

**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 195

Held at :

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

Tuesday, February 12 2008

Tenue à:

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

Mardi, le 12 février 2008

ERRATA

February 6, 2008
Volume 191

Transcript

Page 173, Line 4

MR. LEE: I agree.

MR. NEUBERGER: In 1993 there could have been an opportunity for some investigation to occur with Mr. Silmsler, that was in police hands and also the Ministry's hands, but I think it's a little unhelpful to ask a question about having some sort of town hall meeting in 1994, particularly if we can keep our eye on the ball.

Should have read:

MR. NEUBERGER: I agree, in 1993 there could have been an opportunity for some investigation to occur with Mr. Silmsler, that was in police hands and also the Ministry's hands, but I think it's a little unhelpful to ask a question about having some sort of town hall meeting in 1994, particularly if we can keep our eye on the ball.

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Maya Hamou	Commission Counsel
Ms. Mary Simms	
Mr. Ian Stauffer	
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Mark Crane	
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Ms. Amanda Connolley	Ottawa Police Service

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, Mr.
10 Stauffer.

11 **MR. STAUFFER:** Good morning, Mr.
12 Commissioner.

13 Mr. Commissioner, unless there are any
14 preliminary matters from your viewpoint, I would like to
15 call Mr. Claude Legault as the next witness.

16 **THE COMMISSIONER:** Fine with me. Thank you.

17 **CLAUDE LEGAULT, Sworn/Assermenté:**

18 **THE COMMISSIONER:** Thank you.

19 Good morning, sir.

20 **MR. LEGAULT:** Good morning.

21 **THE COMMISSIONER:** So welcome to the
22 Inquiry. There's water, glasses, there for you. There is
23 a microphone in -- no, this is the microphone. So I would
24 like you to push it in front of you or pull it.

25 **MR. LEGAULT:** Okay.

1 **THE COMMISSIONER:** Don't be afraid to grab
2 it and bring it forward.

3 **MR. LEGAULT:** Okay.

4 **THE COMMISSIONER:** All right.

5 There is a speaker in front of you as well,
6 so if you need to put up the volume or decrease it,
7 whichever one, you can do that. There's a screen as well.
8 So when we show you and if we show you some documents,
9 we'll give it to you in a hard copy and it will also be on
10 the screen so the public and you have an opportunity to
11 look at it that way.

12 **MR. LEGAULT:** Okay.

13 **THE COMMISSIONER:** I would ask you to listen
14 to the question fully because we can't have two people
15 talking at the same time, and give me your best answer.

16 **MR. LEGAULT:** All right.

17 **THE COMMISSIONER:** If you don't know the
18 answer, just tell me you don't know the answer. If there's
19 something you don't understand or you feel uncomfortable
20 with, please let me know right away and then we can work
21 things out for you.

22 **MR. LEGAULT:** Okay.

23 **THE COMMISSIONER:** Any time you need a
24 break, just let me know.

25 **MR. LEGAULT:** Thank you.

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

2 **MR. LEGAULT:** Okay.

3 **THE COMMISSIONER:** Mr. Stauffer.

4 **MR. STAUFFER:** All right. Thank you, Mr.
5 Commissioner.

6 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
7 **STAUFFER:**

8 **MR. STAUFFER:** Mr. Legault, thank you for
9 coming today.

10 **MR. LEGAULT:** Thank you.

11 **MR. STAUFFER:** Now, sir, I'd like to go
12 through a little bit of your background.

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

14 **MR. STAUFFER:** Currently, where are you
15 working?

16 **MR. LEGAULT:** I work as the Area Manager for
17 the Probation and Parole Office in Cornwall.

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

19 Before you became the Area Manager here,
20 where did you work?

21 **MR. LEGAULT:** I worked as a probation and
22 parole officer in Hawkesbury.

23 **MR. STAUFFER:** And could you give the
24 Commissioner the dates when you started and stopped at
25 Hawkesbury?

1 **MR. LEGAULT:** I started as a probation
2 officer in September of 1984 and I started on an acting
3 basis as the Area Manager in Cornwall in mid-December 1998.

4 **MR. STAUFFER:** In 1998?

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

6 **MR. STAUFFER:** All right.

7 And just in terms of your education, I
8 understand you have a Bachelor's degree. Is that right?

9 **MR. LEGAULT:** That is correct.

10 **MR. STAUFFER:** And where did you get that
11 from?

12 **MR. LEGAULT:** From the University of Ottawa.

13 **MR. STAUFFER:** And what were you studying
14 there?

15 **MR. LEGAULT:** I had a General Bachelor of
16 Arts degree and then I did two years of sociology and some
17 criminology courses at Ottawa U.

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

19 And after graduation, I understand you
20 worked for a while before you became a probation officer.
21 Is that correct?

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

23 **MR. STAUFFER:** Could you just tell the
24 Commissioner briefly what you did in terms of work?

25 **MR. LEGAULT:** Yes. My first employment was

1 from 1968 to '73, I believe, with the Centre de services
2 sociaux in Hull, a social work agency, and I was covering a
3 rural area in Western Quebec, Pontiac County.

4 **MR. STAUFFER:** Right.

5 And what's the town there?

6 **MR. LEGAULT:** Shawville is one.

7 **MR. STAUFFER:** Shawville, exactly.

8 And then, sir, I understand you tried your
9 hand at being a teacher and a counsellor for a while?

10 **MR. LEGAULT:** Yes, I worked for that agency
11 for five years and then worked in a high school in
12 Shawville as a teacher/guidance counsellor for another
13 stretch of five years. I've got at least five-year cycles.

14 **MR. STAUFFER:** And there was a small turn in
15 your career path for a while. What did you do after that?

16 **MR. LEGAULT:** Yes, in 1978 I took over the
17 family dairy farm with my brother.

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

19 And then as you told the Commissioner, in
20 1984 you became a probation officer ---

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

22 **MR. STAUFFER:** --- and you've basically been
23 a probation officer and then a manager for the last 20-some
24 years?

25 **MR. LEGAULT:** Since 1998. I've been a

1 probation officer for 24 years.

2 MR. STAUFFER: Yes.

3 MR. LEGAULT: Yes.

4 MR. STAUFFER: And so during your time in
5 Cornwall as the Area Manager, was there a period of time
6 when you left the office to do something else?

7 MR. LEGAULT: Yes. From February '04 until
8 May '05 I was in -- I was the Area Manager at the Ottawa-
9 Centre Probation and Parole Office.

10 MR. STAUFFER: All right.

11 And when you were there, who took over as
12 the Acting Area Manager in Cornwall?

13 MR. LEGAULT: Ms. Carol Cardinal.

14 MR. STAUFFER: All right.

15 And we've heard from Ms. Cardinal already.

16 Now, sir, in terms of your arrival in 1998
17 here in Cornwall as the Area Manager, could you describe
18 for the Commissioner the work environment as you saw it
19 when you first came in?

20 MR. LEGAULT: The Cornwall Office had
21 somewhat of a reputation as having difficult working
22 relationships. Staff/management relationships were
23 somewhat strained. There had been sort of a history of
24 that. So I was familiar with that context when I started.

25 MR. STAUFFER: Could you give us the sources

1 of your information? How did you develop that perception
2 of the Cornwall Office?

3 **MR. LEGAULT:** My own personal experience
4 because Hawkesbury was part of the Cornwall Cost Centre, so
5 we occasionally had joint meetings with the staff from
6 Cornwall. I had met some of the staff from Cornwall at
7 various conferences or professional development events. I
8 had discussions with Mr. Robert and also had discussions
9 with Ms. Newman ---

10 **MR. STAUFFER:** All right.

11 **MR. LEGAULT:** --- who was the Regional
12 Director at the time.

13 **MR. STAUFFER:** Right.

14 And so from talking with those two people,
15 they gave you their impressions of what the office was like
16 in Cornwall?

17 **MR. LEGAULT:** Yes.

18 **MR. STAUFFER:** When you came in then and
19 actually experienced it in the first days and weeks of
20 being the Area Manager, could you give the Commissioner
21 your perception of whether there was tension and so on in
22 the office or whether this was a misperception?

23 **MR. LEGAULT:** There may have been some
24 initially. I had the advantage of not having been really
25 part of the previous history. I was somewhat removed. At

1 the same time, I knew the players. I didn't find it that
2 much. My impression or the impression that I tended to --
3 or tried to convey to staff was that we were going to write
4 our own history. I didn't want to be prisoners of the past
5 and nor for them to be prisoners of the past relationships,
6 that we would build our own history, our own relationships.

7 **MR. STAUFFER:** Okay. Did Monsieur Robert
8 give you some briefing? That may be too formal a word, but
9 did he give you some kind of a handover assessment of the
10 office before he left?

11 **MR. LEGAULT:** Yes. Shortly before he left
12 and when I started, we had frequent conversations.
13 Sometimes I would contact him about technical information
14 or finding documents or so on, and he would -- yes,
15 sometimes go into some lengths to describe some of the
16 staff at the office.

17 **MR. STAUFFER:** Okay. Now, I realize this
18 was a while ago -- it was about 10 years ago when you
19 became Area Manager -- but if you can remember back then,
20 did Monsieur Robert give you any direct information as to
21 Mr. Seguin? I realize Mr. Seguin was dead for several
22 years by this point, but was there anything that he passed
23 on to you in terms of what had happened?

24 **MR. LEGAULT:** Not that much except to talk
25 briefly about the rumours and allegations that were already

1 surfacing in the media and around the community, I guess,
2 around his possible involvement in the paedophile clan or
3 whatever you want to refer to it.

4 **MR. STAUFFER:** Okay. And going back even
5 further in time, was there any mention by Monsieur Robert
6 of Nelson Barque?

7 **MR. LEGAULT:** I remember when I started in
8 '84, Mr. Robert was located in an office not far from me.
9 So I frequently called him as a mentor, if you want, and I
10 recall that he made reference to a former officer having
11 left the Ministry after some allegations of sexual
12 misconduct with clients.

13 **MR. STAUFFER:** All right.

14 **THE COMMISSIONER:** So would this be before
15 Mr. Robert became manager?

16 **MR. LEGAULT:** Yes.

17 **THE COMMISSIONER:** You were having this
18 discussion?

19 **MR. LEGAULT:** Yes.

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

21 So you have those impressions and those bits
22 of information coming to you from Mr. Robert.

23 When you then take over as the Area Manager,
24 is there anything in particular that you do to deal with
25 those rumours, or in terms of dealing with the staff as

1 they then existed?

2 **MR. LEGAULT:** We had some discussions
3 initially on the need for the office to make all reasonable
4 efforts to regain our integrity and our credibility as
5 individuals and as an office, and I think that was very
6 important for staff. Staff were feeling that there was a
7 lot of rumours and allegations flying out there in the
8 community and in the local media and so on.

9 A lot of the -- well, just about every male
10 PO in the office had been told at one point of another by
11 clients, you know, "You're just a bunch of pedophiles" or
12 all staff had comments around -- from clients or others
13 around, you know, "You were there; you knew about it; you
14 covered up", or whatever.

15 So staff were really feeling the pressure of
16 those allegations and accusations. So we had decided that
17 we were going to regain our credibility and our integrity
18 one day at a time, one client at a time, by having a clear,
19 consistent process to deal with.

20 **MR. STAUFFER:** Okay. If I could just go to
21 one of your officers for a moment, Mr. van Diepen.

22 Did you work with him?

23 **MR. LEGAULT:** Yes, he was probation officer
24 in the office when I became the area manager, yes.

25 **MR. STAUFFER:** How was your relationship

1 with him during the time you were the manager?

2 **MR. LEGAULT:** Initially, there were some
3 tensions. I think Mr. van Diepen may have applied for the
4 position as well and I remember in the first days having a
5 discussion with him in terms of maybe -- maybe I got the
6 job simply because I speak French or maybe you should be
7 having the job but the reality is I'm in the position now.
8 Let's see how we can work together.

9 And I thought it was important to do that
10 because Mr. van Diepen was the union rep and I explained to
11 him we have a joint responsibility in managing the
12 workplace. We come at it at times from different
13 perspective but we have a joint responsibility in managing
14 the office.

15 And we sort of agreed that what could be
16 worked out locally, we would, and what was beyond the
17 local, we would pass it on and, you know, not make it
18 personal. So I think after that we had a good working
19 relationship.

20 **MR. STAUFFER:** Okay. Perhaps just to carry
21 on with Mr. van Diepen through time here for a moment, were
22 there events that developed with respect to a website that
23 you became aware of?

24 **MR. LEGAULT:** Yes.

25 **MR. STAUFFER:** Perhaps you could tell the

1 Commissioner your involvement with that.

2 MR. LEGAULT: Yes. I was on -- I came back
3 from vacation in, I think, around August the 8th. I think I
4 believe it was the date that I was back. I had been out of
5 the country for five weeks.

6 MR. STAUFFER: Which year would this be, Mr.
7 Legault?

8 MR. LEGAULT: In 2000.

9 MR. STAUFFER: All right.

10 MR. LEGAULT: And I was made aware by two
11 staff when I came back from vacation about the existence of
12 this website and that it made some direct references to Mr.
13 van Diepen.

14 MR. STAUFFER: What was the impression that
15 you were getting? What was the concern anyone was voicing
16 to you?

17 MR. LEGAULT: The gist of it was that there
18 were allegations that Mr. van Diepen certainly seemed to
19 know a lot of the people associated with the allegations of
20 sexual abuse.

21 I don't recall seeing anything at the time
22 that implicated him in any of the wrongdoings, but it made
23 allegations that he knew and that he had not done anything
24 about it.

25 MR. STAUFFER: Okay.

1 **MR. LEGAULT:** That was essentially --
2 there's a lot of other allegations that Mr. Seguin had
3 written a suicide note and left it with Mr. van Diepen and
4 so on.

5 **MR. STAUFFER:** All right. And what steps,
6 if any, did you take then to deal with this issue of the
7 website?

8 **MR. LEGAULT:** Mr. van Diepen came to the
9 office. He may have been on vacation also at the time, but
10 a couple of days later, we had some discussions around
11 these allegations. He was quite upset about these
12 allegations, obviously, adamant that these were all false
13 accusations.

14 And he was quite concerned about the impact
15 that this would have on his reputation in the community and
16 as a probation officer and in his -- how it may compromise
17 his ability to do his job as a probation and parole officer
18 at the time.

19 **MR. STAUFFER:** M'hm, okay. Did you have to
20 deal with other members of the Ministry then with respect
21 to the website?

22 **MR. LEGAULT:** Yes. Once I became aware of
23 it, I was able to access the website, printed off some
24 documents which made reference to Mr. van Diepen, and
25 forwarded that to our regional office for their

1 consideration and to consult with them in terms of the next
2 steps.

3 **MR. STAUFFER:** So this would have been in
4 Kingston?

5 **MR. LEGAULT:** Yes.

6 **MR. STAUFFER:** Yeah. And what action, if
7 any, was taken by the regional office?

8 **MR. LEGAULT:** As this was going on, there
9 was also some discussions with Mr. van Diepen around
10 seeking legal counsel, legal advice, to have the website
11 shut down or to make some efforts to clear his name. And
12 he requested some -- that the Ministry would provide him
13 with legal counsel and there's a lot of discussions back
14 and forth with the Ministry around that at the time.

15 And in terms of the content as well, I think
16 it was shortly around that time that our Regional Director,
17 Ms. Deborah Newman, requested an investigation.

18 **MR. STAUFFER:** Is it by Mr. Downing?

19 **MR. LEGAULT:** Yes, that's correct.

20 **MR. STAUFFER:** Yes, okay, but just before we
21 get into that, how was the website issue resolved? If it
22 was resolved, then what was your perception of the outcome?

23 **MR. LEGAULT:** The website was shut down
24 shortly afterwards. It resurfaced somewhat later under a
25 slightly different format, but initially it was shut down.

1 The concern by Mr. van Diepen was the impact
2 on his reputation as a probation officer and his ability to
3 do his job as a probation officer, and that led to
4 discussions around his possible reassignment to other
5 duties.

6 **MR. STAUFFER:** Okay. And that happened I
7 gather. Mr. van Diepen eventually went somewhere else?

8 **MR. LEGAULT:** Yes, that's correct? We had a
9 number of discussions with him and with our regional
10 director and Ms. Newman came up with a few alternatives
11 that would be presented to Mr. van Diepen. He selected the
12 temporary assignment to the Integrated Justice Project.

13 **MR. STAUFFER:** And so that would have
14 involved working outside the Cornwall office, either in
15 Toronto or at his house but not -- not in the office.

16 **MR. LEGAULT:** Not in the office; that is
17 correct. He would work -- some work he could do from his
18 home. The rest he would do from Toronto or North Bay.

19 **MR. STAUFFER:** Right, okay. And I would
20 just like to move back then in time to the reporting --
21 sorry, the reporting of alleged sexual improprieties by
22 probationers. So ---

23 **THE COMMISSIONER:** I'm sorry, Mr. Stauffer.

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

25 **THE COMMISSIONER:** Could we just go back?

1 Are you finished with the area of Mr. van Diepen and going
2 to IJ? I would like to ask a few questions with respect to
3 that.

4 **MR. STAUFFER:** Oh, of course, yes. Of
5 course, Mr. Commissioner, go right ahead.

6 **THE COMMISSIONER:** How would you
7 characterize Mr. van Diepen's going to IJ? Was it like a
8 banishment? Was it an accommodation? Was it -- can you --
9 -

10 **MR. LEGAULT:** It was an accommodation.

11 **THE COMMISSIONER:** Right.

12 **MR. LEGAULT:** It was an accommodation. It
13 was an acknowledgement that it was very difficult for him
14 to continue as a probation officer. We had already some
15 victims who were reporting to our office.

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

17 **MR. LEGAULT:** We also felt they would feel
18 uncomfortable with his presence because of the allegations
19 and what not. So it was an accommodation.

20 It wasn't just to shove him out the back
21 door. It was an accommodation and we made every effort to
22 make the accommodation something that would be real work
23 for him and not just, you know, stick him in a corner
24 somewhere to count paper clips.

25 He had quite an interest in computers and

1 quite a bit of expertise.

2 **THE COMMISSIONER:** So from your perspective,
3 how did you see Mr. van Diepen accepting this? Was he
4 grudgingly taking it on? Was he happy with it?

5 **MR. LEGAULT:** I think he was quite satisfied
6 that this was providing him with an opportunity to really
7 contribute. It was an area where he was quite -- quite an
8 expert. So he was a welcome addition to the IJ Project.

9 **THE COMMISSIONER:** So then when he came
10 back, he said something about going to work in Ottawa. Is
11 that what he did?

12 **MR. LEGAULT:** In 2004, early 2004, Mr. van
13 Diepen had competed for a position with our technology
14 department in North Bay. He won the position.

15 **THE COMMISSIONER:** Right, North Bay. Right.

16 **MR. LEGAULT:** He won the position but then
17 got into some lengthy discussions with his supervisors
18 around the accommodation.

19 **THE COMMISSIONER:** Right.

20 **MR. LEGAULT:** Whether -- he wanted to work
21 out of Cornwall. They were saying the position was posted
22 as something in North Bay. At the end of the line, they
23 made a final offer and he declined. So he was told,
24 "You're back at your home position as of 10 days from now".

25 **THE COMMISSIONER:** Okay. He made some

1 comment about get yourself an apartment and buy yourself
2 some goodwill furniture or anything like that. He sounded
3 a little bitter about that part.

4 **MR. LEGAULT:** Yeah, and I'm not -- I wasn't
5 party to the negotiations around the terms of the
6 employment so I'd be in no position to enlighten you on
7 that.

8 **THE COMMISSIONER:** But he did come back?

9 **MR. LEGAULT:** He did come back.

10 **THE COMMISSIONER:** And how was he when he
11 came back?

12 **MR. LEGAULT:** Not very happy to be there I
13 think. He certainly would have preferred to continue but I
14 think he'd backed himself into a corner; they called his
15 bluff and essentially he was back in the position.

16 So we had to manage that and the best way we
17 found to manage that was to be careful in the selection of
18 cases that would be assigned to him. So we would assign to
19 him first time offenders who had no prior records or
20 clients that had no probation during the period of 1968-
21 '93.

22 We'd get a criminal record for every new
23 client that comes into the office. So before assigning, we
24 would look at the criminal record and if it had probation
25 during those years it would be assigned to somebody else.

1 That was the best way to manage the liabilities, if you
2 want, for Mr. van Diepen or his perception that he would be
3 put in a difficult position.

4 **MR. STAUFFER:** And just to be clear, Mr.
5 Legault, the period of time then when a probationer might
6 have been on probation, we're looking at 1968 to 1993?

7 **MR. LEGAULT:** Yes, because that covers the
8 part or the period about which there were allegations
9 against former staff.

10 **MR. STAUFFER:** Right. Okay.

11 **THE COMMISSIONER:** And Mr. van Diepen
12 retired ---

13 **MR. LEGAULT:** Retired officially in May of
14 this year; had been on special projects for probably the
15 last 8-10 months at least, yes.

16 **THE COMMISSIONER:** Thank you.

17 **MR. STAUFFER:** All right. So, Mr. Legault,
18 at some point-in-time, a probationer came forward making
19 allegations of sexual impropriety against a probation
20 officer. Can you tell us, again, without of course naming
21 names and so on or going into any detail, what brought this
22 to your attention? Give the Commissioner your
23 understanding of how this developed.

24 **MR. LEGAULT:** Okay. When I started in late
25 '98, I think there was already one or two cases where the

1 notes indicate that there had been disclosures, but in 1999
2 -- I think it was in the spring or early summer of 1999 --
3 we had one first disclosure to one of our probation
4 officers.

5 It was a very emotional, very difficult
6 disclosure for both the client and for the probation
7 officer. And we had another one shortly afterwards which
8 was also very difficult.

9 And the two probation officers involved were
10 Ms. Sue Larivière and Mrs. Cardinal, and I distinctly
11 remember because it was a very draining experience for
12 them. They would spend two hours with the client and then
13 they would spend two hours in my office.

14 And the first part of it was probably
15 debriefing on the process and realizing that we didn't know
16 much about male sexual victimization and how to handle
17 that, but the second half was usually debriefing on "I was
18 there at the time, that's one of my colleagues".

19 It was just -- it took it from rumours and
20 allegations to something that was very real and very
21 concrete that was right in front of us. And we were a
22 small group -- there was only seven PO's, so we would
23 regularly have discussions, and I think -- I like to say
24 that at that time it became very real for us and we took
25 sides and we essentially decided that we would promote,

1 support and facilitate the disclosure as much as we could
2 and that led to a number of steps that we took.

3 One was to, as I said earlier, to
4 acknowledge that we didn't know much about it so we sought
5 training for our staff and organized three days of
6 training.

7 **MR. STAUFFER:** Maybe you could go into a
8 little detail there, Mr. Legault, for the Commissioner's
9 aid as to what the training consisted of?

10 **MR. LEGAULT:** We had three days of training
11 by the Men's Project and the Men's Project had already been
12 mandated by Victim Services from the Attorney General's
13 office to come to Cornwall as part of the Project Truth
14 investigation. The police investigation had already
15 identified the potential of close to 1000 victims.

16 So the Men's ---

17 **THE COMMISSIONER:** I'm sorry; say that
18 again. Project Truth had identified the potential of 1000
19 victims?

20 **MR. LEGAULT:** Yes. What I've heard is that
21 when they interviewed people and people said, "Yeah, I was
22 victimized but I know that so and so was there" or
23 whatever, when they put all of those names they had -- my
24 best recollection was that they had over 900 names. So the
25 Men's Project were brought in to provide support services

1 for victims.

2 And I'd asked Mr. Rick Goodwin to come to
3 the office to make a presentation at staff meeting and then
4 we worked with him to put together a curriculum for three
5 days of training on male sexual victimization, how to
6 receive disclosure.

7 The other issue was always when do we hand
8 it out -- over to somebody else? We don't want to shut the
9 person down but, at the same time, you get at some point
10 into some details which are more of a clinical nature and
11 we don't have the expertise to deal with that; so how do we
12 transition into other service providers.

13 So that was overall the main topics that
14 were provided in the training.

15 **MR. STAUFFER:** So who would have received
16 the training then, Mr. Legault?

17 **MR. LEGAULT:** Every staff in the office.

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

19 **MR. LEGAULT:** And then ---

20 **THE COMMISSIONER:** Does that include the
21 support staff?

22 **MR. LEGAULT:** I'm not sure if the support
23 staff were present. Maybe, but I know that definitely
24 every probation officer in the office received the
25 training.

1 And we did it again in 2000 and -- the
2 training was delivered in 2000 and in '03 we had additional
3 staff. The office grew from 8 probation officers to 12.
4 So we, again, had a training session for the new staff and
5 some of the staff who had taken the training previously
6 decided to take it again as a refresher or to get
7 additional information. We did it again in '06 because,
8 again, we had additional staff and I felt the need to train
9 our staff.

10 I've sort of committed since then to make
11 sure that our staff is trained on male sexual
12 victimization.

13 The difference in '06 is that we opened it
14 up to other community agencies as well. So we had two days
15 which I had probably about 6 or 7 staff that required
16 training but we had, I think, 25 people for both sessions.
17 So we opened it up to other probation -- other offices and
18 to other agencies in the community.

19 **MR. STAUFFER:** Now, at some point, Mr.
20 Legault, your office is physically moved?

21 **MR. LEGAULT:** Yes.

22 **MR. STAUFFER:** When was that?

23 **MR. LEGAULT:** The actual move was in
24 December, 2001, but that had been identified as an area of
25 concern earlier on.

1 The first disclosure we had, in fact, the
2 client was describing how he had great difficulty coming
3 into the office. He was having anxiety attacks and
4 whatnot.

5 I think the second disclosure, the interview
6 was held walking around the block because the person could
7 not physically come into the office.

8 So that was identified and then worked on
9 relocation of the office shortly after that, but it was
10 ultimately completed in December, '01.

11 **MR. STAUFFER:** All right. And in terms of
12 what has happened since 1999, I gather there have been a
13 number of disclosures to various probation officers?

14 **MR. LEGAULT:** Yes. Yes, we've had probably
15 over 35 disclosures since then.

16 **MR. STAUFFER:** And I appreciate that this is
17 a point of contention that some have been disclosed after
18 April of 2005?

19 **MR. LEGAULT:** Yes.

20 **MR. STAUFFER:** But am I right in that all of
21 the allegations occurred in that period of time 1968 to
22 1993?

23 **MR. LEGAULT:** That is correct.

24 **MR. STAUFFER:** Again, I am saying
25 allegations but that's what your probation officers are

1 hearing, but some have come to light since April of 2005?

2 MR. LEGAULT: Yes. We had some just a few
3 weeks ago.

4 MR. STAUFFER: And so this is a continuing
5 process ---

6 MR. LEGAULT: It is.

7 MR. STAUFFER: --- in your office?

8 MR. LEGAULT: It is.

9 MR. STAUFFER: Perhaps you could just tell
10 the Commissioner a little bit more as to how -- I think you
11 used the phrase, and I'm just paraphrasing here, but how
12 you receive disclosure. Could you describe to the
13 Commissioner what you're talking about there; how does a
14 probation officer deal with some new probationer coming in?

15 MR. LEGAULT: Okay. Every new probation
16 order that we receive we get a criminal record. So we
17 would look at whether the person had probation during that
18 period of time.

19 And either at the intake, but usually during
20 the assessment period, the probation officer would review
21 the criminal record with the offender and ask them about
22 probation; what they remember of it; who that probation
23 officer was.

24 If they don't remember we will ask them,
25 "Were you ever supervised by either Nelson Barque or Ken

1 Sequin?", and if they say, "Yes", then we will have -- ask
2 the question, "Did anything happen?", very specifically.

3 Part of the assessment also will include
4 discussing with clients past abuse. So we may ask
5 specifically, "Were you ever a victim of physical or sexual
6 abuse" or in some cases they will simply ask them to
7 discuss around their first sexual experiences and how they
8 felt about it.

9 So we try to provide a forum where clients
10 are asked the questions specifically and feel comfortable
11 in answering back.

12 I think the reason for the training was that
13 our officers would be competent and confident in asking the
14 question. I think very often people would disclose or not,
15 depending on how comfortable you are in asking the
16 questions. And too often we ask the question in a way that
17 says, "Please don't say 'yes' because I don't know what to
18 do next" and that was our feeling before the training and
19 we wanted to make sure that we would have the competency to
20 be able to convey to clients that they could disclose
21 safely in our office.

22 **MR. STAUFFER:** Assuming someone makes an
23 allegation, what happens after that then; what is the
24 protocol within your office?

25 **MR. LEGAULT:** The protocol that we developed

1 was to (a) not get into any arguments on the merit of the
2 allegation; that's not our job.

3 We would support them, facilitate the
4 disclosure and we would ensure that the person is safe and
5 okay. So we would make sure that they are connected with -
6 - provided with the information on the Men's Project. We
7 would connect them with the Mental Health Crisis team at
8 the hospital, just to discuss that with them and explain
9 that the disclosure will bring about flashbacks and recall
10 some very difficult and painful memories for them, and that
11 it would also put them at increased risk for relapse
12 prevention in terms of substance abuse or whatnot.

13 So we would make sure that we would look at
14 the support network that they have in their family and in
15 their community. Make sure that they're okay.

16 We would very often set up a contact for the
17 following day or something, just to check-in with them,
18 make sure that they were okay.

19 We would advise them that -- of our duty to
20 report to the police. A lot of them did not want to talk
21 to the police, so we would explain that we have a legal
22 obligation to report; that the police would probably
23 contact them. It's up to them to determine that course of
24 action down the road but we would make them aware of that.

25 So our main focus was to make sure that the

1 offender was all right and that he was connected with the
2 services that would be able to assist him.

3 **MR. STAUFFER:** All right. Now, does any
4 other office within the Ministry become involved when an
5 allegation comes forward of sexual impropriety by a
6 probation officer?

7 **MR. LEGAULT:** The so-called Cornwall
8 protocol has been -- has been used in other offices, yes.

9 **MR. STAUFFER:** Okay, I guess what I was
10 driving at, Mr. Legault, is, do you go up the chain then to
11 Kingston?

12 **MR. LEGAULT:** Oh, certainly. Part of the
13 process following the disclosure, to make sure that the
14 client is safe and okay, is to document.

15 So the probation officer would prepare an
16 incident report outlining the allegation generally, the
17 actions that were taken, the referrals that were made and
18 so on and that would be -- I would get a copy, a copy is
19 sent to our regional office and a copy is sent to our
20 Information Management Unit in North Bay so that it is
21 flagged.

22 And then I would do a file review; review
23 the file in detail. Look at prior history; look at the
24 actions that were taken by the probation officer; if there
25 was any follow-up that is identified. I would indicate

1 that in my reply to the officer saying please follow-up on
2 this, this or this.

3 So that was -- part of our protocol was to
4 make sure that we had a clear, consistent, transparent
5 process that we would apply in every case.

6 **THE COMMISSIONER:** So while you were
7 preparing this protocol and gearing it up, did regional
8 office have any input in that? Did they provide you any
9 resources, any advice or did they just say, "You're doing
10 good. Prepare whatever you want and we'll look at it when
11 it's finished."?

12 **MR. LEGAULT:** As this was evolving, I had
13 regular discussions with Ms. Deborah Newman to say -- with
14 Ms. Newman ---

15 **THE COMMISSIONER:** Right.

16 **MR. LEGAULT:** --- just to say, "Here's what
17 we're finding out; here's how we plan to deal with that"
18 and she would at times provide suggestion or in most cases
19 say, "Yes, I think it's a good course of action" so that
20 she would -- I wanted to make sure that she was aware of
21 what we were doing and what was coming forward to our
22 office.

23 **THE COMMISSIONER:** So would you characterize
24 this as a local problem-solving as opposed to a regional
25 imposition of a remedy?

1 **MR. LEGAULT:** It was, to a large extent,
2 something we came up with but it was -- but it was
3 certainly reviewed and vetted by the region just to make
4 sure that it was consistent with Ministry policies at the
5 time. And I think what we did was to build on to the
6 existing policies just to make sure that we would meet the
7 needs of the very specific situation that we were dealing
8 with.

9 **THE COMMISSIONER:** Thank you.

10 **MR. STAUFFER:** All right. Now, Mr. Legault,
11 I understand you have your name on a certain document which
12 has not been filed and I don't intend to try to file it
13 today, but there's a document that's in existence called a
14 "Factual Overview for the Short-term"?

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

16 **MR. STAUFFER:** Is that right? Who else was
17 involved in the preparation of that document?

18 **MR. LEGAULT:** Sue Larivière and Carole
19 Cardinal.

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

21 **MR. LEGAULT:** Because both of those received
22 the bulk of the disclosures.

23 **MR. STAUFFER:** All right, fair enough.

24 And with respect to where things are at
25 then, you were saying to the Commissioner, your process

1 continues up to today if a new probationer comes in ---

2 **MR. LEGAULT:** Yes.

3 **MR. STAUFFER:** --- you go through what
4 you've been describing?

5 **MR. LEGAULT:** Yes. And I also have the very
6 painful discussion with every new staff in the office.
7 After they go through the initial orientation and are given
8 the keys or whatnot, have that painful discussion to make
9 them aware of the past history of our office and why we
10 have the protocol and why we ask every new client or
11 whatnot.

12 Not something I particularly enjoy but
13 important to do it.

14 **THE COMMISSIONER:** So let me get this
15 straight now. If someone comes in and was never on
16 probation before, is that person asked whether or not they
17 were ever sexually abused?

18 **MR. LEGAULT:** Yes, we do.

19 **THE COMMISSIONER:** Okay.

20 **MR. LEGAULT:** Because a lot of the -- some
21 of the disclosures that were received by our officers did
22 not deal with only Mr. Seguin or allegations against our
23 staff, it may have involved others.

24 **THE COMMISSIONER:** Sure. And so they get
25 the benefit of this protocol and the follow-up ---

1 **MR. LEGAULT:** Yes. Yes, regardless whether
2 the perpetrator or the alleged perpetrator was a former
3 employer or not, no.

4 I think it's important to provide that
5 service to any victim of abuse.

6 **MR. STAUFFER:** Now, Mr. Legault, the
7 question could be asked and I will ask it as to why all of
8 the probationers who were supervised by Nelson Barque and
9 by Mr. Ken Seguin, why they haven't been contacted as part
10 of a -- if you will -- an effort to come to grips with
11 whether there are more people out there?

12 **MR. LEGAULT:** Okay. When we have the
13 disclosures, or the first ones in 1999 that really, you
14 know, opened our eyes to it, our focus then was on our
15 clients and moving forward with taking care of people who
16 disclosed, but there was also the Project Truth, the OPP
17 investigation that was going on, and I felt that if anybody
18 was going to do that it would have been part of their
19 investigation.

20 There would also have been some logistical
21 problems with that, '99, we're now six years after Ken's
22 death, a lot of those files may not be available.

23 Prior to '97, I believe, we had -- we did
24 not archive closed files.

25 If a file had been inactive for three years,

1 it was simply shredded. So at best, we could have gone
2 back in archives to probably '93 or '94, probably, in terms
3 of archived documents.

4 Files prior to that, unless the offender was
5 one of our frequent flyer customers, we would -- would not
6 have a current file on him, that file would have been
7 destroyed. So it would have been something way beyond the
8 capacity of the local office to -- to start with.

9 And I think we put our focus on let's -- the
10 next best thing, which is to make sure that every client
11 who re-enters the system will be asked the right questions
12 and inquiries to disclose if anything happened.

13 **MR. STAUFFER:** Okay. You mentioned Project
14 Truth a couple of times at least. Were you ever
15 interviewed by any police force during the last number of
16 years ---

17 **MR. LEGAULT:** No.

18 **MR. STAUFFER:** --- that you had had been
19 area manager?

20 **MR. LEGAULT:** No, I was not. Probably
21 because I was not at the office ---

22 **MR. STAUFFER:** Yes.

23 **MR. LEGAULT:** --- at that time.

24 **MR. STAUFFER:** No, I appreciate that.

25 I guess Project Truth may very well have

1 been -- well what was -- it was ongoing, I guess, with your
2 ---

3 **MR. LEGAULT:** It was ongoing when I got
4 there ---

5 **MR. STAUFFER:** Yeah.

6 **MR. LEGAULT:** --- yes.

7 **MR. STAUFFER:** Okay.

8 **MR. LEGAULT:** The actual laying of charges
9 is somewhat later.

10 **MR. STAUFFER:** M'hm. In terms, sir, of the
11 -- there have been, of course, some civil actions taken by
12 various people against the Ministry and so on. Again,
13 without naming names or going into any detail, can you
14 advise the Commissioner what the response was -- your own
15 personal response, first of all, what your involvement was
16 in the civil actions?

17 **MR. LEGAULT:** I was involved and in a few
18 instances, twice, as part of discovery. I was -- the
19 region that ---

20 **MR. STAUFFER:** So -- so just so I -- we all
21 understand, when you say "discovery", you would have been
22 the person put forward by the Ministry and you would have
23 been asked questions under oath ---

24 **MR. LEGAULT:** Yes.

25 **MR. STAUFFER:** --- as to what you knew about

1 ---

2 MR. LEGAULT: Yes.

3 MR. STAUFFER: --- certain events?

4 MR. STAUFFER: Exactly.

5 MR. STAUFFER: All right.

6 MR. LEGAULT: I was -- yes, designated by
7 the Ministry to be the Ministry rep on -- for the discovery
8 and the mediation process and should any of those go to
9 trial, then I would be the Ministry rep at that point.

10 MR. STAUFFER: And I gather in terms, again,
11 of the mediation process -- and this again is a very
12 delicate area to get into because of the confidential
13 nature of it so, of course, we won't go into any details --
14 but could you tell the Commissioner generally as to what
15 your role was there or what you would have done?

16 MR. LEGAULT: Okay. As part of the
17 mediation, I was -- I was part of the Ministry team, if you
18 want, which would include the lawyer from the Crown law
19 office. It would be myself and usually another lawyer and
20 we would meet with the offender and their legal counsel.

21 MR. STAUFFER: And so the offender would be
22 somebody who's suing. Is that ---

23 MR. LEGAULT: That's correct. That's
24 correct.

25 MR. STAUFFER: --- right? Right.

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

2 **MR. STAUFFER:** So what, if any, involvement
3 did you have directly with that person?

4 **MR. LEGAULT:** In a few instances, I was
5 asked to have a one-on-one conversation with the plaintiff.
6 No lawyers, whatnot, just two individuals in a room and we
7 would have a sort of a heart-to-heart discussion.

8 In -- in the few instances where it
9 happened, I guess the offender needed to get certain things
10 off their chest and to convey their experiences and -- as
11 victims and the impact that it had for them and I would
12 certainly acknowledge the devastating impacts that the
13 abuse had on them and their families and their lives and --
14 and so and offer our -- our deep regrets for that and that
15 was the extent of my involvement.

16 **MR. STAUFFER:** To put a date on one of the
17 examinations for discovery to help the Commissioner in
18 terms of the timeframe, I gather in May of 2005, that was
19 one of the times that you ---

20 **MR. LEGAULT:** Yes.

21 **MR. STAUFFER:** --- were questioned at the
22 discovery process?

23 **MR. LEGAULT:** That's correct. That's
24 correct.

25 **MR. STAUFFER:** And the mediation process, of

1 course, is a separate ---

2 MR. LEGAULT: Yeah.

3 MR. STAUFFER: --- meeting or series of
4 meetings.

5 Mr. Legault, in terms of your knowledge of
6 Ken Seguin, if we could just deal with that for a moment.

7 You knew Mr. Seguin obviously before his
8 death.

9 MR. LEGAULT: Yes.

10 MR. STAUFFER: I gather you met on occasion

11 ---

12 MR. LEGAULT: Yes.

13 MR. STAUFFER: --- and so on as a fellow
14 probation officer. What was your impression of him as a
15 probation officer?

16 MR. LEGAULT: Mr. Seguin had a excellent
17 reputation in the community.

18 I knew him for the -- the odd time we would
19 come to the Cornwall office, Mr. Seguin was a very
20 personable person who was very outgoing, so he'd -- he'd
21 greet you and so on.

22 I also had the opportunity over the years to
23 supervise a number of clients that had previously been
24 supervised by Mr. Seguin and they all spoke very highly of
25 him and the fact that he would go above and beyond the call

1 of duty, if you want, to assist his clients.

2 So, yeah, I would -- certainly someone I
3 looked up to and, yeah, someone that I wanted to model
4 myself, like, on in terms of what I wanted to do as a
5 probation officer.

6 **MR. STAUFFER:** Okay. Prior to his death,
7 okay, I want to ---

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

9 **MR. STAUFFER:** --- make this clear, so the
10 timeframe prior to November of 1993, have you any -- had
11 heard -- had you heard any rumour or formed any impression
12 that Mr. Seguin was doing anything improper in terms of his
13 clients?

14 **MR. LEGAULT:** No. Never.

15 **MR. STAUFFER:** And in terms of following his
16 death, what, if anything, did you hear and from whom?

17 **MR. LEGAULT:** I attended Ken's funeral and
18 shortly after that, in discussions colleagues and Mr.
19 Robert, who was my area manager at the time, there were
20 rumours or -- or -- or allegations of Mr. Seguin's possible
21 involvement in this whole affair of sexual improprieties
22 going on in Cornwall.

23 **MR. STAUFFER:** Okay. So this had been
24 conveyed to you by Mr. Robert?

25 **MR. LEGAULT:** Among others, yes.

1 **MR. STAUFFER:** Yes.

2 **MR. LEGAULT:** But Mr. Robert, as well. He
3 would come down to Hawkesbury on a monthly basis and -- and
4 the odd time he would refer to some of these rumours.

5 **MR. STAUFFER:** All right. When you came
6 into the Cornwall office in 1998 -- and, again, I
7 appreciate this is a number of years after Mr. Seguin's
8 death -- did you have the impression that any of the
9 officers were concerned about Mr. Seguin's behaviour before
10 he had died?

11 **MR. LEGAULT:** Yes, there was some -- I had a
12 number of discussions with staff and -- and the best way
13 that I can summarize it is that if you're asking me did
14 people know or suspect that Ken was gay, probably.

15 Did people know or suspect that -- or -- or
16 have the impression that Ken's interactions with his
17 clients maybe somewhat different than what they would do,
18 probably. A lot of them felt that Ken did too much with
19 his clients in terms of, you know, offering too much help
20 or so on.

21 But did anybody know or suspect that he was
22 sexually involved with his clients, absolutely not, and
23 that's the very clear conclusion that I came to after a
24 number of discussions with staff once I was in Cornwall.

25 **MR. STAUFFER:** All right. I'd just like to

1 move to a couple of other areas briefly and that is, as
2 area manager, have you instituted any policy with respect
3 to night reporting?

4 **MR. LEGAULT:** Yes. Night reporting existed
5 -- previously there's been a tradition at the office that
6 the last Thursday of the month is, I believe, night
7 reporting.

8 The current policy -- and it's more than
9 just an office policy it's in our safety and security
10 standards -- is that at no time is anybody going to be in
11 the office alone. So someone comes in early or works late,
12 somebody else has to be in the office.

13 **MR. STAUFFER:** Okay. With respect to a
14 locked door policy, is there such a thing or are there any
15 locked doors? And, again, I appreciate the office moved in
16 2001, but when you started in 1998, in those three years or
17 so when you were at 502 Pitt Street ---

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

19 **MR. STAUFFER:** --- were there any locked
20 doors?

21 **MR. LEGAULT:** I don't believe so. I'm
22 trying to remember, but I don't recall any locks on the
23 doors.

24 **MR. STAUFFER:** Okay. In terms of closed
25 doors, back in that three-year timeframe roughly, 1998 to

1 2001, what policy, if any, existed in terms of closing a
2 probation officer's door?

3 **MR. LEGAULT:** The expectation is that when a
4 probation officer is interviewing a client, the door would
5 be closed for confidentiality reasons, just to provide an
6 environment for the offender to be comfortable in
7 discussing sometimes very personal and difficult issues.
8 So the policy is that the door is closed.

9 At the time, that would totally block the
10 view. Our standards have changed now so that when we
11 relocated, there is now a side window on every office door
12 so that the door will be closed, yes, but there is a side
13 panel. So that provides an opportunity to see what is
14 going on in the office.

15 **MR. STAUFFER:** I gather there may be some
16 security aspect to that as well ---

17 **MR. LEGAULT:** Yes.

18 **MR. STAUFFER:** --- in terms of the safety of
19 the probation officer?

20 **MR. LEGAULT:** Yes, it was designed also for
21 the safety of the officer so that if an incident occurs,
22 you don't want the officer to end up being trapped in his
23 office because the offender locked the door.

24 So the new -- the latest standards have that
25 there is absolutely no locks on any door. At 502 Pitt, the

1 standard at the time was there's a key but it's the same
2 key for every -- sorry, the same key for every office. So
3 people can lock their door but -- from the outside when
4 you're leaving but anybody -- everybody else can come in,
5 but there's no door like a bathroom lock if you want --
6 that you can lock from the inside. There isn't any of
7 that.

8 There was none in Cornwall when I got there
9 and there's none in our current standards.

10 **MR. STAUFFER:** All right. Could you just
11 tell the Commissioner briefly about OTIS? This is the
12 acronym ---

13 **MR. LEGAULT:** Yes.

14 **MR. STAUFFER:** --- for Offender Tracking
15 System I believe.

16 **MR. LEGAULT:** It's the Offender Tracking
17 Information System which is our computerized case note
18 system that came into existence a number of years ago. But
19 what it is, is a very extensive system that provides safety
20 in the sense that every entry is timed and date stamped and
21 cannot be changed. Once you complete the entry and save
22 it, you cannot go back and delete it or amend it in any
23 way.

24 So that is helpful in terms of going to
25 court, for example, on a breach of probation charge. We

1 can assure the court that any entry there is -- that's the
2 exact time and date that it was made and the content has
3 not been altered in any way.

4 The other advantage of it is that anybody
5 else in the province who has to deal with your -- with a
6 client can have access to that. Previously, offenders had
7 -- or probation officers had in the old days binders where
8 they would do handwritten notes and those would be locked
9 in their drawer when they left so that if there was an
10 emergency or something, nobody could access their case
11 notes.

12 After that, the first version of electronic
13 case notes was sort of a Word template system, but again,
14 most people saved it in their Y drive; so it may not have
15 been available to everybody else, whereas OTIS made your
16 case notes available to everybody, anybody in the province
17 who had dealings with your client.

18 So I think that was significant in terms of
19 assisting us in doing our work, but also in terms of
20 changing that notion that it's your client and yours alone.

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

22 **THE COMMISSIONER:** Does OTIS -- it's OTIS?

23 **MR. LEGAULT:** OTIS, yes, sir.

24 **THE COMMISSIONER:** Keep files longer now,
25 like your file retention?

1 **MR. LEGAULT:** Yes, yes.

2 **THE COMMISSIONER:** How long?

3 **MR. LEGAULT:** As a rule now, when a file
4 closes, most officers will print the OTIS case notes and
5 that becomes part of the hard file that is then kept
6 locally for two years and then sent to archives.

7 **THE COMMISSIONER:** All right. So no files
8 are destroyed now?

9 **MR. LEGAULT:** That's correct. We -- yeah,
10 we no longer destroy files.

11 **MR. STAUFFER:** So shredding is a thing of
12 the past, Mr. Legault?

13 **MR. LEGAULT:** That is correct, yes.

14 **MR. STAUFFER:** All right.

15 **MR. LEGAULT:** To the great relief of our
16 support staff who around this time of year had the very
17 tedious task of taking boxes of files and running them
18 through the shredder. That was usually the junior support
19 staff.

20 **MR. STAUFFER:** Could you just help us with
21 one last area and that is this notion of core programming?

22 **MR. LEGAULT:** Yes.

23 **MR. STAUFFER:** What has evolved in your time
24 as area manager?

25 **MR. LEGAULT:** Yeah. The Ministry in the

1 early -- late nineties, and I would say probably early 2000
2 especially, developed this new service delivery model which
3 basically changed the way we do work with our clients.

4 Previously, we were perceived more as
5 enforcement oriented, monitoring conditions and making sure
6 that the client doesn't re-offend during our shift. What
7 they do afterwards, well, that's their business type of
8 stuff.

9 The focus of the new service delivery model
10 was to focus on what they term criminogenic factors. What
11 are the factors that are -- have a direct link with
12 recidivism? And our role was to identify those and set up
13 programs to address these so that we would reduce the risk
14 of the person re-entering the system, to stop the revolving
15 door process.

16 And part of that was through the development
17 of in-house programs on areas that have a -- that have been
18 proven to have a direct link with criminal behaviour; that
19 being anger management and a number of our offenders have
20 been identified as having anger management deficits;
21 substance abuse and then the criminal thinking patterns.

22 So specific programs were developed for that
23 and I was very active in trying to promote our office
24 implementing this model. And we were probably among the
25 first in the region and at some point probably among the

1 leaders in the province in implementing this new model.

2 The other change that this created was that
3 it changed the ownership of a client by a probation officer
4 in the sense that previously, you're on probation and
5 you're assigned to me. You and I would be dealing with
6 this during the whole supervision period.

7 With the service delivery model, there is
8 much more emphasis on partnering with community agencies or
9 referral to -- referring to in-house programs. For
10 example, we were running anger management groups. So a
11 probation officer may be supervising one offender but
12 during the course of the supervision, he will be attending
13 anger management sessions that are offered by other
14 probation officers.

15 And I think it's significant because it
16 provides an opportunity, if an offender has issues, to deal
17 with other people than just that single officer. So we had
18 -- we've been offering since -- I think our office
19 implemented the model in 2001. We've been running anger
20 management groups, substance abuse, connections which is
21 the anti-criminal thinking, sex offender relapse prevention
22 programs and we're about to start offering a -- healthy
23 relationships which is a program specific for domestic
24 violence cases.

25 **MR. STAUFFER:** Sorry; for?

1 **MR. LEGAULT:** For domestic violence cases.

2 **MR. STAUFFER:** Oh, yes.

3 **MR. LEGAULT:** So we've been referring to --
4 also to programs outside in the community; for example, the
5 PAR program, the Partner Assault 16-week program, and
6 working closely with mental health facilities, and so on.

7 **MR. STAUFFER:** Do you tie in what you just
8 said, Mr. Legault, with the notion of preventing potential
9 sexual impropriety on the part of a probation officer? Is
10 there any link at all or connection from what you've told
11 us?

12 **MR. LEGAULT:** Yes. Yes. It wasn't
13 implemented for that reason but definitely one of the
14 benefits of that is that it -- it certainly breaks the
15 strictly one-on-one relationship of an offender with a
16 probation officer.

17 An offender will now be involved with a
18 number of other community partners or other probation
19 officers in the office. So it, at least, provides an
20 opportunity for offenders if they have any concerns in
21 their supervision to be able to share that with the other
22 agencies or the other probation officers that they deal
23 with during the course of supervision.

24 **MR. STAUFFER:** Okay. Now, Mr. Legault, as a
25 very experienced probation officer and manager, do you have

1 any recommendations that you would like to put to Mr.
2 Commissioner?

3 **MR. LEGAULT:** One mainly and that is on
4 training. I think what was quite instrumental in making
5 our office hopefully a safe place for offenders to disclose
6 was that we provided training to our staff.

7 And I think I can safely say that we're
8 probably one of the few institutions that have
9 systematically offered training on male sexual
10 victimization to all our staff since 2000, and we continue
11 to do it to this day.

12 And I think this aspect is extremely
13 important and I think there should be -- it should be part
14 of the basic training for police officers, for social
15 workers, for addiction workers and whatnot.

16 I think the literature and the research is
17 increasingly showing that the percentage of males involved
18 with not only the criminal justice system but generally
19 addiction and mental health, that a much larger percentage
20 of those have also been victims. A lot -- that percentage
21 is a lot higher than was previously predicted.

22 So I think it's important to -- that all of
23 those have the training so that they can ask direct
24 questions. They can recognize the symptoms. And I would
25 go so far as to include schools and that. I think too

1 often maybe a kid who misbehaves, instead of just being put
2 on Ritalin, maybe someone could ask a few more questions
3 and get to more the bottom of the reasons for the behaviour
4 and so on.

5 So I think that training is a crucial part.
6 I'm still trying to convince our Ministry to have that as
7 an integral part of basic training for all our probation
8 officers. We're not there yet, but I'll keep up the fight.

9 **MR. STAUFFER:** There was one other thing,
10 something you said to me in our interview which struck me.
11 What has it been like for the last 10 years or so to be a
12 probation officer in this town?

13 **MR. LEGAULT:** Difficult. I remember when I
14 worked in Hawkesbury, being always proud to go out in the
15 community and say I'm a probation officer. I came to
16 Cornwall and, after a few months, I would probably rather
17 say I'm a used car salesman because you mention the fact
18 that you're a probation officer and there is that immediate
19 "Oh" reaction. So, you know, either people have to go and
20 talk to someone or it's the, "What about the Leafs?" type
21 of reaction that you get frequently. And it still exists
22 today.

23 I had lunch with a number of staff about 10
24 days ago and most of them were saying if they're in a
25 social context and someone new to them asked them what they

1 do, the most they'll say is, "I work for the Ontario
2 government" and then they try to change the subject.

3 And I think that's unfortunate because I
4 think I'm -- I'm proud to say that I work for the Probation
5 Office in Cornwall. I work with some really -- I work with
6 a very dedicated group of people who have been struggling
7 for nine years to regain their integrity as probation
8 officers, but to this day we're still compared to Nelson
9 Barque and Ken Seguin and we're still judged by the actions
10 of Nelson Barque and Ken Seguin.

11 Nelson left our employment in 1982. Ken
12 committed suicide 15 years ago. I think we've earned the
13 right to be recognized for -- that we are a very different
14 workplace and a very -- and I think this community can be
15 assured that it is getting excellent service from our
16 office, and I think it's unfortunate that we keep being
17 judged by the actions of our past colleagues, not to be
18 belittle the seriousness of what they've done. I think
19 it's an atrocity and it betrays everything that we stand
20 for as a profession.

21 I'd like to convince this Commission and
22 this community that we are a different group now and that
23 we are dedicated -- a dedicated group of professionals who
24 strive every day to do the best that we can.

25 **MR. STAUFFER:** Mr. Legault, thank you.

1 Those are the questions that I have.

2 I'm in your hands, Mr. Commissioner, as to
3 whether we go straight to the next ---

4 **THE COMMISSIONER:** I'm sorry, you want to --
5 -

6 **MR. ROSE:** Can we take a quick break or
7 maybe take our morning coffee break a bit early?

8 **THE COMMISSIONER:** Sure.

9 **MR. ROSE:** Thank you.

10 **THE COMMISSIONER:** Thank you. Come back at
11 11:00.

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

14 This hearing will resume at 11:00 a.m.

15 --- Upon recessing at 10:37 a.m./

16 L'audience est suspendue à 10h37

17 --- Upon resuming at 11:00 a.m./

18 L'audience est reprise à 11h00

19 **THE REGISTRAR:** This hearing is now resumed.
20 Please be seated. Veuillez vous asseoir.

21 **MR. STAUFFER:** Mr. Commissioner, there's one
22 housekeeping matter. Mr. Legault was kind enough to bring
23 his curriculum vitae, and why don't we enter that as an
24 exhibit then?

25 **THE COMMISSIONER:** We certainly can. Thank

1 you.

2 **CLAUDE LEGAULT, Resumed/Sous le même serment:**

3 **--- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**

4 **STAUFFER (continued/suite):**

5 **MR. STAUFFER:** So, Mr. Legault, I would just
6 ask you to look at the document, please ---

7 **MR. LEGAULT:** Sure.

8 **MR. STAUFFER:** --- and identify that that is
9 indeed your CV?

10 **MR. LEGAULT:** Yes, it is.

11 **MR. STAUFFER:** All right. Thank you.

12 Those are all of my questions at this time,
13 Mr. Commissioner.

14 **THE COMMISSIONER:** Thank you.

15 I don't see your -- there we go, co-owner
16 and operator of the dairy farm.

17 **MR. LEGAULT:** Yes.

18 **THE COMMISSIONER:** Backbone of our country.

19 **MR. LEGAULT:** Yeah, family farm, had been in
20 the family for over a century.

21 **THE COMMISSIONER:** Good.

22 **MR. LEGAULT:** So I felt a duty to do my
23 part.

24 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

25 **MANSON:**

1 **MR. MANSON:** Mr. Commissioner, once again,
2 you're plugging into my thoughts. My first question was
3 going to be where was the dairy farm, Mr. Legault? I'm
4 just curious.

5 **MR. LEGAULT:** St-Eugene, Ontario, which is a
6 -- St-Eugene, a small town right at the Ontario-Quebec
7 border.

8 **MR. MANSON:** Thank you.

9 **THE COMMISSIONER:** Well, I was going to go
10 on and say that he puts it under "Other Work Experience"
11 whereas it should be under "Professional Work" because
12 farmers are always "outstanding in their fields".

13 **(LAUGHTER/RIRES)**

14 **THE COMMISSIONER:** A moment of levity, Mr.
15 Manson.

16 **MR. MANSON:** Mr. Legault, my name is Allan
17 Manson. I'm one of the lawyers for the Citizens for
18 Community Renewal which is a group of Cornwall citizens
19 concerned with institutional reform and especially the
20 protection of young people.

21 I do have one other simple question. When
22 you were in Shawville, that used to be called the Pontiac,
23 right?

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

25 **MR. MANSON:** And it's called l'Outaouais

1 now?

2 MR. LEGAULT: Yes, I think they've changed
3 it.

4 MR. MANSON: Do you know why it was called
5 the Pontiac? If you don't, that's -- I'm just ---

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

7 MR. MANSON: --- curious.

8 MR. LEGAULT: No, I don't. Nobody drove
9 Pontiacs, so that couldn't be it.

10 THE COMMISSIONER: So you don't want to ask
11 me?

12 MR. MANSON: Mr. Commissioner ---

13 THE COMMISSIONER: No, I won't tell you.

14 MR. MANSON: You won't tell?

15 THE COMMISSIONER: No.

16 MR. MANSON: Now, to get down to some
17 serious business, I was very interested in your comments
18 about training.

19 MR. LEGAULT: Yes.

20 MR. MANSON: And you spoke for a while about
21 various counselling programs now available to your office:
22 Anger Management; Substance Abuse; et cetera.

23 My question is how does your office vet the
24 programs that you use for your clients?

25 MR. LEGAULT: Those programs have been

1 developed by one of our staff. Her name is Susan Cox.
2 She's been ---

3 **MR. MANSON:** Can you please spell that last
4 name for me?

5 **MR. LEGAULT:** Certainly. Susan Cox, C-O-X.

6 **MR. MANSON:** Oh.

7 **MR. LEGAULT:** Okay. She has been seconded
8 to that specific project for a number of years now to
9 review the literature, review sort of the best practices,
10 what works from a variety of programs across the country
11 and I would probably say across North America, to pick out
12 the best of the best and to put together programs that are
13 then specifically designed for our client group.

14 **MR. MANSON:** And are these programs in
15 Cornwall or outside of Cornwall?

16 **MR. LEGAULT:** We offer quite a few of those
17 in Cornwall. The ones that I mentioned, the Anger
18 Management, Substance Abuse, Anti-Criminal Thinking and Sex
19 Offender Relapse Prevention are offered at our office in
20 Cornwall.

21 **MR. MANSON:** Now, these kinds of counselling
22 programs are sometimes found as conditions in a probation
23 order; correct?

24 **MR. LEGAULT:** Yes, they are.

25 **MR. MANSON:** Does your office communicate

1 with other justice agencies to tell them what programs are
2 available?

3 **MR. LEGAULT:** We've certainly made the
4 courts aware of the existence of our programs, and that's
5 also been shared with the Domestic Violence Court Advisory
6 Committee. I sit on that committee, so they're aware of
7 the programs that we offer.

8 **MR. MANSON:** When you say, "We've made the
9 courts aware," how do you make the courts aware?

10 **MR. LEGAULT:** We've communicated that to the
11 local Crown and the local justices.

12 **MR. MANSON:** This would be the Court of
13 Justice and the Superior Court?

14 **MR. LEGAULT:** Yes.

15 **MR. MANSON:** And do you keep this list up to
16 date as far as your communication with the Crown and the --
17 -

18 **MR. LEGAULT:** Yes. If we add new programs,
19 we would inform them. We're planning to offer a new one on
20 healthy relationships, and when it is offered, we will
21 inform the courts and our other justice partners as well.

22 **MR. MANSON:** Now, when your officers prepare
23 pre-sentence reports, do any of them have any training in
24 risk assessment?

25 **MR. LEGAULT:** Yes.

1 **MR. MANSON:** And would I be correct in
2 assuming that they probably use the LSRI (sic)?

3 **MR. LEGAULT:** LSIOR, yes, you're correct.

4 **MR. MANSON:** Now can you explain to me what
5 kind of training they actually receive?

6 **MR. LEGAULT:** Every officer had training on
7 the LSIOR, on the theory behind it and sort of the science,
8 if you want, behind it, as well as on the application of
9 the tool.

10 **MR. MANSON:** Now ---

11 **MR. LEGAULT:** This would have been, if I
12 remember correctly, a minimum of two days but it is now
13 part of the curriculum for all our new staff. We have a
14 basic training program and the first week deals with the
15 LSIOR and assessments.

16 **MR. MANSON:** So essentially it's a weekend
17 program?

18 **MR. LEGAULT:** It's a full week for all our
19 new staff.

20 **MR. MANSON:** Pardon me?

21 **MR. LEGAULT:** It's a full week for all our
22 new staff; on assessments and the use of the LSI.

23 **MR. MANSON:** So now it's a full week?

24 **MR. LEGAULT:** Yeah.

25 **MR. MANSON:** But it used to be a two-day

1 program?

2 **MR. LEGAULT:** I think when it first
3 introduced because our officers were working with a
4 previous version of the LSI, so they had been trained
5 previously on the LSI and it's just that it was a revised
6 version, an updated version. So they had more specific
7 training on the two days on the new version of the LSI but
8 they already had training on the use of the tool
9 previously.

10 **MR. MANSON:** And if I'm correct, the
11 application of the LSIOR would result in an opinion that
12 someone was moderate, medium or high-risk to re-offend;
13 correct?

14 **MR. LEGAULT:** That is correct.

15 **MR. MANSON:** And do you encourage your
16 officers, when preparing a PSR, to do that risk assessment?

17 **MR. LEGAULT:** Yes. In fact it is now part
18 of our revised procedure for pre-sentence reports, that
19 this will be completed and on file for all pre-sentence
20 reports.

21 **MR. MANSON:** Now, if we divided your client
22 population into three groups; minimum, moderate and high-
23 risk to re-offend, I would suggest to you that doesn't
24 square with our knowledge about recidivism in Canada, does
25 it?

1 The point I want to make is ---

2 **MR. LEGAULT:** Yeah.

3 **MR. MANSON:** --- roughly recidivism is about
4 35 percent.

5 **MR. LEGAULT:** Probably, yeah. Yeah,
6 somewhere around there.

7 **MR. MANSON:** So that the division into the
8 three groups of moderate, medium and high overstates risk
9 doesn't it?

10 **MR. LEGAULT:** Not necessarily. When we work
11 with clients on assessments and developing an intervention
12 plan we look more at what's called a streaming, as whether
13 this person is sort of a basic individual, rehab or
14 intensive and that's the one we work with mainly.

15 The basic stream, if you want, would be
16 offenders that are more -- that have conditions that are
17 more task oriented, you know, pay a restitution, make a
18 charitable donation, complete community service hours for
19 example, just task oriented where there is little need for
20 intervention.

21 Obviously we would look not only at the
22 conditions but also the LSIOR and see if there's any
23 criminal targets.

24 So those would be one category which would
25 receive less monitoring because it's more just a monitoring

1 of a task.

2 Then you have another group of individuals
3 which need more individual approach; it could be for mental
4 health reasons especially.

5 The bulk of our clients would be in the
6 rehab group which is those that -- where we have identified
7 factors that require some intervention and then we identify
8 whether that intervention will be provided through in-house
9 programs or through referrals to other community agencies.

10 And then we have the very high-risk, the
11 intensive which is usually about maybe 3 percent of our
12 total offenders which are identified as those being at
13 imminent risk of serious injury to either one specific
14 victim or to a group of victims and those would be the
15 offenders that would be supervised the most seriously, the
16 most intense.

17 **MR. MANSON:** But what I'm getting at is, in
18 a pre-sentence report ---

19 **MR. LEGAULT:** Yes.

20 **MR. MANSON:** --- if the Commissioner is
21 sitting as a sentencing judge and there's an issue, let's
22 say, as between conditional -- you supervise conditional
23 sentences as well?

24 **MR. LEGAULT:** Yes, we do.

25 **MR. MANSON:** And if there's an issue as

1 between conditional sentence or incarceration, if the
2 Commissioner has ordered a PSR he will see in it a sentence
3 saying something like "I've applied the LSIOR and this
4 person is either minimum, moderate or high-risk;" correct?

5 MR. LEGAULT: We would ---

6 MR. MANSON: No just -- the PSR would say
7 that, would it?

8 MR. LEGAULT: It would not specify the LSI.

9 MR. MANSON: But it would specify the level
10 of risk?

11 MR. LEGAULT: It would specify the level of
12 risk, yes.

13 MR. MANSON: Thank you.

14 I want to move to the website.

15 MR. LEGAULT: Yes.

16 MR. MANSON: And talk about that for a
17 while. You mentioned the Project Truth investigation and
18 you knew the OPP were running the Project Truth
19 investigation; correct?

20 MR. LEGAULT: That's right.

21 MR. MANSON: In 2000, when you first went to
22 the website it was called Project Truth, wasn't it?

23 MR. LEGAULT: The website, yes it was.

24 MR. MANSON: It's a bit confusing to someone
25 who just logged on, isn't it?

1 MR. LEGAULT: Yeah ---

2 MR. MANSON: Confusing in a sense ---

3 MR. LEGAULT: In a sense, yes. In a sense -

4 --

5 MR. MANSON: Go ahead.

6 MR. LEGAULT: Yeah, in the sense that it's
7 the same name as the police investigation so maybe it would
8 lead some to believe that it is related.

9 MR. MANSON: And some to believe that it's
10 official?

11 MR. LEGAULT: Possibly.

12 MR. MANSON: So your first information about
13 the website was through Jos van Diepen; correct?

14 MR. LEGAULT: Through members of my staff
15 when I came back from vacation.

16 MR. MANSON: So we're talking August 2000?

17 MR. LEGAULT: That's correct.

18 MR. MANSON: Did you then take a look at it?

19 MR. LEGAULT: Yes, I did.

20 MR. MANSON: And then for a while you
21 monitored it; correct?

22 MR. LEGAULT: Yes.

23 MR. MANSON: For how long did you monitor
24 it?

25 MR. LEGAULT: Initially I would say maybe a

1 week or so. I think it was shut down shortly after I came
2 back; the first version of it if you wish. It reappeared
3 subsequently but it ---

4 **MR. MANSON:** Did you monitor the second
5 appearance of it?

6 **MR. LEGAULT:** Sporadically.

7 **MR. MANSON:** And the second appearance had a
8 different -- slightly different name didn't it?

9 **MR. LEGAULT:** Yeah, I think it was Project
10 Truth II or something.

11 **MR. MANSON:** Yes, but it still had Project
12 Truth ---

13 **MR. LEGAULT:** Oh yes.

14 **MR. MANSON:** --- right there in front.

15 **MR. LEGAULT:** It still had essentially the
16 same content.

17 **MR. MANSON:** Now, when you're looking at
18 this website, in your first monitoring did you view the
19 entire website?

20 **MR. LEGAULT:** There's a lot of information
21 there. I probably would have read the parts that referred
22 to our staff a lot more intently but I probably scanned the
23 entire site, yes.

24 **MR. MANSON:** Yeah, and if you're scanning it
25 you would have seen some things that looked like legal

1 documents; correct?

2 MR. LEGAULT: Yes.

3 MR. MANSON: You would have seen some things
4 that looked like statements from specific individuals;
5 correct?

6 MR. LEGAULT: Yes, I think some documents
7 were referred to as affidavits.

8 MR. MANSON: Yes, I would call that the
9 formal legal documents.

10 MR. LEGAULT: Yes.

11 MR. MANSON: Other things would just look
12 like statements; correct?

13 MR. LEGAULT: Yes, newspaper -- or clippings
14 from newspapers or magazines ---

15 MR. MANSON: The next one would be newspaper
16 clippings; correct?

17 MR. LEGAULT: Yes.

18 MR. MANSON: Which would be accounts of the
19 situation in Cornwall as prepared by journalists; correct?

20 MR. LEGAULT: Correct.

21 MR. MANSON: And then you'd also see some
22 material that was in a narrative form?

23 MR. LEGAULT: Yes.

24 MR. MANSON: And which was perhaps better
25 written but was really just an accumulation of other stuff

1 that was on the website put in an interesting narrative;
2 correct?

3 MR. LEGAULT: Yes, a narrative.

4 MR. MANSON: Now, to go back to Mr. van
5 Diepen specifically, I believe you said that he was not
6 specifically implicated in the Cornwall issues.

7 If I can just find my -- didn't implicate
8 him specifically, that, I think the phrase you used earlier
9 today; correct?

10 MR. LEGAULT: Yes, I didn't see anything in
11 there that tied him to ---

12 MR. MANSON: I'm going to get to some of the
13 stuff.

14 MR. LEGAULT: Okay.

15 MR. MANSON: At this point in time as a --
16 you were living in Cornwall; correct?

17 MR. LEGAULT: Not yet; I was commuting from
18 St. Eugene to Cornwall.

19 MR. MANSON: Now how far away is that?

20 MR. LEGAULT: About 100 k's.

21 MR. MANSON: You were familiar with the
22 media attention that the issues involving sexual abuse of
23 young people in Cornwall had received?

24 MR. LEGAULT: Yes.

25 MR. MANSON: And that involved media

1 attention about at least one priest; correct?

2 MR. LEGAULT: That's correct.

3 MR. MANSON: And media attention about
4 probation officers; correct?

5 MR. LEGAULT: Yes.

6 MR. MANSON: And media attention about Perry
7 Dunlop; correct?

8 MR. LEGAULT: Yes.

9 MR. MANSON: So you had some familiarity
10 with what was alive ---

11 MR. LEGAULT: Yes.

12 MR. MANSON: --- in the media and in the
13 community before you saw the website?

14 MR. LEGAULT: Yes.

15 MR. MANSON: Now, I want to take you to a
16 specific document. It's Exhibit 567, which we've seen many
17 times. And this is the Affidavit of Ron Leroux from
18 November 13th, 1996, Mr. Commissioner.

19 THE COMMISSIONER: Yes.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. MANSON: Now, there's a number of
22 versions of this document.

23 MR. LEGAULT: Yes.

24 MR. MANSON: So I'd like you to have a look
25 at this one and tell me if you recall seeing it? And if

1 not, we can show you another version.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. MANSON: This is Exhibit 567.

4 MR. LEGAULT: I remember, yes.

5 MR. MANSON: Do you recall seeing this
6 document?

7 MR. LEGAULT: Yes, or something very, very
8 close to it if not that one. I'm not sure if I saw this as
9 an affidavit format but the content is quite familiar, yes.

10 MR. MANSON: Can we try Exhibit 1076,
11 please?

12 THE COMMISSIONER: I'm sorry?

13 MR. MANSON: Ten seventy-six (1076), another
14 version of the same document, more or less.

15 I hope I have my numbers right this morning,
16 Mr. Commissioner.

17 THE COMMISSIONER: Ten seventy-six (1076) is
18 another ---

19 MR. LEGAULT: Yes, that's ---

20 MR. MANSON: This looks like what you saw?

21 MR. LEGAULT: Yes, it is.

22 MR. MANSON: Okay, this version.

23 MR. LEGAULT: Yes.

24 MR. MANSON: Can we turn to -- well, you've
25 got it on page 1, paragraph 6, and I'm going to read you

1 parts of it, but I don't want to give this more attention
2 than it deserves; so if you just let me finish my question.

3 **MR. LEGAULT:** Certainly.

4 **MR. MANSON:** Paragraph 6 says:

5 "I was at several parties at Ken
6 Seguin's house, Malcolm MacDonald's
7 summer residence and St. Andrew's
8 Parish House where I observed among
9 others:..."

10 And then we have a list of names that goes
11 on for two pages.

12 **MR. LEGAULT:** M'hm.

13 **MR. MANSON:** Number 33 is Jos van Diepen;
14 correct?

15 **MR. LEGAULT:** Correct.

16 **MR. MANSON:** Number 34, male prostitutes,
17 both adults and juveniles, altar boys and several others;
18 correct?

19 **MR. LEGAULT:** Correct.

20 **MR. MANSON:** And then paragraph 7 is all of
21 a sudden starting to talk about a clan of paedophiles;
22 correct?

23 **MR. LEGAULT:** Correct.

24 **MR. MANSON:** Wouldn't you agree with me that
25 a lot of people, perhaps even yourself, who looked at this

1 long list ending with male prostitutes and then leading
2 into a clan of paedophiles might walk away with the
3 impression that the people on the list like Jos van Diepen
4 were involved in some degree of sexual improprieties? It
5 gives that kind of impression; doesn't it?

6 MR. LEGAULT: It does.

7 MR. MANSON: And when Mr. van Diepen came in
8 to see you ---

9 MR. LEGAULT: Yes.

10 MR. MANSON: --- he was very concerned about
11 the website; wasn't he?

12 MR. LEGAULT: Very.

13 MR. MANSON: And he was concerned because,
14 from his evidence, it suggested that he had been involved
15 in sexual improprieties. It suggested that he had perjured
16 himself and it suggested that he knew about Ken Seguin's
17 activities but did nothing.

18 MR. LEGAULT: That's right.

19 MR. MANSON: Those were his concerns;
20 correct?

21 MR. LEGAULT: Those were exactly his
22 concerns.

23 MR. MANSON: And it's fair to say that he
24 was very upset; correct?

25 MR. LEGAULT: He was.

1 **MR. MANSON:** And it's also fair to say that
2 you could understand why he was upset?

3 **MR. LEGAULT:** Certainly.

4 **MR. MANSON:** And he denied to you the truth
5 of those allegations; correct?

6 **MR. LEGAULT:** Quite categorically, yes.

7 **MR. MANSON:** And one of the issues that he
8 raised was, could the Ministry help him with legal counsel
9 to shut this down; correct?

10 **MR. LEGAULT:** Correct.

11 **MR. MANSON:** Did you communicate that
12 request to anyone?

13 **MR. LEGAULT:** Yes, I did. I immediately
14 forwarded that to regional director which was still Ms.
15 Newman at the time, and I know that there were
16 consultations with our legal branch and so on. There is a
17 lot of back and forth discussions. I was sort of the ---

18 **MR. MANSON:** A conduit.

19 **MR. LEGAULT:** Yes, conveying the messages,
20 yes.

21 **MR. MANSON:** And it's fair to say at the end
22 of the day the Ministry did not offer him any legal help to
23 shut down the website?

24 **MR. ROSE:** Well, I don't think that's his
25 evidence.

1 **THE COMMISSIONER:** No, no, that's not.

2 **MR. ROSE:** That's not his evidence. That's
3 not the evidence before the Commissioner.

4 **THE COMMISSIONER:** No, that's right.

5 **MR. ROSE:** I take objection to the question.

6 **MR. MANSON:** How would you prefer it to be
7 put because I certainly didn't want to misstate the
8 evidence?

9 **MR. ROSE:** The evidence that's before this
10 Inquiry is that it was offered. It was not taken up for
11 different reasons, but it was offered.

12 **MR. MANSON:** Okay.

13 **THE COMMISSIONER:** Some type of legal
14 representation was offered, the details of which may have
15 been miscommunicated or misunderstood, but there it is.

16 **MR. ROSE:** It's unclear -- it may be
17 unclear, depending on your finding at the end of the day,
18 as to why it wasn't taken up.

19 **THE COMMISSIONER:** Right.

20 **MR. ROSE:** But it was offered.

21 **MR. MANSON:** I take that entirely.

22 **THE COMMISSIONER:** Okay.

23 **MR. MANSON:** At the end of the day, Mr. van
24 Diepen was unsatisfied; is that fair?

25 **MR. LEGAULT:** Yes.

1 **MR. MANSON:** Did he also come to you and
2 talk about visits at his home by Dick Nadeau?

3 **MR. LEGAULT:** Yes, he did mention that.

4 **MR. MANSON:** And were you aware that Dick
5 Nadeau was responsible for the website?

6 **MR. LEGAULT:** Not at the time, but I
7 subsequently found out, yes.

8 **MR. MANSON:** Can you tell us what the
9 Ministry did in response to Mr. van Diepen's concerns about
10 the Dick Nadeau visits?

11 **MR. LEGAULT:** Nothing specifically. They --
12 I think to use Mr. van Diepen's expression, I think he was
13 encouraged to leave and not to come back.

14 **MR. MANSON:** Yes.

15 **(LAUGHTER/RIRES)**

16 **MR. MANSON:** He was a little bit more
17 colourful in his language here.

18 **MR. LEGAULT:** Maybe and I wouldn't want to
19 indulge you with his exact words, but I think the Ministry
20 was satisfied that Mr. Nadeau had received the message.

21 **MR. MANSON:** Now, we've seen a package of
22 emails that you were perhaps involved with only as a
23 conduit, but in them you described comments made to you.

24 This is Exhibit 1093 I believe, Mr.
25 Commissioner.

1 Comments made to you by a number of your
2 staff about seeing Jos van Diepen's name and about their
3 reaction to seeing it.

4 **MR. LEGAULT:** Yes.

5 **MR. MANSON:** It's fair to say they were
6 quite disturbed; weren't they?

7 **MR. LEGAULT:** Yes, they were.

8 **MR. MANSON:** Can we -- just to refresh your
9 memory, can we scroll down, please? Another page please,
10 Madam Clerk. Ah, there it is.

11 If we can look at the bottom of this page --
12 and I'm not concerned about who told you these things.

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

14 **MR. MANSON:** But the concerns that were
15 raised with your by your staff start at the bottom.

16 "Have we been duped by Jos when he
17 claimed that he had no knowledge of any
18 of the abuse by Ken Seguin and others?
19 Why is he not talking to his colleagues
20 to reassure them that there is no truth
21 to the allegations in the website?
22 Staff were confident that with the
23 efforts made by everyone to be
24 aboveboard, it would be clear for
25 everyone who the good guys and bad ones

1 were. This only serves to once again
2 blur the distinction and create doubts
3 over everyone or, as they say, everyone
4 is painted with the same brush."

5 Those are the comments that you heard from
6 your staff; correct?

7 **MR. LEGAULT:** Yes.

8 **MR. MANSON:** They seem to suggest feelings
9 of betrayal by Jos van Diepen based on what they saw on the
10 website?

11 **MR. LEGAULT:** It certainly raised the
12 questions. I don't know if they reached conclusions but
13 they certainly raised questions.

14 I think what had happened previously, it
15 goes back to again an earlier statement that I had made
16 that as an office we sort of came together and made that
17 commitment, and that would have been in '99 that we were
18 going to regain our integrity and our credibility, you
19 know, one day at a time, one client at a time, by having a
20 clear, consistent process and having the reassurance that
21 we can trust each other fully. That website information
22 seemed to cast some doubt over that in the mind of certain
23 staff members.

24 **MR. MANSON:** Is it fair to say that your
25 staff was quite disturbed by reading material on the

1 website?

2 **MR. LEGAULT:** Yes. Not only for the
3 information relating to Ken, but again how it depicted the
4 office as a whole and us as probation officers, yes.

5 **MR. MANSON:** And your office was a
6 particular subset of the Cornwall community in at least two
7 respects.

8 Number one, you were probation officers, so
9 you had involvement with Nelson Barque and Ken Seguin, but
10 number two, your office is also knowledgeable about the
11 justice system; correct?

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

13 **MR. MANSON:** And at the time this website is
14 putting material into the world, there were a number of
15 prosecutions ongoing at this time; correct?

16 **MR. LEGAULT:** The Project Truth was --
17 investigation was going on. I don't know if the charges
18 had been laid, I can't remember. I don't know if the
19 trials for the people that were accused as a result of the
20 Project Truth investigation were ongoing at the time; I'm
21 not sure.

22 **MR. MANSON:** Well, without getting into the
23 details, you can look further down this email and it says:

24 "To make matters worse, on August 9th,
25 Sue was served with a subpoena to

1 appear as a witness."

2 So it's pretty clear that there were ---

3 **MR. LEGAULT:** Yes.

4 **MR. MANSON:** --- prosecutions going on?

5 **MR. LEGAULT:** Yes, yes.

6 **MR. MANSON:** And here we have a
7 knowledgeable group of people, your staff, and they see
8 this website and they don't know what to make of it do
9 they?

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

11 **MR. MANSON:** They're upset by it, they're
12 disturbed by it and they're very concerned about their
13 close co-worker, Jos van Diepen, and what's being said
14 about him; correct?

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

16 **MR. MANSON:** So you can imagine the kind of
17 impact it would have on other people in the community who
18 aren't as knowledgeable as your staff; correct?

19 **MR. LEGAULT:** Very definitely.

20 **MR. MANSON:** Did you hear from other people
21 in the community about the website?

22 **MR. LEGAULT:** Not directly, but I remember a
23 lot of media coverage over it and I, in fact, kept copies
24 of some of that and would forward that on to the region so
25 that they would be aware of the impact that the website was

1 having in the community.

2 MR. MANSON: Because in truth, the stuff on
3 the website, if you're not knowledgeable about real facts,
4 looks pretty serious, doesn't it?

5 MR. LEGAULT: It certainly does.

6 MR. MANSON: It has legal documents, right?

7 MR. LEGAULT: Yes.

8 MR. MANSON: The narrative that we talked
9 about before, was complete with references to quotations
10 from a member of the provincial legislature; correct?

11 MR. LEGAULT: Correct.

12 MR. MANSON: It looks like pretty serious
13 stuff?

14 MR. LEGAULT: It does.

15 MR. MANSON: And as a result, it caused a
16 lot of harm to people like Jos van Diepen; correct?

17 MR. LEGAULT: Correct.

18 MR. MANSON: Thank you, Mr. Legault.

19 MR. LEGAULT: Thank you.

20 THE COMMISSIONER: Mr. Horn.

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

22 HORN:

23 MR. HORN: Good morning.

24 MR. LEGAULT: Good morning, sir.

25 MR. HORN: My name is Frank Horn, with the

1 Coalition for Action, and I'm interested in a number of
2 areas. One of them is the -- there's a certain area that I
3 have some questions about.

4 Now, when you were advocating with Ms.
5 Newman about getting a lawyer for Jos, at that time you
6 believed Jos then, at that time?

7 **MR. LEGAULT:** Yes.

8 **MR. HORN:** You completely, wholeheartedly
9 felt that he had been wronged and that you were going to do
10 whatever you could to help him legally?

11 **MR. LEGAULT:** I thought there was a need to
12 get some clarification, yes.

13 **MR. HORN:** No, I'm just saying you felt he
14 was in the wrong -- he was in the right and that whatever
15 he was -- had had happened to him was a wrong had been done
16 to him and that you were going to do what you could to get
17 him legal help with the Ministry, and you were advocating
18 for that weren't you?

19 **MR. LEGAULT:** I was advocating for Jos to be
20 allowed to defend himself against the allegations made.

21 **MR. HORN:** I know, but with the help of the
22 Ministry?

23 **MR. LEGAULT:** Yes, he was -- he was one of
24 our employees and some of that referred to his work as a --
25 as a member the Ministry, so I was inquiring whether the

1 Ministry had a mandate or a responsibility to provide legal
2 assistance for him, yes.

3 MR. HORN: Okay. So he was going to go
4 through the Ministry even though -- could he get any help
5 as a -- as the representative in the union?

6 MR. LEGAULT: I believe Mr. van Diepen had
7 investigated that option with OPSEU and I'm not totally
8 aware of the details of it, but he -- that avenue was not
9 available to him, is my understanding.

10 MR. HORN: So he couldn't get any help that
11 way and it seemed that what you were -- he was telling you
12 was that he just couldn't afford the money in order to
13 fight this, which was going to cost quite a bit of money?

14 MR. LEGAULT: Exactly.

15 MR. HORN: So -- and the only source that
16 could be available to him would be the Ministry?

17 MR. LEGAULT: That's correct.

18 MR. HORN: Because they would then be able
19 to come up with the kind of money that was needed in order
20 to -- for him to carry on a long-term legal fight?

21 MR. LEGAULT: Exactly. Either to have some
22 formula to -- to reimburse legal fees or to provide direct
23 legal counsel.

24 MR. HORN: Now, it would seem then that when
25 you were doing this, it was at a time when you and the

1 staff were saying, "We're going to stick together; we're
2 going to lock arms and we're going to defend each other and
3 we're going to make sure that we stick together through
4 this"?

5 MR. LEGAULT: Yes.

6 MR. HORN: Through thick and thin, no matter
7 what happens, we're going to back up Jos and ---

8 MR. LEGAULT: No. No, that wasn't -- that
9 wasn't the feeling.

10 The -- the questions around the office were,
11 "What, if any, information on this website is true and how
12 does that impact on our relation with Mr. van Diepen; how
13 does that impact on his ability to work in the office?"
14 And that was the concern of the staff; there wasn't that
15 blind taking sides one way or another, no.

16 MR. HORN: Okay. So when you saw what was
17 going on on the website, Jos was there. You -- the first
18 thing you would do then is take him into your office, "I
19 want to -- I need to talk to you about what they're
20 saying..." ---

21 MR. LEGAULT: Yes.

22 MR. HORN: --- "... about you on the
23 website"?

24 MR. LEGAULT: That's correct.

25 MR. HORN: And then you want to get this --

1 the full lowdown from him?

2 MR. LEGAULT: Yes.

3 MR. HORN: Right?

4 MR. LEGAULT: Yes.

5 MR. HORN: You wanted to know what -- what
6 is the truth and what is not the truth?

7 MR. LEGAULT: That's correct.

8 MR. HORN: Okay. Plus you were -- you were
9 working closely with the Ministry, through Ms. Newman?

10 MR. LEGAULT: Yes.

11 MR. HORN: Were you instrumental in making
12 sure that there was going to be investigation by Mr.
13 Downing?

14 MR. LEGAULT: That was not my call, but I
15 certainly made the -- provided Ms. Newman with the
16 information. She decided to call in the investigation by
17 Mr. Downing as a result of the information that was being
18 provided.

19 MR. HORN: Okay. All right.

20 What happened is, Mr. Robert leaves, you
21 come in. You're a new person on the -- in the situation.
22 You're not tainted by any of the situation that occurred
23 there and you've been brought in and you're now talking to
24 Ms. Newman and you're saying, "Jos is being treated badly"
25 and you're trying to get them to support him?

1 **MR. LEGAULT:** Yes.

2 **MR. HORN:** Because you believed him?

3 **MR. LEGAULT:** Because I believed that he was
4 entitled to respond to the allegations that were made
5 against him.

6 **MR. HORN:** Okay. Now, what about the
7 Downing report. You said that you were really not
8 instrumental in having that begun?

9 **MR. LEGAULT:** No, that was a decision by Ms.
10 Newman.

11 **MR. HORN:** But you were the guy on -- on the
12 scene?

13 **MR. LEGAULT:** Yeah.

14 **MR. HORN:** I mean, Newman wouldn't be there;
15 you're the one that's there?

16 **MR. LEGAULT:** Yeah.

17 **MR. HORN:** So she'd be -- you're the person
18 on the scene, right?

19 **MR. LEGAULT:** Yes.

20 **MR. HORN:** Okay. And she's communicating
21 with you and you're saying, "We've got to have something
22 done to clear the air"?

23 **MR. LEGAULT:** Yes.

24 **MR. HORN:** So you then ask her -- you ask
25 her to see if you can get somebody and they assign Mr.

1 Downing to come in and look at the situation?

2 **MR. LEGAULT:** That's correct. Ms. -- yeah,
3 Ms. Newman appointed Mr. Downing, yes.

4 **MR. HORN:** At that point, were you still of
5 the mind that we've got to protect the Ministry? Because a
6 lot of the stuff that you've said in your letters is that,
7 "We've got to protect the..." ---

8 **MR. LEGAULT:** The interests of the Ministry,
9 in the sense that if there's false allegations that are
10 being made against the Ministry or our employees, we have
11 to react.

12 But I think that the main message that I was
13 trying to convey to Ms. Newman in that email is that we
14 need to have a process to deal with this that is
15 transparent, that in no way would get anyone to conclude
16 that we're trying to, you know, tuck this under the rug or
17 cover up for anything. We just want to get to the bottom
18 of this and get the truth out.

19 **MR. HORN:** Did it ever get to the point --
20 now, initially you said that you really believed in Jos and
21 the staff was together on this thing, but once things got
22 along and the Downing -- did you see -- did you read the
23 Downing Report?

24 **MR. LEGAULT:** No, I did not.

25 **MR. HORN:** Why didn't you?

1 **MR. LEGAULT:** I was never provided with a
2 copy of the Downing Report.

3 **MR. HORN:** So here you are, you're there at
4 the office. You're running the office and you were never
5 given a report about what was going on in your office?

6 **MR. LEGAULT:** I was never provided with a
7 copy of the -- Mr. Downing's findings, no.

8 **MR. HORN:** Were you aware that it was there?

9 **MR. LEGAULT:** Yes.

10 **MR. HORN:** So why didn't you ask for it?

11 **MR. LEGAULT:** My feeling at the time -- I
12 had discussions with Ms. Newman, and I think the Downing
13 Report or the Downing investigation was requested for a
14 very specific purpose which was for similar ---

15 **MR. HORN:** What were the purposes that you
16 understood?

17 **MR. LEGAULT:** For senior management to make
18 decisions on whether there's any suspicion that any current
19 staff is suspected of being involved in any wrongdoing, and
20 for them to make decisions on how to manage the situation.
21 It was their document. My impression was that if there was
22 things that needed to change in Cornwall as a result of
23 that, Ms. Newman would make me aware of those, and that's
24 the understanding that I had of her position in not
25 providing me with a copy of the Downing Report.

1 **MR. HORN:** Is it possible that the reason
2 why you did it that way was because you had made friends
3 with staff and you didn't want to look like you were going
4 to be working with higher management against them?

5 **MR. LEGAULT:** No, not at all.

6 **MR. HORN:** No?

7 **MR. LEGAULT:** No.

8 **MR. HORN:** Because things were working
9 better now that you were charge?

10 **MR. LEGAULT:** Things were -- there was less
11 labour relations issues, correct.

12 **MR. HORN:** Okay. So you came in ---

13 **MR. LEGAULT:** I have a different
14 relationship with staff.

15 **MR. HORN:** --- and you had things worked out
16 much better? Before, under Mr. Robert, there was a lot of
17 problems. You come in and things started working better
18 and you didn't want to rock the boat?

19 **MR. LEGAULT:** No, that had nothing to do
20 with that. I was just trying to get to the bottom of this.
21 Is Jos involved or not? Is any of our staff under
22 suspicion or under investigation by the police? Do we need
23 to change anything in the office?

24 **MR. HORN:** Is it possible that the reason is
25 because if you had worked on the Downing Report, it would

1 have looked like you were working with higher management,
2 and that would have broke the solidarity in the office?

3 **MR. LEGAULT:** Not at all. In fact,
4 everybody in the office knew that when Mr. Downing came to
5 Cornwall for the first days of this investigation, I drove
6 him around for -- I spent probably the better part of the
7 day just to drive him to Ken's residence on Alguire Street
8 and then to Ken's residence in Summerstown where he
9 committed suicide, to show him the court and the jail and
10 Harv's Diner and a whole bunch of places which were
11 associated with his investigation. And staff knew that I
12 had done that.

13 So there was no -- no hiding or no
14 perception that I was taking sides with management or not.
15 No, that had absolutely no bearing on it.

16 **MR. HORN:** At the time this was going on,
17 was Jos still the representative for the union?

18 **MR. LEGAULT:** It was either him or Mr.
19 Gendron, and I'm not totally sure. They sort of switched
20 from time to time. It was Mr. van Diepen, at times Mr.
21 Gendron. I'm not totally sure on that one.

22 **MR. HORN:** See, one of the interesting
23 things in a lot of what you've been saying up until now is
24 that there seems to be an attempt to find the victims, who
25 they are, but what about weeding out maybe somebody in the

1 office that might also have been involved?

2 MR. LEGAULT: And I think that was part of
3 the mandate that was given to Mr. Downing.

4 MR. HORN: Pardon?

5 MR. LEGAULT: That was part of the mandate
6 for Mr. Downing was to see is there any reason to suspect
7 that any current employees are involved. I think that was
8 very specifically -- I think Ms. Newman may have referred
9 to that, that it was one of the specific tasks that he was
10 asked to look into.

11 MR. HORN: Because I -- okay, this is the
12 situation, and you're reading a lot of stuff on a web page.
13 It's making everybody at the office very afraid that their
14 name might come up ---

15 MR. LEGAULT: Yeah.

16 MR. HORN: --- somehow?

17 MR. LEGAULT: Yeah.

18 MR. HORN: And that it might implicate them,
19 not only Jos. So they would be very, very afraid and you
20 were trying to make sure that you were going to stick with
21 them and they're going to trust you?

22 MR. LEGAULT: Not at the expense of covering
23 up for anybody, never.

24 MR. HORN: So you would -- you were -- when
25 you were driving around with Mr. Downing, were you trying

1 to find out if there's anybody else that was suspect in the
2 office?

3 MR. LEGAULT: No.

4 MR. HORN: I mean, there seems to be some
5 indication in the report that there was some suspicion of
6 Jos.

7 MR. LEGAULT: Yes, there was some suspicions
8 of Jos, definitely.

9 MR. HORN: Okay. Did you ask him while you
10 were driving around, "Is there anybody else in the office
11 that might be implicated in any way?"

12 MR. LEGAULT: We may have touched on that,
13 yeah. But there was nothing that implicated anybody else,
14 no.

15 MR. HORN: I mean, you were driving around
16 with him. Did you get into that kind of a discussion with
17 him?

18 MR. LEGAULT: General terms, yes, not -- you
19 know, not the specifics of allegations or whatnot against
20 Jos, but he simply indicated that he was -- that's one of
21 the areas that he was looking at was what Jos was involved
22 with and whether any staff -- other staff would be
23 implicated.

24 MR. HORN: I mean, it would be a very good
25 opportunity for Mr. Downing. You're driving around with

1 him; you're alone. He would be able to ask you some
2 questions. You would become -- you could become part of
3 his inquiry, wouldn't you? I mean, wouldn't that be a good
4 opportunity for him to find out what really is going on in
5 that office?

6 **MR. LEGAULT:** Yes, but at that time Mr.
7 Downing was probably in his first day of the investigation.
8 He had not met anybody. He had probably the same
9 information that I had, which was what was on the website
10 and the email that I had forwarded to Ms. Newman. I think
11 he had a copy of that and I think that's the information
12 that he had at the time. So he was asking me more for
13 directions and generally asked some questions around the
14 mood of the office and so on.

15 **MR. HORN:** Okay. You're in Hawkesbury. You
16 hear -- you read the newspapers. You see there's a lot of
17 problems here in Cornwall, and suddenly you're being
18 brought into the middle of that. I mean, wouldn't it be
19 the wisest thing for you to do is to initially -- the first
20 thing you do is you bring in everybody one on one and say,
21 "Tell me what's going on here"?

22 **MR. LEGAULT:** No, not necessarily. We had
23 staff meetings where this was brought up. I had meetings
24 with Ms. Newman. I had discussions with Mr. Robert. So I
25 had a lot of information that was made available to me at

1 the time.

2 **MR. HORN:** Why I'm asking a lot of these
3 questions is it seems to be focused -- what you and the
4 Ministry have done is focusing on, "Let's go and find out
5 who the victims are," but there's nothing that's being put
6 into place as finding out, "We don't want any other
7 perpetrators to be hired by the Ministry."

8 **MR. LEGAULT:** I think the identification of
9 ---

10 **MR. ROSE:** Sorry, I have to rise. I mean, I
11 don't think this is a fair characterization of the evidence
12 that's been heard.

13 The question supposes a Ministry-wide --
14 almost a conspiracy, and I think it ignores a lot of the
15 evidence that has been heard of training. We've just heard
16 a lot of evidence about case management and so forth. And
17 so to suggest, without alluding to that evidence, that
18 there is some Ministry-wide policy in place, in my
19 respectful submission, ignores the evidence and it's not a
20 fair question.

21 **THE COMMISSIONER:** Mr. Horn?

22 **MR. HORN:** I'll try to lay some foundation
23 for this -- this question.

24 **THE COMMISSIONER:** Okay.

25 **MR. HORN:** If you were to apply for a job,

1 let's say, where there's security concerns in one of the
2 government departments, there would be a security check,
3 wouldn't there be, done, a very close -- a very, very heavy
4 security check done?

5 **MR. LEGAULT:** In certain Ministries, yes.

6 **MR. HORN:** Yes. And they would want to weed
7 out people who might pose a problem in the future.

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

9 **MR. HORN:** And this is done at the higher
10 level but not at the level you're thinking of?

11 **MR. LEGAULT:** Yes, in the hiring process
12 there are two things; one is the criminal record check that
13 is done on every applicant or every person before a job
14 offer is made. And there's also extensive reference checks
15 that are made.

16 And when we ask candidates to identify
17 references it's not their, you know, their cousin and their
18 next door neighbour and their best friend. We ask them to
19 provide the names of people that they work with, who were
20 their supervisors, in terms of previous employment.

21 So we ask a lot of very detailed questions
22 on their specific abilities, on their character and so on
23 and that is part of the references that is done prior to
24 any letter of offer.

25 **MR. HORN:** Okay, who is the one that does

1 that?

2 MR. LEGAULT: The local manager does the
3 reference checks.

4 MR. HORN: That would be you?

5 MR. LEGAULT: Yes, and that is also done at
6 times in cooperation with our human resources advisors at
7 our regional office in Kingston.

8 MR. HORN: I'm certain that since things --
9 the things that occurred in Cornwall got such big press
10 that there's more vigilance?

11 MR. LEGAULT: Definitely.

12 MR. HORN: More vigilance in trying to make
13 sure that something like this never happens again anywhere
14 within the Ministry?

15 MR. LEGAULT: That is correct.

16 MR. HORN: So is there any kind of thing
17 that's been implemented in making sure this happens? In
18 terms of when they hire, do they look for these kinds of
19 signs?

20 THE COMMISSIONER: What kind of signs?

21 MR. HORN: I'm talking about somebody that
22 may have sexual deviant problems. Is there anything like
23 that?

24 MR. LEGAULT: There is no psychological
25 testing, if you want, of -- no, it is -- it is through

1 criminal record check, references check. Even for casual
2 employment, you know, short term contract; I'm very careful
3 to assess a person's character and reputation in the
4 community.

5 I'm very sensitive to the fact that our
6 office is under some scrutiny and I want to make sure that
7 the people that we bring into the office have the highest
8 standards of personal and professional integrity.

9 So I'm very cautious in who I will hire in
10 the office.

11 **MR. HORN:** One of the reasons why we, as a
12 coalition, were concerned about this whole area is that
13 we're -- we've been critical of the fact that the
14 perpetrators are not really being focused on; it's the --
15 it's the victims and doing something about the victims but
16 what we're concerned -- what we want to know is, we don't
17 want this to ever happen again.

18 **MR. LEGAULT:** You and I, sir.

19 **MR. HORN:** And so have you got any
20 recommendations in about making sure that we don't hire
21 another one -- another Ken Seguin or a Mr. Barque?

22 **MR. LEGAULT:** In addition to what we're
23 doing now probably not. I think in the past -- in the
24 early stages of the Ministry, what I'm told -- and I'm
25 going by what I've been told here -- is that initially

1 there was a reference given to people that had experience,
2 either in the military or religious services.

3 So in the early days the Ministry recruited
4 a lot of people from either police or retired people from
5 the military or had some experience in the military as well
6 as members of the clergy.

7 I don't know if that had any bearing on the
8 outcomes but I know that that was reportedly part of the
9 hiring practices in the early days of the Ministry; it is
10 not now but ---

11 **MR. HORN:** Okay, so -- okay, the Ministry
12 has learned something from this whole situation?

13 **MR. LEGAULT:** Oh very definitely.

14 **MR. HORN:** And they don't want it to ever
15 happen again, either here or anywhere else?

16 **MR. LEGAULT:** Exactly.

17 **MR. HORN:** And you would be making sure that
18 -- you've set in place the protocol and working with other
19 sub-organizations that do anger management and that sort of
20 thing and kind of diversifying how you operate so that one
21 individual is not the one that kind of supervise completely
22 an individual so there's an opportunity -- it's not so
23 focused on one individual on one individual?

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

25 **MR. HORN:** You've diversified that?

1 **MR. LEGAULT:** Correct.

2 **MR. HORN:** Is that as a result of what has
3 occurred in Cornwall?

4 **MR. LEGAULT:** I'm sure that it had some
5 bearing on it but it's probably not that, it's just the
6 right thing to do in terms of good correctional practice.

7 **MR. HORN:** So it's like a team effort now?
8 When a probationer comes in, not only is he going to be
9 dealing with probation but he might be sent to anger
10 management, substance abuse counsellors ---

11 **MR. LEGAULT:** Yeah.

12 **MR. HORN:** --- and now you're working as a
13 team?

14 **MR. LEGAULT:** Yeah. We want to address the
15 factors that are associated with the criminal behaviour.
16 Either by ourselves, either one-on-one, either on a group
17 setting or through referral to community agencies.

18 **MR. HORN:** Okay, now when -- okay, let's say
19 a pre-sentence report is being ordered.

20 **MR. LEGAULT:** Yes.

21 **MR. HORN:** I know that prior to that a lot
22 of times the guy comes in and he's asked to do certain
23 things but he can't afford to go to PARS program or all
24 these other things, so he has to get a court order from the
25 court, giving the Ministry the ability to be able to do all

1 the things that are going to cost money; right?

2 **MR. LEGAULT:** In come cases, possibly yes.

3 **MR. HORN:** Because it's going to cost money
4 to do a lot of these things and having this kind of
5 counselling.

6 **MR. LEGAULT:** In a lot of cases, no.
7 Anybody can go for services, addiction services. Anybody
8 can get help through -- help through the mental health
9 services, even the PARS program, you don't need to be
10 sentenced to be taking part in the PARS program. People go
11 there on -- as what they call the early intervention where
12 it's prior to sentencing; some people are referred to it by
13 CAS as part of the supervision order from CAS for example.

14 So it ---

15 **THE COMMISSIONER:** The PARS program is
16 geared to income, is it not?

17 **MR. LEGAULT:** Yes, they have a geared to
18 income provision, yes.

19 **MR. HORN:** So the -- now the protocol that
20 was set up is really aimed at trying to get probationers,
21 the ones that have been abused to come forward? Basically
22 that's what it comes down to, isn't it?

23 **MR. LEGAULT:** Yes, and to make sure that if
24 someone discloses that we will be able to provide a safe
25 environment and that we will provide the services

1 afterwards to take care of them.

2 MR. HORN: Okay, there was a number that was
3 given, 900 was a number that was given by yourself, what
4 did that refer to?

5 MR. LEGAULT: That's some information that
6 we had from the Project Truth investigators in terms of the
7 potential number of victims out there in the community.

8 MR. HORN: In this particular -- in Cornwall
9 you're talking about, in the surrounding area?

10 MR. LEGAULT: In the scope of the Project
11 Truth investigation.

12 MR. HORN: That's an awful lot.

13 MR. LEGAULT: Yeah, it spanned a lot of
14 years but yes it is; I was astounded.

15 MR. HORN: And we're talking about from the
16 time that Ken Seguin began with the Ministry until he died?

17 MR. LEGAULT: No, we're not talking just Ken
18 Seguin.

19 MR. HORN: Or we're talking ---

20 MR. LEGAULT: We're talking the entire scope
21 of the Project Truth investigation which went way beyond
22 the involvement of our two previous employees. It studied
23 historical sexual abuse in Cornwall and area from some
24 cases, I think dating back to the fifties.

25 So it wasn't focused solely on our

1 employees.

2 MR. HORN: Okay, so how many of those 900
3 would be related to probation?

4 MR. LEGAULT: I don't know.

5 MR. HORN: You don't know.

6 MR. LEGAULT: We never had the names.

7 What I do know is, to date we've had 35
8 offenders who have disclosed to us different forms of
9 abuse; not necessarily at the hands of Nelson Barque or Ken
10 Seguin; some of those disclosures involve other members of
11 the community or family members or so on.

12 MR. HORN: Okay. One of the outcomes of the
13 Project Truth investigation by the OPP is that there were
14 115 charges laid and there was a quite a number -- how many
15 of them relate to your Ministry and the people that are in
16 your Ministry that would somehow be related to probation?
17 Do you know?

18 MR. LEGAULT: No, I don't. Offhand I
19 wouldn't be able to tell you.

20 MR. HORN: Did you ever try to find out?

21 MR. LEGAULT: We know some of them. There
22 was one that I think it's referred to in the email where a
23 teacher was -- a trial was coming up and one of the
24 complainants was a former client of ours. There may have
25 been some others as well.

1 But, no, did I have specific meetings with
2 the OPP Project Truth to say how many of those are
3 currently our clients, no.

4 **MR. HORN:** Okay. So those 115 charges and
5 the ones that are dealing with are outside -- basically,
6 most of them are outside your scope?

7 **MR. LEGAULT:** Probably, yes, I would say so.

8 **MR. HORN:** But then since you've been here
9 locally, what, 35 people have come forward?

10 **MR. LEGAULT:** Yes.

11 **MR. HORN:** And out of that -- so that adds
12 onto the 115 charges and all the other people that were
13 involved. We're talking more of -- did any charges come
14 out of those 35 people?

15 **MR. LEGAULT:** Yes.

16 **MR. HORN:** Are they ongoing right now?

17 **MR. LEGAULT:** At least one of them offhand I
18 know is still before the courts, yes.

19 **MR. HORN:** So the ---

20 **MR. LEGAULT:** The Project Truth laid charges
21 but Nelson Barque and Ken Seguin were deceased at the time.
22 So the police couldn't charge Nelson Barque or Ken Seguin
23 with infractions, they were deceased at the time.

24 Now, some of the victims of Nelson Barque or
25 Ken Seguin may also have been victims of some of the other

1 perpetrators who were charged. I don't know that.

2 MR. HORN: Okay. So the 35 that come
3 forward, are they all just related to Nelson Barque and Ken
4 Seguin? Is there anybody else that's involved in your
5 office in any way?

6 MR. LEGAULT: Nobody else in our office is
7 involved in any way.

8 MR. HORN: Has there been any evidence of
9 either Jos van Diepen in any way by any probationers coming
10 forward ---

11 MR. LEGAULT: With allegations ---

12 MR. HORN: --- implicating him?

13 MR. LEGAULT: No.

14 MR. HORN: Pardon?

15 MR. LEGAULT: No. No, nothing implicating
16 Mr. van Diepen in any form of abuse, no.

17 MR. HORN: And nobody else in your office?

18 MR. LEGAULT: Nobody else in our office, no.

19 MR. HORN: Okay. So there's -- basically,
20 what you had was two individuals and then there was a
21 mention of somebody maybe further down the road, years ago?

22 MR. LEGAULT: Yes, I heard Mr. van Diepen
23 make reference to that.

24 MR. HORN: Yeah. So there's really -- for
25 this office there's three?

1 **MR. LEGAULT:** Well, there's two. I've never
2 heard of the other person that Mr. van Diepen made
3 reference to in his testimony.

4 **MR. HORN:** Now that you've been in the
5 office for some time, people have come forward and told you
6 about what happened. Do you believe that Ken Seguin did
7 molest these boys?

8 **MR. LEGAULT:** That's not ---

9 **THE COMMISSIONER:** Just a second. Just a
10 second.

11 First of all, how is that relevant?

12 **MR. HORN:** I just want to know if he
13 believes it.

14 **THE COMMISSIONER:** Well, it's irrelevant in
15 the sense that we're not here to determine Mr. Seguin's
16 guilt or innocence and so unless you can tie it into some
17 other aspect of what's going on, then I don't think that
18 that's relevant.

19 **MR. HORN:** Okay.

20 **THE COMMISSIONER:** But if there's another
21 way that you can tie it into being relevant I'll listen to
22 you but ---

23 **MR. HORN:** Okay. Is it -- now that there's
24 been the 115 charges, 35 people have come forward, and
25 you've had an opportunity to look at the situation as an

1 impartial individual brought in and looking at it as an
2 impartial individual, have you had an opportunity to make
3 some -- weighing things and make a decision?

4 **MR. ROSE:** Sorry, I don't think that that
5 question is really any different from the previous one.

6 **THE COMMISSIONER:** Well, he's not asking --
7 well, yes it is.

8 **MR. ROSE:** As I understand it.

9 **THE COMMISSIONER:** Well, yes, it is. He's
10 asking him, have you weighed it and have you come to some
11 conclusion. So he can ask that, but he can't ask what the
12 conclusion is going to be.

13 **MR. ROSE:** Well, I guess the relevance, why
14 ask the question then. The answer -- the subsequent
15 question is not ---

16 **MR. HORN:** How do you know he's going to
17 answer it?

18 **MR. ROSE:** If I could please finish, please.
19 If the next question is not going to be
20 proper then why ask the first?

21 **THE COMMISSIONER:** Because I'm trying to
22 give him as much leeway as I would give you in a cross-
23 examination.

24 **MR. ROSE:** Fair play. I think you
25 understand my concern.

1 **THE COMMISSIONER:** Oh, absolutely.

2 Absolutely.

3 So bottom line is, weighing everything, have
4 you come to some conclusions?

5 **MR. LEGAULT:** Personally?

6 **THE COMMISSIONER:** Yes.

7 **MR. LEGAULT:** Yes.

8 **THE COMMISSIONER:** There you go.

9 **MR. HORN:** And those conclusions are?

10 **THE COMMISSIONER:** Ah, no.

11 **MR. HORN:** That's all the questions I have.

12 **THE COMMISSIONER:** Thank you, Mr. Horn.

13 Mr. Lee.

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

15 **MR. LEE:** Mr. Legault, my name is Dallas
16 Lee. I'm on for the Victims' Group.

17 **MR. LEGAULT:** Good morning, sir.

18 **MR. LEE:** I want to go back to something Mr.
19 Horn brought up with you a moment ago. He brought you back
20 to the idea of 900 victims or close to 1000 victims in this
21 community.

22 Do you remember where you heard that
23 information?

24 **MR. LEGAULT:** It was at the office in some
25 discussions that some staff had with the Project Truth

1 investigators. It may also have been where we had
2 discussions with the Men's Project. I'm not totally sure
3 but I simply remember the number.

4 **MR. LEE:** Might it have been through the
5 media?

6 **MR. LEGAULT:** I don't think so. I don't
7 recall seeing that in the media.

8 **MR. LEE:** Mr. Commissioner, I hadn't
9 expected this issue to be raised at all. I think it came a
10 bit out of nowhere.

11 There is a document, it's a media clipping
12 that I'm identified that I'd like to Mr. Legault. I
13 haven't provided notice. I don't have copies of it, but I
14 think it should be put to him.

15 **THE COMMISSIONER:** Okay. Do we have the
16 technology, Madam Clerk?

17 **MR. LEE:** She apparently has a few copies as
18 well.

19 It is Document Number 126402. I think
20 that's a larger document. I just need one Bates page.
21 It's 1156877.

22 **THE COMMISSIONER:** There you go.

23 And just housekeeping, Exhibit 1204 will be
24 the curriculum vitae of Mr. Legault.

25 ---EXHIBIT NO./PIECE NO. P-1204:

1 Curriculum vitae of Claude Legault

2 **THE COMMISSIONER:** And 1205 is I believe --
3 you want to look at what the Jacki Leroux, Ottawa Sun, you
4 mean?

5 **MR. LEE:** Yes.

6 **THE COMMISSIONER:** Okay. And there's a hand
7 scribbling there that it's an Ottawa Sun article on the 24th
8 of the third month of '99.

9 **---EXHIBIT NO./PIECE NO. P-1205:**

10 (126402) Ottawa Sun media clipping
11 "Letter confirms cops lacked files" -
12 March 24, 1999

13 **MR. LEE:** Yes.

14 **THE COMMISSIONER:** So for identification
15 purposes there you have it.

16 **MR. LEE:** I'm going to need this on the
17 screen. I don't have a copy.

18 **THE COMMISSIONER:** Okay.

19 **MR. LEE:** If we can scroll down to the
20 bottom of the page, please.

21 As the Commissioner identified, Mr. Legault,
22 this is an Ottawa Sun article written by Jacki Leroux in
23 1999.

24 If you scroll down to the middle column down
25 at the bottom, the last sentence begins:

1 "After Dunlop delivered the documents
2 to the Ministries, OPP were called in
3 again and a few months later Project
4 Truth began."

5 Do you see where I am, sir?

6 **MR. LEGAULT:** Yes.

7 **MR. LEE:** And it continues:

8 "Officers soon compiled a list of
9 nearly 20 suspects and nearly 1000
10 alleged victims and witnesses have been
11 interviewed. So far 12 men have been
12 charged."

13 And it continues.

14 I think you would agree with me that that is
15 generally the number you were giving us ---

16 **MR. LEGAULT:** Yes.

17 **MR. LEE:** --- a little while ago?

18 **MR. LEGAULT:** Yes.

19 **MR. LEE:** Is it possible that this is a
20 source of that information?

21 **MR. LEGAULT:** That's not my recollection. I
22 wasn't a -- subscribed to The Sun but it's possible that it
23 -- or the information that was relayed to me may have been
24 as a result of that article.

25 **MR. LEE:** And your recollection is that it

1 was people in your office who related this to you not
2 somebody at Project Truth?

3 MR. LEGAULT: That's correct.

4 MR. LEE: You had no direct contact with
5 anybody at Project Truth ---

6 MR. LEGAULT: No, no.

7 MR. LEE: --- who relays information?

8 MR. LEGAULT: No.

9 MR. LEE: You got the information from your
10 staff?

11 MR. LEGAULT: Yes.

12 MR. LEE: Okay. Leaving that area, we know
13 that the probation office through the years have moved
14 locations a few times.

15 MR. LEGAULT: Yes.

16 MR. LEE: Am I understanding that there was
17 a move in the early 80s where it went from 340 Pitt Street
18 to 502 Pitt Street. Is that right?

19 MR. LEGAULT: That's correct.

20 MR. LEE: And then there was a move from 502
21 to a new location?

22 MR. LEGAULT: Yes.

23 MR. LEE: What's the address of that new
24 location?

25 MR. LEGAULT: It's 331 Pitt Street.

1 MR. LEE: At 331 Pitt?

2 MR. LEGAULT: Yeah.

3 MR. LEE: And was that the move that was
4 made in -- completed in December of 2001?

5 MR. LEGAULT: That's correct.

6 MR. LEE: And is the office still there
7 today?

8 MR. LEGAULT: Yes, it is.

9 MR. LEE: Can you tell me what the primary
10 reason behind that move was?

11 MR. LEGAULT: The primary reason ---

12 MR. LEE: Yes.

13 MR. LEGAULT: --- was to get out of that
14 location because of the history attached to it, the stigma
15 for a lot of clients who were totally unable to step foot
16 in the building. That was one of the -- definitely one of
17 the main concerns and one of the main arguments that I was
18 putting forward in the business cases to relocate the
19 office ---

20 MR. LEE: That was ---

21 MR. LEGAULT: --- in addition to, you know,
22 adequate space and so on.

23 MR. LEE: But the main impetus was the fact
24 that this was where some of the abuse had alleged to have
25 occurred and clients were having trouble with that?

1 **MR. LEGAULT:** In my mind, it was.

2 **MR. LEE:** Okay. Again, going back to
3 something Mr. Horn asked you about. He eluded briefly that
4 the testimony of Jos van Diepen here at this Inquiry and
5 his reference to the fact that it's possible that Barque
6 and Seguin weren't the first two probation officers to have
7 some issues in that office.

8 Were you familiar with Mr. van Diepen's
9 evidence in that regard?

10 **MR. LEGAULT:** Yes.

11 **MR. LEE:** He suggested that there was
12 somebody perhaps around 1962 who would have had some
13 problems?

14 **MR. LEGAULT:** Yes, I recall hearing that,
15 yes.

16 **MR. LEE:** Had you heard about that at all
17 prior to Mr. van Diepen's testimony here?

18 **MR. LEGAULT:** Once. In a conversation about
19 something else, Mr. van Diepen had sort of dropped that,
20 maybe -- I don't know -- I would say maybe a year or two
21 earlier, and ---

22 **MR. LEE:** Sorry, a year or two earlier ---

23 **THE COMMISSIONER:** Than what?

24 **MR. LEE:** --- than what?

25 **MR. LEGAULT:** Than -- a year or two ago.

1 **MR. LEE:** Okay.

2 **MR. LEGAULT:** Okay? But I had asked him at
3 the time that he had -- you know, he said, "I just heard
4 about that," and had no information more specific than that
5 as to who, when and so on.

6 **MR. LEE:** What was the gist of what he told
7 you?

8 **MR. LEGAULT:** That there may have been
9 somebody else in the early '60s that may have left the
10 Ministry under similar circumstances.

11 **MR. LEE:** Did Mr. van Diepen say where he
12 had heard that from?

13 **MR. LEGAULT:** No.

14 **MR. LEE:** Not at the time, he hadn't?

15 **MR. LEGAULT:** Not at the time and nobody
16 else in the office had any recollection of hearing that.

17 **MR. LEE:** Are you aware that when he
18 testified here, Mr. van Diepen suggested that Marcelle
19 Léger was the source of that information?

20 **MR. LEGAULT:** I recall his testimony to that
21 effect, yes.

22 **MR. LEE:** When did Ms. Léger retire? All I
23 really care about, was it before or after you had this
24 original discussion with Mr. van Diepen?

25 **MR. LEGAULT:** Oh, way before. Mrs. Léger

1 was no longer at the office when I arrived in Cornwall. In
2 '98, she was -- I don't think she was -- no longer employed
3 in the office.

4 **MR. LEE:** So when you originally heard this
5 story from Mr. van Diepen, she wasn't one of the people
6 that you consulted with? She wasn't around the office?

7 **MR. LEGAULT:** No, she was not around at the
8 time.

9 **MR. LEE:** Have you, since Mr. van Diepen
10 has testified, looked into this matter any further?

11 **MR. LEGAULT:** Yes, I've asked again staff at
12 the office to see if they'd heard anything to that effect.

13 **MR. LEE:** Current staff at the office?

14 **MR. LEGAULT:** Current staff, yes.

15 **MR. LEE:** Have you asked any former staff at
16 all?

17 **MR. LEGAULT:** No, no, I haven't had a chance
18 to talk to former staff.

19 **MR. LEE:** Are you aware of any documents
20 within the Ministry or the Cornwall office relating to this
21 at all?

22 **MR. LEGAULT:** No, none at all.

23 **MR. LEE:** You've never viewed any such
24 documents?

25 **MR. LEGAULT:** None at all.

1 **MR. LEE:** You have no knowledge of any such
2 documents?

3 **MR. LEGAULT:** No.

4 **MR. LEE:** We -- the parties here have in our
5 possession an overview of evidence that was created by, as
6 I understand it, you and Ms. Larivière and Ms. Cardinal.
7 Is that right?

8 **MR. LEGAULT:** Correct.

9 **MR. LEE:** There are some issues -- it's not
10 ready to go into evidence at all yet, but I want to ask you
11 a little bit about some of the general ideas that are in
12 there without putting the document to you.

13 And one of the things that document does is
14 it explains the processes that have been in place since '98
15 to deal with allegations of abuse that come to a probation
16 officer. Is that right?

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

18 **MR. LEE:** And those have evolved a little
19 bit over time, as I understand it?

20 **MR. LEGAULT:** Yes, yes.

21 **MR. LEE:** I want to try to get some general
22 principles out of you here. My understanding is that when
23 a probation officer receives an allegation of sexual abuse,
24 his or her job is to be supportive?

25 **MR. LEGAULT:** Yes.

1 **MR. LEE:** To treat the person making the
2 disclosure with respect?

3 **MR. LEGAULT:** Definitely.

4 **MR. LEE:** And with compassion?

5 **MR. LEGAULT:** Yes.

6 **MR. LEE:** To try to help?

7 **MR. LEGAULT:** Yes.

8 **MR. LEE:** And that probation officer's job
9 is not to judge the merits of the allegation?

10 **MR. LEGAULT:** No, it is not.

11 **MR. LEE:** The probation officer is not to,
12 in essence, cross-examine the complainant?

13 **MR. LEGAULT:** Definitely not.

14 **MR. LEE:** Not there to grill them for
15 details?

16 **MR. LEGAULT:** No.

17 **MR. LEE:** And the probation officer is not
18 there to point out inconsistencies in the story, if any?

19 **MR. LEGAULT:** No.

20 **MR. LEE:** Or really to even look for
21 inconsistencies?

22 **MR. LEGAULT:** No, not really. At that point
23 we want to facilitate and support the disclosure and take
24 care of the person.

25 **MR. LEE:** Would it be fair to -- would an

1 accurate statement be that the probation officer is not
2 there to argue or deny what has happened, but rather to
3 allow the person to disclose his versions of the events?

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

5 **MR. LEE:** And so the probation officer, in
6 accordance with the policies and procedural practices or
7 whatever you want to call them, wouldn't concern him or
8 herself with the complainant's criminal background, as an
9 example, or the family situation or anything like that,
10 with a view to assessing credibility?

11 **MR. LEGAULT:** Not at that point. Our
12 position is that we make the referral to the police force.
13 That's their duty to investigate and to assess the
14 credibility or not in terms of whether charges are going to
15 be laid or not.

16 And there's different processes, whether
17 it's through the civil litigation or whatnot, for the truth
18 or not of the allegations to be assessed. It is not our
19 role at that point.

20 **MR. LEE:** It's not a probation officer's job
21 to make that determination?

22 **MR. LEGAULT:** Not at that point, no.

23 **MR. LEE:** Or even to consider that question
24 in an official way?

25 **MR. LEGAULT:** No.

1 **MR. LEE:** And it's not your job either. Is
2 that right?

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

4 **MR. LEE:** And those are the rules that are
5 in place?

6 **MR. LEGAULT:** Yes.

7 **MR. LEE:** And those are good rules?

8 **MR. LEGAULT:** I believe so, yes.

9 **MR. LEE:** Would it be appropriate for a
10 probation officer in that situation to consider whether or
11 not there's a possibility that the person bringing the
12 complaint is doing so only to try to manipulate the system
13 or manipulate the officer? Is that a valid consideration
14 at that time?

15 **MR. LEGAULT:** Not in whether we're going to
16 entertain the disclosure or not, no.

17 **MR. LEE:** You can't have it both ways, can
18 you? The rule needs to be that you take the disclosure and
19 you pass it on to somebody else?

20 **MR. LEGAULT:** Yeah, yeah.

21 **MR. LEE:** And that's the way things are
22 done?

23 **MR. LEGAULT:** Yes.

24 **MR. LEE:** And the overview, as I'll call it,
25 that we're discussing has some statistics in it and it has

1 some other information.

2 MR. LEGAULT: Yes.

3 MR. LEE: My understanding is that Ms.
4 Larivière, when she testifies, will be able to speak to
5 those?

6 MR. LEGAULT: Yes.

7 MR. LEE: And that she's the person I should
8 put questions to about that?

9 MR. LEGAULT: She's the one that was tasked
10 more specifically with looking at each individual
11 disclosure and getting more information on each one.

12 MR. LEE: Mr. Legault, thank you very much.
13 Those are my questions.

14 MR. LEGAULT: Thank you.

15 THE COMMISSIONER: Thank you.

16 Mr. Neville.

17 MR. NEVILLE: Thank you, sir.

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

19 NEVILLE:

20 MR. NEVILLE: Good afternoon, Mr. Legault.

21 MR. LEGAULT: Good afternoon, sir.

22 MR. NEVILLE: My name is Michael Neville and
23 I represent the Estate of Ken Seguin, his brother Douglas
24 Seguin and also Father Charles MacDonald.

25 You and I never met, I don't think?

1 **MR. LEGAULT:** No, I don't think so.

2 **MR. NEVILLE:** Now, we've been hearing
3 evidence for a number of weeks now, or our Commissioner
4 has, from correctional people, including people from the
5 Cornwall office.

6 Have you been following that evidence?

7 **MR. LEGAULT:** Yes.

8 **MR. NEVILLE:** Watching it on television or
9 the website?

10 **MR. LEGAULT:** Occasionally on the website,
11 occasionally reading some transcripts, yes.

12 **MR. NEVILLE:** Okay. So in addition to
13 visually following it, you have read some of your
14 colleagues' transcripts?

15 **MR. LEGAULT:** Yes.

16 **MR. NEVILLE:** Can you recall which ones
17 you've read?

18 **MR. LEGAULT:** Mr. Gendron's, Ms. Cardinal,
19 Mrs. Newman, obviously.

20 **MR. NEVILLE:** Ms. Newman -- I'm sorry?

21 **MR. LEGAULT:** But the ones from our office -
22 - Mrs. Newman.

23 **MR. NEVILLE:** Mrs. Newman, yes. All right.
24 Okay.

25 Now, others in the course of the

1 proceedings, including Ms. Newman, quite strongly during
2 her evidence emphasized the presumption of innocence.

3 **MR. LEGAULT:** Correct.

4 **MR. NEVILLE:** And that's a concept I'm sure
5 you believe in?

6 **MR. LEGAULT:** Yes.

7 **MR. NEVILLE:** Now, what strikes me -- and
8 we'll see if I'm on the right track or missing something
9 here -- when I look at the Jos van Diepen situation in
10 relation to the website, what struck me as missing -- and I
11 suggested it to Mr. Downing when I cross-examined him --
12 is little, if any, attention was directed to the validity
13 of the website as a credible source.

14 Do you agree with that?

15 **MR. LEGAULT:** In my mind there was some
16 doubt about -- I wouldn't have taken anything in the
17 website as being gospel truth, no.

18 **MR. NEVILLE:** Well, exactly.

19 But the approach, it seems to me, was to
20 take it at face value as valid. I have seen nothing in all
21 the material we've all had to look at, myself included, or
22 anybody on behalf of the Ministry or on behalf of Mr. van
23 Diepen in particular said to themselves, "Wait a minute;
24 why should we place any credence in this website?" Anybody
25 can create a website and put whatever they want on it.

1 **MR. LEGAULT:** Yes.

2 **MR. NEVILLE:** Why was such credence
3 apparently given to it?

4 **MR. LEGAULT:** I don't think it was a
5 question of giving it credence or not as much as realizing
6 that this is something that's out there and we have to look
7 into it.

8 **MR. NEVILLE:** All right. Are you aware, for
9 example, that other institutions whose members were
10 slandered did take some steps against it ---

11 **MR. LEGAULT:** Yes.

12 **MR. NEVILLE:** --- civil actions?

13 **MR. LEGAULT:** Yes.

14 **MR. NEVILLE:** But the Ministry, or Mr. van
15 Diepen with the aid of the Ministry because it would be in
16 his name, that wasn't done, was it, to your knowledge?

17 **MR. LEGAULT:** Mr. van Diepen at one point
18 may have elected not to. I'm not privy to all the details
19 of the discussions that went on. All I know is that some
20 legal assistance was offered to Mr. van Diepen. I don't
21 have the terms of it.

22 **MR. NEVILLE:** Right. My question really was
23 though the Ministry as an institution itself didn't take
24 proceedings.

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

1 **MR. NEVILLE:** All right. And just as some
2 confirmation perhaps, if I may, that you did harbour some
3 concerns about the veracity of it, could I refer, if I may,
4 Mr. Commissioner, to our Exhibit 770, Document 100519?
5 It's an email, Commissioner, by Mr. Legault.

6 Do you have that exhibit there, sir?

7 **MR. LEGAULT:** Yes, I do.

8 **MR. NEVILLE:** They found it for you?

9 **MR. LEGAULT:** Yes.

10 **MR. NEVILLE:** I'm just waiting for the
11 Commissioner.

12 At the bottom -- I'm more interested at the
13 bottom of the page which is an email authored by yourself
14 to Ms. Potter and to Deborah Newman.

15 **MR. LEGAULT:** Yes.

16 **MR. NEVILLE:** And it's dated Friday, the 25th
17 of August; so right as it were in the thick or the midst of
18 this website controversy.

19 **MR. LEGAULT:** Yes.

20 **MR. NEVILLE:** All right. And looking at the
21 first full paragraph, there is a reference to a probationer
22 going into the probation -- to one of the probation offices
23 and speaking to Mr. Billard. I'm not going to use the
24 name, Commissioner, although I understand it's been public,
25 but it then says in the last three sentences by yourself:

1 "He [meaning the probationer] also
2 referred to Dick (Richard) Nadeau from
3 Casselman as a former victim who was
4 actively assisting the victims to get
5 organized and to secure legal counsel.
6 I don't know if he is part of the group
7 that is suing the Ministry, but Mr.
8 Nadeau is certainly very close to the
9 action."

10 Were you in that passage trying to send
11 somewhat of a message of maybe we should look at bit more
12 carefully at what the source is and what the motive may be?

13 **MR. LEGAULT:** Yeah. Yeah, I think that's a
14 fair ---

15 **MR. NEVILLE:** Right. And just picking up on
16 that theme, could we next look at Exhibit 1177?

17 **MR. LEGAULT:** You certainly get your
18 exercise for the day.

19 **MR. NEVILLE:** Which is Document 100543,
20 Commissioner. Again, it's a series of emails but the one
21 I'm interested in is at the back of the collection. It's
22 one by Mr. van Diepen.

23 And if you would look for me, Mr. Legault,
24 it would be the last three pages of that tab because it's a
25 series of emails sort of coming from back to front, and the

1 last full one that we have is at the bottom of the page.
2 It's authored by Mr. van Diepen on September the 7th to
3 various -- to a particular person I guess at the legal
4 department, and cc'ed to yourself.

5 Have you found that one?

6 **MR. LEGAULT:** That's correct. Yes.

7 **MR. NEVILLE:** All right. And you'll notice
8 the subject matter he describes it as is himself and
9 "malicious Internet allegations;" right?

10 **MR. LEGAULT:** Right.

11 **MR. NEVILLE:** And if we turn over, you'll
12 see the large paragraph starting with the phrase
13 "Coincident with this investigation."

14 Do you see that?

15 **MR. LEGAULT:** Yes, I do.

16 **MR. NEVILLE:** Now, if you just take a moment
17 and read that paragraph to yourself.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MR. NEVILLE:** Now, during your evidence in-
20 chief with Mr. Stauffer, he asked you to describe in terms
21 of the website the gist of what was on there was his word,
22 and it was, by your evidence, that Mr. van Diepen knew a
23 lot of the people associated with allegations of abuse.
24 There were no wrongs alleged by him, only that he knew
25 something and did nothing and also about a suicide note.

1 That was your evidence in-chief, and Mr.
2 Manson touched on this and when we look at the paragraph
3 that I've just had you read to yourself, in fact, there
4 were direct allegations against Mr. van Diepen, not simply
5 of knowledge but of doing things; right?

6 Mr. Manson showed you that in the affidavit
7 that he was at parties or sex orgies with young people
8 happened.

9 **MR. LEGAULT:** Yes.

10 **MR. NEVILLE:** That he perjured himself. So
11 there were specific allegations of misconduct; was there
12 not?

13 **MR. LEGAULT:** Yes.

14 **MR. NEVILLE:** Right. Now, we touched on
15 your concern from the previous email about what the
16 motivations might be and Mr. van Diepen puts it squarely on
17 the table in the next paragraph; doesn't he?

18 "This pending civil suit against the
19 Ministry would seem to be a prime
20 motivator for this group."

21 Right?

22 **MR. LEGAULT:** Yes.

23 **MR. NEVILLE:** All right. Now, he then
24 states at the bottom,

25 "There are innocent victims of sexual

1 abuse. If proven under the law, they
2 are entitled to civil remedy and I
3 empathize with them. There are others,
4 in this case the principals of the
5 website, who claim to be victims
6 themselves and who appear motivated by
7 greed and who continue the abuse in the
8 electronic media."

9 Did you share that concern of Mr. van
10 Diepen's?

11 **MR. LEGAULT:** Yes, that there may be -- that
12 this website may be unfairly tarnishing the reputation of
13 members of the community, yes.

14 **MR. NEVILLE:** Right, for purposes of money.

15 **MR. LEGAULT:** For whatever purposes they may
16 have but ---

17 **MR. NEVILLE:** He suggested greed ---

18 **MR. LEGAULT:** He suggests, yes.

19 **MR. NEVILLE:** --- i.e. money.

20 **MR. LEGAULT:** Yes.

21 **MR. NEVILLE:** Right. Now, in your evidence,
22 you also -- and other counsel asked you about this belief
23 or information you had heard about a thousand victims and
24 may I simply advise you that I've spoken with my legal
25 colleagues from the Ontario Provincial Police and my

1 understanding is that the figure of a thousand represents
2 overall -- and in fact the newspaper story more or less
3 said it -- contacts.

4 MR. LEGAULT: Yes.

5 MR. NEVILLE: Okay. But it's important for
6 those following this and maybe intending to report on your
7 evidence, sir, is that contacts is not the same as victims.
8 Contacts is people they interviewed.

9 MR. LEGAULT: Correct.

10 MR. NEVILLE: Some of whom became designated
11 complainants. Do we agree that that's really the proper
12 term?

13 MR. LEGAULT: Yes.

14 MR. NEVILLE: All right. Now, Mr. Lee,
15 previous counsel, touched on this and that is to say that
16 the protocol did not include within it any verification or
17 validation of the truthfulness of the disclosure.

18 MR. LEGAULT: That's correct.

19 MR. NEVILLE: It was accepted at face value.

20 MR. LEGAULT: Yes.

21 MR. NEVILLE: All right. And you indicated
22 to me a few moments ago that you were following and/or
23 reading some evidence of colleagues and mentioned Mr.
24 Gendron.

25 And do you recall my asking Mr. Gendron

1 about a disclosure he received by somebody we now know as
2 C-50? And this was a person who was about to be breached,
3 whose explanation was he didn't like going to the office
4 because of prior abuse.

5 MR. LEGAULT: I recall the ---

6 MR. NEVILLE: And Mr. Gendron acknowledged
7 to me that this explanation was delivered about two years
8 and nine months into his reporting and resulted in no
9 breach and the waiving of \$1,000 in restitution.

10 Now, do you agree with me, sir, that
11 restitution and an order for restitution is a court order?

12 MR. LEGAULT: Yes, it is.

13 MR. NEVILLE: Was the waiving of that money
14 owed either to the public purse or to a victim, was that
15 vetted by any court or any Crown? It appears to me, I can
16 tell you, that it wasn't.

17 MR. LEGAULT: I have no information.

18 MR. NEVILLE: It was simply done wasn't it?

19 MR. LEGAULT: I don't recall anything about
20 the restitution.

21 MR. NEVILLE: You don't; all right.

22 MR. LEGAULT: No.

23 MR. NEVILLE: Were you aware even that that
24 was part of the resolution for this person?

25 MR. LEGAULT: No.

1 **MR. NEVILLE:** All right. Now, let me just
2 ask you this then. I've asked you about the presumption of
3 innocence, right, and you believe in it?

4 **MR. LEGAULT:** Yes.

5 **MR. NEVILLE:** Do you accept, sir, the
6 proposition that in relation to these disclosures that
7 essentially started some six years after his death, Mr.
8 Seguin may well have had something to say in his own
9 defence? Do you accept that?

10 **MR. LEGAULT:** Yes.

11 **MR. NEVILLE:** Thank you.

12 That in relation to these disclosures that
13 essentially start as some six years after his death, Mr.
14 Seguin may well have had something to say in his own
15 defence. Do you accept that?

16 **MR. LEGAULT:** Yes.

17 **MR. NEVILLE:** Thank you, those are my
18 questions, Commissioner.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Chisholm?

21 **MR. CHISHOLM:** Good morning, sir.

22 Mr. Legault, you may know me. I'm Peter
23 Chisholm, counsel for the local CAS.

24 I have no questions for you, thank you.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Scharbach?

2 **MR. SCHARBACH:** Thank you, Mr. Commissioner.

3 Mr. Legault, my name is Stephen Scharbach,
4 counsel for the Ministry of the Attorney General and I have
5 no questions for you either.

6 Thank you.

7 **THE COMMISSIONER:** Mr. Crane?

8 **MR. CRANE:** Mr. Legault, my name's Mark
9 Crane. I'm counsel for the Cornwall Police Service and I
10 have no questions for you.

11 **MR. LEGAULT:** Thank you.

12 **THE COMMISSIONER:** Ms. Lahaie?

13 **MS. LAHAIE:** Mr. Legault, good afternoon.
14 My name is Diane Lahaie, I'm one of the
15 lawyers for the Ontario Provincial Police. I have no
16 questions for you.

17 Thank you for coming.

18 **MR. LEGAULT:** Thank you.

19 **THE COMMISSIONER:** Mr. Wallace?

20 **MR. WALLACE:** Mr. Legault, my name is Mark
21 Wallace. I'm counsel for the Ontario Provincial Police
22 Association and I have no questions for you.

23 **MR. LEGAULT:** Thank you, sir.

24 **THE COMMISSIONER:** Mr. Rose?

25 **MR. ROSE:** Yes, thank you, sir.

1 **THE COMMISSIONER:** Will you be very long?

2 **MR. ROSE:** Longer than 15 minutes.

3 **THE COMMISSIONER:** Then we'll come back at
4 two-fifteen. I have some other matters I have to take care
5 of, so we'll start at two-fifteen, okay?

6 **MR. ROSE:** Thank you.

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

9 This hearing will resume at 2:15 p.m.

10 --- Upon recessing at 12:27 p.m./

11 L'audience est suspendue à 12h27

12 --- Upon resuming at 2:16 p.m./

13 L'audience est reprise à 14h16

14 **THE REGISTRAR:** This hearing is now resumed.
15 Please be seated. Veuillez vous asseoir.

16 **THE COMMISSIONER:** Thank you.

17 Mr. Rose.

18 Mr. Legault.

19 **CLAUDE LEGAULT, Resumed/Sous le même serment:**

20 --- **CROSS EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

21 **ROSE:**

22 **MR. ROSE:** Good afternoon, Mr. Legault.

23 **MR. LEGAULT:** Good afternoon.

24 **MR. ROSE:** Mr. Commissioner, I've met Mr.
25 Legault many times a long time ago.

1 **THE COMMISSIONER:** I was going to say that.
2 You were one of his clients? Oh no, I'm sorry, he was one
3 of your clients, that's it.

4 **MR. ROSE:** Well, they say that probation
5 only lasts three years, Mr. Commissioner, and as November,
6 2008 approaches people are wondering about whether I'm
7 going to be here longer than that.

8 **THE COMMISSIONER:** No.

9 **MR. ROSE:** Mr. Legault, I have some
10 questions -- initially discrete areas -- and the first is
11 about your curriculum vitae, which, Mr. Commissioner, is
12 Exhibit 1204; it was put in earlier.

13 Do you have that before you, Mr. Legault?

14 **MR. LEGAULT:** Yes, yes.

15 **MR. ROSE:** Although it's a very proper
16 curriculum vitae, I notice that you've not put in there
17 your -- any honours or awards that you may have been given
18 over your career within the Ministry. Is that right?

19 **MR. LEGAULT:** Yes.

20 **MR. ROSE:** Okay. However, you have been
21 given certain awards over the years haven't you?

22 **MR. LEGAULT:** Yes.

23 **MR. ROSE:** Is one of them the Governor
24 General's Award?

25 **MR. LEGAULT:** Yes, yes.

1 **MR. ROSE:** And how do you get the Governor
2 General's Award in your experience, Monsieur Legault?

3 **MR. LEGAULT:** It is awarded to employees of
4 the -- in Corrections, which have 20 years in Corrections,
5 a minimum of 10 of those years has to be in direct service
6 to clients.

7 **MR. ROSE:** Okay. So is it a form of 20-year
8 award?

9 **MR. LEGAULT:** Yes, it is. It's in
10 recognition of 20 years of service in Corrections.

11 **MR. ROSE:** Okay. And I take it that every
12 year there's an annual award ceremony for those who are
13 eligible for this award. Is that right?

14 **MR. LEGAULT:** Yes. Yes, in each region. So
15 in the East Region, we would have one every year to hand
16 out the medals to the persons who qualify.

17 **MR. ROSE:** Okay.

18 **MR. LEGAULT:** So, essentially, the
19 qualifications are, or the requirements are, to have been
20 in Corrections for 20 years, minimum of 10 years in direct
21 service with offenders, no attendance issues and no
22 discipline.

23 **MR. ROSE:** Okay. Does everybody get one?

24 **MR. LEGAULT:** Everybody who meets these
25 criteria would -- would qualify for it, yes.

1 **MR. ROSE:** Okay. Moving on, you were, I
2 take it, in 1993 a probation and parole officer, a PPO, as
3 they say. Is that right?

4 **MR. LEGAULT:** Yes.

5 **MR. ROSE:** And you were working out of the
6 Hawkesbury office?

7 **MR. LEGAULT:** Yes, I was.

8 **MR. ROSE:** And at that point, Emile Robert
9 would have been your area manager. Is that right?

10 **MR. LEGAULT:** Yes. Yes, he was.

11 **MR. ROSE:** And do you recall in the days and
12 weeks that followed the death of Mr. Seguin -- you know
13 that Ken Seguin died in late November of 1993 so we're
14 speaking about into December and January of 1993 into 1994
15 -- was there a discussion at your meetings, staff meetings
16 with Mr. Robert, about Ken Seguin's death?

17 **MR. LEGAULT:** Yes, there was.

18 **MR. ROSE:** And was there a discussion about
19 whether or not Mr. Seguin had committed suicide or was his
20 cause death was something else?

21 **MR. LEGAULT:** Yes, there was -- there was
22 discussions, yes.

23 **MR. ROSE:** Was the discussion coming from
24 Monsieur Robert?

25 **MR. LEGAULT:** Yes.

1 **MR. ROSE:** Did he express an opinion on
2 whether or not Mr. Seguin had committed suicide or not?

3 **MR. LEGAULT:** Yes, I think initially he had
4 suspicions that it may not have been a suicide. I recall
5 at a staff meeting that he had explained his -- his
6 impression that it was nearly impossible for Mr. Seguin to
7 have died in the circumstances and he proceeded to explain
8 how, in his opinion, it would have been impossible for Mr.
9 Seguin to have hung himself and -- and -- but there was
10 some other, I think he had cut his hand or something; I
11 forget the exact details, but I know Mr. Robert went into
12 some detail in explaining that.

13 **MR. ROSE:** I take it it was your impression
14 that Mr. Robert did not accept that Ken Seguin had
15 committed suicide in the days and weeks that followed his
16 death?

17 **MR. LEGAULT:** I think initially he had some
18 reservations on that, yes.

19 **MR. ROSE:** Okay. Thank you
20 I want to move on to some areas that you
21 were cross-examined on today and the first is an area that
22 was cross-examined on by Mr. Horn and I'd ask you to turn
23 to -- and if we could put up on the screen -- Exhibit 1093.

24 And I'd ask you to look at Bates
25 page 1001613. It's actually the third page of that

1 document and the third paragraph down, please.

2 **MR. LEGAULT:** M'hm.

3 **MR. ROSE:** Now, you were asked some
4 questions by Mr. Horn about your participation with the
5 Downing investigation and your motives for participating
6 and so forth and I'd ask you to direct your -- and I direct
7 your attention to the third sentence, which says:

8 "I have repeated my position that we
9 must continue to demonstrate a
10 transparent and consistent approach in
11 which we never try to 'tuck this under
12 the carpet', but instead are
13 forthcoming with information and
14 encourage our clients to disclose any
15 abuse and to seek counselling through
16 the Men's Project or other services.
17 It is the only way for our clients and
18 the public to see that we are not
19 involved in any form of cover-up and
20 that the rest of us are different from
21 Ken, Nelson and the rest."

22 Did that reflect your position at the time?

23 **MR. LEGAULT:** Very much so.

24 **MR. ROSE:** Did you believe it at the time to
25 be true?

1 **MR. LEGAULT:** Very much so.

2 **MR. ROSE:** Do you continue to believe that
3 even to this day?

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

5 **MR. ROSE:** Now, Mr. Downing -- I mean, you
6 were asked some questions as well about Paul Downing
7 arriving in Cornwall in -- in the late summer of 2000 and
8 you were asked some questions about driving him around.
9 What did you understand your role to be with Mr. Downing as
10 you were driving him around the city?

11 **MR. LEGAULT:** It was just to make him
12 familiar with the surroundings, to -- for him to have a
13 better understanding of the issues so that he could see
14 where different locations were that he would -- that would
15 be associated with his investigation.

16 **MR. ROSE:** Did you get a sense that Mr.
17 Downing had ever been to Cornwall before?

18 **MR. LEGAULT:** He -- I think he had mentioned
19 that he may have been in Cornwall once many years
20 previously, but he was not familiar with Cornwall at all.

21 **MR. ROSE:** Okay. So was your role to
22 familiarize himself with the geography of Cornwall?

23 **MR. LEGAULT:** Yes.

24 **MR. ROSE:** As much as anything else?

25 **MR. LEGAULT:** Yes, that was mainly that.

1 **MR. ROSE:** Okay. And you're familiar with
2 the idea of an investigation by the Ministry under Section
3 22 of the *Ministry of Corrections Act*?

4 **MR. LEGAULT:** Yes.

5 **MR. ROSE:** And that is performed, as you're
6 aware, by a Ministry investigator?

7 **MR. LEGAULT:** Correct.

8 **MR. ROSE:** Are you a Ministry investigator?

9 **MR. LEGAULT:** No, I am not.

10 **MR. ROSE:** Have you ever been a Ministry
11 investigator?

12 **MR. LEGAULT:** No, I have not.

13 **MR. ROSE:** Do you have any special expertise
14 in conducting any -- any kind of investigation like that?

15 **MR. LEGAULT:** None.

16 **MR. ROSE:** Now, during this time and during
17 the days and weeks following -- during the course of Mr.
18 Downing's investigation in the days and weeks that
19 followed, you were asked some questions about your
20 relationship with the regional office in Kingston. Did you
21 feel you were adequately supported by the regional office
22 at that time?

23 **MR. LEGAULT:** Yes, I was.

24 **MR. ROSE:** Did you have any complaints with
25 the regional office about your position as an area manager

1 at all?

2 **MR. LEGAULT:** No, I felt that I certainly --
3 they were certainly very receptive to any suggestions we
4 could make and they were very supportive of any initiative
5 which was being undertaken locally and they would
6 contribute suggestions to us.

7 **MR. ROSE:** So in other words your
8 initiatives and protocols with respect to receiving
9 disclosures, did you feel that you had the full support of
10 the regional office at that time?

11 **MR. LEGAULT:** Yes, very much so.

12 **MR. ROSE:** In fact to this day?

13 **MR. LEGAULT:** To this day, yes.

14 **MR. ROSE:** And likewise for the Ministry as
15 a whole, do you feel you've had the proper support of the
16 Ministry with respect to that protocol and this initiative
17 about receiving disclosures?

18 **MR. LEGAULT:** Yes.

19 **MR. ROSE:** I want to lastly turn to some
20 issues that you were asked about hiring practices.

21 Monsieur Legault, you had said earlier that
22 there seemed to be some sense that in the past the
23 Ministry, long before your arrival in the Ministry, seemed
24 to have an interest in hiring people from the military. Is
25 that right?

1 MR. LEGAULT: Yes.

2 MR. ROSE: And also the clergy?

3 MR. LEGAULT: Yes.

4 MR. ROSE: I take it you did not mention
5 dairy farmers for a reason?

6 MR. LEGAULT: No, we have a much higher
7 standard of ethics.

8 THE COMMISSIONER: Who, dairy farmers have?

9 MR. LEGAULT: Yes, very definitely.

10 MR. ROSE: He's a humble man.

11 Now, Monsieur Legault, you were also asked
12 some questions about transparency and certain initiatives
13 that the Ministry has undertaken with respect to providing
14 a more transparent workplace?

15 MR. LEGAULT: Yeah.

16 MR. ROSE: Remember those?

17 MR. LEGAULT: Yes.

18 MR. ROSE: So, for instance, one particular
19 one as you mentioned was the service delivery model?

20 MR. LEGAULT: Yes.

21 MR. ROSE: So in other words, one probation
22 officer doesn't have ownership of a particular file?

23 MR. LEGAULT: That's correct.

24 MR. ROSE: Many professionals would have
25 contact with the offender, the probationer, at any given

1 time?

2 MR. LEGAULT: That's correct.

3 MR. ROSE: Right. Also, glass in the walls?

4 MR. LEGAULT: Yes.

5 MR. ROSE: So in other words, anyone walking
6 by can see what's going on in any office?

7 MR. LEGAULT: That's correct.

8 MR. ROSE: There are no closed walls
9 anymore?

10 MR. LEGAULT: No.

11 MR. ROSE: And I take it that in your
12 evidence this serves the clients?

13 MR. LEGAULT: Yes.

14 MR. ROSE: Serves the public?

15 MR. LEGAULT: It certainly does.

16 MR. ROSE: Well, you were asked some
17 questions by Mr. Horn about hiring practices and would you
18 agree that having a more transparent workplace also serves
19 to discourage anyone from applying to the Ministry who
20 operates behind closed doors?

21 MR. LEGAULT: Yes.

22 MR. ROSE: It's a less inviting environment
23 for people like pedophiles, isn't it?

24 MR. LEGAULT: Very much so.

25 MR. ROSE: Because of the transparency?

1 **MR. LEGAULT:** Yes.

2 **MR. ROSE:** Mr. Commissioner, those are my
3 questions.

4 **THE COMMISSIONER:** Thank you very much.
5 Mr. Stauffer, do you have any further
6 questions?

7 **MR. STAUFFER:** Yes, I do. Thank you, Mr.
8 Commissioner.

9 **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. IAN**

10 **STAUFFER:**

11 **MR. STAUFFER:** I just have one question
12 arising out of some of my friend's questions.

13 Mr. Legault, has anyone actually
14 contemplated having some form of psychological testing or
15 some kind of psychological profile develop, or developed,
16 for potential probation officers? You know, before they're
17 hired into an office?

18 **MR. LEGAULT:** Not that I know of.

19 Although our hiring practices are now much
20 more focussed on the competencies required for the job.
21 So, in other words, we don't ask people to memorize and to
22 spurt out the sections of policy or whatnot. Our interview
23 process is much more based on the competencies that are
24 required to do this job, so we will talk about -- or assess
25 their ability to do quality assessments; to prepare

1 reports; to exercise sound judgement and so on.

2 We look at the skills required to do the job
3 more so than previously which was more of a recall, so
4 people would memorize and quote policy and get a job based
5 on that; no longer the case.

6 **MR. STAUFFER:** This may be an unfair
7 question but let me put it to you.

8 Would there be objection raised by the
9 relevant union if there was such a requirement that there
10 be some form of psychological testing of potential
11 probation officers?

12 **MR. LEGAULT:** I certainly can't speak for
13 the union.

14 **MR. STAUFFER:** No, I'm just wondering if
15 that's something that been raised. In fairness, I'm just
16 wondering if that's something that's been raised during
17 your time as the area manager?

18 **MR. LEGAULT:** I think it's come up in
19 discussions. I don't know if it was ever assigned for
20 further study; not that I'm aware of, which doesn't -- may
21 not mean that it hasn't been considered. I'm simply not
22 aware of any efforts in that direction.

23 **MR. STAUFFER:** Fair enough.

24 Thank you, sir, those are my questions.

25 **THE COMMISSIONER:** Monsieur Legault, it's

1 been a delight hearing your evidence and I thank you for
2 your cooperation.

3 **MR. LEGAULT:** Thank you.

4 I apologize again for my emotional outburst
5 this morning.

6 **THE COMMISSIONER:** I know ---

7 **MR. LEGAULT:** I'm a little passionate about
8 this.

9 **THE COMMISSIONER:** Exactly the way I saw it.

10 **MR. LEGAULT:** Thank you.

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

12 **MR. STAUFFER:** Mr. Commissioner, the next
13 witness, we're going to have to take a brief break in order
14 to have him come in and so on. He has some paperwork, of
15 course, and my friends may have to reposition themselves,
16 but I'm wondering if we could have 20 minutes? If this
17 could be the afternoon break and ---

18 **THE COMMISSIONER:** Okay.

19 **MR. STAUFFER:** Thank you.

20 **THE REGISTRAR:** Order, all rise; a l'ordre,
21 veuillez vous lever.

22 This hearing will resume at 2:50 p.m.

23 --- Upon recessing at 2:30 p.m. /

24 L'audience est suspendue à 14h30

25 --- Upon resuming at 2:52 p.m./

1 L'audience est reprise à 14h52

2 **THE REGISTRAR:** This hearing is now resumed.

3 Please be seated; veuillez vous asseoir.

4 **THE COMMISSIONER:** Thank you.

5 Mr. Stauffer?

6 **MR. STAUFFER:** Mr. Commissioner, I'm pleased
7 to call as the next witness, Brian Skinner, retired
8 Superintendent from the Ottawa Police Service.

9 So he is there and if we could have him
10 sworn that would be excellent.

11 **WILLIAM BRIAN SKINNER, Sworn**

12 **THE COMMISSIONER:** Good afternoon, sir.

13 **MR. SKINNER:** Good afternoon to you, sir.

14 **THE COMMISSIONER:** Thank you for coming.

15 I see you found the water.

16 **MR. SKINNER:** Yes.

17 **THE COMMISSIONER:** Microphones should be put
18 down so that you can -- we can track your voice.

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

20 **THE COMMISSIONER:** There's a speaker there
21 if you wish to turn the volume up or down.

22 If there are any documents, we'll either
23 give you a hard copy or you'll be able to view them on the
24 monitor.

25 **MR. SKINNER:** Okay, thank you.

1 **THE COMMISSIONER:** I take it you're no
2 stranger to a court -- well, to a witness stand?

3 **MR. SKINNER:** Up until 13 years ago, I
4 wasn't.

5 **THE COMMISSIONER:** All right, well, it's
6 like riding a bicycle; you'll remember.

7 **MR. SKINNER:** Yes, of course.

8 **THE COMMISSIONER:** So there you go.
9 On that note, Mr. Stauffer.

10 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
11 **IAN STAUFFER:**

12 **MR. STAUFFER:** All right. Thank you, Mr.
13 Commissioner.

14 Mr. Skinner, thank you for being so patient.
15 I know you've been here since eight o'clock.

16 I'd like to take you -- oh, sorry, sir.

17 **THE COMMISSIONER:** Are there introductions?

18 **MR. STAUFFER:** Oh, yes, Mr. Commissioner, my
19 apologies.

20 This is Amanda Connolley, lawyer from the
21 Ottawa Police Service.

22 **THE COMMISSIONER:** Good afternoon.

23 **MR. STAUFFER:** Yes, sorry.

24 **THE COMMISSIONER:** No problem.

25 **MR. STAUFFER:** And so, Mr. Skinner, there is

1 a curriculum vitae, a resume, which you kindly gave to us a
2 while ago and Madam Registrar, there is no document number
3 on this but I believe you have a copy of it. It's a two-
4 page document, double-sided, at least my copy is.

5 **THE COMMISSIONER:** Thank you. Exhibit
6 Number 1206 is a CV of Mr. Brian Skinner.

7 --- **EXHIBIT NO./PIÈCE No. P-1206:**

8 Curriculum vitae of Brian Skinner

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

10 And, Mr. Skinner, I won't belabour your
11 curriculum vitae, but just so the Commissioner knows a
12 little bit about your background.

13 As I said at the outset, you are a retired
14 Superintendent from the Ottawa Police Services. Is that
15 correct?

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

17 **MR. STAUFFER:** When did you retire, sir?

18 **MR. SKINNER:** My official retirement date
19 was in August of 1996.

20 **MR. STAUFFER:** Nineteen ninety-six (1996).

21 **MR. SKINNER:** Severed from the Force in
22 February of '95.

23 **MR. STAUFFER:** All right. And before that
24 then, as your curriculum vitae points out, you belonged to
25 a police service overseas at one point?

1 **MR. SKINNER:** Yes, I did.

2 **MR. STAUFFER:** To the Birmingham City Police
3 and then you came over to Canada in 1964.

4 **MR. SKINNER:** Sixty-three ('63) actually but
5 I joined the Ottawa Police in '64.

6 **MR. STAUFFER:** All right. And you went
7 through the various ranks. We have the highest rank on the
8 first page and we can see that you essentially rose up to
9 the rank of Superintendent through the 30-some years that
10 you were on the job.

11 With respect, sir, to your later years in
12 the service when you were with the Ottawa Police Service,
13 can you help us out as to what type of positions you held?
14 What were you doing, let's say, in the last three or four
15 years before retirement?

16 **MR. SKINNER:** The last three or four --
17 well, the last 18 months I was in charge of the Criminal
18 Investigation Division and immediately before that for a
19 period of about four-and-a-half years, I was in charge of
20 the Administration Division which was quite a -- quite a
21 large division but it was all managerial.

22 It dealt with such things as budget and
23 transportation, the fleet, recruitment and training,
24 property stores, quartermaster stores, that sort of thing.

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

1 When you were -- now, do you call it
2 Criminal Investigation Bureau at that time back in the
3 Ottawa Police Service, or CID?

4 **MR. SKINNER:** We just called it CID.

5 **MR. STAUFFER:** All right.

6 And so the CID, could you tell the
7 Commissioner what would have been your responsibilities as
8 a superintendent in charge of CID?

9 **MR. SKINNER:** Briefly, my responsibility was
10 to ensure the smooth, efficient running of the Criminal
11 Investigation Division. I was assisted in that by a staff
12 inspector, four inspectors and I'm estimating from here
13 down, probably about 10 or 12 staff sergeants and a number
14 of investigators, which would probably be approaching 100
15 investigators comprised of both sergeants and constables.

16 **MR. STAUFFER:** All right.

17 And, again, I'm not sure when you would have
18 considered yourself to have become a manager in your police
19 career. When would you say that you became a manager?

20 **MR. SKINNER:** Well, traditionally, once you
21 achieve the rank of staff sergeant in policing, you are a
22 middle manager. Up to that point, sergeants are considered
23 supervisory, although it depends on the size of the police
24 service and, you know, what the responsibilities are
25 assigned with different ranks.

1 **MR. STAUFFER:** Right.

2 So sometime in the late '70s or early '80s I
3 see you became a staff sergeant in the ---

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

5 **MR. STAUFFER:** So sometime from then on you
6 were -- would have been considered a manager, at least in
7 your own estimate as to what that term means, manager?

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

9 **MR. STAUFFER:** Yes?

10 **MR. SKINNER:** Yes.

11 **MR. STAUFFER:** Now, sir, in terms of your
12 partner who helped with a report, which we'll get to in a
13 minute -- there's a gentleman by the name of William Blake.

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

15 **MR. STAUFFER:** And again, if you can just
16 tell the Commissioner briefly when Mr. Blake was a member
17 of the police -- Ottawa Police Service and what he was
18 doing back in 1994, which is the relevant date for the
19 report.

20 **MR. SKINNER:** I'm sorry, did you ask me when
21 he joined the Force?

22 **MR. STAUFFER:** Well, that would help, yes.

23 **MR. SKINNER:** That would be a couple of
24 years after I did, I believe in 1966 -- pardon me, 19 --
25 yeah, 1966, although I'm not absolutely certain of that,

1 but it was, you know, around there somewhere. And in 1994
2 he was in charge of the Criminal Intelligence Section of
3 the Criminal Investigation Division, the CID.

4 **MR. STAUFFER:** All right.

5 So he would be the intelligence officer.
6 Would that be a correct ---

7 **MR. SKINNER:** Yes.

8 **MR. STAUFFER:** --- description for him?

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

10 **MR. STAUFFER:** All right.

11 And so you two gentlemen were given a task,
12 as I understand it, by then Deputy Chief Don Lyon of the
13 Ottawa Police Service. Is that correct?

14 **MR. SKINNER:** Yes. Deputy Chief Lyon
15 initially gave me the responsibility, and I suggested to
16 him that Bill Blake would be a good partner in this
17 endeavour.

18 **MR. STAUFFER:** You fellows had worked before
19 and you knew each other and so on, I gather?

20 **MR. SKINNER:** Yes.

21 **MR. STAUFFER:** Yes. Fair enough.

22 So Mr. Lyon -- Deputy Chief Lyon -- and
23 again, this is hearsay, I know, but just bear with me -- I
24 gather he had been requested by the Acting Chief of the
25 Cornwall Police Service ---

1 **MR. SKINNER:** By the Cornwall Police
2 Service, m'hm.

3 **MR. STAUFFER:** --- to involve your service
4 in an investigation.

5 **MR. SKINNER:** Yes.

6 **MR. STAUFFER:** So what were you -- what did
7 you understand your mandate to be when you were speaking
8 with Deputy Chief Lyon? What were you to do?

9 **MR. SKINNER:** It was very simple, really.
10 There had been allegations of criminal activity in Cornwall
11 and the Cornwall news media apparently was putting it about
12 that the Cornwall Police Service had covered up this --
13 these allegations and that there was a systemic cover-up in
14 the City of Cornwall relative to these allegations.

15 And my responsibility was simply to
16 investigate whether or not this was true, whether or not
17 there was an actual cover-up by members of the Cornwall
18 Police Service.

19 **MR. STAUFFER:** All right.

20 I'm going to enter as the next exhibit the
21 report, which I'm going to ask the clerk to bring to you.
22 It is Document 101536.

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

24 **MR. STAUFFER:** And just bear with us for a
25 minute, Mr. Skinner, while the clerk locates that.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: Thank you.

3 Exhibit Number 1207 is a document entitled
4 "Ottawa Police Service Investigation Services Division"
5 dated January 24th, 1994.

6 --- EXHIBIT NO./PIÈCE NO. P-1207:

7 (101536) Ottawa Police Service
8 Investigative Services Division Report
9 - 24 Jan '94

10 MR. STAUFFER: Now, Mr. Skinner, if you
11 would turn to the last page of that document, there are two
12 signatures at the end. Is one of those yours?

13 MR. SKINNER: Yes, it is. The one on the
14 right-hand side is mine.

15 MR. STAUFFER: And whose is on the left-hand
16 side then?

17 MR. SKINNER: The other one is Staff
18 Sergeant William Blake.

19 MR. STAUFFER: All right.

20 So this report, which is now an exhibit, I
21 just wanted to turn to the second paragraph. And again,
22 without being laborious here, I just want to be sure as to
23 what the mandate of yourself was. And I'm reading:

24 "The mandate was to conduct a review of
25 the investigation carried out by

1 members of the Cornwall Police Service
2 into allegations of sexual assault made
3 by one David Silmser and to determine
4 whether or not an efficient
5 investigation was pursued."

6 So I'm going to stop there for a moment.

7 I gather that is part of the mandate then,
8 whether this was an efficient investigation?

9 **MR. SKINNER:** Yes.

10 **MR. STAUFFER:** Yes. Right.

11 And then the second part is whether or not
12 any effort was made by any member of the Cornwall Police
13 Service to conceal or downplay these allegations. That, if
14 I can put it that way, that's the second part of the
15 mandate, although they may be interconnected, if you will,
16 or connected. There are two parts, if you will, to your
17 mandate. Is that fair?

18 **MR. SKINNER:** Yes, it is. It is.

19 **MR. STAUFFER:** All right.

20 And then as you say in the next sentence, I
21 gather when you arrive in Cornwall -- and I may be jumping
22 ahead just a little bit here; we'll backtrack in a moment,
23 but when you arrive in Cornwall, I gather you have a
24 discussion with Acting Chief Johnson and he asks you to do
25 something else as well?

1 **MR. SKINNER:** M'hm.

2 **MR. STAUFFER:** And that, as set out in the
3 exhibit, is essentially to determine the means by which a
4 Cornwall radio station came into possession of a copy of
5 David Silmser's original statement.

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

7 **MR. STAUFFER:** Yes.

8 So just backtracking for a moment, when you
9 receive your oral instructions from Deputy Chief Lyon in
10 Ottawa ---

11 **MR. SKINNER:** M'hm.

12 **MR. STAUFFER:** --- I gather you then bring
13 Staff Sergeant Blake into the picture. Do you fellows have
14 any written materials that you take down with you from
15 Ottawa to Cornwall?

16 **MR. SKINNER:** I don't believe so.

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

18 And so the two of you, I gather, come down
19 to Cornwall immediately, if I can put it that way ---

20 **MR. SKINNER:** Yes.

21 **MR. STAUFFER:** --- because I understand you
22 arrived January the 10th.

23 **MR. SKINNER:** On the 10th, yes.

24 **MR. STAUFFER:** And we'll get to those notes
25 in a minute.

1 And then as I read earlier, a minute ago,
2 essentially the next day, Deputy Chief or -- sorry --
3 Acting Chief Johnson is asking you to look into the Silmser
4 statement getting into the hands of a radio station.

5 So, Mr. Skinner, I would like to go to some
6 notes.

7 And the notes, Mr. Commissioner, are
8 Document Number 101610.

9 **THE COMMISSIONER:** I'm wondering ---

10 **MR. STAUFFER:** Yes, sir.

11 **THE COMMISSIONER:** --- Mr. Stauffer, there's
12 some names -- there's at least one name here ---

13 **MR. STAUFFER:** Yes.

14 **THE COMMISSIONER:** --- that there should be
15 a publication ban on this document.

16 **MR. STAUFFER:** Yes, sir.

17 I believe we're safe with respect to the
18 Exhibit 1207, the report itself, but the notes, I agree,
19 Mr. Commissioner, should have a publication ban. But do
20 you see a name in the report itself?

21 **THE COMMISSIONER:** Yes, look at page 3,
22 third paragraph.

23 **MR. STAUFFER:** All right.

24 **THE COMMISSIONER:** Last sentence. One
25 moment.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. STAUFFER: Sorry, Mr. Commissioner,
3 we're on the second page of the report?

4 THE COMMISSIONER: One, two, three, under
5 "The Investigation," third paragraph.

6 MR. STAUFFER: Yes, I see it, sir. Yes.
7 So this -- I'm in your hands as to how to
8 deal with this, Mr. Commissioner, whether the entire report
9 should be subject ---

10 THE COMMISSIONER: No, no, there will be a
11 publication ban of that name and we're going to have to
12 confirm that in an in-camera session.

13 MR. STAUFFER: Right. All right.

14 So, Mr. Skinner, the third document which I
15 would like to show to you are some notes.

16 THE COMMISSIONER: Sorry, 1208 are the
17 notes.

18 --- EXHIBIT NO./PIÈCE NO P-1208:

19 (101610) Handwritten notes of
20 Staff Sgt. Blake - 10 JAN '94

21 MR. STAUFFER: And that Exhibit 1208 should
22 be subject to a publication ban because there is a
23 possibility that certain names will appear in those notes
24 of various complainants or victims or alleged victims and
25 so on.

1 So, Mr. Skinner, can you help the
2 Commissioner out? This document, Exhibit 1208, has "10th
3 January '94" at the top?

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

5 **MR. STAUFFER:** Yes. Who would have written
6 these notes, sir?

7 **MR. SKINNER:** Before, sir, we got down to
8 Cornwall, Staff Sergeant Blake and I agreed that he would
9 take, for the most part, all of the notes that were the
10 result of our meetings and interviews with people, and
11 these notes were made by Staff Sergeant Blake. I recognize
12 his handwriting.

13 **MR. STAUFFER:** All right. And I gather the
14 way you fellows work -- but certainly correct me if I'm
15 wrong -- is that when you interviewed someone, the two of
16 you were together, you would principally be the one asking
17 questions, although Staff Sergeant Blake, of course, could
18 ask some questions as well, but he would act as the writer
19 of the notes?

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

21 **MR. STAUFFER:** All right. I know that you
22 did create some of your own notes and we'll get to those in
23 a minute.

24 So these notes, Mr. Skinner, again, we'll
25 set them to one side just for a moment while we go to the

1 rest of the documents but we will come back to them.

2 And the next set of notes -- thank you very
3 much -- would be Document 101611.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit ---

6 **MR. STAUFFER:** Again, Mr. Commissioner, I
7 suggest we have a publication ban on this. There are
8 certain names in here which may or may not be of a
9 confidential nature.

10 **THE COMMISSIONER:** Well, those who are
11 subject to a publication ban, we'll indicate a publication
12 ban on Exhibit 1209.

13 **---EXHIBIT NO./PIECE NO. P-1209:**

14 (101611) Handwritten notes of Brian
15 Skinner and Staff Sergeant William
16 Blake

17 **MR. STAUFFER:** Thank you.

18 Now, Mr. Skinner, Exhibit 1209 ---

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

20 **MR. STAUFFER:** --- which has handwriting on
21 all these pages obviously, whose handwriting would the
22 first -- my copy is double-sided -- one, two, three -- the
23 first four pages of handwriting?

24 **MR. SKINNER:** That's my handwriting.

25 **MR. STAUFFER:** All right. And then the next

1 set of pages, which starts at Bates page -- and to refresh
2 your memory the Bates page number is the top left-hand
3 number ---

4 MR. SKINNER: Yes.

5 MR. STAUFFER: --- 1025789 ---

6 MR. SKINNER: All right.

7 MR. STAUFFER: --- and following. Whose
8 handwriting is that?

9 MR. SKINNER: The following six pages are
10 Staff Sergeant Blake's handwriting.

11 MR. STAUFFER: All right. Now, I believe
12 there are some further notes -- thank you -- and these, Mr.
13 Commissioner, again, should be subject to a publication
14 ban. This is Document 101617.

15 THE COMMISSIONER: Thank you.

16 Exhibit Number 1210.

17 ---EXHIBIT NO./PIECE NO. P-1210:

18 (101617) Handwritten notes of Staff
19 Sergeant Blake

20 MR. STAUFFER: Thank you.

21 So if you would look at Exhibit 1210, Mr.
22 Skinner, I have four pages of handwriting. Whose
23 handwriting is this?

24 MR. SKINNER: Well, it's reduced in size a
25 little bit but it's still Staff Sergeant Blake's writing.

1 **MR. STAUFFER:** I'm sorry?

2 **MR. SKINNER:** I think the photocopying
3 process has reduced the size of it a little but it still
4 looks like Staff Sergeant Blake's handwriting.

5 **MR. STAUFFER:** Okay. Do we have further
6 notes on these gentlemen?

7 **THE COMMISSIONER:** No.

8 **MR. STAUFFER:** So with respect, retired
9 Superintendent, I'd like to go through as carefully as we
10 can the individuals that you met, if possible in sequence,
11 but I appreciate this is 14 years ago, but with the aid of
12 your notes and your memory if you can help us out as to who
13 met with you -- who met with you and Staff Sergeant Blake.

14 So when you get to Cornwall, who do you
15 meet?

16 **MR. SKINNER:** On the first -- on our arrival
17 in Cornwall, we met with Acting Chief Johnston, initially
18 at first by himself, I believe, and then at some point,
19 probably very shortly afterwards, we also met with Deputy
20 Chief St-Denis and Staff Sergeant Lucien Brunet.

21 **MR. STAUFFER:** All right. And did those
22 gentlemen provide you with any written materials at that
23 meeting, if you can recollect?

24 **MR. SKINNER:** Yes. And, again, as you said,
25 it is 14 years ago and it's difficult if not impossible in

1 some circumstances to remember exactly what happened.

2 The notes do indicate that we were given
3 documentation and case notes by Staff Sergeant Brunet.

4 **MR. STAUFFER:** All right. Because there is
5 a notation on Exhibit 1208, being the January 10th, 1994
6 notes written by Staff Blake, it says:

7 "Reviewed notes..."

8 I'm looking at the second paragraph.

9 "Reviewed notes..." --

10 and it looks like it says:

11 "...of the files in Dunlop internal
12 file"

13 **MR. SKINNER:** Yes.

14 **MR. STAUFFER:** And there's also a notation
15 above that:

16 "A briefing by Brunet. Up-to-date on
17 Silmser investigation. Given
18 documentation and case notes by Brunet"

19 (As read)

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

21 **MR. STAUFFER:** So the notes which you
22 received -- again, a bit of a laborious process here but
23 I'm going to ask that we look at the three sets of notes
24 from Staff Brunet, as I understand them to have been
25 created.

1 Thank you very much.

2 Now, Mr. Commissioner, I'm looking at
3 Document 101593.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit 1211 is Sergeant Brunet's notes. Is
6 that right?

7 **MR. STAUFFER:** Yes.

8 ---EXHIBIT NO./PIECE NO. P-1211:

9 (101593) Handwritten notes of Staff
10 Sergeant Brunet, November 24, 1993

11 **MR. STAUFFER:** So, Mr. Skinner, if you would
12 be so kind, look at that bundle of notes for a moment ---

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

14 **MR. STAUFFER:** --- and if you can, tell us
15 if you did receive these before you wrote your report of
16 January 24th, 1994?

17 And, again, take your time. I appreciate
18 it's a while ago.

19 **MR. SKINNER:** Yes, I believe we did receive
20 these.

21 **MR. STAUFFER:** All right. The next
22 Document, Mr. Commissioner, is 101594.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit Number 1212 is notes from Sergeant
25 Brunet, starting with the date of the 13th of January 1993.

1 **MR. SKINNER:** I can't be certain but I
2 believe that we did. I believe that I did see this, yes.

3 **MR. STAUFFER:** All right. There are ---

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

5 **MR. STAUFFER:** Mr. Commissioner, I was just
6 letting you read the document.

7 **THE COMMISSIONER:** Go ahead.

8 **MR. STAUFFER:** All right. Thank you, sir.

9 So, Mr. Skinner, there are a couple of other
10 documents still to go and one of them is the Document
11 101589.

12 **THE COMMISSIONER:** Thank you.

13 Exhibit Number 1214, internal correspondence
14 to Staff Inspector S. MacDonald from Sergeant S. Nakic.

15 **MR. STAUFFER:** Nakic, N-A-K-I-C, yes, sir.

16 **THE COMMISSIONER:** And dated December 9th,
17 1992.

18 **--- EXHIBIT NO./PIÈCE No. P-1214:**

19 (101589) Internal Correspondence from
20 Sergeant S. Nakic to Staff Inspector S.
21 MacDonald - December 9, 1992

22 **MR. STAUFFER:** Yes, sir.

23 So, superintendent, could you tell me in
24 terms of your recollection, did you receive that internal
25 correspondence before you wrote your report?

1 **MR. SKINNER:** Yes.

2 **MR. STAUFFER:** All right. And, Mr.

3 Commissioner, I have Document 101556, which is a one-page
4 document with transmittal slip at the top. The copy I have
5 has some handwriting in the white margin at the bottom.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 1215 is a transmission slip -
8 - transmittal slip to Sergeant L. Brunet from -- I don't
9 know -- and the date is 93-01-08.

10 **--- EXHIBIT NO./PIÈCE No. P-1215:**

11 (101556) Transmittal slip from D/C to
12 Staff Sergeant Brunet - January 8, 1993

13 **MR. STAUFFER:** Yes. Now, I appreciate this
14 is a very difficult document to read because of the
15 photocopying but if you can help us out at all,
16 superintendent, at this point, we'll probably be able to
17 translate this at some stage.

18 We have other copies, but do you recollect
19 receiving this document before you wrote your report?

20 **MR. SKINNER:** No, I don't -- I don't believe
21 -- I don't believe I did. Can't be absolutely certain of
22 that but I don't -- I don't believe so.

23 **MR. STAUFFER:** Well, just to refresh your
24 memory.

25 If we turn to your report for a moment,

1 which is Exhibit 1207, if you look under -- on the second
2 page under the heading "The problems", about halfway
3 through that lengthy paragraph, it says:

4 "On January 8th, a memo from Deputy
5 Chief St. Denis was sent to Staff
6 Sergeant Luc Brunet, the officer in
7 charge of the Criminal Investigation
8 Bureau..."

9 And so on.

10 Do you see where I am, superintendent?

11 **MR. SKINNER:** Yes, I do. I do.

12 **MR. STAUFFER:** Yeah. So ---

13 **MR. SKINNER:** And it's obvious from that
14 that I did in fact have this -- I did in fact have this
15 document. I'm sorry, I was confusing that with my notation
16 on the bottom of it that ---

17 **MR. STAUFFER:** Well, I was going to ask you
18 about that. The handwritten notation "Received about 11-
19 13th January '93" and then some initials, is that your
20 handwriting?

21 **MR. SKINNER:** That is my handwriting and my
22 initials, yes.

23 **MR. STAUFFER:** All right. Now, again,
24 without confusing people anymore than they possibly are,
25 the '93 date, am I right in thinking that that is not

1 right, that it should be '94?

2 MR. SKINNER: No, I think this -- I think
3 this note refers to my asking Constable -- or Staff
4 Sergeant Blake and I asking Constable Sebalj when she
5 received this document.

6 MR. STAUFFER: All right.

7 MR. SKINNER: And I think to the best of her
8 recollection that was her answer that she received it about
9 the 11th to the 13th of January, '93.

10 MR. STAUFFER: All right. So we'll get to
11 that in a few minutes, but you -- what you're saying is at
12 some point you interviewed Constable Sebalj and this is one
13 of the documents that you folks talked about and that was
14 her best recollection as to when she would have received
15 this memo from the Deputy Chief to Staff Brunet?

16 MR. SKINNER: Yes, I believe that's what
17 that notation refers to.

18 MR. STAUFFER: All right. Excellent.

19 So, superintendent, just going through now
20 then -- there may be some more paperwork that we'll refer
21 to in a little while, but now that we have the initial
22 documents here, so you've met with Acting Chief Johnston.
23 You've met with Staff Sergeant Brunet. You've met briefly
24 at least at the initial meeting with Deputy Chief St-Denis.

25 MR. SKINNER: M'hm.

1 **MR. STAUFFER:** So where does it go from
2 there? What is the next meeting or what's the next thing
3 that you and Staff Sergeant Blake do?

4 **MR. SKINNER:** I believe after that meeting
5 we met with -- and again, this is, you know, from 14 years
6 ago, but I believe what happened then was we met with Staff
7 Sergeant Derochie and worked with him in setting up
8 interviews with various members of the Cornwall Police
9 Service.

10 **MR. STAUFFER:** I don't know if this is the
11 right word but he's acting as a facilitator at this point?

12 **MR. SKINNER:** That would be accurate I
13 think, yes.

14 **MR. STAUFFER:** Okay. And so with whom do
15 you next meet?

16 If I'm right, you've met with Staff Brunet
17 January 11th?

18 **MR. SKINNER:** Yes, that appears to be the
19 next -- the next meeting that we had.

20 **MR. STAUFFER:** And then on the same day,
21 either before or after but if you could remember of course
22 tell us which, you meet with Constable Sebalj?

23 **MR. SKINNER:** We did, m'hm.

24 **MR. STAUFFER:** Okay. Do you remember, was
25 that meeting with Constable Sebalj after you meet Staff

1 Sergeant Brunet or before?

2 MR. SKINNER: It would have been afterwards.
3 According to the notes here, we met with Staff Sergeant
4 Brunet at 11:10 and with Constable Sebalj at 11:55.

5 MR. STAUFFER: Could is ask you, sir, are
6 you referring to Document -- and you'll want to look at the
7 top right-hand corner -- 101610?

8 MR. SKINNER: Yes, I am.

9 MR. STAUFFER: Perfect. All right.

10 And just to help all of us out, which page
11 are you on then when you find that? Is it the third page?

12 MR. SKINNER: Yes.

13 THE COMMISSIONER: What exhibit, please?

14 MR. SKINNER: One-two-zero-eight (1208).

15 MR. STAUFFER: Yes, sir, 1208 it is.

16 THE COMMISSIONER: Yes. Okay.

17 MR. STAUFFER: So perhaps it would be of
18 some assistance to everyone if we could just be sure what's
19 written here.

20 MR. SKINNER: M'hm.

21 MR. STAUFFER: So if there's any problems
22 with the way I'm interpreting it, you'll tell me right
23 away, but your meeting with Constable Sebalj, January 13th,
24 1993 at about noon -- and I'm reading that Staff Sergeant
25 Blake has written:

1 "Initially did not want a female..."

2 What's the next word?

3 **THE COMMISSIONER:** A female ---

4 **MR. SKINNER:** Investigator, I think. And --

5 -

6 **MR. STAUFFER:** Yes.

7 **MR. SKINNER:** You're right, it does say the
8 13th of January '93. I'm not sure what that date refers to,
9 but our meeting, I think, was on the 11th of January '94.

10 **MR. STAUFFER:** Yes. I'm sorry if I've
11 confused anyone at all here. Yes, your meeting January 11th
12 of '94, she's talking about a January 13th, 1993 ---

13 **MR. SKINNER:** Yes.

14 **MR. STAUFFER:** Yes.

15 **MR. SKINNER:** Yeah.

16 **MR. STAUFFER:** I appreciate that.

17 So, Mr. Skinner, in terms of the -- I gather
18 there was more than one meeting with her or was there just
19 the one?

20 **MR. SKINNER:** By myself and Staff Sergeant
21 Blake?

22 **MR. STAUFFER:** Yes.

23 **MR. SKINNER:** No, there was more than one.
24 I couldn't tell you how many, but there was more than one
25 meeting.

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

2 The -- I'm curious. When we go to the third
3 page of the notes, which is Bates pages -- it's the top
4 left-hand number -- 1025773; do you see near the bottom the
5 first thing where we talk about -- there's talk about a
6 polygraph.

7 **MR. SKINNER:** M'hm.

8 **MR. STAUFFER:** What was your understanding,
9 from speaking with Constable Sebalj, as who a polygraph --
10 what was -- what's that all about?

11 **MR. SKINNER:** That refers to the
12 advisability of conducting a polygraph examination of the
13 complainant, I believe.

14 **THE COMMISSIONER:** Well, how about this? I
15 believe I read somewhere in here that Father MacDonald's
16 lawyer had offered his client up for a polygraph.

17 **MR. SKINNER:** That is also true, sir, yes.

18 **THE COMMISSIONER:** Okay. And so it says
19 here:

20 "The investigator feels that tests
21 can't be done because of Ministry
22 guidelines."

23 Do you know what that means?

24 **MR. SKINNER:** Yeah. This was -- this was
25 the Cornwall Polygraph Examiner advising that Ministry

1 guidelines -- Ministry guidelines, I'm not sure whether
2 they prohibited or discouraged polygraphing victims.

3 **THE COMMISSIONER:** I'm sorry; say that
4 again?

5 **MR. SKINNER:** The Ministry guidelines, I'm
6 not sure whether they prohibited or discouraged
7 polygraphing victims. And that's -- I think that's what
8 this is referring to. This is not the incident that refers
9 to Father MacDonald.

10 **THE COMMISSIONER:** Okay. This is by "V",
11 victim. Right.

12 **MR. SKINNER:** This is a discussion as to
13 whether or not it would be advisable to polygraph the
14 victim.

15 **THE COMMISSIONER:** The victim. Okay.

16 **MR. SKINNER:** And the consensus was that it
17 was not.

18 **MR. STAUFFER:** Later on on that same page
19 still, Superintendent, we've got -- and I'm -- you better
20 help me. Is it January 2nd to February 2nd, or what are the
21 dates there?

22 **MR. SKINNER:** Yeah, January 2nd to February
23 2nd, and that would be 1993.

24 **MR. STAUFFER:** Okay. So this is a period of
25 time of a month ---

1 **MR. SKINNER:** M'hm.

2 **MR. STAUFFER:** --- in '93. Got it.

3 **MR. SKINNER:** Yeah.

4 **MR. STAUFFER:** And Staff Blake has written:
5 "No supervisory. No direction."
6 What is the next part?

7 **MR. SKINNER:** "Replaced two investigators.
8 Both very competent."

9 **MR. STAUFFER:** Okay.

10 **MR. SKINNER:** "Doug Masson didn't want to
11 work with a '(bitch)'."
12 **MR. STAUFFER:** Okay. And then something
13 about George Tyo doing frauds.

14 **MR. SKINNER:** "George Tyo doing frauds.
15 Leaves on course in May, Sexual Assault
16 Symposium and a CI course."
17 A criminal investigation course.

18 **MR. STAUFFER:** Okay.

19 **MR. SKINNER:** Now, this is all referring to
20 Constable Sebalj. She was virtually unsupervised and
21 lacked any advice or direction for that period of time.

22 **THE COMMISSIONER:** But who is Doug Masson?

23 **MR. SKINNER:** Doug Masson?

24 **THE COMMISSIONER:** Yes.

25 **MR. SKINNER:** He was another member of the

1 Cornwall Police Service.

2 THE COMMISSIONER: And did you speak to him?

3 MR. SKINNER: I don't believe we did.

4 THE COMMISSIONER: Okay. But you've got
5 here ---

6 MR. STAUFFER: I'm sorry, Mr. Commissioner,
7 what was your comment?

8 THE COMMISSIONER: He was ---

9 MR. STAUFFER: You were talking about Mr.
10 Masson ---

11 THE COMMISSIONER: Yes.

12 MR. STAUFFER: --- and you said? Sorry, I
13 just didn't hear you.

14 THE COMMISSIONER: Did this gentleman
15 interview him, because he's got a quote here that Masson
16 didn't want to work with a bitch.

17 MR. SKINNER: M'hm.

18 THE COMMISSIONER: Referring to Heidi
19 Sebalj?

20 MR. SKINNER: Yes, and that information came
21 to us, I believe, from Constable Sebalj.

22 MR. STAUFFER: The way I understand it,
23 without confusing this -- I hope I'm not -- is this is
24 Constable Sebalj talking ---

25 MR. SKINNER: That's correct.

1 MR. STAUFFER: --- to you and ---

2 THE COMMISSIONER: Ah, okay.

3 MR. STAUFFER: --- Staff Sergeant Blake.

4 MR. SKINNER: That's correct.

5 MR. STAUFFER: And she's giving you her
6 impression of different people?

7 MR. SKINNER: M'hm.

8 MR. STAUFFER: All right.

9 I just am curious, following along where you
10 left off about the -- it says:

11 "No supps..."

12 MR. SKINNER: M'hm, supplementary reports.

13 MR. STAUFFER: "...put in until end of case
14 with all cases."

15 So can you help the Commissioner out as to
16 what you understood by supplementary reports? What are you
17 referring to there or what is she referring to?

18 MR. SKINNER: Okay. Let me describe briefly
19 the procedure as was required of my investigators in an
20 admittedly much larger police service.

21 When a complaint of a crime was received,
22 initially, it became what we referred to as an occurrence
23 report. That occurrence report was subsequently -- if it
24 was warranted, was assigned to an investigator for
25 investigation, and subsequent reports to that outlining the

1 progress of the investigation and the evidence gathered
2 were called investigation reports. Now, I think that's
3 what is meant by supplementary reports.

4 And it was critical that, you know,
5 particularly in a serious criminal matter, that this
6 information be documented not only initially but then
7 following the course of the investigation as it progressed.

8 **MR. STAUFFER:** Right.

9 Now, Superintendent, you've raised the
10 distinction -- the reality back at least in 1994 and
11 perhaps even today that the Ottawa Police Service was
12 considerably larger than the Cornwall Police Service.

13 **MR. SKINNER:** Yes.

14 **MR. STAUFFER:** Does ---

15 **MR. SKINNER:** Even more so today.

16 **MR. STAUFFER:** Pardon me?

17 **MR. SKINNER:** Even more so today.

18 **MR. STAUFFER:** Yes.

19 Is -- in terms of record keeping and what
20 you were talking about a moment ago in terms of entering
21 supplementary reports ---

22 **MR. SKINNER:** M'hm.

23 **MR. STAUFFER:** --- does the size of the
24 service matter?

25 **MR. SKINNER:** It shouldn't, no. No. That's

1 my opinion, but it shouldn't, no. Investigation is
2 investigation and tracking the progress of investigations
3 is just that.

4 **MR. STAUFFER:** Okay. They were using -- the
5 Cornwall Police Service back then in 1994 were using
6 something that went by the acronym OMPPAC.

7 **MR. SKINNER:** M'hm. Right.

8 **MR. STAUFFER:** I gather the Ottawa Police
9 Service back then and, of course, up to today, they're not
10 using OMPPAC?

11 **MR. SKINNER:** No, no.

12 **MR. STAUFFER:** Does that make a difference
13 in terms of entering the supplementary reports as to what
14 kind of an encoding system you're using?

15 **MR. SKINNER:** What kind of a what system?

16 **MR. STAUFFER:** Well, what kind of an
17 electronic system you're using to collect data?

18 **MR. SKINNER:** No, I don't think so. The
19 only consideration in a case of this nature could be the
20 need for confidentiality.

21 In the initial stages of a report with this
22 potential, it may have been considered wise to -- because
23 once it's entered on OMPPAC, it's available to all of the
24 members of the Police Service, and that was a problem
25 common to all police services, all investigations.

1 Periodically there would be something that
2 was quite sensitive and would require some degree of
3 confidentiality, but that didn't mean that it simply wasn't
4 entered in the system.

5 The reports were still made. They were just
6 kept, usually, by the head of the Criminal Investigation
7 Division, in some cases by the Chief of the Force; under
8 lock and key and not publicly available.

9 But in this case I could find no evidence
10 that it ever was -- any documentation in a kind of
11 continuous sense was ever kept of the progress of the
12 investigation.

13 **MR. STAUFFER:** All right. You mentioned a
14 minute or two ago about supervision and that Ms. Sebalj,
15 Constable Sebalj had been speaking with you and Staff
16 Sergeant Blake about how she was feeling in terms of
17 supervision.

18 What was your -- what was the information
19 being provided to you by Constable Sebalj as to how she was
20 being supervised?

21 **MR. SKINNER:** It's difficult to remember
22 exactly what she said about that but my own or our
23 observations of that and the initial problems with the
24 investigation were that it was received some time in
25 December of '92, and for a variety of reasons some of them

1 precipitated by the complainant himself.

2 No interview with him was conducted until
3 well into January, probably a month and a half or five
4 weeks anyway, after the receipt of the initial complaint.
5 So somebody wasn't supervising somewhere.

6 You know, an investigation of that potential
7 complexity and importance should have got off, in my
8 opinion, to a much quicker start than that. It shouldn't
9 have sat virtually untouched for a period of at least five
10 weeks, from December the -- what was it?

11 **THE COMMISSIONER:** The 9th.

12 **MR. SKINNER:** The 9th until January the 28th I
13 think ---

14 **MR. STAUFFER:** Yes.

15 **MR. SKINNER:** --- when a victim statement
16 was taken.

17 **MR. STAUFFER:** Right, and that's my
18 understanding; is eventually you received the interview
19 notes as well from that January 28th, 1993 interview of Mr.
20 Silmsler.

21 **MR. SKINNER:** Yes.

22 **MR. STAUFFER:** Now, am I right in that; did
23 you receive those notes?

24 **MR. SKINNER:** Yes, I believe we did.

25 **MR. STAUFFER:** All right. Just bear with us

1 for a moment, we'll help everyone out here.

2 Mr. Commissioner, there is a covering letter
3 from Constable Sebalj to Superintendent Skinner. It's
4 Document 101547.

5 **THE COMMISSIONER:** Thank you. Exhibit
6 Number 1216 is a letter dated 13th of January 1994,
7 addressed to Mr. Skinner and Blake from Constable Sebalj.

8 --- **EXHIBIT NO./PIÈCE No. P-1216:**

9 (101547) Letter from Cst. Heidi Sebalj
10 to Superintendent Brian Skinner and
11 Staff Sgt. Bill Blake - 13 Jan. '94

12 **MR. STAUFFER:** So, Superintendent, you
13 received this cover letter, as far as you recollect or if
14 you don't recollect tell us?

15 **MR. SKINNER:** No, I did receive this.

16 **MR. STAUFFER:** All right, and so this is the
17 cover letter, if you will, to three documents.

18 The first, Mr. Commissioner would be
19 Document 101550, which are a lengthy series of notes which
20 I believe are prepared by Constable Sebalj but we'll
21 confirm that in a moment.

22 **THE COMMISSIONER:** Thank you. Exhibit
23 Number 1217 are notes with a start date of the 13th of
24 January 1993.

25 **MR. STAUFFER:** And these should definitely

1 be subject to a publication ban, given the nature of the
2 contents.

3 **THE COMMISSIONER:** Yes.

4 **MR. STAUFFER:** All right.

5 And finally, Mr. Skinner, and I'll ask you
6 this all at once. There is a further document, 101549 ---

7 **THE COMMISSIONER:** Excuse me.

8 **MR. STAUFFER:** Sorry?

9 My friend is just indicating that these
10 notes which are 101550, he believes have already been made
11 an exhibit, probably during Mr. Silmsers's testimony. So
12 we'll see if one of my friends can help us out there in a
13 moment.

14 **THE COMMISSIONER:** Madam Clerk, can you
15 figure that out?

16 I'm sorry?

17 **MR. NEVILLE:** Two-nine-five.

18 **THE COMMISSIONER:** Exhibit 295? Thank you.

19 **MR. STAUFFER:** All right. Not that we
20 question Mr. Neville for a moment but is that a ---

21 **THE COMMISSIONER:** Okay, so scratch 1217.
22 All right.

23 **MR. STAUFFER:** And Mr. Skinner, I'll just
24 continue on and my friends will tell me if this has been
25 made an exhibit already but I'm looking at the notes from

1 that interview of Mr. Silmsler, January 28th, 1993; the
2 Document Number is 101549.

3 **THE COMMISSIONER:** It has been made an
4 exhibit. Can anyone give us a number?

5 **MR. STAUFFER:** Exhibit 314.

6 **THE COMMISSIONER:** Can you confirm that,
7 Madam Clerk?

8 **MR. STAUFFER:** January 28th, 1993.

9 The lawyers are all batting 100 right now.

10 All right, so and there's finally, Mr.

11 Skinner, a document, 101616 which is a calendar from

12 January of 1993 through September of 1993.

13 **THE COMMISSIONER:** Exhibit Number P-1217 is
14 a calendar showing months in the year 1992.

15 **--- EXHIBIT NO./PIÈCE No.P-1217:**

16 (101616) Calendars

17 **MR. STAUFFER:** Yes, sir.

18 So, Mr. Skinner, after all of that, there
19 are these three documents then which are covered by that
20 letter from Constable Sebalj to yourself of January 13th,
21 1994. Take a moment; look at the documents and if you
22 could advise Mr. Commissioner if you received those before
23 you prepared your report.

24 **MR. SKINNER:** I seem to have two, rather
25 than three and they're both number 1217.

1 **THE COMMISSIONER:** Twelve seventeen (1217)
2 should have been taken -- I'm sorry; what do you have for
3 1217?

4 **MR. SKINNER:** I have 1217, the notes from --
5 -

6 **THE COMMISSIONER:** No. Okay, the notes are
7 to be retaken.

8 **MR. SKINNER:** Oh.

9 **THE COMMISSIONER:** Because they've already
10 been filed as an exhibit and there's your new ---

11 **MR. SKINNER:** The calendar I have is 1217.

12 **THE COMMISSIONER:** There you go, yes.

13 **MR. SKINNER:** But I think I'm still missing
14 one, am I?

15 **MR. STAUFFER:** You should have a calendar?

16 **MR. SKINNER:** Yes.

17 **MR. STAUFFER:** You should have the interview
18 notes ---

19 **THE COMMISSIONER:** Well, the interview
20 notes, you mean the Exhibit 300 and so?

21 **MR. STAUFFER:** Yes, sir; 314.

22 **THE COMMISSIONER:** Well, hang on now.
23 And I need them as well.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **THE COMMISSIONER:** So what are we doing?

1 **MR. STAUFFER:** Yes, so -- sorry, sir?

2 So, Mr. -- I'm sorry. So, Mr. Skinner, do
3 you recognize those documents as ones that you received
4 before you prepared the report?

5 **MR. SKINNER:** Yes. I still appear to have
6 only two though. Oh, I'm sorry, the other one was -- the
7 other one was those notes that were just taken away from me
8 were they?

9 **MR. STAUFFER:** What's that?

10 **THE COMMISSIONER:** No, those notes are in a

11 ---

12 **MR. STAUFFER:** They should be Exhibit 314

13 ---

14 **MR. SKINNER:** I have -- I have 314 here in
15 the ---

16 **MR. STAUFFER:** Two nine five (295).

17 **MR. SKINNER:** And that is -- okay, this is
18 295, right.

19 **MR. STAUFFER:** All right. So again ---

20 **MR. SKINNER:** Yes. To answer your question,
21 yes.

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

23 So those form part of your analysis, if I
24 can put it that way, when you prepared your report from
25 January of 1994.

1 So, Mr. Skinner, one last -- lots of paper
2 here -- the last document I hope for the moment anyway, is
3 a -- they're two documents from apparently Staff Sergeant
4 Brunet, Documents 101596 and 101597.

5 Okay. So, Mr. Commissioner, if we can have
6 these next ones entered in sequence?

7 **THE COMMISSIONER:** Exhibit Number 1218 is a
8 note to file, I guess, from Luc Brunet, dated June 29th,
9 1993 at 8:15, and 1219 is, again, another input from Luc
10 Brunet, with the first input on August 24th, 1993 at 11:35.

11 --- **EXHIBIT NO./PIÈCE NO. P-1218:**

12 (101596) Note to File by Staff Sergeant
13 Brunet - June 29, 1993

14 --- **EXHIBIT NO./PIÈCE NO P-1219:**

15 (101597) Note to File by Staff Sergeant
16 Brunet - August 24, 1993

17 **MR. STAUFFER:** Well, Mr. Skinner, with
18 respect to those last two exhibits, 1218 and 1219 ---

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

20 **MR. STAUFFER:** --- had you received these
21 before you prepared your report?

22 **MR. SKINNER:** Yes, I believe we did.

23 **MR. STAUFFER:** All right. Now, in terms of
24 meetings, you've indicated briefly in any event that you've
25 met with Constable Sebalj. She's had some discussions with

1 you; she has eventually provided you with some paperwork.
2 You've met with Staff Sergeant Brunet and he's provided you
3 with his paperwork.

4 Who else, according to your notes, did you
5 meet with in addition to those officers?

6 **MR. SKINNER:** Bear with me here for a
7 second.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. STAUFFER:** Could I suggest to you that
10 you met with Staff Inspector Stuart MacDonald on January
11 the 14th?

12 **MR. SKINNER:** Yes, we did.

13 **MR. STAUFFER:** All right. And can you help
14 us out as to what Staff Inspector MacDonald told you?

15 **MR. SKINNER:** We questioned him about the --
16 about the information flow when once an investigation is
17 commenced and he explained -- he explained that to us, how
18 it was supposed to work.

19 And he went on to give us some information
20 about the heavy workload which the Cornwall Police Service
21 was currently under and some investigative cases were being
22 sent back to the uniform division for investigation.

23 We discussed Sergeant Lortie's absence for a
24 minor surgical procedure and that was only just a matter of
25 a few days, but in that -- in that time, the investigation

1 was taken away from him and given to Constable Sebalj.

2 **MR. STAUFFER:** Is it your understanding,
3 superintendent, that Sergeant Lortie, who originally had
4 been assigned the investigation by Chief Shaver, that's my
5 understanding right now ---

6 **MR. SKINNER:** Yes.

7 **MR. STAUFFER:** --- in any event, subject to
8 correction later on, that Sergeant Lortie -- I think that's
9 the individual you're talking about who had the minor
10 surgery ---

11 **MR. SKINNER:** M'hm.

12 **MR. STAUFFER:** --- had returned to duties by
13 the time the case was assigned to Constable Sebalj?

14 **MR. SKINNER:** Yes, I believe that's -- I
15 believe that's true.

16 He -- my notes indicate that he was on sick
17 leave from January 4th to the 8th and returned to duty on
18 the 11th and the report -- the investigation was assigned
19 to Constable Sebalj on the 13th.

20 **MR. STAUFFER:** Right. And it's my
21 understanding that Sergeant Lortie back then, but correct
22 me if I'm wrong, was the intelligence officer in the
23 Cornwall Police Service?

24 **MR. SKINNER:** Yes, that's correct.

25 **MR. STAUFFER:** And obviously was somewhat

1 more experienced, given that he was a sergeant as compared
2 to a constable?

3 MR. SKINNER: M'hm, yes.

4 MR. STAUFFER: Now, in terms of any other
5 conversations with Staff Inspector MacDonald, did he give
6 you the impression that he was in charge, so to speak, of
7 this or had he left around the time that the investigation
8 essentially commenced in January of '93?

9 MR. SKINNER: No, the staff inspector
10 indicated that he had no direct supervision of the case
11 after the end of 1992, so he wasn't involved.

12 MR. STAUFFER: Okay. And so what was your
13 impression as to who was in charge, so to speak, of the
14 investigation in terms of the supervisor or a manager?

15 MR. SKINNER: Well, nominally Staff Sergeant
16 Brunet, but ---

17 MR. STAUFFER: M'hm.

18 MR. SKINNER: --- you know, it -- in my
19 opinion, it shouldn't have ended there. There should have
20 been a higher rank involved as well, with communication
21 continuing right up to the level of the Chief of Police.

22 MR. STAUFFER: Okay. Why do you say that,
23 superintendent? What you just said, why do you give us
24 that opinion?

25 MR. SKINNER: Well, because of the nature of

1 the -- of the -- of the complaint, it had -- to my mind, it
2 had tremendous potential to become a very, very large issue
3 and I think it's something that should have been monitored
4 very, very closely by the highest levels of management of
5 the Cornwall Police Service, and from everything that I
6 could see during my examination of the process, it simply
7 wasn't.

8 **MR. STAUFFER:** All right. There was mention
9 in Deputy Chief St-Denis' memo to Staff Sergeant Brunet of
10 his concern that this might become an Alfred-type
11 situation.

12 **MR. SKINNER:** M'hm.

13 **MR. STAUFFER:** Was that type of expression
14 used while you were doing your examination of that
15 investigation?

16 **MR. SKINNER:** Not that I can remember now.

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

18 **MR. SKINNER:** It may have been, but I don't
19 remember that.

20 **MR. STAUFFER:** Yeah, all right.

21 Now, in terms of the others that you may
22 have met with, can you help the Commissioner out, so we've
23 now got you having met with Staff Inspector MacDonald.

24 Who else would you have interviewed?

25 **MR. SKINNER:** On the 17th of January -- no,

1 excuse me, on the 17th of January, we set up some
2 interviews which took place on the 18th.

3 At 10:25 a.m., we met with Deputy Chief
4 St-Denis and I spoke to him about the situation.

5 **MR. STAUFFER:** All right.

6 So he gave you a little bit of his
7 background ---

8 **MR. SKINNER:** He did.

9 **MR. STAUFFER:** --- as to where he came from
10 and so on?

11 **MR. SKINNER:** He did, yes.

12 **MR. STAUFFER:** And what was your
13 understanding of this expression "Hornets nest"?

14 **MR. SKINNER:** That was his choice of words
15 and I think he was using that to indicate that there was a
16 certain amount of turmoil going on within the Ottawa Police
17 Service at about the time that he was appointed.

18 **MR. STAUFFER:** It goes on to say -- and I'm
19 simply reading what Staff Sgt. Blake wrote:

20 "Shaver pushed out by Board."

21 **MR. SKINNER:** M'hm.

22 **MR. STAUFFER:** Did Deputy Chief St-Denis
23 expand on that as to what he's talking about there?

24 **MR. SKINNER:** Just that there -- you know,
25 there was what he described as a mutiny by the senior

1 officers and the staff sergeants requesting that the Chief
2 resign.

3 There was an audit report of the Cornwall
4 Police Service which wasn't very flattering to either the
5 service or the Chief.

6 **MR. STAUFFER:** Am I reading it right where
7 it says, "Audit report paints him with same brush as
8 incompetent"? I'm not sure if I got ---

9 **MR. SKINNER:** Yes.

10 **MR. STAUFFER:** "Cooperated with city
11 officials. Obtained legal counsel to
12 gather evidence against him."

13 Do you know what that means?

14 **MR. SKINNER:** I'm assuming -- now, just I'm
15 reading that now. I don't have any total recollection of
16 the conversation but I believe that this is Deputy Chief
17 St-Denis saying that he was cooperating with city officials
18 to ascertain the level of confidence of the Chief.

19 **MR. STAUFFER:** Okay. And then finally it
20 says:

21 "Problems with final departure of
22 Chief."

23 Do you remember what the context was for
24 that?

25 **MR. SKINNER:** No, I don't.

1 **MR. STAUFFER:** Okay. You first interviewed
2 Deputy Chief St-Denis -- and then we'll get to Chief Shaver
3 in a moment, but when you were meeting with Deputy Chief
4 St-Denis what impression did you have in terms of the
5 relationship between him and Chief Shaver as to what Deputy
6 Chief St-Denis told you?

7 **MR. SKINNER:** Quite frankly the impression I
8 got was that there was no relationship. The Deputy Chief's
9 position was that he was kept out of the loop of this
10 investigation by the Chief; that the Chief took complete
11 responsibility for it and didn't share any information with
12 him at all and that he just -- he felt left out of it.

13 **MR. STAUFFER:** In your understanding of the
14 chain of command back in 1994 in the Cornwall Police
15 Service, the Chief is obviously at the top of the
16 structure. Where does the Deputy Chief come in terms of
17 operations?

18 **MR. SKINNER:** Well, again, putting it in the
19 context of an investigation of this potential seriousness,
20 I would suggest that he should be standing right alongside
21 him; that there should be complete open and total
22 communication between the two of them with regard to this
23 thing.

24 **MR. STAUFFER:** Okay. So to finish off I
25 guess Deputy Chief St-Denis is telling you gentlemen that

1 Sgt. Lortie was the only officer available at the time; Mr.
2 Lortie answered to the Chief.

3 MR. SKINNER: M'hm.

4 MR. STAUFFER: And then there's a
5 transmittal slip sent to Brunet either prompted by Chief or
6 Lortie. And then "Black/Sebalj" -- and I gather "Black" is
7 the maiden name for Constable Sebalj -- "Assign Brunet" --
8 what is the next word?

9 MR. SKINNER: Oh, "...concerns made known to
10 Deputy Chief." "Brunet concerns made known to Deputy
11 Chief" I believe.

12 MR. STAUFFER: Okay. Then we go on to the
13 next page, which I guess is a continuation of your
14 interview with Deputy Chief St-Denis.

15 MR. SKINNER: M'hm.

16 MR. STAUFFER: The 26th or 27th of January
17 '93:

18 "Knows concerns about Heidi. Chief
19 would make decisions and not consult.
20 What tracking mechanisms..."

21 With question marks, and so on.

22 In your opinion, was Deputy St-Denis, as
23 essentially head of operations below the Chief, was he
24 supervising this investigation; that is the Silmsers
25 investigation?

1 **MR. SKINNER:** My impression was that on an
2 ongoing basis no, he was not. He -- it was difficult to
3 know the -- what was true and what wasn't but at some point
4 whenever a crisis arose then the Deputy Chief would
5 generate some form of order or advice or report to a memo
6 to one of the other officers, but it appeared that it
7 almost took a crisis to generate something like that.

8 **MR. STAUFFER:** All right.

9 There's a mention about two-thirds of the
10 way down on Bates page 1025780:

11 "Never saw any file. Did not track
12 file because of Chief's involvement.
13 Felt file out of his control."

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

15 **MR. STAUFFER:** I guess that speaks for
16 itself.

17 The next sentence about Heidi's courses not
18 a consideration; do you know what that means, what the
19 context is for that comment?

20 **MR. SKINNER:** No.

21 **MR. STAUFFER:** Again, to refresh your
22 memory, it's my understanding that during 1993 Constable
23 Sebalj is away on course from time to time.

24 **MR. SKINNER:** She was away on two courses
25 more or less back to back. She took a sexual assault

1 course at the Ontario Police College and returned for I
2 believe a week and then was away again on a criminal
3 investigation course.

4 MR. STAUFFER: All right.

5 MR. SKINNER: And I suppose, in fairness,
6 that, you know, these courses are very hard to get and they
7 are sort of assigned to personnel some time ahead, and it
8 was the cancelling or postponement of courses like that was
9 done very reluctantly, you know, because rescheduling on
10 this was sometimes very difficult and it involved a lengthy
11 wait. So perhaps that's what -- perhaps that means that
12 cancelling them or postponing them was not a consideration
13 ---

14 MR. STAUFFER: All right.

15 MR. SKINNER: --- because of the difficulty
16 of getting them.

17 MR. STAUFFER: And, sir, I gather the next
18 person in time, you went to see Mr. Rick Abell.

19 MR. SKINNER: Yes.

20 MR. STAUFFER: The Director at that time of
21 the Children's Aid Society.

22 MR. SKINNER: M'hm.

23 MR. STAUFFER: And can you help us out in
24 terms of what Mr. Abell said to you as it related to the
25 investigation?

1 **MR. SKINNER:** Well, we were concerned about
2 the relationship between the Cornwall Police Service and
3 Mr. Abell's organization and he responded that the
4 relationship was very good. He pointed out that there were
5 some individual problems without getting specific about it,
6 but that there was good ongoing organizational cooperation.

7 He pointed out that Chief Shaver had
8 organized fundraising activities for the Children's Aid
9 Society.

10 **MR. STAUFFER:** All right.

11 **MR. SKINNER:** And then he indicates that in
12 September '93, in his words, he confronted Shaver with
13 documents presumably relating to the allegations made by
14 David Silmser, and Shaver admits a screw-up but sees no
15 evidence of a cover-up. Length of time, again, presumably
16 in conducting the investigation, is questionable and in Mr.
17 Abell's words, the service seemed drastically understaffed.

18 **MR. STAUFFER:** Okay. And then it's just the
19 three of you gentlemen meeting, I guess?

20 **MR. SKINNER:** Yes.

21 **MR. STAUFFER:** This would be yourself, Mr.
22 Blake and Mr. Abell?

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

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

25 And then we get into this issue of duty to

1 report.

2 MR. SKINNER: M'hm.

3 MR. STAUFFER: Help us out there. When it
4 says:

5 "Duty to report: Should have been
6 notified because of possibility of
7 present abuse."

8 Can you help us out any further as to what
9 the context was for that statement?

10 MR. SKINNER: Not very much, I'm afraid. I
11 don't profess to be an expert in law and didn't at that
12 time, and I wasn't absolutely certain of the duty of a
13 police service to report instances of abuse to the local
14 police service.

15 MR. STAUFFER: But again, I'm not ---

16 MR. SKINNER: But in the -- sorry.

17 MR. STAUFFER: Sorry; go ahead, sir.

18 MR. SKINNER: Go ahead.

19 MR. STAUFFER: But again, I don't want to
20 put any words in your mouth at all. I just want to
21 understand; is this Mr. Abell saying this then, the duty to
22 ---

23 MR. SKINNER: Yes.

24 MR. STAUFFER: --- report?

25 MR. SKINNER: Yes.

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

2 **MR. SKINNER:** Yes, he felt that it should
3 have been reported because of the possibility of continuing
4 and present abuse.

5 **MR. STAUFFER:** All right.

6 **MR. SKINNER:** Although at that point the
7 alleged abuser was no longer in Cornwall.

8 **MR. STAUFFER:** Right.

9 Because as I understood it, when Mr. Silmser
10 made his complaint, there were allegations against two
11 gentlemen, both of whom were still in the community, both
12 of whom might have had access to young males.

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

14 **MR. STAUFFER:** Is that the concern?

15 **MR. SKINNER:** Yes.

16 **MR. STAUFFER:** All right.

17 And then he goes on about a certain diocesan
18 committee, which I guess was in existence. Is that your
19 understanding?

20 **MR. SKINNER:** Yes, consisting of two
21 monsignors and lawyers. I'm afraid I can't add anything
22 else to that. I really don't have much recollection of
23 that.

24 **MR. STAUFFER:** Okay. So again, to try to
25 speed the plough here, am I right the impression I'm

1 getting from this is Mr. Abell believed there was no
2 precise protocol in place where you have historical abuse,
3 now adult complainant, there's no necessary reporting, I
4 guess, between the police and the CAS. Is that the way I
5 should be reading it or have you got a different
6 interpretation?

7 **MR. SKINNER:** I believe -- now, I'm not
8 absolutely certain about this, you know -- it was 14 years
9 ago -- but I believe Mr. Abell's position was that it
10 should have been reported but, you know, I can't be certain
11 of that.

12 **MR. STAUFFER:** Fair enough.

13 And then I gather, sir, that you went on --
14 it was a busy day -- you went on next to see Murray
15 MacDonald ---

16 **MR. SKINNER:** M'hm.

17 **MR. STAUFFER:** --- the Crown Attorney at the
18 time in Cornwall, and Mr. MacDonald is telling you that he
19 spoke several times to Constable Sebalj and Staff Sergeant
20 Brunet about the case.

21 **MR. SKINNER:** M'hm.

22 **MR. STAUFFER:** And please help me if I've
23 got this wrong, it says, I think:

24 "Sebalj didn't believe Silmsen would
25 not produce..."

1 Help me out, Mr. Skinner.

2 **MR. SKINNER:** It looks like "prosecution."

3 **THE COMMISSIONER:** "Sebalj didn't believe
4 Silmser would not prosecute..."

5 **MR. SKINNER:** Or "would not conduct
6 prosecution."

7 **THE COMMISSIONER:** Right.

8 "...because diocesan committee..."
9 Whatever.

10 **MR. SKINNER:** That, I think -- let me just -
11 - give me a second.

12 **MR. STAUFFER:** Yes, take your time.

13 **MR. SKINNER:** I think this is Mr. MacDonald
14 saying that he would not conduct a prosecution because of
15 the diocesan committee several years ago.

16 **THE COMMISSIONER:** Right.

17 **MR. SKINNER:** And his position was that he
18 would wait for the investigator to establish reasonable and
19 probable grounds before conferring with an outside Crown
20 Attorney about the conducting of an actual prosecution.

21 **MR. STAUFFER:** Okay. Again, I may be
22 reading too much into this because I read other documents,
23 but am I right that Mr. MacDonald, the Crown, had
24 identified that he might be in some position of conflict
25 because he's on a committee or had been on a committee, a

1 church committee that had dealt with this type of matter?

2 MR. SKINNER: Yes, I believe that's what
3 he's saying here.

4 MR. STAUFFER: All right.

5 And so an outside Crown is just that,
6 someone outside of Cornwall?

7 MR. SKINNER: M'hm. Yes.

8 MR. STAUFFER: All right.

9 And then, sir, I hope we're going on to the
10 next page, which is Bates page 1025782. There is no date
11 or time, but I have Sergeant Claude Lortie at the top of
12 this page.

13 MR. SKINNER: M'hm.

14 MR. STAUFFER: Can you help us out at all;
15 is this following the interview then with Crown MacDonald?

16 MR. SKINNER: That's just dealing with the
17 delay in -- between the time of the receipt of the
18 complaint and the interview with the complainant, and it
19 appears -- now, I can't swear to this either, but it
20 appears that that meeting with Sergeant Lortie occurred on
21 that same date.

22 MR. STAUFFER: Right.

23 Was that your one and only meeting with
24 Sergeant Lortie as far as you can remember?

25 MR. SKINNER: As far as I can remember ---

1 MR. STAUFFER: Yes.

2 MR. SKINNER: --- yes, but I'm not ---

3 MR. STAUFFER: I appreciate that.

4 MR. SKINNER: --- certain of that at all.

5 MR. STAUFFER: Again, just so for us who are
6 non police officers to understand, Mr. Lortie -- Sergeant
7 Lortie was the intelligence officer back then.

8 MR. SKINNER: M'hm.

9 MR. STAUFFER: Is there anything either to
10 prevent him from doing investigation or to commend him to
11 be the investigator when he's the intelligence officer?

12 MR. SKINNER: That is a difficult question
13 to answer given the difference in size between my force and
14 the Cornwall Police Service. Generally speaking, an
15 intelligence officer was not -- at least now I'm speaking
16 from the perspective of the Ottawa Police Service -- was
17 not an investigative position.

18 The intelligence officer supervised the
19 gathering of criminal intelligence by -- from -- from and
20 about organized crime and that sort of thing and
21 communicated with Criminal Intelligence Services of
22 Ontario, which was headquartered in Toronto, and
23 traditionally reported directly to the Chief of Police. So
24 he didn't report to whoever was in charge of the criminal
25 investigation arm of the police service.

1 I understand though that Sergeant Lortie had
2 previous experience in conducting investigations of this
3 type of sexual assault.

4 And I don't know; I can't speak for the
5 senior management of the Cornwall Police Service at that
6 particular time, but it seems to me that it would not have
7 been a bad thing to put him in charge of that
8 investigation.

9 **MR. STAUFFER:** All right.

10 Now, sir, we are moving on -- we are almost
11 done here -- your meeting with Claude Shaver who was the
12 Chief of Police at one point, but I guess at this point was
13 not?

14 **MR. SKINNER:** No.

15 **MR. STAUFFER:** As of January 19th, 1994.

16 **MR. SKINNER:** Well, I'm not certain of what
17 his actual status was.

18 **MR. STAUFFER:** Yes.

19 **MR. SKINNER:** He was no longer functioning
20 as Chief of Police, but whether or not he was still a
21 member of the Service, I don't know.

22 **MR. STAUFFER:** I appreciate that.

23 So Mr. Shaver indicates to you gentlemen,
24 you and Staff Sergeant Blake, that he wanted:

25 "Project file open, Nakic to Lortie

1 assigned to Sebalj and Lefebvre,
2 Molloy. Lefebvre assigned to
3 homicide."

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

5 **MR. STAUFFER:** Now, this "updated regularly
6 by DC," I assume that means Deputy Chief ---

7 **MR. SKINNER:** Yes.

8 **MR. STAUFFER:** "...verbally in re: Project
9 file."

10 To stop there for a moment, and please
11 correct me if I'm wrong, the impression I had from your
12 earlier testimony is that the Deputy Chief felt out of the
13 loop.

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

15 **MR. STAUFFER:** Are you getting a different
16 story then from Chief Shaver?

17 **MR. SKINNER:** Yes.

18 **MR. STAUFFER:** Okay.

19 **THE COMMISSIONER:** So what he's saying --
20 what is he saying, that, "No, no, no, I updated them
21 verbally regularly"? Is that what you're ---

22 **MR. SKINNER:** He -- let me just ---

23 **THE COMMISSIONER:** Oh no, that the ---

24 **MR. SKINNER:** He says he was regularly
25 updated by the Deputy Chief, but he didn't read the Project

1 file.

2 Now, on the first line there, it says he
3 wanted a project file opened and, you know, had the chief
4 wanted that it should have happened, but to the best of our
5 knowledge and investigation of the situation, it didn't
6 happen. A project file was not opened.

7 And if I can explain what that is. A
8 project -- a project is a criminal investigation done in
9 conjunction with the Criminal Intelligence Section and is,
10 in a lot of cases, supported by CISU in Toronto in the
11 Solicitor General's office financially, and involves things
12 like wiretaps and surveillance and that sort of thing.

13 **MR. STAUFFER:** It's my understanding,
14 superintendent, there was a project file opened. It was in
15 October of '93, as compared ---

16 **MR. SKINNER:** Oh, okay. All right.

17 **MR. STAUFFER:** Yeah. So that eventually
18 happened, but what I'm wondering is, is it your
19 recollection that when you spoke with Chief Shaver on
20 January 19th of '94 that he wanted to have the project file
21 opened right away or at some point?

22 **MR. SKINNER:** I think he's saying in the
23 past that he wanted a project file opened, but I'm sorry, I
24 can't remember that specifically.

25 **MR. STAUFFER:** Okay. Do you know -- it's a

1 loaded three words here, but do you know what the context
2 is where it says, quote, "Brunet accepts responsibility"?
3 These are my quotation, but it says "Brunet accepts
4 responsibility". Do you know what the context for that is?

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. SKINNER: I think that that's referring
7 to Staff Sergeant Brunet accepting responsibility for the
8 delay in the investigation getting started, but I'm not
9 certain of that at all.

10 MR. STAUFFER: All right. It says, "28th
11 September '93, payment known".

12 MR. SKINNER: M'hm.

13 MR. STAUFFER: "Either get or got reports.
14 Called Crown Murray MacDonald. Met on
15 30th September '93. Also spoke to Abell
16 on 1 October '93."

17 And just stopping there for a moment, do you
18 know what the context is for that, this September 28th, '93
19 payment known?

20 MR. SKINNER: I think that's when it became
21 known that there had been a financial settlement with the
22 complainant.

23 MR. STAUFFER: All right. And then I gather
24 Chief Shaver is telling you that on September 7th it looks
25 like of '93, he visited the -- a senior papal

1 representative in Ottawa. He's telling you Larocque admits
2 mistake?

3 MR. SKINNER: M'hm.

4 MR. STAUFFER: Do you know who Larocque is?

5 MR. SKINNER: No.

6 MR. STAUFFER: Okay.

7 MR. SKINNER: At this stage, I don't
8 remember, no.

9 MR. STAUFFER: Okay. Leduc is the lawyer of
10 CAS and Diocese.

11 What is this about Derochie? What's the
12 word after that?

13 MR. SKINNER: "Mandates" I think.

14 MR. STAUFFER: Okay.

15 MR. SKINNER: "Derochie mandates delays and
16 disclosure by..."

17 THE COMMISSIONER: Dunlop.

18 MR. SKINNER: Dunlop.

19 MR. STAUFFER: M'hm. And then "Murray
20 MacDonald conflict".

21 MR. SKINNER: M'hm.

22 MR. STAUFFER: We're almost done here, Mr.
23 Commissioner.

24 THE COMMISSIONER: Yes, it's time to go.

25 MR. STAUFFER: I appreciate that.

1 And on the last page of the notes:

2 "Lefebvre transferred to work with
3 Sebalj.

4 Admitted to bishop his homosexuality."
5 Is that "10k from Father Charlie. 10k from
6 church."

7 **MR. SKINNER:** Is it 10 or 16?

8 **MR. STAUFFER:** Okay.

9 **MR. SKINNER:** I don't know, it could be
10 either.

11 **MR. STAUFFER:** Yeah. Well, Mr.
12 Commissioner, this may be an appropriate time to rise. I
13 appreciate this has been an excruciating experience going
14 through all of this paperwork, but I think we've
15 established at least the paperwork that Superintendent
16 Skinner received and is producing. We'll deal with this
17 again tomorrow.

18 **THE COMMISSIONER:** All right. Thank you.
19 We'll see you at 9:30 tomorrow morning.

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

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

23 This hearing is adjourned until tomorrow
24 morning at 9:30 a.m.

25 --- Upon adjourning at 4:22 p.m. /

1 L'audience est ajournée à 16h22
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C E R T I F I C A T I O N

I, Marc Demers 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, Marc Demers, 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.



Marc Demers, CVR-CM