

**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 200

Held at :

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

Tuesday, February 26 2008

Tenue à:

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

Mardi, le 26 février 2008

ERRATA

**February 25, 2008
Volume 199**

Exhibit:

Page 2, line 25

--- EXHIBIT NO./PIÈCE NO. C-1233:

Heidi Sebalj - Letter from psychologist to
Ian Stauffer re Medical Report dated
February 5, 2008

Should read:

--- EXHIBIT NO./PIÈCE NO. C-1234:

Heidi Sebalj - Letter from psychologist to
Ian Stauffer re Medical Report dated
February 5, 2008

Appearances/Comparutions

| | |
|-----------------------|---|
| Mr. Peter Engelmann | Lead Commission Counsel |
| Ms. Julie Gauthier | Registrar |
| Ms. Maya Hamou | Commission Counsel |
| Ms. Mary Simms | |
| Mr. Peter Manderville | Cornwall Police Service Board |
| Mr. Neil Kozloff | Ontario Provincial Police |
| Ms. Diane Lahaie | |
| Mr. Joe Neuberger | Ontario Ministry of Community and Correctional Services and Adult Community Corrections |
| Mr. Darrell Kloeze | Attorney General for Ontario |
| Mr. Peter Chisholm | The Children's Aid Society of the United Counties |
| Ms. Helen Daley | Citizens for Community Renewal |
| Mr. William Carroll | Ontario Provincial Police Association |
| Mr. Frank T. Horn | Coalition for Action |

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1 --- Upon commencing at 9:36 a.m./

2 L'audience débute à 9h36

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

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

8 Please be seated. Veuillez vous asseoir.

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

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

13 I wanted just to address a few housekeeping
14 matters before we start.

15 The first is with respect to our exhibit
16 numbering.

17 **THE COMMISSIONER:** Yes.

18 **MR. ENGELMANN:** I just want to clear up a
19 couple of exhibit numbers for the record.

20 **THE COMMISSIONER:** Right.

21 **MR. ENGELMANN:** Exhibit 1233 was given to
22 the medical report -- confidential medical report ---

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** --- for Ms. Sebalj
25 yesterday.

1 **THE COMMISSIONER:** Right.

2 **MR. ENGELMANN:** That exhibit number had
3 already been taken.

4 **THE COMMISSIONER:** All right.

5 **MR. ENGELMANN:** So it in fact refers to an
6 interview report by Murray MacDonald ---

7 **THE COMMISSIONER:** All right.

8 **MR. ENGELMANN:** --- that was introduced, I
9 believe, in the cross-examination of Brian Skinner.

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

11 **MR. ENGELMANN:** So 1233 is actually Document
12 714888, an interview report by Murray MacDonald, dated 14
13 July '94. So C-1234 will be the medical report referring
14 to Ms. Sebalj, and 1235 will be the document entitled
15 "Criminal History" if I'm not mistaken.

16 **THE COMMISSIONER:** Yes, it was a criminal
17 record.

18 **MR. ENGELMANN:** That was introduced
19 yesterday through Ms. Larivière's evidence?

20 **THE COMMISSIONER:** That's right.

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

22 So those are our last exhibit numbers.

23 **THE COMMISSIONER:** All right.

24 **MR. ENGELMANN:** Secondly, sir, some time
25 ago, as you'll recall, Sean Adams, who was a witness here

1 who had testified and then we had the evidence of Garry
2 Derochie ---

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

4 **MR. ENGELMANN:** --- commenting on some of Mr.
5 Adams' testimony. His lawyers had asked for an opportunity
6 for him to come back and elaborate, I guess, further on
7 what he had said earlier and we had set aside some time on
8 February 14th, in the morning. It got moved to the
9 afternoon and they were unavailable and we had set aside
10 time yesterday and today possibly to have Mr. Adams come
11 back.

12 We were advised yesterday, late afternoon,
13 that he's -- upon reflection he's decided he does not want
14 to come back and give further evidence. So we will not be
15 having Mr. Adams back as a witness.

16 **THE COMMISSIONER:** All right.

17 **MR. ENGELMANN:** So I just wanted to set that
18 out because that was one of the things we thought we might
19 be doing today.

20 Thirdly, as you know, sir, we received
21 submissions yesterday from counsel for André Bissonnette.

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** I have spoken with Mr.
24 Chisholm. This is in dealing with Mr. Chisholm's
25 submissions that this evidence is really beyond the scope

1 of the Commission's mandate and that they should not have
2 to respond to it as an institution.

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

4 **MR. ENGELMANN:** So Ms. Harreman was allowed
5 to file the submissions. Mr. Chisholm was told he'd have
6 an opportunity to speak to it this morning and he has some
7 submissions.

8 I understand Mr. Manderville may have some
9 very brief comments as well but you can ask him how it
10 relates to the letter. I'll leave that for the two of you.

11 But Mr. Chisholm is prepared so I propose
12 just calling him now to speak to the letter.

13 **THE COMMISSIONER:** Thank you.

14 **MR. ENGELMANN:** And, sir, if I just -- if I
15 could, because I'm -- I misplaced my exhibit numbers,
16 perhaps the clerk could assist. The letter from Ms.
17 Harreman would have been the last document on the motion
18 and I just want to make sure I have the number right.

19 **THE REGISTRAR:** A-12.

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

21 I'll turn it over to Mr. Chisholm.

22 **THE COMMISSIONER:** Thank you.

23 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CHISHOLM:

24 **MR. CHISHOLM:** Good morning, sir.

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

1 Madam Clerk, is there an extra copy of the -
2 --

3 **MR. CHISHOLM:** Mr. Commissioner, as you know
4 we received a letter from Ms. Harreman yesterday dated
5 February the 25th, 2008.

6 **THE COMMISSIONER:** Thank you, yes.

7 **MR. CHISHOLM:** And that was a -- referred to
8 as a supplementary submission by Ms. Harreman. If I could
9 take you to the second page, please.

10 **THE COMMISSIONER:** Yes.

11 **MR. CHISHOLM:** You'll see that Ms. Harreman,
12 in her supplementary submissions, numbered her points and
13 I'll take you to the fourth point, please. There the
14 fourth point Ms. Harreman stated that the -- by July of
15 2007, 34 victims or relatives of victims had already
16 testified and she then noted that at no time did the Court
17 of Appeal comment and it just had their evidence.

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

19 **MR. CHISHOLM:** It's my understanding, sir,
20 that the record that was before the Court of Appeal did not
21 contain that evidence but referred to the evidence of C-12
22 and C-13.

23 I suspect that the Court of Appeal may have
24 had before it the affidavit of Detective Superintendent
25 McQuade. In that affidavit, if I understand the situation

1 correctly, that's where the reference came from with
2 respect to the 34 victims or alleged victims or relatives
3 of those people, but I don't believe that, in speaking to
4 Mr. Manderville, that formed part of the record.

5 So the courts, the Divisional Court and the
6 Court of Appeal, have not been asked to consider whether or
7 not the evidence relating to those other people with the
8 exception of C-12 and C-13 fell within your mandate.

9 On to the sixth point in the same page, sir.
10 Ms. Harreman suggested excluding the evidence at this time
11 would be tantamount to an act of re-victimization. I would
12 disagree with that characterization.

13 The simple fact is that the Commission
14 either has jurisdiction to hear that evidence or it does
15 not and if it's not brought to our attention until the
16 Court of Appeal decision comes out, what its view of the
17 mandate is, that's what we have to live with. But I would
18 not categorize this to be anything close to a re-
19 victimization.

20 The Commission, you, your staff, the lawyers
21 here do their best to ensure that there is no re-
22 victimization or an attempt -- we attempt to minimize
23 trauma as much as possible, but we have the Court of Appeal
24 decision and we have to apply it to the evidence that we
25 have here.

1 On to the eighth point on page 3, sir. On
2 the eighth point, Ms. Harreman suggests that the comments
3 of the Court of Appeal might be said to have expanded. And
4 any comment that might be said to have expanded upon the
5 question underlying the said case can be read as obiter.

6 I would disagree with that. The Court of
7 Appeal's decision comes as a result of its analysis of the
8 Terms of Reference of your mandate.

9 The Court of Appeal's decision considered
10 questions relating to the Commission's mandate and your
11 jurisdiction of certain -- to hear certain evidence. Given
12 the decision now, we simply cannot ignore the words of the
13 court and I've taken you to those words earlier in my
14 submissions.

15 One theme in Ms. Harreman's submissions
16 would be that it would be unfair to exclude evidence
17 already given.

18 **THE COMMISSIONER:** Yes.

19 **MR. CHISHOLM:** To ignore the evidence that
20 was already given ---

21 **THE COMMISSIONER:** No, she used the word
22 "exclude" and I don't know that that's on the table, to
23 exclude the evidence. It's what effect we can give to it
24 and with respect to forcing you or asking you to respond.

25 So I think -- and I think that's what you're

1 limiting your objection to -- is you don't want the -- you
2 have not asked for the evidence to be expunged.

3 **MR. CHISHOLM:** That's correct, sir.

4 **THE COMMISSIONER:** You're just saying that
5 given the Court of Appeal decision you don't know whether
6 you should -- well, you're interpreting the Court of Appeal
7 decision as saying that you need not respond or you cannot
8 respond because it's not part of the mandate, how's that?

9 **MR. CHISHOLM:** Yes, the -- in my previous
10 submissions I don't know that I fully ruled out -- you and
11 I, if I recall, had a debate as to whether or not the CAS
12 could respond and if it's outside the mandate ---

13 **THE COMMISSIONER:** It's outside the mandate.
14 I don't think I have the authority to expend public funds
15 or take any further time and you would not be able to
16 respond.

17 **MR. CHISHOLM:** And my response to that was
18 some of the other -- some of the other components -- the
19 functions of a public inquiry might be to educate the
20 public but you may well be correct, sir, that if it's out,
21 it's out and we don't have the ability to respond during
22 the institutional response phase.

23 But just on Ms. Harreman's point, I would
24 suggest that appellate courts on a daily basis in this
25 country review evidence and -- that has already been given

1 and, in some cases, excluded and found that it ought not to
2 have been heard.

3 On to page 4, sir ---

4 **THE COMMISSIONER:** Yes.

5 **MR. CHISHOLM:** --- the 14th point. In her
6 14th point, Ms. Harreman speaks of -- that the evidence of
7 Mr. Bissonnette is suggestive of systemic dysfunction
8 within the CAS. I would disagree with that suggestion and
9 I would submit that Mr. Bissonnette's evidence contains
10 allegation of sexual misconduct by a ward in the Society
11 but is not suggestive of any systemic dysfunction.

12 The submissions also support -- Ms. Harreman
13 also speaks of Mr. Manson's submissions and the *Audet* case.
14 The *Audet* case involves a schoolteacher who is 21 years
15 old. The victim in that case was 14 years old, he had just
16 turned 14. That's not the fact situation in the case that
17 is under consideration here. We have -- what we have are
18 two wards of the Society, and in terms of the status of Mr.
19 Hawn in relation to Mr. Bissonnette it is one of a fellow
20 ward. It's not a schoolteacher; it's not a hockey coach or
21 any other such relationship.

22 Still on page 4, Mr. Commissioner, you'll
23 see a heading "The Institutional Response to Allegations of
24 Abuse". I would submit that those submissions are really
25 submissions that should be left for the submission stage

1 once you have heard all the evidence from -- during the
2 institutional response phase.

3 In terms of what Ms. Harreman is stating in
4 her letter, I would not address those at this time, but
5 subject to -- once you've heard the evidence at the end of
6 the day during the submission stage, I would make
7 submissions that may or may not touch upon what Ms.
8 Harreman raises in her points 15 and on.

9 **THE COMMISSIONER:** Well, if I rule ---

10 **MR. CHISHOLM:** Yes?

11 **THE COMMISSIONER:** --- that Mr.

12 Bissonnette's evidence was not inside the mandate, there
13 won't be any further discussions.

14 **MR. CHISHOLM:** Correct.

15 **THE COMMISSIONER:** Okay.

16 **MR. CHISHOLM:** And then ---

17 **THE COMMISSIONER:** So there won't be any
18 submissions on this issue at the end?

19 **MR. CHISHOLM:** I may or may not respond and
20 if you rule that it's out, there would be no submissions at
21 the end on those points.

22 **THE COMMISSIONER:** Okay.

23 **MR. CHISHOLM:** If it's in, if you rule that
24 it's in, sir, then those submissions would form -- those
25 points would form part of my submissions at the end of the

1 day.

2 **THE COMMISSIONER:** All right. Okay, I
3 understand what you are saying. Thank you.

4 **MR. CHISHOLM:** Those are my submissions,
5 sir.

6 **THE COMMISSIONER:** Thank you.

7 **MR. CHISHOLM:** Thank you.

8 **THE COMMISSIONER:** Mr. Manderville, you are
9 waiting in here, no doubt as an officer of the court.

10 **MR. MANDERVILLE:** Would I ever be anything
11 else, Mr. Commissioner?

12 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:

13 **MR. MANDERVILLE:** Briefly, I suggest to you,
14 sir, that Ms. Harreman's submissions are of no assistance
15 to you in interpreting what your mandate is and what the
16 Court of Appeal says it is.

17 While the Court of Appeal's decision arose
18 due to the factual scenario involving C-12 and C-13, its
19 judgment is by no means restricted to those two potential
20 witnesses. The Court of Appeal's decision says what it
21 says, and you are to interpret your mandate in accordance
22 with it and the OIC.

23 That's all I have to say, sir.

24 **THE COMMISSIONER:** Thank you, which I fully
25 intend to do. All right.

1 Now, so given these submissions, I am going
2 to consider my decision and have it completed hopefully by
3 tomorrow morning and we will give you an update on that as
4 we go.

5 **MR. ENGELMANN:** Sir, my colleague, Maya
6 Hamou, will be here shortly.

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

8 **MR. ENGELMANN:** To deal with the Overview of
9 the Documentary Evidence for Ms. Sebalj, and I am wondering
10 if we can take a short break so that can be done and the
11 documents to be entered could be entered.

12 **THE COMMISSIONER:** So let's, for those who
13 are viewing ---

14 **MR. ENGELMANN:** Right.

15 **THE COMMISSIONER:** --- let's set up. So for
16 today then, we have the Sebalj ODE.

17 **MR. ENGELMANN:** Correct.

18 **THE COMMISSIONER:** And anything else?

19 **MR. ENGELMANN:** Not at this time, sir.

20 **THE COMMISSIONER:** All right. And you
21 explained why we have some lag time here.

22 **MR. ENGELMANN:** I think we talked yesterday
23 about the importance of the decision ---

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** --- that you have to render,

1 the broad scope of the objections dealing with
2 approximately 20 of the witnesses you've heard.

3 **THE COMMISSIONER:** So how long do you think
4 we'll be with the Sebalj ODE, any idea? A couple of hours?

5 **MR. ENGELMANN:** It should be done by the
6 noon-hour, sir.

7 **THE COMMISSIONER:** All right. So people
8 will know that we are sitting for the morning and doubtful
9 that we'll have any sitting hours this afternoon.

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

11 **THE COMMISSIONER:** All right, good.

12 **MR. ENGELMANN:** Thank you.

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

15 This hearing will resume at 10:00 a.m.

16 --- Upon recessing at 9:52 a.m./

17 L'audience est suspendue à 09h52

18 --- Upon resuming at 10:04 a.m./

19 L'audience est reprise à 10h04

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

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

24 **THE COMMISSIONER:** Thank you.

25 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. HAMOU :

1 **MS. HAMOU:** Good morning, Mr. Commissioner.

2 **THE COMMISSIONER:** Good morning, Ms. Hamou.

3 **MS. HAMOU:** We will be seeking to enter the
4 ODE of Heidi Sebalj.

5 **THE COMMISSIONER:** Yes.

6 **MS. HAMOU:** The Documentary Evidence
7 Overview.

8 **THE COMMISSIONER:** Yes.

9 **MS. HAMOU:** Constable Sebalj was a Cornwall
10 Police Service officer from January 1st, 1987 to August 26th,
11 2000.

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

13 **MS. HAMOU:** During her career with the
14 Cornwall Police Service, she conducted some sexual assault
15 cases. In particular, she was involved in the
16 investigation of the David Silmser allegations.

17 **THE COMMISSIONER:** Yes.

18 **MS. HAMOU:** Yesterday, you ordered that
19 Constable Sebalj be excused from testifying before the
20 Cornwall Public Inquiry further to the medical report
21 entered as Exhibit 1234.

22 In our view, the filing of the ODE will
23 assist the public and your understanding of events in
24 issue.

25 In preparing the Overview, counsel have

1 attempted to capture the theme; issues that arise in a
2 neutral and thorough fashion. A draft ODE was sent to the
3 parties and we have had communications with counsel for the
4 parties and counsel's comments, in many respects, which
5 have been included in the ODE we intend to file today.

6 The ODE is not entered as a substitute for
7 Constable Sebalj's testimony, and we acknowledge that its
8 evidentiary value is clearly less than the documents used
9 in its preparation. In case of conflict between the ODE
10 and the documents, the content of the documents should
11 prevail.

12 The parties will have an opportunity to
13 address this evidence during the institutional response
14 phase of the Inquiry through additional documents, *viva*
15 *voce* evidence from witnesses who work within this
16 institution. It is possible that additional evidence may
17 or may not be consistent with the content of the ODE and
18 documents used in its preparation. If there are any
19 inconsistencies, you may of course take those into account
20 when weighing all the evidence before you.

21 As stated in your ruling of May 29th, 2007:

22 "The matter of admissibility of ODE's
23 is dealt with on a case-by-case basis
24 ..."

25 and the parties are aware that whether or not they object

1 to this particular ODE, they will remain free to raise
2 objections with respect to further ODE's.

3 I would like to open the floor to comments
4 if there are any.

5 **THE COMMISSIONER:** Yes, Ms. Daley?

6 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. DALEY:**

7 **MS. DALEY:** I will make a very brief comment
8 on behalf of CCR.

9 I think we have got to a point in this
10 Inquiry where we all understand that Ms. Sebalj played a
11 very important role. There is no question about that. Our
12 clients have immense empathy for her personal
13 circumstances, which make it impossible for her to testify
14 here and are glad that the ODE is available and are
15 certainly going to pursue opportunities to make sure that
16 the depth and breadth of what Sebalj was involved in comes
17 before the Inquiry.

18 Thank you.

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

20 Anyone else?

21 Mr. Horn, good morning.

22 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. HORN:**

23 **MR. HORN:** Yes, good morning.

24 The Coalition for Action's position is that
25 the importance of Heidi Sebalj's ODE is obvious and what we

1 would be interested in seeing is a confirmation of the
2 seriousness of her medical condition and we want to be able
3 to confirm that with having the doctor either testify or
4 giving some sort of medical prognosis for the Inquiry.

5 **THE COMMISSIONER:** Mr. Horn, he did in the
6 document that I had yesterday. I ruled. And I ruled that
7 it was sufficient for me given the comments that I made and
8 I don't want to go back into the contents of the medical
9 report out of respect for Constable Sebalj.

10 So I've already decided that so if you want,
11 you can go to Divisional Court I suppose.

12 **MR. HORN:** That's our position.

13 **THE COMMISSIONER:** Okay, good.

14 **MR. HORN:** Thank you.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Manderville?

17 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:**

18 **MR. MANDERVILLE:** Briefly, Mr. Commissioner,
19 the only additional points I would make are ones that
20 you're familiar with.

21 **THE COMMISSIONER:** Yes.

22 **MR. MANDERVILLE:** The ODE itself, I would
23 submit, cannot be offered up for truth of its content as
24 distinct from the document supporting it, nor could it be
25 put forward as a basis or partial basis for a finding of

1 misconduct.

2 In addition sir, Mr. Callaghan, in examining
3 Mr. Skinner last week put forward a number of documents
4 which are Ms. Sebalj's notes ---

5 **THE COMMISSIONER:** Yes.

6 **MR. MANDERVILLE:** --- which were in the
7 possession of Mr. Skinner and presumably relied upon by
8 him. One of those pages was made an exhibit, Exhibit 1234
9 ---

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

11 **MR. MANDERVILLE:** --- sorry, 1230.

12 **THE COMMISSIONER:** Right.

13 **MR. MANDERVILLE:** I would submit that the
14 remaining pages of notes should also be exhibits and
15 perhaps as part of the ODE or in some other manner entered
16 through another witness.

17 But I am under the impression that, with
18 Commission counsel, and not Ms. Hamou, with Mr. Stauffer,
19 it was agreed that there are indeed relevant notes of
20 Officer Sebalj.

21 **THE COMMISSIONER:** All right. I'm sure
22 somewhere along the line, they will be put in and if not,
23 you can come back and -- if they're not at the end of the
24 ODE, come back and we'll compromise.

25 **MR. MANDERVILLE:** Yes, Ms. Hamou and I can

1 address that during the break ---

2 **THE COMMISSIONER:** Sure.

3 **MR. MANDERVILLE:** --- perhaps.

4 **THE COMMISSIONER:** All right.

5 **MR. MANDERVILLE:** Thank you, sir.

6 **THE COMMISSIONER:** Anyone else wish to make
7 any comments? No. All right. So on with the ODE.

8 ---**FURTHER SUBMISSIONS BY/REPRÉSENTATIONS SUPPLÉMENTAIRE**

9 **PAR MS. HAMOU :**

10 **MS. HAMOU:** Mr. Commissioner, I will discuss
11 it with Mr. Manderville afterwards. This is a comment that
12 they had put forward in their comments so I can discuss
13 with him if he's not satisfied.

14 Before we start, I'd like to advise you that
15 there are some names in the ODE that are subject to
16 confidentiality measures or criminal publication ban. So
17 we ask that the ODE be entered as an exhibit marked subject
18 to a publication ban.

19 **THE COMMISSIONER:** Yes.

20 **MS. HAMOU:** And I believe the next exhibit
21 is 1236?

22 **THE COMMISSIONER:** Thank you. I take it
23 that when you will be reading the ODE, you'll not mention
24 the names.

25 ---**EXHIBIT NO./PIÈCE NO P-1236:**

1 Overview of documentary evidence

2 MS. HAMOU: Absolutely.

3 THE COMMISSIONER: All right.

4 MS. HAMOU: The next order of business will
5 be to enter the new exhibits.

6 THE COMMISSIONER: Yes.

7 MS. HAMOU: The next document will be 101614
8 and that will be Exhibit 1237.

9 THE COMMISSIONER: And what is this? Oh,
10 this is -- yeah, what is this? Exhibit 1237 is a document
11 entitled "Time off Heidi."

12 ---EXHIBIT NO./PIÈCE NO P-1237:

13 (101614) Heidi Sebalj time off schedule
14 sheet

15 MS. HAMOU: I believe these are Constable
16 Sebalj's time off schedule. I don't believe it was her
17 handwriting.

18 THE COMMISSIONER: M'hm.

19 MS. HAMOU: But it is her time off schedule.

20 THE COMMISSIONER: Do you know who prepared
21 it?

22 MS. HAMOU: I believe it might be Mr. Brunet
23 but we will have to get that confirmation ---

24 THE COMMISSIONER: All right. Good.

25 MS. HAMOU: --- once he testifies.

1 **THE COMMISSIONER:** Thank you, 1237 stands.

2 **MS. HAMOU:** The next document will be
3 111606.

4 **THE COMMISSIONER:** Thank you.

5 **MS. HAMOU:** Exhibit 1238.

6 **THE COMMISSIONER:** This is an audio taped
7 interview report of Joseph Claude Cecil Shaver, date of the
8 interview, the 9th of July 1999 by the Long Sault Detachment
9 -- I am sorry, Detective Inspector Hall and Detective
10 Constable Dupuis.

11 **---EXHIBIT NO./PIÈCE NO P-1238**

12 (111606) Audio Taped Interview Report -
13 Joseph Claude Cecil Shaver with OPP Pat Hall
14 and J.B. Dupuis, dated 09 Jul 99

15 **MS. HAMOU:** The next document is 115970.

16 **THE COMMISSIONER:** Thank you. This is a
17 letter addressed to Constable Sebalj from Donna Woodward
18 dated January 24th, 1995.

19 **MS. HAMOU:** That will be Exhibit 1239.

20 **THE COMMISSIONER:** Twelve thirty-nine (1239)
21 it is.

22 **---EXHIBIT NO./PIÈCE NO P-1239:**

23 (115970) Letter from Donna Woodward to Heidi
24 Sebalj from Donna Woodward, dated 24 Jan 95

25 **MS. HAMOU:** Next document is 200187.

1 **THE COMMISSIONER:** All right. This is a
2 rank and position within the Cornwall Police Service for
3 Constable Heidi Sebalj.

4 **MS. HAMOU:** This document has been prepared
5 by the Cornwall police to aid us in our ---

6 **THE COMMISSIONER:** Situating her positions
7 and does it say what kind of -- yes, what kind of courses
8 she would have taken. Thank you.

9 **---EXHIBIT NO./PIÈCE NO P-1240:**

10 (200187) Heidi Sebalj rank and position
11 within the CPS

12 **MS. HAMOU:** The next document is 706405 and
13 that will be Exhibit 1241.

14 **THE COMMISSIONER:** Yes, a letter from Acting
15 Chief Carl Johnston to Mr. David Silmser, dated August 17th,
16 1994.

17 **---EXHIBIT NO./PIÈCE NO P-1241:**

18 (706405) Letter from Carl Johnston to David
19 Silmser, 17 Aug 94

20 **MS. HAMOU:** The next document will be
21 715433, Exhibit ---

22 **THE COMMISSIONER:** Exhibit -- sorry, go
23 ahead.

24 **MS. HAMOU:** Sorry. Exhibit 1242.

25 **THE COMMISSIONER:** Yeah. Now, this is a

1 statement -- an interview report of Heidi Sebalj dated the
2 14th of June 1994.

3 ---EXHIBIT NO./PIÈCE NO P-1242:

4 (715433) Interview report - Heidi Sebalj
5 with OPP dated 14 Jun 94

6 MS. HAMOU: The next document will be
7 727781, Exhibit 1243.

8 THE COMMISSIONER: And this is what now?
9 This is the Crown brief, yes, the Crown brief, I take it
10 prepared by investigating Officer Sebalj and dated October
11 4th, 1993.

12 ---EXHIBIT NO./PIÈCE NO P-1243

13 (727781) Crown brief dated 04 Oct 93

14 MS. HAMOU: The next document will be
15 728340, that's Exhibit 1244.

16 THE COMMISSIONER: This is a statement of
17 Constable Sebalj, I don't know -- is it Friday, February
18 11th, 1994.

19 MS. HAMOU: Exactly.

20 THE COMMISSIONER: Thank you.

21 ---EXHIBIT NO./PIÈCE NO P-1244:

22 (728340) Statement of Heidi Sebalj

23 MS. HAMOU: The next document will be
24 728362, Exhibit 1245.

25 THE COMMISSIONER: A letter to David Silmser

1 dated June 2nd, 1994 from Carl Johnston, Acting Chief of
2 Police.

3 ---EXHIBIT NO./PIÈCE NO P-1245:

4 (728362) Letter from Carl Johnston to David
5 Silmser dated 02 Jun 2 94

6 **MS. HAMOU:** The next document is 728378,
7 Exhibit 1246.

8 **THE COMMISSIONER:** A letter from Cathy
9 Cannon to Constable Heidi Sebalj, dated September 9th, 1994.

10 ---EXHIBIT NO./PIÈCE NO P-1246:

11 (728378) Letter from Cathy Cannon to Heidi
12 Sebalj dated 09 Sep 94

13 **MS. HAMOU:** The next exhibit (sic) will be
14 728380, Exhibit 1247.

15 **THE COMMISSIONER:** This is a letter to David
16 Silmser dated November 16th, 1995, I believe, and from
17 Gerald Lapkin, Police Complaints Commissioner.

18 ---EXHIBIT NO./PIÈCE NO P-1247:

19 (728380) Letter from Gerald S. Lapkin to
20 David Silmser dated 16 Nov 95

21 **MS. HAMOU:** The next document is 728531,
22 Exhibit 1248.

23 **THE COMMISSIONER:** Supplementary report
24 dated the 4th of November 1993.

25 ---EXHIBIT NO./PIÈCE NO P-1248:

1 (728531) Supplementary report dated 04 Nov
2 93

3 **MS. HAMOU:** Mr. Commissioner, if you permit,
4 I just noticed a notation I had on my page about
5 publication bans.

6 **THE COMMISSIONER:** Yes.

7 **MS. HAMOU:** Document 1238, Exhibit 1238 and
8 1243 ---

9 **THE COMMISSIONER:** Yes.

10 **MS. HAMOU:** --- have names which have
11 confidentiality measures that apply to them.

12 **THE COMMISSIONER:** Thank you.

13 **MS. HAMOU:** If we could just stamp those.

14 **THE COMMISSIONER:** Thank you.

15 **MS. HAMOU:** So that was 1238 and 1243.

16 **THE COMMISSIONER:** Thank you.

17 **MS. HAMOU:** The next document is 728535,
18 that's Exhibit 1249.

19 **THE COMMISSIONER:** All right.

20 **MS. HAMOU:** And that is subject to a
21 publication ban as well.

22 **THE COMMISSIONER:** So this is -- it's
23 entitled, in any event, "Instruction for Crown counsel" and
24 it's dated October 6, 1993.

25 ---EXHIBIT NO./PIÈCE NO P-1249

1 (728535) Crown Brief dated 06 Oct 93

2 **MS. HAMOU:** The next document is 728550,
3 Exhibit 1250.

4 **THE COMMISSIONER:** Okay. So these are notes
5 from whom now? These are police officers' notes I believe.
6 It's dated -- it starts at 5th of January 1994.

7 **---EXHIBIT NO./PIÈCE NO P-1250:**

8 (728550) Notes of Sergeant Brunet dated 05
9 January 5 94

10 **MS. HAMOU:** I'll by just one moment.
11 You want me to identify the officer, Mr.
12 Commissioner?

13 **THE COMMISSIONER:** Yeah. Well, if possible.

14 **MS. HAMOU:** Sorry Mr. Commissioner, those
15 are Sergeant Brunet's notes.

16 **THE COMMISSIONER:** Thank you.

17 **MS. HAMOU:** Okay. The next document 728653,
18 that will be Exhibit 1251.

19 **THE COMMISSIONER:** And that's a letter dated
20 January 11th, 1994 from Mr. Bryce Geoffrey to Cornwall
21 Police Services, Carl Johnston and Constable Heidi Sebalj.

22 **---EXHIBIT NO./PIÈCE NO P-1251:**

23 (728653) Letter from Bryce Geoffrey to Heidi
24 Sebalj dated 11 Jan94

25 **MS. HAMOU:** The next document is 729120,

1 Exhibit 1252.

2 **THE COMMISSIONER:** Internal correspondence
3 to Heidi Sebalj from Staff Sergeant Wells, dated January
4 31st, 1994.

5 **---EXHIBIT NO./PIÈCE NO P-1252:**

6 (729120) Letter from B.F. Wells to Heidi
7 Sebalj dated 31 Jan 94

8 **MS. HAMOU:** The next document is 729140,
9 Exhibit 1253.

10 **THE COMMISSIONER:** This is a Public
11 Complaint Form 4 and date of complaint, January 21st, 1994.

12 **MS. HAMOU:** The next document is 729203.

13 **THE COMMISSIONER:** Letter from ---

14 **MS. HAMOU:** Twelve fifty-three (1253).

15 **THE COMMISSIONER:** Twelve fifty-four (1254).

16 Let me see now.

17 Okay, this is a letter dated September 3rd,
18 1993, from Mr. Angus Malcolm MacDonald to the Cornwall City
19 Police, attention Detective Sergeant Luc Brunet.

20 **--- EXHIBIT NO./PIÈCE NO P-1254:**

21 (729203) Letter from A.M. MacDonald to
22 Detective Sergeant Luc Brunet dated 03 Sept
23 93

24 **MS. HAMOU:** The next document is 729546,
25 Exhibit 1255; subject to a publication ban, as well.

1 **THE COMMISSIONER:** A general occurrence
2 report, reported on 10 of 3, 1993. Oh, it's an assault
3 occurrence, all right, there you go.

4 **--- EXHIBIT NO./PIÈCE NO P-1255**

5 (729546)General Occurrence Report by CPS
6 dated 03 Oct 93

7 **MS. HAMOU:** The next document is 729547,
8 Exhibit 1256; subject to a publication ban.

9 **THE COMMISSIONER:** Supplementary Occurrence
10 Report, dated 10/5/93, on an assault charge, okay.

11 **--- EXHIBIT NO./PIÈCE NO P-1256**

12 (729547) Supplementary Occurrence Report by
13 CPS dated 05 Oct 93

14 **MS. HAMOU:** The next document is 729563;
15 Exhibit 1257.

16 **THE COMMISSIONER:** All right. And this is
17 an Events Occurrence. I guess that's all I can call it, an
18 Events Occurrence.

19 **MS. HAMOU:** Yes, it's part of OMPPAC report.

20 **THE COMMISSIONER:** We'll find out.

21 **--- EXHIBIT NO./PIÈCE NO P-1257:**

22 (729563) Events - Occurrence dated 17 Nov 05

23 **MS. HAMOU:** The next document, sir, is
24 729881; Exhibit 1258.

25 **THE COMMISSIONER:** This is a letter from

1 Heidi Sebalj to the Cornwall Police Service, dated
2 August 22nd, 2000.

3 --- EXHIBIT NO./PIÈCE NO P-1258:

4 (729881) Letter from Heidi Sebalj to Chief
5 of Police A. Repa dated 22 Aug 00

6 MS. HAMOU: The next document is 730954;
7 Exhibit 1259.

8 THE COMMISSIONER: This is a not to the
9 Cornwall Police Service, Detective Sergeant Luc Brunet,
10 Heidi Sebalj, from David Silmser, dated the 2nd or 3rd of
11 September, 1993.

12 --- EXHIBIT NO./PIÈCE NO P-1259:

13 (730954) Note signed by David Silmser to
14 Heidi Sabalj dated 02 Sep 93

15 MS. HAMOU: The next document is 732072,
16 Exhibit 1260.

17 THE COMMISSIONER: Yes, this is a Cornwall
18 Police Service Youth Branch Sexual Assault and Child Abuse
19 Training document.

20 --- EXHIBIT NO./PIÈCE P-1260:

21 (732072)CCPS Youth Branch / Sexual Assault &
22 Child Abuse Training

23 MS. HAMOU: The next document is 734162,
24 Exhibit 1261; subject to a publication ban.

25 THE COMMISSIONER: General Occurrence

1 Report; reporting time is the 21st, 12th month of 1995 and
2 the author is Constable Sebalj.

3 --- EXHIBIT NO./PIÈCE NO P-1261

4 (734162) General Occurrence Report by CPS
5 dated 21 Dec 95

6 MS. HAMOU: The next document is 734163,
7 Exhibit 1262; subject to a publication ban.

8 THE COMMISSIONER: Supplementary Occurrence
9 Report, dated the 12th of the 3rd of 1996. The author is
10 Constable Sebalj.

11 --- EXHIBIT NO./PIÈCE NO P-1262

12 (734163) Supplementary Occurrence Report by
13 CPS dated 12 Mar 96

14 MS. HAMOU: The next document is 735170,
15 Exhibit 1263.

16 THE COMMISSIONER: This is a witness
17 statement, dated the 17th of the 10th month of 1997, taken
18 by Constable Sebalj.

19 Is that name -- the witness's name, is that

20 ---

21 MS. HAMOU: No, that's a witness who gave
22 information to Mrs. Sebalj, but I don't believe it is a
23 victim-protected ---

24 THE COMMISSIONER: Gerald Labreque.

25 --- EXHIBIT NO./PIÈCE NO P-1263:

1 (735170) Witness Statement by Gerald Labreque
2 dated 17 Oct 97

3 **MS. HAMOU:** The next exhibit is 735171,
4 Exhibit 1264.

5 **THE COMMISSIONER:** Yes, this is a Witness
6 Statement of Jean Paul Scott, taken by Constable Sebalj on
7 the 16th of October, 1997.

8 --- **EXHIBIT NO./PIÈCE NO P-1264:**

9 (735171) Witness Statement by Jean Paul
10 Scott dated 16 Oct 97

11 **MS. HAMOU:** The next exhibit is 735172,
12 Exhibit 1265.

13 **THE COMMISSIONER:** This is a Supplementary
14 Court Occurrence Report, dated the 1st day of 8th month,
15 1997 and the author is Constable Sebalj.

16 --- **EXHIBIT NO./PIÈCE NO P-1265:**

17 (735172) Supplementary Occurrence Report by
18 CPS dated 01 Aug 97

19 **MS. HAMOU:** The next document is 735173,
20 Exhibit 1266.

21 **THE COMMISSIONER:** Supplementary Occurrence
22 Report, dated the 1st day of May, 1997 ---

23 **MS. DALEY:** I just misheard; I just wanted
24 to clarify.

25 **THE COMMISSIONER:** Sure.

1 **MS. HAMOU:** The last number I read off was
2 735173; that was Exhibit 1266.

3 **THE COMMISSIONER:** Seven three five one
4 seven three (735173), yeah; that's a Supplementary
5 Occurrence Report dated the 1st day of May, I believe,
6 1997, with the author being Constable Sebalj.

7 **--- EXHIBIT NO./PIÈCE NO P-1266:**

8 (735173) Supplementary Occurrence Report by
9 CPS dated 01 Jun 97

10 **MS. HAMOU:** The next document is 735175,
11 Exhibit 1266 -- '67, excuse me.

12 **THE COMMISSIONER:** Yes, Exhibit 1267 is a
13 General Occurrence Report, dated the 19th of March, 1996,
14 and the author again is Constable Sebalj.

15 **--- EXHIBIT NO./PIÈCE NO P-1267:**

16 (735173) General Occurrence Report by CPS
17 dated 19 Mar 96

18 **MS. HAMOU:** The next document is 735187,
19 Exhibit 1268; subject to a publication ban.

20 **THE COMMISSIONER:** This is a Witness
21 Statement taken the 4th day of September, 1997, by
22 Constable Sebalj.

23 **--- EXHIBIT NO./PIÈCE NO P-1268**

24 (735187) Witness Statement dated 04 Sep 97

25 **MS. HAMOU:** The next document is 735198.

1 The exhibit number is 1269.

2 **THE COMMISSIONER:** This is a letter from
3 Sergeant Detective Daniel Desjardins and he is from the
4 Régie intermunicipale de police de Saint-Jérôme
5 Métropolitain to Constable Heidi Sebalj, dated the 28th day
6 of August, 1997.

7 --- **EXHIBIT NO./PIÈCE NO P-1269:**

8 (735198) Letter from Daniel Desjardins to
9 Heidi Sebalj dated 28 Aug 97

10 **MS. HAMOU:** The next exhibit is 735207,
11 Exhibit 1270; subject to a publication ban.

12 **THE COMMISSIONER:** Yes, this is a letter
13 from the Service de police Ville de Sainte-Antoine.

14 **MS. HAMOU:** Mr. Commissioner, the reason I
15 attributed a publication ban to it is because I believe
16 there's a name of a victim in there, ---

17 **THE COMMISSIONER:** Yeah,

18 **MS. HAMOU:** --- which would have been
19 protected in a criminal proceeding.

20 **THE COMMISSIONER:** Yes, all right.

21 I'm just trying to -- well, I've identified
22 it, in any event, sufficiently.

23 And the date, you know, the date of this
24 document? I don't know.

25 In any event, it's sufficiently been

1 identified.

2 --- EXHIBIT NO./PIÈCE NO P-1270

3 (735207) Complaint form from Service de
4 police, ville Saint-Antoine

5 MS. HAMOU: The next document is 735221,
6 Exhibit 1271; subject to a publication ban.

7 THE COMMISSIONER: Yes, this is a
8 Confidential Instructions for Crown Counsel, dated the 9th
9 of December, 1997, with Constable Sebalj being the
10 investigating officer.

11 --- EXHIBIT NO./PIÈCE NO 1271

12 (735221) Crown Brief by CPS dated 09 Dec 97

13 MS. HAMOU: The next document is 736920,
14 Exhibit 1272.

15 THE COMMISSIONER: This is a General
16 Occurrence Report dated the 16th of December, 1994, and
17 Incident Number 103344-5.

18 --- EXHIBIT NO./PIÈCE NO P-1272

19 (736920) Handwritten General Occurrence
20 Report dated 16 Dec 94

21 MS. HAMOU: The next document is 736950,
22 Exhibit 1273; subject to a publication ban.

23 THE COMMISSIONER: These are Constable
24 Sebalj's notes?

25 MS. HAMOU: That's correct.

1 **THE COMMISSIONER:** Thank you.

2 **--- EXHIBIT NO./PIÈCE P-1273**

3 (736950) Notes of Heidi Sebalj from 1996 to
4 1997

5 **MS. HAMOU:** The next document is 736970,
6 Exhibit 1274; subject to a publication ban.

7 **THE COMMISSIONER:** This is a witness
8 statement taken by Constable Sebalj on the 8th day of
9 September, 1997.

10 **--- EXHIBIT NO./PIÈCE P-1274**

11 (736970) Witness Statement dated 08 Sep 97

12 **MS. HAMOU:** The next document is 736972,
13 Exhibit 1275; subject to a publication ban.

14 **THE COMMISSIONER:** Supplementary Occurrence
15 Report, dated the 11th day of December, 1997, with
16 Constable Sebalj as the author.

17 **--- EXHIBIT NO./PIÈCE NO P-1275**

18 (736972) Supplementary Occurrence Report by
19 CPS dated 11 Dec 97

20 **MS. HAMOU:** The next document is 737029,
21 Exhibit 1276; subject to a publication ban.

22 **THE COMMISSIONER:** All right. This is a
23 Will Say Statement, taken the 21st day of December, 1995,
24 and ---

25 **MS. HAMOU:** C-44, sir.

1 **THE COMMISSIONER:** Thank you, C-44.

2 **--- EXHIBIT NO./PIÈCE NO P-1276**

3 (737029) Will Say Statement dated 21 Dec 95

4 **MS. HAMOU:** The next document is 737038,
5 Exhibit 1277.

6 **THE COMMISSIONER:** Yes, this is a letter to
7 Acting Chief Investigator Dennis Turner, from Constable
8 Sebalj, dated the 30th day of November, 1994.

9 **--- EXHIBIT NO./PIÈCE NO P-1277:**

10 (737038) Letter from Heidi Sebalj to Denis
11 Turner dated 30 Nov 94

12 **MS. HAMOU:** The next document is 737040,
13 Exhibit 1278.

14 **THE COMMISSIONER:** A letter dated
15 December 12th, 1994, to Ms. Bev Hoy-Tait, Probation
16 Services in North Bay, from Heidi Sebalj.

17 **--- EXHIBIT NO./PIÈCE NO P-1278:**

18 (737038) Letter from Heidi Sebalj to Bev
19 Hoy-Tait dated 12 Dec 94

20 **MS. HAMOU:** The next document is 737045,
21 Exhibit 1279.

22 **THE COMMISSIONER:** Letter from Yvonne
23 Cho-Chu to Chief of Police -- to Heidi Sebalj, dated
24 December 15th, 1994.

25 **--- EXHIBIT NO./PIÈCE NO P-1279:**

1 (737045) Letter from Yvonne Cho-Chu to Chief
2 of Police dated 15 Dec 94

3 **MS. HAMOU:** The next exhibit is 737323,
4 Exhibit 1280; subject to a publication ban.

5 **THE COMMISSIONER:** Okay, so this is a fax to
6 Ms. Heidi Sebalj ---

7 **MS. HAMOU:** I believe it's a fax cover
8 sheet.

9 **THE COMMISSIONER:** Yes, it's a fax cover
10 sheet, okay.

11 And the date? I just want to see if there's
12 a date here so that -- there were two pages; it says the
13 transmission was two pages. We just have the fax cover
14 sheet.

15 **MS. HAMOU:** The next document, I believe, is
16 the actual second page.

17 **THE COMMISSIONER:** All right, thank you.

18 --- **EXHIBIT NO./PIÈCE NO P-1280:**

19 (737323) Fax transmission cover from Jean-
20 Guy Lafond to Heidi Sebalj dated 15 Sep 97

21 **MS. HAMOU:** The next document is 737324,
22 Exhibit 1281; subject to a publication ban.

23 **THE COMMISSIONER:** All right. So this is a
24 letter addressed to Ms. Heidi Sebalj dated the 5th of
25 September, 1997.

1 **MS. HAMOU:** Fifteenth (15th), sir, I believe.

2 **THE COMMISSIONER:** Fifteenth (15th), very
3 good. Thank you. Just checking to see if you would notice.

4 --- **EXHIBIT NO./PIÈCE NO P-1281**

5 Letter from Jean-Guy Lafond to Heidi Sebalj
6 dated 15 Sep 97

7 **MS. HAMOU:** The next document is 737361,
8 Exhibit 1282 subject to a publication ban.

9 **THE COMMISSIONER:** A letter dated December
10 11, 1997 to Constable M. Robertson of the Kingston Police
11 Service from Constable Heidi Sebalj.

12 --- **EXHIBIT NO./PIÈCE NO. 1282**

13 (737361) Letter from Heidi Sebalj to M.
14 Robertson dated 11 Dec 97

15 **MS. HAMOU:** The next document is 737372,
16 Exhibit 1283, subject to a publication ban.

17 **THE COMMISSIONER:** Okay, you'll have to help
18 me here. This looks like Constable Sebalj's notes.

19 **MS. HAMOU:** They are Constable Sebalj's
20 notes in the scope of the C-44 investigation.

21 **THE COMMISSIONER:** Thank you.

22 --- **EXHIBIT NO./PIÈCE NO. 1283:**

23 (737372) Notes of Heidi Sebalj

24 **MS. HAMOU:** The next document is 739038,
25 Exhibit 1284.

1 **THE COMMISSIONER:** And this is a general
2 occurrence report concerning Jeannette Antoine and it's the
3 20th of January, 1994.

4 **--- EXHIBIT NO./PIÈCE NO. 1284:**

5 (739038) General Occurrence Report dated 20
6 Jan 94

7 **MS. HAMOU:** The next document is 739082,
8 Exhibit 1285.

9 **THE COMMISSIONER:** Thank you. Supplementary
10 occurrence report; Constable Sebalj is the author and the
11 report date is the 13th of January, 1994.

12 **--- EXHIBIT NO./PIÈCE NO. 1285:**

13 (739082) Supplementary Occurrence Report by
14 CPS dated 11 Jan 94

15 **MS. HAMOU:** The next document is 739110,
16 Exhibit 1286.

17 **THE COMMISSIONER:** This is a report to
18 Acting Chief Carl Johnston on the media allegations of
19 misconduct by the Cornwall Police Service in the -- in
20 1989/1990 investigation of the Jeannette Antoine complaint
21 against the Cornwall Children's Aid Society dated April
22 1995.

23 **--- EXHIBIT NO./PIÈCE NO. 1286:**

24 (739110) Report on Media Allegations of
25 Misconduct by the CPS in the 1989-90 Investigation

1 **MS. HAMOU:** The next document is 739134,
2 Exhibit 1287.

3 **THE COMMISSIONER:** This is a supplementary
4 report dated the 8th of February, 1994. There we go, thank
5 you and ---

6 **--- EXHIBIT NO./PIÈCE NO. 1287:**
7 (739134) Supplementary Report dated 08 Feb 94

8 **MS. HAMOU:** The last document 739136, that
9 will be Exhibit 1288.

10 **THE COMMISSIONER:** Yes, this is general
11 occurrence report again concerning Jeannette Antoine dated
12 the 25th of January, 1994.

13 **--- EXHIBIT NO./PIÈCE NO. 1288:**
14 General Occurrence Report dated 25 Jan 94

15 **THE COMMISSIONER:** All right.

16 **MS. HAMOU:** We'll proceed with the reading
17 of the ODE, Mr. Commissioner.

18 **THE COMMISSIONER:** Thank you.

19 **--- OVERVIEW OF DOCUMENTARY EVIDENCE OF HEIDI SEBALJ BY**
20 **/SURVOL DE LA PREUVE DOCUMENTAIRE DE HEIDI SEBALJ PAR MS.**
21 **HAMOU:**

22 "Constable Heidi Sebalj, née Black, badge number 155,
23 joined the Cornwall Police Service January 1, 1987. Sebalj
24 tendered her resignation on August 22, 2000 which was
25 effective August 26, 2000."

1 The reference, Exhibit 1258.

2 "While employed by the CPS, Sebalj worked as part of field
3 operations as a cadet starting January 1, 1987; as a fourth
4 class constable starting May 1, 1987; as a third class
5 constable starting November 10, 1987; as a second class
6 constable starting August 24, 1988; as a first class
7 constable starting August 24, 1989. The Criminal
8 Investigation Bureau as a first class constable starting
9 January 20, 1992 and field operations as a first class
10 constable starting January 7, 1998."

11 The reference for this is 1240.

12 **THE COMMISSIONER:** That's Exhibit 1240;
13 right?

14 **MS. HAMOU:** Exhibit 1240.

15 **THE COMMISSIONER:** Thank you.

16 **MS. HAMOU:** "Commencing January 7, 1998,
17 Sebalj was absent from duty and she remained on sick leave
18 until her resignation."
19 Reference Exhibit 1240.
20 "Sebalj received training in the following areas during her
21 employment with the CPS: Probationary constable's course,
22 October 21, 1985 to December 20, 1985; probationary
23 constable's course from April 28, 1986 to June 6, 1986;
24 instructional techniques course, June 17, 1981 to June 28,
25 1991; criminal investigation advanced, May 25, 1993 to May

1 28, 1993; general investigative techniques, June 7, 1993 to
2 June 25, 1993; interviewing, credibility and validity
3 assessment, April 1, 1994; child sexual abuse, part 1
4 investigation, February 28, 1995 to March 3, 1995; forum on
5 youth violence and sexual assault, March 5, 1995; youth
6 violence and sexual assault, March 9, 1995; sexual assault
7 investigative techniques, June 17, 1996 to June 28, 1996."
8 The references for these paragraphs are 1260 and Exhibit
9 1240.

10 **THE COMMISSIONER:** 1260?

11 **MS. HAMOU:** Yes.

12 **THE COMMISSIONER:** Thank you.

13 **MS. HAMOU:** "Sebalj was assigned to the
14 David Silmsers investigation and to the allegations of
15 sexual abuse by Father Charles McDonald and Ken Seguin on
16 January 13, 1993."
17 "According to Sebalj's notes, she called Silmsers on the
18 same date and he informed her that he was uncomfortable
19 with a female officer. Sebalj advised that a male officer
20 would sit in for the interview on January 18, 1993. At this
21 time, Silmsers also advised Sebalj that he had spoken with
22 the Bishop in Ottawa."
23 Exhibit 295.
24 "Sebalj's note indicated that the incident had not been
25 added to the Ontario Municipal and Provincial Police

1 Automation Co-operative as at January 13, 1993 when she was
2 first assigned the case. On January 13, 1993, Sebalj
3 opened an OMPPAC incident with respect to the Silmsers
4 investigation and the investigation was assigned an
5 occurrence number."

6 References Exhibit 295, Exhibit 1223.

7 "According to Sebalj's notes, Silmsers was unable to attend
8 on January 18, 1993 due to car trouble. He contacted
9 Sebalj and advised of the situation.

10 The next day, she called him back and rescheduled the
11 interview for January 26, 1993."

12 Reference Exhibit 295.

13 "Sebalj's notes indicate that on January 26, 1993, Silmsers
14 did not attend for the interview. Sebalj contacted him and
15 he indicated that he had forgotten about the appointment.
16 He also indicated he was not pleased with how things were
17 going since she had -- he had requested a male officer.
18 Silmsers indicated to Sebalj that he would take it up with
19 the chief."

20 Exhibit 295 reference.

21 "On January 27, 1993, Sebalj met with Sergeant Ronald
22 Lefebvre and Shaver. It was decided that Sebalj would
23 remain in charge of the investigation, but that the
24 interview must be -- must accommodate Silmsers's wishes.
25 According to Sebalj's notes, Lefebvre called Silmsers

1 following this meeting to schedule an appointment for
2 January 28, 1993."

3 Reference Exhibit 295.

4 "Silmsers attended the CPS station on January 28, 1993 to
5 provide a statement. Lefebvre conducted the interview and
6 Constable Kevin Malloy and Sebalj attended in the same
7 room. At the conclusion of the interview, Sebalj provided
8 Silmsers with statement forms to be completed."

9 Reference Exhibit 295 and Exhibit 314.

10 "According to her notes, on February 3, 1993, Sebalj
11 contacted Silmsers to request he contact the school board
12 and obtain his school records. He advised her that he had
13 been contacted by the Diocese who indicated they wanted to
14 meet with him. He advised that the meeting was scheduled
15 for February 9, 1993."

16 Reference Exhibit 295.

17 "Sebalj's note indicates she met with Silmsers on February
18 9, 1993. He did not provide a statement at that time since
19 it had not been completed. Sebalj and Silmsers discussed
20 his meeting with the Diocese. He indicated to Sebalj that
21 they seemed to believe him and wanted him to provide
22 details of the sexual abuse. He also indicated that he had
23 been offered psychological help and indicated that he may
24 proceed civilly after the criminal process was completed."

25 Reference Exhibit 295.

1 "According to Sebalj's notes, on February 10, 1993, she
2 received a call from Silmsers advising (he had called Seguin
3 who is running scared, advised him he's only laying charges
4 on McDonald, stated he's getting very mad)."

5 Reference Exhibit 295.

6 "Based on Sebalj's notes, Silmsers provided his written
7 statement to her on February 16th, 1993. At this time, he
8 informed Sebalj that Monsignor Donald MacDougald had called
9 the evening of February 15th, 1993 and wanted to discuss a
10 settlement. He also indicated to Sebalj that he did not
11 entertain a conversation with MacDougald.

12 Sebalj advised Silmsers that she would be interviewing some
13 family members and advised him against -- again that she
14 would need his school records."

15 Reference, Exhibit 295; Exhibit 262.

16 "According to the entries made by Sebalj on OMPPAC, she
17 conducted numerous interviews, made notes, took statements
18 in person and through letters, and spoke to a number of
19 persons in the course of her investigation."

20 Reference, Exhibit 1249.

21 "According to Sebalj's notes, Silmsers contacted her on
22 February 18th, 1993. He advised her that he had contacted
23 the school board and that his records would be ready by the
24 end of the week. He also indicated he had retained
25 counsel, Don Johnson. He indicated to her he was not

1 looking for a settlement, but he just wanted to know what
2 the Diocese would offer. He said he would wait for the
3 criminal charges to be complete.

4 Silmsers also advised Sebalj that he called the church
5 looking for records of altar boys but there were no
6 results."

7 Reference, Exhibit 295.

8 "According to her notes, Sebalj scheduled a meeting for
9 February 22nd, 1993 but Silmsers cancelled due to weather
10 conditions.

11 They talked on the phone and Silmsers informed her that he
12 fired Don Johnson because he was doing things without his
13 approval. He indicated he would wait for the criminal work
14 to be done before retaining a lawyer.

15 They also discussed his school records which Silmsers had
16 tracked down at the Ministry of Education archives."

17 Exhibit 295, reference.

18 "According to Sebalj's notes for February 24th, 1993,
19 Silmsers attended CPS offices and asked Sebalj when charges
20 would be laid. She advised him the investigation was just
21 beginning."

22 Reference, Exhibit 295.

23 "On February 25th, 1993, Sebalj received a telephone call
24 from Malcolm MacDonald identifying himself as Father
25 MacDonald's lawyer. He provided Sebalj with some

1 background information on the interaction between the
2 church and Silmsers. He also indicated that Father
3 MacDonald was prepared to take a polygraph."

4 Reference, Exhibit 295.

5 "On March 2nd, Sebalj met Crown attorney Murray MacDonald
6 and he asked her how the investigation was going. After
7 providing him with some details of her investigation,
8 Sebalj's note indicate he (became concerned about her
9 grounds, suggested a meeting with the victim) and (asked to
10 be kept up to date)."

11 For reference, Exhibit 295.

12 "According to Sebalj's notes, Silmsers contacted her on
13 March 2nd, 1993. He indicated to her that he was not in a
14 rush anymore, stating (if it takes three, six, eight
15 months, it doesn't matter to me). When asked about the
16 status of his request for school records, Silmsers indicated
17 he had not followed through and would write a letter.
18 He then asked Sebalj if she had enough evidence to lay
19 charges and she responded that she did not."

20 Reference, Exhibit 295.

21 "On March 4th, 1993, Sebalj submitted Silmsers's statement to
22 Constable Brian Snyder for analysis."

23 Reference, Exhibit 295.

24 "Sebalj and Lefebvre met with Silmsers on March 10th, 1993 to
25 discuss further details in regards to his statement.

1 According to her notes, Sebalj noted that Silmsler answered
2 her questions and in regards to Ken Seguin, she noted, (I
3 don't think I can deal with that too right now; re:
4 Seguin).

5 The next day Silmsler called. He advised Sebalj he was
6 willing to take a polygraph and that the alleged
7 perpetrator should take one as well."

8 Reference, Exhibit 295.

9 "Sebalj contacted C-3 on March 12th, 1993 and they spoke on
10 the telephone. C-3 disclosed an alleged incident of abuse
11 by Father MacDonald. He refused to provide a written
12 statement."

13 Reference, Exhibit 1249 and Exhibit 295.

14 "According to Sebalj's notes, she contacted C-3 on March
15 18th, 1993 whereby he advised her he had decided against
16 giving a statement and that this was a difficult decision
17 he had discussed with his lawyer."

18 Reference, Exhibit 1249 and Exhibit 295.

19 "According to Sebalj's notes, a subsequent meeting was set
20 up with C-3 on April 3rd, 1993. C-3 indicated to Sebalj
21 that he did not wish to provide a statement and that he did
22 not want to upset his family.

23 Sebalj advised him she had to make a complete disclosure
24 and he (mentioned being a hostile witness or that he would
25 deny it). Sebalj explained her investigation and indicated

1 to C-3 that his statement would be very helpful. She left
2 him some blank statement forms."

3 Reference, Exhibit 1249 and Exhibit 295.

4 "Sebalj called Malcolm MacDonald on March 17th, 1993 to
5 inquire as to when Father MacDonald was at St. Columban's
6 when Silmser was an altar boy to confirm the dates of any
7 retreats in St. Andrew and to ask if he knew how to contact
8 Father Marchese.

9 She was also advised that Robert Meilleur and Allan Sauvé
10 has sent copies of their statements to Malcolm MacDonald."

11 Reference, Exhibit 295.

12 "On April 3rd, 1993, Sebalj met with a witness who disclosed
13 that when he was 18 years old Father MacDonald allegedly
14 placed his right on his groin while he was being driven
15 back from Apple Hill. According to Sebalj's notes, he
16 provided a formal statement and indicated to her that he
17 did not want to proceed with a criminal complaint but
18 agreed to be a witness if needed."

19 Reference, Exhibit 1249 and Exhibit 295 and
20 Exhibit 1255.

21 "During the months of May and June, Sebalj was away from
22 the office on training courses. Upon her return on June
23 29th, 1993, she met with Staff Sergeant Lucien Brunet to
24 discuss her caseload."

25 Reference, Exhibit 295, Exhibit 1218.

1 "During the months of July and August, Sebalj went on her
2 holidays and covered holidays at the office. She was alone
3 in the branch for part of July and August."

4 Reference, Exhibit 1237.

5 "Sebalj received a telephone call from Malcolm MacDonald
6 looking for updates on August 23rd, 1993. Sebalj informed
7 him that she was waiting to meet with the Crown on the
8 Silmsers file.

9 MacDonald advised that his client, Father MacDonald, would
10 prefer to be escorted as opposed to being handcuffed."

11 Reference, Exhibit 295.

12 "On August 24th, 1993, Sebalj returned Silmsers telephone
13 call and asked him if he had pursued counselling.
14 According to her notes, Silmsers informed her he had no
15 money and that the church would not help.

16 Sebaljs notes indicated that Silmsers was in a good mood
17 and stated he did not care if the investigation took
18 another four months.

19 At this time Sebalj asked for his school records again and
20 he told her he would check on the progress."

21 Reference, Exhibit 295.

22 "Sebalj met with Brunet on August 24th, 1993 to discuss her
23 caseload. She was asked about the status of the Silmsers
24 investigation and indicated she was waiting for the Crown's
25 office to get back to her and that Crown MacDonald was

1 trying to get her an outside Crown she could meet.
2 According to Brunet's memorandum of that date, she was
3 advised (this Silmsers investigation must be dealt with
4 ASAP)."

5 Reference, Exhibit 1219.

6 "On September 7th, 1993, Sebalj was provided a letter from
7 Brunet.

8 The letter was from Malcolm MacDonald's office and enclosed
9 a direction from David Silmsers dated September 3rd, 1993.

10 The direction indicated that Silmsers wanted to stop any
11 further proceedings."

12 "Sebalj tried to call Silmsers on September 8th and 9th, 1993,
13 and there were no answers to her calls."

14 Reference Exhibit 295, Exhibit 1254, Exhibit
15 1259.

16 "According to Sebalj's notes on September 9th, 1983, Donna
17 Jodoin, Silmsers's sister, called her to inquire about the
18 status of the file. Jodoin advised Sebalj that Silmsers had
19 received a \$32,000 settlement. She thanks Sebalj on
20 (behalf of the victim, herself and Mum for the patience and
21 work done to date). Jodoin also apologized for her
22 brother's erratic behaviour."

23 Reference Exhibit 295.

24 "On September 13th, 1993, Sebalj met with Crown MacDonald
25 and advised him a meeting she was to have with Silmsers

1 later that morning, which Sebalj had set up with Silmsers on
2 September 10th, 1993. According to Sebalj's notes, Crown
3 MacDonald indicated she should satisfy herself that
4 (Silmsers acted of his own free will). Silmsers did not show
5 up for the meeting. Sebalj called Silmsers on two occasions
6 and there was no answer."

7 Reference Exhibit 295.

8 "According to Sebalj in her interview of June 14th, 1994 by
9 Detective Inspector Hamelink regarding the Silmsers
10 extortion investigation, she indicated that Crown MacDonald
11 was kept up to speed during her sexual assault
12 investigation. She indicated that no formal meeting
13 occurred but that they would talk in the hallway at court.
14 She also stated to Hamelink that Crown MacDonald told her
15 he had a conflict and that when it came down to a final
16 review and decision, an outside Crown would be contacted,
17 but she never spoke to an outside Crown."

18 Reference Exhibit 1242.

19 "According to Sebalj's statement of February 11th, 1994, she
20 states that on September 23rd, 1993, Constable Perry Dunlop
21 asked her if he could see the Silmsers statement for the
22 purpose of reading material."

23 Reference Exhibit 1244.

24 "Silmsers attended the CPS office on September 29th, 1993,
25 and advised Sebalj that Helen Dunlop, Dunlop's wife, had

1 called him. Silmsers signed off in her notebook -- Silmsers
2 signed her notebook indicating he received a settlement to
3 his satisfaction and wished the matter against Father
4 MacDonald to be closed. According to Sebalj's notes, he
5 apologized for the amount of work entailed and stated that
6 he was concerned how the hearings would go. Sebalj's note
7 further stated that Silmsers had (weighed the options and
8 chose the sure thing)."

9 "Silmsers did not want to talk to anyone but indicated to
10 Sebalj he would help her if the need should ever arise."

11 Reference Exhibit 295 and Exhibit 269.

12 "Sebalj spoke with Brunet about her meeting with Silmsers
13 and advised him Silmsers stood by his directions sent to the
14 CPS by his lawyer, Sean Adams."

15 "Sebalj also shared a concern about Helen Dunlop contacting
16 Silmsers to discuss the case. Sebalj admitted to Brunet
17 that she had shared information with Dunlop earlier and had
18 let him view the statement provided by Silmsers."

19 Reference Exhibit 1244.

20 "Further to the request of the Chief of Police, Claude
21 Shaver, Brunet asked Sebalj to add the complaint of Silmsers
22 to the confidential project files."

23 "On October 3rd, 1993, Sebalj created a restriction for the
24 entire occurrence in OMPPAC. On October 4th, 1993, Sebalj
25 prepared a chronological report of the incident.

1 On October 5th, 1993, she prepared a supplemental report
2 containing a chronological account of persons contacted but
3 for whom formal statements were not received."

4 Reference Exhibit 1243, Exhibit 1256,
5 Exhibit 1257, Exhibit 1249, Exhibit 1238, Exhibit 1223.

6 "According to the supplemental report prepared by Sebalj,
7 Silmsers contacted Sebalj on November 4th, 1993, as he had
8 heard that his file might be audited and asked how people
9 had access to the investigator's file. He also indicated
10 to Sebalj that the Children's Aid Society had contacted
11 him. He further advised Sebalj that with regards to Seguin
12 he no longer wanted to talk about all this."

13 Reference Exhibit 1248.

14 "According to Brunet's notes on January 5th, 1994, Sebalj
15 approached him after she received a call from Silmsers who
16 was concerned with the press obtaining a copy of his
17 statement. Charlie Greenwell, a reporter, had contacted
18 Silmsers at his residence and told him the police were
19 investigating him for extortion. Brunet and Sebalj called
20 Silmsers and Brunet had further discussions with Silmsers."

21 Reference Exhibit 1250.

22 "Further to a conversation between Sebalj and
23 Superintendent Brian Skinner and Staff Sergeant William
24 Blake of the Ottawa Police Service who were investigating
25 the Silmsers investigation on January 11th, 1994, Sebalj

1 forwarded copies of her notes from the Silmsers
2 investigation, her notes from the first interview with
3 Silmsers, and her desk calendar."

4 Reference Exhibit 1216, Exhibit 314, Exhibit
5 1217, and Exhibit 295.

6 "On January 11th, 1994, Bryce Geoffrey, attorney for
7 Silmsers, wrote a letter to Sebalj, the CPS, and Carl
8 Johnston regarding a breach of Silmsers's rights by Sebalj
9 for the public disclosure of his statement regarding the
10 allegations of child sexual abuse. A formal public
11 complaint was signed on January 21st, 1994."

12 Reference Exhibit 1251.

13 "On January 31st, 1994, Sebalj was asked to provide Staff
14 Sergeant Brendon Wells with a statement of facts containing
15 her observations and actions on the Silmsers investigation
16 pursuant to the Silmsers complaint. They met in Wells'
17 office on February 11th, 1994, where he asked her some
18 further questions. She indicated during this interview
19 that Malloy, Lefebvre, Snyder, Dunlop and Staff Sergeant
20 Garry Derochie had viewed the Silmsers statement. She also
21 indicated that the only people who were allowed to take the
22 Silmsers statement away from her physical control were
23 Snyder, Dunlop and Derochie."

24 Reference Exhibit 1252 and Exhibit 1244.

25 "On March 21st, 1994, Wells completed his report in regards

1 to the Silmsers complaint."

2 Reference Exhibit 1253.

3 "On June 2nd, 1994, a letter was provided to Silmsers from
4 Johnston indicating that after a review of his complaint,
5 Sebalj had been exonerated from any wrongdoing. In a
6 letter dated August 17th, 1994, Johnston again wrote to
7 Silmsers addressing the unauthorized release of information
8 to the CAS by a member or members of the CPS and indicated
9 there was insufficient evidence to hold any members of the
10 CPS responsible for such a release."

11 Reference Exhibit 1245, Exhibit 1253 and
12 Exhibit 1241.

13 "By way of a letter dated September 9th, 1994, Sebalj was
14 advised that the Office of the Police Complaints
15 Commissioner would be reviewing the file at the request of
16 Silmsers."

17 Reference Exhibit 1246.

18 "By a letter dated November 16th, 1995, the Office of the
19 Police Complaints Commissioner wrote to Silmsers and
20 indicated its finding that the decision of Johnston was
21 reasonable, that no further action was warranted and that a
22 hearing before a board of inquiry was not in the public
23 interest."

24 Reference Exhibit 1247.

25 "On July 20th, 1994, Sebalj was interviewed by Hamelink in

1 regards to her involvement with the Silmser
2 investigation..."

3 Excuse me, Mr. Commissioner, I will start
4 that sentence over.

5 "On July 20th, 1994, Sebalj was interviewed by Hamelink in
6 regard to her involvement with the investigation of the
7 Silmser allegations against Seguin. She explained that no
8 investigation had proceeded because Silmser did not want to
9 address the complaint at any time throughout her
10 involvement in the investigation. She stated that Silmser
11 advised her he could not deal with both Father MacDonald
12 against Seguin.

13 She explained that no investigation had proceeded because
14 Silmser did not want to address the complaint at any time
15 throughout her involvement in the investigation. She
16 stated that Silmser advised her he could not deal with both
17 Father MacDonald and with Seguin at once, and wanted to
18 channel his energies towards prosecuting Father MacDonald."

19 Reference, Exhibit 371.

20 **THE COMMISSIONER:** Why don't we take the
21 morning break at this point?

22 **MS. HAMOU:** Absolutely.

23 **THE COMMISSIONER:** Thank you.

24 **THE REGISTRAR:** Order, all rise. A l'ordre;
25 veuillez vous levez.

1 This hearing will resume at 11:15.

2 --- Upon recessing at 10:59 a.m. /

3 L'audience est suspendue à 10h59

4 --- Upon resuming at 11:12 a.m. /

5 L'audience est reprise à 11h12

6 **THE REGISTRAR:** Order, all rise. A l'ordre;
7 veuillez vous levez.

8 This hearing is now resumed; please be
9 seated. Veuillez vous assoir.

10 **THE COMMISSIONER:** Thank you.

11 Ms. Hamou?

12 **MS. HAMOU:** Mr. Commissioner, moving onto
13 the second heading of the ODE.

14 **THE COMMISSIONER:** Yes.

15 **MS. HAMOU:** Involvement of Sebalj in other
16 investigations.

17 **THE COMMISSIONER:** Yes.

18 **MS. HAMOU:** "Jeannette Antoine, internal
19 investigation. According to OMPPAC reports, Jeannette
20 Antoine contacted the CPS on June 26, 1992 to report a
21 complaint of sexual assault.

22 On July 2nd, 1992, Sebalj attended the residence of Antoine
23 to obtain a written statement in regards to her complaint
24 of sexual assault. Her complaint was against a process
25 server who had attended her home and touched her breast and

1 buttocks. At the time of the statement, Antoine was unsure
2 of her intentions.

3 On July 3rd, 1992, she contacted Sebalj and advised her she
4 did not want charges laid against the process server.
5 Sebalj subsequently closed this file."

6 Reference, Exhibit 1288, Exhibit 1287.

7 "On July 3rd, 1992, when Antoine discussed the outcome of
8 her complaint against the processor server with Sebalj, she
9 disclosed allegations of abuse by her father and
10 representatives of the CAS. According to the OMPPAC report
11 entered at a later time, Antoine had advised Sebalj that
12 Malloy had been appraised of these allegations.

13 As noted in the supplemental occurrence report prepared
14 January 13th, 1994, Sebalj did not pursue any investigation
15 having been led to believe by Antoine that the
16 investigations were ongoing."

17 Reference, Exhibit 1285.

18 "On November 12th, 1993, Sebalj met with Antoine at the CPS
19 station. Sebalj and Geraldine Fitzpatrick of the CAS
20 interviewed Antoine in regards to the allegations of abuse
21 by representatives of the CAS."

22 Reference, Exhibit 1285, Exhibit 508.

23 "According to the OMPPAC report, on January 6th, 1994 Sebalj
24 met with Antoine to obtain further particulars on the other
25 residents of the home where Antoine alleged she was abused

1 by representatives of the CAS. At this time, Antoine
2 indicated to Sebalj that Seguin had been her probation
3 officer."

4 Reference, Exhibit 1285.

5 "On January 18th, 1994, Sebalj and Desrosiers, who was asked
6 to do an internal investigation, met with Antoine and asked
7 her what she wanted done with regards to the allegations
8 she had made in her statements.

9 Antoine indicated that she wanted the allegations of sexual
10 abuse by her father, the allegations of abuse by
11 representatives of the CAS, and the allegations of abuse of
12 her sister, investigated. She further indicated that where
13 warranted, appropriate charges be laid.

14 Antoine wanted to lodge a complaint on behalf of her
15 uncooperative sister. She was advised that such a
16 complaint could not be entered and that her sister should
17 contact the police herself if she wished to initiate an
18 investigation.

19 Antoine was advised that constable Shawn White would be
20 assigned to look into her allegations and that the matter
21 would be dealt with in a timely manner."

22 Reference, Exhibit 1284, Exhibit 1286.

23 "Nelson Barque investigation. According to Sebalj's notes,
24 on November 23rd, 1994, Albert Roy attended CPS and
25 disclosed his allegations of sexual abuse by his probation

1 officers, Nelson Barque and Seguin. He met with Sebalj
2 since he had been provided her name by his psychiatrist.
3 Roy indicated he wished the incident with Barque to be
4 investigated. He agreed to return on November 24th, 1994
5 and provide a statement. Since Seguin had committed
6 suicide in November '93, the matter was not pursued
7 further."

8 Reference, Exhibit 120, Exhibit 115, Exhibit
9 1272.

10 "On November 24th, 1994, Sebalj took an audio-taped
11 statement from Roy about his allegations of sexual abuse by
12 Barque."

13 Reference, Exhibit 115.

14 "Roy alleged that the sexual abuse occurred at Barque's
15 residence. On November 25th, 1994, Sebalj attended with Roy
16 to determine the location of the incident.

17 Later that day, Sebalj and Constable Chris McDonell of the
18 Lancaster Detachment of the Ontario Provincial Police
19 located two possible locations that were outside of the
20 Cornwall city limits.

21 On November 28th, 1994, Sebalj..."

22 **THE COMMISSIONER:** I'm sorry, what's the
23 exhibit number for 59?

24 **MS. HAMOU:** Excuse me, Mr. Commissioner.
25 The reference is Exhibit 115.

1 **THE COMMISSIONER:** Okay, good. Thanks.

2 **MS. HAMOU:** "On November 28th, 1994, Sebalj
3 and Roy visited the home he previously identified and
4 confirmed that it was the location of the alleged assault.
5 McDonnell later advised Sebalj of a 1982 file with the
6 Ministry of Probations and Parole alleging misconduct of
7 Nelson Barque with regards to probationer.
8 Sebalj was further advised by McDonnell that Barque resigned
9 from his employment in 1982."

10 References, Exhibit 115 and Exhibit 120.

11 "On November 29th, 1994, Sebalj met with Constable Zebruck
12 of the Long Sault OPP and briefed him on the
13 investigation."

14 Reference, Exhibit 115.

15 "Sebalj requested a copy of Barque's probation services
16 file from Acting Chief Investigator Denis Turner on
17 November 30th, 1994."

18 Reference, Exhibit 1277.

19 "According to Sebalj's archived incident book, on December
20 1st, 1994 Sebalj met with C-44, a former probationer and
21 client of Barque's. C-44 refused to become involved,
22 suggesting he had been responsible for Barque's employment
23 being terminated at the Probation and Parole Services years
24 ago."

25 Reference, Exhibit 115 and Exhibit 1262.

1 "On December 7th, 1994, Sebalj received a copy of the file
2 of the investigation of Probation and Parole Services into
3 allegations of unprofessional conduct of Barque.

4 On this same day, Sebalj requested all information on Roy
5 from the manager of records management for Probation
6 Services. Sebalj was advised on December 15th, 1994 that
7 the Ministry of Community and Social Services had no
8 records for Roy."

9 References, Exhibit 115, Exhibit 122 and
10 Exhibit 1279.

11 "Sebalj requested a copy of Barque's probation services
12 file from the supervisor, administration support, Bev Hoy-
13 Tait, on December 12th, 1994. She received the personnel
14 file on January 24th, 1995."

15 References, Exhibit 1278 and Exhibit 1239.

16 According to Sebalj's archived incident
17 book, on December 14th, 1994, Zebruck advised Sebalj that
18 Barque had been charged for sexual offences against Roy.
19 Sebalj then contacted Roy and advised him of the result of
20 the investigation."

21 Reference, Exhibit 115.

22 "Sebalj arranged a meeting between Zebruck and Roy on
23 December 16th, 1994. Sebalj was advised that the OPP had
24 laid the information and that this terminated her
25 involvement in the investigation."

1 Reference, Exhibit 115.

2 "According to Sebalj's notes, on December 20th, 1995, Sebalj
3 received a telephone call from C-44's adoptive father who
4 advised her that his son should cooperate with the
5 prosecution of Barque because he believed his son's
6 criminal activity was:

7 'Mitigated by the abuse he fell victim
8 to while on probation'."

9 References, Exhibit 1262 and Exhibit 1283.

10 "C-44 attended the CPS and reported his allegations of
11 historical sexual abuse to Sebalj on December 21st, 1995.
12 He provided Sebalj with an audio-taped statement of the
13 allegations."

14 References, Exhibit 1262, Exhibit 1279,
15 Exhibit 1261 and Exhibit 916.

16 "Sebalj wrote to Crown MacDonalld on February 7th, 1996 and
17 sought advice on the historical sexual abuse of C-44 by
18 Barque. Sebalj reviewed the events of her investigation to
19 date. She referenced the May, 1982 internal report on
20 Barque by the Ministry of Corrections and the statements by
21 Barque and C-44. Sebalj also referenced the fact that the
22 Ministry had sought advice from the Crown attorney, Don
23 Johnson, and that no charges were warranted at the time."

24 Reference, Exhibit 1262 and Exhibit 917.

25 "On February 27th, 1996, Sebalj met with Crown MacDonalld to

1 review what actions could be taken."

2 Reference, Exhibit 1262.

3 "In a letter dated March 5th, 1996, Crown MacDonald
4 indicated to Sebalj that her materials were forwarded to
5 the Regional Director of Crown Attorneys, Peter Griffiths.
6 According to Crown MacDonald's letter, Griffiths determined
7 that the proposed change ..."

8 **THE COMMISSIONER:** Charge.

9 **MS. HAMOU:** "... proposed charges lacked
10 essential elements and advised that criminal proceedings
11 were not available with respect to Barque's conduct with C-
12 44."

13 References, Exhibit 917, Exhibit 1262.

14 "Robert Sabourin investigation. On March 14th, 1996, André
15 Lavoie attended the CPS and provided Sebalj with an audio-
16 taped interview relative to the sexual abuse by Robert
17 Sabourin while he was a student at St. Lawrence High
18 School."

19 References, Exhibit 1267, Exhibit 92,
20 Exhibit 1273.

21 "Sebalj received OMPPAC information pertaining to Sabourin
22 on June 1st, 1997. The information indicated he had been
23 before the court in Quebec in 1969 and 1988 for sexual
24 improprieties. Sebalj contacted both these agencies to
25 obtain records."

1 Reference, Exhibit 1266.

2 "On August 28th, 1997, Sebalj received a copy of the
3 Sabourin file from the Régie intermunicipale de police de
4 Saint-Jérôme Métropolitain. She also received documents
5 from the Service de Police de la ville de Saint-Antoine."

6 Reference, Exhibit 1269 and Exhibit 1270.

7 "Sebalj requested a meeting with the Crown attorney to
8 discuss what, if any, charges were applicable given that
9 the alleged victim was of the age of consent and that there
10 was a lack of coercion and/or duress.

11 According to Sebalj, the Crown attorney suggested that the
12 indecent assault and gross indecency charges would apply,
13 given that consent was obtained by a person in authority."

14 Reference, Exhibit 1266 and Exhibit 1265.

15 "An alleged victim attended the CPS and provided Sebalj
16 with an audio-taped interview on September 4th, 1997. He
17 alleged being sexually abused by Sabourin."

18 Reference, Exhibit 1268.

19 "On September 8th, Sebalj took an audio statement of another
20 alleged victim. He also alleged being sexually abused by
21 Sabourin in the Kingston area."

22 Reference, Exhibit 1274.

23 "On September 15th, 1997, Sebalj received a letter from
24 another alleged victim disclosing his allegations of sexual
25 abuse by Sabourin."

1 Reference, Exhibit 1281 and Exhibit 1280.

2 "On October 16th, 1997, Sebalj interviewed Jean-Paul Scott
3 who also sometimes worked at the school regarding
4 allegations against Sabourin."

5 Reference, Exhibit 1264.

6 "On October 17th, 1996, Sebalj interviewed Gérald Labreque,
7 in charge of the French department at the school regarding
8 allegations against Sabourin."

9 Reference, Exhibit 1263.

10 "On October 30th, 1997, Sebalj met with Jeannine Seguin, the
11 former principal of St. Lawrence High School regarding
12 allegations against Sabourin."

13 Reference, Exhibit C-333.

14 "On December 9th, 1997, Sabourin attended the CPS and Sebalj
15 placed him under arrest for the alleged abuse of one of the
16 alleged victims and André Lavoie. He declined to provide a
17 statement on the advice of counsel."

18 Reference, Exhibit 93 and Exhibit 1271.

19 "On December 11th, 1997, Sebalj contacted Constable
20 Robertson of the Kingston Police Service with regards to
21 the allegations of one of these alleged victims against
22 Sabourin. She briefed him on the incident, sent him a
23 photocopy of the CPS news release and a photocopy of the
24 alleged victim's statement. Sebalj had no further
25 involvement in the investigation of allegations by this

1 victim."

2 Reference, Exhibit 1275 and Exhibit 1282.

3 Mr. Commissioner, that concludes the reading
4 of the ODE.

5 I'd just like to advise that I had
6 discussions with Mr. Manderville and we've agreed to enter
7 those documents through another witness who will be
8 testifying for the institutional response of the Cornwall
9 Police Service.

10 **THE COMMISSIONER:** All right.

11 **MR. MANDERVILLE:** Specifically, Lucien
12 Brunet.

13 **THE COMMISSIONER:** Lucien Brunet, fine.

14 All right. So that takes care of the
15 business for today. So barring any other business, we'll
16 close up and come back tomorrow morning at 9:30 a.m.

17 **MS. HAMOU:** Okay, thank you.

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

20 This hearing is adjourned until tomorrow
21 morning at 9:30 a.m.

22 --- Upon adjourning at 11:28 a.m. /

23 --- L'audience est ajournée à 11h28

24

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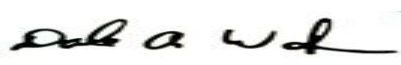
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM