

**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 186**

**Held at :**

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

Monday, January 21 2008

**Tenue à:**

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

Monday, le 21 janvier 2008

**ERRATA**

**August 21, 2007**

**Volume 128**

**Transcript, Page 33, line 5:**

Sensory deprivation, torture, mind control experiments, LCD, sodium pentothal, electroshock treatment to my teeth, my testicles and my toes, I was subjected to that treatment.

**Should have read**

Sensory deprivation, torture, mind control experiments, **LSD**, sodium pentothal, electroshock treatment to my teeth, my testicles and my toes, I was subjected to that treatment.

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Raija Pulkkinen	Commission Counsel
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze Mr. Jeremy Glick	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. John Westdal	Mr. Jos Van Diepen
Mr. Frank T. Horn Mr. Ian Paul	Coalition for Action

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

2 L'audience débute à 9h36

3 **THE REGISTRAR:** This hearing of the Cornwall  
4 Public Inquiry is now in session. The Honourable Mr.  
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you. Good morning  
8 all.

9 Mr. Engelmann.

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

12 Good morning, Mr. van Diepen.

13 **MR. VAN DIEPEN:** Good morning.

14 **JOS VAN DIEPEN: Resumed/Sous le même serment**

15 **--- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**  
16 **ENGELMANN (Continued/Suite):**

17 **MR. ENGELMANN:** Sir, when we left off on  
18 Friday, we had a brief discussion about some documents that  
19 you thought were missing?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** Do you recall that?

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** Aside from a legal opinion,  
24 were there other specific documents that you could think of  
25 that you thought were missing, sir?

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. ENGELMANN:** Can you give us a sense as  
3 to what those documents would relate to?

4                   **MR. VAN DIEPEN:** There were a number of  
5 overlying documents relating to the issue of the website as  
6 well as there were more specific documents relating to my  
7 request for legal representation; as well as, I believe,  
8 that there should have been some documentation respecting  
9 "notes to file" on decisions and/or verbal communications.

10                  **MR. ENGELMANN:** Well, on Friday, we took a  
11 look at Exhibit 1177. Do you have that handy?

12                  **MR. VAN DIEPEN:** I have no exhibits with me.

13                  **MR. ENGELMANN:** It's a fairly lengthy email  
14 from you in that document dated September 7<sup>th</sup>.

15                  **MR. VAN DIEPEN:** Before we go into the  
16 matter of the public -- the Project Truth website ---

17                  **MR. ENGELMANN:** Yes?

18                  **MR. VAN DIEPEN:** --- I'm wondering, and I  
19 don't understand procedural matters, I'm not a solicitor,  
20 so His Honour may correct me.

21                                However, I would like to revisit, if I  
22 could, some evidence that was given because I wish to  
23 clarify the factual record.

24                  **MR. ENGELMANN:** Okay, well, you have a  
25 lawyer, sir, and he will be asking you some questions.

1                   **MR. VAN DIEPEN:** Well, I think I may have  
2                   provided erroneous information based on the questions that  
3                   you asked me.

4                   **MR. WESTDAL:** There was an exchange at the  
5                   end of Friday and we've had a look at the transcript and  
6                   Mr. van Diepen has answered a question and, upon review,  
7                   didn't appreciate the question that was asked of him, and I  
8                   think it's very important -- I should think the question  
9                   crossed the line.

10                   And I think it's very important that the  
11                   facts be made very clear and that Mr. van Diepen be given  
12                   an opportunity right at the outset to just clarify his  
13                   response. I think it would be very helpful to the  
14                   Commission to do that. It was at the end of the day on  
15                   Friday and it -- I think it would assist the Commission and  
16                   just avoid any sort of -- as this examination continues --  
17                   avoid any false assumptions about what he either knew or  
18                   what he said.

19                   But, really, in essence, it's the answer to  
20                   a question that was put to him -- he'd like to change or at  
21                   least revisit. I'm not saying change outright.

22                   **THE COMMISSIONER:** Did you advise Commission  
23                   counsel of this before we started?

24                   **MR. WESTDAL:** No, I haven't.

25                   **THE COMMISSIONER:** Well, why not?



1                   **MR. WESTDAL:** It can be dealt with in re-  
2                   examination or later, but this is -- the way these things  
3                   have transpired, it's eleven o'clock last night, I'm on the  
4                   phone with Mr. van Diepen.

5                   **THE COMMISSIONER:** No, I understand that.

6                   **MR. WESTDAL:** Yes.

7                   **THE COMMISSIONER:** What I'm saying is that I  
8                   would have thought that before the hearing started you go  
9                   see Mr. Engelmann and you say, "Look it, we've got this  
10                  situation here", so that Mr. Engelmann can assess the  
11                  situation and determine how it's going to affect his  
12                  examination and the whole dealing with this witness.

13                  **MR. WESTDAL:** Okay.

14                  **THE COMMISSIONER:** Would you like a few  
15                  minutes, Mr. Engelmann?

16                  **MR. ENGELMANN:** Well, sir, I'm troubled by  
17                  this news. I'm also troubled by the fact that Mr. van  
18                  Diepen has spoken to his counsel in the middle of my  
19                  questioning about the evidence apparently.

20                  **MR. VAN DIEPEN:** No. I ---

21                  **THE COMMISSIONER:** Just -- no, no. One  
22                  person at a time.

23                  **MR. VAN DIEPEN:** Thank you, Your Honour.

24                  **THE COMMISSIONER:** Thank you.

25                  **MR. ENGELMANN:** That's essentially what's

1 just been explained and I'm quite surprised. So I don't  
2 really know what to say at this point.

3 Obviously, Mr. Westdal knows what Mr. van  
4 Diepen wishes to speak about and it puts me in a difficult  
5 situation. I don't know if you gave him an express warning  
6 at the end of the day on Friday, we certainly had earlier,  
7 and I'm just -- I'm very concerned.

8 **MR. WESTDAL:** Let me be clear.

9 I have not spoken to Mr. van Diepen about  
10 what evidence he has given or may give. He has asked me  
11 procedurally, you know, what can he do? He's the one  
12 that's aware. He's the one that raised it and I have been  
13 very, very, careful in terms of -- I'm not coaching him. I  
14 am not discussing what he should be saying.

15 It is more that -- and I can tell you that  
16 this arose from a media report over the course of the  
17 weekend and he contacted me in terms of, you know, "What  
18 should I do procedurally?" Not what should I be saying;  
19 not me coaching him in terms of what he should say. And I  
20 think that the role of counsel, you know, it's appropriate  
21 for him to be asking me that question and I'm saying, "If  
22 you didn't give a response that -- if the response you gave  
23 you want to change, one option is to do that at the outset  
24 or at least to raise the issue".

25 Obviously, I have an opportunity later to

1 ask Mr. van Diepen questions and that may be an opportunity  
2 for me to elicit that, but it's a significant thing. It  
3 arose in a media report and it was Mr. van Diepen that  
4 looked and feels that ---

5 **THE COMMISSIONER:** Okay. All right.

6 So before this thing becomes greater than  
7 what it should be, I would have preferred if you would have  
8 risen and said, "Look it, we have a situation here", and I  
9 would have appreciated if you would have spoken to Mr.  
10 Engelmann before we started, but in any event, we'll take a  
11 break.

12 Mr. Engelmann ---

13 **MR. ENGELMANN:** Sir, I'm content with him  
14 saying what he has to say and if I need a few minutes  
15 afterwards I'll take it before I finish.

16 **THE COMMISSIONER:** Okay. Fine.

17 **MR. ENGELMANN:** I just -- I -- anyway. I've  
18 made my comment.

19 **THE COMMISSIONER:** That's fine. All right.

20 So, sir, you say that you answered a  
21 question. Do you know what question that is?

22 **MR. VAN DIEPEN:** Yes, Your Honour, and just  
23 for the record, Your Honour, I want to assure you that this  
24 matter was initiated by me and it was as a result of some  
25 of the media attention that the Inquiry is drawing and that

1 headline is what triggered my memory and I said, you know,  
2 this is not right. I'm not providing His Honour with the  
3 correct facts.

4 **THE COMMISSIONER:** All right. So do you  
5 know what part of the transcript it's at?

6 **MR. VAN DIEPEN:** Yes, Your Honour, I had a  
7 chance to look it up.

8 **THE COMMISSIONER:** So what volume is it?  
9 It's in the last volume? It's in his Examination in-Chief,  
10 okay. What page?

11 **MR. VAN DIEPEN:** Page 96, Your Honour. I  
12 just have a -- I just did a cut and paste.

13 **THE COMMISSIONER:** Page 96, okay.

14 **MR. ENGELMANN:** This is Friday's transcript,  
15 sir? I don't have it.

16 **MR. VAN DIEPEN:** Yes.

17 On Friday, in reference to a matter of me  
18 having reported to the police of an incident that took  
19 place in 1976 involving an unnamed person who's name is  
20 protected, there was a lengthy discussion between Mr.  
21 Engelmann and myself.

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

23 **MR. VAN DIEPEN:** At page 96, line 10 of the  
24 transcript, Mr. Engelmann says:

25 "You had an allegation from a 17 year-old where he's been

1 referred [...] to a priest and there's an allegation of  
2 inappropriate sexual behaviour."

3 **THE COMMISSIONER:** Yes?

4 **MR. VAN DIEPEN:** Your Honour, I wish to  
5 bring to your attention that there was never any  
6 inappropriate sexual behaviour ---

7 **THE COMMISSIONER:** Whoa, whoa -- that was  
8 reported to you?

9 **MR. VAN DIEPEN:** That was reported to me.

10 **THE COMMISSIONER:** Right.

11 **MR. VAN DIEPEN:** And, subsequently, I'm led  
12 to believe that there were three separate police  
13 investigations and my understanding of it is, is that  
14 Father MacDonald was never charged as a result of any  
15 contact, at that point or at any other time, with the  
16 alleged victim.

17 And so the issue comes down to, you know,  
18 Mr. Engelmann is saying that I did nothing because as a  
19 result of an allegation of inappropriate sexual behaviour;  
20 there was no inappropriate sexual behaviour for me to  
21 report, Your Honour.

22 **THE COMMISSIONER:** Well, how do you know  
23 that?

24 **MR. VAN DIEPEN:** Well, based on what the  
25 client told me.

1                   **THE COMMISSIONER:** Just so I get it  
2                   straight.

3                   This is the situation where Barque says he  
4                   has -- you tell Barque and -- Barque that you have a fellow  
5                   that needs a place to stay?

6                   **MR. VAN DIEPEN:** That's correct, Your  
7                   Honour.

8                   **THE COMMISSIONER:** He drives him out to  
9                   Father MacDonald's parish?

10                  **MR. VAN DIEPEN:** That's right.

11                  **THE COMMISSIONER:** Later on the fellow comes  
12                  back, tells you I'm not going back there and all of that,  
13                  that's what we're referring to?

14                  **MR. VAN DIEPEN:** Yes, Your Honour.

15                  **THE COMMISSIONER:** Okay.

16                  **MR. ENGELMANN:** All right, let me just ask  
17                  you a couple of questions about---

18                  **MR. VAN DIEPEN:** Well, maybe I could ---

19                  **MR. ENGELMANN:** Can I finish?

20                  **MR. VAN DIEPEN:** No, I'm not finished.

21                  **MR. ENGELMANN:** By all means.

22                  **MR. VAN DIEPEN:** There was also you pointed  
23                  out a number of times that I should have referred the  
24                  matter to the CAS and I can tell you, sir, that ---

25                  **MR. ENGELMANN:** Where is that in the

1 transcript, sir?

2 **MR. VAN DIEPEN:** It's in there. Again, it's  
3 -- and you mentioned something that I should have gone to  
4 the CAS. It should have been reported to the CAS. And I  
5 just want ---

6 **MR. ENGELMANN:** If you could just find the  
7 reference, that would be helpful, since you've obviously  
8 read it.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **THE COMMISSIONER:** Anyways, I guess your  
11 point is that there was no obligation to report to the  
12 Children's Aid Society because he was over 17, over 16? Is  
13 that what you're saying?

14 **MR. VAN DIEPEN:** Yes, well, yes, Your  
15 Honour.

16 One, he was an adult within the definition  
17 of the law at that time and, two, there was no sexual --  
18 there was no -- so the CAS -- and we've had other  
19 situations at that time where the CAS would not accept a  
20 referral on an adult.

21 So the matter -- so what happened was that  
22 the term, "the inappropriate sexual behaviour", was  
23 construed by the media as that there was a matter of abuse  
24 and I did nothing.

25 The other part ---

1                   **THE COMMISSIONER:** Hang on, Mr. ---

2                   **MR. MANSON:** This is around page 92, 93 last

3                   ---

4                   **MR. ENGELMANN:** I just wanted to read  
5 something to him. I found it. I just want to make sure  
6 that we're using the same words, Mr. Van Diepen.

7                   I asked you on page 93---

8                   **MR. VAN DIEPEN:** What line is that, Mr.  
9 Engelmann? Oh yes.

10                  **MR. ENGELMANN:** So there's been some  
11 discussion about follow-up because of the client's wishes  
12 and I asked you -- concern about the possibly what might  
13 have happened to other children:

14                   "Yes, all right, that's fine."

15                   And then I say:

16                   "Did you report this to the CAS?"

17                   And you say, "No".

18                  **MR. VAN DIEPEN:** Right.

19                  **MR. ENGELMANN:** And you say he was an adult  
20 at the time?

21                  **MR. VAN DIEPEN:** Right.

22                  **MR. ENGELMANN:** All right. So we had a  
23 discussion about that?

24                  **MR. VAN DIEPEN:** Yes.

25                  **MR. ENGELMANN:** And I asked you whether you



1 did?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: There's no reference to you  
4 saying you had to or you should have; there was a question  
5 about whether you had done it.

6 MR. VAN DIEPEN: Well, I ---

7 MR. ENGELMANN: Is that fair?

8 MR. VAN DIEPEN: Yes, but I construed from  
9 you, sir, that I should have or ought to have.

10 MR. ENGELMANN: I wanted to know from you  
11 whether you had done it.

12 MR. VAN DIEPEN: The other thing, Mr.  
13 Engelmann, that I don't think which was abundantly clear,  
14 was at that time in 1976 I was a new probation officer, a  
15 Probation Officer Level One who was being mentored by a  
16 senior probation officer. Anything other than a routine  
17 matter, i.e. reporting, was referred to the mentoring  
18 probation officer for either his direction or the matter  
19 was taken completely into his hands.

20 So, in other words, if for the purposes of  
21 our discussion, there was a sexual abuse or, for example,  
22 if there was a case where there would have been  
23 enforcement, such as a breach of probation, I could take no  
24 action other than to report the matter to Mr. Seguin.

25 THE COMMISSIONER: Was there a note or a

1 directive to that effect that he was your mentor?

2 MR. VAN DIEPEN: Yes. And furthermore, in  
3 spite of that, had there been a sexual abuse and I reported  
4 it to Mr. Seguin and Mr. Seguin nevertheless decided to do  
5 nothing, I can assure this court that I would have done  
6 something and I would have followed it up.

7 THE COMMISSIONER: Well ---

8 MR. ENGELMANN: Well, sir, you've already  
9 told us that you were a young probation officer?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: You've already told us that  
12 you reported the pornography to Ken Seguin?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: The handcuffs to Ken Seguin?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: And this incident ---

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: --- to Ken Seguin?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: All within a year?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: And you've already told us  
23 that as far as you know there was no follow-up on any of  
24 them; correct?

25 MR. VAN DIEPEN: I'm not aware of any, no.

1                   **MR. ENGELMANN:** Right. And you're telling  
2                   us that there was nothing you could do but report to Mr.  
3                   Seguin; that's your answer?

4                   **MR. VAN DIEPEN:** My job was to report all  
5                   matters, not -- all contentious matters were to be handled  
6                   by Mr. Seguin.

7                   **MR. ENGELMANN:** All right. And you don't  
8                   know what happened ---

9                   **MR. VAN DIEPEN:** I don't know what happened.

10                  **MR. ENGELMANN:** --- to this 17 year-old  
11                  probationer when he spent a few days with Father Charles  
12                  MacDonald do you?

13                  **MR. VAN DIEPEN:** Well, all ---

14                  **MR. ENGELMANN:** You don't know what  
15                  happened?

16                  **MR. VAN DIEPEN:** Only what the client  
17                  reported to me.

18                  **MR. ENGELMANN:** Right. And what he reported  
19                  to you, at least what you reported to the police in  
20                  February of 1994, was what's described in your statement?

21                  **MR. VAN DIEPEN:** That's correct.

22                  The other thing, Mr. Engelmann, is that the  
23                  police were not there to see me about a probationer. The  
24                  police were there ---

25                  **MR. ENGELMANN:** Sir, just take that name off

1 the record, please?

2 **THE COMMISSIONER:** I'm sorry. Oh yes.

3 **MR. ENGELMANN:** We'll take that name off the  
4 record. We've already talked about this, Mr. Van Diepen.

5 **MR. VAN DIEPEN:** My apologies, sir.

6 **MR. ENGELMANN:** They were there to see you  
7 about Ken Seguin's death?

8 **MR. VAN DIEPEN:** They were there to see me  
9 about matters associated with Mr. Seguin and whether or not  
10 I knew of any inappropriate sexual behaviour on the part of  
11 Mr. Seguin, to which I replied I was not aware of anything.  
12 Then they asked, well, are you aware of anything at all and  
13 it was at that point that I brought up the matter of the  
14 individual who should not be named.

15 So in other words what I'm suggesting to  
16 you, sir, if I had not mentioned that name, the police  
17 would never -- this matter -- this entire matter would have  
18 never seen the light of day.

19 **MR. ENGELMANN:** So just so I'm clear, they  
20 were there to see you about suspicions or concerns they had  
21 about Mr. Seguin's death and -- correct?

22 **MR. VAN DIEPEN:** Well, yeah, not necessarily  
23 the death. I believe a broader ---

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

25 **MR. VAN DIEPEN:** Not just the death.

1                   **MR. ENGELMANN:** So they were also interested  
2                   in anything you would know about any inappropriate sexual  
3                   behaviour on his part?

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. ENGELMANN:** That was your understanding?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. ENGELMANN:** And you had the sense then  
8                   they were investigating that issue?

9                   **MR. VAN DIEPEN:** Yes.

10                  **MR. ENGELMANN:** And these are the first  
11                  officers in 1994?

12                  **MR. VAN DIEPEN:** Yes.

13                  **MR. ENGELMANN:** All right. Now you said  
14                  that -- well, do you know if the OPP actually followed up  
15                  and investigated this particular allegation?

16                  **MR. VAN DIEPEN:** Do I know or do I believe?

17                  **MR. ENGELMANN:** Do you know.

18                  **MR. VAN DIEPEN:** Oh, I don't have any first-  
19                  hand information. The police did not -- those  
20                  investigations were confidential.

21                  **MR. ENGELMANN:** All right. Did they ever  
22                  get back to you and ask you further questions about this  
23                  particular probationer?

24                  **MR. VAN DIEPEN:** Not the '94 group.

25                  **MR. ENGELMANN:** I'm talking about the

1 individual that you've just brought up to us, the 17 year-  
2 old.

3 MR. VAN DIEPEN: Not the '94 group.

4 MR. ENGELMANN: All right. And to your  
5 knowledge, would they have ever followed up and asked you  
6 for your case notes dealing with that individual?

7 MR. VAN DIEPEN: No, they did not.

8 MR. ENGELMANN: All right. And how do you  
9 know that there were no charges dealing with Father  
10 Charlie's contact with that individual?

11 MR. VAN DIEPEN: I made a number of  
12 inquiries.

13 MR. ENGELMANN: Those inquiries you made  
14 this weekend?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: And who did you make those  
17 inquiries with?

18 MR. VAN DIEPEN: One of the individuals was  
19 counsel for Father MacDonald.

20 MR. ENGELMANN: So you spoke to him this  
21 weekend?

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: That's Mr. Neville?

24 MR. VAN DIEPEN: That's correct.

25 THE COMMISSIONER: You spoke to Mr. Neville

1 directly this weekend?

2 MR. VAN DIEPEN: Yes, Your Honour.

3 THE COMMISSIONER: You phoned him or you saw  
4 him?

5 MR. VAN DIEPEN: I saw him.

6 MR. ENGELMANN: Sir, were you -- all right,  
7 what did you discuss?

8 MR. VAN DIEPEN: I asked him -- essentially  
9 I was -- I was not interested in Mr. Neville breaching any  
10 confidence between he as counsel and his client, however, I  
11 wished to ask him if he knew -- if he had any information  
12 whatsoever which would lead me to believe that there were  
13 charges as a result of the information in which I've  
14 brought forward to the police.

15 MR. ENGELMANN: This particular information?

16 MR. VAN DIEPEN: That's right -- that's  
17 right.

18 MR. ENGELMANN: That you had testified to on  
19 Friday?

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: When did you have your  
22 meeting with Mr. Neville?

23 MR. VAN DIEPEN: This morning.

24 THE COMMISSIONER: Is there anybody else  
25 that you talked to about this?

1                   **MR. VAN DIEPEN:** Yes. I talked to the  
2                   counsel for the Children's Aid Society and I asked to --  
3                   again, I wanted to make sure that I had -- I was not  
4                   presenting false information to this Inquiry. I wanted to  
5                   make sure I understood the role of the CAS.

6                   **MR. ENGELMANN:** So you had a discussion with  
7                   Mr. Chisholm about your evidence as well?

8                   **MR. VAN DIEPEN:** I did.

9                   **MR. ENGELMANN:** Anyone else?

10                  **MR. VAN DIEPEN:** With my wife, a number of  
11                  family members and friends. Obviously, they were not happy  
12                  with the headlines and they -- and I can tell you that my  
13                  weekend was not an enjoyable one, sir.

14                  **MR. ENGELMANN:** Sir, I -- I didn't read the  
15                  newspaper. I often don't.

16                  **MR. VAN DIEPEN:** Well, I -- I suggest, sir,  
17                  that you should because I think it is important to  
18                  understand the harm that this Inquiry has caused my family  
19                  and myself, and this is only a continuation and a  
20                  confirmation of the falsehoods and innuendo placed on that  
21                  website. And, sir, I can tell you ---

22                  **THE COMMISSIONER:** I'm sorry? On the  
23                  website? The Nadeau website, you mean?

24                  **MR. VAN DIEPEN:** Yes, the Nadeau website and  
25                  even -- even to this day, sir, there's a website, as you



1 are aware, and again there are -- there are misleading  
2 facts reported in that. And when I say the media, I -- I  
3 can tell you that the -- that the radio station headlines  
4 were even more troubling to me than the -- than the printed  
5 media.

6 And, sir, I need to tell you something else,  
7 sir, is that I have a great deal of difficulty with your  
8 questioning when you provide me with erroneous assumptions  
9 and otherwise mislead me in answering them. These -- these  
10 questions do not -- these -- these style of questions do  
11 not help me in providing His Honour with all the  
12 information that he needs to properly adjudicate this case.

13 What I find myself being is defensive rather  
14 than focusing on providing a detailed and full answer and  
15 recalling my -- from my memory the circumstances and events  
16 that you're questioning me about.

17 And also, sir, I need you to be aware that  
18 although you've heard from a number of victims, I also need  
19 you to understand that I too am a victim. I'm a victim of  
20 a -- of a false relationship with two co-workers. I'm a  
21 victim of a Ministry that failed to support me. I'm a  
22 victim of a -- of a website and I'm a victim of a media and  
23 -- and the public. Sir, I can tell you that I have people  
24 that I considered friends who do not speak to me anymore;  
25 people have spat at me and I can tell you that this -- that

1 the circumstances of this past weekend only go to further  
2 traumatize me.

3 And I ask you to be cognizant of that, sir,  
4 because I -- not only is it affecting me, but I think  
5 potential future witnesses and victims are going to be very  
6 reluctant to come forward and share their story.

7 Thank you, sir.

8 **MR. ENGELMANN:** Anything else, Mr. van  
9 Diepen? I -- I have a couple of questions for you arising  
10 from that. I just want to make sure I've got everything.  
11 Anyone else you've talked to about this?

12 **MR. VAN DIEPEN:** No.

13 **MR. ENGELMANN:** All right. Were you not  
14 aware, sir, that you were not to discuss any details of  
15 your evidence with anybody? Were you not told that?

16 **MR. VAN DIEPEN:** I didn't initiate the  
17 contacts, sir. I just -- and I was ---

18 **MR. ENGELMANN:** All right, sir. Let me just  
19 understand what you're saying by that. You're saying that  
20 Mr. Neville approached you this morning?

21 **MR. VAN DIEPEN:** No, I approached Mr.  
22 Neville.

23 **MR. ENGELMANN:** Mr. Chisholm approached you  
24 this morning?

25 **MR. VAN DIEPEN:** I approached Mr. Chisholm.

1                   **MR. ENGELMANN:** And what about all of these  
2 other people you've spoken to?

3                   **MR. VAN DIEPEN:** They approached me.

4                   **MR. ENGELMANN:** And did you ---

5                   **MR. VAN DIEPEN:** They approached me as a  
6 result -- because they were not happy with the headlines of  
7 the media.

8                   **MR. WESTDAL:** Just in -- in fairness to Mr.  
9 van Diepen, do we know that he has disclosed his evidence?  
10 That was the question. You said do you know that you're  
11 not supposed to disclose your evidence. I haven't heard  
12 that. He hasn't disclosed his evidence. I mean, what I  
13 have heard is that he's asked questions. That's not  
14 disclosing his evidence.

15                   **MR. ENGELMANN:** Greatest of respect to my  
16 friend, I think that's a distinction without a difference.  
17 He's clearly been discussing issues that he's discussed  
18 here at this Inquiry with many individuals by his own  
19 admission and I'm deeply troubled by that.

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

21                   **MR. ENGELMANN:** So let's go to another  
22 assertion you've just ---

23                   **MR. VAN DIEPEN:** Well, I ---

24                   **MR. ENGELMANN:** --- made, sir. You're --  
25 you're aware of the fact ---

1 MR. VAN DIEPEN: --- Mr. Neville ---

2 MR. ENGELMANN: Sir ---

3 MR. VAN DIEPEN: Sir, Mr. Neville ---

4 MR. ENGELMANN: --- you're here to answer  
5 questions.

6 MR. VAN DIEPEN: Mr. Neville wishes to  
7 speak.

8 MR. ENGELMANN: I'm sure he does.

9 MR. NEVILLE: I certainly do. I arrived  
10 here, Mr. Commissioner, almost at nine-thirty sharp and the  
11 person who approached me to discuss this area was his  
12 counsel.

13 THE COMMISSIONER: M'hm.

14 MR. NEVILLE: And as we finished our  
15 conversation, Mr. van Diepen came out of the side door and  
16 approached us as we finished. I did not discuss any  
17 details with him, I discussed them with his counsel,  
18 period. He was there as we finished our conversation and  
19 I'm sure Mr. Westdal will confirm that.

20 MR. CHISHOLM: Good morning, sir. I'll tell  
21 you what I have to say.

22 I was sitting at my table. Mr. van Diepen  
23 called me over and indicated that he wanted to revisit his  
24 evidence and asked me about what the duty to report was in  
25 1976. At that time, I sought out Mr. Westdal and directed

1 my comments to Mr. Westdal, but I -- I would not say that I  
2 was discussing Mr. van Diepen's evidence with him.

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

4 Mr. Engelmann, why don't we take a short  
5 break?

6 **MR. ENGELMANN:** Sure.

7 **THE COMMISSIONER:** Let's take 15 minutes.

8 Sir, and you are not to discuss your  
9 testimony with anyone.

10 **MR. VAN DIEPEN:** All right. Thank you, Your  
11 Honour.

12 **THE REGISTRAR:** Order; all rise ---

13 **THE COMMISSIONER:** Nor are you to ask  
14 questions.

15 **MR. VAN DIEPEN:** I'm sorry?

16 **THE COMMISSIONER:** Nor are you to ask  
17 questions of anyone associated with this Inquiry. You have  
18 a lawyer; he's representing you; you speak with him; all  
19 right? Well, don't speak with him during your testimony  
20 but after it's finished, you can talk to him then; all  
21 right?

22 **MR. VAN DIEPEN:** Thank you, Your Honour.

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

25 This hearing will resume at 10:20 a.m.

1 --- Upon recessing at 10:04 a.m. /

2 L'audience est suspendu à 10h04

3 --- Upon resuming at 10:23 a.m. /

4 L'audience est reprise à 10h23

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

7 **THE COMMISSIONER:** Mr. van Diepen, I have a  
8 few comments to make and so I want you to take them in the  
9 best of ways.

10 First of all, I certainly do not doubt that  
11 if there was a transgression in your speaking to your  
12 lawyer and him -- and you speaking to others that I -- I  
13 find that it was done, I have no doubt that it was done in  
14 good faith; that you didn't mean any harm by it; and that  
15 you thought that you were doing the right thing. All  
16 right; so there's that.

17 **MR. VAN DIEPEN:** Thank you, Your Honour.

18 **THE COMMISSIONER:** But now I'll read you  
19 Rule 25; okay?

20 Rule 25 says:

21 "Except with the permission of the Commissioner, no counsel  
22 other than Commission counsel may speak to a witness about  
23 the evidence that he or she has given until it is complete.  
24 Commission counsel may not speak to any witness about his  
25 or her evidence while the witness is being cross-examined

1 by other counsel."

2 Now, I understand that there may be a gray  
3 area here about you weren't asking about the evidence, you  
4 were asking about procedure; all right? But in telling of  
5 the procedure, you had to tell them about the evidence that  
6 you were questioning and there lies the problem; all right?

7 **MR. VAN DIEPEN:** Yes, Your Honour.

8 **THE COMMISSIONER:** And so in the future --  
9 and I will -- and I guess well, I'm going to have to tell  
10 that to all of the witnesses that the proper way to do it  
11 would be to say to your lawyer, "I have a problem here."  
12 That's it. He's not sending a post-it note about what the  
13 evidence is all about and he can speak to Mr. Engelmann and  
14 they'll figure things out. That's number one.

15 Number two, I quite understand your feelings  
16 with respect to how you're feeling. You're in a tough  
17 position obviously; tough because you're going to have some  
18 hard questions to answer; all right? You're not on trial  
19 here. One of the reasons why we have a counselling program  
20 here is to help all people so I would -- and that applies  
21 to witnesses; it applies to me; it applies to everyone  
22 that's been touched by this thing.

23 So, please, if you feel that you need it,  
24 please take advantage of it.

25 The other thing I've got to say is that no

1 one is asking unfair questions. All right? You may feel  
2 that way and that's something that we all have to work with  
3 in trying to minimize that but hard questions have to be  
4 asked.

5 You have a lawyer here. He's representing  
6 your interests and if there's something in there that is  
7 wrong, he will object.

8 Now, the press; we are all suffering from  
9 the slings and arrows of the press. They're trying to do  
10 their job and they have a right to report on all of this.

11 I'm going to ask you one thing which I've  
12 asked all of the people and it's tough because I'm the one  
13 who's going to make the findings here and I'm not going to  
14 make any findings until the end of the Inquiry.

15 And so in the meantime, we have to suffer  
16 the slings and arrows of what's going on in the newspaper  
17 but we are not -- I will not participate in that and I've  
18 asked all of the people involved in all of this to wait  
19 until the end.

20 Now, what I'm going to ask Mr. Engelmann to  
21 do is to review with you where you feel that he has asked  
22 you an improper question. I can tell you that I don't  
23 think that there's been an improper question. I think  
24 we'll just go over that and see where we can get with it.  
25 All right?



1                   So, again, I really want you to know that  
2                   all of the witnesses here have been treated with respect  
3                   and dignity, and I insist that that continues.

4                   I think that's -- that's about all I really  
5                   want to say. So, is there anything that you need to tell  
6                   me arising out of what I told you?

7                   **MR. VAN DIEPEN:** Your Honour, I'm here to  
8                   clear my name and to set the record straight and to provide  
9                   you with all the information that I can possibly provide  
10                  you with.

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

12                  **MR. VAN DIEPEN:** If the nature of the  
13                  questions are directed and come to me as if they were a  
14                  cross-examination rather than an Examination of Chief, I am  
15                  put on the defensive and I become uncomfortable and,  
16                  therefore, my emotional state rises and I cannot -- I  
17                  cannot -- I don't have the psychological energy to draw on  
18                  events that occurred more than 30 years ago.

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

20                  **MR. VAN DIEPEN:** And I think -- I think it's  
21                  unfair to me but also to the victims that need to hear what  
22                  happened.

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

24                  **MR. VAN DIEPEN:** And so I can only do what I  
25                  can humanly possibly do, Your Honour, and I'm just not --

1 some of the questioning style was just -- I feel was  
2 inappropriate because I don't have the -- I don't have the  
3 benefit of counsel and that's the ---

4 **THE COMMISSIONER:** Well, you have the  
5 benefit.

6 **MR. VAN DIEPEN:** Well, I can't review  
7 evidence with him, Your Honour, and I -- so I'm alone, and  
8 if Mr. Engelmann was helping me in bringing the evidence  
9 forward then I would be much more comfortable in providing  
10 the information to His Honour.

11 **THE COMMISSIONER:** Let me just say one  
12 thing. You may be here to clear your name; right, but I'm  
13 here to hear your evidence.

14 **MR. VAN DIEPEN:** Yes.

15 **THE COMMISSIONER:** So whether your name is  
16 cleared or not, that's something I'm going to deal with,  
17 maybe, at the end. All right?

18 I'm just here to get the best evidence so  
19 whether you're here to clear your name or for any other  
20 reason, that's a background issue for me. You have to  
21 understand that. You understand that you're going to be  
22 cross-examined by folks.

23 **MR. VAN DIEPEN:** Oh, I understand that.

24 **THE COMMISSIONER:** All right. So bottom  
25 line is, what you're saying is the style and -- where you

1 got -- you probably know a lot about the law if you know  
2 what cross-examination is -- and the rules on examination.  
3 I sure hope your lawyer didn't tell you that on the weekend  
4 or yesterday but we'll deal with that.

5 Anyways, I think the issue is over for now  
6 and Mr. Engelmann is going to ask you some questions about  
7 -- go over the evidence with respect to that 17 year old  
8 and where you felt that it was unfair and then we'll -- so  
9 you understand, though, that there may be some spots where  
10 the evidence is what the evidence is and that's up to me to  
11 interpret, all right, and it's not up to you to give me  
12 conclusions. All right?

13 **MR. VAN DIEPEN:** Thank you, Your Honour.

14 **THE COMMISSIONER:** Okay. So now what I will  
15 do though is I want to also tell you that during the rest  
16 of your examination, all right, if you feel that things are  
17 emotionally for you -- you know, so that's a separate thing  
18 about your lawyer and anything else and you're saying  
19 you're there; you're all alone, well, you're not because  
20 you can always talk to me live, right here, in front of  
21 everybody and just say "Stop, I need a break" or "I need to  
22 do something" and I'm here to give you directions on how to  
23 help you deal with that.

24 **MR. VAN DIEPEN:** Thank you, Your Honour.

25 **THE COMMISSIONER:** Is that all right?

1                   **MR. VAN DIEPEN:** Yes, Your Honour.

2                   **THE COMMISSIONER:** Mr. --- yes?

3                   **MR. WESTDAL:** Thank you for your comments  
4 and I am sorry that the manner in which this has arisen  
5 regarding speaking to counsel; raising the names of other  
6 counsel. It was an awkward weekend for me as a solicitor  
7 to a client knowing that I cannot discuss evidence. I did  
8 my best to advise the client without breaching the Rules.

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

10                  **MR. WESTDAL:** I appreciate your comments  
11 that if there was a -- there's possibly a grey area. If  
12 there was a transgression, you accept that it was done in  
13 good faith.

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

15                  **MR. WESTDAL:** Let me assure you that that's  
16 the case but I will also say if there was a transgression,  
17 then I do apologize to this hearing. I genuinely do.

18                   I also want to make the comment, and I think  
19 this is very important, that the names of Mr. Chisholm and  
20 Mr. Neville were raised this morning and they have in no  
21 way breached their roles to the Court and it's very awkward  
22 for them.

23                  **THE COMMISSIONER:** Sure.

24                  **MR. WESTDAL:** And I -- you know, I think  
25 it's been a difficult, I'd say, last half an hour for them

1           because they're placed in a very awkward position where  
2           discussion comes up, and I really don't want a cloud or  
3           there be a nagging suspicion that those two counsel have in  
4           any way done anything improper.

5                       **THE COMMISSIONER:** Well, if I wasn't clear  
6           on that, and I should be, is I think that from what I  
7           understand of all that happened here, all right, Mr.  
8           Neville and Mr. Chisholm are --- dealt with the matter in  
9           an honourable way and there's no cloud on that whatsoever.

10                      Let me just close this all off by saying  
11           that -- and put it to bed once and for all, the matter has  
12           been dealt with. I appreciate everyone's candid views on  
13           the matter. It's done. Let's carry on. All right?

14                      **MR. WESTDAL:** Thank you.

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

16                      **MR. ENGELMANN:** Mr. van Diepen, you  
17           understand that you are in a unique situation as a witness  
18           here in that you worked with both Mr. Barque and Mr.  
19           Seguin. Fair enough?

20                      **MR. VAN DIEPEN:** That's the nub of the  
21           issue.

22                      **MR. ENGELMANN:** Yes. And what we're trying  
23           to do is ask you, in the main, questions about things  
24           you've already said. Do you understand that?

25                      **MR. VAN DIEPEN:** Yes.

1                   **MR. ENGELMANN:** All right. And you also  
2 understand that at the end of every witness' evidence --  
3 because I know you've read some this, that Commission  
4 counsel gives the witness an opportunity to talk about some  
5 of the effects this had had on them personally and also to  
6 make recommendations? You realize you'll have that  
7 opportunity?

8                   **MR. VAN DIEPEN:** Yes.

9                   **MR. ENGELMANN:** Now, sir before we broke,  
10 you suggested that, in my questions I had, I believe, used  
11 misleading facts or misleading allegations. I just want to  
12 go back to that because I'd like to clear that up if we  
13 could.

14                   **THE COMMISSIONER:** And I've instructed him  
15 to do that.

16                   **MR. ENGELMANN:** So where were the concerns?

17                   **MR. VAN DIEPEN:** Well ---

18                   **MR. ENGELMANN:** Which -- I think you said  
19 "misleading facts" but I may be wrong.

20                   **MR. VAN DIEPEN:** We -- you referred to  
21 inappropriate sexual behaviour. And you implied that there  
22 was inappropriate sexual behaviour that I knew about, and I  
23 should have done more.

24                   **THE COMMISSIONER:** Okay.

25                   **MR. ENGELMANN:** All right. Is there

1 anything else?

2 **MR. VAN DIEPEN:** I can't think of anything  
3 right now.

4 **THE COMMISSIONER:** There was the duty to  
5 report, but we covered that before the break in the sense  
6 that he asked you whether or not you had any concerns that  
7 other children may be at risk, and you said "Yes." And you  
8 didn't report to the Children's Aid Society.

9 Okay?

10 **MR. ENGELMANN:** Was there any -- so that's  
11 what you are concerned about.

12 **MR. VAN DIEPEN:** I'm sure there were some  
13 other things that I'm -- my mind's blank right now, Mr.  
14 Engelmann.

15 **MR. ENGELMANN:** All right.

16 Because I just want to make sure if you're  
17 suggesting that anything I asked you is misleading, I'd  
18 like to clear it up.

19 **MR. VAN DIEPEN:** I ---

20 **MR. ENGELMANN:** So ---

21 **MR. VAN DIEPEN:** I think I've -- I hope that  
22 I've outlined -- I've corrected my evidence from Friday and  
23 provided it -- presented it in the light in which I  
24 intended to present it.

25 **MR. ENGELMANN:** All right.

1                   **THE COMMISSIONER:** No, I think we have to go  
2           -- I'm sorry. Yeah.

3                   No, what -- I think we have to go back to  
4           that page ---

5                   **MR. ENGELMANN:** I'm happy to do that, sir.  
6           And I'll ----

7                   **THE COMMISSIONER:** That's at page 98 or --  
8           Madam Clerk, can I have the transcript? Can I give it  
9           away?

10                  **MR. VAN DIEPEN:** Page 96.

11                  **THE COMMISSIONER:** Okay. And I think it's  
12           where you have said -- you were talking about a 17 year old  
13           comes to your office, he's angry. He tells you, "I'm not  
14           going back there." He describes Father MacDonald as being  
15           -- well, what were your words ---

16                  **MR. ENGELMANN:** Sir, I think the best thing  
17           to do is, if we go back to Mr. van Diepen's own words.

18                  **THE COMMISSIONER:** Yes, exactly.

19                  **MR. ENGELMANN:** And that's in his statement  
20           of the time.

21                  **THE COMMISSIONER:** No, but in the  
22           transcript, I mean.

23                  **MR. ENGELMANN:** Well, he was asked a number  
24           of questions arising from his statement and I think the  
25           facts ---



1 THE COMMISSIONER: Okay.

2 MR. ENGELMANN: --- that were given to him  
3 are set out ---

4 THE COMMISSIONER: All right.

5 MR. ENGELMANN: --- or, he sets them out in  
6 the statement.

7 THE COMMISSIONER: All right, fair enough.  
8 Fair enough.

9 MR. ENGELMANN: So let's go back to -- it's  
10 Exhibit 1063, or Exhibit 1175, either the handwritten  
11 version or the typed version; your choice, sir.

12 I don't think there's any change on this  
13 issue; any significant change, anyway, so ---

14 THE COMMISSIONER: Hold it.

15 MR. ENGELMANN: So if I understand from you  
16 this morning ---

17 THE COMMISSIONER: I don't have that. It's  
18 1175? Sorry. Okay.

19 MR. ENGELMANN: The discussion in 1175  
20 starts on the second page, and it starts with the words,  
21 "In 1976."

22 THE COMMISSIONER: Remembering we're not  
23 supposed to mention the probationer's name.

24 MR. VAN DIEPEN: Yes, Your honour.

25 MR. ENGELMANN: Okay, now just before we get

1 into it, you told us this morning that this interview was  
2 not just about suspicions or concerns about Mr. Seguin's  
3 death. You were also being asked about any inappropriate  
4 sexual behaviour on his part.

5 Is that correct?

6 **MR. VAN DIEPEN:** That's correct.

7 **MR. ENGELMANN:** And you weren't being asked  
8 at that time, about any inappropriate sexual behaviour on  
9 the part of Mr. Barque, or were you?

10 **MR. VAN DIEPEN:** I'd have to review the  
11 statement. I gave -- I've given so many statements over  
12 the years, and to so many different parties, I don't -- I  
13 may have -- there may have been some discussion about Mr.  
14 Barque; I don't recall.

15 **MR. ENGELMANN:** I know there was a  
16 discussion about Mr. Barque in the statement; we've gone  
17 through all of that.

18 **MR. VAN DIEPEN:** Okay.

19 **MR. ENGELMANN:** And we went through that in  
20 the '94 statement, we went through it in the '98 statement,  
21 and we went through it in your statement to Mr. Downing.

22 **MR. VAN DIEPEN:** Okay.

23 **MR. ENGELMANN:** But what I'm saying is the  
24 purpose, when the OPP officers came to see you in 1994 and  
25 they interviewed you at your office, this would have been

1 within two months of Mr. Seguin's death.

2 MR. VAN DIEPEN: Right.

3 MR. ENGELMANN: Al right? Or approximately  
4 two months after he died. And my understanding was -- and  
5 you've corrected me, my understanding was they were going -  
6 - they were talking to people about suspicious  
7 circumstances or circumstances surrounding his death.

8 I understood that they were talking to  
9 people about a possible extortion by Mr. Silmser, against  
10 Mr. Seguin but that wasn't your recollection of something  
11 they would have said to you. And you've also told us that  
12 they were also interested in knowing about any  
13 inappropriate sexual behaviour on the part of Mr. Seguin.

14 That's what you told us this morning.

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: And do you recall if there  
17 was anything else? Did they ask -- I mean, just at the  
18 beginning of the interview, as to the purpose of the  
19 interview? I know you got into things about Mr. Barque.

20 MR. VAN DIEPEN: I ---

21 MR. ENGELMANN: Were they looking for  
22 inappropriate behaviour on the part of collages, as well?

23 MR. VAN DIEPEN: I -- they were looking -- I  
24 think they were looking -- they were, if memory serves me  
25 right, they were looking for any evidence or any knowledge

1           that I had about any inappropriate sexual behaviours, not  
2           only within our office, but in the community at large.

3                   **MR. ENGELMANN:** All right. And they wanted  
4           to know what you knew?

5                   **MR. VAN DIEPEN:** Exactly.

6                   **MR. ENGELMANN:** All right.

7                   So you brought up the issue about the 17-  
8           year-old probationer?

9                   **MR. VAN DIEPEN:** That's correct.

10                  **MR. ENGELMANN:** They had no information  
11           about that?

12                  **MR. VAN DIEPEN:** That's correct.

13                  **MR. ENGELMANN:** And what you told us this  
14           morning is, if you hadn't brought it up, you don't think  
15           they would have known about it.

16                  **MR. VAN DIEPEN:** Exactly.

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

18                  And what you were told about this issue by  
19           that 17 year old back then -- and I just want to use your  
20           words. You had sent him there on Nelson's suggestion to  
21           live with Father Charlie, correct?

22                  **MR. VAN DIEPEN:** That's correct.

23                  **MR. ENGELMANN:** It wasn't your idea; it was  
24           your colleague's idea.

25                  **MR. VAN DIEPEN:** Yes.

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

2                   You say:

3                   "He landed on my doorstep and he didn't want to stay  
4                   there."

5                   Correct?

6                   **MR. VAN DIEPEN:** That's correct.

7                   **MR. ENGELMANN:** And this is being related to  
8                   you by the 17 year old.

9                   **MR. VAN DIEPEN:** That's right.

10                  **MR. ENGELMANN:** "He said that Father  
11                  Charlie was a queer."

12                  Those weren't your words; those were his  
13                  words to you?

14                  **MR. VAN DIEPEN:** That's correct.

15                  **MR. ENGELMANN:** "He liked little boys."

16                  So he's telling you Father Charlie's a queer  
17                  and he likes little boys. Those are his words.

18                  **MR. VAN DIEPEN:** Yes.

19                  **MR. ENGELMANN:** All right.

20                  "But never specified."

21                  Right? That's what I've read.

22                  "He said once he was sleeping on his bed, woke up and  
23                  Father Charlie was sitting on his bed, but wouldn't say  
24                  anything more."

25                  Those are his words to you; but when you say

1 "Wouldn't say anything more," he wouldn't say anything more  
2 to you and you didn't press him.

3 **MR. VAN DIEPEN:** I did press him.

4 **MR. ENGELMANN:** Yeah. So sir, if you didn't  
5 think at the time that this might have been inappropriate  
6 sexual behaviour, why did you raise it with the OPP.

7 **MR. VAN DIEPEN:** I raised it with the OPP  
8 because I wanted to -- the OPP to know everything that I  
9 knew. Whether or not it was inappropriate sexual  
10 behaviour, if they investigated and, in fact, there was  
11 inappropriate sexual behaviour, I wished the OPP to know  
12 about it.

13 If there was no inappropriate sexual  
14 behaviour, I still wished the OPP to know about it, but I  
15 wanted to provide them with all the information that I had  
16 at hand, regardless of whether or not there was any kind of  
17 breach there.

18 **MR. ENGELMANN:** All right. And so ---

19 **MR. VAN DIEPEN:** And from my understanding,  
20 the client indicated to me there was no physical contact.

21 **MR. ENGELMANN:** Well, let's -- we'll come to  
22 that in a minute. I just -- you've told us that the OPP  
23 wanted to know not just about any inappropriate sexual  
24 behaviour on the part of Mr. Seguin but any inappropriate  
25 sexual behaviour you might have known about.

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. ENGELMANN:** So clearly, when you related  
3 this to the OPP in February of 1994 you were concerned that  
4 this might have been inappropriate sexual behaviour?

5                               Correct?

6                   **MR. VAN DIEPEN:** No -- I don't believe there  
7 was inappropriate sexual behaviour. I just -- my feeling  
8 was it was behaviour which as a adult male would certainly  
9 -- I, as an adult male, would not have done that.

10                               Now it may have been very innocent at the  
11 time; I did not know Father MacDonald's background. It  
12 could have well been very innocent, late night counselling  
13 on an issue that happened of the day to which that -- that  
14 the client reacted to, but I don't know that. I know that  
15 there was -- all I know is that there was a sitting on the  
16 edge of the bed -- I don't know where in relation Father  
17 MacDonald sat on the bed and I know that there was no  
18 physical contact.

19                   **MR. ENGELMANN:** You knew there was no  
20 physical contact but this is what you told the OPP 18 years  
21 later?

22                   **MR. VAN DIEPEN:** That's my statement, yes.

23                   **MR. ENGELMANN:** Why didn't -- if you knew  
24 there was no physical contact, why didn't you say that to  
25 the OPP?

1                   **MR. VAN DIEPEN:** I didn't -- I'm sure I told  
2                   the police that. We're -- you -- I think you have some  
3                   time lines, Mr. Engelmann, as to the length of the  
4                   interview. I mean, I described in great detail what took -  
5                   - what might -- what was in my memory at the time. And it  
6                   was condensed to, I think, two sentences or one paragraph.

7                   **MR. ENGELMANN:** So, you're -- again, I'm  
8                   just -- you're the one who told us that you had no reason  
9                   to bring this forward -- or they -- nobody would have known  
10                  if you hadn't brought this forward.

11                  **MR. VAN DIEPEN:** That's right.

12                  **MR. ENGELMANN:** And what I thought you were  
13                  just going to say to us is, you weren't sure whether there  
14                  was inappropriate sexual behaviour or not and you wanted  
15                  them to find out.

16                  **MR. VAN DIEPEN:** No, I just told -- I told  
17                  them what I knew. I told them about handcuffs. I mean,  
18                  the handcuffs in -- did not -- are not -- as -- correct me  
19                  if I'm wrong, I don't believe that to be any kind of sexual  
20                  act or whatever -- I just told them what I knew. I told  
21                  them everything I knew.

22                  I just said, here's everything I know,  
23                  police officers, and I -- we had a -- you know it was some  
24                  two hour conversation. And I just basically told them  
25                  everything that I knew as -- whether it was good, bad or



1 indifferent. And they could, if they saw that -- if it --  
2 they wanted to know everything that they could -- I would  
3 possibly know so that it could possibly lead them in  
4 certain directions.

5 MR. ENGELMANN: All right. So you're saying  
6 you told them about handcuffs at this time?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: You told them that there was  
9 no physical contact between Father Charlie and this  
10 probationer?

11 MR. VAN DIEPEN: That's correct.

12 MR. ENGELMANN: They just didn't write that  
13 down here.

14 MR. VAN DIEPEN: Well, I -- the  
15 conversation, if memory serves me right, the conversation  
16 about the -- this client and the incident in 1976 took much  
17 longer than the time it takes for you to read that one  
18 little snippet.

19 MR. ENGELMANN: Oh, oh, fair enough. I mean  
20 you were with them almost two hours.

21 MR. VAN DIEPEN: Exactly.

22 MR. ENGELMANN: So more was said than we  
23 have here.

24 MR. VAN DIEPEN: Exactly.

25 MR. ENGELMANN: And if there's something

1 that you think is important that's not here, then that's  
2 why we're here.

3 MR. VAN DIEPEN: Yes.

4 MR. ENGELMANN: All right. Because we're  
5 looking at institutional response, and that includes how  
6 the OPP do things, et cetera.

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: All right. So by this point  
9 February of 1994 you were aware of other allegations  
10 involving Father Charlie, were you not?

11 MR. VAN DIEPEN: I -- I ---

12 MR. ENGELMANN: Let me try and refresh your  
13 memory.

14 MR. VAN DIEPEN: I don't -- I don't whether  
15 it was '94 -- what I knew in 1994 -- what I know now, yes.

16 MR. ENGELMANN: No, but you were already  
17 aware by February 1994 that Mr. Silsmer had made  
18 allegations against Father Charlie.

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: Were you not?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: You knew that from Malcolm  
23 MacDonald?

24 MR. VAN DIEPEN: Yes, that's correct.

25 MR. ENGELMANN: All right. And you knew

1           that Mr. Silmsers was a former probationer?

2                           **MR. VAN DIEPEN:**    Yes.

3                           **MR. ENGELMANN:**   And you knew as well by  
4           February of 1994 that he made allegations or had made  
5           allegations that he was sexually abused by Ken Seguin as a  
6           probationer.  You knew that?

7                           **MR. VAN DIEPEN:**   Well, I don't believe I  
8           knew that -- I knew that there was -- I knew that Mr.  
9           Seguin was in -- there was some sort of investigation of  
10          Mr. Seguin involving Silmsers.  I don't know what that --  
11          what the nature of that investigation entailed.

12                          **MR. ENGELMANN:**   But, you knew from Father --  
13          I'm sorry -- you knew from Malcolm MacDonald that Silmsers  
14          had made allegations against Ken Seguin.

15                          **MR. VAN DIEPEN:**    Yes.

16                          **MR. ENGELMANN:**   And that those were  
17          allegations of sexual abuse while he was a probationer?

18                          **MR. VAN DIEPEN:**   I don't -- I don't believe  
19          I knew the exact extent of -- I knew there was something  
20          but I don't know -- I -- at that time I didn't know the  
21          extent of the allegations.  And you know -- I know there --  
22          I know there was something -- I knew it was of some sexual  
23          nature but whether or not there was an actual physical  
24          abuse, there was sexual abuse, there was -- or the nature  
25          of that abuse at that time I was not aware of it.

1                   **MR. ENGELMANN:** All right. Well the -- at  
2                   least whatever we have, from what you said in 1994, is  
3                   going to be more -- an accurate reflection of what you knew  
4                   ---

5                   **MR. VAN DIEPEN:** Right.

6                   **MR. ENGELMANN:** --- than your memory today.

7                   **MR. VAN DIEPEN:** Well, at this point I still  
8                   do not know the exact nature of the sexual contact between  
9                   Mr. Silmser and Seguin.

10                  **THE COMMISSIONER:** Can we at least say that  
11                  after the 17 year old told you that, you were worried?

12                  **MR. VAN DIEPEN:** In the -- yes.

13                  **THE COMMISSIONER:** You were angry with  
14                  Barque for having put him there?

15                  **MR. VAN DIEPEN:** Yes.

16                  **THE COMMISSIONER:** Okay. And you followed  
17                  up with the probationer on several times to try to get him  
18                  to talk to you about what happened?

19                  **MR. VAN DIEPEN:** Yes, Your Honour.

20                  **THE COMMISSIONER:** So, would it be fair to  
21                  say that at the very least you were suspicious or concerned  
22                  that something might have happened?

23                  **MR. VAN DIEPEN:** I was concerned -- if I  
24                  could rephrase your question?

25                  **THE COMMISSIONER:** M'hm. Yes.

1                   **MR. VAN DIEPEN:** I was concerned that  
2 something possibly could have happened.

3                   **THE COMMISSIONER:** To the point where you  
4 asked Seguin, "Is Father Charlie gay?"

5                   **MR. VAN DIEPEN:** That is correct.

6                   **THE COMMISSIONER:** All right. So your  
7 concern would have been towards a sexual impropriety?

8                   **MR. VAN DIEPEN:** That is correct.

9                   **THE COMMISSIONER:** Okay. Okay.

10                  **MR. ENGELMANN:** And that's why you told us  
11 you were upset with Nelson Barque for putting one of your  
12 clients at risk.

13                  **MR. VAN DIEPEN:** That's correct.

14                  **MR. ENGELMANN:** All right. I think I've  
15 covered it now, sir. So let's go back to where I wanted to  
16 start and that was ---

17                  **THE COMMISSIONER:** Are you okay now with  
18 everything? Well, you're okay with that area?

19                  **MR. VAN DIEPEN:** I think so, Your Honour,  
20 yes.

21                  **MR. ENGELMANN:** Is there anything else that  
22 you remember during the course of your examination where  
23 you think a misleading factor or allegation was put to you,  
24 please let me know and I'll cover it.

25                  **MR. VAN DIEPEN:** Thank you.

1                   **MR. ENGELMANN:** So when we left off on  
2                   Friday, there was a discussion about missing documents.  
3                   You've now told us that there were some additional  
4                   documents that you believe existed.

5                   **MR. VAN DIEPEN:** Yes.

6                   **MR. ENGELMANN:** And the reason that I was  
7                   turning you to your e-mail of September 7<sup>th</sup> ---

8                   **THE COMMISSIONER:** Right, okay. What ---

9                   **MR. ENGELMANN:** --- I'm just going to try  
10                  and remember -- I believe it's Exhibit Number 1177, yes. I  
11                  wanted you to take a look at that, sir, because what I  
12                  wanted to know was whether or not there were other issues  
13                  that you were concerned about?

14                  Because the two issues that seem to come out  
15                  loud and clear here are that you're concerned that the  
16                  Ministry is having someone in to investigate you or to ask  
17                  you questions -- this is a Mr. Downing. I don't know if  
18                  his name is mentioned but that's the first paragraph when  
19                  you say, "this has created just a few problems for me."  
20                  And in the context you are concerned that you are being  
21                  investigated and you're not being provided with a lawyer.

22                  And then in the next paragraph, you're  
23                  concerned that you want to take some action because of this  
24                  Project Truth website and you've talked to some prosecutors  
25                  and you want a lawyer or you want the Ministry to do

1 something about it.

2 I don't mean to narrow your concerns. I'm  
3 just trying to summarize what they were. Do I have the  
4 crux of your concerns?

5 **MR. VAN DIEPEN:** In so many words, yes.

6 **MR. ENGELMANN:** Okay. So although there  
7 maybe other documents that we don't have, would those  
8 documents deal with additional concerns or would they be  
9 other documents dealing with these concerns, to your  
10 knowledge?

11 **MR. VAN DIEPEN:** The -- primarily the  
12 concerns of Ministry's lack of support.

13 **MR. ENGELMANN:** And when you say "lack of  
14 support", you don't mean lack of EAP or counselling, you  
15 mean lack of support in the form of a lawyer or lawyers  
16 taking some action on your behalf?

17 **MR. VAN DIEPEN:** My inability to respond to  
18 the allegations in the website were, in my opinion, a  
19 presumption of guilt.

20 **MR. ENGELMANN:** By Ministry officials  
21 concerning you in those allegations?

22 **MR. VAN DIEPEN:** Both, both the Ministry and  
23 the public.

24 **MR. ENGELMANN:** All right. Now, did you  
25 eventually get a lawyer from the Ministry?

1                   **MR. VAN DIEPEN:** No, I did not.

2                   **MR. ENGELMANN:** And, sir, did that concern  
3                   you?

4                   **MR. VAN DIEPEN:** Yes, extremely so.

5                   **MR. ENGELMANN:** All right. I believe you  
6                   told us that officials at some other institutions were  
7                   provided with counsel and you weren't?

8                   **MR. VAN DIEPEN:** Yes, I believe other  
9                   agencies responded proactively.

10                  **MR. ENGELMANN:** And you believe that your  
11                  employer treated you adversely?

12                  **MR. VAN DIEPEN:** That's correct.

13                  **MR. ENGELMANN:** All right. Is there  
14                  anything else about the website issue, I mean -- and you'll  
15                  have a chance to comment on this, sir, at the end when I  
16                  ask you about effect and recommendations -- is there  
17                  anything else about the website issue, aside from the  
18                  Downing investigation and interview because I'll come to  
19                  that ---

20                  **MR. VAN DIEPEN:** M'hm.

21                  **MR. ENGELMANN:** --- in just a minute, but is  
22                  there anything else before you are investigated by Mr.  
23                  Downing that we've missed; that the Ministry, in your view,  
24                  should have done?

25                  **MR. VAN DIEPEN:** Well, the Ministry had a



1 legal opinion ---

2 MR. ENGELMANN: Yes?

3 MR. VAN DIEPEN: --- a lengthy document of  
4 several pages outlining that I had a *prima facie* case for  
5 legal representation, the Ministry's own lawyers.

6 MR. ENGELMANN: And you know that because  
7 they shared that with you?

8 MR. VAN DIEPEN: That's correct.

9 MR. ENGELMANN: And in spite of that, they  
10 didn't provide you with a lawyer?

11 MR. VAN DIEPEN: That's correct.

12 MR. ENGELMANN: Did they give you a reason  
13 why they didn't follow that opinion?

14 MR. VAN DIEPEN: I asked and that's part of  
15 the information that is missing because I said, "Well,  
16 look, you know, you have a legal opinion and I mean it's  
17 very clear as to the -- outlining the reasons why I should  
18 have a lawyer, outlining the -- that there is a precedent  
19 for situations like this, yet you are doing nothing. Why  
20 are you doing nothing? What more do you need from me to  
21 proceed with this?"

22 MR. ENGELMANN: How did they respond?

23 MR. VAN DIEPEN: They -- essentially, there  
24 was a stonewalling and at some later point I was told  
25 verbally that I would -- it would not happen.

1                   **MR. ENGELMANN:** All right, but were you ever  
2 given reasons from any of your supervisors or people higher  
3 up the chain as to why the Ministry decided not to follow  
4 this internal legal opinion?

5                   **MR. VAN DIEPEN:** No, because it was the --  
6 it was a sort of a chain of communication from higher-ups  
7 to down the line, and there was something to the effect --  
8 I was told that it wouldn't happen.

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

10                  **THE COMMISSIONER:** Tell me, what are the  
11 ministries you say that people got representation?

12                  **MR. VAN DIEPEN:** I believe there were a  
13 number of other individuals who were named in the website  
14 and some of those individuals took action resulting in the  
15 closing of the website.

16                  **THE COMMISSIONER:** M'hm. So who are they?

17                  **MR. VAN DIEPEN:** Offhand, You Honour, I  
18 don't recall.

19                  **MR. ENGELMANN:** Would these have been church  
20 officials, to your knowledge?

21                  **MR. VAN DIEPEN:** I believe church officials  
22 included, yes.

23                  **MR. ENGELMANN:** So that would be your reason  
24 for arguing that you were treated differently or adversely  
25 by your employer?

1                   **MR. VAN DIEPEN:** That's right.

2                   **MR. ENGELMANN:** So it was the lack of legal  
3 support to take some, I think you used the term "proactive  
4 challenge", to the website?

5                   **MR. VAN DIEPEN:** Yes.

6                   **MR. ENGELMANN:** It wasn't necessarily a lack  
7 of a lawyer or legal representation to deal with the  
8 investigation, the internal investigation?

9                   **MR. VAN DIEPEN:** Well, I certainly would  
10 have hoped that if I had legal counsel, I would have been  
11 able to discuss the matter at length and to help solicit a  
12 different response from the Ministry, as well as responding  
13 to the website itself.

14                   **MR. ENGELMANN:** All right. So let's talk a  
15 little bit about what the ministry was doing but, just  
16 before that, you told us on Friday about contacts that you  
17 had from a Mr. Nadeau?

18                   **MR. VAN DIEPEN:** Yes.

19                   **MR. ENGELMANN:** And what I want to ask you  
20 is if someone by the name of Chisholm attempted to contact  
21 you or did contact you; Carson Chisholm?

22                   **MR. VAN DIEPEN:** Yes.

23                   **MR. ENGELMANN:** And do you recall when  
24 approximately that was and give some description of what  
25 happened?

1                   **MR. VAN DIEPEN:** That was -- that was much  
2           later.

3                   **MR. ENGELMANN:** And when you say "much  
4           later" ---

5                   **MR. VAN DIEPEN:** Weeks, months.

6                   **MR. ENGELMANN:** Okay. So this would have  
7           been after the interview with Mr. Downing, which was in  
8           late September of 2000?

9                   **MR. VAN DIEPEN:** Possibly.

10                  **MR. ENGELMANN:** Do you remember how the  
11           contact came about?

12                  **MR. VAN DIEPEN:** He arrived on my doorstep  
13           at home.

14                  **MR. ENGELMANN:** He came to your house?

15                  **MR. VAN DIEPEN:** That's right.

16                  **MR. ENGELMANN:** And uninvited?

17                  **MR. VAN DIEPEN:** Yes.

18                  **MR. ENGELMANN:** All right. And do you  
19           recall -- was he on his own?

20                  **MR. VAN DIEPEN:** Was he?

21                  **MR. ENGELMANN:** On his own?

22                  **MR. VAN DIEPEN:** Yes, he was alone. Yes.

23                  **MR. ENGELMANN:** All right. And what  
24           happened?

25                  **MR. VAN DIEPEN:** Well, he came in and

1 described himself as a -- he was a private -- he was doing  
2 some private investigations on behalf of this group and he  
3 wanted to solicit information from me regarding what I knew  
4 about the alleged pedophile clan in the City of Cornwall.

5 MR. ENGELMANN: This group that he said he  
6 was acting for, was this the same group that Mr. Nadeau  
7 said he was acting for or do you know?

8 MR. VAN DIEPEN: I don't know.

9 MR. ENGELMANN: Did you even get very far in  
10 the conversation? What happened?

11 MR. VAN DIEPEN: Well, I ---

12 MR. ENGELMANN: Did you invite him in, for  
13 example?

14 MR. VAN DIEPEN: Well, he did come in and he  
15 stood inside the doorway, yes.

16 MR. ENGELMANN: This is at your home in St.  
17 Andrews?

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: All right.

20 MR. VAN DIEPEN: I knew Mr. Chisholm.

21 MR. ENGELMANN: Oh, okay.

22 MR. VAN DIEPEN: I knew he ---

23 MR. ENGELMANN: How did you know him?

24 MR. VAN DIEPEN: He lives -- he's a long-  
25 time resident in the outlining area of St. Andrews.

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

2                   **MR. VAN DIEPEN:** And so I essentially told  
3 him what, that -- you know, my position that I could not  
4 discuss a lot of the information that was known to me  
5 because I was in, potentially, in a conflict as a Ministry  
6 employee.

7                   I -- however, I did tell him that I was not  
8 aware of any pedophile clan and Mr. Chisholm's response was  
9 to the effect, "Oh, come on, you know more, and you're just  
10 not telling it" and all that. And at that time, I think,  
11 the exchange became less than pleasant and he departed.

12                   **MR. ENGELMANN:** All right. Was there any  
13 other contact between the two of you that you can remember  
14 about this issue?

15                   **MR. VAN DIEPEN:** Yes. There was a contact  
16 sometime later and that would have been a couple of years  
17 later. I was running a -- in the summertime, I was running  
18 a waterslide for the kids on the hill in St. Andrews, and  
19 basically just a plastic tarp with -- and we were squirting  
20 water on the plastic tarp so the kids could slide down this  
21 great big huge tarp, and Mr. Chisholm had brought his  
22 children there. I believe they were his children. I don't  
23 know his children.

24                   And he was sitting there, and there was --  
25 there were some -- I guess some -- there was an exchange

1 about, again, about, "Come on, you know something" and all  
2 that sort of stuff, and I just walked away from him.

3 MR. ENGELMANN: All right. So it was -- if  
4 there was a discussion, it was brief?

5 MR. VAN DIEPEN: Very brief.

6 MR. ENGELMANN: Any other contact?

7 MR. VAN DIEPEN: Nothing else comes to my  
8 mind.

9 MR. ENGELMANN: All right. So let's talk  
10 about what happens with Mr. Downing.

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: In September of 2000. And  
13 he has some notes which may help us with respect to dates.  
14 Exhibit 1064.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. ENGELMANN: Sir, if you look at page 5  
17 of those notes?

18 MR. VAN DIEPEN: The handwritten notes?

19 MR. ENGELMANN: Yes.

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: They're fairly easy to read.

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: Near the top of that page,  
24 there's a reference to September 13<sup>th</sup>, 2000. In the third  
25 line:

1 "Telephoned Jos van Diepen at the Cornwall P&P office."

2 THE COMMISSIONER: Hold it, hold it. What  
3 exhibit?

4 MR. ENGELMANN: Exhibit 1064.

5 THE COMMISSIONER: Yes.

6 MR. ENGELMANN: These are Mr. Downing's  
7 interview notes of his investigation. I'm at the top of  
8 page 5. Page 5 at the bottom. It's Bates page 1148324.

9 THE COMMISSIONER: Yeah.

10 MR. VAN DIEPEN: I don't have that.

11 MR. ENGELMANN: The Document Number is  
12 123486.

13 THE COMMISSIONER: Yep.

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: Oh, it's the second page 5  
16 so it's the Bates page is 1148324.

17 THE COMMISSIONER: One over.

18 MR. ENGELMANN: It should start -- the page  
19 should start with:

20 "September 13<sup>th</sup>, 2000 at 9:30, telephone Bill Roy."

21 Do you see that?

22 MR. VAN DIEPEN: Yes, I do.

23 MR. ENGELMANN: So on the third line down,  
24 there's a reference to telephoning you and he's informed he  
25 is on special assignment. Do you see that?



1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: So can you tell us, sir, by  
3 September 13<sup>th</sup>, 2000 were you still working in the Cornwall  
4 Probation and Parole Office?

5 MR. VAN DIEPEN: Yes, I believe I was.

6 MR. ENGELMANN: Okay. Do you know why there  
7 might be a reference to you being on special assignment?

8 MR. VAN DIEPEN: Well, the -- what happened  
9 was, I had -- I was about -- if I wasn't actually at the  
10 site in -- the IJ site, I was certainly about to be.

11 MR. ENGELMANN: IJ?

12 MR. VAN DIEPEN: The IJ -- Integrated  
13 Justice.

14 MR. ENGELMANN: All right.

15 MR. VAN DIEPEN: And that was as a result --  
16 I had charged an offender with a breach of probation for  
17 failing to report and his evidence -- or his defence was to  
18 the effect that he did not report to the probation office,  
19 specifically to me, because we were all a bunch of diddlers  
20 and he felt that his safety was at risk.

21 The -- at the time ---

22 MR. ENGELMANN: Let me just stop you for a  
23 second, sir. Is this in different words something you  
24 described in that long e-mail we just looked at?

25 MR. VAN DIEPEN: I don't know which long e-

1 mail ---

2 **MR. ENGELMANN:** Eleven-seventy-seven (1177).

3 **MR. VAN DIEPEN:** I don't know if it was in  
4 there, but I can tell -- I remember very clearly that there  
5 was an allegation that we were all diddlers and he felt his  
6 safety was at risk and that's why he didn't report.

7 At the time there was, for lack of better  
8 words, a rent-a-Crown, who took no action to ---

9 **THE COMMISSIONER:** A what?

10 **MR. VAN DIEPEN:** A rent-a-Crown -- there  
11 wasn't a regular Crown, your Honour, and they took no  
12 action and the case was ultimately dismissed. I went to  
13 the Crown Attorney and expressed my concerns to the Crown  
14 Attorney and so on and so forth.

15 I expressed my concerns to my supervisor at  
16 the time and, of course, these matters all went up the line  
17 and they felt that my capacity to -- my function as a  
18 probation officer certainly created some difficulties.

19 **MR. ENGELMANN:** All right. And so you've  
20 had discussions with your supervisor and/or his supervisor  
21 about where you should work and what you should do?

22 **MR. VAN DIEPEN:** Well, as a result of the  
23 communication with my supervisor, the regional manager at  
24 the time, Deborah Newman, came down and we had a meeting.

25 **MR. ENGELMANN:** All right. And as a result

1 of that meeting, what was decided?

2 **MR. VAN DIEPEN:** Well, as a result of that  
3 meeting, Ms. Newman suggested that my role -- continued  
4 role in the Cornwall office would be somewhat difficult and  
5 asked me if I would consider working elsewhere and that had  
6 been preceded by -- I mean, there was already some  
7 discussion about that and then she asked would I consider  
8 something else and I said, you know, what sort of thing  
9 were you considering.

10 She suggested that I -- asked me if I would  
11 want to work in Toronto for the Integrated Justice project.  
12 I don't know the actual -- I don't recall the actual start  
13 date of my work in -- at the Integrated Justice project,  
14 but it was in around the same time.

15 **MR. ENGELMANN:** All right. So they  
16 suggested it, you agreed and you were transferred to  
17 Toronto essentially?

18 **MR. VAN DIEPEN:** Essentially, yes.

19 **MR. ENGELMANN:** All right. Did you suggest  
20 it and they agreed or do you remember?

21 **MR. VAN DIEPEN:** No, they suggested it.

22 **MR. ENGELMANN:** All right. And this one  
23 incident with this one probationer was an example of why  
24 they thought there should be a transfer?

25 **MR. VAN DIEPEN:** Yes.

1                   **MR. ENGELMANN:** And presumably why you also  
2                   agreed to it?

3                   **MR. VAN DIEPEN:** Well, under the  
4                   circumstances, I didn't have -- there weren't ---

5                   **MR. ENGELMANN:** Did you have a choice?

6                   **MR. VAN DIEPEN:** There weren't very many  
7                   other options.

8                   **MR. ENGELMANN:** All right, all right. Okay,  
9                   and you remained there for how long, sir?

10                  **MR. VAN DIEPEN:** Well, the Integrated  
11                  Justice project wound down. There was some difficulties  
12                  with the -- implementing the entire concept of integrated  
13                  justice so that the only piece that came online with  
14                  respect to the Ministry was the electronic case notes  
15                  package referred to as "OTIS", however, the dove-tailing  
16                  with other stakeholders in the justice cluster never took  
17                  place. So there had been some cost over-runs and it became  
18                  a political football and they pulled the plug on that  
19                  project.

20                  As a result of my experience with Integrated  
21                  Justice, I was then asked to -- if I would work for the  
22                  technology group in North Bay. I worked in a number of  
23                  different areas with the technology group in North Bay.

24                  Until I was asked to -- they asked me to  
25                  continue to go to North Bay but they would not pay for my

1 expenses and I said, "What do you mean, you don't want to  
2 pay for my expenses?" Well, you know you're this, that and  
3 the other thing and they couldn't do it or they wouldn't do  
4 it and I -- so I say, "Well, no, you know, I can't -- do  
5 you want me to..."

6 I mean, it was so ludicrous. At one point  
7 they suggested I rent an apartment and that I go to yard  
8 sales and buy furniture and kitchen utensils at yard sales  
9 to stock my apartment and that I could travel back and  
10 forth on the weekends with a vacuum cleaner in the trunk of  
11 my car to vacuum my apartment.

12 **MR. ENGELMANN:** Where were you living at  
13 this time?

14 **MR. VAN DIEPEN:** I was living -- I was  
15 working -- I was living in my present address ---

16 **MR. ENGELMANN:** In Cornwall -- or St.  
17 Andrews?

18 **MR. VAN DIEPEN:** Yes. And then I would be  
19 working during the week in North Bay.

20 **MR. ENGELMANN:** All right. So you moved  
21 back -- you moved to Toronto to work for Integrated Justice  
22 or not?

23 **MR. VAN DIEPEN:** Well, I never moved, no.

24 **MR. ENGELMANN:** All right, but you ended up  
25 working there?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: You kept your residence in  
3 Cornwall?

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: Cornwall area?

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: Then you start working for  
8 the Ministry in North Bay?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: And that doesn't work  
11 presumably given what you're saying?

12 MR. VAN DIEPEN: That's right.

13 MR. ENGELMANN: So when does that end and  
14 you come back to your substantive position here in  
15 Cornwall? Approximately.

16 MR. VAN DIEPEN: It was in March ---

17 MR. ENGELMANN: Is this 2004 perhaps or do  
18 you recall?

19 MR. VAN DIEPEN: It was either 2004 or 2005.  
20 I don't remember but I know that ---

21 MR. ENGELMANN: All right; okay. So let's  
22 go back to the fall of 2000 then.

23 Mr. Downing, a couple of pages later in his  
24 notes at page 7 and there's only one page 7, I think,  
25 although it's hard to read the page numbers, but there's a

1 short paragraph that says:

2 "September 13, 2000, 1400h, telephone Jos van Diepen  
3 residence."

4 That's your home number or was?

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** He says he left a voice mail  
7 there and then again on the next page, page 8, at the  
8 bottom he's saying that he:

9 "Telephoned Jos van Diepen at his residence. Requested to  
10 meet with him. Jos said he wanted to cooperate, but that  
11 he had had..."

12 I'm not sure what that says.

13 **MR. VAN DIEPEN:** "Legal advice."

14 **MR. ENGELMANN:** "...received legal advice  
15 not to talk to anyone including Ministry officials until he  
16 retained a lawyer that he said would be paid for by the  
17 Ministry."

18 **MR. VAN DIEPEN:** That's correct.

19 **MR. ENGELMANN:** All right. Does this  
20 confirm with your recollection of your first call with Mr.  
21 Downing?

22 **MR. VAN DIEPEN:** Yes.

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

24 **MR. VAN DIEPEN:** I probably -- seeing that  
25 Mr. Downing phoned me at my residence, I believe that would

1 suggest that I was already at Integrated Justice at that  
2 point.

3 **MR. ENGELMANN:** All right. And it goes on  
4 onto the next page where he's saying:

5 "Explained to Jos that I need to meet with him and would  
6 consult and/or review his position. I suggested that I  
7 forward him a copy of a Ministry directive..."

8 -- and he lists it.

9 "...that outlines his responsibility as a Ministry employee."

10 Do you recall discussing that issue?

11 **MR. VAN DIEPEN:** Yeah, that's not quite the  
12 -- that's not quite the nature of the discussion.

13 **MR. ENGELMANN:** Okay. It goes on a bit  
14 further.

15 **MR. VAN DIEPEN:** Yeah.

16 **MR. ENGELMANN:** So just have a look at the  
17 whole thing. He says:

18 "I explained that I would be giving him an opportunity to  
19 explain and/or provide an explanation to information on  
20 Project Truth website that specifically mentions his name  
21 and provide any other relevant information that may assist  
22 me complete my assignment. Jos asked that I forward the  
23 material to the area manager in Cornwall. I also said that  
24 I wished to meet with him on September 28<sup>th</sup>, 2000."

25 **MR. VAN DIEPEN:** Yes.



1                   **MR. ENGELMANN:** All right. So that's his  
2 version of that conversation. Do you recall it at all  
3 differently than that?

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. ENGELMANN:** All right. So what do you  
6 recall about the conversation, sir?

7                   **MR. VAN DIEPEN:** Well, I recalled that I  
8 said, you know, this is -- this matter, at that time, I  
9 said I informed Mr. Downing, you know, this matter is  
10 probably going to come to some kind of an inquiry.

11                   At that time, I had -- I was of the personal  
12 opinion that there would -- this would result in a public  
13 inquiry. Having dealt with the project Jericho and the  
14 Alfred Training School things, I felt that there was -- you  
15 know, certainly at this point ample evidence to suggest  
16 that this was going to go much further.

17                   **MR. ENGELMANN:** Was there some public talk  
18 at the time of an inquiry ---

19                   **MR. VAN DIEPEN:** No.

20                   **MR. ENGELMANN:** That you knew of?

21                   **MR. VAN DIEPEN:** No, I ---

22                   **MR. ENGELMANN:** Not from you sir, but from  
23 others?

24                   **MR. VAN DIEPEN:** No. No, I ---

25                   **MR. ENGELMANN:** You just thought of that on

1 your own?

2 MR. VAN DIEPEN: --- yeah, in fact I told  
3 everybody, "Just watch, this is going to become a public  
4 inquiry".

5 MR. ENGELMANN: All right.

6 MR. VAN DIEPEN: And, anyway, I said that,  
7 given that the nature -- that this is probably going to go  
8 much further, beyond your investigation, I think it's  
9 important that I have some legal representation.

10 He indicated that I -- you know, if I wanted  
11 to get legal representation, it was up to me to get it. I  
12 phoned the union and the union, basically, they're not very  
13 helpful. They said they couldn't provide anybody and that  
14 I should simply just say I don't remember.

15 And the -- Mr. Downing went on to explain  
16 that even though I had a solicitor there, the solicitor  
17 could not speak. If the solicitor advised me on how to  
18 answer a question, he would ask to have that solicitor  
19 removed. And ---

20 MR. ENGELMANN: This was during your initial  
21 phone call, sir?

22 MR. VAN DIEPEN: Oh, yes, it was quite a  
23 long conversation.

24 MR. ENGELMANN: Okay.

25 MR. VAN DIEPEN: And that if the -- if the -

1 - if I did not fully cooperate with him, including taking  
2 the advice of legal counsel, I would be subject to  
3 disciplinary action including dismissal.

4 **MR. ENGELMANN:** And this all came up in the  
5 first call?

6 **MR. VAN DIEPEN:** Yes, it did.

7 Well, I -- there may have been another  
8 conversation but there was certainly -- there was certainly  
9 -- it was via telephone.

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

11 **THE COMMISSIONER:** Mr. Engelmann, any time  
12 you want to take a break there, we'll ---

13 **MR. ENGELMANN:** Just a minute if I may, sir.

14 **THE COMMISSIONER:** Yeah, that's fine.

15 **MR. ENGELMANN:** So sir, do you recall him  
16 suggesting he could forward something to you that  
17 essentially gave him his authority to ask you questions --  
18 this directive?

19 **MR. VAN DIEPEN:** Yes. I wanted a hard copy  
20 because I wanted to present it to my solicitor.

21 **MR. ENGELMANN:** All right. And did he in  
22 fact send one the next day, to your knowledge?

23 **MR. VAN DIEPEN:** Well, I did -- I don't know  
24 if -- the next day or not. I ultimately received the  
25 memorandum.

1                   **MR. ENGELMANN:** If we could just take a  
2 quick look at that and then break.

3                   It's Document Number 100551. In fact -- got  
4 it, okay.

5                   **MR. VAN DIEPEN:** One-zero-five-five (1055) -  
6 --

7                   **THE COMMISSIONER:** No, no. Exhibit 1178 is  
8 a ---

9                   **MR. VAN DIEPEN:** Oh, okay.

10                   **THE COMMISSIONER:** --- cover sheet.

11                   **MR. ENGELMANN:** It's a memorandum, sir, from  
12 Mr. Downing to Mr. van Diepen. It's sent care of the area  
13 manager, at least on the fax cover sheet.

14                   **THE COMMISSIONER:** Dated September 14<sup>th</sup> 2000.  
15 Okay.

16                   **MR. ENGELMANN:** Correct.

17                   **--- EXHIBIT NO./PIÈCE No. P-1178:**

18 (100551) Memorandum from Paul Downing to Jos Van Diepen -  
19 September 14, 2000

20                   **MR. VAN DIEPEN:** The other thing I recall of  
21 that, sir, is that even though that document is dated the  
22 14<sup>th</sup> of September, it did not come into my hand until very  
23 shortly before that meeting, on September 28<sup>th</sup>. I believe  
24 it was the -- it was the Friday before. And it was given  
25 that short timeline, it was impossible to get anybody to be

1 present at that -- at such short notice, at that date and  
2 time.

3 MR. ENGELMANN: Okay, but if you look at Mr.  
4 Downing's notes, he says:  
5 "Jos asked that I forward the material to the area manager  
6 in Cornwall."

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: "And I also said I wished  
9 to meet with him on September 28<sup>th</sup>."

10 MR. VAN DIEPEN: Right.

11 MR. ENGELMANN: So he said what he'd do?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: And when he wanted to meet  
14 with you?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: He apparently sent it the  
17 next day?

18 MR. VAN DIEPEN: Right.

19 MR. ENGELMANN: Did you follow up with Mr.  
20 Legault or did he follow up with you about receiving this  
21 from Mr. Downing?

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: But you're saying that ---

24 MR. VAN DIEPEN: There was ---

25 MR. ENGELMANN: --- that didn't ---

1                   **MR. VAN DIEPEN:** --- there was some delay in  
2                   it coming into my hands and I don't know how this thing was  
3                   -- whether this thing was faxed to the Cornwall office and  
4                   it was faxed to Mr. Legault and Mr. Legault was away and,  
5                   therefore, was unable to relay this document to me, I don't  
6                   know, but this document did not come into my hand on the  
7                   date it was received in the Cornwall office.

8                   **MR. ENGELMANN:** All right.  
9                   Perhaps we can take a break, here.

10                  **THE COMMISSIONER:** Thank you. We'll take  
11                  the morning break?

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

14                  --- Upon recessing at 11:22 a.m. /  
15                  L'audience est suspendue à 11h22

16                  --- Upon resuming at 11:42 a.m. /  
17                  L'audience est reprise à 11h42

18                  **THE REGISTRAR:** This hearing is now resumed;  
19                  please be seated. Veuillez vous assoir.

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

21                  **JOS VAN DIEPEN:** Resumed/Sous le même serment

22                  --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**  
23                  **ENGELMANN (Continued/Suite):**

24                  **MR. ENGELMANN:** Mr. van Diepen, if we could  
25                  just go back to Mr. Downing's notes. One-zero-six-four

1 (1064) is the exhibit number and it's page 10 on the  
2 bottom.

3 Do you have that? It starts with a  
4 handwritten caption at the top, "September 14<sup>th</sup>, 2000".

5 **MR. VAN DIEPEN:** What page, sir?

6 **MR. ENGELMANN:** Ten (10). For the record,  
7 Bates page 1148327.

8 I don't know, sir, if you would have  
9 reviewed this when you reviewed some documents beforehand  
10 or not?

11 **MR. VAN DIEPEN:** No, I didn't.

12 **MR. ENGELMANN:** All right.

13 What it says is:

14 "September 14<sup>th</sup>, 2000, 9:20 hours. Spoke with Claude  
15 Legault, Area Manager, Cornwall. Arranged to forward  
16 confidential correspondence and material to his office and  
17 to be delivered/or have Jos van Diepen pick it up (as  
18 arranged)."

19 So you had had a discussion with Mr. Downing  
20 and it appears the following day he's following up with Mr.  
21 Legault to make sure you get this documentation.

22 Do you remember when it was, sir, that you  
23 would have received it?

24 **MR. VAN DIEPEN:** I believe it was the Friday  
25 before.

1                   **MR. ENGELMANN:** All right. Were you not in  
2 contact with the Cornwall office during those two weeks?

3                   **MR. VAN DIEPEN:** I believe -- and  
4 substantiated by the nature of the call to my residence, I  
5 must have been at the -- in Toronto.

6                   **MR. ENGELMANN:** All right. Do you know if  
7 you made any effort to contact Mr. Legault to see if he  
8 received this for you? Because that appeared be the page -  
9 --

10                   **MR. VAN DIEPEN:** Well, I would -- the only  
11 way it would have come into my hand with me going into the  
12 office.

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

14                   **MR. VAN DIEPEN:** And picking it up.

15                   **MR. ENGELMANN:** But did you recall if you  
16 would have called Mr. Legault to find out if it had come in  
17 or anything of that nature?

18                   **MR. VAN DIEPEN:** I don't recall.

19                   **MR. ENGELMANN:** All right.

20

21

22

23

24                   ...                   **MR. ENGELMANN:** All right. In any event, on  
25 September 28<sup>th</sup>, you have an interview with Mr. Downing. Is



1 that correct?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: And there's a reference in  
4 his notes, and I'm looking at page 17, same exhibit we were  
5 on, 1064, it says, "September 28<sup>th</sup>, 2000 at 9:30..." I  
6 can't read the rest.

7 THE COMMISSIONER: Interview ---

8 MR. ENGELMANN: Can't read the next ---

9 THE COMMISSIONER:

10 "Interviewed Jos van Diepen at the Eastern Regional  
11 Office"?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: I'm not sure -- do you know  
14 what those initials mean there, sir?

15 THE COMMISSIONER: At 9:30 hrs -- h-r-s?

16 MR. ENGELMANN: Oh, hours, sorry:

17 "...interviewed Jos van Diepen at the Eastern Regional  
18 office."

19 Now, sir, was your interview at an office or  
20 was it at a hotel?

21 MR. VAN DIEPEN: No, it was ---

22 MR. ENGELMANN: Or did you start in an  
23 office and move?

24 MR. VAN DIEPEN: Well, it -- that was one of  
25 the difficulties, was that you know the interview was

1 conducted in Kingston.

2 MR. ENGELMANN: Yes.

3 MR. VAN DIEPEN: And so that was one of the  
4 problems I alluded to, was trying to get -- obtain some  
5 representation at a meeting which took place 180 kilometres  
6 from here.

7 MR. ENGELMANN: All right. Just to get back  
8 to my question, so it was in Kingston. Was it at a hotel  
9 or was it at the office or do you recall?

10 MR. VAN DIEPEN: It was at the Regional  
11 office.

12 MR. ENGELMANN: Okay. And were you aware,  
13 sir, that he was interviewing other people as well?

14 MR. VAN DIEPEN: No.

15 MR. ENGELMANN: All right. He didn't  
16 indicate to you who else he was seeing?

17 MR. VAN DIEPEN: No.

18 MR. ENGELMANN: All right, okay. And an  
19 interview took place?

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: And my understanding was it  
22 took the better part of a day?

23 MR. VAN DIEPEN: It took the entire day.

24 MR. ENGELMANN: All right. And, sir,  
25 thinking back on that day, what do you recall, just of the

1 interview itself, how it was conducted, your experience as  
2 a result of the interview?

3 **MR. VAN DIEPEN:** Well, I had some difficulty  
4 with the nature of the interview. Certainly, there was a -  
5 - there was a -- I was not afforded an opportunity to  
6 obtain any kind of outside assistance, and that's the  
7 reason why I brought my spouse with me.

8 **MR. ENGELMANN:** So she was in attendance  
9 throughout the interview?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** All right. Aside from not  
12 having a legal or external representation, any other issues  
13 about how the interview was conducted or what was  
14 discussed?

15 **MR. VAN DIEPEN:** Well, the nature and the  
16 tone of Mr. Downing was that I was guilty of the  
17 accusations raised on the website, and he -- his  
18 investigation pursued along those lines.

19 **MR. ENGELMANN:** Well, which accusations on  
20 the website did you feel that he had formed some opinion  
21 on?

22 **MR. VAN DIEPEN:** Well, that I was at these -  
23 - I was at these sexual abuse parties and that I had  
24 somehow seen a -- you know, suicide notes, and I knew about  
25 Ken Seguin sexually abusing clients, and so on and so

1       forth.

2                   **MR. ENGELMANN:** So you were of the view that  
3 he thought all of the accusations on the website were true?

4                   **MR. VAN DIEPEN:** Well, I think he -- I think  
5 he made the -- he made an assumption before he interviewed  
6 me, and then me and then I -- he made every effort to prove  
7 those assumptions correct.

8                   **MR. ENGELMANN:** Sir, had he, to your  
9 knowledge, had an opportunity to review statements you  
10 might have previously given?

11                   **MR. VAN DIEPEN:** Yes, but he wouldn't let me  
12 see them.

13                   **MR. ENGELMANN:** Sir, it's my understanding  
14 that he didn't actually have them. He had just reviewed  
15 them when he attended the OPP.

16                   **MR. VAN DIEPEN:** I -- that was not relayed  
17 to me.

18                   **MR. ENGELMANN:** All right.

19                   **MR. VAN DIEPEN:** His answer to me was that  
20 no, I couldn't have them.

21                   **THE COMMISSIONER:** So these were statements  
22 you would have given to the OPP?

23                   **MR. VAN DIEPEN:** That's correct, Your  
24 Honour.

25                   **THE COMMISSIONER:** So you understand that

1 we've had some evidence heard that it was OPP policy not to  
2 release those statements to Mr. Downing?

3 MR. VAN DIEPEN: I am aware of that now,  
4 Your Honour.

5 THE COMMISSIONER: Okay.

6 MR. ENGELMANN: He didn't tell you that at  
7 the time?

8 MR. VAN DIEPEN: No, he did not.

9 MR. ENGELMANN: And he didn't tell you that  
10 he didn't actually have the statements, just notes of them?

11 MR. VAN DIEPEN: He -- certainly not.

12 MR. ENGELMANN: All right.

13 MR. VAN DIEPEN: I ---

14 MR. ENGELMANN: Sorry?

15 MR. VAN DIEPEN: I think it was more -- I  
16 think it was probably worded more strongly; I didn't have  
17 the right to.

18 MR. ENGELMANN: Okay. I -- so at the time  
19 you asked for whatever he had that you might have said  
20 earlier.

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: And do you feel that was  
23 important to have that information before you were  
24 interviewed?

25 MR. VAN DIEPEN: Yes.

1                   **MR. ENGELMANN:** All right. Do you think  
2                   that affected how you gave your answers in any way?

3                   **MR. VAN DIEPEN:** Well, I think the entire  
4                   nature of his investigation of me was somewhat imbalanced.

5                   **MR. ENGELMANN:** Somewhat?

6                   **MR. VAN DIEPEN:** Imbalanced.

7                   **MR. ENGELMANN:** Imbalanced?

8                   **MR. VAN DIEPEN:** Imbalanced.

9                   **MR. ENGELMANN:** Okay. And that's for the  
10                  reason you already gave, that you thought that by the  
11                  nature and tone of his questions, that he had made up his  
12                  mind that you were guilty of these accusations?

13                  **MR. VAN DIEPEN:** Yes.

14                  **MR. ENGELMANN:** All right. Now, sir, did he  
15                  explain to you that he had met with the OPP already?

16                  **MR. VAN DIEPEN:** Yeah, I believe he may  
17                  have. I don't recall.

18                  **MR. ENGELMANN:** I just want to show you part  
19                  of his notes, and I want to ask you whether he would have  
20                  relayed this to you.

21                  His notes are Exhibit 1064. Again, it's  
22                  part of the package that I don't think you had time to  
23                  read.

24                  **THE COMMISSIONER:** What page?

25                  **MR. ENGELMANN:** It's page 15. Just at the

1 bottom of the page, he says:

2 "September 27<sup>th</sup>, 2000, met with OPP Pat Hall at the Four  
3 Points Sheraton at 7:20 hrs to 8:40 hrs regarding  
4 investigation."

5 Would he have advised you that he met with  
6 the OPP just the day before ---

7 **MR. VAN DIEPEN:** No.

8 **MR. ENGELMANN:** --- do you recall?

9 **MR. VAN DIEPEN:** No, I don't believe he did.

10 **MR. ENGELMANN:** All right. And it says:  
11 "Took summary of statements provided by Jos van Diepen."

12 Again, do you recall if he told you he  
13 didn't have the statements, just his notes of them?

14 **MR. VAN DIEPEN:** No, sir.

15 **MR. ENGELMANN:** All right. Then he says:  
16 "OPP Pat Hall is of the opinion that Jos knows much more  
17 than he is sharing."

18 **MR. VAN DIEPEN:** Never met -- never met the  
19 man, and I have no idea who he is, other than it describes  
20 him as OPP Pat Hall.

21 **MR. ENGELMANN:** You didn't know that he was  
22 heading up the OPP Project Truth investigation?

23 **MR. VAN DIEPEN:** Never spoke to the man;  
24 didn't know he even existed.

25 **MR. ENGELMANN:** All right. And you are

1 saying that Mr. Downing wouldn't have told you about ---

2 **MR. VAN DIEPEN:** Never referenced Pat Hall.

3 **MR. ENGELMANN:** All right. With this  
4 statement, sir, that you gave -- and I will go through it;  
5 I have to go through all of them briefly at least, but this  
6 particular statement to Mr. Downing, would you agree with  
7 me that it was somewhat similar to statements police  
8 officers took with you in that you're asked to initial the  
9 pages and to sign the statement?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** And you did do that?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** And I think it goes even  
14 further, if I'm not mistaken. I'm just looking at the end.  
15 Yes, in fact, every page says:  
16 "I have read this statement page, and it is a true and  
17 accurate account of the facts herein."

18 And you've signed each and every page to  
19 that effect?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** All right. And then you've  
22 signed the last page of the statement, as does your  
23 observer?

24 **THE COMMISSIONER:** What exhibit are we  
25 looking at?



1                   **MR. ENGELMANN:** We're looking at -- it's a  
2                   part of the Downing report, 958A and it's the section that  
3                   deals with Mr. van Diepen's interview. There's several  
4                   interviews, sir. It follows the interview with Bill Roy, I  
5                   believe. I'm sorry; it follows the interview with Emile  
6                   Robert.

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

8                   **MR. ENGELMANN:** And it's just before the  
9                   interview of Father Maloney. Do you have that document,  
10                  sir?

11                  **MR. VAN DIEPEN:** No, I don't.

12                  **THE COMMISSIONER:** No, not yet.

13                  **MR. ENGELMANN:** Oh, I'm sorry. All right;  
14                  so it appears that the comment that I read to you:  
15                  "I have read this statement page and it is true and  
16                  accurate account of the facts herein."

17                  That appears to be on each and every page of  
18                  the statement.

19                  **MR. VAN DIEPEN:** Yes.

20                  **MR. ENGELMANN:** And at the very end of the  
21                  statement, there's something called a conclusion of  
22                  statement.

23                  **MR. VAN DIEPEN:** M'hm.

24                  **MR. ENGELMANN:** It says:

25                  "I fully understand that any intentional omissions or false

1 and/or misleading statements may subject me to disciplinary  
2 action."

3 Do you see that?

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:**

6 "I declare the above and preceding 18 pages were given to  
7 me. The statement has been read to me or by me and I fully  
8 understand its content."

9 **MR. VAN DIEPEN:** This statement  
10 was never given to me.

11 **MR. ENGELMANN:** I'm sorry?

12 **MR. VAN DIEPEN:** I -- I never received a  
13 copy of that statement so it -- I'm not sure what -- what  
14 the phrase, "were given to me" is meant, but I was not  
15 given a copy of that statement. And I asked him for a copy  
16 of the statement and he said he couldn't do that.

17 **MR. ENGELMANN:** Okay, so if it was given to  
18 you, it was given to you only for the ---

19 **THE COMMISSIONER:** Just -- just ---

20 **MR. ENGELMANN:** --- purpose of reading it  
21 over?

22 **THE COMMISSIONER:** Just a minute. Are we  
23 looking at -- it says:

24 "I declare that the above and preceding pages were given by  
25 me."

1                   **MR. ENGELMANN:** I'm sorry, not to, "given by  
2 me." You're absolutely right, sir. I misread it.

3                   **THE COMMISSIONER:** Right. So -- so, yes.  
4 Do you understand what it reads?

5                   **MR. VAN DIEPEN:** Yes, my mistake, Your  
6 Honour.

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

8                   **MR. ENGELMANN:** No, it was probably my  
9 mistake so let's -- in any event, it says they, "were given  
10 by me." This:

11 "...statement has been read to me or by me and I fully  
12 understand its content."

13                   So ---

14                   **MR. VAN DIEPEN:** Yes.

15                   **MR. ENGELMANN:** I -- I assume that -- now,  
16 how did this actually work? Did he actually have it typed  
17 while you were there?

18                   **MR. VAN DIEPEN:** Yes.

19                   **MR. ENGELMANN:** All right. And was he  
20 typing as he was asking you questions or was there someone  
21 else there or how did that happen?

22                   **MR. VAN DIEPEN:** In the -- in the morning,  
23 there was no one else there. In the afternoon, he brought  
24 a -- a woman who I do not know -- did not know who was from  
25 HR ---

1                   **MR. ENGELMANN:** Yes.

2                   **MR. VAN DIEPEN:** --- to be a witness, but he  
3 was the one who -- he'd ask, okay, what do you know about  
4 a, b or c. There would be a discussion on it and then he  
5 would -- at the end of that, he would type what you see  
6 before you.

7                   **MR. ENGELMANN:** All right. And in the  
8 morning, he was doing the same thing, but just on his own?

9                   **MR. VAN DIEPEN:** That's right.

10                  **MR. ENGELMANN:** All right. And when did he  
11 ask you to confirm each and every page as true and  
12 accurate?

13                  **MR. VAN DIEPEN:** At the very end.

14                  **MR. ENGELMANN:** At the very end?

15                  **MR. VAN DIEPEN:** At the end of the day.

16                  **MR. ENGELMANN:** All right. And were you  
17 given an opportunity to review it and to make changes that  
18 you thought were appropriate?

19                  **MR. VAN DIEPEN:** Well, at the end of the  
20 day, yes, it was quite a lengthy statement and I glanced  
21 over it, made a few small changes, asked me to initial the  
22 pages and -- and sign off on the last page.

23                  **MR. ENGELMANN:** All right. Did you feel you  
24 had enough time to do that?

25                  **MR. VAN DIEPEN:** No.

1                   **MR. ENGELMANN:** Did you ask for additional  
2                   time, sir?

3                   **MR. VAN DIEPEN:** I commented that there was  
4                   quite a lengthy statement. I would like to kind of go over  
5                   it at some length, but he wanted it to -- he wanted to  
6                   conclude the -- close the matter at that point.

7                   **MR. ENGELMANN:** All right. So on page 3,  
8                   for example, the statement -- when you see the handwriting  
9                   that's difficult to read on the side, can you tell us  
10                  whether that's you that has added that handwriting or  
11                  whether that's him or how that worked?

12                  **MR. VAN DIEPEN:** That's my handwriting.

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

14                  **THE COMMISSIONER:** Not sure if we're -- no,  
15                  page 3.

16                  **MR. ENGELMANN:** Can you just -- are you able  
17                  to tell us what that says, actually, on the right-hand  
18                  side?

19                  **THE COMMISSIONER:** Madam Clerk, can we flip  
20                  that over so I can see it that way?

21                  **MR. ENGELMANN:** Or blow it up, maybe?

22                  **THE COMMISSIONER:** Well, let's do it this  
23                  way first.

24                  **MR. ENGELMANN:** If it's in your hand, I  
25                  thought maybe you could just help us. Some of it's hard to

1 read.

2 MR. VAN DIEPEN: Yes, there's -- it's  
3 cropped. My copy is cropped a bit on the bottom.

4 THE COMMISSIONER: Let's see:  
5 "So at this point, I asked the interviewer where he would  
6 like to start."

7 MR. VAN DIEPEN: Yes.

8 THE COMMISSIONER: "It was..." I don't know  
9 what -- "agreed that since Barque left the Ministry..."

10 MR. ENGELMANN: "First."

11 THE COMMISSIONER: "...first that we would"  
12 -- I would -- "we would begin with him," or something like  
13 that.

14 MR. ENGELMANN: Does that seem correct, sir?

15 MR. VAN DIEPEN: Yes.

16 THE COMMISSIONER: I don't know what the  
17 last ---

18 MR. VAN DIEPEN: I don't know -- I don't  
19 know what the last part is either.

20 MR. ENGELMANN: All right. But in any  
21 event, the changes that we see on the following pages,  
22 these are all your changes?

23 MR. VAN DIEPEN: That's correct.

24 MR. ENGELMANN: All right. And interview's  
25 concluded at 16:45, according to the last page, and then

1           there's a signature; something's witnessed at 17:20?

2                       **MR. VAN DIEPEN:** That's correct.

3                       **MR. ENGELMANN:** So about half an hour later?

4                       **MR. VAN DIEPEN:** Yes.

5                       **MR. ENGELMANN:** And is that when things end  
6 then, sir, at about 17:20?

7                       **MR. VAN DIEPEN:** I did not -- memory serves  
8 me correctly, it was closer to 6:30 that I left the  
9 Regional office.

10                      **MR. ENGELMANN:** 18:30 then would be the -

11                      **MR. VAN DIEPEN:** Yes.

12                      **MR. ENGELMANN:** All right, so you had ---  
13 did you have some additional time then to review the  
14 statements?

15                      **MR. VAN DIEPEN:** Well, I -- I remember  
16 waiting a long time and there was, you know -- I don't know  
17 the -- Mr. Downing was -- was away in some other area of  
18 the building and I remember sitting with my wife for some  
19 time until I -- until I was told I could leave.

20                      **MR. ENGELMANN:** And you didn't get a copy of  
21 this statement at the end?

22                      **MR. VAN DIEPEN:** That's correct.

23                      **MR. ENGELMANN:** Nor did you get a copy of  
24 statements that you gave to the police at the time you gave  
25 them?

1 MR. VAN DIEPEN: That's correct.

2 MR. ENGELMANN: So again it seems his  
3 process was a bit -- well, somewhat similar to the police  
4 process?

5 MR. VAN DIEPEN: No.

6 MR. ENGELMANN: Well, I meant with respect  
7 to having you initial every page, having you sign it and  
8 then not giving you a copy at the end.

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: Was it different with the  
11 police?

12 MR. VAN DIEPEN: I was never given a copy of  
13 the police statement either.

14 MR. ENGELMANN: All right. And you were  
15 asked to initial pages and then sign the end of a  
16 statement?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: But you're saying it was  
19 different?

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: Those were your -- why is  
22 that?

23 MR. VAN DIEPEN: Well, it was more of an  
24 inquisition than an interview.

25 THE COMMISSIONER: All right.



1                   **MR. ENGELMANN:** Anything else that was  
2                   different?

3                   **MR. VAN DIEPEN:** Well, I would say that that  
4                   interview was out -- conducted under considerable duress.

5                   **MR. ENGELMANN:** All right. And why do you  
6                   say that?

7                   **MR. VAN DIEPEN:** I had -- I had few options  
8                   available to me in terms of representation. I think it was  
9                   strategically done on his part to interview me in Kingston  
10                  so that I would not be able to avail myself of any kind of  
11                  representation. The nature and the tone of his  
12                  investigation, his questions, his demeanour were all of a -  
13                  - of an interrogation rather than an interview. I had some  
14                  experience with interviewing techniques and I thought that  
15                  his interviewing techniques were flawed.

16                  **MR. ENGELMANN:** In what way, sir?

17                  **MR. VAN DIEPEN:** Well, if I have a -- I have  
18                  taken a number of courses in advanced interviewing  
19                  techniques including taking an advances -- a number of  
20                  courses in statement analysis as well as neurolinguistic  
21                  programming and the premise of the -- on how to interview  
22                  differs considerable from his style

23                  **MR. ENGELMANN:** All right. Well, is it for  
24                  the same purpose though, sir?

25                  **MR. VAN DIEPEN:** Yes. Statement analysis is

1 used by the police agencies every day.

2 **MR. ENGELMANN:** All right; because one of  
3 the things that was different about those interviews was  
4 that, in Mr. Downing's case, he was interviewing you about  
5 allegations involving yourself.

6 **MR. VAN DIEPEN:** That's correct.

7 **MR. ENGELMANN:** Whereas when the police  
8 interviewed you, they weren't interviewing you as a suspect  
9 or as someone who had allegedly done something.

10 **MR. VAN DIEPEN:** All the more reason to  
11 change the style of the interview, sir.

12 **MR. ENGELMANN:** All right. And had you had  
13 any experience doing essentially what Mr. Downing was  
14 doing, doing some kind of administrative review on behalf  
15 of the Ministry of allegations against an employee?

16 **MR. VAN DIEPEN:** No.

17 **MR. ENGELMANN:** Were the courses that you  
18 had attended courses that were to be used for that purpose?  
19 Did I understand that?

20 **MR. VAN DIEPEN:** They were to be used for  
21 criminal investigations of perpetrators as well as victims.

22 **MR. ENGELMANN:** He did not follow the  
23 standard practice? I just want to make sure I understand  
24 the concern about that particular institutional response.

25 **MR. VAN DIEPEN:** Well, there are two styles

1 of interviewing, Mr. Engelmann. There's one -- is that you  
2 ask the client to tell us what you know and to allow the  
3 interviewee to provide the information in a open manner.

4 MR. ENGELMANN: Yes.

5 MR. VAN DIEPEN: And the other is to be very  
6 -- to -- is that, if I can use that stereo -- the phrase  
7 that stereotypical police interrogation style, you know.

8 MR. ENGELMANN: But if the person doing the  
9 interview has significant information already ---

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: --- wouldn't it make sense  
12 that it wouldn't just be a ---

13 MR. VAN DIEPEN: No.

14 MR. ENGELMANN: --- tell us what you know.

15 MR. VAN DIEPEN: No, that's what I said to  
16 your earlier, sir, is that you want to do the exact  
17 opposite.

18 If you want to get the truth then you need  
19 to allow the opportunity for the person to speak. An  
20 interview is not a relationship between the interviewer and  
21 the interviewee.

22 The interview is a relationship between  
23 clauses.

24 MR. ENGELMANN: Between?

25 MR. VAN DIEPEN: Clauses.

1 THE COMMISSIONER: Clauses?

2 MR. VAN DIEPEN: Clauses.

3 THE COMMISSIONER: C-L ---

4 MR. VAN DIEPEN: As in a claused sentence.

5 THE COMMISSIONER: Right.

6 MR. ENGELMANN: But in your first scenario -  
7 - presumably that's the scenario you think he should have  
8 used?

9 MR. VAN DIEPEN: I'm -- which scenario are  
10 we talking about?

11 MR. ENGELMANN: That is, "just tell us what  
12 you know."

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: That's the one you thought  
15 he should have used.

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: All right. In that  
18 scenario, is he not to put direct questions to you?

19 MR. VAN DIEPEN: No, you use direct  
20 questions as follow-up for clarification.

21 MR. ENGELMANN: All right.

22 MR. VAN DIEPEN: And only -- I would suggest  
23 to you that would only be done as a last resort. If you  
24 were using -- doing the interview, you would -- and you  
25 wanted further clarification, you would begin with

1 something like "I'm now going to take you back to point A  
2 at this point and you were saying such and such. Please  
3 continue."

4 **MR. ENGELMANN:** And you thought that his was  
5 the second style; the interrogation style.

6 **MR. VAN DIEPEN:** Oh, very much so.

7 **MR. ENGELMANN:** All right. And just again,  
8 why in those circumstances was that inappropriate?

9 **MR. VAN DIEPEN:** I don't feel it was -- I  
10 don't think it was done in best interests of getting at the  
11 information. I think it was unprofessional. I think it  
12 was due to a lack of experience and I think it was -- I  
13 think he made the tactical error that to have made an  
14 assumption and "now I'm going to prove it."

15 If you agree to do the interview, you need  
16 to do the interview with an open mind that everything that  
17 the interviewer is the truth and if you have any doubts in  
18 that, well, what is it true of.

19 **MR. ENGELMANN:** All right. So, it would be  
20 fair to say that you were -- you are quite critical of the  
21 way that Mr. Downing did his investigation.

22 **MR. VAN DIEPEN:** Oh yes, sir.

23 **MR. ENGELMANN:** At least with respect to  
24 you.

25 **MR. VAN DIEPEN:** Yes, that's the only part

1 of the investigation that I have any knowledge on.

2 MR. ENGELMANN: All right. So you didn't  
3 discuss it with Emile Robert to say, "Did you think he was  
4 fair to you" or words that that effect?

5 MR. VAN DIEPEN: Oh, there were follow-up  
6 conversations about Mr. Downing's interviewing style,  
7 methods.

8 MR. ENGELMANN: With?

9 MR. VAN DIEPEN: Ministry staff.

10 MR. ENGELMANN: All right.

11 MR. VAN DIEPEN: Management.

12 MR. ENGELMANN: Can you -- are these some of  
13 the documents that we don't have or is this something else?  
14 I want to make sure I understand your concerns.

15 MR. VAN DIEPEN: No, there were -- I believe  
16 there were conversations.

17 MR. ENGELMANN: All right. With whom?

18 MR. VAN DIEPEN: With Emile Robert; with  
19 Regional management.

20 MR. ENGELMANN: Now, by the time you were  
21 interviewed, Robert was no longer your manager. Correct?

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: You would have still had  
24 interviews or contacts with him in any event?

25 MR. VAN DIEPEN: Yes because I was still

1 living in St. Andrews.

2 MR. ENGELMANN: All right. Was he also  
3 living there?

4 MR. VAN DIEPEN: Mr. Robert?

5 MR. ENGELMANN: Yes.

6 MR. VAN DIEPEN: In St. Andrews?

7 MR. ENGELMANN: Yes.

8 MR. VAN DIEPEN: No, he lived in Cornwall.

9 MR. ENGELMANN: All right. I'm just  
10 wondering ---

11 MR. VAN DIEPEN: In the office, in the  
12 office.

13 MR. ENGELMANN: Okay. But I thought as of  
14 1998, he was no longer in the Cornwall office.

15 MR. VAN DIEPEN: I'm sorry, Mr. Legault.  
16 I'm sorry, Mr. Legault, yes.

17 MR. ENGELMANN: All right -- so, okay. I  
18 was a little confused. So let me just -- let's just make  
19 sure we're absolutely clear on this.

20 At or around the time you're being  
21 interviewed by Downing ---

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: --- Robert is also being  
24 interviewed by Downing. You're not discussing this with  
25 Robert?

1                   **MR. VAN DIEPEN:** Oh no. No.

2                   **MR. ENGELMANN:** All right. You didn't  
3 discuss much with him when he was in your office. There'd  
4 be no reason to discuss a lot with him when he was outside.  
5 Is that fair?

6                   **MR. VAN DIEPEN:** I had no contact with Mr.  
7 Robert.

8                   **MR. ENGELMANN:** All right. So when you're  
9 discussing concerns you had about the interview process,  
10 about Downing, you would have expressed those concerns to  
11 Mr. Legault.

12                   **MR. VAN DIEPEN:** Exactly.

13                   **MR. ENGELMANN:** All right. To anyone else  
14 or was that the principal person?

15                   **MR. VAN DIEPEN:** I believe I had discussions  
16 with Regional management.

17                   **MR. ENGELMANN:** Ms. Newman?

18                   **MR. VAN DIEPEN:** I believe so, yes.

19                   **MR. ENGELMANN:** All right. Fair enough.  
20 So, let's -- anything else about the  
21 interview style or how he interviewed or do we -- do we  
22 have your views on that?

23                   **MR. VAN DIEPEN:** Yeah, I believe that's  
24 pretty much it.

25                   **MR. ENGELMANN:** All right. Okay, so now I



1 want to ask you a little bit about the content, and I want  
2 to go back and cover off a couple -- some points from other  
3 statements and just -- that we haven't dealt with. I'm not  
4 going to repeat ones we have.

5 The first one is the statement that you gave  
6 to the OPP in February of '94 and the original handwritten  
7 copy of that is 1175 and the typed version of that, where  
8 you make some amendments, is 1063.

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: And I'm looking at 1175;  
11 we've covered the first several pages. I want to turn to  
12 page 5.

13 MR. VAN DIEPEN: Of 1175?

14 MR. ENGELMANN: Yes.

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: All right; it's Bates page,  
17 for the record, 7057836.

18 THE COMMISSIONER: So, that's page number 4  
19 then.

20 MR. ENGELMANN: Oh, I'm ---

21 THE COMMISSIONER: No, it's 5, sorry.

22 MR. ENGELMANN: It's hard to see that.

23 THE COMMISSIONER: No, you see on the top is  
24 5, on the bottom is 6 -- oh, continued on page 6, sorry.

25 MR. ENGELMANN: I guess it is page number 4

1 at the top right.

2 THE COMMISSIONER: Okay.

3 MR. ENGELMANN: Now in this statement, and  
4 this is a statement, sir, that you've signed and  
5 initialled; correct?

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: It says in the middle of the  
8 page:

9 "I know Malcolm's queer. I know  
10 Malcolm's boyfriends. I know Ken's  
11 boyfriends."

12 Do you see that statement?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: All right. Now did you say  
15 that to the OPP on February 14<sup>th</sup>, 1994?

16 MR. VAN DIEPEN: I did not. I did not.

17 MR. ENGELMANN: You did not say that?

18 MR. VAN DIEPEN: No. You have a corrected  
19 version.

20 MR. ENGELMANN: Okay, well, all right.

21 I know you corrected it, sir, and we had a  
22 dispute about when that might have happened?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: And we can come to that in a  
25 moment, but you're actually saying you didn't say these

1 words?

2 **MR. VAN DIEPEN:** That's right.

3 **MR. ENGELMANN:** Even though you initialled  
4 the page?

5 **MR. VAN DIEPEN:** I had no evidence before  
6 me, sir, that I knew that at that time that Mr. MacDonald  
7 was gay and -- I had suspicions that he was gay. I knew of  
8 only one individual at the time that I would consider that  
9 may have been a boyfriend of Mr. MacDonald and I certainly  
10 do not know of any of Ken's boyfriends, and I think those  
11 changes I made reflect those facts.

12 **MR. ENGELMANN:** Sir, I'm going to suggest to  
13 you -- let me just ask you this. So if Officers McDonell  
14 or Genier come here and say those were the words you used,  
15 you're going to say they're mistaken?

16 **MR. VAN DIEPEN:** I'm going to say they're  
17 mistaken.

18 **THE COMMISSIONER:** So as opposed to, "I said  
19 these words, Malcolm's boyfriends and I know Ken's  
20 boyfriends and when I went to the next statement whenever  
21 that was, I corrected it there"?

22 **MR. VAN DIEPEN:** Those are the same  
23 statement, Your Honour.

24 **THE COMMISSIONER:** Same ---

25 **MR. VAN DIEPEN:** Same statement, but

1 typewritten.

2 **THE COMMISSIONER:** Right, right, right. But  
3 what I'm saying though, where's that -- just there's a  
4 difference between "I never said that" and "there's a new  
5 statement" or "I did say that but then when I saw the typed  
6 copy, I changed it around."

7 You're saying you never said that to them?

8 **MR. VAN DIEPEN:** I never said that. You  
9 know there was a -- for example the, "I know Ken's  
10 boyfriends."

11 **THE COMMISSIONER:** Yes.

12 **MR. VAN DIEPEN:** I do not know Ken's  
13 boyfriends. When I had the discussion with the police  
14 officers, I described a number of friends that I -- or  
15 individuals who I knew to be Ken's friends and none of  
16 those were in a boyfriend relationship. These were all  
17 adult men who were married and in heterosexual  
18 relationships and nothing there would cause me to conclude  
19 that any one of them were gay.

20 **MR. ENGELMANN:** Sir, you were a probation  
21 officer for over 30 years?

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** You know the importance  
24 about being truthful?

25 **MR. VAN DIEPEN:** Yes.

1                   **MR. ENGELMANN:** You know the importance  
2                   about being truthful to the police?

3                   **MR. VAN DIEPEN:** Yes.

4                   **MR. ENGELMANN:** And you did, did you not,  
5                   get an opportunity at the end of the interview with those  
6                   two officers to review each and every page of that  
7                   statement?

8                   **MR. VAN DIEPEN:** I just -- what I did at the  
9                   time, sir, was that these police officers -- as I indicated  
10                  earlier in my testimony, those police officers came in  
11                  unannounced at a very inopportune time and I tried to get,  
12                  for lack of better words, get rid of them as quickly as  
13                  possible.

14                  **MR. ENGELMANN:** But, sir, it's not every day  
15                  that you're interviewed by two police officers?

16                  **MR. VAN DIEPEN:** I'm interviewed -- I have  
17                  discussions with police officers every day.

18                  **MR. ENGELMANN:** Police officers that are  
19                  doing an active criminal investigation?

20                  **MR. VAN DIEPEN:** Yes.

21                  **MR. ENGELMANN:** And you know the importance  
22                  of telling them the truth?

23                  **MR. VAN DIEPEN:** Yes.

24                  **MR. ENGELMANN:** And being complete and  
25                  accurate?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: And you're saying that you  
3 would have read these pages and in the interests of wanting  
4 to get it over with, would have initialled and signed it  
5 on?

6 MR. VAN DIEPEN: Yes, without looking at it  
7 closely.

8 MR. ENGELMANN: And yet there are several  
9 changes even on this handwritten copy that you made?

10 MR. VAN DIEPEN: Yes, I just -- I remember  
11 making some -- I remember having a discussion with Chris  
12 McDonnell to the effect that, "You really want me to sign  
13 this statement?"

14 MR. ENGELMANN: Yeah.

15 MR. VAN DIEPEN: And he ---

16 MR. ENGELMANN: I'm sure he said he did.

17 MR. VAN DIEPEN: He shrugged his shoulders.

18 MR. ENGELMANN: Like he didn't care?

19 MR. VAN DIEPEN: Well, it was up to me. It  
20 was like I could sign it or not sign it.

21 MR. ENGELMANN: But you did sign it?

22 MR. VAN DIEPEN: I did sign it.

23 MR. ENGELMANN: And did you not, sir, I  
24 mean, there was a question at the very end:

25 "Would you read your statement and s

1 sign it?:

2 Answer, "Yes."

3 **MR. VAN DIEPEN:** Mr. Engelmann, I have no  
4 knowledge of Mr. MacDonald's boyfriends other than the one  
5 individual who I don't know if he has a moniker or not, and  
6 I have no knowledge of Mr. -- as alleged, Mr. Seguin's --  
7 that I had some list of Mr. Seguin's boyfriends. The only  
8 individual that I could possibly conclude who may have been  
9 a boyfriend of Mr. Seguin was another individual -- was one  
10 individual, who at some point prior to Mr. Seguin's death,  
11 resided with him.

12 **MR. ENGELMANN:** And you're not saying that  
13 you used these words and then later changed them; you're  
14 saying you never used these words?

15 **MR. VAN DIEPEN:** I don't -- no.

16 **MR. ENGELMANN:** That's what you're saying?

17 **MR. VAN DIEPEN:** That's what I'm saying.

18 **MR. ENGELMANN:** All right.

19 And, sir, just to turn to 1063, if I can ---

20 **MR. VAN DIEPEN:** Which is?

21 **MR. ENGELMANN:** --- which is the typewritten  
22 version.

23 **MR. VAN DIEPEN:** Ten sixty-three (1063).

24 **THE COMMISSIONER:** New volume, a different  
25 volume I think. Ten sixty-three (1063)?

1                   **MR. ENGELMANN:** Yes. You've got to go to  
2                   the other one.

3                   **THE COMMISSIONER:** No, keep that one handy  
4                   though.

5                   **MR. ENGELMANN:** The reference, sir, is at  
6                   the bottom of the second page.

7                   **MR. VAN DIEPEN:** Yes.

8                   **MR. ENGELMANN:** You see the original words  
9                   there, "I know Malcolm is queer."

10                   And that's been initialled or it's been  
11                   changed to, "I believe Malcolm is gay."

12                   **MR. VAN DIEPEN:** Yes.

13                   **MR. ENGELMANN:** And you would have made that  
14                   change?

15                   **MR. VAN DIEPEN:** Yes.

16                   **MR. ENGELMANN:** And then it says, "I knew"--  
17                   it used to say, "I knew Malcolm's boyfriends."

18                   And you would have changed it to, "I know  
19                   some of" or "knew some of Malcolm's male friends."

20                   You made that change?

21                   **MR. VAN DIEPEN:** Yes.

22                   **MR. ENGELMANN:** And then it used to say, "I  
23                   know Ken's boyfriends."

24                   And you now say, "I knew some of Ken's male  
25                   friends."



1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: You made those changes?

3 MR. VAN DIEPEN: Yes.

4 MR. ENGELMANN: We talked about this before.

5 Sir, it's my understanding that the two police officers who  
6 saw you on August 4<sup>th</sup>, 1998, those are Officers Seguin and  
7 Dupuis, will say that you made those changes on August 4<sup>th</sup>,  
8 1998, four-and-a-half years after you signed a statement to  
9 that effect with two other OPP officers? Does that refresh  
10 your memory?

11 MR. VAN DIEPEN: No sir. You've made that -  
12 - you've made that suggestion a number of times.

13 MR. ENGELMANN: I'm now actually saying that  
14 -- I mean, I'm informed that those officers will come  
15 forward and say that you made those changes on August 4<sup>th</sup>,  
16 1998. I'm asking if you want to think about the answer you  
17 gave earlier?

18 MR. VAN DIEPEN: Well I'm -- all I can say,  
19 sir, is that that does not match my memory.

20 MR. ENGELMANN: Right. Well, earlier you  
21 said to us that two or three days after February 14<sup>th</sup> you  
22 were provided with a written statement?

23 MR. VAN DIEPEN: That's my version, yes.

24 THE COMMISSIONER: Written or typed?

25 MR. ENGELMANN: Typed.

1                   **THE COMMISSIONER:** Typed; you said written.

2                   **MR. ENGELMANN:** And let's just go back to  
3 that for a minute. How did that come up? Did you call  
4 them?

5                   **MR. VAN DIEPEN:** No.

6                   **MR. ENGELMANN:** Did they call you? What  
7 happened?

8                   **MR. VAN DIEPEN:** They dropped in  
9 unannounced.

10                  **MR. ENGELMANN:** Again?

11                  **MR. VAN DIEPEN:** Yes.

12                  **MR. ENGELMANN:** All right. At your office?

13                  **MR. VAN DIEPEN:** Yes.

14                  **MR. ENGELMANN:** All right. And they  
15 provided you with a written or typed statement at that  
16 time?

17                  **MR. VAN DIEPEN:** Yes.

18                  **MR. ENGELMANN:** Now they hadn't given you  
19 the written statement?

20                  **MR. VAN DIEPEN:** No. I have received no  
21 statements, any statements, written or typed.

22                  **MR. ENGELMANN:** All right, did they come in  
23 with the written statement as well, or just the typed  
24 statement?

25                  **MR. VAN DIEPEN:** Typed statement.

1                   **MR. ENGELMANN:** And did they ask you to sign  
2 the typed statement?

3                   **MR. VAN DIEPEN:** Yes.

4                   **MR. ENGELMANN:** We don't have a typed  
5 statement with your signature, that's why I'm -- you  
6 actually have a recollection of these two officers coming  
7 back two or three days later giving you a typed version and  
8 your signing it at that time and making these changes?

9                   **MR. VAN DIEPEN:** Yes.

10                  **MR. ENGELMANN:** Because they're going to say  
11 it happened four-and-a- half years later.

12                  **MR. VAN DIEPEN:** Well ---

13                  **MR. ENGELMANN:** They're mistaken?

14                  **MR. VAN DIEPEN:** I'm not accusing anybody of  
15 misleading this court. I'm telling you what is in my  
16 memory ---

17                  **MR. ENGELMANN:** Right.

18                  **MR. VAN DIEPEN:** And I'm telling you what is  
19 to the best of my memory, sir.

20                  **MR. ENGELMANN:** All right. Because when  
21 they interviewed you in '98 ---

22                  **MR. VAN DIEPEN:** Yes, I gave another  
23 statement.

24                  **MR. ENGELMANN:** Yeah, and that was -- and  
25 that was -- they were investigating Project Truth?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: That was a much broader  
3 investigation?

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: Is that your evidence?

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: All right. And at that  
8 point they were asking questions about the relationship  
9 between Malcolm and others and ---

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: --- and things of that  
12 nature?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: Sir, let's look at the next  
15 paragraph.

16 Again, I want to ask you if this is  
17 something that you said to the OPP at the time and I want  
18 to make sure that we've got it right?

19 MR. VAN DIEPEN: Which? The typed or the --  
20 -

21 MR. ENGELMANN: Let's go back to the  
22 handwritten statement.

23 MR. VAN DIEPEN: Handwritten statement,  
24 yes.

25 MR. ENGELMANN: "I talked to Malcolm after

1 Ken's death."

2 MR. VAN DIEPEN: I don't -- which -- where -

3 --

4 MR. ENGELMANN: Eleven-seventy-five (1175);

5 page 4.

6 THE COMMISSIONER: The handwritten ---

7 MR. ENGELMANN: "I talked to Malcolm after

8 Ken's death."

9 THE COMMISSIONER: No, just a second,

10 please.

11 MR. ENGELMANN: I'm sorry.

12 THE COMMISSIONER: Eleven-seventy-five

13 (1175). Madam Clerk?

14 MR. VAN DIEPEN: I don't appear to have it.

15 THE COMMISSIONER: Eleven-seventy-five

16 (1175) is what we're looking for. I think he -- well nope,

17 here we go. So 1175 ---

18 MR. VAN DIEPEN: Yes.

19 THE COMMISSIONER: --- is the exhibit number

20 and it's on the second page at the bottom. No, I'm sorry,

21 now I'm looking at ---

22 MR. ENGELMANN: No, page 4, sir.

23 THE COMMISSIONER: I'm sorry.

24 MR. ENGELMANN: Bates page 7057836.

25 THE COMMISSIONER: All right. So it's

1 about, just about a little ---

2 **MR. ENGELMANN:** Right after the paragraph I  
3 just read.

4 **THE COMMISSIONER:** It says, "I talked to  
5 Malcolm". Do you have that now, sir?

6 **MR. VAN DIEPEN:** Yes.

7 **THE COMMISSIONER:** Okay.

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

9 "So I talked to Malcolm after Ken's  
10 death, that there was a proposed  
11 settlement of eleven-thousand dollars  
12 (\$11,000). Malcolm said Ken gave a  
13 statement admitting Ken gave him a hand  
14 job. That was in December 1993.  
15 Malcolm was trying to work out a deal."

16 Do you see that?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** All right. Did you tell the  
19 OPP on February 14<sup>th</sup>, 1994 what we see there?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** All right. And, in fact, I  
22 don't think you changed that later. M'hm, no, there are no  
23 changes to that -- to that paragraph.

24 So this relates to a conversation you have  
25 in December of 1993 with Malcolm MacDonald; this

1 information?

2 **MR. VAN DIEPEN:** Yeah, I'm not sure what  
3 the context of that sentence is but it was -- as I  
4 indicated earlier in testimony there was a conversation  
5 with Mr. MacDonald, myself, after Mr. Seguin died.

6 **MR. ENGELMANN:** All right. You knew he was  
7 a friend of both Ken Seguin's and Father Charles  
8 MacDonald's?

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** And he's talking to you  
11 about allegations that are being made by David Silmser?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** And he's telling you that  
14 when he says, "A proposed settlement", was that -- did you  
15 understand that to be the payment of money from Mr. Seguin  
16 to Mr. Silmser?

17 **MR. VAN DIEPEN:** Yes. I -- there was some -  
18 - I understand there was something involving money, yes.

19 **MR. ENGELMANN:** All right. And did he tell  
20 you at that time about a previous payment of money  
21 involving Father Charles MacDonald and Mr. Silmser?

22 **MR. VAN DIEPEN:** We didn't have that  
23 discussion, no, but I believe that there was -- I think it  
24 was public -- I think it may have been public knowledge or  
25 it may have been in my mind that there was something

1 involving Mr. -- Father MacDonald and Mr. Silmsner and  
2 involving some exchange of funds.

3 **MR. ENGELMANN:** All right. Well, it  
4 certainly became public, public in January of 1994 ---

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** --- but there were people  
7 here in the community who -- some people who knew something  
8 about it?

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** It's a small town?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** And I guess what I'm asking  
13 you is, in December of 1993 when he's telling you about  
14 what he was doing -- what he'd been trying to do for Ken,  
15 if he told you what he had done for Charlie, for Father  
16 Charlie.

17 **MR. VAN DIEPEN:** I don't recall -- he may  
18 have, but I don't recall it and it's not in my statement,  
19 sir.

20 **MR. ENGELMANN:** Well, I know it's not there,  
21 but you've told us that you had a two-hour interview ---

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** --- and that you said a lot  
24 more than what we have here?

25 **MR. VAN DIEPEN:** Yes.



1                   **MR. ENGELMANN:** So I'm just trying ---

2                   **MR. VAN DIEPEN:** I don't know. He may have,  
3 I'm not denying that he may have ---

4                   **MR. ENGELMANN:** All right.

5                   **MR. VAN DIEPEN:** --- but, again, if memory  
6 serves me right, we were -- and when I say "we", we in the  
7 office were aware of the MacDonald issue; Father MacDonald  
8 issue.

9                   **MR. ENGELMANN:** But -- okay, and this is  
10 December of 1993? How -- what do you mean "aware of it"?  
11 You were aware of the settlement?

12                   **MR. VAN DIEPEN:** Well, we -- we weren't  
13 aware of the settlement. We were aware of the rumours of  
14 some sort of a settlement. We weren't privy to any inside  
15 information.

16                   **MR. ENGELMANN:** Okay, would -- would Malcolm  
17 MacDonald have told you that -- would he have suggested to  
18 you that the payment of this eleven-thousand dollars  
19 (\$11,000) would have anything to do with not proceeding  
20 with a criminal charge?

21                   **MR. VAN DIEPEN:** I don't recall that, sir.

22                   **MR. ENGELMANN:** All right. Do you recall  
23 anything more about what the payment of the eleven-thousand  
24 dollars (\$11,000) would be for?

25                   **MR. VAN DIEPEN:** I believe it was some -- as

1 I understood it, it was some form of compensation to Mr.  
2 Silmsers for wrongdoing.

3 MR. ENGELMANN: All right. And the sexual  
4 act that apparently Malcolm is telling you Ken confesses to  
5 is giving Mr. Silmsers a hand job?

6 MR. VAN DIEPEN: That's what's written  
7 there, yes.

8 MR. ENGELMANN: And is that what you  
9 remember hearing from Malcolm MacDonald?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: Nothing more than that?

12 MR. VAN DIEPEN: That's -- that's it. Mr.  
13 MacDonald could not -- he was very -- very uncomfortable in  
14 providing me with any details.

15 MR. ENGELMANN: Did you ask him for a  
16 statement?

17 MR. VAN DIEPEN: No, I did not. You mean  
18 like a written statement?

19 MR. ENGELMANN: Yeah.

20 MR. VAN DIEPEN: Ken's written statement?  
21 No, I did not.

22 MR. ENGELMANN: Right because he -- your  
23 saying to the police Malcolm said, "Ken gave a statement  
24 admitting Ken gave him a hand job"?

25 MR. VAN DIEPEN: Yeah.

1                   **MR. ENGELMANN:** And I'm wondering ---

2                   **MR. VAN DIEPEN:** I don't know if that's a  
3 statement to Mr. -- a verbal statement to Malcolm  
4 MacDonald, a written statement to the police or a statement  
5 of wrongdoing in -- in the way of a settlement. So I don't  
6 know what that -- what that refers to.

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

8                   **MR. VAN DIEPEN:** And I certainly -- I -- any  
9 type of that document, no matter what it was, I never had -  
10 - I never laid eyes on it.

11                   **MR. ENGELMANN:** Would you have asked to see  
12 it at the time?

13                   **MR. VAN DIEPEN:** No, I did not.

14                   **MR. ENGELMANN:** Did you -- did he tell you  
15 that this sexual act had happened when Mr. Silmsen was a  
16 probationer of Father Charles MacDonald?

17                   **THE COMMISSIONER:** Whoa, whoa, no, was a  
18 probationer of Father Charles MacDonald.

19                   **MR. ENGELMANN:** Oh, I'm sorry, I'm sorry.  
20 Strike that -- strike that completely.

21                   **THE COMMISSIONER:** It's almost time for  
22 lunch break though.

23                   **MR. ENGELMANN:** Strike that completely. We're  
24 talking about Ken Seguin.

25                   **THE COMMISSIONER:** Yeah.

1                   **MR. ENGELMANN:** I apologize.

2                   You're speaking to Malcolm MacDonald. He's  
3                   telling you about a sexual act that apparently Ken Seguin  
4                   does to David Silmsers?

5                   **MR. VAN DIEPEN:** Yes.

6                   **MR. ENGELMANN:** Does he tell you that  
7                   Silmsers is on probation at the time to Ken Seguin?

8                   **MR. VAN DIEPEN:** No, but I am aware of the  
9                   fact that at some point-in-time Silmsers was a client of Mr.  
10                  Seguin and under his supervision. Whether or not that  
11                  sexual act took place during the period of supervision or  
12                  shortly thereafter or at some later date, I have no  
13                  knowledge of that. And I have no knowledge of when Mr.  
14                  Silmsers was on probation.

15                  **MR. ENGELMANN:** All right. Well, did you  
16                  ask Malcolm MacDonald that?

17                  **MR. VAN DIEPEN:** No, I did not, sir.

18                  **MR. ENGELMANN:** What he's telling you that  
19                  your former colleague, who's just committee suicide ---

20                  **MR. VAN DIEPEN:** Yes.

21                  **MR. ENGELMANN:** --- committed some kind of  
22                  sexual act ---

23                  **MR. VAN DIEPEN:** Yes.

24                  **MR. ENGELMANN:** --- but he was willing to  
25                  pay eleven-thousand dollars (\$11,000) for ---

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. ENGELMANN:** --- to someone who had been  
3 on probation with him, correct? Mr. Silmser had been on  
4 probation with Ken Seguin?

5                   **MR. VAN DIEPEN:** Yes.

6                   **MR. ENGELMANN:** And you didn't ask whether  
7 the sexual act occurred while he was on probation?

8                   **MR. VAN DIEPEN:** No. The information that  
9 Mr. MacDonald provided to me was very brief and very  
10 limited and he was concerned that even telling me the  
11 little he did tell me would be considered a breach of  
12 client -- lawyer-client privilege.

13                   **MR. ENGELMANN:** Wasn't it important to you,  
14 sir, as a current probationer officer at that time, to know  
15 whether or not the sexual act that's talked about there  
16 happened when Mr. Silmser was on probation to Mr. Seguin?

17                   **MR. VAN DIEPEN:** Yes.

18                   **MR. ENGELMANN:** And ---

19                   **MR. VAN DIEPEN:** But I also understood at  
20 that time there were -- there was an on-going police  
21 investigation.

22                   **MR. ENGELMANN:** An ongoing police  
23 investigation of what?

24                   **MR. VAN DIEPEN:** Of circumstances  
25 surrounding Mr. Seguin's death. There were a number of --

1 the rumour mill was pretty -- pretty active at the time.  
2 There were rumours of extortion. There were rumours of  
3 monies being paid out. There were rumours of the Church  
4 being involved, and my understanding is that the police  
5 were still -- had not concluded their investigation.

6 **MR. ENGELMANN:** In fact, they didn't talk to  
7 you until this time in February; correct?

8 **MR. VAN DIEPEN:** Yes.

9 **MR. ENGELMANN:** February of '94?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** But wouldn't that have been  
12 even more a reason to know? You're a probation officer.

13 **MR. VAN DIEPEN:** Yes, and I ---

14 **MR. ENGELMANN:** This is your former  
15 colleague. He's just committed suicide.

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** Your friend, Malcolm  
18 MacDonald, is telling you about his friend, Ken Seguin,  
19 your former colleague, a settlement, a hand job, don't you  
20 want to know? Don't you want to know how old Mr. Silmser  
21 was at the time? Don't you want to know whether he was on  
22 probation at the time?

23 **MR. VAN DIEPEN:** Yes.

24 **MR. ENGELMANN:** Why don't you ask?

25 **MR. VAN DIEPEN:** Mr. MacDonald -- as I said,

1       sir, Mr. MacDonald was very reluctant to divulge any  
2       information whatsoever and so he gave me a snippet and in  
3       effects -- it was to the effect that, "that's all I can  
4       tell you."

5                   **MR. ENGELMANN:** Did you know that Mr.  
6       Silmser had been on probation, both as a juvenile and as an  
7       adult?

8                   **MR. VAN DIEPEN:** No, I -- No. I had no idea  
9       of that. As a juvenile to Mr. Seguin?

10                  **MR. ENGELMANN:** It's my understanding.

11                  **MR. VAN DIEPEN:** No, I did not.

12                  **MR. ENGELMANN:** Again, you didn't ask.

13                  **MR. VAN DIEPEN:** I'm sorry?

14                  **MR. ENGELMANN:** Again, you didn't ask.

15                  **MR. VAN DIEPEN:** Ask whom?

16                  **MR. ENGELMANN:** Mr. MacDonald -- Malcolm.

17                  **MR. VAN DIEPEN:** Well, I'm not even sure Mr.  
18       MacDonald would have known, but again, sir, I want to -- I  
19       want to repeat that Mr. MacDonald was very reluctant to be  
20       forthcoming as to the circumstances, and it was only upon  
21       repeated prodding that I was given the information that he  
22       did give me.

23                  **MR. ENGELMANN:** All right. Did you go back  
24       to your office and look at some files about this; do any  
25       investigation on your own?

1                   **MR. VAN DIEPEN:** The Silmsers file was not  
2                   available at the time.

3                   **MR. ENGELMANN:** Did you report this to your  
4                   boss at the time?

5                   **MR. VAN DIEPEN:** Yes.

6                   **MR. ENGELMANN:** Mr. Robert?

7                   **MR. VAN DIEPEN:** Yes, there were  
8                   discussions.

9                   **MR. ENGELMANN:** Okay, you told Mr. Robert --  
10                  you're saying you told Mr. Robert that you had this  
11                  conversation with Malcolm MacDonald about ---

12                  **MR. VAN DIEPEN:** No.

13                  **MR. ENGELMANN:** --- Silmsers and ---

14                  **MR. VAN DIEPEN:** No.

15                  **MR. ENGELMANN:** --- Seguin?

16                  **MR. VAN DIEPEN:** No, I -- we had discussions  
17                  with Mr. Robert about that there was evidence or there was  
18                  information that Mr. Seguin had been involved with Mr.  
19                  Silmsers and that the -- but this information was --  
20                  apparently, this information was already known.

21                  **MR. ENGELMANN:** When did you have the  
22                  discussion and who is "we"?

23                  **MR. VAN DIEPEN:** Well, certainly, there were  
24                  discussions among staff and there was discussions with Mr.  
25                  Robert.



1                   **MR. ENGELMANN:** Well, there wasn't a great  
2 relationship with Mr. Robert. That's what you've told us.

3                   **MR. VAN DIEPEN:** That's right.

4                   **MR. ENGELMANN:** And, in fact, before Mr.  
5 Seguin is dead, he's the office snitch, so presumably you  
6 and other staff are talking amongst each other not with --  
7 about some issues with either Mr. Seguin or Mr. Robert.  
8 Correct?

9                   **MR. VAN DIEPEN:** Am I -- who am I having  
10 these conversations with?

11                   **MR. ENGELMANN:** I'm -- sir, you've told us  
12 that you had a dysfunctional working relationship.

13                   **MR. VAN DIEPEN:** Yes.

14                   **MR. ENGELMANN:** You've told us about a  
15 poisoned work environment.

16                   **MR. VAN DIEPEN:** Yes.

17                   **MR. ENGELMANN:** You've told us about all  
18 sorts of issues ---

19                   **MR. VAN DIEPEN:** Yes.

20                   **MR. ENGELMANN:** --- and how it affected  
21 everybody's work.

22                   **MR. VAN DIEPEN:** Yes.

23                   **MR. ENGELMANN:** So what I'm trying to figure  
24 out now is -- and I'm -- these discussions with Mr. Robert  
25 that you say took place, were they only after Mr. Seguin

1 died?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: All right, and ---

4 MR. VAN DIEPEN: Well, actually I had  
5 discussions -- there were other discussions I had with Mr.  
6 Robert.

7 MR. ENGELMANN: About inappropriate activity  
8 on the part of Mr. Seguin?

9 MR. VAN DIEPEN: On the part of Mr. Seguin  
10 not fulfilling his role as a probation officer.

11 MR. ENGELMANN: I am talking about  
12 inappropriate ---

13 MR. VAN DIEPEN: Inappropriate ---

14 MR. ENGELMANN: --- contact or inappropriate  
15 sexual contact.

16 MR. VAN DIEPEN: Inappropriate sexual  
17 contact I -- yes, I had that conversation with Mr. Robert  
18 following my discussion with Mr. MacDonald.

19 MR. ENGELMANN: Okay, so that's only after  
20 Mr. Seguin is dead?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: You didn't say anything to  
23 Mr. Robert about inappropriate sexual activity or  
24 inappropriate client contact by Mr. Seguin with  
25 probationers before he's dead?

1                   **MR. VAN DIEPEN:** I was not aware of them.

2                   **MR. ENGELMANN:** Not even of inappropriate  
3 client contact?

4                   **MR. VAN DIEPEN:** I had discussions with Mr.  
5 Robert about his role as a probation officer prior to his  
6 death.

7                   **MR. ENGELMANN:** What do you mean by that?

8                   **MR. VAN DIEPEN:** Well, I think I may have  
9 broached on that earlier in my testimony where I had some  
10 concerns with Mr. Seguin not fulfilling his role as a  
11 probation officer and how it impacted on my ability to  
12 perform my role.

13                   **MR. ENGELMANN:** What was he not doing that  
14 impacted on your ability to perform your role?

15                   **MR. VAN DIEPEN:** Not doing proper follow-up  
16 and enforcement. This was also post-Varley, as I believe I  
17 mentioned to you earlier, the investigator had  
18 conversations with me and asked me to bring it to the  
19 attention of Mr. Robert. We had a rather lengthy telephone  
20 conversation in which I suggested to the police officer  
21 that he should put his concerns in writing to Mr. Robert  
22 but preferably to a more senior level of management. And  
23 as well, I had a discussion with a Cornwall police officer  
24 who I don't recall his name, but he -- there was a matter  
25 which required our follow-up for enforcement, and I,

1 subsequent to receiving his -- there's a form that's used  
2 to report an allegation of a breach, and I followed that up  
3 with a telephone conversation with that police officer, and  
4 he said, "Well, how come you're getting back to me? Mr.  
5 Seguin isn't doing that?" And so on and so forth.

6 **MR. ENGELMANN:** All right.

7 **THE COMMISSIONER:** Mr. Engelmann, can you  
8 pick a spot there for lunch?

9 **MR. ENGELMANN:** Okay. I'll just be a  
10 moment.

11 **THE COMMISSIONER:** Thank you.

12 **MR. ENGELMANN:** You will agree with me that  
13 the comments Mr. Malcolm MacDonald makes to you about Ken  
14 Seguin could be described as a confession of sorts?

15 **MR. VAN DIEPEN:** That Mr. -- that, who, Mr.  
16 MacDonald confessed to me or that Ken Seguin confessed to  
17 Mr. MacDonald or ---

18 **MR. ENGELMANN:** Right.

19 **MR. VAN DIEPEN:** I don't know, I never saw -  
20 - I never saw any statement. I don't know what it -- all I  
21 can tell you is what Mr. MacDonald told me.

22 **MR. ENGELMANN:** Right, which was:

23 "I talked to Malcolm after Ken's death  
24 that there was a proposed settlement of  
25 \$11,000. Malcolm said Ken gave a

1 statement admitting Ken gave him a hand  
2 job."

3 Presumably that's Silmser?

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:** Correct;

6 "That was in December '93, Malcolm was  
7 trying to work out a deal."

8 So I'm talking about the statement, whether  
9 it's in writing or oral, that Mr. Seguin gives to Mr.  
10 Malcolm MacDonald, that that could be construed as a  
11 confession of sorts?

12 **MR. VAN DIEPEN:** Well, I -- there is -- I  
13 think there is -- I deduce from that that there was some  
14 admission of guilt by Mr. Seguin to Mr. MacDonald.

15 **MR. ENGELMANN:** All right.

16 **MR. VAN DIEPEN:** In what manner or form that  
17 took place? I don't know.

18 **MR. ENGELMANN:** Maybe we could leave it  
19 there, sir.

20 **THE COMMISSIONER:** We'll take the lunch  
21 break now. Thank you.

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

24 This hearing will resume at 2:00 p.m.

25 --- Upon recessing at 12:43 p.m./

1 L'audience est suspendue à 12h43

2 --- Upon resuming at 2:04 p.m./

3 L'audience est reprise à 14h04

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

6 **THE COMMISSIONER:** Mr. Engelmann.

7 **MR. ENGELMANN:** Good afternoon, Mr.  
8 Commissioner.

9 **THE COMMISSIONER:** Yes, sir.

10 **JOS VAN DIEPEN:** Resumed/Sous le même serment

11 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
12 ENGELMANN (Cont'd/Suite):

13 **MR. ENGELMANN:** Good afternoon, Mr. van  
14 Diepen.

15 **MR. VAN DIEPEN:** Good afternoon, sir.

16 **MR. ENGELMANN:** If you could just have out  
17 for a moment either 1175 or 1063. We had talked about  
18 paragraph -- it's the same in both -- about what Malcolm  
19 MacDonald had told you in December of 1993?

20 **MR. VAN DIEPEN:** M'hm.

21 **MR. ENGELMANN:** All right. And I'm  
22 wondering can you tell us, other than in this statement to  
23 the OPP in February of '94, can you recall if you would  
24 have told others about that?

25 **MR. VAN DIEPEN:** Yes.

1                   **MR. ENGELMANN:** All right. And can you  
2 recall to whom you might have spoken?

3                   **MR. VAN DIEPEN:** Well, there is more than  
4 one conversation, more than one individual, different  
5 combinations of individuals in the Cornwall office with my  
6 fellow staff and with my supervisor.

7                   **MR. ENGELMANN:** Okay. So you would have  
8 told any number of people you worked with?

9                   **MR. VAN DIEPEN:** Yes. Well, there was --  
10 wasn't as if ---

11                   **MR. ENGELMANN:** Was it -- is it -- sorry ---

12                   **MR. VAN DIEPEN:** --- wasn't as if I was  
13 running up to ---

14                   **MR. ENGELMANN:** No, no.

15                   **MR. VAN DIEPEN:** You know, these were on-  
16 going events that were -- that we were becoming aware of as  
17 they unfolded and we were -- we were collaboratively  
18 sharing information.

19                   **MR. ENGELMANN:** All right. And I don't go  
20 back to what people knew before he died, so let's just talk  
21 about what they knew after he died, in the office.

22                   **MR. VAN DIEPEN:** Right.

23                   **MR. ENGELMANN:** There would have been a  
24 number of discussions?

25                   **MR. VAN DIEPEN:** Yes.

1                   **MR. ENGELMANN:** All right. And so at one or  
2 more of those discussions you would have brought up this  
3 issue that Malcolm told you about Ken, the eleven-thousand,  
4 hand jobs, issues of that nature?

5                   **MR. VAN DIEPEN:** I might not have mentioned  
6 that I heard it from Mr. MacDonald ---

7                   **MR. ENGELMANN:** Okay.

8                   **MR. VAN DIEPEN:** --- but I certainly shared  
9 the information I received.

10                  **MR. ENGELMANN:** All right. What about  
11 outside of your office?

12                  **MR. VAN DIEPEN:** I may have mentioned it to  
13 others, yes.

14                  **MR. ENGELMANN:** All right. And when you  
15 did, would you have talked about it as an admission, as a  
16 confession or as both or ---

17                  **MR. VAN DIEPEN:** Well ---

18                  **THE COMMISSIONER:** Not your confession or  
19 admission.

20                  **MR. ENGELMANN:** No, no, but ---

21                  **THE COMMISSIONER:** Would you have related it  
22 as if Ken Seguin was admitting or confessing to?

23                  **MR. ENGELMANN:** Do you know?

24                  **MR. VAN DIEPEN:** I -- among -- the best of  
25 my memory, sir, is that it was a -- admission of guilt.



1                   **MR. ENGELMANN:** All right. I guess what I'm  
2 asking is, six or seven years later, this website appears  
3 and there is a story about a confession?

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. ENGELMANN:** Seguin?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. ENGELMANN:** Is it possible that this --  
8 that that part of the story could have arisen from this  
9 confession or admission that you were discussing with your  
10 colleagues?

11                   **MR. VAN DIEPEN:** No, because I think the  
12 website speaks about me having found a written confession -  
13 --

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

15                   **MR. VAN DIEPEN:** --- in the office and I  
16 destroyed it or ---

17                   **MR. ENGELMANN:** Okay.

18                   **MR. VAN DIEPEN:** --- or something to that  
19 effect.

20                   In other words, this would have been some  
21 document or paper that Mr. Seguin prepared before his death  
22 and it was left in the office and I was the one that  
23 discovered it and then made it not available to others.

24                   **MR. ENGELMANN:** All right. So it was  
25 clearly was a different confession?

1                   **MR. VAN DIEPEN:** Oh, yeah. We're not  
2 talking about the same timeline or -- or events.

3                   **MR. ENGELMANN:** Well, I know it's not the  
4 same timeline.

5                   **MR. VAN DIEPEN:** Right.

6                   **MR. ENGELMANN:** Yeah. That's why I asked  
7 you if that could have percolated into the other. All  
8 right.

9                   So let's look quickly at the next paragraph  
10 and again it doesn't matter which one we look at, there was  
11 no change.

12                   It says:

13                   "I think Emile Robert knew that Ken was  
14 an homosexual. Ron Gendron and I tried  
15 to talk to Ken about his clients living  
16 there and that, but Ken would always  
17 tell us to get out of his office. Once  
18 Ron Gendron and I spied on him at the  
19 Cornwall Square. Nelson would hang out  
20 there. Ken asked Emile once if Gerry  
21 Renshaw could live with him. Ken and  
22 Gerry were lovers. Gerry owed Ken  
23 about ten thousand..."

24                   -- et cetera.

25                   Okay. And you say Ron Leroux and someone

1 else, C8, were always at Ken's et cetera.

2 Now, just a couple of things about that  
3 paragraph. Did you tell Emile Robert anything about Mr.  
4 Seguin's sexual orientation?

5 MR. VAN DIEPEN: I -- at the -- prior to his  
6 death or after his death?

7 MR. ENGELMANN: This statement's being made  
8 ---

9 MR. VAN DIEPEN: Well, it's all over the map  
10 ---

11 MR. ENGELMANN: --- February of '94.

12 MR. VAN DIEPEN: I mean that statement's all  
13 over the map. There's a number of different thoughts and  
14 items all strung together in one paragraph.

15 MR. ENGELMANN: Right.

16 MR. VAN DIEPEN: So what I'm -- you know,  
17 these were separate -- I call -- discussions I had with the  
18 police at the time, that they encapsulated into one  
19 paragraph and one sentence not having anything to do with  
20 the other. You know, the -- when I ---

21 MR. ENGELMANN: Well, let's try and break it  
22 down.

23 MR. VAN DIEPEN: Sure.

24 MR. ENGELMANN: First sentence. Do you know  
25 if you were talking about before his death or the two

1 months thereafter because he -- you're apparently making  
2 this comment in February of '94?

3 MR. VAN DIEPEN: Yes.

4 MR. ENGELMANN: Are you able to help us?

5 THE COMMISSIONER: So what -- I think Emile  
6 Robert knew that Ken was homosexual?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: I think he knew that before  
9 Ken died?

10 MR. VAN DIEPEN: In 1994, I believe that Mr.  
11 Robert knew before Mr. Seguin died that Mr. Seguin may have  
12 been an homosexual.

13 MR. ENGELMANN: And had you informed him of  
14 that?

15 MR. VAN DIEPEN: At that point?

16 MR. ENGELMANN: Yes.

17 MR. VAN DIEPEN: Before Mr. Seguin died?

18 MR. ENGELMANN: Yes.

19 MR. VAN DIEPEN: No.

20 MR. ENGELMANN: All right.

21 MR. VAN DIEPEN: Now, again that was my  
22 conclusion I drew in 1994.

23 MR. ENGELMANN: Yes.

24 MR. VAN DIEPEN: Okay. So I -- it was not  
25 something that I had -- a conclusion I drew prior to Mr.

1 Seguin's death.

2 MR. ENGELMANN: Okay, but I thought you told  
3 us that ---

4 MR. VAN DIEPEN: But -- so what I'm saying  
5 to you, sir, is that in 1994 ---

6 MR. ENGELMANN: Yes.

7 MR. VAN DIEPEN: --- at the time I gave the  
8 statement ---

9 MR. ENGELMANN: Two months after Mr. Seguin  
10 died.

11 MR. VAN DIEPEN: --- two months after Mr.  
12 Seguin died, I believed at that time that Mr. Robert had  
13 some knowledge prior to Mr. Seguin's death.

14 MR. ENGELMANN: Right. I understood that.

15 MR. VAN DIEPEN: Okay.

16 MR. ENGELMANN: And I'm asking you ---

17 MR. VAN DIEPEN: --- and that's what I'm  
18 saying.

19 MR. ENGELMANN: I was asking if he got that  
20 from you?

21 MR. VAN DIEPEN: Did Mr. Robert get -- that  
22 I told Mr. Robert that?

23 MR. ENGELMANN: Yes.

24 MR. VAN DIEPEN: No.

25 MR. ENGELMANN: All right. Now, later on in

1 that paragraph, you say:

2 "Ron Leroux and C-8 were always at  
3 Ken's."

4 See that? Just near the bottom of the  
5 paragraph?

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:** All right. How did you know  
8 that?

9 **MR. VAN DIEPEN:** Mr. Seguin told me.

10 **MR. ENGELMANN:** All right. So that was my  
11 question. You don't say you learned that from someone.  
12 When you read this it's almost as if, well, you were there  
13 and that's why you knew?

14 **MR. VAN DIEPEN:** Yeah -- I -- you know ---

15 **MR. ENGELMANN:** You're not saying you know  
16 that from your personal observations?

17 **MR. VAN DIEPEN:** Well, there -- you know,  
18 there is some -- I had some trouble with the -- the  
19 semantics ---

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

21 **MR. VAN DIEPEN:** --- the language. In other  
22 words, you know, there's -- there's another little thing  
23 there that, you know, that Ken would always tell us to get  
24 out of his office, you know. There was only -- and I think  
25 I've described to you, sir, that there was only one

1 incident and one incident only in which I was told to get  
2 out of his office.

3 MR. ENGELMANN: Yeah, so it colourful and  
4 you ---

5 MR. VAN DIEPEN: Yeah, so I didn't construct  
6 those sentences. They're not -- they're not my words.

7 MR. ENGELMANN: Well, they are words you  
8 adopt though?

9 MR. VAN DIEPEN: Pardon?

10 MR. ENGELMANN: They're words you adopt.

11 MR. VAN DIEPEN: I adopt?

12 MR. ENGELMANN: Yes.

13 MR. VAN DIEPEN: How?

14 MR. ENGELMANN: You adopted them at the  
15 time. You signed the statement, you initialed it.

16 MR. VAN DIEPEN: Well.

17 MR. ENGELMANN: You read it.

18 MR. VAN DIEPEN: I mean, there was, you know  
19 -- I mean that's -- I told you earlier, sir, that I had  
20 some difficulty signing the statement and I -- you know --  
21 and I -- because I didn't think it was really an -- as  
22 accurate as it could be. You know, there was, for example,  
23 getting back to the thing of always, there was no always,  
24 there was only once. You know, there was ---

25 MR. ENGELMANN: But, again, just thinking

1 about the importance of giving a statement to the police  
2 and you'd been a long serving probation officer, didn't you  
3 think it advisable that -- or write a note saying, "I have  
4 some concerns about this", or make some changes ---

5 **MR. VAN DIEPEN:** I certainly made that view  
6 known to the police officers.

7 **MR. ENGELMANN:** All right. And just on that  
8 point:

9 "Ron Gendron and I tried to talk to Ken  
10 about his clients living there."

11 Who do you mean by that?

12 **MR. VAN DIEPEN:** Gerry Renshaw.

13 **MR. ENGELMANN:** But you are using "clients"  
14 in the plural.

15 **MR. VAN DIEPEN:** I didn't -- again, sir, the  
16 only client that I'm aware that lived with Ken Seguin was  
17 Gerald Renshaw.

18 **MR. ENGELMANN:** Well, but -- didn't you in  
19 earlier statements talk about the Cornwall Police Service  
20 dropping people by to live with him?

21 **MR. VAN DIEPEN:** Well, when I worked ---

22 **MR. ENGELMANN:** A mistake.

23 **MR. VAN DIEPEN:** --- well, we're talking  
24 about different timeframe. We're talking about a different  
25 circumstance. We weren't talking about living there.



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

2                   **MR. VAN DIEPEN:** Okay. We're talking about  
3 living there, we're talking about somebody co-habiting.

4                   **MR. ENGELMANN:** Okay.

5                   **MR. VAN DIEPEN:** And my understanding and  
6 the only knowledge I have was that Mr. Renshaw was co-  
7 habitating with Mr. Seguin.

8                   **MR. ENGELMANN:** All right. But whether  
9 people are living there or whether they're spending the  
10 night there, you'd agree that would be in contravention of  
11 Ministry policy if they were probationers or ex-  
12 probationers?

13                   **MR. VAN DIEPEN:** Well, my understanding of  
14 it is, and correct me if I'm wrong, is that Mr. Seguin had  
15 received permission for Mr. Renshaw to reside there.

16                   **MR. ENGELMANN:** No, I'm not talking about  
17 the Renshaw issue, and you're correct. That's -- in many  
18 of these documents -- it talks about having run that by Mr.  
19 Robert.

20                   **MR. VAN DIEPEN:** Right.

21                   **MR. ENGELMANN:** Now, I'm talking about  
22 people being dropped off to spend the night.

23                   **MR. VAN DIEPEN:** Oh, yeah, certainly. Do I  
24 think it was inappropriate?

25                   **MR. ENGELMANN:** Right.

1                   **MR. VAN DIEPEN:** I think it's inappropriate.  
2                   Was everyone aware of that? Yes. Did Ken Seguin talk  
3                   about that openly? Yes. Did Mr. Robert know about that?  
4                   Yes.

5                   I mean, did we know about it at the time it  
6                   happened? No. We were talking -- we became about those  
7                   things as a historical fact.

8                   **MR. ENGELMANN:** So you say you didn't know  
9                   about them at the time?

10                  **MR. VAN DIEPEN:** No, I certainly did not.  
11                  Did you know that Ken Seguin came to me the following  
12                  morning and said, "Oh, guess who I had as a house guest?"

13                  **MR. ENGELMANN:** So back in late '70s/early  
14                  '80s?

15                  **MR. VAN DIEPEN:** I had -- at that time I had  
16                  no knowledge.

17                  **THE COMMISSIONER:** Did we cover this -- the  
18                  thing with Mr. Gendron and him going over the mall to ---

19                  **MR. ENGELMANN:** Well, that's the next  
20                  sentence and I believe that one of my colleagues would have  
21                  done that.

22                  You do say -- and, sir, this is the next  
23                  sentence is:

24                                 "Once Ron Gendron and I spied on him at  
25                                 the Cornwall Square."

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: And my understanding, sir,  
3 is that would have been later on in his tenure; close to --  
4 -

5 MR. VAN DIEPEN: Towards the end, yes.

6 MR. ENGELMANN: Yeah.  
7 And did you follow him from the office?

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: And did you discuss it  
10 beforehand?

11 MR. VAN DIEPEN: With whom?

12 MR. ENGELMANN: Ron Gendron.

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: And why was it that you were  
15 going to follow him?

16 MR. VAN DIEPEN: Well, Mr. Seguin was one of  
17 these -- I guess, for lack of better words, a creature of  
18 habit.

19 I could predict to you what suit he would  
20 wear on a Monday; what time he would take his coffee break;  
21 I mean, he was very regimented in his lifestyle.

22 MR. ENGELMANN: M'hm.

23 MR. VAN DIEPEN: So much so that it -- you  
24 could -- you know, like I said earlier, you could predict  
25 what he was going to do tomorrow.

1                    Suddenly, there was this radical change in  
2                    his behaviour. All of a sudden, he started taking off in  
3                    his vehicle during the morning break. And we're both sort  
4                    of saying, "Well that's kind of weird; what's that all  
5                    about?" And we had no idea what it was about. We don't  
6                    know -- and you know, you're suggesting that it may have  
7                    been sexual in nature; it may have been but we had no clue  
8                    that -- what was taking place. We were just curious as to  
9                    what actually happened.

10                    **MR. ENGELMANN:** Sir, let's just be clear.

11                    You're the one who's talking to the police -

12                    --

13                    **MR. VAN DIEPEN:** Right.

14                    **MR. ENGELMANN:** --- here.

15                    **MR. VAN DIEPEN:** Yes.

16                    **MR. ENGELMANN:** You're the one who tells us  
17                    that the police are not just asking you about circumstances  
18                    surrounding his death.

19                    **MR. VAN DIEPEN:** Right.

20                    **MR. ENGELMANN:** But I don't want to get the  
21                    -- I think you said, "They also wanted to know about any  
22                    inappropriate sexual behaviour on his part."

23                    **MR. VAN DIEPEN:** Yes.

24                    **MR. ENGELMANN:** So you're the one that's  
25                    giving this answer, in that context.

1                   **MR. VAN DIEPEN:** Well, yes, but the -- you  
2 know, that sentence is taken out of context, sir, when they  
3 ask me about, you know, "What do you know about Mr.  
4 Seguin?" You know, "What else can you tell me about Mr.  
5 Seguin? What else did you do?"

6                   **MR. ENGELMANN:** All right.

7                   **MR. VAN DIEPEN:** You know, "Were you ever --  
8 did you ever have any kind of concerns?" You know, so  
9 we're talking, again, a two-hour conversation with the  
10 police in which they ask me, what did I know or what did I  
11 do.

12                   And so I gave them what I did and what I  
13 knew. You know, in hindsight, perhaps I should have said  
14 nothing and said, "I don't know."

15                   **MR. ENGELMANN:** No, but I'm sure you ---

16                   **MR. VAN DIEPEN:** And so, what I did was I  
17 volunteered, because I wished the police to know everything  
18 that I knew.

19                   Whether it was -- whether or not Mr. Seguin  
20 was doing something inappropriate or not, I -- you know, I  
21 simply remarked on it that that is what we did and if ---

22                   **MR. ENGELMANN:** Fair enough.

23                   But you knew the context and that's why you  
24 were giving this information to them, so that they could  
25 figure out ---

1                   **MR. VAN DIEPEN:** Yes, sir.

2                   **MR. ENGELMANN:** --- whether or not it  
3 involved inappropriate sexual behaviour.

4                   Fair enough?

5                   **MR. VAN DIEPEN:** Well, yes.

6                   It may have been; it may have been. We  
7 don't -- at -- before we followed him, we had no idea what  
8 it was about and we did it because, well, I think both of  
9 us I think we were sort of giggling like a bunch of school  
10 kids following him, to see what he was really doing.

11                   **MR. ENGELMANN:** Now, again in this  
12 statement, about a third of the way down the page that we  
13 were on, you say that:

14                                 "Ken was good friends with Malcolm, Ron  
15                                 and Jerry."

16                   Do you see that? And then, in the next  
17 sentence you say:

18                                 "Guy DeMarco, Ken Seguin and Father  
19                                 Charlie were buddies. He was the ex-  
20                                 Crown in Cornwall; now he's a judge in  
21                                 Windsor."

22                   I'm assuming you must be referring to Guy  
23 DeMarco?

24                   **MR. VAN DIEPEN:** Yes.

25                   **MR. ENGELMANN:** All right.

1 So did you know him as a former Crown, here?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: Do you know when he was a  
4 Crown here?

5 MR. VAN DIEPEN: Well, dates? No, I ---

6 MR. ENGELMANN: While you were a probation  
7 officer?

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: All right.

10 Do you remember if it was at or about the  
11 time of Peter Sirrs?

12 MR. VAN DIEPEN: I would say that, yes.

13 MR. ENGELMANN: All right. And you  
14 reference him a little further down the page, as well. You  
15 say:

16 "DeMarco, Ken, Father Charlie -- they  
17 went around to each other's houses.  
18 They also went to a priest's in  
19 Montreal. He was also an architect..."  
20 Et cetera."

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: Now, how was it you were  
23 aware of that, sir?

24 MR. VAN DIEPEN: Ken Seguin told me.

25 MR. ENGELMANN: Did he tell you what they

1           were doing together?

2                       **MR. VAN DIEPEN:** They were all bachelors and  
3 they'd -- in turn, one would cook up a -- one would -- it  
4 was one -- in turn it was one of their responsibilities to  
5 make supper.

6                       **MR. ENGELMANN:** All right. So you have no  
7 personal knowledge of those references to Guy DeMarco;  
8 those would be comments that were made to you by Ken  
9 Seguin?

10                      **MR. VAN DIEPEN:** Exactly.

11                      **MR. ENGELMANN:** Had you ever met the fellow?

12                      **MR. VAN DIEPEN:** Yes.

13                      **MR. ENGELMANN:** And had you ever seen him  
14 with Ken Seguin?

15                      **MR. VAN DIEPEN:** Yes.

16                      **MR. ENGELMANN:** All right; but only in the  
17 office, or elsewhere?

18                      **MR. VAN DIEPEN:** Yes; only in public.

19                      **MR. ENGELMANN:** All right.  
20 And would you have told the police that,  
21 that you ---

22                      **MR. VAN DIEPEN:** Which ---

23                      **MR. ENGELMANN:** The police, when you're  
24 talking to them in this -- during this statement.

25                      Would you have told him that you weren't at



1           these parties; that you just heard this from Ken?

2                       **MR. VAN DIEPEN:** Or -- exactly. Yes.

3                       **MR. ENGELMANN:** You would have told them  
4           that?

5                       **MR. VAN DIEPEN:** Yes.

6                       **MR. ENGELMANN:** All right.

7                       Because again, it's not here.

8                       **MR. VAN DIEPEN:** No.

9                       **MR. ENGELMANN:** Whether it's a personal  
10           observation, or whether you're told.

11                      **MR. VAN DIEPEN:** Exactly.

12                      **MR. ENGELMANN:** That's why I'm asking.

13                      **MR. VAN DIEPEN:** Yes. No I ---

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

15                      **MR. VAN DIEPEN:** Fair question.

16                      **MR. ENGELMANN:** Can you help us out why  
17           you're bringing up the paragraph in the middle?

18                               Presumably you did; this is in reference to  
19           someone named Mona and then a trip to a psychiatrist.

20                      **MR. VAN DIEPEN:** Yes.

21                      **MR. ENGELMANN:** Does that have anything to  
22           do with circumstances surrounding his death, or in ---

23                      **MR. VAN DIEPEN:** No, no, no, no.

24                               This happened before my employment with the  
25           Ministry.

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

2                   **MR. VAN DIEPEN:** Mr. Seguin was involved in  
3 a relationship with both of those females. He was engaged  
4 to the one that was -- and I remember Ken once seeing a  
5 psychiatrist or something, and the engagement was broke  
6 off.

7                   And that the -- this woman was, from what --  
8 and again, I wasn't there.

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

10                  **MR. VAN DIEPEN:** So I can't tell you from  
11 firsthand ---

12                  **MR. ENGELMANN:** All right

13                  **MR. VAN DIEPEN:** But what was told to me was  
14 that she was devastated by it.

15                  **MR. ENGELMANN:** All right.

16                  **MR. VAN DIEPEN:** And then so ---

17                  **MR. ENGELMANN:** Let me just stop you for a  
18 second.

19                  **MR. VAN DIEPEN:** --- and so they're asking  
20 me about, well, "What else to you know?" And I said, "I  
21 don't know anything more than that; if you want to know  
22 more, speak to Marcel Léger who would have been an employee  
23 at the time."

24                  **MR. ENGELMANN:** All right. So that  
25 paragraph's all about things that you heard from Mr. Seguin

1 that took place before you even knew him.

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: All right.

4 Jack Fraser.

5 MR. VAN DIEPEN: Yeah.

6 MR. ENGELMANN: Is that someone who's known  
7 to you?

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: Who was he?

10 MR. VAN DIEPEN: Eastern Regional Vice  
11 Chairman of the Ontario Board of Parole.

12 MR. ENGELMANN: All right. And was he a  
13 friend of Mr. Seguin's?

14 MR. VAN DIEPEN: I don't believe so.

15 MR. ENGELMANN: All right. And the  
16 reference to the person in the bottom paragraph, was that a  
17 person who had been on probation or was on probation?

18 MR. VAN DIEPEN: Yes, he -- at one point, he  
19 was on probation to me.

20 MR. ENGELMANN: All right. So why are you  
21 bringing this up? What's the significance of this when  
22 we're dealing with Ken Seguin's death, whether it's  
23 suspicious and/or possibly inappropriate sexual behaviour  
24 on his part?

25 MR. VAN DIEPEN: Well they're -- the police

1 are asking me, "Is there anything else, do you know? Is  
2 there anything else that you can tell us that may lead us  
3 in any direction?" You know, "Can you help us? Tell us  
4 anything you know at all, no matter how insignificant you  
5 think it is."

6 **MR. ENGELMANN:** All right.

7 **MR. VAN DIEPEN:** And so they're asking me,  
8 you know, "Think about it; draw everything you can from  
9 your memory and, if it's not important, well it's  
10 unimportant. But it may be important to us, or it may  
11 corroborate certain information we already have."

12 **MR. ENGELMANN:** All right.

13 **MR. VAN DIEPEN:** "So just be as free ranging  
14 and as open as you can," and I was.

15 **MR. ENGELMANN:** So you don't know of  
16 anything that would tie this to his death or inappropriate  
17 sexual behaviour, thinking back?

18 **MR. VAN DIEPEN:** Well, all I can tell you is  
19 ---

20 **MR. ENGELMANN:** Just don't mention the  
21 fellow's name.

22 **MR. VAN DIEPEN:** No; all I can tell you is  
23 is that there was an incident what -- which happened and  
24 then the office which struck me as odd.

25 **MR. ENGELMANN:** All right. And you reported

1 that to the police?

2 MR. VAN DIEPEN: Exactly.

3 MR. ENGELMANN: All right. Now, what about  
4 the paragraph which is perhaps more relevant to the subject  
5 matter where it says:

6 "I heard once at a dinner party,  
7 Silmsmer was there and that Father  
8 Charlie sodomized Silsmer then and Ken  
9 didn't do anything. I forgot where I  
10 heard that but it was a while back."

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: All right. So is it fair to  
13 suggest that you didn't hear that from Ken Seguin?

14 MR. VAN DIEPEN: Oh, no. Mr. Seguin  
15 wouldn't have told me that, no.

16 MR. ENGELMANN: He wouldn't have told you  
17 that?

18 MR. VAN DIEPEN: Oh, no.

19 MR. ENGELMANN: He knew that and then didn't  
20 do anything?

21 MR. VAN DIEPEN: Yeah, exactly.

22 MR. ENGELMANN: All right. That's what I  
23 thought.

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: So he's the source of a lot

1 of the information you've given us on this page?

2 MR. VAN DIEPEN: Right.

3 MR. ENGELMANN: Who was likely the source  
4 here?

5 MR. VAN DIEPEN: I had no idea. It was a  
6 friend -- if memory serves me correctly, it was a friend of  
7 -- well, an acquaintance of ours.

8 We were at a -- we were at, I believe -- if  
9 memory serves me right, we were at a dinner party. There  
10 was a discussion, as there are discussions, about this  
11 whole Project Truth, the sexual abuse and stuff and one of  
12 the individuals at this group mentioned that Ken Seguin --  
13 mentioned what I just -- what you just read.

14 MR. ENGELMANN: All right, hang on. This is  
15 February '94?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: Project Truth ---

18 MR. VAN DIEPEN: Well, you know what I ---

19 MR. ENGELMANN: --- doesn't happen until  
20 '97.

21 MR. VAN DIEPEN: --- the subject matter of  
22 Project Truth.

23 MR. ENGELMANN: Help me out.

24 MR. VAN DIEPEN: Okay. Let's -- let's  
25 remove the word "Project Truth"; okay?

1 MR. ENGELMANN: All right.

2 MR. VAN DIEPEN: There was a lot of rumours  
3 about sexual impropriety on the part of Ken Seguin and  
4 others in the community.

5 MR. ENGELMANN: When?

6 MR. VAN DIEPEN: Pardon?

7 MR. ENGELMANN: When?

8 MR. VAN DIEPEN: When, when?

9 MR. ENGELMANN: When were there those  
10 rumours?

11 MR. VAN DIEPEN: Immediately after Ken's  
12 death there was just a hornet's nest of activity.

13 MR. ENGELMANN: All right, so ---

14 MR. VAN DIEPEN: And so I'm thinking that  
15 this might have been a Christmas party.

16 MR. ENGELMANN: So this would have been very  
17 fresh then?

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: As opposed to some of the  
20 information here that's many years earlier?

21 MR. VAN DIEPEN: Yes.

22 THE COMMISSIONER: But you do say in your --  
23 in that paragraph:

24 "I forgot where I heard it but it was a  
25 while back."

1 So ---

2 MR. ENGELMANN: Yeah, that's why I thought  
3 this was ---

4 MR. VAN DIEPEN: You know, it was, you know  
5 ---

6 MR. ENGELMANN: Isn't it more likely, sir,  
7 that it was before Mr. Seguin died?

8 MR. VAN DIEPEN: I don't believe so, sir,  
9 but I don't have a -- I don't have anything that comes in  
10 mind that helps me frame it -- helps with the timeframe.

11 MR. ENGELMANN: Isn't it also true that  
12 there were some rumours about Ken Seguin before he died?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: So surely this could have  
15 been before then?

16 MR. VAN DIEPEN: It might have been.

17 MR. ENGELMANN: All right. Now, sir, in ---  
18 just be a second.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. ENGELMANN: Now, in this particular  
21 statement, and I'm talking about the February 14<sup>th</sup>, '94  
22 statement, you don't specifically reference being at either  
23 Ken Seguin's house or at Malcolm McDonald's cottage when  
24 young men were there; correct? In this statement.

25 MR. VAN DIEPEN: Do I -- do I say that I was



1           there?

2                   **MR. ENGELMANN:** No. I'm saying you don't.

3                   **MR. VAN DIEPEN:** Okay, yes.

4                   **MR. ENGELMANN:** In this first statement.

5                   **MR. VAN DIEPEN:** Okay.

6                   **MR. ENGELMANN:** You can check it if you  
7 like, but I don't see a reference to your being there ---

8                   **MR. VAN DIEPEN:** Right.

9                   **MR. ENGELMANN:** --- at either the  
10 Summerstown -- do I have that right; Summerstown ---

11                   **MR. VAN DIEPEN:** Yes.

12                   **MR. ENGELMANN:** --- House or his house on  
13 Alguire or the cottage on Stanley Island when there were  
14 young men there?

15                   **MR. VAN DIEPEN:** Yes.

16                   **MR. ENGELMANN:** Probationers or otherwise?

17                   **MR. VAN DIEPEN:** Yes.

18                   **MR. ENGELMANN:** That's not in the '94  
19 statement?

20                   **MR. VAN DIEPEN:** Yes.

21                   **MR. ENGELMANN:** And why is that?

22                   **MR. VAN DIEPEN:** I would -- I don't know.

23                   **MR. ENGELMANN:** All right. Well, had you  
24 been there when there were young males there who were  
25 probationers or ex-probationers?

1                   **MR. VAN DIEPEN:** No.

2                   **MR. ENGELMANN:** All right. Let's go to the  
3 August 4<sup>th</sup>, '98 statement. I want to just go through it  
4 briefly. It's Tab -- sorry, it's Exhibit 1176.

5                   Mr. Commissioner, there is a handwritten  
6 copy of this; we've seen these before. It's Document  
7 Number 713466.

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

9                   **MR. ENGELMANN:** I'm wondering, sir, if the  
10 handwritten version could be marked as Exhibit 1176A.

11                   **THE COMMISSIONER:** Sure.

12                   Well, wait a minute now. Isn't it already  
13 in here?

14                   **MR. ENGELMANN:** Oh, you know what, it is the  
15 same document. I apologize. It's already there.

16                   **THE COMMISSIONER:** It's all known as 1176.

17                   **MR. ENGELMANN:** Yeah.

18                   So, Mr. van Diepen, do you have a typed  
19 version and a handwritten version attached?

20                   **MR. VAN DIEPEN:** Yes, I do.

21                   **MR. ENGELMANN:** All right. So -- and I've  
22 just -- this is the summer of 1998. Project Truth is on  
23 and you're interviewed by Officers Seguin and Dupuis.

24                   We covered this very briefly before. The  
25 handwritten document, the end, it again it contains your

1 signature at the end? Is that correct?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: And did they ask you to  
4 initial each page as well, sir?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: And then do you recall, sir,  
7 when it was you would have seen a typed version or have you  
8 ever seen the typed version before you were looking at the  
9 documents here?

10 MR. VAN DIEPEN: No.

11 MR. ENGELMANN: So the first time you would  
12 have seen the typed version would be here as you're  
13 preparing to give your evidence?

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: All right. And the  
16 handwritten version you would have seen at the time, but am  
17 I right that they did not give you a copy to take home?

18 MR. VAN DIEPEN: That's correct.

19 MR. ENGELMANN: All right. Do you recall  
20 the circumstances of this statement?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: Do you recall where it took  
23 place?

24 MR. VAN DIEPEN: I believe it took place in  
25 the office.

1                   **MR. ENGELMANN:** All right. And I'm looking  
2                   at the time there. It appears to have been an interview of  
3                   about half-an-hour. Does that seem about right?

4                   **MR. VAN DIEPEN:** I don't know. I don't  
5                   recall.

6                   **MR. ENGELMANN:** All right. Oh, I'm sorry.  
7                   I've read 15h39. It's 13h39 to 16h05, so that would be  
8                   about two-and-a-half hours.

9                   **MR. VAN DIEPEN:** Okay.

10                  **MR. ENGELMANN:** That's even longer than the  
11                  first one?

12                  **MR. VAN DIEPEN:** Yes.

13                  **MR. ENGELMANN:** Does -- you don't have any  
14                  recollection of the time.

15                  **MR. VAN DIEPEN:** I don't recollect ---

16                  **MR. ENGELMANN:** Do you remember the two  
17                  officers?

18                  **MR. VAN DIEPEN:** Yes.

19                  **MR. ENGELMANN:** Dupuis and Seguin?

20                  **MR. VAN DIEPEN:** Yes.

21                  **MR. ENGELMANN:** Were they known to you, sir?

22                  **MR. VAN DIEPEN:** Yes.

23                  **MR. ENGELMANN:** All right. Through your  
24                  work?

25                  **MR. VAN DIEPEN:** Yes.

1                   **MR. ENGELMANN:** I'm not suggesting there  
2                   were other reasons.

3                   **MR. VAN DIEPEN:** Yes.

4                   **MR. ENGELMANN:** And, sir, on page 3 of 8 we  
5                   have a discussion about the ---

6                   **MR. VAN DIEPEN:** The typed version, sir?

7                   **MR. ENGELMANN:** Yeah, let's just use the  
8                   typed version. I don't think there -- there are no changes  
9                   on this, so let's just use the typed version.

10                  **MR. VAN DIEPEN:** Okay.

11                  **MR. ENGELMANN:** There's a reference to the  
12                  17 year-old probationer that we talked about earlier?

13                  **MR. VAN DIEPEN:** Yes.

14                  **MR. ENGELMANN:** And it's fair to say that  
15                  your memory of that incident was better in '94 than it  
16                  would have been in '98?

17                  **MR. VAN DIEPEN:** Correct.

18                  **MR. ENGELMANN:** You don't take issue with  
19                  that?

20                  **MR. VAN DIEPEN:** I don't see why I should,  
21                  no.

22                  **MR. ENGELMANN:** And there are some aspects  
23                  of the earlier version that aren't there any more. For  
24                  example, there's no reference to the alleged comment or the  
25                  comment that this probationer made to you that Father

1 Charlie liked little boys. That's not there?

2 MR. VAN DIEPEN: That's not there.

3 MR. ENGELMANN: And there's a reference to,  
4 at the end:

5 "There's some kind of contact that I  
6 don't remember."

7 So if you'd known about contact in '94,  
8 although you didn't write about it, by this point you say  
9 you don't remember. Is that fair?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: And you wouldn't have  
12 reviewed those case notes that you took ---

13 MR. VAN DIEPEN: That file would have been  
14 gone a long time ago.

15 MR. ENGELMANN: Right, because that was  
16 1976?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: All right. So there'd be no  
19 reason for your memory to get better about that incident?

20 MR. VAN DIEPEN: That's right.

21 MR. ENGELMANN: In fact, more likely it  
22 would just fade some more?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: All right. Then on the  
25 following page, page 4, at the bottom you confirm, sir,

1 that when you ask about Ron Leroux, and again we won't  
2 mention the name of who he was living at the time, but you  
3 say that Ron and the other person were good friends with  
4 Ken?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: All right. And again you're  
7 asked about Father Charlie and this is when you say, and we  
8 talked about this briefly, that he was a good friend of  
9 Ken's?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: And that they'd gone through  
12 seminary together?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: All right. And you're asked  
15 about this incident concerning the dinner party?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: And Silmsen being apparently  
18 sodomized?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: And you say, "I wasn't at  
21 the dinner party," so I get the sense, sir, that the  
22 reference to dinner party is where something happened, or  
23 am I mistaken?

24 MR. VAN DIEPEN: Yes, what I said earlier.

25 This alleged act ---

1                   **MR. ENGELMANN:** Yes.

2                   **MR. VAN DIEPEN:** --- took place at one of  
3 these dinner parties with the -- that took place.

4                   **MR. ENGELMANN:** All right, and to be  
5 perfectly clear about it, you're saying you weren't there,  
6 that you heard about it from you don't know whom?

7                   **MR. VAN DIEPEN:** From Mr. 'X'.

8                   **MR. ENGELMANN:** All right. And you believe  
9 -- did you believe those other individuals were there or  
10 are you able to help us? I'm just reading ---

11                   **MR. VAN DIEPEN:** Exactly. The only  
12 information I have was the information that I reported to  
13 the police. I don't have any other information other than  
14 that. That's what the information that was thrown out at  
15 our dinner table.

16                   **MR. ENGELMANN:** Did you ever tell anybody  
17 about this?

18                   **MR. VAN DIEPEN:** Yes.

19                   **MR. ENGELMANN:** Who would you have told?

20                   **MR. VAN DIEPEN:** I told the police.

21                   **MR. ENGELMANN:** No, no, clearly here you  
22 told the police.

23                   **MR. VAN DIEPEN:** I believe I told them in  
24 '94 as well.

25                   **MR. ENGELMANN:** Yes you did.



1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: Did you tell anybody else  
3 about this allegation?

4 MR. VAN DIEPEN: I may have mentioned it to  
5 a coworker.

6 MR. ENGELMANN: And do you remember if that  
7 would have been before or after Mr. Seguin's death? Can  
8 you help us?

9 MR. VAN DIEPEN: I can't help you with that,  
10 sir.

11 MR. ENGELMANN: All right, that's fine.  
12 Now at the bottom of the page, you confirm  
13 your friendship with Malcolm MacDonald?

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: And you say you became of  
16 his orientation during his drinking heyday?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: Do you remember when that  
19 was?

20 MR. VAN DIEPEN: I'm going to say 70's.

21 MR. ENGELMANN: All right, early on in the  
22 relationship?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: All right, and you talk  
25 about an alternative lifestyle?

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. ENGELMANN:** And you say:

3                                "It's not anything I witnessed actually  
4                                for any of these guys, Ken or Nelson.

5                                Never did I see anything that would  
6                                make me to say, 'wow, wait a minute.'

7                                And specifically towards any client  
8                                contact, I never witnessed anything."

9                                "What do you mean by alternative  
10                                lifestyle?"

11                                "Homosexual, I guess, is or in the  
12                                proper term."

13                                All right? So you're saying that you don't  
14                                recall how you became aware of this alternative lifestyle  
15                                but at least at this point you're saying you're aware of it  
16                                for all three of them; correct?

17                                **MR. VAN DIEPEN:** Yeah, I think that's  
18                                probably a poor choice of words. I ---

19                                **MR. ENGELMANN:** You don't hedge that one at  
20                                all here?

21                                **MR. VAN DIEPEN:** I mean, again I -- I, you  
22                                know, and I think I alluded to it in the statement that I  
23                                had no proof.

24                                **MR. ENGELMANN:** And in the middle of the  
25                                next page you're asked:

1 "Did you ever go to Ken's house in  
2 Summerstown?"

3 MR. VAN DIEPEN: Yes.

4 MR. ENGELMANN: This is right after -- well  
5 hang on, let's back up for a second. You're asked about  
6 Malcolm's male friends?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: I don't want a name right  
9 now because I'm not sure about that name.

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: But you say:

12 "He was around 18, 21; Malcolm was  
13 around 50. He was always hanging  
14 around his cottage. I'm not pulling up  
15 any names right now. There was a  
16 series of young men that were hanging  
17 around Malcolm's cottage as well as  
18 Ken's house"?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: All right, so when I read  
21 that my first thought is well you were there and you saw  
22 this?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: Is that fair?

25 MR. VAN DIEPEN: No.

1                   **MR. ENGELMANN:** You're still saying you  
2 weren't there?

3                   **MR. VAN DIEPEN:** I was not there.

4                   **MR. ENGELMANN:** All right, well then in the  
5 next sentence, the next question is:

6                                 "Did you ever go to Ken's house in  
7                                 Summerstown?"

8                   And you say.

9                                 "There's two cases in particular that I  
10                                 recall when some young guys, including  
11                                 at least one male client, Gerry  
12                                 Renshaw, were hanging out at Ken's.  
13                                 They certainly knew their way around."

14                   **MR. VAN DIEPEN:** Yes.

15                   **MR. ENGELMANN:** And when I read that, I mean  
16 that seems to suggest without a doubt that you were there?

17                   **MR. VAN DIEPEN:** I was -- I was at -- I  
18 never denied that I was at Ken Seguin's house.

19                   **MR. ENGELMANN:** Oh, okay, okay. But  
20 apparently you were there when there were some young males  
21 hanging around?

22                   **MR. VAN DIEPEN:** Yes.

23                   **MR. ENGELMANN:** One of them was Gerry  
24 Renshaw?

25                   **MR. VAN DIEPEN:** Yes, and the other one was,

1 as I subsequently discovered, was C-8.

2 MR. ENGELMANN: All right. "They certainly  
3 knew their way around"?

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: All right. So if Gerry  
6 Renshaw said he saw you there that's not a surprise because  
7 you saw him there?

8 MR. VAN DIEPEN: That's right.

9 MR. ENGELMANN: All right, and then it says:  
10 "Were you ever at any parties at  
11 Malcolm's cottage on Stanley Island?"

12 You say:

13 "I remember being there twice, once  
14 with other couples, my wife and I and  
15 some other adult couples, including Dr.  
16 Joe McLean. I've never been there when  
17 there were any young males there. I've  
18 stopped by and seen some young males  
19 there but I never stayed."

20 All right, so what are you referring to  
21 there in that last sentence?

22 MR. VAN DIEPEN: I don't recall.

23 MR. ENGELMANN: Do you remember coming up  
24 and about and seeing him there with a bunch of young men?

25 MR. VAN DIEPEN: I don't recall. Honestly,

1 I don't recall.

2 MR. ENGELMANN: All right, and then at the  
3 bottom of that page and onto the next page, you are asked  
4 about whether you see certain people at Malcolm's cottage?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: Like the Bishop?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: Police chief?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: And you were also asked if  
11 you see other people at Ken Seguin's?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: All right, And you never  
14 say -- help me out here, you never say I was never there or  
15 I was almost never there?

16 MR. VAN DIEPEN: I never ---

17 MR. ENGELMANN: You answered the question?

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: All right, so presumably you  
20 were there on a few occasions, both places?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: All right. And the one  
23 person that you say you may have seen at Malcolm's is this  
24 fellow, Ron Wilson?

25 MR. VAN DIEPEN: But I think I correct it

1 later on where I say I think it was at Ken's house -- may  
2 have but I said I'm not sure.

3 MR. ENGELMANN: All right. Well just on  
4 page 7, you say:

5 "Have you ever seen Ron Wilson at  
6 Malcolm's cottage?"

7 "I may have. They have been good  
8 friends for years and years."

9 MR. VAN DIEPEN: Yeah.

10 MR. ENGELMANN: All right, so you knew about  
11 their friendship?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: And in fact he was one of  
14 the fellows who had come to Harv's for lunch?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: And then again you were  
17 asked about seeing people at Ken's and you say no to a few  
18 people and then you say, "and Ron Wilson, I'm not sure"?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: You're not sure if you saw  
21 him at Ken's?

22 MR. VAN DIEPEN: That's right.

23 MR. ENGELMANN: Okay.

24 Now you are asked some questions on the last  
25 page about trips to Florida?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: And you never went to  
3 Florida with any of these people?

4 MR. VAN DIEPEN: Never.

5 MR. ENGELMANN: All right. And your  
6 knowledge about these trips to Florida by Malcolm or Ken or  
7 others, or Ron Wilson ---

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: --- would that have been as  
10 a result of conversation?

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: They'd be talking about  
13 going or coming from?

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: In conversation at Harv's or  
16 elsewhere?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: All right. And you're  
19 asked:

20 "Do you know where they stayed in Fort  
21 Lauderdale?"

22 And you say:

23 "For years and years Malcolm went to a  
24 motel not right on the beach but on the  
25 main drag; don't know what the name of



1                                   it is."

2                                   Would that have been the Saltaire Motel?

3                   **MR. VAN DIEPEN:** I have no idea.

4                   **MR. ENGELMANN:** You can't remember?

5                   **MR. VAN DIEPEN:** No.

6                   **MR. ENGELMANN:** All right. I want to ask  
7 you about the very last thing, because it doesn't make any  
8 sense to me and maybe you can help me, sir.

9                   **MR. VAN DIEPEN:** Yes.

10                  **MR. ENGELMANN:** It says:

11                                   "Would you like to read and sign your  
12                                   statement?"

13                                   And if you want to look at the handwritten  
14                                   portion, it may be helpful, I don't know, but it says:

15                                   "Regarding the confession, I was told  
16                                   by someone obviously but I do not  
17                                   recall who."

18                                   And then I think it says.

19                                   "They content, should read not told by  
20                                   a person who had firsthand knowledge."

21                   **MR. VAN DIEPEN:** Yes.

22                   **MR. ENGELMANN:** The English is a bit choppy  
23                   there.

24                   **MR. VAN DIEPEN:** Yes.

25                   **MR. ENGELMANN:** Can you help us as to what

1 that means?

2 MR. VAN DIEPEN: I think I'm referring to --  
3 as near as I can ascertain from that, and again this is  
4 1998.

5 MR. ENGELMANN: Yes.

6 MR. VAN DIEPEN: So I'm only hazarding my  
7 best guess here.

8 MR. ENGELMANN: Okay.

9 MR. VAN DIEPEN: This is referencing this  
10 incident of sodomization.

11 MR. ENGELMANN: Okay.

12 MR. VAN DIEPEN: And the -- I think it  
13 should read, "The content should read"; not "they content."  
14 Should read:

15 "Not told by a person who had firsthand  
16 knowledge."

17 MR. ENGELMANN: All right. And that has  
18 nothing to do with the other confession which is attributed  
19 to Project Truth, which is two years later?

20 MR. VAN DIEPEN: Yeah.

21 MR. ENGELMANN: Okay.

22 Now let's look very briefly at the Downing  
23 interview notes, that's 958A. Yes, the Downing report,  
24 there's a -- 19 or 18 pages of an interview he took with  
25 you?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: You talked about references  
3 to Nelson Barque. At the top of page 5, the first page 5  
4 or I guess it's the only one here. There's no reference  
5 here, is there, when you're saying:

6 "I do not have any knowledge of him  
7 having a liaison with Ministry  
8 clients."

9 You see that?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: No reference here about  
12 people staying at his place or being dropped off by the  
13 Cornwall Police Service; correct?

14 MR. VAN DIEPEN: We're talking about Ken  
15 Seguin?

16 MR. ENGELMANN: Yes. This is all about Ken  
17 Seguin. It starts on the previous page.

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: You don't talk about that at  
20 all?

21 MR. VAN DIEPEN: No.

22 MR. ENGELMANN: All right. Do you recall  
23 talking about it and he just doesn't record it or you don't  
24 think you talked about it?

25 MR. VAN DIEPEN: I talked about it.

1 MR. ENGELMANN: Is that here?

2 MR. VAN DIEPEN: I don't know. It's a long  
3 statement, sir. I don't know if it's referenced in that  
4 statement ---

5 MR. ENGELMANN: All right.

6 MR. VAN DIEPEN: --- it could at some other  
7 point.

8 MR. ENGELMANN: I didn't see it, that's why  
9 I'm asking.

10 MR. VAN DIEPEN: Okay.

11 MR. ENGELMANN: All right. I may be  
12 mistaken.

13 Now, the incident that's being referenced in  
14 the second full paragraph, that's the shooting incident ---

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: --- when Mr. Seguin had some  
17 people ---

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: --- at his house just before  
20 someone was shot?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: All right. The reference to  
23 -- just give me a second -- fourth paragraph down.

24 MR. VAN DIEPEN: Which page?

25 MR. ENGELMANN: Same page, page 5.

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: You're alleged to have said:

3 "About the time that some hush money  
4 was offered to David Silmser (1992) by  
5 the Catholic Church, Ken Seguin was  
6 reportedly being pressured by a former  
7 client."

8 Do you see that?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: And then you say:

11 "Later, I remember one day, Ken did not  
12 show up for work and Emile asked me to  
13 accompany him to Ken Seguin's residence  
14 in Summerstown."

15 All right?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: So, sir, this suggests that  
18 you knew something about him being pressured by a former  
19 client before he died?

20 MR. VAN DIEPEN: Are you saying that I knew  
21 something before he died or I knew about it in 2000? That  
22 something -- that he was being pressured before he died.

23 MR. ENGELMANN: I'm saying the way this  
24 reads, it would appear you knew it at the time.

25 MR. VAN DIEPEN: No.

1                   **MR. ENGELMANN:** Just follow the thought  
2                   here.

3                   **MR. VAN DIEPEN:** Yes.

4                   **MR. ENGELMANN:** "About the time that some  
5                   hush money was offered to David Silmser  
6                   (1992) by the Catholic Church, Ken  
7                   Seguin was reportedly being pressured  
8                   by a former client. Later, I remember  
9                   one day Ken did not show up for work ..."

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. ENGELMANN:** "... and Emile asked me to  
12                  accompany him to Ken Seguin's residence  
13                  in Summerstown."

14                  So the way this reads, at least to me, is  
15                  that there is some concern that he is being pressured by a  
16                  former client and then he's not showing up for work one  
17                  day.

18                  **MR. VAN DIEPEN:** Yes.

19                  **MR. ENGELMANN:** Do you understand?

20                  **MR. VAN DIEPEN:** Yes.

21                  **MR. ENGELMANN:** All right. So the day he  
22                  doesn't show up for work, it says:

23                                 "It's my understanding that the same  
24                                 day that Ken did not show up for work,  
25                                 he also missed his appointment with his

1 dentist. I knew something was wrong."

2 **MR. VAN DIEPEN:** Yes.

3 **MR. ENGELMANN:** "I decided not to  
4 accompany Emile to Ken's residence in  
5 Summerstown. Ken was subsequently  
6 found dead."

7 **MR. VAN DIEPEN:** Yes.

8 **MR. ENGELMANN:** Sir, how was it that you  
9 knew something was wrong?

10 **MR. VAN DIEPEN:** Sir, this was in response  
11 to a question something along the lines of, "What can you  
12 tell us about Ken Seguin's death? What events do you know  
13 about that led up to his death?" And so that's a  
14 transcription in what I believe to be a chronological order  
15 of events that were part of my knowledge base in 2000.

16 **MR. ENGELMANN:** All right. Well, if you  
17 trace the document, if you go back to page 3 ---

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** --- the last question is:  
20 "Would you now in your own words  
21 explain any information, knowledge or  
22 provide an explanation in regards to  
23 the statements associated with you on  
24 an internet website?"

25 Do you see that?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: And you start giving a long  
3 answer and you say, "Can I start with Nelson Barque?" And  
4 you do.

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: Then on the following page,  
7 and this seems to be, "Tell us what you know" type of  
8 interview, at least at this stage.

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: Question:

11 "Please go on."

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: And you carry on.

14 MR. VAN DIEPEN: M'hm.

15 MR. ENGELMANN: And then he says, at the  
16 bottom of page 5:

17 "We can take a break from our  
18 interview. Prior to taking a recess,  
19 I'd like to first review what's been  
20 recorded prior to our break."

21 So you seem to be giving him a narrative of  
22 what's happening ---

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: --- of what's happened?

25 MR. VAN DIEPEN: Yes.



1                   **MR. ENGELMANN:** You don't disagree with  
2                   that?

3                   **MR. VAN DIEPEN:** That's -- yes.

4                   **MR. ENGELMANN:** So on the day he dies, you  
5                   suspect something's wrong?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. ENGELMANN:** All right. And, in fact,  
8                   we've heard from others about how he was different in the  
9                   months before he died.

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. ENGELMANN:** And do you acknowledge  
12                  noticing that as well?

13                  **MR. VAN DIEPEN:** No, the only that I recall  
14                  was Mr. Seguin's going outside to smoke a cigarette and  
15                  pace, if I can use the word, pacing in the parking lot.

16                  **MR. ENGELMANN:** And had this been happening  
17                  for some time before he died?

18                  **MR. VAN DIEPEN:** Yeah, I'm going to say yes.

19                  **MR. ENGELMANN:** All right. But in any  
20                  event, on the day he died, you were concerned?

21                  **MR. VAN DIEPEN:** Yes.

22                  **MR. ENGELMANN:** Why were you concerned?

23                  **MR. VAN DIEPEN:** Again, you could set your  
24                  watch by Mr. Seguin. And he -- I know that he -- at the  
25                  time, he had some -- he was undergoing a lengthy procedure

1 of oral surgeries in Ottawa. And what triggered the event  
2 was that the -- Mr. Seguin was not present in the office.  
3 However, Mr. Seguin was scheduled for another session of  
4 oral surgery and so was not expected to be in the office.

5 Then what happened was we received a phone  
6 call from this oral surgeon. "Where's Mr. Ken Seguin?" And  
7 then everybody said, "Whoa, wait a minute". You know, this  
8 surgery business was very important to Mr. Seguin.

9 He had undergone a number of surgeries which  
10 were quite invasive and uncomfortable and he needed to go  
11 for a couple of more to correct -- and I think it was  
12 receding gums or something to that effect.

13 And the nurse or whatever called and said,  
14 "Where's Ken Seguin?" And we said, "We don't know. He's  
15 supposed to be ..." and again this was handled by support  
16 staff who answered the phone. And they said, "We don't  
17 know. We think he is on his way up there."

18 So then we tried to find out what happened.  
19 Did he get in a car accident? What took place?

20 And then they called the house; there was no  
21 answer there. And then I just sort of said -- it was just  
22 like a premonition and I just sort of said, "Ooh, I don't  
23 like the feel of this at all, at all".

24 **MR. ENGELMANN:** Well, we heard that he -- as  
25 I said from other people, that he wasn't himself; that he'd

1 attempted to commit suicide earlier that same year?

2 MR. VAN DIEPEN: Yeah, that's the first --  
3 you told me that I believe on Friday. That's the first  
4 I've heard of that.

5 MR. ENGELMANN: In fact, your colleagues or  
6 you and your colleagues were so concerned that someone took  
7 -- someone called the police?

8 MR. VAN DIEPEN: Well, I -- if, and correct  
9 me if I am wrong, they called the police after they went to  
10 the house. And there was -- his car, I think, there was --  
11 if I remember reading the transcripts or the notes or  
12 whatever it was that was provided, the car was in the  
13 driveway but there was nobody answering the door.

14 MR. ENGELMANN: So what you know about this  
15 is from your reading transcripts here or notes here?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: Why did you decline to go?

18 MR. VAN DIEPEN: Just had that premonition.  
19 I just didn't have a good feeling about it.

20 MR. ENGELMANN: But right at the end, I  
21 think everybody says your relationship wasn't the same with  
22 him as it had been?

23 MR. VAN DIEPEN: That's right. And Ron  
24 Gendron volunteered to go anyway.

25 (SHORT PAUSE/COURTE PAUSE)

1                   **MR. ENGELMANN:** And this was pretty  
2                   traumatic for the whole office, was it not, when you found  
3                   out about his death?

4                   **MR. VAN DIEPEN:** Yes, it was.

5                   **MR. ENGELMANN:** And was there an arranged  
6                   debriefing or counselling for all of you, as a result?

7                   **MR. VAN DIEPEN:** If memory serves me right,  
8                   I believe that it was quite some time later they were --  
9                   they made -- they brought somebody in for some sort of  
10                  counselling session and group counselling session, and it  
11                  was a day that I was scheduled to be in Morrisburg anyway,  
12                  and I just -- just, the whole thing just sickened me, and I  
13                  didn't want to have anything to do with it. But this would  
14                  have been some time later.

15                  **MR. ENGELMANN:** All right. As I understand,  
16                  Mr. Robert will say that he arranged some debriefing or  
17                  counselling ---

18                  **MR. VAN DIEPEN:** Oh, I don't doubt that he  
19                  did, yes.

20                  **MR. ENGELMANN:** All right. And he said, at  
21                  least back then to Mr. Downing, that you appeared to be  
22                  more affected by Ken's death than the other staff; do you  
23                  recall that?

24                  **MR. VAN DIEPEN:** Do I recall him saying that  
25                  or ---

1                   **MR. ENGELMANN:** No, do you recall feeling  
2                   that way?

3                   **MR. VAN DIEPEN:** Oh, I was -- I was  
4                   particularly struck by it because, you know, this is now  
5                   the second -- my second co-worker who is involved in a  
6                   breach of trust with clients and, you know, I was sort of  
7                   at the -- I was at the stage now, you know, fool me once,  
8                   shame on you; fool me twice, shame on me. And I -- you  
9                   know, I went through a lot of self-doubt and self-second  
10                  guessing. You know, what did I -- why didn't I; or what  
11                  should I have; or how come I didn't know? Or what -- you  
12                  know, and so on and so forth.

13                  **MR. ENGELMANN:** And you were having  
14                  difficulty sleeping and eating at that time?

15                  **MR. VAN DIEPEN:** Yes.

16                  **MR. ENGELMANN:** That was attributed to you  
17                  in any event?

18                  **MR. VAN DIEPEN:** Yes.

19                  **MR. ENGELMANN:** And that was because of the  
20                  allegations that you were now becoming aware of or his  
21                  death or both?

22                  **MR. VAN DIEPEN:** What allegations?

23                  **MR. ENGELMANN:** What you've just said; yet  
24                  another co-worker ---

25                  **MR. VAN DIEPEN:** Oh, the sexual -- well, I

1           guess what troubled me, in particular, was that another one  
2           of my co-workers ---

3                       **MR. ENGELMANN:** Yes.

4                       **MR. VAN DIEPEN:** --- was abusing clients.

5           And I was -- you know, out of what was initially a three-  
6           man office, two of these individuals now had been involved  
7           in sexual activities with clients.

8                       **MR. ENGELMANN:** And you're learning of that  
9           from whom?

10                      **MR. VAN DIEPEN:** Everybody.

11                      **MR. ENGELMANN:** All right. And you're  
12           saying you're learning of it then, for the first time?

13                      **MR. VAN DIEPEN:** Well, you're going to have  
14           to be -- you know ---

15                      **MR. ENGELMANN:** Then being ---

16                      **MR. VAN DIEPEN:** --- I knew -- I already  
17           knew about Mr. Barque.

18                      **MR. ENGELMANN:** Yes.

19                      **MR. VAN DIEPEN:** And I already knew about  
20           that.

21                      **MR. ENGELMANN:** I'm talking about Mr.  
22           Seguin.

23                      **MR. VAN DIEPEN:** And then, subsequently, at  
24           his death, I discover that, wait a minute, there's a whole  
25           -- we are now discovering that there may even be -- that

1 the Seguin may even be bigger than the Barque issue. And  
2 so everyday there somebody is dropping a new snippet or a  
3 new rumour.

4 MR. ENGELMANN: All right.

5 MR. VAN DIEPEN: Like, we're just -- like  
6 the office is just pinging at this point.

7 MR. ENGELMANN: I'll just be a moment. I'm  
8 almost done, sir.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. ENGELMANN: Sir, if we could turn to  
11 page 12 of the interview with Mr. Downing. I just want to  
12 sort something out and want your advice on it.

13 Right at the bottom of the page after you're  
14 asked questions about boyfriends, et cetera, you are asked  
15 the question:

16 "So you don't recall making such a  
17 statement to the OPP?"

18 "I don't recall that statement."

19 You are referring to those words, right?  
20 Not the fact of making a statement to the police. Am I  
21 right?

22 MR. VAN DIEPEN: I am having trouble finding  
23 where you are, sir.

24 MR. ENGELMANN: The bottom of page 12, very  
25 bottom.

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: "So you don't recall making  
3 such a statement to the police?"

4 I just want to make sure I understand the  
5 context. That's talking to the police about Malcolm's  
6 boyfriends or Ken's boyfriends?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: That's not the fact of  
9 actually making a statement on February 14<sup>th</sup>, '94?

10 You remember that you were interviewed?

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: Yeah, okay.

13 MR. VAN DIEPEN: I think it was -- I think  
14 that Mr. Downing had an unedited copy of the '94 statement,  
15 and he was assuming that I had made a statement that I  
16 knew, and my corrected statement was that I believed or --  
17 and that I did not know.

18 MR. ENGELMANN: So what he had, just so we  
19 are clear, is he had his notes ---

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: --- of a statement that he  
22 looked at.

23 MR. VAN DIEPEN: Okay.

24 MR. ENGELMANN: All right, and I asked you  
25 this earlier, so I don't want to go back.



1                   Sir, on page 14, you are asked about -- it's  
2                   about two-thirds of the way down, you provided the OPP a  
3                   statement that you and Ron Gendron tried to talk to Ken  
4                   about his clients living there and that, but Ken would  
5                   always tell you to get out of his office:

6                                 "Why were you concerned enough to  
7                                 confront Ken about his association with  
8                                 Ministry clients outside the  
9                                 workplace?"

10                                Do you see that?

11                                **MR. VAN DIEPEN:** No, I don't. Where is  
12                   this? On page 14?

13                                **THE COMMISSIONER:** Page 14.

14                                **MR. ENGELMANN:** It's near the top.

15                                **MR. VAN DIEPEN:** Near the top?

16                                **MR. ENGELMANN:** If you look at the screen,  
17                   right where the arrow is.

18                                **MR. VAN DIEPEN:** Yes.

19                                **MR. ENGELMANN:** And you are asked -- you  
20                   say:

21   "I felt that his behaviour was  
22   inappropriate."

23   "Why?"

24   "To protect Ken Seguin and the client."

25   And then you elaborate. So that's the

1 answer you gave to Mr. Downing with respect to this issue?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: All right. You don't take  
4 any issue with that?

5 MR. VAN DIEPEN: Yes, again, it was -- you  
6 know, I want to be clear that there was only one contact  
7 with Mr. Seguin with the -- in the accompaniment of Ron  
8 Gendron. We tried to talk to him, and that's when he told  
9 me to get out of his office.

10 MR. ENGELMANN: Did he tell you what we see  
11 at the top of page 15?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: Those were his words?

14 MR. VAN DIEPEN: And in a very loud voice  
15 that was heard by others in the office.

16 MR. ENGELMANN: So Mr. Gendron would have  
17 heard that as well?

18 MR. VAN DIEPEN: Oh, exactly, yes. He was  
19 there in the office with me, and I believe that Mr. Robert  
20 became aware of that exchange.

21 MR. ENGELMANN: Yeah, I'm looking a little  
22 further down page 15.

23 MR. VAN DIEPEN: Okay.

24 MR. ENGELMANN: You say:

25 "It may have been about the same time

1                   that we followed Ken, it might have  
2                   been around that time. I did speak to  
3                   Emile Robert about my concerns."

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. ENGELMANN:** "Prior to this, you said  
6                   you would not report such matters to  
7                   Emile. Why now? Why did you think it  
8                   was a significant matter to go to him  
9                   and report it then, when you previously  
10                  couldn't because of the poor working  
11                  relationship?"

12                  "Notwithstanding my poor working  
13                  relationship with Emile Robert, I went  
14                  to him and told him about my concerns  
15                  regarding Ken Seguin's relationship  
16                  with clients."

17                  **MR. VAN DIEPEN:** Yes.

18                  **MR. ENGELMANN:** So you're telling Downing  
19                  that you had concerns about Seguin's relationship with  
20                  clients?

21                  **MR. VAN DIEPEN:** Yes.

22                  **MR. ENGELMANN:** Is that correct?

23                  **MR. VAN DIEPEN:** Yes, but as long as you  
24                  don't take that out of context. I mean his professional  
25                  relationship with his clients vis-à-vis performing his role

1 as a probation officer.

2 MR. ENGELMANN: Oh, we are not talking about  
3 the conflict of interest issue?

4 MR. VAN DIEPEN: Well, we're just talking --  
5 what, we are talking about him being too, I think, close  
6 with his clients and just -- just engaging them socially  
7 rather than professionally and that led to issues of his  
8 work -- him not performing the duties properly ---

9 MR. ENGELMANN: All right.

10 MR. VAN DIEPEN: --- as a probation officer.

11 MR. ENGELMANN: When I -- when I read this  
12 again it was in the context of perhaps having inappropriate  
13 contacts.

14 MR. VAN DIEPEN: You're talking about ---  
15 you know, I again, sir ---

16 MR. ENGELMANN: I -- I -- whether sexual or  
17 not.

18 MR. VAN DIEPEN: Yeah, I -- again I want to  
19 reiterate, I did not know that Ken Seguin at -- prior to  
20 his death, was involved in inappropriate sexual contacts  
21 with clients and I want to repeat that and I want to keep  
22 repeating that, sir ---

23 THE COMMISSIONER: All right.

24 MR. VAN DIEPEN: --- because that is the  
25 truth.

1                   **THE COMMISSIONER:** All right, but -- but on  
2                   the previous page, you did have some concerns about that  
3                   because if you look at your answer -- why would -- you felt  
4                   that this was -- his behaviour was inappropriate.

5                   **MR. VAN DIEPEN:** Yes.

6                   **THE COMMISSIONER:** Why, and why would you --  
7                   "because to protect Ken and the client."

8                   **MR. VAN DIEPEN:** Yes.

9                   **THE COMMISSIONER:** To elaborate -- from  
10                  misunderstanding of their relationship, a conflict of  
11                  interest, maybe a complaint about his sexual conduct with  
12                  clients and a number of other concerns, but amongst those  
13                  concerns, you had a concern about inappropriate sexual  
14                  conduct.

15                  **MR. VAN DIEPEN:** Yes, but not at that time,  
16                  sir. Your Honour, I was not aware prior to -- at that  
17                  point -- you know, this is a statement given in 2000, some  
18                  seven years after his passing where there was a lot of  
19                  other information came forward; prior to his death I was  
20                  not aware of him being involved in any sexual relationship  
21                  or suspicion of sexual relationship.

22                  **MR. ENGELMANN:** But sir, if you read what  
23                  you've said there, again ---

24                  **MR. VAN DIEPEN:** Yes.

25                  **MR. ENGELMANN:** --- and I -- I, you know, I

1 ---

2 MR. VAN DIEPEN: I realize the language is  
3 difficult, Mr. Engelmann, and I -- all I can tell us is  
4 what I know to be the truth.

5 MR. ENGELMANN: Okay, but just -- just hear  
6 me out for a second ---

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: --- because again it's one  
9 of these ones where it appears to be different ---

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: --- at the time because you  
12 say you provided the OPP a statement that you and Gendron  
13 tried to talk to Ken about his clients living there, and  
14 this is back in '94 ---

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: --- the first time, but Ken  
17 would always tell you to get out of his office. Why were  
18 you concerned enough to confront Ken about his association  
19 with Ministry clients outside the workplace and then we get  
20 down to the part the Commissioner read to you:

21 "...from misunderstanding their  
22 relationship, a conflict of interest,  
23 maybe a complaint about his sexual  
24 conduct with clients and a number of  
25 other concerns."

1                   So it appears that that was one of the  
2 reasons you went to him then. He was alive; you went to  
3 him about this concern. Do you see how anybody reading  
4 this would see that as ---

5                   **MR. VAN DIEPEN:** I -- I ---

6                   **MR. ENGELMANN:** --- having happened at the  
7 time?

8                   **MR. VAN DIEPEN:** --- you know, there -- you  
9 know, there's a number of different ways you could read  
10 that, you know, and in fairness to your argument, sir, I  
11 could read into that that I knew -- I had full knowledge of  
12 Mr. Seguin being involved sexually with his clients and  
13 that that statement could be interpreted a number of  
14 different ways and all I can tell you is what I know --  
15 knew then and what I know now.

16                   **MR. ENGELMANN:** Sir, this issue about  
17 reporting to Mr. Robert about Ken -- Ken Seguin's  
18 relationship with his clients, he is going to tell us that  
19 you didn't report to him about that.

20                   **MR. VAN DIEPEN:** Well, I -- I think, sir,  
21 you can -- you've had evidence to the contrary; that my co-  
22 worker -- that I reported to my co-worker that I would be  
23 speaking to Mr. Robert and that I subsequently confirmed  
24 that I did speak to Mr. Robert. And after Mr. Seguin's  
25 passing away, Mr. Robert approached me in some conversation

1 to ask me what else I knew about Mr. Seguin, so I would  
2 suggest to you, sir, that that is if not direct  
3 corroboration, it certainly indirectly corroborates that I  
4 did speak to Mr. Robert.

5 **MR. ENGELMANN:** So what did you tell Mr.  
6 Robert after Mr. Seguin passed away?

7 **MR. VAN DIEPEN:** Well, I told him about my  
8 concerns; how it impacted on my role. He was not doing  
9 proper follow-up. I explained about the -- that there were  
10 concerns expressed by the police about -- following the --  
11 the -- am I allowed to say well, the murder?

12 **MR. ENGELMANN:** So let me just stop you for  
13 a second. So you're now suggesting or you are suggesting  
14 that you told him about things before Mr. Seguin died and  
15 you told him about things after? Am I -- do I have that  
16 right?

17 **MR. VAN DIEPEN:** Well, no, the -- the -- the  
18 Varley or are they -- am I allowed to be saying that?

19 **MR. ENGELMANN:** Yes, that ---

20 **MR. VAN DIEPEN:** Is he a moniker?

21 **THE COMMISSIONER:** No.

22 **MR. VAN DIEPEN:** No, I'm sorry. Well, the -  
23 - anyway, the murder took place before Ken Seguin passed  
24 away.

25 **MR. ENGELMANN:** Absolutely.



1                   **MR. VAN DIEPEN:** Yes, so the -- the -- it  
2 was after that incident that I spoke to Mr. Robert.

3                   **MR. ENGELMANN:** About inappropriate contacts  
4 he was having with others?

5                   **MR. VAN DIEPEN:** Yes.

6                   **MR. ENGELMANN:** Okay. I -- I just -- the  
7 reason I bring it up is that's what he tells Mr. Downing in  
8 a statement in September and then again in Exhibit 1087  
9 which is a letter dated October 18, 2000, if we can bring  
10 it up just very quickly?

11                   **MR. VAN DIEPEN:** Well, I also understand  
12 that Mr. Robert denied having received certain  
13 correspondence.

14                   **MR. ENGELMANN:** Well, he's not here yet.

15                   **MR. VAN DIEPEN:** Well, okay. I'm just  
16 telling you, sir, that there was some -- some issues with  
17 what he's -- what he's reporting.

18                   **MR. ENGELMANN:** It's a short letter, but  
19 it's fairly emphatic.

20                   **MR. VAN DIEPEN:** Yes. I'm aware of that  
21 letter, sir.

22                   **MR. ENGELMANN:** Yes, you've seen this in the  
23 package.

24                   **MR. VAN DIEPEN:** Yes.

25                   **MR. ENGELMANN:** All right and so you're

1 saying that's not true.

2 MR. VAN DIEPEN: Absolutely untrue.

3 MR. ENGELMANN: And then, sir, on page 16 of  
4 the Downing statement, 958A, you describe this incident  
5 with a 17-year-old probationer; it starts about halfway  
6 down the page.

7 What struck me as strange is now this is the  
8 year 2000, we seem to have a lot more detail than we had in  
9 '98 and a lot more detail than we had in '94.

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: And you've told us you  
12 wouldn't have looked at the file ---

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: --- but yet you seem to be  
15 saying some things, especially in the third paragraph of  
16 your answer, that are brand new about a fellow saying:

17 "He awoke to Father Charlie  
18 brushing/rubbing his arm."

19 And:

20 "I -- I far as I know there was no  
21 'sexual content' whatsoever."

22 And there's more about not only bringing it  
23 up with Ken, but also bringing it up with Nelson. That's  
24 new because before it was just bringing it up with Ken  
25 about Nelson and Charlie. Now, you're saying ---

1                   **MR. VAN DIEPEN:** And no, sir, I think I --  
2                   my earlier testimony, I was -- I made Mr. Barque know --  
3                   aware that I was very unhappy with his -- his -- the choice  
4                   of placing my client at -- and I was not happy about that.

5                   **THE COMMISSIONER:** Okay, can I just bring  
6                   you back to that before last paragraph. In your  
7                   probationer's mind, he was clear that there was some sexual  
8                   intent on Father Charlie's mind?

9                   **MR. VAN DIEPEN:** M'hm.

10                  **THE COMMISSIONER:** Do you -- did he tell you  
11                  that?

12                  **MR. VAN DIEPEN:** I don't believe that that's  
13                  what his words were to that effect. I think that is  
14                  something that I may have deduced because he talked about  
15                  Father Charlie being gay and he saw himself as possibly  
16                  being approached in that manner.

17                  **THE COMMISSIONER:** Okay, so it goes back to  
18                  -- if we go back to piecing together what you knew ---

19                  **MR. VAN DIEPEN:** Yes.

20                  **THE COMMISSIONER:** --- right, that's a  
21                  deduction that you made at the time; right? Then it is  
22                  fair to conclude that you at least had a concern that this  
23                  gentleman, the probationer, had been exposed to someone who  
24                  had an intent -- a sexual intent towards him and that he  
25                  had been put in that element by Nelson Barque?

1                   **MR. VAN DIEPEN:** That's correct, sir.

2                   **MR. ENGELMANN:** Sir, the reason -- it's not  
3 just those -- that detail that's new and more expansive,  
4 but the comment about Ken and Nelson. If you go back to  
5 1063 for a minute -- and it's the same in the August 4<sup>th</sup> '98  
6 statement, you describe the incident starting at the bottom  
7 of the first page onto the top of the second, and then in a  
8 paragraph you say:

9                                    "At this point, I was really upset with  
10                                   Nelson, so I talked to Ken about it."

11                   **MR. VAN DIEPEN:** M'hm.

12                   **MR. ENGELMANN:** Okay, you never, ever  
13 say anything about approaching Nelson Barque about this.

14                   **MR. VAN DIEPEN:** But it's not -- it's not  
15 specifically referenced in the statement but I do remember  
16 talking to Mr. Barque about it.

17                   **THE COMMISSIONER:** What did you tell him?

18                   **MR. VAN DIEPEN:** I told him I was not happy  
19 with him placing that -- placing that client there when I -  
20 --

21                   **THE COMMISSIONER:** What did he tell you?

22                   **MR. VAN DIEPEN:** --- and I asked -- I was  
23 looking for an explanation and Mr. Barque said, "Well, I  
24 don't know anything about that".

25                   **THE COMMISSIONER:** So Mr. Engelmann, are you

1 -- will you be finished shortly or ---

2 MR. ENGELMANN: Yes.

3 THE COMMISSIONER: It'll be time for the  
4 break.

5 MR. ENGELMANN: M'hm, I'll be just a moment  
6 if I can?

7 THE COMMISSIONER: M'hm.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. ENGELMANN: Yeah, I just want to show  
10 you, sir, if I can, it's a passage of some questions and  
11 answers with a fellow by the name of Ron Leroux. You may  
12 have read this. It's Volume 121 if I can?

13 MR. VAN DIEPEN: One ---

14 MR. ENGELMANN: One-twenty-one (121).

15 THE COMMISSIONER: You won't have that ---

16 MR. ENGELMANN: --- of the transcripts.

17 THE COMMISSIONER: Those things never work  
18 the way you want them.

19 What page, Mr. Engelmann?

20 MR. ENGELMANN: Page 67. In fact, you might  
21 want to start on 66.

22 MR. VAN DIEPEN: Sixty-six (66)?

23 MR. ENGELMANN: Yes.

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: I think we went here once

1 before about the Morrisburg issue. And I simply -- it's  
2 been suggested by Mr. Leroux, and he wasn't alone and I  
3 wish I could give you another name but, that you and he had  
4 a conversation at the time of Mr. Seguin's funeral?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: And it was in a driveway or  
7 something?

8 MR. VAN DIEPEN: No.

9 MR. ENGELMANN: Or just outside?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: All right. And he says,  
12 among other things, not just -- that's the context -- on  
13 page 67 after several comments:

14 "ENGELMANN: So Mr. van Diepen was  
15 telling you that he'd warned Ken about  
16 his behaviour because he talks about  
17 fooling around et cetera?

18 LEROUX: Yeah, warned him about his  
19 behaviour and, you know, I don't know  
20 how many times I told him to watch his  
21 step."

22 So Leroux is saying that's what you told  
23 him.

24 "I don't know how many times I told him  
25 to watch his step. He knew what he was

1                                   doing apparently. He knew what he was  
2                                   doing, what Ken was doing."

3                                   "Why the argument?"

4                   Because he claims he had a little bit of an argument with  
5                   you there.

6                                   **MR. VAN DIEPEN:** Who?

7                                   **MR. ENGELMANN:** This is Leroux ---

8                                   **THE COMMISSIONER:** This is Leroux at the  
9                   funeral.

10                                  **MR. VAN DIEPEN:** Leroux and I had an  
11                   argument?

12                                  **MR. ENGELMANN:** Yes.

13                                  **MR. VAN DIEPEN:** No.

14                                  **MR. ENGELMANN:** He's saying:

15                                   "Why didn't he help him? He is in the  
16                                   office with him, knew he was having  
17                                   problems. You work in an office for  
18                                   years with somebody, you work with them  
19                                   every day? Why be mean to them, why  
20                                   don't you go and help them? Why didn't  
21                                   he go to Corrections and Parole and say,  
22                                   'Look, this guy should be -- should not  
23                                   be there. This guy should have another -  
24                                   - be in another branch or something of  
25                                   the government or should be doing

1 something else because I know what he's  
2 doing.' But if you know and you don't  
3 help, I mean, what the hell is this?"

4 So Mr. Leroux ---

5 **MR. VAN DIEPEN:** None of that took place,  
6 sir.

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

8 **MR. VAN DIEPEN:** The only conversation I had  
9 with Mr. Leroux at any time around the death of Mr. Seguin,  
10 I was in the accompaniment of my wife and if you wish to  
11 ask her, she will testify as well. At the wake, I was in  
12 the company of my wife. I had no communication with Mr.  
13 Leroux whatsoever.

14 **MR. ENGELMANN:** Well ---

15 **MR. VAN DIEPEN:** After, at the funeral  
16 services, outside the front doors, I was standing with a  
17 group of my colleagues, where Mr. Leroux had exited the  
18 church on the east doors and was standing by himself (sic)  
19 in a -- almost fetal position and he was beckoning me with  
20 his finger to come to him when I noticed him.

21 And I went to him and he was, what I could -  
22 - he appeared to be in a disassociative state. He was  
23 blubbering things that I could not understand he was  
24 saying. There were -- the words were not, certainly not in  
25 any kind of sentence structure. I couldn't make out what



1 he was saying.

2 He was deeply distraught. He appeared to be  
3 perhaps under the influence of something and the only thing  
4 that I did at the time was I put my hand on his shoulder  
5 and I said, "Everything's going to be okay. Just give it  
6 time, relax, everything will be better and it all -- and  
7 everybody will come out of this for the better."

8 **MR. ENGELMANN:** All right. So you're  
9 telling us that ---

10 **MR. VAN DIEPEN:** This ---

11 **MR. ENGELMANN:** --- you didn't have this  
12 discussion or semi-argument with Mr. Leroux?

13 **MR. VAN DIEPEN:** No. You know -- and the --  
14 you know, at some other point he makes some accusation that  
15 I confirmed for him about the suicide note and I don't -- I  
16 don't know if that was asked of him in the Inquiry but,  
17 again, that was -- those things never took place.

18 And I -- the other thing, sir, I would like  
19 to tell you is that I would never breach my responsibility  
20 as a Probation Parole Officer and to the Ministry to  
21 discuss confidential matters with a member of the public in  
22 this manner.

23 **MR. ENGELMANN:** Well, he's not really  
24 suggesting you responded. He was asking questions and he  
25 did it here as well, and it was, why didn't he help him?

1 He's in the office with him, he knew he was having  
2 problems, et cetera, et cetera. That's how he put it here.

3 **MR. VAN DIEPEN:** Well, he's saying  
4 something, "So Mr. van Diepen" -- you say:

5 "So Mr. van Diepen was telling you that  
6 he had warned Ken about his behaviour?"  
7 "Yeah, warned him about his behaviour,  
8 and you know I don't know how many I told  
9 him to watch his step."

10 **MR. ENGELMANN:** Yes.

11 **MR. VAN DIEPEN:** That's -- I don't know  
12 where that comes from. It -- that never took place.

13 **MR. ENGELMANN:** Because you're telling us  
14 here that you didn't know?

15 **MR. VAN DIEPEN:** I'm sorry?

16 **MR. ENGELMANN:** You're telling us here that  
17 you didn't even know?

18 **MR. VAN DIEPEN:** I'm telling you, sir, that  
19 this -- this -- this entire exchange is -- never took  
20 place.

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

22 **THE COMMISSIONER:** Well, it could have in  
23 his mind when he was blubbering things to you which you  
24 didn't understand.

25 **MR. VAN DIEPEN:** Well, perhaps, Your Honour.

1                   **THE COMMISSIONER:** Well, at it's best ---

2                   **MR. VAN DIEPEN:** Yes.

3                   **MR. ENGELMANN:** He was quite emotional when  
4 he talked about exchange here as well. You said he was  
5 emotional at the funeral, I'm sure.

6                   **MR. VAN DIEPEN:** Oh, yes.

7                   **MR. ENGELMANN:** Good friend of Mr. ---

8                   **MR. VAN DIEPEN:** Yes.

9                   **MR. ENGELMANN:** All right. Sir, I wanted to  
10 ask you two final questions about effect and impact about  
11 recommendations. How about I let you think about it over  
12 the break. We'll come back with that?

13                   **MR. VAN DIEPEN:** Yes.

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

15                   **THE COMMISSIONER:** Thank you.

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

18 --- Upon recessing at 3:25 p.m./

19                   L'audience est suspendue à 15h25

20 --- Upon resuming at 3:40 p.m./

21                   L'audience est reprise à 15h40

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

24                   **MR. ENGELMANN:** Sir, I canvassed the issue  
25 of cross-examination with counsel, and around two and a

1 half hours is what I was told.

2 You wish to sit for a while?

3 **THE COMMISSIONER:** Oh, yes. Oh, yes, we'll  
4 see how far we can get. All right sir?

5 **MR. VAN DIEPEN:** Yes, thank you, Your  
6 Honour.

7 **JOS VAN DIEPEN:** Resumed/Sous le même serment

8 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
9 **ENGELMANN (Cont'd/Suite):**

10 **MR. ENGELMANN:** Mr. van Diepen, this  
11 morning, you had -- you spoke to us a little bit at the  
12 beginning of the day about some of the impact, the website  
13 and your difficulties with your own ministry as a result of  
14 these allegations and things that have come to light have  
15 caused you, in your personal and professional life and, to  
16 some extent, some of the emotional impact.

17 But I want to give you an opportunity to say  
18 that now. If you want to talk to us at all about the  
19 impact or effect some of this has had because you've  
20 described yourself as a victim here today, and this is an  
21 opportunity to say that to the Commissioner.

22 **THE COMMISSIONER:** As well as  
23 recommendations.

24 **MR. ENGELMANN:** Absolutely, that's where we  
25 are going afterwards.

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

2                   **MR. ENGELMANN:** Yes.

3                   **MR. VAN DIEPEN:** Well, perhaps in terms of  
4 recommendations.

5                   **MR. ENGELMANN:** Sure, if you want to start  
6 there.

7                   **MR. VAN DIEPEN:** I could start there?

8                   **MR. ENGELMANN:** Yes.

9                   **MR. VAN DIEPEN:** I believe that my  
10 colleagues have expressed to you on a number of occasions  
11 recommendations as to what the Ministry of Correctional  
12 Services should be doing and perhaps even to the entire  
13 justice cluster in response to dealing with victims. And I  
14 believe that they have made a number of references to  
15 training, and I would concur with that.

16                   I also believe that the need to -- that the  
17 Ministry needs to change its hiring practices. I think  
18 that their -- how they hire is somewhat flawed. I think  
19 that there is a need for some form of screening in addition  
20 -- before they're even hired. Their suitability for the  
21 role and I don't -- I have some ideas but I don't -- I  
22 haven't sort of fleshed them out as to how that screening  
23 should be done, but I think what I'm suggesting is that the  
24 screening should reflect that person's -- that they're  
25 suitable for the role and that their personality and

1 lifestyle lends itself to the role in which they're about  
2 to partake.

3 **MR. ENGELMANN:** Let me just interrupt you  
4 for a second. I want to make sure I understand. You are  
5 talking about much more than criminal background checks?

6 **MR. VAN DIEPEN:** Oh yeah.

7 **MR. ENGELMANN:** You are talking about  
8 extensive interview process or ---

9 **MR. VAN DIEPEN:** Yeah. Because what happens  
10 now -- what's happening a lot now is that there's a  
11 shortfall -- a sudden shortfall in the staffing needs.

12 **MR. ENGELMANN:** Yes.

13 **MR. VAN DIEPEN:** And they hire somebody on a  
14 short-term basis. Well, I would say that many of the  
15 suitable candidates are not about to walk away from a full-  
16 time job to take a contract position.

17 **MR. ENGELMANN:** Yes.

18 **MR. VAN DIEPEN:** So they're hiring people  
19 off the street who are unemployed and who are perhaps not  
20 necessarily the best candidate. Then, at some later stage,  
21 they decide that they're going to fill the position on a  
22 permanency basis and then the interview becomes knowledge-  
23 based.

24 Well, I would suggest to you, sir, that the  
25 knowledge-based interviews would certainly put somebody on

1 the street at quite a disadvantage.

2 THE COMMISSIONER: M'hm.

3 MR. VAN DIEPEN: I remember when I was  
4 interviewed, I had taken liberty of contacting Mr. Seguin  
5 and asked him for the policy or what was then called the  
6 Probation and Parole Manual and being interviewed in  
7 Kingston for my job. And I went to great lengths to  
8 explain what I knew about -- they asked me what do I know  
9 about the job and what do I know about probation and what -  
10 - and I went to great lengths to describe what the job,  
11 what probation was and what parole was. The only problem  
12 was I had the two reversed, so when I was speaking about  
13 parole, I was talking about probation and vice versa.

14 So just an example -- so it was, you know  
15 the interviewing process is knowledge-based, and I think it  
16 should be beyond that.

17 So if you're doing a knowledge-based  
18 interview, you're going to certainly disadvantage some very  
19 suitable candidates, and I've seen some very suitable  
20 candidates be unsuccessful in securing employment as a  
21 probation and parole officer.

22 The other thing I think a little closer to  
23 home is that I think the Ministry needs to -- the Ministry  
24 should review its policy with respect to protecting its  
25 employees. And I realize that this is somewhat of a unique

1 situation, but I can tell you that it is not unique in the  
2 sense that this is the first time it has ever happened;  
3 that a probation and parole officer has overstepped  
4 themselves, and I can also assure this Commission that it  
5 will happen again.

6 With respect to this Inquiry, I am somewhat  
7 conflicted as to -- if someone, a potential victim or a  
8 witness were to approach me today and say to me, ask me,  
9 "Do you think I should testify or provide evidence to the  
10 help bring these matters to resolution?" I am deeply  
11 conflicted as to whether or not I would suggest to them  
12 that they should proceed.

13 This process is extremely difficult. It's  
14 very heart-wrenching. I can tell you that either as a  
15 victim or a witness, they are already conflicted with self-  
16 doubt, with questioning whether or not they did the right  
17 thing, accusing themselves of not having -- you should have  
18 known; why didn't you know; shouldn't you have done more;  
19 how can you -- and then how can you be so stupid not to  
20 have seen that this thing was going on; and so on and so  
21 forth.

22 So I -- they're already persecuting  
23 themselves and then being put under the gun to second guess  
24 themselves yet again, is a -- very emotionally trying.

25 I came to this -- my reason for being at



1       this Inquiry is, as I explained earlier, was one, to try  
2       and clear my name, which I doubt will ever happen, but I'm  
3       also here -- my primary reason for being here is to help  
4       the -- all the victims that have -- that were -- to try and  
5       do something right; to try and help where I think my co-  
6       workers did wrong.

7                   And I have made every effort to do what I  
8       thought was right, and yet I'm conflicted with the thought  
9       as maybe I should have been smarter and just shut my mouth  
10      and not said anything or said that I don't know; and then I  
11      wouldn't be faced with many of the questions that I've been  
12      asked.

13                   And especially to recall events properly,  
14      events that occurred over some 30 years ago, and on, it's  
15      extremely difficult.

16                   Anyway I'm here. I believe I've answered  
17      every question to the best of my ability. I'm here to --  
18      I've gone through this exercise and I hope that I've been  
19      of some assistance to the victims and to this Inquiry.

20                   In terms of the impact I alluded to earlier,  
21      I understand, sir, that you are from out of town. I don't  
22      know if you can appreciate the mechanics or how things work  
23      in a small town, but you know, the innuendo and the  
24      accusations and the finger pointing, and all these people  
25      who will judge without having heard the evidence or make

1 broad-based assumptions have been very troubling to not  
2 only myself but to my family, my wife, my children, my  
3 extended family, my parents, my close friends.

4 And it seems like that -- it seems like ever  
5 since this started, it's like yet another chapter. It  
6 boomerangs. It continues to boomerang where you are --  
7 once again it's yet another round of -- of I guess for me,  
8 self-doubt and not -- and in dealing with what is very  
9 troubling to me personally, you know, the breach of trust,  
10 the entire concept of this breach of trust, the sexual  
11 nature of the acts as I understand them are personally very  
12 troubling to me and what makes it even more troubling is  
13 that they were done by two co-workers who misled me and  
14 took me into their confidence and ultimately, I believe,  
15 used me.

16 The website -- I don't know how it's to be  
17 resolved, but you know these websites -- these so-called  
18 affidavits and stuff are still out there. There are still  
19 people to this day that believe these things to be gospel  
20 and I don't know how I can get it across to this Inquiry or  
21 to these authors of these websites or to the media that  
22 these events as reported on these sites are totally  
23 inaccurate and are prejudicial to me, unfair, and has left  
24 me in a -- this, I guess, no man's land.

25 And I understand as the longest serving

1 probation officer in the Cornwall Office that I had a lot  
2 of information that I could supply to the police and, you  
3 know, I cooperated fully with the police. And again, like  
4 I say, I'm conflicted wondering whether or not I should  
5 have done that. Perhaps I should have said I don't know  
6 and perhaps I would have not gone through this.

7 But I think that having done it, I think I  
8 did the right thing. My conscience is clear, and if it in  
9 any way helps any of the victims out there, I think it was  
10 -- the effort is not lost.

11 **MR. ENGELMANN:** Thank you.

12 **MR. VAN DIEPEN:** Thank you.

13 **MR. ENGELMANN:** Mr. van Diepen, sir, unless  
14 you have any questions, some of the lawyers in the room,  
15 some of my friends here will have some questions for you.  
16 They will identify themselves. They will tell you who they  
17 are acting for and they will have a few questions.

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** All right? And after that,  
20 Mr. Westdal may have some questions for you at the end and  
21 I may have some very brief questions for you at the very  
22 end.

23 **MR. VAN DIEPEN:** Thank you.

24 **THE COMMISSIONER:** Mr. Manson?

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

1           **MANSON:**

2                           **MR. MANSON:** Is this the moniker list?

3                           **MR. ENGELMANN:** Yes, it is.

4                           **MR. MANSON:** I'm just going to keep it close  
5 at hand so I don't get into any difficulties.

6                           Mr. van Diepen, my name is Allan Manson. I  
7 am one of the lawyers for the Citizens for Community  
8 Renewal, which is a local citizens group concerned with  
9 institutional reform, and especially protecting young  
10 people.

11                           I have a number of questions for you about  
12 discrete topics and I will try and tell you the topic  
13 beforehand.

14                           But just to start, I take it that one of the  
15 things you are trying to say in your evidence is that when  
16 being asked about knowledge, it's difficult sometimes to  
17 sort out knowledge at what particular time.

18                           **MR. VAN DIEPEN:** That's correct, sir.

19                           **MR. MANSON:** In other words, today you know  
20 a lot that's been accumulated over thirty years. At  
21 different points in time you've been asked questions about  
22 what you know and so it's -- in your mind it's sometimes  
23 difficult to sort out when and where the knowledge came  
24 from?

25                           **MR. VAN DIEPEN:** That's correct.

1                   **MR. MANSON:** I want to clarify a couple of  
2 issues that were raised by Mr. Engelmann and if I can go to  
3 this one first.

4                   I'm correct that, with respect to the gender  
5 of your clients when you were a probation officer, your  
6 office would work with both women and men probationers;  
7 correct?

8                   **MR. VAN DIEPEN:** Yes.

9                   **MR. MANSON:** And after the split in 1975,  
10 you would work with adults but not juveniles; correct?

11                   **MR. VAN DIEPEN:** The split took place prior  
12 to 1975.

13                   **MR. MANSON:** Prior to 1975, yes.

14                   **MR. VAN DIEPEN:** Yes.

15                   **MR. MANSON:** So prior to your coming to the  
16 office?

17                   **MR. VAN DIEPEN:** Yes.

18                   **MR. MANSON:** And we have that young offender  
19 period of 16, 17 year olds, but other than that regardless  
20 of who we call an adult, your clients were over 16?

21                   **MR. VAN DIEPEN:** Sixteen (16) and older.

22                   **MR. MANSON:** Sixteen (16) and over?

23                   **MR. VAN DIEPEN:** Yes.

24                   **MR. MANSON:** And after the office expanded  
25 from yourself, Nelson Barque and Mr. Sequin, it wasn't long

1 before there were women probation officers as well;  
2 correct?

3 MR. VAN DIEPEN: Well, the next person who  
4 came into the office was Stu Rousseau.

5 MR. MANSON: Yes, but then in 1982 there was  
6 Ms. Cardinal?

7 MR. VAN DIEPEN: Uh, yes.

8 MR. MANSON: My point is simply this; as you  
9 mentioned just about an hour ago and also you mentioned  
10 when you first got into the witness stand a few days ago,  
11 you are adamant that any sexual relations between a  
12 probation officer and a client is wrong; correct?

13 MR. VAN DIEPEN: That's correct.

14 MR. MANSON: And it doesn't matter whether  
15 they are heterosexual relations or homosexual relations;  
16 correct?

17 MR. VAN DIEPEN: That's correct.

18 MR. MANSON: So by the same token that it  
19 would be viewed as silly is you went to your manager and  
20 said, "Officer X is a heterosexual," would you agree with  
21 me that it would be wrong to go to your manager and say,  
22 "Officer Y is a homosexual"?

23 MR. VAN DIEPEN: I don't know how to answer  
24 that, Mr. Manson. You know, my -- I guess it's a personal  
25 view as to whether or not you are troubled by somebody who

1 is leading a homosexual lifestyle. And when I say  
2 homosexual lifestyle, I'm talking about a relationship with  
3 a consenting male adult.

4 Is that -- I'm of the mind that if both  
5 parties are willing participants and they do it in a loving  
6 and caring fashion, then I would have to put any personal  
7 concerns I have about that aside.

8 **MR. MANSON:** I guess my point, in a  
9 nutshell, is while it would be right for a probation  
10 officer to go to a superior with respect to suspicions of  
11 improper sexual relations, it wouldn't be right to go to a  
12 superior simply to talk about someone's sexuality; correct?

13 **MR. VAN DIEPEN:** Yes, I would agree there  
14 with that.

15 **MR. MANSON:** Another thing that I want to  
16 clarify and maybe you've already done this when you say  
17 there is a number of interpretations. But I want to offer  
18 you one.

19 Can we look at Exhibit 958, this is the 2000  
20 report by Paul Downing and, in particular, I'm looking at  
21 page 14, this was one of the last matters that Mr.  
22 Engelmann raised with you. I'll wait for you to find it.

23 **MR. VAN DIEPEN:** Broke your binder.

24 **MR. MANSON:** You broke the binder? That's  
25 another recommendation, better binders.

1                   **MR. VAN DIEPEN:** This is the interview with  
2                   Mr. Downing and myself, sir?

3                   **MR. MANSON:** Yes.

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. MANSON:** At page 14, halfway down.

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. MANSON:** I want to read to you the  
8                   questions and answers and then I want to put to you  
9                   something that Ron Gendron said in his evidence.

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. MANSON:** "Q: Why were you concerned  
12                   enough to confront Ken about his  
13                   association with ministry clients  
14                   outside the work place?"

15                   "A: I felt that his behaviour was  
16                   inappropriate."

17                   "Q: Why?"

18                   "A: To protect Ken Seguin and the  
19                   client."

20                   "Q: Can you please elaborate?"

21                   And then what follows is the confusing  
22                   sentence.

23                   "A: From misunderstanding of their  
24                   relationship, a conflict of interest,  
25                   maybe a complaint about his sexual



1                                   conduct with clients, and a number of  
2                                   other concerns."

3                                   This was the confusing part of the evidence  
4                                   that was put to you by Mr. Engelmann; correct?

5                                   **MR. VAN DIEPEN:** Yes.

6                                   **MR. MANSON:** And you said it's open to a  
7                                   number of interpretations; correct?

8                                   **MR. VAN DIEPEN:** Yes.

9                                   **MR. MANSON:** Could we look at Volume 177  
10                                  please?

11                                  **THE COMMISSIONER:** You don't have that, sir.

12                                  **MR. MANSON:** This would be Ron Gendron ---

13                                  **THE COMMISSIONER:** Thank you. What page Mr.  
14                                  Mason?

15                                  **MR. MANSON:** It's page 35, Mr. Commissioner.

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

17                                  **MR. MANSON:** Line 11. Just to situate this  
18                                  for you, Mr. van Diepen, did you read the transcript of Ron  
19                                  Gendron's testimony?

20                                  **MR. VAN DIEPEN:** I scanned it.

21                                  **MR. MANSON:** This is a part where Mr.  
22                                  Stauffer, Commission counsel, is asking him about  
23                                  interactions between you and he, he being Mr. Gendron, and  
24                                  Ken Seguin. At line 11, Mr. Stauffer:

25   "Okay. Without sending too thick here,



1                   **MR. MANSON:** So perhaps if we had a chance  
2 to do it again, you'd prefer to reword that; maybe a false  
3 complaint about his sexual conduct?

4                   **MR. VAN DIEPEN:** Yes, that would be one very  
5 serious concern.

6                   **MR. MANSON:** And that's why you say above,  
7 "to protect Ken Seguin and the client."

8                   **MR. VAN DIEPEN:** Exactly.

9                   **MR. MANSON:** It's a concern about both.

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. MANSON:** Now I want to switch topics and  
12 go to something that I know is upsetting but it's important  
13 for the Commission, and this is the website. You are as I  
14 recall the first -- well, you are certainly a distinctive  
15 witness in terms of being named on the website falsely and  
16 slanderously, you'd agree with that?

17                  **MR. VAN DIEPEN:** Yes sir.

18                  **MR. MANSON:** When you were first asked by  
19 Mr. Engelmann, you -- about this, we go back to some day in  
20 August of 2000; correct?

21                  **MR. VAN DIEPEN:** Yes.

22                  **MR. MANSON:** And your understanding is that  
23 your daughter was directed to the website by a friend and  
24 your daughter comes home very distraught and talks to your  
25 wife; correct?

1 MR. VAN DIEPEN: Yes.

2 MR. MANSON: And sometime after that, your  
3 wife came to tell you about this; correct?

4 MR. VAN DIEPEN: Yes.

5 MR. MANSON: Your evidence was that you  
6 "went postal"?

7 MR. VAN DIEPEN: Yes.

8 MR. MANSON: Now, I'm not familiar with that  
9 term but I take it it's the same someone else might say "I  
10 went ballistic"?

11 MR. VAN DIEPEN: Yes.

12 MR. MANSON: And what you meant was you were  
13 very upset and you were very angry.

14 MR. VAN DIEPEN: Yes.

15 MR. MANSON: Can you recall how long the  
16 conversation with your wife was?

17 MR. VAN DIEPEN: I don't recall exactly, but  
18 the conversation -- the introduction of the subject area  
19 led to us looking at the website.

20 MR. MANSON: I understand from your evidence  
21 about working with the IJ project and other technology that  
22 you were a computer literate person? Is that correct?

23 MR. VAN DIEPEN: Some would dispute that but  
24 I believe I am, yes.

25 MR. MANSON: Were you in 2000 a computer

1           literate person?

2                       **MR. VAN DIEPEN:** Yes.

3                       **MR. MANSON:** And did you have internet  
4 access at home?

5                       **MR. VAN DIEPEN:** Yes.

6                       **MR. MANSON:** And you and your wife both sat  
7 down at the computer?

8                       **MR. VAN DIEPEN:** Yes.

9                       **MR. MANSON:** Did you use Google to find the  
10 website or did you use some other search engine?

11                      **MR. VAN DIEPEN:** Probably; I don't recall.  
12 But I think we had some, we had the name of the website and  
13 either Googled it or typed it in in the header bar or used  
14 Yahoo or some -- anyway, we got to the site.

15                      **MR. MANSON:** Was it hard to find?

16                      **MR. VAN DIEPEN:** No.

17                      **MR. MANSON:** Do you recall how long this  
18 first encounter with the website, do you recall how long  
19 the two of you spent with it, approximately?

20                      **MR. VAN DIEPEN:** Well, I think I revisited  
21 the web -- if memory serves me right, I revisited that same  
22 website on three separate occasions because I just -- I was  
23 upset and then I would have to just take another look at  
24 it. And I'd only get more upset and I'd have to get away  
25 from it. Then I'd go back to it again and it was just

1       like, you know, like walking up to an electric fence and  
2       getting shocked and then backing up and then just wanting  
3       to, you know ---

4               **MR. MANSON:** So were these three occasions  
5       during the same timeframe?

6               **MR. VAN DIEPEN:** Yes.

7               **MR. MANSON:** And can you recall that total  
8       timeframe, even with your breaks?

9               **MR. VAN DIEPEN:** Oh, that would have been, I  
10       would say it comprised the better part of a weekend.

11              **MR. MANSON:** Can you tell us in terms of  
12       hours how much time approximately you might have spent  
13       looking at the website?

14              **MR. VAN DIEPEN:** I'd only be hazarding --  
15       but it's several hours.

16              **MR. MANSON:** Several hours.

17              **MR. VAN DIEPEN:** I mean, I went to every  
18       part of the website including parts of the website that had  
19       nothing to do with me because I wanted to understand  
20       exactly what was going on here.

21              **MR. MANSON:** So you saw more than just the  
22       stuff about you.

23              **MR. VAN DIEPEN:** Oh, yes.

24              **MR. MANSON:** Now, I'm trying to remember  
25       what day of the week today is. It's Monday, right? So

1 this would be Friday, yes, the 18<sup>th</sup>, which is Volume 185.

2 I don't think we need to turn to this, but  
3 at page 159 you said there were affidavits and my name was  
4 in amongst, at that time, known or suspected paedophiles  
5 and it went on and on and on at length, in no particular  
6 manner or chronology, but my name kept coming up on this  
7 website that I was part of this supposed clan. That's what  
8 you said last Friday. Correct?

9 **MR. VAN DIEPEN:** Yes.

10 **MR. MANSON:** Do you recall seeing an  
11 affidavit apparently sworn by Ron Leroux on November 13<sup>th</sup>,  
12 1996.

13 **MR. VAN DIEPEN:** I don't recall the date,  
14 but I am familiar with the Affidavit of Ron Leroux. Yes.

15 **MR. MANSON:** And by affidavit you mean a  
16 formal legal document that sworn by a Commissioner for  
17 taking oaths. Correct?

18 **MR. VAN DIEPEN:** Well, that's what I  
19 understand an affidavit to be, yes.

20 **MR. MANSON:** And that's what you believe you  
21 saw, correct?

22 **MR. VAN DIEPEN:** Yes.

23 **MR. MANSON:** I know that this is upsetting  
24 and I don't intend to make more of it than it's worth but  
25 could we look at the Exhibit 567 please? This is one of

1 the many copies the Affidavit of Ron Leroux, sworn November  
2 13<sup>th</sup>, 1996.

3 **MR. VAN DIEPEN:** Thanks. Yes, sir, I have  
4 it before me.

5 **MR. MANSON:** Just wait until it's up on the  
6 screen. We can start with the front page. I'm just  
7 waiting for -- Mr. Commissioner, I can't be sure what copy  
8 was on the website; there are a variety. This is the front  
9 page. Do you recall seeing something that looks legal and  
10 formal like this on the website?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. MANSON:** And you would agree with me, it  
13 does look legal and formal, doesn't it?

14 **MR. VAN DIEPEN:** Yes, it certainly does.

15 **MR. MANSON:** It says, "Court File Number,  
16 Ontario Court General Division."

17 **MR. VAN DIEPEN:** Yes.

18 **MR. MANSON:** Can we turn to the second page,  
19 please? Paragraph 6, this is the long list. And I just  
20 want to read the first sentence, "I was at several..."  
21 This is Mr. Leroux speaking, the affiant:

22 "I was at several parties at Ken  
23 Seguin's house, Malcolm MacDonald's  
24 summer residence and St. Andrew's  
25 Parish House, where I observed among



1 others..."

2 And if we turn to No. 33, there you are,  
3 correct?

4 **MR. VAN DIEPEN:** Yes.

5 **MR. MANSON:** Followed shortly by male  
6 prostitutes both adults and juveniles, alter boys and  
7 several others. Correct?

8 **MR. VAN DIEPEN:** Yes.

9 **MR. MANSON:** And then in paragraph 7 we see  
10 the reference to the clan of paedophiles in another list of  
11 names. Correct?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. MANSON:** Did you -- you may not have  
14 looked at this transcript, but a number of months ago I  
15 cross-examined the lawyer who prepared this document and  
16 swore this affidavit, and I suggested to him that the  
17 inclusion of this list of all sorts of names, including  
18 male prostitutes and then followed by paragraph 7, was a  
19 nasty tactic. Would you agree with that adjective or would  
20 -- do you have another adjective to add?

21 **MR. VAN DIEPEN:** Well, I -- I know that  
22 there is some other names on there that -- if even if those  
23 events took place those names should not be on there.

24 **MR. MANSON:** But do you agree with my  
25 characterization of this tactic as nasty? Or would you

1 prefer another adjective?

2 MR. VAN DIEPEN: Well, I -- I can think of  
3 stronger words, sir, but -- I'll -- I'll accept your word,  
4 nasty.

5 MR. MANSON: I'd be happy to hear a stronger  
6 words, because it's your -- it's your impression that I am  
7 concerned about. You're the one who's named.

8 MR. VAN DIEPEN: Yeah. I don't know what to  
9 tell you, sir. It's just -- you know, I think I've  
10 portrayed my emotions on this, my feelings on this matter  
11 and I've just -- it's very upsetting to me.

12 MR. MANSON: Because -- of course because if  
13 someone turns to this, they see what looks like a formal  
14 legal document and they see a list of names that seems to  
15 imply, here are the bad guys. Right?

16 MR. VAN DIEPEN: Yes.

17 MR. MANSON: Here are the men involved in  
18 this clan. Correct?

19 MR. VAN DIEPEN: Exactly.

20 MR. MANSON: That's the impression that  
21 would be created.

22 MR. VAN DIEPEN: Yes.

23 MR. MANSON: Later at page 7, if we can just  
24 turn to page 7, paragraph 36, here's the reference to the -  
25 - to you and the alleged finding of the report.

1 MR. VAN DIEPEN: Yes.

2 MR. MANSON: "A few days prior to November  
3 21<sup>st</sup>, 1993 Ken advised that he was going  
4 to draft a confession in a report form  
5 and quit his position. He was  
6 attempting to figure out his pension  
7 and talked about the point system. Ken  
8 stated that he was going to write it  
9 all down in a report. The report was  
10 later verified by Jos van Diepen at  
11 Ken's funeral."

12 Your evidence is that is false. Correct?

13 MR. VAN DIEPEN: Well, ---

14 MR. MANSON: I mean the last sentence:  
15 "The report was verified by Jos at  
16 Ken's Funeral."

17 MR. VAN DIEPEN: That's wholly false, yes.

18 MR. MANSON: And the next part of the  
19 paragraph:

20 "Jos advised me at the funeral that Ken  
21 had a report on his desk. He also  
22 stated that he told Ken to watch his  
23 step for years."

24 The rest isn't about you.

25 MR. VAN DIEPEN: Yes.

1                   **MR. MANSON:** Your evidence is that is false  
2                   as well.

3                   **MR. VAN DIEPEN:** Absolutely.

4                   **MR. MANSON:** Do you know what the source of  
5                   this allegation about this report is?

6                   **MR. VAN DIEPEN:** I have no idea. To this  
7                   day I have no knowledge of a confession of -- one of these  
8                   confessions, a suicide note or anything to that effect. I  
9                   have no knowledge of that and the police have never  
10                  informed me about anything of that nature, whether anything  
11                  was found at his house, and I can, with one hundred percent  
12                  degree of reliability, sir, I could tell you that there was  
13                  no such note at the office.

14                  **MR. MANSON:** Maybe I can help you; at least  
15                  inform you of the source. Could we look at Exhibit 712,  
16                  please? Page 2 that I am interested in.

17                  Mr. Commissioner, these are handwritten  
18                  notes of Helen Dunlop of the telephone conversation with  
19                  Charles Bourgeois, their lawyer, this is the lawyer who  
20                  prepared that affidavit that we were just talking about. A  
21                  phone call from Mr. Bourgeois in Maine to Mrs. Dunlop, I  
22                  take it in Cornwall, but I'm not sure. I'm just waiting  
23                  for it to come up on the screen, Mr. van Diepen. There is  
24                  a bit of cruel irony in this given your evidence about not  
25                  -- your evidence of fluency with French, but let me just

1 read you what is a note of part of the telephone  
2 conversation. And if we could turn to page 1 I'd just want  
3 to find the date, please. October 30<sup>th</sup>, 1996. Mr. Charles  
4 Bourgeois from the Ramanda Inn in Auburn, Maine.

5 And now, can we go to page 2 please? And my  
6 question for you is about whether you'd ever heard this,  
7 but:

8 "Ken Seguin's suicide ruined the plan  
9 to hit Perry. Ken confessed (in  
10 writing before he died), to all of this  
11 plan. In possession of this document  
12 is Jos van Diepen, the Frenchman in  
13 charge..."

14 That's the cruel irony.

15 Have you ever heard of this conversation  
16 before?

17 **MR. VAN DIEPEN:** No, sir. I have never seen  
18 this document before.

19 **MR. MANSON:** Just to advise you, this was --  
20 Mr. Bourgeois was in Maine meeting with Ron Leroux.

21 **MR. VAN DIEPEN:** Yes.

22 **THE COMMISSIONER:** And he phoned Mrs. Dunlop  
23 who took notes of the conversation.

24 **MR. MANSON:** Yes.

25 **MR. VAN DIEPEN:** Yes, I understand that.

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

2                   **MR. MANSON:** And, Mr. Commissioner, through  
3 my searching of the documents; this is the first reference  
4 to anything being found in Mr. van Diepen's hands.

5                   Can I go back to your daughter for a minute?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. MANSON:** Did you eventually have a  
8 conversation with her?

9                   **MR. VAN DIEPEN:** Yes.

10                  **MR. MANSON:** How old was she at this time?

11                  **MR. VAN DIEPEN:** A teenager.

12                  **MR. MANSON:** Can you tell us the age  
13 approximately, 2000?

14                  **THE COMMISSIONER:** Seven years old. How old  
15 is she now?

16                  **MR. VAN DIEPEN:** It changes every year, Your  
17 Honour.

18   **(LAUGHTER/RIRES)**

19                  **MR. MANSON:** So does my age. I'm 26 this  
20 year!

21                  **MR. VAN DIEPEN:** My daughter was born in  
22 '81.

23                  **MR. MANSON:** Okay. So in 2000, she is about  
24 19?

25                  **MR. VAN DIEPEN:** Yes.

1                   **MR. MANSON:** Was that a difficult  
2 conversation?

3                   **MR. VAN DIEPEN:** Yes.

4                   **MR. MANSON:** Was it a long conversation?

5                   **MR. VAN DIEPEN:** A very emotional  
6 conversation.

7                   **MR. MANSON:** I don't think we need to get  
8 into any of the details, but I take it you were trying to  
9 say to her this is false; correct?

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. MANSON:** Did anyone else ever mentioned  
12 the website to you; anybody close to you that you cared  
13 about?

14                  **MR. VAN DIEPEN:** Yes.

15                  **MR. MANSON:** Can you give us some examples,  
16 please?

17                  **MR. VAN DIEPEN:** Colleagues.

18                  **MR. MANSON:** From Probation?

19                  **MR. VAN DIEPEN:** Yes. My other family  
20 members; friends. I mean once word got out that this  
21 website was on -- I think -- I would think that just about  
22 every person in Cornwall that had a computer or if they  
23 didn't have a computer, went to some -- probably went to  
24 the library to read this website.

25                  **MR. MANSON:** And can you just give us an

1           approximation of how many people would have mentioned it to  
2           you? Is that possible to do?

3                   **MR. VAN DIEPEN:** I don't -- I don't -- very,  
4           very many, sir.

5                   **MR. MANSON:** Are we talking more than 10?

6                   **MR. VAN DIEPEN:** Oh, yes.

7                   **MR. MANSON:** More than 50?

8                   **MR. VAN DIEPEN:** Over the years, probably.

9                   **MR. MANSON:** And did you lose any friends  
10          over this?

11                   **MR. VAN DIEPEN:** Certainly.

12                   **MR. MANSON:** Some people who used to call,  
13          who used to interact with you just disappeared all of a  
14          sudden?

15                   **MR. VAN DIEPEN:** Yes, they don't speak to me  
16          anymore.

17                   **MR. MANSON:** Can we look at Exhibit 1093  
18          please? This is the collection of emails between Claude  
19          Legault and, I believe, Deborah Newman. It's page 2, the  
20          email of August 10<sup>th</sup>, 2000 that I'm interested in.

21                   **THE COMMISSIONER:** Ten ninety-three (1093)?

22                   **MR. MANSON:** I hope so.

23                   **THE COMMISSIONER:** Well, we're getting our  
24          exercise with you, Mr. Manson. You are going from one book  
25          to another.



1                   **MR. MANSON:** You always feel better after  
2 exercise, Mr. Commissioner, always. That's my experience.

3                   **THE COMMISSIONER:** Ten sixty-nine (1069),  
4 you said?

5                   **MR. MANSON:** Ten ninety-three (1093).

6                   **THE COMMISSIONER:** Ten ninety-three (1093)

7                   **MR. MANSON:** This is it. Can we go to page  
8 2? This one looks like it's -- yes, I was wrong -- it's  
9 August 11<sup>th</sup>, Claude Legault to Deborah Newman, talking about  
10 -- you mentioned just now discussions with co-workers. If  
11 we look -- is this the bottom of the page, Madam?

12                                 It is? Oh, there it is.

13                                 That -- starting "Discussions with staff".  
14 This is shortly after people are becoming aware of the  
15 website, and Mr. Legault is writing to Ms. Newman:

16   "Discussions with staff raised some  
17   questions in their minds and here are  
18   the main ones ..."

19                                 Have you seen this document before?

20                   **MR. VAN DIEPEN:** Yes, I have, sir.

21                   **MR. MANSON:** "Have we been duped by Jos  
22   when he claimed that he had no  
23   knowledge of any abuse by Ken Seguin  
24   and others. Why is he not talking to  
25   his colleagues to reassure them that

1                   there is no truth to the allegations in  
2                   the website? Staff were confident with  
3                   the efforts made by everyone to be  
4                   above-board. It would be clear for  
5                   everyone who the good guys and bad ones  
6                   were. This serves once again to blur  
7                   the distinction and creates doubts over  
8                   everyone."

9                   This must have been upsetting for you to  
10                  know that this is what your colleagues are thinking?

11                  **MR. VAN DIEPEN:** I -- yes.

12                  **THE COMMISSIONER:** When did you find out  
13                  about this?

14                  **MR. VAN DIEPEN:** I -- Your Honour, I became  
15                  aware of this -- the change in attitude from the staff  
16                  before I ever saw this email.

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

18                  **MR. VAN DIEPEN:** I mean, it was -- I walked  
19                  in and it was -- some people thought -- I mean I thought I  
20                  had the plague.

21                  **MR. MANSON:** So we are talking around August  
22                  of 2000; this period?

23                  **MR. VAN DIEPEN:** Yes.

24                  **MR. MANSON:** We have been talking about the  
25                  -- was there any degree of ostracism? Is that what you are

1 suggesting?

2 MR. VAN DIEPEN: There was -- some officers  
3 did not speak with me.

4 MR. MANSON: We have been talking about the  
5 Dick Nadeau website that, I believe, was called Project  
6 Truth, something like that. Correct?

7 MR. VAN DIEPEN: Yes.

8 MR. MANSON: Earlier in your testimony, you  
9 mentioned that there has been a successor website created  
10 in Cornwall.

11 MR. VAN DIEPEN: Well, I believe there has  
12 been several websites. There's -- including one that is  
13 still ongoing.

14 MR. MANSON: With respect to the ongoing  
15 one, have you ever gone into it to find out what it's  
16 saying about the Inquiry, about witnesses or, more  
17 particularly, about you?

18 MR. VAN DIEPEN: I prefer not to -- it's  
19 just too upsetting.

20 MR. MANSON: Okay. Then I ---

21 THE COMMISSIONER: But have you?

22 MR. VAN DIEPEN: I have, yes.

23 MR. MANSON: Ah! That was -- and have you  
24 seen references to yourself?

25 MR. VAN DIEPEN: Yes.

1                   **MR. MANSON:** Do you find those references to  
2                   be accurate?

3                   **MR. VAN DIEPEN:** No.

4                   **MR. MANSON:** Now by inaccurate, I just want  
5                   to be careful, there's two kinds of inaccuracies that we  
6                   might be looking at; one might be a balled Mr. van Diepen  
7                   did "X"; as compared to a reference that some document said  
8                   that Mr. van Diepen did "X".

9                                 Can you explain which kind of inaccuracies  
10                                or maybe both you have seen?

11                   **MR. VAN DIEPEN:** I wouldn't be able to -- at  
12                   this point, Mr. Manson, I wouldn't be able to clarify that  
13                   for you because just reading the material, it just creates  
14                   a gut reaction, and you just -- you're not thinking  
15                   logically. You're thinking emotionally and I wouldn't be  
16                   able to tell you whether or not -- I just know that there's  
17                   just this -- it's just a continuation of this urban legend.

18                   **MR. MANSON:** So it just seems a repetition  
19                   of the same old stories is gut-wrenching for you?

20                   **MR. VAN DIEPEN:** It keeps regrinding it,  
21                   regrinding out the same information.

22                   **MR. MANSON:** Let me move to another area  
23                   now.

24                                 First, I want to talk to you about Alfred.  
25                   You've just mentioned Alfred earlier today.

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. MANSON:** And I only want to talk about  
3 Alfred from the perspective of Cornwall, Mr. Commissioner.

4                   Did you read the transcript of Paul  
5 Downing's testimony?

6                   **MR. VAN DIEPEN:** Yeah, I believe I looked at  
7 it. I scanned it.

8                   **MR. MANSON:** What I want to ask you is you  
9 started working in Cornwall in the Probation Office 1975-  
10 76, part-time and then full-time; correct?

11                   **MR. VAN DIEPEN:** Yes.

12                   **MR. MANSON:** At this time, Alfred was an  
13 open, active, reformatory, training school, however you  
14 want to call it. Correct?

15                   **MR. VAN DIEPEN:** Yes. Yes.

16                   **MR. MANSON:** Can you tell the Commissioner  
17 what its reputation within the probation community or the  
18 larger justice community was?

19                   **MR. VAN DIEPEN:** Well ---

20                   **MR. MANSON:** Here, I'm asking you to situate  
21 your knowledge not today but in your early days as a  
22 probation officer.

23                   **MR. VAN DIEPEN:** In my early days as a  
24 probation officer, I had no knowledge of the goings on at  
25 Alfred. I assumed it was a training school, and that was

1 it.

2 MR. MANSON: Do you have any recollection of  
3 when you would have had some knowledge of abuse at Alfred?

4 MR. VAN DIEPEN: Yes.

5 MR. MANSON: When you would have acquired  
6 it?

7 MR. VAN DIEPEN: Yes. I had a client who  
8 alleged that there was abuse at Alfred.

9 MR. MANSON: And can you help us in terms of  
10 the timing? I know it's difficult, but ---

11 MR. VAN DIEPEN: It would have been prior to  
12 the whole Alfred Inquiry.

13 MR. MANSON: So are we talking mid '80s?

14 MR. VAN DIEPEN: That would be a fair guess,  
15 yes.

16 MR. MANSON: And with that event in your  
17 mind, was that becoming common knowledge amongst the  
18 probation-justice community, that there were allegations of  
19 serious abuse at Alfred?

20 MR. VAN DIEPEN: Oh, yes.

21 MR. MANSON: Were boys still being sent from  
22 Cornwall to Alfred?

23 MR. VAN DIEPEN: I -- I don't know, you  
24 know, at what time the -- I believe, you know -- if memory  
25 serves me right, boys were sent to Alfred until the place

1 closed. That's all I can tell you. Now, whether -- when  
2 the last resident arrived there or detainee arrived there,  
3 I can't tell you that, sir.

4 **MR. MANSON:** But at -- in this point in the  
5 mid-80s, you're not dealing with juveniles?

6 **MR. VAN DIEPEN:** No, of course. I've never  
7 dealt with juveniles.

8 **MR. MANSON:** So it's another ministry that's  
9 dealing with juveniles.

10 **MR. VAN DIEPEN:** Yes.

11 **MR. MANSON:** The reason I asked you about  
12 Mr. Downing, during his testimony and when I was cross-  
13 examining him, I put to him a statement that one of his  
14 investigators had obtained in 2000 where the man, number  
15 one, alleged that as a juvenile he had been abused by Ken  
16 Seguin and, number two, as a juvenile alleged that -- I  
17 don't know the right way to say it, that he had been  
18 threatened by Ken Seguin that he would end up in Alfred if  
19 he didn't comply.

20 Have you ever heard an allegation like that  
21 before? A threat to send a juvenile to Alfred?

22 **MR. VAN DIEPEN:** In 2000?

23 **MR. MANSON:** Oh, no, no, no. This was an  
24 allegation about events in the early '70s.

25 **MR. VAN DIEPEN:** Okay. It -- Mr. Seguin's

1           role with juveniles would have ended sometime, and on my  
2           best guess, is in early 1974.

3                       **MR. MANSON:** Yeah.

4                       **MR. VAN DIEPEN:** So his mandate over  
5           juveniles would have ended at that point, so his ability to  
6           return juveniles to detention or custody is whatever -- I  
7           don't know what the term was back then, would have ended at  
8           that point.

9                       **MR. MANSON:** But the -- I don't want to get  
10          into details of the allegation ---

11                      **MR. VAN DIEPEN:** But I ---

12                      **MR. MANSON:** --- and I don't want to name  
13          the person, but it was an allegation about the early '70s.

14                      **MR. VAN DIEPEN:** Okay. I've never heard. If  
15          you're asking me do I know something about allegations of  
16          Ken Seguin returning a juvenile to custody under threat of  
17          -- no, I am not aware of that.

18                      **MR. MANSON:** Or of just making the threat?

19                      **MR. VAN DIEPEN:** I don't know, no, I don't  
20          know about that. This is the first I hear about that.

21                      **MR. MANSON:** Have you heard of anyone in the  
22          larger justice or law enforcement community threatening  
23          juveniles about Alfred?

24                      **THE COMMISSIONER:** So you know, like, "If  
25          you don't behave, we're going to send you back to Alfred"?



1                   **MR. VAN DIEPEN:** Oh, I would -- I would  
2                   assume that, you know, that that would be a reasonable  
3                   statement to make to a young person who, if they're not  
4                   following the conditions of their probation repeatedly and  
5                   they're being, how would I say it, obstinate or obtuse  
6                   about following -- being of good behaviour, I would think  
7                   it would be a reasonable statement for a police officer or  
8                   a probation officer or a social worker to say, "If you  
9                   don't smarten up we're going to send you back to Alfred".

10                  **MR. MANSON:** And it would probably have a  
11                  big impact because youngsters coming back from Alfred would  
12                  be telling other youngsters about what went on at Alfred?

13                  **MR. VAN DIEPEN:** I would assume that, yes.

14                  **MR. MANSON:** So even if you didn't know to  
15                  the mid '80s, the kids on the street would know; correct?

16                  **MR. VAN DIEPEN:** Oh, yes. There was -- yes.

17                  **MR. MANSON:** If I can switch topics for a  
18                  minute.

19                  **THE COMMISSIONER:** Before -- can I -- before  
20                  you switch topics ---

21                  **MR. MANSON:** Go ahead, Mr. Commissioner.

22                  **THE COMMISSIONER:** Sir, so when that young -  
23                  - well, when that person, probationer, must have been an  
24                  adult, told you that they had been abused in Alfred, what  
25                  did you do?

1                   **MR. VAN DIEPEN:** Well, there were a number  
2 of compounding problems.

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

4                   **MR. VAN DIEPEN:** First of all, this  
5 gentleman had a long-standing, serious, multiple and --  
6 multiple substance abuse problem ---

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

8                   **MR. VAN DIEPEN:** --- as well as psychiatric  
9 problems, and my first efforts were to get him to seek  
10 treatment to get him sober. That's the first step. And  
11 the second phase of that was to get him help to deal with  
12 the abuse, so that he could make whatever informed  
13 decisions because at that point the gentleman was an adult  
14 and then he would be able to deal with the matter of the  
15 abuse.

16                   At the point where I was dealing with him,  
17 he didn't want to do anything, but there was -- well,  
18 concurrent to me -- to him telling me that he didn't want  
19 to do anything, he had also been speaking with a lawyer.

20                   **THE COMMISSIONER:** Okay. And what year was  
21 that, about, ballpark.

22                   **MR. VAN DIEPEN:** I don't recall, Your  
23 Honour. I just recall the gentleman and I recall that he  
24 presented a multiplicity of difficulties from a supervision  
25 point-of-view, and at one point we did manage to get him

1           sober but I think he was only sober for a couple of months  
2           and relapsed, and relapsed very ---

3                   **THE COMMISSIONER:** And in what year again  
4           was that?

5                   **MR. VAN DIEPEN:** Well, I don't ---

6                   **THE COMMISSIONER:** You don't know.

7                   **MR. VAN DIEPEN:** No, I don't know, Your  
8           Honour.

9                   **THE COMMISSIONER:** Was Alfred still working?  
10          Was still ---

11                   **MR. VAN DIEPEN:** I don't recall, Your  
12          Honour.

13                   **THE COMMISSIONER:** I'm wondering, wouldn't  
14          there be a protocol, you know, to report -- never mind to  
15          the police in a criminal matter, but protocol to report to  
16          your Ministry that the -- that this allegation was there?

17                   **MR. VAN DIEPEN:** Yes. The matter was fully  
18          documented.

19                   **THE COMMISSIONER:** So you did that?

20                   **MR. VAN DIEPEN:** Yes.

21                   **THE COMMISSIONER:** And -- okay, that's fine.

22                   **MR. MANSON:** As I think we've heard, for  
23          quite a while there's been protocols within the Ministry  
24          dealing with allegations of criminal activity; correct?

25                   **MR. VAN DIEPEN:** Yes.

1                   **MR. MANSON:** And this would be an allegation  
2 of criminal activity?

3                   **MR. VAN DIEPEN:** Yes.

4                   **MR. MANSON:** Just because it's criminal  
5 activity by someone within the extended justice community,  
6 it's still criminal activity?

7                   **MR. VAN DIEPEN:** Yes, correct.

8                   **MR. MANSON:** And, therefore, should be  
9 reported within the Ministry and should be dealt with  
10 according to the protocols; correct?

11                   **MR. VAN DIEPEN:** Yes, I -- there were a  
12 number of -- I had a number of clients where I used the  
13 protocol and in relation to clients who had been victimized  
14 and by individuals other than those in the justice cluster.

15                   **MR. MANSON:** So if we move from Alfred for a  
16 minute, are you familiar with Laurencrest?

17                   **MR. VAN DIEPEN:** Yes.

18                   **MR. MANSON:** And is that a group home that  
19 operates in the Cornwall area?

20                   **MR. VAN DIEPEN:** Yes.

21                   **MR. MANSON:** And can you tell the  
22 Commissioner what its reputation within the probation, law  
23 enforcement community is, as you understood it while you  
24 were a Probation Officer?

25                   **MR. VAN DIEPEN:** To the -- I was not aware

1 of any impropriety at Laurencrest.

2 **MR. MANSON:** So you've not heard any  
3 allegations about abuse at Laurencrest?

4 **MR. VAN DIEPEN:** At the time, no, but I'm  
5 subsequently informed that there have been some other --  
6 there are some matters that have arisen in relation with  
7 Laurencrest.

8 Now, again, I don't have firsthand knowledge  
9 of that. I don't have -- I have not seen any  
10 documentation. I can only tell you that there were  
11 rumours.

12 **MR. MANSON:** So we're talking about rumours  
13 in Cornwall, not something that you would have learned in a  
14 professional capacity?

15 **MR. VAN DIEPEN:** Exactly.

16 **MR. MANSON:** Are you familiar with the name  
17 Brian Dufour?

18 **MR. VAN DIEPEN:** That's the gentleman I was  
19 thinking about.

20 **MR. MANSON:** So you know that he was charged  
21 and then died before he came to trial?

22 **MR. VAN DIEPEN:** That I didn't know.

23 **MR. MANSON:** Can I change topics again?

24 Just like a 10-speed bike, I have many gears  
25 and I have 10 points actually.

1 I want to talk to you about socializing  
2 within the probation office. You've told us a little bit  
3 about the times that you'd go out with Ken Seguin. I think  
4 you said occasionally you'd got have a beer with Ron  
5 Gendron. Is that correct?

6 MR. VAN DIEPEN: Yes.

7 MR. MANSON: Did you ever socialize in  
8 couples, you and your wife with a colleague and their  
9 spouse or partner?

10 MR. VAN DIEPEN: The -- with probation?

11 MR. MANSON: Yes.

12 MR. VAN DIEPEN: Christmas parties.

13 MR. MANSON: I'm sorry?

14 MR. VAN DIEPEN: Christmas parties.

15 MR. MANSON: Christmas parties, yes. Other  
16 than Christmas parties, dinner parties, anything like that?

17 MR. VAN DIEPEN: No.

18 MR. MANSON: We've heard evidence from  
19 Carole Cardinal, one of your colleagues, correct? And she  
20 said, about you, that the two of you had a good working  
21 relationship.

22 Would you agree with that?

23 MR. VAN DIEPEN: Yes.

24 MR. MANSON: You know that her husband is  
25 Claude Lortie, a Cornwall Police Service officer; correct?

1 MR. VAN DIEPEN: Yes.

2 MR. MANSON: Would you meet him at Christmas  
3 parties?

4 MR. VAN DIEPEN: Over the years, yes, and  
5 outside of Christmas parties.

6 MR. MANSON: You'd meet him professionally  
7 outside of Christmas parties or socially or both?

8 MR. VAN DIEPEN: Professionally mostly. At  
9 one point, he was my -- I was supervising intensive clients  
10 and he was the person that was the liaison for these type  
11 of clients.

12 MR. MANSON: So you would talk to Claude  
13 Lortie about mutual clients?

14 MR. VAN DIEPEN: Yes.

15 MR. MANSON: You're the supervisor. He may  
16 have been involved in the past investigation or some  
17 current investigation?

18 MR. VAN DIEPEN: Well, not necessarily the  
19 individual who was doing the investigation, but he would  
20 liaise with the police officers within the department  
21 because these police officers are on different shifts,  
22 they're on their days off, we can't get the information.  
23 And he would, you know, obtain the reports or speak to the  
24 officer about our concerns to do a follow-up, et cetera.

25 The intensive supervision protocol is a

1 high-contact type of protocol. A lot of police -- a lot of  
2 collaterals with police and other agencies in the  
3 community. So it was much easier to speak with one person  
4 in the department. And so I would speak to Claude Lortie,  
5 not about one client but, "Here are my clients. Here are  
6 my concerns. Is there anything that you can tell me about  
7 my clients?" And so on and so forth.

8 **MR. MANSON:** Now, can you just help us with  
9 the time period? You had a 30-year career, so this time  
10 period where you were doing intensive supervision and  
11 Claude Lortie was the liaison?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. MANSON:** Approximately.

14 **MR. VAN DIEPEN:** That was after my return  
15 from -- my return back as a Probation Parole Officer in --  
16 when did I ---

17 **THE COMMISSIONER:** Two-O-four (2004), 2005?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. MANSON:** So it's very recent?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. MANSON:** I want to take you -- but you  
22 obviously knew him from before then?

23 **MR. VAN DIEPEN:** Oh, yes.

24 **MR. MANSON:** And you would have professional  
25 contacts before then?



1 MR. VAN DIEPEN: Yes.

2 MR. MANSON: And you'd have some social  
3 contacts?

4 MR. VAN DIEPEN: Yes.

5 MR. MANSON: Okay. I want you to think back  
6 just as a marker, I'm not going to ask you about it, but  
7 just as a marker, the date of Ken Seguin's death.

8 MR. VAN DIEPEN: Yes.

9 MR. MANSON: Prior to that, had you ever  
10 talked to Claude Lortie about the Silmser allegations  
11 against Father Charles MacDonald?

12 MR. VAN DIEPEN: No.

13 MR. MANSON: You're quite sure of that?

14 MR. VAN DIEPEN: I am positive.

15 MR. MANSON: Had you ever talked to Claude  
16 Lortie about allegations against Ken Seguin?

17 MR. VAN DIEPEN: Afterwards?

18 MR. MANSON: Before.

19 MR. VAN DIEPEN: No.

20 MR. MANSON: What about afterwards?

21 MR. VAN DIEPEN: Yes.

22 MR. MANSON: Can you remember that time or  
23 context?

24 MR. VAN DIEPEN: All I can recall is what --  
25 it would be a -- quite some time after Ken Seguin's death,

1 and it was a conversation about we're both sort of -- both  
2 of us appeared to have been hoodwinked by Mr. Seguin.

3 **MR. MANSON:** Hoodwinked in the sense that he  
4 knew him as the colleague of his spouse?

5 **MR. VAN DIEPEN:** He knew -- Mr. Lortie knew  
6 Mr. Seguin as "Mr. Probation Officer", outstanding member  
7 in the community, beyond -- credentials were beyond  
8 reproach, and subsequently there was these findings.

9 **MR. MANSON:** Fair to say that that wouldn't  
10 -- that view "Mr. Probation", beyond reproach, wouldn't be  
11 unique? In other words, Lortie wouldn't be the only person  
12 who had thought that?

13 **MR. VAN DIEPEN:** Oh, I'm -- yes, that's  
14 correct, yes.

15 **MR. MANSON:** Talking about the period  
16 substantially before his death?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. MANSON:** You were asked by Mr. Engelmann  
19 about Richard Hickerson. Do you recall that?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. MANSON:** And I believe at page -- Volume  
22 184, page 67 to 69, you referred to him as a "go-to guy"  
23 for the purpose of labour or employment questions?

24 **MR. VAN DIEPEN:** More specifically for  
25 placement.

1                   MR. MANSON: For placement?

2                   MR. VAN DIEPEN: Yes.

3                   MR. MANSON: Did you ever send a client to  
4 Manpower to look for jobs?

5                   MR. VAN DIEPEN: Yes.

6                   MR. MANSON: Would that be something that  
7 you would do often?

8                   MR. VAN DIEPEN: Yes.

9                   MR. MANSON: Would you tell a client, "Go  
10 see Richard Hickerson"?

11                   MR. VAN DIEPEN: Yes, in fact, often we  
12 would phone -- what we'd do is phone Mr. Hickerson saying,  
13 "Look, I'm looking for a job for one of my clients. He's  
14 unemployed, hanging out on the streets, going to get into  
15 trouble. Have you got anything, you know, that would fit  
16 this ..."

17                               And we'd give a brief outline of the  
18 client's CV if there was anything -- in many cases there  
19 wasn't -- and, "Do you have anything that would match?" you  
20 know. And a lot of those would be unskilled labouring-type  
21 of jobs.

22                   MR. MANSON: So it wouldn't be uncommon for  
23 you to actually set-up the appointment with Hickerson  
24 before the client got there?

25                   MR. VAN DIEPEN: Oh, yes.

1                   MR. MANSON: Yes?

2                   MR. VAN DIEPEN: Yes.

3                   MR. MANSON: It would not be ---

4                   MR. MANSON: Yes, it would not be uncommon.  
5 I'm sorry if it was a double negative.

6                   MR. VAN DIEPEN: It would be routine. It  
7 would be routine.

8                   MR. MANSON: And I take it you've learned  
9 more recently that there have been allegations of abuse by  
10 Mr. Hickerson as well?

11                   MR. VAN DIEPEN: Yes.

12                   MR. MANSON: Can I move to the period at  
13 probation. I think I've only got a few more minutes, Mr.  
14 Commissioner.

15                   THE COMMISSIONER: That's fine. We're here  
16 for a while.

17                   MR. MANSON: The period of probation where  
18 Emile Robert was the area manager.

19                   MR. VAN DIEPEN: Yes.

20                   MR. MANSON: I'm using your language, but  
21 you've described the environment both as dysfunctional and  
22 poisoned. Is that correct?

23                   MR. VAN DIEPEN: Yes.

24                   MR. MANSON: We've heard from other  
25 witnesses that Mr. Robert seemed to show favouritism to Ken

1 Seguin. Is that your view?

2 MR. VAN DIEPEN: Yes, sir.

3 MR. MANSON: Can you give us any specific  
4 examples?

5 MR. VAN DIEPEN: Yes. Issues of scheduling  
6 vacation time; issues of office practices. I think you saw  
7 some memorandum about me failing to sign some piece of  
8 paper or a sign-out sheet in the office.

9 Everybody would forget to do it because it  
10 was just a nuisance thing. Your hands are full; you had a  
11 briefcase in one hand; you've got files in the other;  
12 you've got your keys; you're going out the door because  
13 you've got to go to court the following day and you're  
14 supposed to -- on your way out, there was a thing you're  
15 supposed to sign out. Well, sometimes that didn't happen.  
16 And, of course, Mr. Seguin would be -- I don't know what  
17 happened to Mr. Seguin's case, but I would be getting  
18 letters on my personnel file.

19 MR. MANSON: Do you know that he did not get  
20 them?

21 MR. VAN DIEPEN: Well, I know he didn't get  
22 them, yes, I know he didn't get -- got them.

23 MR. MANSON: Did you talk to him about it?

24 MR. VAN DIEPEN: Yes.

25 MR. MANSON: Any other examples of

1 favouritism?

2 **THE COMMISSIONER:** You said vacations. In  
3 which way?

4 **MR. VAN DIEPEN:** Well, you know, time slots.  
5 I mean, I'd been there for a number of years, Your Honour,  
6 and of course after a number of years you'd have a  
7 lengthier period of vacation and I wouldn't be allowed to  
8 take my vacation -- if I wanted to take, say, four weeks at  
9 a time, I couldn't. Ken Seguin could. And it just wasn't  
10 just about me. There were other officers there who were  
11 similarly discriminated against.

12 **THE COMMISSIONER:** Okay. But did it go by  
13 seniority? Was there a rule that seniority ---

14 **MR. VAN DIEPEN:** Well, it was supposed to be  
15 by seniority but then, you know, they would say, "Okay,  
16 well, you know, you have the seniority, but you can't take  
17 all your vacation during that time". There was just -- it  
18 was -- there was just ongoing conflict all the time.

19 **THE COMMISSIONER:** Well, Seguin was senior  
20 to you?

21 **MR. VAN DIEPEN:** Yes.

22 **THE COMMISSIONER:** So, presumably, if you  
23 wanted four weeks and he wanted four weeks, he would get  
24 it?

25 **MR. VAN DIEPEN:** Well, there was -- at that

1 time, there were a number of officers so it would be  
2 impossible to just keep one officer off at one point-in-  
3 time because that way, some staff would have to take their  
4 vacation in January or at inopportune times.

5 **THE COMMISSIONER:** Right.

6 **MR. VAN DIEPEN:** So there would be provision  
7 for -- as long as there was enough officers to handle walk-  
8 in and emergency cases, there would be no reason not to  
9 schedule vacation.

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

11 **MR. VAN DIEPEN:** I'm sure I can -- if I went  
12 home, I would be able to come back with a much longer list  
13 of favouritism.

14 **MR. MANSON:** Now, if we again move to the  
15 '92-'93 period. Can you focus your mind on that for a  
16 minute?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. MANSON:** By this time you know that in  
19 the past Gerry Renshaw had been living with Ken Seguin;  
20 correct?

21 **MR. VAN DIEPEN:** I don't recall when Gerry  
22 Renshaw began to live with Ken Seguin. What I remember was  
23 that there was a discussion in the office and a number of  
24 the officers were quite upset about the fact that Gerry  
25 Renshaw was living at Ken Seguin's and that the area

1 manager had approved that Renshaw lived with Seguin.

2 MR. MANSON: This would have happened before  
3 '92-'93 that you became aware of that?

4 MR. VAN DIEPEN: I don't, see I don't --  
5 you'd have to refresh for me, sir, when that timeline  
6 occurred, when did Renshaw live with Seguin? Right now I  
7 am drawing a complete blank. Obviously it was before his  
8 death and whether it was in '92 or '93, I don't know.

9 MR. MANSON: What I want to talk about in a  
10 minute and I just wanted to put the background are -- the  
11 time of the spy mission and your visit to Mr. Seguin's  
12 office to talk to him about his professionalism.

13 MR. VAN DIEPEN: Yes.

14 MR. MANSON: At those points, you already  
15 knew about the Renshaw situation; correct?

16 MR. VAN DIEPEN: Yes.

17 MR. MANSON: And you did not approve?

18 MR. VAN DIEPEN: That's correct.

19 MR. MANSON: So you thought it was wrong  
20 that Mr. Robert had approved it?

21 MR. VAN DIEPEN: Yes.

22 MR. MANSON: You already knew about the  
23 Varley incident?

24 MR. VAN DIEPEN: Yes.

25 MR. MANSON: And I take it from your



1 evidence today that you spoke to Constable Millar about the  
2 Varley incident?

3 **MR. VAN DIEPEN:** Actually it was Constable  
4 Millar who contacted me because he had some concerns.

5 **MR. MANSON:** And this was before he wrote to  
6 Emile Robert?

7 **MR. VAN DIEPEN:** I was not privy to his  
8 communication with Mr. Robert so I don't know which came  
9 first, but his contacting me was as a result of his  
10 frustration in getting the matter properly addressed.

11 **MR. MANSON:** Fair to say your view was Mr.  
12 Robert wasn't treating it as seriously as it ought to have  
13 been treated; is that fair?

14 **MR. VAN DIEPEN:** Yeah, that would be one way  
15 of putting it.

16 **MR. MANSON:** And so these are things on your  
17 mind when you go have your confrontation with Mr. Seguin,  
18 when he throws you out of the office?

19 **MR. VAN DIEPEN:** Yes.

20 **MR. MANSON:** You also said when Mr.  
21 Engelmann was asking you, you used the word,  
22 fraternization?

23 **MR. VAN DIEPEN:** Okay.

24 **MR. MANSON:** It's at Volume 185, page 154,  
25 line 10, Mr. Engelmann said:

1 "You're telling us today that that's  
2 about having a cigarette with clients,  
3 that's the extent of it.

4 Mr. van Diepen: Cigarettes and  
5 fraternization, socialization, you  
6 know, chummy with clients rather than  
7 being professional."

8 By "fraternization", do you mean seeing Mr.  
9 -- or did you have any information that Mr. Seguin, other  
10 than the Varley incident, had probationers over to his  
11 house for drinking purposes?

12 **MR. VAN DIEPEN:** No, I did not.

13 **MR. MANSON:** Did you have any information  
14 about Mr. Seguin going to local taverns with probationers?

15 **MR. VAN DIEPEN:** The only information that I  
16 had, sir, is as I reported earlier in my testimony was that  
17 -- I believe I did anyway. I certainly remember  
18 referencing it with the police that on at least one  
19 occasion when we went for a beer at a local bar, there were  
20 what I believed to be clients who approached Mr. Seguin and  
21 Mr. Seguin engaged himself socially with those clients.

22 **MR. MANSON:** So you would be in the bar with  
23 Mr. Seguin and clients would come up to you?

24 **MR. VAN DIEPEN:** Up to him.

25 **MR. MANSON:** Up to him?

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. MANSON:** So he wasn't sitting with  
3 probationers in a bar and you would walk in with a friend  
4 and see him with a bunch of probationers?

5                   **MR. VAN DIEPEN:** That's correct.

6                   **MR. MANSON:** The reason I'm asking is, and  
7 again this may be a problem of language so please just  
8 correct me.

9                   If we go back to Exhibit 958, this is the  
10 Downing interview, at page 5 right at the top. This is  
11 page 5 of the interview with you that is one of the  
12 appendices to the Downing report.

13                   Do you see the second sentence?

14                   "Probationers stopped by his house in  
15 Cornwall and also met with him at a  
16 local tavern."

17                   **MR. VAN DIEPEN:** Yes.

18                   **MR. MANSON:** Can you help us what you're  
19 talking about there?

20                   **MR. VAN DIEPEN:** I'm speaking about my  
21 mindset in 2000, having become aware that there were  
22 reports of a number of clients stopping by Ken Sequin's  
23 house and that he was drinking with them at a local tavern.

24                   **MR. MANSON:** So this isn't your own  
25 firsthand knowledge?

1                   **MR. VAN DIEPEN:** No.

2                   **MR. MANSON:** We've heard evidence from one  
3 of your colleagues that you and Mr. Seguin had different  
4 philosophies about the role of the probation officer, and  
5 what we were told was that he had more of a social work  
6 emphasis and you had more of an enforcement emphasis; would  
7 you agree with that?

8                   **MR. VAN DIEPEN:** I would not.

9                   **MR. MANSON:** We were told that with respect  
10 to non-compliance with certain conditions that he would  
11 tend to leniency on occasion, not always, but on occasion  
12 and you would tend towards strict enforcement. Would you  
13 agree with that?

14                   **MR. VAN DIEPEN:** No. That would be, I  
15 think, an over simplification.

16                   **MR. MANSON:** But you would agree with me  
17 that one does get the sense that you're a rule-oriented  
18 person? I don't mean that in any pejorative sense.

19                   **MR. VAN DIEPEN:** Let me just ---

20                   **MR. MANSON:** There's other rule-oriented  
21 people in the room.

22                   **MR. VAN DIEPEN:** Let me clarify for you,  
23 sir, if an individual is on probation with a number of  
24 conditions, say for example to make restitution to a victim  
25 and the judge orders a condition, you must pay "X" number

1 of dollars by such and such a date or you will be subject  
2 to a breach.

3 Well, what happened was that on certain  
4 occasions, there was nothing done to see these monies  
5 collected. My position was that if His Honour saw fit that  
6 this person make restitution as part of a probation order;  
7 he would expect me to see that condition fulfilled.

8 I would make every effort to ensure that  
9 this individual would make that restitution and we would  
10 certainly allow a long leeway. In other words, we would  
11 even apply for variations, extensions, reduction in the  
12 amounts when circumstances had changed.

13 But when we're getting to a situation where  
14 there is a wilfulness, a knowing wilfulness and a failure  
15 to comply, then we're talking about the potential for a  
16 breach. And in those situations, I would be forced to file  
17 a breach. And if I still felt that there was grounds  
18 perhaps that it should not be breached, I would discuss the  
19 matter with the Crown attorney for further guidance.

20 But Mr. Seguin, on the other hand, this  
21 stuff would be swept under the rug.

22 **MR. MANSON:** So there certainly was a  
23 difference between the two of you with respect to condition  
24 enforcement?

25 **MR. VAN DIEPEN:** Yes, but not in the way you

1 first outlined it, sir.

2 MR. MANSON: Okay. Not in the philosophical  
3 approach but in the day-to-day practice there were  
4 differences?

5 MR. VAN DIEPEN: Yes.

6 MR. MANSON: This is the last area I want to  
7 take you to. I want to talk about Harv's Diner?

8 MR. VAN DIEPEN: Yes.

9 MR. MANSON: Can we go to Volume 184, page  
10 113, please.

11 THE COMMISSIONER: I don't think we have  
12 that again.

13 MR. MANSON: I'm sorry, Mr. Commissioner.

14 THE COMMISSIONER: I'm looking at the  
15 witness whose ---

16 MR. MANSON: No, it will come up in the  
17 screen in a minute.

18 THE COMMISSIONER: No, there is a hard copy  
19 that will be made available as well.

20 MR. MANSON: Let me put it to you -- while  
21 you're looking at page 113, let me put it to you in  
22 generalities first.

23 MR. VAN DIEPEN: Yes, sir.

24 MR. MANSON: I take it your evidence was  
25 that part of -- you'd go to Harv's Diner maybe one or two

1           Fridays a month and have lunch, and there would be a group  
2           of people who included Ken Seguin. Is that correct?

3                       **MR. VAN DIEPEN:** Yes.

4                       **MR. MANSON:** Was there like one big -- I've  
5           never been to Harv's diner. Was there one big table that  
6           was where Ken Seguin and his buddies hung out?

7                       **MR. VAN DIEPEN:** Well, when I would arrive  
8           there, these were all small tables where four people sat on  
9           each -- one on each side. And we would arrive we would be,  
10          generally, near the window and the lunch tables would be  
11          slid together, and there would be a good collection of  
12          individuals there and it would -- you know, it would be a  
13          sort of a little group, camaraderie and -- as well as  
14          eating lunch.

15                      **MR. MANSON:** And there would be 8, 10 or 12  
16          people maybe?

17                      **MR. VAN DIEPEN:** Yes.

18                      **MR. MANSON:** And occasionally -- do you have  
19          your moniker list -- C-8 would be there.

20                      **MR. VAN DIEPEN:** yes.

21                      **MR. MANSON:** Okay.

22                      And occasionally C-8 would bring Ron Leroux  
23          with him?

24                      **MR. VAN DIEPEN:** Yes.

25                      **MR. MANSON:** And you told us that, as well,

1           there would be a number of contractors.

2                       **MR. VAN DIEPEN:** Yes.

3                       **MR. MANSON:** Correct?

4                       And you understood that C-8 was a  
5           contractor?

6                       **MR. VAN DIEPEN:** Yes.

7                       **MR. MANSON:** And that's probably why he was  
8           there?

9                       **MR. VAN DIEPEN:** Yes.

10                      **MR. MANSON:** Did you understand that C-8 and  
11           Ron Leroux were business partners ---

12                      **MR. VAN DIEPEN:** You know ---

13                      **MR. MANSON:** --- in the contracting  
14           business?

15                      **MR. VAN DIEPEN:** No. I did not.

16                      **MR. MANSON:** Is that news to you when I  
17           explain that to you?

18                      **MR. VAN DIEPEN:** Yes it is, sir.

19                      **MR. MANSON:** What did you believe was Ron  
20           Leroux's occupation.

21                      **MR. VAN DIEPEN:** My understanding that Ron  
22           Leroux was -- had been employed as a jeweller in Montreal.  
23           That's all I know about his employment.

24                      **MR. MANSON:** Did you know that C-8 had an  
25           office in the basement with -- same floor as Malcolm



1 MacDonald?

2 MR. VAN DIEPEN: Very briefly, towards the  
3 end, yes.

4 MR. MANSON: Towards the end of what? I'm -  
5 --

6 MR. VAN DIEPEN: Towards the end of  
7 Malcolm's practice.

8 MR. MANSON: And so we're talking early  
9 '90s, mid-'90s, around that time?

10 MR. VAN DIEPEN: I -- all I can recall, it  
11 was ---

12 MR. MANSON: Well ---

13 MR. VAN DIEPEN: What I can recall, sir, is  
14 that it was only for a couple of months. Because there was  
15 really no office space; it was -- what I recall of it,  
16 there was a desk in the waiting room.

17 MR. MANSON: And this -- and C-8 would work  
18 out of that for a couple of months?

19 MR. VAN DIEPEN: Yes.

20 MR. MANSON: Is this the same building that  
21 you were located in, at the time?

22 MR. VAN DIEPEN: We were in the same -- yes,  
23 the corner of Fifth and Pitt, yes.

24 MR. MANSON: And Malcolm MacDonald's in the  
25 basement?

1                   **MR. VAN DIEPEN:** Yes.

2                   **MR. MANSON:** And C-8's running his business  
3 out of that area for a couple of months.

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. MANSON:** And you're occasionally meeting  
6 C-8 for lunch with this other group.

7                   **MR. VAN DIEPEN:** Yes.

8                   **MR. MANSON:** Okay. He's not as regular as  
9 everyone else, but he's comes. Correct.

10                   **MR. VAN DIEPEN:** Well -- I'm not sure as to  
11 how regularly he came. All I can tell you is that he was  
12 there, perhaps two, maybe three times when I was there --  
13 when I was there on that -- those odd Fridays.

14                   So if he was there on, say, a Monday, or a  
15 Tuesday, I would have no knowledge of that.

16                   **MR. MANSON:** Did you ever see him in your  
17 building when he was working in the basement for those few  
18 months?

19                   **MR. VAN DIEPEN:** I don't believe so.

20                   **MR. MANSON:** But you knew he was down there.

21                   **MR. VAN DIEPEN:** Yes, I knew that was his --  
22 he was using that as an office, yes.

23                   **MR. MANSON:** Did Malcolm MacDonald tell you  
24 that?

25                   **MR. VAN DIEPEN:** Yes.

1                   **MR. MANSON:** But you didn't know that Ron  
2                   Leroux was his partner.

3                   **MR. VAN DIEPEN:** Again sir, in what  
4                   capacity?

5                   **MR. MANSON:** A business partner.

6                   **MR. VAN DIEPEN:** As a contractor?

7                   **MR. MANSON:** Yes.

8                   **MR. VAN DIEPEN:** I just -- I have a hard  
9                   time envisioning Mr. Leroux as any kind of a contractor,  
10                  sir.

11                  **MR. MANSON:** Thank you Mr. van Diepen; those  
12                  are all my questions.

13                  **THE COMMISSIONER:** Thank you. Mr. Paul?

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

15                  **PAUL:**

16                  **MR. PAUL:** Mr. van Diepen, my name is Ian  
17                  Paul. I appear for a group by the name of the Coalition  
18                  for Action.

19                  Just at the outset, I'd like to ask you a  
20                  few points, to clarify some dates that I wasn't sure of.

21                  First of all, with respect to the meeting  
22                  with Mr. Seguin and Mr. Gendron, can you give a timeframe  
23                  of when that occurred?

24                  This is the occasion when you went to Mr.  
25                  Seguin's office with Mr. Gendron to raise concerns. Can

1       you give a timeframe of when that would happen?

2                   **MR. VAN DIEPEN:** I -- as I explained  
3       earlier, it was some time -- it was shortly before his  
4       passing on.

5                   **MR. PAUL:** Is it -- when would it be in  
6       relation to you raising concerns to Mr. Robert, where they  
7       ---

8                   **MR. VAN DIEPEN:** Before I spoke to Mr.  
9       Robert.

10                  **MR. PAUL:** Okay; is it shortly before, in a  
11       matter of weeks, a matter of days?

12                  **MR. VAN DIEPEN:** Well, I don't recall  
13       exactly, but given Mr. Seguin's response, or I should say  
14       lack of response, I felt it -- that I had every -- I had  
15       given Mr. Seguin every opportunity and I felt that the  
16       matter still needed redress, and I spoke to Mr. Robert.

17                  **MR. PAUL:** So as far as that timeframe, you  
18       wouldn't put it as far back as the late '80s or early '90s,  
19       '89-'90?

20                  **MR. VAN DIEPEN:** No, I don't believe it was  
21       in the '80s.

22                  **MR. PAUL:** You wouldn't put it back as far  
23       as '90 or '91?

24                  **MR. VAN DIEPEN:** Sir, I'm telling you that,  
25       to the best of my recollection, that it was towards the end

1 and if you were to tell me that it was otherwise, I would  
2 not be in a position to dispute it, because I don't have a  
3 clear -- I know when I spoke to Mr. Robert; it was -- it  
4 was post-Varley and post-Constable Millar's conversation  
5 with me, so it would be in that same timeframe.

6 So maybe that would help orient you, as to a  
7 timeframe?

8 **MR. PAUL:** As far as the content, can you  
9 recall specifically what you would have said to Mr. Robert?

10 **MR. VAN DIEPEN:** I spoke to Mr. Robert about  
11 him, Mr. Seguin, not following up on -- properly on  
12 enforcement issues; that I had received complaints from the  
13 OPP as well as the Cornwall police department and that it  
14 was impacting on my ability to do my job as a probation  
15 officer

16 **MR. PAUL:** And was the Varley incident  
17 specifically discussed when you went in and spoke to Mr.  
18 Robert?

19 **MR. VAN DIEPEN:** Did I mention -- I'm -- and  
20 when you say "specifically," I pointed out to Mr. Robert  
21 that I was in communication with the investigating officer  
22 dealing with the Varley matter, and he -- that he had  
23 concerns, and that his concerns were to the effect that  
24 there were a number of -- that there were a number of  
25 irregularities and he was going to put something in

1 writing, or attempted to put something in writing, or  
2 attempted to contact and there's something to that effect.

3 **MR. PAUL:** Just so I understand, are you  
4 talking about when you and Mr. Gendron go in to see Mr.  
5 Seguin, are you suggesting that the topic of the Varley  
6 incident was brought up in some way?

7 **MR. VAN DIEPEN:** I don't think -- I don't  
8 believe we even got to the Varley matter before the  
9 conversation was terminated.

10 **MR. PAUL:** All right. Is it discussed in  
11 any way in the presence of Mr. Gendron?

12 **MR. VAN DIEPEN:** Mr. Gendron was in the room  
13 -- fully in the room with me in Ken Seguin's office.

14 **MR. PAUL:** But there's some discussion about  
15 contact with an officer that alludes to the Varley  
16 incident; is that what you're saying?

17 **MR. VAN DIEPEN:** I'm sorry? I lost your  
18 question.

19 **MR. PAUL:** When you're speaking to Mr.  
20 Seguin in the presence of Mr. Gendron, is there any kind of  
21 discussion that in any way alludes to or refers to the  
22 Varley incident or the officers involved?

23 **MR. VAN DIEPEN:** I don't understand the  
24 question, Your Honour.

25 **THE COMMISSIONER:** Right. Well, maybe it's

1 getting a little late, too.

2 What he's saying is, when you went in to see  
3 Seguin, did you talk to him about the Varley incident?

4 But I think you've already answered that in  
5 the sense that you said no, because he kicked us out of his  
6 office before we even got to that.

7 Is that fair?

8 **MR. VAN DIEPEN:** Yes, that correct.

9 **THE COMMISSIONER:** That's what you're  
10 saying?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. PAUL:** All right. Did you go in there  
13 with the intention of speaking about the Varley incident?

14 **MR. VAN DIEPEN:** We -- I went with the  
15 intention of using the Varley incident as an example.

16 **MR. PAUL:** So you would have -- I presume  
17 you would have spoken to Mr. Gendron about the plan or what  
18 the plan was going to be before the two of you go in and  
19 talk to Mr. Seguin.

20 **MR. VAN DIEPEN:** Yes.

21 **MR. PAUL:** And the two of you talked about  
22 the Varley incident?

23 **MR. VAN DIEPEN:** Yes.

24 **MR. PAUL:** Okay. So if Mr. Gendron would  
25 have suggested that this discussion occurred with Mr.

1 Seguin prior to '92, prior to the Varley incident, you  
2 wouldn't agree with that timeframe?

3 **MR. VAN DIEPEN:** Well, when did the -- when  
4 did the Varley matter take place?

5 **MR. PAUL:** I believe it's early 1992.

6 **MR. VAN DIEPEN:** All I can tell you, sir, it  
7 was post-Varley and it was post the police follow-up  
8 investigation and that as -- in -- perhaps Constable Millar  
9 would have something in his field notes about our  
10 conversation but, you know you're asking me again about the  
11 timeline. I honestly don't know, sir.

12 **MR. PAUL:** Could it be the case that you and  
13 Mr. Gendron actually focused on the Renshaw incident and  
14 went in there with the intention of speaking mainly about  
15 the Renshaw incident. Is that possible?

16 **MR. VAN DIEPEN:** I don't -- if Mr. Gendron  
17 had a conversation? Are you asking me did Mr. Gendron have  
18 a conversation with Mr. Seguin about Renshaw? I wasn't  
19 privy to that.

20 **MR. PAUL:** I'm asking you if you went in  
21 there with the intention -- you and Mr. Gendron discussed  
22 the Renshaw incident, and went in with the intention of  
23 focusing on the Renshaw incident when you spoke to Mr.  
24 Seguin?

25 **MR. VAN DIEPEN:** Sir, we went there with the



1 intention of directing Mr. Seguin's potential conflict of  
2 interest with respecting clients and if Renshaw would have  
3 been part of that, I think that would have been included.

4 **THE COMMISSIONER:** I know but I think what  
5 he's suggesting is that you're basing your timeframe on the  
6 Varley incident and what he is suggesting to you is maybe  
7 you got flipped out in the sense that you were really  
8 concentrating using the Renshaw incident because the Varley  
9 incident hadn't already occurred.

10 **MR. VAN DIEPEN:** No, I -- No, again, I want  
11 to repeat it was post-Varley, sir.

12 **THE COMMISSIONER:** Okay.

13 **MR. VAN DIEPEN:** And I am very clear on  
14 that, but you're asking me a time and date, no, because I -  
15 -one of the -- as I said to you, one of the -- or I said  
16 earlier, one of the triggers was the phone call from  
17 Constable Millar.

18 **MR. PAUL:** So you would agree that prior to  
19 that incident of contacting Mr. Robert, there were never  
20 any other occasions when you contacted Mr. Robert about  
21 issues surrounding socialization with clients and Mr.  
22 Seguin. It was only done once; correct?

23 **MR. VAN DIEPEN:** There was only one meeting  
24 with Mr. Robert about Mr. Seguin's, yes.

25 **MR. PAUL:** Just on another topic, generally,

1 in terms of attributing generally blame, I realize it's  
2 awkward to look at blame of individuals, but I believe that  
3 in your evidence, you seem to be suggesting that obviously  
4 Mr. Seguin has part of the blame for what you call a fraud  
5 that was put on you and the other employees. Is that  
6 correct? You'd attribute a large part of the blame to Mr.  
7 Seguin's fraud; correct?

8 **THE COMMISSIONER:** The blame for what  
9 though?

10 **MR. PAUL:** In terms of what transpired in  
11 the office and the fact that this wasn't uncovered or --  
12 you put a lot of blame on Mr. Seguin, I take it; correct?

13 **MR. VAN DIEPEN:** Blame for what, sir?

14 **MR. PAUL:** In terms of what transpired with  
15 any improper actions with Mr. Seguin and clients, you're  
16 indicating that it's a fraud on his part that other  
17 employees did not uncover it. Correct?

18 **MR. VAN DIEPEN:** No, I think the fraud was  
19 the -- was that he tended to present -- he presented  
20 himself in a light other than he was actually conducting  
21 himself. That's the issue of the fraud.

22 **MR. PAUL:** Apart from Mr. Seguin, would you  
23 generally find fault with management in some of their  
24 decisions, for example, the decision to approve residence  
25 with Gerry Renshaw. Do you think that that's something

1           that management should be faulted with?

2                       **MR. VAN DIEPEN:** It -- it's against Ministry  
3 policy.

4                       **MR. PAUL:** And you don't understand why that  
5 would have approved. Correct?

6                       **MR. VAN DIEPEN:** I have no -- I have -- I  
7 was never privy into any of that decision-making process.

8                       **MR. PAUL:** All right. In terms of the  
9 approval of Mr. Renshaw to reside with Mr. Seguin; is that  
10 something you would have disagreed with at the time?

11                       **MR. VAN DIEPEN:** Oh, I would have strongly  
12 disagreed, yes.

13                       **MR. PAUL:** And generally the other staff  
14 members generally disagreed with that?

15                       **MR. VAN DIEPEN:** Oh yes.

16                       **MR. PAUL:** Looking at your first contact  
17 with the Ontario Provincial Police in 1994, I understand  
18 that first contact would have been a verbal interview  
19 around the 14<sup>th</sup> of February 1994?

20                       **MR. VAN DIEPEN:** Yes.

21                       **MR. PAUL:** And they would have come in  
22 unannounced basically?

23                       **MR. VAN DIEPEN:** Yes.

24                       **MR. PAUL:** With interviewing individuals,  
25 you have some familiarity with interviewing individuals.

1 Interviewing someone unannounced, is that something you  
2 would ever do as a probation officer?

3 **MR. VAN DIEPEN:** I don't want to -- I don't  
4 want to be perceived to be second-guessing the role of the  
5 police officer.

6 **MR. PAUL:** Okay. My question is though, is  
7 that something you would do on occasion as a probation  
8 officer?

9 **THE COMMISSIONER:** What's that, interview  
10 people after hours? Is that what you said?

11 **MR. PAUL:** No, interviewing unannounced.

12 **THE COMMISSIONER:** Oh, okay, right.

13 **MR. PAUL:** Mr. Commissioner, unannounced; is  
14 that something you would do occasionally; either attend a  
15 residence or interview someone unannounced?

16 **MR. VAN DIEPEN:** Well, that's a rather  
17 loaded question because if we're -- it depends on which  
18 sense you're speaking, sir.

19 If we are talking, for example, about the  
20 intensive supervision model, clients are informed that they  
21 can expect unannounced door knocks at their residence to  
22 ensure that they were complying with curfews, and those  
23 door knocks would be done by police officers and/or  
24 probation officers, depending on which jurisdiction it's  
25 taking place.

1                   **MR. PAUL:** All right.

2                   **MR. VAN DIEPEN:** By and large, if --  
3 interviews are conducted otherwise in the office, and they  
4 are scheduled appointments.

5                   **MR. PAUL:** In terms of this particular  
6 instance where you are interviewed unannounced -- in an  
7 unannounced fashion, do you not agree that perhaps that  
8 might help in obtaining a more truthful series of  
9 responses, given that there's a -- in an unannounced visit,  
10 there is no opportunity to be affected by speaking to  
11 anybody else in the interim?

12                   **MR. VAN DIEPEN:** I suppose you could -- that  
13 could be one viewpoint, yes.

14                   **MR. PAUL:** Would you agree that Mr. Downing,  
15 as one of the concerns he raised, was the fact that you had  
16 contact with a couple of people, such as Mr. Rousseau prior  
17 to the interview. Correct?

18                   **MR. VAN DIEPEN:** Yes.

19                   **MR. PAUL:** In this particular instance, the  
20 first opportunity you had to speak to police, you hadn't  
21 spoken to anyone obviously because you weren't expecting  
22 anything; correct?

23                   **MR. VAN DIEPEN:** I'm missing something here.

24                   **MR. PAUL:** You hadn't spoken to anybody in  
25 advance ---

1                   **MR. VAN DIEPEN:** Did the police interview me  
2 before 1994? No.

3                   **MR. PAUL:** Okay, and in terms of the  
4 interview of 1994, that was your first formal interview,  
5 correct?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. PAUL:** So the events, in terms of how  
8 fresh they were in your mind, perhaps it's a better version  
9 of the events in 1998 or 2000?

10                  **MR. VAN DIEPEN:** Possibly.

11                  **MR. PAUL:** As well, I would suggest that by  
12 the time, 2000, when you're interviewed by Mr. Downing,  
13 you're perhaps somewhat affected by the concern that that  
14 interview may have some effect on your career. You're  
15 concerned about who is doing the interview?

16                  **MR. VAN DIEPEN:** Are you -- can you rephrase  
17 that question?

18                  **MR. PAUL:** Mr. Downing, before Mr. Downing  
19 interviews you, you know who Mr. Downing is; correct?

20                  **MR. VAN DIEPEN:** Yes.

21                  **MR. PAUL:** You know he's in the nature of  
22 something like an SIU investigator?

23                  **MR. VAN DIEPEN:** Yes.

24                  **MR. PAUL:** And you have the belief that he's  
25 coming not just to get the facts, he's perhaps looking to

1 recommend some form of punishment against you. That's a  
2 possibility. Correct?

3 **MR. VAN DIEPEN:** Well, that's -- certainly,  
4 there's that potential.

5 **MR. PAUL:** So in terms of the 1994  
6 interview, the 1994 interview, you're merely providing  
7 information to assist a police investigation; correct?

8 **MR. VAN DIEPEN:** Yes.

9 **MR. PAUL:** And you are in no way concerned  
10 about implications to you at that point, right?

11 **MR. VAN DIEPEN:** That's right.

12 **MR. PAUL:** So for that reason, would you  
13 agree that perhaps the 1994 interview is perhaps a better  
14 version of the events by you than the Downing interview?

15 **MR. VAN DIEPEN:** I -- in the '94 statement  
16 and in the 2000 statement, sir, both my statements were  
17 truthful to the best of my -- and given to the best of my  
18 ability.

19 **THE COMMISSIONER:** I guess what he's saying  
20 is that in the 2000, right, you now know about the website.

21 **MR. VAN DIEPEN:** Yes.

22 **THE COMMISSIONER:** You have been after the  
23 Ministry to give you some representation and they're not  
24 giving it to you.

25 **MR. VAN DIEPEN:** Yes.

1                   **THE COMMISSIONER:** You're feeling nervous  
2 with going to see this fellow. You bring your wife because  
3 you think that they brought you down to Kingston to prevent  
4 you from having a lawyer. You're feeling intimidated and  
5 your back is against the wall. Therefore, your answers may  
6 be a little more guarded than they were in 1994. Is that  
7 about right, Mr. Paul, is that what you were trying to get  
8 at?

9                   **MR. PAUL:** Yes.

10                  **MR. VAN DIEPEN:** I answered the questions he  
11 put to me truthfully in 2000.

12                  **MR. PAUL:** Would you agree though that you  
13 were objecting the fact that you didn't have counsel  
14 present?

15                  **MR. VAN DIEPEN:** I objected to the process.

16                  **MR. PAUL:** And you would have preferred,  
17 given the potential implications of a statement, not to  
18 have given any statement at all. Is that correct?

19                  **MR. VAN DIEPEN:** No, I wanted to cooperate.  
20 I think there is some correspondence to the effect that I  
21 wanted to cooperate fully with the Ministry to put this  
22 matter behind me.

23                  **MR. PAUL:** Would you agree that, at least  
24 initially in that statement, you were somewhat reluctant to  
25 give any information suggesting that Mr. Seguin was



1 involved in any homosexual relationships, you were  
2 reluctant to say that at the beginning of the interview?

3 **MR. VAN DIEPEN:** Well, I'm -- you know, at  
4 that time, did I have knowledge of homosexual  
5 relationships; I did not have any firsthand knowledge that  
6 there were homosexual relationships.

7 **MR. PAUL:** You would agree though that as  
8 far as your 1994 interviews, while you altered the portion  
9 of the statement about knowing how Malcolm and Ken's  
10 boyfriends, the portion about that statement Gerry and Ken  
11 being lovers, you never changed that did you; that remained  
12 in your statement?

13 **MR. VAN DIEPEN:** I believe it may have, yes.

14 **MR. PAUL:** Okay, and when you were being  
15 interviewed by Mr. Downing, did you know right from the get  
16 go at the beginning of the statement that he had some kind  
17 of access to a summary of what you had told the OPP?

18 **MR. VAN DIEPEN:** I don't recall.

19 **MR. PAUL:** Is it possible that he basically  
20 took you by surprise in the middle of the interview and  
21 said this is what you said to the OPP?

22 **MR. VAN DIEPEN:** No, I think I had  
23 reasonable -- I could reasonably expect him to avail  
24 himself to other statements.

25 **MR. PAUL:** You would agree that the first

1 point you admit in that interview with Mr. Downing that  
2 there was a homosexual relationship involving Mr. Seguin is  
3 when he confronts you with the OPP statement and then you  
4 acknowledge that you believe there was a relationship  
5 between Gerry and Ken, but it's only after he confronts you  
6 with the OPP statement; correct?

7 **MR. VAN DIEPEN:** Did I know about -- sir,  
8 you're going have to clarify what I knew and when I knew  
9 it.

10 **MR. PAUL:** I'm not asking what you knew or  
11 when you knew. I'm suggesting that the only time you  
12 reveal it to Mr. Downing, you don't reveal it initially but  
13 when he confronts you with the OPP statement later in the  
14 interview, it's only at that point that you acknowledge  
15 that "Yes, I might have known there was a relationship  
16 between Ken Seguin and Gerry Renshaw."

17 **MR. VAN DIEPEN:** Okay.

18 **MR. PAUL:** Mr. Commissioner, I want to refer  
19 the witness to a portion of Mr. Downing's evidence.

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

21 **MR. PAUL:** It would be Volume 172, I  
22 believe, page 23.

23 **THE COMMISSIONER:** I don't think you have  
24 that. We'll get that in a minute. To his testimony,  
25 right, so it's in the transcript; right?

1 Thank you.

2 What page, sir?

3 **MR. PAUL:** It would be page -- bottom of 23  
4 to the top of 24, Mr. Commissioner.

5 **THE COMMISSIONER:** Okay. All right, so  
6 we're there, so basically Mr. Downing is commenting about  
7 "what was your assessment of Mr. van Diepen's version of  
8 the events;" right?

9 **MR. PAUL:** Yes.

10 **THE COMMISSIONER:** Okay.

11 **MR. PAUL:** I'd like to ask you, given the  
12 type of pressure, obvious pressure you would have been on  
13 dealing with Mr. Downing and given, I would suggest, is  
14 some reluctance to initially give information on Mr. Seguin  
15 to him, would you not agree that his assessment at page 23  
16 and 24 suggest to him that you could have been more  
17 forthright and you had significant knowledge of Ken's  
18 association with a friend of his in the community.

19 Contrary to Ministry rules, would you not  
20 acknowledge that given the pressure you were under that  
21 that's a relatively fair assessment of your statement, of  
22 your evidence to Mr. Downing?

23 **MR. VAN DIEPEN:** I can't -- I can't comment  
24 on what was in Mr. Downing's mind at that time, sir.

25 **MR. PAUL:** Okay. Would you not agree though

1           that his comment about you could have been more forthright,  
2           that that's a fair assessment of how your interview  
3           proceeded?

4                       **MR. VAN DIEPEN:** Well, I think that Mr.  
5           Downing made the fatal interviewing error that he had an  
6           assumption and before he even saw me and then he went about  
7           his interview to support that assumption. So he never got  
8           an opportunity to clear his mind and listen to the  
9           evidence.

10                      All I'm saying to you, sir, is that he said  
11           that it's A, therefore I'm going to prove A and never -- so  
12           it's, you know scientifically it's a bad way to proceed and  
13           investigatively it's a poor way to proceed.

14                      **MR. PAUL:** I'm suggesting that perhaps you  
15           were not completely forthright at the beginning of the  
16           interview because of the pressure and the concern about  
17           employment implications for you?

18                      **MR. VAN DIEPEN:** Sir, I already said that I  
19           was completely forthcoming in my interview with Mr.  
20           Downing.

21                      **MR. PAUL:** All right. I want to get back to  
22           another area, back to just briefly over the Barque area  
23           because there were a few questions; I had to clarify some  
24           matters.

25                      I just wanted to ask you, first of all, I

1 don't think you've been asked if you've ever heard rumours  
2 with respect to Mr. Barque before he left employment? Did  
3 you ever hear rumours specifically from RCMP or Cornwall  
4 police about any problems with Mr. Barque's conduct before  
5 he left?

6 **MR. VAN DIEPEN:** Not before he left, sir.

7 **MR. PAUL:** Okay, so only after?

8 **MR. VAN DIEPEN:** Yes, sir.

9 **MR. PAUL:** Now I think you did characterize  
10 yourself as being mad at Mr. Barque because of his  
11 recommendation that your complaint go to Father Charlie?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. PAUL:** I just want to ask you, the fact  
14 that you were angry or mad, would that suggest that you  
15 fully believed the allegations or what you had from the  
16 young person who fled that assignment or that posting?

17 **MR. VAN DIEPEN:** My role was to protect that  
18 individual and I saw that there was the potential for that  
19 person being placed at risk.

20 **MR. PAUL:** All right. But if the allegation  
21 was discounted or believed not to be true, then certainly  
22 you wouldn't have indicated that you were angry. The fact  
23 that you said you were angry, I would suggest indicates  
24 that you fully believed what you were told by the young  
25 person?

1                   **MR. VAN DIEPEN:** I believed -- I had full  
2 belief in faith in that, who at the time was not a young  
3 person; it was an adult, sir.

4                   **MR. PAUL:** Now I think that you indicated  
5 that you spoke to Mr. Seguin and he indicated that Father  
6 Charlie was not gay?

7                   **MR. VAN DIEPEN:** That's correct.

8                   **MR. PAUL:** But did he also make some comment  
9 that you should have not sent the person to that location?

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. PAUL:** Okay, I don't think it was never  
12 -- I'm not sure if there was ever a reason, did you get a  
13 reason or explanation of why you should not have sent him  
14 there?

15                  **MR. VAN DIEPEN:** No, I did not.

16                  **MR. PAUL:** Okay. And you didn't ask or  
17 inquire what that reason was?

18                  **MR. VAN DIEPEN:** Yes, I did.

19                  **MR. PAUL:** That unanswered issue, did that  
20 leave you with some nagging question or doubt about what  
21 the problem was there with Father Charlie?

22                  **MR. VAN DIEPEN:** Well, I had some concerns  
23 and I would certainly not, with those concerns, not see  
24 that one of my clients be placed there.

25                  **MR. PAUL:** All right. Now the information

1           you obtained about Mr. Barque while he was employed there  
2           included -- you referred to the pornography and the  
3           handcuffs?

4                       **MR. VAN DIEPEN:** Yes.

5                       **MR. PAUL:** You did hand that information  
6           over to Mr. Seguin; correct?

7                       **MR. VAN DIEPEN:** Yes.

8                       **MR. PAUL:** Because he was the senior person  
9           there?

10                      **MR. VAN DIEPEN:** Yes.

11                      **MR. PAUL:** But he was not in the nature of  
12           management I take it?

13                      **MR. VAN DIEPEN:** Sir, I explained that a  
14           number of times. I was a junior probation officer. Other  
15           than routine matters, they were taken out of my hand. I  
16           could not, in other words, I could not lay a breach of  
17           probation, even if I wanted to, without first discussing it  
18           with Mr. Seguin, and if the matter was contentious enough,  
19           it would be taken completely out of my hand and handled by  
20           the mentoring officer.

21                      So in other words, my job was to do the  
22           things that I was given authority to do and beyond that,  
23           the matter was turned over to the mentoring officer.

24                      **MR. PAUL:** All right. Mr. Seguin was the  
25           person you described as having something you called a

1 little thing going on with Mr. Barque; correct?

2 MR. VAN DIEPEN: Yes.

3 MR. PAUL: And that was some type of unusual  
4 relationship where they spoke to each other away from you;  
5 correct?

6 MR. VAN DIEPEN: Yes.

7 MR. PAUL: At some point did you have a  
8 concern about the closeness of their relationship; that  
9 nothing was going to be done about these issues?

10 MR. VAN DIEPEN: I don't know, sir. All I  
11 can tell you is that I reported the matter to Mr. Seguin.

12 MR. PAUL: Similarly to the Father Charlie  
13 issue, you reported that to Mr. Seguin as well; correct?

14 MR. VAN DIEPEN: Yes.

15 MR. PAUL: And you are not aware of anything  
16 being done about either incidence?

17 MR. VAN DIEPEN: I'm not aware of anything  
18 being done, no.

19 MR. PAUL: Whether -- I mean, whether you  
20 had concerns about Mr. Seguin prior to Barque's departure,  
21 I'd suggest you certainly should have had concerns about  
22 Mr. Seguin once Mr. Barque left that office. Would you  
23 agree?

24 MR. VAN DIEPEN: I'm sorry?

25 MR. PAUL: Do you not agree that once Mr.



1 Barque left that office, there would be some obvious  
2 concerns raised about Mr. Seguin?

3 **MR. VAN DIEPEN:** Why?

4 **MR. PAUL:** I understand that upon  
5 Mr. Barque's departure there was some comment made by  
6 Mr. Sirrs suggesting that if had the same inclinations as  
7 Mr. Barque he should go to Montreal. That was said to him?

8 **MR. VAN DIEPEN:** Yes. Did -- you're  
9 deducing from that that there was some -- that there may  
10 have been relation -- I -- you know, again I don't know  
11 what -- what Mr. Sirrs' direction to Mr. Seguin were. I --  
12 the -- you know, it may have just been simply if you are  
13 gay, practice your activities in Montreal.

14 **MR. PAUL:** Okay. As opposed to ---

15 **MR. VAN DIEPEN:** As opposed to ---

16 **MR. PAUL:** --- Cornwall area.

17 **MR. VAN DIEPEN:** In other words, sir, what  
18 I'm suggesting to you is that I don't think Mr. Sirrs would  
19 knowingly tell Mr. Seguin to engage in illegal acts outside  
20 the Province of Ontario.

21 **MR. PAUL:** Okay. But you wouldn't have --  
22 necessarily have any concern about homosexual behaviour  
23 with peer persons other than clients would he? Is that --

24 **MR. VAN DIEPEN:** I'm sorry.

25 **MR. PAUL:** Mr. Sirrs would not necessarily

1 have any concern about homosexual conduct with Mr. Seguin  
2 and people who are not ---

3 **MR. VAN DIEPEN:** You'll have to ask Mr.  
4 Sirrs.

5 **MR. PAUL:** Well, as far as what Mr. Sirrs  
6 said, he didn't -- he didn't give any warning to you  
7 similar to the warning that was given to Mr. Seguin,  
8 correct? The only person was warned, if you had any  
9 inclinations like Mr. Barque or Mr. Seguin?

10 **MR. VAN DIEPEN:** Well, I don't even know if  
11 it was a warning. All I can tell you is that there was a  
12 conversation behind closed doors that Mr. Seguin reported  
13 to me. So I don't know if Mr. -- if it was in the form of  
14 a warning, if it was guidance, if it was a friendly  
15 suggestion, I don't know that.

16 **MR. PAUL:** Okay. Now, I think you indicated  
17 that at the funeral of Mr. Seguin, you did not make any  
18 comments to Mr. Leroux about having given the warnings to  
19 Mr. Seguin about staying away from clients; correct?

20 **MR. VAN DIEPEN:** That's correct.

21 **MR. PAUL:** Okay, but nevertheless you did  
22 indicate to Mr. Seguin at some point after Mr. Barque left,  
23 you interpreted the comments of his boss, Mr. Sirrs, as  
24 being if you're queer, don't do it here; correct?

25 **MR. VAN DIEPEN:** Mr. Seguin -- no, Mr.

1 Seguin -- just to -- I want to be -- I want to be clear on  
2 this, Mr. Seguin asked me what he thought Mr. Sirrs meant  
3 when he -- when he spoke to him. And I gather from Mr.  
4 Seguin that the conversation may have been coached in such  
5 a manner that he wasn't getting a clear impression or he  
6 was blind-sided by it and was just seeking re -- or  
7 affirmation of what was really being said.

8 **MR. PAUL:** Having heard what the comments of  
9 Mr. Sirrs were and you having interpreted that as "if  
10 you're queer, don't do it here" in the context of Mr.  
11 Barque's departure, would that not raise some concerns with  
12 you to be suspicious about Mr. Seguin?

13 **MR. VAN DIEPEN:** Suspicious, as -- about him  
14 being a homosexual or being or engaged in sexual activity  
15 with clients?

16 **MR. PAUL:** Conduct with clients.

17 **MR. VAN DIEPEN:** I -- no, I didn't think  
18 that Mr. Seguin would -- would ever -- would ever do such a  
19 thing.

20 **MR. PAUL:** Certainly, over the years after  
21 Mr. Barque's departure I would suggest that there wasn't a  
22 situation of a total fraud without knowledge by you. I  
23 would suggest that there were a number of factors that may  
24 have alerted everybody in that office about Mr. Seguin's  
25 possible difficulties with clients. Would you not agree?

1                   **MR. VAN DIEPEN:** Possible difficulties with  
2 clients, how?

3                   **MR. PAUL:** Well, first of all, you mean, you  
4 did have information that clients were approaching him in a  
5 tavern, speaking to him. That was one factor; correct?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. PAUL:** Okay. You did have information -  
8 - everybody there knew that it was approved that he could  
9 reside with a former probationer, Mr. Renshaw; correct?

10                  **MR. VAN DIEPEN:** Yes.

11                  **MR. PAUL:** Okay. And later on by 1992  
12 there's an incident of obvious drinking alcohol  
13 with clients in 1992; the Varley incident?

14                  **MR. VAN DIEPEN:** Yes.

15                  **MR. PAUL:** And there is the socializing,  
16 smoking cigarettes around the office?

17                  **MR. VAN DIEPEN:** Yes.

18                  **MR. PAUL:** And, of course, you and Mr.  
19 Gendron do decide to follow Mr. Seguin to the Cornwall  
20 Square; correct?

21                  **MR. VAN DIEPEN:** Yes.

22                  **MR. PAUL:** Suggest not something an employee  
23 would do to a fellow employer unless you have some  
24 particularly strong concerns. Would you agree with that?

25                  **MR. VAN DIEPEN:** I would -- no, I would not

1 agree with that.

2 MR. PAUL: So it was nothing out of the  
3 ordinary to follow another employee and see what he was  
4 doing at a shopping mall?

5 MR. VAN DIEPEN: No, that -- now you're  
6 saying two different things, sir. You know -- we were --  
7 we were -- I think I indicated that we were very curious as  
8 to what was going on.

9 MR. PAUL: You were expecting to find  
10 something out of the ordinary, something improper?

11 MR. VAN DIEPEN: No. We were -- there was  
12 something out of the ordinary. His behaviour was out of  
13 the ordinary. He was very, a very routine type of  
14 individual. So we were wondering, well, what is it that's  
15 going on.

16 MR. PAUL: Okay.

17 MR. VAN DIEPEN: In other words, we weren't  
18 -- you know -- your suggesting that we were going to expect  
19 to find him in the arms of a -- of a -- juvenile lover or  
20 something like that. No, we weren't going there with that,  
21 we were just wondering, what is it that is going on? And  
22 you know -- we're ---

23 MR. PAUL: Well, you were going there with,  
24 I would suggest, a concern that perhaps he might be meeting  
25 and socializing, talking to clients?

1                   **MR. VAN DIEPEN:** Possibly.

2                   **MR. PAUL:** Yes. And that would be your only  
3 concern perhaps?

4                   **MR. VAN DIEPEN:** Yes.

5                   **MR. PAUL:** Now, in terms of meeting  
6 Mr. Seguin, attending his office, would take it that you'd  
7 have to have some considerable concerns to approach Mr.  
8 Seguin at the office about your concerns?

9                   **MR. VAN DIEPEN:** Yes.

10                  **MR. PAUL:** Because he was viewed as some one  
11 who is close to management?

12                  **MR. VAN DIEPEN:** Yes.

13                  **MR. PAUL:** And what you called a snitch?

14                  **MR. VAN DIEPEN:** Yes.

15                  **MR. PAUL:** He was someone viewed as a  
16 favourite; there'd be some concern approaching him in that  
17 way?

18                  **MR. VAN DIEPEN:** Yes.

19                  **MR. PAUL:** So at that point the concerns  
20 would be, I would suggest, fairly overwhelming?

21                  **MR. VAN DIEPEN:** Yes.

22                  **MR. PAUL:** And in terms of that, when you  
23 went to Mr. Robert afterwards, you're going to a person you  
24 perceive is probably not going to do anything about your  
25 concerns. Would that be fair?

1                   **MR. VAN DIEPEN:** I don't know -- I did not  
2 know how Mr. Robert would react.

3                   **MR. PAUL:** You'd agree that Mr. Robert was  
4 the one that was involved in the approval of the Renshaw  
5 matter?

6                   **MR. VAN DIEPEN:** Yes.

7                   **MR. PAUL:** Okay. And you had the impression  
8 that he was not doing anything about the socializing?

9                   **MR. VAN DIEPEN:** Well, I'm not sure what Mr.  
10 Robert knew or not knew. All I can tell you is that there  
11 was -- from what I understood there was -- there was the --  
12 the request from Mr. Renshaw to reside at Mr. Seguin's  
13 residence was done in writing, above-board, and documented.

14                   **MR. PAUL:** Okay. So it was done in writing  
15 unlike the way that you approached Mr. Robert. You did not  
16 approach him in writing; correct?

17                   **MR. VAN DIEPEN:** That's right.

18                   **MR. PAUL:** So there's no written record of  
19 you making any contact with Mr. Robert?

20                   **MR. VAN DIEPEN:** Well, I -- I'm -- Mr.  
21 Robert may have made notes-to-file on the matter.

22                   **MR. PAUL:** We're given -- given what I would  
23 suggest should be at least some concern that Mr. Robert  
24 might not do anything about this because it's his favourite  
25 and his snitch, did you not want it documented?

1                   **MR. VAN DIEPEN:** Well, I -- I -- what I -- I  
2                   had discussions with Constable Millar and I had every  
3                   reason to believe that there would be some further  
4                   documentation in writing, on police header -- letterhead,  
5                   going to either Mr. Robert or to senior management.

6                   **MR. PAUL:** Now, you were concerned at the  
7                   time about what you perceived as harassment by Mr. Robert?

8                   **MR. VAN DIEPEN:** Yes.

9                   **MR. PAUL:** Him making a big deal over issues  
10                  such as Morrisburg Court attendances and signing-in logs  
11                  and making a large issue about what you probably believed  
12                  as a minor matters?

13                  **MR. VAN DIEPEN:** Yes.

14                  **MR. PAUL:** Would you not be concerned that  
15                  if there was no written record of taking up this issue with  
16                  Mr. Seguin that you might open yourself up to more  
17                  harassment?

18                  **MR. VAN DIEPEN:** Yes.

19                  **MR. PAUL:** So would it not -- if you had  
20                  contacted him, would you not have a written record in case  
21                  there was some further harassment?

22                  **MR. VAN DIEPEN:** I made no -- if you are  
23                  asking me did I make a written record, I did not.

24                  **MR. PAUL:** All right. Do you agree that  
25                  possibly the contact -- at the time there is contact with



1 Mr. Robert, that perhaps then it's somewhat too little, too  
2 late, in the sense that there were a lot of indications  
3 earlier about Mr. Seguin's contact, and as well it's too  
4 little in the sense that if you don't go to senior  
5 management above Mr. Robert?

6 **MR. VAN DIEPEN:** No, I don't think -- I  
7 don't agree with that whatsoever.

8 **MR. PAUL:** A question about C-8. You would  
9 have been at Ken Seguin's residence at some points when C-8  
10 was present?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. PAUL:** Would there have ever been either  
13 children or young males there when you were there?

14 **MR. VAN DIEPEN:** Children or?

15 **MR. PAUL:** Or young males.

16 **MR. VAN DIEPEN:** The only people that were  
17 there were C-8 and Renshaw.

18 **MR. PAUL:** Okay. And no other individuals?

19 **MR. VAN DIEPEN:** No. And I was there very -  
20 - I can also tell you, sir, I was there very briefly and I  
21 think my purpose in being there was to drop off a mitre  
22 box.

23 **MR. PAUL:** Those are my questions, Mr.  
24 Commissioner.

25 **THE COMMISSIONER:** Thank you. I think we'll

1 call it a night.

2 So we'll start at 9:30 tomorrow.

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

5 This hearing is adjourned until tomorrow  
6 morning at 9:30 a.m.

7 --- Upon adjourning at 5:40 p.m. /

8 --- L'audience est ajournée à 17h40

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

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

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



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Marc Demers, CVR-CM