forward.

1 **MR. DUMAIS:** All right.

2 And then if we just look at the last two
3 lines of your response:

4 "This will require heavy-duty
5 conversation with Murray Segal as
6 they'll look back when all is said and
7 done."

8 And by that, Deputy, do you mean that in
9 your mind or in your view, the delay and all the complaints
10 that you're taking publicly or the OPP is taking publicly
11 is due to the delay from the Crown's opinion? Is that
12 correct?

13 **DEP. COMM. LEWIS:** That's correct.

14 **MR. DUMAIS:** All right.

15 **THE COMMISSIONER:** And at that time Murray
16 Segal would be the Deputy Minister?

17 **DEP. COMM. LEWIS:** He was Assistant Deputy
18 Minister at that time, sir.

19 **THE COMMISSIONER:** All right.

20 **DEP. COMM. LEWIS:** Deputy Minister or
21 Assistant Deputy Minister of Crown Law Criminal, I believe
22 was his title.

23 **THE COMMISSIONER:** Right. Okay.

24 **MR. DUMAIS:** I'm going to ask you --perhaps,
25 Madam Clerk, if Document Number 726686 is put to the

1 Deputy.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2911 is a document, email
4 transmission from Chris Lewis to, amongst many others, Dave
5 Crane, January 14th, 2001.

6 --- **EXHIBIT NO./PIÈCE NO. P-2911:**

7 (726686) - E-mail from Chris Lewis to Dave
8 Crane re: Project Truth dated 14 Jan 01

9 **MR. DUMAIS:** So Deputy, is this an email
10 that you would have authored a little later on, on the same
11 day?

12 **DEP. COMM. LEWIS:** That is correct.

13 **MR. DUMAIS:** All right.

14 **DEP. COMM. LEWIS:** Just a couple of hours
15 later.

16 **MR. DUMAIS:** And essentially, if we're
17 looking at the first paragraph, the last couple of lines,
18 it reads as follows:

19 "Pat has spoken to the assigned Crown
20 on several occasions. I've spoken to
21 her and she says she's busy, has a
22 trial on for the month of January,
23 Project Truth charges, and will get to
24 it when she can."

25 Do I have that -- understand that correctly

1 that, "I've spoken to her and she says she's busy" is that
2 Inspector Hall speaking or is that yourself? Did you speak
3 to ---

4 **DEP. COMM. LEWIS:** I did speak to Shelley
5 Hallett. I just don't recall when and apparently didn't
6 write it down either.

7 **MR. DUMAIS:** Okay. But I mean does that
8 make sense that she ---

9 **DEP. COMM. LEWIS:** It does.

10 **MR. DUMAIS:** Okay.

11 **DEP. COMM. LEWIS:** Yes.

12 **MR. DUMAIS:** All right.

13 And then in the next paragraph, you're
14 speaking about your press conference and you're relating a
15 conversation that you would have had with the Regional
16 Crown, Jimmy Stewart, so it reads as follows:

17 "Regional Crown Jimmy Stewart is
18 against us doing a press conference, a
19 release, as it may impact ongoing
20 trials which are scheduled right
21 through until last spring."

22 So do you recall that that was Mr. Stewart's
23 position at that time?

24 **DEP. COMM. LEWIS:** I do, yes. I spoke to
25 Jim Stewart regarding the proposition of us having a press

1 conference and/or press release, and it was specifically, I
2 think, the jury trial that was scheduled in January. I
3 believe now to know that it was the Leduc trial.

4 **MR. DUMAIS:** And I think we do have notes of
5 your telephone conversation with Mr. Stewart. That's at
6 Bates page 670 of Exhibit 2899.

7 **DEP. COMM. LEWIS:** Do I have that here?

8 **THE COMMISSIONER:** No.

9 I'm sorry, which one are we looking for?

10 **THE REGISTRAR:** Two eight nine nine (2899).

11 **DEP. COMM. LEWIS:** Two eight nine nine
12 (2899). And the Bates number please, sir, again?

13 **MR. DUMAIS:** Six seven zero (670).

14 **DEP. COMM. LEWIS:** Six seven zero (670),
15 thank you. Yes.

16 **MR. DUMAIS:** So is that a summary of your
17 conversation with Jim Stewart?

18 **DEP. COMM. LEWIS:** It is.

19 **MR. DUMAIS:** So you would have had that
20 conversation with him in December, on December 13th, 2000?

21 **DEP. COMM. LEWIS:** That's correct.

22 **MR. DUMAIS:** So essentially you had had a
23 discussion with him with respect to legal opinions and the
24 fact that you were still waiting for them, and you noted as
25 well that you had had a discussion about a possible press

1 conference?

2 **DEP. COMM. LEWIS:** That's correct.

3 **MR. DUMAIS:** Indicating that -- and he would
4 have mentioned to you that he was concerned about the
5 effects on the trial; correct?

6 **DEP. COMM. LEWIS:** Exactly, yes.

7 **MR. DUMAIS:** And you had agreed, at least at
8 that time in December of 2000, that before proceeding with
9 a press conference you would advise him; correct?

10 **DEP. COMM. LEWIS:** That's correct. I was --
11 really what I was trying to do, to put it into context, is
12 I was really trying to get -- either get the decisions that
13 we were waiting for or have the press conference, and I
14 felt the press conference might speed up the decisions.

15 **MR. DUMAIS:** When you're speaking to
16 Mr. Stewart, I mean is any possible solution discussed? I
17 mean taking the opinions away from Ms. Hallett to someone
18 else or you guys deciding for yourselves whether or not you
19 want to lay charges or not?

20 **DEP. COMM. LEWIS:** I don't recall that part
21 of the conversation. I do recall just trying to get the
22 speedy resolution to these decisions.

23 **MR. DUMAIS:** All right.

24 **DEP. COMM. LEWIS:** And of course he didn't -
25 - he expressed his concern about calling a press conference

1 when there was a jury trial either starting I guess within
2 a month, and I understood his concern about that at that
3 time.

4 **MR. DUMAIS:** All right.

5 And I understand you would have spoken to
6 Murray Segal on this issue at one point in time as well,
7 and I believe that was on the following morning. So if I
8 can just take you to Bates page 673 of your notes.

9 **DEP. COMM. LEWIS:** Yes.

10 **MR. DUMAIS:** And essentially Mr. Segal takes
11 the same position that Mr. Stewart would have taken. So he
12 would have indicated to you that he was reluctant to speak
13 to Ms. Hallett as she was starting the trial that morning.
14 He apologized for the delay occasioned by not reviewing the
15 Crown briefs and providing an opinion.

16 **DEP. COMM. LEWIS:** That's correct.

17 **MR. DUMAIS:** But he indicated to you that he
18 was concerned about a press ---

19 **MR. KLOEZE:** Sorry, I didn't mean to
20 interrupt Mr. Dumais, but I just wanted -- for purposes of
21 clarity, I think he said the discussion with Mr. Segal was
22 the following morning ---

23 **THE COMMISSIONER:** That's what he said.

24 **MR. KLOEZE:** --- after the discussion with
25 Mr. Stewart, but in fact it was a month later. The

1 discussion with Mr. Stewart was on December 13th.

2 **THE COMMISSIONER:** Okay.

3 **MR. DUMAIS:** Yes, and perhaps -- I'm not
4 sure if I made a mistake, but I was referring to, I guess,
5 the other email exchanges from January 14th, that Sunday.

6 **THE COMMISSIONER:** Right. Right, right, so
7 it's the next morning from the email of January 14th?

8 **MR. DUMAIS:** Correct.

9 **THE COMMISSIONER:** Right. Okay. So Murray
10 MacDonald -- no, sorry. Murray Segal was -- you were
11 asking him or quoting him about why he didn't want to speak
12 with Ms. Hallett.

13 **MR. DUMAIS:** And then Mr. Segal's concern
14 was that there was this -- the jury trial that was starting
15 on that same day and he had concern about any -- the
16 effects that a press conference could have on that,
17 correct?

18 **DEP. COMM. LEWIS:** That's correct.

19 **MR. DUMAIS:** And you advised him that you
20 would speak to your superiors and get back to him.

21 **DEP. COMM. LEWIS:** Exactly.

22 **MR. DUMAIS:** All right. If, Madam Clerk, we
23 can file Document Number 701028?

24 **THE COURT:** Thank you. Exhibit 2912 is an
25 e-mail correspondence from Leo Sweeney to, amongst many

1 others, Chris Lewis on Tuesday, January 16th, 2001.

2 --- EXHIBIT NO./PIÈCE NO. P-2912:

3 (701028) - E-mail from Leo Sweeney to Chris
4 Lewis re: Project Truth dated 16 Jan 01

5 MR. DUMAIS: And you'll note, Deputy, at the
6 bottom of that page, that's your original e-mail of January
7 14th. You had copied Leo Sweeney. What -- who was Leo
8 Sweeney at that time?

9 DEP. COMM. LEWIS: At that time, and
10 actually presently, he is the Superintendent Director of
11 Operations for the Eastern Region ---

12 MR. DUMAIS: All right.

13 DEP. COMM. LEWIS: --- which includes all
14 criminal investigation issues.

15 MR. DUMAIS: Okay. And essentially -- and
16 this response from him came on the following day, so on
17 January 16, 2001, and essentially his position was at this
18 time that he did not feel that the trial could be
19 prejudiced by either a press release or press conference,
20 and his view was certainly to move forward on that. Is
21 that fair?

22 DEP. COMM. LEWIS: That is correct.

23 MR. DUMAIS: All right. Now, my
24 understanding is that shortly after this, you would have
25 left this position. Is that correct?

1 DEP. COMM. LEWIS: That's correct.

2 MR. DUMAIS: So in February of 2001?

3 DEP. COMM. LEWIS: That's correct.

4 MR. DUMAIS: Okay. So, in between these
5 e-mails exchanged -- and it appears that a decision had
6 been made to move forward with either a press conference or
7 a press release shortly -- does anything happen before you
8 leave?

9 DEP. COMM. LEWIS: I don't recall anything.
10 I'd have to refer to any notes I might have regarding that,
11 but I did get promoted and transferred to Eastern Region at
12 the beginning of February and still was involved somewhat
13 in e-mails and some discussions, at least one with Murray
14 Segal in February ---

15 MR. DUMAIS: Yes.

16 DEP. COMM. LEWIS: --- about Project Truth.
17 But generally, I was kind of being copied on stuff as the
18 new Director of CIB was taking over the lead in terms of
19 pushing for the press conference.

20 MR. DUMAIS: I guess my more specific
21 question is, do you recall whether or not there was an
22 actual press conference?

23 DEP. COMM. LEWIS: There was not a press
24 conference ---

25 MR. DUMAIS: --- before you left?

1 DEP. COMM. LEWIS: --- before I left.

2 MR. DUMAIS: And, actually, the actual press
3 release, I believe, came out later that year, in August
4 22nd, 2001, and perhaps we can put Document Number 720732 to
5 you.

6 THE COMMISSIONER: Thank you. Exhibit 2913
7 is a news release from the Ontario Provincial Police, dated
8 August 22nd, '01.

9 --- EXHIBIT NO./PIÈCE NO. P-2913:

10 (720732) - OPP News Release re: Project
11 Truth Concluded dated 22 Aug 01

12 MR. DUMAIS: So, does that make sense,
13 Deputy; you got this as the actual press release announcing
14 essentially the finalization of Project Truth?

15 DEP. COMM. LEWIS: It is. I recall this
16 press release.

17 MR. DUMAIS: All right. And it is -- the
18 contact person appears to be, on the second page, OPP
19 Detective Superintendent Jim Miller. Would he have
20 replaced you when you left?

21 DEP. COMM. LEWIS: He did replace me, yes.

22 MR. DUMAIS: All right. And as you
23 indicated, Deputy, for a certain period of time even after
24 you left, you were being copied on some of these e-mails.
25 Do you any knowledge as to what happened to have the OPP

1 change their mind about having a press release or a press
2 conference at that particular time?

3 **DEP. COMM. LEWIS:** I do recall one
4 conversation I was engaged in, in February, that, at least
5 for the short term, stalled us from having a press
6 conversation. And it was a conversation that I had with
7 Murray Segal and then subsequently Susan Kyle that same
8 day.

9 **MR. DUMAIS:** All right. And perhaps I can
10 take you to your notes on that conversation. That's at
11 Bates pages 674.

12 **THE COMMISSIONER:** I'm sorry, what exhibit
13 again?

14 **MR. DUMAIS:** Two eight nine nine (2899), I
15 believe.

16 **THE COMMISSIONER:** Two eight nine nine.
17 Yeah, okay. And what Bates page number?

18 **MR. DUMAIS:** Six seven four (674).

19 **THE COMMISSIONER:** All right. Last page. I
20 should have known.

21 **MR. DUMAIS:** So is this the conversation
22 you're referring to, Deputy?

23 **DEP. COMM. LEWIS:** It is.

24 **MR. DUMAIS:** All right. So this is dated
25 February 6th, 2001, so the first notation you have is that

1 "Project Truth jury trial no longer an issue," and we know
2 by then that there has been a re-election.

3
4 **DEP. COMM. LEWIS:** That's correct.

5 **MR. DUMAIS:** And then it reads as follows:

6 "If push came to shove and one of his
7 superiors said, 'And then read me a
8 quote, I could live with the quote'."

9 Can you explain to us those couple of lines?

10 **DEP. COMM. LEWIS:** Yes, I can. What Mr.
11 Segal said is that if one of his superiors said to the
12 press -- and he read me the quote that the superior might
13 say -- could I live with that quote? And I said I could.

14 **MR. DUMAIS:** Okay.

15 **DEP. COMM. LEWIS:** I didn't write down the
16 quote.

17 **MR. DUMAIS:** Do you recall what the quote
18 was about?

19 **DEP. COMM. LEWIS:** I don't specifically.
20 But I did recall that the Attorney General, or a
21 representative of the Attorney General, was putting out a
22 press release to really -- I was comfortable that it was
23 going to kind of exonerate us in terms of where this
24 investigation stood versus where the legal opinion stood,
25 but I don't recall the specific words that he used.

1 **MR. DUMAIS:** And then I guess you have a
2 subsequent telephone conversation of that -- on that day
3 with Susan Kyle, and she appears to confirm that a release
4 will be made on the following day. Do you know if, as a
5 matter of fact, if that release was made?

6 **DEP. COMM. LEWIS:** I don't recall.

7 **MR. DUMAIS:** Okay.

8 **DEP. COMM. LEWIS:** I don't believe so, but I
9 could be wrong.

10 **MR. DUMAIS:** And shortly afterwards, you
11 would have left.

12 **DEP. COMM. LEWIS:** I was actually in Smiths
13 Falls then.

14 **MR. DUMAIS:** Oh, I see.

15 **DEP. COMM. LEWIS:** And had just assumed the
16 new position.

17 **MR. DUMAIS:** All right.

18 **DEP. COMM. LEWIS:** But given that it was
19 kind of an odd position, as Regional commander, and having
20 the background in CIB, Project Truth was something that
21 occurred within Eastern Region, so I was always kind of at
22 least aware of different things that were happening to some
23 degree, just not to the extent I was as the Director.

24 **MR. DUMAIS:** All right. So I want to move
25 now to another area, Deputy, and it's -- the other area is

1 a matter that involves Inspector Randy Millar. Now --

2 **DEP. COMM. LEWIS:** Yes.

3 **MR. DUMAIS:** Now, we've heard evidence --
4 Inspector Millar testified at the Inquiry and the relevant
5 portion of his evidence, at least as it relates to you,
6 deals with one investigation against a gentleman by the
7 name of Jean-Luc Leblanc, and where Inspector Millar would
8 have received a call from Cornwall Police Services in
9 September -- on September 10th, 1998.

10 The actual arrest of Mr. Leblanc occurred on
11 January 5th, 1999, so the following year. So you recall
12 that -- those events and that -- some of the facts of that
13 investigation?

14 **DEP. COMM. LEWIS:** I recall them now, but
15 I've just really learned of the main portion of that -- of
16 those events recently, while preparing for this Inquiry.

17 **MR. DUMAIS:** Because you were not directly
18 involved in this investigation and had essentially no
19 dealings with it other than one conversation with Inspector
20 Hall; is that correct?

21 **DEP. COMM. LEWIS:** Yes. In '97, when this
22 issue with Randy Millar arose, I had nothing to do, really,
23 with Project Truth or CIB at that time. I was in the
24 Criminal Intelligence Service Ontario, but I do recall a
25 conversation with Pat Hall some years later in relation to

1 this issue with Randy Millar.

2 **MR. DUMAIS:** All right.

3 And one or -- Inspector Hall's concern or
4 issue on the matter of Inspector Millar was that he,
5 according to him, had not investigated the Leblanc matter
6 and he indicated that he would have advised a number of
7 people with OPP management who had subsequently failed to
8 discipline Inspector Millar.

9 **DEP. COMM. LEWIS:** That's the gist of what I
10 know now.

11 **MR. DUMAIS:** Okay.

12 **DEP. COMM. LEWIS:** I don't recall the
13 specifics of the conversation in terms of what Pat was
14 saying about Randy. I just remember him mentioning Randy
15 to me.

16 **MR. DUMAIS:** All right. And what we know as
17 well -- and I'll take you to the documents shortly, Deputy
18 -- but acting Superintendent McQuade would have, at the
19 direction of her Commissioner, would have conducted a
20 discovery around these events. Is that correct?

21 **DEP. COMM. LEWIS:** I'm aware of that, yes.

22 **MR. DUMAIS:** All right.

23 And you were part of that discovery process
24 and as a matter of fact, you gave a statement to one of the
25 investigators. Is that correct?

1 DEP. COMM. LEWIS: I did, yes.

2 MR. DUMAIS: All right.

3 So then if I can take you to firstly to the
4 report and that's Document Number 738869.

5 --- EXHIBIT NO./PIÈCE NO P-2914

6 (738869) - Professional Standards
7 Bureau - Investigation Report dated 26
8 Sep 05

9 THE COMMISSIONER: Thank you.

10 MR. DUMAIS: So you have the document?

11 DEP. COMM. LEWIS: I do.

12 MR. DUMAIS: And I gather from your previous
13 comments on this that the first time that you would have
14 seen this report is in preparation for your evidence here
15 today; is that correct?

16 DEP. COMM. LEWIS: That's correct.

17 MR. DUMAIS: All right.

18 So it is -- so if we look on the first page,
19 the date of the incident is September 11th, 1998. The date
20 of the complaint is September 26th, 2005. And if you look
21 at the respondents that are named here and, of course, this
22 is Phase 2 of this investigation because Phase 1 involved a
23 discovery into the actions of Inspector Millar. So this is
24 Part 2 or Phase 2 of the report. And this involves
25 yourself, Chief Superintendent Chris Lewis, as well as

1 Superintendent Leo Sweeney, as well as Inspector Mike
2 Hopkins.

3 **DEP. COMM. LEWIS:** Correct.

4 **MR. DUMAIS:** And were you aware when you
5 made your statement to the investigator that all these
6 three people were being investigated?

7 **DEP. COMM. LEWIS:** I don't recall that, no.

8 **MR. DUMAIS:** Okay.

9 So if we look then at the second paragraph,
10 it's a summary of the allegations and I'll just read it out
11 for you. So it reads as follows:

12 "Phase 2 of this investigation revolves
13 around allegations made by retired
14 Detective Inspector Pat Hall that
15 several supervisors in Eastern Region
16 and general headquarters were made
17 aware of Detective Inspector Randy
18 Millar's neglect and they themselves
19 failed to take appropriate action. In
20 particular, Hall named Chief
21 Superintendent Chris Lewis,
22 Superintendent Leo Sweeney, and
23 Inspector Mike Hopkins as supervisors
24 who were made aware of Millar's
25 neglect. There were also several other

1 supervisors named who are now retired
2 and who are, therefore, no longer
3 subject to the *Police Services Act*."

4 Now, if we look at the second -- or the
5 third page, so Bates page is 058.

6 **DEP. COMM. LEWIS:** Yes.

7 **MR. DUMAIS:** And under "Investigative
8 Findings" -- so this is sort of a chronology of what the
9 allegations that are specific to you are.

10 So under "March 5th, 2002," it's indicated:

11 "Hall updates Lewis and Sweeney (may
12 have discussed the Millar situation)."

13 And on July 2nd, 2002:

14 "Hall speaks to Lewis and discusses
15 Truth."

16 On December 16th, 2002:

17 "Hall speaks with Lewis about Project
18 Truth (may have discussed Millar's
19 situation in CIB competition)."

20 So these entries, I believe, are taken from
21 Inspector Hall's notes and if we can then just look at your
22 response to some of these notations in Inspector Hall's
23 notes, and that's Document Number 738872.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit Number 2915 is a statement of

1 Detective Chief Superintendent Chris Lewis on January (sic)
2 31st, 2006.

3 --- EXHIBIT NO./PIÈCE NO P-2915

4 (738872) - Statement of Chris Lewis dated 31
5 Jul 06

6 MR. DUMAIS: So Deputy, is that the
7 statement that you gave to the investigator?

8 DEP. COMM. LEWIS: It is.

9 MR. DUMAIS: And if we look at the third
10 paragraph on this first page, it appears that you're
11 responding directly to some of the investigator's findings,
12 so some of the notations that come from Inspector Hall's
13 notes. So you start off by saying:

14 "On both March 5th, 2002 and December
15 16th, 2002, I was at Eastern Region
16 Headquarters in Smiths Falls for at
17 least part of that day, but I have no
18 notes regarding any conversations with
19 Detective Inspector Pat Hall."

20 Is that correct?

21 DEP. COMM. LEWIS: That's correct.

22 MR. DUMAIS: So you didn't have any
23 recollection of speaking with him on those days, and you
24 checked your notes and you had nothing in your notes
25 either; correct?

1 **DEP. COMM. LEWIS:** I did not. I did have
2 recollection of speaking to Pat Hall at one time.

3 I should -- let me back up. I do recall
4 speaking to Pat Hall about Project Truth on a number of
5 occasions. And when he was in the building, I'd say, "Hi,
6 Pat, how are you and how is the investigation going?"

7 And that was very informal discussion; not a
8 formal briefing of any kind. And I do specifically
9 remember having some conversation with Pat Hall and I don't
10 remember if it was either one of these dates specifically
11 whereby he mentioned Randy Millar. And that's about the
12 gist of it.

13 **MR. DUMAIS:** All right.

14 And do you recall where you would have been
15 or what was the context of the conversation?

16 **DEP. COMM. LEWIS:** We were sitting in a
17 coffee room, which is a public area on the second floor of
18 Regional Headquarters in Smiths Falls. I was sitting at
19 the table, having a coffee and flipping through the paper,
20 and Pat came in and sat down.

21 And I don't remember what all he said, but I
22 do remember specifically, at some point, he made a comment
23 about Randy Millar and suggested Randy had dropped the ball
24 on something some years previous that might cause him some
25 grief ultimately in Project Truth through a prosecution or

1 whatever. I don't even recall those specific details.

2 **MR. DUMAIS:** And in your mind, did you think
3 that Inspector Hall was making a formal complaint on
4 Inspector Millar to you?

5 **DEP. COMM. LEWIS:** No, I did not.

6 **MR. DUMAIS:** All right.

7 **DEP. COMM. LEWIS:** Had I? I would have
8 said, "Let's go to my office and close the door."

9 We were sitting in a coffee room where
10 everybody, including the caretaker, walks in and out. It
11 wasn't a confidential conversation in my view and had I
12 thought it was a complaint per se, I would have said let's
13 go to my office, close the door. I would have pulled out
14 my notebook and I would have started writing down the
15 details.

16 **MR. DUMAIS:** All right.

17 **DEP. COMM. LEWIS:** That was not my
18 impression whatsoever.

19 **MR. DUMAIS:** And certainly following this
20 conversation with Inspector Hall, you did not do anything?
21 So you did not speak to Inspector Millar's supervisor or
22 you didn't take any notes of this conversation?

23 **DEP. COMM. LEWIS:** I didn't take any notes.
24 I didn't -- I do recall speaking to Leo Sweeney, who was
25 the Superintendent that we mentioned earlier because during

1 the previous years, Leo had been the Detective Inspector in
2 charge of criminal operations in Eastern Region. So at the
3 time that Pat was referring to with Randy Millar, Leo would
4 have ultimately been Randy Millar's boss. So I mentioned
5 it to Leo, Pat said something about Randy, you know, on
6 some issue some years ago. And Leo, I don't remember his
7 exact words, but he assured me that in his view there was
8 nothing to this. So I never gave it another thought from
9 that moment on.

10 **MR. DUMAIS:** All right. And certainly if
11 Inspector Hall wanted a formal complaint to be made, he
12 could have made -- he could have made that complaint
13 himself; is that correct?

14 **DEP. COMM. LEWIS:** He could. Anyone in the
15 OPP can make a complaint themselves. And as an inspector
16 and an executive-level officer, certainly you'd know that
17 process, and if you care to make a complaint, then you
18 submit a certain form and a complaint in writing.

19 Didn't have to bring me into the loop
20 whatsoever. And Pat would know that. He did those sorts
21 of investigations over the years. So once again, it was
22 just a kind of a general conversation over a coffee that
23 something was mentioned among other things. And I really
24 didn't consider it in any way anything that I needed to act
25 on in any way, shape or form.

1 **MR. DUMAIS:** All right. So the fact that
2 they're of equal rank or, just for a matter of argument,
3 whether or not he would have been a higher or lower rank
4 has nothing to do with the capacity to make a public
5 complaint?

6 **DEP. COMM. LEWIS:** No, a civilian ---

7 **MR. DUMAIS:** Formal complaint.

8 **DEP. COMM. LEWIS:** An administrative person
9 can make a complaint ---

10 **MR. DUMAIS:** All right.

11 **DEP. COMM. LEWIS:** --- about the
12 commissioner. It goes every way.

13 **MR. DUMAIS:** And you're being asked here
14 whether or not this relates to a CIB promotional
15 competition. Do you recall that?

16 **DEP. COMM. LEWIS:** I do, and I don't recall
17 the timing of that competition, but I know Randy Millar,
18 who was then a detective staff sergeant, was engaged in
19 that CIB competition. So I'm only assuming in reading that
20 that ultimately it was that time -- very time period that
21 Randy was competing to be an inspector.

22 **MR. DUMAIS:** Okay. But that's not something
23 that you recall?

24 **DEP. COMM. LEWIS:** I just, I don't recall
25 the timing of that. I know it happened while I was there

1 and Randy subsequently qualified in the competition. But I
2 don't remember the timing in terms of relating to that
3 conversation with Pat Hall in the coffee room.

4 **MR. DUMAIS:** All right.

5 **DEP. COMM. LEWIS:** I think it's significant
6 to note, sir, if I may that, ultimately, the CIB inspectors
7 were in and out of Regional Headquarters all of the time
8 and it wasn't uncommon for one to come in and close the
9 door to tell me something really in terms of a formal
10 update, like, "We're going to arrest Joe Smith tomorrow for
11 murder," those sorts of things.

12 That happened on a regular basis. And so
13 I'm gauging, in a conversation in an open room, just it
14 didn't strike me as something that, "Wow, I need to sit
15 here and listen" and not be flipping through the Ottawa
16 paper.

17 **MR. DUMAIS:** And ultimately, after you went
18 through this process, you were exonerated, Deputy; is that
19 correct?

20 **DEP. COMM. LEWIS:** I was, yes.

21 **MR. DUMAIS:** All right.

22 All right, Deputy, these are my questions on
23 substantive matters, if I can call them that way. And
24 we've had some discussion about possible recommendations
25 that you could make at this point in time in your evidence.

1 And my understanding is that in preparation
2 for some of these recommendations, you had a document
3 prepared or the OPP had a document prepared. And if we can
4 file that firstly, that's Document Number 200315.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit 2916 is a document entitled "Ontario
7 Provincial Police Abuse Issues Management Past, Present and
8 Future".

9 **--- EXHIBIT NO./PIÈCE No.P-2916:**

10 (200315) - Ontario Provincial Police Abuse
11 Issues Management Past, Present and Future,
12 undated

13 **MR. DUMAIS:** So if we can start, Deputy, by
14 if you can just explain to us who prepared this document
15 and just generally how it was prepared and what was the
16 intent with preparing this document?

17 **DEP. COMM. LEWIS:** I'm not aware who
18 requested the document. It may have been Detective
19 Superintendent McQuade. But I am aware that it was
20 prepared by our Crime Prevention Section which is at our
21 general headquarters in Orillia, led by Sergeant Shelley
22 Tarnowski who is our provincial coordinator for abuse
23 issues.

24 And the actual intent of it, I'm told, was
25 really to give us a picture of how we've addressed abuse

1 issues management right back to really the beginning of us
2 getting into that as part of our business, and a walk
3 through time as to how this has evolved in the regions and
4 headquarters right up till the present day.

5 **MR. DUMAIS:** All right. And my
6 understanding is that the provincial abuse issues
7 coordinator would have relied on word of mouth, some
8 corporate memory, and would have spoken to a number of
9 members from the Ontario Provincial Police in order to try
10 to provide a chronology of abuse issues and the way that
11 the OPP have dealt with them, with those issues through
12 time. Is that correct?

13 **DEP. COMM. LEWIS:** That's correct. I assume
14 some of that would have been through some documentation
15 that existed, but a significant portion of it would have
16 been word of mouth from officers that were engaged in this
17 type of work over the years.

18 **MR. DUMAIS:** And there's a component to the
19 document that deals with training issues and the way that
20 that has evolved and changed over time as well. Is that
21 correct?

22 **DEP. COMM. LEWIS:** That's correct.

23 **MR. DUMAIS:** And I understand that you do
24 have some recommendations specific to training, and if we
25 can just leave those aside for now and perhaps I can just

1 take you through this document and deal with some of the
2 issues before we deal with your specific recommendations.

3 **DEP. COMM. LEWIS:** Great.

4 **MR. DUMAIS:** All right?

5 **DEP. COMM. LEWIS:** Thank you.

6 **MR. DUMAIS:** So Part 1, if I can call it
7 that way, takes us through some of the training regarding
8 investigations on sexual assaults. And essentially, the
9 generic comment was that in 1980, there were very few
10 training courses.

11 Then the next paragraph appears to summarize
12 the training that the Institute for the Prevention of Child
13 Abuse provided to both police officers and social workers
14 from the Children's Aid Society, and we've heard evidence
15 about IPCA and that specific training and that training
16 would occur anytime between the years 1985 and 1990. And
17 my understanding is that that training is no longer
18 available today.

19 Now, if we look specifically at the OPP's
20 first involvement, my understanding is that in 1988, the --
21 Commissioner O'Grady at that time established the sexual
22 assault coordinators to act as resources for the OPP. So
23 that is when the provincial issues abuse coordinator was --
24 or that position was created. Is that correct?

25 **DEP. COMM. LEWIS:** Well, actually, it was in

1 '93. If I could just back up just for one second ---

2 MR. DUMAIS: Yeah.

3 DEP. COMM. LEWIS: --- and bring clarity to
4 this, there was discussions in the '80s about "little abuse
5 training". That wasn't necessarily just sexual assault
6 investigation, that could be domestic abuse, that could be
7 abuse of children that really isn't sexual in nature ---

8 MR. DUMAIS: All right.

9 DEP. COMM. LEWIS: --- physical or mental.
10 So there was more -- the focus on abuse training in a
11 general sense really developed from the '80s on, and when,
12 in '88, then Commissioner O'Grady established sexual
13 assault coordinators, so specific to sexual assault, in
14 each of the then districts. But in '93, a provincial abuse
15 issues coordinator, so that then gets broader again, not
16 just focused on sexual assault, but general issues of
17 abuse.

18 MR. DUMAIS: Okay. So, then, in 1983 (sic),
19 this provincial abuse issues coordinator position is
20 created?

21 DEP. COMM. LEWIS: In '93, yes.

22 MR. DUMAIS: In '93, thank you. And then in
23 1994, the district abuse coordinator's position is created?

24 DEP. COMM. LEWIS: That's correct.

25 MR. DUMAIS: And then my understanding is

1 that there is a reorganization in the OPP and those
2 district abuse coordinators then become regional
3 coordinators. Is that correct?

4 **DEP. COMM. LEWIS:** That's correct.

5 **MR. DUMAIS:** All right.

6 **DEP. COMM. LEWIS:** We went from many
7 districts to six regions. So from '95, that's kind of the
8 benchmark, when we became regions and things changed
9 greatly around all those numbers.

10 **MR. DUMAIS:** And I'm just turning to page --
11 the next page, which sets out what these regional abuse
12 issues coordinators' role is. So my understanding is they
13 conduct a number of workshops that are being offered, not
14 only to OPP officers but other members of the community.
15 Is that correct?

16 **DEP. COMM. LEWIS:** That's correct, and other
17 police services and First Nations police officers.

18 **MR. DUMAIS:** And because one of their roles
19 or one of their objectives, is to create some sort of
20 networking dealing with abuse issues. Is that correct?

21 **DEP. COMM. LEWIS:** That's correct. And as
22 well as the provincial police, we try to take a leadership
23 role and with some of the -- particularly the smaller
24 services and First Nations police officers -- some of this
25 training traditionally wasn't available if they didn't get

1 it through us. That's changed a lot and we'll talk more
2 about the training issues as we go, but in those days some
3 of the small police departments relied on us heavily for
4 those sorts of things.

5 **MR. DUMAIS:** And my understanding is that
6 this provincial abuse issues coordinator and the regional
7 coordinators both attend conferences and, as well, give out
8 conferences. Is that correct?

9 **DEP. COMM. LEWIS:** That's correct.

10 **MR. DUMAIS:** All right.

11 And so if we look at the bottom of that page
12 then, so in 1996, the Ministry of the Solicitor General,
13 Policy Standards, there's established standards for sexual
14 assault investigations.

15 **DEP. COMM. LEWIS:** That's correct. That's
16 Policing Standards Division.

17 **MR. DUMAIS:** And the adequacy and
18 effectiveness of police services, so that regulation was
19 only adopted a little later on, so in the year 2000. Is
20 that correct?

21 **DEP. COMM. LEWIS:** Correct.

22 **MR. DUMAIS:** And that then made it mandatory
23 -- it made it mandatory for the OPP to conduct a sexual
24 assault course. Is that correct?

25 **DEP. COMM. LEWIS:** That's correct. What the

1 Adequacy Standards said is that officers had to have a
2 course in order to conduct those investigations. So for us
3 to get to that level, we had to conduct training ourselves
4 to train a large number of people to get up to that
5 standard, and we only had one year to do it.

6 **MR. DUMAIS:** Okay.

7 And am I correct then in understanding that
8 before then the OPP did not offer a sexual assault
9 investigative course?

10 **DEP. COMM. LEWIS:** I don't recall
11 specifically, and I can look at some of the speaking notes
12 later, but I don't recall that we did it. We certainly put
13 on some seminars. We may have, so I kind of have to wait
14 till I look at that material.

15 **MR. DUMAIS:** All right.

16 So it appears then in 1999, and I take it in
17 anticipation for this regulation that was soon to be
18 adopted, the regional abuse issues coordinators would have
19 attended the sexual investigators course at the Ontario
20 Police College?

21 **DEP. COMM. LEWIS:** Yes. Is that '97 you're
22 referring to, sir? The middle of the page ---

23 **MR. DUMAIS:** I'm looking at page 4.

24 **DEP. COMM. LEWIS:** Page 4 now?

25 **MR. DUMAIS:** The first bullet on the top of

1 that page, so it reads as follows, second sentence:

2 "In '99, Eastern RAIC attend the Sexual
3 Assault Investigative Course at the
4 OPC."

5 **DEP. COMM. LEWIS:** That's correct.

6 **MR. DUMAIS:** All right. And I believe the
7 intent was, one, to be trained and, secondly, to develop --
8 for the OPP to develop it's own sexual investigators course
9 ---

10 **DEP. COMM. LEWIS:** That's correct.

11 **MR. DUMAIS:** --- which, as I understand it,
12 was done in 2001?

13 **DEP. COMM. LEWIS:** That's correct.

14 Ontario Police College has to accredit any
15 courses that we put on that are related to the Adequacy
16 Standards, so we would have got that training from them,
17 developed our course with their accreditation, and then
18 delivered it ourselves.

19 **MR. DUMAIS:** And then do I understand that
20 if the course is accredited, that essentially means that
21 you're meeting the Adequacy Standards?

22 **DEP. COMM. LEWIS:** That's correct.

23 **MR. DUMAIS:** All right.

24 And if we look at the next page, that's page
25 3 of the document -- page 5. I have a "3" at the top of my

1 page. You have that as well? No?

2 So if you look at the third bullet there, it
3 makes reference to a victim referral services directory,
4 and it's something that would have been adopted by the OPP
5 in 1997.

6 **DEP. COMM. LEWIS:** I think you are on
7 page 3, sir. So the "3" at the top of that page apparently
8 is accurate.

9 **MR. DUMAIS:** Yes. So if I can just take you
10 to page 3 and just have you describe what that victim
11 referral service directory is then.

12 **DEP. COMM. LEWIS:** Victim referral services
13 directory really lists special agencies that we can refer
14 victims to. In each community and each region of the
15 province there's different agencies that do that sort of
16 work, and we just have a document that details all of that
17 so that our officers can refer to that and know who to call
18 in different circumstances.

19 **MR. DUMAIS:** And is that victim referral
20 service directory something that's updated by the regional
21 abuse issues coordinators?

22 **DEP. COMM. LEWIS:** Yes. I mean,
23 provincially, they get the information from the regional
24 coordinators and subsequently update it.

25 **MR. DUMAIS:** All right.

1 And these regional coordinators provide
2 services for OPP detachments in their region. Is that
3 correct?

4 **DEP. COMM. LEWIS:** They do, and for the
5 criminal investigators that are stationed throughout the
6 region and at the regional headquarters, as well as the
7 Criminal Investigation Branch when they're working in our
8 area.

9 **MR. DUMAIS:** Okay.

10 Now, my understanding from the document,
11 what would then have happened is you would have broken down
12 how regional abuse issues coordinators and training evolve
13 in different regions of the province where the OPP works.

14 So there's the Eastern Region, the Western
15 Region, the Southern Region, and essentially training and
16 the offering of training did not evolve at the same time,
17 or everyone was not doing the same thing. Is that correct?

18 **DEP. COMM. LEWIS:** No, there -- this was a
19 problem a bit for us when we first broke into six regions;
20 was keeping consistency among the regions and, at times,
21 some regions did their own thing, so to speak. The
22 provincial coordinator's role is to try and prevent that.

23 And an occasion, of course, would come up in
24 London, so Western Region would send some people, for
25 example, and -- you know, trying their best to do the right

1 things for the right reasons, but consistency was certainly
2 an issue when it came to meeting standards, so we needed to
3 be on the same page.

4 **MR. DUMAIS:** Right.

5 And just as an example, one of these issues
6 is the establishment of protocol, so the protocol from
7 region to region can vary. Is that correct?

8 **DEP. COMM. LEWIS:** Yes, the local protocols
9 at the detachment level can vary. They're largely alike
10 but they have varied over the years, and that has been a
11 bit of an issue for us.

12 **MR. DUMAIS:** Okay. I understand you do have
13 a recommendation regarding the protocols and we'll deal
14 with that ---

15 **DEP. COMM. LEWIS:** I do, yes.

16 **MR. DUMAIS:** --- in a short period of time.

17 So if we look at what's occurred here in the
18 Eastern Region, so where Cornwall is, and that's at page 6
19 of the document.

20 **DEP. COMM. LEWIS:** Correct.

21 **MR. DUMAIS:** So then my understanding is on
22 June 30th, 1992, there was a protocol which included a
23 proposed guidelines and procedures for child abuse
24 investigations which was adopted by the SD&G OPP
25 Detachment.

1 **DEP. COMM. LEWIS:** That's correct.

2 **MR. DUMAIS:** And then there was a -- in
3 1994, there was a district training coordinator, which was
4 receiving correspondence about all incoming courses from
5 municipal partners, the Ontario Provincial Police and the
6 OPP.

7 **DEP. COMM. LEWIS:** That's correct.

8 **MR. DUMAIS:** All right.

9 And then it was on April 13th, 1997 that the
10 Eastern Region Detachment designated an officer as the
11 abuse resource officer.

12 **DEP. COMM. LEWIS:** That's correct, and that
13 was just a part-time position for probably all or at least
14 the vast majority of those people. They had other jobs but
15 on top of that they were abuse resource officers.

16 **MR. DUMAIS:** Right. And then similar to the
17 other regions, so a little later on in 1997, the position
18 of regional abuse issues coordinator was created and there
19 was one that was named for this region as well?

20 **DEP. COMM. LEWIS:** That's correct.

21 **MR. DUMAIS:** All right.

22 And if we just then look at the next page on
23 the second bullet, so from 1998 to 2002 this regional abuse
24 issues coordinator and one of the detachment resource
25 officers conducted a number of collaborative regional

1 training courses with the CAS on child sexual abuse
2 investigations.

3 **DEP. COMM. LEWIS:** That's right.

4 **MR. DUMAIS:** So that appears to have been
5 some sort of training which was very similar to what we've
6 looked at on page 1, so the Institute for the Prevention of
7 Child Abuse training, which would have occurred between
8 1985 and 1990. Is that correct?

9 **DEP. COMM. LEWIS:** And I would assume that.
10 I don't know for sure what the course -- teaching points
11 were in the various courses to make that comparison.

12 **MR. DUMAIS:** But certainly it appears that
13 it would have been offered up until 2002.

14 **DEP. COMM. LEWIS:** That's right.

15 **MR. DUMAIS:** And it appears to have been
16 training that, you know -- actually it refers here to the
17 ISOAC course the Ontario Police College was -- is refer --
18 was offering during that same period of time, which as well
19 was discontinued in 2003.

20 **DEP. COMM. LEWIS:** That's right.

21 **MR. DUMAIS:** All right. And this ISOAC
22 course that was offered at the Ontario Police College was
23 also a course that was being offered to both police
24 officers and social workers. Is that correct?

25 **DEP. COMM. LEWIS:** It was a collaborative

1 arrangement between social workers and the police, yes.

2 **MR. DUMAIS:** And at one point in time the
3 OPP and as well as all the other police services in Ontario
4 would have received notice that that course was no longer
5 being offered at the OPC?

6 **DEP. COMM. LEWIS:** That's correct.

7 **MR. DUMAIS:** All right. Now there's a --
8 the documents make reference to a -- the evolution of
9 training and the position of regional issues abuse
10 coordinator in other parts of the province and I'm not
11 going to take you through all of those but I'd like to deal
12 with one last issue with you with respect to this document.

13 And that is at page 18, the last bullet on
14 that page, and I'm just going to read it out for you and
15 I'm going to ask you to explain it afterwards:

16 "The OPP has taken the lead and
17 developed a one-day conference entitled
18 'Understanding and responding to male
19 sexual victimization.' This conference
20 is the first of its kind and has
21 received considerable accolades from
22 the attendees. The conference has been
23 held in Orillia and North Bay, with
24 plans to host further conferences in
25 2009 to be held in Thunder Bay,

1 Cornwall, London and Kenora."

2 So, Deputy, if you could just start by
3 explaining to us what this conference is about and who's
4 involved with that?

5 **DEP. COMM. LEWIS:** Shelley Tarnowski, a
6 sergeant in our Crime Prevention Section that I mentioned,
7 was the -- basically the main person behind the preparation
8 of this document. She organized, in conjunction with
9 another organization, a conference in April of this past
10 year in Orillia in which people from different social
11 services, agencies and different police services attended.
12 There was about 150 who attended -- 150 delegates in total.

13 And this is the first conference of this
14 type that really focused on male sexual victimization.
15 Now, they had presentations from adult males that had been
16 victimized themselves and discussed all the concepts around
17 that, given that although we know it's certainly not a new
18 phenomenon in the world, certainly it's become more
19 prominent in more recent years where more males have come
20 forward and reported that kind of victimization. So it was
21 a very successful conference.

22 And subsequently it was held again in
23 November of this year in North Bay, and similar size of
24 conference. And subsequently one of our CIB inspector
25 presented on a successful investigation he conducted

1 himself, involving a number of victims to a member of the
2 clergy in Ontario that subsequently the individual was
3 convicted for. So he talked about what worked for him on
4 that investigation, as well as all the other things that
5 were covered off in the April conference in Orillia.

6 Very successful, great accolades, and so
7 they've identified the need to move this on throughout
8 Ontario.

9 **MR. DUMAIS:** So then is the intent of the
10 OPP to continue on offering this conference?

11 **DEP. COMM. LEWIS:** Definitely.

12 **MR. DUMAIS:** All right.

13 **DEP. COMM. LEWIS:** I think eight different
14 police services in total participated in the April one, and
15 numerous agencies that deal with victims.

16 **MR. DUMAIS:** All right. Deputy, if we can
17 then just have a look at your recommendations. I think
18 this summary of abuse issues and training and evolution of
19 training has raised some issues as well, as we have heard -
20 - or issues have been raised through the institutional
21 response of the OPP through different witnesses.

22 And I'm going to ask you, firstly, if we can
23 deal with officer training. And we've heard evidence here
24 at the Inquiry from a number of witnesses that the members,
25 back in the 1990s -- that a number of members from the SD&G

1 Crime Unit which subsequently became part of Project Truth
2 investigations did not have any specialty training beyond
3 their Criminal Investigation Techniques Course which has,
4 as I understand it, back then did have a one component of
5 sexual assault investigation. But that was the extent of
6 their training.

7 Has there been any changes today to address
8 this issue that has been raised at the Inquiry?

9 **DEP. COMM. LEWIS:** There certainly has. And
10 just before I specifically answer that, if I could?

11 Just by way of putting the background into
12 this, because all of the recommendations and issues that we
13 flagged that we're going to speak of now all speak to an
14 organization that no longer exists. The OPP of the
15 nineties and until now -- the nineties and the time the
16 Project Truth started and was carried out -- is a totally
17 different organization than what exists in 2008.

18 In this world, with the technology being
19 what it is, the real-time communications and Blackberries,
20 the Adequacy Standards that were introduced in the late
21 nineties and enacted in 2000, Mr. Justice Archie Campbell's
22 recommendations following Bernardo on major case
23 management, and subsequently in the realm of training, has
24 changed everything we do. And this is a constant theme in
25 terms of everything we're about to speak about -- is that

1 we can't look at the organization that existed then and
2 compare it to the organization that exists now.

3 And of course we've had a total change in
4 leadership in the OPP with Commissioner Fantino taking
5 office. And as a result of that, we reached right across
6 the organization to really find out what is it we're doing
7 well, what is it we aren't doing well. And we met with
8 front line groups right across the Province of Ontario, and
9 they identified and flagged things for us that ultimately
10 are things that we made changes and then changed the face
11 of the OPP in terms of what exists right now in 2008.

12 And, as well, through the course of this
13 Inquiry, I mean, the words "Cornwall Inquiry" roll off the
14 lips of all of all our staff from top to bottom in the
15 organization. You can bet that the senior executive has
16 been watching this very closely and aren't waiting
17 ultimately for recommendations where we see we need to fix
18 things.

19 So some of these things we're fixing right
20 now as we're sitting here today. Some of those things were
21 fixed through Adequacy and through the work of Mr. Justice
22 Campbell. So I've never seen so much change in this
23 organization. In 30 years, the last two years, we've seen
24 more positive change than ever.

25 And so I just wanted to say that as kind of

1 a preamble to what we're getting into now, just to set the
2 context for what I'm about to say.

3 In terms of training, Mr. Dumais, the
4 training that those officers -- all great officers and did
5 an excellent job, but the training they had back then is
6 far different than what we have today for our people. Most
7 of them had the General Techniques Course back in those
8 days; some had maybe a little more here and there but more
9 by good luck than necessarily by a good plan.

10 But the Adequacy Standards that came into
11 place in 2000 changed all that. And, as a result, our
12 detectives, when they're sent out to do particularly sexual
13 assault investigations, by Adequacy have to be trained.
14 And that didn't exist then, so now we have an organization
15 where in Eastern Region alone we have over 100 detectives
16 that are all trained in sexual assault investigation.

17 So the officers back then didn't have it;
18 they do now. We would not have another Project Truth-type
19 investigation that we wouldn't assign officers that have
20 received all the appropriate training and meet Adequacy
21 Standards.

22 So that's totally new for us. And that
23 sexual assault training not only is the classroom training;
24 the officers involved in that have to be certified by going
25 out and demonstrating through conducting sexual assault

1 investigations that they have the ability to do all the key
2 things that are required. And that has to be signed off by
3 their supervisor and by the course coordinator that puts on
4 the course. So that's a big advantage to where we were
5 back then.

6 As well, those officers, ultimately the
7 General Techniques Course has changed. It's updated.
8 Adequacy has changed, some of that things as well.

9 Major case management; all our sergeants,
10 all our staff sergeants and all our inspectors who work
11 crime full-time have all had the Major Case Management
12 Course, as have, I'm told, in Eastern Region over 90
13 percent of the detective constables. Their goal is 100 but
14 with changeover they're never quite there because they have
15 new people coming in, but they will, in a perfect world,
16 all have that Major Case Management Course, and the
17 sergeants and staff sergeants, et cetera, always do -- that
18 do that type of work.

19 And what is really interesting is that from
20 the general investigation techniques perspective and the
21 sexual assault investigation perspective, and even major
22 case management to a lesser degree, a lot of the candidates
23 in the course now are uniform people because all the
24 detectives have had it.

25 So if there are seats available we send

1 uniform constables who might some day want to be detectives
2 and still do some of these investigations at the lower
3 threshold, and as well uniform supervisors that, of course,
4 have responsibilities out there.

5 So that's totally changed the way it was at
6 the time of Project Truth.

7 **MR. DUMAIS:** And what about your Sexual
8 Assault Investigative Course that's being offered through
9 your academy?

10 **DEP. COMM. LEWIS:** It's accredited by the
11 Ontario Police College.

12 **MR. DUMAIS:** But do you know whether or not
13 there's a historical component to that course?

14 **DEP. COMM. LEWIS:** I'm told there now is,
15 but we are conducting an analysis of all that training
16 right now. All the abuse training, all the sexual assault
17 investigative training is being evaluated as a result of
18 this Inquiry to look at what are we learning here; what did
19 we learn through Project Truth in terms of any gaps that
20 may be within the training curriculum.

21 And our staff are examining it line by line
22 and consulting with Superintendent Colleen McQuade and our
23 Provincial Crime Management Committee -- and this little
24 training group is a subcommittee of our Provincial Crime
25 Management Committee -- to make sure that any gaps that are

1 identified are filled, so that the courses of the future
2 will cover off anything that we've missed in the past.

3 **MR. DUMAIS:** All right.

4 So are you aware of any other developments
5 that are being contemplated by the OPP with respect to
6 training?

7 **DEP. COMM. LEWIS:** Well, you know, the
8 conferences that we mentioned; the two that were held in
9 Orillia and North Bay. Each region has a crime conference
10 at least once a year where all their detectives are brought
11 in for a couple of days to be brought up to speed on policy
12 and legislative change. And ultimately in Eastern Region
13 alone this year, they had a conference in Picton just in
14 the last several weeks that they brought in a judge, a
15 Crown attorney and defence attorneys and discussed
16 investigating historical sexual assaults as a group just to
17 make sure that our detectives are learning as we go.

18 Once again, not sitting back waiting for
19 ultimately recommendations that will come and we certainly
20 will welcome and will embrace totally, but to try and do as
21 much as we can now, bearing in mind that one of these
22 investigations could start before we do have
23 recommendations from this Inquiry. So some things are
24 obvious to us and we need to fix that.

25 **MR. DUMAIS:** We mentioned going through the

1 abuse issues management that the Institute for Prevention
2 of Child Abuse used to offer a joint training course back
3 in 1985, from 1985 to 1990. And we learned as well that
4 the OPP had some involvement in offering not a course like
5 IPCA but being involved in some sort of conference. Do you
6 have any views on that, whether or not this is something
7 that needs to happen, training which involves both CAS
8 workers and OPP officers?

9 **DEP. COMM. LEWIS:** Without a doubt that
10 training needs to occur. It needs to be formalized and it
11 needs to be part of that kind of gap analysis I spoke of in
12 terms of the course we do offer that are accredited by OPC.
13 We need to ultimately look at that. And where that is
14 lacking that needs to be back on the table.

15 There are some courses that also provide a
16 module on interviewing children and the nuances around
17 that. That's a perfect place for that to be a partnership,
18 and the CAS-type agencies of Ontario participate in that
19 training and then they can do scenarios where they work as
20 a team, and how to interview children who have been abused.
21 So we need to get that back in the curriculum.

22 **MR. DUMAIS:** All right.

23 **DEP. COMM. LEWIS:** So this gap analysis that
24 happens ultimately within the OPP will be discussed with
25 the OPC, and I know in discussing with the director of the

1 Ontario Police College just in the last week that they're
2 also ready to do this sort of work to make sure they look
3 at everything they are doing and make sure that anything
4 that has been identified through this Inquiry and other
5 inquiries that occur over time, or court cases or whatever,
6 is ultimately woven into that course so that nothing slips
7 through the cracks.

8 MR. DUMAIS: All right.

9 Have we dealt with all your recommendations
10 with respect to training?

11 DEP. COMM. LEWIS: Well, that's really the
12 recommendation in itself, if I could, and really just to
13 backtrack and say the Ontario Police College in
14 consultation with the subcommittee of our Provincial Crime
15 Management Review Committee, which is composed of
16 representatives of the OPP Academy, recommend that they
17 review all the present training programs -- and, as I said,
18 this is a work in progress, but that are offered by the
19 Ontario Police College and the OPP Academy in respect of
20 the investigation of sexual assaults and, where not
21 addressed, proposed training programs or training modules
22 that should be added to existing training programs which
23 address the following areas: the investigation of
24 historical sexual assaults; understanding and responding to
25 male victimization; the investigation of sexual offences

1 against children; and joint training of police and CAS,
2 just as you suggested earlier.

3 So that really is my recommendation.

4 **MR. DUMAIS:** Now, through the Inquiry and
5 there's a mention in the Abuse Issues Management document,
6 we have dealt with protocols and the fact that protocols
7 and their contents vary from region to region, and I
8 believe in the preparation of this Abuse Issues Management
9 document that's an issue that was raised by some of your
10 members, the need or the requirement that a protocol be
11 more standardized and that the same protocol be applicable
12 to the entire province.

13 What, if anything, has been done by the OPP
14 to address this protocol issue?

15 **DEP. COMM. LEWIS:** We in the OPP, through or
16 Crime Prevention Section, have had some dialogue with the
17 Ontario Association of Chiefs of Police.

18 **MR. DUMAIS:** Yes.

19 **DEP. COMM. LEWIS:** Obviously anything that
20 affects us, and we are a member of that organization,
21 affects all policing, and the suggestion our people made
22 was that we work together, police agencies in Ontario, and
23 form a partnership with the Children's Aid Society
24 Association, and work together to form or prepare a
25 standard protocol that could be applied to all police

1 agencies and CAS right across Ontario, bearing in mind that
2 there would have to be some local flavour to that and maybe
3 a basic template of a protocol with some addendums or some
4 sort of additions to reflect some local needs that may be
5 more prevalent in some areas than others.

6 The Ontario Association of Chiefs of Police
7 totally supports that. They have assigned a deputy police
8 chief in Ontario that chairs a specific committee to
9 oversee that, and that work will very soon be under way.
10 And ultimately I think we'll be the benefactors of that
11 right across Ontario and obviously the victims of these
12 crimes will be the benefactors, as we do a better job in
13 dealing with the protocols with those agencies.

14 So the recommendation around this really is
15 just the endorsement of this Commission of the development
16 of a standardized provincial protocol by the Ontario
17 Association of Children's Aid Societies and the Ontario
18 Association of Chiefs of Police, which will provide for
19 consistency in approach with respect to the roles of the
20 CAS and the police in sexual abuse investigations,
21 including historical sexual abuse investigations.

22 Local CAS and local police services would be
23 free to include addendums to the provincial protocol to
24 address local issues.

25 And I have another recommendation as a

1 result of something that came up in this Inquiry too in
2 terms of those protocols, and that is that this committee
3 also review and consider whether legislative change should
4 be proposed such that in addition to the present duty to
5 report that there should be a duty to advise employers
6 and/or volunteer organizations of alleged sexual abuse,
7 whether present or historical, in cases where the
8 allegations are made against an individual whose employment
9 or volunteer activities brings them in close association
10 with children.

11 Now, I understand that issue came up and I
12 think that's a very valid recommendation that that at least
13 be examined by that same committee.

14 **MR. DUMAIS:** All right.

15 Now, can you then speak to the issue of
16 initiatives that the Ontario Provincial Police have
17 developed or programs that they've put in place that deal
18 with crime prevention and the protection of children?

19 **DEP. COMM. LEWIS:** This is something that
20 obviously is very near and dear to all of us in this room
21 and, of course, in the OPP.

22 We have many, many programs that are focused
23 at children. First of all, the grade 6 to 8 students in
24 schools in areas that the OPP polices all across Ontario,
25 we have a program that we deliver that involves proper

1 decision-making for kids, being effective people, health
2 relationships, and always gets into discussions around good
3 touch/bad touch, dealing with stranger advances and
4 youthful sexuality issues and much more.

5 That's a very important program. It's
6 called VIP in some places and VEP in others, but it's
7 basically the same program. Our people in the crime
8 prevention section are doing Internet safety presentations
9 for students, for educators and for the public regarding
10 Internet risks, child luring, child pornography and
11 bullying, and that's happening via our crime prevention
12 section, Sergeant Robin MacEachern and our people right
13 across Ontario, and it is very, very well received.

14 And this is such a huge issue for us now in
15 society, this whole Internet risk issue. We've got a
16 number of enforcement initiatives around online paedophiles
17 and through the management of known offenders in
18 communities. There's certainly people living in
19 communities that are on release and potentially high risk
20 to reoffend and we have a number of programs around that.

21 And our child exploitation section, of
22 course, is actively online dealing with online luring and
23 paedophilia and, of course, child pornography issues right
24 across Ontario.

25 We have a school officer training programme

1 and a manual that was developed by our crime prevention
2 people as well, and a course that's been put on through the
3 Ontario Police College for officers that regularly deal
4 with high school children. This has just been started this
5 past year and it received rave reviews as well.

6 We have a number of youth camps for at-risk
7 youth, including First Nations youth, and one a summer
8 program we put on at our headquarters since 1998, where we
9 take 42 kids out of communities all across Ontario that are
10 really deemed by local officers as being in high-risk
11 situations.

12 We bring them in and they interact with the
13 police in a positive way, from fun things to educational
14 things to fitness activities and a lot of the programs
15 around abuse and some of the issues that I mentioned
16 earlier.

17 We also have one for First Nations children
18 that we piloted this year in a remote community in the
19 Northwest, dealing with children who are involved in
20 solvent-abuse issues and some very difficult situations in
21 a real tragic community. And that's occurred and will
22 occur annually.

23 And then we do follow-up with those kids to
24 see how they're making out after they've spent a week in a
25 camp with the police and talked about all these things in a

1 real wonderful setting.

2 And the *Police Services Act Regulations*
3 authorize our Commissioner to publicly release details on
4 offenders that pose a threat to the public. And of course
5 we don't take that lightly.

6 And this authority has been delegated to
7 each regional criminal operations manager and it allows us,
8 of course, to put out a public release about an offender
9 who is not under charge or otherwise restrained by court
10 orders, but ultimately has been released and likely to
11 reoffend or is a threat to the community. And we use that
12 to warn the community that this person is in their midst.

13 And, of course, that's a challenging thing
14 to deal with, but it's important that the public is
15 well-informed, and so we take that very seriously as well.

16 And so our people, our officers and our
17 crime prevention people right across this province, they're
18 in schools and they're dealing with youth groups and
19 parents and educators and other social service agencies
20 constantly, because really that's the place to deal with
21 kids who may be abused or who may suffer all sorts of
22 things in life, including bullying.

23 And so we spend a lot of time doing that,
24 and how you measure the impacts of that I don't know, but
25 it's the right thing to do and we'll continue doing it, and

1 more.

2 **MR. DUMAIS:** Now, there's another issue that
3 was raised at this Inquiry about the human resources and
4 the area crime manager and some of the CIB case managers.
5 More specifically, this is something that was raised by
6 Inspector Randy Millar when he was giving evidence and
7 being questioned about his actions with respect to the
8 Jean-Luc Leblanc investigation, indicating that he had a
9 lack of resources to deal with, with all of his crimes
10 being investigated by his unit.

11 Has anything been done to address that
12 issue -- the lack of resources that was raised by Inspector
13 Millar?

14 **DEP. COMM. LEWIS:** For sure it has, sir.
15 It's a very, very important issue, and our staffing
16 situation in 2008 is hugely different than it was in the
17 nineties, particularly on the crime front, where we've got
18 people trained that we didn't have trained in those days,
19 and uniformed people trained that can step into jobs and
20 have the proper training to assist. So it's two different
21 organizations.

22 At that time, in the 1990s, the entire
23 organization was dealing with a huge vacancy rate. We had
24 a lot of positions that weren't filled for a variety of
25 reasons, but Eastern Region was a part of that and had a

1 lot of vacant positions.

2 Randy Millar and his unit was also dealing
3 with a number -- I think four homicide investigations at
4 that time, a couple of attempt-murder investigations, other
5 sexual assault investigations and some organized crime
6 investigations in this area that really taxed them and they
7 didn't have a lot of people. Detectives were in short
8 supply for them.

9 But since then, of course, a lot of changes
10 -- it's changed in a very positive way. And Eastern Region
11 now has what they call the Community Response Team, which
12 is 10 officers who are trained -- highly trained in dealing
13 with significant crime. They work out of Eastern Region
14 Headquarters, but they're all over eastern Ontario.

15 And they will be the -- kind of used to
16 front-end-load serious investigations, so you have a lot of
17 people there to get a lot of work done in a short period of
18 time, whether that be a homicide or a Project Truth. And
19 so they're out there and available. They support our
20 detectives in detachments on a daily basis.

21 We've added a number of surveillance teams.
22 I know physical surveillance is an issue that came up in
23 this situation with Randy Millar at the time. We had two
24 surveillance teams back then; in the organization now we
25 have eight, and two of them are in eastern Ontario, one

1 full-time and one part-time, all trained and equipped.

2 So the ability to provide that support by
3 physical surveillance has increased greatly. We have
4 additional abuse issues people that we didn't have at that
5 time. Back in those days, there was just one -- Heather
6 Lamarche, who -- or, Heather Kewley, rather, who spoke at
7 this Inquiry.

8 It was a new program at the time and that
9 program has come a long way. SD&G Detachment, for example,
10 has a full-time person that does that. There's an
11 additional person at Regional Headquarters that supports
12 that sergeant position. And other detachments have them as
13 well. And all that helps out greatly.

14 All the detachment commanders, regional
15 commanders and crime people in this province, know that if
16 they need people we can find them somewhere. That's not
17 easy to do because there's peak periods where everybody's
18 busy, but if we have to pull people out of General
19 Headquarters to send them to help in an emergency or in a
20 significant investigation, we will do that.

21 That wasn't always the case. I'm not being
22 critical of any past leaders of our organization, but that
23 mindset has shifted a bit. We have more people in the OPP
24 than we did then.

25 We probably have close to 2,000 more staff

1 overall in this organization than we had in the late
2 nineties, right across Ontario. The government has given
3 us a number of investigative units -- the organized crime
4 and drug enforcement -- that we can tap into if we need to,
5 to help fill a hole in an investigative team like a Project
6 Truth.

7 That wasn't as easy to do back then. But
8 with leadership changes and just a different mindset, and
9 with the additional resources we have on the provincial
10 level, we have the ability to do that now in a different
11 way than we once did.

12 At the same time, one of the things that
13 came out of those frontline focus groups I mentioned as a
14 strategy we call the policing resource model, and it's a
15 framework that we've been developing for the past year and
16 a half that really identifies where we need people and how
17 many we need, by looking at workload and actually in a way
18 that we've never been able to articulate before. So
19 if Randy Millar back years ago, or the detachment commander
20 in Long Sault, said, "I'm really short of people, I need
21 10," we'd say, "Well, how does that work? Why do you need
22 10?"

23 We now have a model that will show us that.
24 And the business case is being prepared for our
25 commissioner to present to government and for us to present

1 to municipalities that we contract out our policing
2 services to that will, for the first time in our entire
3 history, be able to demonstrate where our needs are and
4 why.

5 And some detachments have greater needs than
6 others. Generally speaking, we do need more people across
7 the organization. So that's a work in progress and
8 ultimately the commissioner is moving forward with that.

9 But even without that, we're in better
10 position now than we were then, but if that proposal is
11 successful it will be even better. So more people better
12 placed, better trained than in those days makes a huge --
13 will have a huge impact on the Project Truths of the
14 future.

15 **MR. DUMAIS:** All right.

16 **DEP. COMM. LEWIS:** Hopefully we won't have
17 any more Project Truths but, reality being what it is,
18 unfortunately we will and we'll have the people to respond.

19 **MR. DUMAIS:** The next issue deals with CIB
20 case management and assignment, and that's, I guess to a
21 certain extent, somewhat related to the human resource
22 issue, and again that's something that's been raised by
23 Inspectors Smith, Hamelink and Hall when they were asked
24 questions about caseload of major cases and specifically
25 when they're dealing with investigations in remote

1 locations.

2 **DEP. COMM. LEWIS:** Sir, I just -- if I could
3 back up? I meant ---

4 **MR. DUMAIS:** Yeah.

5 **DEP. COMM. LEWIS:** --- to also read in a
6 recommendation, a very brief one around that work we're
7 doing.

8 And those abuse issues officers that we talk
9 about in that new model, we have recommended to the
10 Commissioner and the Commissioner has approved this, that
11 as part of that model when we look detachment by
12 detachment, what are the local needs, that we haven't a
13 full time abuse issues coordinator in every detachment in
14 the Province of Ontario. We have some part time ones.
15 Some of the bigger detachments do have a full-time one but
16 it's not consistent across the organization.

17 So my recommendation is that in fact occur
18 and that this Commission support that part of our staffing
19 model that has been approved by the Commissioner of the OPP
20 which calls for a full-time abuse issues officer in each
21 OPP detachment.

22 That's really the end of my recommendation
23 around that staffing issue.

24 **MR. DUMAIS:** So then the officer would
25 report to the regional issues abuse coordinator for that

1 region that reports to the provincial one?

2 DEP. COMM. LEWIS: On program issues, yes.

3 MR. DUMAIS: Yes.

4 DEP. COMM. LEWIS: And they really report on
5 program issues, not necessarily on a day-to-day basis in
6 terms of time off and those kinds of local approvals, but
7 the programs they deliver are done through that centralized
8 model and concept.

9 MR. DUMAIS: All right.

10 DEP. COMM. LEWIS: I apologize. You were on
11 to CIB case management.

12 MR. DUMAIS: That's okay. So just -- I was
13 just about to put the question to you. So in -- something
14 that was raised by Inspector Hamelink, I guess more
15 specifically, and I think the recommendation that he would
16 have given to the Commissioner would that there be some
17 sort of capping on the amount of the investigations or
18 amount of work that a detective inspector is expected to
19 carry at any given time.

20 Is this something that the OPP has addressed
21 and if so, how?

22 DEP. COMM. LEWIS: Well, in part. Without a
23 doubt, CIB inspectors work out of a suitcase. I did the
24 job and they're largely overworked and underpaid. And
25 that's the reality of the job and they know that when they

1 apply and they do it well. But it's still not right that
2 in some cases they carry the caseload that they did or do.
3 And in some cases, that's been unbalanced over the years.
4 Some CIB inspectors had more than others.

5 So the present Director of the Criminal
6 Investigation Branch is a -- Detective Superintendent named
7 Ron Gendron. He has 28 inspectors in the Criminal
8 Investigation Branch that he manages ultimately. So he has
9 taken a number of steps and is in the process of dealing
10 with that.

11 In fact, just in this past year, he brought
12 all the members and their spouses in for a meeting and even
13 had our force psychologist there to lead a discussion
14 around what -- you know, what are the issues for you folks
15 in terms of -- undoubtedly, the impacts of travelling this
16 province and working out of a suitcase or living in
17 Cornwall for three years as some of you may be able to
18 relate, ultimately has work/life issues -- work/life
19 balance issues and family issues that come from that. So
20 he's had those discussions with them and got a lot of
21 feedback on things they can do to make life better. He's
22 put together a plan to deal with that.

23 He also now has three deputy directors where
24 he used to have two. And -- or used to have one, I'm
25 sorry. The job that I did years ago. So two of those are

1 deployed and they get out and about and they can deal with
2 the inspectors and have a handle on what they're doing; how
3 they're working; what their workload is; and be current on
4 whether or not they have upcoming holidays or courses
5 they're on or potentially court cases. So that they can
6 better jockey the workload around so that they're not
7 dumping cases on people that have trials starting the next
8 week.

9 We're 28, and all over the province it's
10 really tough to keep a handle on it, but with three deputy
11 directors they can do that a lot better.

12 With more detectives, better trained, more
13 abuse issues coordinators out there, and the world's not
14 perfect yet but we're trying to work towards that. That
15 will undoubtedly help those detective inspectors who won't
16 have to necessarily interview victims themselves. And I
17 know that happened in these investigations. It happened
18 because you've only got so many people to rely on.

19 And as a result, Pat, and Fred Hamelink and
20 Tim Smith all were conducting the interviews themselves
21 because they just didn't have anybody else to turn to.
22 Everybody was working hard, all the constables and all the
23 sergeants.

24 So by having more trained people being able
25 to tap in the more resources, that will lessen the workload

1 on the CIB inspectors as well.

2 Will they ultimately ever have a cap that
3 you'll never have more than 10 cases on the go? That will
4 likely never happen because cases are fluid and 10 cases
5 may mean ones before the courts and may mean 3 of them have
6 killers on the loose. So the workload fluctuates depending
7 on what those cases ultimately are.

8 But by monitoring it better and providing
9 the support better, they'll be better positioned to deal
10 with it. And they'll still be knocking on the door trying
11 to get the job because they want to it and they want to
12 work hard and they're good at what they do.

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

14 **THE COMMISSIONER:** Maître Dumais, I'd like
15 to get in-chief done. Do you know how long -- how much
16 longer you'll be?

17 **MR. DUMAIS:** About 10 minutes, I believe,
18 Commissioner.

19 **THE COMMISSIONER:** Okay. Good. Can we go
20 on?

21 **DEP. COMM. LEWIS:** Certainly.

22 **THE COMMISSIONER:** I'm thinking about the
23 support staff as well. Can we go on for another 10-15
24 minutes or would you like a break now?

25 We'll try.

1 **MR. DUMAIS:** All right.

2 So the next issue that was raised, and that
3 came up through the evidence of Inspector Smith and I guess
4 more specifically with Inspector Hall, he had explained
5 that when he was starting up Project Truth, there had been
6 a request made for a crime analyst to assist with the
7 investigation and that request had been denied.

8 Would the same thing happen today? I mean,
9 and are there more crime analysts available or how would
10 that be considered or is -- what can you tell us about
11 that?

12 **DEP. COMM. LEWIS:** Well, there's a couple of
13 things. One is there's many more now than there was then.

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

15 **DEP. COMM. LEWIS:** Whether or not there's
16 enough to always meet our needs at peak times, there's a
17 question, but where we used to have 4, I think now we have
18 actually 10 analysts.

19 And back in the days when there was only
20 four, they got dragged off to do organized crime projects,
21 whereas now we have 18 analysts that do all the organized
22 crime, the drug enforcement work.

23 So the tactical analysts that are available
24 to help CIB on cases like Project Truth have increased
25 greatly. And they can rely on the organized crime people

1 who can come and help if necessary.

2 So the world has changed a lot. And if, in
3 fact, there's cases -- and CIB tells me they don't remember
4 the last time they were turned down for an analyst on an
5 investigation ---

6 **MR. DUMAIS:** M'hm.

7 **DEP. COMM. LEWIS:** --- but if there was a
8 conflict in future, it would go right up to the deputy
9 commissioner of investigations. And knowing what we know
10 in results with what happened with Pat in terms of his
11 needs for an analyst and the years of work that goes into
12 something like that that involves abuse, ultimately
13 children and male victims, et cetera, I'm certain he would
14 find an analyst somewhere for that project. We just --
15 it's just something we have to do.

16 **MR. DUMAIS:** All right.

17 Now, this is something that we -- you have
18 dealt with your evidence today, Deputy, it's your
19 involvement with meeting with Inspector Smith and Inspector
20 Hamelink and the apparent conflict that had developed
21 between two.

22 So is there anything that the OPP is doing
23 or has changed to address this type of issue, so dispute
24 between inspectors, people of equal ranks are running
25 investigations in the same locations or regions?

1 DEP. COMM. LEWIS: Well, ultimately, I mean,
2 as long as we're hiring people and not robots at times this
3 is going to happen, this sort of thing. And -- but it's a
4 very rare thing. And, once again, it wasn't a brouhaha
5 that some have portrayed it to be. It was just a bit of a
6 conflict. It wasn't a fist fight by any source of
7 imagination. So people are people. On occasion, these
8 sorts of things are going to happen including the case
9 where someone promises something and forgets to deliver.

10 But, ultimately, we hire great people in
11 Criminal Investigation Branch and throughout the
12 organization. I think those things are going to be few and
13 far between, even more so with deputy directors out
14 visiting and kind of keeping tabs on things.

15 And the case management protocols and the
16 blackberries that have come, and the technology that you
17 can go and search a name and in minutes find out who's
18 interviewed who.

19 And just -- the whole world has changed so
20 much that I think the opportunities for that to occur
21 aren't as great. And deputy directors out visiting,
22 keeping tabs on things, better than we did then in those
23 days, it will eliminate some of that as well.

24 But once in a while someone's going to
25 forget to do something and someone else's going to get mad

1 about it. It's going to happen. That's just the reality
2 of people. I think all of us in this room can go home any
3 day of the week and think "I forgot to tell somebody
4 something".

5 MR. DUMAIS: Yes.

6 DEP. COMM. LEWIS: That's what happened
7 there and, once again, it -- I don't think that will happen
8 very often.

9 MR. DUMAIS: One of the other issues that we
10 dealt through the OPP institutional response with various
11 witnesses is issues arising out of media releases by the
12 OPP; so both press conferences and media releases.

13 And, more specifically, we have looked at
14 the press release that was released in December of 1994
15 after Inspector Smith had completed his investigation. And
16 this afternoon, we looked at the press release which was
17 ultimately released at -- in the summer of 2001.

18 Has anything changed with respect to the OPP
19 and their views on media communications and how to deal
20 with those issues?

21 DEP. COMM. LEWIS: Definitely, they have.

22 Our Corporate Communications Bureau has
23 undergone a lot of change since Commissioner Fantino came.
24 Of course, he's not shy about speaking to the media
25 himself, and he expects our people to speak to the press.

1 The organization is changed greatly.

2 We've really gone from an organization, in
3 probably the early '90s to even the late '90s in some
4 fronts, that was a police organization that would only
5 speak to the press if we were forced to, and then we'd only
6 tell them what we thought we could get away with. And --
7 as little as possible.

8 And organizationally now, the mindset -- and
9 we've engrained this everyone that we can -- that we'll
10 tell the media all we can, except those things that might
11 jeopardize an investigation or may hurt the judicial
12 process in some way or identify a victim or witness
13 unnecessarily.

14 So that mind shift is very, very prominent
15 in the OPP. We have way more people trained in media
16 relations, including CIB inspectors. They didn't take a
17 media relations course in those days. And that's no
18 respect to Tim or Pat or anyone; that just wasn't the way
19 we operated at the time. We weren't going to tell anybody
20 anything anyway, so there wasn't any much reason to train
21 anybody.

22 But that's changed a lot, too. And the CIB
23 inspectors are expected to be out there, not curtailed from
24 being out there. They know what they can say and what they
25 can't in terms of what's going to hurt them in court or

1 maybe jeopardize a witness or a victim. So they're
2 expected to do that sort of thing.

3 And then we have the ability as well through
4 Internet to communicate way better with the public, because
5 we owe the public, we owe victims, witnesses and the
6 public, we owe them what's really happening, to alleviate
7 any threats in the community. And we need them to know
8 that the police are out doing their job so they can feel
9 better and safer in their community.

10 So it all fits together and it's a total
11 mind shift from it was years ago in the OPP

12 **MR. DUMAIS:** And as well this afternoon, we
13 dealt with how the CIB, and more specifically you, were
14 responding to some of the allegations that, for example,
15 Gary Guzzo was making in the media. And we've looked at a
16 number of either community groups or other public
17 institutions, requests that were being made on you.

18 Does the OPP now have a specific policy on
19 how to deal with some of these rumours or allegations or
20 innuendos that are out there in the media? Do you deal
21 with that differently?

22 **DEP. COMM. LEWIS:** Well, we do for sure, and
23 we do have some policy on it. And trying to correct
24 something that is said in the media is always a challenge
25 for us, because it can get into "He said this" and "He said

1 that", and it can go on forever. So it's not an easy thing
2 to do at times, but without a doubt, we will do it at
3 times, too.

4 In the case of Guzzo, we were well on our
5 way doing that even then. And once again, we've changed in
6 terms of how we deal with the media from those early days.
7 That was, you know, that was eight years ago for me. But
8 it's never particularly easy.

9 If a reporter says X or Y and it's not
10 accurate, it's tough for us to put out a release to correct
11 it unless it's something that will ultimately hurt someone
12 or will affect public safety in some way, you know, then we
13 have to take a tougher stand and do those things as much as
14 we can.

15 But we'll do them with more regularity now,
16 and we can do them in a more effective way because of the
17 mass communication ability we have through the Internet, et
18 cetera.

19 I mean, we're victim on a daily basis to
20 blogs that are totally inaccurate. But do we get on the
21 blogs and start trying to say, "No, that's not what
22 happened?" I mean, it's really tough to do. So we have to
23 be very strategic in how we do to, but we're not afraid to
24 take it on.

25 And I'm sure you've heard our Commissioner

1 himself get in the media several times to correct things
2 that were being said or different things weren't accurate.
3 So we're not afraid to do that.

4 **MR. DUMAIS:** All right.

5 Now, another issue that has arisen and that
6 has to deal with a number of OPP officers that are now
7 retired, and at times it was difficult for the OPP to
8 provide the Commission with police officer notes.

9 Is there anything that has changed with the
10 OPP to make sure that you retain access to those notes?
11 And perhaps if not, do you have a recommendation to that
12 effect?

13 **DEP. COMM. LEWIS:** I don't specifically have
14 a recommendation. Ultimately, the policy -- there was
15 policy in effect back then. Where we dropped the ball, for
16 lack of a better term, is we didn't necessarily communicate
17 it in a good way. And it was tougher then to communicate
18 things, because we didn't have intranet and all these
19 things that we can blast out e-mails right away.

20 We sent out letters and some of them didn't
21 get to the board to be read or some chose to ignore it.
22 And in some case, people knew the policy and chose to
23 ignore it. In other cases, the people that were to receive
24 the notebooks weren't aware of the policy and said, "No
25 we're not taking them." So we've cleaned that up.

1 And we've also defined, for the first time
2 in our history, who owns notebooks. The OPP owns the
3 notebooks. So it's not, "These are my personal notebooks,
4 I'm going to keep them forever until I die." They become
5 the property of the organization and we store them once you
6 retire.

7 So that's been communicated and all
8 notebooks come in now and are stored. In the case of CIB
9 cases, the officers involved notes are scanned
10 electronically and stored. And as well, the notes go with
11 the project file, or the investigative file.

12 One of the things we still need to really
13 look at, and we've assigned a committee to do it, is if we
14 have to keep every notebook we ever have, the retention
15 issues and storage issues are big for us, and we need to
16 make sure that everybody understands the policy and that
17 it's really clear what goes to the Ontario archives and
18 whatever.

19 And even though the policy is way firmer, my
20 sense is we still need to tighten it up a little bit. So
21 we've assigned a committee as well to report to the
22 Provincial Crime Management Committee that we have to look
23 the whole issue of retention and storage and destruction.

24 So significant changes have occurred and
25 more changes are coming in that regard based on what we've

1 learned here.

2 MR. DUMAIS: All right. So, then, does the
3 new policy provide that when an OPP officer retires, his
4 notes stay with the detachment or with Headquarters or?

5 DEP. COMM. LEWIS: The new policy, all
6 notebooks for that entire -- officer's entire career, all
7 have to be turned over to our supply section and they're
8 all taken and stored.

9 The most current 10 years are kept there,
10 because in that next 10-year period, some of those
11 individuals may have to come back to testify at an inquiry
12 or a criminal trial or a civil trial.

13 And in the previous 20 years are sent to the
14 Records Centre in Mississauga which is an Ontario
15 government facility. They hold them for 19 years, and then
16 they're sent to the Archives of Ontario indefinitely.

17 But how they're searched after and how
18 they're stored are things we want to talk to them about to
19 make sure that if, in fact, we have a case that's 40 years
20 after a criminal trial, we need to find notebooks -- and
21 we've seen that in this country -- then we need to be able
22 to find them.

23 So one thing to get them and store them,
24 it's another thing to be able to find them later on. So we
25 will deal with that through that committee.

1 But now they're our notebooks and they all
2 are turned in when someone retires, and we have to make
3 sure we keep those people accountable in some way that we
4 get the notebooks from them. So we're going to get their
5 gun, their handcuffs and their pepper stray and their
6 notebooks when they leave ---

7 **MR. DUMAIS:** All right.

8 **DEP. COMM. LEWIS:** --- and that's our job to
9 do it.

10 **MR. DUMAIS:** So something else that came up
11 through the evidence of Inspector Smith and retired
12 Inspector Hall is the difficulties they had in setting up
13 Project Truth and obtaining the approval for funding.

14 Has anything with respect to that changed
15 with the OPP?

16 **DEP. COMM. LEWIS:** That's changed as well.
17 Back in those days, we had one part-time person that
18 processed all that. There was inconsistency in the forms,
19 there was inconsistency in the approval process, and it was
20 frustrating. I lived it myself.

21 But back in 2001, they established this
22 Project Support Centre at Headquarters through our Deputy
23 Commissioner of the day, and there are several people in
24 that area that work now.

25 They've got standardized forms, it can be

1 done electronically, and on and on and on. So there has
2 been a lot of changes and more accountability put into the
3 whole entire process, to make sure that it's done more
4 timely and accurately and people are being looked after.

5 Still, there'll be times CIB inspectors will
6 want things that they're not going to be able to get,
7 because we have to have certain parameters around how we
8 hand that thing -- that money out. That's just the reality
9 of any public sector organization, or private for that
10 matter.

11 But it's a much better system than it was in
12 those days. So the Pat Halls of the current day will get
13 their project plans in through a consistent format and be
14 able to get what they can justify and truly need. They are
15 taxpayers' dollars. And they'll be able to get trained
16 people differently than in those days.

17 So the whole thing, when you look at that
18 whole continuum of issues that Pat had to deal with, the
19 world's not perfect yet, but we've certainly fixed a lot of
20 that.

21 **MR. DUMAIS:** And that perhaps finally,
22 Deputy, has anything changed within the OPP with respect to
23 the investigation of historical sexual assaults?

24 **DEP. COMM. LEWIS:** Well, for sure. As I
25 said earlier, we're not the same organization, and abuse

1 issues coordinators were few and far between in those days.

2 And no disrespect to any CIB inspectors of
3 the day, but I myself, as a new regional commander in 2001,
4 didn't know they existed, because we didn't -- we had them
5 -- we didn't even communicate it well through the old paper
6 method of sending out letters. So we can communicate those
7 things differently and we have a lot more of those people
8 in place.

9 And an investigation that was done in the
10 Pembroke area in the past couple of years of historical
11 sexual assaults against males by a member of the clergy,
12 the investigation was conducted by a CIB inspector, who
13 once again, the words "Cornwall Inquiry" will roll off his
14 lips, too, because he immediately looked at what is the
15 situation here, and had conversations with Superintendent
16 McQuade.

17 Immediately engaged the regional abuse
18 issues coordinator, who immediately got involved in setting
19 up interviews and helping plan interviews because there's
20 that knowledge base now, "I'm doing these things that are -
21 - it's different than in those days".

22 And, of course, at the same time, the
23 individual was -- had the proper people there. The Major
24 Case Management System was in place. There was great
25 support out of the AG's office in Toronto to help on that

1 end of it. Everything fit together. Great cooperation
2 amongst everybody in a real positive way.

3 And that CIB inspector just, you know, he's
4 successful in what he does as a rule anyway, but he
5 immediately turned to say, "Okay, what did we learn here?
6 I've got one of these now and what can I put in to apply to
7 this?"

8 So then we have the conferences that I spoke
9 about where we're talking about these things now. We've
10 got people like the abuse issues coordinators that give
11 advice. We've got CIB inspectors that know how to do this
12 work now. It was a new thing when Tim Smith started it in
13 those days, relatively new.

14 So it all fits together in a different way
15 than it did during those times and we have the right
16 organizations involved to support the victims right from
17 day one because the CIB inspector involved the abuse issues
18 coordinator from day one.

19 So right away, that resource came to the
20 table that could give advice, link into the right
21 organizations and make things flow a lot better and a lot
22 more effectively.

23 Once again, no disrespect to those that did
24 it way back in the 90s who didn't have a lot of that then.
25 We do now, so we've learned from that and we move forward.

1 **MR. DUMAIS:** All right, Deputy. These are
2 my questions. Thank you.

3 **THE COMMISSIONER:** Thank you.

4 So we'll come back tomorrow morning at 9:30
5 for the cross.

6 I must say I'm relieved. I thought maybe
7 Superintendent Hall had passed you a copy of his
8 recommendations that you would echo.

9 **(LAUGHTER/RIRES)**

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

12 This hearing is adjourned until tomorrow
13 morning at 9:30 a.m.

14 --- Upon adjourning at 5:49 p.m./

15 L'audience est ajournée à 17h49

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C E R T I F I C A T I O N

I, Sean Prouse 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, Sean Prouse, 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.



Sean Prouse, CVR-CM