

**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 337

Held at :

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

Monday, January 19, 2009

Tenue à:

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

Lundi, le 19 janvier 2009

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Maya Hamou	
Mr. Jack Briscoe	
Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Stephen Scharbach	
Mr. Christopher Thompson	
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
M ^e Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. William Turdell	Wm Trudell Professional Corp.
Ms. Brydie Bethell	Simcoe Chambers
Ms. Cosette Chafe	
Ms. Shelley Hallett	

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1 --- Upon commencing at 9:47 a.m./

2 L'audience débute à 9h47

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, how are you doing today?

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

14 Just a couple of housekeeping matters if we
15 can before we get started?

16 To my immediate right is Mr. Bill Trudell.
17 He is counsel for Shelley Hallett.

18 **THE COMMISSIONER:** Welcome aboard.

19 **MR. TRUDELL:** Thank you very much.

20 **MR. ENGELMANN:** And you've met his
21 colleague, Brydie Bethell?

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** She's been here.

24 **THE COMMISSIONER:** Good morning.

25 **MR. TRUDELL:** I hope it's okay if both of us

1 sit here?

2 **THE COMMISSIONER:** Absolutely.

3 **MR. TRUDELL:** Thank you very much.

4 **MR. ENGELMANN:** There's a few vacant seats
5 today. I don't know if people are a little late getting in
6 with the storm or not but some counsel have advised me they
7 could not be here today.

8 **THE COMMISSIONER:** All right.

9 **MR. ENGELMANN:** For example, Mr. Lee sent a
10 note.

11 I understand, sir, again for housekeeping
12 purposes, that we'll be breaking around 4:30 this
13 afternoon.

14 **THE COMMISSIONER:** Yes.

15 **MR. ENGELMANN:** And that you're doing an
16 evening session which will be the continuation of the
17 evidence of Cosette Chafe?

18 **THE COMMISSIONER:** The completion of her
19 evidence.

20 **MR. ENGELMANN:** The completion of the
21 evidence of Cosette Chafe.

22 We will then carry on with -- our next
23 witness, by the way, is Ms. Shelley Hallett. I'll call her
24 forward in just a moment, if I may. But Miss Hallett's
25 evidence will continue Tuesday and Wednesday.

1 And just to inform you, sir, and counsel,
2 that I understand tomorrow night there is a healing and
3 reconciliation session on Phase 2.

4 **THE COMMISSIONER:** Yes.

5 **MR. ENGELMANN:** But that on Wednesday night
6 we may be back again for more Phase 1 evidence. We've been
7 trying to read in the ODE of Jeannine Seguin. There are
8 also some publication ban issues and there are other issues
9 we have to deal with.

10 So just wanted to let our service providers
11 know and counsel know that there may well be a session on
12 Wednesday night as well.

13 **THE COMMISSIONER:** Thank you.

14 **MR. ENGELMANN:** Thank you. Those were just
15 some preliminary remarks.

16 Shelley Hallett is the next witness ---

17 **THE COMMISSIONER:** Thank you.

18 **MR. ENGELMANN:** --- for the Commission.

19 **SHELLEY HALLETT, Sworn/Assermenté:**

20 **THE COMMISSIONER:** Thank you.

21 Good morning, Ms. Hallett.

22 **MS. HALLETT:** Good morning, sir.

23 **THE COMMISSIONER:** Thank you very much for
24 being here.

25 A few things. Of course, make yourself

1 comfortable. Speak into the microphone. We will be
2 providing -- yeah, there are glasses and fresh water. We
3 will be producing either hard copies or the matters on the
4 screen. Use whichever one you feel more comfortable with.

5 If at any time you have any questions or you
6 feel uneasy or you'd like a break, just let me know.
7 You've been in court enough to know all about that.

8 **MS. HALLETT:** Not on this side.

9 **THE COMMISSIONER:** No.

10 **(LAUGHTER/RIRES)**

11 **THE COMMISSIONER:** And that's why although I
12 tell it to all the people that are not normally in court, I
13 like to repeat it to you because it might be a different
14 experience.

15 **MS. HALLETT:** Thank you.

16 **THE COMMISSIONER:** All right. Thank you.
17 Mr. Engelmann.

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

20 **MR. ENGELMANN:** Good morning, Ms. Hallett.

21 **MS. HALLETT:** Good morning, Mr. Engelmann.

22 **MR. ENGELMANN:** Just to your immediate right
23 at the bottom there is a small -- that's a speaker. And if
24 you're having trouble hearing me you can turn the volume
25 up. I just wanted to let you know.

1 **MS. HALLETT:** Okay, then.

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

3 **MS. HALLETT:** M'hm.

4 **MR. ENGELMANN:** I want to start by asking
5 you a few questions about your background. And I believe
6 we have a document. It's Document Number 123042.

7 Madam Clerk, if you could provide that to
8 the witness?

9 Mr. Commissioner, I understand this is a
10 copy of Ms. Hallett's CV. It dates back a few years and
11 maybe we can just bring it up to date orally.

12 That is correct, Ms. Hallett?

13 **MS. HALLETT:** Yes, this is my curriculum
14 vitae current to 2001 which I submitted to the York
15 Regional Police investigation.

16 **THE COMMISSIONER:** All right.

17 So that will be Exhibit 3113.

18 **--- EXHIBIT NO./PIÈCE NO. P-3113:**

19 (123042) - Career Profile of Shelley Hallett

20 **MR. ENGELMANN:** Ms. Hallett, I understand
21 you've been working with the Ministry of the Attorney
22 General for approximately 28 years?

23 **MS. HALLETT:** Exactly 28 years, that's
24 right.

25 **MR. ENGELMANN:** All right. You would have

1 joined them in May of 1980?

2 MS. HALLETT: That's right.

3 MR. ENGELMANN: All right.

4 And I understand that you worked as an
5 Assistant Crown Attorney in Toronto from 1980 to
6 approximately 1988?

7 MS. HALLETT: That's correct.

8 MR. ENGELMANN: And during this time, you
9 held positions as an Acting Crown Attorney in places such
10 as Kapuskasing?

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: Woodstock?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: Brockville?

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: And Guelph?

17 MS. HALLETT: The Guelph wasn't until 1991.

18 MR. ENGELMANN: All right.

19 MS. HALLETT: But during the time I was an
20 Assistant Crown Attorney, yes, I would help out Crowns,
21 Crown Attorneys in those other three jurisdictions.

22 MR. ENGELMANN: All right.

23 So you had some exposure to what it was like
24 to be a Crown in various parts of the Province?

25 MS. HALLETT: Absolutely.

1 **MR. ENGELMANN:** And I'm assuming when you
2 were up in Kapuskasing you would have done some work in
3 French?

4 **MS. HALLETT:** I did.

5 **MR. ENGELMANN:** Ms. Hallett, I understand in
6 1988 you were seconded as counsel to the Ministry's
7 Victim/Witness Assistance Program?

8 **MS. HALLETT:** That's correct.

9 **MR. ENGELMANN:** Can you tell us about that
10 briefly?

11 **MS. HALLETT:** Well, I was counsel there for
12 six months and during that time -- yeah, it was a
13 secondment -- so I was asked by the Deputy Director of
14 Crown Attorneys to go to that particular position in order
15 to help train Crowns, in particular with respect to the new
16 provisions that had just come into the *Criminal Code* with
17 respect to child sexual abuse, the new offences of child
18 sexual exploitation, invitation to sexual touching.

19 But, also, there were a number of
20 evidentiary innovations that were introduced at that time.
21 And so I was tasked with implementing them in our Province.
22 For example, the use of screens, the use of close circuit
23 television for young witnesses who would then be able to
24 testify out of court. Although those have been brought in
25 with the amendments to the *Criminal Code*, there have been

1 really no guidelines for their implementation and so that
2 was a big part of my job at that time.

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

4 So these -- what you're referring to are
5 *Criminal Code* amendments known as C-15?

6 **MS. HALLETT:** Yes, that's correct.

7 **MR. ENGELMANN:** And those were enactments
8 that followed the release of the Badgley Report?

9 **MS. HALLETT:** That's correct, yes.

10 **MR. ENGELMANN:** Did you have some
11 involvement with that as well?

12 **MS. HALLETT:** No, not with Badgley, no.

13 **MR. ENGELMANN:** All right. And
14 approximately how long were you involved in this
15 implementation of C-15?

16 **MS. HALLETT:** I was there for about six
17 months. I remember organizing, I believe, at least two
18 training sessions and we got a prototype for a screen, and
19 I ordered those for every courthouse in the Province so
20 that they could be used when children were testifying, and
21 worked on a close circuit television -- worked with the OPP
22 actually on close circuit television; yes.

23 **MR. ENGELMANN:** I was just going to ask.
24 This work on implementation, work on changes to the law ---

25 **MS. HALLETT:** Right.

1 **MR. ENGELMANN:** --- that would have been
2 work with police officers?

3 **MS. HALLETT:** Oh -- well, for the most part
4 it was Crown oriented, but I remember liaising with some
5 police officers who had more or less put together -- how
6 should I say -- a travelling technological package that
7 could be rolled into the courthouse and, you know, could be
8 moved to different courthouses for the purpose of
9 facilitating closed circuit television.

10 **MR. ENGELMANN:** So it was mobile, so to
11 speak?

12 **MS. HALLETT:** Mobile, yeah, that's correct.
13 I'm vague on it because I didn't get as far in terms of
14 implementation of that particular amendment as the others.

15 **MR. ENGELMANN:** But this would have been a
16 time for learning for prosecutors ---

17 **MS. HALLETT:** Absolutely.

18 **MR. ENGELMANN:** --- and police officers?

19 **MS. HALLETT:** Yes, yes.

20 **MR. ENGELMANN:** And for court administrative
21 staff?

22 **MS. HALLETT:** Yeah, absolutely, yes.

23 **MR. ENGELMANN:** All right. And no doubt for
24 judges to a certain extent?

25 **MS. HALLETT:** I did actually do some

1 lectures to the National Judicial Institute. I believe it
2 was in 1990-1991.

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

4 And I understand that after this work you
5 were seconded to the Court Reform Task Force?

6 **MS. HALLETT:** I was.

7 **MR. ENGELMANN:** Can you tell us about that?

8 **MS. HALLETT:** Yes. Again, I was asked to
9 come into the Court Reform Task Force after my secondment
10 with Victim/Witness in order -- because as a representative
11 of our division, the Criminal Law Division, to help with
12 Attorney General Ian Scott's plan to reform the court
13 system, at that time in 1988 there was still a three-level
14 trial system in this Province, we were one of the last in
15 Canada, and Attorney General Ian Scott wished to collapse
16 that down into a -- well, it was eventually collapsed into
17 a two-level trial court system, but in fact the plan had
18 been to have a unified court system for -- and I was to
19 work on the unified criminal court initiative, and I also
20 worked on delay reduction.

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

22 **MS. HALLETT:** M'hm.

23 **MR. ENGELMANN:** And, Ms. Hallett, I
24 understand that that would have been until about 1990.

25 **MS. HALLETT:** Yes, that's correct.

1 **MR. ENGELMANN:** And then in 1991, you went
2 back to, I guess, the position you're in now, and that is a
3 counsel within the Crown Law Office, Criminal?

4 **MS. HALLETT:** I went -- actually, there was
5 a transition. I went back to my division but I then became
6 the Acting Crown Attorney in Guelph for six months.

7 **MR. ENGELMANN:** Okay.

8 **MS. HALLETT:** I was taking the place of the
9 Crown who was on an educational leave and so I took his
10 place for six months in Guelph, and then I -- by that time,
11 I had been hired at the Crown Law Office, Criminal. I went
12 from being a trial Crown in Toronto to then doing more
13 appellate work but still doing some special prosecutions.

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

15 And I understand in addition to your regular
16 work in or around 1991, you became part of an advisory
17 board on child witnesses.

18 **MS. HALLETT:** That's right.

19 **MR. ENGELMANN:** And would that have been for
20 the Ontario Law Reform Commission?

21 **MS. HALLETT:** Yes, yes. M'hm, there was
22 that. There was another victims' focus group that I was
23 involved in too.

24 **MR. ENGELMANN:** Yes, and was that the
25 Attorney General's Advisory Committee on Victims' Issues?

1 MS. HALLETT: That's right.

2 MR. ENGELMANN: And that would have been
3 about that same time?

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: And in the course of your
6 career over the 28 years, I'm assuming you would have
7 conducted a number of trials?

8 MS. HALLETT: Yes, I did.

9 MR. ENGELMANN: And some of those would be
10 major cases ---

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: --- if I can use that term?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: And, as well, you've
15 conducted many criminal appeals.

16 MS. HALLETT: Yes, absolutely.

17 MR. ENGELMANN: All right.

18 And in the course of your trial experience
19 you would have worked on various sexual assault ---

20 MS. HALLETT: Yes.

21 MR. ENGELMANN: --- prosecutions?

22 MS. HALLETT: Yes. That was sort of a
23 special area of expertise.

24 MR. ENGELMANN: And have there been
25 different regimes, if I can use that term, for sexual

1 assault during the course of your time as a prosecutor?

2 **MS. HALLETT:** Yes, yes. When I first
3 started as a Crown in 1980 we were still prosecuting the
4 offence of rape ---

5 **MR. ENGELMANN:** Yes.

6 **MS. HALLETT:** --- and attempted rape and
7 indecent assault, male and female -- well, indecent assault
8 male I remember, and gross indecency, for example.

9 However, then in -- was it 1983?

10 **MR. ENGELMANN:** M'hm.

11 **MS. HALLETT:** The new offence of sexual
12 assault was brought in, and so that sort of changed the
13 regime, but of course there were still cases which had
14 originated prior to the introduction of the sexual assault
15 regime.

16 And then in 1988 there was, again, the C-15
17 changes, which brought in offences to deal with child
18 sexual abuse and sexual abuse of youth.

19 **MR. ENGELMANN:** Yes.

20 **MS. HALLETT:** Young people under the age of
21 18.

22 **MR. ENGELMANN:** And there were more changes
23 that were brought in, in or around 1993 as well, were there
24 not?

25 **MS. HALLETT:** Yes, yeah. I sort of focus on

1 1988 as the big ---

2 MR. ENGELMANN: Right.

3 MS. HALLETT: --- change.

4 MR. ENGELMANN: Okay. And so your
5 prosecutorial experience would not only be prosecuting
6 cases with adult victims but also with children and youth?

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: Would it have included both
9 current reports and historical reports with ---

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: --- respect to this?

12 MS. HALLETT: M'hm.

13 MR. ENGELMANN: All right.

14 And aside from prosecuting, you participated
15 in a number of legal education activities?

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: And would that both be as a
18 trainer and also as a student?

19 MS. HALLETT: Yes, of course. The Ontario
20 Crown Attorneys Association has a fairly substantial
21 educational program that it runs in the summer, and one of
22 the courses is trial advocacy. It's a course designed for
23 younger Crowns; Crowns who have entered the system maybe in
24 the last one to three years and who are learning how to do
25 jury trials and cross-examine witnesses, cross-examine

1 expert witnesses.

2 I became the director of that course in
3 trial advocacy in 1993-'94 and I continued to be either co-
4 director or then a director up until last year, 2007.

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

6 And if we just look at your CV, Exhibit
7 3113, for a moment on Bates page -- and the Bates pages are
8 on the top left, Ms. Hallett.

9 **MS. HALLETT:** Okay.

10 **MR. ENGELMANN:** And often I'll refer to the
11 last three or four digits.

12 **MS. HALLETT:** Okay.

13 **MR. ENGELMANN:** I'm looking at -- it's hard
14 to read but I believe it's 847, which is page 5 of the CV.

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** There are a number of
17 highlights of your contributions to legal education on that
18 page.

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** All right. Would -- and so
21 would it be fair to say that some of your presentations to
22 Crown Attorneys would have been on the statutory changes
23 that we would have seen in the eighties?

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** And some of the changing

1 jurisprudence that resulted?

2 **MS. HALLETT:** Absolutely, yes.

3 **MR. ENGELMANN:** And it would also be on
4 advocacy in these cases?

5 **MS. HALLETT:** The advocacy was generally
6 reserved for the summer school course in trial advocacy,
7 but there would -- for example, there would be some
8 advocacy training in terms of, for example, how to
9 introduce similar-fact evidence, how to do a CON
10 application.

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** Things like that.

13 **MR. ENGELMANN:** And what about dealing with
14 abuse victims or alleged victims of child sexual abuse.
15 Would you have received some training in that and would you
16 have also given some training in that?

17 **MS. HALLETT:** Yes. That training that I
18 received was in the early eighties, for the most part, when
19 I was asked to become a specialist in child sexual abuse
20 prosecutions. And I took training along with other Crowns
21 and police officers and Children's Aid Society workers as
22 part of an initiative to get a coherent and standard
23 approach to the detection and investigation and prosecution
24 of child sexual abuse offences -- getting that going in
25 Toronto so that there would be joint investigation, for

1 example, by police officers and Children's Aid Society
2 workers who would also have a fairly close association with
3 a Crown who had special training and would know how to lead
4 that matter through the court.

5 **MR. ENGELMANN:** And that training at the
6 time, was that sponsored by a committee in Toronto?

7 **MS. HALLETT:** Yes, the Metropolitan Toronto
8 Committee on Child Sexual Abuse.

9 **MR. ENGELMANN:** Were you ever involved in
10 training of that type through an organization known as
11 IPCA?

12 **MS. HALLETT:** I don't recall being at IPCA
13 and taking training. I believe that there was a wonderful
14 woman who came from there. I believe -- I'm sorry, I'm
15 thinking of Justice for Children. It's -- I cannot
16 remember ---

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

18 **MS. HALLETT:** --- exactly why I was at IPCA.
19 It might have had something to do with the screens that we
20 brought in. I'm not quite sure.

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

22 And you mentioned a designation. It's also
23 mentioned on page 4 of your CV, which is -- it's Bates page
24 846 near the bottom. It says:

25 "Designated 'specialist' in child abuse

1 and domestic violence prosecutions
2 since 1983."

3 **MS. HALLETT:** That's right.

4 **MR. ENGELMANN:** Now, what was involved in
5 receiving a designation of that type at that time?

6 **MS. HALLETT:** Well, that was -- that first
7 of all involved that training that I was just talking about
8 by -- as part of initiating this protocol in Toronto under
9 the Metropolitan Toronto Child Sexual Abuse Committee. So
10 that was the training. I was asked by our Deputy Director
11 of Crowns at the time, Bruce Young, to participate in that
12 training and then to be available as a designated child
13 sexual abuse prosecutor in my courthouse.

14 **MR. ENGELMANN:** All right. And designations
15 of that type, were they used at that period in time in the
16 early eighties?

17 **MS. HALLETT:** Yes, they were. This
18 designation came in 1983.

19 **MR. ENGELMANN:** Yeah. Has that continued or
20 did it end at some point?

21 **MS. HALLETT:** I can't -- I don't believe
22 that that particular designation of specializations is
23 still going on in the Ministry.

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

25 **MS. HALLETT:** There may be various reasons

1 for that. I don't -- I'm not quite sure when it died out,
2 to tell you the truth.

3 **MR. ENGELMANN:** All right. But with someone
4 designated with that title, you would be called upon from
5 time-to-time to give assistance to other Crowns?

6 **MS. HALLETT:** Yes, that was part of the
7 idea. I remember Bruce Young explaining that, and that was
8 part of the training; that we were to be available not to
9 do every child sexual abuse case that came through in our
10 respective courthouses, but that we would also be available
11 for consultation, try and stay on top of the law in this
12 area, and more or less help our colleagues with these cases
13 in terms of having somebody to bounce ideas off.

14 **MR. ENGELMANN:** All right. And the training
15 you did in Toronto, the joint training with CAS workers ---

16 **MS. HALLETT:** M'hm.

17 **MR. ENGELMANN:** --- police officers and
18 Crowns.

19 **MS. HALLETT:** Right.

20 **MR. ENGELMANN:** Was there a particular
21 objective of that training at that time, with respect to
22 these institutions ---

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** --- and protocols?

25 **MS. HALLETT:** It was to develop this

1 protocol, that would guide the investigation by the police
2 in terms of child sexual abuse, would guide CAS workers,
3 child care workers in terms of detection and in terms also
4 of advising the police, and would guide Crowns, and would
5 also help to open up lines of communication between --
6 between and among those institutions, so that these cases
7 of child sexual abuse would not fall through the slats.

8 MR. ENGELMANN: All right. And I understand
9 that early in your career -- and, again, this is in your
10 CV, but you were designated as a bilingual prosecutor?

11 MS. HALLETT: I was.

12 MR. ENGELMANN: Yes.

13 MS. HALLETT: That was, actually, right from
14 the start, 1980.

15 MR. ENGELMANN: All right.

16 MS. HALLETT: M'hm.

17 MR. ENGELMANN: And you did that for three
18 or four years?

19 MS. HALLETT: I did. I did.

20 MR. ENGELMANN: But you stopped prosecuting
21 cases in French at certain point in time?

22 MS. HALLETT: I stepped down from doing
23 that. I was concerned that with -- the cases that I was
24 doing at the beginning were the Provincial court cases
25 which were fairly standard; impaired driving, over 80.

1 I was concerned that I -- I didn't feel
2 comfortable continuing to hold myself out as a bilingual
3 prosecutor when the case was perhaps more complex, when I
4 might miss nuances in the evidence, or not understand
5 slang. Being in downtown Toronto, I wasn't doing those
6 cases in French every day.

7 MR. ENGELMANN: M'hm.

8 MS. HALLETT: You know, I might be called
9 upon to do them every once in a while.

10 And so, I just felt that I -- it -- and
11 there were more bilingual and French-Canadian prosecutors
12 coming into the system, by that time, and so I felt more
13 comfortable sort of stepping down from doing that kind of
14 work.

15 MR. ENGELMANN: All right. And I understand
16 that for a number of years now, you've been working with --
17 well, Crown Law Office Criminal, since '91 ---

18 MS. HALLETT: That's right.

19 MR. ENGELMANN: --- and you were assigned to
20 a Special Prosecutions Unit?

21 MS. HALLETT: No, I was never assigned to
22 the ---

23 MR. ENGELMANN: Okay.

24 MS. HALLETT: --- Special Prosecutions Unit.
25 I was a counsel in the Crown Law Office Criminal ---

1 **MR. ENGELMANN:** Yes.

2 **MS. HALLETT:** --- but because of my trial
3 background, which was sort of -- I was in a minority
4 situation in the office.

5 Most of the counsel in the office, at that
6 time, handled almost -- handled appeals almost exclusively,
7 but I had a trial background, and so although I joined the
8 office in order to have more appellate experience, I was
9 still called upon, from time to time, because of -- by the
10 Special Prosecutions Unit, to do special prosecutions.

11 **MR. ENGELMANN:** All right. So it was a part
12 of your work, but it wasn't your fulltime work?

13 **MS. HALLETT:** It wasn't, no. I was never,
14 sort of, a full-fledged member of that one unit; I was
15 always counsel at the Crown Law Office Criminal.

16 **MR. ENGELMANN:** And what type of work did
17 the -- does or did the Special Prosecutions Unit do?

18 **MS. HALLETT:** They're now known as Justice
19 Prosecutions, and that particular unit handled the
20 prosecution of charges laid against members of the
21 administration of justice, for example, lawyers, police
22 officers, coroners; okay?

23 So that I handled the -- for example, a
24 couple of cases where charges had been laid against police
25 officers in a couple of jurisdictions. I went down to

1 Kingston to prosecute the son of the local regional coroner
2 for sexual assault.

3 MR. ENGELMANN: All right.

4 MS. HALLETT: They -- they were all sexual
5 assaults, but, again, which had been -- charges which had
6 been laid against these members of the administration of
7 justice.

8 MR. ENGELMANN: All right. And just before
9 we get to some of the work you started to do in Cornwall --
10 -

11 MS. HALLETT: M'hm?

12 MR. ENGELMANN: --- in 1998 ---

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: --- it's my understanding
15 that you would have prosecuted several of these, if I can
16 call them, special prosecution ---

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: --- cases?

19 MS. HALLETT: M'hm.

20 MR. ENGELMANN: Now, Ms. Hallett, I
21 understand that in or around the summer of 1998, you were
22 asked to get involved in three cases that arose out of the
23 Project Truth investigations here in Cornwall?

24 MS. HALLETT: That's correct.

25 MR. ENGELMANN: And, just to confirm that

1 assignment, if we could look -- Madam Clerk, Document
2 Number 113152 -- is a memorandum, sir, from Milan Rupic to
3 Shelley Hallett.

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

5 **MR. ENGELMANN:** It's dated July 2nd, 1998.

6 **THE COMMISSIONER:** Thank you. Thank you,
7 that will be Exhibit 3114.

8 ---EXHIBIT NO./PIÈCE NO P-3114:

9 (113152) - Memorandum from Milan Rupic to
10 Shelley Hallett re: Cornwall Investigation
11 dated 02 Jul 98

12 **MS. HALLETT:** Thank you.

13 **MR. ENGELMANN:** So who was Milan Rupic, in
14 relation to you, at this point in time?

15 **MS. HALLETT:** Milan was either the Director
16 or the Acting Director of the Special -- it's -- I see that
17 it's the Special Investigations Unit that it's referred to
18 here -- it's had a number of different labels over the
19 years. So he was either the Director or the Acting
20 Director.

21 **MR. ENGELMANN:** Did you have some kind of a
22 reporting relationship to him?

23 **MS. HALLETT:** No.

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

25 **MS. HALLETT:** Not that I recall, no.

1 **MR. ENGELMANN:** Do you know how it is he's
2 assigning you this work?

3 **MS. HALLETT:** I was asked to come and speak
4 with Milan, and he advised me that Murray Segal -- Murray
5 Segal was requesting that I go down and -- I believe that
6 Murray -- he said Murray, "We, Murray Segal and I, would
7 like you to go down to Cornwall to assist with these
8 prosecutions."

9 **MR. ENGELMANN:** Now, at this time in 1998,
10 Mr. Segal would have been the director of the Crown Law
11 Office Criminal?

12 **MS. HALLETT:** I believe he was, yes.

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

14 **MS. HALLETT:** M'hm.

15 **MR. ENGELMANN:** And so this assignment is
16 not just Milan Rupic, Mr. Segal and/or others are involved?

17 **MS. HALLETT:** Yes, m'hm.

18 **MR. ENGELMANN:** All right, and ---

19 **MS. HALLETT:** Because Murray would have had
20 the responsibility for the -- I believe, for the allocation
21 of resources, so he, you know, would have to have approved
22 of Crowns of his -- from his office ---

23 **MR. ENGELMANN:** Right.

24 **MS. HALLETT:** --- okay, either going or not,
25 okay, to do whatever the task was that was being requested.

1 **MR. ENGELMANN:** So if prosecutors were
2 leaving Crown Law Office Criminal, to do prosecutions in
3 parts of the province, Mr. Segal might have some say in
4 that?

5 **MS. HALLETT:** Well, yes. Yes, because he
6 would have a better idea of whether or not the office could
7 afford to lose ---

8 **MR. ENGELMANN:** Okay.

9 **MS. HALLETT:** --- those counsel to that kind
10 of assignment ---

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** --- as opposed to, perhaps,
13 handling appeals that were coming up in the office, or
14 other prosecutions in other parts of the province.

15 **MR. ENGELMANN:** So you would have had a
16 meeting with Mr. Rupic and he would have explained to you
17 that this work was coming?

18 **MS. HALLETT:** We -- we had a very short
19 meeting; I think it was less than five minutes.

20 Whatever I've written down here is basically
21 -- is basically as long as the meeting took, for me to
22 write down this information from him.

23 **MR. ENGELMANN:** Okay. So these are your
24 notes?

25 **MS. HALLETT:** Yes, m'hm ---

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

2 **MS. HALLETT:** --- the written notes, right.

3 So it was very brief and it was, "We'd like
4 you to go and do this. Here are the people to call,
5 Inspector Tim Smith; Murray MacDonald, who is the Crown in
6 Cornwall." I've written a note as to who defence counsel
7 was, Michael Edelson, on one of them. Oh, yes, and Bob
8 Pelletier, Acting Regional Director of Ottawa office.

9 **MR. ENGELMANN:** And when this assignment was
10 made to you, did you have some knowledge about the Project
11 Truth investigations?

12 **MS. HALLETT:** No. I had absolutely no idea.

13 **MR. ENGELMANN:** All right. And were you
14 advised as to why you were assigned these three particular
15 Project Truth prosecutions?

16 **MS. HALLETT:** Well, yes. First of all, the
17 request was coming from Special Investigations, so that --
18 you know, from that I assumed, and it would have been
19 confirmed, that the three cases that I was asked to take
20 on, all involved individuals in the administration of
21 justice, and that turned out to be the case.

22 Mr. Leduc was a lawyer, Malcolm MacDonald
23 was a lawyer and also former Crown in here in Cornwall, and
24 Dr. Peachey had acted as a local coroner.

25 **MR. ENGELMANN:** All right. So these would

1 all be people who would -- who would be under a special
2 investigations-type prosecution?

3 **MS. HALLETT:** Yes, m'hm.

4 **MR. ENGELMANN:** All right. And I'm
5 assuming, at this particular point in time -- well,
6 Mr. Peachey was charged on or about the 9th of July, 1998,
7 so you would have been assigned to prosecute that matter.
8 Is that fair? Not to give an opinion on it, but to
9 actually prosecute it?

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** And with respect ---

12 **THE COMMISSIONER:** I'm sorry. I'm sorry,
13 what date was he charged?

14 **MR. ENGELMANN:** I believe it was July 9th,
15 sir ---

16 **THE COMMISSIONER:** Of 1998?

17 **MR. ENGELMANN:** 1998.

18 **THE COMMISSIONER:** Okay, so when you came on
19 board, he wasn't charged yet? Because this is July 2nd.

20 **MR. ENGELMANN:** That's right.

21 You'll recall -- and this came up with the
22 evidence of, I know, Tim Smith and, I believe, Pat Hall, a
23 number of men -- well, they were -- sorry, maybe "charge"
24 is the wrong word. Their appearance dates in court, I
25 believe, were the 9th of July.

1 **THE COMMISSIONER:** Okay, okay.

2 **MR. ENGELMANN:** I may have misstated there,
3 sir. A number of them I think -- well, I'm sorry.

4 **THE COMMISSIONER:** It's all right. I'll
5 check the informations later.

6 **MR. ENGELMANN:** Yeah.

7 But in any event, the point I wanted to
8 make, Ms. Hallett, was, as I understand it, with respect to
9 Peachey and Leduc you were assigned to prosecute those two
10 cases, whereas with respect to Malcolm MacDonald you were
11 asked to review it and give an opinion as to whether or not
12 it should be prosecuted?

13 **MS. HALLETT:** I'm going to say yes because
14 that is how I remember things happening later. I'm not
15 sure if I remember at this particular time what the status
16 of all these cases was.

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

18 **MS. HALLETT:** But my understanding is I was
19 going to take on these three cases at the request of Mr.
20 Rupic and Mr. Segal, and it was to assist this region in --
21 the East Region and Cornwall.

22 **MR. ENGELMANN:** Sir, Dr. Peachey was in fact
23 arrested on July 9th, 1998. We've looked at this through
24 the OPP Court Appearance Log, which is Exhibit 2775.

25 **THE COMMISSIONER:** Thank you.

1 **MR. ENGELMANN:** Now, Ms. Hallett, I know
2 from reviewing some of Inspector Hall's notes, for example,
3 and he was then Detective Sergeant Hall, that during July
4 and August of 1998 he would have had some phone
5 conversations with you and there also would have been some
6 letters back-and-forth where you're receiving briefs
7 et cetera.

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** Does that sound right to
10 you?

11 **MS. HALLETT:** Oh yes, yes.

12 **MR. ENGELMANN:** All right. Because there's
13 discussions about receiving briefs ---

14 **MS. HALLETT:** M'hm.

15 **MR. ENGELMANN:** --- about further
16 informations on briefs, about identifying defence counsel
17 in the various prosecutions et cetera, and that's during
18 the months of July and August.

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** All right. And you receive
21 a number of volumes of Crown briefs from Detective Sergeant
22 Hall at the time.

23 For example, on July 7th, 1998 there are
24 Crown briefs given to you on Leduc, Malcolm MacDonald and
25 Peachey. And then we note there are further additions to

1 the briefs on July 14th, 1998 and then further volumes
2 disclosed to you over time.

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** You recall receiving briefs
5 over time during the summer of 1998?

6 **MS. HALLETT:** Oh, yes. I was receiving
7 things all of the time.

8 At that particular time the -- I was
9 receiving a brief but then I would be receiving inserts
10 that represented an update ---

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** --- in terms of the
13 investigation, so that there might be an additional
14 statement to be inserted or another Index, and that system
15 changed, thankfully, because it was sometimes difficult to
16 keep track of what the update was and what exactly I was
17 getting and how it changed the original brief.

18 And so eventually the OPP system changed and
19 I was just getting a new volume with any updated
20 information with the update.

21 **MR. ENGELMANN:** As opposed to getting loose
22 documents?

23 **MS. HALLETT:** Loose documents that you would
24 have to sort of insert. You'd pull out the old one and
25 then have to put in the new one, and that was very time-

1 consuming and got to be somewhat unwieldy.

2 MR. ENGELMANN: All right. But in any
3 event, during the course of July and August you're
4 receiving a number of materials from Detective Sergeant
5 Hall at the time on Leduc, Peachey, and on the Malcolm
6 MacDonald briefs?

7 MS. HALLETT: That's right.

8 MR. ENGELMANN: All right.

9 And I understand as well during that time
10 you would have had some other work of your own?

11 MS. HALLETT: Yes. Oh, yes.

12 MR. ENGELMANN: And what type of work would
13 you have had ---

14 MS. HALLETT: When you say "of my own", this
15 was my own work too. This was going to be ---

16 MR. ENGELMANN: No, fair enough.

17 MS. HALLETT: But this was something new.
18 This was something new that had come along, but I still had
19 pre-assigned appeals and policy work that I was responsible
20 for that had to be fitted in, of course, along with --
21 because this was pre-assigned work along with the new work
22 that was coming in.

23 MR. ENGELMANN: All right.

24 MS. HALLETT: So I did have some stuff on
25 deck all -- at that time also.

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

2 And when you were initially assigned in
3 early July of '98 to take on some of these Project Truth
4 prosecutions, were you aware at that time of difficulty the
5 OPP were having in getting Crowns assigned to Project Truth
6 prosecutions?

7 **MS. HALLETT:** No. I didn't really know what
8 the background had been. That wasn't ordinarily something
9 that I would take that much of an interest in. I was a
10 soldier, I received my marching orders, and I wasn't really
11 into questioning how it is that I got selected.

12 **MR. ENGELMANN:** Were you aware that they
13 wanted to have a dedicated Crown assigned to Project Truth
14 cases?

15 **MS. HALLETT:** That the police wanted that?

16 **MR. ENGELMANN:** Yes.

17 **MS. HALLETT:** No, I didn't know that. I
18 wasn't aware of that. I was -- as I say, my marching
19 orders came on or about July the 2nd from Milan and -- from
20 Murray through Milan and I simply started to work on these
21 cases.

22 **MR. ENGELMANN:** And when I say "dedicated
23 Crown", I meant someone who's not just there to do
24 prosecutions but actually to give daily advice to a team of
25 officers as required.

1 **MS. HALLETT:** No, I didn't realize that that
2 had been the request.

3 **MR. ENGELMANN:** There is some correspondence
4 on this. I just want to take you to that. It's a bit
5 after you're assigned. Document Number 113938, if I could
6 take a look at that for a minute. Mr. Commissioner,
7 this is the same letter that we already have in as Exhibit
8 2924 but this one has some handwriting on it as well. I'm
9 wondering perhaps if it could be marked as 2924A ---

10 **THE COMMISSIONER:** Sure.

11 **MR. ENGELMANN:** --- if that would be
12 acceptable.

13 It's a letter from -- or it's a memorandum
14 from Robert Pelletier to Murray MacDonald dated August 5th,
15 1998.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit 2924A is a letter dated August 5th,
18 1998 -- well, actually it's a memorandum to Murray
19 MacDonald from Robert Pelletier. Thank you.

20 **--- EXHIBIT NO./PIÈCE NO. P-2924A:**

21 (113938) - Memorandum from Robert Pelletier
22 to Murray MacDonald dated August 5, 1998

23 **MR. ENGELMANN:** Ms. Hallett, I'm not sure if
24 you remember this but there are several documents in our
25 records that say -- have a name and then "copy", and there

1 are a few that have your name and "copy" and I believe it's
2 done by Pat Hall. But this is a memorandum from Robert
3 Pelletier to Murray MacDonald and it has the words "Hallett
4 copy" on the top.

5 MS. HALLETT: M'hm.

6 MR. ENGELMANN: I'm just wondering if you'd
7 just have a look at it.

8 MS. HALLETT: Okay then. Yes.

9 MR. ENGELMANN: Now, just to paraphrase it,
10 it appears that Mr. Pelletier is informing Murray MacDonald
11 to have some cases adjourned since they're having
12 difficulty finding a prosecutor, and it's my understanding
13 that you would have been copied with this.

14 Do you have some recollection of this at the
15 time and being made aware of this during the month of
16 August?

17 MS. HALLETT: No. It wouldn't be unusual
18 for a matter that's first coming before the court to be
19 adjourned for a certain period of time to allow the accused
20 to obtain counsel and come back to the court and indicate
21 that, and so that wouldn't be unusual for the Crown to say,
22 "Put these over for a short period of time".

23 MR. ENGELMANN: But the issue here wasn't
24 the Accused not having counsel.

25 MS. HALLETT: No.

1 **MR. ENGELMANN:** The issue was there was no
2 prosecutor and there was an issue with not using the local
3 office. I realize this may not have been your
4 responsibility ---

5 **MS. HALLETT:** No.

6 **MR. ENGELMANN:** --- but this was an ongoing
7 issue for the OPP.

8 **MS. HALLETT:** I really can't help with what
9 was going on administratively outside of the three cases --
10 -

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** --- that I was assigned to at
13 that point.

14 **MR. ENGELMANN:** So you were not involved in
15 case management or assignment of Crowns?

16 **MS. HALLETT:** No, not at all.

17 **MR. ENGELMANN:** All right. And so you would
18 not have been involved in setting up a team of prosecutors
19 of any sort?

20 **MS. HALLETT:** No, other than to try and get
21 some help from people in my own office.

22 **MR. ENGELMANN:** Yeah, and I'll talk to you
23 about that in a minute ---

24 **MS. HALLETT:** Sure.

25 **MR. ENGELMANN:** --- for yourself, but this

1 problem of getting MAG resources, prosecutors in to do some
2 of these cases from outside the region.

3 **MS. HALLETT:** It's -- that was not my
4 problem. I had no responsibility for the allocation of
5 resources. Obviously, somebody who knew about all of the
6 demands to be met by the office would have had to have made
7 decisions around resources.

8 **MR. ENGELMANN:** All right.

9 Now, although you weren't managing or
10 involved in the assignment of work you did request from
11 your superiors at some point either co-counsel or student
12 help on some of these cases?

13 **MS. HALLETT:** I requested from managers,
14 yes.

15 **MR. ENGELMANN:** Okay.

16 **MS. HALLETT:** Not superiors but from the
17 managers in my office.

18 **MR. ENGELMANN:** Fair enough.

19 **MS. HALLETT:** I certainly requested
20 assistance in terms of co-counsel assistance and articling
21 students.

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

23 **MS. HALLETT:** M'hm.

24 **MR. ENGELMANN:** And we'll come to it later
25 when we come to prosecutions involving Jacques Leduc and

1 Father Charles MacDonald.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: As I understand it, a woman
4 by the name of Christine Tier you asked for her assistance,
5 I think, in the Leduc matter?

6 MS. HALLETT: I asked for assistance with a
7 case and I was provided -- Christine Tier was asked to help
8 me.

9 MR. ENGELMANN: All right.
10 So you didn't ask for her by name. You
11 asked for help?

12 MS. HALLETT: I don't believe that I asked
13 for her specifically. I had asked in fact for some --
14 another counsel who was a little more experienced.

15 MR. ENGELMANN: All right.

16 And in fact on the MacDonald matter
17 Christine Bartlett Hughes was assigned to help you.

18 MS. HALLETT: Yes, yes. I did ask Christine
19 if she would assist me with the Dunlop issue in respect of
20 Father MacDonald.

21 MR. ENGELMANN: Fair enough. And I
22 understand that you either requested help from or you had
23 access to articling students who could provide you with
24 help with regards to various legal issues that would arise
25 in your case?

1 **MS. HALLETT:** That's right. Our office has
2 a duty to the Law Society to, you know, instruct and train
3 articling students. These are young people who are about a
4 year -- as you know, a year away from becoming lawyers
5 themselves and they would take an interest in trying to get
6 some front line experience as opposed to simply writing
7 legal memos. And so I would bring them down to Cornwall
8 with me and show them how this work is done and they would
9 also work on these legal memos for me.

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

11 And did you feel that you had sufficient
12 human resources to conduct the prosecutions you were
13 involved with here?

14 **MS. HALLETT:** I would have liked to have had
15 counsel who were more experienced in the cases that I did
16 take on as co-counsel because -- for example, Christine
17 Tier was very junior and I had asked for another counsel
18 who had more trial experience and would have allowed me to
19 divide up the work perhaps a little bit more in terms of
20 leading the evidence and making legal arguments.

21 In retrospect -- you know, of course it's
22 all Monday morning quarterbacking -- I would have preferred
23 to have some more experienced co-counsel.

24 **MR. ENGELMANN:** Right. You certainly had a
25 couple of experienced defence counsel on that matter of

1 Leduc.

2 MS. HALLETT: Oh, absolutely, yes.

3 MR. ENGELMANN: And ---

4 THE COMMISSIONER: Sorry. Did you
5 articulate that at any time to ---

6 MS. HALLETT: Yes, there is a memo in which
7 I did ask for assistance from -- the assistance from James
8 Ramsay of Erica as co-counsel.

9 MR. ENGELMANN: That was in relation to
10 which prosecution, Ms. Hallett?

11 MS. HALLETT: I believe that was in relation
12 to Leduc.

13 MR. ENGELMANN: All right.

14 MS. HALLETT: Because at that time Mr.
15 Edelson was talking about perhaps calling me as a witness
16 in the case and I wanted to make sure -- I didn't think
17 that that was going to be successful but in the event that
18 it was I wanted to make sure that there was somebody in
19 place who could continue, who was experienced enough to
20 continue with that prosecution.

21 MR. ENGELMANN: So that would have sparked
22 that request and that would have been sometime in March or
23 at least the spring of '99, you mean?

24 MS. HALLETT: Whenever the memo is dated.

25 MR. ENGELMANN: All right.

1 **MS. HALLETT:** I think that may be the case.

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

3 And what about other forms of resources?

4 You were down here -- your main office was in Toronto.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** But you were down here on a
7 number of occasions ---

8 **MS. HALLETT:** Yes, m'hm.

9 **MR. ENGELMANN:** --- between the summer of
10 1998 and February of 2001; correct?

11 **MS. HALLETT:** Yes, m'hm.

12 **MR. ENGELMANN:** Many times in Cornwall?

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** What about your facilities
15 here? Did you believe those were adequate?

16 **MS. HALLETT:** For the most part, the witness
17 interviews that I conducted were conducted at the police
18 detachments, Long Sault and Ancaster -- or, rather,
19 Lancaster; sorry.

20 And I didn't really have any problem for the
21 most part in terms of witness interviews prior to the
22 trials or the preliminary inquiries, but I did find it
23 difficult, for example, starting the Leduc trial in January
24 of 2001 not to have an office with -- you know, with a
25 telephone, a separate place for interviewing witnesses or,

1 you know, being able to sort of get out of the public eye.
2 Unfortunately -- but having done special prosecutions in
3 other parts of the province, this is a problem and I may be
4 making a recommendation to the Commissioner about this.

5 There is a desire on the part of the local
6 Crown's office to maintain a perception of an arm's length
7 prosecution because of an allegation of conflict.

8 **MR. ENGELMANN:** Well, certainly, in this
9 case there was.

10 **MS. HALLETT:** In this case. And so what
11 often does happen is that the Crown Attorney, the local
12 Crown Attorney has to -- although he has to provide
13 facilities he has to do so outside of the office. For
14 example when I went down to London to prosecute a police
15 officer there, I was assigned the most remote office in
16 this huge building which really wasn't properly equipped
17 and was, you know, really quite lonely and so that's how
18 you do feel oftentimes when you are a special prosecutor
19 coming into a jurisdiction to conduct this kind of
20 prosecution.

21 So it was unfortunate that the only space
22 that seemed to be available to Murray MacDonald was this
23 sort of cloakroom, I would call it. It was a small room
24 with chairs and a little washroom at the end. And that's
25 where our team, the Crowns and the police, left their shoes

1 or their boots and their coats during the day. But it
2 wasn't in any way an adequate place, for example, to
3 interview witnesses or to have meetings with defence
4 counsel. And so we were just trying to find the space to
5 do that in terms of counsel rooms outside of courtrooms.

6 But this is not unique to Cornwall. This is
7 a problem that special prosecutors face throughout the
8 province.

9 **MR. ENGELMANN:** All right.

10 Just to highlight perhaps some of the issues
11 that may have been a concern at or around that time, if we
12 could have a quick look at -- it's Document Number 123043,
13 and this is a statement of Shelley Hallett. It's a
14 transcript of an audio taped conversation with the York
15 Regional Police, clearly about other matters but this issue
16 does come up -- Document Number 123043.

17 The statement is taken on -- the date's not
18 on the front of it. I believe it's in June of 2000 and ---

19 **MS. HALLETT:** June 15th?

20 **MR. ENGELMANN:** June 15th, 2001.

21 **MS. HALLETT:** M'hm.

22 **THE COMMISSIONER:** Thank you.

23 **MR. ENGELMANN:** And sir, it should have a
24 publication ban stamp.

25 **THE COMMISSIONER:** Publication ban stamp

1 will issue, Exhibit 3115.

2 --- EXHIBIT NO./PIÈCE NO. P-3115:

3 (123043) - Statement of Shelley Hallett
4 Transcript of Audio Taped Conversation
5 undated

6 MR. ENGELMANN: Ms. Hallett, we'll come back
7 to this document later.

8 MS. HALLETT: Okay, then.

9 MR. ENGELMANN: But I just wanted to take
10 you to one page, if I could, for now?

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: And that's the second page
13 from the end.

14 MS. HALLETT: Okay, then.

15 MR. ENGELMANN: And that would be Bates page
16 1145911.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. ENGELMANN: You're talking a little bit
19 about your lack of physical resources, I believe, on this
20 page.

21 MS. HALLETT: Yes, right.

22 MR. ENGELMANN: "I had no office made
23 available to me with my own telephone
24 and chairs and a desk to interview
25 witness and speak with officer at the

1 courthouse."

2 **MS. HALLETT:** Right.

3 **MR. ENGELMANN:** "I was given a cloakroom and
4 four chairs that we all had to share in
5 terms of leaving our coats, leaving our
6 materials, purses; washroom. Wasn't an
7 adequate office for a case of this
8 nature."

9 **MS. HALLETT:** That's right.

10 **MR. ENGELMANN:** "And I had requested an
11 office of the Crown."

12 Now, what were you hoping to have, like an
13 office within the local Crown's office?

14 **MS. HALLETT:** Yes, I still thought that
15 there could have been a separate office assigned. And I
16 asked Murray MacDonald about that. He did take me through
17 the office and, you know, he was trying to say this is
18 where all of our space is gone. You know, this is -- so
19 and so is in this office and then that -- towards the end
20 as we were getting into the stay or around the time of the
21 stay application I was on the telephone with James Stewart
22 -- Jim Stewart -- about -- you know, I was really pleading
23 for an office at that point.

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

25 It appears, at least from your statement,

1 that you were using your hotel room to some extent as an
2 office.

3 **MS. HALLETT:** Oh, absolutely, yeah.

4 **MR. ENGELMANN:** And you met with officers
5 there?

6 **MS. HALLETT:** Yes, ordinarily we would --
7 ordinarily, I would work there from my hotel room. That
8 was my office and after -- there were occasions when the
9 officers would come over. Oftentimes the officers -- well,
10 Pat Hall would have been staying in the hotel and so he was
11 accessible and I was accessible to him.

12 **MR. ENGELMANN:** All right. So you had made
13 some efforts to do something better by way of office space
14 with the local Crown?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** And in or around January or
17 February of 2001 with Mr. Stewart?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** Who was the head Regional
20 Crown?

21 **MS. HALLETT:** The Regional Director of Crown
22 Attorneys, that's right, and you know for whom I was
23 conducting these prosecutions.

24 **MR. ENGELMANN:** Right.

25 **MS. HALLETT:** We were there for him.

1 **MR. ENGELMANN:** Did the OPP have some office
2 space that you could have used either at the Project Truth
3 offices or elsewhere?

4 **MS. HALLETT:** Yes, and I -- we did -- I used
5 those from time-to-time. As I said, interviews with
6 witnesses for example in anticipation of preliminary
7 inquiries, those interviews were conducted either at Long
8 Sault Detachment or Lancaster. I would meet with the
9 officers frequently at their -- yes, their Project Truth
10 office on -- was that on Amelia -- Amelia Street, I think.

11 **MR. ENGELMANN:** Well, we know their office
12 did move but, yes, I believe that's where it ended up.

13 **MS. HALLETT:** Yes, m'hm.

14 **MR. ENGELMANN:** Okay. Now, as far as other
15 assignments, if we can for a minute, aside from the three
16 files we've talked about ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- Peachey, Malcolm
19 MacDonald and Jacques Leduc ---

20 **MS. HALLETT:** Right.

21 **MR. ENGELMANN:** --- Arthur Peachey --
22 sometime during the calendar year 1999 you were also
23 assigned to the prosecution of the Father Charles MacDonald
24 case. Is that correct?

25 **MS. HALLETT:** Yes, I agreed to take that on

1 and the assignment followed, yes.

2 **MR. ENGELMANN:** Do you recall who would have
3 requested that you take over that case?

4 **MS. HALLETT:** As I recall it was -- it was
5 Bob Pelletier but I believe that Pat Hall may have
6 mentioned it. I'm not sure. At a certain point, Pat Hall
7 was asking for more of my assistance on Project Truth
8 matters and I remember we had a discussion at the Long
9 Sault Detachment. I think of this as being in late spring
10 or summer of '99.

11 But I also recall Bob Pelletier asking me
12 specifically to take on the Father Charles MacDonald
13 prosecution.

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

15 **MS. HALLETT:** And that was in the summer, as
16 I recall, of 1999.

17 **MR. ENGELMANN:** And he was the assigned
18 prosecutor at that time?

19 **MS. HALLETT:** Yes, he had been handling the
20 case for a while.

21 **MR. ENGELMANN:** Now, he doesn't have the
22 right to give you work, presumably?

23 **MS. HALLETT:** No.

24 **MR. ENGELMANN:** Someone has to okay that?

25 **MS. HALLETT:** Yes. Yes, there has to be

1 some agreement that this will be the case but, you know, I
2 think he wanted to sort of find somebody upfront first --

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

4 **MS. HALLETT:** --- before perhaps going back
5 and saying, you know, I need to get off this case but I
6 have found somebody else to take it on.

7 **MR. ENGELMANN:** So he might have wanted to
8 get a conditional yes from you before going up the ---

9 **MS. HALLETT:** Yes, yeah, m'hm, which makes
10 sense. You know, when you've been on a case for a while
11 you don't necessarily just dump it on your manager. You
12 try and find somebody first maybe who is agreeable to
13 taking it on.

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

15 And just if Ms. Hallett could be shown
16 Exhibit 2750 for a minute? And these are -- this is one of
17 the many notebooks we have from Pat Hall; 2750. Counsel,
18 it's Document Number 727751.

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

20 **THE COMMISSIONER:** What page, Mr. Engelmann?

21 **MR. ENGELMANN:** Sorry, the Bates page is
22 0114. The date is April 9th, 1999.

23 This is not a note of a meeting he has with
24 you, Ms. Hallett.

25 **MS. HALLETT:** Okay.

1 **MR. ENGELMANN:** But I just want you to be
2 aware of it just to try and situate the timing.

3 **MS. HALLETT:** Okay.

4 **MR. ENGELMANN:** At nine o'clock he says:
5 "Meet with Director of Special
6 Prosecutions, John Corelli."

7 **MS. HALLETT:** Corelli, yes.

8 **MR. ENGELMANN:** Was he at one point the
9 Director? Did he succeed Mr. Rupic?

10 **MS. HALLETT:** I think he became -- yes, I
11 think he came after Milan. As I say, I believe Milan was
12 Acting Director and then John took his place.

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

14 Then it says:

15 "Discussed Project Truth and briefs to
16 be reviewed. Jim Ramsay assigned to do
17 Ron Leroux. Shelley Hallett to
18 prosecute Father Charles MacDonald."

19 So Officer Hall is having some discussions
20 with John Corelli. I'm not sure if -- you don't appear to
21 be there.

22 **MS. HALLETT:** Well, no, I wasn't there.

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

24 **MS. HALLETT:** But ---

25 **MR. ENGELMANN:** But it looks like as early

1 as April they're talking about you taking this on. And we
2 know that officially, if I can use the term ---

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** --- you become solicitor of
5 record in late June of '99. Does that help you situate as
6 to when you might have actually found out that this was
7 coming your way?

8 **MS. HALLETT:** It was definitely around that
9 time, yes.

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

11 But it would have first been an approach by
12 Mr. Pelletier and then someone would have confirmed it?

13 **MS. HALLETT:** I believe that that was the
14 way it went, Mr. Engelmann. I'm not absolutely sure of how
15 that came about but I certainly would rely on Detective
16 Inspector Hall's notes.

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

18 If we could look at Document Number 109102,
19 it's a letter dated June 25th, 1999 from Robert Pelletier to
20 yourself.

21 **MS. HALLETT:** Okay, then.

22 **MR. ENGELMANN:** June 25 '99.

23 Sir, there's a person with a moniker
24 mentioned. It will need a publication ban stamp.

25 **THE COMMISSIONER:** Thank you.

1 Thank you. And that will be Exhibit Number
2 3116.

3 **MS. HALLETT:** Thank you.

4 --- EXHIBIT NO./PIÈCE NO. P-3116:

5 (109102) - Letter from Robert Pelletier to
6 Shelley Hallett re: *R. v. Charles MacDonald*
7 dated June 25, 1999

8 **MR. ENGELMANN:** Mr. Pelletier in this letter
9 is saying:

10 "You should now be in possession of
11 transcripts of all proceedings to date
12 with regards to both sets of charges."

13 **MS. HALLETT:** Okay.

14 **MR. ENGELMANN:** So it would be fair to say
15 sometime between early April and June 25th, you're not only
16 getting assigned this matter but you're getting the briefs
17 and/or transcripts of what's gone on?

18 **MS. HALLETT:** Yes. I remember a summer
19 meeting with Bob. He brought to the motel, the Best
20 Western motel, all of these boxes. He transferred them
21 from his car into my car. That's what I remember. That to
22 me was -- you know, I was taking over the case. And I
23 remember that being in the summer.

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

25 And he's confirming that there is a judicial

1 pre-trial coming up in September.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: And he's confirming that
4 he'll attend it with you?

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: Just sort of a transitional

7 ---

8 MS. HALLETT: Yes. I didn't know anything
9 about the case at this point and so he was going to be
10 there to handle the issues. He knew more about the history
11 of the file than I did.

12 MR. ENGELMANN: All right.

13 We're going to come back to this one in a
14 bit more detail later on.

15 MS. HALLETT: Okay, then.

16 MR. ENGELMANN: The Father MacDonald.

17 I want to ask you about some other work that
18 Inspector Hall may have asked you to take on, Pat Hall.

19 And, again, this would be in or around June
20 of '99. He meets with you in Long Sault and I understand
21 in the course of the meeting requests that you take on some
22 further work to help with the Project Truth prosecutions?

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: And perhaps I can just refer
25 you to one of his notes.

1 **MS. HALLETT:** Okay.

2 **MR. ENGELMANN:** Just to help situate this in
3 time.

4 **MS. HALLETT:** Okay.

5 **MR. ENGELMANN:** And this is Exhibit 2751,
6 Bates page 0175.

7 **THE COMMISSIONER:** No, we let them grow on
8 you a little bit.

9 **MR. ENGELMANN:** We should have made that
10 desk quite a bit bigger, and we've had this problem with a
11 number of witnesses, Ms. Hallett.

12 **MS. HALLETT:** That's fine.

13 **MR. ENGELMANN:** I'm sorry, the Exhibit
14 Number 2751, Bates page 0175.

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** The Document Number,
17 counsel, is 727752.

18 The note is not very descriptive,
19 Ms. Hallett, but it's June 24th, 1999. It says:

20 "Discuss other briefs to be reviewed.

21 She is the one who will be doing them."

22 Okay, and it's just above the 1730
23 reference.

24 We know ---

25 **MS. HALLETT:** Above the -- I'm sorry, the

1 1730?

2 MR. ENGELMANN: There's a reference to 1730,
3 or 5:30 in the afternoon, and just above it we see,
4 "Discuss ---"

5 MS. HALLETT: Okay, I'm sorry.

6 MR. ENGELMANN: Just where the arrow is now
7 ---

8 MS. HALLETT: Okay.

9 MR. ENGELMANN: --- on the screen.

10 MS. HALLETT: M'hm.

11 MR. ENGELMANN: "Discuss other briefs to
12 be reviewed. She is the one who will
13 be doing them."

14 MS. HALLETT: Okay.

15 MR. ENGELMANN: So it appears that Officer
16 Hall is looking for some help.

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: And at least at that point
19 in time you're not saying no.

20 MS. HALLETT: No. I had a discussion -- I
21 remember a discussion at Long Sault with Pat, and he was
22 very earnest in seeking assistance for these cases, and I
23 sympathized with him and I was finding the work
24 interesting, and I was conflicted. I was very busy in my
25 home office with matters, my appeals and my policy work,

1 but at the same time I had already taken on the other three
2 and I was -- I thought I was getting up to speed, and I
3 certainly wanted to help.

4 **MR. ENGELMANN:** All right. But at this
5 point you've had -- now the fourth; you have Father Charles
6 MacDonald.

7 **MS. HALLETT:** Yes, yes.

8 **MR. ENGELMANN:** And he's talking to you
9 about other briefs.

10 **MS. HALLETT:** Yes, and -- but I didn't -- I
11 wasn't quite sure what this other work was -- the form that
12 this other work was going to take.

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

14 **MS. HALLETT:** "We need help." I think that
15 back then I thought it would be more consultation; you
16 know, charges to lay, strategies, that sort of thing. I
17 wasn't quite sure what this other work -- what form this
18 other work was going to take.

19 **MR. ENGELMANN:** All right. We'll find out
20 soon enough that in the fall ---

21 **MS. HALLETT:** Right.

22 **MR. ENGELMANN:** --- of that year you start
23 getting some briefs on several cases.

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** And at some point in time

1 you're requested, and perhaps this is consistent with
2 Officer Hall's request, by either Robert Pelletier and/or
3 Jim Stewart to take on a number of briefs, including briefs
4 involving a fellow named Primeau, priests by the name of
5 Cameron, LaRocque, Ostler, Maloney.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** Another fellow by the name
8 of Dufour.

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And a conspiracy brief.

11 **MS. HALLETT:** Yeah, there's ---

12 **MR. ENGELMANN:** To name some.

13 **MS. HALLETT:** There's allusion to a
14 conspiracy brief. That doesn't materialize for another
15 year.

16 **MR. ENGELMANN:** Yeah, fair enough.

17 **MS. HALLETT:** M'hm.

18 **MR. ENGELMANN:** And would this further work
19 have been asked of you at some point by Jim Stewart, or how
20 would that work?

21 **MS. HALLETT:** I had agreed upfront with Pat.

22 **MR. ENGELMANN:** Yes.

23 **MS. HALLETT:** And I can't remember any sort
24 of formalization of that with Jim, other than perhaps
25 receiving some cover letter when they were being submitted.

1 But if there's a document that can help with that I'll --
2 I'm happy to see it. It was a more informal ---

3 MR. ENGELMANN: All right.

4 MS. HALLETT: --- agreement.

5 MR. ENGELMANN: Well, I do have a document
6 that can help as to dates.

7 MS. HALLETT: Okay. Okay, sure.

8 MR. ENGELMANN: So let's take a look at that
9 if we can.

10 MS. HALLETT: Okay.

11 MR. ENGELMANN: And that's the OPP Brief Log
12 and that is Exhibit 2772. Counsel, it's Document Number
13 702760.

14 THE COMMISSIONER: It's on the screen.

15 MS. HALLETT: Yes.

16 THE COMMISSIONER: Where do you want to draw
17 our attention to, Mr. Engelmann?

18 MR. ENGELMANN: If I could just have a
19 moment, sir.

20 THE COMMISSIONER: Sure.

21 MR. ENGELMANN: I'm dealing with binder
22 issues myself.

23 If we have the first page of the exhibit ---

24 MS. HALLETT: Right, I see Cameron there.

25 MR. ENGELMANN: Right. So what we -- we

1 have a note here and it's the -- we have several columns
2 across.

3 **MS. HALLETT:** M'hm.

4 **MR. ENGELMANN:** And one of the columns --
5 it's right about in the middle and it says, "Volume 1-2,
6 22 September, '99, Hallett for recommendation."

7 **MS. HALLETT:** M'hm.

8 **MR. ENGELMANN:** Okay. And there's other
9 documents that show a letter going to you on that date with
10 these volumes.

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** So it would appear that the
13 Bernard Cameron brief is given to you on September 22nd,
14 '99.

15 **MS. HALLETT:** That's right.

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

17 **MS. HALLETT:** If it makes it easier, I can
18 tell you that I know that I received five briefs ---

19 **MR. ENGELMANN:** Yes.

20 **MS. HALLETT:** --- in relation to five
21 members of the clergy, all between September of '99 and
22 January of 2000.

23 **MR. ENGELMANN:** So I just want to go through
24 them with you, if I can ---

25 **MS. HALLETT:** Sure.

1 MR. ENGELMANN: --- briefly.

2 MS. HALLETT: Okay.

3 MR. ENGELMANN: I don't think you're going
4 to take issue with any of these dates.

5 MS. HALLETT: No, no.

6 MR. ENGELMANN: Another one -- and let's
7 just stay on that page -- that you would have been assigned
8 is number 5, conspiracy to obstruct justice, and it appears
9 that you were given nine volumes of a brief on ---

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: --- July 20th, 2000.

12 MS. HALLETT: Yes. That's right. Now, that
13 was the last big -- that was the last piece.

14 MR. ENGELMANN: All right.

15 MS. HALLETT: And, as I've mentioned to you,
16 I -- we may want to discuss this later. Having had a look
17 at that at that point, I wished that that had come first --
18 -

19 MR. ENGELMANN: All right.

20 MS. HALLETT: --- of everything, before
21 anything else.

22 MR. ENGELMANN: Before those other
23 individual clergy?

24 MS. HALLETT: Before any other brief.

25 MR. ENGELMANN: All right.

1 **MS. HALLETT:** Because that really would have
2 been very helpful in terms of knowing more about the Dunlop
3 investigations and getting up to speed on the Dunlop issue
4 before heading into these various prosecutions.

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

6 **MS. HALLETT:** M'hm.

7 **MR. ENGELMANN:** We'll come back to this in a
8 bit more detail.

9 **MS. HALLETT:** Okay then.

10 **MR. ENGELMANN:** On the next page, Bates page
11 642, number 7, Binder 4. It's a case that's assigned to
12 you.

13 **MS. HALLETT:** Yes, yes.

14 **MR. ENGELMANN:** And it appears you were
15 assigned this case on January 7th, 2000, if you look at
16 about the middle of the page: "Hallett for review and
17 recommendation."

18 **MS. HALLETT:** Um ---

19 **MR. ENGELMANN:** It goes to Mr. Stewart first
20 and then goes to you. It's the column right at the top
21 going across.

22 **MS. HALLETT:** Yes. But I -- okay, goes to
23 Stewart first. Okay, very well. Yes, I see January ---

24 **MR. ENGELMANN:** The date to you was in
25 January of 2000.

1 MS. HALLETT: Yes, yes.

2 MR. ENGELMANN: All right. And then if we
3 look at the next page, number 12, Eugene LaRocque.

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: We have that going to you on
6 September -- a three-volume set going to you on September
7 22nd, '99.

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: All right. Then if we turn
10 the page again, on to Bates page 644, we have Kevin
11 Maloney, again a three-volume set going to you, November
12 15th, 1999. So this is a bit later than some of these other
13 clergy that you looked at.

14 MS. HALLETT: I don't think I actually got
15 Maloney from Stewart until January ---

16 MR. ENGELMANN: Oh, I apologize.

17 MS. HALLETT: --- 2000.

18 MR. ENGELMANN: It goes to Stewart in
19 November.

20 MS. HALLETT: Right.

21 MR. ENGELMANN: And does it go to you at the
22 time of Dufour in January, 2000?

23 MS. HALLETT: Yes, I believe it came in
24 January of 2000.

25 MR. ENGELMANN: Fair enough. And then on

1 the following page, 645, the last name referenced, number
2 26, Ostler.

3 MS. HALLETT: M'hm.

4 MR. ENGELMANN: Goes to you September 22nd,
5 '99, a two-volume set.

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: And then finally -- and this
8 in addition to Peachey, Leduc and Malcolm MacDonald. We
9 have number 28, Jean Primeau, given to you August the 6th of
10 '99, so this would be a bit earlier than the ---

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: --- three priests in
13 September.

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: Okay?

16 MS. HALLETT: Yes. That was something
17 different from the five clergy.

18 MR. ENGELMANN: All right. But these are
19 all perhaps some of this work that Officer Hall wants you
20 to take on?

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: And that you end up
23 receiving?

24 MS. HALLETT: Being responsible for, yes.

25 MR. ENGELMANN: Yes. And, Ms. Hallett, I

1 understand in addition to this work you did take on some,
2 for lack of a better word, victims' assistance or victims'
3 service work for alleged victims in the Project Truth
4 investigations?

5 **MS. HALLETT:** Yes. I certainly was
6 surprised that there wasn't a Victim/Witness Assistance
7 Program here in Cornwall when I started to get involved in
8 these prosecutions, and that was of concern to me and so I
9 did approach the Victim/Witness Assistance Program to try
10 and line up that kind of assistance in these cases.

11 **MR. ENGELMANN:** All right. I'll have a few
12 questions for you on that. I'm just trying to get a sense
13 as to some of the work ---

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** --- that you agreed to take
16 on ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- at various points in
19 time during the two and a half or so years you worked on
20 Cornwall cases.

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** All right. Now, given your
23 seniority or your experience at the time when you were
24 assigned these matters, you would have been responsible for
25 the management of your own cases.

1 **MS. HALLETT:** That's right.

2 **MR ENGELMANN:** Would you from time to time
3 brief managers about the progress of these cases?

4 **MS HALLETT:** Yes.

5 **MR. ENGELMANN:** And those people would
6 include John Corelli, for example?

7 **MS. HALLETT:** No, not really. I remember my
8 -- we were doing these cases at the request of Jim Stewart
9 and the east region ---

10 **MR. ENGELMANN:** Right.

11 **MS. HALLETT:** --- because one of his local
12 Crown offices here in Cornwall had a conflict.

13 **MR. ENGELMANN:** Right.

14 **MS. HALLETT:** And so I would be occasionally
15 briefing Jim Stewart; he's the fellow I would go to first.
16 And I really had very little contact with the managers in
17 my own office about this, other than often to make a
18 request of more help or, please, no more appeals ---

19 **MR. ENGELMANN:** Right.

20 **MS. HALLETT:** --- that sort of thing.

21 **MR. ENGELMANN:** Right. Okay.

22 Well, I'm going to show you an example of
23 the letter I believe you wrote to John Corelli.

24 **MS. HALLETT:** Okay.

25 **MR. ENGELMANN:** So but, infrequently, you

1 might have briefed them but it would be primarily Mr.
2 Stewart in the east region?

3 MS. HALLETT: Yes.

4 MR. ENGELMANN: And were those briefings
5 primarily oral?

6 MS. HALLETT: No, they would be a letter. I
7 believe there are a few letters there.

8 MR. ENGELMANN: Okay.

9 MS. HALLETT: I might have called him about
10 something or other, but for the most part I think he was
11 happy just to let somebody else be handling it and I think
12 he wanted -- or he would have wanted to maintain a hands-
13 off approach because of the allegation of conflict.

14 MR. ENGELMANN: All right. And did you from
15 time to time brief a fellow by the name of Lindsay, Paul
16 Lindsay?

17 MS. HALLETT: Paul Lindsay eventually took
18 over from Murray as the Director of the Crown Law Office,
19 Criminal and Murray ---

20 MR. ENGELMANN: Murray Segal?

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: Yes, okay.

23 MS. HALLETT: And then Murray Segal became
24 the Assistant Deputy Attorney General.

25 MR. ENGELMANN: All right. So he was your -

1 --

2 MS. HALLETT: Immediate manager.

3 MR. ENGELMANN: --- your boss?

4 MS. HALLETT: Yes, that's right.

5 MR. ENGELMANN: All right. And just by way
6 of an example of a briefing, let's have a look at Document
7 Number 200096? This is a memorandum from Ms. Hallett to
8 John Corelli, it's dated March 17th, 1999.

9 THE COMMISSIONER: Thank you. Exhibit
10 Number 3117.

11 --- EXHIBIT NO./PIÈCE NO. P-3117:

12 (200096) - Memorandum from Shelley Hallett
13 to John Corelli re: R.v. Leduc (Jacques),
14 R.v. Peachey (Arthur), R.v. MacDonald
15 (Malcolm) dated 17 Mar 99

16 MS. HALLETT: M'hm.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. ENGELMANN: Ms. Hallett, it would appear
19 already at this point that Mr. Lindsay is in fact the
20 Director. He's copied.

21 MS. HALLETT: Okay.

22 MR. ENGELMANN: And you're providing just
23 some -- a summary of these files ---

24 MS. HALLETT: That's right, yes.

25 MR. ENGELMANN: --- so Mr. Corelli and Mr.

1 Lindsay have a sense as to what you're working on?

2 **MS. HALLETT:** Well, that's right. And I
3 think I'm requesting that there be files created. On page
4 4 I'm saying:

5 "I trust that files have been created
6 in your office for each of these
7 cases."

8 **MR. ENGELMANN:** Why is that important?

9 **MS. HALLETT:** Well, because I wanted them to
10 know that, you know, they were substantial prosecutions
11 that I had just taken on and that that should affect the
12 assignment of other work in the -- of the office to me in
13 terms of trying to minimize any further appeals, for
14 example, coming my way.

15 **MR. ENGELMANN:** All right, and therefore the
16 paragraph just before it, at the bottom of page 3 ---

17 **MS. HALLETT:** Right.

18 **MR. ENGELMANN:** --- Bates page 615:

19 "All three of these cases will
20 require substantial travel to
21 Cornwall..."

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** "...over the next year or
24 more. Took two trips there in the
25 fall, I was there last week, will be

1 travelling there again next week..."

2 MS. HALLETT: Right

3 MR. ENGELMANN: "...for four days to
4 interview witnesses. I will be there
5 for more than three weeks this
6 spring..."

7 MS. HALLETT Right

8 MR. ENGELMANN: "... for the two
9 preliminary inquiries."

10 MS. HALLETT: That's right.

11 MR. ENGELMANN: So you're giving -- really
12 it's a sense of you want them to know how much is involved?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: All right. And it also
15 gives them a flavour of these three cases?

16 MS. HALLETT: That's right. And also to
17 create files in terms of recording for, you know, any
18 problems that may come up; for example, appeals that may
19 eventually occur, you know, you have to sort of document
20 what's happened thus far.

21 MR. ENGELMANN: All right. So let's take a
22 look at the Peachey matter.

23 I'm just looking at the time, sir.

24 THE COMMISSIONER: So am I.

25 MR. ENGELMANN: All right. Perhaps you want

1 to take the morning break, here?

2 **THE COMMISSIONER:** Yes. Thank you.

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

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

6 --- Upon adjourning at 11:01 a.m.

7 L'audience est suspendue à 11h01

8 --- Upon resuming at 11:20 a.m.

9 L'audience est reprise à 11h20

10 **THE REGISTRAR:** This hearing is now resumed.

11 Please be seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Mr. Engelmann?

13 **MS. HALLETT:** Thank you, sir.

14 **THE COMMISSIONER:** We're on Peachey?

15 **MR. ENGELMANN:** Yes.

16 **THE COMMISSIONER:** Thank you.

17 **MR. ENGELMANN:** Yes.

18 Ms. Hallett, we've already discussed the
19 fact that you were assigned the prosecution of Arthur
20 Peachey during the summer of 1998. At the time you were
21 assigned, we're aware at least that an opinion had been
22 provided by a Crown Attorney named Robert Pelletier ---

23 **MS. HALLETT:** Okay.

24 **MR. ENGELMANN:** --- on May the 7th, 1998.

25 And I'm assuming you would have had a chance to review that

1 memorandum before you started the prosecution?

2 MS. HALLETT: I don't think I did. I can't
3 recall reading it. The -- Dr. Peachey's charges were based
4 on the complainant -- I don't have a list of -- I'm not
5 sure if I'm to use some sort of moniker.

6 THE COMMISSIONER: No, no.

7 MR. ENGELMANN: Well, Mr. Marleau ---

8 THE COMMISSIONER: Claude Marleau ---

9 MS. HALLETT: Oh, oh, okay, we're referring
10 ---

11 THE COMMISSIONER: Yes.

12 MS. HALLETT: --- Mr. Marleau had made
13 allegations with respect to Dr. Peachey but "others."

14 MR. ENGELMANN: Yes.

15 MS. HALLETT: And so I don't recall
16 receiving the opinion letter with respect to Dr. Peachey.
17 Was there something directed to me?

18 MR. ENGELMANN: Well, it wasn't directed to
19 you.

20 MS. HALLETT: Okay.

21 MR. ENGELMANN: It was directed to the OPP
22 but ---

23 MS. HALLETT: Okay.

24 MR. ENGELMANN: --- I just want to show it
25 to you if I may?

1 MS. HALLETT: Sure

2 MR. ENGELMANN: And ask if you might have
3 received it then.

4 MS. HALLETT: Okay then.

5 MR. ENGELMANN: It's Exhibit 176, and
6 counsel, the Document Number is 700961. And Mr. Marleau
7 does not have a moniker but some of the other individuals
8 named may.

9 MS. HALLETT: Yeah, okay then.

10 MR. ENGELMANN: He was not the only
11 complainant in this series of ---

12 MS. HALLETT: No.

13 MR. ENGELMANN: --- charges.

14 MS. HALLETT: Yes.

15 (SHORT PAUSE/COURTE PAUSE)

16 MS. HALLETT: Oh yes, right. M'hm.

17 MR. ENGELMANN: Now, actually the very first
18 case Mr. Pelletier writes about is the Arthur Blair Peachey
19 matter.

20 MS. HALLETT: Yes, but to answer your
21 question, Mr. Engelmann, I don't recall ever seeing this
22 letter before or this memo before this inquiry.

23 MR. ENGELMANN: All right. Would this have
24 been something you would have liked to have seen at the
25 time?

1 **MS. HALLETT:** Well yes, more information is
2 generally better than less. I always like -- you know, I
3 would have liked to have gotten a lot more background
4 information about these prosecutions before I -- in the
5 course of taking them on, but ---

6 **MR. ENGELMANN:** This was a case where you
7 were not asked for an opinion on?

8 **MS. HALLETT:** No.

9 **MR. ENGELMANN:** That opinion had been given.

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** And as you can see from
12 number one -- well, you can see from this letter that Mr.
13 Pelletier is giving an opinion on several matters ---

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** --- in one, and he's -- with
16 Dr. Peachey, he seems to be concerned about the age of
17 legal consent ---

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** --- and the issue of
20 consent.

21 **MS. HALLETT:** Yes. M'hm.

22 **MR. ENGELMANN:** And he's saying, for
23 example, on the second page, he's suggesting going through
24 a preliminary inquiry:

25 "And if following the preliminary

1 inquiry we decided that the merits and
2 the public interest were sufficient to
3 prosecute the accused, we could move
4 for a committal, try the case in the
5 Superior courts. While presently,
6 reasonable and probable grounds could
7 be said to exist, I wish to caution you
8 on the very live issue of consent or
9 honest belief in consent."

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** Were those issues of concern
12 for you upon your review of this matter?

13 **MS. HALLETT:** No, they weren't.

14 **MR. ENGELMANN:** All right. Why is that?

15 **MS. HALLETT:** Well I did set them out in the
16 pretrial conference report that I filed with the court in
17 the Peachey matter ---

18 **MR. ENGELMANN:** All right. Well, we'll come
19 to that then.

20 **MS. HALLETT:** Okay, then.

21 **MR. ENGELMANN:** I know we have that.

22 **MS. HALLETT:** Okay, but do you want me to
23 comment on this now, then?

24 **MR. ENGELMANN:** Well, let's deal with it
25 when we get to your pretrial ---

1 **MS. HALLETT:** Okay, very well.

2 **MR. ENGELMANN:** --- if that's easier.

3 You'll have it in front of you.

4 **MS. HALLETT:** Okay, then.

5 **MR. ENGELMANN:** But as a result of this
6 opinion, we know that Dr. Peachey was charged with gross
7 indecenty and indecent assault?

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** Indecent assault male, I
10 believe.

11 **MS. HALLETT:** Okay. Had Bob recommended the
12 gross indecenty or had I?

13 **MR. ENGELMANN:** I'll just be a moment.

14 **MS. HALLETT:** I'm not sure if both of those
15 relate at the beginning or not.

16 **MR. ENGELMANN:** I'm not sure; I'm not sure.
17 You believe you may have recommended the gross indecenty?

18 **MS. HALLETT:** I'm sorry, I just can't -- I
19 can't recall on this one whether that had already been laid
20 because definitely with respect to that offence -- that is
21 the gross indecenty -- I would have had to respectfully
22 disagree with Bob with respect to that consent issue. I
23 don't think that there would have been a defence based on
24 consent on the gross indecenty given my interpretation of
25 case law.

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

2 Just one moment.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. ENGELMANN:** You were aware certainly of
5 some -- just give me a moment -- so if we look at -- I
6 believe it's Exhibit 2778, we have a breakdown of charges.

7 **MS. HALLETT:** M'hm.

8 **MR. ENGELMANN:** And Document -- the Document
9 Number, counsel, is 702765.

10 I'm just trying to answer the query you just
11 asked, Ms. Hallett.

12 What we're looking for is found on Bates
13 page 7007659 which is the fourth page in, Madam Clerk.

14 **MS. HALLETT:** Oh, okay.

15 **MR. ENGELMANN:** Item 14, Arthur B. Peachey.

16 It says:

17 "Two counts indecent assault on a male
18 and gross indecency."

19 And it appears the charge date's the 9th of
20 July '98. So I would think from that, that by the time you
21 really get involved here that both those charges are ---

22 **MS. HALLETT:** Have already been laid.

23 **MR. ENGELMANN:** --- have been laid.

24 **MS. HALLETT:** Very well.

25 **MR. ENGELMANN:** Okay?

1 **MS. HALLETT:** M'hm.

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

3 So there's two counts.

4 **MS. HALLETT:** Right.

5 **MR. ENGELMANN:** There's the indecent assault
6 on a male and there is the gross indecency, and what you're
7 suggesting is you don't think the consent is a live issue
8 on the gross indecency charge?

9 **MS. HALLETT:** No, I think that an argument
10 could be made, and I did state in my pre-trial conference
11 report in this and the other PTCs that I filed, that gross
12 indecency at the time that I first came on in 1980 was --
13 and really all the way up until it was repealed in 1988 --
14 was an offence that it was sort of an umbrella offence, and
15 it was an offence that could be laid with respect to sexual
16 misconduct with a young person that represented a marked
17 departure from the decent conduct expected of the average
18 Canadian in the circumstances.

19 The age of consent for the offence of gross
20 indecency was in fact 21.

21 **MR. ENGELMANN:** Yes.

22 **MS. HALLETT:** It was one of the few offences
23 that did exist prior to the sexual exploitation charge
24 coming in 1988; one of the few that existed for the
25 protection of young males in Canadian society.

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

2 **MS. HALLETT:** But not just males. It wasn't
3 an offence reserved only for homosexual activity. I think
4 some people were perhaps under that misapprehension. It
5 had been used earlier in Canadian history and even in the
6 sixties, I believe, and the seventies to target homosexual
7 activity.

8 But it also was used to protect young
9 females, for example, from sexual misconduct, and I
10 considered it an offence that was available for the
11 protection of young males similar to an indecent assault
12 male, for example, but where there had been exploitation or
13 a predatory conduct similar to the conduct that we now
14 consider is engaged by the offence of sexual exploitation.

15 **MR. ENGELMANN:** So you saw that as a natural
16 transition?

17 **MS. HALLETT:** Yes, I felt that ---

18 **MR. ENGELMANN:** --- sexual exploitation?

19 **MS. HALLETT:** --- sexual exploitation had
20 superseded the offence of gross indecency, as well as
21 another offence in the *Criminal Code*, communicate for the
22 purpose of obtaining the services of a youth under 18.

23 **MR. ENGELMANN:** But on the charge of
24 indecent assault on a male ---

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** --- consent might have been
2 an issue in this case?

3 **MS. HALLETT:** I believe that our case law
4 has developed such that we would have to consider the
5 *Ewanchuk* case, for example, and you know we don't infer
6 consent simply from a failure to object on the part of the
7 complainant.

8 So I felt that even with respect to indecent
9 assault male, although the defence of consent did exist,
10 the development of the case law not only with respect to
11 *Ewanchuk* but to *Norberg & Wynrib*, basically allowed for, or
12 set out, a vitiation of consent where -- depending on the
13 circumstances. For example in a power imbalance between a
14 person, for example, like a doctor ---

15 **MR. ENGELMANN:** Yes.

16 **MS. HALLETT:** --- and a young person who
17 doesn't have a lot of money or experience or education, I
18 felt that that power imbalance, the exploitation of that,
19 would be a set of circumstances that would vitiate consent
20 even with respect to the offence of indecent assault male.

21 **MR. ENGELMANN:** But even though you thought
22 it would or may vitiate ---

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** --- you were cognizant that
25 this could be an issue raised by the defence in this

1 matter?

2 **MS. HALLETT:** Yes, of course. Yes.

3 **MR. ENGELMANN:** And did you in this case, as
4 in some others, ask for a legal opinion on some of these
5 issues?

6 **MS. HALLETT:** I did. I believe that I asked
7 my assistant to look into this.

8 I'd had a fair amount of experience in
9 prosecuting the offence of gross indecency when I started
10 with the Crown system in 1980, and I believe that I did ask
11 my assistant or my articling student to look into this.

12 **MR. ENGELMANN:** And were you considering the
13 possibility of calling some expert evidence in this case?

14 **MS. HALLETT:** Yes, I was with respect to Dr.
15 Peachey.

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

17 **MS. HALLETT:** Well, I think in respect of
18 all of the cases, yeah.

19 **THE COMMISSIONER:** And what type of expert
20 testimony would that have been?

21 **MS. HALLETT:** Well, with respect to Dr.
22 Peachey, I did set it out in my pre-trial conference
23 report. I felt that the vulnerability of that case was
24 that the complainant had waited such a long time to come
25 forward with his complaint, with the allegations, so it

1 would have been delayed disclosure. I believe I indicated
2 perhaps incremental disclosure.

3 And another -- another piece of expert
4 evidence that I intended to call was expert evidence to
5 establish a baseline for standard medical examinations
6 because there had been such a dramatic departure from what
7 I considered to be the baseline.

8 **MR. ENGELMANN:** All right.

9 And just to follow up on that, let's have a
10 look at the pre-trial conference brief if we can, Ms.
11 Hallett.

12 **MS. HALLETT:** Okay.

13 **MR. ENGELMANN:** That's Exhibit 184.
14 Counsel, it's 111799.

15 Mr. Commissioner, I think you'll see in that
16 document Ms. Hallett has actually just answered the three
17 points that are made in the brief under "Expert Evidence".
18 That's at page 4. It's Bates page 156.

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** Am I right, you're saying:
21 "At trial, the Crown anticipates
22 calling expert evidence in relation to
23 the following issues."

24 **MS. HALLETT:** Oh, yes, and also youth at
25 risk of sexual exploitation on the street. You know, Mr.

1 Marleau came from relatively modest circumstances, as I
2 recall, and I felt that there could be some expert evidence
3 called based on the inducements, material inducements, that
4 young people of his background might be susceptible to in
5 terms of inducing them to engage in sexual activity.

6 MR. ENGELMANN: All right.

7 And on this issue of delayed disclosure, if
8 I can use that term ---

9 MS. HALLETT: Yes, m'hm.

10 MR. ENGELMANN: --- would you have requested
11 preparation of a memorandum on this issue ---

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: --- and the possibility of
14 calling the expert?

15 MS. HALLETT: I did, m'hm. Yes, I did.

16 MR. ENGELMANN: All right.

17 MS. HALLETT: There are a couple of students
18 that I believe I asked to look into this. I believe it was
19 maybe Ellie Venhola who did some work for me on this.

20 MR. ENGELMANN: I'm going to show you a
21 document, Ms. Hallett. It is Document Number 106253 ---

22 MS. HALLETT: Before we jump, Mr. Engelmann,
23 I just wanted to also indicate that what we were talking
24 about earlier in terms of my setting out an argument with
25 respect to gross indecency ---

1 **MR. ENGELMANN:** Yes.

2 **MS. HALLETT:** --- and the power imbalance in
3 the cases I was relying on, those are also referred to ---

4 **MR. ENGELMANN:** Oh, in the ---

5 **MS. HALLETT:** --- in this pre-trial
6 conference report, this same one.

7 **MR. ENGELMANN:** All right.

8 **MS. HALLETT:** Just while we're on this
9 document.

10 **MR. ENGELMANN:** Sure. We can go to that
11 right now if you'd like.

12 **MS. HALLETT:** Okay.

13 **MR. ENGELMANN:** If you'd put that back on
14 the screen.

15 **MS. HALLETT:** Maybe the page before.

16 **MR. ENGELMANN:** It's on Bates page 155,
17 Madam Clerk.

18 **MS. HALLETT:** Yes, and on page 3 of the pre-
19 trial conference report, I am discussing indecent assault,
20 vitiation of consent.

21 **MR. ENGELMANN:** Yes.

22 **MS. HALLETT:** Okay. So I'm stating as a
23 legal issue:

24 "Did the complainant provide true and
25 informed consent to sexual acts with

1 Dr. Peachey?"

2 And then I go on to suggest that:

3 "The circumstances suggest that the
4 complainant's consent was not genuine
5 for the purposes of the law, by virtue
6 of the exploitation by the doctor of
7 the power imbalance inherent in the
8 doctor-patient relationship."

9 And then I go on to the next page to also
10 set out the circumstances which I consider vitiated consent
11 here.

12 **MR. ENGELMANN:** The power imbalance?

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** All right. And that could
15 be said of a number of relationships ---

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** --- between professionals
18 and youths.

19 **MS. HALLETT:** Yes, and not just the
20 professional relationship which existed in this case, but
21 also the -- a power imbalance arising out of difference in
22 levels of education and in material wealth.

23 **MR. ENGELMANN:** You've cited a differential
24 in age, knowledge, education, experience, status in society
25 and material advantages?

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** All right. And you cite a
3 number of cases?

4 **MS. HALLETT:** Yes.

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

6 And then just to look at the new document,
7 if we may, Document 106253.

8 **THE COMMISSIONER:** Thank you.

9 **MR. ENGELMANN:** And it is a memo from Ellie
10 Venhola ---

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** --- to Shelley Hallett,
13 dated April 7th, 1999 re *R. v. Peachey*, admissibility of
14 report of Louise Sas, London Family Court Clinic.

15 **MS. HALLETT:** That's right.

16 **THE COMMISSIONER:** Exhibit 3118.

17 --- **EXHIBIT NO./PIÈCE NO. P-3118:**

18 (106253) - Memorandum from Ellie Venhola to
19 Shelley Hallett re: *R. v. Peachey* dated
20 April 7, 1999

21 **MR. ENGELMANN:** So, essentially, what you
22 asked the student to look at was whether or not you could
23 be submitting or putting into evidence expert evidence on
24 the issue of delayed disclosure?

25 **MS. HALLETT:** M'hm.

1 **MR. ENGELMANN:** And you had retained the
2 services of Dr. Sas?

3 **MS. HALLETT:** Yes. I had actually met
4 Louise about 10 years earlier in the context of training
5 for Crowns, and she had come to, you know, train us. This
6 is when I was at V/WAP and I was very impressed with her.
7 She had excellent credentials and so I knew that she was
8 available as an expert and I was planning to have her give
9 expert evidence in this case.

10 **MR. ENGELMANN:** She worked with people like
11 Peter Jaffe and ---

12 **MS. HALLETT:** Yes, at the London Family ---

13 **MR. ENGELMANN:** --- and David Wolfe.

14 **MS. HALLETT:** --- Court Clinic.

15 **MR. ENGELMANN:** Yes.

16 **MS. HALLETT:** M'hm.

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

18 And I understand that there was, if I can
19 call it that, a conflict in the law on this issue at the
20 time as to whether or not evidence of this type was in fact
21 admissible?

22 **MS. HALLETT:** Yes. In the *D.D.* decision out
23 of the Ontario Court of Appeal, Mr. Justice Finlayson had
24 held, on behalf of the court, that this kind of evidence
25 that I was wanting to introduce in terms of delayed

1 disclosure, the timing of the disclosure, the decision held
2 that it was not admissible. Expert evidence was not
3 admissible. And I'm not quite sure when that decision came
4 out but there was also -- there were decisions going the
5 other way and, of course, this is what Ellie is setting out
6 here, right?

7 **MR. ENGELMANN:** Right, on the second page of
8 her memo?

9 **MS. HALLETT:** Exactly. So I felt that we
10 still might have an -- might be able to introduce expert
11 evidence with respect to delayed and incremental
12 disclosure, given the other cases that were -- that existed
13 at the time; the other decisions. I mean, we were -- it
14 was of concern that in our -- our own Court of Appeal had
15 decided not to allow this evidence to be admitted.

16 But I knew that there would be -- I knew
17 that there was in the works a leave application to the
18 Supreme Court of Canada on this.

19 **MR. ENGELMANN:** All right. And eventually
20 the Supreme Court of Canada upheld the Court of Appeal
21 decision?

22 **MS. HALLETT:** They did. Well, a majority of
23 four to three.

24 **MR. ENGELMANN:** All right. And, therefore,
25 your plan to introduce evidence of this nature -- there was

1 a decision obviously not to do that?

2 MS. HALLETT: I felt, yes, that the case law
3 at that point was sufficiently strong against the
4 introduction of the evidence.

5 That decision came out in -- the Supreme
6 Court of Canada decision in *D.D.* came out in October of 19
7 -- excuse me, October of 2000. October of 2000.

8 MR. ENGELMANN: All right.

9 MS. HALLETT: So just before I stated Leduc,
10 in other words.

11 MR. ENGELMANN: Okay.

12 Now, there were a number of other legal
13 opinions I think you were asking for at this time and I
14 just want to turn you to a couple more. We'll have them
15 put into evidence.

16 MS. HALLETT: I was asking for research from
17 our students.

18 MR. ENGELMANN: All right.

19 Were you, for example, asking for her to
20 look at the *Ewanchuk* case ---

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: --- and its possible
23 application?

24 MS. HALLETT: I believe that I did that.

25 MR. ENGELMANN: Let's just take a look at

1 another document then, if we can, and that is Document
2 Number 106255 and it's a memorandum dated April 8th, 1999,
3 the following day, to you again from Ellie Venhola.

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** And this is regarding
6 applicable principles of *R. v. Ewanchuk*?

7 **THE COMMISSIONER:** Thank you.

8 **MS. HALLETT:** Yes, that's correct.

9 **THE COMMISSIONER:** That will be Exhibit
10 3119.

11 **--- EXHIBIT NO./PIÈCE NO. P-3119:**

12 (106255) - Memorandum from Ellie Venhola to
13 Shelley Hallett re: *R. v. Peachey* dated
14 April 8, 1999

15 **MS. HALLETT:** Yes, Ellie did excellent work.

16 **MR. ENGELMANN:** And very extensive legal
17 opinions.

18 **MS. HALLETT:** Research memos I would call
19 these, yes.

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

21 **MS. HALLETT:** M'hm.

22 **MR. ENGELMANN:** And what was the issue here
23 that you were concerned about in *Peachey*?

24 **MS. HALLETT:** Well, obviously the concern
25 that had been stated by Bob Pelletier that somehow the

1 complainant had consented to the sexual activity, at least
2 in the context of that medical examination by Dr. Peachey.

3 As I recall Mr. Marleau's evidence, he had
4 sort of been lying on the examination table frozen at what
5 had occurred, and to me that was very similar to the
6 scenario in *Ewanchuk* where the young woman in the trailer
7 was just more or less sitting there not doing anything, but
8 not necessarily consenting.

9 MR. ENGELMANN: All right.

10 MS. HALLETT: And so I felt that there were
11 some -- there was a -- it was a very similar case scenario,
12 in other words ---

13 MR. ENGELMANN: All right.

14 MS. HALLETT: --- that we had with
15 Mr. Marleau to *Ewanchuk*.

16 MR. ENGELMANN: And the application to the
17 facts in *Peachey*, is that what we see on the last three
18 pages of the opinion, starting at Bates page 030?

19 MS. HALLETT: Okay. Yes.

20 MR. ENGELMANN: All right.

21 Again, at or about that time, you also ask
22 her to do other opinions?

23 MS. HALLETT: Yes. I asked her to do some
24 other work for me. I'm going to have to have you jog my
25 memory.

1 **MR. ENGELMANN:** All right. I have a couple
2 more for you, if I may.

3 **MS. HALLETT:** Okay then.

4 **MR. ENGELMANN:** Document Number 106257.
5 This is a memo from the same student to you, dated April
6 19th, '99, and it's again under the caption "*R. v. Peachey*.
7 Elements of the Offences. Consent." And she's listing --
8 we'll just have that in a second.

9 **THE COMMISSIONER:** Thank you.
10 Exhibit 3120.

11 **MS. HALLETT:** Thank you.

12 **MR. ENGELMANN:** Three-one-two-zero (3120),
13 sir?

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

15 **MR. ENGELMANN:** Thank you.

16 --- **EXHIBIT NO./PIÈCE NO. P-3120:**
17 (106257) - Memorandum from Ellie Venhola to
18 Shelley Hallett re: *R. v. Peachey* dated
19 April 19, 1999

20 **MS. HALLETT:** Yes, this memo, as I recall,
21 was very helpful, as I recall, in terms of the gross
22 indecency.

23 **MR. ENGELMANN:** And that discussion starts
24 at Bates page 1055, I believe.

25 **MS. HALLETT:** M'hm.

1 **MR. ENGELMANN:** Page 6 of her memo.

2 **MS. HALLETT:** Okay, yes. Yes, yes, *R. v. K.*
3 *and H. and LeFrancois, Ledinski.* Those are definitely -- I
4 believe those are cases that I might have cited in the pre-
5 trial conference report in *Peachey* and that I did intend to
6 rely on *Quesnel and Quesnel*.

7 **MR. ENGELMANN:** All right.

8 **MS. HALLETT:** Basically, setting out the
9 elements of the defence of -- offence of gross indecency.

10 **MR. ENGELMANN:** And there were a number of
11 issues that are covered here, and a number of cites to
12 jurisprudence including, at Bates page 061, factors which
13 may vitiate consent? And I think you talked to us about
14 some of those ---

15 **MS. HALLETT:** M'hm.

16 **MR. ENGELMANN:** --- that you saw that were
17 in play ---

18 **MS. HALLETT:** Okay.

19 **MR. ENGELMANN:** --- at least in the *Peachey*
20 prosecution?

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** That's page 12 of her memo.

23 **MS. HALLETT:** Okay, thank you.

24 **MR. ENGELMANN:** We have the position of
25 trust issue, position of authority, dependence,

1 vulnerability, and then she's, again, relating some facts
2 that may be similar to the Peachey case from other cases,
3 and then the exploitation and grooming issues set out in
4 the last couple of pages.

5 MS. HALLETT: Yes, m'hm.

6 MR. ENGELMANN: All right. In addition to -

7 --

8 MS. HALLETT: I don't know that she
9 mentioned Norberg and Wynrib though. I'm not sure that ---

10 THE COMMISSIONER: Norberg, yes.

11 MS. HALLETT: Does she? Okay.

12 THE COMMISSIONER: Page 16.

13 MS. HALLETT: Okay then.

14 THE COMMISSIONER: But it's under "Appeal to
15 and Applications of Community Standards."

16 MS. HALLETT: Okay then. Thank you.

17 MR. ENGELMANN: Again, that is a case that
18 you cite in your pre-trial conference.

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: All right. Another example
21 of a memo you requested from her at that time -- Document
22 Number 106258.

23 And this is, again, a memo that she writes
24 for you, Ellie Venhola, April 25th, '99. One zero six two
25 five eight (102658).

1 **THE COMMISSIONER:** Thank you. Exhibit 3121.

2 **---EXHIBIT NO./PIÈCE NO P-3121:**

3 (106258) - Memorandum from Ellie Venhola to
4 Shelley Hallett re: R. v. Peachey dated 25
5 Apr 99

6 **MS. HALLETT:** Great, thank you.

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

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** And, again, this is a
10 general research but it's being applied at least in the
11 context of this particular prosecution?

12 **MS. HALLETT:** Yes. I reviewed her memos and
13 I felt that -- and looked at the law that she had pulled
14 for me, and I agreed with, I believe, most of the
15 conclusions that she drew with respect to the law.

16 I found them compelling, the arguments.

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

18 **MS. HALLETT:** And I incorporated many of
19 them into my pre-trial conference reports.

20 **MR. ENGELMANN:** And, again, there's a
21 discussion, starting at Bate page 070, page 4:

22 "Legal issues dealing with gross
23 indecent and the common law."

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** And "Issues of consent,"

1 starting on the following page.

2 MS. HALLETT: M'hm.

3 MR. ENGELMANN: And then, when you're
4 applying -- when she's applying those particular legal
5 principles to this particular matter -- I believe that
6 starts at Bates page 076 ---

7 MS. HALLETT: M'hm.

8 MR. ENGELMANN: --- where we see, "Did
9 Marleau legally consent," and onwards, with respect to the
10 "indecent assaults on a male" charge.

11 MS. HALLETT: I'm sorry, what page of the --
12 -

13 MR. ENGELMANN: It would be page 10 of her
14 brief.

15 MS. HALLETT: Okay, then, m'hm.

16 MR. ENGELMANN: All right.

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: And, lastly, there's a
19 further legal memo to you, May 2nd, 1999. It's Document
20 Number 106259.

21 MS. HALLETT: Just before we leave that --
22 this document ---

23 MR. ENGELMANN: Yes?

24 MS. HALLETT: --- the factors which may
25 vitiate consent, I was certainly attentive to that part of

1 her memo in terms of what she set out here.

2 **MR. ENGELMANN:** All right. So that, again,
3 is discussed at Bates page 1082, page 16.

4 **MS. HALLETT:** Okay.

5 **MR. ENGELMANN:** Et cetera.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** So that's an issue you've
8 looked at more than once?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** All right. Let's look at
11 the follow-up memo then, May 2nd, '99, Document
12 Number 106259, again from Ms. Venhola to yourself.

13 **THE COMMISSIONER:** Exhibit 3122.

14 **---EXHIBIT NO./PIÈCE NO P-3122:**

15 (106259) - Memorandum from Ellie Venhola to
16 Shelley Hallett re: R.V. Peachey dated 02
17 May 99

18 **MS. HALLETT:** Yes, I believe that I asked
19 her perhaps to do this because there was some argument I
20 was aware of that might be raised that somehow these
21 offences -- the old offence of gross indecency would no
22 longer apply and ---

23 **MR. ENGELMANN:** Therefore, the discussion
24 about retrospectivity?

25 **MS. HALLETT:** Yes, that's right.

1 **MR. ENGELMANN:** All right. Something I've
2 always had difficulty arguing, but she gives you some
3 advice on that ---

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** --- and on what's called
6 "invalid law" or "unconstitutional law".

7 **MS. HALLETT:** M'hm.

8 **MR. ENGELMANN:** Do you recall what that was
9 about?

10 **MS. HALLETT:** I really -- I'm sorry ---

11 **MR. ENGELMANN:** Okay.

12 **MS. HALLETT:** --- Mr. Englemann, there have
13 just been so many issues and documents I've had to review -
14 --

15 **MR. ENGELMANN:** Fair enough.

16 **MS. HALLETT:** --- for my evidence here, that
17 I -- I do remember looking this over.

18 I see Stymeist, and that was one of the
19 cases I was going rely on, I believe. So I ---

20 **MR. ENGELMANN:** Well, you were looking at
21 possible charter arguments?

22 **MS. HALLETT:** I was. I was trying to -- I
23 was trying to be prepared.

24 **MR. ENGELMANN:** Yes.

25 **MS. HALLETT:** I thought, in fact, that we

1 might have even had some argument in terms of committal for
2 trial, and that's why I had wanted to be prepared. This
3 preliminary inquiry was -- took place in May of 1999.

4 **MR. ENGELMANN:** Oh, you thought the Defence
5 might raise some kind of a charter argument ---

6 **MS. HALLETT:** Yes, even at that point ---

7 **MR. ENGELMANN:** --- based on ---

8 **MS. HALLETT:** --- so I wanted to make sure
9 that I was prepared.

10 We had -- I went down there and Ellie came
11 with me and we brought lots of case books, and I remember,
12 you know, spending a lot of time in my hotel room going
13 over all the cases that we'd come prepared to argue, and
14 the judge didn't -- I believe it was Justice Renaud that --
15 and we weren't even called on with respect to committal for
16 trial.

17 **MR. ENGELMANN:** All right. And, in fact,
18 Dr. Peachey was committed to stand trial ---

19 **MS. HALLETT:** Yes, he was.

20 **MR. ENGELMANN:** --- on these counts?

21 **MS. HALLETT:** M'hm.

22 **MR. ENGELMANN:** And, at the same time as you
23 were participating in the preliminary inquiry vis-à-vis the
24 charges against Dr. Peachey ---

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** --- there were a number of
2 other alleged perpetrators of Mr. Marleau whose preliminary
3 inquiries were ongoing; correct?

4 **MS. HALLETT:** That's correct.

5 **MR. ENGELMANN:** And you had a fair bit, just
6 looking at this, of research being done for you ---

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** --- you were trying, I
9 guess, to anticipate possible charter and/or other
10 arguments that might be raised by the Defence?

11 **MS. HALLETT:** Yes, m'hm.

12 **MR. ENGELMANN:** What about Mr. Godin? At
13 the time he was your -- he was prosecuting ---

14 **MS. HALLETT:** He was co-counsel.

15 **MR. ENGELMANN:** Yes.

16 **MS. HALLETT:** We were -- this was a very
17 unusual situation. I had never been in this situation
18 before where we did have a number of alleged offenders and
19 one complainant, one or two complainants, with respect to
20 all of them, and it had been decided that -- Alain had been
21 assigned to some of them, and I had been assigned, of
22 course, to Dr. Peachey. So I went down there to make
23 arguments with respect to Dr. Peachey.

24 I believe I provided case law to Alain, or -
25 --

1 MR. ENGELMANN: I just wanted to ask you ---

2 MS. HALLETT: Right.

3 MR. ENGELMANN: --- about that. I mean, you
4 had this -- you had many briefs ----

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: --- and you -- certainly we
7 see the pre-trial conference brief as well ---

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: --- in these memos. Do you
10 know if he had been doing similar research?

11 MS. HALLETT: I don't know. I think that I
12 did provide him with my pre-trial conference report ---

13 MR. ENGELMANN: All right.

14 MS. HALLETT: --- to, sort of, you know,
15 make -- let him make these arguments.

16 Obviously, with respect to the medical
17 examination, that wouldn't apply with the others, but with
18 respect to the offences of indecent assault male and gross
19 indecency, I would have thought that that might be helpful.

20 MR. ENGELMANN: Yes.

21 MS. HALLETT: M'hm.

22 MR. ENGELMANN: No, I would think that many
23 of these memos would have been useful to him as well, and -
24 --

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** --- I guess what I wanted to
2 ask you is whether you would have had some discussion with
3 him about that, and whether these memos would have been
4 shared.

5 **MS. HALLETT:** I know that I shared the pre-
6 trial conference report.

7 I'm not sure that I -- because I had sort of
8 -- how should I say -- culled out of all of these memos
9 what I considered to be the appropriate principles and case
10 law for what we were doing at the preliminary inquiry.

11 **MR. ENGELMANN:** So when you take -- when you
12 took on a case of this nature ---

13 **MS. HALLETT:** M'hm.

14 **MR. ENGELMANN:** --- the Dr. Peachey
15 prosecution, and there were some legal issues that you
16 thought might arise ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- was it your standard
19 practice to either do some research of this type on your
20 own, or to ask a student to do it for you?

21 **MS. HALLETT:** Yes, of course.

22 **MR. ENGELMANN:** Did you have any prior
23 experience working with Mr. Godin?

24 **MS. HALLETT:** No. I believe that I only met
25 Alain at the time of the preliminary inquiry ---

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

2 **MS. HALLETT:** --- so we hadn't -- I don't
3 know if we'd even -- I'm not sure if we did meet beforehand
4 or not, perhaps down here in Cornwall, perhaps for an
5 interview with Mr. Marleau.

6 I know that our -- I believe my anticipated
7 evidence is drafted in terms of my meeting him only at the
8 prelim, but I'm sure that we may have had some meeting,
9 perhaps in the late fall of 1998 around the interviews of
10 Marleau.

11 **MR. ENGELMANN:** How would you describe your
12 professional relationship with him?

13 **MS. HALLETT:** Very good; very good.

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

15 **MS. HALLETT:** Very good.

16 **MR. ENGELMANN:** And ---

17 **MS. HALLETT:** We were comrades-in-arms and
18 he was company and he was fun and it was nice to have
19 company down here.

20 **MR. ENGELMANN:** Did you share the same view
21 on the issue of expert evidence, do you know?

22 **MS. HALLETT:** We disagreed on a few things,
23 I think, in terms of issues. I think we had different
24 interpretations of -- for example, the new confidential
25 records provisions, section 278.1.

1 We may have disagreed on the expert evidence
2 issue. I can't recall specifically the expert evidence
3 issue but I certainly recall that we had different views of
4 the third party records provisions.

5 **MR. ENGELMANN:** All right. But your working
6 relationship was good?

7 **MS. HALLETT:** Oh, absolutely. Absolutely.

8 **MR. ENGELMANN:** All right.

9 **MS. HALLETT:** We had animated conversations.
10 I think perhaps Mr. Marleau was privy to those because he
11 was a lawyer himself so we -- we were getting to know Mr.
12 Marleau but because he did have legal training, you know,
13 he sort of enjoyed a position in our discussions that a lot
14 of victims wouldn't.

15 **MR. ENGELMANN:** And, Ms. Hallett, with
16 respect to the preliminary itself, Mr. Godin would have
17 questioned Mr. Marleau in French?

18 **MS. HALLETT:** Is that what he -- I'm sorry,
19 I have a very vague memory. That may be.

20 **MR. ENGELMANN:** All right. I believe, yes,
21 that ---

22 **MS. HALLETT:** Okay.

23 **MR. ENGELMANN:** Certainly, when he led
24 evidence from Mr. Marleau, I understood -- I'm almost
25 positive it was in French.

1 **MS. HALLETT:** Okay, then.

2 **MR. ENGELMANN:** But when you led some
3 evidence on Dr. Peachey would that have been in English?

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** And was that at all a
6 concern at the time for Mr. Marleau, or can you remember?

7 I'm advised, and I was aware of this, that
8 there was an interpreter there, but do you ---

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** --- recall having some
11 discussion with Mr. Marleau at the time about his
12 preference?

13 **MS. HALLETT:** No, I really can't recall
14 that. I didn't know -- I didn't realize if he was
15 objecting. I believe that I put questions in English.
16 They may have been translated and then his responses came
17 out French and were translated for me.

18 **MR. ENGELMANN:** All right.

19 **MS. HALLETT:** Of course, Justice Renaud was
20 in a perfect position. He understood everything.

21 **MR. ENGELMANN:** Certainly.

22 During the course of the preliminary
23 inquiry, I understand that Justice Renaud would have issued
24 a publication ban with respect to ---

25 **MS. HALLETT:** Yes, probably with the names

1 of the complainants.

2 MR. ENGELMANN: Yes.

3 MS. HALLETT: And at a preliminary inquiry
4 also the evidence with respect to the offenders, too.

5 MR. ENGELMANN: Right. And that's fairly
6 standard ---

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: --- understand? And ---

9 MS. HALLETT: Alleged offenders, I'm sure.

10 MR. ENGELMANN: Yes, and were you there
11 throughout the whole preliminary inquiry or were you just
12 there for the portions dealing with Dr. Peachey?

13 MS. HALLETT: I'm not absolutely sure. I
14 thought I was there for pretty well the whole two weeks or
15 so that was set aside.

16 MR. ENGELMANN: Do you recall any
17 discussions you may have had with Mr. Godin about issues of
18 linkages between some of these alleged perpetrators of Mr.
19 Marleau? I realize you're only looking at one.

20 MS. HALLETT: Yes, I do remember some
21 submission that Alain made had caused some concern about
22 whether or not the offence -- the group of offenders could
23 be characterized as a ring or a conspiracy or a clan of
24 paedophiles.

25 MR. ENGELMANN: Okay.

1 **MS. HALLETT:** I believe that there was some
2 argument that he -- or submission or something that was
3 said in a -- how should I say -- I think he -- it came out
4 in a spontaneous way. It wasn't part of a planned
5 submission.

6 **MR. ENGELMANN:** All right.

7 **MS. HALLETT:** And I think that it raised --
8 there were some flap that it raised in the press.

9 **MR. ENGELMANN:** All right. And, in fact,
10 were you aware that at least one of the allegations that
11 Mr. Marleau was making was that one or more of the alleged
12 perpetrators were introducing him to others?

13 **MS. HALLETT:** Yes. That was what I
14 understood to be the case.

15 **MR. ENGELMANN:** Okay.

16 **MS. HALLETT:** But whether or not that
17 activity would be able to satisfy the elements of the
18 offence of conspiracy or even the party provision of the
19 *Criminal Code* was another thing.

20 **MR. ENGELMANN:** Right.

21 **MS. HALLETT:** And I think that is an
22 interesting issue and maybe another issue that might be the
23 subject of a recommendation.

24 **MR. ENGELMANN:** Okay. So at that time,
25 you're aware that there was some press on this issue?

1 **MS. HALLETT:** Yes, m'hm.

2 **MR. ENGELMANN:** And, in fact, there was a
3 report I believe broadcast by a Maureen Brosnahan on CBC
4 Radio?

5 **MS. HALLETT:** Yes, Maureen Brosnahan, yes.

6 **MR. ENGELMANN:** Right. And just to refresh
7 your memory if I can, it's Exhibit 2833. Counsel, the
8 Document Number is 701291.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. ENGELMANN:** It's a bit difficult to
11 read, Ms. Hallett. The copy's not great.

12 **THE COMMISSIONER:** What are you talking
13 about?

14 **MR. ENGELMANN:** This is a transcript, CBC
15 Radio.

16 **THE COMMISSIONER:** Two-eight-three-three
17 (2833)?

18 **MR. ENGELMANN:** Yeah. Well, my copy's not
19 very good.

20 **THE COMMISSIONER:** Quite readable.

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

22 **THE COMMISSIONER:** It must be your eyes, Mr.
23 Engelmann, getting old.

24 **MR. ENGELMANN:** They have changed during the
25 course of this Inquiry, sir.

1 **THE COMMISSIONER:** It will be on the screen,
2 in any event, very shortly.

3 **MR. ENGELMANN:** If you look at the bottom or
4 near the bottom where it says "reporter", it says:

5 "Yesterday, during one of the
6 preliminary hearings, one of the Crown
7 Attorneys..."

8 I assume that's not you but the other one,
9 Mr. Godin:

10 "...told the judge he wants to be able
11 to ask the witnesses about each of the
12 accused and what they may or may not
13 have done. That's because some of the
14 complainants involved allege they were
15 abused by more than one man. Alain
16 Godin says there was a connection
17 between these various persons and that
18 they, in his words, groom the boys to
19 become victims of abuse. He says in
20 some cases more than one person was
21 present when the abuse is alleged to
22 have occurred. His exact words to the
23 judge were there was a type of grooming
24 that went on from one to another to
25 another. Godin then went on to say

1 that this continued from party to
2 party, and he was referring to the
3 other accused. The judge took time to
4 consider submissions from both the
5 Crown and the defence lawyers..."

6 Now, this would have simply been Mr. Godin.
7 You had nothing to do with these submissions?

8 **MS. HALLETT:** No, I didn't.

9 **MR. ENGELMANN:** All right.

10 "He then decided he would join the
11 cases, hold a single preliminary
12 inquiry that would include the rest of
13 the accused..."

14 et cetera.

15 "We can't talk about what the witnesses
16 say happen to them at these hearings,
17 that's because there's a ban on
18 publication."

19 And then she goes on.

20 Now, were you aware of -- was this radio
21 report brought to your attention by someone in particular?

22 **MS. HALLETT:** I believe that Detective
23 Sergeant Hall was concerned what had been reported by the
24 press.

25 **MR. ENGELMANN:** Yes, and he indicated that

1 to us in his evidence, that he was very concerned about
2 this.

3 MS. HALLETT: Okay.

4 MR. ENGELMANN: And he was concerned that,
5 in fact, the reporter was violating the publication ban.
6 And do you recall if he would have brought this to your
7 attention?

8 MS. HALLETT: I have a very -- I really only
9 have -- I have a very vague memory of this whole episode, I
10 have to say.

11 I recall Pat being concerned and I've read,
12 I think, his notes on this too just for this Inquiry and I
13 believe there's reference to a joint discussion among the
14 three of us.

15 MR. ENGELMANN: Yes. He in fact says -- let
16 me just find the note, if I may.

17 MS. HALLETT: Okay, because I'm not sure
18 that I do recall it but I am aware of his notes on this. I
19 believe that he's written that I undertook to say something
20 or do something about it, but I believe that it was left
21 with Alain at the end of the day.

22 MR. ENGELMANN: Let me just find the note if
23 I can for you.

24 MS. HALLETT: Okay.

25 MR. ENGELMANN: It's Exhibit 2750. The

1 Document Number, counsel, 727751, Bates page 0145.

2 THE COMMISSIONER: So 2750 would be in one
3 of your volumes if you look at the spine here. It'll be
4 the last exhibit in the other book.

5 MS. HALLETT: In the other book, okay.

6 THE COMMISSIONER: I would think; 2750.

7 MR. ENGELMANN: And I believe when Mr. Hall
8 testified about this issue, this note was from the day
9 after this appeared, this radio interview.

10 So I believe it's the 22nd.

11 THE COMMISSIONER: What Bates page, please?

12 MR. ENGELMANN: Bates page is 0145.

13 THE COMMISSIONER: It is on the screen, yes.

14 MR. ENGELMANN: Yeah.

15 THE COMMISSIONER: Whatever you prefer.

16 MR. ENGELMANN: "Spoke to Shelley Hallett
17 and Pelletier about CBC and comments of
18 Godin."

19 MS. HALLETT: Okay.

20 MR. ENGELMANN: "She said she would bring
21 matter before..."

22 THE COMMISSIONER: "...judge."

23 MR. ENGELMANN: It might be "judge".

24 "...tomorrow if I wanted to. I said
25 I'll speak to Godin first about it

1 before deciding on that."

2 Then it says:

3 "Meet with Alain Godin..."

4 Something "room":

5 "...on matter. Shown copy of CBC
6 Radio broadcast. Said he did say those
7 things. He was trying to explain the
8 link with Marleau and in his state of
9 mind."

10 So do you have some recollection,
11 Ms.Hallett, of a discussion with then Detective Sergeant
12 Hall and either Mr. Pelletier or Mr. Godin about what to
13 do?

14 **MS. HALLETT:** I can't say that I do, Mr.
15 Engelmann, I'm sorry. I remember the concern and I
16 remember Maureen Brosnahan being there, but I really --
17 this issue somehow went away. I can't recall that I was
18 ultimately asked to do anything about it in the end.

19 **MR. ENGELMANN:** Let me just try one more
20 time ---

21 **MS. HALLETT:** Sure.

22 **MR. ENGELMANN:** --- to refresh your memory.
23 Let's see if we can. It's Exhibit 2834.

24 **MS. HALLETT:** Okay.

25 **MR. ENGELMANN:** I don't know if the witness

1 has that binder, Madam Clerk? Document Number, counsel,
2 700983. And this is a letter from Detective Inspector Hall
3 to Marlene Gillis. Now, this is some time later. This is
4 in July of 2000.

5 **MS. HALLETT:** Okay.

6 **MR. ENGELMANN:** And he's writing about a
7 number of things and she is -- she's an assistant
8 coordinator, I believe, with the OPP's Freedom of
9 Information Branch.

10 If we look at the second page, which is
11 Bates page 2553, where he starts:

12 "Also enclosed is a transcript of
13 proceedings at a preliminary inquiry
14 held on May 20th, '99. There was a
15 publicity ban under section 517 and
16 486(3) of the Criminal Code of Canada."

17 If you just want to take a look at that?

18 **MS. HALLETT** M'hm.

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

20 **MR. ENGELMANN:** The paragraph that I'm
21 particularly interested in is the third one:

22 "I personally discussed the breach with
23 three Crown Attorneys verbally who all
24 agreed that Brosnahan had violated the
25 order."

1 MS. HALLETT: M'hm.

2 MR. ENGELMANN: "The CBC was made aware of
3 this fact, and I personally advised
4 Brosnahan. Since May of '99, the CBC
5 has said very little about this
6 investigation. The matter may be
7 pursued criminally against CBC when the
8 cases involved are concluded."

9 MS. HALLETT: M'hm.

10 MR. ENGELMANN: Do you see that?

11 MS. HALLETT: I do. I see that. Of course,
12 I don't think I was copied on this letter.

13 MR. ENGELMANN: You were not.
14 I'm just wondering -- well, you're not named
15 as a copy.

16 MS. HALLETT: No.

17 MR. ENGELMANN: So you're saying you would
18 not have seen this before the Inquiry?

19 MS. HALLETT: No.

20 MR. ENGELMANN: All right.
21 Had you in fact determined that her story
22 was in violation of a publication ban, as referenced here?

23 MS. HALLETT: I don't think so. I don't
24 think it went that far. I really don't. I think, as I
25 recall, there was an expression of concern by Pat, but

1 that's where the matter ended as far as my involvement. I
2 don't know that I had actually arrived at a conclusion that
3 there had been a breach such that I -- how should I say --
4 that there was further action required. I probably -- I
5 had offered, I think, to do something about it, but I don't
6 think that Pat actually, in the end, wanted me to do
7 anything about it.

8 **MR. ENGELMANN:** But do you recall whether
9 you would have suggested that the matter could be pursued
10 criminally after the Marleau prosecutions were over?

11 **MS. HALLETT:** No, I don't think that I did
12 give that advice.

13 **MR. ENGELMANN:** And I understand that at the
14 conclusion of the preliminary inquiry, at least from your
15 perspective, the Arthur Peachey counts, he was committed to
16 stand trial on both those counts?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** All right.

19 **MS. HALLETT:** Was it just the two or was it
20 four? Was it -- were there two counts of indecent assault,
21 two counts of gross indecency with respect to both
22 episodes? I don't know. I would have set it out in the --
23 -

24 **MR. ENGELMANN:** Pre-trial conference brief?

25 **MS. HALLETT:** Pre-trial conference, yeah,

1 report, but I just wanted to be accurate.

2 MR. ENGELMANN: Well, perhaps we can look at
3 the indictment itself, if that's helpful?

4 MS. HALLETT: Sure.

5 MR. ENGELMANN: That is Document 708721.
6 It's an indictment, sir, signed by Shelley
7 Hallett on the 2nd of September 1999.

8 THE COMMISSIONER: Thank you.
9 Exhibit 3123.

10 --- EXHIBIT NO./ PIÈCE NO. 3123:

11 (708721) - Indictment of Arthur Peachey
12 dated 02 Sep 99

13 MS. HALLETT: It looks like just two counts,
14 though.

15 MR. ENGELMANN: Were you contemplating other
16 counts, Ms. Hallett?

17 MS. HALLETT: No, I guess I viewed it as
18 being -- these two episodes occurring in this period of
19 time, attracting these two offences, so I didn't specify a
20 count per episode, in other words.

21 MR. ENGELMANN: All right.

22 And my understanding is after this
23 indictment and before a trial in the Superior Court, Dr.
24 Peachey died?

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** And he died in early
2 December of 1999, and as a consequence of that, the charges
3 against him were withdrawn?

4 **MS. HALLETT:** Yes, that's correct.

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

6 And that would have ended your involvement
7 in this matter?

8 **MS. HALLETT:** With Dr. Peachey, yes.

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

10 So let's look at another case that you would
11 have been assigned in July of 1998.

12 **MS. HALLETT:** M'hm.

13 **MR. ENGELMANN:** And that's the matter of
14 Angus Malcolm MacDonald?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** And we know that you were
17 assigned -- well, you were given three volumes of Crown
18 briefs on July 7th of 1998.

19 If we just look at the Crown Brief log for a
20 minute -- I'll just be a moment.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. ENGELMANN:** And that is Exhibit 2772,
23 and the Bates page I'm looking for is 7644. It's page 4 of
24 6, and Angus Malcolm MacDonald is number 18.

25 **MS. HALLETT:** M'hm.

1 **MR. ENGELMANN:** If we look, as we go across

2 ---

3 **MS. HALLETT:** It developed into six volumes.

4 **MR. ENGELMANN:** Right.

5 **MS. HALLETT:** M'hm.

6 **MR. ENGELMANN:** So we've got three volumes
7 given to you on July 7th, '98.

8 **MS. HALLETT:** M'hm.

9 **MR. ENGELMANN:** Then we have an opinion on
10 those three volumes at or about the 9th of March '99?

11 **MS. HALLETT:** M'hm.

12 **MR. ENGELMANN:** "Hallett - sufficient to
13 proceed."

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** And then we have Volumes 4
16 and 5 given to you on April 28th, '99, and then a Volume 6
17 given to you on December 3rd, '99?

18 **MS. HALLETT:** Okay. Very well.

19 **MR. ENGELMANN:** Correct?

20 **MS. HALLETT:** Right.

21 **MR. ENGELMANN:** Now, just before we go into
22 the particulars of Angus Malcolm MacDonald, as we said
23 earlier, this was a bit different than Leduc and Peachey
24 because here you're being asked for your opinion as to
25 whether or not to proceed with charges?

1 **MS. HALLETT:** Yes.

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

3 I want to just start off by asking some
4 general questions on what you do when you get a Crown
5 brief.

6 **MS. HALLETT:** M'hm.

7 **MR. ENGELMANN:** And do you call them Crown
8 briefs even if it's pre-charge?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** All right. Can you just
11 give us a sense as to, first of all, whether this was
12 something you did fairly frequently?

13 **MS. HALLETT:** Yes, I would do it for various
14 cases that I would have handled over the years, whether in
15 the Crown -- more in the Crown Law Office, Criminal than as
16 a trial Crown.

17 **MR. ENGELMANN:** All right. And did you have
18 a routine or a standard practice when you were looking at
19 briefs for the purposes of confirming reasonable and
20 probable grounds or reasonable prospect of conviction?

21 **MS. HALLETT:** Yes. I liked to be able to
22 have some time -- sufficient time to sit down and look at
23 the whole brief if I could or, you know, take the number of
24 days that might be necessary to look at it and to read all
25 of the witness statements, of course, but also to cross-

1 check because, you know, you have to look at what one
2 witness has to say; compare it with what another witness
3 has to say.

4 You know, in a sexual assault case you --
5 especially of a historical nature, you are always looking
6 for some evidence that might confirm the allegation or a
7 material particular of the allegation. And, oftentimes,
8 there isn't a witness, for example, who has actually seen
9 what has occurred between the alleged offender and the
10 complainant, but there may be evidence that will help to
11 establish that the complainant is telling the truth about
12 an aspect of the allegation.

13 So I would find that that work was very
14 painstaking in terms of reviewing the whole brief in order
15 to determine whether there would be a reasonable prospect
16 of conviction and, you know, whether or not also there
17 might be other avenues of investigation that the police
18 could pursue that might assist in terms of arriving at, you
19 know, whether or not charges should be laid.

20 A lot of times there might have been that
21 already, as there was, I believe, with MacDonald -- Malcolm
22 MacDonald -- but you still -- that doesn't end the matter.
23 You still -- you have questions. You know, statements or
24 whatever the evidence is that's outlined in the brief will
25 have left questions in my mind that I would want the police

1 to answer, to follow up on, in terms of further
2 investigation, further documents.

3 So that was a very painstaking exercise and,
4 of course, what you're trying to do is what I would be
5 doing in this review -- is looking ahead to the likelihood
6 of my -- or a Crown prosecuting this matter. And I always
7 felt that it was very important to get the matter started
8 properly so that you identify what the evidence is that
9 attracts what offences; what the likely defences are going
10 to be; and what is the follow-up investigation that might
11 be required here.

12 So that was a very -- it was an important
13 task but it's a very time-consuming task.

14 **MR. ENGELMANN:** All right. So that's the
15 standard practice. I would assume that if the case has
16 multiple volumes ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- it would take you longer
19 to do?

20 **MS. HALLETT:** Very much so, yes.

21 **MR. ENGELMANN:** And if it's a complex case,
22 for example an historical sexual assault, where you're
23 looking for corroborative evidence or other issues that
24 might connect, that complexity might add to the time
25 involved?

1 MS. HALLETT: Absolutely.

2 MR. ENGELMANN: All right.

3 And I believe you've told us whether or not
4 the officers have determined reasonable and probable
5 grounds, you may be asking them -- or you -- I take it from
6 what you've said that you would often ask them to follow up
7 on certain issues?

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: Even though they would be
10 proceeding with the charge?

11 MS. HALLETT: Yes, absolutely, because, you
12 know, there's nothing wrong with having more evidence that
13 might confirm the allegation. And if it wasn't helpful, of
14 course it would still need to be disclosed to the defence.
15 There's nothing wrong with that either, right? We want to
16 get to the truth of what happened.

17 MR. ENGELMANN: And if they were suggesting
18 it were not sufficient -- there was not sufficient evidence
19 to form reasonable and probable grounds in those
20 circumstances, might you ask them to go back and look at
21 other issues or other areas that they might not have
22 explored?

23 MS. HALLETT: Yes. I'm not talking just
24 about the Project Truth officers here.

25 MR. ENGELMANN: No, no, I'm ---

1 **MS. HALLETT:** Over the years with these
2 cases, I often had police officers coming to me when I was
3 a front-line Crown because I was the specialist in the
4 office, and they would be coming to me not because they
5 wanted necessarily to get me to, how should I say, review
6 the brief for, you know, whether or not there was RPG, but
7 simply, "Can you give us some help here in terms of what
8 might -- you know, where we can go with this? Is there
9 more evidence that we might obtain? From where? What do
10 you think?"

11 And what I found over the years is that
12 usually the first brief that is brought to you is -- still
13 needs more work in terms of the police having to find more
14 stuff, more documents, more evidence. That does not mean
15 that what they have found already may not be sufficient.
16 It usually -- in these cases where the Project Truth
17 officers -- in these early cases, for example Malcolm
18 MacDonald, I did find that there was sufficient, but I
19 still thought that there was more that could be obtained.

20 So I'm not sure if that answers your
21 question or ---

22 **MR. ENGELMANN:** Well, just a couple of other
23 questions if I may then.

24 **MS. HALLETT:** Right.

25 **MR. ENGELMANN:** We've talked about

1 historical sexual abuse cases.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: Some of the difficulties,
4 some of the complexity.

5 MS. HALLETT: Right.

6 MR. ENGELMANN: And you've told us as well
7 about changes in the law ---

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: --- over time.

10 MS. HALLETT: M'hm.

11 MR. ENGELMANN: Would these types of cases
12 be cases where you'd be more likely to be asked for an
13 opinion?

14 MS. HALLETT: Historical cases?

15 MR. ENGELMANN: Yes.

16 MS. HALLETT: With respect to perhaps the
17 charges that should be laid, yes, what was an appropriate
18 charge here; the wording of the charges, you know; because
19 you might have to draft several different kinds of charges,
20 depending on whether or not offences might have bridged two
21 regimes.

22 MR. ENGELMANN: All right.

23 MS. HALLETT: Okay?

24 MR. ENGELMANN: And when you typically would
25 do this work, would you prepare a written opinion at the

1 end or would you sometimes give an oral opinion, or what
2 was your practice?

3 **MS. HALLETT:** Oh, I would generally draft as
4 comprehensive a written opinion as I could.

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

6 And would you have some standard features in
7 your opinions? For example, describing how each element of
8 an offence might be obtained or attained, and whether or
9 not there was further investigative work necessary?

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** Things of that nature?

12 **MS. HALLETT:** Yes, I would. I would
13 generally set out what the complaint was and what the other
14 witnesses had to say, you know, sort of establishing --
15 more or less summarizing what the brief stood for, what was
16 said in the brief, and that would inform the conclusion
17 that I would give that, yes, there seems to be sufficient
18 to proceed here.

19 **MR. ENGELMANN:** With respect to further
20 investigative work, if you were asking officers to do that,
21 clearly that's their call as to whether they do it. But
22 when you were asking for them to do it, would you include
23 that in your Crown brief opinion or would it be separate,
24 or how would that work?

25 **MS. HALLETT:** I ordinarily would provide

1 that under separate cover, as I recall, either verbally or
2 written under separate cover, because I felt that the
3 opinion might be used for different purposes in the future,
4 and I wouldn't necessarily want the homework to be included
5 in that opinion.

6 **MR. ENGELMANN:** All right.

7 Now, we know that the Malcolm MacDonald
8 brief, at least the first three volumes, were given to you
9 shortly after or at or around the 7th of July.

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** And that you were assigned
12 the matter to provide a Crown opinion with respect to
13 complaints of a couple of complainants at that time.

14 **MS. HALLETT:** Yes, that's right.

15 **MR. ENGELMANN:** And you were aware that he
16 was a local lawyer?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And that there were
19 allegations that he had abused former clients who were
20 young people?

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** Did you have any concerns
23 when you were reviewing the brief about his having
24 continued access to victims or alleged victims?

25 **MS. HALLETT:** I believe that these were

1 fairly old, these were historical complaints, and they were
2 based on the allegations of fragile witnesses, fragile
3 complainants, so I did -- I had some concerns I think. I
4 believe that I asked for more work to be done with respect
5 to the Malcolm brief. I'm not sure.

6 But in terms of that case relative to others
7 I was working on at the time, I was getting -- trying to
8 get up-to-speed in the *Peachey* matter and I was also having
9 to do the pre-trial conference reports for Leduc which had
10 already -- sort of was up and running also.

11 **MR. ENGELMANN:** We know at that time you had
12 the -- you were receiving materials on *Peachey*, Leduc and
13 Malcolm MacDonald?

14 **MS. HALLETT:** Yes. Yes, and I still had --
15 I have to say this; I had a very substantial appeal that I
16 argued on February 5th, 1999.

17 **MR. ENGELMANN:** Okay.

18 **MS. HALLETT:** And so that sort of -- and
19 that was a YOA matter. It was a sexual assault and it had
20 considerable priority because it was a YOA matter and it
21 was an old matter. The transcripts had taken a long time
22 to come through.

23 So I remember that having somewhat more
24 priority, unfortunately, in relation to some of the Project
25 Truth matters that I was dealing with.

1 **MR. ENGELMANN:** Just on that note, with
2 respect to your work in the fall of 1998, if the witness
3 could be shown Document 103798? This is a memo from
4 Shelley Hallett to Paul Ramsay dated September 15th, 1998.

5 This was on the late notice list from the
6 Ministry of the Attorney General.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 3124 is a memo to Paul Ramsay from
9 Shelley Hallett dated September 15th, 1998.

10 **--- EXHIBIT NO./PIÈCE NO. P-3124:**

11 (103798) - Memorandum from Shelley Hallett
12 to Paul Ramsay re: R.v. M dated 15 Sep 98

13 **MS. HALLETT:** Yes. The matter that I'm
14 referring to is mentioned in the fourth paragraph on page
15 1.

16 **MR. ENGELMANN:** I just wanted to ask you
17 that, Ms. Hallett.

18 **MS. HALLETT:** Right.

19 **MR. ENGELMANN:** You said you had this appeal
20 coming up in February?

21 **MS. HALLETT:** M'hm.

22 **MR. ENGELMANN:** Is that the -- is that the
23 matter -- I don't know if I'm ---

24 **MS. HALLETT:** Leslie S.

25 **MR. ENGELMANN:** --- supposed to use that

1 term, but yeah, at the bottom of the page in the fourth
2 paragraph.

3 MS. HALLETT: Yes.

4 MR. ENGELMANN: All right.

5 And apparently you were being asked to take
6 on another matter, another appeal?

7 MS. HALLETT: No. This, I refer to it being
8 a pre-assigned appeal. So this had been pre-assigned to me
9 even before the Project Truth matters were assigned to me.

10 MR. ENGELMANN: I think you misunderstood
11 me.

12 MS. HALLETT: Okay.

13 MR. ENGELMANN: That matter had been pre-
14 assigned, but the subject matter of this memo, R. v. M.,
15 that's a new case ---

16 MS. HALLETT: Oh, this one? Yes.

17 MR. ENGELMANN: --- that you're being asked
18 to take on?

19 MS. HALLETT: Yes. M'hm. Yes.

20 MR. ENGELMANN: And you're setting out some
21 reasons in this memo, if I can paraphrase ---

22 MS. HALLETT: Right.

23 MR. ENGELMANN: --- as to why you're unable
24 to take on this other appeal?

25 MS. HALLETT: Yes. Yeah.

1 **MR. ENGELMANN:** Okay. And so what you're
2 setting out is some of the work you have ongoing that fall?

3 **MS. HALLETT:** Exactly.

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

5 And you reference the two pre-trial
6 conferences.

7 **MS. HALLETT:** M'hm.

8 **MR. ENGELMANN:** And I believe you say -- if
9 I'm correct, in the third paragraph, are you referring to
10 the Malcolm MacDonald brief?

11 **MS. HALLETT:** Yes. Yes, that's right.

12 **MR. ENGELMANN:** All right.

13 Now, what I'm -- so you're explaining why
14 you can't take on another matter. You're explaining some
15 of your caseload, but you are suggesting in this memo, are
16 you not, that you're hopeful that you'll have the Malcolm
17 MacDonald brief done towards the end of October?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** Of 1998?

20 **MS. HALLETT:** Yes. M'hm. Exactly.

21 But then I am also referring to this in the
22 next paragraph, to this Leslie S.Y.O. matter.

23 **MR. ENGELMANN:** Right.

24 **MS. HALLETT:** And the transcripts had -- you
25 know, 16 volumes of evidence had just arrived and Justice

1 Rosenberg was, you know, requiring that this matter sort of
2 be treated in an expedited way because of the time that it
3 was taking to get the transcripts.

4 And so ultimately I had to -- I agreed to an
5 appeal date for that matter of February 5th of 1999. And so
6 that did have some priority, unfortunately, over the
7 Project Truth matters at that point.

8 I was coming down; I was interviewing
9 witnesses for both Leduc and for Peachey at that point, in
10 the fall of '98, and I was also doing the pre-trial
11 conferences for Leduc. There were two of them.

12 **MR. ENGELMANN:** Right.

13 I just -- I guess my question is you've
14 explained that you had to prioritize and then you had these
15 pre-trial conferences ---

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** --- on Leduc and Peachey
18 that had to take priority over Malcolm MacDonald.

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** You're also setting out in
21 this letter that you've got this important appeal ---

22 **MS. HALLETT:** Right.

23 **MR. ENGELMANN:** --- that's coming up and
24 you've told us it's February 5th.

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** But in the letter you're
2 also still hopeful to have the Malcolm MacDonald brief
3 completed by the end of October.

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** And we know from the brief
6 log record that you're not able to do that until at or
7 about the 9th of March, which is quite a bit later.

8 **MS. HALLETT:** Yes. Well ---

9 **MR. ENGELMANN:** Can you give us some sense
10 as to why you were so far off on your prediction?

11 **MS. HALLETT:** Well, as I say, I don't think
12 at the time that I'm writing this memo I am aware of the
13 date that is going to be set for that appeal in the Leslie
14 S. matter.

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

16 **MS. HALLETT:** Okay. So that ended up being
17 assigned -- that ended up being scheduled for February the
18 5th. That's what I'm advising you of. I've checked.

19 And so that was a substantial appeal
20 involving a Y.O. matter. So that would have priority.

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

22 **MS. HALLETT:** And I really had, I don't
23 think, any control over the scheduling of that appeal at
24 that point, okay?

25 **MR. ENGELMANN:** And so ---

1 **MS. HALLETT:** So I had to sort of get --
2 started reading that. You know, the filing of factums in
3 the Court of Appeal is very rigid. The deadline is very
4 rigid. They have to be filed within certain timelines
5 prior to the hearing of the appeal.

6 So I assume that that would have sort of
7 hijacked my time around just before Christmas and into the
8 new year.

9 **MR. ENGELMANN:** Did you have a sense as to
10 urgency on the Malcolm MacDonald case?

11 **MS. HALLETT:** I ---

12 **MR. ENGELMANN:** I realize that charges
13 hadn't been laid.

14 **MS. HALLETT:** Right.

15 **MR. ENGELMANN:** So the clock -- well,
16 there's some evidence as to -- there's some dispute, I
17 think, when the clock starts running 11(b)s, but ---

18 **MS. HALLETT:** Right.

19 **MR. ENGELMANN:** --- in any event, did you
20 consider at the time asking a colleague to take it on or
21 asking someone else?

22 **MS. HALLETT:** To take on?

23 **MR. ENGELMANN:** The writing of the brief for
24 Malcolm MacDonald?

25 **MS. HALLETT:** Well, you mean the reviewing

1 of the brief?

2 MR. ENGELMANN: Yes.

3 MS. HALLETT: And the writing of the legal
4 opinion?

5 MR. ENGELMANN: Yes.

6 MS. HALLETT: I'm not sure what colleague
7 would have been -- I was assigned to Malcolm MacDonald.
8 There's nobody else in my office that would have done that.

9 MR. ENGELMANN: I realize you were, but, you
10 know, in this memo you're talking about possibly, you know,
11 having it done by the end of October.

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: Then you get the Leslie
14 appeal that's set for February 5th.

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: I'm just wondering if you
17 made any effort to ask someone else to take it on or ---

18 MS. HALLETT: I don't think I had anybody
19 else to ask to take it on, Mr. Engelmann. I had been
20 assigned that particular case as I had also been assigned
21 the Leslie S. matter which had been pre-assigned because it
22 was a young offender matter and of some urgency.

23 So as between the young offender and the
24 rather dated complaint, I had to prioritize and I gave the
25 priority to the young offender appeal.

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

2 I note the time, sir. I was about to get
3 into her legal opinion on Malcolm MacDonald, but I think
4 that can wait until after lunch.

5 **THE COMMISSIONER:** I think it will wait
6 until after lunch.

7 Thank you. We'll have lunch until two
8 o'clock.

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

11 This hearing will resume at 2:00 p.m.

12 --- Upon recessing at 12:34 p.m./

13 L'audience est suspendue à 12h34

14 --- Upon resuming at 2:06 p.m. /

15 L'audience est reprise à 14h06

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

18 Now resumed. Please be seated. Veuillez
19 vous asseoir.

20 **THE COMMISSIONER:** Mr. Engelmann.

21 **MR. ENGELMANN:** Thank you, Mr. Commissioner.
22 Good afternoon.

23 Good afternoon, Ms. Hallett.

24 **MS. HALLETT:** Good afternoon, Mr. Engelmann.

25 **SHELLEY HALLETT, Resumed/Sous le même serment:**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
2 ENGELMANN (cont'd/suite):

3 MR. ENGELMANN: We left off this morning
4 dealing with some work you were asked to do in reviewing
5 Crown briefs on Angus Malcolm MacDonald.

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: And on March the 9th, 1999
8 you wrote an opinion letter.

9 MS. HALLETT: Right.

10 MR. ENGELMANN: To then Sergeant Pat Hall
11 recommending three counts be laid against Malcolm MacDonald
12 in relation to two individuals?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: Does the witness have a
15 moniker binder?

16 THE COMMISSIONER: No, we don't do that. We
17 show her the numbers ---

18 MR. ENGELMANN: Very well, C-5 and C-10.

19 (SHORT PAUSE/COURTE PAUSE)

20 THE COMMISSIONER: Do you want to leave her
21 the binder? Is that the idea?

22 MR. ENGELMANN: No, no, I just wanted her to
23 refer to the binder briefly.

24 MS. HALLETT: I think I ---

25 THE COMMISSIONER: I'm sorry?

1 **MS. HALLETT:** I think I'm okay on those two,
2 thanks.

3 **THE COMMISSIONER:** Okay.

4 **MR. ENGELMANN:** And, in fact, with C-5 as I
5 understand it there were charges of indecent assault on a
6 male and gross indecency, and with C-10 indecent assault on
7 a male?

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** And just to confirm that,
10 Ms. Hallett, if we look at the letter you wrote ---

11 **MS. HALLETT:** Okay.

12 **MR. ENGELMANN:** --- dated March 9th, 1999 and
13 that is Document Number 700945; 700945. It's a letter from
14 Shelley Hallett to Pat Hall dated March 9th, 1999.

15 Sir, that will need a publication ban stamp.
16 It does refer to the monikered individuals.

17 **THE COMMISSIONER:** Thank you.

18 Exhibit Number 3125 is a letter dated March
19 9th, 1999 addressed to Sergeant Pat Hall from Shelley
20 Hallett.

21 --- **EXHIBIT NO./PIÈCE NO. P-3125:**

22 (700945) Letter from Shelley Hallett to Pat
23 Hall re: *R. v. Malcolm MacDonald* dated March
24 9, 1999

25 **MR. ENGELMANN:** Ms. Hallett, this is indeed

1 the letter you would have written after your review of the
2 Malcolm MacDonald briefs?

3 MS. HALLETT: Yes, m'hm, of three of them,
4 yes.

5 MR. ENGELMANN: Yes, yes, and there were
6 three more that you received after you wrote this letter.

7 MS. HALLETT: That's right.

8 MR. ENGELMANN: Correct?

9 MS. HALLETT: M'hm.

10 MR. ENGELMANN: And, again, as we see in the
11 second paragraph, you're recommending two charges against
12 him with respect to C-5 and in the third paragraph, one
13 charge with respect to C- ---

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: And not only do you write
16 the opinion letter but you also provide some draft wording
17 of the charges? It's not attached, unfortunately, but it
18 appears that you do that?

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: And you give them
21 timeframes?

22 MS. HALLETT: Offence periods, yes.

23 MR. ENGELMANN: Right.

24 MS. HALLETT: In relation to their
25 birthdates, that's right.

1 **MR. ENGELMANN:** And you reference something
2 that happens in the Province of Quebec.

3 **MS. HALLETT:** Right.

4 **MR. ENGELMANN:** With respect to C-5.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** Do you know if those charges
7 were in fact laid?

8 **MS. HALLETT:** I don't.

9 **MR. ENGELMANN:** All right.

10 And quite aside from the recommendation on
11 the charges and providing wording, you also set out your
12 views on release conditions?

13 **MS. HALLETT:** That's right.

14 **MR. ENGELMANN:** Now, is that something that
15 you would typically do?

16 **MS. HALLETT:** I'm just reading the
17 paragraph.

18 **MR. ENGELMANN:** Sure.

19 **MS. HALLETT:** Yes. My main concern here was
20 recommending conditions of release in the event that there
21 would be an arrest.

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

23 **MS. HALLETT:** And I anticipated that there
24 probably would have been, based on my experience in
25 Toronto. My concern wasn't so much that there be an

1 arrest, though, it was more the conditions that I felt
2 would be appropriate in terms of a release into the
3 community in terms of having a surety and ensuring no
4 communication with the complainants and no association with
5 any young person under the age of 18.

6 **MR. ENGELMANN:** All right.

7 And would you have had some discussions with
8 Officer Hall at or about this time with respect to wording
9 of charges, the release ---

10 **MS. HALLETT:** I think I would have, yes.
11 I'm not sure if it would have been with Hall himself. He
12 was more of the manager. It may have been with one of the
13 other officers. I think it was Detective Seguin who was
14 the ---

15 **MR. ENGELMANN:** Okay.

16 **MS. HALLETT:** --- lead officer on this
17 investigation.

18 **MR. ENGELMANN:** There are just some
19 references to -- at least in Detective Sergeant -- or
20 Detective Inspector Hall's notes, the fact that you're
21 going to be faxing information on charges, et cetera.

22 **MS. HALLETT:** Okay. Well, then it was -- I
23 would definitely rely on ---

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

25 **MS. HALLETT:** --- Detective Hall's notes.

1 **MR. ENGELMANN:** I don't think we need to go
2 there right now. We have this information here.

3 I just wanted to show you briefly the
4 promise to appear as well.

5 **MS. HALLETT:** Okay.

6 **MR. ENGELMANN:** And that's Document Number
7 111479 -- Document 111479.

8 Mr. Commissioner, it's a promise to appear
9 for Angus Malcolm MacDonald. It's dated the 11th of March,
10 1999, two days after Ms. Hallett's opinion.

11 **MS. HALLETT:** Okay, then, thank you.

12 **THE COMMISSIONER:** Exhibit 3126.

13 **--- EXHIBIT NO./PIECE NO. P-3126:**

14 (111479) Promise to Appear re: Malcolm
15 MacDonald dated May 33, 1999

16 **MR. ENGELMANN:** Again, sir, that will
17 require a stamp.

18 **THE COMMISSIONER:** Sure.

19 **MR. ENGELMANN:** And just from a quick
20 review, Ms. Hallett, of the second page of the document,
21 give us a sense as to whether some or all of your concerns
22 with respect to release were adopted?

23 **MS. HALLETT:** Well, I don't believe there's
24 a surety.

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

1 THE COMMISSIONER: It's a promise to appear.

2 MS. HALLETT: Yes.

3 THE COMMISSIONER: So he wasn't released
4 judicially.

5 MS. HALLETT: Exactly.

6 MR. ENGELMANN: Yeah.

7 MS. HALLETT: You know, my original
8 recommendation had been with respect to having a surety,
9 but it would appear that the other conditions are met here.

10 MR. ENGELMANN: So we don't have the
11 reconnaissance in the amount of \$10,000 without deposit or
12 with a surety.

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: But we do have the other
15 issues taken care of?

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: No contact with the two
18 complainants and no contact with persons under 18 unless
19 accompanied?

20 MS. HALLETT: Yes.

21 MR. ENGELMANN: All right.

22 MS. HALLETT: M'hm.

23 MR. ENGELMANN: And at the end of the day
24 the issue of police arrest, that is the police decision;
25 it's their decision?

1 **MS. HALLETT:** Absolutely.

2 **MR. ENGELMANN:** Right. You make
3 recommendations to them and they are free to follow them or
4 not?

5 **MS. HALLETT:** Exactly, exactly. It's their
6 prerogative under the *Criminal Code*. If the statutory
7 criteria are met as far as the police officer is concerned,
8 then he must be, you know, bound by the *Criminal Code*.

9 **MR. ENGELMANN:** Do you recall if there was
10 any disagreement on this issue or any conflict as a result
11 of it?

12 **MS. HALLETT:** I don't believe that it was
13 even discussed.

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

15 **MS. HALLETT:** I didn't discuss it I had
16 given my -- what I considered my best counsel and -- but of
17 course that's not binding on the officer.

18 **MR. ENGELMANN:** Right. Now, I understand
19 that on April 28th you received two further volumes of Crown
20 briefs relating to allegations against Malcolm MacDonald?

21 **MS. HALLETT:** I'm sorry, what date again?

22 **MR. ENGELMANN:** April 28th, 1999.

23 **MS. HALLETT:** Very well; okay.

24 **MR. ENGELMANN:** And that's -- I know this
25 from the -- again the brief log.

1 MS. HALLETT: Right.

2 MR. ENGELMANN: And as a result of this
3 further disclosure, we don't appear to have a further
4 opinion or further charges laid against Malcolm MacDonald.

5 Do you have some recollection of receiving
6 these two volumes and taking any action with respect to
7 them other than disclosure to the defence?

8 MS. HALLETT: Well, I prepared a pre-trial
9 conference report ---

10 MR. ENGELMANN: Yes.

11 MS. HALLETT: --- on Angus Malcolm
12 MacDonald, which was filed in the Provincial Court that
13 summer.

14 MR. ENGELMANN: If the witness could be
15 shown Document Number 200115?

16 I believe this is the report you're
17 referring to, Ms. Hallett.

18 MS. HALLETT: M'hm.

19 MR. ENGELMANN: It's captioned "Pre-Trial
20 Conference", sir.

21 THE COMMISSIONER: Thank you.
22 Exhibit 3127.

23 MS. HALLETT: Thank you.

24 --- EXHIBIT NO./PIÈCE NO. P-3127:

25 (200115) - Pre-Trial Conference Report re:

1 Malcolm MacDonald dated June 24, 1999

2 **MR. ENGELMANN:** Again, sir, it will need a
3 publication ban stamp.

4 **THE COMMISSIONER:** So ordered.

5 So you say you deposited this in the Ontario
6 Court?

7 **MS. HALLETT:** Yes, sir. It was my
8 understanding that pre-trial conference reports were
9 required both before the preliminary inquiries and in order
10 -- and before the trials, and so I was trying -- I was from
11 out of this jurisdiction and I had gotten information from
12 the Ottawa Crown Attorney's office in terms of what was
13 expected, and so I was trying to meet the requirements that
14 existed in the region at that time.

15 **MR. ENGELMANN:** Ms. Hallett, you -- not only
16 in this matter but I think in the Jacques Leduc matter --
17 you filed pre-trial conference reports both prior to a
18 preliminary inquiry and prior to a trial.

19 **MS. HALLETT:** That's correct.

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

21 **MS. HALLETT:** That's correct.

22 **THE COMMISSIONER:** Well, prior to the
23 preliminary was a new -- wasn't that the new provisions
24 trying to reduce the amounts of preliminary inquiries and
25 limiting the issues and that kind of thing?

1 **MS. HALLETT:** Yes, it was -- basically, it
2 was to facilitate case management ---

3 **THE COMMISSIONER:** Okay.

4 **MS. HALLETT:** --- by the judge -- the senior
5 judge in the region, and I was trying to meet whatever the
6 requirements were.

7 **THE COMMISSIONER:** Okay, that's fine.

8 **MR. ENGELMANN:** So, Ms. Hallett, is this in
9 fact the pre-trial conference brief you would have
10 prepared?

11 **MS. HALLETT:** Yes, it was.

12 **MR. ENGELMANN:** I'm not sure if this helps
13 you with respect to volumes 4 and 5 that you would have
14 received in April. You certainly set out a number of the
15 legal issues.

16 **MS. HALLETT:** Yes, that's correct.

17 **MR. ENGELMANN:** Both procedural and then the
18 issues on the charges involving both complainants?

19 **MS. HALLETT:** Yes. Yes, the indecent
20 assault and, you know, vitiation of consent based on the
21 circumstances and also the offence of gross indecency, and
22 I set out the synopsis from the Crown's point-of-view of
23 what the case is about.

24 **MR. ENGELMANN:** And, again, you have similar
25 issues to the issues from Arthur Peachey's case with

1 respect to the issue of consent and the perhaps vitiation
2 of that consent?

3 **MS. HALLETT:** Yes, absolutely.

4 **MR. ENGELMANN:** The power balance issue
5 et cetera.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** All right.

8 And you include the fact of the -- that
9 specific relationship -- the specific relationship between
10 the solicitor and the client and the power imbalance that
11 exists within that relationship?

12 **MS. HALLETT:** Yes, exactly. Similar, as you
13 say to Peachey, only you know, with respect to a lawyer
14 instead of a doctor.

15 **MR. ENGELMANN:** Yes.

16 **MS. HALLETT:** But it seems to me that the
17 power imbalance was really quite striking, quite obvious.

18 **MR. ENGELMANN:** Right.

19 And was it your information that
20 Mr. MacDonald had assisted one or both of these
21 complainants when they were, shall we say, facing some
22 difficulties before the courts in -- when they were
23 juveniles or young offenders?

24 **MS. HALLETT:** I know that certainly one of
25 the complainants had, yes, sought legal counsel and that in

1 fact the offence was alleged to have occurred in a counsel
2 room just outside of the courtroom and not far from -- in
3 proximity to the probation office, I believe. So that was
4 a rather -- I thought rather shocking scenario, frankly.

5 MR. ENGELMANN: All right.

6 And just to perhaps help with respect to
7 volumes 4 and 5, just for a minute if I can ---

8 MS. HALLETT: Okay.

9 MR. ENGELMANN: --- I'll take you to a
10 couple of documents.

11 MS. HALLETT: Okay then.

12 MR. ENGELMANN: I don't know if this will
13 help. They're Crown brief indexes.

14 MS. HALLETT: Okay.

15 MR. ENGELMANN: It's Exhibit 2896. Counsel,
16 the Document Number is 709042 for volume 4.

17 MS. HALLETT: M'hm.

18 MR. ENGELMANN: No, we need, sorry, Bates
19 page 3010, please.

20 Ms. Hallett, if we look down the page a bit,
21 we appear to be getting into some documents from the
22 Dunlop, Bourgeois or Fantino brief, as it's been variously
23 called here ---

24 MS. HALLETT: Right.

25 MR. ENGELMANN: --- that appear to be

1 disclosed now in this prosecution of Angus Malcolm
2 MacDonald.

3 **MS. HALLETT:** Yes, okay.

4 **MR. ENGELMANN:** If we look at some of the
5 documents towards the bottom of the page, the interviews
6 with Ron Leroux et cetera.

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** And then if you look at --
9 it's Bates page 392 of that document. Sorry, it's Exhibit
10 2896, Document Number 709085.

11 **THE COMMISSIONER:** Yeah, it's the next page
12 over; right.

13 **MR. ENGELMANN:** Okay.

14 **THE COMMISSIONER:** Volume 5. There you go.

15 **MR. ENGELMANN:** Again. we seem to get into a
16 number of statements. For example, we see David Silmser's
17 name?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And others. So these would
20 appear to be volumes 4 and 5?

21 **MS. HALLETT:** Right.

22 **MR. ENGELMANN:** I'm not aware of any new
23 charges or any new opinions. It appears these were just
24 disclosed; at least from our records?

25 **MS. HALLETT:** Yes.

1 MR. ENGELMANN: Okay.

2 MS. HALLETT: Exactly.

3 MR. ENGELMANN: All right.

4 MS. HALLETT: I'm not sure that any of this
5 material as I recall -- it's been, frankly, some time since
6 I did review it, but I wasn't -- I don't believe that I
7 thought a lot of this was going to be all that much helpful
8 in advancing ---

9 MR. ENGELMANN: Right.

10 MS. HALLETT: --- this prosecution.

11 MR. ENGELMANN: Okay. But ongoing
12 disclosure responsibilities?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: You were, if anything, just
15 being careful to disclose anything that might be relevant?

16 MS. HALLETT: That's right.

17 MR. ENGELMANN: All right.

18 And then with respect to follow-up on this,
19 did you ask the officers here to follow up on any further
20 information for you?

21 MS. HALLETT: Yes, I did. What I -- and in
22 fact I've itemized that in the pre-trial conference report
23 ---

24 MR. ENGELMANN: All right.

25 MS. HALLETT: --- I believe, as item 2 under

1 "Disclosure Unresolved" where I state in the PTC:

2 "The Crown has just received on June
3 16, 1999 a Defence request for copies
4 of all court records involving
5 Mr. Malcolm MacDonald and either of the
6 two complainants, specifically copies
7 of the pre-sentence reports and copies
8 of the court information showing
9 appearances. The Crown will disclose
10 to the Defence such documentation if
11 and when police obtain such records."

12 And in fact I wanted to obtain those records
13 myself ---

14 **MR. ENGELMANN:** Right.

15 **MS. HALLETT:** --- and I did ask Detective
16 Seguin to do his best to try and track these down. I felt
17 that certainly these were highly relevant in terms of
18 narrowing the offence period. And certainly if an
19 information -- you know, the information upon which Malcolm
20 MacDonald was possibly representing or advising the young -
21 - the youth in court, that that even might have Malcolm
22 MacDonald's name on it, on the information, as the counsel
23 representing him.

24 **MR. ENGELMANN:** To establish the solicitor-
25 client relationship at the time?

1 **MS. HALLETT:** Well, no, just -- well, to
2 establish -- well, yes, but to also establish the
3 opportunity and in fact probably make it fairly clear that
4 it was capable of confirming a very substantial material
5 particular of the complainant's allegation.

6 **MR. ENGELMANN:** All right.
7 And this pre-trial is held on June 24th,
8 1999?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And I understand there's a
11 further one held about a month later?

12 **MS. HALLETT:** Yes, there was one scheduled.
13 Now, as I recall, the procedure in this jurisdiction was
14 that until the unresolved issues were resolved there would
15 not be a preliminary inquiry date set.

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

17 **MS. HALLETT:** And so -- but, of course --
18 but there would be a date set for the next pre-trial
19 conference. And I believe that in -- so we did set another
20 one a month from this one and it was to resolve some
21 outstanding issues.

22 Another issue that had arisen was whether or
23 not Mr. Chayko, who was representing Mr. MacDonald, had in
24 fact represented a co-accused of one of these complainants,
25 and so a Silvini issue arose in terms of whether or not he

1 would be able properly to cross-examine one of these
2 complainants because of the possible conflict. And so I
3 wanted -- we wanted to find out about, you know, whether
4 Mr. Chayko had in fact represented this co-accused.

5 So there were a few issues that needed to be
6 resolved and we put the matter over. I believe that in the
7 interim the outstanding issues were resolved
8 satisfactorily. I believe that because I did send one of
9 my students down to simply speak to the set date.

10 **MR. ENGELMANN:** And just to follow up on it,
11 there is a letter.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** Perhaps I can just show it
14 to you. It's Document Number 701876.

15 **MS. HALLETT:** M'hm.

16 **THE COMMISSIONER:** While we're looking for
17 that, with respect to C-5, right ---

18 **MS. HALLETT:** Yes, sir.

19 **THE COMMISSIONER:** --- one of the things
20 I've looked at -- I'm looking at is when the complaint came
21 in and when the brief was sent out, in my understanding
22 with respect to C-5 he came forward on the 30th of
23 September, 1997 and the brief was submitted on the 7th of
24 July, 1998. So were you looking at that or did you ever
25 realize that they were taking months to get from the time

1 the complaint came in to the time the brief was sent off?
2 Was that on your radar at all?

3 **MS. HALLETT:** I'm not sure that I -- it was
4 one of a number of things that was coming in in that
5 summer, sir, and I'm not sure that I was necessarily as
6 concerned about that at that time as perhaps other things
7 that were preoccupying me ---

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

9 **MS. HALLETT:** --- in terms of disclosure and
10 in terms of setting dates and counselling the police,
11 meeting witnesses on the other cases.

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

13 **MR. ENGELMANN:** Sorry, it's Document Number
14 701876, Mr. Commissioner. It's a letter from Colleen
15 Hepburn, student at law, to Shelley Hallett.

16 **THE COMMISSIONER:** Exhibit 3128.

17 ---EXHIBIT NO./PIÈCE NO. P-3128:

18 (701876) Letter from Colleen Hepburn to
19 Shelley Hallett re: R.v. Malcolm MacDonald
20 dated 09 Aug 99

21 **MR. ENGELMANN:** And again, sir, this should
22 have a publication ban stamp.

23 **THE COMMISSIONER:** Certainly.

24 **MR. ENGELMANN:** Ms. Hallett, is this helpful
25 with respect to what occurred at the second pre-trial or

1 just to confirm?

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: So Mr. Chayko is going to be
4 fine to proceed. And during this period of time, after the
5 first pre-trial or at or about the time of the first pre-
6 trial, did you ask the OPP officers in question to follow
7 up on those records?

8 MS. HALLETT: Yes, I did. And I believe you
9 have some notes from Detective Seguin ---

10 MR. ENGELMANN: Yes.

11 MS. HALLETT: --- indicating what I had
12 asked him to do.

13 MR. ENGELMANN: Yeah, if you could look at
14 Exhibit 2707.

15 MS. HALLETT: M'hm.

16 MR. ENGELMANN: And, Madam Clerk, if you
17 could pull that for Ms. Hallett.

18 I'm looking particularly at Bates pages
19 7129914 through 99 -- sorry, 9916, so starting 9914.

20 MS. HALLETT: Okay then.

21 MR. ENGELMANN: Sorry, I think I might have
22 made a mistake. I think it's -- just one second.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: I may have my Bates page
25 wrong. But in that same exhibit at Bates page 7128952

1 there's a reference. And this is a portion of Detective
2 Constable Seguin's notes.

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

4 **MR. ENGELMANN:** This particular note,
5 Ms. Hallett, is from July 21st, 1999. If you look at the
6 bottom of the page there's a 13:39, there's a call from you
7 requesting info on various things ---

8 **MS. HALLETT:** Okay then.

9 **MR. ENGELMANN:** --- *R. v. Malcolm MacDonald*
10 ---

11 **MS. HALLETT:** Okay.

12 **MR. ENGELMANN:** --- JDA records.

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** "Lawyer-client thing" he
15 says.

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** And a number of other
18 issues.

19 **MS. HALLETT:** Right.

20 **MR. ENGELMANN:** And then there's a follow-up
21 by him regarding the two complainants ---

22 **MS. HALLETT:** Okay.

23 **MR. ENGELMANN:** --- in regards to juvenile
24 records.

25 **MS. HALLETT:** Right, trying to obtain those.

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

2 **MS. HALLETT:** I felt that they were very
3 important and would have assisted in the prosecution.

4 **MR. ENGELMANN:** I believe there was another
5 request you made about a month earlier that I just haven't
6 been able to locate.

7 **MS. HALLETT:** Okay.

8 **MR. ENGELMANN:** But it appears that you were
9 asking Detective Constable Seguin to follow up on this ---

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** --- and that in fact he was
12 ---

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** --- following up on it.

15 **MS. HALLETT:** Yes, and I believe that he
16 did.

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

18 **MS. HALLETT:** I believe that he did.

19 **MR. ENGELMANN:** And in fact if we look at
20 Document Number 702250, this is a letter from Detective
21 Constable Seguin to Shelley Hallett dated July 22nd, 1999.
22 Again, this references the names of C-5 and C-10 so it
23 could have a stamp.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 3129.

1 **MS. HALLETT:** Yes, thank you.

2 **--- EXHIBIT NO./PIÈCE NO. P-3129:**

3 (702250) - Letter from Steve Seguin to
4 Shelley Hallett re: C-5 and C-10 dated July
5 22, 1999

6 **MR. ENGELMANN:** Again, Ms. Hallett, this --
7 he's confirming a request you've made of him and he's
8 indicating to you what efforts he's making to obtain these
9 records?

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** All right.

12 Now, I understand that after the pre-trial
13 conferences in your preparation for the preliminary
14 inquiry, you requested some legal memoranda be prepared on
15 issues?

16 **MS. HALLETT:** Yes, that's correct.

17 **MR. ENGELMANN:** And this is similar to what
18 you had done in the Peachey case?

19 **MS. HALLETT:** Yes, m'hm.

20 **MR. ENGELMANN:** And, again, you would have
21 asked for the assistance of a student?

22 **MS. HALLETT:** Yes, that would be Colleen
23 again who I had asked to come down.

24 **MR. ENGELMANN:** Right. So this is now
25 Colleen Hepburn again?

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** All right. And, in fact,
3 let's just take a look. She does a memorandum for you.
4 She does a couple but the first one is dated June 18th, 1999
5 and that is Document Number 110332.

6 **THE COMMISSIONER:** Thank you.
7 That will be Exhibit Number 3130.

8 **--- EXHIBIT NO./PIÈCE NO. P-3130:**
9 (110332) - Memorandum from Colleen Hepburn
10 to Shelley Hallett re: Malcolm MacDonald
11 dated June 18, 1999

12 **MS. HALLETT:** Thank you.

13 **MR. ENGELMANN:** Now, this memo is captioned,
14 "MacDonald Admissibility of Homosexual Disposition
15 Evidence". Can you tell us what the issue was here and
16 what you were asking for an opinion on?

17 **MS. HALLETT:** I believed that, based on my
18 review of the brief, there was evidence that could be led
19 that Mr. Malcolm MacDonald was an openly homosexual man in
20 the community. That was his gender preference.

21 And my query was whether or not that
22 evidence could or should be led to confirm what the
23 complainants were saying, that they had been sexually
24 assaulted in an homosexual way.

25 And so I wasn't quite sure what the answer

1 was; whether or not just the evidence of his gender
2 preference was in some way admissible for that purpose.
3 That is to prove that the complainants were likely telling
4 the truth about being assaulted in the way that they
5 alleged.

6 **MR. ENGELMANN:** All right.

7 So the question is, could you enter some
8 evidence of his sexual orientation or preference at trial?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** To demonstrate that the
11 complainants were likely telling the truth ---

12 **MS. HALLETT:** That's right.

13 **MR. ENGELMANN:** --- about being subjected to
14 sexual assaults by him?

15 **MS. HALLETT:** Yes, that's right.

16 **MR. ENGELMANN:** All right. And I understand
17 that on the basis of the research you received from Ms.
18 Hepburn, you concluded that this evidence would not be
19 admissible?

20 **MS. HALLETT:** That's absolutely correct and
21 I had no intention of leading that evidence at the trial.

22 **MR. ENGELMANN:** Sorry, you?

23 **MS. HALLETT:** I had no intention -- after
24 reading the results of her research, I decided that that
25 would not be evidence that would be admissible and I wasn't

1 intending to attempt to introduce it.

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

3 And another issue that she dealt with in
4 this opinion was the issue of admissibility of similar fact
5 evidence and that was something you were considering?

6 **MS. HALLETT:** Yes. M'hm, yes, that's right
7 because as I stated in my ---

8 **MR. ENGELMANN:** In the pre-trial conference
9 brief?

10 **MS. HALLETT:** And also in my opinion letter,
11 it is my opinion that the statement of the one complainant,
12 confirmed in some material particulars by statements of
13 other witnesses, and -- oh, excuse me. I think it's the
14 second -- yeah, it's the third paragraph in my opinion
15 letter.

16 "It is also my opinion that the
17 statement of C-10, which I view to be
18 partly confirmed by way of similar fact
19 by the statement of C-5 and which I
20 anticipate may be further confirmed by
21 other documentary evidence [et cetera]
22 justifies the laying of a criminal
23 charges."

24 **MR. ENGELMANN:** All right. So, again,
25 that's why she would have looked at that issue for you?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: And I understand you also
3 got a research memo from her on September 6, 1999 and that
4 is Document Number 110727.

5 MS. HALLETT: M'hm.

6 THE COMMISSIONER: Thank you.

7 That's Exhibit 3131.

8 --- EXHIBIT NO./PIÈCE NO. P-3131:

9 (110727) - Memorandum from Colleen Hepburn
10 to Shelley Hallett re: Malcolm MacDonald
11 Transitional Provisions, Sex Offence
12 Amendments, dated September 6, 1999

13 MS. HALLETT: Thank you.

14 MR. ENGELMANN: Document Number 110727. Ms.
15 Hallett, this opinion -- or this memorandum that's entitled
16 -- after *R v. Malcolm MacDonald* -- "Transitional Provisions
17 and Sex Offence Amendments".

18 Can you give us a sense -- if you want to
19 take a minute -- but give us a sense as to what your
20 concerns were here and why you were asking that these
21 issues be researched for this case?

22 MS. HALLETT: Well, the concern was whether
23 or not proceedings commenced pursuant to the pre-1982 Code
24 sections, and in response to pre-1982 conduct, can be
25 stayed on the basis of constitutional invalidity.

1 So my concern was whether or not proceeding
2 on these older offences would in some way be undermined by
3 other more recent provisions, but I concluded that they
4 would not be.

5 **MR. ENGELMANN:** Yeah, the conclusion ---

6 **MS. HALLETT:** Based on her research.

7 **MR. ENGELMANN:** The conclusion set out in
8 the very last page of the memo ---

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** --- the paragraph?

11 **MS. HALLETT:** And Colleen is saying -- and I
12 did suspect this to be so but, you know, I wanted her to do
13 the actual painstaking work of finding the provisions --
14 and she states:

15 "There seems to be no merit to the
16 argument that proceedings such as those
17 in the instant case commence pursuant
18 to repeal provisions, specifically,
19 indecent assault male and gross
20 indecent are invalid."

21 **MR. ENGELMANN:** All right. So let me just
22 understand.

23 You're not sure about what defence the
24 defence was actually going to proffer and you're doing some
25 anticipatory research to just look at that issue and be

1 satisfied?

2 **MS. HALLETT:** Yes. It may be that someone
3 had mentioned something. I don't know whether it might
4 come up in a pre-trial conference, in our discussions.
5 Maybe Mr. Chayko mentioned it, I don't know, or it might be
6 another counsel. But I wanted to cover this off to make
7 sure that we were proceeding appropriately.

8 **MR. ENGELMANN:** All right.

9 And I understand that you received a final
10 volume of Crown briefs, volume 6, on or about the 3rd of
11 December, 1999 and that that, in fact, contains some of
12 those records you were looking for?

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** I don't -- and this is
15 Exhibit 2896. I don't know if that's a binder you have.
16 It's just a page. Maybe we'll look at it on the screen.

17 **MS. HALLETT:** Sure, okay then.

18 **MR. ENGELMANN:** The Bates page is 7033711;
19 7033711. And it does appear, at least from looking at the
20 first item listed, that they were able to find some records
21 with respect to C-5.

22 **MS. HALLETT:** Yes, that's right.

23 **MR. ENGELMANN:** Now, that was disclosed --
24 provided to you and disclosed. Did you request -- there is
25 a doctor mentioned there on that page?

1 **MS. HALLETT:** Yes, yes, Dr. Chandrasena.

2 **MR. ENGELMANN:** And I was thinking also of
3 Dr. Sweet?

4 **MS. HALLETT:** Sweet, yes.

5 **MR. ENGELMANN:** And I'm wondering, did you
6 request Constable Seguin obtain some further information --
7 -

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** --- on records in regards to
10 Dr. Sweet?

11 **MS. HALLETT:** Yes, as I recall, one of the
12 complainants -- one of the things that you -- especially in
13 an historical context and historical sexual assault -- and
14 I do note that these were dating from 1973, about 16 years
15 earlier. And so it's very hard when you have just a bald
16 allegation. And, of course, a very typical strategy by the
17 defence is to suggest that these are recent allegations,
18 recently fabricated allegations.

19 **MR. ENGELMANN:** All right.

20 **MS. HALLETT:** Okay? And so in order to
21 rebut an allegation of recent fabrication, the opposing
22 party can introduce statements made earlier in time to
23 support the credibility of the complainant when he says, "I
24 did tell somebody that this had happened".

25 And so I had -- from reading the brief I

1 could see that one of the complainants had in fact
2 consulted these two doctors and I thought that obtaining
3 their records and calling them as witnesses might help to
4 rebut an allegation of recent fabrication.

5 **MR. ENGELMANN:** And just so we have our
6 dates right, I think you're right about 16 years but you're
7 in 1999 here and ---

8 **MS. HALLETT:** Right.

9 **MR. ENGELMANN:** --- this is back to 1983? Am
10 I correct, just looking at the first item on the page?

11 **MS. HALLETT:** I'm sorry, on what page?

12 **MR. ENGELMANN:** Look at the top of the page
13 on the screen.

14 **MS. HALLETT:** Oh, yes, the 1983 informations.
15 Okay. Yes, okay, so we're talking about -- okay.

16 **MR. ENGELMANN:** Yeah, and you asked
17 Detective Constable Séguin to follow up on that?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** All right. And there are
20 some notes of his to that effect, but I don't think we need
21 to go there.

22 **MS. HALLETT:** No. But that's why I wanted
23 him to try and find these witnesses and perhaps see if
24 there was evidence that would be helpful to the
25 prosecution.

1 **MR. ENGELMANN:** All right. And we
2 understand that before the preliminary inquiry could take
3 place with Angus Malcolm MacDonald, that you were advised
4 that he died while in Florida, on or about the 23rd of
5 December, 1999?

6 **MS. HALLETT:** That's right.

7 **MR. ENGELMANN:** And would you have asked one
8 of the officers to follow up and locate the death
9 certificate for him?

10 **MS. HALLETT:** Yes, I believe I did, did I
11 not? Or maybe -- I don't know whether I requested that be
12 done or whether it was done automatically by the police.

13 **MR. ENGELMANN:** Officer Dupuis has some
14 notes to that effect.

15 **MS. HALLETT:** Oh, does he? Okay then.

16 **MR. ENGELMANN:** That you would have
17 requested that.

18 **MS. HALLETT:** Okay.

19 **MR. ENGELMANN:** And I understand that, as a
20 result, a death certificate was obtained and that you
21 requested that an agent attend court ---

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** --- on January 11th, 2000, to
24 actually withdraw the charges against him due to his death.

25 **MS. HALLETT:** That's right.

1 **MR. ENGELMANN:** All right. And this is the
2 second matter you're involved in, the second case that is
3 terminated because of the death of the alleged perpetrator.

4 **MS. HALLETT:** That's right.

5 **MR. ENGELMANN:** And that would have then
6 concluded your involvement in the case against Angus
7 Malcolm MacDonald?

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** Now, I want to talk to you
10 about another case, if I may, and it may not be as familiar
11 because of the length of time you would have had this file.

12 **MS. HALLETT:** M'hm.

13 **MR. ENGELMANN:** This was a brother, a
14 Christian Brother by the name of Jean Primeau.

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** And we looked at the Brief
17 Log of the OPP earlier, of Project Truth officers, and it
18 indicated that you received this brief from Inspector Hall
19 on August 6th, 1999.

20 **MS. HALLETT:** Okay.

21 **MR. ENGELMANN:** So this would have been
22 before briefs of clergy in late September.

23 **MS. HALLETT:** Okay then.

24 **MR. ENGELMANN:** And in fact I'll just show
25 you a letter ---

1 **MS. HALLETT:** Okay.

2 **MR. ENGELMANN:** --- from then Detective
3 Inspector Hall. This is -- it's Document Number 710687.
4 It's a letter from Detective Inspector Hall, dated August
5 6th 1999 to Shelley Hallett.

6 **MS. HALLETT:** Okay.

7 **THE COMMISSIONER:** Thank you. Exhibit
8 Number 3132.

9 --- **EXHIBIT NO. / PIÈCE NO. P-3132**

10 (710687) Letter from Pat Hall to Shelley
11 Hallett re : Jean Primeau dated 06 Aug 99

12 **MS. HALLETT:** Thank you.

13 **MR. ENGELMANN:** So this is another brief you
14 are being asked to look at?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** And this one is one volume.

17 **MS. HALLETT:** M'hm.

18 **MR. ENGELMANN:** And it's my understanding,
19 Ms. Hallett, that before you render an opinion on this
20 brief you're advised by Constable Génier, one of the OPP
21 officers in Project Truth, that this fellow, Jean Primeau,
22 dies on November 7th, 1999.

23 **MS. HALLETT:** Yes, that's right.

24 **MR. ENGELMANN:** You would have had this
25 brief for about three months. Can you give us a sense as

1 to whether or not you'd had an opportunity to delve into
2 this brief at all?

3 **MS. HALLETT:** I did; actually I remember
4 reading this one. It was a very poignant case.

5 **MR. ENGELMANN:** I'm sorry? It was a ---

6 **MS. HALLETT:** Very poignant, I found.

7 **MR. ENGELMANN:** In what sense?

8 **MS. HALLETT:** Well, it was a -- I believe it
9 involved a student at the Collège Classique.

10 **MR. ENGELMANN:** M'hm.

11 **MS. HALLETT:** And it was sort of a scenario
12 where this young student there would be disciplined very
13 harshly by one of the brothers and then the other Brother
14 would provide sympathy and take the young man into his
15 bedroom and that would be the opportunity for sexual
16 overtures.

17 **MR. ENGELMANN:** And that was the allegation
18 then against Brother Primeau?

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** Okay. But before you wrote
21 up your ---

22 **MS. HALLETT:** Opinion, that's right.

23 **MR. ENGELMANN:** --- you were advised that --

24 -

25 **MS. HALLETT:** He had died.

1 MR. ENGELMANN: --- he had died.

2 MS. HALLETT: That's right.

3 MR. ENGELMANN: Okay. And this was -- was
4 this quite an old allegation?

5 MS. HALLETT: Yes, it was, because the
6 complainant was an adult male. I believe he was in his 30s
7 or 40s, I'm not absolutely sure, but I do recall -- because
8 he spoke of having, how should I say, repercussions, long-
9 lasting repercussions that were affecting his relationship
10 with his wife, I believe, and his relationships with women,
11 and so I know that he was definitely much older than when
12 he had endured this abuse.

13 MR. ENGELMANN: I think we've heard here
14 that the Collège Classique, or Classical College was
15 actually shut down in or around 1969.

16 MS. HALLETT: Is that right?

17 MR. ENGELMANN: Yeah, so these would have
18 been fairly old.

19 MS. HALLETT: Very dated, yeah.

20 MR. ENGELMANN: Yeah, all right. All right.
21 I'd like to talk to you, then, about another matter.

22 THE COMMISSIONER: Just a minute.

23 MR. ENGELMANN: Oh, I'm sorry.

24 THE COMMISSIONER: When you began all of
25 this, you were told that Murray MacDonald was to have no

1 involvement in all of these Project Truth files? Were you
2 told that or ---

3 **MS. HALLETT:** I can't recall that I was told
4 that, but I absorbed that, I believe at some point, that
5 there was a -- there was a conflict. That's why our office
6 -- that I had been asked to deal with these matters.

7 **THE COMMISSIONER:** M'hm. And just in the
8 letter, I see that in 3132, Sergeant -- Detective Inspector
9 Hall is saying:

10 "You will be reviewing the brief. Mr.
11 Murray MacDonald, the current acting
12 regional director, is in agreement."

13 **MS. HALLETT:** Oh.

14 **THE COMMISSIONER:** All right

15 **MS. HALLETT:** I don't think that I paid a lot
16 of attention to that.

17 **THE COMMISSIONER:** No.

18 **MS. HALLETT:** I just went ahead and did it.
19 I was -- I had reviewed the brief and ---

20 **THE COMMISSIONER:** Thank you.

21 **MR. ENGELMANN:** All right. So let's talk
22 about another brief that you were asked to review.

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** And this is involving a
25 fellow by the name of Brian Dufour.

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: And we've looked again at
3 the Brief Log before ---

4 MS. HALLETT: M'hm.

5 MR. ENGELMANN: --- and it indicates you're
6 receiving this material on January 7th, 2000.

7 MS. HALLETT: Okay.

8 MR. ENGELMANN: And this is at or about the
9 same time as you receive material about Kelvin Maloney.

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: In fact you indicated to us
12 that it may have gone to Jim Stewart in November but you
13 got these two briefs in January.

14 MS. HALLETT: Right. And of course, at
15 around the same time, I'm not quite sure when, I was also
16 receiving a brief with respect to a ninth complainant in
17 the Father MacDonald case.

18 MR. ENGELMANN: Okay. Yes, yes, in 2000?

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: And would that be an
21 individual who is known by the moniker C-2? Just take a
22 look at ---

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: That's correct?

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** All right. So at this point
2 in time, Ms. Hallett, we know that you've received briefs
3 in September of 1999 involving three clergy: LaRocque,
4 Ostler and Cameron.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** And you've now received
7 Maloney and Dufour. I may be missing one actually. I'll
8 just be a moment.

9 **MS. HALLETT:** McDougald?

10 **MR. ENGELMANN:** Yes. That was the one. And
11 I believe that was also September 22nd, 1999, if I'm not
12 mistaken.

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** But I'll just check. Yes.
15 It was September 22nd. So you've had four individual
16 clergy, September 22nd, '99.

17 **MS. HALLETT:** Right.

18 **MR. ENGELMANN:** You have a fifth individual
19 clergy you get in January of 2000.

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** And you have Brian Dufour,
22 who's non-clergy, that you get in January 2000?

23 **MS. HALLETT:** Right.

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

25 **MS. HALLETT:** M'hm.

1 **MR. ENGELMANN:** And those are still open
2 files, if I can call them that, in January of 2000?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** In other words, you haven't
5 done a written opinion on any of those briefs?

6 **MS. HALLETT:** No, I haven't.

7 **MR. ENGELMANN:** But you've just received
8 two?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And you've had the four from
11 late September?

12 **MS. HALLETT:** Yes.

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

14 Now, when you get the two in January, Dufour
15 and Maloney ---

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** --- you now have six briefs?

18 **MS. HALLETT:** Right.

19 **MR. ENGELMANN:** Aside from other work you're
20 doing, you have the C-2 matter you're looking at?

21 **MS. HALLETT:** M'hm.

22 **MR. ENGELMANN:** You're involved in the
23 prosecution of Jacques Leduc?

24 **MS. HALLETT:** I attended a pre-trial
25 conference for Jacques Leduc prior to the Superior Court

1 trial on February 20th of 2000 and I'm also preparing to do
2 the Father Charles MacDonald prosecution in May of 2000.

3 MR. ENGELMANN: Right.

4 And that's the Project Truth work you're
5 doing?

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: You may still have some --

8 -

9 MS. HALLETT: That's right. And I had just
10 completed the preliminary inquiry on Leduc ---

11 MR. ENGELMANN: All right.

12 MS. HALLETT: --- just prior to Christmas.

13 MR. ENGELMANN: Right. In November-December

14 ---

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: --- of '99. All right.

17 So you've got the six open briefs?

18 MS. HALLETT: I'm glad you're keeping track.

19 MR. ENGELMANN: When you get the two in

20 January?

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: Sometimes my math is not

23 very good.

24 MS. HALLETT: Okay.

25 MR. ENGELMANN: As long as I'm on two hands

1 I'm okay.

2 **MS. HALLETT:** Yeah, okay.

3 **MR. ENGELMANN:** So you get six of them in
4 January?

5 **MS. HALLETT:** I have them, yes.

6 **MR. ENGELMANN:** And how is it you -- how do
7 you decide to prioritize this work?

8 **MS. HALLETT:** I do -- I did take a look at
9 the synopsis and get a general idea of what they were
10 about, and I did -- I think my concern was actually divided
11 at this point between Dufour, who was a childcare worker or
12 worked in that area, and this additional complainant with
13 respect to the Father Charles MacDonald case, which I know
14 is coming up, you know, in another few months.

15 So I believe that I might have attended to
16 the complainant in the Father Charles MacDonald matter and
17 reviewed that brief first, and then taken a look at Dufour,
18 and then provided my opinion on Dufour.

19 **MR. ENGELMANN:** All right.

20 Well, we know that you provided your opinion
21 on Dufour before you provided your opinion on the five
22 clergy files.

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** And in fact, you provided
25 your opinion on Dufour on April the 3rd, 2000.

1 **MS. HALLETT:** Thank you.

2 **MR. ENGELMANN:** Why is it that you viewed
3 that as a priority, or of more urgency, than the clergy
4 files?

5 **MS. HALLETT:** Well, as I say, he was a child
6 -- he had been a childcare worker and he had a previous
7 conviction.

8 **MR. ENGELMANN:** Okay.

9 **MS. HALLETT:** And so that made it obviously
10 a more -- in trying to determine which one to look at first
11 that had some significance.

12 **MR. ENGELMANN:** So former childcare worker -
13 --

14 **MS. HALLETT:** Yes, and ---

15 **MR. ENGELMANN:** --- prior conviction ---

16 **MS. HALLETT:** --- prior conviction, yes.

17 **MR. ENGELMANN:** And so how -- how does that
18 come into play when you determine urgency or priority?

19 **MS. HALLETT:** And I think also it was a more
20 recent set of circumstances than, say, the clergy matters
21 which were that much older in terms of age, yes, in terms
22 of how long they'd been around.

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

24 And this brief took you almost three months
25 to do?

1 MS. HALLETT: The Dufour?

2 MR. ENGELMANN: Yes.

3 MS. HALLETT: M'hm. Yes, in addition to the
4 other things I was doing.

5 MR. ENGELMANN: Fair enough. I'm just
6 talking about the length of time.

7 MS. HALLETT: Yes, m'hm.

8 MR. ENGELMANN: And reasons why it would
9 have taken three months?

10 MS. HALLETT: Well, you know, I was having
11 to attend in Cornwall for the pre-trial conference on Leduc
12 and there were issues that we were still -- I was resolving
13 with Mr. Eddelson, of course.

14 I did take a look at that complainant that
15 had come forward in relation to the Charles MacDonald
16 matter.

17 MR. ENGELMANN: Yes.

18 MS. HALLETT: And I believe I did -- I was
19 concerned about the -- that because that was an upcoming
20 trial.

21 MR. ENGELMANN: All right.

22 MS. HALLETT: So I wanted to make sure that
23 I looked at that brief also and rendered an opinion on
24 that.

25 So there were a number of pieces of work

1 that were part of the flow that I was dealing with at that
2 time.

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

4 And with respect to the Dufour matter, would
5 you have done what you told us you normally do?

6 **MS. HALLETT:** Yes, absolutely.

7 **MR. ENGELMANN:** An extensive review of the -
8 --

9 **MS. HALLETT:** An extensive review and
10 possible -- and identified appropriate charges, see whether
11 there are follow-up requirements in terms of further
12 investigation.

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

14 So let's look at that opinion letter.

15 **MS. HALLETT:** Okay, then.

16 **MR. ENGELMANN:** Document Number 111180.

17 It's a letter sent to Detective Inspector Pat Hall and
18 Detective Constable Joe Dupuis ---

19 **MS. HALLETT:** M'hm.

20 **MR. ENGELMANN:** --- from Shelley Hallett
21 dated April 3rd, 2000.

22 Sir, there are monikered individuals --
23 complaints in this matter. So if that could have a
24 publication ban stamp?

25 **THE COMMISSIONER:** Thank you.

1 All right. Thank you. Exhibit 3133.

2 --- EXHIBIT NO./PIÈCE NO. P-3133:

3 (111180) - Letter from Shelley Hallett
4 to Pat Hall re: R.v. Brian Dufour
5 Criminal Investigation and Proposed
6 Charges dated 03 Apr 00

7 MR. ENGELMANN: I note from the fax cover
8 sheet you're sending this in the middle of the night?

9 MS. HALLETT: Oh my goodness, yes, I guess I
10 was. I was worried.

11 MR. ENGELMANN: All right.

12 In any event, you set out what you review in
13 the first paragraph; correct?

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: And you set out some
16 background with respect to the allegations in the last
17 paragraph of the first page?

18 MS. HALLETT: Yes.

19 MR. ENGELMANN: You set out -- that's the
20 first incident and then the second incident on the
21 following page?

22 MS. HALLETT: Yes.

23 MR. ENGELMANN: All right.

24 And you talk about some of the issues
25 surrounding this particular complainant. I'm looking at

1 the second full paragraph on page 2.

2 Given your experience in prosecuting these
3 cases, Ms. Hallett, I'm not saying this is the norm, but
4 would you often find complainants with these types of
5 troubled pasts?

6 **MS. HALLETT:** Oh, absolutely. It was very
7 typical, in fact, that young people who had been sexually
8 abused would often have emotional problems and anger
9 problems, substance abuse problems. So that was all, you
10 know, to be expected given the nature of the sexual abuse.

11 **MR. ENGELMANN:** Did they often also have
12 criminal records?

13 **MS. HALLETT:** Oh yes, absolutely, often long
14 criminal records.

15 **MR. ENGELMANN:** And that -- those were all
16 noted by you here?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And in your opinion, you do
19 reference the fact of the prior conviction for sexual
20 assault at the bottom of Bates page 5154?

21 **THE COMMISSIONER:** Well, I don't know if it
22 was a sexual assault.

23 **MR. ENGELMANN:** Sorry, it's referred to as
24 sexual assault, but it appears to have been an encounter
25 with a plainclothes officer?

1 **MS. HALLETT:** Yes. There was something that
2 he was charged with and pleaded guilty to.

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

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

5 **THE COMMISSIONER:** I thought maybe it was
6 more something of solicitation or ---

7 **MS. HALLETT:** I'm sorry, sir, it's been just
8 a while. Even though I reviewed these ---

9 **THE COMMISSIONER:** No, you're excused from
10 not knowing that, but we know. We've heard it lately. So
11 that's what I mean.

12 **MS. HALLETT:** Okay, then.

13 **MR. ENGELMANN:** Yes, we have.

14 **MS. HALLETT:** So more of a sort of
15 communicate for the purpose of prostitution kind of
16 offence?

17 **THE COMMISSIONER:** It might have been. It
18 might have been.

19 **MS. HALLETT:** I'm just looking. Did I not
20 state it in here?

21 **MR. ENGELMANN:** It simply says "sexual
22 assault".

23 In any event, there's a reference to the
24 past record and you set out your belief that there is a
25 reasonable prospect of conviction?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: All right.

3 And you're suggesting to them if one of them
4 possesses the requisite grounds -- in other words, the
5 police officer has to have the reasonable and probable
6 grounds?

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: Then you're recommending
9 wording of the charges?

10 MS. HALLETT: Yes. M'hm.

11 MR. ENGELMANN: And again, these are older
12 counts, so that may be one of the reasons you're
13 recommending wording?

14 MS. HALLETT: Yes. I want to make sure that
15 the appropriate time period is identified given the
16 complaint and it's the right charge that's laid in terms of
17 -- relative to the different regimes that, you know, were
18 possible.

19 MR. ENGELMANN: And you're recommending a
20 gross indecency charge ---

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: --- over and above two
23 counts of indecent assault?

24 MS. HALLETT: That's correct.

25 MR. ENGELMANN: Why is that, Ms. Hallett?

1 **MS. HALLETT:** Well, for the reasons that I
2 indicated earlier, that was an offence that was one of the
3 available offences that could be laid in respect of young -
4 - youths, especially male youths, in terms of protection of
5 them from sexual exploitation at that point in time.

6 **MR. ENGELMANN:** All right.

7 And, again, the consent issue might not be
8 alive there ---

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** --- as it would be in the
11 other?

12 **MS. HALLETT:** Yes, the -- certainly as far
13 as I was concerned, the conduct demonstrated by the alleged
14 offender in this case would be a marked departure from the
15 decent conduct expected of the average Canadian in the
16 circumstances, and I didn't think that consent would have
17 been a defence, given the age and the relative position of
18 the alleged offender to the complainant.

19 **MR. ENGELMANN:** All right.

20 And you do note in your opinion, at the top
21 of Bates page 5154, the fact that the -- that Mr. Dufour
22 had been working at a CAS in Brampton.

23 **MS. HALLETT:** Yes, m'hm.

24 **MR. ENGELMANN:** This was the -- the fact of
25 him being a childcare worker that you described earlier?

1 **MS. HALLETT:** That's right.

2 **MR. ENGELMANN:** I also note at the bottom of
3 that page, you say:

4 "I will be suggesting in a letter under
5 separate cover some follow-up
6 investigation that would be helpful in
7 this matter."

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** So this would be an example
10 where, despite the fact that you're making this
11 recommendation to lay the charges, RPC, you still have some
12 thoughts that ---

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** --- that you wanted to share
15 with the investigators?

16 **MS. HALLETT:** I felt that we could -- there
17 was more. There were, as I say, other sources of
18 information that could be chased down, in terms of
19 polishing the case, perhaps coming up with evidence that
20 would either advance the prosecution or certainly be
21 relevant to the case.

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

23 **MS. HALLETT:** And I must say that this is
24 not -- this is something that I did with officers over the
25 years, from the time I started as a Crown. It wasn't just

1 Project Truth officers, all police officers.

2 Generally, there was no case that I ever saw
3 that was -- that I thought, wow, this is as good as it
4 could ever get. Usually, there was always something that
5 could be done, and that was the benefit of having a second
6 pair of eyes to look at it.

7 **MR. ENGELMANN:** All right.

8 Did you get any push-back when you asked for
9 that type of ---

10 **MS. HALLETT:** No, I found that the officers
11 were generally very eager to follow through. You know, we
12 were all doing our best.

13 **MR. ENGELMANN:** M'hm. All right.

14 And did you, in fact, send a separate cover
15 letter in this case?

16 **MS. HALLETT:** No, I didn't. I didn't,
17 because I think, within five days, it was, of being
18 charged, Mr. Dufour did pass away.

19 **MR. ENGELMANN:** All right.

20 So this is yet another person who dies ---

21 **THE COMMISSIONER:** On your watch.

22 **(LAUGHTER-RIRES)**

23 **MS. HALLETT:** I was having ---

24 **MR. ENGELMANN:** You're starting to get
25 worried about taking these cases?

1 **MS. HALLETT:** --- concerns about myself,
2 yes, obviously, but I -- it was a very -- it was an old,
3 you know, set of charges, obviously. It was an historical
4 case, so it wasn't too surprising.

5 **MR. ENGELMANN:** They were about 30 years old
6 ---

7 **MS. HALLETT:** Yes, m'hm.

8 **MR. ENGELMANN:** --- at the time?

9 **MS. HALLETT:** Yes.

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

11 And if we could just take a brief look at --
12 it's Document Number 130755.

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

14 **MR. ENGELMANN:** And it's a document that
15 says, "Dufour notes for follow-up investigation."

16 This mentions the complainants, so it should
17 have a publication ban stamp.

18 **THE COMMISSIONER:** Thank you.

19 **MS. HALLETT:** Just before we ---

20 **MR. ENGELMANN:** I'm going to come back to
21 the opinion letter.

22 **MS. HALLETT:** To this document?

23 **MR. ENGELMANN:** I will.

24 **MS. HALLETT:** Okay.

25 **MR. ENGELMANN:** Yes. I just want to take

1 you away from it for a minute.

2 **THE COMMISSIONER:** Thank you. Exhibit
3 Number 3134.

4 **---EXHIBIT NO./PIÈCE NO P-3134:**

5 (130755) - Notes of Shelley Hallett re:
6 Brian Dufour - for Follow-Up Investigation
7 undated

8 **MS. HALLETT:** Thank you.

9 **MR. ENGELMANN:** Ms. Hallett, do you know if
10 this is a -- if these are notes of yours that you might
11 have intended to put into a follow-up letter?

12 **MS. HALLETT:** Yes. I made notes directly
13 after -- well, as I was reviewing the briefs, and after I
14 wrote the letter, I had these notes because I -- and I had
15 typed them all up so that I could incorporate them in a
16 letter to Detective Seguin in terms of the follow-up.

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

18 **MS. HALLETT:** And I had to do that while it
19 was fresh in my mind because it -- you know, it's that much
20 harder later.

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

22 And, again, this is something you would have
23 gleaned from your review of the brief and ---

24 **MS. HALLETT:** M'hm.

25 **MR. ENGELMANN:** --- but for his -- his

1 death, shortly after the charges, there would have been a
2 follow-up to Detective Constable Seguin on this?

3 **MS. HALLETT:** Yes.

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

5 **MS. HALLETT:** And I note that one of the
6 things, the second from the bottom, was:

7 "Get the transcript of the proceedings
8 where Dufour pleaded guilty."

9 And, because I -- I did mention in that letter, my opinion
10 letter, that he pleaded guilty to a sexual assault arising
11 out of what appears to be a homosexual encounter, so
12 obviously, it wasn't very clear from the brief what exactly
13 it was that he'd pleaded guilty to, and I felt that it was
14 important to get that transcript.

15 **MR. ENGELMANN:** Okay. Sorry, sir, I've lost
16 track of the time. I've done that again.

17 **THE COMMISSIONER:** Mr. Englemann ---

18 **MR. ENGELMANN:** Do you want me to finish
19 with the opinion letter, or do you want to ---

20 **THE COMMISSIONER:** Oh, sure.

21 **MR. ENGELMANN:** --- take a break now?

22 **THE COMMISSIONER:** Finish with that.

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

24 **THE COMMISSIONER:** Mr. Englemann is not on
25 the night shift tonight, so he's not pacing himself.

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** In your opinion letter --
3 which is Exhibit 3133, Document 111180 ---

4 **MS. HALLETT:** M'hm?

5 **MR. ENGELMANN:** --- the letter we're still
6 looking at, I hope -- you again make some suggestions or
7 recommendations with respect to a release?

8 **MS. HALLETT:** Yes. Again, I anticipated
9 that the officers might have arrested Mr. Dufour and,
10 again, this is just based on my experience in downtown
11 Toronto, which is a different part of the country, a
12 different part of the province, of course, than Cornwall
13 and, of course, different police have different protocols
14 with respect to this matter.

15 But anticipating that he might have been
16 arrested, I was recommending what I considered to be
17 appropriate release conditions ---

18 **MR. ENGELMANN:** All right.

19 So this is similar ---

20 **MS. HALLETT:** --- on a recognizance.

21 **MR. ENGELMANN:** --- to what you've suggested
22 for Angus Malcolm MacDonald?

23 **MS. HALLETT:** That's correct.

24 **MR. ENGELMANN:** So that would have involved
25 an arrest and then a recognizance without a deposit -- a

1 substantial amount without a deposit, but with a surety?

2 MS. HALLETT: With a surety and conditions
3 that include that he not be in the company of any youth
4 under the age of 18 without the youth's parent being
5 present.

6 MR. ENGELMANN: All right.

7 And do you recall this fellow was not
8 residing in the Cornwall area?

9 MS. HALLETT: That's right.

10 MR. ENGELMANN: He was in the Brampton area,
11 I believe?

12 MS. HALLETT: I believe he was in Hamilton.

13 MR. ENGELMANN: Or Hamilton.

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: Okay.

16 MS. HALLETT: M'hm.

17 MR. ENGELMANN: And do you recall having
18 discussions with Inspector Hall about this, about ---

19 MS. HALLETT: I do.

20 MR. ENGELMANN: --- whether or not he should
21 be arrested or not?

22 MS. HALLETT: As I recall, our discussions
23 were with respect to taking this man into custody and
24 Detective Hall or his officers transporting Mr. Dufour
25 across the province to Cornwall for a bail hearing.

1 I was not insistent, in any way, and it
2 wasn't my call, but what I thought might have -- we might
3 have been able to do, if they -- if the officers did see
4 fit to arrest this man, was to perhaps have him released in
5 the -- in Hamilton, you know, have his bail hearing in
6 Hamilton, so that he could be released on conditions which
7 would protect young people at risk, without having to
8 transport him across the province.

9 I know that Detective Hall was concerned
10 about, you know, such a long trip and what might happen
11 while this man was in custody, and my concern was with
12 respect to conditions that might provide some protection to
13 youth at risk.

14 **MR. ENGELMANN:** When he testified, he told
15 us that his concern was with -- if he followed your advice
16 ---

17 **MS. HALLETT:** Right.

18 **MR. ENGELMANN:** --- that would have required
19 them to arrest and transport, and he was concerned about
20 this man's health.

21 **MS. HALLETT:** Well -- and those were
22 legitimate concerns. That's why I made calls to the
23 Hamilton Crown's office, to see whether there wasn't sort
24 of a middle road.

25 **MR. ENGELMANN:** Did you, in fact -- did you

1 succeed with that in any way?

2 **MS. HALLETT:** The matter -- no. It was up
3 to Detective Hall to determine, you know, how he wanted to
4 deal with this offender, and I believe that the -- he was
5 charged but not taken into custody.

6 **MR. ENGELMANN:** All right.

7 And do you recall this being more than a
8 professional disagreement with Inspector Hall?

9 **MS. HALLETT:** No. It was a very -- you
10 know, we were just talking about it, the options, what
11 could be done.

12 I made the call, or calls, I think, to --
13 certainly to one Crown's office, maybe to two. I may have
14 made a couple of calls just to see if, you know, there was
15 some way of dealing with this that we'd both be, you know,
16 completely comfortable with.

17 And in the end, you know, Detective Hall, or
18 one of the officers -- I'm not sure if it was him or one of
19 the other officers decided simply to have him charged.

20 **MR. ENGELMANN:** All right. The ultimate
21 decision was theirs?

22 **MS. HALLETT:** Absolutely.

23 **MR. ENGELMANN:** And do you recall whether
24 you would have advised either Detective Inspector Hall or
25 one of the Project Truth officers of what you were trying

1 to do by contacting a Crown Attorney in Hamilton?

2 **MS. HALLETT:** Yes, I think I did. I made
3 that clear, what I was attempting to do. I thought I had.

4 **MR. ENGELMANN:** Okay.

5 **MS. HALLETT:** It wasn't in any way anything
6 that escalated beyond a professional discussion of what was
7 the best route to take, given the options.

8 **MR. ENGELMANN:** All right.

9 Perhaps we can take the break, sir.

10 **THE COMMISSIONER:** Thank you; afternoon
11 break.

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

14 This hearing will resume at 3:30 p.m.

15 --- Upon recessing at 3:16 p.m. /

16 L'audience est suspendue à 15h16

17 --- Upon resuming at 3:36 p.m. /

18 L'audience est reprise à 15h36

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

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

23 **THE COMMISSIONER:** Yes, Mr. Engelmann.

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

25 **SHELLEY HALLETT, Resumed/Sous le même serment:**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
2 ENGELMANN (cont'd/suite):

3 MR. ENGELMANN: Ms. Hallett, when we left
4 off I was just finishing up on the Brian Dufour matter and
5 I believe you advised us that shortly after he was charged
6 you were advised that he died.

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: And it's my understanding
9 that you would have been advised of this fact by Officer
10 Dupuis on or about the 13th of April, 2000 or thereabouts,
11 shortly after ---

12 MS. HALLETT: Shortly after. I think it was
13 five days.

14 MR. ENGELMANN: All right.

15 MS. HALLETT: M'hm.

16 MR. ENGELMANN: And it's our understanding
17 that he died on April 11th , 2000 and that what then
18 happened is when he was scheduled for his first appearance
19 on the 17th the charges were withdrawn. Does that seem ---

20 MS. HALLETT: I'll have to take your word
21 for that.

22 MR. ENGELMANN: Okay. The dates are not
23 important.

24 MS. HALLETT: If the documentation proves
25 that, yes.

1 **MR. ENGELMANN:** The date is not important
2 but you were aware that the charges were withdrawn as a
3 result of his death?

4 **MS. HALLETT:** Yes, yes.

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

6 Ms. Hallett, I want to then cover an area
7 very briefly that we've touched upon, and that is the
8 application of the law with respect to gross indecency.

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And you've taken us through
11 that a bit ---

12 **MS. HALLETT:** Right.

13 **MR. ENGELMANN:** --- with the Arthur Peachey
14 brief, the pre-trial and some of the legal opinions that
15 were done. There is just one other document that refers to
16 this issue that I want to take you to, and it's a letter
17 that you write to Lorne McConnery on July 27th , 2001. It
18 is Exhibit 3046. It's Document Number 109244.

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

20 **MR. ENGELMANN:** By way of context I believe
21 this is a transition-type letter to Mr. McConnery. He's
22 taking over the Father Charles MacDonald prosecution from
23 you?

24 **MS. HALLETT:** Yes, m'hm.

25 **MR. ENGELMANN:** And we may come back to this

1 letter but for the time being I'm just interested in one
2 issue. And if you'll turn to the second page, Bates page
3 1042538?

4 MS. HALLETT: Okay.

5 MR. ENGELMANN: And you say in the fourth
6 paragraph ---

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: There's a couple of
9 paragraphs we'll be looking at, just two paragraphs.

10 MS. HALLETT: Okay then.

11 MR. ENGELMANN: "I have been strongly
12 counselled against having any further
13 involvement with Project Truth
14 matters."

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: "Accordingly, I will not be
17 providing my own opinions on the briefs
18 you are reviewing. However..."

19 And these are the clergy briefs that we'll
20 get into a bit more detail in a minute:

21 "However, I'm including some materials
22 to assist you in the law governing
23 potential charges of gross indecency
24 and indecent assault male."

25 All right? And then:

1 "It was of some concern to me that the
2 legal opinions obtained by the Project
3 Truth officers prior to my becoming
4 involved with these cases erroneously
5 concluded, in my opinion, that sexual
6 activity between a teenager over 14 and
7 a person in trust/authority under the
8 old sexual offence regime existing
9 prior to 1988 would not attract
10 criminal sanction if the young person
11 could be said to have 'consented' to
12 the activity. I take the position that
13 the offence of gross indecency was
14 merely superseded in 1988 by the new
15 offences of sexual exploitation, anal
16 intercourse and obtain sexual services
17 of young persons under 18 for
18 consideration."

19 **MS. HALLETT:** That's right.

20 **MR. ENGELMANN:** Now, is what you said in
21 that second paragraph that I read what you have already
22 told us about earlier today?

23 **MS. HALLETT:** Yes.

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

25 And can you help me out with "I'm including

1 some materials to assist you in the law governing potential
2 charges of gross indecency"?

3 **MS. HALLETT:** Yes. I think all of the case
4 law that we referred to earlier which were either cited by
5 my student, Ellie Venhola, or which were cited by me in my
6 pre-trial conference reports, were among the case law that
7 I provided to Lorne to assist him in his prosecution of
8 Father Charles MacDonald.

9 **MR. ENGELMANN:** All right.

10 I was just going to ask if that was one and
11 the same.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** Those were prepared a couple
14 of years earlier; correct? The memos from Ellie Venhola?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- and your pre-trial
17 brief?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** Do you know if it was
20 updated at all before, or do you know exactly if anything
21 else was sent to him?

22 **MS. HALLETT:** Well, in terms of being
23 updated, these were older cases ---

24 **MR. ENGELMANN:** Yes.

25 **MS. HALLETT:** --- that had -- you know,

1 based on the laws that existed prior to these amendments in
2 1988.

3 MR. ENGELMANN: Yes.

4 MS. HALLETT: So I don't -- and I think I
5 would have been fairly comfortable that they would have
6 application even though Ellie had prepared the memo for me
7 maybe one or two years earlier, but I wasn't concerned
8 about that.

9 MR. ENGELMANN: Well, maybe I should ask the
10 question the other way.

11 MS. HALLETT: Okay.

12 MR. ENGELMANN: Were you aware of any
13 changes, any jurisprudence, which might have changed your
14 position between the time you had her briefs or her
15 opinions and the time you would have written to Mr.
16 McConnery?

17 MS. HALLETT: I don't think so.

18 MR. ENGELMANN: All right.

19 MS. HALLETT: I don't think so.

20 MR. ENGELMANN: Is this still your view
21 today?

22 MS. HALLETT: Yes.

23 MR. ENGELMANN: All right.

24 And in the first paragraph I read, you've
25 also said -- oh, sorry, at the beginning of the second

1 paragraph:

2 "It was of some concern to me that the
3 legal opinions obtained by the Project
4 Truth officers prior to my becoming
5 involved..."

6 Okay. Do you see that?

7 **MS. HALLETT:** Yes, I do. M'hm.

8 **MR. ENGELMANN:** Is that referring to the
9 letter we might have looked at between Mr. Pelletier and
10 Mr. Smith dated May 7th of 1998?

11 **MS. HALLETT:** I have to say, I think I said
12 earlier, I can't recall having seen that letter of Mr.
13 Pelletier other than in the context of this Inquiry.

14 But somehow I became aware or I was
15 concerned that there was this blind spot with respect to
16 this particular offence that I thought could be of
17 assistance in these prosecutions and so I wanted to address
18 it.

19 I don't know how I became aware of the
20 earlier opinions, but I did, and I just wanted -- it was
21 for Lorne to determine whether or not he agreed with me.
22 He was now the prosecutor on that case, but I wanted to do
23 my best in terms of bringing his attention to what I
24 considered to be an important area of law in these
25 prosecutions.

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

2 Because when we looked at that letter from
3 Mr. Pelletier to Mr. Smith, it referred to seven brief
4 opinions on Project Truth matters.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** And I was just -- I had
7 trouble finding something else besides that.

8 **MS. HALLETT:** That's right. But I honestly
9 -- it may be that I did see it. I can't honestly say
10 whether or not it was that letter that prompted me or
11 whether it was perhaps having reviewed the files or seen
12 charges laid that -- or information's that didn't include
13 the offence of gross indecency that I became concerned.

14 **MR. ENGELMANN:** All right. So whether you
15 saw it or whether you just heard about it or whether you
16 took it because of the absence of the gross indecency
17 charge, you had some concerns?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** All right.

20 And when it was appropriate, you certainly
21 suggested they lay that charge as well?

22 **MS. HALLETT:** Yes. In all of the cases that
23 I had responsibility for where I thought appropriate, I
24 recommended the charge of gross indecency.

25 **MR. ENGELMANN:** All right. And just to

1 follow-up on that if we could for a minute.

2 If we look at Exhibit 2778; and this is the
3 OPP breakdown of charges for a moment if we can. By the
4 way, counsel, this is Document Number 702765.

5 If we look at Bates page 7659 we see the
6 reference to Arthur Peachey. And this was one of the ones
7 I think -- well, we know you were directly involved, Ms.
8 Hallett ---

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: --- and in fact there was a
11 gross indecency charge laid here.

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: All right. Now, that was
14 something you had recommended or ---

15 MS. HALLETT: No.

16 MR. ENGELMANN: --- it was there already?

17 MS. HALLETT: Yes, we established that
18 earlier that ---

19 MR. ENGELMANN: Yes.

20 MS. HALLETT: --- the officer had already
21 laid that.

22 MR. ENGELMANN: All right.

23 Then with respect to Brian Dufour, one of
24 the cases we've looked at, you'll see it's set out at the
25 first page of this exhibit, 656, number 2. We've got the

1 indecent assault on a male and we also have the gross
2 indecency ---

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** --- charge set out.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** If we look at Malcolm
7 MacDonald, another case we know you looked at and made some
8 recommendations on, and that's again on Bates page 659.
9 With respect to one of the complainants, C-5, we have the
10 double of the indecent assault on a male and the gross
11 indecency; correct?

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** And then with respect to
14 Jacques Leduc, a case we know you're involved with at this
15 time ---

16 **MS. HALLETT:** M'hm.

17 **MR. ENGELMANN:** --- charges are set out on
18 Bates page 658. On that case there are no charges of gross
19 indecency.

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** Is that because of when the
22 alleged offence -- offences took place?

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** In other words, they would
25 have occurred after the 1988 amendments?

1 **MS. HALLETT:** Yes.

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

3 **MS. HALLETT:** All of them were from the
4 '90s, as I recall.

5 **MR. ENGELMANN:** All right. So gross
6 indecency had been repealed by the time of those alleged --
7 -

8 **MS. HALLETT:** Yes. It had been superseded
9 by the sexual exploitation offence.

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

11 **MS. HALLETT:** So if the activity had
12 occurred prior to 1988, I would have recommended a gross
13 indecency but, post-1988, I recommended in Leduc the
14 offence of sexual exploitation.

15 **MR. ENGELMANN:** And that was laid for all
16 three of those complainants?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** All right.

19 And then with respect to Father Charles
20 MacDonald -- and that's again on that page -- we have a
21 number of the charges set out. That's number 10, same
22 page, 658. We see without going -- these people are
23 monikered so -- but just if we follow it down from the
24 first victim named ---

25 **MS. HALLETT:** Okay then.

1 **MR. ENGELMANN:** --- we see an allegation of
2 indecent assault on a male plus a gross indecency; correct?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** And then we see that under
5 the third victim named?

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** And we also see it under the
8 victim named at the bottom?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** All right. And that's C-2?

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** And we know, of course, that
13 there are the original three complainants of Father
14 MacDonald. They're not on this sheet because they were
15 pre-Project Truth, I believe?

16 **MS. HALLETT:** Yes.

17 **THE COMMISSIONER:** They're on page 5.

18 **MR. ENGELMANN:** Oh, they are. Okay. Oh,
19 yes, they are. Thank you, sir.

20 We have indecent assault on a male in all
21 three of those cases.

22 So it appears, with respect to Father
23 MacDonald's charges, we only see gross indecency charges
24 for three of the nine complainants?

25 **MS. HALLETT:** Yes, m'hm.

1 **MR. ENGELMANN:** Do you -- this is a case
2 where I presume an argument similar to the argument in Dr.
3 Peachey's case could be made, that there's an argument that
4 there's a power imbalance or an abuse of power and
5 authority?

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** Do you know why, Ms.
8 Hallett, you would not have recommended those types of
9 charges for some of the other complainants?

10 **MS. HALLETT:** Well, at this -- I inherited
11 the Father ---

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

13 **MS. HALLETT:** --- Charles MacDonald case,
14 and there had already been preliminary inquiries on both
15 sets of charges by the time I took over the case.

16 And I hadn't been the Crown at the
17 preliminary inquiry. I wasn't aware -- had I been the
18 Crown I probably -- or, how should I say? I'm not quite
19 sure what I would have done, but had the evidence disclosed
20 what I considered to be evidence that would justify a gross
21 indecent charge, I would have asked the preliminary
22 inquiry judge to commit for trial on that offence too.

23 But I -- this was after the fact and I
24 inherited the case as it was in terms of the two
25 indictments and the charges upon which they had already

1 been committed for trial, and I wasn't prepared to, at that
2 point, try and change the offences. I don't think I would
3 have considered that a prudent course at that point.

4 But the arguments would still be available
5 in terms of vitiation of consent based on the development
6 of the case law, for example, in *Norberg & Wynrib* and
7 *Ewanchuk*.

8 You know, we were getting cases that would
9 allow that argument to be made in any case, even with
10 respect to these offences.

11 **MR. ENGELMANN:** All right.

12 And the one complainant who came forward
13 during the time you were lead counsel, if I can call it, on
14 the file ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- C-2, you did ---

17 **MS. HALLETT:** I recommended the charges
18 then. I was the Crown at the preliminary inquiry there and
19 I had some input into the original charges ---

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

21 **MS. HALLETT:** --- that were laid.

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

23 So let's look at the briefs that you would
24 have received in September of '99, and those are the
25 individual clergy ---

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: --- Ostler, LaRocque,
3 Cameron, McDougald, and then of course the Maloney one in
4 January of 2000?

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: And just to get a sense, we
7 know from the brief log that on September 22nd, a two-volume
8 brief on Gary Ostler was sent to you?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: A ---

11 MS. HALLETT: Delivered. They were
12 delivered by Detective Hall.

13 MR. ENGELMANN: Right. Okay.

14 A three-volume brief on Eugene LaRocque?

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: A two-volume brief on
17 Bernard Cameron?

18 MS. HALLETT: Yes.

19 MR. ENGELMANN: And a two-volume brief on
20 Donald McDougald?

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: And then sometime in
23 January, a three-volume brief on Kevin Maloney?

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: And we talked about this

1 earlier; later, a nine-volume brief in July of 2000 on the
2 conspiracy?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** Okay. Now, the Maloney
5 matter, there was a Crown brief index, presumably?

6 **MS. HALLETT:** M'hm.

7 **MR. ENGELMANN:** And I just want to show that
8 to you, and a synopsis?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** We talked about that earlier
11 and you said you don't rely upon it. You read the whole
12 file in any event?

13 **MS. HALLETT:** What I did with all of these
14 briefs, if this makes it shorter for you, Mr. Engelmann, is
15 that I did look at -- certainly with respect to the five
16 clergy members, I looked at the synopses for each of them
17 but also looked at key witness statements. I got a general
18 idea of what these cases were about and who the complainant
19 was.

20 There was one complainant with respect to
21 four of them and there were two complainants with respect
22 to one of them, but the same complainant as the other four.

23 So I got a general idea of what these were
24 about. They were -- there were a lot of pages. It was
25 voluminous. There was about -- with respect to the clergy,

1 it was about 3,000 pages, and I knew that it was going to
2 take me -- to do a good review of these briefs, it was
3 going to take me a considerable amount of time, and I
4 wanted to do a good job on that review as I felt I had done
5 with respect to the other cases I had thus far reviewed and
6 the ones that came after that that I reviewed.

7 I was also -- as you know, we've talked
8 about asking the police to do follow-up, and I was working
9 fairly closely with Detective Dupuis at that time, and he
10 had suggested that I may want to wait some period of time
11 before making my final review because there would be more
12 information forthcoming that would come out of the
13 conspiracy brief.

14 I wasn't sure when I was going to receive
15 that, but the officers had intimated to me, certainly
16 Detective Hall and I believe Detective Dupuis, that there
17 was not a lot -- that they didn't think that these briefs,
18 the clergy briefs, would result in any charges being laid.

19 **MR. ENGELMANN:** But did they -- when you say
20 that, did they indicate to you orally that they did not
21 have reasonable and probable grounds?

22 **MS. HALLETT:** I don't think they put it that
23 strongly. They just had doubts as to whether or not there
24 was anything to these. As I recall, that was Detective
25 Hall's way of putting it. He didn't think there was much

1 to these.

2 I wanted to conduct my own independent
3 review. However, I knew that was going to take a
4 substantial amount of time given the -- all of the
5 documentation here, and I was waiting, as I say, at a
6 certain point for that conspiracy brief to come through
7 that might inform and assist in terms of whether or not
8 there was additional information that might in fact result
9 in charges being laid.

10 So there were a number of reasons -- those
11 were among them -- why I was deferring my review of the
12 clergy briefs.

13 **MR. ENGELMANN:** You indicated to us already
14 that at least as at January of 2000, you thought the Dufour
15 matter was more of a priority.

16 **MS. HALLETT:** Yes, I did.

17 **MR. ENGELMANN:** Is that fair?

18 **MS. HALLETT:** Yes, and even the other matter
19 involving the ninth complainant ---

20 **MR. ENGELMANN:** The C-2 ---

21 **MS. HALLETT:** Yes, in the Charles MacDonald
22 case.

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

24 I'll come to -- and I'll try and pin down
25 when you might have had this discussion with Officer

1 Dupuis.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: I just want to put a couple
4 of documents into evidence that aren't yet there.

5 MS. HALLETT: Right.

6 MR. ENGELMANN: I've referred to you the
7 number of volumes. I just want to put those synopses in.
8 I'm not going to really ask you anything substantive about
9 the ---

10 MS. HALLETT: Okay.

11 MR. ENGELMANN: I think they all look fairly
12 similar.

13 MS. HALLETT: Yes, that's right.

14 MR. ENGELMANN: But if we could just have a
15 look at those very quickly and then I'll follow up.

16 MS. HALLETT: M'hm.

17 MR. ENGELMANN: The first synopsis is the
18 one for Kevin Maloney, 709545. We know in this case there
19 was a three-volume brief that was given to you in January
20 of 2000?

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: Seven-zero-nine-five-four-
23 five (709545).

24 As I understand it, Ms. Hallett, aside from
25 the Crown brief index, the synopsis would be typically the

1 only other summary document with these volumes of briefs?

2 **MS. HALLETT:** Yes. In some cases I prepared
3 my own summaries.

4 **MR. ENGELMANN:** Fair enough.

5 **MS. HALLETT:** For example, for pre-trial
6 conference reports I remember being put to doing that
7 because I didn't maybe feel there was enough information in
8 the synopsis.

9 **MR. ENGELMANN:** All right.

10 **THE COMMISSIONER:** So this exhibit is a
11 synopsis of what?

12 **MR. ENGELMANN:** This is the volumes of Kevin
13 Maloney.

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

15 **MR. ENGELMANN:** And there is an individual
16 who's monikered there.

17 **THE COMMISSIONER:** Yes.

18 **MR. ENGELMANN:** I just want to put that into
19 evidence, sir.

20 **THE COMMISSIONER:** Exhibit 3135 is a
21 synopsis of the Father Maloney brief.

22 **--- EXHIBIT NO/PIÈCE NO. 3135:**

23 (709545) - Synopsis of Kevin Maloney undated

24 **MR. ENGELMANN:** Is that fair?

25 **MS. HALLETT:** Yes, sir.

1 **MR. ENGELMANN:** Okay. And we have, in this
2 case -- I can't remember the moniker, sir, but the
3 monikered individual at the beginning of paragraph 3, Ms.
4 Hallett.

5 **THE COMMISSIONER:** Oh, 15.

6 **MR. ENGELMANN:** Yes, C-15.

7 **THE COMMISSIONER:** Okay.

8 **MR. ENGELMANN:** And we also have the fact
9 that there are -- it was a witness who is a complainant in
10 several of these other briefs, Ron Leroux?

11 **MS. HALLETT:** Yes, that's right.

12 **MR. ENGELMANN:** When the officers indicated
13 to you that they didn't think there was much to this or
14 words to that effect, did you receive any comments from
15 them about their views on the credibility of Mr. Leroux?

16 **MS. HALLETT:** Yes. I know that both the
17 officers had concerns about the credibility of Mr. Leroux,
18 and I had reviewed his statement in the context of an
19 earlier review in respect of another matter. It might have
20 been Angus MacDonald or it might have been provided to me
21 sort of standing alone at some point by one of the officers
22 when I was down in Cornwall. I do remember reviewing the
23 Ron Leroux brief or a Ron Leroux statement, and it was very
24 wide-ranging. There were a number of people that were
25 referred to. It was very dated and there was not a lot of

1 confirming evidence that I could see.

2 But I wasn't prepared to accept that that
3 was the case. I did want to see whether upon a thorough
4 review there might be some avenues that I could recommend
5 that the officers pursue to obtain further evidence or, you
6 know, just check out various things, similarly to what I
7 had done in, for example, Dufour or in Malcolm MacDonald.

8 **MR. ENGELMANN:** Would it be fair to say that
9 your review of these briefs never got to that stage?

10 **MS. HALLETT:** No, it didn't, unfortunately.

11 **MR. ENGELMANN:** Okay.

12 And if we could look at Document Number
13 709821, and I believe this is the synopsis of another one
14 of these matters, this one involving Donald McDougald.

15 **THE COMMISSIONER:** Thank you.

16 That will be Exhibit 3136.

17 **MS. HALLETT:** Thank you.

18 --- **EXHIBIT NO./PIÈCE NO. P-3136:**

19 (709821) - Synopsis of Donald McDougald,
20 undated

21 **MR. ENGELMANN:** It may not be clear from the
22 first page, but I believe if you look at the second page
23 this -- the officer's comments about Ron Leroux, who is the
24 complainant, the last two paragraphs:

25 "This brief outlines uncorroborated

1 sexual assault allegations against
2 Monsignor Donald McDougald."

3 **MS. HALLETT:** That's right.

4 **MR. ENGELMANN:** Then it says:

5 "Numerous interviews over a 22-month
6 period by investigators from Project
7 Truth has failed to corroborate
8 Leroux's allegations concerning the
9 above-noted person."

10 **MS. HALLETT:** That's right.

11 **MR. ENGELMANN:** And these were very old
12 allegations ---

13 **MS. HALLETT:** Yes, yes, they were.

14 **MR. ENGELMANN:** --- when Mr. Leroux was
15 apparently in grade school.

16 **MS. HALLETT:** Yes, exactly.

17 As I say, there wasn't corroboration that I
18 could see, but that -- with some time that might have been
19 uncovered but I needed some time to properly review these
20 matters, and there were so many other things that I was
21 attending to at that point.

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

23 And then another example, if we could just
24 have you confirm it, I believe it's the synopsis in the
25 Bernard Cameron matter, and that's at -- it's Document

1 Number 703221, and I believe you'll note a striking
2 similarity.

3 MS. HALLETT: M'hm.

4 THE COMMISSIONER: Thank you.
5 Exhibit 3137.

6 MS. HALLETT: Thank you.

7 --- EXHIBIT NO./PIÈCE NO. P-3137:

8 (703221) - Synopsis of Ron Leroux re:
9 Bernard Cameron, undated

10 MR. ENGELMANN: This is another priest that
11 Mr. Leroux had alleged abused him when he was in school?

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: In grade school. It appears
14 the synopsis is almost identical to the one we just looked
15 at ---

16 MS. HALLETT: Yes, that's right.

17 MR. ENGELMANN: --- with the two concluding
18 paragraphs and, again, you've told us that you didn't get
19 to the stage of your review where you might have looked at
20 further corroboration or what other evidence might have
21 been there?

22 MS. HALLETT: Well, I didn't -- I could see
23 that from my preliminary review that there wasn't ---

24 MR. ENGELMANN: Yes.

25 MS. HALLETT: --- corroboration. But I

1 thought that it would, with enough time, be something that
2 might be uncovered if I'd had a chance to properly review
3 the briefs and do the cross-checking and make
4 recommendations to the officers in terms of further sources
5 that they might access for more information.

6 **MR. ENGELMANN:** Right.

7 Then if we could look at Document Number
8 707307. This is the synopsis that would have been provided
9 with the LaRocque volumes.

10 **MS. HALLETT:** M'hm.

11 **MR. ENGELMANN:** Sorry, 707307.

12 **THE COMMISSIONER:** Thank you.

13 And that will be Exhibit 3138.

14 **--- EXHIBIT NO./PIÈCE NO. P-3138:**

15 (707307) - Synopsis of Ron Leroux re: Eugene
16 LaRocque, undated

17 **MR. ENGELMANN:** Again, Ms. Hallett, with the
18 exception of the change of the name in the last two
19 paragraphs, this appears to be identical to the ---

20 **MS. HALLETT:** Yeah.

21 **MR. ENGELMANN:** --- other two we've looked
22 at?

23 **MS. HALLETT:** Yes. The synopses were
24 similar but there were some different key witness
25 statements in the briefs themselves.

1 **MR. ENGELMANN:** I'm not surprised that there
2 would be differences in the briefs.

3 **MS. HALLETT:** Right.

4 **MR. ENGELMANN:** These synopses are all the
5 same?

6 **MS. HALLETT:** Yes. They weren't -- yes,
7 that's right. They -- but I didn't stop at the synopsis.

8 **MR. ENGELMANN:** No.

9 **MS. HALLETT:** You know, I did, as I say, try
10 to identify the key witness statements and figure out what
11 the case was about and, you know, when I could manage to
12 deal with it in a more fulsome way.

13 **MR. ENGELMANN:** Again, if we take a look at
14 one other, 710586. I believe this is the synopsis with
15 respect to Gary Ostler.

16 **MS. HALLETT:** M'hm.

17 **MR. ENGELMANN:** In this case, there was a
18 two-volume brief sent to you?

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** And this is the synopsis
21 that we believe is in that brief.

22 **MS. HALLETT:** M'hm.

23 **THE COMMISSIONER:** Thank you.

24 That will be Exhibit Number 3139.

25 --- **EXHIBIT NO./PIECE NO. P-3139:**

1 (710586) - Synopsis of Ron Leroux re: Gary
2 Ostler, undated

3 **MR. ENGELMANN:** Again, as with the other
4 three we've looked at, simply a change in the names. The
5 synopsis is essentially the same?

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** So, again, with any of these
8 -- you're not relying on this synopsis in any way?

9 **MS. HALLETT:** No. Certainly not
10 exclusively. It would be something I would start with but
11 you -- it was certainly a situation where you had to dive
12 in and look at the witnesses that were listed and, you
13 know, refer back-and-forth to -- you know, trying to find
14 basically what this allegation was about.

15 **MR. ENGELMANN:** Although the complainant is
16 essentially the same ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- although one of them has
19 two ---

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** --- the allegations were
22 different?

23 **MS. HALLETT:** Yes, they were.

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

25 So we have five Crown briefs here. You're

1 getting them between September 22nd, 1999 up to January of
2 2000 against these five priests?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** And we've got 12 volumes of
5 material in those five briefs. That's by my count.

6 **MS. HALLETT:** Okay then.

7 **MR. ENGELMANN:** And we know that these
8 briefs primarily concern one complainant, Ron Leroux.

9 **MS. HALLETT:** Yes, that's right.

10 **MR. ENGELMANN:** Can you give us a sense when
11 you were given these briefs, either in September of 1999 or
12 in January of 2000, whether there was a date certain by
13 which you were asked to get these done?

14 **MS. HALLETT:** No, and I don't -- no, I don't
15 recall that there was any deadline that was put on the
16 review of these briefs. It was part of, you know, the work
17 that I was doing for Project Truth and these cases were
18 flowing to me and in addition, of course, to the other work
19 in the office I was doing.

20 I was preoccupied at the time, I recall,
21 with Leduc. We'd had the preliminary inquiry in the late
22 fall of 1999 and so I remember going down to Cornwall and
23 preparing for that preliminary inquiry at that time and, of
24 course, after that I was concerned with starting the
25 preliminary inquiry of Malcolm MacDonald in January of

1 2000.

2 Of course, that didn't proceed because of
3 his death, but then after that I was very concerned about
4 being able to get up to speed for the prosecution of Father
5 Charles MacDonald, which was scheduled for May of 2000. So
6 -- and of course there were developments in relation to
7 Constable Dunlop. There was new information that had come
8 forward in that spring. There was that additional
9 complainant in the MacDonald case, there was the Dufour
10 brief, and as I say, there were significant developments in
11 terms of new material coming forward from Constable Dunlop
12 that I needed to review. So this was these more -- these
13 older briefs were something that simply -- I simply
14 couldn't attend to given the other matters that I was
15 dealing with at the time.

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

17 We know that the briefs were with you for
18 quite a lengthy period of time.

19 **MS. HALLETT:** Yes. And I have to remind you
20 again that I am waiting at this point also for that
21 conspiracy brief which I'm being told -- being advised by
22 Detective Dupuis will contain perhaps more information that
23 might be relied upon in terms of determining whether
24 charges are going to be founded based on these allegations.

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

1 Well, I'm going to try and pin down a time
2 for that if I can.

3 **MS. HALLETT:** Right.

4 **MR. ENGELMANN:** Were you at all concerned
5 during the passage of time about the fact that any of these
6 alleged perpetrators had access to children? Any concern
7 there at all?

8 **MS. HALLETT:** I wasn't as concerned, I
9 suppose, with these because of how old they were and the
10 fact that there was not a great deal of corroboration that
11 I could see and that there had been sort of a preliminary
12 opinion given to me by the officers that there probably
13 would not be charges to be laid here.

14 So of course as a Crown I'm always concerned
15 about young people being at risk, but whether or not
16 anything could be done about that in relation to this
17 matter was perhaps more remote than with respect to what I
18 could do in terms of the other trial matters that I had on
19 the go.

20 **MR. ENGELMANN:** What about the other side of
21 the equation for a minute, these individuals who have been
22 investigated, they are no doubt aware that these
23 allegations have been made and no doubt want to have the
24 matter concluded or some finality?

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** Was that at all a concern
2 when you were looking ---

3 **MS. HALLETT:** Yes, of course it is always a
4 concern, but I felt that it was in their interest to make
5 sure that a thorough review was conducted of these
6 allegations which would bring finality one way or the other
7 to them, in everyone's interest. And if there would be a
8 conclusion, based on a full review, that no charges should
9 be laid, then they would benefit from that.

10 But if it were a less than thorough review,
11 they would have to live possibly with these allegations
12 unresolved for a longer period of time.

13 **MR. ENGELMANN:** Just give me a moment. I'm
14 just trying to find a note from Detective Inspector Hall.

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

16 **MR. ENGELMANN:** Well let's have a look at
17 Exhibit 2754. These are notes of Detective Inspector Hall.
18 The Document Number, counsel, is 727756 and the Bates page
19 I'm looking for, Madam Clerk, if you could pull it up, is
20 7110546. These are sometimes easier to read on the screen,
21 Ms. Hallett.

22 **MS. HALLETT:** Okay.

23 **THE COMMISSIONER:** Seven-one-one ---

24 **MR. ENGELMANN:** Seven-one-one-zero-five-
25 four-six (7110546).

1 **THE COMMISSIONER:** Five-four-six (546). So
2 I guess ---

3 **MR. ENGELMANN:** I believe the date is June
4 27th, 2000. That's what it indicates at the top of the
5 page.

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

7 **MR. ENGELMANN:** If we look at the very
8 bottom of the page, there's a reference to:

9 "1400 - Call to Shelley Hallett."

10 **MS. HALLETT:** M'hm.

11 **MR. ENGELMANN:** "Advises that Perry Dunlop
12 delivered a will say to..."

13 Go over to the next page:

14 **THE COMMISSIONER:** His office?

15 **MR. ENGELMANN:** "...to her office this
16 morning, accompanied by a reverend.
17 Appears to be the same as what we have,
18 something about three pages missing,
19 could be in photocopying. Said she did
20 not have the other decisions made yet."

21 **MS. HALLETT:** M'hm.

22 **MR. ENGELMANN:** I'm thinking this is the
23 briefs we've just been talking about?

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** "She will wait for the

1 conspiracy brief to be completed."

2 MS. HALLETT: Right.

3 MR. ENGELMANN: "She is going on holidays
4 for two weeks."

5 Okay. And then there's stuff about Guzzo.
6 So there's at least some discussion with you and Detective
7 Inspector Hall about the issue of the briefs and waiting
8 for the conspiracy brief to be finished?

9 MS. HALLETT: Right. M'hm.

10 MR. ENGELMANN: And it's your recollection
11 that you would have had a discussion first about that issue
12 with Officer Joe Dupuis?

13 MS. HALLETT: Yes, because it was Detective
14 Dupuis, as I recall, who had recommended that we do that,
15 that there might be more that would be forthcoming once
16 that conspiracy matter and the brief had been put together.

17 MR. ENGELMANN: Then just to follow up on
18 this matter again, there's a letter that I'd like you to
19 have a look at. It's Document number 105637. It's a
20 letter from Detective Inspector Hall to Mr. James Stewart,
21 105637.

22 THE COMMISSIONER: Thank you.

23 That will be Exhibit 3140.

24 MS. HALLETT: Thank you.

25 --- EXHIBIT NO./ PIÈCE NO. P-3140:

1 (105637) Letter to Pat Hall from James
2 Stewart re: Project Truth dated 19 Jul 00

3 **MR. ENGELMANN:** Ms. Hallett, in this letter
4 Mr. Hall refers back to April of '99. He says:

5 "I met with Mr. John Corelli and
6 yourself in Toronto. At that time it
7 was agreed that Ms. Shelley Hallett
8 would review the brief and provide a
9 written legal opinion pertaining to
10 criminal charges."

11 I'm not sure which brief he's talking about
12 in this letter. I recall there was discussion about you
13 taking over the Father Charles MacDonald brief at that time
14 and then sometime between early April and late June, you
15 actually took that on.

16 In the next paragraph:

17 "Ms. Hallett is currently reviewing
18 briefs on five members of the clergy
19 and expressed that she would like to
20 review the alleged conspiracy brief
21 prior to giving an opinion on the other
22 matters."

23 That's consistent with the note we just
24 looked at from him?

25 **MS. HALLETT:** Yes.

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

2 And he's copying you on this letter?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** Again, you can't tell us
5 when in relation to the June 27th call or to this letter
6 that you would have spoken to Detective Constable Dupuis?
7 You believe it was before June 27th. Is that my
8 understanding?

9 **MS. HALLETT:** Oh, yes, yes. I think it was
10 a considerable time before.

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** M'hm.

13 **MR. ENGELMANN:** Now, on July 20th, 2000 we've
14 heard that you received the additional nine volumes of the
15 conspiracy Crown brief and it was -- it's your evidence
16 then, Ms. Hallett, that you wanted to review that brief ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- before you dug into those
19 other five briefs?

20 **MS. HALLETT:** Well I wanted to do them all
21 at the same time.

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

23 Did you have any sense -- you know, you had
24 the five volumes ---

25 **MS. HALLETT:** Right.

1 **MR. ENGELMANN:** Sorry, you had the five
2 briefs that were 12 volumes ---

3 **MS. HALLETT:** Right.

4 **MR. ENGELMANN:** --- then you have this other
5 brief that has nine volumes on its own ---

6 **MS. HALLETT:** Yes. I didn't realize
7 quite how long that other one would be, the conspiracy one.
8 There -- I believe there were in excess of 7,000 pages to
9 be reviewed in this matter and I did want to -- I did want
10 to do a good job. I didn't want to cut any corners with
11 respect to my review. I was aware that it went to sort of
12 the fundamental concerns about what was happening in
13 Cornwall, and so I did want to review with a view to making
14 sure that everyone would be satisfied that there had been a
15 proper and thorough review of these briefs.

16 **MR. ENGELMANN:** All right. So you got a
17 large volume of material?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And, presumably, a large
20 amount of cross-checking, if I can use the term you've
21 used?

22 **MS. HALLETT:** Yes.

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

24 Can you give us a sense as to how far you
25 got unto that conspiracy brief?

1 **MS. HALLETT:** Again, it was similar to what
2 I had done with the clergy briefs. I went through and I
3 had a -- I got a general idea of what this was about;
4 sufficient to satisfy myself that it was going to take
5 quite a lot of time, and it would -- and focus and cross-
6 checking and follow-up, and it was certainly more time than
7 I had at that time.

8 **MR. ENGELMANN:** All right. Well, we know
9 that you got the conspiracy brief about ten months after
10 you got the other briefs?

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** Well, four of the five other
13 ones ---

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** --- and about six or seven
16 months after the Maloney brief?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** Did you have a discussion
19 with either Detective Inspector Hall or another Project
20 Truth officer, at or about the time of the delivery of the
21 conspiracy brief, with respect to a deadline or some sense
22 from them as to when they wanted this done?

23 **MS. HALLETT:** No, there was no deadline, and
24 I think they would have been aware of the other work that I
25 was doing for Project Truth at that time. In terms of, for

1 example, the preliminary inquiry on the Mesman count in
2 August of that summer, 2000 ---

3 **MR. ENGELMANN:** Yes.

4 **MS. HALLETT:** --- and the up-coming Leduc
5 trial.

6 There were other matters that I also had,
7 sort of, on the burner in my own office. There was an
8 appeal that I had been assigned. It was the *Bianco* appeal.
9 It was a reported case. It's among the materials that I
10 provided.

11 **MR. ENGELMANN:** Okay.

12 **MS. HALLETT:** And I was also a lead for our
13 Ministry in terms of developing new legislation with
14 respect of protecting youth involved in prostitution. So
15 that as all happening in the fall of 2000, just shortly
16 after I received the conspiracy brief. And, as I say
17 there, I considered that there was going to be a lot of
18 work to do in terms of reviewing these briefs, and there
19 had been no deadline discussed. My understanding, that it
20 was to be a good review not a quick review, and so I
21 attended to the other matters that I had on my plate at
22 that time.

23 **MR. ENGELMANN:** Did the Project Truth
24 officers and, in particular Pat Hall, express to you the
25 fact that they were essentially winding up the Project

1 Truth investigation and, therefore, getting these opinions
2 or briefs reviewed was important and of some urgency to
3 them?

4 **MS. HALLETT:** I was aware that Project Truth
5 was -- that they were closing the office but, at that same
6 time, I also knew that I had these prosecutions that I was
7 doing. I -- I knew that I would ---

8 **MR. ENGELMANN:** Leduc and MacDonald?

9 **MS. HALLETT:** Yes, m'hm.

10 **MR. ENGELMANN:** At that point? Yes.

11 **MS. HALLETT:** At that point, yes.

12 And so I knew that I'd have to have some
13 Project Truth support for those, and so I -- I didn't think
14 that all of a sudden Project Truth was going to disappear.

15 And also I, frankly, didn't feel that the
16 fact that they might have wanted to wind up the -- well, I
17 knew that they wanted to close the office and wind up the
18 project -- was necessarily the most influential concern in
19 terms of reviewing these briefs. It seems to me that I --
20 a prosecutor has to, more or less, remain impervious to
21 those kind of pressures in order to essentially render a
22 just decision on what is asked of her, and so they -- I
23 could understand, of course, the officers might have wanted
24 to get into -- or get out of the Project Truth work but, at
25 the same time, I had to do my work properly, too.

1 **MR. ENGELMANN:** All right. What I'd like to
2 do is just take you to what I think is a fairly good
3 summary of some contacts that Detective Inspector Hall has
4 noted in his notebook ---

5 **MS. HALLETT:** Right.

6 **MR. ENGELMANN:** --- with respect to
7 discussions with you about these opinions.

8 **MS. HALLETT:** Right.

9 **MR. ENGELMANN:** And they're actually found
10 in -- it's Exhibit 2807.

11 I'll just be a few minutes on this, sir, and
12 then that will be it.

13 This is a will say that he gives during the
14 York Regional Police investigation. Is that ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** It does have a summary,
17 Ms. Hallett, of certain contacts and I'm starting at Bates
18 page 1145587.

19 The first reference, it's about the middle
20 of that page -- sorry, it's Exhibit 2807, Document 123035,
21 and the Bates page is 587.

22 The middle of the page:

23 "On January 6th, 2000, the writer spoke
24 to Ms. Hallett about the legal
25 opinions. She said she'd been talking

1 to Jim Stewart. She will also give a
2 legal opinion in the Brian Ford case,
3 and will try and have the five briefs
4 in the clergy reviewed and a legal
5 opinion by the end of January."

6 Do you have any recollection of giving an
7 indication to Detective Inspector Hall -- this would have
8 been at or about the time you received Dufour and Maloney -
9 --

10 **MS. HALLETT:** Right.

11 **MR. ENGELMANN:** --- and you had the four
12 others?

13 **MS. HALLETT:** And there was the other
14 complainant in ---

15 **MR. ENGELMANN:** Yes.

16 **MS. HALLETT:** --- Father MacDonald, m'hm.

17 **MR. ENGELMANN:** And he's just got a note
18 saying that ---

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** --- that you were going to
21 try and have this done by the end of January.

22 **MS. HALLETT:** I was going to try, I
23 definitely was but, as I say, there were these other
24 responsibilities that I had to attend to, also in relation
25 to Project Truth.

1 **MR. ENGELMANN:** All right. That seems very
2 ambitious.

3 **MS. HALLETT:** It may have been. I was -- I
4 guess I thought I could have done it at that time.

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

6 Then there's a note on the next page, Bates
7 page 588. It just says:

8 "On 25 May 2000, the writer left a
9 voice message for Ms. Hallett inquiring
10 about the five legal opinions for the
11 clergy."

12 **MS. HALLETT:** Right.

13 **MR. ENGELMANN:** "We've talked about the
14 June 27th matter, and that says she'd
15 wait for the conspiracy briefs to be
16 completed."

17 And we've gone through that note.

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** Then there's a reference on
20 August 22nd, 2000:

21 "Received a call from Ms. Hallett.
22 She'll be in Cornwall tomorrow. She
23 was asked when the legal opinions would
24 be completed. She replied the end of
25 October, 2000."

1 **MS. HALLETT:** Yes. And I thought that was
2 going to be doable at that time. I don't know that I had
3 yet been asked -- at this point, I wasn't aware that I was
4 going to be brought into this legislation with respect to
5 youth and prostitution as a high-priority matter and -- I'm
6 sorry, what date was this that I'm telling him?

7 **MR. ENGELMANN:** August 22nd. I'm sorry, I'm
8 at Bates page -- it's now 589, the third paragraph.

9 **THE COMMISSIONER:** October.

10 **MS. HALLETT:** Of ---

11 **THE COMMISSIONER:** "We expect a decision on
12 criminal charges by..."

13 **MS. HALLETT:** No ---

14 **THE COMMISSIONER:** "...October, 2000."

15 **MS. HALLETT:** But I'm not sure ---

16 **THE COMMISSIONER:** Oh, I'm sorry.

17 **MS. HALLETT:** --- what date this discussion
18 is ---

19 **THE COMMISSIONER:** Oh.

20 **MS. HALLETT:** --- that I'm having.

21 **THE COMMISSIONER:** Can you ---

22 **MR. ENGELMANN:** August 22nd.

23 **MS. HALLETT:** August? Okay.

24 **MR. ENGELMANN:** It's a bit further up that
25 page, Madam Clerk.

1 MS. HALLETT: Okay, then.

2 MR. ENGELMANN: It's right there, sorry.

3 MS. HALLETT: Right.

4 MR. ENGELMANN: It's the paragraph above
5 that.

6 MS. HALLETT: Okay, then.

7 Well, as I say, I wasn't -- I think it was
8 just around that time that I was being tasked with doing
9 this -- working on this legislative initiative with respect
10 to youth and prostitution, and I had all -- and I had been
11 assigned this Bianco appeal which had been a six-day trial
12 and which I ultimately did argue on September the 15th.

13 MR. ENGELMANN: Right.

14 MS. HALLETT: So it was certainly a flow of
15 responsibilities that was occurring at this time.

16 MR. ENGELMANN: All right.

17 There's another reference -- this is at the
18 top of Bates page 590 -- on 5 December:

19 "Writer called Jim Stewart, discussed
20 the legal opinions. Stewart said he
21 did not want to push Ms. Hallett.
22 There was no rush in his opinion."

23 This is Jim Stewart.

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: "Later the same day,

1 Ms. Hallett was at Project Truth's
2 office doing interviews. She wouldn't
3 say when she would have the legal
4 opinions completed, except it would not
5 be until at least after the Leduc
6 trial..."

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** "...which probably would
9 be the third week of February, 2001."

10 **MS. HALLETT:** Yes. And that ---

11 **MR. ENGELMANN:** So at this point-in-time,
12 you're telling him you're not going to get at this until
13 after ---

14 **MS. HALLETT:** Yes, Leduc.

15 **MR. ENGELMANN:** --- the Leduc matter?

16 **MS. HALLETT:** Well, yes.

17 Leduc was a very large and complex
18 prosecution that I was trying to prepare for and do a good
19 job on at that point. And I was doing my best to get that
20 done.

21 **MR. ENGELMANN:** Fair enough. This appears
22 to be about the fifth or sixth time he's asking, and I'm
23 just wondering if you got the sense that there was some
24 urgency on his part.

25 **MS. HALLETT:** No, frankly I didn't. I

1 didn't sense that there was urgency. As I say, I was
2 trying to keep myself from -- unduly influenced by improper
3 pressures. I was trying to do my best in terms of the work
4 that I had to deal with in terms of Leduc and in terms of
5 MacDonald and in terms of my other work in the office.

6 **MR. ENGELMANN:** All right.

7 I have several more minutes on this, sir, so
8 I think maybe I'll leave it for here. I just wanted to
9 advise counsel -- and I think I've advised Ms. Hallett and
10 her counsel -- that her evidence will be continuing
11 tomorrow morning at 9:30, sir.

12 **THE COMMISSIONER:** Yes.

13 **MR. ENGELMANN:** And at 6 o'clock this
14 evening the continuation and completion of the evidence of
15 Cosette Chafe, and I just wanted to advise counsel the
16 doors lock -- the outside door -- after 5:00 without a
17 code, so we'll make sure that we have some way of keeping
18 the door open or at least Commission staff will be checking
19 the door regularly to make sure counsel can get in and out
20 of the building, but people should be here for 6 o'clock
21 for the continuation of her evidence. Thank you.

22 **THE COMMISSIONER:** Good, thank you.

23 We'll see you tomorrow.

24 **MS. HALLETT:** Thank you.

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing will resume at 6:00 p.m.

3 --- Upon recessing at 4:33 p.m./

4 L'audience est suspendue à 16h33

5 --- Upon resuming at 6:01 p.m./

6 L'audience est reprise à 18h01

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

9 This hearing is now resumed. Please be
10 seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** Thank you.

12 **MR. DUMAIS:** Mr. Commissioner, if we can
13 call back Mrs. Chafe, please.

14 **THE COMMISSIONER:** Certainly.

15 **MR. DUMAIS:** And Madam Clerk, we're going to
16 be looking at Exhibit 3112. I know that all the exhibits
17 have been put away.

18 --- **COSETTE CHAFE, Resumed/Sous le même serment:**

19 **THE COMMISSIONER:** Good evening.

20 **MS. CHAFE:** Good evening.

21 **THE COMMISSIONER:** You understand you're
22 still under oath?

23 **MS. CHAFE:** I do.

24 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**

25 **MR. DUMAIS (cont'd/suite):**

1 **MR. DUMAIS:** Good evening, Cosette.

2 Just before we move on, we left off last
3 week, we were looking at Exhibit 3112 and perhaps, Madam
4 Clerk, it's not going to be necessary to put it to the
5 witness.

6 And if you recall, it was a letter addressed
7 to Constable Perry Dunlop, authored by Murray Segal, and I
8 had the premise -- the question regarding this document by
9 indicating that you had had two previous telephone contacts
10 with Mr. Segal. I understand that that is not correct;
11 right?

12 **MS. CHAFE:** It is not correct.

13 **MR. DUMAIS:** And we had been talking about
14 another Murray previously, and that was Murray MacDonald
15 and the telephone contact had been with Mr. Murray
16 MacDonald; correct?

17 **MS. CHAFE:** Correct.

18 **MR. DUMAIS:** All right.

19 So then we had just established last Friday
20 that financing would have been approved sometime around the
21 month of July. The letter made references to services from
22 the Men's Project and made reference to the Victim/Witness
23 Assistance Program and Mr. Segal had identified you in his
24 correspondence. You recall that?

25 **MS. CHAFE:** I do.

1 **MR. DUMAIS:** All right. So then if I can
2 just take you to a new document, and that is Document
3 Number 123748.

4 **THE COMMISSIONER:** Thank you. Exhibit 3141
5 is a document entitled "Project Truth Outline of Services
6 Victim/Witness Assistance Programme."

7 **--- EXHIBIT NO./PIÈCE NO. P-3141:**

8 (123748) - Project Truth Outline of Services
9 Victim/Witness Assistance Programme dated
10 Sep 00

11 **MR. DUMAIS:** Now, Cosette, I understand that
12 although this document -- or these pages all have the same
13 document number, they are actually not one document. Is
14 that correct?

15 **MS. CHAFE:** Correct.

16 **MR. DUMAIS:** And if I'm looking at the top
17 page then, and it appears to be an outline of services and
18 it's specific to Project Truth, do you know who authored
19 that document?

20 **MS. CHAFE:** I believe Louise Lamoureux did.

21 **MR. DUMAIS:** Pardon me?

22 **MS. CHAFE:** Louise Lamoureux.

23 **MR. DUMAIS:** Okay. And she -- do you know
24 when she would have done so?

25 **MS. CHAFE:** I originally thought that it --

1 when I first read it, that it was probably September-
2 October. Actually, given the first line, I believe it
3 still was.

4 MR. DUMAIS: Okay.

5 MS. CHAFE: But I'm not sure. It was done
6 likely in the fall of 2000.

7 MR. DUMAIS: Okay. And do you know for what
8 purpose this document was prepared?

9 MS. CHAFE: I don't recall. I'm assuming it
10 was just a report to me of what services were being
11 provided.

12 MR. DUMAIS: And certainly it appears to
13 describe the types of services being offered by V/WAP. In
14 the first paragraph it indicates that the initial contact
15 with the victims would have been made sometime in September
16 of 2000.

17 MS. CHAFE: Right.

18 MR. DUMAIS: And then the second paragraph
19 makes reference to contact by telephone being made a few
20 weeks before trial.

21 MS. CHAFE: Right.

22 MR. DUMAIS: And then she explains in the
23 second-last paragraph that at the trial a basic check-in
24 was being done.

25 MS. CHAFE: Right.

1 **MR. DUMAIS:** And then in the last paragraph,
2 once the testimony was complete there was a debriefing with
3 each witness, as well as a referral to services in the
4 community. Is that correct?

5 **MS. CHAFE:** Right.

6 **MR. DUMAIS:** So do you think she's outlining
7 the services she's planning to offer before that's actually
8 done, or whether or not she's reporting from what happened
9 in the past?

10 **MS. CHAFE:** Could be either one.

11 **MR. DUMAIS:** Okay, all right.

12 Perhaps if I can then just ask you to look
13 at Document 123749?

14 **THE COMMISSIONER:** Thank you. Exhibit
15 Number 3142 is a document entitled, "Victim/Witness
16 Assistance Programme 'Project Truth' Guideline for
17 Services," May 2001.

18 **--- EXHIBIT NO./PIÈCE NO. P-3142:**

19 (123749) - Victim/Witness Assistance
20 Programme "Project Truth" Guidelines for
21 Services dated May 01(738583)

22 **MR. DUMAIS:** And Cosette, am I correct in
23 understanding that you authored this document?

24 **MS. CHAFE:** I'm not sure if Louise did the
25 first draft and then we worked together on the final

1 document or whether I authored it. I don't know.

2 MR. DUMAIS: Okay.

3 MS. CHAFE: But it was certainly done with
4 my knowledge.

5 MR. DUMAIS: Does the date on the first page
6 assist you? I'm looking at the bottom corner, May 2001,
7 and I thought that is at about the time that Louise would
8 have left V/WAP and you would have taken over V/WAP
9 services for the Project Truth prosecutions.

10 MS. CHAFE: Right, and it's quite possible
11 that an existing document was revised on that date because
12 of her departure from the program, but I believe that this
13 document was prepared earlier than that -- an original
14 version of this document.

15 MR. DUMAIS: Okay. And essentially, again,
16 this document is somewhat similar to the other document.
17 It outlines some of the services that V/WAP is prepared to
18 offer to some of the victims in the Project Truth cases.
19 Am I correct?

20 MS. CHAFE: Right.

21 MR. DUMAIS: And if you recall, last Friday
22 we had looked at your protocol that -- the protocol that
23 you had prepared for multi-victim, multi-perpetrator
24 prosecutions. You recall that?

25 MS. CHAFE: I do.

1 **MR. DUMAIS:** And I'm just going to ask you
2 to look at Exhibit 49 at Tab 8, and I'm looking at Bates
3 pages 060.

4 **MS. CHAFE:** Mine doesn't have Bates pages on
5 it.

6 **THE COMMISSIONER:** There will be another way
7 of doing it.

8 **MR. DUMAIS:** I'm looking at the section
9 that's titled, "Guidelines for Services." It would be
10 about the 13th page.

11 **THE COMMISSIONER:** Is that the -- if you
12 look at the monitor, madam ---

13 **MS. CHAFE:** Okay, I'll look at the monitor.

14 **MR. DUMAIS:** All right.

15 So I'm just interested in the first couple
16 of lines. It reads as follows:

17 "The coordinator should complete
18 written guidelines as soon as a plan of
19 service is formulated. The guidelines
20 should contain a description of the
21 procedures established for
22 administrative service and a
23 description of the program services."

24 **MS. CHAFE:** Right.

25 **MR. DUMAIS:** So are you following this

1 protocol then when you draft the guidelines in May of 2001;
2 is that what you're doing?

3 **MS. CHAFFE:** I am. The early sections of the
4 protocol document talk about administrative issues,
5 administrative services, travel arrangements, payment of
6 witness expenses; those kinds of things. These early
7 sections presume that one of the criterion in here that a
8 manager or someone be in place two months prior to the
9 preliminary inquiries. So these sections presume that that
10 has happened and so a lot of the administrative issues
11 would be dealt with.

12 **MR. DUMAIS:** Okay.

13 **MS. CHAFFE:** In developing the guidelines
14 that I did, I adapted what was in the protocol to the
15 current situation.

16 **MR. DUMAIS:** All right.

17 And this guideline for services makes
18 reference here to a plan of service. Where does a plan of
19 service come from? Does that come from the Ministry or is
20 it formulated by your office?

21 **MS. CHAFFE:** In the case of the Project Truth
22 matters it was developed by me in consultation with my
23 Director and we took into consideration the particular
24 circumstances of these cases.

25 **MR. DUMAIS:** All right.

1 I'm going to ask you to look at another
2 document that was filed last week. So that was Exhibit
3 3107.

4 **MS. CHAFE:** Yes.

5 **MR. DUMAIS:** What we're going to do now is
6 we're going to look at your involvement in the different
7 prosecutions and we're going to start with V/WAP's
8 involvement in the Father Charlie MacDonald prosecution.
9 And if you recall, this is an email that was sent by
10 Shelley Hallett to Cathy Finley and we had discussed that
11 email last week. And of course, no financing had been
12 approved yet for V/WAP services and you had agreed to
13 provide interim services, if we can call it that way, prior
14 to the actual approval of financing. And what we looked at
15 as well is that you actually had no involvement because the
16 trial that had been set was adjourned. Do you recall that?

17 **MS. CHAFE:** I do.

18 **MR. DUMAIS:** All right. So am I correct in
19 understanding then that you would not have had any
20 involvement with any of the alleged victims at this point
21 in time, so prior to Louise Lamoureux being hired in August
22 of 2000?

23 **MS. CHAFE:** So you're talking about from the
24 date of these emails, which is February 10th, until August?

25 **MR. DUMAIS:** Yes.

1 **MS. CHAFE:** I believe I had had some contact
2 with some of the victims. I know I did prior to Louise
3 being hired.

4 **MR. DUMAIS:** All right.

5 And so you don't have any specific
6 recollection but we'll look at some of your docket sheets a
7 little later on.

8 **MS. CHAFE:** Right.

9 **MR. DUMAIS:** Okay. So you believe you had
10 some contacts?

11 **MS. CHAFE:** Yes, I know I did.

12 **MR. DUMAIS:** All right.

13 And would they have been telephone contacts
14 or would you meet face to face?

15 **MS. CHAFE:** Most would have been telephone
16 contacts. I did attend Cornwall for an interview. I can't
17 recall -- I believe it was Shelley Hallett was the Crown.
18 I can't recall who it was with.

19 **MR. DUMAIS:** Right.

20 So I'm going to ask you to just have a look
21 at Document Number 123874.

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

23 **THE COMMISSIONER:** Thank you. Exhibit
24 Number 3143 is the letter dated March 2nd, 2000 addressed to
25 Mrs. Chafe from Ms. Hallett.

1 --- EXHIBIT NO./PIÈCE NO. P-3143:

2 (123874) - Letter from Shelley Hallett to
3 Cosette Chafe re: R. v. Charles MacDonald
4 dated 02 Mar 00

5 **MR. DUMAIS:** All right.

6 So this is a letter that's being sent to you
7 and if you look at the first paragraph Miss Hallett appears
8 to be providing you with a number of documents, the first
9 type being the transcript of summaries of evidence from the
10 preliminary inquiries, right?

11 **MS. CHAFE:** Right.

12 **MR. DUMAIS:** And then a copy of the
13 indictments as well.

14 **MS. CHAFE:** Right.

15 **MR. DUMAIS:** So is that the usual process
16 you start to get information on the file to find out; one,
17 the name of the victims and; two, the type of charges to
18 determine what type of services you may need to offer to
19 some of these victims. Do I have that right?

20 **MS. CHAFE:** Are you asking me if that's the
21 normal process in the Victim/Witness Program?

22 **MR. DUMAIS:** Is it a usual process to gather
23 some of the information from the Crown's office?

24 **MS. CHAFE:** Yes.

25 **MR. DUMAIS:** All right.

1 And we know from our conversation last week
2 that if a V/WAP office could not be established in the
3 Cornwall area that the backup plan was to have Ms. Hallett
4 send a letter to all of the alleged victims in her
5 prosecutions; is that correct? Do you recall that?

6 **MS. CHAFE:** Right.

7 **MR. DUMAIS:** All right.

8 So if you can just then have a look at
9 Document Number 123875?

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **THE COMMISSIONER:** Thank you.

12 Exhibit Number 3144 is email correspondence
13 from Dennis Lessard or Dennis Lessard, sent on the 14th of
14 July, 2000 to Colette Chafe.

15 **--- EXHIBIT NO./PIÈCE NO. P-3144:**

16 (123875) - E-mail from Dennis Lessard to
17 Cosette Chafe re: Project Truth dated 14
18 Jul 00

19 **MS. CHAFE:** Right.

20 **MR. DUMAIS:** If we look at the bottom of the
21 email, you're -- so you're writing to a Denis Lessard, and
22 then in the first line of your email you indicate that:

23 "Shelley must have sent the letters to
24 the victims as I have started to get
25 calls."

1 **MS. CHAFE:** Yes.

2 **MR. DUMAIS:** All right.

3 And if you look at the second paragraph, and
4 I'm just going to read from the second sentence:

5 "He attended for three counselling
6 sessions with a counsellor-therapist in
7 Kingston, but has been unable to
8 continue because he has been unable to
9 get financial assistance."

10 And then in the last line, you're asking:

11 "Can you advise me of the process for
12 this victim to obtain financial
13 assistance?"

14 **MS. CHAFE:** Right.

15 **MR. DUMAIS:** All right. So what we're --
16 the person we're talking about here is Mr. Robert Renshaw.
17 Is that correct?

18 **MS. CHAFE:** Yes, it is.

19 **MR. DUMAIS:** All right. My understanding is
20 that he was not able to travel to either the Cornwall or
21 Ottawa area to obtain counselling services. Is that
22 correct?

23 **MS. CHAFE:** That's correct.

24 **MR. DUMAIS:** And he had made arrangements to
25 see a counsellor where he was in the Kingston area. Is

1 that correct?

2 **MS. CHAFE:** That's correct.

3 **MR. DUMAIS:** And the difficulty with that
4 counselling service was that it was -- there was a fee for
5 service?

6 **MS. CHAFE:** That's right.

7 **MR. DUMAIS:** All right. And you have had
8 some contact with Mr. Lessard to see whether or not there's
9 any money available. Is that correct?

10 **MS. CHAFE:** Correct.

11 **MR. DUMAIS:** All right. So, usually, does
12 V/WAP have the financial resources to pay for counselling
13 services?

14 **MS. CHAFE:** No, never.

15 **MR. DUMAIS:** All right. And when you're
16 dealing with a special prosecution, do those financial
17 resources usually come with that designation?

18 **MS. CHAFE:** They don't come to V/WAP. There
19 may be arrangements for community agencies to provide
20 counselling services, but it's not V/WAP that would
21 administer those funds.

22 **MR. DUMAIS:** Okay. And the difficulty in
23 this case was that arrangements had been made with The
24 Men's Project to offer counselling services to the victims
25 but they were located, initially, in Ottawa and they would

1 have provided services in the Cornwall area as well. Is
2 that correct?

3 MS. CHAFE: Correct.

4 MR. DUMAIS: But they would not provide
5 services in areas such as Kingston?

6 MS. CHAFE: That's my understanding. I
7 wasn't involved in the funding arrangements, but that's my
8 understanding.

9 MR. DUMAIS: Okay.

10 And why are you communicating with Dennis
11 Lessard and asking him about financial resources?

12 MS. CHAFE: At the time, he was a program
13 consultant with the Ministry of the Solicitor General ---

14 MR. DUMAIS: Yes.

15 MS. CHAFE: --- and he was -- my
16 understanding is he was instrumental in recommending and
17 obtaining funds to provide the services of The Men's
18 Project.

19 MR. DUMAIS: Okay.

20 And I think in this email as well, he had
21 made arrangements to obtain a counsellor at the Centre for
22 Quinte and District, which I understand was about 40
23 minutes away from Kingston, and those counselling services
24 were free of charge. Is that correct?

25 MS. CHAFE: They were, through the Quinte

1 Sexual Assault Centre.

2 MR. DUMAIS: But one of the difficulties
3 that Mr. Renshaw had is that he would have to travel for 40
4 minutes, so there was also an issue about payment of
5 expenses to get him to the counsellors. Is that ---

6 MS. CHAFE: That's my understanding ---

7 MR. DUMAIS: All right.

8 MS. CHAFE: --- yes.

9 MR. DUMAIS: And what about those types of
10 expenses? Does V/WAP have any type of budget to pay for
11 that?

12 MS. CHAFE: No.

13 MR. DUMAIS: All right.

14 MS. CHAFE: And perhaps just to complete the
15 record, we should file Document Number 123876.

16 THE COMMISSIONER: Thank you.

17 Exhibit Number 3145 is an email
18 correspondence from Dennis Lessard dated July 31st, 2000 to
19 Cosette Chafe.

20 ---EXHIBIT NO./PIÈCE NO P-3145:

21 (123876) - E-mail from Dennis Lessard
22 to Cosette Chafe re: The Kingston
23 Guy/Cornwall dated July 31, 2000

24 MR. DUMAIS: And, essentially, this email
25 confirms what we've just discussed. It's from Mr. Lessard

1 to yourself, indicating that he had made arrangements for
2 counselling services at the Quinte Sexual Assault Centre.

3 MS. CHAFE: Right.

4 MR. DUMAIS: Is that correct?

5 MS. CHAFE: Correct.

6 MR. DUMAIS: All right.

7 And if I can take you to Document 200130 as
8 well? Exhibit 350.

9 (SHORT PAUSE/COURTE PAUSE)

10 MS. CHAFE: I have it.

11 MR. DUMAIS: Now, am I correct in
12 understanding that these are your file notes for Robert
13 Renshaw?

14 MS. CHAFE: They are.

15 MR. DUMAIS: And this is your handwriting?

16 MS. CHAFE: It is throughout.

17 MS. DUMAIS: All right.

18 So when you're dealing with a victim and
19 offering him services or when you're having contact either
20 by telephone or otherwise with him, you keep track of what
21 you're doing and you're keeping this in the file?

22 MS. CHAFE: Right.

23 MR. DUMAIS: All right. And you do this for
24 each victim that you're dealing with. Is that correct?

25 MS. CHAFE: Correct.

1 **MR. DUMAIS:** And I understand that for the
2 most part when discussing this issue, you had been dealing
3 with Robert's spouse, which was Claire Renshaw. Is that
4 correct?

5 **MS. CHAFE:** Correct.

6 **MR. DUMAIS:** And there's a chronology here
7 of your efforts which somewhat takes again the -- what's
8 been summarized in the previous emails that we've looked
9 at. And then if I can then just take you to the last page.

10 So on May 13, 2002, it reads as follows:

11 "TC ..."

12 Which is "Telephone Call" I believe:

13 "...to Robert. Advised him of stay.
14 Disappointed. Told him Lorne would
15 call."

16 Is that correct?

17 **MS. CHAFE:** Correct.

18 **MR. DUMAIS:** All right. So here,
19 essentially, you're advising him that the charges have been
20 stayed?

21 **MS. CHAFE:** Correct.

22 **MR. DUMAIS:** And if you look at your entry
23 on May 15th, it reads as follows:

24 "Called him. Claire wants money
25 assistance for counselling."

1 **MS. CHAFE:** This was a conversation with
2 Lorne ---

3 **MR. DUMAIS:** Okay.

4 **MS. CHAFE:** --- McConnery.

5 **MR. DUMAIS:** So you're speaking with Lorne,
6 and then it says, okay, "Joe" -- sorry:

7 "Joe Dupuis called him. Claire wants
8 money assistance for counselling."

9 So you're having this discussion with Lorne?

10 **MS. CHAFE:** Correct.

11 **MR. DUMAIS:** So the money for counselling
12 issue has still not been resolved, at least in the
13 Renshaws' minds?

14 **MS. CHAFE:** Right.

15 **MR. DUMAIS:** And then the entry is a further
16 telephone call to Mr. Renshaw, which is dated May 17th, and
17 it reads as follows:

18 "Telephone call to Robert. Explained
19 that he could attend Quinte for
20 counselling at no charge. We cannot
21 provide money for counselling at
22 Berthas."

23 And Berthas was the local counselling
24 service in Kingston. Is that correct?

25 **MS. CHAFE:** That's my understanding.

1 **MR. DUMAIS:** All right.

2 So that's the last entry on your docket
3 sheet, so would that have been the last time you spoke to
4 either Robert or Claire Renshaw?

5 Does that make sense?

6 **MS. CHAFE:** It makes sense, yes.

7 **MR. DUMAIS:** And is part of the reason for
8 that was the fact that the charges had been dealt with?

9 **MS. CHAFE:** Right.

10 **MR. DUMAIS:** And that your services
11 essentially end when the charges end. Do I have that
12 right?

13 **MS. CHAFE:** Right.

14 **MR. DUMAIS:** All right. Now I understand
15 that, as you previously discussed then, Louise Lamoureux
16 would have been hired in August of that year, and then she
17 would have had most contacts with the complainants from the
18 Father Charlie prosecution; is that correct?

19 **MS. CHAFE:** Correct.

20 **MR. DUMAIS:** All right. And if we can just
21 have a look at Document 123878?

22 **THE COMMISSIONER:** Exhibit Number 3146 is
23 email correspondence from Louise Lamoureux, dated October
24 20th, 2000 to Shelley Hallett.

25 --- **EXHIBIT NO./PIÈCE NO. P-3146:**

1 (123878) Email from Louise Lamoureux to
2 Shelley Hallett re: R. v. Charles
3 MacDonald dated 20 Oct 00

4 **MR. DUMAIS:** So essentially there appears to
5 be a new trial date that has been set, so May 28, 2001.

6 **MS. CHAFE:** Right.

7 **MR. DUMAIS:** And then it appears that she's
8 indicating that she will be contacting the victims in this
9 case to advise them of the trial date. Is that correct?

10 **MS. CHAFE:** Right.

11 **MR. DUMAIS:** And perhaps you can just
12 explain to us, what was the reporting structure between
13 Louise and yourself with respect to her involvement in
14 "Project Truth"?

15 **MS. CHAFE:** Well she reported directly to me
16 ---

17 **MR. DUMAIS:** Okay.

18 **MS. CHAFE:** --- and we would meet regularly
19 to discuss any issues that arose.

20 **MR. DUMAIS:** And was she exclusively
21 assigned to the "Project Truth" prosecutions or was she
22 also doing other work?

23 **MS. CHAFE:** Initially for several months,
24 she was doing, she was working exclusively on "Project
25 Truth" cases. At some point, there was downtime, if you

1 want to call it that in these cases, and she was not being
2 kept busy, certainly full time, with these cases.

3 **MR. DUMAIS:** All right. So she was also --
4 she also had some clients from the Ottawa office, is that
5 correct?

6 **MS. CHAFE:** I recall having a meeting with
7 her and there was actually an email in one of the files,
8 talking about what she could do in the Ottawa office to
9 keep her busy, if you want. Couldn't assign her regular
10 files because she would be out again on "Project Truth"
11 cases, so we were -- we brainstormed a bit on what kind of
12 things she could do.

13 **MR. DUMAIS:** All right. And by downtime you
14 mean because you're essentially a court-based services,
15 when the trial is set down the road, you don't necessarily
16 have regular contacts with the victims until such time as
17 the trial date approaches. Is that correct?

18 **MS. CHAFE:** That's fair, yes. There may be
19 occasional contact but, between preliminary inquiries and
20 trials, there tends to be some downtime.

21 **MR. DUMAIS:** Okay. All right. If we can
22 just have a look at Document Number 123758?

23 **THE COMMISSIONER:** Thank you. Exhibit
24 Number 3147 is an email correspondence from Louise
25 Lamoureux, dated October 27, 2000 to Cosette Chafe.

1 --- EXHIBIT NO./PIECE NO. P-3147:

2 (123758) Email from Louise Lamoureux to
3 Cosette Chafe re: Project Truth Status
4 Report dated 27 Oct 00

5 MR. DUMAIS: So my understanding is that
6 from time to time, Louise would report back to you where
7 she was with her different files, what she was doing and
8 what services she was offering in different prosecutions.
9 Is that right?

10 MS. CHAFE: Right.

11 MR. DUMAIS: So then, if we're looking at
12 the first one there, the R. v. Charles MacDonald:

13 "Trial set for May 28, 2001 for five
14 weeks and all but one of the victims
15 have been notified of trial date at
16 this point. Most of them feel
17 comfortable with the process but all
18 said this may change as testimony
19 approaches."

20 MS. CHAFE: Correct.

21 MR. DUMAIS: All right. So with these long
22 trials -- so we're expecting here a five-week trial --
23 what's expected from V/WAP services? Are you expected to
24 be there for the entire duration of the trial?

25 MS. CHAFE: No. In these particular cases,

1 we would have contacted the victims four to six weeks prior
2 to the trial. We would have offered to attend the Crown
3 meeting if there was going to be a meeting with the Crown.
4 We would have offered a meeting for court preparation,
5 orientation. They had already testified at the preliminary
6 inquiry but we would have offered a refresher meeting, if
7 you want, and then would have offered to accompany them to
8 court when they were testifying, if they wanted that. In a
9 five-week trial, I don't know how much of that time would
10 be testimony by victims, but we would have been there for
11 testimony if they wanted us there.

12 **MR. DUMAIS:** Okay, when they were giving
13 their evidence?

14 **MS. CHAFE:** When they were giving their
15 evidence.

16 **MR. DUMAIS:** All right. And if I can just
17 ask you to look at Document Number 123750?

18 **THE COMMISSIONER:** Thank you. Exhibit
19 Number 3148 is email correspondence from Louise Lamoureux
20 dated May 17th, 2001 to Cosette Chafe.

21 **--- EXHIBIT NO./PIÈCE NO. P-3148:**

22 (123750) Email from Louise Lamoureux to
23 Cosette Chafe re: Project Truth Status
24 Report dated 17 May 01.

25 **MR. DUMAIS:** So Cosette, I understand that,

1 at about this period of time, it appears that Louise is
2 providing you with a status report on her "Project Truth"
3 files, and one of the reasons for that is that she is
4 leaving V/WAP. Is that correct?

5 MS. CHAFE: It appears that way.

6 MR. DUMAIS: But do you recall that she
7 would have left at around April or May 2001?

8 MS. CHAFE: I believe it was late May, yes.

9 MR. DUMAIS: Okay. And am I correct in
10 understanding that, when she was leaving, that you would
11 then take over V/WAP services for "Project Truth"
12 prosecutions?

13 MS. CHAFE: I was.

14 MR. DUMAIS: And in 2001, were you the
15 Regional Manager at that period of time, or were you the --
16 -

17 MS. CHAFE: In May I was still the V/WAP
18 Manager.

19 MR. DUMAIS: Okay.

20 MS. CHAFE: My recollection, just to clarify
21 that a bit, is that, on an interim basis, I was taking over
22 and down the road I would assess the need to ask someone
23 else to devote their time specifically to these cases,
24 depending on the progression of the cases through the
25 courts.

1 **MR. DUMAIS:** Okay. Was someone else hired
2 when Louise left the program?

3 **MS. CHAFE:** No.

4 **MR. DUMAIS:** Okay. So you were doing ---

5 **MS. CHAFE:** Sorry, was someone else hired
6 specifically to do "Project Truth"? Is that what you're
7 asking?

8 **MR. DUMAIS:** Yes.

9 **MS. CHAFE:** No.

10 **MR. DUMAIS:** All right. Was someone else
11 hired to work at the V/WAP office in Ottawa?

12 **MS. CHAFE:** When she returned -- while she
13 was on maternity leave, there was someone replacing her.

14 **MR. DUMAIS:** Yes.

15 **MS. CHAFE:** That person continued until
16 Louise left the program and I can't -- her position -- if
17 she was returning to her home position and she resigned
18 then that whole position would be filled, okay?

19 So there was always someone in her position
20 at the V/WAP office in Ottawa.

21 **MR. DUMAIS:** Correct, but you still -- when
22 Louise left you were still down one person; is that
23 correct?

24 **MS. CHAFE:** The designated person for the
25 Project Truth cases.

1 **MR. DUMAIS:** Right.

2 **MS. CHAFE:** Right.

3 **MR. DUMAIS:** Because you became that
4 designated person but you were still managing the Ottawa
5 V/WAP office.

6 **MS. CHAFE:** I was.

7 **MR. DUMAIS:** So was there a reason why you
8 did not hire anyone else at this time?

9 **MS. CHAFE:** I referred to that just a while
10 ago, that the option was there but I was waiting to see
11 what happened with the cases before hiring.

12 One of the issues was that it had to be
13 someone with experience.

14 **MR. DUMAIS:** Yes.

15 **MS. CHAFE:** Couldn't hire from outside, and
16 it also preferably would be someone bilingual. And the
17 cases -- the work was not keeping her very busy at that
18 point. So it just seemed wiser to wait and see than to
19 actually hire someone to start right away to do that.

20 **MR. DUMAIS:** Okay. But certainly you would
21 agree with me because I have that from her status report.
22 It certainly appears that a lot of the prelims and trials
23 appear to have been set for 2001.

24 **MS. CHAFE:** True.

25 **MR. DUMAIS:** And from her estimates it

1 certainly appears that these trials appear to be lengthy
2 trials. I guess that's subjective.

3 MS. CHAFE: Yes.

4 MR. DUMAIS: I mean ---

5 MS. CHAFE: Eight days, five days; five
6 days, yeah.

7 MR. DUMAIS: Right.

8 MS. CHAFE: Yeah, one was -- one was five
9 weeks.

10 MR. DUMAIS: All right.

11 MS. CHAFE: Right. But there were several;
12 you're right.

13 MR. DUMAIS: And perhaps I can just ask you
14 to look at Document Number 123745?

15 THE COMMISSIONER: Thank you. Exhibit
16 Number 3149 is an email correspondence from Cosette Chafe
17 to Dennis Lessard, May 30th, 2001.

18 --- EXHIBIT NO./PIÈCE NO. P-3149:

19 (123745) - E-mail from Cosette Chafe to
20 Dennis Lessard re: Cornwall Update dated 30
21 May 01

22 MR. DUMAIS: So if we look at the second
23 line of the top paragraph, so you appear to confirm here:

24 "Louise is at the program so I'm back
25 on the Project Truth cases."

1 And I just want to ask you a question about
2 the bottom paragraph. So this is the email that's being
3 sent by Mr. Lessard. The re line reads as follows:

4 "The annual Cornwall review meeting
5 asked for our previous discussion."

6 **MS. CHAFE:** Right.

7 **MR. DUMAIS:** So what was that, the Cornwall
8 review meeting?

9 **MS. CHAFE:** In June -- I believe it was June
10 8th of 2000 -- we had a meeting at the Long Sault OPP
11 Detachment.

12 **MR. DUMAIS:** Yes.

13 **MS. CHAFE:** I think I mentioned that on
14 Friday evening, and that's what he is referring to. You
15 know, annual meeting, it's time to meet again. It's been a
16 year.

17 **MR. DUMAIS:** Okay. And essentially, you
18 would review with him the status of some of these files and
19 services you're offering and whether or not you require
20 funding or resources; does that make sense?

21 **MS. CHAFE:** I have to read it because I
22 don't know about a discussion of funding or resources. He
23 had nothing to do with funding or resources for the
24 Victim/Witness Program.

25 **MR. DUMAIS:** Yes.

1 **MS. CHAFE:** He was strictly dealing with the
2 funding of the Men's Project to provide counselling.

3 **MR. DUMAIS:** Okay. So ---

4 **MS. CHAFE:** Like is there a reference in my
5 email to funding and resources? I don't see it.

6 **MR. DUMAIS:** I'm just wondering what the
7 annual Cornwall review meeting refers to. Who is there and
8 what does it refer to?

9 **MS. CHAFE:** The meeting we had on June 8th of
10 2000 ---

11 **MR. DUMAIS:** Yes.

12 **MS. CHAFE:** --- Shelley Hallett was there,
13 Joe Dupuis, and one or two other police officers were
14 there.

15 **MR. DUMAIS:** Yes.

16 **MS. CHAFE:** Rick Goodwin and another person
17 from the Men's Project, Dennis and a woman named Patty
18 Edwards from Sol. Gen.

19 **MR. DUMAIS:** Yes.

20 **MS. CHAFE:** I was there, possibly other
21 people.

22 We had gotten together in June of 2000 to
23 talk about the status of -- it was for information sharing.
24 The Victim/Witness Program was new to the cases, if you
25 want.

1 **MR. DUMAIS:** Yes.

2 **MS. CHAFE:** And I believe Dennis Lessard
3 arranged the meeting but I'm not sure about that. And so
4 it was to share information about the status of the cases,
5 about the services of the Men's Project, the services that
6 V/WAP would be providing. And I also recall, not
7 discussion necessarily but being informed of other services
8 in the Cornwall community that could possibly offer some
9 services to these victims and their families.

10 **MR. DUMAIS:** Okay. But it appears from this
11 email that this second meeting is being adjourned; is that
12 right -- or is being delayed?

13 I'm just looking at the last two lines. It
14 reads as follows:

15 "Given the recent judicial and current
16 events with the MPP I'm opting to hold
17 off on the annual update meeting. Does
18 this create any issues for you?"

19 **MS. CHAFE:** Right, and I believe he's
20 referring to the fact that he had arranged the first one,
21 and we had had a discussion obviously as well, and that he
22 was going to start planning for a second one but hadn't
23 done so and then talked about delaying it.

24 **MR. DUMAIS:** Okay. Do you know if that
25 meeting ever occurred?

1 **MS. CHAFE:** I can't recall a second meeting
2 but that doesn't necessarily mean it didn't occur.

3 **MR. DUMAIS:** Okay, fair enough. All right.
4 If you can just have a look then at Document
5 Number 123879?

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **THE COMMISSIONER:** Exhibit 3150 is an email
8 correspondence from Cosette Chafe to Lorne McConnery dated
9 February 15th, 2002.

10 **--- EXHIBIT NO./PIÈCE NO. P-3150:**

11 (123879) - E-mail from Cosette Chafe to
12 Lorne McConnery, Kevin Philips re: Charles
13 MacDonald dated 15 Feb 02

14 **MR. DUMAIS:** So the second paragraph -- and
15 perhaps, Madam Clerk, we should provide Cosette with some
16 of the monikers.

17 **THE COMMISSIONER:** We should put a stamp on
18 that document.

19 **MR. DUMAIS:** Yes, thank you.
20 So C-2, C-3, C-4, C-5 and C-8.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. DUMAIS:** So it reads as follows,
23 Cosette:

24 "I reviewed my file and we, V/WAP, only
25 have the names of six victims in this

1 case, C-4, C-8, C-2 Robert Renshaw, C-
2 5."

3 Just a minute, Mr. Commissioner, I'm just
4 trying to determine -- and so:

5 "...Robert Renshaw, [C-5], Kevin Upper.
6 Of those we were unable to contact C-5
7 and have had limited contact with all
8 but Renshaw who called frequently from
9 July to September 2000."

10 So when you reviewed this file you only had
11 the name of six of the victims. Is that correct?

12 **MS. CHAFE:** Correct.

13 **MR. DUMAIS:** And the three initial victims
14 or the three initial charges had not been contacted by
15 V/WAP at this point in time. Am I correct?

16 **MS. CHAFE:** We weren't aware of them.

17 **MR. DUMAIS:** So that was a surprise to you
18 that there were these ---

19 **MS. CHAFE:** Yes.

20 **MR. DUMAIS:** --- three additional alleged
21 victims.

22 **MS. CHAFE:** Yes.

23 **MR. DUMAIS:** All right.

24 **MS. CHAFE:** I understand there were separate
25 charges or later charges or -- and yes.

1 **MR. DUMAIS:** They were on -- yes, they were
2 on a separate Information?

3 **MS. CHAFE:** Right.

4 **MR. DUMAIS:** All right. If I can then ask
5 you to look at Document Number 123880?

6 **THE COMMISSIONER:** Thank you. Exhibit
7 Number 3151 are notes dated March 1st, '02.

8 Are these your notes?

9 **MS. CHAFE:** They are my notes.

10 **THE COMMISSIONER:** All right.

11 **MR. DUMAIS:** All right, so ---

12 **THE COMMISSIONER:** Sorry, Exhibit 3151.

13 **MR. DUMAIS:** Thank you.

14 --- **EXHIBIT NO./PIÈCE NO. P-3151:**

15 (123880) - Notes of Cosette Chafe dated 01
16 Mar 02

17 **MR. DUMAIS:** Now, am I correct, Cosette,
18 that these are notes that you would have taken during a
19 meeting that you're having with Mr. McConnery?

20 **MS. CHAFE:** Right.

21 **MR. DUMAIS:** All right. And then I'm
22 looking at the second bullet there:

23 "Have met three from original
24 complaint: MacDonald, [C-3] and one
25 other."

1 So does this mean that you're now meeting
2 with these -- the three new victims, or new for V/WAP
3 services at least?

4 **MS. CHAFE:** Well, if you read that bullet
5 further it says:

6 "I had never had their names; have not
7 had contact. He says not to worry
8 about connecting with them now. They
9 are okay."

10 **MR. DUMAIS:** Okay. Sorry, so then am I
11 correct in understanding that you would never have had
12 contact with these three victims? Am I correct?

13 **MS. CHAFE:** I believe you are correct.

14 **MR. DUMAIS:** Okay. And there was one issue;
15 the fourth bullet reads as follows:

16 "I will contact the victims I already
17 connected with, except for [C-5], who
18 is in jail, minor offence, but he has a
19 history. Lorne says he and Kevin will
20 deal with him."

21 So arrangements had been made that you not
22 contact C-5 ---

23 **MS. CHAFE:** Correct.

24 **MR. DUMAIS:** --- and that the Crowns would
25 take care of it. Is that correct?

1 **MS. CHAFE:** Correct.

2 **MR. DUMAIS:** All right. So you did not have
3 any contacts with C-5 either?

4 **MS. CHAFE:** I would have to check my notes
5 from that file to be sure but, in reading this, that's what
6 it looks like.

7 **MR. DUMAIS:** Okay. And if I can just ask
8 you to look at Document Number 123881?

9 **THE COMMISSIONER:** Thank you. Exhibit
10 Number 3152 is email correspondence from Cosette Chafe
11 dated March 18th, 2002 to Lorne McConnery et al.

12 **--- EXHIBIT NO./PIÈCE NO. P-3152:**

13 (123881) - E-mail from Cosette Chafe to
14 Lorne McConnery, Kevin Philips and Joe
15 Dupuis re: Charles MacDonald dated 18 Mar
16 02

17 **MR. DUMAIS:** So it appears here that you're
18 learning of the adjournment of the trial from the radio.
19 Is that correct?

20 **THE COMMISSIONER:** Yes.

21 **MS. CHAFE:** That's what it says.

22 **MR. DUMAIS:** Okay. And we've looked at a
23 document last Friday about this issue coming up, so the
24 fact that you still at this point in time don't have access
25 to ICON makes communications about court appearances and

1 adjournments between you and the Crown's office difficult.

2 MS. CHAFFE: Right. Now, even had we had
3 access to ICON, it's usually updated next day. But you're
4 right, it was a particular challenge because our
5 information about adjournments, anything about court dates,
6 had to come from either police or Crowns.

7 MR. DUMAIS: Okay. And in 2002 there would
8 have been a V/WAP office operating in the Cornwall area.
9 Is that correct?

10 MS. CHAFFE: That's correct.

11 MR. DUMAIS: And that office would have
12 access to ICON.

13 MS. CHAFFE: True.

14 MR. DUMAIS: But am I correct in
15 understanding that you would have essentially no
16 communications with the V/WAP office in Cornwall because of
17 conflict issues?

18 MS. CHAFFE: Well, at the time I was
19 supervising the Manager of the V/WAP office in Cornwall. I
20 was Regional Manager by this time.

21 MR. DUMAIS: I see.

22 MS. CHAFFE: But I can't remember the exact
23 date the Cornwall office opened, but when the Manager was
24 hired there were still no walls in the space. It takes
25 several months before a program becomes operational. But

1 also we had decided to keep these cases out of the Cornwall
2 V/WAP office.

3 MR. DUMAIS: M'hm.

4 MS. CHAFE: So there was no communication
5 with the Manager of the V/WAP office about these cases.

6 MR. DUMAIS: Okay. But would there have
7 been a possibility to access the ICON?

8 MS. CHAFE: I could have called her to ask
9 her about -- to check an update, but it wouldn't have been
10 as immediate as same day.

11 MR. DUMAIS: Yeah.

12 MS. CHAFE: It would have been next day.

13 MR. DUMAIS: All right.

14 MS. CHAFE: Or two days later.

15 MR. DUMAIS: If I can just ask to look at
16 Document Number 123872?

17 THE COMMISSIONER: Thank you. Exhibit
18 Number 3153 are notes, and the first date on the document
19 is October 19th, 2000.

20 --- EXHIBIT NO./PIÈCE NO. P-3153:

21 (123872) - Notes of Cosette Chafe dated 19
22 Oct 00 to 28 May 01

23 MR. DUMAIS: So these are some of the notes
24 that you were taking on this file, and if I can just ask
25 you to look at the bottom of victims/witnesses. So there's

1 -- number 1 is C-4 and he has requested services from
2 V/WAP. Is that correct?

3 **MS. CHAFE:** Without seeing -- looking at
4 this, I'm assuming it's the Charles MacDonald case.

5 **MR. DUMAIS:** Yes.

6 **MS. CHAFE:** But there's nothing on it to
7 indicate it. To know exactly what services each of these
8 victims wanted, I would have to have my notes in front of
9 me.

10 **MR. DUMAIS:** Okay. So the fact that some of
11 the names are being crossed off doesn't mean anything to
12 you?

13 **MS. CHAFE:** It may mean that at some point
14 they indicated very clearly they did not want our services
15 so I crossed them off. I know on the fifth one I've
16 written beside his name, "Don't call."

17 **MR. DUMAIS:** And that's of course C-5 and
18 we've just looked at ---

19 **MS. CHAFE:** Right.

20 **MR. DUMAIS:** --- your notes on the meeting
21 that you had with Mr. McConnery.

22 **MS. CHAFE:** Right.

23 **MR. DUMAIS:** All right.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. DUMAIS:** And perhaps it might be easier

1 to look at some of these notes from the files.

2 Perhaps, Madam Clerk, just to -- if we can
3 get five documents ready, or would you rather not? So 200
4 -- sorry, the first one is Exhibit 448. The second one is
5 Document 123890. The third document is Exhibit 503. The
6 fourth is Document 123893 and the fifth one is Document
7 123894.

8 (SHORT PAUSE/COURTE PAUSE)

9 THE COMMISSIONER: Thank you.

10 Exhibit Number 3154 is a -- are these all
11 your notes, ma'am?

12 MS. CHAFFE: Is this the first document I
13 would have received? Sorry, could you tell me the document
14 number again?

15 MR. DUMAIS: Perhaps we can describe them as
16 the docket sheets from the individual files? Some are her
17 notes and some are ---

18 MS. CHAFFE: Right. Okay. That's what I
19 wanted to ---

20 THE COMMISSIONER: So 3154 is Doc Number
21 123890.

22 --- EXHIBIT NO./PIÈCE NO. P-3154:

23 (123890) - Notes of Cosette Chaffe re: C-2
24 dated from July 25, 2000 to March 12, 2002

25 THE COMMISSIONER: Exhibit 3155 is Doc

1 Number 123893.

2 --- EXHIBIT NO./PIÈCE NO. P-3155:

3 (123893) - Notes of Cosette Chafe re: C-8
4 dated from October 20, 2000 to April 16,
5 2002

6 **THE COMMISSIONER:** And Exhibit Number 3156
7 is Doc Number 123894.

8 --- EXHIBIT NO./PIÈCE NO. P-3156:

9 (123894) - Notes of Cosette Chafe re: C-5
10 dated from May 24, 2001 to March 12, 2002

11 **MR. DUMAIS:** So then if we can just look at
12 Exhibit 448? Do you have that in front of you?

13 **MS. CHAFE:** Is that Document 139 -- ends in
14 139?

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

16 **MS. CHAFE:** Okay. Yes.

17 **MR. DUMAIS:** And so these are essentially
18 the contacts and services that you would have offered to C-
19 4?

20 **MS. CHAFE:** Right.

21 **MR. DUMAIS:** And the top couple of lines are
22 Louise Lamoureux's handwriting. Is that correct?

23 **MS. CHAFE:** The first entry is hers, yes.

24 **MR. DUMAIS:** Yes.

25 And essentially the remaining entries are

1 yours?

2 **MS. CHAFE:** Right.

3 **MR. DUMAIS:** All right.

4 And I'm just looking at about mid-page here
5 at the -- right after the March 12th, 2002 date.

6 **MS. CHAFE:** Right.

7 **MR. DUMAIS:** So it's indicated:

8 "He would like my support."

9 So it appears that C-4 had requested your
10 assistance for court appearances?

11 **MS. CHAFE:** Right.

12 **MR. DUMAIS:** All right.

13 **MS. CHAFE:** And possibly for his wife as
14 well.

15 **MR. DUMAIS:** Because -- and perhaps I can
16 ask you this now -- V/WAP services extend -- are not only
17 for complainants, but they extend to witnesses and family
18 members as well?

19 **MS. CHAFE:** In these cases, they did. In
20 most cases, V/WAP services are for victims of crime. In
21 these cases, they -- and that's most. There are exceptions
22 to that, but in most cases.

23 **MR. DUMAIS:** So they don't necessarily --
24 V/WAP services don't necessarily extend to witnesses in
25 prosecutions. There's a specific requirement that the

1 person be a complainant?

2 MS. CHAFE: The way it's worded in the V/WAP
3 policy and procedures manual is that because of limited
4 resources, our services -- we give priority to those most
5 traumatized by the crime. Most of the time, that would be
6 the victim.

7 MR. DUMAIS: Okay.

8 MS. CHAFE: There can be circumstances where
9 witnesses would get services. For instance, children ---

10 MR. DUMAIS: Yes.

11 MS. CHAFE: --- would certainly get support,
12 and there are cases where family members would get support
13 as well.

14 MR. DUMAIS: Okay.

15 MS. CHAFE: But most of the time, it would
16 be the victims of crime.

17 MR. DUMAIS: All right.

18 And who has that discretion? Do the workers
19 have the discretion to accept or not? Is that the
20 manager's discretion?

21 MS. CHAFE: I would have to read the
22 specific section of the manual to be able to answer that.
23 I can't give you -- I'll do my best to answer questions
24 about general V/WAP policies, but I haven't worked in V/WAP
25 for a long time.

1 **MR. DUMAIS:** Okay. But certainly in the
2 Project Truth prosecution it was understood that if there
3 were family members or other witnesses that requested your
4 services, that you would provide them?

5 **MS. CHAFE:** Yes.

6 **MR. DUMAIS:** And who had made that decision
7 for these prosecutions?

8 **MS. CHAFE:** I guess I had.

9 **MR. DUMAIS:** Okay. It came from you?

10 **MS. CHAFE:** It's right out of the protocol -

11 --

12 **MR. DUMAIS:** Yes.

13 **MS. CHAFE:** --- for multi-victim/multi-
14 perpetrator cases. It's what we did in St. Joseph's. So I
15 believe it applies what's in the protocol to these cases.

16 **MR. DUMAIS:** Okay.

17 If I can just ask you to look at Exhibit
18 3154? So these are mostly your notes in C-2's file?

19 **MS. CHAFE:** I have document numbers. I
20 don't have exhibit numbers, do I?

21 **MR. DUMAIS:** One-two-three-eight-nine-zero
22 (123890).

23 **MS. CHAFE:** Okay.

24 **MR. DUMAIS:** Is that easier?

25 **MS. CHAFE:** Yes.

1 **MR. DUMAIS:** So these would be the notes
2 from C-2's file. Is that correct?

3 **MS. CHAFE:** Yes. I'm relying on you to be
4 correct about the C-2 ---

5 **MR. DUMAIS:** Sorry?

6 **MS. CHAFE:** I'm relying on you to be correct
7 about the monikers for them.

8 **MR. DUMAIS:** Yes.

9 **MS. CHAFE:** Okay.

10 **MR. DUMAIS:** I'm going to be told if I'm
11 wrong.

12 **MS. CHAFE:** Okay.

13 **MR. DUMAIS:** And this gentleman did not
14 require V/WAP services? I'm looking at about mid-page.

15 **MS. CHAFE:** The first entry is that I had
16 actually attended for an interview with Shelley, Joe and
17 Christine. Okay. Yes, it appears that during that
18 interview, he would have indicated that he did not feel he
19 needed our support.

20 **MR. DUMAIS:** All right.

21 And what's -- is there a policy in place for
22 V/WAP services if the services are refused by one of the
23 complainants?

24 **MS. CHAFE:** It is in the general operating
25 principles, general operating policies maybe, that

1 Victim/Witness Assistance Program services are voluntary
2 and clients can decline if they wish.

3 **MR. DUMAIS:** Okay.

4 And is there a protocol for when a client
5 declines, whether or not you leave it at that or whether or
6 not you communicate with him once again?

7 **MS. CHAFE:** Generally, if someone indicates
8 he does not want our services; not to call him again, then
9 we would definitely not call him again.

10 There might be other times when -- if he's
11 very clear not to call him again, don't -- then it would be
12 very clear. Other times it may be that at another point we
13 might contact them again. But that would be discretion.

14 **MR. DUMAIS:** All right.

15 If I can just ask you to look at Exhibit
16 503, so that's Document 200138.

17 **MS. CHAFE:** Oh, are these the exhibit
18 numbers, the tabs?

19 All right. I have it. I think I get it
20 now.

21 **MR. DUMAIS:** So do you have -- do you have
22 Exhibit 503 in front of you?

23 **MS. CHAFE:** I do.

24 **MR. DUMAIS:** All right.

25 So here these are your contacts with this

1 particular victim and my understanding is that he -- there
2 were allegations made against two different people by this
3 victim.

4 **MS. CHAFE:** Right. We contacted him
5 regarding two different offenders.

6 **MR. DUMAIS:** Okay. So that's why he has two
7 separate docket sheets?

8 **MS. CHAFE:** Right.

9 **MR. DUMAIS:** All right.

10 And as you indicated last week, the files
11 are organized by alleged perpetrator; is that correct?

12 **MS. CHAFE:** Correct.

13 **MR. DUMAIS:** And if we look at Bates pages
14 389 I'm looking at about the 10th or 11th line from the
15 bottom, so it appears to read:

16 "He doesn't want me to call him but
17 would like me to be in court with him."

18 Is that correct?

19 **MS. CHAFE:** I'm sorry. Some of these
20 documents don't have Bates numbers that I can see.
21 Supposed to be in the top left; is that correct?

22 **MR. DUMAIS:** That's correct, and this ---

23 **MS. CHAFE:** I have document numbers but not
24 Bates numbers.

25 **MR. DUMAIS:** Okay. So this is essentially

1 the last page.

2 MS. CHAFE: Okay. And what date was the
3 entry?

4 MR. DUMAIS: March 12th, 2002.

5 MS. CHAFE: Right, okay.

6 MR. DUMAIS: So you see a telephone call.

7 He has:

8 "...met with the Crown, Joe will keep
9 him informed. He doesn't want me to
10 call him but would like me to be in
11 court with him."

12 Right?

13 MS. CHAFE: Right.

14 MR. DUMAIS: All right.

15 And then if we can file the -- or just have
16 a quick look at the last two documents, so Exhibit 3155 and
17 3156?

18 MS. CHAFE: Okay, got it.

19 MR. DUMAIS: So Document 123893; is that
20 easier?

21 MS. CHAFE: Well, she wrote -- I'm just
22 realizing now she's written the exhibit numbers, so yes.

23 MR. DUMAIS: So again, so this essentially
24 is the docket sheet from C-8's file and my understanding is
25 at one point in time these specific charges were withdrawn.

1 I'm looking at your entry on April 16, 2002.

2 **MS. CHAFE:** Yes, it says:

3 "The charges regarding him will be
4 withdrawn."

5 **MR. DUMAIS:** All right.

6 And again, once the charge has -- once there
7 is a stay or the charges are withdrawn that essentially
8 ends your services; is that correct?

9 **MS. CHAFE:** It does, and I note in the March
10 12th note the last -- the bullet just before this April 16th
11 note it says:

12 "I will not contact him again unless
13 Lorne or Joe ask me to do."

14 And yes, once a charge is withdrawn that's
15 it for our involvement.

16 **MR. DUMAIS:** That terminates your services.

17 **MS. CHAFE:** Now, if he had not asked me to
18 not contact him again I likely would have called him to let
19 him know that the charge was withdrawn. But that would
20 have been it.

21 **MR. DUMAIS:** And then the last document is
22 Exhibit 3156 and that's the docket sheet for C-5 and we've
23 already discussed what your involvement with C-5 was.

24 **MS. CHAFE:** Right.

25 **MR. DUMAIS:** And if we can then move to your

1 involvement in another prosecution, and I'm going to ask
2 you to look at Document Number 123816.

3 **THE COMMISSIONER:** Thank you. Exhibit
4 Number 3157 is email correspondence from Louise Lamoureux
5 dated October 5th, 2000 to Shelley Hallett.

6 --- **EXHIBIT NO./PIÈCE NO. P-3157:**

7 123816) - E-mail from Louise Lamoureux to
8 Shelley Hallett re: Project Truth dated 05
9 Oct 00

10 **MR. DUMAIS:** So this is the second file that
11 Shelley Hallett had identified in her initial email to you,
12 so the prosecution involving Mr. Leduc. And my
13 understanding is that most of the contacts with the victims
14 in that file were completed by Louise Lamoureux.

15 **MS. CHAFE:** I'd have to look at the notes to
16 be able to confirm that.

17 **MR. DUMAIS:** All right.

18 So if we can look at this initial document,
19 so in her first line -- in the first line of her email she
20 indicates:

21 "Just want to drop you a line advising
22 you that I have been assigned to
23 Project Truth."

24 So she appears to be introducing herself to
25 Ms. Hallett. And then she goes on:

1 "I have been in contact with some of
2 the victims in the MacDonald case by
3 virtue of another case, being that the
4 Leduc case is going in January I have
5 begun contact with those victims, just
6 introduced myself, explained our
7 services and do a basic check. Most
8 seem glad to have someone to contact
9 fairly easily. I'm getting the
10 impression that the officers aren't
11 always as readily available as they'd
12 like them to be.
13 Just so I can structure my approach
14 appropriately with these guys, could
15 you please send me a copy of the
16 synopsis?"

17 So again, she appears to be following the
18 same sequence of events as with the other prosecution that
19 we looked at and she's gathering some information in the
20 file and asking for a synopsis; is that correct?

21 **MS. CHAFFE:** Yes.

22 **MR. DUMAIS:** And is this process of
23 requesting information from the Crown something that you do
24 in all cases?

25 **MS. CHAFFE:** Normally in the Victim/Witness

1 Assistance Program you would get a copy of the synopsis as
2 the case is being referred to you. Or I mentioned the
3 other day that there are several different ways to --
4 mechanisms to have in place to get referrals.

5 **MR. DUMAIS:** Yes.

6 **MS. CHAFE:** It could be Crowns, it could be
7 from the police, it could be that you go photocopy them
8 yourself, it could be by email.

9 Now I understand lots of them send the --
10 the, I guess, synopsis or court brief by email.

11 So normally the process is we get it
12 automatically. In these cases, we were requesting them
13 because there was no mechanism in place, no automatic
14 mechanism in place.

15 **MR. DUMAIS:** Okay. If you can have a look
16 at Document Number 123818?

17 **THE COMMISSIONER:** Thank you. Exhibit
18 Number 3158 is email correspondence from Louise Lamoureux,
19 dated November 23rd, 2000, to Josephine Clark.

20 ---EXHIBIT NO./PIÈCE NO P-3158:

21 ((123818) - E-mail from Louise Lamoureux to
22 Josephine Clark re: R. v. Jacques Leduc
23 dated 23 Nov 00

24 **MR. DUMAIS:** And, again, Ms. Lamoureux
25 appears to be introducing herself to Ms. Clark.

1 I guess the first question is, who is
2 Josephine Clark?

3 **MS. CHAFFE:** I have no idea.

4 **MR. DUMAIS:** Okay.

5 **MS. CHAFFE:** She -- she obviously -- she's on
6 the Justice email system, so I would suspect she's a Crown
7 attorney, or student.

8 I recall a reference to Shelley working with
9 a student. She was working with someone named Christine,
10 and possibly this is the student, but I don't know.

11 **MR. DUMAIS:** Okay.

12 **MS. CHAFFE:** I don't recall ever seeing the
13 name before.

14 **MR. DUMAIS:** Okay, and that's fine.

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

16 **MR. DUMAIS:** If I can ask you to look at
17 Document Number 123834?

18 **THE COMMISSIONER:** Thank you. Exhibit
19 Number 3159 is a memorandum from John McMahon to -- no,
20 sorry, to John McMahon from Shelley Hallett, dated
21 March 26th, 2001.

22 **---EXHIBIT NO./PIÈCE NO P-3159:**

23 (123834) - Memorandum from Shelley Hallett
24 to John McMahon dated 26 Mar 01

25 **MR. DUMAIS:** So if you can just have a look

1 at the second page of that document, just at the top of
2 that page?

3 So, at this point in time -- because at the
4 -- so this document is dated March, 2001:

5 "Charges in the Leduc matter have just
6 been stayed."

7 And, if I can just read you the first
8 paragraph:

9 "Victim/Witness coordinator in the
10 Ottawa office provided victim/witness
11 assistance to Crown witnesses during
12 the Leduc trial upon my request.
13 She has advised me that she has been
14 contacted by the mothers of the two
15 complainants..."

16 And I will not name them:

17 "...who have expressed their desire
18 that there be an appeal in this case.
19 Apparently these witnesses do not
20 believe the Chadwick decision has
21 brought any closure to the matter."

22 And, a little further down, if you -- the
23 third paragraph, the last three lines, "We were canvassing
24 whether..." -- it makes reference to one of the victims and
25 the mother:

1 "...would be able to testify again in
2 the event of a mistrial. She said that
3 if they had to, they probably would,
4 although they would not be happy about
5 it."

6 So after -- after the charges were dealt with in court,
7 after the charges were stayed, V/WAP services continued to
8 be involved with some of these alleged victims? Do you
9 recall that?

10 **MS. CHAFE:** I don't know, but before I --
11 can I just clarify before we get to that ---

12 **MR. DUMAIS:** Yes.

13 **MS. CHAFE:** --- that the sentence, actually
14 -- if we just read page 2, "Victim/Witness coordinator in
15 the Ottawa office" -- that would be me.

16 **MR. DUMAIS:** Yes.

17 **MS. CHAFE:** The sentence begins on the
18 previous page.

19 **MR. DUMAIS:** Yes.

20 **MS. CHAFE:** It's Louise Lamoureux, the
21 assistant coordinator.

22 **MR. DUMAIS:** Yes.

23 **MS. CHAFE:** Okay? So just to clarify ---

24 **MR. DUMAIS:** Okay.

25 **MS. CHAFE:** --- it wasn't me; it was Louise.

1 MR. DUMAIS: Yes.

2 MS. CHAFE: If there is an appeal ---

3 MR. DUMAIS: Okay.

4 MS. CHAFE: --- we sometimes do stay
5 involved, yes.

6 MR. DUMAIS: Okay, so that was my question.

7 MS. CHAFE: Yes.

8 MR. DUMAIS: So when an appeal is being
9 considered -- so, notwithstanding the fact that the court
10 has dealt with the charges, you can then remain involved?

11 MS. CHAFE: Yes. Normally, an appeal has to
12 be filed within 30 days, I believe.

13 MR. DUMAIS: Yes.

14 MS. CHAFE: And so we can stay involved
15 until that point, especially if the Crown has requested
16 leave to appeal.

17 MR. DUMAIS: Yes.

18 MS. CHAFE: As you know, the appeal process
19 can be very lengthy, so what we would normally do -- at
20 this time, because it's very different now -- but in '99,
21 2000, we might give victims the contact numbers for the
22 Court of Appeal office in Toronto, and they would be able
23 to keep informed directly about the status of an appeal.

24 At this time, there is a special
25 Victim/Witness Assistance Program office in the Appeal

1 Office in Toronto, so that that office deals with victims
2 whose cases are in appeal.

3 MR. DUMAIS: Okay. And is that the process
4 that existed back then, or is it ---

5 MS. CHAFE: That's -- that was not in place;
6 there was no Victim/Witness Assistance Program attached to
7 the Toronto Court of Appeal office.

8 MR. DUMAIS: Okay, at that time. But that
9 exists today?

10 MS. CHAFE: It does.

11 MR. DUMAIS: All right.

12 MS. CHAFE: So then, the regional office, or
13 a particular office, would not remain on the file today?

14 MR. DUMAIS: Today? That's right.

15 MS. CHAFE: Okay.

16 THE COMMISSIONER: Mr. Dumais, can we get
17 some idea of how much longer do you have in-chief?

18 MR. DUMAIS: I believe I'll be another half
19 hour.

20 THE COMMISSIONER: M'hm? Let's take a
21 break.

22 MR. DUMAIS: All right, thank you.

23 THE COMMISSIONER: Thank you.

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

1 This hearing will resume at 7:45 p.m.

2 --- Upon recessing at 7:27 p.m./

3 L'audience est suspendue à 19h27

4 --- Upon resuming at 7:44 p.m./

5 L'audience est reprise à 19h44

6 **THE REGISTRAR:** Order; all rise. A l'ordre;
7 Veuillez vous lever.

8 This hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **COSETTE CHAFFE, Resumed/sous le même serment:**

11 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

12 **MR. DUMAIS (cont'd/suite):**

13 **MR. DUMAIS:** Cosette, if you can have a look
14 at Document Number 123848?

15 **THE COMMISSIONER:** Thank you. Exhibit 3160
16 is an email correspondence from Don Genier, dated Thursday,
17 January 15th, 2004, to Cosette Chafe.

18 ---**EXHIBIT NO./PIÈCE NO P-3160:**

19 (123848) - E-mail from Don Genier to Cosette
20 Chafe re: Project Truth, Leduc case dated
21 15 Jan 04

22 **MR. DUMAIS:** Cosette, so I understand that
23 we're now in 2004, and there's about -- there's a new date
24 that's been set for a court proceeding, and if you can just
25 have a look at the first paragraph, the second line, you

1 indicate:

2 "I have maintained contact with the
3 three victims to keep them informed of
4 the status of the appeals."

5 So, is that right, so from 2001 to 2004 you
6 did maintain contact with alleged victims in this case?

7 **MS. CHAFE:** I did. I'd have to check my
8 notes for the extent, but I did.

9 **MR. DUMAIS:** Okay. And that was my next
10 question -- do you recall how often you were contacting
11 them?

12 **MS. CHAFE:** Whenever there was a development
13 or -- John Pearson was keeping me informed, so I -- I can't
14 say ---

15 **MR. DUMAIS:** Okay.

16 **MS. CHAFE:** --- without looking at my notes
17 how frequent it was.

18 **MR. DUMAIS:** And then, you're indicating in
19 the second paragraph, you're unable to provide client
20 services in your current position.

21 You are, at this point in time, the Regional
22 Manager. Is that correct?

23 **MS. CHAFE:** Correct.

24 **MR. DUMAIS:** All right.

25 And the second-last sentence:

1 "But I will now be turning it over to
2 someone else."

3 **MS. CHAFE:** Right.

4 **MR. DUMAIS:** And my understanding is you
5 would have referred that file to the Ottawa V/WAP office.
6 Is that correct?

7 **MS. CHAFE:** Yes, I was turning it over to
8 the Ottawa V/WAP office.

9 **MR. DUMAIS:** And my understanding is that at
10 that period of time, the cost centre for the project had
11 been closed down and that was reinstated?

12 **MS. CHAFE:** There's an email to that effect,
13 yes.

14 **MR. DUMAIS:** Okay. But that was the extent
15 of your involvement in this matter? After you referred the
16 file to the Ottawa office, you had no further involvement
17 in this matter?

18 **MS. CHAFE:** It, in fact, never did get
19 turned over to the Ottawa office. There was a -- I had
20 maintained contact with Jim Stewart as well, the Regional
21 Director of Crown Operations.

22 **MR. DUMAIS:** Yes.

23 **MS. CHAFE:** And I sent an email to the Crown
24 who was assigned to the case, Lidia ---

25 **MR. DUMAIS:** Narozniak?

1 **MS. CHAFE:** That would be it. And she sent
2 a -- and I don't know if you intend to enter this as an
3 exhibit. I can wait if you ---

4 **MR. DUMAIS:** No, you go ahead. That's fine.

5 **MS. CHAFE:** Okay. She had sent an email
6 back advising me that she did not believe they would
7 require assistance from the Victim/Witness Assistance
8 Program, that the victims in the case in fact had indicated
9 that there were too many people involved and that she felt
10 that it was best to let the police officers deal with it.
11 So I had responded.

12 **MR. DUMAIS:** And as far as you know, those
13 wishes were respected?

14 **MS. CHAFE:** They were respected, yes.

15 **MR. DUMAIS:** Okay.

16 **MS. CHAFE:** And so the case never did -- I
17 had had discussions with the manager of the Ottawa program.
18 We had sent a staff person on training, specifically on
19 adult male survivors, and we had a meeting set up for me to
20 meet with the manager and the staff person, and it never
21 happened because of the communication from Lidia.

22 **MR. DUMAIS:** All right.

23 If I can then just ask you to look at
24 Document Number 123793?

25 **THE COMMISSIONER:** Thank you.

1 Exhibit Number 3163 (sic) is the document
2 V/WAP for Claude Marleau.

3 **THE REGISTRAR:** Exhibit 3161.

4 **THE COMMISSIONER:** What did I say?

5 **THE REGISTRAR:** Three-one-six-three (3163).

6 **THE COMMISSIONER:** I was just checking to
7 see if you were listening, Madam Clerk.

8 That's 3161.

9 --- **EXHIBIT NO./PIÈCE NO. P-3161:**

10 (123793) - Notes of Cosette Chafe re: Claude
11 Marleau from August 9, 2000 to September 5,
12 2001

13 **MR. DUMAIS:** Because I'm just looking at the
14 entry on August 8, 2001, and perhaps before I ask the
15 question, Mr. Marleau had made a number of allegations
16 versus a number of people and was involved in a number of
17 court proceedings.

18 Do you recall Mr. Marleau? Do you recall
19 ever meeting with him?

20 **MS. CHAFE:** I don't recall ever meeting with
21 him, but I do recall speaking to him.

22 **MR. DUMAIS:** Okay. So I'm just looking at
23 the entry on August 8, 2001. Is that your handwriting?

24 **MS. CHAFE:** It is.

25 **MR. DUMAIS:** All right.

1 So it appears to indicate here that:

2 "Does not feel it is necessary for me
3 to attend on September 4th. If I don't,
4 I will contact him on September 4th. I
5 will call Claude next week."

6 Do you recall whether or not Mr. Marleau had
7 requested services from V/WAP?

8 **MS. CHAFFE:** At our initial contact back on
9 August 18th of 2000, he had indicated -- well, my note is
10 here -- that he was a lawyer, was very familiar with the
11 court process, does not have questions or need for
12 services. I had left my name and number.

13 **MR. DUMAIS:** All right.

14 And Mr. Marleau gave evidence here at the
15 Inquiry and he did mention that at one point-in-time he had
16 been provided with some information with respect to V/WAP's
17 services through the Crown, Mr. Alain Godin.

18 And he, I believe, indicated as well that
19 when he reviewed the information, he saw that the office
20 was from Ottawa and, as you've indicated, he resided in
21 Montreal.

22 Can V/WAP provide any intra-provincial
23 services or extra-provincial services? Is there any
24 arrangements made with other provinces, for example,
25 Quebec?

1 **MS. CHAFE:** If someone is a victim of crime
2 in Ottawa, and that's the jurisdiction that the
3 Victim/Witness Program is dealing with, and lives
4 elsewhere, yes, we can provide services.

5 **MR. DUMAIS:** Okay.

6 **MS. CHAFE:** And, on occasion, if it's out of
7 -- if it's in-province we deal with the other -- the
8 Victim/Witness Program in the other jurisdiction. If it's
9 out of province, sometimes we'll provide services ourselves
10 in terms of telephone contact and updates and arrange to
11 have a meeting for court preparation when they come in for
12 an interview with the Crown. So we try to coordinate it.

13 Other times, we might coordinate with a
14 service in their province.

15 **MR. DUMAIS:** Okay. So that possibility does
16 exist?

17 **MS. CHAFE:** It does.

18 **MR. DUMAIS:** All right.

19 If I can ask you to look then at Document
20 Number 123802?

21 **THE COMMISSIONER:** Thank you.

22 Exhibit Number 3162. So this -- the first
23 page is a fax cover sheet to Stephen Sharbach from Cosette
24 Chafe, October 13th. I don't know what year -- 2006.

25 **MS. CHAFE:** That's '06.

1 --- EXHIBIT NO./PIÈCE NO. P-3162:

2 (123802) - Notes of Cosette Chafe re: Jean
3 Luc Leblanc

4 **MR. DUMAIS:** So I'm looking at the third
5 page here, Cosette, and these are essentially notes on
6 V/WAP's involvement in the Jean-Luc Leblanc matter.

7 **MS. CHAFE:** Right.

8 **MR. DUMAIS:** And I'm just looking at the
9 note to file of May 17th, 2001, and I'll just read it in for
10 you:

11 "Other than Cindy Lebrun, the victims
12 were more comfortable dealing with
13 Officer Dupuis. He had met with each
14 of them at the beginning. I respected
15 this and checked with Joe whenever
16 there was an update should he wish for
17 me to contact them. Cindy was more
18 comfortable speaking with me."

19 So do you recall that from that prosecution
20 there were a number of victims in this case?

21 **MS. CHAFE:** I do. I don't believe I had any
22 dealings in this matter at all, but my sheet tells me there
23 were 13.

24 **MR. DUMAIS:** Yes. And do you recall that
25 all the victims were satisfied with dealing with the police

1 officer in this case?

2 MS. CHAFE: I don't recall, but I see it in
3 the notes, so I trust the notes.

4 I think it's important to point out in this
5 one, because it was consistent, all but one of thirteen
6 didn't want our services. By the time we got involved, it
7 had already been determined that it was going to be a
8 guilty plea, and so these victims were not going to have to
9 testify in court.

10 MR. DUMAIS: Okay.

11 MS. CHAFE: That may or may not relate to
12 their wish.

13 MR. DUMAIS: But notwithstanding the plea,
14 you would still be involved at the plea and sentence phase?

15 MS. CHAFE: Yes, we would.

16 MR. DUMAIS: Even if there isn't a trial;
17 correct?

18 MS. CHAFE: Yes, we would.

19 MR. DUMAIS: All right.

20 So many of the victims that were contacted
21 by the V/WAP office decline your services. I'm just
22 talking generally here. Is that fair?

23 MS. CHAFE: You mean generally, not in this
24 particular case?

25 MR. DUMAIS: Well, more so in this case, but

1 generally as well?

2 **MS. CHAFF:** Yes, and particularly on first
3 contact, many of them didn't outright decline and say
4 "Don't call me anymore," but seemed to be leaning towards
5 not needing our services. Some of them changed their minds
6 as they got to know us, as we were in more frequent contact
7 with them, some didn't.

8 **MR. DUMAIS:** All right. And one of the
9 explanations for that is that V/WAP services were not
10 involved early on in the process. Do you agree with me?

11 **MS. CHAFF:** That's one of the explanations,
12 yes.

13 **MR. DUMAIS:** All right.

14 **MS. CHAFF:** I guess I should say I assume
15 that's one of the explanations. I can't speak for why
16 victims would want -- not want our services but that's an
17 assumption on my part.

18 **MR. DUMAIS:** But certainly at some point in
19 time they would have indicated to you that they had gone
20 through the preliminary inquiry process and had already
21 testified once. Is that correct?

22 **MS. CHAFF:** I believe in our initial contact
23 we even mentioned that to them.

24 **MR. DUMAIS:** All right.

25 **MS. CHAFF:** You know, that we realized that

1 they had already gone through preliminary inquiries, had
2 testified, however, these are the types of things we could
3 assist with.

4 **MR. DUMAIS:** And some of them told you as
5 well that they had set up their own support system, as a
6 result of having gone through the court process?

7 **MS. CHAFE:** Right, or they had their own --
8 yes, they had their own support system in place, be it
9 family, counselling, whatever it might have been.

10 **MR. DUMAIS:** All right.

11 And do you think that the extent of V/WAP's
12 involvement in these prosecutions might have been different
13 had you been involved earlier on in the process?

14 **MS. CHAFE:** We certainly -- yes. It would
15 have been a very -- a different approach. Contact -- early
16 contact with victims gives us time to develop some trust;
17 provide very concrete information so that we're helpful to
18 them in very practical concrete ways and then provide
19 additional services, as required, for court processes.

20 **MR. DUMAIS:** All right. Because -- and in
21 providing -- in your work at the V/WAP office you have been
22 involved in two major multiple perpetrator, multiple victim
23 investigations and prosecutions; is that right?

24 **MS. CHAFE:** That's correct.

25 **MR. DUMAIS:** All right. So how is the

1 experience different with the Alfred prosecution and the
2 Project Truth prosecutions here in Cornwall?

3 MS. CHAFFE: There were many differences,
4 from the -- relating to V/WAP services; I'll deal with that
5 first. St. Joseph's -- it was a Crown request to incorporate
6 office, or a request to incorporate office for our services.
7 There were positions specifically allocated for the
8 prosecutions for V/WAP. The services, the manager and
9 other staff were in place prior to the commencement of the
10 preliminary inquiries and a full range of services was
11 offered, and in fact the services were as in the protocol,
12 okay, for St. Joseph's Training School.

13 For Project Truth there was no request for
14 services prior to the -- or at the time the charges were
15 laid or prior to my hearing about the cases from Dennis
16 Lessard. There was some delay in approving funding and
17 services, even after they were brought to the attention,
18 and we got involved after the preliminary inquiries.

19 I don't know the reasons for the
20 differences. There are very special circumstances to these
21 Project Truth cases and some of the decisions made may well
22 have to do with some of those circumstances and I'm not
23 aware of them. I have no reason to believe that there was
24 -- that people didn't want to serve the victims in these
25 cases, as you do.

1 You know, and I've given a lot of thought --
2 that was sort of related to V/WAP. I've given a lot of
3 thought to the big picture of what was different in these
4 prosecutions, and successful initiatives involving the
5 Victim/Witness Program, whether it's the regular program,
6 whether it's initiatives within the program such as the
7 Domestic Violence Courts, for instance, or Bail Safety
8 Project, special prosecutions.

9 One of the keys to the success of those
10 initiatives is a cohesive team approach and collaboration
11 and coordination with other criminal justice sector
12 players.

13 And Project Truth just did not have -- from
14 my perspective, again, and we became involved late in the
15 process, there was not a feeling of a team approach. There
16 was not a feeling of a lot of collaboration and
17 coordination.

18 Maybe those elements had something to do
19 with the difference as well.

20 **MR. DUMAIS:** All right. These are my
21 questions, Cosette. I don't know if you have additional
22 recommendations that you want to mention to the
23 Commissioner, but I did indicate that before I turn it over
24 to my friends for cross-examination that you would be
25 provided with the opportunity to make recommendations, if

1 any.

2 MS. CHAFE: Do I do that now?

3 THE COMMISSIONER: Yes.

4 MR. DUMAIS: Yes.

5 MS. CHAFE: Okay. Can I read them?

6 THE COMMISSIONER: Absolutely.

7 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. CHAFE:

8 MS. CHAFE: First a comment, before our
9 recommendation. You've heard evidence from Sonia Faryna
10 and from myself that there have been a lot of changes in
11 V/WAP and government victim services since '99 or 2000 when
12 these cases came up. Victim services were merged in 2001.
13 Several victim service programs came under the umbrella of
14 the OVSS. The OVSS was a division with its own Assistant
15 Deputy Attorney General.

16 V/WAP was one of the programs of the OVSS
17 and it has expanded to 56 sites. There's a regional
18 structure in place now that was not in place back in 2000.

19 Another comment is that I haven't worked for
20 V/WAP since 2001 and I've said it before. I've been
21 retired for almost two years, so I certainly no longer
22 consider myself to be a V/WAP expert. I've been away from
23 it for too long.

24 But my testimony has brought to mind
25 important issues that I've formulated into a few

1 suggestions. Because of the nature of my testimony they're
2 related to V/WAP, not other OVSS programs.

3 One suggestion I think is a fairly obvious
4 one from my testimony, and that's that the protocol for the
5 development and implementation of a Victim/Witness
6 Assistance Program in multi-victim, multi-perpetrator cases
7 be updated to reflect current practices and circumstances.
8 I think that's fairly obvious.

9 Another one would be that if it does not
10 already exist, there be a coordinated mechanism within MAG,
11 within the Ministry, to systematically identify major cases
12 or special prosecutions that may require special or
13 additional services, including V/WAP services. Early
14 identification is key so that special and/or additional
15 services can be established in a timely way. The wheels of
16 government move slowly, turn slowly, so timing is
17 essential.

18 The third suggestion relates to the previous
19 one about early identification, and again we touched on
20 this when I was testifying, but the current V/WAP Policy
21 and Procedures Manual in Section 5.14 states:

22 "Typically the program can only support
23 one additional staff at a time
24 province-wide for dedication to a
25 special prosecution. There may be

1 times when one additional staff is not
2 sufficient and V/WAP may need to use
3 the government processes of the day to
4 request and obtain additional
5 resources."

6 Those processes can be slow, so early
7 identification is key.

8 A last comment or suggestion relates to what
9 I just talked about, the differences in the cases, and it's
10 a suggestion that there be a team approach among criminal
11 justice sector officials in planning a response to major or
12 special cases. Collaboration and coordination are key
13 elements of successful initiatives and there may, at times,
14 also be a need for a designated team lead for these
15 functions.

16 **MR. DUMAIS:** Thank you for answering my
17 questions.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Horn.

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

21 **HORN:**

22 **MR. HORN:** Good evening.

23 **MS. CHAFE:** Good evening.

24 **MR. HORN:** Frank Horn from the Coalition for
25 Action.

1 The major concern that our organization has
2 is the fear that an individual when they come forward to --
3 they're a victim and then they come forward to testify,
4 because of all the -- it's a high-profile situation, a lot
5 of pressure, a lot of people are involved.

6 How do you look at it in terms of helping
7 that individual be immune from being influenced or being
8 stopped from being -- testifying, like changing their
9 story, being influenced by forces -- powerful forces that
10 are trying to protect the institutions?

11 **MS. CHAFE:** As far as getting them to not
12 change their story, the Victim/Witness Assistance Program
13 does not ever discuss evidence with victims, so we would
14 not be discussing their story with them in any way.

15 As far as helping them to overcome the
16 challenges, if you want, of testifying and all of the
17 memories, the emotions that that would entail, we would
18 refer them for support in the community if they wanted
19 counselling, and then we would try to provide as much
20 information as we could about the criminal justice process,
21 about testifying, about court procedures so that they feel
22 comfortable in the court process.

23 I don't know if that answers your question
24 or not.

25 **MR. HORN:** Let's say you do hear something

1 that you -- the individual you've made friends with, the
2 victim, tells you that such-and-such individuals or persons
3 are trying to put pressure on them or influence them.

4 Do you have any kind of protocol to deal
5 with situations like that?

6 **MS. CHAFE:** No, we don't have a protocol for
7 situations like that.

8 **MR. HORN:** Did that ever occur in your
9 dealings in this high-profile situation and the previous
10 one in Alfred?

11 **MS. CHAFE:** I can't recall that specific
12 scenario occurring. If someone indicated -- this is
13 hypothetically -- if someone did indicate that they were
14 being threatened in any way, we would certainly encourage
15 them to speak to the investigating officer on the case.

16 If it were simply a question of feeling
17 pressured ---

18 **MR. HORN:** Were you given any advice along
19 these lines when you took up these projects, to watch out;
20 you're going into a very difficult situation. Cornwall is
21 a hotbed. Things are really happening there and there's a
22 lot of things going on and ---

23 **MS. CHAFE:** I did know that.

24 **MR. HORN:** --- you've got to be very
25 protective of the victims?

1 **MS. CHAFE:** I did know the first part of
2 what you said.

3 I don't know that it's our role to be
4 protective of victims. We can support victims. We can
5 provide information to victims. I don't know about being
6 protective of victims. I'm not sure I understand what you
7 mean by that.

8 **MR. HORN:** Well, do you see yourself as -- a
9 victim has come forward, facing a difficult situation, and
10 you're trying to help them get through the process to the
11 end, and so you want to make sure that they're not going to
12 fall by the wayside along the way and maybe say, "I give
13 up. I quit and I've decided I'm not going to go through
14 with this"? I mean, do you have to deal with those
15 situations and is there a process in dealing with that kind
16 of a situation?

17 **MS. CHAFE:** The Victim/Witness Assistance
18 Program has a very specific mandate with specific services.
19 It happens that victims decide they're not going to
20 testify, and in some circumstances Crown Attorneys report
21 to legal -- resort to legal actions, if you want, to deal
22 with that, but it's not the Victim/Witness Assistance
23 Program's role to keep victims on track and want to testify
24 in court.

25 Hopefully, in providing our other services

1 they would be more comfortable about testifying in court.

2 **MR. HORN:** Okay. I mean, we're dealing with
3 high-profile situations, but when we get down to the nitty-
4 gritty, we're dealing with an individual who has to
5 confront the individual who abused them in the past or
6 allegedly abused them in the past, and that's a pretty
7 traumatic situation.

8 **MS. CHAFE:** It is.

9 **MR. HORN:** To confront that individual who
10 probably groomed them, maybe had some kind of control on
11 them in the past, and suddenly this person has to come
12 face-to-face with that individual in the court setting or
13 in the process.

14 I mean, there would be a lot of fear there?

15 **MS. CHAFE:** There is a lot of fear, yes.

16 **MR. HORN:** Do you talk to them about how to
17 overcome that fear, to be able to confront, basically, the
18 person that abused them?

19 **MS. CHAFE:** We do talk about strategies.
20 I'd have to refer to the protocol to be able to answer
21 really fully.

22 **MR. HORN:** Well, there's -- I've got -- it's
23 Exhibit 49, Tab 8, Instrument Number 600301.

24 **MS. CHAFE:** I think I have that here.

25 **MR. HORN:** It's Bates page 6008048.

1 **MS. CHAFE:** Okay. In the protocol -- is
2 that the document you were ---

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

4 **MS. CHAFE:** --- referring to?

5 There is a section -- I don't have page
6 numbers.

7 **MR. HORN:** I believe it's about ---

8 **MS. CHAFE:** Court preparation, and there's
9 exploration of anger, identification and normalization of
10 fears, stress management techniques.

11 **MR. HORN:** Okay. Plus the principles where
12 there's a number of things that -- I'm sorry; that's the
13 wrong one. The main concerns, clinical issues, one of the
14 -- I looked at that and I see that a lot of the issues are
15 covered there.

16 **MS. CHAFE:** Yes.

17 **MR. HORN:** The difficulties that an
18 individual has when they have to confront that individual,
19 that person who at one point in their life when they were
20 young and there was a discrepancy in their age which
21 probably back then was substantial, but even though now
22 they're an adult and they're facing that individual, the
23 memories still come back from that and there's a fear
24 that's still there even though they're an adult now.

25 **MS. CHAFE:** Yes, I agree with you.

1 **MR. HORN:** And you deal with that?

2 **MS. CHAFE:** Yes.

3 **MR. HORN:** And so do you have a strategy on
4 how to get them through that?

5 **MS. CHAFE:** We have tools that we can use,
6 things that we can do to help them deal with their fears.
7 There's no guarantee that if they're reluctant to testify,
8 we're going to be able to get them to.

9 There is a whole page on exploration of --
10 under "Court Preparation" ---

11 **MR. HORN:** M'hm.

12 **MS. CHAFE:** --- later in the document,
13 "Exploration of Anger", there are four bullet points.
14 "Identification and Normalization of Fears", there are
15 three bullet points -- bullets. "Stress Management", there
16 are two bullets. It's about a ---

17 **MR. HORN:** It seems one of the issues that
18 really centres in on this is in "Clinical Issues" where it
19 talks about:

20 "The victims who were abused in an
21 institutional setting may react
22 adversely to authority, i.e. police,
23 Crowns, judges, as they associate their
24 childhood mistreatment with authority
25 figures."

1 I mean, in a way, that deals with that
2 situation. They're afraid of somebody who is in a position
3 of authority and a lot of times, whoever did the abuse was
4 in the position of authority. They were in a position
5 where they -- there was a discrepancy in authority?

6 MS. CHAFE: Absolutely.

7 MR. HORN: It was a dominant, submissive
8 role between the two of them.

9 MS. CHAFE: Yes. And in the provision of
10 services in these types of cases, these clinical issues
11 would form part of the context, if you want, for our
12 services. We expect that anybody dealing with these cases
13 would be familiar with these clinical issues and be aware
14 of these clinical issues when they're dealing with the
15 victim.

16 MR. HORN: Okay. Let's say you have -- the
17 victim comes through the door. You have a period of time
18 you're going to be dealing with that individual.

19 What are some of the things that you can do
20 in order to, let's say, deal with that particular issue,
21 the fear of the perpetrator, fear of authority, fear of
22 these kinds of situations? Who can you send them to?

23 MS. CHAFE: I think to help them deal with
24 those kinds of issues is beyond the mandate of the
25 Victim/Witness Assistance Program. We would refer them to

1 counselling services or services in the community that
2 might be able to provide long-term assistance to deal with
3 those particular issues.

4 MR. HORN: And that's something that would
5 continue after you're no longer involved?

6 MS. CHAFE: It could if they wanted it to,
7 yes.

8 MR. HORN: Okay. So this is something that
9 you would do in the meantime prior to him testifying? But
10 at the time he comes to you and he's testifying, you send
11 him to counsellors?

12 MS. CHAFE: We would provide them with
13 information about counselling services, yes.

14 MR. HORN: Okay.

15 MS. CHAFE: The Victim/Witness Assistance
16 Program does not provide counselling services.

17 MR. HORN: Referral -- basically you refer?

18 MS. CHAFE: We refer out, yes.

19 MR. HORN: Okay. So you refer them to
20 somebody?

21 MS. CHAFE: Yes.

22 MR. HORN: And that person would be a
23 specialist on dealing with these kinds of issues?

24 MS. CHAFE: It could be, yes.

25 MR. HORN: I mean, you would pick this type

1 of person, wouldn't you, if you wanted to help the person,
2 the victim?

3 **MS. CHAFE:** When we refer to services, in
4 these cases we certainly referred frequently to The Men's
5 Project, but we know that some of the family members of the
6 victims in these cases access counselling services through
7 the Family Service Centre. Sorry, I don't know the exact
8 name, but the centre in Cornwall.

9 So we can provide information about
10 counselling to victims, but it is up to them to choose the
11 service that they want.

12 **MR. HORN:** Okay. So you're not like holding
13 their hand, walking them through the whole thing?

14 **MS. CHAFE:** No.

15 **MR. HORN:** You're just telling them, "This
16 is where you can go"?

17 **MS. CHAFE:** Absolutely.

18 **MR. HORN:** And then they go. If they don't
19 want to go, they don't go?

20 **MS. CHAFE:** Absolutely.

21 **MR. HORN:** Okay. So they're basically on
22 their own even though you know that they're very fearful;
23 they're afraid and there's a lot of pressure on them and
24 there's a lot of things that could sidetrack them along the
25 way?

1 **MS. CHAFE:** Well, for counselling services,
2 they will not accept third-party referrals. An individual
3 has to contact the counselling service themselves in order
4 to access those services.

5 **MR. HORN:** Okay. The Coalition for Action,
6 the main concern that we have is we believe that the
7 victims came forward, were going to go forward, and many of
8 them, because of the pressure, either backed off, changed
9 their story. A lot of things happening between the time
10 they came in to -- you know, initially, and then by the
11 time they get to trial, a lot of things happened.

12 And you're the main person that's dealing
13 with them in that period of time, so you would be the main
14 go-person. They'd call you up and say, "I have a problem.
15 This is happening." I mean, you'd be the -- you know,
16 they'd have your phone number, right?

17 **MS. CHAFE:** They would have our phone
18 number. We would be clear about the types of situations
19 and the types of services we can provide and the types of
20 services we can't provide.

21 So anything related to the court process, to
22 information, to court orientation, accompaniment to court,
23 that we could help them with.

24 If it was wanting to talk about the abuse,
25 the impact on them and their family, deal with their fears

1 in very much detail, we would refer them to someone else.

2 **MR. HORN:** Okay. So in a sense then, could
3 we describe what happens to an individual who is a victim,
4 between the time they declare themselves as a victim until
5 the time they testify in court, they're -- they have
6 somebody like you who's helping them through, but you're
7 not really getting totally involved in their life and
8 trying to help them in all kinds of details and making sure
9 they're okay to make it to the end?

10 **MS. CHAFE:** Our focus is very much -- it's a
11 court-based service whose focus is to assist -- provide
12 information and support to get through the criminal justice
13 process. We refer to community agencies. We'll refer to
14 other people who can help them with other specific issues,
15 but our focus is during the criminal justice process.

16 **MR. HORN:** Okay.

17 Now, how do you feel about individuals like
18 Perry Dunlop and Carson Chisholm and people who are the
19 ones that these victims would turn to for help? Do you
20 work with those people?

21 **MS. CHAFE:** I've never had ---

22 **MR. SCHARBACH:** Don't answer the question.

23 Ms. Chafe's feelings about Perry Dunlop and
24 Carson Chisholm, I submit, are irrelevant.

25 **THE COMMISSIONER:** I don't think he's asking

1 about her feelings. He's asking ---

2 MR. HORN: I'm just asking, did you work
3 with him and them? These are people that came forward.
4 The victims went to them. They've trusted them.

5 Did you have any dealings with people like
6 Perry Dunlop, Helen Dunlop, Carson Chisholm and these
7 people?

8 MS. CHAFE: No, I did not.

9 MR. HORN: Did you think of consulting with
10 them or talking to them and saying, "Look, is there any way
11 we can help this individual so he can get through this
12 whole process"?

13 MS. CHAFE: In this case, no, I did not.

14 MR. HORN: Did anybody tell you you
15 shouldn't touch -- shouldn't go near Perry and you
16 shouldn't go near Carson and you shouldn't go near Helen?

17 MS. CHAFE: I don't know the name Carson.
18 That's not a name that's familiar to me. The name Perry
19 Dunlop is familiar to me.

20 I was aware of some of the circumstances of
21 the cases through the media prior to getting involved, and
22 I would not have dealt with Perry Dunlop because of some of
23 the allegations and circumstances of the cases.

24 MR. HORN: Okay. So basically you made the
25 decision that you would rather not -- you do it your own

1 way and let him do what he's doing?

2 MS. CHAFE: Because of the circumstances in
3 these cases, I would not have dealt with Perry Dunlop.

4 MR. HORN: Did any of the victims that came
5 to you tell you about the fact that they went to Perry
6 initially?

7 MS. CHAFE: I don't recall any of them
8 telling me that.

9 MR. HORN: They never told you that?

10 MS. CHAFE: I don't recall that, no. I
11 don't recall seeing it in my notes either.

12 MR. HORN: Okay. Thank you.

13 THE COMMISSIONER: Mr. Lee.

14 MR. LEE: Good evening, sir.

15 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

16 MR. LEE: Ms. Chafe, my name is Dallas Lee.
17 I'm counsel for the Victims Group. I have just a few
18 issues to address with you.

19 Mr. Commissioner, I should start by saying
20 that I had some contact with David Bennett and he had hoped
21 to be here this evening and wasn't able to make it.

22 THE COMMISSIONER: M'hm.

23 MR. LEE: So he asked me to apologize to
24 you.

25 THE COMMISSIONER: That's fine.

1 **MR. LEE:** Ms. Chafe, I'm going to start
2 hopefully with a couple of obvious propositions, but I want
3 to get them out there right off the bat if I could.

4 I take it that the job of a V/WAP worker
5 does not in any way include a role in assessing the merits
6 of a complaint?

7 **MS. CHAFE:** No role whatsoever.

8 **MR. LEE:** Whether or not the allegation is
9 true or not true has absolutely nothing to do with what
10 V/WAP is doing?

11 **MS. CHAFE:** Absolutely nothing to do with
12 it, right.

13 **MR. LEE:** You spoke a little bit during your
14 evidence in-chief about the Alfred prosecution and V/WAP's
15 role there, and my understanding was that there were five
16 positions that V/WAP dedicated to the Alfred situation?

17 **MS. CHAFE:** Correct.

18 **MR. LEE:** And you also spoke very briefly
19 during your evidence about St. John's, which is the other
20 training school.

21 **MS. CHAFE:** Right.

22 **MR. LEE:** And about Project Jericho, and you
23 mentioned in relation to Project Jericho that Janet Lee was
24 seconded there?

25 **MS. CHAFE:** Yes.

1 **MR. LEE:** And in relation to St. John's,
2 that Penny Contreras was seconded there?

3 **MS. CHAFE:** Right.

4 **MR. LEE:** Do you know whether or not there
5 was any other staffing coming from V/WAP in relation to
6 those two projects?

7 **MS. CHAFE:** No. To my knowledge, the St.
8 John's Training School -- or, sorry, St. Joseph's Training
9 School prosecution was the only one that had that high a
10 number of staff.

11 **MR. LEE:** So is it your understanding that
12 St. John's and Jericho had one full-time staff member
13 seconded?

14 **MS. CHAFE:** Correct.

15 **MR. LEE:** And it was full time, as you
16 understood it?

17 **MS. CHAFE:** Correct.

18 **MR. LEE:** On site?

19 **MS. CHAFE:** I'm not sure what you mean by on
20 site.

21 **MR. LEE:** My understanding is that in
22 relation to the St. Joseph's, the Alfred prosecutions and
23 that there were offices set up in the Ottawa courthouse.

24 **MS. CHAFE:** Correct.

25 **MR. LEE:** There were facilities in place.

1 Do you know whether similar arrangements were made in
2 relation to St. John's, for example? I know the school was
3 in Uxbridge. I'm not sure where the prosecution took
4 place.

5 MS. CHAFE: I believe she had an office in
6 Whitby but I'm not sure about that. She had an office
7 somewhere.

8 MR. LEE: Okay, that's fine. And you were
9 directly involved in Alfred?

10 MS. CHAFE: Correct.

11 MR. LEE: Not with the other two; is that
12 correct?

13 MS. CHAFE: Correct.

14 MR. LEE: During your work with the Alfred
15 prosecution would you have worked directly with Tim Smith
16 of the OPP?

17 MS. CHAFE: I did.

18 MR. LEE: And with Robert Pelletier, a Crown
19 Attorney?

20 MS. CHAFE: I did.

21 MR. LEE: And did you work at all with
22 Murray MacDonald?

23 MS. CHAFE: He was the Crown assigned to one
24 or two of those cases.

25 MR. LEE: And did you work with him on that?

1 **MS. CHAFE:** I did.

2 **MR. LEE:** Were those effective relationships
3 that you had with each of those people?

4 **MS. CHAFE:** Absolutely.

5 **MR. LEE:** Was it your impression that they
6 all thought highly of the work that V/WAP was doing?

7 **MS. CHAFE:** Yes.

8 **MR. LEE:** And based on your dealings with
9 them you would have appreciated the fact that they
10 understood what your role was and why you were there?

11 **MS. CHAFE:** Yes.

12 **MR. LEE:** And I take it those people all
13 seemed to make use of V/WAP services in terms of the
14 complainants they were dealing with in referring them to
15 V/WAP for service; is that fair?

16 **MS. CHAFE:** It was actually a given that
17 V/WAP would be involved in St. Joseph's Training School.
18 It was very much a team approach and there were specific
19 things that we were doing in all cases and we were just
20 very much a part of the team. It was a given that we would
21 be involved.

22 **MR. LEE:** Was it your impression that that
23 stemmed in part from the fact that V/WAP was involved from
24 the outset?

25 **MS. CHAFE:** In part.

1 **MR. LEE:** Do you, at the end of the day when
2 you look back on Alfred, believe that V/WAP's involvement
3 there was successful?

4 **MS. CHAFE:** Yes.

5 **MR. LEE:** V/WAP made a difference in your
6 mind?

7 **MS. CHAFE:** I believe so.

8 **MR. LEE:** Did you at any point either during
9 the Alfred prosecutions or afterwards have occasion to
10 speak with any victims of abuse that were engaged with
11 V/WAP and received positive feedback from them?

12 **MS. CHAFE:** Yes, we got a lot of positive
13 feedback.

14 **MR. LEE:** Do you recall any situation where
15 you learned that positive experiences early on with some of
16 the complainants led to further disclosures of abuse by
17 others who had learned of those experiences?

18 **MS. CHAFE:** I can't speak for St. Joseph's
19 Training School. I know that it's -- I know of other cases
20 where there's a preliminary inquiry for instance on an
21 offender, not much is reported other than the fact that
22 there is a preliminary inquiry and the charges and if --
23 and subsequent to seeing that other victims will come
24 forward. I know of some of those situations.

25 **MR. LEE:** Yes.

1 **MS. CHAFE:** I don't know in Alfred if that
2 was -- there was a lot of media attention to the St.
3 Joseph's Training School cases. The story was broken in
4 the Toronto Star by a journalist named Darcy Henton and it
5 received Canada-wide media attention and the OPP -- I'm
6 speaking for the OPP but my understanding was that in those
7 cases they advertise their phone number widely and
8 encourage victims to contact them directly if they wanted
9 to make a disclosure.

10 **MR. LEE:** There was quite a push on; is that
11 your recollection, for people to come forward?

12 **MS. CHAFE:** Well, it's as I described it.

13 **MR. LEE:** Right.

14 **MS. CHAFE:** As you were going through your
15 recommendations to close chief, you said that -- you drew
16 some comparisons between Alfred and Project Truth and/or
17 shortly before your recommendations. And my understanding
18 was that you weren't exactly clear on why V/WAP wasn't
19 involved at the outset with Project Truth. Is that fair?

20 **MS. CHAFE:** That's fair.

21 **MR. LEE:** Have you ever at any point prior
22 to today made any inquiries to help answer that question?

23 **MS. CHAFE:** No, because there was an inquiry
24 announced and, well, back up -- sorry -- back up a bit. I
25 may have -- I don't recall any reasons being given to me.

1 **MR. LEE:** Right.

2 **MS. CHAFE:** Sonia Faryna suggests some of
3 the things that may have affected the decision in her
4 testimony and I have no reason to disagree with her
5 suggestions. She mentioned that funding may have been one
6 and in fact in one of Cathy's -- Cathy Findlay's emails she
7 refers to April 1st being a new year, which would suggest
8 that funding was one of the considerations.

9 **MR. LEE:** That being later, though, in '99 I
10 believe?

11 **MS. CHAFE:** Yes.

12 **MR. LEE:** As opposed to Project Truth being
13 setup in '97. What I'm wondering is whether you have any
14 knowledge why -- my understanding is that Alfred V/WAP was
15 setup and in place by the time the preliminary inquiries
16 rolled along.

17 **MS. CHAFE:** That's correct.

18 **MR. LEE:** And that's not something that
19 happened here.

20 **MS. CHAFE:** Correct.

21 **MR. LEE:** And my only question for you is
22 whether or not you've ever had a conversation with anybody
23 -- Tim Smith as an example or Robert Pelletier -- where
24 you've asked why that didn't occur in Cornwall with Project
25 Truth?

1 **MS. CHAFE:** No.

2 **MR. LEE:** So you have no firsthand knowledge
3 at all of that?

4 **MS. CHAFE:** No, I don't.

5 **MR. LEE:** I'm hoping you still have before
6 you Exhibit 49, Tab 8. That's the January '96 protocol on
7 the multi-victim/multi-perpetrator ---

8 **MS. CHAFE:** Oh, yes, I do. I have it right
9 in front of me.

10 **MR. LEE:** And I take it in large part the
11 information that we find here was gleaned from your
12 experience at Alfred?

13 **MS. CHAFE:** Yes. I had written the first
14 draft of this and then had input from many other people
15 before a final version was approved.

16 **MR. LEE:** This is the document you don't
17 have Bates pages on; is that correct?

18 **MS. CHAFE:** Correct.

19 **MR. LEE:** Can you look, I believe, five
20 pages in -- Madam Clerk, it's Bates page ending 052. It
21 begins "Principals" at the top of the page.

22 Madam Clerk has it on the screen just so you
23 can see what ---

24 **MS. CHAFE:** I think the -- okay.

25 **MR. LEE:** And if we go down to the -- Madam

1 Clerk, you're fine where you are -- you can see on the --
2 towards the middle of the screen:

3 "In addition to the challenges posed by
4 the large number of victim/witnesses
5 required to be prepared other unique
6 problems arise in multi-victim cases
7 and some of these include..."

8 And the first one you have is:

9 "...an increased risk of evidence being
10 contaminated."

11 Do you see that?

12 **MS. CHAFE:** Yes.

13 **MR. LEE:** Is this something that you came to
14 appreciate during your time at Alfred that this could be a
15 problem?

16 **MS. CHAFE:** I was aware of it as being a
17 possible issue in other cases but I dealt with multiple
18 victims as well. But it was a particular issue in the
19 Alfred cases because many of the victims were known to each
20 other. They had a self-help group. They were attending
21 counselling sessions together and so it was particularly an
22 issue in these cases.

23 **MR. LEE:** Who would have had access to this
24 protocol? The front page says "January 1996" so by 1997,
25 let's say would all V/WAP workers be familiar with this

1 protocol or at the very least have access to it?

2 MS. CHAFE: Yes.

3 MR. LEE: And you would expect certainly any
4 V/WAP worker who was assigned to a multi-victim/multi-
5 perpetrator situation would become familiar with this
6 protocol?

7 MS. CHAFE: The protocol was written to
8 facilitate implementation of a special service, if you
9 want.

10 MR. LEE: Right.

11 MS. CHAFE: Multi-victim/multi-perpetrator
12 cases come before the courts fairly frequently and are
13 dealt with within the regular, normal resources of a
14 Victim/Witness Assistance Program.

15 MR. LEE: Right.

16 MS. CHAFE: So the protocol would not apply.
17 The normal services of the Policy and Procedures Manual is
18 what would apply, if you want.

19 This was written before a detailed Policy
20 and Procedures Manual was written. I assume that most if
21 not all of this protocol would be in compliance with the
22 P&P Manual.

23 MR. LEE: And this protocol offers some
24 advice or at least outlines in some way the role of a
25 Victim/Witness Coordinator in this paragraph we have here.

1 It reads:

2 "While a Victim/Witness Coordinator
3 should never discuss the evidence with
4 the victim/witness, she has an
5 important role to play in warning the
6 victims and their families about the
7 damage caused by contamination of
8 evidence."

9 **MS. CHAFE:** Right.

10 **MR. LEE:** And you would have understood that
11 to be one of the roles of a V/WAP worker in a multi-victim
12 situation?

13 **MS. CHAFE:** Yes, it's one of the things we
14 would discuss with them.

15 **MR. LEE:** And you agree with me that the
16 risk of contamination grows as the prosecution proceeds and
17 if we look at it another way, it's important to give this
18 warning wherever possible at the outset?

19 **MS. CHAFE:** Yes.

20 **MR. LEE:** And if we turn two pages over
21 under the heading "Clinical Issues" the last bullet, Madam
22 Clerk, it reads that:

23 "The Crown Attorney may subpoena
24 witnesses to present similar-fact
25 evidence in attempt to corroborate the

1 allegations of other victim witnesses.
2 These witnesses may have in the past
3 made complaints to the police which
4 have not resulted in criminal charges.
5 These witnesses have similar needs,
6 despite the absence of criminal
7 charges, and are likely to experience
8 reactions similar to those of victims
9 where charges have been laid during the
10 court process."

11 Do you see that?

12 **MS. CHAFE:** I do.

13 **MR. LEE:** And I take it the gist of this
14 paragraph is that a similar-fact witness should be treated
15 essentially with the same compassion and with the same
16 understanding as the victim witness should?

17 **MS. CHAFE:** Yes. They're testifying in
18 court, yes.

19 **MR. LEE:** And if we turn over two more
20 pages, please, Madam Clerk, to 056, at the very top of the
21 page.

22 I think you've spoken to this already but
23 it's handy to have it written out in this way. It speaks
24 of staffing and it speaks of:

25 "Every effort should be made to assign,

1 as expeditiously as possible,
2 experienced V/WAP personnel to the
3 case, and the coordinator should be
4 assigned to the case at least two
5 months prior to the commencement of the
6 preliminary hearing or pre-trial
7 discussions."

8 **MS. CHAFE:** That's what it says.

9 **MR. LEE:** And that, I take it, is consistent
10 with one of the recommendations that you made here.

11 **MS. CHAFE:** It is.

12 **MR. LEE:** Services need to be in place and
13 ready to go before we get to the prelim stage.

14 **MS. CHAFE:** Correct.

15 **MR. LEE:** And Madam Clerk, if we can go to
16 Bates 068.

17 Ms. Chafe, there's no handy way for me to
18 tell you how to find that in the book, so if you can just -
19 - I want to take you to just one small paragraph I think
20 you'll be able to follow on the screen. There we are.
21 It's information status of the case; the top paragraph,
22 Madam Clerk.

23 And this speaks of program staff maintaining
24 regular contact with the victims in order to keep them
25 informed of the status of the cases, and the second

1 sentence reads:

2 "It is important to notify them of all
3 developments, even seemingly
4 insignificant ones such as
5 adjournments, and this particularly
6 applies to victims who live outside of
7 the immediate area where the cases are
8 proceeding."

9 Do you see that?

10 **MS. CHAFE:** I do.

11 **MR. LEE:** And is that typically what V/WAP
12 would endeavour to do? If there's an adjournment ---

13 **MS. CHAFE:** It is.

14 **MR. LEE:** --- a phone call is made or a
15 letter is written?

16 **MS. CHAFE:** Correct.

17 **MR. LEE:** Was there a typical way of
18 communicating with these people as to the status of the
19 case?

20 **MS. CHAFE:** Normally by telephone.

21 **MR. LEE:** And did you -- do you, sitting
22 here today, see any problems inherent in sending a letter
23 in order to update of the status of cases?

24 **MS. CHAFE:** No, nothing inherently wrong
25 with it.

1 **MR. LEE:** I take it you would agree with me
2 that V/WAP workers are dependent on the police and Crown
3 attorneys for the information about the ongoing
4 prosecution?

5 **MS. CHAFE:** In the Project Truth cases it
6 was, for the reasons I specified in my evidence.

7 **MR. LEE:** And is that so in other cases as
8 well or ---

9 **MS. CHAFE:** No. I testified on Friday that
10 there's -- V/WAP offices have access to a computerized
11 system, it's called ICON.

12 **MR. LEE:** Yes.

13 **MS. CHAFE:** That's the acronym. And they
14 would normally rely on that system for updates.

15 **MR. LEE:** Do you -- your answer may be that
16 you don't know, but I'm going to ask. Do you have any
17 information at all about any policies on the police or
18 Crown side of the equation about mandatory inputting of
19 information into ICON?

20 **MS. CHAFE:** I don't.

21 **MR. LEE:** Not anything you know something
22 about?

23 **MS. CHAFE:** No, I don't.

24 **MR. LEE:** And ---

25 **THE COMMISSIONER:** I don't think ICON --

1 **MS. CHAFE:** May I ---

2 **THE COMMISSIONER:** Just a minute.

3 Mr. Kozloff to the rescue.

4 **MR. KOZLOFF:** It's been a long, long time,
5 Mr. Commissioner, since I was a Crown attorney, but I
6 remember ICON and I believe the inputting into ICON is done
7 by the Court staff.

8 **MS. CHAFE:** Yeah.

9 **THE COMMISSIONER:** Yes.

10 **MS. CHAFE:** I was just going to mention that
11 as well. It is a Court Services responsibility.

12 **MR. LEE:** And I take it that would involve
13 things like adjournments, new court dates, things ---

14 **MS. CHAFE:** Yes, any updates in the court
15 case as it goes through the system. Yes.

16 **MR. LEE:** And so the impetus is then on the
17 V/WAP worker to check ICON and update the persons who need
18 updating?

19 **MS. CHAFE:** That's right. That's the
20 process, yes.

21 **MR. LEE:** And you'll agree that the
22 situation with Project Truth wasn't ideal, in that that
23 ICON system wasn't available to you ---

24 **MS. CHAFE:** Right.

25 **MR. LEE:** --- at the time and you needed

1 communication.

2 MS. CHAFE: Right.

3 I would like to add, though, that the police
4 were very good at keeping us informed or responding to our
5 contacts, usually telephone, to ask them about updates. My
6 recollection is that they always got back to us very
7 quickly about updates.

8 MR. LEE: You spoke during your examination-
9 in-chief of client satisfaction surveys ---

10 MS. CHAFE: Yes.

11 MR. LEE: --- being distributed. And you
12 used the words that they were distributed systematically.

13 MS. CHAFE: Yes.

14 MR. LEE: What did you mean by that?

15 MS. CHAFE: I've given more thought to the
16 whole evaluation question that I was asked about, but
17 client satisfaction surveys are distributed during --
18 according to a schedule, and it's a province-wide schedule.
19 Every Victim/Witness Assistance Program across the province
20 for predetermined weeks, okay, so let's say -- I don't know
21 what the schedule is, but say for eight weeks of the year,
22 predetermined weeks, every case that got completed in that
23 week, the victims in that case would be mailed a client
24 satisfaction survey with a stamped self-addressed envelope
25 with it.

1 **MR. LEE:** And do you know whether or not
2 that was a computer-generated process that just sent them
3 out, or whether there was manual labour involved in that?

4 **MS. CHAFFE:** Lots of manual labour involved.

5 **MR. LEE:** Do you know -- you repeated
6 several times that you've been retired for a couple of
7 years, but I'm wondering whether you know if there's any
8 system in place with V/WAP now to have any sort of
9 automatically-generated mailings go out, relating to
10 information about cases that are ongoing.

11 For example, if there's an adjournment
12 that's entered into ICON, or whatever the system is, that
13 automatically the 13 people involved with that prosecution
14 receive a letter in the mail. Do you know if anything like
15 that is in place?

16 **MS. CHAFFE:** No, there's no automated -- and
17 it would not be connected to ICON. V/WAP is working on a
18 new system, a new Victrack if you want, a new case
19 management system. I don't know if that particular
20 component will be included but it would not be connected to
21 ICON, that's a Court Services system.

22 **MR. LEE:** Right.

23 You were asked a few questions about Robert
24 Renshaw, one of my clients, surrounding counselling and
25 some issues of having to travel for counselling and it not

1 being an ideal situation.

2 Do you know of -- whether or not there have
3 been discussions, either in the Ministry or V/WAP
4 specifically, about the possibility of all complainants
5 during the course of criminal prosecutions being provided
6 with free counselling services by the Ministry?

7 **MS. CHAFE:** I don't know of any discussions.
8 Counselling services are normally funded by the Ministry of
9 Community and Social Services. It's not one of the
10 mandates, if you want, of the Ministry of the Attorney
11 General. The exception to that is sexual assault centres.

12 Emergency funding is sometimes available for
13 counselling through the Criminal Injuries Compensation
14 Board -- at least it was when I was working, but there's an
15 application process to that.

16 **MR. LEE:** You were asked a few questions, or
17 at least taken to documents in evidence that Mr. Renshaw
18 had some issue accessing counselling close to his home.

19 **MS. CHAFE:** Correct.

20 **MR. LEE:** And Kingston in particular, I
21 believe the documents indicate is where he would have liked
22 to have received counselling.

23 **MS. CHAFE:** Right.

24 **MR. LEE:** Based on your experience, at that
25 time would it have been a problem for Mr. -- for a

1 complainant of a historical sexual assault to have received
2 counselling in Kingston if the complainant were a woman?

3 **MS. CHAFE:** There is a sexual assault centre
4 in Kingston for females.

5 **MR. LEE:** That caters to women only?

6 **MS. CHAFE:** I believe it does. I believe in
7 the east region Quinte was the only sexual assault centre
8 that provided services to males.

9 **MR. LEE:** And during the course of your
10 career -- and if we focus during Project Truth in
11 particular, if that's helpful -- did you become aware that
12 there was a concern about access to counselling services
13 for men specifically?

14 **MS. CHAFE:** I've been aware of that for some
15 time.

16 **MR. LEE:** And that's been your experience?

17 **MS. CHAFE:** Yes.

18 **MR. LEE:** And you would agree, I take it,
19 that ideally we would have greater access for counselling
20 for male victims of historical sexual abuse?

21 **MS. CHAFE:** I would agree with that.

22 **MR. LEE:** Thank you. Those are my
23 questions.

24 **THE COMMISSIONER:** Thank you.

25 Ms. Robitaille?

1 **MS. ROBITAILLE:** No questions, thank you.

2 **THE COMMISSIONER:** Madame Levesque?

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

4 **MS. LEVESQUE:**

5 **MS. LEVESQUE:** Good evening, Mrs. Chafe.

6 **MS. CHAFE:** Good evening.

7 **MS. LEVESQUE:** It's late; I'll try and be as
8 brief as I can. My name is Gisele Levesque; I'm counsel
9 for the Diocese of Alexandria-Cornwall.

10 I'd like to look at just one prosecution
11 with you. It's the Romeo Major prosecution, and the
12 complainant has been -- has received a moniker for
13 confidentiality reasons, so if Madam Clerk could show you
14 the list of monikers?

15 Her name is C-111. The moniker, rather.
16 So, rather than name her, we'll just use the ---

17 **MS. CHAFE:** M'hm. Will you be referring to
18 a document as well?

19 **MS. LEVESQUE:** Yes, I will. I'd like to
20 look at the notes on this prosecution.

21 Have you seen it, I'm sorry?

22 **THE COMMISSIONER:** No. No, we haven't yet.

23 **MS. CHAFE:** No, I have nothing -- oh -- no,
24 I have nothing yet, sorry.

25 **THE COMMISSIONER:** Do you know who C-111 is?

1 I don't have an updated list.

2 MS. LEVESQUE: Oh, I can do that. There's a
3 -- sorry.

4 MS. CHAFE: Okay.

5 MS. LEVESQUE: You recognize the name?

6 MS. CHAFE: I do.

7 MS. LEVESQUE: Okay. So we'll just use the
8 moniker C-111 ---

9 MS. CHAFE: One, one, one (111)?

10 MS. LEVESQUE: --- whenever we refer to this
11 complainant.

12 The first document I'd like to look at with
13 you is the notes from that prosecution, and it's Document
14 Number 123911.

15 THE COMMISSIONER: Thank you. Exhibit 3163
16 is the V/WAP contact sheet with C-111. Exhibit 3163.

17 ---EXHIBIT NO./PIÈCE NO P-3163:

18 (123911) - Notes of Louise Lamoureux and
19 Cosette Chafe re: C-111

20 MS. LEVESQUE: So those are the notes for
21 the prosecution.

22 Maybe you -- my understanding is, you took
23 over the file from Louise Lamoureux; is that correct?

24 MS. CHAFE: Yes. Her notes would have been
25 the first three entries, and from August 8, '01, they're my

1 notes.

2 MS. LEVESQUE: They're your notes?

3 MS. CHAFE: Yes.

4 MS. LEVESQUE: Okay. And the first note I'd
5 like to look at is the November 14th note, which is
6 Louise's, and you've told us that you met regularly and she
7 reported to you.

8 MS. CHAFE: Yes.

9 MS. LEVESQUE: Correct?

10 MS. CHAFE: Yes. I believe ---

11 MS. LEVESQUE: Okay.

12 MS. CHAFE: --- she did, yes.

13 MS. LEVESQUE: So in this note she -- she
14 says that she met with C-111, explained the "PE"
15 preliminary hearing, and court process, did court prep, and
16 she sat in on the meeting with the Crown as support, she's
17 got in brackets, and the investigating officer, Don Genier,
18 attended as well.

19 MS. CHAFE: Right.

20 MS. LEVESQUE: Okay. And you were aware of
21 that meeting?

22 MS. CHAFE: I don't recall if I was aware
23 at the time, but I see ---

24 MS. LEVESQUE: There is an email, Exhibit --
25 which was marked earlier. Exhibit 3147 is a report from

1 her, and in her email she advises that she will be sitting
2 in. Do you agree with that?

3 MS. CHAFE: Yes. This note -- I trust that
4 this note is correct, even though it's not ---

5 MS. LEVESQUE: Okay.

6 MS. CHAFE: --- my note.

7 MS. LEVESQUE: Were you aware that she had
8 given a video statement on October 19th, '99?

9 MS. CHAFE: No, that's not ---

10 MS. LEVESQUE: No?

11 MS. CHAFE: ---- something we would
12 necessarily be aware of at all.

13 MS. LEVESQUE: Were you aware that she had a
14 brain tumour in December of 1998? Were you ---

15 MS. CHAFE: I was aware that she was very
16 ill. There's reference to it in my note.

17 MS. LEVESQUE: Okay.

18 MS. CHAFE: I don't recall if I knew that it
19 was a brain tumour.

20 MS. LEVESQUE: A brain tumour, or that it
21 was diagnosed in '98? You weren't -- you have no
22 independent recollection?

23 MS. CHAFE: No.

24 MS. LEVESQUE: Okay. So the next note is --
25 you wouldn't have discussed -- just before I move on, you

1 would not have discussed with Louise Lamoureux the
2 substance of the discussions at that November 14th meeting,
3 right? Or would you?

4 MS. CHAFFE: You mean the evidence ---

5 MS. LEVESQUE: No, just ---

6 MS. CHAFFE: --- that was discussed?

7 MS. LEVESQUE: --- what was discussed at the
8 meeting with the Crown and Constable Genier.

9 MS. CHAFFE: No.

10 MS. LEVESQUE: No?

11 MS. CHAFFE: A discussion of her evidence
12 with the Crown?

13 MS. LEVESQUE: Not her evidence, just the --
14 what transpired in that meeting, essentially.

15 MS. CHAFFE: No.

16 MS. LEVESQUE: You wouldn't know ---

17 MS. CHAFFE: Not necessarily, no.

18 MS. LEVESQUE: Okay. So, if we go to the
19 next note, which is November 16th, and that would be Louise
20 Lamoureux's note, again, she says:

21 "Due to the victim's ill health she was
22 hospitalized?"

23 MS. CHAFFE: Right.

24 MS. LEVESQUE: Okay, that you were made
25 aware of; correct? Well, I'll show you -- maybe I'll --

1 I'll refer you to ---

2 THE COMMISSIONER: Okay.

3 MS. LEVESQUE: --- a document; it might
4 refresh your memory.

5 THE COMMISSIONER: It's in the notes ---

6 MS. CHAFE: Yes.

7 THE COMMISSIONER: --- so I would say that -

8 --

9 MS. LEVESQUE: Okay.

10 THE COMMISSIONER: --- you took over this
11 case, you read over the notes?

12 MS. CHAFE: Absolutely.

13 THE COMMISSIONER: So I think she would be
14 aware by that note that ---

15 MS. LEVESQUE: Okay. And it says:

16 "Crown's decision to stay charges
17 afterwards..."

18 Actually, there's Document Number 123752.

19 THE COMMISSIONER: Thank you. Exhibit
20 Number 3164 is an email correspondence between Louise
21 Lamoureux and Cosette Chafe, dated November 28th, 2000.

22 ---EXHIBIT NO./PIÈCE NO P-3164:

23 (123752) - E-mail from Louise Lamoureux to
24 Cosette Chafe re: Project Truth Status
25 Report dated 28 Nov 00

1 **MS. LEVESQUE:** Would you look at the third
2 paragraph? It says:

3 "Charges in the R. v. Major case (P.H.
4 November 16th and 17th) have been
5 stayed."

6 And "stayed" has been crossed out and the
7 word "adj" which presumably means "adjourned" ---

8 **MS. CHAFE:** Right.

9 **MS. LEVESQUE:** "...has been replaced
10 by reason of victim's very ill health."
11 Would that be your writing, the "adjourned"?

12 **MS. CHAFE:** Yes.

13 **MS. LEVESQUE:** Okay. Were you aware that
14 the Crown, when she -- the Crown Wilhelm at the time, and
15 now known as Breault -- when she became aware that the
16 victim had been hospitalized, that she requested Constable
17 Genier to obtain a -- contact her physician? Were you
18 aware of that?

19 **MS. CHAFE:** No, I wasn't.

20 **MS. LEVESQUE:** Okay.

21 **MS. CHAFE:** I don't recall being aware of
22 that.

23 **MS. LEVESQUE:** Okay. Mr. Commissioner, I'd
24 like to look at the medical report that was obtained.

25 **THE COMMISSIONER:** No.

1 MS. LEVESQUE: No? Okay. The ---

2 THE COMMISSIONER: Mr. Lee objects, so ---

3 MS. LEVESQUE: The next note is August 8th,
4 and that would be your writing?

5 MS. CHAFE: That is my writing.

6 MS. LEVESQUE: Okay. So on that day you
7 record that you spoke to Don Genier, and he's advising you
8 that:

9 "C-111 is in remission, is okay to
10 testify - will be the only witness."

11 MS. CHAFE: Right.

12 MS. LEVESQUE: Do you recall that, getting
13 that call from Constable Genier?

14 MS. CHAFE: It's in my notes. I don't
15 recall.

16 MS. LEVESQUE: Okay.

17 MS. CHAFE: I mean, I -- I refresh my memory
18 by reading my notes. I don't have recollection of all
19 telephone calls.

20 MS. LEVESQUE: Okay. Do you recall when the
21 preliminary hearing was scheduled, at that time? It was to
22 be -- you have no independent recollection?

23 MS. CHAFE: If I could see my entire file, I
24 might be able to say, but I don't recall, no.

25 MS. LEVESQUE: It was scheduled for

1 September 19th and 20th. I can show you the information, if
2 you like, which records ---

3 **MS. CHAFE:** Well, I attended on the 19th for
4 court accompaniment, so I'm assuming it was for the
5 preliminary inquiry.

6 **MS. LEVESQUE:** Okay. So this is five weeks
7 before the preliminary hearing, and Constable Genier is
8 telling you that she's fine to testify.

9 Do you recall or do you know whether
10 Constable Genier ever contacted her physician to get an
11 opinion as to ---

12 **THE COMMISSIONER:** No.

13 **MS. CHAFE:** I -- I have no ---

14 **THE COMMISSIONER:** No, no, no ---

15 **MS. LEVESQUE:** No recollection?

16 **MS. CHAFE:** That's not something he would --

17 -

18 **THE COMMISSIONER:** --- no, no.

19 **MS. CHAFE:** --- tell me.

20 **THE COMMISSIONER:** What -- Ms. Levesque,
21 we've been around this pole a couple of times.

22 **MS. LEVESQUE:** Well, I'll just continue on
23 with the next note.

24 The next entry is September 18, 2001, and
25 that's your note again?

1 MS. CHAFE: It is.

2 MS. LEVESQUE: Okay. And you're attending a
3 meeting with the Crown, Crown Findlay who's taken over the
4 case from Crown Wilhelm, now Brault, Constable Genier and
5 C-11?

6 MS. CHAFE: Yes, Don and Findlay, right.

7 MS. LEVESQUE: Okay. And then you've noted:
8 "Alan went over court proceedings,
9 general..."

10 I don't recognize your symbol there.

11 MS. CHAFE: He went over court procedures,
12 general court preparation.

13 MS. LEVESQUE: Okay. So this was a meeting
14 in preparation for the preliminary hearing?

15 MS. CHAFE: Right.

16 MS. LEVESQUE: Okay. And then the next note
17 is September 19th.

18 MS. CHAFE: Yes.

19 MS. LEVESQUE: And there you record:

20 "C-11 has difficulty remembering
21 because of brain tumour."

22 MS. CHAFE: Correct.

23 MS. LEVESQUE: Do you see that?

24 MS. CHAFE: Correct.

25 MS. LEVESQUE: And that would be day one of

1 the preliminary hearing; correct?

2 MS. CHAFE: Right. That would be something
3 that she told me, I recall.

4 MS. LEVESQUE: Well, on September 19th, the
5 preliminary was actually held -- okay.

6 Do you have any knowledge if anyone ever
7 investigated between the time of her initial interview --
8 -

9 MS. CHAFE: I don't.

10 MS. LEVESQUE: --- and the end, whether --
11 -

12 THE COMMISSIONER: It's not her job. Her
13 job is to give assistance to the victim.

14 And I know what you're trying to do, and it
15 would be fine, except you haven't found the right witness
16 to do it with yet.

17 MS. LEVESQUE: Well, the right witness is
18 not testifying. That's my difficulty.

19 THE COMMISSIONER: And who would that be?

20 MS. LEVESQUE: But in any event, she could
21 have been -- well, Constable Genier.

22 THE COMMISSIONER: Well ---

23 MS. LEVESQUE: Because ---

24 THE COMMISSIONER: Because of very ill
25 health.

1 **MS. LEVESQUE:** Do you recall the substance
2 of the meeting on September 18th with -- do you have an
3 independent recollection of what was discussed at that
4 meeting?

5 **MS. CHAFE:** I rely on my note. He went over
6 court procedures, general court preparation, did not
7 discuss her evidence, is what my note says.

8 **MS. LEVESQUE:** And these are the only --
9 okay. And these are the notes you have?

10 **MS. CHAFE:** Right.

11 **MS. LEVESQUE:** Okay. Those are my
12 questions. Thank you.

13 **THE COMMISSIONER:** Thank you.

14 Ms. Lalji.

15 **MS. LALJI:** Good evening, Mr. Commissioner.
16 I'm happy to say I only have a handful of questions. It
17 will be under five minutes, I hope.

18 **THE COMMISSIONER:** Hope springs eternal.

19 **MS. LALJI:** That's what they all say.

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

21 **LALJI:**

22 **MS. LALJI:** Good evening, Ms. Chafe. My
23 name is Reena Lalji. I'm counsel for the Cornwall Police
24 Service.

25 Now, earlier in your testimony today when

1 Mr. Horn was asking you some questions, in your evidence
2 you said that part of what V/WAP does is that you refer to
3 assisting victims in -- and I like the phrase you used --
4 overcoming challenges and testifying.

5 Do you recall saying something to that
6 effect?

7 **MS. CHAFE:** I do.

8 **MS. LALJI:** Okay. And one of the things
9 that you had referred to in terms of assisting victims
10 would be directing them to counselling services, for
11 example, if they needed it?

12 **MS. CHAFE:** Yes. Actually, we
13 systematically, in these cases, referred to counselling.
14 The initial letter mentioned the counselling service
15 available.

16 **MS. LALJI:** Okay. So that would be part of
17 the routine V/WAP workers would do with the victims that
18 they worked with?

19 **MS. CHAFE:** Yes.

20 **MS. LALJI:** Now, I take it that what that
21 would mean is that it's sometimes difficult for victims to
22 come forward, particularly in these kinds of situations,
23 and talk about what happened to them, and that's why they
24 might need some counselling or someone to speak to?

25 **MS. CHAFE:** That's fair, yes.

1 **MS. LALJI:** And you would agree with me that
2 it would be important to be sensitive to victims' needs,
3 you know, in these types of situations? Especially in
4 situations when you're getting them ready for trial, they
5 might change their mind; they might not be ready and they
6 just might need some help?

7 **MS. CHAFE:** Yes. Now, whether -- you're
8 very close to the line of what V/WAP does and doesn't do.

9 **MS. LALJI:** Right.

10 Sorry, just to be clear, what I'm saying is
11 that -- I'm not saying that that's what V/WAP would do.
12 Obviously you're just dealing with, you know, the court
13 process and getting them to be ready to testify, but if
14 there's additional issues, you would be sending them to
15 counselling services because that's the help that they
16 need. That's not anything V/WAP would do?

17 **MS. CHAFE:** Correct. Correct.

18 **MS. LALJI:** And what I'm saying is that
19 V/WAP workers would have to be sensitive to those types of
20 needs?

21 **MS. CHAFE:** Absolutely.

22 **MS. LALJI:** Now, one of the cases that we
23 didn't go through but I'm hoping that you will recall when
24 you're dealing with Project Truth was in relation to a
25 perpetrator named Bernard Sauv . Does that ring a bell?

1 **MS. CHAFE:** I know the name.

2 **MS. LALJI:** Okay. There's two victims, and
3 one of them has a moniker. It's C-66.

4 Madam Clerk, if you could just give the name
5 to the witness? It's C-66.

6 The other victim doesn't have a moniker and,
7 Ms. Chafe, I don't think we need to really deal with it.
8 I'll just refer to it as the other victim.

9 **MS. CHAFE:** Yes.

10 **MS. LALJI:** Do you recall dealing with C-66?
11 Let me put it this way; are you familiar with the name?

12 **MS. CHAFE:** I'm familiar with the name, and
13 when I read the notes, I recall dealing with ---

14 **MS. LALJI:** Okay. And I'm just going to
15 take you to a document as well.

16 Madam Clerk, if you could please give the
17 witness Document Number 102498?

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 3165 is a memo to Jim Stewart
20 from ---

21 **MS. LALJI:** It's right at the top, Mr.
22 Commissioner, from Alan Findlay.

23 **THE COMMISSIONER:** From Alan Findlay, June
24 14th, 2002.

25 --- **EXHIBIT NO./PIECE NO. P-3165:**

1 (102498) - Memo from Alan Findlay to Jim
2 Stewart re: R. v. Sauve dated 14 Jun 02

3 **MS. LALJI:** Now, Ms. Chafe, I'm going to
4 assume that you would not have received a memo like this
5 from the Crowns; correct?

6 **MS. CHAFE:** No. The first time I saw this
7 was in the documents I received.

8 **MS. LALJI:** Okay. What I'm going to do is
9 just take you to a couple of passages, hoping that you'll
10 recollect aspects of the passages in terms of your dealings
11 with C-66 and the other victim as well.

12 And if not, then I'll take you to another
13 document, but hopefully we won't have to do that.

14 If you can turn to the third page in, and
15 that's Bates page 967, I believe. It's the third page in.

16 **MS. CHAFE:** Yes.

17 **MS. LALJI:** And it's under the heading,
18 "What happened since the arrest of the accused in 1998."
19 And we'll just be careful because, Mr. Commissioner,
20 there's actually names of the two victims in here, so we
21 might want to have a publication ban on this one.

22 **THE COMMISSIONER:** Okay.

23 **MS. LALJI:** If you take a look at the first
24 paragraph under that section -- and this is in the context
25 -- I'm not going to read the whole thing, but I just want

1 to point out one sentence to you, but this is in the
2 context of after the preliminary hearing in April 2000 but
3 prior to the trial, and the last sentence, it says in this
4 memo:

5 "It was apparent that C-66 was
6 suffering from extreme anxiety and
7 stress."

8 Do you see that?

9 **MS. CHAFFE:** I do see that.

10 **MS. LALJI:** Okay. And then I'm just going
11 to point you to a few places before I ask you the question.
12 And if you look at the last paragraph on that page, it's
13 the third sentence and it starts at the end of the second
14 line and it says:

15 "At this time, C-66 indicated that he
16 did not want to proceed but he would do
17 so if he had to."

18 And then it says:

19 "[The other victim] indicated that he
20 now no longer wanted to proceed."

21 Do you see that?

22 **MS. CHAFFE:** I do.

23 **MS. LALJI:** Okay. And then if you just turn
24 to the last page? And now this is just in the context of
25 the police and the Crown trying to track down the two

1 victims and getting them ready for the trial. Okay? So
2 it's just a little bit more information with respect to
3 that.

4 And if you look at the last paragraph, the
5 fourth line up from the bottom, and it says:

6 "C-66 spoke to the Crown and indicated
7 that he could and would not testify
8 because of his health."

9 Do you see that?

10 **MS. CHAFE:** I do.

11 **MS. LALJI:** Now, do you recall that when you
12 were trying to deal with these two victims and, in
13 particular, C-66, that these were some of the issues that
14 you were dealing with with respect to these two victims?
15 There were some difficulties, some anxiety about them
16 coming forward and having to proceed?

17 **MS. CHAFE:** I generally recall that, but I
18 would need to see the notes to have a specific
19 recollection.

20 **MS. LALJI:** Okay. How about if I take you
21 to one document just to help you out?

22 Mr. Commissioner, this was in Mr. Dumais'
23 disclosure, although he didn't refer to it. It's Document
24 123921.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit Number 3166 is email correspondence
2 from Alan Findlay dated May 24th, 2002 to Cosette Chafe.

3 **--- EXHIBIT NO./PIÈCE NO. P-3166:**

4 E-mail from Alan Findlay to Cosette Chafe
5 re: R.v. Bernard Sauve dated 24
6 May 02

7 **MS. LALJI:** Ms. Chafe, if you just look at
8 the passage that you wrote to Mr. Findlay at the bottom --
9 and you can just read that to yourself, but I'm hoping that
10 that will help you recollect that there were some
11 challenges with these two victims in terms of them coming
12 forward.

13 **MS. CHAFE:** Yes.

14 **MS. LALJI:** Does that help you recollect?

15 **MS. CHAFE:** It does.

16 **MS. LALJI:** That there were some challenges
17 with both of them?

18 **MS. CHAFE:** Right.

19 **MS. LALJI:** Okay. Now, with respect to a
20 V/WAP office in Cornwall, were you aware that Cornwall did
21 not get a V/WAP program in place until 2001? Are you aware
22 of that?

23 **MS. CHAFE:** Yes.

24 **MS. LALJI:** Okay. Those are all my
25 questions. Thank you.

1 **THE COMMISSIONER:** And now we hear from Mr.
2 Kozloff.

3 **MR. KOZLOFF:** I'm very cognizant that
4 everyone is fatigued and I will be as quick as I can.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
6 **KOZLOFF:**

7 **MR. KOZLOFF:** Good evening, ma'am.

8 **MS. CHAFE:** Good evening.

9 **THE COMMISSIONER:** You have to speak up, Mr.
10 Kozloff, because I think the interpreter back there is
11 about to throw you a coffee cup.

12 **MR. KOZLOFF:** I will.

13 Ms. Chafe, I'm Neil Kozloff. I'm counsel
14 for the Ontario Provincial Police. I'd like to deal with
15 the issue of Project Truth versus Alfred and the fact that
16 Project Truth did not have the advantage of a V/WAP program
17 from the get go.

18 Can I direct you, first of all, to Document
19 Number 111109, which is Exhibit 1803? In particular, it's
20 Bates page 1054273.

21 **THE COMMISSIONER:** Is it a new document or
22 is it an exhibit?

23 **MR. KOZLOFF:** Oh, it's Exhibit 1803.

24 **THE COMMISSIONER:** Just put it on the
25 screen, Madam Clerk. We'll try with that.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. KOZLOFF: It's the notes of Detective
3 Inspector Smith, Mr. Commissioner, which I think we've
4 looked at once or twice.

5 All right. Could you blow up, Brigitte, the
6 part that begins at the 17th of September?

7 These are the notes of Detective Inspector
8 Smith and I see that you're squinting and I share your
9 pain, as we all do.

10 But in any event you'll see that on the 17th
11 of September 1997, which is over 11 years ago -- I
12 appreciate -- Detective Inspector Smith has noted a call to
13 you.

14 MS. CHAFE: He has.

15 MR. KOZLOFF: And it's at 1535. That's at
16 the very outset of Project Truth?

17 MS. CHAFE: I don't know.

18 MR. KOZLOFF: All right. Take my word for
19 it.

20 And it says:

21 "Re: Victim witnesses she advises she
22 will get names of a few counsellors
23 in..."

24 THE COMMISSIONER: Ottawa.

25 MR. KOZLOFF: "...Ottawa area who may be

1 available as needed. Because of
2 closeness in Cornwall we may be..."

3 **THE COMMISSIONER:** No, I think it said:
4 "Because of closeness in Cornwall area,
5 may be better that..."

6 **MR. KOZLOFF:** "...victims go to Ottawa."

7 **THE COMMISSIONER:** "...victims go to
8 Ottawa."

9 **MR. KOZLOFF:** "Request I speak to Regional
10 Crown for approval and expenses. She
11 will get back on Monday. In meantime I
12 will speak with Regional Crown."

13 And you'll see the next note at 1605:

14 "Speak to Regional Crown. He advises
15 he will speak to Cosette. He agrees
16 counselling..."

17 **THE COMMISSIONER:** "...should be made
18 available."

19 **MR. KOZLOFF:** Right.

20 Does that jog your memory regarding an
21 approach from Detective Inspector Smith at the outset?

22 **MS. CHAFE:** No, it doesn't. I don't doubt
23 that the conversation took place, but it doesn't. Had
24 charges been laid yet?

25 **MR. KOZLOFF:** Yes.

1 Well, let me put that in context. In
2 September of 1997 the situation was that there were three
3 individuals charged in connection with Father Charles
4 MacDonald and their preliminary hearing was working its way
5 through. There had been an adjournment of that preliminary
6 hearing as a result of new information coming into the
7 possession of the police from Mr. Dunlop and his lawyer in
8 late 1996, early 1997, and then there had been a meeting in
9 April of 1997 with the Regional Crown Attorney and
10 Detective Inspector Smith and a number of other individuals
11 as a consequence of which Project Truth started. It
12 started as a result of the receipt of that information from
13 Dunlop, okay?

14 So as of September of 1997, the police were
15 investigating the new information which included additional
16 allegations against Father Charles MacDonald. Those
17 resulted in charges being laid in early 1998.

18 But the point is at that point Detective
19 Inspector Smith had a number of victims, alleged victims
20 who had come to him both through his own investigation from
21 1994 and 1995 to the laying of charges in 1996, and as a
22 result of this new information coming to him in 1997 and as
23 well there were additional victims who had reported
24 beginning in the end of July, beginning of August 1997 --
25 Mr. Marleau, for instance.

1 **MS. CHAFE:** Okay. When a police officer or
2 inspector or whomever contacts the Victim/Witness Program
3 about cases outside their jurisdiction -- and in this
4 specific instance it sounds like he was looking for the
5 names of counsellors in Ottawa. So I would have responded
6 to that.

7 If it's a case outside of my jurisdiction
8 and it's one case, for me to get involved it would normally
9 be a request from the Crown. I don't recall being aware of
10 numerous cases in which charges had been laid. You know,
11 and this very -- the way the charges were laid in Project
12 Truth and the way the cases went through the courts, it's
13 one of the big differences from Alfred in terms of charges,
14 et cetera, and the way the cases went through the courts.
15 And it may partially explain why they weren't considered to
16 be a special prosecution, if you want.

17 **MR. KOZLOFF:** Okay.

18 **MS. CHAFE:** They were at different times,
19 just the cases going through the courts.

20 **MR. KOZLOFF:** It may have been early.

21 **MS. CHAFE:** M'hm.

22 **MR. KOZLOFF:** It may have been early because
23 ultimately Project Truth becomes a multiple ---

24 **MS. CHAFE:** Absolutely.

25 **MR. KOZLOFF:** --- offender or multiple

1 perpetrator or alleged perpetrator ---

2 MS. CHAFE: Yes.

3 MR. KOZLOFF: --- multiple alleged victim
4 prosecution?

5 MS. CHAFE: Yes, yes.

6 MR. KOZLOFF: All right.

7 What I'm suggesting to you is this; first of
8 all, you had worked with Detective Inspector Smith?

9 MS. CHAFE: Yes, I had.

10 MR. KOZLOFF: And knew each other?

11 MS. CHAFE: Yes.

12 MR. KOZLOFF: And I suggest you respected
13 each other?

14 MS. CHAFE: Yes.

15 MR. KOZLOFF: And worked well together?

16 MS. CHAFE: Yes.

17 MR. KOZLOFF: And he had every reason to be
18 confident in you?

19 MS. CHAFE: Yes.

20 MR. KOZLOFF: Right.

21 And he's approaching you in September of
22 1997?

23 MS. CHAFE: Yes.

24 MR. KOZLOFF: And would it be fair to
25 suggest that one of the reasons he's approaching you is

1 because there is no V/WAP program in Cornwall?

2 **THE COMMISSIONER:** Well, you don't ---

3 **MS. CHAFE:** I can't determine why he's
4 approaching me other than he knew me. He wanted the names
5 of counsellors in Ottawa. It doesn't sound from his note
6 like I was made aware of the scope of the investigations or
7 whatever. I don't recall that at all.

8 **MR. KOZLOFF:** Well, he writes cryptic notes,
9 but aside from that ---

10 **MS. CHAFE:** Well, maybe.

11 **MR. KOZLOFF:** --- Miss Chafe, there was no
12 V/WAP in Cornwall?

13 **MS. CHAFE:** Absolutely not.

14 **MR. KOZLOFF:** So if he was going to be
15 consulting with somebody that he had some regard for, you
16 would be the closest person; correct? He knew you?

17 **MS. CHAFE:** It would make sense. Let's put
18 it that way. I can't speak for what ---

19 **THE COMMISSIONER:** No, no, no. You don't
20 recall the conversation?

21 **MS. CHAFE:** No.

22 **THE COMMISSIONER:** It's in his notes. You
23 don't deny it happened?

24 **MS. CHAFE:** No.

25 **THE COMMISSIONER:** Next question.

1 **MR. KOZLOFF:** Yes.

2 Are you saying that you have no recollection
3 of any efforts on the part of Detective Inspector Smith to
4 get a program similar to that which was set up in Alfred
5 organized in Project Truth until the evidence that we've
6 heard about in the year 2000?

7 **MS. CHAFE:** That's right. I have no
8 recollection of that.

9 **MR. KOZLOFF:** All right.
10 You may not have been aware of it.

11 **MS. CHAFE:** May not have been.

12 **MR. KOZLOFF:** Right. And in any event, when
13 the effort was finally made, there was a delay in approval,
14 was there not?

15 **MS. CHAFE:** There was.

16 **MR. KOZLOFF:** Right.

17 **MS. CHAFE:** You're meaning from the time I
18 became aware?

19 **MR. KOZLOFF:** Yeah.

20 **MS. CHAFE:** Yes, there was.

21 **MR. KOZLOFF:** Okay. Mr. Dumais earlier put
22 a memo that was -- or, I believe, an email written from Ms.
23 Lamereux to Ms. Hallett, which referenced a couple of
24 cases. It's Exhibit 3157, which is Document 123816.

25 **THE COMMISSIONER:** Can you go to the top,

1 Madam Clerk?

2 MR. KOZLOFF: This is an email from Louise
3 Lamoureux to Shelley Hallett dated the 5th of October, 2000.
4 Was that early in Ms. Lamoureux's involvement?

5 MS. CHAFE: She began somewhere, I think,
6 early September.

7 MR. KOZLOFF: All right.

8 MS. CHAFE: So fairly early.

9 MR. KOZLOFF: So she's referring to having
10 been in contact with some of the victims in the MacDonald
11 case.

12 MS. CHAFE: Right.

13 MR. KOZLOFF: She says, "By virtue of
14 another case," and I'm not quite sure what that means. And
15 then she says:

16 "Being that the Leduc case is going in
17 January, I've begun contacts with those
18 victims just to introduce myself,
19 explain our services and do a basic
20 check-in. Most seemed glad to have
21 someone to contact fairly easily."

22 And then:

23 "I'm getting the impression that the
24 officers aren't always as readily
25 available as they'd like them to be."

1 Is that your impression of the Project Truth
2 officers that you dealt with?

3 **MS. CHAFE:** No, it's not.

4 **MR. KOZLOFF:** No. And this seems to be a
5 first impression of Ms. Lamoureux. Do you know whether
6 that was a lasting impression of hers?

7 **MS. CHAFE:** She never verbally made me aware
8 of a problem. It was not an ongoing issue.

9 **MR. KOZLOFF:** Right.

10 **MS. CHAFE:** So I can't add any detail other
11 than what's on the page, but it was not my experience.

12 **MR. KOZLOFF:** In fact I'm going to ask you
13 to look at Document 123853, which is an email from you to
14 Lidia Narozniak. Actually it's an exchange between the two
15 of you in 2004.

16 **MS. CHAFE:** Yes.

17 **MR. KOZLOFF:** And this is after four years
18 of experience; correct?

19 **MS. CHAFE:** Yes.

20 **MR. KOZLOFF:** And I'm looking, in fact, at -

21 --

22 **THE COMMISSIONER:** Exhibit 3167. The top is
23 an email correspondence from Cosette Chafe, June 18th, 2004
24 to Rachel Theoret.

25 --- **EXHIBIT NO./PIÈCE NO. P-3167:**

1 (123853) - E-mail from Cosette Chafe to
2 Rachel Theoret re: R.v. Jacques Leduc dated
3 18 Jun 04

4 **MR. KOZLOFF:** And if you scroll down a
5 little bit, I'm referring to Ms. Narozniak emails you on
6 Friday, the 18th of June. She says:

7 "Thank you very much for your
8 assistance. I will certainly pass that
9 on to the complainants. The police
10 have been very good maintaining contact
11 and we've had to tread lightly..."

12 Et cetera. You see that?

13 **MS. CHAFE:** I see that.

14 **MR. KOZLOFF:** And in your response, which is
15 the same day, you say:

16 "You are right that too much contact can
17 be overwhelming for the victims, and I
18 got the sense that they were pretty tired
19 of it all during my last contacts with
20 them."

21 And the next line:

22 "The police have been great about
23 maintaining contact with the victims
24 and supporting them."

25 Right?

1 **MS. CHAFE:** That's right.

2 **MR. KOZLOFF:** And that's a reference to that
3 particular case?

4 **MS. CHAFE:** Actually it would be a comment
5 about all of the cases.

6 **MR. KOZLOFF:** All right.

7 And do you recall Marion Burns, who was the
8 secretary in the Project Truth office, making it a practice
9 to fax you information instantaneously after adjournments
10 and other court appearances?

11 **MS. CHAFE:** I don't recall that. I do
12 recall Marion providing regularly updated lists of trials
13 and preliminary hearings, et cetera. I don't recall
14 receiving faxes automatically.

15 **MR. KOZLOFF:** Okay.

16 Thank you, sir.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Scharbach.

19 **MR. SCHARBACH:** Much has been covered.

20 **THE COMMISSIONER:** I'm sorry?

21 **MR. SCHARBACH:** I say much has been covered
22 already, Mr. Commissioner, so I'll make this as quickly as
23 possible.

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

25 **MR. SCHARBACH:**

1 **MR. SCHARBACH:** I wanted to talk to you
2 first of all, Ms. Cosette -- sorry, Ms. Chafe -- about
3 referrals. And by that I mean the contacts between V/WAP
4 officers and victims; the first initial contacts.

5 **MS. CHAFE:** Right.

6 **MR. SCHARBACH:** Now, going back to 1999, I
7 understand that referrals were made by each V/WAP office
8 according to its own protocol as established by that
9 office. Is that correct?

10 **MS. CHAFE:** That's right. Mechanisms were
11 in place with police, with Crown Attorneys, often a
12 combination of mechanisms to obtain referrals about cases,
13 yes.

14 **MR. SCHARBACH:** So each V/WAP office -- I
15 guess the point I'm trying to make is that each V/WAP
16 office would set up its own protocol.

17 **MS. CHAFE:** Right.

18 **MR. SCHARBACH:** Would set up its own system.
19 It could be with police, it could be with Crowns or it
20 could be, as you said, in the Ottawa office a system set up
21 with court services whereby it would get information as
22 charges were laid.

23 **MS. CHAFE:** It was actually the court office
24 of the Police Service.

25 **MR. SCHARBACH:** Okay.

1 MS. CHAFE: Yes.

2 MR. SCHARBACH: All right.

3 MS. CHAFE: Yes.

4 MR. SCHARBACH: But back in the fall of 1999
5 or thereabouts there was no V/WAP office in Cornwall.

6 MS. CHAFE: That's correct.

7 MR. SCHARBACH: And Ottawa's office was only
8 setup to get information concerning charges laid in the
9 Ottawa jurisdiction; correct?

10 MS. CHAFE: Correct, and to provide services
11 in that jurisdiction as well.

12 MR. SCHARBACH: So in a formal sense, in a
13 structural sense, there was no mechanism set up for anyone
14 in the V/WAP system to get notification of those charges?

15 MS. CHAFE: No. There was formal -- each
16 V/WAP office had systems about -- to inform them of cases
17 in their designated jurisdiction.

18 MR. SCHARBACH: Right.

19 MS. CHAFE: That's it.

20 MR. SCHARBACH: And at the time Cornwall
21 simply wasn't a jurisdiction that --

22 MS. CHAFE: No.

23 MR. SCHARBACH: --- was -- that had a V/WAP
24 office ---

25 MS. CHAFE: No.

1 **MR. SCHARBACH:** --- operating it. Okay.

2 So you became aware of the charges in 1999
3 through Dennis Lessard?

4 **MS. CHAFE:** Yes, that's correct.

5 **MR. SCHARBACH:** And you brought those -- and
6 you mentioned that you had brought those to the attention
7 of your director, Cathy Finley.

8 **MS. CHAFE:** Correct.

9 **MR. SCHARBACH:** Who then attempted to get
10 resources to provide assistance?

11 **MS. CHAFE:** Correct.

12 **MR. SCHARBACH:** And she did that in the late
13 1999, going into early 2000; correct?

14 **MS. CHAFE:** Correct.

15 **MR. SCHARBACH:** And eventually she contacts
16 the Crowns themselves. I think we saw that in the
17 materials. I can take you to the materials.

18 **MS. CHAFE:** There was an email sent on
19 December 23rd, yes.

20 **MR. SCHARBACH:** Right. Eventually she goes
21 to the Crowns themselves and she asks for information and
22 she says something to the effect that that information will
23 assist her in getting the resources to provide some
24 assistance.

25 **MS. CHAFE:** Correct.

1 **MR. SCHARBACH:** Right, okay.

2 And Shelley makes you aware -- Shelley
3 Hallett; that is, makes you aware of an upcoming case and
4 you agree as on a temporary -- as a temporary measure to
5 provide assistance pending the approval or pending the
6 putting into place of some sort of system.

7 **MS. CHAFE:** Yes.

8 **MR. SCHARBACH:** Of some sort of resources;
9 putting into place some resources ---

10 **MS. CHAFE:** Right.

11 **MR. SCHARBACH:** --- to provide assistance.

12 Now, there's a meeting, and I can take you
13 to the document. But there was a meeting that took place
14 on May the 10th.

15 **MS. CHAFE:** Correct.

16 **MR. SCHARBACH:** And you made a note of that
17 meeting.

18 **MS. CHAFE:** Correct.

19 **MR. SCHARBACH:** And in your notes you say
20 that Shelley Hallett would be sending a letter to all of
21 the victims and she would be -- all of the victims in her
22 cases, that is, and encouraging the other Crowns to send
23 similar letters to victims in their cases.

24 **MS. CHAFE:** Yes. I do know that the letter
25 was sent to all victims in all cases and was even sent to

1 some of the complainants in the cases where charges had not
2 been laid because I got calls from somewhere between five
3 and ten of those particular victims ---

4 **MR. SCHARBACH:** Okay.

5 **MS. CHAFE:** --- in response to the letter.

6 **MR. SCHARBACH:** Well, you anticipated my
7 next question.

8 So as far as you could tell, the victims not
9 only in Ms. Hallet's cases but the other prosecutors' cases
10 got that letter?

11 **MS. CHAFE:** They did.

12 **MR. SCHARBACH:** Because you started getting
13 calls from them?

14 **MS. CHAFE:** That's right. And in a few
15 cases that were not Shelley's, I did document that I
16 received a telephone call as a result of the letter
17 received.

18 **MR. SCHARBACH:** Okay. And eventually Ms.
19 Lamoureux was brought onboard?

20 **MS. CHAFE:** Correct.

21 **MR. SCHARBACH:** And she started providing
22 services to the victims?

23 **MS. CHAFE:** Correct.

24 **MR. SCHARBACH:** And just indulge me for a
25 moment because we've touched on some of the services that

1 you provided, but I just want to bring them together in one
2 place. You provided them with information, first of all?

3 **MS. CHAFE:** Yes.

4 **MR. SCHARBACH:** You -- about court dates,
5 about court appearances, orientation to what they may
6 expect in the court process?

7 **MS. CHAFE:** Correct.

8 **MR. SCHARBACH:** You passed on information
9 from the Crowns to the victims and from the victims back to
10 the Crowns?

11 **MS. CHAFE:** Yes.

12 **MR. SCHARBACH:** I thought I could see that
13 in some of your notes.

14 **MS. CHAFE:** Yes.

15 **MR. SCHARBACH:** You attended with the
16 victims at court, preliminary hearings ---

17 **MS. CHAFE:** Yes.

18 **MR. SCHARBACH:** --- if they wanted?

19 **MS. CHAFE:** Yes.

20 **MR. SCHARBACH:** You gave them support,
21 emotional support I would suppose you would say, in doing
22 that?

23 **MS. CHAFE:** Correct.

24 **MR. SCHARBACH:** And you provided referrals -

25 --

1 MS. CHAFE: Correct.

2 MR. SCHARBACH: --- for things like
3 counselling or other services as needed; is that correct?

4 MS. CHAFE: Correct.

5 We also attended some Crown interviews as
6 well.

7 MR. SCHARBACH: Okay.

8 MS. CHAFE: The interview that the Crown
9 conducted with the victim prior to court as a support
10 person.

11 MR. SCHARBACH: Now, as a general matter,
12 some of the victims took advantage of the services, most of
13 the services that V/WAP offered?

14 MS. CHAFE: Yes.

15 MR. SCHARBACH: Some did?

16 MS. CHAFE: Yes.

17 MR. SCHARBACH: And some declined any
18 services altogether?

19 MS. CHAFE: Yes.

20 MR. SCHARBACH: And some were reluctant to
21 accept the services, but over time when they got to know
22 V/WAP a little bit better, accepted some of those services.
23 Is that correct?

24 MS. CHAFE: That's correct.

25 MR. SCHARBACH: And you mentioned that one

1 reason you think that some of them may have declined was
2 because V/WAP got into providing the services late in this
3 case, after the preliminary inquiries in many cases?

4 **MS. CHAFE:** Yes, that's a distinct
5 possibility.

6 **MR. SCHARBACH:** You mentioned -- you made a
7 point of saying that was one reason. I wanted to ask you;
8 were there others that you know of?

9 **MS. CHAFE:** I'm blanking. I don't think
10 there are any other reasons that I specifically know of,
11 no.

12 **MR. SCHARBACH:** Okay. Those are all my
13 questions. Thank you very much.

14 Thank you, sir.

15 **THE COMMISSIONER:** Thank you.

16 Maître Dumais, do you have any questions?

17 **MR. DUMAIS:** No, sir.

18 **THE COMMISSIONER:** Ms. Chafe, I want to
19 thank you for accommodating us in this late sitting. I
20 certainly enjoyed your testimony and I will certainly
21 consider your recommendations when it comes time to the
22 report.

23 **MS. CHAFE:** Thank you.

24 **THE COMMISSIONER:** Thank you.

25 **MS. CHAFE:** Mr. Commissioner, would it be

1 appropriate for me to ask to make a brief statement to
2 victims, or is that not appropriate?

3 **THE COMMISSIONER:** Go ahead. Wait a minute.

4 **MS. CHAFE:** Only if it's appropriate.

5 **THE COMMISSIONER:** How long is it going to
6 be?

7 **MS. CHAFE:** I'm not a lawyer; it's very
8 brief.

9 **THE COMMISSIONER:** Well, since you're not a
10 lawyer, I'll believe you. Go ahead.

11 **MS. CHAFE:** Thank you.

12 **THE COMMISSIONER:** I'm sure it will be
13 brief.

14 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. CHAFE :

15 **MS. CHAFE:** Thank you.

16 I'm not in a position to comment for either
17 the Ministry of the Attorney General or V/WAP, but I do
18 wish to make a brief personal statement to the victims in
19 these cases and their families.

20 You've had a long and painful journey. It's
21 my strong belief that victims of crime must be treated with
22 respect and dignity as they go through the criminal justice
23 process.

24 If there is anything I did or did not do
25 that compromised that principle or contributed to your

1 pain, I offer you a sincere apology.

2 I have the utmost respect for victims of
3 crime and it is their strength and courage in the face of
4 adversity that inspired me to do the work that I did for 20
5 years. Thank you for that and I wish you the best in your
6 ongoing journey.

7 **THE COMMISSIONER:** I think it's a very
8 appropriate way to close the evening. Thank you very much
9 for those comments.

10 Thank you.

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

13 The hearing is adjourned until tomorrow
14 morning at 9:30 a.m.

15 --- Upon adjourning at 9:30 p.m./

16 L'audience est ajournée à 21h30

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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